AGENDA

PLANNING & ZONING COMMISSION REGULAR MEETING
THURSDAY, APRIL 13, 2023, AT 5:30 P.M.
COUNCIL CHAMBERS, CITY HALL BUILDING
100 SOUTH MONROE STREET, EAGLE PASS, MAVERICK COUNTY, TEXAS

VIDEOCONFERENCE: This meeting will also be held by videoconference call. The location where the quorum of the governmental body will be physically present is in Council Chambers at 100 South Monroe, Eagle Pass, Texas, 78852 and it is the intent to have a quorum present at that location. The location where the presiding member is physically present will be open to the public during the open portions of the meeting. A member of the public may testify from a remote location by videoconference at: https://meet.goto.com/946290837

ESTABLISHMENT OF QUORUM

OATH OF OFFICE

CITIZENS COMMUNICATIONS

SELECTION OF CHAIRPERSON

SELECTION OF VICE-CHAIRPERSON

MINUTES

1. Approval of the minutes of the March 15, 2023 meeting.

PUBLIC HEARINGS

2. Continuation of a public hearing on the request submitted by Cavazos Leos Enterprises, LLC for the rezoning of Lots 4, 5, 6, 7, and 8 (north 33 feet) in Block 23 of Hillcrest Addition, from B-1 Neighborhood Business District to B-3 General Business District; closing of public hearing and possible action.

3. Public hearing on the request submitted by Jose Hernandez for the rezoning of Lot 2 in Block 16 of Hillcrest Addition (562 Medina Street), from R-1 Single One-Family Dwelling District to R-3 Duplex District; closing of public hearing and possible action.

4. Public hearing on the request submitted by 6R Enterprises, LLC for a conditional Use permit to allow for an amusement establishment business on property located at 475 Adams Street; closing of public hearing and possible action.

OLD BUSINESS

5. Consideration and possible action on the amendment of Article V of the Parkland Dedication ordinance.

ADJOURNMENT

NOTE: The Commission reserves the right to consider business out of the posted agenda order and reserves the right to adjourn into executive session to discuss an item(s) not listed as an executive session on the posted agenda, but which qualifies to be discussed in closed session pursuant to Texas Government Code Chapter 551.

CERTIFICATION

I, THE UNDERSIGNED PLANNING DIRECTOR, do hereby certify that the agenda mentioned above was posted on the Bulletin Board located in the Lobby at City Hall, 100 S. Monroe Street, Eagle Pass, Texas on April 6, 2023 at 4:45 p.m.

Placido Madera
Planning Director

Item #1

THE STATE OF TEXAS)(
COUNTY OF MAVERICK)(
CITY OF EAGLE PASS)(

The Planning and Zoning Commission of the City of Eagle Pass held a Special Meeting on Wednesday, March 15, 2023, at 5:30 p.m. in the City Council Chambers, City Hall, 100 South Monroe Street, Eagle Pass, Texas. All legal notices were duly posted in accordance with State code.

ESTABLISHMENT OF QUORUM

Present: Commission Members: Kenneth Gross, Doris Salinas-Sanchez, and Aaron Valdez

Absent: Chairperson, Rolando Jasso; Vice-Chairperson, Luis Velez; Interim City Manager, Ivan Morua; and Ex-Officio Member: Mayor, Rolando Salinas, Jr.

Staff Present: Planning Director: Placido Madera; Assistant Planning Director, Mariebelle Rodriguez, and City Secretary, Imelda B. Rodriguez

With a quorum being present, Acting Chairperson Gross called the meeting to order, and the Planning & Zoning Commission considered the following items.

CITIZENS COMMUNICATIONS

Acting Chairperson Gross asked if anyone in the audience wished to address the Commission, on any item which did not appear on the agenda, reminding them, that although the Commission would be unable to take formal action on such items, they would be glad to take it under advisement.

There were not any comments or concerns submitted.

MINUTES

1. Approval of the minutes of the February 7, 2023, meeting.

Commission member Salinas-Sanchez motioned to approve the Conditional Use Permit without restrictions. Seconded by Commission member Gross. **MOTION PASSES**: Unanimously

Ayes:	Salinas-Sanchez, Gross, and Valdez
Nays:	None
Abstained:	None
Absent:	Jasso and Velez

PUBLIC HEARINGS

2. Public hearing on the request submitted by Maria I. Galindo for a Conditional Use

Permit to allow the establishment of a hair salon business on property located at 364 Susan Circle; closing of public hearing and possible action.

Acting Chairperson Gross opened the public hearing opened at 5:32 p.m.

Assistant Planning Director, Mariebelle Rodriguez presented details on the request and 31 notices were sent out to abutting property owners 1 received as undeliverable and 2 in favor of petition. Ms. Rodriguez states that the Planning Department recommends that the Planning and Zoning Commission grant the Conditional Use Permit (CUP) to establish a hair salon on property located at 365 Susan Circle subject to the following conditions:

1.) The establishment comply with the provision of the City of Eagle Pass Code of Ordinances.
2.) Customers limited to two (2) at a time.
3.) The establishment be restricted to comply with hours operation as follows: Tuesday through Saturday from 10:00 am to 7:00pm.
4.) Driveway shall be assigned as parking for all customers to not inconvenience nearby residents or cause traffic congestion.
5.) Employment in a home occupation shall be limited to persons residing in the dwelling unit.
6) Note: This Conditional Use Permit is non-transferrable.

The applicant Ms. Maria I. Galindo approached the Commission stating her reasons for opting for a home-based establishment. Ms. Galindo also asked her neighbors regarding this permit and received no opposition.

Commission Member Salinas-Sanchez addressed Ms. Galindo stating that she needs to be very aware if request is granted to adhere to the conditions stipulated by the Planning Department. Ms. Galindo responded she will and likes doing things the right way by being a responsible citizen.

Rebeca Zapata a neighbor of Ms. Galindo approached the Council stating she did not oppose this establishment and would if need allow parking in her space for customers.

Jesus Garcia also a neighbor of Ms. Galindo was here to support her and did not oppose this request.

There being no further comments from the public. Acting Chairperson Gross closed the public hearing at 5:42 p.m.

Commission Member Salinas-Sanchez motioned to approve the Conditional Use Permit with condition recommended by the Planning Department. Seconded by Commission Member Valdez. **MOTION PASSES**: Unanimously

Ayes: Salinas-Sanchez, Gross, and Valdez

Nays: None
Abstained: None
Absent: Jasso and Velez

3. Public hearing on the request submitted by Cavazos Leos Enterprises, LLC for the rezoning of Lots 4, 5, 6, 7, and 8 (north 33 feet) in Block 23 of Hillcrest Addition, from B-1 Neighborhood Business District to B-3 General Business District; closing of public hearing and possible action.

Commission Member Gross motioned to table item due to conflict of interest. Seconded by Commission Member Valdez. **MOTION PASSES**: Unanimously

Ayes: Salinas-Sanchez, Gross, and Valdez
Nays: None
Abstained: None
Absent: Jasso and Velez

ADJOURNMENT

Commission Member Valdez motioned to adjourn meeting at 5:42 p.m. Seconded by Commission member Salinas-Sanchez. **MOTION PASSES**: Unanimously

Passed and Approved on: _____, 2023.

_____
Kenneth Gross
Acting Chairperson

ATTEST:

_____
Imelda B. Rodriguez
City Secretary

Item #2

Planning Department Executive Summary
REPORT TO THE PLANNING & ZONING COMMISSION

Cavazos Leos Enterprises, LLC Rezone Request

I. BACKGROUND

General Information

Applicant: Cavazos Leos Enterprises, LLC

Property Owner: 711 Main Street Venture LLC

Location: Concho St and Trinity St

Property ID Number: 10027, 53308, 52865, and 10024

Legal Description: Hillcrest Addition, Block 23, Lots 4, 5, 6, 7 and 8 (north 33 feet)

Request: Rezone parcels from B-1 Neighborhood Business District to B-3 General Business District

Subject Property Information

Current Use: Lots 4 and 5 house a commercial building formerly known as a gas station, and Lots 6 through 8 (north 33 feet) are vacant and undeveloped.

Proposed Use: Landscaping retail store.

Zoning District: *B-1 Neighborhood Business*

Master Plan: Commercial

Vicinity Data

The site is located with an area that is primarily comprised of commercial and residential developments.

II. PUBLIC NOTICE

Public Notification of the Planning and Zoning Commission public hearing to consider the rezone request was completed consistent with the provisions of *Chapter 211* of the *State of Texas Local Government Code Title 7*.

Aerial Map

Site Photos

III. RECOMMENDED FINDINGS OF FACT

A. Conclusions

1. *Section 1(b)(4)* of *Eagle Pass City Charter Article IX* authorizes the Planning and Zoning Commission to recommend or disapprove proposed changes to the *City of Eagle Pass Zoning Plan.* A request for a change in a zoning district designation for a property constitutes a change to the *zoning plan* and the *zoning plan map.*

2. The applicant's request contains sufficient information for consideration by the Eagle Pass Planning and Zoning Commission. Information contained in this report and the Commission's associated public meeting will be used by the City Council in their consideration of the rezone request. Please refer to Attachment 1.

3. The *Master Plan* is the primary document used in the analysis as to the appropriateness of a rezone request. The *Master Plan Map* provides direction as to the areas of the City in which residential, commercial, and industrial development is to be situated.

4. The rezone request is not consistent with the 'Land Use Development Goals' of the *City of Eagle Pass Master Plan.* The request to change from the *B-1 Neighborhood Business District* to *B-3 General Business District* will allow for a continuation of the development in the neighborhood but not retaining the community's character and scale. The change will not facilitate the ultimate development of urban uses in a compatible arrangement that will make the community unattractive to both residents and visitors and desirable to quality investments.

   The purpose of the rezone is to allow for subsequent retail store for landscaping, irrigation, and supplies store.

5. The rezone request is not consistent with the *Master Plan's* 'Street Objectives', 'Thoroughfare Goals', and 'Thoroughfare Objectives', as access to the rezone site will be provided by Concho Street and not having access to a major highway as a typical commercial lot should.

6. The rezone request does not conform to the purpose of the City's zoning code, as the subsequent development of the property will result in a use that is not consistent with intent of the *B-3 General Business District* and not consistent with commercial uses in the vicinity of the site, with a view to conserving the value of buildings and encouraging the most appropriate use to adjacent residential properties. Please refer to Attachment 2 for a copy of the City's *Zoning District Map.*

7. The property is in an area that contains both residential and commercial uses and should not be allowed to rezone to a higher use due to the R-3 Duplex District in the immediate area along the Rio Grande and Trinity Streets. Please refer to Attachment 1 for photographs of the rezone sites and Attachment 2 for the zoning map.

8. The rezone request is not consistent with the goals or objectives of the *Master Plan* and the purpose of the *City of Eagle Pass Code of Ordinances Appendix A* governing zoning as set forth in Conclusion 1 through 7 of this Report. The rezone request, therefore, should not be approved.

B. Planning Department Recommendation

The Planning and Zoning Commission recommend that the City Council **DENY** the rezone request from *B-1 Neighborhood Business District* to *B-3 General Business District* for property legally defined as Lots 4, 5, 6, 7 and 8 (north 33 feet) in Block 23 of Hillcrest Addition.

Attachment 1
Application

PLANNING DEPARTMENT
3295 Bob Rogers Drive, Eagle Pass, Texas 78852 • Telephone: (830) 773-7781 • Fax: (830) 773-7803
www.eaglepasstx.us • planning@eaglepasstx.us

ZONING CHANGE APPLICATION

Case No:_____

Applicant Information

Name: Cavazos Leos Enterprises, LLC
Mailing Address: 126 Concho St
Phone: (830) 968-8776 E-mail: green1jl@hotmail.com
Note: If you are not the owner of the property, you must attach a letter from the owner authorizing you to submit this application.

Property Owner Informationn

Name: 711 Main Street Venture LLC
Mailing Address: 189 Commercial St Eagle Pass Tx 78852
Phone: (830) 968-8572 E-mail: hectorcerna@ sbcglobal.Net

Property Information

Site Address: See legal description MCAD Property ID # 10027, 53308, 52865, 4- 10034
Legal Description: Lot(s) 4-8 Block 23 Subdivision HILLCREST ADDN
(Property must be legally subdivided or be lot of record)
Front Yard Width (feet) — Rear Yard Width (feet) — Side Yard Width (feet) —

Proposed Project

Amend Zoning Regulations contained in section 8 - "B1" Neighborhood Bus. Dist.
Amend the Official Zoning Map & Master Plan by changing — acres of land currently zoned
B1 to be zoned B3
Conforms with the Zoning Map? ■ Yes ☐ No
Conforms with Master Plan Designation? ■ Yes ☐ No
■ Vacant Land ■ Vacant Building ☐ Single Family Dwelling ■ Commercial
☐ Multi-Family Dwellings ☐ Industrial ☐ Other_____

Detailed Explanation of Proposed Use
Proposed Use of Property/Reason for Change:
Landscape, irrigation and supplies store, the reason of change is because we dont offer the services the convenience store located previously offered
Describe the character and/or nature of uses surrounding the property:
Turn a piece of land into a productive business and give a better value to the surrounding properties.
Will the rezoned designation be compatible with the classification and use of adjoining lands? ■ Yes ☐ No
If No, how do you propose to reduce any adverse impact?

Applicant Authorization

I authorize the City of Eagle Pass to conduct any site visits necessary to evaluate this zoning change application.

I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the zoning change request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of the zoning change approval. I agree to provide any additional information requested by the City as they deem necessary for the processing of this application.

Applicant Signature _____ Date 2/3/2023

Office Use

Date Application Accepted for Review: 2-2-23 By: M

Contact Date for Supplemental Info: — Supplemental Info Received: —

Completeness Review Date: 2-2-23 By: M

Application Returned to Applicant: — (when applicable)

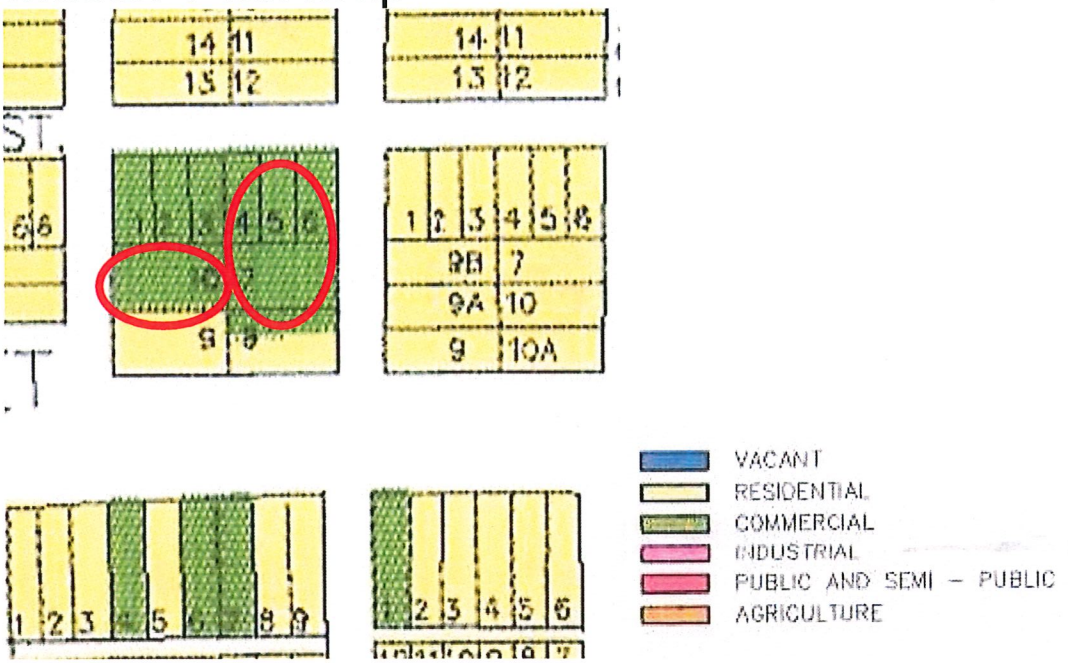
processing fee + publication fees paid M

MR/2020

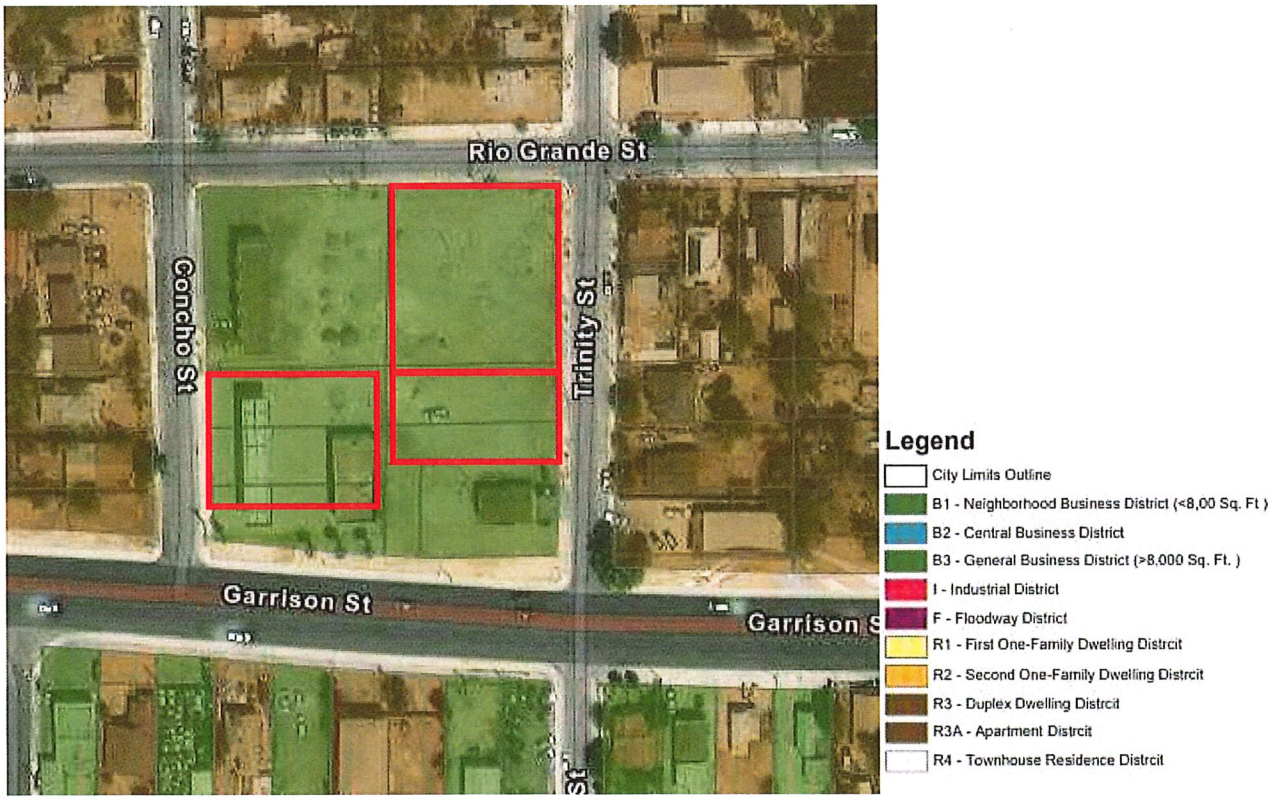
Additional photos of sites

Attachment 2
Master Plan & Zoning Map

Master Plan Map



Zoning District Map



Item # 3

Planning Department Executive Summary
REPORT TO THE PLANNING & ZONING COMMISSION

Jose Hernandez Rezone Request

Applicant:
Jose Hernandez
60 Kypuros Road
Eagle Pass, TX 78852

Property Owner:
Jose Hernandez

Property Address/Location:
562 Medina Street

Legal Description:
Lot 2 in Block 16 of Hillcrest Addition
Property ID: 9908

Lot Size/Project Area:
0.1722, 7,500-sq ft, 50x150

Notifications:
Newspaper: 3/30/2023
Mailed: 3/30/2023

Comments Received:
4/6/2023: None

Staff Review:
Mariebelle Rodriguez
Assistant Planning Director

Attachments:
- Location Map
- Existing Zoning Map
- Future Land use Map

REQUEST: A zoning change from R-1 First One-Family Dwelling District to R-3 Duplex District.

ZONING AND LAND USE:

	Zoning	Land use
Subject Property	R-1	Vacant lot (previous single-family residence)

SUMMARY OF STAFF ANALYSIS:
The property, currently located near the intersection of Medina and Leona Streets, is zoned as a residential lot. The use of the property predates Eagle Pass' original city-wide zoning adopted in 1959. The property was condemned in the year 2020 by the City of Eagle Pass and later purchased by Mr. Hernandez this year. The applicant is requesting this zone change to preserve the right to rebuild his property into a duplex to house two families.

CRITERIA FOR ZONING CHANGE:
Consistency with the future land use plan – Consistent, the future land use plan has the location as City Center where residential is preferred.

Compatible with existing and permitted uses of surrounding property – There are both single family dwellings and duplex dwellings uses in the area.

Adverse impact on surrounding properties or natural environment – This use has been in operation for years. After checking with city code enforcement and building official other than the dilapidated building resolved case, there have been no complaints or issues with this property.

Proposed zoning follows a logical and orderly pattern – residential zoning is logical at this location as the use already fits the zoning type.

Other factors that impact public health, safety, or welfare – None identified.

PLANNING DEPARTMENT ANALYSIS

SITE DESCRIPTION:
This site has its original zoning designation of R-1 from the first city zoning.

CODE REQUIREMENTS:
The applicant wishes to zone his property, so the use matches the zoning and to preserve the right to rebuild his property.

COMPATIBILITY WITH SURROUNDING LAND USE & ZONING: The Surrounding uses are residential. There is existing compatibility as most of the surrounding land use is residential with single family dwellings, duplexes, and multi-family dwellings.

HEALTH, SAFETY, AND GENERAL WELFARE: (Protection & preservation of historical, cultural, and environmental areas.) No health, safety and general welfare issues have been identified other than the demolition of the single-family dwellings in the year 2020 due to the structure being dilapidated and unsafe.

COMPREHENSIVE PLAN (The Future Land Use Plan):
The property is in an area known as the older part of the City Master Plan, which does recommend residential zoning. The intent of this district is to promote infill development that is compatible with the form, rhythms, and character that exists.

TRAFFIC (STREET FRONTAGE & ACCESS):
The lot has a frontage on Medina Street and the only access point is from Medina Street to the parcel.

The rezone request is consistent with both the goals and objectives of the *Master Plan* and the purpose of the *City of Eagle Pass Code of Ordinances Appendix A* governing zoning. The rezone request, therefore, should be approved.

Planning Department Recommendation

The Planning and Zoning Commission recommend that the City Council prepare and **ADOPT** an Ordinance granting a zoning district change *R-1 One Single-Family Dwelling District* to *R-3 Duplex District* for property legally defined as Lot 2 in Block 16 of Hillcrest Addition, also known as 562 Medina Street.

PLANNING DEPARTMENT

3295 Bob Rogers Drive, Eagle Pass, Texas 78852 • Telephone: (830) 773-7781 • Fax: (830) 773-7803
www.eaglepasstx.us • planning@eaglepasstx.us

ZONING CHANGE APPLICATION

Case No: 8944

Applicant Information

Name: Jose Hernandez

Mailing Address: 60 Kypros Rd. Eagle Pass, Tx. 78852

Phone: (830) 352 4009 E-mail: Jvhernandez05@hotmail.com

Note: if you are not the owner of the property, you must attach a letter from the owner authorizing you to submit this application.

Property Owner Informationn

Name: Jose Hernandez

Mailing Address: 60 Kypros Rd. Eagle Pass, TX. 78852

Phone: (830) 352 4009 E-mail: Jvhernandez05@hotmail.com

Property Information

Site Address: 562 Medina MCAD Property ID # 9908

Legal Description: Lot(s) 2 Block 16 Subdivision Hillcrest Addn.
(Property must be legally subdivided or be lot of record)

Front Yard Width (feet) 50 Rear Yard Width (feet) 50 Side Yard Width (feet) 150

Proposed Project

Amend Zoning Regulations contained in section 5 of the Code of Ordinances, Appendix A - Zoning ordinance

Amend the Official Zoning Map & Master Plan by changing 0.1722 acres of land currently zoned R1 to be zoned R3

Conforms with the Zoning Map? ☑ Yes ☐ No

Conforms with Master Plan Designation? ☑ Yes ☐ No

☑ Vacant Land ☐ Vacant Building ☐ Single Family Dwelling ☐ Commercial

☐ Multi-Family Dwellings ☐ Industrial ☐ Other duplex

RECEIVED 3/7/23 VB

Detailed Explanation of Proposed Use

Proposed Use of Property/Reason for Change: Build a Duplex

Describe the character and/or nature of uses surrounding the property: Residential with some apartments located on same street.

Will the rezoned designation be compatible with the classification and use of adjoining lands? ☑ Yes ☐ No

If No, how do you propose to reduce any adverse impact?

Applicant Authorization

I authorize the City of Eagle Pass to conduct any site visits necessary to evaluate this zoning change application.

I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the zoning change request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of the zoning change approval. I agree to provide any additional information requested by the City as they deem necessary for the processing of this application.

JSFernandez — Applicant Signature

3-7-23 — Date

Office Use

Date Application Accepted for Review: 3-8-23 By: MR

Contact Date for Supplemental Info: NA Supplemental Info Received: NA

Completeness Review Date: 3-8-23 By: MR

Application Returned to Applicant: NA (when applicable)

MR:7/2020

REVISED

LOCATION MAP

Legend:

Subject Lot

Recently rezoned to R3A

Current state of site

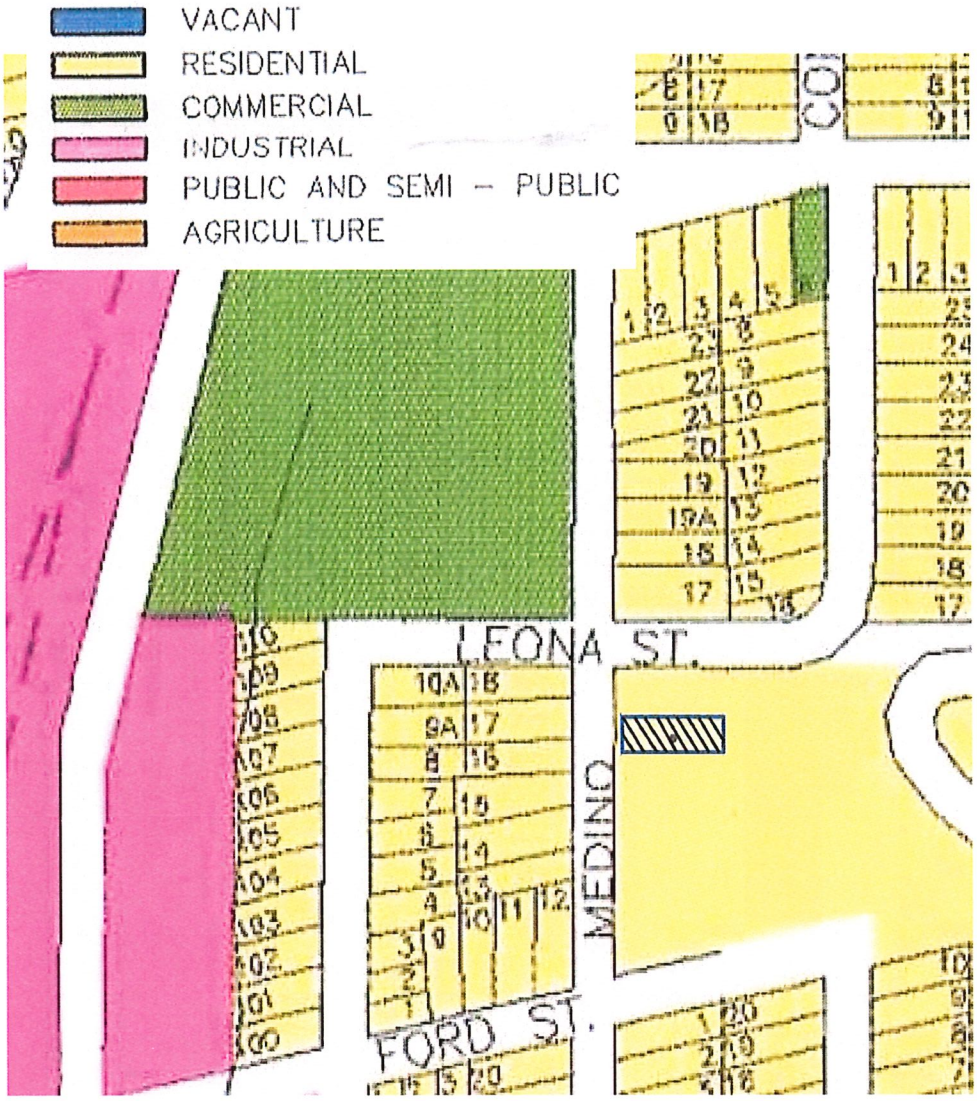
Dwelling before demolition

ZONING MAP

Legend

- City Limits Outline
- B1 - Neighborhood Business District (<8,00 Sq. Ft)
- B2 - Central Business District
- B3 - General Business District (>8,000 Sq. Ft.)
- I - Industrial District
- F - Floodway District
- R1 - First One-Family Dwelling Distrcit
- R2 - Second One-Family Dwelling Distrcit
- R3 - Duplex Dwelling Distrcit
- R3A - Apartment Distrcit
- R4 - Townhouse Residence Distrcit

FUTURE LAND USE MAP



Item #4

Planning Department Executive Summary
Report to the Planning & Zoning Commission

6R Enterprises, LLC - Conditional Use Permit Request

I. BACKGROUND

A. General Information

Applicant & Property Owner: 6R Enterprises I 280 Blanco Street I Eagle Pass, Tx 78852

Location: 475 Adams Street **Property ID Number:** 16586

Legal Description: Lot 65 (North 82.1ft) in Block 3 of Range Unit 2

Request: Request for a Conditional Use Permit to allow for the establishment of an Events Venue on property located at 475 Adams Street.

B. Subject Property Information

Parcel Size: 6,158-square feet (.1413-acres) **Existing Use:** Events Venue

Zoning: B2-Central Business District **Master Plan:** Commercial

C. Vicinity Data

The property is located within an area featuring both commercial and residential developments.

D. Infrastructure

The property is currently served by public utilities/franchises, including water, sanitary sewer, storm sewer, telephone, electric service, and garage. Access to the site is provided by Adams Street.

II. PUBLIC NOTICE

A public hearing was scheduled to be held by the Planning & Zoning Commission of the City of Eagle Pass on April 13, 2023 at 5:30 p.m., in the Council Chambers at City Hall, 100 South Monroe Street. 27 notices were mailed to the property owners within the 200 feet radius of the subject property on March 31, 2023.

II. RECOMMNEDATION FINDINGS OF FACTS

Eagle Pass Code of Ordinances Appendix A: Zoning Ordinance

A. Conclusions

1. The application contains sufficient information upon which the Planning and Zoning Commission may render a decision. Please refer to Attachment 1 for a copy of the *Conditional Use Permit (CUP)* Application.

2. The request involves the establishment of an events hall venue, which is considered an amusement establishment under *Section 10(a)(12)*. The establishment of the

events hall in the *B-2 District* requires an application for and the issuance of a *Conditional Use Permit (CUP)* for the project.

Amusement establishments such as this shall be permitted only with a conditional use permit, as required by *Section 21*, Conditional Use Permits under *Eagle Pass Code of Ordinances Appendix A – Zoning Ordinance*.

3. *Section 21(d)* of *City of Eagle Pass Code of Ordinances Appendix A* states, in part, that the Planning and Zoning Commission may approve, conditionally approve or deny an application for a *Conditional Use Permit*, and in authorizing a conditional use, may impose such requirements and conditions with respect to location, construction, time period, maintenance and operation as deemed necessary for the protection of adjacent properties and the public interest when reasonably related to the use of the property.

   In a circumstance where the proposal is to establish a business, the primary focus should be the on the project's compliance with current development codes and its compatibility with surrounding uses, especially those residential uses located in the area. To address these issues, The Planning Department recommendation to approve the *Conditional Use Permit* contains conditions intended to address these issues.

   To address these issues, the Planning Department recommendation to approve the *Conditional Use Permit* contains conditions intended to address concerns among all city and state regulations.

4. *Section 21(d)* of *City of Eagle Pass Code of Ordinances Appendix A* further states, in part, that before granting any *Conditional Use Permit,* The Planning Department shall be satisfied that the proposed structure or use conforms to the requirements and the intent of this chapter and the general plans(s) of the City of Eagle Pass.

   The Planning Department utilizes the *City of Eagle Pass Master Plan* and the associated *Master Plan* as guidance in providing a recommendation to the Planning and Zoning Commission on their consideration of land use issues, including those involving a *Conditional Use Permit Application*. Please refer to Attachment 2 for a copy of the *City's Master Plan Map*.

   This application is consistent with the *Plan's Land use Development Goals*, as the establishment of an entertainment venue will allow for continued development of the community while retaining the community's character and scale created by its proximity to other venues in the area, throughout the downtown area.

   This application is also consistent with the *Plan's Land Use Objectives,* as the approval of the *Conditional Use Permit* provides a mechanism that will allow for the development of the local capacity to monitor, evaluate, and promote the sound development of the community.

   Finally, the application is also consistent with the *Plans Short-Term Land Use Objectives,* as it provides a method for the city to continue enforcement of the provisions of the zoning ordinance.

5. The *Conditional Use Permit*, if granted, would be consistent with the purpose of the zoning code. *Section 2* of the *City of Eagle Pass Code of Ordinances Appendix A* states that the purpose of the zoning code is to promote the health, safety, morals, and general welfare of the City by, (a) lessening the congestion of streets, (b) securing safety from fire, panic, or dangers, (c) providing adequate light and air, (d) preventing the overcrowding of land, (e) avoiding undue concentration of population, (f) facilitating

the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Please refer to Attachment 3 for a copy of the *City's Zoning District Map.*

Section 2 emphasizes the importance of the character of a specific zoning district and its peculiar suitability for particular uses, conversing the value of buildings, and encouraging the most appropriate use of land throughout the city. The use of the existing commercial structure as an amusement establishment will facilitate the retention of the character of the neighborhood.

The *Conditional Use Permit*, if granted by the Commission will not constitute any change in the City's zoning district map, it will not impair an adequate supply of light and air to adjacent property, it will not materially increase the congestion in public streets, it will not increase the public danger of fires and safety, it will not materially diminish or impair established property values within the surrounding area, and it will not impair the public health, safety, comfort, morals and welfare of the City of Eagle Pass, Texas.

Please refer to Attachment 2 for a copy of the *City of Eagle Pass Zoning District Map.*

6. The establishment of an events hall facility does require off-street parking as per *Section 12.1(2)(d)* of the *City of Eagle Pass Code of Ordinances Appendix A*.

   (d) Improved off-street parking facilities are not required within the Historic Building Preservation District. In the event that a residence or business elects to construct improved off-street parking facilities within the district, the facilities shall comply with the provisions of this chapter, except as to the required number of parking spaces set forth herein.

7. The *Conditional Use Permit* application is consistent with the approval criteria set forth in *Section 21* of the *City of Eagle Pass Code of Ordinances Appendix A,* as detailed in Conclusion 1 through and including Conclusion 6 of this report, and should be granted by the Commission.

B. <u>Planning Department Recommendation</u>

The Planning and Zoning Commission **GRANT** the request to establish an amusement establishment on property located 475 Adams Street, subject to the following conditions:

1. The establishment comply with the provision of *City of Eagle Pass Code of Ordinances.*

2. The establishment be restricted to comply with hours operation as follows:

   - Weekdays to close 10:00 p.m.
   - Weeknights to close 1:00 a.m.

   Note: This *Conditional Use Permit* is non-transferrable.

TRANSMITTED to the parties listed hereafter:

6R Enterprises via e-mail
Planning and Zoning Commission Members via e-mail
Eagle Pass Planning Department Report dated April 5, 2023

Attachment 1

Application
Aerial Map & Photos of Site

PLANNING DEPARTMENT

3295 Bob Rogers Drive, Eagle Pass, TX 78852 • Telephone: (830) 773-7781 • Fax: (830) 773-7803
www.eaglepasstx.us • planning@eaglepasstx.us

CONDITIONAL USE PERMIT APPLICATION

Applicant Information

Name: The Victorian House

Mailing Address: 475 N Adams

Phone: 830-212-2274 E-mail: _____

Note: if you are not the owner of the property, you must attach a letter from the owner authorizing you to submit this application.

Property Owner Informationn

Name: 6R Enterprises

Mailing Address: 475 N Adams

Phone: 830-212-2274 E-mail: _____

Property Information

Site Address: 475 N Adams MCAD Property ID # 16586

Legal Description: Lot(s) lot 65 Block 3 Subdivision Range Unit 2
(Property must be legally subdivided or be lot of record)

Front Yard Width (feet) 82ft Rear Yard Width (feet) 83 Side Yard Width (feet) 150

Current Use Event Venue

Proposed Use Event Venue

Description of Project:

Property will be used as an event venue location. Future plans include a boutique bar.

Detailed Explanation of Proposed Conditional Use

What development measures regarding location, construction, time period, maintenance, and operation will you use to protect adjacent properties from impacts from your project?

We will follow all city ordinances to insure safety.

Describe how your project is reasonably related to the use of the property.
The property is an open area outdoor venue with adequate seating and restrooms.
Describe how your project conforms to the purpose of the zoning district in which the project will be established.
Our project is consistent with other locations with the zoning district. For example, KC Hall.

Aplicant Authorization

I authorize the City of Eagle Pass to conduct any site visits necessary to evaluate this conditional use permit application.

I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the conditional use permit request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of the conditional use permit approval. I agree to provide any additional information requested by the City as they deem necessary for the processing of this application.

Applicant Signature

3-13-23
Date

Office Use

Date Application Accepted for Review: 3-13-23 By: [illegible]

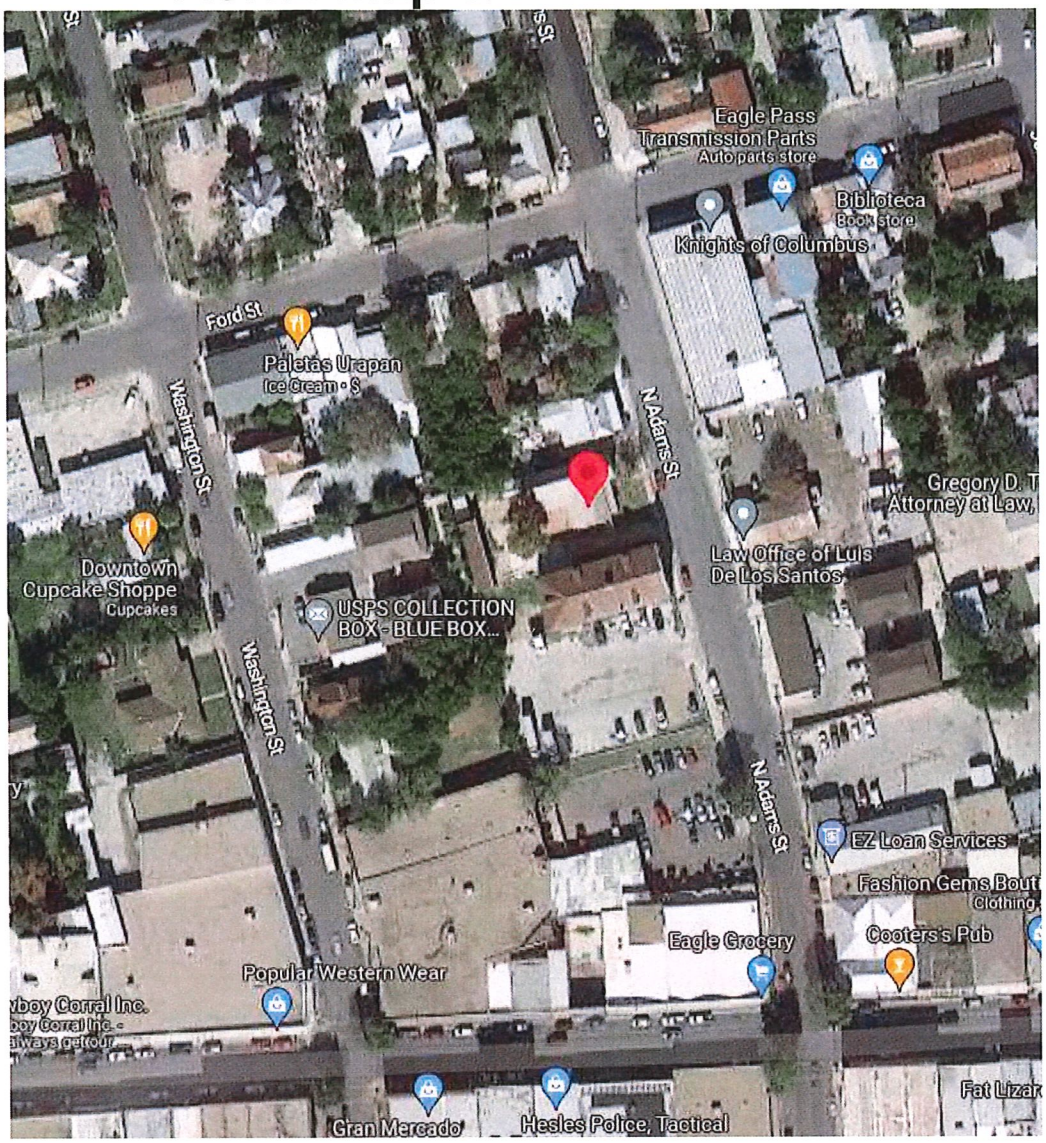
Contact Date for Supplemental Info: NA Supplemental Info Received: NA

Completeness Review Date: 3/13/23 By: [illegible]

Application Returned to Applicant: NA (when applicable)

MR:6/2020

Aerial Map & Photos of Site

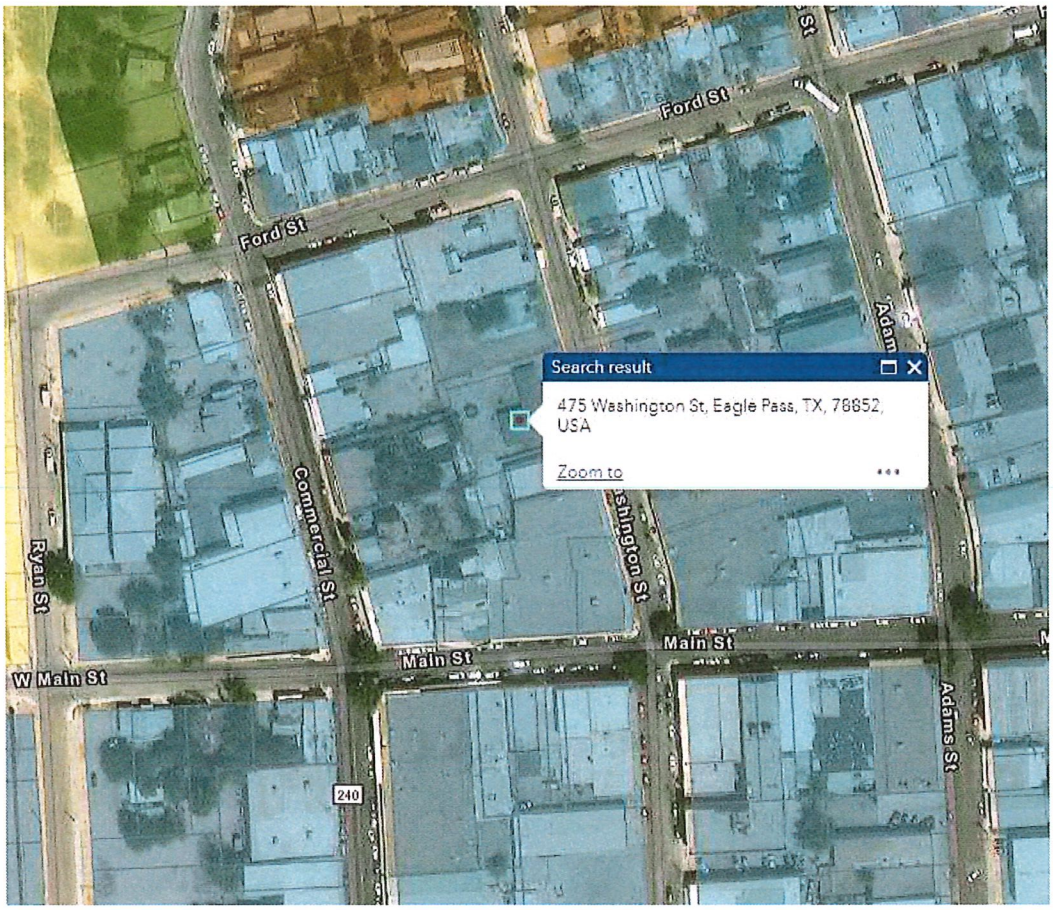


EZ LOAN

Attachment 2

Zoning & Land Use Maps

Zoning Map

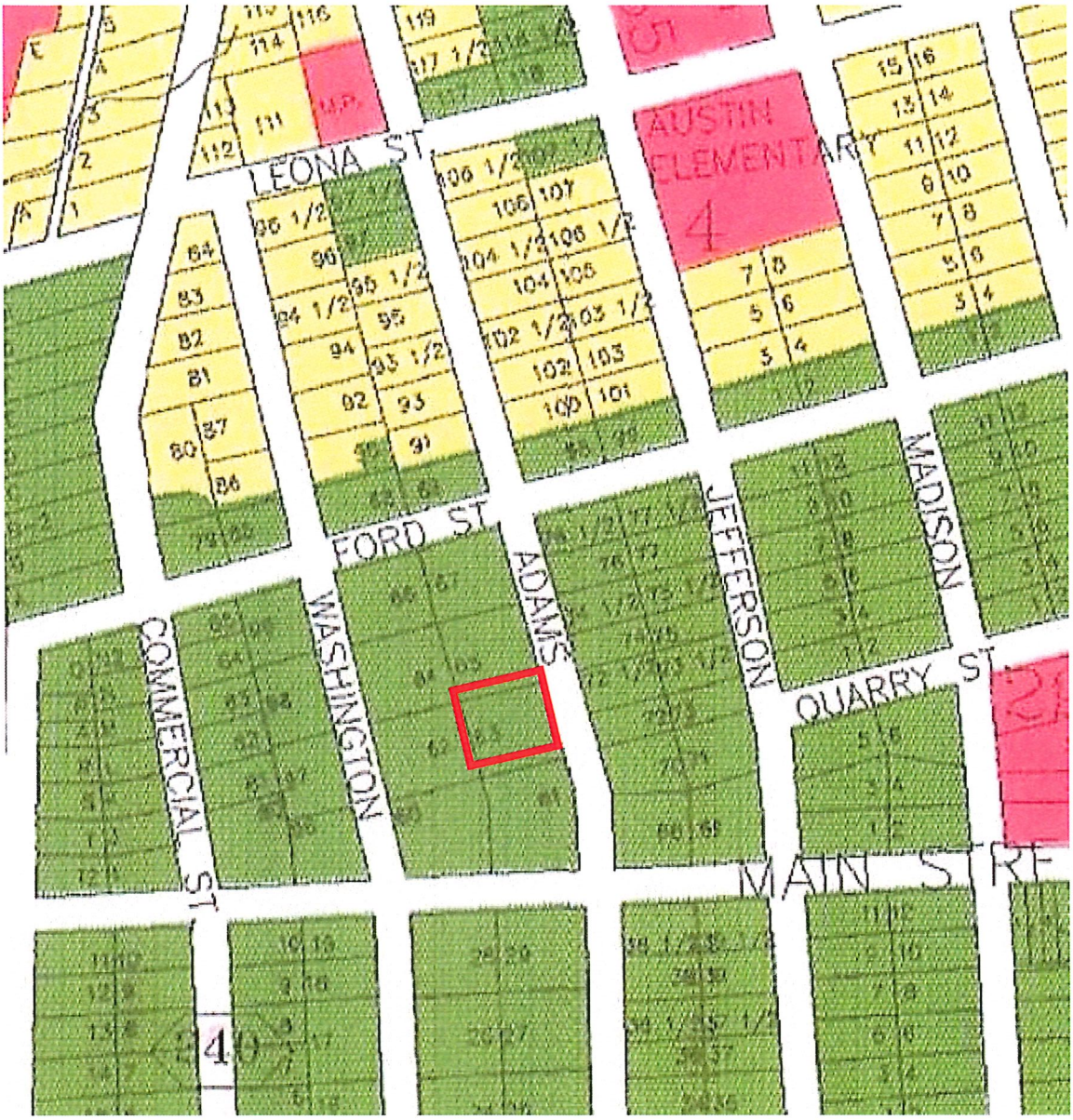


Legend

- City Limits Outline
- B1 - Neighborhood Business District (<8,00 Sq. Ft)
- B2 - Central Business District
- B3 - General Business District (>8,000 Sq. Ft.)
- I - Industrial District
- F - Floodway District
- R1 - First One-Family Dwelling Distrcit
- R2 - Second One-Family Dwelling Distrcit
- R3 - Duplex Dwelling Distrcit
- R3A - Apartment Distrcit
- R4 - Townhouse Residence Distrcit

Master Plan

- VACANT
- RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- PUBLIC AND SEMI – PUBLIC
- AGRICULTURE



Item #5

ARTICLE V. - PARKLAND DEDICATION

Sec. 23-75. - Purpose.

This Article is adopted by the Eagle Pass City Council in accordance with the city's home rule powers granted under the Texas Constitution, and the laws of the State of Texas including but not limited to Texas Local Government Code Chapter 212, as may be amended.

The City of Eagle Pass recognizes that public park and recreation areas are valuable assets that advance the public's health, safety and welfare. New residential development in the city and its ETJ creates the need for additional parks to cater to the additional use created by the new population. Parkland dedication and development fees are recognized as a fair, reasonable, and uniform method of financing these assets that does not impose an unfair burden on new or existing residential properties. The intent is to require new development to pay its proportionate costs that are associated with providing new or expanded parks and conservation areas, so they are borne by the new homeowners who are responsible for creating the additional demand.

The city is required to demonstrate there is a "rough proportionality" between the dedication required from a developer and the demand from occupants of residents in the development. The city has met that requirement by determining that new residents' demands for parks will be the same as those of existing residents.

Sec. 23-76 Applicability.

(a) This Section applies to a landowner or developer who develops land for residential use located within the city and its ETJ.

(b) Non-residential use is exempt.

(c) This Article does not apply to activities involving the remodeling, rehabilitation, or other improvements to an existing residential structure, or to the rebuilding of a damaged structure where no additional residential units are created.

(d) If a dedication requirement was paid or encumbered prior to the amendment of this Article, then subsequent development for the subject tract to which the dedication requirement applies may be subject to vesting as set forth in Chapter 245 of the Texas Local Government Code. However, if there is an increase in the number of dwelling units on the site to be developed from what was originally proposed, then there shall be an additional proportional increase in the dedication requirement.

Sec. 23-77 General Requirements

(a) The City Manager, or designee, shall administer this Article, with certain review,

recommendation and approval authorities being assigned to the Parks and Recreation Board, Planning and Zoning Commission, and other city departments as needed.

(b) As a condition of subdivision development, a developer of residential property shall be required to dedicate land for parks, pay of a fee-in-lieu thereof, construct park improvements, or a combination of these options. The particular form of the requirement will be at the sole discretion of the city. In addition to the land dedication, a developer of residential property shall pay a park development fee which will be used to pay the costs of developing the raw dedicated land into a functioning park.

(c) The total amount of land dedicated for the development, public or private, shall be dedicated:

- In fee simple by filed deed, if dedicated to the city; and
- Prior to the issuance of any site development building permits for multi-family development.
- Prior to recordation of the final plat for a single family, duplex, or townhouse development, or
- For a phased development, the entire park shall be platted concurrently with the plat of the first phase of the development.

(d) The required land dedications and schedules of fees are attached hereto as Appendix "A". They are incorporated and made a part of this Article for all purposes.

Use of Parkland Dedication Fees.

(a) Funds shall not be used for employee wages and/or equipment associated with the operation and maintenance of parks.

(b) The parkland dedication fund shall not be used for city staff overhead expenses. However, indirect costs reasonably incurred in connection with park land acquisition and development are authorized, but are limited to a maximum of ten (10) percent of total acquisition and/or development costs.

(c) All parkland dedication and park development fees will be deposited in a separate fund. Funds shall be used solely for the acquisition or leasing of park land and the development, improvement, or enhancement of new and existing parks. All expenditures shall be administered in accordance with the purchasing requirements of the city, as amended.

Sec. 23-78 Park Land Dedication Guidelines and Requirements.

Any land dedicated under this Article must be suitable for park uses and meet requirements in this Article. The following guidelines and requirements shall be used in the dedication and design of park land.

When considering parkland dedication, the developer should meet with the Parks and Recreation Department (PARD) before a development application is submitted to evaluate the suitability of the land. Additionally, PARD may request a site visit as a part of its determination. The following information may be required as a part of the process prior to accepting land for a public park dedication:

1. Lot dimensions or metes and bounds acreage of park land to be dedicated.
2. Total acreage of floodplain, and the acreage of land located outside the floodplain.
3. A tree survey.
4. A slope analysis; and
5. An environmental survey identifying critical environmental features, such as, but not limited to, species, habitat, and water features.

General Guidelines.

Any park land dedicated to the city pursuant to the terms, conditions and requirements under this Article must be suitable for park uses and meet the following guidelines:

(a) A current title report must be provided with the land dedication.

(b) Wherever possible, park sites should be located contiguous with school sites or other public or nonprofit agency land to make maximum use of common facilities.

(c) Encumbrances. Free and clear of any and all liens and encumbrances that interfere with its use for park purposes. This includes overhead utility lines or easements of any type which might limit the land's use as a park. The city's representatives must be authorized to make onsite inspections of the property for the purposes of determining site suitability and identification of any visual hazards or impediments to park development and use.

(d) Environmental Assessment. If the property owner or developer has any form of environmental assessment on the tract, a copy of that assessment shall be provided to the city. The city may initiate and/or require the developer to initiate specific environmental studies or assessments if the visual inspection of the site gives rise to the belief that an environmental problem may exist on the site. The employment of consultants necessary to evaluate any environmental issues relating to the site may be required by the city, providing the city makes such determination in good faith. If an environmental hazard is identified on the site, the developer must remove the hazard prior to its acceptance into

the park system of the city. The city will not accept parkland dedication sites encumbered by hazardous and or waste materials or dump sites.

(e) Utilities. The developer shall be responsible for the minimum utilities listed below.

i. A three-quarter ($^3/_4$) inch metered water supply located 12 feet behind the curb at a location acceptable to the director of public works. The developer must demonstrate that there is sufficient water utility line capacity to serve the park.

ii. A six-inch sewer stub ten feet behind the curb at a location acceptable to the director of public works.

iii. An electricity supply that is readily available at the park site and provision of electrical lines at a location acceptable to the director of parks and recreation.

(f) Soils if disturbed should be restored, and the soil stabilized by vegetative cover by the developer prior to dedication to the city.

(g) Parks should be easy to access and open to public view, so they benefit area development, enhance the visual character of the city, protect public safety, and minimize conflict with adjacent land use.

(h) The property owner shall pay all taxes or assessments owed on the property up to the date of acceptance of the dedication by the City. A tax certificate from the County Tax Assessor shall be submitted with the dedication or plat.

Land Requirements.

(a) The city recognizes that maintaining many small parks is difficult and costly; therefore, it will not normally accept a dedication that is smaller than 5 acres of contiguous land.

(b) Land parcels that are unsuitable for development are typically unsuitable for a park. Hence, potential land to be dedicated should be selected prior to a subdivision being platted and acquired as a part of the development process.

(c) The land should have well-drained and suitable soils.

(d) The city will not normally accept land in the floodplain. However, at the discretion of the city, consideration may be given to land that is in the floodplain or may be considered "floodable" if it is suitable for park improvements, or it is part of a conservation corridor or area. In instances where it contributes to a conservation corridor, the floodplain should be left in its natural condition, but allow for improvements consistent with floodplain use such as trails, picnic areas, etc. In instances, where land in floodplains is accepted as part of a dedication requirement, it shall bet on a three for one (3:1) basis. That is, three (3) acres of floodplain will be equal to one (1) acre of park land, but not more than 25% of a

dedication can be met by land in a floodplain. Additional floodplain land may be accepted as a donation in addition to the required dedication.

(e) Detention/retention areas may not be used to meet dedication requirements but may be accepted as a donation in addition to the required dedication. If accepted as part of the park, the detention/retention area design must meet the city's specific specifications.

(f) Sites should not be severely sloping or have unusual topography which would inhibit the land's use as a park.

(g) At least twenty-five percent (25%) of the perimeter of a park should abut a public street.

(h) No more than two (2) sides of a park may abut the rear of homes.

(i) A park must incorporate visible, attractive and suitable means of ingress and egress proportionate to the size and amenities in the park.

(j) Sites with existing trees or other scenic elements are preferred.

Sec. 23-79 37 Fee-in-Lieu of Park Land.

The city may, from time to time, require that a fee be submitted in lieu of land dedication in amounts as set forth in Appendix A for some or all land dedications. Such fees shall be due at the same time as park development fees are due for final platting.

Section 23-80 Park Development Fee.

In addition to the park land dedication requirements, park development fees are established herein, sufficient to develop public parks in ways that meet the city of Eagle Pass' standards. Park Development Fees are supplementary to, and not in substitution of, the land dedication requirement, or payment of the fee-in-lieu of land dedication requirement.

The amount of development fees assessed to a development and the basis for the calculation is as shown in Appendix A. The process for the approval and collection of development fees shall be the same as for the park land dedication requirements as specified in Section 23-77. The park development fees shall be processed simultaneously with the park land dedication requirements.

Section 23-81 Public Park Improvement in Lieu of Park Development Fees

With approval of the city, a developer may elect to construct required park improvements in lieu of paying the associated development fee as set forth herein. In such event facilities and improvements provided by a developer shall be constructed on lands dedicated as public park land and shall be designed and installed to meet the terms, conditions, and requirements under

this Article, and in accordance with related federal, national, state or local codes including but not limited to the following:

1. International Play Equipment Manufacturer's Association (IPEMA).
2. Consumer Product Safety Commission (CPSC) Handbook for Public Safety.
3. American Society for Testing and Materials (ASTM and ASTM F08).
4. Accessibility Standards for Play Areas through the ADA Accessibility Guidelines (ADAAG).
5. Illuminating Engineering Society of North American (IESNA RP-6-01); and
6. Sports Turf Management Association (STMA).

General Requirements for Public Park Improvements

(a) A park site plan, developed in cooperation with the city is submitted and approved by the city prior to submission of final plat or upon application for a site building permit, whichever is applicable.

(b) Any public park improvements must be shown on the site plan or construction plan unless the city authorizes another method of approval.

(c) Detailed plans and specifications for park improvements hereunder shall be due and processed in accordance with the procedures and requirements pertaining to public improvements for final plats and for building permit issuance, whichever is applicable.

(d) All plans and specifications shall meet or exceed the city's standards in effect at the time of the submission.

(e) If the improvements are constructed on land that has already been dedicated to and/or is owned by the city, then the developer must post payment and performance bonds equal to park development fees or value of the park agreed upon, whichever is greater to guarantee the payment to subcontractors and suppliers and to guarantee the developer completes the work in accordance with the approved plans, specifications, ordinances, and other applicable laws. This includes guaranteeing performance in lieu of completing the park improvements prior to final plat recordation.

(f) Park improvements may be constructed on park land dedicated to the city or, if approved by the city, improvements may be made in an existing or proposed city park.

(g) For a public park, the developer shall be required to provide a two-year maintenance bond that is equal in amount to the twenty percent (20%) of the construction cost of said park improvements and manufacturers' letters stating any play structure, equipment, and

safety surfaces were installed in accordance with the manufacturers' installation requirement.

(h) For a public park, the developer shall provide a copy of the application and subsequent inspection report prepared by the State Department of Licensing and Regulation or their contracted reviewer for compliance with the Architectural Barriers Act, codified as Vernon's Ann. Civ. St. art 9102.

(i) For a public park, all manufacturers' warranties shall be provided for any equipment installed in the park as part of these improvements.

(j) For a public park, upon issuance of a Certificate of Completion and Acceptance, the developer shall warrant the improvements for a period of two (2) years.

(k) For a public park, the developer shall be liable for any costs required to complete park development if:

1. Developer fails to complete the improvements in accordance with the approved plans; or
2. Developer fails to complete any warranty work.

(l) All public park improvements shall be inspected by the city while construction is in progress and when complete to verify park requirements have been satisfied.

(m) Once the public park improvements are constructed, and after the city has accepted such improvements, the developer shall convey such improvements to the city free and clear of any lien or other encumbrances.

(n) The public park improvements will be considered complete with a Letter of Completion and Acceptance from the city and will be issued after the following requirements are met:

1. Improvements have been constructed in accordance with the approved plans.
2. Improvements have been inspected and reviewed by city staff and confirmed that they are in accordance with the terms, conditions and requirements under this Article.

Section 23-82 Credit for Park-like Facilities included in a Development.

(a) Up to fifty percent (50%) of the fee-in-lieu of land and park development fees paid by a developer may be eligible for reimbursement if private park-like amenities are included within a subdivision, since they are likely to absorb some of the demand generated by the new homes that would otherwise have to be accommodated by public parks.

(b) Since residents are likely to use other public parks beyond the facilities offered within a development, the fifty percent (50%) retained for deposit in the city's parkland dedication fund is for the purpose of defraying the incremental financial burden a private subdivision will impose on the public park system in Eagle Pass.

(c) When considering elements that are eligible for such a credit, the overarching criterion to be met is that the amenities must be outdoor park-like facilities, since they are substituting for park provision. Facilities eligible for credit are those minimal supplementary facilities typically incorporated into an Eagle Pass park, such as open play areas (minimum of 2 contiguous acres); playground equipment; basketball or volleyball courts; or walking and jogging trails. Yards, setbacks, and other open areas that are required by the city's Municipal Code are not eligible for credit.

(d) For credit to be given for private facilities, private ownership, and maintenance of the open space and/or facilities must be provided for in perpetuity by recorded agreement, covenants, or restrictions which run with the land in favor of future owners of the property and which cannot be defeated or eliminated without the written consent of the city or its successors.

(e) The restrictive covenants shall provide that, in the event that any private owner of the private parkland fails to maintain same according to the standards of the city, the Parks and Recreation Director and the city may enter the parks and open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the parks and open space, and the city will have the right to seek reimbursement.

(f) Items that qualify for credit should be credited on a cost basis. The cost of the items (validated by the developer's invoices) should be deducted from the dedication fee (up to a maximum of fifty percent (50%) the developer would otherwise have to pay.

(g) All private amenities that are accepted for credit must be constructed prior to the application for the final unit building permit. For a phased property, they should be completed by the final unit of the first phase.

Sec. 23-83. Reimbursement for City Acquired Park Land.

Since it is frequently less expensive to acquire land ahead of development, the city may acquire land for parks in advance of actual or potential development. If the city acquires park land in this manner, then it may require subsequent dedications to be fee-in-lieu of land only. They will serve to reimburse the city for the cost(s) of acquisition.

Section 23-84 Submitting Park Fees.

Any fees required to be paid in cash pursuant to this Article shall be remitted:

a. Prior to the issuance of any site development building permits for multi-family development, or mixed-development; or

b. At the time of plat recordation for single family, duplex, or townhouse development; however

c. All development in the ETJ must pay fees at the time of plat recordation.

Section 23-85 Ordinance Review

The city shall review the fees established and the amount of park land dedication required in this Article at least once every five (5) years during its consideration of the annual budget. Failure to review by the City Council shall not invalidate this ordinance.

Section 23-86 Right to Refund.

The city shall account for all fees-in-lieu of land and all development fees paid under this Article with reference to the individual plat(s) involved. Any fees paid for such purposes must be expended by the city within seven (7) years from the date received by the city for acquisition and/or development of a park as required herein. Such funds shall be considered to be spent on a first-in, first-out basis.

If not so expended, the landowners of the property on the expiration of such period shall be entitled to a prorated share of such sum without interest, computed on a square footage of area basis. The owners of such property must request such refund within one (1) year of entitlement, in writing. Failure to timely submit the required application for refund shall constitute an absolute waiver of any right to the refund.

Section 118-75 Effective Date and Publication. This Ordinance shall become adopted……..If any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

Appendix A.

Parkland Dedication—Land Component

City Parks:

Community Parks: 134.1 acres.

Neighborhood Parks: 26.3 acres

Ballfields: 26.2 acres

Linear Park: 8.3 acres

Colonias Parks: 26.1 acres.

Total Park Acreage: 221.0 acres

City Population: 28,694

Ratio: 28,698/221 = 1 acre of parks for every 129 residents

Single Family Unit (SFU) Occupancy = 3.6; SF ratio: 129/3.6 = 36.

Multi Family Unit (MFU) Occupancy = 2.3; ratio: 129/2.3 = 56

Assume Market Value of 1 acre of land for new development is $20,000

Fee-in-Lieu of land for:

SF is $20,000/36 = $555

MF is $20,000/56 = $357

Parkland Dedication—Development Component.

Average Cost per acre of park development = $300,000

Development Cost for:

SFU is $350,000/36 = $972

MFU is $350,000/56 = $625

Total Parkland Dedication Fee:

SFU; $555 + $972 = $1,527

MFU: $357 + $625 = $982