



AGENDA

PLANNING & ZONING COMMISSION REGULAR MEETING

THURSDAY, SEPTEMBER 12, 2024, AT 5:30 P.M.

COUNCIL CHAMBERS, CITY HALL BUILDING

100 SOUTH MONROE STREET, EAGLE PASS, MAVERICK COUNTY, TEXAS

ESTABLISHMENT OF QUORUM

CITIZENS COMMUNICATIONS

PUBLIC HEARINGS

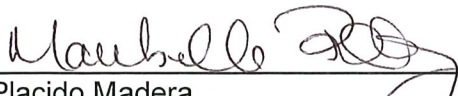
1. Continuation of a public hearing on the request submitted by Jose Hernandez for the rezoning of Lots 2 and 3 in Block 14 of Hillcrest Addition, also known as 1338 Quarry Street, from R-1 First One-Family Dwelling District to R-3A Apartment District; closing of public hearing and possible action.
2. Continuation of a public hearing on the request submitted by Yara Sanchez for a Conditional Use Permit to allow for the establishment of a child day care business on property located at 2077 La Jolla Street; closing of public hearing and possible action.
3. Public hearing on the request submitted by Savoy Investment Properties, LLC for a Conditional Use Permit to allow the establishment of a plasma donation center business, exceeding the allowed 5,000 square feet in size, on property located at 198 Commercial Street; closing of public hearing and possible action.
4. Public hearing on the request submitted by Hernandez Eagle Pass Enterprises, LLC for the rezoning of Lots 12 and 13 in Block 2 of the Replat of James Bass Subdivision Unit 1, from B-1 Neighborhood Business District to R-3(A) Apartment District; closing of public hearing and possible action.

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 COMMUNITY DEVELOPMENT 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 September 9, 2024, at 11:50 a. m.


for Placido Madera
Community Development Director

Item #1



Community Development Department Executive Summary REPORT TO THE PLANNING & ZONING COMMISSION

1338 Quarry Street Rezone Request

I. BACKGROUND

General Information

Applicant & Property Owner: Jose Hernandez

PID: 9860 and 9861

Legal Description Lots 2 and 3 in Block 14 of Hillcrest Addition

Request: Rezone parcel from R-1 First One-Family Dwelling District to R-3A Apartment District, to allow for the construction of apartments.

Subject Property Information

Total Gross Parcel Size: 15,000 square feet

Master Plan: Residential

Current Use: vacant and undeveloped

Proposed Construction: Three 2-story detached multi-family dwellings, to house 6 families.

Vicinity Data

The site is in an area that is primarily comprised of single-family developments.

Infrastructure

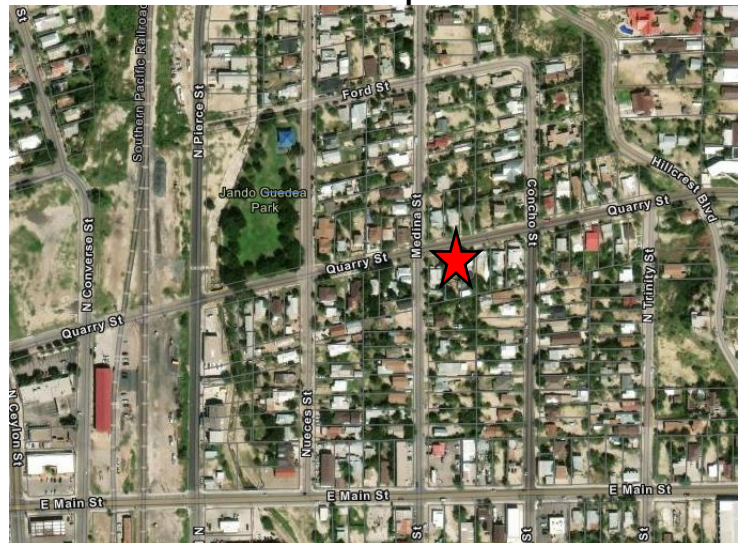
Property is currently served by public utilities/franchises, including water, sanitary sewer, storm sewer, telephone, electric service, gas, garbage, and cable.

Access to the site is provided by Quarry Street.

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*. 26 notices were mailed to the abutting property owners within the 200 foot radius from the subject property.

Aerial Map



Street View



III. RECOMMENDED FINDINGS OF FACT

A. Conclusions

1. Section 9.1(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, if granted, will result in construction activities that will include the enforcement of the appropriate land development regulations resulting in appropriate lot sizes, setback requirements, paved streets with curb gutters, sidewalks, and adequate utility services.

The purpose of the rezone is to allow for subsequent construction of three 2-story detached multi-family dwellings, to house 6 families, subject to conformance with all applicable city codes. If granted the applicant will also be required to file a plat amendment as the proposed construction will encroach onto the property lines of the two legal lots. Said proves required that the plat be recorded before the initial plan review and before the release of any building permits.

5. 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 R-1 District to R-3A District will cause disruption in the neighborhood, not retaining the community's character and scale.
6. The rezone request is not consistent with the *Master Plan's* 'Street Objectives', 'Thoroughfare Goals', and 'Thoroughfare Objectives', as the rezone site will only generate additional traffic to the neighborhood, thus causing a safety concern.
7. 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 *R-1 District* uses in the vicinity of the site, with a view to conserving the value of buildings and encouraging the most appropriate use of land adjacent that will have access to a public street. Please refer to Attachment 2 for a copy of the City's *Zoning District Map*.
8. The property is in an area that is primarily comprised of single-family developments and should be kept as such. Please refer to Attachment 1 for a photograph of the rezone site.
9. The rezone request is not 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 as set forth in Conclusion 1 through 8 of this Report. The rezone request, therefore, shall not be approved.

B. Community Development Department Recommendation

The Planning and Zoning Commission **DENY** a zoning district change from R-1 First One-Family Dwelling District to R-3A Apartment District, for property legally described as Lots 2 and 3 in Block 14 of Hillcrest Addition , also known as 1338 Quarry Street, as it is not in conformance with both the goals and objectives of the *Master Plan* and the purpose of the *City of Eagle Pass Code of Ordinances Appendix A*.

TRANSMITTED to the parties listed hereafter:

Jose Hernandez via e-mail
Planning and Zoning Commission Members via e-mail
Community Development Department Report dated June 14, 2024

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: <u>Jose Hernandez</u> Mailing Address: <u>60 Kypwos Rd. Eagle Pass, Tx. 78852</u> Phone: <u>(830) 352 4009</u> E-mail: <u>jhernandez05@hotmail.com</u> <u>Note:</u> 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 Information	Name: <u>Jose Hernandez</u> Mailing Address: <u>60 Kypwos Rd. Eagle Pass, Tx. 78852</u> Phone: <u>(830) 352 4009</u> E-mail: <u>jhernandez05@hotmail.com</u>
Property Information	Site Address: <u>1338 Quarry St.</u> MCAD Property ID # <u>9860 & 9861</u> Legal Description: Lot(s) <u>283</u> Block <u>14</u> Subdivision <u>Hillcrest Addition</u> (Property must be legally subdivided or be lot of record) Front Yard Width (feet) <u>50</u> Rear Yard Width (feet) <u>50</u> Side Yard Width (feet) <u>150</u> each lot each lot each lot
Proposed Project	Amend Zoning Regulations contained in section <u>5</u> Amend the Official Zoning Map & Master Plan by changing <u>0.3444</u> acres of land currently zoned <u>R1-First One-Family</u> to be zoned <u>R3A-Apartment District</u> 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:	<u>Construction of Duplex</u>
set of 6 - 2 story apartment units - refer to enclosed plans	
Describe the character and/or nature of uses surrounding the property:	
<u>Old Houses and Apartments</u>	
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.
	<u>JO Hernandez</u> <u>12-18-23</u> Applicant Signature Date

Office Use	Date Application Accepted for Review: <u>6/4/24</u> By: <u>RP/KV/MA</u>
	Contact Date for Supplemental Info: <u>NA</u> Supplemental Info Received: <u>NA</u>
	Completeness Review Date: <u>6/4/24</u> By: <u>MA/KV</u>
	Application Returned to Applicant: <u>NA</u> (when applicable)
<u>paid in full fee</u> MR:7/2020	

Subject Property Current photos



June of 2023



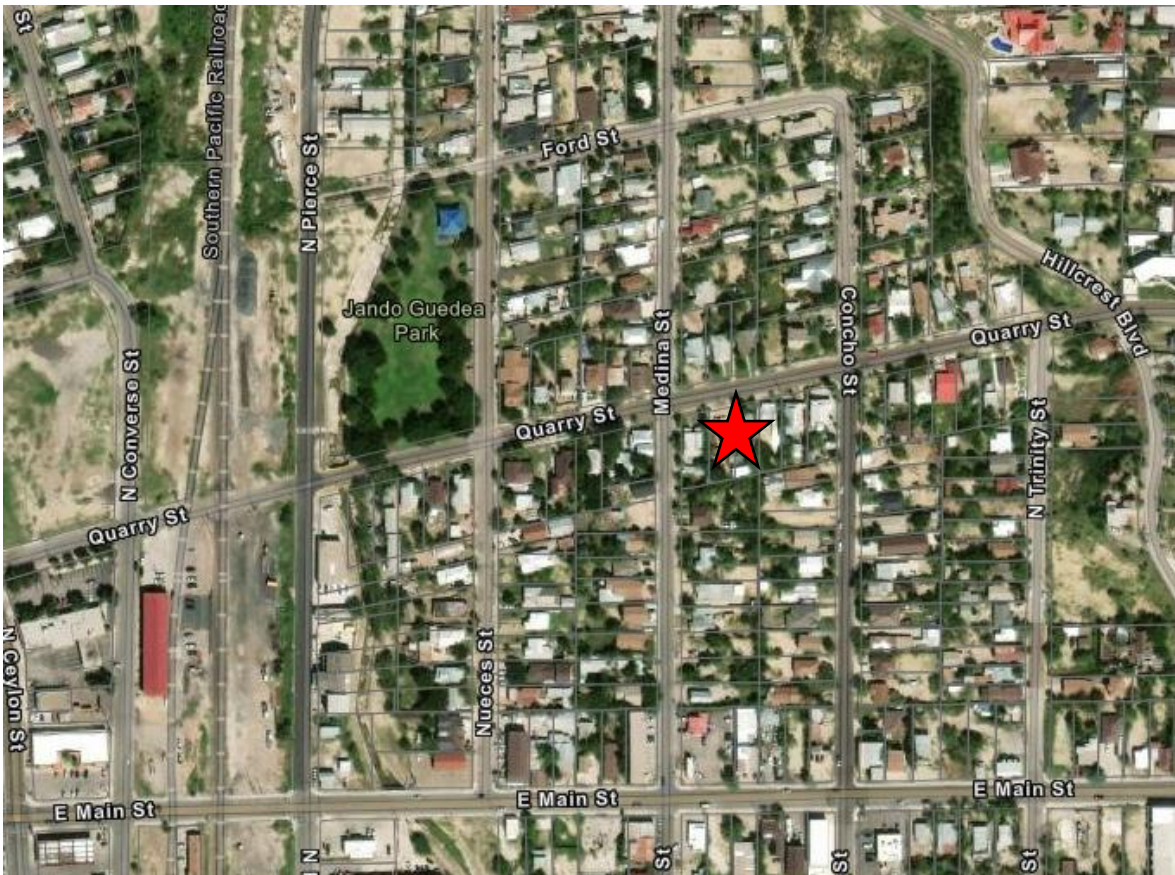
July of 2016

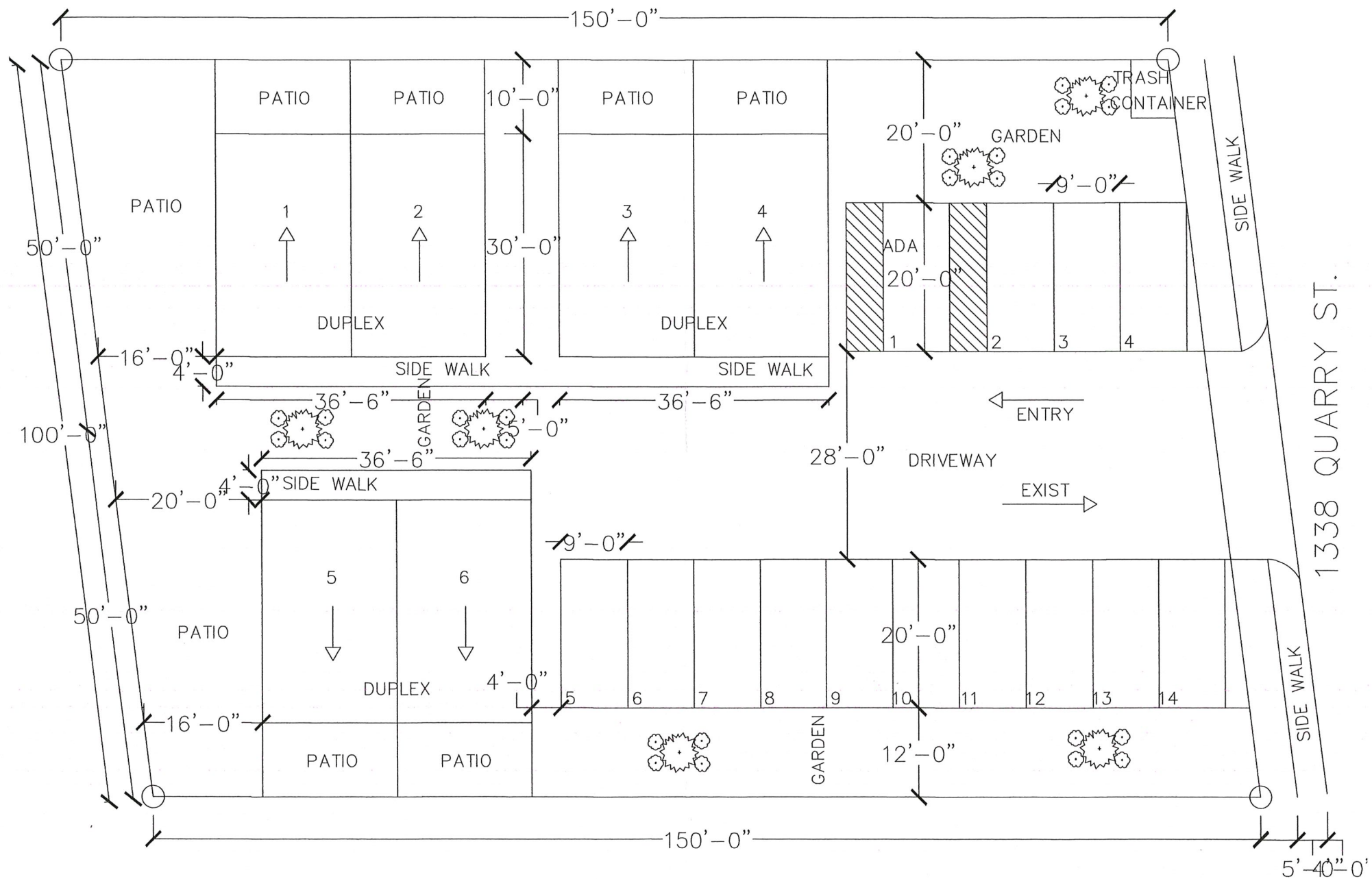


No apartments found in the vicinity of subject property.



Legacy Map





SITE PLANE

SCALE 1/8" = 1' - 0"

CONSTRUCTION AREAS	
FIRST FLOOR	462.00
SECOND FLOOR	534.62
TOTAL AREA	996.62 SQ. FT.

1. All construction shall conform to all local building codes.
2. All dimensions shown on floor plan are from face to face and /or stone veneer unless otherwise noted.
3. Contractor shall notify designer upon discovery of any errors or discrepancy of dimensions, clearances, or other items as shown or noted in these drawings.
4. Coordinate all window sizes and locations as noted on floor plan with selected elevation options.
5. H/VAC system shall be designed by mechanical sub-contractor and approved by designer or general contractor. System shall have a s.e.e.r. rating of 14 or as required by local building codes. Units shall be designed with two zones as directed by contractor. Provide all suction lines from units to exterior condenser units as indicated on site plan. Provide 4" thick concrete pads with rebar and reinforcing. Locate or handle units in attic space near return air chases as indicated on the floor plan.
6. House to be located within building setback lines.
7. Exact location of house to be determined at plan by builder & home owner.
8. All site work & landscaping to be designed by landscape architect & to be approved by the home owner.
9. Verify with professional engineer drainage plan. Unique Design is not responsible for any drainage issues.

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File: SITE PLAN

Project: APARTMENTS DESIGN
LOT 2 & 3
HILLOES ADDITION
1338 QUARRY STREET
MAVERICK COUNTY, TEXAS

Property: JOSE HERNANDEZ

Designer: O. Fernandez

Scale: Indicate
Units: Ft - In

Date: OCT-04-2023

Sheet: A-02

1. All construction shall conform to all local building codes.
2. All dimensions shown on floor plan are from face to face and/or stone veneer unless otherwise noted.
3. Contractor shall notify designer upon discovery of any errors or discrepancy of dimensions, clearances, or other items as shown or noted in these drawings.
4. Coordinate all window sizes and locations as noted on floor plan with selected elevation options.
5. HVAC system shall be designed by mechanical sub-contractor and approved by designer or general contractor. System shall have a s.e.e.r. rating of 14 or as required by local building codes. Units shall be designed with two zones as directed by contractor, provide all suction lines from units to exterior condenser units as indicated on site plan. Provide 4" thick concrete pads with full 10' and reinforcing. Slope or hand-off units in attic space near return or chase as indicated on the floor plan.
6. House to be located within building setback lines.
7. Exact location of house to be determined at point by builder or home owner.
8. All lotwork & landscaping to be designed by landscape architect & to be approved by the home owner.
9. Verify with professional engineer drainage plan. Unique Design is not responsible for any drainage issues.

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FLOOR PLAN & DETAILS

Title:

Project:
APARTMENTS DESIGN
LOT #2 & #3
HILLCREST ADDITION
1338 QUARRY ST. #382
MAVERICK COUNTY, TEXAS

Prepared by:
JOSE HERNANDEZ

Designed by:
O. Fernandez

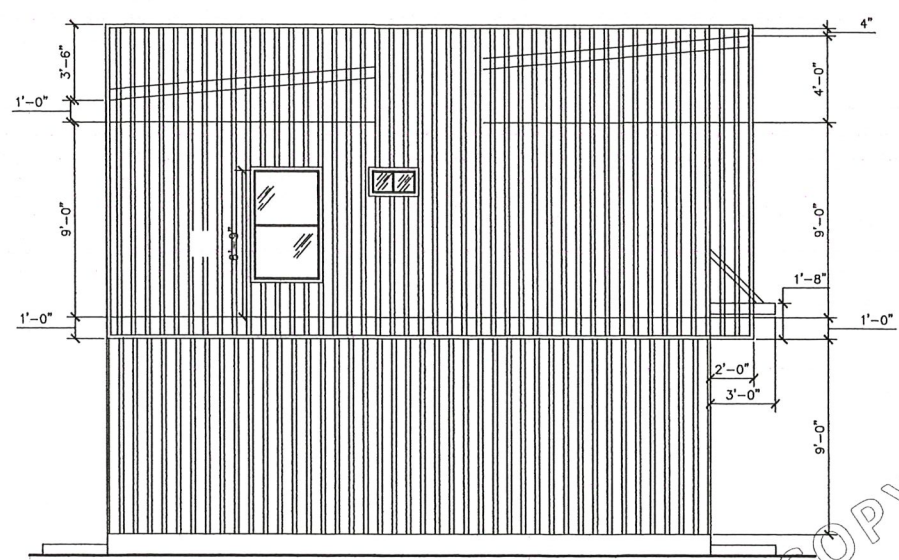
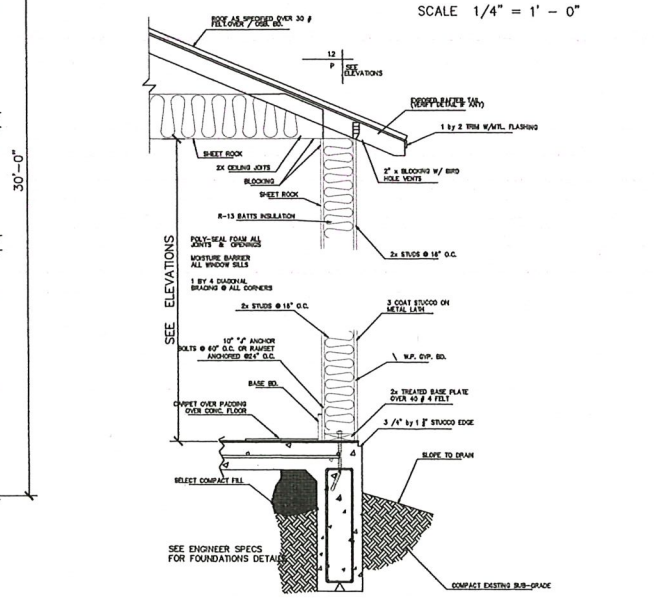
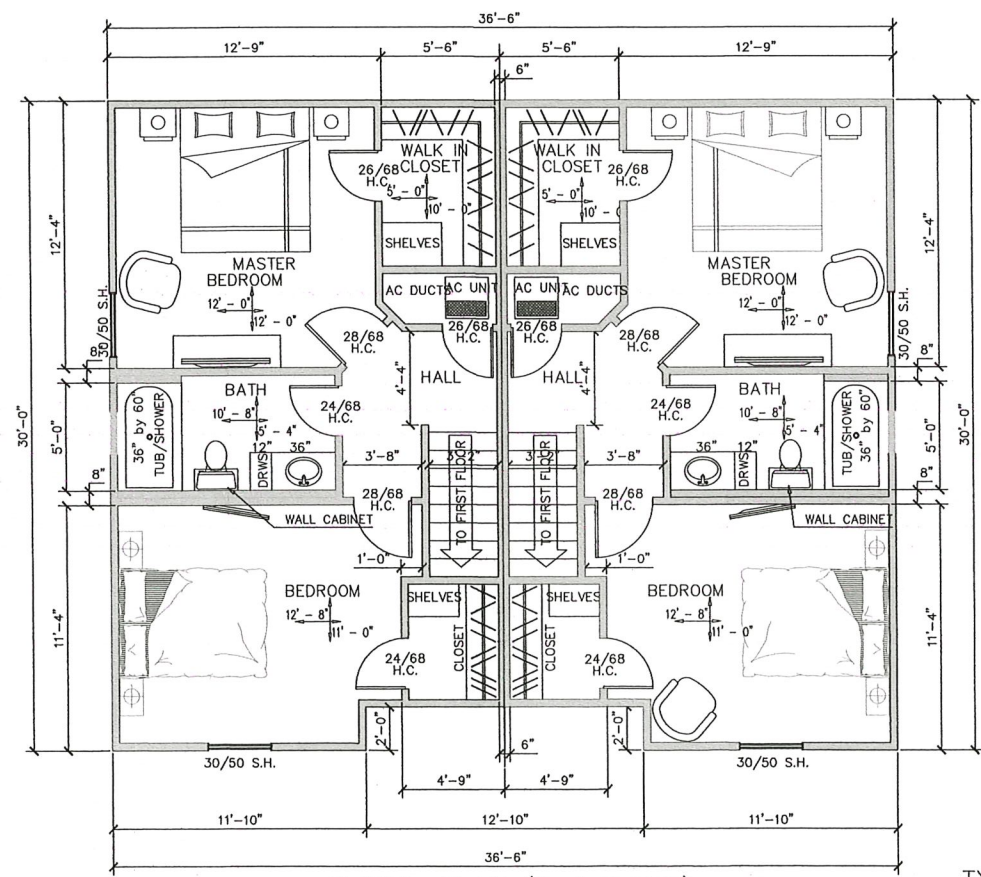
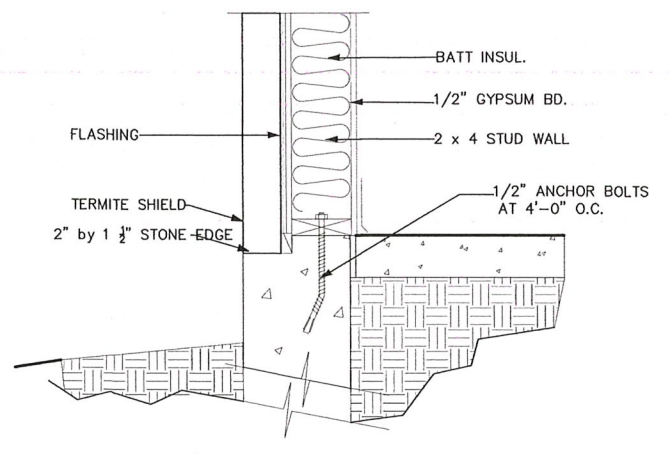
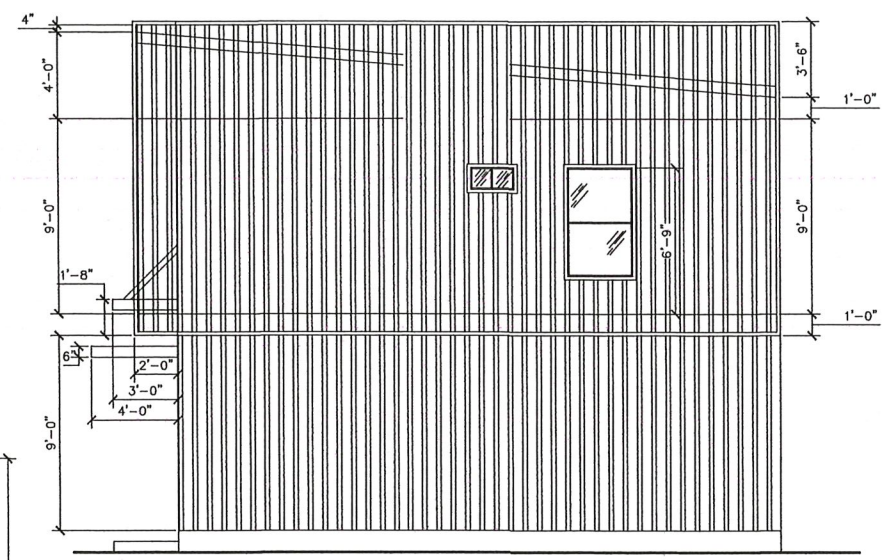
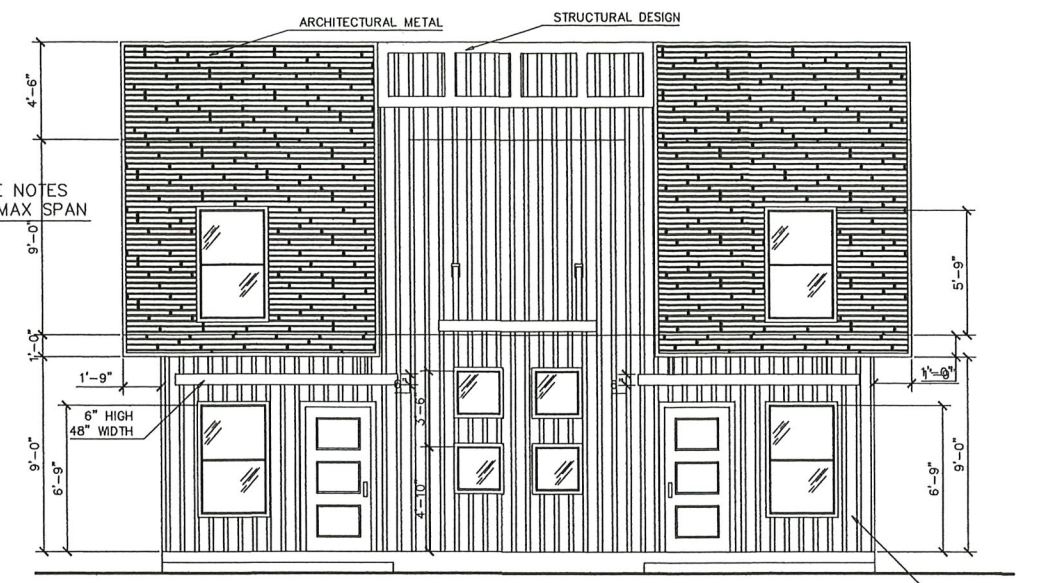
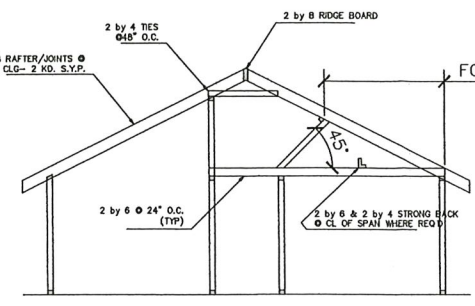
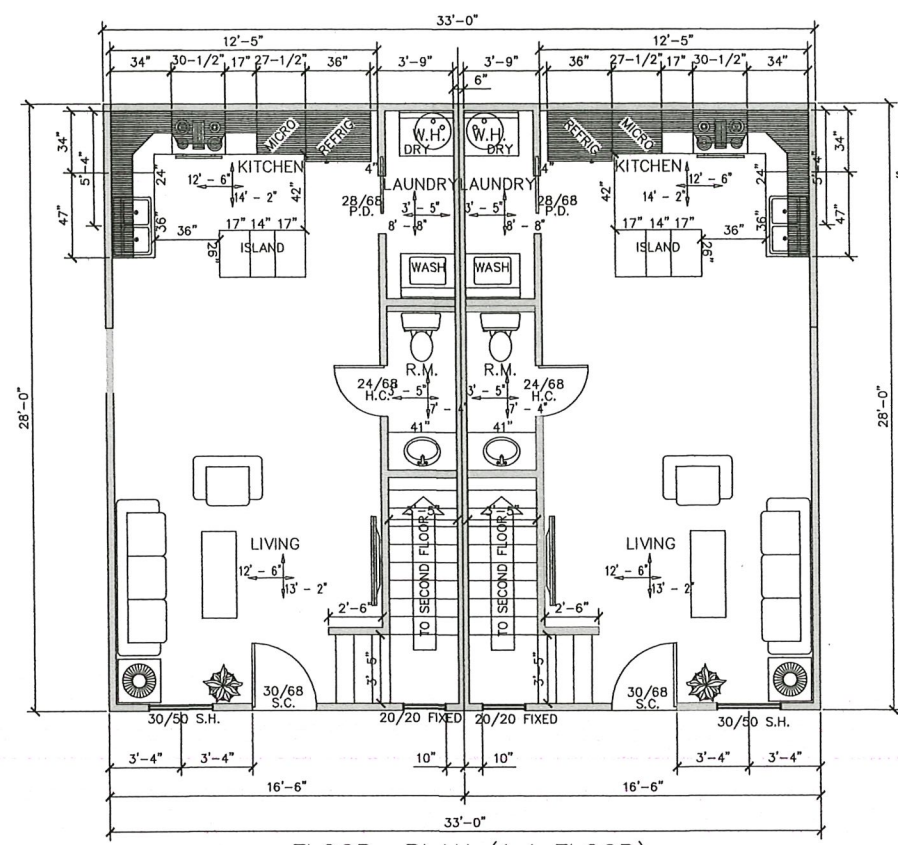
Scale:
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Units:
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Date:
OCT-04-2023

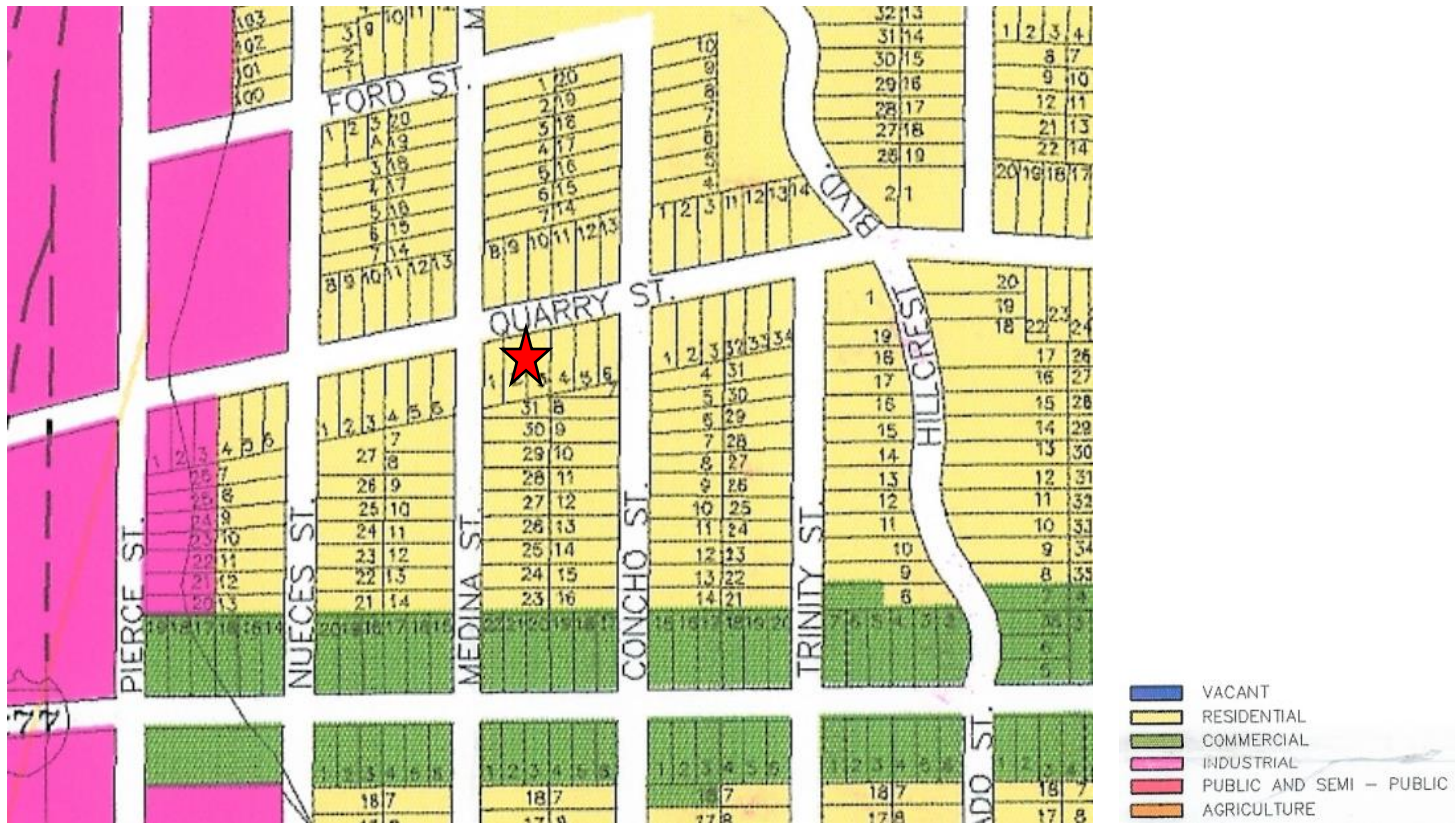
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A-01

CONSTRUCTION AREAS	
FIRST FLOOR	462.00
SECOND FLOOR	534.62
TOTAL AREA	996.68 SQ. FT.

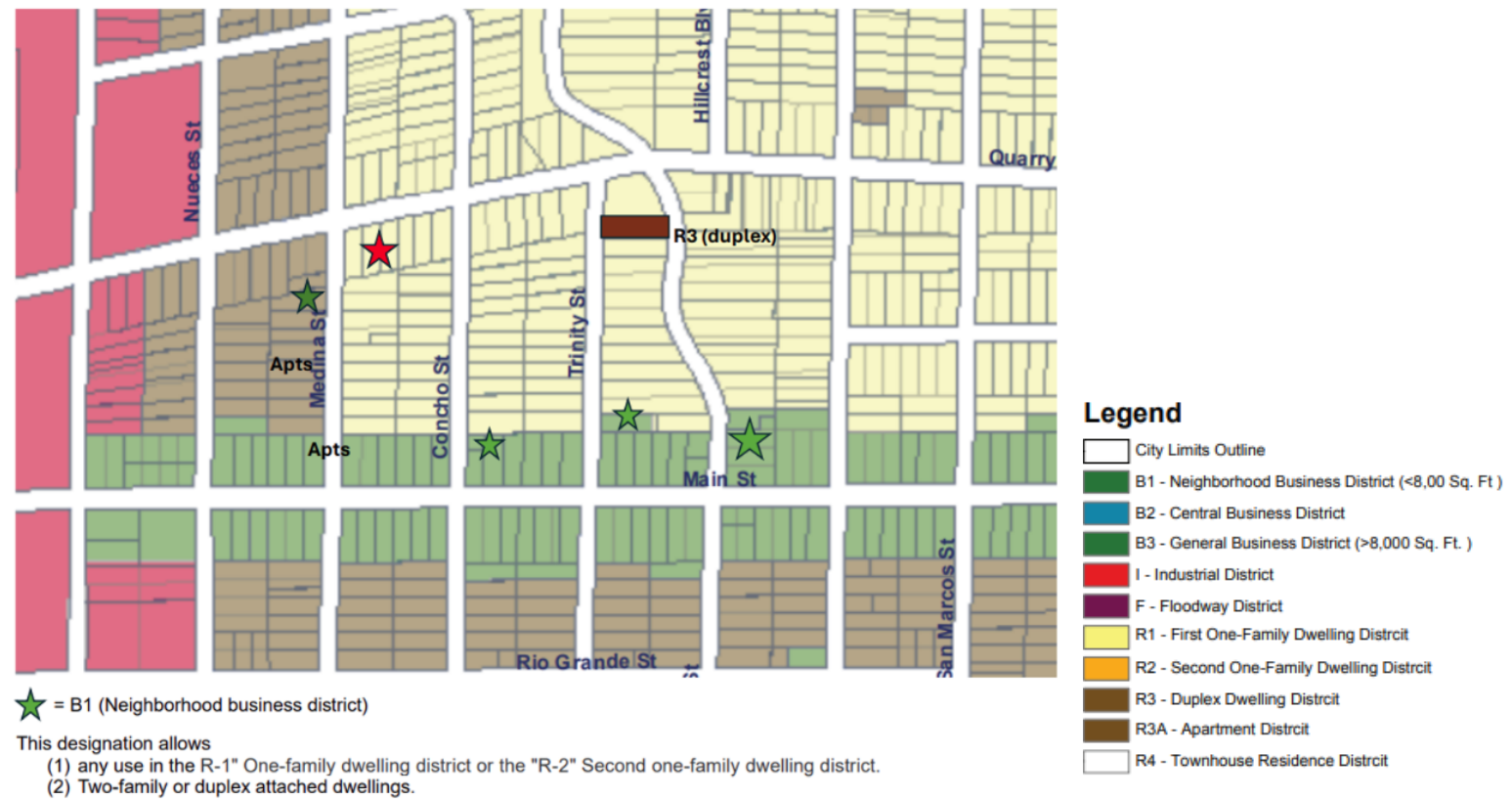


Attachment 2
Master Plan Map & Zoning District Map

Master Plan



Zoning Map



Item #2



Community Development Department Executive Summary REPORT TO THE PLANNING & ZONING COMMISSION

Yara Sanchez Conditional Use Permit Request

I. BACKGROUND

A. General Information

Applicant: Yara Sanchez | Eagle Pass, Texas 78852

Location: 2077 La Jolla Street

Property ID Number: 8706884

Legal Description: Lot 11 in Block 3 of Treasure Hills II Unit 4

Request: A request for a Conditional Use Permit to allow for the establishment of a home day care business.

B. Subject Property Information

Parcel Size: 5,848-square-feet

Existing Use: Single-family residence

Zoning: R-2 Second One-Family Dwelling District

Master Plan: Residential

C. Vicinity Data

The property is located within an area featuring residential development at a density consistent with the 5,500-square-foot minimum lot size of the *R-2 District*.

La Jolla Street provides access to the site.

D. Infrastructure

The property is currently served by public utilities/franchises, including water, sanitary sewer, storm sewer, telephone, electric service, and gas.

II. PUBLIC NOTICE

Public notification of the Planning and Zoning Commission public hearing to consider the petition request was completed consistent with the provisions of *Chapter 211* of the *State of Texas Local Government Code Title 7*. 34 notices were mailed to the abutting property owners within the 200 foot radius from the subject property.

III. RECOMMENDED FINDINGS OF FACT

A. Eagle Pass City Charter Article IX: Municipal Planning and Zoning

- **Section 9.1 Planning and zoning commission**

The city council shall appoint a city planning and zoning commission consisting of five (5) regular members who shall be residents of the City of Eagle Pass and who own real estate within the city, and such ex-officio members as are provided

herein. The regular members shall receive such compensation as the council shall prescribe by ordinance and shall hold no other elective position in the city government. The ex-officio members shall include the mayor, the city manager, and such other ex-officio members as the council may by resolution provide. Ex-officio members shall participate in the work of the commission but shall not have a vote in its official actions.

- (a) Term of office. The term of the appointive members shall be five (5) years, except that, of the five (5) members first appointed, one shall be appointed for a term of one year, one for two (2) years, one for three (3) years, and one for four (4) years.
- (b) Powers and duties. The commission shall have the power and shall be required to:
 - (1) Make, amend, extend, and add to the master plan for the physical development of the city.
 - (2) Approve or disapprove plats of proposed subdivisions submitted in accordance with section 9-2 of this article and any other applicable laws. In considering such plats, the commission shall require that the proposed subdivisions shall meet all the standards of layout and street and sidewalk construction on comparable property within the corporate limits of the City of Eagle Pass as specified in the City of Eagle Pass Construction Standards Manual. Upon approving such plats, and before they are released for recoding, the planning commission shall submit all copies of approved plats to the city council for final approval.
 - (3) Draft, and recommend to the council for adoption, an official map of the city and recommend or disapprove proposed changes in such map.
 - (4) Make, and recommend to the council for adoption, a zoning plan and recommend or disapprove proposed changes in such plan.
 - (5) Make, and recommend to the council for adoption, plans for the clearance and rebuilding of slum districts and blighted areas which may develop within the city.
 - (6) Compile, and recommend to the council for adoption, a building code, which code shall include the minimum standards of construction for buildings, the minimum standards for plumbing, and the minimum standard for wiring and gas piping.
 - (7) Submit annually to the city manager, not less than ninety (90) days prior to the beginning of the budget year, a list of recommendations for capital improvement which, in the opinion of the commission, are necessary or desirable to be constructed during the forthcoming five (5) years. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year.
 - (8) Meet not less than once each month; meetings to be held at the city hall unless prior notice of change of meeting place be given by publication in the official newspaper of the City of Eagle Pass.
 - (9) Perform such other duties and be vested with such other powers as the council shall from time to time prescribe.
- (c) Rules of procedure. The commission shall elect annually, one of its members chairman, and shall establish its own rules of procedure which shall include the following: A quorum shall consist of a majority of the members of the commission qualified and serving. The

affirmative vote of a majority of those present shall be necessary to pass upon pending questions. All meetings shall be open to the public and a record of all proceedings shall be kept, which record shall be filed with the person performing the duties of city secretary and shall be a public record.

- (d) Vacancies. Membership of the commission shall be accompanied by active participation in the activities of the commission, and any member who is absent from three (3) consecutive meetings of the commission without valid excuse, as determined by the commission, shall automatically be dismissed from membership. The commission shall at once notify the council that a vacancy in the commission exists. Vacancies occurring in the commission, for whatever reason, shall be filled within thirty (30) days by appointment by the council for the remainder of the unexpired term.

- **Section 9.3 Master Plan.**

The *Master Plan* for the physical development of the city, with the accompanying maps, plats, charts, descriptive and explanatory matter, shall show the commission's recommendations for the development of city territory, and may include, among other things, (a) the general location, character, and extent of streets, bridges, parks, waterways, and other public ways, grounds and spaces; (b) the general location of public buildings and other public property; (c) the general location and extent of public utilities, whether publicly or privately owned; (d) the removal, relocation, widening, extension, narrowing, vacation, abandonment or change of use of such existing or future public ways, grounds, spaces, buildings, property or utilities; (e) the general extent and location of public housing projects and slum-clearance projects.

- (a) Adoption of *Master Plan*. The commission may adopt the master plan as a whole by single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding to major geographical sections of the city or to functional divisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. The adoption of the plan, or of any part, amendment, extension or addition, shall be by resolution carried by the affirmative votes of not less than a majority of the commission, but before the adoption of the plan or any such part or any modification, extension or addition, the commission shall hold at least one public hearing on the proposed action. An attested copy of the plan or part thereof shall be certified to the council.
- (b) Legal effect of *Master Plan*. No street, park, or other public way, ground or space, no public building or structure and no public utility whether publicly or privately owned, shall be constructed or authorized in the city, nor shall any real property be acquired by the city, until and unless the location and extent thereof shall have been submitted to and approved by the commission; provided that, in case of disapproval, the commission shall communicate its reasons to the council, which shall have the power by 2/3 vote to overrule such disapproval, and, upon such overruling, the council or the appropriate office, department or agency shall have power to proceed. The widening, narrowing, relocation, vacation or change in the use of any street or other public way or ground or the sale of any public building or real property shall be subject to similar submission and approval, and failure to approve may be similarly overruled by the council. The failure of the commission to act within thirty (30) days after the date of official submission to the commission shall be deemed approval, unless a longer period be granted by the council or the submitting official.

Land Use Development

The formulation of a land use development plan includes establishing goals and objectives, broad goals for land uses and achievable objectives for the implementation of the desired development.

The following land use development goals and objectives were proposed in the *Master Plan*, on page A-43 through and including page A-45, after local participation in the planning process for the *Master Plan*.

Land Use Development Goals

- The sound development of the local land resources to achieve a balance between the man-made and natural environments.
- The continuing development of the community while retaining the community's character and scale.
- The ultimate development of urban uses in a compatible arrangement which will make the community attractive to residents and visitors, and desirable to quality investments.
- Provision and use of utility services in the most efficient and equitable manner.
- Preservation of natural and man-made beauty of Eagle Pass.
- Improvement of business and commercial district condition.

Land Use Objectives

- Development of the local capacity to monitor, evaluate, and promote the sound development of the community.
- Promotion of development standards and guidelines to minimize wasteful land subdivision and to improve local resource utilization in a compatible land use relationship.
- Coordination with area-wide, county, and state agencies which deal with land and resource utilization to eliminate substandard development in the Extra Territorial Jurisdiction (ETJ) and beyond, and to improve existing substandard areas.

Short-Term Land Use Objectives

- Establish the planning process as a continuing municipal function.
- Review planning studies and material from agencies, such as the American Planning Association, the Texas Municipal League, and the Texas Department of Housing and Community Affairs, that can be applicable to the City of Eagle Pass.
- Continue enforcement of the provisions of the zoning and subdivision ordinances.
- Strict review of proposed subdivisions, particularly those located in environmentally sensitive areas such as sloping areas or those areas with soils which pose limitation to development.

- Annex colonia areas located within the City's Extra Territorial Jurisdiction which affect to the City.

B. Eagle Pass Code of Ordinances Appendix A: Zoning Ordinance

- **Section 1: Title.**

This Ordinance shall be known, and may be cited, as the Zoning Ordinance for the City of Eagle Pass, Texas.

- **Section 2: Purpose.**

The zoning regulations and districts herein established have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals, and the general welfare of the City of Eagle Pass, Texas. They have been designed to lessen the congestion of streets; to secure safety from fire, panic, or other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with the view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City of Eagle Pass, Texas.

- **Section 3 Definitions.**

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular. The word 'building' shall include the word 'structure'; the word 'lot' includes the word 'plot'; and the word 'shall' is mandatory and not merely permissive or directory.

- (20) Home occupation. Any occupation or profession engaged in by the occupants of a dwelling not involving the conduct of a retail business, and not including any occupation conducted in any building on the premises excepting the building which is used by the occupant as his or her private dwelling. Home occupations shall include, in general, personal services such as furnished by an architect, lawyer, physician, dentist, musician, artist, and seamstress, when performed by the person occupying the building as his or her private dwelling and not including a partnership or the employment of more than one (1) assistant in the performance of such services.

- **Section 4 Districts.**

For the purpose of regulating and restricting the height and size of buildings and other structures, the percentage of the lot that may be occupied, the size of yards, the other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purpose, the City of Eagle Pass, Texas is hereby divided into districts, of which there shall be seven classes in number, and shall be known as:

- R-1 First One-Family Dwelling District
- R-2 Second One-Family Dwelling District
- R-3 Duplex District
- R-3(A) Apartment District

- R-4 Townhouse Residence District
- B-1 Neighborhood Business District
- B-2 Central Business District
- B-3 General Business District
- I Industrial District
- F Floodway District

...Except as hereinafter provided:

- (1) No building shall be erected, converted, enlarged, reconstructed, or structurally altered, and no building or land shall be used for any purpose that is not permitted in the district in which the building or land is situated.

- **Section 6: R-2 Second One-Family Dwelling District.**

The following regulations shall apply to the "R-2" *Second One-Family Dwelling District*:

- A. Use regulations: A building or premises shall be used only for the following purposes:

- (1) Any use permitted in the "R-1" *First One-Family Dwelling District*.

- **Section 5: R-1 First One-Family Dwelling District.**

The following regulations shall apply to the "R-1" *First One-Family Dwelling District*:

- A. Use regulations: A building or premises shall be used only for the following purposes:

- (1) Single-family dwellings.
 - (2) Boardinghouse with a conditional-use permit.
 - (3) Church except temporary revival, with *Conditional Use Permit*.
 - (4) School, public or private, having a curriculum equal to a public elementary, high school, or institution of higher learning, but shall require a *Conditional Use Permit*.
 - (5) Public parks, playgrounds, golf courses except miniature golf.
 - (6) Police and fire stations only as required for safety requirements.
 - (7) Customary home occupations, as permitted by *Section 13 Home Occupations* and with a *Conditional Use Permit*.
 - (8) Accessory buildings and accessory uses, customarily incident to the above uses not involving the conduct of a business, when located on the same lot, including a private garage for one (1) or more cars. Accessory buildings shall not be used for rent or used for commercial purposes.
 - (9) Temporary sales office.

- B. Height regulations: No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height except as provided in section 12 hereof.

- C. Area regulations:

- (1) Front yard. There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be twenty-five (25) feet.

- (2) Side yards. There shall be a side yard on each side of a building and shall not be less than five (5) feet in width. Where there is a corner lot, side yard shall not be less than ten (10) feet from the side of the building to the property line running adjacent to any street.
 - (3) Rear yard. The depth of the rear yard shall be at least twenty-five (25) feet in depth.
 - (4) Depth of lot. The lot shall have a minimum depth of one hundred ten (110) feet.
- D. Intensity of use: Every lot or tract of land shall have an area of not less than seven thousand seven hundred (7,700) square feet and an average width of not less than seventy (70) feet, except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on the effective date of this ordinance and shall not have been changed since said date, such parcel of land may be used for a single-family dwelling.
- E. Parking regulations: Off-street parking shall be provided on a basis of two (2) concrete surfaced off-street parking spaces per dwelling. Other standards contained in *Section 12.1 Parking Requirements* shall also apply.

- **Section 12.1: Parking Requirements.**

- (a) Authority and purpose. This ordinance is adopted for the purpose of providing an adequate number of parking spaces for residential, commercial, institutional and industrial uses in the City of Eagle Pass. This ordinance is enacted in accordance with the home rule powers of the city, granted under the Texas Constitution, and the Statutes of the State of Texas.
- (b) Parking regulations and requirements.
 - (2) Parking required. In all districts there shall be provided at the time any building permit or structure is erected or structurally altered, off-street parking and maneuvering spaces in accordance with the minimum requirements set out in this ordinance. All parking and maneuvering space shall be provided on the private property unless otherwise stated in this Ordinance. When, in the opinion of the city, the provisions of this ordinance are not adequate, such additional requirements as may be necessary and desirable may be required.
 - (5) Rules for computing parking requirements. In the interpretation of the parking requirements set out in this ordinance, the following rules shall apply:
 - i. "Floor area" shall mean the gross floor area of the specific use. "Use" shall mean any use of the specific floor area.
 - ii. Where fractional spaces result, the parking spaces required shall be construed to be the next largest whole.
 - iii. The parking space required for a use not specifically mentioned in this ordinance shall be the same as required for a use of similar nature.

- iv. After the effective date of the ordinance from which this chapter is derived, whenever a property is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase to 25-percent or more in the number of existing spaces, such additional spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of the ordinance from which this chapter is derived is enlarged to the extent of 50-percent or more in floor area used, such building or use shall then and thereafter comply with the parking requirements set forth in this ordinance.
- v. In the case of mixed uses, the parking spaces required in this ordinance shall equal the sum of the requirements of the various uses computed separately.
- vi. Where none of the foregoing rules are applicable to an existing fact situation, the method for computing the parking requirement shall be based on other parking data from acceptable publications.

- **Section 13: Home Occupations.**

- (a) Purpose and intent. The City of Eagle Pass recognizes the need for some citizens to use their place of residence for limited nonresidential activities. However, the city believes that the need to protect the residential character of residential areas is of paramount concern. In essence, the objective of this chapter is to allow limited commercial type activity in residential areas only to the extent that such commercial activity is not obtrusive to neighbors or passersby.
- (b) Permitted home occupations. The following home occupations shall be permitted in any residential zone without conditional use permits providing they meet the performance standards in Section 13(e):
 - (1) Dressmaking, sewing and tailoring;
 - (2) Painting, sculpturing or writing;
 - (3) Telephone answering or soliciting;
 - (4) Home crafts such as model making, rug weaving and lapidary;
 - (5) Tutoring limited to two (2) students at a time;
 - (6) Home cooking and preserving;
 - (7) Computer programming.
- (c) Prohibited home occupations. The following home occupations are prohibited in all residential zones:
 - (1) Animal hospitals;
 - (2) Dancing studios, exercise studios;
 - (3) Mortuaries;
 - (4) Private clubs;
 - (5) Restaurants;
 - (6) Stables or kennels;
 - (7) Automobile body shops;
 - (8) Occupations involving explosives or other hazardous materials.

- (d) Conditional use permits. All home occupations not specifically listed in subsection (b) above shall obtain a conditional use permit from the planning and zoning commission prior to conducting any business activity. The conditional use permit shall be obtained in the manner provided in section 21 of this chapter.
- (e) Performance standards. In considering applications for conditional use permits for home occupations, the Planning and Zoning Commission of Eagle Pass shall be guided by the following considerations:
 - (1) The legislative intent as set forth in section 1 above;
 - (2) No materials or equipment shall be permitted which would be detrimental to the residential use of nearby residences such as vibration, noise, dust, smoke, odor, interferences with radio or television reception and other factors detrimental to residential use;
 - (3) A home business shall not be permitted which requires frequent home deliveries for commercial purposes;
 - (4) A home business shall not be permitted which will result in the parking of customers' automobiles in a manner, frequency, or number which will cause traffic congestion or will unduly inconvenience nearby residences;
 - (5) Signs for home occupations shall be located on the lot for which the conditional use permit is issued. One (1) sign, unlighted and attached to the building which shall not exceed six square feet in area may be permitted;

• **Section 21: Conditional Use Permits.**

- (a) Purpose. The purpose of this section is to allow the proper integration into the community of uses which may be suitable only in specific locations in a zoning district or only if such uses are designed or laid out on the site in a particular manner.
- (b) Application. A conditional use permit shall be required for all uses listed as conditional uses in the residential, commercial and industrial land use descriptions or elsewhere in the Zoning Ordinance of the City of Eagle Pass.
 - (1) Filing. Application shall be made in writing by the property owner or his authorized agent, on forms provided by the planning department, and accompanied by such data and information as may be necessary to fully describe the request.
 - (2) Fee. The filing and investigation fee shall be \$100.00.
- (c) Public hearing. A public hearing shall be held in accordance with law. A notice of hearing shall be mailed at least ten calendar days prior to said hearing to all property owners, any part of whose property lies within a radius of two hundred 200-feet of the applicant's property, using for this purpose the names of such owners as shown on the last equalized assessment roll, or alternatively, from such other records of the assessor or the tax collector as contain more recent addresses. In addition, if warranted in the determination of Planning Director, notice shall be provided by conspicuously posting it on the subject property for at least ten days prior to the hearing. Failure to receive the notice required by this section shall not invalidate the action of the planning and zoning commission.

- (d) Planning and zoning commission action. 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. Before granting any conditional use permit the planning director shall be satisfied that the proposed structure or use conforms to the requirements and the intent of this chapter and the general plan(s) of the City of Eagle Pass.
- (e) Appeals. The planning and zoning commission action on the conditional use permit shall be final unless, within fourteen (14) calendar days after the decision, the applicant or any other person, including the city council, any individual city council member, or the city manager, not satisfied with the decision of the planning and zoning commission, may appeal to the city council. No conflict of interest shall exist solely by reason of the filing of an appeal by the city council, an individual city council member, or the city manager. Any appeal shall be filed with the city secretary's office and, except an appeal by the city council, a council member, or the city manager, shall be accompanied by a filing fee \$100.00. The city secretary shall set a date for a public hearing and shall give notice to the appellant, the applicant and neighboring property owners in the manner provided in the zoning ordinance.
- (f) Issuance. No conditional use permit which has been approved by the planning and zoning commission shall be issued prior to the expiration of the appeal period as set forth in the Ordinances of the City of Eagle Pass, or the final action on an appeal to the city council.
- (g) Expiration. In the event the planning and zoning commission finds the use permit has not been exercised within the time limit set by the commission, or within one 1-year if no specific time limit has been set, the permit shall be null and void without further action; except that the planning director may extend the approval of a use permit for one 1-additional year, with the same conditions of approval, if circumstances have not changed. The request in writing must be received prior to the expiration of the use permit.
- (h) Minor modification to use permit. The planning director may approve minor modifications to an approved use permit.
- (i) Revocation. In the event the conditions of a use permit have not been or are not being complied with, the planning department shall give the permittee notice of intention to revoke such permit at least ten days prior to a planning and zoning commission review thereon. After the conclusion of the review, the planning and zoning commission may revoke such permit.

C. 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 a home day care business in an existing single-family residence.
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 circumstances where a home day care business is proposed to be established in a single-family residential neighborhood, the primary issues that need to be examined should focus on the number of children, the hours of operation, the availability of parking, and parent drop-off and pick-up of the children.

To address these issues, the Planning Department recommendation to approve the *Conditional Use Permit* conditions contain intended to address these concerns.

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.

This application is consistent with the *Plan's Land use Development Goals*, as the establishment of a home child day care will allow for continued development of the community while retaining the community's character and scale.

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.

Please refer to Attachment 2 for a copy of the *Master Plan Map*.

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.

Section 2 emphasizes the importance of the character of a specific zoning district and its peculiar suitability for particular uses, conserving the value of buildings, and encouraging the most appropriate use of land throughout the City. The use of the single-family residence as a home child day care 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 *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* for the reasons set forth above in Conclusion 1 through and including Conclusion 5 and should be granted by the Commission.

D. Planning Department Recommendation

The Planning and Zoning Commission **GRANT** the Yara Sanchez request to establish a home day care business on property located at 2077 La Jolla Street, subject to the following conditions:

1. The number of children attending the home day care business shall be limited to 12.
2. The hours of operation for the home day care business shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday.
3. To minimize on-street parking impacts, parent vehicle drop-off and pick-up shall be limited to 5-minutes.
4. Only 1 exterior sign advertising the home day care shall be permitted, provided that the sign shall be unlighted, shall be attached to the face of the building, and shall not exceed 6-feet in area.
5. Non-resident workers are not permitted to be employed in the home day care business.
6. This *Conditional Use Permit* is non-transferrable.

TRANSMITTED to the parties listed hereafter:

Yara Sanchez via e-mail
Planning and Zoning Commission Members via e-mail
Eagle Pass Planning Department Report dated July 7, 2024

Attachment 1
Application



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: <u>Yara Sanchez</u>
	Mailing Address: <u>2077 la Jolla St.</u>
	Phone: <u>830 968-1376</u> E-mail: <u>KidzRFunEaglePassTX.@ymail.com</u>
	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 Information	Name: <u>Luis Rabago & Yara Sanchez</u>
	Mailing Address: <u>2077 la Jolla St.</u>
	Phone: <u>830 968 1376</u> E-mail: <u>Luisnyara@yahoo.com</u>

Property Information	Site Address: <u>2077 la Jolla St.</u> MCAD Property ID # <u>8706884</u>
	Legal Description: Lot(s) <u>11</u> Block <u>3</u> Subdivision <u>Treasure Hills II Unit 4</u> (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) <u>55'</u> Rear Yard Width (feet) <u>55'</u> Side Yard Width (feet) <u>106.32'</u> <u>5,848 sq ft</u>
	Current Use <u>residence in the R-2 district</u>
	Proposed Use <u>Home based business - child day care</u>

Description of Project:
<u>Childcare and Preschool service.</u>

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?
<u>Residence is already developed.</u>

Describe how your project is reasonably related to the use of the property.

In home childcare

Describe how your project conforms to the purpose of the zoning district in which the project will be established.

~~My childcare business~~ My childcare business is licensed by the State of Texas. I get unannounced ~~inspect~~ inspections to assure the safety and well being of the children under our care.

Applicant 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

Date

Date Application Accepted for Review: 6/5/2024 By: mr

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

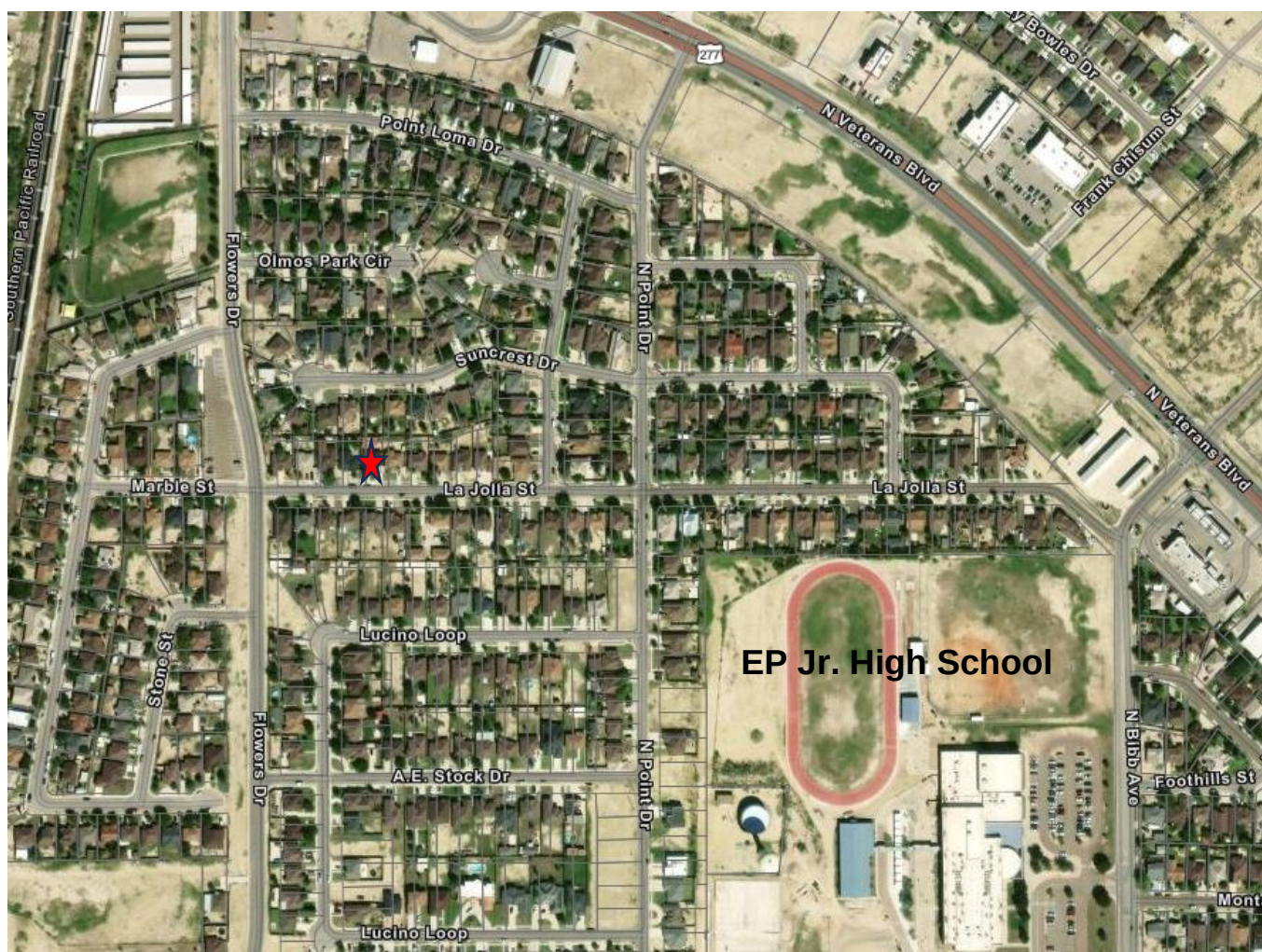
Completeness Review Date: 6/5/2024 By: MR

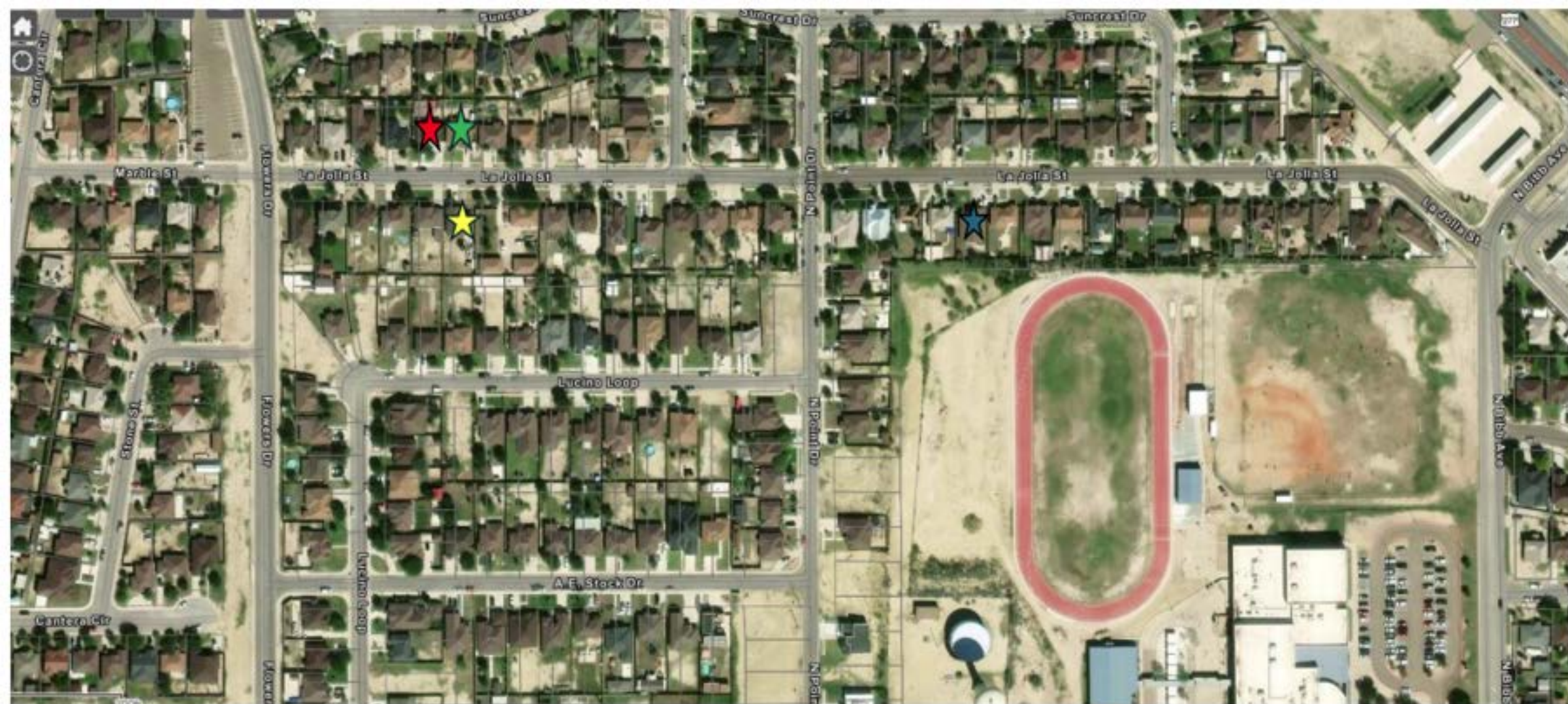
Application Returned to Applicant: NA (when applicable)

Paid application fee and publication fee on 6/5/2024

MR:6/2020

Street View of subject property



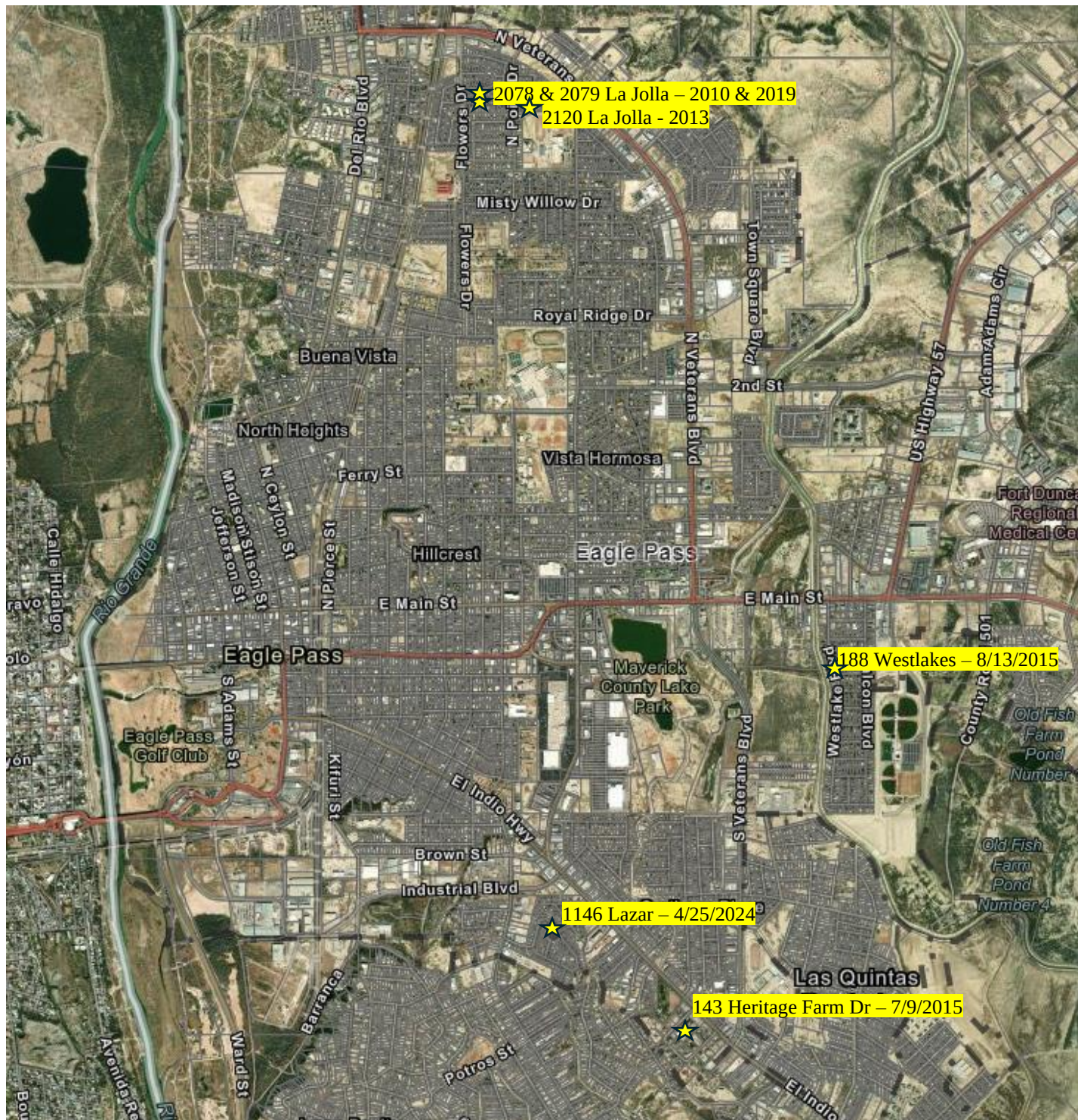


★ 2120 La Jolla - Approved 11/14/2013

★ 2077 La Jolla – Subject Lot

★ 2079 La Jolla – Approved 12/9/2010 No longer in operation

★ 2078 La Jolla – Approved 4/9/2019 No Longer in operation



★ 2078 & 2079 La Jolla - 2010 & 2019

★ 2120 La Jolla - 2013

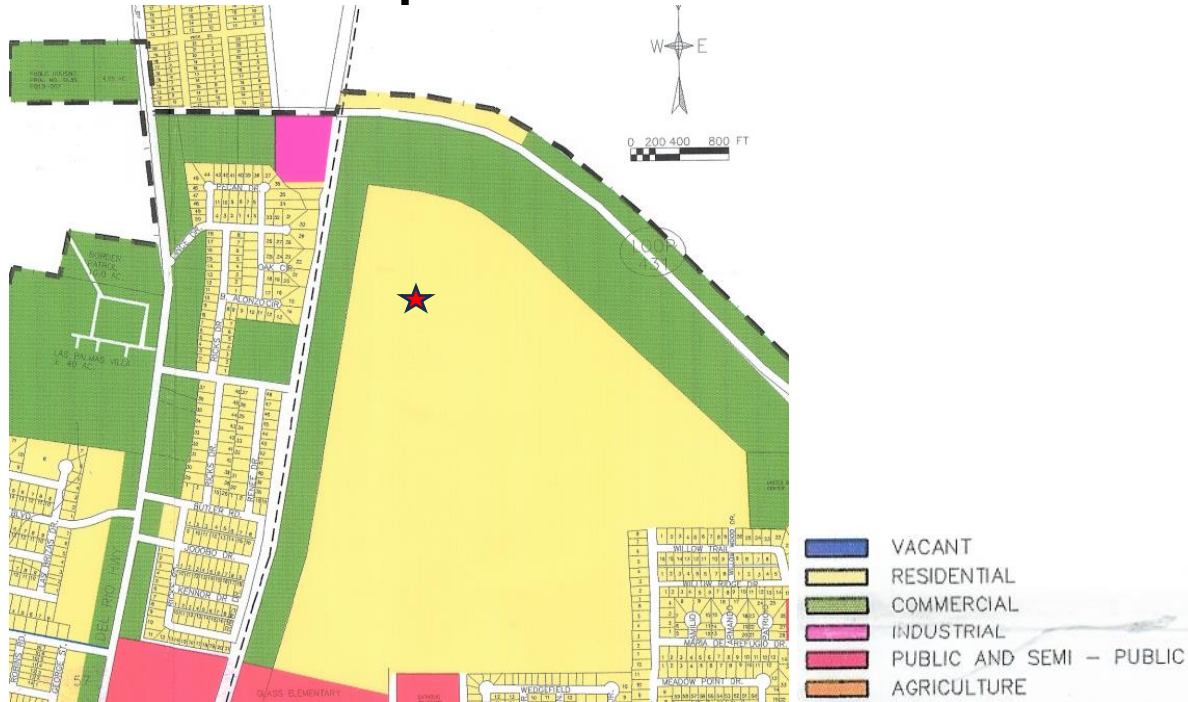
★ 188 Westlakes - 8/13/2015

★ 1146 Lazar - 4/25/2024

★ 143 Heritage Farm Dr - 7/9/2015

Attachment 2
Master Plan & Zoning Maps

Master Plan Map



Zoning Map



Item #3



Planning Department Executive Summary REPORT TO THE PLANNING & ZONING COMMISSION

Savoy Investment Properties, LLC Conditional Use Permit Request

I. BACKGROUND

General Information

Applicant: Savoy Investment Properties, LLC

Property Owner: Santos Limited Partnership

Location: 198 Commercial Street

Property ID Number: 16486

Legal Description: Range Unti #1, Block 1, Lot 4 & 4, (North 44 ft of West 100 ft of Lot 3 & West 100 ft of Lot 4)

Request: Conditional Use Permit to allow the establishment of a plasma donation center business, exceeding the allowed 5,000 square feet in size.

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: Retain existing establishment of a plasma donation center business

Zoning District: B-2 Central Business District

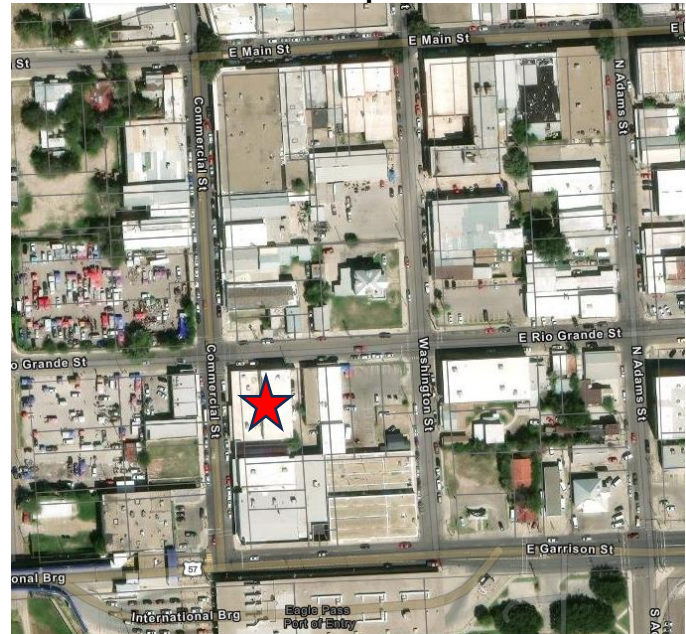
Master Plan: Commercial

Vicinity Data

The site is located in an area that is primarily comprised of commercial developments.

mailed to the abutting property owners within a 200 feet radius of the subject property on August 2, 2024.

Aerial Map



Street View Photos



II. PUBLIC NOTICE

Public notification of the *Conditional Use Permit* (CUP) request before the Planning and Zoning Commission was completed consistent with the provisions of *Chapter 211* of the *State of Texas Local Government Code Title 7*. 26 notices were

III. RECOMMENDED FINDINGS OF FACT

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 an already developed plasma center business. The existing structure is well over the 5,000 square feet allowed in B-2 Central Business District, therefore the issuance of a *Conditional Use Permit (CUP)* for the project is required for permitting and filing of a business permit and certificate of occupancy.

Allowing the establishment, exceeding 5,000 square feet in size 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 Ordinances*.

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 circumstances 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 and its compatibility with surrounding uses, especially those commercial uses located in the area.

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 Community Development 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* 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 will allow for continued development of the community while retaining the community's character and scale created by its proximity to other businesses in the area.

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, conserving the value of buildings, and encouraging the most appropriate use of land throughout the City. The use of the existing commercial structure as a plasma center will facilitate the retention of the neighborhood's commercial character.

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.

6. 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. Community Development Department Recommendation

That the Planning and Zoning Commission **GRANT** the Savoy Investment Properties, LLC request to allow the establishment of a retail bulk business in property legally known 198 Commercial Street.

TRANSMITTED to the parties listed hereafter:

Savoy Investment Properties, LLC via e-mail
Eagle Pass Planning and Zoning Commission Members via e-mail
Eagle Pass Community Development Department Report dated August 7, 2024

Attachment 1
Application



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: <u>SAVOY INVESTMENT PROPERTIES, LLC</u>
	Mailing Address: <u>1100 CAMELLIA BLVD, SUITE 201, LAFAYETTE, LA 70508</u>
	Phone: <u>337-216-6690</u> E-mail: <u>SBREAUX@RRCOA.COM</u>
	<u>Note: if you are not the owner of the property, you must attach a letter from the owner authorizing you to submit this application.</u>

Property Owner Information	Name: <u>SANTOS LIMITED PARTNERSHIP</u>
	Mailing Address: <u>222 IDAHO ST, LAREDO, TX 78041-3213</u>
	Phone: <u>956-725-5449</u> E-mail: <u>salsantos222@hotmail.com</u>

Property Information	Site Address: <u>198 COMMERCIAL STREET</u> MCAD Property ID # <u>16486</u>
	Legal Description: Lot(s) <u>3&4</u> Block <u>1</u> Subdivision _____ (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) <u>NA</u> Rear Yard Width (feet) <u>NA</u> Side Yard Width (feet) <u>NA</u>
	Current Use <u>RETAIL</u>
	Proposed Use <u>BLOOD PLASMA DONATION</u>

Description of Project:
RENOVATION OF 1 1/2 STORY COMMERCIAL BUILDING LOCATED AT 198 COMMERCIAL STREET FROM RETAIL SALES TO
NEW BLOOD PLASMA DONATION CENTER

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?
ALL PHASES OF CONSTRUCTION/RENOVATION AND OPERATION OF THE PLASMA DONATION CENTER WILL COMPLY WITH ALL
APPLICABLE LAWS AND REGULATIONS AND IN CONSIDERATION OF EXISTING PROPERTIES AND PROPERTY OWNERS

Describe how your project is reasonably related to the use of the property.
THE PARTICULAR USE -- I.E., PLASMA DONATION CENTER -- IS ALLOWED IN THE B2 DISTRICT. THE ISSUE IS THE TOTAL SQUARE
FOOTAGE, WHICH EXCEEDS THE MAXIMUM SQUARE FOOTAGE ALLOWED FOR DOCTORS OFFICES AND CLINICS IN THE B2 DISTRICT.
HOWEVER, THERE IS AT LEAST ONE EXISTING PLASMA DONATION CENTER OPERATING IN THE B2 DISTRICT WHICH EXCEEDS
THE MAXIMUM SQUARE FOOTAGE FOR DOCTORS OFFICES AND CLINICS.
Describe how your project conforms to the purpose of the zoning district in which the project will be established.
PROJECT CONFORMS TO THE B2 ZONING DISTRICT AS A MEDICAL OFFICE, WHICH IS A PERMITTED USE. OTHER BLOOD PLASMA
DONATION CENTERS HAVE BEEN ALLOWED AND ARE OPERATING ON PROPERTY IN THE B2 ZONING DISTRICT WITHIN
THE VICINITY OF THE SUBJECT PROPERTY. ADDITIONALLY, THE PROPOSED USE IS NO MORE INTENSIVE THAN MANY OTHER USES
ALLOWED AND EXISTING WITHIN THE B-2 DISTRICT.

Applicant 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.  7/26/24 Applicant Signature Date

Office Use	Date Application Accepted for Review: <u>7-27-24</u> By: <u>ME</u>
	Contact Date for Supplemental Info: <u> </u> Supplemental Info Received: <u> </u>
	Completeness Review Date: <u>7-27-24</u> By: <u>ME</u>
	Application Returned to Applicant: <u> </u> (when applicable)
	Application fee & publication fee received. MR.6/2020

Salvador G. Santos
Santos Limited Partnership, LLC
222 Idaho Street
Laredo, TX 78041-3213

July 26, 2024

Planning Department
City of Eagle Pass, Texas
3295 Bob Rogers Drive
Eagle Pass, TX 78852

Re: Conditional Use Permit Application
198 Commercial Street, Eagle Pass, TX 78852

To Whom It May Concern:

On behalf of Santos Limited Partnership, LLC ("Owner"), owner of 198 Commercial Street, Eagle Pass, TX 78852 (the "Property"), this correspondence shall serve as authorization by Owner for Savoy Investment Properties, LLC to proceed with a conditional use permit application to use the Property as a plasma donation center in excess of 5,000 square feet in area.

If I can provide anything further, please do not hesitate to ask.

Respectfully,



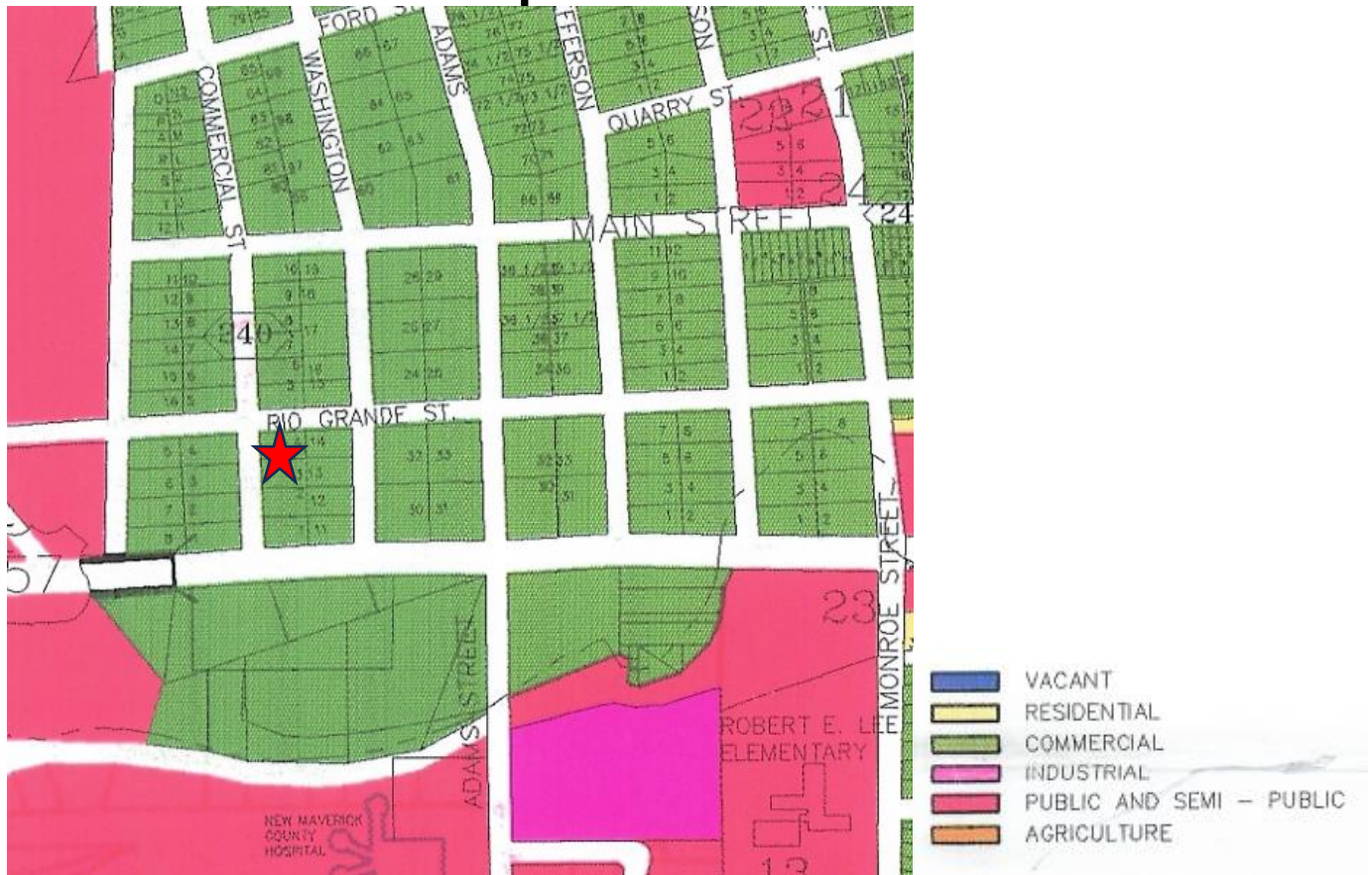
Salvador G. Santos
General & Limited Partner

Site Photos



Attachment 2
Master Plan & Zoning Map

Master Plan Map



Zoning District Map



Item #4



Community Development Department Executive Summary REPORT TO THE PLANNING & ZONING COMMISSION

Hernandez Eagle Pass Enterprises, LLC Rezone Request

I. BACKGROUND

General Information

Applicant: Hernandez Eagle Pass Enterprises, LLC

Property Owner: Jose Hernandez

Validated Address: 2263 Basswood Street

PID: 8708287 & 8708288

Legal Description: Lots 12 and 13 in Block 2 of James Bass Subdivision Unit 1 (Replat)

Request: Rezone parcel from B-1 Neighborhood Business District to R-3(A) Apartment District, to allow for the construction of a multi-family structure.

Subject Property Information

Parcel Size: 22,500 sq ft and 22,541 sq ft

Current Zoning: B-1 Neighborhood Business District

Master Plan: No depiction

Current Use: developed multi-family building

Proposed Use: Addition of a second detached multi-family building

Vicinity Data

The site is in an area that is comprised of single-family developments, multi-family developments and, commercial developments.

Infrastructure

Property is currently served by public utilities/franchises, including water, sanitary sewer, storm sewer, telephone, electric service, gas, garbage, and cable.

Access to the site is provided by Basswood Street.

Aerial Map



Location Map



II. PUBLIC NOTICE

Public notification of the rezone request before the Planning and Zoning Commission was completed consistent with the provisions of *Chapter 211 of the State of Texas Local Government Code Title 7*. 25 notices were mailed to the abutting property owners, with a legal notice published in the Eagle Pass News Gram on August 29, 2024.

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, if granted, will result in construction activities that will include the enforcement of the appropriate land development regulations resulting in appropriate lot sizes, setback requirements, paved streets with curb gutters, sidewalks, and adequate utility services.
5. The rezone request is consistent with the 'Land Use Development Goals' of the *City of Eagle Pass Master Plan*. The request to change from the B-1 District to B-3 District will allow for a continuation of the development in the neighborhood while retaining the community's character and scale. The change will facilitate the ultimate development of urban uses in a compatible arrangement that will make the community attractive to both residents and visitors and desirable to quality investments, while improving the residential and commercial environment of the city.

The purpose of the rezone is to allow for subsequent construction of a detached addition to the existing multi-family development, subject to conformance with all applicable city codes. What is being proposed is yet to be reviewed and accepted by the Review Team. The team consists of our City Planners, Building Official, Fire Marshall, City Engineer, Public Works, Waste Management, and Eagle Pass Water Works.

6. The rezone request is consistent with the *Master Plan's* 'Street Objectives', 'Thoroughfare Goals', and 'Thoroughfare Objectives', as access to the rezone site will be provided by Basswood Street via Del Rio Blvd thru Veterans Blvd.
7. The rezone request conforms to the purpose of the City's zoning code, as the subsequent development of the property will result in a use that is consistent with intent of the *B-3 District* and 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 of land adjacent that will have access to a public street. Please refer to Attachment 2 for a copy of the City's *Zoning District Map*

8. The property is in an area that has commercial / multi-family use and should allow the property to be rezoned to a higher and better use. Please refer to Attachment 1 for a photograph of the rezone site.
9. The rezone request has been conditioned to ensure conformance with direction provided in the *Master Plan's* Storm Drainage Goals' and 'Storm Drainage Objectives'.
10. 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 as set forth in Conclusion 1 through 9 of this Report. The rezone request, therefore, should be approved.

B. Community Development Department Recommendation

The Planning and Zoning Commission grant a zoning district change from B-1 Neighborhood Business District to B-3 General Business District, for property legally known as 2263 Basswood Street, subject to the following conditions:

1. Subsequent development of the property shall comply with the following sections in the City of Eagle Pass *Code of Ordinances*:
 - Chapter 8 governing buildings
 - Chapter 12 governing the electrical code
 - Chapter 13 governing the fire code
 - Chapter 14 governing garbage and rubbish
 - Chapter 21 governing plumbing
 - Chapter 22 governing streets, sidewalks, and other public places
 - Chapter 23 governing landscaping and tree preservation
 - Chapter 27 governing water and sewers, including drainage & stormwater
 - Appendix A governing off-street parking
 - Appendix A governing signs and fences

TRANSMITTED to the parties listed hereafter:

Hernandez Eagle Pass Enterprises, LLC via e-mail
Planning and Zoning Commission Members via e-mail
Eagle Pass City Secretary Imelda Rodriguez via e-mail
Eagle Pass Community Development Department Report dated September 9, 2024

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: Hernandez Eagle Pass Enterprises LLC.
Mailing Address: 2277 & 2263 Basswood St. Eagle Pass, TX. 78852
Phone: (830) 352 4009 E-mail: jhernandez205@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 Information

Name: Jose Hernandez
Mailing Address: 60 Kypros Rd. Eagle Pass, TX. 78852
Phone: (830) 352 4009 E-mail: jhernandez205@hotmail.com

Property Information

Site Address: 2263 / 2277 Basswood St. MCAD Property ID # 8708288
8708287
Legal Description: Lot(s) 12 / 13 Block 2 Subdivision James Bass Subdivision Unit
(Property must be legally subdivided or be lot of record)
Front Yard Width (feet) 185 Rear Yard Width (feet) 200 Side Yard Width (feet) 210

Proposed Project

Amend Zoning Regulations contained in section 8-Neighborhood business district
Amend the Official Zoning Map & Master Plan by changing 1 acres of land currently zoned B1 to be zoned _____
Conforms with the Zoning Map? ☒ Yes ☐ No MR Not depicted
Conforms with Master Plan Designation? ☐ Yes ☐ No Not depicted
☐ Vacant Land ☐ Vacant Building ☐ Single Family Dwelling ☐ Commercial
☒ proposed Multi-Family Dwellings ☐ Industrial ☐ Other _____
lots currently house a multi-family structure. applicant wishes to build an additional multi-family structure.

Detailed Explanation of Proposed Use

Proposed Use of Property/Reason for Change:

Construction of 9 Apartment units

Describe the character and/or nature of uses surrounding the property:

Apartments

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

José Hernandez

8/19/2024

Office Use

Date Application Accepted for Review: *8/19/24* By: *MR*

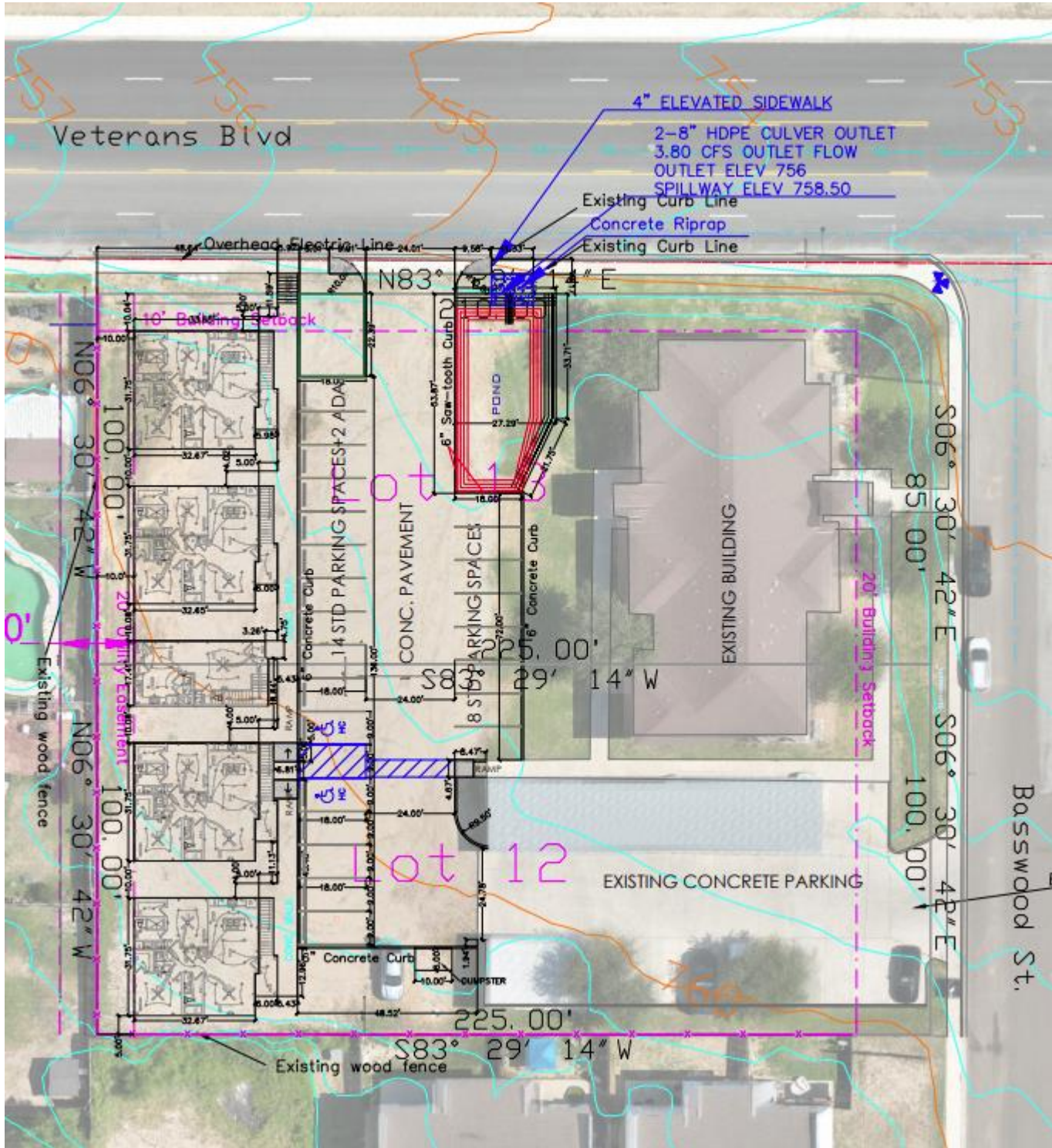
Contact Date for Supplemental Info: *8/19/24* Supplemental Info Received: *8/19/24*

Completeness Review Date: *8/22/24* By: *MR*

Application Returned to Applicant: *NA* (when applicable)

MR:7/2020

Dimensional Plan



View from the northeasterly corner of the property



View from Basswood Street



Attachment 2
Master Plan & Zoning Map

Master Plan



Zoning Map

