



AGENDA

PLANNING & ZONING COMMISSION SPECIAL MEETING

MONDAY, DECEMBER 4, 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

MINUTES

1. Approval of the minutes of the September 28, 2023, the October 12, 2023, and the October 23, 2023 meetings.

PUBLIC HEARING(S)

2. Public hearing on the proposed Final Re-Plat of Lot 1 in Eagle Pass Port of Entry Industrial Park and an 1.50 acre tract, including (1) a subdivision variance from Section 23-36(a) regulating preliminary plat requirements, and (2) a sidewalk waiver from Section 23-64 regulating sidewalks; closing of public hearing and possible action.
3. Public hearing on the request submitted by Maria M. Sahagun for a Conditional Use Permit to allow the establishment of a hair salon business in property located at 2125 Hillcrest Boulevard; closing of public hearing and possible action.
4. Public hearing on the request submitted by Esperanza Contreras for a Conditional Use Permit to allow the establishment of swimming pool venue in property legally known as 110 Heritage Farms Drive; closing of public hearing and possible action.

NEW BUSINESS

5. Consideration and possible action on the Master Plan of Eagle Pass Port of Entry Industrial Park.

OLD BUSINESS

6. Consideration and possible action on the six (6) month extension request submitted by TEC Services for the final plat of Benito Garcia Subdivision.

OTHER BUSINESS

7. Presentation and discussion on Eagle Pass Code of Ordinances Chapter 23 Subdivisions Article VI – Landscape and Tree Preservation Ordinance.

ADJOURNMENT

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

CERTIFICATION

I, THE UNDERSIGNED COMMUNITY DEVELOPMENT ASSISTANT 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 November 30, 2023, at 10:30 a.m.

A handwritten signature in dark ink, appearing to read "Maribelle Rodriguez", written over a horizontal line.

Mariebelle Rodriguez
Community Development Assistant Director

Item #1

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

The Planning and Zoning Commission of the City of Eagle Pass held a special meeting on Thursday, September 28, 2023, at 5:30 p.m. in the Council Chambers, at City Hall, 100 South Monroe Street, Eagle Pass, Texas. All legal notices were duly posted in accordance with State code.

ESTABLISHMENT OF QUORUM

Present: Chairperson, Luis Velez; Commission members, Aaron Valdez, Tiffany Velasquez-Sanchez, and Doris Salinas-Sanchez

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

Staff Present: Planning Director, Placido Madera; Legal Counsel, Heriberto Morales, Jr.; Assistant City Secretary, Ita A. Cortinas; City Engineer, Danny Magee; Assistant Planning Director, Mariebelle Rodriguez

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

CITIZENS COMMUNICATIONS

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

There were not any comments or concerns submitted.

MINUTES

1. Approval of the minutes of the August 24, 2023, meeting and the September 14, 2023 meeting.

Commissioner Velasquez-Sanchez made the motion to approve the minutes. Seconded by Commissioner Valdez. **MOTION PASSES:** Unanimously.

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

PUBLIC HEARINGS

2. Consideration and possible approval to ratify action taken on August 24, 2023, on the proposed preliminary Re-Plat of Lot 6 in block 18 of Deer Run Subdivision Unit 4, including a sidewalk waiver from Section 23-64 governing sidewalks; closing of public hearing and possible action.

Chairperson Velez opened the public hearing at 5:36 p.m.

Planning Director, Placido Madera provided details on the item and stated that the Planning and Building Department recommend that the Commission grant the preliminary Re-Plat.

Chairperson Velez closed the public hearing at 5:39 p.m.

Commissioner Salinas-Sanchez moved to approve. Seconded by Commissioner Valdez.
MOTION PASSES: Unanimously

Ayes: Velez, Velasquez-Sanchez, Valdez, and Salinas-Sanchez

Nays: None

Abstained: None

Absent: Gross

NEW BUSINESS

3. Consideration and possible action on the final plat of Hopedale Estates Subdivision Unit 4.

Planning Director, Placido Madera provided details on the item and stated that the Planning and Building Department recommend that the Commission grant the final plat.

Commissioner Salinas-Sanchez moved to approve as presented. Seconded by Commissioner Velasquez-Sanchez. **MOTION PASSES:** Unanimously

Ayes: Velez, Velasquez-Sanchez, Valdes, and Salinas-Sanchez

Nays: None

Abstained: None

Absent: Gross

4. Presentation by Engineering Department and Public Works Department related to storm drainage city projects.

City Engineer, Daniel MaGee provided details on ongoing and finished projects within the City. Not an action item.

ADJOURNMENT

Planning and Zoning Commission Special Meeting

September 28, 2023

Page 3

Commissioner Velasquez-Sanchez moved to adjourn meeting at 6:19 p.m. Seconded by Commissioner Valdez. **MOTION PASSES:** Unanimously

Passed and approved on _____, 2023

Luis Velez
Chairperson

ATTEST:

Ita A. Cortinas
Assistant City Secretary

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

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

ESTABLISHMENT OF QUORUM

Present: Chairperson, Luis Velez; Vice-Chairperson, Kenneth Gross, and Commissioner: Tiffany Velasquez-Sanchez

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

Staff Present: Community Development Director, Placido Madera; Legal Counsel, Ana Sophia Garcia.; Assistant City Secretary, Ita A. Cortinas; Public Works Director, Daniel Ibarra, and Assistant Community Development Director, Mariebelle Rodriguez

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

CITIZENS COMMUNICATIONS

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

There were not any comments or concerns submitted.

PUBLIC HEARINGS

1. Public hearing on the proposed Preliminary Re-plat of Lot 54 in block 1 of El Pueblo Nuevo Subdivision; closing of public hearing and possible action.

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

Community Development Director, Placido Madera provided details on the item and stated that the Planning and Building Department recommend that the Commission recommend that the City Council grant the preliminary plat approval, subject to the plat complying with the provisions of Article III of City of Eagle Pass Code of Ordinances Chapter 23 governing procedures and specifications for Final Plats.

Commissioner Doris Salinas-Sanchez arrived during the course of the presentation.

Chairperson Velez closed the public hearing at 5:35 p.m.

Commissioner Velasquez-Sanchez moved to approve. Seconded by Vice Chairperson Gross.
MOTION PASSES: Unanimously

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

2. Public hearing on the request submitted by Esperanza Contreras for a Conditional Use Permit to allow the establishment of swimming pool venue in property legally known as 110 Heritage Farms Drive; closing of public hearing and possible action.

Chairperson Velez opened the public hearing at 5:35 p.m.

Community Development Director Madera provided details on the item and stated that the Community Development Department recommend that the request be denied.

The applicant, Mrs. Contreras spoke in favor of granting the CUP, and gave the reasons she felt the CUP should be granted. The following constituents spoke in favor of Mrs. Contreras and the business: Evelyn Pader, Ms. Garza, Lidia Ramirez, Maria L. Garcia, and Linda Ruth Garcia.

Neighboring property owners; Mrs. Marisa Pader, Mr. Alfredo Aguirre, and Mrs. Jacqueline Hesles, Mr. and Mrs. Rivera, and Mr. Victor Pader spoke against the CUP being granted.

Chairperson Velez closed the public hearing at 6:50 p.m.

Vice-Chairperson Gross moved to approve the denial, as recommended by the Community Development Department. Seconded by Chairperson Velez. **MOTION DIES.**

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

3. Public hearing on the request submitted by Pedro Garza for the rezoning of Lot 3 in Block 11 of Hillcrest Addition, also known as 1260 Rio Grande Street, from R-3 Duplex District to R-3A Apartment District; closing of public hearing and possible action.

Assistant Community Development Director, Mariebelle Rodriguez provided details on the item and recommends that the Planning and Zoning Commission recommend that the City Council prepare and adopt an Ordinance granting a zoning district change from R-3 Duplex District to R-3Apartment District for property legally defined as Lot 3 in Block 11 of Hillcrest Addition, also known as 1260 Rio Grande Street, subject to the following conditions: 1. Subsequent

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

Rosa Marmolejo, sister of the applicant, spoke on his behalf and stated his reason for wanting the rezone designation.

Commissioner Salinas-Sanchez moved to approve the rezone, as recommended by the Community Development Department. Seconded by Commissioner Velasquez-Sanchez.
MOTION PASSES: Unanimously

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

OLD BUSINESS

4. Presentation by Engineering Department and Public Works Department related to storm drainage city projects.

Public Works Director, Daniel Ibarra provided details on ongoing and finished projects within the City.

Not an action item.

ADJOURNMENT

Commissioner Velasquez-Sanchez moved to adjourn meeting at 7:18 p.m. Seconded by Commissioner Salinas-Sanchez. **MOTION PASSES:** Unanimously

Passed and approved on _____, 2023

Luis Velez
Chairperson

ATTEST:

Ita A. Cortinas
Assistant City Secretary

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

The Planning and Zoning Commission of the City of Eagle Pass held a special meeting on Monday, October 23, 2023, at 5:30 p.m. in the Council Chambers, at City Hall, 100 South Monroe Street, Eagle Pass, Texas. All legal notices were duly posted in accordance with State code.

ESTABLISHMENT OF QUORUM

Present: Chairperson, Luis Velez; Vice-Chairperson, Kenneth Gross, and Commissioner: Tiffany Velasquez-Sanchez

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

Staff Present: Community Development Director, Placido Madera; Legal Counsel, Ana Sophia Garcia.; Assistant City Secretary, Ita A. Cortinas; Public Works Director, Daniel Ibarra, and Assistant Community Development Director, Mariebelle Rodriguez

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

CITIZENS COMMUNICATIONS

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

There were not any comments or concerns submitted.

The items were considered in the following order:

EXECUTIVE ITEM(S)

The Commission retired into Executive Session at 5:37 p.m. and resumed Open Session at 6:22 p.m.

11. Request for executive session pursuant to Texas Government Code section 551.071 and section 551.072 to discuss condemnation negotiations regarding a 46.35-acre tract of land located along the north side of Main Street conveyed to the Estate of Jeremiah Ingles Rhodes; and return to open session for possible action.

Commissioner Velasquez-Sanchez moved to condemn the negotiations of 46.35 acre tract of land located north side of Main Street, conveyed to the estate of Jeremiah Ingles Rhodes . Seconded by Vice-Chairperson Gross. **MOTION PASSES:** Unanimously

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

12. Request for executive session pursuant to Texas Government Code section 551.071- Discussion and presentation regarding Robert's Rule of Order and Texas Open Meetings Act; and return to open session for possible action.

Not an action item.

PUBLIC HEARING(S)

1. Public hearing on the proposed Final Re-Plat of Lot 1 in Block 5 of Paraiso Estates Subdivision Unit 3 an 11.67-acre tract of land; closing of public hearing and possible action.

Chairperson Velez opened the public hearing at 6:23 p.m.

Community Development Director, Placido Madera provided details on the item and stated that the Department recommend that the Commission grant final plat approval of the Replat of Lot 1 in Block 5 of Paraiso Estates Subdivision Unit 3 an 11.67-acre tract, subject to the plat complying with the provisions of Article III of City of Eagle Pass Code of Ordinances, Chapter 23, governing procedures and specifications for Final Plats.

City Attorney, Ana Sophia Garcia stated that the item will be presented to the City Council tomorrow, and one of the conditions before presentation at the Council meeting requires that a donation agreement needs to be executed before the meeting tomorrow.

Chairperson Velez closed the public hearing at 6:27 p.m.

Vice-Chairperson, Gross moved to approve the item as recommended by the Community Development Department with the condition of the donation agreement. Seconded by Commissioner Velasquez-Sanchez. **MOTION PASSES:** Unanimously

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

2. Public hearing on the proposed Preliminary Re-Plat of Lot C in Block 13 of Fabrica Townsite; closing of public hearing and possible action.

Chairperson Velez opened the public hearing at 6:28 p.m.

Assistant Community Development Director, Mariebelle Rodriguez provided details on the item and stated that the Department recommends that the Commission recommend to Eagle Pass City Council to grant preliminary plat approval of the proposed Replat of Lot C in Block 13 of Fabrica Townsite, subject to the plat complying with the provisions of Article III of City of Eagle Pass Code of Ordinances, Chapter 23, governing procedures and specifications for Preliminary Plats.

Chairperson Velez closed the public hearing at 6:30 p.m.

Commissioner Velasquez-Sanchez moved to approve as recommended. Seconded by Vice-Chairperson Gross. **MOTION PASSES:** Unanimously

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

3. Public hearing on the request submitted by Maria M. Sahagun for a Conditional Use Permit to allow the establishment of a hair salon business on property located at 2125 Hillcrest Boulevard; closing of public hearing and possible action.

Chairperson Velez opened the public hearing at 6:31 p.m.

Community Development Director, Placido Madera provided details on the item and recommends that the Planning and Zoning Commission grant the request to establish a childcare business on property located at 2467 N. Veterans Boulevard, subject to the following conditions: 1. The establishment comply with all state and local laws and ordinances. He also stated that the owner will need to rezone as a business district within 12 months. He noted that the CUP is non-transferrable.

Chairperson Velez closed the public hearing at 6:36 p.m.

Commissioner Velasque-Sanchez moved to approve the rezone, as recommended by the Department. Seconded by Vice-Chairperson Gross. **MOTION PASSES:** Unanimously

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

4. Public Hearing on the request submitted by Max-E-Stores, Inc. for a Conditional Use Permit to allow the establishment of a convenience store in property legally known as 585 E.

Garrison Street; closing of public hearing and possible action.

Chairperson Velez opened the public hearing at 6:37 p.m.

Assistant Community Development Director, Mariebelle Rodriguez provided details on the item and stated that the Department recommends that the Commission grant the request to establish a convenience store business on property located at 585 E. Garrison Street, subject to the following conditions: 1. The establishment comply with all state and local laws and ordinances. She noted that the Conditional Use Permit is non-transferrable.

Chairperson Velez closed the public hearing at 6:41 p.m.

Commissioner Velasque-Sanchez moved to approve, as recommended by the Department. Seconded by Vice-Chairperson Gross. **MOTION PASSES:** Unanimously

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

5. Public hearing on the request submitted by Siria E. Felix for the rezoning of Lot 10A in Block 12 of Hillcrest Addition, also known as 164 Medina Street, from R-3 Duplex District to R-3A Apartment District; closing of public hearing and possible action.

Chairperson Velez opened the public hearing at 6:41 p.m.

Assistant Community Development Director, Mariebelle Rodriguez provided details on the item and stated that the Department recommends the Planning and Zoning Commission recommend that the City Council prepare and adopt an Ordinance granting a zoning district change from R-3 Duplex District to R-3A Apartment District, for property legally known as 164 Medina Street, subject to the following conditions: 1. Subsequent development of the property shall comply with the following sections in the City of Eagle Pass Code of Ordinances: • Chapter 8 governing buildings • Chapter 12 governing the electrical code • Chapter 13 governing the fire code • Chapter 14 governing garbage and rubbish • Chapter 21 governing plumbing • Chapter 22 governing streets, sidewalks and other public places • Chapter 23 governing landscaping and tree preservation • Chapter 27 governing water and sewers, including drainage • Appendix A governing zoning, governing off-street parking • Appendix A governing zoning, governing fences (Section 12(d)(1)(a) & (c))

Chairperson Velez closed the public hearing at 6:44 p.m.

Commissioner Velasque-Sanchez moved to approve, as recommended by the Department. Seconded by Vice-Chairperson Gross. **MOTION PASSES:** Unanimously

Ayes: Velez, Gross, and Velasquez-Sanchez

Nays: None
Abstained: None
Absent: Valdez, and Salinas-Sanchez

6. Public Hearing on the request submitted by Siria E. Felix for the rezoning of Lot 1 and 19 in Block 26 of Hillcrest Addition, also known as 388 Trinity Street, from R-1 First One Family Dwelling District to R-3 Duplex District; closing of public hearing and possible action.

Chairperson Velez opened the public hearing at 6:45 p.m.

Assistant Community Development Director, Mariebelle Rodriguez provided details on the item and stated that the Department recommends the Planning and Zoning Commission recommend that the City Council prepare and adopt an Ordinance granting a zoning district change from R-1 Single One-Family Dwelling District to R-3 Duplex District, for property legally known as 388 Trinity Street, subject to the following conditions: 1. Subsequent development of the property shall comply with the following sections in the City of Eagle Pass Code of Ordinances: • Chapter 8 governing buildings • Chapter 12 governing the electrical code • Chapter 13 governing the fire code • Chapter 14 governing garbage and rubbish • Chapter 21 governing plumbing • Chapter 22 governing streets, sidewalks and other public places • Chapter 23 governing landscaping and tree preservation • Chapter 27 governing water and sewers, including drainage • Appendix A governing zoning, governing off-street parking • Appendix A governing zoning, governing fences (Section 12(d)(1)(a) & (c))

Chairperson Velez closed the public hearing at 6:47 p.m.

Vice-Chairperson Gross moved to approve, as recommended by the Department. Seconded by Commissioner Velasquez-Sanchez. **MOTION PASSES:** Unanimously

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

7. Public Hearing on the request submitted by Siria E. Felix for the rezoning of Lot 9 and 10 in Block 10 of North Heights Unit 2, also known as 1001 Webster Street, from R-1 First One Family Dwelling District to R-3 Duplex District; closing of public hearing and possible action.

Chairperson Velez opened the public hearing at 6:48 p.m.

Community Development Director, Placido Madera provided details on the item and stated that the Department recommends the Planning and Zoning Commission recommend that the City Council prepare and adopt an Ordinance granting a zoning district change from R-1 Single One-Family Dwelling District to R-3 Duplex District, for property legally known as 1001 Webster Street, subject to the following conditions: 1. Subsequent development of the property shall comply with the following sections in the City of Eagle Pass Code of Ordinances: • Chapter 8

governing buildings • Chapter 12 governing the electrical code • Chapter 13 governing the fire code • Chapter 14 governing garbage and rubbish • Chapter 21 governing plumbing • Chapter 22 governing streets, sidewalks and other public places • Chapter 23 governing landscaping and tree preservation • Chapter 27 governing water and sewers, including drainage • Appendix A governing zoning, governing off-street parking • Appendix A governing zoning, governing fences (Section 12(d)(1)(a) & (c))

Siria E. Felix provided the reasons she submitted the request. She also, along with Xavier Tobias, answered questions posed by the Commission.

Chairperson Velez closed the public hearing at 6:57 p.m.

Commissioner Velasque-Sanchez moved to approve, as recommended by the Department. Seconded by Vice-Chairperson Gross. **MOTION PASSES:** Unanimously

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

NEW BUSINESS

8. Consideration and possible action on the Plat Amendment of Lots 4 and 5 in Block 1 of Eagle Pass Industry Center Subdivision Unit 1 and G.&S. Estates.

Community Development Director, Placido Madera provided details on the item and recommends that the Planning and Zoning Commission (1) deny the sidewalk waiver request and (2) grant approval of a plat amendment adjusting the property lines between Lots 4 and 5 in Block 1 of Eagle Pass Industry Center 1 and Lot 1 in G & S Estates.

Mr. Madera also stated that he would like to get written approval from the utility companies that they agree that the easement depicted on the plat be abandoned before plat recordation.

The applicant also provided details on the item.

Vice-Chairperson Gross moved to approve, as recommended by the Department. Seconded by Commissioner Velasquez-Sanchez. **MOTION PASSES:** Unanimously

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

9. Consideration and possible action on the Rio Grande Estates Master Plan.

Community Development Director, Placido Madera provided details on the item and recommends that the Planning and Zoning Commission grant the Master Plan for Rio Grande Estates Subdivision subject to plan to compliance with the provisions of City of Eagle Pass Code of Ordinances, Chapter 23, Section 23-13.1 governing subdivision plat submittal requirements.

Commissioner Velasquez-Sanchez moved to approve, as recommended by the Department. Seconded by Vice-Chairperson Gross. **MOTION PASSES:** Unanimously

Ayes: Velez, Gross, and Velasquez-Sanchez

Nays: None

Abstained: None

Absent: Valdez, and Salinas-Sanchez

10. Consideration and possible action on the preliminary plat of Rio Grande Estates Subdivision Unit 2.

Community Development Director, Placido Madera provided details on the item and recommends that the Planning and Zoning Commission grant the subdivision variance request to allow the subsequent construction of a 1,320 lineal feet of finished street portion of Veterans Boulevard, and (2) grant preliminary plat approval of Rio Grande Estates Subdivision Unit 2, subject to plat complying with the provisions of Article III of the City of Eagle Pass Code of Ordinances Chapter 23 governing procedures and specifications for final plats.

He advised that there be a condition to the approval that they dedicate, design, and construct remaining portion of North Veterans Boulevard to Rio Sabinas upon the development of Phase II of the subdivision or three (3) years after the sale of 80% of the units included in Phase I, whichever comes first.

Commissioner Velasquez-Sanchez moved to approve, as recommended by the Department. Seconded by Vice-Chairperson Gross. **MOTION PASSES:** Unanimously

Ayes: Velez, Gross, and Velasquez-Sanchez

Nays: None

Abstained: None

Absent: Valdez, and Salinas-Sanchez

ADJOURNMENT

Commissioner Velasquez-Sanchez moved to adjourn meeting at 7:22 p.m. Seconded by Commissioner Salinas-Sanchez. **MOTION PASSES:** Unanimously

Passed and approved on _____, 2023

Luis Velez
Chairperson

Attest:

Ita A. Cortinas
Assistant City Secretary

Item #2



Community Development Department Executive Summary
REPORT TO THE PLANNING AND ZONING COMMISSION
Final Replat of Lot 1 in Eagle Pass Port of Entry Industrial Park

I. BACKGROUND

A. General Information

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

Location: Intersection between Industrial Boulevard and Industrial Spur 2

Gross acreage: 4.94 acres

Property ID: 9008890 and 3659

Request: Final replat approval to combine Lot 1 of Eagle Pass Port of Entry Industrial Park and a 1.50 acre tract, including (1) a subdivision variance from Section 23-36(a) regulating preliminary plat requirements, and (2) a sidewalk waiver from Section 23-64 regulating sidewalks, curb and gutter.

B. Infrastructure

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

Access to the site is provided by Industrial Boulevard.

C. Vicinity Data

This site is located off Loop 480 and Industrial Blvd and is surrounded by industrial development and vacant tracts of land.

II. RECOMMENDED FINDINGS OF FACT

A. Conclusions

1. The applicant's request contains sufficient information for consideration by the Planning and Zoning Commission. Information contained in this report and the Commission's public meeting will be used as part of the City Council's deliberation process for final approval of the subdivision. Please refer to Attachment 1.
2. The *Master Plan* emphasizes the importance of maintaining the character of the industrial and commercial neighborhoods located within the City.
 - ✓ The re-subdivision is consistent with the *Land Use Development Goals* of the *Master Plan*, as the project is designed to provide for a building lot density that is consistent with the purpose of the *Industrial District*.

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

- ✓ The re-subdivision is consistent with the *Street Goal* of the *Master Plan*, as access to the site from Industrial Boulevard is designed to provide the residents and visitors to Eagle Pass with a street system that will enable them to travel safely and conveniently.
 - ✓ The re-subdivision is consistent with the *Thoroughfare Goals* of the *Master Plan*, as Industrial Boulevard has been designed to be part of a safe and efficient thoroughfare system.
 - ✓ The re-subdivision is consistent with the *Storm Drainage Goals* of the *Master Plan*, as the development will require adequate detention at the time of lot development.
3. The re-subdivision design is consistent with the purpose of the *Industrial District*.
 4. The subdivision is consistent with City design and specifications, as the subsequent development of the site will be required to conform to the following sections of *Article IV* in *Eagle Pass Code of Ordinances Chapter 23*:
 - ✓ *Section 23-61* governing streets and two points of vehicular access for ingress and egress to the subdivision
 - ✓ *Section 23-62* governing alleys and easements
 - ✓ *Section 23-63* specific use easements
 - ✓ *Section 23-64* governing sidewalks, applicant is seeking sidewalk waiver
 - ✓ *Section 23-66* governing sanitary sewage disposal system
 - ✓ *Section 23-67* governing potable water supply and fire flow
 - ✓ *Section 23-68* governing storm drainage
 - ✓ *Section 23-69* governing the size, width, depth, shape and orientation of lots, and the minimum building setback lines
 - ✓ *Section 23-71* governing the installation and inspection of utility lines
 - ✓ *Sec. 23-94* governing fences for all new subdivisions
 - ✓ *Section 23-71* governing the installation and inspection of utility lines

Please refer to Attachment 4 for a copy of the *Preliminary Engineering Report* for the subdivision.

5. The subdivision and the subsequent development of the property will be consistent with City design and specifications for landscape and tree preservation set forth in *Article VI* in *Eagle Pass Code of Ordinances Chapter 23*.
6. The subdivision of the property will conform to the parkland dedication requirements set forth in *Article V* in *Eagle Pass Code of Ordinances Chapter 23*, as a one-time fee will be collected as part of any subsequent building permit issued for the property.
7. The applicant is seeking a sidewalk waiver per *Section 23-64(a)* of the Subdivision Ordinance as part of his application for the replat.

That sidewalk waiver and portion of the variance request regarding the requirement to construct sidewalks and concrete curb and gutter is not consistent with this section of the code, as there is no anecdotal evidence which indicated that the granting of the variance would be detrimental to the public health, safety, or welfare, or injurious to the other property in the area.

Please refer to Attachment 2 for a copy of the sidewalk waiver application.

8. The grant of final replat approval is also predicated upon the grant of one variance by the Planning and Zoning Commission. Please refer to Attachment 3 for a copy of the variance application.
9. The subdivision of the property is in conformance with the provisions of the *Master Plan* and the *Eagle Pass Code of Ordinances* by facilitating the following benefits:
 - Protect private rights while considering public health, safety, and welfare.
 - Provide efficient and economical ways to move people and goods outside the City by an adequate plan for streets and highways.
 - Guide future development in an orderly manner, by stages according to a pattern, so that the City may have balanced land use.
 - Encourage a diversified economic base and encourage public and private investments in land and improvements.
 - Prevent and eliminate blight and slums, making the City attractive to people, commerce, and industry.
 - Create the desire for a more pleasing appearance of the City and incorporate into its physical development the basic principles of good design.
 - Protect and preserve the identity of each neighborhood through use of the guidance provided by the *Master Plan* and the *Code of Ordinances*.
 - Locate all land uses on land best suited for their needs, arranged in such a way as to be mutually beneficial and functional, with ample area to meet long-term needs.
 - Establish a proper relationship between open space, developed areas, building bulk, light, and air space, in all future development programs of land use.
 - Encourage and abet the development of civic, cultural, and other public and quasi-public buildings in harmonious and functional groupings.
10. The subdivision will allow for a use of the property that is consistent with the purpose of the *I Industrial District*, as well as the surrounding area, for the following reasons:
 - A. The subdivision design bears a substantial relationship to the public's health, safety, and welfare.
 - B. The subdivision is in accordance with the policies of the Master Plan and the purpose of the *I Industrial District*.
 - C. The subdivision is warranted because of the necessity to create additional lots for development adjacent to Industrial Blvd, and because the proposed development is appropriate to accomplish the reasonable use of the property.
 - D. The subject property is suitable for development in general conformance with development standards of the *I Industrial District*.
 - E. The subdivision will benefit the City as a whole and will not be detrimental to nearby land uses of a similar nature.
 - F. The subsequent development will be designed and conditioned to comply with all applicable subdivision criteria and standards of the City of Eagle Pass.

Please refer to Attachment 5 for a copy of the *Master Plan* Map and a copy of the *Zoning District Map* for the City of Eagle Pass.

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

B. Community Development Department Recommendation

The Planning and Zoning Commission (1) **GRANT** the subdivision variance to proceed directly to final replat without first having obtained preliminary replat approval as required by *City of Eagle Pass Code of Ordinances Section 23-36(a)*, and (2) **DENY** a sidewalk waiver request, including curb and gutter as it does not conform with the criteria set forth in Section 23-64 governing sidewalks, and (3) **GRANT** final approval of the proposed Final Replat of Lot 1 of Eagle Pass Port of Entry Industrial Park Subdivision and a 1.5-acre tract, subject to the plat complying with the provisions of *Article III of City of Eagle Pass Code of Ordinances Chapter 23* governing procedures and specifications for Final Plats including the following conditions(s):

- A sidewalk be installed along the perimeter of the parcel at the time of the lot development.

TRANSMITTED to the parties listed hereafter:

Paco Mondragon via e-mail

City of Eagle Planning and Zoning Commission via e-mail

Eagle Pass Planning Department Report dated November 20, 2023

Attachment 1
Application



PLANNING DEPARTMENT

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

SUBDIVISION APPLICATION

TYPE OF SUBDIVISION (check one):

- ☐ Preliminary Plat ☐ Final Plat ☒ Replat ☐ Amended Plat
☐ Short Form Final ☐ Vacating Plat ☐ Master Plan

Name of Subdivision: Eagle Pass Port of Entry Industrial Park Lot 7 Replat

Property Legal Description: _____

Maverick County Property Identification Number(s): _____

Location of Addition: Industrial Blvd down to

Number of Residential Lots: 0 Number of Commercial Lots: 1 Gross Acreage: 4.54

Number of New Street Intersections 0 Linear feet of Streets 0

Is Subdivision inside city limits? Yes ☒ No ☐; Zoning District: _____

Existing Land Use: Industrial

Proposed Land Use: Industrial

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

Requested Variances: N/A

PROPERTY OWNER:

Name: Paco M

Contact: _____

Address: 2741 Crown Hill

Phone: 830-357-6186

City: Eagle Pass

Fax: _____

State: TX Zip: 78852

E-mail: paco@bltexas.com

Signature: [Signature]

Date: Sept. 24, 20

PROPERTY OWNER:

Name: Peco M
Address: 2741 Crown Hill
City: Eagle Pass
State: TX Zip: 78852
Signature: [Signature]

Contact: _____
Phone: 830-352-6186
Fax: _____
E-mail: peco@bltexas.com
Date: Sept 24, 23

APPLICANT:

Name: Peco M
Address: 2741 Crown Hill
City: Eagle Pass
State: TX Zip: 78852
Signature: [Signature]

Contact: _____
Phone: 830-352-6186
Fax: _____
E-mail: peco@bltexas.com
Date: Sept 24, 23

SURVEYOR:

Name: Mark Logrbrink
Address: 235 N Getty St Ste B
City: Walden
State: TX Zip: 78801
Signature: [Signature]

Contact: Tamara Gelles
Phone: 830-591-0858
Fax: _____
E-mail: tamara@smythsurveyors.com
Date: 9/25/23

ENGINEER:

Name: _____
Address: _____
City: _____
State: _____ Zip: _____
Signature: _____

Contact: _____
Phone: _____
Fax: _____
E-mail: _____
Date: _____

PRINCIPAL CONTACT: ☒ Owner ☐ Applicant ☐ Surveyor ☐ Engineer

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

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

APPLICANT/SUBDIVIDER:

Name: _____

Contact: _____

Address: _____

Phone: _____

City: _____

Fax: _____

State: _____ Zip: _____

E-mail: _____

Signature: _____

Date: _____

SURVEYOR:

Name: _____

Contact: _____

Address: _____

Phone: _____

City: _____

Fax: _____

State: _____ Zip: _____

E-mail: _____

Signature: _____

Date: _____

ENGINEER:Name: Kevin HammondContact: Kevin HammondAddress: 13523 Pear Woods CtPhone: (713) 240-3404City: Houston

Fax: _____

State: TX Zip: 77059E-mail: sitestreetengineers@gamil.comSignature: KALDDate: 09-25-2023

PRINCIPAL CONTACT: _____ Owner _____ Applicant _____ Surveyor _____ Engineer

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

STATEMENT OF APPLICANT

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

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


Applicant Signature

Date

Oct 4, 23

Eagle Pass Port of Entry Industrial Park, Lot 1

Texas Industrial Service, LLC
BOUNDARY SURVEY OF 4.94 ACRES, MORE OR LESS
COMPLETED MONTH DAY, 2023

Being a Boundary Survey of 4.94 Acres, more or less, lying in Maverick County, Texas, being out of and part of J. B. Roberts Survey 32, Abstract No. 794, being all of that same certain tract called 2.7 acres described in conveyance document to Texas Industrial Service, LLC, recorded in Volume 1772, Page 353 of the Maverick County Official Public Records and being out of and a part of that same certain tract called 4.47 acres described in conveyance document to Texas Industrial Service, LLC, recorded in Volume 1772, Page 348 of the Maverick County Official Public Records, Maverick County, Texas and being more particularly described by metes and bounds as follows: (The courses, distances, areas and any coordinates cited herein or shown on the corresponding survey plat conform to the Texas Coordinate System, North American Datum 1983, Texas South Central Zone.) (All corners called for as being set are marked on the ground with ½" rebar with plastic identification caps stamped "RPLS/6418" attached unless otherwise noted or shown.)

BEGINNING: at a set ½" diameter rebar in the southwesterly Right-of-Way of Industrial Spur 2 (80' R.O.W.), at a point on the east line of said 4.47 acres parent tract and marking the northeast corner of the herein described tract, from which a found ½" diameter rebar marking the northeast corner of said 4.47 acres parent tract bears N 17° 31' 23" W, 278.17 feet;
THENCE: S 18° 20' 02" E, with the southwesterly Right-of-Way of Industrial Spur 2, also with the common lines of said 4.47 acres parent tract, said 2.7 acres parent tract and the herein described tract for a distance of 447.41 feet to a set ½" diameter rebar marking the beginning of a curve to the right whose radius is 76.05 feet;
THENCE: Southwesterly with said curve deflecting continuously and uniformly to the right for an arc distance of 144.24 feet (Chord = 5 36° 00' 00" W, 123.57 feet) to a set ½" diameter rebar on the northeasterly Right-of-Way of Industrial Blvd. (80' R.O.W.) and marking the beginning of a curve to the right whose radius is 514.82 feet;
THENCE: With the northeasterly Right-of-Way of Industrial Blvd. (80' R.O.W.), also with the common lines of said 4.47 acres parent tract, said 2.7 acres parent tract and the herein described tract for the following three (3) calls:

- Northwesterly with said curve deflecting continuously and uniformly to the right for an arc distance of 419.76 feet (Chord = N 66° 18' 28" W, 408.23 feet) to a set ½" diameter rebar marking the end of said curve;
 - N 42° 56' 59" W, for a distance of 167.39 feet to a set ½" diameter rebar marking the beginning of a curve to the right whose radius is 419.97 feet;
 - Northwesterly with said curve deflecting continuously and uniformly to the right for an arc distance of 154.39 feet (Chord = N 32° 26' 13" W, 154.39 feet) to a set ½" diameter rebar marking the northwest corner of the herein described tract;
- THENCE: N 71° 39' 56" E, crossing over and across said 4.47 acres parent tract for a distance of 394.79 feet to a set ½" diameter rebar marking the beginning of a curve to the right whose radius is 100.00 feet;
THENCE: Southeasterly with said curve deflecting continuously and uniformly to the right for an arc distance of 139.32 feet (Chord = S 82° 59' 45" E, 128.33 feet) to a set ½" diameter rebar on the northeasterly Right-of-Way of Industrial Blvd to the Place of Beginning and containing 4.94 acres of land, more or less, within the herein described boundary, according to an actual on the ground survey made by D. G. Smyth & Co., Inc. and completed on <month day, year>.

STATE OF TEXAS)
COUNTY OF MAVERICK)

OWNER'S DEDICATION, CERTIFICATION, AND ATTESTATION

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

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

- the water quality and connections to the lots meet, or will meet, the minimum state standards;
- sewer connections to the lots meet, or will meet, the minimum requirements of state standards;
- electrical connections provided to the lots meet, or will meet, the minimum state standards; and
- gas connections, if available, provided to the lots meet, or will meet, the minimum standards.

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

Texas Industrial Service, LLC

STATE OF TEXAS)
COUNTY OF MAVERICK)

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

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

Signature Notary Public State of Texas

CITY OF EAGLE PASS CERTIFICATE OF PLAT APPROVAL

WE THE UNDERSIGNED CERTIFY that this plat of Eagle Pass Port of Entry Industrial Park Lot 1, was reviewed and approved by the Planning and Zoning Commission of the City of Eagle Pass on _____, ____

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

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

Signature Notary Public State of Texas

WE THE UNDERSIGNED CERTIFY that this final plat of Eagle Pass Port of Entry Industrial Park Lot 1, was reviewed and approved by the City Manager of the City of Eagle Pass on _____, ____

City Manager of the City of Eagle Pass
Date: _____

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

Signature Notary Public State of Texas

WE, THE UNDERSIGNED, CERTIFY THAT EAGLE PASS PORT OF ENTRY INDUSTRIAL PARK LOT 1, was reviewed and approved by the City Council of Eagle Pass on _____

Mayor of the City of Eagle Pass
Date: _____
Given under my hand and seal of office this ___ day of _____, 2022

Signature Notary Public State of Texas

COUNTY CLERK'S RECORDING CERTIFICATE

I, _____, COUNTY CLERK OF MAVERICK COUNTY, certify that the plat bearing this certificate was filed for record at _____ o'clock _____ M on _____, 2022, as was recorded in Envelope _____ Side _____ in the Map Records of Maverick County at _____ o'clock _____ M on _____, 2022.

Maverick County Clerk

I, Mark E. Logrbrinck, RPLS, a Registered Professional Land Surveyor in Texas, hereby certify that the above plat and description Plat of Eagle Pass Port of Entry Industrial Park Lot 1 was prepared from a survey of the property made on the ground by me or under my supervision on _____

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

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

Signature Notary Public State of Texas

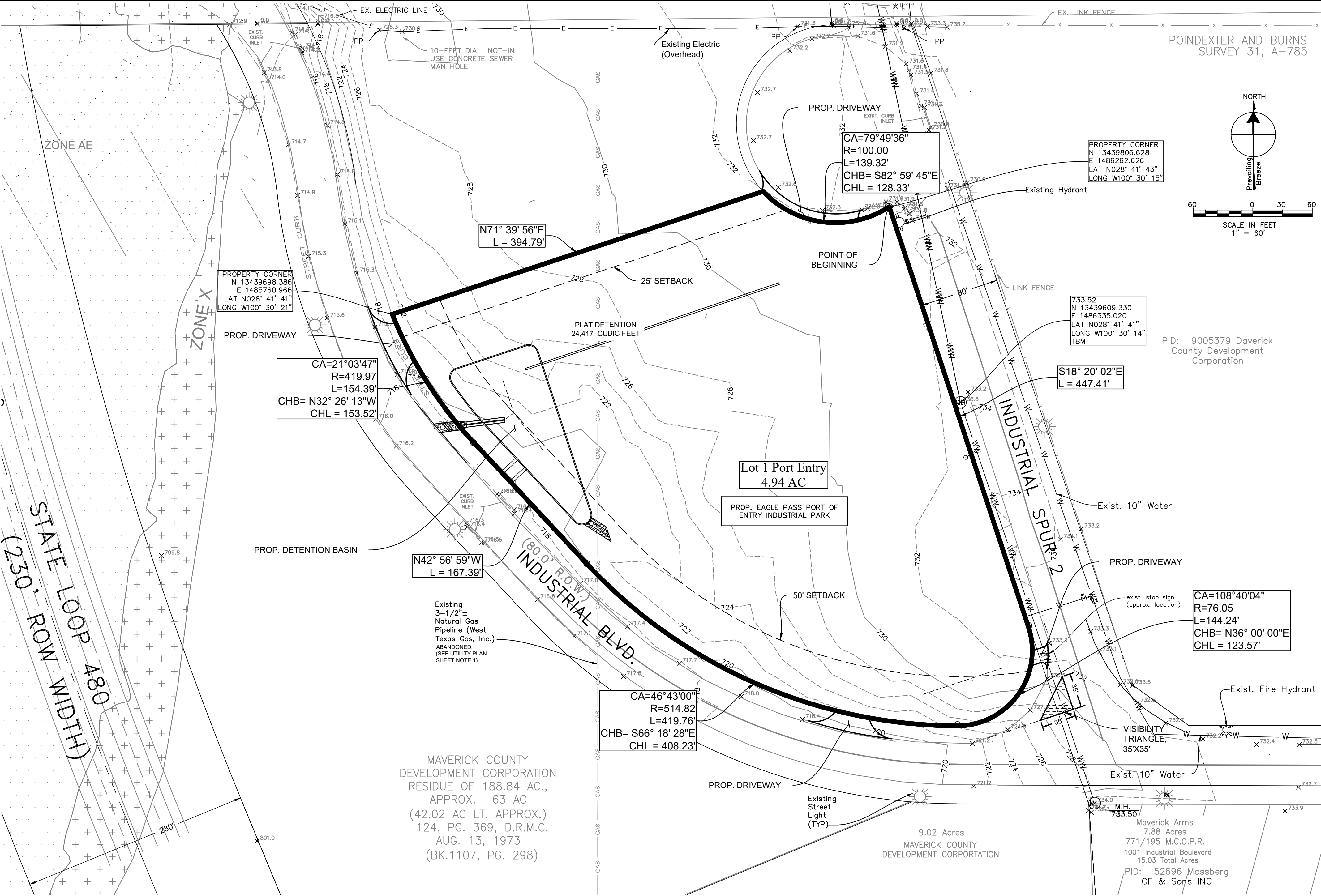
STATE OF TEXAS)
COUNTY OF MAVERICK)

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

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

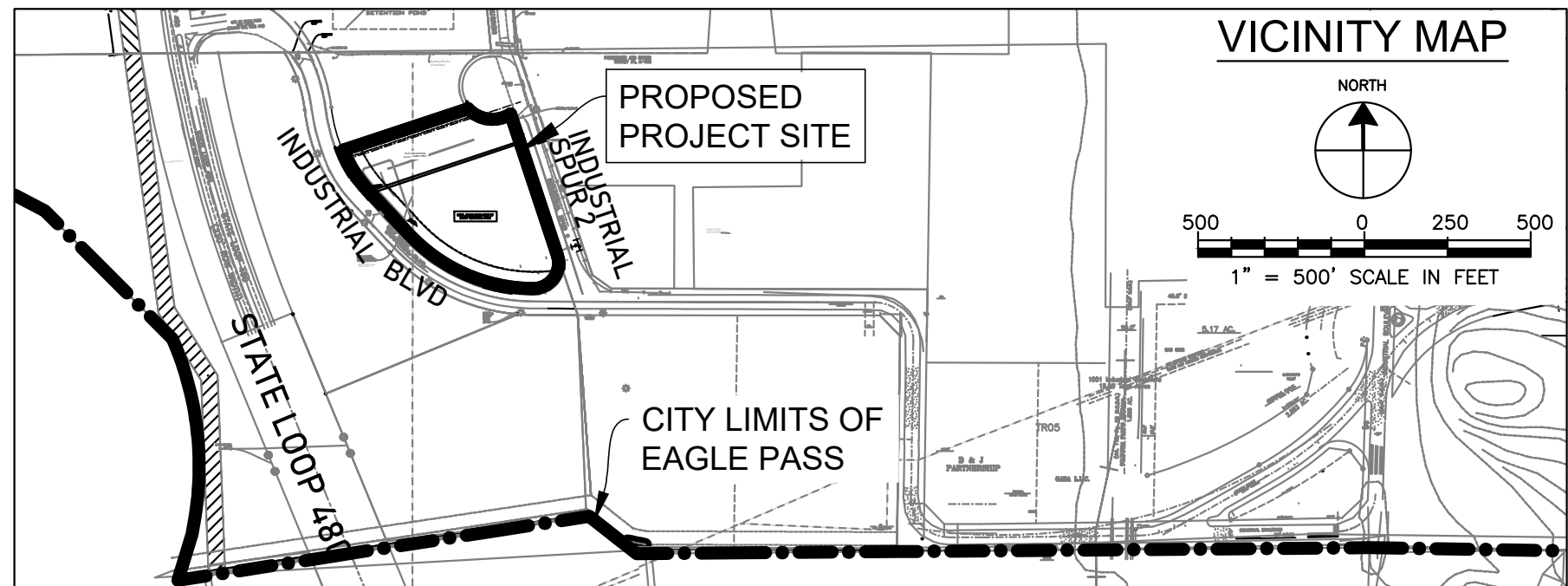
Given under my hand and seal of office this ___ day of _____, ____

Signature Notary Public State of Texas



Floodplain Note:
Property is located within Zone "X" of FEMA Firm Map 48323C0434D made effective April 4, 2011. The designation of Zone "X" means the property lies outside the FEMA regulated 1% annual chance flood zone.

- | | | |
|-----------------------|----------------------------------|-----------------------|
| ○ SET 1/2" I.R. | ○ EXIST. HYDRANT | --- PROPOSED EASEMENT |
| ● FOUND 1/2" I.R. | — EXIST. WATER LINE | --- PROPOSED SETBACK |
| ☀ EXIST. LUMINAIRE | — EXIST. SANITARY LINE | |
| ⚡ EXIST. UTILITY POLE | ⊗ EXIST. SANITARY MANHOLE | |
| — EXIST. EASEMENT | → EXIST. SINGLE SANITARY SERVICE | |
| ○ EXIST. FENCE CORNER | → EXIST. SINGLE WATER SERVICE | |



REV	REVISIONS	DATE
1	Modified for COEP Plat comments.	10/31/23
2		
3		
4		
5		
6		
7		
8		
9		
10		

This document is released for the purpose of interim review under the authority of Kevin Hammond, P.E., 98585, on 10/31/2023. It is not to be used for bidding, or permit purposes.

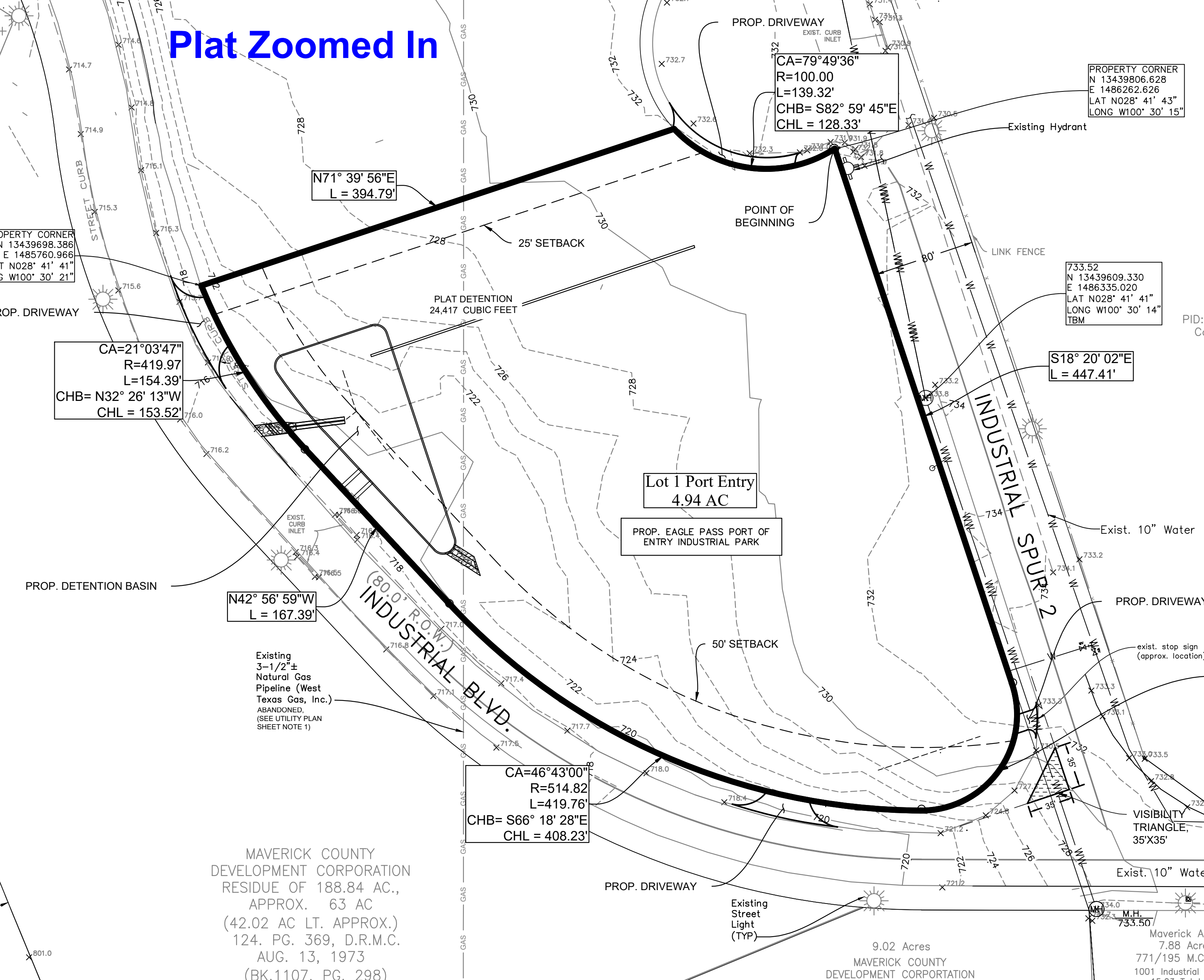
Texas Industrial Service, LLC
Mission, Texas

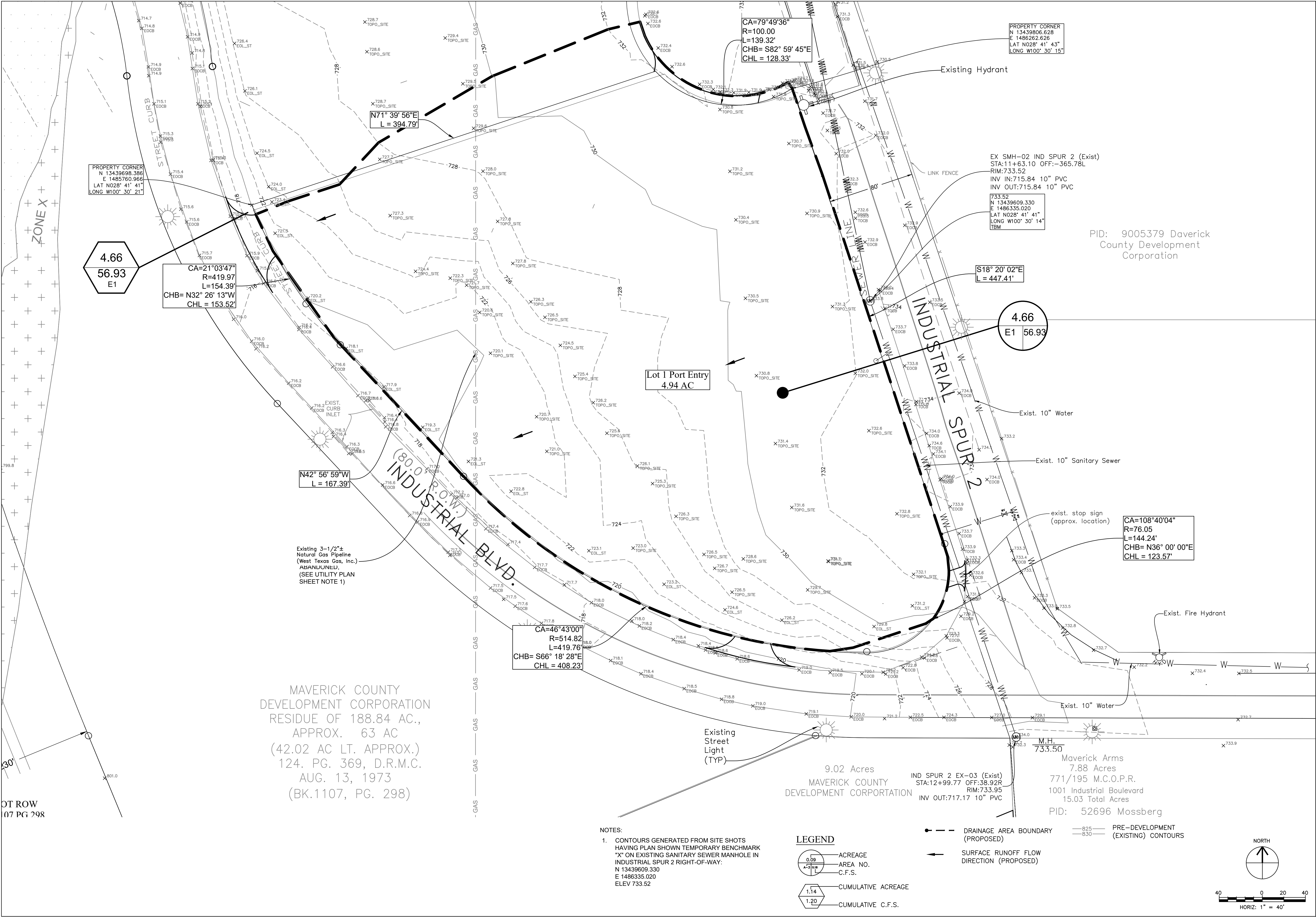
SITE & STREET
ENGINEERS, LLC
M 713-240-3404 | E: estreetengineers@gmail.com
TBE Firm No. 15250
PREPARED ON OCTOBER 30, 2023
PRELIMINARY PLAT OF EAGLE PASS PORT OF ENTRY INDUSTRIAL PARK LOT 1

DRAWING NO.

SHEET NO. C1.0
REV. 1

Plat Zoomed In





OT ROW
07 PG 298

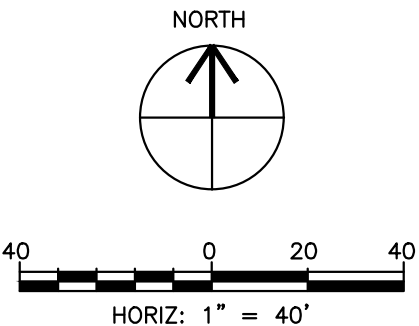
MAVERICK COUNTY
DEVELOPMENT CORPORATION
RESIDUE OF 188.84 AC.,
APPROX. 63 AC
(42.02 AC LT. APPROX.)
124. PG. 369, D.R.M.C.
AUG. 13, 1973
(BK.1107, PG. 298)

- NOTES:
1. CONTOURS GENERATED FROM SITE SHOTS
HAVING PLAN SHOWN TEMPORARY BENCHMARK
"X" ON EXISTING SANITARY SEWER MANHOLE IN
INDUSTRIAL SPUR 2 RIGHT-OF-WAY:
N 13439609.330
E 1486335.020
ELEV 733.52

LEGEND

- 0.09
A-3
1.14
1.20
- ACREAGE
AREA NO.
C.F.S.
CUMULATIVE ACREAGE
CUMULATIVE C.F.S.

- DRAINAGE AREA BOUNDARY (PROPOSED)
--- SURFACE RUNOFF FLOW DIRECTION (PROPOSED)
--- PRE-DEVELOPMENT (EXISTING) CONTOURS



REV	DATE
10	
9	
8	
7	
6	
5	
4	
3	
2	
1	Modified for CDEP Plat comments.

This document is released for the purpose of interim review under the authority of Kevin Hammond, P.E., 96585, on 10/31/2023. It is not to be used for bidding, or permit purposes.

Texas Industrial Service, LLC
Mission, Texas

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

EXISTING DRAINAGE AREA MAP (100-YEAR DESIGN STORM)

DRAWING NO.	REV.
C2.1	1

Site Photos





Attachment 2
Sidewalk Waiver 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

Subdivision Sidewalk Waiver Application

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

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

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

Applicant Information

Applicant (if not owner): Jose Mendez

Phone: 830-352-6186 Email: pcco@bltaxes.com

Owner: Jose Mendez

Owner Address: 2741 Cow Hill City: Eagle Pass State: TX Zip: 78852

Phone: 830-352-6186 Email: pcco@bltaxes.com

Property Information

Site Address: 1188 Industrial Blvd

Legal description (from deed): _____
(Property must be legally subdivided or be lot of record)

Maverick County Identification Number: _____

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

A sidewalk is not required for industrial property

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

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

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

Applicant Authorization

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

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

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


Applicant Signature

Oct 16, 23
Date

Sec. 23-64. - Sidewalks.



- (a) Concrete sidewalks shall be required to be constructed in all residential, commercial, industrial, public and multi-family subdivision sites. Sidewalks shall have a minimum width of four (4) feet and a minimum thickness of four (4) inches and shall be required to be placed adjacent and/or contiguous to the property line within the streets right-of-way. Sidewalks shall be required on the subdivision side of adjacent or perimeter streets and on both sides of interior streets.
- (b) All sidewalks shall be constructed with ramps for the handicapped constructed at street corners.
- (c) Exceptions. The following are excepted from these requirements pertaining to sidewalks:
 - (1) Sidewalks are not required along those streets in an industrial park, where:
 - a. The industrial park is not adjacent to an R (residential) District or within two hundred (200) feet thereof; or
 - b. The streets in the industrial park are not the most direct pedestrian route from a residential area to a school, park, shopping area, other public facilities, or other residential area. The director of planning will consider every residential area, planned and/or proposed, and all existing and/or proposed streets leading into the proposed industrial park subdivision.

Attachment 3
Subdivision Variance Application



**CITY OF EAGLE PASS
APPLICATION FOR APPROVAL OF FINAL PLAT**

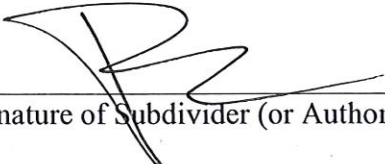
INSTRUCTIONS: This form is to be completely filled out, signed, and dated by the subdivider when the subdivider requests final plat approval.

IDENTIFICATION OF SUBDIVISION AND PLAT

I, Jose F. Mardres, hereby request final plat approval for the proposed subdivision known as Replc of Eagle Pass Port. Entry Industrial Plat as shown on the accompanying plat, which consists of 0 (number) sheets and which was acknowledged by me on Oct 16, 23 (date).

SUBDIVIDER'S ACKNOWLEDGMENT

I understand that before the plat may be recorded I must provide to the City of Eagle Pass a financial guarantee for all unbuilt infrastructure in the amount to be set by the City Council. Otherwise, I believe that I have fulfilled the requirements under state laws and city ordinances for final plat approval by the City of Eagle Pass, based upon the plat as described above and the documents and information listed below. To the best of my knowledge the information provided on this request is true and complete.


Signature of Subdivider (or Authorized Agent)

Oct 16, 23
Date

PRELIMINARY PLAT APPROVAL

Check if applicable, and provide the date of City Council approval.

____ A preliminary plat was approved by the City on _____ (date).

IDENTIFICATION OF PLAT SHEETS TO BE IN COUNTY'S MAP RECORD

I request, once the City of Eagle Pass has approved the plat and I have submitted any required financial guarantees, that sheets number _____ (list sheets) of the plat be recorded in the Maverick County Map Records but that the other sheets of the plat not be recorded.

LIST OF DOCUMENTS ACCOMPANYING OR ATTACHED TO THE PLAT TO BE INCLUDED IN COUNTY'S MAP RECORD OF THE SUBDIVISION

The information below, if it is not included upon the plat itself, must be on a document signed by the subdivider and attached to or accompanying the final plat. For each item, indicate by a check mark where the information appears. The City of Eagle Pass will keep these documents (or their signed revisions) together during the subdivision review and approval process and through the recording of the subdivision with the County Clerk. If the subdivision does not have at least two or more lots of five acres or less intended for residential purposes, then the Model Rules do not apply and a final engineering report is not required.

on the final plat	attached to final plat	accompanies final plat	
_____	_____	✓	final engineering report
✓	_____	✓	description in English and Spanish of water and sewer facilities and easements and operable date
_____	_____	✓	engineering certification of compliance of water and sewer facilities with Model Rules, and of estimated costs
_____	_____	_____	others (described as follows:) ----- _____ _____
_____	_____	_____	others (described as follows:) ----- _____ _____

DESCRIPTION OF SUBDIVISION INFRASTRUCTURE THAT HAS BEEN COMPLETED OR INSTALLED AS OF THE DATE OF THIS APPLICATION

NOTE: You may refer to the plat in describing the completed infrastructure -- for example, by stating, "The water lines shown on sheet 3 of the final plat have been installed." Use the back side of this page if more room is needed. The City of Eagle Pass' Subdivision Ordinance require a subdivider to enter into a Subdivision Construction Agreement secured by a financial guarantee (a bond, letter of credit, or cash deposit) for completion of streets and drainage and water and wastewater facilities not constructed or installed when the subdivider applies for final plat approval.

Streets. *(Provide names of streets and extent of their completed improvements.)*

N/A

Drainage facilities. *(Describe location and nature of completed drainage facilities.)*

N/A

Water facilities. *(Describe installed locations and sizes of water lines, water meters, and other devices involved in providing water.)*

Installer

Wastewater facilities. *(Describe installed location and sizes of such items as sewer lines, septic systems, or other on-site sewerage facilities.)*

Installer

Attachment 4
Final Engineering Report

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

September 25, 2023

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

Re: Preliminary / Final Engineering Report for Eagle Pass Port of Entry Industrial Park,
Lot 1 (with Amended 1.50 acres)

Introduction

Lot 1 is a combined total of 4.94 acres (3.44 acre already platted as "Eagle Pass Port of Entry Industrial Park" plus 1.50 acres of proposed additional amended area) located in the Poindexter and Burns Survey 31, Abstract 785 in Maverick County, Texas.

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

Site is located at the northwest corner of the intersection between Industrial Boulevard and Industrial Spur 2 in the City of Eagle Pass.

Existence of installed services, as identified in this report, per Invermex, LLC of Eagle Pass, TX.

Proposed Development

This plat will establish a 1.50 acre amended tract into an overall 4.94 acre commercial lot being serviced by access Industrial Spur 2 on the east and Industrial Boulevard on the west side of the tract.

Water Development

Water service to the property has already been installed when Lot 1 at 3.44 acres was platted.

Sewer Development

Sanitary sewer service has already been installed when the Lot 1 at 3.44 acres was platted.

Preliminary / Final Engineering Report
Eagle Pass Port of Entry Industrial Park, Lot 1 (with Amended 1.50 acres)
September 25, 2023

Street Development

No Street improvements are required for this plat

Trip Generation Data

Vehicle trip generation based on 10th edition of Trip Generation Manual by ITE for the proposed 51,000 SF warehouse.

AM Peak **PM Peak** **Daily**

- | | | | |
|----------------------------|----|----|----|
| • Using Warehouse, General | 11 | 12 | 89 |
|----------------------------|----|----|----|

Drainage Development

Existing drainage across the Proposed Lot 1 site drains from east to west being from Industrial Spur 2 right of way to Industrial Boulevard right of way (elevation 732 to 718). Industrial Boulevard is a curbed asphalt roadway which then slopes downhill in a north to west route to the intersection with State Loop 480.

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

The increase in storm water runoff from this subdivision will be mitigated by the development of a detention basin within the combined 4.94 acre site. The detention basin will be part of the construction plans and will be made while the warehouse is being built. The submitted Drainage Area Map plan sheet shows the proposed detention basin, for analysis details refer to Stormwater Report.

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

Electric Facilities

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

Gas Facilities

No gas infrastructure will be required for this project.

Telephone and Cable

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

Preliminary / Final Engineering Report
Eagle Pass Port of Entry Industrial Park, Lot 1 (with Amended 1.50 acres)
September 25, 2023

Construction Estimate

There is no cost estimated required as all improvements have been made during the prior platting of Lot1 at 3.44 acres.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. H. D.', with a stylized flourish at the end.

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

This document is released for the purpose of interim review under the authority of Kevin Hammond, P.E., 98585, on 09/25/2023. It is not to be used for construction, bidding, or permit purposes.



**AGREEMENT REGARDING WATER SERVICE FOR THE PROPOSED
Eagle Pass Port of Entry Industrial Park Subdivision**

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

"The Subdivider is _____ Texas Industrial _____, who is the owner, or
the authorized agent of the owner, of a tract of land in Maverick County, Texas, that has been
proposed to be divided into a subdivision ("the Subdivision") known as Eagle Pass
Port of Entry Industrial Park.

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

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

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

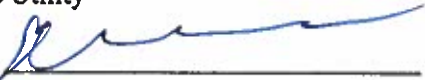
The Subdivider covenants that the water distribution system be constructed as shown in the Plans and as provided for through the plat approval process so that the residents of the lots of the Subdivision may receive drinking water service from the Utility. Upon completion of the water distribution system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

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

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

This Agreement is effective on Nov. 17, 2021.

The Utility

By: 

Printed Name: DR. CLAUDIA WRIGHT

Office or Position: CHAIRWOMAN

Date: 11/17/2021

The Subdivider

By: 

Printed Name: Jose Medina

Office or Position: Mayor

Date: Oct 12, 21

Note: The above form of agreement may be used when required under Model Rule Sections 2.2 (a) (2) and 3.2 (c) (I), which appear respectively as Sections 4.2.2.A.2 and 4.3.4.C.1 in both Title A and Title B of the Maverick County Subdivision Rules, Revised July 1996.



**AGREEMENT REGARDING WASTEWATER TREATMENT SERVICE FOR THE
PROPOSED Eagle Pass Port of Entry Industrial Park Subdivision**

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

"The Subdivider is _____ Texas Industrial _____, who is the owner, or
the authorized agent of the owner, of a tract of land in Maverick County, Texas, that has been
proposed to be divided into a subdivision ("the Subdivision") known as
_____ Eagle Pass Port of Entry Industrial Park.

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

The Subdivider plans to construct for the Subdivision a wastewater collection system to be connected to the Utility's wastewater treatment system. Such wastewater will consist of domestic sewage, i.e., waterborne human waste and waste from domestic activities such as bathing, washing, and food preparation. The Utility has reviewed the plans for this subdivision ("the Plans") and has estimated the wastewater flow projected by the Subdivision under fully built-out conditions ("the projected wastewater flow") to be approximately 300 gallons daily.

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

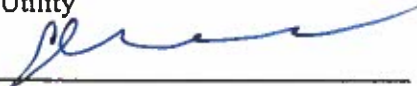
The Subdivider covenants that the wastewater collection system be constructed as shown in the Plans and as provided for through the plat approval process so that the residents of the lots of the Subdivision may receive wastewater treatment service from the Utility. Upon completion of the wastewater collection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

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

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

This Agreement is effective on Nov. 17, 2021.

The Utility

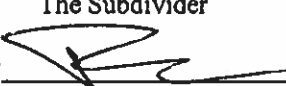
By: 

Printed Name: DR. CLAUDIA WRIGHT

Office or Position: CHAIRWOMAN

Date: 11/17/2021

The Subdivider

By: 

Printed Name: Jose Mendez

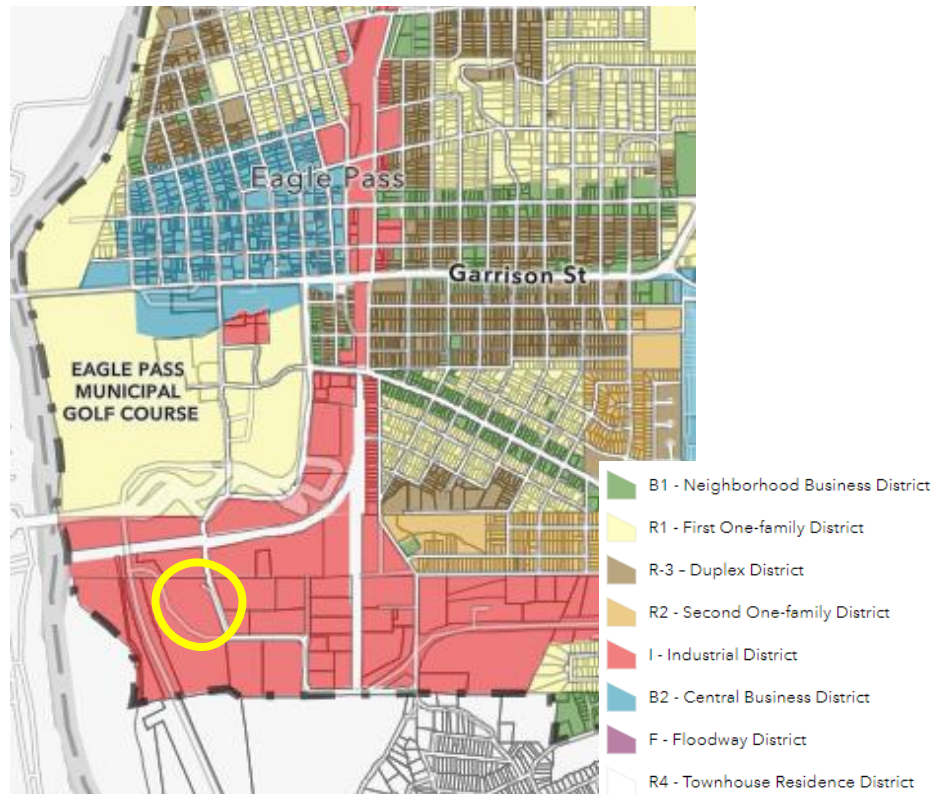
Office or Position: Manager

Date: Oct 18, 21

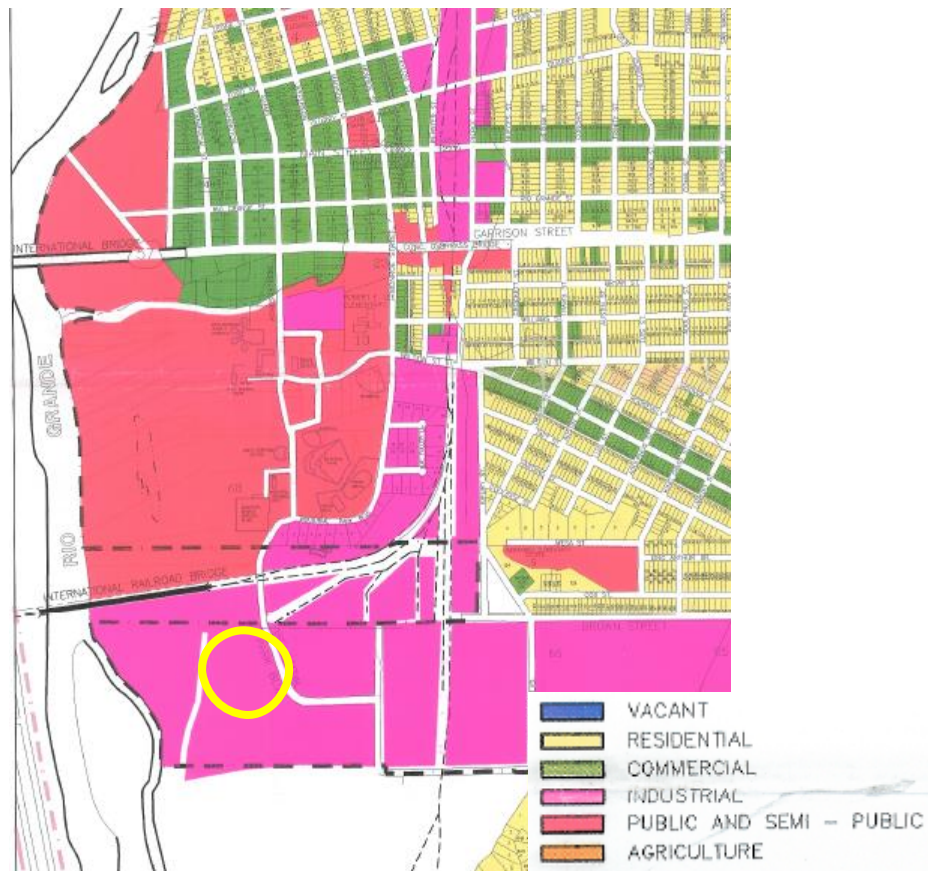
Note: The above form of agreement may be used when required under Model Rule Sections 2.2 (a) (2) and 3.2 (c) (1), which appear respectively as Sections 4.2.2.A.2 and 4.3.4.C.1 in both Title A and Title B of the Maverick County Subdivision Rules, Revised July 1996.

Attachment 5
Master Plan Map and Zoning District Map

Zoning District Map



Master Plan



Item #3



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

Maria Sahagun Conditional Use Permit Request – 2125 Hillcrest Boulevard

I. BACKGROUND

General Information

Applicant and Tenant: Maria M. Sahagun

Property Owner: Rachel Sahagun

Property ID Number: 10572

Legal Description: Lot 12 & 13 in Block 62 of Hillcrest Addition

Parcel is located Hillcrest Boulevard and within an area featuring residential developments and an Early Childhood School located at rear of property. Access to the site is provided by Hillcrest Blvd.

Request: For a Conditional Use Permit to allow for the establishment of a hair salon in an accessory building located at the rear of the property for a home occupation not listed under Section 13(b) of the Zoning Ordinance.

Parcel Size: 19,500-square feet

Current Use: residential dwelling and an accessory structure

Proposed Use: accessory building conversion to hair salon

Zoning District: R-1 (First One-Family Dwelling District)

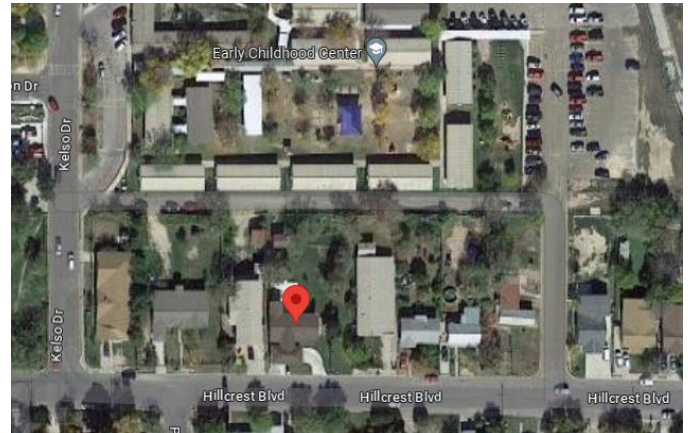
Master Plan: Residential

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*. Seventeen (17)

Aerial Map

notices were mailed to the abutting property owners within a 200 foot radius of the subject property.



Site Photos



Existing driveway to be utilized for customer parking.

III. RECOMMENDATION FINDINGS OF FACTS

Eagle Pass Code of Ordinances Appendix A: Zoning Ordinance

A. Conclusions

1. The application contains sufficient information upon which the Planning and Zoning Commission may render a decision. Please refer to Attachment 1 for a copy of the request.
2. The request involves the establishment of a hair salon business. All home occupations not specifically listed in *subsection (b) of Section 13* regulating home occupations shall obtain a conditional use permit from the planning and zoning commission prior to conducting any business activity. The conditional use permit shall be obtained in the manner provided in *Section 21* (below link) under *Eagle Pass Code of Ordinances Appendix A – Zoning Ordinance*.

Section 13 regulating home occupations recognizes the need for some citizens to use their place of residence for limited nonresidential activities. However, the city believes that the need to protect the residential character of residential areas is of paramount concern. In essence, the objective of this chapter is to allow limited commercial type activity in residential areas only to the extent that such commercial activity is not obtrusive to neighbors or passersby.

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.

It further states, in part, that before granting any *Conditional Use Permit*, the Planning Department shall be satisfied that the proposed use conforms to the requirements and the intent of this chapter and the general plans(s) of the City of Eagle Pass

In a circumstance where the proposal is to establish a business, the primary focus should be on the project's compliance with current development codes and its compatibility with surrounding uses, especially those residential uses located in the area. The Community Development Department's recommendation to deny the *Conditional Use Permit* is warranted as the primary use of the abutting properties are single one-family dwellings and the proposed use does not conform to the requirements and the intent of this chapter and the general plan(s) of the City of Eagle Pass. The permit is strictly for the main residence and not an accessory structure in the property.

4. 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 not consistent with the *Plan's Land use Development Goals*, as the establishment of a hair salon will be established in an accessory building and not the main residence.

Finally, the application is not consistent with the *Plans Short-Term Land Use Objectives*, as it will not provide a method for the city to continue enforcement of the provisions of the zoning ordinance.

5. The *Conditional Use Permit* application is not consistent with the criteria set forth in *City of Eagle Pass Code of Ordinances Appendix A*, as detailed in Conclusion 1 through and including Conclusion 4 of this report and should not be granted by the Commission.

B. Community Development Department Recommendation

The Planning and Zoning Commission **DENY** the Maria M. Sahagun request to establish a hair salon on property located at 2125 Hillcrest Boulevard, as it is not consistent with the criteria set forth in *City of Eagle Pass Code of Ordinances Appendix A*.

TRANSMITTED to the parties listed hereafter:

Maria M. Sahagun via telephone and regular mail
Eagle Pass Planning and Zoning Commission Members via e-mail
Eagle Pass Community Development Department Report dated November 6, 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

9703

CONDITIONAL USE PERMIT APPLICATION

Applicant Information	Name: <u>MARIA M SAHAGUN</u>
	Mailing Address: <u>2125 Hillcrest Blvd.</u>
	Phone: <u>830-776-0554</u> E-mail: <u>LSAHAGUN@ymail.com</u>
	<u>Note:</u> if you are not the owner of the property, you must attach a letter from the owner authorizing you to submit this application.

Property Owner Information	Name: <u>Rachel SAHAGUN</u>
	Mailing Address: <u>2125 Hillcrest Blvd.</u>
	Phone: <u>830-352-7511</u> E-mail: _____

Property Information	Site Address: <u>2125 Hillcrest Blvd</u> MCAD Property ID # <u>10572</u>
	Legal Description: Lot(s) <u>12+13</u> Block <u>62</u> Subdivision <u>Hillcrest ADDN</u> (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) <u>150</u> Rear Yard Width (feet) <u>150</u> Side Yard Width (feet) _____
	Current Use <u>Household</u>
	Proposed Use <u>Beauty Salon</u>

Description of Project:
<u>part time Beauty Salom 9-1 Four days Aweek</u>

Detailed Explanation of Proposed Conditional Use
What development measures regarding location, construction, time period, maintenance, and operation will you use to protect adjacent properties from impacts from your project?
<u>There will be no impact to my Neighbors since I have a driveway for my customers to park</u>

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

I have a dedicated Room with seprate intrance
And separete Bath room

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

There will be no impact on neighbor because I
have a large carport they will not park in there
space and its only one car at a time

Applicant Authorization

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

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

Maria M. Sahagun
Applicant Signature

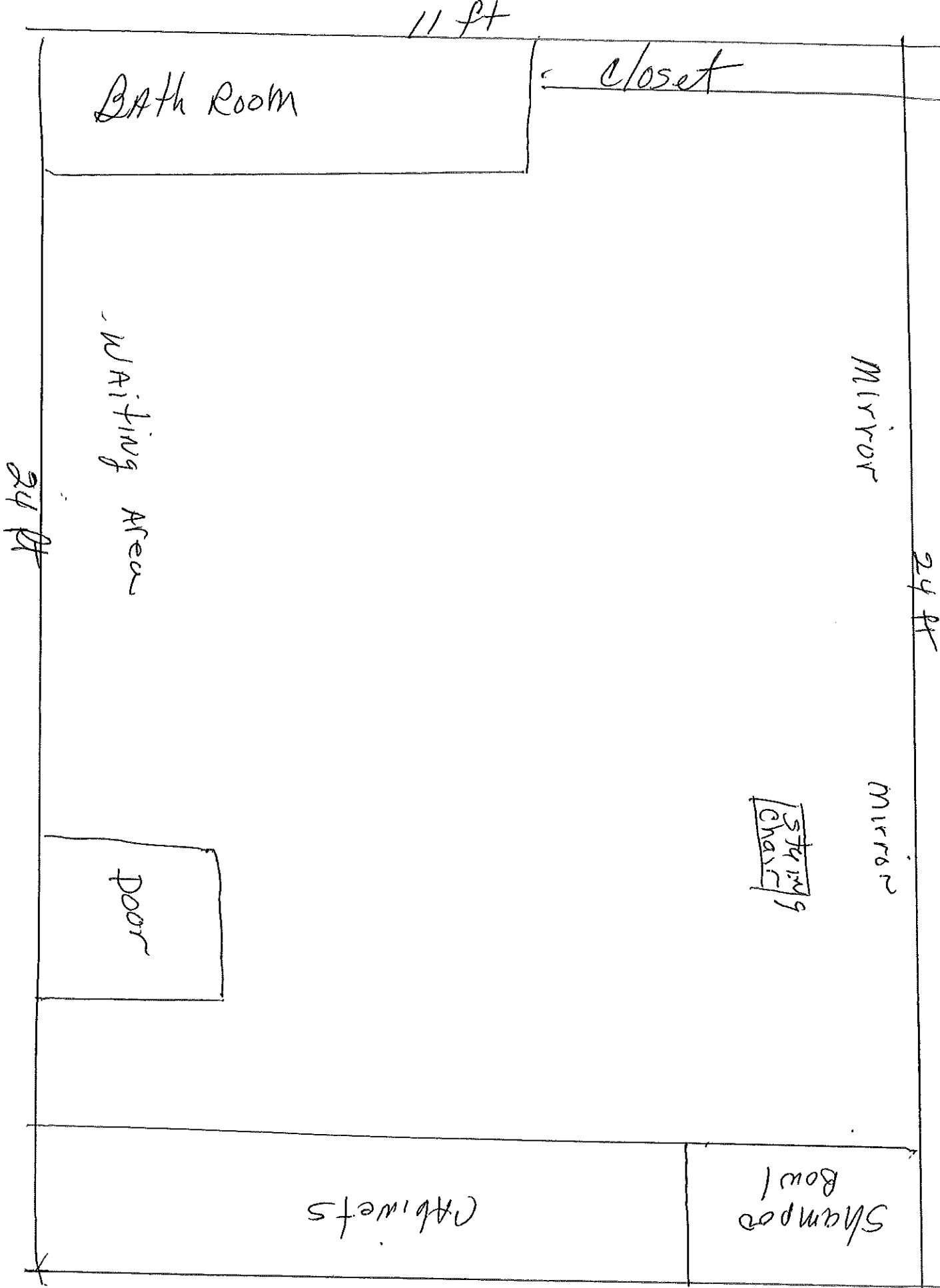
10-17-23
Date

Office Use

Date Application Accepted for Review: 10/20/23 By: MR
Contact Date for Supplemental Info: 10/23/23 Supplemental Info Received: 10/23/23
Completeness Review Date: 10/24/23 By: UK
Application Returned to Applicant: NA (when applicable)

MR:6/2020

2125 Wilcrest Blvd



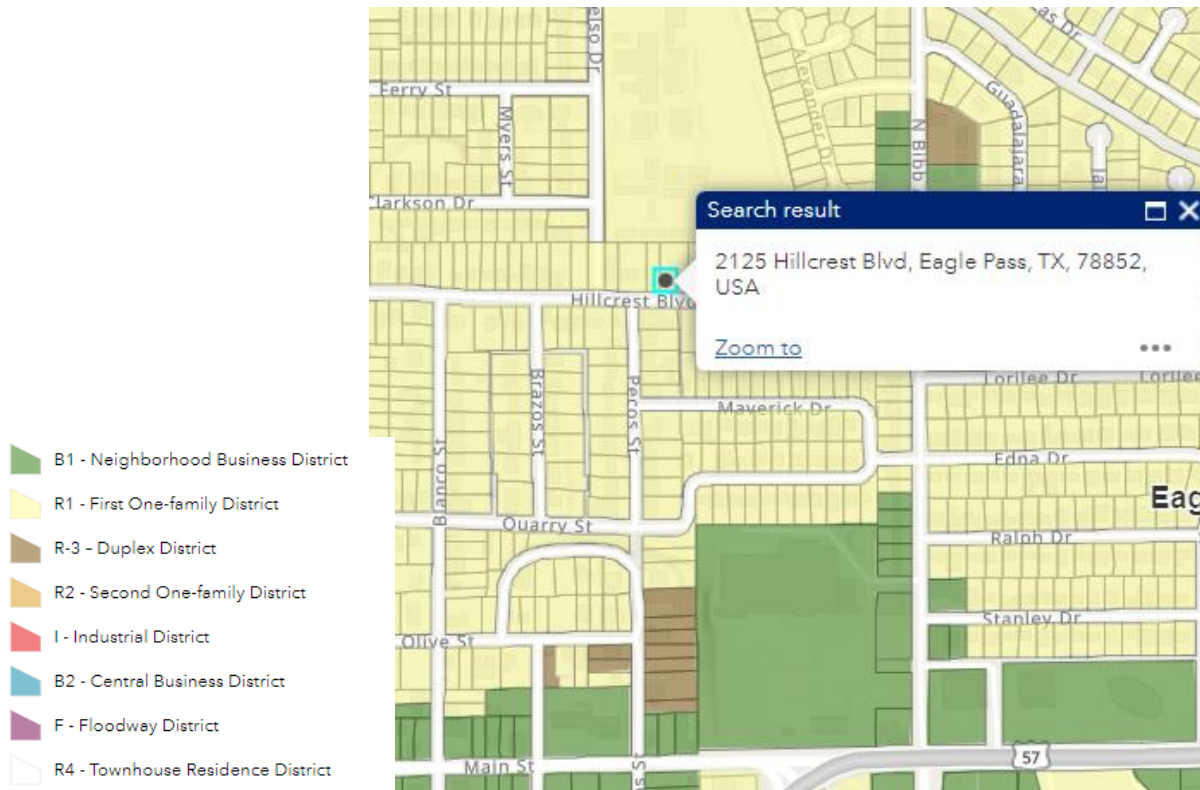






Attachment 2
Zoning District Map & Master Plan Map

ZONING MAP



MASTER PLAN MAP



Attachment 3
Code of Ordinances

Sec. 13. Home occupations.

- (a) *Purpose and intent.* The City of Eagle Pass recognizes the need for some citizens to use their place of residence for limited nonresidential activities. However, the city believes that the need to protect the residential character of residential areas is of paramount concern. In essence, the objective of this chapter is to allow limited commercial type activity in residential areas only to the extent that such commercial activity is not obtrusive to neighbors or passersby.
- (b) *Permitted home occupations.* The following home occupations shall be permitted in any residential zone without conditional use permits providing they meet the performance standards in section e. of this chapter:
- (1) Dressmaking, sewing and tailoring;
 - (2) Painting, sculpturing or writing;
 - (3) Telephone answering or soliciting;
 - (4) Home crafts such as model making, rug weaving and lapidary;
 - (5) Tutoring limited to two (2) students at a time;
 - (6) Home cooking and preserving;
 - (7) Computer programming.
- (c) *Prohibited home occupations.* The following home occupations are prohibited in all residential zones:
- (1) Animal hospitals;
 - (2) Dancing studios, exercise studios;
 - (3) Mortuaries;
 - (4) Private clubs;
 - (5) Restaurants;
 - (6) Stables or kennels;
 - (7) Automobile body shops;
 - (8) Occupations involving explosives or other hazardous materials.
- (d) *Conditional use permits.* All home occupations not specifically listed in subsection (b) above shall obtain a conditional use permit from the planning and zoning commission prior to conducting any business activity. The conditional use permit shall be obtained in the manner provided in section 21 of this chapter.
- (e) *Performance standards.* In considering applications for conditional use permits for home occupations, the Planning and Zoning Commission of Eagle Pass shall be guided by the following considerations:
- (1) The legislative intent as set forth in section 1 above; This ordinance shall be known and may be cited as the Zoning Ordinance of the City of Eagle Pass, Texas.
 - (2) No materials or equipment shall be permitted which would be detrimental to the residential use of nearby residences such as vibration, noise, dust, smoke, odor, interferences with radio or television reception and other factors detrimental to residential use;
 - (3) A home business shall not be permitted which requires frequent home deliveries for commercial purposes;
 - (4) A home business shall not be permitted which will result in the parking of customers' automobiles in a manner, frequency, or number which will cause traffic congestion or will unduly inconvenience nearby residences;
 - (5) Signs for home occupations shall be located on the lot for which the conditional use permit is issued. One (1) sign, unlighted and attached to the building which shall not exceed six square feet in area may be permitted;

- (6) Employment in a home occupation shall be limited to persons residing in the dwelling unit where the home occupation is conducted;
 - (7) No conditional use permit for a home occupation shall be granted by the planning and zoning commission unless the applicant has furnished proof of having registered with the State of Texas Comptroller's Office;
 - (8) There shall be no exterior indication of the home occupation or variation from the residential character of the principal or accessory buildings except for a sign in conformance with this chapter;
 - (9) There shall be no outside storage or display of items for sale, materials, or equipment to be used in conjunction with the home occupation.
 - (10) In no case shall a home occupation be open to the public at times earlier than 7:00 a.m. nor later than 10:00 p.m.
 - (f) *Pre-existing home occupations.* Any home occupation which lawfully existed on the effective date of this chapter shall be allowed to continue operation in accordance with section 16.
- (Ord. No. 06-13, § 2, 7-11-2006)

Sec. 21. Conditional use permits.

- (a) *Purpose.* The purpose of this section is to allow the proper integration into the community of uses which may be suitable only in specific locations in a zoning district or only if such uses are designed or laid out on the site in a particular manner.
- (b) *Application.* A conditional use permit shall be required for all uses listed as conditional uses in the residential, commercial, and industrial land use descriptions or elsewhere in the Zoning Ordinance of the City of Eagle Pass.
 - (1) *Filing.* Application shall be made in writing by the property owner or his authorized agent, on forms provided by the planning department, and accompanied by such data and information as may be necessary to fully describe the request.
 - (2) *Fee.* The filing and investigation fee shall be one hundred dollars (\$100.00).
- (c) *Public hearing.* A public hearing shall be held in accordance with law. A notice of hearing shall be mailed at least ten calendar days prior to said hearing to all property owners, any part of whose property lies within a radius of two hundred (200) feet of the applicant's property, using for this purpose the names of such owners as shown on the last equalized assessment roll, or alternatively, from such other records of the assessor or the tax collector as contain more recent addresses. In addition, if warranted in the determination of Planning Director, notice shall be provided by conspicuously posting it on the subject property for at least ten days prior to the hearing. Failure to receive the notice required by this section shall not invalidate the action of the planning and zoning commission.
- (d) *Planning and zoning commission action.* The planning and zoning commission may approve, conditionally approve, or deny an application for a conditional use permit, and in authorizing a conditional use, may impose such requirements and conditions with respect to location, construction, time period, maintenance and operation as deemed necessary for the protection of adjacent properties and the public interest when reasonably related to the use of the property. Before granting any conditional use permit the planning director shall be satisfied that the proposed structure or use conforms to the requirements and the intent of this chapter and the general plan(s) of the City of Eagle Pass.
- (e) *Appeals.* The planning and zoning commission action on the conditional use permit shall be final unless, within fourteen (14) calendar days after the decision, the applicant, or any other person, including the city council, any individual city council member, or the city manager, not satisfied with the decision of the planning and zoning commission, may appeal to the city council. No conflict of interest shall exist solely by reason of the filing of an appeal by the city council, an individual city council member, or the city manager. Any appeal shall be filed with the city secretary's office and, except an appeal by the city council, a council member, or the city manager, shall be accompanied by a filing fee of one hundred dollars (\$100.00). The

city secretary shall set a date for a public hearing and shall give notice to the appellant, the applicant and neighboring property owners in the manner provided in the zoning ordinance.

- (f) *Issuance.* No conditional use permit which has been approved by the planning and zoning commission shall be issued prior to the expiration of the appeal period as set forth in the Ordinances of the City of Eagle Pass, or the final action on an appeal to the city council.
- (g) *Expiration.* In the event the planning and zoning commission finds the use permit has not been exercised within the time limit set by the commission, or within one (1) year if no specific time limit has been set, the permit shall be null and void without further action; except that the planning director may extend the approval of a use permit for one (1) additional year, with the same conditions of approval, if circumstances have not changed. The request in writing must be received prior to the expiration of the use permit.
- (h) *Minor modification to use permit.* The planning director may approve minor modifications to an approved use permit.
- (i) *Revocation.* In the event the conditions of a use permit have not been or are not being complied with, the planning department shall give the permittee notice of intention to revoke such permit at least ten days prior to a planning and zoning commission review thereon. After the conclusion of the review, the planning and zoning commission may revoke such permit.

(Ord. No. 06-13, § 2, 7-11-2006)

Item #4



Planning Department Executive Summary Report to the Planning & Zoning Commission

Esperanza Contreras Conditional Use Permit Request – 110 Heritage Farms Dr

I. BACKGROUND

General Information

Applicant/Property Owner: Esperanza Contreras

PID Number: 9609

Legal Description: Lot 1B in Heritage Farms Subdivision

Parcel is located off Heritage Farms Drive and within an area featuring residential developments.

Request: For a Conditional Use Permit to allow the establishment of a swimming pool venue for a home occupation not listed under Section 13(b) of the Zoning Ordinance

Parcel Size: 27,443-square feet

Current Use: residential dwelling

Proposed Use: operate a home business by renting the resident's pool area to the public.

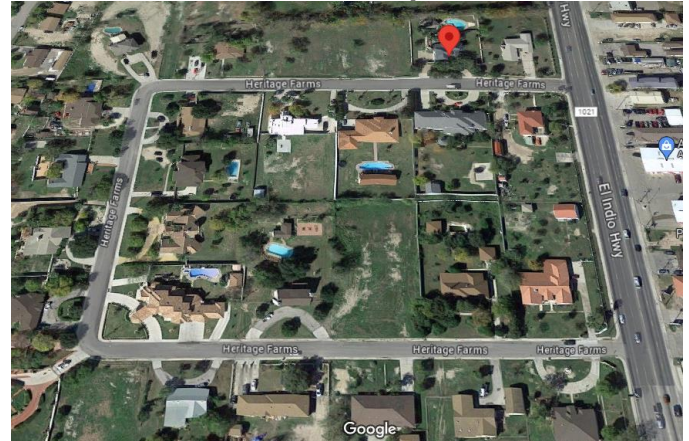
Zoning District: R-1 (First One-Family Dwelling District)

Master Plan: Residential

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*. Nine (9) notices were mailed to the abutting property owners within a 200 foot radius of the subject property on November 20, 2023.

Aerial Map



Street View Photos



III. RECOMMENDATION FINDINGS OF FACTS

Eagle Pass Code of Ordinances Appendix A: Zoning Ordinance

A. Conclusions

1. The application contains sufficient information upon which the Planning and Zoning Commission may render a decision. Please refer to Attachment 1 for a copy of the request.
2. The request involves the establishment of a home business in which the swimming pool area in the residence will be rented to the public, allowing parties or events. All home occupations not specifically listed in *subsection (b) of Section 13* regulating home occupations shall obtain a conditional use permit from the planning and zoning commission prior to conducting any business activity. The conditional use permit shall be obtained in the manner provided in *Section 21* (below link) under *Eagle Pass Code of Ordinances Appendix A – Zoning Ordinance*.

Section 13 regulating home occupations recognizes the need for some citizens to use their place of residence for limited nonresidential activities. However, the city believes that the need to protect the residential character of residential areas is of paramount concern. In essence, the objective of this chapter is to allow limited commercial type activity in residential areas only to the extent that such commercial activity is not obtrusive to neighbors or passersby.

Section e(4) states that a home business shall not be permitted which will result in the parking of customers' automobiles in a manner, frequency, or number which will cause traffic congestion or will unduly inconvenience nearby residences.

Section e(7) states that a conditional use permit for a home occupation shall be granted by the Planning and Zoning Commission unless the applicant has furnished proof of having registered with the State of Texas Comptrollers Office.

Section e(10) states that in case shall a home occupation be open to the public at times earlier than 7:00 a.m. nor later than 10:00 p.m.

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.

It further states, in part, that before granting any *Conditional Use Permit*, the Planning Department shall be satisfied that the proposed use conforms to the requirements and the intent of this chapter and the general plans(s) of the City of Eagle Pass.

In a circumstance where the proposal is to establish a business, the primary focus should be on the project's compliance with current development codes and its compatibility with surrounding uses, especially those residential uses located in the area. The Planning Department's recommendation to deny the *Conditional Use Permit* is warranted as the primary use of the abutting properties are single one-family dwellings and the proposed use does not conform to the requirements and the intent of this chapter and the general plan(s) of the City of Eagle Pass.

4. 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 not consistent with the *Plan's Land use Development Goals*, as the establishment of a swimming pool venue will not retain the community's character and scale.

Finally, the application is not consistent with the *Plans Short-Term Land Use Objectives*, as it will not provide a method for the city to continue enforcement of the provisions of the zoning ordinance.

5. The *Conditional Use Permit* application is not consistent with the criteria set forth in the *City of Eagle Pass Code of Ordinances Appendix A*, as detailed in Conclusion 1 through and including Conclusion 4 of this report and should not be granted by the Commission.

B. Planning Department Recommendation

The Planning and Zoning Commission **DENY** the Esperanza Conteras request to establish a home business allowing the rental of the swimming pool in property located at 110 Heritage Farms Drive.

TRANSMITTED to the parties listed hereafter:

Esperanza Contreras via telephone and regular mail
Eagle Pass Planning and Zoning Commission Members via e-mail
Eagle Pass Planning Department Report dated November 28, 2023

Mariebelle Rodriguez

From: Esperanza Martinez <peradiera79@gmail.com>
Sent: Tuesday, November 28, 2023 9:49 AM
To: Mariebelle Rodriguez
Subject: Re: 110 Heritage Farms Conditional Use Permit

Follow Up Flag: Follow up
Flag Status: Flagged

External Message Warning

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Attention Planning and Zoning Department and Board Members.

The reason for this letter is to respectfully ask for a modification on my original conditional permit application.

I would like to change the quantity of guests on every event from 50 to 30 guests, my reason is based on the last PZ meeting discussion about traffic congestion.

I strongly believe that with this important change we can now get to an agreement and a solution for the neighbors, my self and most important, for the families of Eagle Pass that visit the place every summer since 3 years ago.

Also, the hours of operation are as follows.

Weekdays 5 hrs no later than 10pm

Weekends 6 hrs no later than 11pm

This timeframes are based on similar events on different venues around Eagle Pass area.

But I am open to any suggestions.

Thank you for your time and consideration.

If you have any question please feel free to contact me at (830) 352-2295 or via email to peradiera79@gmail.com

Respectfully, Esperanza Contreras.

On Tue, Nov 21, 2023 at 9:16 AM Mariebelle Rodriguez <mrodriguez@eaglepasstx.gov> wrote:

Perfect!

From: Esperanza Martinez <peradiera79@gmail.com>
Sent: Tuesday, November 21, 2023 9:15 AM
To: Mariebelle Rodriguez <mrodriguez@eaglepasstx.gov>
Subject: Re: 110 Heritage Farms Conditional Use Permit



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>Esperanza Contreras</u>
	Mailing Address: <u>110 Heritage farms. Eagle Pass, TX. 78852</u>
	Phone: <u>(830) 352-2295</u> E-mail: <u>peradiera 79 @ gmail.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>Esperanza Contreras</u>
	Mailing Address: <u>110 Heritage Farms dr. Eagle Pass, TX. 78852</u>
	Phone: <u>(830) 352-2295</u> E-mail: <u>peradiera 79@gmail.com</u>

Property Information	Site Address: <u>110 Heritage Farms</u> MCAD Property ID # <u>9609</u>
	Legal Description: Lot(s) <u>1B</u> Block _____ Subdivision <u>Heritage Farms</u> (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) <u>140</u> Rear Yard Width (feet) <u>140.55</u> Side Yard Width (feet) <u>203.36 (R) 190.91 (L)</u>
	Current Use _____
	Proposed Use _____

Description of Project:	
<u>see attached document</u>	

Detailed Explanation of Proposed Conditional Use	
What development measures regarding location, construction, time period, maintenance, and operation will you use to protect adjacent properties from impacts from your project?	
<u>See attached document</u>	

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

see attached document

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

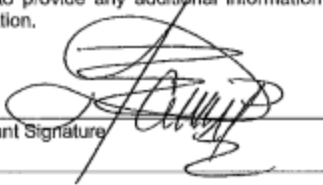
see attached document.

Applicant Authorization

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

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

Applicant Signature



09-15-23
Date

Office Use

Date Application Accepted for Review: 9/19/23 By: ME

Contact Date for Supplemental Info: 9/19/23 Supplemental Info Received: 9/21/23
500 ft. radius list

Completeness Review Date: 9/19/23 By: ME

Application Returned to Applicant: — (when applicable)

\$100 processing fee will be invoiced along with publication fee

MRB/2020

Description of Project.

The project is a family-oriented recreational area inside the city limits that includes a Pool, Waterslide, Palapa, Gazebo, built-in grill, Portable grill, Patio furniture, Refrigerator, 50" smart TV, Internet, Bar with sink, Barstools, Full restroom, grown-up trees, and decorated with lights for the cozy look, all in a fully fenced lot located at 110 Heritage Farms subdivision.

Detailed Explanation of Proposed Conditional Use

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

The project is located on a fully fenced (140.0' front, 203.36 right side, 140.55' back, 190.91 left side) lot located at 110 Heritage Farms Dr. The construction consists of a palapa, fully fenced pool, the time period if you give me the opportunity will be as follow, 5 hrs. weekdays, latest 10:00 pm, 6 hrs. weekends latest 11:00 pm. The maintenance will be done by my husband and me and it will be done daily including cutting grass and cleaning the area. The operation to protect adjacent properties will be; at the time of the events no car will be parked blocking any neighbor's driveway, and no trash will be thrown outside of the property. Due to the measurements of the lots I strongly believe no noise will disturb any neighbors at the latest hours of the night.

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

My project is located in the backyard of my house and access will be granted through the left side of the property where the gate is located

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

Due to the zoning where the project is located, I would like to respectfully request a conditional use permit and do the proper integration into the community.

Attention

PLANNING DEPARTMENT

Hello,

My name is Esperanza Contreras. The reason for this letter is to respectfully ask for a conditional permit for the use of my backyard as a recreational area, where the community would enjoy, relax and have quality and family time.

The area sits on almost an acre, and it includes.

Palapa, gazebo, 2 grills, 50" smart TV, full restroom, tables and patio chairs, patio umbrellas, internet, 3 fans, bar with sink, bar stools, refrigerator, trash cans, grown-up trees, 48,000 gallons pool, water slide, and also fully fenced with a garden where the kids can play and entertain with family and friends, as well as lights that gave it the cozy look and feeling.

I strongly consider the importance of having recreational areas such as this one inside the city limits because it is very close to everything in the city, also for the convenience of the guests by not going so far from the city to have fun and build memories with their loved ones, at The Pool.

As a citizen of Eagle Pass, I have noticed that there are not too many options inside the city to have a relaxing and joyful time with family and friends. If you give me the opportunity, I am willing to offer our Eagle Pass families a pleasant time in a place where they can grill out, refresh from this Texas weather, and enjoy almost an acre of fun at The Pool.

Sadly I believe that because of COVID our community lost family members, friends, parents, and siblings, and now we are not the same without them in our lives but if you give me the opportunity, I would love to be part of a new chapter in their life

where they can be able to remember and honor their memory and also make new and funny stories to tell in the future, at The Pool.

This project of mine also came out for the love of our Eagle Pass kids by providing a place where they can explore the outside other than phones, computers, or video games (not against them) but they can be able to swim and have a great evening with friends, family, sport teams, at The Pool.

I also strongly believe that everything is changing and moving as well as our community. If you give me the opportunity it would be an honor to be part of these changes and be able to make my dream project become a reality and help my community.

Attached you will also find a usb and pictures of the area, also I took the initiative of asking some of the people who have had the opportunity to enjoy my backyard (The Pool) for their experience at The Pool, It would be truly appreciated if you please take their opinion into consideration at the time of your decision, because it is the community speaking up.

Thank you so much for your time. If you have any further questions or if you would like to visit the area I am at your service.

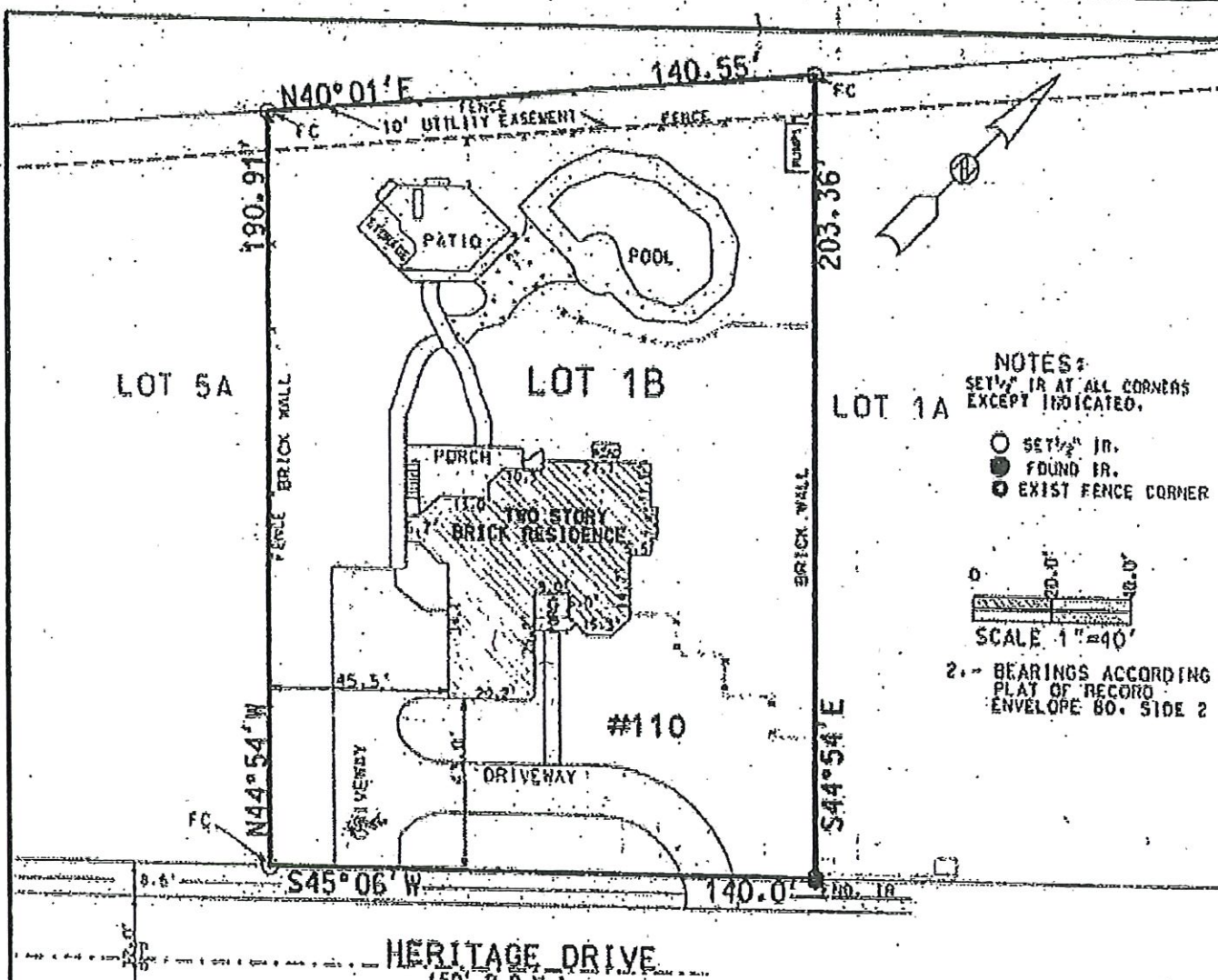
Sincerely, Esperanza Contreras

(830) 352-2295

peradiera79@gmail.com

110 Heritage Farms, dr.

Eagle Pass, Tx. 78852



NOTES:
 SET 1/2" IR AT ALL CORNERS EXCEPT INDICATED.

☐ SET 1/2" IR.
☒ FOUND IR.
☐ EXIST FENCE CORNER

SCALE 1"=40'
 2. BEARINGS ACCORDING
 PLAT OF RECORD
 ENVELOPE 80, SIDE 2

**PLAT SHOWING IMPROVEMENTS ON LOT 1B, HERITAGE FARMS
 SUBDIVISION, MAVERICK COUNTY TEXAS.**

I, Francisco Gaytan, Registered Professional Land Surveyor, hereby certify that the foregoing plat was prepared from a survey conducted on the ground under my supervision on November 1, 2011 that it correctly shows the boundaries, line and location of said property as shown in Envelope 80, side 2, of the Map Records of Maverick County, Texas; and that there are no encroachments, protrusions or conflicts between the improvements and the boundaries of record except as shown above, and said property has access to and from a dedicated roadway, except as shown hereon. And that this professional service conforms to the current Texas Surveyors Association Standards and Specifications for a Category 1A, Condition II, Survey.

This property is not in the 100 year flood plain as published by the Federal Flood Insurance Program.

Rafael [Signature]
Hou [Signature]



11/02/11

Fr Gay

Francisco Gaytan
 Registered Professional Land Surveyor
 Texas No. 5474

11-357

Eagle Pass, Texas. 76652
 2606 Encino Park Drive

RICHARD N. LANE & ASSOCIATES
 CONSULTING LAND SURVEY SERVICES

Phone 830-773-8308
 Fax 830-773-8580







Attachment 2
Master Plan Map & Zoning District Map

Map showing land use designations and lot numbers. A red circle highlights a specific lot.

Legend:

- VACANT (Blue)
- RESIDENTIAL (Yellow)
- COMMERCIAL (Green)
- INDUSTRIAL (Pink)
- PUBLIC AND SEMI - PUBLIC (Red)
- AGRICULTURE (Orange)

Map details include lot numbers (e.g., 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100) and acreage (e.g., 2.08 AC, 0.93 AC, 0.83 AC, 0.73 AC, 0.826 AC, 0.508 AC, 1.30 AC).

The screenshot displays the ArcGIS Online interface. On the left, the 'Layer List' panel shows the 'Zoning' layer is checked and active, with a list of zoning districts: B1 - Neighborhood Business District, R1 - First One-family District, R-3 - Duplex District, R2 - Second One-family District, I - Industrial District, B2 - Central Business District, F - Floodway District, and R4 - Townhouse Residence District. The 'Historic Preservation' layer is unchecked. The main map area shows an aerial view of a residential area in Eagle Pass, Texas, with various zoning districts highlighted in different colors. A search result for '110 Heritage Farms Dr, Eagle Pass, TX, 78852, USA' is displayed, indicating the location is in the R2 - Second One-family District. The map also shows several streets, including El Indio Hwy, Moraga Cir, and S Veterans Blvd.

Attachment 3

Zoning Codes

Sec. 21. Conditional use permits.

- (a) *Purpose.* The purpose of this section is to allow the proper integration into the community of uses which may be suitable only in specific locations in a zoning district or only if such uses are designed or laid out on the site in a particular manner.
- (b) *Application.* A conditional use permit shall be required for all uses listed as conditional uses in the residential, commercial, and industrial land use descriptions or elsewhere in the Zoning Ordinance of the City of Eagle Pass.
 - (1) *Filing.* Application shall be made in writing by the property owner or his authorized agent, on forms provided by the planning department, and accompanied by such data and information as may be necessary to fully describe the request.
 - (2) *Fee.* The filing and investigation fee shall be one hundred dollars (\$100.00).
- (c) *Public hearing.* A public hearing shall be held in accordance with law. A notice of hearing shall be mailed at least ten calendar days prior to said hearing to all property owners, any part of whose property lies within a radius of two hundred (200) feet of the applicant's property, using for this purpose the names of such owners as shown on the last equalized assessment roll, or alternatively, from such other records of the assessor or the tax collector as contain more recent addresses. In addition, if warranted in the determination of Planning Director, notice shall be provided by conspicuously posting it on the subject property for at least ten days prior to the hearing. Failure to receive the notice required by this section shall not invalidate the action of the planning and zoning commission.
- (d) *Planning and zoning commission action.* The planning and zoning commission may approve, conditionally approve, or deny an application for a conditional use permit, and in authorizing a conditional use, may impose such requirements and conditions with respect to location, construction, time period, maintenance and operation as deemed necessary for the protection of adjacent properties and the public interest when reasonably related to the use of the property. Before granting any conditional use permit the planning director shall be satisfied that the proposed structure or use conforms to the requirements and the intent of this chapter and the general plan(s) of the City of Eagle Pass.
- (e) *Appeals.* The planning and zoning commission action on the conditional use permit shall be final unless, within fourteen (14) calendar days after the decision, the applicant, or any other person, including the city council, any individual city council member, or the city manager, not satisfied with the decision of the planning and zoning commission, may appeal to the city council. No conflict of interest shall exist solely by reason of the filing of an appeal by the city council, an individual city council member, or the city manager. Any appeal shall be filed with the city secretary's office and, except an appeal by the city council, a council member, or the city manager, shall be accompanied by a filing fee of one hundred dollars (\$100.00). The city secretary shall set a date for a public hearing and shall give notice to the appellant, the applicant and neighboring property owners in the manner provided in the zoning ordinance.
- (f) *Issuance.* No conditional use permit which has been approved by the planning and zoning commission shall be issued prior to the expiration of the appeal period as set forth in the Ordinances of the City of Eagle Pass, or the final action on an appeal to the city council.
- (g) *Expiration.* In the event the planning and zoning commission finds the use permit has not been exercised within the time limit set by the commission, or within one (1) year if no specific time limit has been set, the permit shall be null and void without further action; except that the planning director may extend the approval of a use permit for one (1) additional year, with the same conditions of approval, if circumstances have not changed. The request in writing must be received prior to the expiration of the use permit.
- (h) *Minor modification to use permit.* The planning director may approve minor modifications to an approved use permit.

- (i) *Revocation.* In the event the conditions of a use permit have not been or are not being complied with, the planning department shall give the permittee notice of intention to revoke such permit at least ten days prior to a planning and zoning commission review thereon. After the conclusion of the review, the planning and zoning commission may revoke such permit.

Sec. 13. Home occupations.

- (a) *Purpose and intent.* The City of Eagle Pass recognizes the need for some citizens to use their place of residence for limited nonresidential activities. However, the city believes that the need to protect the residential character of residential areas is of paramount concern. In essence, the objective of this chapter is to allow limited commercial type activity in residential areas only to the extent that such commercial activity is not obtrusive to neighbors or passersby.
- (b) *Permitted home occupations.* The following home occupations shall be permitted in any residential zone without conditional use permits providing they meet the performance standards in section e. of this chapter:
 - (1) Dressmaking, sewing and tailoring;
 - (2) Painting, sculpturing or writing;
 - (3) Telephone answering or soliciting;
 - (4) Home crafts such as model making, rug weaving and lapidary;
 - (5) Tutoring limited to two (2) students at a time;
 - (6) Home cooking and preserving;
 - (7) Computer programming.
- (c) *Prohibited home occupations.* The following home occupations are prohibited in all residential zones:
 - (1) Animal hospitals;
 - (2) Dancing studios, exercise studios;
 - (3) Mortuaries;
 - (4) Private clubs;
 - (5) Restaurants;
 - (6) Stables or kennels;
 - (7) Automobile body shops;
 - (8) Occupations involving explosives or other hazardous materials.
- (d) *Conditional use permits.* All home occupations not specifically listed in subsection (b) above shall obtain a conditional use permit from the planning and zoning commission prior to conducting any business activity. The conditional use permit shall be obtained in the manner provided in section 21 of this chapter.
- (e) *Performance standards.* In considering applications for conditional use permits for home occupations, the Planning and Zoning Commission of Eagle Pass shall be guided by the following considerations:
 - (1) The legislative intent as set forth in section 1 above;
 - (2) No materials or equipment shall be permitted which would be detrimental to the residential use of nearby residences such as vibration, noise, dust, smoke, odor, interferences with radio or television reception and other factors detrimental to residential use;
 - (3) A home business shall not be permitted which requires frequent home deliveries for commercial purposes;
 - (4) A home business shall not be permitted which will result in the parking of customers' automobiles in a manner, frequency, or number which will cause traffic congestion or will unduly inconvenience nearby residences;

- (5) Signs for home occupations shall be located on the lot for which the conditional use permit is issued. One (1) sign, unlighted and attached to the building which shall not exceed six square feet in area may be permitted;
 - (6) Employment in a home occupation shall be limited to persons residing in the dwelling unit where the home occupation is conducted;
 - (7) No conditional use permit for a home occupation shall be granted by the planning and zoning commission unless the applicant has furnished proof of having registered with the State of Texas Comptrollers Office;
 - (8) There shall be no exterior indication of the home occupation or variation from the residential character of the principal or accessory buildings except for a sign in conformance with this chapter;
 - (9) There shall be no outside storage or display of items for sale, materials or equipment to be used in conjunction with the home occupation.
 - (10) In no case shall a home occupation be open to the public at times earlier than 7:00 a.m. nor later than 10:00 p.m.
- (f) *Pre-existing home occupations.* Any home occupation which lawfully existed on the effective date of this chapter shall be allowed to continue operation in accordance with section 16.

(Ord. No. 06-13, § 2, 7-11-2006)

Item #5



Community Development Department Executive Summary
REPORT TO THE CITY COUNCIL
Master Plan of Eagle Pass Port of Entry Industrial Park

I. BACKGROUND

A. General Information

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

Location: Off Loop 480 and Industrial Blvd.

Property ID: 9008890, 3659, and 9005977

Gross acreage: 10.00 acres

Request: Master Plan approval for Eagle Pass Port of Entry Industrial Park

B. Infrastructure

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

Access to the site is provided by Industrial Boulevard.

C. Vicinity Data

This site is located off Loop 480 and Industrial Blvd.

II. RECOMMENDED FINDINGS OF FACT

A. Conclusions

1. The applicant's request contains sufficient information for consideration by the Planning and Zoning Commission. Information contained in this report and the Commission's public meeting will be used as part of the City Council's deliberation process for Master Plan approval.
2. The subdivision of the property is in conformance with the provisions of the *Master Plan* and the *Eagle Pass Code of Ordinances* by facilitating the following benefits:
 - Protect private rights while considering public health, safety, and welfare.
 - Provide for efficient and economical ways to move people and goods outside the City by an adequate plan for streets and highways.
 - Guide future development in an orderly manner, by stages according to a pattern, so that the City may have a balanced land use.
 - Encourage a diversified economic base and encourage public and private investments in land and improvements.
 - Prevent and eliminate blight and slums, making the City attractive to people, commerce, and industry.

- Create the desire for a more pleasing appearance of the City and incorporate into its physical development the basic principles of good design.
 - Protect and preserve the identity of each neighborhood through use of the guidance provided by the *Master Plan* and the *Code of Ordinances*.
 - Locate all land uses on land best suited for their needs, arranged in such a way as to be mutually beneficial and functional, with ample area to meet long-term needs.
 - Establish a proper relationship between open space, developed areas, building bulk, light and air space, in all future development programs of land use.
 - Encourage and abet the development of civic, cultural, and other public and quasi-public buildings in harmonious and functional groupings.
3. The approval of this Master Plan request is warranted, as the project conforms to the *City of Eagle Pass Master Plan* and the *City of Eagle Pass Code of Ordinances* as noted in Conclusion 1 through and including Conclusion 2 of this report.

B. Community Development Department Recommendation

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

TRANSMITTED to the parties listed hereafter:

Paco Mondragon via e-mail
 City of Eagle Planning and Zoning Commission via e-mail
 Eagle Pass Community Development Department Report dated November 20, 2023

Attachment 1

Application

Site Photos

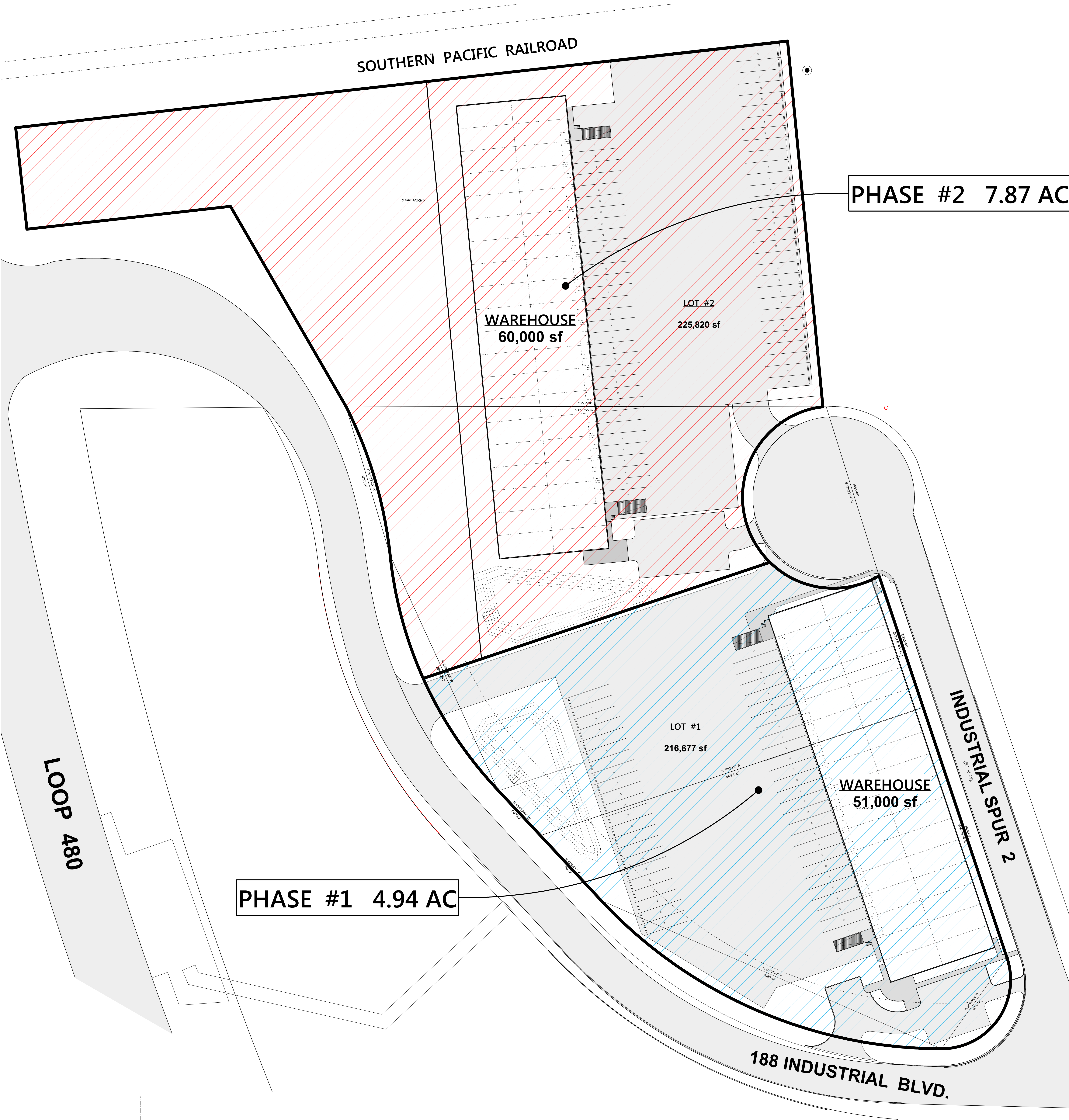




EAGLE PASS PORT OF ENTRY INDUSTRIAL PARK

MASTER PLAN

INVERMEX LLC



Item #6



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

Request to Extend the 6-Month Extension Final Plat Approval Period for the Benito Garcia Subdivision

I. APPLICANT & PROPERTY INFORMATION

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

Developer: Benito & Rosario Berenice Garcia and Tomas Perales

Location: 3401 Del Rio Blvd and 3427 Del Rio Blvd

Property ID Number: 9008915 & 51974

Legal Description: Abstract A1009, G C & S F R R CO., Survey #1, Acres 2.0 & Abstract A1009, G C & S F R R CO., Survey #1, Acres 4.0

Existing Use: Lot 1 currently houses a commercial building and parking lot, and Lot 2 is vacant and undeveloped.

Zoning: Not applicable due to parcels location (ETJ)

Request: A request to extend the 6-month final plat approval period granted on December 6, 2022 and June 6, 2023, by the Eagle Pass City Council including, the following terms:

- That the developer connects to the main sewer line before plat recordation

II. STAFF ANALYSIS

The request to extend the 6-month preliminary plat approval period contains sufficient information for consideration by the Planning and Zoning Commission.

City of Eagle Pass Code of Ordinances Section 23-25(g)(4)(c) states that a final plat shall be disproved if the conditions of approval have not been satisfied with 6-months from the date of final approval.

Additionally, within *City of Eagle Pass Code of Ordinances Section 23-25(g)(4)(a)* states, in part, that the approval of a subdivision shall be considered null and void if the final plat is not submitted for approval with 6-months from the date of approval.

The Planning and Zoning Commission granted preliminary/final plat approval on December 2, 2022, with City Council granting approval on December 6, 2022.

The Planning and Zoning Commission granted the first extension on May 11, 2023, with City Council granting approval on June 6, 2023.

The applicant submitted their extension request on November 6, 2023 in conformance with *City of Eagle Pass Code of Ordinances Section 23-25(g)(4)(a)*.

An extension is necessary due to unforeseen financial issues associated with the construction of the development.

This inadvertent delay due to financial issues associated with the construction of the development warrants an approval for an extension of the 6-month plat approval period to allow the applicant to begin construction for the development.

Community Development Department Recommendation

The Planning and Zoning Commission **GRANT** a 6-month extension of the original December 6, 2022 final plat approval for the *Benito Garcia Subdivision*, including the following terms:

- That the developer connects to the main sewer line before plat recordation.

TRANSMITTED to the parties listed hereafter:

TEC Services via e-mail
Planning and Zoning Commission via e-mail
Monica Cruz, Maverick County Planning Director
Eagle Pass Community Development Department Report dated November 20, 2023

Attachment 1
Final Plat

PLAT ESTABLISHING LOT 1 & LOT 2
BENITO GARCIA SUBDIVISION

FIELD NOTES FOR A 6.009 ACRE TRACT OF LAND MADE UP OF LOT 2, A 4.00 ACRE TRACT OF LAND CONVEYED TO BENITO AND ROSARIO B. GARCIA AND LOT 1, A 2.009 ACRE TRACT OF LAND CONVEYED TO THOMAS PERALES MAVERICK COUNTY, TEXAS

BEING A 6.009 ACRE TRACT OF LAND MADE UP OF LOT 2, A 4.00 ACRE TRACT OF LAND CONVEYED TO BENITO AND ROSARIO B. GARCIA RECORDED IN VOLUME 256, PAGE 237, DEED RECORDS, MAVERICK COUNTY, TEXAS AND LOT 1, A 2.009 ACRE TRACT OF LAND CONVEYED TO THOMAS PERALES RECORDED IN VOLUME 256, PAGE 237, DEED RECORDS, MAVERICK COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO WIT:

BEGINNING AT A 1/2" IRON ROD FOUND AT THE SOUTHEAST CORNER OF GC & SFRRCO. SURVEY #1, ABSTRACT A1009, & ABSTRACT 1090 SURVEY #3, A TRACT OF LAND CONVEYED TO JEAN DEBONA DULING RECORDED IN VOLUME 1268, PAGE 365, DEED RECORDS, MAVERICK COUNTY, TEXAS AND THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 277 FOR THE NORTHEAST CORNER HEREOF;

THENCE, WITH THE WESTERLY RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 277, SOUTH 01 DEGREES 02 MINUTES 27 SECONDS WEST, 159.48 FEET, TO A 1/2" IRON ROD FOUND FOR A POINT OF DEFLECTION HEREOF;

THENCE, CONTINUING ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 277, SOUTH 05 DEGREES 55 MINUTES 27 SECONDS WEST, 203.90 FEET, TO A 1/2" IRON ROD SET FOR A POINT OF DEFLECTION HEREOF;

THENCE, CONTINUING ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 277, SOUTH 12 DEGREES 33 MINUTES 27 SECONDS WEST, PASSING THE NORTHEAST CORNER OF LOT 1 AT 30.00 FEET, IN ALL A TOTAL DISTANCE OF 233.01 FEET, TO A 1/2" IRON ROD SET FOR A POINT OF DEFLECTION HEREOF;

THENCE, CONTINUING ALONG THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 277, SOUTH 13 DEGREES 20 MINUTES 00 SECONDS WEST, 31.02 FEET, TO A 1/2" IRON ROD SET AT THE NORTHEAST CORNER OF LOT 6, MON-SA SUBDIVISION, A PROPERTY CONVEYED TO JUMPSTOP TRAMPOLINE PARK LLC RECORDED IN VOLUME 1805, PAGE 351, DEED RECORDS, MAVERICK COUNTY, TEXAS FOR THE SOUTHEAST CORNER HEREOF;

THENCE, WITH THE NORTHERLY LINE OF SAID LOT 6, NORTH 66 DEGREES 22 MINUTES 20 SECONDS WEST, PASSING THE NORTHEAST CORNER OF LOT 7, MON-SA SUBDIVISION, A PROPERTY CONVEYED TO MONSA, LTD., RECORDED IN VOLUME 708, PAGE 353, DEED RECORDS, MAVERICK COUNTY, TEXAS IN ALL A TOTAL DISTANCE OF 470.13 FEET, TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER HEREOF;

THENCE, WITH THE EASTERLY LINE OF SAID DEBONA TRACT, NORTH 00 DEGREES 14 MINUTES 29 SECONDS EAST, 433.62 FEET, TO A 1/2" IRON ROD FOUND AT THE SOUTHWEST CORNER OF AFOREMENTIONED GC & SFRRCO. SURVEY #1, ABSTRACT A1009, & ABSTRACT 1090 SURVEY #3 FOR THE NORTHWEST CORNER HEREOF;

THENCE, WITH THE SOUTHERLY LINE OF GC & SFRRCO. SURVEY #1, ABSTRACT A1009, & ABSTRACT 1090 SURVEY #3 SOUTH 89 DEGREES 45 MINUTES 34 SECONDS EAST, 510.62 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.009 ACRES OF LAND, MORE OR LESS.

BASIS OF BEARINGS: TEXAS SOUTH CENTRAL ZONE - 4204 - NAD 83

CITY OF EAGLE PASS
CERTIFICATE OF PLAT APPROVAL

WE, THE UNDERSIGNED, CERTIFY THAT BENITO GARCIA SUBDIVISION WAS REVIEWED AND APPROVED BY THE CITY COUNCIL OF EAGLE PASS ON _____

MAYOR OF THE CITY OF EAGLE PASS _____ DATE _____
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 202__

SIGNATURE NOTARY PUBLIC STATE OF TEXAS _____

WE, THE UNDERSIGNED, CERTIFY THAT BENITO GARCIA SUBDIVISION WAS REVIEWED AND APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF EAGLE PASS ON _____

CHAIRMAN-CITY OF EAGLE PASS _____ DATE _____
PLANNING AND ZONING COMMISSION
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 202__

SIGNATURE NOTARY PUBLIC STATE OF TEXAS _____

WE, THE UNDERSIGNED, CERTIFY THAT BENITO GARCIA SUBDIVISION WAS REVIEWED AND APPROVED BY THE CITY MANAGER OF THE CITY OF EAGLE PASS ON _____

CITY MANAGER OF THE CITY OF EAGLE PASS _____ DATE _____
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 202__

SIGNATURE NOTARY PUBLIC STATE OF TEXAS _____

COUNTY CLERK'S RECORDING CERTIFICATE

I, _____, COUNTY CLERK OF MAVERICK COUNTY, CERTIFY THAT THE PLAT BEARING THIS CERTIFICATE WAS FILED FOR RECORD AT _____ O'CLOCK _____M ON _____, 202__, AND WAS RECORDED IN ENVELOPE _____ SIDE _____ IN THE MAP RECORDS OF MAVERICK COUNTY AT _____ O'CLOCK _____M ON _____, 202__.

MAVERICK COUNTY CLERK _____

COMMISSIONERS COURT CERTIFICATION

THIS PLAT WAS PRESENTED TO THE MAVERICK COUNTY COMMISSIONERS COURT AND APPROVED ON _____, 20____, BY THE COMMISSIONERS COURT OF MAVERICK COUNTY, TEXAS.

SIGNED THIS _____ DAY OF _____, 20____.

COUNTY JUDGE _____

SWORN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 202__

NOTARY PUBLIC _____ STATE OF TEXAS _____

STATE OF TEXAS }
COUNTY OF MAVERICK }

OWNER'S DEDICATION, CERTIFICATION, AND ATTESTATION

THE OWNERS OF THE LAND SHOWN ON THIS SUBDIVISION PLAT AND WHOSE NAME IS SUBSCRIBED HERETO AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY AND DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL STREETS, PARKS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND THE SAME ARE DEDICATED TO THE CITY OF EAGLE PASS.

THE OWNER CERTIFIES THAT THIS PLAT COMPLIES WITH THE REQUIREMENTS OF TEXAS LOCAL GOVERNMENT 212.032 AND THAT:

- (A) THE WATER QUALITY AND CONNECTIONS TO THE LOTS MEET, OR WILL MEET, THE MINIMUM STATE STANDARDS;
(B) SEWER CONNECTIONS TO THE LOTS MEET, OR WILL MEET, THE MINIMUM REQUIREMENTS OF STATE STANDARDS;
(C) ELECTRICAL CONNECTIONS PROVIDED TO THE LOTS MEET, OR WILL MEET, THE MINIMUM STATE STANDARD; AND
(D) GAS CONNECTION, IF AVAILABLE, PROVIDED TO THE LOTS MEET, OR WILL MEET, THE MINIMUM STANDARDS.

THE OWNER ATTESTS THAT THE MATTERS ASSERTED IN THIS PLAT ARE TRUE AND COMPLETE.

BENITO GARCIA SUBDIVISION-LOT 1

SIGNATURE: _____

NAME: TOMAS PERALES

STATE OF TEXAS
COUNTY OF MAVERICK

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____

BY TOMAS PERALES

SIGNATURE NOTARY PUBLIC STATE OF TEXAS _____

MY COMMISSION EXPIRES: _____

BENITO GARCIA SUBDIVISION-LOT 2

SIGNATURE: _____

NAME: BENITO GARCIA

SIGNATURE: _____

NAME: ROSARIO BERENICE GARCIA

STATE OF TEXAS
COUNTY OF MAVERICK

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____

BY BENITO GARCIA AND ROSARIO BERENICE GARCIA

SIGNATURE NOTARY PUBLIC STATE OF TEXAS _____

MY COMMISSION EXPIRES: _____

STATE OF TEXAS }
COUNTY OF MAVERICK }

I, JULIAN JAVIER RUIZ, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT AND DESCRIPTION OF AMIGOS SUBDIVISION WAS PREPARED FROM AN ACTUAL SURVEY CONDUCTED ON APRIL 21, 2022 UNDER MY SUPERVISION ON THE GROUND AND THE MONUMENTS SHOWN ARE WITHIN THE POSITIONAL TOLERANCE REQUIRED BY 22 TAC SEC 663.15.

JULIAN JAVIER RUIZ
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 5304

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, OF _____, BY JULIAN JAVIER RUIZ, R.P.L.S.

SIGNATURE NOTARY PUBLIC STATE OF TEXAS _____

MY COMMISSION EXPIRES: _____

STATE OF TEXAS }
COUNTY OF MAVERICK }

I, FLORENTINO CABALLERO, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS (NO. 66952), HEREBY CERTIFY THAT THE WATER AND WASTEWATER FACILITIES FOR THIS SUBDIVISION WERE DESIGNED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF EAGLE PASS, TEXAS, THAT THESE SERVICES ARE CONNECTED TO THE PUBLIC WATER AND SEWER UTILITIES OPERATED AND MAINTAINED BY THE CITY OF EAGLE PASS, TEXAS, ALL AS SHOWN ON THE DRAWINGS PRESENTED TO, AND APPROVED BY, THE CITY OF EAGLE PASS, TEXAS. THESE WATER AND SEWER DESIGNS ARE IN COMPLIANCE WITH THE MODEL RULES ADOPTED UNDER SECTION 16.343 OF THE TEXAS WATER CODE.

FLORENTINO CABALLERO, P.E.
REGISTERED PROFESSIONAL ENGINEER 66952

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, OF _____, BY FLORENTINO CABALLERO, P.E.

SIGNATURE NOTARY PUBLIC STATE OF TEXAS _____

MY COMMISSION EXPIRES: _____



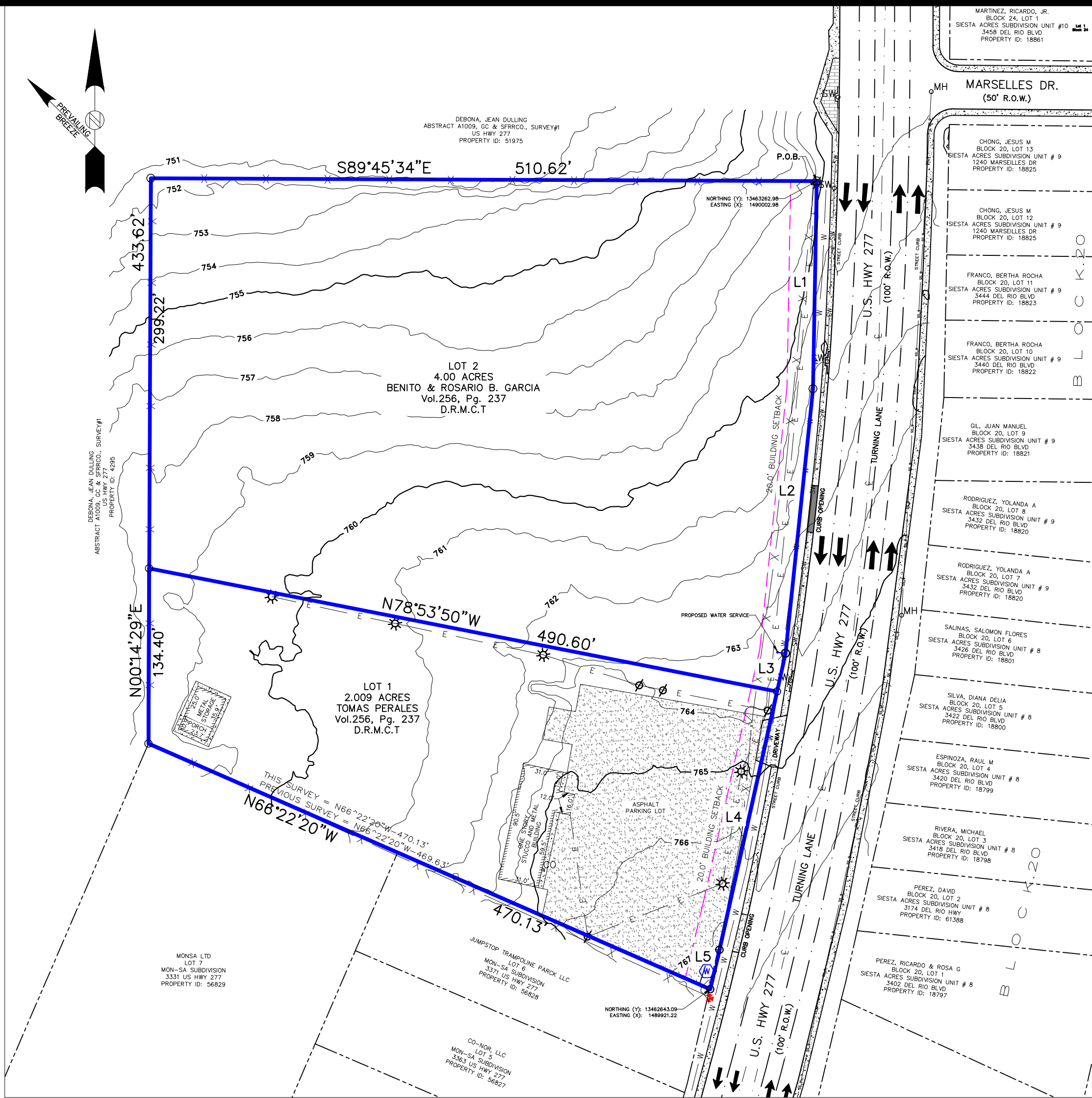
VICINITY MAP
N.T.S.

PLAT SUBDIVISION LOT INFORMATION

LOT	AREA	911 ADDRESS
1	2.009 ACRES	3401 US HWY 277
2	4.00 ACRES	3427 DEL RIO BLVD

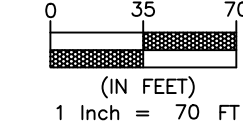
LINE AND BEARING TABLE

LINE	SURVEY BEARING	SURVEY DISTANCE
L1	S01°02'27"W	159.48 FT
L2	S05°55'27"W	203.90 FT
L3	S12°33'27"W	30.00 FT
L4	S12°33'27"W	203.01 FT
L5	S13°20'00"W	31.02 FT



BEARINGS, DISTANCES, AND AREAS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM ESTABLISHED FOR SOUTH CENTRAL ZONE. ELEVATIONS SHOWN ARE BASED ON NAVD 88, GEOID 18A.

GRAPHIC SCALE



LEGEND

- SET 1/2" IRON ROD (I.R.)
○ FOUND 1/2" IRON ROD (I.R.)
● NEW PROPERTY CORNER
⊙ EXISTING LUMINAIRE
⊘ EXISTING POWER POLE
○MH EXISTING POWER MANHOLE
⊙ EXISTING FIRE HYDRANT
● EXISTING STOP SIGN
⊙ EXISTING WATER METER
— REPLAT BOUNDARY
— PROPERTY LINE
- - - - - SETBACK LINE
- - - - - EASEMENT LINE
— 8"W — 8"W — 8"W EXISTING WATER MAIN
— 6"SS — EXISTING SEWER MAIN
— E — E — EXISTING OVERHEAD ELECTRIC LINE
— X — X — X — EXISTING CHAIN LINK FENCE

NOTES:

- THE TOTAL AREA OF THIS SUBDIVISION PLAT IS 6.009 ACRES AND CONTAINS TWO (2) COMMERCIAL LOTS.
- THE AREA OF THIS SUBDIVISION PLAT LIES OUTSIDE THE CITY LIMITS OF EAGLE PASS, TX.
- SET 1/2" I.R. AT ALL CORNERS EXCEPT INDICATED.
- THE ZONING FOR THIS PLAT WILL BE B-3: GENERAL BUSINESS DISTRICT.
- AS PER B-3 ZONING DISTRICT, LOTS 1 AND 2 OF THIS SUBDIVISION PLAT ARE SUBJECT TO A TWENTY (20') FOOT WIDE FRONT YARD SETBACK. NO SIDE OR REAR YARD SETBACKS ARE REQUIRED.
- NO PORTION OF THE SUBDIVISION SHOWN ON THIS PLAT IS WITHIN SPECIAL FLOOD HAZARD AREAS THAT ARE SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD, AS SHOWN ON FLOOD INSURANCE RATE MAP NO. 48323C0350D, DATED APRIL 4, 2011 FOR MAVERICK COUNTY, TEXAS AND INCORPORATED AREAS.
- ALL LOTS WITHIN THIS SUBDIVISION SHALL BE CONVEYED LEGAL ACCESS TO ALL EASEMENTS, RIGHT-OF-WAYS, AND ANY PUBLIC DETENTION FACILITIES.
- ALL EASEMENTS SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, PLANTINGS, AND ANY OTHER OBSTRUCTIONS.
- VERIFY ALL UNDERGROUND UTILITY SERVICE LINES AS REQUIRED, PRIOR TO ANY EXCAVATION.
- A DETENTION POND WILL BE CONSTRUCTED ON LOT 2, AT THE TIME THE PROPERTY IS DEVELOPED. THE DESIGNING ENGINEER OF THE SITE WILL SIZE AND DESIGN THE DETENTION POND ACCORDING TO THE PROPOSED IMPROVEMENTS.
- A TxDOT DRIVEWAY PERMIT MUST BE SECURED PRIOR TO ANY DEVELOPMENT OF THE LOTS.
- THE SUBSEQUENT DEVELOPMENT OF ALL LOTS SHOWN WITHIN THIS SUBDIVISION PLAT SHALL COMPLY WITH THE CITY OF EAGLE PASS CODE OF ORDINANCES PERTAINING TO THE PROVISIONS OF CHAPTER 23, ARTICLES IV, V, AND VI, GOVERNING SUBDIVISION DESIGN AND CONSTRUCTION STANDARDS; CHAPTER 27 GOVERNING WATER SERVICES, SEWER SERVICES, AND SURFACE WATER MANAGEMENT; AND CHAPTER 13 GOVERNING FIRE PROTECTION.

FINAL SUBDIVISION PLAT
BENITO GARCIA SUBDIVISION

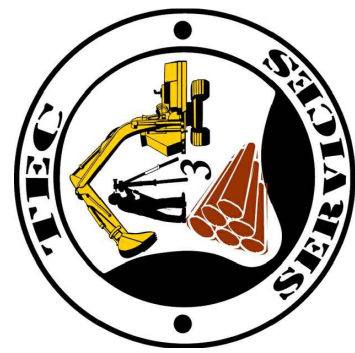
EAGLE PASS, TEXAS, MAVERICK COUNTY

TERRATECH ENGINEERING
AND CONSTRUCTION SERVICES

3392 EL INDIO HWY, EAGLE PASS, TX

(830)-773-0579
ajlbson@terratechengineering.com

FIRM #1418
www.terratechengineering.com



PROPERTY OWNER:

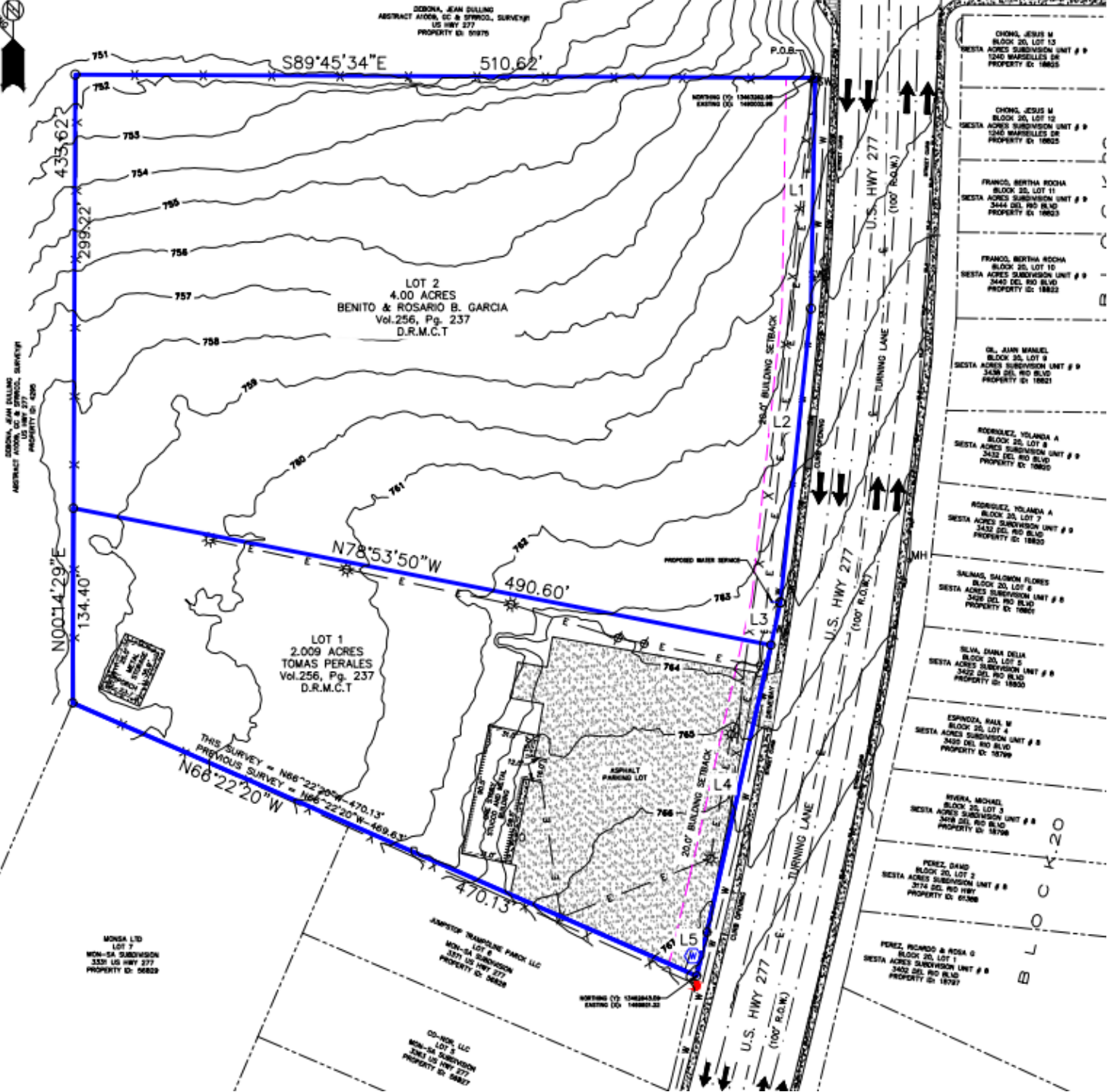
Benito and Rosario B. Garcia

Tomas Perales

EAGLE PASS, TX 78852

JOB: 0119-22
SHEET 1 OF 1
DESIGNED: FJC
DRAWN: GZA
CHECKED: AJL, FJC

SCALE: 1" = 70'
OCT. 24, 2022



Item #7

ARTICLE VI. LANDSCAPE AND TREE PRESERVATION

Sec. 23-85. Purpose.

This chapter shall apply to the incorporated area of the City of Eagle Pass, Texas and is designed to preserve, protect, and enhance the ecological and aesthetic environments of the City of Eagle Pass as well as promote the pleasant appearance and character of neighborhoods and high intensity commercial and industrial corridors; provide shade and thus reduce water consumption.

This chapter is also intended to assist in preventing soil erosion, reducing the hazards of flooding, enhancing the absorption of carbon dioxide and the supply of oxygen, and to reduce the effects of noise, glare and dust generated by some land uses.

This chapter also promotes water conservation and water efficiency. To assist in ensuring adequate water supplies exist for Eagle Pass's future, it is important that water conservation be promoted in landscape watering policies. Water conservation should be promoted through techniques such as proper design, plant selection, education of the public, and the proper use of irrigation systems. This chapter promotes and encourages the planting of water-thrifty plants and other landscape materials for apartments, commercial and industrially zoned properties.

(Ord. No. 05-22, § 1, 8-2-2005)

Sec. 23-86. Definitions.

- (a) *General.* For the purpose of the administration and enforcement of this article and unless otherwise stated in this article the following words shall have a meaning as indicated herein; words used in the present tense shall include the future tense; words used in the singular number shall include plural number; and words used in the plural number shall include singular number; and the word "shall" is mandatory not directory.
- (b) *Miscellaneous definitions.*
 - (1) *Applicant:* The owner or the agent, heir or assign of the owner, of the tract of land which is designated on a building permit application. If an agent has been appointed to represent the owner as applicant, the owner shall submit written authorization as part of the application.
 - (2) *Artificial lot:* An area within a contiguous tract or parcel held under common ownership and designated on the building permit application that is delineated by the city manager for the sole purpose of satisfying the requirements of this article.
 - (3) *Buffer tree:* An existing (or proposed) tree belonging to any of the species listed in Exhibit A-2.
 - (4) *Caliper:* The minimum diameter of a tree as measured six inches above natural ground level.
 - (5) *Developed area:* That portion of a commercial or multifamily residential tract of land upon which "landscape improvements" will be placed.
 - (6) *Encroachment:* Any protrusion of a vehicle outside of a parking space, display area or access way into the required landscaped improvements.
 - (7) *Frontage:* Lineal distance measured along all abutting street rights-of-way.

-
- (8) *Grandfathered tree*: Any tree which was growing on the site before the start of designing the development and which is proposed to remain after completion of the development and which is not proposed to be transplanted.
 - (9) *Ground cover*: An existing (or proposed) plant belonging to any of the species listed in Exhibit A-4.
 - (10) *Historic*: Any tree found to have been associated with any person, place or event that has been or is likely to be designated in a historic character (age is an important criterion in historic designations).
 - (11) *Landmark*: Any tree found to be associated with any more recent event of profound character (i.e. first tree planted at an important event such as Arbor Day).
 - (12) *Landscape improvement*: Any tree, shrub, ground cover, vine, grass, other approved plant, grandfathered plant, approved mulch, approved landscaping rock, approved paver, and/or approved fountain installed in a planting area for the purpose of fulfilling the requirements of this article (and shall not mean artificial plant or concrete/asphalt sidewalk).
 - (13) *Landscape plan*: The plan(s) or revision of plan(s) that detail(s) the landscaping to be installed as required by this article.
 - (14) *Landscape screen*: A fence, tree, or shrub installed for the purpose of providing screening between residential and non-residential districts.
 - (15) *Maintain*: To ensure the proper growth, vitality, and vigor of "landscape improvements" and to display such improvements in accordance with the letter and the spirit of this article at all times.
 - (16) *Multifamily residential*: Any site occupied by three (3) or more families living independently of each other.
 - (17) *Nonresidential*: Of or relating to property that is zoned to an Apartment "F" classification or zoned to a less restrictive classification.
 - (18) *Owner*: Any person or legal entity with an interest in land, or a lessee, agent, employee or other person acting on behalf of the owner with the owner's authorization.
 - (19) *Parking-lot tree*: Either a "grandfathered tree" or a tree belonging to any of the species listed in Exhibit A-1.
 - (20) *Parking lot*: Any paved, surfaced, or leveled area designed and ordinarily used for accessory or public parking of motor vehicles, including commercial parking of motor vehicles, commercial parking available for lease and leased premises available for public parking as defined by applicable city ordinance.
 - (21) *Passenger vehicle*: A motor vehicle for which a class C driver's license is required by the state (and which is not being offered for sale on the site of the regulated parking space).
 - (22) *Rare*: Any of the many rare species regardless of their association with the Endangered Species Act (i.e. Sabal palm, Runyon tree, etc.).
 - (23) *Removal*: Any overt act which causes (or may reasonably be expected to cause) a plant to die by use of any chemical, machinery, tool, construction, soil compaction, substantial change in the grade (decreasing or increasing water/air supply), girdling, excessive pruning, or paving with any plant-injuring material.
 - (24) *Residential*: Of or relating to property that is zoned to a dwelling/retail "R-2" classification or zoned to a more restrictive classification.
 - (25) *Road*: Street (wider than twenty-five (25) feet) and/or alley (twenty-five (25) feet or less).

-
- (26) *Road right-of-way*: A public and/or private road right-of-way or a public and/or private road right-of-way easement.
 - (27) *Shrub*: An existing (or proposed) plant belonging to any of the species listed in Exhibit A-3.
 - (28) *Significant vegetation*: Any tree with a caliper nine (9) inches or greater (except palm), any *Sabal texana* with a trunk taller than ten (10) feet, any other palm with a trunk taller than twenty (20) feet, and all vegetation listed as historic, landmark, or rare (except *Sabal texana*).
 - (29) *Site*: The tract of land that is designated on a building permit application; or if designated, an artificial lot contained therein and delineated by the city manager, together with all contiguous tracts or parcels of land held under common ownership and any existing buildings and appurtenant parking.
 - (30) *Street right-of-way*: A public and/or private street right-of-way or a public and/or private street right-of-way easement.
 - (31) *Tree*: A species of woody perennial plant (including palm) that usually has a single, elongate main stem generally with few or no branches on its lower part and which usually grows to a mature height of at least twelve (12) feet.
 - (32) *Valuable*: Any tree of at least ten (10) years of age.

(Ord. No. 05-22, § 1, 8-2-2005)

Editor's note(s)—The exhibits referenced in § 23-86 have not been included herein, but are on file for inspection in the office of the city secretary.

Sec. 23-87. Scope.

- (a) *Scope*. The provisions of this chapter shall be interpreted and applied as the minimum requirements for landscaping in the City of Eagle Pass.

The City of Eagle Pass experiences frequent droughts and is in a semi-arid climate zone; therefore, it is a purpose of this chapter to encourage the use of drought resistant plants and landscaping techniques that do not consume large quantities of water. Plants native to Southern Texas/Coahuila Desert are recommended. See Preferred Plant List, Appendix A.

The terms and provisions of this chapter shall apply to real property as follows:

- (1) All new residential, commercial, and industrial property.
 - (2) Any existing building that is replaced with a use requiring landscaping under this chapter;
 - (3) Expansion of an existing development whose gross floor area is twenty-five thousand (25,000) square feet or more; and
 - (4) Any development that changes its use from an excepted use to any use requiring landscaping under this chapter.
- (b) *Exemptions*. The provisions of this chapter shall not apply to the following:
 - (1) Property zoned as the Central Business District; however, parking areas and right-of-ways in the Central Business District shall conform to the requirements of this chapter; and
 - (2) Properties developed in accordance with a previously approved site development plan or subdivision plat approved by the city prior to the date of adoption of this chapter;
 - (3) Expansion of an existing development when the existing landscaping within the development would satisfy the requirements of this chapter if the entire development were treated as a new development.

(Ord. No. 05-22, § 1, 8-2-2005)

Editor's note(s)—Appendix A, Preferred Plant List, referenced above has not been included herein, but is on file for inspection in the office of the city secretary.

Sec. 23-88. General requirements.

- (a) *Installation.* Landscaping shall consist of an appropriate combination of deciduous and evergreen trees, shrubs, vines, and/or ground cover (including grass). A minimum of three (3) inches of gravel or shredded hardwood mulch shall be added in a non-turf area to the soil surface after planting. Non-porous material, such as sheet plastic, shall not be placed under the mulch. All landscape materials shall be installed according to acceptable landscape standards. Landscape plantings on city right-of-way is strictly prohibited.
- (b) *Maintenance.* The current owner and subsequent owners of the landscaped property or the manager or agent of the owner shall be responsible for the maintenance of all landscape areas. Said areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. Maintenance shall include the replacement of all dead plant material if that material was used to meet the requirements of this chapter.
- (c) *Irrigation standards.* One of the following irrigation methods shall be used to ensure survival of the required plant material in landscaped areas:
 - (1) *Conventional system:* An automatic or manual underground irrigation system that may be a conventional spray or bubbler type heads.
 - (2) *Drip or leaky-pipe system:* An automatic or manual underground irrigation system in conjunction with a water-saving system such as a drip or a leaky pipe system.
 - (3) *Temporary and above-ground watering:* Landscape areas utilizing xeriscape plants and installation techniques, including areas planted with native grasses, wildflowers and trees may use a temporary and above-ground system, and shall be required to provide irrigation for the first three (3) growing seasons.
 - (4) *[Backflow prevention device, irrigation heads and spray heads:]* When using a potable irrigation water source, an approved backflow prevention device shall be installed in accordance with the city plumbing code. Such device shall be in a pressure vacuum breaker or a reduced pressure detection assembly as appropriate for the project location.

Irrigation heads adjacent to any on site curbs sidewalks or paved areas shall be installed flush with the finished grade.

Spray heads shall not be installed within three (3) feet of public street curbs or street edges, or in areas less than four (4) feet wide.
- (5) *Natural and undisturbed areas:* No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
- (d) *Planting criteria.*
 - (1) *Trees.* Trees shall be a minimum of two (2) inches in caliper measured three (3) feet above finished grade immediately after planting. If trees are proposed that are not chosen from the Preferred Plant List provided in Appendix A, trees shall have an average mature crown greater than twenty (20) feet in diameter. Trees having an average mature crown less than twenty (20) feet in diameter may be substituted by grouping the same so as to create at maturity the equivalent of a twenty (20) foot diameter crown if the drip line area is maintained.

-
- (2) *Shrubs, vines and ground cover.* Shrubs, vines and ground cover planted pursuant to this chapter shall be good, healthy nursery stock. Shrubs must be, at a minimum, a one (1) gallon container size.
 - (3) *Lawn grass.* Grass areas should be planted in drought resistant species normally grown as permanent lawns, such as Bermuda or Buffalo grass. Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales or other areas subject to erosion. Grass or turf areas may be replaced with decorative rock or gravel material as a water saving technique.
 - (4) *Synthetic lawns or plants.* Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this chapter.
 - (5) *Other.* Any approved decorative aggregate or pervious brick pavers shall qualify for landscaping credit if contained in planting areas, but no credit shall be given for concrete or other impervious surfaces.
 - (6) *Requirements in specific zonings.* Residential zones listed below must meet the tree specifications outlined.
 - a. *R-1 first one-family district.* Lots zoned R-1 must have at least two (2) trees with at least one (1) in the front yard.
 - b. *All other one-family residential districts.* Lots within all other one-family districts including, but not limited to R-2 second one-family district, R-3 duplex dwelling district, and R-4 townhouse residence district must have at least one (1) tree in the front yard.
 - c. Location of trees must avoid encroachment of property structures and adjacent property by the mature canopy.

(Ord. No. 05-22, § 1, 8-2-2005; Ord. No. 2020-02 , § 5, 1-7-2020)

Editor's note(s)—Appendix A, Preferred Plant List, referenced above has not been included herein, but is on file for inspection in the office of the city secretary.

Sec. 23-89. Landscape plan requirements.

- (a) *Submittal of plan.* The landowner or his/her agent shall submit and receive approval of a landscape plan demonstrating compliance with the landscape requirements contained herein. Plans shall show location and size of required landscaped areas, all dimensions, types of materials, size and spacing of vegetative materials, and plans for providing irrigation to plants. The plan(s) shall demonstrate that landscaping materials will:
 - (1) Abate objectionable noise, light, glare, visual clutter, dust or loss of privacy.
 - (2) Adequately accomplish the purpose of which they were intended.
- (b) *Required site landscaping.*

- (1) Minimum percentage.

Non-corner sites: Shall be determined by site frontage along a street, multiplied by site depth (at its deepest point, up to a maximum of two hundred (200) feet) multiplied by 0.075 to determine the required landscape area along the primary street frontage.

Corner sites: Along the primary street, shall be determined by site frontage along a street, multiplied by site depth (at its deepest point, up to a maximum of two hundred (200) feet) multiplied by 0.075 to determine the required landscape area along the primary street frontage. Along the secondary street(s), shall be determined by site frontage along a street, multiplied by site depth (at its deepest point, up to a maximum of two hundred (200) feet) multiplied by 0.050 to determine the required landscape area along the secondary street frontage.

In no case shall the front landscape area be less than ten (10) feet in width.

- (2) Undeveloped portions of a tract or lot shall not be considered landscaped, except as specifically approved by the BA.
- (3) A minimum percentage of the total lot area of property on which development or new construction occurs after the effective date of this chapter shall be devoted to landscape development in accordance with Table 5.1. The landscaping shall be placed upon that portion of a tract or lot that is being developed. Fifty (50) percent of the required landscaped area and required plantings shall be installed between the front property lines and the building being constructed.
- (4) For every six hundred (600) square feet of landscape area required by Table 5.1, two (2) trees and four (4) shrubs shall be planted.
- (5) Should a tree die or be removed for which credit has been obtained pursuant to the terms of this chapter, landscape development sufficient to equal the area credited shall be required. A small tree that will have a mature crown similar to the tree removed may be substituted if the planting area or pervious cover provided for the larger tree is retained.
- (6) Land use landscaping required (percent of constructed impervious coverage of the lot) shall be as shown in Table 1 below. Frontage landscape may be credited towards fulfilling the requirements of this section.

Table 1. Required Landscaping

Land Use	Landscaping Required (% of constructed impervious coverage of the lot)
Multifamily structures	20
Manufactured home park	20
Office and professional uses	20
Institutional	20
Commercial	15
Industrial or manufacturing	15

- (c) *Credit for existing trees.* In order to reward the preservation of existing trees, one hundred (100) percent of the crown area of undisturbed existing trees shall be reduced from the landscape area requirements; provided that the area surrounding the tree is left undisturbed and that this area consists of a least one hundred (100) square feet but not less than fifty (50) percent of the crown area.
- (d) *Screening.* Off-street loading spaces, refuse and outside storage areas, antennas, satellite dishes, and mechanical equipment within the street yard must be screened from all public streets. The screening must be of a minimum of six (6) feet in height or a height sufficient to obscure the area or equipment requiring the screening, whichever is less. The screening may be provided by plants, a solid screen fence or wall, or a combination thereof.
 - (1) *Acceptable landscape screening materials.*
 - a. No artificial plant materials may be used to satisfy the requirements of this chapter.
 - b. Plant materials required by this chapter must comply with the following minimum size requirements at the time of installation. At time of planting, plant height shall be measured from the top of the root ball or, if the plant is in a container, from the soil level in the container.
 1. Large trees must have a minimum caliper of two (2) inches and shall be planted in an area with a minimum of one hundred (100) square feet of permeable surface area. This area

may be reduced to fifty (50) square feet if a permanent life support system, which must include but is not limited to an irrigation system and an internal drainage mechanism, is incorporated within the planting area.

2. Small trees must have a minimum height of six (6) feet and shall be planted in an area with a minimum of twenty-five (25) square feet of permeable surface area.
 3. Large shrubs must have a minimum height of two (2) feet and must be planted in an area with a minimum of nine (9) square feet of permeable surface area. The permeable surface areas for shrubs may be included within permeable surface areas required for trees.
- c. Each large tree, small tree or large shrub must be planted at least thirty-six (36) inches away from any paved surface or city right-of-way.
- (2) *Protection of plant areas.* Plant areas must be protected from vehicular traffic through the use of concrete curbs, wheel stops, or other permanent barriers.

(Ord. No. 05-22, § 1, 8-2-2005)

Sec. 23-90. Landscape plan submittal, review and approval.

- (a) *Plan submittal.* A landscape plan must be submitted to the director of planning or his/her designee with the application for a permit for new construction. The director of planning must approve the plan before a building permit is issued for the work. A landscape plan shall consist of two (2) sets of prints drawn to scale with sufficient clarity to indicate the location, nature and extent of the work proposed, and shows in detail that it conforms to the requirements of this chapter. A landscape plan shall contain the following information:
- (1) Project name, street address, legal description, date, scale, north arrow and the names, addresses and telephone numbers of both the property owner and the person preparing the plan.
 - (2) Designation of zoning areas adjacent to property.
 - (3) A vicinity map, location of lot lines, and dimensions of the building site and the street yard.
 - (4) Approximate center lines of existing water courses and the location of the 100-year floodplain; approximate location of significant drainage features, and the location and width of existing and proposed streets and alleys, utility easements, driveways and sidewalks on or adjacent to the lot.
 - (5) Identification, location, and dimensions of required plant materials, screening, and off-street parking and loading spaces within the street yard.
 - (6) Description of plant materials shown on the plan, including names (common and botanical), quantities, container or caliper sizes at installation, heights, spread, and spacing.
 - (7) Description of proposed irrigation methods.
- (b) *Issuance of building permit.* The director of planning shall review the landscape plan to verify compliance with all requirements of this chapter prior to the issuance of a building permit. All landscape plans must comply with the mandatory provision of this chapter. The building permit shall not be issued for new construction of a building within the city unless the director of planning approves the landscape plan verifying that the applicant's plan complies with this chapter.

The building official shall issue no final certificate of occupancy for the occupancy of a new building unless all plant and screening materials required by this chapter have been provided. Prior to the issuance of a certificate of occupancy, the building official shall inspect the building site to verify compliance with the approved landscape plan.

Sec. 23-91. Tree preservation and protected trees.

This section preserves and protects existing, healthy and desirable trees within the City of Eagle Pass, to provide guidelines for the protection of trees and establish guidelines for planting trees. Any existing tree greater than six (6) inches in caliper size, including alamo (cottonwood), mesquite and huisache trees, shall be preserved, unless replaced by new trees under the provisions of this chapter, or unless a tree removal permit is granted as described below.

- (a) *Preliminary development plans.* A general survey of natural vegetation showing tree groupings and anticipated protected tree losses shall be submitted with all preliminary site plans.
- (b) *Tree removal permit.* No person directly or indirectly, shall cut down, destroy, top-off, remove or effectively destroy through damaging, any protected tree six (6) inches in diameter or larger, measured twenty-four (24) inches from the ground on any commercial, industrial or multi-family property within the city without first obtaining a tree removal permit as provided by this section.
 - (1) Permit required. Protected trees shall not be removed prior to the issuance of a tree removal permit until the director of planning or authorized designee, approves the removal due to the following:
 - a. Said tree(s) are injured, dying, diseased or infested with harmful insects;
 - b. Are in danger of falling, interfere with utility service or create unsafe vision clearance; or
 - c. In any manner create a hazardous or dangerous condition so as to endanger the public health, welfare or safety.
 - (2) Utility companies shall be exempt from authorization of the director of planning when public health, welfare or safety of the general citizenship is in danger.
 - (3) Clear cutting prohibited without permit. Under no circumstances shall the clear-cutting of protected trees six (6) inches or larger in diameter, measured twenty-four (24) inches from the ground on any property, other than single-family homesites, be allowed prior to the issuance of a tree removal permit of said property. Any protected tree removed will be required to follow the guidelines of this chapter.
- (c) *Penalties.* If any protected tree(s) are removed from any property, excluding single-family homesites, including any injury to a tree resulting from the owner's failure to follow required tree protection measures that causes or may reasonably be expected to cause the protected tree to die, the property owner shall be determined to be in violation of this chapter.
- (d) *Application.* Tree removal permits shall be obtained by making application to the community development department on a form provided by the city. Upon receipt of a proper application for a tree removal permit, the director of planning or his/her designee shall review the application and may conduct field inspections of the development.

The application for tree removal permit, if required, shall be considered an integral part of the application for development plan approval, and no new development plan for any new development subject to the terms and provisions of this chapter shall be approved without approval of said tree removal permit.

Sec. 23-92. Parking lots.

- (a) All parts of a parking area or lot not occupied by parking spaces or driveways shall be landscaped with decorative rock or sand, turf, shrubs, ground cover, and/or paved pedestrian paths. The following additional requirements are intended not only to improve the appearance of large paved areas, but also to provide for adequate circulation and drainage; and to help moderate wind, noise, and temperature extremes.
- (1) All outdoor parking areas having spaces for more than ten (10) vehicles shall have landscaping within the perimeter of the parking area equal in area to not less than five (5) percent of the total paved area.
 - (2) No parking space shall be located more than fifty (50) feet from a portion of the required landscaping.
 - (3) One tree of at least two (2) inch caliper in size shall be provided within the perimeter of the parking area for each two hundred fifty (250) square feet of landscaping required.
 - (4) Required or provided landscaping shall not obstruct the view of any vehicle backing areas or turning areas in a way so as to create a hazard.
 - (5) All required or provided landscaping and trees shall be maintained in a clean, safe, and healthy condition.
 - (6) The landscaping required in this section shall be provided in addition to the screening requirements of section 23-89(d) of this chapter.
 - (7) The requirements of (1) (2) and (3) of this section do not apply to vehicle display, storage or loading areas for businesses which sell or service vehicles, farm equipment, or for commercial or industrial parking areas intended specifically for trucks having a rated capacity of twenty-six thousand (26,000) pounds gross vehicle weight or more.

(Ord. No. 05-22, § 1, 8-2-2005)

Sec. 23-93. Appeals.

When the director of planning or his/her designee does not approve a landscape plan, irrigation plan, tree removal request, or the installation or removal of these improvements, the owner or duly authorized representative may appeal that decision to the City of Eagle Pass Board of Adjustment (BA). The BA may only grant exceptions to this chapter for the following circumstances:

- (1) For in-fill development when surrounding landscaping or prevailing practices in the vicinity, if superior to the minimum standards required by this chapter, dictate different standards than those contained in this chapter.
- (2) When the requirements of this chapter create a safety hazard as determined by the BA.

The BA may only grant exceptions when the applicant has provided evidence sufficient to show that the proposal meets or exceeds the purpose of this chapter. Granting of a request for alternative compliance as provided in this chapter shall not have the effect of nullifying the intent and purpose of this chapter. Special conditions may be imposed by the BA where necessary to assure conformity with the purpose and intent of this chapter.

(Ord. No. 05-22, § 1, 8-2-2005)