



AGENDA

PLANNING & ZONING COMMISSION SPECIAL MEETING

TUESDAY, FEBRUARY 7, 2023, AT 5:30 P.M.

COUNCIL CHAMBERS, CITY HALL BUILDING

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

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

ESTABLISHMENT OF QUORUM

CITIZENS COMMUNICATIONS

MINUTES

1. Approval of the minutes of the December 8, 2022 meeting, January 12, 2023 meeting, and the January 26, 2023 meeting.

NEW BUSINESS

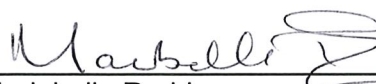
2. Consideration and possible action on the preliminary plat of Cenizo Industrial Subdivision, including a sidewalk waiver request.

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 ASSISTANT PLANNING DIRECTOR, do hereby certify that the agenda mentioned above was posted on the Bulletin Board located in the Lobby at City Hall, 100 S. Monroe Street, Eagle Pass, Texas on February 3, 2023 at 2:10 p.m.



Mariebelle Rodriguez
Assistant Planning Director

Item #1

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

The Planning and Zoning Commission of the City of Eagle Pass held its regular meeting on Thursday, December 8, 2022, at 5:30 p.m. in the City Council Chambers of Eagle Pass City Hall, 100 S. Monroe Street. All legal notices were duly posted in accordance with the law.

ESTABLISHMENT OF QUORUM

Present: Vice-Chairperson, Luis Velez, Commission Members, Aaron Valdez, and Kenneth Gross.

Absent: Chairperson, Rolando Jasso; Commission Member, Doris Salinas-Sanchez; Ex-Officio Mayor Rolando Salinas, and Interim City Manager, Ivan Morua.

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

CITIZENS COMMUNICATIONS

At this moment, anyone wishing to address the Commission on any item, was welcome to speak, keeping in mind that, although the Commission would be unable to take formal action on such item, they would be glad to take it under consideration.

There were not any citizens communication forms submitted.

MINUTES

1. Approval of the minutes of the October 13, 2022, meeting and the November 10, 2022, meeting.

Commission Member Gross moved to approve with correction to the October 13, 2022, minutes. Seconded by Commission Member Valdez. **MOTION PASSED**- unanimously.

AYES: Velez, Gross, and Valdez
NAYS: None
ABSTAIN: None
ABSENT: Jasso and Salinas-Sanchez

PUBLIC HEARINGS

2. Public hearing on the proposed final Re-Plat of Hillcrest Addition, Block 9, Lot 5 & 6, (South 42ft) & Lot, including a subdivision variance to proceed directly to final replat without first having obtained preliminary re-plat approval as required by City of Eagle Pass Code of Ordinances Section 23-36(a); closing of public hearing and possible action.

Vice-Chairperson Velez opened the public hearing at 5:33 p.m.

Planning Director, Placido Madera briefed the Commission on the details of the proposed final Re-Plat to subdivide three residential lots into two lots. There were notices mailed out to abutting property owners 3 were received, “undeliverable.”

Mr. Madera read into the record the recommendation from the Planning Department that the Planning and Zoning Commission recommend (1) grant the subdivision variance to proceed directly to the Final Plat without first having obtained Preliminary Re-Plat approval as required by City of Eagle Pass Code of Ordinances Section 23-36 (a) and (2) grant final approval of the proposed Replat of Lots 5-7 in Block 9 of Hillcrest Addition, subject to the plat complying with the provision of Article III of City of Eagle Pass Code of Ordinances Chapter 23 governing procedures and specifications for Final Plats.

There being no comments from the public. Vice-Chairperson Velez closed the public hearing at 5:39 p.m.

Commission Member Valdez moved to approve the final Re-Plat of Hillcrest Addition, Block 9, Lot 5 & 6, (South 42ft) as recommended from the Planning Department. Seconded by Commission Member Gross. **MOTION PASSED-** unanimously.

AYES: Velez, Gross, and Valdez
NAYS: None
ABSTAIN: None
ABSENT: Jasso and Salinas-Sanchez

3. Public hearing on the request submitted by Samuel and Rosa Vargas for the rezoning of Hillcrest Addition, Block 9, Lot 5 & 6, (South 42ft) & Lot 7, also known as 387 Medina Street, from R-3 Duplex District to B-1 Neighborhood Business District; closing of public hearing and possible action.

Vice-Chairperson Velez opened the public hearing at 5:41 p.m.

Planning Director Madera informed the Commission on the details of the rezone request to convert commercial building to accommodate a lighting and electrical supply retail store.

Mr. Madera read into the record the recommendation from the Planning Department that the Planning and Zoning Commission recommend that the City Council prepare and adopt an ordinance granting zoning district change from R-3 Duplex District to B-1 Neighborhood Business District for property legally defined as Hillcrest Addition, Block 9, Lots 5 & 6, (South 42ft) and Lot 7, also known as 387 Medina, subject to the following conditions:

1. Subsequent development of the property shall comply with the following sections in the City of Eagle Pass Code of Ordinances:
 - Chapter 8 governing buildings

- Chapter 12 governing the electrical code
- Chapter 13 governing the fire code
- Chapter 14 governing garbage and rubbish
- Chapter 16 governing health and sanitation
- Chapter 21 governing plumbing
- Chapter 22 governing streets, sidewalks, and other public places
- Chapter 27 governing water and sewer, including drainage
- Appendix A governing zoning, governing off-street parking
- Appendix A governing zoning, governing fences (Section 12(d) (1) (a) & (c))
- Appendix A governing zoning, governing yard regulations

There being no comments from the public, Vice-Chairperson Velez closed the public hearing at 5:45 p.m.

Commission Member Gross moved to approve as recommended by the Planning Department. Seconded by Commission Member Valdez. **MOTION PASSED** - Unanimously

AYES: Velez, Gross, and Valdez
NAYS: None
ABSTAIN: None
ABSENT: Jasso and Salinas-Sanchez

4. Public hearing on the proposed final Re-plat of Lot 3 in M. A. V. Subdivision, including a subdivision variance to proceed directly to final plat approval without first having obtained preliminary re-plat approval as required by City of Eagle Pass Code of Ordinances Section 23- 36(a); closing of public hearing and possible action.

Vice-Chairperson Velez opened the public hearing at 5:47 p.m.

Planning Director Madera informed the Commission on the details of the proposed final plat to subdivide an approximately 0.346-acre tract into two lots. Mr. Madera read into the record the recommendation from the Planning Department that the Planning and Zoning Commission (1) grant a variance request to proceed directly to final plat approval without first having obtained preliminary re-plat approval, and (2) grant final approval of the Replat of Lot 3 in M.A.V. Subdivision, subject to the final 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.

There being no comments from the public, Vice-Chairperson Velez closed the public hearing at 5:50 p.m.

Commission Member Gross moved to approve final Re-plat of Lot 3 in M. A. V. Subdivision as recommended by the Planning Department. Seconded by Commission Member Valdez. **MOTION PASSED** – Unanimously

AYES: Velez, Gross, and Valdez
NAYS: None
ABSTAIN: None
ABSENT: Jasso and Salinas-Sanchez

5. Public hearing on the request submitted by TEC Services for the rezoning of a 2.05- acre tract of land out of Maverick Estates, recorded in Book 1220, Page 466, Map Records, Maverick County, Texas, situated in Survey 6, Abstract 1110, Fox & Byrne, Maverick County, Texas and a 1-acre tract of land, more or less, out of a 3.075-acre tract of land conveyed to Jose I. Ruiz and Carolina Ruiz, recorded in Book 666, page 130, Deed Records, Maverick County, Texas, situated in Survey 6, Abstract 1110, Fox & Byrne, Maverick County, Texas, also known as proposed Home2Suites Subdivision, from to B-1 Neighborhood Business District to B-3 General Business District; closing of public hearing and possible action.

Vice-Chairperson Velez opened the public hearing at 5:51 p.m.

Assistant Planning Director, Mariebelle Rodriguez informed the Commission on the details of the rezone of 3.05-acres. Ms. Rodriguez read into the record the recommendation from the Planning Department that the Planning and Zoning Commission recommend that the City Council prepare and adopt an ordinance granting zoning district change from B-1 Neighborhood Business District to B-3 General Business District for property legally defined as 2.05- acre tract of land out of Maverick Estates, recorded in Book 1220, Page 466, Map Records, Maverick County, Texas, situated in Survey 6, Abstract 1110, Fox & Byrne, Maverick County, Texas and a 1-acre tract of land, more or less, out of a 3.075-acre tract of land conveyed to Jose I. Ruiz and Carolina Ruiz, recorded in Book 666, page 130, Deed Records, Maverick County, Texas, situated in Survey 6, Abstract 1110, Fox & Byrne, Maverick County, Texas, also known as 3386 E. Main Street subject to the following conditions:

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

There being no comments from the public, Vice-Chairperson Velez closed the public hearing at 5:54 p.m.

Commission Member Gross moved to approve final Re-plat of Lot 3 in M. A. V. Subdivision as recommended by the Planning Department. Seconded by Commission Member Valdez.

MOTION PASSED – Unanimously

AYES: Velez, Gross, and Valdez
NAYS: None
ABSTAIN: None
ABSENT: Jasso and Salinas-Sanchez

6. Public hearing on the request by Ana C. Calvillo for a Conditional Use Permit to allow the establishment of an entertainment venue on property located at 169 Ford Street; closing of public hearing and possible action.

Vice-Chairperson Velez opened the public hearing at 5:55 p.m.

Assistant Planning Director Rodriguez informed the Commission on the details of Conditional Use Permit (CUP) to allow for the establishment of an events hall, on property located at 169 Ford Street. The establishment hours of business would be from 8:00 a.m., to 10:00 p.m. Ms. Rodriguez read into the record the recommendation from the Planning Department that the Planning and Zoning Commission grant the request to establish an events hall on property located at 169 Ford Street, subject to the following conditions:

1. The establishment comply with all state and local laws and ordinances
This Conditional Use Permit is non-transferable.

Ms. Sonia Moreno, property owner expressed her concerns with event venue hours, noise, and not having parking for location since it's next to her property. Assistant Planning Director Rodriguez interjected that parking for the downtown is public rights-of-way, and there are no parking restrictions for this area. Mr. Madera went more into details for the downtown parking.

Mr. Abraham Hausman owner of 169 Ford Street approached the Council and addressed the parking issue and noise concerns.

Vice-Chairperson Velez questioned the work being done prior to obtaining this permit is this usual/normal to begin a project? Ms. Rodriguez responded this is rare, but it does happen. The applicant was made aware early that they had to go through the process, and they decided to wait until just before they open for business to obtain CUP. Mr. Velez stated that the investment has been made, but applicant doesn't know if they will be able to use. Mr. Velez also asked on zoning, noise ordinance, and if any other conditions are placed on the other establishment in the area. Ms. Rodriguez responded zoning is correct and she was not aware and would have to do further research restriction of their establishment. Mr. Madera chimed in stating that the city has not adopted a noise ordinance.

In response to a question posed by Commission Member Gross regarding any parking lots in the area. Mr. Madera stated that the nearest is on Adams Street, being a private parking lot.

Commission Member Valdez asked if Lili's and Victorian House establishments have any restrictions in place. Ms. Rodriguez responded she would need to do further research.

Vice-Chairperson Velez questioned enforcement on time frames set. Ms. Rodriguez said this would be very difficult, but it would be maybe the police department and property owner.

There being no further comments from the public, Vice-Chairperson Velez closed the public hearing at 6:15 p.m.

Commission Member Gross moved to table item until further research on restriction for events center that are surrounding. Seconded by Commission Member Valdez. **MOTION PASSED** - Unanimously

AYES: Velez, Gross, and Valdez
NAYS: None
ABSTAIN: None
ABSENT: Jasso and Salinas-Sanchez

By consensus of the Council item material was considered out of order as follows.

8. Consideration and possible action on the Plat Amendment of Lots 37 & 38, Block 6 in Vista Hermosa Subdivision Unit 8.

Assistant Planning Director Rodriguez informed the Commission on the details of the plat amendment to amend the common property line between Lots 37 & 38 to reflect the existing use of the lots. Ms. Rodriguez read into the record the recommendation from the Planning Department that the Planning and Zoning Commission grant approval of a final plat amendment adjusting the property lines between Lots 37 & 38 in Block 6 of Vista Hermosa Subdivision Unit 8.

Commission Member Valdez moved to approve Subdivision Plat Amendment of Lots 37 & 38; Block 6 in Vista Hermosa Subdivision Unit 8 as recommended by the Planning Department. Seconded by Commission Member Gross. **MOTION PASSED** - Unanimously

AYES: Velez, Gross, and Valdez
NAYS: None
ABSTAIN: None
ABSENT: Jasso and Salinas-Sanchez

7. Public hearing on the proposed final Re-Plat of Lot 25 in Block 4 of Loma Linda Subdivision Unit 1, including (1) sidewalk waiver and curb and gutter, and (2) a subdivision variance from the preliminary plat requirement as required by City of Eagle Pass Code of Ordinances Chapter 23 Section 23-36(a); closing of public hearing and possible action.

Vice-Chairperson Velez opened the public hearing at 6:24 p.m.

Assistant Planning Director Rodriguez informed the Commission on the details of the final replat to subdivide an approximately 0.417-acre tract into two lots. Ms. Rodriguez read into the record the recommendation from the Planning Department that the Planning and Zoning Commission grant of final re-plat of Lot 25 in Block 4 of Loma Linda Subdivision Unit 1, including (1) sidewalk waiver and curb and gutter, and (2) a subdivision variance from the preliminary plat requirement as required by City of Eagle Pass Code of Ordinances Chapter 23 Section 23-36(a).

Commission Member Valdez moved to approve final Re-Plat of Lot 25 in Block 4 of Loma Linda Subdivision Unit as recommended by the Planning Department. Seconded by Commission Member Gross. **MOTION PASSED** - Unanimously

There being no further comments from the public, Vice-Chairperson Velez closed the public hearing at 6:27 p.m.

AYES: Velez, Gross, and Valdez
NAYS: None
ABSTAIN: None
ABSENT: Jasso and Salinas-Sanchez

ADJOURNMENT

Commission Member Gross moved to adjourn meeting at 6:28 p.m. Seconded by Commission Member Valdez. **MOTION PASSED** - Unanimously

Passed and approved on _____, 2023

Luis Velez Vice-Chairperson

ATTEST:

Imelda B. Rodriguez, City Secretary

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

The Planning and Zoning Commission of the City of Eagle Pass held a Regular Meeting on Thursday, January 12, 2023 at 5:30 p.m. in the City Council Chambers, City Hall, 100 South Monroe Street, Eagle Pass, Texas. All legal notices were duly posted in accordance with State code.

ESTABLISHMENT OF QUORUM

Present: Vice-Chairperson, Luis Velez, and Commission Members: Doris Salinas-Sanchez, Kenneth Gross, and Aaron Valdez

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

Staff Present: Planning Director: Placido Madera; Assistant Planning Director, Mariebelle Rodriguez, and Assistant City Secretary, Ita A. Cortinas

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

CITIZENS COMMUNICATIONS

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

There were not any comments or concerns submitted.

OTHER BUSINESS

4. Presentation and discussion on parkland dedication.

Dr. John Crompton of Texas A& M spoke on his observations, having visited the City's parks. He does have recommendations for the City parkland ordinance but would like to receive some additional guidance on policy issues before submitting a draft ordinance.

Not an action item.

PUBLIC HEARING(S)

3. Continuation of a public hearing and possible action on the request by Ana. C. Calvillo for a Conditional Use Permit to allow the establishment of an entertainment venue on property located at 169 Ford Street

Vice-Chairperson Velez opened the public hearing opened at 6:17 p.m.

Planning Director Madera presented details on the item and states that the Planning Department recommends that the Planning and Zoning Commission grant the CUP with the conditions that 1.) the establishment comply with the provision of the City of Eagle Pass Code of Ordinances, 2.) on-site drainage shall be directed away from any adjacent properties, and 3.) the establishment be restricted to comply with hours operation as follows: weekdays to close at 10:00 pm and weeknights to close at 11:00pm.

There being no comments from the public. Vice-Chairperson Velez closed the public hearing at 6:28 p.m.

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

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

2. Public hearing to consider the establishment of permanent zoning classification, master plan, and proposed change to City Map on the annexations of the land described as approximately 10.05 acres located in the J.W. Tinsley, Survey 27, Abstract 840, Maverick County, Texas described as a tract in conveyance document to the Eagle Pass Independent School District recorded in Document Number 154694 of the Maverick County Official Public Records, closing of public hearing and possible action.

Vice-Chairperson Velez recused himself from the item. Commission Member Gross chaired the item and opened the public hearing at 6:30 pm.

Assistant Planning Director Rodriguez provided details on the item and states that the Planning Department recommends that the Planning and Zoning Commission approve the petition to annex property with the following conditions: 1.) Amend the corporate boundary map for City of Eagle Pass to include the property legally described in Attachment 1 of this report. 2.) Amend the City of Eagle Pass Master Plan to include the property legally described in Attachment 1 and assign a "Residential" land use designation for the tract. 3.) Amend the City of Eagle Pass Zoning District Map to include the property legally described in attachment 1 and assign a "R-2 Second One-Family Dwelling District" classification for the tract. 4.) Adopt the Service Plan prepared for annexation site, which is enclosed as Attachment 4.

There being no comments from the public. Vice-Chairperson Velez closed the public hearing at 5:39 p.m.

Commission member Salinas-Sanchez motioned to approve with the recommendations of the Planning Department. Seconded by Commission member Valdez. **MOTION PASSES:** Unanimously

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

MINUTES

1. Approval of the minutes of the December 2, 2022, and the December 21, 2022, meeting.

Commission member Gross moved to approve the minutes. Seconded by Commission member Salinas-Sanchez. **MOTION PASSES:** Unanimously

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

ADJOURNMENT

Commission member Valdez motioned to adjourn meeting at 6:35 p.m. Seconded by Commission member Salinas-Sanchez. **MOTION PASSES:** Unanimously

Passed and Approved on: _____, 2023.

Luis Velez
Vice-Chairperson

ATTEST:

Ita A. Cortinas
Assistant City Secretary

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 Thursday, January 26, 2023, at 5:30 p.m. in the City Council Chambers of Eagle Pass City Hall, 100 S. Monroe Street. All legal notices were duly posted in accordance with the law.

ESTABLISHMENT OF QUORUM

Present: Chairperson, Rolando Jasso; Vice-Chairperson, Luis Velez; and Commission Member, Kenneth Gross.

Absent: Commission Members, Aaron Valdez, and Doris Salinas-Sanchez; Ex-Officio Mayor Rolando Salinas, and Interim City Manager, Ivan Morua.

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

CITIZENS COMMUNICATIONS

At this moment, anyone wishing to address the Commission on any item, was welcome to speak, keeping in mind that, although the Commission would be unable to take formal action on such item, they would be glad to take it under consideration.

There were not any citizens communication forms submitted.

OLD BUSINESS

1. Consideration and possible action on the final plat of Amigos Subdivision.

Assistant Planning Director, Mariebelle Rodriguez briefed the Commission on the details of the proposed final of approximately 4.06-acre tract to subdivide into three residential commercial lots. Ms. Rodriguez stated into the record a revision on the plat note (Number 12) requested by TX Dot as follows:

- The property owner must obtain a TX Dot driveway permit prior to the development of Lots 1 or 2 of Amigo Subdivision, which will be utilized as a shared driveway between Lots 1 and 2 of Amigo Subdivision.

Ms. Rodriguez read into the record, the recommendation from the Planning Department that the Planning and Zoning Commission grant the final plat approval of subdivision, subject to the final plat complying with the provision of Article III of City of Eagle Pass Code of Ordinances Chapter 23 governing procedures and specifications for Final Plats and the following conditions:

1. The developer provides a maintenance bond for the warranty period as required by ordinance. Plat will not be recorded until received.

Chairperson Jasso suggested that the TX Dot recommendation be added as a second condition to the Planning Department's recommendation. Planning Director Madera concurred, and Ms. Rodriguez re-read into the records as part of the conditions.

Commission Member Gross moved to approve the final of Amigos Subdivision as recommended from the Planning Department with two conditions stated above. Seconded by Vice-Chairperson Velez. **MOTION PASSED**- unanimously.

AYES: Jasso Velez, and Gross
NAYS: None
ABSTAIN: None
ABSENT: Valdez and Salinas-Sanchez

OTHER BUSINESS

2. Continuation of discussion regarding the parkland dedication ordinance.

Planning Director, Placido Madera informed on a previous present that was given by Dr. John Crompton and possible modifications to ordinance to Parkland Dedication. Mr. Madera requested from the Commission any suggestions/recommendations to present to City Council.

The Commission recommended as follows:

- Establish a workshop bringing developers and landowners and obtain their feedback on how any potential changes would impact development
- Discuss options for minor and major subdivisions regarding the Parkland Dedication
- Considerer smaller Park
- Involve Finance to have a better view of what is allocated for Parkland Dedication

ADJOURNMENT

Commission Member Gross moved to adjourn meeting at 5:52 p.m. Seconded by Vice-Chairperson Velez. **MOTION PASSED** - Unanimously

Passed and approved on _____, 2023

Rolando Jasso, Chairperson
ATTEST:

Imelda B. Rodriguez, City Secretary

Item #2



**Planning Department Executive Summary
REPORT TO THE PLANNING AND ZONING COMMISSION
Preliminary Plat of Cenizo Industrial Subdivision**

I. BACKGROUND

A. General Information

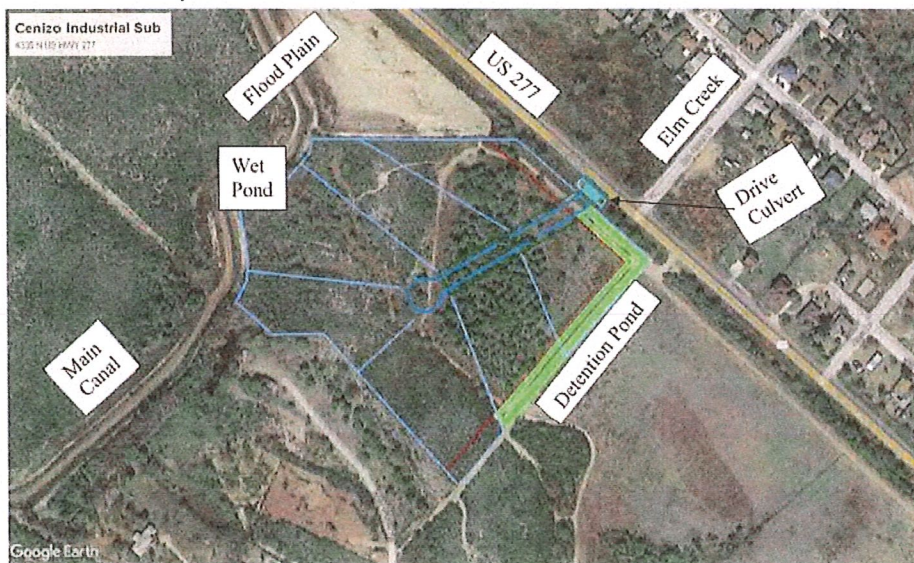
Applicant: Dirksen Engineering | 107 W. South St | Uvalde, Tx 78801

Developer: Tierra Sagrada, LLC c/o Christopher Hiller | Eagle Pass, Texas 78852

Location: 4335 N US Hwy 277 **Property ID Number:** 3557 and 3539

Legal Description: Being an 18.786-acre located in A. Manchaca Survey 49, Abstract 745, Maverick County, Texas and described in conveyance document to Tierra Sagrada, LLC recorded in Document Number 2216708 of the Maverick County Official Public Records, Maverick County, Texas and more particularly described by metes and bounds.

Request: The grant of preliminary plat approval of the platting of a 18.786-acre tract into seven (7) commercial lots, including a sidewalk waiver for Purple Sage Drive from US 277 to end of pavement.



B. Subject Property Information

Topography: Generally flat

Existing Use: vacant and undeveloped

Soils: are a mixture of El Indio Clay Loam at 1-2% on the eastern part and Jimenez association which is gravelly clay at over 5% slope on the western part. Drainage is southeast toward US Hwy 277 and then parallel to US Hwy 277 to Elm Creek.

Zoning: Not applicable

Master Plan: Not applicable as development is located in the ETJ

C. Vicinity Data

The site is located within an area that features mostly undeveloped lots and a commercial subdivision and a residential development across the highway from the subject property.

D. Infrastructure

Access to the site will be provided by US Highway 277. 50 feet wide right of way with a 100 feet radius cul-de-sac will be laid out in the subdivision. A 40-foot wide road will be constructed into the development and end in cul-de-sac with 90-foot radius to face of curb. Applicant has submitted a sidewalk waiver from the requirement to install sidewalks along Purple Sage Drive.

Water Service is provided to the development by constructing an 8-in water main from a 12-inch main located in the west ROW of US Hwy 277. Water services will be installed for each proposed lot. Please Refer to Attachment 3 for an executed copy of the 30-year water service agreement.

Fire Hydrants will be installed on the proposed water main at 300 feet maximum spacing.

No Sanitary sewer is available for the subdivision. On-site sanitary facilities will be provided for sanitary service. Pre EPWWS regulations if sewer service is not within 200 feet from subject property a developer is allowed an alternative facility.

Drainage from the subdivision is southeast. A detention pond is being proposed to capture runoff. The existing land slopes generally to the southeast, parallel to US Hwy 277. The lots will be graded to level then by taking material from the higher land on the western side. Runoff will be detained by a detention pond located along US Hwy 277 and the southeast line of the subdivision. Runoff will be metered out by a V-shaped broad crested weir into the natural drainage way located outside of the US Hwy 277 ROW. No runoff from the subdivision will enter state ROW.

Electric service will be provided by AEP. Streetlights will be installed along the drive into the subdivision spaced at 250 feet.

Telephone and Cable Television service may be provided by ATT and Spectrum. Gas service will not be provided thus is available.

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 preliminary approval of the subdivision. Please refer to Attachment 1.
2. The sidewalk waiver is not consistent with *Section 23-64* governing sidewalks and does not merit to be granted. Application does not meet the criteria set forth in *Section 23-64 (d)(1)(2)(3)(4)*.
3. The subdivision site is not located within the boundary depicted on the *City of Eagle Pass Master Plan Map*. The *City of Eagle Pass Master Plan* does, however, provide direction regarding plat of property both within the City and within the City's 5-mile wide *Extraterritorial Jurisdiction (ETJ)*.

4. The *Master Plan* emphasizes the importance of maintaining the character of the residential and commercial neighborhoods located within the City's 5-mile wide *Extraterritorial Jurisdiction* (ETJ).
 - ✓ 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 *B-3 General 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 and efficient and equitable manner.
 - ✓ The subdivision is consistent with the *Street Goal* of the *Master Plan*, as access to the site from US Highway 277 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 US Highway 277 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 a detention pond will be constructed along US Hwy 277 and the southeast line of the subdivision.
5. The subdivision design is consistent with the purpose of the *B-3 General Business District*.
6. The subdivision design is consistent with City design and specifications, as the project is designed and conditioned 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, **a waiver was filed for which denial is being recommended.**
 - ✓ *Section 23-66* governing sanitary sewage disposal, septic tanks are being proposed and accepted by EPWWS.
 - ✓ *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

Please refer to Attachment 3 for a copy of the engineering report for the proposal.

7. The subdivision is not required to be consistent with the City design and specifications for landscape and tree preservation set forth in *Article VI* in *Eagle Pass Code of Ordinances Chapter 23* because it is located outside the city limits.
8. The subdivision will conform with the parkland dedication requirements set forth in *Article V* in *Eagle Pass Code of Ordinances Chapter 23*, as the original plat was created prior to the enactment of the City's parkland dedication requirements in 2005. As a result, the applicant will provide cash in lieu of parkland dedication to the Maverick Planning Department, fee may be collected when securing building permit.
9. The subdivision's conformance with the provisions of the *Master Plan* and the *Eagle Pass Code of Ordinances* will facilitate the following benefits:

- Protect private rights while considering public health, safety, and welfare.
 - Provide for 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 County may have a 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 and County attractive to people, commerce, and industry.
 - Create the desire for a more pleasing appearance of the County 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.
10. The subdivision will allow for a use of the property that is consistent with the commercial purpose of the *B-3 General Business District* and the surrounding neighborhood 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 commercial purpose of the *B-3 District*.
 - C. The subdivision is warranted because of the necessity to create additional building lots in the *B-3 District*, 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 *B-3 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 subdivision has been designed and conditioned to comply with all applicable subdivision criteria and standards of the City of Eagle Pass.
11. The final approval of this plat request is warranted with the exception of the sidewalk waiver, 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. Planning Department Recommendation

The Eagle Pass Planning and Zoning Commission **DENY** the sidewalk waiver request and **GRANT** preliminary approval of the *Cenizo Industrial Subdivision*, subject to the plat complying with the provisions of *Article III* in *City of Eagle Pass Code of Ordinances Chapter 23* governing procedures and specifications for Final Plats.

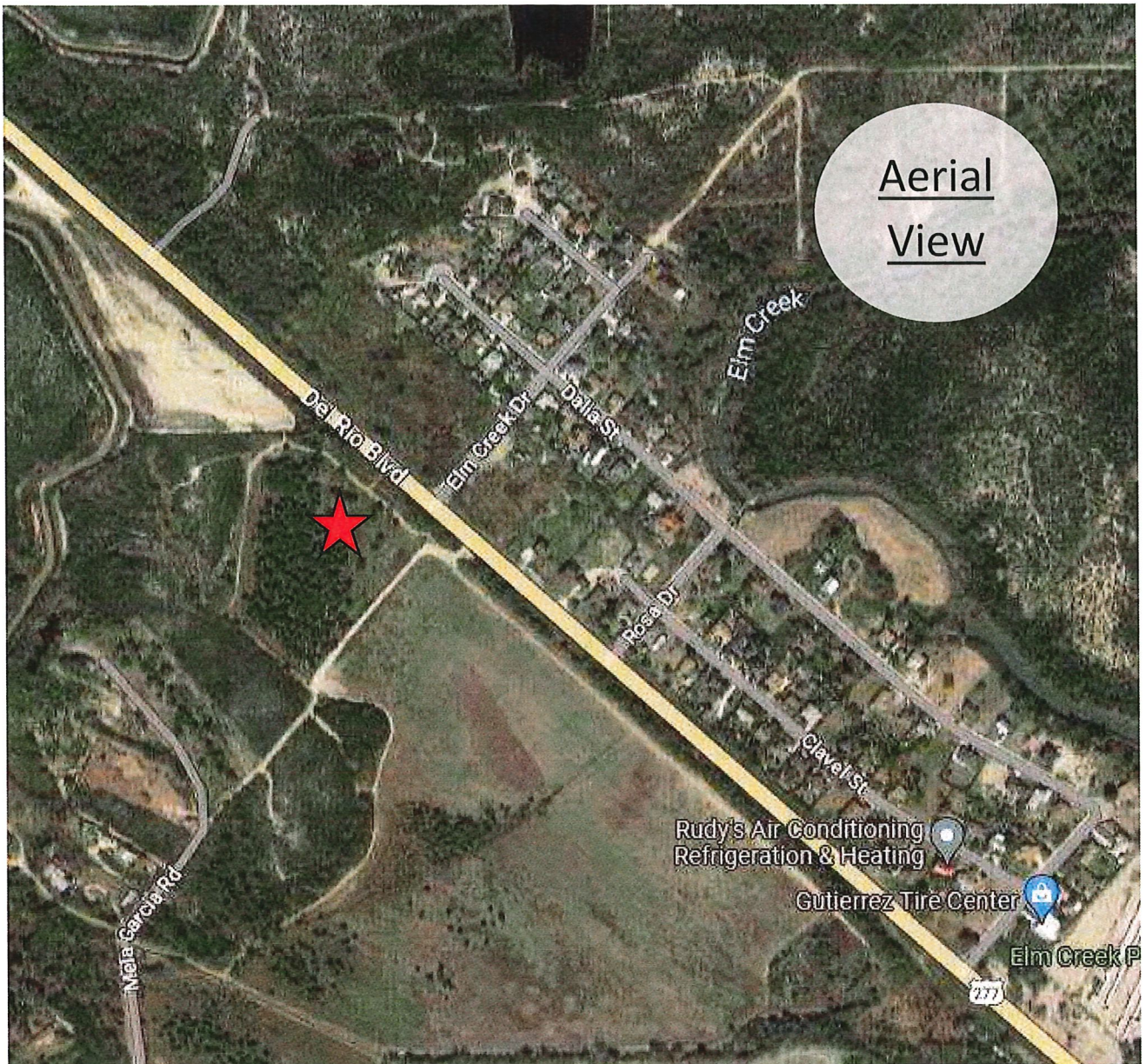
TRANSMITTED to the parties listed hereafter:

Dirksen Engineering via-email
Maverick County Planning Department via e-mail
Eagle Pass Planning and Zoning Commission via e-mail
Planning & Zoning Commission Report dated February 1, 2023

Attachment 1

Application

Site photographs
Plat Drawing
Zoomed in Plat



EVER FOR THIS SUBDIVISION WERE
SERVICES OF THE CITY OF EAGLE PASS
BE SERVICES WILL BE CONNECTED TO
CITY OF EAGLE PASS

WHOSE
TRUE AND

SUT
EASEMENTS
SERVING

Cortez Samuel Chacon and
Priscilla Puente Chacon
6.53 AC
Doc. No. 207956 M.C.O.P.R.

Jesse Guerra
60.00 AC
Doc. No. 165596
M.C.O.P.R.

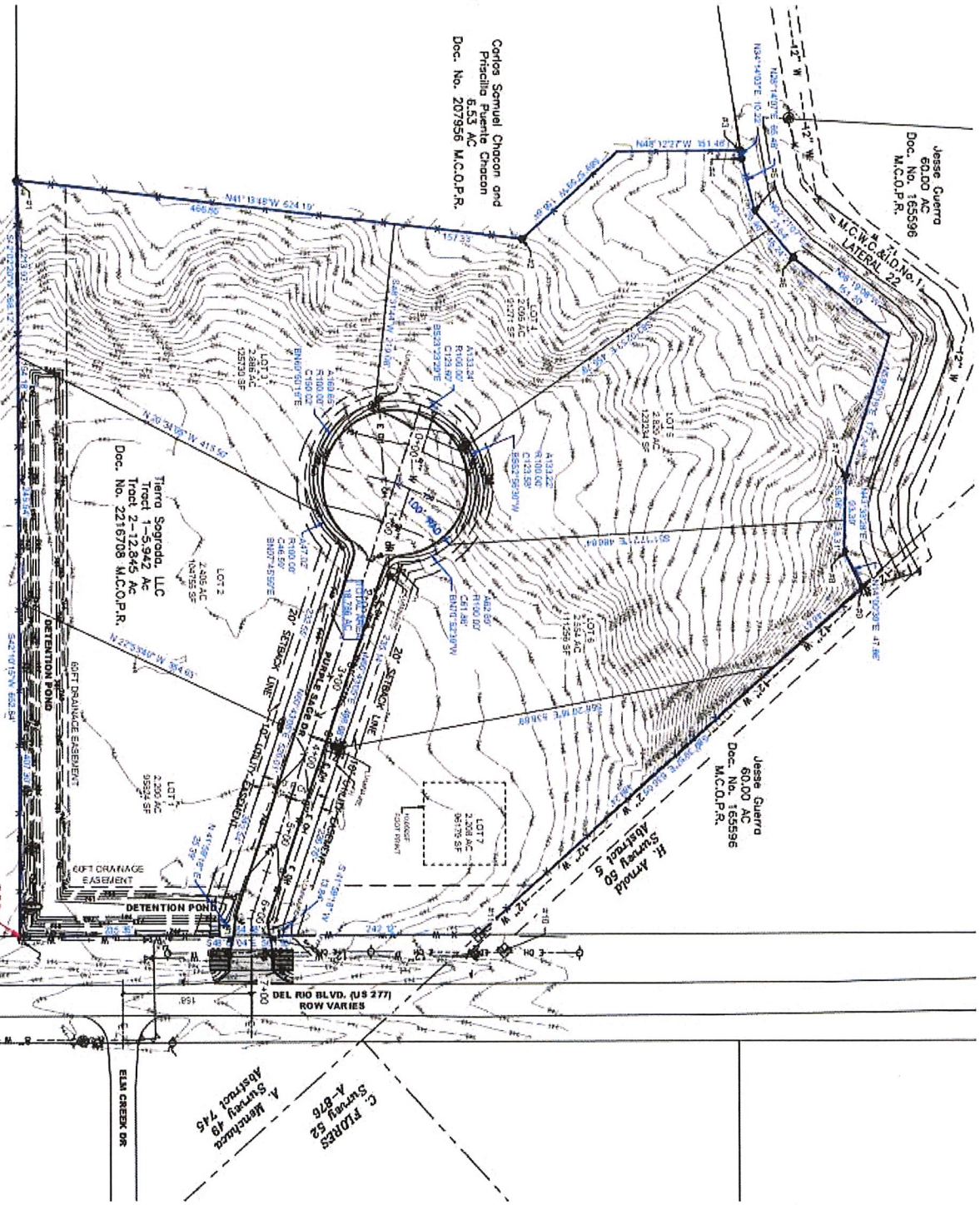
Jesse Guerra
60.00 AC
Doc. No. 165596
M.C.O.P.R.

338 Wilkey Farm Road, LLC
Tract 1 - 32.25 AC
Doc. No. 215095 M.C.O.P.R.

Tierra Sagrada, LLC
Tract 1 - 5.942 AC
Tract 2 - 12.845 AC
Doc. No. 2216708 M.C.O.P.R.



SCALE 1" = 80'



Attachment 2
Sidewalk Waiver Request



PLANNING DEPARTMENT

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

Subdivision Sidewalk Waiver Application

City of Eagle Pass Code of Ordinances Section 23-64(a). Concrete sidewalks shall be required to be constructed in all residential, commercial, industrial, public and multi-family subdivision sites. Sidewalks shall have a minimum width of 4-feet and a minimum thickness of 4-inches and shall be required to be placed adjacent and/or contiguous to the property line within the streets right-of-way. Sidewalks shall be required on the subdivision side of adjacent or perimeter streets and on both sides of interior streets.

City of Eagle Pass Code of Ordinances Section 23-64(d). The Planning and Zoning Commission may waive the requirement for sidewalks in any of the following situations or circumstances:

- (1) Where construction of a sidewalk by a subdivider on either or both sides of a street or a portion of a street would be either unnecessary or unsafe due to the particular physical characteristics of the terrain in the subdivision, the safety and necessity of which shall be determined by the Planning and Zoning Commission; however, such waiver may only be granted if the Commission determines that either sound engineering or safety considerations dictate that a sidewalk should not be constructed, for example, where a proposed sidewalk would cross an arroyo, creek or steep embankment; or
- (2) Where a proposed sidewalk would be located adjacent to a utility easement and the land adjacent to such easement is unusable for development because of the nature of such easement, for example, a natural gas or electric utility easement or a railroad right-of-way or where a proposed sidewalk would be located adjacent to an easement and the land on the other side of the easement is of insufficient depth to allow future development on that side, provided that in either event that there is, or will be, a sidewalk on the side of the road opposite the easement; or
- (3) Where a residential subdivision has double-frontage lots and the rear lots abut a collector or arterial street, a sidewalk on the side of such collector or arterial street on which the rear lot lines abut, does not have to be constructed, provided that a sidewalk is or will be, constructed on the other side of such collector or arterial street; or
- (4) When the lot size in a new residential subdivision is equal to or exceeds 22,000-square-feet in area.

Applicant Information

Applicant (if not owner): Kenneth R. Duiksen
Phone: 830. 278-2100 Email: kendirkksen@sbcglobal.net
Owner: Tierra Sagrada, LLC
Owner Address: PO Box 557 City: Eagle Pass State: TX Zip: 78853
Phone: 830. 776. 0909 Email: CW_hiller@yahoo.com

Property Information

Site Address: 4335 N US HWY 277 Eagle Pass
Legal description (from deed): _____
(Property must be legally subdivided or be lot of record)
Maverick County Identification Number: 3557, 3539

Description of Subdivision Sidewalk Waiver Request, including exact location and distance

THE SUBDIVISION IS INTENDED FOR INDUSTRIAL
PURPOSES. NO SIDEWALK IS REQUIRED.

Please check one or more of the following code sections under which you are requesting the waiver

- ☐ Where construction of a sidewalk by a subdivider on either or both sides of a street or a portion of a street would be either unnecessary or unsafe due to the particular physical characteristics of the terrain in the subdivision, the safety and necessity of which shall be determined by the Planning and Zoning Commission; however, such waiver may only be granted if the Commission determines that either sound engineering or safety considerations dictate that a sidewalk should not be constructed, for example, where a proposed sidewalk would cross an arroyo, creek or steep embankment.
- ☐ Where a proposed sidewalk would be located adjacent to a utility easement and the land adjacent to such easement is unusable for development because of the nature of such easement, for example, a natural gas or electric utility easement or a railroad right-of-way or where a proposed sidewalk would be located adjacent to an easement and the land on the other side of the easement is of insufficient depth to allow future development on that side, provided that in either event that there is, or will be, a sidewalk on the side of the road opposite the easement.
- ☐ Where a residential subdivision has double-frontage lots and the rear lots abut a collector or arterial street, a sidewalk on the side of such collector or arterial street on which the rear lot lines abut, does not have to be constructed, provided that a sidewalk is or will be, constructed on the other side of such collector or arterial street.
- ☒ When the lot size in a new residential subdivision is equal to or exceeds 22,000-square-feet in area.

Describe how your waiver request complies with the section or sections checked above

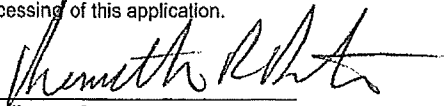
SUBDIVISION WILL BE INDUSTRIAL, NO SIDEWALK
IS REQUIRED

Applicant Authorization

I authorize the City of Eagle Pass to conduct any site visits necessary to evaluate this subdivision sidewalk waiver application.

I further understand that provisions of *City of Eagle Pass Code of Ordinances Section 23-64* apply to all subdivisions within the city limits and all subdivisions outside the city limits. For subdivisions outside the city limits, a guarantee of performance for sidewalks as set out in *Section 23-40* shall be furnished prior to plat approval. For subdivisions inside the city limits, sidewalks shall be required as a condition at the time the building permits are obtained and no guaranty of performance shall be required as set out in *Section 23-40*. However, inside the city limits, all sidewalks must be in place within 18-months after plat recordation and it shall be the responsibility of the subdivider to see that this deadline is met. If the sidewalks are not in place within 18-months after recordation, the subdivider of the property will be assessed the full cost of constructing the sidewalks plus \$100.00 per month for each month beyond the 18-month period during which said construction remained uncompleted.

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 of subdivision sidewalk waiver approval by the Planning and Zoning Commission. 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

10/27/2022
Date

Attachment 3

Final Engineering Report

Dirksen Engineering

107 W South St.

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

February 3, 2023

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

Re: Cenizo Industrial Subdivision – Engineering Report
Maverick County, Texas

To Whom It May Concern:

The Cenizo Industrial Subdivision is located at 4335 N US Hwy 277. The site is 2.55 miles north of the City of Eagle Pass as measured along US Highway 277.

The land is approximately 18.8 acres and identified by Maverick County Appraisal District ID 3557 and 3539

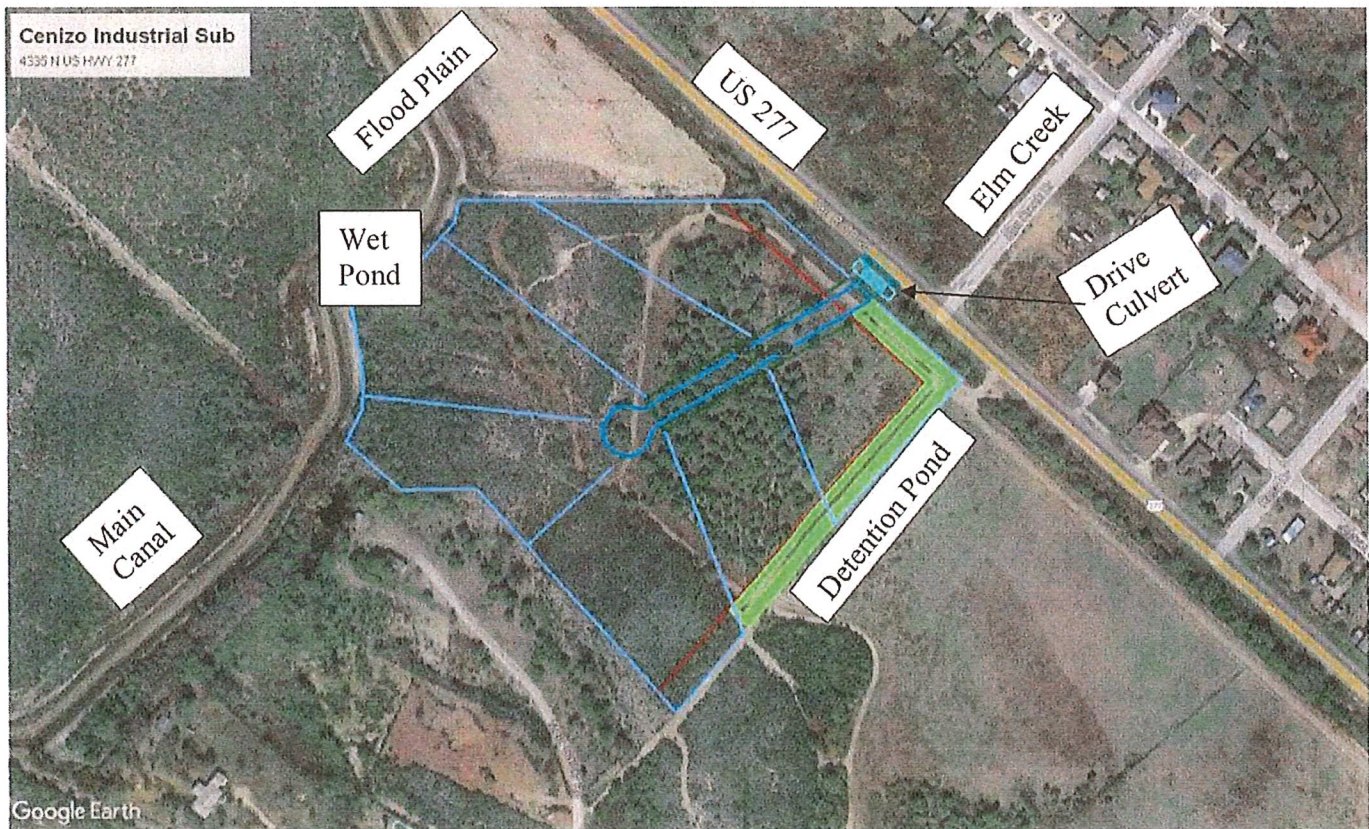


Figure 1 – Cenizo Industrial Subdivision located approximately 2.55 miles north of Eagle Pass in Maverick County

The land is undeveloped without permanent structures. The soils are a mixture of El Indio Clay Loam at 1-2% on the eastern part and Jimenez association which is gravelly clay at over 5% slope on the western part. Drainage is southeast toward US Hwy 277 and then parallel to US 277 to Elm Creek.

The development is for 7 commercial lots within this sub-division boundary.

Street Development

Access into the subdivision is from US Highway 277. A 50 feet wide right of way with a 100 feet radius cul-de-sac will be laid out in the subdivision. A 42 feet wide road will be constructed into the development and end in a cul-de-sack with 91 feet radius. The pavement will be asphalt concrete surface with concrete ribbon curb.

Access to US 277 has been approved by TxDOT.

Water Development

Water service is provided to this development by constructing an 8-inch water main from the 12-inch main located in the west right of way of US Hwy 277. Water services will be installed for each lot. See the attached utility plan and plan and profiles for details of the proposed water route and details. A water service agreement has been submitted to Eagle Pass Water Works for approval.

Fire hydrants will be installed on the new 8-inch water main at 300 feet maximum spacing.

Sanitary Sewer Facilities

No sanitary sewer is available for the subdivision. On-Site Sanitary Facilities will be provided for sanitary service.

Drainage Development

Drainage from this subdivision is southeast. A detention pond will be built on the southeast side of the development.

Electric Facilities, Telephone and Cable Television

Electric service will be provided by AEP. Lighting will be provided along the drive into the subdivision spaced at approximately 250 feet.

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

Gas Service

Gas Service will not be provided.

Construction Cost

The final cost of the construction costs for public improvements are as follows:

Paving	\$353,300
Public Water	\$83,310
Electric Dist	\$14,200
<u>Detention</u>	<u>\$110,000</u>
Total Cost	\$560,810

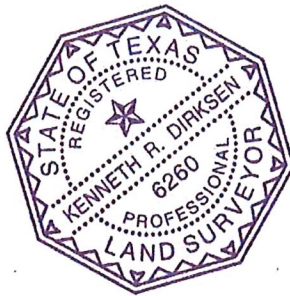
The public improvements total \$546,610.

Please contact me at your convenience if you have questions or want to discuss.

Sincerely,



Kenneth R. Dirksen, P. E.



Attach:

FEMA FIRM Map
Drainage Study
Plat and Plans for Cenizo Commercial Subdivision

FIRE FLOW TEST REPORT

PROJECT INFORMATION:

Project Name: Genizo Industrial Subdivision
Street Address: 4335 N. Hwy 277
City, State, Zip Code: Eagle Pass Texas

FIRE FLOW TESTING COMPANY INFORMATION:

Name of individual preparing this report: Martin Aguilar
Company represented: Allegiance Fire Protection
Street Address: 41242 Gatecrest
City, State, Zip Code: San Antonio Texas 78217
Telephone number: 210-493-2850
Signature of the individual preparing report attesting to the accuracy of data contained herein:
M. Aguilar
Date of this report: 8-15-22

WITNESS INFORMATION:

Name of individual witnessing flow test: Juan Molina
Company Represented: EPWWS
Telephone Number: 830-213-9877
Signature of the witness attesting to the accuracy of data in this report:

J. Molina

FIRE FLOW INFORMATION:

Date and time of flow test: 8-15-22 7:15 AM
Location of "flow" hydrant(s): See Page 2
Location of "test" hydrant: See Page 2

***Theoretical fire flow (gpm) available at twenty-five (25) psi:

***For Building Permit Application

FIRE FLOW TEST DATA SHEET

PROJECT INFORMATION:

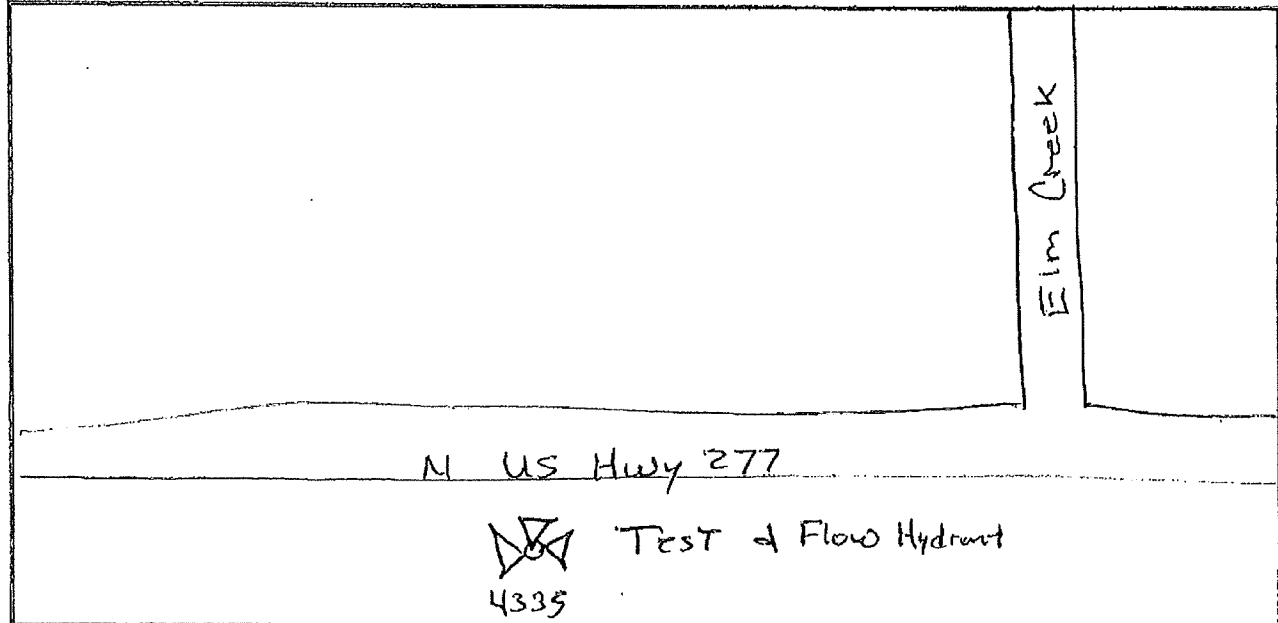
Project Name: _____

Street Address: 4335 N Hwy 277

City, State, Zip Code: East Pass Texas

DATE	TIME <u>AM</u> PM	TEST HYDRANT		FLOWING HYDRANT					FLOWING HYDRANT					TOTAL FLOW	
		STATIC (psi)	RESIDUAL (psi)	PITOT (psi)	DIA (in)	THEOR FLOW (gpm)	HYD COEF	ACTUAL FLOW (gpm)	PITOT (psi)	DIA (in)	THEOR FLOW (gpm)	HYD COEF	ACTUAL FLOW (gpm)	ACTUAL (gpm)	AT 25 psi (gpm)
<u>8/15/20</u>	<u>7:15</u>	<u>40</u>	<u>38</u>	<u>36</u>	<u>2.5</u>		<u>.9</u>	<u>1007</u>							

SKETCH FLOW TEST LOCATION:





AGREEMENT REGARDING WATER SERVICE FOR THE PROPOSED

Cenizo Industrial SUBDIVISION

PARTIES: This Agreement is by and between "the Utility" and "the Subdivider", to wit:
"The Utility" is the governing board or owner of a supplier of drinking water known as EAGLE
PASS WATER & WASTEWATER SYSTEM.

"The Subdivider is Tierra Sagrada, LLC, who is the owner, or
the authorized agent of the owner, of a tract of land in Maverick County, Texas, that has been
proposed to be divided into a subdivision ("the Subdivision") known as Cenizo Industrial Subdivision.

TERMS: This Agreement is entered into in partial satisfaction of requirements under the
Texas Water Development's Board Economically Distressed Areas Program "Model
Subdivision Rules". The Subdivider has prepared a plat of the Subdivision for
submission to Maverick County and the City of Eagle Pass for their respective approval.

The Subdivider plans to construct for the Subdivision a drinking water distribution
system to be connected to the Utility's water supply system. The Utility has reviewed the
plans for this subdivision ("the Plans") and has estimated the drinking water flow
anticipated to be needed by the Subdivision under fully built-out conditions ("the
estimated water flow") to be approximately
2,800 gallons daily.

The Utility warrants that necessary arrangements have been made to supply the
anticipated water flow for at least thirty years (30). The Utility covenants that it has or
will have the capacity to provide the anticipated water flow, and that it will provide that
water flow. The covenants will be in effect until thirty years (30) after the plat of the
Subdivision has been recorded and the Subdivision's water distribution has been
connected to the Utility's water supply system.

The Subdivider covenants that the water distribution system be constructed as shown in the Plans and as provided for through the plat approval process so that the residents of the lots of the Subdivision may receive drinking water service from the Utility. Upon completion of the water distribution system and upon its approval and acceptance by the Utility, the Subdivider will convey to the Utility all right and title to the water distribution system.

The above provisions notwithstanding, this Agreement shall no longer be in effect if the plat of the Subdivision is not approved by Maverick County and the City of Eagle Pass.

By affixing his or her signature to the Agreement, the person signing for the Utility warrants that he or she is authorized to sign this Agreement on behalf of the Utility. By affixing his or her signature to this Agreement, the person signing for the Subdivider warrants that he or she is authorized to sign this Agreement on behalf of the Subdivider.

This Agreement is effective on NOVEMBER 16, 2022

The Utility

The Subdivider

By: [Signature]

By: Tierra Sagrada, LLC

Printed Name: MARCO SALINAS

Printed Name: Christy Miller

Office or Position: CHAIRMAN

Office or Position: Managing Partner

Date: 11/16/2022

Date: 7-21-22

Note: The above form of agreement may be used when required under Model Rule Sections 2.2 (a) (2) and 3.2 (c) (I), which appear respectively as Sections 4.2.2.A.2 and 4.3 4.C.1 in both Title A and Title B of the Maverick County Subdivision Rules, Revised July 1996