



AGENDA

PLANNING & ZONING COMMISSION SPECIAL MEETING THURSDAY, MARCH 27, 2025, AT 5:30 P.M. COUNCIL CHAMBERS, CITY HALL BUILDING

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

ESTABLISHMENT OF QUORUM

CITIZENS COMMUNICATIONS

MINUTES

1. Approval of the minutes of the February 27, 2025 meeting.

PUBLIC HEARING(S)

2. Continuation of a public hearing on the request submitted by Carla HS Holdings, LLC for a Conditional Use Permit to allow for a multi-family development on properties located at 290 and 298 Ceylon Street; closing of public hearing and possible action.
3. Public hearing on the request submitted by TerraTech Engineering & Construction Services, Inc. for a Conditional Use Permit to allow for a multi-family development on property located at 2024 Town Square Boulevard, also known as a 2.98-acre tract of land conveyed to Monsa, LTD., recorded in Volume 1157, Page 420, deed records of Maverick County, Texas; closing of public hearing and possible action.
4. Public hearing on the request submitted by Victor M. Guadarrama for a Conditional Use Permit to allow for a multi-family development on property located at 231 N. Ceylon Street; closing of public hearing and possible action.
5. Public hearing on the request submitted by Maribel Salazar for a Conditional Use Permit to allow for an insurance agent establishment on property located at 1708 Ferry Street; closing of public hearing and possible action.
6. Public hearing on the request submitted by Crane Engineering Corporation for the rezoning of the proposed MGA Subdivision Phase 2, consisting of 6.69 acres, from R-1 First One Family Dwelling District to R-2 Second One Family Dwelling District; closing of public hearing and possible action.

NEW BUSINESS

7. Consideration and possible action on the subdivision variance to proceed directly to final replat without first having obtained preliminary replat approval as required by *City of Eagle Pass Code of Ordinances Section 23-36(a)*, for the Replat of Lot C in Block 4 of Rio Estates Subdivision Unit 3.

OLD BUSINESS

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

ADJOURNMENT

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

CERTIFICATION

I, THE UNDERSIGNED COMMUNITY DEVELOPMENT DIRECTOR, do hereby certify that the agenda mentioned above was posted on the Bulletin Board located in the Lobby at City Hall, 100 S. Monroe Street, Eagle Pass, Texas on March 24, 2025, at 9:30 a.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 their special meeting on Thursday, February 27, 2025, at 5:30 p.m. in the Council Chambers, at City Hall, 100 South Monroe Street, Eagle Pass, Texas. All legal notices were duly posted in accordance with the State Code.

ESTABLISHMENT OF QUORUM

Present: Chairperson, Tiffany Velazquez-Sanchez; Vice-Chairman, Luis Velez; Commissioners, Noe Rodriguez.

Absent: Commissioners Kenneth Gross and Aaron Valdez.

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

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

CITIZENS COMMUNICATIONS

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

There were no comments or concerns to be heard.

MINUTES

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

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

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

NEW BUSINESS

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

Assistant Community Development Director, Mariebelle Rodriguez provided the details on the request submitted by Paco Mondragon.

The Community Development Department recommendation's is for the Planning and Zoning Commission GRANT the Master Plan Amendment of Eagle Pass Port of Entry Industrial Park consisting of 14 acres subject to plan to comply with the provisions of City of Eagle Pass Code of Ordinances Chapter 23 Section 23-13.1 governing subdivision plat submittal requirements.

Commissioner Rodriguez moved to approve Master plan Amendment with the correction of 14 acres. Seconded by Vice- Chairman Velez **MOTION PASSES:** Unanimously

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

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

Assistant Community Development Director, Mariebelle Rodriguez provided the details on the request submitted by Paco Mondragon.

The Community Development Department recommendation's is for the Planning and Zoning Commission (1) GRANT the subdivision variance to proceed directly to final plat without first having obtained preliminary plat approval as required by City of Eagle Pass Code of Ordinances Section 23-36(a), and (2) GRANT final approval of the proposed Final Plat Lot 2 of Eagle Pass Port of Entry Industrial Park Subdivision, subject to the plat complying with the provisions of Article III of City of Eagle Pass Code of Ordinances Chapter 23 governing procedures and specifications for Final Plats.

Vice- Chairman Velez moved to approve as presented. Seconded by Commissioner Rodriguez **MOTION PASSES:** Unanimously

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

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

Community Development Director, Placido Madera provided the commission with the details on the request submitted by KO Storage of San Antonio.

The board was approached by Engineer/Surveyor Kenneth R. Dirksen who gave background information about the requested item to correct plat. Additionally, he pointed out that the board can note number (6) on Sec. 23-47- Amending a final plat also to waive the sidewalk since they won't be building now.

Community Development Director, Placido Madera stated with the clarification provided by Mr. Dirksen the Community Development Department's recommendation will be approval. He directed the City Attorney to see if she noted any issues with the approval.

Commissioner Rodriguez moved to approve plat amendment upon reviewal and grant the denial of sidewalks until the lots are developed . Seconded by Vice- Chairman Velez **MOTION PASSES:** Unanimously

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

OTHER BUSINESS

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

Community Development Director, Placido Madera stated that the item was presented previously, and it was now to take formal action.

Vice- Chairman Velez moved to approve ordinance amendment. Seconded by Commissioner Rodriguez **MOTION PASSES:** Unanimously

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

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

Community Development Director, Placido Madera stated that the item was presented previously, and it was now to take formal action.

Vice- Chairman Velez moved to approve amending ordinance. Seconded by Commissioner Rodriguez **MOTION PASSES:** Unanimously

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

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

Community Development Director, Placido Madera stated that the item was presented previously, and it was now to take formal action.

Commissioner Noe Rodriguez asked Mr. Dirksen for his opinion regarding this matter. During his discussion with the board, he mentioned that every city presents it differently, but it is usually seen by Planning and Zoning or City Council.

City Attorney Garcia explained that the final plat approval by community director will only be if all boxes are checked and in line with city's ordinances.

Placido Madera, Director of Community Development, acknowledged the board's concerns and stated he will provide the said comments to City Council.

Vice- Chairman Velez moved to approve amending the ordinance. Seconded by Chairperson Velázquez-Sanchez **MOTION PASSES:** Unanimously

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

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

Community Development Director, Placido Madera provided details to the commissioners with two different options.

The commissioners made the following motion after requesting a review of some comparable cities.

Commissioner Rodriguez moved to table item. Seconded by Chairperson Velázquez-Sanchez
MOTION PASSES

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

ADJOURNMENT

Vice- Chairman Velez moved to adjourn the meeting at 6:35 p.m. Seconded by Commissioner Rodriguez. **MOTION PASSES**

Passed and approved on

Tiffany Velazquez
Chairperson

ATTEST:

Erika Rodriguez
City Secretary

Item #2



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

Carla HS Holdings, LLC Conditional Use Permit Request

I. BACKGROUND

A. General Information

Applicant: Carla HS Holdings, LLC | Eagle Pass, Texas 78852 (Purchase contract)

Location: 290 Ceylon Street (Lot 9) and 298 Ceylon Street (Lot 8-corner lot)

Property ID Number: 18191 and 18192

Legal Description: San Refugio, Block 1, Lots 8 & 9

Request: A request for a Conditional Use Permit to allow for a multi-family development on properties located at 290 and 298 Ceylon Street.

B. Subject Property Information

Parcel Size: Lot 8 is 7,150 sq ft and Lot 9 is 4,290 sq ft

Total gross acreage: .2326 acres

Existing Use: The corner Lot 8 houses, a single-family residential development and Lot 9 is vacant and undeveloped.

Master Plan: Residential

Current Zoning: R-3 Duplex District

C. Vicinity Data

The site is in an area that is primarily comprised of single-family dwellings, multi-family uses, and a commercial development located catty-corner from subject property.

Ceylon Street and Williams Street both provide access to the site.

D. Infrastructure

The property is currently served by public utilities/franchises, including water, sanitary sewer, storm sewer, telephone, electric service, garbage, 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*, with a legal notice published in the Eagle Pass News Gram on February 27, 2025. Seventeen (17) notices were mailed to the abutting property owners within the 200 feet radius from the subject property on February 28, 2025.

III. RECOMMENDED FINDINGS OF FACT

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

- **Section 9.1 Planning and zoning commission**

The city council shall appoint a city planning and zoning commission consisting of five (5) regular members who shall be residents of the City of Eagle Pass and who own real estate within the city, and such ex-officio members as are provided herein. The regular members shall receive such compensation as the council shall prescribe by ordinance and shall hold no other elective position in the city government. The ex-officio members shall include the mayor, the city manager, and such other ex-officio members as the council may by resolution provide. Ex-officio members shall participate in the work of the commission but shall not have a vote in its official actions.

- (a) Term of office. The term of the appointive members shall be five (5) years, except that, of the five (5) members first appointed, one shall be appointed for a term of one year, one for two (2) years, one for three (3) years, and one for four (4) years.
- (b) Powers and duties. The commission shall have the power and shall be required to:
 - (1) Make, amend, extend, and add to the master plan for the physical development of the city.
 - (2) Approve or disapprove plats of proposed subdivisions submitted in accordance with section 9-2 of this article and any other applicable laws. In considering such plats, the commission shall require that the proposed subdivisions shall meet all the standards of layout and street and sidewalk construction on comparable property within the corporate limits of the City of Eagle Pass as specified in the City of Eagle Pass Construction Standards Manual. Upon approving such plats, and before they are released for recoding, the planning commission shall submit all copies of approved plats to the city council for final approval.
 - (3) Draft, and recommend to the council for adoption, an official map of the city and recommend or disapprove proposed changes in such map.
 - (4) Make, and recommend to the council for adoption, a zoning plan and recommend or disapprove proposed changes in such plan.
 - (5) Make, and recommend to the council for adoption, plans for the clearance and rebuilding of slum districts and blighted areas which may develop within the city.
 - (6) Compile, and recommend to the council for adoption, a building code, which code shall include the minimum standards of construction for buildings, the minimum standards for plumbing, and the minimum standard for wiring and gas piping.
 - (7) Submit annually to the city manager, not less than ninety (90) days prior to the beginning of the budget year, a list of recommendations for capital improvement which, in the opinion of the commission, are necessary or desirable to be constructed during the forthcoming five (5) years. Such list shall be arranged

in order of preference, with recommendations as to which projects shall be constructed in which year.

- (8) Meet not less than once each month; meetings to be held at the city hall unless prior notice of change of meeting place be given by publication in the official newspaper of the City of Eagle Pass.
- (9) Perform such other duties and be vested with such other powers as the council shall from time to time prescribe.
- (c) Rules of procedure. The commission shall elect annually, one of its members chairman, and shall establish its own rules of procedure which shall include the following: A quorum shall consist of a majority of the members of the commission qualified and serving. The affirmative vote of a majority of those present shall be necessary to pass upon pending questions. All meetings shall be open to the public and a record of all proceedings shall be kept, which record shall be filed with the person performing the duties of city secretary and shall be a public record.
- (d) Vacancies. Membership of the commission shall be accompanied by active participation in the activities of the commission, and any member who is absent from three (3) consecutive meetings of the commission without valid excuse, as determined by the commission, shall automatically be dismissed from membership. The commission shall at once notify the council that a vacancy in the commission exists. Vacancies occurring in the commission, for whatever reason, shall be filled within thirty (30) days by appointment by the council for the remainder of the unexpired term.

- **Section 9.3 Master Plan.**

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

- (a) Adoption of *Master Plan*. The commission may adopt the master plan as a whole by single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding to major geographical sections of the city or to functional divisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. The adoption of the plan, or of any part, amendment, extension or addition, shall be by resolution carried by the affirmative votes of not less than a majority of the commission, but before the adoption of the plan or any such part or any modification, extension or addition, the commission shall hold at least one public hearing on the proposed action. An attested copy of the plan or part thereof shall be certified to the council.
- (b) Legal effect of *Master Plan*. No street, park, or other public way, ground or space, no public building or structure and no public utility whether publicly or privately owned, shall be constructed or authorized in the city, nor shall any real property be acquired by the city, until and unless the

location and extent thereof shall have been submitted to and approved by the commission; provided that, in case of disapproval, the commission shall communicate its reasons to the council, which shall have the power by 2/3 vote to overrule such disapproval, and, upon such overruling, the council or the appropriate office, department or agency shall have power to proceed. The widening, narrowing, relocation, vacation or change in the use of any street or other public way or ground or the sale of any public building or real property shall be subject to similar submission and approval, and failure to approve may be similarly overruled by the council. The failure of the commission to act within thirty (30) days after the date of official submission to the commission shall be deemed approval, unless a longer period be granted by the council or the submitting official.

Land Use Development

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

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

Land Use Development Goals

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

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, sewage, 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.

- **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.

Sec. 7.1 "R-3(A)" Apartment district.

The following regulations shall apply to the "R-3(A)" Apartment district:

- A. Use regulations: A building or premises shall be used only for the following purposes:
 - (1) Apartment houses or multiple-family dwellings.
 - (2) Institution of a religious, educational or philanthropic nature, with conditional use permit.
- B. Height regulations: No building shall exceed three (3) stories or forty (40) feet in height.
- C. Yard 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 not be less than sixteen (16) feet in depth.
 - (4) Depth of lot. The lot shall have a minimum depth of one hundred ten (110) feet.
- D. Intensity of use: Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated or reconstructed shall be located on lots containing the following areas:
 - (1) A lot on which there is erected a single-family dwelling shall contain an area of not less than seven thousand (7,000) square feet.
 - (2) A lot on which there is erected a two-family dwelling shall contain an area of not less than seven thousand (7,000) square feet.

- (3) A lot on which there is erected an apartment house or multiple-family dwelling shall contain a minimum lot area of not less than seven thousand (7,000) square feet and one thousand eight hundred (1,800) square feet per dwelling unit for each unit over four (4) units.
 - (4) Where a lot or tract has less area than herein required and its boundary lines along their entire length touched lands under other ownership on the effective date of this ordinance and have not since been changed, such parcel of land may be used for a single-family dwelling.
 - E. Parking regulations: Whenever a structure is erected, converted, or structurally altered for a two-family dwelling, or a multi-family dwelling, two (2) parking spaces shall be provided and maintained on the lot for each dwelling unit in the building. Such parking spaces shall be on the lot and so arranged as to permit satisfactory egress and ingress of an automobile, and such parking area shall be in addition to driveways. Other standards contained in section 12.1; Parking Requirements shall also apply.
 - F. *Additional use, height, and area regulations:*
 - (1) Additional use, height, and area regulations and exceptions are found in section 12 herein.
 - (2) Signs: Signs shall be as permitted by section 15 of this ordinance.
- **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 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 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 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 a 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 development of a multi-family development and as per the applicant the existing house will remain in its original state.
3. *Section 21(d) of City of Eagle Pass Code of Ordinances Appendix A* states, in part, that the Planning and Zoning Commission may approve, conditionally approve or deny an application for a *Conditional Use Permit*, and in authorizing a conditional use, may impose such requirements and conditions with respect to location, construction, time period, maintenance and operation as deemed necessary for the protection of adjacent properties and the public interest when reasonably related to the use of the property.
4. *Section 21(d) of City of Eagle Pass Code of Ordinances Appendix A* further states, in part, that before granting any *Conditional Use Permit*, The Community Development Department shall be satisfied that the proposed structure or use conforms to the requirements and the intent of this chapter and the general plans(s) of the City of Eagle Pass.

The Community Development Department utilizes the *City of Eagle Pass Master Plan* 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 development of multi-family use 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 proposed use 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 Carla HD Holdings Conditional Use Permit to allow the development of multi-family use, for properties legally known as 290 and 298 Ceylon 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 & stormwater
 - Appendix A governing off-street parking
 - Appendix A governing signs and fences
2. This *Conditional Use Permit* is non-transferable.

TRANSMITTED to the parties listed hereafter:

Carla HS Holdings, LLC via e-mail
Eagle Pass Planning and Zoning Commission Members via e-mail
Eagle Pass City Manager Homero Balderas via e-mail
Eagle Pass Assistant City Manager Ivan Morua via e-mail
Eagle Pass City Attorney Ana Sophia Garcia via e-mail
Eagle Pass City Secretary Erika Rodriguez via e-mail
Eagle Pass Community Development Department Report dated March 6, 2025

Attachment 1
Application



PLANNING DEPARTMENT

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

CONDITIONAL USE PERMIT APPLICATION

Applicant Information	Name: <u>Carla HS Holdings LLC</u>
	Mailing Address: <u>7426 Eagle Ledge San Antonio, Texas 78249</u>
	Phone: <u>5128530087</u> E-mail: <u>csifuentes@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>Minerva Sifuentes/Karla Sifuentes</u>
	Mailing Address: <u>298 Ceylon St South/290 Ceylon St South</u>
	Phone: <u>5128530087</u> E-mail: <u>csifuentes@gmail.com</u>

Property Information	Site Address: <u>298 & 290 Ceylon St South</u> MCAD Property ID # <u>18191&18192</u>
	Legal Description: Lot(s) <u>8&9</u> Block <u>1</u> Subdivision <u>San Refugio</u> (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) <u>50/30</u> Rear Yard Width (feet) <u>50/30</u> Side Yard Width (feet) <u>150</u>
	Current Use <u>Residential</u>
	Proposed Use <u>Residential Multi Family</u>

Description of Project:
<u>4 unit residential multi family</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>Follow city ordinance</u>

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

proposed 4 unit residential multi family on a property currently zoned RM residential multi family

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

currently zoned RM residential multi family

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.

Carla Syntex
Applicant Signature

2-3-2025
Date

Office Use

Date Application Accepted for Review 2/3/25 By ML

Contact Date for Supplemental Info NA Supplemental Info Received NA

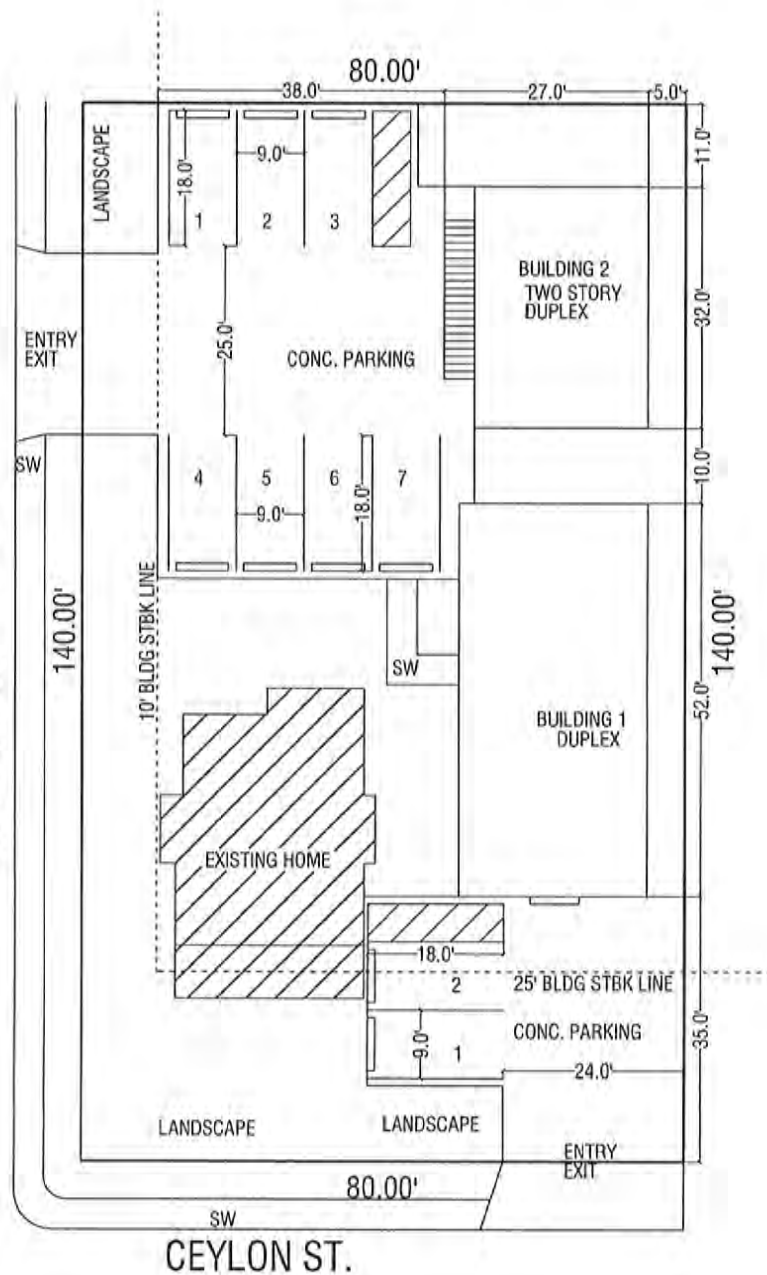
Completeness Review Date 2/3/25 By ML

Application Returned to Applicant NA (when applicable)

WR 4/20/23

PLOT PLAN
 298 CEYLON ST. LOT 8
 BLK 1 SAN REFUGIO SUBDIVISION
 EAGLE PASS TX. NOVEMBER 2024
 SCALE 1:16

WILLIAMS ST.



AREA	
BUILDING 1	
APT #1	800.00
APT #2	500.00
PORCH	6.00
TOTAL	1,306.00 SQ. FT.

AREA	
BUILDING 2	
FIRST FLOOR	736.00
PORCH	20.00
SECOND FLOOR	736.00
PORCH S.F.	20.00
STAIRS	82.00
TOTAL	1,594.00 SQ. FT.

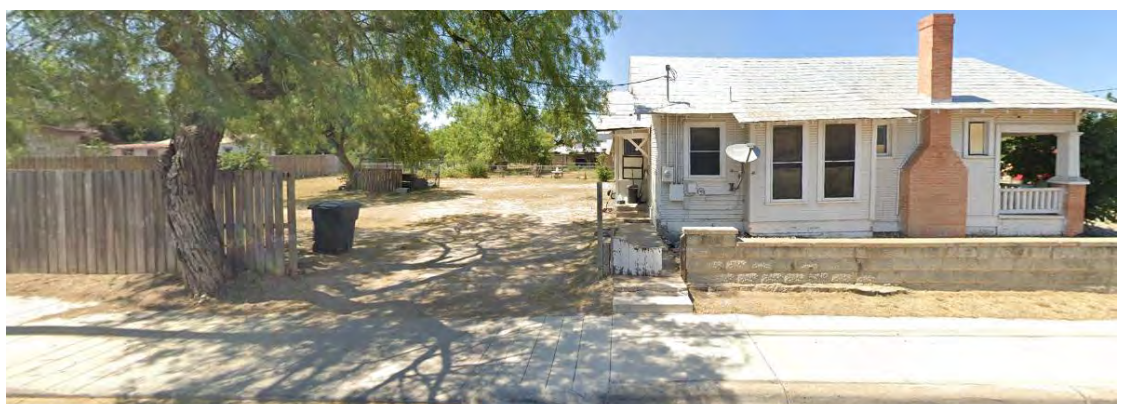


PLAN OF NEW RESIDENCE	
KARLA HS HOLDINGS LLC	
298 CEYLON ST LOT 8	
BLK 1 SAN REFUGIO SUBD.	
EAGLE PASS TX. NOVEMBER 2024	

Aerial View

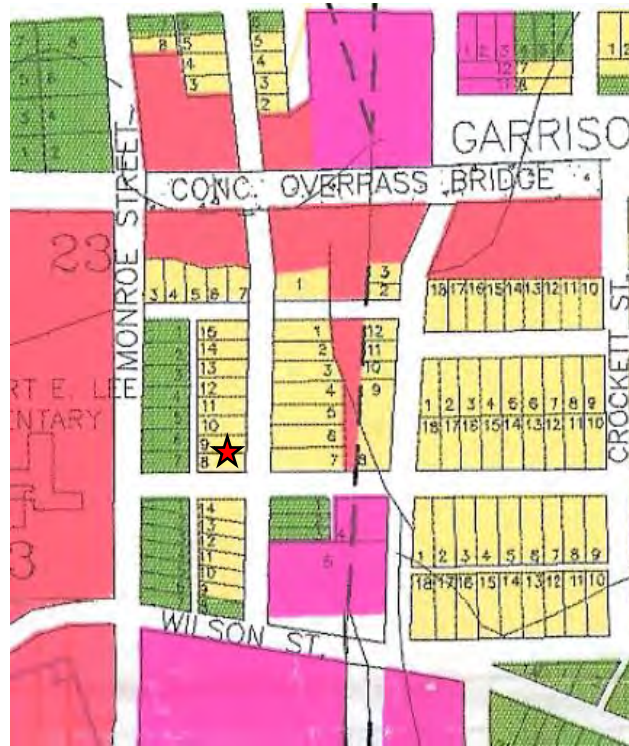


Site Photos



Attachment 2
Master Plan Map & Zoning District Map

Master Plan Map



Zoning District Map



- R1 - First One-family District
- R2 - Second One-family District
- R3 - Duplex District
- B1 - Neighborhood Business District
- B2 - Central Business District
- B3 - General Business District
- I - Industrial District
- F - Floodway District

Item #3



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

TerraTech Engineering & Construction Services, Inc. Conditional Use Permit Request

I. BACKGROUND

A. General Information

Applicant: TerraTech Engineering & Construction Services, Inc | Eagle Pass, Tx 78852

Property Owner: MONSA, LTD

Location: 2024 Town Square Blvd **Property ID Number:** 8711644

Legal Description: being a 2.98-acre tract of land conveyed to Monsa, LTD., recorded in Volume 1157, Page 420, deed records of Maverick County, Texas.

Request: A request for a Conditional Use Permit to allow for a multi-family development on subject property after it is legally platted and recorded.

B. Subject Property Information

Total gross acreage: 2.98 acres

Existing Use: vacant, undeveloped, and not legally platted

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

Master Plan: No depiction

C. Vicinity Data

The site is located adjacent to residential developments of Villa Romel Estates Units 1 and 2, and in the vicinity of lots within the B-1 Neighborhood Business District.

Town Square Boulevard 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, garbage, 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*, with a legal notice published in the Eagle Pass News Gram on March 13, 2025. Ten (10) notices were mailed to the abutting property owners within the 200 feet radius of the subject property on March 14, 2025.

III. RECOMMENDED FINDINGS OF FACT

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

- **Section 9.1 Planning and zoning commission**

The city council shall appoint a city planning and zoning commission consisting of five (5) regular members who shall be residents of the City of Eagle Pass and who own real estate within the city, and such ex-officio members as are provided herein. The regular members shall receive such compensation as the council shall prescribe by ordinance and shall hold no other elective position in the city government. The ex-officio members shall include the mayor, the city manager, and such other ex-officio members as the council may by resolution provide. Ex-officio members shall participate in the work of the commission but shall not have a vote in its official actions.

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

- (8) Meet not less than once each month; meetings to be held at the city hall unless prior notice of change of meeting place be given by publication in the official newspaper of the City of Eagle Pass.
- (9) Perform such other duties and be vested with such other powers as the council shall from time to time prescribe.
- (c) Rules of procedure. The commission shall elect annually, one of its members chairman, and shall establish its own rules of procedure which shall include the following: A quorum shall consist of a majority of the members of the commission qualified and serving. The affirmative vote of a majority of those present shall be necessary to pass upon pending questions. All meetings shall be open to the public and a record of all proceedings shall be kept, which record shall be filed with the person performing the duties of city secretary and shall be a public record.
- (d) Vacancies. Membership of the commission shall be accompanied by active participation in the activities of the commission, and any member who is absent from three (3) consecutive meetings of the commission without valid excuse, as determined by the commission, shall automatically be dismissed from membership. The commission shall at once notify the council that a vacancy in the commission exists. Vacancies occurring in the commission, for whatever reason, shall be filled within thirty (30) days by appointment by the council for the remainder of the unexpired term.

- **Section 9.3 Master Plan.**

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

- (a) Adoption of *Master Plan*. The commission may adopt the master plan as a whole by single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding to major geographical sections of the city or to functional divisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. The adoption of the plan, or of any part, amendment, extension or addition, shall be by resolution carried by the affirmative votes of not less than a majority of the commission, but before the adoption of the plan or any such part or any modification, extension or addition, the commission shall hold at least one public hearing on the proposed action. An attested copy of the plan or part thereof shall be certified to the council.
- (b) Legal effect of *Master Plan*. No street, park, or other public way, ground or space, no public building or structure and no public utility whether publicly or privately owned, shall be constructed or authorized in the city, nor shall any real property be acquired by the city, until and unless the location and extent thereof shall have been submitted to and approved by the commission; provided that, in case of disapproval, the commission shall communicate its reasons to the council, which shall

have the power by 2/3 vote to overrule such disapproval, and, upon such overruling, the council or the appropriate office, department or agency shall have power to proceed. The widening, narrowing, relocation, vacation or change in the use of any street or other public way or ground or the sale of any public building or real property shall be subject to similar submission and approval, and failure to approve may be similarly overruled by the council. The failure of the commission to act within thirty (30) days after the date of official submission to the commission shall be deemed approval, unless a longer period be granted by the council or the submitting official.

Land Use Development

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

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

Land Use Development Goals

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

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, sewage, 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.

- **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.

Sec. 7.1 "R-3(A)" Apartment district.

The following regulations shall apply to the "R-3(A)" Apartment district:

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

- (1) Apartment houses or multiple-family dwellings.

- (2) Institution of a religious, educational or philanthropic nature, with conditional use permit.

- B. Height regulations: No building shall exceed three (3) stories or forty (40) feet in height.

- C. Yard 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 not be less than sixteen (16) feet in depth.

- (4) Depth of lot. The lot shall have a minimum depth of one hundred ten (110) feet.

- D. Intensity of use: Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated or reconstructed shall be located on lots containing the following areas:

- (1) A lot on which there is erected a single-family dwelling shall contain an area of not less than seven thousand (7,000) square feet.

- (2) A lot on which there is erected a two-family dwelling shall contain an area of not less than seven thousand (7,000) square feet.

- (3) A lot on which there is erected an apartment house or multiple-family dwelling shall contain a minimum lot area of not less than seven thousand (7,000) square feet and one thousand eight hundred (1,800) square feet per dwelling unit for each unit over four (4) units.

- (4) Where a lot or tract has less area than herein required and its boundary lines along their entire length touched lands under other ownership on the

effective date of this ordinance and have not since been changed, such parcel of land may be used for a single-family dwelling.

E. Parking regulations: Whenever a structure is erected, converted, or structurally altered for a two-family dwelling, or a multi-family dwelling, two (2) parking spaces shall be provided and maintained on the lot for each dwelling unit in the building. Such parking spaces shall be on the lot and so arranged as to permit satisfactory egress and ingress of an automobile, and such parking area shall be in addition to driveways. Other standards contained in section 12.1; Parking Requirements shall also apply.

F. *Additional use, height, and area regulations:*

(1) Additional use, height, and area regulations and exceptions are found in section 12 herein.

(2) Signs: Signs shall be as permitted by section 15 of this ordinance.

- **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 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 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 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 a 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 proposed construction of a multi-family development on subject property after it is legally platted and recorded.
3. *Section 21(d) of City of Eagle Pass Code of Ordinances Appendix A* states, in part, that the Planning and Zoning Commission may approve, conditionally approve or deny an application for a *Conditional Use Permit*, and in authorizing a conditional use, may impose such requirements and conditions with respect to location, construction, time period, maintenance and operation as deemed necessary for the protection of adjacent properties and the public interest when reasonably related to the use of the property.
4. *Section 21(d) of City of Eagle Pass Code of Ordinances Appendix A* further states, in part, that before granting any *Conditional Use Permit*, The 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.

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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 proposed use 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. Community Development Department Recommendation

The Planning and Zoning Commission **GRANT** the Conditional Use Permit to allow the construction of a multi-family development, for property legally known as a 2.98-acre tract of land conveyed to Monsa, LTD., recorded in Volume 1157, Page 420, deed records of Maverick County, Texas, 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 & stormwater
- Appendix A governing off-street parking
- Appendix A governing signs and fences

2. This *Conditional Use Permit* is non-transferable.

TRANSMITTED to the parties listed hereafter:

TEC Services c/o Aaron Libson via e-mail
 Eagle Pass Planning and Zoning Commission Members via e-mail
 Eagle Pass City Manager Homero Balderas via e-mail
 Eagle Pass Assistant City Manager Ivan Morua via e-mail
 Eagle Pass City Attorney Ana Sophia Garcia via e-mail
 Eagle Pass City Secretary Erika Rodriguez via e-mail
 Eagle Pass Community Development Department Report dated March 19, 2025

Attachment 1
Application



PLANNING DEPARTMENT

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

CONDITIONAL USE PERMIT APPLICATION

Applicant Information	Name: TerraTech Engineering & Construction Services, Inc.
	Mailing Address: 3292 El Indio Hwy, Eagle Pass, TX 78852
	Phone: 830-773-0579 E-mail: ajlibson@terratechengineering.com
	Note: If you are not the owner of the property, you must attach a letter from the owner authorizing you to submit this application.

Property Owner Information	Name: MONSA, LTD.
	Mailing Address: 2741 Crown Hill, Suite B, Eagle Pass, TX 78852
	Phone: 830-352-9205 E-mail: mondragonromelia@mac.com

Property Information	Site Address: Off Town Square Blvd MCAD Property ID # 8711644
	Legal Description: Lot(s) 1 Block 1 Subdivision Villa Romel Estates Unit 3 (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) 122.76' Rear Yard Width (feet) 165.27' Side Yard Width (feet) 810'
	Current Use Vacant and undeveloped
	Proposed Use multi-family use

Description of Project:
Development of apartment style homes
The development will remain the same as a single-family dwelling homes, but will each be apartment type single family homes that will situated on one (1) whole lot to be owned by the developer/owner and rented out.

Detailed Explanation of Proposed Conditional Use
What development measures regarding location, construction, time period, maintenance, and operation will you use to protect adjacent properties from impacts from your project?
the development will conform to all city codes.

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

The proposed development will keep the same exact concept as a single-family dwelling.

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

the use will not disrupt the existing zoning or master plan maps.

Aplicant Authorization

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

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

Applicant Signature

2/24/2025

Date

Office Use

Date Application Accepted for Review: 2/24/25 By: UK

Contact Date for Supplemental Info: Supplemental Info Received:

Completeness Review Date: By:

Application Returned to Applicant: (when applicable)

MR:6/2020



Owner Authorization Letter for Zoning Change

This document serves as written legal notice by Monsa, LTD., property owner of an approximate 2.98 acre tract in Eagle Pass, TX, Maverick County, which is currently in the process of being legally platted as Lot 1, Block 1, of Villa Romel Estates Subdivision Unit 3, that the property owner intends to voluntarily change the current zoning from R-2 Second one-family to R-3(A) Apartment district as per the zoning change application submitted.

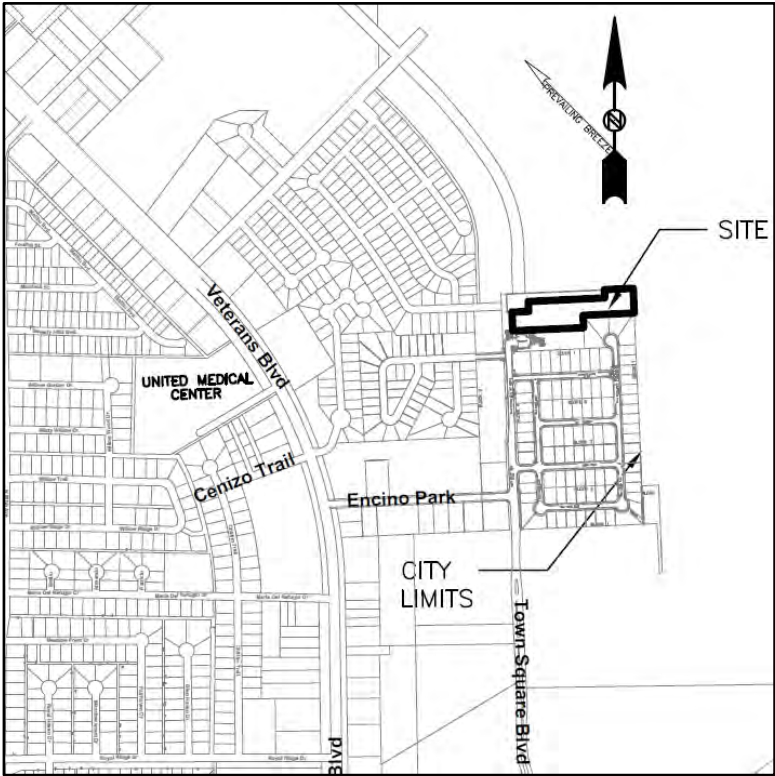
Date: 2/26/2015

Francisco Mondragon

Monsa, LTD.

Owner and Managing Member of Monsa, LTD.

Aerial View





Attachment 2
Master Plan Map & Zoning District Map

Master Plan Map

No Depiction



Zoning District Map



Item #4



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

Victor Guadarrama Conditional Use Permit Request

I. BACKGROUND

A. General Information

Applicant: Victor Guadarrama | Eagle Pass, Tx 78852

Property Owner: Guadalupe Ramon & Maria G. Martinez

Location: 231 Ceylon Street **Property ID Number:** 13689

Legal Description: New Range Unit #1, Block 2, Lot 2, 3, and 4, (south 15ft of Lot 4)

Request: A request for a Conditional Use Permit to allow for a multi-family addition to an existing development on subject property.

B. Subject Property Information

Total gross acreage: .3696 acres

Total Square Feet: 16,100 sq ft

Existing Use: Developed multi-family

Current Zoning: B-2 Central Business District

Master Plan: Commercial

C. Vicinity Data

The site is in an area that is primarily comprised of commercial developments, including residential and multi-family uses.

Ceylon 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, garbage, 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*, with a legal notice published in the Eagle Pass News Gram on March 13, 2025. Twenty-three (23) notices were mailed to the abutting property owners within the 200 feet radius of the subject property on March 14, 2025.

III. RECOMMENDED FINDINGS OF FACT

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

- Section 9.1 Planning and zoning commission

The city council shall appoint a city planning and zoning commission consisting of five (5) regular members who shall be residents of the City of Eagle Pass and who own real estate within the city, and such ex-officio members as are provided herein. The regular members shall receive such compensation as the council shall prescribe by ordinance and shall hold no other elective position in the city government. The ex-officio members shall include the mayor, the city manager, and such other ex-officio members as the council may by resolution provide. Ex-officio members shall participate in the work of the commission but shall not have a vote in its official actions.

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

- (c) Rules of procedure. The commission shall elect annually, one of its members chairman, and shall establish its own rules of procedure which shall include the following: A quorum shall consist of a majority of the members of the commission qualified and serving. The affirmative vote of a majority of those present shall be necessary to pass upon pending questions. All meetings shall be open to the public and a record of all proceedings shall be kept, which record shall be filed with the person performing the duties of city secretary and shall be a public record.
- (d) Vacancies. Membership of the commission shall be accompanied by active participation in the activities of the commission, and any member who is absent from three (3) consecutive meetings of the commission without valid excuse, as determined by the commission, shall automatically be dismissed from membership. The commission shall at once notify the council that a vacancy in the commission exists. Vacancies occurring in the commission, for whatever reason, shall be filled within thirty (30) days by appointment by the council for the remainder of the unexpired term.

- **Section 9.3 Master Plan.**

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

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

overruled by the council. The failure of the commission to act within thirty (30) days after the date of official submission to the commission shall be deemed approval, unless a longer period be granted by the council or the submitting official.

Land Use Development

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

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

Land Use Development Goals

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

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, sewage, 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.

- **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.

Sec. 7.1 "R-3(A)" Apartment district.

The following regulations shall apply to the "R-3(A)" Apartment district:

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

(1) Apartment houses or multiple-family dwellings.

- (2) Institution of a religious, educational or philanthropic nature, with conditional use permit.

- B. Height regulations: No building shall exceed three (3) stories or forty (40) feet in height.

- C. Yard 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 not be less than sixteen (16) feet in depth.

- (4) Depth of lot. The lot shall have a minimum depth of one hundred ten (110) feet.

- D. Intensity of use: Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated or reconstructed shall be located on lots containing the following areas:

- (1) A lot on which there is erected a single-family dwelling shall contain an area of not less than seven thousand (7,000) square feet.

- (2) A lot on which there is erected a two-family dwelling shall contain an area of not less than seven thousand (7,000) square feet.

- (3) A lot on which there is erected an apartment house or multiple-family dwelling shall contain a minimum lot area of not less than seven thousand (7,000) square feet and one thousand eight hundred (1,800) square feet per dwelling unit for each unit over four (4) units.

- (4) Where a lot or tract has less area than herein required and its boundary lines along their entire length touched lands under other ownership on the effective date of this ordinance and have not since been changed, such parcel of land may be used for a single-family dwelling.

- E. Parking regulations: Whenever a structure is erected, converted, or structurally altered for a two-family dwelling, or a multi-family dwelling, two (2) parking spaces shall be provided and maintained on the lot for each dwelling unit in the building. Such parking spaces shall be on the lot and so arranged as to permit

satisfactory egress and ingress of an automobile, and such parking area shall be in addition to driveways. Other standards contained in section 12.1; Parking Requirements shall also apply.

F. Additional use, height, and area regulations:

- (1) Additional use, height, and area regulations and exceptions are found in section 12 herein.
- (2) Signs: Signs shall be as permitted by section 15 of this ordinance.

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

The Community Development Department utilizes the *City of Eagle Pass Master Plan* 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 development of multi-family use 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 proposed use 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. Community Development Department Recommendation

The Planning and Zoning Commission **GRANT** the Conditional Use Permit to allow the construction of an addition to an existing multi-family development, for property legally known as 231 Ceylon 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 & stormwater
 - Appendix A governing off-street parking

- Appendix A governing signs and fences

2. This *Conditional Use Permit* is non-transferable.

TRANSMITTED to the parties listed hereafter:

Victor Guadarrama via e-mail

Eagle Pass Planning and Zoning Commission Members via e-mail

Eagle Pass City Manager Homero Balderas via e-mail

Eagle Pass Assistant City Manager Ivan Morua via e-mail

Eagle Pass City Attorney Ana Sophia Garcia via e-mail

Eagle Pass City Secretary Erika Rodriguez via e-mail

Eagle Pass Community Development Department Report dated March 20, 2025

Attachment 1

Application



PLANNING DEPARTMENT

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

CONDITIONAL USE PERMIT APPLICATION

Applicant Information	Name: <u>VICTOR M. GUADARRAMA</u>
	Mailing Address: <u>813 Church, St.</u>
	Phone: <u>(830) 325-1859</u> E-mail: <u>victor.guadarrama1962@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>Guadalupe Ramon Martinez de Leon and Maria Guadalupe M. Martinez</u>
	Mailing Address: <u>231 Ceylon, St. Eagle Pass, TX 78852</u>
	Phone: <u>(830) 776-9924</u> E-mail: _____

Property Information	Site Address: <u>231 CEYLON, ST.</u> MCAD Property ID # <u>13689</u>
	Legal Description: Lot(s) <u>2, 3</u> Block <u>2</u> Subdivision <u>NEW RANGE 1</u> <u>South 15 feet of Lot #4</u> (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) <u>115</u> Rear Yard Width (feet) <u>115</u> Side Yard Width (feet) <u>140</u>
	Current Use _____
	Proposed Use _____

Description of Project: <u>NEW FOUR APARTMENT OF ONE BEDROOM</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>6 MONTHS PERIOD TIME</u>

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

The property already counts with a multi-family development.

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

multi-family was allowed previously

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

2/3/25

Office Use

Date Application Accepted for Review: 2/3/25 By: MK

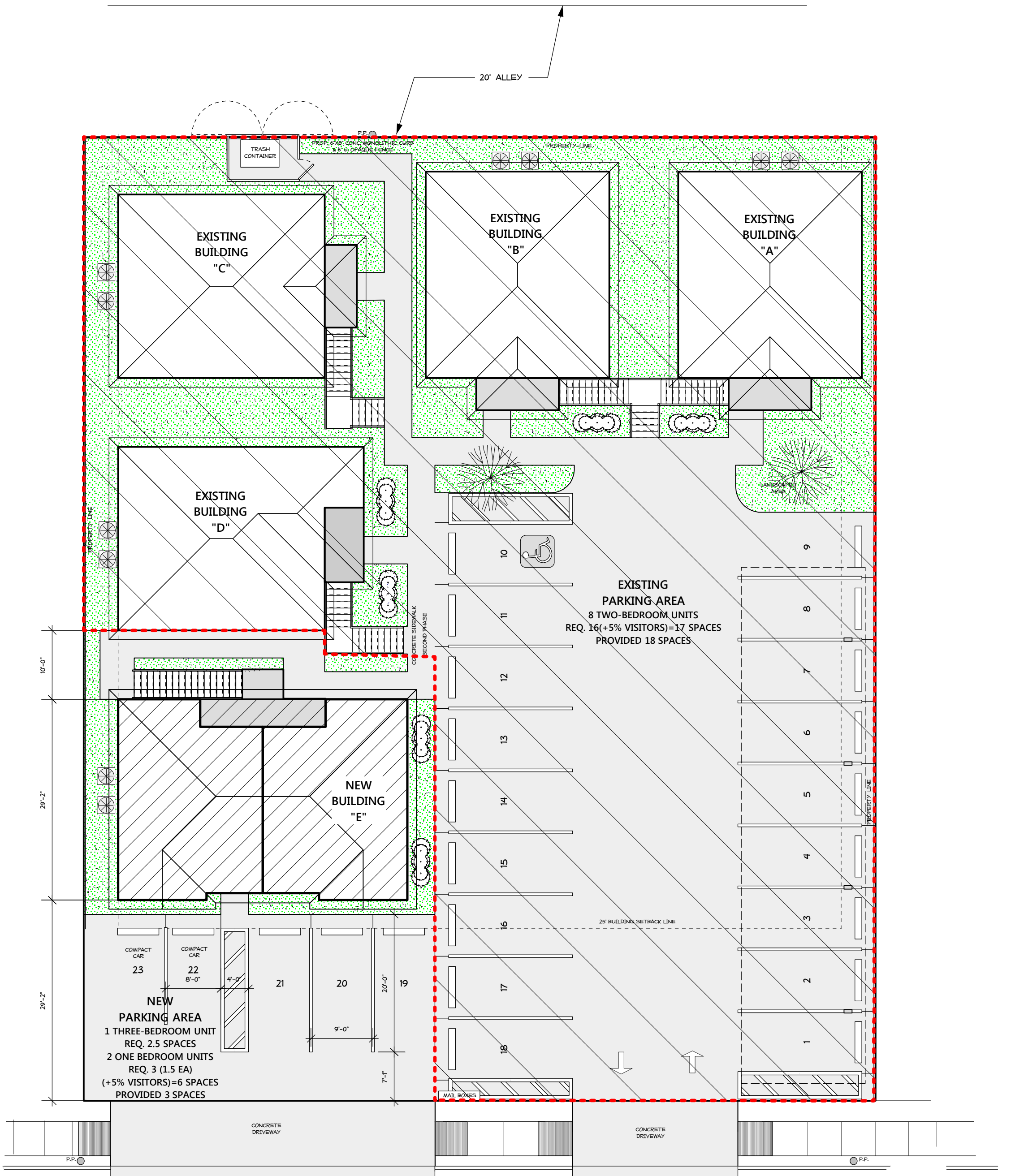
Contact Date for Supplemental Info: — Supplemental Info Received: —

Completeness Review Date: 2/3/25 By: MK

Application Returned to Applicant: — (when applicable)

MR:6/2020

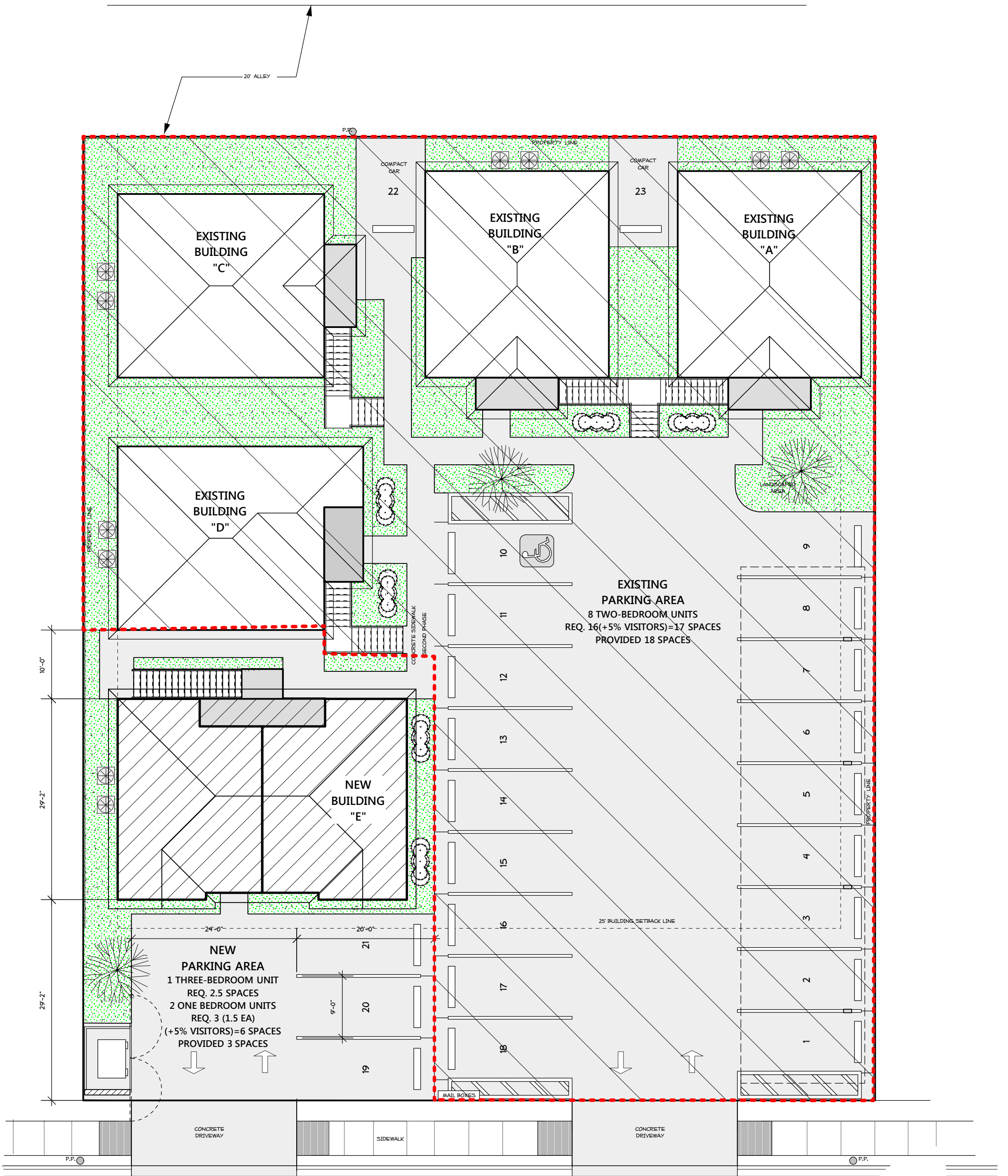




SITE PLAN

Scale: 1:150

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SITE PLAN

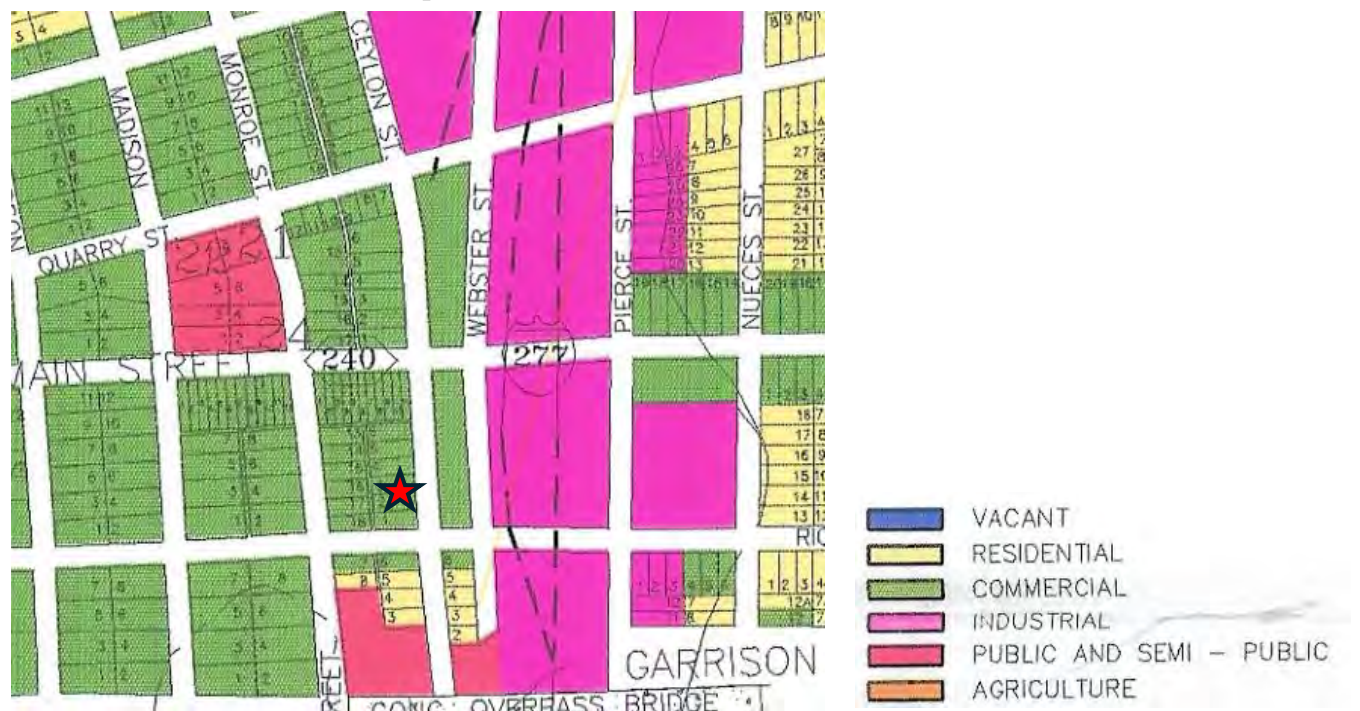
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Attachment 2
Master Plan Map & Zoning District Map

Zoning Map



Master Plan Map



Item #5



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

Maribel Salazar Conditional Use Permit Request – 1708 Ferry Street

I. BACKGROUND

A. General Information

Applicant & Property Owner: Maribel Salazar

Property ID Number: 10558

Legal Description: Hillcrest Add, Block 61, Lot 9

Location: Parcel is located at the corner of Ferry Street and North Comal Street, in an area featuring residential developments. Access to the site is provided by Ferry Street.

Request: A request for a Conditional Use Permit to allow for an insurance agent establishment on property located at 1708 Ferry Street.

B. Subject Property Information

Parcel Size: 5,640 square feet and 0.1294 acres

Current Use: residential dwelling

Proposed Use: retain the residential use and allow the establishment of an insurance agent business.

Zoning District: R-3 Duplex District

Master Plan: Residential

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*, with a legal notice published in the Eagle Pass News Gram on March 13, 2025. Twenty-five (25) notices were mailed to the abutting property owners within the 200 feet radius of the subject property on March 14, 2025.

III. RECOMMENDATION FINDINGS OF FACTS

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

1. The application contains sufficient information upon which the Planning and Zoning Commission may render a decision. Please refer to Attachment 1 for a copy of the request.
2. The request involves the establishment to allow for an insurance agent establishment, which is not listed as allowed use, therefore requiring undergoing the CUP process per *Section 13* regulating home occupations. Please refer to Attachment 3 for a copy of the Code of Ordinances.

Establishments such as this shall be permitted only with a conditional use permit, as required by [Section 21](#), Conditional Use Permits under *Eagle Pass Code of Ordinances Appendix A – Zoning Ordinance*.

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

In a circumstance where 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 with surrounding uses, especially those residential uses located in the area. To address these issues, The Community Development Department's recommendation to approve the *Conditional Use Permit* contains conditions intended to address these issues.

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

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

This application is consistent with the *Plan's Land use Development Goals*, as the proposed establishment 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.

5. The *Conditional Use Permit*, if granted, would be consistent with the purpose of the zoning code. *Section 21* 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 2 for a copy of the *City's Zoning District Map*.

Section 21 empathizes with 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 residential structure as an insurance agent professional establishment will facilitate the retention of the neighborhood's commercial character.

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

area, and it will not impair the public health, safety, comfort, morals and welfare of the City of Eagle Pass, Texas.

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

B. Community Development Department Recommendation

The Planning and Zoning Commission **GRANT** the Conditional Use Permit to allow the establishment of an insurance agent business on property located at 1708 Ferry Street.

TRANSMITTED to the parties listed hereafter:

Maribel Salazer via e-mail

Eagle Pass Planning and Zoning Commission Members via e-mail

Eagle Pass City Secretary Erika Rodriguez via e-mail

Eagle Pass City Manager Homero Balderas via e-mail

Eagle Pass Assistant City Manager Ivan Morua via e-mail

Eagle Pass City Attorney Ana Sophia Garcia via e-mail

Eagle Pass Community Development Department Report dated March 20, 2025

Attachment 1
Application



PLANNING DEPARTMENT

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

CONDITIONAL USE PERMIT APPLICATION

Applicant Information	Name: <u>Maribel Salazar</u>
	Mailing Address: <u>1708 Ferry St. Eagle Pass, TX 78852</u>
	Phone: <u>(830) 325-1877</u> E-mail: <u>msalazar1708@hotmail.com</u>
	<u>Note: if you are not the owner of the property, you must attach a letter from the owner authorizing you to submit this application.</u>

Property Owner Information	Name: <u>Maribel & Juan C. Salazar</u>
	Mailing Address: <u>1708 Ferry St. Eagle Pass, TX 78852</u>
	Phone: <u>(830) 325-1877</u> E-mail: <u>msalazar1708@hotmail.com</u>

Property Information	Site Address: <u>1708 Ferry St. Eagle Pass, TX 78852</u> MCAD Property ID # <u>10558</u>
	Legal Description: Lot(s) <u>9</u> Block <u>61</u> Subdivision <u>Hillcrest ADDN</u> (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) _____ Rear Yard Width (feet) _____ Side Yard Width (feet) _____
	Current Use <u>Home</u>
	Proposed Use <u>Home</u>

Description of Project:
<u>Work from home as an insurance agent by appointments only or home visits at clients' residences.</u>

Detailed Explanation of Proposed Conditional Use
<u>What development measures regarding location, construction, time period, maintenance, and operation will you use to protect adjacent properties from impacts from your project?</u>
<u>No construction or maintenance is required, nor are any other operations needed. It's considered working from home.</u>

--

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

The majority of customer service is provided via phone. This approach allows for flexible hours, ensuring that clients receive the necessary assistance at various times of the day.

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

Zoning is not required as per construction.

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 <u>02/26/2025</u> Date

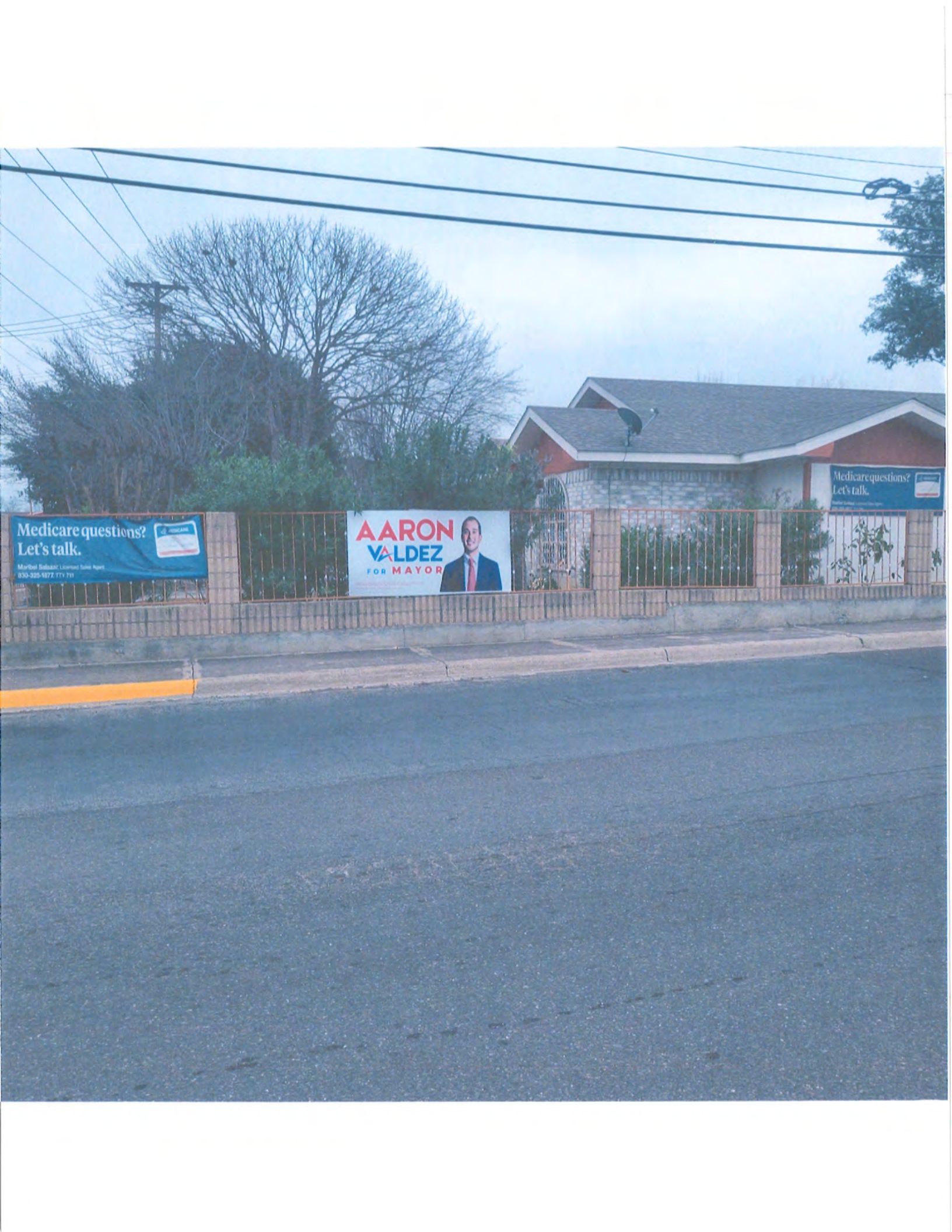
Office Use	Date Application Accepted for Review: _____ By: _____
	Contact Date for Supplemental Info: _____ Supplemental Info Received: _____
	Completeness Review Date: _____ By: _____
	Application Returned to Applicant: _____ (when applicable)
	MR.6/2020



Medicare questions?
Let's talk.



Maribel Salazar, Licensed Sales Agent
830-325-1877, TTY 711



Medicare questions?
Let's talk.

Maribel Salazar, Licensed Sales Agent
833-325-1877, TTY 711

AARON
VALDEZ
FOR MAYOR



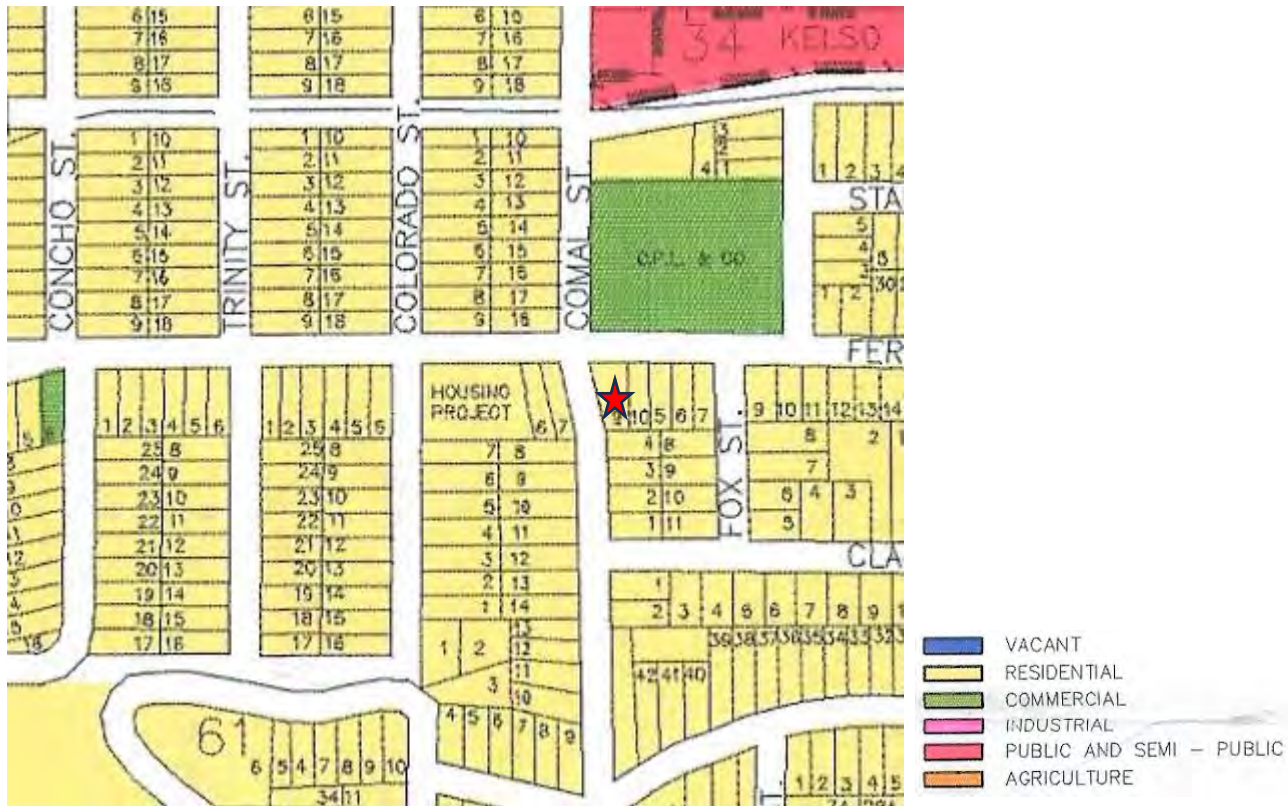
Medicare questions?
Let's talk.



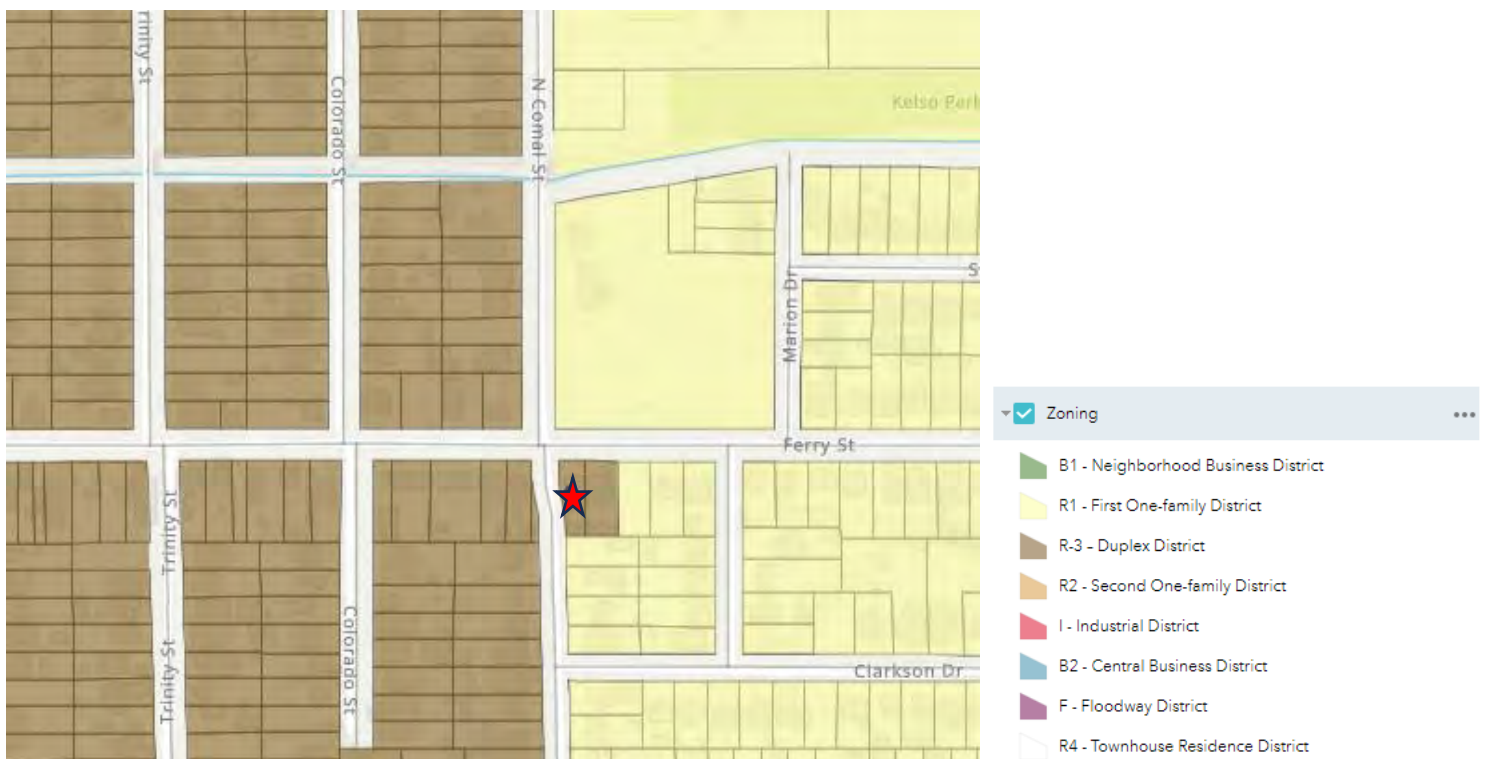


Attachment 1
Master Plan Map and Zoning District Map

Master Plan Map



Zoning District Map



Attachment 3
Code of Ordinances

Sec. 13. Home occupations.

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

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

Sec. 21. Conditional use permits.

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

Item #6



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

Crane Engineering Corp Rezone Request

I. BACKGROUND

General Information

Applicant: Crane Engineering Corp., Attn: Edward D. Garza, P. E., CFM

Property Owner: Desarrollos y Proyectos del Aguila, LLC

Location: West of Paso Del Rio Subdivision and north of MGA Phase 1.

PID: 2419

Legal Description: MGA Subdivision Phase II (development consists of 24 residential lot and 1 "open space" lot)

Request: Rezone the MGA Subdivision Phase 2, from R-1 First One Family Dwelling District to R-2 Second One Family Dwelling District.

Subject Property Information

Parcel Size: 6.69 acres

Current Zoning: R-1 First One-Family Dwelling District

Master Plan: Residential

Current Use: Vacant and undeveloped

Proposed Use: Rezone to R-2 district to allow for smaller and more affordable lots.

Vicinity Data

The site is located west of Buena Vista Drive and Paso Del Rio Boulevard within an area that features residential development consistent with 5,500 and 7,700 square-foot minimum lot size found in the subdivisions.

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 Paso Del Rio Blvd via Del Rio Blvd.

Aerial Map



II. PUBLIC NOTICE

Public notification of the rezone 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*, with a legal notice published in the Eagle Pass News Gram on March 13, 2025. One (1) notice was mailed to the abutting property owner, with a legal notice published in the Eagle Pass News Gram on March 14, 2025.

III. RECOMMENDED FINDINGS OF FACT

A. Conclusions

1. *Section 1(b)(4) of Eagle Pass City Charter Article IX* authorizes the Planning and Zoning Commission to recommend or disapprove proposed changes to the *City of Eagle Pass Zoning Plan*. A request for a change in a zoning district designation for a property constitutes a change to the *Zoning Plan* and the *Zoning Plan Map*.
2. The applicant's request contains sufficient information for consideration by the Eagle Pass Planning and Zoning Commission. The 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 the proper zoning for subject property.
5. The rezone request is consistent with the 'Land Use Development Goals' of the *City of Eagle Pass Master Plan*. The request to change from the R-1 District to R-2 District will allow for a continuation of the development in the neighborhood while retaining the community's character and scale. The change will facilitate the ultimate development of urban uses in a compatible arrangement that will make the community attractive to both residents and visitors and desirable to quality investments, while improving the residential and commercial environment of the city.
6. The rezone request is consistent with the *Master Plan's* 'Street Objectives', 'Thoroughfare Goals', and 'Thoroughfare Objectives', as access to the rezone site will be provided by Paso Del Rio Boulevard.
7. The rezone request conforms to the purpose of the City's zoning code, as the development of the property resulted in a use that is consistent with intent of the *R-2 District* and consistent with residential 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 various public streets. Please refer to Attachment 2 for a copy of the City's *Zoning District Map*.
8. The property is in an area that has residential use and should allow the property to be rezoned to a better use.
9. The rezone request is in conformance with direction provided in the *Master Plan's* Storm Drainage Goals' and 'Storm Drainage Objectives'.

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

B. Community Development Department Recommendation

The Planning and Zoning Commission grant a zoning district change from R-1 First One Family Dwelling District to R-2 Second One-Family Dwelling District, for the proposed MGA Subdivision Phase 2, which consists of approximately 6.69 acres.

TRANSMITTED to the parties listed hereafter:

Crane Engineering Corp., Edward D. Garza, P. E., CFM via e-mail
Eagle Pass Planning and Zoning Commission Members via e-mail
Eagle Pass City Secretary Erika Rodriguez via e-mail
Eagle Pass City Manager Homero Balderas via e-mail
Eagle Pass Assistant City Manager Ivan Morua via e-mail
Eagle Pass City Attorney Ana Sophia Garcia via e-mail
Eagle Pass Community Development Department Report dated March 21, 2025

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>Crane Engineering Corp., Attn.: Mr. Edward D. Garza, P.E., CFM</u> Mailing Address: <u>1310 Junction Dr., Suite B, Laredo, Texas 78041</u> Phone: <u>(956) 712-1996</u> E-mail: <u>eddiegarza@craneeng96.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>Desarrollos y Proyectos del Aguila, LLC, Attn.: Mr. Chad Foster/Megan Lewis</u> Mailing Address: <u>106 N. East Street, Uvalde, Texas 78801</u> Phone: <u>(830) 486-4846</u> E-mail: <u>megan.blackrocksmanagement@gmail.com</u>
Property Information	Site Address: <u>819 Paso Del Rio Blvd.</u> MCAD Property ID # <u>2419</u> Legal Description: Lot(s) <u>N/A</u> Block <u>N/A</u> Subdivision <u>MGA Subdivision Phase 2</u> (Property must be legally subdivided or be lot of record) Front Yard Width (feet) <u>N/A</u> Rear Yard Width (feet) <u>N/A</u> Side Yard Width (feet) <u>N/A</u>
Proposed Project	Amend Zoning Regulations contained in section _____ Amend the Official Zoning Map & Master Plan by changing <u>6.69</u> acres of land currently zoned <u>R-1</u> to be zoned <u>R-2</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:

Property is proposed for single family lots; Reason for zone change is to allow 65 foot wide lots.

Describe the character and/or nature of uses surrounding the property:

Surrounding land use are single family homes. Lot areas vary but minimum areas exceed 7,000 SF. This zone change will not change the character of the surrounding land use.

Will the rezoned designation be compatible with the classification and use of adjoining lands? ☒ Yes ☐ No

If No, how do you propose to reduce any adverse impact?

Applicant Authorization

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

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



Applicant Signature

3/3/25

Date

Office Use

Date Application Accepted for Review: 3/3/25 By: me

Contact Date for Supplemental Info: — Supplemental Info Received: —

Completeness Review Date: 3/3/25 By: me

Application Returned to Applicant: — (when applicable)

MR:7/2020

MGA Subdivision Phase 2
Zone Change

To whom this may concern:

My name is Chad Foster, and I am member of Desarrollos y Proyectos del Aguila, L.L.C. Desarrollos y Proyectos del Aguila, L.L.C. is the owner of Property ID 2419, in Maverick County, Texas, being that real property consisting of 6.69 acres located at 819 Paso Del Rio Blvd. in Eagle Pass, Texas.

As owner of the property, Desarrollos y Proyectos del Aguila, L.L.C., consents to and authorizes Edward D. Garza, P.E. of Crane Engineering Corp., to act as my agent for the purpose of changing the zone of the property.

Desarrollos y Proyectos del Aguila, L.L.C.

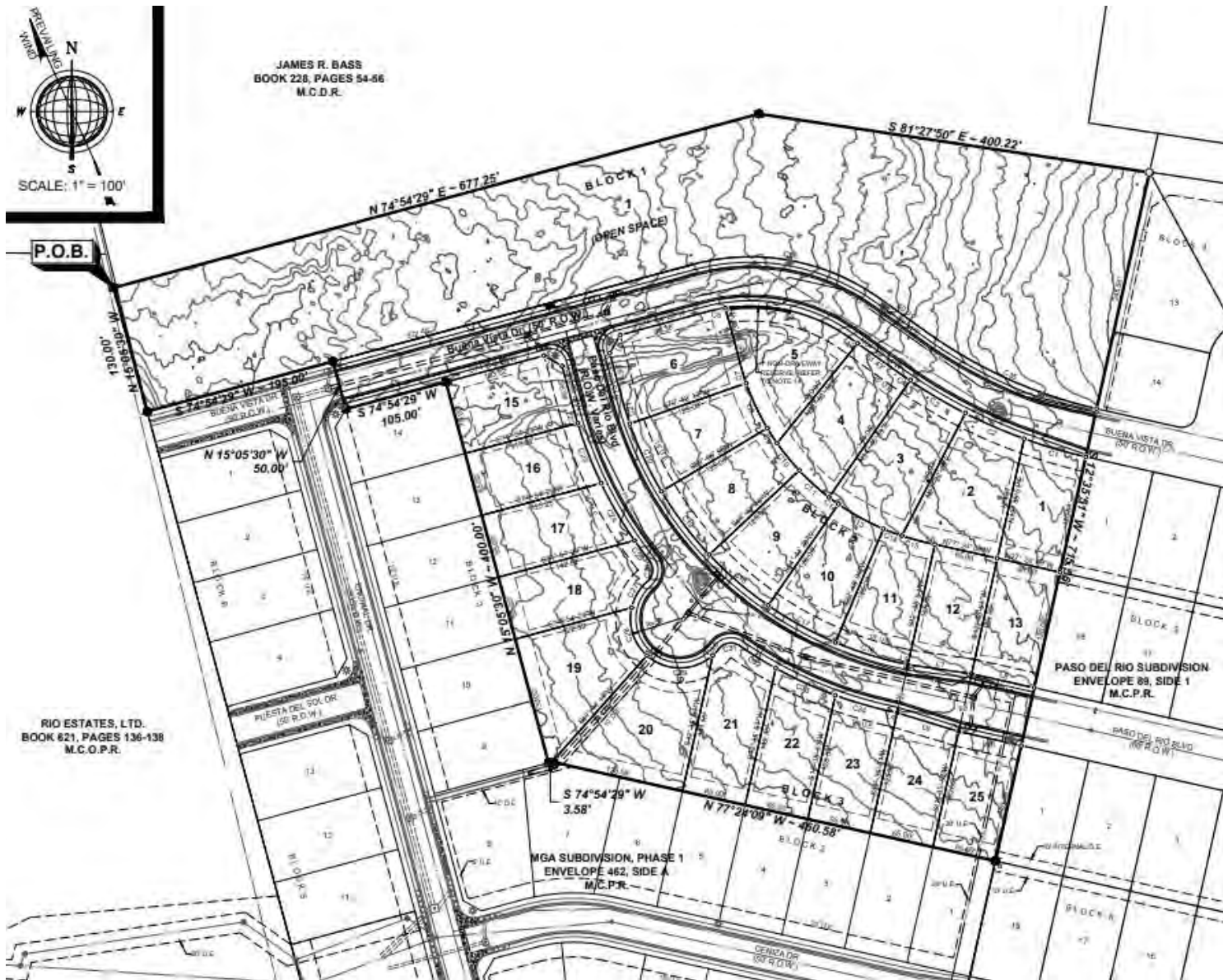
Signature: 
Chad Foster, Member

Date: 2-28-25



Proposed Phase 2 of MGA Subdivision - consisting of 24 residential lots and 1 “open space” lot

- The preliminary plat was approved by the P&Z Commission at their January 9, 2025, meeting.
- The City Council granted preliminary plat approval at their February 11, 2025, meeting.
- A Pre-Construction Meeting needs to take place with various entities and city departments before the Developer can start installing the required improvements.



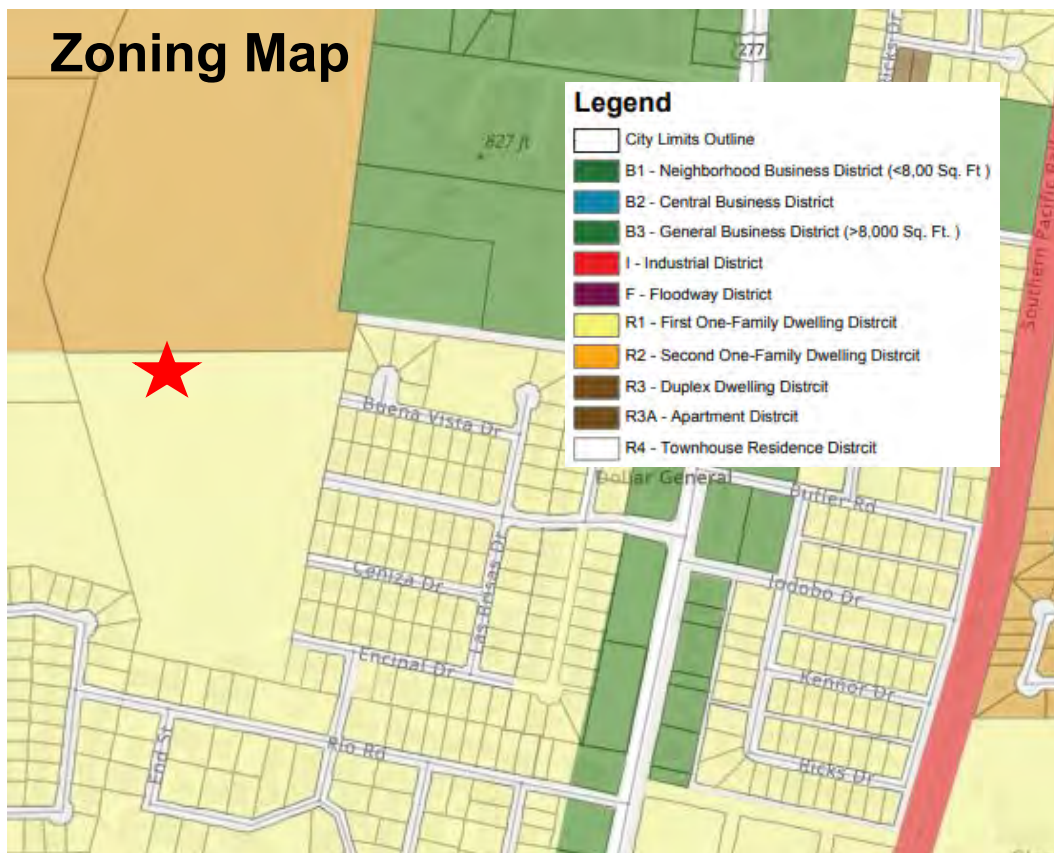
Attachment 2
Master Plan Map & Zoning District Map

REJ. LEE AND ASSOCIATES, INC. OR ITS
 L. BE LIABLE TO ANY PERSON OR ENTITY
 LIABILITY, LOSS, OR DAMAGE CAUSED OR
 DIRECTLY OR INDIRECTLY BY THESE MAPS.

Master Plan



Zoning Map



Item #7



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

Subdivision Variance from Section 23-36(a) regulating preliminary plats
Final Re-Plat of Lot C in Block 4 of Rio Estates Subdivision Unit 3

I. BACKGROUND

A. General Information

Applicant: Mountain View Engineering I 2107 Veterans Blvd, Ste 4 I Del Rio, Tx 78840

Developer: Rio Estates, LTD I Alto, NM 88312

Location: 1761 Rio Drive **Property ID Number:** 8700004

Legal Description: Lot C in Block 4 of Rio Estates Subdivision Unit 3

Request: Approval of a subdivision variance to proceed to final plat directly without first having obtained preliminary replat approval.

B. Subject Property Information

Parcel Size: 2.7482 acres and 119,713 square feet

Topography: Generally flat **Vegetation:** cleared

Existing Use: vacant and undeveloped

Zoning: Meets or exceeds the *R-1 First One-Family Dwelling District* Standards

Master Plan: Residential

C. Vicinity Data

The site is located within an area that features residential developments consistent with 7,700-square foot minimum lot size found in the subdivision.

D. Infrastructure

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

Access to the site is provided by Rio Drive.

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. 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 3, comply with the four criteria to grant the subdivision variance.

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

First Variance Decision Criteria

Section 23-11(a)(1). The variance 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 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 *Residential District*. The residential use of the property will allow the enjoyment of property rights permitted by the City code.

Third Variance Decision Criteria

Section 23-11(a)(3). The variance 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 variance 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 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 replat.

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.

3. The property is located within the City's *Jurisdiction*, and the policies of the *Master Plan Map* apply to the consideration of this subdivision. The *Master Plan* emphasizes the importance of maintaining the character of the residential neighborhoods.

- ✓ The replat 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 replat 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 *R-1 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 replat is consistent with the *Street Goal* of the *Master Plan*, as access to the site from Rio Drive is designed to provide the residents of and visitors to Eagle Pass and with a street system that will enable them to travel safely and conveniently.
 - ✓ The replat is consistent with the *Thoroughfare Goals* of the *Master Plan*, as Rio Drive has been designed to be part of a safe and efficient thoroughfare system.
 - ✓ The replat is consistent with the *Storm Drainage Goals* of the *Master Plan*, as the size of the two lots and the eventual density of 2-dwelling-units on the re-plat site will not adversely impact existing area drainage effectiveness.
4. The subdivision is consistent with City design and specifications, as the subsequent development of the site will be required to conform to the following sections of *Article IV* in *Eagle Pass Code of Ordinances Chapter 23*:
- ✓ *Section 23-61* governing street layout, right-of-way and pavement width, street names, streetlights, and road construction testing.
 - ✓ *Section 23-62* governing utility easements
 - ✓ *Section 23-64* governing sidewalks at the time of lot development.
 - ✓ *Section 23-66* governing sanitary sewage disposal
 - ✓ *Section 23-67* governing potable water supply and fire flow
 - ✓ *Section 23-68* governing storm drainage
 - ✓ *Section 23-69* governing the size of building lots, including lot width, lot depth, lot orientation, and building setback areas
 - ✓ *Section 23-71* governing the installation and inspection of utility lines
5. The subdivision and the subsequent development of the property will be consistent with City design and specifications for landscape and tree preservation set forth in *Article VI* in *Eagle Pass Code of Ordinances Chapter 23*.
6. The replat will conform with the parkland dedication requirements set forth in *Article V* in *Eagle Pass Code of Ordinances Chapter 23*. Cash in lieu payment to City of Eagle Pass, which will be collected prior to plat recordation.
7. The subdivision of the property is in conformance with the provisions of the *Master Plan* and the *Eagle Pass Code of Ordinances* by facilitating the following benefits:

- Protect private rights while considering public health, safety, and welfare.
 - Provide efficient and economical ways to move people and goods outside the City by an adequate plan for streets and highways.
 - Guide future development in an orderly manner, by stages according to a pattern, so that the City and County may have balanced land use.
 - Encourage a diversified economic base and encourage public and private investments in land and improvements.
 - Prevent and eliminate blight and slums, making the City and County attractive to people, commerce, and industry.
 - Create the desire for a more pleasing appearance of the City and 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.
8. The replat will allow for a use of the property that is consistent with the residential purpose of the *R-1 First One-Family Dwelling 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 *R-1 First One-Family Dwelling District*.
 - C. The subdivision is warranted because of the necessity to create additional building lots in the *R-1 First One-Family Dwelling 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 *R-1 First One-Family Dwelling 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 3 for a copy of the *Master Plan* Map and a copy of the *Zoning District Map* for the City of Eagle Pass.

9. The approval of this final replat 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 8 of this report.

B. Community Development Department Recommendation

The Planning and Zoning Commission **GRANT** the subdivision variance to proceed directly to Final Replat without first having obtained Preliminary Replat approval as required by *City of Eagle Pass Code of Ordinances Section 23-36(a)*, for the Replat of Lot C in Block 4 of Rio Estates Subdivision Unit 3.

TRANSMITTED to the parties listed hereafter:

Mountain View Engineering via e-mail
Eagle Pass Planning and Zoning Commission via e-mail
Eagle Pass City Manager Homero Balderas via e-mail
Eagle Pass Assistant City Manager Ivan Morua via e-mail
Eagle Pass City Secretary Erika Rodriguez via e-mail
Eagle Pass City Attorney Ana Sophia Garcia via e-mail
Maverick County Planning Director via e-mail
Eagle Pass Community Development Department Report dated March 24, 2025

Attachment 1
Subdivision Variance Application



PLANNING DEPARTMENT

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

SUBDIVISION VARIANCE APPLICATION

Applicant Information

Applicant (If not owner): Hector Canales
Address: 2107 Veterans #4 Del Rio TX 78840
Phone: 830 734 2991 E-mail: hcanales2463@yahoo.com
Owner: _____
Address: _____
Phone: _____ E-mail: _____

Property Information

Site Address: 1761 Rio Dr MCAD Property ID No. 87000004
Legal Description (from deed): _____

Description of Subdivision Variance Request

proceed to final

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?

Replat of a single lot into two lots

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

The lot is large enough to split into two lots

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.

all Requirements will be met per model SD
Rules

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 replat will meet all requirements

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

2/24/2025

Date

SITE



Attachment 2
Plat Application related correspondence



PLANNING DEPARTMENT

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

SUBDIVISION APPLICATION

TYPE OF SUBDIVISION (check one):

☐ Preliminary ☒ Final ☒ Replat ☐ Amendment ☐ Short Form Final

Property Legal Description: Lot C Block 4 Rio Estates #3

Maverick County Property Identification Number(s): 8700004

Name of Addition: _____

Location of Addition: 1761 Rio Drive

Number of Residential Lots: 1 Number of Commercial Lots: _____ Gross Acreage: _____

Number of New Street Intersections NA Linear feet of Streets NA

Is Subdivision inside city limits? Yes ☐ No ☐; If so, Zoning District: _____

Existing Land Use: Residential Proposed Land Use: Residential

Requested Variances: ① Proceed to final ② Sidewalk

PROPERTY OWNER:

Name: Rio Estates, LTD

Address: _____

City: _____

State: _____ Zip: _____

Signature: [Signature]

Contact: Megan Lewis

Phone: 830-486-4846

Fax: _____

E-mail: Megan.blackrocksmanagement@gmail.com

Date: 11-4-24

PROPERTY OWNER:

Name: _____

Address: _____

City: _____

State: _____ Zip: _____

Signature: _____

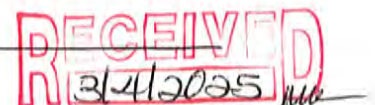
Contact: _____

Phone: _____

Fax: _____

E-mail: _____

Date: _____



APPLICANT/SUBDIVIDER:

Name: Hector Canales
Address: 2107 Veterans #4
City: Del Rio
State: TX Zip: 78840
Signature: [Signature]

Contact: _____
Phone: 830 734 2991
Fax: _____
E-mail: _____
Date: _____

SURVEYOR:

Name: Richard Lemed Assoc.
Address: 487 Memo Robinson
City: Eagle Pass
State: TX Zip: 78852
Signature: Fm Bay

Contact: Francisco Gueyuan
Phone: 830 773 8308
Fax: _____
E-mail: _____
Date: _____

ENGINEER:

Name: Hector Canales
Address: 2107 Veterans Bld #4
City: Del Rio
State: TX Zip: 78840
Signature: [Signature]

Contact: _____
Phone: 830 734 2991
Fax: _____
E-mail: _____
Date: _____

PRINCIPAL CONTACT: _____ Owner _____ Applicant _____ Surveyor ☒ Engineer

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

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.

[Signature]
Applicant Signature

2/24/2025
Date

STATEMENT OF OWNER/SUBDIVIDER

I, the undersigned, hereby certify that: (1) I am the owner the land subject to this request for a subdivision; (2) I authorize Hector Canales 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.

[Signature]
Owner / Subdivider Signature

11-6-24
Date

STATE OF TEXAS §

COUNTY OF Wade §

Before me, the undersigned authority, a notary public for the State of Texas, on this day personally appeared Chad Foster Jr (Name), Member (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 6th day of November, 2024.

Colette Rowland
Notary Public, State of Texas





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, Hector Canales, hereby request final plat approval for the proposed subdivision known as Replet Lot C Block 4 Rio Estates #3 as shown on the accompanying plat, which consists of 1 (number) sheets and which was acknowledged by me on 2/24/2025 (date).

SUBDIVIDER'S ACKNOWLEDGMENT

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

 Signature of Subdivider (or Authorized Agent)

2/24/2025

 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
3/4/2025

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	
_____	<u>X</u>	_____	final engineering report
_____	_____	_____	description in English and Spanish of water and sewer facilities and easements and operable date
<u>X</u>	_____	_____	engineering certification of compliance of water and sewer facilities with Model Rules, and of estimated costs
_____	_____	_____	others (described as follows:) ----- _____ _____
_____	_____	_____	others (described as follows:) ----- _____ _____

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

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

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

NA

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

NA

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

NA

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

NA

**LIST OF DOCUMENTS AND OTHER INFORMATION SUBMITTED DURING
SUBDIVISION REVIEW CONSTITUTING BASIS FOR FULFILLING
REQUIREMENTS FOR FINAL PLAT APPROVAL**

I believe that I have submitted to the City of Eagle Pass all the documents and other information required for final plat approval, except any financial guarantee(s). OTHER THAN THE DOCUMENTS AND INFORMATION ALREADY LISTED ABOVE, those required documents and other information and the dates they were submitted are as follows:

Description of Document	Date Submitted	# of Item on City Submittal Log
(attach additional sheet if needed)		

Mountain View Engineering

Re-Plat
Lot C Block 4 Rio Estates SD Unit 3

Final Engineering Report

February 12, 2025



Approved by:

Hector Canales, P.E., C.F.M.



RECEIVED
3/4/2025

Mountain View Engineering

Mountain View Engineering (MVE) has been contracted for a Re-Plat in Maverick County TX, located at 1761 Rio Drive, Eagle Pass TX 78852. This property is located within the City of Eagle Pass. The proposed re-plat will divide Lot C into two lots within Rio Estates Unit 3 Subdivision recorded in Envelope 276 Side A of the Map Records of Maverick County.



Figure 1: Location Map

There is a 6" waterline and 6" sewer line within the Rio Drive that currently services the property. There is a fire hydrant approximately 200 feet east of the property on Rio Drive. The site is also serviced with electric power from AEP who own the poles and wires. There is a street light pole at the southern corner of the lot.

The two proposed lots have roadway access via Rio Drive. The subdivision has curbs but no sidewalks along Rio Drive. We will be requesting a sidewalk variance for approval on this replat but a note is placed on the replat that the sidewalks will be constructed when the lot is developed. No new streets will be constructed with this re-plat.

The property is located within FEMA regulated floodplain as shown in FEMA Firm Map 48323 C 0435 D made effective April 4, 2011. The designation of Zone "A" means the property does reside within the FEMA regulated 1% chance flood zone.



MOUNTAIN VIEW
ENGINEERING F-15053

STATE OF TEXAS)
COUNTY OF MAVERICK)

OWNER'S DEDICATION, CERTIFICATION, AND ATTESTATION

THE OWNERS OF LOT C, BLOCK 4, RIO ESTATES UNIT 3 SUBDIVISION AND WHOSE NAMES ARE SUBSCRIBED HERETO AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, HEREBY DEDICATE TO PUBLIC USE THE STREET AND EASEMENTS SHOWN HEREIN, AND FURTHER CERTIFY THAT THIS PLAT COMPLIES WITH THE REQUIREMENTS OF TEXAS LOCAL GOVERNMENT CODE 212.032 AND THAT:

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

WE ATTEST THAT THE MATTERS ASSERTED IN THIS PLAT ARE TRUE AND COMPLETE

REPLAT CERTIFICATION (RESIDENTIAL DEED RESTRICTIONS)
I, CHAD FOSTER JR REPRESENTING RIO ESTATES, LTD, THE OWNERS OF LOT C, BLOCK 4, RIO ESTATES UNIT 3 SUBDIVISION, AS SHOWN ON THIS REPLAT HEREBY CERTIFY THAT THIS REPLAT DOES NOT ALTER, AMEND OR REMOVE ANY COVENANTS OR RESTRICTIONS. I FURTHER CERTIFY THAT NO PORTION OF THE PROPOSED AREA TO BE REPLATTED WAS LIMITED WITHIN THE IMMEDIATE PRECEDING FIVE YEARS BY ANY INTERIM OR PERMANENT ZONING CLASSIFICATION TO RESIDENTIAL USE FOR NOT MORE THAN ONE RESIDENTIAL UNIT PER LOT; WE FURTHER CERTIFY THAT NO LOT COVERED BY THE REPLAT OF LOT C, BLOCK 4, RIO ESTATES UNIT 3 SUBDIVISION, APPROVED BY THE PLANNING COMMISSION IN THE PAST, WAS LIMITED BY DEED RESTRICTION TO RESIDENTIAL USE FOR NOT MORE THAN ONE RESIDENTIAL UNIT PER LOT.

CHAD FOSTER JR.
BOARD MEMBER
RIO ESTATES, LTD

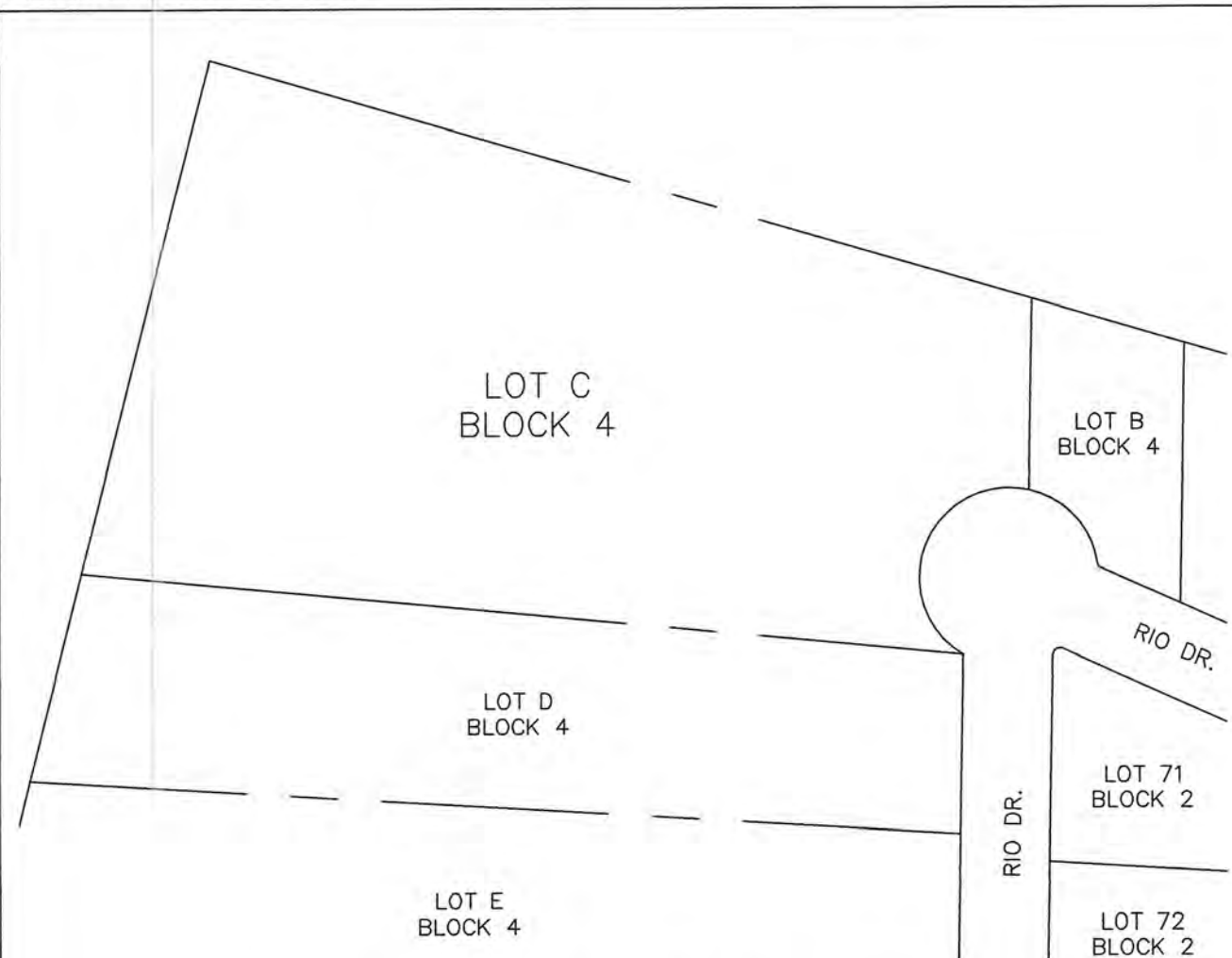
SWORN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2025

BY CHAD FOSTER JR.

SIGNATURE NOTARY PUBLIC STATE OF TEXAS

MY COMMISSION EXPIRES: _____

- THIS SUBDIVISION IS LOCATED WITHIN THE CITY LIMITS OF EAGLE PASS, TEXAS.
- THIS SUBDIVISION IS LOCATED WITHIN THE FEMA REGULATED 1% ANNUAL FLOODPLAIN AS DEPICTED ON FIRM PANEL #48323C 04350, EFFECTIVE APRIL 4, 2011.
- THE LOTS IN THE SUBDIVISION ARE CURRENTLY SERVED BY A PUBLIC WATER SYSTEM OWNED, OPERATED, AND MAINTAINED BY EAGLE PASS WATER WORKS.
- THE LOTS IN THE SUBDIVISION ARE CURRENTLY SERVED BY A PUBLIC SEWER SYSTEM OWNED, OPERATED, AND MAINTAINED BY EAGLE PASS WATER WORKS.
- THE LOTS IN THE SUBDIVISION ARE CURRENTLY SERVED ELECTRICITY PROVIDED BY AMERICAN ELECTRIC POWER, A PUBLIC UTILITY OPERATED UNDER THE LAWS AND REGULATIONS OF THE STATE OF TEXAS.
- NO MORE THAN ONE (1) SINGLE FAMILY DETACHED DWELLING SHALL BE LOCATED ON EACH LOT.
- SIDEWALKS WILL BE CONSTRUCTED WITH THE BUILDING PERMIT FOR THE CONSTRUCTION OF THE HOME.



ORIGINAL PLAT OF RECORD

STATE OF TEXAS
COUNTY OF MAVERICK

I, HON. SARA MONTEYAYOR, COUNTY CLERK OF MAVERICK COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS

FILED IN MY OFFICE ON THE _____ DAY OF _____

2024 AT _____ IN THE RECORDS OF SAID COUNTY, IN

THE BOOK END _____ SLIDE _____ IN TESTIMONY

WHEREOF WITNESS MY HAND AND OFFICAL SEAL OF OFFICE

THIS THE _____ DAY OF _____, 2025.

HON. SARA MONTEYAYOR
MAVERICK COUNTY, TEXAS

CONSULTING ENGINEER:
HECTOR CANALES, P.E.
2107 VETERANS BLVD SUITE 4
DEL RIO, TEXAS 78840

SURVEYOR:
FRANCISCO GAYTAN
RICHARD LANE AND ASSOCIATES
2605 ENCINO PARK DR
EAGLE PASS, TEXAS 78852

CITY OF EAGLE PASS
CERTIFICATE OF PLAT APPROVAL

I, THE UNDERSIGNED, CERTIFY THAT THIS REPLAT LOT C, BLOCK 4, RIO ESTATES UNIT 3 SUBDIVISION, WAS REVIEWED AND APPROVED BY THE CITY COUNCIL OF EAGLE PASS AND APPROVED ON _____, 20____, BY THE CITY COUNCIL OF THE CITY OF EAGLE PASS, TEXAS.

MAYOR OF THE CITY OF EAGLE PASS _____ DATE _____

SWORN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2025

NOTARY PUBLIC _____ STATE OF TEXAS _____

I, THE UNDERSIGNED, CERTIFY THAT THIS REPLAT LOT C, BLOCK 4, RIO ESTATES UNIT 3 SUBDIVISION, WAS REVIEWED AND APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF EAGLE PASS, TEXAS

CHAIRMAN OF THE CITY OF EAGLE PASS
PLANNING AND ZONING COMMISSION _____ DATE _____

SWORN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2025

NOTARY PUBLIC _____ STATE OF TEXAS _____

CITY OF EAGLE PASS
CERTIFICATE OF PLAT APPROVAL

I, THE UNDERSIGNED, CERTIFY THAT THIS REPLAT LOT C, BLOCK 4, RIO ESTATES UNIT 3 SUBDIVISION, WAS REVIEWED AND APPROVED BY THE CITY MANAGER OF THE CITY OF EAGLE PASS, TEXAS

CITY MANAGER OF THE CITY OF EAGLE PASS _____ DATE _____

SWORN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2025

NOTARY PUBLIC _____ STATE OF TEXAS _____

METES AND BOUNDS

A TRACT OF LAND CONTAINING 2.748 ACRES (119,702 SF) MORE OR LESS, LOT C, BLOCK 4, RIO ESTATES UNIT 3 SUBDIVISION, ACCORDING TO THE ORIGINAL PLAT THEREOF RECORDED IN ENVELOPR 276, SIDE A OF THE MAP RECORDS OF THE COUNTY CLERK OF MAVERICK COUNTY, TEXAS, (REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSE), SAID IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

POINT OF BEGINNING (P.O.B) BEING AT A 1/2-INCH IRON ROD FOUND FOR THE APPARENT SOUTHEAST CORNER OF SAID LOT C, BLOCK 4 AND BEING THE APPARENT EXISTING WEST R.O.W. LINE OF RIO DRIVE FOR THE SOUTHEAST CORNER OF AND BEING THE P.O.B. OF SAID 2.748 ACRE TRACT HEREIN DESCRIBED;

THENCE, N 84°34'48" W, A DISTANCE OF 494.24 FEET TO A 1/2-INCH IRON ROD FOUND;
THENCE, N 13°51'52" E, A DISTANCE OF 198.56 FEET TO A 1/2-INCH IRON ROD FOUND;
THENCE, N 14°24'14" E, A DISTANCE OF 95.80 FEET TO A 1/2-INCH IRON ROD FOUND;
THENCE, N 14°33'24" E, A DISTANCE OF 1.98 FEET TO A 1/2-INCH IRON ROD FOUND;
THENCE, S 73°42'36" E, A DISTANCE OF 477.56 FEET TO A 1/2-INCH IRON ROD FOUND;
THENCE, S 00°55'45" W, A DISTANCE OF 108.51 FEET TO A 1/2-INCH IRON ROD FOUND;
THENCE, ALONG CURVE C2 WITH SAID WEST ROW LINE OF RIO DRIVE, TO A 1/2-INCH IRON ROD FOUND; ALSO BEING THE P.O.B. CONTAINING 2.748 ACRES.

STATE OF TEXAS)
COUNTY OF VAL VERDE)

I, HECTOR CANALES, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS (NO. 97833), HEREBY CERTIFY THAT THE WATER AND WASTEWATER SERVICES FOR THIS PLAT WERE DESIGNED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF EAGLE PASS, TEXAS, THAT THESE SERVICES ARE CONNECTED TO A PUBLIC WATER AND SEWER UTILITIES OPERATED AND MAINTAINED BY THE CITY OF EAGLE PASS, TEXAS. THESE WATER AND SEWER DESIGNS ARE IN COMPLIANCE WITH THE MODEL SUBDIVISION RULES ADOPTED UNDER 16.343, TEXAS WATER CODE.

HECTOR CANALES, P.E.
REGISTERED PROFESSIONAL ENGINEER _____ DATE _____

SWORN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2025

NOTARY PUBLIC _____ STATE OF TEXAS _____

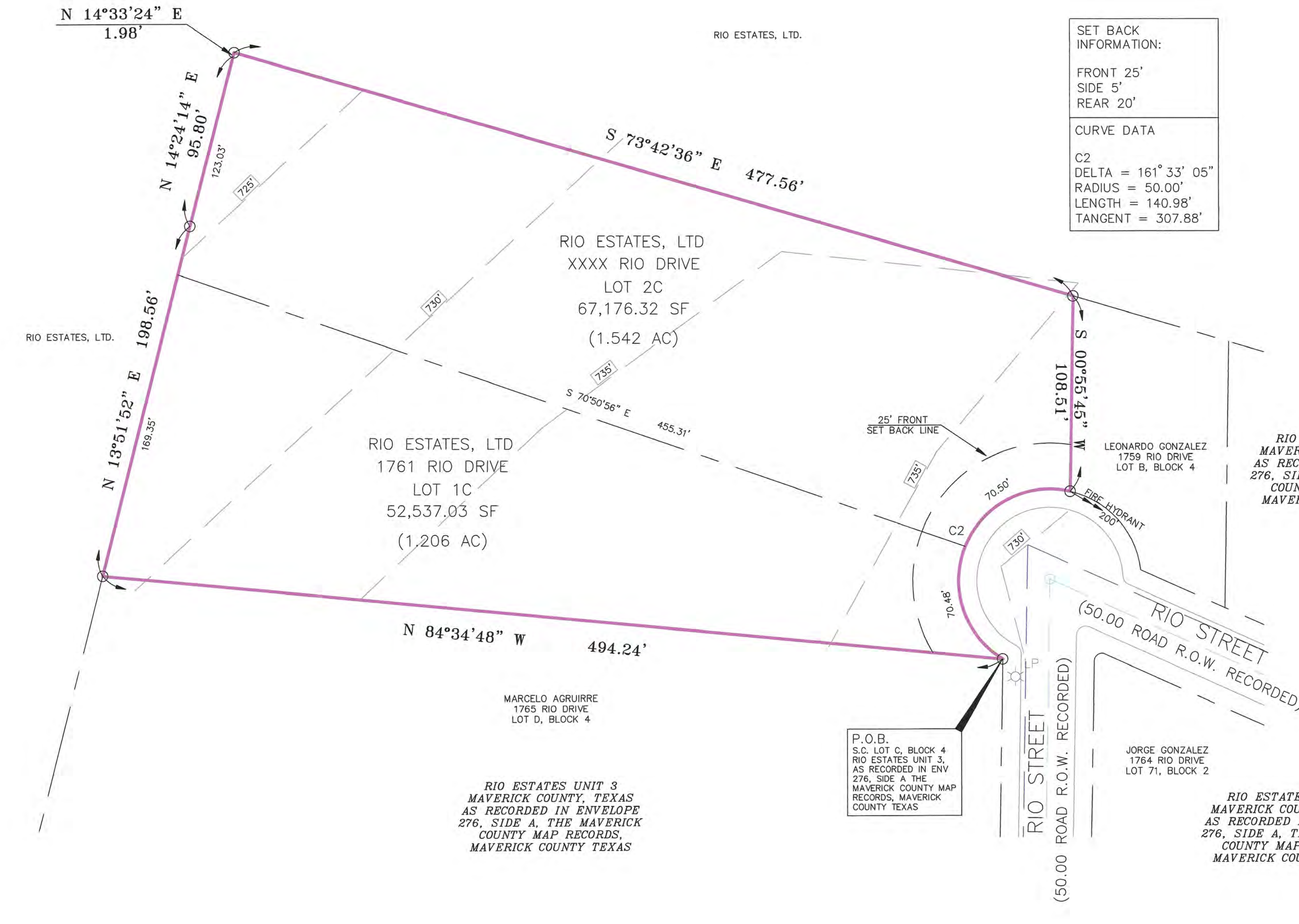
STATE OF TEXAS)
COUNTY OF MAVERICK)

I, FRANCISCO GAYTAN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN TEXAS, HEREBY CERTIFY THAT THE FOREGOING PLAT AND DESCRIPTION OF THE REPLAT LOT C, BLOCK D, RIO ESTATES UNIT 3 SUBDIVISION WAS PREPARED FROM A SURVEY OF THE PROPERTY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION.

FRANCISCO GAYTAN
REGISTERED PROFESSIONAL LAND SURVEYOR
REG. NO. 5474 _____ DATE _____

SWORN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2025

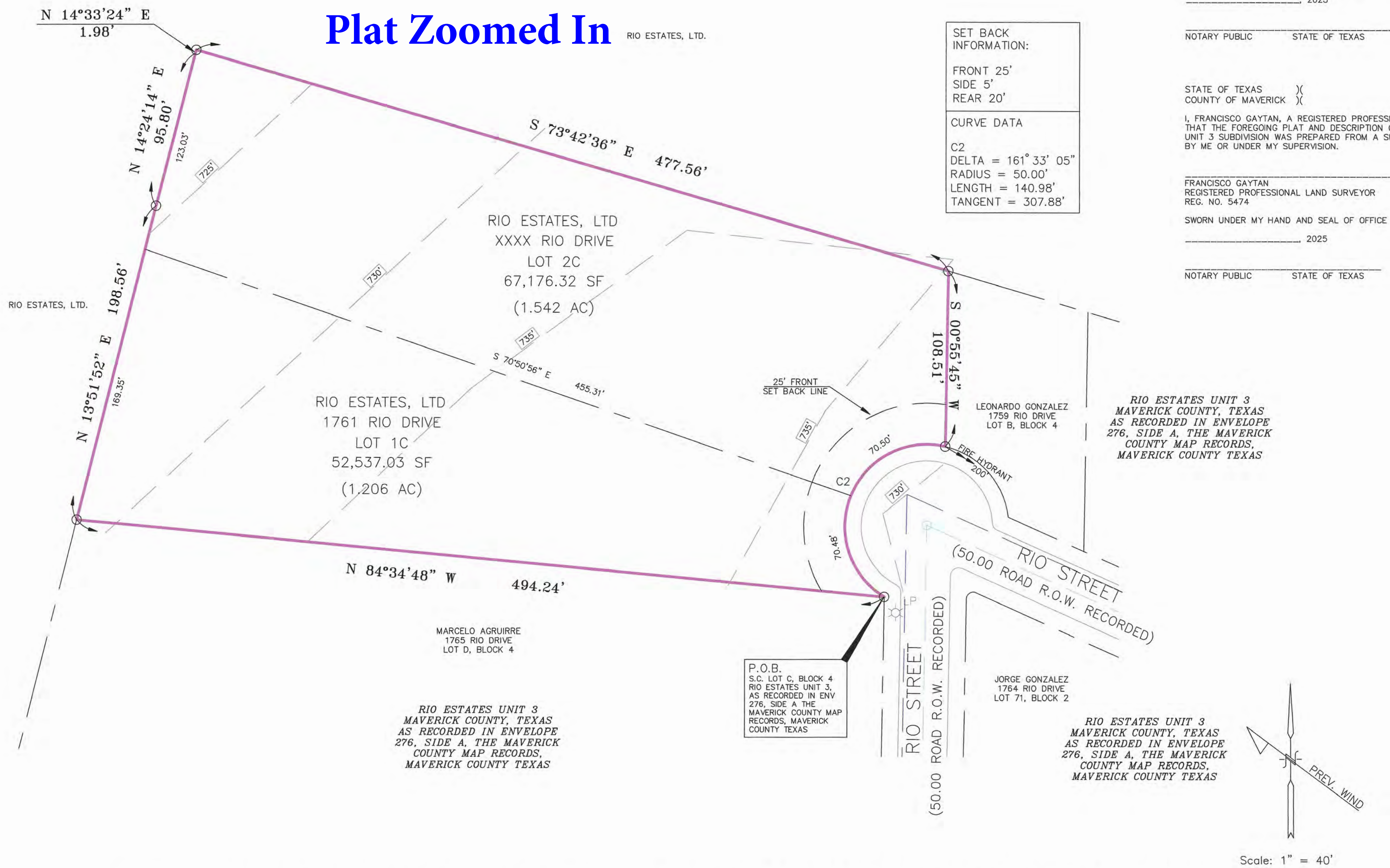
NOTARY PUBLIC _____ STATE OF TEXAS _____



RE-PLAT OF LOT C, BLOCK 4, RIO ESTATES #3 SUBDIVISION

BEING LOT C, BLOCK 4, RIO ESTATES UNIT 3 SUBDIVISION, MAVERICK COUNTY RECORDED IN ENVELOPE 276, SIDE A OF THE MAVERICK COUNTY MAP RECORDS, MAVERICK COUNTY TEXAS

PLAT PREPARED
FEB. 2025



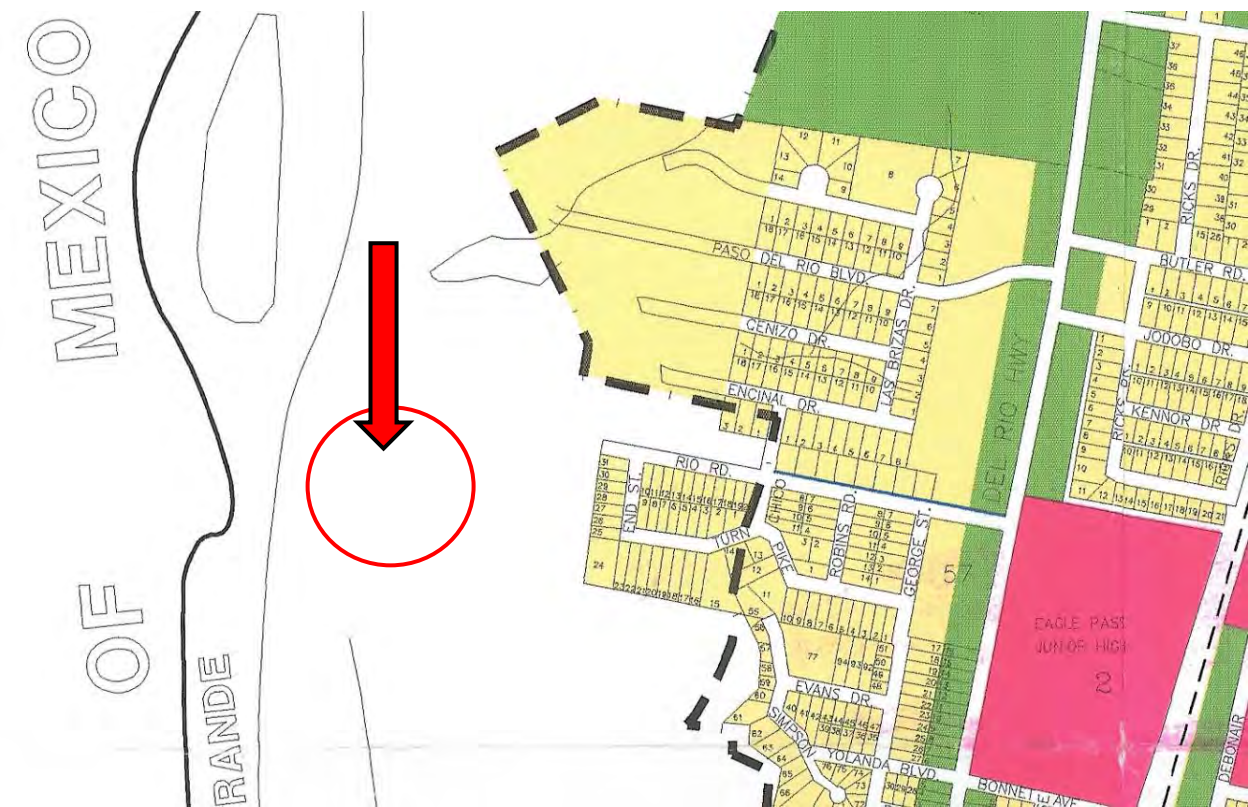
RE-PLAT OF LOT C, BLOCK 4, RIO ESTATES #3 SUBDIVISION

BEING LOT C, BLOCK 4, RIO ESTATES UNIT 3 SUBDIVISION, MAVERICK COUNTY RECORDED IN ENVELOPE 276, SIDE A OF THE MAVERICK COUNTY MAP RECORDS, MAVERICK COUNTY TEXAS

Attachment 3
Master Plan Map & Zoning District Map

MASTER PLAN MAP

No Depiction



ZONING MAP



- R1 - First One-family District
- R2 - Second One-family District
- R3 - Duplex District
- B1 - Neighborhood Business District
- B2 - Central Business District
- B3 - General Business District
- I - Industrial District
- F - Floodway District

Item #8

Evolution of Parkland Dedication Ordinances in Texas

To determine the status of parkland dedication ordinances in Texas, a survey was sent to all municipalities in Texas that were known to have public park amenities. Of the 117 cities contacted, 83 responded and 48 of those reported that they had parkland dedication ordinances. Copies of those ordinances can be viewed at www.rpts.tamu.edu/landdedication. The content of those 48 ordinances serves as the basis for this report.

The 83 cities that responded are listed in Table 1. Although some of these cities did not have parkland dedication ordinances, all did report their total parkland acreages. Most of the population data were provided by the cities' park and recreation directors who responded to the survey. In the few instances where these data were not given, Census Bureau estimates of population were used. Table 1 shows the standard of park provision in acres per 1,000 population for these 83 cities.

Table 1. Acres of parkland per 1,000 population in 83 Texas cities.

City	Population	Total park acreage	Acres/1,000 residents
The Colony	36,000	1,925.00	53.47
Madsonville	4,159	200.00	48.09
Alvin	21,500	740.00	34.42
Grand Prairie	147,000	4,850.00	32.99
Grapevine	46,684	1,492.00	31.96
Southlake	24,900	644.10	25.87
Austin	656,562	16,862.00	25.68
Highland Village	14,500	354.00	24.41
Wichita Falls	104,000	2,300.00	22.12
Abilene	115,000	2,466.00	21.44
Beaumont	113,866	2,197.95	19.30
Brownwood	20,407	393.00	19.26
Lufkin	36,800	700.00	19.02
Cedar Park	45,000	847.00	18.82
Rowlett	53,000	994.00	18.75
Wylie	32,000	592.00	18.50
Dallas	1,200,000	21,500.00	17.92
Deer Park	30,000	527.00	17.57
League City	62,500	1,041.00	16.66
Rockwall	30,000	480.00	16.00
Mont Belvieu	2,500	40.00	16.00
Plano	240,000	3,800.00	15.83
Amarillo	182,462	2,880.00	15.78
Carrollton	116,500	1,793.00	15.39
Cedar Hill	43,500	653.75	15.03
Pflugerville	30,000	450.00	15.00

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City	Population	Total park acreage	Acres/1,000 residents
Frisco	89,000	1,300.00	14.61
McKinney	110,000	1,604.00	14.58
College Station	88,163	1,274.00	14.40
Cleburne	29,500	400.00	13.56
Baytown	70,513	950.00	13.47
Missouri City	63,910	848.99	13.28
Seguin	22,011.00	289.41	13.15
Sherman	35,000	450.00	12.86
Texarkana	35,000	450.00	12.86
Arlington	362,426	4,651.60	12.83
San Antonio	1,282,800	16,310.00	12.71
Canyon	13,000	163.00	12.54
Temple	58,447	727.00	12.44
Lewisville	89,000	1,100.00	12.36
Victoria	61,000	750.00	12.30
Garland	222,432	2,698.00	12.13
Mansfield	55,000	664.00	12.07
Sugarland	74,472	896.30	12.04
Keller	34,800	415.00	11.93
Denton	105,000	1,158.00	11.03
Hutto	14,000	150.00	10.71
Red Oak	9,000	95.00	10.56
Waco	118,093	1,245.00	10.54
Mesquite	135,893	1,427.00	10.50
Richardson	97,300	1,000.00	10.28
Sunnydale	3,960	40.00	10.10
Houston	1,953,631	19,699.00	10.08
Harlingen	64,418	643.00	9.98
Corinth	18,000	179.00	9.94
Greenville	25,000	242.00	9.68
Flower Mound	60,450	575.00	9.51
Colleyville	21,720	202.00	9.30
Waxahachie	25,000	230.00	9.20
New Braunfels	45,000	408.00	9.07
Irving	197,000	1,770.00	8.98
Lubbock	209,000	1,800.00	8.61
Conroe	45,000	383.00	8.51
Bay City	18,000	150.00	8.33

Parkland dedication is a requirement imposed by a local governmental entity mandating that subdivision developers or builders dedicate land for a park and/or pay a fee to be used by the government entity to acquire and develop park facilities.

Continued from previous page

City	Population	Total park acreage	Acres/1,000 residents
San Angelo	90,000	747.00	8.30
Bryan	72,015	580.00	8.05
Rockport	25,000	200.00	8.00
Weslaco	32,000	250.00	7.81
Hurst	37,100	288.00	7.76
Eules	50,000	328.00	6.56
Duncanville	36,871	237.00	6.43
Pasadena	150,000	919.74	6.13
La Porte	33,500	188.00	5.61
Angleton	18,130	100.00	5.52
Corpus Christi	293,122	1,586.46	5.41
Haltom	39,000	184.00	4.72
Killeen	103,000	469.00	4.55
Leander	23,000	90.00	3.91
Edinburg	68,802	253.00	3.68
Bedford	49,796	150.00	3.01
Bellaire	16,000	42.00	2.63
Richland Hills	8,132	13.10	1.61
West University Place	16,000	13.50	0.84

Parkland dedication is a requirement imposed by a local governmental entity mandating that subdivision developers or builders dedicate land for a park and/or pay a fee to be used by the government entity to acquire and develop park facilities. These dedications help provide park facilities in newly developed areas of a jurisdiction without burdening existing city residents. They may be considered a type of user fee because the intent is that the cost of new parks should be paid for by the landowner, developer, or new homeowners who are responsible for creating the demand for the new park facilities.

The philosophy is that new development generates a need for additional park amenities, and the people responsible for creating that need should bear the cost of providing the new amenities. Neighborhood and community parks are intended to serve those people in the areas near them. Thus, they make no positive contribution to the quality of life of existing residents, suggesting that existing residents should not be asked to raise their taxes to pay for them. In essence, what a community is saying to new residents is: "This is the quality of life we have here. If you move here, we expect you to maintain it. If you are not willing to pay this parkland dedication fee, then go elsewhere where the fee is lower because that city has an inferior park system."

An appealing feature of parkland dedication is that it responds to market conditions.

Table 4. Estimated costs for neighborhood parks in College Station.

Item	Cost
Basketball court	\$40,000
6-foot sidewalk @\$5.50 per SF x 4,000 linear feet	\$132,000
Handicap-accessible ramp x 2	\$2,000
Pedestrian bridge (average 30 feet) with concrete footings	\$40,000
Picnic unit (slab, table, trash can, grill) @ \$4,000 x 2	\$8,000
Shelter and slab (2 picnic tables w/trash cans)	\$34,000
Area lights (12' ht.) @\$4,000 x 20	\$80,000
2-foot x 8-foot park sign (Cylex) and keystone planter bed	\$6,000
Benches (painted steel) with slab @\$2,000 x 4	\$8,000
Bicycle rack	\$1,500
50 trees (30–45 gal. installed) w/Irrigation @ \$350	\$17,500
Specialized irrigation system	\$15,000
Drinking fountain (concrete-handicap accessible, dual height, dog dish)	\$7,500
Water meter 1.5 inches	\$1,200
Electric meter/breaker panel	\$2,000
Finish sodding, grading and seeding	\$5,000
Drain lines @ \$20 linear feet (average 100 feet)	\$2,000
Swing set with rubber and gravel mix	\$25,000
Playground with concrete base and rubber surfacing	\$75,000
Playground shade cover	\$17,500
Galvanized fence @ \$36/linear foot, 1,500 feet	\$54,000
Subtotal	\$573,200
10% contingency	\$57,230
Total	\$630,520

Part 3 in Table 3 calculates the park development fee. Its derivation is shown in Table 4, which lists the elements and their costs incorporated in a typical College Station neighborhood park. These development costs are divided by the average number of people served by a neighborhood park. The resultant fee of \$273 per person is then multiplied by the number of people per household to derive dwelling unit fees of \$764 for single units and \$622 for multifamily units.

Part 4 aggregates Parts 2 and 3 to derive total neighborhood park fees of \$1,078 for single-family units and \$878 for multifamily units. If the city accepted land (Part 1) rather than a fee-in-lieu (Part 2), the developer would be required to pay only the park development fee. A similar process was used to derive the community park fee shown in Table 3.

Overview of parkland dedication requirements in Texas cities

Table 5. Parkland dedication requirements in Texas cities.

City	Dwelling units		Current level of parkland provision		Land dedication requirements		Fee-in-lieu* ^a	
	Population	#DU	Total park acreage	DU/acre	DU/acre	DU/acre multifamily	SDU	MDU
Alvin	21,500	8,442	740.00	11.41	100.00		\$300.00	\$-
Angleton	18,130	7,220	100.00	72.20	200.00		\$1,083.00	\$250.00
Austin	656,562	276,842	16,862.00	16.42	83.33		\$650.00	\$-
Bryan	72,015	25,703	580.00	44.32	74.00	90.00	\$162.00	\$133.00
Cedar Hill	43,500	11,075	653.75	16.94	133.00		\$250.00	\$-
Cedar Park	45,000	8,914	847.00	10.52	41.67		\$720.00	\$480.00
College Station	88,183	34,619	1,274.00	27.17	102.00	125.00	\$619.00	\$504
Colleyville	21,720	6,549	202.00	32.42	25.00		\$1,802.00	\$-
Corinth	18,000	4,100	179.00	22.91	50.00		\$-	\$-
Corpus Christi	293,122	107,831	1,586.46	67.97	NA		5% of total value	\$-
Deer Park	30,000	9,921	527.00	18.83	NA		5% of total value	\$-
Denton	105,000	32,716	1,158.00	28.25	170.21		market value	\$-
Edinburg	68,802	16,031	253.00	63.36	125.00		\$250.00	\$-
Flower Mound	60,450	16,833	575.00	29.27	29.76		market value	\$-
Frisco	89,000	13,683	1,300.00	10.53	100.00		\$300.00	\$-
Grapevine	46,684	16,486	1,492.00	11.05	145.20		\$1,416.00	\$-
Haltom	39,000	15,716	184.00	85.41	150.00		\$-	\$-
Highland Village	14,500	4,009	354.00	11.32	N/A		\$2,160.00	\$-
Houston	1,953,631	783,009	19,699.00	39.75	55.50		\$700.00	
Hutto	14,000	424	150.00	2.83	50.00		market value	
Keller	34,800	9,216	415.00	22.21	30.00	60.00	\$1,000.00	\$-
La Porte	33,500	11,720	188.00	62.34	93.00		\$490.00	\$-
League City	62,500	17,280	1,041.00	16.60	90.00		\$1,000.00	\$-
Leander	23,000	2,612	90.00	29.02	NA	10.54	\$550.00	\$-
Lewisville	89,000	31,764	1,100.00	28.88	33.00		\$750.00	\$-
McKinney	110,000	19,462	1,604.00	12.13	50.00		market value	\$-
Mansfield	55,000	9,172	664.00	13.81	100.00		\$500.00	\$-

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City	Dwelling units		Current level of parkland provision		Land dedication requirements		Fee-in-lieu**	
	Population	#DU	Total park acreage	DU/acre	DU/acre	DU/acre multifamily	SDU	MDU
Missouri City	63,910	17,481	848.99	20.59	100.00		\$900.00	\$-
New Braunfels	45,000	14,896	408.00	36.51	150.00		\$100.00	\$-
Pearland	70,000	13,922	376.92	36.94	100.00		market value	\$-
Pflugerville	30,000	5,239	450.00	11.64	50.00		market value	\$-
Plano	240,000	86,078	3,800.00	22.65	N/A		\$467.47	\$323.96
Rockwall	30,000	7,089	480.00	14.77	67.00	250.00	151.00-620.00	\$-
Rowlett	53,000	14,580	994.00	14.67	71.92		\$325.00	\$-
San Antonio	1,282,800	433,122	16,310.00	26.56	70.00	114.00	market value	\$-
Southlake	24,900	6,614	644.10	10.27	40.00		market value	\$-
Sugarland	74,472	21,090	896.30	23.53	114.38		\$350.00	\$240.00
Temple	58,447	23,511	727.00	32.34	133.00		\$225.00	\$-
The Colony	36,000	8,812	1,925.00	4.58	64.00		market value	\$-
Waxahachie	25,000	7,909	230.00	34.39	100.00		\$200.00	\$-
Weslaco	32,000	10,230	250.00	40.92	N/A		\$150.00	\$350.00
Wylie	32,000	5,326	592.00	9.00	20.00		b/w \$1500 - \$3000	\$800.00

* This does not include park development fees.

Table 5 shows the current level of parkland provision for the Texas cities with dedication ordinances in column 5. These are the same data that were reported in Table 1, but in Table 5 they are expressed in terms of dwelling units per acre of parkland. This is derived by dividing column 3 by column 4. The number of dwelling units in column 3 was extracted from Census Bureau data. In columns 6 and 7 and 8 and 9, Table 5 uses the same measure of dwelling units to report the current dedication requirements for parkland in terms of dwelling units per acre and for the alternative fee-in-lieu option.

Calculation of the parkland dedication requirement

Most cities responding to the survey express their current parkland dedication requirements in terms of dwelling units per acre. In some instances, the requirements for single-family differ from those of multifamily dwelling units. For example, in College Station the neighborhood parks requirement for a single-family unit is 102

ARTICLE V. - PARKLAND DEDICATION

Sec. 23-75. - Purpose.

This Article is adopted by the Eagle Pass City Council in accordance with the city's home rule powers granted under the Texas Constitution, and the laws of the State of Texas including but not limited to Texas Local Government Code Chapter 212, as may be amended.

The City of Eagle Pass recognizes that public park and recreation areas are valuable assets that advance the public's health, safety and welfare. New residential development in the city and its ETJ creates the need for additional parks to cater to the additional use created by the new population. Parkland dedication and development fees are recognized as a fair, reasonable, and uniform method of financing these assets that does not impose an unfair burden on new or existing residential properties. The intent is to require new development to pay its proportionate costs that are associated with providing new or expanded parks and conservation areas, so they are borne by the new homeowners who are responsible for creating the additional demand.

The city is required to demonstrate there is a "rough proportionality" between the dedication required from a developer and the demand from occupants of residents in the development. The city has met that requirement by determining that new residents' demands for parks will be the same as those of existing residents.

Sec. 23-76 Applicability.

- (a) This Section applies to a landowner or developer who develops land for residential use located within the city and its ETJ.
- (b) Non-residential use is exempt.
- (c) This Article does not apply to activities involving the remodeling, rehabilitation, or other improvements to an existing residential structure, or to the rebuilding of a damaged structure where no additional residential units are created.
- (d) If a dedication requirement was paid or encumbered prior to the amendment of this Article, then subsequent development for the subject tract to which the dedication requirement applies may be subject to vesting as set forth in Chapter 245 of the Texas Local Government Code. However, if there is an increase in the number of dwelling units on the site to be developed from what was originally proposed, then there shall be an additional proportional increase in the dedication requirement.

Sec. 23-77 General Requirements

- (a) The City Manager, or designee, shall administer this Article, with certain review, recommendation and approval authorities being assigned to the Parks and Recreation Board, Planning and Zoning Commission, and other city departments as needed.
- (b) As a condition of subdivision development, a developer of residential property shall be required to dedicate land for parks, pay of a fee-in-lieu thereof, construct park improvements, or a combination of these options. The particular form of the requirement will be at the sole discretion of the city. In addition to the land dedication, a developer of residential property shall pay a park development fee which will be used to pay the costs of developing the raw dedicated land into a functioning park.
- (c) The total amount of land dedicated for the development, public or private, shall be dedicated:
 - In fee simple by filed deed, if dedicated to the city; and
 - Prior to the issuance of any site development building permits for multi-family development.
 - Prior to recordation of the final plat for a single family, duplex, or townhouse development, or
 - For a phased development, the entire park shall be platted concurrently with the plat of the first phase of the development.
- (d) The required land dedications and schedules of fees are attached hereto as Appendix “A”. They are incorporated and made a part of this Article for all purposes.

Use of Parkland Dedication Fees.

- (a) Funds shall not be used for employee wages and/or equipment associated with the operation and maintenance of parks.
- (b) The parkland dedication fund shall not be used for city staff overhead expenses. However, indirect costs reasonably incurred in connection with park land acquisition and development are authorized, but are limited to a maximum of ten (10) percent of total acquisition and/or development costs.
- (c) All parkland dedication and park development fees will be deposited in a separate fund. Funds shall be used solely for the acquisition or leasing of park land and the development, improvement, or enhancement of new and existing parks. All expenditures shall be administered in accordance with the purchasing requirements of the city, as amended.

Sec. 23-78 Park Land Dedication Guidelines and Requirements.

Any land dedicated under this Article must be suitable for park uses and meet requirements in this Article. The following guidelines and requirements shall be used in the dedication and design of park land.

When considering parkland dedication, the developer should meet with the Parks and Recreation Department (PARD) before a development application is submitted to evaluate the suitability of the land. Additionally, PARD may request a site visit as a part of its determination. The following information may be required as a part of the process prior to accepting land for a public park dedication:

Commented [P1]: Great addition!

Commented [CJL2R1]: OK

1. Lot dimensions or metes and bounds acreage of park land to be dedicated.
2. Total acreage of floodplain, and the acreage of land located outside the floodplain.
3. A tree survey.
4. A slope analysis; and
5. An environmental survey identifying critical environmental features, such as, but not limited to, species, habitat, and water features.

General Guidelines.

Any park land dedicated to the city pursuant to the terms, conditions and requirements under this Article must be suitable for park uses and meet the following guidelines:

- (a) A current title report must be provided with the land dedication.
- (b) Wherever possible, park sites should be located contiguous with school sites or other public or nonprofit agency land to make maximum use of common facilities.
- (c) Encumbrances. Free and clear of any and all liens and encumbrances that interfere with its use for park purposes. This includes overhead utility lines or easements of any type which might limit the land's use as a park. The city's representatives must be authorized to make onsite inspections of the property for the purposes of determining site suitability and identification of any visual hazards or impediments to park development and use.
- (d) Environmental Assessment. If the property owner or developer has any form of environmental assessment on the tract, a copy of that assessment shall be provided to the city. The city may initiate and/or require the developer to initiate specific environmental studies or assessments if the visual inspection of the site gives rise to the belief that an environmental problem may exist on the site. The employment of consultants necessary to evaluate any environmental issues relating to the site may be required by the city, providing the city makes such determination in good faith. If an environmental hazard is identified on the site, the developer must remove the hazard prior to its acceptance into

the park system of the city. The city will not accept parkland dedication sites encumbered by hazardous and or waste materials or dump sites.

- (e) Utilities. The developer shall be responsible for the minimum utilities listed below.
 - i. A three-quarter ($3/4$) inch metered water supply located 12 feet behind the curb at a location acceptable to the director of public works. The developer must demonstrate that there is sufficient water utility line capacity to serve the park.
 - ii. A six-inch sewer stub ten feet behind the curb at a location acceptable to the director of public works.
 - iii. An electricity supply that is readily available at the park site and provision of electrical lines at a location acceptable to the director of parks and recreation.
- (f) Soils if disturbed should be restored, and the soil stabilized by vegetative cover by the developer prior to dedication to the city.
- (g) Parks should be easy to access and open to public view, so they benefit area development, enhance the visual character of the city, protect public safety, and minimize conflict with adjacent land use.
- (h) The property owner shall pay all taxes or assessments owed on the property up to the date of acceptance of the dedication by the City. A tax certificate from the County Tax Assessor shall be submitted with the dedication or plat.

Land Requirements.

- (a) The city recognizes that maintaining many small parks is difficult and costly; therefore, it will not normally accept a dedication that is smaller than 5 acres of contiguous land.
- (b) Land parcels that are unsuitable for development are typically unsuitable for a park. Hence, potential land to be dedicated should be selected prior to a subdivision being platted and acquired as a part of the development process.
- (c) The land should have well-drained and suitable soils.
- (d) The city will not normally accept land in floodplain. However, at the discretion of the city, consideration may be given to land that is in the floodplain or may be considered “floodable” if it is suitable for park improvements, or it is part of a conservation corridor or area. In instances where it contributes to a conservation corridor, the floodplain should be left in its natural condition, but allow for improvements consistent with floodplain use such as trails, picnic areas, etc. In instances, where land in floodplains is accepted as part of a dedication requirement, it shall be on a three for one (3:1) basis. That is, three (3) acres of floodplain will be equal to one (1) acre of park land, but not more than 25% of a

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

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

dedication can be met by land in a floodplain. Additional floodplain land may be accepted as a donation in addition to the required dedication.

- (e) Detention/retention areas may not be used to meet dedication requirements but may be accepted as a donation in addition to the required dedication. If accepted as part of the park, the detention/retention area design must meet the city's specific specifications.
- (f) Sites should not be severely sloping or have unusual topography which would inhibit the land's use as a park.
- (g) At least twenty-five percent (25%) of the perimeter of a park should abut a public street.
- (h) No more than two (2) sides of a park may abut the rear of homes.
- (i) A park must incorporate visible, attractive and suitable means of ingress and egress proportionate to the size and amenities in the park.
- (j) Sites with existing trees or other scenic elements are preferred.

Sec. 23-79 37 Fee-in-Lieu of Park Land.

The city may, from time to time, require that a fee be submitted in lieu of land dedication in amounts as set forth in Appendix A for some or all land dedications. Such fees shall be due at the same time as park development fees are due for final plating.

Section 23-80 Park Development Fee.

In addition to the park land dedication requirements, park development fees are established herein, sufficient to develop public parks in ways that meet the city of Eagle Pass' standards. Park Development Fees are supplementary to, and not in substitution of, the land dedication requirement, or payment of the fee-in-lieu of land dedication requirement.

The amount of development fees assessed to a development and the basis for the calculation is as shown in Appendix A. The process for the approval and collection of development fees shall be the same as for the park land dedication requirements as specified in Section 23-77. The park development fees shall be processed simultaneously with the park land dedication requirements.

Section 23-81 Public Park Improvement in Lieu of Park Development Fees

With approval of the city, a developer may elect to construct required park improvements in lieu of paying the associated development fee as set forth herein. In such event facilities and improvements provided by a developer shall be constructed on lands dedicated as public park land and shall be designed and installed to meet the terms, conditions, and requirements under

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

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

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

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

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

Commented [CJL9R8]: This wording is fine.

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

this Article, and in accordance with related federal, national, state or local codes including but not limited to the following:

1. International Play Equipment Manufacturer's Association (IPEMA).
2. Consumer Product Safety Commission (CPSC) Handbook for Public Safety.
3. American Society for Testing and Materials (ASTM and ASTM F08).
4. Accessibility Standards for Play Areas through the ADA Accessibility Guidelines (ADAAG).
5. Illuminating Engineering Society of North American (IESNA RP-6-01); and
6. Sports Turf Management Association (STMA).

General Requirements for Public Park Improvements

- (a) A park site plan, developed in cooperation with the city is submitted and approved by the city prior to submission of final plat or upon application for a site building permit, whichever is applicable.
- (b) Any public park improvements must be shown on the site plan or construction plan unless the city authorizes another method of approval.
- (c) Detailed plans and specifications for park improvements hereunder shall be due and processed in accordance with the procedures and requirements pertaining to public improvements for final plats and for building permit issuance, whichever is applicable.
- (d) All plans and specifications shall meet or exceed the city's standards in effect at the time of submission.
- (e) If the improvements are constructed on land that has already been dedicated to and/or is owned by the city, then the developer must post payment and performance bonds equal to park development fees or value of the park agreed upon, whichever is greater to guarantee the payment to subcontractors and suppliers and to guarantee the developer completes the work in accordance with the approved plans, specifications, ordinances, and other applicable laws. This includes guaranteeing performance in lieu of completing the park improvements prior to final plat recordation.
- (f) Park improvements may be constructed on park land dedicated to the city or, if approved by the city, improvements may be made in an existing or proposed city park.
- (g) For a public park, the developer shall be required to provide a two-year maintenance bond that is equal in amount to the twenty percent (20%) of the construction cost of said park improvements and manufacturers' letters stating any play structure, equipment, and

safety surfaces were installed in accordance with the manufacturers' installation requirement.

- (h) For a public park, the developer shall provide a copy of the application and subsequent inspection report prepared by the State Department of Licensing and Regulation or their contracted reviewer for compliance with the Architectural Barriers Act, codified as Vernon's Ann. Civ. St. art 9102.
- (i) For a public park, all manufacturers' warranties shall be provided for any equipment installed in the park as part of these improvements.
- (j) For a public park, upon issuance of a Certificate of Completion and Acceptance, the developer shall warrant the improvements for a period of two (2) years.
- (k) For a public park, the developer shall be liable for any costs required to complete park development if:
 1. Developer fails to complete the improvements in accordance with the approved plans; or
 2. Developer fails to complete any warranty work.
- (l) All public park improvements shall be inspected by the city while construction is in progress and when complete to verify park requirements have been satisfied.
- (m) Once the public park improvements are constructed, and after the city has accepted such improvements, the developer shall convey such improvements to the city free and clear of any lien or other encumbrances.
- (n) The public park improvements will be considered complete with a Letter of Completion and Acceptance from the city and will be issued after the following requirements are met:
 1. Improvements have been constructed in accordance with the approved plans.
 2. Improvements have been inspected and reviewed by city staff and confirmed that they are in accordance with the terms, conditions and requirements under this Article.

Section 23-82 Credit for Park-like Facilities included in a Development.

- (a) Up to fifty percent (50%) of the fee-in-lieu of land and park development fees paid by a developer may be eligible for reimbursement if private park-like amenities are included within a subdivision, since they are likely to absorb some of the demand generated by the new homes that would otherwise have to be accommodated by public parks.

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

Commented [CJL12R11]: This wording is fine.

- (b) Since residents are likely to use other public parks beyond the facilities offered within a development, the fifty percent (50%) retained for deposit in the city's parkland dedication fund is for the purpose of defraying the incremental financial burden a private subdivision will impose on the public park system in Eagle Pass.
- (c) When considering elements that are eligible for such a credit, the overarching criterion to be met is that the amenities must be outdoor park-like facilities, since they are substituting for park provision. Facilities eligible for credit are those minimal supplementary facilities typically incorporated into an Eagle Pass park, such as open play areas (minimum of 2 contiguous acres); playground equipment; basketball or volleyball courts; or walking and jogging trails. Yards, setbacks, and other open areas that are required by the city's Municipal Code are not eligible for credit.
- (d) For credit to be given for private facilities, private ownership, and maintenance of the open space and/or facilities must be provided for in perpetuity by recorded agreement, covenants, or restrictions which run with the land in favor of future owners of the property and which cannot be defeated or eliminated without the written consent of the city or its successors.
- (e) The restrictive covenants shall provide that, in the event that any private owner of the private parkland fails to maintain same according to the standards of the city, the Parks and Recreation Director and the city may enter the parks and open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the parks and open space, and the city will have the right to seek reimbursement.
- (f) Items that qualify for credit should be credited on a cost basis. The cost of the items (validated by the developer's invoices) should be deducted from the dedication fee (up to a maximum of fifty percent (50%) the developer would otherwise have to pay.
- (g) All private amenities that are accepted for credit must be constructed prior to the application for the final unit building permit. For a phased property, they should be completed by the final unit of the first phase.

Sec. 23-83. Reimbursement for City Acquired Park Land.

Since it is frequently less expensive to acquire land ahead of development, the city may acquire land for parks in advance of actual or potential development. If the city acquires park land in this manner, then it may require subsequent dedications to be fee-in-lieu of land only. They will serve to reimburse the city for the cost(s) of acquisition.

Section 23-84 Submitting Park Fees.

Any fees required to be paid in cash pursuant to this Article shall be remitted:

- a. Prior to the issuance of any site development building permits for multi-family development, or mixed development; or
- b. At the time of plat recordation for single family, duplex, or townhouse development; however
- c. All development in the ETJ must pay fees at the time of plat recordation.

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

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

Section 23-85 Ordinance Review

The city shall review the fees established and the amount of park land dedication required in this Article at least once every five (5) years during its consideration of the annual budget. Failure to review by the City Council shall not invalidate this ordinance.

Section 23-86 Right to Refund.

The city shall account for all fees-in-lieu of land and all development fees paid under this Article with reference to the individual plat(s) involved. Any fees paid for such purposes must be expended by the city within seven (7) years from the date received by the city for acquisition and/or development of a park as required herein. Such funds shall be considered to be spent on a first-in, first-out basis.

If not so expended, the landowners of the property on the expiration of such period shall be entitled to a prorated share of such sum without interest, computed on a square footage of area basis. The owners of such property must request such refund within one (1) year of entitlement, in writing. Failure to timely submit the required application for refund shall constitute an absolute waiver of any right to the refund.

Section 118-75 Effective Date and Publication. This Ordinance shall become adopted.....If any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

Appendix A.

Parkland Dedication—Land Component

City Parks:

Community Parks: 134.1 acres.

Neighborhood Parks: 26.3 acres

Ballfields: 26.2 acres

Linear Park: 8.3 acres

Colonias Parks: 26.1 acres.

Total Park Acreage: 221.0 acres

City Population: 28,694

Ratio: $28,698/221 = 1$ acre of parks for every 129 residents

Single Family Unit (SFU) Occupancy = 3.6; SF ratio: $129/3.6 = 36$.

Multi Family Unit (MFU) Occupancy = 2.3; ratio: $129/2.3 = 56$

Assume Market Value of 1 acre of land for new development is \$20,000.

Fee-in-Lieu of land for:

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

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

Parkland Dedication—Development Component.

Average Cost per acre of park development = \$350,000

Development Cost for:

SFU is $\$350,000/36 = \$9720$

MFU is $\$350,000/56 = \$6250$

Total Parkland Dedication Fee:

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

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

PLAN B.

Parkland Dedication—Development Component

Average cost per acre of park development = \$100,000.

Development Cost for:

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

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

Total Parkland Dedication Fee:

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

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