



AGENDA

**PLANNING & ZONING COMMISSION SPECIAL MEETING
THURSDAY, AUGUST 22, 2024, AT 5:30 P.M.
COUNCIL CHAMBERS, CITY HALL BUILDING
100 SOUTH MONROE STREET, EAGLE PASS, MAVERICK COUNTY, TEXAS**

ESTABLISHMENT OF QUORUM

CITIZENS COMMUNICATIONS

MINUTES

1. Approval of the minutes of the July 17, 2024 meeting.

PUBLIC HEARINGS

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

OLD BUSINESS

5. Consideration and possible action on the Final Plat of Benito Garcia Subdivision, including (1) a subdivision variance to proceed directly to final replat without first having obtained preliminary plat approval as required by *City of Eagle Pass Code of Ordinances Section 23-36(a)*, and (2) a subdivision variance from Section 23-66 governing sanitary sewer.

NEW BUSINESS

6. Consideration and possible action on the Final Plat of Jimenez Subdivision, including (1) a subdivision variance from Section 23-36(a) regulating preliminary plat requirements, and (2) a subdivision variance from Section 23-11(d) to allow the platting of a property less than 5 acres conveyed prior to 1984.

ADJOURNMENT

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

CERTIFICATION

I, THE UNDERSIGNED COMMUNITY DEVELOPMENT DIRECTOR, do hereby certify that the agenda mentioned above was posted on the Bulletin Board located in the Lobby at City Hall, 100 S. Monroe Street, Eagle Pass, Texas on August 19, 2024, at 4:15 p.m.



Placido Madera
Community Development Director

Item #1

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

The Planning and Zoning Commission of the City of Eagle Pass held a special meeting on Wednesday, July 17, 2024, at 5:00 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 the State Code.

ESTABLISHMENT OF QUORUM

Present: Chairman, Luis Velez; Vice-Chairman, Kenneth Gross; and Commissioners: Tiffany Velazquez-Sanchez, and Aaron Valdez

Absent: Dora Salinas-Sanchez

Staff Present: Community Development Director, Placido Madera; Assistant Community Development Director, Mariebelle Rodriguez; Assistant City Secretary, Ita A. Cortinas; City Attorney, Ana Sophia Garcia; Interim Finance Director, Jose Menchaca, and Fixed Assets Coordinator, Heber Ruiz

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

SELECTION OF CHAIRMAN

Vice-Chairman Gross moved to select Tiffany Velazquez-Sanchez as chairman. Seconded by Commissioner Valdez. **MOTION PASSES.**

AYES:	Velez, Gross, and Valdez
NAYS:	None
ABSTAINED:	Velazquez-Sanchez
ABSENT:	Salinas-Sanchez

Commissioner Velazquez-Sanchez said she would assume the Chairwoman position at the subsequent meeting.

SELECTION OF VICE-CHAIRMAN

Commissioner Velazquez-Sanchez moved to select Luis Velez as the Vice-Chairperson. Seconded by Vice-Chairperson, Gross. **MOTION PASSES:** Unanimously

AYES:	Velez, Gross, Velázquez-Sanchez, and Valdez
NAYS:	None
ABSTAINED:	None
ABSENT:	Salinas-Sanchez

CITIZENS COMMUNICATIONS

Chairman 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 no comments or concerns to be heard.

MINUTES

1. Approval of the minutes of the June 20, 2024, meeting.

Commissioner Velazquez-Sanchez moved to approve the minutes. Seconded by Commissioner Valdez. **MOTION PASSES:** Unanimously

AYES:	Velez, Gross, Velázquez-Sanchez, and Valdez
NAYS:	None
ABSTAINED:	None
ABSENT:	Salinas-Sanchez

PUBLIC HEARINGS

2. Continuation of a public hearing on the request submitted by Jose Hernandez for the rezoning of Lot 2 and 3 in Block 14 of Hillcrest Addition, also known as 1338 Quarr Street, from R-1 First One-Family Dwelling District to R-3A Apartment District; closing of public hearing and possible action.

Community Development Director, Placiedo Madera mentioned that the applicant asked that the item be tabled.

Vice-Chairman Gross moved to table the item. Seconded by Commissioner Velazquez-Sanchez.

MOTION PASSES: Unanimously

AYES:	Velez, Gross, Velázquez-Sanchez, and Valdez
NAYS:	None
ABSTAINED:	None
ABSENT:	Salinas-Sanchez

3. Public hearing on the final Re-Plat of Lot 6 in Block 18 of Deer Run Subdivision Unit 4, including (1) a subdivision variance from Section 23-36(a) regulating preliminary plat requirements, and (2) a sidewalk waiver from Section 23-64 governing sidewalks; closing of public hearing and possible action.

Chairman Velez opened the public hearing at 5:12 p.m.

Assistant Community Development Director, Mariebelle Rodriguez provided details on the item, recommending that That the Eagle Pass Planning and Zoning Commission (1) grant a sidewalk waiver request with the condition that the developer construct the sidewalk along the street frontage of Lots 6A and 6B, when Lot 6B is developed or within 18 months after plat recordation, whichever comes first; and (2) grant final plat approval of the Replat of Lot 6 in Block 19 in Deer Run Subdivision Unit 4, 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

Mr. Ken Dirksen spoke on behalf of the applicant, asking for the Commission's approval.

There being no further comments from the public, Chairman Velez closed the public hearing at 5:18 p.m.

Commissioner Velazquez-Sanchez moved to proceed with the department's recommendation Seconded by Vice-Chairman Gross. **MOTION PASSES:** Unanimously

AYES:	Velez, Gross, Velázquez-Sanchez, and Valdez
NAYS:	None
ABSTAINED:	None
ABSENT:	Salinas-Sanchez

4. Public hearing on the request submitted by Yara Sanchez for a Conditional Use Permit to allow for the establishment of a child day care business on property located at 2077 La Jolla Street; closing of public hearing and possible action

Chairman Velez opened the public hearing at 5:19 p.m.

Assistant Community Development Director Rodriguez provided details on the item, recommending that the Planning and Zoning Commission deny the Yara Sanchez request to establish a home day care business on property located at 2077 La Jolla Street.

The applicant, Mrs. Yara Sanchez, approached the Commission and provided details of her request, asking for approval.

Ms. Maria Adame, who identified herself as the applicant's backyard neighbor approached the Commission and expressed her concern, asking that the item be denied.

Mr. Luis Rabago, spouse of the applicant, spoke to the Commission, addressing concerns that had been raised by Ms. Adame, and asked for the Commission's approval.

There being no further comments from the public, Chairman Velez closed the public hearing at 5:47 p.m.

Commissioner Velazquez-Sanchez moved to table the item. Seconded by Vice-Chairman Gross. **MOTION PASSES:** Unanimously

AYES: Velez, Gross, Velázquez-Sanchez, and Valdez
NAYS: None
ABSTAINED: None
ABSENT: Salinas-Sanchez

5. Public hearing on the on the request submitted by Gustavo Garcia Gamez for the rezoning of Lot 101, Block 4, Range 3, also known as 515 Jefferson Street, from R-3 Duplex District to B-3 General Business District; closing of public hearing and possible action.

Chairman Velez opened the public hearing at 5:47 p.m.

Assistant Community Development Director Rodriguez provided details on the item, recommending that the Planning and Zoning Commission grant a zoning district change from R-3 Duplex District to R-3A Apartment District, for property legally described as Lot 101 in Block 4 in Range 3, also known as 515 Jefferson 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 23 governing subdivisions
- Chapter 8 governing buildings
- Chapter 12 governing the electrical code
- Chapter 13 governing the fire code
- Chapter 14 governing garbage and rubbish
- Chapter 21 governing plumbing
- Chapter 22 governing streets, sidewalks, and other public places
- Chapter 23 governing landscaping and tree preservation
- Chapter 27 governing water and sewers, including drainage & stormwater
- Appendix A governing off-street parking
- Appendix A governing signs and fences

There being no comments from the public, Chairman Velez closed the public hearing at 5:52 p.m.

Commissioner Valdez moved to grant a zoning district change from R-3 Duplex District to R-3A Apartment District, for property legally described as Lot 101 in Block 4 in Range 3, also known as 515 Jefferson Street, subject to the following conditions. Seconded by Commissioner Velazquez-Sanchez. **MOTION PASSES:** Unanimously

AYES: Velez, Gross, Velázquez-Sanchez, and Valdez
NAYS: None
ABSTAINED: None
ABSENT: Salinas-Sanchez

6. Public hearing on the request submitted by Jose De Luna for the rezoning of Lots 7, 8, 9, and 10, (South 18.75 feet of Lot 7) in Block 57 of Hillcrest Addition, also known as 234 Pecos Street, from R-1 First One-Family Dwelling District to R-3A Apartment District; closing of public hearing and possible action.

Chairman Velez opened the public hearing at 5:53 p.m.

Community Development Director Madera provided details on the item, recommending that the Planning and Zoning Commission grant a zoning district change from R-1 First One-Family Dwelling District to R-3A Apartment District, for property legally described as Lot 7, 8, 9, and 10, (South 18.75 feet of Lot 7) in Block 57 of Hillcrest Addition, also known as 234 Pecos 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))

The applicant, Mr. De Luna, approached the Commission to provide details on the item, and asks for approval.

There being no comments from the public, Chairman Velez closed the public hearing at 6:01 p.m.

Commissioner Velazquez-Sanchez moved to grant the rezone. Seconded by Commissioner Valdez. **MOTION PASSES:** Unanimously

AYES:	Velez, Gross, Velázquez-Sanchez, and Valdez
NAYS:	None
ABSTAINED:	None
ABSENT:	Salinas-Sanchez

7. Public hearing on the request submitted by Richard and Rosa M. Garza for the rezoning of Lots 19 and 20 (West 40 feet of Lot 19 and East 25 feet of Lot 20) in Block 62 of Hillcrest Addition, also known as 2047 Hillcrest Blvd, from R-1 First One-Family Dwelling District to R-3A Apartment District; closing of public hearing and possible action.

Chairman Velez opened the public hearing at 6:01 p.m.

Community Development Director Madera provided details on the item, recommending that the Planning and Zoning Commission deny a zoning district change from R-1 First One-Family Dwelling District to R-3A Apartment District, for property legally described as Lot 19 and 20 (West 40 feet of Lot 19 and East 25 feet of Lot 20) in Block 62 of Hillcrest Addition, as it is not

in conformance with both the goals and objectives of the Master Plan and the purpose of the City of Eagle Pass Code of Ordinances Appendix A.

Mr. Homero Garza, a representative of the applicants, approached the Commission to provide details on the item, and asks for approval.

There being no comments from the public, Chairman Velez closed the public hearing at 6:11 p.m.

Commissioner Velazquez-Sanchez moved to grant the rezone. Seconded by Commissioner Valdez. **MOTION PASSES**

AYES:	Gross, Velázquez-Sanchez, and Valdez
NAYS:	Velez
ABSTAINED:	None
ABSENT:	Salinas-Sanchez

NEW BUSINESS

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

Fixed Assets Coordinator, Heber Ruiz provided a PowerPoint Presentation, detailing the Capital Improvement Plan, stating the top projects are: 1. Street and sidewalks, 2. Drainage Master Plan & Improvements, 3. Remodeling Fire Station #3, 4. Fire Station with Fire Tower (Training Station), 5. Completion of Patsy Winn Blvd., 6. New Public Works Building, 7. Park improvements, 8. International Bridges Toll Booth and Lighting Improvements (I & II), 9. Bridge Realignment, 10. Truck route reconstruction, 11. Bridge I Administrative Building (Demolition and Reconstruction), 12. Riverwalk reconstruction, 13. Remodeling of City Hall, 14. New Animal Control Shelter and Offices.

Commissioner Velazquez-Sanchez moved to approve the Capital Improvement Plan. Seconded by Vice-Chairman Gross. **MOTION PASSES: Unanimously**

AYES:	Velez, Gross, Velázquez-Sanchez, and Valdez
NAYS:	None
ABSTAINED:	None
ABSENT:	Salinas-Sanchez

9. Discussion and possible change of meeting date.

After a small discussion, it was agreed that the meeting date would remain as-is. No action was taken.

ADJOURNMENT

Commissioner Velazquez-Sanchez moved to adjourn the meeting at 6:47 p.m. Seconded by Vice-Chairman Gross. **MOTION PASSES**

Passed and approved on _____, 2024.

Luis Velez
Chairperson

Attest:

Ita A. Cortinas
Assistant City Secretary

Item #2



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

1338 Quarry Street Rezone Request

I. BACKGROUND

General Information

Applicant & Property Owner: Jose Hernandez

PID: 9860 and 9861

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

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

Subject Property Information

Total Gross Parcel Size: 15,000 square feet

Master Plan: Residential

Current Use: vacant and undeveloped

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

Vicinity Data

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

Infrastructure

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

Access to the site is provided by Quarry Street.

II. PUBLIC NOTICE

Public Notification of the Planning and Zoning Commission public hearing to consider the rezone request was completed consistent with the provisions of *Chapter 211 of the State of Texas Local Government Code Title 7*. 26 notices were mailed to the abutting property owners within the 200 foot radius from the subject property.

Aerial Map



Street View



III. RECOMMENDED FINDINGS OF FACT

A. Conclusions

1. Section 9.1(b)(4) of *Eagle Pass City Charter Article IX* authorizes the Planning and Zoning Commission to recommend or disapprove proposed changes to the *City of Eagle Pass Zoning Plan*. A request for a change in a zoning district designation for a property constitutes a change to the *Zoning Plan* and the *Zoning Plan Map*.
2. The applicant's request contains sufficient information for consideration by the Eagle Pass Planning and Zoning Commission. Information contained in this report and the Commission's associated public meeting will be used by the City Council in their consideration of the rezone request. Please refer to Attachment 1.
3. The *Master Plan* is the primary document used in the analysis as to the appropriateness of a rezone request. The *Master Plan Map* provides direction as to the areas of the City in which residential, commercial, and industrial development is to be situated.
4. The rezone, if granted, will result in construction activities that will include the enforcement of the appropriate land development regulations resulting in appropriate lot sizes, setback requirements, paved streets with curb gutters, sidewalks, and adequate utility services.

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

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

B. Community Development Department Recommendation

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

TRANSMITTED to the parties listed hereafter:

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

Attachment 1
Application



PLANNING DEPARTMENT

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

ZONING CHANGE APPLICATION

Case No: _____

Applicant Information	Name: <u>Jose Hernandez</u> Mailing Address: <u>60 Kypwos Rd. Eagle Pass, Tx. 78852</u> Phone: <u>(830) 352 4009</u> E-mail: <u>jvhernandez05@hotmail.com</u> <u>Note:</u> if you are not the owner of the property, you must attach a letter from the owner authorizing you to submit this application.
Property Owner Information	Name: <u>Jose Hernandez</u> Mailing Address: <u>60 Kypwos Rd. Eagle Pass, Tx. 78852</u> Phone: <u>(830) 352 4009</u> E-mail: <u>jvhernandez05@hotmail.com</u>
Property Information	Site Address: <u>1338 Quarry St.</u> MCAD Property ID # <u>9860 & 9861</u> Legal Description: Lot(s) <u>283</u> Block <u>14</u> Subdivision <u>Hillcrest Addition</u> (Property must be legally subdivided or be lot of record) Front Yard Width (feet) <u>50</u> Rear Yard Width (feet) <u>50</u> Side Yard Width (feet) <u>150</u> each lot each lot each lot
Proposed Project	Amend Zoning Regulations contained in section <u>5</u> Amend the Official Zoning Map & Master Plan by changing <u>0.3444</u> acres of land currently zoned <u>R1-First One-Family</u> to be zoned <u>R3A-Apartment District</u> Conforms with the Zoning Map? ☐ Yes ☒ No Conforms with Master Plan Designation? ☐ Yes ☒ No ☒ Vacant Land ☐ Vacant Building ☐ Single Family Dwelling ☐ Commercial ☒ Multi-Family Dwellings ☐ Industrial ☐ Other _____

Detailed Explanation of Proposed Use	
Proposed Use of Property/Reason for Change:	<u>Construction of Duplex</u>
set of 6 - 2 story apartment units - refer to enclosed plans	
Describe the character and/or nature of uses surrounding the property:	
<u>Old Houses and Apartments</u>	
Will the rezoned designation be compatible with the classification and use of adjoining lands? ☒ Yes ☐ No	
If No, how do you propose to reduce any adverse impact?	

Applicant Authorization	I authorize the City of Eagle Pass to conduct any site visits necessary to evaluate this zoning change application. I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the zoning change request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of the zoning change approval. I agree to provide any additional information requested by the City as they deem necessary for the processing of this application.	
	<u><i>JO Hernandez</i></u> Applicant Signature	<u>12-18-23</u> Date

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

Subject Property Current photos



June of 2023



July of 2016

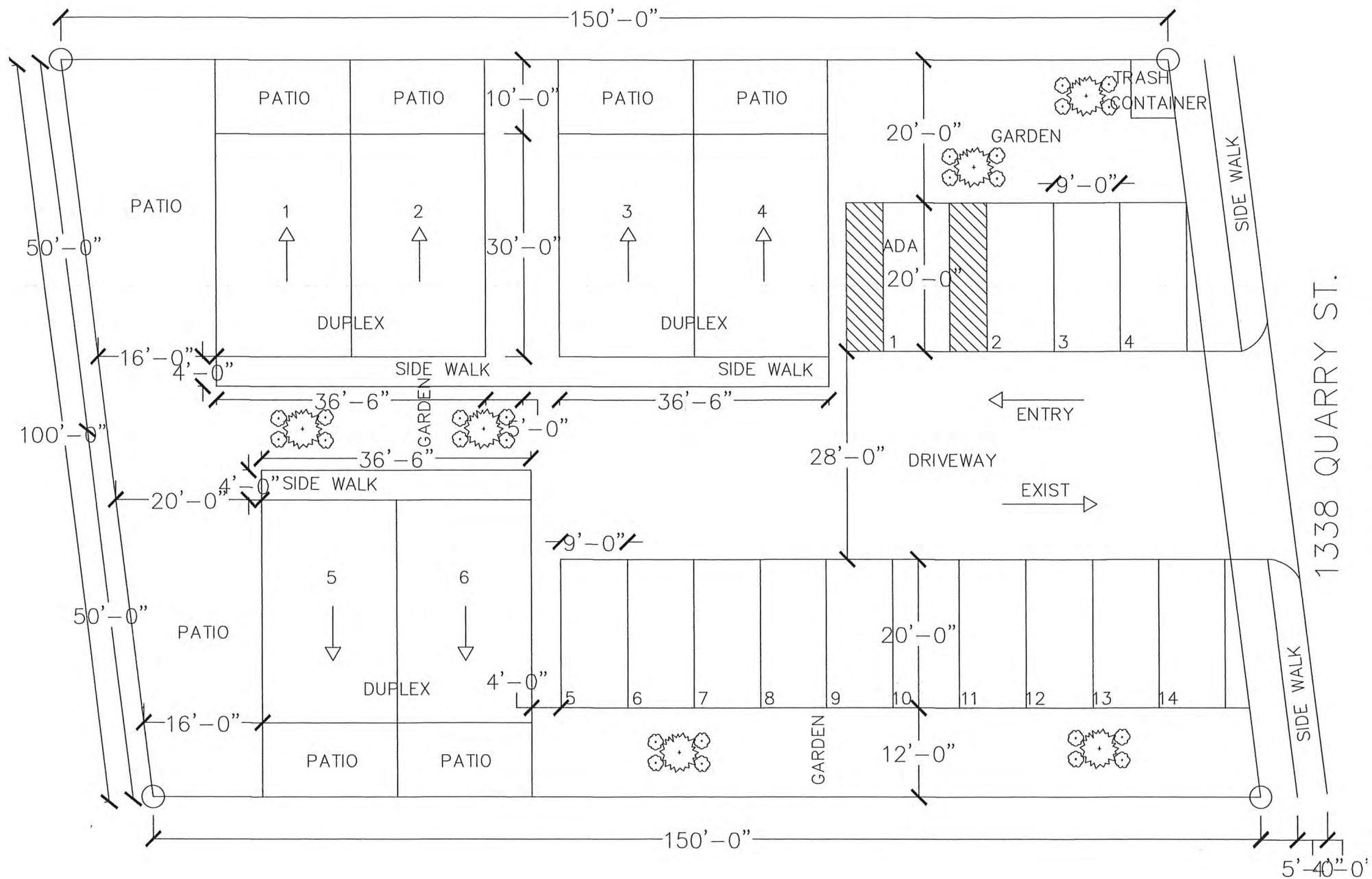


No apartments found in the vicinity of subject property.



Legacy Map





SITE PLANE

SCALE 1/8" = 1' - 0"

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

1. All construction shall conform to all local building codes.
2. All dimensions shown on floor plan are from face to face and /or stone veneer unless otherwise noted.
3. Contractor shall notify designer upon discovery of any errors or discrepancy of dimensions, clearances, or other items as shown or noted in these drawings.
4. Coordinate all window sizes and locations as noted on floor plan with selected elevation options.
5. H/VAC system shall be designed by mechanical sub-contractor and approved by designer or general contractor. System shall have a s.e.e.f. rating of 14 or as required by local building codes. Units shall be designed with two zones as directed by contractor. Provide #12 suction lines from units to exterior condenser units as indicated on site plan. Provide 4" thick concrete pads with rebar and reinforcing. Locate or handling units in attic space near return air chases as indicated on the floor plan.
6. House to be located within building setback lines.
7. Exact location of house to be determined at plan by builder & home owner.
8. All site work & landscaping to be designed by landscape architect & to be approved by the home owner.
9. Verify with professional engineer drainage plan. Unique Design is not responsible for any drainage issues.

COPYRIGHT NOTICE.
THE INFORMATION CONTAINED IN THIS PRINT IS COPYRIGHT OF UNIQUE DESIGN.
ALL RIGHTS RESERVED.
ALL INFORMATION CONTAINED WITHIN THIS DOCUMENT ARE PROTECTED BY UNITED STATES COPYRIGHT LAW AND MAY NOT BE REPRODUCED OR DISTRIBUTED WITHOUT THE PRIOR EXPRESS PERMISSION BY UNIQUE DESIGN. YOU MAY NOT ALTER OR REMOVE ANY COPYRIGHT OR NOTICE FROM COPIES OF THIS CONTENT.

File: SITE PLAN

Project: APARTMENTS DESIGN
LOT 12 & 13
HILLORES ADDITION
1338 QUARRY STREET
MAVERICK COUNTY, TEXAS

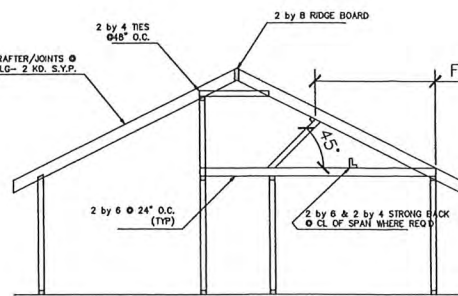
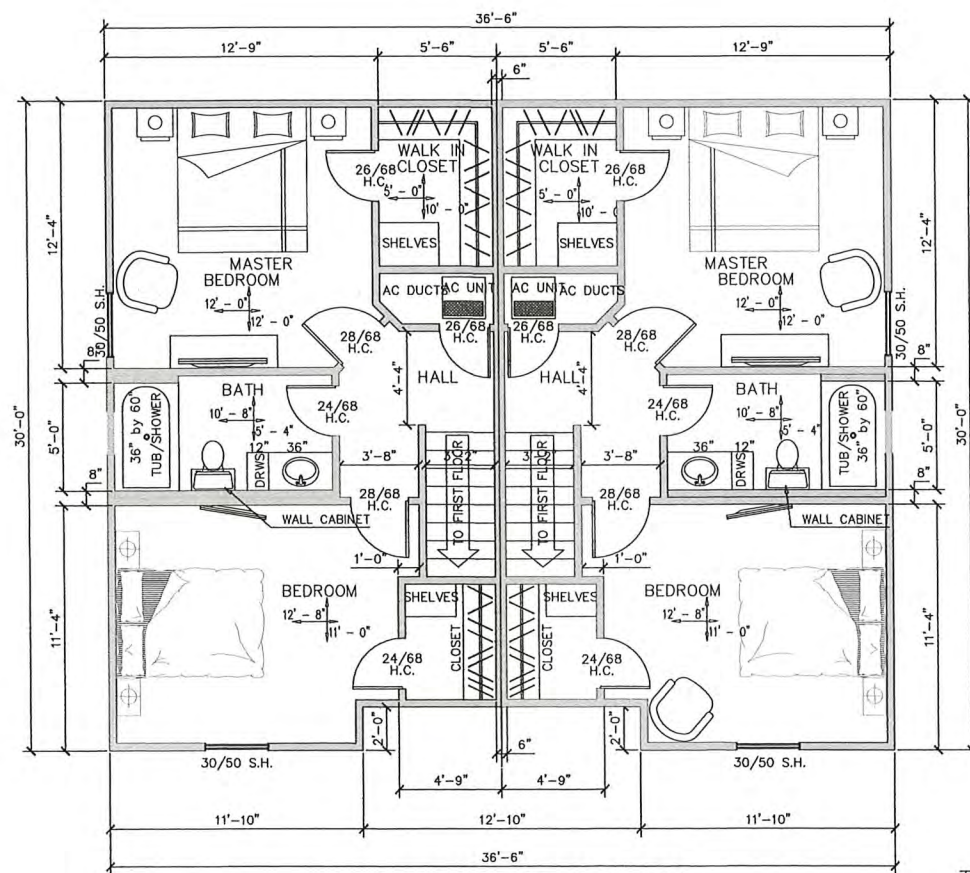
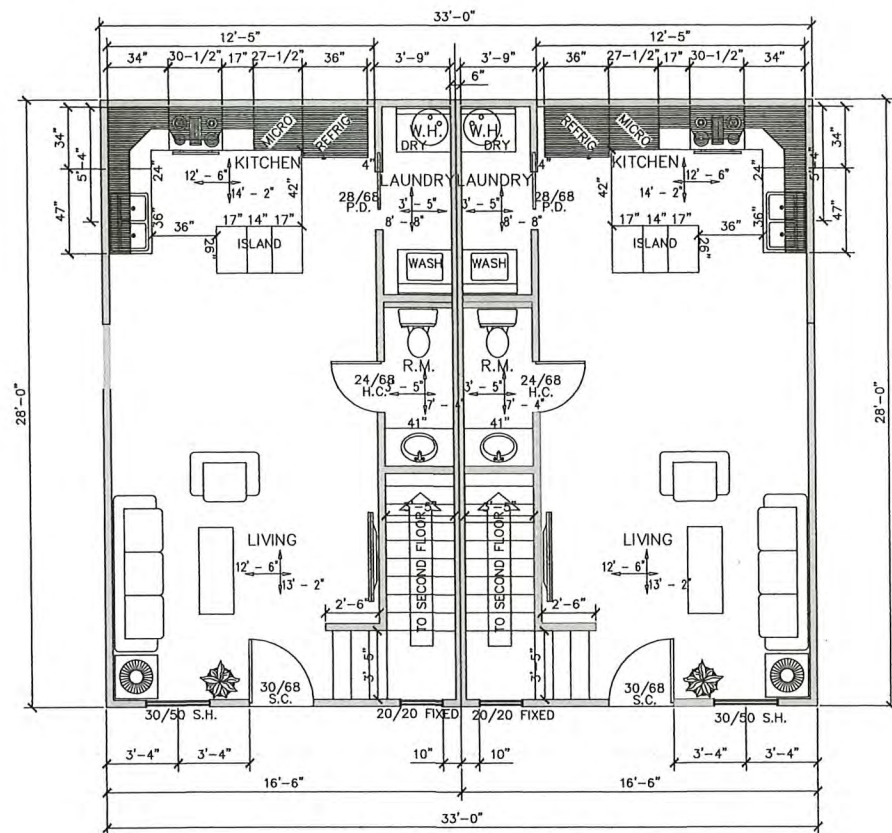
Property: JOSE HERNANDEZ

Designer: O. Fernandez

Scale: Indicate
Units: Ft - In

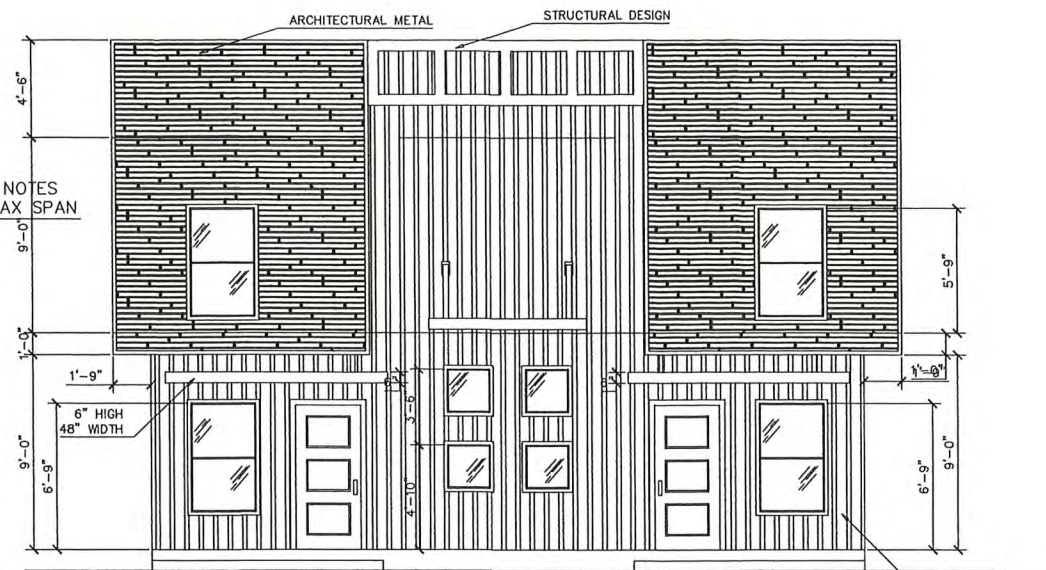
Date: OCT-04-2023

Sheet: A-02



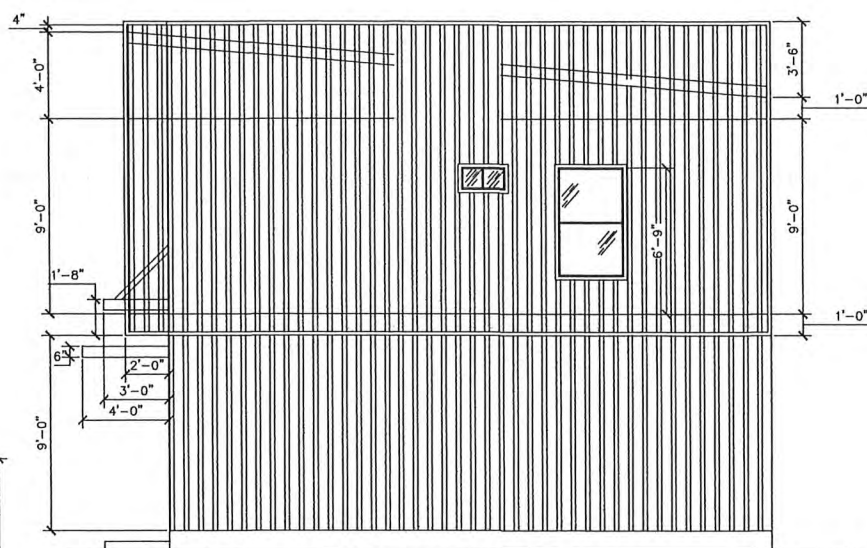
CONVENTIONAL FRAMING SECTION

SCALE NONE



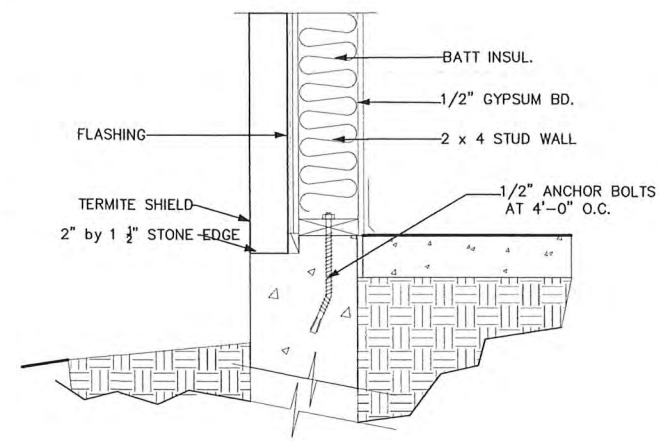
FRONT ELEVATION

SCALE 1/4" = 1' - 0"



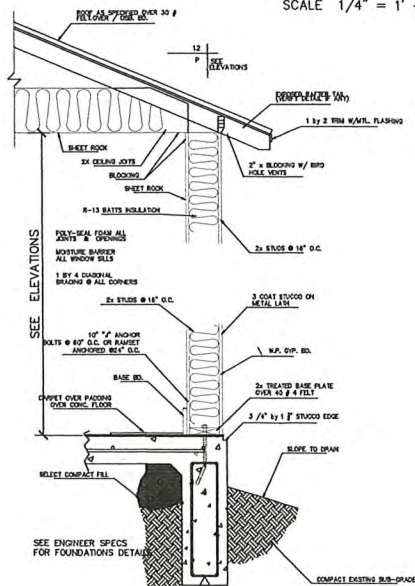
RIGHT ELEVATION

SCALE 1/4" = 1' - 0"



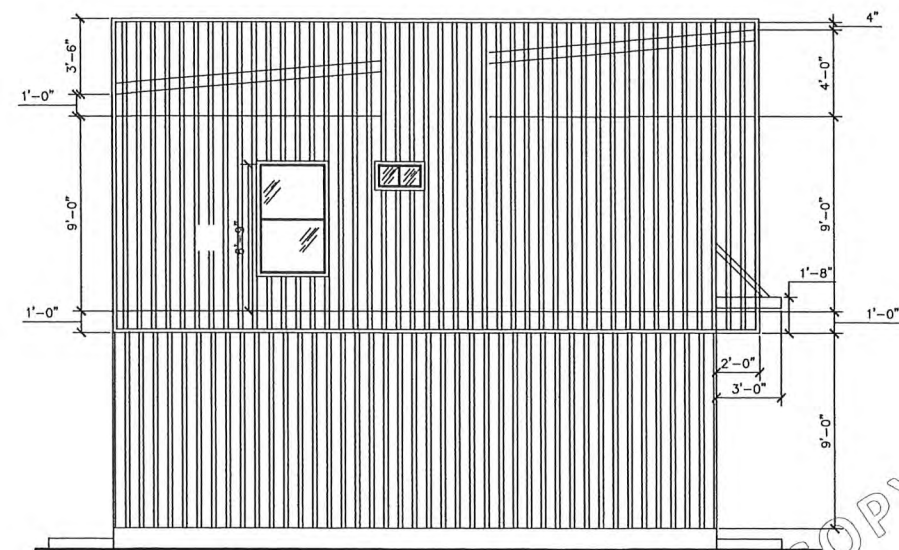
CURB SLAB W/ FOOTING

SCALE NONE



TYP. STUCCO WALL SECTION W/ EXP. RAFTERS

SCALE NONE



LEFT ELEVATION

SCALE 1/4" = 1' - 0"

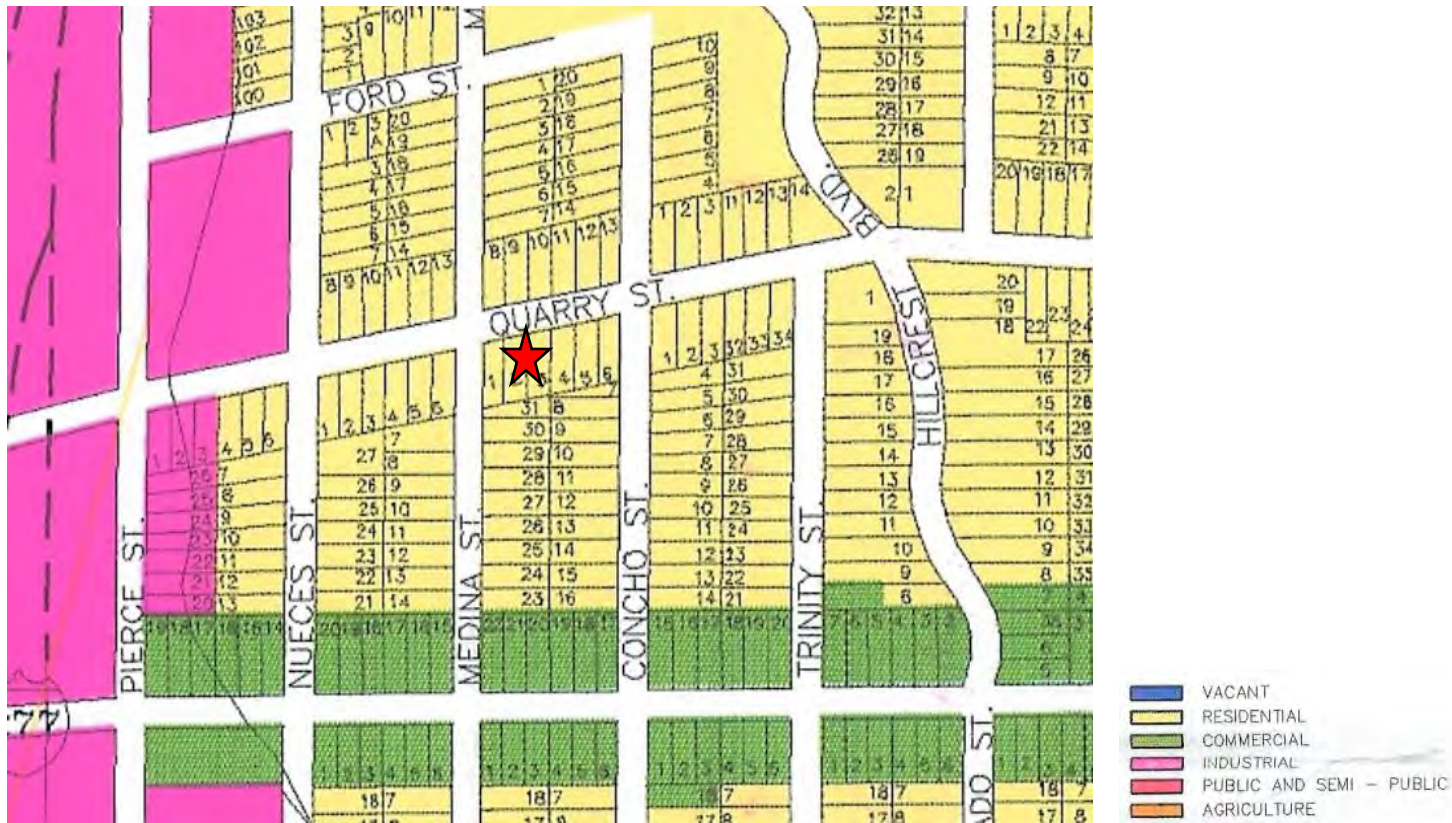
CONSTRUCTION AREAS	
FIRST FLOOR	462.00
SECOND FLOOR	534.62
TOTAL AREA	996.62 SQ. FT.

1. All construction shall conform to all local building codes.
2. All dimensions shown on floor plan are from face to face and/or stone veneer unless otherwise noted.
3. Contractor shall notify designer upon discovery of any errors or discrepancy of dimensions, clearances, or other items as shown or noted in these drawings.
4. Coordinate all window sizes and locations as noted on floor plan with selected elevation options.
5. HVAC system shall be designed by mechanical sub-contractor and approved by designer or general contractor. System shall have a s.e.e.r. rating of 14 or as required by local building codes. Units shall be designed with two zones as directed by contractor, provide all suction lines from units to exterior condenser coils as indicated on site plan, provide 4" thick concrete pads with #4x10 and reinforcing #4x10 or bonding units in attic space near return or chase as indicated on the floor plan.
6. House to be located within building setback lines.
7. Exact location of house to be determined at point by builder & home owner.
8. All site work & landscaping to be designed by landscape architect & to be approved by the home owner.
9. Verify with professional engineer drainage plan. Unique Design is not responsible for any drainage issues.

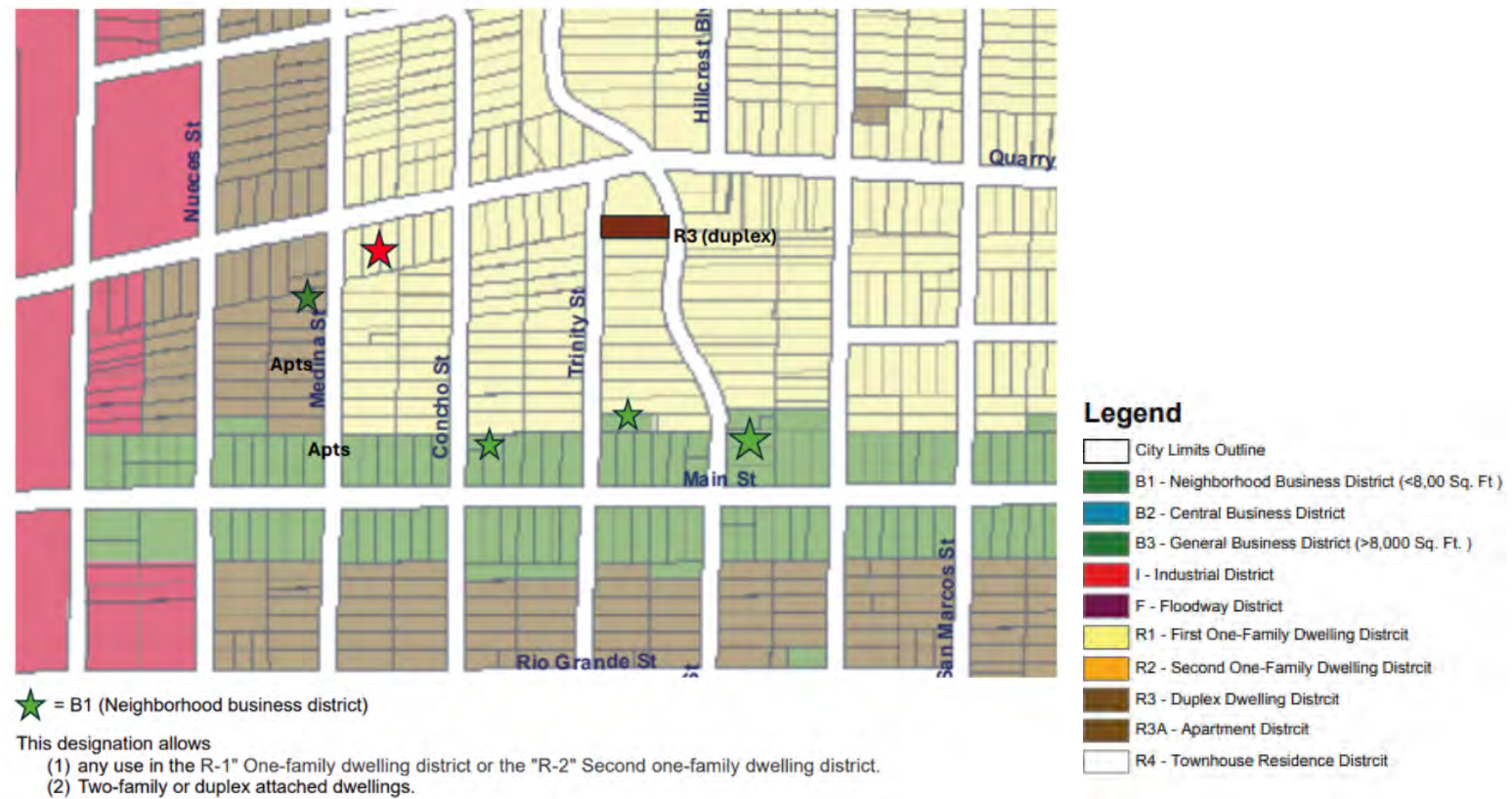
COPYRIGHT NOTICE.
THE INFORMATION CONTAINED IN THIS PRINT IS COPYRIGHT © OF UNIQUE DESIGN. ALL RIGHTS RESERVED.
ALL INFORMATION CONTAINED WITHIN THIS DOCUMENT IS PROTECTED BY UNITED STATES COPYRIGHT LAW AND MAY NOT BE REPRODUCED OR DISTRIBUTED WITHOUT THE PRIOR, EXPRESS PERMISSION BY UNIQUE DESIGN. YOU MAY NOT ALTER OR REMOVE ANY COPYRIGHT OR NOTICE FROM COPIES OF THIS CONTENT.

Attachment 2
Master Plan Map & Zoning District Map

Master Plan



Zoning Map



Item #3



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

Yara Sanchez Conditional Use Permit Request

I. BACKGROUND

A. General Information

Applicant: Yara Sanchez | Eagle Pass, Texas 78852

Location: 2077 La Jolla Street

Property ID Number: 8706884

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

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

B. Subject Property Information

Parcel Size: 5,848-square-feet

Existing Use: Single-family residence

Zoning: R-2 Second One-Family Dwelling District

Master Plan: Residential

C. Vicinity Data

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

La Jolla Street provides access to the site.

D. Infrastructure

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

II. PUBLIC NOTICE

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

III. RECOMMENDED FINDINGS OF FACT

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

- **Section 9.1 Planning and zoning commission**

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

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

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

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

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

- **Section 9.3 Master Plan.**

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

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

Land Use Development

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

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

Land Use Development Goals

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

Land Use Objectives

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

Short-Term Land Use Objectives

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

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

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

- **Section 1: Title.**

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

- **Section 2: Purpose.**

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

- **Section 3 Definitions.**

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

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

- **Section 4 Districts.**

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

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

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

...Except as hereinafter provided:

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

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

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

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

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

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

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

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

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

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

- C. Area regulations:

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

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

- **Section 12.1: Parking Requirements.**

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

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

- **Section 13: Home Occupations.**

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

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

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

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

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

C. Conclusions

1. The application contains sufficient information upon which the Planning and Zoning Commission may render a decision. Please refer to Attachment 1 for a copy of the *Conditional Use Permit* (CUP) application.
2. The request involves the establishment of a home day care business in an existing single-family residence.
3. *Section 21(d) of City of Eagle Pass Code of Ordinances Appendix A* states, in part, that the Planning and Zoning Commission may approve, conditionally approve or deny an application for a *Conditional Use Permit*, and in authorizing a conditional use, may impose such requirements and conditions with respect to location, construction, time period, maintenance and operation as deemed necessary for

the protection of adjacent properties and the public interest when reasonably related to the use of the property.

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

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

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

The Planning Department utilizes the *City of Eagle Pass Master Plan* and the associated *Master Plan* as guidance in providing a recommendation to the Planning and Zoning Commission on their consideration of land use issues, including those involving a *Conditional Use Permit* application.

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

This application is also consistent with the *Plan's Land Use Objectives*, as the approval of the Conditional Use Permit provides a mechanism that will allow for the development of the local capacity to monitor, evaluate, and promote the sound development of the community.

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

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

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

Section 2 emphasizes the importance of the character of a specific zoning district and its peculiar suitability for particular uses, conserving the value of buildings, and encouraging the most appropriate use of land throughout the City. The use of the single-family residence as a home child day care will facilitate the retention of the character of the neighborhood.

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

Please refer to Attachment 2 for a copy of the *City of Eagle Pass Zoning District Map*.

6. The *Conditional Use Permit* application is consistent with the approval criteria set forth in Section 21 of the *City of Eagle Pass Code of Ordinances Appendix* for the reasons set forth above in Conclusion 1 through and including Conclusion 5 and should be granted by the Commission.

D. Planning Department Recommendation

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

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

TRANSMITTED to the parties listed hereafter:

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

Attachment 1
Application



PLANNING DEPARTMENT

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

CONDITIONAL USE PERMIT APPLICATION

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

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

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

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

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

In home childcare

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

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

Aplicant Authorization

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

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

Applicant Signature

Date

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

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

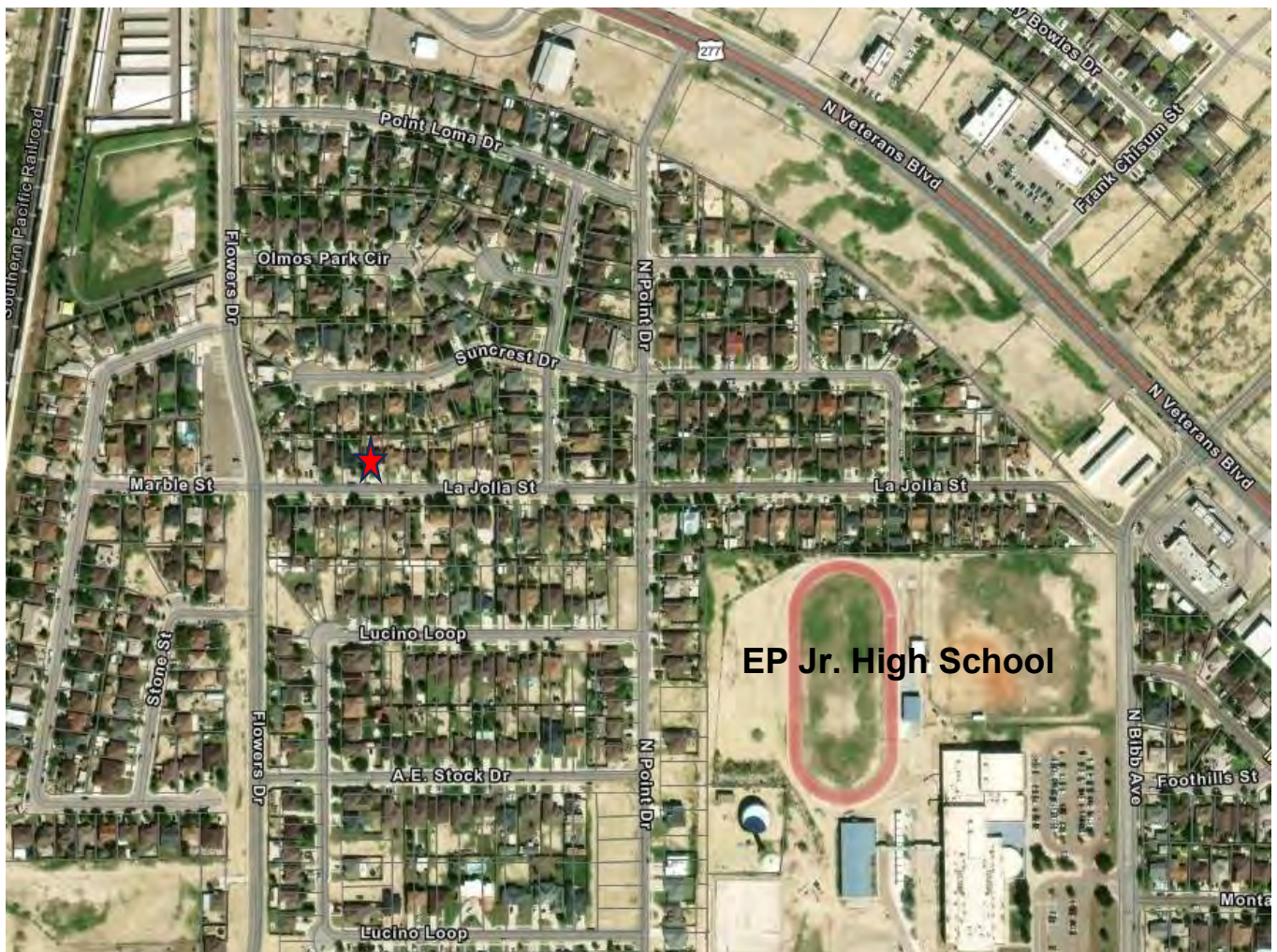
Completeness Review Date: 6/5/2024 By: MR

Application Returned to Applicant: NA (when applicable)

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

MR:6/2020

Street View of subject property



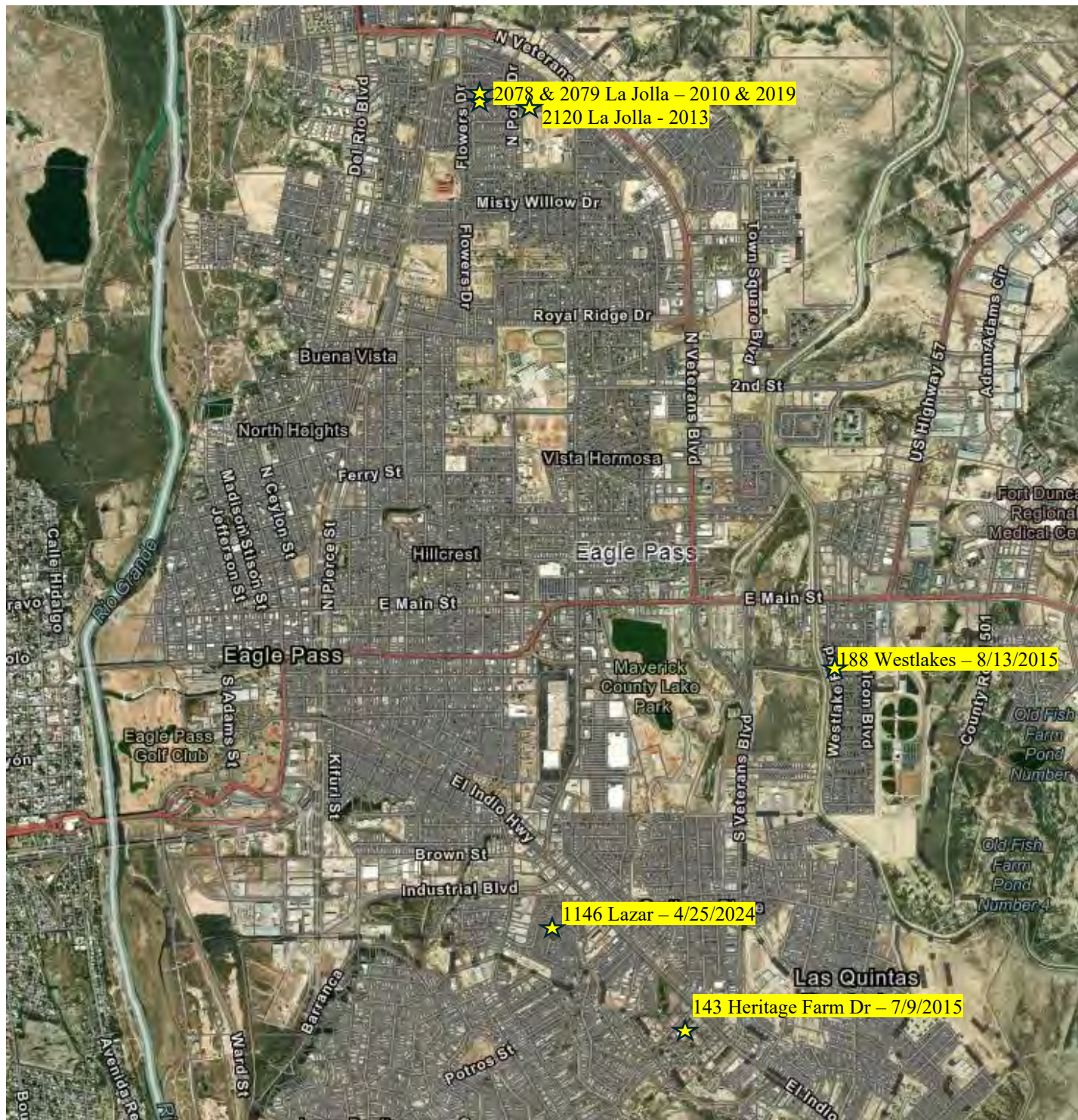


★ 2120 La Jolla - Approved 11/14/2013

★ 2077 La Jolla – Subject Lot

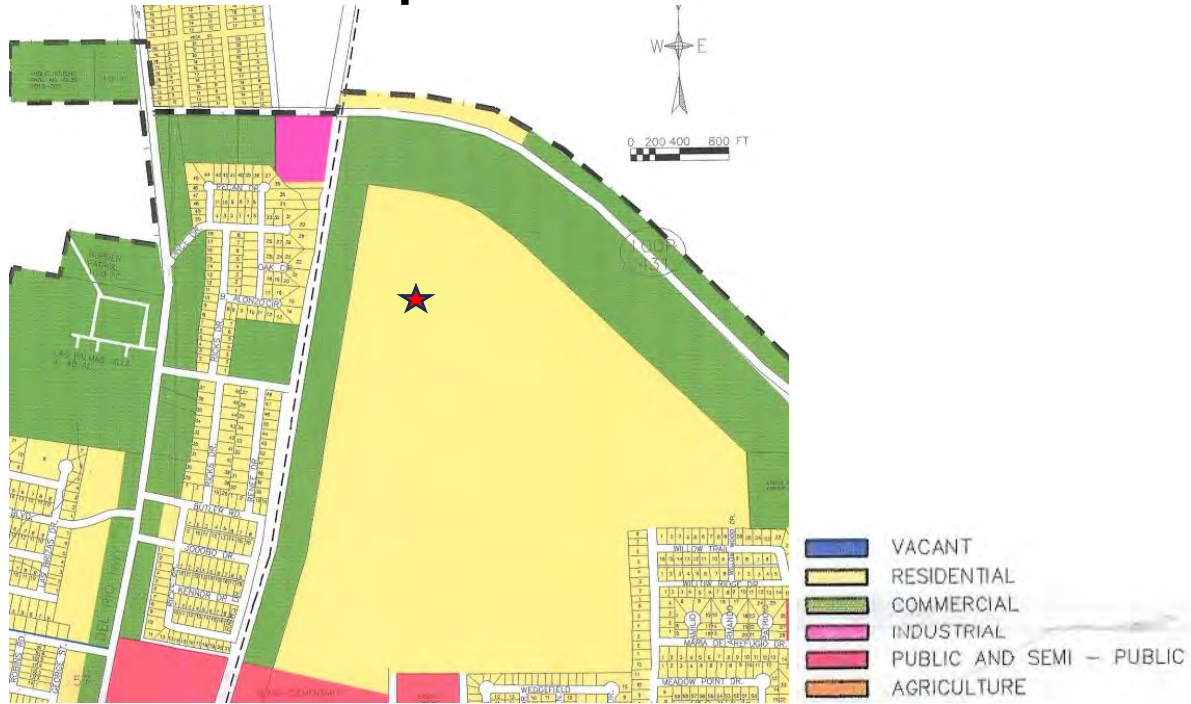
★ 2079 La Jolla – Approved 12/9/2010 No longer in operation

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



Attachment 2
Master Plan & Zoning Maps

Master Plan Map



Zoning Map



Item #4



Planning Department Executive Summary REPORT TO THE PLANNING & ZONING COMMISSION

Savoy Investment Properties, LLC Conditional Use Permit Request

I. BACKGROUND

General Information

Applicant: Savoy Investment Properties, LLC

Property Owner: Santos Limited Partnership

Location: 198 Commercial Street

Property ID Number: 16486

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

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

Subject Property Information

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

Proposed Use: Retain existing establishment of a plasma donation center business

Zoning District: B-2 Central Business District

Master Plan: Commercial

Vicinity Data

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

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

Aerial Map



Street View Photos



II. PUBLIC NOTICE

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

III. RECOMMENDED FINDINGS OF FACT

A. Conclusions

1. The application contains sufficient information upon which the Planning and Zoning Commission may render a decision. Please refer to Attachment 1 for a copy of the Conditional Use Permit (CUP) application.
2. The request involves an already developed plasma center business. The existing structure is well over the 5,000 square feet allowed in B-2 Central Business District, therefore the issuance of a *Conditional Use Permit (CUP)* for the project is required for permitting and filing of a business permit and certificate of occupancy.

Allowing the establishment, exceeding 5,000 square feet in size shall be permitted only with a conditional use permit, as required by *Section 21*, Conditional Use Permits under *Eagle Pass Code of Ordinances Appendix-A Zoning Ordinances*.

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

In circumstances where the proposal is to establish a business, the primary focus should be the on the project's compliance with current development codes and its compatibility and its compatibility with surrounding uses, especially those commercial uses located in the area.

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

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

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

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

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

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

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

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

B. Community Development Department Recommendation

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

TRANSMITTED to the parties listed hereafter:

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

Attachment 1
Application



PLANNING DEPARTMENT

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

CONDITIONAL USE PERMIT APPLICATION

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

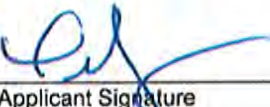
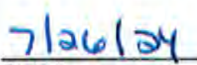
Property Owner Information	Name: <u>SANTOS LIMITED PARTNERSHIP</u>
	Mailing Address: <u>222 IDAHO ST, LAREDO, TX 78041-3213</u>
	Phone: <u>956-725-5449</u> E-mail: <u>salsantos222@hotmail.com</u>

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

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

Detailed Explanation of Proposed Conditional Use
What development measures regarding location, construction, time period, maintenance, and operation will you use to protect adjacent properties from impacts from your project?
ALL PHASES OF CONSTRUCTION/RENOVATION AND OPERATION OF THE PLASMA DONATION CENTER WILL COMPLY WITH ALL
APPLICABLE LAWS AND REGULATIONS AND IN CONSIDERATION OF EXISTING PROPERTIES AND PROPERTY OWNERS

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

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

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

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

July 26, 2024

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

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

To Whom It May Concern:

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

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

Respectfully,



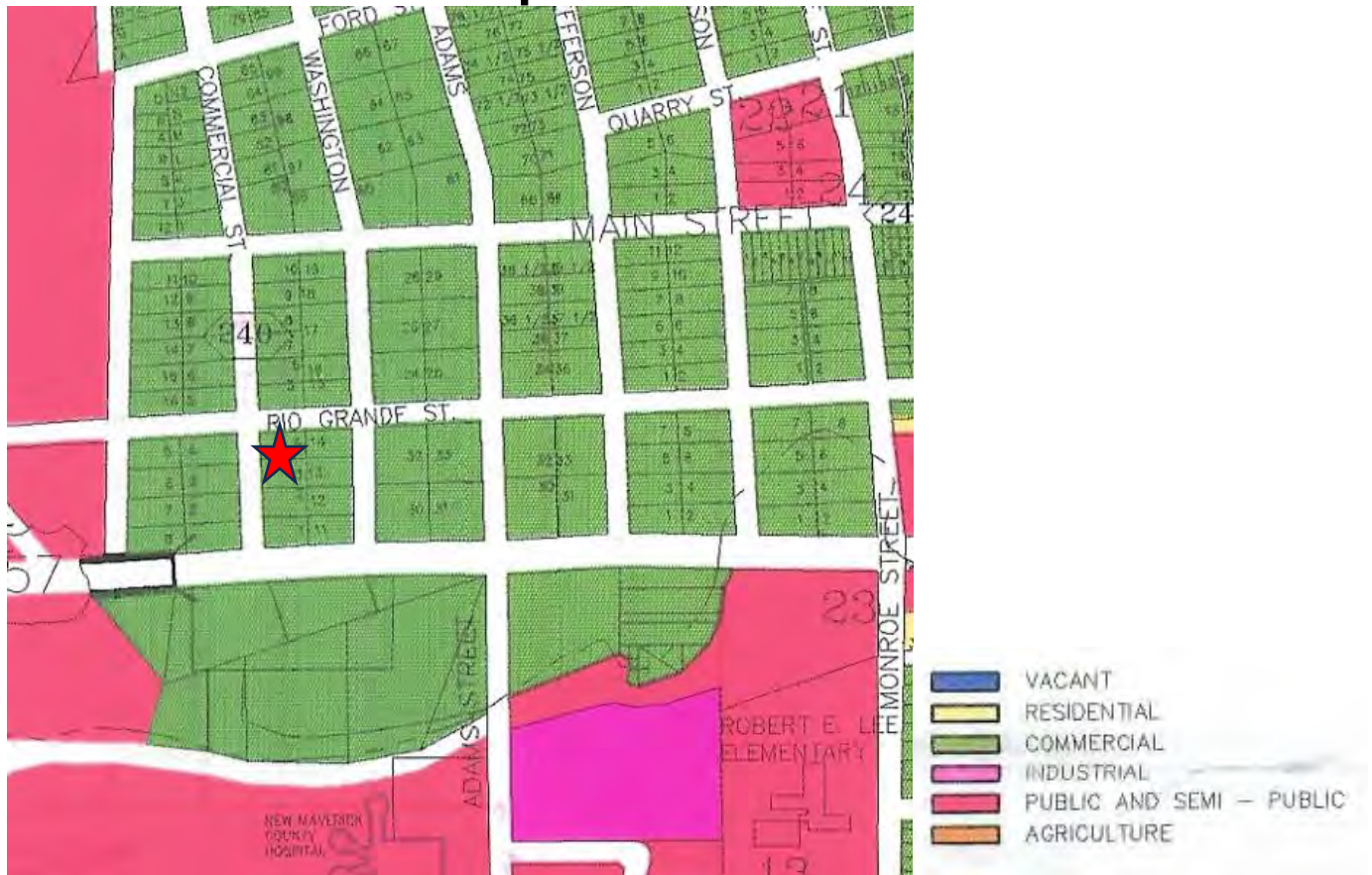
Salvador G. Santos
General & Limited Partner

Site Photos



Attachment 2
Master Plan & Zoning Map

Master Plan Map



Zoning District Map



Item #5



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

Final Plat of Benito Garcia Subdivision

I. BACKGROUND

A. General Information

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

Owner: Benito & Rosario Berenice Garcia & Tomas Perales I Eagle Pass, Texas 78852

Location: 3401 Del Rio Blvd & 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

Request: The grant of final approval for the platting of a 6-acre tract located in the ETJ into a 2-acre tract and a 4-acre tract, including (1) a subdivision variance to proceed directly to final replat without first having obtained preliminary plat approval as required by *City of Eagle Pass Code of Ordinances Section 23-36(a)*, and (2) a subdivision variance request from Section 23-66 governing sanitary sewer.

B. Subject Property Information

Parcel Size: 6-acres **Topography:** Generally flat

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

Zoning: Not applicable **Master Plan:** Not applicable

C. Vicinity Data

The site is located within an area that features commercial developments.

D. Infrastructure

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

Access to the site is provided by TxDOT US Highway 277.

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. Final plat approval is contingent upon the Commission's approval of subdivision variance requests.
3. The applicant must also demonstrate that the proposal complies with the subdivision variance criteria set forth on *Section 23-11(a)* and *Section 23-11(c)*. Please refer to Attachment 2 for a copy of the subdivision variance requests.

First Variance Decision Criteria

Section 23-11(a)(1). The variance regarding the final plat approval is consistent with this section of the city code, as the strict application of the requirement to receive preliminary plat approval for a 2-lot subdivision that currently contains all required supporting public infrastructure would deprive the applicant of the reasonable subdivision of their land. A review of the preliminary plat by both the Planning and Zoning Commission and City Council constitutes a procedural exercise that is not warranted.

Second Variance Decision Criteria

Section 23-11(a)(2). The variance regarding final plat approval is also consistent with this section of the city code, as the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. The subdivision design is consistent with the *Commercial District*. The commercial use of the property will allow the enjoyment of a property right permitted by the City code.

Third Variance Decision Criteria

Section 23-11(a)(3). The variance regarding final plat approval is also consistent with this section of the city code, as there is no anecdotal evidence which indicates that the granting of the variance would be detrimental to the public health, safety, or welfare, or injurious to other property in the area.

Fourth Variance Decision Criteria

Section 23-11(a)(4). The portion of the variance regarding final plat approval is also consistent with this section of the city code, as there is no documentation which indicates that granting the variance would have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of *Chapter 23*.

Fifth Variance Decision Criteria

Lastly, the variance regarding final plat approval is also consistent with *Section 23-11(c)*, as the granting of the variance will allow for the creation of a subdivision that was in harmony with the general purpose and intent of *City of Eagle Pass Code of Ordinances Chapter 23*. The subdivision contains design features which will secure public health, safety and welfare and provide for the fair and equitable processing of the final plat.

The variance is consistent with the subdivision variance criteria set forth in *Section 23-11(a)* and *Section 23-11(c)* and, therefore, should be granted.

Eagle Pass Water Works modified its recommendation and approved the variance as follows:

Previously the variance request was denied because property is less than the distance of 200' to a sanitary sewer line. At this time, EPWWS has further reviewed the variance and will approve the installation of the septic system with the understanding that property be connected to sanitary sewer when office expands, and restrooms are needed.

4. The subdivision site is not located within the boundary depicted on the *City of Eagle Pass Master Plan Map*. The *City of Eagle Pass Master Plan* does, however, provide direction regarding plat of property both within the City and within the City's 5-mile wide *Extraterritorial Jurisdiction* (ETJ).
5. The *Master Plan* emphasizes the importance of maintaining the character of the residential and commercial neighborhoods located within the City's 5-mile wide *Extraterritorial Jurisdiction* (ETJ).
 - ✓ The subdivision is consistent with the *Housing Goals* of the *Master Plan*, as the subdivision process will ensure appropriate land development regulation with appropriate lot sizes, paved streets with curb and gutters, and adequate utility services.
 - ✓ The subdivision is consistent with the *Land Use Development Goals* of the *Master Plan*, as the project is designed to provide for a building lot density that is consistent with the purpose of the *B-3 General Business District*. This design will allow for the continuing development of the community while retaining the neighborhood character and scale while providing utility services in the most efficient and equitable manner.
 - ✓ The subdivision is consistent with the *Street Goal* of the *Master Plan*, as access to the site from US Highway 277 has been designed to provide the residents of and visitors to Eagle Pass and Maverick County with a street system that will enable them to travel safely and conveniently.
 - ✓ The subdivision is consistent with the *Thoroughfare Goals* of the *Master Plan*, as US Highway 277 has been designed to be part of a safe and efficient thoroughfare system.
 - ✓ The subdivision is consistent with the *Storm Drainage Goals* of the *Master Plan*, as a detention pond will be required on Lot 2 at the time the property is developed.
6. The subdivision design is consistent with City design and specifications, as the project is designed and conditioned to conform to the following sections of *Article IV* in *Eagle Pass Code of Ordinances Chapter 23*:
 - ✓ *Section 23-62* governing utility easements
 - ✓ *Section 23-64* governing sidewalks
 - ✓ *Section 23-66* governing sanitary sewage disposal, a variance request to allow septic installation

- ✓ *Section 23-67* governing potable water supply and fire flow
- ✓ *Section 23-68* governing storm drainage
- ✓ *Section 23-69* governing the size of building lots, including lot width, lot depth, lot orientation, and building setback areas.
- ✓ *Section 23-71* governing the installation and inspection of utility lines

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

7. The subdivision will be consistent with the City design and specifications for landscape and tree preservation set forth in *Article VI* in *Eagle Pass Code of Ordinances Chapter 23*.
8. The subdivision will conform with the parkland dedication requirements set forth in *Article V* in *Eagle Pass Code of Ordinances Chapter 23*, as the original plat was created prior to the enactment of the City's parkland dedication requirements in 2005. As a result, the applicant will provide cash in lieu of parkland dedication to the Maverick Planning Department, fee may be collected when securing building permits.
9. The subdivision's conformance with the provisions of the *Master Plan* and the *Eagle Pass Code of Ordinances* will facilitate the following benefits:
 - Protect private rights while considering public health, safety, and welfare.
 - Provide efficient and economical ways to move people and goods outside the City by an adequate plan for streets and highways.
 - Guide future development in an orderly manner, by stages according to a pattern, so that the County may have a balanced land use.
 - Encourage a diversified economic base and encourage public and private investments in land and improvements.
 - Prevent and eliminate blight and slums, making the County attractive to people, commerce, and industry.
 - Create the desire for a more pleasing appearance of the County and incorporate into its physical development the basic principles of good design.
 - Protect and preserve the identity of each neighborhood through use of the guidance provided by the *Master Plan* and the *Code of Ordinances*.
 - Locate all land uses on land best suited for their needs, arranged in such a way as to be mutually beneficial and functional, with ample area to meet long-term needs.
 - Establish a proper relationship between open space, developed areas, building bulk, light and air space, in all future development programs of land use.
 - Encourage and abet the development of civic, cultural, and other public and quasi-public buildings in harmonious and functional groupings.
10. The subdivision will allow for a use of the property that is consistent with the commercial purpose of the *B-3 General Business District* and the surrounding neighborhood for the following reasons:
 - A. The subdivision design bears a substantial relationship to the public's health, safety, and welfare.
 - B. The subdivision is in accordance with the policies of the *Master Plan* and the commercial purpose of the *B-3 District*.

- C. The subdivision is warranted because of the necessity to create additional building lots in the *B-3 District*, and because the proposed development is appropriate to accomplish the reasonable use of the property.
 - D. The subject property is suitable for development in general conformance with development standards of the *B-3 District*.
 - E. The subdivision will benefit the County as a whole and will not be detrimental to nearby land uses of a similar nature.
 - F. The subdivision has been designed and conditioned to comply with all applicable subdivision criteria and standards of the City of Eagle Pass.
11. The approval of this final plat request is warranted, as the project conforms to the *City of Eagle Pass Master Plan* and the *City of Eagle Pass Code of Ordinances* as noted in Conclusion 1 through and including Conclusion 10 of this report.

B. Community Development Department Recommendation

That the Eagle Pass Planning and Zoning Commission (1) **GRANT** the subdivision variance request to proceed directly to final plat approval without first having obtained preliminary plat approval as required by *City of Eagle Pass Code of Ordinances Section 23-36(a)*, (2) **GRANT** the subdivision variance from Section 23-66 governing sanitary sewer and allow installation of the septic system with the understanding that property be connected to sanitary sewer when office expands, and restrooms are needed. (3) **GRANT** final plat approval of the *Benito Garcia Subdivision*, subject to the plat complying with the provisions of *Article III* in *City of Eagle Pass Code of Ordinances Chapter 23* governing procedures and specifications for Final Plats

TRANSMITTED to the parties listed hereafter:

TEC Services via-email
Maverick County Planning Department via e-mail
Eagle Pass Planning and Zoning Commission via e-mail
Planning & Zoning Commission Report dated August 8, 2024

Attachment 1
Application

Aerial View





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 DULLING 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
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)(

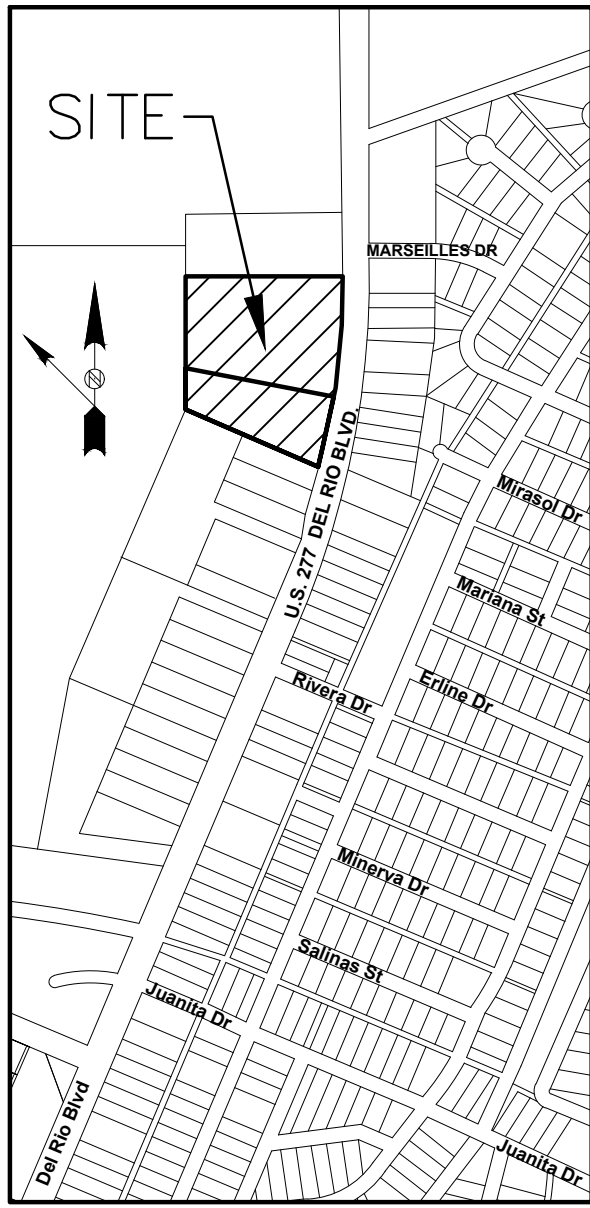
I, FLORENTINO CABALLERO, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE
OF TEXAS (NO. 66952), HEREBY CERTIFY THAT THE WATER AND WASTEWATER
FACILITIES FOR THIS SUBDIVISION WERE DESIGNED IN ACCORDANCE WITH THE
REQUIREMENTS OF THE CITY OF EAGLE PASS, TEXAS, THAT THESE SERVICES ARE
CONNECTED TO THE PUBLIC 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: _____



PLAT SUBDIVISION LOT INFORMATION		
LOT	AREA	911 ADDRESS
1	2.009 ACRES	3401 DEL RIO BLVD.
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

LEGEND	
	SET 1/2" IRON ROD (I.R.)
	FOUND 1/2" IRON ROD (I.R.)
	NEW PROPERTY CORNER
	EXISTING LUMINAIRE
	EXISTING POWER POLE
	EXISTING SEWER MANHOLE
	EXISTING FIRE HYDRANT
	EXISTING STOP SIGN
	EXISTING WATER METER
	REPLAT BOUNDARY
	PROPERTY LINE
	SETBACK LINE
	EASEMENT LINE
	EXISTING WATER MAIN
	EXISTING SEWER MAIN
	EXISTING OVERHEAD ELECTRIC LINE
	EXISTING CHAIN LINK FENCE

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
0 35 70
IN FEET
1 Inch = 70 FT

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. AS PER THE COUNTY ENGINEER, THIS PLAT WILL BE AMENDED DURING
CONSTRUCTION TO INCLUDE A DRAINAGE EASEMENT AROUND PERIMETER OF DETENTION POND.
- 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.

TERRATECH ENGINEERING
AND CONSTRUCTION SERVICES

3292 EL INDIO HWY, EAGLE PASS, TX

(830)-773-0579

ajilbso@terratechengineering.com

FIRM #14118

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'
JULY 23, 2024

Attachment 2
Subdivision Variance Request



PLANNING DEPARTMENT

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

SUBDIVISION VARIANCE APPLICATION

Applicant Information

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

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

Phone: 830-773-0579

E-mail: ajlibson@terratechengineering.com

Owner: Benito Garcia & Rosario Berenice Garcia & Tomas Perales

Address: 292 Alazan Dr.

Phone: 830-757-0407

E-mail: begapavnglnc@aol.com

Property Information

Site Address: 3401 N US HWY 277

MCAD Property ID No. 9008915;51974

Legal Description (from deed): 6.00 acre tract of land, made up of Lot 2, a 4.00 acre tract of land conveyed to Rosario & Benito Garcia in Vol 256 Pg 237...and Lot 1 of 2.00 acre tract of land conveyed to Tomas Perales in Vol 256 Pg 237 Deed Records, Maverick Co., TX.

Description of Subdivision Variance Request

- Variance to proceed straight to Final Plat given existing infrastructure. (Sect. 23, Subdivision Ord.)
- Variance to let Property Owner Install a Septic Tank on Lot 2 to be able to provide sanitary sewer service to subject property, while still being within 200' of existing sanitary sewer line located across COEP Code of Ordinances Sect. 23-66-Sewer

US HWY
277.

Detailed Explanation of Subdivision Variance Request

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

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

These variances are required to proceed with plat process in a timely and cost effective manner. (please see attached sheet for detailed descriptions)

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

This variance is necessary for the property owner(s) to proceed to final plat and be able to legally subdivide the subject tracts, and obtain the proper utility services to their respective properties.



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

The granting of this variance will not be detrimental to public health, safety, or injurious to other property in the area as the variances being requested are in line with the surrounding adjacent properties that have been developed in the same way.

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

This variance is required of all property owners seeking to plat their property to be able to legally subdivide their property and obtain the required utility services

This should not effect the orderly subdivision of other land in the area.

Required Application Attachments

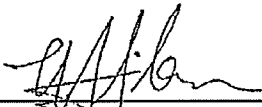
The following documentation is required to be attached to this application.

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

Applicant Authorization

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

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



Applicant Signature

10/20/2022

Date



Benito Garcia Subdivision Plat

Lot 1 & 2

Variance Request Summary

In order for this Plat to get processed and recorded, the Owner of Lot 2 must install sewer and water services prior to the Final Plat being recorded (the owner of Lot 1 already has sewer and water to his property). EP Water Works states that by ordinance, if the property is within 200' of an existing sanitary sewer main line, that the property owner must obtain a service from there. That is the case for Lot 2 of this subdivision, but the only difference is the existing 6" sanitary sewer main is located across TxDOT US HWY 277. In order to do this construction to obtain a sanitary sewer service, we're talking about a major construction job involving obtaining TxDOT permits, construction plans, installing (2) sanitary sewer manholes, breaking and replacing TxDOT pavement as required, and major traffic control involved in doing this. The property owner has stated that he does not have the economic means to do this type of construction to obtain a simple sanitary sewer connection, across the highway. All the properties that are adjacent to Lot 2 and that are located on the West side of US HWY 277 (including Lot 1 of this subdivision) are connected to septic tanks for sanitary sewer service, because there are no existing lines on this side of the highway of which to tap off into the existing main sewer line, and boring across the highway is too expensive to justify obtaining a service. We estimate that proceeding the way EP Water Works is requesting to bore across the highway, will cost over \$70,000, and will take months to do as TxDOT permits have to be obtained and construction plans have to be produced. This would kill this subdivision plat because the property owner has stated he does not have the economic means to do this construction. The only thing he is asking is that this variance gets approved, and he is allowed to install a septic tank to provide sanitary sewer service to his property just like all the other adjacent properties have been allowed to do. This would allow him to proceed with the final plat process and obtain a recorded plat to legalize his property. Furthermore, Lot 2 is 4.00 acres in area, well above the minimum TCEQ requirement of 0.5 acres in order to be able to install a septic tank. Installing a septic tank would be the most cost effective way to service his property, and would be line with what all the adjacent properties have done to obtain a sanitary sewer service, since there are no main lines located on the West side of US HWY 277 along this area.

Should you have any additional questions concerning this report, please contact Florentino Caballero, P.E. at (830) 773-0579 or fcaballero@terratechengineering.com or ajlibson@terratechengineering.com

Florentino Caballero, P.E.



10/20/2022

Attachment 3
Final Engineering Report



To: Placido Madera

City of Eagle Pass Planning Director

From: Florentino Caballero, P.E.

Date: Oct. 19, 2022

Reference: Final Engineering Report for 6.009 Acre Plat of Benito Garcia Subdivision

Mr. Madera,

Mr. Tomas Perales and Benito & Rosario B. Garcia, owners of a 2.009 acre tract and 4.00 acre tract, respectively, for property legally described as being a 6.009 acre tract of land made up of a 4.00 acre tract of land conveyed to Benito and Rosario B. Garcia recorded in volume 256, page 237 and a 2.009 acre tract of land conveyed to Tomas Perales recorded in volume 256, page 237 of the Maverick County Deed Records, have requested that TerraTech Engineering and Construction Services (TEC Services) prepare a Plat of this property to legally subdivide it into (2) Two Commercial Lots. This property is located at 3401 U.S. Hwy 277 in Eagle Pass, TX. The property is located outside the Eagle Pass City Limits, but within the 5-mile Extra-Territorial Jurisdiction (E.T.J.) and is currently unplatted as one (1) 6.009 acre tract. The 2.009 acre portion has an existing building and parking lot, while the 4.00 acre tract is vacant. The property and has access to existing sewer, water, cable, and electric utilities. As a result, we are proceeding straight to the Final Plat process given the existing conditions.

General Description

The subject Plat has a total area of 6.009 acres and is irregularly shaped (see attached Plat Sheet for reference). The subject tract will be Platted into (2) commercial Lots, Lot 1 and Lot 2, Benito Garcia Subdivision as shown in the attached Plat Sheet. The property has frontage towards U.S. Hwy 277 and has existing driveways to access both properties off TxDOT Hwy US 277. All utility infrastructure including water, sewer, electricity, and cable is already existing along the frontage of the property. This Plat will be presented to proceed straight to Final due to the existing conditions. This property is located outside the Eagle Pass City Limits and is not currently zoned. The property will be zoned as B-3: General Business District.

Drainage

General Drainage Description

No portion of the Plat area of this subdivision is located within a FEMA special flood hazard area as shown on the Plat sheet. The subject property slopes/drains from the Southeast towards the Northwest direction. Given that this property is technically already developed and has all the required infrastructure that would classify it as a Platted property such as utilities and street access, no drainage improvements are required at this time. For platting purposes, Hydraulic Calculations are provided

below only as reference. Since the property is technically already developed, runoff values will assume fully developed conditions and only one set of calculations will be provided. Since there are no proposed improvements for the property at this time, a detention pond will not be required until the time of development of the property. The designing engineer of the site will size and design the detention pond according to the proposed improvements, at the time of development.

Existing Drainage Conditions

The existing drainage conditions of this developed tract of land can be analyzed using the Rational Method. The peak rate of runoff, Q , in cubic feet per second is calculated as follows:

$$Q = C \times I \times A$$

where C = runoff coefficient

I = average rainfall intensity in inches per hour

A = tributary drainage area in acres

The parameters used in the analysis of the existing drainage of this developed tract are presented in Table 1 below.

Table 1. Existing & Developed Drainage Parameters

Parameter	Value
t_c	5 min
C_d	0.90
I_{10}	7.43 in/hr
I_{100}	10.32 in/hr
Watershed Area, A	6.009 acres

The peak rates of runoff for the existing undeveloped lots are

$$Q_{10} = C_d \times I_{10} \times A$$

$$Q_{10} = 0.90 \times 7.43 \times 6.009 = 40.18 \text{ cfs}$$

$$Q_{100} = 1.25 \times C_d \times I_{100} \times A$$

$$Q_{100} = 0.90 \times 10.32 \times 6.009 = 55.81 \text{ cfs}$$

The estimated runoff for the entirety of the property for a ten (10) and one hundred (100) year return period are 40.18 cfs and 55.81 cfs, respectively.

The calculations provided in this report are simply for Platting purposes. No drainage improvements are required at this time, until the property is to be fully developed, of which hydraulics will be analyzed by the designing engineer of the site, at the time of development.

Street

This property has paved street access of TxDOT Hwy US 277 also commonly referred to as Del Rio Blvd. Luminaries are visible along the property. Please refer to Replat sheet for locations.

There is an existing fire hydrant located along the Southern most property corner of the subject 6.009 acre property. Please refer to Plat Sheet for location.

Water Service

There is an existing 8" Water Main that runs along the frontage of this property. Please refer to the Plat sheet for details. Lot 1 has an existing Water service and meter. Lot 2 will have to obtain a separate Water Service from the existing line that runs along the frontage of the property. Please refer to Plat sheet for approximate location of proposed water service. This location can be modified during construction as needed, if approved by Water Inspector on site. All Water Mains in this area are operated by Eagle Pass Water Works.

Sanitary Sewer Service

There is an existing 6" Sanitary Sewer Main that runs along the opposite side of the US HWY 277 frontage of this property. Proposed Lot 1 already has an existing septic tank that services this property. Proposed Lot 2 will obtain a separate sewer service from one of two ways, the existing 6" sewer line across the highway, or given the 4 acre area, could also install a septic tank, at the time of development, based on how adjacent properties located on the West Side of US HWY 277 are being serviced. Given Water Works requirement that properties must tap into existing sewer system if within 200', a variance will be submitted to allow the property owner to install a septic tank to obtain sanitary sewer service, given that the property falls within TCEQ septic tank requirements due to the size of the property, and the cost to bore across the highway to obtain a sewer service on TxDOT owned property where the existing 6" sewer line is located, will cause an economic hardship for the owner, and not allow him to proceed with the plat of his property. All Sewer Mains in this area are operated by Eagle Pass Water Works.

Other Utilities

The subject property has access to other utilities such as electricity, phone, cable, and natural gas via the frontage and ROW of the property.

Conclusion

The existing and proposed use of these properties is Commercial. There will be no improvements at this time, other than the required water/sewer services for Lot 2. The property owners are simply platting to legalize their properties.

Should you have any additional questions concerning this report, please contact Florentino Caballero, P.E. at (830) 773-0579 or fcaballero@terratechengineering.com or ajlibson@terratechengineering.com

Sincerely,

Florentino Caballero, P.E.

TEC Services



10/19/2022



LETTER OF CERTIFICATION

Fire Service Availability

Subdivision Name: Lot 1 & Lot 2 Benito Garcia Subdivision

Maverick County Property Identification Number: 9008915 & 51974

+++++

We have reviewed the above-referenced application for development, including the layout showing the locations of utilities, street lights, fire hydrants, and sidewalks, and have determined that:

- ☒ Adequate fire and emergency services are available for the development.
- ☐ Adequate fire and emergency services are available for the development, subject to the following condition(s):

- ☐ Adequate fire and emergency services are not available for the development.
- ☒ The project does or will comply with the fire hydrant requirements set forth in *City of Eagle Pass Code of Ordinances Section 23-67(g)(2)*.
- ☐ The project does not or will not comply with the fire hydrant requirements set forth in *City of Eagle Pass Code of Ordinances Section 23-67(g)(2)*.



Fire Department Representative

09/30/2022

Date

Eagle Pass Code of Ordinances Section 23-35: Final Plat Contents

- **Eagle Pass Code of Ordinances Section 23-35(b)(1)(c): Accompanying Data**

To the Fire Department, one copy of the plat layout showing the proposed location for the utilities, street lights, fire hydrants, and sidewalks.

- **Eagle Pass Code of Ordinances Section 23-36(d)(4): Certificate of the Fire Department**

Letter of certification stating that the Fire Department has received and approved or disapproved the data required *by Section 23-35*.



AGREEMENT REGARDING WATER SERVICE FOR THE PROPOSED

Benito Garcia Subdivision 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 TerraTech Engineering & Construction Services, 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 **Benito Garcia Subdivision**.

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

The Subdivider plans to construct for the Subdivision a drinking water distribution system to be connected to the Utility's water supply system. The Utility has reviewed the plans for this subdivision ("the Plans") and has estimated the drinking water flow anticipated to be needed by the Subdivision under fully built-out conditions ("the estimated water flow") to be approximately **1,650** 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 SEPTEMBER 21, 2022.

The Utility

By: Marco Salinas

Printed Name: MARCO SALINAS

Office or Position: CHAIRMAN

Date: 9/21/2022

The Subdivider

By: Aaron Libson

Printed Name: Aaron Libson

Office or Position: General Manager (TEC Services)

Date: 9/12/2022

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 Benito Garcia Subdivision **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 TerraTech Engineering & Construction Services, 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
Benito Garcia Subdivision.

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

The Subdivider plans to construct for the Subdivision a 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 1,000 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 SEPTEMBER 21, 2022.

The Utility

By: Marco L. Salinas

Printed Name: MARCO SALINAS

Office or Position: CHAIRMAN

Date: 9/21/2022

The Subdivider

By: Aaron Libson

Printed Name: Aaron Libson

Office or Position: General Manager (TEC Services)

Date: 9/12/2022

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.

FINANCED
THROUGH THE
DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
OF THE STATE OF TEXAS

THE PREPARATION OF THIS DOCUMENT
WAS FINANCED THROUGH PROVISIONS
OF A TEXAS COMMUNITY DEVELOPEMENT
PROGRAM GRANT FROM U.S. DEPARTMENT
OF HOUSING AND URBAN DEVELOPMENT

THESE MAPS ARE PRESENTED WITHOUT WARRANTY OF ANY KIND,
EITHER EXPRESSED OR IMPLIED, RESPECTING THE CONTENTS OF
THESE MAPS, INCLUDING BUT NOT LIMITED TO THE ACCURACY,
LOCATION AND OWNERSHIP OF ANY FACILITIES. NEITHER THE CITY
OF EAGLE PASS, NOR HEJL, LEE AND ASSOCIATES, INC. OR ITS
REPRESENTATIVES SHALL BE LIABLE TO ANY PERSON OR ENTITY
WITH RESPECT TO ANY LIABILITY, LOSS, OR DAMAGE CAUSED OR
ALLEGED TO BE CAUSED DIRECTLY OR INDIRECTLY BY THESE MAPS.

CAD DRAWING FILE: FUTLUMAP.DWG
DATE: 01/08/96

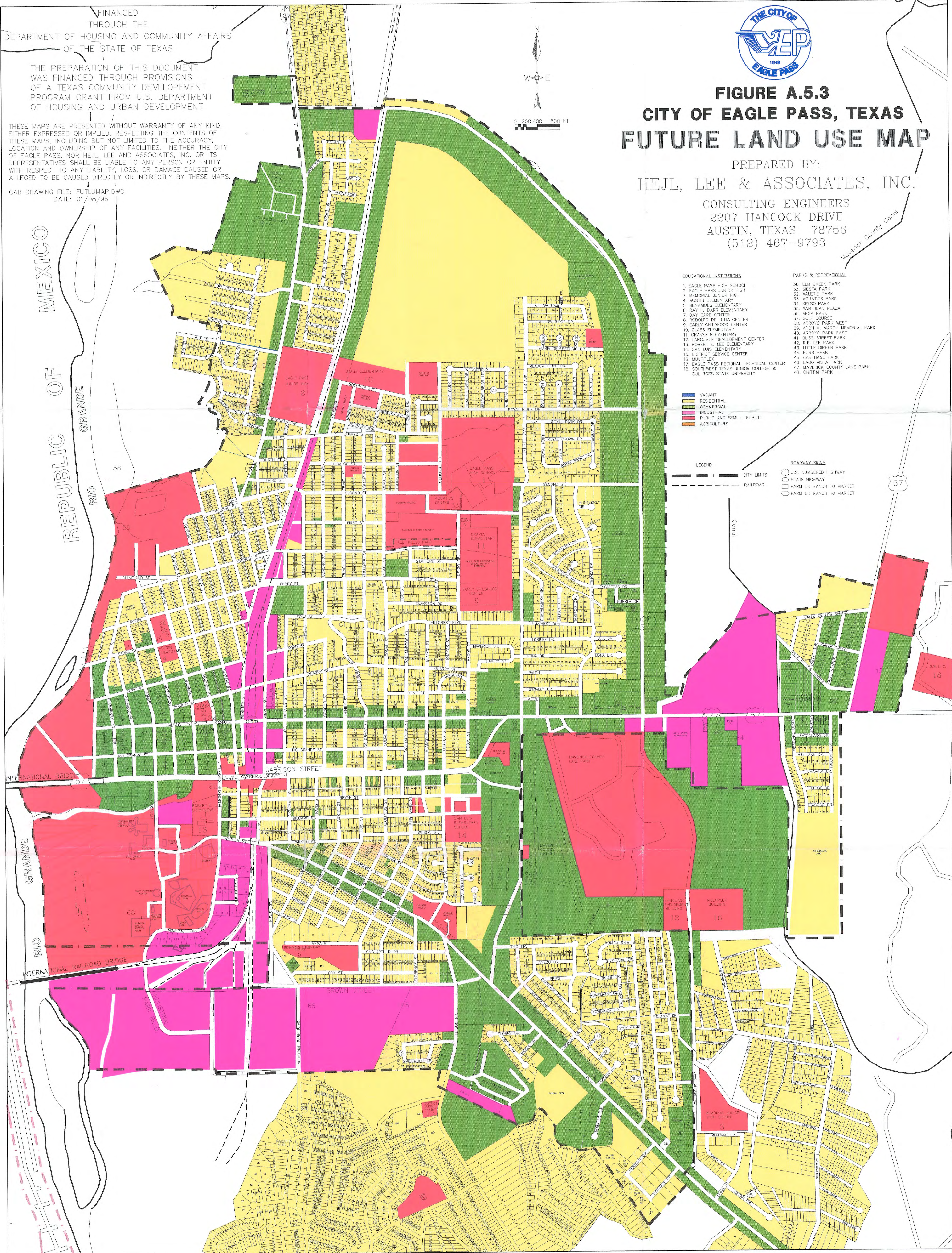


FIGURE A.5.3 CITY OF EAGLE PASS, TEXAS FUTURE LAND USE MAP

PREPARED BY:

HEJL, LEE & ASSOCIATES, INC.

CONSULTING ENGINEERS
2207 HANCOCK DRIVE
AUSTIN, TEXAS 78756
(512) 467-9793



EDUCATIONAL INSTITUTIONS

1. EAGLE PASS HIGH SCHOOL
2. EAGLE PASS JUNIOR HIGH
3. MEMORIAL JUNIOR HIGH
4. AUSTIN ELEMENTARY
5. BENAVIDES ELEMENTARY
6. RAY H. DARR ELEMENTARY
7. DAY CARE CENTER
8. RODOLFO DE LUNA CENTER
9. EARLY CHILDHOOD CENTER
10. GLASS ELEMENTARY
11. GRAVES ELEMENTARY
12. LANGUAGE DEVELOPMENT CENTER
13. ROBERT E. LEE ELEMENTARY
14. SAN LUIS ELEMENTARY
15. DISTRICT SERVICE CENTER
16. MULTIPLEX
17. EAGLE PASS REGIONAL TECHNICAL CENTER
18. SOUTHWEST TEXAS JUNIOR COLLEGE & SUL ROSS STATE UNIVERSITY

PARKS & RECREATIONAL

30. ELM CREEK PARK
33. SIESTA PARK
32. VALERIE PARK
33. AQUATICS PARK
34. KELSO PARK
35. SAN JUAN PLAZA
36. VEGA PARK
37. GOLF COURSE
38. ARROYO PARK WEST
39. ARCH M. MARCH MEMORIAL PARK
40. ARROYO PARK EAST
41. BUSS STREET PARK
42. R.E. LEE PARK
43. LITTLE DIPPER PARK
44. BURR PARK
45. CARTHAGE PARK
46. LAGO VISTA PARK
47. MAVERICK COUNTY LAKE PARK
48. CHITTM PARK

- VACANT
- RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- PUBLIC AND SEMI - PUBLIC
- AGRICULTURE

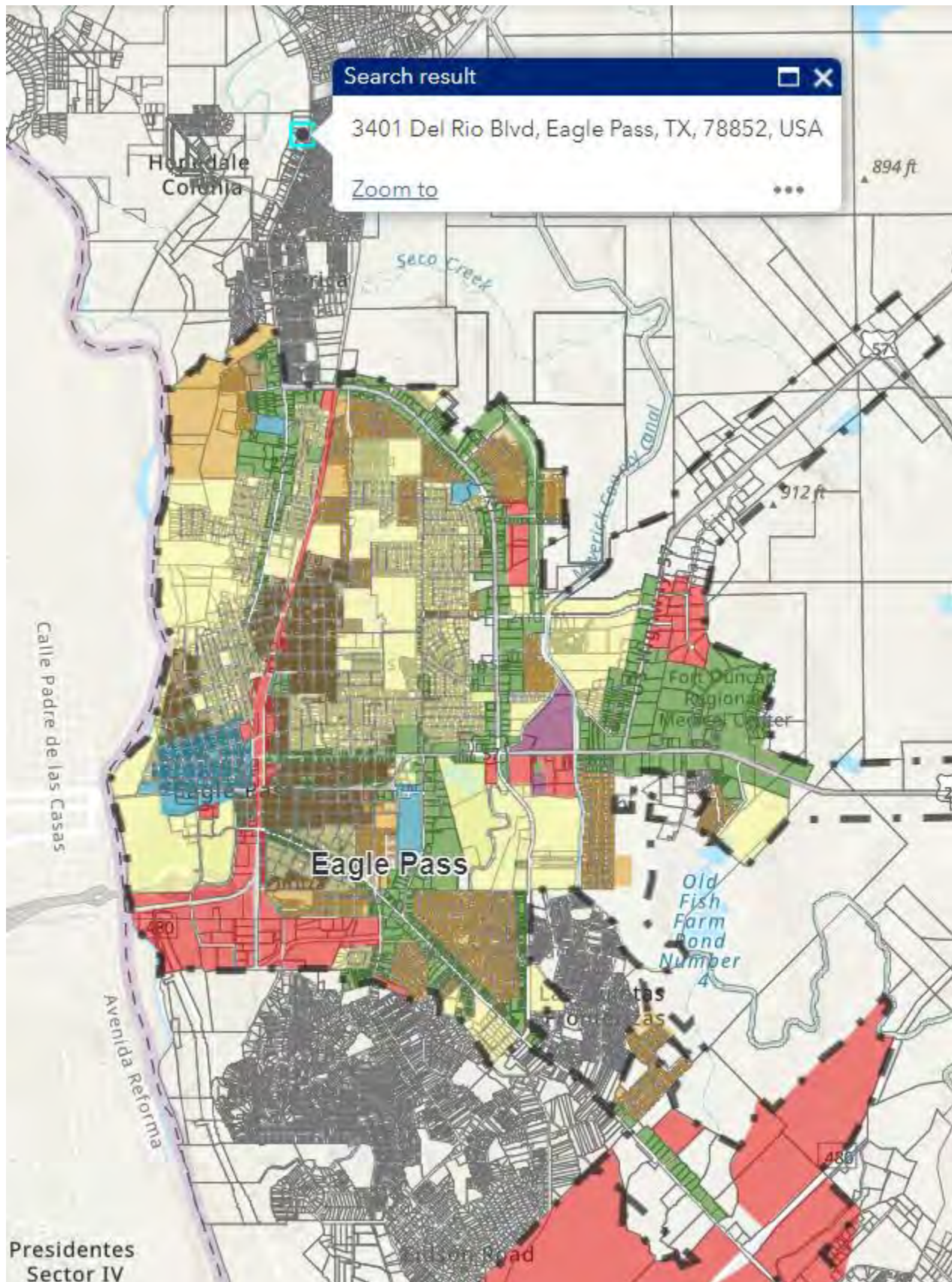
LEGEND

- CITY LIMITS
- RAILROAD

ROADWAY SIGNS

- U.S. NUMBERED HIGHWAY
- STATE HIGHWAY
- FARM OR RANCH TO MARKET
- FARM OR RANCH TO MARKET

Zoning Map



Item #6



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

Final Plat of Jimenez Subdivision

I. BACKGROUND

A. General Information

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

Owner: Juan Jimenez | Eagle Pass, Texas 78852

Location: At the corner of El Indio Hwy and General Homer Lewis Blvd

Property ID Number: 8700775

Current Address: 3277 El Indio Hwy

Legal Description: 2.17 grid acres of land, more or less, lying in Maverick County, Texas, being out of and part of James W. Tinley Survey 27, Abstract No. 80, and also being out of that the same certain tract described in conveyance document to Homer I. Lewis, Trustee of the Pete Lewis Revocable Trust Number One recorded in Volume 1541, page 296, Official Public Records, Maverick County, Texas said 2.17 grid acres.

Request: The grant of final approval for the platting of a 2.17-acre tract into a 1.086-acre tract and a 1.085 acre lot, including (1) a subdivision variance from Section 23-36(a) regulating preliminary plat requirements, and (2) a subdivision variance from Section 23-11(d) to allow the platting of a property less than 5 acres conveyed prior to 1984.

B. Subject Property Information

Topography: Generally flat

Vegetation: minimum native vegetation

Existing Use: Vacant

Proposed Use: to be marketed for sale

Zoning District: B-1 Neighborhood Business District

Master Plan: No depiction

C. Vicinity Data

The surrounding area is comprised of commercial development and is adjacent to a residential development known as Lewis Farms Estates Substation.

D. Infrastructure

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

Access to the property is provided by El Indio Hwy and possibly General Homer Lewis Blvd. Access to the property via Homer Lewis is pending approval by the Public Works Department.

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 approval of the subdivision's final plat. Please refer to attachment 1 for a copy of the application.
2. City of Eagle Pass Code of Ordinances Section 23-11 states that the Planning and Zoning Commission must find that the subdivision variances, enclosed as Attachment 2, comply with the four criteria in order to grant the subdivision variances.

The following is a summary of this application's compliance with the criteria:

First Variance Decision Criteria

Section 23-11(a)(1). The variances are consistent with this section of the city code, as the strict application of the requirement to receive preliminary plat approval for a 2-lot subdivision that currently contains all required supporting public infrastructure would deprive the applicant of the reasonable subdivision of their land. A review of the preliminary plat by both the Planning and Zoning Commission and City Council constitutes a procedural exercise that is not warranted.

Second Variance Decision Criteria

Section 23-11(a)(2). The variances are also consistent with this section of the city code, as the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. The subdivision design is consistent with the *Commercial District*. The commercial use of the property will allow the enjoyment of a property right permitted by the City code.

Third Variance Decision Criteria

Section 23-11(a)(3). The variances are also consistent with this section of the city code, as there is no anecdotal evidence which indicates that the granting of the variance would be detrimental to the public health, safety, or welfare, or injurious to other property in the area.

Fourth Variance Decision Criteria

Section 23-11(a)(4). The variances are also consistent with this section of the city code, as there is no documentation which indicates that granting the variance would have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of *Chapter 23*.

Fifth Variance Decision Criteria

Lastly, the variances are also consistent with *Section 23-11(c)*, as the granting of the variance will allow for the creation of a subdivision that was in harmony with the general purpose and intent of *City of Eagle Pass Code of Ordinances Chapter 23*. The subdivision contains design features which will secure public health, safety and welfare and provide for the fair and equitable processing of the final plat.

The variances are consistent with the subdivision variance criteria set forth in *Section 23-11(a)* and *Section 23-11(c)* and, therefore, should be granted.

3. The *Master Plan* emphasizes the importance of maintaining the character of the industrial and commercial neighborhoods located within the City.
 - ✓ The subdivision is consistent with the *Land Use Development Goals* of the *Master Plan*, as the project is designed to provide for a building lot density that is consistent with the purpose of the *Commercial District*.
 - ✓ This design will allow for the continuing development of the community while retaining the neighborhood character and scale while providing utility services in the most efficient and equitable manner.
 - ✓ The subdivision is consistent with the *Street Goal* of the *Master Plan*, as access to the site from El Indio Hwy and possibly General Homer I Lewis Blvd is designed to provide the residents and visitors to Eagle Pass with a street system that will enable them to travel safely and conveniently.
 - ✓ The subdivision is consistent with the *Thoroughfare Goals* of the *Master Plan*, as El Indio Hwy and possibly General Homer I Lewis Blvd have been designed to be part of a safe and efficient thoroughfare system.
 - ✓ The subdivision is consistent with the *Storm Drainage Goals* of the *Master Plan*, as the development will require adequate detention at the time of lot development.
4. The subdivision design is consistent with the purpose of the *Commercial District*.
5. 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, to be installed at the time of lot development
 - ✓ *Section 23-66* governing sanitary sewage disposal system
 - ✓ *Section 23-67* governing potable water supply and fire flow
 - ✓ *Section 23-68* governing storm drainage, to be installed at the time of lot development
 - ✓ *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

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

6. The subdivision and the subsequent development of the property is consistent with City design and specifications for landscape and tree preservation set forth in *Article VI* in *Eagle Pass Code of Ordinances Chapter 23*.
7. 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.
8. The subdivision of the property is in conformance with the provisions of the *Master Plan* and the *Eagle Pass Code of Ordinances* by facilitating the following benefits:
 10. Protect private rights while considering public health, safety and welfare.
 11. Provide efficient and economical ways to move people and goods outside the City by an adequate plan for streets and highways.
 12. Guide future development in an orderly manner, by stages according to a pattern, so that the City may have balanced land use.
 13. Encourage a diversified economic base and encourage public and private investments in land and improvements.
 14. Prevent and eliminate blight and slums, making the City attractive to people, commerce, and industry.
 15. Create the desire for a more pleasing appearance of the City and incorporate into its physical development the basic principles of good design.
 16. Protect and preserve the identity of each neighborhood through use of the guidance provided by the *Master Plan* and the *Code of Ordinances*.
 17. 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.
 18. Establish a proper relationship between open space, developed areas, building bulk, light and air space, in all future development programs of land use.
 19. Encourage and abet the development of civic, cultural, and other public and quasi-public buildings in harmonious and functional groupings.
9. The subdivision will allow for a use of the property that is consistent with the commercial purpose of the *B-1 Neighborhood Business District* 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 business purpose of the *B-1 Neighborhood Business District*.

- C. The subdivision is warranted because of the necessity to create additional building lots in the *B-1 Neighborhood Business District*, and because the proposed development is appropriate to accomplish the reasonable use of the property.
- D. The subject property is suitable for development in general conformance with development standards of the *B-1 Neighborhood Business District*.
- E. The subdivision will benefit the City as a whole and will not be detrimental to nearby land uses of a similar nature.
- F. The subsequent development will be designed and conditioned to comply with all applicable subdivision criteria and standards of the City of Eagle Pass.

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

- 10. The final approval of this subdivision request is warranted, as the project conforms to the *City of Eagle Pass Master Plan* and the *City of Eagle Pass Code of Ordinances*. With the denial of a vehicular access to Gen. Homer I. Lewis Sreet, *City of Eagle Pass Code of Ordinances Chapter 23 Article IV Section 23-61(a)(4)* regulating 2 points of vehicular access for ingress and egress to a subdivision is not met. However adequate access is available through one entrance from FM 1021 and cross access between the commercial properties. The Public Works Director has determined the proposed drive off General Homer I. Lewis Boulevard is not acceptable as this is a collector street and the proposed driveway is too close to other intersections (FM 1021 and Lindburgh Circle). The Eagle Pass Construction Specifications Manual states that the decision of the Public Works Director is final.

B. Community Development Department Recommendation

That the Planning and Zoning Commission (1) **GRANT** a subdivision variance from *Section 23-36(a)* regulating preliminary plat requirements, (2) **GRANT** a from *Section 23-11(d)* to allow the platting of a property less than 5 acres conveyed prior to 1984, and (3) **GRANT** final approval of the proposed Final Plat of *Jimenez Subdivision*, if the Commission agrees to the following:

- No driveway access permitted on General Homer I. Lewis Boulevard

In circumstances where providing two (2) access points to the subdivision is not feasible, city council may waive this requirement if staff can demonstrate the site can be adequately served by emergency vehicles and that life and safety have not been compromised.

TRANSMITTED to the parties listed hereafter:

Dirksen Engineering via e-mail
 City of Eagle Pass Planning and Zoning Commission via e-mail
 City of Eagle Pass Community Development Department Report dated August 19, 2024

Attachment 1

Application



PLANNING DEPARTMENT

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

SUBDIVISION APPLICATION

TYPE OF SUBDIVISION (check one):

☒ Preliminary

☒ Final

☐ Replat

☐ Amendment

☐ Short Form Final

Property Legal Description: 2.17 acres, James W. Tinsley Survey 27 Abstract 840

Maverick County Property Identification Number(s): 8700775

Name of Addition: Jimenez Subdivision

Location of Addition: 3277 El Indio Hwy, Eagle Pass, Tx 78852

Number of Residential Lots: 2 Number of Commercial Lots: 0 Gross Acreage: 2.17

Number of New Street Intersections: 0 Linear feet of Streets: 0

Is Subdivision inside city limits? Yes ☒ No ☐ If so, Zoning District: B1- Neighborhood Business District

Existing Land Use: Vacant

Proposed Land Use: Commercial

Requested Variances: N/A

PROPERTY OWNER:

Name: Juan Jimenez

Address: 3277 El Indio Hwy

City: Eagle Pass

State: Tx Zip: 78852

Signature: Juan A. Jimenez

Contact: Juan Jimenez

Phone: (830) 968-9911

Fax: _____

E-mail: claudiacavazos14@gmail.com

Date: July 15, 2024

PROPERTY OWNER:

Name: _____

Address: _____

City: _____

State: _____ Zip: _____

Signature: _____

Contact: _____

Phone: _____

Fax: _____

E-mail: _____

Date: _____

RECEIVED
7/29/2024

APPLICANT/SUBDIVIDER:

Name: Juan Jimenez

Contact: Juan Jimenez

Address: 3277 El Indio Hwy

Phone: (830) 968-9911

City: Eagle Pass

Fax: _____

State: Tx Zip: 78852

E-mail: claudiacavazos14@gmail.com

Signature: Juan A. Jimenez

Date: July 15, 2024

SURVEYOR:

Name: Dirksen Engineering

Contact: Kenneth R Dirksen

Address: 441 Fort Clark Rd, STE B

Phone: (830) 278-2100

City: Uvalde

Fax: (830) 278-2102

State: Tx Zip: 78801

E-mail: kendirksen@sbcglobal.net

Signature: Kenneth R. Dirksen

Date: July 16, 2024

ENGINEER:

Name: Dirksen Engineering

Contact: Kenneth R Dirksen

Address: 441 Fort Clark Rd, STE B

Phone: (830) 278-2100

City: Uvalde

Fax: (830) 278-2102

State: Tx Zip: 78801

E-mail: kendirksen@sbcglobal.net

Signature: Kenneth R. Dirksen

Date: July 16, 2024

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.

Juan A. Jimenez
Applicant Signature

July 15, 2024
Date

STATEMENT OF OWNER/SUBDIVIDER

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

Juan A. Jimenez
Owner / Subdivider Signature

July 15 2024
Date

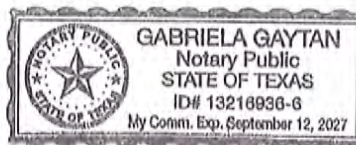
STATE OF TEXAS §

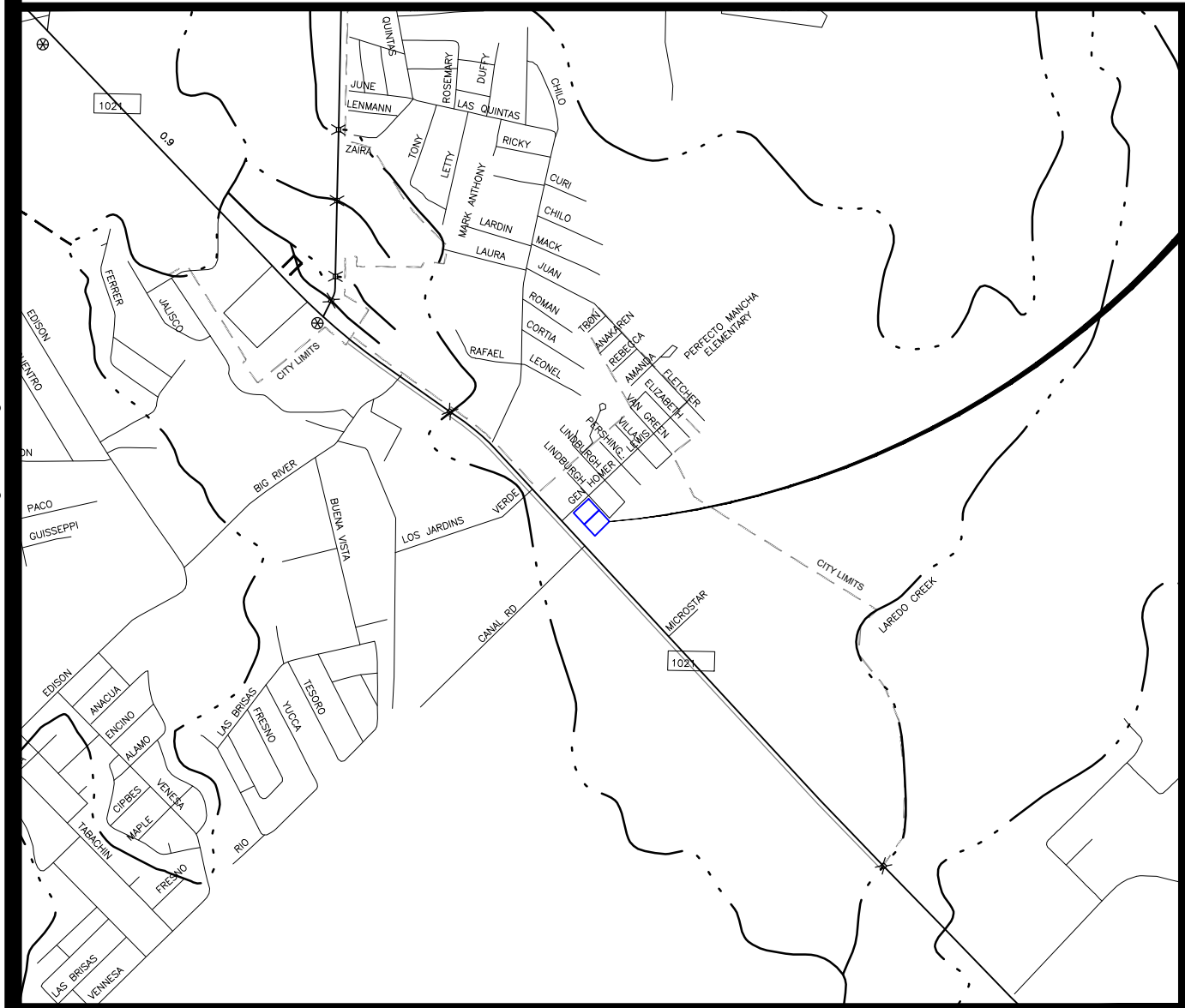
COUNTY OF Maverick §

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

Given under my hand and seal of office, this the 15 day of July, 2024.

[Signature]
Notary Public, State of Texas



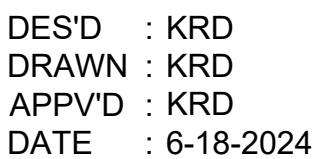


SITE

MAVERICK COUNTY CLERK



JUNE 18, 2024
Juan Jimenez
3277 El Indio Highway
Eagle Pass, TX 78852



Arial View



Site Photos





Attachment 2
Variance Applications



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, Kenneth R. Dirksen, hereby request final plat approval for the proposed subdivision known as Jimenez Subdivision as shown on the accompanying plat, which consists of 1 (number) sheets and which was acknowledged by me on 06/19/2024 (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.

Kenneth R. Dirksen

Signature of Subdivider (or Authorized Agent)

06/19/2024

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

RECEIVED
 7/29/2024

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:) ----- _____ _____



PLANNING DEPARTMENT

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

SUBDIVISION VARIANCE APPLICATION

Applicant Information

Applicant (If not owner): Dirksen Engineering

Address: 441 Fort Clark Rd, Ste. B, Uvalde, Tx 78801

Phone: 830-278-2100

E-mail: kendirksen@sbcglobal.net

Owner: Juan Jimenez

Address: 3277 El Indio Hwy

Phone: 830-968-9911

E-mail: claudiacavazos14@gmail.com

Property Information

Site Address: 3277 El Indio Hwy MCAD Property ID No. 8700775

Legal Description (from deed): 2.17 acres, more or less, of land located in Maverick County, Tx, being out of and part of James W. Tinley Survey 27, Abstract No. 840

Description of Subdivision Variance Request

Varriance from Sec 23-10 scope to plat a parcel under 5 acres.

Detailed Explanation of Subdivision Variance Request

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

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

This property is a remainder that is less than 5ac. The developer doesn't have authority to plat more than the 2.171 ac remainder.

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

This property is a remainder that is less than 5ac. The developer doesn't have authority to plat more than the 2.171 ac remainder.

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

The Surrounding land is developed.

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

The Surrounding land is developed.

Required Application Attachments

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

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

Applicant Authorization

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

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


Applicant Signature


Date

Attachment 3
Final Engineering Report

Dirksen Engineering

441 Fort Clark St, Ste B.

Uvalde, TX 78801

TBPE FIRM #F-8848

TBPLS FIRM #10193741

Phone: 830-278-2100

Fax: 830-278-2102

Cell: (830) 279-9447

kendirksen@sbcglobal.net

June 19, 2024

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

Re: Final Engineering and Drainage Report – Jimenez Subdivision, 2.171 acres Abstract 840

To Whom It May Concern:

Introduction:

The Jimenez Subdivision is located along the intersection of FM 1023 and General Homer Lewis Blvd in the Lewis Farms Estates area. The Lot will be divided into two halves, east and west. The Maverick CAD Tax ID Number is 8700775. The land is zoned B1 Highway and Neighborhood Business District. The land is currently vacant and will be developed as commercial.



RECEIVED
7/29/2024

Development

The land is a remainder that was shown as commercial on the plat of Lewis Farms Estates Unit 1. The land has direct access to General Homer Lewis Drive and FM 1021. The land will be divided into two lots.

No development is proposed currently. This plat is being developed to be marketed for sale.

Street Development

Both tracts have access to paved public streets. No new roadways will be constructed for the subdivision. Sidewalks will be developed when each lot is developed.

Water Development

Water service is provided by the 12 inch water main along FM 1023. Two inch taps will be installed on the water main for commercial use.

Fire protection is provided by a fire hydrant located General Homer Lewis Drive at the southwest corner of Lot A. The fire hydrant was tested and the report is attached to this report.

Sanitary Sewer Facilities

Sanitary sewer is provided to by the 42 inch transmission main along the north side. Six inch taps will be installed on the 42 inch line for sewer service. The taps will require traps to prevent odors from the sewer main entering the taps.

Drainage Development

The soil is El Indio silty clay loam. The drainage classification is B. The entire site is located outside the special flood hazard area shown on FEMA FIRM 48323C0475D dated April 4, 2011. The Soil Report and a Firmette of the flood plane panel are attached to this report.

Drainage from this site is southwest across the lots to FM 1023 at General Homer Lewis Blvd. The proposed land use is commercial. The C values are taken from the City of Eagle Pass Ordinance for Drainage. The 25 year and 100 year storm are multiplied by 1.1 and 1.25 as required by the ordinance. Runoff increase from pre-development conditions to developed is 7.0 cfs to 16.4 cfs in the 100 year storm.

The estimated volume of detention required will be 5,621 cubic feet. It is proposed to require, by plat, that detention be developed for each lot when the lot is developed.

Hydraulic Calculations for the re-subdivision are attached to this report.

Electric Facilities, Telephone and Cable Television

Electric service is provided by AEP.

Gas Service

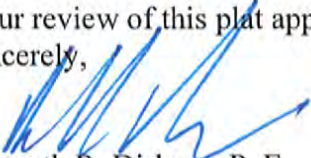
Gas is service is available along FM 1023.

Construction Cost

No public utilities will be constructed for this project. Water and sewer services will be installed by the developer.

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

Sincerely,

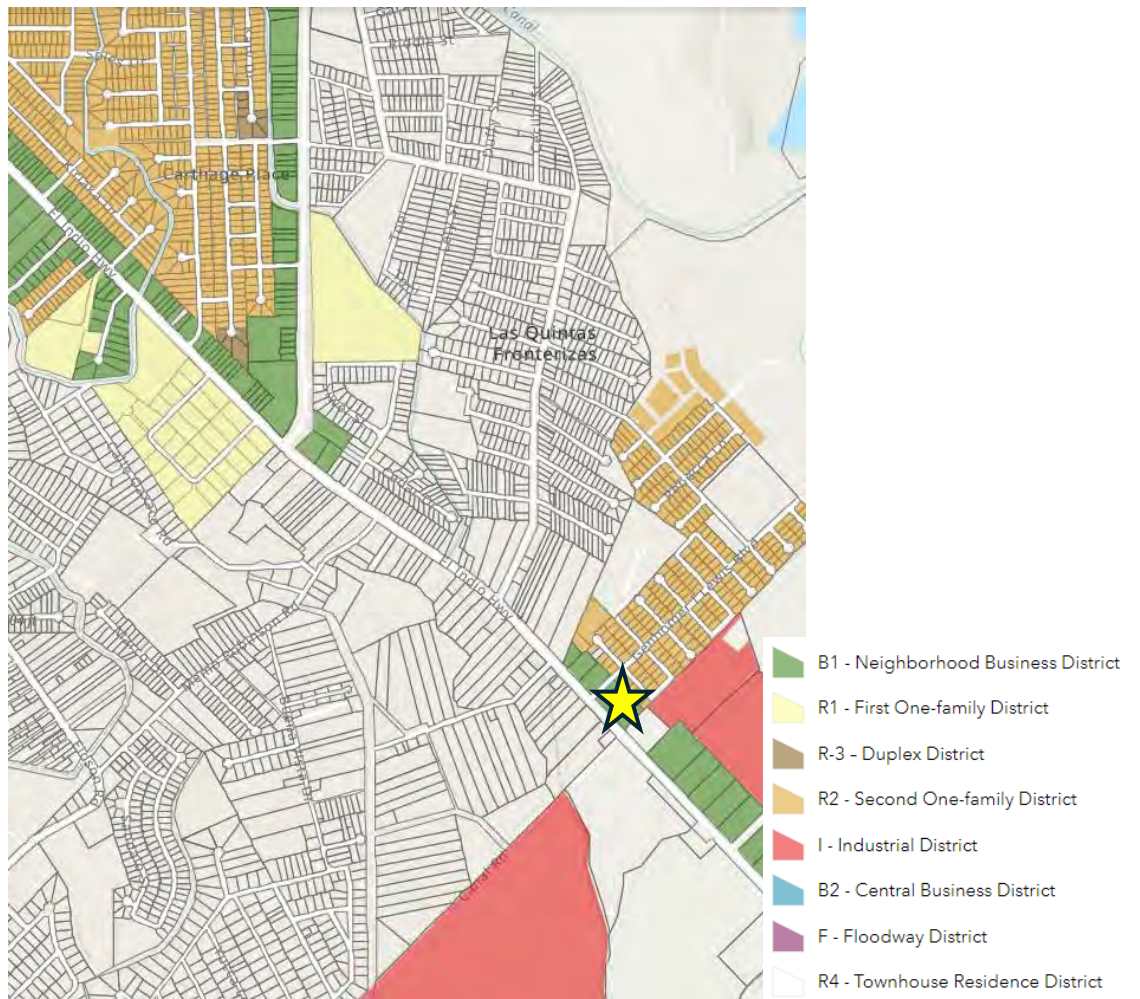

Kenneth R. Dirksen, P. E.



Att: Re-Subdivision Plat and Application
Fire Hydrant flow tests
FEMA FIRM Map
Soils Map
Rainfall Runoff Calculations.

Attachment 4
Master Plan Map
Zoning District Map

Zoning District Map



Master Plan Map

(property outside of map)

