



AGENDA

**ZONING BOARD OF ADJUSTMENTS AND APPEAL REGULAR MEETING
WEDNESDAY, FEBRUARY 7, 2024, AT 5:30 P.M.
COUNCIL CHAMBERS, CITY HALL BUILDING
100 SOUTH MONORE STREET, EAGLE PASS, MAVERICK COUNTY, TEXAS**

ESTABLISHMENT OF QUORUM

CITIZENS COMMUNICATIONS

MINUTES

1. Approval of the minutes of the December 6, 2023, meeting.

PUBLIC HEARINGS

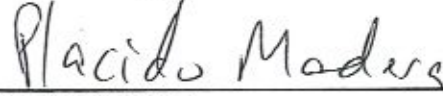
2. Public hearing on a variance request submitted by Oca Signs, seeking a variance from *City of Eagle Pass Code of Ordinances Appendix A - Zoning Ordinance Section 15(h)(D)(1)(A)* regulating placement of signs. The applicant seeks to erect more than the allowed wall-mounted signs on property located at 2824 N. Veterans Boulevard; closing of public hearing and possible action.
3. Public hearing on the petition submitted by Terra Tech Engineering & Construction Services, requesting a variance from *City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinance Section 12(d)(5)* governing landscape requirements. The applicant seeks to reduce the required landscaping, to allow for the construction of an addition to the existing building on property located at 5395 US Hwy 57; closing of public hearing and possible action.
4. Public hearing on the petition submitted by Four DLS Properties, LLC, requesting a variance from *City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinance Section 12(d)(5)* governing landscape requirements. The applicant seeks to reduce the required landscaping, to allow for the construction of an addition to the existing building on property located at 2027 Microstar Way; closing of public hearing and possible action.
5. Public hearing on a variance request submitted by Araceli Gonzalez, requesting a variance from *City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinance Section 12.1(c)(8)(e)* regulating off-street parking design standards. The applicant seeks to reduce the required 24-foot-wide drive aisle to 18.5-feet, to allow the construction of a parking lot on property located at 450 Luis Street; closing of public hearing and possible action.

ADJOURNMENT

Note: The Board 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 February 2, 2024 at 3:15 p.m.

A handwritten signature in black ink that reads "Placido Madera". The signature is written in a cursive style and is positioned above a horizontal line.

Placido Madera
Community Development Director

Item #1

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

The Zoning Board of Adjustments and Appeals of the City of Eagle Pass held their regular meeting on Wednesday, December 6, 2023, at 5:30 p.m. in the City Council Chambers of Eagle Pass City Hall, 100 S. Monroe Street. All legal notices were duly posted in accordance with the law.

ESTABLISHMENT OF QUORUM

Present: Chairperson, Matthew Gary; Alternate Vice-Chairperson, Priscilla Puente-Chacon; Board Member, Maria A. Chio; Board Member, Julie Mathiws; and Alternate Board Member, Crawford Adams Rhodes

Absent: Vice- Chairperson, Antonio Elizondo

Staff present: Community Development Director, Placido Madera; Community Development Assistant Director, Mariebelle Rodriguez; City Attorney, Ana Sophia Garcia; Fire Marshal, Eliazar Cuevas; and Records Management Specialist, Sydney Rodriguez.

A quorum being present, Chairperson Gary called the meeting to order, and the items were considered as follows:

CITIZENS COMMUNICATIONS

At this moment, anyone wishing to address the Board on any item, was welcome to speak, keeping in mind that, although the Board would be unable to take formal action on such item, they would be glad to take it under consideration.

There were no citizen communications forms submitted.

MINUTES

1. Approval of the minutes of the June 7, 2023 meeting, the August 2, 2023 meeting, and the October 4, 2023 meeting.

Alternate Vice- Chairperson, Puente-Chacon moved to approve the minutes. Seconded by Board Member Chio. **MOTION PASSED**- Unanimously

AYES:	Gary, Mathiws, Puente-Chacon, Rhodes, and Chio
NAYS:	None
ABSTAINED:	None
ABSENT:	Elizondo

PUBLIC HEARING(S)

2. Continuation of a public hearing on a variance request submitted by Diana Aguirre, to (1) reduce the front yard building setback area from 25-feet to 20-feet, (2) reduce the side yard building setback area from 10-feet to 0-feet, and (3) reduce the rear yard building setback area from 16-feet to 5-feet, to allow the construction of carports in property located at 203 Medina Street; closing of public hearing and possible action.

Chairperson Gary opened the Public Hearing at 5:38 p.m.

Community Development Assistant Director, Rodriguez provided details on the item and stated that the Planning and Building Department recommend to deny of the applicant's variance requests of a reduction of setbacks for 203 Medina Street, as it does not conform with the regulations set forth in Section 7.1(c)(1)(2) and (3) regulating yard setback areas of Eagle Pass Code of Ordinances Appendix A- Zoning Ordinance, regulating front yard setbacks.

Fire Marshal, Cuevas gave input on the safety concern of the carports impeding the use of the fire hydrant near the property. There is no concern on the carports impeding the fire hydrant.

Community Development Assistant Director, Rodriguez, reported her findings on the concerns of the powerlines near the property.

A discussion ensued on the item.

Chairperson Gary closed the Public Hearing at 6:07 p.m.

Alternate Board Member, Rhodes moved to deny the front yard setback line, allow the rear yard setback line to relate to the side yard setback line, and to partially allow the side yard setback line to focus on the western most 100 feet of the parking lot with the condition that the carports be made of non-combustible materials. Seconded by Board Member Mathiwos.

The applicant wished to address the Board again. Therefore, Chairperson Gary re-opened the Public Hearing at 6:32 p.m.

Chairperson Gary closed the Public Hearing at 6:34 p.m.

Alternate Board Member, Rhodes moved to deny the front yard setback line, allow the rear yard setback line to relate to the side yard setback line, and to partially allow the side yard setback line to focus on the western most 100 feet of the parking lot with the condition that the carports be made of non-combustible materials. Second by Board Member Mathiwos. **MOTION DOES NOT PASS**

AYES: None

NAYS: Gary, Mathiwos, Puente-Chacon, Rhodes, and Chio

Zoning Board of Adjustments & Appeals Regular Meeting

December 6, 2023

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ABSTAINED: None

ABSENT: Elizondo

OLD BUSINESS

3. Ratify variance requested submitted by Ernesto Fuentes to (1) reduce the front yard building setback area from 25-feet to 10-feet, and (2) reduce the rear yard building setback area from 16-feet to 10-feet, to allow for construction of two 2-story detached apartment buildings in property located at 983 Colorado Street.

Alternate Vice- Chairperson Puente-Chacon moved to ratify the variance as requested. Seconded by Board Member Mathiws. **MOTION PASSED-** Unanimously

AYES: Gary, Mathiws, Puente-Chacon, Rhodes, and Chio

NAYS: None

ABSTAINED: None

ABSENT: Elizondo

OTHER BUSINESS

4. Consideration and possible action on the amendment of Appendix A-Zoning Ordinance Section 12 D of the Code of Ordinances of the City of Eagle Pass by adding new subsection (5) incorporating landscape and tree preservation requirements.

Community Development Director, Madera provided details to adopt the landscape ordinance.

Alternate Vice- Chairperson, Puente- Chacon asked for clarification on the item.

Alternate Board Member, Rhodes moved to not be in opposition to the City's decision to change or amend the statute for the item to be under the Zoning Board of Adjustments and Appeals. Second by Alternate Vice- Chairperson, Puente- Chacon. **MOTION PASSED-**

AYES: Gary, Mathiws, Puente-Chacon, Rhodes, and Chio

NAYS: None

ABSTAINED: None

ABSENT: Elizondo

ADJOURNMENT

Board Member Puente-Chacon moved to adjourn the meeting at 6:52 p.m. Seconded by Board Member Mathiws. **MOTION PASSED-** Unanimously

Passed and approved on

ATTEST:

Matt Gary
Chairperson

Sydney Rodriguez
Records Management Specialist

Item #2



Community Development Department Executive Summary Report to the Eagle Pass Zoning Board of Adjustment and Appeals

Oca Signs Variance Request – 2824 N. Veterans Boulevard

I. BACKGROUND

General Information

Applicant: Bernardo Oca / DBA Oca Signs

Business Owner: Maverick County Hospital District

Property Owner: Maverick Cartel, LLC

Property ID Number: 8708488

Legal Description: Castle Rock Subdivision Unit #1, Block 2, Lot 1 & 2, (Portion of Lot 1 & 2)

Parcel Size: 42,678.01-sq ft and 36,261.63-sq ft

Current Use: Medical office

Current Zoning: B-3 (General Business District)

Master Plan: Commercial

Request: A variance from *Section 15(h)(d)(1)(a)* regulating placement of signs. Applicant seeks to erect more than the allowed wall-mounted signs on property located at 2824 N. Veterans Boulevard.

II. CURRENT CONDITIONS

Infrastructure: Property is serviced by public utilities/franchises

Vicinity: Property is bordered by single family dwellings to the rear and commercial developments.

Access to the site is provided by Veterans Boulevard and Frank Chisum Drive.

III. PUBLIC NOTICE

Public notification of the variance 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*. There were thirty (30) notices mailed to the abutting property owners, with a legal notice published in the Eagle Pass News Gram on January 24, 2024.

Figure 1. Aerial Map



Street View



IV. STAFF ANALYSIS

The proposed construction with a total area of 124.22-square feet, as shown in the enclosed proposed Site Layout, does meet the requirements set forth in Appendix A of the Zoning Ordinance, particularly *Section 15(h)(d)(1)(a) regulating* placement of signs. In no case shall the sign(s) exceed two hundred fifty (250) feet per legal lot. Business establishments which face two streets shall be allowed one sign for advertising on each street.

The applicant is seeking to erect or install more than the allowed signs for a corner lot. A corner lot is allowed four signs but being that the fifth proposed sign is not impeding or obstructing the visibility the Community Development Department recommends the approval of the request to install a fifth sign in accordance with the *City of Eagle Pass Code of Ordinances* and securing a building/sign permit.

V. STAFF RECOMMENDATION

Staff recommends **GRANTING** the applicant's variance request for property located at 2824 N. Veterans Boulevard.

TRANSMITTED to the parties listed hereafter:

Bernardo Oca via e-mail

Eagle Pass Community Development Department Report dated January 30, 2024

Attachment 1
Application and related correspondence



City of Eagle Pass Planning Department
Zoning Board of Adjustment Appeal
to Eagle Pass Zoning Ordinance

3295 Bob Rogers Drive
Eagle Pass, TX 78852
(830) 773-7781
planning@eaglepasstx.us
eaglepasstx.us

Project	Legal Description: <u>Castle Rock Subd. unit #1, Block 2, Lot 2 (Portion of Lot 2)</u> Site Address: <u>2824 N. Veterans Blvd. Ste A</u> Acres: _____ Square feet: _____ Existing land use: _____
Owner	Name: <u>Maverick County Hospital District</u> Phone: <u>(830) 757-4900</u> ^{ext.} <u>4447</u> Address: <u>3406 Bob Rogers Drive</u> E-mail: _____ City: <u>Eagle Pass</u> State: <u>TX</u> Zip: <u>78852</u>
Applicant If not owner	Name: <u>Bernardo Oca d/b/a Oca Signs</u> Phone: <u>830-773-0770</u> Address: <u>135 Medina St.</u> E-mail: <u>herny@ocasigns.com</u> City: <u>Eagle Pass,</u> State: <u>TX</u> Zip: <u>78852</u> Relationship to owner: <u>Contractor</u>
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? Yes _____ No _____ I certify that I am the actual owner of the property described above and this application is being submitted with my consent (included corporate name if applicable). Attach written evidence (i. e. corporate documents) of such authorization. I acknowledge that application and publication fees are non-refundable, and that incomplete applications will not be accepted or processed. If additional information or documentation is pending submittal before a deadline, the item is subject to be removed from the agenda and the applicant is subject to cover re-advertising fees. Signature: <u>[Signature]</u> Date: <u>11-20-23</u> Print Name: <u>Bernardo Oca</u> ☐ Applicant ☐ Authorized Agent

Board Action	Description:	
	Board Chairman Signature	Date
Office	Accepted by <u>VB</u> Payment received by <u>VB</u> Date <u>11/20/23</u>	
	Zoning Classification <u>B3</u>	Case No. _____

The commission may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the board shall prescribe only conditions that it deems necessary or desirable to the public interest. No such variance shall be granted unless the board finds that the applicant meets the following conditions.

Description of variance request: Install a 5th logo on the west wall of Building as per drawing. Requested logo with letters is 23.19 sqft.

For each question, check yes or no and provide a detailed explanation.

1. Is the financial cost of compliance greater than 50 percent of the appraised value of the structure?

Yes [] No [☒] Explain: Sign Cost is \$2500⁰⁰

2. Will compliance result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur?

Yes [] No [☒] Explain: Building Sign

3. Will compliance result in the structure not following a requirement of a municipal ordinance, building code, or other requirement?

Yes [☒] No [] Explain: According to ordinance only 4 signs per corner lot.

4. Will compliance result in the unreasonable encroachment on an adjacent property or easement?

Yes [] No [☒] Explain: Wall Sign

5. Does the municipality consider the structure to be a nonconforming structure?

Yes ☒ No ☐ Explain: Adding a 5th sign

6. Is the variance necessary for the preservation and enjoyment of a substantial property right of the applicant?

Yes ☐ No ☒ Explain: Installation of sign onto wall

7. Could the granting of the variance be detrimental to the public health, safety, or welfare, or injurious to other property in the area? Yes ☐ No ☒

Explain: Sign is located away from public walkway

VARIANCE APPLICATION CHECKLIST

APPLICATION COMPLETENESS REQUIREMENTS:

☐
☐

Development Application signed by owner or notarized affidavit
This checklist (signed by applicant/representative)

Applicant	Staff	Not Applicable	TECHNICAL REQUIREMENTS	
			Any application that is missing information will be considered incomplete and will not be processed.	
			1	A scaled site plan of the subject property showing property dimensions, building locations, setback dimensions, and other applicable information.
			2	Application Fee of \$100.00 is due upon submittal. (Money order or check made out to City of Eagle Pass) A Publication Fee will be invoiced and collected before the meeting date. These fees are non-refundable.
			3	Notarized owner authorization letter if application is submitted by individual other than the property owner. Proof of ownership as follows: Estate documents (i. e. Probate, Affidavit of Heirship, Administration), copy of the recorded warranty deed or copy of a purchase contract, copy of lease agreement.
			4	Copy of subdivision restrictions for subject property, as recorded in the Maverick County Court House. If no subdivision restrictions are filed, a copy of the certificate of no restrictions will be required.
			5	Photographs of site, project, and adjacent areas deemed appropriate for justification. Prior construction history, as applicable to the situation.

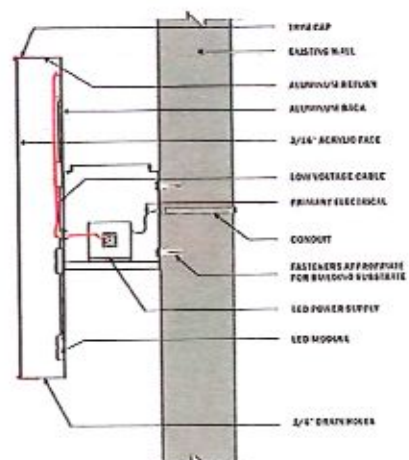
NOTE: By state law public hearing notices shall be published in a newspaper with a second-class postage.

Applicant Acknowledgment

Date



**101.03 SQFT
OF EXISTING SIGNAGE
WITH NEW ADDITION
THE TOTAL
SQFT WILL BE 124.22**



**Standard Face Lit -
LED Illuminated w/ Raceway**

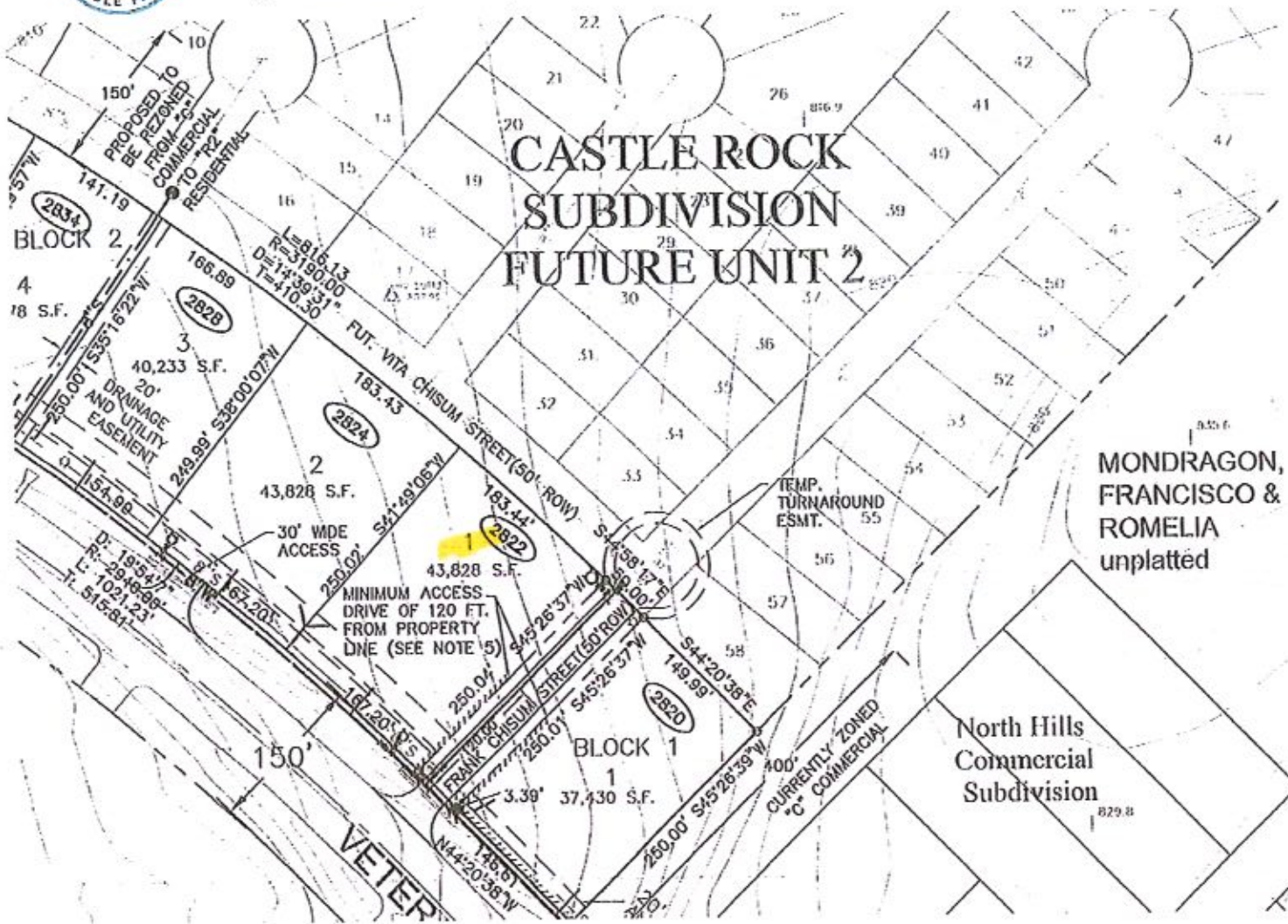






Plat of Record – Castle Rock Subdivision Unit #1, Block 2, Lot 2
(Portion of Lot 2)

CASTLE ROCK
SUBDIVISION
FUTURE UNIT 2



MONDRAGON,
FRANCISCO &
ROMELIA
unplatted

North Hills
Commercial
Subdivision

Sec. 15. Regulations for placement of signs and billboards.

(a) Purpose.

- (1) The purpose of this section is to promote and protect the health, welfare and safety of the public by regulating existing and proposed signs of all types located in the City of Eagle Pass. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more visual open space and curb the deterioration of the community's appearance and attractiveness.
- (2) This section is intended to promote attractive signs, which clearly present the visual message in a manner that is compatible with their surroundings. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.
- (3) The regulations herein are designed to prevent the over concentration, improper placement, and excessive height, bulk, number, and area of billboards. It is recognized that, unlike on-premise signs which are actually a part of a business, billboards are a separate and distinct use of the public thoroughfare. Furthermore, for the purposes of this ordinance, billboards are considered by the City of Eagle Pass as an accessory to the principal use when located on the same lot. With a view to this distinction, billboard signs are regulated differently from on-premise signs. It is intended that billboards be located away from view of residential areas, and that such signs be regulated to protect the character of the area wherein billboards are located, and to conserve property values in these areas.
- (4) Therefore, pursuant to the general police and zoning powers conferred on the City of Eagle Pass, and with due deference to the constitutional rights of individuals and businesses living and operating within the geographical boundaries of the City of Eagle Pass, the City Council of Eagle Pass hereby enacts this section placing new restrictions upon the display of billboards within the city and its areas of jurisdiction.

(b) Definitions.

Banner. A sign intended to be hung with or without a frame, made of paper, plastic, or fabric of any kind, and which may possess colors, characters, letters, illustrations, or ornamentations. Flags of governmental jurisdictions and flags carrying the emblem of a business or institution are not to be considered a banner for the purposes of this chapter.

Billboard. A sign which has a sign area of larger than fifty (50) square feet, and which directs attention to a business, commodity, service, entertainment, facility, or other subject matter, not located, conducted, sold or offered upon the premises where such a sign is located or which calls public attention to a candidate, cause, public issue, or other such subject matter and which may be either freestanding or mounted upon the roof or wall of the building.

Canopy sign. A sign attached to a canopy that is attached to a building or its extension. The sign shall not extend above the roof line of the building by more than two (2) feet.

Community service or public service sign. A sign which solicits support for or advertises a nonprofit community use, public use, or social institution.

Construction sign. A sign temporarily placed on a construction site identifying the project, and/or owner, developer, contractor, architect, and other information regarding the project.

Damaged sign. A sign which is unsafe, unsecured, disfigured, or broken.

Detached sign. A structure located on the property to support a sign identifying a commercial building and signs identifying individual businesses occupying space therein.

Flashing sign. A sign flashing, blinking, or moving lights, regardless of wattage, whether directly or indirectly illuminated, except for time and temperature signs. This shall include a sign which makes use of traveling lights or traveling lighted messages, or flashing lights.

Office building. Two (2) or more separate or distinct businesses occupying a single or combined structure of consistent ownership.

Portable sign. A sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure. A portable sign which has its wheels removed shall still be considered a portable sign hereunder.

Realty sign. A sign located on real property that is for rent, lease or sale, the sign being for the purpose of advertising the rent, lease or sale of the property.

Roof sign. A sign that is mounted on, and is wholly supported by the roof of a building.

Sign. Any letters, figures, symbols, trademarks, or devices designed to inform people or to attract the attention of persons or of an individual, to a firm, profession, business, commodity or service, and which is recognizable from any public right-of-way, and which is more specifically defined as found in this section.

Sign height. The vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the average established ground level beneath the sign.

Sponsorship. Signs placed in approved areas for sponsorship of nonprofit, city-approved organizations.

- (c) *Permit required.* Except as provided in the ordinance codes, no person may erect, relocate, or alter a sign within the incorporated city limits or the extraterritorial jurisdiction of the city without first obtaining a permit and paying the required fee. All applications for a sign permit must be made at the City of Eagle Pass' Building Department and be accompanied by plans and specifications showing the location of the sign, the proposed sign and its method of construction, and any other information required to show compliance with this chapter and all other applicable city ordinances. The building official or his designated representative(s) will examine the application and supporting information and, if the proposed sign complies with this chapter and all other applicable ordinance codes.
- (d) *Permit fee.* Every applicant for a permit under this chapter must pay the fee established by the city council by resolution.
- (e) *Variances.* An application may appeal a denial of a permit by the building department to the zoning board of adjustment and appeals by filing a request for a variance within thirty (30) days after the date the permit is denied. The ZBAA may grant a variance if it finds that the

unusual shape or topography of the property prevents signage allowable under this chapter from adequately identifying the business or other activity on the property.

(f) *Revocation.* The building official may revoke a permit if there has been a violation of this chapter or a misrepresentation on the permit application.

(g) *Exceptions.* A permit is not required for:

(A) Temporary real estate signs not exceeding six (6) square feet in area and three (3) feet in height in residential zoning districts and not exceeding sixty-four (64) square feet in area and twelve (12) feet in height in other zoning districts that advertise the property on which the sign is located for sale or lease. These signs must be removed within seven (7) days after the property is sold or leased.

(B) Temporary signs advertising "garage sale" or "yard sale" not exceeding six (6) square feet in area. These signs may not be posted earlier than three (3) days before and must be removed within one (1) day after the sale.

(C) Government signs regulating traffic, providing directions to public facilities, or giving notices of general interest to the community.

(D) Temporary signs placed on construction sites to identify the contractor, engineer, architect, or developer not exceeding sixty-four (64) square feet in area. These signs may not be erected prior to approval of a site plan and must be removed within seven (7) days after completion of the project.

(E) Private signs regulating traffic on the property on which the sign is located.

(F) Flat signs of solid-face construction that are placed against and attached to the vertical wall of a building located in a non-residential zoning district. These signs may not obstruct any wall opening, may not project beyond the wall to which they are attached, and must be attached at least ten (10) feet above ground level. These signs may only be located on the street side of any commercial establishment located within two hundred (200) feet of a residential zoning district.

(G) Banners approved by the city manager. These banners must be safely and securely installed with wires or steel cables and must not be permitted to obstruct any public right-of-way and must be installed on places designated by the city manager or his representative.

(H) Permanent subdivision identification signs approved with the subdivision plat.

(I) Temporary signs for special events such as charitable, church, or community activities. These signs may not be posted earlier than three (3) days before.

(h) *General requirements.*

(A) Permit required for structural changes. Except as otherwise provided herein, no sign displaying on-premise advertising shall be erected, structurally changed or reconstructed in whole or in part, within the city without a permit having first been obtained.

(B) Height limit. No detached sign shall be allowed that is higher than thirty-five (35) feet from the normal grade elevation to the top of the highest part of the structure.

(C) Setback. No sign or any part thereof shall be located within ten (10) feet of any property line (not to be confused with the curb or pavement line.) However, no sign may be placed within twenty-five (25) feet of the property line at an intersecting street.

(D) Wind load pressure requirements. No sign, other than the exempt sign, shall be erected that does not meet the wind load pressure requirements as set out in the International Building Code. Permit applications for new signs and permit renewals required for signs which will have or have a height, in feet above ground, as measured above the average level of the ground adjacent to the proposed structure, of six (6) feet or more, must be accompanied by certificate signed by the owner of the sign, to the effect that the proposed or existing sign will withstand wind load pressures in pounds per square foot as set out in the following table. Solely at the discretion of the building department, further verification may be required to prove that the wind loading specifications will be met.

(1) Each business establishment shall be allowed to erect and maintain two (2) permanent type signs for the advertising of its services or products.

A. The signs may be attached to the principal building in which the business is situated and/or erected separately. The aggregate (total) area of the signs shall not exceed two hundred fifty (250) feet per legal lot. Free standing signs shall not exceed an amount equal to one and one-half (1.5) square feet for each one (1) linear foot of the lot's frontage abutting the primary street, except that a minimum of forty-eight (48) square feet of sign area is allowed regardless of the lot frontage. In no case shall the sign(s) exceed two hundred fifty (250) feet per legal lot. Business establishments which face two (2) streets shall be allowed one (1) sign for advertising on each street.

B. A sign panel with advertising on both sides thereof shall be considered one (1) sign.

C. In no event shall any portion of any sign extend to a height of more than thirty-five (35) feet above the surface of the ground.

D. No sign of any kind shall be located any closer than fifteen (15) feet to adjacent right-of-way lines.

E. Any sign incidental to a business shall be erected only upon the parcel, tract, lot or site upon which the business establishment is located.

F. Two (2) portable type signs, each of a size no larger than twelve (12) square feet and extending to a height of not more than four (4) feet above the surface of the ground, may be displayed by a business establishment during regular business hours.

(2) Location. No sign, other than public traffic control signs and other governmental signs, may be located within the public right-of-way. All signs, including any overhead projections, must be located completely within the boundaries of the property on which they are located.

(3) Spacing. Only one (1) free-standing sign located adjacent to a public street will be permitted for each legal lot.

(i) *Temporary signs.*

-
- A. Temporary sign standards. Any temporary sign authorized by this section, including temporary portable signs, shall comply with the sign standards of the International Building Code.
- B. Temporary signs allowed. Temporary signs of the type set forth below shall be allowed in all zones within the city, subject to the following specific standards:
1. *Real estate signs.* One (1) non-illuminated real estate "for sale" or "for rent" sign, not exceeding an area of eighteen (18) inches by twenty-four (24) inches, along with name strip sign(s) located either above or below the real estate sign, which name strip shall also not exceed an area larger than twelve (12) inches by twenty-four (24) inches, shall be allowed on the premises for the sole purpose of advertising the legally-divided parcel, tract, lot or site and improvements for sale or rental. For large tracts of land, signs may not exceed thirty-two (32) square feet. Real estate signs shall be removed from the premises no later than five (5) days after closing of the sale.
 2. *Open house signs.* Portable, non-illuminated real estate open house signs may be used in connection with open house sales campaigns, but only during those hours when sales personnel are actually in attendance on the open house premises. These signs must be of the "A-board" or "sandwich" type, and shall be no longer than two, 24-inch by 24-inch panels. For off-premises portable signs may be used to advertise or provide directions to the open house sales campaign.
 3. *Garage sale signs.* A maximum of two (2) signs may be used to advertise a garage sale, which signs shall not exceed four (4) square feet in size. Such signs shall be removed after the date of the garage sale.
 4. *Construction site signs.* One (1) sign, not to exceed a maximum of thirty-two (32) square feet in size, may be permitted to be located on a parcel, tract, lot or site for which a valid building permit has been issued for the purpose of directing and identifying for subcontractors to the site of the construction and not for the purpose of advertising the construction company. The sign shall be removed to later than five (5) days after completion of the work.
 5. *Miscellaneous signs.* Those noncommercial signs which are: (a) not otherwise prohibited by law or this chapter; (b) not exceeding three (3) square feet in size; and (c) if advertising an event, are posted not longer than five (5) days after the event, are allowed in all zones within the city. Governmental agencies may display banners larger than the size described in this subsection for the purpose of publicizing civic events over the public right-of-way, upon prior approval by the city for conformance.
- C. Any temporary signs that are placed on non-right-of-way city property in violation of this section may be removed by the city without notice to the sign owner. After such removal by the city, the city shall attempt, in good faith, to identify the owner of the sign and shall provide said identifiable owner with a minimum of five (5) days' written notice prior to discarding or destroying the sign(s).
- D. Temporary signs described in this section may be installed or placed on property for one five (5) day period only, subject to compliance with the other provisions of this chapter.

E. (1) Temporary real estate directional signs.

- (2) Portable signs. Portable signs include signs with a display surface utilizing removable letters that are readily movable from site to site and signs that are not permanently attached to the ground, a building, or other fixed object, including those installed on trailers or other mobile structures. Portable signs may not exceed five (5) feet by ten (10) feet in area, and may be used only for the following purposes:
 - (a) To promote or advertise the opening of a new business; or
 - (b) To promote or announce charitable, church, community, or public events.
- (j) *Compliance with the International Building Code.* All signs within the city limits must comply with the requirements of the adopted International Building Code and any subsequent revision. In the event of any conflict between the IBC and this chapter, this chapter controls.
- (k) *Prohibited signs.*
 - (A) *Permitted signs.* No sign may be erected or maintained in violation of the permit requirements of this chapter.
 - (B) *Maintenance.* No sign may be inadequately maintained so as to show evidence of deterioration, including peeling, rust, dirt, fading, discoloration, or holes.
 - (C) *Outdated signs.* No sign may advertise a business or product that is no longer in existence.
 - (D) *Obstructions to doors, windows, or fire escapes.* No sign may be erected, relocated, or maintained so as to obstruct any door, window, or fire escape. No sign may be attached to a stand pipe or fire escape.
 - (E) *Traffic hazards.* No sign may:
 - (1) Obstruct free and clear vision at any street intersection;
 - (2) Interfere with, obstruct the view of, or be confusingly similar to any authorized traffic sign, or device because of its position, shape, or color; or
 - (3) Make use of the words STOP, LOOK, DRIVE-IN, DANGER, or any other word, phrase, symbol, or character that interferes with, misleads, or confuses traffic.
 - (F) *Unsafe signs.* No signs may constitute a hazard to safety or health by reason of inadequate design, construction, repair, or maintenance.
 - (G) *Illuminated signs.* No sign may be illuminated with lights which glare into or upon the surrounding area or any residential area or district operators of vehicles or pedestrians on the public right-of-way.
 - (H) *Obscene signs.* No sign may display any matter in which the dominant theme of the material taken as whole appeals to the prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.
 - (I) *Vehicular signs.* No sign may be painted on or attached to a motor vehicle which is not road-worthy.

-
- (J) *Moving signs.* No sign may have visible moving, revolving, or rotating parts, or visible mechanical movement of any kind, except for the movable hands on street clocks, or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for time/temperature/date signs.
- (K) *Flashing signs.* No sign may have lights or illuminations that flash, move, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsations.
- (l) *Nonconforming signs.* Any sign legally in existence on the date of adoption of this chapter that violates or does not conform to its provisions must be removed, altered, or replaced so as to nonconforming sign. No nonconforming sign is required is otherwise prohibited by state or federal law.
- (m) *Unlawful signs.* If the building department finds that any sign is prohibited by the provisions of this chapter, the building department will give written notice to the permittee or the owner of the property upon which the sign is located. If the permittee or owner fails to remove or alter the sign so as to comply with this chapter within ten (10) days, the building department may remove or alter the sign to bring it into compliance and assess the costs to the permittee or owner. The building department may remove or any sign that presents an immediate peril to persons or property immediately and without notice.
- (n) *Penalty.* Any person violated any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction, will be subjected to a fine not exceeding two hundred (\$200.00). Each day a violation is committed or permitted to continue constitutes a separate offense.
- (o) *Requirement for conditional use permit.*
- (1) *Billboards.* Billboards shall be allowed only upon grant of a conditional use by the city council, and shall only be allowed in the "B-3" General business district, and the "I" Industrial zoning district.
- (p) *Requirements.* The conditional use shall be allowed subject to the following regulations:
- (1) *Billboard size.* A maximum of two (2) sides are allowed per billboard. The sign area of a billboard in the "B-3" and "I" districts shall not exceed 12' x 48' on each side of the sign.
- (2) *Height.* The highest portion of a billboard shall not exceed thirty-five (35) feet in height measured from the elevation of the grade of the abutting roadway. The elevation of the grade is defined as the point on the centerline of the road which is perpendicular to the billboard location.
- (3) *Setbacks.* A freestanding billboard must have a setback from the property line equal to the height of the highest portion of the billboard, measured from the ground where the billboard is located. No other type of billboard sign or structure, or any part thereof, shall be erected or maintained within fifteen (15) feet of any ultimate right-of-way of a public street or road, nor within the side yard setback of the lot on which the billboard is located.
- (4) *Illumination and animation.* Illumination of billboards shall be allowed based upon the following standards:
- The billboard and the lighting thereof shall be effectively shielded so as to prevent beams or rays of light from being directed at a portion of the traveled ways of the adjacent roadway, and shall not be of such intensity or brilliance as to cause glare

or impair the vision of the driver of a vehicle, or which interferes with a driver's operation of a motor vehicle.

- The billboard shall not be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal. Any billboard which contains, includes, or is illuminated by a flashing, intermittent, or moving light or lights, or is animated as defined by this ordinance shall be prohibited.

(5) *Separation.* The location of each billboard shall comply with the following separation requirements:

- 1) At least one thousand (1,000) linear feet from any other billboard, and
- 2) At least five hundred (500) linear feet from any residential zoning district, including those of a neighboring municipality,

(6) *Obstruction.* No billboard shall overhang a public or private right-of-way nor shall it interfere with a two hundred-foot line of sight in any direction at an intersection.

(7) *Landscaping.* The base of each billboard shall be landscaped and maintained with a screening buffer.

(8) *Conformance with Texas Department of Transportation Requirements.* Other requirements established by the Texas Department of Transportation (TxDOT) that regulate signs along roadways governed by TxDOT shall also be in effect, and the more stringent of the two (2) ordinances shall prevail.

(9) *Other standards.* The conditional use process and standards set forth in section twenty-one (21) must be met.

(Ord. No. 06-13, § 2, 7-11-2006; Ord. No. 07-15, § 1, 7-24-2007)

Item #3



Community Development Department Executive Summary Report to the Eagle Pass Zoning Board of Adjustment and Appeals

Variance Request – 5395 US Hwy 57

I. BACKGROUND

General Information

Applicant: Terra Tech Services

Property Owner: Utility Trailer Sales Southeast Texas, Inc.

MCAD PID: 9004572

Legal Description: Utility Trailer Sales Subdivision

Parcel Size: 40 acres

Current Use: Industrial warehouse (Utility Trailer Sales)

Current Zoning: I – Industrial

Master Plan: No depiction

Request: Reduction of required landscaping, to allow for the construction of a 31,900 square foot warehouse on their already developed property.

II. CURRENT CONDITIONS

Infrastructure: Property is serviced by public utilities/franchises

Vicinity: Property is bordered by large undeveloped parcels of land and adjacent to Loop 480.

Access to the site is provided by US Hwy 57.

III. PUBLIC NOTICE

Public notification of the variance 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. There were nine (9) notices mailed to the abutting property owners, with a legal notice published in the Eagle Pass News Gram on January 24, 2024.

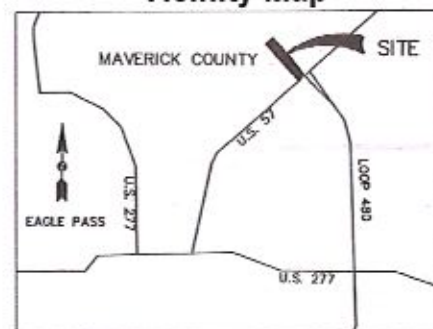
Figure 1. Aerial Map



Street View



Vicinity Map



IV. STAFF ANALYSIS

The applicant is requesting a requesting a variance from *City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinance Section 12(d)(5)* governing landscape requirements. This section references *Section 23-89(b)(4)* regulating landscape plan requirements under *Chapter 23-Subdivisions / Article VI – Landscape and Tree Preservation*. Applicant seeks to reduce the required 85 trees and 170 shrubs to 50 trees and 90 shrubs, to allow for the construction of a 31,900 square foot addition to the existing warehouse.

Although the construction will conform with all applicable building codes it does not meet the requirements set forth in the *Eagle Pass Code of Ordinances* regulating landscaping. The strict application will deprive the property owner(s) of the reasonable use of the property. Staff believe that the granting of the variance will not be detrimental to the public health of the community, therefore recommend that the petition be granted.

V. STAFF RECOMMENDATION

Staff recommends **GRANTING** the applicant's variance request to reduce the required landscape to 50 trees and 90 shrubs for property located at 5395 US Hwy 57.

TRANSMITTED to the parties listed hereafter:

Terra Tech Services c/o Aaron Libson via e-mail
Community Development Department Report dated January 30, 2024

Attachment 1
Application and related correspondence



PLANNING DEPARTMENT

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

VARIANCE APPLICATION (ZBAA)

Case No. _____

Applicant Information	Name: <u>TerraTech Engineering & Construction Services</u>
	Mailing Address: <u>3292 El Indio Hwy, Eagle Pass, TX 78852</u>
	Phone: <u>830-773-0579</u> E-mail: <u>ajlibson@terratechengineering.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>Utility Trailer Sales Southeast Texas, Inc.</u>
	Mailing Address: <u>11411 Wallisville Rd., Houston, TX, 77013</u>
	Phone: <u>713-504-7474</u> E-mail: <u>jkohler@utilitytrailers.com</u>

Property Information	Site Address: <u>5395 US Hwy 57</u> MCAD Property ID # <u>9004572</u>
	Legal Description: Lot(s) <u>1</u> Block <u>N/A</u> Subdivision <u>Utility Trailer Sales Subd.</u> (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) <u>500'</u> Rear Yard Width (feet) <u>572'</u> Side Yard Width (feet) <u>~3,000'</u>

Description of Project:

The property owners are adding a 31,900 S.F. warehouse to their already developed property, in addition to concrete truck aprons that are required around the proposed building for trailer truck access and parking. They are also extending required utilities such as water, sewage, electricity, and Internet cabling in order to service the proposed warehouse improvement.

Detailed Explanation of Variance Request

How does the strict application of the zoning code impose practical difficulties or particular hardship for your project?

This specific type of business requires maximum spacing and utilization of their property in order to store and process manufactured tractor trailers that come from Mexico which is why their property is legally platted as a 40 Acre property due to their spacing requirements. The landscaping code for industrial properties as interpreted for this project, requires 85 trees & 170 shrubs, of which this property does not have the space for without it negatively affecting the day to day operations of the business.

How is your variance request consistent with the general purpose and intent of the zoning code?

This variance request is necessary in order for the property owner to move forward with their proposed improvements to their property. The property owner is only seeking to reduce the amount of required landscaping to a more reasonable number that better fits the needs of the day to day business operations without it being negatively affected, while still making the best effort to comply with the City ordinance.

RECEIVED
11/16/24

How will the granting of the variance not merely serve as a convenience to you, but will alleviate some demonstrable hardship or difficulty so great as to warrant the variance?

As previously mentioned, the property owner is only seeking to reduce the amount of required landscaping to at most 50% of what's required, and not completely remove it.

The day to day business operations require maximum spacing within the property to maneuver, traverse, and, store tractor trailers. Providing the amount of landscaping as required by code for this new addition to an already developed property, will negatively affect the day to day operations by creating 'dead' space that can't be utilized for tractor trailer parking.

Is your variance request necessary because of exceptional narrowness, shallowness, or shape of your property?

While there is some narrowness to the property based on the existing/proposed building, utility, and drainage improvements, that don't allow for any substantial landscaping, the variance request is mainly necessary so that the property owner's day to day operations do not get negatively affected due to the required area and amount of landscaping required by code, as this specific business requires a maximum amount of open space to properly function without any obstruction or hindrances.

Is your variance necessary because of exceptional topographical conditions or other extraordinary or exceptional situation or condition of your property?

This variance is necessary due to the type of day to day business operations that require maximum spacing in order to maneuver, traverse, and store tractor trailers that are manufactured in Mexico, and then stored and processed at this property.

Will the strict application of the zoning code result in peculiar and exceptional practical difficulties and particular hardship to you, and amount to a practical confiscation of the property and not a mere inconvenience?

The strict application of this landscaping code will result in exceptional practical difficulties due to the specific type of nature and day to day operations of this type of business of which they require/utilize as much open space as possible to properly traverse, maneuver, and store tractor trailers.

Will the granting of the variance create substantial detriment to the public good?

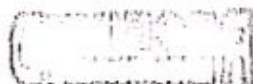
The granting of this variance will not create substantial detriment to the public good as this is a private business that is only seeking to reduce the amount of required landscaping and not completely remove it, due to the nature and needs of their business and day to day operations.

Will your variance impair an adequate supply of light and air to adjacent property?

This variance WILL NOT impair an adequate supply of light/air to adjacent property.

Will your variance materially increase the traffic congestion on public streets?

This variance WILL NOT materially increase the traffic congestion on public streets.



Will your variance increase the public danger of fires and safety?

This variance WILL NOT increase the public danger of fires and safety.

Will your variance materially diminish or impair established property values within the surrounding area?

This variance WILL NOT materially diminish or impair established property values. On the contrary, these proposed improvements will substantially increase established property values in the area.

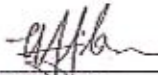
Will your variance impair the public health, safety, comfort, morals and welfare of the City of Eagle Pass?

This variance WILL NOT impair the public health, safety, comfort, morals, and welfare of the City of Eagle Pass.

Applicant Authorization

I authorize the City of Eagle Pass to conduct any site visits necessary to evaluate this 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 variance request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of variance approval. I agree to provide any additional information requested by the City as they deem necessary for the processing of this application.


Applicant Signature

3/14/2023

Date

Office Use

Date Application Accepted for Review: 1/11/24 By: DA

Contact Date for Supplemental Info: DA Supplemental Info Received: DA

Completeness Review Date: 1/11/24 By: DA

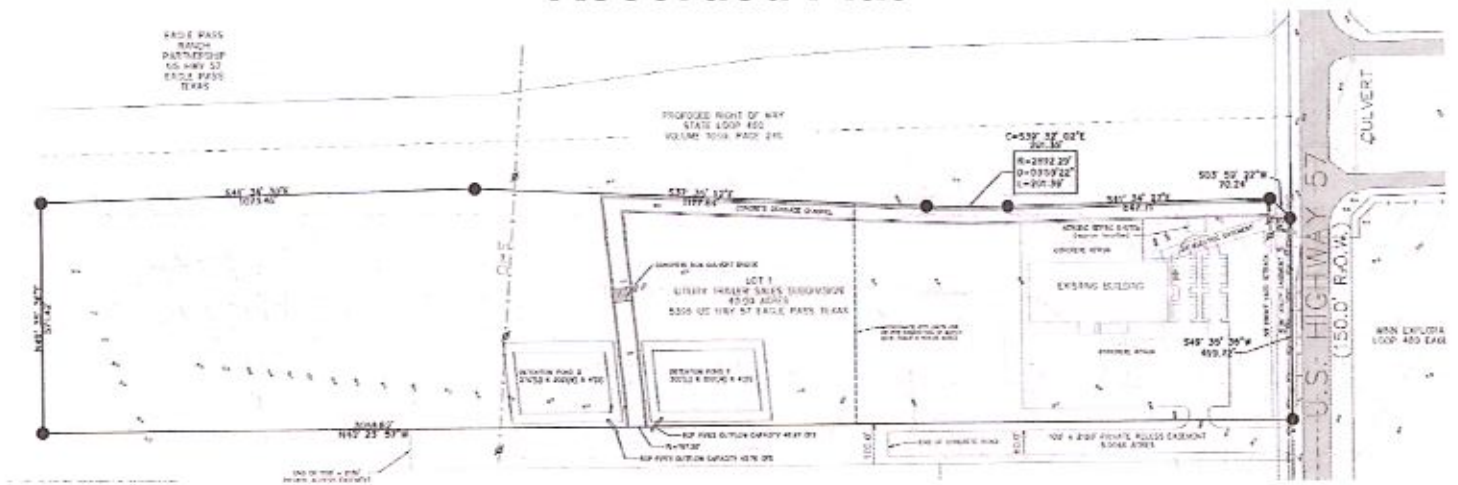
Application Returned to Applicant: DA (when applicable)

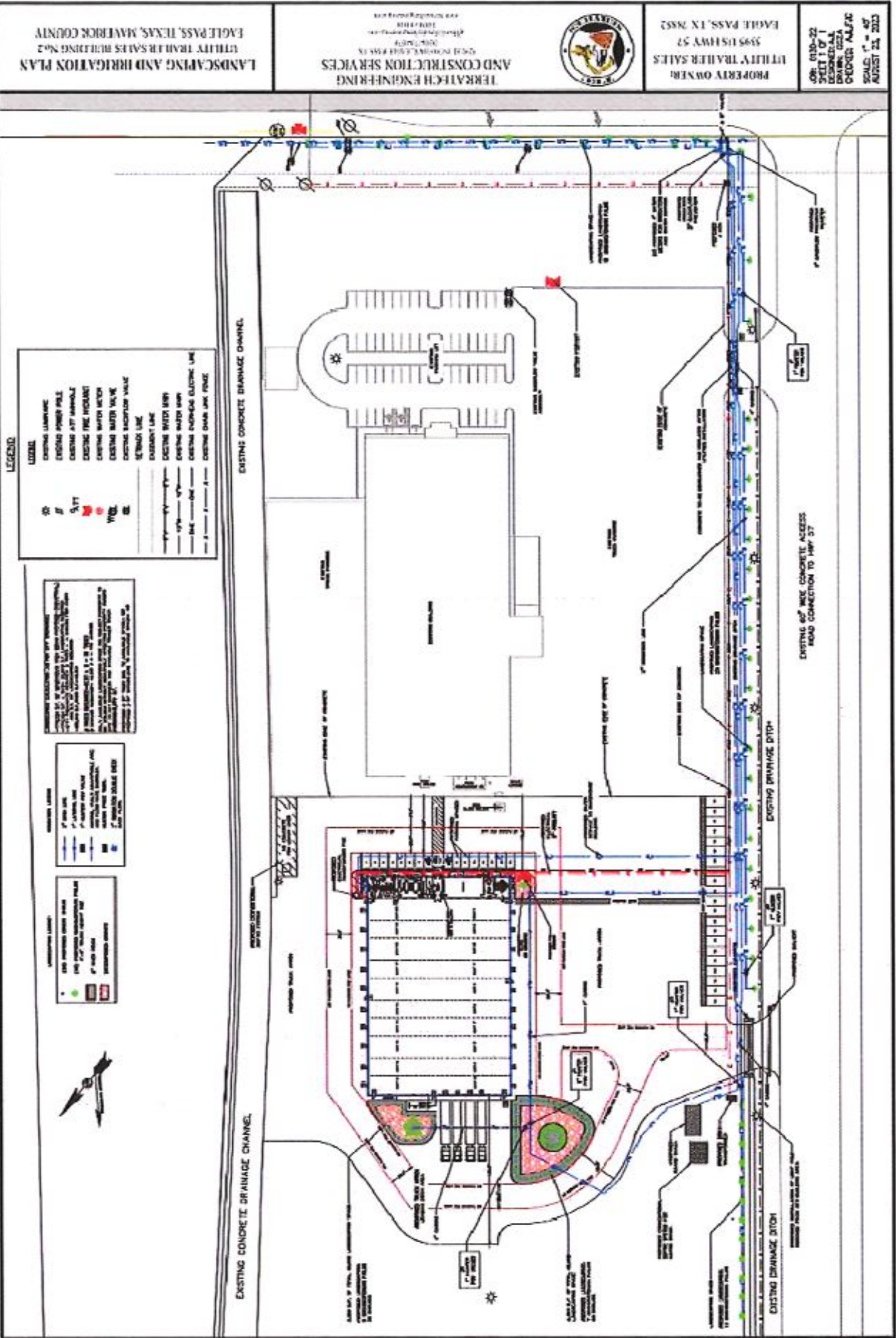
Note: Processing fee of \$100.00. Paid

MPLA0010



Recorded Plat





LANDSCAPING AND IRRIGATION PLAN
 UTILITY TRAILER SALES BUILDING No.2
 EAGLE PASS, TEXAS, MAVERICK COUNTY

**TERRATECH ENGINEERING
 AND CONSTRUCTION SERVICES**
 2501 W. PARKWAY, SUITE 100
 DALLAS, TEXAS 75244
 (214) 343-1111
 www.terratch.com

PROPERTY OWNER:
 UTILITY TRAILER SALES
 5995 US HWY 57
 EAGLE PASS, TX 78852

DATE: 01/15/22
 DRAWN BY: J. L. BROWN
 CHECKED BY: J. L. BROWN
 SCALE: 1" = 40'
 AUGUST 23, 2023

ORDINANCE NO. 2023-

AN ORDINANCE AMENDING APPENDIX A (ZONING ORDINANCE), SECTION 12 D OF THE CODE OF ORDINANCES OF THE CITY OF EAGLE PASS BY ADDING NEW SUBSECTION (5) INCORPORATING LANDSCAPE AND TREE PRESERVATION REQUIREMENTS; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EAGLE PASS, TEXAS:

SECTION 1. Appendix A-Zoning Ordinance Section 12 D of the Code of Ordinances, Eagle Pass, Texas is hereby amended by adding new subsection (5) to read as follows and the rest remains the same:

Sec. 12 Additional use, height, and area regulations and exception

D. Miscellaneous regulations:

(5) Land Landscape and Tree Preservation requirements shall be as contained in the Chapter 23 (Subdivisions).

SECTION 2. If any section, part, or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable, and all other parts of this Ordinance shall not be affected thereby, and they shall remain in full force and effect.

SECTION 3. This Ordinance becomes effective immediately after being passed and approved on third and final reading.

READ, PASSED, AND APPROVED ON FIRST READING, this 5th Day of December, A.D., 2023.

ATTEST:

Rolando Salinas
Mayor

Imelda B. Rodriguez
City Secretary

Code of Ordinances Chapter 23-Subdivisions / Article VI – Landscape and Tree Preservation / Section 23-89 Landscape plan requirements

https://library.municode.com/tx/eagle_pass/codes/code_of_ordinances?nodeId=PTIICOOR_CH23SU_ARTVILATRPR_S23-89LAPLRE

Sec. 23-89. Landscape plan requirements.

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

(b) *Required site landscaping.*

(1) *Minimum percentage.*

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

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

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

(2) Undeveloped portions of a tract or lot shall not be considered landscaped, except as specifically approved by the BA.

(3) A minimum percentage of the total lot area of property on which development or new construction occurs after the effective date of this chapter shall be devoted to landscape development in accordance with Table 5.1. The landscaping shall be placed upon that portion of a tract or lot that is being developed. Fifty (50) percent of the required landscaped area and required plantings shall be installed between the front property lines and the building being constructed.

(4) For every six hundred (600) square feet of landscape area required by Table 5.1, two (2) trees and four (4) shrubs shall be planted.

(5) Should a tree die or be removed for which credit has been obtained pursuant to the terms of this chapter, landscape development sufficient to equal the area credited shall be required. A small tree that will have a mature crown similar to the tree removed may be substituted if the planting area or pervious cover provided for the larger tree is retained.

(6) Land use landscaping required (percent of constructed impervious coverage of the lot) shall be as shown in Table 1 below. Frontage landscape may be credited towards fulfilling the requirements of this section.

Table 1. Required Landscaping

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

(c) *Credit for existing trees.* In order to reward the preservation of existing trees, one hundred (100) percent of the crown area of undisturbed existing trees shall be reduced from the landscape area requirements; provided that the area surrounding the tree is left undisturbed and that this area consists of a least one hundred (100) square feet but not less than fifty (50) percent of the crown area.

(d) *Screening.* Off-street loading spaces, refuse and outside storage areas, antennas, satellite dishes, and mechanical equipment within the street yard must be screened from all public streets. The screening must be of a minimum of six (6) feet in height or a height sufficient to obscure the area or equipment requiring the screening, whichever is less. The screening may be provided by plants, a solid screen fence or wall, or a combination thereof.

(1) *Acceptable landscape screening materials.*

a. No artificial plant materials may be used to satisfy the requirements of this chapter.

b. Plant materials required by this chapter must comply with the following minimum size requirements at the time of installation. At time of planting, plant height shall be measured from the top of the root ball or, if the plant is in a container, from the soil level in the container.

1. Large trees must have a minimum caliper of two (2) inches and shall be planted in an area with a minimum of one hundred (100) square feet of permeable surface area. This area may be reduced to fifty (50) square

feet if a permanent life support system, which must include but is not limited to an irrigation system and an internal drainage mechanism, is incorporated within the planting area.

2. Small trees must have a minimum height of six (6) feet and shall be planted in an area with a minimum of twenty-five (25) square feet of permeable surface area.
3. Large shrubs must have a minimum height of two (2) feet and must be planted in an area with a minimum of nine (9) square feet of permeable surface area. The permeable surface areas for shrubs may be included within permeable surface areas required for trees.

c. Each large tree, small tree or large shrub must be planted at least thirty-six (36) inches away from any paved surface or city right-of-way.

- (2) *Protection of plant areas.* Plant areas must be protected from vehicular traffic through the use of concrete curbs, wheel stops, or other permanent barriers.

(Ord. No. 05-22, § 1, 8-2-2005)

Item #4



Community Development Department Executive Summary Report to the Eagle Pass Zoning Board of Adjustment and Appeals

Variance Request – 2027 Microstar Way

I. BACKGROUND

General Information

Applicant & Developer: Four DLS Properties, LLC

MCAD PID: 9005892 & 9006040

Legal Description: Replat of Lot 1 in Block 5 of *Paraiso Estates Subdivision Unit 3* and an 11.67-acre tract

Parcel Size: 36 acres

Current Use: Industrial warehouse, business registered as Microstar

Current Zoning: I – Industrial

Master Plan: No depiction

Request: A variance from *City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinance Section 12(d)(5)* governing landscape requirements. The applicant seeks to reduce the required landscaping, to allow for the construction of an addition to the existing warehouse on property located at 2027 Microstar Way

II. CURRENT CONDITIONS

Infrastructure: Property is serviced by public utilities/franchises

Vicinity: Property is bordered by undeveloped parcels to the east, residential development to the west and commercial development to the south, abutting El Indio Highway.

Access to the site is provided by Microstar Way via El Indio Highway.

III. PUBLIC NOTICE

Public notification of the variance 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*. There were forty-nine (49) notices mailed to the abutting property owners, with a legal notice published in the Eagle Pass News Gram on January 24, 2024.

Figure 1. Aerial Map



Figure 2. Street View



IV. STAFF ANALYSIS

The applicant is requesting a variance from *City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinance Section 12(d)(5)* governing landscape requirements. This section references *Section 23-89(b)(4)* regulating landscape plan requirements under *Chapter 23-Subdivisions / Article VI – Landscape and Tree Preservation*. Applicant seeks to reduce the required 370 trees and 740 shrubs to 27 trees and 280 shrubs plus 15-percent of landscape on the frontage off Microstar Way, to allow for the construction of a 250,000 square foot addition to the existing warehouse.

The applicant in addition proposes to expand the existing detention pond and providing an alternative xeriscape landscape to comply with the missing trees and shrubs.

Although the construction will conform with all applicable building codes it does not meet the requirements set forth in the *Eagle Pass Code of Ordinances* regulating landscaping. The strict application will deprive the property owner(s) of the reasonable use of the property. Staff believe that the granting of the variance will not be detrimental to the public health of the community, therefore recommend that the petition be granted.

V. STAFF RECOMMENDATION

Staff recommends **GRANTING** the applicant's variance request to reduce to 27 trees and 280 shrubs for property located at 2027 Microstar Way.

TRANSMITTED to the parties listed hereafter:

Four DLS Microstar via e-mail
Community Development Department Report dated January 31, 2024

Attachment 1
Application and related correspondence



City of Eagle Pass Planning Department
Zoning Board of Adjustment Appeal
to Eagle Pass Zoning Ordinance

3295 Bob Rogers Drive
Eagle Pass, TX 78852
(830) 773-7781
planning@eaglepasstx.us
eaglepasstx.us

Project	Legal Description: <u>Replat of Lot 1 in Block 5 of Paraiso Estates Subdivision Unit 3 and an 11.67-acre tract</u>
	Site Address: <u>2027 Microstar Way</u>
	Acres: <u>36</u> Square feet: <u>258,172</u> Existing land use: <u>light industrial warehouse</u>
Owner	Name: <u>Four DLS Properties, LLC</u> Phone: <u>830-773-0311</u>
	Address: <u>4247 FM 1021</u> E-mail: <u>fsantos@partsservice.com</u>
	City: <u>Eagle Pass</u> State: <u>Tx</u> Zip: <u>78852</u>
Applicant If not owner	Name: _____ Phone: _____
	Address: _____ E-mail: _____
	City: _____ State: _____ Zip: _____
	Relationship to owner: _____
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc, which would prevent the utilization of the property in the manner indicated? Yes _____ No <u>X</u>
	I certify that I am the actual owner of the property described above and this application is being submitted with my consent (included corporate name if applicable). Attach written evidence (i. e. corporate documents) of such authorization.
	I acknowledge that application and publication fees are non-refundable, and that incomplete applications will not be accepted or processed.
	If additional information or documentation is pending submittal before a deadline, the item is subject to be removed from the agenda and the applicant is subject to cover re-advertising fees.
	Signature: <u>[Signature]</u> Date: <u>02/02/2024</u>
	Print Name: <u>Felix De Los Santos</u> ☒ Applicant ☐ Authorized Agent

Board Action	Description:	
	Board Chairman Signature _____	Date _____
Office	Accepted by _____ Payment received by _____ Date _____	
	Zoning Classification _____	Case No. _____

The commission may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the board shall prescribe only conditions that it deems necessary or desirable to the public interest. No such variance shall be granted unless the board finds that the applicant meets the following conditions.

Description of variance request: The Owner requests a variance from providing the two (2) trees and four (4) shrubs required per 600 SF of required landscape area. Due to the large area of the site, this code section would require 370 new trees and 740 new shrubs, which would place an undo financial hardship on the Owner. In lieu of the required trees, the Owner proposes to provide xeric screening around the existing detention pond.

For each question, check yes or no and provide a detailed explanation.

1. Is the financial cost of compliance greater than 50 percent of the appraised value of the structure?

Yes ☐ No ☒ Explain: _____

2. Will compliance result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur?

Yes ☐ No ☒ Explain: _____

3. Will compliance result in the structure not following a requirement of a municipal ordinance, building code, or other requirement?

Yes ☐ No ☒ Explain: _____

4. Will compliance result in the unreasonable encroachment on an adjacent property or easement?

Yes ☐ No ☒ Explain: _____

5. Does the municipality consider the structure to be a nonconforming structure?

Yes ☐ No ☒ Explain: _____

6. Is the variance necessary for the preservation and enjoyment of a substantial property right of the applicant?

Yes ☒ No ☐

Explain: The undo financial hardship created by complying with the min. tree and shrub requirement

imposes a critical burden on the Owner's ability to develop the site as other allowed by code.

7. Could the granting of the variance be detrimental to the public health, safety, or welfare, or injurious to other property in the area? Yes ☐ No ☒

Explain: The Owner's proposed screening of the existing detention pond mitigates and potential visual

impact associated with not meeting the min. tree and shrub requirement.

VARIANCE APPLICATION CHECKLIST

APPLICATION COMPLETENESS REQUIREMENTS:

- ☒ Development Application signed by owner or notarized affidavit
☐ This checklist (signed by applicant/representative)

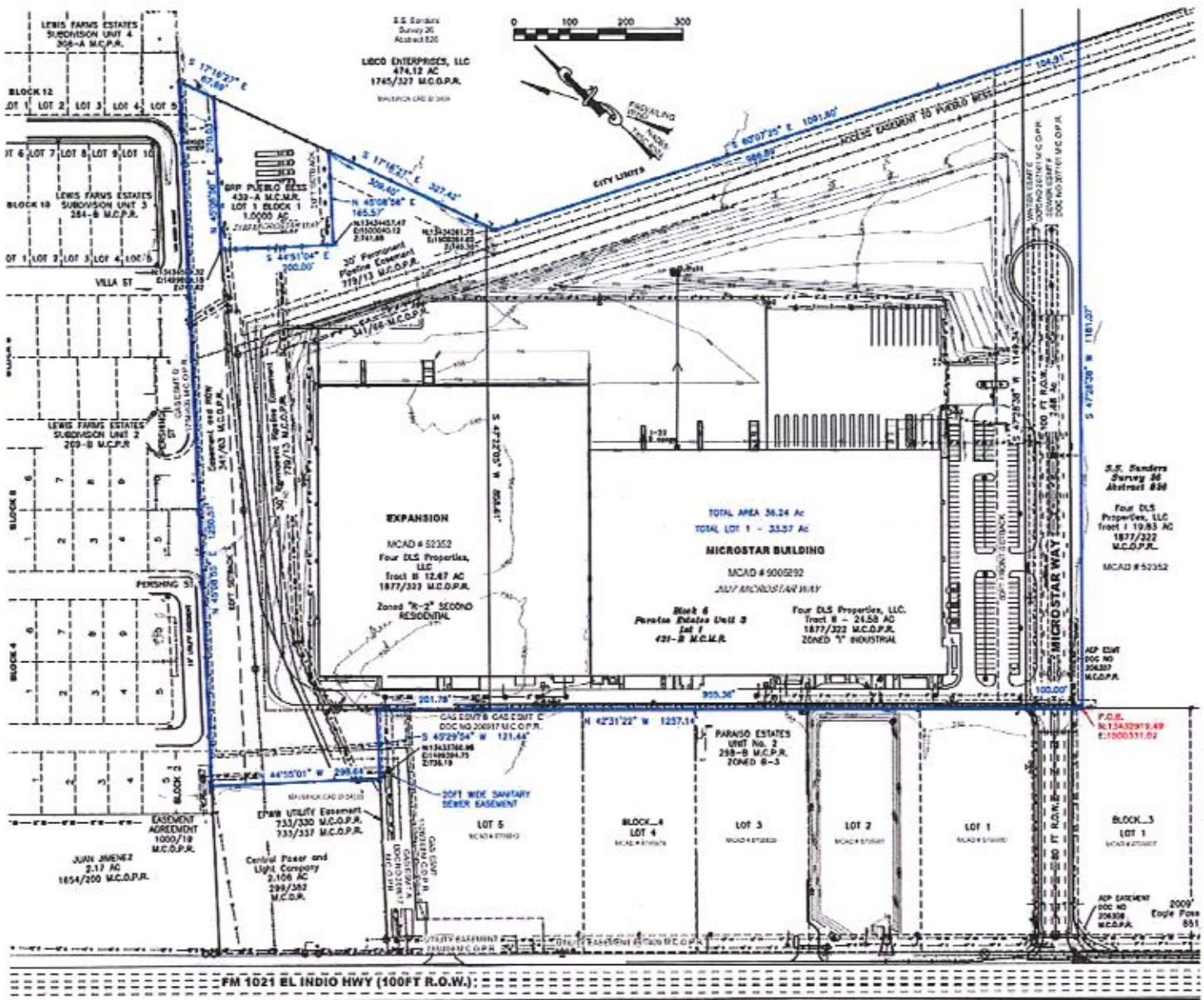
Applicant	Staff	Not Applicable	TECHNICAL REQUIREMENTS	
			Any application that is missing information will be considered incomplete and will not be processed.	
			1	A scaled site plan of the subject property showing property dimensions, building locations, setback dimensions, and other applicable information.
			2	Application Fee of \$100.00 is due upon submittal. (Money order or check made out to City of Eagle Pass) A Publication Fee will be invoiced and collected before the meeting date. These fees are non-refundable.
			3	Notarized owner authorization letter if application is submitted by individual other than the property owner. Proof of ownership as follows: Estate documents (i. e. Probate, Affidavit of Heirship, Administration), copy of the recorded warranty deed or copy of a purchase contract, copy of lease agreement.
			4	Copy of subdivision restrictions for subject property, as recorded in the Maverick County Court House. If no subdivision restrictions are filed, a copy of the certificate of no restrictions will be required.
			5	Photographs of site, project, and adjacent areas deemed appropriate for justification. Prior construction history, as applicable to the situation.

NOTE: By state law public hearing notices shall be published in a newspaper with a second-class postage.

Applicant Acknowledgment _____

Date _____

Final Replat Drawing



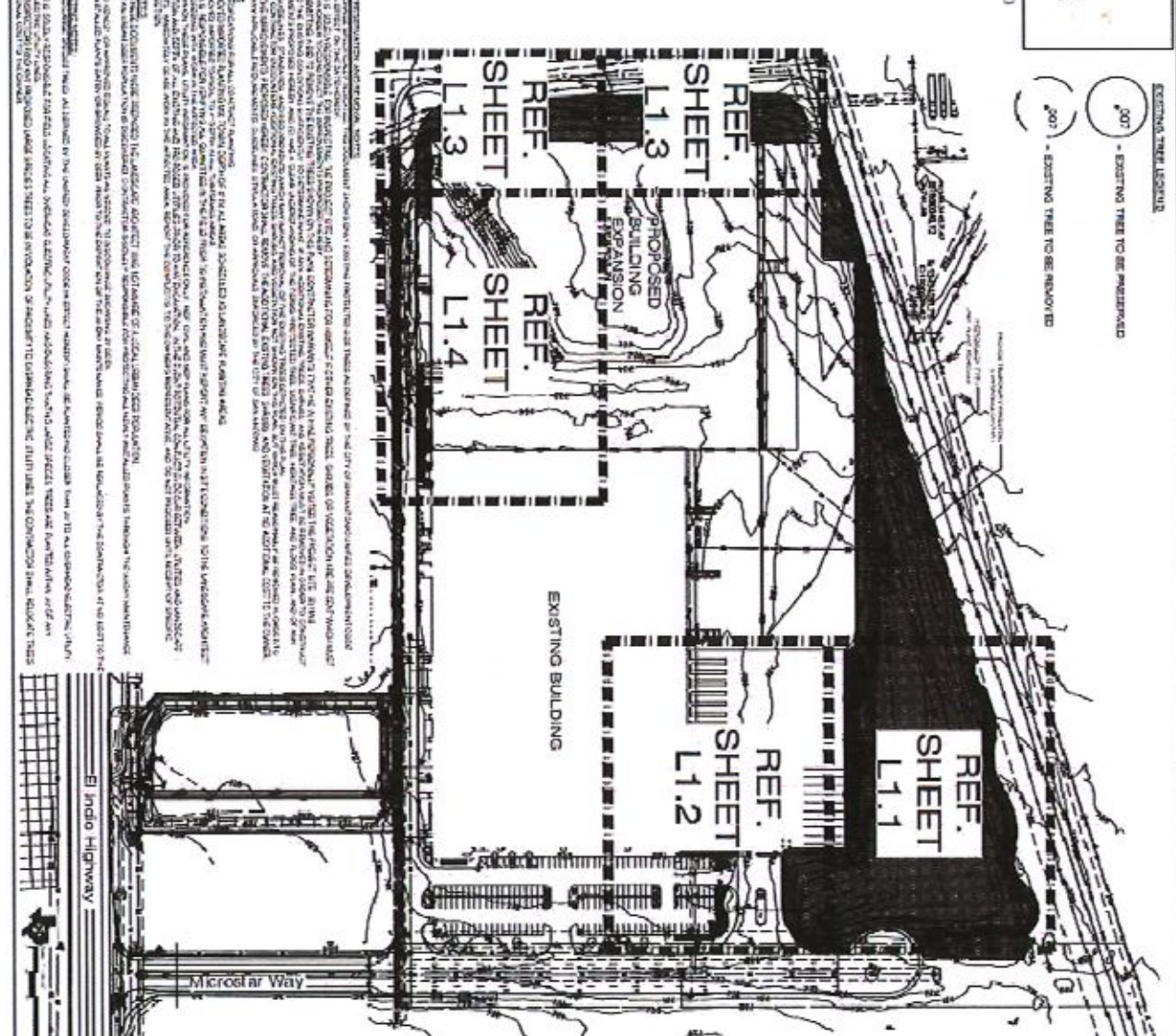
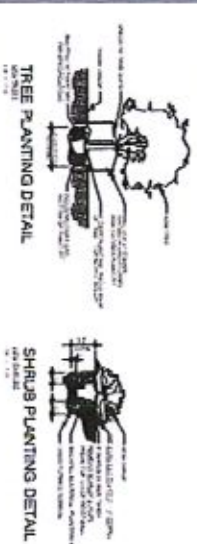
LANDSCAPE ORDINANCE COMPLIANCE

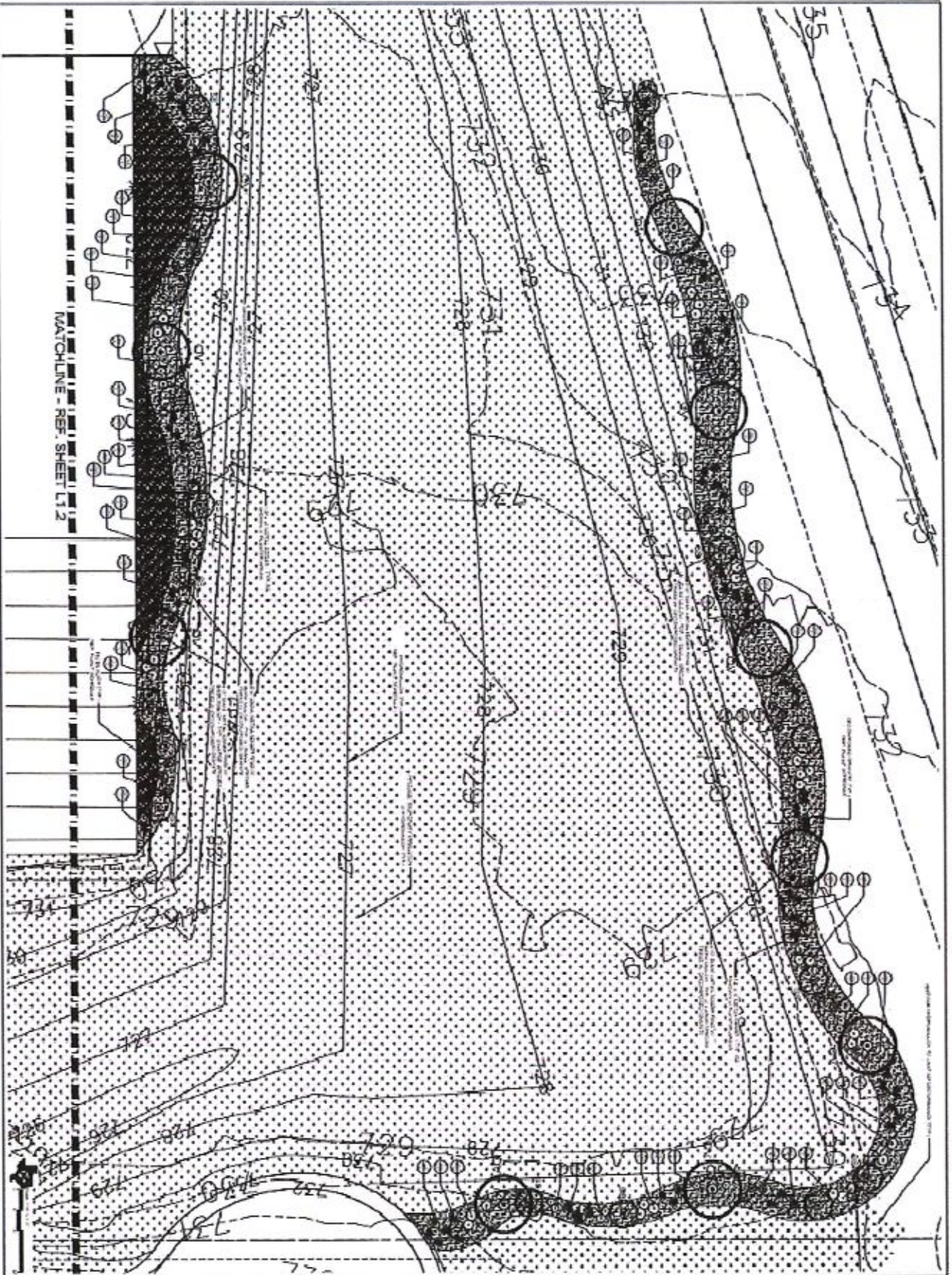
1. STREET FRONTAGE LANDSCAPE AREA REQUIREMENT
2. NON-COMMERCIAL SITE
3. STREET LANDSCAPE AREA REQUIREMENT
4. LANDSCAPE AREA REQUIREMENT
5. LANDSCAPE AREA REQUIREMENT
6. LANDSCAPE AREA REQUIREMENT
7. LANDSCAPE AREA REQUIREMENT
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13. LANDSCAPE AREA REQUIREMENT
14. LANDSCAPE AREA REQUIREMENT
15. LANDSCAPE AREA REQUIREMENT
16. LANDSCAPE AREA REQUIREMENT



- EXISTING TREE LEGEND**
- 30' - EXISTING TREE TO BE PRESERVED
 - 30' - EXISTING TREE TO BE REMOVED

ITEM	DESCRIPTION	QUANTITY
1	STREET FRONTAGE LANDSCAPE AREA REQUIREMENT	1
2	NON-COMMERCIAL SITE	1
3	STREET LANDSCAPE AREA REQUIREMENT	1
4	LANDSCAPE AREA REQUIREMENT	1
5	LANDSCAPE AREA REQUIREMENT	1
6	LANDSCAPE AREA REQUIREMENT	1
7	LANDSCAPE AREA REQUIREMENT	1
8	LANDSCAPE AREA REQUIREMENT	1
9	LANDSCAPE AREA REQUIREMENT	1
10	LANDSCAPE AREA REQUIREMENT	1
11	LANDSCAPE AREA REQUIREMENT	1
12	LANDSCAPE AREA REQUIREMENT	1
13	LANDSCAPE AREA REQUIREMENT	1
14	LANDSCAPE AREA REQUIREMENT	1
15	LANDSCAPE AREA REQUIREMENT	1
16	LANDSCAPE AREA REQUIREMENT	1





NO. 012021

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August X, 2023

L1.1

ENLARGED
LANDSCAPE
PLANTING PLAN

Project Name

Client Name

2022-09-04

2022-09-04

2022-09-04

2022-09-04

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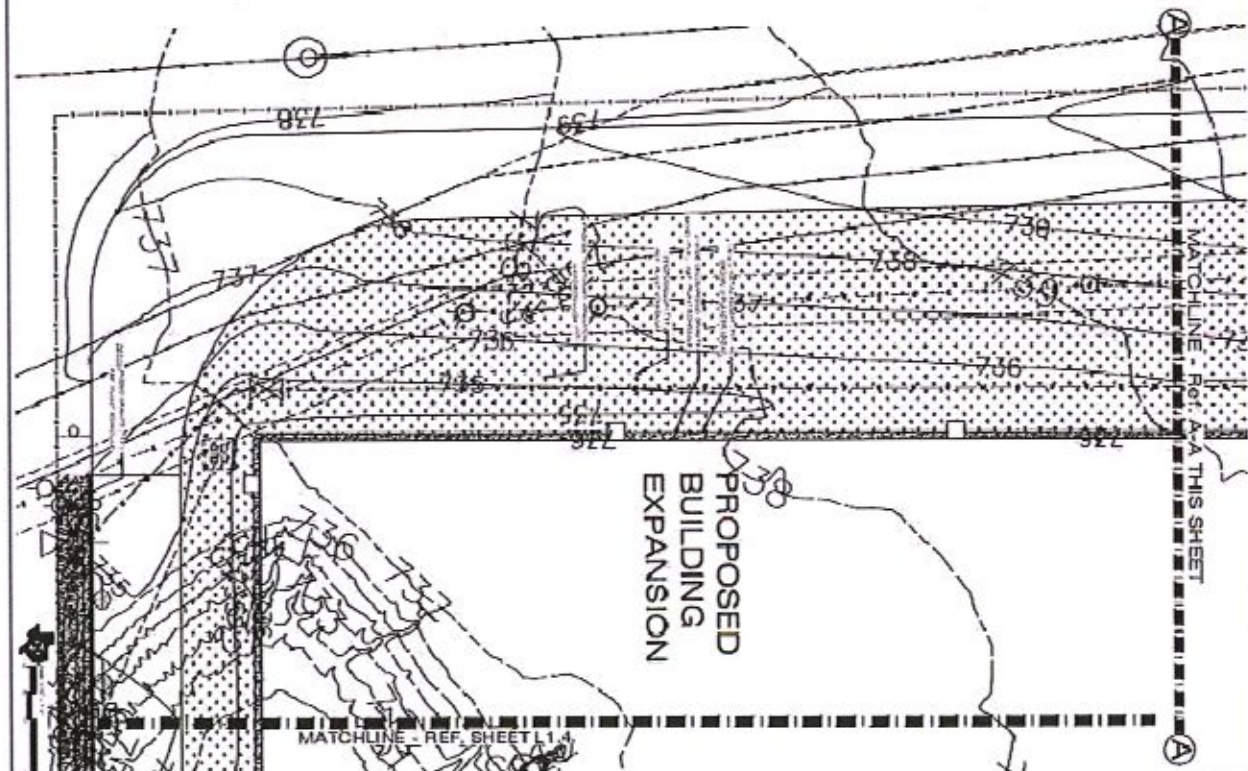
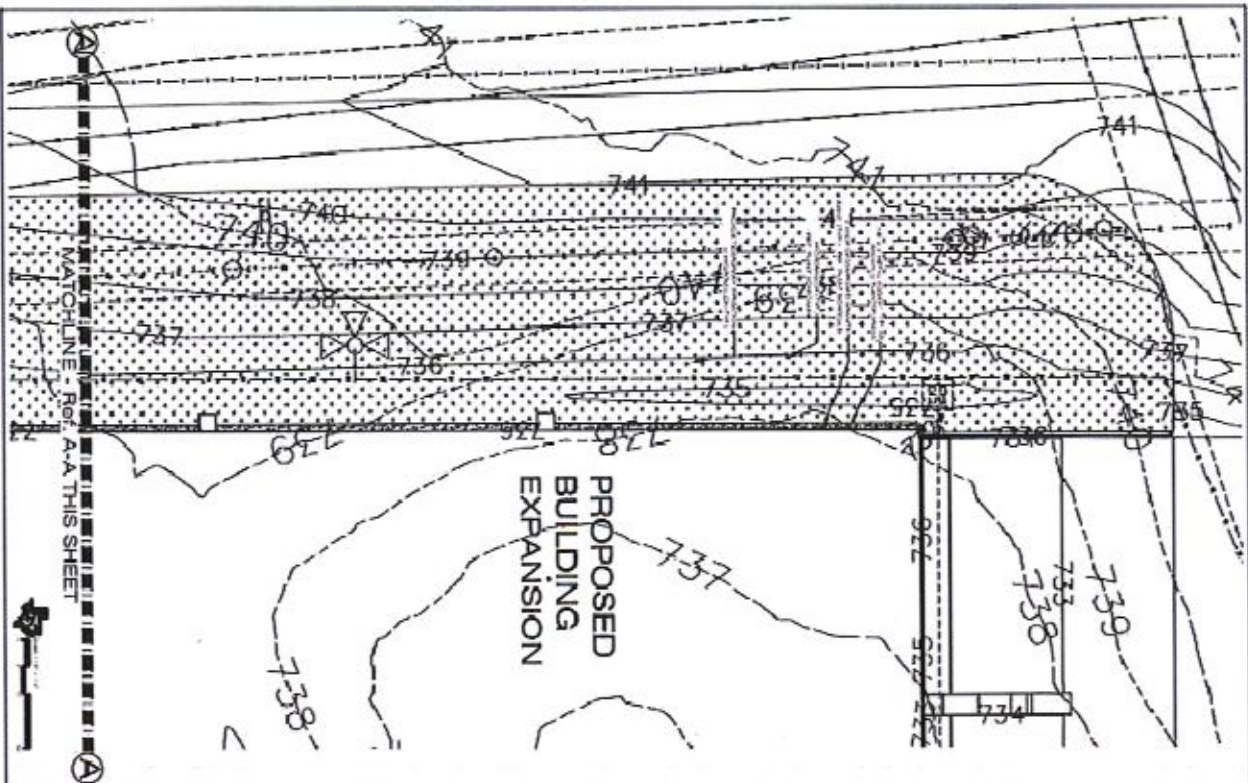
2022-09-04

2022-09-04

2022-09-04

2022-09-04





This topographic map illustrates a proposed building expansion. The map features contour lines with elevations ranging from 728 to 738 feet. A prominent feature is the 'PROPOSED BUILDING EXPANSION' area, which is outlined and labeled. To the left, the 'EXISTING BUILDING' is shown with a hatched pattern. The map includes a north arrow pointing towards the top right. A 'MATCHLINE - REF SHEET L1.3' is indicated at the top. Elevation markers are placed along the contours and at various points on the map, such as 738, 737, 736, 735, 734, 733, 732, 730, 729, 728, 727, 726, 725, 724, 723, 722, 721, 720, 719, 718, 717, 716, 715, 714, 713, 712, 711, 710, 709, 708, 707, 706, 705, 704, 703, 702, 701, 700, 699, 698, 697, 696, 695, 694, 693, 692, 691, 690, 689, 688, 687, 686, 685, 684, 683, 682, 681, 680, 679, 678, 677, 676, 675, 674, 673, 672, 671, 670, 669, 668, 667, 666, 665, 664, 663, 662, 661, 660, 659, 658, 657, 656, 655, 654, 653, 652, 651, 650, 649, 648, 647, 646, 645, 644, 643, 642, 641, 640, 639, 638, 637, 636, 635, 634, 633, 632, 631, 630, 629, 628, 627, 626, 625, 624, 623, 622, 621, 620, 619, 618, 617, 616, 615, 614, 613, 612, 611, 610, 609, 608, 607, 606, 605, 604, 603, 602, 601, 600, 599, 598, 597, 596, 595, 594, 593, 592, 591, 590, 589, 588, 587, 586, 585, 584, 583, 582, 581, 580, 579, 578, 577, 576, 575, 574, 573, 572, 571, 570, 569, 568, 567, 566, 565, 564, 563, 562, 561, 560, 559, 558, 557, 556, 555, 554, 553, 552, 551, 550, 549, 548, 547, 546, 545, 544, 543, 542, 541, 540, 539, 538, 537, 536, 535, 534, 533, 532, 531, 530, 529, 528, 527, 526, 525, 524, 523, 522, 521, 520, 519, 518, 517, 516, 515, 514, 513, 512, 511, 510, 509, 508, 507, 506, 505, 504, 503, 502, 501, 500, 499, 498, 497, 496, 495, 494, 493, 492, 491, 490, 489, 488, 487, 486, 485, 484, 483, 482, 481, 480, 479, 478, 477, 476, 475, 474, 473, 472, 471, 470, 469, 468, 467, 466, 465, 464, 463, 462, 461, 460, 459, 458, 457, 456, 455, 454, 453, 452, 451, 450, 449, 448, 447, 446, 445, 444, 443, 442, 441, 440, 439, 438, 437, 436, 435, 434, 433, 432, 431, 430, 429, 428, 427, 426, 425, 424, 423, 422, 421, 420, 419, 418, 417, 416, 415, 414, 413, 412, 411, 410, 409, 408, 407, 406, 405, 404, 403, 402, 401, 400, 399, 398, 397, 396, 395, 394, 393, 392, 391, 390, 389, 388, 387, 386, 385, 384, 383, 382, 381, 380, 379, 378, 377, 376, 375, 374, 373, 372, 371, 370, 369, 368, 367, 366, 365, 364, 363, 362, 361, 360, 359, 358, 357, 356, 355, 354, 353, 352, 351, 350, 349, 348, 347, 346, 345, 344, 343, 342, 341, 340, 339, 338, 337, 336, 335, 334, 333, 332, 331, 330, 329, 328, 327, 326, 325, 324, 323, 322, 321, 320, 319, 318, 317, 316, 315, 314, 313, 312, 311, 310, 309, 308, 307, 306, 305, 304, 303, 302, 301, 300, 299, 298, 297, 296, 295, 294, 293, 292, 291, 290, 289, 288, 287, 286, 285, 284, 283, 282, 281, 280, 279, 278, 277, 276, 275, 274, 273, 272, 271, 270, 269, 268, 267, 266, 265, 264, 263, 262, 261, 260, 259, 258, 257, 256, 255, 254, 253, 252, 251, 250, 249, 248, 247, 246, 245, 244, 243, 242, 241, 240, 239, 238, 237, 236, 235, 234, 233, 232, 231, 230, 229, 228, 227, 226, 225, 224, 223, 222, 221, 220, 219, 218, 217, 216, 215, 214, 213, 212, 211, 210, 209, 208, 207, 206, 205, 204, 203, 202, 201, 200, 199, 198, 197, 196, 195, 194, 193, 192, 191, 190, 189, 188, 187, 186, 185, 184, 183, 182, 181, 180, 179, 178, 177, 176, 175, 174, 173, 172, 171, 170, 169, 168, 167, 166, 165, 164, 163, 162, 161, 160, 159, 158, 157, 156, 155, 154, 153, 152, 151, 150, 149, 148, 147, 146, 145, 144, 143, 142, 141, 140, 139, 138, 137, 136, 135, 134, 133, 132, 131, 130, 129, 128, 127, 126, 125, 124, 123, 122, 121, 120, 119, 118, 117, 116, 115, 114, 113, 112, 111, 110, 109, 108, 107, 106, 105, 104, 103, 102, 101, 100, 99, 98, 97, 96, 95, 94, 93, 92, 91, 90, 89, 88, 87, 86, 85, 84, 83, 82, 81, 80, 79, 78, 77, 76, 75, 74, 73, 72, 71, 70, 69, 68, 67, 66, 65, 64, 63, 62, 61, 60, 59, 58, 57, 56, 55, 54, 53, 52, 51, 50, 49, 48, 47, 46, 45, 44, 43, 42, 41, 40, 39, 38, 37, 36, 35, 34, 33, 32, 31, 30, 29, 28, 27, 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1, 0.

EXISTING
BUILDING

This document is intended for interim review purposes only and is not to be used for bidding, permitting, or construction.

Four DLS
Properties, LLC

**MicroStar Quality
Services Facility
-Building Expansion**

2027 Mustang Way
Elgin, PA, TN 70832
Tel: 904-661-1111

2023-07-04

ENLARGED
LANDSCAPE
PLANTING PLAN

L1.4

August X, 2023

Third reading of Ordinance approved by City Council at their January 2, 2024 meeting

ORDINANCE NO. 2023-

AN ORDINANCE AMENDING APPENDIX A (ZONING ORDINANCE), SECTION 12 D OF THE CODE OF ORDINANCES OF THE CITY OF EAGLE PASS BY ADDING NEW SUBSECTION (5) INCORPORATING LANDSCAPE AND TREE PRESERVATION REQUIREMENTS; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EAGLE PASS, TEXAS:

SECTION 1. Appendix A-Zoning Ordinance Section 12 D of the Code of Ordinances, Eagle Pass, Texas is hereby amended by adding new subsection (5) to read as follows and the rest remains the same:

Sec. 12 Additional use, height, and area regulations and exception

D. Miscellaneous regulations:

(5) Land Landscape and Tree Preservation requirements shall be as contained in the Chapter 23 (Subdivisions).

SECTION 2. If any section, part, or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable, and all other parts of this Ordinance shall not be affected thereby, and they shall remain in full force and effect.

SECTION 3. This Ordinance becomes effective immediately after being passed and approved on third and final reading.

READ, PASSED, AND APPROVED ON FIRST READING, this 5th Day of December, A.D., 2023.

ATTEST:

Rolando Salinas
Mayor

Inelda B. Rodriguez
City Secretary

Code of Ordinances Chapter 23-Subdivisions / Article VI – Landscape and Tree Preservation / Section 23-89 Landscape plan requirements

https://library.municode.com/tx/eagle_pass/codes/code_of_ordinances?nodeId=PTIICOOR_CH23SU_ARTVILATRPR_S23-89LAPLRE

Sec. 23-89. Landscape plan requirements.

- (a) *Submittal of plan.* The landowner or his/her agent shall submit and receive approval of a landscape plan demonstrating compliance with the landscape requirements contained herein. Plans shall show location and size of required landscaped areas, all dimensions, types of materials, size and spacing of vegetative materials, and plans for providing irrigation to plants. The plan(s) shall demonstrate that landscaping materials will:

- (1) Abate objectionable noise, light, glare, visual clutter, dust or loss of privacy.
- (2) Adequately accomplish the purpose of which they were intended.

- (b) *Required site landscaping.*

- (1) Minimum percentage.

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

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

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

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

Table 1. Required Landscaping

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

- (c) *Credit for existing trees.* In order to reward the preservation of existing trees, one hundred (100) percent of the crown area of undisturbed existing trees shall be reduced from the landscape area requirements; provided that the area surrounding the tree is left undisturbed and that this area consists of a least one hundred (100) square feet but not less than fifty (50) percent of the crown area.
- (d) *Screening.* Off-street loading spaces, refuse and outside storage areas, antennas, satellite dishes, and mechanical equipment within the street yard must be screened from all public streets. The screening must be of a minimum of six (6) feet in height or a height sufficient to obscure the area or equipment requiring the screening, whichever is less. The screening may be provided by plants, a solid screen fence or wall, or a combination thereof.
 - (1) *Acceptable landscape screening materials.*
 - a. No artificial plant materials may be used to satisfy the requirements of this chapter.
 - b. Plant materials required by this chapter must comply with the following minimum size requirements at the time of installation. At time of planting, plant height shall be measured from the top of the root ball or, if the plant is in a container, from the soil level in the container.
 - 1. Large trees must have a minimum caliper of two (2) inches and shall be planted in an area with a minimum of one hundred (100) square feet of permeable surface area. This area may be reduced to fifty (50) square feet if a permanent life support system, which must include but is not limited to an irrigation system and an internal drainage mechanism, is incorporated within the planting area.
 - 2. Small trees must have a minimum height of six (6) feet and shall be planted in an area with a minimum of twenty-five (25) square feet of permeable surface area.
 - 3. Large shrubs must have a minimum height of two (2) feet and must be planted in an area with a minimum of nine (9) square feet of permeable surface area. The permeable surface areas for shrubs may be included within permeable surface areas required for trees.
 - c. Each large tree, small tree or large shrub must be planted at least thirty-six (36) inches away from any paved surface or city right-of-way.
 - (2) *Protection of plant areas.* Plant areas must be protected from vehicular traffic through the use of concrete curbs, wheel stops, or other permanent barriers.

(Ord. No. 05-22, § 1, 8-2-2005)

Item #5



Community Development Department Executive Summary Report to the Eagle Pass Zoning Board of Adjustment and Appeals

Variance Request – 450 Luis Street

I. BACKGROUND

General Information

Applicant: Araceli Gonzalez

Property Owner: Maribel Maciel, Araceli Gonzalez,
& Maria Isabel Rodriguez

Location: Corner of Luis & Wilson

Property ID Number: 19045

Legal Description: South Height Addition, Block 3,
Lot 7 & 8

Parcel Size: 18,564-square feet

Current Use: residential dwelling & a religious
assembly structure

Current Zoning: B-1 (Neighborhood Business
District)

Master Plan: Residential

Request: A variance from *City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinance Section 12.1(c)(8)(e)* regulating off-street parking design standards. The applicant seeks to reduce the required 24-foot wide drive aisle to 18.5-feet, to allow the construction of a parking lot on property located at 450 Luis Street.

II. CURRENT CONDITIONS

Infrastructure: Property is serviced by public
utilities/franchises

Vicinity: Property is bordered by single-family
dwellings.

Access to the site is provided by Luis Street and
Wilson Street.

III. PUBLIC NOTICE

Public notification of the variance 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.
Thirty-five There were thirty-five (35) notices mailed
to the abutting property owners, with a legal notice
published in the Eagle Pass News Gram on January
24, 2024.

Figure 1. Aerial Map



Figure 2. Street View



IV. STAFF ANALYSIS

The applicant is seeking to reduce the minimum two-way drive aisle width from 24-feet to 18.5-feet, to allow the construction of a parking lot. The proposed parking lot will serve a proposed duplex dwelling. An existing single-family dwelling will be converted to a duplex on subject property, as shown in **Figure 2**. Thus, triggering off-street parking and complying with the minimum two-way drive aisle width, which shall be 24-feet.

The property consists of a 1,925-square foot single-family dwelling that is proposed to be converted to a duplex and another structure utilized as a religious assembly with a 2,338 gross building area. The proposed 163-square foot addition, as shown in the enclosed proposed Plot Plan, does not meet the requirements set forth in Appendix A of the Zoning Ordinance, particularly *Section 12.1(c)(8)(e)* regulating design standards for off-street parking. The Community Development Department asked Fire Marshal for his review and reported back stating that the drive aisle to the rear of the property of 18.5 feet will not affect firefighting operations or tactics in case of a fire in the property. There are two entry access located on the North and South end of the building that will be utilized in an emergency. With a property and building of this size the fire apparatus is not required to enter therefore does not require a fire apparatus access road.

V. STAFF RECOMMENDATION

Staff recommends **GRANTING** the request as Fire Marshal verified that the proposed 18.5 foot drive aisle will not impact the project in case of an emergency.

TRANSMITTED to the parties listed hereafter:

Araceli Gonzalez via e-mail

Community Development Department Report dated January 30, 2024

Attachment 1
Application and related information



City of Eagle Pass Planning Department
Zoning Board of Adjustment Appeal
to Eagle Pass Zoning Ordinance

3295 Bob Rogers Drive
Eagle Pass, TX 78852
(830) 773-7781
planning@eaglepasstx.us
eaglepasstx.us

Project	Legal Description: <u>Lot 7 & 8 Blk 3 South Heights Subd</u> Site Address: <u>450 Luis St.</u> Acres: <u>0.4261</u> Square feet: <u>18,564</u> Existing land use: <u>single family home & a building</u>
Owner	Name: <u>Araceli Gonzalez</u> Phone: <u>830-513-0518</u> Address: <u>2173 Suncrest Dr.</u> E-mail: <u>Araceli.gon23@juno.com</u> City: <u>Eagle Pass</u> State: <u>TX</u> Zip: <u>78852</u>
Applicant If not owner	Name: _____ Phone: _____ Address: _____ E-mail: _____ City: _____ State: _____ Zip: _____ Relationship to owner: _____
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? Yes _____ No ☒ I certify that I am the actual owner of the property described above and this application is being submitted with my consent (included corporate name if applicable). Attach written evidence (i. e. corporate documents) of such authorization. I acknowledge that application and publication fees are non-refundable, and that incomplete applications will not be accepted or processed. If additional information or documentation is pending submittal before a deadline, the item is subject to be removed from the agenda and the applicant is subject to cover re-advertising fees. Signature: <u>Araceli Gonzalez</u> Date: <u>01-08-24</u> Print Name: <u>Araceli Gonzalez</u> ☒ Applicant ☐ Authorized Agent

Board Action	Description:
	Board Chairman Signature Date
Office	Accepted by _____ Payment received by _____ Date _____ Zoning Classification _____ Case No. _____

The commission may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the board shall prescribe only conditions that it deems necessary or desirable to the public interest. No such variance shall be granted unless the board finds that the applicant meets the following conditions.

Description of variance request: My request is that the board may condone the 24ft. requirement for the driveway to the parking lot in the back. Driveway has 18ft. If they can please take in consideration that there is a building on each side and cannot expand it any further.

For each question, check yes or no and provide a detailed explanation.

1. Is the financial cost of compliance greater than 50 percent of the appraised value of the structure?

Yes ☐ No ☒ Explain: _____

2. Will compliance result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur?

Yes ☐ No ☒ Explain: _____

3. Will compliance result in the structure not following a requirement of a municipal ordinance, building code, or other requirement?

Yes ☐ No ☒ Explain: _____

4. Will compliance result in the unreasonable encroachment on an adjacent property or easement?

Yes ☐ No ☒ Explain: _____

5. Does the municipality consider the structure to be a nonconforming structure?

Yes ☒ No ☒ Explain: The municipality requires 24-ft. driveway and property has 18-ft.

6. Is the variance necessary for the preservation and enjoyment of a substantial property right of the applicant?

Yes ☒ No ☐

Explain: Yes because building is already built and we believe it has sufficient feet for vehicles to pass by to park in the back.

7. Could the granting of the variance be detrimental to the public health, safety, or welfare, or injurious to other property in the area? Yes ☐ No ☒

Explain: _____

VARIANCE APPLICATION CHECKLIST

APPLICATION COMPLETENESS REQUIREMENTS:

- ☒ Development Application signed by owner or notarized affidavit
☒ This checklist (signed by applicant/representative)

Applicant	Staff	Not Applicable	TECHNICAL REQUIREMENTS	
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/	/		1	A scaled site plan of the subject property showing property dimensions, building locations, setback dimensions, and other applicable information.
/	/		2	Application Fee of \$100.00 is due upon submittal. (Money order or check made out to City of Eagle Pass) A Publication Fee will be invoiced and collected before the meeting date. These fees are non-refundable.
/	/		3	Notarized owner authorization letter if application is submitted by individual other than the property owner. Proof of ownership as follows: Estate documents (i. e. Probate, Affidavit of Heirship, Administration), copy of the recorded warranty deed or copy of a purchase contract, copy of lease agreement.
/	/		4	Copy of subdivision restrictions for subject property, as recorded in the Maverick County Court House. If no subdivision restrictions are filed, a copy of the certificate of no restrictions will be required.
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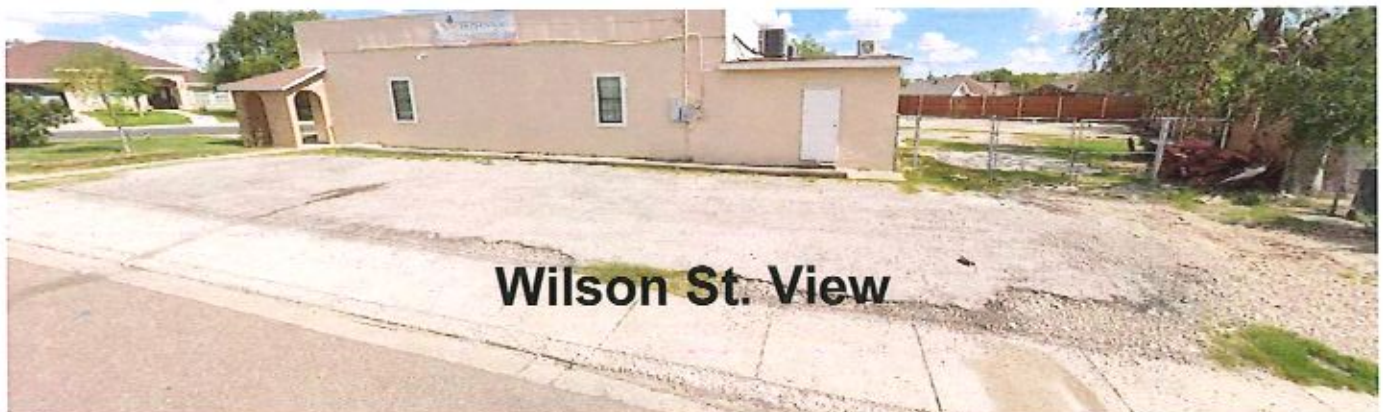
NOTE: By state law public hearing notices shall be published in a newspaper with a second-class postage.

Araceli Gonzalez 
Applicant Acknowledgment

01-16-24
Date

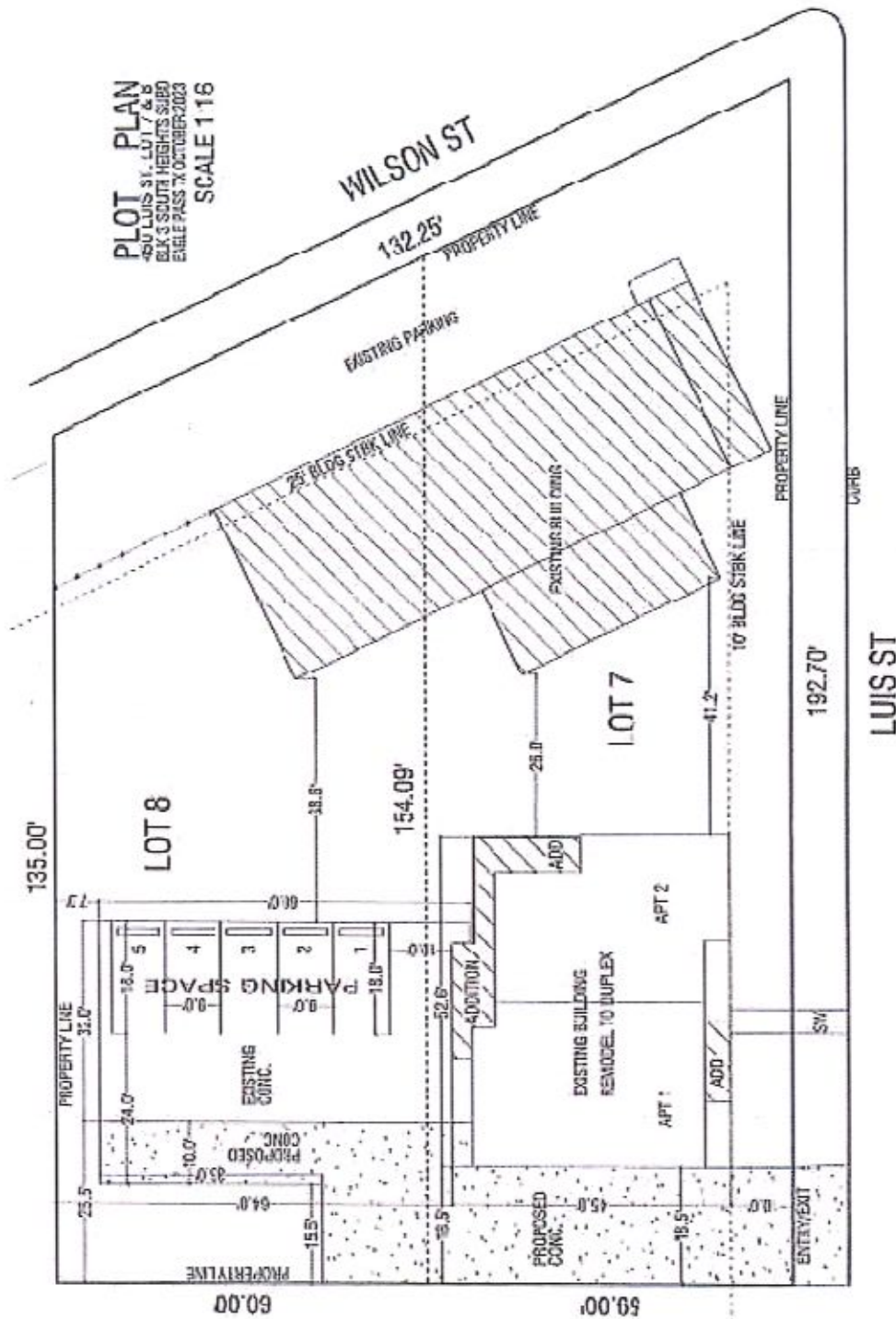


Recorded Plat



Wilson St. View

Plot Plan



PLAN OF REMODEL	
MAURICIO GONZALEZ	
450 LUIS ST LOT 7 & 8	
BLK 3 SOUTH HEIGHTS SUBD	
EAGLE PASS TX DECEMBER 2023	
JGM Home Design	
Professional Engineer No. 123456789 Austin, Texas	
LAND	1273.00
EXIST'G PDRCH	32.00
ADDITION	143.00
TOTAL	2038.00 S.F.

12.1. Off-street parking requirements.

- (A) *Authority.* The provisions of this section are adopted pursuant to the home rule powers of the city, granted under the Texas Constitution and the Statutes of the State of Texas, Texas Local Government Code Chapter 211 and the City Charter for the City of Eagle Pass.
- (B) *Purpose.* The regulations set forth in this section are adopted for the purpose of providing an adequate number of improved off-street parking spaces for all land uses in the city including, but not limited to, residential, commercial, institutional, and industrial land uses.
- (C) *Parking regulations and requirements.*
1. *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning.
 - (a) *Aisle* shall mean that area within an off-street parking facility designed to accommodate the ingress and egress of vehicles within the facility, excluding parking spaces, landscaping, and pedestrian pathways.
 - (b) *Floor area* shall mean the gross floor area of the building as measured inward from the interior walls, including each floor or story of the structure.
 - (c) *Heavy industry* shall mean those manufacturing-related conducted either inside a structure or within the boundary of a property.
 - (d) *Historic Building Preservation District* shall mean that area delineated on the map identified as Exhibit A in this Code.
 - (e) *Light industrial* shall mean those manufacturing-related activities conducted exclusively within a structure(s).
 - (f) *Loading space* shall mean one (1) loading space area, the width and length of which shall exceed the dimensions of the type of vehicle to normally be parked in the space by a minimum of two (2) feet, and no part of the area shall be closer than six (6) feet from the back edge of the curb of an adjacent public street or driveway.
 - (g) *Maneuvering space* shall mean the space required for maneuvering vehicles into and out of parking spaces in such a manner as to preclude the backing of any vehicle into any street right-of-way. Such maneuvering space shall be no closer than six (6) feet from the back edge of the right-of-way or easement of an adjacent public street or driveway.
 - (h) *Occupant load* shall mean the number of persons for which the means of egress for a building or structure or portion thereof is designed pursuant to the International Building Code.
 - (i) *Off-street parking space* shall mean one (1) off-street parking space is an area, the width and length of which shall exceed the dimensions of the type of vehicle to normally be parked in the space by a minimum of two (2) feet, and no part of the area shall be closer than six (6) feet from the back edge of the right-of-way of an adjacent public street or driveway.
 - (j) *Parking facility* shall mean a public or private property used, wholly or partly, for restricted or paid vehicle parking. The term includes:
 - i. A restricted space on a portion of an otherwise unrestricted parking facility; and
 - ii. A commercial parking lot, a parking garage, and a parking area serving or adjacent to a business, church, school, home that charges a fee for parking, apartment complex, property governed by a property owners' association, or government-owned property leased to a private person, including:
 - a. A portion of the right-of-way of a public roadway that is leased by a governmental entity to the parking facility owner; and
 - b. The area between the facility's property line abutting a county or municipal public roadway and the center line of the roadway's drainage way or the curb of the roadway, whichever is farther from the facility's property line.
 - (k) *Parking space* shall mean an area enclosed or unenclosed, containing not less than one hundred sixty-two (162) square feet and not less than nine (9) feet wide, exclusive of the driveways connecting said space with a street or alley. Said parking space and connecting driveway shall be durably surfaced with asphalt or concrete, as set forth in the City of Eagle Pass Construction Specifications

Manual, and so arranged to permit satisfactory ingress and egress of vehicles. Said parking space shall remain in satisfactory condition for the use of the premises.

- (l) *Parking lot/parking area* shall mean an area that is used by anyone for parking. Said area must be durably surfaced with concrete or asphalt, as set forth in the City of Eagle Pass Construction Specifications Manual, and properly marked and lighted as required by section 12.1. Parking Requirements.
2. Parking required. Improved off-street parking and maneuvering spaces in accordance with the minimum requirements set out in this section shall be provided at the time any development, building or structure is erected or structurally altered or undergoes a change of use or occupancy. All parking and maneuvering space shall be provided on the private property it is designed to serve unless otherwise stated in this ordinance.
 - (a) Timing of installation. Required parking spaces and drives shall be ready for use and approved by the planning department prior to the issuance of a certificate of occupancy for a building or use.
 - (b) Minimum requirements. Existing parking spaces shall not be reduced below the requirements established in this section.
 - (c) Certificate of occupancy. No certificate of occupancy shall be issued, no use shall be established or changed, and no structure shall be erected, enlarged or reconstructed unless the off-street parking spaces are provided in the minimum amount and maintained in the manner specified in the code.
 - (d) Improved off-street parking facilities are not required within the Historic Building Preservation District. In the event that a residence or business elects to construct improved off-street parking facilities within the district, the facilities shall comply with the provisions of this chapter, except as to the required number of parking spaces set forth herein.
3. Minimum improved off-street parking requirements. The following building code use and occupancy classifications shall require the respective number of improved off-street parking spaces. For a use and occupancy classification which is not listed in this section, the planning department shall apply the off-street parking standard specified for the listed use and occupancy classification that is deemed most similar to the proposed use, according to fire safety and relative hazard.
 - (a) *Assembly group A.* The use of a building or portion thereof for the gathering of persons for purposes such as civic, social, religious, or recreational functions.

Assembly occupancies shall include, but not limited to, restaurants, places of worship, bowling alleys, fitness centers, golf courses, lodge or fraternal organization meeting facilities, martial art schools, museums, libraries, skating rinks, movie theaters, community centers, religious educational rooms accessory to a place of worship, arenas, and funeral homes.

The required number of improved off-street parking spaces per use is as follows:

 - i. Church or temple, theater, stadium, gymnasium, or auditoriums: One (1) parking space for every three (3) seats.
 - ii. Bowling alley, skating rink: One (1) parking space for every two hundred (200) square feet of gross floor area.
 - iii. Mortuary or funeral home: One (1) parking space for every one hundred (100) square feet of gross floor area.
 - iv. Restaurant, nightclub, café, dancehall, bingo hall, lodge, exhibition hall, or similar recreation or amusement establishment: One (1) parking space for every one hundred (100) square feet of gross floor area.
 - v. Museum, library, or community center: Ten (10) parking spaces, plus one (1) additional space for each three hundred (300) square feet of gross floor area.
 - (b) *Business group B.* The use of a building or portion thereof for office, professional or service-type transactions, including the storage of records and accounts.

Business occupancies shall include, but not limited to, financial institutions, dry cleaners, offices, and veterinary clinics. The required number of improved off-street parking spaces per use is as follows:

- i. Professional or personal services: One (1) parking space for every four hundred (400) square feet of gross floor area.
- (c) *Educational group E.* The use of a building or portion thereof by six (6) or more persons at any one (1) time for educational purposes.

The required number of improved off-street parking spaces per use is as follows:

- i. Elementary or middle school: Two (2) spaces for each classroom and administrative office.
- ii. High school or college: Ten (10) parking spaces per classroom and one and one-half (1½) parking spaces for each administrative office.
- (d) *Factory group F.* The use of a building or portion thereof for assembling, disassembling, finishing, manufacturing, packaging, repairing, or processing not classified as storage.

Factory occupancies shall include, but not limited to, appliance assembly, baking, textiles, woodworking, engine assembly, brick and masonry, and metal fabrication. The required number of improved off-street parking spaces per use is as follows:

- i. Light industrial: One (1) parking space for each five hundred (500) square feet of gross floor area.
 - ii. Heavy industrial: One (1) parking space for each one thousand (1,000) square feet of gross floor area.
 - iii. Permits certain parking and uses on non-asphalt surfaces within factory group occupancies.
- All required employee vehicles and visitor parking spaces, including access thereto, shall be paved in accordance with this section. All fire lanes shall also be paved in accordance with this section. Truck parking, loading and unloading on non-asphalt surfaces is permitted, provided that a twenty-four-foot-wide by twenty-foot-long asphalt or reinforced concrete apron is constructed on the property at the convergence of the vehicle ingress and egress point with the public roadway. The purpose of the apron is to prevent vehicle track-out onto the public roadway. The access apron shall be designed to ensure that surface water drainage is retained on the site and not conveyed onto the public roadway.
- (e) *Institutional group I.* The use of a building or portion thereof for which people having physical limitations because of health or age are cared for or live in a supervised environment for care or treatment, or in which the people are detained for correctional purposes.

Institutional occupancies shall include, but not limited to, assisted living facilities, group homes, hospitals, nursing homes, day care centers, and retirement homes. The required number of improved off-street parking spaces per use is as follows:

- i. Nursing home, convalescent home, elderly housing home, assisted living facility, retirement home, or group home: One (1) parking space for every four (4) beds.
- ii. Commercial nonresidential day care center: One (1) parking space for every eight (8) students or pupils.
- (f) *Mercantile group M.* The use of a building or portion thereof for the display and sale of merchandise and involves stocks of goods, wares, or merchandise incidental to such proposes and accessible to the public.

Mercantile occupancies shall include, but not limited to, convenience stores, furniture stores, hardware stores, and motor vehicle sales. The required number of improved off-street parking spaces per use is as follows:

- i. Grocery stores, hardware stores, furniture stores, and convenience stores: One (1) parking space for every four hundred (400) square feet of gross floor area.
- (g) *Residential group R.* The use of a building or portion thereof for sleeping purposes.

Residential occupancies shall include, but not limited to, single-family residential dwelling units, duplex residential dwelling units, triplex residential dwelling units, apartment dwelling units, bed and breakfast operations, and hotels.

The required number of improved off-street parking spaces per use is as follows:

- i. Single-family residence: Two (2) parking spaces per dwelling unit.

- ii. Duplex, triplex and multi-family dwellings: One and one-half (1.5) spaces for a one-bedroom unit; two (2) spaces for a two-bedroom unit; two and one-half (2½) spaces for a three-bedroom unit; plus additional five (5) percent of total number of required spaces for visitors.
 - iii. Hotel or motel: One (1) parking space for each room, plus one (1) parking space for every two hundred (200) square feet for an associated restaurant, retail, conference, or office area.
- (h) *Storage group S.* The use of a building or portion thereof for the storage of goods.

Storage occupancies shall include, but not limited to, mini-warehouses, warehouses, material storage, truck parking on otherwise undeveloped property, and vehicle storage.

The required number of improved off-street parking spaces per use is as follows:

- i. Warehouse type uses: One (1) parking space for each three thousand (3,000) square feet of gross floor area.
- ii. Mini-warehouse (self storage): One (1) space per on-site office plus one (1) parking space for each three thousand (3,000) square feet of gross floor area.
- iii. Permits certain parking and uses on non-asphalt surfaces within storage group occupancies.

All required employee vehicles and visitor parking spaces, including access thereto, shall be paved in accordance with this section. All fire lanes shall also be paved in accordance with this section. Truck parking, loading and unloading on non-asphalt surfaces for a business structure located on the property is permitted, provided that a twenty-four-foot-wide by forty-foot-long asphalt or reinforced concrete apron is constructed on the property at the convergence of the vehicle ingress and egress point with the public roadway. The purpose of the apron, which is not to exceed a two (2) percent slope from the property to the road, is to prevent vehicle track-out onto the public roadway. The access apron shall be designed to ensure that surface water drainage is retained on the site and not conveyed onto the public roadway.

- 4. Computation of parking requirements. In the interpretation of the parking requirements set out in this section, the following rules shall apply:
 - (a) Where fractional spaces result, the parking spaces required shall be construed to be the next largest whole.
 - (b) 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.
 - (c) Whenever a property is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, additional spaces shall be provided on the based upon the enlargement or change. The additional off-street parking spaces will be required only to serve the enlarged or expanded area, not the entire building or use.
 - (d) In the case of mixed uses, the parking spaces required in this section shall equal the sum of the requirements of the various uses computed separately.
- 5. Americans with Disabilities Act (ADA) compliant parking. Parking spaces designated for use by members of the disabled community shall comply with the table shown below, but in all cases shall be consistent with the Texas Accessibility Standards found in the State of Texas Architectural Barriers Act. Parking required to satisfy ADA requirements shall be in addition to the spaces required per section (C)3, Minimum improved off-street parking requirements, located in this chapter.

One (1) to twenty-five (25) parking spaces: One (1) disabled parking space.

Twenty-six (26) to fifty (50) parking spaces: Two (2) disabled parking spaces.

Fifty-one (51) to seventy-five (75) parking spaces: Three (3) disabled parking spaces.

Seventy-six (76) to one hundred (100) parking spaces: Four (4) disabled parking spaces.

One hundred one (101) to one hundred fifty (150) parking spaces: Five (5) disabled parking spaces.

One hundred fifty-one (151) to two hundred (200) parking spaces: Six (6) disabled parking spaces.

Two hundred one (201) to three hundred (300) parking spaces: Seven (7) disabled parking spaces.

Three hundred one (301) to four hundred (400) parking spaces: Eight (8) disabled parking spaces.

repair shops, service establishments and similar uses not open, used or operated during the same hours; provided that a written agreement thereto is properly executed and filed as specified below.

- (c) In any case where the required parking spaces are not located on the same property with the use or occupancy, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the respective property owners, approved as to form by the city attorney, and shall be filed with the application for a building permit.

- i. *Off-site parking facilities.* Off-street parking spaces may be located on a separate lot from the lot on which the principal use is located if found by the planning department to comply with all of the following standards:

- a. *Ineligible activities.* Off-site parking may not be used to satisfy the off-street parking standards for residential uses, and off-site parking shall not be located in residential R zoning districts. Required parking spaces reserved for persons with disabilities shall not be located off-site.
- b. *Location.* No off-site parking spaces may be located more than five hundred (500) feet from the primary entrance of the use served.

Any on-street loading zone designation pursuant to City of Eagle Pass Code of Ordinances section 26-207 shall be accompanied by an annual payment to the city in the amount of five hundred fifty dollars (\$550.00) for each and every parking space eliminated from use by the public as a result of the designation.

- c. *Zoning district classification.* Off-site parking areas serving uses located in nonresidential zoning districts must be located in nonresidential zoning districts.
- d. *Agreement for off-site parking.* In the event that an off-site parking area is not under the same ownership as the principal use being served, a written agreement between the property owners of record must be submitted to the planning department. The agreement must guarantee the use of the off-site parking area for a minimum of one (1) year, and shall be approved as-to-form by the city attorney.

An attested, notarized copy of the agreement between the owners of record must be submitted to the planning department before the issuance of a building permit or certificate of occupancy for any use to be served by the off-site parking area. No use shall be continued if the shared parking facility agreement is removed, terminated, revoked or otherwise ineffective unless substitute parking is provided.

A certificate of occupancy may be revoked unless substitute parking is provided.

- ii. *Shared parking facilities.* The planning department may approve shared parking facilities for occupancies, developments or uses with different operating hours or different peak business periods if the shared parking complies with all of the following standards:

- a. *Location.* Shared parking spaces must be located within five hundred (500) feet of the primary entrance of all uses served.
- b. *Zoning district classification.* Shared parking areas require the same or a more intensive zoning classification than required for the use served.
- c. *Analysis.* Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit written documentation to the planning department that clearly demonstrates the feasibility of shared parking. The documentation must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking loads for all uses that will be sharing the off-street spaces.
- d. *Agreement for shared parking.* Shared parking will be enforced through written agreement among all owners of record. The agreement must guarantee the use of the shared off-site parking area for a minimum of one (1) year and shall be approved as-to-form by the city attorney. An attested notarized copy of the agreement between the owners of record must be submitted to the planning department before the issuance of a building permit or certificate of occupancy for any use to be served by the off-site parking area.

Four hundred one (401) to five hundred (500) parking spaces: Nine (9) disabled parking spaces.

Five hundred one (501) to one thousand (1,000) parking spaces: Two (2) percent of total parking spaces.

One thousand one (1,001) and over parking spaces: Twenty (20) disabled parking spaces, plus one (1) for each one hundred (100) over one thousand (1,000).

One (1) in every six (6) accessible parking spaces, but not less than one (1), shall be serviced by a minimum access aisle width of eight (8) feet and shall be designated "van accessible."

ADA compliant parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

6. Vehicle stacking areas.

- (a) *Minimum number of stacking spaces.* Off-street stacking spaces shall be provided as indicated below. Off-street stacking spaces shall be in addition to any required parking spaces.

Activity Type	Minimum Spaces	Measured From
Bank teller lane	4	Teller or window
Automated teller machine	3	Machine
Restaurant drive through	6	Order box
Restaurant drive through	6	Order box to pick-up window
Car lubrication stall	2	Entrance to stall
Car wash stall, automatic	4	Entrance to wash bay
Car wash stall, self service	3	Entrance to wash bay
Day care drop off	3	Passenger loading area
Gasoline pump island	2	Pump island
Parking lot, controlled entrance	4	Key code box

- (b) *Design and layout.* Required stacking spaces are subject to the following design and layout standards:

- Size. Stacking spaces must be a minimum of ten (10) feet in width by twenty (20) feet in length.
- Location. Stacking spaces may not impede on or off-site traffic movements or movements into or out of off-street parking spaces.
- Design. Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the planning department for traffic movement and safety.
- For restaurant drive-through, the stacking spaces shall be as measured from the merchandise pick-up window.
- For gasoline fuel pump island, the stacking spaces shall be as measured in either direction from the edge of the island fuel pump(s).

7. Location of parking spaces for nonresidential uses shall be as follows:

- (a) All parking spaces required in this ordinance shall be located on the same property with the use and occupancy it is intended to serve, except that where an increase in the number of spaces is required by a change in use or enlargement or where such spaces are provided by the establishment or provided collectively and used jointly by two (2) or more activities or establishments, the required spaces may be located not to exceed three hundred (300) feet from an institutional occupancy served and not to exceed five hundred (500) feet from any other nonresidential occupancy served.
- (b) Not more than fifty (50) percent of the parking spaces required for theaters, bowling alleys, dancehalls, nightclubs or cafes, and up to one hundred (100) percent of the parking spaces required for a church or school auditorium, may be provided and used jointly by banks, offices, retail stores,

Failure to comply with the off-site parking or shared parking provisions of this section shall constitute a violation of this Code, and shall be cause for revocation of a building permit or certificate of occupancy.

8. Design standards. Design standards for off-street parking shall be as follows:

- (a) Ninety-degree angle parking. Each ninety-degree angle parking space shall not be less than nine (9) feet in width and eighteen (18) feet in length. Maneuvering space shall be not less than twenty-four (24) feet.
- (b) Sixty-degree angle parking. Each sixty-degree angle parking space shall be not less than nine (9) feet wide perpendicular to the parking angle or less than twenty and one-half (20½) feet in length when measured at right angles to the building or parking line. Maneuvering space shall be not less than sixteen (16) feet perpendicular to the building or parking line.
- (c) Forty-five-degree angle parking. Each forty-five-degree angle parking space shall be not less than nine (9) feet wide perpendicular to the parking angle nor less than nineteen and one-half (19½) feet in length when measured at right angles to the building or parking line. Maneuvering space shall be not less than twelve (12) feet perpendicular to the building or parking line.
- (d) Off-street parking area adjacent to alley. When off-street parking facilities are located adjacent to a public alley, the width of such alley may be assumed to be a portion of the maneuvering space requirement.
- (e) The minimum two-way drive aisle width shall be twenty-four (24) feet, and the minimum one-way drive aisle width shall be twelve (12) feet.
- (f) Parking areas with twenty (20) or more parking spaces may allocate up to ten (10) percent of the minimum number of required parking spaces to reduced sized vehicles, including compact cars and motorcycles, if designed to the following standards:
 - i. A compact car space shall not be less than eight (8) feet in width and sixteen (16) feet in length.
 - ii. A motorcycle space shall not be less than four and one-half (4½) feet in width and eight (8) feet in length.
 - iii. Reduced size spaces shall be laid out in a group or clustered and appropriately identified as intended for exclusive use by the specified vehicle.