AGENDA

PLANNING & ZONING COMMISSION REGULAR MEETING
THURSDAY, FEBRUARY 13, 2025, AT 5:30 P.M.
COUNCIL CHAMBERS, CITY HALL BUILDING
100 SOUTH MONROE STREET, EAGLE PASS, MAVERICK COUNTY, TEXAS

ESTABLISHMENT OF QUORUM

CITIZENS COMMUNICATIONS

MINUTES

1. Approval of the minutes of the January 23, 2025 meeting.

PUBLIC HEARING(S)

2. Public hearing on the request submitted by Carlos A. and Yolanda Riojas for a Conditional Use Permit to allow the establishment of a child day care business on property located at 1098 Third Street, as regulated by *City of Eagle Code of Ordinances Appendix A Zoning Ordinance*, particularly *Section 13(d)* governing home occupations; closing of public hearing and possible action.

NEW BUSINESS

3. Consideration and possible action on the Master Plan of Eagle Pass Port of Entry Industrial Park composed of 11.077 acres.

4. Consideration and possible action on the Final Plat of Eagle Pass Port of Entry Industrial Park Lot 2, including a subdivision variance from Section 23-36(a) regulating preliminary plat requirements.

5. Consideration and possible action on the Plat Amendment of Lot 1 in Block 1 of Enchanted Ridge Subdivision Unit 4 and the Replat of Lot 1 in Block 1 of Enchanted Ridge Subdivision Unit 4, sidewalk waiver from Section 23-64 regulating sidewalks, curb and gutter.

OTHER BUSINESS

6. Consideration and possible action of an ordinance amending Chapter 23 (Subdivisions), schedule of rates/fees; of the Code of Ordinances revising and updating fees for subdivisions.

7. Consideration and possible action on amending Chapter 23, Article II, Section 23 -25, of the Code of Ordinances by removing preliminary plat approval by city council and allowing preliminary plat approval by Community Development Director.

8. Consideration and possible action on amending Chapter 23, Article III, Section 23 -36, of the Code of Ordinances by removing final plat approval by city council and allowing final plat approval by Community Development Director.

OLD BUSINESS

9. Consideration and possible action on amending Chapter 23 (Subdivisions), Article V Parkland Dedication of the Code of Ordinances.

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 February 10, 2025, at 3:30 p.m.

Placido Madera

Placido Madera
Community Development 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 Friday, January 23, 2025 at 5:30 p.m. in the Council Chambers, City Hall, 100 South Monroe Street, Eagle Pass, Texas. All legal notices were duly posted in accordance with the State Code.

ESTABLISHMENT OF QUORUM

Present: Chairwoman, Tiffany Velazquez-Sanchez, Vice-Chairman, Luis Velez; Commissioners: Aaron Valdez, and Noe Rodriguez

Absent: Commissioner, Kenneth Gross

Staff Present: Community Development Director, Placido Madera; Assistant Community Development Director, Mariebelle Rodriguez; Assistant City Secretary, Ita A. Cortinas; and City Attorney, Ana Sophia Garcia

With a quorum being present, Chairwoman Velazquez-Sanchez called the meeting to order, and the Planning & Zoning Commission considered the items in the following order:

SELECTION OF CHAIRMAN

Commissioner Rodriguez moved to keep Mrs. Velazquez-Sanchez as Chairwoman. Seconded by Vice-Chairman Velez. **MOTION PASSES**: Unanimously

Ayes: Velázquez-Sanchez, Velez, Valdez, and Rodriguez
Nays: None
Abstained: None
Absent: Gross

SELECTION OF VICE-CHAIRMAN

Commissioner Valdez moved to keep Mr. Velez as Chairman. Seconded by Commissioner Rodriguez. **MOTION PASSES**: Unanimously

Ayes: Velázquez-Sanchez, Velez, Valdez, and Rodriguez
Nays: None
Abstained: None
Absent: Gross

CITIZENS COMMUNICATIONS

Chairwoman Velazquez-Sanchez 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.

MINUTES

1. Approval of the minutes of the December 12, 2024 meeting, the January 3, 2025 meeting, and the January 9, 2025 meeting.

Commissioner Valdez moved to approve the minutes. Seconded by Vice-Chairman Velez. **MOTION PASSES**: Unanimously

Ayes:	Velázquez-Sanchez, Velez, Valdez, and Rodriguez
Nays:	None
Abstained:	None
Absent:	Gross

EXECUTIVE SESSION

5. Executive Session pursuant to Section 551.071, Chapter 551, Texas Government Code-Consultation with legal counsel regarding Commission responsibilities.

6. Executive Session pursuant to Section 551.071, Chapter 551, Texas Government Code-Consultation with legal counsel regarding Ethics Ordinance of the Standards of Conduct, duties and responsibilities (Ord. 2006-22).

The Commission retired into Executive Session to consider items 5 and 6 at 5:35 p.m. and reconvened in Open Session at 6:11 p.m. No action taken, informative items only.

NEW BUSINESS

2. Presentation of an ordinance amending Chapter 23 (Subdivisions), schedule of rates/fees; of the Code of Ordinances revising and updating fees for subdivisions.

Community Development Director Madera provided details on the item, presenting the amendments the Community Development Department would like to see implemented in the ordinance.

Not an action item.

3. Presentation of the City of Eagle Pass, Texas, amending Chapter 23, Article III, Section 23-25 of the Code of Ordinances by removing preliminary plat approval by city council and allowing preliminary plat approval by Community Development Director.

Community Development Director Madera provided details on the item, presenting the amendments the Community Development Department would like to see implemented in the ordinance.

Not an action item.

4. Presentation of the City of Eagle Pass, Texas, amending Chapter 23, Article III, Section 23-36 of the Code of Ordinances by removing final plat approval by city council and allowing preliminary plat approval by Community Development Director.

Community Development Director Madera provided details on the item, presenting the amendments the Community Development Department would like to see implemented in the ordinance.

Not an action item.

ADJOURNMENT

Commissioner Valdez moved to adjourn the meeting at 6:53 p.m. Seconded by Commissioner Rodriguez. **MOTION PASSES.**

Passed and approved on _____, 2025

Attest:

_____
Tiffany Velazquez-Sanchez
Chairwoman

_____
Ita A. Cortinas
Assistant City Secretary

Item #2

Community Development Department Executive Summary
Report to the Planning & Zoning Commission

Carlos A. & Yolanda Riojas Conditional Use Permit Request

I. BACKGROUND

A. General Information

Applicant: Carlos A. & Yolanda Riojas I 1098 Third Street I Eagle Pass, TX 78852

Location: 1098 Third Street

Legal Description: Lots 6 in Block B of Buena Vista Subdivision

Property ID Number: 5791

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: 7,000-square-feet

Vegetation: Residential landscaping

Existing Use: Single-family dwelling and a child day care business

Zoning: R-3 Duplex 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-3 District* and also by commercial developments consistent with the B-1 Neighborhood Business District.

The parcel is located at the corner of Third Street and Avenue C. Third Street provides access to the site, via Del Rio Boulevard.

D. Infrastructure

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

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*. 30 notices were mailed to the abutting property owners, with a legal notice published in the Eagle Pass News Gram on January 22, 2025.

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 I: 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 7: R-3 Duplex District.**

The following regulations shall apply to the "*R-3" Duplex 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 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 exiting prior to the effective date of the ordinance from which this chapter is derived is enlarged to the extend 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 manger, 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 circumstance where a home day care business is proposed to be established in a 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.

   The Community Development Department recommendation to GRANT 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 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 Community Development 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 proposed use will retain 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 inconsistent 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, conversing 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. <u>Community Development Department Recommendation</u>

The Planning and Zoning Commission **GRANT** the Carlos A. Riojas and Yolanda Riojas request to establish a home day care business on property located at 1098 Third 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-transferable and will require renewal after one year from approval.

TRANSMITTED to the parties listed hereafter:

Carlos A. & Yolanda Riojas via e-mail
Planning and Zoning Commission Members via e-mail
Eagle Pass City Secretary Erika Rodriguez via e-mail
Eagle Pass City Manager Homero Balderas via e-mail
Eagle Pass Assistant City Manager Ivan Morua via e-mail
Eagle Pass City Attorney Ana Sophia Garcia via e-mail
Eagle Pass Community Development Department Report dated February 6, 2025

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: Carlos A. & Yolanda Riojas

Mailing Address: 1098 Third Street

Phone: 830-776-0365 & 830-773-2687 E-mail: tafdaycare78852@gmail.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: Carlos A. ~~Rioj~~ & Yolanda Riojas

Mailing Address: 1098 Third Street

Phone: 830-776-0365 / 830-773-2687 E-mail: cariojas53@gmail.com

Property Information

Site Address: 1098 Third Street MCAD Property ID # #5791 ~~XXXXXXXXXXXXXXXX~~

Legal Description: Lot(s) 6 Block B Subdivision Buena Vista
(Property must be legally subdivided or be lot of record)

Front Yard Width (feet) 25' Rear Yard Width (feet) 30' Side Yard Width (feet) _____

Current Use residential dwelling / child day care

Proposed Use keep current uses

Description of Project:

Date and time of our business is operation is Monday thru Friday from 7:00 am to 5:30 p, m, We are a licensed child care home by our State of Texas and the maximum capacity is 12 children, ages between 18 months old up to 5 years old. At this time we have 5 children enrolled. Parents prefer small group day care facilities.

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?

The day care establishment has been in existence for many years and no complains have been made.

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

The day care establishment is allowed by State and also by City regulations.

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

City Code states that the use requires a CUP. The code also states that certain rules apply to the use.

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 _____ Date 12/20/2024

Office Use

Date Application Accepted for Review: 12/20/2024 By: mr

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

Completeness Review Date: 12/20/24 By: MR

Application Returned to Applicant: NA (when applicable)

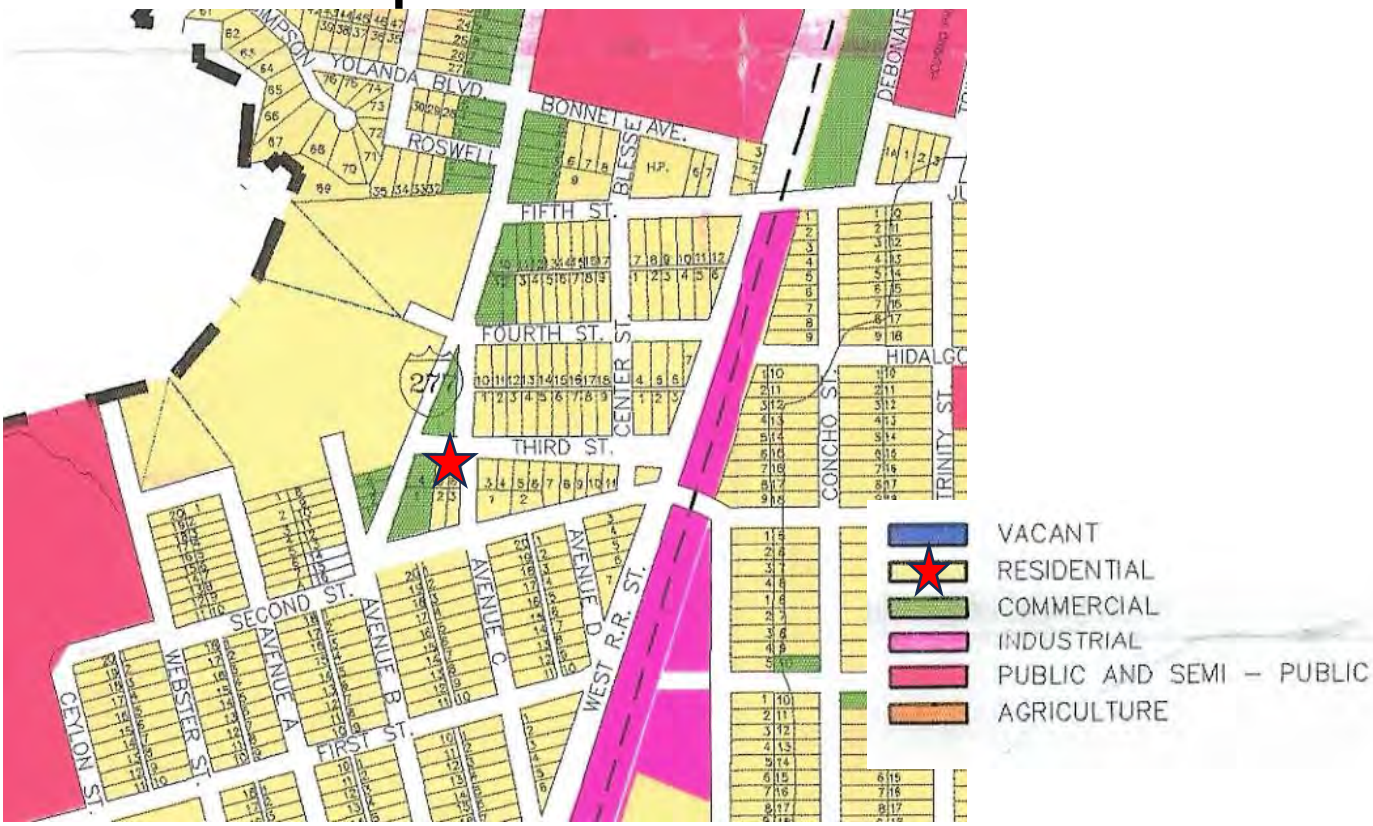
MR:6/2020

War Room – Open Gym
Villa Valencia
Del Rio Blvd
3rd St
3rd St
3rd St
AG3 - Engineering Survey Construction
Avenue C
Avenue B
Doobie's Hemp Co
Organic drug store
2nd St
2nd St
2nd St
Avenue D
A&S Industrial Janitorial Service & Supply
Avenue D

1098 3rd St
Back
1098 3rd St
Eagle Pass, Texas
Google Street View
May 2022
See more dates
Share

Attachment 2
Land Use & Zoning Maps

Master Plan Map



Zoning District Map

Item #3

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

Master Plan Amendment of Eagle Pass Port of Entry Industrial Park 11.077 acres

I. BACKGROUND

A. General Information

Applicant & Developer: Paco Mondragon │ 2741 Crown Hill I Eagle Pass, Texas 78852

Location: Off Industrial Spur 2, near Loop 480, and abutting the railway to the rear and near International Bridge 2.

Property ID: 9005977 **Gross acreage:** 10 acres

Request: Master Plan approval for Eagle Pass Port of Entry Industrial Park incorporating 11.077 acres.

B. Infrastructure

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

Access to the site is provided by Industrial Spur 2.

C. Vicinity Data

This site is located off Industrial Spur 2 and surrounded by industrial zoned developments.

II. RECOMMENDED FINDINGS OF FACT

A. Conclusions

1. The applicant's request contains sufficient information for consideration by the Planning and Zoning Commission. Information contained in this report and the Commission's public meeting will be used as part of the City Council's deliberation process for Master Plan Amendment approval.

2. The subdivision of the property is in conformance with the provisions of the *Master Plan* and the *Eagle Pass Code of Ordinances* by facilitating the following benefits:

    - Protect private rights while considering public health, safety, and welfare.

    - Provide efficient and economical ways to move people and goods outside the City by an adequate plan for streets and highways.

    - Guide future development in an orderly manner, by stages according to a pattern, so that the City may have balanced land use.

- Encourage a diversified economic base and encourage public and private investments in land and improvements.

- Prevent and eliminate blight and slums, making the City attractive to people, commerce, and industry.

- Create the desire for a more pleasing appearance of the City and incorporate into its physical development the basic principles of good design.

- Protect and preserve the identity of each neighborhood through use of the guidance provided by the *Master Plan* and the *Code of Ordinances*.

- Locate all land uses on land best suited for their needs, arranged in such a way as to be mutually beneficial and functional, with ample area to meet long-term needs.

- Establish a proper relationship between open space, developed areas, building bulk, light and air space, in all future development programs of land use.

- Encourage and abet the development of civic, cultural, and other public and quasi-public buildings in harmonious and functional groupings.

3. The approval of this Master Plan Amendment request is warranted, as the project conforms to the *City of Eagle Pass Master Plan* and the *City of Eagle Pass Code of Ordinances* as noted in Conclusion 1 through and including Conclusion 2 of this report. The acreage remains the same the only change is the layout configuration.

B. <u>Community Development Department Recommendation</u>

The Planning and Zoning Commission **GRANT** the Master Plan Amendment for Eagle Pass Port of Entry Industrial Park incorporating 11.077 acres subject to plan to comply with the provisions of *City of Eagle Pass Code of Ordinances Chapter 23* Section 23-13.1 governing subdivision plat submittal requirements.

TRANSMITTED to the parties listed hereafter:

Paco Mondragon via e-mail
Eagle Pass Planning and Zoning Commission via e-mail
Eagle Pass City Manager Homero Balderas via e-mail
Eagle Pass Assistant City Manager Ivan Morua via e-mail
Eagle Pass City Secretary Erika Rodriguez via e-mail
Eagle Pass City Attorney Ana Sophia Garcia via e-mail
Eagle Pass Community Development Department Report dated February 10, 2025

Attachment 1
Application

COMMUNITY DEVELOPMENT DEPARTMENT

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

SUBDIVISION APPLICATION

TYPE OF SUBDIVISION (check one):

■ Preliminary Plat ■ Final Plat ☐ Replat ☐ Amended Plat

☐ Short Form Final ☐ Vacating Plat ☒ Master Plan

Name of Subdivision: Eagle Pass Port of Entry Industrial Park Lot 2

Property Legal Description: See Attached

Maverick County Property Identification Number(s): 9005977

Location of Addition: At the end of Industrial Spur 2

Number of Residential Lots: 0 Number of Commercial Lots: 1 Gross Acreage: 10

Number of New Street Intersections 0 Linear feet of Streets 0

Is Subdivision inside city limits? Yes ■ No ☐; Zoning District: Industrial

Existing Land Use: Vacant

Proposed Land Use: Commercial

Do you propose deed restrictions? Yes ☐ No ■ (If yes, please attach copy)

Requested Variances: To proceed to directly to final

PROPERTY OWNER:

Name: Invermex LLC

Address: 2741 crown hill suite b

City: eagle pass

State: tx Zip: 78852

Signature:

Contact: paco mondragon

Phone: 830-352-6186

Fax:

E-mail: paco@bltexas.com

Date: January 9, 2025

PROPERTY OWNER:

Name: _____ Contact: _____

Address: _____ Phone: _____

City: _____ Fax: _____

State: _____ Zip: _____ E-mail: _____

Signature: _____ Date: _____

APPLICANT:

Name: invermex, llc Contact: paco mondragon

Address: 2741 crown hill suite b Phone: 830-352-6186

City: eagle pass Fax: _____

State: tx Zip: 78852 E-mail: paco@bltexas.com

Signature: _____ Date: January 9, 2025

SURVEYOR:

Name: Smyth Surveyors, INC Contact: Mark Logrbrink

Address: 830- Phone: 830-591-0858

City: Knippa Fax: _____

State: TX Zip: 78870 E-mail: mark.texmtg@gmail.com

Signature: _____ Date: January 9, 2025

ENGINEER:

Name: Site & Street Engineers, LLC Contact: Kevin Hammond

Address: _____ Phone: 713-240-3404

City: Houston Fax: _____

State: TX Zip: 77059 E-mail: sitestreetebgubeers@gmail.com

Signature: _____ Date: January 9, 2025

PRINCIPAL CONTACT: XX Owner ____ Applicant ____ Surveyor ____ Engineer

All City communication regarding the subdivision will be directed only to the designated principal contact.

Office Use	Received _____ By _____ ☐ Complete ☐ Incomplete Case No. _____

STATEMENT OF APPLICANT

The information contained in this subdivision application contains true and accurate information provided to the best of my ability. I acknowledge that the City of Eagle Pass will use the information contained herein as the basis for the review of the subdivision application's conformance with the provisions of *City of Eagle Pass Code of Ordinances Chapter 23.*

I understand that the City of Eagle Pass may use third party engineering peer review services. I acknowledge and agree that I am responsible for the payment of services attributable to my project, and that the preliminary approval process or final approval process will not proceed until and unless I have provided payment for the aforementioned services.

Applicant Signature

1-9-25
Date

STATEMENT OF OWNER/SUBDIVIDER

I, the undersigned, hereby certify that: (1) I am the owner the land subject to this request for a subdivision; (2) I authorize _____ to act as my agent for all documents pertaining to this subdivision application; (3) the information contained in this subdivision application or accompanying information is true and correct; (4) I will advise the City in writing of any inaccurate, misleading or false statements in the subdivision application or accompanying information; (5) the City will be advised in writing of any change in ownership of the property that is the subject of this subdivision application provided the change of ownership occurs prior to the recording of the final approved plat, if any; and (6) I will liable to the City of Eagle Pass for the completion of all site improvements required by Section 23 of the City's Code of Ordnance until such time as such improvements, if any, shall have been actually completed and accepted by the city.

Owner / Subdivider Signature

Date

STATE OF TEXAS §

COUNTY OF _____ §

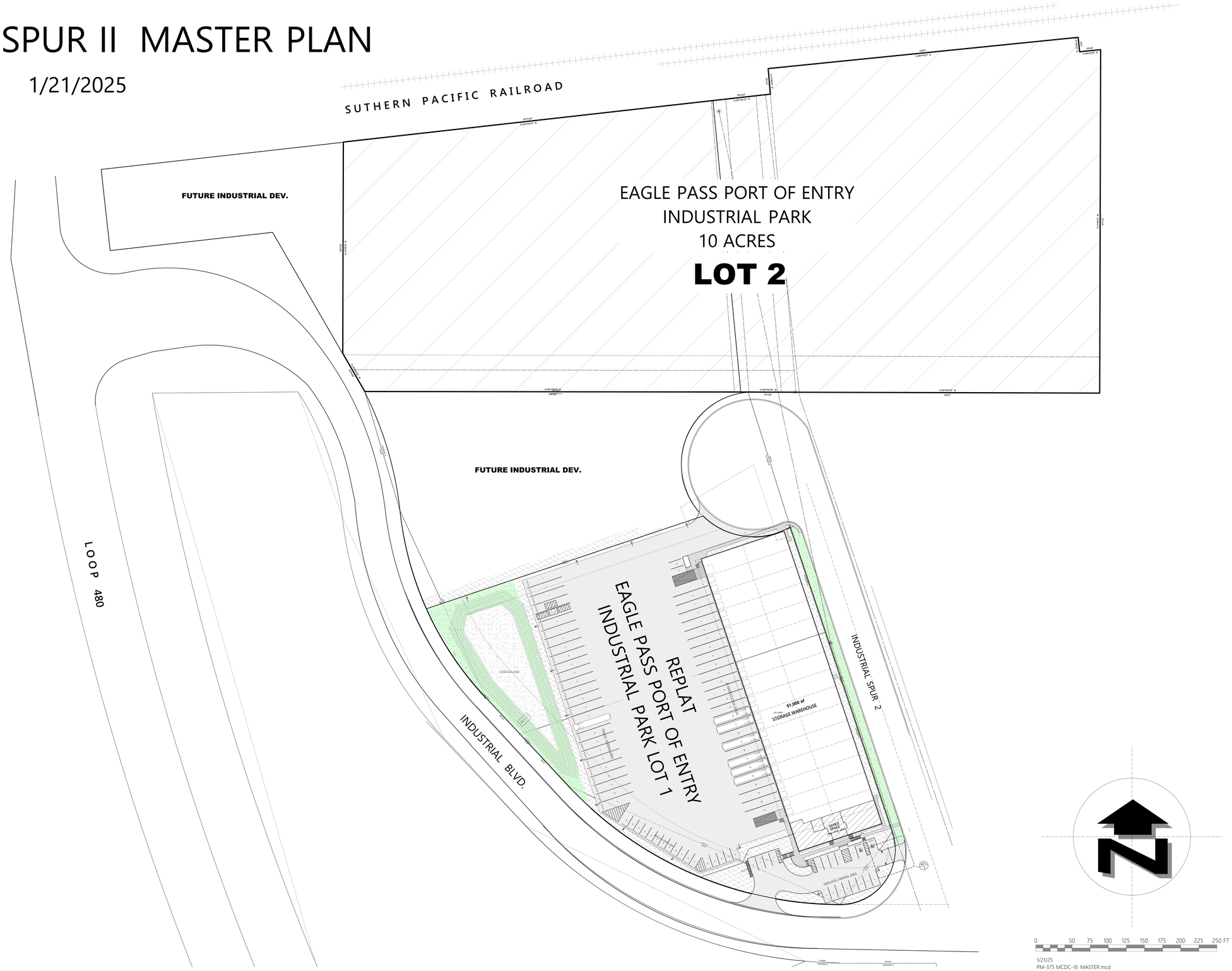
Before me, the undersigned authority, a notary public for the State of Texas, on this day personally appeared _____(Name),_____(Title) , known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office, this the _____ day of _____, 20_____.

Notary Public, State of Texas

INDUSTRIAL SPUR II MASTER PLAN

1/21/2025



1/21/25
PM-375 MCDC-16 MASTER.mcd

Calle Fuente
Eagle Pass
Camino Real
Port of Entry
S Monroe St
Southern Pacific Railroad
Southern Pacific Railroad
Southern Pacific Railroad
Rio Grande
Rio Grande
Ward St
Ward St
Calle Cerrada
Avenida Reforma
Callejon Hidalgo

SITE PHOTOS

Item #4

Community Development Department Executive Summary

REPORT TO THE PLANNING AND ZONING COMMISSION

Final Plat of Eagle Pass Port of Entry Industrial Park Unit 1 Lot 2

I. BACKGROUND

A. General Information

Applicant & Developer: Paco Mondragon │ 2741 Crown Hill I Eagle Pass, Texas 78852

Location: Off Industrial Spur 2, near Loop 480, and abutting the railway to the rear and near International Bridge 2.

Property ID: 9005977

Legal description: Being a boundary Survey of 10 acres, more or less, lying in Maverick County, Texas, being out of and part of J. B. Roberts Survey 32, Abstract No. 794, and also being out of and part of that same tract called 29.62 acres described in conveyance document to Sesa Flourspar, Inc., recorded in Volume 244, Page 146 of the Maverick County Deed Records, Maverick County, Texas.

Request: Final plat approval to legally plat a 10-acre industrial tract, including (1) a subdivision variance from Section 23-36(a) regulating preliminary plat requirements.

B. Subject Property Information

Vegetation: Native brush

Existing Use: Vacant and undeveloped

Zoning: Industrial District

Master Plan: Industrial

C. Vicinity Data

This site is located off Industrial Spur 2 and surrounded by industrial zoned developments.

D. Infrastructure

The property is completely inside city limits and is served by public utilities/franchises, including water, sanitary sewer, storm drainage, telephone, electric service, gas, cable, and garbage service.

Access to the site is provided by Industrial Spur 2 and no additional streets are proposed or required. The detention pond will be constructed and the time the proposed lot is developed. A plat note is depicted to reassure the construction.

II. RECOMMENDED FINDINGS OF FACT

A. Conclusions

1. The applicant's request contains sufficient information for consideration by the Planning and Zoning Commission. Information contained in this report and the Commission's public meeting will be used as part of the City Council's deliberation process for final approval of the subdivision. Please refer to Attachment 1.

2. The *Master Plan* emphasizes the importance of maintaining the character of the industrial and commercial neighborhoods located within the City.

   - ✓ The subdivision is consistent with the *Land Use Development Goals* of the *Master Plan,* as the project is designed to provide for a building lot density that is consistent with the purpose of the *Industrial District.*

     This design will allow for the continuing development of the community while retaining the neighborhood character and scale while providing utility services in the most efficient and equitable manner.

   - ✓ The subdivision is consistent with the *Street Goal* of the *Master Plan*, as access to the site from Industrial Spur 2 is designed to provide the residents and visitors to Eagle Pass with a street system that will enable them to travel safely and conveniently.

   - ✓ The subdivision is consistent with the *Thoroughfare Goals* of the *Master Plan*, as Industrial Spur 2 has been designed to be part of a safe and efficient thoroughfare system.

   - ✓ The subdivision is consistent with the *Storm Drainage Goals* of the *Master Plan*, as the development will require adequate detention at the time of lot development.

3. The subdivision design is consistent with the purpose of the *Industrial District.*

4. The subdivision is consistent with City design and specifications, as the subsequent development of the site will be required to conform to the following sections of *Article IV* in *Eagle Pass Code of Ordinances Chapter 23*:

   - ✓ *Section 23-61* governing streets and two points of vehicular access for ingress and egress to the subdivision
   - ✓ *Section 23-62* governing alleys and easements
   - ✓ *Section 23-63* specific use easements
   - ✓ *Section 23-64* governing sidewalks
   - ✓ Section 23-66 governing sanitary sewage disposal system
   - ✓ *Section 23-67* governing potable water supply and fire flow
   - ✓ *Section 23-68* governing storm drainage
   - ✓ *Section 23-69* governing the size, width, depth, shape and orientation of lots, and the minimum building setback lines
   - ✓ *Section 23-71* governing the installation and inspection of utility lines
   - ✓ *Sec. 23-94* governing fences for all new subdivisions
   - ✓ *Section 23-71* governing the installation and inspection of utility lines

   Please refer to Attachment 3 for a copy of the *Final Engineering Report* for the subdivision.

5. The subdivision and the subsequent development of the property will be consistent with City design and specifications for landscape and tree preservation set forth in *Article VI* in *Eagle Pass Code of Ordinances Chapter 23.*

6. The subdivision of the property will conform to the parkland dedication requirements set forth in *Article V* in *Eagle Pass Code of Ordinances Chapter 23*, as a one-time fee will be collected as part of any subsequent building permit issued for the property.

7. The grant of final replat approval is also predicated upon the grant of one variance by the Planning and Zoning Commission. Please refer to Attachment 2 for a copy of the variance application.

8. The subdivision of the property is in conformance with the provisions of the *Master Plan* and the *Eagle Pass Code of Ordinances* by facilitating the following benefits:

    - Protect private rights while considering public health, safety, and welfare.
    - Provide efficient and economical ways to move people and goods outside the City by an adequate plan for streets and highways.
    - Guide future development in an orderly manner, by stages according to a pattern, so that the City may have balanced land use.
    - Encourage a diversified economic base and encourage public and private investments in land and improvements.
    - Prevent and eliminate blight and slums, making the City attractive to people, commerce, and industry.
    - Create the desire for a more pleasing appearance of the City and incorporate into its physical development the basic principles of good design.
    - Protect and preserve the identity of each neighborhood through use of the guidance provided by the *Master Plan* and the *Code of Ordinances*.
    - Locate all land uses on land best suited for their needs, arranged in such a way as to be mutually beneficial and functional, with ample area to meet long-term needs.
    - Establish a proper relationship between open space, developed areas, building bulk, light, and air space, in all future development programs of land use.
    - Encourage and abet the development of civic, cultural, and other public and quasi-public buildings in harmonious and functional groupings.

9. The subdivision will allow for a use of the property that is consistent with the purpose of the *I Industrial District*, as well as the surrounding area, for the following reasons:

    A. The subdivision design bears a substantial relationship to the public's health, safety, and welfare.

    B. The subdivision is in accordance with the policies of the Master Plan and the purpose of the *I Industrial District.*

    C. The subdivision is warranted because of the necessity to create additional lots for development adjacent to Industrial Blvd, and because the proposed development is appropriate to accomplish the reasonable use of the property.

    D. The subject property is suitable for development in general conformance with development standards of the *I Industrial District.*

    E. The subdivision will benefit the City as a whole and will not be detrimental to nearby land uses of a similar nature.

    F. The subsequent development will be designed and conditioned to comply with all applicable subdivision criteria and standards of the City of Eagle Pass.

    Please refer to Attachment 4 for a copy of the *Master Plan* Map and a copy of the *Zoning District Map* for the City of Eagle Pass.

10. The approval of this final plat request is warranted, as the project conforms to the *City of Eagle Pass Master Plan* and the *City of Eagle Pass Code of Ordinances* as noted in Conclusion 1 through and including Conclusion 10 of this report.

B. <u>Community Development Department Recommendation</u>

That the Planning and Zoning Commission (1) **GRANT** the subdivision variance to proceed directly to final plat without first having obtained preliminary plat approval as required by *City of Eagle Pass Code of Ordinances Section 23-36(a)*, and (2) **GRANT** final approval of the proposed Final Replat of Lot 2 of Eagle Pass Port of Entry Industrial Park Subdivision, subject to the plat complying with the provisions of *Article III* of *City of Eagle Pass Code of Ordinances Chapter 23* governing procedures and specifications for Final Plats and the following condition:

1. That a compliant fire flow test be submitted to the Fire Marshal prior to plat recordation.

2. That the cross-section be depicted on the plat before as required by Section 12.1(c)(8)(1) regulating off street parking design standards, before plat recordation.

TRANSMITTED to the parties listed hereafter:

Paco Mondragon via e-mail
Eagle Pass Planning and Zoning Commission via e-mail
Eagle Pass City Manager Homero Balderas via e-mail
Eagle Pass Assistant City Manager Ivan Morua via e-mail
Eagle Pass City Secretary Erika Rodriguez via e-mail
Eagle Pass City Attorney Ana Sophia Garcia via e-mail
Eagle Pass Community Development Department Report dated February 10, 2025

Attachment 1
Application

COMMUNITY DEVELOPMENT DEPARTMENT

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

SUBDIVISION APPLICATION

TYPE OF SUBDIVISION (check one):

■ Preliminary Plat ■ Final Plat ☐ Replat ☐ Amended Plat

☐ Short Form Final ☐ Vacating Plat ☐ Master Plan

Name of Subdivision: Eagle Pass Port of Entry Industrial Park Lot 2

Property Legal Description: See Attached

Maverick County Property Identification Number(s): 9005977

Location of Addition: At the end of Industrial Spur 2

Number of Residential Lots: 0 Number of Commercial Lots: 1 Gross Acreage: 10

Number of New Street Intersections 0 Linear feet of Streets 0

Is Subdivision inside city limits? Yes ■ No ☐; Zoning District: Industrial

Existing Land Use: Vacant

Proposed Land Use: Commercial

Do you propose deed restrictions? Yes ☐ No ■ (If yes, please attach copy)

Requested Variances: To proceed to directly to final

PROPERTY OWNER:

Name: Invermex LLC

Address: 2741 crown hill suite b

City: eagle pass

State: tx Zip: 78852

Signature:

Contact: paco mondragon

Phone: 830-352-6186

Fax:

E-mail: paco@bltexas.com

Date: January 9, 2025

PROPERTY OWNER:

Name: _____ Contact: _____

Address: _____ Phone: _____

City: _____ Fax: _____

State: _____ Zip: _____ E-mail: _____

Signature: _____ Date: _____

APPLICANT:

Name: invermex, llc Contact: paco mondragon

Address: 2741 crown hill suite b Phone: 830-352-6186

City: eagle pass Fax: _____

State: tx Zip: 78852 E-mail: paco@bltexas.com

Signature: _____ Date: January 9, 2025

SURVEYOR:

Name: Smyth Surveyors, INC Contact: Mark Logrbrink

Address: 830- Phone: 830-591-0858

City: Knippa Fax: _____

State: TX Zip: 78870 E-mail: mark.texmtg@gmail.com

Signature: _____ Date: January 9, 2025

ENGINEER:

Name: Site & Street Engineers, LLC Contact: Kevin Hammond

Address: _____ Phone: 713-240-3404

City: Houston Fax: _____

State: TX Zip: 77059 E-mail: sitestreetebgubeers@gmail.com

Signature: _____ Date: January 9, 2025

PRINCIPAL CONTACT: XX Owner ____ Applicant ____ Surveyor ____ Engineer

All City communication regarding the subdivision will be directed only to the designated principal contact.

Office Use	Received _____ By _____ ☐ Complete ☐ Incomplete Case No. _____

STATEMENT OF APPLICANT

The information contained in this subdivision application contains true and accurate information provided to the best of my ability. I acknowledge that the City of Eagle Pass will use the information contained herein as the basis for the review of the subdivision application's conformance with the provisions of *City of Eagle Pass Code of Ordinances Chapter 23.*

I understand that the City of Eagle Pass may use third party engineering peer review services. I acknowledge and agree that I am responsible for the payment of services attributable to my project, and that the preliminary approval process or final approval process will not proceed until and unless I have provided payment for the aforementioned services.

Applicant Signature

1-9-25
Date

STATEMENT OF OWNER/SUBDIVIDER

I, the undersigned, hereby certify that: (1) I am the owner the land subject to this request for a subdivision; (2) I authorize _____ to act as my agent for all documents pertaining to this subdivision application; (3) the information contained in this subdivision application or accompanying information is true and correct; (4) I will advise the City in writing of any inaccurate, misleading or false statements in the subdivision application or accompanying information; (5) the City will be advised in writing of any change in ownership of the property that is the subject of this subdivision application provided the change of ownership occurs prior to the recording of the final approved plat, if any; and (6) I will liable to the City of Eagle Pass for the completion of all site improvements required by Section 23 of the City's Code of Ordnance until such time as such improvements, if any, shall have been actually completed and accepted by the city.

Owner / Subdivider Signature

Date

STATE OF TEXAS §

COUNTY OF _____ §

Before me, the undersigned authority, a notary public for the State of Texas, on this day personally appeared _____(Name),_____(Title) , known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office, this the _____ day of _____, 20_____.

Notary Public, State of Texas

Eagle Pass Port of Entry Industrial Park Lot 2
Invermex LLC
BOUNDARY SURVEY OF 10.000 ACRES, MORE OR LESS

COMPLETED MONTH DAY, 2025

Being a Boundary Survey of 10.000 Acres, more or less, lying in Maverick County, Texas, being out of and part of J. B. Roberts Survey 32, Abstract No. 794, and also being out of and part of that same tract called 29.62 acres described in conveyance document to Sesa Flourspar, Inc., recorded in Volume 244, Page 146 of the Maverick County Deed Records, Maverick County, Texas, said 10.000 acres tract being more particularly described by metes and bounds as follows: <<(The courses, distances, areas and any coordinates cited herein or shown on the corresponding survey plat conform to the Texas Coordinate System, North American Datum 1983, Texas South Central Zone.) (All corners called for as being set are marked on the ground with ½" rebar with plastic identification caps stamped "RPLS/6418" attached unless otherwise noted or shown.)>>

BEGINNING:

at a point whose Northing is 13440460.447 and whose Easting is 1486672.470 ;

N 5-46-3.000 W a distance of 20.000 ;

S 84-14-27.000 W a distance of 429.997 ;

S 4-48-19.000 E a distance of 35.353 ;

S 83-35-37.121 W a distance of 79.420 ;

S 83-35-47.383 W a distance of 513.633 ;

S 0-9-21.000 W a distance of 291.650 ;

S 29-59-60.000 E a distance of 60.780 ;

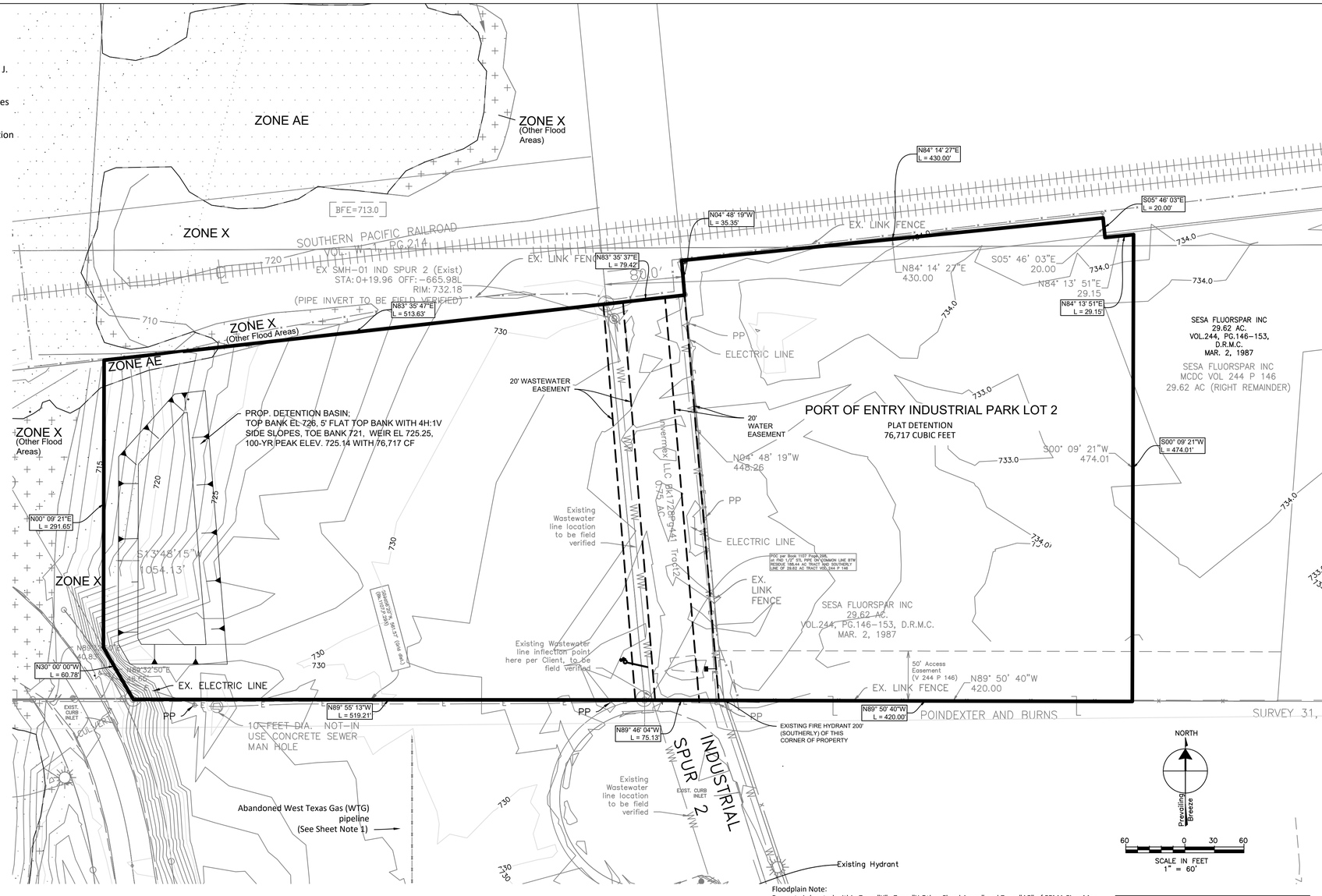
S 89-55-12.998 E a distance of 519.215 ;

S 89-46-4.441 E a distance of 75.132 ;

S 89-50-40.000 E a distance of 420.000 ;

N 0-9-21.000 E a distance of 474.010 ;

S 84-13-51.000 W a distance of 29.150 to the point of beginning.



STATE OF TEXAS)(
COUNTY OF MAVERICK)(

OWNER'S DEDICATION, CERTIFICATION, AND ATTESTATION

We,Invermex, LLC, as owners of Eagle Pass Port of Entry Industrial Park hereby dedicate to public use the street, and easements shown herein.

The Owner certifies that this plat complies with the requirements of Texas Local Government Code 212.032 and that:

(A) the water quality and connections to the lots meet. or will meet. the minimum state standards;
(B) sewer connections to the lots meet, or will meet, the minimum requirements of state standards;
(C) electrical connections provided to the lots meet, or will meet, the minimum state standards; and
(D) gas connections, if available, provided to the lots meet, or will meet, the minimum standards.

We attest that the matters asserted in this plat are true and complete.

_____
Invermex, LLC

STATE OF TEXAS)(
COUNTY OF MAVERICK)(

BEFORE ME, the undersigned notary public, on this day personally appeared, Invermex, LLC , proved to me through their Texas Department of Public Safety Driver licenses to be the person whose name is subscribed to the foregoing instrument, who being by me first known to me to be the person whose name is subscribed to the foregoing instrument, who being by me first duly sworn, declared that the statements therein are true and correct and acknowledged that the executed the same for the purposes and consideration thereby expressed.

Given under my hand and seal of office this ___ day of _____ , ___

_____
Signature Notary Public State of Texas

CITY OF EAGLE PASS CERTIFICATE OF PLAT APPROVAL

WE THE UNDERSIGNED CERTIFY that this plat of Eagle Pass Port of Entry Industrial Park Lot 2, was reviewed and approved by the Planning and Zoning Commission of the City of Eagle Pass on _____ , ____

_____ Date: _____
Chairman - City of Eagle Pass Planning and Zoning Commission

Given under my hand and seal of office this ___ day of _____ ,

_____
Signature Notary Public State of Texas

WE THE UNDERSIGNED CERTIFY that this final plat of Eagle Pass Port of Entry Industrial Park Lot 2, was reviewed and approved by the City Manager of the City of Eagle Pass on _____ , _____

_____ Date: _____
City Manager of the City of Eagle Pass

Given under my hand and seal of office this ___ day of _____ , _____

_____
Signature Notary Public State of Texas

WE, THE UNDERSIGNED , CERTIFY that Eagle Pass Port of Entry Industrial Park Lot 2, was reviewed and approved by the City Council of Eagle Pass on _____

_____ _____
Mayor of the City of Eagle Pass Date

Given under my hand and seal of office this _____ day of _____, 2025

_____
Signature Notary Public State of Texas

COUNTY CLERK'S RECORDING CERTIFICATE

I, _____, COUNTY CLERK OF MAVERICK COUNTY, certify that the plat bearing this certificate was filed for record at _____ o'clock _____M on _____, 2025, as was recorded in Envelope_____, Side_____ in the Map Records of Maverick County at _____ o'clock _____M on _____, 2025.

_____
Maverick County Clerk

STATE OF TEXAS)(
COUNTY OF MAVERICK)(

I, Mark E. Logrbrinck, RPLS, a Registered Professional Land Surveyor in Texas, hereby certify that the above plat and description Plat of Eagle Pass Port of Entry Industrial Park Lot 2 was prepared from a survey of the property made on the ground by me or under my supervision on _____.

_____
Mark E. Logrbrinck, RPLS
Registered Professional Land Surveyor, Texas No. 6418

Given under my hand and seal of office this ___ day of _____ , _____

_____
Signature Notary Public State of Texas

STATE OF TEXAS)(
COUNTY OF MAVERICK)(

I, Kevin Franklin Hammond, Registered Professional Engineer in the State of Texas (No. 98585) hereby certify that the water services and sewer services for this subdivision were designated in accordance with the requirements of the City of Eagle Pass, Texas and that these services will be connected to the public water and sewer utilities. That these services will be operated and maintained by the City of Eagle Pass; all shown on the drawings presented to, and approved by the City of Eagle Pass. These water designs are in compliance with the Model Rules adopted under Section 16.343 of the Texas Water Code and are operable at this time.

Kevin Franklin Hammond, PE
Registered Professional Engineer
Texas No. 98585

Given under my hand and seal of office this ___ day of _____ , _____

_____
Signature Notary Public State of Texas

SHEET NOTE:

1. Shown abandoned West Texas Gas (WTG) pipeline confirmed 01/03/22 with West Texas Gas's Supervisor of Right of Way (Tom Segulja, (432) 682-4349, x4102, tsegulja@westtexasgas.com) that:
   - Pipeline may not exist, it is not attached to WTG's system and it has no gas if the pipeline is found to be there.
   - Pipeline may be removed during construction.
   - WTG can be contacted to schedule site personnel to be present during construction in the area of the abandoned pipeline. Contact: Dustin Roberson (DRoberson@westtexasgas.com) or Harvey Pawelek (hpawelek@wtggas.com).

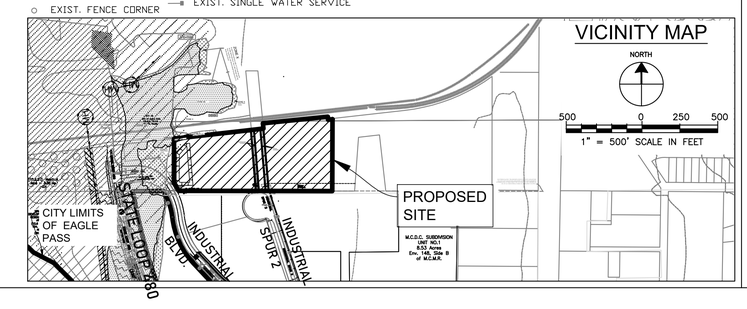
GENERAL NOTES:

1. There is one Industrial Lot.
2. Zoning Classification is Industrial.
3. Building shall be set back as required by the City of Eagle Pass Code of Ordinances Appendix A, shall be set back 50'.
4. All utility easements shall be kept clear of any obstruction that would interfere with the utilities.
5. All drainage easements shall be kept clear of any obstruction that would interfere with drainage of subdivision.
6. The subsequent re-platting or construction development of any lot will not be allowed unless approved by subdivision developer.
7. All lots within this subdivision shall be conveyed legal access to all easements, right-of-ways and subdivision detention facilities, including ponds.
8. Detention ponds will be constructed by the property owner at the time the lot is developed and will be constructed in accordance with the plans and specifications approved by the City of Eagle Pass.
9. This subdivision plat is located completely inside the city limits of Eagle Pass.
10. Each property owner is required to present a drainage plan and will issue a drainage easement with the consent of developer in order to adequately drain and control their watershed.

Floodplain Note:
Property is located within Zone "X", Zone "X Other Flood Areas" and Zone "AE" of FEMA Firm Map 48323C0434D made effective April 4, 2011. Only the northwest corner is within "AE" and "X Other Flood Areas", all else within "X". The designation of Zone "AE" means the area is within the 1% annual chance flood where for this northwest corner that base flood elevation is approximately 713. Zone "X" means the area lies outside the FEMA regulated 1% annual chance flood. Zone "X Other Flood Areas" means the area is within the 0.2% annual chance event area of 1% annual flood with average depths less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

Lot 2	911 Physical Address
10.000 AC	1814 Industrial Spur 2

SET 1/2" I.R.
FOUND 1/2" I.R.
EXIST. LUMINAIRE
EXIST. UTILITY POLE
EXIST. EASEMENT
EXIST. FENCE CORNER
EXIST. HYDRANT
EXIST. WATER LINE
EXIST. SANITARY LINE
EXIST. SANITARY MANHOLE
EXIST. SINGLE SANITARY SERVICE
EXIST. SINGLE WATER SERVICE
PROPOSED EASEMENT
PROPOSED SETBACK



REV.	REVISIONS	DATE
10		
9		
8		
7		
6		
5		
4		
3		
2		
1		

This document is released for the purpose of interim review under the authority of Kevin Hammond, P.E., 98585, on 02/07/2025. It is not to be used for construction, bidding, or permit purposes.

MASTER PLAN - EAGLE PASS PORT OF ENTRY INDUSTRIAL PARK

Invermex, LLC | Eagle Pass, Texas
Paco MonDragon | paco@bltexas.com
(830) 352-6186

SSE SITE & STREET ENGINEERS, LLC
M 713.240.3404 | E sitestreetengineers@gmail.com
TBPE Firm No. 16290

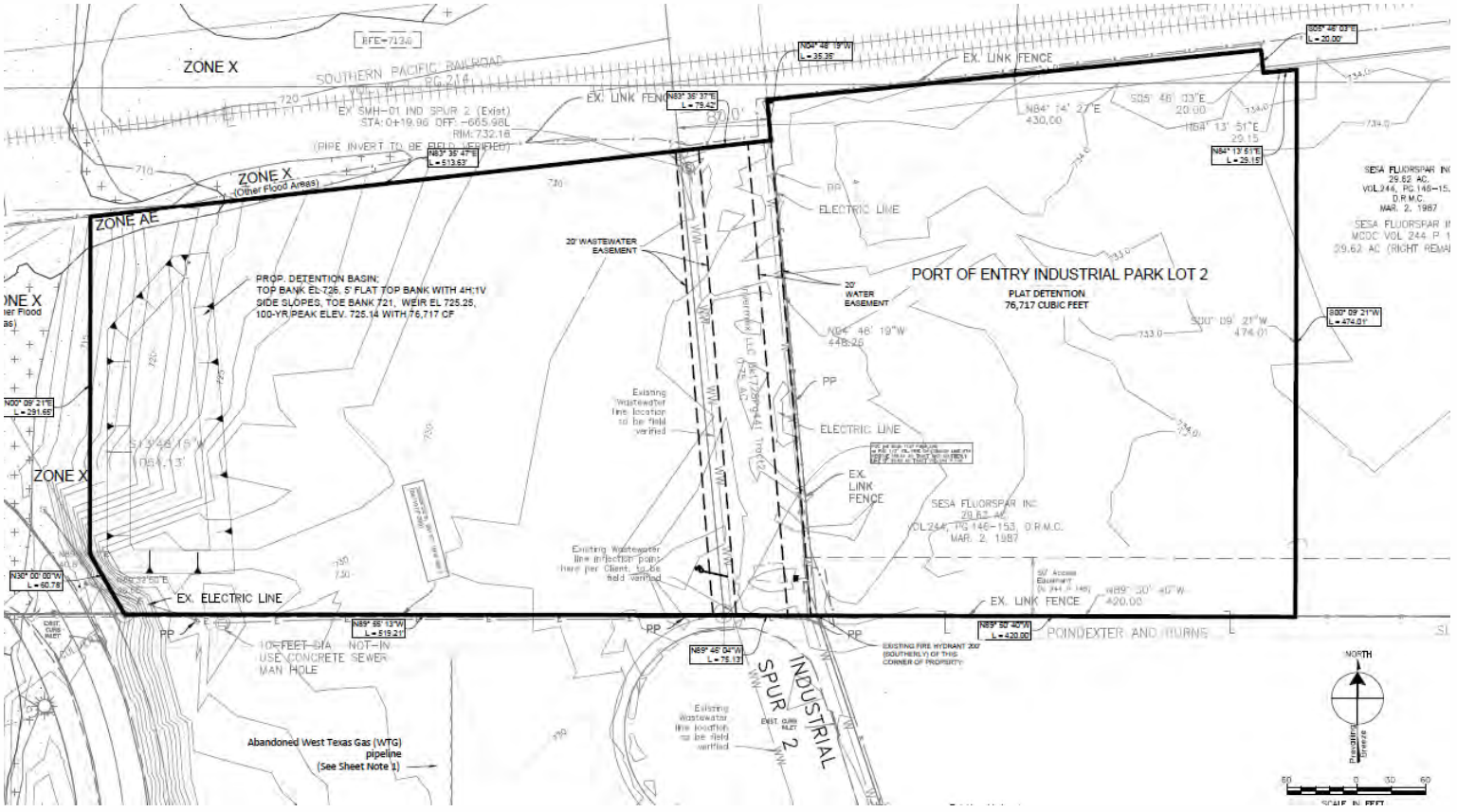
DATE OF PREPARATION FEBRUARY 1, 2025
FINAL/PRELIMINARY PLAT OF EAGLE PASS PORT OF ENTRY INDUSTRIAL PARK LOT 2

DRAWING NO.

SHEET NO. C1.0 | REV. -

S:\Site & Street Engineers\Projects\2024 03 21_Port Entry Unit 1 Lot 2\Dwgs\PROP_PP\PL2_02.01.25.dwg, 2/7/2025 8:18:29 PM, ANSI full bleed D (22.00 x 34.00 Inches), 1:1

VICINITY MAP
NORTH
500
0
250
500
1" = 500' SCALE IN FEET
PROPOSED SITE
CITY LIMITS OF EAGLE PASS
STATE LOOP
INDUSTRIAL BLVD.
INDUSTRIAL SPUR 2


ZONE X
SOUTHERN PACIFIC RAILROAD
EX. LINK FENCE
ZONE X (Other Flood Areas)
ZONE AE
ZONE X
PROP. DETENTION BASIN:
TOP BANK EL 726. 5' FLAT TOP BANK WITH 4H:1V SIDE SLOPES, TOE BANK 721, WEIR EL 725.25, 100-YR PEAK ELEV. 725.14 WITH 76,717 CF
20' WASTEWATER EASEMENT
20' WATER EASEMENT
ELECTRIC LINE
PORT OF ENTRY INDUSTRIAL PARK LOT 2
PLAT DETENTION 76,717 CUBIC FEET
SESA FLUORSPAR INC
EX. ELECTRIC LINE
EX. LINK FENCE
POINDEXTER AND BURNS
INDUSTRIAL SPUR 2
Abandoned West Texas Gas (WTG) pipeline (See Sheet Note 1)
NORTH

Aerial View

CBP US Customs
Commercial Entrance
S Monroe
Camino Real
International Bridge...
Maverick County
Dev Corporation
Sesa Fluorspar
Industrial Spur 2
Industrial Spur 2
Hamar Enterprises
Ward St
Ward St
Industrial Park Blvd
480

Industrial Road

Industrial Road

Attachment 2
Subdivision Variance Application

COMMUNITY DEVELOPMENT DEPARTMENT

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

SUBDIVISION VARIANCE APPLICATION

Applicant Information

Applicant (If not owner): Invermex, LLC

Address: 2741 Crown Hill Suite B

Phone: 830-352-6186 E-mail: paco@bltexas.com

Owner: Invermex, LLC

Address: 2741 Crown Hill Sutie B, Eagle Pass, TX 78852

Phone: 830-352-6186 E-mail: paco@bltexas.com

Property Information

Site Address: 1814 Industrial Spur 2 MCAD Property ID No. 9005977

Legal Description (from deed): _____

Description of Subdivision Variance Request

To proceed directly to final plat being that there is one lot only with all utilities in place

Detailed Explanation of Subdivision Variance Request

Please answer, on a separate sheet of paper if necessary, the following questions:

What are the special circumstances or conditions affecting the land involved such that the strict application of the provisions of the subdivision code would deprive the application of the reasonable use if their land?

One lot subdivision with all utilities in place

How is the variance necessary for the preservation and enjoyment a substantial property right of the applicant?

Save time in platting the property

Describe how the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

We are following the ordinance just saving time

Describe how the granting of the variance will not have the effect of preventing the orderly subdivision of the other land in the area in accordance with the provisions of the subdivision code.

We are following all the ordinance, all utilities are in place already.

Required Application Attachments

The following documentation is required to be attached to this application:

- A copy of a survey map prepared by a licensed surveyor.
- A copy of a 'run sheet' for the property detailing prior deed history, which can typically be obtained at a title company.

Applicant Authorization

I authorize the City of Eagle Pass to conduct any site visits necessary to evaluate this subdivision variance 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 subdivision variance request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions if a subdivision variance approval. I agree to provide any additional information requested by the City of Eagle Pass as they deem necessary for the processing of this application.

Applicant Signature

1-9-25

Date

Attachment 3
Final Engineering Report

Site & Street Engineers, LLC
Houston, TX 77059
TBPE Firm No. F-16290

January 18, 2025

Placido Madera
Planning Director
3295 Bob Rogers Drive
Eagle Pass, TX 78852

Re: Preliminary / Final Engineering Report for Eagle Pass Port of Entry Industrial Park Lot 2, 10.000 Acres

Introduction

The Proposed Lot 2 is 10.000 acres and to be platted as "Eagle Pass Port of Entry Industrial Park Lot 2" located in the Poindexter and Burns Survey 31, Abstract 785 in Maverick County, Texas.

At this point the developer is only platting the property and not submitting the full Construction plans as they are being processed by the appropriate individuals. A limited set of construction plan sheets have been provided to identify the storm drainage system, grading and utilities.

The site is located at the northern limits of Industrial Spur 2 off of Industrial Boulevard in the City of Eagle Pass. Existence of installed services on site, as identified in this report, per Invermex, LLC of Eagle Pass, TX.

Proposed Development

This plat will establish a 10.000 acre commercial lot being serviced by access from Industrial Spur 2 on the south edge of the tract.

Water Development

Water service to the property already exists given the existing commercial business found on the property. A 20' water easement will be provided as shown on the plat.

Sewer Development

Sanitary sewer service to the property already exists given the existing commercial business found on the property. A 20' sanitary sewer (waste water) easement will be provided as shown on the plat.

Street Development

No Street improvements are required for this plat, driveway access to the site is already available along the northern edge of the existing Industrial Spur 2 cul-de-sac.

Drainage Development

The eastern half of the property largely slopes in a southwesterly direction to the existing Industrial Spur 2 road right of way while a portion located in the middle slopes to the north to the Southern Pacific Railroad parcel. Elevations are from approximately 735 on the east side to 731.6 at the south and 730 on the north side.
The western half of the property slopes to the west side. Elevations are from approximately 733 on the east side to a low of 714 on the west side.
Industrial Spur 2 is an existing curbed asphalt roadway which slopes downhill in a north to south direction to the intersection with Industrial Boulevard. Offsite grading is generally from east to west heading towards the Rio Grande River floodplain along State Loop 480.

The subdivision is located within Zone "X" of FEMA Firm Map 48323C0434D in Maverick County, Texas and made effective April 4, 2011. The designation of Zone "X" means the property lies outside the FEMA regulated 1% annual chance flood zone.

The increase in storm water runoff from this subdivision will be mitigated by the development of a detention basin within the overall 10.0 acre site, anticipated on the far west side. Driveway access exists off the existing cul-de-sac, no site construction at this time. The detention basin will be part of a future to be submitted for permit construction plans along with the proposed east side tanker truck transfer facility development and west side warehouse making up the future proposed use for this site. The submitted Proposed Drainage Plan sheet shows the proposed detention basin, for analysis details refer to Stormwater Report.

Basins, when constructed, will be hydroseeded and fertilized on the slopes (top bank to toe) and along bottom of basin.

Electric Facilities

Electric service exists on the property via the over head line from AEP.

Gas Facilities

No gas infrastructure will be required for this project.

Telephone and Cable

Telephone and Cable service will be provided by AT&T as well as Time Warner Cable, and will serviced from the Right-of -Way of Industrial Spur 2. Per prior subdivision work and to be confirmed by subdivision owner (Invermex, LLC) it is understood no cable is placed in a subdivision until there is an order for such and there is no cost associated with the placement of cable since it is for a specific customer. By this same communication it is

understood the same procedure is done by Time Warner (or now Spectrum – cable provider).

Construction Estimate

There is no construction cost estimate required, as noted previously the proposed site development is not being constructed at this time.

Please feel free to contact me with any questions.

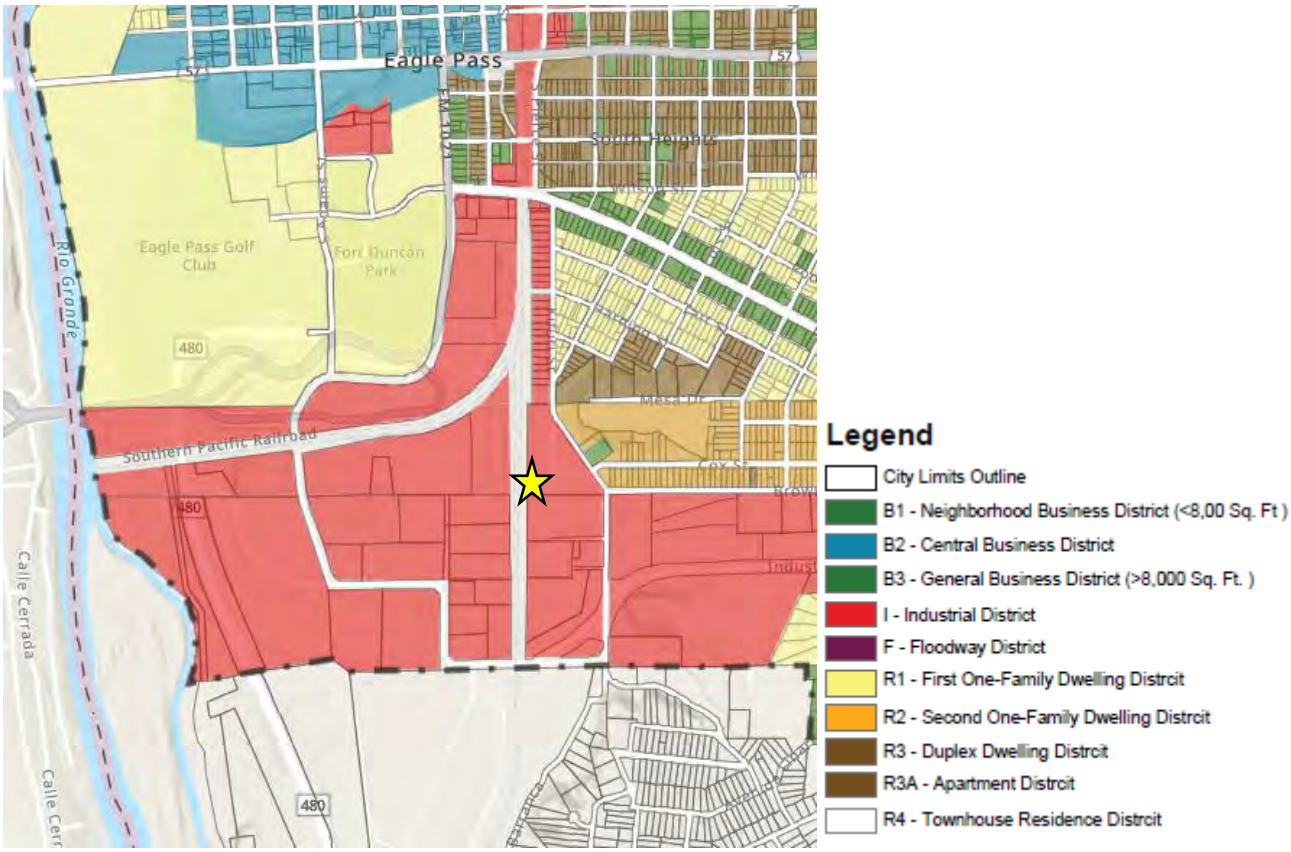
Sincerely,

Kevin Franklin Hammond
Registered Professional Engineer
Texas No. 98585
Site & Street Engineers, LLC
TBPE Firm No. 16290

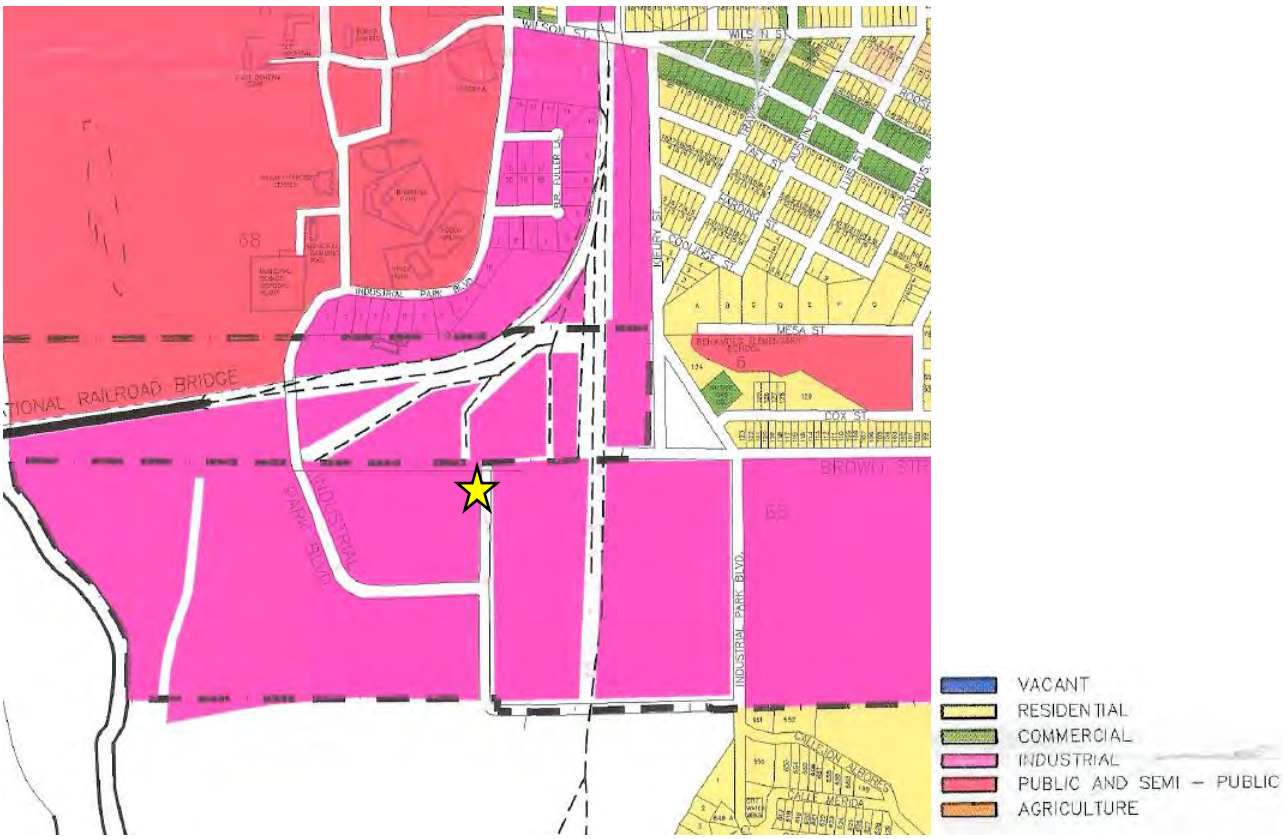
This document is released for the purpose of interim review under the authority of Kevin Hammond, P.E., 98585, on 01/18/2025. It is not to be used for construction, bidding, or permit purposes.

Attachment 4
Master Plan Map & Zoning District Map

Zoning Map



Master Plan Map



Item #5

Community Development Department Executive Summary Report

TO THE PLANNING AND ZONING COMMISSION

Plat Amendment of Lot 2, Block 1, Enchanted Ridge Subdivision Unit 4, and the Replat of Lot 1, Block 1, Enchanted Ridge Subdivision Unit 4

I. BACKGROUND

A. General Information

Applicant: Dirksen Engineering | 441 Fort Clark Rd, Ste B, Uvalde, Texas 78801

Property Owner: KO Storage of San Antonio | 103601 Wayzata, Minnetonka, MN 55305

Location: along the west side of North Veterans Boulevard between Cenizo Trail and Maria Del Refugio Street

Property ID Number: 60667, 8709802, 8709803, 8709804, and 8709805

Legal Description: Lot 2, Block 1, Enchanted Ridge Subdivision Unit 4, and the Replat of Lot 1, Block 1, Enchanted Ridge Subdivision Unit 4

Request: Approval of amending the setbacks to match existing conditions, including a sidewalk waiver to allow the installation of said improvement at the time of lot development.

B. Subject Property Information

Parcel Size: 6.642 acres

Topography: Generally flat

Vegetation: commercial landscape and native vegetation

Existing Use: Lot 2 is developed with 5 storage buildings and Lot 4 of the replat was developed with one storage building. The remaining lots are vacant and undeveloped.

Zoning: B-1 Neighborhood Business District

Master Plan: Public and Semi Public

C. Vicinity Data

The surrounding area is comprised of commercial developments.

D. Infrastructure

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

Access to the site is provided by Veterans Blvd, Maria Del Refugio Drive, and Cenizo Trail.

II. RECOMMENDED FINDINGS OF FACT

A. Conclusions

1. The applicant's request contains sufficient information for consideration by the Planning and Zoning Commission. Please refer to Attachment 1.

2. The *Master Plan* emphasizes the importance of maintaining the character of the City's and County's residential neighborhoods. The following is a summary of the applicable sections of the Master Plan to the amending plat:

   ✓ The subdivision is consistent with the *Land Use Development Goals* of the *Master Plan,* as the project is designed to provide for a building lot density that is consistent with the B-1 Neighborhood Business District. This design will allow for the continuing development of the community while retaining the neighborhood character and scale while providing utility services in the most efficient and equitable manner.

   ✓ The subdivision is consistent with the *Street Goal* of the *Master Plan*, as access to the site from Veterans, Cenizo Trail and Maria del Refugio has been designed to provide the residents of and visitors to Eagle Pass and Maverick County with a street system that will enable them to travel safely and conveniently.

   ✓ The subdivision is consistent with the *Thoroughfare Goals* of the *Master Plan*, as Maria Del Refugio, Veterans and Cenizo Trail has been designed to be part of a safe and efficient thoroughfare system.

   ✓ The subdivision is consistent with the *Storm Drainage Goals* of the *Master Plan*, as the recorded plat counts with detention.

3. The amending plat design is consistent with the commercial uses permitted in the B-1 Neighborhood Business District.

4. The amending plat is consistent with City design and specifications, as the project is designed to conform to the following sections of *Article IV* in *Eagle Pass Code of Ordinances Chapter 23*:

   ✓ Section 23-62 governing utility easements

   ✓ Section 23-64 governing sidewalks

   ✓ Section 23-66 governing sanitary sewage disposal

   ✓ Section 23-67 governing potable water supply and fire flow

   ✓ Section 23-68 governing storm drainage

   ✓ Section 23-69 governing the size of building lots, including lot width, lot depth, lot orientation, and building setback areas

   ✓ Section 23-71 governing the installation and inspection of utility lines

5. The amended plat will conform to the provisions of the *Master Plan* and the *Eagle Pass Code of Ordinances* by facilitating the following benefits:

   - Protect private rights while considering public health, safety, and welfare.

- Provide efficient and economical ways to move people and goods in the city by an adequate plan for streets and highways.
- Guide future development in an orderly manner, by stages according to a pattern, so that the City may have a balanced land use.
- Encourage a diverse economic base and encourage public and private investments in land and improvements.
- Prevent and eliminate blight and slums, making the City attractive to people, commerce, and industry.
- Create the desire for a more pleasing appearance of the City and incorporate into its physical development the basic principles of good design.
- Protect and preserve the identity of each neighborhood through use of the guidance provided by the *Master Plan* and the *Code of Ordinances*.
- Locate all land uses on the land best suited for their needs, arranged in such a way as to be mutually beneficial and functional, with ample area to meet long-term needs.
- Establish a proper relationship between open space, developed areas, building bulk, light, and air space, in all future development programs of land use.
- Encourage and abet the development of civic, cultural, and other public and quasi-public buildings in harmonious and functional groupings.

6. The amending plat will allow for the continued use of the property that is consistent with the commercial purpose of the B-1 Neighborhood Business District, as well as the surrounding area, for the following reasons:

   A. The subdivision design bears a substantial relationship to the public's health, safety, and welfare.

   B. The subdivision is in accordance with the policies of the *Master Plan* and the purpose of the B-1 Neighborhood Business District.

   C. The subject property is suitable for development in general conformance with development standards of the B-1 Neighborhood Business District.

   E. The subdivision will benefit the County as a whole and will not be detrimental to nearby land uses of a similar nature.

   F. The subsequent development will be designed and conditioned to comply with all applicable subdivision criteria and standards of the City of Eagle Pass.

7. The approval of the amending plat request is warranted, as the project conforms to the *City of Eagle Pass Master Plan* and the *City of Eagle Pass Code of Ordinances* as noted in Conclusion 1 through and including Conclusion 6 of this report.

B. <u>Community Development Department Recommendation</u>

The Planning and Zoning Commission (1) **DENY** the sidewalk waiver and require the sidewalk to be installed before plat recordation or 18 months after plat recordation and (2) **GRANT** approval of a plat amendment adjusting the front setback for Lot 2 in Block 1 of Enchanted Ridge Subdivision Unit 4 and the side setback for Lot 4 in Block 1 of the Enchanted Ridge Subdivision 4 Replat, thus to match the existing conditions.

TRANSMITTED to the parties listed hereafter:

Dirksen Engineering via e-mail
Planning and Zoning Commission via e-mail
Eagle Pass Planning Department Report dated February 1, 2025

Attachment 1
Application

PLANNING DEPARTMENT

3295 Bob Rogers Drive, Eagle Pass, Texas 78852 • Phone: (830) 773-778 • Fax: (830) 773-7803

SUBDIVISION APPLICATION

TYPE OF SUBDIVISION (check one):
○ Preliminary ○ Final ○ Replat ● Amendment ○ Short Form Final

Property Legal Description: Lot 2, Block 1 of the Enchanted Ridge Subdivision Unit 4, & Lots 1,2,3, & 4, Block 1 of the Replat of Lot 1, Block 1, Enchanted Ridge Subdivision Unit 4

Maverick County Property Identification Number(s): 60667, 8709802, 8709803, 8709804, 8709805

Name of Addition: Plat Amendment Enchanted Ridge Unit 4

Location of Addition: 2424 Cenizo Trail, & 2379 North Veterans Boulevard, Eagle Pass, Tx 78852

Number of Residential Lots: 0 Number of Commercial Lots: 5 Gross Acreage: 6.642 Acres

Number of New Street Intersections 0 Linear feet of Streets 0

Is Subdivision inside city limits? Yes ● No ○; If so, Zoning District: B-1 Neighborhood Business District

Existing Land Use: Commericial Proposed Land Use: Commericial

Requested Variances: Building Setbacks along Maria Del Refugio and Cenizo Trail to be 10 ft, Setback along interior lot lines to be 0 ft.

PROPERTY OWNER:

Name: KO Storage of San Antonio Contact: Andrew S Freeman

Address: 10301 Wayzata Blvd Phone: 952-491-0102

City: Minnetonka Fax:

State: MN Zip: 55305 E-mail:

Signature: Date: 1-20-2025

PROPERTY OWNER:

Name: Contact:

Address: Phone:

City: Fax:

State: Zip: E-mail:

Signature: Date:

APPLICANT/SUBDIVIDER:

Name: KO Storage of San Antonio

Contact: Andrew S Freeman

Address: 103601 Wayzata Blvd

Phone: 952-491-0102

City: Minnetonka

Fax:

State: MN Zip: 55305

E-mail:

Signature:

Date: 1-20-2025

SURVEYOR:

Name: Dirksen Engineering

Contact: Kenneth R Dirksen

Address: 441 Fort Clark Rd, Ste B

Phone: 830-278-2100

City: Uvalde

Fax: 830-278-2102

State: TX Zip: 78801

E-mail: kendirksen@sbcglobal.net

Signature:

Date: 01-20-2025

ENGINEER:

Name: Dirksen Engineering

Contact: Kenneth R Dirksen

Address: 441 Fort Clark Rd, Ste B

Phone: 830-278-2100

City: Uvalde

Fax: 830-278-2102

State: TX Zip: 78801

E-mail: kendirksen@sbcglobal.net

Signature:

Date: 01-20-2025

PRINCIPAL CONTACT: ○ Owner ○ Applicant ○ Surveyor ● Engineer

All City communication regarding the subdivision will be directed only to the designated principal contact.

STATEMENT OF APPLICANT

The information contained in this subdivision application contains true and accurate information provided to the best of my ability. I acknowledge that the City of Eagle Pass will use the information contained herein as the basis for the review of the subdivision application's conformance with the provisions of *City of Eagle Pass Code of Ordinances Chapter 23.*

I understand that the City of Eagle Pass may use third party engineering peer review services. I acknowledge and agree that I am responsible for the payment of services attributable to my project, and that the preliminary approval process or final approval process will not proceed until and unless I have provided payment for the aforementioned services.

Applicant Signature

1-20-2025

Date

STATEMENT OF OWNER/SUBDIVIDER

I, the undersigned, hereby certify that: (1) I am the owner the land subject to this request for a subdivision; (2) I authorize Kenneth R Dirksen to act as my agent for all documents pertaining to this subdivision application; (3) the information contained in this subdivision application or accompanying information is true and correct; (4) I will advise the City in writing of any inaccurate, misleading or false statements in the subdivision application or accompanying information; (5) the City will be advised in writing of any change in ownership of the property that is the subject of this subdivision application provided the change of ownership occurs prior to the recording of the final approved plat, if any; and (6) I will liable to the City of Eagle Pass for the completion of all site improvements required by Section 23 of the City's Code of Ordnance until such time as such improvements, if any, shall have been actually completed and accepted by the city.

Owner / Subdivider Signature

1-20-2025
Date

STATE OF ~~TEXAS~~ Minnesota §

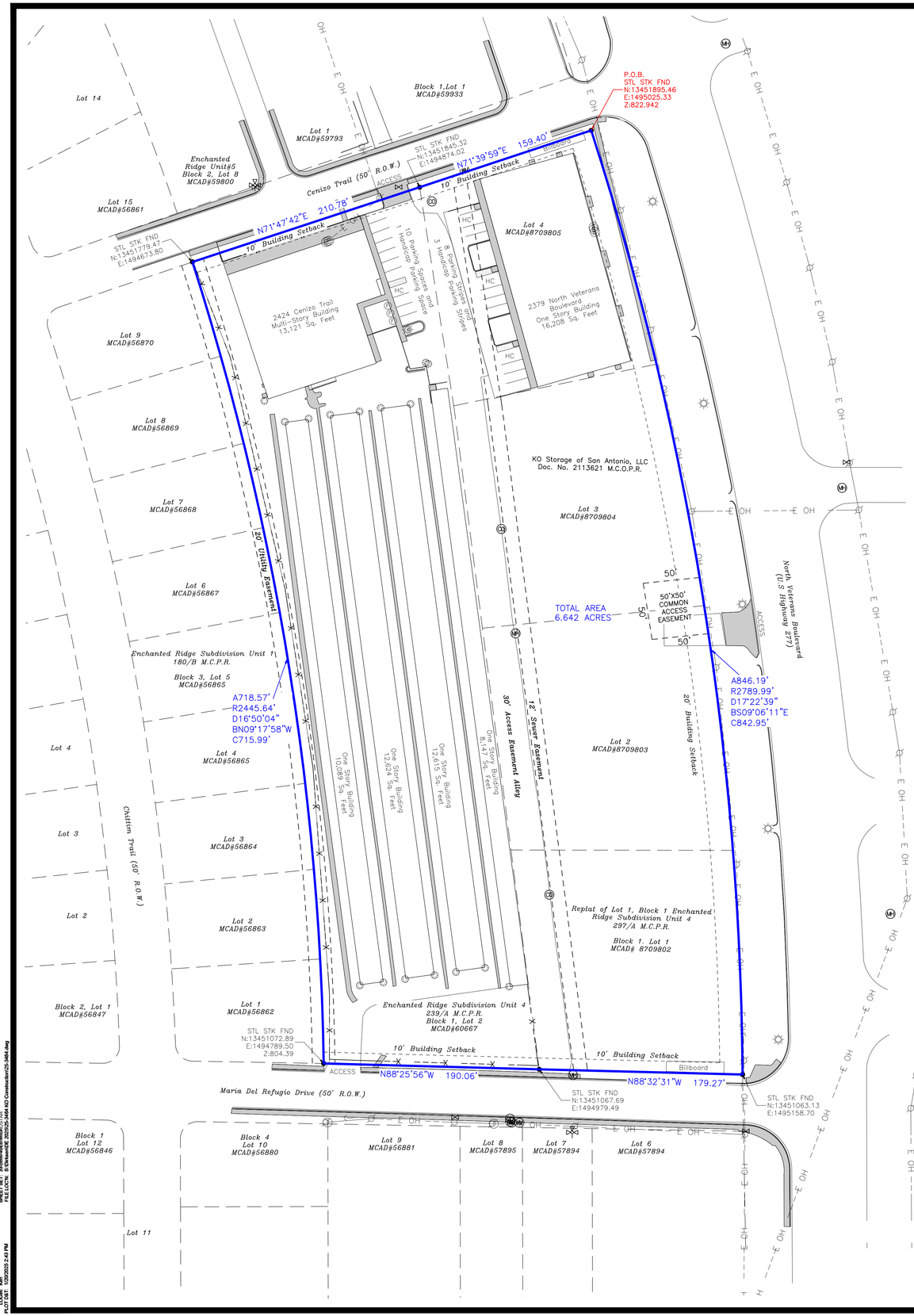
COUNTY OF Hennepin §

Before me, the undersigned authority, a notary public for the State of ~~Texas~~ MN, on this day personally appeared Andrew Freeman (Name), Owner (Title), known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office, this the 20 day of January, 20 25.

Notary Public, State of ~~Texas~~ Minnesota

COURTNEY ALEXANDRA MARSHALLA
NOTARY PUBLIC
MINNESOTA
My Commission Expires January 31, 2027



Plat Amendment of Enchanted Ridge Subdivision Unit 4, Block 1, Lot 1 and Replat of Lot 1, Block 1, Enchanted Ridge Subdivision Unit 4

KO Storage of San Antonio, LP

FIELD NOTES FOR A 6.642 ACRES BOUNDARY SURVEY COMPLETED ON NOVEMBER 5, 2024

Being 6.642 acres, composed of Lot 2, Block 1 of the Enchanted Ridge Subdivision Unit 4, as shown on Envelope 239, Side A and Lots 1, 2, 3, and 4, Block 1 of the Replat of Lot 1, Block 1, Enchanted Ridge Subdivision Unit 4, as shown on Envelope 297, Slide A of the Maverick County Plat Records and being the same tract described in conveyance document to KO Storage of San Antonio, LLC, recorded in Document Number 2113621 of the Maverick County Official Public Records, Maverick County, Texas and being further described by metes and bounds as follows:

BEGINNING at a steel stake found (S.P.C. N:13451895.46, E:1495025.33) in the southwest intersection of Cenizo Trail with North Veterans Boulevard, United States Highway 277, for the northeast corner of the herein described tract;

THENCE Southeasterly with the west line of North Veterans Boulevard with a curve to the right, having a radius of 2789.99 feet, chord S 09°06'11" E, 842.95 feet, delta angle 17°22'39" for an arc length of 846.19 feet to a steel stake found at the northwest intersection of Maria Del Refugio Drive with North Veterans Boulevard for the southeast corner of the herein described tract;

THENCE With the north line of Maria Del Refugio Drive for the following two (2) calls;
1. N 88°32'31" W, 179.27 feet to a steel stake found;
2. N 88°25'56" W, 190.06 feet to a steel stake found at the southeast corner of Lot 1, Block 3 of the Enchanted Ridge Subdivision Unit 1, recorded in Envelope 180, Side B of the Maverick County Plat Records for the southwest corner of the herein described tract;

THENCE Northwesterly with the east line of Block 3 of the Enchanted Ridge Subdivision Unit 1 with a curve to the left having a radius of 2445.64 feet, chord N 09°17'58" W, 715.99 feet, delta angle 16°50'04" for an arc length of 718.57 feet to a steel stake found in the south line of Cenizo Trail for the northwest corner of the herein described tract;

THENCE With the south line of Cenizo Trail for the following two (2) calls;
1. N 71°47'42" E, 210.78 feet to a steel stake found;
2. N 71°39'59" E, 159.40 feet to the **POINT OF BEGINNING** containing 6.642 acres of land within the herein described boundary as surveyed by Dirksen Engineering on November 5, 2024.

STATE OF TEXAS)(
COUNTY OF MAVERICK)(

OWNER'S DEDICATION, CERTIFICATION, AND ATTESTATION

THE OWNERS OF THE LAND SHOWN ON THIS SUBDIVISION PLAT AND WHOSE NAME IS SUBSCRIBED HERETO AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY AND DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL STREETS, PARKS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND THE SAME ARE DEDICATED TO THE CITY OF EAGLE PASS.
THE OWNER CERTIFIES THAT THIS PLAT COMPLIES WITH THE REQUIREMENTS OF TEXAS LOCAL GOVERNMENT CODE 212.032 AND THAT:
(A) THE WATER QUALITY AND SERVICE TO THE LOTS MEET, OR WILL MEET, THE STATE STANDARDS;
(B) SANITARY SEWER SERVICE TO THE LOTS MEET OR WILL MEET STATE STANDARDS;
(C) ELECTRIC SERVICE PROVIDED TO THE LOTS MEET, OR WILL MEET, THE STATE STANDARDS
(D) GAS SERVICE PROVIDED TO THE LOTS MEET, OR WILL MEET, MINIMUM STANDARDS.
THE OWNER ATTESTS THAT THE MATTERS ASSERTED IN THIS PLAT ARE TRUE AND COMPLETE.

KO Storage of San Antonio, LLC

SIGNATURE : _____

Andrew Freeman - It's Manager

STATE OF TEXAS)(
COUNTY OF MAVERICK)(
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____ BY Andrew S. Freeman ON BEHALF OF SAID KO Storage of San Antonio, LP.

_____

SIGNATURE NOTARY PUBLIC STATE OF TEXAS MY COMMISSION EXPIRES ON: _____

PLANNING & ZONING COMMISSION CERTIFICATION:

THIS Plat Amendment of Enchanted Ridge Subdivision Unit 4, Block 1, Lot 1 and Replat of Lot 1, Block 1, Enchanted Ridge Subdivision Unit 4 WAS PRESENTED TO THE PLANNING AND ZONING COMMISSION AND APPROVED ON _____, 20_____, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF EAGLE PASS, TEXAS. SIGNED THIS ____ DAY OF _____, 20____.

CHAIRMAN_____

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ___ DAY OF _____, ____

_____

SIGNATURE NOTARY PUBLIC STATE OF TEXAS MY COMMISSION EXPIRES ON: _____

NOTES:
1. This plat amends the plat of Enchanted Ridge Subdivision Unit No. 4, Block 1, Lot 2 previously recorded in Envelope 239, Side A and the Replat of Lot 1, Block 1, Enchanted Ridge Unit 4 recorded in Envelope 297, Side A of the Maverick County Map Records, Maverick County, Texas.
2. No deed restrictions and/or covenants apply tot the original plats or this plat amendment.
3. There are 4 lots, average 1.328 acres/lot, no streets, no intersections. Zoning is B-1 Neighborhood Business District.
4. Lots have 20 feet wide front yard setback and 10 feet wide side setback along streets. No internal side yard setback are required by variance approved with this plat amendment. All building setbacks shown on previous plats are vacated for the lots shown on this plat amendment.
5. The subdivision shown on this plat is outside Special Flood Hazard Areas (SFHAS) subject to inundation by the 1% annual chance flood as shown on Flood Insurance Rate Map Number 48323C0451D for City of Eagle Pass dated April 4, 2011.

ENGINEER AND SURVEYOR CERTIFICATION:

STATE OF TEXAS
COUNTY OF UVALDE
I CERTIFY THAT THE WATER AND WASTEWATER SERVICE FACILITIES DESCRIBED IN THE FINAL ENGINEERING REPORT ATTACHED HERETO ARE IN COMPLIANCE WITH THE MODEL SUBDIVISION RULES ADOPTED UNDER § 16.343, TEXAS WATER CODE.

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY CONDUCTED ON MAY 9, 2023 UNDER MY SUPERVISION ON THE GROUND AND THE MONUMENTS SHOWN ARE WITHIN THE POSITIONAL TOLERANCE REQUIRED BY 22 TAC § 663.15.

_____

KENNETH R. DIRKSEN, P.E. 82628, R.P.L.S. 6260
DIRKSEN ENGINEERING PROJECT 25-3484

STATE OF TEXAS REGISTERED KENNETH R. DIRKSEN 6260 PROFESSIONAL LAND SURVEYOR

STATE OF TEXAS KENNETH R. DIRKSEN 82628 REGISTERED PROFESSIONAL ENGINEER

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE __ DAY OF_____, OF _____ BY KENNETH R. DIRKSEN, P.E.

_____

SIGNATURE NOTARY PUBLIC
STATE OF TEXAS MY COMMISSION EXPIRES ON:_____

COUNTY CLERK'S RECORDING CERTIFICATE

I, _____, COUNTY CLERK OF MAVERICK COUNTY, CERTIFY THAT THE PLAT BEARING THIS CERTIFICATE WAS FILED FOR RECORD AT _____ O'CLOCK __M. ON _____, _____ AND WAS RECORDED IN ENVELOPE ____, SIDE __ IN THE MAP RECORDS OF MAVERICK COUNTY AT _____ O'CLOCK __M. ON _____, ____.

_____

MAVERICK COUNTY CLERK

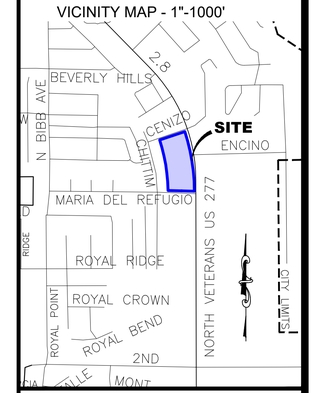
0 50 100 150

PREVAILING WIND NAD83 TXSC 4204

LEGEND

- FOUND STAKE
- SET STAKE
- BOUNDARY LINE
- DEED LINE
- PLAT LINE
- EASEMENT LINE
- SETBACK LINE
- FENCE LINE
- OH ELEC./POWER POLE
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- SANITARY SEWER MANHOLE
- SANITARY SEWER CLEANOUT
- CONCRETE BOLLARD
- GAS METER
- ELECTRIC METER POLE
- LUMINAIRE
- TELE PEDESTAL
- SIGN
- GUY WIRE
- CONCRETE

VICINITY MAP - 1"-1000'



THESE DRAWINGS ARE THE PROPERTY OF DIRKSEN ENGINEERING AND SHALL NOT BE USED ON OTHER WORK WITHOUT THEIR APPROVAL. IF THIS SHEET DOES NOT MEASURE 24"X36" IT HAS BEEN MODIFIED. COPYRIGHT 2025.

FIRM NAME & ADDRESS
DIRKSEN ENGINEERING
UVALDE EAGLE PASS
TBPE FIRM #F-8848, TBPLS FIRM #10193741
441 FORT CLARK RD., STE. B, UVALDE, TX - 78801
PH: (830) 278-2100, FAX: (830) 278-2102
EMAIL: KENDIRKSEN@SBCGLOBAL.NET
WEBSITE: WWW.DIRKENG.COM

PROJECT# 25-3484

PROJECT NAME & ADDRESS

PLAT AMENDMENT
ENCHANTED RIDGE
UNIT 4
EAGLE PASS, TEXAS

SHEET TITLE

Plat Amendment

PERFORMED FOR
KO STORAGE OF
SAN ANTONIO, LLC
10301 Wayzata Rd
Minnetoka, MN 55305

JANUARY 16, 2025

SHEET
C1
OF 1 SHEETS

DES'D : KRD
DRAWN : KRD
APPV'D : KRD
DATE : 2025-01-16

PER STYLE: DRI.dib
PLOT SCALE: 1:1 (Millimeters)
FILE LOCN: E:\Drawings\DE 2025\25-3484 KO Construction\25-3484.dwg
LOGIN: ken
PLOT DAT: 05/09/25 2:43 PM

Plat Zoomed In

P.O.B.
STL STK FND
N:13451895.46
E:1495025.33
Z:822.942

Block 1,Lot 1
MCAD#59933

Lot 1
MCAD#59793

Enchanted Ridge Unit#5
Block 2, Lot 8
MCAD#59800

Lot 15
MCAD#56861

Cenizo Trail (50' R.O.W.)

STL STK FND
N:13451845.32
E:1494874.02

N71°39'59"E 159.40'

10' Building Setback

N71°47'42"E 210.78'

10' Building Setback

STL STK FND
N:13451779.47
E:1494673.80

Billboard

ACCESS

2424 Cenizo Trail
Multi-Story Building
13,121 Sq. Feet

10 Parking Spaces and
1 Handicap Parking Space

8 Parking Stripes and
3 Handicap Parking Stripes

HC

Lot 4
MCAD#8709805

2379 North Veterans
Boulevard
One Story Building
16,208 Sq. Feet

Lot 9
MCAD#56870

Lot 8
MCAD#56869

Lot 7
MCAD#56868

Lot 6
MCAD#56867

20' Utility Easement

KO Storage of San Antonio, LLC
Doc. No. 2113621 M.C.O.P.R.

Lot 3
MCAD#8709804

50'X50'
COMMON
ACCESS
EASEMENT

TOTAL AREA
6.642 ACRES

North Veterans Boulevard
(U.S Highway 277)

Enchanted Ridge Subdivision Unit 1
180/B M.C.P.R.

Block 3, Lot 5
MCAD#56865

A718.57'
R2445.64'
D16°50'04"
BN09°17'58"W
C715.99'

A846.19'
R2789.99'
D17°22'39"
BS09°06'11"E
C842.95'

Lot 4
MCAD#56865

Lot 3
MCAD#56864

Chittim Trail (50' R.O.W.)

One Story Building
10,089 Sq. Feet

One Story Building
12,624 Sq. Feet

One Story Building
12,615 Sq. Feet

One Story Building
8,147 Sq. Feet

30' Access Easement Alley

12' Sewer Easement

20' Building Setback

Lot 2
MCAD#8709803

Lot 2
MCAD#56863

Replat of Lot 1, Block 1 Enchanted
Ridge Subdivision Unit 4
297/A M.C.P.R.

Block 1. Lot 1
MCAD# 8709802

Lot 1
MCAD#56862

Enchanted Ridge Subdivision Unit 4
239/A M.C.P.R.
Block 1, Lot 2
MCAD#60667

STL STK FND
N:13451072.89
E:1494789.50
Z:804.39

10' Building Setback

10' Building Setback

ACCESS

N88°25'56"W 190.06'

N88°32'31"W 179.27'

Billboard

STL STK FND
N:13451067.69
E:1494979.49

STL STK FND
N:13451063.13
E:1495158.70

Maria Del Refugio Drive (50' R.O.W.)

Block 4
Lot 10
MCAD#56880

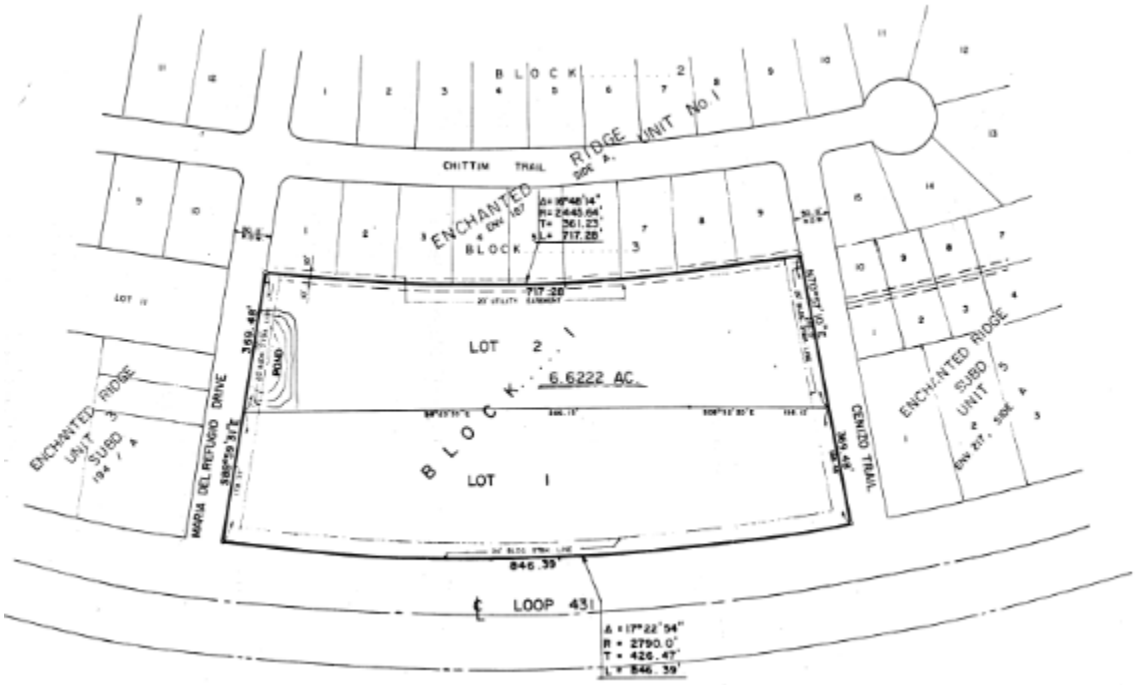
Lot 9
MCAD#56881

Lot 8
MCAD#57895

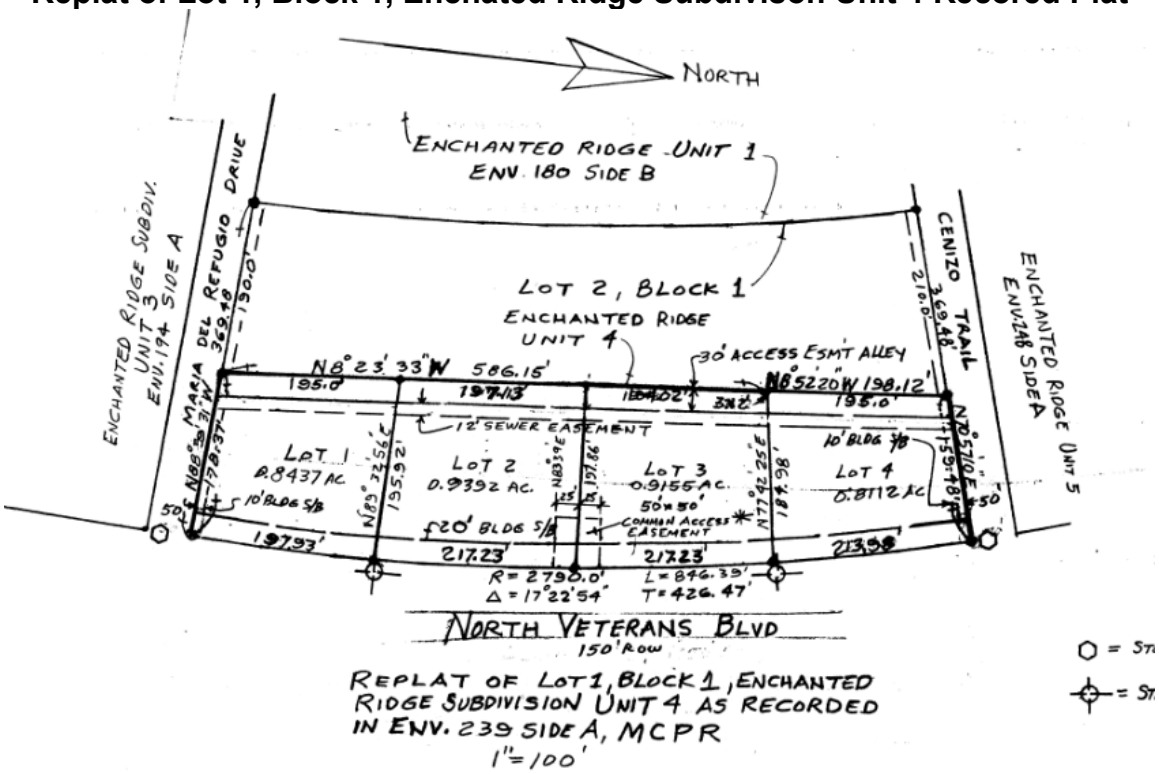
Lot 7
MCAD#57894

Lot 6
MCAD#57894

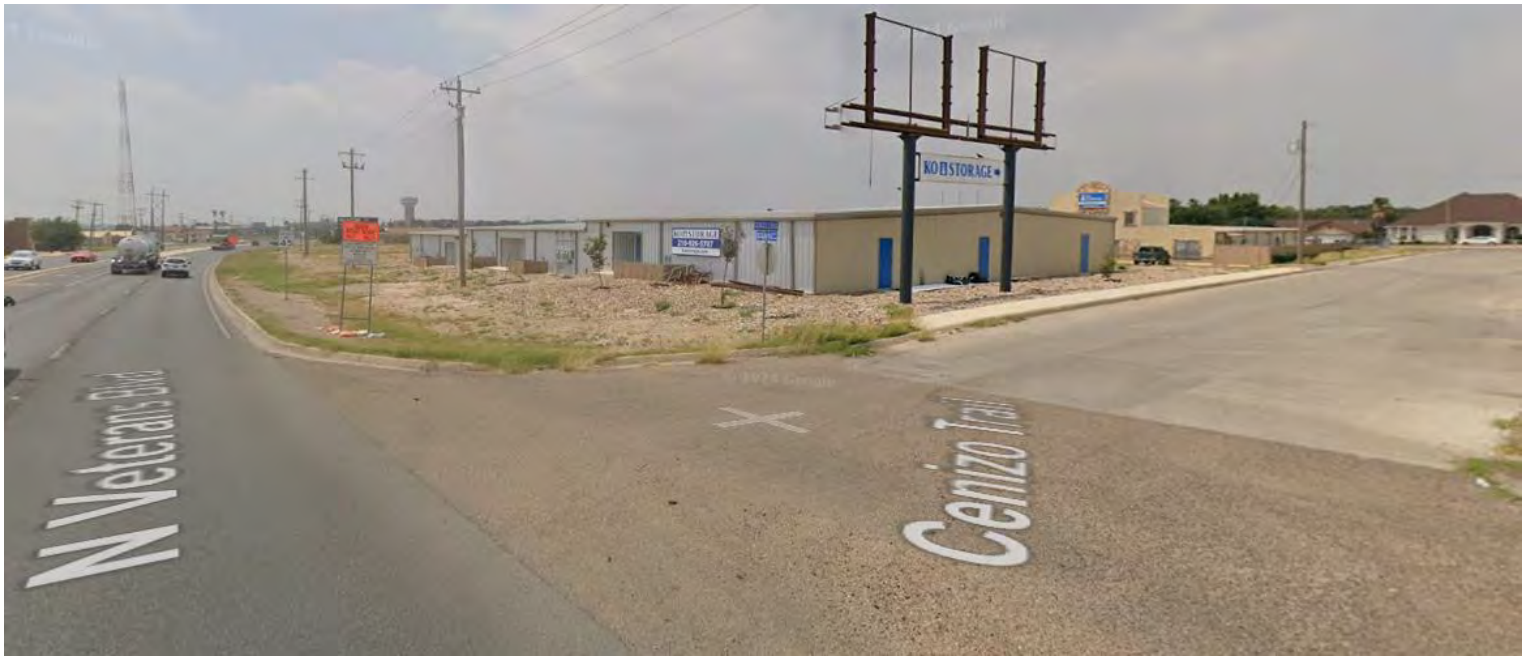
Enchanted Rige Subdivison Unit 4 Recorded Plat

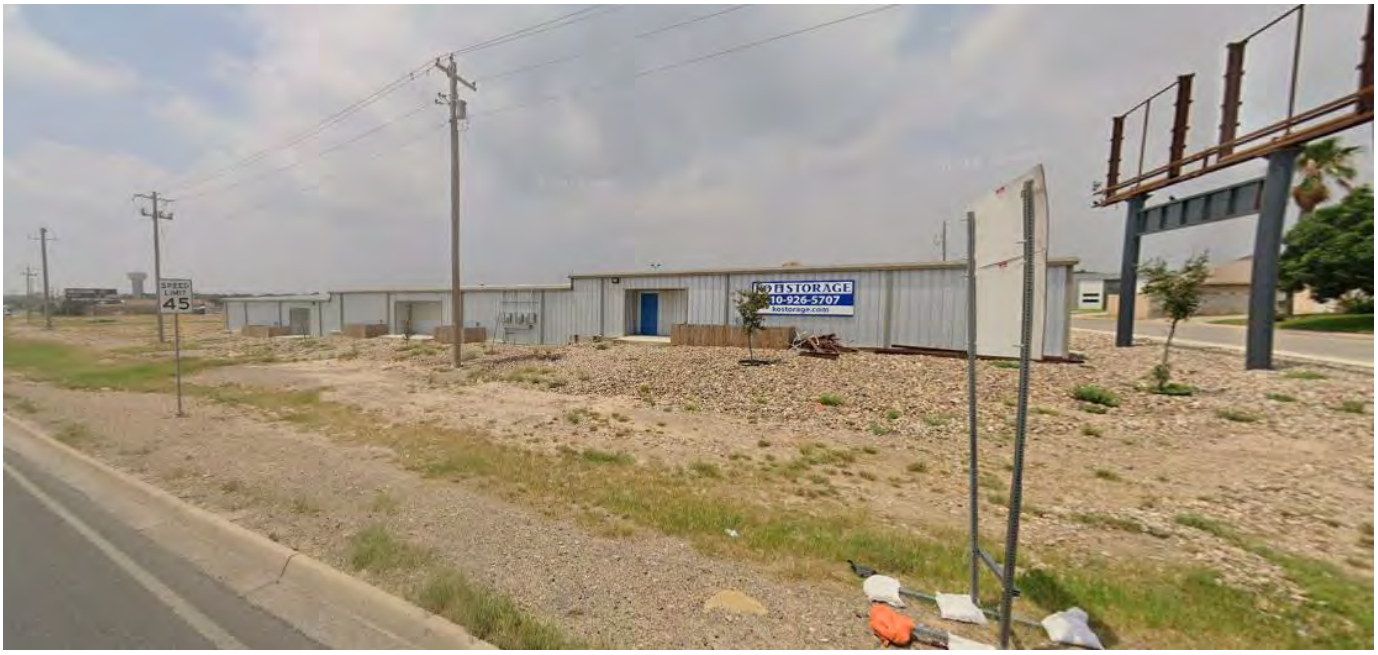


Replat of Lot 1, Block 1, Enchated Ridge Subdivison Unit 4 Recored Plat



Site Photos


N Veterans Blvd
Cenizo Trail


SPEED LIMIT
45
STORAGE
10-926-5707

Attachment 2
Engineering Report

Dirksen Engineering

441 Fort Clark Rd
Uvalde, TX 78801
TBPE FIRM #F-8848
TBPLS FIRM #10193741

Phone: 830-278-2100
Fax: 830-278-2102
Cell: (830) 279-9447
kendirksen@sbcglobal.net

January 20, 2025

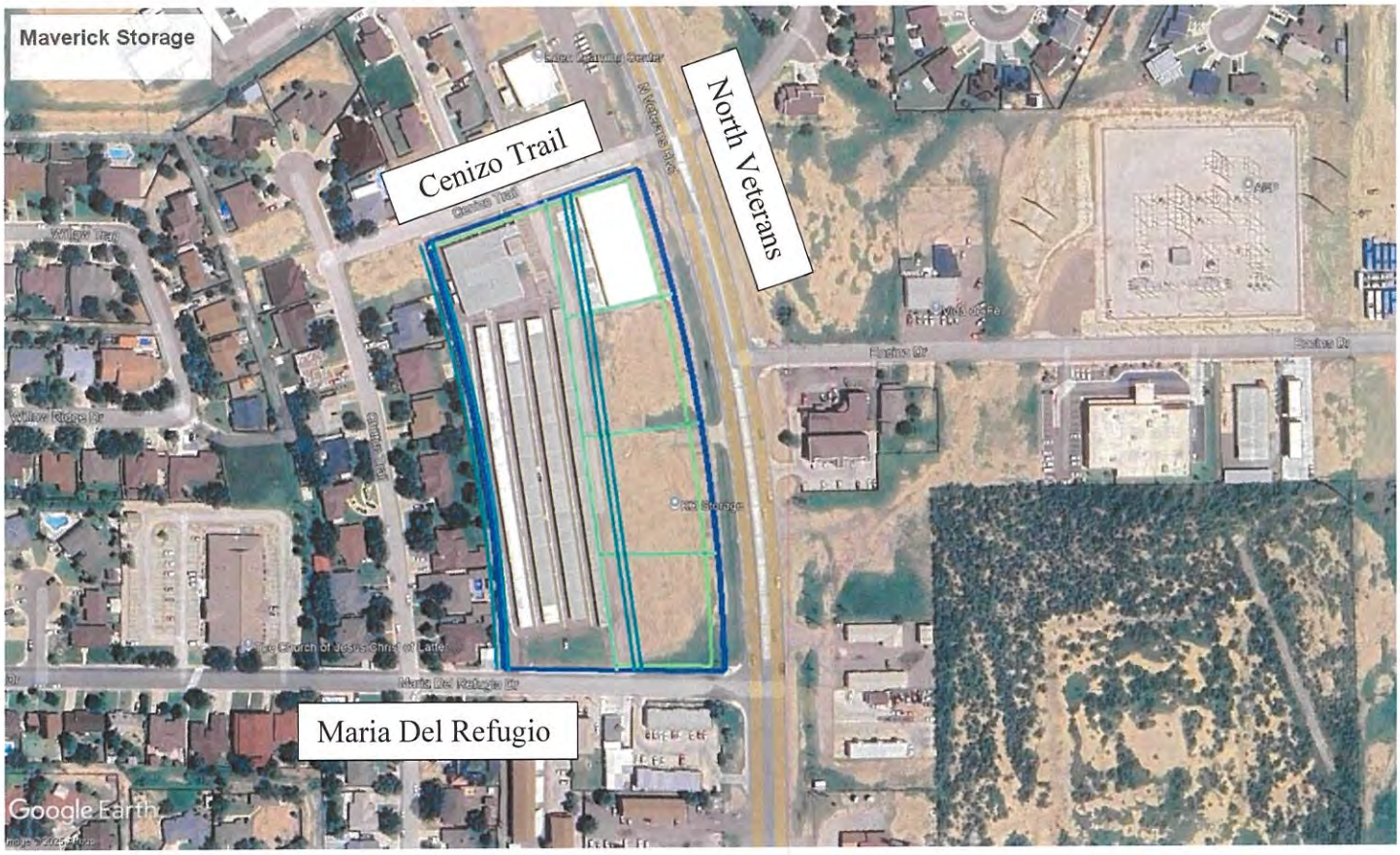
Placido Madera
Planning Director City of Eagle Pass
3295 Bob Rogers Drive
Eagle Pass, Tx 78852

Re: Plat Amendment of Enchanted Ridge Subdivision Unit 4, Block 1

To Whom It May Concern:

Introduction:

The Plat Amendment of Enchanted Ridge Subdivision Unit 4, Block 1, Lot 1 and Replat of Lot 1, Block 1, Enchanted Ridge Subdivision, Unit 4 is located along the west side of North Veterans Blvd between Cenizo Trail and Maria Del Refugio. The land is partially developed as storage buildings with three lots vacant along North Veterans Blvd. The land is within the corporate boundary of the City of Eagle Pass and is Zoned B-1 Neighborhood Business. The MCAD Tax ID's are 60667, 8709802, 8709803, 8709804, 8709805.



Development
The is part of the Enchanted Ridge subdivisions. The land was originally platted as Lots 1 and 2, Block 1 Enchanted Ridge Unit 4. Lot 1 was re-plated into 4 lots while Lot 2 was developed with 5 storage buildings. Lot 4 of the replat was developed with one storage building. The remaining Lots 1 – 3 are vacant.

This Plat Amendment is being processed to officially change setbacks to match existing conditions. Additional changes to the setback are being requested by variance.

Street Development
Access to this property is from North Veterans Blvd, Maria del Refugio and Cenizo Trail. Access to Lots 2 and 3 are by a shared access easement along North Veterans Blvd.

Sidewalk is developed along Cenizo Trail and Maria del Refugio along the developed lots. Not additional sidewalk is proposed for this plat amendment.

Water and Sanitary Sewer Development
No changes to water and sanitary sewer are proposed for this plat amendment.

Drainage Development

Drainage from this site is toward North Veteran Blvd. No changes to land use and drainage are proposed by this plat amendment.

Electric Facilities, Telephone and Cable Television

Electric service is provided by AEP. No changes are proposed by this plat amendment.

Telephone and Cable Television service may be provided by ATT and Spectrum.

Gas Service
Gas Service is provided for use by Texas State Natural Gas. No changes are proposed by this plat amendment.

Construction Cost

No additional public improvements will be constructed by this plat amendment.

Your review of this plat application is greatly appreciated. Contact me for discussion and questions.

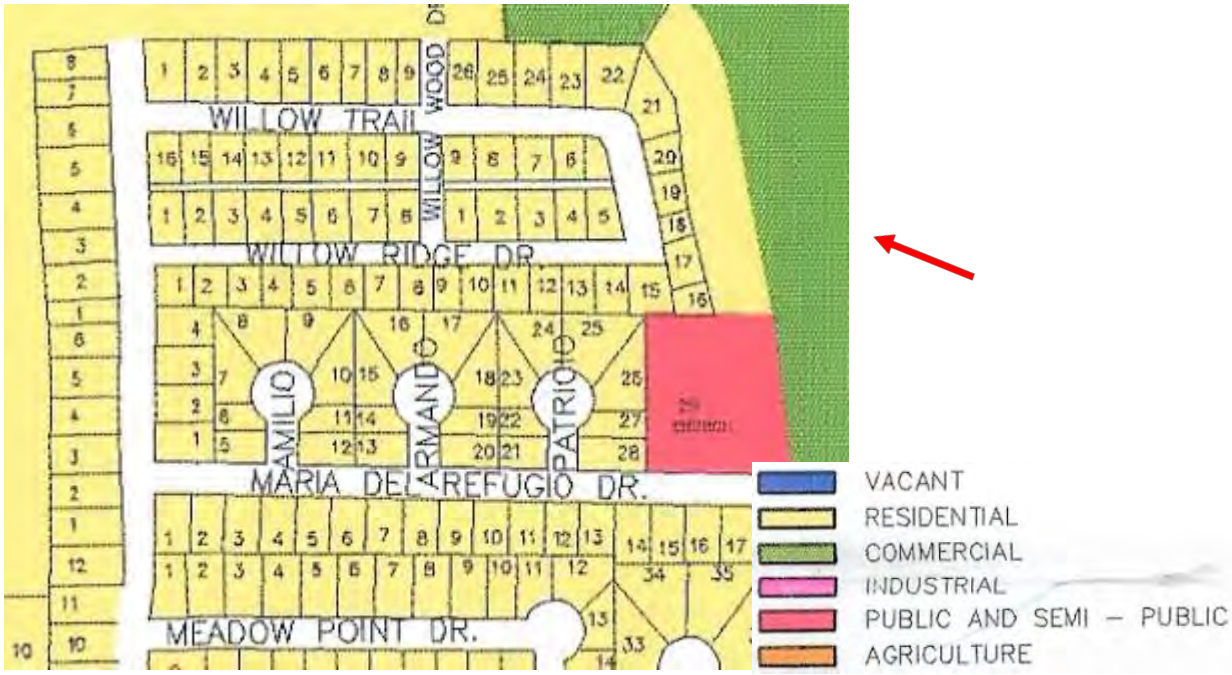
Sincerely,

Kenneth R. Dirksen, P. E.

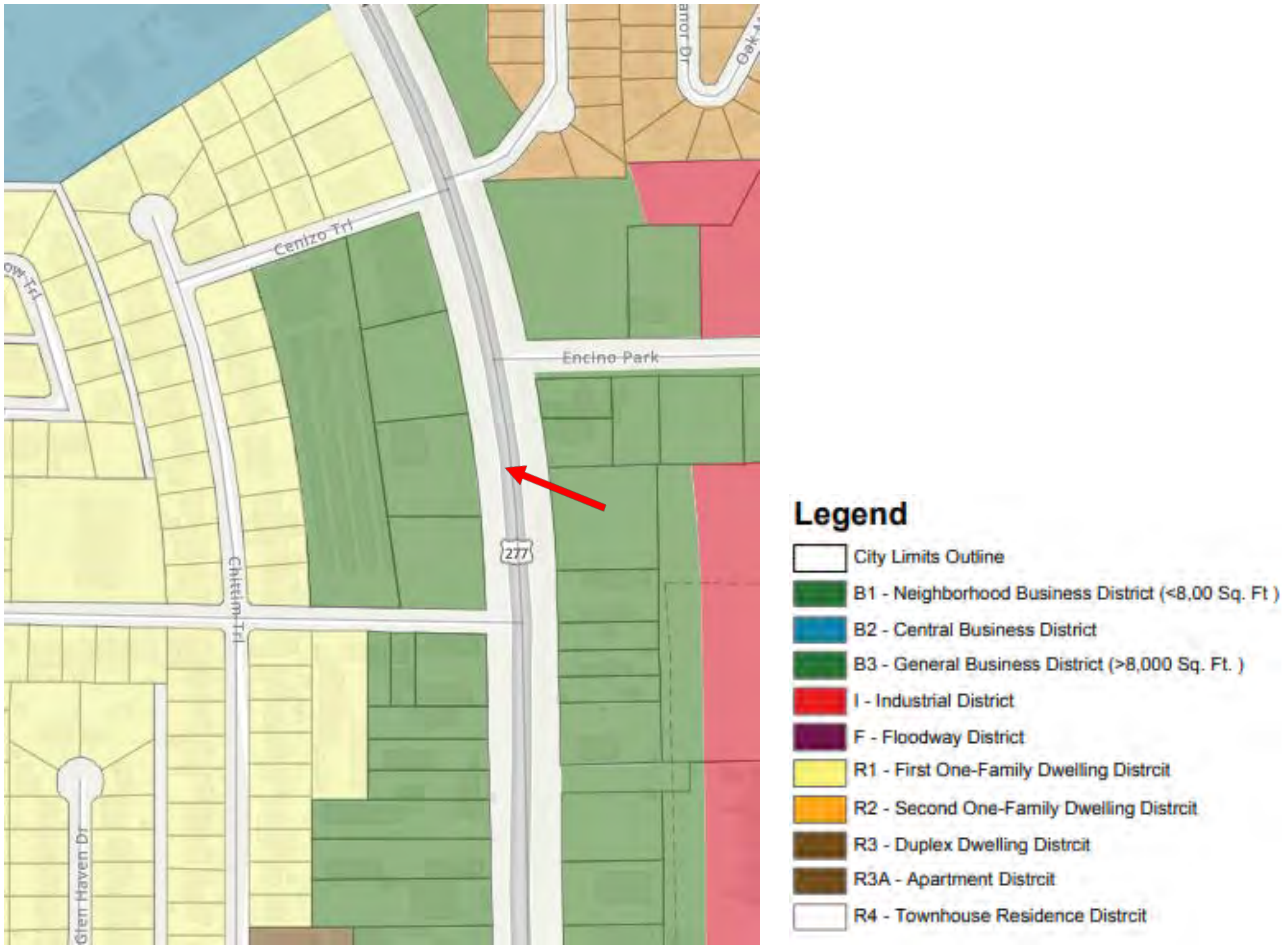
STATE OF TEXAS
KENNETH R. DIRKSEN
82628
LICENSED
PROFESSIONAL ENGINEER

Attachment 3
Mater Plan Map and Zoning Map

Master Plan Map



Zoning Map



Item #6

City of Eagle Pass
Community Development Department
Fee Schedule

Type	Current Fee	Proposed Fee	City of McAllen	City of Seguin	City of Shertz	City of Laredo
CUP - New	$100	300	$300	NA	Ranges from $650 to $6000 depending on acreage	$400
CUP – Renewal	$0	$50	$150			
Special Use Permit		$200		$400	$$650 – 6,000 depends on acreage total	$400
Subdivision - Residential-Filing fee	$200 + $10/lot	$200 + $25/lot	$300 + $25/lot	$500 + $50/acre		$400
Subdivision-Commercial/Industrial	$200 + $150/acre		$400 + $150/acre	$500 + $50/acre		
Subdivision – Replat	$150 + $10/lot	$300	$300	$500 + $5/lot		
Sidewalk Waiver when granted		4-foot: $20/ linear foot 5-foot: $25/ lf 6-foot: $30/lf		4-foot: $20/ linear foot 5-foot: $25/ lf 6-foot: $30/lf		
Subdivision Variance	$0	$150	$250	$400 requires public hearing		
Plat exception - SVA		$100	$50			
Subdivision Plat Amendment	$50	$200	$300	$500	$1,500	$200
Subdivision Short Form	$					
Plat Time Extension		$150			$250	$300
Street Name Change		NA			$1,500	
Master Plan		$300 $150 - Amend			$1,500 Amendment: $500	
Rezone Application Fee	$150	$400	$500	$500	0-2 acres $650 5-20 $2000 20.01-50 $3,500	Less than 1 acre $300 x residential & $350 x comm/Ind 1 to 5 acres $350 x residential &

						$400 x Comm/Ind; Over 5 acres $500 + $75 per acre x e acre over 5 acres
ZBAA Application Fee	$100		$300	$400		$300
Annexation Fee	$100		$425		$750	$700
Zoning Verification Letter	$0		$25	$50		
Site Plan Review	$0		$350	Less than 1 acre $350: 1-5 acres $500; anything larger than 5.01 acres $750	$1,500 Amended $500	
Tree Removal						
Tree Mitigation				$200 + $5/ acre		$100
Parkland Dedication Fee				• Dedication Fee: $400 per residential unit • Development Fee: $800 per proposed residential unit	Residential: Land dedication: 1 acre / 100 dwelling unit Fee inLieu of land dedication: per dwelling unit $350; park Development Fee: per dwelling unit $650	

Item #7

Sec. 23-25. Preliminary plat.

(a) *General provisions.* The subdivider shall cause to be prepared a preliminary plat along with a preliminary engineering report. The preliminary engineering report shall discuss the availability and methodology of providing water facilities and wastewater treatment to individual lots in the subdivision in addition it will include proposed street and drainage improvements, contain preliminary estimates of the costs of providing the improvements, and list the improvements that the subdivider anticipates will not have been constructed at the time final plat approval is requested. Where individual wells are proposed for the supply of drinking water to residences, the preliminary engineering report shall include the quantitative and qualitative results of sampling the test wells in accordance with § 364.32 of the Model Subdivision Rules. Where private on-site sewerage facilities are proposed, the preliminary engineering report shall include planning materials required by 30 TAC § 285.4(c), including the site evaluation described by 30 TAC § 285.30 and all other information required by the county's OSSF order. The documents must be prepared by a registered professional licensed engineer in accordance with the provisions of this chapter. Said preliminary plat shall cover all of the tract intended to be developed, at any time, even though it is intended by the subdivider or subdividers to file plats and install improvements for parts of said tract by sections or units.

(b) *Filing fees.* Expenses of processing plats and other materials are substantial; therefore, payment to the city shall be made to offset administrative costs. A preliminary plat shall be accompanied by a filing fee of two hundred dollars ($200.00) per plat, plus ten dollars ($10.00) per single-family residential lot, plus one hundred fifty dollars ($150.00) per acre and decimal fraction thereof for nonsingle-family lots. No action by the planning commission shall be valid until the filing fee has been paid. This fee shall not be refunded should the subdivider fail to make formal application for final plat approval; or should the preliminary and/or final plat be disapproved.

(c) *Time for filing and copies required.* The subdivider shall submit ten (10) blue or black line copies of the preliminary plat with the city manager at least ten (10) working days prior to the date at which formal application for the preliminary plat approval is made by the subdivider to the planning commission. Within this period of time, the Subdivision Review Team of the City of Eagle Pass shall review the submitted materials and provide a written response to the subdivider prior to formal application suggesting modifications to the proposal to ensure conformity with current city requirements.

(d) *Formal application.* Formal application for preliminary plat approval shall be made by the subdivider in writing to the commission at an official meeting.

(e) *Replatting without vacating a previous plat.* In addition to the procedures set forth in this article, any preliminary replat submitted by a subdivider shall be replatted in accordance with the conditions and procedures set forth in section 23-46 hereof for the approval of final plats.

(f) *Form and content.* The preliminary plat shall be computer-drawn on sheets twenty-four (24) inches wide and thirty-six (36) inches long, with a binding margin of not less than two (2) inches on the left side of the sheet and margins on the other three (3) sides of not less than one-half (½) inch. The preliminary plat shall be drawn to a scale of one hundred (100) feet to one (1) inch. When more than one (1) sheet is necessary to accommodate the entire area, an index sheet identifying the subdivision, subdivider, the engineer, and showing the entire

subdivision at an appropriate scale shall be attached to the preliminary plat as the first sheet. The preliminary plat shall show the following:

(1) The date of preparation, scale of plat, north arrow, and direction of prevailing breeze.

(2) Vicinity sketch or map at a scale of not more than four hundred (400) feet to one (1) inch, which shall show existing subdivisions, streets, easements, rights-of-way, parks and public facilities, and tracts of acreage in the vicinity, the general drainage plan and ultimate destination of water, and possible storm sewer, water, gas, electric and sanitary sewer connections by arrows.

(3) The names and addresses of the following:

a. All record owners of the land; provided, however, that (1) if the plat deals with an already developed, but unrecorded subdivision, then in that instance, such plat shall list on its face, or on an attachment thereto, the name of each owner, by block and lot number, if appropriate, who authorizes the presentment, and ultimate recordation, of the plat, and (2) such plat shall also contain the name of each owner by lot and block number, if appropriate, who does not agree to such presentment, and ultimate recordation, and that owner's property shall be expressly noted on the plat as being "excepted."

b. The subdivider.

c. The engineer.

d. The surveyor.

(4) The proposed name of the subdivision, which shall not have the same spelling, nor a similar pronunciation, to the name of any other subdivision located within the city, or within five (5) miles of the corporate limits of the city.

(5) The name or names of contiguous subdivisions and the name or names of owners of contiguous parcels of unsubdivided land, an indication of whether or not contiguous properties are platted, and ownership in regard to the property immediately adjacent or across bounding streets on all sides for a distance of not less than two hundred (200) feet.

(6) Any zoning district affecting the area being platted and/or any proposed changes in zoning for which application was made and ownership in regard to the property immediately adjacent or across bounding streets on all sides for a distance of not less than two hundred (200) feet.

(7) The description of the subdivision boundary lines by metes and bounds. This shall be a definite legal description and identification of the tract being subdivided. This description shall be sufficient for the requirements of title examination and shall tie-in by bearings and distance to a known survey corner. The plat shall be a descriptive diagram to scale and shall show by reference, if applicable, that the subdivision is a particular portion or part of a previously filed plat or an original grant, which diagram and description shall be shown as being included in the subdivision, at least, all of the smallest unit of the last filed subdivision, plat, or grant, out of which the instant subdivision is divided, or so much thereof as is owned by the subdivider.

(8) The primary control points or description, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred.

(9) The computed acreage of the subdivision and the subdivision boundary lines indicated by a heavy line equivalent to a No. 5 Payzant pen, which lines shall be tied by dimension to the established centerline of all existing boundary streets.

(10) The existing sites as follows:

a. The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within or adjacent to the subdivision intersecting or contiguous with its boundaries or forming such boundaries, with the name of all subdivisions in which they are located.

b. The exact location, dimensions, description and name of all existing or recorded lots and blocks (designated by number), parks, public areas, permanent structures, and other sites within or contiguous with the subdivision.

c. The exact location, dimensions, description and flow line of existing watercourses and drainage structures within the subdivision or on contiguous tracts.

d. The exact location of existing sewer, water and gas mains and other public utilities, if any.

(11) The exact location, dimensions, descriptions and name of all proposed streets, alleys, the general plan, drainage structures, parks, other public areas, reservations, easements, or other rights-of-way, blocks and lots lettered or numbered consecutively, all lot and block corners and permanent survey monuments being shown, and other sites within the subdivision.

a. All lots shall conform to section 23-69 of this chapter.

b. The names of all proposed streets shall conform to the existing streets of which they may become extensions, or otherwise shall not duplicate or conflict with the recognized name of any other street located in the area subject to these regulations.

c. The actual width of all streets shall be shown, measured at right angles or radially, where curved. All principle lines shall have the bearing given and deviation from the norm indicated.

d. The exact location and designation, with proper dimensions, of all streets, alleys, parks and other areas intended to be dedicated on the plat to the public use.

e. Proposed general plan for storm water drainage sufficiently detailed to indicate the location of drainage ditches or structures and the direction of flow.

(12) The topographical information shall include contour lines on a basis of five (5) vertical feet in terrain with a slope of sixteen (16) percent or more, and on a basis of two (2) vertical feet in terrain with a slope of less than sixteen (16) percent.

(13) The accurate dimensions, both linear and angular, of all items on the plat. The boundary survey on the site shall close within one in ten thousand (10,000) and the plat for record shall so show. The linear dimensions shall be expressed in feet and decimals of a foot. The angular dimensions may be shown by bearings. Curved boundaries shall be fully described and all essential information given. Circular curves shall be defined by actual length of a radius and not the degree of curve. Complete dimensional data shall be given on fractional lots.

(14) Front building setback lines on all lots and sites. Side yard building setback lines at street intersections and crosswalk ways. In no event shall these setbacks be less than required for the present and/or intended zoning classification, as set forth in the Zoning Ordinance of the City of Eagle Pass.

(15) Location of city limits line, in relation to the proposed subdivision, measured in a straight line from the nearest points in the city limits, the outer border of the city's extraterritorial jurisdiction, and zoning district boundaries, if they traverse the subdivision or form part of the boundary of the subdivision or area contiguous to such boundary.

(16) A copy of the proposed and/or pre-existing restrictive covenants, if any, for the subdivision. For residential subdivisions, include the following restrictive covenants: "No more than one (1) single family detached dwelling shall be located on each lot."

(17) One (1) of the following:

a. Certification that the preliminary plat has been reviewed by and conforms to the requirements of the school district, the gas, electricity, water, telephone, and television cable companies, and the postal authorities. In addition, for subdivisions outside of the city limits of Eagle Pass, the subdivider shall provide certification that the plat has been reviewed by the county inspector and the sheriff's department.

b. Certification by the subdivider that the agencies mentioned above were given at least ten (10) working days to review the proposed preliminary plat. This certification shall be in letter form and shall include the name, title, address and telephone number of the person to whom the subdivider delivered the preliminary plat for review.

(g) *Processing of the preliminary plat.*

(1) Prior to formal application to the planning commission by the subdivider, the city manager shall check the preliminary plat as to its conformity with the Eagle Pass Master Development Plan, major street plan, land use plan, zoning districts, and the standards and specifications set forth herein or referred to herein.

(2) The city manager shall submit copies of the preliminary plat to the following for review and comment:

a. The water works system;

b. The city chief building official;

c. The director of parks and recreation;

d. The director of public works.

e. The sanitary sewer division the water works system.

f. The fire chief;

g. The city attorney.

The city manager may submit copies of the preliminary plat to others for review, if he deems it necessary.

(3) At the official meeting of the planning and zoning commission during which the subdivider makes formal written application for review of the preliminary plat by said body, the city manager shall submit to the commission a copy of the preliminary plat

and data with his suggestions as to modifications, additions or alterations of such preliminary plat and data. The formal filing of the preliminary plat shall not be deemed a filing with the planning commission for the purpose of the time limits established by Local Government Code § 212.009.

(4) Within thirty (30) days after the preliminary plat is formally submitted to the commission, the commission shall render a preliminary decision thereon. Said preliminary decision may be one (1) of the following:

a. Conditional approval, with the provision that if no final plat of the subdivision, or a portion thereof, has been filed with the commission within a period of six (6) months from the date of conditional approval, such conditional approval shall become null and void unless an extension of time is applied for and granted by the commission. Upon approval, a subdivision inspection fee in the amount of three (3) percent of the estimated costs included as part of the engineering report.

b. Conditional disapproval.

c. Conditional approval with modifications, which shall be considered to be the approval of a preliminary plat or preliminary replat subject to conformity with prescribed conditions, but shall be deemed to be a conditional disapproval of such preliminary plat or preliminary replat until such conditions are complied with. All objections made to the preliminary plat, or conditions imposed, shall be furnished to the subdivider in writing.

Conditional approval of a preliminary plat by the commission shall be deemed an expression of approval of the layouts submitted on the preliminary plat as a guide to the installation of streets, water, sewer and other required improvements and utilities and to the preparation of the final or record plat. Conditional approval or preliminary plats shall not constitute approval of the final plat, automatic or otherwise.

Said conditional approval of a preliminary plat shall be effective for a period of six (6) months unless, prior to the expiration date, said preliminary plat is reviewed again by the commission in light of new or significant information which would necessitate a revision of the preliminary plat. If such action is necessary, said commission shall provide the subdivider with written notification. If all conditions imposed have not been met within this six-month period, the conditionally approved preliminary plat shall be considered disapproved.

(5) If said preliminary plat is conditionally disapproved or conditionally approved with modifications, the commission shall inform the subdivider, in writing, of the reasons at the time such action is taken.

(6) The preliminary action of the planning and zoning commission shall be noted on three (3) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider, one (1) copy retained by the planning and zoning commission, and the other copy shall be forwarded to the city manager by the chairman of the planning and zoning commission to be filed with the city secretary.

(Ord. No. 05-22, § 1, 8-2-2005; Ord. No. 07-18, § 1, 9-4-2007)

HOUSE BILL 3699

AN ACT

relating to municipal regulation of subdivisions and approval of subdivision plans or plats.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 212.001(2) and (3), Local Government Code, are amended to read as follows:

(2) [~~"Plan" means a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan.~~

[~~(3)~~] "Plat" includes a preliminary plat, [~~general plan,~~] final plat, and replat.

SECTION 2. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0015 to read as follows:

Sec. 212.0015. CONSTRUCTION OF SUBCHAPTER. This subchapter may not be construed to restrict a municipality from establishing a submittal calendar to be used by an applicant to facilitate compliance with the approval process described by Sections 212.009, 212.0091, 212.0093, and 212.0095.

SECTION 3. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0021 to read as follows:

Sec. 212.0021. SUBDIVISION REQUIREMENTS. The governing body of a municipality, by ordinance and after notice is published in a newspaper of general circulation in the municipality, may:

(1) adopt, based on the amount and kind of travel over each street or road in a subdivision, reasonable specifications relating to the construction of each street or road; and

(2) adopt reasonable specifications to provide adequate drainage for each street or road in a subdivision in accordance with standard engineering practices.

SECTION 4. Section 212.004, Local Government Code, is amended by amending Subsections (a) and (b) and adding Subsections (f) and (g) to read as follows:

(a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to public use [~~or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts~~] must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

(b) To be recorded, the plat must:

(1) describe the subdivision by metes and bounds;

(2) locate the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part; and

(3) state the dimensions of the subdivision and of each street, alley, square, park, or other part of the tract intended by the owner of the tract to be dedicated to public use [~~or for the use of purchasers or owners of lots fronting on or adjacent~~

~~to the street, alley, square, park, or other part~~].

(f) A plat is considered filed on the date the applicant submits the plat, along with a completed plat application and the application fees and other requirements prescribed by or under this subchapter, to:

(1) the governing body of the municipality; or

(2) the municipal authority responsible for approving plats.

(g) The governing body of a municipality or the municipal authority responsible for approving plats may not require an analysis, study, document, agreement, or similar requirement to be included in or as part of an application for a plat, development permit, or subdivision of land that is not explicitly allowed by state law.

SECTION 5. Section 212.005, Local Government Code, is amended to read as follows:

Sec. 212.005. APPROVAL BY MUNICIPALITY REQUIRED. (a) The municipal authority responsible for approving plats must approve a plat or replat that is required to be prepared under this subchapter and that satisfies the requirements of this subchapter [~~all applicable regulations~~].

(b) This subchapter may not be construed to convey any authority to a municipality regarding the completeness of an application or the approval of a plat or replat that is not explicitly granted by this subchapter.

SECTION 6. Sections 212.0065(a) and (c), Local Government Code, are amended to read as follows:

(a) The governing body of a municipality or the municipal planning commission may delegate to one or more officers or employees of the municipality or of a utility owned or operated by the municipality the ability to approve, approve with conditions, or disapprove a plat [~~:~~

[~~(1) amending plats described by Section 212.016;~~

[~~(2) minor plats or replats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; or~~

[~~(3) a replat under Section 212.0145 that does not require the creation of any new street or the extension of municipal facilities~~].

(c) An applicant has the right to appeal to the governing body of the municipality or the municipal planning commission if the designated [~~The~~] person disapproves a [~~or persons shall not disapprove the~~] plat [~~and shall be required to refer any plat which the person or persons refuse to approve to the municipal authority responsible for approving plats within the time period specified in Section 212.009~~].

SECTION 7. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0081 to read as follows:

Sec. 212.0081. REQUIRED APPLICATION MATERIALS. (a) Each municipality to which this subchapter applies shall adopt and make available to the public a complete, written list of all documentation and other information that the municipality requires to be submitted with a plat application. The required documentation and other information must be related to a requirement authorized under this subchapter.

(b) An application submitted to the municipal authority responsible for approving plats that contains all documents and other information on the list provided under Subsection (a) is considered complete.

(c) A municipality that operates an Internet website shall publish and continuously maintain the list described by Subsection (a) on the Internet website not later than the 30th day after the date the municipality adopts or amends the list.

(d) A municipality that does not operate an Internet website shall publish the list described by Subsection (a) on adoption of

the list or an amendment to the list in:

(1) a newspaper of general circulation in the municipality; and

(2) a public place in the location in which the governing body of the municipality meets.

SECTION 8. Sections 212.009(a), (b), (b-2), (c), and (d), Local Government Code, are amended to read as follows:

(a) The municipal authority responsible for approving plats shall approve, approve with conditions, or disapprove a [~~plan or~~] plat within 30 days after the date the [~~plan or~~] plat is filed. A [~~plan or~~] plat is approved by the municipal authority unless it is disapproved within that period and in accordance with Section 212.0091.

(b) If an ordinance requires that a [~~plan or~~] plat be approved by the governing body of the municipality in addition to the planning commission, the governing body shall approve, approve with conditions, or disapprove the [~~plan or~~] plat within 30 days after the date the [~~plan or~~] plat is approved by the planning commission or is approved by the inaction of the commission. A [~~plan or~~] plat is approved by the governing body unless it is disapproved within that period and in accordance with Section 212.0091.

(b-2) Notwithstanding Subsection (a) or (b), the parties shall [~~may~~] extend the 30-day period described by those subsections for one or more periods, each [~~a period~~] not to exceed 30 days if:

(1) both:

(A) the applicant requests the extension in writing to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable; and

(B) [~~(2)~~] the municipal authority or governing body, as applicable, approves the extension request; or

(2) Chapter 2007, Government Code, requires the municipality to perform a takings impact assessment in connection with the plan or plat.

(c) If a [~~plan or~~] plat is approved, the municipal authority giving the approval shall endorse the [~~plan or~~] plat with a certificate indicating the approval. The certificate must be signed by:

(1) the authority's presiding officer and attested by the authority's secretary; or

(2) a majority of the members of the authority.

(d) If the municipal authority responsible for approving plats fails to approve, approve with conditions, or disapprove a [~~plan or~~] plat within the prescribed period, the authority on the applicant's request shall issue a certificate stating the date the [~~plan or~~] plat was filed and that the authority failed to act on the [~~plan or~~] plat within the period. The certificate is effective in place of the endorsement required by Subsection (c).

SECTION 9. Section 212.0091(a), Local Government Code, is amended to read as follows:

(a) A municipal authority or governing body that conditionally approves or disapproves a [~~plan or~~] plat under this subchapter shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

SECTION 10. Sections 212.0093, 212.0095, and 212.0096, Local Government Code, are amended to read as follows:

Sec. 212.0093. APPROVAL PROCEDURE: APPLICANT RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional approval or disapproval of a [~~plan or~~] plat under Section 212.0091, the applicant may submit to the municipal authority or governing body that conditionally approved or disapproved the [~~plan or~~] plat a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval

provided. The municipal authority or governing body may not establish a deadline for an applicant to submit the response.

Sec. 212.0095. APPROVAL PROCEDURE: APPROVAL OR DISAPPROVAL OF RESPONSE. (a) A municipal authority or governing body that receives a response under Section 212.0093 shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved [~~plan or~~] plat not later than the 15th day after the date the response was submitted.

(b) A municipal authority or governing body that conditionally approves or disapproves a [~~plan or~~] plat following the submission of a response under Section 212.0093:

(1) must comply with Section 212.0091; and

(2) may disapprove the [~~plan or~~] plat only for a specific condition or reason provided to the applicant under Section 212.0091.

(c) A municipal authority or governing body that receives a response under Section 212.0093 shall approve a previously conditionally approved or disapproved [~~plan or~~] plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.

(d) A previously conditionally approved or disapproved [~~plan or~~] plat is approved if:

(1) the applicant filed a response that meets the requirements of Subsection (c); and

(2) the municipal authority or governing body that received the response does not disapprove the [~~plan or~~] plat on or before the date required by Subsection (a) and in accordance with Section 212.0091.

Sec. 212.0096. APPROVAL PROCEDURE: ALTERNATIVE APPROVAL PROCESS. (a) Notwithstanding Sections 212.009, 212.0091, 212.0093, and 212.0095, an applicant may elect at any time to seek approval for a [~~plan or~~] plat under an alternative approval process adopted by a municipality if the process allows for a shorter approval period than the approval process described by Sections 212.009, 212.0091, 212.0093, and 212.0095.

(b) An applicant that elects to seek approval under the alternative approval process described by Subsection (a) is not:

(1) required to satisfy the requirements of Sections 212.009, 212.0091, 212.0093, and 212.0095 before bringing an action challenging a disapproval of a [~~plan or~~] plat under this subchapter; and

(2) prejudiced in any manner in bringing the action described by Subdivision (1), including satisfying a requirement to exhaust any and all remedies.

SECTION 11. Section 212.0099, Local Government Code, is amended to read as follows:

Sec. 212.0099. JUDICIAL REVIEW OF DISAPPROVAL. In a legal action challenging a disapproval of a [~~plan or~~] plat under this subchapter, the municipality has the burden of proving by clear and convincing evidence that the disapproval meets the requirements of this subchapter or any applicable case law. The court may not use a deferential standard.

SECTION 12. Section 212.010, Local Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

<u>(c) The municipal authority responsible for approving plats may not require the dedication of land within a subdivision for a future street or alley that is:</u>

<u>(1) not intended by the owner of the tract; and</u>

<u>(2) not included, funded, and approved in:</u>

<u>(A) a capital improvement plan adopted by the municipality; or</u>

<u>(B) a similar plan adopted by a county in which the municipality is located or the state.</u>

<u>(d) A municipal authority responsible for approving plats may not refuse to review a plat or to approve a plat for recordation</u>

for failure to identify a corridor, as defined by Section 201.619, Transportation Code, unless the corridor is part of an agreement between the Texas Department of Transportation and a county in which the municipality is located under that section.

(e) If a municipal authority responsible for approving plats fails or refuses to approve a plat that meets the requirements of this subchapter, the owner of the tract that is the subject of the plat may bring an action in a district court in a county in which the tract is located for a writ of mandamus to compel the municipal authority to approve the plat by issuing to the owner applicable approval documentation. The applicant shall recover reasonable attorney's fees and court costs in the action if the applicant prevails. The municipality may recover reasonable attorney's fees and court costs in the action if the municipality prevails and the court finds the action is frivolous.

SECTION 13. As soon as practicable after the effective date of this Act but not later than January 1, 2024, each municipality shall adopt and publish the list described by Section 212.0081, Local Government Code, as added by this Act.

SECTION 14. The changes in law made by this Act apply only to an application submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law applicable to the application immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 15. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 3699 was passed by the House on May 9, 2023, by the following vote: Yeas 130, Nays 12, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3699 on May 25, 2023, and requested the appointment of a conference committee to consider the differences between the two houses; that the House adopted the conference committee report on H.B. No. 3699 on May 28, 2023, by the following vote: Yeas 139, Nays 3, 1 present, not voting; and that the House adopted H.C.R. No. 126 authorizing certain corrections in H.B. No. 3699 on May 28, 2023, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3699 was passed by the Senate, with amendments, on May 21, 2023, by the following vote: Yeas 22, Nays 9; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; that the Senate adopted the conference committee report on H.B. No. 3699 on May 28, 2023, by the following vote: Yeas 20, Nays 11; and that the Senate adopted H.C.R. No. 126 authorizing certain corrections in H.B. No. 3699 on May 28, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

_____

Governor

Item #8

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF EAGLE PASS, TEXAS, AMENDING CHAPTER 23, ARTICLE III, SECTION 23-36, OF THE CODE OF ORDINANCES BY REMOVING FINAL PLAT APPROVAL BY CITY COUNCIL AND ALLOWING FINAL PLAT APPROVAL BY ADMINISTRATION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, On August 2, 2005, Ordinance Number 05-22 went into effect granting City Council the ultimate authority to approve a final plat; and

WHEREAS, Texas House Bill 3699 passed and went into effect on September 1, 2023. HB3699 allows for the governing body of a municipality to delegate to one or more officers or employees of the municipality the ability to approve, approve with conditions or disapprove a plat; and;

WHEREAS, City of Eagle Pass City Council and the Planning and Zoning commission meet once a month. The current final plat approval method requires approval from both Council and the Commission, approval, approval with conditions, or denial by the Community Development Director would allow for a more efficient process.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EAGLE PASS, TEXAS THAT:

Section 1. The City of Eagle Pass Code of Ordinances, Chapter 23, Article III, Section 23-36 is hereby amended as follows:

Sec. 23-36. Processing of the final plat.

a. Preliminary plat required.

No final plat shall be considered unless a preliminary plat has been submitted to the commission for its consideration and approval with possible recommendations. However, if a previously approved final plat has been duly recorded and the subdivider wishes to increase the size of the lots by combining two (2) or more lots or by combining one (I) lot with a portion of the adjacent lots, in such manner that no portion of a lot remains smaller than the original lots, no preliminary plat will be necessary, but the subdivider shall adhere to the conditions set forth herein for the submission of a final plat and replating without vacating the previous plat.

b. Submission of final plat. As soon as practicable after the subdivider is notified of the approval of the preliminary plat by the commission, but in no event later than six (6) months from the date of conditional approval of his preliminary plat, the subdivider or his engineer shall submit to and file with the [~~city manager~~] ***community development director***:

(1) The original and [~~ten (10)~~] ***four (4) for properties within city limits, six (6) for properties within extraterritorial jurisdiction*** blue or black line copies ***and one (1) digital set*** of the final plat, resub division plat or replat, together with the specifications set forth herein;

2. Accompanying data as provided under section 23-35;

3. Detailed cost estimates as required herein;

4. A written or illustrative description incorporating the final plat to the existing master plan of the City of Eagle Pass;

5. Any other required information as provided by the [commission] or the [~~city manager~~] ***community development director***.

6. Payment of any required fees or administrative costs.

If the subdivider fails to submit the final plat to the [~~city manager~~] ***community development director*** within the time period set forth herein, the approval of the commission of the preliminary plat shall become null and void unless an extension of time is applied for and granted by the commission.

c. Review of submissions.

1. The [~~city manager~~] ***Community Development Director*** shall check the final plat as to its conformity with the City of Eagle Pass [~~Master Plan~~] ***Development Plan***, major street plan, land use plan, zoning districts and the standards and specifications set forth herein or referred to herein before presenting same for final approval to the [~~commission and thereafter to the city council~~] ***community development director***.

2. The [~~city manager~~] ***community development director***

3. shall submit copies of the final plat and data as required by subsection 23-35 to the following for review and comment:

a. The waterworks and sewer system;

b. The Chief Building Official of the City of Eagle Pass;

c. The director of parks and recreation;

d. The public works director

e. The fire chief;

f. The city attorney.

3. Procedure for securing letters of certification. The data shall be reviewed by the appropriate agency within thirty (30) days. When a department or agency specified in section 23-35 determines that the proposed plat or any required accompanying data does not conform to the requirements of this chapter, the agency shall so notify the applicant for plat approval. The applicant may, at [~~his~~] ***their*** option, revise any nonconforming aspects. The agency may, at its option, extend the review period for a maximum of an additional thirty (30) days. Within no later than sixty (60) days from the date of submission, the appropriate official shall issue a letter of certification giving approval or indicating the section and specific

requirement of the subdivision regulations, and the respect in which the proposed plat does not comply. The plat may, at the request of the applicant, be formally filed with the commission accompanied by a letter requesting a variance as specified in section 23-11 herein. Letters of certification shall remain valid for a period not to exceed six (6) months from date of issuance.

d. Application for final plat approval.

(1) Formal request. A formal written request should be submitted to the [~~city manager~~] ***community development director*** in substantially the same form as attached herein as ***Exhibit "A".***

2. Attached documents. The following documents must be attached to the written request:

a. Certificates and letters of certification.

1. Tax certificate: A certificate from the city tax collector and from the proper official of other taxing agencies within whose jurisdiction the proposed subdivision lies to the effect that all ad valorem taxes have been paid on the land included within the subdivision.

2. Certificates concerning utilities:

i. Water Works System of Eagle Pass. Letter of certification from the city water works board of trustees and, in addition, if applicable, other approved water purveyors, stating that adequate service is available to the subdivision or stating that adequate service is not available to the subdivision. In addition, thereto, a letter of certification from the water works general manager stating whether the water facilities meet the requirements of section 23-67 and whether the wastewater facilities meet the requirements of section 23-66 and whether the final engineering report meets the requirements of section 23-35(a)(4)c.

ii. Gas and electric companies. Letters of certification from the gas and electric companies will be furnished for subdivisions within the service areas of such companies. Letters will certify that adequate service is available and that the proposed subdivision plats and utility layouts have been approved or disapproved.

3. Certificate of the department of public works: Letter of certification from the department of public works stating that the department has received and approved or disapproved the data required by section 23-35.

4. Certificate of the fire department: Letter of certification stating that the fire department has received and approved or disapproved the data required by section 23-35.

b. Water and wastewater facility documents. A final plat will be approved only if the facilities for water and wastewater service have been fully constructed or if the city has received an adequate financial guarantee of performance approved by city council.

1. As to completed facilities written proof that the facilities have been completed and comply with the requirements under the Model Subdivision Rules.

2. As to unfinished facilities:

i. A draft of the subdivision construction agreement.

ii. A draft of the financial guarantee of performance as required under section 11 of the subdivision construction agreement and as provided by Texas Local Government Code § 212.0106, and the Model Subdivision Rules (31 TAC, Chapter 364).

e. Final plat approval process.

(1) Within a reasonable time not to exceed thirty (30) days from the date of formal written request, the [~~city manager~~] ***community development director*** shall [~~set and submit~~] review the final plat. ***The community development director shall either approve, disapprove, or recommend changes pursuant to the requirements of state law or this chapter***~~.~~ [~~and accompanying data to the commission at the next available meeting.~~] [~~The city manager shall submit written recommendations and suggestions as to approval or disapproval and shall include in his report recommendations to the commission on the amount of value to be placed on any required documents under this chapter as well as any other fee or bond the city manager sees fit in recommending to the commission pursuant to the Model Subdivision Rules or this chapter.~~] ***The director shall approve a plat that complies with the Model Subdivision Rules, state law, and this chapter.*** [~~The city manager's report shall include an up-to-date copy of the city's final plat checklist for the subdivision.~~] [~~A copy of the city manager's report shall be provided to the subdivider at least three (3) days prior to the date of the meeting of the commission.~~]

(2) If the request is denied by the [~~commission~~] ***community development director***, the subdivider shall be provided with written recommendations by the [~~commission~~] ***community development director*** within seven (7) days from the [meeting] ***denial*** date and shall have thirty (30) days thereafter in which to cure the defect(s). The subdivider shall submit a written request for reconsideration to the [~~city manager~~] ***community development director*** within the required time. [~~The city manager shall present the final plat for reconsideration at the next available commission meeting.~~]

(3) [~~If the request is approved, the city manager shall set the final plat for approval at the next available city council meeting. The approval by the commission shall contain recommendations to the city council on the amount of value to be placed on any required documents under this chapter as well as any other fee or bond the commission sees fit in recommending to the city council pursuant to the Model Subdivision Rules or this chapter.~~]

(4) [~~The city manager shall submit a written report to the city council with the proposed recommendations made by him and the commission as well as his suggestions as to approval or disapproval. The city council shall either approve, disapprove, or recommend changes pursuant to the requirements of state law or this chapter. The~~

~~subdivider shall be provided with the written recommendations by the city council within seven (7) days from the meeting date and shall have thirty (30) days thereafter in which to cure the defect(s).]~~

~~(5) [It is a valid defense to the city manager for noncompliance with the time limits provided under this section, if the commission or city council is unable to establish a quorum or an emergency arises which causes the cancellation of the commission or city council's next available meeting.]~~

f. Formally filed plats. For the purpose of the time limits established by Texas Local Government Code §212.009, no plat shall be deemed formally filed unless:

(1) The requirements under section 23-36(d) are met;

(2) If applicable, a request for variance as specified in section 23-11 has been submitted to the commission in writing as required herein; and

~~(3) [The subdivider or his agent appears in person at the meeting of the commission considering the plat approval.]~~

Section 2. This ordinance shall be cumulative of all provisions of ordinances of the City of Eagle Pass, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. This Ordinance shall become effective immediately upon passage.

READ, PASSED, AND APPROVED ON FIRST READING, on this 10th Day of December, A.D., 2024.

ATTEST:

Rolando Salinas Mayor	Erika Rodriguez City Secretary

AYES: Salinas, Cruz, Garcia, Diaz
NAYS: None
ABSTAINED: None
ABSENT: Davis

READ, PASSED, AND APPROVED ON SECOND READING, this 7th Day of January A.D., 2025.

ATTEST:

Rolando Salinas
Mayor

Erika. Rodriguez
City Secretary

AYES:
NAYS:
ABSTAINED:
ABSENT:

READ, PASSED, AND APPROVED ON THIRD AND FINAL READING this Day of October, A.D., 2025.

ATTEST:

Rolando Salinas
Mayor

Imelda B. Rodriguez
City Secretary

AYES:
NAYS:
ABSTAINED:
ABSENT:

APPROVED AS TO FORM AND LEGALITY:

Ana Sophia Garcia
City Attorney

HOUSE BILL 3699

AN ACT

relating to municipal regulation of subdivisions and approval of subdivision plans or plats.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 212.001(2) and (3), Local Government Code, are amended to read as follows:

(2) [~~"Plan" means a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan.~~

[~~(3)~~] "Plat" includes a preliminary plat, [~~general plan,~~] final plat, and replat.

SECTION 2. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0015 to read as follows:

Sec. 212.0015. CONSTRUCTION OF SUBCHAPTER. This subchapter may not be construed to restrict a municipality from establishing a submittal calendar to be used by an applicant to facilitate compliance with the approval process described by Sections 212.009, 212.0091, 212.0093, and 212.0095.

SECTION 3. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0021 to read as follows:

Sec. 212.0021. SUBDIVISION REQUIREMENTS. The governing body of a municipality, by ordinance and after notice is published in a newspaper of general circulation in the municipality, may:

(1) adopt, based on the amount and kind of travel over each street or road in a subdivision, reasonable specifications relating to the construction of each street or road; and

(2) adopt reasonable specifications to provide adequate drainage for each street or road in a subdivision in accordance with standard engineering practices.

SECTION 4. Section 212.004, Local Government Code, is amended by amending Subsections (a) and (b) and adding Subsections (f) and (g) to read as follows:

(a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to public use [~~or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts~~] must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

(b) To be recorded, the plat must:

(1) describe the subdivision by metes and bounds;

(2) locate the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part; and

(3) state the dimensions of the subdivision and of each street, alley, square, park, or other part of the tract intended by the owner of the tract to be dedicated to public use [~~or for the use of purchasers or owners of lots fronting on or adjacent~~

~~to the street, alley, square, park, or other part~~].

(f) A plat is considered filed on the date the applicant submits the plat, along with a completed plat application and the application fees and other requirements prescribed by or under this subchapter, to:

(1) the governing body of the municipality; or

(2) the municipal authority responsible for approving plats.

(g) The governing body of a municipality or the municipal authority responsible for approving plats may not require an analysis, study, document, agreement, or similar requirement to be included in or as part of an application for a plat, development permit, or subdivision of land that is not explicitly allowed by state law.

SECTION 5. Section 212.005, Local Government Code, is amended to read as follows:

Sec. 212.005. APPROVAL BY MUNICIPALITY REQUIRED. (a) The municipal authority responsible for approving plats must approve a plat or replat that is required to be prepared under this subchapter and that satisfies the requirements of this subchapter [~~all applicable regulations~~].

(b) This subchapter may not be construed to convey any authority to a municipality regarding the completeness of an application or the approval of a plat or replat that is not explicitly granted by this subchapter.

SECTION 6. Sections 212.0065(a) and (c), Local Government Code, are amended to read as follows:

(a) The governing body of a municipality or the municipal planning commission may delegate to one or more officers or employees of the municipality or of a utility owned or operated by the municipality the ability to approve, approve with conditions, or disapprove a plat [~~:~~

[~~(1) amending plats described by Section 212.016;~~

[~~(2) minor plats or replats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; or~~

[~~(3) a replat under Section 212.0145 that does not require the creation of any new street or the extension of municipal facilities~~].

(c) An applicant has the right to appeal to the governing body of the municipality or the municipal planning commission if the designated [~~The~~] person disapproves a [~~or persons shall not disapprove the~~] plat [~~and shall be required to refer any plat which the person or persons refuse to approve to the municipal authority responsible for approving plats within the time period specified in Section 212.009~~].

SECTION 7. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0081 to read as follows:

Sec. 212.0081. REQUIRED APPLICATION MATERIALS. (a) Each municipality to which this subchapter applies shall adopt and make available to the public a complete, written list of all documentation and other information that the municipality requires to be submitted with a plat application. The required documentation and other information must be related to a requirement authorized under this subchapter.

(b) An application submitted to the municipal authority responsible for approving plats that contains all documents and other information on the list provided under Subsection (a) is considered complete.

(c) A municipality that operates an Internet website shall publish and continuously maintain the list described by Subsection (a) on the Internet website not later than the 30th day after the date the municipality adopts or amends the list.

(d) A municipality that does not operate an Internet website shall publish the list described by Subsection (a) on adoption of

the list or an amendment to the list in:

(1) a newspaper of general circulation in the municipality; and

(2) a public place in the location in which the governing body of the municipality meets.

SECTION 8. Sections 212.009(a), (b), (b-2), (c), and (d), Local Government Code, are amended to read as follows:

(a) The municipal authority responsible for approving plats shall approve, approve with conditions, or disapprove a [~~plan or~~] plat within 30 days after the date the [~~plan or~~] plat is filed. A [~~plan or~~] plat is approved by the municipal authority unless it is disapproved within that period and in accordance with Section 212.0091.

(b) If an ordinance requires that a [~~plan or~~] plat be approved by the governing body of the municipality in addition to the planning commission, the governing body shall approve, approve with conditions, or disapprove the [~~plan or~~] plat within 30 days after the date the [~~plan or~~] plat is approved by the planning commission or is approved by the inaction of the commission. A [~~plan or~~] plat is approved by the governing body unless it is disapproved within that period and in accordance with Section 212.0091.

(b-2) Notwithstanding Subsection (a) or (b), the parties shall [~~may~~] extend the 30-day period described by those subsections for one or more periods, each [~~a period~~] not to exceed 30 days if:

(1) both:

(A) the applicant requests the extension in writing to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable; and

(B) [~~(2)~~] the municipal authority or governing body, as applicable, approves the extension request; or

(2) Chapter 2007, Government Code, requires the municipality to perform a takings impact assessment in connection with the plan or plat.

(c) If a [~~plan or~~] plat is approved, the municipal authority giving the approval shall endorse the [~~plan or~~] plat with a certificate indicating the approval. The certificate must be signed by:

(1) the authority's presiding officer and attested by the authority's secretary; or

(2) a majority of the members of the authority.

(d) If the municipal authority responsible for approving plats fails to approve, approve with conditions, or disapprove a [~~plan or~~] plat within the prescribed period, the authority on the applicant's request shall issue a certificate stating the date the [~~plan or~~] plat was filed and that the authority failed to act on the [~~plan or~~] plat within the period. The certificate is effective in place of the endorsement required by Subsection (c).

SECTION 9. Section 212.0091(a), Local Government Code, is amended to read as follows:

(a) A municipal authority or governing body that conditionally approves or disapproves a [~~plan or~~] plat under this subchapter shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

SECTION 10. Sections 212.0093, 212.0095, and 212.0096, Local Government Code, are amended to read as follows:

Sec. 212.0093. APPROVAL PROCEDURE: APPLICANT RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional approval or disapproval of a [~~plan or~~] plat under Section 212.0091, the applicant may submit to the municipal authority or governing body that conditionally approved or disapproved the [~~plan or~~] plat a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval

provided. The municipal authority or governing body may not establish a deadline for an applicant to submit the response.

Sec. 212.0095. APPROVAL PROCEDURE: APPROVAL OR DISAPPROVAL OF RESPONSE. (a) A municipal authority or governing body that receives a response under Section 212.0093 shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved [~~plan or~~] plat not later than the 15th day after the date the response was submitted.

(b) A municipal authority or governing body that conditionally approves or disapproves a [~~plan or~~] plat following the submission of a response under Section 212.0093:

(1) must comply with Section 212.0091; and

(2) may disapprove the [~~plan or~~] plat only for a specific condition or reason provided to the applicant under Section 212.0091.

(c) A municipal authority or governing body that receives a response under Section 212.0093 shall approve a previously conditionally approved or disapproved [~~plan or~~] plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.

(d) A previously conditionally approved or disapproved [~~plan or~~] plat is approved if:

(1) the applicant filed a response that meets the requirements of Subsection (c); and

(2) the municipal authority or governing body that received the response does not disapprove the [~~plan or~~] plat on or before the date required by Subsection (a) and in accordance with Section 212.0091.

Sec. 212.0096. APPROVAL PROCEDURE: ALTERNATIVE APPROVAL PROCESS. (a) Notwithstanding Sections 212.009, 212.0091, 212.0093, and 212.0095, an applicant may elect at any time to seek approval for a [~~plan or~~] plat under an alternative approval process adopted by a municipality if the process allows for a shorter approval period than the approval process described by Sections 212.009, 212.0091, 212.0093, and 212.0095.

(b) An applicant that elects to seek approval under the alternative approval process described by Subsection (a) is not:

(1) required to satisfy the requirements of Sections 212.009, 212.0091, 212.0093, and 212.0095 before bringing an action challenging a disapproval of a [~~plan or~~] plat under this subchapter; and

(2) prejudiced in any manner in bringing the action described by Subdivision (1), including satisfying a requirement to exhaust any and all remedies.

SECTION 11. Section 212.0099, Local Government Code, is amended to read as follows:

Sec. 212.0099. JUDICIAL REVIEW OF DISAPPROVAL. In a legal action challenging a disapproval of a [~~plan or~~] plat under this subchapter, the municipality has the burden of proving by clear and convincing evidence that the disapproval meets the requirements of this subchapter or any applicable case law. The court may not use a deferential standard.

SECTION 12. Section 212.010, Local Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

<u>(c) The municipal authority responsible for approving plats may not require the dedication of land within a subdivision for a future street or alley that is:</u>

<u>(1) not intended by the owner of the tract; and</u>

<u>(2) not included, funded, and approved in:</u>

<u>(A) a capital improvement plan adopted by the municipality; or</u>

<u>(B) a similar plan adopted by a county in which the municipality is located or the state.</u>

<u>(d) A municipal authority responsible for approving plats may not refuse to review a plat or to approve a plat for recordation</u>

for failure to identify a corridor, as defined by Section 201.619, Transportation Code, unless the corridor is part of an agreement between the Texas Department of Transportation and a county in which the municipality is located under that section.

(e) If a municipal authority responsible for approving plats fails or refuses to approve a plat that meets the requirements of this subchapter, the owner of the tract that is the subject of the plat may bring an action in a district court in a county in which the tract is located for a writ of mandamus to compel the municipal authority to approve the plat by issuing to the owner applicable approval documentation. The applicant shall recover reasonable attorney's fees and court costs in the action if the applicant prevails. The municipality may recover reasonable attorney's fees and court costs in the action if the municipality prevails and the court finds the action is frivolous.

SECTION 13. As soon as practicable after the effective date of this Act but not later than January 1, 2024, each municipality shall adopt and publish the list described by Section 212.0081, Local Government Code, as added by this Act.

SECTION 14. The changes in law made by this Act apply only to an application submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law applicable to the application immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 15. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 3699 was passed by the House on May 9, 2023, by the following vote: Yeas 130, Nays 12, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3699 on May 25, 2023, and requested the appointment of a conference committee to consider the differences between the two houses; that the House adopted the conference committee report on H.B. No. 3699 on May 28, 2023, by the following vote: Yeas 139, Nays 3, 1 present, not voting; and that the House adopted H.C.R. No. 126 authorizing certain corrections in H.B. No. 3699 on May 28, 2023, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3699 was passed by the Senate, with amendments, on May 21, 2023, by the following vote: Yeas 22, Nays 9; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; that the Senate adopted the conference committee report on H.B. No. 3699 on May 28, 2023, by the following vote: Yeas 20, Nays 11; and that the Senate adopted H.C.R. No. 126 authorizing certain corrections in H.B. No. 3699 on May 28, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____
Date

_____
Governor

Item #9

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:

Commented [P1]: Great addition!

Commented [CJL2R1]: OK

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.

Commented [P3]: Recommend to not accept dedication that is smaller than 3.5 acres. However, we propose to add a clause to be able to accept land smaller or require larger than 3.5 acres if the size of development justifies the need.

Commented [CJL4R3]: 3.5 is fine. The word "normally" gives the city the flexibility to deviate from the 3.5 minimum if it wishes to do so.

(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 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 plating.

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

Commented [P5]: Recommend to increase to at least 50% to increase visibility of park.

Commented [PM6R5]: Is 25% typical in other city ordinances?

Commented [CJL7R5]: It varies among cities, so 50% is fine.

Commented [P8]: Request more clarification on this from Dr. Crompton.

Recommend for fencing abutting homes to be maintained by homeowner. Park side to be furnished and maintained by the City. Minimum fencing standard to be privacy picket fences. However, other fencing may be approved by the City upon request.

Commented [CJL9R8]: This wording is fine.

Commented [PM10]: Ricky and Jorge, do we want to add a clause that states these facilities and improvements require approval from the Parks Director to avoid the lower quality products you mentioned?

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 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.

Commented [P11]: Recommend to add that a list of acceptable park equipment and amenities will be provided by the Parks & Recreation Department. All park equipment and amenities must be approved the Parks & Recreation Department.

Commented [CJL12R11]: This wording is fine.

(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.

Commented [P13]: Partial payment instead? Say 50%

Commented [CJL14R13]: There is no reason to discount in the ETJ because (a) the ETJ folks are likely to use Eagle Pass park facilities because they have none in their area; and (b) they pay no property taxes to the city and so do not contribute their fari share to the operating costs of parks..

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.

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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 = $350,000

Development Cost for:

SFU is $350,000/36 = $9720

MFU is $350,000/56 = $6250

Total Parkland Dedication Fee:

SFU; $555 + $9720 = $10,275

MFU: $357 + $6250 = $6,607

PLAN B.

Parkland Dedication—Development Component
Average cost per acre of park development = $100,000.

Development Cost for:

SFU is $100,000/36 = $2,777

MFU is $100,000/56 = $1,835

Total Parkland Dedication Fee:

SFU: $555 + $2,777 = $3,390

MFU: $357 + $1,835 = $2,192