



AGENDA

**PLANNING & ZONING COMMISSION SPECIAL MEETING
WEDNESDAY, JUNE 21, 2023, AT 5:30 P.M.
COUNCIL CHAMBERS, CITY HALL BUILDING
100 SOUTH MONROE STREET, EAGLE PASS, MAVERICK COUNTY, TEXAS**

ESTABLISHMENT OF QUORUM

CITIZENS COMMUNICATIONS

PUBLIC HEARINGS

1. Public hearing on the request submitted by Cavazos Leos Enterprises, LLC for a Conditional Use Permit to allow the establishment of a retail bulk business in property legally known as Lots 4, 5, 6, 7 and 8 (north 33 feet) in Block 23 of Hillcrest Addition; closing of public hearing and possible action.
2. Public hearing on the request submitted by PWS Holdings 23, LLC for a Conditional Use Permit to allow for a carwash establishment in property legally known as "2.114 acres located in survey 8, Abstract Number 1111, Maverick County, Texas, and being part of and out of Block A of Holly Park Subdivision Unit 5 according to the map of recorded under envelope 48, Side B of the map records of Maverick County, Texas, for reference, said 2.114 acre tract being that certain called 2.1117 acre tract conveyed from Maxey family Limited Partnership, a Texas limited partnership, to Daniel W. Hartman and wife, Irma Alicia Hartman by warranty deed with vendor's lien recorded under Book 560, Page 70 of the official public records of Maverick County, Texas, said 2.114 acre tract also being that certain called 2.117 acre tract conveyed from Kalyk Development, LLC, to Lewis E. Stock by warranty deed recorded under Book 1876, Page 460 of the official public records of Maverick County, Texas, and located at 2423 E. Main Street; closing of public hearing and possible action.
3. Public hearing on the request submitted by Juan and Maribel Salazar for the rezoning of Lot 12 in Block 55 of Hillcrest Addition (2010 Olive Street), from R-1 First One-Family Dwelling District to R-3(A) Apartment District; closing of public hearing and possible action.
4. Public hearing on the request submitted by Ruben De Los Santos for the rezoning of Lots 7 and 8 in Block 48 ½ of Hillcrest Addition (355 Brazos Street), from B-1 Neighborhood Business District to R-3(A) Apartment District, closing of public hearing and possible action.
5. Public hearing on the subdivision variance request submitted by Terra Tec from *City of Eagle Pass Code of Ordinances Chapter 23 Article IV Section 23-61(a)(4)* regulating 2 points of vehicular access for ingress and egress to a subdivision, for the preliminary plat of the Home2suites Subdivision; closing of public hearing and possible action.
6. Public hearing on the request submitted by Ernesto Fuentes for the rezoning of Lot 6 in Block 3 of Buena Vista Unit #4 (983 Colorado Street), from R-3 Duplex District to R-3(A) Apartment District; closing of public hearing and possible action.

7. Public hearing on the request submitted by Four DLS Properties, LLC for the rezoning of property legally known as "Being 11.67 acres, the remainder of a 12.67 acres tract described in conveyance document to FOUR DLS Properties, LLC recorded in Volume 1877, Page 322 of the Maverick County Official Public Records, Maverick County, Texas from R-2 Second One-Family Dwelling District to I Industrial District; closing of public hearing and possible action.
8. Public hearing on an amendment to Article V of the Parkland Dedication Ordinance of the City of Eagle Pass Code of Ordinances by updating new provisions to new developments for uniform standards regarding parkland; closing of public hearing and possible action.
9. Public hearing on an amendment to Chapter 23 (Subdivisions) Article III, Section 23-94 of the City of Eagle Pass Code of Ordinances; by updating new provisions to allow new development for uniform standards regarding fences; closing of public hearing and possible action.

OTHER BUSINESS

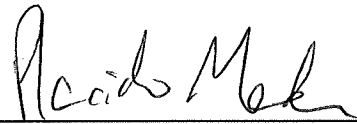
10. Discussion and possible approval of the City's Capital Improvement Plan.

ADJOURNMENT

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

CERTIFICATION

I, THE UNDERSIGNED PLANNING DIRECTOR, do hereby certify that the agenda mentioned above was posted on the Bulletin Board located in the Lobby at City Hall, 100 S. Monroe Street, Eagle Pass, Texas on June 16, 2023 at 3:45 p.m.



Placido Madera
Planning Director

Item #1



Planning Department Executive Summary REPORT TO THE PLANNING & ZONING COMMISSION

Cavazos Leos Enterprises, LLC Conditional Use Permit Request

provisions of *Chapter 211 of the State of Texas Local Government Code Title 7*. Nineteen (19) notices were mailed to the abutting property owners within a 200 foot radius of the subject property.

I. BACKGROUND

General Information

Applicant: Cavazos Leos Enterprises, LLC

Property Owner: 711 Main Street Venture LLC

Location: Concho St and Trinity St

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

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

Request: Conditional Use Permit to allow the establishment of a retail bulk business in property legally known as Lots 4, 5, 6, 7 and 8 (north 33 feet) in Block 23 of Hillcrest Addition.

Subject Property Information

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

Proposed Use: Landscaping retail store.

Zoning District: *B-1 General Business District*
Currently in the process of change of zoning to *B-3 General Business District*

Master Plan: Commercial

Vicinity Data

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

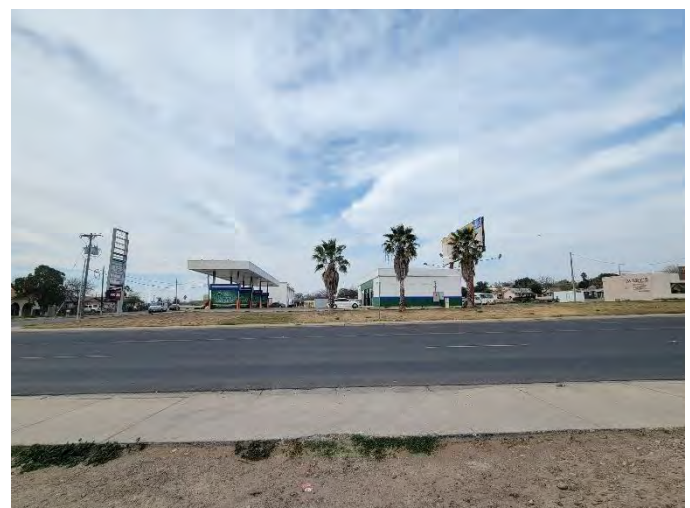
II. PUBLIC NOTICE

Public notification of the *Conditional Use Permit (CUP)* request before the Planning and Zoning Commission was completed consistent with the

Aerial Map



Site Photos



III. RECOMMENDED FINDINGS OF FACT

A. Conclusions

1. The application contains sufficient information upon which the Planning and Zoning Commission may render a decision. Please refer to Attachment 1 for a copy of the Conditional Use Permit (CUP) application.
2. The request involves the establishment of a retail bulk business. The establishment of a retail bulk business in the *B-3 District* requires an application for and the issuance of a *Conditional Use Permit (CUP)* for the project.

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

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

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

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

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

This application is consistent with the *Plan's Land use Development Goals*, as the establishment of a bulk retail business will allow for continued development of the community while retaining the community's character and scale created by its proximity to other retail businesses in the area.

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

5. The *Conditional Use Permit*, if granted, would be consistent with the purpose of the zoning code. *Section 2* of the *City of Eagle Pass Code of Ordinances Appendix A* states that the purpose of the zoning code is to promote the health, safety, morals, and general welfare of the City by, (a) lessening the congestion of streets, (b) securing safety from fire, panic, or dangers, (c) providing adequate light and air, (d) preventing the overcrowding of land, (e) avoiding undue concentration of population, (f) facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Please refer to Attachment 3 for a copy of the *City's Zoning District Map*.

Section 2 emphasizes the importance of the character of a specific zoning district and its peculiar suitability for particular uses, conserving the value of buildings, and encouraging the most

appropriate use of land throughout the City. The use of the existing commercial structure as an amusement establishment will facilitate the retention of the neighborhood's commercial character.

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

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

B. Planning Department Recommendation

The Planning and Zoning Commission **GRANT** the Cavazos Leos, LLC request to allow the establishment of a retail bulk business in property legally known as Lots 4, 5, 6, 7 and 8 (north 33 feet) in Block 23 of Hillcrest Addition.

TRANSMITTED to the parties listed hereafter:

Cavazos Leos Enterprises, LLC via e-mail
Eagle Pass Planning and Zoning Commission Members via e-mail
Eagle Pass Planning Department Report dated May 19, 2023

Attachment 1 Application



PLANNING DEPARTMENT

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

CONDITIONAL USE PERMIT APPLICATION

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

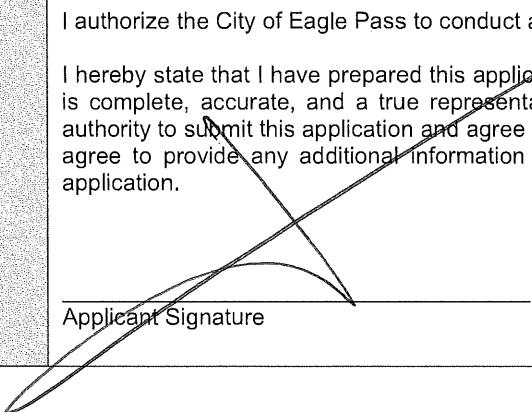
Property Owner Information	Name: <u>711 Main Street Ventures LLC</u>
	Mailing Address: <u>189 Commercial St Eagle Pass Tx 78852</u>
	Phone: <u>(830) 968-8572</u> E-mail: <u>hectorcerna@sbcglobal.net</u>

Property Information	Site Address: <u>126 Concho St</u> MCAD Property ID # <u>10027</u>
	Legal Description: Lot(s) <u>9 & 10</u> Block <u>23</u> Subdivision <u>HILLCREST ADDN</u> (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) <u>136</u> Rear Yard Width (feet) <u>274</u> Side Yard Width (feet) <u>245</u>
	Current Use <u>Not in use</u>
	Proposed Use <u>Landscape and Irrigation systems store</u>

Description of Project:
Our purpose is to offer a full range of landscape and irrigation products for both residential and commercial
at low costs for the community.

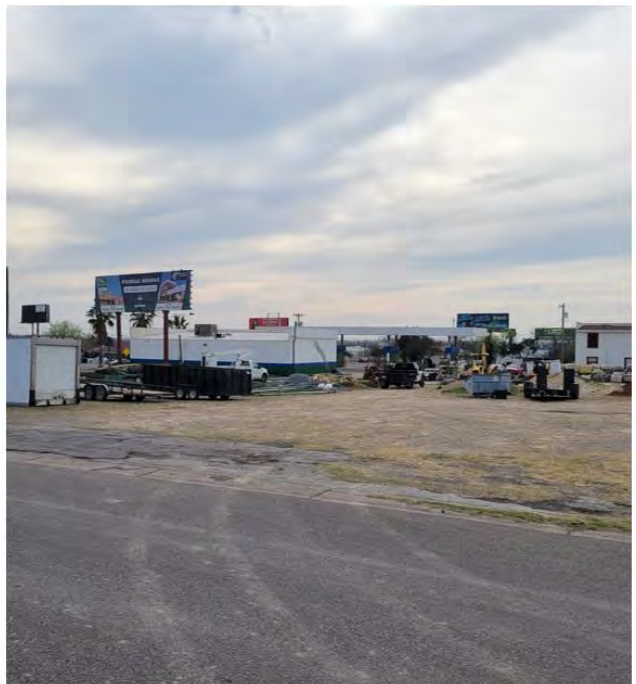
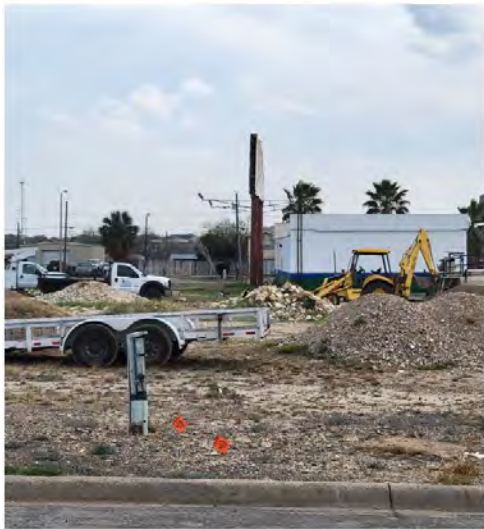
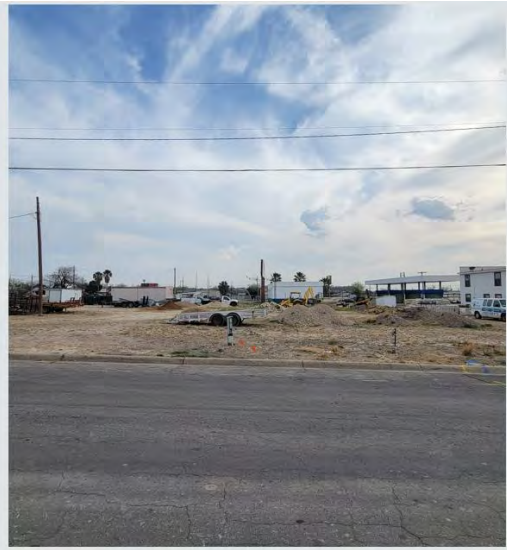
Detailed Explanation of Proposed Conditional Use
What development measures regarding location, construction, time period, maintenance, and operation will you use to protect adjacent properties from impacts from your project?
Our store will have privet fence with six feet tall all around our business area, and our operation time will be Monday to Saturday from 8:00 am to 5:00 pm, Maintenance will be get done once a week along property
That way our community will not be affected by our operations.

Describe how your project is reasonably related to the use of the property.
This property is suitable for this project since it is a central location and easy access to our customers foreign consumers from Mexico.
The area of this location is perfect size for our project
Describe how your project conforms to the purpose of the zoning district in which the project will be established.
This is a commercial property and is why we decide to established our project on this location
There are potential consumers around the area

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 2/3/2023 _____ Date

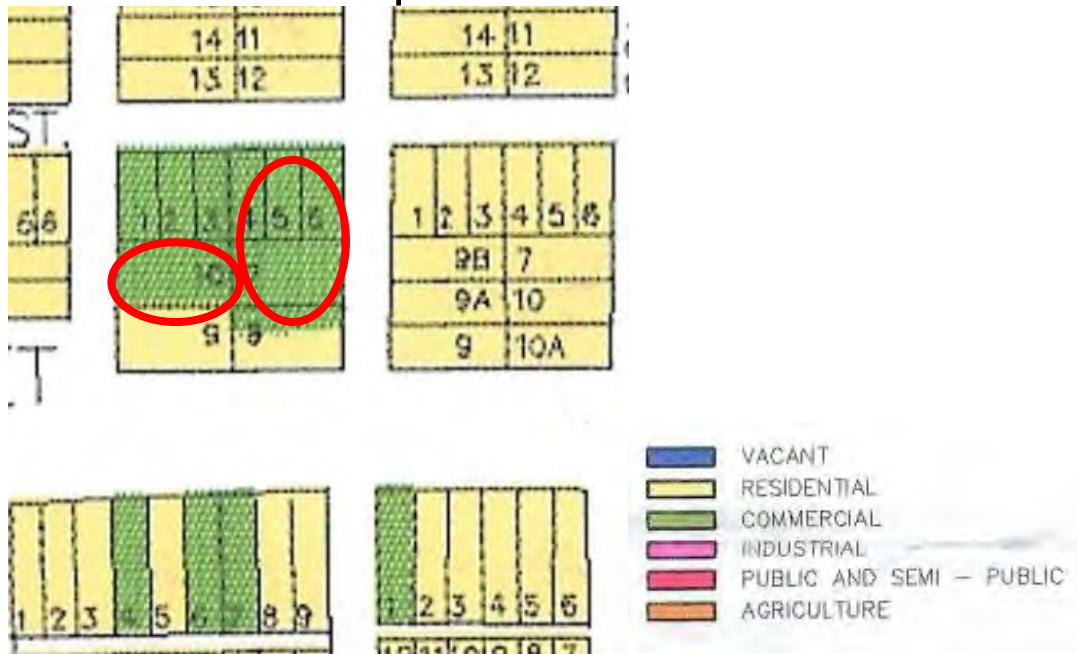
Office Use	Date Application Accepted for Review: _____ By: _____
	Contact Date for Supplemental Info: _____ Supplemental Info Received: _____
	Completeness Review Date: _____ By: _____
	Application Returned to Applicant: _____ (when applicable)
MR:6/2020	





Attachment 2
Master Plan & Zoning Map

Master Plan Map



Zoning District Map



Item #2



Planning Department Executive Summary REPORT TO THE PLANNING & ZONING COMMISSION

PWS Holdings 23, LLC Conditional Use Permit Request

I. BACKGROUND

General Information

Applicant: PWS Holdings 23, LLC

Property Owner: Lewis E. Stock & Vickie L. Stock
Trustees of The Stock Revocable Trust

Location: 2423 E. Main Street

Property ID Number: #4714

Legal Description: 2.114 acres located in survey 8, Abstract Number 1111, Maverick County, Texas, and being part of and out of Block A of Holly Park Subdivision Unit 5 according to the map of recorded under envelope 48, Side B of the map records of Maverick County, Texas, for reference, said 2.114 acre tract being that certain called 2.1117 acre tract conveyed from Maxey family Limited Partnership, a Texas limited partnership, to Daniel W. Hartman and wife, Irma Alicia Hartman by warranty deed with vendor's lien recorded under Book 560, Page 70 of the official public records of Maverick County, Texas, said 2.114 acre tract also being that certain called 2.117 acre tract conveyed from Kalyk Development, LLC, to Lewis E. Stock by warranty deed recorded under Book 1876, Page 460 of the official public records of Maverick County, Texas

Request: Conditional Use Permit to allow for a carwash establishment.

Subject Property Information

Current Use: Vacant lot (previous use Motel)

Proposed Use: Express Car Wash

Acres: 2.114 **Square feet:** 92,089

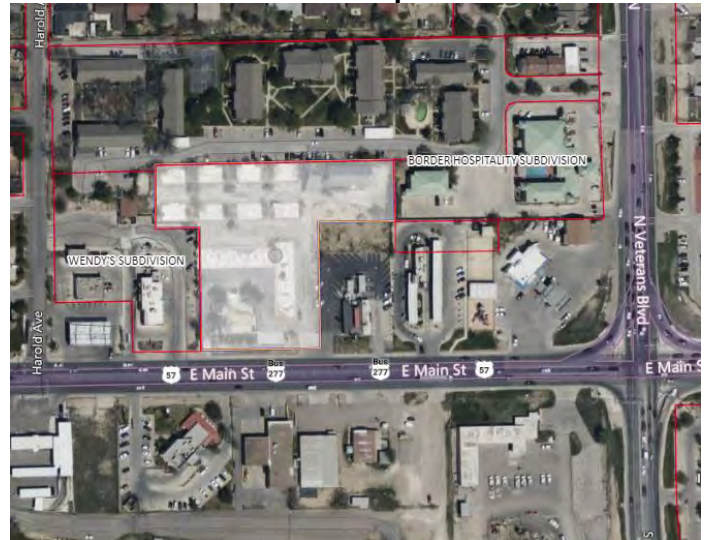
Current Zoning District: B-3 General Business District

Master Plan: Commercial

Vicinity Data

The site is in an area that is primarily comprised of commercial developments and a multi-family complex directly to the rear of the subject lot.

Aerial Map



Site Photos



II. PUBLIC NOTICE

Public notification of the *Conditional Use Permit* (CUP) request before the Planning and Zoning Commission was completed consistent with the provisions of *Chapter 211* of the *State of Texas Local Government Code Title 7*. Twelve (12) notices were mailed to the abutting property owners within a 200 foot radius of the subject property.

III. RECOMMENDED FINDINGS OF FACT

A. Conclusions

1. The application contains sufficient information upon which the Planning and Zoning Commission may render a decision. Please refer to Attachment 1 for a copy of the Conditional Use Permit (CUP) application.
2. The request involves the establishment of a carwash establishment. The establishment of a retail bulk business in the *B-3 District* requires an application for and the issuance of a *Conditional Use Permit (CUP)* for the project.

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

3. *Section 21(d)* of *City of Eagle Pass Code of Ordinances Appendix A* states, in part, that the Planning and Zoning Commission may approve, conditionally approve or deny an application for a *Conditional Use Permit*, and in authorizing a conditional use, may impose such requirements and conditions with respect to location, construction, time period, maintenance and operation as deemed necessary for the protection of adjacent properties and the public interest when reasonably related to the use of the property.
4. *Section 21(d)* of *City of Eagle Pass Code of Ordinances Appendix A* further states, in part, that before granting any *Conditional Use Permit*, The Planning Department shall be satisfied that the proposed structure or use conforms to the requirements and the intent of this chapter and the general plans(s) of the City of Eagle Pass.

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

This application is consistent with the *Plan's Land use Development Goals*, as the establishment of a bulk retail business will allow for continued development of the community while retaining the community's character and scale created by its proximity to other retail businesses in the area.

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

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

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

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

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

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

B. Planning Department Recommendation

The Planning and Zoning Commission The Planning and Zoning Commission **GRANT** PWS Holdings 23, LLC CUP request to allow for a carwash establishment in property legally defined as 2.114 acres located in survey 8, Abstract Number 1111, Maverick County, Texas, and being part of and out of Block A of Holly Park Subdivision Unit 5 according to the map of recorded under envelope 48, Side B of the map records of Maverick County, Texas, for reference, said 2.114 acre tract being that certain called 2.117 acre tract conveyed from Maxey family Limited Partnership, a Texas limited partnership, to Daniel W. Hartman and wife, Irma Alicia Hartman by warranty deed with vendor's lien recorded under Book 560, Page 70 of the official public records of Maverick County, Texas, said 2.114 acre tract also being that certain called 2.117 acre tract conveyed from Kalyk Development, LLC, to Lewis E. Stock by warranty deed recorded under Book 1876, Page 460 of the official public records of Maverick County, Texas, also known as 2423 E. Main Street.

TRANSMITTED to the parties listed hereafter:

PWS Holdings 23, LLC via e-mail
Eagle Pass Planning and Zoning Commission Members via e-mail
Eagle Pass Planning Department Report dated May 19, 2022

Attachment 1 Application



PLANNING DEPARTMENT

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

CONDITIONAL USE PERMIT APPLICATION

Applicant Information	Name: <u>PWS Holdings 23, LLC</u>
	Mailing Address: <u>4609 33rd Avenue S, Suite 400, Fargo, ND 58104</u>
	Phone: <u>701-499-3936</u> E-mail: <u>Tanner@christiansoncompanies.com</u>
	<u>Note: if you are not the owner of the property, you must attach a letter from the owner authorizing you to submit this application.</u>

Property Owner Information	Name: <u>Lewis E Stock & Vickie I Stock Trustees of The Stock Revocable Trust.</u>
	Mailing Address: <u>PO Box 2512 Eagle Pass tx</u>
	Phone: <u>830 732 291</u> E-mail: <u>MerCalvinStockllc.com</u>

Property Information	Site Address: <u>2423 E Main Street</u> MCAD Property ID # <u>4714</u>
	Legal Description: Lot(s) _____ Block <u>A</u> Subdivision _____ (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) _____ Rear Yard Width (feet) _____ Side Yard Width (feet) _____
	Current Use <u>Vacant</u>
	Proposed Use <u>Express Car Wash</u>

Description of Project:

We are looking to redevelop the former hotel site at this location and build a Tommy's Express Car Wash.

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?

Construction will take about 8-9 months once we get started. We will take any and all measures to ensure there are no issues that will impact neighboring properties.

There is plenty of room on our site for any construction deliveries and staging.

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

The existing use of the property is a vacant hotel that has closed down. We would be redeveloping the site and building an express car wash. This would be a great use for this property as it would serve many customers off of Main Street and it would benefit the city and its citizens to redevelop an unused commercial lot.

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

We will be rezoning this lot from B1 to B3. B3 is the general business district. This zoning district allows commercial and automobile uses. Therefore, a car wash would conform with this district.

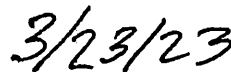
Aplicant Authorization

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

Office Use

Date Application Accepted for Review: _____ By: _____

Contact Date for Supplemental Info: _____ Supplemental Info Received: _____

Completeness Review Date: _____ By: _____

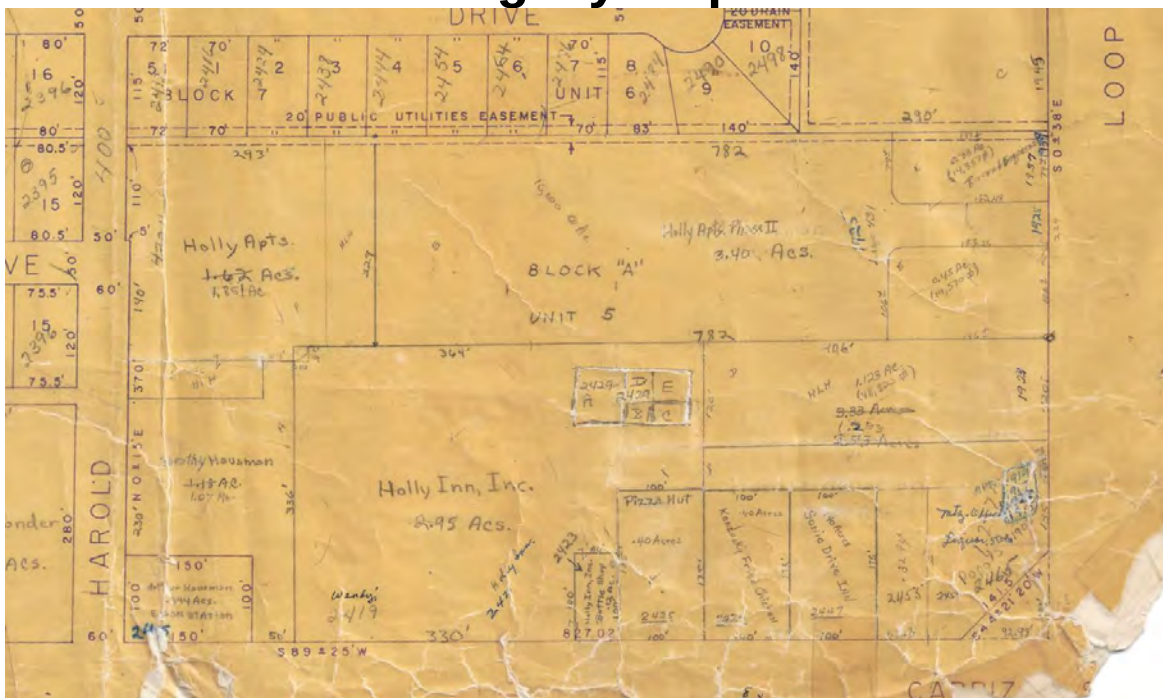
Application Returned to Applicant: _____ (when applicable)

MR-8/2020

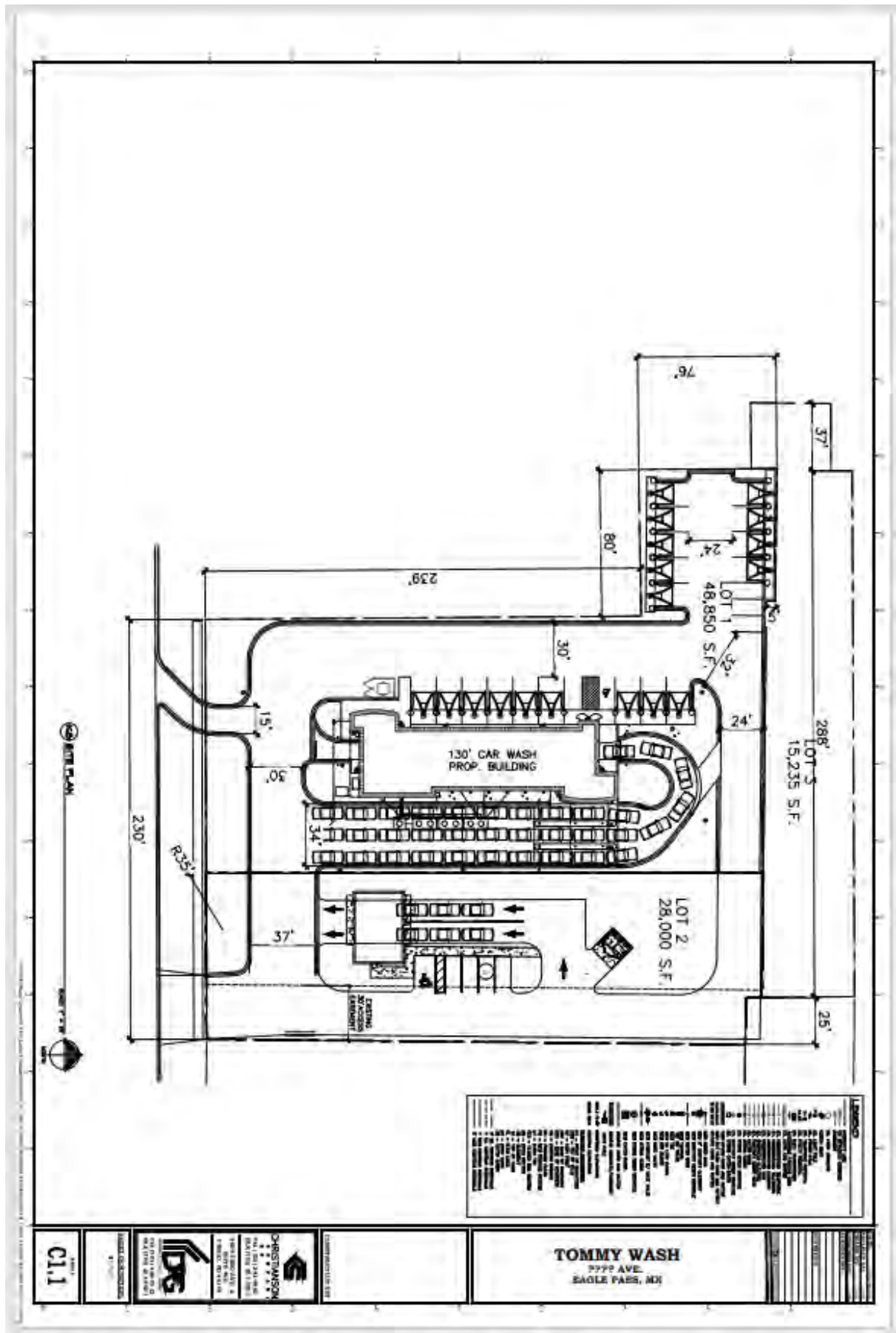
Additional photos of site



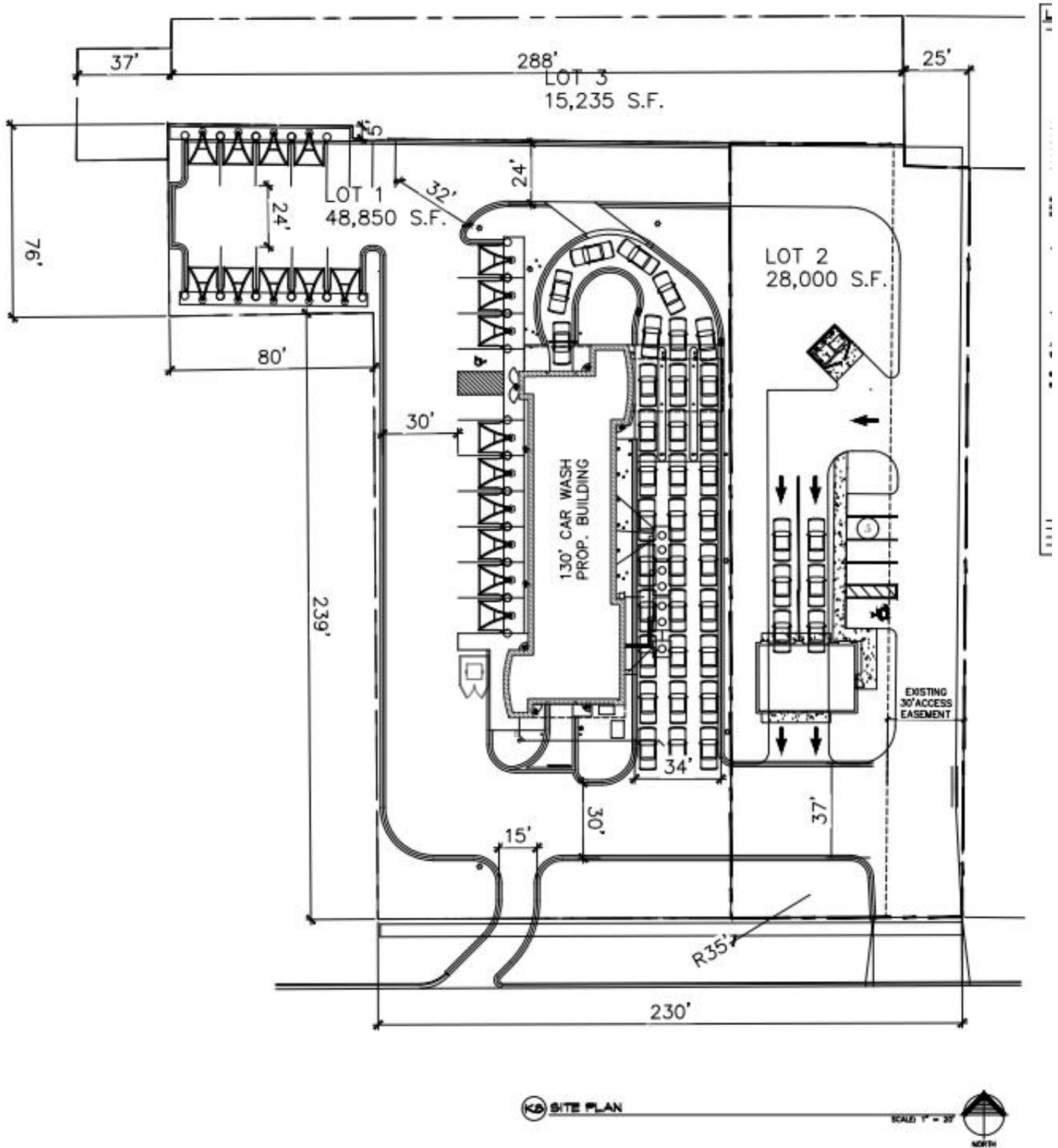
Legacy Map



Proposed preliminary site plan



Zoomed in Site Plan



Attachment 2
Master Plan & Zoning Map

Master Plan Map



Zoning District Map



Item #3



Planning Department Executive Summary REPORT TO THE PLANNING & ZONING COMMISSION

2010 Olive Street Rezone Request

I. BACKGROUND

A. General Information

Case No. 9110

Applicant: Juan Carlos & Maribel Salazar | Eagle Pass, Texas 78852

Location: 2010 Olive Street

Property ID Number: 10456

Legal Description: Lot 12 in Block 55 of Hillcrest Addition

Request: Rezone parcel from R-1 First One-Family Dwelling District to R-3(A) Apartment District.

B. Subject Property Information

Parcel Size: 7,500-square feet

Existing Use: Vacant

Zoning District: R-1 District

Master Plan: Residential

Proposed Use: multi-family dwelling

C. Vicinity Data

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

D. Infrastructure

Property is currently served by public utilities/franchises, including water, sanitary sewer, storm sewer, telephone, electric service, gas, garbage, and cable. Access to these lots is provided by Olive Street.

II. PUBLIC NOTICE

Public Notification of the Planning and Zoning Commission public hearing to consider the rezone request was completed consistent with the provisions of *Chapter 211* of the *State of Texas Local Government Code Title 7*. 25 notices were mailed to the abutting property owners within the 200 feet radius from the subject property on May 10, 2023.

III. RECOMMENDED FINDINGS OF FACT

A. Conclusions

1. *Section 1(b)(4) of Eagle Pass City Charter Article IX* authorizes the Planning and Zoning Commission to recommend or disapprove proposed changes to the *City of Eagle*

Pass Zoning Plan. A request for a change in a zoning district designation for a property constitutes a change to the *zoning plan* and the *zoning plan map*.

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

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

4. The 'Housing Goals' of the *Master Plan* are applicable to this rezone, as the eventual use of the site will be residential. The rezone, if granted, will result in construction activities that will include the enforcement of appropriate land development regulations resulting in appropriate lot sizes, paved streets with curb and gutters, sidewalks, and adequate utility services.

5. The rezone request is consistent with the 'Land Use Development Goals' of the *City of Eagle Pass Master Plan*. The request to change from the *R-1 District* to *R-3(A) District* will allow for a continuation of the development in the neighborhood while retaining the community's character and scale. The change will facilitate the ultimate development of urban uses in a compatible arrangement that will make the community attractive to both residents and visitors and desirable to quality investments, while improving the residential and commercial environment of the city.

The purpose of the rezone is to allow for subsequent construction of an apartment dwelling to house three families on the property. All construction will comply with all applicable local codes.

6. The rezone request is consistent with the *Master Plan's* 'Street Objectives', 'Thoroughfare Goals', and 'Thoroughfare Objectives', as access to the rezone site will be provided by Olive Street.

7. The rezone request conforms to the purpose of the City's zoning code, as the subsequent development of the property will result in a use that is consistent with intent of the *R-3A District* and consistent with residential and multi-family uses in the vicinity of the site, with a view to conserving the value of buildings and encouraging the most appropriate use of land adjacent that will have access to a public street. Please refer to Attachment 2 for a copy of the City's *Zoning District Map*.

8. The property is in an area that contains multi-family uses and should allow for property to be rezoned to a higher and better use. Please refer to Attachment 1 for a photograph of the rezone site.

9. The rezone request has been conditioned to insure conformance with the direction provided in the *Master Plan's* 'Storm Drainage Goals' and 'Storm Drainage Objectives'.

10. The rezone request is consistent with both the goals and objectives of the *Master Plan* and the purpose of the *City of Eagle Pass Code of Ordinances Appendix A* governing zoning as set forth in Conclusion 1 through 9 of this Report. The rezone request, therefore, should be approved.

B. Planning Department Recommendation

The Planning and Zoning Commission recommend that the City Council prepare and **ADOPT** an Ordinance granting a zoning district change from R-1 First One-Family Dwelling District to R-3(A) Apartment District for property legally defined as Lot 12 in Block 55 of Hillcrest Addition, also known 2010 Olive Street, subject to the following condition:

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 sewers, including drainage
 - Appendix A governing zoning, governing off-street parking
 - Appendix A governing zoning, governing fences (Section 12(d)(1)(a) & (c))

TRANSMITTED to the parties listed hereafter:

Juan Carlos & Maribel Salazar via e-mail
Planning and Zoning Commission Members via e-mail
Eagle Pass Planning Department Report dated May 17, 2023

Attachment 1 Application



PLANNING DEPARTMENT

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

ZONING CHANGE APPLICATION

Case No: 9110

Applicant Information	Name: <u>Juan Carlos, MARIBEL SALAZAR</u>
	Mailing Address: <u>2010 OLIVE ST EAGLE PASS TX 78852</u>
	Phone: <u>830 325-4927 + 830 325-1877</u> E-mail: <u>maribel.salazar1708@hotmail.com</u>
	Note: if you are not the owner of the property, you must attach a letter from the owner authorizing you to submit this application.

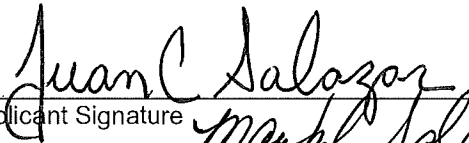
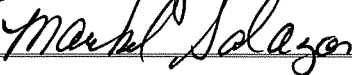
Property Owner Information	Name: <u>Juan Carlos + MARIBEL SALAZAR</u>
	Mailing Address: <u>2010 Olive St EAGLE PASS TX 78852</u>
	Phone: <u>830 325-4927 - 830 325-1877</u> E-mail: <u>maribel.salazar1708@hotmail.com</u>

Property Information	Site Address: <u>2010 OLIVE ST</u> MCAD Property ID # <u>10456</u>
	Legal Description: Lot(s) <u>12</u> Block <u>55</u> Subdivision <u>Hillcrest Addition</u> (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) <u>50</u> Rear Yard Width (feet) <u>50</u> Side Yard Width (feet) <u>150</u>

Proposed Project	Amend Zoning Regulations contained in section <u>5</u>
	Amend the Official Zoning Map & Master Plan by changing <u>7,500 sq ft</u> acres of land currently zoned <u>R1</u> to be zoned <u>R3A</u>
	Conforms with the Zoning Map? ☒ Yes ☐ No
	Conforms with Master Plan Designation? ☒ Yes ☐ No
	☒ Vacant Land ☒ Vacant Building ☐ Single Family Dwelling ☐ Commercial
	☐ Multi-Family Dwellings ☐ Industrial ☐ Other <u>proposed apartments</u>



Detailed Explanation of Proposed Use	
Proposed Use of Property/Reason for Change:	
3 one bed room apt. / 1 duplex 1 Apt.	
Describe the character and/or nature of uses surrounding the property:	
Will the rezoned designation be compatible with the classification and use of adjoining lands? ☒ Yes ☐ No	
If No, how do you propose to reduce any adverse impact?	

Applicant Authorization	I authorize the City of Eagle Pass to conduct any site visits necessary to evaluate this zoning change application.
	I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the zoning change request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of the zoning change approval. I agree to provide any additional information requested by the City as they deem necessary for the processing of this application.
	 Applicant Signature  Date 04-20-2023 04-20-2023

Office Use	Date Application Accepted for Review: <u>4/20/23</u> By: <u>VB</u>
	Contact Date for Supplemental Info: <u>—</u> Supplemental Info Received: <u>—</u>
	Completeness Review Date: <u>4/20/23</u> By: <u>ME</u>
	Application Returned to Applicant: <u>NA</u> (when applicable)
MR:7/2020	

Site Photos

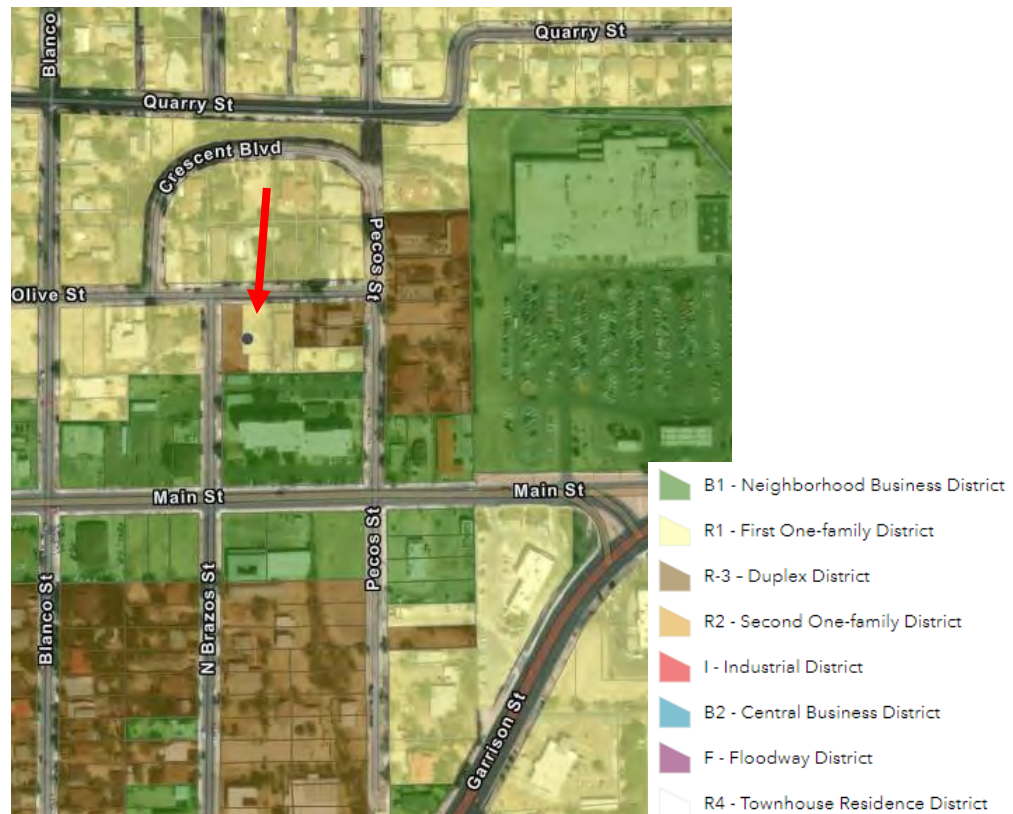


Aerial View

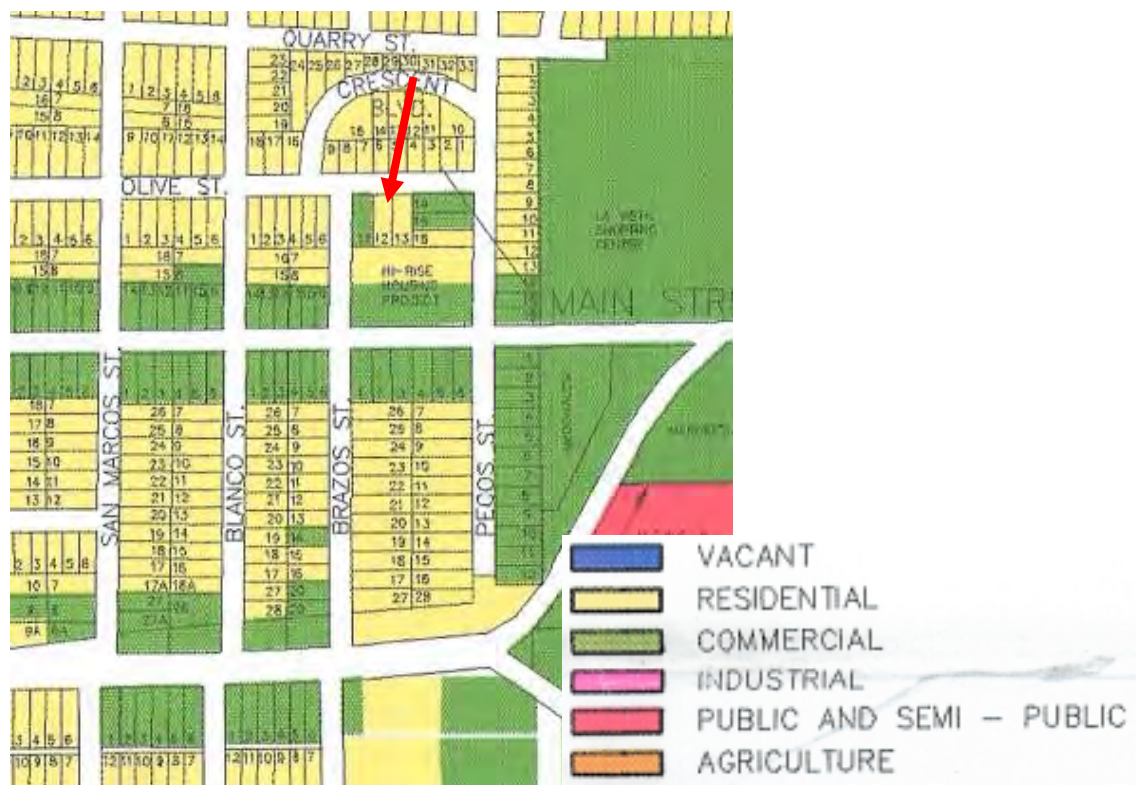


Attachment 2
Zoning Map & Master Plan

Zoning Map



Master Plan



Item #4



Planning Department Executive Summary REPORT TO THE PLANNING & ZONING COMMISSION

355 N Brazos Street Rezone Request

I. BACKGROUND

A. General Information

Case No. 9175

Applicant: Ruben De Los Santos | Eagle Pass, Texas 78852

Location: 355 N Brazos Street

Property ID Number: 10408

Legal Description: Hillcrest Addition, Block 48 ½, Lot 7 & 8

Request: Rezone parcel from B-1 Neighborhood Business District to R-3(A) Apartment District.

B. Subject Property Information

Parcel Size: 15,900-square feet

Existing Use: Vacant

Current Zoning District: B-1 District

Master Plan: Residential

Proposed Use: Two detached buildings housing 4 families

C. Vicinity Data

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

D. Infrastructure

Property is currently served by public utilities/franchises, including water, sanitary sewer, storm sewer, telephone, electric service, gas, garbage, and cable. Access to these lots is provided by Brazos Street.

II. PUBLIC NOTICE

Public Notification of the Planning and Zoning Commission public hearing to consider the rezone request was completed consistent with the provisions of *Chapter 211* of the *State of Texas Local Government Code Title 7*. 13 notices were mailed to the abutting property owners within the 200 feet radius from the subject property on May 12, 2023.

III. RECOMMENDED FINDINGS OF FACT

A. Conclusions

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

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

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

4. The 'Housing Goals' of the *Master Plan* are applicable to this rezone, as the eventual use of the site will be residential. The rezone, if granted, will result in construction activities that will include the enforcement of appropriate land development regulations resulting in appropriate lot sizes, paved streets with curb and gutters, sidewalks, and adequate utility services.

5. The rezone request is consistent with the 'Land Use Development Goals' of the *City of Eagle Pass Master Plan*. The request to change from the *B-1 Neighborhood Business District* to *R-3A Apartment District* will allow for a continuation of the development in the neighborhood while retaining the community's character and scale. The change will facilitate the ultimate development of urban uses in a compatible arrangement that will make the community attractive to both residents and visitors and desirable to quality investments, while improving the residential and commercial environment of the city.

The purpose of the rezone is to allow for subsequent construction of two detached dwellings to house four families on the property. All construction will comply with all applicable local codes.

6. The rezone request is consistent with the *Master Plan's* 'Street Objectives', 'Thoroughfare Goals', and 'Thoroughfare Objectives', as access to the rezone site will be provided by Brazos Street.

7. The rezone request conforms to the purpose of the City's zoning code, as the subsequent development of the property will result in a use that is consistent with intent of the *R-3A District* and consistent with residential and multi-family uses in the vicinity of the site, with a view to conserving the value of buildings and encouraging the most appropriate use of land adjacent that will have access to a public street. Please refer to Attachment 2 for a copy of the City's *Zoning District Map*.

8. The property is in an area that contains multi-family uses and should allow for property to be rezoned to a higher and better use. Please refer to Attachment 1 for a photograph of the rezone site.

9. The rezone request has been conditioned to insure conformance with the direction provided in the *Master Plan's* 'Storm Drainage Goals' and 'Storm Drainage Objectives'.

10. The rezone request is consistent with both the goals and objectives of the *Master Plan* and the purpose of the *City of Eagle Pass Code of Ordinances Appendix A* governing zoning as set forth in Conclusion 1 through 9 of this Report. The rezone request, therefore, should be approved.

B. Planning Department Recommendation

The Planning and Zoning Commission recommend that the City Council prepare and **ADOPT** an Ordinance granting a zoning district change R-1 First One-Family Dwelling District to R-3A Apartment District for property legally defined as Lots 7 and 8 in Block 48 ½ of Hillcrest Addition, also known 355 N. Brazos Street, subject to the following condition:

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 sewers, including drainage
- Appendix A governing zoning, governing off-street parking
- Appendix A governing zoning, governing fences (Section 12(d)(1)(a) & (c))

TRANSMITTED to the parties listed hereafter:

Ruben De Los Santos via e-mail
 Planning and Zoning Commission Members via e-mail
 Eagle Pass Planning Department Report dated May 18, 2022

Attachment 1 Application



PLANNING DEPARTMENT

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

ZONING CHANGE APPLICATION

Case No: 9175

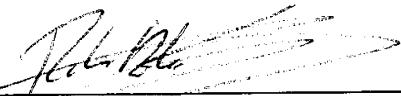
Applicant Information	Name: <u>Rob DeSantis, Jr.</u>
	Mailing Address: <u>PO Box 1401 Eagle Pass TX 78853</u>
	Phone: <u>830-773-3332</u> E-mail: <u>Rob-DeSantis@eaglepass.com</u>
	<u>Note: if you are not the owner of the property, you must attach a letter from the owner authorizing you to submit this application.</u>

Property Owner Information	Name: <u>J. Rob DeSantis</u>
	Mailing Address: <u>1555 East Main Street Eagle Pass TX 78852</u>
	Phone: <u>830-773-3332</u> E-mail: <u>Rob-DeSantis@eaglepass.com</u>

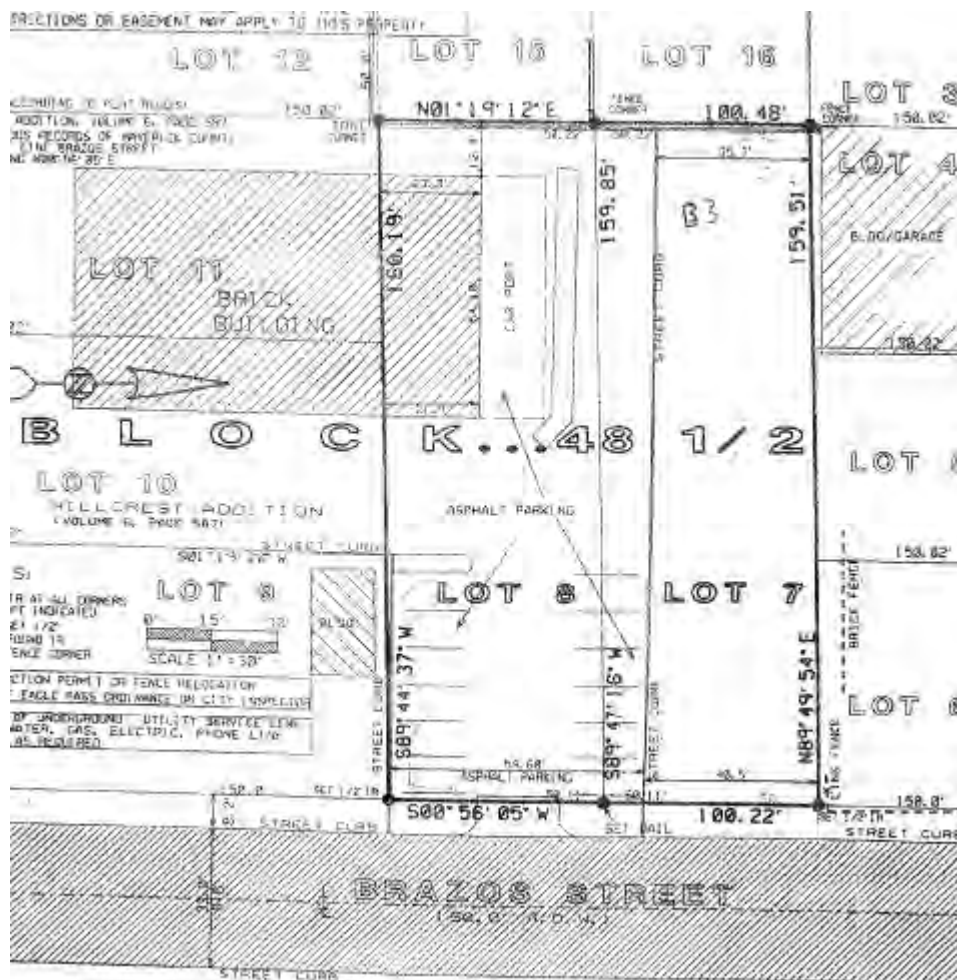
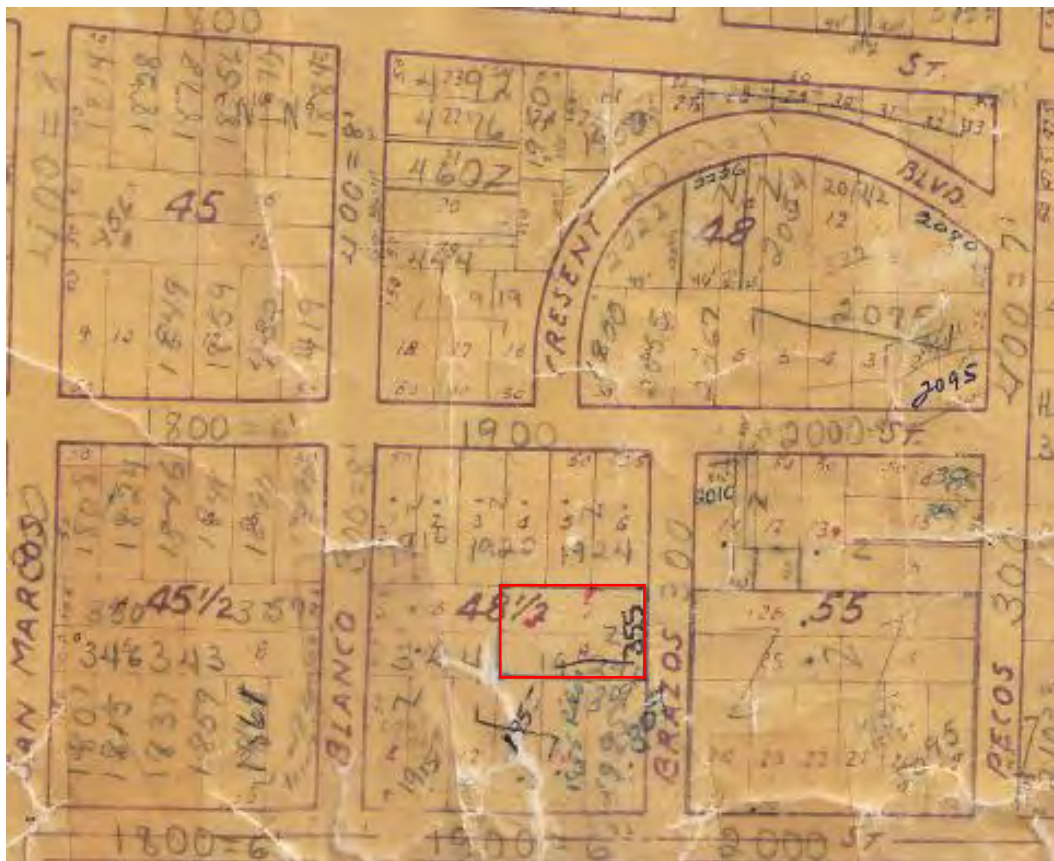
Property Information	Site Address: <u>355 N. Green</u> MCAD Property ID # _____
	Legal Description: Lot(s) <u>712</u> Block <u>481/2</u> Subdivision <u>Hillcrest Addition</u> (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) _____ Rear Yard Width (feet) _____ Side Yard Width (feet) _____ <u>13,900 sq ft</u>

Proposed Project	Amend Zoning Regulations contained in section <u>Residential Multi-family</u>
	Amend the Official Zoning Map & Master Plan by changing _____ acres of land currently zoned _____ to be zoned _____
	Conforms with the Zoning Map? ☒ Yes ☐ No
	Conforms with Master Plan Designation? ☒ Yes ☐ No
	☒ Vacant Land ☐ Vacant Building ☐ Single Family Dwelling ☐ Commercial
	☒ Multi-Family Dwellings ☐ Industrial ☐ Other _____

Detailed Explanation of Proposed Use	
Proposed Use of Property/Reason for Change:	to be able to build two (2) sets of duplex building. Four (4) units total
Describe the character and/or nature of uses surrounding the property:	there are several multi-family buildings around in the area
Will the rezoned designation be compatible with the classification and use of adjoining lands?	☒ Yes ☐ No
If No, how do you propose to reduce any adverse impact?	

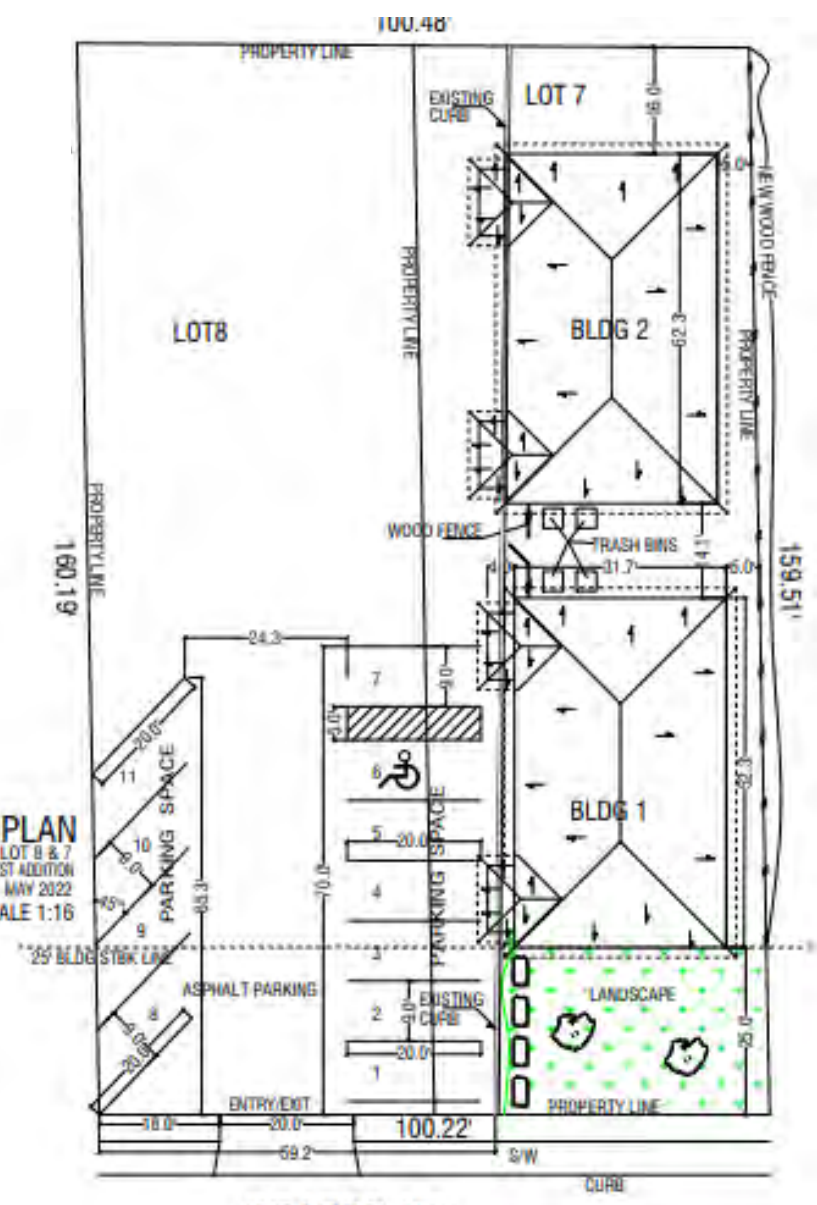
Applicant Authorization	I authorize the City of Eagle Pass to conduct any site visits necessary to evaluate this zoning change application. I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the zoning change request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of the zoning change approval. I agree to provide any additional information requested by the City as they deem necessary for the processing of this application.
	 Applicant Signature <u>04-26-23</u> Date

Office Use	Date Application Accepted for Review: _____ By: _____
	Contact Date for Supplemental Info: _____ Supplemental Info Received: _____
	Completeness Review Date: _____ By: _____
	Application Returned to Applicant: _____ (when applicable)
MR:7/2020	





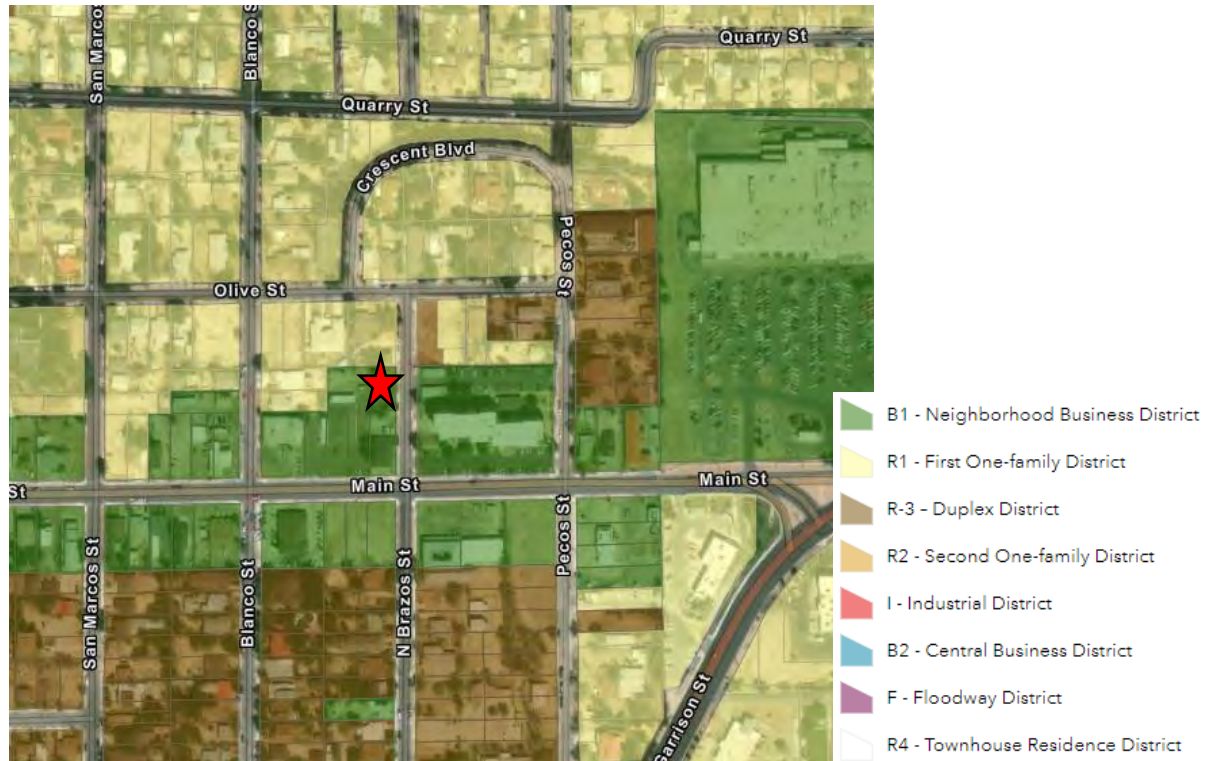
PLOT PLAN
 355 BRAZOS ST LOT 8 & 7
 BLK 48 1/2 HILLCREST ADDITION
 EAGLE PASS TX MAY 2022
 SCALE 1:16



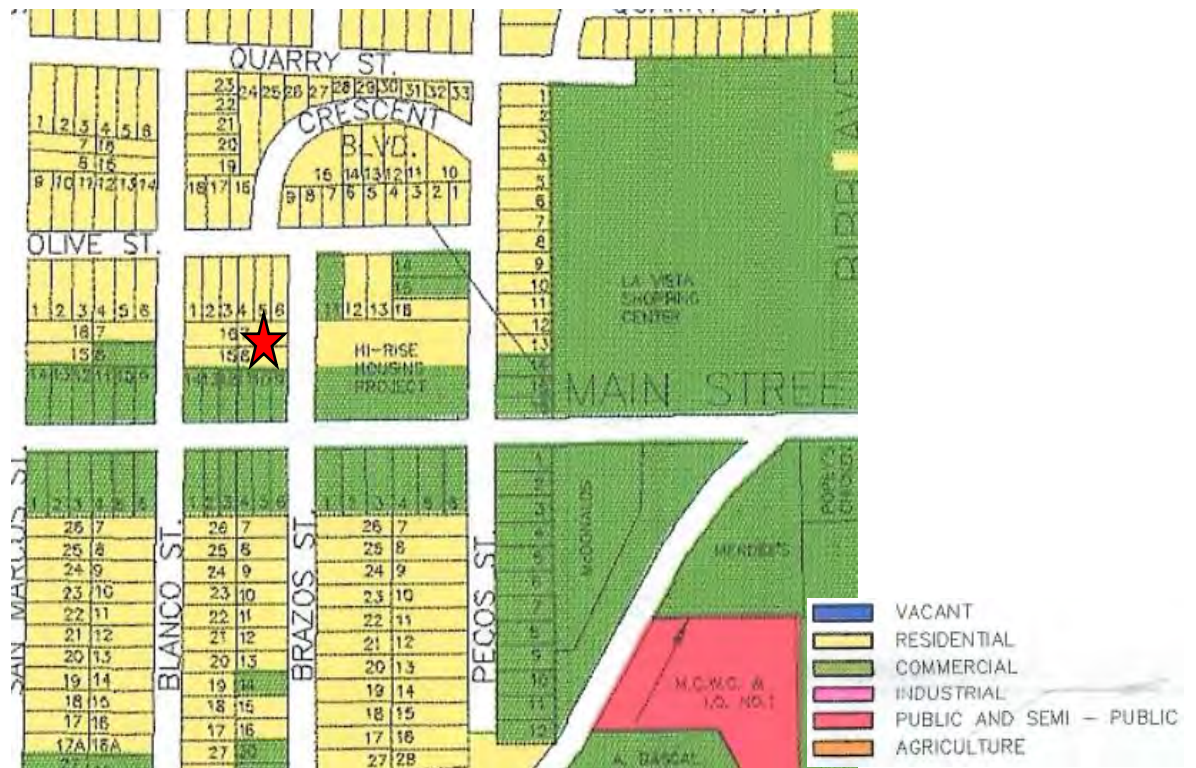
BRAZOS ST

Attachment 2
Zoning Map & Master Plan

Zoning Map



Master Plan



Item #5



Planning Department Executive Summary REPORT TO THE PLANNING & ZONING COMMISSION

Home2Suites Subdivision Variance Request from Section 23-61 of the Code of Ordinances

I. BACKGROUND

A. General Information

Applicant: Applicant: TEC Services | 3292 El Indio Highway | Eagle Pass, Texas 78852

Developer: H2EP, LLC | Eagle Pass, Texas 78852

Location: 3386 E. Main Street (US Hwy 277) **Property ID Number:** 52474 & 52476

Legal Description: Being 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.

Request: Approval of subdivision variance request from *City of Eagle Pass Code of Ordinances Chapter 23 Article IV Section 23-61(a)(4)* regulating 2 points of vehicular access for ingress and egress to a subdivision.

B. Subject Property Information

Parcel Size: 3.05-acre tract

Vegetation: Native vegetation

Existing Use: vacant

Proposed Use: Hotel site

Zoning District: B-3 Neighborhood Business District

Master Plan: Commercial

C. Vicinity Data

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

D. Infrastructure

Property is currently served by public utilities/franchises, including water, sanitary sewer, storm sewer, telephone, electric service, gas, garbage, and cable. Access to the site will be provided by Main Street, also known as US Hwy 277.

II. PUBLIC NOTICE

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

III. 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 approval of the subdivision's variance request. Please refer to Attachment 1 for a copy of the application.
2. The preliminary approval of this subdivision rests entirely upon whether the applicant has demonstrated that the proposal complies with the subdivision variance criteria. The development complied with all the criteria set forth in the below Section of the Code, therefore the variance request shall be granted.

Section 23-11 regulating variances states that (a) the Commission may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the commission shall prescribe only conditions that it deems necessary or desirable to the public interest. In making the findings hereinbelow required, the commission shall consider the nature and the proposed use of the land involved and existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No such variance shall be granted unless the commission finds:

- (1) That there are special circumstances or conditions affecting the land involved such that strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
- (3) That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area.
- (4) That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter.

The request conforms to the criteria mentioned above and shall be granted.

B. Planning Department Recommendation

The Planning and Zoning Commission (1) **GRANT** a variance from *City of Eagle Pass Code of Ordinances Chapter 23 Article IV Section 23-61(a)(4)* regulating 2 points of vehicular access for ingress and egress to a subdivision.

TRANSMITTED to the parties listed hereafter:

TEC Services via e-mail
Planning and Zoning Commission Members via e-mail
Eagle Pass Planning Department Report dated May 19, 2023

Attachment 1 Application



PLANNING DEPARTMENT

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

SUBDIVISION VARIANCE APPLICATION

Applicant Information

Applicant (If not owner): TerraTech Engineering and Construction Services, Inc.

Address: 3292 El Indio Hwy, Eagle Pass, TX, 78852

Phone: 830-773-0579 E-mail: ajlibson@terratechengineering.com

Owner: H2EP, LLC c/o Vipal Patel

Address: 3301 E. Main St., Eagle Pass, TX 78852

Phone: 575-937-1954 E-mail: vipal.m.patel@gmail.com

Property Information

Site Address: 3386 E. Main St. MCAD Property ID No. 52474, 52476

Legal Description (from deed): Being Lot 1-A and Lot 1-B, out of Maverick Estates, recorded in Book 1220, Pg. 466

Description of Subdivision Variance Request

-Variance to 'Sec. 23-61.- Streets' of Code of Ordinances. The proposed subdivision is only able to comply with one (1) point of vehicular access for the proposed development as opposed to the two (2) points of vehicular access required as per ordinance.

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 of their land?

-TxDOT will only allow one (1) point of vehicular access along the frontage of the hotel.

- A 2nd point of vehicular access cannot be obtained from any other side of the property as it is bounded by private property that is not public or under the jurisdiction of the City or State.

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

This variance is necessary for the property owner to proceed with the plat process and be able to subdivide their property and move forward with the proposed development and final plat of said 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.

The granting of this variance will not be detrimental to public health, safety, or injurious to other property in the area as it is the only way the property owner can proceed with the plat and development, given the existing circumstances of said property.

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.

This variance is only required due to the specific nature, circumstances, and location of the subject property, and the granting will not have the effect of preventing the orderly subdivision of other land in the area that may or may not fall under the same circumstances.

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.

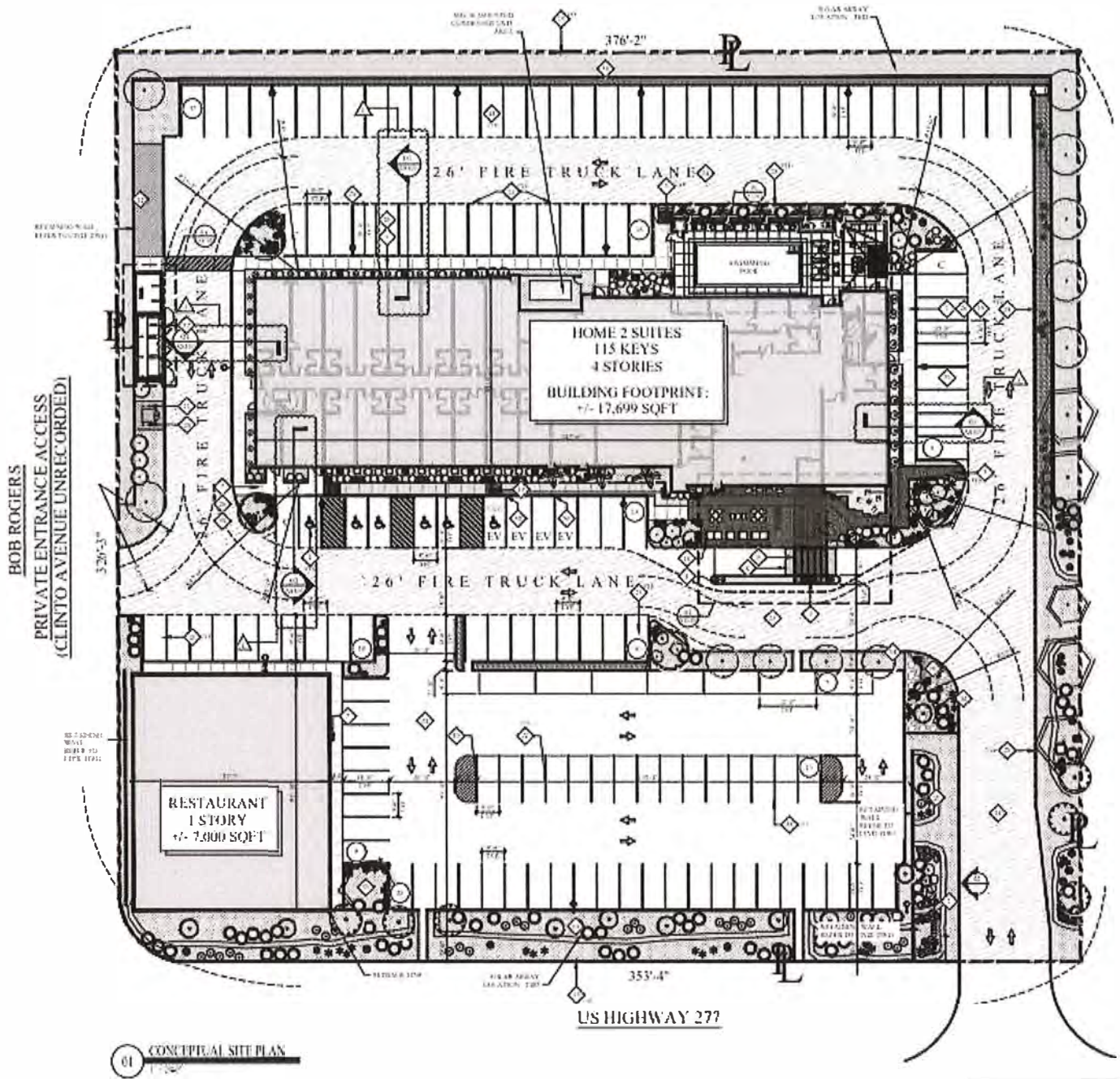


Applicant Signature

4/19/2023
Date



SITE PLAN



Item #6



Planning Department Executive Summary REPORT TO THE PLANNING & ZONING COMMISSION

983 Colorado Street Rezone Request

I. BACKGROUND

A. General Information

Case No. 9238

Applicant: L & E Realestate Rentals, LLC | Eagle Pass, Texas 78852

Location: 983 Colorado Street

Property ID Number: 5938

Legal Description: Lot 6 in Block 3 of Buena Vista Unit #4

Request: Rezone parcel from R-3 Duplex District to R-3(A) Apartment District, to allow for construction of a 4-unit multi-family dwelling.

B. Subject Property Information

Parcel Size: 7,500-square feet

Existing Use: Vacant

Zoning District: R-3 Duplex District

Master Plan: Residential

Proposed Use: multi-family dwelling

C. Vicinity Data

The site is in an area that is primarily comprised of single-family dwellings and multi-family dwellings.

D. Infrastructure

Property is currently served by public utilities/franchises, including water, sanitary sewer, storm sewer, telephone, electric service, gas, garbage, and cable. Access to these lots is provided by Colorado Street.

II. PUBLIC NOTICE

Public Notification of the Planning and Zoning Commission public hearing to consider the rezone request was completed consistent with the provisions of *Chapter 211* of the *State of Texas Local Government Code Title 7*. 22 notices were mailed to the abutting property owners within the 200 feet radius from the subject property on June 9, 2023.

III. RECOMMENDED FINDINGS OF FACT

A. Conclusions

1. *Section 1(b)(4) of Eagle Pass City Charter Article IX* authorizes the Planning and Zoning Commission to recommend or disapprove proposed changes to the *City of Eagle*

Pass Zoning Plan. A request for a change in a zoning district designation for a property constitutes a change to the *zoning plan* and the *zoning plan map*.

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

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

4. The 'Housing Goals' of the *Master Plan* are applicable to this rezone, as the eventual use of the site will be residential. The rezone, if granted, will result in construction activities that will include the enforcement of appropriate land development regulations resulting in appropriate lot sizes, paved streets with curb and gutters, sidewalks, and adequate utility services.

5. The rezone request is consistent with the 'Land Use Development Goals' of the *City of Eagle Pass Master Plan*. The request to change from the *R-3 District* to *R-3(A) District* will allow for a continuation of the development in the neighborhood while retaining the community's character and scale. The change will facilitate the ultimate development of urban uses in a compatible arrangement that will make the community attractive to both residents and visitors and desirable to quality investments, while improving the residential and commercial environment of the city.

The purpose of the rezone is to allow for subsequent construction of an 4-unit apartment dwelling to house four families on the property. All construction will comply with all applicable local codes and state codes.

6. The rezone request is consistent with the *Master Plan's* 'Street Objectives', 'Thoroughfare Goals', and 'Thoroughfare Objectives', as access to the rezone site will be provided by Colorado Street.

7. The rezone request conforms to the purpose of the City's zoning code, as the subsequent development of the property will result in a use that is consistent with intent of the *R-3A District* and consistent with residential and multi-family uses in the vicinity of the site, with a view to conserving the value of buildings and encouraging the most appropriate use of land adjacent that will have access to a public street. Please refer to Attachment 2 for a copy of the City's *Zoning District Map*.

8. The property is in an area that contains multi-family uses and should allow for property to be rezoned to a higher and better use. Please refer to Attachment 1 for a photograph of the rezone site.

9. The rezone request has been conditioned to insure conformance with the direction provided in the *Master Plan's* 'Storm Drainage Goals' and 'Storm Drainage Objectives'.

10. The rezone request is consistent with both the goals and objectives of the *Master Plan* and the purpose of the *City of Eagle Pass Code of Ordinances Appendix A* governing zoning as set forth in Conclusion 1 through 9 of this Report. The rezone request, therefore, should be approved.

B. Planning Department Recommendation

The Planning and Zoning Commission recommend that the City Council prepare and **ADOPT** an Ordinance granting a zoning district change from R-1 First One-Family Dwelling District to R-3(A) Apartment District for property legally defined as Lot 12 in Block 55 of Hillcrest Addition, also known 2010 Olive Street, subject to the following condition:

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

TRANSMITTED to the parties listed hereafter:

L & E Realestate Rentals, LLC via e-mail
Planning and Zoning Commission Members via e-mail
Eagle Pass Planning Department Report dated June 15, 2023

Attachment 1 Application



PLANNING DEPARTMENT

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

ZONING CHANGE APPLICATION

Case No: 9238

Applicant Information

Name: Ernesto Fuentes

Mailing Address: 405 S. Monroe Suite A

Phone: 830-968-0033 E-mail: ernesto@efuenteslaw.com

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

Property Owner Information

Name: L & E Realestate Rentals LLC

Mailing Address: 405 S. Monroe Suite A

Phone: 830-968-0033 E-mail: ernesto@efuenteslaw.com

Property Information

Site Address: 983 Colorado MCAD Property ID # 5938

Legal Description: Lot(s) 6 Block 3 Subdivision Buena Vista
(Property must be legally subdivided or be lot of record)

Front Yard Width (feet) 50 Rear Yard Width (feet) 20 Side Yard Width (feet) 150

Proposed Project

Amend Zoning Regulations contained in section _____

Amend the Official Zoning Map & Master Plan by changing .1721 acres of land currently zoned

_____ to be zoned R3A

Conforms with the Zoning Map? ☒ Yes ☐ No

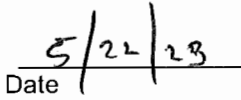
Conforms with Master Plan Designation? ☒ Yes ☐ No

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

☐ Multi-Family Dwellings ☐ Industrial ☐ Other _____

RECEIVED
5/13/13 VB

Detailed Explanation of Proposed Use	
Proposed Use of Property/Reason for Change:	
To allow for the maximum use of the property by allowing to build 4 units.	
Describe the character and/or nature of uses surrounding the property:	
Multifamily use, public housing and residential.	
Will the rezoned designation be compatible with the classification and use of adjoining lands? ☒ Yes ☐ No	
If No, how do you propose to reduce any adverse impact?	
I own the property next door and the city approved the building of 4 units completed in 2018. Around the 200 ft radius from the property 942 Colorado is a 4 unit apartment complex along with 940 Trinity.	

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

Office Use	Date Application Accepted for Review: _____ By: _____
	Contact Date for Supplemental Info: _____ Supplemental Info Received: _____
	Completeness Review Date: _____ By: _____
	Application Returned to Applicant: _____ (when applicable)
MR:7/2020	

Aerial View



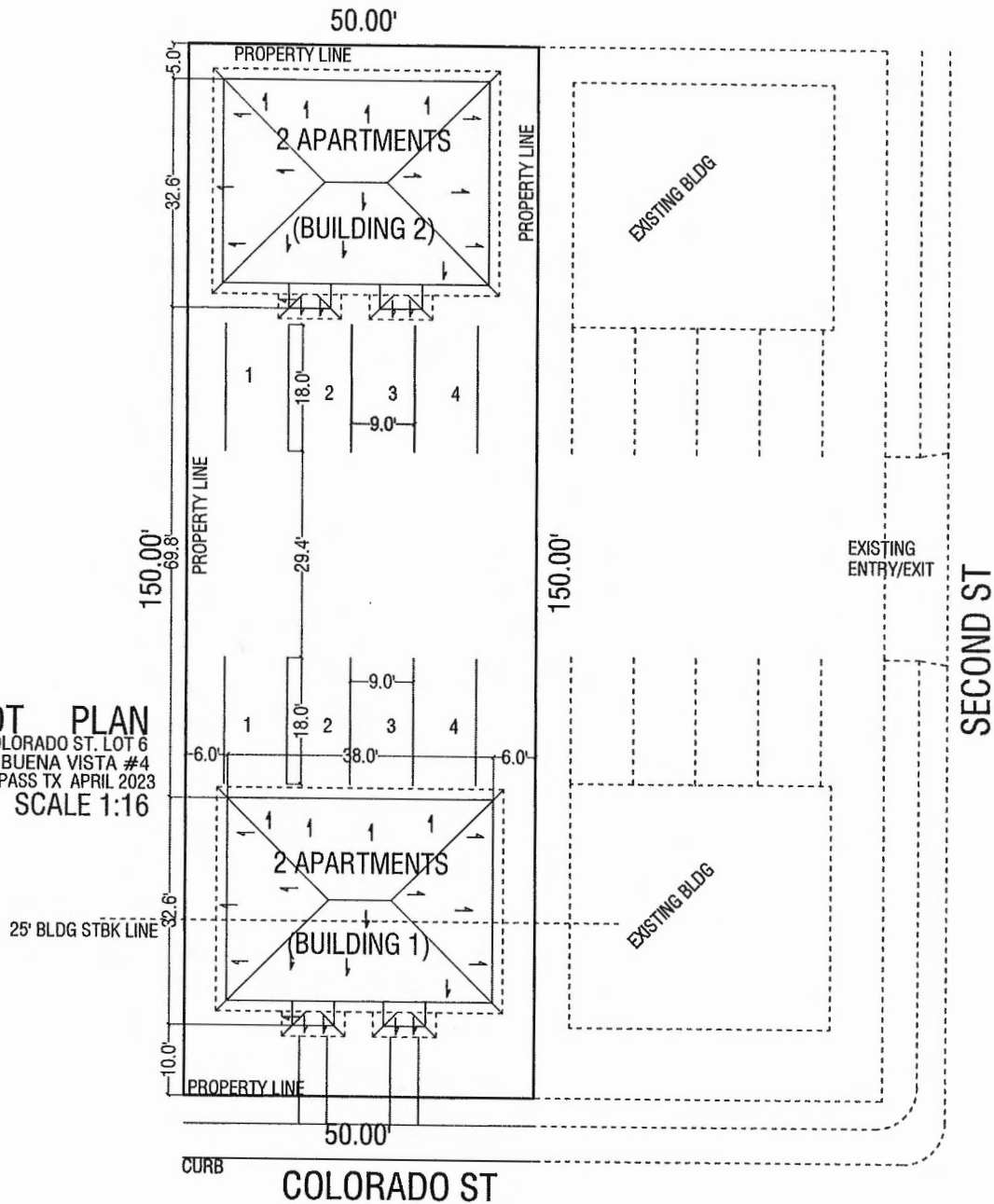
Site Photo





Nearby Apartments

PLOT PLAN
 983 COLORADO ST. LOT 6
 BLK 3 BUENA VISTA #4
 EAGLE PASS TX APRIL 2023
 SCALE 1:16



RECEIVED
 5/23/23 VB

AREA FIRST FLOOR 1107.00 PORCH 21.00 SECOND FLOOR 1107.00 BLDG TOTAL 2,235.00 SQ. FT.	JG Homes Design juan.garcia@hotmail.com 830-968-1509 juan.garcia fb.com/jghomesdesign	PLAN OF NEW DUPLEX COMPLEX ERNESTO FUENTES 983 COLORADO ST LOT 6 BLK 3 BUENA VISTA #4 EAGLE PASS TX. APRIL 2023
---	---	---

Attachment 2
Zoning Map & Master Plan

Zoning Map



Master Plan



Item #7



Planning Department Executive Summary REPORT TO THE PLANNING & ZONING COMMISSION

FOUR DLS Properties, LLC Rezone Request

I. BACKGROUND

General Information

Applicant & Property Owner: Four DLS Properties, LLC

Location: 2027 Microstar Way

Property ID Number: 9006040

Legal Description: Being 11.67 acres, the remainder of a 12.67 acres tract described in conveyance document to FOUR DLS Properties, LLC recorded in Volume 1877, Page 322 of the Maverick County Official Public Records, Maverick County, Texas

Request: Rezone parcel from R-2 Second One-Family Dwelling District to I Industrial District, to allow for the expansion of the Microstar building.

Subject Property Information

Current Use: vacant and undeveloped

Proposed Use: Expansion of Microstar building

Acres: 11.67

Current Zoning District: R-2 Second One-Family Dwelling District

Master Plan: No depiction of site

Vicinity Data

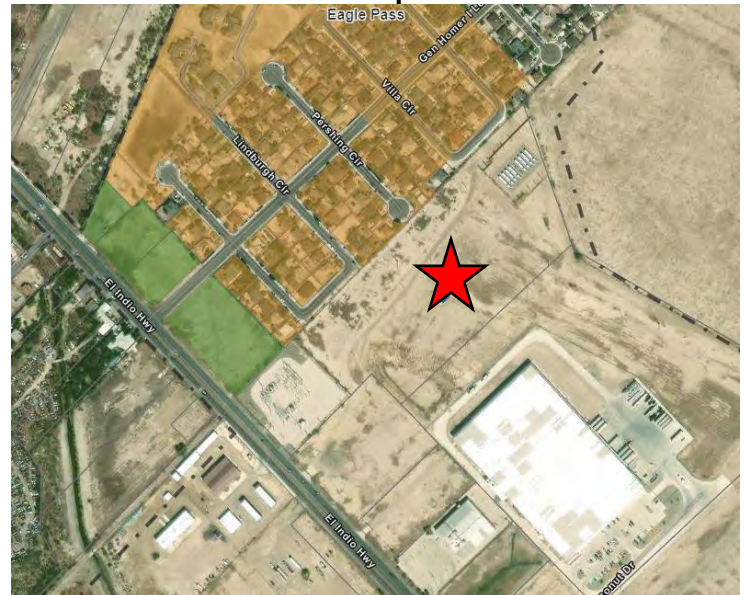
The site is in an area that is primarily comprised of commercial, industrial, and residential developments.

Access to the site is provided by Microstar Way via TxDOT ROW FM 1021, also known as El Indio Hwy.

II. PUBLIC NOTICE

Public Notification of the Planning and Zoning Commission public hearing to consider the rezone request was completed consistent with the provisions of *Chapter 211 of the State of Texas Local Government Code Title 7*. 41 notices were mailed to the abutting property owners within the 200 feet radius from the subject property on June 9, 2023.

Aerial Map



III. RECOMMENDED FINDINGS OF FACT

A. Conclusions

1. Section 1(b)(4) of *Eagle Pass City Charter Article IX* authorizes the Planning and Zoning Commission to recommend or disapprove proposed changes to the *City of Eagle Pass Zoning Plan*. A request for a change in a zoning district designation for a property constitutes a change to the *zoning plan* and the *zoning plan map*.
2. The applicant's request contains sufficient information for consideration by the Eagle Pass Planning and Zoning Commission. Information contained in this report and the Commission's associated public meeting will be used by the City Council in their consideration of the rezone request. Please refer to Attachment 1.
3. The *Master Plan* is the primary document used in the analysis as to the appropriateness of a rezone request. The *Master Plan Map* provides direction as to the areas of the City in which residential, commercial, and industrial development is to be situated.
4. The rezone request is consistent with the 'Land Use Development Goals' of the *City of Eagle Pass Master Plan*. The request to change from the R-2 Second One-Family Dwelling District to I Industrial District will allow for a continuation of the development in the neighborhood while retaining the commercial and light industrial community's character and scale. The change will facilitate the ultimate development of urban uses in a compatible arrangement that will make the community attractive to both residents and visitors and desirable to quality investments, while improving the industrial and commercial environment of the city.

The purpose of the rezone is to allow for a 250,000 square foot expansion of the existing facility. The project is light industrial for cleaning plastic pallets. All construction will comply with all applicable state and local codes. The building expansion will be immediately west of the existing microstar facility. A replat will increase the lots size for Paraiso Estates Uni 3 Lot 1 from 24 acres to 36 acres.

5. The rezone request is consistent with the *Master Plan's* 'Street Objectives', 'Thoroughfare Goals', and 'Thoroughfare Objectives', as access to the rezone site will be provided by Microstar Way via TxDOT ROW M 1021, also known as El Indio Hwy.
6. The property is in an area that has commercial, industrial, and residential uses and should allow the property to be rezoned to a higher and better use. Please refer to Attachment 1 for a photograph of the rezone site.
7. The rezone request is consistent with both the goals and objectives of the *Master Plan* and the purpose of the *City of Eagle Pass Code of Ordinances Appendix A* governing zoning as set forth in Conclusion 1 through 6 of this Report. The rezone request, therefore, should be approved.

B. Planning Department Recommendation

The Planning and Zoning Commission recommend that the City Council prepare and **ADOPT** an Ordinance granting a zoning district change from R-2 Second One-Family Dwelling District to I Industrial District for property legally defined as 11.67 acres, the remainder of a 12.67 acres tract described in conveyance document to FOUR DLS Properties, LLC recorded in Volume 1877, Page 322 of the Maverick County Official Public Records, Maverick County, Texas, which will also be recognized as 2027 Microstar Way.

Attachment 1 Application



PLANNING DEPARTMENT

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

ZONING CHANGE APPLICATION

Case No: 9250

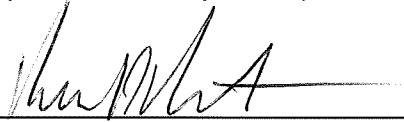
Applicant Information	Name: <u>Four DLS Properties, LLC</u>
	Mailing Address: <u>4247 FM 1027, Eagle Pass, Tx 78852</u>
	Phone: <u>830-773-0311</u> E-mail: <u>jsantos@partsservice.com</u>
	Note: if you are not the owner of the property, you must attach a letter from the owner authorizing you to submit this application.

Property Owner Information	Name: <u>Four DLS Properties, LLC</u>
	Mailing Address: <u>4247 FM 1027, Eagle Pass, Tx 78852</u>
	Phone: <u>830-773-0311</u> E-mail: <u>jsantos@partsservice.com</u>

Property Information	Site Address: <u>2027 Microstar Way, EP</u> MCAD Property ID # <u>9006040</u>
	Legal Description: Lot(s) _____ Block _____ Subdivision <u>Abstract 826 - 11.67 Ac</u> (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) _____ Rear Yard Width (feet) _____ Side Yard Width (feet) _____

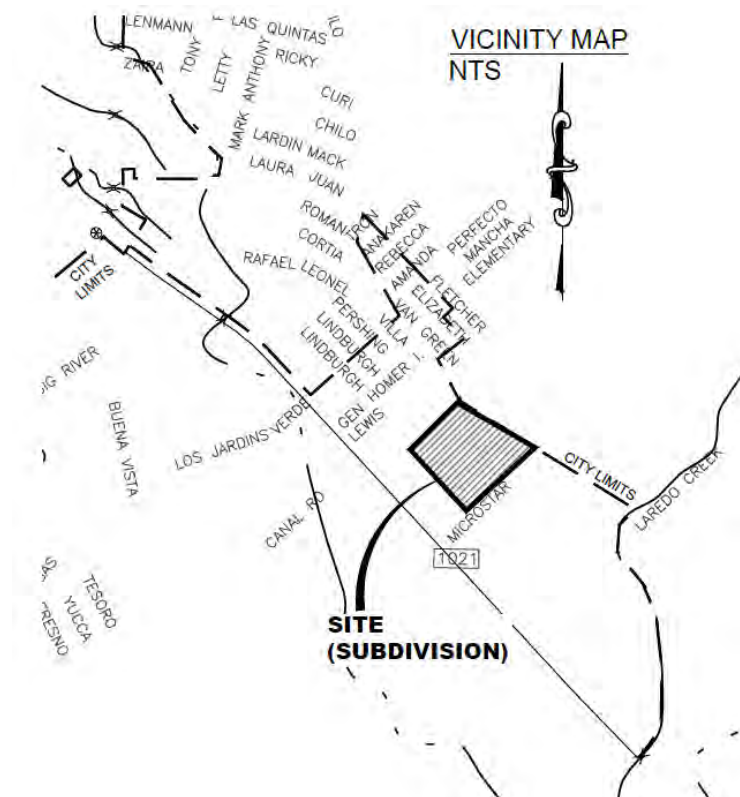
Proposed Project	Amend Zoning Regulations contained in section _____
	Amend the Official Zoning Map & Master Plan by changing <u>11.67</u> acres of land currently zoned <u>R2</u> to be zoned <u>I-industrial</u>
	Conforms with the Zoning Map? ☒ Yes ☐ No
	Conforms with Master Plan Designation? ☒ Yes ☐ No
	☐ Vacant Land ☐ Vacant Building ☐ Single Family Dwelling ☐ Commercial
	☐ Multi-Family Dwellings ☒ Industrial ☐ Other _____

Detailed Explanation of Proposed Use	
Proposed Use of Property/Reason for Change: Expansion of Microstar facility.	
Describe the character and/or nature of uses surrounding the property: Vacant - industrial, occupied by utility easements.	
Will the rezoned designation be compatible with the classification and use of adjoining lands? ☒ Yes ☐ No	
If No, how do you propose to reduce any adverse impact? Current land is industrial use. A fence will be constructed to separate this site from Lewis Farms Estates.	

Applicant Authorization	I authorize the City of Eagle Pass to conduct any site visits necessary to evaluate this zoning change application. I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the zoning change request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of the zoning change approval. I agree to provide any additional information requested by the City as they deem necessary for the processing of this application.
	 05-25-2023 <u>Applicant Signature</u> <u>Date</u> <i>FOR ISIDRO DE LOS SANTOS</i>

Office Use	Date Application Accepted for Review: _____ By: _____
	Contact Date for Supplemental Info: _____ Supplemental Info Received: _____
	Completeness Review Date: _____ By: _____
	Application Returned to Applicant: _____ (when applicable)
MR: 7/2020	

Aerial Map



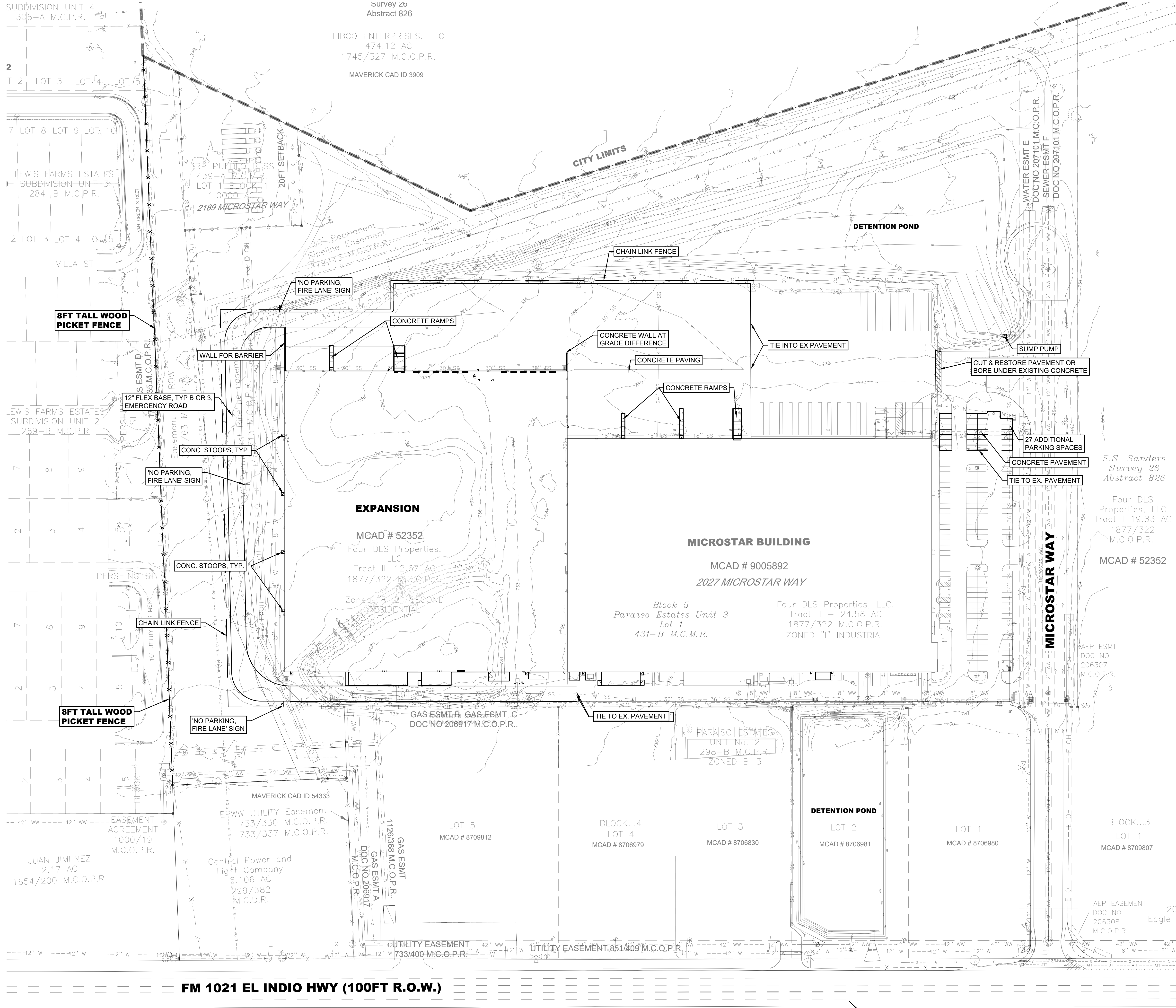
Site Photos





Plat Zoomed In

PEN STYLE: DRW.GB
SHEET SET: 23-2890
DATE: 05-25-2023 8:17 AM
KODEN: 05-25-2023 8:17 AM
R: 05-25-2023 8:17 AM



LINETYPE LEGEND (PROFILE)		
---	PROPOSED GRADE CL	
---	EXISTING GRADE CL	
---	EXISTING GRADE LT	
---	EXISTING GRADE RT	

LINETYPE LEGEND (PLAN)		
EXISTING/ DEMOLISH		PROPOSED
---	BOUNDARY	---
---	EASEMENT	---
---	SETBACK	---
---	LOTS	---
---	ABSTRACT	---
---	DEED	---
---	FENCE	---
---	WATER SUPPLY	---
---	SANITARY SEWER	---
---	STORM SEWER	---
---	POWER	---
---	TELEPHONE	---
---	ATT	---
---	TWC	---
---	GAS	---
---	CONDUIT	---
---	SILT FENCE	---
---	FIBER ROLL	---
---	CONTOUR MINOR	---
---	CONTOUR MAJOR	---

SYMBOL LEGEND			
●	FOUND MONUMENT	①	TELEPHONE PEDESTAL
■	FOUND MONUMENT-CONC	②	GAS SERVICE
○	SET 1/2" STEEL STAKE	③	SANITARY MANHOLE
⊕	WATER VALVE	④	CLEAN OUT
⊕	FIRE HYDRANT	⑤	DOUBLE CLEAN OUT
⊕	POWER POLE	⑥	STORM SEWER MANHOLE
⊕	LUMINAIRE	⑦	WATER SERVICE
⊕	GUY WIRE	⑧	ELEC SERVICE
⊕	FENCE CORNER POST	⑨	SHRUB
⊕	SPOT ELEVATION / BM	⑩	TREE
⊕	MAIL BOX	⑪	SIGN
⊕	BOLLARD	⑫	TRAFFIC SIGNAL
⊕	BACKFLOW PREVENTER	⑬	REVISION NO.
⊕	FIRE DEPARTMENT CONNECTION	2556	911 ADDRESS

HATCH LEGEND	
---	CONCRETE

- SITE NOTES:**
1. FLAT WORK WITHIN 5' OF BUILDING WILL BE PER ARCHITECTURAL/ STRUCTURAL DRAWINGS.
 2. SEE ARCHITECTURAL/ STRUCTURAL FOR BUILDING PAD AND OTHER DETAILS.
 3. SEE ARCHITECTURAL FOR PAVING DETAILS.
 4. SEE CIVIL DETAILS FOR PAVING DETAILS.
 5. EXPANSION JOINT SPACING @ 30FT MAXIMUM. CONTRACTION SAW JOINTS AT 15FT MAXIMUM AND AT RADIUS POINTS.
 6. NOT ALL GATE POST & FENCE POST LOCATIONS ARE SHOWN. COORDINATE WITH GATE/ FENCE CONTRACTOR FOR ALL GATES, GATE POSTS, FENCE AND FENCE POST LOCATIONS AND DESIGNS.
 7. FENCES, MAIL-BOXES, MAIL BOX CLUSTERS & CONCRETE PADS REMOVED FOR WORK BY CONTRACTOR SHALL BE REINSTALLED IN EQUAL OR BETTER CONDITION BY THE CONTRACTOR.
 8. CONTACT GENERAL CONTRACTOR/ BUILDER FOR ARCHITECTURAL DRAWINGS, UTILITY DRAWINGS, FOUNDATION AND BUILDING PAD DRAWINGS.

FIRM NAME & ADDRESS

DIRKSEN ENGINEERING

UVALDE EAGLE PASS

TBPE FIRM #F-8848, TBPLS FIRM #10193741

107 W SOUTH ST., UVALDE, TX - 78801

PH: (830) 278-2100, FAX: (830) 278-2102

EMAIL: KENDIRKSEN@SBCGLOBAL.NET

WEBSITE: WWW.DIRKENG.COM

PROJECT# 23-2890

PROJECT NAME & ADDRESS

FOUR DLS MICROSTAR

EAGLE PASS, TX

SHEET TITLE

SITE PLAN

THIS DRAWING AUTHORIZED BY KENNETH R. DIRKSEN ON 05-25-2023

PLANS ISSUED FOR REVIEW ONLY. NOT FOR CONSTRUCTION OR BIDDING PURPOSES.

SHEET

C1.2

OF ** SHEETS

DES'D : KR

DRAWN : KR

APP'VD : KR

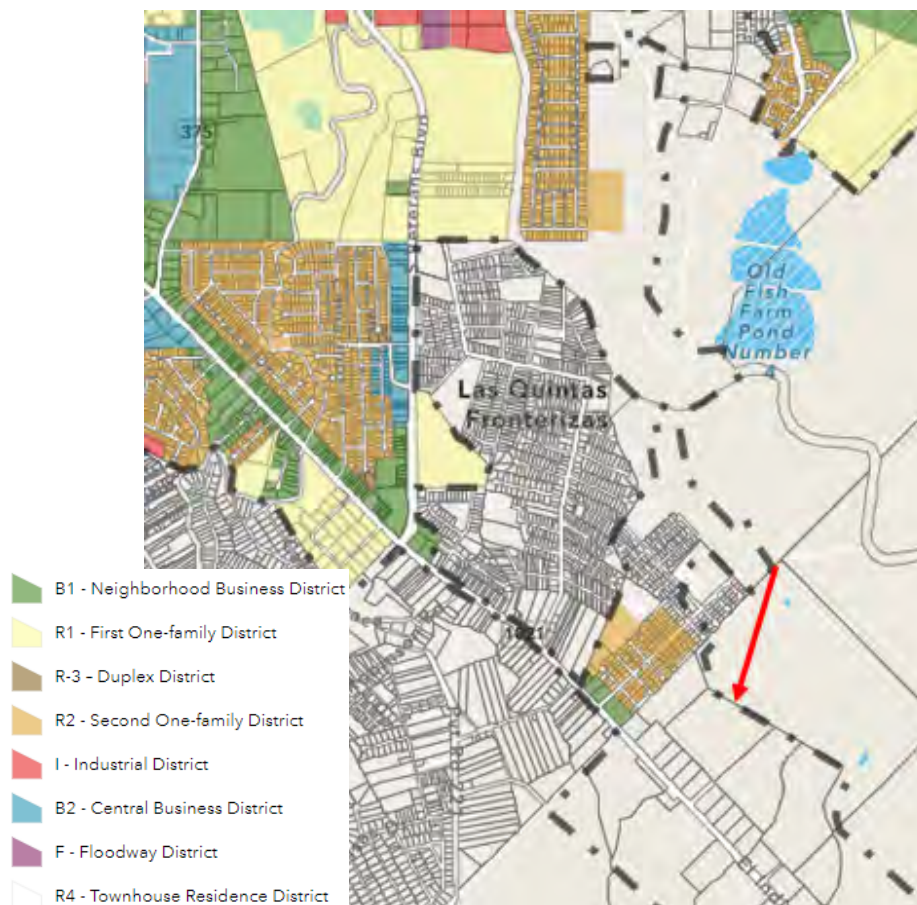
DATE : 05-25-2023

Attachment 2
Master Plan & Zoning Map

Master Plan Map



Zoning District Map



Item #8

Proposed Parkland ordinance

Assumptions:
\$20,000 per acre for land.
\$300,000 per acre for park development

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:

SFU is $\$20,000/36 = \555

MF is $\$20,000/56 = \357

Parkland Dedication—Development Component.

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

Development Cost for:

SFU is $\$350,000/36 = \972

MFU is $\$350,000/56 = \625

Total Parkland Dedication Fee:

SFU: $\$555 + \$972 = \$1,527$

MFU: $\$357 + \$625 = \$982$

Conceptual Layout: Villa Romel Park (1.45 acre)
Bids for Improvements: \$800-900k
96 lots (44+52), 33 acre development.



Other City Parkland Fees

- Del Rio: Reports no fee
- Uvalde: No fee
- Laredo: 1 acre of land and \$80,384 for every 256 units.
- McAllen: \$450 (32.3% of estimated cost \$1,393.16 per dwelling unit)

FORMULA:

5 Acres X (\$27,620 X \$60,000) X 1 Dwelling Unit X 3.18 Persons Per Unit) / 1,000 > = \$1,393.16 per dwelling unit;

Appendix A
PARKLAND DEDICATION FEE
METHODOLOGY

I. Current Desired Level of Service

1 Acre per 1,000 Population (Neighborhood Parks)

II. Land Requirements

2000 CENSUS Figures – Total Population – 176,576
3.90 Person per Household (PPH) for Single Family and 2.82 PPH for Multi-Family based on census information for owner and renter occupied units. The overall average from the Census is 3.70 PPH (dwelling unit).

- SINGLE FAMILY and Multi-Family: 1 acres per 1000
1,000 people / 3.90 PPH (based on decennial census) = 256 Dwelling
Units / residential lots or 1 Acre per 256 Units

The minimum land requirement for parkland dedication is one (1) acre per one thousand population – Neighborhood parks only.

III. Neighborhood Park Acquisition Cost (Determines Cash Payment In lieu of Land) Fee shall be determined on a per-acre basis at \$45,000.00 per acre or fraction thereof.

The fee shall be calculated by $A \times V$ = Cash Payment in Lieu of Land; where:
A is the required parkland dedication in acres, calculated to tenths of an acre.
V is the per-acre valuation based upon \$45,000.00

IV. Neighborhood Park Improvement Fee

The developer will be required to pay the City \$80,384.00 as a park improvement fee for each acre of parkland dedicated (calculated on 1000 population per acre) as per section II of this Appendix calculated as follows: For every 256 dwelling units multiplied by \$314.00 per dwelling unit/residential lot (see example #1).

The City may require up to 1.56 additional acres per 256 dwelling units (calculated on 1000 population per acre) by reducing the park improvement fee by \$35,000.00 per additional acre or fraction thereof (see examples #2 and #3).

Example #1: A plat containing 256 Dwelling Units/residential lot (1000 Population)

Land Dedication per Section II of the Appendix..... = 1 Acre
Park Improvement fee per Section IV of the Appendix
256 Dwelling Units/residential lot at \$314.00 = \$80,384.00

Example #2: A plat containing 256 Dwelling Units/residential lot (1000 Population) and the City requiring One additional Acre

Land Dedication per Section II of the Appendix..... = 1 Acre
Additional Land Dedication = 1 Acre
Total Land Dedication = 2 Acres
Park Improvement fee per Section IV of the Appendix
256 Dwelling Units/residential lot at \$314.00 = \$80,384.00
Additional Land Dedication Credit 1 acre x \$35,000.00..... =<\$35,000.00>
Net Park Improvement fee after credit = \$45,384.00

City of Laredo Example

Example #3: A plat containing 256 Dwelling Units/residential lot (1000 Population) and the City requiring 1.56 additional Acres

Land Dedication per Section II of the Appendix..... = 1 Acre
Additional Land Dedication = 1.56 Acres
Total Land Dedication = 2.56 Acres
Park Improvement fee per Section IV of the Appendix
256 Dwelling Units/residential lot at \$314.00 = \$80,384.00
Additional Land Dedication Credit 1.56 acre x \$35,000.00..... =<\$54,600.00>
Net Park Improvement fee after credit = \$25,784.00

Fee table for Texas cities (Land Only)

Table 2. Current Parkland Dedication Requirements in Texas Cities.

	Dwelling Units		Current Level of Parkland Provision		Land Dedication Req.		Fee-in-Lieu**	
	Population	# DU	Total Park Acreage	DU/Acre	DU/Acre	DU/Acre Multi family	SDU	MDU
Alvin	21,500	8,442	740.00	11.41	100.00		\$ 300.00	\$ -
Angleton	18,130	7,220	100.00	72.20	200.00		\$ 1,083.00	\$ 250.00
Austin	656,562	276,842	16,862.00	16.42	83.33		\$ 650.00	\$ -
Bryan	72,015	25,703	580.00	44.32	74.00	90.00	\$ 162.00	\$ 133.00
Cedar Hill	43,500	11,075	653.75	16.94	133.00		\$ 250.00	\$ -
Cedar Park	45,000	8,914	847.00	10.52	41.67		\$ 720.00	\$ 480.00
College Station	88,183	34,619	1,274.00	27.17	102.00	125.00	\$ 619.00	\$ 504
Colleyville	21,720	6,549	202.00	32.42	25.00		\$ 1,802.00	\$ -
Corinth	18,000	4,100	179.00	22.91	50.00		\$ -	\$ -
Corpus Christi	293,122	107,831	1,586.46	67.97	NA		5% of total value	\$ -
Deer Park	30,000	9,921	527.00	18.83	NA		5% of total value	\$ -
Denton	105,000	32,716	1,158.00	28.25	170.21		market value	\$ -
Edinburg	68,802	16,031	253.00	63.36	125.00		\$ 250.00	\$ -
Flower Mound	60,450	16,833	575.00	29.27	29.76		market value	\$ -
Frisco	89,000	13,683	1,300.00	10.53	100.00		\$ 300.00	\$ -
Grapevine	46,684	16,486	1,492.00	11.05	145.20		\$ 1,416.00	\$ -
Haltom	39,000	15,716	184.00	85.41	150.00		\$ -	\$ -
Highland Village	14,500	4,009	354.00	11.32	N/A		\$ 2,160.00	\$ -
Houston	1,953,631	783,009	19,699.00	39.75	55.50		\$ 700.00	
Hutto	14,000	424	150.00	2.83	50.00		market value	
Keller	34,800	9,216	415.00	22.21	30.00	60.00	\$ 1,000.00	\$ -
La Porte	33,500	11,720	188.00	62.34	93.00		\$ 490.00	\$ -
League City	62,500	17,280	1,041.00	16.60	90.00		\$ 1,000.00	\$ -
Leander	23,000	2,612	90.00	29.02	NA	10.54	\$ 550.00	\$ -
Lewisville	89,000	31,764	1,100.00	28.88	33.00		\$ 750.00	\$ -
McKinney	110,000	19,462	1,604.00	12.13	50.00		market value	\$ -
Mansfield	55,000	9,172	664.00	13.81	100.00		\$ 500.00	\$ -
Missouri City	63,910	17,481	848.99	20.59	100.00		\$ 900.00	\$ -
New Braunfels	45,000	14,896	408.00	36.51	150.00		\$ 100.00	\$ -
Pearland	70,000	13,922	376.92	36.94	100.00		market value	\$ -
Pflugerville	30,000	5,239	450.00	11.64	50.00		market value	\$ -
Plano	240,000	86,078	3,800.00	22.65	N/A		\$ 467.47	\$ 323.96
Rockwall	30,000	7,089	480.00	14.77	67.00	250.00	151.00-620.00	\$ -
Rowlett	53,000	14,580	994.00	14.67	71.92		\$ 325.00	\$ -
San Antonio	1,282,800	433,122	16,310.00	26.56	70.00	114.00	market value	\$ -
Southlake	24,900	6,614	644.10	10.27	40.00		market value	\$ -
Sugarland	74,472	21,090	896.30	23.53	114.38		\$ 350.00	\$ 240.00
Temple	58,447	23,511	727.00	32.34	133.00		\$ 225.00	\$ -
The Colony	36,000	8,812	1,925.00	4.58	64.00		market value	\$ -
Waxahachie	25,000	7,909	230.00	34.39	100.00		\$ 200.00	\$ -
Weslaco	32,000	10,230	250.00	40.92	N/A		\$ 150.00	\$ 350.00
Wylie	32,000	5,326	592.00	9.00	20.00		b/w \$1500 - \$3000	\$ 800.00

* This does not include park development fees.

Item #9

Sec. 23-94. Fences-Zoning Ordinance

- (a) All new subdivisions must have fencing as described in this chapter or other city ordinances.
- (b) ~~No fence material shall be used to construct a fence except for those listed and regulated in this chapter or other city ordinances.~~
- (b) ~~The installation, replacement or relocation of a fence within the City of Eagle Pass requires a building permit from the City.~~
- (c) All fences within a residential zoning shall be constructed of ~~brick, stone, masonry, cement, stucco, cinder block, iron or~~ wood that has been stained, pressure treated, painted, or adequately sealed to prevent decay. Requests to upgrade to an alternative fencing material must undergo a concept plan review with the planning director and city engineer.
- (d) ~~All new residential construction shall include fencing of the side yard areas from the primary structure to the side property line with at least one access gate. On corner lots and where there is more than one public right of way frontage, those sections abutting frontage shall also be constructed. These sections of fencing shall be installed prior to issuance of certificate of occupancy.~~
- (e) ~~Fences in commercial and industrial zones must undergo a concept plan review with the planning director and city engineer. The following materials are prohibited: cast off or second hand items, plywood.~~
- (f) ~~Ranch style fencing typical for maintaining livestock and for predator control (such as a field fence, hours mesh fence, split rail, and ranch board) may be used on premises of three acres or more in size. In addition, barbed wire fencing may be used on premises upon which large farm animals are legally kept and maintained. Permits are not required for internal cross-sectioning of such premises for the control of animals, to enforce rotational grazing, or for the repair of ranch style fencing to the extent that it is a necessary part of normal maintenance.~~
- (g) ~~Fences in any zoning district shall not exceed eight feet in height measured from the finished grade. Some fence designs may require to be engineered.~~
- (h) ~~Fences and gates built in the front yard setback area, where permitted, shall not exceed four feet in height when constructed of wrought iron, or other semitransparent materials, with a minimum of 50% visibility, as approved by the Building Official. Chain link or cyclone fencing is not an allowed material for front yard fencing. Front yard fences or walls that are more than 50% opaque may not exceed 30" in height.~~
- (i) ~~Fences on property that are at the intersection of two streets must not encroach within any visibility triangle. The VISIBILITY TRIANGLE shall mean a triangle sight area, at all intersections, which shall include corner lots, driveways or other access points with the public right-of-way. This visibility triangle must be kept free of fences and other screening between 30" and seven (7) feet in height that would obstruct the motorist's views of oncoming traffic.~~
- (d) ~~Fences in commercial and industrial zones must undergo a concept plan review with the planning director and city engineer.~~
- (j) Fence sections essentially parallel with a public street (~~reverse frontage~~) shall have their back side (the side with the exposed posts and rails) oriented to the interior of the residential lot to minimize their exposure to the public. Exception: Posts and rails may be oriented to the exterior of the residence when concealed within construction that is consistent with and complementary to the construction of the fence. Visual depictions of construction shall be required for review of appearance prior to issuance of a permit.
- (k) In properties with ~~double frontage~~ ~~reverse frontage fence sections~~, construction of ~~reverse frontage~~ fence sections ~~along collector or arterial streets~~ is the responsibility of the developer. ~~All other fence section~~

Commented [PM1]: Unnecessary item. Sections below already provide this information.

Commented [PM2]: New item. Highlighting an existing requirement that required referencing another section of code.

Commented [PM3]: Adding other suitable fence materials.

Commented [PM4]: Consider prohibiting certain materials. Relocated the order to be with other fence material sections.

Commented [PM5]: New item to accommodate ranch style, large properties.

Commented [PM6]: Recommend changing maximum height from 6 to 8'.

Commented [PM7]: New item to regulate front yard fencing for safety purposes. Currently another section of ordinance prohibits front yard fences in residential districts.

Commented [PM8]: New item to provide visibility clearance for traffic safety.

Commented [PM9]: Relocated this item up to letter C.

Commented [PM10]: Correcting terminology.

Commented [PM11]: Correcting terminology and preventing future changes of design which would harm aesthetics.

~~construction is the responsibility of the builder.~~ Fence material and color within these sections shall be maintained by individual property owners to maintain uniformity and visible aesthetic from public right of way.

- (e) In properties with no ~~reverse double or triple~~ frontage fence sections, construction of fences is the responsibility of the builder or owner.
- (f) All fences constructed under the provisions of this article shall be maintained so as to comply with the requirements of this article at all times.
- (g) Fences shall be maintained in sound structural condition as a whole or completely removed, including posts.
- (h) No fence shall be erected, maintained, or permitted that is electrically charged in any manner, has barbed wire in or on it, has concertina wire in or on it, has razor wire in or on it, has in it or on it bards, projects, broken glass, or anything reasonably capable of causing harm to persons or animals except in industrial zoning districts or where allowed by this code.
- (i) No fence may impede access to public utilities or metering devices.
- (j) Where approved, any fence built in or across utility easements shall remain the responsibility of the property owner. In the event that the fence is constructed on an easement and the fence is substantially damaged or destroyed through the exercise of the rights of the City of Eagle Pass or utility entities, the repair or replacement of the fence shall be the sole responsibility of the property owner.
- (k) Existing fences that were approved by the planning department and constructed prior to the adoption of this article ~~that were constructed~~ with materials not currently permitted by this article may be maintained as long as ~~not~~ part of the fence is, or becomes unsafe, dilapidated, or a public nuisance as determined by the planning department.
- (l) Between residential and non-residential uses, a seven (7) feet minimum height opaque fence shall be provided to buffer the residential uses from impacts from the non-residential use. All screening fences required under this section shall be constructed of brick, stone, masonry, cement, stucco, cinder block or pressure-treated weather-resistant lumber, and shall be structurally reinforced to resist wind damage. They shall be constructed in such a manner as to provide visual screening.
- (m) The erection of a fence is not mandatory, with the following exceptions in which it is required: to enclose a swimming pool area where required, to enclose a day care center play area, residential perimeter fencing where required, as screening for commercial waste/refuse containers, and as required by other applicable sections of adopted City code.
- (n) The City does not permit fences in floodway areas as designated on FEMA's flood boundary and floodway map. The lone exception for fencing in a floodway area will be a break away fence type as approved through the City Engineer.

(Ord. No. 2020-02 , § 1, 1-7-2020)

Commented [PM12]: Correcting terminology.

Commented [PM13]: Accounting for addition of ranch style fencing for large lots.

Commented [PM14]: New item highlighting an existing fence requirement found in another section of ordinance.

Commented [PM15]: Relocated from a different section of ordinance and recommend changing from 6' maximum to 7' minimum. Adding approved screening methods for clarity.

Commented [PM16]: New item based on Council request, add clarity on when fences are required.

Commented [PM17]: New item. Existing FEMA regulation not previously specified in the fence ordinance.

Item #10

List of Projects to be ranked

Street Maintenance

Sidewalk Maintenance

Main Arroyo Study

Patsy Winn Blvd

Truck Route Reconstruction

Bridge Underlighting

Animal Shelter

Fire Station #4

Remodeling of City hall

Bridge Toll Booth Renovations

Park Improvements

Remodeling DPS Building

Fire Training Tower

Rec Center and Natatorium

Animal Control/Code Enforcement Offices

Riverwalk Reconstruction

New Recycling Facility

Domestic Violence Shelter

IBC Plaza Downtown

Downtown Parking Garage

Shaded Car Ports- Police

Thoroughfare Improvements

Shleby Park Improvements

Remodeling Fire Station #3

Criteria and Weight System

CIP Scoring Criteria	Criteria Weight	Impact On Community	
Public Safety or Health	25%	Low: Project would have no impact on existing public health or safety	High: Project addresses an immediate safety hazard or public health need
Infrastructure Needs	25%	Low: Project has no impact on the maintenance or improvement of City infrastructure	High: Project has significant impact on improving or maintaining City Infrastructure
Extent of Benefit (What percentage of community will benefit?)	20%	Low: Small percentage of citizens or area would benefit	High: All citizens or areas would benefit
Future Financial Impact or Cost to Operate	15%	Low: Would cause significant increase to debt service, personnel or other operating costs	High: Would decrease debt service, personnel or other operating costs
Quality of Life	15%	Low: No impact on quality of life or incentivizing people to move to community	High: Significantly improves quality of life and provides an incentive to move to community
TOTAL	100%		