

NOTICE AND AGENDA
ZONING BOARD OF ADJUSTMENT
JULY 26, 2023 - 05:30 PM
REGULAR MEETING
CITY HALL-COUNCIL CHAMBERS
415 WEST UNIVERSITY DRIVE
EDINBURG, TEXAS 78541

#### 1. CALL MEETING TO ORDER, ESTABLISH QUORUM

- A. Prayer
- **B.** Pledge of Allegiance

#### 2. CERTIFICATION OF PUBLIC NOTICE

#### 3. PUBLIC COMMENTS

**A.** Public Comments are limited to three (3) minutes. If a resident desires to make a public comment, please notify the Chairperson prior to the start of the meeting. A spokesperson for large groups is required. We ask for everyone's cooperation in following these procedures.

# 4. THE FOLLOWING ARE THE MEETING PROCEDURES USED BY THE ZONING BOARD OF ADJUSTMENT:

- **A.** All items are generally considered as they appear on the agenda. As each item is introduced:
- **B.** Staff will present its findings and recommendation on the item being considered.
- **C.** The party making the request may make a presentation and may address the Board on any issues arising during the discussion of the item being considered.
- **D.** Anyone in the audience desiring to speak in favor or in opposition may do so. A 3-5 minute time limit will be given to each person interested in speaking on the item. The use of a spokesperson for large groups of people will be required.
- **E.** Once the Chair closes the public hearing, the Board may question anyone and maintain any discussion which clarifies the proposal and will then take what action it believes to be appropriate.
- **F.** A minimum of four votes are required for an item to be approved by the Board.

#### 5. ABSENCES

**A.** Consider excusing the absence of Board Member Gregory Vasquez from the May 31, 2023 Regular Meeting

#### 6. MINUTES

**A.** Consider Approval of the minutes for the May 31, 2023 Regular Meeting

#### 7. PUBLIC HEARINGS

A. Consider Variances to the City's Unified Development Code as follows: 1) Section 3.102-4, Multiplex and Apartment and Building Standards, Setbacks and 2) Section 5.207(F), Easements, Encroachments and Removal of Encroachments, Lots 22 and 23, Monmack Place Phase I Subdivision, located at 3912 and 3908 Valeria Street, as requested by Cesar Ledesma on behalf of German Aguilar Mendoza

#### 8. INFORMATION ONLY

A. Attendance Only

#### 9. ADJOURNMENT

I hereby certify that this notice of meeting was posted in accordance with the Open Meetings Act, V.T.C.A., Government Code, Section 551.041, at the bulletin board located at the main entrance to the City offices of the City of Edinburg, (415 West University Drive), visible and accessible to the general public after regular working hours, at 3:00 P.M. on July 21, 2023.

Claudia Mariscal, Administrative Assistant

# MEMBERS WHO ARE UNABLE TO ATTEND ARE ASKED TO NOTIFY THE PLANNING AND ZONING DEPARTMENT AT 956-388-8202

#### **NOTICE**

PERSONS WITH DISABILITIES WHO NEED TO COMMUNICATE MORE EFFECTIVELY WITH CITY OFFICIALS AND WH MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARIN IMPAIRED ARE REQUESTED TO CONTACT THE OFFICE OF THE CITY SECRETARY AT (956) 388-8204 THREE WORKING DAYS PRIOR TO ANY MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.



NOTICE AND AGENDA
ZONING BOARD OF ADJUSTMENT
MAY 31, 2023 - 5:30 P.M.
REGULAR MEETING
COMMUNITY MEETING ROOM
415 W. UNIVERSITY DR.
EDINBURG, TEXAS 78539
MINUTES

#### **Members Present:**

Marc Moran Michael Cantu Ponciano Longoria Ruben Ruiz Eliseo Garza Jr. Marc A. Gonzalez

#### **Absent:**

Gregory Vasquez

#### Staff:

Diane Teter

Jaime Acevedo , Director of Planning & Zoning Omar Ochoa, City Attorney Rita Lee Guerrero, Assistant Director Planning & Zoning Claudia Mariscal, Administrative Assistant Robert Hernandez, Engineering Department Omar Garza, Fire Marshall

#### 1. CALL MEETING TO ORDER, ESTABLISH QUORUM

Chairperson Marc Moran called the meeting to order at 5:31 P.M.

- **A.** Prayer Prayer was announced.
- **B.** Pledge of Allegiance The Pledge of Allegiance was said.

#### 2. CERTIFICATION OF PUBLIC NOTICE

Jaime Acevedo certified the agenda had been posted on May 26, 2023 at 4:00 P.M.

#### 3. DISCLOSURE OF CONFLICT OF INTEREST

#### 4. PUBLIC COMMENTS

**A.** Public Comments are limited to three (3) minutes. If a resident desires to make a public comment, please notify the Chairperson prior to the start of the meeting. A spokesperson for large groups is required. We ask for everyone's cooperation in following these procedures.

## 5. THE FOLLOWING ARE THE MEETING PROCEDURES USED BY THE ZONING BOARD OF ADJUSTMENT:

- **A.** All items are generally considered as they appear on the agenda, as each item is introduced.
- **B.** Staff will present its findings and recommendation on the item being considered.
- **C.** The party making the request may make a presentation and may address the Board on any issues arising during the discussion of the item being considered.
- **D.** Anyone in the audience desiring to speak in favor or in opposition may do so. A 3 minute time limit will be given to each person interested in speaking on the item. The use of a spokesperson for large groups of people will be required.
- **E.** Once the Chair closes the public hearing, the Board may question anyone and maintain any discussion which clarifies the proposal and will then take what action it believes to be appropriate.
- **F.** A minimum of four votes are required for an item to be approved by the Board.

#### 6. MINUTES

A. Consider approval of the Minutes for the April 26, 2023 Regular Meeting

BOARD MEMBER, MICHAEL CANTU MOVED TO CONSIDER APPROVAL OF THE MINUTES FOR THE APRIL 26, 2023 REGULAR MEETING. SECONDED BY BOARD MEMBER, DIANE TETER. THE MOTION TO APPROVE CARRIED UNANIMOUSLY WITH A VOTE OF 6-0

#### 7. PUBLIC HEARINGS

**A.**Consider Variance to the City's Unified Development Code, Section 3.102(C)(1), Lot and Design Standards, Single-Family Detached Lot and Building Standards, Lot Area, Lot

Width, and Setbacks, the east half of Lot 7, Block 243, Original Townsite of Edinburg, located at 1123 East Cano Street, as requested by Ramiro A. Resendez

MR. RESENDEZ, THE APPLICANT, WAS PRESENT AND ADDRESSED THE BOARD, HE STATED THAT HE WAS BUILDING A NEW HOME AND WILL ADD FIRE WALLS IF HE NEEDS TO. BOARD MEMBER DIANE TETER ASKED IF THE CUSTOMER COULD BUILD A SECOND STORY AND IF THERE WERE ANY RESTRICTIONS TO BUILDING UP IN THAT AREA. MS. RITA GUERRERO EXPLAINED THE HEIGHT LIMITATION BUT SAID THAT IT WAS POSSIBLE FOR A TWO STORY HOME. THE BOARD INQUIRED ABOUT HOW THE FIRE DEPARTMENT WOULD FEEL ABOUT MAKING THE SETBACK SMALLER, MR. OMAR GARZA FIRE MARSHALL ADDRESSED THE BOARD AND STATED THAT IN THE ORDINANCE A CITIZEN CAN BUILD WITH A SMALLER SETBACK BUT THEY DID NOT FEEL COMFORTABLE WITH IT.

DURING THE DISCUSSION BOARD MEMBER PONCIANO LONGORIA JOINED THE MEETING AT 5:44 P.M.

AFTER THE DISCUSSION, A MOTION WAS MADE BY BOARD MEMBER, RUBEN RUIZ AND WAS SECONDED BY BOARD MEMBER ELISEO GARZA JR. TO APPROVE THE VARIANCE REQUEST WITH FIVE FOOT SETBACKS AND TO BUILD WITH FIREWALLS. MOTION CARRIED WITH A VOTE OF 6-1. BOARD MEMBER DIANE TETER WAS IN OPPOSITION.

**B.**Consider Variances to the City's Unified Development Code, Section 5.207(F), Easements, Encroachments and Removal of Encroachments, Lot 34, Sugar Oaks Subdivision, located at 3335 Nelson Avenue, as requested by Amado Arteaga on behalf of Andrew Alberto Arteaga

MR. AMADO ARTEAGA WAS PRESENT ON BEHALF OF ANDREW ALBERTO ARTEAGA, AND STATED THAT HE CONTACTED 811 TO PERFORM A DIG TEST AND IT WAS CONCLUDED THAT THE ONLY UTILITY AFFECTED WAS MAGIC VALLEY. MR. ARTEAGA HANDED A LETTER FROM MAGIC VALLEY STATING THEY WERE FINE WITH THE ADDITION AS LONG AS IT WAS NOT CONCRETE OR CEMENT. MR. GUADALUPE BENEVIDEZ, A NEIGHBOR WHO RECEIVED A NOTICE, WAS PRESENT AND ASKED IF THIS VARIANCE WOULD AFFECT HIS PROPERTY OR NEIGHBORHOOD IF IT WAS APPROVED. MS. RITA GUERRERO ASSISTANT DIRECTOR OF PLANNING AND ZONING, EXPLAINED THAT IT IS A STATE LAW THAT THE CITY NOTIFY THE PUBLIC, SHE ALSO STATED THAT THIS VARIANCE DOES NOT AFFECT ANY OTHER PROPERTY EXCEPT THE ONE REQUESTING THE VARIANCE IF APPROVED. BOARD MEMBER MICHAEL CANTU ASKED IF THERE WERE GOING TO BE ANY COLUMNS FOR THE PATIO AND MR. ARTEAGA EXPLAINED THAT THEY WOULD USE

TREATED 4X4'S. BOARD MEMBER MICHAEL CANTU ASKED IF THEY WOULD BE PUTTING THE 4X4'S IN THE EASEMENTS.

BEING NO FURTHER DISCUSSION, A MOTION WAS MADE BY BOARD MEMBER, MICHAEL CANTU AND WAS SECONDED BY BOARD MEMBER ELISEO GARZA JR TO APPROVE THE VARIANCE REQUEST WITH THE CONDITIONS THAT NO CEMENT OR CONCRETE IS USED WITHIN THE EASEMENT AND THAT THE 4X4 POSTS ARE NOT PERMENTLY PUT IN CONCRETE. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 7-0.

C.Consider Variance to the City's Unified Development Code, Section 5.207(F), Easements Encroachments, and Removal of Encroachments, Lot 89 Atwood Village Subdivision, located at 906 North Blair Avenue, as requested by Gerardo Rodriguez on behalf of Albino Garcia Escamilla

MR. GERARDO RODRIGUEZ WAS PRESENT AND ADDRESSED THE BOARD. MR. RODRIGUEZ EXPLAINED THAT THE BUILDINGS WERE MADE BEFORE LEARNING OF THE MISTAKE WITH THE EASEMENT. BOARD MEMBER RUBEN RUIZ ASKED IF THEY WERE ON TOP OF AN EASEMENT. AND MS. RITA GUERRERO EXPLAINED THAT THE PLAN WASN'T CLEAR IF IT WAS CLOSE TO THE EASEMENT. BOARD MEMBER RUBEN RUIZ ALSO CLARIFIED WITH THE APPLICANT THAT IF THERE WERE ANY REASON FOR ANY MAINTENANCE, THEY WOULD BE RESPONISBLE FOR IT AND THE CUSTOMER CONFIRMED.

BEING NO FURTHER DISCUSSION MOTION WAS MADE BY BOARD MEMBER RUBEN RUIZ AND WAS SECONDED BY BOARD MEMBER, MICHAEL CANTU TO APPROVE THE VARIANCE REQUEST. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 7-0.

**D.**Consider Variance to the City's Unified Development Code, Section 3.102(A)(1), General Standards, Building Separation, Lot 12 & 16, Bel-Air Estates Subdivision, located at 2507 North Vineyard Avenue and 2523 North Vineyard Avenue, as requested by Rene Barrera, P.E. on behalf of DGV, L.P. – Dr. Parul Desai, Member

RENE BARRERA, PROJECT ENGINEER WAS PRESENT AND ADDRESSED THE BOARD. MR. BARRERA EXPLAINED ABOUT THE LOCATION AND THEY WOULD BE BUILDING A SIX PLEX, USING FIREWALLS BETWEEN EACH STRUCTURE. MR. BARRERA STATED THAT AREA BETWEEN THE BUILDINGS WOULD BE GREEN AREAS, THERE WOULD BE NO SIDEWALKS OR ENTRANCES. BOARD MEMBER DIANE TETER ASKED TO SPEAK TO FIRE MARSHALL OMAR GARZA. MR. OMAR GARZA WAS PRESENT AND STATED THAT THEY WERE NOT IN FAVOR OF THE VARIANCE REQUEST

BECAUSE THE APPLICANT IS AVOIDING PUTTING THE SPRINKLE SYSTEM WHICH IS WHAT IS REQUIRED IN THE FIRE CODE.

BEING NO FURTHER DISCUSSION MOTION WAS MADE BY BOARD MEMBER DIANE TETER AND WAS SECONDED BY BOARD MEMBER, MICHAEL CANTU TO DENY THE VARIANCE REQUEST AND TO BE BROUGHT BACK WITH A NEW SURVEY SHOWING THE NEW STRUCTURES. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 7-0.

E.Consider Variance to the City's Unified Development Code, Section 5.207(F), Easements, Encroachments and Removal of Encroachments and Section 7.102(D)(2); Nonconformities; General Provisions; Alteration, Enlargement, or Abandonment; Nonconforming Uses, Lot 60, Ebony Terrace No. 2 Unit C Subdivision, Located at 1207 Jo Ann Court, as requested by Letisia Caballero

AFTER A BRIEF DISCUSSION BETWEEN THE PROPERTY OWNER LETICIA CABALLERO AND NEIGHBORS ATTORNEY AARON VELA REGARDING THE FENCE LINE. THE VARIANCE REQUEST WAS TABLED.

BEING NO FURTHER DISCUSSION, A MOTION WAS MADE VICE CHAIRPERSON PONCIANO LONGORIA AND WAS SECONDED BY BOARD MEMBER RUBEN RUIZ TO TABLE THE VARIANCE REQUEST. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 7-0.

#### 10.INORMATION ONLY

A. Attendance Roster 11.ADJOURNMENT

There being no further business to consider, the meeting was adjourned at 6:21 P.M.

MOTION WAS MADE BY BOARD MEMBER ELISEO GARZA JR. AND SECONDED BY VICE CHAIRPERSON PONCIANO LONGORIA TO ADJOURN. THE MEETING AT 7:19 P.M. MOTION CARRIED UNANIMOUSLY.

Claudía Maríscal

Claudia Mariscal, Administrative Assistant Planning & Zoning Department

#### NOTICE

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#### **Planning & Zoning Staff Report**

#### **ZONING BOARD OF ADJUSTMENT**

Prepared on: July 19, 2023

Regular Meeting: July 26,2023

#### Agenda Item

Consider Variances to the City's Unified Development Code as follows: 1) Section 3.102-4, Multiplex and Apartment and Building Standards, Setbacks and 2) Section 5.207(F), Easements, Encroachments and Removal of Encroachments, Lots 22 and 23, Monmack Place Phase I Subdivision, located at 3912 and 3908 Valeria Street, as requested by Cesar Ledesma on behalf of German Aguilar Mendoza

#### **Request**

The applicant is requesting a variance to the City's Unified Development Code (UDC) Section 3.102-4, Multiplex and Apartment and Building Standards, Setbacks and Section 5.207(F), Easements, Encroachments and Removal of Encroachments as it applies to setbacks and easement encroachments. The applicant constructed a carport encroaching into a recorded 15-foot utility easement.

#### **Property Location and Vicinity**

The properties are located on the southside of Valeria Street, approximately 100 ft. east of West Cari Nicole Avenue. The property is zoned Residential, Multi Family and Urban (RM) District. Adjacent zoning is Residential, Multi Family and Urban (RM) District to all directions. Surrounding land uses are Multi-family residential and vacant land.

#### **Background and History**

The property is part of the MonMack Place Phase 1 Subdivision that was recorded on June 19, 2017. The properties are approximately 9,440 square feet. A building permit for multi-family units were permitted in 2021. A renewal permit was then submitted in June 2023. Upon final inspection of the locations it was identified that a carport permit was not obtained. During inspection and based on site plan provided it appears the carport is encroaching over the 15-foot utility easement as stated in the plat.

Staff mailed notice of this variance request to 30 neighboring property owners and received no comments in favor or against this request at the time this report was prepared.

#### **Analysis**

A 15-foot utility easement is indicated on the Subdivision Plat. Similar carports are constructed in the subdivision and received variance approval by the Zoning Board of Adjustment on Wednesday September 25, 2019.

#### Recommendation

Staff recommends approval of the variance request with the understanding a hold harmless agreement is signed in the process. If approved, the applicant will need to comply with all other requirements during the permitting process. If approved, \$40 fee, payable to the County of Hidalgo, County Clerk's Office, for the recording of the ZBA order is also required. A location map, aerial map, photo, subdivision plat, site plan, and application from the property owner are attached for the Board's consideration.

Prepared by:

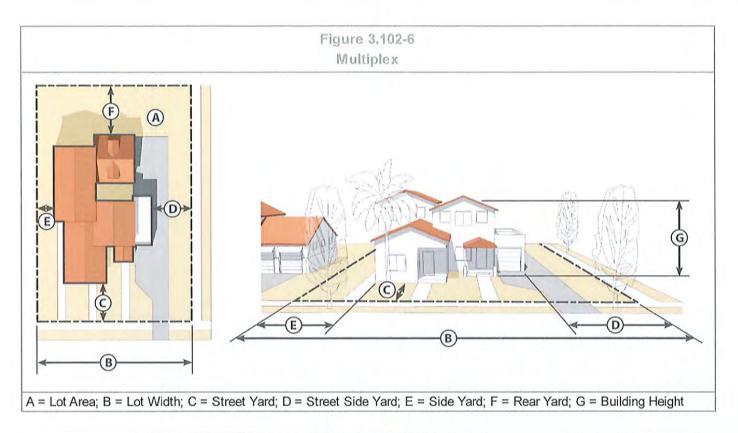
Rita Lee Guerrero

Assistant Director of Planning & Zoning

Approved by:

Jaime Acevedo

Director of Planning & Zoning





# Table 3.102-4 Multiplex and Apartment and Building Standards

Development Type		Maximum								
	Site Area / Building (sf.)	Lot Area / du. (cf.)	Lot Width (ft.)	Street Yard (ft.) <sup>2</sup>	Rear Yard (ft.)	Side Yard <sup>3</sup> (ft.)	Parking Setback from Curb (ft.)	Parking Setback Rear and Side (ft)	Height (ft.)	Density (dwellings per acre)
Multiplex	8,000	2,000	80	10	15	54	20	na	35	Efficiency / 1
Apartment	12,000	1,400	100 <sup>1</sup>	20	20	15 <sup>3</sup>	Not permitted in street yard	8	72	Bedroom: 40 2 Bedroom: 30 3+ Bedroom: 20

#### TABLE NOTES:

D. Housing Bonus. The purpose of this Article is to provide incentives for the production of affordable housing, which takes several forms. The density bonus is designed to make the production of market housing less expensive. A similar incentive is provided by the average lot size requirement, Section 3.405, Averaged Lots, which encourages smaller, more affordable units. A second incentive is a bonus provided for affordable units either publicly subsidized, or affordable market units provided in subsection 3.102.D.1.b, Housing Bonus Eligibility, below. The third set of incentives is the creation of affordable small housing units for elderly or young singles, or households with families consisting of two members so that only a single bedroom is required (subsection 3.102.D.2, Affordable Units for Small Families, below).

#### 1. Incentives.

- a. District Incentives. The residential districts contain provisions that are designed to make housing more affordable. The variable lot size provisions are intended to provide a greater mix of housing costs in each development.
- b. Housing Bonus Eligibility. Affordable housing is subject to an automatic density bonus. There are two ways to be eligible for the bonus. The first is to provide housing under a state or federal assistance program. The second is to use the density bonus to help reduce the costs of market units. Following are the review criteria that shall be met to achieve the bonus:
  - i. Subsidized Housing. Where the housing is subsidized by a state or federal, affordable or low- and moderate-income housing program, the development shall be eligible. For developments over 200 units, no more than 35 percent shall be subsidized. For developments of 50 to 199 units, no more than 45 percent shall be subsidized. Smaller projects may have 60 percent of the units subsidized, except that six-unit developments may be 100 percent subsidized.
  - ii. Market Housing. The market housing shall be made more affordable by the <u>developer</u>. At least ten percent of the units shall be reduced in price to make them more affordable than the average market units in the development. The developer shall submit a proforma to assist in the evaluation of how the units are made more affordable. The following criteria must be met:
    - All units shall use the same general architectural materials, details, and finishes on the exterior so that
      affordable units are not distinguishable by materials and finishes. Less expensive interiors may be
      used to reduce per square foot costs.
    - 2. The developer shall demonstrate that the bonus density is used to bring down the cost of land and infrastructure by demonstrating that land cost was not increased in anticipation of the developer receiving the density bonus. It must be further demonstrated that the land costs associated with the affordable units are only those associated with the actual development of those lots, not costs that would be incurred even if fewer units were built. Instead of averaging the utility or street costs (bring the cost per unit down for all units), these costs should be zero for the affordable units. For example, the costs of streets and utilities would not be added to the cost of the affordable units; only the connection costs for utilities and curb cut costs would be chargeable.
    - Affordable units shall have less floor area than other units. In part, this may be accomplished through using the smaller lot sizes or housing types or building on the smallest lots in the averaged lot regulations.
- c. Affordable Housing Bonus. The developer of affordable housing shall receive a density bonus so that such development exceeds the density permitted in Table 3.201.A.
  - Subsidized Development. A subsidized development meeting the requirements of subsection 3.102.1.b.i. shall receive a 15% density bonus, except that small developments (under 10 units) or scattered

<sup>&</sup>lt;sup>1</sup>Along arterials, frontages in excess of the minimum lot width may be required. See Sec. 5.208, Access Management.

<sup>&</sup>lt;sup>2</sup>Setback from public street rights-of-way. Where private internal circulation is used, 12 feet is permissible.

<sup>&</sup>lt;sup>3</sup>Building separation is 12 feet for multiplexes and 30 feet from apartments.

<sup>&</sup>lt;sup>4</sup>A minimum building separation of 12 feet is required and may be reduced only for structures meeting approved building and fire codes.

- developments may receive a 20 percent bonus. To quality as scattered the sites shall be separated by a minimum of 660 feet from other subsidized units.
- Market Development. A development meeting the requirements of subsection 3.102.1.b.ii., shall receive a 15% bonus. Of the bonus units, two thirds shall be affordable units with the other third being market units.
- d. Fee Waivers. The City Council may, upon request of a developer, opt to pay any adopted impact fees on the developer's behalf, or waive City-charged connection fees for water or sewer, or waive building permit fees for the development of affordable or workforce housing if it is demonstrated that:
  - Housing Cost Reduction. The savings will be passed on to the purchaser;
  - Significant Need. The proposed development addresses a significant, identified housing need in the community.
- 2. Affordable Units for Small Families. This Division focuses on a small segment of the market -- families with one or two people who can live in a very reduced size unit having only one bedroom. Subsection D.2.a, Accessory Apartments, provides for accessory apartments. Section D.2.b, Small Family Units, provides a special housing type intended for the elderly, young persons, or others with limited resources. This is a much smaller unit compared to most market housing and, thus, can have a small lot area and higher density. Siting and design standards ensure that the units fit into the community despite the much higher density at which they are allowed. The densities exceed those of all but the maximums of the Residential Multifamily and Urban (RM) district.
  - a. Accessory Apartments. Accessory apartments would normally be considered a type of two-family dwelling. Where they are built in accordance with this Section, they may be built in a single-family <u>subdivision</u>. The accessory apartment is exempted from the calculation as a dwelling unit when determining the maximum density in Table 3.201A, Residential Use District Standards.
    - i. Identified at Time of Subdivision. At the time of preliminary subdivision, the applicant shall identify the subdivision as being one that will use accessory units to provide affordable housing. This provides an opportunity to review the entire plan on the basis of having two units per lot. Anote shall be on the plat and all lot plans indicating that the subdivision permits accessory apartments.
    - ii. Unit Standards. No accessory apartment shall consist of more than 20 percent of the total residential floor area. No accessory unit shall have more than one bedroom or bathroom.
    - iii. Unit Design. The developer shall submit plans showing how the homes will be designed to provide for accessory units. The units may be within the structure, a separate structure, or above a detached garage. Specific design standards shall be provided for each one of the arrangements that are to be permitted. In no event shall a single-family lot smaller than 6,000 square feet contain an accessory apartment.
    - iv. Transition. The plan shall provide a means of protecting adjoining residential uses or residentially zoned land from any impacts of the additional density and design of the unit. Increased bufferyard opacity, landscaping, setbacks from the adjoining homes, or prohibiting the lots that abut the site boundary from having the accessory units are techniques that may be required (Sec. 4.204, Bufferyards).
  - b. Small Family Units. Aportion of the market for affordable housing consists of seniors or new families just starting who can live in a very small unit that has only a single bedroom. This is only a segment of the market, but one where the units need so little land that the density regulations would prohibit the building for this market segment except in the RM district. This Section provides standards for two types of single-family units and an attached single-family unit designed to meet the needs of one or two people. The standards of this Section provide a special density that is a bonus for the building of these units. As a result, these units are exempt from the district standards required to meet the provisions of this Section.
    - i. Unit Design. There are three-unit designs: single-family detached units of both one and two stories and an attached atrium unit. Figure 3.102-12, 1-Story Detached Small Family Unit; Figure 3.102-13, 2-Story Detached Small Family Unit; Figure 3.102-14, 1-Story Attached Small Family Unit; and Table 3.102-12, Small Family Unit, illustrate the units and provide the dimensional standards for each of these unit types. Two types of standards are provided: the standard for the lot containing a unit and parcel standards that address the perimeter of the parcel upon which the unit is based.

#### Sec. 5.207, Easements

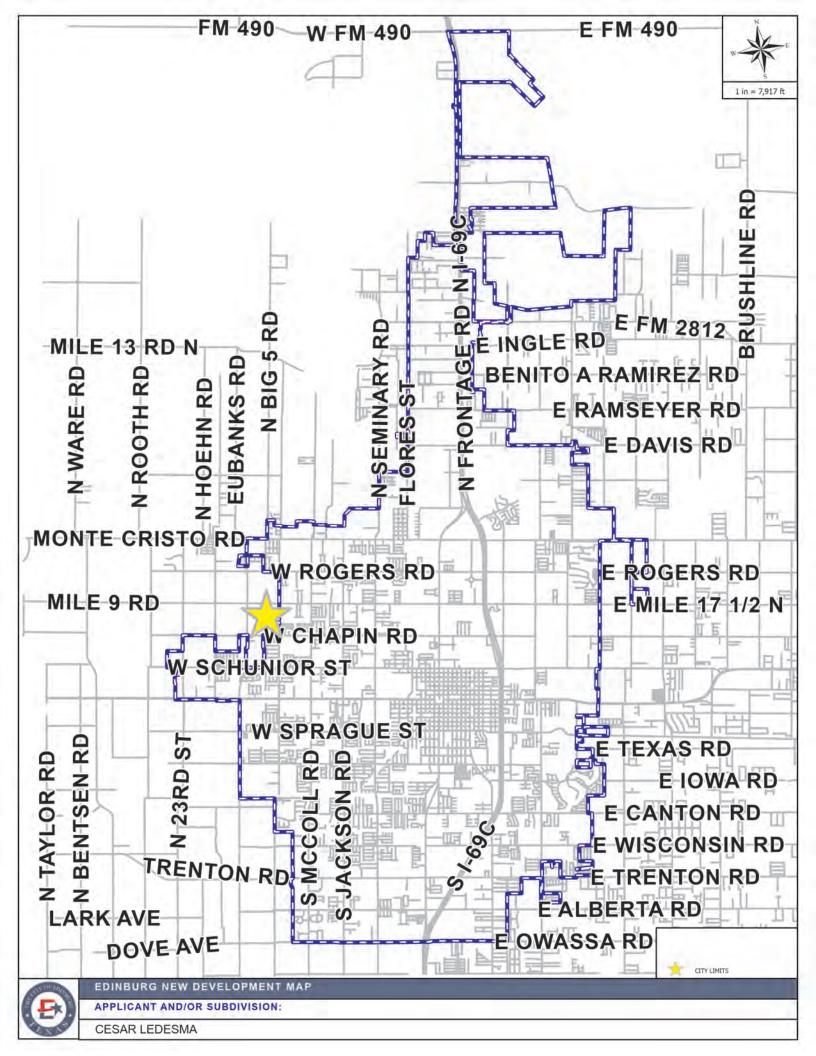
uring development approval, the City may require the granting of a variety of easements on private property or lots. These asements may be for any of the following purposes: drainage, utilities, access to public utilities or drainage areas, fire protection, edestrian access, and conservation. The following standards shall apply to easements:

- A. Utility Easement Width and Location. Where required, all lots shall provide utility easements for sewer, water, gas, telecommunications, or other public utilities that are necessary or desirable to serve the subdivision. Their width and location shall be as follows:
  - 1. Utility easements shall be a minimum of 10 feet wide.
  - Utility easements shall be located in street rights-of-way, alleys, and front, side, or rear yards, as determined by the City in accordance with the particular plans and layout of the utility or other service providing company.
  - 3. Easements that fall on shared side or rear lot lines shall be of equal dimensions on both lots involved, unless specifically authorized by the City.
  - Where attached housing types are involved and yards are enclosed or very narrow, easements shall be placed in open space areas for maintenance purposes.

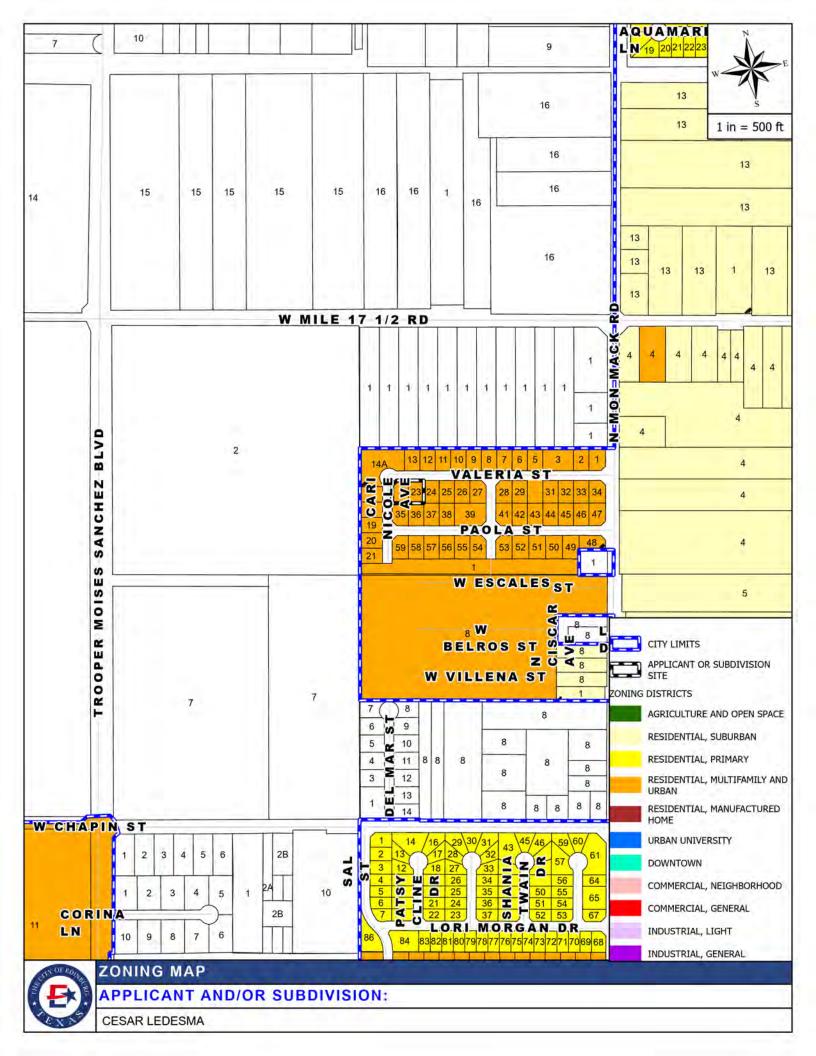
#### B. Drainage Easements.

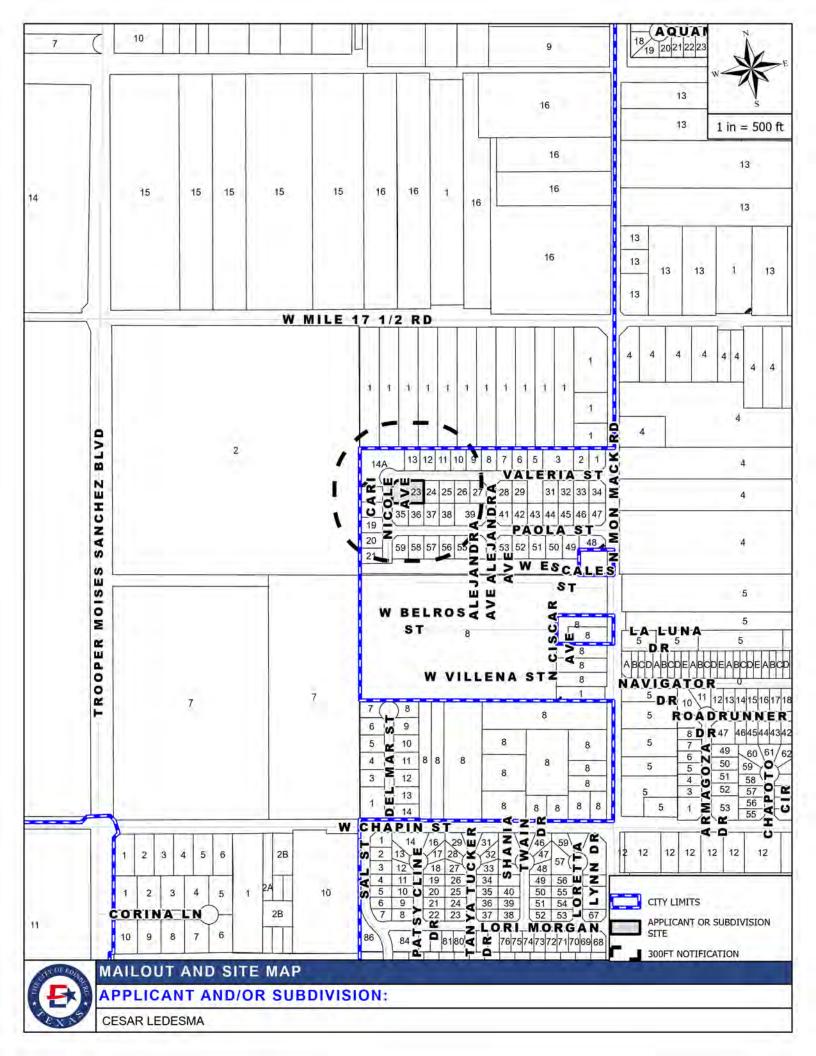
- 1. Generally.
  - a. To the extent possible, existing surface drainage patterns shall be protected by easements or open space. In addition, drainage easements shall be placed on lots to convey surface water to storm sewers located on the street or to surface drainage channels located in easements or open spaces as topography and grading dictate.
  - b. Where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, the applicant shall provide an easement or right-of-way with a location that is substantially the limit of such watercourse, plus additional width to accommodate future maintenance needs. Such easement or right-of-way shall be a minimum of 75 feet from its centerline to the edge of the easement and shall be designed in accordance with the Engineering Standards Manual.
- Drainage Facilities. Drainage facilities shall be provided and constructed at the expense of the subdivider pursuant to
  the Citys drainage policy, master plans, and as specified by the City Engineer. In addition, all drainage facilities shall
  comply with the Hidalgo County master drainage requirements.
- 3. Dedication Required.
  - a. Dedication of drain ditch easements shall be made in accordance with the following:
    - i. Thoroughfare plans:
    - ii. Drainage master plans;
    - iii. County drainage master plans; and
    - iv. Texas Department of Transportation (TxDOT) regulations.
  - b. In the event of demonstrated site constraints, the drain ditch shall be reserved on the subdivision plat as a drainage easement. The easement shall include provisions that, when necessary, it will be used for roadway improvements at no cost to the City and that no improvements shall be constructed within the easement.
- C. Fire Protection Easements. Fire protection access lanes at the front, rear, and side of a building, where required by the Fire Marshal, shall be improved with concrete paving at a width of 20 feet, with appropriate turning radii for the City's fire protection equipment.
- D. Pedestrian Access Easements. Pedestrian access easements may be required in accordance with Paragraph 5.202.E.6, Mid-Block Pedestrian Connections.
- E. Conservation Easements. The City shall require conservation easements to preserve open space and protect natural resources. Conservation easements shall exclude other easements that would result in the disturbance of the land, provided, however, pedestrian access easements may be permitted. The conservation easements shall be in a form approved by the City Attorney. All conservation easements shall run in favor of two parties: all lots in the development and the City.
- F. Encroachments and Removal of Encroachments. No permanent encroachment or structures shall be allowed to be located within the area of any easement required by this Section. The City shall have the right to remove any encroachment, structures, landscaping, or any other improvements placed upon such easements. The City may assess the cost of removing an unauthorized improvement from an easement against the landowner, including the placing of a lien on the property.

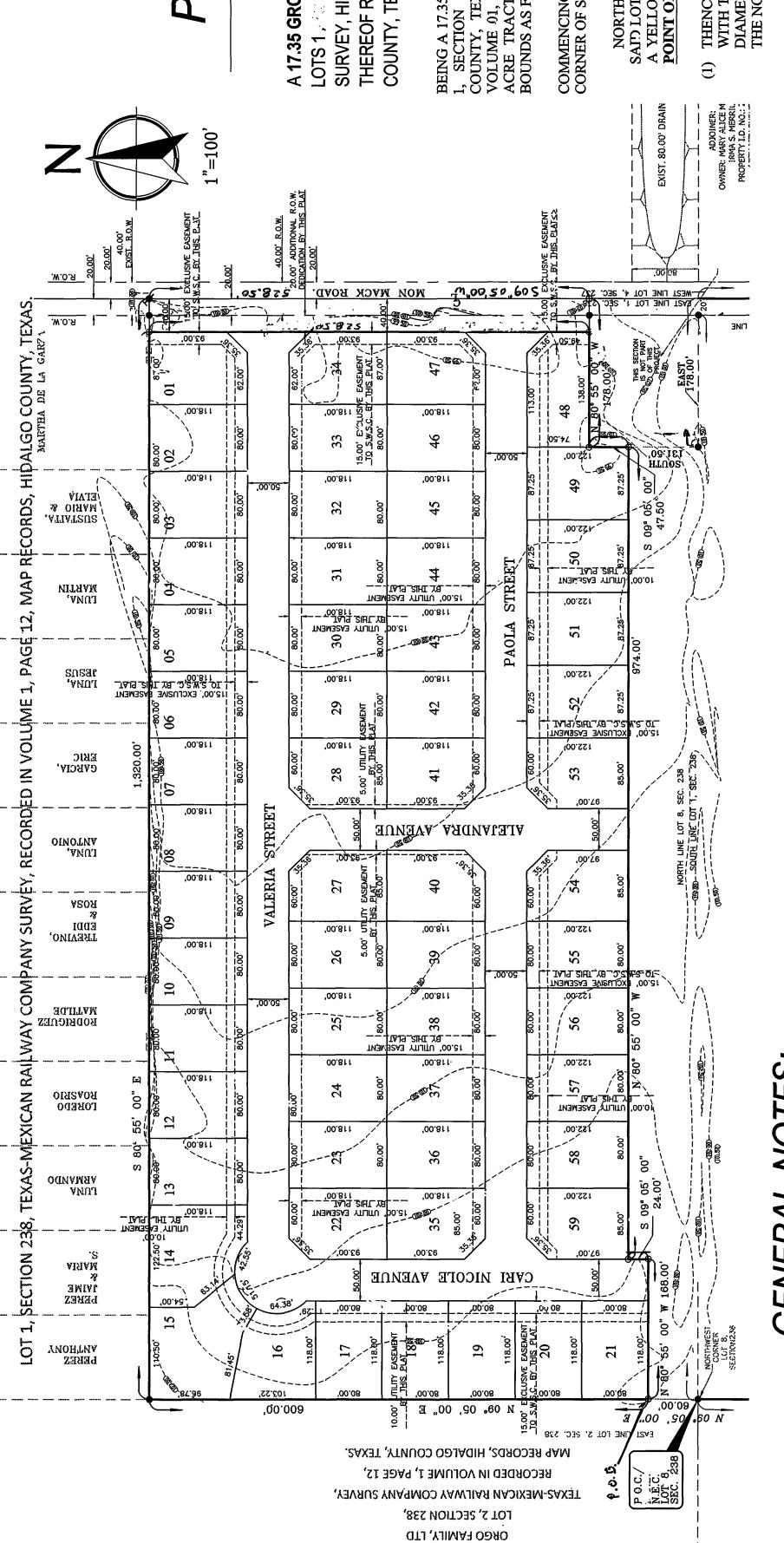
ffective on: 8/9/2022











# 7 ENEI

ARE DESIGNED FOR MULTIPLEX / MULTI-FAMILY UNITS

20' OR 06' OR 15' OR 10' OR 18' OR

SIDE CORNER SIDE CORNER GARAGE MINIMUM c. benchmark: Rai ELEVATION: 96.12 F

WITHIN UTILITY NO PERMANENT STRUCTURES

APPROVED DRAINAGE REPORT FO V 1.62 AC-FT (**?2,257** C.F.) OF AINAGE DETENTION FER LOT IS <u>0.00</u> 3. TOTAL VOLUME REQUIRED TO MONMACK PLACE PHASE 1 SUBDIVISI BEHIND THE BACK OF CURB IS REQUIRED ON BOTH SIDES OF ALL INTERIOR STREETS AL STAGE, INCLUDING HANDICAP RAMPS IN COMPLIANCE WITH ADA STANDARDS.

ALL CONSTRUCTION SHALL COMPLY WITH STORMWATER POLLUTION PREVENTION PLAN (SW3P REQUIREMENTS)

50% OF PERCENT OF THE PARKLAND FEE WILL BE REQUIRED AT BUILDING PERMIT STAGE \$300.00 CEDAR FENCE OR BLOCK SHALL BE ALLOWED ON FRONT OF LOTS - (OPAQUE)

A SEPARATE PERMIT IS REQUIRED FOR SIDEWALKS DURING BUILDING PERMIT STAGE FOR RESIDENTIAL USE



VICINITY MAP



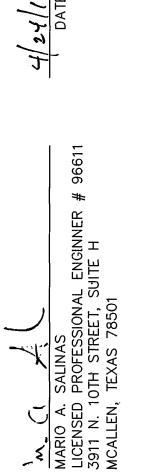
1:18 A W. ON: 6 INSTRUMI OF THE

AM PM

THAT THE DRAINAGE STRUCTURES SUBDIVISION, BASED ON GENERALLY ACCEPTED OF THE DEVELOPER OF THE SUBDIVISION AND CERTIFY NOT REVIEWED AND DOES NOT P RESPONSIBILITY THE SPECIFIC THESE DETERMINATIONS. ROPRIATE FOR THE DISTRICT HAS CRITERIA. IT IS



F TEXAS OF HIDALGO





3 3

CERTIFIES DESCRIBED ARE ENGINEERING 49.211(c)







3 PLANS FOR THIS



I, THE UNDERSIGNED, MARIO A. SALINAS, A LICENSED PROFESSIONAL ENGINEER, IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PROFER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.





BASIS OF BEARING: PREVIOUS SURVEY DATED MAY 04, 1976, JOB NO. 760285.

THENCE, NORTH 80 DEGREES 55 MINUTES WEST, ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 20.0 FEET PASS A ½ INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" FOUND ON INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID ROAD, AT A DISTANCE OF 178.0 FEET IN ALL TO A ½ INCH DIAMETER IRON ROD WITH A YELLOW CAP MARKED "SEA 5782" SET FOR AN INSIDE CORNER OF THIS HEREIN DESCRIBED TRACT;

4

THENCE, SOUTH 09 DEGREES 05 MINUTES TO THE EAST LINE OF SAID LOT 1, A DIST DIAMETER IRON ROD WITH YELLOW CAP OUTSIDE CORNER OF THIS HEREIN DESCRI

THENCE, NORTH 80 DEGREES 55 MINUTES WEST, ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 974.0 FEET TO A ½ INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET FOR AN OUTSIDE CORNER OF THIS HEREIN DESCRIBED TRACT;

9

CHARLES MELDEN, RPLS. NO.

# DIVISION PLACE PHASE I SUB MA P MONMACK

# EXAS EDINBURG,

THEREOF RECORDED IN VOLUME 01, PAGE 12, MAP RECORDS OF HIDALGO OR LESS, CARVED OUT OF SURVEY, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RAILWAY COMPANY'S A 17.35 GROSS ACRE TRACT OF LAND, MORE ., SECTION 238, TEXAS-MEXICAN COUNTY, TEXAS.

# METES AND BOUNDS DESCRIPTION

BEING A 17.35 GROSS ACRE TRACT OF LAND, MORE OR LESS, CARVED OUT OF LOT 1, SECTION 238, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 01, PAGE 12, MAP RECORDS OF HIDALGO COUNTY, TEXAS; SAID 17.35 ACRE TRACT OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

ROD FOUND ON THE SOUTHWEST COMMENCING AT A ½ INCH DIAMETER IRON CORNER OF SAID LOT 1; THENCE, AS FOLLOWS: NORTH 09 DEGREES 05 MINUTES EAST, CONCIDENT WITH THE WEST LINE OF SAID LOT 1, A DISTANCE OF 60.0 FEET TO A 1/2 INCH DIAMETER IRON ROD WITH A YELLOW CAP MARKED "SEA 5782" SET FOR THE SOUTIWEST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;

THENCE, NORTH 09 DEGREES 05 MINUTES EAST, CONTINUING COINCIDENT WITH THE WEST LINE OF SAID LOT 1, A DISTANCE OF 600.0 FEET TO A ½ INCH DIAMETER IRON ROD WITH A YELLOW CAP MARKED "SEA 5782" FOUND FOR THE NORTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE, SOUTH 80 DEGREES 55 MINUTES EAST, ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 1,300.0 FEET PASS A ½ INCH DIAMETER IKON ROD WITH YELLOW CAP MARKED "SEA 5782" FOUND ON INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID ROAD, AT A DISTANCE OF 1,320.0 FEET IN ALL TO A 60-D NAIL SET ON INTERSECTION WITH THE EAST LINE OF SAID LOT 1 LOCATED IN THE CENTER OF SAID ROAD FOR THE NORTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;

EAST LINE OF SAID LOT 1, A DISTANCE OF 528.50 FEET TO A 60-D NAIL SET IN THE CENTER OF SAID ROAD FOR THE SOUTHEAST COLNER OF THIS HEREIN DESCRIBED TRACT;

WEST, ALONG A LINE PARALLEL SANCE OF 47.50 FEET TO A ½ INCH MARKED "SEA 5782" SET FOR AN BED TRACT;

THENCE, SOUTH 09 DEGREES 05 MINUTES WEST, ALONG A LINE PARALLEL TO THE WEST LINE OF SAID LOT 1, A DISTANCE OF 24.0 FEET TO A ½ INCH DIAMETER IRON ROD WITH YELLOW CAF MARKED "SEA 5782" SET FOR AN OUTSIDE CORNER OF THIS HEREIN DESCRIBED TRACT;

0

THENCE, NORTH 80 DEGREES 55 MINUTES WEST, ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 168.0 FEET TO THE POINT OF BEGINNING, CONTAINING 17.35 GROSS ACRES OF LAND, MORE OR LESS, OF WHICH THE EAST 20.0 FEET (OR 0.24 ACRES, MORE OR LESS) ARE LOCATED WITHIN THE RIGHT-OF-WAY OF SAID MON MACK ROAD, LEAVING 17.11 NET ACRES OF LAND, MORE OR LESS.

IRRIGATION DISTRICT No. 1 HIDALGO COUNTY
PRRIL 201 PLAT IS HEREBY APPROVED BY THE AD THE AD THE ON THIS, THIS

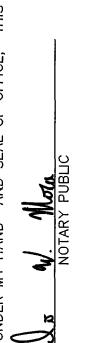
V, TRESS, FENCES, AND N DISTRICT #1 RIGHTS O - ANY KIND (INCLUDING WITHOUT LIMITATION PLACED UPON HIDALGO COUNTY IRRIGATION S OF BE F NO IMPROVEMENTS
BUILDINGS SHALL E BUILDINGS WAYS OR E

I, (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED AS THE MONMACK PLACE PHASE I SUBDIVISION. AN ADDITION TO THE CITY OF EDINBURG, TEXAS AND WHOSE NAME(S) IS (ARE) SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION? THEREIN EXPRESSED.

MONMACK DEVELOPMENT, LLC BY: JESUS CABELLO, MANAGER 4500 N. 10TH STREET, SUITE 240 MCALLEN,TEXAS, 78504

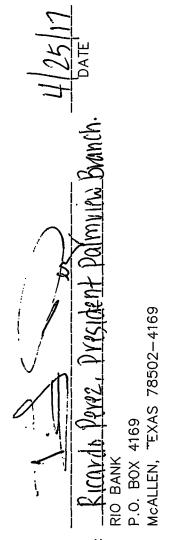
STATE OF TEXAS: COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JESUS CABELLO, KNOWNTO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED
TO ME THAT HE (SHE) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.
GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 36 DAY OF APPLIANT OF 100 DAY OF 100 DAY



04/26/2017 DATE

I/WE THE UNDERSIGNED HOLDER(S) (OR DULY AUTHORIZED OFFICERS OF THE HOLDER(S)) OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY. BEING THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS MON MACK PLACE PHASE I SUBDIVISION IN THE CITY OF EPHISM 1 EXAS, DO HEREBY CONSENT TO THE SUBDIVISION OF THE PROPERTY AS PROVIDED FOR UNDER THE PLAT AND DO HEREBY PROVIDE THAT ANY FORECLOSURE RELATING TO THE SECURITY INTEREST ON THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED FOR HEREIN. SAULO W. REC STATE OF TEXAS COUNTY OF HIDALGO



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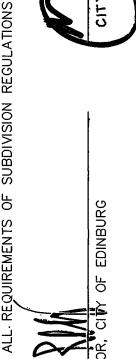
STATE OF TEXAS COUNTY OF HIDALGO



NOTARY PUBLIC.

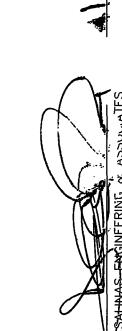






STATE OF TEXAS COUNTY OF HIDALGO

STATE OF I, THE UNDERSIGNED, DAVID O. SALINAS, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE TEXAS, HERTRY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARE FROM AN ACTUAL SURVEY ON THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND ON 04/11/2014 AND THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION AND THAT ALL ASPECTS OF IT ARE IN ACCORDANCE WITH THE CITY OF EDINBURG SUBDIVISION ORDINANCE AND ALL STATE STATUTES GOVERNING SURVEYS.

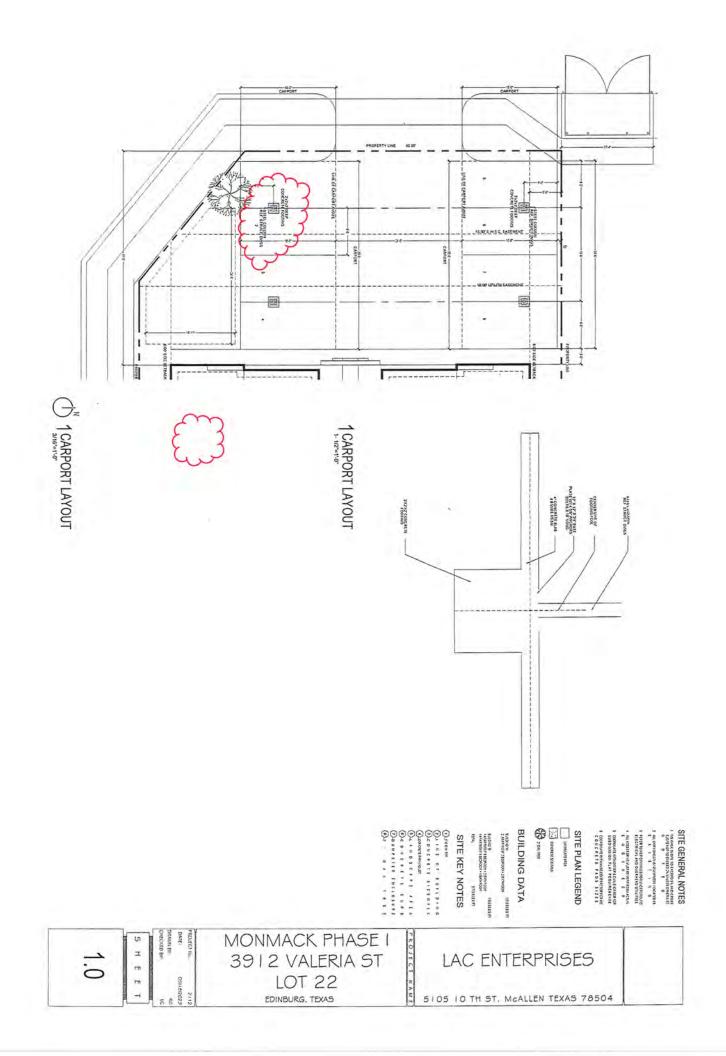


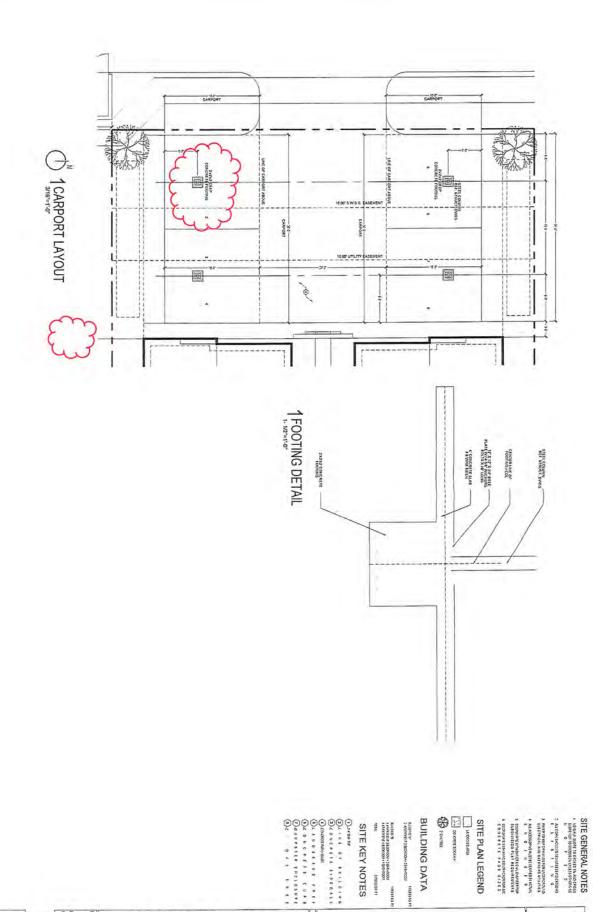
SALINAS ENGINEERING & ASSULATES
CONSULTING ENGINNERS & SURVEYORS
2221 DAFFOIL AVE.
MCALLEN, TEXAS 78501

**ENGINEERING** F-15499 Ö Z **UNITIONS** I I I

SUITE H 3911 N. 10TH STREET, S MCALLEN, TEXAS. 78501

PH. (956) 537-1311 E-MAIL: MSALINAS6973@ATT.NET



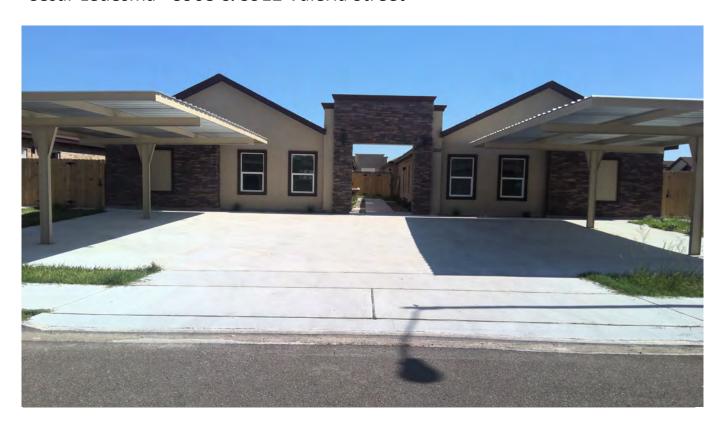


MONMACK PHASE I 5 11 15 15 3908 VALERIA ST LAC ENTERPRISES LOT 23 EDINBURG, TEXAS 5105 10 TH ST. McALLEN TEXAS 78504

# **Zoning Board of Adjustment**

Site Photos for meeting of July 26, 2023

Cesar Ledesma - 3908 & 3912 Valeria Street





### Planning & Zoning

415 West University Drive Edinburg, Texas 78539 (956) 388-8202



Alexine i	Owner Name Owner Contact Inf Mailing Address:	ormation 501 A				1.6-1		200-
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	Phana (Hama)95	A Section			C - 318 (	Trading o	1>	4822
	Phone (Home);*_	69231	Street Address	; Vork):		City/State (Cell): *	+51556	Zip Code 869 986
	Email:							
Agent//	Applicant Name (if	different th	an Owner):	esor	hedre	sma		
	Applicant Contact  Mailing Address:	\$10G	1 Ast &	87#2	Wisson	· T×	788	550
			Street Address	s		City/State		Zip Code
	Phone (Home): _		(\	Work):		(Cell): <sup>6</sup>	986 3	21324
	Email: 12gv.							
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	o the Zoning Board o							
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OFFICE U	USE ONLY:						10	N 3 0 2023

## VARIANCE CASE OWNER NOTIFICATION LIST

PEREZ ANTHONY 3920 W MILE 17 1/2 EDINBURG, TX 78541-6761

LUNA ARMANDO 1803 BAUTISTA ST EDINBURG, TX 78542-1423

LOREDO ROSARIO 3904 W MILE 17 1/2 RD EDINBURG, TX 78541-6761

TREVINO EDDIE & ROSA 3824 W MILE 17 1/2 RD EDINBURG, TX 78541-6271

RUIZ DAVID & LORENA TREVINO 3900 W MILE 17 1/2 RD EDINBURG, TX 78541-6761

ORGO FAMILY LTD 3013 LAKE SHORE DR EDINBURG, TX 78539-7715

WANG YING SZU CYNTHIA 680 BREA CANYON RD STE 100 WALNUT, CA 91789

WANG YING SZU CYNTHIA 680 BREA CANYON RD STE 100 WALNUT, CA 91789

WARCK PROPERTIES LLC 4578 BELT LINE RD ADDISON, TX 75001-4531

BAWA IBRAHIM OSHOZE 3902 PAOLA ST EDINBURG, TX 78541-0593

KAL-CHIO PROPERTIES LLC 4305 JAY AVE MCALLEN, TX 78504-5369 BUTMANKIEWICZ ROBERT & TRANG VAN-NGOC TRAN 19348 BROAD SHORE WALK LOXAHATCHEE, FL 33470

SALAZAR VERONICA LEE 3711 BIANCA ST EDINBURG, TX 78539-2304

MEDAGUI PROPERTY & MANAGEMENT LLC 501 N BRIDGE ST STE 388 HIDALGO, TX 78557-2530

MEDAGUI PROPERTY & MANAGEMENT LLC 501 N BRIDGE ST STE 388 HIDALGO, TX 78557-2530

SERNA GABRIELA 1709 W SMITH DR APT 2 PHARR, TX 78577-0192

ESCABARTE HARRY B & LIMEYA I 3901 PAOLA ST EDINBURG, TX 78541-0591

ANIMIREDDY KRISHNA C & SAVITHA HULLAPPA 41472 COURTNEY NICOLE PLACE ALDIE, VA 20105-4021

ORNELAS JUANITA & RAMON ORNELAS 3810 VALERIA ST EDINBURG, TX 78541-0633

PERRI FRANK J 1187 CLAUDIO GARCIA BLVD APT 4 RIO GRANDE CY, TX 78582-3923

ALBA HOMES LLC 200 S10TH ST STE 1601A MCALLEN, TX 78501-4859

LOPEZ PEDRO HERNAN SR & HILDA NELLY 3806 VALERIA ST EDINBURG, TX 78541

## VARIANCE CASE OWNER NOTIFICATION LIST

PEREZ JESUS 3802 VALERIA ST EDINBURG, TX 78541

HINOJOSA ALEJANDRO & EUSEBIA 816 E MILE 4 RD PALMHURST, TX 78573-3781

HINOJOSA ALEJANDRO & EUSEBIA 816 E MILE 4 RD PALMHURST, TX 78573-3781

LU CHARLES 3813 VALERIA ST EDINBURG, TX 78541

BEATIFICATO RAYMOND E III & MARY H TRUSTEES 1225 E GLACIER RD JACKSON, WY 83001-9051

MIRELES EDGAR ALBERTO 2810 MONTGOMERY DR PHARR, TX 78577

BEATIFICATO RAYMOND E III & MARY H TRUSTEES 1225 E GLACIER RD JACKSON, WY 83001-9051

BEATIFICATO RAYMOND E III & MARY H TRUSTEES 1225 E GLACIER RD JACKSON, WY 83001-9051

BENAVIDES ARMANDO & JORGE 2707 SONORA AVE MISSION, TX 78572

GONZALEZ MARIANO GOMEZ & CAROLL I DENNISON 12110 PRESIDIO PATH SAN ANTONIO, TX 78253 REYES MONICA ANNE 1801 CARI NICOLE AVE EDINBURG, TX 78541-0546

MONMACK DEVELOPMENT LLC 4500 N 10TH ST STE 240 MCALLEN, TX 78504-2963

ANGELEY CAPITAL TEXAS LLC 10427 ROSELLE ST SAN DIEGO, CA 92121-1503

2023 ATTENDANCE RECORD ZONING BOARD OF ADJUSTMENTS MEETINGS											
	01/25/23	02/22/23	03/29/23	04/26/23	05/31/23						
Ponciano Longoria - Vice Chair	Р	Р	Р	Р	Р						
Marc Moran - Chairperson	Р	Р	Α	Р	Р						
Michael Cantu - Regular	Α	Р	Р	Р	Р						
Ruben Ruiz- Regular		Р	Р	Р	Р						
Eliseo Garza Jr - Regular			Р	Р	Р						
Diane Teter - Alternate	Р	Р	Α	Р	Р						
Gregory A. Vasquez- Alternate	Р	Р	Р	Р	Α						
Marc A. Gonzalez- Alternate	Р	Р	Р	Р	Р						
Vacant											