

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

**TUESDAY, FEBRUARY 10, 2026, AT 5:30 P.M.
CITY HALL TOWN HALL (2nd FLOOR)
118 E. TYLER AVENUE
HARLINGEN, TEXAS 78550**

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

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE / WELCOME

CONFLICT OF INTEREST: Under State Law a conflict of interest exists if an advisory board 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?

CITIZEN COMMUNICATION: At this time, the public is invited to address the Board and speak on any matter not specifically listed for public hearing elsewhere on this agenda. Please note that the Board members may not respond to comments or deliberate on topics addressed.

ELECTION OF OFFICERS

APPROVAL OF MINUTES

- 1) Regular Meeting of January 13, 2026

CONSENT AGENDA

- 1) Consideration and possible action to approve the preliminary construction plans and final plat with conditions of the proposed Lot 5, Block 1, Harlingen Heights II Replat, bearing a legal description of a resubdivision of a 3.08 acre tract of land, also being all of Lot 5, Block 1, Harlingen Heights II Subdivision, located north of TX Spur 54, approximately 935.25 feet northwest of I-69 East. Applicant: Supreme Engineering, LLC c/o Ezequiel Reyna Jr.

ACTION ITEMS/PUBLIC HEARINGS

- 1) Public hearing and take action to consider a request for a Special Use Permit (SUP) to allow an adult business (hemp retail holistic wellness center) in a General Retail ("GR") District located at 2710 S. Expressway 83, bearing a legal description 0.3398 acres out of 2.4900 acres of Block 1, Harlingen San – Har Subdivision. Applicant: Rudy Martinez
 - a. Presentation by city staff
 - b. Public Hearing
 - c. Consider and take action to recommend the Special Use Permit request to the City Commission.
- 2) Discussion on Potential Training Dates and Revised Meeting Schedule

- 3) Assistant Planning and Development Director's report by Joel Olivo, Assistant Planning and Development Director.
- a. Status report on items considered by the Planning and Zoning Commission at the January 13, 2026, meeting
- i. Request for a special use permit ("SUP") to allow a bar/lounge in a Light Industry ("LI") District located at 2669 N. Expressway 77, Building "D," bearing a legal description of 0.32 acres out of 5.79 acres out of Lot 2, Block 1, West Harlingen Industry Park. Applicant: Partick B. McDermott
 - ii. Request for a special use permit ("SUP") to allow an adult business (smoke shop) in a General Retail ("GR") District located at 1616 N. Ed Carey Drive, bearing a legal description of Lot 9, Medical Subdivision. Applicant: Abdelhadi Al Hatabeh
 - iii. Request for the voluntary annexation and to establish the initial zoning of Planned Development ("PD") District to allow internal streets to have 50 feet R-O-W, with 32 foot wide paved roads, and for 135 out of 358 Residential, Single Family lots to be less than the required 6,000 square feet, for a property bearing a legal description of 35.754 acres out of a Part or Portion of Blocks 65, 66, and 72, and out of Reserved Horseshoe Lake, Lon C. Hill Subdivision, located south of Morris Road, approximately 2,095.97 feet southwest of South Ed Carey Drive. Applicant: Melden & Hunt, Inc. c/o Leonard P. Simmons III & Mary Beth Simmons

ADJOURNMENT

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

POSTED the 4th day of February 2026, at 4:00 p.m. and to remain posted continuously for at least 72 hours preceding the scheduled time of said meeting.



Ana Hernandez, AICP, CNU-A
Planning & Development Director/
Special Projects Director

PLANNING AND ZONING COMMISSION
January 13, 2026

The regular meeting of the Planning & Zoning Commission was held on Tuesday, January 13, 2026, at the City of Harlingen Town Hall, located at 118 E. Tyler Harlingen, Texas, with the following present:

COMMISSIONERS PRESENT:

Carlos Sanchez, P.E.	Vice Chairman
Vanessa Cantu	Commissioner
Wandy Cruz-Velázquez, J.D., M.A.	Commissioner
Raul L. Flores	Commissioner
Carly Thomas	Commissioner (First Meeting)

COMMISSIONERS ABSENT:

Nicholas P. Consiglio	Chairman
Vacant	Commissioner

CITY STAFF PRESENT:

Ana Hernandez	Planning and Development Director
Joel Olivo	Assistant Planning and Development Director
Soledad A. Núñez	City Planner
Rodrigo Sanchez	City Planner
Sabina Ramirez	Administrative Assistant II
Mark Sossi	City Attorney
Frank Morales	City Commissioner, District 4
Robert Hernandez	City Engineer
Nadia Lopez	Assistant City Engineer
Raul Rodriguez	Deputy Building Official

PLEDGE OF ALLEGIANCE/WELCOME

Vice Chairman Sanchez bid everyone a good afternoon and called the meeting to order on Tuesday, January 13, 2026, at 5:32 p.m. He proceeded to read the notice that this was not a meeting of the Harlingen Elective Commission and took the opportunity to recognize the presence of Commissioner Morales. He led the group in reciting the Pledge of Allegiance.

The Vice Chairman thanked and welcomed everyone again and before proceeding with the meeting, indicated he wanted to welcome new Board Commissioner Carly Thomas. He thanked her for joining us and volunteering her time to serve on the Commission. Ms. Thomas thanked the group for having her.

CONFLICT OF INTEREST

Under State Law, a conflict of interest exists if an advisory board 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.

Vice Chairman Sanchez continued to the Conflict of Interest statement. He asked the Board if there were any known conflicts of interest to disclose at this time. The members of the Board indicated there were none.

CITIZEN COMMUNICATION

Vice Chairman Sanchez asked if there was anyone signed up for Citizen Communication. Ana Hernandez, Planning and Development Director, indicated that there was someone signed up that would like to speak during the Public Hearing for Action Item 2. The Vice Chairman made note.

AGENDA ITEMS

1. Approval of Minutes: Regular Meeting of December 9, 2025

Vice Chairman Sanchez presented the approval of minutes. He asked if there were any comments, corrections or additions, and if not, asked to entertain a motion. Cmr. Flores made the motion to

approve. Cmr. Cantu seconded the motion. The Vice Chairman moved the motion to a vote. The motion passed unanimously.

2. Consent Agenda

- a. **Consideration and possible action to approve the preliminary construction plans and final plat with conditions of the proposed Altas Palmas Subdivision, bearing a legal description of 13.58 acres out of Survey 140, L.L. Adams Subdivision, located south of Wilson Road, approximately 4,800.46 feet east of Bass Boulevard. Applicant: Moore Land Surveying, LLC c/o Zarate Home Designs**

Vice Chairman Sanchez presented the Consent Agenda Item. He indicated that the Board can vote on it as is or that if there was a Commissioner that wanted to pull it for further discussion, they could also do that.

The Vice Chairman asked if there was a motion to proceed with an approval. Cmr. Cruz-Velázquez made the motion to approve. Cmr. Cantu seconded the motion. The motion was moved to vote. The motion passed unanimously.

ACTION ITEMS/PUBLIC HEARINGS

1. **Public hearing and take action to consider a request for a Special Use Permit (SUP) to allow a bar/lounge in a Light Industry (“LI”) District located at 2669 North Expressway 77, Building D, bearing a legal description of 0.32 acres out of 5.79 acres, out of Lot 2, Block 1, West Harlingen Industrial Park Subdivision. Applicant: Patrick B. McDermott**

City Planner Rodrigo Sanchez presented the request for an SUP before the Board, as follows:

- The Legal Notice Map for the Subject Property was used to present the item.
- Mr. Sanchez noted that a bar/lounge in this district requires that a Special Use Permit be approved. Today is the first hearing by the Planning and Zoning Board.
- An Aerial View of the Subject Property was presented.
- Mr. Sanchez explained that that one of the buildings that is part of this development will be the home potentially for a restaurant/brew pub to be called “Texas Brewery Patrol”. He said it will be housed in building “D”.
- A Street View of Building “D” was presented.
- Mr. Sanchez indicated that as seen in the image, there was quite a bit of street access for the commercial industrial Plaza and quite a bit of parking. He said that this specific business requires twenty-three (23) parking spaces according to the floor plan that was submitted. Mr. Sanchez stated that the applicant has indicated that compliance with the parking requirements will be achieved through shared parking. Mr. Sanchez confirmed that Staff did receive a letter from the owner of this development where he does authorize the applicant that if he needs more parking, he can use most of this parking as seen on the image.
- The proposed hours of operation will be seven (7) days a week, and the hours as of right now will run from two (2:00) p.m. to twelve (12:00) a.m. [midnight].
- An image Building “D” Interior Remodel was presented. Mr. Sanchez stated that the building is undergoing some interior remodel to get ready for the Texas Brewery Patrol.
- The Future Land Use Map for the Subject Property was presented.
- Mr. Sanchez stated that the Land Use Map is aligned with the use.
- Building Inspections, Fire Prevention Bureau, the Police Department and Health Department reviewed this request, and none presented any objection to the request.
- Mr. Sanchez reported that Staff have not received any phone calls, no letters nor emails with concerns about this business.
- Staff recommends approval of the request for a Special Use Permit, subject to the conditions noted –
 - Obtaining and maintaining the proper state and city permits,
 - Providing video surveillance with a minimum 30-day retention and, of course,
 - Complying with the requirements [administered by the various departments].
- Mr. Sanchez reminded the Board that the hours of operation being requested are two (2:00) p.m. to twelve (12:00) a.m. (midnight) and that it will be seven (7) days a week.
- Mr. Sanchez stated that the applicant was present in the event that the Board might have questions for him.

Vice Chairman Sanchez thanked Mr. Sanchez. He asked if there were any questions for Staff.

Cmr. Cruz-Velázquez asked Mr. Sanchez to expand on the shared parking. She asked if the businesses are going to be open at the same time. Mr. Sanchez said that when he went to the site, he estimated that approximately half of the suites were not occupied so that parking is, as of right now, available. Mr. Sanchez added his observation that the types of businesses that he saw there are the types of business that will either close by approximately five or six (5 or 6) p.m. or they are the type of businesses where you don't see a lot of foot traffic. He described a conditioning business that would go out to the customer and a personal trainer gym that you would make an appointment for. He also said he saw a fence supply company. He said that normally you don't get people in and shopping and noted that those people would get dispatched to go and build fences. He said this was the type of businesses that he saw when he went out there and stated that we should have confidence that, at least as of today, the combination of business and this business achieve satisfactory compliance with parking requirements.

Cmr. Cruz-Velázquez followed up by asking about the future possibility for other business that may come up. She asked if this has been considered and whether that will affect those businesses that come in. Mr. Sanchez said absolutely. He said that it was an evolving thing and ever changing. He said that businesses will come in and businesses will close. He said it was not an impossibility and that once you get started into that situation, you begin to study more precisely what the hours of the businesses are. He said it was a good observation because all of a sudden, the available parking is less. He said you have to be more precise, learning the specific hours so that they don't conflict with the different businesses.

Cmr. Cruz-Velázquez asked for confirmation about the hours of operation. Mr. Sanchez said they were from two (2:00) p.m. to twelve (12:00) a.m. (midnight). He said this is what has been requested.

Cmr. Cantu asked if the total amount of parking for the entire place was known. Mr. Sanchez said that looking back to when the Site Plan for this development was first reviewed, there were showing approximately seventy-six (76) parking spaces. He added that when he went out there, eleven (11) parking spaces were apparently allocated for this particular building.

Cmr. Cantu asked how many buildings there were. Mr. Sanchez said there were approximately eight (8) buildings. Cmr. Thomas interjected that inside each building, sometimes they are split up into multiple offices and some of these are owned and some are rented. She asked if this was correct. Mr. Sanchez stated that to his knowledge, all were rented except this one. He said that to his understanding, the property owner bought the spaces, the ground and building, and so he owns that part and the eleven (11) parking spaces in front of his.

Cmr. Thomas asked if we had any ideas what the occupancy would be of this business. She asked for the maximum or whether that had been determined. Mr. Sanchez stated that he wasn't sure if that had been determined. The applicant interjected that this was still pending with the Fire Marshall. Cmr. Thomas acknowledged this information.

Cmr. Cruz-Velázquez asked what determined that number of spaces. Mr. Sanchez explained that the number of parking spaces is determined by the seating area. He said it was either the floor area or the seating area. He said both are calculated and that the greater number is used. Cmr. Cruz-Velázquez acknowledged the response provided.

Vice Chairman Sanchez acknowledged that there were a lot of good questions. He asked if there were any other questions for Staff.

Cmr. Flores indicated that he was not very familiar with the area but noted that there are a lot of green buildings out there. He asked if the buildings were designed for windstorm and what they were designed for. Mr. Sanchez deferred to Deputy Building Official Raul Rodriguez who was present. Mr. Rodriguez stated that they require windstorm plans for every building. Cmr. Flores asked for confirmation that this was true of even the very first ones. He said that the reason he was asking is because he didn't remember the buildings being part of the City and now all of a sudden, he sees the building and that stuff all around. Mr. Rodriguez explained that it is required and that they don't issue a building permit unless they have the windstorm plans for the building. Cmr. Flores acknowledged this response.

Vice Chairman Sanchez asked if there were any other questions for Staff. He indicated this item has a Public Hearing for this item and would proceed with it.

The Public Hearing was opened. The Vice Chairman asked if there was anybody present that would like to speak and address the Commission in favor or against this request. Upon seeing and hearing none, the Public Hearing was closed.

Vice Chairman Sanchez said he would entertain a motion. Cmr. Thomas made the motion to approve. Cmr. Cruz-Velázquez seconded the motion. The motion was moved to a vote. The motion passed unanimously.

2. Public hearing and take action to consider a request for a Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District located at 1616 N. Ed Carey Drive, bearing a legal description of Lot 9, Medical Subdivision. Applicant: Al Hatabeh Abdelad

City Planner Soledad Núñez presented the following information related to the proposed subdivision, as follows:

- The Legal Notice Map was used to present the item. Ms. Núñez shared that the property owners are proposing to name the business Cyber Skunk Smoke Shop out of an existing building.
- The building is approximately twenty-four hundred (2,400) square feet.
- An Aerial View with the Subject Property highlighted in red was presented. Ms. Núñez pointed out surrounding businesses including Valley Baptist Hospital, CVS, Walgreens and some of the medical offices in the area.
- Ms. Núñez explained that the subject property had been previously used as a pharmacy.
- The proposed hours of operation are Monday through Friday, from nine (9:00) a.m. to twelve (12:00) a.m. (midnight), and Saturday and Sunday from nine (9:00) a.m. to two (2:00) a.m.
- The merchandise being proposed consists of tobacco and vape products, hookah accessories kratom, novelty items and other adult merchandise.
- Ms. Núñez reported that six (6) parking spaces are required and that thirty-one (31) are provided in the plaza.
- The Site Plan that was provided by the applicant was presented.
- Surrounding properties are zoned General Retail (GR) District to the south, west and north, and Office (O) to the east and northwest. Land Uses immediately north, south and west of the plaza consist of commercial and office uses. To the east is primarily office and medical use.
- A Street View of the Subject Property was presented. The property used to be the Harlingen Pharmacy.
- The Building Inspections Division and Fire Marshall's Office both reviewed the request and both approved the request. The Harlingen Police Department and Health Department both reviewed the request and both denied the request based on the fact that they are selling a product called kratom. Ms. Núñez explained that this product has not been approved by the FDA for medical consumption. She said that the Harlingen Police Department is denying the request based off the fact that they need to do more research on the business to make sure compliance is in order and to make sure the community is safe.
- Staff did not receive any objections from surrounding property owners. Staff did mail off notices to [surrounding property owners].
- Staff is recommending denial of the request.

Vice Chairman Sanchez thanked Ms. Núñez and asked if there were any questions for Staff.

Cmr. Cruz-Velázquez asked if this was the item the Board received an addendum for last minute. Ms. Núñez said yes and that it was because the Police Department just sent Staff their comments this morning. Cmr. Cruz-Velázquez acknowledged this response.

Cmr. Thomas asked if there were any other smoke shops in the area. Ms. Núñez said that there were on two (2) on 77 [Sunshine Strip]. She said they were approved around 2023-2024. She also said that the main concern is not just with the products being sold but the proximity to Valley Baptist Hospital, which is very close and that there are a lot of medical offices in the area as well.

Cmr. Flores made the motion to deny. Vice Chairman Sanchez told the Cmr. to hold because there is a Public Hearing and it needs to be opened for that. He said that if there were no other questions for Staff, he would open the Public Hearing.

Vice Chairman Sanchez opened the Public Hearing. He asked if there was anybody present to address the Commission, to please step forward and identify themselves.

Dr. Karl Frey, surrounding property owner

Dr. Frey introduced himself before the Board, identifying that he is an Oral Surgeon and stating that he has been practicing in that medical row for the past forty-five (45) years and owns two (2) lots. Dr. Frey said the [subject property] is a nice location because of the visibility to Ed Carey Drive and 77 Sunshine Strip and that you can walk to work at the hospital. He said that the problem has always been parking in this area and that this was evident to anyone who has ever visited the place. He shared how parking has changed since the fifties ([19]50s). He shared that TxDOT recently announced their proposal to widen Ed Carey Drive and that it would involve taking the outer row of park spaces that faces directly on Ed Carey. He said that [the spaces] are going to be eliminated and that it is going to make it very hard for people who are going to be coming into the offices there with the narrow throat that exists now. He also mentioned that TxDOT engineers told him that at the entrance to the parking lot off the alley, they will widen the throat because it is going to be difficult to make really tight turns for anyone that has got a big truck to enter there. Dr. Frey stated that this applicant is going to lose the parking spots facing Ed Carey Drive plus others to create the throat along the alley and there are seven (7) parking spots. He also mentioned the alley is full of potholes. He said that when the pharmacy was there, it was difficult for their business for people trying to turn into these parking spots off the alley and trying to back out again. He said that what happens is exactly what you would expect would happen and what you would do. He said people use the CVS parking lot or they use other parking lots for the offices along the street or even sometimes use the Valley Baptist Parking lot although they are subject to being towed there. Dr. Frey reiterated that there are seven (7) spots along the alley and that the rest of the spots in that parking lot are owned individually by the individual offices. He said it is not communal. He said that they bought their second building particularly to pick up more parking spots there because it was so difficult. Dr. Frey summarized that he would recommend not allowing this based on the difficulties with parking. He said he didn't know where [Staff] got that number of thirty-one (31) spots and stated that this was inaccurate and that this could be easily seen by going out and counting the spots. He repeated that he would recommend to deny this based on the parking problem.

Vice Chairman Sanchez thanked the Dr. for his comments. He asked if there was anybody else that would like to address the Commission in favor or against. The applicant indicated he wanted to speak. The Chairman asked him to step forward and identify himself.

Abdelhadi Al-Hatabeh, applicant

Mr. Al-Hatabeh wished the Board a good evening and identified himself before the Board. He said they could call him Abdul. Mr. Al-Hatabeh said he appreciated the opportunity to speak with the Board tonight and said he was here to respectfully request approval for a Special Use Permit for their business "Cyberpunk Smoke Shop" at 1616 N. Ed Carey Drive.

He said that they were proud to be a Texas based company with over 30 smoke shop locations in the state of Texas currently operating throughout the state. He said that their brand, Cyber Skunk, Mr. Puff and Vitrum, are known for the clean, professional and fully compliant environments. He said that they have been in business for over fifteen (15) years and said that he wanted to emphasize that every one of their stores is 100% compliant with local, state, and federal regulations. He said that they operate with zero tolerance for underage entry or sale. He said that no person under the age of 21 is allowed inside of their stores and said that all employees are trained to strictly enforce ID checks and maintain a secure and respectful shopping environment. He said they take pride in being good neighbors and responsible members of every city they have served.

Mr. Al-Hatabeh said that they have already received Special Use Permit approvals in both the cities of McAllen and Laredo. He said they just opened their nearest location to this area in Brownsville, Texas. He said that they did not require a Special Use Permit over there due to the Zoning. Mr. Al-Hatabeh is that their goal in Harlingen is the same, to bring to everyone a well-run, clean, and secure business to the community and one that creates jobs and generate tax revenue and operates with integrity Mr. Al-Hatabeh said he appreciated the Board's time and respectfully asked for their support in approving this request. He said he was available to answer any questions they may have. He said he was open to listen and basically adjust or adapt to any requests or demands from the public.

Vice Chairman Sanchez thanked the applicant.

Mr. Cantu asked the applicant if he owned the property or if it was a lease. Mr. Al-Hatabeh said they had their broker with them and said it was leased. He mentioned that they [the broker] already applied for a change of zone because it was zoned as Office (O) and was approved as [General] Retail (GR).

He said that he believed they discussed parking and everything in that session and that it had been approved mid-December.

Cmr. Cantu said she assumed the lease was not completely finalized until he got approval. Mr. Al-Hatabeh said it was finalized but was based on approval by the Board. He said that if the Board's approval is not there and the City's approval is not there, then they will not proceed with the lease. Vice Chairman Sanchez asked if it was subject to. Mr. Al-Hatabeh said yes.

Cmr. Cruz-Velázquez indicated she had a question. Before asking, she thanked the applicant for being there and explaining. Cmr. Cruz-Velázquez asked if he had said he had businesses already in McAllen and Laredo. The applicant said yes and mentioned other locations across the state. Vice Chairman Sanchez added Brownsville. Mr. Al-Hatabeh confirmed this saying it was the newest location. Cmr. Cruz-Velázquez continued with her question and asked if other locations were new hospitals or in similar situations as this one. The applicant said yes. He said that the Laredo location is on Sanders and that it was literally across the street from the Medical Center. He said that they went through the Special Use Permit process and that they were able to get approval for it.

Mr. Al-Hatabeh said that they have done their research. He said that just like a bar, that they make sure to evaluate when someone comes in and they are not in good form to purchase any product. He said they are not going to sell to them and that they ID everybody. He said they are not just her to hurt the community and said they are [selling] responsibly and that it is regulated.

Ms. Núñez asked about the product "kratom" and asked if he had decided that he will be selling that. The applicant said that there are cities that say one thing and others that it is not allowed. He said he was open to whatever the City accepts. He explained that kratom is a plant-based product that is already being sold. He said it is not banned or anything and that it just didn't have FDA approval just like other products that don't have FDA approval. He said that kratom is getting sold in Harlingen in every smoke shop and maybe gas station. Cmr. Cruz-Velázquez said she was familiar with it. Mr. Al-Hatabeh added that if the Council says don't sell it, he will gladly take it off and that it wasn't a problem. Cmr. Cruz-Velázquez said these were all her questions and thanked the applicant. The applicant thanked her as well and asked if there were any other questions.

Vice Chairman asked the applicant to address the concerns on the parking. The applicant said he heard the Dr.'s note and said he appreciated him speaking up. He said that the average time that somebody was inside a smoke shop is thirty (30) seconds to a (1) minute. He said that seven (7) spots was way too much and said that in every store he has opened, he has only asked for one (1) spot. He said that literally customers are in and out. He remarked on how small a store is, twenty-four hundred (2400) and maybe fifteen hundred (1500) square feet is a showroom. He said that customers come in and already know what they need and that it is an in and out transaction. He said that he would address any issues that may arise in the future as the business owner to abide and ensure everyone's safety. He remarked that the store was open as a pharmacy before and that it was pretty busy. He mentioned CVS across the street and that it was retail based now so that it would just be another retail location that opens. He asked for an opportunity to work around any issues and find solutions. He said he was willing to pitch in to find solutions and contribute as well.

Cmr. Cantu asked, as a business owner and having multiple locations throughout Texas and in this particular business, what he looked for in a location. She said he had mentioned research and asked, when looking for a place, why this one. The applicant said vehicles per day. He said it was the busiest street and that it's the main hub. He said that there were literally smoke shops within a 5-minute radius of them. He said that all the stores that they have opened, mentioning Sanders (in Laredo) or 10th Street in McAllen, are on main streets in that city and that this is what they look for. He said they don't look to attract young adults or young kids or any of that. He said they stay away from schools. He encouraged the Board to visit their locations and talk to their employees. He added that they also don't bring their own employees from Houston or San Antonio. He said they hire locally so it will open up a lot of opportunities for people that want to work with them and start a career and grow with the business. Cmr. Cantu thanked the applicant.

Vice Chairman Sanchez asked if there were any other questions or comments for the applicant. Upon hearing none, the Vice Chairman thanked Mr. Al-Hatabeh. The applicant thanked the Board for their time and expressed appreciation.

Vice Chairman Sanchez asked if there was anybody else that would like to speak in favor or against this item. He asked them to step forward.

Luis Sanchez, realtor

Mr. Sanchez presented himself before the Board and identified himself as the realtor helping out with this project. He said that directly in front of the building, there were about eight (8) or nine (9) parking spaces directly in front of the building. He said that he thought they had said six (6) spots were needed and stated that this would cover their parking. He also said that like the Dr. was saying, most of the people for the other buildings park on their side of that row. He repeated that this one has eight (8) or nine (9) spaces directly in front of the business and that most people would park there because they are going to that business and not to walk around to other ones. Mr. Sanchez added that although not seen in the image shown, there were two (2) smoke shops within point three (0.3) miles of this one. He said they were in very close proximity to this location and said he just wanted to bring it up so that the Board would have the visual. The Vice Chairman thanked Mr. Sanchez.

Cmr. Cruz-Velázquez indicated she had one more question for the owner and asked him to please come forward. Cmr. Cruz-Velázquez told the applicant she was familiar with the location because she works in the area. She said that the specific area doesn't look so pretty right now. She asked if he had any plans for maybe improving the aesthetics of the building. The applicant addressed not having found out that the Police Department had denied the request until this morning. He said that he always loves to reach out to the Police Department and local enforcement to make sure that they are aligned with them. He said that one (1) of the concerns was the lighting in that business, that it was too dim. He said he was willing to improve the outside, paint it and make sure that it's more presentable because it is an old building. Mr. Al-Hatabeh said he was willing to fix it and make it look prettier and, on top of that, make sure that the lighting is fixed so that way it's safer for the customers at night and the drivers, to make sure that there's enough lights. He said that would be out of his cost. He said he hadn't even talked to the landlord and that it would be from him. He said he would be willing to add that.

Cmr. Cantu asked the applicant if he had a particular exterior design for all his businesses that are uniform or whether all the exteriors of each business were different. She asked if he had something. Mr. Al-Hatabeh said that they were all different, explaining that some stores are within a plaza and others are in a stand-alone building. He said that when it is stand-alone, there is more freedom to do stuff on the outside to make it nicer. He said that usually they will put murals of the City they are opening in, so what does Harlingen stand for. He said they will bring local artists and have them do that with the approval of the City and make sure it is regulated and they are good to go. He said that this is what they usually go for – something that speaks on behalf of the City and not the business. The Board thanked the applicant.

Vice Chairman Sanchez asked again if there was anybody else that would like to speak and indicated that if not, he would close the Public Hearing. The Public Hearing was closed.

Vice Chairman Sanchez addressed the Staff regarding the recommendation from the Police Department, and he thought also the Health Department who recommended denial. He asked if anyone from those departments was present to address this. Ms. Núñez said that they were unfortunately not. The Vice Chairman continued and asked if it was worth considering tabling the item so that the Police Department can come and address. Cmr. Cruz-Velázquez said she would move to table so that she could find out a little bit more. Ana Hernandez, Director for Planning and Development, addressed the questions and told the Board that it was their option to table the item. She mentioned that sometimes the applicant has a timeline that they need to follow. She said she also wanted to let the Board know that about two (2) or three (3) City Commission Meetings ago, Staff had received direction from City Commission to work on an ordinance to ban additional smoke shops or at least restrict the opening of additional smoke shops in a certain area to avoid the clustering of these types of businesses. She said that this was something they were working on. She said she was working with Attorney Sossi to create an ordinance amendment to do that. She said that they had on the agenda for the next upcoming City Commission an ordinance for consideration for the City Commission to do a moratorium for at least six (6) months on smoke shops. Director Hernandez said she wanted to let them know that based on City Commission, this was the new policy direction that we are taking on smoke shops. Cmr. Cruz-Velázquez asked the Vice Chairman whether if they approved this today, this would still have to go to City Commission. The Vice Chairman said that was correct. Director Hernandez addressed the Board and told them that if it is tabled, it will not go to City Commission. The Vice Chairman told her the question had been that if they approved it, the next step would be to go to City Commission. Cmr. Cruz-Velázquez asked Director Hernandez if she was implying that they will likely deny it. Director Hernandez said that was correct.

Cmr. Flores indicated he wanted to add something. He said that when they go in to widen Ed Carey, they will affect a lot of businesses in that area. He asked why they were spending their time on this little building where he won't have parking. Cmr. Thomas added that it was her understanding that it

could be ten (10) years away. Vice Chairman Sanchez indicated the City Engineer was coming forward.

Roberto Hernandez, City Engineer

Mr. Hernandez introduced himself before the Board. He stated that at the moment, they [TxDOT] had reached out to the City and to the people that are right next to the area. He said that right now they are doing open comments [and] getting feedback. Mr. Hernandez said it was not guaranteed that they are going to do the improvement. He added that most of the improvement was going to be adding a median and not necessarily widening the road, especially in this area. He said it's already three (3) lanes each way with the center lane. He said they would be adding a median to prevent accidents in the area. He also said that the area that was going to be expanded was going more on the east side of Sunshine 77, closer to the Arroyo Colorado. He said that going over the bridge there was only two (2) lanes in each direction and they were proposing to widen it to three (3) lanes in each direction not necessarily [in the area of the subject property]. Mr. Hernandez said that the moment they start going into private property, TxDOT or even Harlingen as a municipality, they would have to acquire the right of way and get easements. He said these concerns would be addressed by the municipality or the agency during improvements. Cmr. Flores said he agreed with that and said he was familiar. Vice Chairman Sanchez thanked Mr. Hernandez.

Vice Chairman regrouped and stated there was a motion to table and asked if we would want to continue with that. Cmr. Cruz-Velázquez said she wanted to take that back and actually wanted to move to approve it based on the fact that there is no otherness at the present moment that exists. Cmr. Thomas seconded the motion. The motion to approve the SUP passed by a margin of three (3) to two (2), with the Vice Chairman and Cmr. Flores voting against it.

Vice Chairman confirmed that there was no report from Mr. Olivo today. Upon confirmation, the meeting was adjourned at 6:10 p.m.

Nicholas P. Consiglio, Chairman
▶ Carlos A. Sanchez, P.E., Vice Chairman
Planning and Zoning Commission

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **February 10, 2026**

Agenda Item:

Consideration and possible action to approve the preliminary construction plans and final plat with conditions of the proposed Lot 5, Block 1, Harlingen Heights II Replat, bearing a legal description of a resubdivision of a 3.08 acre tract of land, also being all of Lot 5, Block 1, Harlingen Heights II Subdivision, located north of TX Spur 54, approximately 935.25 feet northwest of I-69 East. Applicant: Supreme Engineering, LLC c/o Ezequiel Reyna Jr.

Prepared By: Soledad A. Núñez, CNU-A
Title: City Planner
Signature: *Soledad A. Núñez*

Brief Summary:

Project Timeline

- December 23, 2025 – Original Preliminary Construction Plans and Final Plat application submitted to the City. **(ATTACHMENT I)**
- January 13, 2026 – Comments outlining deficiencies sent to Engineer.
- January 16, 2026 – Original Preliminary Construction Plans and Final Plat application submitted to the City.
- January 26, 2026 – Preliminary construction plans and final plat deemed complete.
- February 10, 2026 – Consideration of the preliminary construction plans and final plat with conditions by the Planning and Zoning Commission.

Summary:

- The proposed Lot 5, Block 1, Harlingen Heights II Replat Subdivision consists of two (2) commercial lots. It is located on the north side of Spur 54, west of I-69 East. The applicant is proposing to replat an existing commercial lot into two commercial lots.
- The proposed commercial development is consistent with the existing General Retail zoning.
- Drainage improvements will be designed to meet the 50-year storm event standard.
- Water and wastewater services will be provided by Harlingen Water Works System (HWWS).
- All items listed on the preliminary and final plat checklists will be addressed prior to the recording of the final plat.

Staff Recommendation:

Staff recommends approval of the preliminary construction plans and final plat with the following conditions:

1. Requirements from the Engineering, HWWS, Fire Department, and Planning Department please see attached comments **(ATTACHMENT V – IX)**.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No*	<input type="checkbox"/>	N/A
*If no, specify source of funding and amount requested:						
Finance Director's approval:	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
City Manager's approval:	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
Comments:						
City Attorney's approval:	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A

Attachment I—Subdivision Application

CITY OF HARLINGEN PLANNING AND ZONING DIVISION MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 2410 TX-54 Spur Nearest Intersection Harlingen Heights Dr & TX-54 Spur
 (Proposed) Subdivision Name Re-plat of Harlingen Heights II Subdivision Lot 5 Block 1
 Existing Zoning Designation General Retail Future Land Use Plan Designation General Retail

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Supreme Engineering PLLC Phone (956) 403-1314 FAX _____
Email Address (for project correspondence only): Hector.Garcia@Supremeengineering.com
 Mailing Address 135 Paseo Del Prado Ste. 7 City Edinburg State TX Zip 78539
 Property Owner R3 Eateries LLC Phone (956) 968-2829 FAX _____
Email Address (for project correspondence only): dominic@reynacompanies.com
 Mailing Address 401 S. Kansas Ave City Weslaco State TX Zip 78596

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

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

Please provide a basic description of the proposed project: Proposed Re-plat of Harlingen Heights II Subdivision, Lot 5, Block 1 into two commercial lots (General retail zoning).

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: Hector Garcia Date: 12/10/2025
 Property Owner(s) Signature: _____ Date: 11/25/25
 Accepted by: _____ Date: _____

Revised 09/13/2024

Attachment I—Letter of Authorization

December 11, 2025

To whom it may concern,

I, Ezequiel Reyna Jr, owner of the property described in the attached Boundary Survey and Metes & Bounds, grant permission to **Supreme Engineering, PLLC** or its assignees to commence the subdivision process and applications as required, while the property is subdivided.

If you have any questions or concerns, please do not hesitate to contact me at (956) 968-2829 or email sammie@reynacompanies.com



Ezequiel Reyna Jr

State of Texas

County of Hidalgo

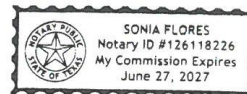
Before me, the undersigned Authority, on this day personally appeared Ezequiel Reyna Jr known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for purposes and considerations therein stated.

Given under my hand and seal of office this 11th day of December, 2025.

(seal)



Notary Public Signature



Attachment III — Aerial View



Attachment IV — Street Views

Street View from Texas Spur 54





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

Supreme Engineering, PLLC
Hector Garcia
135 Paseo Del Prado, Suite 7
Edinburg, TX 78539

Re: Lot 5, Block 1, Harlingen Heights II Replat

Dear Mr. Garcia,

City staff reviewed the preliminary plans and final plat of the proposed "**Lot 5, Block 1, Harlingen Heights II Replat**" submitted on January 16, 2026. The application is considered complete, subject to a list of conditions from different city departments. If you agree with the listed conditions, please visit the Planning and Development office to pay the \$250.00 replat application fee. Once the payment is received, the proposed subdivision will be considered "filed" and staff will place the subdivision in the next scheduled meeting of the Planning and Zoning Commission.

Preliminary and Final:

1. Please change all signature blocks to reference Cameron County.
2. Please submit the subdivision to the Harlingen Irrigation District for review if it has not already been done.
3. All other applicable fees must be paid prior to recording of the final plat.

Thank you,

Soledad A. Núñez

Soledad A. Núñez, CNU-A
City Planner



Engineering Department | 24200 FM 509, Harlingen, Texas 78550

January 26, 2026
Nadia M. Lopez, PE
Assistant City Engineer

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

RE: REVIEW OF RE-PLAT OF LOT 5, BLOCK 1 HARLINGEN HEIGHTS II SUBDIVISION, 2nd SUBMITTAL

Dear Mr. Olivo,
Engineering does not have additional comments 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 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) 216-5223 or via email at nlopez@harlingentx.gov.

Sincerely,


Nadia M. Lopez, PE



Subdivision Review

Subdivision Name: Lot 5, Block 1, Harlingen Heights II – 2nd Submittal

Proposed Use: 2 Lot Commercial

Location: Located along Spur 54 between Harlingen Heights Drive and US Expressway 77

Developer: Ezequiel Reyna Jr.

Engineer: Supreme Engineering, PLLC / (956) 403-1314
Hector.garcia@supremeengineering.com

Approval: Yes Yes with Comments No

Comments: 1. No Comments.

Juan Saucedo Jr. Fire Marshal
Departmental Official Signature

(956) 216-5790
Contact Number

Fire Prevention
Department

jsauceda@harlingentx.gov
Contact E-mail

January 21, 2026
Date

Juan Saucedo Jr
Signature



**HARLINGEN HEIGHTS II LOT 5 BLK 1
REPLAT SUBMITTAL #2**

January 26, 2026

To: Soledad A. Nunez
Planning & Zoning Dept.
City of Harlingen

From: David Vasquez, Engineering Technician
Engineering Dept.
Harlingen Waterworks System

Response:

APPROVED

David Vasquez 
Digitally signed by David Vasquez
DN: C=US, E=dvasquez@hwws.com,
O=Harlingen Waterworks System,
OU=Engineering Dept., CN=David
Vasquez
Date: 2026.01.26 16:56:01-06'00'

ADDITIONAL COMMENTS:

- A full set of water and sewer construction plans must be submitted to Harlingen Waterworks System for review and approval prior to commencement of construction.
- HWWS comments subject to modification based on additional information of future comments issued by the City of Harlingen, changes made to the plans after approval has been given, or if new information is uncovered through field discovery.

Attachment VIII- Harlingen Water Works System

THE STATE OF TEXAS
 COUNTY OF CAMERON

I, _____, COUNTY CLERK OF CAMERON COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY OF HARLINGEN BY APPROVAL AS REQUIRED.

DATE UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2008.

APPROVED BY THE CITY OF HARLINGEN:

CITY ENGINEER _____ DATE _____

CITY MANAGER _____ DATE _____

APPROVED BY THE BOARD OF SUPERVISORS OF CAMERON COUNTY, TEXAS:

BOARD OF SUPERVISORS _____ DATE _____

COMMISSIONER _____ DATE _____

APPROVED BY THE BOARD OF SUPERVISORS OF CAMERON COUNTY, TEXAS:

BOARD OF SUPERVISORS _____ DATE _____

COMMISSIONER _____ DATE _____

APPROVED BY THE BOARD OF SUPERVISORS OF CAMERON COUNTY, TEXAS:

BOARD OF SUPERVISORS _____ DATE _____

COMMISSIONER _____ DATE _____

APPROVED BY THE BOARD OF SUPERVISORS OF CAMERON COUNTY, TEXAS:

BOARD OF SUPERVISORS _____ DATE _____

COMMISSIONER _____ DATE _____

APPROVED BY THE BOARD OF SUPERVISORS OF CAMERON COUNTY, TEXAS:

BOARD OF SUPERVISORS _____ DATE _____

COMMISSIONER _____ DATE _____

APPROVED BY THE BOARD OF SUPERVISORS OF CAMERON COUNTY, TEXAS:

BOARD OF SUPERVISORS _____ DATE _____

COMMISSIONER _____ DATE _____

APPROVED BY THE BOARD OF SUPERVISORS OF CAMERON COUNTY, TEXAS:

BOARD OF SUPERVISORS _____ DATE _____

COMMISSIONER _____ DATE _____

APPROVED BY THE BOARD OF SUPERVISORS OF CAMERON COUNTY, TEXAS:

BOARD OF SUPERVISORS _____ DATE _____

COMMISSIONER _____ DATE _____

APPROVED BY THE BOARD OF SUPERVISORS OF CAMERON COUNTY, TEXAS:

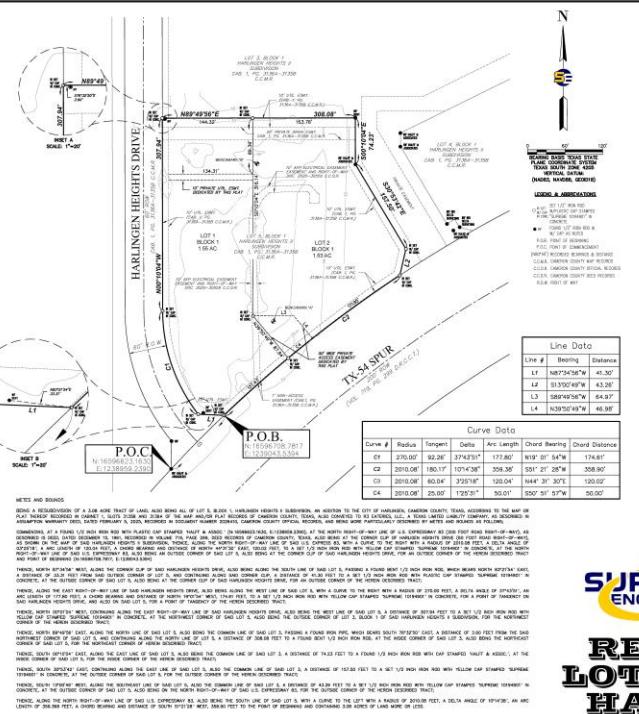
BOARD OF SUPERVISORS _____ DATE _____

COMMISSIONER _____ DATE _____

APPROVED BY THE BOARD OF SUPERVISORS OF CAMERON COUNTY, TEXAS:

BOARD OF SUPERVISORS _____ DATE _____

COMMISSIONER _____ DATE _____



- GENERAL NOTES:**
1. PLAT DATE: JANUARY 2008.
 2. THIS PLAT IS SUBJECT TO THE CITY OF HARLINGEN, TEXAS, SUBDIVISION REGULATIONS, WHICH ARE INCORPORATED BY REFERENCE INTO THIS PLAT.
 3. ALL EASEMENTS AND ENCUMBRANCES SHOWN ON THIS PLAT ARE AS SHOWN ON THE RECORDS OF CAMERON COUNTY, TEXAS.
 4. THE CITY OF HARLINGEN, TEXAS, HAS REVIEWED THIS PLAT AND HAS APPROVED IT FOR RECORDATION.
 5. THE CITY OF HARLINGEN, TEXAS, HAS REVIEWED THIS PLAT AND HAS APPROVED IT FOR RECORDATION.
 6. THE CITY OF HARLINGEN, TEXAS, HAS REVIEWED THIS PLAT AND HAS APPROVED IT FOR RECORDATION.
 7. THE CITY OF HARLINGEN, TEXAS, HAS REVIEWED THIS PLAT AND HAS APPROVED IT FOR RECORDATION.
 8. THE CITY OF HARLINGEN, TEXAS, HAS REVIEWED THIS PLAT AND HAS APPROVED IT FOR RECORDATION.
 9. THE CITY OF HARLINGEN, TEXAS, HAS REVIEWED THIS PLAT AND HAS APPROVED IT FOR RECORDATION.
 10. THE CITY OF HARLINGEN, TEXAS, HAS REVIEWED THIS PLAT AND HAS APPROVED IT FOR RECORDATION.
 11. THE CITY OF HARLINGEN, TEXAS, HAS REVIEWED THIS PLAT AND HAS APPROVED IT FOR RECORDATION.

SUPREME ENGINEERING, PLLC
 CONSULTING ENGINEERS
 ENGINEERING FIRM # 21139
 SUPERVISOR FIRM NO. 10180001
 135 PALMDALE BLVD., STE. 7
 EDINBURGH, TX 77569
 (954) 483-1314

RE-PLAT OF LOT 5, BLOCK 1 HARLINGEN HEIGHTS II SUBDIVISION

BEING A RESUBDIVISION OF A 3.08 ACRE TRACT OF LAND, ALSO BEING ALL OF LOT 5, BLOCK 1, HARLINGEN HEIGHTS II SUBDIVISION, AN ADDITION TO THE CITY OF HARLINGEN, CAMERON COUNTY, TEXAS, ACCORDING TO THIS MAP OR PLAT THEREOF RECORDED IN CABINET 1, SLOTS 31352 AND 31364 OF THE MAP AND/OR PLAT RECORDS OF CAMERON COUNTY, TEXAS.

DATE: JANUARY 2008

E28-014 Final Platting 3/19/2007

Attachment VIII- Harlingen Water Works System

#111
 C3-UTILITY PLAN/ISSUE
 PLOTTED: 1/16/2026

WATER DETAILS

2" WATER SERVICE

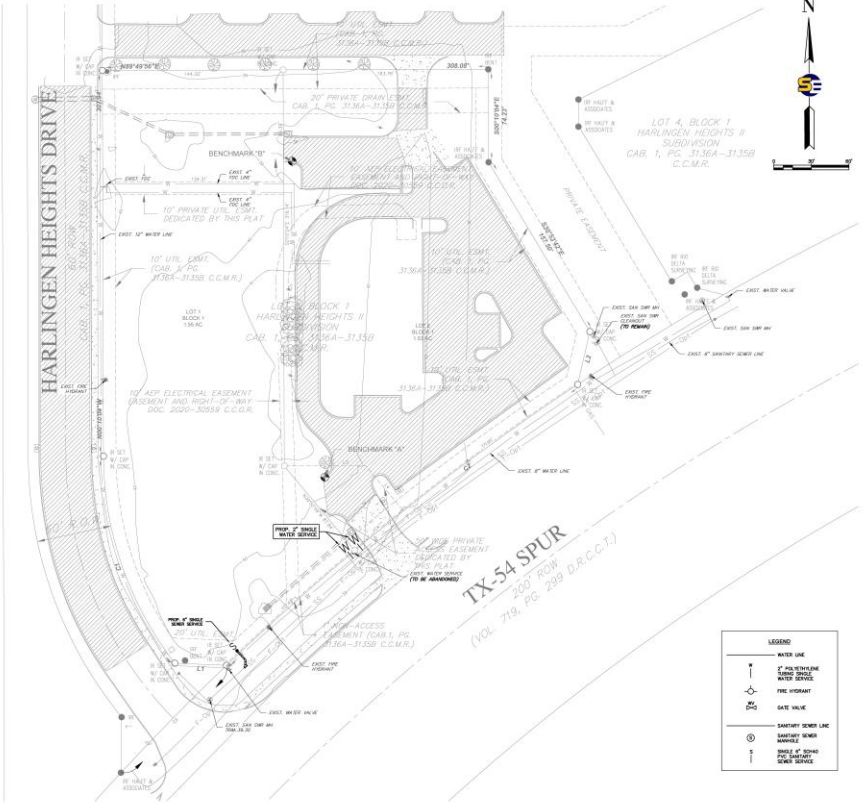
SANITARY SCHED. DETAILS

TYPICAL SINGLE SERVICE MASTERMATE CONNECTION (1 OF 2)

TYPICAL SINGLE SERVICE MASTERMATE CONNECTION (2 OF 2)

NOTES:

1. ALL SANITARY SEWER LINES SHALL BE 4" DIA. UNLESS OTHERWISE NOTED.
2. ALL WATER SERVICE LINES SHALL BE 2" DIA. UNLESS OTHERWISE NOTED.
3. ALL SANITARY SEWER LINES SHALL BE 4" DIA. UNLESS OTHERWISE NOTED.
4. ALL WATER SERVICE LINES SHALL BE 2" DIA. UNLESS OTHERWISE NOTED.
5. ALL SANITARY SEWER LINES SHALL BE 4" DIA. UNLESS OTHERWISE NOTED.
6. ALL WATER SERVICE LINES SHALL BE 2" DIA. UNLESS OTHERWISE NOTED.
7. ALL SANITARY SEWER LINES SHALL BE 4" DIA. UNLESS OTHERWISE NOTED.
8. ALL WATER SERVICE LINES SHALL BE 2" DIA. UNLESS OTHERWISE NOTED.
9. ALL SANITARY SEWER LINES SHALL BE 4" DIA. UNLESS OTHERWISE NOTED.
10. ALL WATER SERVICE LINES SHALL BE 2" DIA. UNLESS OTHERWISE NOTED.



SUPREME ENGINEERING

10000 W. FORT WORTH BLVD. SUITE 100
 FORT WORTH, TEXAS 76134
 TEL: 817.335.1111
 FAX: 817.335.1112

REGISTERED PROFESSIONAL ENGINEER
 STATE OF TEXAS
 NO. 12345

PREPARED FOR:
 R2 ENTERIES LLC
 10000 W. FORT WORTH BLVD. SUITE 100
 FORT WORTH, TEXAS 76134

PROJECT TEAM:
 PROJECT NO.:
 DESIGN BY:
 CHECKED BY:
 APPROVED BY:

RE-PLAT LOT 4, BLOCK 1
 HARLINGEN HEIGHTS II
 UTILITY PLAN

C3

Attachment IX– Public Works (Traffic)

From: [Arnold Campos](#)
To: [Sol Nunez](#)
Cc: [Ruth Trevino](#)
Subject: Re: Replat Lot 5, Block 1, Harlingen Heights II Subdivision
Date: Tuesday, January 27, 2026 10:37:46 AM
Attachments: [image001.png](#)

Good morning Sol,

Yes, this area has been cleared. Lighting infrastructure currently exists.

Thank you,

Arnold Campos
Traffic Signal Maintenance
404 S 54th Street Harlingen Tx. 78550
Cell (956)245-6023

From: Sol Nunez <soln@harlingentx.gov>
Sent: Tuesday, January 27, 2026 8:05:33 AM
To: Arnold Campos <acampos@harlingentx.gov>
Cc: Ruth Trevino <rtrevino@harlingentx.gov>
Subject: Replat Lot 5, Block 1, Harlingen Heights II Subdivision

Good morning, Arnold,

Is this subdivision cleared with you?

Sincerely,

Soledad A. Nunez, CNU-A

City Planner
Planning & Development Department
502 E. Tyler Avenue
O: 956-216-5101
D: 956-216-5267
sol@harlingentx.gov



**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **February 10, 2026**

Agenda Item:

Public hearing and take action to consider a request for a Special Use Permit (SUP) to allow an adult business (hemp retail holistic wellness center) in a General Retail ("GR") District located at 2710 S. Expressway 83, bearing a legal description .3398 acres out of 2.4900 acres of Block 1, San – Har Acres Subdivision. Applicant: Rudy Martinez

Prepared By: Soledad A. Núñez, CNU-A

Title: City Planner

Signature: *Soledad A. Núñez*

Brief Summary:

Project Timeline

- January 14, 2026 – Application for Special Use Permit ("SUP") submitted to the City. **(ATTACHMENT I)**
- January 21, 2026 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- January 24, 2026 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- February 10, 2026 - Public hearing and consideration of requested Special Use Permit (SUP) by the Planning and Zoning Commission (P&Z).
- February 18, 2026 – Public hearing and consideration of requested Special Use Permit (SUP) via 1st ordinance reading scheduled before the City Commission.
- March 4, 2026 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per the City Code of Ordinances, an "adult business" (hemp retail) located in a "GR" (General Retail) District requires approval of a Special Use Permit (SUP) by the City Commission.
- Rudy Martinez, the applicant, is requesting a Special Use Permit (SUP) to operate a holistic hemp retail business under the name "VA Hemp Health" within an existing building located at 2710 S. Expressway 83. The building is approximately 2,100 square feet. **(ATTACHMENT II AND III).**
- Based on the site plan and information submitted, the applicant proposes to operate Sunday through Saturday from 8:00 a.m. to 8:00 p.m. The proposed use will include the sale of hemp products and the provision of integrative wellness services and educational programming focused on supporting physical recovery for veterans. A total of six (6) parking spaces are required. The property currently has four on-site parking spaces, with flexibility to accommodate additional parking as needed. **(ATTACHMENT II – IV).**
- The surrounding properties are zoned General Retail ("GR") District to the north, east, and west, and Residential Single-Family ("R-1") District to the south. Surrounding land uses include vacant homes to the east and west, single-family residences to the south, and vacant land designated for commercial use to the

north, across the expressway. **(ATTACHMENTS V-VII).**

- The City of Harlingen Building Inspections Division, Fire Prevention Bureau, Health Department, and Police Department reviewed the Special Use Permit (SUP) application. If the SUP request is approved, the Building Inspections Division will require submission of plans for the proposed business. The Fire Marshal's Office recommended approval of the SUP request, subject to the applicant complying with all applicable State and City requirements. The Harlingen Police Department recommended denial of the SUP due to the current moratorium in effect for smoke shops and similar businesses. **(ATTACHMENTS VI-IX).**
- The applicant must obtain and maintain the proper State permits.
- Presently, the Planning and Zoning Department has not received any objections to the request from surrounding property owners.
- In accordance with the zoning ordinance, the P&Z and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

Funding (if applicable):

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

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

Finance Director's approval: Yes No N/A

Staff Recommendation:

Staff recommends denial of the Special Use Permit (SUP) request due to the current moratorium on smoke shops and similar businesses, which took effect on February 4, 2026.

City Manager's approval: Yes No N/A

Comments:

City Attorney's approval: Yes No N/A

Attachment I

CITY OF HARLINGEN PLANNING AND ZONING DIVISION MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 2710 S Expressway 83 Nearest Intersection 83 & New Hampshire
 (Proposed) Subdivision Name N/A Lot _____ Block _____
 Existing Zoning Designation Commercial Future Land Use Plan Designation Commercial

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Rody Martinez Phone 210 262 4985 FAX N/A
 Email Address (for project correspondence only): 2710 S Expressway 83 Martinez Rody 690 @yahoo.com
 Mailing Address 2710 S Expressway 83 City Harlingen State Tx Zip 78552
 Property Owner Jesus Martinez Phone 956 245 0176 FAX N/A
 Email Address (for project correspondence only): _____
 Mailing Address 802 W Lincoln City Harlingen State Tx Zip 78550

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

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

PAID 1-14-2026

Please provide a basic description of the proposed project: A Veteran focused hemp Retail & holistic wellness center providing legal Hemp products and integrative wellness services and education designed to support physical recovery.

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

Applicant's Signature: [Signature] Date: 1-6-2026

Property Owner(s) Signature: [Signature] Date: 1-6-2026

Accepted by: _____ Date: _____



Revised 09/13/2024

Attachment I

ZONING VARIANCE REQUEST (for ZBA) 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 City of Harlingen Code of Ordinances Chapter 111-Zoning.

Complete

- When the variance request relates to the development, redevelopment, occupancy, or re-occupancy of a specific tract of land, one (1) copy of a site plan drawn to scale showing existing and proposed development of the property in question.
 - A written statement describing the requested variance and an explanation of the special conditions that result in the unnecessary hardship for which the variance is requested.
 - Any other information (drawings, pictures, etc.) the applicant would like to submit in support of the subject request.
-
- I understand that the variance requested will not be scheduled for Zoning Board of Adjustments (ZBA) review unless all items on this list are completed.
 - I understand that variances cannot be granted for height exceptions in the Airport Overlay zones. (Section 111-443.5)
 - I understand that in accordance to State law and the City of Harlingen Code of Ordinances, Chapter 111-Zoning, no later than ten (10) day prior to ZBA consideration:
 - A notice will be published in the Valley Morning Star describing the request and the date, time, and location of the public hearing before the ZBA; and
 - Notices will be mailed to all property owners within 200 feet of the tract for which the variance is requested describing the request and the date, time, and location of the public hearing before the ZBA.
 - I understand that the ZBA may only grant variances:
 - as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modifications; and
 - only if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in an unnecessary hardship. (Section 111-443)
 - Financial hardship can be considered as per Section 211.009 of the Local Government Code
 - I have read and understand in its entirety the City of Harlingen Code of Ordinances, Chapter 111- Zoning and understand that the requirements of a variance request are subject to the terms and conditions therein.
 - I understand that while all requirements for the submittal of a variance request may be complete, the ZBA is the sole authority for the consideration and approval/ denial of the request or approval subject to conditions.
 - I understand that a 4/5-majority vote (a "super-majority") of the ZBA is required to grant any variance.
 - I understand that the decision of the ZBA is final and any appeals to said decision shall be in accordance with § 211.011 ("Judicial Review of Board Decision") of the Texas Local Government Code.

Owner: Rudy Martinez Date: 1-14-26

Owner Address: 802 W. Lincoln

Phone/Fax: (210) 262-4985

Signature: [Signature]

Attachment II

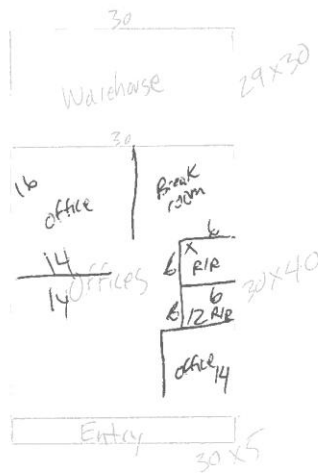
Rudy Martinez
2710 S. Expressway 83
Harlingen, TX 78550

RECEIVED

NOV 24 2025

CITY OF
HARLINGEN
BUILDING INSPECTIONS

Parking

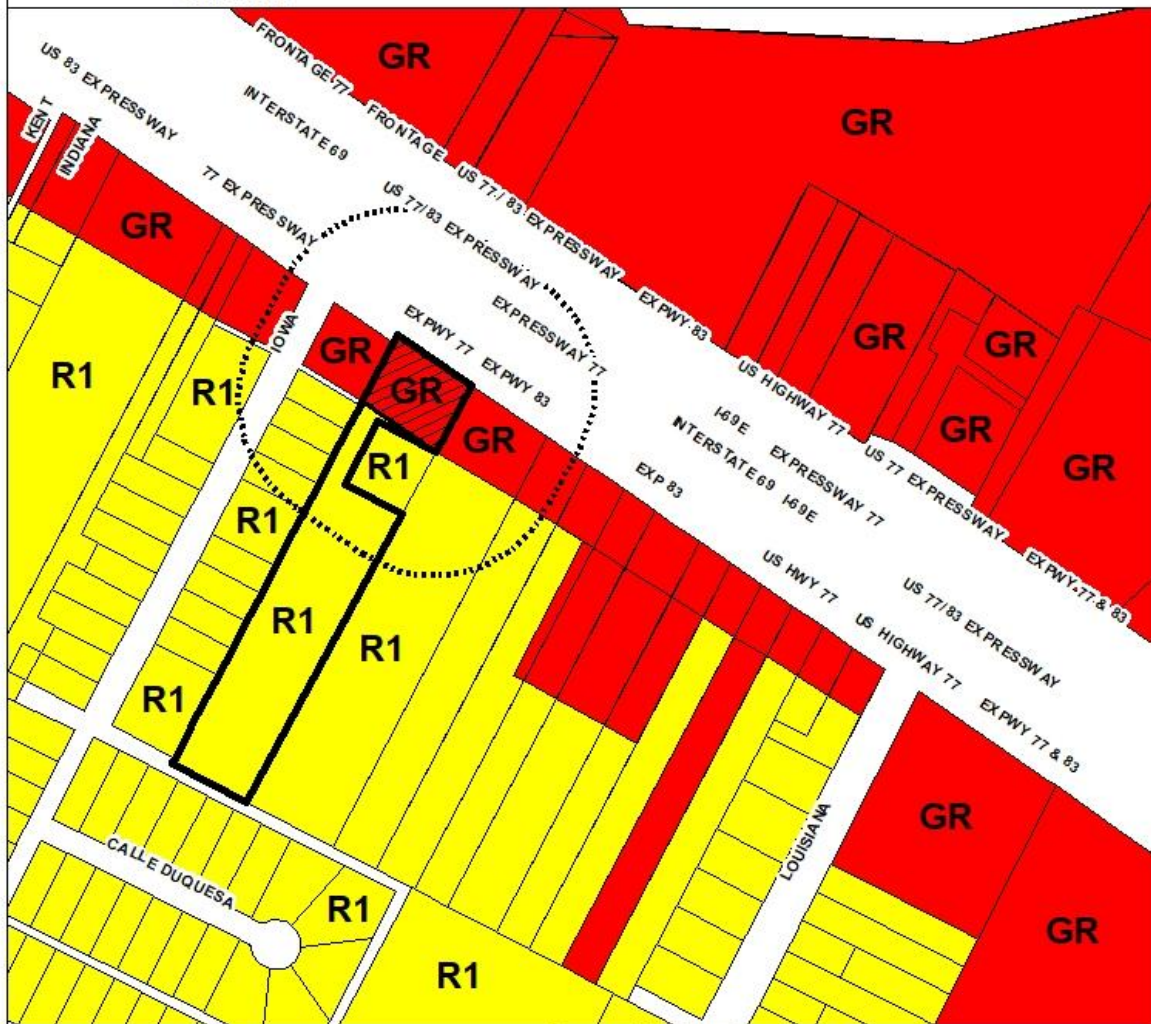


entrance

Attachment III



Request for a Special Use Permit (SUP) to allow an adult business (hemp retail holistic wellness center) in a General Retail ("GR") District, located at 2710 S. Expressway 83, bearing a legal description of 0.3998 acres out of 2.4900 acres of Block 1, San-Har Acres Subdivision. Applicant: Rudy Martinez



Boundary lines

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

Zoning Designations

<ul style="list-style-type: none"> General Retail (GR) Heavy Industry (HI) Light Industry (LI) 3/4 Plex Residential (M1) 	<ul style="list-style-type: none"> Multi Family Residential (M2) Mobile Home Residential (MH) Not-Designated (N) Neighborhood Services (NS) 	<ul style="list-style-type: none"> Office (O) Planned Development (PD) Single Family Residential (R1) Duplex Residential (R2) Residential Patio Home (RPH)
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Scale:
0 75 150 Feet

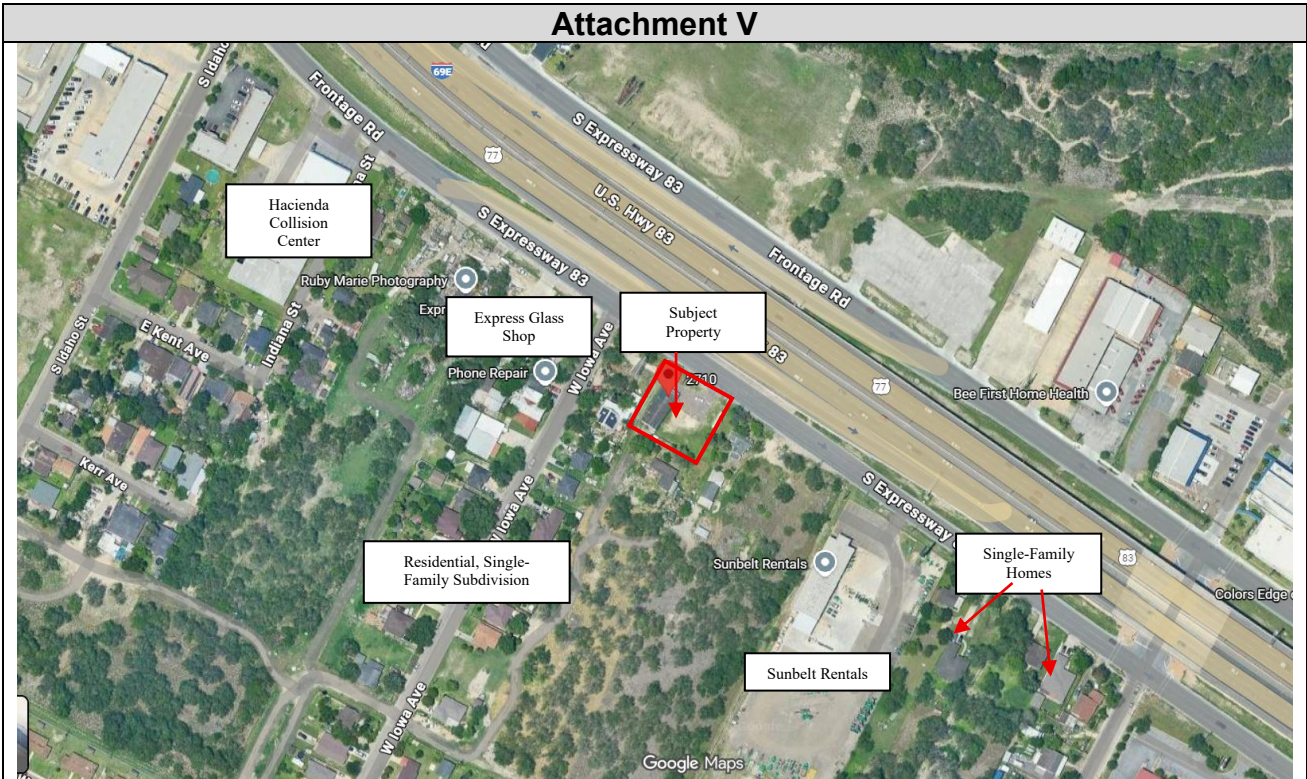
North Arrow:
N

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 01.20.2026

Attachment IV



Attachment V





Specific Use Permit (“SUP”) Routing Slip

Applicant: Rudy Martinez

Phone No.: (210) 262-4985

Location: 2710 S Expressway 83

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (holistic hemp retail business) in a General Retail (“GR”) District located at 2710 S Expressway 83, bearing a legal description of .3998 acres out of 2.4900 acres out of Block 1, San-Har Acres Subdivision.

Department: Fire Prevention Bureau

Approval: X YES NO

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

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr.

Date: January 21, 2026



Specific Use Permit ("SUP") Routing Slip

Applicant: Rudy Martinez

Phone No.: (210) 262-4985

Location: 2710 S. Expressway 83

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (holistic hemp retail business) in a General Retail ("GR") District located at 2710 S. Expressway 83, bearing a legal description of .3998 acres out of 2.4900 acres out of Block 1, San-Har Acres Subdivision.

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 2024 International Building Code and Family of Codes.

Raul Rodriguez

Signature

01/27/2026

Date

Attachment VIII



Specific Use Permit ("SUP") Routing Slip

Applicant: Rudy Martinez _____

Phone No.: (210) 262-4985 _____

Location: 2710 S. Expressway 83 _____

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (holistic hemp retail business) in a General Retail ("GR") District located at 2710 S. Expressway 83, bearing a legal description of .3998 acres out of 2.4900 acres out of Block 1, San-Har Acres Subdivision.

Department: HARLINGEN POLICE DEPT. _____

Approval: _____ YES NO ~~NOT~~

Comments: NOT AT THIS TIME DUE TO MORATORIUM.

ALFREDO ALVEAR, BSCJ, CPM
CHIEF OF POLICE

2/2/26

Date _____

Attachment IX



Specific Use Permit ("SUP") Routing Slip

Applicant: Rudy Martinez

Phone No.: (210) 262-4985

Location: 2710 S. Expressway 83

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (holistic hemp retail business) in a General Retail ("GR") District located at 2710 S. Expressway 83, bearing a legal description of .3998 acres out of 2.4900 acres out of Block 1, San-Har Acres Subdivision.

Department: Health

Approval: YES NO

Comments: **Harlingen Health Department does not regulate these types of businesses. Texas Department of Licenses and Regulations will need to be contacted.**

Signature

Date 2-3-24

Attachment X Applicant Statement

VA Hemp Health
2710 S Expressway 83
Harlingen, Texas 78550
210-262-4985

Date: 1/14/2026

Honorable Mayor and Members of the Harlingen City Commission
City of Harlingen
118 E. Tyler Avenue
Harlingen, Texas 78550

RE: Request for Approval of Special Use Permit – VA Hemp Health

Dear Mayor and Honorable Commissioners,

I am writing to respectfully request approval of a Special Use Permit for VA Hemp Health, a veteran-focused hemp wellness retail establishment proposed to operate within the City of Harlingen.

VA Hemp Health is a mission-driven business dedicated to providing legal, compliant, and lab-tested hemp-derived wellness products that support stress relief, sleep, recovery, and overall well-being. Our company was created with a veteran-first mission, while proudly serving the broader Harlingen community, including veterans, seniors, working families, and individuals seeking natural wellness alternatives.

Full Compliance With City of Harlingen Requirements

We want to clearly and unequivocally state that VA Hemp Health meets and will continue to meet all City of Harlingen zoning, land use, and operational requirements, including those governing hemp retail establishments.

Specifically:

- The proposed location is not located within the restricted distance of any school, daycare, childcare facility, church, or other protected use, in full compliance with City ordinances.
- The location complies with all applicable zoning classifications required for hemp retail operations.
- The business meets all spacing, setback, and separation requirements established by the City of Harlingen.

Documentation confirming these compliance measures has been provided or is available upon request.

Attachment X Applicant Statement

Community Benefit and Public Purpose

Harlingen is home to a strong veteran population and a growing senior demographic. VA Hemp Health is uniquely positioned to serve these populations by offering:

- Education-first wellness consultations
- Non-intoxicating, Texas and federally compliant hemp products
- Natural wellness options supporting stress management, sleep, recovery, and daily comfort
- Partnerships with local veteran organizations and community wellness initiatives

A portion of our proceeds will be reinvested into local veteran wellness and outreach efforts, reinforcing Harlingen's long-standing commitment to those who served our country.

Safety, Operations, and Responsible Business Practices

VA Hemp Health is committed to operating responsibly and safely. We will:

- Comply fully with Texas Department of State Health Services (DSHS) and federal hemp regulations
- Sell only hemp-derived products containing no more than 0.3% Delta-9 THC by dry weight
- Enforce strict age-verification policies
- Prohibit on-site consumption
- Avoid the sale of any illegal, synthetic, or intoxicating substances
- Provide transparent third-party lab testing and clear product labeling

Our business emphasizes education, compliance, and consumer safety, not recreational or illicit activity.

Compatibility With Surrounding Uses

The proposed business will operate as a professional, low-impact wellness retail establishment, comparable to a vitamin shop or health and wellness boutique. The operation will not generate excessive traffic, noise, or late-night activity and will maintain a clean, well-kept storefront consistent with the character of surrounding businesses.

Economic and Local Impact

Approval of this Special Use Permit will:

- Create local employment opportunities
- Generate additional sales tax revenue
- Activate a compliant commercial space
- Support small business growth within Harlingen

Attachment X Applicant Statement

Most importantly, it allows the City to support a veteran-centered, community-oriented business aligned with Harlingen's economic development and public health goals.

We respectfully request the City Commission's approval of our Special Use Permit application. VA Hemp Health is committed to full compliance, responsible operations, and being a positive contributor to the Harlingen community.

Thank you for your time, service, and thoughtful consideration. We appreciate the opportunity to operate within the City of Harlingen and to serve our veterans and community with integrity and care.

Respectfully submitted,

Rudy Martinez
Owner
VA Hemp Health

VA Hemp Health

Compliance Summary

City of Harlingen, Texas – Special Use Permit

Business Name: VA Hemp Health
Business Type: Hemp-Derived Wellness Retail
Proposed Location: 2710 S Expressway 83, Harlingen, Texas

1. State of Texas Licensing & Legal Compliance

VA Hemp Health is properly licensed by the State of Texas for retail operations involving hemp-derived products. The business operates in compliance with all applicable state and federal laws, including but not limited to:

- Texas Health and Safety Code
- Texas Department of State Health Services (DSHS) hemp regulations
- Federal Farm Bill requirements

All products offered for sale are hemp-derived and contain no more than 0.3% Delta-9 THC by dry weight, as required by law. Third-party laboratory testing and compliant product labeling are maintained for all inventory.

2. Zoning & Location Compliance

The proposed VA Hemp Health location fully complies with the City of Harlingen Unified Development Code (UDC) and all zoning requirements applicable to hemp retail establishments.

Specifically:

- The location is not within the restricted distance of any school, daycare, childcare facility, church, or other protected use.
- The site meets all spacing, separation, setback, and land-use requirements established by City ordinance.
- The property is located within a zoning district where a hemp retail use may be considered through approval of a Special Use Permit.

There are no zoning conflicts associated with the proposed location.

Attachment XI Compliance Summary

3. Operational Standards & Public Safety

VA Hemp Health will operate as a professional, low-impact wellness retail business with the following safeguards in place:

- Strict age-verification policies
- No on-site consumption
- No sale of illegal, synthetic, or intoxicating substances
- Transparent product education and labeling
- Compliance with all City, State, and Federal inspection and enforcement standards

The business will not generate excessive traffic, noise, or late-night activity and is comparable to a vitamin or health supplement retailer.

4. Compatibility With Surrounding Uses

VA Hemp Health is designed to be fully compatible with surrounding commercial uses. The storefront will be clean, professionally maintained, and consistent with the character of nearby businesses. Operations will have minimal impact on neighboring properties and the general public.

5. Community & Economic Benefit

VA Hemp Health is a veteran-focused, community-oriented business that:

- Supports local veterans and residents seeking legal wellness alternatives
- Creates local employment opportunities
- Generates sales tax revenue for the City of Harlingen
- Operates responsibly with an education-first, compliance-driven model

Compliance Statement

VA Hemp Health affirms that it meets or exceeds all applicable City of Harlingen zoning, licensing, and operational requirements and is committed to maintaining ongoing compliance as a condition of approval.

**PLANNING AND ZONING COMMISSION
EXECUTIVE SUMMARY**

I. AGENDA ITEM:

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

II. BRIEF OVERVIEW:

ITEM	P&Z DATE	STATUS
Request for a special use permit (“SUP”) to allow a bar/lounge in a Light Industry (“LI”) District located at 2669 N. Expressway 77, Building “D,” bearing a legal description of 0.32 acres out of 5.79 acres out of Lot 2, Block 1, West Harlingen Industry Park. Applicant: Partick B. McDermott	1/13/2026	<ul style="list-style-type: none"> 1/21/2026 – City Commission approved the special use permit on First Ordinance Reading. 2/4/2026 – City Commission approved the special use permit on Second and Final Ordinance Reading..
Request for a special use permit (“SUP”) to allow an adult business (smoke shop) in a General Retail (“GR”) District located at 1616 N. Ed Carey Drive, bearing a legal description of Lot 9, Medical Subdivision. Applicant: Abdelhadi Al Hatabeh	1/13/2025	<ul style="list-style-type: none"> 1/21/2026 - City Commission took no action on the item since a moratorium was approved to not accept, process, or approve any applications for smoke shops for a six month period.
Request for the voluntary annexation and to establish the initial zoning of Planned Development (“PD”) District to allow internal streets to have 50 feet R-O-W, with 32 foot wide paved roads, and for 135 out of 358 Residential, Single Family lots to be less than the required 6,000 square feet, for a property bearing a legal description of 35.754 acres out of a Part or Portion of Blocks 65, 66, and 72, and out of Reserved Horseshoe Lake, Lon C. Hill Subdivision, located south of Morris Road, approximately 2,095.97 feet southwest of South Ed Carey Drive. Applicant: Melden & Hunt, Inc. c/o Leonard P. Simmons III & Mary Beth Simmons	12/09/2025	<ul style="list-style-type: none"> 2/04/2026 – City Commission approved the annexation and initial zoning on First Ordinance Reading. 2/18/2026 – Consideration of the annexation and initial zoning on Second and Final Ordinance Reading is scheduled before the City Commission.

TITLE: Assistant Planning and Development
DEPARTMENT: Planning & Development