



AGENDA

**PLANNING & ZONING COMMISSION REGULAR MEETING
THURSDAY, MAY 11, 2023, AT 5:30 P.M.
CITY MANAGER'S CONFERENCE ROOM, CITY HALL
100 SOUTH MONROE STREET, EAGLE PASS, MAVERICK COUNTY, TEXAS**

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

ESTABLISHMENT OF QUORUM

CITIZENS COMMUNICATIONS

SELECTION OF CHAIRPERSON

SELECTION OF VICE-CHAIRPERSON

MINUTES

1. Approval of the minutes of the April 13, 2023 meeting.

PUBLIC HEARINGS

2. Public hearing on the proposed final Re-Plat of Lot 21 in Block 2 of Loma Bonita Heights Subdivision Unit 1, including (1) a subdivision variance from the preliminary plat requirement of City of Eagle Pass Code of Ordinances Chapter 23 Section 23-36(a), and (2) a sidewalk waiver including curb and gutter from Section 23-64 governing sidewalks; closing of public hearing and possible action.
3. Public hearing on the request submitted by PWS Holdings 23, LLC for the rezoning of "2.114 acres located in survey 8, Abstract Number 1111, Maverick County, Texas, and being part of and out of Block A of Holly Park Subdivision Unit 5 according to the map of recorded under envelope 48, Side B of the map records of Maverick County, Texas, for reference, said 2.114 acre tract being that certain called 2.1117 acre tract conveyed from Maxey family Limited Partnership, a Texas limited partnership, to Daniel W. Hartman and wife, Irma Alicia Hartman by warranty deed with vendor's lien recorded under Book 560, Page 70 of the official public records of Maverick County, Texas, said 2.114 acre tract also being that certain called 2.117 acre tract conveyed from Kalyk Development, LLC, to Lewis E. Stock by warranty deed recorded under Book 1876, Page 460 of the official public records of Maverick County, Texas, from B-1 Neighborhood Business District to B-3 General Business District; closing of public hearing and possible action.

OLD BUSINESS

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

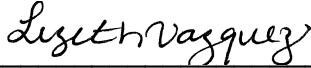
5. Discussion of suggested revisions related to the amendment of Article V of the Parkland Dedication Ordinance.

ADJOURNMENT

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

CERTIFICATION

I, THE UNDERSIGNED PLANNING DIRECTOR, do hereby certify that the agenda mentioned above was posted on the Bulletin Board located in the Lobby at City Hall, 100 S. Monroe Street, Eagle Pass, Texas on May 8, 2023 at 4:25 p.m.



for Placido Madera
Planning Director

Item #1

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

The Planning and Zoning Commission of the City of Eagle Pass held its Regular Meeting on Thursday, April 13, 2023, at 5:30 p.m. in the City Council Chambers, City Hall, 100 South Monroe Street, Eagle Pass, Texas. All legal notices were duly posted in accordance with the State code.

ESTABLISHMENT OF QUORUM

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

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

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

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

OATH OF OFFICE

Oath of office we administered by City Secretary, Imelda B. Rodriguez, prior to the meeting.

CITIZENS COMMUNICATIONS

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

There were not any comments or concerns submitted.

SELECTION OF CHAIRPERSON

Vice-Chairperson Velez motioned to table item. Seconded by Commission Member Velazquez-Sanchez. **MOTION PASSES:** Unanimously

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

SELECTION OF VICE-CHAIRPERSON

Vice-Chairperson Velez motioned to table item. Seconded by Commission Member Valdez.

MOTION PASSES: Unanimously

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

MINUTES

1. Approval of the minutes of the March 15, 2023, meeting.

Commission Member Valdez motioned to approve minutes with correction to item1. Seconded by Commission Member Velazquez-Sanchez. **MOTION PASSES:** Unanimously

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

PUBLIC HEARINGS

2. Continuation of a public hearing on the request submitted by Cavazos Leos Enterprises, LLC for the rezoning of Lots 4, 5, 6, 7, and 8 (north 33 feet) in Block 23 of Hillcrest Addition, from B-1 Neighborhood Business District to B-3 General Business District; closing of public hearing and possible action.

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

Planning Director Madera informed the Commission of the details of the rezone request for a landscaping retail store. Mr. Madera went further into the details of the uses for B-1 and B-3, height and yard regulations comparison, similar business on Garrison Street, and Zoning District Map.

At this moment Commission Member Salinas-Sanchez arrived.

In response to a question posed by Commission Member Salinas-Sanchez regarding the underground gas tanks at location. Mr. Madera responds that it will be further reviewed by the fire marshal at the time of Certificate of Occupancy.

Mr. Madera stated the recommendation from the Planning Department that the Planning and Zoning Commission recommend denial of the request for rezone from B-1 to B-3.

Applicant Jorge Cavazos approached the Council expressing his displeasure with the denial, and stating they will not build a high rise on property and have already invested in property. Mr. Cavazos wants his business to look clean and professional as possible. He said this property has not been in use for over 12 years. Mr. Cavazos was confused about property usage and if he knew prior, he would not have invested so much in property.

In response to the question posed by Commission Member Salinas-Sanchez regarding denial, Mr. Madera briefed on his reason for denial.

A discussion ensued among the Commission regarding the denial of request and other location with approval. Mr. Cavazos redirected the Commission expressing his usage in a professional manner with proper fencing and even possible future investments for property. Mr. Madera inherited his reasons for denial and concurred there are properties that were improperly granted rezone and he wants to avoid any more violations of rezones. He clarified no restrictions can be placed on rezones.

Mr. Madera advised the Commission that many businesses start moving investments prior to approaching the Planning Department and are informed what is allowed and what is not allowed. The owner was made aware and without a permit an investment was made, and materials were moved to property which is a violation.

Commission Member Salinas-Sanchez expressed concern with the shortage of inspectors and costing investors' money.

There being no further comments from the public. Vice-Chairperson Velez closed the public hearing at 6:14 p.m.

Commission Member Salinas-Sanchez motioned to approve the rezone submitted by Jorge Cavazos. Seconded by Commission Member Valdez. **MOTION PASSES:** Unanimously

Ayes: Salinas-Sanchez, Velazquez-Sanchez, and Valdez

Nays: Velez

Abstained: None

Absent: Gross

3. Public hearing on the request submitted by Jose Hernandez for the rezoning of Lot 2 in Block 16 of Hillcrest Addition (562 Medina Street), from R-1 Single One-Family Dwelling District to R-3 Duplex District; closing of public hearing and possible action.

Vice-Chairperson Velez opened the public hearing at 6:16 p.m.

Assistant Planning Director, Mariebelle Rodriguez informed the Commission on the details of the rezone request to rebuild this property into duplex to house two families. Ms. Rodriguez stated that 22 notices were mailed out to abutting property owners and 1 was received in opposition.

Ms. Rodriguez read into the record the recommendation from the Planning Department that the Planning and Zoning Commission recommend that the City Council prepare and adopt an ordinance granting zoning district change from R-1 One Single Family Dwelling District to R-3 Duplex District for property legally defined as Lot 2 in Block 16 of Hillcrest Addition (562 Medina Street).

There were no comments from the public. Vice-Chairperson Velez closed the public hearing at 6:20 p.m.

Commission Member Velazquez-Sanchez motioned to approve as recommended by the Planning Department. Seconded by Commission Member Salinas-Sanchez. **MOTION PASSES:** Unanimously

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

4. Public hearing on the request submitted by 6R Enterprises, LLC for a conditional Use permit to allow for an amusement establishment business on property located at 475 Adams Street; closing of public hearing and possible action.

Vice-Chairperson Velez opened the public hearing at 6:21 p.m.

Assistant Planning Director Rodriguez informed the Commission on the details of Conditional Use Permit (CUP) to allow for the establishment of an events venue, on property located at 475 Adams Street. Ms. Rodriguez stated that 27 notices were sent out to abutting property owners, 4 notices were returned in favor and 1 was returned as undeliverable.

Ms. Rodriguez read into the record the recommendation from the Planning Department that the Planning and Zoning Commission grant the request to establish an events/amusement on property located at 475 Adams Street, subject to the following conditions:

1. The establishment complies with the provisions of City of Eagle Pass Code of Ordinances.
2. The establishment be restricted to comply with hours of operations as follows:
 - Weekdays to close at 10:00 pm
 - Weeknights to close at 1:00 am

Note: This conditional Use Permit (CUP) is non-transferrable.

Vice-Chairperson Velez stated previously there was a similar CUP with no restrictions. Ms. Rodriguez said yes, that is correct. The recommendation for operation hours is by the Planning Department.

Vice-Chairperson Velez asked if there is a specific reason to revoke a CUP. Mr. Madera briefed on this issue.

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

Commission Member Velazquez-Sanchez moved to approve the CUP request submitted by 6R Enterprises, LLC as recommended by the Planning Department. Seconded by Commission Member Salinas-Sanchez. **MOTION PASSED** – Unanimously

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

Vice-Chairperson Velez reiterated that the Commission did approve a similar CUP request with no restrictions and this one will have restrictions.

OLD BUSINESS

5. Consideration and possible action on the amendment of Article V of the Parkland Dedication ordinance.

Planning Director Madera gave an overview of a previous presentation to the Commission.

In response to questions posed by Vice-Chairperson Velez regarding the cost of a park and what is the current amount collected per ordinance. Mr. Madera responded with land purchase around \$900,000.00, and the current collected fee would be around \$120,000.00.

Vice-Chairperson Velez motioned to table item. Second by Commission Member Valdez. **MOTION PASSES**: Unanimously

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

ADJOURNMENT

Commission Member Valdez motioned to adjourn the meeting at 6:41 p.m. Seconded by Commission Member Salinas-Sanchez. **MOTION PASSES**: Unanimously

Passed and approved on: _____, 2023.

Luis Velez
Vice Chairperson

ATTEST:

Imelda B. Rodriguez
City Secretary

Item #2



Planning Department Executive Summary REPORT TO THE PLANNING AND ZONING COMMISSION

Final Replat of Lot 21 in Block 2 of Loma Bonita Heights Subdivision Unit 1

I. BACKGROUND

A. General Information

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

Property Owner: Rosio Jasmin Mendoza | Eagle Pass, Texas 78852

Location: 1789 Bianca Drive **Property ID Number:** 13032

Legal Description: Lot 21 in Block 2 of Loma Bonita Heights Subdivision Unit 1

Request: Final replat approval to subdivide an approximately 0.4702-acre tract into two residential lots, including (1) a subdivision variance from the preliminary plat requirement of City of Eagle Pass Code of Ordinances Chapter 23 Section 23-36(a), and (2) a sidewalk waiver, including curb and gutter from Section 23-64 governing sidewalks.

B. Subject Property Information

Parcel Size: 20,496–square feet **Topography:** Generally flat

Vegetation: Residential landscaping, grass, and shrubs

Existing Use: The property contains one single-family residence and a mobile home. The applicant is seeking a separate lot for each home.

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

Master Plan: Not applicable as parcel is in the County (ETJ)

C. Vicinity Data

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

D. Infrastructure

The property is currently served by public utilities/franchises, including water, sanitary sewer, storm sewer, telephone, electric service, and garbage service. Access to the site is provided by Bianca Drive.

II. PUBLIC NOTICE

Public notification of the subdivision with variance requests 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. 79 notices were mailed to the abutting property owners within a 500 feet radius of the subject property on April 28, 2023.

III. RECOMMENDED FINDINGS OF FACT

A. Conclusions

1. The applicant's request contains sufficient information for consideration by the Planning and Zoning Commission. Information contained in this report and the Commission's public meeting will be used as part of the City Council's deliberation process for the subdivision. Please refer to Attachment 1.
2. The final replat is contingent upon the approval of a variance request.
3. The property is located within the City's *Extraterritorial Territorial 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. It would not comply if sidewalks and curb and gutters variance requests are granted by the Commission.
 - ✓ 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 First One-Family Dwelling 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 Bianca Drive is designed to provide the residents of and visitors to Eagle Pass and Maverick County with a street system that will enable them to travel safely and conveniently.
 - ✓ The replat is consistent with the *Thoroughfare Goals* of the *Master Plan*, as Bianca 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 replat conforms to 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 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 County attractive to people, commerce, and industry.
 - Create the desire for a more pleasing appearance of the County and incorporate into its physical development the basic principles of good design.
 - Protect and preserve the identity of each neighborhood through use of the guidance provided by the *Master Plan* and the *Code of Ordinances*.
 - Locate all land uses on land best suited for their needs, arranged in such a way as to be mutually beneficial and functional, with ample area to meet long-term needs.
 - Establish a proper relationship between open space, developed areas, building bulk, light and air space, in all future development programs of land use.
 - Encourage and abet the development of civic, cultural, and other public and quasi-public buildings in harmonious and functional groupings.
5. The replat design is consistent with the purpose of the *R-1 First One-Family Dwelling District*.
6. 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* and the surrounding neighborhood for the following reasons:
- ✓ The subdivision design bears a substantial relationship to the public's health, safety, and welfare.
 - ✓ The subdivision is in accordance with the policies of the *Master Plan* and the residential purpose of the *R-1 District*.
 - ✓ The subdivision is warranted because of the necessity to create additional building lots in the *R-1 District*, and because the proposed development is appropriate to accomplish the reasonable use of the property.
 - ✓ The subject property is suitable for development in general conformance with development standards of the *R-1 District*.
 - ✓ The subdivision will benefit the County as a whole and will not be detrimental to nearby land uses of a similar nature.
 - ✓ The subdivision has been designed and conditioned to comply with all applicable subdivision criteria and standards of the City of Eagle Pass.

7. The replat is consistent with City design and specifications, as the project is designed and conditioned to conform to the following sections of *Article IV in Eagle Pass Code of Ordinances Chapter 23*:
- ✓ *Section 23-61* 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, as the applicant is seeking a waiver of the requirement to construct a sidewalk adjacent to Bianca Drive and Hilltop Circle.
 - ✓ *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

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

8. The replat is consistent with City design and specifications for landscape and tree preservation set forth in *Article VI in Eagle Pass Code of Ordinances Chapter 23*.
9. The replat will conform with the parkland dedication requirements set forth in *Article V in Eagle Pass Code of Ordinances Chapter 23*.
10. The applicant is seeking a sidewalk waiver per Section 23-64(a) of the Subdivision Ordinance as part of his application for the replat.

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

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

11. The grant of preliminary replat approval is also predicated upon the grant of one variance by the Planning and Zoning Commission. Please refer to Attachment 3 for a copy of the variance application.
12. The applicant has presented adequate justification for the requested variance from Section 23-36(a) which requires approval of a Preliminary Replat prior to the approval of a Final Replat. Please refer to Attachment 3 for a copy of the subdivision variance request.

First Variance Decision Criteria

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

Second Variance Decision Criteria

Section 23-11(a)(2). The variance regarding final re-plat approval is also consistent with this section of the city code, as the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. The subdivision design is consistent with the *R-1 First One-Family Dwelling District*. The residential use of the property will allow the enjoyment of a property right permitted by the City code.

Third Variance Decision Criteria

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

Fourth Variance Decision Criteria

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

Fifth Variance Decision Criteria

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

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

13. The applicant has requested a variance from *Section 23-61(n)* requiring curbs. Please refer to Attachment 2 for a copy of the variance request.

The request does not conform to the requirements set forth in *Section 23-11(a)* and *Section 23-11(c)*, therefore, the variance shall not be granted.

14. 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 10 of this report, except for the sidewalk waiver, including curb and gutter as these are inconsistent with the public health and safety requirements set forth in *City of Eagle Pass Code of Ordinances Chapter 23* and the *City of Eagle Pass Master Plan* as detailed in Conclusion 1 through Conclusion 13 of this report.

B. Planning Department Recommendation

The Planning and Zoning Commission recommend to Eagle Pass City Council to (1) **GRANT** the subdivision variance to proceed directly to final replat without first having obtained preliminary replat approval as required by *City of Eagle Pass Code of Ordinances Section 23-36(a)*, and (2) **DENY** a sidewalk waiver request, including curb and gutter as it does not conform with the criteria set forth in Section 23-64 governing sidewalks, and (3) **GRANT** final approval of the proposed Final Replat of *Lot 21 in Block 2 of Loma Bonita Heights Subdivision Unit 1*, subject to the plat complying with the provisions of *Article III of City of Eagle Pass Code of Ordinances Chapter 23* governing procedures and specifications for Final Plats including the following conditions(s):

- A sidewalk be installed along the perimeter of the parcel, adjacent to Bianca Drive and Hilltop Circle prior to plat recordation.
- Construct concrete curb and gutter along the side property, adjacent to Hilltop Circle prior to plat recordation.

TRANSMITTED to the parties listed hereafter:
TEC Services via e-mail
Eagle Pass Planning and Zoning Commission via e-mail
Maverick County Director, Monica Cruz via email
Planning & Zoning Commission Report dated May 2, 2023

Attachment 1

Application • Site Photos
Plat drawing • Zoomed in plat



PLANNING DEPARTMENT

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

SUBDIVISION APPLICATION

TYPE OF SUBDIVISION (check one):

☐ Preliminary

☐ Final

☒ Replat

☐ Amendment

☐ Short Form Final

Property Legal Description: Lot 21, Block 2, Loma Bonita Heights Subdivision, Unit 1

Maverick County Property Identification Number(s): 13032

Name of Addition: Replat: Lot 21, Block 2, Loma Bonita Heights Subdivision Unit 1

Location of Addition: 1789 Bianca Drive, Eagle Pass, TX 78852

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

Number of New Street Intersections 0 Linear feet of Streets 0

Is Subdivision inside city limits? Yes ☐ No ☒ If so, Zoning District: N/A

Existing Land Use: Residential Proposed Land Use: Residential

Requested Variances: 1) Variance to Proceed to Final Plat

PROPERTY OWNER:

Name: Rocio Jasmin Mendoza

Address: 2060 W. 5400 S.

City: Roy

State: Utah Zip: 84067

Signature: [Signature]

Contact: Gloria Mendez

Phone: 830-773-8308

Fax: N/A

E-mail: alvarez.gaytan@yahoo.com

Date: 9/28/2020

PROPERTY OWNER:

Name: _____

Address: _____

City: _____

State: _____ Zip: _____

Signature: _____

Contact: _____

Phone: _____

Fax: _____

E-mail: _____

Date: _____

APPLICANT/SUBDIVIDER:



Name: TEC Services
Address: 3292 El Indio Hwy
City: Eagle Pass
State: TX Zip: 78852
Signature: [Signature]

Contact: Aaron Libson
Phone: 830-773-0579
Fax: 830-773-7312
E-mail: ajlibson@terratechengineering.com
Date: 10/30/20

SURVEYOR:

Name: Francisco Gaytan
Address: 2606 Encino Park Dr.
City: Eagle Pass
State: TX Zip: 78852
Signature: [Signature]

Contact: Francisco Gaytan
Phone: 830-773-8308
Fax: 830-421-7116
E-mail: fgaytan@yahoo.com
Date: 10/30/20

ENGINEER:

Name: Florentino Caballero
Address: 3292 El Indio Hwy
City: Eagle Pass
State: TX Zip: 78852
Signature: [Signature]

Contact: Florentino Caballero
Phone: 830-773-0579
Fax: 830-773-7312
E-mail: fcaballero@terratechengineering.com
Date: 10/30/20

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

10/30/20
Date



REPLAT: LOT 21, BLOCK 2
LOMA BONITA HEIGHTS SUBDIVISION UNIT 1

Being a 0.46 Acre Tract of land lying and situated in Maverick County Texas, being all of Lot 21, Block 2, Loma Bonita Heights Subdivision Unit 1, as shown by Map recorded in Envelope 126, Side B, of the Maverick County Map Records,

Said 0.46 Acres being more particularly described by metes and bounds as follows:
(Bearings according to found the West Right-of-Way Line Blanca Drive with Bearing N07°08'35"E, called to have N06°18'14"E, by Plat of Record Envelope 126, Side B).

Beginning at found 1/2" Iron Rod being the common East Corner of Lot 21, and Lot 20, falling on the West Right-of-Way Line of Blanca Drive, for Northeast corner of the herein described 0.46 acres,

THENCE along the West right of way line of Blanca Drive, S07°08'35"W, 10.36 feet, to a set 1/4" iron rod, for Point of Curvature (PC) of Curve having 09°42'14", Radius of 1250.0 feet, an Arc Length of 211.71 feet, and Chord of S02°17'25"W, 211.45 feet, to the Point of Tangency (PT).

THENCE along said Curve, 211.71 feet to the PT, being the PC of another Curve having 85°30'06", Radius of 25.0 feet, an Arc Length of 37.31 feet, and Chord of S40°11'48"W, 33.95 feet, to the PT.
THENCE along said Curve, 37.31 feet to the PT, falling on the North Right-of-Way Line of Hilltop Circle,

THENCE along the North Right-of-Way Line of Hilltop Circle, S82°56'27"W, 38.92 feet, to a set 1/4" iron rod, for Southwest corner of this Lot 21, also the Southeast corner of Lot 22,

THENCE along the common line of Lot 21, and Lot 22, N07°03'33"W, 267.22 feet, to a set 1/4" iron rod, for Northwest corner of this Lot 21, also the Northeast corner of Lot 22,

THENCE along the common line of Lot 21, and Lot 20, S82°51'25"E, 103.92 feet, to the POINT OF BEGINNING.

STATE OF TEXAS)
COUNTY OF MAVERICK)

OWNER'S DEDICATION, CERTIFICATION, AND ATTESTATION

The Owners of the land shown on this subdivision plat and whose name is subscribed hereto and in person or through a duly authorized agent, acknowledges that this plat was made from an actual survey and dedicates to the use of the public forever all streets, parks, easements, and public places thereon shown for the purposes and considerations therein expressed, and the same are dedicated to the City of Eagle Pass.
The Owner certifies that this plat complies with the requirements of Texas Local Government 212.032 and that:

- (A) the water quality and connections to the lots meet, or will meet, the minimum state standards;
(B) sewer connections to the lots meet, or will meet, the minimum requirements of state standards;
(C) electrical connections provided to the lots meet, or will meet, the minimum state standard; and
(D) gas connection, if available, provided to the lots meet, or will meet, the minimum standards.
- The Owner attests that the matters asserted in this Plat are true and complete.

REPLAT-LOT 21, BLOCK 2, LOMA BONITA HEIGHTS SUBDIVISION UNIT 1

SIGNATURE: Rocio Jasmin Mendoza

NAME: ROCIO JASMIN MENDOZA

STATE OF TEXAS)
COUNTY OF MAVERICK)

This instrument was acknowledged before me on Jan 4th 2021
by ROCIO JASMIN MENDOZA

Signature Notary Public State of Texas Francisco Gaytan

My Commission Expires: Oct 11, 2022

STATE OF TEXAS)
COUNTY OF MAVERICK)

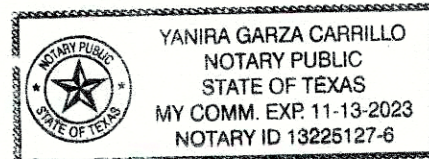
I, Francisco Gaytan, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this Replat and description of the Replat of Lot 21 of Loma Bonita Heights Subdivision Unit 1 was prepared from an actual survey conducted on June 27, 2020, under my supervision on the ground and the monuments shown are within the positional tolerance required by 22 TAC SEC 663.15.

Francisco Gaytan
Registered Professional Land Surveyor
Texas No. 5474

This instrument was acknowledged before me on the 3rd day of December, of 2020 by Francisco Gaytan, R.P.L.S.

Yanira Garza Carrillo
Signature Notary Public State of Texas

My Commission Expires: 11-13-2023



COMMISSIONERS COURT CERTIFICATION

This Plat was presented to the Maverick County Commissioners Court and approved on _____, 20____, by the Commissioners Court of Maverick County, Texas.

Signed this _____ day of _____, 20____.

County Judge _____

Sworn under my hand and seal of office this _____ day of _____, 202__

Notary Public _____ State of Texas

CITY OF EAGLE PASS
CERTIFICATE OF PLAT APPROVAL

WE, THE UNDERSIGNED, CERTIFY THAT THE REPLAT OF LOT 21 OF LOMA BONITA HEIGHTS SUBDIVISION UNIT 1 was reviewed and approved by the City Council of Eagle Pass on _____

Mayor of the City of Eagle Pass _____ Date _____

Given under my hand and seal of office this _____ day of _____, 202__

Signature Notary Public State of Texas

WE, THE UNDERSIGNED, CERTIFY THAT THE REPLAT OF LOT 21 OF LOMA BONITA HEIGHTS SUBDIVISION UNIT 1 was reviewed and approved by the Planning and Zoning Commission of the City of Eagle Pass on _____

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

Given under my hand and seal of office this _____ day of _____, 202__

Signature Notary Public State of Texas

WE, THE UNDERSIGNED, CERTIFY THAT THE REPLAT OF LOT 21 OF LOMA BONITA HEIGHTS SUBDIVISION UNIT 1 was reviewed and approved by the City Manager of the City of Eagle Pass on _____

City Manager of the City of Eagle Pass _____ Date _____

Given under my hand and seal of office this _____ day of _____, 202__

Signature Notary Public State of Texas

COUNTY CLERK'S RECORDING CERTIFICATE

I, _____, COUNTY CLERK OF MAVERICK COUNTY, certify that the replat bearing this certificate was filed for record at _____ o'clock ____M on _____, 202__, and was recorded in Envelope _____ Side ____ in the Map Records of Maverick County at _____ o'clock ____M on _____, 202__.

Maverick County Clerk

STATE OF TEXAS)
COUNTY OF MAVERICK)

I, Florentino Caballero, a Registered Professional Engineer in the State of Texas (No. 66952), hereby certify that the water and wastewater facilities for this subdivision were designed in accordance with the requirements of the City of Eagle Pass, Texas, that these services are connected to the public water and sewer utilities operated and maintained by the City of Eagle Pass, Texas, all as shown on the drawings presented to, and approved by, the City of Eagle Pass, Texas. These water and sewer designs are in compliance with the Model Rules adopted under Section 16.343 of the Texas Water Code.

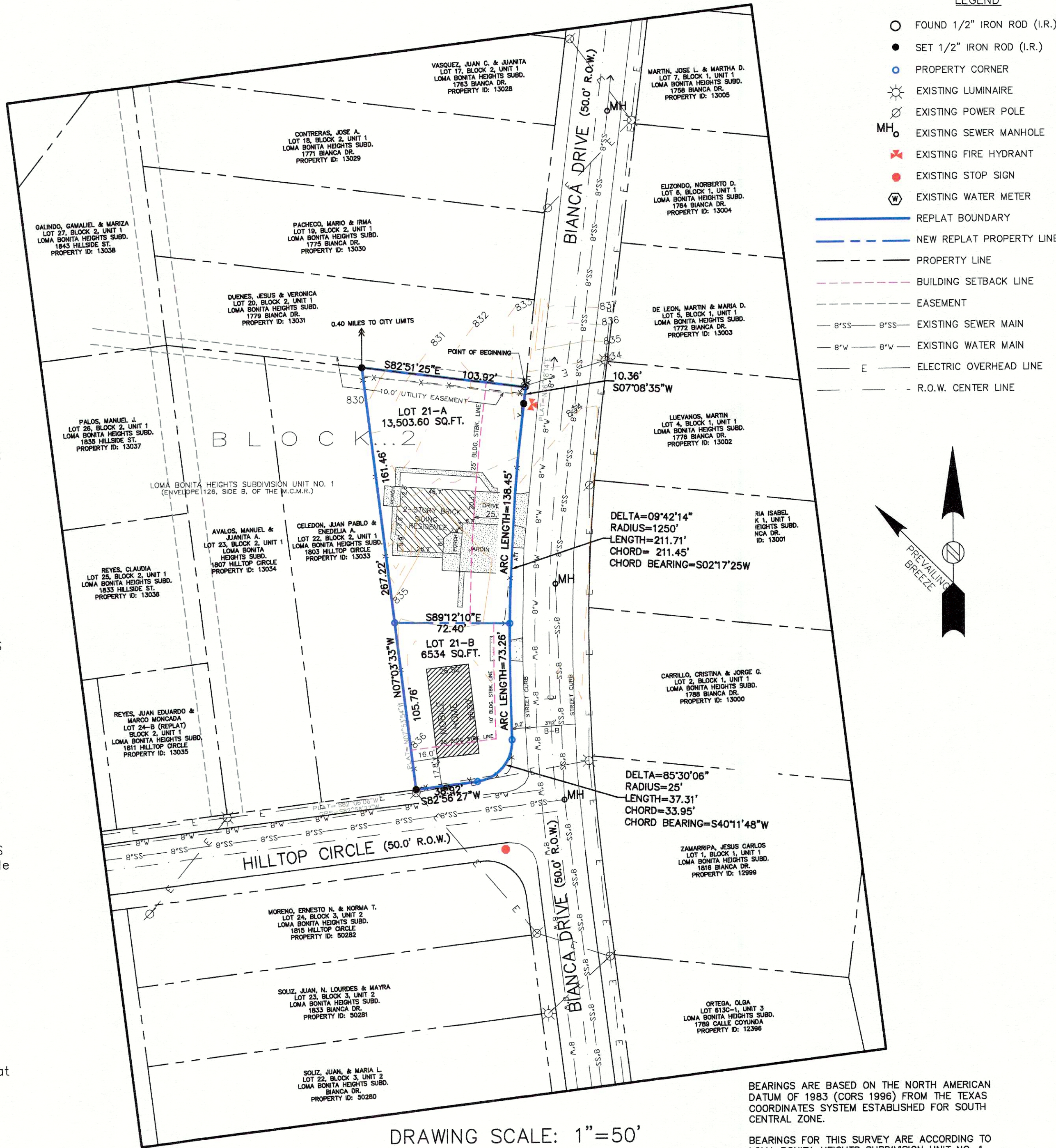
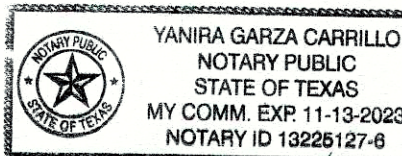
Florentino Caballero
Registered Professional Engineer 66952

Florentino Caballero, P.E.
Registered Professional Engineer 66952

This instrument was acknowledged before me on the 3rd day of December, of 2020 by Florentino Caballero, P.E.

Yanira Garza Carrillo
Signature Notary Public State of Texas

My Commission Expires: 11-13-2023

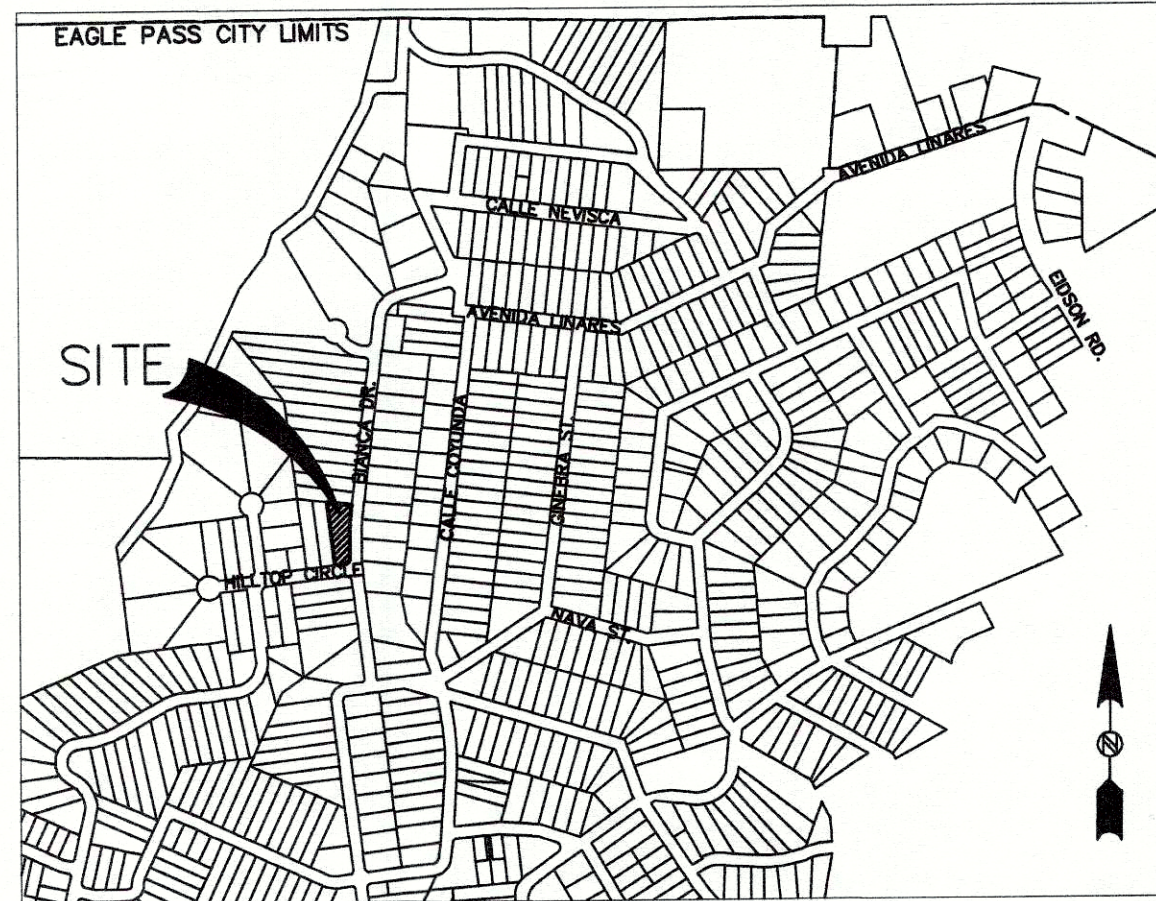


DRAWING SCALE: 1"=50'

0 25 50 Feet

NOTES:

1. THE AREA BEING REPLATTED HAS BEEN PREVIOUSLY PLATTED ON A PLAT WHICH IS RECORDED IN ENVELOPE 126, SIDE B, MAVERICK COUNTY PLAT AND DEED RECORDS, AS LOT 21, BLOCK 2, LOMA BONITA HEIGHTS SUBDIVISION UNIT 1.
2. THE TOTAL AREA OF THIS REPLAT IS 0.46 ACRES AND WILL CONTAIN TWO (2) RESIDENTIAL LOTS.
3. HOUSING CERTIFICATION: NO MORE THAN ONE (1) SINGLE-FAMILY DETACHED DWELLING SHALL BE LOCATED ON EACH LOT.
4. SET 1/2" I.R. AT ALL CORNERS EXCEPT INDICATED.
5. THE ZONING FOR THIS REPLAT WILL REMAIN AS R-2: SECOND ONE-FAMILY DWELLING DISTRICT.
6. YARD SETBACK REGULATIONS FOR R-2 SECOND ONE-FAMILY DISTRICT ARE AS FOLLOWS: MINIMUM DEPTH OF FRONT YARD SETBACK SHALL BE TWENTY-FIVE (25) FEET; MINIMUM DEPTH OF SIDE YARD SETBACK SHALL BE FIVE (5) FEET WIDE, WHERE THERE IS CORNER LOT, SIDE YARD SETBACK SHALL BE MINIMUM TEN (10) FEET WIDE. MINIMUM DEPTH OF REAR YARD SETBACK SHALL BE TWENTY-FIVE (25) FEET.
7. THE AREA OF THIS SUBDIVISION LIES OUTSIDE THE LIMITS OF THE CITY OF EAGLE PASS, TX, BUT WITHIN THE 2-MILE EXTRA-TERRITORIAL JURISDICTION (E.T.J.).
8. NO PORTION OF THE PROPERTY SHOWN HEREON IS WITHIN ZONE AE, SPECIAL FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP NO. 48323C04750, DATED APRIL 4, 2011 FOR MAVERICK COUNTY, TEXAS AND INCORPORATED AREAS.
9. ALL EASEMENTS SHALL BE KEPT CLEAR OF FENCES, BUILDING, PLANTINGS, AND OTHER OBSTRUCTIONS.
10. VERIFY ALL UNDERGROUND UTILITY SERVICE LINES AS REQUIRED, PRIOR TO ANY EXCAVATION.
11. THE SUBSEQUENT DEVELOPMENT OF ALL LOTS SHOWN WITHIN THIS SUBDIVISION PLAT SHALL COMPLY WITH THE CITY OF EAGLE PASS CODE OF ORDINANCES PERTAINING TO THE PROVISIONS OF CHAPTER 23, ARTICLES IV, V AND VI, GOVERNING SUBDIVISION DESIGN AND CONSTRUCTION STANDARDS, CHAPTER 27 GOVERNING WATER SERVICES, SEWER SERVICES, AND SURFACE WATER MANAGEMENT, AND CHAPTER 13 GOVERNING FIRE PROTECTION.



VICINITY MAP
NOT-TO-SCALE

TERRATECH ENGINEERING
AND CONSTRUCTION SERVICES

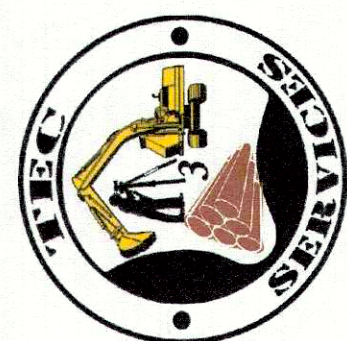
3292 EL INDIO HWY, EAGLE PASS, TX

(830)-773-0579

aj@ttechengineering.com

FIRM #14118

www.terratechengineering.com



PROPERTY OWNER:

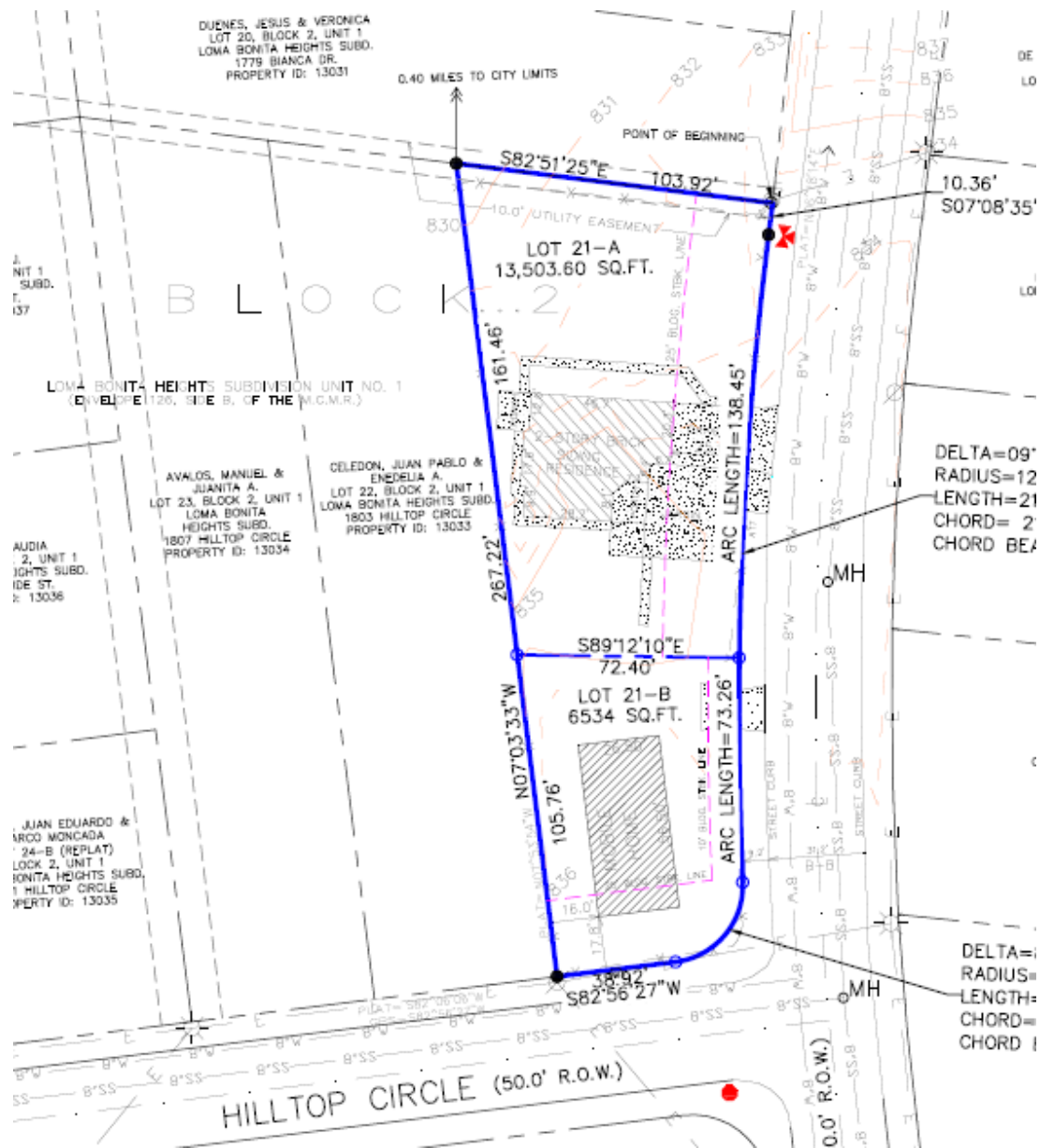
Rocio Jasmin Mendoza

2060 W. 5400 S.

Roy, Utah 84067

JOB: 0152-20
SHEET 1 OF 1
DESIGNED: FJC
DRAWN: AJL
CHECKED: FJC, JAL

SCALE: 1" = 50'
DEC. 3, 2020



Attachment 2
Sidewalk Waiver Application

Attachment 3
Subdivision Variance Request(s)



PLANNING DEPARTMENT

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

SUBDIVISION VARIANCE APPLICATION

Applicant Information

Applicant (If not owner): TerraTech Engineering and Construction Services
Address: 3292 El Indio Hwy, Eagle Pass, TX 78852
Phone: 830-773-0579 E-mail: ajlibson@terratechengineering.com
Owner: Rocio Jasmin Mendoza
Address: 2060 W. 5400 S., Roy, Utah 84067
Phone: 830-773-8308 E-mail: alvarez.gaytan5@yahoo.com

Property Information

Site Address: 1789 Bianca Dr. MCAD Property ID No. 13032
Legal Description (from deed): Lot 21, Block 2, Loma Bonita Heights Subdivision Unit 1

Description of Subdivision Variance Request

1) Variance to proceed to Final Plat given existing infrastructure.

Detailed Explanation of Subdivision Variance Request

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

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

The proposed subdivision is already Platted and does not need to go through the full Plat
process given the existing infrastructure.

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

The owner/subdividers wants to subdivide their property by Replatting it, since it has all the
necessary utility improvements that would qualify it for a Plat.



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.

Granting of this variance would not be detrimental to the public health given the existing infrastructure.

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 granting of this variance would not prevent the orderly subdivision of other land in the area as adjacent properties have already been developed in a similar manner.

Required Application Attachments

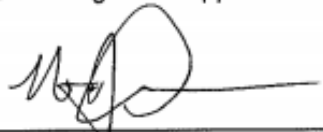
The following documentation is required to be attached to this application:

- 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

9/28/20
Date

Attachment 4

Final Engineering Report
30-year agreements
Fire Flow Test copy



TerraTech Engineering and Construction Services

PO Box 556

Eagle Pass, Texas 78853-0556

TBPE Firm # 14118

"Developing Communities and Enhancing People's Lives through Experience and Integrity"

To: Placido Madera

City of Eagle Pass Planning Director

From: Florentino Caballero, P.E.

Date: September 30, 2020

Reference: Final Engineering Report for Replat of Lot 21, Block 2 Loma Bonita Heights Subdivision Unit 1

Mr. Madera,

Mrs. Rocio Jasmin Mendoza, owner of property legally described as 'Lot 21, Block 2, Loma Bonita Heights Subdivision Unit 1', has requested that TerraTech Engineering and Construction Services (TEC Services) prepare a Replat of this property to legally subdivide it into (2) Two Residential Lots. This property is located at 1789 Bianca Drive. The property is located outside the Eagle Pass City Limits, but within the 2-mile Extra-Territorial Jurisdiction (E.T.J.) and is currently Platted as One (1) Residential Lot. The property has an existing home and mobile home trailer, and has access to existing sewer, water, cable, and electric utilities. As a result, we are proceeding straight to the Final Plat process given the existing conditions.

General Description

The subject Plat has a total area of 0.46 Acres and measures approximately 65' x 267.22' (see attached Replat Sheet for reference). The subject tract will be Replatted as (2) Lots, Lot 21A and Lot 21B, each approximately 13,504 Sq.Ft. and 6534 Sq.Ft., respectively. The property has frontage towards Bianca Dr. and Hilltop Circle, and has access to paved streets. All utility infrastructure including water, sewer, electricity, and cable mains is already existing along the frontage of the property. There is an existing residence that is located inside of proposed Lot 21A and a mobile home trailer located inside of proposed Lot 21B. This Replat will be presented to proceed straight to Final due to the existing conditions. This property is located outside the Eagle Pass City Limits and is not currently zoned, but is situated within a residential neighborhood area. Given that it is within the 2-Mile E.T.J., the proposed zoning will be R-6: Third One-Family Dwelling District.

Drainage

General Drainage Description

This Plat area of this subdivision is not located within a special flood hazard area. The highest point on this tract is along the Northern portion of the property. The subject lot drains from the North towards the South of the property. Given that this property is already platted as part of a residential subdivision,

830-773-0579 – Phone

email: jllibson@terratechengineering.com

830-773-7312 – Fax

www.terratechengineering.com



and is already developed, no drainage improvements will be required. For platting purposes, Hydraulic Calculations are provided below only as reference. Since the property is already developed as a residential lot, only one set of calculations will be provided.

Existing Drainage Conditions

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

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

where C = runoff coefficient

I = average rainfall intensity in inches per hour

A = tributary drainage area in acres

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

Table 1. Existing & Developed Drainage Parameters

Parameter	Value
t_c	5 min
C_d	0.60
I_{10}	7.43 in/hr
I_{100}	10.32 in/hr
Watershed Area, A	0.46 acres

The peak rates of runoff for the existing undeveloped lots are

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

$$Q_{10} = 0.60 \times 7.43 \times 0.46 = 2.05 \text{ cfs}$$

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

$$Q_{100} = 1.25 \times 0.60 \times 10.32 \times 0.46 = 3.56 \text{ cfs}$$

The estimated runoff for the entirety of the residential property for a ten (10) and one hundred (100) year return period are 2.05 cfs and 3.56 cfs, respectively.

The calculations provided in this report are simply for Platting purposes. No drainage improvements are required.

Street

This property has paved street access along Bianca Dr. and Hilltop Circle. Luminaries are visible along the property. Please refer to Replat sheet for locations.

There is an existing fire hydrant located along Bianca Dr. along the front of this property. Please refer to Replat Sheet for location.

Water Service

There is an existing 8" Water Main that runs along the frontage of this property. The existing home/trailer has access to water service via existing lateral. Please refer to the replat for details. All Water Mains in this area are operated by Eagle Pass Water Works.

Sanitary Sewer Service

There is an existing 8" Sanitary Sewer Main that runs along the frontage of the property. This property has access to a sewer service lateral from the existing sewer main. Please see Replat for reference. All sanitary sewer lines in this area are operated by Eagle Pass Water Works.

Other Utilities

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

Conclusion

The existing and proposed use of this property is Residential. The proposed Replat will not have an impact on the current use, drainage patterns, or utilities as required infrastructure for Platting is already built-out.

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

Sincerely,

Florentino Caballero, P.E.

TEC Services



09/30/2020

Item #3



Planning Department Executive Summary REPORT TO THE PLANNING & ZONING COMMISSION

PWS Holdings 23, LLC Rezone Request

I. BACKGROUND

General Information

Applicant: PWS Holdings 23, LLC

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

Location: 2423 E. Main Street

Property ID Number: #4714

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

Request: Rezone parcel from B-1 Neighborhood Business District to B-3 General Business District

Subject Property Information

Current Use: Vacant lot (previous use Motel)

Proposed Use: Express Car Wash

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

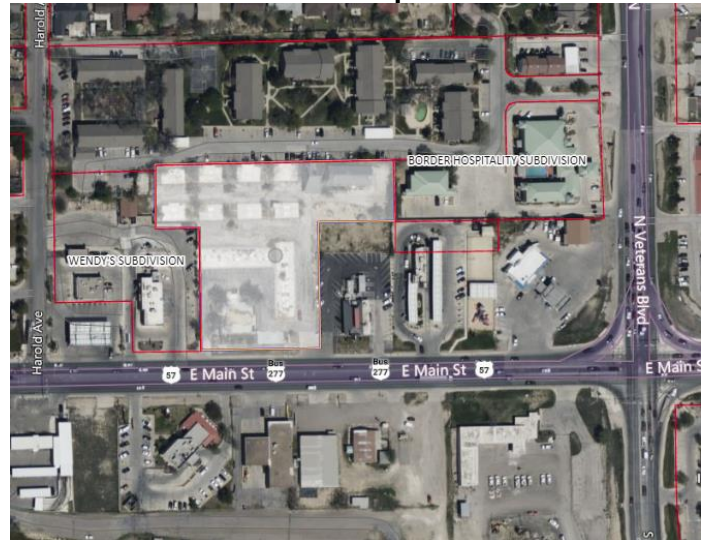
Current Zoning District: B-1 Neighborhood Business

Master Plan: Commercial

Vicinity Data

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

Aerial Map



Site Photos



II. PUBLIC NOTICE

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

III. RECOMMENDED FINDINGS OF FACT

A. Conclusions

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

The purpose of the rezone is to allow for subsequent construction of a car wash site on the property. All construction will comply with all applicable state and local codes.

5. The rezone request is consistent with the *Master Plan's* 'Street Objectives', 'Thoroughfare Goals', and 'Thoroughfare Objectives', as access to the rezone site will be provided by TxDOT ROW known as Main Street or US Hwy 277.
6. The property is in an area that has commercial uses and should allow for property to be rezoned to a higher and better use. Please refer to Attachment 1 for a photograph of the rezone site.
7. The rezone request is consistent with both the goals and objectives of the *Master Plan* and the purpose of the *City of Eagle Pass Code of Ordinances Appendix A* governing zoning as set forth in Conclusion 1 through 6 of this Report. The rezone request, therefore, should be approved.

B. Planning Department Recommendation

The Planning and Zoning Commission recommend that the City Council prepare and **ADOPT** an Ordinance granting a zoning district change *B-1 Neighborhood Business District* to *B-3 General Business District* for property legally defined as 2.114 acres located in survey 8, Abstract Number 1111, Maverick County, Texas, and being part of and out of Block A of Holly Park Subdivision Unit

5 according to the map of recorded under envelope 48, Side B of the map records of Maverick County, Texas, for reference, said 2.114 acre tract being that certain called 2.1117 acre tract conveyed from Maxey family Limited Partnership, a Texas limited partnership, to Daniel W. Hartman and wife, Irma Alicia Hartman by warranty deed with vendor's lien recorded under Book 560, Page 70 of the official public records of Maverick County, Texas, said 2.114 acre tract also being that certain called 2.117 acre tract conveyed from Kalyk Development, LLC, to Lewis E. Stock by warranty deed recorded under Book 1876, Page 460 of the official public records of Maverick County, Texas, also known as 2423 E. Main Street.

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: 9121

Applicant Information	Name: <u>PWS Holdings 23, LLC</u>
	Mailing Address: <u>4609 33rd Avenue S, Suite 400 Fargo, ND 58104</u>
	Phone: <u>701-499-3936</u> E-mail: <u>Tanner@christiansoncompanies.com</u>
	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>Lewis E Stock & Vickie L Stock Trustees of The Stock Revocable Trust</u>
	Mailing Address: <u>PO Box 2512 Eagle Pass, TX</u>
	Phone: <u>830 773 2291</u> E-mail: <u>mer@calvinstock.llc.com</u>

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

Proposed Project	Amend Zoning Regulations contained in section <u>8</u>
	Amend the Official Zoning Map & Master Plan by changing <u>2.1</u> acres of land currently zoned <u>B-1</u> to be zoned <u>B-3</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:	We are looking to build an express car wash. This is not an allowed use in B-1 but it is allowed in B-3.
Describe the character and/or nature of uses surrounding the property: The property is surrounded by quick service restaurants and other commercial uses. There is an automotive use across the street to the south and some multifamily residential to the north.	
Will the rezoned designation be compatible with the classification and use of adjoining lands? ☒ Yes ☐ No	
If No, how do you propose to reduce any adverse impact?	

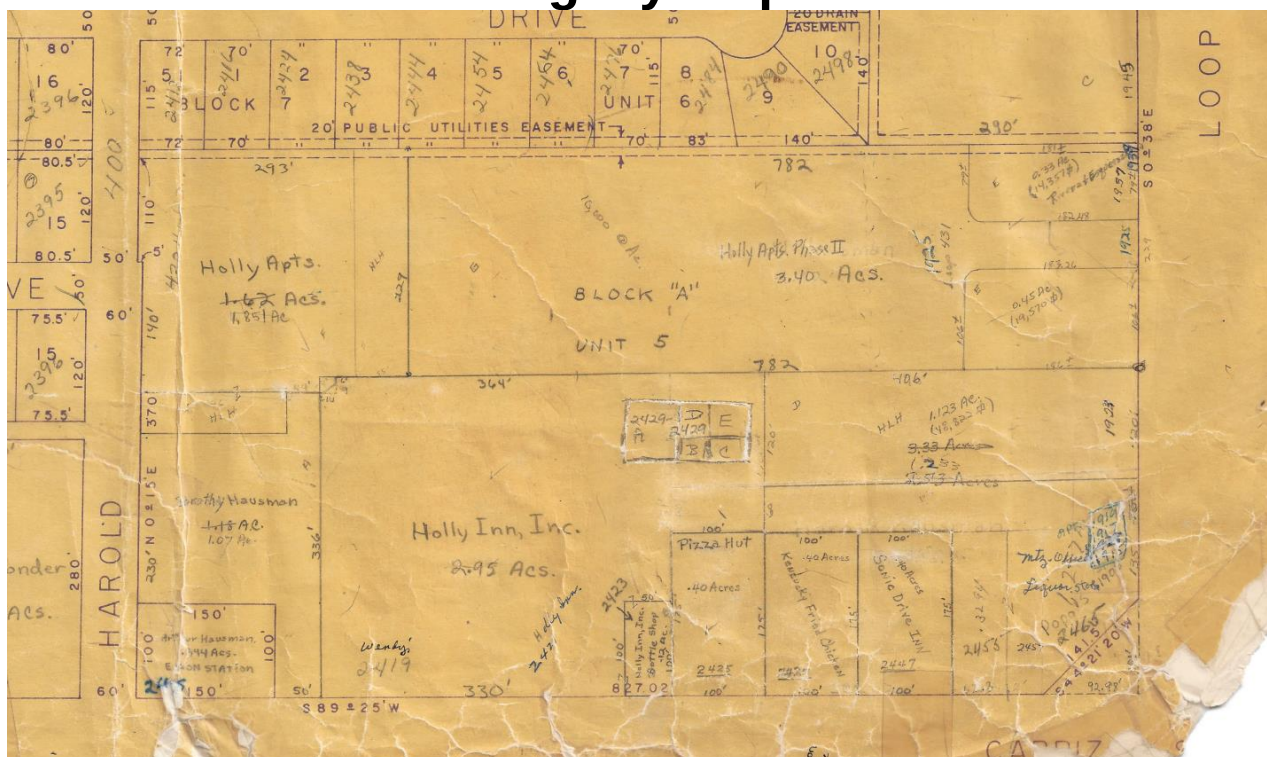
Applicant Authorization	I authorize the City of Eagle Pass to conduct any site visits necessary to evaluate this zoning change application. I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the zoning change request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of the zoning change approval. I agree to provide any additional information requested by the City as they deem necessary for the processing of this application.
	 Applicant Signature <u>3/23/23</u> Date

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

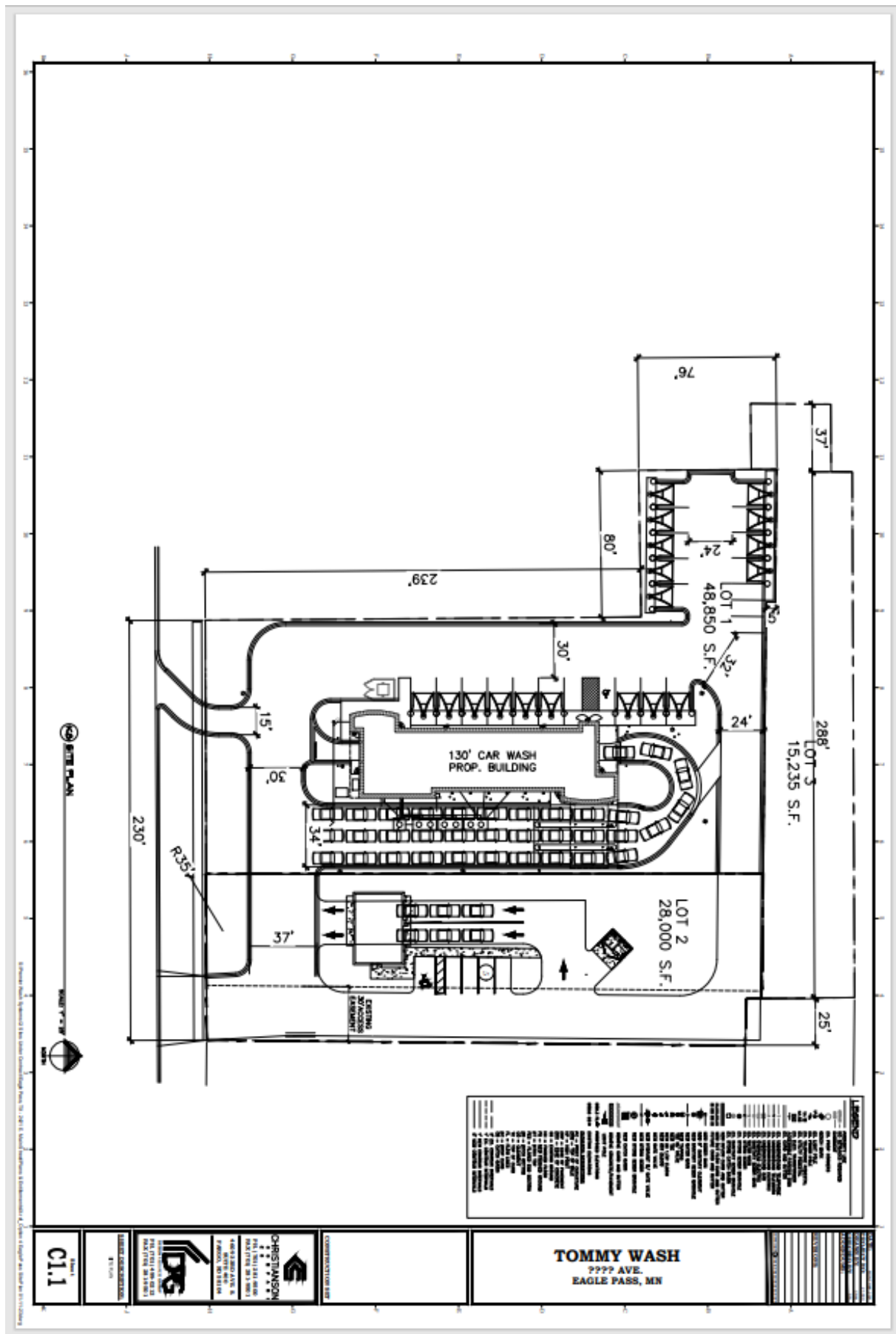
Additional photos of site



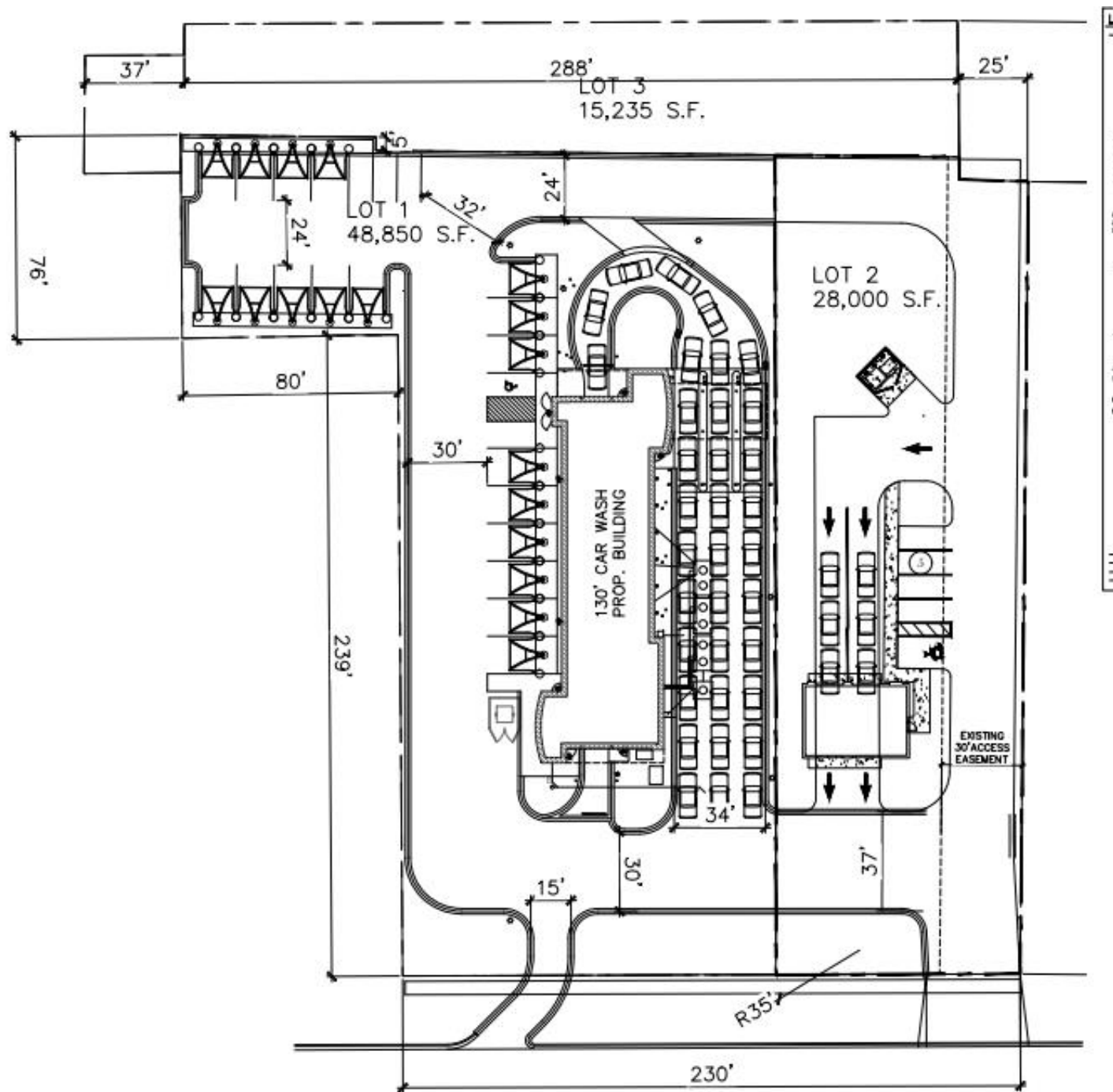
Legacy Map



Proposed preliminary site plan



Zoomed in Site Plan



K&A SITE PLAN

SCALE 1" = 20'



Attachment 2 Master Plan & Zoning Map

Master Plan Map



Zoning District Map



Item #4



**Department Executive Summary
REPORT TO THE PLANNING AND ZONING COMMISSION**

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

I. APPLICANT & PROPERTY INFORMATION

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

Developer: Benito & Rosario Berenice Garcia and Tomas Perales

Location: 3401 Del Rio Blvd and 3427 Del Rio Blvd

Property ID Number: 9008915 & 51974

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

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

Zoning: Not applicable due to parcels location (ETJ)

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

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

II. STAFF ANALYSIS

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

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

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

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

The applicant submitted their extension request on April 14, 2023 in conformance with *City of Eagle Pass Code of Ordinances Section 23-25(g)(4)(a)*.

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

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

Staff Recommendation

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

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

TRANSMITTED to the parties listed hereafter:

TEC Services via e-mail
Planning and Zoning Commission via e-mail
Monica Cruz, Maverick County Planning Director
Eagle Pass Planning Department Report dated May 8, 2023

Attachment 1

Final Plat

**PLAT EXEMPTION, LOT 1, A LOT 2
BENITO GARCIA SUBDIVISION**

THIS PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE COUNTY OF MAVERICK, TEXAS, AND IS NOT A REPRODUCTION OF THE ORIGINAL PLAT.

THE PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE COUNTY OF MAVERICK, TEXAS, AND IS NOT A REPRODUCTION OF THE ORIGINAL PLAT.

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____

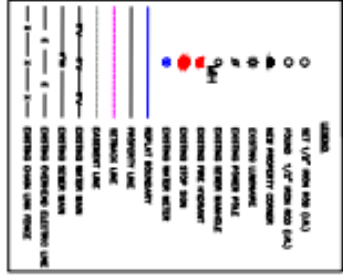
DATE OF THIS PLAT: _____

DATE OF THIS PLAT: _____



LOT	AREA (ACRES)	AREA (SQ. FT.)	AREA (SQ. FT.)
1	2.00 ACRES	136,000	136,000
2	2.00 ACRES	136,000	136,000

LINE	BEARING	LENGTH	AREA (SQ. FT.)
1	N 0° 0' 0" E	100.00	10,000.00
2	S 0° 0' 0" E	100.00	10,000.00
3	S 0° 0' 0" E	100.00	10,000.00
4	N 0° 0' 0" E	100.00	10,000.00



1. THE TOTAL AREA OF THIS SUBDIVISION PLAT IS 4.00 ACRES AND CONTAINS TWO (2) LOTS.
2. THE AREA OF THIS SUBDIVISION PLAT LIES OUTSIDE THE CITY LIMITS OF EAGLE PASS, TX.
3. LOT 1 IS 2.00 ACRES AND LOT 2 IS 2.00 ACRES.
4. THE BOUNDARY OF THIS PLAT SHALL BE AS SHOWN ON THE PLAT.
5. THE PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE COUNTY OF MAVERICK, TEXAS, AND IS NOT A REPRODUCTION OF THE ORIGINAL PLAT.
6. THE PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE COUNTY OF MAVERICK, TEXAS, AND IS NOT A REPRODUCTION OF THE ORIGINAL PLAT.
7. THE PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE COUNTY OF MAVERICK, TEXAS, AND IS NOT A REPRODUCTION OF THE ORIGINAL PLAT.
8. THE PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE COUNTY OF MAVERICK, TEXAS, AND IS NOT A REPRODUCTION OF THE ORIGINAL PLAT.
9. THE PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE COUNTY OF MAVERICK, TEXAS, AND IS NOT A REPRODUCTION OF THE ORIGINAL PLAT.
10. THE PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE COUNTY OF MAVERICK, TEXAS, AND IS NOT A REPRODUCTION OF THE ORIGINAL PLAT.
11. THE PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE COUNTY OF MAVERICK, TEXAS, AND IS NOT A REPRODUCTION OF THE ORIGINAL PLAT.
12. THE PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE COUNTY OF MAVERICK, TEXAS, AND IS NOT A REPRODUCTION OF THE ORIGINAL PLAT.
13. THE PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE COUNTY OF MAVERICK, TEXAS, AND IS NOT A REPRODUCTION OF THE ORIGINAL PLAT.
14. THE PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE COUNTY OF MAVERICK, TEXAS, AND IS NOT A REPRODUCTION OF THE ORIGINAL PLAT.
15. THE PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE COUNTY OF MAVERICK, TEXAS, AND IS NOT A REPRODUCTION OF THE ORIGINAL PLAT.
16. THE PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE COUNTY OF MAVERICK, TEXAS, AND IS NOT A REPRODUCTION OF THE ORIGINAL PLAT.
17. THE PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE COUNTY OF MAVERICK, TEXAS, AND IS NOT A REPRODUCTION OF THE ORIGINAL PLAT.
18. THE PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE COUNTY OF MAVERICK, TEXAS, AND IS NOT A REPRODUCTION OF THE ORIGINAL PLAT.
19. THE PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE COUNTY OF MAVERICK, TEXAS, AND IS NOT A REPRODUCTION OF THE ORIGINAL PLAT.
20. THE PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE PUBLIC RECORDS OF THE CLERK OF THE COUNTY OF MAVERICK, TEXAS, AND IS NOT A REPRODUCTION OF THE ORIGINAL PLAT.

PROPERTY OWNER:
Benito and Rosario B. Garcia
Tomas Perales
EAGLE PASS, TX 78852



TERRATECH ENGINEERING
AND CONSTRUCTION SERVICES
1000 E. INDUSTRIAL, EAGLE PASS, TX
78852-1418
www.terratechengineering.com

FINAL SUBDIVISION PLAT
BENITO GARCIA SUBDIVISION
EAGLE PASS, TEXAS, MAVERICK COUNTY



Item #5

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 (PARC) before a development application is submitted to evaluate the suitability of the land. Additionally, PARC 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:

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

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 platting.

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

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.

- (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.

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:

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

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

Parkland Dedication—Development Component.

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

Development Cost for:

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

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

Total Parkland Dedication Fee:

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

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