



AGENDA

ZONING BOARD OF ADJUSTMENTS AND APPEAL REGULAR MEETING
WEDNESDAY, MARCH 6, 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 February 7, 2024 meeting.

PUBLIC HEARINGS

2. Continuation of a 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.
3. Continuation of a 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.
4. Public hearing on the petition submitted by Jesus A. Garza, requesting a variance from *City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinance Section 12(d)(5)* governing landscape requirements and *Section 12.1(c)(3)(a)(ii)(iv)* regulating off-street parking. The applicant seeks to reduce the required landscaping and off-street parking, to allow for the construction of a commercial assembly on property located at 1963 N. Veterans Boulevard; 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 March 1, 2024 at 4:00 p.m.


for 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, February 7, 2024, 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: Vice- Chairperson, Antonio Elizondo; Alternate Vice-Chairperson, Priscilla Puente-Chacon; Board Member, Maria A. Chio; and Board Member, Julie Mathiws

Absent: Chairperson, Matthew Gary

Staff present: Community Development Director, Placido Madera; Assistant Community Development Director, Mariebelle Rodriguez; Planner I, Lizeth Karolina Vasquez; City Attorney, Ana Sophia Garcia (via Zoom); 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 December 6, 2023, meeting.

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

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

PUBLIC HEARING(S)

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 Ordinances Section 15(h)(D)(1)(A)

regulating placement of signs. The applicant seeks to erect more than an allowed wall- mounted signs on property located at 2824 N. Veterans Boulevard; closing of public hearing and possible action.

Vice-Chairperson Elizondo opened the Public Hearing at 5:38 p.m.

Assistant Community Development Director, Mariebelle Rodriguez, provided details on the item and stated that the Department recommends granting the applicant's variance request for property located at 2824 N. Veterans Boulevard.

A discussion ensued among the board on the item.

Vice-Chairperson Elizondo closed the Public Hearing at 5:50 p.m.

Alternate Vice-Chairperson, Puente-Chacon, moved to approve the application under these conditions:

1. The applicant provides the board with a copy of the owner's authorization.
2. The application be amended to be corrected accordingly:
 - a. The owner
 - b. The approval
 - c. The signatures
 - d. The application checklist
 - e. A copy of the lease agreement with the tenet and the owner.

Second by Vice-Chairperson Elizondo. **MOTION PASSED-** Unanimously

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

3. Public hearing on a variance request submitted by Terra Tech Engineering & Construction Services, requesting a variance from City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinances 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.

Vice-Chairperson Elizondo opened the Public Hearing at 5:52 p.m.

Community Development Director, Placido Madera, provided details on the item and stated that the Department 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.

The applicant, Mr. Libson (via speaker phone), provided details on the landscaping plan for the property location.

Vice-Chairperson Elizondo closed the Public Hearing at 6:15 p.m.

A discussion ensued among the commission on the item.

Board Member, Chio moved to approve the variance request. Second by Vice-Chairperson, Elizondo. **MOTION DOES NOT PASS**

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

4. Public hearing on a variance request submitted by Four DLS Properties, LLC, requesting a variance from City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinances 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.

Vice-Chairperson Elizondo opened the Public Hearing at 6:29 p.m.

Community Development Director, Madera, provided details on the item and stated that the Department recommends granting the applicant's variance request to reduce to 27 trees and 260 shrubs for property located at 2027 Microstar Way.

A representative for Four DLS Properties, L.L.C., Mr. De Los Santos, provided more details on the variance request.

Vice-Chairperson Elizondo closed the Public Hearing at 6:42 p.m.

No action was taken on the item.

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 Ordinances 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.

Vice-Chairperson Elizondo opened the Public Hearing at 6:44 p.m.

Assistant Community Development Director, Rodriguez, provided details on the item and stated that the Department 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.

Vice-Chairperson Elizondo closed the Public Hearing at 6:49 p.m.

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

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

ADJOURNMENT

Alternate Vice-Chairperson, Puente-Chacon moved to adjourn the meeting at 6:52 p.m. Vice-Chairperson, Elizondo. **MOTION PASSED-** Unanimously

PASSED AND APPROVED ON

Antonio Elizondo
Vice-Chairperson

ATTEST:

Sydney Rodriguez
Records Management Specialist

Item #2



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.

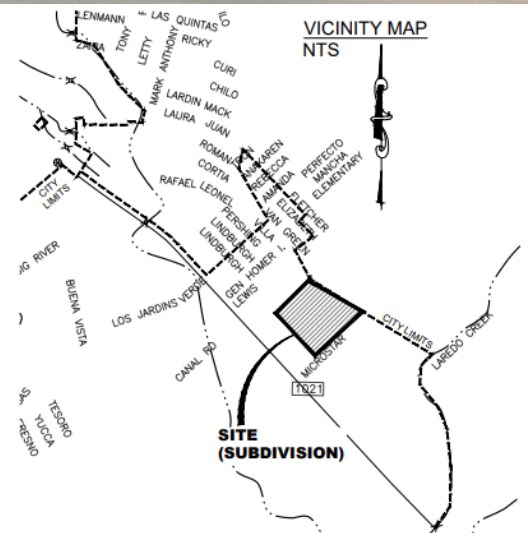
III. PUBLIC NOTICE

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*. The 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 requirement only applies to the proposed addition as the original construction was completed when the property was in the County.

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 believes 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 approving the request with the proposed reduced number of trees while offsetting the difference to other public places or sites.

TRANSMITTED to the parties listed hereafter:

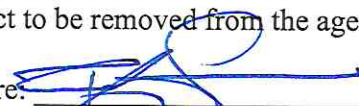
Four DLS Microstar via e-mail
Community Development Department Report dated January 31, 2024

Attachment 1



**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></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.

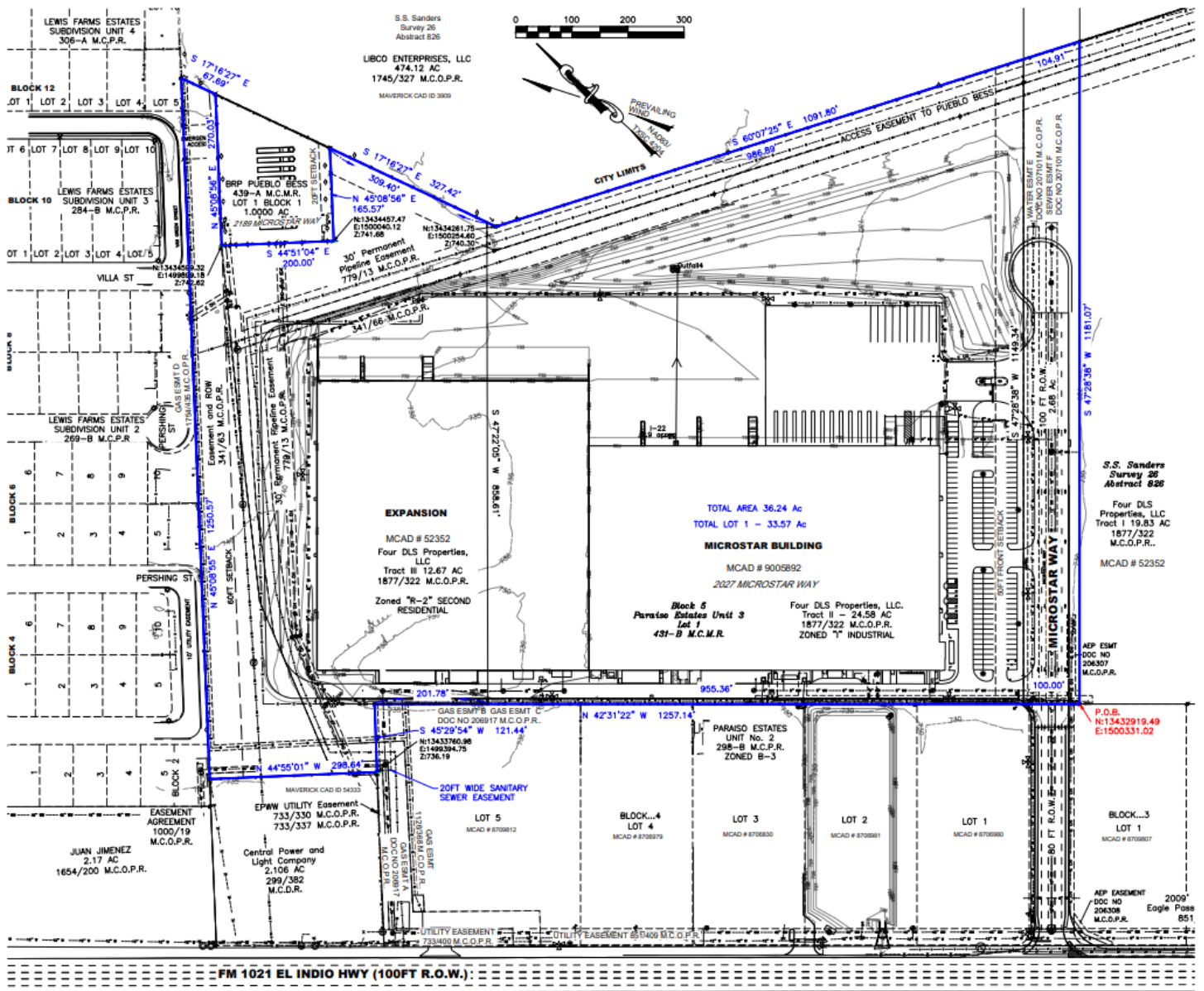
Applicant Acknowledgment

Date

S.S. Sanders
Survey 26
Abstract 826

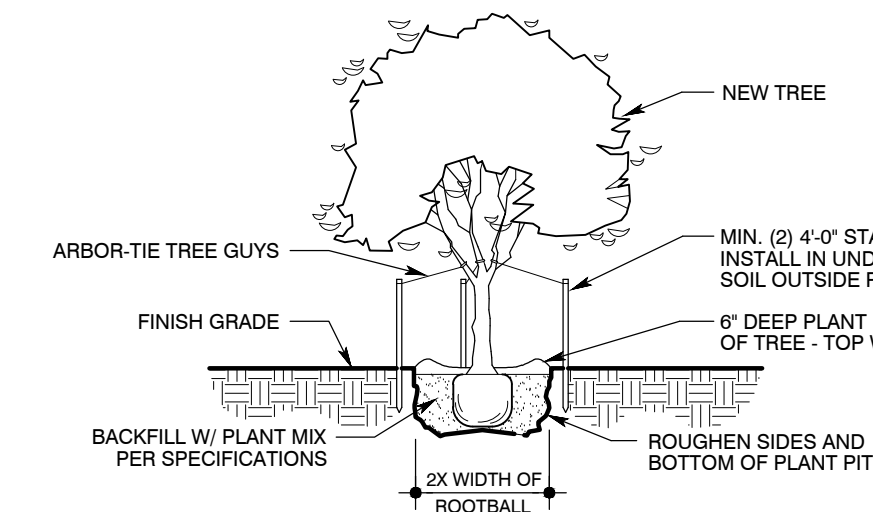
CO ENTERPRISES, LLC
474.12 AC
745/327 M.C.O.P.R.

MAVERICK CAD ID 3909



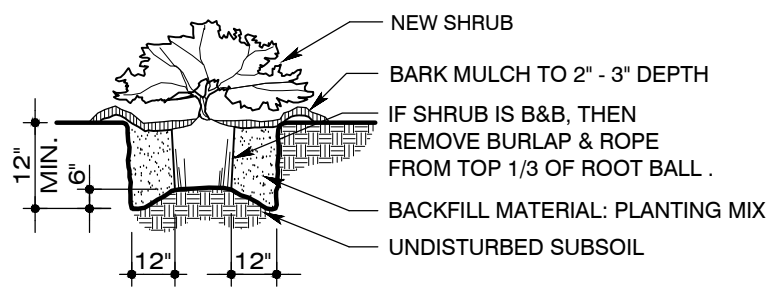
LANDSCAPE ORDINANCE COMPLIANCE

1.	STREET FRONTAGE LANDSCAPE AREA REQUIREMENT (NON-CORNER SITE) NON APPLICABLE	
2.	SITE LANDSCAPE AREA REQUIREMENT IMPERVIOUS COVERAGE: % LANDSCAPING REQUIRED: SITE LANDSCAPING REQUIRED:	739,500 SF 15% (INDUSTRIAL USE) 110,925 SF REQUIRED 252,616 SF PROVIDED
3.	FRONT YARD LANDSCAPING NON APPLICABLE	
4.	IMPERVIOUS COVERAGE PLANTING REQUIREMENT PROVIDED VIA ALTERNATIVE XERISCAPE LANDSCAPE DESIGN AT DETENTION POND.	
5.	PARKING LOT PARKING LOT AREA: LANDSCAPE WITHIN PARKING AREA (5% OF PARKING LOT AREA):	7432 SF 371.6 SF REQUIRED 2828 SF PROVIDED
6.	TREES REQUIRED IN PARKING LOT AREA (1 TREE PER 250 SF OF REQUIRED PARKING LOT LANDSCAPING)	2 TREES REQUIRED 2 TREES PROVIDED
7.	15' FRONTAGE LANDSCAPE BUFFER MICROSTAR WAY IS A PRIVATE DRIVE.	
8.	EXISTING LANDSCAPE TREES SHRUBS	5 118
9.	PROPOSED LANDSCAPE TREES SHRUBS	27 260
10.	DEPICTION OF PROPOSED PARKING LOT LANDSCAPE AND PARKING LOT	PROVIDED AS REQUIRED.



TREE PLANTING DETAIL

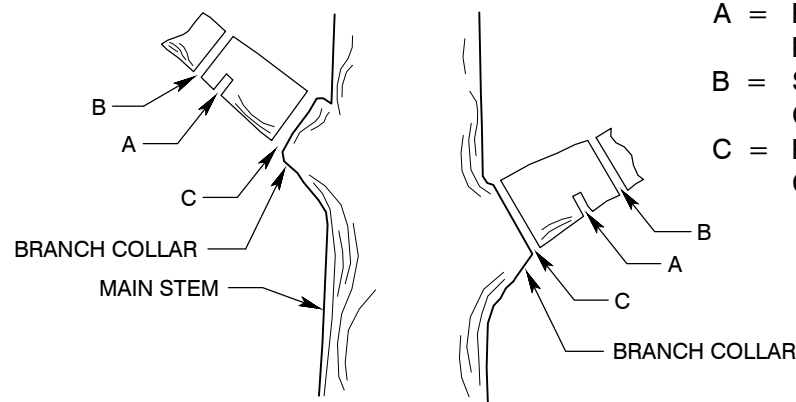
NEW TREES
1/8" = 1'-0"



SHRUB PLANTING DETAIL

NEW SHRUBS
1/8" = 1'-0"

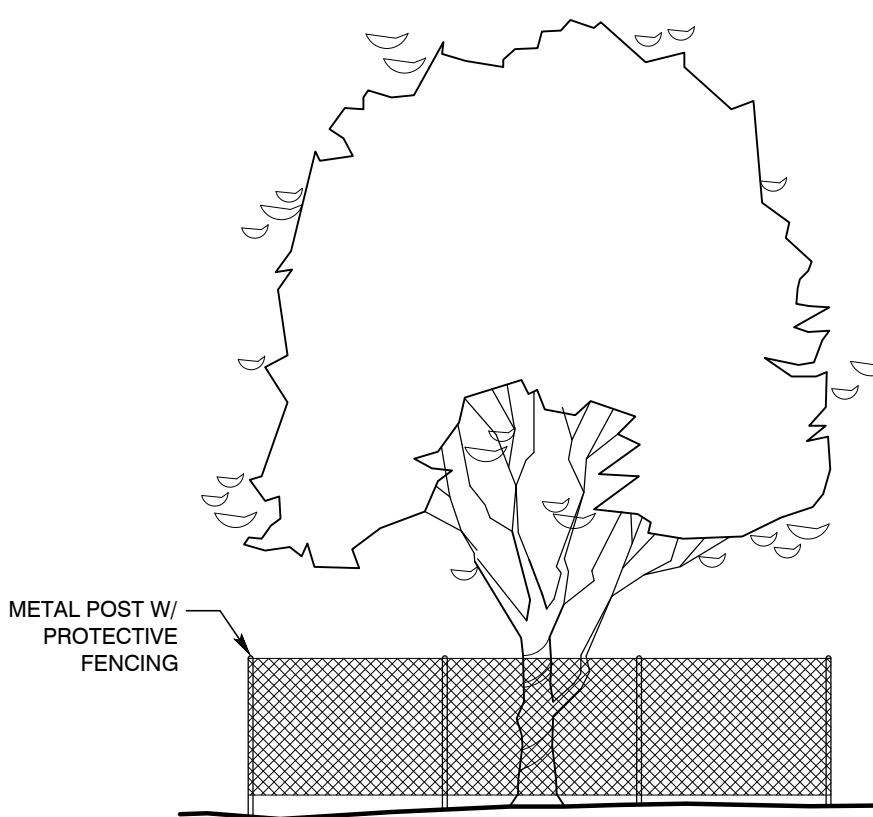
PRUNING NOTES:
1. ALL PRUNING IS TO BE DONE BY A LICENSED ARBORIST UNDER THE FIELD DIRECTION OF THE OWNER AND/OR LANDSCAPE ARCHITECT.
2. WHERE FEASIBLE, PRUNE TREES BEFORE COMMENCEMENT OF CONSTRUCTION.
3. PAINT ALL WOUNDS ON OAK TREES WITHIN 30 MINUTES OF PRUNING.



TREE PRUNING DETAIL

NOT TO SCALE

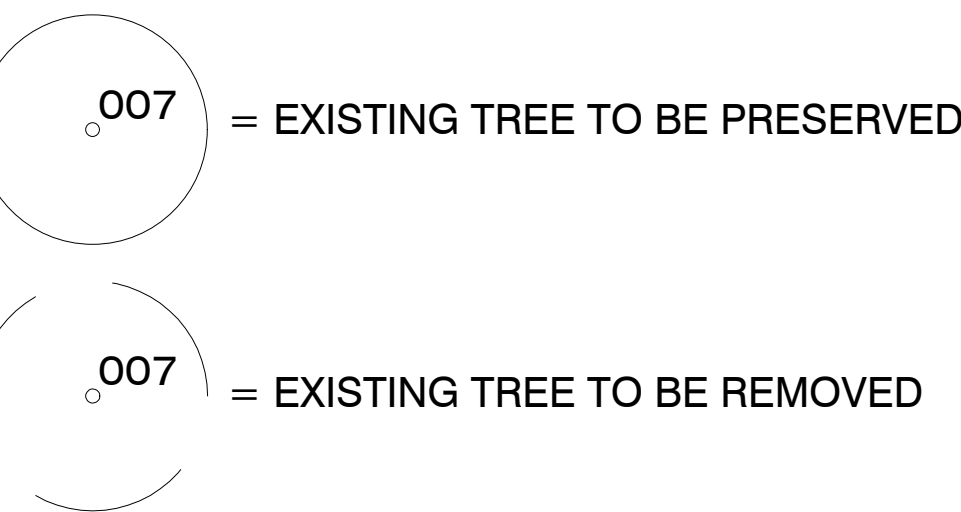
NOTES:
1. LANDSCAPE SUBCONTRACTOR TO PROVIDE PRUNING AND FERTILIZATION FOR ALL EXISTING TREES TO BE PRESERVED BY A CITY OF EAGLE PASS TREE MAINTENANCE LICENSED AND I.S.A. CERTIFIED ARBORIST.
2. APPLY APPROVED SLOW-RELEASE FERTILIZER INJECTED INTO SOIL BEFORE CONSTRUCTION COMMENCES AND AGAIN AFTER CONSTRUCTION IS COMPLETE.
3. ALL PRUNING OF EXISTING TREES MUST COMPLY WITH THE CITY OF EAGLE PASS'S APPROVED PRUNING DETAIL AND IS TO BE DONE UNDER THE FIELD DIRECTION OF THE OWNER AND/OR LANDSCAPE ARCHITECT.
4. PROTECTIVE FENCING MUST BE IN PLACE BEFORE ANY CONSTRUCTION ACTIVITIES MAY COMMENCE.
5. PROTECTIVE FENCING TO BE A MIN. 4'-0" HT. EXTENDING FROM TRUNK 12" PER CALIPER INCH OF TREE (MINIMUM 5'-0" ON ONE SIDE ONLY). THE OPTIMUM DISTANCE IS TO INSTALL FENCE DIRECTLY BENEATH DRIPLINE OF TREE AS SHOWN.
6. PROTECTIVE FENCING TO BE STAKED IN FIELD BY CONTRACTOR AND APPROVED BY OWNER AND/OR LANDSCAPE ARCHITECT.
7. DURING CONSTRUCTION, NO EXCESS SOIL, FILL MATERIAL, EQUIPMENT, LIQUIDS, OR CONSTRUCTION DEBRIS SHALL BE PLACED WITHIN THE PROTECTIVE FENCING. NOR SHALL ANY SOIL BE REMOVED FROM WITHIN THE FENCING.
8. APPLY COARSE GROUND OR SHREDDED ORGANIC BARK MULCH TO 6" DEPTH @ ALL EXISTING TREES TO BE PRESERVED.
9. THE PROPOSED FINISH GRADE WITHIN THE ROOT PROTECTION ZONE (RPZ) OF ANY TREE TO BE PRESERVED SHALL NOT BE RAISED OR LOWERED MORE THAN THREE (3) INCHES.



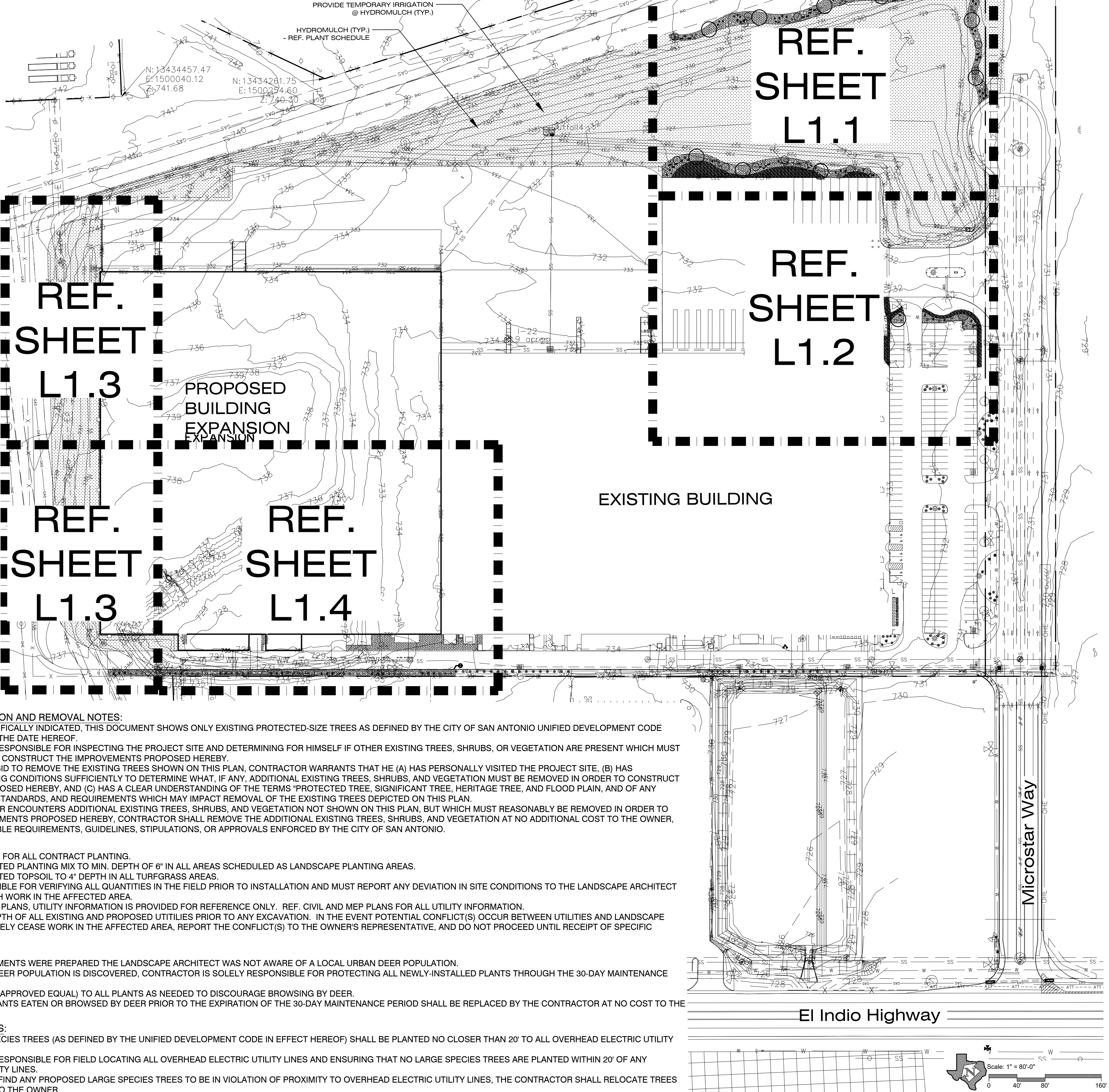
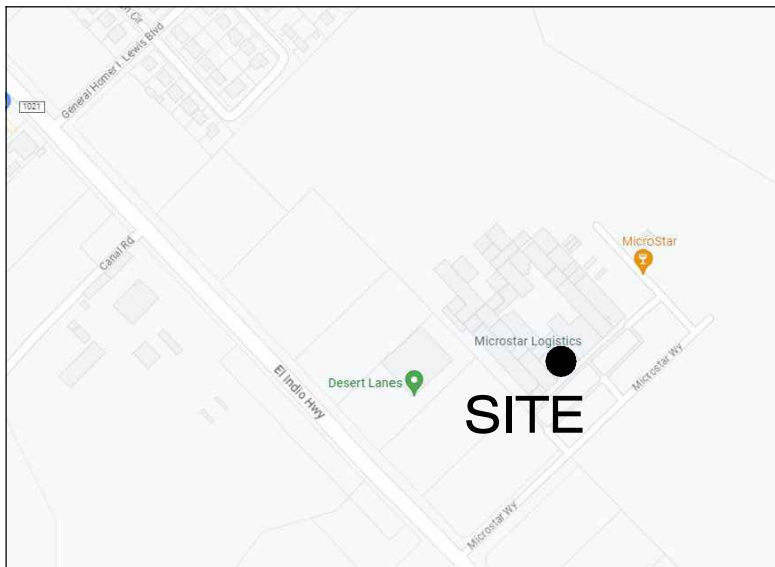
TREE PROTECTION DETAIL

NOT TO SCALE

EXISTING TREE LEGEND



VICINITY MAP (N.T.S.)



EXISTING TREE PRESERVATION AND REMOVAL NOTES:

- UNLESS OTHERWISE SPECIFICALLY INDICATED, THIS DOCUMENT SHOWS ONLY EXISTING PROTECTED-SIZE TREES AS DEFINED BY THE CITY OF SAN ANTONIO UNIFIED DEVELOPMENT CODE (THE 'UDC') IN EFFECT ON THE DATE HEREOF.
- CONTRACTOR IS SOLELY RESPONSIBLE FOR INSPECTING THE PROJECT SITE AND DETERMINING FOR HIMSELF IF OTHER EXISTING TREES, SHRUBS, OR VEGETATION ARE PRESENT WHICH MUST BE REMOVED IN ORDER TO CONSTRUCT THE IMPROVEMENTS PROPOSED HEREBY.
- BY ACT OF SUBMITTING A BID TO REMOVE THE EXISTING TREES SHOWN ON THIS PLAN, CONTRACTOR WARRANTS THAT HE (A) HAS PERSONALLY VISITED THE PROJECT SITE, (B) HAS INVESTIGATED THE EXISTING CONDITIONS SUFFICIENTLY TO DETERMINE WHAT, IF ANY, ADDITIONAL EXISTING TREES, SHRUBS, AND VEGETATION MUST BE REMOVED IN ORDER TO CONSTRUCT THE IMPROVEMENTS PROPOSED HEREBY, AND (C) HAS A CLEAR UNDERSTANDING OF THE TERMS 'PROTECTED TREE, SIGNIFICANT TREE, HERITAGE TREE, AND FLOOD PLAIN, AND OF ANY OTHER CITY GUIDELINES, STANDARDS, AND REQUIREMENTS WHICH MAY IMPACT REMOVAL OF THE EXISTING TREES DEPICTED ON THIS PLAN.
- IN THE EVENT CONTRACTOR ENCOUNTERS ADDITIONAL EXISTING TREES, SHRUBS, AND VEGETATION NOT SHOWN ON THIS PLAN, BUT WHICH MUST REASONABLY BE REMOVED IN ORDER TO CONSTRUCT THE IMPROVEMENTS PROPOSED HEREBY, CONTRACTOR SHALL REMOVE THE ADDITIONAL EXISTING TREES, SHRUBS, AND VEGETATION AT NO ADDITIONAL COST TO THE OWNER, SUBJECT TO ANY APPLICABLE REQUIREMENTS, GUIDELINES, STIPULATIONS, OR APPROVALS ENFORCED BY THE CITY OF SAN ANTONIO.

GENERAL NOTES:

- REFER TO SPECIFICATIONS FOR ALL CONTRACT PLANTING.
- INSTALL APPROVED IMPORTED PLANTING MIX TO MIN. DEPTH OF 6" IN ALL AREAS SCHEDULED AS LANDSCAPE PLANTING AREAS.
- INSTALL APPROVED IMPORTED TOPSOIL TO 4" DEPTH IN ALL TURFGRASS AREAS.
- CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES IN THE FIELD PRIOR TO INSTALLATION AND MUST REPORT ANY DEVIATION IN SITE CONDITIONS TO THE LANDSCAPE ARCHITECT BEFORE PROCEEDING WITH WORK IN THE AFFECTED AREA.
- WHERE SHOWN ON THESE PLANS, UTILITY INFORMATION IS PROVIDED FOR REFERENCE ONLY. REF. CIVIL AND MEP PLANS FOR ALL UTILITY INFORMATION.
- VERIFY LOCATION AND DEPTH OF ALL EXISTING AND PROPOSED UTILITIES PRIOR TO ANY EXCAVATION. IN THE EVENT POTENTIAL CONFLICT(S) OCCUR BETWEEN UTILITIES AND LANDSCAPE IMPROVEMENTS, IMMEDIATELY CEASE WORK IN THE AFFECTED AREA, REPORT THE CONFLICT(S) TO THE OWNER'S REPRESENTATIVE, AND DO NOT PROCEED UNTIL RECEIPT OF SPECIFIC WRITTEN DIRECTION.

URBAN DEER NOTES:

- AT THE TIME THESE DOCUMENTS WERE PREPARED THE LANDSCAPE ARCHITECT WAS NOT AWARE OF A LOCAL URBAN DEER POPULATION.
- IN THE EVENT AN URBAN DEER POPULATION IS DISCOVERED, CONTRACTOR IS SOLELY RESPONSIBLE FOR PROTECTING ALL NEWLY-INSTALLED PLANTS THROUGH THE 30-DAY MAINTENANCE PERIOD.
- APPLY 'LIQUID FENCE' (OR APPROVED EQUAL) TO ALL PLANTS AS NEEDED TO DISCOURAGE BROWSING BY DEER.
- ANY NEWLY-INSTALLED PLANTS EATEN OR BROWSED BY DEER PRIOR TO THE EXPIRATION OF THE 30-DAY MAINTENANCE PERIOD SHALL BE REPLACED BY THE CONTRACTOR AT NO COST TO THE OWNER.

OVERHEAD ELECTRIC NOTES:

- ALL PROPOSED LARGE SPECIES TREES (AS DEFINED BY THE UNIFIED DEVELOPMENT CODE IN EFFECT HEREOF) SHALL BE PLANTED NO CLOSER THAN 20' TO ALL OVERHEAD ELECTRIC UTILITY LINES.
- CONTRACTOR IS SOLELY RESPONSIBLE FOR FIELD LOCATING ALL OVERHEAD ELECTRIC UTILITY LINES AND ENSURING THAT NO LARGE SPECIES TREES ARE PLANTED WITHIN 20' OF ANY OVERHEAD ELECTRIC UTILITY LINES.
- WHERE CITY INSPECTORS FIND ANY PROPOSED LARGE SPECIES TREES TO BE IN VIOLATION OF PROXIMITY TO OVERHEAD ELECTRIC UTILITY LINES, THE CONTRACTOR SHALL RELOCATE TREES AT NO ADDITIONAL COST TO THE OWNER.

H O R I Z O N
DESIGN AND DEVELOPMENT
PLANNING, LANDSCAPE ARCHITECTURE
DEVELOPMENT CONSULTING
14607 San Pedro Ave., Suite 200
San Antonio, Texas 78232
210.831.8564 jrobinson@horizondesign-sa.com

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

OWNER
Four DLS
Properties, LLC

4247 FM 1021
Eagle Pass, TX 78852

PROJECT
MicroStar Quality
Services Facility
- Building Expansion

2027 Microstar Way
Eagle Pass, TX 78852

REVISIONS

PROJECT NUMBER
2023-094

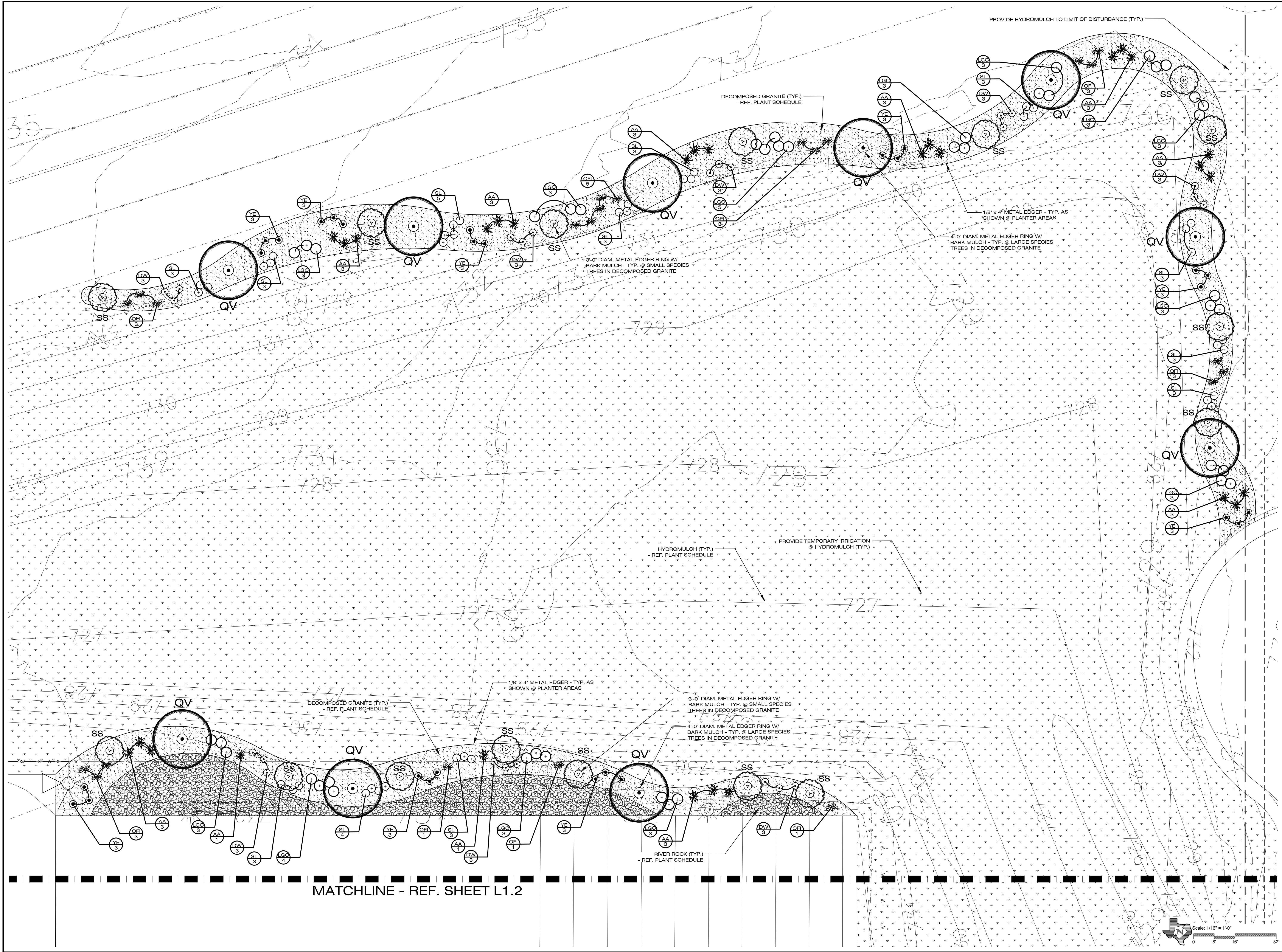
Drawn By: mc
Checked By: jr

Sheet Title:
OVERALL
LANDSCAPE
PLANTING PLAN

Sheet Number:

L1.0

Issue Date:
August X, 2023



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

OWNER
**Four DLS
Properties, LLC**

4247 fm 1021
Eagle Pass, TX 78852

PROJECT
**MicroStar Quality
Services Facility
-Building Expansion**

2027 Microstar Way
Eagle Pass, TX 78852

REVISIONS

PROJECT NUMBER
2023-094

Drawn By: mc
Checked By: jr

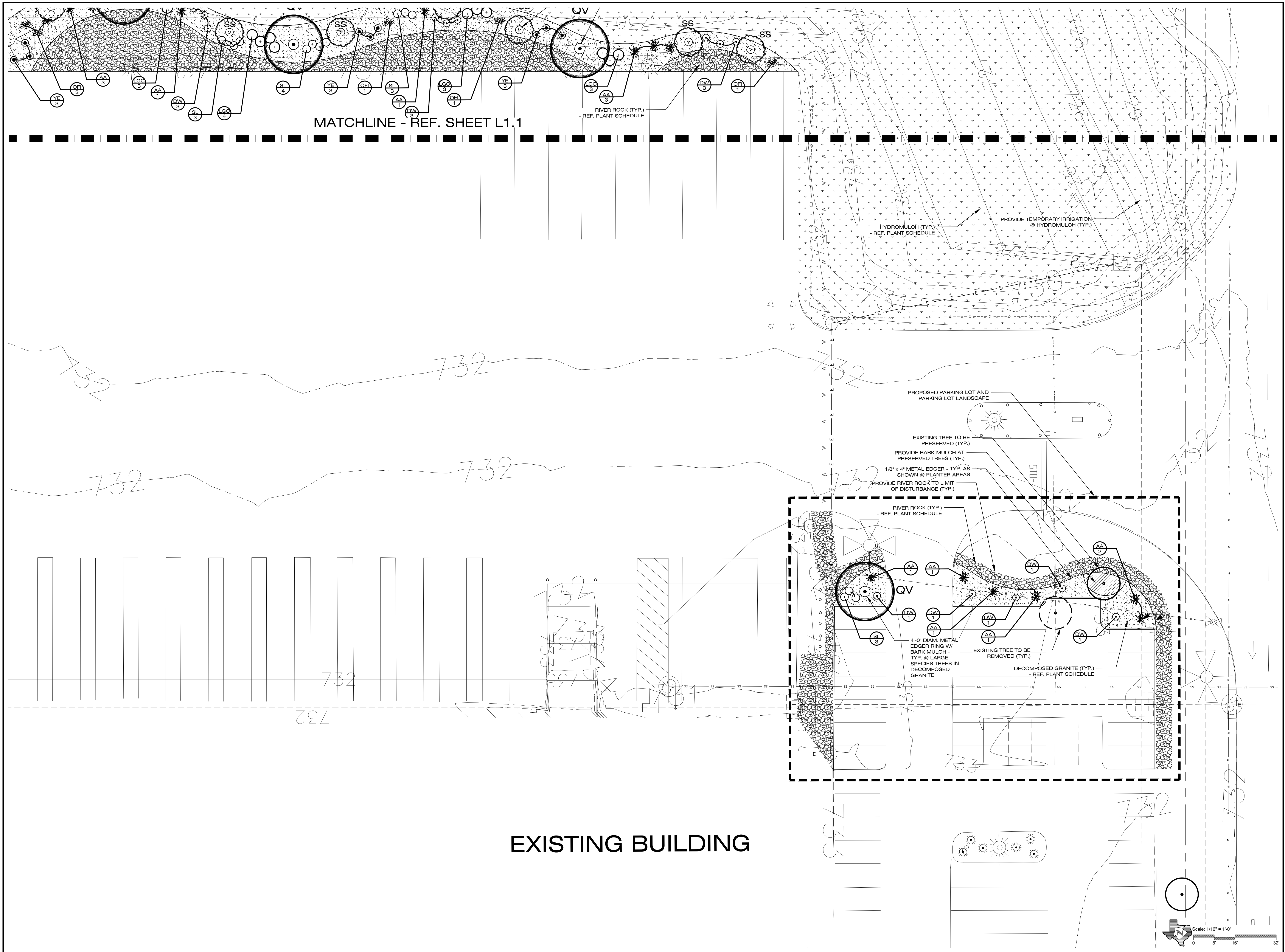
Sheet Title:
**ENLARGED
LANDSCAPE
PLANTING PLAN**

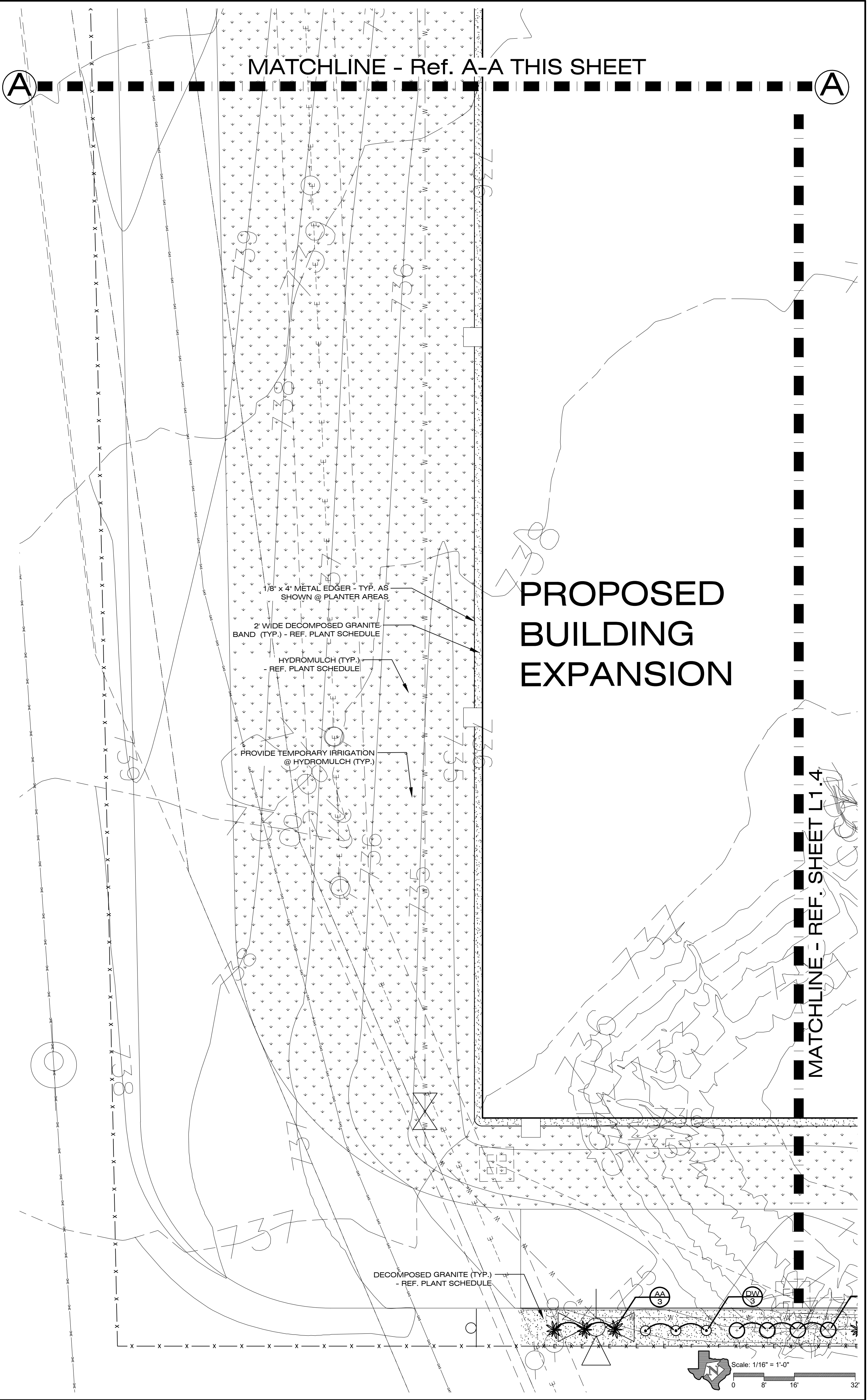
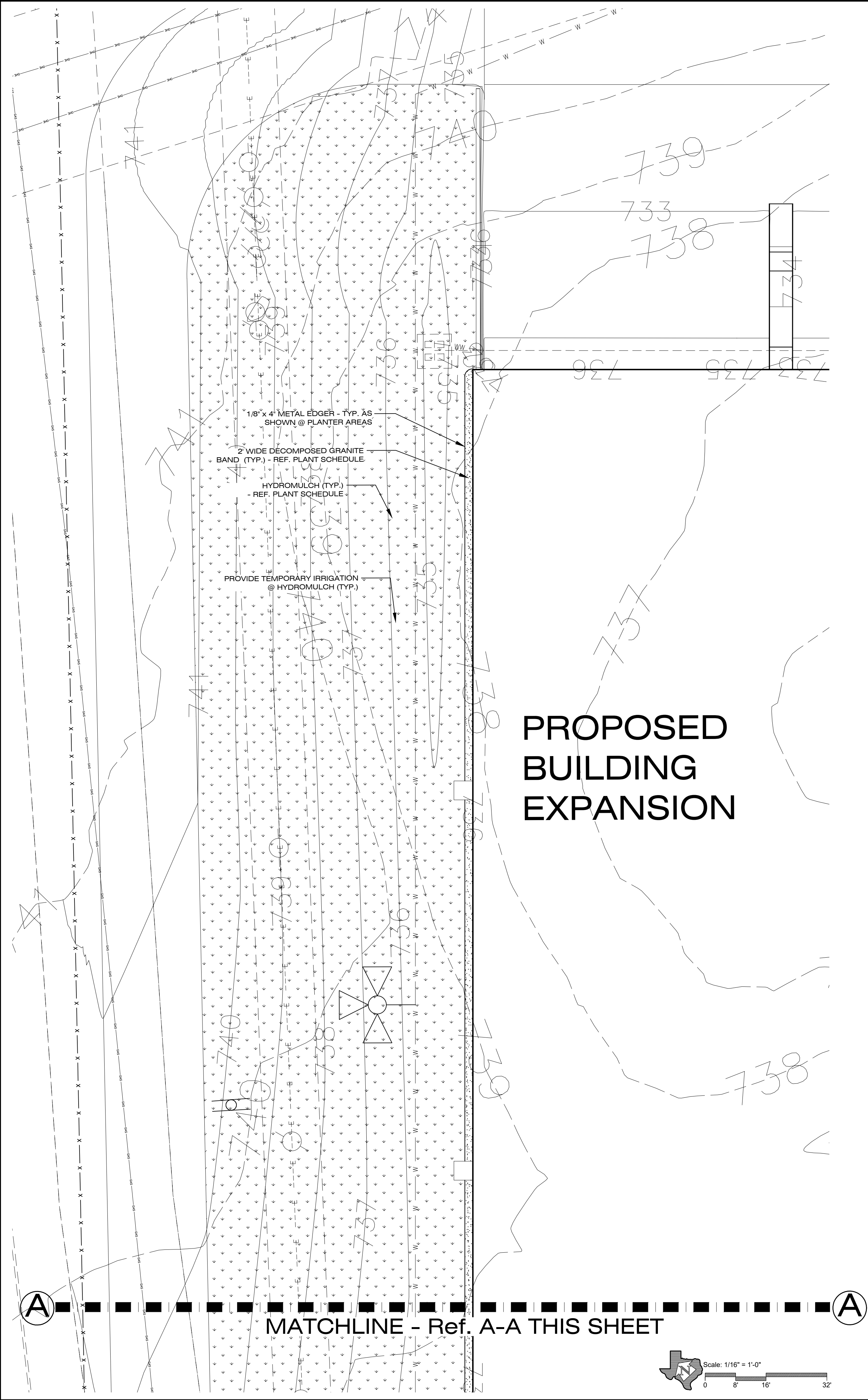
Sheet Number:

L1.1

Issue Date:

August X, 2023





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

OWNER
**Four DLS
Properties, LLC**

4247 fm 1021
Eagle Pass, TX 78852

PROJECT
**MicroStar Quality
Services Facility
-Building Expansion**

2027 Microstar Way
Eagle Pass, TX 78852

REVISIONS

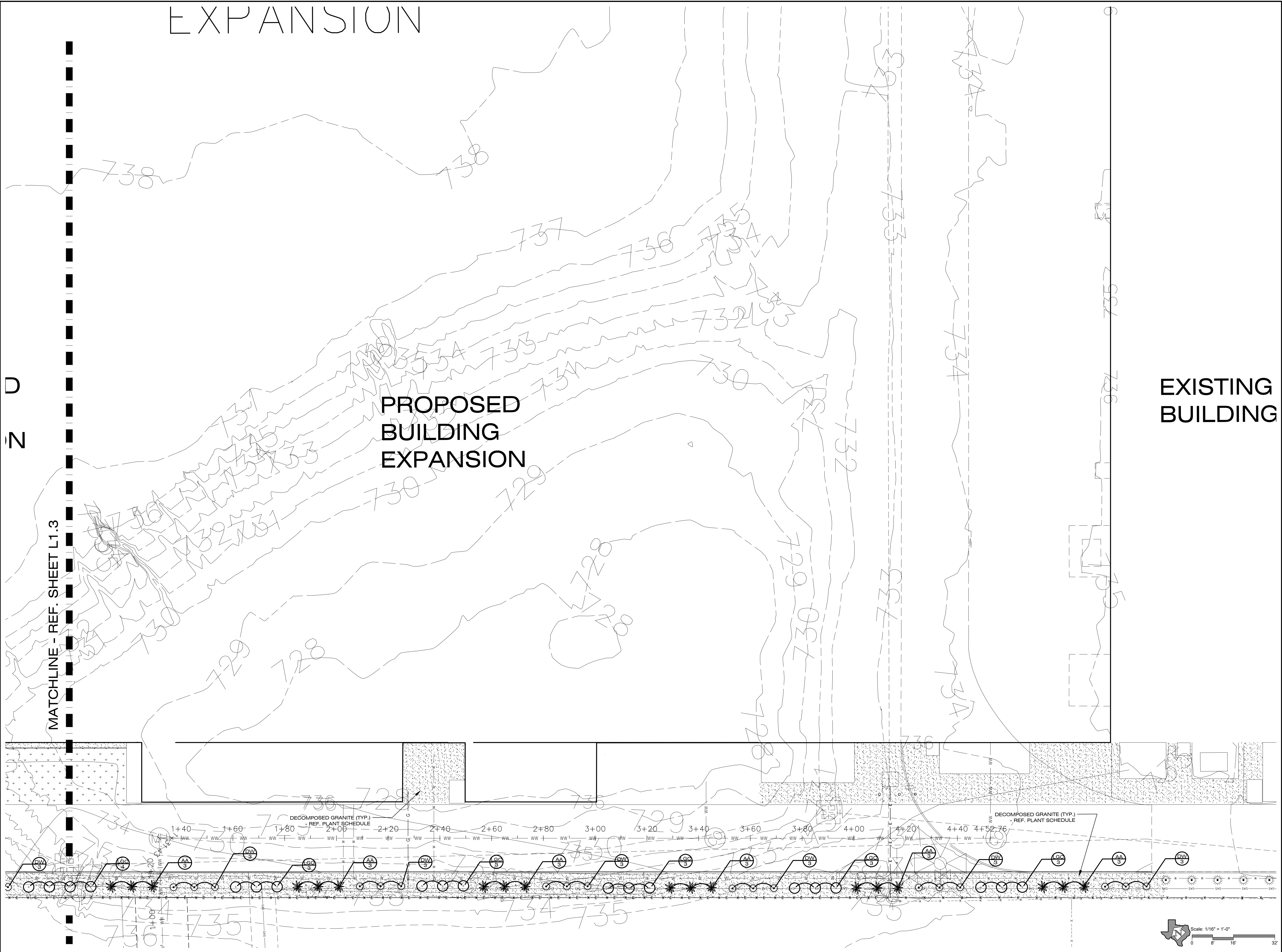
PROJECT NUMBER
2023-094

Drawn By: mc
Checked By: jr

Sheet Title:
**ENLARGED
LANDSCAPE
PLANTING PLAN**

Sheet Number:
L1.3

Issue Date:
August X, 2023



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OWNER
Four DLS
Properties, LLC

4247 fm 1021
Eagle Pass, TX 78852

PROJECT
MicroStar Quality
Services Facility
-Building Expansion

2027 Microstar Way
Eagle Pass, TX 78852

REVISIONS

PROJECT NUMBER
2023-094

Drawn By: mc
Checked By: jr

Sheet Title:
ENLARGED
LANDSCAPE
PLANTING PLAN

Sheet Number:
L1.4

Issue Date:
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 Scape 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=PTIICOOO_CH23SU_ARTVILATPR 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 #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: 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 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



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*. The 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. The requirement only applies to the proposed addition and not the existing construction.

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 approving the request with the proposed reduced number of trees while offsetting the difference to other public places or sites.

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: TerraTech Engineering & Construction Services
Mailing Address: 3292 El Indio Hwy, Eagle Pass, TX 78852
Phone: 830-773-0579 E-mail: ajlibson@terratechengineering.com

Note: if you are not the owner of the property, you must attach a letter from the owner authorizing you to submit this application.

Property Owner Information

Name: Utility Trailer Sales Southeast Texas, Inc.
Mailing Address: 11411 Wallisville Rd., Houston, TX, 77013
Phone: 713-504-7474 E-mail: jkohler@utilitytrailers.com

Property Information

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

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.



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?

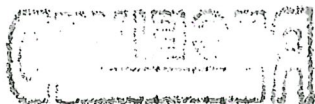
The granting of this variance will not create substantial detriment to the public good as this is a private business that is only seeking to reduce the amount of required landscaping and not completely remove it, due to the nature and needs of their business and day to day operations.

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: 11/16/24 By: MA

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

Completeness Review Date: 11/16/24 By: MA

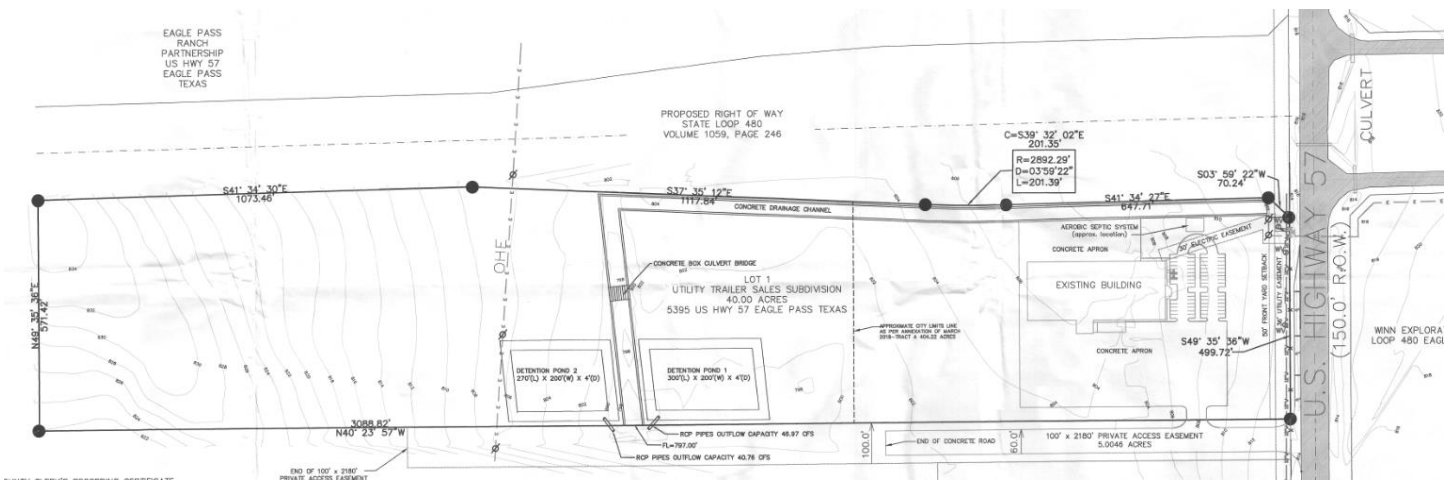
Application Returned to Applicant: NA (when applicable)

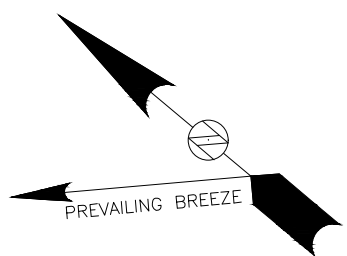
Note: Processing fee of \$100.00. paid

MR:6/2020



Recorded Plat



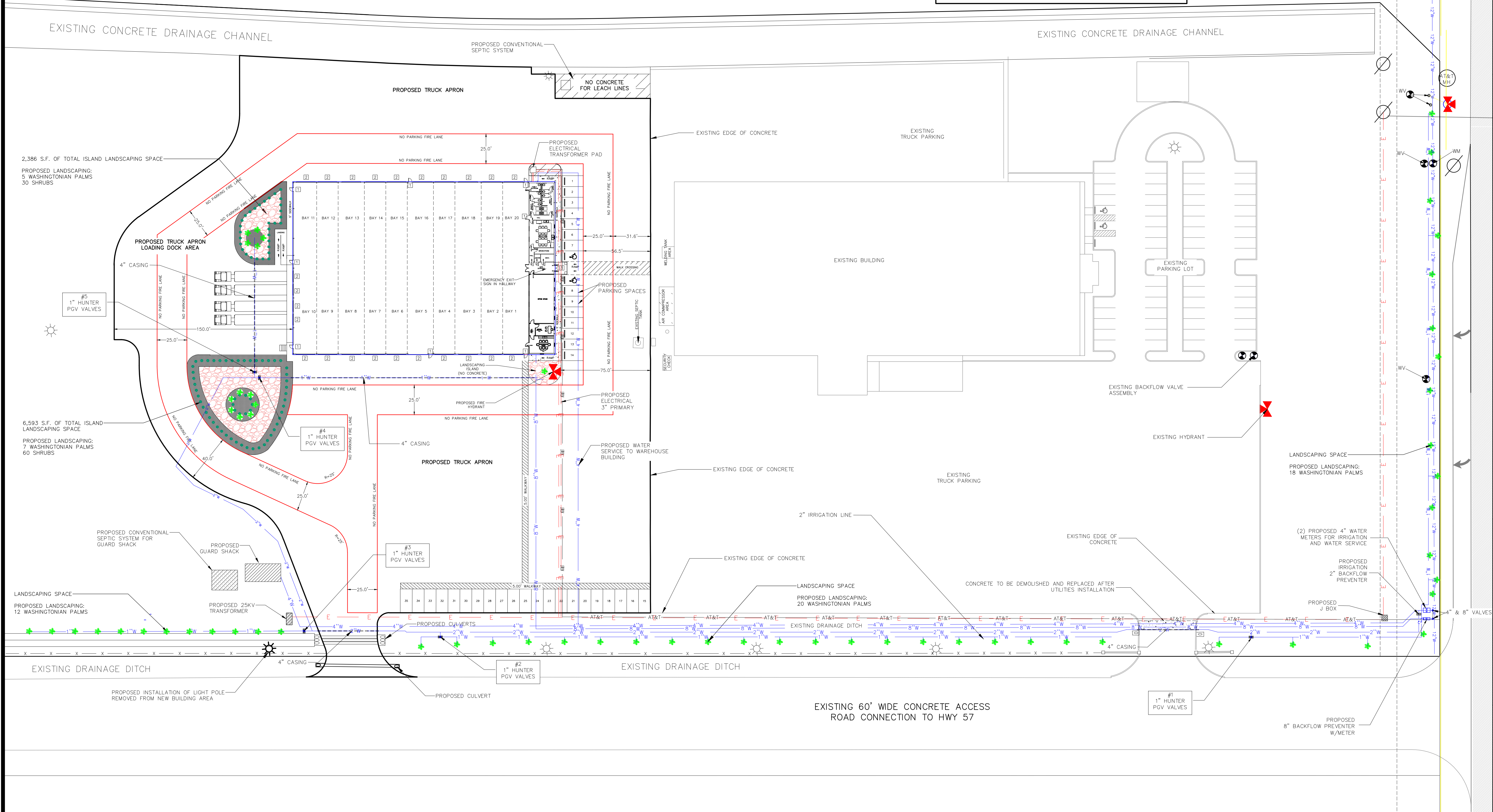


- LANDSCAPING LEGEND**
- (90) PROPOSED CENIZO SHRUB
 - (50) PROPOSED WASHINGTONIAN PALMS
4'-6" TRUNK HEIGHT SIZE
 - 2" RIVER ROCK
 - DECOMPOSED GRANITE

- IRRIGATION LEGEND**
- 2" MAIN LINE
 - 1" LATERAL LINE
 - 1" HUNTER PGV VALVE
 - IRRI-TROL FULLY ADJUSTABLE ARC AND FLOW RATE BUBBLER
 - HUNTER PROC. TIMER
 - 2" IRRIGATION DOUBLE CHECK BACK FLOW

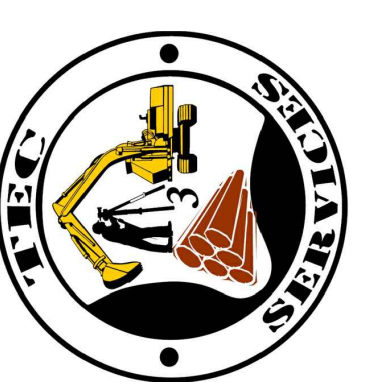
LANDSCAPING CALCULATION AS PER CITY ORDINANCE:
-170,124 S.F. OF IMPERVIOUS AREA BEING PROPOSED (INDUSTRIAL)
-170,124 S.F. x 0.15= 25,519 S.F. LANDSCAPING REQUIRED
-CITY ORDINANCE REQUIRES 2 TREES + 4 SHRUBS FOR EVERY 600 S.F. OF LANDSCAPING REQUIRED
-25,519 S.F./600 S.F.=42.53
TREES REQUIRED=42.53 x 2 = 85 TREES
SHRUBS REQUIRED= 42.53 x 4 = 170 SHRUBS
ONLY AVAILABLE LANDSCAPING SPACE ON SUBJECT PROPERTY TO BE UTILIZED WITHOUT NEGATIVELY AFFECTING PROPERTY OWNERS DAY TO DAY BUSINESS AND AVAILABLE TRAILER TRUCK PARKING=8,979 S.F.
PROPOSED # OF TREES DUE TO AVAILABLE SPACE= 50
PROPOSED # OF SHRUBS DUE TO AVAILABLE SPACE= 90

- LEGEND**
- EXISTING LUMINAIRE
 - EXISTING POWER POLE
 - EXISTING ATT MANHOLE
 - EXISTING FIRE HYDRANT
 - EXISTING WATER METER
 - EXISTING WATER VALVE
 - EXISTING BACKFLOW VALVE
 - SETBACK LINE
 - EASEMENT LINE
 - 8"W 8"W 8"W EXISTING WATER MAIN
 - 12"W 12"W EXISTING WATER MAIN
 - OHE OHE EXISTING OVERHEAD ELECTRIC LINE
 - X X X EXISTING CHAIN LINK FENCE



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

**TERRATECH ENGINEERING
AND CONSTRUCTION SERVICES**
3292 EL INDIO HWY, EAGLE PASS, TX
(830)-773-0579
ajlibson@terratechengineering.com
FIRM #14118
www.terratechengineering.com



PROPERTY OWNER:
UTILITY TRAILER SALES
5395 US HWY 57
EAGLE PASS, TX 78852

JOB: 0130-22
SHEET 1 OF 1
DESIGNED: AJL
DRAWN: GGZA
CHECKED: AJL,FJC
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

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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 – 1963 N. Veterans Boulevard

I. BACKGROUND

General Information

Applicant: Jesus A. Garza

Property Owner: Ammex Industrial Services Inc

MCAD PID: 4676

Legal Description: ABSTRACT A1111, FOX, F. & J. BYRNE, SURVEY #8 1/2, ACRES 1.037

Parcel Size: 1.037 acres and 45,171.72-sq ft

Current Use: Undeveloped

Current Zoning: B-1 Neighborhood Business District

Master Plan: Commercial

Request: Reduction of required landscaping and parking spaces, to allow for the construction of a commercial assembly on the property.

II. CURRENT CONDITIONS

Infrastructure: Property is serviced by public utilities/franchises

Vicinity: Property is bordered by commercial developments off Veterans Boulevard and residential developments directly behind the parcel.

Access to the site is provided by an existing TxDOT driveway off N. Veterans Blvd.

III. PUBLIC NOTICE

Public notification of the variance request before the Zoning Board of Adjustment and Appeals Board was completed consistent with the provisions of *Chapter 211 of the State of Texas Local Government Code Title 7*. There were Twenty-seven (27) notices mailed to the abutting property owners, with a legal notice published in the Eagle Pass News Gram on February 22, 2024.

Figure 1. Aerial Map



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)(1)* regulating landscape plan requirements under *Chapter 23-Subdivisions / Article VI – Landscape and Tree Preservation*. In no case shall the front landscape area be less than ten (10) feet in width. Thus, reducing from 10 feet to 5 feet.

The second variance pertains to *City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinance Section 12.1(c)(3)(a)(ii)(iv)* regulating off-street parking. The applicant seeks to reduce the required 153 spaces to 36 spaces, to allow for the construction of a 13,500 square foot commercial assembly made up of 6 padel tennis courts on the subject parcel. Please reference Page 4 of the application for details pertaining to proposed use.

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 and parking. 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 requests for property located at 1963 N. Veterans Boulevard.

TRANSMITTED to the parties listed hereafter:

Jesus A. Garza via e-mail
Community Development Department Report dated February 29, 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>*See below</u> <u>Padel Club</u> Site Address: <u>1963 N. Veterans Blvd, Eagle Pass TX. 78852</u> Acres: <u>1.037</u> Square feet: <u>45,171.72</u> Existing land use: <u>Vacant</u> *ABSTRACT A1111, FOX, F. & J. BYRNE, SURVEY #8 1/2, ACRES 1.037
Owner	Name: <u>Jesus A. Garza - Ammex Ind. Svcs. Inc.</u> Phone: <u>830-968-1179</u> Address: <u>508 E. Main St.</u> E-mail: <u>alexgarza73@gmail.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>02/09/24</u> Print Name: <u>Jesus A. Garza</u> ☒ Applicant ☐ Authorized Agent

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

Yes [] No [X] Explain: _____

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

Yes [] No [X]

Explain: _____

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 [X]

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	
			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.
N/A	NA		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.
N/A	NA	NA	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

Board Action	Description:	
	Board Chairman Signature	Date
Office	Accepted by <u>Maribel Ritz</u> Payment received by <u>Jesus A. Garza</u> Date <u>2/11/24</u>	
	Zoning Classification <u>B1 Neighborhood Bus. Dist.</u> Case No. <u>-</u>	

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: See attached document.

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: Request is for less parking spaces, so no structure will be affected.

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

Yes ☐ No ☒ Explain: No other property will be affected.

02/12/2024

PROJECT

PADEL TENNIS CLUB
1963 N. VETERANS BLVD.
EAGLE PASS, TX. 78852

REQUEST FOR VARIANCE:

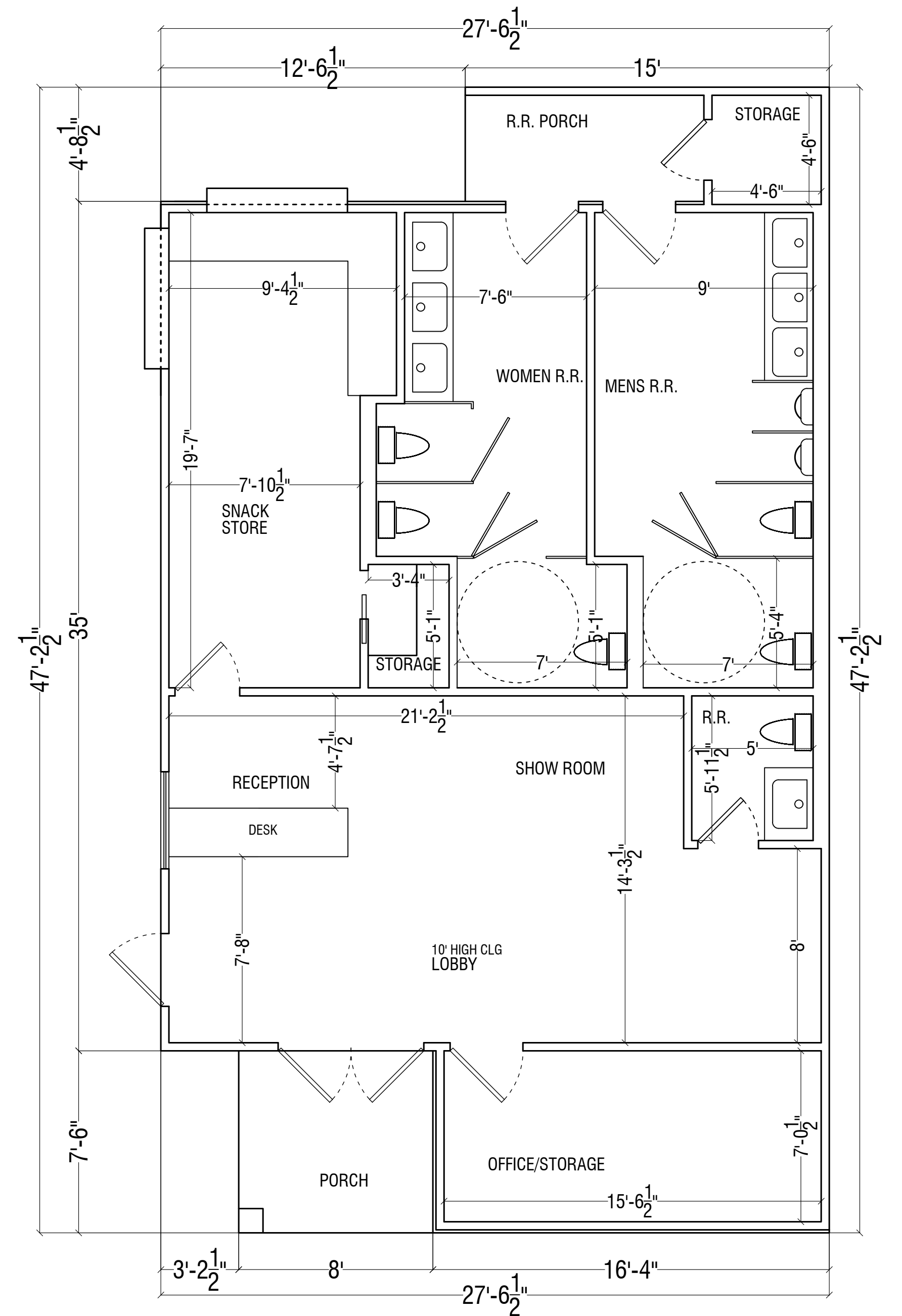
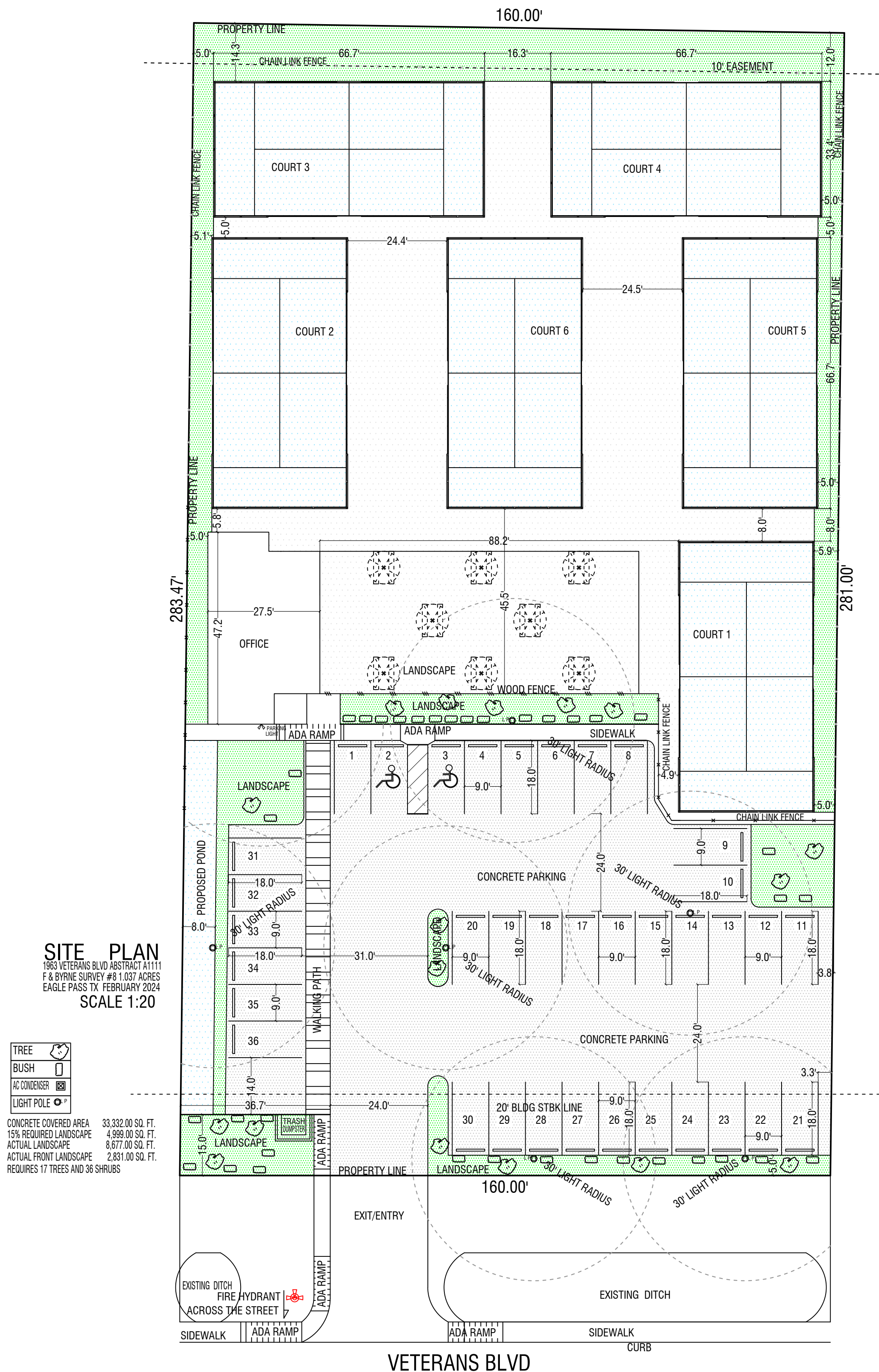
1. **VARIANCE REQUEST FOR LESS PARKING SPACES.** City ordinance requires 1 parking spot per 200 square feet of gross floor area (120 parking spots). The floor area for the project is aprox. 24,000 square feet which consist of 13,500 square feet made up of 6 padel tennis courts, 1200 square feet of office-snack-restrooms structure, 4000 square feet of outdoor common/waiting area with chairs/tables. The padel courts are made for playing a doubles match (4 persons) per court for 1.5 hours slot. If business is at max capacity (24 persons) and worst-case scenario that every customer drives to the club 24 parking spots will be occupied, plus 2-3 employees per shift giving a total of 27 parking spots occupied. We managed to fit a total of 37 parking spots.
2. **VARIANCE REQUEST TO REDUCE FRONT LANDSCAPE FROM 10 FEET TO 5FEET.** This request is needed to have enough space to fit 10 parking spots giving a total of 37 parking spots. The total property line width is 160 feet, and we are requesting 93 feet of front for the variance the rest we will comply. Wanted to mention that there's aprox. 35 feet of TxDOT front that will be maintained as part of the landscape.

Attached is preliminary site plan for reference.

Thank you.



Jesus Alejandro Garza
President



FLOOR PLAN

AREA	LIVING	1111.00
	PORCH	45.00
	R.R. PORCH	43.00
	TOTAL	1,199.00 SQ. FT.

JG Homes Design
 jg_homesdesign@hotmail.com
 Juan Garcia

PLAN OF NEW PADEL COMPLEX

ALEX GARZA
 1963 VETERANS BLVD ABSTRACT A1111
 F & BYRNE SURVEY #8 1.037 ACRES
 EAGLE PASS TX. FEBRUARY 2024

Sec. 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 purposes 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.

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:

- i. Size. Stacking spaces must be a minimum of ten (10) feet in width by twenty (20) feet in length.
- ii. Location. Stacking spaces may not impede on or off-site traffic movements or movements into or out of off-street parking spaces.
- iii. 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.
- iv. For restaurant drive-through, the stacking spaces shall be as measured from the merchandise pick-up window.
- v. 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, 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.

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.

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- (g) All required off-street parking areas, including access thereto, shall be constructed of either a concrete or asphalt surface, and shall conform to the specifications set forth in the City of Eagle Pass Construction Specifications Manual. Parking area and access area design shall be reviewed and approved by the city engineer prior to construction.
 - (h) Barriers shall be installed to prevent the overhang of vehicles into the required landscaped areas and pedestrian ways.
 - (i) For safety, firefighting purposes, and better vehicular circulation, cross access between parking areas of adjacent commercially-zoned parcels shall be provided.
 - (j) Fire lanes shall be provided as required by the adopted fire code and/or the City of Eagle Pass Fire Marshal, and the fire lanes shall be adequately reinforced to withstand heavy vehicle loading.
 - (k) Refuse or dumpster containers shall not be located in a designated parking space or loading area.
 - (l) No parking area shall be used for the repair, storage, dismantling, or servicing of vehicles or equipment.
 - (m) No parking area shall be used for storage of inventory, materials, supplies, display, or sanitation containers.
 - (n) All off-street parking areas shall be kept free of litter, trash, debris, display, and advertising.
 - (o) The property owner shall be responsible for adequately maintaining all parking facilities, including paving, striping, elimination of debris, and use violations.
 - (p) Reserved.
 - (q) Parking on any required landscaped area is prohibited.
 - (r) Either one (1) of the following two (2) actions shall be undertaken in a circumstance where an existing building located within the city's Historic Building Preservation District is proposed to be demolished to create an improved off-street parking area, and existing buildings are located on either side of the building to be demolished:
 - i. The existing building façade shall be (i) retained, (ii) structurally reinforced as recommended by a professional engineer, including practices to ensure that the retention of the façade does not adversely impact the structural integrity of the adjacent buildings, and (iii) modified to accommodate vehicle access between the street and the new parking area; or
 - ii. The existing façade shall be replaced with a new façade, which is to be (i) designed to accommodate vehicle access between the street and the new parking area, (ii) designed with architectural features consistent with those found on the adjacent buildings, (iii) designed by a professional engineer to include features to ensure that the new façade does not adversely impact the structural integrity of the adjacent buildings, and (iv) designed to be equal to the height of the buildings located on either side of the building to be demolished.

The proposed method to comply with the provisions of this sub-section shall be reviewed and approved by the planning department prior to the issuance of a demolition permit for the structure.
9. Pavement standards. All parking lots and access roadways thereto shall be paved according to the standards and specifications set forth in the City of Eagle Pass Public Works Department Construction Specifications Manual, with parking area and access design reviewed and approved by the city engineer

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- prior to construction. The parking spaces must be clearly marked by white paint or buttons not less than four (4) inches in width, and shall be visible at all times.
- (a) Any other delineation marking shall be approved in writing by the planning department prior to the construction of the parking facility.
 - (b) All markings shall be arranged to provide for orderly and safe loading, unloading, and parking.
 - (c) One-way and two-way accesses into required parking areas shall be identified by directional arrows.
10. Parking lot lighting. All nonresidential parking lots and residential parking areas for multi-unit buildings with five (5) or more parking spaces shall have nighttime lighting. A design drawing of required parking lot lighting shall be submitted to the planning department for review and approval prior to construction, with the design demonstrating that illumination will be provided for the entire parking area.
11. Parking lot landscaping and screening. All portions of a parking area or lot not occupied by parking spaces or driveways shall be landscaped with decorative rock or sand, turf, shrubs, ground cover, and/or paved pedestrian paths. The following additional requirements are intended not only to improve the appearance of parking lot areas, but also to provide for adequate circulation and drainage and to help moderate wind, noise, and temperature extremes.
- (a) All outdoor parking areas having spaces for more than ten (10) vehicles shall have landscaping within the perimeter of the parking area equal in area to not less than five (5) percent of the total paved area.
 - (b) No parking space shall be located more than fifty (50) feet from a portion of the required landscaping.
 - (c) One tree of at least two-inch caliper in size shall be provided within the perimeter of the parking area for each two hundred fifty (250) square feet of required landscaping.
 - (d) Required or provided landscaping shall not obstruct the view of any vehicle backing areas or turning areas in a way so as to create a hazard.
 - (e) All required or provided landscaping and trees shall be maintained in a clean, safe, and healthy condition.
 - (f) The landscaping required in this section shall be provided in addition to the screening requirements of section 23-89(d) of this Code.
 - (g) The requirements of (a), (b) and (c) of this section do not apply to vehicle display, storage or loading areas for businesses which sell or service vehicles, farm equipment, or for commercial or industrial parking areas intended specifically for trucks having a rated capacity of twenty-six thousand (26,000) pounds gross vehicle weight or more.
12. Access and maintenance. All required parking, driveways, drive aisles, and entrances shall have a paved surface which conforms to the City of Eagle Pass Public Works Department Construction Specifications Manual, with the surface kept in a dust-free condition at all times.
13. Required parking spaces shall not have direct access to a street or highway. Access to required parking spaces shall be provided by on-site driveways. Off-site parking spaces shall be accessible without backing into or otherwise re-entering a public right-of-way.
14. The construction of any off-street parking area shall require a review by the city to determine the condition of all sidewalk areas located within the adjacent public-right-of-way. Any sub-standard sidewalk shall be repaired in the event that the city determines that the physical condition of the

sidewalk area does not comply with the city standards set forth in the City of Eagle Pass Construction Specifications Manual.

15. Parking requirements for uses not covered by this section. Parking for uses not covered by this section shall be those deemed by the planning department to be most similar to that of the proposed use.

(Ord. No. 06-13, § 2, 7-11-2006; Ord. No. 07-10, § 1, 5-24-2007; Ord. No. 2013-16, § 1, 9-3-2013; Ord. No. 2018-01, § 1, 1-2-2018; Ord. No. 2021-07, § 2, 4-22-2021; Ord. No. 2022-13, §§ 1—3, 6-7-2022)

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

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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)