

**CITY COMMISSION
AGENDA
REGULAR MEETING
APRIL 16, 2025
@ 5:30 PM
CITY HALL, TOWN HALL MEETING ROOM
2ND FLOOR, 118 E. TYLER AVENUE
HARLINGEN, TEXAS**

Notice is hereby given that the City Commission of the City of Harlingen, Texas will hold a Regular Meeting on **WEDNESDAY, APRIL 16, 2025, at 5:30 P.M.** at City Hall, Town Hall Meeting Room, 118 E. Tyler Avenue, Harlingen, Texas and provide the public the ability to view the meeting via internet live-streaming at www.harlingentx.gov and the City of Harlingen YouTube Page.

The public will be permitted to offer citizen communication or participate in items listed as public hearings as provided by the agenda and as permitted by the presiding officer during the meeting.

To offer citizen communication or participate in scheduled public hearings, go to www.harlingentx.gov and click on "PUBLIC HEARING AND CITIZEN COMMUNICATION FORM." Fill out the form and indicate the item you wish to address, and submit the form.

Please indicate (1) the agenda item on which you wish to speak, (2) whether you prefer to speak on the item during citizen communication or at the time the agenda item is brought for consideration before the City Commission.

To submit written comments requesting an item for City Secretary, go to www.harlingentx.gov and click on "PUBLIC HEARING AND CITIZEN COMMUNICATION FORM" write your comments (limited to 400 words or less) and submit the form.

PLEASE SUBMIT WRITTEN COMMENTS BEFORE 3:00 P.M. THE DAY OF THE MEETING.

A recording of the meeting will be made and will be available to the public in accordance with the Texas Open Meetings Act.

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) 216-5001 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 the 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.

- 1) **Call Meeting to Order**
 - a) Invocation-Commissioner Daniel N. Lopez
 - b) Pledge of Allegiance
 - c) Welcome Citizens
- 2) **Conflict of Interest**

" Under State Law, a conflict of interest exists if a commission member, or certain members of that person's family, has a qualifying financial interest in an agenda item. Members with a conflict of interest cannot participate in the discussion nor vote on the agenda item. Are there any known conflicts of interest to disclose at the time? " **(City Attorney)**
- 3) **Announcements:** *With respect to items not listed elsewhere on this agenda, the City Commission may report on items of community interest, including announcing community events, announcing employee or community recognitions*
 - a) Mayor's Announcements
 - b) City Manager's Announcements - Town Halls
 - c) City Commission Member Announcements
- 4) **Proclamation/Presentation of Awards:**
 - a) Harlingen Animal Shelter-"Pet of the Week"
 - b) Mayor's Business of the Month - Desiree's Spa and Massage
 - c) Recognition Award - Christopher Lopez
 - d) Presentation of Recognition - Finance Department on Budget Preparation and Excellence in Financial Reporting.
 - e) Proclamation - Honoring Penn Aluminum for 20 years of service
 - f) Proclamation - "National Healthy Homes Month"
 - g) Proclamation - " Community Development Week"
 - h) Proclamation - "National Animal Control Officer Appreciation Week"
 - i) Proclamation - "National Therapy Animal Day"
- 5) **Citizen Communication:** *At this time, the public is invited to address the City Commission and speak on any matter not specifically listed for public hearing elsewhere in this agenda. Please note that the City Commission members may not respond to comments or deliberate on topics addressed.*
- 6) **Approval of Minutes:**
 - a) Regular Meeting January 15, 2025
- 7) **Consent Agenda:** *No discussion is anticipated on any of the items in this section because they are routine business, were included in the budget adoption process, or have been previously discussed as a staff report or discussion item. These items will be considered collectively by a single vote, unless a commission member requests an item be removed from the consent agenda.*
 - a) Consideration and possible action to approve an ordinance on second and final reading for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 1105 S. Tamm Lane, bearing a legal description of 3.4740 acres out of Block 33, Stuart Place Subdivision 139/297/298. Applicant: Cipriano Cardenas. Attachment **(Planning & Development)**

- b) Consideration and possible action to approve an ordinance on second and final reading for a Special Use Permit (SUP) to allow an unmanned battery storage facility in a General Retail ("GR") District to be located at 1402 N. Loop 499, bearing a legal description of Tract A, Citrus Flats Subdivision, located along the East side of Loop 499, being 277 feet North of Grimes Road. Applicant: Sydney Harness c/o Citrus Flatts Energy Center, LLC. **(Planning & Development)**
- c) Consideration and possible action to approve an ordinance on second and final reading amending the previously approved Planned Development ("PD") District Site Plan to allow for 28-foot-wide streets with 30-feet of right-of-way for 90 townhome lots and one commercial lot development on a property bearing a legal description of 12.537 acres of land out of a Portion of Lots 1, 2, 7, and all of Lot 8, Block 146, San Benito Land and Water Company Subdivision, located on the northwest corner of Haine Drive and FM 509. Applicant: Melden and Hunt, c/o HDP Paso Real, LLC. Attachment **(Planning & Development)**
- d) Consideration and possible action to approve an ordinance on second and final reading for a rezoning request from Residential, Single Family ("R-1") District to Planned Development ("PD") District to allow internal roads to have 50 feet R-O-W, and for 64 patio home-style single family residential lots be less than the required 6,000 square feet for a property bearing a legal description of 9.815 acres out of Lot 17, Cunningham's Subdivision, located on the south side of Primera Road and Southbound Frontage Road of Expressway 77. Applicant: Melden and Hunt, Inc. Attachment **(Planning & Development)**
- e) Consideration and possible action to approve an ordinance on second and final reading for a Special Use Permit ("SUP") to allow a Civic Lodge in a Multi-Family ("M-2") District, located at 2006 Whalen Road, bearing a legal description of 2.5420 acres and 0.62 acres out of the South 5 acres of Lot 14, Block 147, San Benito Land and Water Company Subdivision. Applicant: Christine Blouch & Rene Capistran c/o Veterans of Foreign Wars Post 2410. Attachment **(Planning & Development)**
- f) Consideration and possible action to adopt an ordinance on second and final reading to amend the adoption of the 2024 International Codes and the 2023 National Electrical Codes. Applicant: City of Harlingen Attachment **(Planning & Development)**
- g) Consideration and possible action to authorize the City Manager to sign an Inter-local Agreement between the City of Harlingen and the Harlingen Consolidated Independent School District for the use of two school buses during the 2025 Summer Parks and Recreation Program. Attachment **(Parks & Recreation)**
- h) Consideration and possible action to approve a request from the City of Harlingen Parks and Recreation Department to close the following streets for the Viva Streets Cinco de Mayo Festival, Friday, May 2, 2025, from 4:00 p.m. to 11:00 p.m. at Lon C. Hill Destination Park. Attachment **(Police)**.

Fair Park Boulevard in between North "L" and "J" Streets, to include all entries and exits from Harlingen Performing Arts and Casa de Amistad Parking Lots;
Fair Park Blvd /North "O" Street Northside of Intersection ;
Fair Park Blvd./West Adams Street Westside Intersection;
Expressway 77 Northbound Frontage Road/Teege Ave. Eastside of Intersection
DETOUR SIGNS at North "L" Street/Fair Park Blvd., to send traffic north and onto Wichita Avenue.

- 8) **Staff Reports and Other Discussion Items:** *Items in this section are not expected to require action by the City Commission and are generally for information only. However, any item listed in this section may become an action item at a future meeting with the request of the Mayor, or after the request of any two Commission members, or the City Manager.*

- a) City Manager's Report

- b) Staff Reports -
 - c) Presentation by Coscos & Associates, PC., on the City of Harlingen's Annual Comprehensive Financial Report (ACFR) for Fiscal Year 2023-2024.
- 9) **Public Hearings:** *At this time, the Mayor will invite members of the public who have filled out the Public Hearing and the Citizen Communication Form to address each item listed in this section. Please limit your comments to the topic of that public hearing. If more than one public hearing is being held, you will be allowed to speak during each topic, provided you have filled out the Public Hearing and Citizen Communication Form for the appropriate topic. If you are signed up for two (2) or more Public Hearings, you will be limited to 5 minutes for all topics.*
- a) Public hearing for the voluntary annexation of 3.22 acres of land out of Block 164, San Benito Land and Water Company Subdivision, located along the south side of FM 675, approximately 2,890.84 feet southeast of FM 509. Applicant: Emiliano Rosel c/o Mario Vega. **(Planning & Development)**
 - b) Public hearing for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 119 W. Van Buren Avenue, Suite 7, bearing a legal description of Lots 1, 2, 3, and 4, Block 69, Harlingen Original Townsite. Applicant: Gilberto Lucio. Attachment **(Planning & Development)**
- 10) **Action Items:** *City Commission will discuss, consider, and take any action deemed necessary on items listed in this section, including the adoption of a resolution or an ordinance.*

Ordinances:

- a) Consideration and possible action to approve an ordinance on second and final reading for the voluntary annexation of 3.22 acres of land out of Block 164, San Benito Land and Water Company Subdivision, located along the south side of FM 675, approximately 2,890.84 feet southeast of FM 509. Applicant: Emiliano Rosel c/o Mario Vega. Attachment **(Planning & Development)**
 - b) Consideration and possible action to approve an ordinance on first reading for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 119 W. Van Buren Avenue, Suite 7, bearing a legal description of Lots 1, 2, 3, and 4, Block 69, Harlingen Original Townsite. Applicant: Gilberto Lucio. Attachment **(Planning & Development)**
 - c) Consideration and possible action to adopt an ordinance on first reading for the waiving of certain permit fees within the City of Harlingen caused by the recent State of Emergency, and amending the City of Harlingen Code of Ordinances, Chapter 103, "Buildings and Building Regulations" to add Section 103-6, "Waiver of Permit Fees for Rehabilitation during Declared State of Emergency". Applicant: City of Harlingen. **(Planning & Development)**
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- d) Consideration and possible action to authorize the Development Corporation of Harlingen, Inc. to award a contract to H2O Construction Services, Inc. for the Park at Roosevelt-Phase II Roadway Entrance Project. Attachment **(HEDC)**
 - e) Consideration and possible action to approve the allocation of one additional paid vacation day for all eligible municipal employees. **(Mayor)**

11) **Board Appointments:**

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.

Airport
Animal Shelter Advisory Committee
Audit Committee (Terms expire in June)
Charter Review Committee (Ad Hoc)
Civil Service Commission
Community Development Advisory Board (1)
Construction Board of Adjustments (4)
Convention & Visitors Bureau
Development Corporation of Harlingen, Inc.
Downtown Improvement Board
Golf Course Advisory Board
Harlingen Community Improvement Board
Harlingen Housing Authority Board
Harlingen Finance Corporation (6)
Harlingen Teen and Young Adult Advisory Board (2)
Healthy Harlingen Advisory Board
Keep Harlingen Beautiful Board
Library Advisory Board
Mayor Wellness Council
Museum Advisory Board (1)
Parks Advisory Board
Planning & Zoning Advisory Board
Senior Citizens Advisory Board (1)
Small Business Committee
Tax Increment Finance Board
Utility Board of Trustees (1)
Veterans Advisory Board
Zoning Board of Adjustment (2)

12) **Executive Session:** *All items listed in this section will be deliberated in a closed session. Members of the public are not generally permitted to attend a closed session. Executive Session items may be considered as an action item at the discretion of the Mayor. However, City Commission will not take any action in closed session.*

- a) Pursuant to Government Code Section 551.071 and Section 551.072-attorney consultation and contemplated litigation
- b) Deliberation regarding real estate; and Section 551.087- economic development relating to the following projects. **(HEDC)**
 - 1) Project Beach
 - 2) Project Organic
 - 3) Project Casa Grande

13) **Action on Executive Session Items:** *The City Commission will reconvene in open session and may take action on any item listed in the Executive Session Section of this agenda.*

- a) Consideration and possible action on Item 12(a) and (b) as discussed in executive session.

14) **Adjournment:**

I, the undersigned authority, do hereby certify that the above Notice of the Regular Meeting of the Harlingen City Commission is a true and correct copy of said notice posted on the bulletin board at City Hall of said City of Harlingen, Texas in a place convenient and readily accessible to the general public at all times and on the City's Internet Website and said Notice was posted on FRIDAY, APRIL 11, 2025, at or before 3:00 p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 11th day of APRIL 2025

Hermelinda Gonzales
Hermelinda Gonzales, Interim City Secretary

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

A Regular Meeting of the Harlingen City Commission was held January 15, 2024, at 5:30 p.m., at City Hall, Town Hall Meeting Room, 118 E. Tyler, Harlingen, Texas, and providing the public the ability to view the meeting via the internet, live streaming and permitting the public to offer citizen communication or participate in items listed on the agenda via videoconferencing or telephonically via www.myharlingen.us Those in attendance were:

Mayor and Commissioners

Mayor Norma Sepulveda

Mayor Pro-Tem Ford Kinsley

Daniel N. Lopez, Commissioner District 2

Michael Mezmar, Commissioner District 3

Frank Morales, Commissioner District 4

Rene Perez, Commissioner District 5

City Staff

Gabriel Gonzalez, City Manager

Hermelinda Gonzales, Interim City Secretary

Mark Sossi, City Attorney

1. **Call Meeting to Order:**

Mayor Sepulveda called the meeting to order, announced that a quorum had been established, and stated that the meeting had been duly posted according to state law. The following proceedings were held:

- a) Invocation – Commissioner Rene Perez
- b) Pledge of Allegiance
- c) Welcome Citizens – Mayor Sepulveda

2. **Conflict of Interest**

"Under State Law, a conflict of interest exists if a council member, or certain members of that person's family, has a qualifying financial interest in an agenda item. Members with a conflict of interest cannot participate in the discussion nor vote on the agenda item. Are there any known conflicts of interest to disclose at this time"?

Mark Sossi, City Attorney, read the conflict of Interest and asked the Mayor and City Commissioners if they had a conflict on any item on the agenda.

Commissioner Lopez abstained from Item 10 (e).

3. **Announcements:** *With respect to items not listed elsewhere on this agenda, the City Commission may report on items of community interest, including announcing community events, announcing employee or community recognitions.*

a) **Mayor's Announcements:**

Mayor Sepulveda wished the community and city staff a Happy New Year.

b) **City Manager's Announcements:** None.

c) **City Commission Member Announcements:**

- **Mayor Pro-Tem Kinsley** wanted to thank Mr. Oscar Garcia, Assist. City Manager, External Services, and Jose Aceves from Code Compliance for their assistance in our District 1 neighborhood revitalization walk-through we did last Saturday.
- **Commissioner Morales** extended his sincere thanks to (Retired) City Secretary Amanda C. Elizondo. He thanked her for her dedicated years of service and was happy she was here and surrounded by her family.
- **Commissioner Perez** also extended his thanks to Mrs. Elizondo for all her hard work for the City of Harlingen.

4. **Proclamation/Presentation of Awards:**

a) **Harlingen Animal Shelter – “Pet of the Week”**

Shannon Harvill, Health Director, introduced "Nazuko," a female Husky-Shepard mix, 2 years old, who is housebroken, spayed, current on all vaccinations, and looking for her forever home. We also want to report that "AJ," who was here in late December, is in a foster-to-adopt home. We expect him to be adopted very soon. We hope to continue with more successful adoptions.

b) **Mayor's Business of the Month – “Just Fresh”**

Janie Leiga, Owner, thanked the City of Harlingen for making all this possible for us - 3 years in Harlingen, 6 years in business. The Mayor and city staff from the Health Dept. have been very helpful. We are grateful for everyone who has chosen to come by day after day and keep us in business. We thank you very much for this recognition.

c) **Proclamation – National Society Daughters of the American Revolution**

Tomasita Lipe, Regent of Lt. Thomas Barlow Chapter, stated they were so very pleased that the city had accepted planting our two trees at the Veterans Park for the 250 Anniversary of our country. We will plant these trees on February 19, 2025, at 1:00 p.m. to honor our veterans who bravely served our country. It was also noted that she was the granddaughter of Lon C. Hill, the founder of the City of Harlingen, Texas.

d) **Proclamation – Amanda C. Elizondo – 13 years and 7 months of Service to the City of Harlingen.**

Mrs. Elizondo thanked the Mayor and the City Commission for this honor and recognition. She stated that her retirement marks the end of a significant chapter and the beginning of new opportunities, adventures, and growth. She is proud of the journey that brought her to Harlingen, which enabled her to meet leaders who became mentors and friends who always inspired her to do better. She added that she would miss the routine and activities of the City Secretary's Office but looked forward to another chapter in her life with family, traveling, and spending time with her grandchildren. She thanked her staff for their support, hard work, and dedication, as well as those who played a part in her journey, and these moments will be cherished forever.

Proclamation – Michael Kester, Police Chief – 35 years of Service to the City of Harlingen*

Chief Kester stated that he was grateful for all the support and help given to him over the years; especially with a job as tough as this. As a native of Maine, he noted he never would have thought he would end up in a much warmer place like this. Living and working for the City of Harlingen has been an incredible 35-year career and a real pleasure.

5. **Citizen Communication:** *At this time, the public is invited to address the City Commission and speak on any matter not specifically listed for public hearing elsewhere in this agenda. Please note that the City Commission members may not respond to comments or deliberate on topics addressed.*

- Raymond Reyes – 706 Nantucket Dr., Harlingen, TX – Efficiency and Progress.
- Maribel Reyna – 2802 Georgia Ct., Harlingen, TX - Park Proposal on 3204 S Palm Court Drive.
- Ron Lozano – 2410 Riverside Dr., Harlingen, TX – Dignity
- Michelle Wigington - 8009 Esquire Ln., Rowlett TX - False 911 call/ Hgn's response to a voting location on 12/14/24.
- Jacques Royal - 19514 Rio Rancho Rd., Harlingen, TX – Introduction of his business to the city commission.

6. **Approval of Minutes:**

- a) Regular Meeting of November 20, 2024
- b) Regular Meeting of December 4, 2024

Motion was made by Commissioner Perez and seconded by Mayor Pro-Tem Kinsley to approve the Minutes of Regular Meeting of November 20, 2024 and December 4, 2024. Motion carried unanimously.

7. **Consent Agenda:** *No discussion is anticipated on any of the items in this section because they are routine business, were included in the budget adoption process, or have been previously discussed as a*

staff report or discussion item. These items will be considered collectively by a single vote unless a commission member requests that an item be removed from the consent agenda.

- a) Consideration and possible action to adopt an ordinance on the second and final reading for a re-zoning request from a Residential, Single-Family ("R-1") District to a Residential, Duplex ("R-2") District to a property located at 318 S. New Hampshire Street, bearing a legal description of Lot 1, Block 3, South New Hampshire Subdivision. Applicant: Juan Ruiz.

ORDINANCE NO. 25-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: RE-ZONING FROM RESIDENTIAL, SINGLE-FAMILY ("R-1") DISTRICT TO RESIDENTIAL, DUPLEX ("R-2") DISTRICT FOR A PROPERTY LOCATED AT 318 S. NEW HAMPSHIRE STREET, BEARING A LEGAL DESCRIPTION OF LOT 1, BLOCK 3, SOUTH NEW HAMPSHIRE SUBDIVISION.

PASSED AND APPROVED on first reading this the 18th day of December 2024
PASSED AND APPROVED on the second and final reading this the 15th day of January 2025.

ATTEST: CITY OF HARLINGEN
/s/ Amanda C. Elizondo, City Secretary /s/Norma Sepulveda, Mayor

- b) Consideration and possible action to adopt an ordinance on the second and final reading for a re-zoning request from the Non-Designated ("N") District to Planned Development ("PD") District for one (1) commercial lot and fifteen (15) duplex lots out of Lot 1, Block 2, Georgette Subdivision, located at the southwest corner of Ted Johnson Lane and Bass Boulevard. Applicant: Georgina Gonzalez.

ORDINANCE NO. 25-02

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 16-8) OF THE CITY OF HARLINGEN TO: RE-ZONE FROM NON-DESIGNATED ("N") DISTRICT TO PLANNED DEVELOPMENT ("PD") DISTRICT TO ALLOW FIFTEEN (15) DUPLEX LOTS AND ONE (1) COMMERCIAL LOT OUT OF LOT 1, BLOCK 2, GEORGETTE SUBDIVISION, LOCATED ON THE NORTHWEST CORNER OF BASS BOULEVARD AND JOHNSTON LANE PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this the 18th day of December 2024
PASSED AND APPROVED on the second and final reading this the 15th day of January 2025.

ATTEST: CITY OF HARLINGEN
/s/ Amanda C. Elizondo, City Secretary /s/Norma Sepulveda, Mayor

- c) Consideration and possible action to adopt an ordinance on the second and final reading to abandon and vacate the South 18 feet of an existing 65-foot shared parking and access easement, being 0.12 acres out of Lot 3, Coastal Subdivision, located at 6102 W. Expressway 83. Applicant: Trimani Investments Harlingen LLC.

ORDINANCE NO. 25-03

AN ORDINANCE ABANDONING AND VACATING THE SOUTH 18 FEET OF THE EXISTING 65-FOOT SHARED PARKING AND ACCESS EASEMENT, DESCRIBED AS A 0.12 ACRE (5,384 SQ. FT.) OUT OF LOT 3, COASTAL SUBDIVISION, LOCATED AT 6102 W. EXPRESSWAY 83.

PASSED AND APPROVED on first reading this the 18th day of December 2024
PASSED AND APPROVED on the second and final reading this the 15th day of January 2025.

ATTEST: CITY OF HARLINGEN
/s/ Amanda C. Elizondo, City Secretary /s/Norma Sepulveda, Mayor

- 1 d) Consideration and possible action to adopt an ordinance on the second and final reading for a Special
2 Use Permit (SUP) to allow a storage building greater than 144 square feet in a Residential, Single-
3 Family ("R-1") District located at 1505 Thacker Lane, bearing a legal description of Lots 14 and 15,
4 Block 3, Oak Ranch Estates Subdivision Phase III. Applicant: John Louis Castillo.

5
6 ORDINANCE NO. 25-04

7
8 AN ORDINANCE AMENDING THE CODE OF ORDINANCES
9 OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT
10 ISSUED TO JOHN LOUIS CASTILLO TO ALLOW A STORAGE
11 BUILDING GREATER THAN 144 SQUARE FEET IN A
12 RESIDENTIAL, SINGLE-FAMILY ("R-1") DISTRICT LOCATED
13 AT 1505 THACKER LANE, BEARING A LEGAL DESCRIPTION
14 OF LOTS 14 AND 15, BLOCK 3, OAK RANCH ESTATES
15 PHASE III SUBDIVISION, PROVIDING FOR PUBLICATION
16 AND ORDAINING OTHER MATTERS RELATED TO THE
17 FOREGOING.

18
19 PASSED AND APPROVED on first reading this the 18th day of December 2024
20 PASSED AND APPROVED on the second and final reading this the 15th day of January 2025.

21
22 ATTEST: CITY OF HARLINGEN
23 /s/ Amanda C. Elizondo, City Secretary /s/Norma Sepulveda, Mayor
24

- 25 e) Consideration and possible action to adopt an ordinance on the second and final reading for a Special
26 Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District located
27 at 910 Morgan Boulevard, Suite B, bearing a legal description of Lots 8-9, 10-11, Rio Land Subdivision.
28 Applicant: Anthony Aguilar.

29
30 ORDINANCE NO. 25-05

31
32 AN ORDINANCE AMENDING THE CODE OF ORDINANCES
33 (ORDINANCE NO. 16-8) OF THE CITY OF HARLINGEN: TO
34 ISSUE A SPECIAL USE PERMIT (SUP) TO ALLOW AN ADULT
35 BUSINESS (SMOKE SHOP) IN A GENERAL RETAIL ("GR")
36 DISTRICT LOCATED AT 910 MORGAN BOULEVARD, SUITE B,
37 BEARING A LEGAL DESCRIPTION OF LOTS 8-9-10-11, RIO
38 LAND SUBDIVISION.

39
40 PASSED AND APPROVED on first reading this the 18th day of December 2024
41 PASSED AND APPROVED on the second and final reading this the 15th day of January 2025.

42
43 ATTEST: CITY OF HARLINGEN
44 /s/ Amanda C. Elizondo, City Secretary /s/Norma Sepulveda, Mayor

- 45 f) Consideration and possible action to approve the installation of speed humps in the following
46 location(s): ***This item was requested by Commissioner Frank Morales and Commissioner Rene***
47 ***Perez).***

- 48
49 . 1200/1300 Block of South "J" Street
50 . Paloma Lane between Business 83 and Garcia's Lane
51 . Palm Vista Dr. between Beckham Rd. and Palmetto Dr.
52

- 53 g) Consideration and possible action to approve a resolution accepting the Federal Aviation Administration
54 (FAA) anticipated Grant Offer No. 3-48-0101-081-2024 for \$1,128,000.00 for the Air Traffic Control
55 Tower Project at Valley International Airport.
56
57 h) Consideration and possible action to approve a resolution accepting the Federal Aviation Administration
58 (FAA) Anticipated Grant Offer No. 3-48-0101-081-2024 for \$3,821,832.00 for the Air Traffic Control
59 Tower Project at Valley International Airport.
60
61 i) Consideration and possible action to approve the renewal of Government Lease Document N62467-
62 87-RP-00006 for the use of 15.0 acres of land located at 1300 Fair Park Blvd., Harlingen, TX, currently

used by the Navy Operational Support Center (NOSC) for a term beginning January 1, 2025, and ending December 31, 2025.

- j) Consideration and possible action to approve the attached listing of items to be sold at a second auction with a tentative date to be determined upon approval by the commission.
- k) Consideration and possible action to approve the removal and disposal of approximately 13,000 square feet of Asbestos-containing textured material at Casa Del Sol and to award the contract to R.L. Abatement, Inc. in the amount of \$109,000.
- l) Consideration and possible action to approve a resolution authorizing the City Manager to submit a grant application to the Texas Preservation Trust Fund.
- m) Consideration and possible action to approve a resolution authorizing the City Manager to submit a grant application to the Texas A&M Forest Service 2024 Community Forestry Grant Program.
- n) Consideration and possible action to approve a resolution authorizing the City Manager to submit a grant application to the Texas Health and Human Services – Zoonosis Control Animal-Friendly Spay and Neuter Grant Program for cats and dogs.
- o) Consideration and possible action to approve a resolution authorizing the City Manager to accept a grant award from the U.S. Department of Justice – FY4 Edward Byrne Memorial Justice Assistance Grant.
- p) Consideration and possible action to approve a resolution authorizing the City Manager to submit a grant application to the Texas Commission on Environmental Quality – Governmental Alternative Fuel Fleet Grant Program.
- q) Consideration and possible action to approve a request from Alexis Riojas, Downtown Director, to close the following streets for the 2025 Jackson Street Market Days held on the first Saturday of each month from 9:00 a.m. to 3:00 p.m.
- Northside Intersection of Van Buren Avenue / West Street
 - Alleyway at the 100 Block of South West Street.
 - Eastside Intersection of Jackson Avenue / "C" Street
 - Southside Intersection of Commerce Street / Monroe Avenue
 - Place DETOUR sign at Commerce Street / Monroe Avenue to send traffic eastbound onto Monroe Avenue
 - Southside Intersection of "B" Street / Monroe Avenue.
 - Southside and Northside Intersections of the 100 Block of North and South Commerce Streets and alleyway.
 - Northside Intersection of Commerce Street / Van Buren Avenue.
 - Place a DETOUR sign at Commerce Street / Van Buren Avenue to send traffic eastbound onto Van Buren Avenue.
 - North and South side Intersections of Jackson Avenue and "A" street, 1st, 2nd, and 3rd Streets.
 - Westside Intersection of Jackson Avenue / 4th Street.
 - The North Commerce vehicular southbound traffic will be re-routed eastbound onto Monroe Avenue, and the South Commerce vehicular northbound traffic will be re-routed eastbound onto Van Buren Avenue.
 - The barricades are to be set up on the streets at 5:00 a.m. and removed from the streets at 4:00 p.m. on the day of each event.
- r) Consideration and possible action to approve a request from Edgar Serna, Visit Harlingen Events Manager, to close the following streets/intersections mentioned in attached Exhibit "A," Sunday, February 9, 2025, from 6:30 a.m. to 2:00 p.m. for the Harlingen Marathon Event.

Commissioner Morales asked to remove Item 7 (k).

The motion was made by Commissioner Perez and seconded by Commissioner Mezmar to approve Items 7 (a through j) and (l through r). Motion carried unanimously.

Commissioner Morales asked about Item 7 (k) and the \$109,000 fee for removal and disposal of Asbestos-containing material at the Casa Del Sol - would this fee be deducted from the \$1,000,000 allocated from the Hot funds.

City Manager Gabriel Gonzalez responded that the \$109,000 fee would be deducted from the \$1,000,000 Hot Funds.

Motion was made by Commissioner Lopez and seconded by Commissioner Perez to approve Item 7 (k); motion carried as follows: FOR Mayor Pro-Tem Kinsley, Commissioners Lopez, Perez, Mezmar; AGAINST: Commissioner Morales; ABSTAINED: None (Vote: 4-1-0).

8. **Staff Reports and Other Discussion Items:** *Items in this section are not expected to require action by the City Commission and are generally for information only. However, any item listed in this section may become an action item with the request of the Mayor or after the request of any two Commission members or the City Manager.*

a) City Manager's Report – Mr. Gonzales noted that the city commission will receive a departmental report from the library at the next meeting. There will also be a fieldwork report on people experiencing homelessness in the second week of February.

b) Staff Reports – None

9. **Public Hearings:** *At this time, the Mayor will invite members of the public who have filled out the public Hearing and the Citizen Communication Form to address each item listed in this section. Please limit your Comments to the topic of that public hearing. If more than one public hearing is being held, you will be Allowed to speak during each topic, provided you have filled out the Public Hearing and Citizen Communication Form for the appropriate topic. If you are signed up for two (2) or more Public Hearings, you will be limited to 5 minutes for all topics.*

Mayor Sepulveda announced that Item 9 (a through c) is a public hearing, and anyone wishing to speak for or against these items may do so.

a) Public hearing for a re-zoning request from Non-Designated ("N") District to General Retail ("GR") District for a 2.273-acre tract of land out of the extreme northwest corner of Block 176, Adams Gardens Subdivision "C", located at the southeast corner of Bass Boulevard (FM 800) and Palis Drive. Applicant: AEC Engineering c/o LS Contractors Specialist, Inc.

. Item 9 (a) – None.

b) Public hearing for a re-zoning request from Light Industry ("LI") District to Planned Development ("PD") District to allow 32 ft. wide streets with 50 ft. right-of-way and smaller lot sizes for a 393-lot single-family development on a property bearing a legal description for a 73.69 acre tract of land, more or less, out of and forming a part of Blocks 28, 36 and 37, Palmetto Subdivision, located along the south side of Grimes Avenue approximately 6,500 feet east of Loop 499. Applicant: Francisco Arriaga, c/o Solid Development Inc.

. Item 9 (b) – None.

c) Public hearing for the voluntary annexation of a 479.25-acre tract of land out of Survey 279 and all the existing right-of-way from the three county roads adjacent to the subject property, also known as Bob Youker Street from Rio Hondo Road to Woodall Avenue, Woodall Avenue from Bob Youker Street west 764.44 feet and the unnamed County right-of-way along the east side of the subject property, located along the north side of Rio Hondo Road approximately 8,540 feet east of Loop 499. Applicant: City of Harlingen.

. Item 9 (c) – None.

There being no comments from the public, Mayor Sepulveda closed the public hearings.

10. **Action Items:** *The City Commission will discuss, consider, and take any action deemed necessary on items listed in this section, including the adoption of a resolution or an ordinance.*

Ordinances

- a) Consideration and possible action to adopt an ordinance on first reading for a re-zoning request from the Non-Designated ("N") District to General Retail ("GR") District for a 2.273-acre tract of land out of the extreme northwest corner of Block 176, Adams Gardens Subdivision "C," located at the southeast corner of Bass Boulevard (FM 800) and Palis Drive. Applicant: AEC Engineering c/o LS Contractors Specialist, Inc.

Motion was made by Mayor Pro-Tem Kinsley and seconded by Commissioner Perez to adopt an ordinance on first reading for a re-zoning request from the Non-Designated ("N") District to General Retail ("GR") District for a 2.273-acre tract of land out of the extreme northwest corner of Block 176, Adams Gardens Subdivision "C," located at the southeast corner of Bass Boulevard (FM 800) and Palis Drive. Motion carried unanimously.

- b) Consideration and possible action to adopt an ordinance on first reading for a re-zoning request from Light Industry ("LI") District to Planned Development ("PD") District to allow 32 ft.-wide streets with 50-ft. right-of-way and smaller lot sizes for a 393-lot single-family development on a property bearing a legal description for a 73.69-acre tract of land, more or less, out of and forming a part of Blocks 28, 36 and 37, Palmetal Subdivision, located along the south side of Grimes Avenue approximately 6,500 feet east of Loop 499. Applicant: Francisco Arriaga, c/o Solid Development Inc.

Commissioner Morales asked how many homes would be built in this area and how many entrances there would be.

Xavier Cervantes, Planning and Zoning Director stated that when the project is completed, there will be 393. He added that there will be an entrance on Grimes and eventually more added on the south side of the development, with one connection to Bob Youker to the east.

Commissioner Morales stated that Bob Youker, at present, is just a dirt road; how wide will that road be, and who will be paying for it?

Mr. Cervantes responded that, as the ordinance requires, they must pave the side street, which will be 24 feet wide. This project will be developed in phases; at present, you are approving the Master Plan. There will be a list of conditions, including a drainage plan that has already been approved. This is just the re-zoning; the subdivision will come in for approval in a month or two. The developer will be responsible for the entire infrastructure cost.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Kinsley to adopt an ordinance on first reading for a re-zoning request from Light Industry ("LI") District to Planned Development ("PD") District to allow 32 ft.-wide streets with 50-ft. right-of-way and smaller lot sizes for a 393-lot single-family development on a property bearing a legal description for a 73.69 acre tract of land, more or less, out of and forming a part of Blocks 28, 36 and 37, Palmetal Subdivision, located along the south side of Grimes Avenue approximately 6,500 feet east of Loop 499. Motion carried as follows: FOR: Mayor Pro-Tem Kinsley, Commissioners: Lopez, Mezmar, Perez; AGAINST: Commissioner Morales; ABSTAINED: None (Vote: 4-1-0).

- c) Consideration and possible action to adopt an ordinance on first reading for the voluntary annexation of a 479.25-acre tract of land out of Survey 279 and all the existing right-of-way from the three county roads adjacent to the subject property, also known as Bob Youker Street from Rio Hondo Road to Woodall Avenue, Woodall Avenue from Bob Youker Street west 764.44 feet and the unnamed County right-of-way along the east side of the subject property, located along the north side of Rio Hondo Road approximately 8,540 feet east of Loop 499. Applicant: City of Harlingen.

Commissioner Lopez asked, with this annexation, the city took over the northern portion of Bob Youker Rd, correct?

Mr. Cervantes responded, yes, from north of Rio Hondo Rd., which takes you straight to the area behind the airport. It is a road that is in great condition.

Motion was made by Commissioner Lopez and seconded by Commissioner Perez to adopt an ordinance on first reading for the voluntary annexation of a 479.25-acre tract of land out of Survey 279, and all the existing right-of-way from the three county roads adjacent to the subject property also known as Bob Youker Street from Rio Hondo Road to Woodall Avenue, Woodall Avenue from Bob Youker Street west 764.44 feet and the unnamed County right-of-way along the east side of the subject property, located along the north side of Rio Hondo Road approximately 8,540 feet east of Loop 499. Motion carried unanimously.

- d) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow an unmanned battery storage facility in a Light Industry ("LI") District located at 1335 Memphis Street, bearing a legal description of the East 6.604 acres out of Block 3, Paul Hill Subdivision. Applicant: Ravenvolt, Inc. (This item was tabled during the December 18, 2024 meeting).

Motion was made by Commissioner Mezmar and seconded by Commissioner Perez to remove item from the table. Motion carried unanimously.

Commissioner Mezmar stated that there was a question at the last time they came before the commission regarding the repair costs for Memphis, which is a residential road if damaged.

Kenneth Cargill, civil engineer with Kenley Horn, stated they had done an analysis of the road and found the engineering estimate from the city was in line with what we would expect it to be. Ravenvolt and the team have agreed that if they damage the road, they will repair it to the existing conditions.

Commissioner Lopez, in the past, we have had concerns regarding property taxes, and in working with other battery storage facilities, they have participated in Department of Energy Community Benefit Agreements, which has been our standard practice. He reiterated that through the Department of Labor, they would work with a local non-profit with a project of their choosing for the public's benefit. It would become active with the completion of the battery project. I will make a motion to approve, subject to negotiations of a CBA with Ravenvolt, including a road maintenance agreement.

Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow an unmanned battery storage facility in a Light Industry ("LI") District located at 1335 Memphis Street, bearing a legal description of the East 6.604 acres out of Block 3, Paul Hill Subdivision. Motion carried unanimously.

- e) Consideration and possible action to authorize the city manager to submit a letter to the Cameron County Judge to request authorization to annex Chester Park Road from the intersection of Palm Court Drive to approximately 220 feet north of the U.S. Expressway 83 frontage road. Applicant: City of Harlingen.

Commissioner Morales asked what the purpose of annexing this road was.

Mr. Gonzalez responded that Chester Park is "not part of an inventory list of the county," so the needed improvements are not possible. So, in order to make them, we need to annex them so we can take over and make improvements. These improvements would also benefit the businesses in the area.

Motion was made Commissioner Mezmar and seconded by Commissioner Perez to authorize the city manager to submit a letter to the Cameron County Judge to request authorization to annex Chester Park Road from the intersection of Palm Court Drive to approximately 220 feet north of the U.S. Expressway 83 frontage road. Motion carried as follows: FOR: Mayor Pro-Tem Kinsley, Commissioners: Mezmar, Perez, Morales; AGAINST: None; ABSTAINED: Commissioner Lopez. (Vote: 4-0-1).

- 1 f) Consideration and possible action to authorize the Public Works Director to purchase a 2025 Ford F-
2 150 XL Super Cab vehicle for \$36,823.00 to replace Unit No. 328, a Public Buildings Unit deemed a
3 total loss.

4
5 Commissioner Morales asked if the vehicle was involved in a traffic accident.

6
7 Cristopher Torres, Public Works Director, stated that the transmission on the truck did not engage
8 into Park mode, and it rolled back and struck a tree, which caused substantial damage. TML deemed
9 it a total loss; since it is a 2011, there is also much mileage on it. Commissioner Lopez asked that, in
10 the future, a synopsis be included for all departments if a similar incident occurs so that the commission
11 can be informed about the reason.

12
13 Motion was made by Mayor Pro-Tem Kinsley and seconded by Commissioner Perez to authorize
14 the Public Works Director to purchase a 2025 Ford F-150 XL Super Cab vehicle for \$36,823.00 to
15 replace Unit No. 328, a Public Buildings Unit deemed to be a total loss. Motion carried unanimously.

- 16
17 g) Consideration and possible action to approve an extension on the contract between the City of
18 Harlingen and Dr. Robert Kellogg, DVM, to continue providing services to the Harlingen Animal Shelter.

19
20 Shannon Harvill, Health Director, stated this is just an additional six-month contract for Dr. Kellogg,
21 who has worked with us almost as long as we have been operating. We appreciate all the work he has
22 been doing and would like to extend the contract another six months.

23
24 Commissioner Mezmar asked if the contract would be for the same cost/number of hours.

25
26 Ms. Harvill added that he would have to reduce the number of hours he is spending, so the cost
27 has been reduced in this contract.

28
29 Commissioner Lopez asked why the contract was 6 months instead of a full year.

30
31 Ms. Harvill responded that this is what Dr. Kellogg is comfortable with now.

32
33 Motion was made by Commissioner Perez and seconded by Commissioner Lopez to approve an
34 extension on the contract between the City of Harlingen and Dr. Robert Kellogg, DVM, to continue
35 providing services to the Harlingen Animal Shelter. Motion carried unanimously.

- 36
37 h) Consideration and possible action to accept or deny a donation offered by Lt. Thomas Barlow Chapter
38 National Society Daughters of the American Revolution for two (2) 30-gallon sized native trees to be
39 planted at Pendleton Park Veterans Memorial.

40
41 Commissioner Lopez asked if a plaque could be placed at the park to acknowledge their
42 contribution to the beautification of the Veterans Park. I think it would be great to have one to thank
43 this local chapter and for all their contributions to the city.

44
45 Javier Mendez, Parks, and Recreation Director, stated they had not asked for anything except to
46 donate and plant the trees. But I can contact them to see what they want to put on the plaque.

47
48 Motion was made by Mayor Pro-Tem Kinsley and seconded by Commissioner Perez to accept
49 or deny a donation offered by Lt. Thomas Barlow Chapter National Society Daughters of the
50 American Revolution for two (2) 30-gallon-sized native trees to be planted at Pendleton Park
51 Veterans Memorial. Motion carried unanimously.

- 52
53 i) Consideration and possible action to approve a three-year Lease Agreement with RGV Pro Soccer
54 Project Organization for the use of the field and facilities at the Harlingen Field.

55
56 Mr. Mendez stated that this contract (concept) was presented to the commission in December last
57 month. I am here to present a draft of the agreement. Mr. Colby needs an agreement with us to get his

1 credentials approved so he can get this league started. I had previously submitted estimates of what it
2 would cost to bring the facility up to standards for this purpose. In the agreement, we were asking
3 compensation of \$1,000 per month, which would apply to the months he would occupy the facility –
4 May, June, July, and August. He would take over concession and ticket sales, and if there were parking
5 fees (there are not), he could also collect those. He added that under concession rights was a 5% that
6 he would pay the city for sales. I removed it and felt it would be better with a base rent fee.

7
8 Commissioner Lopez noted that it was suggested previously that we add language in the
9 agreement that promotes the city, i.e., staying in the local hotels, etc. I do not see this in the agreement.

10
11 It was discussed that "Visit Harlingen" could be displayed in a prominent location on the team's
12 jerseys and on their step and repeat (banner). During their (out-of-town) games, there could be
13 commentary about "Visit Harlingen." It was noted that there would be a sponsored soccer clinic (free
14 of charge) for the local youth/schools that are interested in soccer. This could be of more value than
15 the \$1,000 (nominal) fee. Depending on how successful they are, there could be a renegotiation at the
16 end of their first season. There needs to be a push on tourism and give the Convention and Visitors
17 Bureau an opportunity to highlight themselves.

18
19 Commissioner Mezmar asked if they currently are a legal entity, have a tax ID number or have
20 insurance.

21
22 Mr. Mendez responded that they are not a legal entity, do not have a tax ID or have any insurance
23 yet. However, Mr. Colby needs this agreement in order to get his credentials to create this league. His
24 organization will provide insurance for the soccer group and the facility.

25
26 Commissioner Lopez noted that those conditions must be in place; he would make a motion to
27 approve the agreement, subject to sponsorship negotiations, led by the City Manager, hotel language
28 and the appropriate insurance, conditional language regarding LLCs and EIN's and reviewed by the
29 city attorney.

30
31 Commissioner Morales asked if the commission could receive the maintenance cost for the fields,
32 the utility expenses, and building maintenance (lights, audio, parking, etc.) - everything the city provides
33 to determine a "break-even" point.

34
35 Motion was made by Commissioner Lopez and seconded by Commissioner Perez to approve a
36 three-year Lease Agreement with RGV Pro Soccer Project Organization for the use of the field and
37 facilities at the Harlingen Field. Motion carried unanimously.

- 38
39 j) Consideration and possible action to approve a resolution authorizing the City Manager to submit a
40 grant application to the Texas Parks and Wildlife Recreational Trails Program.

41
42 Mr. Mendez stated that we have two options for this item (Victor Park) it was selected because
43 there is currently no trail. The good thing about this project, is a new trail would connect to the
44 existing Arroyo Colorado Hike and Bike Trail. We want to apply with TxDOT to build a trail running
45 from Frontage, north to Fair Park and connecting Lon C. Hill Park. This project would connect Victor
46 Park, Arroyo Colorado Hike and Bike Trail, and Lon C. Hill Park.

47
48 Mr. Mendez stated that the second option is the Soccer Complex; the existing trail is about 1.2
49 miles and is crushed granite. Most grass has already grown in, and there is no curb. We would like to
50 include this addition to connect to the existing trail and then improve the existing trail as well. It would
51 be two parts: construction of a new trail and improvements of the existing trail. If the commission can
52 select one project, the grant is due February 1, 2025, and the construction amount is \$300,000.

53
54 Commissioner Lopez asked which of the two projects presented, has a higher chance of getting a
55 grant approval.

Ana Hernandez, Special Projects Director, stated the Soccer Complex, with a few modifications on the layout to make it more appealing - change the material of the existing trail, and add some amenities. The location also makes it a good candidate for state funds.

Motion was made by Commissioner Lopez and seconded by Commissioner Perez to approve a resolution authorizing the City Manager to submit a grant application to the Texas Parks and Wildlife Recreational Trails Program for the Soccer Complex. Motion carried unanimously.

- k) Consideration and possible action to approve a resolution authorizing the City Manager to submit a planning grant application to the Rio Grande Valley Metropolitan Planning Organization FY 2025-2027 Transportation Alternatives Set-Aside (TASA) Grant Program.

Robert Hernandez, Asst. City Engineer stated that for this project, we are asking to submit an application for a planning grant, which would connect four trails that were of high priority: Dixieland (0.9 miles) connects Dixieland Reservoir going north to Lincoln, then goes east to Valle Vista Mall (1.2 miles) then splits two ways: going north towards Lon C. Hill Park and then to Victor Park; with these monies, we can determine the best location to install solar lights, how wide the trail will be to hire a consultant to assist with the complete plans. Part of the planning would be to determine where the right-of-way is located and if widening the trail would fit. Some areas would only be 8 feet wide, but ideally, it would be 10 feet wide throughout the trail.

Motion was made by Commissioner Lopez and seconded by Commissioner Perez to approve a resolution authorizing the City Manager to submit a planning grant application to the Rio Grande Valley Metropolitan Planning Organization FY 2025-2027 Transportation Alternatives Set-Aside (TASA) Grant Program. Motion carried unanimously.

- l) Consideration and possible action to approve a resolution authorizing the City Manager to submit a construction grant application to the Rio Grande Valley Metropolitan Planning Organization FY 2025-2027 Transportation Alternatives Set-Aside (TASA) Grant Program.

Mr. Hernandez stated that they are submitting an application for the (TASA) grant for this project. There is a preliminary budget of \$3.8 million dollars that we are still working on that would incorporate solar lights, amenities such as hydro-stations, canopies, bicycle repair shops, mini-stations, emergency call shops, and trail counters, and it would incorporate four miles with 10-ft wide trails; if you go out there, you will see that Phase 1 and Phase 2 are asphalt, which is the same profile as this one. Since we will be crossing the Arroyo Colorado, we will be adding four pedestrian bridges.

Commissioner Mezmar asked about the proximity of the trails to private properties in the area; Phase 3 would go through Parkwood, and Phase 4 would go through Treasure Hills. In these two areas, 22 homes own property to the water. This would require eminent domain to seize those private properties. I am vehemently against this.

Ms. Ana Hernandez stated that this project is only for the planning and construction of Phase 4. This project is within the floodway, so technically, it shouldn't affect any private property's right-of-way.

Motion was made by Commissioner Lopez and seconded by Commissioner Morales to approve a resolution authorizing the City Manager to submit a construction grant application to the Rio Grande Valley Metropolitan Planning Organization FY 2025-2027 Transportation Alternatives Set-Aside (TASA) Grant Program. Motion carried unanimously.

- m) Consideration and possible action to authorize the City Manager to submit the participation form to enter into the Kroger Opioid Settlement.

Mr. Gonzalez noted that this is a lawsuit that the federal government filed for the opioid settlement, and they've reached an agreement with Kroger. This allows us to collect a portion of the proceeds that Kroger will pay the Department of Justice. It was noted the estimated amount to be received would be \$12,500.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Kinsley to authorize the City Manager to submit the participation form to enter into the Kroger Opioid Settlement. Motion carried unanimously.

n) Discussion and possible action to appoint a Chief of Police Review Committee for the position of Chief of Police for the City of Harlingen.

Mr. Gonzalez noted that the city has started the advertisement process. In the past, the city has appointed a review committee, so once we get applicants in, the review committee will look at them, decide who they want to interview, conduct the interviews, and then recommend them to the city manager, who will bring them to the commission. He noted that in the meantime, he would be appointing Freddy Alvear as the Interim Chief of Police, who is currently the deputy chief.

The importance of getting someone with an excellent reputation, a good public trust steward, etc, was discussed. The city manager could contact the District Attorney's office, DEA, and DPS and have their representatives review the applications to get someone well-respected among the law enforcement community. It was also suggested that a civil rights lawyer could be considered (ACLU) or Texas Civil Rights project, as well as a defense attorney. The city manager could be a member of the committee and have a vote as he knows what this city commission expects. It was suggested that the committee consist of 5 members and the city manager serve as chairman. It was noted to have the position filled within 3-5 months.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Kinsley to appoint a Chief of Police Review Committee for the position of Chief of Police for the City of Harlingen, with the agencies suggested for consideration. Motion carried unanimously.

11. **Board Appointments:**

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.

It was suggested that any applications for new members be submitted for review by the Mayor and City Commission.

Commissioner Mezmar: Appointed:

Scott Alex to Utility Board of Trustees

Jennifer V. Colton to Zoning Board of Adjustments.

Commissioner Morales: Appointed:

Dawn Rae Leonard to Utility Board of Trustees (to replace Stever Brewer)

Re-appointed Rudy Martinez to the Zoning Board of Adjustments.

Commissioner Perez: Re-appointed:

Leandra V. Ruiz to Parks and Recreation Board

Appointed: Vanessa Cobarrubias to the Community Development Advisory Board

Re-appointed: John Guevarra to Harlingen Community Improvement Board.

Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar for all re-appointments: Rudy Martinez to Zoning Board of Adjustments, Leandra V. Ruiz to Parks Advisory Board, John Guevarra to Harlingen Community Improvement Board; new appointments are subject to review by commission.

12. **Executive Session:** *All items listed in this section will be deliberated in a closed session. Members of the public are not generally permitted to attend a closed session. Executive Session items may be considered as an action item at the discretion of the Mayor. However, the City Commission will not take any action in closed session.*

- a) Consultation with legal counsel pursuant to Texas Government Code 551.071 (1-A) to seek advice about reasonably contemplated litigation.
- b) Consultation with legal counsel pursuant to Texas Government Code 551.071 (1-A) to seek advice about reasonably contemplated litigation.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Kinsley to convene into Executive Session. Motion carried unanimously.

At 7:44 p.m., Mayor Sepulveda announced that the City Commission would convene in Executive Session.

13. **Action on Executive Session Items:** *The City Commission will reconvene in open session and may take action on any item listed in the Executive Session Section of this agenda.*

At 8:09 p.m., Mayor Sepulveda announced that the City Commission was out of Executive Session and declared the meeting open to the public.

- a) Consideration and possible action on Item 12 (a) and (b), as discussed in executive session.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Kinsley to proceed on Item 12 (a) and (b) as discussed in executive session. Motion carried unanimously.

14. **Adjournment:**

There being no other business to discuss, Mayor Sepulveda adjourned the meeting.

City of Harlingen

ATTEST:

Norma Sepulveda, Mayor

Hermelinda Gonzales, Interim City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

7(a)

Meeting Date: **April 16, 2025**

Agenda Item:

Consideration and possible action to approve an ordinance on second and final reading for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 1105 S. Tamm Lane, bearing a legal description of 3.4740 acres out of Block 33, Stuart Place Subdivision 139/297/298. Applicant: Cipriano Cardenas. Attachment **(Planning & Development)**

Prepared By: Soledad A. Núñez, CNU-A

Title: Interim Planning & Development Director

Signature: *Soledad A. Núñez*

Brief Summary:

Project Timeline

- February 27, 2025 – Application for a Special Use Permit ("SUP") submitted to the City. **(ATTACHMENT I)**
- March 11, 2025 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- March 11, 2025 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- March 26, 2025 - Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission ("P&Z").
- April 7, 2025 – Public hearing and consideration of the requested SUP via 1st Ordinance reading scheduled before the City Commission.
- April 16, 2025 – Pending approval of 1st Ordinance reading, consideration of approval of 2nd Ordinance reading scheduled before the City Commission.

Summary

- Pursuant to Section 111-62 of the City of Harlingen Code of Ordinances, an adult business (bar/lounge) in a General Retail ("GR") District requires the approval of an SUP by the City Commission.
- The applicant wishes to operate a bar/lounge at 1105 S. Tamm Lane under a new name, "Station 83". The building floor area is approximately 4,550 square feet, measuring 65 ft. by 70 ft. Based on the floor area there will be approximately 48 seats. The subject property has 60 parking spaces in total. The proposed hours of operation will be from 12 pm to 2 am, seven days a week. **(ATTACHMENT II)**.
- On July 10, 2024, the Planning and Zoning Commission had approved an SUP for a bar/lounge under the name, "The Roadhouse Blues", with Karlos Esquivel as the applicant. The previous SUP for the property was for a bar/lounge approved on December 13, 2017 under the name of "Club Envy", with Ruben Martinez as the TABC permit holder. A previous SUP for the property was for a bar/lounge approved on July 11, 2012 under the name of "Club Legacy-151", with Richard Amador as the applicant.
- The surrounding properties are zoned General Retail ("GR") District to the north

and northwest of the subject property, and Residential, Single-Family ("R-1") to the east and west of the subject property. (**ATTACHMENT IV**). Surrounding land uses are an auto glass shop to the west, a single-family residence to the west, and commercial use to the north. (**ATTACHMENT V**).

- The SUP request was routed to the Building Inspections Department, Health Department, Fire Prevention Department, and Police Department for review. Staff reported no objections subject to applying for all applicable permits and compliance with all city ordinances, codes and standards. (**ATTACHMENT VI**).
- The applicant must obtain and maintain the proper State and TABC permits.
- On March 25, 2025, staff received a letter in opposition to the SUP request, citing concerns over a new residential subdivision being built near a bar/lounge. (**ATTACHMENTS VII-IX**) Staff mailed out 8 legal notices.
- In accordance with the Code of Ordinances, the P&Z and City Commissions may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

Funding (if applicable):

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

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

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

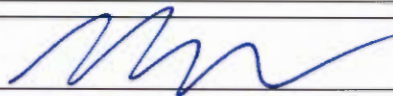
Staff Recommendation:

Staff recommends approval subject to complying with the following conditions:

1. Must obtain and maintain the proper State and City permits;
2. Must provide video surveillance with a minimum 30 day retention; and,
3. Must comply with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments
4. Hours of operation shall be seven days a week, from 12:00 pm to 2:00 am.
5. A licensed security officer must be on-site during the peak hours of Thursday to Saturday from 9:00 pm to 2:00 am.

City Manager's approval:  ☒ Yes ☐ No ☐ N/A

Comments:

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

Attachment I - Application

CITY OF HARLINGEN PLANNING AND ZONING DIVISION MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1105 S. Tamm Lane Nearest Intersection Bus Hwy 83
(Proposed) Subdivision Name Stewart Place Survey 139-297-298 Lot _____ Block 33 3.4740 acre.
Existing Zoning Designation GR Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Cipriano Cardenas Phone 956-536-0369 FAX _____
Email Address (for project correspondence only): ccardenas83@yahoo.com
Mailing Address 1105 S. Tamm Lane City Harlingen State TX Zip 78552
Property Owner Darin Tiffin Phone _____ FAX _____
Email Address (for project correspondence only): _____
Mailing Address 1105 S. Tamm Lane City Harlingen State TX Zip 78552

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

- | | |
|--|---|
| ☐ Annexation Request..... <u>No Fee</u> | ☐ Preliminary Construction Plans/Final Plat..... <u>\$150.00</u> |
| ☐ Administrative Appeal (ZBA)..... <u>\$125.00</u> | ☐ Subdivision Variance Request..... <u>\$25.00 (each)</u> |
| ☐ Comp. Plan Amendment Request..... <u>\$250.00</u> | ☐ Re-plat..... <u>\$250.00</u> |
| ☐ Re-zoning Request..... <u>\$250.00</u> | ☐ Vacating Plat..... <u>\$50.00</u> |
| ☒ SUP Request/Renewal..... <u>\$250.00</u> | ☐ License to Encroach..... <u>\$250.00</u> |
| ☐ Zoning Variance Request (ZBA)..... <u>\$250.00</u> | ☐ Right-of-Way/Utility Easement Abandonment... <u>No Fee</u> |
| ☐ PDD Request..... <u>\$250.00</u> | |

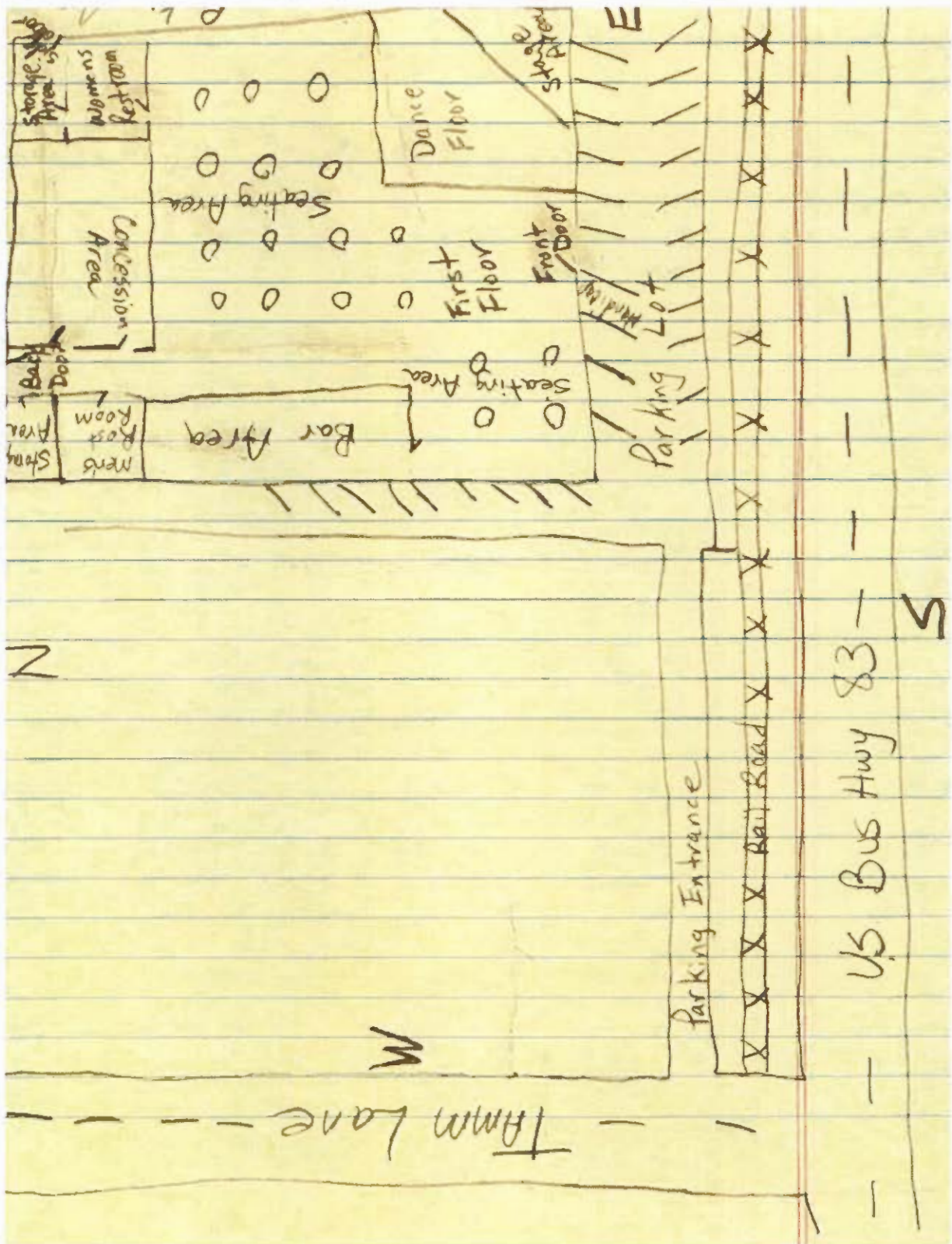
Please provide a basic description of the proposed project:

The proposed project will be a Bar/Tavern event center. The basic layout of the business will include a bar with a small dance floor restrooms and outdoor space. The proposed area will be in compliance with all local regulations. Hours of operation are 3pm - 2am

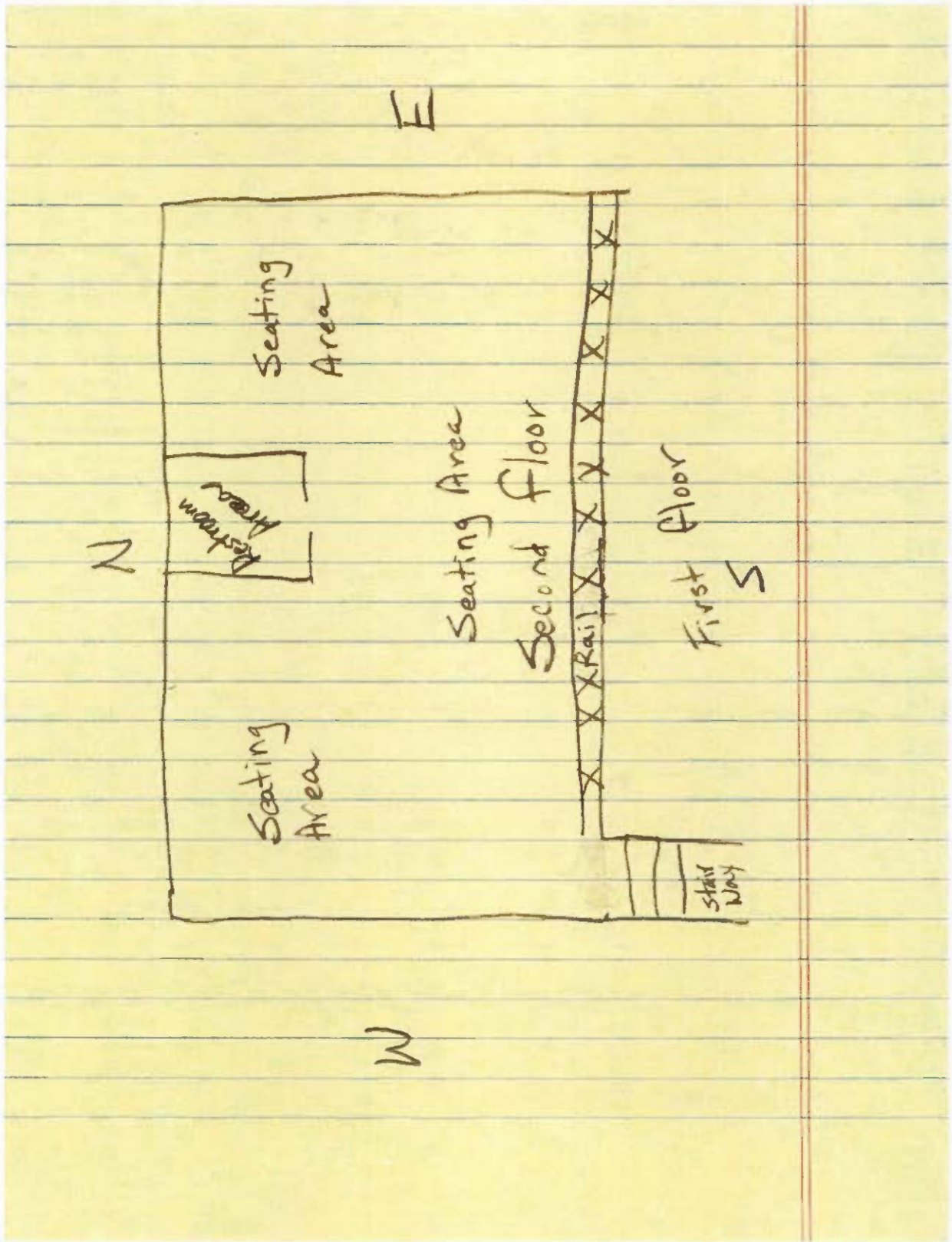
I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature: Cipriano Cardenas Date: 2/25/25
Property Owner(s) Signature: [Signature] Date: 2/25/25
Accepted by: _____ Date: _____

Attachment II - Floor Plan



Attachment II – Floor Plan



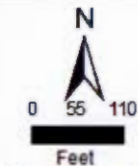
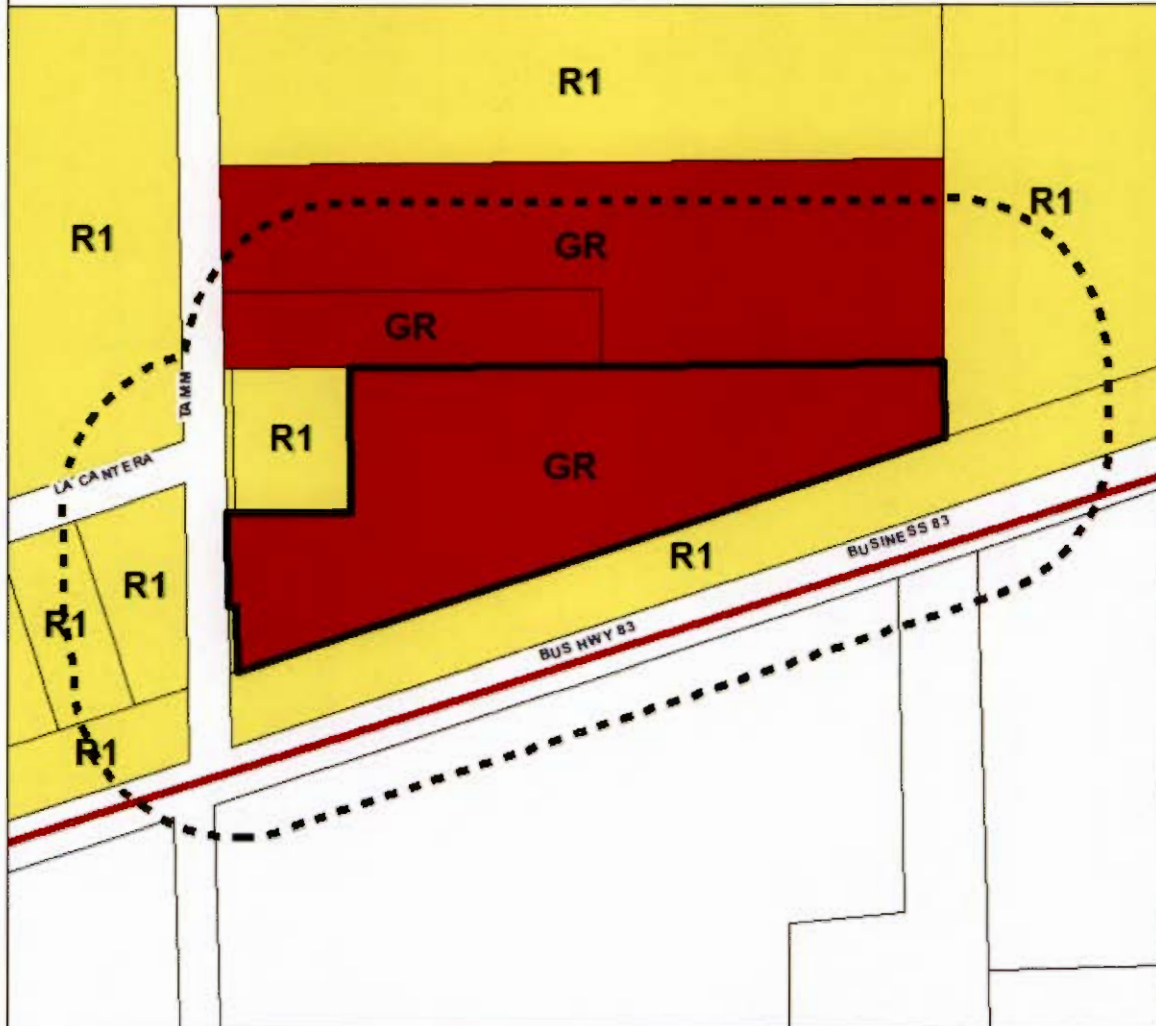
Attachment III – Street View



Attachment IV – Legal Notice



Request for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 1105 S. Tamm Lane, bearing a legal description of 3.4740 acres out of Block 33, Stuart Place Subdivision 137/297/298. Applicant: Cipriano Cardenas



Boundary lines

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

Zoning Designations

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

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Attachment V – Aerial View



Attachment VI – Building Inspections



SUP Request Routing Slip

Applicant: Karlos Esquivel

Phone No.: (956) 202-7395

Location: 1105 S Tamm Lane

Project Description: Request for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 1105 S. Tamm Lane, bearing a legal description of Stuart Place Subdivision 139/297/298 Block 33, 3.4740 Acres

Department: Building Permits and Inspections Department

Approval: ☐ YES ☐ NO ☒ PENDING

Comments:

If request is approved by the Planning Department, A Building Permit application, a site plan, existing floor plan and proposed floor plan with a code analysis for the proposed use must be submitted to the Building Department. The construction documents must comply with the 2018 International Building Code and Family of Codes. The city commission adopted the new 2024 family of codes which will take effect on May 6, 2025. Any building permit applications received after that date will have to follow the new codes.

Raul Rodriguez

Signature

03/19/2025

Date

Attachment VI – Fire Prevention Bureau



Specific Use Permit ("SUP") Routing Slip

Applicant: Cipriano Cardenas

Phone No.: (956) 536-0369

Location: 1105 S Tamm Lane

Project Description: Request for a Special Use Permit (SUP) to allow a bar/lounge in a General Retail ("GR") District located at 1105 S. Tamm Lane, bearing a legal description of 3.4740 acres out of Block 33, Stuart Place Subdivision 139/297/298. Applicant: Cipriano Cardenas

Department: Fire Prevention Bureau

Approval: X YES NO

Comments: Applicant will have to meet any code, regulation, ordinance, and standard required for the building permit.

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr.

Date: March 12, 2025

Attachment VI – Health Department



Specific Use Permit ("SUP") Routing Slip

Applicant: Cipriano Cardenas.

Phone No.: (956) 536-0369

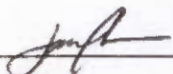
Location: 1105 S. Tamm Lane

Project Description: Request for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 1105 S. Tamm Lane, bearing a legal description of 3.4740 acres out of Block 33, Stuart Place Subdivision 137/297/298. Applicant: Cipriano Cardenas

Department: Health

Approval: ☒ YES ☐ NO

Comments: After reviewing site plans submitted by Cipriano Cardenas location 1105 S. Tamm Lane, a concession area is listed, however, there is no cooking equipment, refrigeration, or 3 compartment sinks on the plans. The application is listed as a bar/tavern, if the establishment plans on preparing, cooking, or serving any foods, the proper equipment needs to be listed, including grease traps and hot water availability.



Signature

3-20-25

Date

Attachment VI – Harlingen PD



Specific Use Permit ("SUP") Routing Slip

Applicant: Cipriano Cardenas.

Phone No.: (956) 536-0369

Location: 1105 S. Tamm Lane

Project Description: Request for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 1105 S. Tamm Lane, bearing a legal description of 3.4740 acres out of Block 33, Stuart Place Subdivision 137/297/298. Applicant: Cipriano Cardenas

Department: HARLINGEN POLICE DEPT.

Approval: / YES NO

Comments:

Alfredo Alvear, BSCJ, CPM
Interim Chief of Police

3/17/25
Date

Attachment VII – Opposition

March 25, 2025



Dear Mrs. Hernandez:

We are recommending to the Planning & Zoning Commission to deny the proposed and requested Special Use Permit. The basis for our denial is that the surrounding area is a quiet countryside type of residential and farming area in which people value privacy and quiet. We have also invested a substantial amount of money in the adjacent subdivision (Crockett Corner Subdivision) that will be for large residential Estate Tracts use. This type of home buyer will not want to be located and/or subjected to the close proximity of a bar/lounge area which will disturb their evenings and nights.

In our opinion, the Harlingen school district will also be in agreement with us, as they have also purchased property slightly to the north of this proposed bar/lounge on Tamm Road - and are in the 200 feet perimeter. Lastly as parents, we also feel that a bar/lounge in this area is not a good fit.

We are again requesting that the Planning & Zoning Commission consider a denial of this permit.

Thank you for your consideration and time. It is greatly appreciated.

Sincerely,
RSW Land

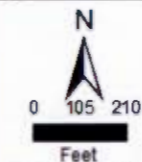
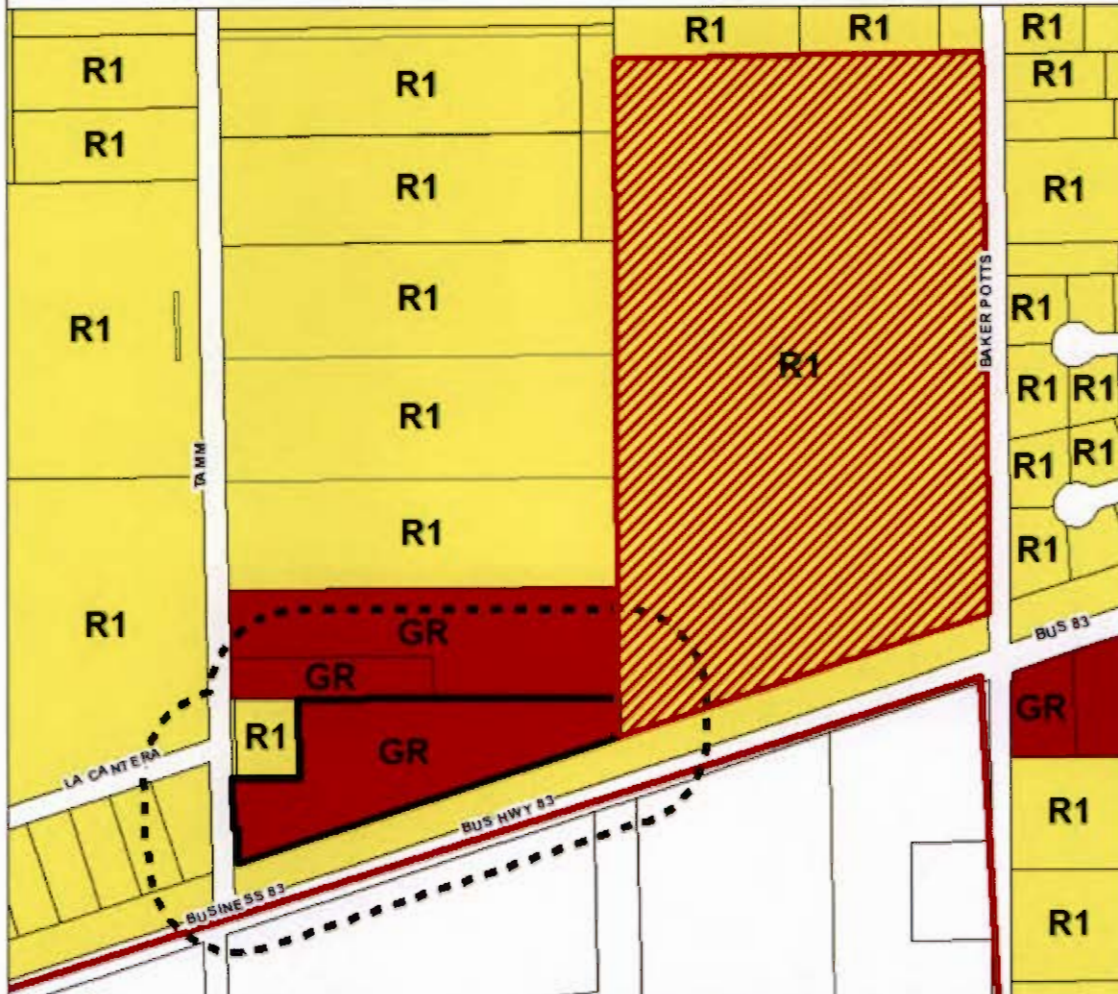
Shelly Winston
956-454-4548

Randall Winston, P.E.
956-373-1492

Attachment VIII – Opposition Map



Request for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 1105 S. Tamm Lane, bearing a legal description of 3.4740 acres out of Block 33, Stuart Place Subdivision 139/297/298. Applicant: Cipriano Cardenas



Boundary lines

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

Zoning Designations

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

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Attachment IX – Petition in Opposition



Planning and Development
Department
502 E. Tyler Avenue
Harlingen, TX 78550
(956) 216-5101

PETITION IN OPPOSITION

Request for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 1105 S. Tamm Lane, bearing a legal description of 3.4740 acres out of Block 33, Stuart Place Subdivision 139/297/298. Applicant: Cipriano Cardenas

Area of 200 ft. Radius and Subject Property	15.3750 acres
Area of Subject Property:	3.4740 acres
Notification Area:	11.9010 acres
Area of Opposition:	0.9831 acres

$0.9831 \text{ acres} / 11.9010 = 0.0826 = \mathbf{8.26\%}$

ORDINANCE NO. 25-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT (SUP) ISSUED TO CIPRIANO CARDENAS TO ALLOW A BAR/LOUNGE IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 1105 SOUTH TAMM LANE, BEARING A LEGAL DESCRIPTION OF 3.4740 ACRES OUT OF BLOCK 33, STUART PLACE SUBDIVISION 139/297/298, 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 in Exhibit "A":

Special Use Permit (SUP) issued to Cipriano Cardenas to allow a bar/lounge in a General Retail ("GR") District located at 1105 South Tamm Lane, bearing a legal description of 3.4740 Acres out of Block 33, Stuart Place Subdivision 139/297/298.

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

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

1. Must obtain and maintain the proper State and City permits;
2. Must provide video surveillance with a minimum 30-day retention; and,
3. Must comply with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Health, and Police Departments
4. Hours of operation shall be seven days a week from 12:00 pm to 2:00 am.
5. A licensed security officer must be on-site during the peak hours of Thursday to Saturday from 9:00pm to 2:00am.

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 _____, 2025 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

Norma Sepulveda, Mayor

ATTEST:

Hermelinda Gonzalez, Interim City Secretary

EXHIBIT "A"

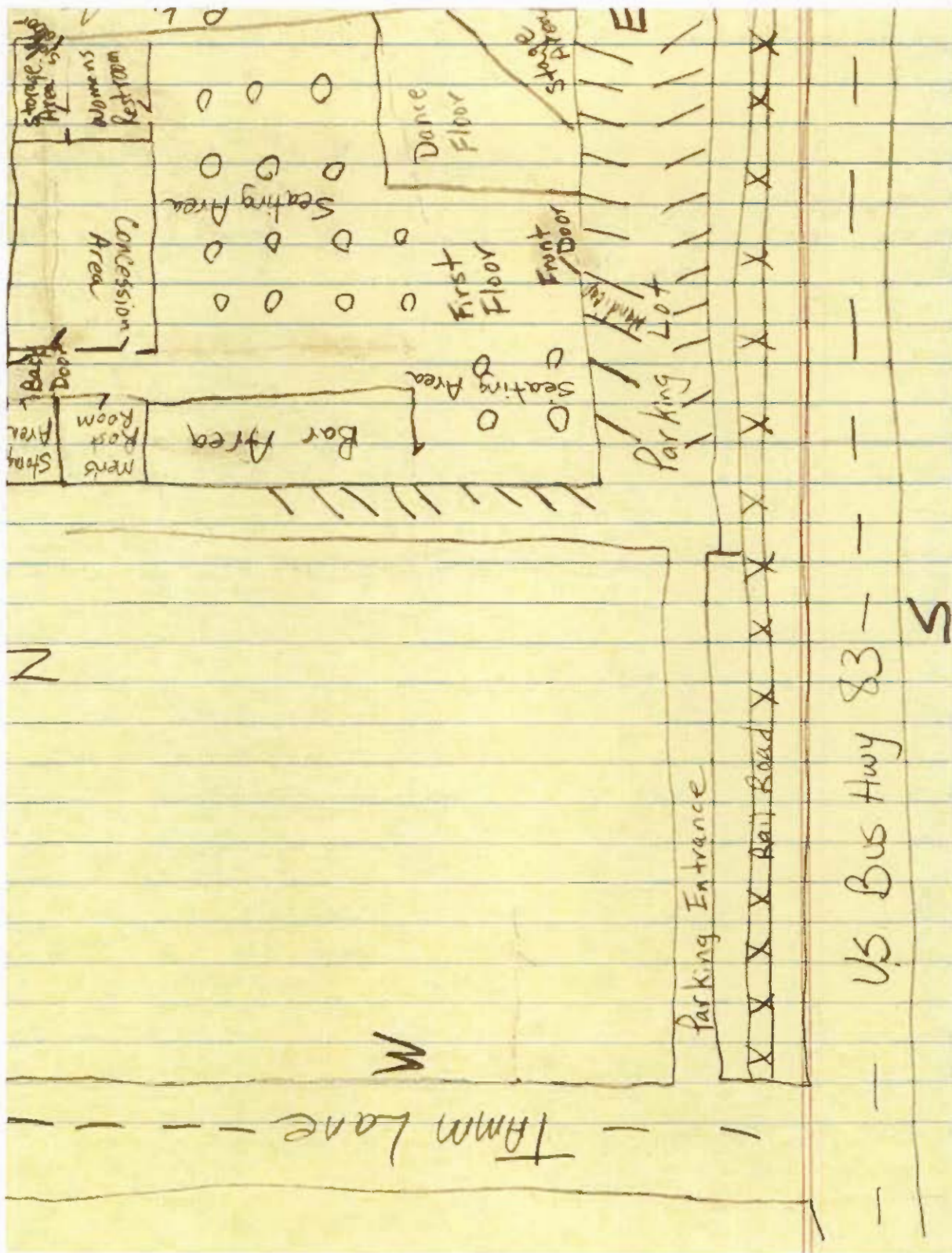
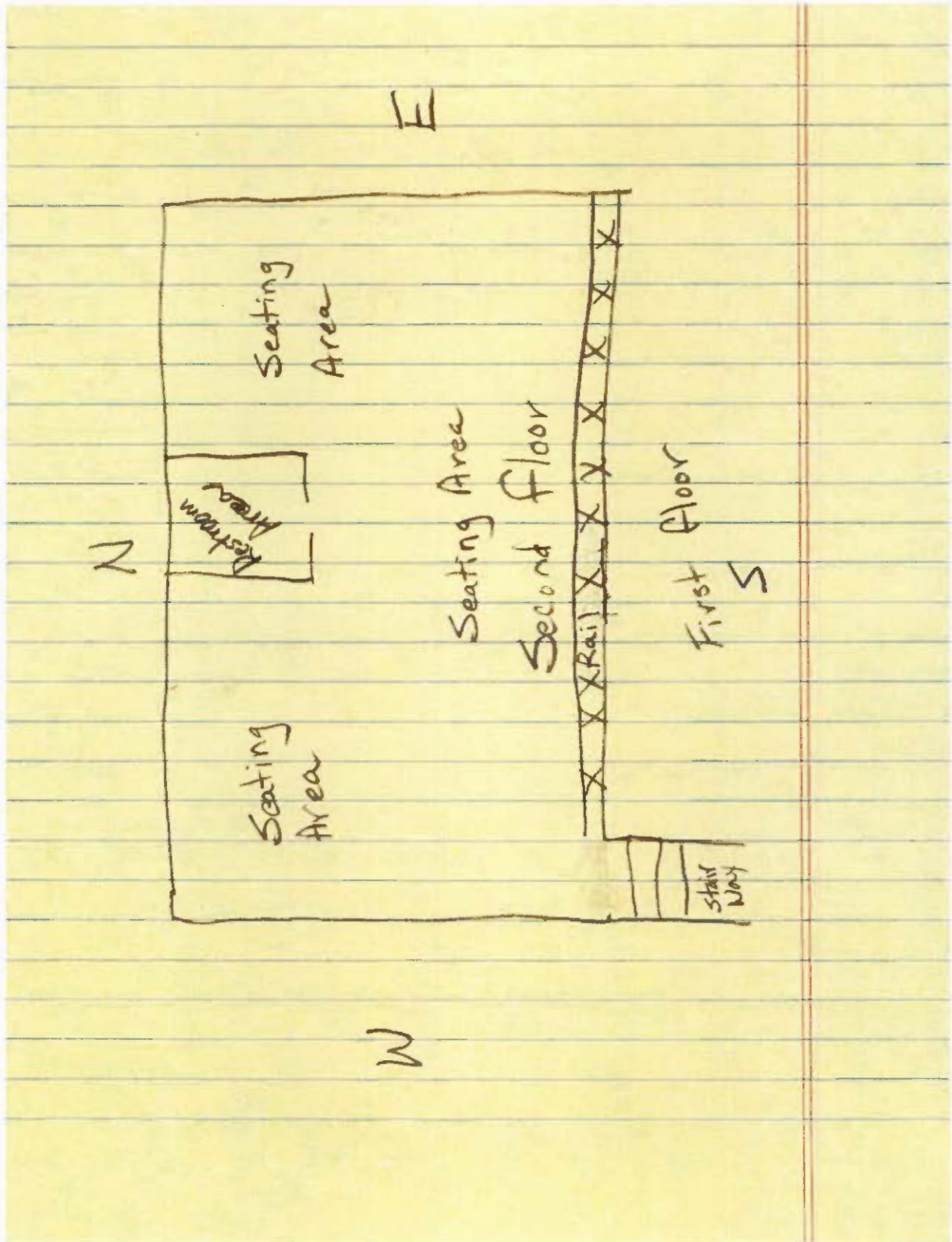


EXHIBIT "B"



7(b)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **April 16, 2025**

Agenda Item:

Consideration and possible action to approve an ordinance on second and final reading for a Special Use Permit (SUP) to allow an unmanned battery storage facility in a General Retail ("GR") District to be located at 1402 N. Loop 499, bearing a legal description of Tract A, Citrus Flats Subdivision, located along the East side of Loop 499, being 277 feet North of Grimes Road. Applicant: Sydney Harness c/o Citrus Flatts Energy Center, LLC. **(Planning & Development)**

Prepared By: Soledad A. Núñez, CNU-A

Title: Interim Planning and Development Director

Signature: *Soledad A. Núñez*

Brief Summary:

Project Timeline

- March 11, 2025 – Application for SUP submitted to the City. **(ATTACHMENT I)**.
- March 12, 2025 – In accordance with State and local law, notice of the required public hearing was mailed to all property owners within a 200 feet radius of subject tract. **(ATTACHMENT II)**
- March 15, 2025 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star. **(ATTACHMENT II)**
- March 26, 2025 – Public hearing and consideration of the requested SUP by the Planning and Zoning Commission (P&Z).
- April 7, 2025 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- April 19, 2025 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting a Special Use Permit to allow an unmanned battery storage facility.
- The proposed facility will connect to the AEP infrastructure adjacent to North Loop 499. The system will be capable of charging from the AEP substation and then discharging to the electrical grid. **(ATTACHMENT I)**
- According to the site plan, the project area is 6.27 acres and will be a 100MW, 2-hour battery energy storage system. **(ATTACHMENT III)**
- The applicant has provided a rendering depicting what the boundary along Loop 499 will look like after the construction of a block wall with landscaping and spaces for murals **(ATTACHMENT III)**.
- The Planning and Zoning Commission previously approved similar projects for battery storage energy facilities on Tucker Road, Lincoln Avenue, E. Harrison Avenue, and Memphis Street. **(ATTACHMENT VIII)**
- The property has 957.45 feet of frontage on Loop 499 and a depth of 281.96 feet. **(ATTACHMENT V)**
- The original Special Use Permit request submitted by Black Mountain Energy was approved by the Planning & Zoning Commission on March 8, 2023, and was approved by the City Commission on May 3, 2023. Due to a change in ownership, a new Special Use Permit request is being processed for the new property owner, Citrus Flatts Energy Center, LLC.

- Surrounding properties are zoned Light Industrial ("LI") District to the north, east and south, and General Retail ("GR") to the west. The lot north of the subject property has been developed as a shipment facility. The lot east of the subject property is currently vacant. The lot to the south is a gas station. The lot west of the subject property is currently vacant. **(ATTACHMENT V)**
- The applicant provided a brief description of the proposed battery storage facility. **(ATTACHMENT VIII)**
- In accordance with the zoning ordinance, the P&Z Commission and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.
- To the present, the Planning and Development Department has not received any phone calls in opposition from the surrounding property owners for the proposed request.
- The City of Harlingen Fire Prevention Bureau, Engineering and the Building Inspections Departments reviewed the application. All three recommended approval of the Special Use Permit request. **(ATTACHMENT VII)**

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 of the request subject to the following:

1. Complying with Planning ordinances and regulations, Fire Prevention Bureau's regulations, Engineering's regulations and Building Inspections ordinances and regulations.
2. Install and maintain an 8-foot solid wall along the Loop 499 boundary of the property with landscaping and an irrigation system between the wall and the pavement.
3. The project must be approved by the Fire Chief prior to a building permit being issued.

City Manager's approval:

66

☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:

[Signature]

☒ Yes ☐ No ☐ N/A

Attachment I

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1402 North Loop 499, Harlingen, TX 78550 Nearest Intersection North Loop 499 and Grimes Road
(Proposed) Subdivision Name Citrus Flatts Lot _____ Block 78
Existing Zoning Designation Commercial Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Citrus Flatts Energy Center, LLC/Sydney Harness Phone 434-310-1740 FAX _____
Email Address (for project correspondence only): sharness@eastpointenergy.com
Mailing Address 310 4th St, NE, 3rd Floor City Charlottesville State VA Zip 22902
Property Owner Citrus Flatts Energy Center, LLC Phone 434-465-6210 FAX _____
Email Address (for project correspondence only): sharness@eastpointenergy.com
Mailing Address 310 4th St, NE, 3rd Floor City Charlottesville State VA Zip 22902

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

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

Please provide a basic description of the proposed project: Utility scale, battery energy storage facility

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: Tyler Cline Digitally signed by Tyler Cline Date: 2025.03.11 08:57:12 -05'00' Date: March 11th, 2025

Property Owner(s) Signature: Tyler Cline Digitally signed by Tyler Cline Date: 2025.03.11 08:57:27 -05'00' Date: March 11th, 2025

Accepted by: _____ Date: _____

Attachment I

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

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

Complete

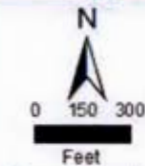
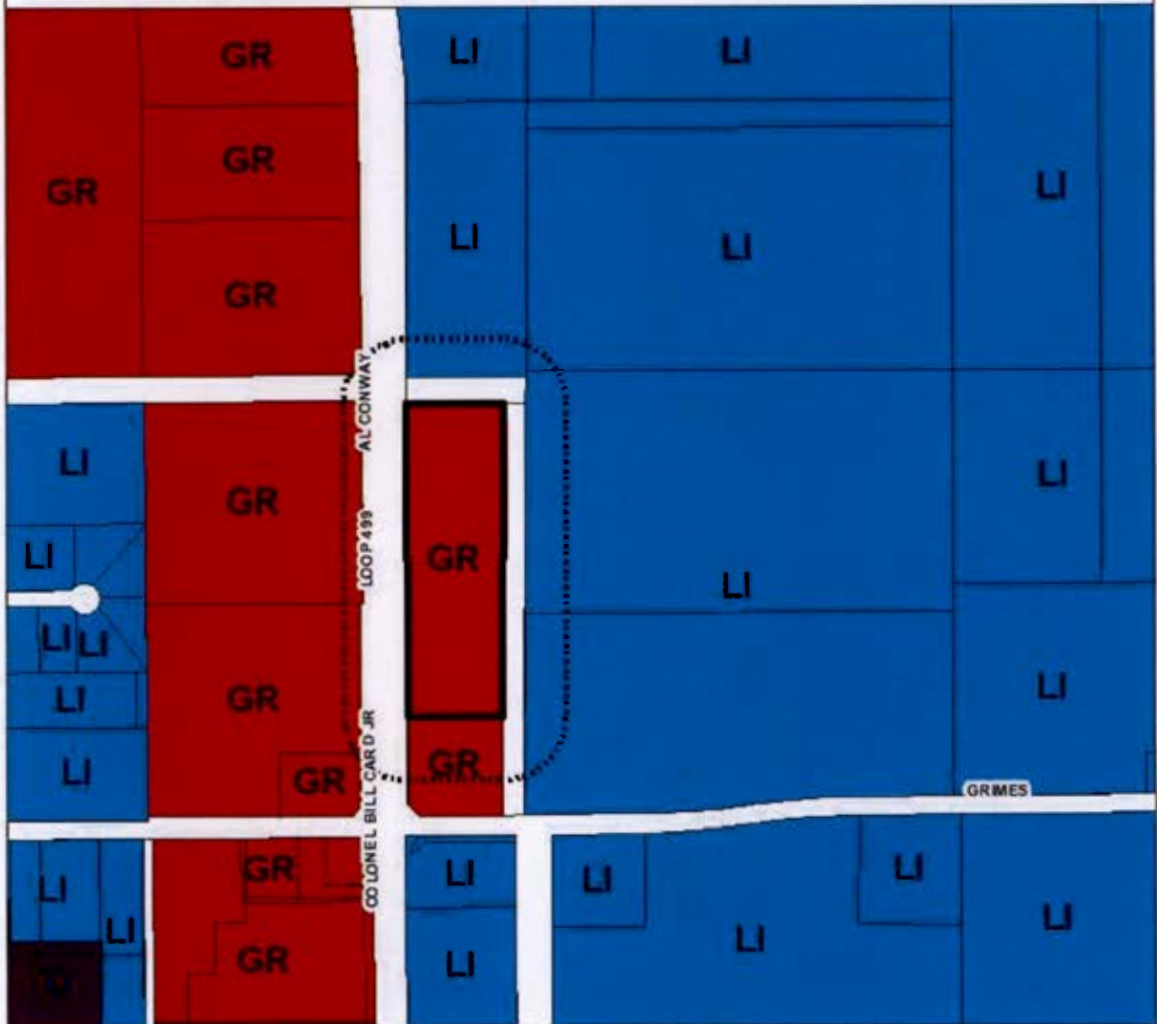
- ☐ One (1) copy of a comprehensive site plan showing the proposed development of the property. The site plan shall consist of the following items, as applicable:
 - o Existing/proposed building footprints and building heights (or buildable areas for single and two-family residential); and
 - o Locations of proposed uses; and
 - o Ingress and egress to/from property;
 - o Existing/proposed streets in compliance with the City of Harlingen Long Range Thoroughfare Plan; and
 - o Existing/proposed sidewalks; and
 - o Existing/proposed utilities; and
 - o Existing/proposed drainage; and
 - o Existing/proposed parking spaces.
 - ☐ A written statement describing the proposed use(s) of the subject property.
 - ☐ Any other information (elevation drawings, pictures, etc.) in support of the subject request.
-
- I understand that I am requesting an amendment to the City's Zoning Ordinance and it will not be scheduled for Planning and Zoning Commission review unless all items on this list are completed.
 - I understand that in accordance State law and the Zoning Ordinance, no later than ten (10) days prior to consideration by the Planning and Zoning Commission:
 - o A notice will be published in the Valley Morning Star describing the request and the date, time, and location of the public hearing; and
 - o Notices will be mailed to all property owners within 200 feet of the tract describing the request and the date, time, and location of the public hearing.
 - I understand that while all requirements for the submittal of a PDD or SUP request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.
 - I understand that the purpose of a PDD or SUP is to allow for development not otherwise authorized in the Zoning Ordinance. Hence, the Planning and Zoning Commission and/or City Commission may impose development standards important to the health, safety, welfare, and protection of the proposed development and the adjacent property and its occupants.

Owner: Citrus Flatts Energy Center, LLC Date: March 11th, 2025
Owner Address: 310 4th St, NE, 3rd Floor, Charlottesville, VA 22902
Phone/Fax: 434-465-6210
Signature: Tyler Cline Digitally signed by Tyler Cline
Date: 2025.03.11 08:57:38 -05'00'

Attachment II



Request for a Special Use Permit (SUP) to allow an unmanned battery storage facility in a General Retail ("GR") District to be located at 1402 N. Loop 499, bearing a legal description of Tract A, Citrus Flatts Addition Subdivision. Applicant: Sydney Harness c/o Citrus Flatts Energy Center, LLC



Boundary lines

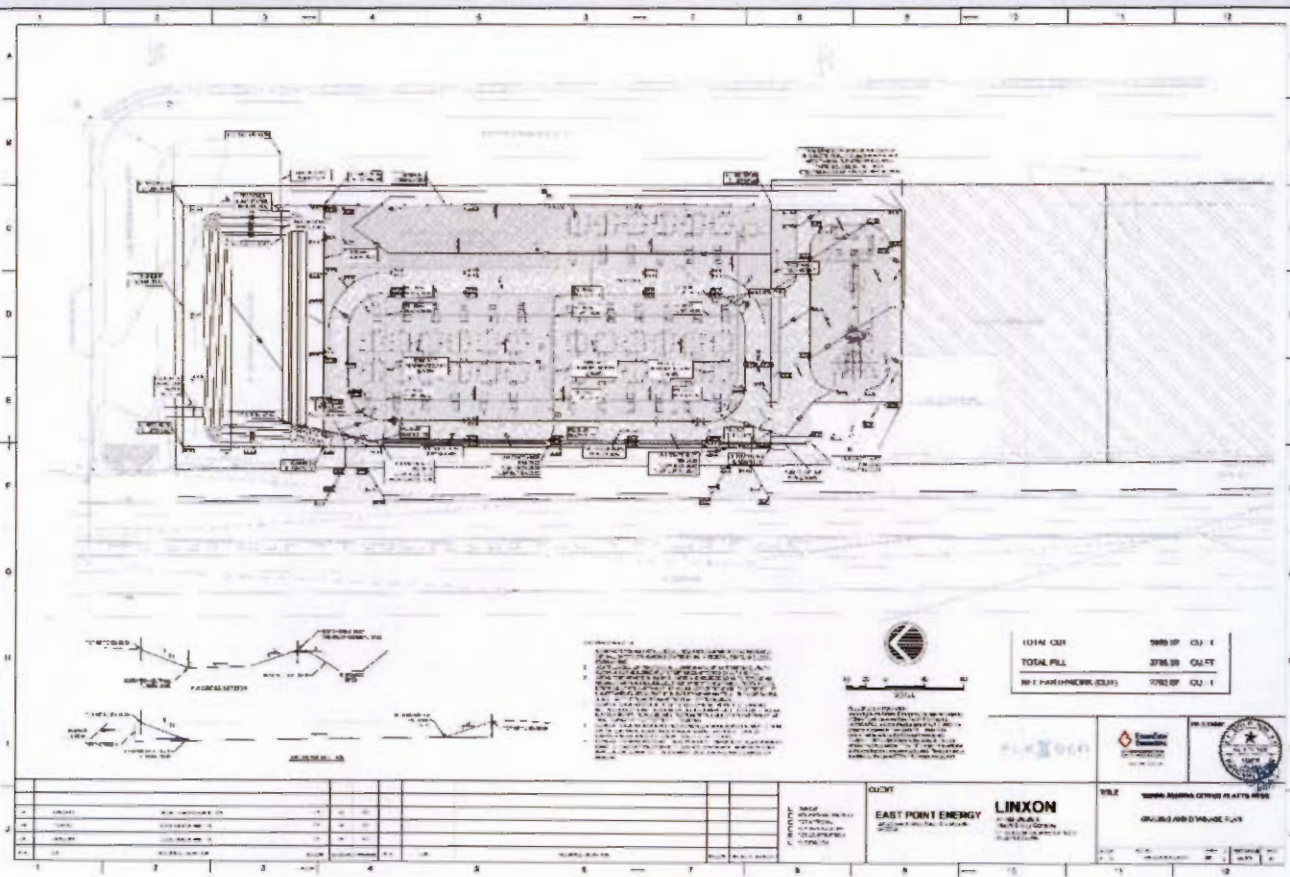
- Harlingen city limits.shp
- 200' Notification Boundary
- Subject Property

Zoning Designations

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

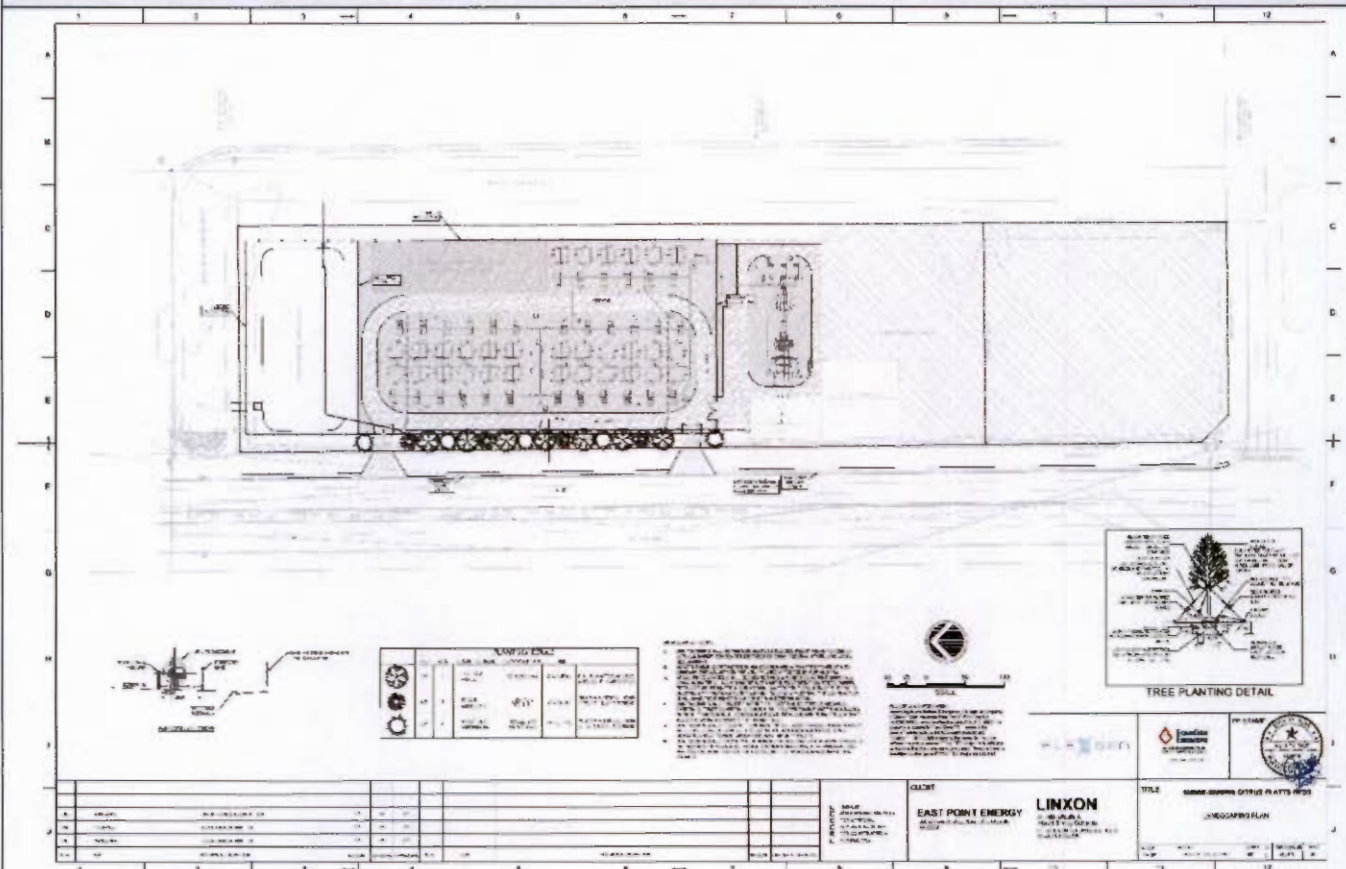
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Attachment III



[illegible]

Attachment III



Attachment IV

Battery Storage Energy Facility-Tucker Road
as of March 20, 2025



Attachment IV

Battery Storage Energy Facility-Tucker Road
as of March 20, 2025



Attachment V

Aerial View



Attachment VI

Street view from Loop 499



Attachment VI

Street view from Loop 499



Attachment VI

Street view from Loop 499



Project Information

Company Background

East Point Energy – the sole owner of Citrus Flatts Energy Center, LLC – is a Virginia-based energy storage developer, owner, and operator. We focus on standalone, utility-scale energy storage systems that help make the electrical grid more renewable, resilient, and affordable. We partner with utilities, landowners, and communities to deploy energy storage solutions that benefit the grid and our environment. East Point Energy is a wholly owned subsidiary of Equinor, a leading company in the energy transition.

Project Details

Introduction

East Point is presenting the City Commission with a Special Use Permit application for the Citrus Flatts Energy Center ("Citrus Flatts"). This project and parcel location received a SUP from the City of Harlingen in May 2023 through Ordinance No. 23.13 to amend a code of ordinance for permissive zone use of an unmanned utility scale battery storage facility. Due to a change in project ownership, Citrus Flatts Energy Center, LLC is reapplying for the special use permit to amend the current SUP and ensure we are fully in compliance with Ordinance No. 111-413.6.

The proposed project is a battery energy storage system (BESS) that will connect to American Electric Power (AEP) infrastructure adjacent to North Loop 499. Once connected, the system will be capable of charging from and discharging to the electrical grid to provide a variety of benefits. This includes, but is not limited to, providing the City's residents and businesses a more reliable electricity grid, indirectly contributing to lower electricity rates, and generating meaningful local tax revenue.

The sections below highlight details of the potential project and our planned conformity to all the City of Harlingen's rules and ordinances.

Table 1

Current Property Owners	Citrus Flatts Energy Center, LLC
Property Address	1402 North Loop 499, Harlingen TX 78550
Property Coordinates	26.20766763868801, -97.66243486126703
Parcel ID	446792
Block	78
Project Acreage	6.27 acres

Property & Topography

The project is located on approximately 6.27 acres east of N Loop 499 road, north of the Heatz Gas Station, adjacent to the AEP Substation and south of Standard Supply. Table 1 (above) contains additional information on the property. Figure 1 (below) shows the general location of the project property.

Project Information

3

Figure 1: Location of Proposed Site**Site Plans**

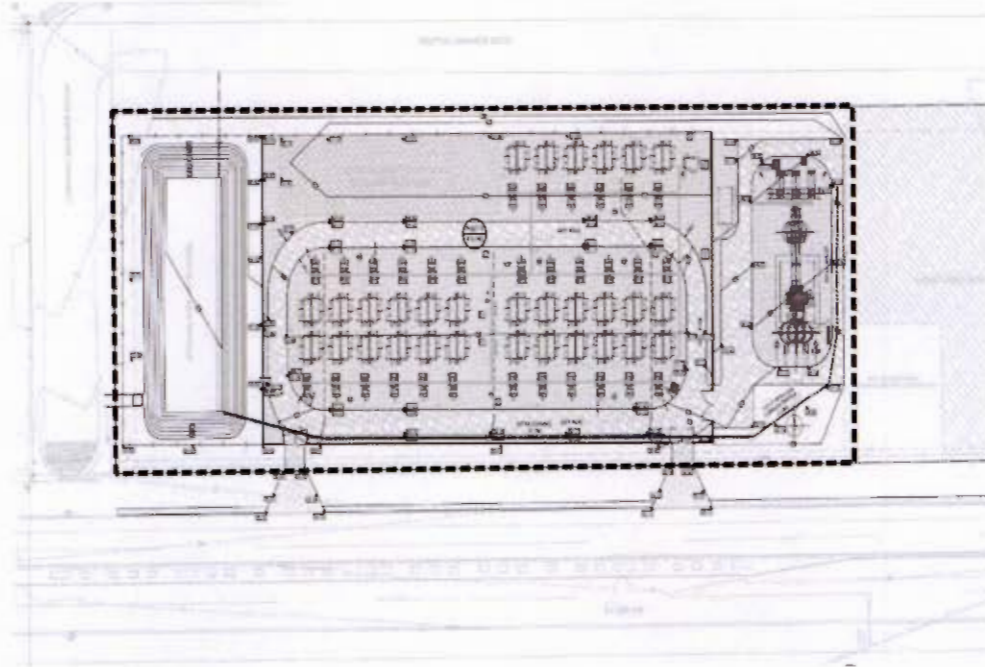
The proposed Citrus Flatts project will be a 100 MW, 2-hour battery energy storage system. Figure 2 (below) shows the site plan for the storage system. High fencing and vegetative screening of the project area is included. The grey "boxes" in Figure 2 highlights where battery containers and associated equipment would be located at the time of construction completion.

Project access will be achieved through two permanent access roads off N Loop 499, as pictured in Figure 2. Project entrances will be up to TXDOT standards. Stormwater has been considered, and the infrastructure will be designed to allow the drainage flows to drain through the property and underneath the road with appropriate measures.

Project Information

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Figure 2: Site Plan



Project Progress Report and History

Citrus Flatts has substantially completed development and progressed to engagement with two engineering procurement contractors. The Black Mountain Energy Storage (BMES) Citrus Flatts project team began actively developing the project in 2022. The project was acquired by East Point Energy (EPE) in 2023. Prior to the change in ownership, Black Mountain secured a SUP with the City of Harlingen for an unmanned utility scale battery storage facility. It was the understanding of the project team that the SUP transferred with the transfer of ownership. Please see an outline below in Table 2 of items completed since the original SUP was approved.

Table 2

August 2023	APA signed & project sale closed	EPE purchases Citrus Flatts project from BMES
September 2023	NTP to utility	EPE notified AEP to proceed (NTP) with engineering design & procurement of transmission facilities
September 2023	EPC pre-bid site walk & Harlingen fire chief meeting	EPE met with prospective EPC contractors to walk project site; EPE team met with Harlingen Fire Station #8 chief & crew members
June 2023	FAA Review	FAA completed a formal review of the project site and determined specification for both the utility and Citrus Flatts to adhere by. AEP and Citrus Flatts have designed all transmission and other infrastructure in accordance with FAA guidance.
October 2023	Geotechnical study completed	Assessed suitability of soil & ground conditions on property for project construction

Attachment VIII

Project Information

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February 2024	LNTP to HV EPC	EPE notified Applied High Voltage (AHV) of limited notice to proceed (LNTP) on engineering & procurement of high-voltage designs & equipment
April 2024	ESA Phase 1 refresh completed	Studied environmental conditions and past uses of property prior to project construction
April 2024	ALTA survey completed	American Land Title Association survey completed in preparation for property purchase
April 2024	Secured project funding	East Point Energy's parent company approved project for funding, achieving a major financial milestone
April 2024	NTP to MV EPC	EPE executed an Engineering, Procurement, & Construction Agreement with Linxon, the medium voltage contractor, providing payments for equipment procurement & project design
May 2024	Property purchase option executed	Citrus Flatts Energy Center, LLC acquired 6.27 acre property on Loop 499 from private landowners
June 2024	Pre-development meeting with City	EPE's Development & EPC teams, contractors, AEP, and City of Harlingen officials met to re-introduce project and discuss requirements for construction & building permits
November 2024	3rd party tax services engaged	Engaged Cirrus Tax Services to prepare for 2025 tax filing and associated appraisal process
December 2024	TXDOT permit secured	Driveway permit from TX Department of Transportation obtained
November 2024	Battery systems arrived in TX	Battery systems delivered to warehouse in Houston, Texas; awaiting delivery to site
February 2025	Completion of AEP Interconnection Studies	AEP finalized Facilities, Steady State, Short Circuit, and Stability Studies to evaluate the electrical characteristics of the project

Project Information

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Contractors

Linxon and Applied High Voltage (AHV) have completed preconstruction preparations and have mobilized to site. Upon successful review of the SUP and all needed permits in hand both EPCs are prepared for full construction mobilization.

Table 3

Linxon	Medium Voltage EPC
Applied High Voltage (AHV)	High Voltage EPC

Equipment

In preparation for construction, equipment has been procured. Table 4 below outlines the vendors and model for the project's main equipment: Battery Enclosure, power conversion system, and main power transformer. Please note Exhibits 3 & 4 outline in more detail specifications for the Battery Enclosure and Power Conversion System.

Table 4

Battery Enclosure	CATL EnerC+
Power Conversion System (PCS)	SunGrow SC5000
Main Power Transformer (MPT)	HICO-Memphis

Project Information

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Safety, Environment, & Operation

BESS facilities are built to be good neighbors, prioritizing safety of our projects, environment, and communities in which our projects are located. East Point Energy puts this in practice by adhering to robust codes and standards, ensuring the BESS contains advanced safety systems and designs, partnering with local first responders, and proactive and routine maintenance.

This Energy Center will have no emissions into the environment around the City of Harlingen as lithium-ion is a non-emitting technology. Since the site is remotely monitored and operated, there will be little lighting required beyond what is needed for safety purposes.

BESS projects are fundamentally safe to install and operate, which is reflected by the exponential growth in deployments in recent years all around the world. Amongst a rapid deployment of these types of projects, fire-related instances remain incredibly rare. There have been ~20 incidents in the last 10 years at U.S. operating energy storage facilities; this coincides with energy storage deployment growth of more than 25,000% since 2018.

Past fire-related incidents demonstrate that fires are contained within the facility, and air quality in neighboring areas remains at safe levels. Furthermore, all investigations into all historical grid-scale BESS fires have found there has been no risk to public health, neighboring properties, or the surrounding community.

For a more comprehensive overview on safety, generally and specific to the equipment being utilized for Citrus Flatts, please see *Exhibit 9 – Battery Energy Storage System Safety Overview* and *Exhibit 10 – Specific Battery Safety Design Overview*. East Point Energy is more than willing to provide additional materials and discuss further to ensure alignment on this important topic.

Regarding operations, the system will be remotely monitored 24/7 – 365 days a year and will require infrequent visits from trained staff as the majority of system operations will be handled remotely. East Point acknowledges the limited risks associated with lithium-ion BESS and will ensure local, state, and federal safety requirements are followed and that local responders are well-trained and equipped to handle any kind of response to a system malfunction.

Community Development and Tax Benefits

East Point Energy intends to be a good neighbor and long-term partner in the communities where we develop, build, own and operate projects. Our desire for said partnership with Harlingen is no different. East Point Energy has committed to donate \$175,000 to the Corporation of Harlingen, Inc for a new soccer complex following the completion of the Citrus Flatts project.

In addition to the donation for the city's economic development, Citrus Flatts is anticipated to bring around \$19 million in tax revenue to the surrounding community. This tax revenue is largely due to the improvements that will be installed for the operations of the facility. A large portion of the equipment contributing to the increase in tax revenue has already been purchased by East Point Energy. Please see an estimated tax revenue break out for the county, city, school, and port over the life of the project in Exhibit 15.

Project Information

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Conclusion

In summary, East Point Energy is respectfully requesting a Special Use Permit or an amendment to the existing SUP, allowing the development of a battery energy storage system, with a capacity of up to 100MW. This project will help to increase the reliability and resiliency of the local electricity grid, indirectly lower electricity rates, and provide tax revenue to the City of Harlingen with little to no impact on local resources such as schools and roads. This application and the material financial and resource commitment made to date is an indication of our confidence in and excitement for this project.

Project Information

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Exhibits:

- Exhibit 1: Site Plan
- Exhibit 2: Rendering of Site Plan
- Exhibit 3: Battery Specification
- Exhibit 4: Inverter Specifications
- Exhibit 5: Substation Specification
- Exhibit 6: Community Benefit Agreement
- Exhibit 6 A: Community Benefit Agreement Amendment
- Exhibit 7: Citrus Flatts 911 Address
- Exhibit 8: Plat
- Exhibit 9: Energy Storage System Safety Design Overview
- Exhibit 10: Specific Equipment Safety Design Overview
- Exhibit 11: Landscaping Plans
- Exhibit 12: Drainage Site Layout
- Exhibit 13: Drainage Calculations
- Exhibit 14: UL 9540A Report
- Exhibit 15: Estimated Taxes

Appendix**Statement of Qualifications**

East Point Energy is a development firm focused on the origination, construction, and operation of energy storage projects. Our team is currently developing gigawatts of energy storage projects throughout the country, helping to transform the grid into a renewable, resilient, and affordable system for generations to come. East Point is a wholly owned subsidiary of Equinor, a broad international energy company committed to long-term value creation in a low-carbon future.

East Point's nimble team is comprised of hard-working, strategic problem solvers who are passionate about sustainability. We are technology and contractor agnostic, allowing us to find the best solution for each project. The firm's executive team founded East Point in 2018, bringing decades of combined energy development experience. Success for East Point is measured by delivering affordable energy storage solutions that benefit the grid, communities, and our environment.

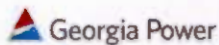
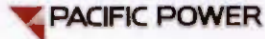
East Point at a Glance

- 3.7 GW energy storage projects actively under development
- Management team has developed over 1.8 GW (\$1.5B) of operating Distributed Energy Resources around the country
- Developed 88 MWh of projects that are now operated by leading electrical utilities in the Commonwealth of VA

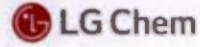
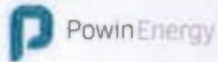
Project Information

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Utility Partners (East Point & Executive Experience)



Supply Chain Partners

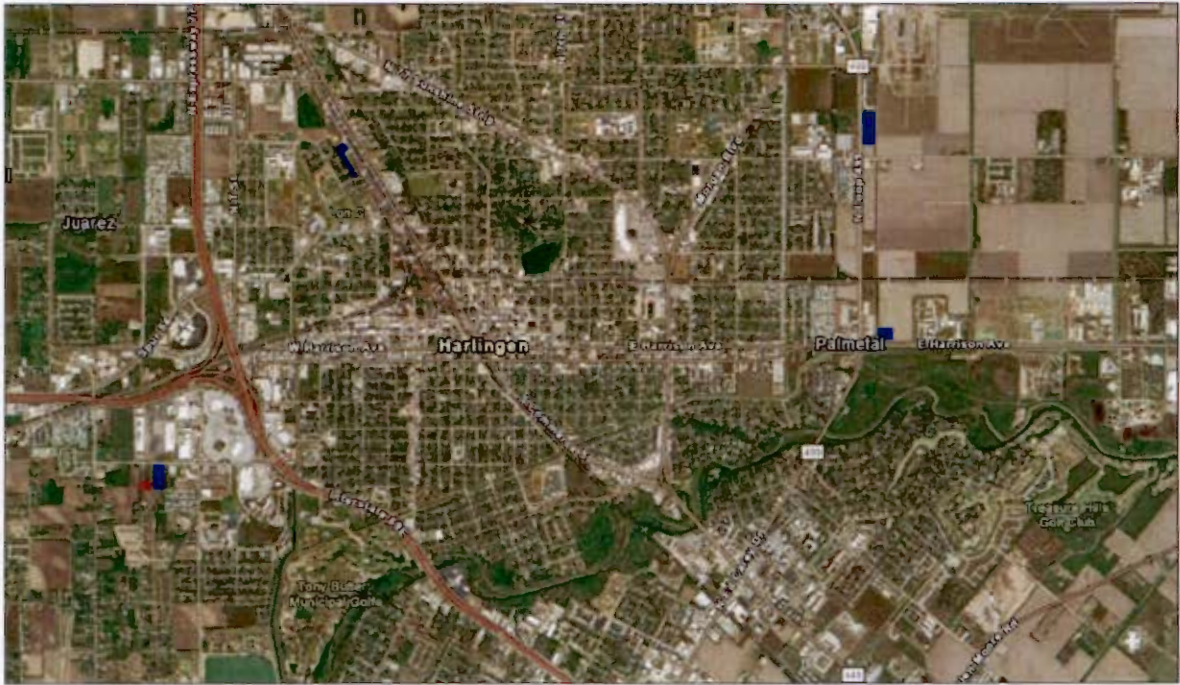


Attachment IX – Tax Projections

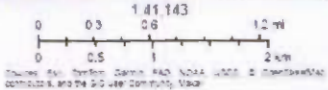
	Net Initial Capital	Depreciation Factor	Net Initial Value	Tax Rate (Current)	Tax Rate (Harrisburg)	Tax Rate (Port)	Tax Rate (Harrisburg & Port)	Total Tax Rate	Estimated Taxes (Current County)	Estimated Taxes (Harrisburg)	Estimated Taxes (Port)	Estimated Taxes (Harrisburg & Port)	Total Estimated Taxes (County, City, Port, etc.)
2906	100,144,309.00	0.00%	100,144,309.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	427,503.86	528,385.35	26,113.08	953,902.29	1,908,401.34
2907	100,144,309.00	0.00%	92,130,754.28	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	393,503.30	486,022.44	18,954.67	898,480.41	1,743,986.67
2908	100,144,309.00	0.00%	84,115,776.47	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	354,832.53	436,476.77	16,694.61	807,903.91	1,573,209.67
2909	100,144,309.00	0.00%	75,106,231.75	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	320,621.76	396,213.95	15,085.49	731,921.20	1,411,575.30
2910	100,144,309.00	0.00%	66,095,243.04	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	287,155.97	348,862.27	13,275.23	649,293.47	1,290,966.30
2911	100,144,309.00	0.00%	57,084,254.33	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	247,955.75	306,405.40	11,466.11	565,827.26	1,141,811.34
2912	100,144,309.00	0.00%	48,073,265.62	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	214,495.43	264,905.36	9,656.86	489,057.65	978,113.34
2913	100,144,309.00	0.00%	39,062,276.91	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	175,278.71	216,986.96	8,246.73	399,512.40	777,127.67
2914	100,144,309.00	0.00%	30,051,288.20	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	136,602.89	166,051.28	6,436.46	309,090.63	608,538.67
2915	100,144,309.00	0.00%	21,040,300.49	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	102,902.17	126,788.48	4,827.36	234,518.01	454,964.39
2916	100,144,309.00	0.00%	12,029,312.78	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	55,501.81	73,857.05	2,822.80	132,161.66	270,966.67
2917	100,144,309.00	0.00%	3,018,325.07	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	13,851.81	18,467.05	707.80	33,026.66	67,066.67
2918	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2919	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2920	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2921	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2922	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2923	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2924	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2925	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2926	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2927	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2928	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2929	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2930	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2931	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2932	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2933	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2934	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2935	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2936	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2937	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2938	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2939	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2940	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2941	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2942	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2943	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2944	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2945	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2946	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2947	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2948	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2949	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2950	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2951	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2952	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2953	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2954	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2955	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2956	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2957	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2958	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2959	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
2960	100,144,309.00	0.00%	0.00	0.426893%	0.527524%	0.000000%	0.954317%	0.954317%	0.00	0.00	0.00	0.00	0.00
TOTAL	4,565,562.28		5,382,509.70						205,162.94	253,909.76	9,370.15	568,442.85	1,036,485.65

Attachment X – BESS Maps

Battery Storage Facilities



3/20/2024



Attachment XI-Fire Department



Specific Use Permit ("SUP") Routing Slip

Applicant: Sydney Harness c/o Citrus Flatts Energy Center, LLC

Phone No.: (434) 310-1740

Location: 1402 N. Loop 499 (East Corner of Loop 499 and North of Grimes Avenue)

Project Description: Request for a Special Use Permit (SUP) to allow an unmanned battery storage facility in a General Retail ("GR") District to be located along the East side of Loop 499, being 277 feet North of Grimes Avenue, bearing a legal description of Tract A Citrus Flatts Subdivision.

Department: Fire Prevention Bureau

Approval: X YES NO

Comments: **Applicant will have to meet any code, regulation, ordinance, and standard required for permit.**

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr.

Date: March 17, 2025

Attachment XII-Building Inspections



Specific Use Permit ("SUP") Routing Slip

Applicant: Sydney Harness c/o Citrus Flatts Energy Center, LLC

Phone No.: (434) 310-1740

Location: 1402 N. Loop 499 (East Corner of Loop 499 and North of Grimes Rd.)

Project Description: Request for a Special Use Permit (SUP) to allow an unmanned battery storage facility in a General Retail ("GR") District to be located along the East side of Loop 499, being 277 feet North of Grimes Road, bearing a legal description of Tract A Citrus Flatts Subdivision.

Department: Building Permits and Inspections Department

Approval: ☒ YES ☐ NO

Comments:

If request is approved by the Planning Department, A Building Permit application and complete set of construction documents for the proposed use must be submitted to the Building Department. The construction documents must comply with the 2018 International Building Code and Family of Codes. The city commission adopted the new 2024 family of codes which will take effect on May 6, 2025. Any building permit applications received after that date will have to follow the new codes.

Raul Rodriguez

Signature

03/19/2025

Date



March 21, 2025

Ms. Soledad Nunez
Interim Planning and Development Director
City of Harlingen - Lon C. Hill Building
502 East Tyler Avenue
Harlingen, Texas 78550

RE: Citrus Flatts Energy Center

Dear Sol,

I am writing to express support for the Citrus Flatts Energy Center, LLC unmanned battery storage project. The Harlingen Economic Development Corporation and its Board of Directors recommend approval of the Specific Use Permit required by the City of Harlingen.

At the Harlingen Economic Development Corporation, we are committed to supporting growth for development that benefits the community. The energy supply produced by the utility scale battery could supply enough power for 50,000 homes within the area.

Additionally, with the expansion of public utilities and platting, the Citrus Flatts project will encourage commercial development on the corner of Grimes and FM 499 for general retail use. Furthermore, the landscaping and fencing will create the needed beautification of the project along FM 499.

Thank you for your consideration of this letter of support and your continued efforts with development in Harlingen.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Orlando Campos', is written over a light blue circular stamp.

Orlando Campos
Chief Executive Officer

Attachment XIV-Engineering

Pending Engineering

Attachment XV-Valley International Airport

From: [Mary Esterly](#)
To: [Sol Nunez](#)
Cc: [Joel Olivo](#); [Bryan Wren](#)
Subject: RE: Citrus Flats Battery Storage Facility
Date: Thursday, March 20, 2025 11:16:52 AM
Attachments: [image003.png](#)
[image004.png](#)

Good Morning,

Thank you for reaching out regarding the Citrus Flats Battery Storage Facility located at 1402 N. Loop 499.

Valley International Airport has reviewed the attached documents and site plans provided for the proposed Special Use Permit. We have no objections, concerns, or additional comments regarding the planned use of this site or its proximity to the airport. Our position remains consistent with the feedback previously provided to the prior property owner in May of 2023.

Please feel free to reach out if you require further information or clarification.

Sincerely,

Marv Esterly

Director of Aviation



Valley International Airport

3002 Heritage Way, Harlingen, TX 78550

956-430-8605 fax 956-430-8619 cell 956-873-8988

<https://link.edgepilot.com/s/a602c9ec/KH1v9k201ku3W3QI3mQKNQ?u=http://www.flythevalley.com/>

<https://link.edgepilot.com/s/52b4b007/KmWma3m-qU6yNC8MWXR0CA?u=http://www.harlingenaerotropolis.com/>

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AN ORDINANCE AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 16-8) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIAL USE PERMIT (SUP) TO ALLOW AN UNMANNED BATTERY STORAGE FACILITY IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 1402 N. LOOP 499. BEARING A LEGAL DESCRIPTION OF TRACT A, CITRUS FLATS SUBDIVISION, LOCATED ALONG THE EAST SIDE OF LOOP 499, BEING 277 FEET NORTH OF GRIMES ROAD. APPLICANT: SYDNEY HARNESS C/O CITRUS FLATS ENERGY CENTER, LLC

WHEREAS, the Planning and Zoning Commission of the City of Harlingen pursuant to Harlingen's Zoning Ordinance procedure, has recommended a special 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 special 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 changed for permissive zone use as indicated:

Special Use Permit (SUP) to allow an unmanned battery storage facility in a General Retail ("GR") District to be located along the East side of Loop 499, being 277 feet North of Grimes Road, bearing a legal description of Tract A out of the proposed Citrus Flats Subdivision being 8.27 acres out Block 8, Harlingen Land and Water Company Subdivision, as shown in Exhibit A, subject to:

1. Complying with Planning ordinances and regulations, Fire Prevention Bureau's regulations, Engineering's regulations and Building Inspections ordinances and regulations.
2. Install and maintain an 8-foot solid wall along the Loop 499 boundary of the property with landscaping and an irrigation system between the wall and the pavement.
3. The project must be approved by the Fire Chief prior to a building permit being issued.

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 _____, 2025 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

Norma Sepulveda, Mayor

ATTEST:

Hermelinda Gonzales, Interim City Secretary

Exhibit "A"

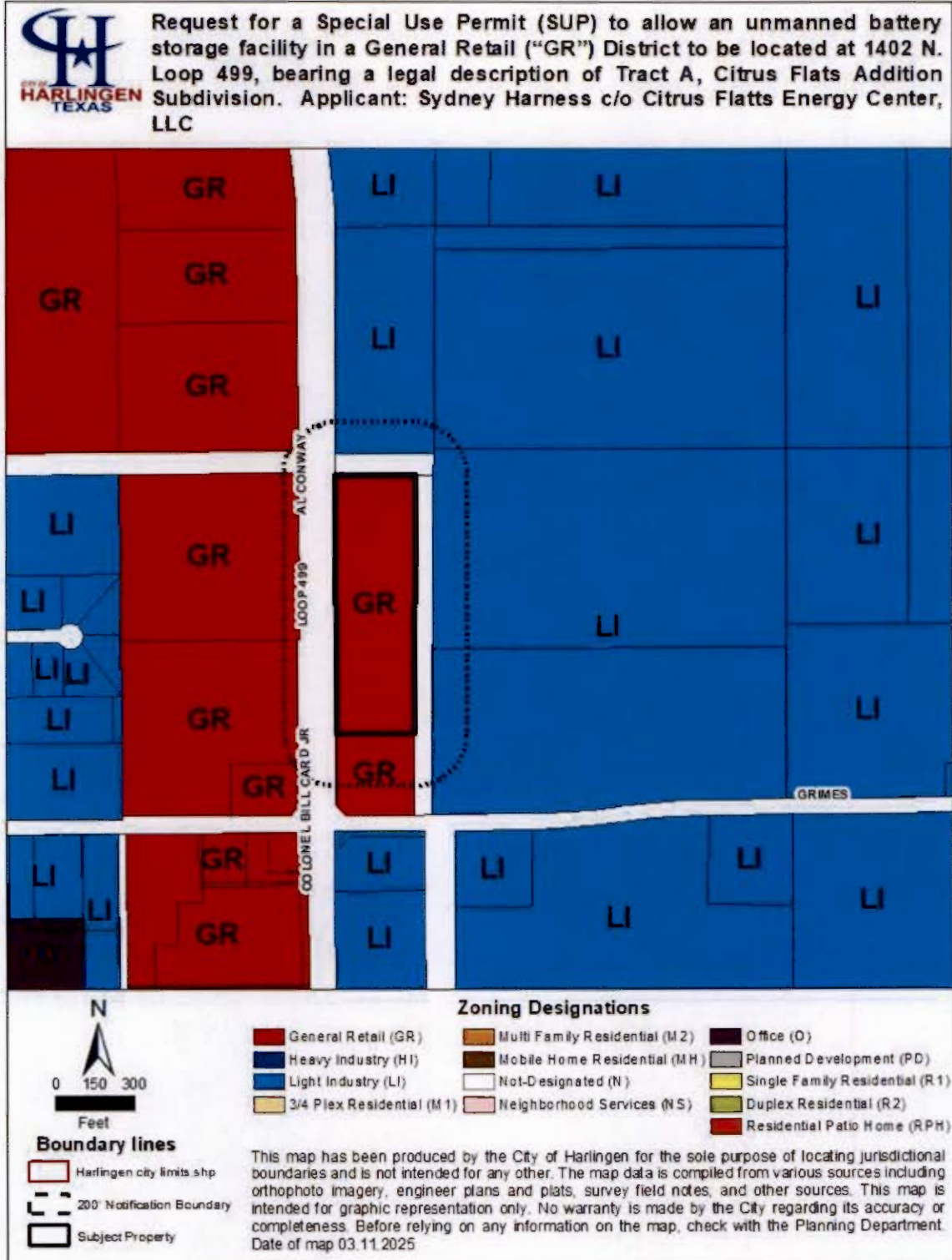
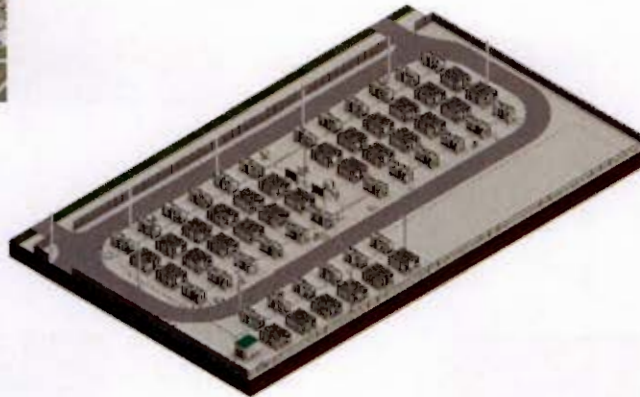


Exhibit "A"

CITRUS FLATTS BESS PROJECT

1402 NORTH LOOP 499, HARLINGEN CAMERON COUNTY, TX 78550, USA



DRAFTING LEGEND

PROBLEM 10 (10 points)

Find the value of x in the triangle below.

Triangle ABC with angles:

- $\angle A = 100^\circ$
- $\angle B = 40^\circ$
- $\angle C = x^\circ$

Side lengths:

- $AB = 10$
- $BC = 10$

Find x .

Solution:

Since $AB = BC$, triangle ABC is isosceles with base AC. Therefore, the base angles are equal:

$$\angle B = \angle C$$

Given $\angle B = 40^\circ$, we have:

$$\angle C = 40^\circ$$

Therefore, $x = 40$.

Answer: $x = 40$

[illegible]

MURRAY AND STYBLO
 EFFECT OF VIBR AND
 DRINKING COOL BALL
 MARCH 29 2005
 CHRYSTEN BP
 MATHS BP

16	CONGRAD	BRIDGE FOR CONSTRUCTION	16	TL	
17	CONGRAD	BRIDGE FOR CONSTRUCTION	16	TL	
18	CONGRAD	BRIDGE FOR CONSTRUCTION	16	TL	

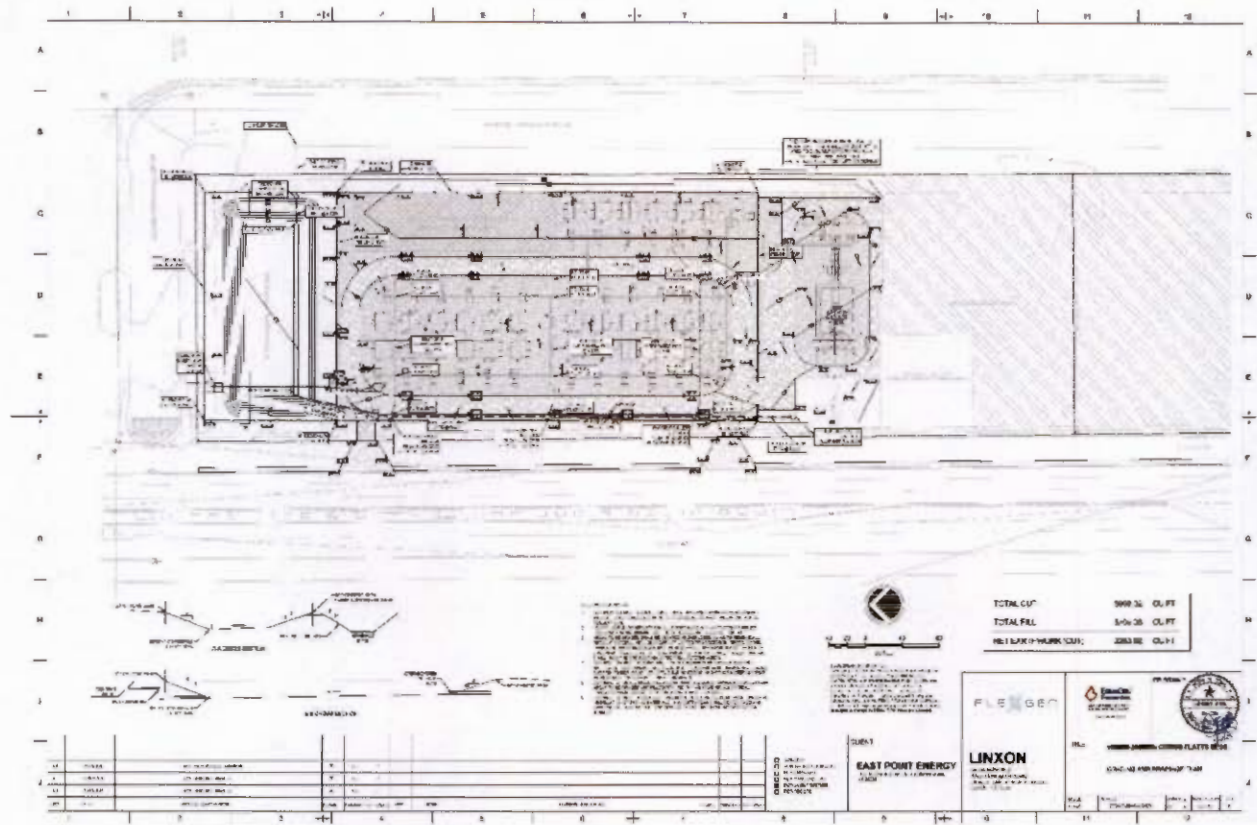
[illegible]

EAST POINT ENERGY
 10000 EAST POINT DRIVE
 HOUSTON, TEXAS 77060



24	0.0	0.0	0.0
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Exhibit "A"



**AGENDA ITEM
EXECUTIVE SUMMARY**

7(c)

Meeting Date: **April 16, 2025**

Agenda Item:

Consideration and possible action to approve an ordinance on second and final reading amending the previously approved Planned Development ("PD") District Site Plan to allow for 28-foot wide streets with 30-feet of right-of-way for 90 townhome lots and one commercial lot development on a property bearing a legal description of 12.537 acres of land out of a Portion of Lots 1, 2, 7, and all of Lot 8, Block 146, San Benito Land and Water Company Subdivision, located on the northwest corner of Haine Drive and FM 509. Applicant: Melden and Hunt, c/o HDP Paso Real, LLC. Attachment (**Planning & Development**)

Prepared By: Soledad A. Núñez, CNU-A
Title: Interim Planning and Development Director

Signature: *Soledad A. Núñez*

Brief Summary:

Project Timeline

- January 24, 2025 – Application for an amendment to the PD site plan submitted to the City. (**ATTACHMENT I**).
- March 14, 2025 – In accordance with State and local law, notice of the required public hearing mailed to all property owners within a 200 feet radius of subject tract.
March 15, 2025 – In accordance with State and local law, notice of the required public hearings was published in the Valley Morning Star.
- March 26, 2025 - Public hearing and consideration of the requested amendment of the PD site plan by the Planning and Zoning Commission (P&Z).
- April 7, 2025 – Public hearing and consideration of requested amendment of the PD site plan via 1st ordinance reading scheduled before the City Commission.
- April 16, 2025 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Melden and Hunt on behalf of HDP Paso Real, LLC is requesting to amend the Planned Development (PD) site plan to allow for 28-foot wide private streets with 30 feet of right-of-way for 90 townhome lots and one commercial lot development. (**ATTACHMENT II**).
- The irregular shaped property is currently vacant and not subdivided. The developer is proposing to subdivide the property under the name of Villas at Paso Real Subdivision. The property has 495.05 feet of frontage on Haine Drive and 524 feet of frontage on FM 509.
- The original Planned Development (PD) ordinance for the subject property which

was approved in December 2021 showed the property to be developed with multi-family lots and one commercial lot. **(ATTACHMENT III)**

- The new proposed site plan will allow for 90 townhome lots, one commercial lot, and a lot designated for common area. The residential section will be a gated development with lots sizes varying from 3,137 square feet to 4,910 square feet. All lots sizes exceed the minimum 2,500 square feet lot size required for a townhome lot. The maximum height of the homes will be 30 feet. All townhome lots will front 28-foot wide paved streets. The internal streets will be private with no parking permitted on both sides of the interior streets. The setbacks for the townhome lots will be 20 feet in the front, 0 feet on the sides, 10 feet on the corner sides, and 10 feet in the rear of the property. The setbacks for the commercial lot are 20 feet on the east and south sides, and 10 feet on the north and west sides. **(ATTACHMENT IV)**
- The surrounding properties are zoned Planned Development ("PD") District for single family residential use to the north, Office ("O") District and General Retail (GR) to the south, and Planned Development (PD) District to the west. East of FM 509 is outside the city limits. The surrounding land uses consist of single family residential use to the north, vacant land in agricultural use to the south, and vacant land in agricultural use, single family residential use, and an electrical substation to the west. East of FM 509 is outside the city limits. **(ATTACHMENT V-VII)**
- The Building Inspections, Fire Prevention and Engineering Departments have reviewed the request. The Building Inspections, Fire Prevention and Engineering Departments reported no objection to the request amendment to the planned development site plan subject to complying with all applicable codes. **(ATTACHMENT VIII-X)**
- The Future Land Use Plan (FLUP) component of the City of Harlingen Comprehensive Plan One Vision One Harlingen shows this area as low density residential. The request is generally consistent with the Future Land Use Plan and consistent with the surrounding zoning and land use. **(ATTACHMENT XI)**
- To the present, the Planning and Zoning Department has not received any opposition to the requested amendment.

Funding (if applicable):

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

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

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

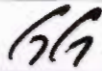
Staff Recommendation:

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

1. Compliance with all applicable building codes and regulations;
2. No on-street parking permitted on both sides of the interior streets; and

3. Compliance with drainage requirements and all applicable requirements from the Engineering Department.

City Manager's approval:



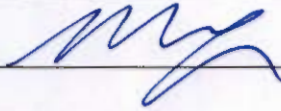
☒ Yes

☐ No

☐ N/A

Comments:

City Attorney's approval:



☒ Yes

☐ No

☐ N/A

Attachment I

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

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

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

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

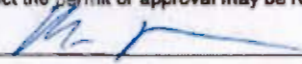
Select appropriate process for which approval is sought. Attach completed checklists with this application.

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

Please provide a basic description of the proposed project:

Proposing Town-homes

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: 1-24-2025

Property Owner(s) Signature: _____ Date: _____

Accepted by: _____ Date: _____

Attachment I

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

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

Complete

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

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

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

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

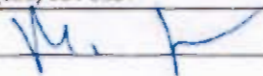
- I understand that I am requesting an amendment to the City's Zoning Ordinance and it will not be scheduled for Planning and Zoning Commission review unless all items on this list are completed.
- I understand that in accordance State law and the Zoning Ordinance, no later than ten (10) days prior to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

Owner: c/o Mario A. Reyna

Date 1-24-25

Owner Address: 115 W. McIntyre Street Edinburg, Texas 78541

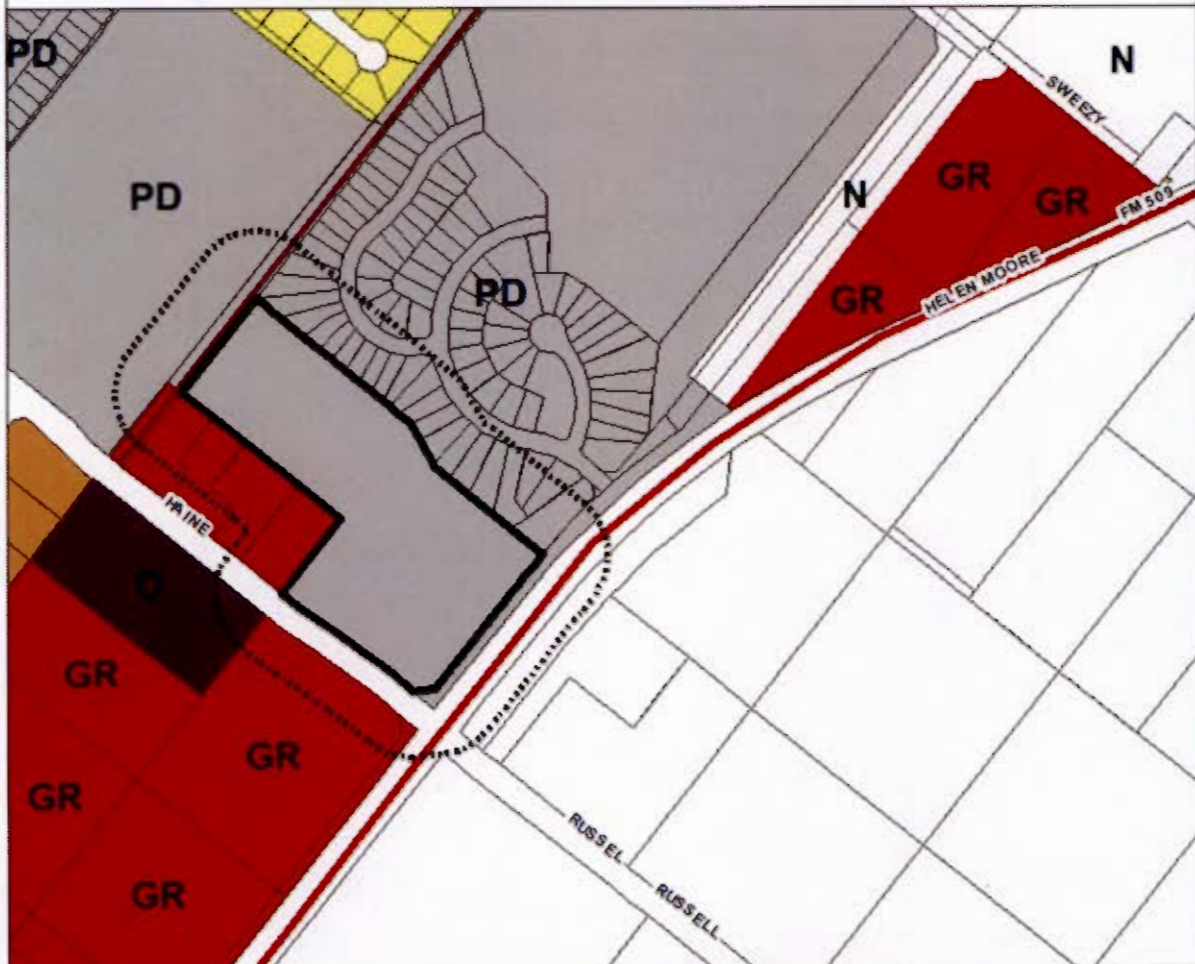
Phone/Fax: (956) 381-0981

Signature: 

Attachment II



Request to amend the previously-approved Planned Development ("PD") District site plan to allow for 28-foot wide streets with 30-feet of Right-of-Way for a 90-lot townhome development and one commercial lot development on a property bearing a legal description of 12.537 acres of land out of a Portion of Lots 1, 2, 7, and all of Lot 8, all out of Block 146, San Benito Land and Water Company Subdivision, located on the northwest corner of Haine Road and FM 509. Applicant: Melden & Hunt c/o HDP Paso Real, LLC (Nick Rhodes)



Boundary lines

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

Zoning Designations

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

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 03.20.2025

Attachment III

ORDINANCE NO. 2022-01

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

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

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

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

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

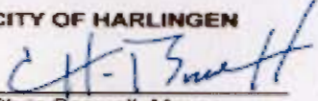
1. Compliance with the drainage requirements and all applicable requirements from the Engineering Department;
2. Compliance with the applicable requirements from the Fire Prevention Bureau; and
3. Compliance with the building code requirements.

Attachment III

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 5th day of January, 2022 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF HARLINGEN

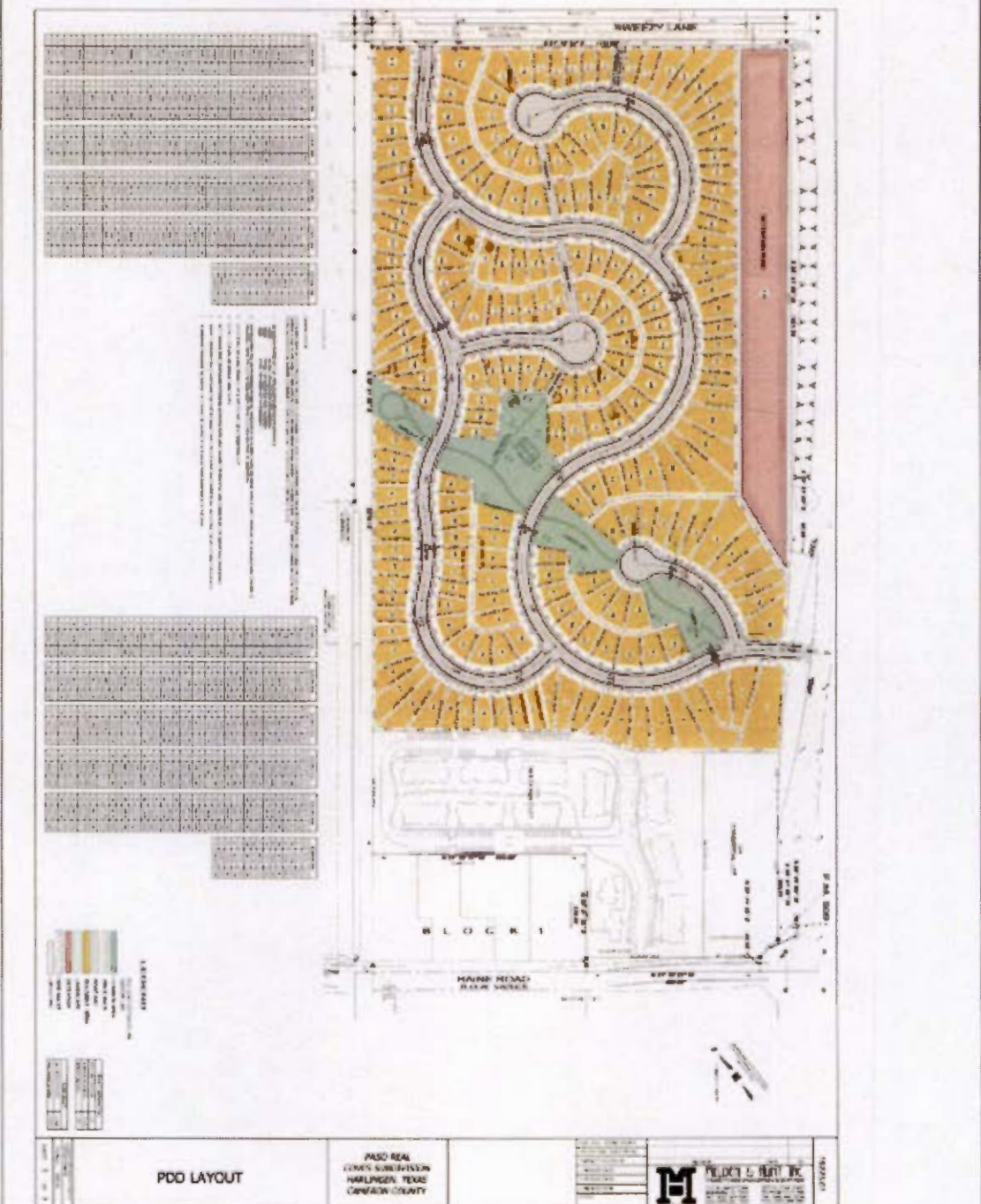

Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary

Attachment III

EXHIBIT A



[illegible]

Attachment V

View from the South on Haine Drive

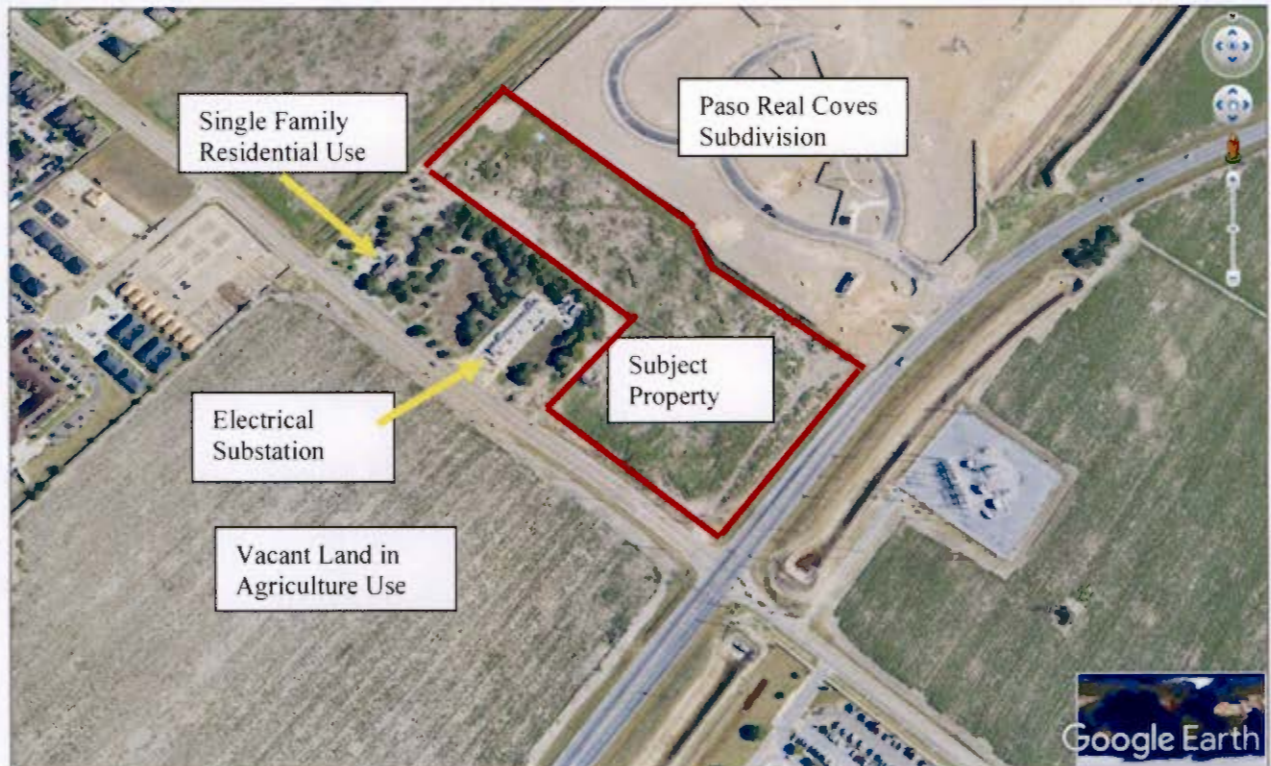


Attachment VI

View from the East on FM 509



Attachment VII





Planned Development (PD) Request Routing Slip

Applicant: Meden and Hunt, c/o HDP Paso Real, LLC

Phone No.: (956)381-0981

Location: Northwest corner of Haine Road and FM 509.

Project Description: Request to amend the Planned Development ("PD") District site plan to allow for 28 ft wide street with 30 ft of right-of-way with smaller lot sizes for a 90-lot single-family and 1 commercial lot development.

Department: Building Permits and Inspections Department

Approval: ☒ YES NO

Comments: If request is approved by the Planning Department, A Building Permit application and complete set of construction documents for the proposed use must be submitted to the Building Department. The construction documents must comply with the 2018 International Residential Code and Family of Codes. Windstorm Engineered plans are required with min. 140 mph wind speeds. The city commission adopted the new 2024 family of codes which will take effect on May 6, 2025. Any building permit applications received after that date will have to follow the new codes.

Raul Rodriguez

Signature

03/21/2025

Date

Attachment IX



Planned Development (PD) Request Routing Slip

Applicant: Melden & Hunt, c/o HDP Paso Real, LLC

Phone No.: (956) 381-0981

Location: Northwest corner of Haine Drive and FM 509.

Project Description: Request to amend the Planned Development ("PD") District site plan to allow for 28 ft wide street with 30 ft of right-of-way with smaller lot sizes for a 90-lot single-family and 1 commercial lot development.

Department: Fire Prevention Bureau

Approval: X YES NO

Comments: Applicant will have to meet any code, regulation, ordinance, and standard required for permit.

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr.

Date: March 17, 2025



Engineering Department | 24200 FM 509, Harlingen, Texas 78550

February 20, 2025

Isac Ramirez, EIT, CFM
Project Engineer

Mr. Joel Olivo
Assistant Director for Planning and Development
502 E. Tyler Ave., Harlingen, Texas 78550

RE: REVIEW OF VILLAS AT PASO REAL PRELIM/FINAL – 2nd SUBMITTAL

Dear Mr. Olivo,

Please find comments below regarding the preliminary construction documents for the above-mentioned subdivision per Section 109-128.(a) of the City of Harlingen City Ordinances.

- ☐ Approved
- ☒ Approved with Conditions
- ☐ Disapproved

Please review and address the following comments:

Plat

- Include 30x30 corner clips at every Haine rd and interior road intersection.
- For all interior streets, provide 15x15 corner clips or modify the radius to be 20-ft. At the moment they are all 10-ft.

Civil Plans

- Provide a full set of construction plans for review. Additional comments may be provided.
- Adjust all the street elevations to ensure the running slope is not less than .2%. City of Harlingen minimum slope is 0.3%

Drainage Report

- Approved as stated on Drainage report, this subdivision is part of the Paso Real Master plan approved in 2021

Please note that this review shall be for conformance to subdivision regulations and the responsibility and liability for the adequacy of the design shall remain with the Engineer sealing the documents.

If you have any questions, please feel free to contact me at (956) 216-5283 or via email at isacr@harlingentx.gov.

Sincerely,

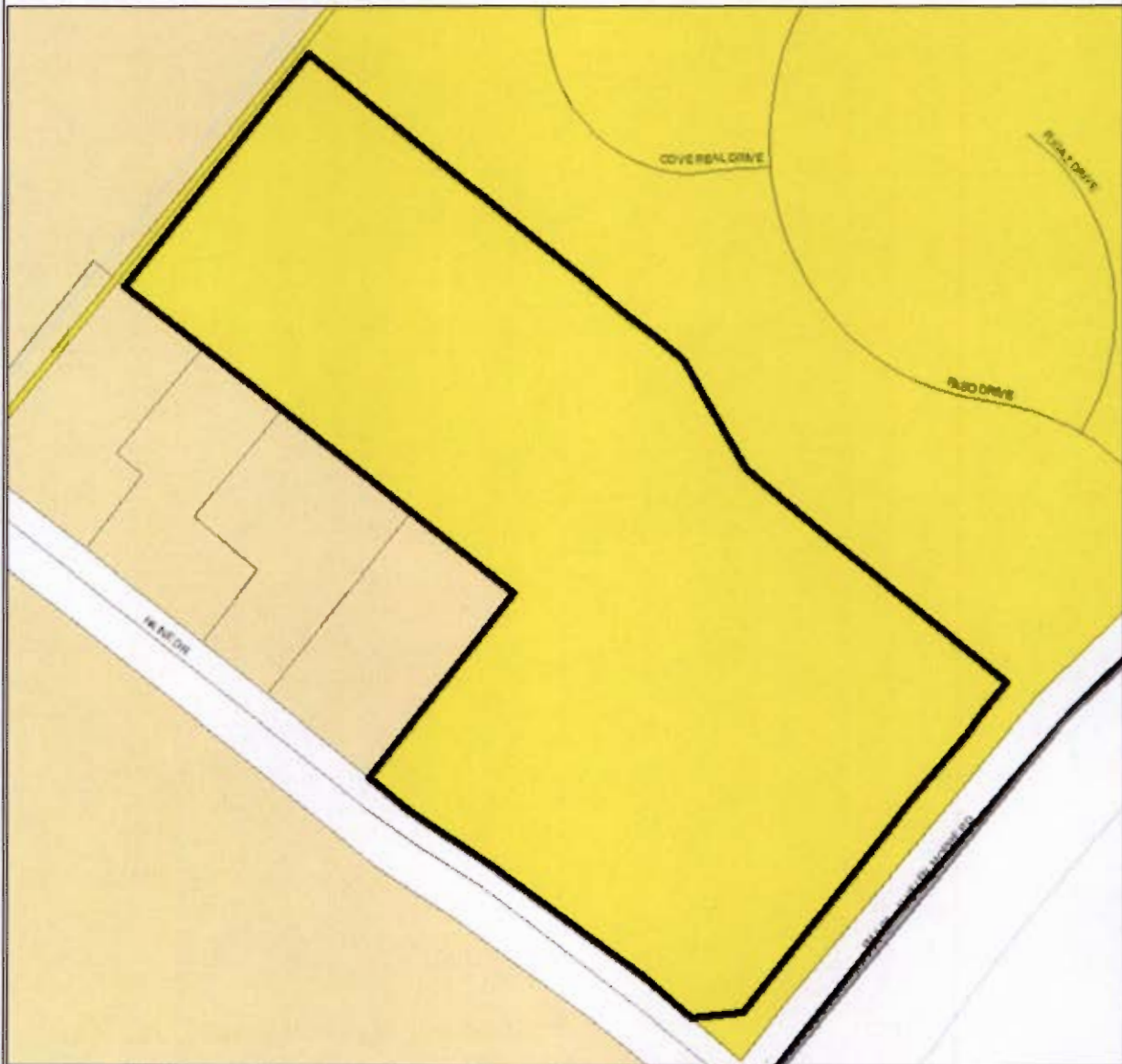
Isac J. Ramirez
Digitally signed by Isac J. Ramirez
DN: cn=Isac J. Ramirez, o=City of Harlingen, ou=Engineering
Date: 2025.02.20 11:45:00 -0500

Isac Ramirez, EIT, CFM

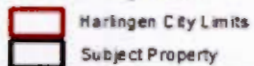


Future Land Use Map

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



Boundary Lines



Future Land Use

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

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 PURPOSE. THE MAP DATA IS COMPILED FROM VARIOUS SOURCES INCLUDING ORTHOPHOTO IMAGERY, ENGINEERING PLANS AND PLATS, SURVEY FIELD NOTES AND OTHER SOURCES. THIS MAP IS INTENDED FOR GRAPHIC REPRESENTATION ONLY. NO WARRANTY IS MADE BY THE CITY OF HARLINGEN REGARDING ITS ACCURACY OR COMPLETENESS. BEFORE RELYING ON ANY INFORMATION ON THE MAP, CHECK WITH THE PLANNING DEPARTMENT. DATE OF MAP 03.21.2025

ORDINANCE NO. 25_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: AMENDING THE PLANNED DEVELOPMENT ("PD") SITE PLAN TO ALLOW FOR 28-FOOT WIDE STREETS WITH 30-FEET OF RIGHT-OF-WAY FOR 90 TOWNHOME LOTS AND ONE COMMERCIAL LOT DEVELOPMENT ON A PROPERTY BEARING A LEGAL DESCRIPTION OF 12.537 ACRES OF LAND OUT OF A PORTION OF LOTS 1, 2, 7, AND ALL OF LOT 8, BLOCK 146, SAN BENITO LAND AND WATER COMPANY SUBDIVISION, LOCATED ON THE NORTHWEST CORNER OF HAINE 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) and Ordinance 2022-01 establishing the original planned development site plan, be and the same is herewith amended by the following described property being changed for permissive zone use as indicated:

Amending the Planned Development ("PD") site plan to allow for 28-foot wide streets with 30-feet of right-of-way for 90 townhome lots and one commercial lot development on a property gearing a legal description of 12.537 acres of land out of a Portion of Lots 1,2,7, and all of Lot 8, Block 145, San Benito Land and Water Company Subdivision, located on the Norwest corner of Haine Drive and FM 509, as shown on Exhibit "A".

The provisions prohibiting the violation of the Code of Ordinances shall continue in full force and effect and apply to this ordinance.

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

1. Compliance with all applicable building codes and regulations;
2. No on-street parking permitted on both sides of the interior streets; and
3. Compliance with drainage requirements and all applicable requirements from the Engineering Department.

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 _____, 2025 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.

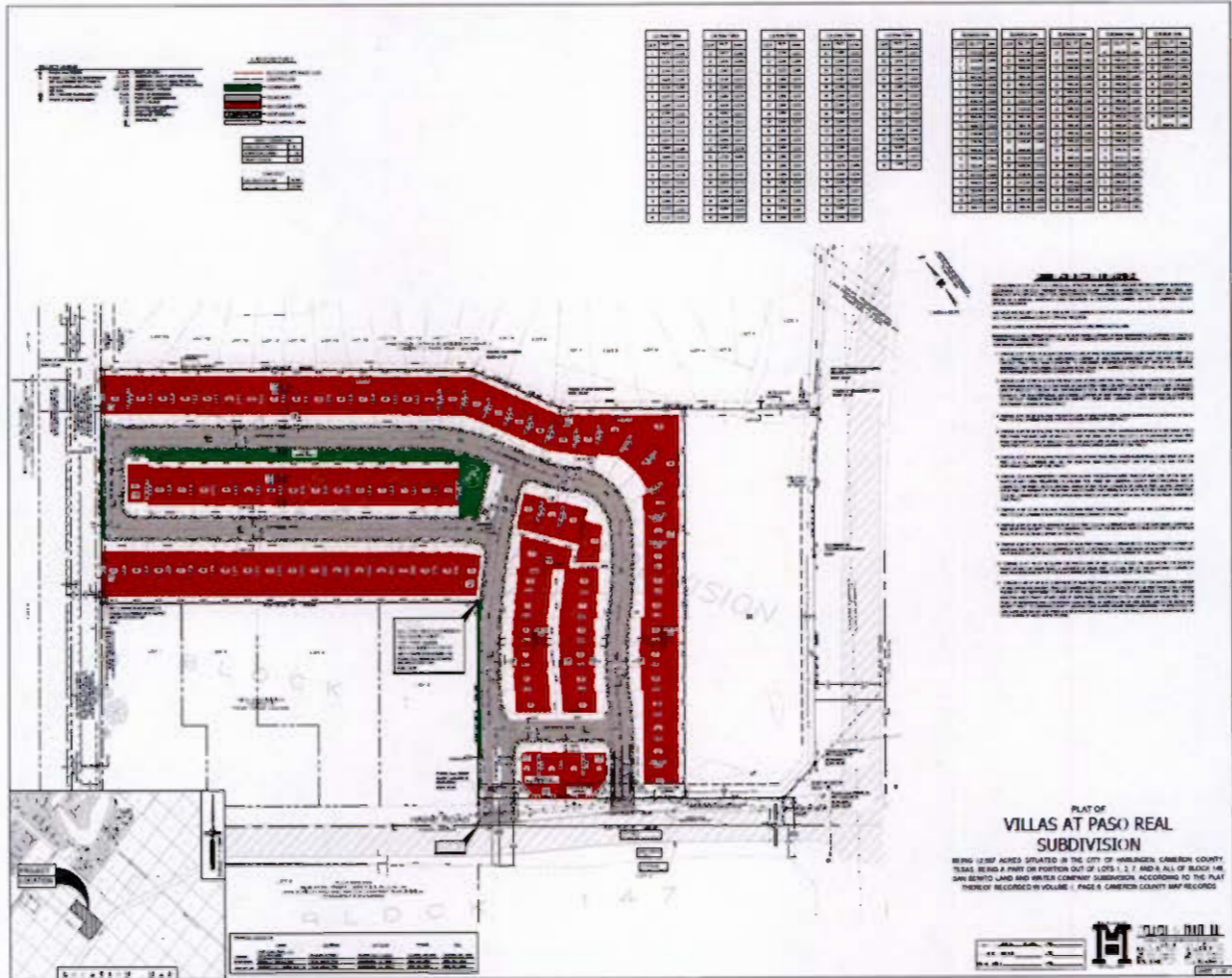
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Hermelinda Gonzalez, Interim City Secretary

EXHIBIT "A"



**AGENDA ITEM
EXECUTIVE SUMMARY**

7(d)

Meeting Date: **April 16, 2025**

Agenda Item:

Consideration and possible action to approve an ordinance on second and final reading for a rezoning request from Residential, Single Family ("R-1") District to Planned Development ("PD") District to allow internal roads to have 50 feet R-O-W, and for 64 patio home-style single family residential lots be less than the required 6,000 square feet for a property bearing a legal description of 9.815 acres out of Lot 17, Cunningham's Subdivision, located on the south side of Primera Road and Southbound Frontage Road of Expressway 77. Applicant: Melden and Hunt, Inc. Attachment (**Planning & Development**)

Prepared By: Soledad A. Núñez, CNU-A
Title: Interim Planning & Development Director
Signature: *Soledad A. Núñez*

Brief Summary:

Project Timeline

- February 27, 2025 – Application for a rezoning submitted to the City. (**ATTACHMENT I**)
- March 11, 2025 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- March 11, 2025 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- March 26, 2025 - Public hearing and consideration of requested rezoning by the Planning and Zoning Commission ("P&Z").
- April 7, 2025 – Public hearing and consideration of the requested rezoning via 1st Ordinance reading scheduled before the City Commission.
- April 16, 2025 – 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, Single-Family ("R-1") District to Planned Development ("PD") District to allow internal roads to have 50 feet R-O-W, and for 64 patio home-style single family residential lots be less than the required 6,000 square feet. (**ATTACHMENT III**).
- The property is currently vacant. It has 447.90 feet of frontage along Primera Road and a depth of 954.50 feet. Primera Road is a four-lane, approximately 47-foot-wide paved street with curb and gutter.
- According to the site plan, 64 lots will be for one patio home-style single family residence on each lot. Setbacks are 20 feet in the front, 5 feet on the sides, and 10 feet in the rear. All potential patio home lots will front an interior public street.
- The property to the south is zoned Light Industry ("LI"), and the properties to the east are not designated ("N"). The surrounding land uses consist of single family residential use to the north, mobile home residential use to the east, and vacant

land to the south and west. **(ATTACHMENTS II AND IV).**

- The Future Land Use Plan component of the City of Harlingen Comprehensive Plan, named One Vision One Harlingen, shows this area as low density residential. A patio home use is considered low density residential, and therefore, the request is consistent with the Future Land Use Plan. **(ATTACHMENT V).**
- Staff received one phone calls in inquiry to the Planned Development request. Staff sent out 8 notices to the surrounding property owners within a 200-foot radius.
- The City of Harlingen Engineering, Building Inspections, and Fire Prevention Departments reviewed the proposed Planned Development site plan. The Fire Prevention Bureau, Engineering Department, and Building Inspections department have recommended approval, subject to complying with all applicable codes. **(ATTACHMENT VII).**

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval of the request.

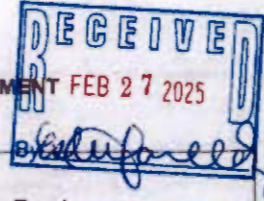
Comments:

City Manager's approval:  ☒ Yes ☐ No ☐ N/A

City Attorney's approval:  ☒ Yes ☐ No ☐ N/A

Attachment I

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION



PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 18552 Primera Road Nearest Intersection Hwy 77 & Primera Road
(Proposed) Subdivision Name Kingswood Subdivision Lot 17 Block _____
Existing Zoning Designation Single Family Res. Future Land Use Plan Designation RPH

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Melden & Hunt, Inc. Phone (956) 381-0981 FAX _____
Email Address (for project correspondence only): ruben@meldenandhunt.com
Mailing Address 115 W. McIntyre Street City Edinburg State TX Zip 78541
Property Owner Prisma Developments LLC Phone _____ FAX _____
Email Address (for project correspondence only): _____
Mailing Address 2035 N. Central Avenue City Brownsville State TX Zip 78521

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

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

Please provide a basic description of the proposed project: Internal roads R.O.W. to be 50 feet instead of 60 feet for patio homes and lot sizes to be less than the permitted 5,000 sq ft. (4,645.68 smallest lot)

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: 2/25/25

Property Owner(s) Signature: _____ Date: _____

Accepted by: _____ Date: _____

Attachment I

RE-ZONING REQUEST SUBMITTAL CHECKLIST

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

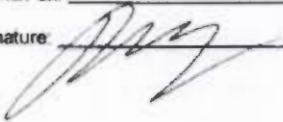
Complete

- ☐ A metes and bounds description or survey plat of the tract(s) in which the re-zoning is requested.
 - ☐ A written statement describing the proposed use(s) of the subject property (can be provided on Master Application).
 - ☐ Any other information (elevation drawings, pictures, etc.) in support of the subject request.
-
- I understand that I am requesting an amendment to the City's Zoning Ordinance and it will not be scheduled for Planning and Zoning Commission review unless all items on this list are completed.
 - I understand that in accordance State law and the Zoning Ordinance, no later than ten (10) days prior to consideration by the Planning and Zoning Commission:
 - A notice will be published in the Valley Morning Star describing the request and the date, time, and location of the public hearing; and
 - Notices will be mailed to all property owners within 200 feet of the tract describing the request and the date, time, and location of the public hearing.
 - I understand that while all requirements for the submittal of a re-zoning request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.

Owner: _____ Date 2/25/25

Owner Address: _____

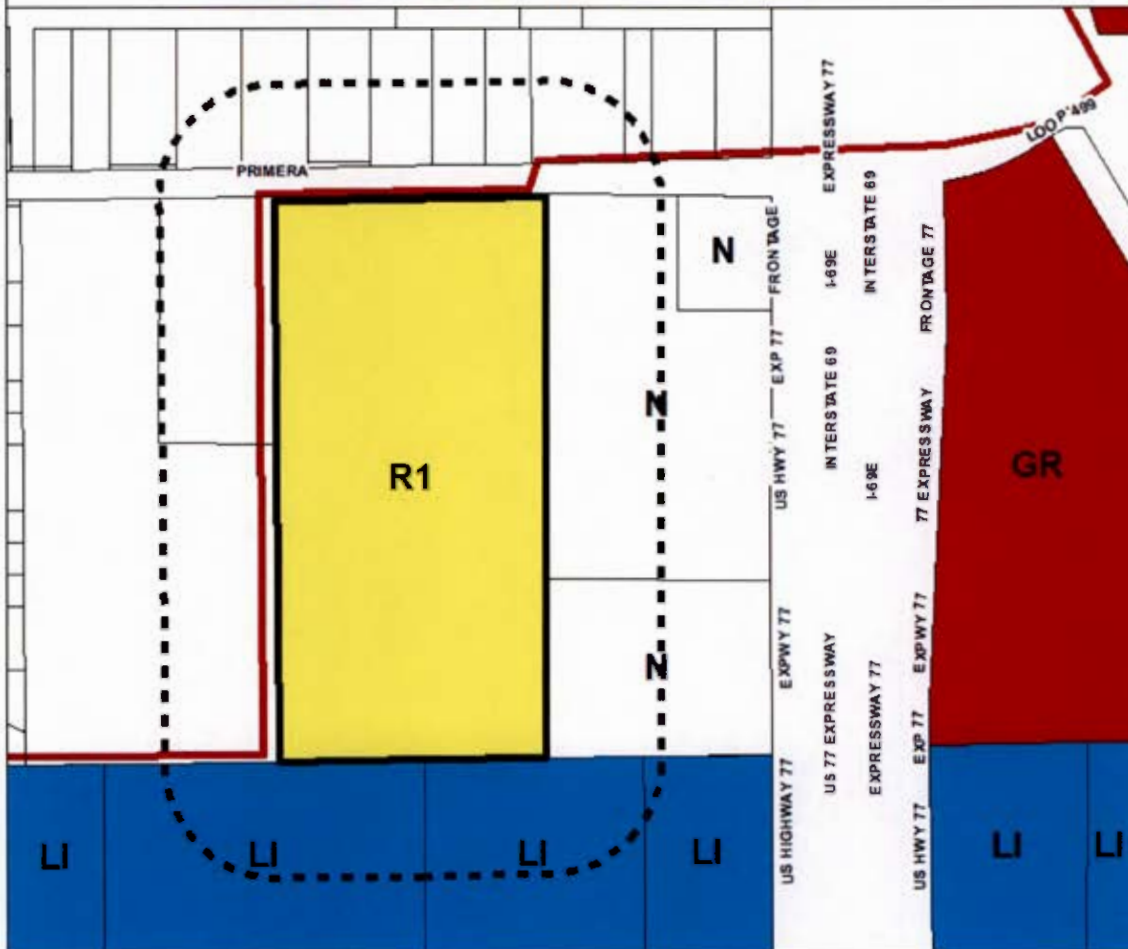
Phone/Fax: _____

Signature:  _____

Attachment II



Request to rezone from Residential, Single Family ("R-1") District to Planned Development ("PD") District to allow internal roads to have 50 feet R-O-W, and for 64 patio home-style single family residential lots be less than the required 6,000 square feet for a property bearing a legal description of 9.815 acres out of Lot 17, Cunningham's Subdivision, located on the south side of Primera Road and Southbound Frontage Road of Expressway 77. Applicant: Melden and Hunt, Inc



Boundary lines

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

Zoning Designations

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

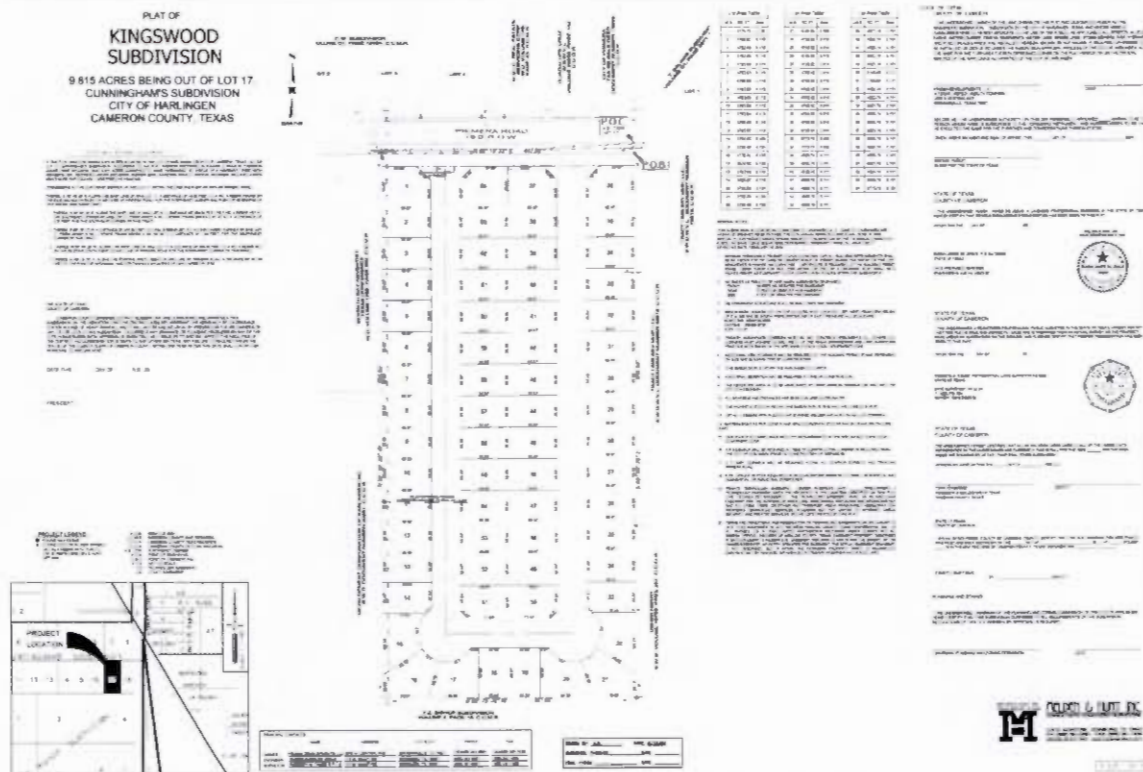
This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 03.11.2025

Attachment III – Street View

View from Primera Road



Attachment III – Proposed Layout for the Kingswood Planned Development



Lot #	SQ. FT.	Area
1	5775.75	0.133
2	4783.62	0.110
3	4783.63	0.110
4	4783.63	0.110
5	4783.63	0.110
6	4783.63	0.110
7	4783.63	0.110
8	4783.63	0.110
9	4783.63	0.110
10	4783.63	0.110
11	4783.63	0.110
12	4783.63	0.110
13	4783.63	0.110
14	4700.00	0.108
15	5722.48	0.131
16	5770.45	0.132
17	5674.50	0.130
18	4783.08	0.110
19	4783.07	0.110
20	5702.63	0.131
21	5732.40	0.132
22	5732.40	0.132

Lot #	SQ. FT.	Area
23	4700.00	0.108
24	4783.62	0.110
25	4783.62	0.110
26	4783.62	0.110
27	4783.62	0.110
28	4783.62	0.110
29	4783.62	0.110
30	4783.62	0.110
31	4783.62	0.110
32	4783.62	0.110
33	4783.62	0.110
34	4783.62	0.110
35	4783.63	0.110
36	5775.75	0.133
37	5775.75	0.133
38	4823.74	0.111
39	4823.74	0.111
40	4823.74	0.111
41	4823.74	0.111
42	4823.74	0.111
43	4823.74	0.111
44	4823.74	0.111

Lot #	SQ. FT.	Area
45	4823.74	0.111
46	4823.74	0.111
47	4823.74	0.111
48	4823.74	0.111
49	4823.74	0.111
50	5106.00	0.117
51	5106.00	0.117
52	4823.74	0.111
53	4823.74	0.111
54	4823.74	0.111
55	4823.74	0.111
56	4823.74	0.111
57	4823.74	0.111
58	4823.74	0.111
59	4823.74	0.111
60	4823.74	0.111
61	4823.74	0.111
62	4823.74	0.111
63	4823.74	0.111
64	5775.75	0.133

Attachment III – Proposed Setbacks for the Kingswood Planned Development

GENERAL NOTES:

THIS SUBDIVISION IS LOCATED IN FLOOD ZONE "X" (UNSHADED) & "A" ZONE "X" (UNSHADED) ARE AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN. ZONE "A" ARE SPECIAL FLOOD HAZARD AREAS (SFHAS) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE OF FLOOD. NO BASE FLOOD ELEVATIONS DETERMINED. COMMUNITY PANEL No. 485477 027 F, EFFECTIVE DATE: FEBRUARY 16, 2018

1. MINIMUM PERMISSIBLE FINISHED FLOOR ELEVATION FOR ALL BUILDING IMPROVEMENTS SHALL BE 24" ABOVE TOP OF CURB OR HIGHEST POINT OF STREET (ALONG THE FRONT OF THE LOT), WHICHEVER IS HIGHER. AN ELEVATION CERTIFICATE IS REQUIRED, AT THE BUILDING PERMIT STAGE. FINISH FLOOR FOR ANY LOTS WITHIN 100 FEET OF A DRAINAGE INLET SHALL BE 6 INCHES HIGHER AS COMPARED TO THE OTHER FINISH FLOORS WITHIN THE SUBDIVISION.

2. SETBACKS AS PER CITY OF HARLINGEN SUBDIVISION ORDINANCE:
FRONT: 20 FEET OR GREATER FOR EASEMENT
REAR: 10 FEET OR GREATER FOR EASEMENT
SIDE: 5 FEET OR GREATER FOR EASEMENT

3. NO PERMANENT STRUCTURE SHALL BE BUILT OVER ANY EASEMENT.
4. BENCH MARK: SQUARE CUT ON TOP OF CURB INLET LOCATED 1,227' WEST FROM CENTERLINE OF F.M. 509 AND 25' SOUTH FROM CENTERLINE OF EAST TREASURE HILL BOULEVARD.
NORTHING: 16589159.5326
EASTING: 1263506.9725
ELEV. = 31.25
5. PRIMARY SUBDIVISION CORNERS MUST BE SET CONCRETE MONUMENTS. ALL OTHERS LOT CORNERS MUST ADHERE TO SEC. 663.17 OF THE TEXAS ENGINEERING AND LAND SURVEYING PRACTICE ACTS RULES OF THE APPLICABLE TEXAS LOCAL GOVERNMENT CODE.
6. ADDITIONAL FIRE HYDRANTS MAY BE REQUIRED AT THE BUILDING PERMIT STAGE DEPENDING ON SIZE AND BUILDING TYPE OF CONSTRUCTION.
7. THIS SUBDIVISION IS WITHIN THE HARLINGEN CITY LIMITS.
8. ADDITIONAL DETENTION MAY BE REQUIRED AT TIME OF CONSTRUCTION.
9. THE DETENTION AREA IS TO BE MAINTAINED BY HOME OWNERS ASSOCIATION AND NOT THE CITY OF HARLINGEN.
10. ALL BEARINGS AND DISTANCES ARE BASED ON GRID COORDINATES.
11. THE HIGHEST ELEVATION WITHIN THIS SUBDIVISION IS 36.40 AND THE LOWEST IS 35.50.
13. SET No. 4 REBARS WITH PLASTIC CAP STAMPED MELDEN AND HUNT ON ALL LOT CORNERS.
14. BEARING BASIS AS PER TEXAS PLANE GRID COORDINATE SYSTEM NAD 83 TEXAS SOUTH ZONE (4205).
15. CERTIFICATE OF COMPLIANCE WITH THE REQUIREMENTS OF THE APPLICABLE TEXAS LOCAL GOVERNMENT CODE.
16. A 5' SIDEWALK WILL BE REQUIRED AT TIME OF CONSTRUCTION. A PERMIT IS REQUIRED FROM THE CITY OF HARLINGEN PRIOR TO CONSTRUCTION OF SIDEWALKS.
17. A 5 FOOT SIDEWALK WILL BE REQUIRED ALONG ALL INTERIOR STREETS AND FRONTING PRIMERA ROAD.
18. 8 FT. OPAQUE BUFFER REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL OR INDUSTRIAL ZONES/USES.
19. PRIVATE TECHNOLOGY EASEMENT. OWNER RESERVES UNTO _____ DEVELOPMENT A TECHNOLOGY EASEMENT OVER THE PROPERTY IN THE LOCATION IDENTIFIED ON THIS PLAT (THE "TECHNOLOGY EASEMENT"). THE TECHNOLOGY EASEMENT SHALL BE AN EXCLUSIVE EASEMENT FOR THE PURPOSE OF INSTALLING, MAINTAINING, REPLACING AND UPGRADING ANY AND ALL CABLE, FIBER, OR OTHER ANY TRANSPORT MEDIA REASONABLY NECESSARY FOR PROVIDING TECHNOLOGY SERVICES, INCLUDING BUT NOT LIMITED TO INTERNET, CABLE, SECURITY, AND RELATED SERVICES, TO THE LOTS CREATED BY THIS PLAT.
20. TERMS AND CONDITIONS AND RESERVATION OF TECHNOLOGY EASEMENTS DATED AUGUST 13, 2015, FILED NOVEMBER 25, 2015, BETWEEN HIDALGO COUNTY TEXAS CORPORATION, INC., TO M.L. RHODES LTD. A TEXAS LIMITED PARTNERSHIP RECORDED UNDER CLERK'S FILE NO. 2665226, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS. EASEMENT PROPERTY DESCRIBED IN SAID DOCUMENT IS INCOMPLETE. EASEMENT PERTAINS TO AND IS FOR THE BENEFIT OF THE OWNER/RESERVIST. NO WIDTH SPECIFIED FOR EASEMENT. THE ACTUAL EASEMENT BOUNDARY IS NOT DESCRIBED, BUT IS WITHIN THE EASEMENT PROPERTY WHICH IS INCOMPLETE. EASEMENT MAY BE REVOKED OR AMENDED BY OWNER/ RESERVER AND IS EXCLUSIVE.

Attachment IV – Aerial View

AERIAL

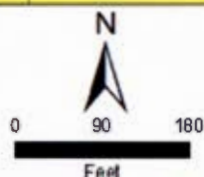
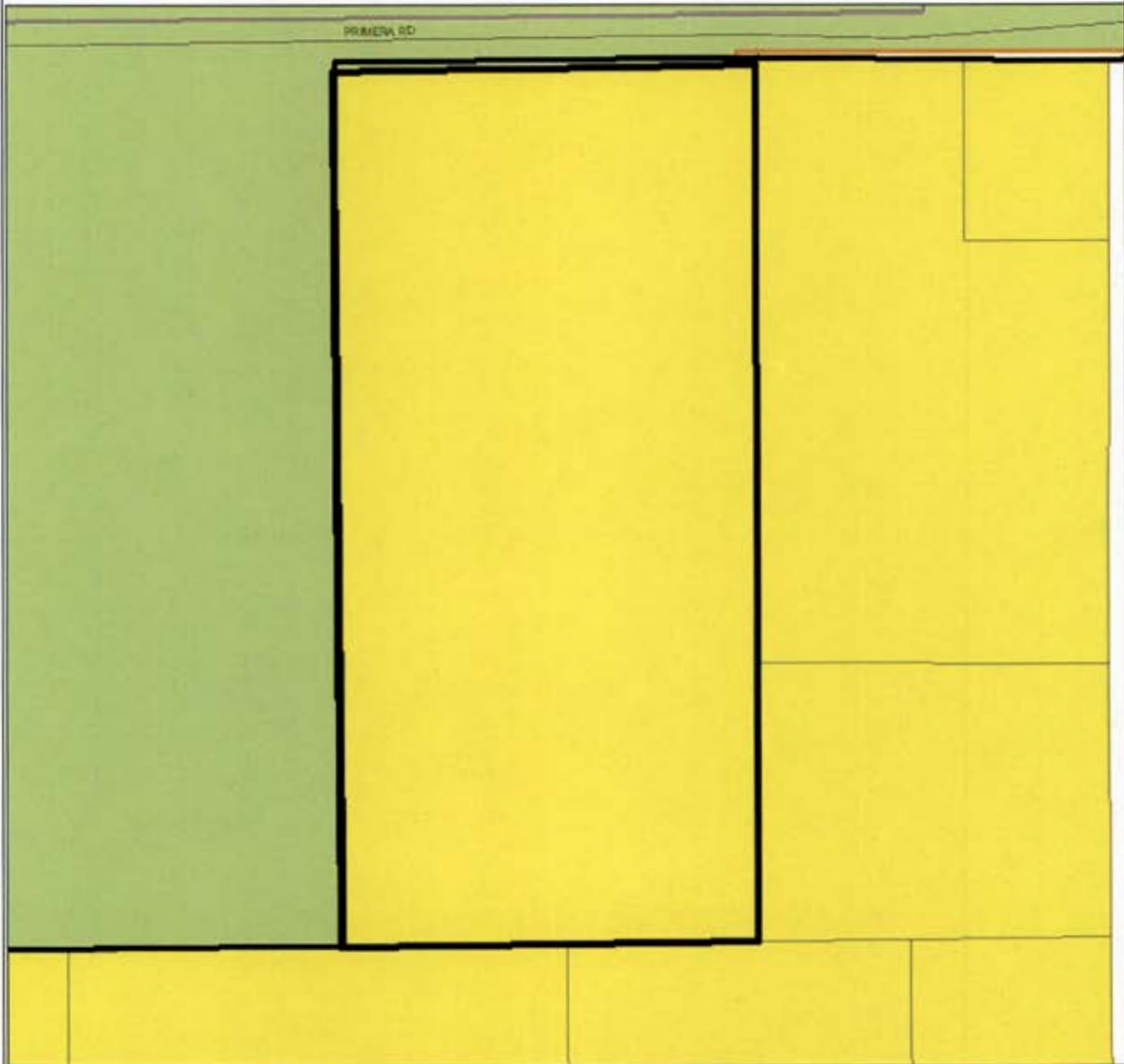


Attachment V



Future Land Use Map

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



Boundary Lines

Harlingen City Limits

Subject Property

Future Land Use

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

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Attachment VII – Fire Prevention



Planned Development (PD) Request Routing Slip

Applicant: Melden and Hunt

Phone No.: (956) 381-0981

Location: The south side of Primera Road and Southbound Frontage Road of Expressway 77

Project Description: Request to rezone from Residential, Single-Family ("R-1") District to Planned Development ("PD") District to allow internal roads to have 50 feet R-O-W, and for 64 residential lots be less than the required 6,000 square feet for a property bearing a legal description of 9.815 acres out of lot 17, Cunningham's Subdivision, located on the south side of Primera Road and Southbound Frontage Road of Expressway 77.

Department: Fire Prevention Bureau

Approval: YES X YES with comments NO

Comments: I. As per Sec. 109-91 (d) (5) a fire hydrant plan which includes the location of existing and proposed fire hydrants. Fire hydrants must be shown to create a coverage network of not more than 500-foot intervals measured along streets or other public access right-of-way for single-family residential subdivisions. In all other subdivisions, this distance must be a 150-foot radius.

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr

Date: February 27, 2025

Attachment VII – Building Inspections



Planned Development (PD) Request Routing Slip

Applicant: Melden and Hunt

Phone No.: (956) 381-0981

Location: Located on the south side of Primera Road and Southbound Frontage Road of Expressway 77

Project Description: Request to rezone from Residential, Single Family ("R-1") District to Planned Development ("PD") District to allow internal roads to have 50 feet R-O-W, and for 64 residential lots be less than the required 6,000 square feet for a property bearing a legal description of 9.815 acres out of lot 17, Cunningham's Subdivision, located on the south side of Primera Road and Southbound Frontage Road of Expressway 77

Department: Building Permits and Inspections Department

Approval: ☒ YES ☐ NO

Comments: If request is approved by the Planning Department, A Building Permit application and complete set of construction documents for the proposed use must be submitted to the Building Department. The construction documents must comply with the 2018 International Residential Code and Family of Codes. Windstorm Engineered plans are required with min. 140 mph wind speeds. The city commission adopted the new 2024 family of codes which will take effect on May 6, 2025. Any building permit applications received after that date will have to follow the new codes.

Raul Rodriguez _____

Signature

03/19/2025 _____

Date



Engineering Department | 24200 FM 509, Harlingen, Texas 78550

February 12, 2025

Isac Ramirez, EIT, CFM
Project Engineer

Mr. Joel Olivo
Assistant Director for Planning and Development
502 E. Tyler Ave., Harlingen, Texas 78550

RE: REVIEW OF KINGSWOOD SUBDIVISION PRELIM/FINAL - 1ST SUBMITTAL

Dear Mr. Olivo,

Please find comments below regarding the preliminary construction documents for the above-mentioned subdivision per Section 109-128.(a) of the City of Harlingen City Ordinances.

- ☐ Approved
- ☒ Approved with Conditions
- ☐ Disapproved

Please review and address the following comments:

Plat

- The drainage report shows Lots 64 & 37 as detention for the subdivision. Please add a plat note stating that Lots 64 & 37 are non-buildable lots that will be privately owned and maintained.

Drainage Report

- Please include a full-sized copy of the sheet titled "STORM LAYOUT" from the drainage report to verify compliance with local standards. The copy included in the drainage report is illegible.
- Please include cross-section details for the proposed detention to verify its accuracy with statements included in the drainage report and plat.

Please note that this review shall be for conformance to subdivision regulations and the responsibility and liability for the adequacy of the design shall remain with the Engineer sealing the documents. If you have any questions, please feel free to contact me at (956) 216-5283 or via email at isacr@harlingentx.gov.

Sincerely,

Isac Ramirez, EIT, CFM

ORDINANCE NO. 25-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 16-8) OF THE CITY OF HARLINGEN TO: REZONE FROM RESIDENTIAL, SINGLE FAMILY ("R-1") DISTRICT TO PLANNED DEVELOPMENT ("PD") DISTRICT TO ALLOW INTERNAL ROADS TO HAVE 50 FEET R-O-W, AND FOR 64 PATIO HOME-STYLE SINGLE FAMILY RESIDENTIAL LOTS BE LESS THAN THE REQUIRED 6,000 SQUARE FEET FOR A PROPERTY BEARING THE LEGAL DESCRIPTION OF 9.815 ACRES OUT OF LOT 17, CUNNINGHAM'S SUBDIVISION, LOCATED ON THE SOUTH SIDE OF PRIMERA ROAD AND SOUTHBOUND FRONTAGE ROAD OF EXPRESSWAY 77 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 special 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 special 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 changed for permissive zone use as indicated:

Rezone from Residential, Single Family ("R-1") District to Planned Development ("PD") District to allow internal roads to have 50 feet R-O-W, and for 64 patio home-style single family residential lots be less than the required 6,000 square feet for a property bearing a legal description of 9.815 acres out of lot 17, Cunningham's Subdivision, located on the south side of Primera Road and Southbound Frontage Road of Expressway 77 as shown in Exhibits "A" and "B".

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 _____, 2025 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.

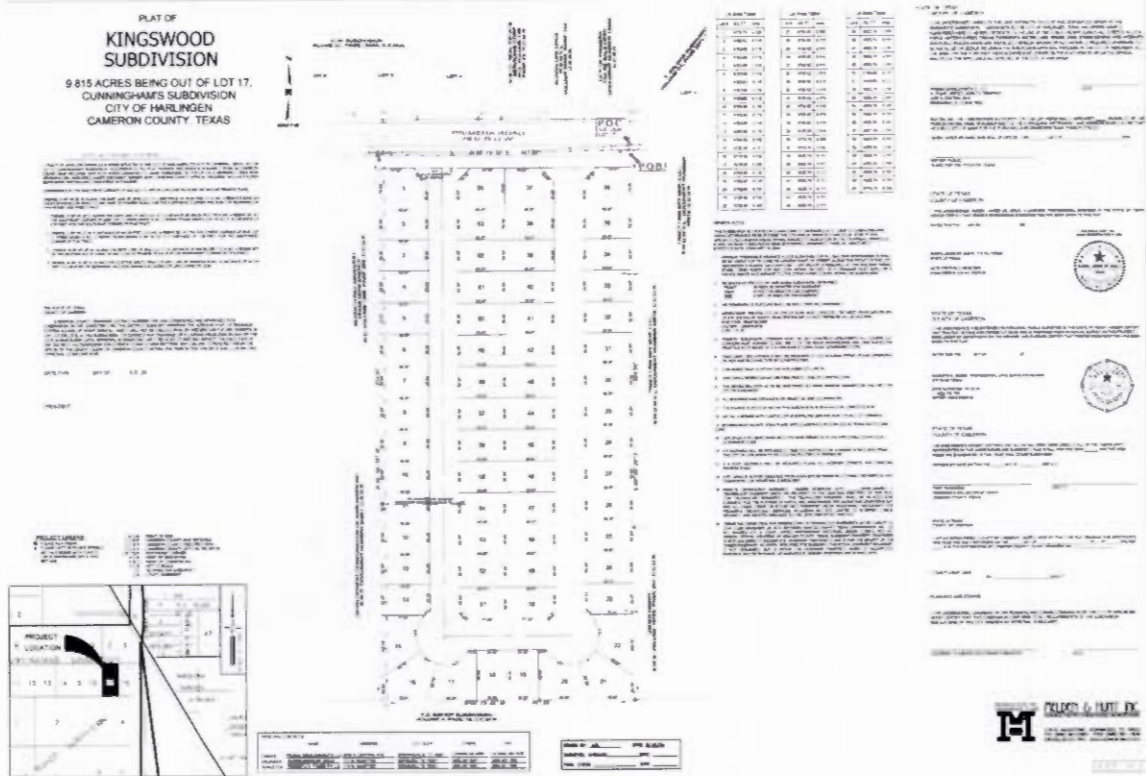
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Hermelinda Gonzalez, Interim City Secretary

Exhibit "A"



Lot Area Table		
Lot #	SQ. FT.	Area
1	5775.75	0.133
2	4783.62	0.110
3	4783.63	0.110
4	4783.63	0.110
5	4783.63	0.110
6	4783.63	0.110
7	4783.63	0.110
8	4783.63	0.110
9	4783.63	0.110
10	4783.63	0.110
11	4783.63	0.110
12	4783.63	0.110
13	4783.63	0.110
14	4700.00	0.108
15	5722.48	0.131
16	5770.45	0.132
17	5674.50	0.130
18	4783.08	0.110
19	4783.07	0.110
20	5702.63	0.131
21	5732.40	0.132
22	5732.40	0.132

Lot Area Table		
Lot #	SQ. FT.	Area
23	4700.00	0.108
24	4783.62	0.110
25	4783.62	0.110
26	4783.62	0.110
27	4783.62	0.110
28	4783.62	0.110
29	4783.62	0.110
30	4783.62	0.110
31	4783.62	0.110
32	4783.62	0.110
33	4783.62	0.110
34	4783.62	0.110
35	4783.63	0.110
36	5775.75	0.133
37	5775.75	0.133
38	4823.74	0.111
39	4823.74	0.111
40	4823.74	0.111
41	4823.74	0.111
42	4823.74	0.111
43	4823.74	0.111
44	4823.74	0.111

Lot Area Table		
Lot #	SQ. FT.	Area
45	4823.74	0.111
46	4823.74	0.111
47	4823.74	0.111
48	4823.74	0.111
49	4823.74	0.111
50	5106.90	0.117
51	5106.90	0.117
52	4823.74	0.111
53	4823.74	0.111
54	4823.74	0.111
55	4823.74	0.111
56	4823.74	0.111
57	4823.74	0.111
58	4823.74	0.111
59	4823.74	0.111
60	4823.74	0.111
61	4823.74	0.111
62	4823.74	0.111
63	4823.74	0.111
64	5775.75	0.133

Exhibit "B"

GENERAL NOTES:

THIS SUBDIVISION IS LOCATED IN FLOOD ZONE "X" (UNSHADED) & "A" ZONE "X" (UNSHADED) ARE AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN. ZONE "A" ARE SPECIAL FLOOD HAZARD AREAS (SFHAS) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE OF FLOOD. NO BASE FLOOD ELEVATIONS DETERMINED. COMMUNITY PANEL No. 485477 027 F, EFFECTIVE DATE: FEBRUARY 16, 2018

1. MINIMUM PERMISSIBLE FINISHED FLOOR ELEVATION FOR ALL BUILDING IMPROVEMENTS SHALL BE 24" ABOVE TOP OF CURB OR HIGHEST POINT OF STREET (ALONG THE FRONT OF THE LOT), WHICHEVER IS HIGHER. AN ELEVATION CERTIFICATE IS REQUIRED, AT THE BUILDING PERMIT STAGE. FINISH FLOOR FOR ANY LOTS WITHIN 100 FEET OF A DRAINAGE INLET SHALL BE 6 INCHES HIGHER AS COMPARED TO THE OTHER FINISH FLOORS WITHIN THE SUBDIVISION.
2. SETBACKS AS PER CITY OF HARLINGEN SUBDIVISION ORDINANCE:
FRONT: 20 FEET OR GREATER FOR EASEMENT
REAR: 10 FEET OR GREATER FOR EASEMENT
SIDE: 5 FEET OR GREATER FOR EASEMENT
3. NO PERMANENT STRUCTURE SHALL BE BUILT OVER ANY EASEMENT.
4. BENCH MARK: SQUARE CUT ON TOP OF CURB INLET LOCATED 1,227' WEST FROM CENTERLINE OF F.M. 509 AND 25' SOUTH FROM CENTERLINE OF EAST TREASURE HILL BOULEVARD.
NORTHING: 16589159.5326
EASTING: 1263506.9725
ELEV. = 31.25
5. PRIMARY SUBDIVISION CORNERS MUST BE SET CONCRETE MONUMENTS. ALL OTHERS LOT CORNERS MUST ADHERE TO SEC. 663.17 OF THE TEXAS ENGINEERING AND LAND SURVEYING PRACTICE ACTS RULES OF THE APPLICABLE TEXAS LOCAL GOVERNMENT CODE.
6. ADDITIONAL FIRE HYDRANTS MAY BE REQUIRED AT THE BUILDING PERMIT STAGE DEPENDING ON SIZE AND BUILDING TYPE OF CONSTRUCTION.
7. THIS SUBDIVISION IS WITHIN THE HARLINGEN CITY LIMITS.
8. ADDITIONAL DETENTION MAY BE REQUIRED AT TIME OF CONSTRUCTION.
9. THE DETENTION AREA IS TO BE MAINTAINED BY HOME OWNERS ASSOCIATION AND NOT THE CITY OF HARLINGEN.
10. ALL BEARINGS AND DISTANCES ARE BASED ON GRID COORDINATES.
11. THE HIGHEST ELEVATION WITHIN THIS SUBDIVISION IS 36.40 AND THE LOWEST IS 35.50.
12. SET NO. 4 REBARS WITH PLASTIC CAP STAMPED MELDEN AND HUNT ON ALL LOT CORNERS.
14. BEARING BASIS AS PER TEXAS PLANE GRID COORDINATE SYSTEM NAD 83 TEXAS SOUTH ZONE (4205).
15. CERTIFICATE OF COMPLIANCE WITH THE REQUIREMENTS OF THE APPLICABLE TEXAS LOCAL GOVERNMENT CODE.
16. A 5' SIDEWALK WILL BE REQUIRED AT TIME OF CONSTRUCTION. A PERMIT IS REQUIRED FROM THE CITY OF HARLINGEN PRIOR TO CONSTRUCTION OF SIDEWALKS.
17. A 5 FOOT SIDEWALK WILL BE REQUIRED ALONG ALL INTERIOR STREETS AND FRONTING PRIMERA ROAD.
18. 6 FT. OPAQUE BUFFER REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL OR INDUSTRIAL ZONES/USES.
19. PRIVATE TECHNOLOGY EASEMENT. OWNER RESERVES UNTO _____ DEVELOPMENT A TECHNOLOGY EASEMENT OVER THE PROPERTY IN THE LOCATION IDENTIFIED ON THIS PLAT (THE "TECHNOLOGY EASEMENT"). THE TECHNOLOGY EASEMENT SHALL BE AN EXCLUSIVE EASEMENT FOR THE PURPOSE OF INSTALLING, MAINTAINING, REPLACING AND UPGRADING ANY AND ALL CABLE, FIBER, OR OTHER ANY TRANSPORT MEDIA REASONABLY NECESSARY FOR PROVIDING TECHNOLOGY SERVICES, INCLUDING BUT NOT LIMITED TO INTERNET, CABLE, SECURITY, AND RELATED SERVICES, TO THE LOTS CREATED BY THIS PLAT.
20. TERMS AND CONDITIONS AND RESERVATION OF TECHNOLOGY EASEMENTS DATED AUGUST 13, 2015, FILED NOVEMBER 25, 2015, BETWEEN HIDALGO COUNTY TEXAS CORPORATION, INC., TO M.L. RHODES LTD. A TEXAS LIMITED PARTNERSHIP RECORDED UNDER CLERK'S FILE NO. 2665226, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS. EASEMENT PROPERTY DESCRIBED IN SAID DOCUMENT IS INCOMPLETE. EASEMENT PERTAINS TO AND IS FOR THE BENEFIT OF THE OWNER/RESERVIST. NO WIDTH SPECIFIED FOR EASEMENT. THE ACTUAL EASEMENT BOUNDARY IS NOT DESCRIBED, BUT IS WITHIN THE EASEMENT PROPERTY WHICH IS INCOMPLETE. EASEMENT MAY BE REVOKED OR AMENDED BY OWNER/ RESERVER AND IS EXCLUSIVE.

7(e)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **April 16, 2025**

Agenda Item:

Consideration and possible action to approve an ordinance on second and final reading for a Special Use Permit ("SUP") to allow a Civic Lodge in a Multi-Family ("M-2") District, located at 2006 Whalen Road, bearing a legal description of 2.5420 acres and 0.62 acres out of the South 5 acres of Lot 14, Block 147, San Benito Land and Water Company Subdivision. Applicant: Christine Blouch & Rene Capistran c/o Veterans of Foreign Wars Post 2410. Attachment (**Planning & Development**)

Prepared By: Soledad A. Núñez, CNU-A
Title: Interim Planning & Development Director
Signature: *Soledad A. Núñez*

Brief Summary:

Project Timeline

- March 4, 2025 – Application for Special Use Permit ("SUP") submitted to the City. (**ATTACHMENT I**)
- March 11, 2025 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- March 15, 2025 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- March 26, 2025 - Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission (P&Z).
- April 7, 2025 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- April 19, 2025 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per the Code of Ordinances, a Civic Lodge in an "M-2" District requires the approval of a Special Use Permit (SUP) by the City Commission.
- The Veterans of Foreign Wars Post 2410 are requesting a special use permit to allow a Civic Lodge for the Veterans of Foreign Wars Post 2410 (VFW). (**ATTACHMENT II AND III**)
- Based on the site plan and information submitted by the applicant, the applicant is proposing to build a 10,700 square foot facility to replace the current building that is on the property. The property has 270 feet of frontage on Whalen Road and has a depth of 550 feet. The applicants plan to operate Sunday through Saturday and the hours of operation would be from 12:00pm to 12:00am. Based on the site plan provided, 107 parking spaces are required and there are 108 parking spaces provided. (**ATTACHMENT II – IV**).
- Surrounding properties are zoned Residential, Multi-Family ("M-2") District to the north, south, east and west, and General Retail ("GR") District to the northwest. The surrounding land uses are a single-family home to the south and vacant land, vacant land, the Reata Apartments, and Windsor Atrium to the east, vacant land

to the north, and vacant land and the Harlingen Collegiate High School to the west. **(ATTACHMENTS V-VII).**

- The City of Harlingen Building Inspections Division, Fire Prevention Bureau, Health and Police Departments reviewed the SUP application. The departments reported no objection to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department **(ATTACHMENTS VIII-XI).**
- The applicant must obtain and maintain the proper State and City permits.
- Staff received one (1) phone call in opposition to the Special Use Permit request, citing concerns over noise levels, privacy issues, safety issues, lighting issues, and possible consumption of alcohol.
- In accordance with the zoning ordinance, the P&Z and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

Funding (if applicable):

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

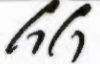
*If no, specify source of funding and amount requested:

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

Staff Recommendation:

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

1. Obtaining and maintaining proper State and City permits.
2. Providing and maintaining the required parking in accordance with city regulations.
3. Must provide video surveillance with a minimum 30-day retention; and,
4. Complying with the requirements administered by the Planning and Zoning, Building Inspections, Fire Prevention, and Police Departments.
5. Hours of operation are Sunday – Saturday from 12:00pm to 12:00am.

City Manager's approval:  ☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:  ☒ Yes ☐ No ☐ N/A

Attachment I

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 2006 N. Whalen Rd, Harlingen, TX 78550 Nearest Intersection W. Business 77 / N. Whalen Rd, Harlingen
(Proposed) Subdivision Name _____ Lot _____ Block _____
Existing Zoning Designation _____ Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Christine Blouch / Rene Capistran Phone 956-873-3003 / 956-535-2370 FAX _____
Email Address (for project correspondence only): christine.blouch@nobletx.com
Mailing Address 108 S. Main St. City La Feria State TX Zip 78559
Property Owner Veterans of Foreign Wars Post 2410 / Rick Linan Representative Phone 956-778-5629 FAX _____
Email Address (for project correspondence only): linancomputerservice@gmail.com
Mailing Address 2006 Whalen Rd. City Harlingen State TX Zip 78550

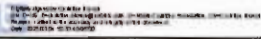
Select appropriate process for which approval is sought. Attach completed checklists with this application.

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

Please provide a basic description of the proposed project:

Replace the current Veterans of Foreign Wars Post 2410 facility with a new building.

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: Christine Blouch  Date: 3/4/2025

Property Owner(s) Signature: Enrique Loran Date: 3/4/2025

Accepted by: _____ Date: _____

Attachment I

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

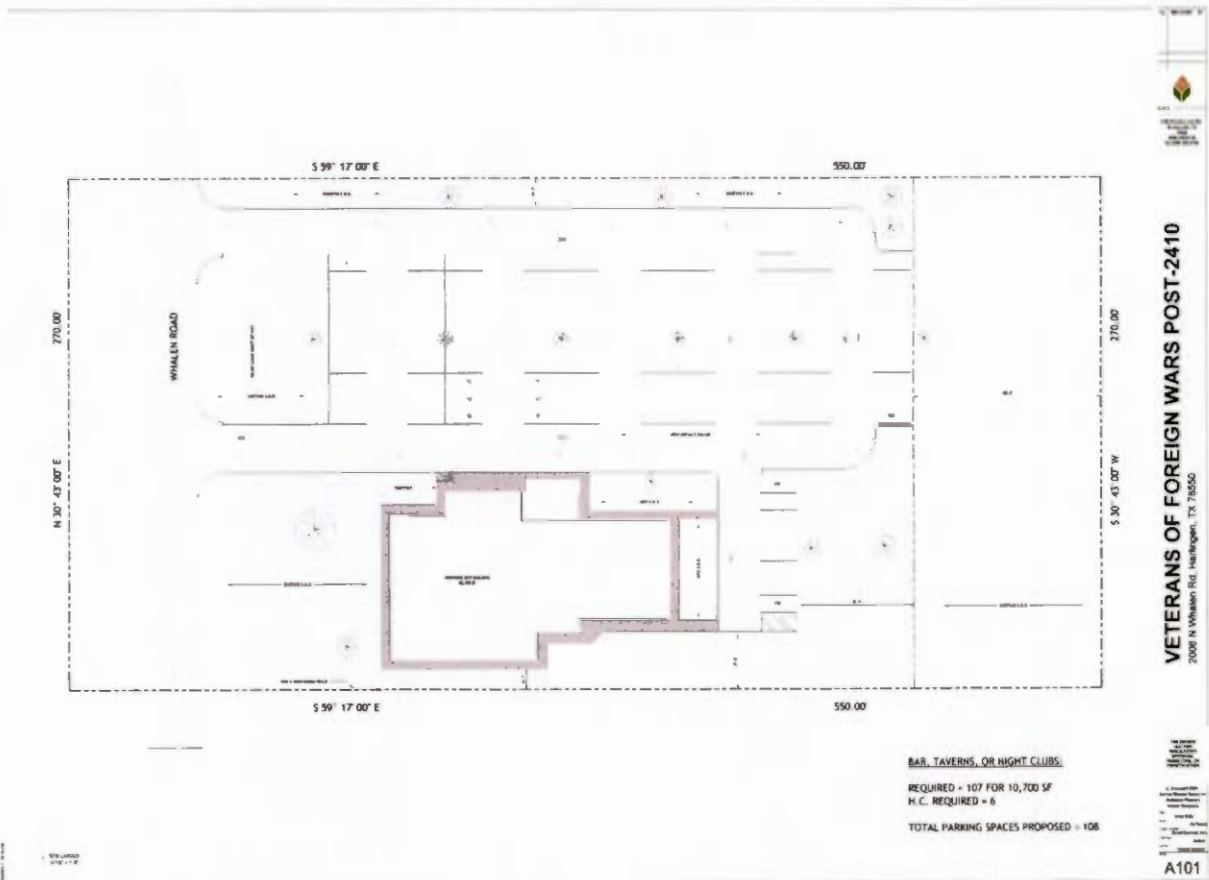
Please submit the following items along with the completed master application and appropriate fees. The project cannot be scheduled for consideration unless all items are marked complete. Citations come from the Zoning Ordinance.

Complete

- ☐ One (1) copy of a comprehensive site plan showing the proposed development of the property. The site plan shall consist of the following items, as applicable:
 - o Existing/proposed building footprints and building heights (or buildable areas for single and two-family residential); and
 - o Locations of proposed uses; and
 - o Ingress and egress to/from property;
 - o Existing/proposed streets in compliance with the City of Harlingen Long Range Thoroughfare Plan; and
 - o Existing/proposed sidewalks; and
 - o Existing/proposed utilities; and
 - o Existing/proposed drainage; and
 - o Existing/proposed parking spaces.
 - ☐ A written statement describing the proposed use(s) of the subject property.
 - ☐ Any other information (elevation drawings, pictures, etc.) in support of the subject request.
-
- I understand that I am requesting an amendment to the City's Zoning Ordinance and it will not be scheduled for Planning and Zoning Commission review unless all items on this list are completed.
 - I understand that in accordance State law and the Zoning Ordinance, no later than ten (10) days prior to consideration by the Planning and Zoning Commission:
 - o A notice will be published in the Valley Morning Star describing the request and the date, time, and location of the public hearing, and
 - o Notices will be mailed to all property owners within 200 feet of the tract describing the request and the date, time, and location of the public hearing.
 - I understand that while all requirements for the submittal of a PDD or SUP request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.
 - I understand that the purpose of a PDD or SUP is to allow for development not otherwise authorized in the Zoning Ordinance. Hence, the Planning and Zoning Commission and/or City Commission may impose development standards important to the health, safety, welfare, and protection of the proposed development and the adjacent property and its occupants.

Owner: Veterans of Foreign Wars Post 2410 Date 3/4/2025
Owner Address: 2006 Whalen Rd., Harlingen, TX 78550
Phone/Fax: 956-778-5629
Signature: Enrique Linares

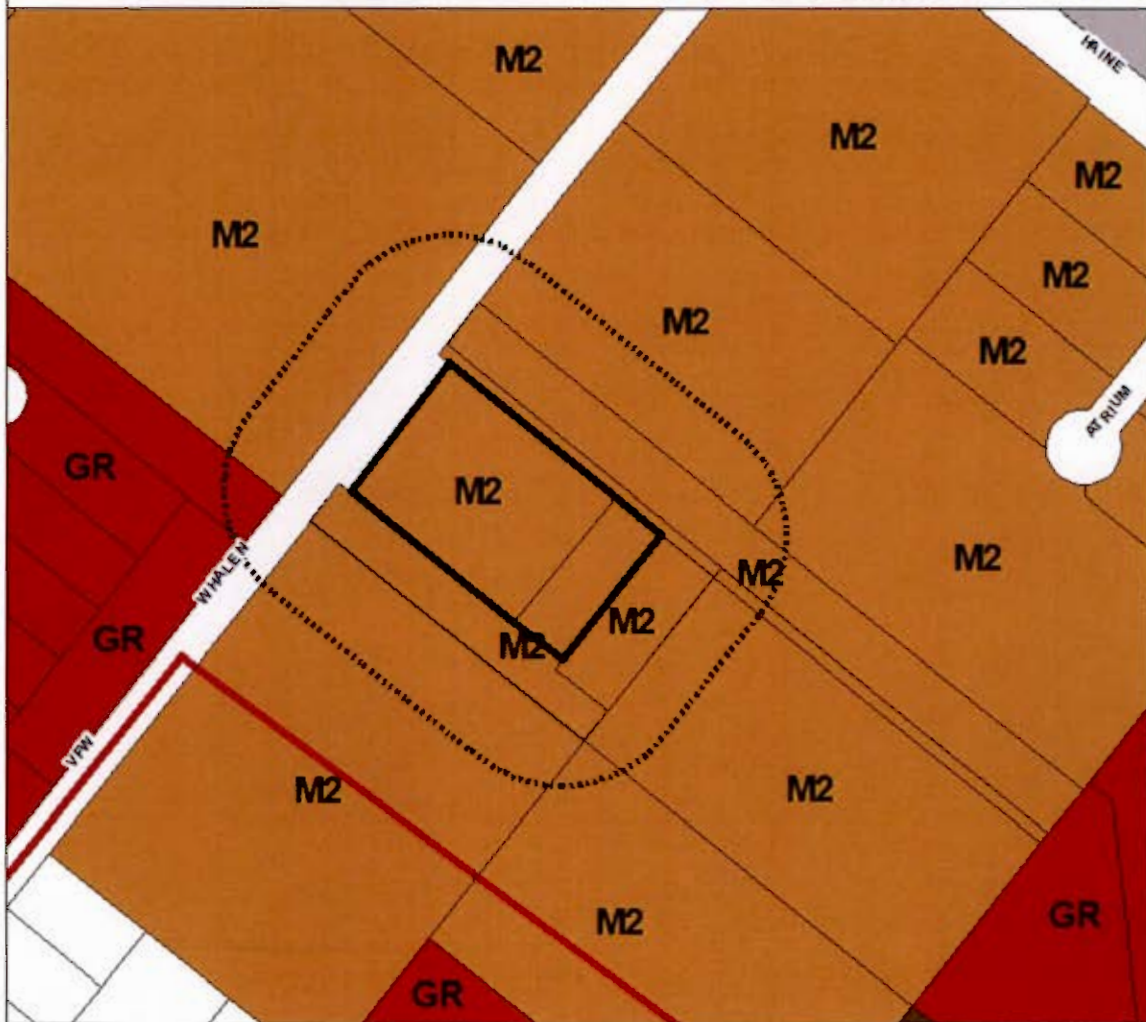
Attachment II



Attachment III



Request for a Special Use Permit ("SUP") to allow a civic lodge in a Multi-Family ("M-2") District located at 2006 Whalen Road, bearing a legal description of 2.5420 acres and 0.62 acres out of the South 5 acres of Lot 14, Block 147, San Benito Land & Water Company Subdivision. Applicant: Christine Blouch & Rene Capistran c/o Veterans of Foreign Wars Post 2410



Boundary lines

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

Zoning Designations

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

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 03.11.2025

Attachment IV



Attachment V





Specific Use Permit ("SUP") Routing Slip

Applicant: Christine Blouch / Rene Capistran c/o Veterans of Foreign Wars (VFW)

Phone No.: (956) 873-3003 or (956) 535-2370

Location: 2006 Whalen Road

Project Description: Request for a Special Use Permit (SUP) to allow a civic lodge in a Multi-Family ("M-2") District located at 2006 Whalen Road, bearing a legal description of 2.5420 acres and 0.62 acres out of the South 5 acres of Lot 14, Block 147, San Benito Land and Water Company Subdivision.

Department: Fire Prevention Bureau

Approval: X YES NO

Comments: **Applicant will have to meet any code, regulation, ordinance, and standard required for the building permit.**

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr

Date: March 17, 2025



Specific Use Permit ("SUP") Routing Slip

Applicant: Christine Blouch/Rene Capistran c/o Veterans of Foreign Wars (VFW)

Phone No.: 956-873-3003 OR 956-535-2370

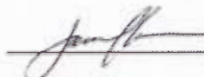
Location: 2006 Whalen Road

Project Description: Request for a Special Use Permit (SUP) to allow a civic lodge in a Multi-Family ("M-2") District located at 2006 Whalen Rd., bearing a legal description of 2.5420 acres and 0.62 acres out of the South 5 acres of Lot 14, Block 147, San Benito Land and Water Company Subdivision.

Department: Health

Approval: ☒ YES ☐ NO

Comments: Request for SUP approved. However, if a kitchen is used at this location engineered plans will have to show all the kitchen equipment such as, 3 compartment sink, handwash sink, mop sink, hood oven system, kitchen equipment, and grease traps. Both bar areas show the 3 compartment sinks but nothing in the section for the kitchen area.



Signature

3-20-2025

Date

Attachment VIII



Specific Use Permit ("SUP") Routing Slip

Applicant: Christine Blouch/Rene Capistran c/o Veterans of Foreign Wars (VFW)

Phone No.: 956-873-3003 OR 956-535-2370

Location: 2006 Whalen Road

Project Description: Request for a Special Use Permit (SUP) to allow a civic lodge in a Multi-Family ("M-2") District located at 2006 Whalen Rd., bearing a legal description of 2.5420 acres and 0.62 acres out of the South 5 acres of Lot 14, Block 147, San Benito Land and Water Company Subdivision.

Department: Building Permits and Inspections Department

Approval: ☒ YES ☐ NO

Comments:

If request is approved by the Planning Department, A Building Permit application and complete set of construction documents for the proposed use must be submitted to the Building Department. The construction documents must comply with the 2018 International Building Code and Family of Codes. The city commission adopted the new 2024 family of codes which will take effect on May 6, 2025. Any building permit applications received after that date will have to follow the new codes.

Raul Rodriguez _____

Signature

03/19/2025 _____

Date

Attachment IX



Specific Use Permit ("SUP") Routing Slip

Applicant: Christine Blouch/Rene Capistran c/o Veterans of Foreign Wars (VFW)

Phone No.: 956-873-3003 OR 956-535-2370

Location: 2006 Whalen Road

Project Description: Request for a Special Use Permit (SUP) to allow a civic lodge in a Multi-Family ("M-2") District located at 2006 Whalen Rd., bearing a legal description of 2.5420 acres and 0.62 acres out of the South 5 acres of Lot 14, Block 147, San Benito Land and Water Company Subdivision.

Department: HARLINGEN POLICE DEPT.

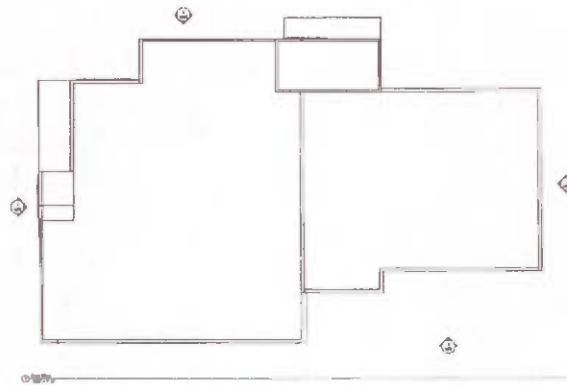
Approval: ☒ YES ☐ NO

Comments: APPROVS WITH UNDERSTANDING THAT AN INSPECTION WILL BE CONDUCTED EITHER DURING THE BUILD AT COMPLETION OF BUILD.

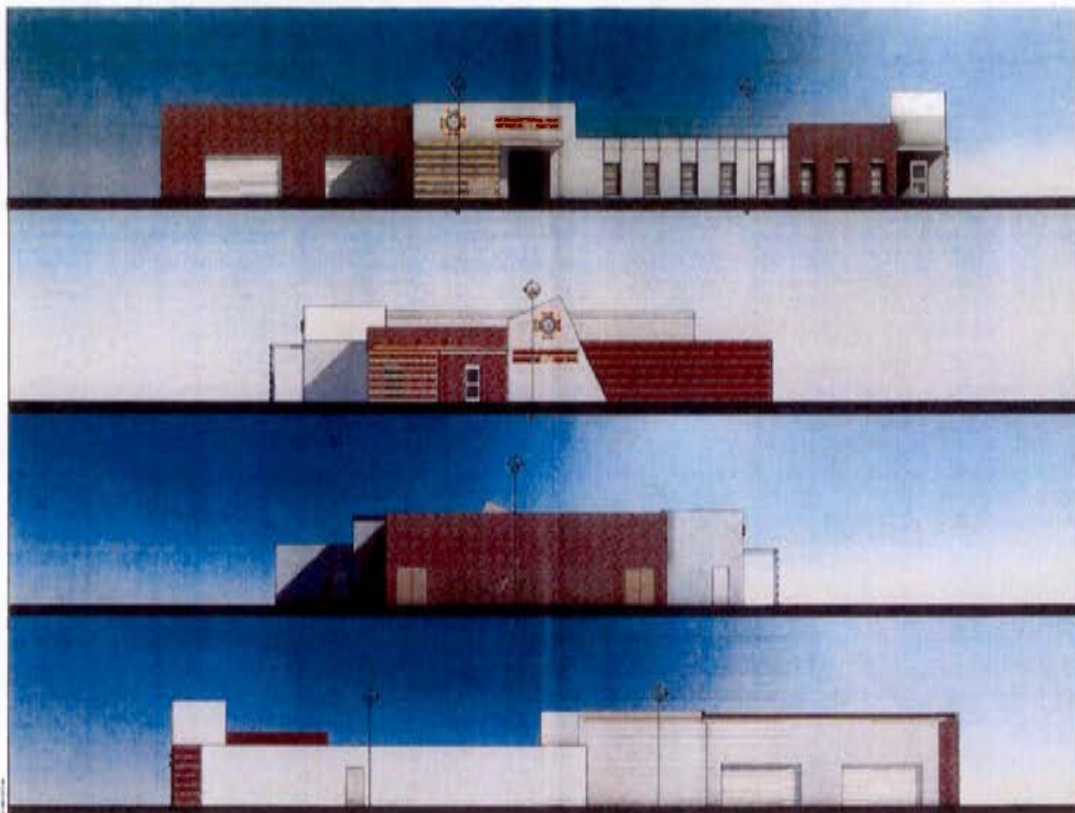

Alfredo Alvear, BSCJ, CPM
Interim Chief of Police

3/21/25
Date

Attachment X – Applicant Rendering

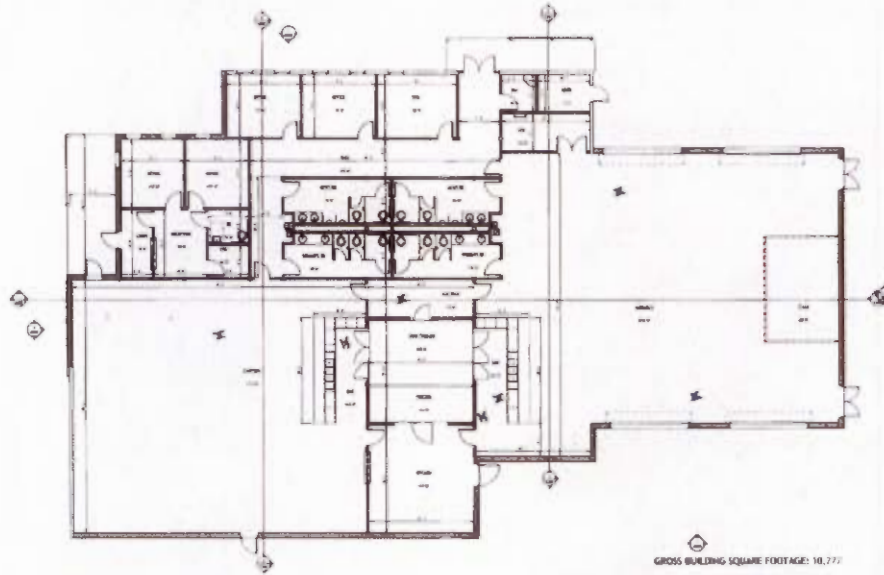


VETERANS OF FOREIGN WARS POST-2410
2008 N. Wacker Rd., Hattiesburg, MS 39401

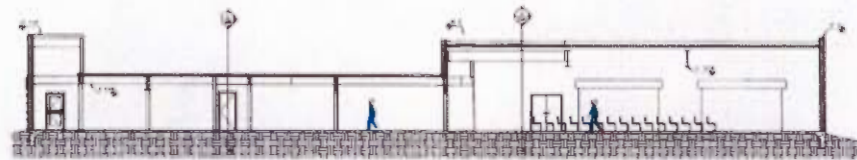


VETERANS OF FOREIGN WARS POST-2410
2008 N. Wacker Rd., Hattiesburg, MS 39401

Attachment X – Floor Plan



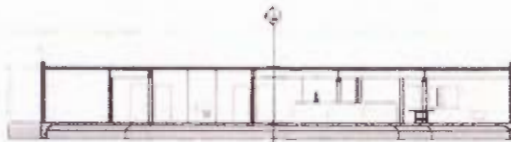
0'-0" 1/8" = 1'-0"



0'-0" 1/8" = 1'-0"



0'-0" 1/8" = 1'-0"



0'-0" 1/8" = 1'-0"

VETERANS OF FOREIGN WARS POST-2410
2006 N. Wharton Rd. - Houston, TX 77050

VETERANS OF FOREIGN WARS POST-2410
2006 N. Wharton Rd. - Houston, TX 77050

A300

ORDINANCE NO. 25-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 16-8) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIAL USE PERMIT (SUP) TO THE VETERANS OF FOREIGN WARS POST 2410 TO ALLOW A CIVIC LODGE IN A RESIDENTIAL, MULTI-FAMILY ("M-2") DISTRICT LOCATED AT 2006 WHALEN ROAD, BEARING A LEGAL DESCRIPTION OF 2.5420 ACRES AND 0.62 ACRES OUT OF THE SOUTH 5 ACRES OF LOT 14, BLOCK 147, SAN BENITO LAND AND WATER COMPANY SUBDIVISION. APPLICANT: CHRISTINE BLOUCH & RENE CAPISTRAN C/O VETERANS OF FOREIGN WARS POST 2410

WHEREAS, the Planning and Zoning Commission of the City of Harlingen pursuant to Harlingen's Zoning Ordinance procedure, has recommended a special 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 special 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 changed for permissive zone use as indicated in Exhibit "A":

Special Use Permit (SUP) to allow a Civic Lodge in a Residential, Multi-Family ("M-2") District located at 2006 Whalen Road, bearing a legal description of 2.5420 acres and 0.62 acres, out of Lot 14, Block 147, San Benito Land and Water Company Subdivision.

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

being herewith instructed and authorized to document such Zoning Map changes and revisions.

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

1. Obtaining and maintaining proper State and City permits.
2. Providing and maintaining the required parking in accordance with city regulations.
3. Must provide video surveillance with a minimum 30-day retention; and,
4. Complying with the requirements administered by the Planning and Zoning, Building Inspections, Fire Prevention, and Police Departments.
5. Hours of operation are Sunday – Saturday from 12:00pm to 12:00am.

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 _____, 2025 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.

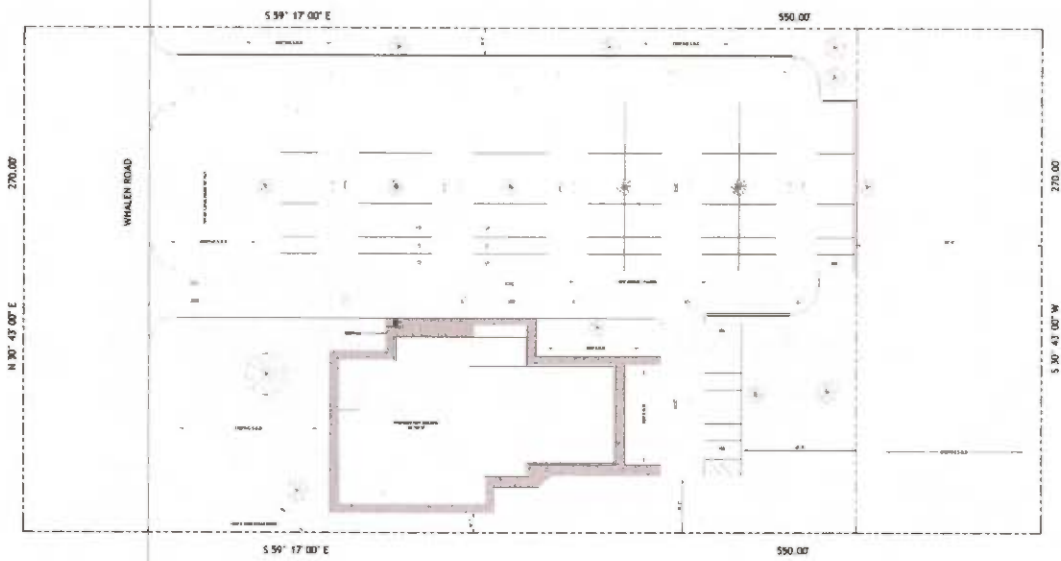
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Hermelinda Gonzalez, Interim City Secretary

Exhibit "A"



BAR, TAVERNS, OR NIGHT CLUBS:
REQUIRED = 107 FOR 10,700 SF
H.C. REQUIRED = 6
TOTAL PARKING SPACES PROPOSED = 108

VETERANS OF FOREIGN WARS POST-2410
2008 N Whalen Rd, Harlingen, TX 78550

**AGENDA ITEM
EXECUTIVE SUMMARY**

74)

Meeting Date: **April 16, 2025**

Agenda Item:

Consideration and possible action to approve an ordinance on second and final reading to amend the adoption of the 2024 International Codes and the 2023 National Electrical Codes. Applicant: City of Harlingen. **(Planning & Development)**

Prepared By: Soledad A. Núñez

Title: Interim Planning and Development Director

Signature: *Soledad A. Núñez*

Brief Summary:

Summary

- The City of Harlingen adopted the 2018 International Building Codes and the 2017 Electrical Codes in May of 2020.
- The adoption of the most current codes and standards is the most efficient and effective method of creating safe environments that protect and improve public health, safety, general welfare and the economic interests of the community.
- The adoption of the most current codes and standards provides the opportunity for cost savings based on the usage of the latest technology and practices (i.e. plastic pipe for plumbing, trusses vs. dimensional lumber, engineered wood products, etc.) and assures that products and materials are available in the market and comply with specifications and testing standards referenced in the code.
- According to the Insurance Service Office (ISO), communities with well-enforced, up-to-date codes generally fare better in the face of hazards.
- The current codes are in excess of 6 years of age which result in a lower classification by the Insurance Services Office, Inc (ISO). Failure to adopt the most recent codes would inevitably result in a higher classification from the ISO. This would result in higher insurance premiums for the local property owners.
- A survey was conducted to show what the different communities in the Rio Grande Valley are currently enforcing. The table with the comparison can be found in **Attachment I**.
- A list of changes from the 2018 International Building codes to the proposed 2024 International Codes is shown in **Attachment II**.
- In the proposed ordinance it states that the new codes will take effect October 1, 2025.

Funding (if applicable):

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

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

Finance Director's approval:

☐

Yes

☐

No

☐

N/A

Staff Recommendation:

Staff recommends approval.

City Manager's approval:

1/6

☒

Yes

☐

No

☐

N/A

Comments:

City Attorney's approval:

[Signature]

☒

Yes

☐

No

☐

N/A

RGV ADOPTED CODES COMPARISONS

As of September 16, 2024

CITY	ADOPTED CODE
Los Fresnos	2018 International Codes
South Padre Island	2018 International Codes
Brownsville	2018 International Codes
Edinburg	2018 International Codes
La Feria	2021 International Codes
McAllen	2018 International Codes
Mission	2021 International Codes
Pharr	2018 International Codes
San Benito	2024 International Codes
San Juan	2018 International Codes
Weslaco	2015 but getting ready to adopt the 2021 codes

2024 IBC Significant Changes

105.2 Fences Not Exempt from Permit

Fences up to 7 feet in height no longer exempt from permit requirements where utilized as a swimming pool barrier.

Recognizes life safety protection provided by minimum fence height, limitation on size of any openings, lack of climb ability, and controlled gate access.

Permit requirement provides mechanism for ensuring fence and its installation go through the plan review and inspection process

306.2 Group F Occupancy Classification

Group F-1 occupancy classification also now includes: Energy storage systems (ESS) and equipment containing lithium-ion or lithium metal batteries Manufacture of lithium-ion batteries Manufacture and assembly of vehicles powered by lithium-ion or lithium metal batteries Recognition as Group F-1 based on moderate degree of hazard due to large part to safeguards mandated in IFC.

310.4 Group R Occupancy Classification

In addition to several clarifications of various residential uses, the lodging house provisions have been revised. Emergency services living quarters introduced as congregate living facilities Scoping provisions for bed and breakfast establishments and similar lodging houses classified as a Group R-3 occupancy no longer mandate a maximum of 10 occupants. In addition, no longer an occupant load limit required for construction of an owner-occupied lodging house under the International Residential Code Threshold of five guest rooms remains as sole factor for lodging house classification

Attachment II – Changes from the existing codes

510.2 Horizontal Building Separations

Where the horizontal building separation allowance (podium buildings) of Section 510 is applied, the restriction on occupant loads for the upper building has been eliminated

Previously, the only Group A occupancies permitted above the podium level were those with an occupant load of less than 300. In addition, where vertical offsets occur in the horizontal separation required between the upper and lower buildings, the offsets shall be constructed as for fire barriers

903.2, 903.3.1.1.3 Automatic Sprinkler Protection for Batteries

Allowance to exempt sprinkler protection for battery areas in telecommunications buildings where automatic smoke detection and fire resistive separation is provided has been modified to those conditions where such battery areas not required to have sprinkler system per IFC Section 1207. Where sprinkler protection required for areas containing lithium-ion or lithium metal batteries, design of system to be based on series of fire tests involving scenarios that address range of variables associated with arrangement of hazards to be protected. Tests to be conducted or witnessed and reported by approved testing laboratory

903.2 Sprinkler System Required – Lithium-ion and Lithium Metal Batteries

Sprinkler systems are required in certain Group B, F-1, M and S-1 occupancies where these batteries are involved.

Not limited to use in Energy Storage Systems as previously done. Addresses the unique fire hazard the batteries create and the potential for a thermal runaway fire.

Sprinkler required for: Group B: Laboratories, testing, research and development of batteries Group F-1: Manufacture of batteries or vehicles, ESS or equipment using them Group M: Storage Group S-1: Storage or repair of vehicles powered by these batteries with fire area over 500 square feet

Attachment II – Changes from the existing codes

907.2.11.3 Smoke Alarms Near Cooking Appliances

Modifies the location requirements applicable to smoke alarms due to changes in the listing standard. New testing standards help reduce nuisance alarms caused by cooking sources. Align with NFPA 72 and UL 217 Requires 10-foot horizontal separation to permanently installed cooking appliance, with exception permitting reduction to 6 feet to ensure detectors are installed where required by 907.2.11.1 or 907.2.11.2. Code previously used 20 feet, 10 feet or 6 feet, depending on alarm type.

1015.8 Window Openings in Group R-2 and R-3 Buildings

Scope of Section 1015.8 is windows in Group R-2 and R-3 buildings including dwelling units where: Bottom of clear opening of operable window located less than 36 inches above finished floor and more than 72 inches above finished grade or other surface below on exterior of building. Provisions reorganized to regulate two conditions: Windows located less than 75 feet but more than 6 feet above exterior grade or surface below Window openings located 75 feet or more above exterior grade or surface below

1107.2 Electrical Vehicle Charging Stations

Electrical vehicle charging stations serving Group R-2 occupancies must now comply with accessible provisions of Section 1107.2.

Exemption continues to apply to Groups R-3 and R-4 Electrical vehicle charging stations not required to be accessible where used exclusively by: Buses, Trucks, Other deliver vehicles, Law enforcement vehicles, Motor pools

1208 Dwelling Unit Size

Minimum size of 70 square feet has been established for sleeping units. Previously unaddressed, now consistent with minimum size required for habitable rooms of a dwelling unit. Dwelling units now required to have a minimum of 190 square feet of habitable space. Provides consistency with minimum size required for efficiency dwelling units.

1403.13, 1403.14, 1404.19 Exterior Wall Materials and Installation

Attachment II – Changes from the existing codes

1409 Insulated Metal Panels (IMP)

New provisions now regulate the materials, construction and quality of insulated wall panels (IMP) used as exterior walls and exterior wall coverings. MP newly defined a factory manufactured panel consisting of metal facings and an insulation core intended for use as a system forming an exterior wall, an exterior wall covering, a roof covering or roof assembly of a building. Provisions vary based upon whether insulating materials are combustible or noncombustible. Although regulated similar to MCMs, they need their own provisions due to variety of insulating materials that are permitted

1502.3 Roof Drainage Scuppers

Scupper requirements for secondary roof drainage removed from IBC as they are addressed in full by IPC. Previously, IBC was incomplete as it did not contain all applicable provisions set forth in IPC. Retention of Section 1502.2 maintains requirement for secondary roof drains or scuppers, where applicable, with reference to required compliance with Chapter 11 of IPC. Does not require specific adoption of IPC due to application of Section 102.4 recognizing referenced standards as an extension of the IBC.

1705.2.6 Special Inspection—Metal Building Systems

New special inspection requirement complement new provisions applicable to metal building systems now found in IBC Section 2214. Metal building systems are typically heavily dependent on bracing components to function per the design. Due to a previous lack of special inspection requirements for these components, inspection of the completed installation of these critical components was often overlooked. While individual components are often covered by fabricator special inspections and tests, metal building systems are often unique Approved agency to perform inspections of erected metal building system to verify compliance with approved construction documents.

3111.3.5 Elevated PV Support Structures

Overhead photovoltaic support structures now regulated where potential exists for people or vehicles in space beneath them. Not applicable where installed over agricultural use,

Where installed over open-grid framing or noncombustible deck: Panels to be tested, listed and labeled with fire type rating per UL 1703, or per UL 61730 1&2. Panels marked "not fire rated" not to be installed on elevated PV support structures. Where installed over roof assembly, panel system to have fire classification in accordance with Section 1505.9

2024 IRC Significant Changes

Wind loads Section (Structural Loads R301)

Lateral loads on studs, Fasteners of studs to framing, Sheathing and its fasteners, Gable ~~endwall~~ overhangs, Suction on rafters/purlins, Roof uplift connectors

R302.1 **Exterior Walls** Measurement of fire separation distance when there are multiple dwellings or townhouse buildings on the same lot is added.

R302.3 **Two-family dwellings** Two-family dwellings have updated fire resistance requirements for improved clarity.

R302.3.5 **Stacked Dwelling** Units Details are added for stacked two family dwelling units.

R302.3.6.1 **Opening protection**

Openings from a shared accessory room into a sleeping room not be permitted, Other openings equipped with a self-closing or automatic-closing device and: Solid wood doors not less than 1-3/8 inches in thickness, Solid or honeycomb core steel doors not less than 1-3/8 inches thick, Fire door assembly with a 20-minute fire-protection rating.

R302.3.6.2 **Duct penetration**

Ducts penetrating the walls or ceilings separating the dwelling from the shared accessory room, Shall not have openings into the shared accessory room, Constructed of a minimum No. 26 gage sheet steel, Other approved material.

R303.1, R303.8 **Foam Plastics**

New standards for foam plastic materials and their applications are added.

Attachment II – Changes from the existing codes

R310 **Smoke Alarms**

Adds requirement for smoke alarms to meet manufacturers installation instructions, Clarifies locations for smoke alarms.

R317.6, R317.7 **EV Charging E**

EV charging stations must be installed per NEC, listed and labeled per UL 2202 with supply equipment listed and labeled per UL 2594.

R318.7 **6 Stair Landings**

Stair landings have all exceptions grouped into one section, Top landings may be on the opposite side of a door. Landings may be up to 7¾ inches below the threshold, No top landing required with less than 3 risers, Exterior stairs to grade must have a bottom landing.

R318.8 **Ramps Handrails** requirements for ramps are deleted and the ramp section is relocated.

R506.2 **Post-tensioned Slabs**

A referenced standard for posttensioned slabs on ground is added to the IRC.

R506.2.3 **Vapor Retarder**

The minimum thickness of vapor retarders is changed back to 6 mil.

Table R602.3(1) **Roof Sheathing Fastener Schedule**

Fastener spacing applies where roof framing SG ≥ 0.42 . Where roof framing ≤ 0.42 SG ≤ 0.35 , fastening of roof sheathing shall be with RSR503 (2½" x 0.131" x 0.281" head) nails.

Attachment II – Changes from the existing codes

Fuel Gas Ch. 24

G2407.1 Combustion, ventilation and Dilution Air The section on corrosive and flammable products is rewritten to require a mechanical room or direct vented appliances.

E3704.2 **Feeder Loads** ✱

The feeder load calculation table adds EV cars and other vehicles to the calculation procedure

EV supply equipment (EVSE) load shall be 7200 watts or the nameplate rating of the equipment, whichever is greater.

E3901.4 **Countertop and Work Surface Receptacles** Islands and countertops may no longer have receptacle outlets below the counter.

- Receptacles must be on or above countertops
- Receptacles **prohibited below** countertops
- Receptacles **prohibited flat** on countertops

E3902.12 **Appliance Outlets – GFCI Protected**

1. Drinking water coolers and bottle fill stations 2. High pressure spray washing machines 3. Sump pumps 4. Dishwashers 5. Electric ranges 6. Wall-mounted ovens 7. Counter-mounted cooking units 8. Clothes dryers 9. Microwave ovens.

E3902.14 **Outdoor Outlets**

Outdoor outlets must be GFCI protected with a few exceptions

Exceptions: Lighting outlets, Not readily-accessible receptacles dedicated to electric snow melting or deicing, HVAC equipment (expires 9-1-2026)

E3905.13 **Fastener Penetration**

A new section is added limiting screw fastener penetration into boxes.

ORDINANCE NO. 25_

AN ORDINANCE REPEALING ORDINANCE 2020-21 OF THE CITY OF HARLINGEN, AND ADOPTING THE 2024 EDITION INTERNATIONAL CODES, BY THE INTERNATIONAL CODE COUNCIL, INC. TO INCLUDE;

INTERNATIONAL BUILDING CODE,

INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO-FAMILY DWELLINGS,

INTERNATIONAL FIRE CODE,

INTERNATIONAL WILDLAND URBAN INTERFACE CODE,

INTERNATIONAL ENERGY CONSERVATION CODE,

INTERNATIONAL MECHANICAL CODE,

INTERNATIONAL PLUMBING CODE,

INTERNATIONAL FUEL GAS CODE,

INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE,

INTERNATIONAL EXISTING BUILDING CODE,

INTERNATIONAL SWIMMING POOL AND SPA CODE,

INTERNATIONAL PROPERTY MAINTENANCE CODE,

ICC PERFORMANCE CODE FOR BUILDINGS AND FACILITIES, INTERNATIONAL GREEN CONSTRUCTION CODE,

AND ADOPTING THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 101 LIFE SAFETY CODE, INCLUDING THE ANNEX CHAPTERS,

AND ADOPTING THE 2023 EDITION OF THE NATIONAL ELECTRIC CODE (NFPA 70), INCLUDING THE ANNEX CHAPTERS,

AND REPEALING ALL CITY ORDINANCES IN CONFLICT HERewith AND ORDAINING OTHER MATTERS RELATING TO THE FOREGOING.

BE IT ORDAINED BYTHE CITY COMMISSION OF THE CITY OF HARLINGEN THAT;

SECTION 1: Ordinance 14-9 be repealed by adopting the 2024 Edition International Codes including the Appendix Chapters by the International Code Council, Inc., to include;

International Building Code,

International Residential Code for One and Two Family Dwellings,

International Fire Code,

International Wildland Urban Interface Code,

International Energy Conservation Code,

International Mechanical Code,

International Plumbing Code,

International Fuel Gas Code,

International Private Sewage Disposal Code,

International Existing Building Code,

International Swimming Pool and Spa Code,

International Property Maintenance Code,

ICC Performance Code for Building and Facilities,

International Green Construction Code,

And adopting the National Fire Protection Association (NFPA) 101 Life Safety Code, including the Annex Chapters,

And adopting the 2023 Edition of the National Electric Code (NFPA 70), including the Annex Chapters.

SECTION 2: Any person, individual corporation, partnership, or entity of any type violating the provisions of these codes shall be guilty of a misdemeanor and shall be fined not less than \$1.00 or not to exceed \$2,000.00. Each day that a violation occurs or continues to exist, it shall be considered a separate offense.

SECTION 3: All ordinances or part of ordinances in conflict herewith are hereby repealed.

SECTION 4: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance. The City of Harlingen hereby declares that it would have passed this ordinance, and each section, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 5: Nothing in this ordinance or the Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any actor ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost impaired or affected by this ordinance.

SECTION 6: The City Secretary of the City of Harlingen, Texas is hereby authorized and directed to cause a true and correct copy of the caption of this ordinance to be published in a newspaper having circulation in the City of Harlingen, Cameron County, Texas.

SECTION 7: The rules, regulations, provisions, requirements, orders and matters established and adopted in this ordinance hereby shall take effect after the six-month anniversary of the passage of this ordinance.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Harlingen, Texas that said City Commission wishes to comply with said Ordinance and to provide for enforcement of the requirements set out in the International Codes by the International Code Council, Inc. to safeguard life, health, public welfare and the protection of property within the City of Harlingen, the aforementioned requirements are hereby adopted and shall become effective on October 1, 2025.

FINALLY ENACTED this ____ day of _____, 2025 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

Norma Sepulveda, Mayor

ATTEST:

Hermelinda Gonzalez, Interim City Secretary

7/9

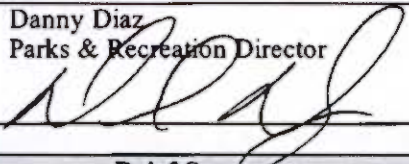
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: April 16, 2025

Agenda Item:

Consideration and possible action to authorize the City Manager to sign an Inter-local Agreement between the City of Harlingen and the Harlingen Consolidated Independent School District for the use of two school buses during the 2024 Summer Parks and Recreation Program. Attachment (**Parks & Recreation**)

Prepared By (Print Name): Danny Diaz
Title: Parks & Recreation Director

Signature: 

Brief Summary:

For years, the city has made arrangements with the HCISD for the use of two school buses to help with transportation of the kids to and from our Recreation programs, including our track Program. As part of the agreement, the city will ensure the buses and the driver, who is a seasonal city employee, would maintain the buses while they are in our custody, and we would compensate the district for the use of the bus each day it is used. Attached is the agreement that staff are recommending to be approved by the City Commission. The buses will be used starting May 27th through August 4, 2025. The bus charges and driver have been budgeted for this year.

Funding (if applicable):

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

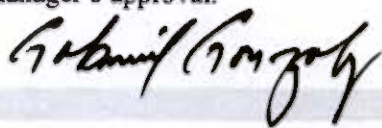
*If no, specify source of funding and amount requested:

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

Staff Recommendation:

Staff recommends approval of the interlocal agreement with HCISD.

City Manager's approval: ☒ Yes ☐ No ☐ N/A



Comments:

City Attorney's approval: ☒ Yes ☐ No ☐ N/A



**THE STATE OF TEXAS
COUNTY OF CAMERON**

**INTER-LOCAL AGREEMENT BETWEEN THE CITY OF HARLINGEN
AND THE HARLINGEN CONSOLIDATED INDEPENDENT SCHOOL DISTRICT**

This Agreement ("Agreement") is by and between the CITY OF HARLINGEN, a Home Rule Municipal Corporation situated in Cameron County, Texas and acting herein by and through its duly authorized City Manager, hereinafter designated as "**CITY**", having its principal Administrative offices at 118 E. Tyler Street, Harlingen, Texas 78550, and the HARLINGEN CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, herein designated as "**DISTRICT**".

WHEREAS, Texas Government Code, Chapter 791, also known as the Inter-Local Cooperation Act, authorizes local governments to contract with each other and with agencies of the state, to perform functions or services each party to the contract is authorized to perform individually;

PURPOSE

This Agreement is to provide school buses to the CITY for the use during the 2025 School Summer Break for implementation of a "City Summer Recreational Program".

DESCRIPTION OF BUSES

One Harlingen School bus described as No. 182 (Bus 1), a 2020 Blue Bird, 71 passenger school bus bearing ID#1BAKGCSA8LF367705, and

One Harlingen School bus described as No. 183 (Bus 2), a 2020 Blue Bird, 71 passenger school bus bearing ID#1BAKGCSA3LF367692.

TERM

The Term of this Contract is for Forty Nine (49) days starting Tuesday, May 27, 2025 through Monday, August 4, 2025.

CONSIDERATION

The DISTRICT shall provide Bus (One) No. 182 and Bus (Two) No.183 to use Tuesday, May 27, 2025, through Monday, August 4, 2025. The Parties agree that buses will be picked up on Monday, May 26, 2025, and will be stored on City property in a secure area located at 1006 South Commerce. The buses will be stored at this location during the duration of the City Summer Program. City will return said buses back to the Harlingen Consolidated Independent School District Transportation Department no later than the end of Tuesday, August 5, 2025.

DRIVERS

City shall employ bus drivers for the operation of the 2025 Summer Recreation and Track Program. City employed bus drivers shall be preapproved by the District prior to May 27, 2025 in order to be authorized to operate said school buses. No other person shall operate such school buses. All compensation for drivers shall be provided by CITY. Drivers shall not be considered an employee of the District during such time they are working for City under this Agreement.

COMPENSATION AND MAINTENANCE

Upon delivery of the buses to CITY, CITY shall inspect such buses, and report any existing damages, maintenance or repair deemed necessary before receiving. During the time such buses are utilized by CITY during the term of Agreement, such buses shall be maintained and repaired at the expense of the CITY. During the term of this Agreement, CITY shall provide all gasoline, oil, other lubricants, and any replacement parts necessary to maintain such buses.

The buses shall be delivered back to DISTRICT in the same condition as when delivered to CITY by DISTRICT, subject to normal and reasonable wear and tear. CITY will also notify DISTRICT of replacement parts installed on the vehicles and the mileage on the vehicle if and when the oil is changed, or the vehicle is lubricated. Upon receiving buses from DISTRICT, CITY and DISTRICT shall note the current odometer reading of such buses and again upon delivery from the CITY to the DISTRICT. During the time that buses are in custody of CITY, the speedometer and odometers shall be maintained in a working conditions at all times.

CITY shall pay DISTRICT \$19.13 per bus, per day that the buses are used by the City. CITY shall render payment to DISTRICT upon receiving bill from DISTRICT at the end of this Agreement. Officials of DISTRICT shall have the authority to enter upon said buses and note from time to time the condition of the buses to facilitate preparing such bills for CITY. Pursuant to Section 791.011 of the Texas Government Code, the City of Harlingen will make payment for the use of the buses from current revenues available to the City of Harlingen.

The daily compensation is intended to reimburse DISTRICT for ordinary and reasonable wear and tear on the vehicle being utilized by CITY, and does not include any type of profits, pecuniary advantage, or other gain in favor of the DISTRICT.

INSURANCE

As part of the consideration for this Agreement, CITY shall obtain and maintain an Insurance policy covering use of the school buses for a term not less than the term of this Agreement. Said insurance policy shall provide coverage for the vehicles as hereinafter set forth:

One Harlingen School bus described as No. 182 (Bus 1), a 2020 Blue Bird, 71 passenger school bus bearing ID#1BAKGCSA8LF367705, and

One Harlingen School bus described as No. 183 (Bus 2), a 2020 Blue Bird, 71 passenger school bus bearing ID#1BAKGCSA3LF367692, and

IDEMNITY

CITY, to the extent allowed by law, shall indemnify and save harmless DISTRICT and its officers, agents, employees or Board of Trustees from all suits, actions, losses, damages, claims, or liability of any character, type or description, including, without limiting the generality of the forgoing, all expenses of litigation, court cost, and attorney's fees for injury or death to any person, or injury to any property, received or sustained by any person or persons or property, arising out of, or occasioned by, the operation or use of the buses by CITY or any of its agents or employees, including the drivers, in the execution or performance of the Agreement.

CITY further agrees to defend, at it's own expense, and behalf of DISTRICT and in the Name of DISTRICT, any claim or litigation brought in connection with any such injury, death or damage.

This indemnity and hold harmless agreement shall survive the expiration date of this Agreement and shall remain in full force and effect until the statue of limitations expires on any cause of action occurring during the period of this Contract.

IMMUNITIES

The parties hereto desire to preserve all immunities granted to the parties by the Constitution and Statues of the State of Texas. Any provisions of this Agreement deemed to invalidate or diminish such immunities is hereby agreed between the parties to be null and void.

Each party acknowledges that it has read, understands, and intends to be bound by the Terms and conditions of this Agreement.

District and City, through their duly appointed agents, have executed this agreement in duplicate originals.

City of Harlingen, on the ____ day of ____ 2025,

Gabriel Gonzalez, City Manager

ATTEST:

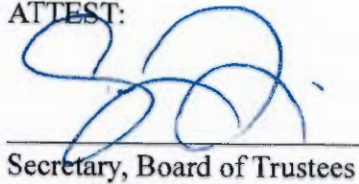
, Interim City Secretary

Harlingen Consolidated Independent School District on the 8th day of April 2025.



M. Veronica Kortan, Superintendent of Schools

ATTEST:



Secretary, Board of Trustees

Hermelinda Gonzales

From: Marta Barrientos <marta.barrientos@hcisd.org>
Sent: Thursday, April 10, 2025 10:30 AM
To: Hermelinda Gonzales; Gabriel Gonzalez; Christina Mendiola
Cc: Ida Ambriz
Subject: MOU 2 Buses for City Summer Recreational Program
Attachments: MOU-HCISD & CITY of Hgn. Buses_04102025101336.pdf

Good Morning Melinda,

The HCISD Board of Trustees approved the Agreement between HCISD and City of Harlingen for use of school buses at Tuesday, April 8, 2025 Board Meeting.

Melinda can you please have Mr. Gonzalez if he could sign the MOU. Can you please scan a copy back to me so I can keep for our records.

Please call me should you have any questions.

Thank You



Marta Barrientos

Secretary

Business Office

407 N. 77 Sunshine Strip | Harlingen, TX 78550

O. (956) 430-9730 | F. (956) 430-9717

www.hcisd.org



| We are HCISD

**AGENDA ITEM
EXECUTIVE SUMMARY**

7(h)

Meeting Date: **April 16, 2025**

Agenda Item:

Consideration and possible action to approve a request for street closures, listed below, from the City of Harlingen Parks and Recreation Department for their Viva Streets Cinco de Mayo Festival on Friday, May 2, 2025, from 4:00 p.m. to 11:00 p.m. at Lon C. Hill Destination Park. Attachment (**Police**).

- Fair Park Boulevard in between North "L" Street and North "J" Street, to include all entries and exits from Harlingen Performing Arts and Casa de Amistad parking lots
- Fair Park Blvd. / North "O" Street northside of intersection
- Fair Park Blvd. / West Adams Street westside intersection
- Expressway 77 Northbound Frontage Road / Teege Ave. east side of intersection
- DETOUR SIGNS at North "L" Street / Fair Park Blvd., to send traffic north and onto Wichita Avenue

Prepared By (Print Name): Alfredo Alvear

Title: Interim Chief of Police

Signature: 

Brief Summary:

Christina Mendiola, Recreation Supervisor of the City of Harlingen Parks and Recreation Department is requesting street closures, listed below, for their Viva Streets Cinco de Mayo Festival on Friday, May 2, 2025, from 4:00 p.m. to 11:00 p.m. at the Lon C. Hill Destination Park.

- Fair Park Boulevard in between North "L" Street and North "J" Street, to include all entries and exits from Harlingen Performing Arts and Casa de Amistad parking lots
- Fair Park Blvd. / North "O" Street northside of intersection
- Fair Park Blvd. / West Adams Street westside intersection
- Expressway 77 Northbound Frontage Road / Teege Ave. east side of intersection
- DETOUR SIGNS at North "L" Street / Fair Park Blvd., to send traffic north and onto Wichita Avenue

The street closures will help to ensure the safety of the vendors and visitors attending this event.

The Asst. Fire Chief has reviewed this request and provided his approval.

Funding (if applicable):

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

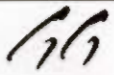
*If no, specify source of funding and amount requested: N/A

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

Staff Recommendation:

Staff recommends 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



HARLINGEN POLICE DEPARTMENT
1018 FAIR PARK BLVD., HARLINGEN, TX 78550

INTER-DEPARTMENTAL COMMUNICATION
FRONT DESK: (956) 216-5401 ADMINISTRATION: (956) 216-5403

TO: Chief of Police

DATE: 4/10/25

FROM: District Representative Benito Bravo #3412

RE: Street Closure Request for Viva Streets Festival 5K Run

Requestor: Christina Mendiola Parks & Recreation Supervisor
Event Date: Friday May 2, 2025
Time: 4:00 p.m.- 11:00 p.m.
Location: Lon C. Hill Park (1217 Fair Park Blvd. Harlingen TX)

Christina Mendiola is requesting a street closure on behalf of the Parks and Recreations Department for their 2025 Viva Streets Festival 5K event. The event will feature musicians, a vendor market, event contests, food vendors and much more. The 5K Run portion of the event will have emergency vehicles and Traffic Control Police Officers at the busy intersections of the route. The Start / Finish Line will be located in front of Lon C. Hill Park at 1217 Fair Park Blvd. The 5K route will be marked with traffic cones for the safety of all participants. This street closure is to ensure the safety of the attending public and participants.

If approved, barricades are to be delivered and installed by the City of Harlingen Street Department at 4:00 p.m. on Friday, May 2, 2025. Barricades are then to be removed from the roadway at 11:00 p.m. that evening.

The following streets are requested to be temporarily closed throughout the duration of the event:

- Close Fair Park Blvd. between North L Street and North J Street (No thru traffic) to include all entries and exits from Harlingen Performing Arts and Casa de Amistad parking lots.
- Please include Detour Signs at North L Street/ Fair Park Blvd. to send traffic north and onto Wichita Avenue.
- Fair Park Blvd./ North O Street north side of intersection
- Fair Park Blvd./ West Adams Street west side of intersection
- Expressway 77 Northbound Frontage Rd./ Teege Ave. east side of intersection

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE		3412	04/10/2025
SERGEANT / SUPERVISOR			
COMMANDER / MANAGER		2022	4-10-25
DEPUTY CHIEF		1933	4-10-25
ASSISTANT CHIEF			
CHIEF OF POLICE			



HARLINGEN POLICE DEPARTMENT
1018 FAIR PARK BLVD., HARLINGEN, TX 78550

INTER-DEPARTMENTAL COMMUNICATION
FRONT DESK: (956) 216-5401 ADMINISTRATION: (956) 216-5403

The Seven Traffic Control Police Officers are recommended to be at the following intersections:

- 1200 Block Fair Park Blvd. (1 Police Officer with unit)
- Fair Park Blvd/ West Teege Ave. (1 Police Officer with unit)
- Fair Park Blvd./ North O St. (1 Police Officer with unit)
- Jefferson Ave./ North T St. (2 Police Officers with unit)
- Jefferson Ave./ Expressway 77 Northbound Frontage Rd. (1 Police Officer with unit)
- 1200 Block N. Expressway 77 Northbound Frontage Rd. (1 Police Officer with unit.)

[Handwritten signature]

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE	<i>[Signature]</i>	3412	04/10/2025
SERGEANT / SUPERVISOR			
COMMANDER / MANAGER			
DEPUTY CHIEF			
ASSISTANT CHIEF			
CHIEF OF POLICE			



Parks & Recreation Viva Streets 5k Fun Run

Date: Friday, May2, 2025

Start/Finish: Lon C. Hill Destination Park

Key Intersections that require assistance from Harlingen P.D.

Intersections

1. West Teege Ave. and Fair Park Blvd.
2. Fair Park and Frontage Road, North Bound Lane
3. Turn around @ Frontage Rd/W. Teege, N. Bound Lane

Time

6:00pm-6:45pm
6:00pm-6:45pm
6:00pm-6:45pm

Contact: Christina Mendiola, Recreation Supervisor

Cell: (956) 245-1222 or (956) 216-5950

Benito Bravo - HPD

From: Christina Mendiola
Sent: Thursday, April 10, 2025 9:35 AM
To: Frances Pena - HPD
Cc: Benito Bravo - HPD; Jose J. Lopez - HPD; Carlos Diaz - HPD; Daniel Diaz; Juan Mendiola III
Subject: Viva Streets-Road Closure Request
Attachments: Viva Streets Road Closure 2025.docx

Good morning,
Attached is the road closure request.

Harlingen Parks and Recreation
Recreation Supervisor
Christina Mendiola
Lon C. Hill Bldg. 502 E. Tyler
(956) 245-1222
(956) 216-5950
cmendiola@harlingentx.gov

"Be Curious, Not Judgmental" -Ted Lasso



VIVA STREETS CINCO DE MAYO FESTIVAL

MAY 2, 2025 6PM-10PM

LON C. HILL PARK 1217 FAIR PARK BLVD.

**FOOD - GAMES - 5K FUN RUN - SOCIAL BIKE RIDE -
SKATEBOARDING - ROLLERBLADING - GRITO CONTEST**



LIVE MUSIC BY:

MARIACHI ESTRELLAS DEL VALLE

SELENA TRIBUTE BAND: BIDI BIDI BANDA

[illegible]

-  Patrol Unit
 Barricade

**AGENDA ITEM
EXECUTIVE SUMMARY**

9/2)

Meeting Date: **April 16, 2025**

Agenda Item:

Public Hearing for the voluntary annexation of 3.22 acres of land out of Block 164, San Benito Land and Water Company Subdivision, located along the south side of FM 675, approximately 2,890.84 feet southeast of FM 509. Applicant: Emiliano Rosel c/o Mario Vega. Attachment (**Planning & Development**)

Prepared By: Soledad A. Núñez, CNU-A

Title: Interim Planning and Development Director

Signature: *Soledad A. Núñez*

Brief Summary:

Project Timeline

- March 15, 2025 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- March 26, 2025 – Public hearing to recommend the annexation by the Planning and Zoning Commission.
- April 7, 2025 – Public hearing and consideration of annexation by the City Commission via First Ordinance Reading.
- April 16, 2025 – Public hearing and consideration of annexation ordinance by the City Commission via Second and final reading.

Summary

- The owner of the property has requested the voluntary annexation of 3.22 acres of land (**Attachment I**). The property has frontage along FM 675 and is contiguous to the city limits via the north side of the property. (**Attachment V**).
- The property owner is proposing a single-family home on the property and finds it beneficial for the property to be within the city limits to process a building permit. With the rezoning to Residential, Single-Family ("R-1") District, the developer will build a single-family home for his family.
- Water and sewer for this property is provided by Military Highway Water Supply Corporation.
- The developer will be processing permits for a single-family home after the annexation process is completed. During the rezoning process legal notices will be mailed to all property owners within 200 feet of the subject property. The legal notices will be mailed to the property owners within the city limits only.
- The subject annexation will require three public hearings and two readings of the ordinance. The above timeline delineates the annexation process.
- In 2024 the city annexed a total of 103.94 acres. In 2023 the city annexed 19.94 acres. In 2022 the city annexed 71.1 acres. In 2021 the city annexed 1.47 acres.

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval.

City Manager's approval:

BM

☒ Yes

☐ No

☒ N/A

Comments:

City Attorney's approval:

☐ Yes

☐ No

☐ N/A

**AGENDA ITEM
EXECUTIVE SUMMARY**

9(b)

Meeting Date: **April 16, 2025**

Agenda Item:

Public Hearing for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 119 W. Van Buren Avenue, Suite 7, bearing a legal description of Lots 1, 2, 3, and 4, Block 69, Harlingen Original Townsite. Applicant: Gilberto Lucio. Attachment (**Planning & Development**)

Prepared By: Soledad A. Núñez, CNU-A
Title: Interim Planning & Development Director
Signature: *Soledad A. Núñez*

Brief Summary:

Project Timeline

- February 11, 2025 – Application for a Special Use Permit ("SUP") submitted to the City. (**ATTACHMENT I**)
- March 26, 2025 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- March 29, 2025 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- April 9, 2025 - Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission ("P&Z").
- April 16, 2025 – Public hearing and consideration of the requested SUP via 1st Ordinance reading scheduled before the City Commission.
- May 7, 2025 – Pending approval of 1st Ordinance reading, consideration of approval of 2nd Ordinance reading scheduled before the City Commission.

Summary

- Pursuant to Section 111-62 of the City of Harlingen Code of Ordinances, an adult business (bar/lounge) in a General Retail ("GR") District requires the approval of an SUP by the City Commission.
- The applicant wishes to operate a bar/lounge at 119 W. Van Buren Avenue, Suite 7 under the name, "The Other Room Wine Bar & Coffee". The suite floor area is approximately 11,550 square feet. Based on the floor plan provided, there will be approximately 33 seats. The proposed hours of operation will be seven days a week, 12pm to 12 am. Because the property is within the Downtown District Overlay, the property is exempt from off-street parking requirements. (**ATTACHMENT II**).
- The surrounding properties are zoned General Retail ("GR") District to the north, east, south, and west to the subject property. (**ATTACHMENT IV**). Uses within the plaza include a restaurant. Surrounding land uses include a restaurant to the northwest, a florist and event center to the north, a mixed-use office (restaurant, dentist office) to the east, a parking lot to the south, a tire shop to the southwest, and a vacant commercial property to the west. (**ATTACHMENT V**).

- The SUP request was routed to the Building Inspections Department, Health Department, Fire Prevention Department, Downtown Improvement District, and Police Department for review. The Fire Prevention Bureau, Downtown Improvement District, and Police Department reported no objections subject to applying for all applicable permits and compliance with all city ordinances, codes and standards. The Health and Building Inspections Department an approval with conditions, the conditions being that they comply with their requirements. **(ATTACHMENT VI)**.
- The applicant must obtain and maintain the proper State and TABC permits.
- At present, the Planning and Zoning Department has not received any calls in opposition. Staff mailed out 10 legal notices.
- In accordance with the Code of Ordinances, the P&Z and City Commissions may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval subject to complying with the following conditions:

1. Must obtain and maintain the proper State and City permits;
2. Must provide video surveillance with a minimum 30-day retention; and,
3. Must comply with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Health, Downtown Improvement District, and Police Departments.
4. Hours of operation shall be seven days a week from 12:00 pm to 12:00 am.
5. A licensed security officer must be on-site during the peak hours of Thursday to Saturday from 9:00pm to 12:00am.

City Manager's approval:

GG

☐

Yes

☐

No

☒

N/A

Comments:

City Attorney's approval:

[Signature]

☒

Yes

☐

No

☐

N/A

1. Consideration Public hearing and take action to consider a request for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 119 W. Van Buren Avenue, Suite 7, bearing a legal description of Lots 1, 2, 3, and 4, Block 69, Harlingen Original Townsite. Applicant: Gilberto Lucio

City Planner, Estefania Hernández, presented the following information related to the request for a Special Use Permit, as follows:

- The applicant wishes to operate a bar/lounge under the name, “The Other Room Wine Bar and Coffee”.
- The suite area is approximately eleven thousand, five hundred and fifty (11,550) square feet.
- The Legal Notice Map that was sent out to surrounding property owners was presented.
- The Existing Floor Plan, that is also part of the meeting packet, was presented.
- A copy of the Proposed Floor Plan was presented.
- The applicant is proposing approximately thirty-three (33) seats.
- The Proposed Hours of Operation are seven (7) days a week, from twelve (12, noon) p.m. to twelve (12, midnight) a.m.
- The property is located within the Downtown District Overlay, the property is exempt from off-street parking requirements.
- The applicant letter from the property owner showing general support and what the goal and vision is for this proposed project was presented.
- A Street View from Commerce St. was presented, showing the suite they are intending on occupying. It is suite seven (7) and it faces Commerce Street.
- An Aerial View of the Subject Property was presented. Surrounding properties are zoned General Retail (FR) to the north, east, south and east. The suite is inside a commercial plaza. Uses within the Plaza include a restaurant. Surrounding land uses include a restaurant to the northwest, a florist and event Center to the north, a mixed-use office to the east and a parking lot to the south, a tire shop to the southwest and vacant commercial property to the west.
- The Building Inspections department, Fire Prevention Bureau, Police Department, Health, Fire and the Downtown Improvement District all reviewed the application. The Fire Prevention Bureau, Downtown Improvement District and Police Department have recommended approval with no objections.

- The Health Department and Building Inspections Department approved with the condition that they comply with their requirements during the building permit phase. The applicant must also obtain any sort of State and proper TBC permits.
- At the present, Staff hadn't received any sort of phone calls, in inquiry or in opposition of the item. Staff sent out ten (10) legal notices to the surrounding property owners.
- Staff is recommending approval of the Special Use Permit subject to the following conditions, that they –
 - Obtain and maintain proper state and city permits,
 - Maintain video surveillance with a thirty (30) day minimum retention period,
 - Comply with the requirements administered by Planning and Zoning, Building Inspection, Fire Prevention, Health, the Downtown Improvement District and Police Departments,
 - Maintain the Hours of Operation, them being seven (7) days a week, from twelve (12, noon) p.m. to twelve (12, midnight) a.m., and
 - that a licensed Security Officer shall be on-site during peak hours, which are Thursdays to Saturdays, from nine (9) p.m. to twelve AM.
- Ms. Hernández made herself available to answer questions from the Board. She stated that the applicant was also present to answer any questions.

Chairman Consiglio thanked Ms. Hernández for the great presentation. He asked if there were any questions for Staff. Upon hearing none, he proceeded to the Public Hearing. The Chairman asked if there was anyone that would like to speak on this item, either for or against. The applicant rose to speak. The Chairman indicated they could end the Public Hearing and speak to the Applicant. Commissioner Flores indicated he had a question.

Frank Morales, City Commissioner for District 4

Mr. Morales stated his name for the record. He said he had a question about the licensed security officer from nine (9) p.m. to twelve (12, midnight) a.m. He asked whether if they were not booming, if they still had to have a security there. He rephrased to say that if it was a slow business. The Chairman indicated he did not know the answer. He said he thought it was one of those boilerplate type of requirements the on all SUPs. Mr. Morales asked if it was a necessity that they have somebody there. The Chairman said they could certainly have the conversation and redirected to Ms. Núñez who had started to speak. Ms. Núñez explained that it is standard for bar lounges but that however, given the nature of the business it is and it being planned to be more low key. She said it was a wine coffee bar and not a night club per se. She said that as part of the Special Use Permit, if the Board felt that one of these [requirements] was too stringent,

that they could recommend differently as the Planning and Zoning Commission. She said that then ultimately, City Commission will also take that into account when they make their final decision on the Special Use Permit. The Chairman thanked Ms. Núñez. Mr. Morales also acknowledged the information and said he thought they had it covered. He said thank you.

The Chairman asked if there was anyone else. Upon hearing none, the Public Hearing was closed.

He asked if there was any questions for the applicant or asked if Mr. Lucio has anything he wanted to share.

Gilbert Lucio, applicant

Mr. Lucio introduced himself to the Board. He expressed thanks for being allowed to come today. He said he appreciated the time that they put forth, especially volunteering for this [the Board].

Mr. Lucio said he wanted the Board to know that this place, The Other Room Wine Bar, is going to be a very low-key place. He described it as being more like a lounge. He said there would not be any dancing and that the focus is on wines and a little bit on coffee. He said he chose Harlingen as his first choice, saying that he saw that the downtown area needed something more and different from the other clubs and night venues that they had here for drinking. He said he wanted to bring wines of the world here. He said he loves wine and that it is a passion of his for the last couple of decades and that he wanted people in Harlingen to experience what he has experienced as far as enjoying wine and so forth. He said he thought it would be a great experience for everyone here in Harlingen to taste what he tastes and see what he sees and to bring wines from all over. He joked that hopefully with the tariffs going away, it would also be cheaper. [There was laughter.] Mr. Lucio reiterated that The Other Wine Bar is not going to be a big event and that it was going to be very low key as was mentioned before. Mr. Lucio said they are going to offer col plates as well and that it wouldn't be a heavy kitchen or anything like that. He further explained that he and his wife decided to bring this here. He said his wife was from New York City and she wants to experience stuff here and bring it to Harlingen. Mr. Lucio said they came from Denver to open this up here and that maybe everybody could enjoy what they enjoy. Chairman acknowledged the information provided. Mr. Lucio thanked the Board for their time.

Chairman Consiglio asked if there were any questions for the applicant.

Mr. Flores indicated he had a question for Staff. He asked if there were security guards on the one that is on Jackson Street. He started to say he thought it was on... Ms. Núñez asked if he was asking about Cork N Craft? Mr. Flores said yes. Ms. Núñez said she didn't believe they do and said this would be something similar and maybe even a bit smaller than Cork N Craft. Mr. Flores then said that there was another across the street from where he wanted to put one. Mr. Flores asked if they had security too. Ms. Núñez said that she didn't think any of the wine

bars/lounges in the Downtown District have security guards or licensed security officers. She explained that if the recommendation is that maybe we don't have it, they could certainly take it off. Ms. Núñez added that they are monitored by the Downtown District since they do fall on that overlay and Downtown District Staff is very good at keeping an eye on their overlay and letting staff on our end, especially Code Enforcement, know if anything gets out of hand or needs to be looked at.

Mr. Lucio asked to add to the discussion. He stated that he has been a police officer for over thirty-seven (37) years. He said he was a detective in Denver and so he was pretty well aware if there is any problem and stuff. He said he has done this all his life, since he was eighteen (18). Cmr. Flores thanked him. Chairman Consiglio asked Mr. Lucio if he had any particular issue with item five (5) as part of the recommendation for the SUP. Mr. Lucio confirmed that he was being asked if he had any issues with it. The Chairman asked if he would prefer not to have it. Mr. Lucio said that looking at wine bars across the US and stuff, he said that he thought that having a security or armed police officer will take away from the focus of enjoying wine at the place. He said he would hate to see a couple enjoying the evening, just hanging around and then having somebody standing there with a gun. The Chairman said that the thought Commissioner Flores brings up a good point. He said that he thought the other bar does not have that and so with that said, he asked if there was a motion. He specified that they can say with Staff recommendations or that they can amend those Staff recommendations and also suggested that they could maybe put a six (6) month thing and that then, if it is not as low key as you all think, then it could be just up for automatic renewal if there is no police reports and things like that. Ms. Núñez said that was correct. She said that if they felt that at the six (6) month or year, that they would have to renew. She said they could do a test run. The Chairman then added that if there were no police reports or anything else, then they could do administrative approval or if they would have to come back and vote and all of that. Ms. Núñez said that we would have to come back for a vote, but that at that point, they could decide to just let them have it in perpetuity. The Chairman acknowledged the information. The Chairman said the supposed they have this for all establishments like this and that they want to make sure they are fair and equitable to everybody he thought. He said he understood but said that they could probably do without. Ms. Núñez said that was correct. She said that Cork N Craft does not have a licensed security officer and that it is similar to what this gentleman is wanting to open. The Chairman said it sounded like it. The Chairman then asked about Provecho next door. Ms. Núñez said that Provecho was actually in the same plaza. The Chairman acknowledged that they don't have it (licensed security guard) but that it was a restaurant, and it was different. Ms. Núñez said it was more of a restaurant and so they don't have it but that they did have that alcoholic beverage component to them.

Cmr. Cruz-Velázquez said she had a question. She said she was looking at their hours of operation and then asked what the name they were going by was. Mr. Lucio said the place is "The Other Room Wine Bar and Coffee, LLC" but that it will be DBA (doing business as) "The

Other Room Wine Bar". Cmr. Cruz-Velázquez asked if they were limiting themselves to the specific hours. She used the example that on the weekend some people might be until one (1) a.m. She asked if they didn't want to go beyond. Mr. Lucio said he was limited to the twelve (12, midnight) a.m. Cmr. Cruz-Velázquez then asked about opening hours. She said she didn't know a lot of people that drink coffee after twelve (12, noon) p.m. She said she was just thinking. Mr. Lucio said it was debatable but that he would go with the twelve (12, noon) to twelve (12, midnight) for now but that it could change but that for twelve (12, midnight) a.m., it was a hard, definite closing time. The Chairman explained that once they set their hours, if he wanted to open earlier, then he would be in a pickle. Ms. Núñez said that what they could do, and it would be up to the applicant, if they want to give themselves a little more liberties with their hours. She said it would be okay if they didn't use them, but that if they chose to open prior to noon, they would have to amend their SUP. Mr. Lucio said that if this was the case, he would want to amend his hours to eight (8) a.m. because eight (8) a.m. is when everybody is going to work and so forth and he said he thought that would be great. Cmr. Cruz-Velázquez confirmed that it would be until midnight. Mr. Lucio said yes. The Chairman commented that they have done this before too and added that they wanted to make sure he was not putting himself in a corner.

The Chairman asked if there was a motion. He asked Cmr. Cruz-Velázquez if she wanted to give a motion. Cmr. Cruz-Velázquez said she wanted to make the motion to approve with the hours to earlier and added that she didn't feel that they should impose an officer. The Chairman said that could be her motion. Cmr. Cruz-Velázquez said that it would be her motion to remove [condition] five (5) all together. The Chairman summarized that it was a motion to approve with the modified hour per the applicant request here and then to remove the recommendation for number five (5). He asked if there was a second. Cmr. Perez seconded the motion. The Chairman asked if there was any further discussion and upon hearing none moved the motion to a vote. The motion passed unanimously. The Chairman wished to recognize that Cmr. Villarreal did abstain from conversation and voting on the item. The Chairman wished the applicant good luck and said they looked forward to joining him soon.

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(2)

Meeting Date: **April 16, 2025**

Agenda Item:

Consideration and possible action to approve an ordinance on second and final reading for the voluntary annexation of 3.22 acres of land out of Block 164, San Benito Land and Water Company Subdivision, located along the south side of FM 675, approximately 2,890.84 feet southeast of FM 509. Applicant: Emiliano Rosel c/o Mario Vega. Attachment (**Planning & Development**)

Prepared By: Soledad A. Núñez, CNU-A

Title: Interim Planning and Development Director

Signature: *Soledad A. Núñez*

Brief Summary:

Project Timeline

- March 15, 2025 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- March 26, 2025 – Public hearing to recommend the annexation by the Planning and Zoning Commission.
- April 7, 2025 – Public hearing and consideration of annexation by the City Commission via First Ordinance Reading.
- April 16, 2025 – Public hearing and consideration of annexation ordinance by the City Commission via Second and final reading.

Summary

- The owner of the property has requested the voluntary annexation of 3.22 acres of land (**Attachment I**). The property has frontage along FM 675 and is contiguous to the city limits via the north side of the property. (**Attachment V**).
- The property owner is proposing a single-family home on the property and finds it beneficial for the property to be within the city limits to process a building permit. With the rezoning to Residential, Single-Family ("R-1") District, the developer will build a single-family home for his family.
- Water and sewer for this property is provided by Military Highway Water Supply Corporation.
- The developer will be processing permits for a single-family home after the annexation process is completed. During the rezoning process legal notices will be mailed to all property owners within 200 feet of the subject property. The legal notices will be mailed to the property owners within the city limits only.
- The subject annexation will require three public hearings and two readings of the ordinance. The above timeline delineates the annexation process.
- In 2024 the city annexed a total of 103.94 acres. In 2023 the city annexed 19.94

acres. In 2022 the city annexed 71.1 acres. In 2021 the city annexed 1.47 acres.

Funding (if applicable):

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

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

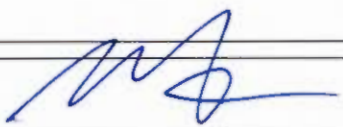
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

City Manager's approval:  ☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:  ☒ Yes ☐ No ☐ N/A

Attachment I- Letter from the Property Owner

Moore Land Surveying, LLC

14216 Palis Drive
La Feria, TX 78552

(956)245-0988
(956)245-4651

TBPLS Firm No. 10194186
TBPE Firm No. 19190

Sol A. Nunez
City of Harlingen Planning
502 E. Tyler Ave.
Harlingen, TX 78550

March 20, 2025

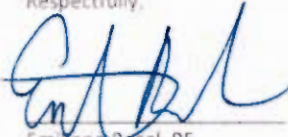
RE: 3.22 ACRES OUT OF BLOCK 164, SAN BENITO LAND AND WATER COMPANY

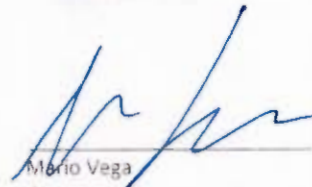
Ms. Nunez:

On behalf of our client, we would like to request an annexation into the City of Harlingen's ETJ for the property consisting of 3.22 Acres out of Block 164, San Bentio Land and Water Company Subdivision. The owner of the subject property would like to pull a permit to build a house on the property. However, the property lies within both the city limits of Harlingen and the county.

Should you have any questions feel free to contact myself at 956-929-1615.

Respectfully,


Emiliano Rosel, PE
Moore Land Surveying, LLC


Mario Vega
Owner

Attachment II- Property Survey



Attachment III- Metes & Bounds Description

Moore Land Surveying, LLC

14216 Palis Drive, La Feria, TX 78559 (956)245-0988

TBPLS Firm No. 10194186

March 20, 2025

METES AND BOUNDS 3.22 ACRES OF LAND

BEING 3.22 ACRES OF LAND out of Block One Hundred Sixty-Four (164), San Benito Land and Water Company Subdivision, Cameron County, Texas, according to the map or plat thereof recorded in Volume 1, Page 6, Map Records of Cameron County, Texas, being out of a 57.739 Acre tract of land described in Volume 23739, Page 130, Official Records of Cameron County, Texas, said 3.22 Acre tract being more particularly described by metes and bounds as follows:

COMMENCING at the Southeast corner of said 57.739 Acre tract, from which the Northeast corner of Block 165 bears **NORTH 38 DEG. 42 MIN. 22 SEC. EAST** a distance of **374.79 FEET**.

THENCE along the East boundary of Blocks 164 & 165, **NORTH 38 DEG. 42 MIN. 22 SEC. EAST** a distance of **578.00 FEET** to a point, for the Southeast corner and **POINT OF BEGINNING** of the tract herein described;

1) **THENCE** leaving the East boundary of Block 164, **NORTH 54 DEG. 35 MIN. 11 SEC. WEST**, at a distance of 25.00 feet pass an iron rod with plastic cap stamped "MOORE 6370" set, a total distance of **952.97 FEET** to an iron rod with plastic cap stamped "MOORE 6370" set, for the Southwest corner of the tract herein described;

2) **THENCE NORTH 30 DEG. 14 MIN. 23 SEC. EAST** a distance of **192.90 FEET** to an iron rod found on the South boundary of Hacienda De Lago Subdivision, recorded in Cabinet 1, Page 26-8, Map Records of Cameron County, Texas, for a corner of the tract herein described,

3) **THENCE** along the South boundary of Hacienda De Lago Subdivision, being the South right of way of Parmer Drive, **SOUTH 76 DEG. 50 MIN. 38 SEC. EAST** a distance of **120.00 FEET** to a point, for a corner of the tract herein described;

4) **THENCE** along the East boundary of Hacienda De Lago Subdivision, **NORTH 13 DEG. 09 MIN. 22 SEC. EAST**, at a distance of 40.00 pass an iron rod found on the North right of way of Parmer Drive, a total distance of **427.32 FEET** to an iron rod with plastic cap stamped "MOORE 6370" set for the point of curvature of a curve to the right, for a corner of the tract herein described;

5) **THENCE** continuing along the East boundary of Hacienda De Lago Subdivision and along said curve to the right, with a radius of **412.50 FEET**, an arc length of **227.39 FEET**, and a central angle of **31 DEG. 35 MIN. 03 SEC.**, having a chord bearing of North 28 Deg. 56 Min. 53 Sec. East and a chord distance of 224.52 feet to an iron rod found for the Southwest corner of a 0.09 Acre tract of land described in Document No. 2024-16708, Official Records of Cameron County, Texas, for the Northwest corner of the tract herein described;

6) **THENCE** along the South boundary of said 0.09 Acre tract, **SOUTH 47 DEG. 20 MIN. 38 SEC. EAST** a distance of **31.08 FEET** to an iron rod found, for a corner of the tract herein described,

7) **THENCE** continuing along the South boundary of said 0.09 Acre tract, **NORTH 47 DEG. 39 MIN. 21 SEC. EAST** a distance of **20.52 FEET** to an iron rod found, for a corner of the tract herein described;

8) **THENCE** continuing along the South boundary of said 0.09 Acre tract, **SOUTH 68 DEG. 27 MIN. 27 SEC. EAST** a distance of **22.89 FEET** to an iron rod found, for a corner of the tract herein described,

9) **THENCE** leaving the South boundary of said 0.09 Acre tract, **SOUTH 38 DEG. 29 MIN. 46 SEC. WEST** a distance of **130.91 FEET** to a point, for a corner of the tract herein described;

10) **THENCE SOUTH 16 DEG. 56 MIN. 30 SEC. WEST** a distance of **281.75 FEET** to a point, for a corner of the tract herein described;

Attachment III- Metes & Bounds Description

11) THENCE SOUTH 01 DEG. 14 MIN. 33 SEC. EAST a distance of 519.19 FEET to a point, for a corner of the tract herein described;

12) THENCE SOUTH 49 DEG. 33 MIN. 39 SEC. EAST a distance of 599.77 FEET to a point, for a corner of the tract herein described;

13) THENCE SOUTH 38 DEG. 42 MIN. 22 SEC. WEST a distance of 10.77 FEET to the POINT OF BEGINNING; Containing 3.22 Acres of land within these metes and bounds.

Basis of bearings are as per the Texas State Plane Coordinate System, South Zone, NAD 83. A plat of survey accompanies this metes and bounds description.

Cody Moore

Cody Michael Moore, R.P.L.S.
Registered Professional Land Surveyor No. 6370



7/20/25

Date

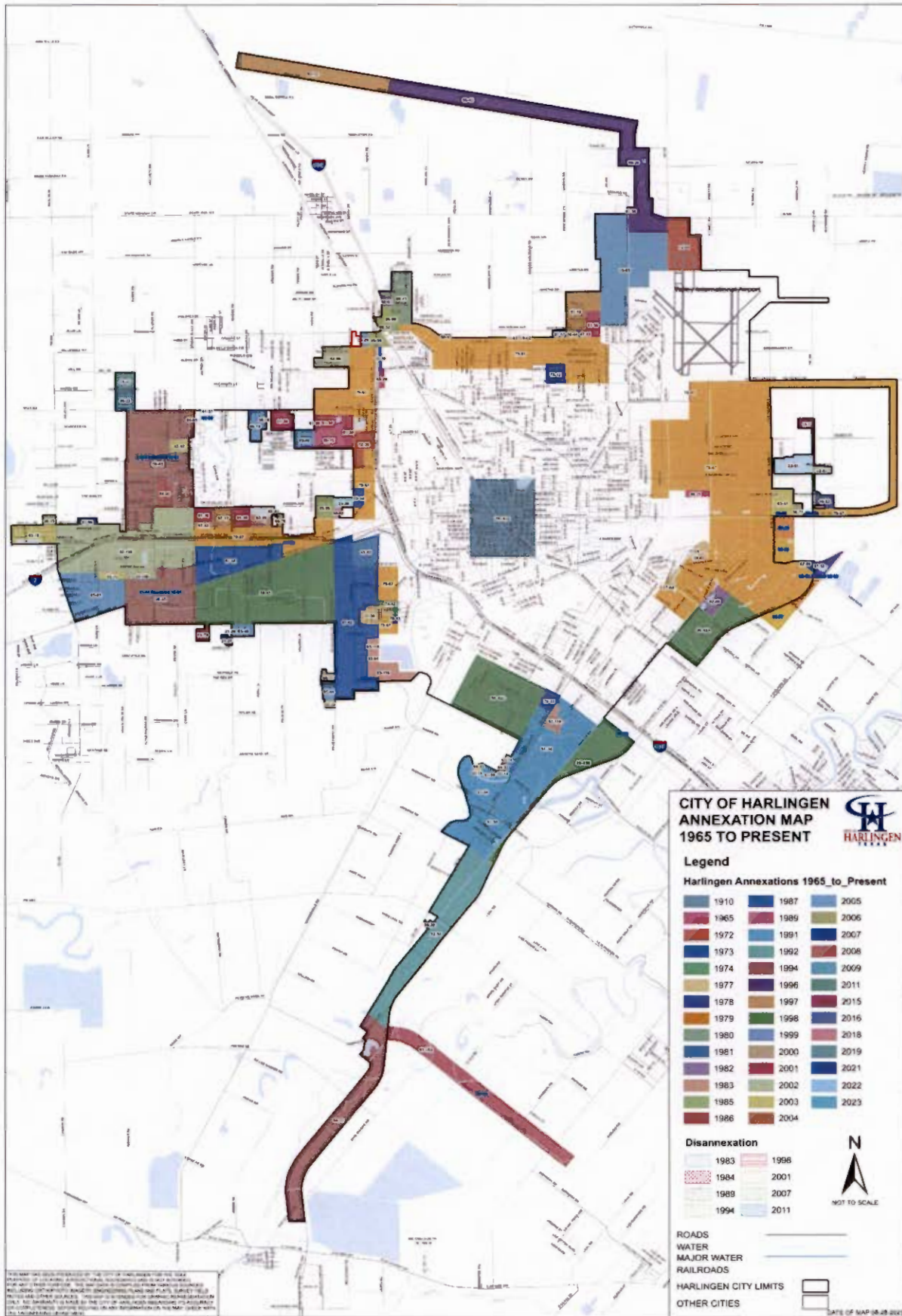
Attachment IV- Aerial Photo with Existing City Limits



Attachment V- Zoning Map



Attachment VI- Annexation Map



ORDINANCE NO. 25-_____

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HARLINGEN BY ANNEXING, FOR FULL PURPOSE A 3.22 ACRE TRACT OF LAND OUT OF BLOCK 164, SAN BENITO LAND AND WATER COMPANY SUBDIVISION, LOCATED ALONG THE NORTH SIDE OF FM 106 APPROXIMATELY 1,295 FEET EAST OF FM 509; BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY; APPROVING AN ANNEXATION SERVICES AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Harlingen, Texas (the "City") desires to annex approximately 3.22 acres of land situated along the along the south side of FM 675, approximately 2,890.84 feet southeast of FM 509 legally described as a 3.22 acre tract of land out of Block 164, San Benticio Land and Water Company Subdivision and depicted in Exhibit "A", with the exhibit being attached hereto and incorporated herein by reference (collectively, the "Property"); and

WHEREAS, pursuant to Chapter 43, Section 43.003, of the Texas Local Government Code, a home-rule municipality may extend the boundaries of the municipality and annex area adjacent to the municipality which are contained in the municipality's extra-territorial jurisdiction (ETJ); and

WHEREAS, Chapter 43, Subchapter C-3 of the Texas Local Government Code authorizes municipalities to annex an area on the request of all property owners in an area, whereby the City has received a petition for annexation by the property owner for the tract of land described as depicted in Exhibit "B"; and

WHEREAS, in accordance with Texas Local Government Code, Chapter 43, Subchapter C-3, Section 43.0672, the City has negotiated and entered into a written

agreement dated March 11, 2025, with the owner of the Property regarding the provision of services to the Property upon annexation, of which the applicable annexation services agreement and schedule is attached hereto and incorporated herein as Exhibit "C," and

WHEREAS, the City Commission provided public notice and held public hearings on March 26, April 7, and April 16, 2025, for all interested persons to attend and be heard in accordance with Texas Local Government Code, Chapter 43, Subchapter C-3, § 43.0673; and

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

WHEREAS, the City 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:

- Section 1.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Commission and made a part hereof for all purposes as findings of fact.
- Section 2.** The Property, lying outside of, but adjacent to and adjoining the City and located within the City's ETJ, is hereby annexed into the City, and the boundaries of the City are extended to include the Property within the corporate limits of the City. From and after the date of this ordinance, the Property shall be entitled to all the rights and privileges of the City and shall be bound by all the acts, ordinances, resolutions, and regulations of the City.
- Section 3.** The City finds annexation of the Property to be in the public interest due the Property promoting economic growth of the City.
- Section 4.** The annexation services agreement attached as Exhibit "C" is approved, and municipal services shall be provided to the Property in accordance therewith.
- Section 5.** The City Manager is hereby authorized and directed to take appropriate action to have the official map of the City revised to reflect the addition to the City's Corporate Limits and the City Secretary is directed to file a certified

copy of this Ordinance in the office of the County Clerk of Cameron County, Texas, and in the official records of the City.

Section 7. If for any reason any section, paragraph, subdivision, clause, phrase, word, or other provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this Commission that every section, paragraph, subdivision, clause phrase, word, or provision hereof shall be given full force and effect for its purpose.

Section 8. This Ordinance will take effect upon its adoption by the City Commission in accordance with the provisions of Article V, Section 5 of the City Charter.

APPROVED ON FIRST READING on this ____ day of _____, 2025

APPROVED, PASSED, AND ADOPTED ON SECOND AND FINAL READING on this ____ day of _____, 2025

CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Hermelinda Gonzales, Interim City Secretary

EXHIBIT "A"

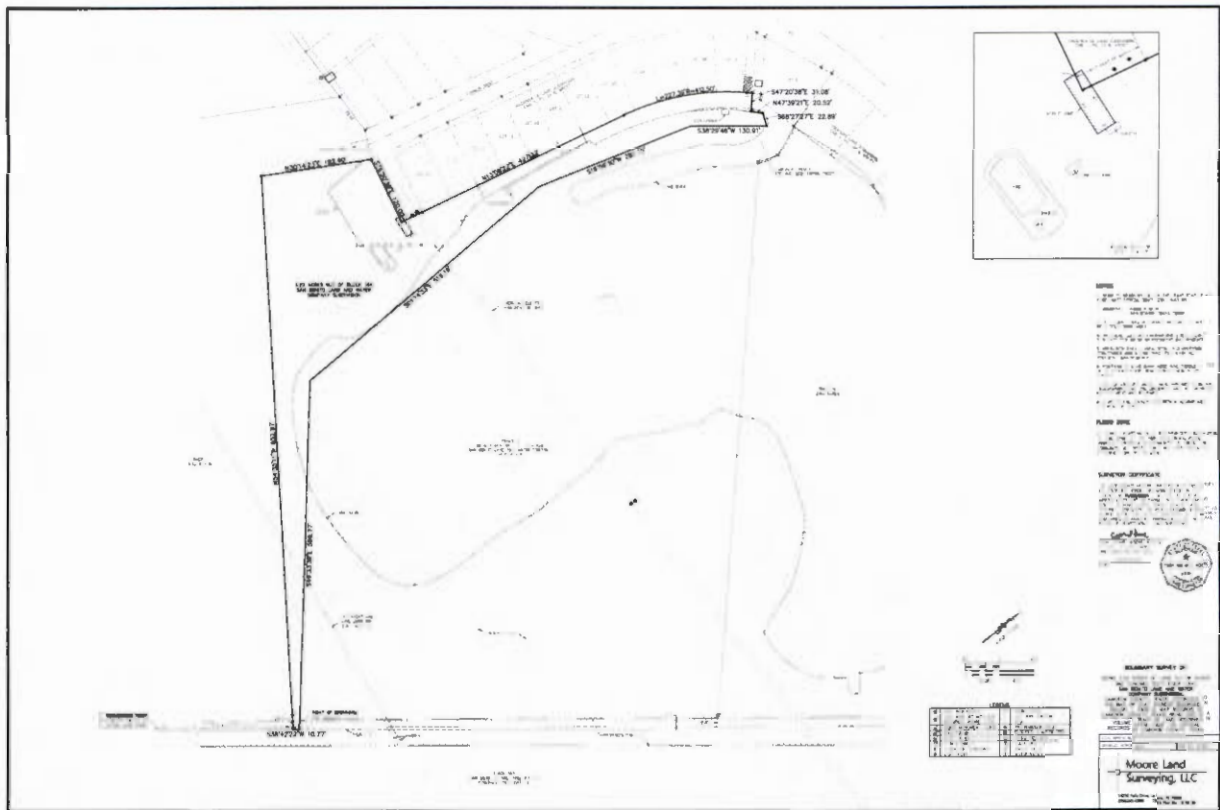


EXHIBIT "A"

Moore Land Surveying, LLC

14216 Palis Drive, La Feria, TX 78559

(956)245-0988

TBPLS Firm No. 10194186

March 20, 2025

METES AND BOUNDS

3.22 ACRES OF LAND

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Basis of bearings are as per the Texas State Plane Coordinate System, South Zone, NAD 83. A plat of survey accompanies this metes and bounds description.


Cody Michael Moore, R.P.L.S.
Registered Professional Land Surveyor No. 6370



3/20/25
Date

EXHIBIT "C"

ANNEXATION SERVICE AGREEMENT

SECTION 1. Pursuant to the provisions of V.T.C.A., Local Government Code Section 43.0672, in connection to the voluntary annexation of a 18.26 acres of land out of Block 164, San Benito Land and Water Company Subdivision, Cameron County, Texas, the owners(s) of the land in the area and the City of Harlingen ("City"), collectively referred to herein as the "Parties", hereby enter into this written Annexation Service Agreement as follows:

- A. Services to be provided on the effective date of annexation unless otherwise specified.
1. Police Protection
Patrolling, radio response to calls and other routine police services using present personnel and equipment will be provided on the effective date of annexation. Patrol positions will be added when population warrants.
 2. Fire Protection
Fire protection by the present personnel and equipment of the fire fighting force within the limitations of available water will be provided on the effective date of annexation.
 3. Emergency Medical Services
Emergency medical services will be provided through contract services on the effective date of annexation.
 4. Environmental Health and Code Compliance
Health protection including the elimination of weedy lots, illegal dumping, unsanitary septic systems, sources of standing water and other public nuisances will be provided on the effective date of annexation.

Regulation of animal and fowl density will be provided on the effective date of annexation.

-
5. Solid Waste Collection
Pick up will begin on the effective date of annexation at the same level of service and cost provided to other similar areas presently found within the City of Harlingen.

Brush collection will be on a periodic basis as established by the City Sanitation Department with an active utility account.

6. Operation and maintenance of public water and wastewater facilities
Routine maintenance of existing water and wastewater facilities owned by Harlingen Waterworks System that are not within the service area of another water or wastewater utility will begin on the effective date of annexation.
7. Operation and maintenance of public roads and streets
Routine maintenance of public roads and streets will begin on the effective date of annexation on the same basis as presently occurs in the city.

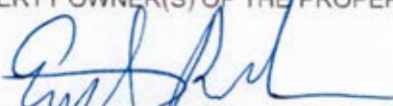
- B. If the city fails to zone the property as Residential, Single-family ("R-1") District after the rezoning public hearings are held, the city agrees to de-annex the property within three (3) months after the rezoning process is completed.

SIGNED this ____ day of _____, 2025.

CITY OF HARLINGEN

By: _____
Gabriel Gonzalez, CPM, City Manager

PROPERTY OWNER(S) OF THE PROPERTY DESCRIBED ABOVE

By: 
Emiliano Rosel P.E. c/o Mario Vesz

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(b)

Meeting Date: **April 16, 2025**

Agenda Item:

Consideration and possible action to approve an ordinance on first reading for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 119 W. Van Buren Avenue, Suite 7, bearing a legal description of Lots 1, 2, 3, and 4, Block 69, Harlingen Original Townsite. Applicant: Gilberto Lucio. Attachment (**Planning & Development**)

Prepared By: Soledad A. Núñez, CNU-A
Title: Interim Planning & Development Director

Signature: *Soledad A. Núñez*

Brief Summary:

Project Timeline

- February 11, 2025 – Application for a Special Use Permit ("SUP") submitted to the City. (**ATTACHMENT I**)
- March 26, 2025 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- March 29, 2025 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- April 9, 2025 - Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission ("P&Z").
- April 16, 2025 – Public hearing and consideration of the requested SUP via 1st Ordinance reading scheduled before the City Commission.
- May 7, 2025 – Pending approval of 1st Ordinance reading, consideration of approval of 2nd Ordinance reading scheduled before the City Commission.

Summary

- Pursuant to Section 111-62 of the City of Harlingen Code of Ordinances, an adult business (bar/lounge) in a General Retail ("GR") District requires the approval of an SUP by the City Commission.
- The applicant wishes to operate a bar/lounge at 119 W. Van Buren Avenue, Suite 7 under the name, "The Other Room Wine Bar & Coffee". The suite floor area is approximately 11,550 square feet. Based on the floor plan provided, there will be approximately 33 seats. The proposed hours of operation will be seven days a week, 8am to 12 am. Because the property is within the Downtown District Overlay, the property is exempt from off-street parking requirements. (**ATTACHMENT II**).
- The surrounding properties are zoned General Retail ("GR") District to the north, east, south, and west to the subject property. (**ATTACHMENT IV**). Uses within the plaza include a restaurant. Surrounding land uses include a restaurant to the northwest, a florist and event center to the north, a mixed-use office (restaurant, dentist office) to the east, a parking lot to the south, a tire shop to the southwest,

and a vacant commercial property to the west. (ATTACHMENT V).

- The SUP request was routed to the Building Inspections Department, Health Department, Fire Prevention Department, Downtown Improvement District, and Police Department for review. The Fire Prevention Bureau, Downtown Improvement District, and Police Department reported no objections subject to applying for all applicable permits and compliance with all city ordinances, codes and standards. The Health and Building Inspections Department an approval with conditions, the conditions being that they comply with their requirements. (ATTACHMENT VI).
- The applicant must obtain and maintain the proper State and TABC permits.
- At present, the Planning and Zoning Department has not received any calls in opposition. Staff mailed out 10 legal notices.
- In accordance with the Code of Ordinances, the P&Z and City Commissions may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

Funding (if applicable):

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

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

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

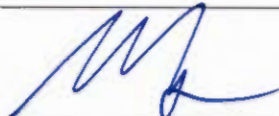
Staff Recommendation:

Staff recommends approval subject to complying with the following conditions:

1. Must obtain and maintain the proper State and City permits;
2. Must provide video surveillance with a minimum 30-day retention; and,
3. Must comply with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Health, Downtown Improvement District, and Police Departments.
4. Hours of operation shall be seven days a week from 8:00am to 12:00 am.

City Manager's approval:  ☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:  ☒ Yes ☐ No ☐ N/A

Attachment I - Application

CITY OF HARLINGEN PLANNING AND ZONING DIVISION MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 119 W. Van Buren Ave Nearest Intersection Van Buren & Commerce St
(Proposed) Subdivision Name Harlingen Original Tract - 40 Acres Lot 1, 2, 3, 4 Block 69
Existing Zoning Designation Office Future Land Use Plan Designation wine lounge

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Gilberto Lucio Phone 720-980-1156 FAX _____
Email Address (for project correspondence only): lucio9428@gmail.com
Mailing Address 5001 Sumatra Cr City Palm Valley State TX Zip 78552
Property Owner SOG Properties LLC Phone 956-300-7644 FAX _____
Email Address (for project correspondence only): nicole@soginter.com
Mailing Address _____ City _____ State _____ Zip _____

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

- | | |
|--|---|
| ☐ Annexation Request..... <u>No Fee</u> | ☐ Preliminary Construction Plans/Final Plat..... <u>\$150.00</u> |
| ☐ Administrative Appeal (ZBA)..... <u>\$125.00</u> | ☐ Subdivision Variance Request..... <u>\$25.00 (each)</u> |
| ☐ Comp. Plan Amendment Request... <u>\$250.00</u> | ☐ Re-plat..... <u>\$250.00</u> |
| ☐ Re-zoning Request..... <u>\$250.00</u> | ☐ Vacating Plat..... <u>\$50.00</u> |
| ☒ SUP Request/Renewal..... <u>\$250.00</u> | ☐ License to Encroach..... <u>\$250.00</u> |
| ☐ Zoning Variance Request (ZBA)..... <u>\$250.00</u> | ☐ Right-of-Way/Utility Easement Abandonment... <u>No Fee</u> |
| ☐ PDD Request..... <u>\$250.00</u> | |

Please provide a basic description of the proposed project: The Other Room Wine Bar & Coffee
is being designed to provide a curated wine experience with wines
not normally found in the area. It will have a limited food menu
with tasting events.

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: 02-11-2025

Property Owner(s) Signature: _____ Date: _____

Accepted by: _____ Date: _____

Attachment I - Application

SOG Properties, LLC
PO BOX 1545
Harlingen, TX 78551
956-300-7644
nicole@soginter.com
February 11, 2025

City of Harlingen
Planning and Development
502 E. Tyler Ave
Harlingen, TX 78550

Dear Esteefania Hernandez, City Planner

I am writing to formally notify the City of Harlingen that I, Luis H. Villarreal am the legal owner and managing member of the property located at 119 W Van Buren Ave, Harlingen TX 78550 Suite 7. I am authorizing my tenant, The Other Room Wine Bar and Coffee, LLC, to apply for a special use permit for the intended purpose of selling and serving alcohol on the premises as part of its daily operations.

We believe, The Other Room Wine Bar and Coffee, LLC is committed to adhering to applicable regulations and guidelines to ensure the responsible service and consumption of alcohol on the premises.

We also believe The Other Room Wine Bar and Coffee, LLC's business vision will enhance not only our building, but the surrounding community by contributing to our local economy, creating more jobs opportunities in downtown Harlingen and providing a unique recreational space for our community.

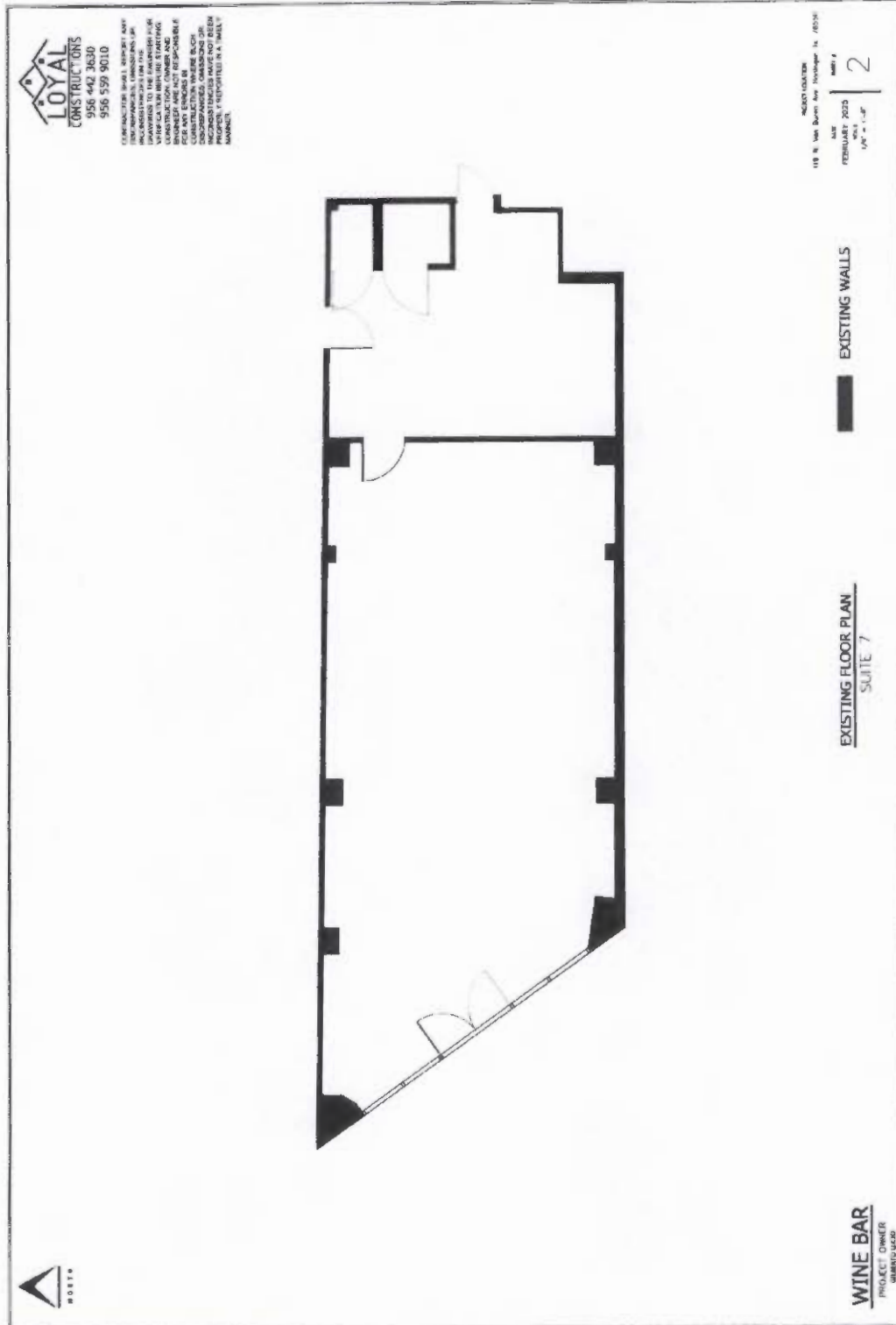
This letter serves as confirmation of the tenant's right to request this special use permit on behalf of the property, with my full consent and authorization.

Should you require any further documentation to verify ownership or additional details regarding this request, please do not hesitate to contact me at 956-300-7644 or nicole@soginter.com/luis@soginter.com

Thank you for your attention to this matter. I look forward to your prompt processing of this request.

Sincerely,
Luis H. Villarreal
Property Owner

Attachment II – Floor Plan



WINE BAR
 6 PM - 11 PM
 CHURCHILL

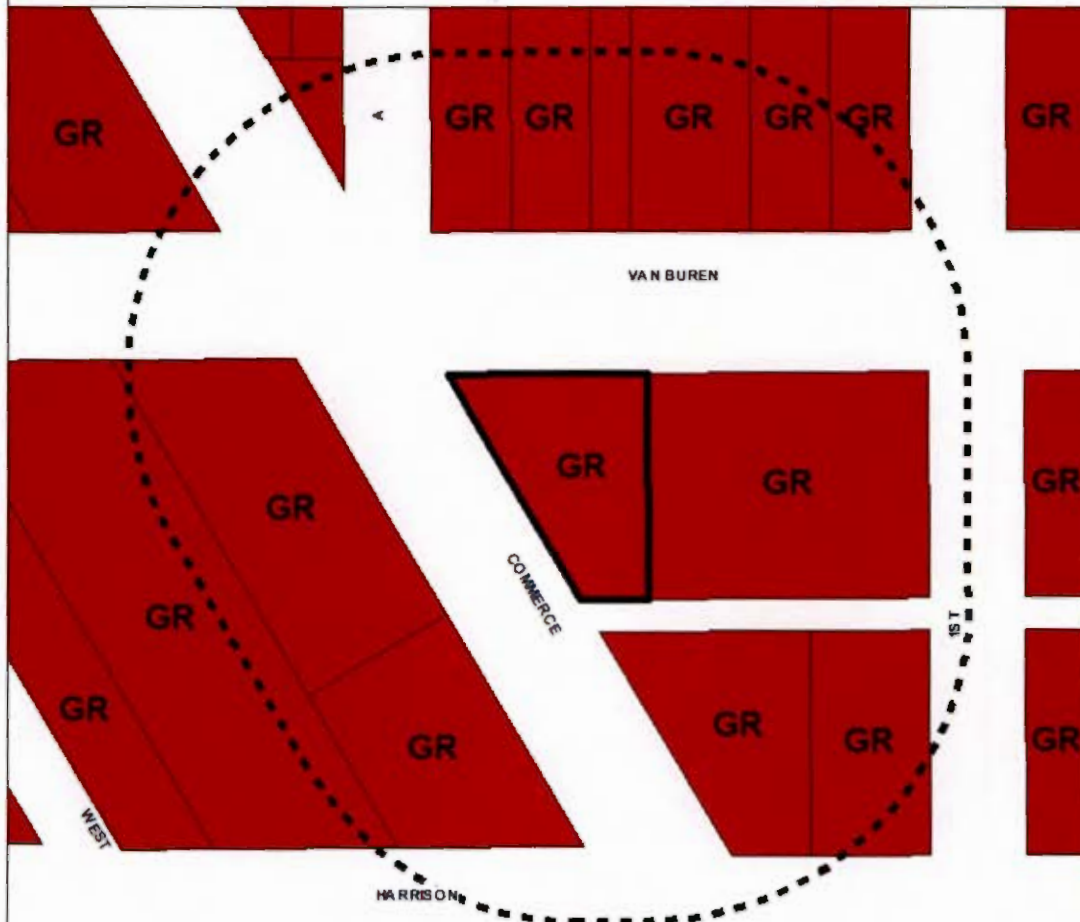
Attachment III – Street View



Attachment IV – Legal Notice



Request for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 119 W. Van Buren Avenue, Suite 7, bearing a legal description of Lots 1, 2, 3, and 4, Block 69, Harlingen Original Townsite. Applicant: Gilberto Lucio



Boundary lines

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

Zoning Designations

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

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 03.21.2025

Attachment V – Aerial View



Attachment VI – Building Inspections



Specific Use Permit ("SUP") Routing Slip

Applicant: Gilberto Lucio

Phone No.: (720) 980-1156

Location: 119 W. Van Buren Avenue

Project Description: Request for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 119 W. Van Buren Avenue, Suite 7, bearing a legal description of Lots 1, 2, 3, and 4, Block 69, Harlingen Original Townsite.

Department: Building Permits and Inspections Department

Approval: ☐ YES ☐ NO ☒ PENDING

Comments:

If request is approved by the Planning Department, A Building Permit application, a site plan, existing floor plan and proposed floor plan with a code analysis for the proposed use must be submitted to the Building Department. The construction documents must comply with the 2018 International Building Code and Family of Codes. The city commission adopted the new 2024 family of codes which will take effect on May 6, 2025. Any building permit applications received after that date will have to follow the new codes.

Raul Rodriguez

Signature

03/31/2025

Date

Attachment VI – Fire Prevention Bureau



Specific Use Permit ("SUP") Routing Slip

Applicant: Gilberto Lucio

Phone No.: (720) 980-1156

Location: 119 W Van Buren Avenue Suite 7

Project Description: Request for a Special Use Permit (SUP) to allow a bar/lounge in a General Retail ("GR") District located at 119 W Van Buren Avenue Suite 7, bearing a legal description of Lots 1, 2, 3, and 4, Block 69, Harlingen Original Townsite.

Department: Fire Prevention Bureau

Approval: X YES NO

Comments: Applicant will have to meet any code, regulation, ordinance, and standard required for the building construction permit.

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr.

Date: March 26, 2025



Specific Use Permit ("SUP") Routing Slip

Applicant: Gilberto Lucio

Phone No.: (720) 980-1156

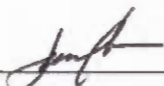
Location: 119 W. Van Buren Avenue

Project Description: Request for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 119 W. Van Buren Avenue, Suite 7, bearing a legal description of Lots 1, 2, 3, and 4, Block 69, Harlingen Original Townsite.

Department: Health

Approval: YES NO

Comments: **Approval X Pending ... The site plans recently submitted still do not show the proper equipment needed for this type of establishment. Since this bar/lounge will be serving drinks and foods, a 3-compartment sink, handwash sink, mop sink, a grease trap or grease Interceptor will be required and need to be shown in the site plans. Additionally, depending on the foods that will be served, the proper cooking equipment also needs to be listed, such as, hood oven suppression system, grills, deep fryers, freezers and refrigerators. Need more information.**



Signature

4-2-202
Date

Attachment VI – Harlingen PD



Specific Use Permit ("SUP") Routing Slip

Applicant: Gilberto Lucio

Phone No.: (720) 980-1156

Location: 119 W. Van Buren Avenue

Project Description: Request for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 119 W. Van Buren Avenue, Suite 7, bearing a legal description of Lots 1, 2, 3, and 4, Block 69, Harlingen Original Townsite.

Department: HARLINGEN POLICE DEPT.

Approval: ☒ YES ☐ NO

Comments: *APPROVED WITH THE UNDERSTANDING THAT INSPECTIONS WILL BE CONDUCTED DURING CONSTRUCTION AND UPON COMPLETION OF BUILDING.*

A handwritten signature in black ink, appearing to be 'A. Alvear'.

Alfredo Alvear, RSCJ, CPM
Interim Chief of Police

4/2/25

Date

Attachment VI – Downtown Improvement District



Downtown Harlingen

P.O. Box 2207, Harlingen, TX 78551-2207
(Office at 209 W. Jackson)
Phone: (956) 216-4910 Fax: (956) 216-8037
www.downtownharlingen.com

03/19/2025

Gilberto Lucio
119 W. Van Buren Ste. 7
Harlingen, Texas 78550

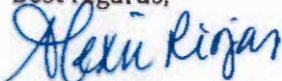
On behalf of the Downtown Improvement District Office, our D.I.D. Board approved the following on March 18, 2025:

- **Consideration and possible action to approve the Special Use Permit for the property located at 119 W. Van Buren Ste. 7- *The D.I.D. Board has approved the SUP application.***

Please proceed to the Building Permits department for permits needed to complete the project.

We appreciate your patience and cooperation. Please contact the office for any additional information at 956-216-4910.

Best regards,



Alexis Riojas
Downtown Director

ORDINANCE NO. 25-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT (SUP) ISSUED TO GILBERTO LUCIO TO ALLOW A BAR/LOUNGE IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 119 WEST VAN BUREN AVE, SUITE 7, BEARING A LEGAL DESCRIPTION OF LOTS 1, 2, 3, AND 4, BLOCK 69, 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 in Exhibit "A":

Special Use Permit (SUP) issued to Gilberto Lucio to allow a bar/lounge in a General Retail ("GR") District located at 119 West Van Buren, Suite 7, bearing a legal description of Lot 1, 2, 3, and 4, Block 69, Harlingen Original Townsite.

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

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

1. Must obtain and maintain the proper State and City permits;
2. Must provide video surveillance with a minimum 30-day retention; and,
3. Must comply with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Health, Downtown Improvement District, and Police Departments.
4. Hours of operation shall be seven days a week from 12:00 pm to 12:00 am.
5. A licensed security officer must be on-site during the peak hours of Thursday to Saturday from 9:00pm to 12:00am.

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 _____, 2025 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

Norma Sepulveda, Mayor

ATTEST:

Hermelinda Gonzalez, Interim City Secretary



WINE BAR
PERFECT OWNER
CHILDS TO LUCK

PROJECT LOCATION
115 W Van Buren Ave., Harkins, TN 37550

DATE
FEBRUARY 2022

SCALE
N.T.S.

REVISION
3

 NEW FRAME WALLS

 EXISTING WALLS

PROPOSED FLOOR PLAN
SUITE 7

**AGENDA ITEM
EXECUTIVE SUMMARY**

101C)

Meeting Date: **April 16, 2025**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading for the waiving of certain permit fees within the City of Harlingen caused by the recent State of Emergency, and amending the City of Harlingen Code of Ordinances, Chapter 103, "Buildings and Building Regulations" to add Section 103-6, "Waiver of Permit Fees for Rehabilitation during Declared State of Emergency". Applicant: City of Harlingen. Attachment (**Planning & Development**)

Prepared By: Soledad A. Núñez, CNU-A
Title: Interim Planning and Development Director
Signature: *Soledad A. Núñez*

Funding (if applicable):

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

*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: *AS* ☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval: *MA* ☒ Yes ☐ No ☐ N/A

ORDINANCE NO. 25----

**AN ORDINANCE WAIVING CERTAIN PERMIT FEES
WITHIN THE CITY OF HARLINGEN CAUSED
BY THE RECENT STATE OF EMERGENCY, AND
AMENDING THE CITY OF HARLINGEN CODE
OF ORDINANCES AT CHAPTER 103, "BUILDINGS
AND BUILDING REGULATIONS" TO ADD SECTION 103-6
"WAIVER OF PERMIT FEES FOR REHABILITATION
DURING DECLARED STATE OF EMERGENCY"**

WHEREAS, on March 28th, 2025, Harlingen Mayor Norma Sepulveda declared a state of disaster within the City of Harlingen because of widespread flooding in the city which both damaged property and endangered human life, and

WHEREAS, one day later, on March 29th, 2025, the Governor of the State of Texas also declared a state of disaster in Cameron County due to severe flooding affecting both Cameron and Hidalgo Counties, and

WHEREAS, the flooding throughout the City of Harlingen has caused widespread property damage which in turn has imposed a financial burden on many citizens and residents who need to immediately remediate their property, and

WHEREAS, this financial burden has been made even more pressing because of widespread lack of affordable home insurance for flood events, and

WHEREAS, the Harlingen City Commission wishes to assist Harlingen residents dealing with this hardship by waiving to the extent that those residents may have been impacted by the severe storms beginning March 27th, 2025, and

WHEREAS, the City Commission also wishes to establish a standard procedure in the Harlingen Code of Ordinance so that in the event of any future declared state of disaster such relief might be provided, and

WHEREAS, The City Commission of the City of Harlingen finds that it is in the best interests of the citizens of Harlingen to amend the Code of Ordinances as set forth below;

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

- 1.01. The City Commission of the City of Harlingen hereby waives for qualified applicants all building permit fees for rehabilitation caused by the storm and flooding event of March 27th, 2025, in the City of Harlingen. Said fees will be waived for such building rehabilitation related residential and commercial permit applications from March 27th, 2025, to June 27th, 2025, only.
- 1.02. To establish qualifications for the waiver of fees, the applicant must submit to the City evidence and documentation of property damage caused by the storm and flooding events of March 27th, 2025. (the declared state of emergency) to their property.

**IT IS FURTHER ORDAINED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN,
THAT**

- 2) The Harlingen Code of Ordinances at Chapter 103, Buildings and Building Regulations, Article 1, Section 103 is hereby amended to add section 103-6 which shall state as follows:

**103-6 Residential and Commercial Rehabilitation Related Permit Fees Incurred
Because of a Declared State of Emergency**

- a.) If a state of emergency is declared by the Mayor of the City, the Mayor may waive building and permit fees and mechanical permit fees for reasonable and necessary repairs made necessary by the events triggering the state of emergency for a period not to exceed fourteen days from the date the state of emergency is declared in the City. The Harlingen City Commission may, by resolution, waive said fees for a period of up to a total of 90 days including any time waived by the mayor.
- b.) To establish qualifications for the waiver of fees, the applicant must submit to the City evidence and documentation of property damage caused by the storm and flooding events of March 27th, 2025. (the declared state of emergency) to their property.

The provisions of this ordinance shall become effective from the date of the declared state of emergency on March 27th, 2025. This Ordinance was adopted by the Harlingen City Commission 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.

Executed this ____ day of April, 2025.

CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Hermelinda Gonzales, Interim City Secretary

AGENDA ITEM EXECUTIVE SUMMARY

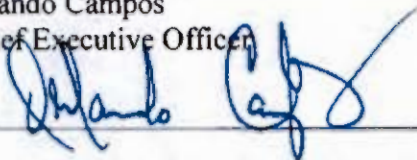
Meeting Date: **April 16, 2025**

Agenda Item:

Consideration and possible action to authorize the Development Corporation of Harlingen, Inc. to award a contract to H2O Construction Services, Inc. for The Park at Roosevelt – Phase II Roadway Entrance project.

Prepared By (Print Name): Orlando Campos

Title: Chief Executive Officer

Signature: 

Brief Summary:

On March 25, 2025, the Harlingen EDC Board of Directors approved the award of a contract for The Park at Roosevelt – Phase II Roadway Entrance project. The project was solicited through a private bid process, with bid invitations sent to six (6) contractors. One qualified bid was received at the bid opening held on March 14, 2025, at 3:00 PM. H2O Construction Services, Inc. submitted a bid in the amount of \$2,809,380.00. The bid complies with all requirements outlined in the Contract Documents, including bonding requirements. The Bid Bond was issued by Merchant's Bonding Company, which meets all necessary qualifications. Ferris, Flinn & Medina, LLC, the project engineer, has reviewed the bid and recommends awarding the contract to H2O Construction Services, Inc., pending City Commission approval. This bid falls below HEDC's budgeted amount for the project.

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:

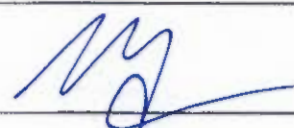
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

HEDC CEO and Board Members recommend approval.

City Manager's approval:  ☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:  ☒ Yes ☐ No ☐ N/A

FERRIS, FLINN & MEDINA, LLC

E N G I N E E R S S U R V E Y O R S

March 24, 2025

544-005

Ms. Beverly Loftus
Chief Operating Officer
Harlingen EDC
2424 Boxwood St.,
Suite 125
Harlingen, TX 78550

Re: The Park at Roosevelt – Phase II Roadway Entrance
Award of Project

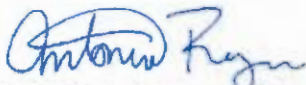
Dear Ms. Loftus,

Attached is a bid tabulation for the referenced project. There was one qualified bidder that submitted a bid for the bid opening on March 14, 2025 at 3:00 PM. The bid was submitted by H2O Construction Services, Inc., with a bid of \$2,809,380.00. The bonding company that provided the Bid Bond, Merchant's Bonding Company, meets the requirements of the Contract Documents. As such, I recommend award of the Contract to H2O Construction Services, Inc., pending approval from the City of Harlingen.

Should you have any questions or comments, please call.

Respectfully,

FERRIS, FLINN & MEDINA, LLC



Antonio L. Reyna, PE
Project Engineer

cc: Orlando Campos, CEO

Attachments: Bid Tabulation

Bid Tabulation

FERRIS, FLINN & MEDINA, LLC

TBPE REGISTRATION NO: F-897

Harlingen EDC

The Park at Roosevelt - Phase II Roadway Entrance

Contractor:

Bid Opening March 14, 2025 @3:00 PM

H2O Construction Services, Inc.

Bid Item	Qty	Units	Description	Unit Price	Total Price
Trench Safety					
1	4,890	LF	Design and Furnish Trench Safety System and Provide Trench Excavation Protection, complete in place for the unit price of:	\$ 4.00	\$ 19,560.00
Storm Water Pollution Prevention					
2	6,750	L.F.	Furnish and install silt fence, complete in place.	\$ 4.00	\$ 27,000.00
3	120	L.F.	Furnish and install erosion control logs, complete in place.	\$ 5.00	\$ 600.00
4	10	Ea.	Furnish and install inlet protection, complete in place.	\$ 60.00	\$ 600.00
5	1	L.S.	Erosion and sediment control maintenance by Contractor	\$ 10,000.00	\$ 10,000.00
Swale Excavation					
6	11,650	C.Y.	Excavation and grading of proposed swale from Baseline "C" Sta. 10+00 to Sta. 33+00, complete in place.	\$ 8.00	\$ 93,200.00
Street					
7	12,400	S.Y.	Subgrade preparation including cut to grade and proof rolling.	\$ 4.00	\$ 49,600.00
8	11,100	S.Y.	Furnish & Install 9" Concrete (4,000 psi) Pavement including jointing, sealing, and all other materials necessary to complete in place.	\$ 90.00	\$ 999,000.00
9	12,400	S.Y.	Furnish & Install 5" Limestone Base (Type 'A' Grade 1) compacted to 98% Standard Proctor Density over geogrid, complete in place.	\$ 30.00	\$ 372,000.00
10	12,400	S.Y.	Furnish & Install Geogrid (Tensar TX5 or approved equal).	\$ 9.00	\$ 111,600.00
11	4,100	L.F.	Furnish & Install concrete Curb & Gutter, complete in place.	\$ 20.00	\$ 82,000.00
12	3,400	L.F.	Furnish & Install 5' wide Concrete Sidewalk, complete in place.	\$ 35.00	\$ 119,000.00

Bid Item	Qty	Units	Description	Unit Price	Total Price
Wastewater					
13	1,070	L.F.	Furnish & Install 8" Dia. PVC (SDR26) Sanitary Sewer Line including excavation and backfill in accordance with the plans, dewatering and gravel for trench stabilization, labor, equipment, and any other incidentals necessary, complete in place for the unit price of:	\$ 50.00	\$ 53,500.00
14	1	Ea.	Furnish & Install Sanitary Sewer Service to existing Sanitary Sewer Line including Labor, equipment and any other incidentals necessary, complete in place for the unit price of:	\$ 3,000.00	\$ 3,000.00
15	4	Ea.	Furnish & Install 4' Diameter SS Manhole including excavation and backfill in accordance with the plans, dewatering and gravel for pit stabilization, labor, equipment and any other incidentals necessary, complete in place for the unit price of:	\$ 12,000.00	\$ 48,000.00
16	1	Ea.	Furnish & Install 8" SS Plug including labor, equipment and any other incidentals necessary, complete in place for the unit price of:	\$ 500.00	\$ 500.00
17	3	Ea.	Furnish & Install Sanitary Sewer Service including labor, equipment and any other incidentals necessary, complete in place for the unit price of:	\$ 3,000.00	\$ 9,000.00
18	2	Ea.	Furnish & Install Sanitary Sewer Service Double including labor, equipment and any other incidentals necessary, complete in place for the unit price of:	\$ 3,000.00	\$ 6,000.00
Water					
19	560	L.F.	Furnish & Install 2" PVC Waterline (C900-DR25) including excavation and backfill in accordance with the plans, dewatering and gravel for trench stabilization, labor, equipment and materials, complete in place, for the unit price of:	\$ 30.00	\$ 16,800.00
20	1,650	L.F.	Furnish & Install 8" PVC Waterline (C900-DR25) including excavation and backfill in accordance with the plans, dewatering and gravel for trench stabilization, labor, equipment and materials, complete in place, for the unit price of:	\$ 50.00	\$ 82,500.00
21	120	L.F.	Furnish & Install 16" Dia. x 0.3125" thick steel casing for waterline pipe, complete in place.	\$ 275.00	\$ 33,000.00
22	1	Ea.	Connect to Existing Waterline including labor, equipment and any other incidentals necessary, complete in place, for the unit price of:	\$ 8,500.00	\$ 8,500.00

Bid Item	Qty	Units	Description	Unit Price	Total Price
23	6	Ea.	Furnish & Install Fire Hydrant Assembly including labor, equipment and any other incidentals necessary, complete in place for the unit price of:	\$ 8,000.00	\$ 48,000.00
24	1	Ea.	Furnish & Install Water Service Single including labor, equipment and any other incidentals necessary, complete in place for the unit price of:	\$ 3,600.00	\$ 3,600.00
25	3	Ea.	Furnish & Install Water Service Doubl including labor, equipment and any other incidentals necessary, complete in place for the unit price of:	\$ 3,000.00	\$ 9,000.00
26	1	Ea.	Furnish & Install 2" Gate Valve w/ Polywrap including labor, equipment and any other incidentals necessary, complete in place for the unit price of:	\$ 3,000.00	\$ 3,000.00
27	3	Ea.	Furnish & Install 8" Gate Valve w/ Polywrap including labor, equipment and any other incidentals necessary, complete in place for the unit price of:	\$ 3,500.00	\$ 10,500.00
28	1	Ea.	Furnish & Install 8" PVC Tee, including labor, equipment and any other incidentals necessary, complete in place for the unit price of:	\$ 2,000.00	\$ 2,000.00
29	2	Ea.	Furnish & Install 8"x2" Reducer w/ Polywrap, including labor, equipment and any other incidentals necessary, complete in place for the unit price of:	\$ 600.00	\$ 1,200.00
30	1	Ea.	Furnish & Install 8" PVC Cross w/ Polywrap, including labor, equipment and any other incidentals necessary, complete in place for the unit price of:	\$ 4,000.00	\$ 4,000.00
31	4	Ea.	Furnish & Install 2" 22.50 degree PVC Bend w/ Polywrap, including labor, equipment and any other incidentals necessary, complete in place for the unit price of:	\$ 100.00	\$ 400.00
32	4	Ea.	Furnish & Install 8" 11.25 degree Bend w/ Polywrap, including labor, equipment and any other incidentals necessary, complete in place for the unit price of:	\$ 900.00	\$ 3,600.00
33	2	Ea.	Furnish & Install 8" 45 degree Bend w/ Polywrap, including labor, equipment and any other incidentals necessary, complete in place for the unit price of:	\$ 1,200.00	\$ 2,400.00
34	1	Ea.	Furnish & Install 8" 90 degree Bend w/ Polywrap, including labor, equipment and any other incidentals necessary, complete in place for the unit price of:	\$ 1,500.00	\$ 1,500.00
Drainage					
35	60	S.Y.	Furnish & Install 6" Concrete Canasta including jointing and cement stabilized sand backfill (as required), complete in place.	\$ 100.00	\$ 6,000.00
36	5	Ea.	Furnish & Install Type "A" curb inlets, including labor, equipment and any other incidentals necessary, complete in place for the unit price of:	\$ 5,000.00	\$ 25,000.00

Bid Item	Qty	Units	Description	Unit Price	Total Price
37	4	Ea.	Furnish & Install pre-cast junction box for 48" RCP, including labor, equipment and any other incidentals necessary, complete in place for the unit price of:	\$ 5,000.00	\$ 20,000.00
38	95	L.F.	Furnish & install 18" Class III RCP including excavation and backfill in accordance with the plans including labor, equipment and materials, complete in place for the unit price of:	\$ 75.00	\$ 7,125.00
39	520	L.F.	Furnish & install 24" Class III RCP including excavation and backfill in accordance with the plans including labor, equipment and materials, complete in place for the unit price of:	\$ 85.00	\$ 44,200.00
40	235	L.F.	Furnish & install 36" Class III RCP including excavation and backfill in accordance with the plans including labor, equipment and materials, complete in place for the unit price of:	\$ 135.00	\$ 31,725.00
41	760	L.F.	Furnish & install 48" Class III RCP including excavation and backfill in accordance with the plans including labor, equipment and materials, complete in place for the unit price of:	\$ 250.00	\$ 190,000.00
42	9	S.Y.	Furnish & Install Grey Angular Limestone (6" to 10" Rock Diameter) Bedding w/ Geogrid, complete in place.	\$ 130.00	\$ 1,170.00
43	1	LS	Mobilization, development and compliance with Stormwater Pollution Prevention Plan requirements, traffic control, site grading and any other work required by the Plans and Specifications, not covered by other bid items, for the lump sum price of:	\$ 250,000.00	\$ 250,000.00
Total Amount Base Bid				\$	2,809,380.00

**Items italicized in red are mathematical errors corrected by Ferris, Flinn & Medina, LLC.*

Certified as Correct By:
FERRIS, FLINN & MEDINA, LLC
 TBPE Firm No. F-897



Antonio Reyna
 Antonio L. Reyna, PE

3.24.2025
 Date