



## CITY OF EAGLE PASS A G E N D A

ZONING BOARD OF ADJUSTMENTS AND APPEAL REGULAR MEETING  
WEDNESDAY, APRIL 3, 2024, AT 5:30 P.M. CST  
COUNCIL CHAMBERS, CITY HALL,  
100 S. MONORE STREET, EAGLE PASS, MAVERICK COUNTY, TEXAS

### ESTABLISHMENT OF QUORUM

### CITIZENS COMMUNICATIONS

### MINUTES

1. Approval of the minutes of the March 6, 2024 meeting.

### PUBLIC HEARING(S)

2. 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.
3. Public hearing on the petition submitted by Neutze Properties, LTD, 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 on property located at 3002 US Hwy 57; 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.

### C E R T I F I C A T I O N

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 28, 2024 at 4:15 p.m.

Placido Madera  
Community Development Director

**Item #1**

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

The Zoning Board of Adjustments and Appeals of the City of Eagle Pass held their regular meeting on Wednesday, March 6, 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: Chairperson, Matthew Gary; Vice- Chairperson, Antonio Elizondo; Alternate Vice-Chairperson, Priscilla Puente-Chacon; Board Member, Maria A. Chio; and Board Member, Julie Mathiwos

Absent: None

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

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

Alternate Vice-Chairperson, Puente-Chacon, had questions pertaining to items #2 and #3.

City Attorney, Garcia, recommends to move to executive session pursuant to Section 551.071 of Chapter 551 of the Texas Government Code; consultation with legal counsel.

Alternate Vice-Chairperson, Puente-Chacon, moved to executive session. Second by Vice-Chairperson Elizondo. **MOTION PASSED-** Unanimously

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

The Board went to executive session at 5:37 p.m. and reconvened at 6:06 p.m.

## **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 February 7, 2024, meeting.

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

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

## PUBLIC HEARING(S)

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.

Chairperson Gary opened the Public Hearing at 6:06 p.m.

Community Development Director, Madera, provided details on the item and stated that the Department recommends granting the request with the proposed number of trees while offsetting the difference to other public places or sites.

A discussion ensued on the item.

A representative for the developer, Javier Libson, spoke to the board to give more details on the item.

Alternate Vice-Chairperson, Puente-Chacon suggests to Mr. Libson, to get as close as possible to the required amount of trees and shrubs.

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

Alternate Vice-Chairperson, Puente-Chacon, moved to approve the application on the condition that the developments have 65 palm trees and 120 shrubs. Second by Vice-Chairperson Elizondo. **MOTION PASSED-** Unanimously

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



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.

Chairperson Gary opened the Public Hearing at 6:35 p.m.

Community Development Director, Madera, informed the Board that the applicant wishes to have the item tabled.

Chairperson Gary closed the Public Hearing at 6:37 p.m.

Vice- Chairperson, Elizondo moved to table the item. Second by Alternate Vice- Chairperson, Puente-Chacon. **MOTION IS TABLED**

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

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 Ordinances 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.

Chairperson Gary opened the Public Hearing at 6:53 p.m.

Community Development Director, Madera, provided details on the item and stated that the Department recommends granting the applicant's variance requests for property located at 1963 N. Veterans Boulevard.

The applicant, Mr. Garza, answered the Boards questions regarding the applicant's project.

Chairperson Gary closed the Public Hearing at 6:57 p.m.

Community Development Director, Madera, provided more information on the item.

Andrea Guerrero, a representative of Dr. Hernandez, opposes the item, and wishes to address the board. Therefore, Chairperson Gary re-opened the Public Hearing at 6:59 p.m.

Ms. Guerrero expressed concerns about how the item would affect the surrounding businesses' parking spaces.

Chairperson Gary closed the Public Hearing at 7:03 p.m.

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

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

## ADJOURNMENT

Alternate Vice- Chairperson, Puente-Chacon moved to adjourn the meeting at 7:04 p.m. Second by Vice- Chairperson, Elizondo. **MOTION PASSED-** Unanimously

Passed and approved on \_\_\_\_\_, 2023.

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Matt Gary  
Chairperson

ATTEST:

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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.

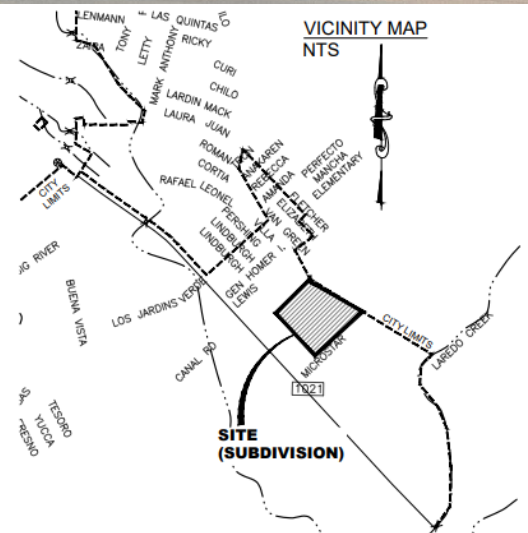
### III. PUBLIC NOTICE

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](mailto:planning@eaglepasstx.us)  
[eaglepasstx.us](http://eaglepasstx.us)

|                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Project</b>                   | Legal Description: <u>Replat of Lot 1 in Block 5 of Paraiso Estates Subdivision Unit 3 and an 11.67-acre tract</u><br>Site Address: <u>2027 Microstar Way</u><br>Acres: <u>36</u> Square feet: <u>258,172</u> Existing land use: <u>light industrial warehouse</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Owner</b>                     | Name: <u>Four DLS Properties, LLC</u> Phone: <u>830-773-0311</u><br>Address: <u>4247 FM 1021</u> E-mail: <u>fsantos@partsservice.com</u><br>City: <u>Eagle Pass</u> State: <u>Tx</u> Zip: <u>78852</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Applicant</b><br>If not owner | Name: _____ Phone: _____<br>Address: _____ E-mail: _____<br>City: _____ State: _____ Zip: _____<br>Relationship to owner: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Authorization</b>             | <p>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?<br/>Yes ____ No <u>X</u></p> <p>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.</p> <p>I acknowledge that application and publication fees are non-refundable, and that incomplete applications will not be accepted or processed.</p> <p>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.</p> <p>Signature: <u>[Signature]</u> Date: <u>02/02/2024</u><br/>Print Name: <u>Felix De Los Santos</u> <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Authorized Agent</p> |



|                     |                                                        |
|---------------------|--------------------------------------------------------|
| <b>Board Action</b> | Description:                                           |
|                     |                                                        |
|                     |                                                        |
|                     | Board Chairman Signature _____ Date _____              |
| <b>Office</b>       | 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 | <b>TECHNICAL REQUIREMENTS</b><br>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. <b>These fees are non-refundable.</b>                                                                                          |
|           |       |                | 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

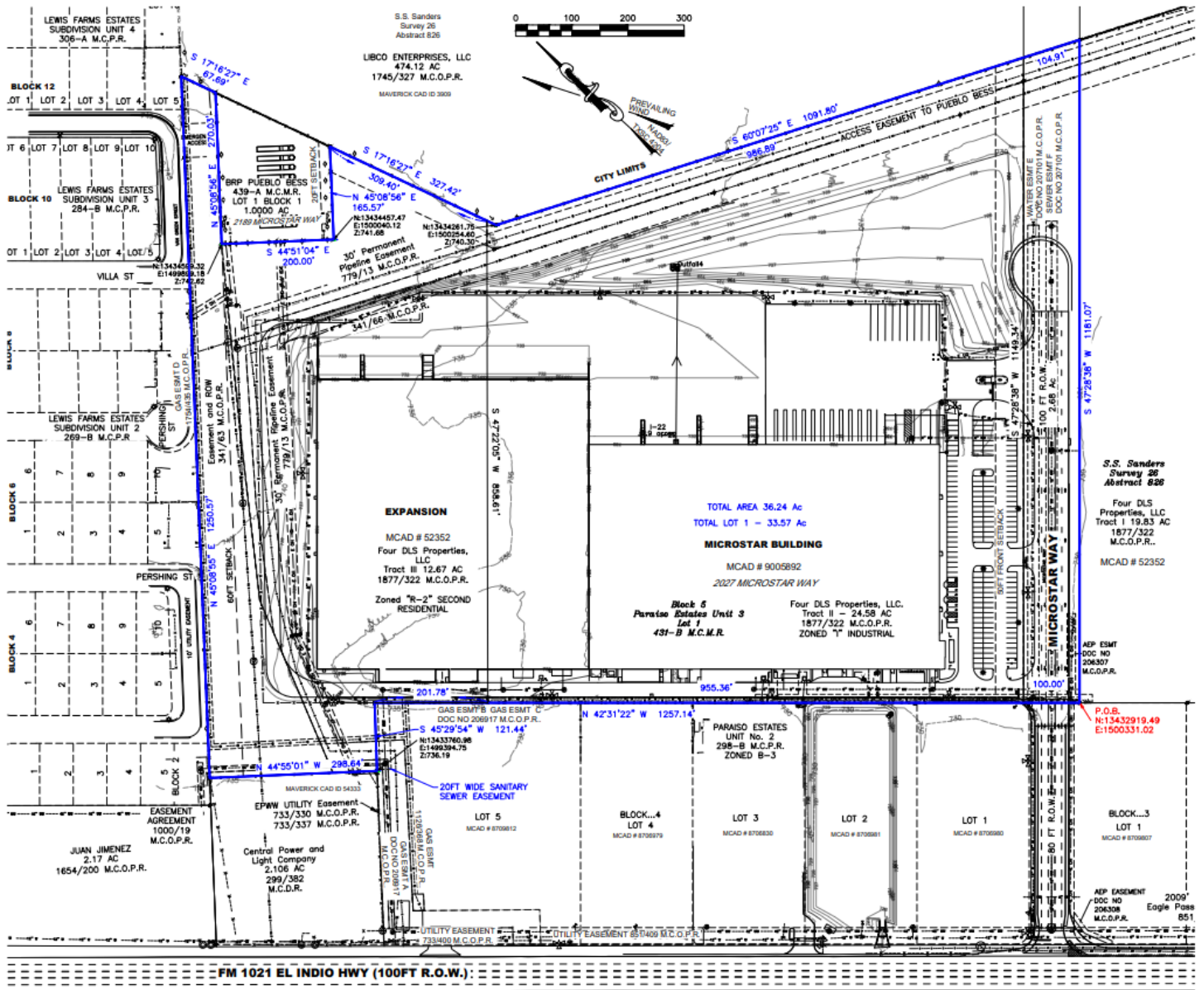
\_\_\_\_\_  
Date

S.S. Sanders  
Survey 26  
Abstract 826

0 100 200 300

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

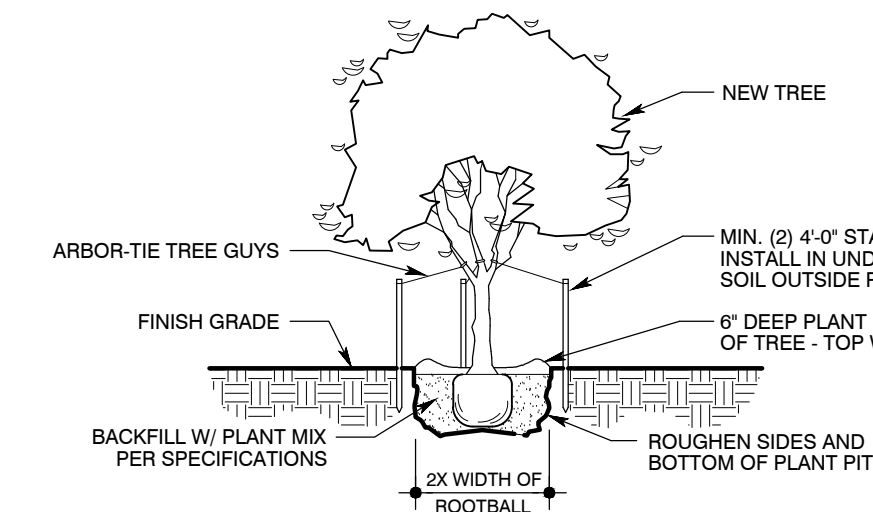
MAVERICK CAD ID 3909





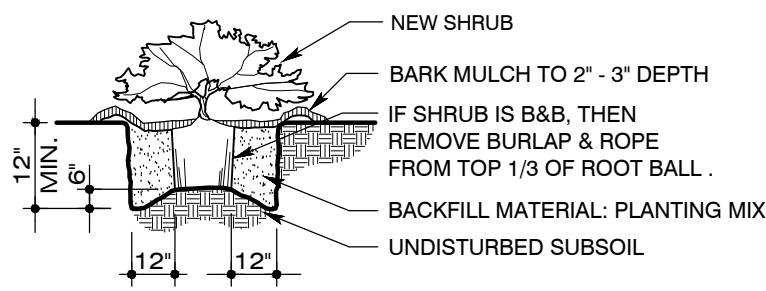
LANDSCAPE ORDINANCE COMPLIANCE

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



TREE PLANTING DETAIL

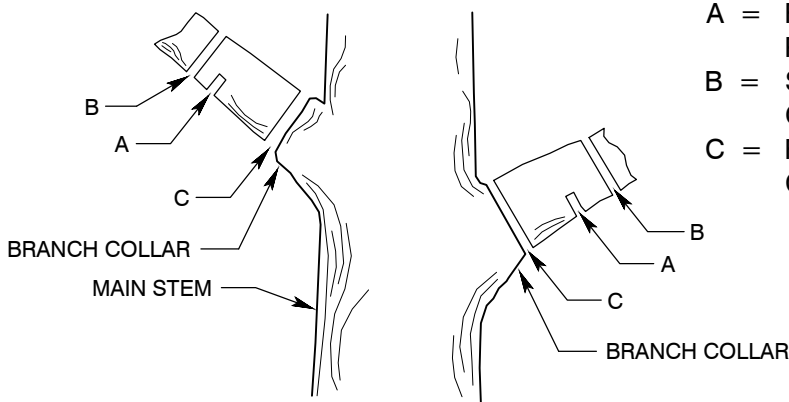
NEW TREES  
1/8" = 1'-0"



SHRUB PLANTING DETAIL

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

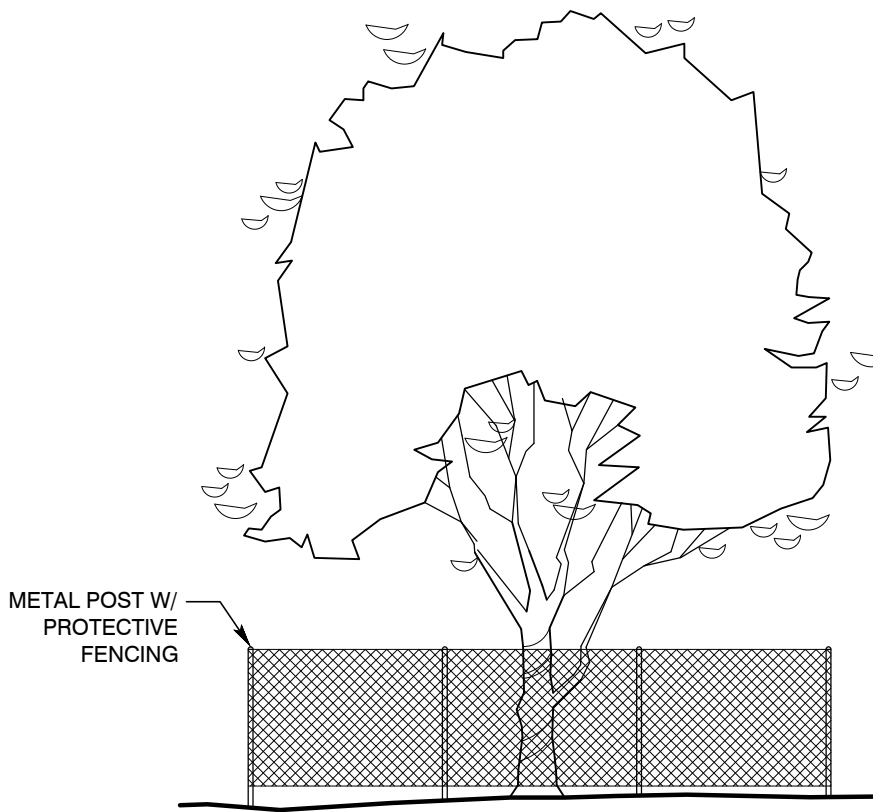
- PRUNING NOTES:
- ALL PRUNING IS TO BE DONE BY A LICENSED ARBORIST UNDER THE FIELD DIRECTION OF THE OWNER AND/OR LANDSCAPE ARCHITECT.
  - WHERE FEASIBLE, PRUNE TREES BEFORE COMMENCEMENT OF CONSTRUCTION.
  - PAINT ALL WOUNDS ON OAK TREES WITHIN 30 MINUTES OF PRUNING.



TREE PRUNING DETAIL

NOT TO SCALE

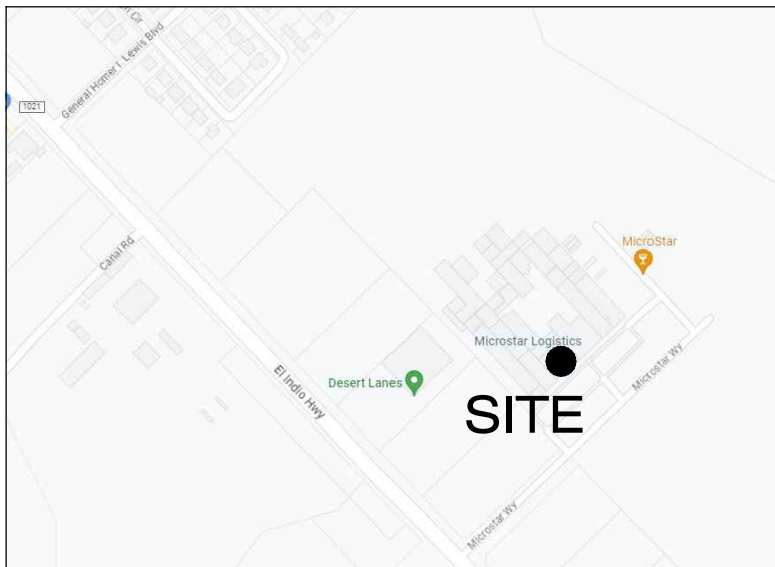
- NOTES:
- LANDSCAPE SUBCONTRACTOR TO PROVIDE PRUNING AND FERTILIZATION FOR ALL EXISTING TREES TO BE PRESERVED BY A CITY OF EAGLE PASS TREE MAINTENANCE LICENSED AND I.S.A. CERTIFIED ARBORIST.
  - APPLY APPROVED SLOW-RELEASE FERTILIZER INJECTED INTO SOIL BEFORE CONSTRUCTION COMMENCES AND AGAIN AFTER CONSTRUCTION IS COMPLETE.
  - 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.
  - PROTECTIVE FENCING MUST BE IN PLACE BEFORE ANY CONSTRUCTION ACTIVITIES MAY COMMENCE.
  - 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.
  - PROTECTIVE FENCING TO BE STAKED IN FIELD BY CONTRACTOR AND APPROVED BY OWNER AND/OR LANDSCAPE ARCHITECT.
  - 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.
  - APPLY COARSE GROUND OR SHREDDED ORGANIC BARK MULCH TO 6" DEPTH @ ALL EXISTING TREES TO BE PRESERVED.
  - 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.



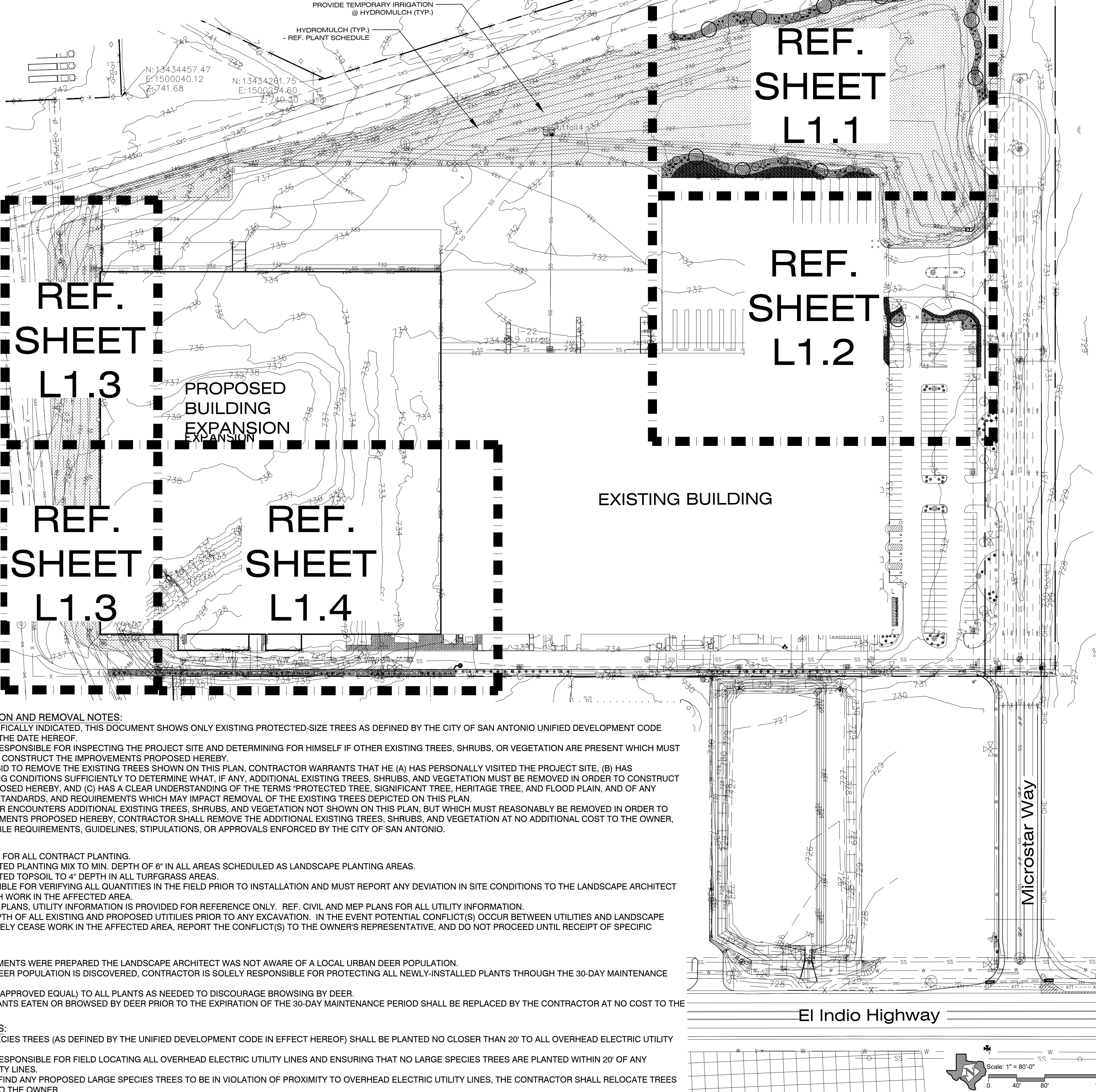
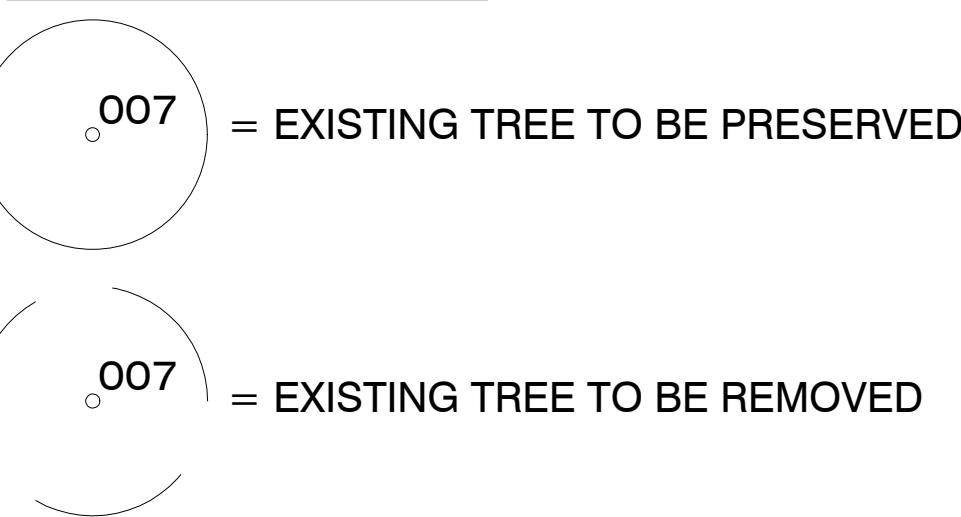
TREE PROTECTION DETAIL

NOT TO SCALE

VICINITY MAP (N.T.S.)



EXISTING TREE LEGEND



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

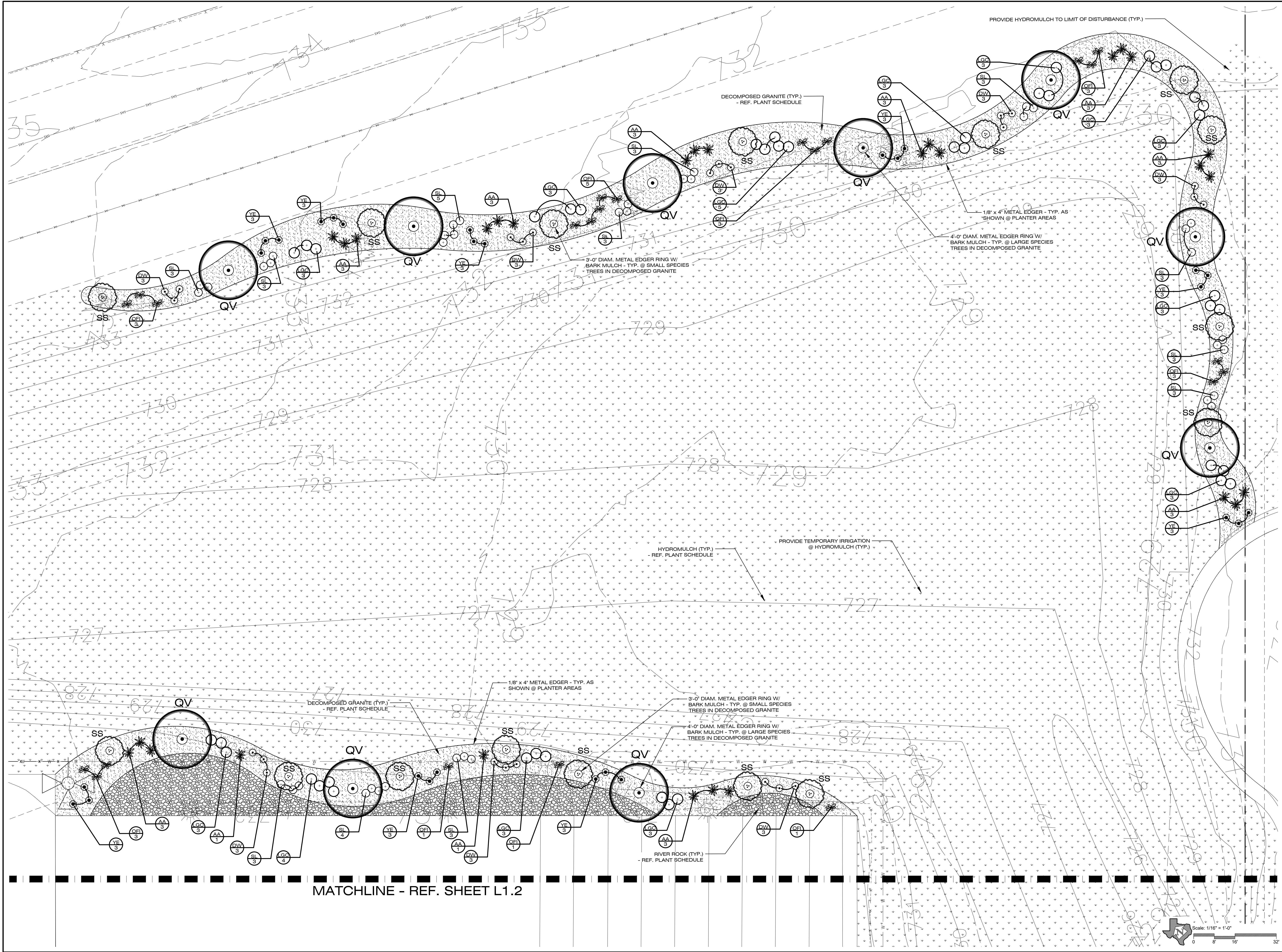
Sheet Title:  
OVERALL  
LANDSCAPE  
PLANTING PLAN

Sheet Number:

L1.0

Issue Date:  
August X, 2023





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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

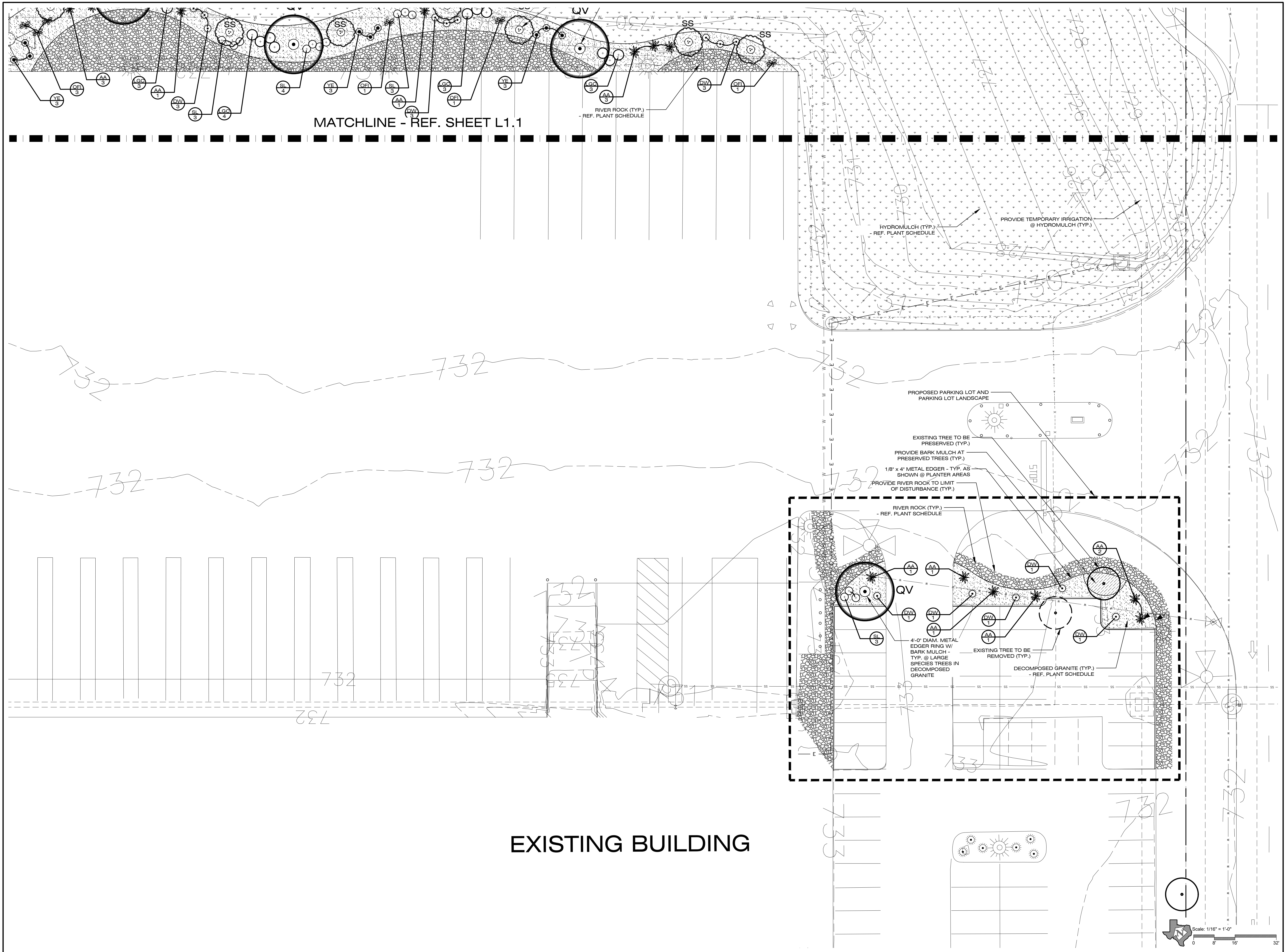
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**ENLARGED  
LANDSCAPE  
PLANTING PLAN**

Sheet Number:

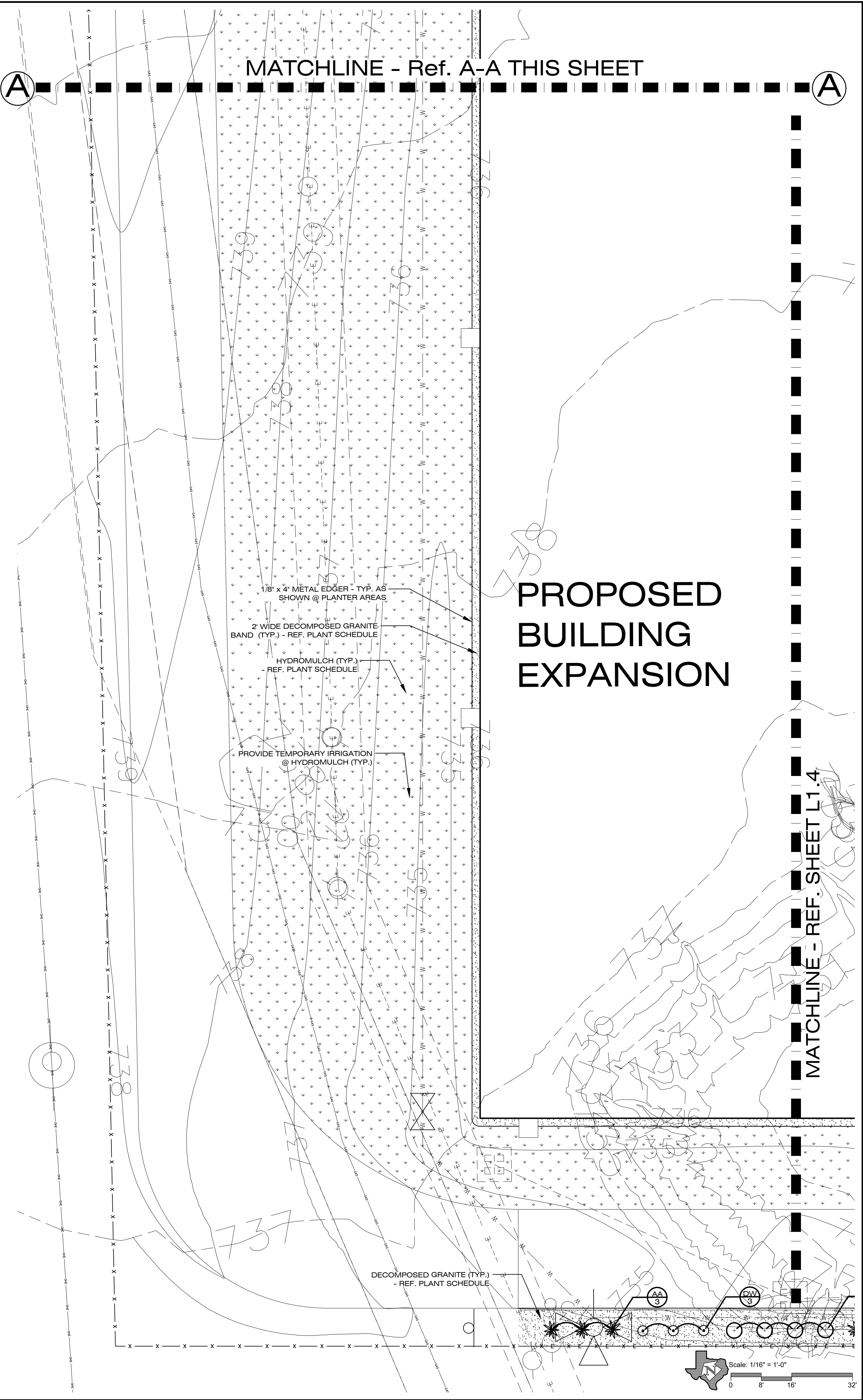
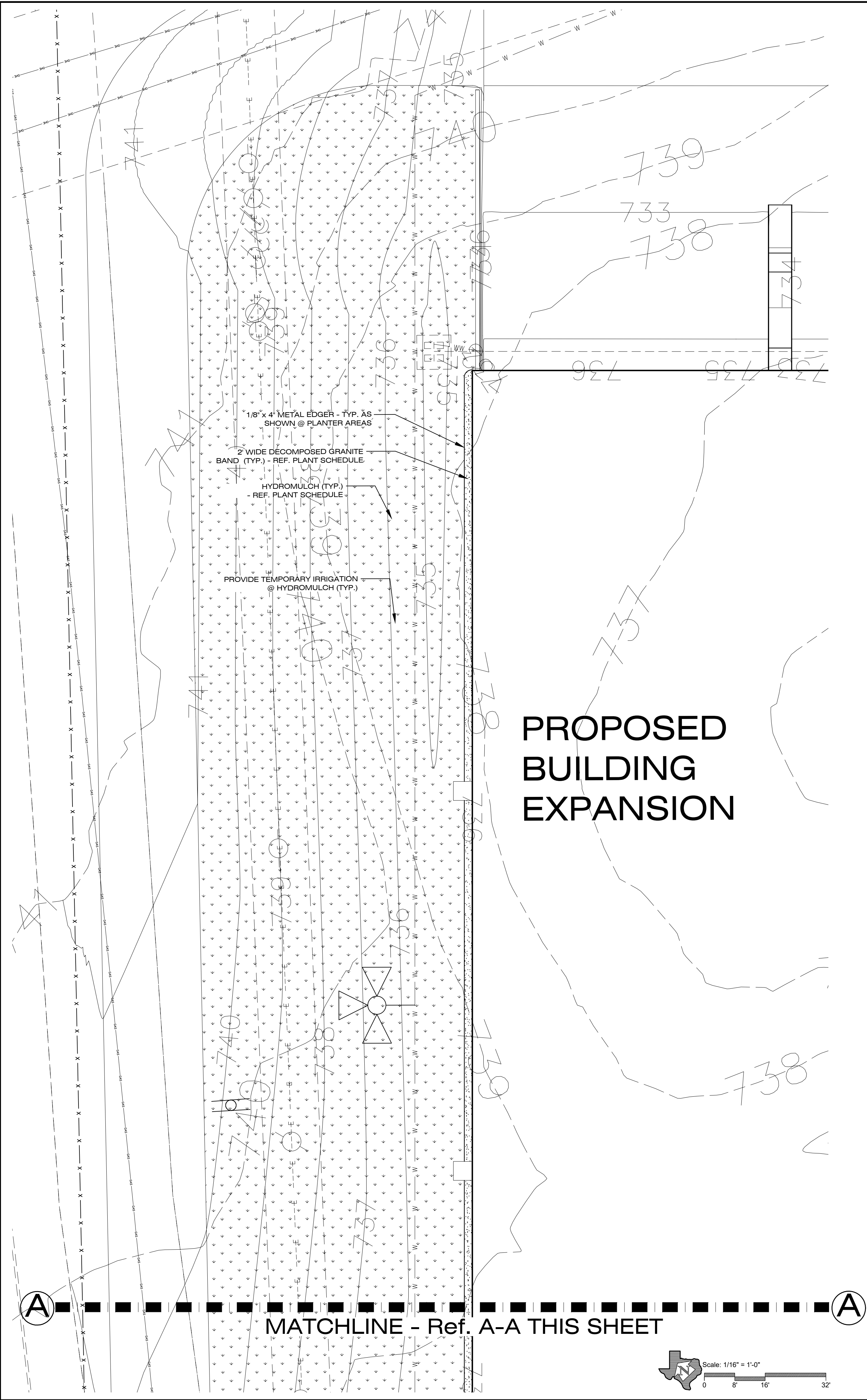
**L1.1**

Issue Date:  
**August X, 2023**









**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

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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**

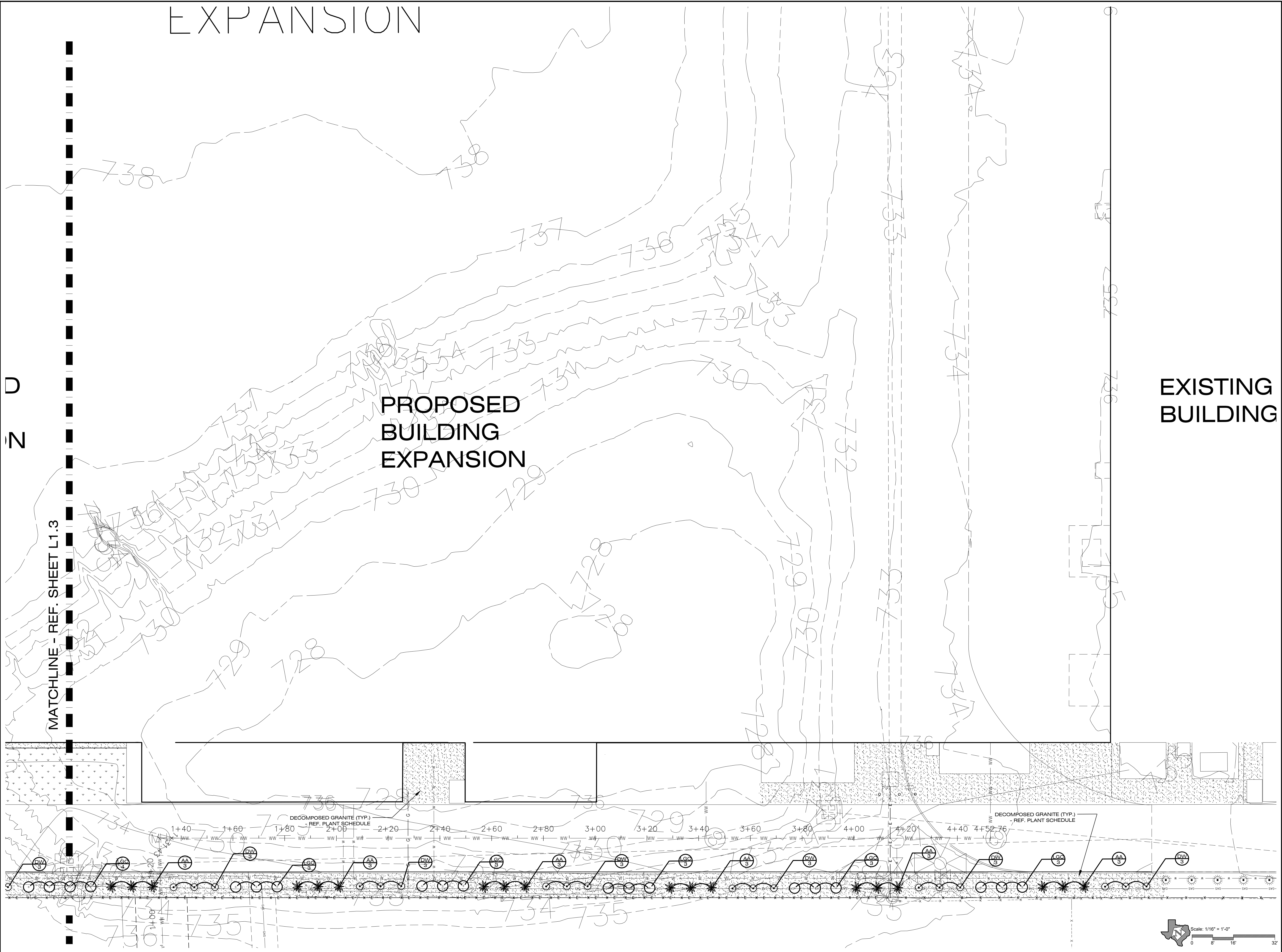
Drawn By: mc  
Checked By: jr

Sheet Title:  
**ENLARGED LANDSCAPE PLANTING PLAN**

Sheet Number:  
**L1.3**

Issue Date:  
**August X, 2023**





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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:  
L1.4

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=PTIICOOR\\_CH23SU\\_ARTVILATRPR\\_S23-89LAPLRE](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                                                                     |
| <b>Industrial or manufacturing</b> | <b>15</b>                                                              |

- (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 – 3002 US Hwy 57

## I. BACKGROUND

### General Information

**Applicant & Property Owner:** Neutze Properties, LTD

**MCAD PID:** 50789

**Legal Description:** Neutze Properties LTD Subdivision

**Parcel Size:** 5-acres

**Current Use:** Truck Stop (Pilot)

**Current Zoning:** B-1 Neighborhood Business District

**Master Plan:** I-Industrial and B-3 General Business District

**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 their already developed property.

## II. CURRENT CONDITIONS

**Infrastructure:** Property is serviced by public utilities/franchises

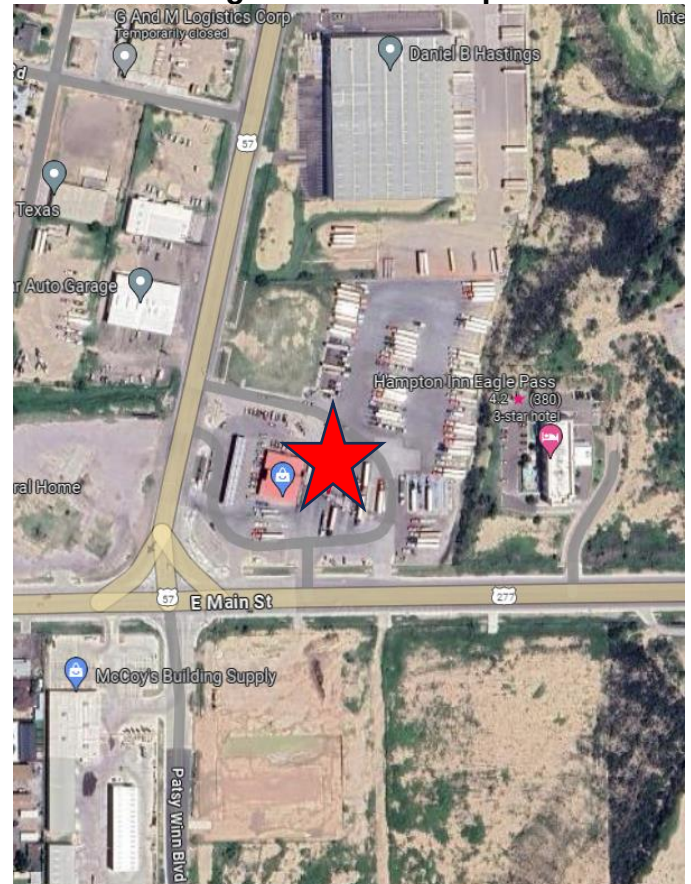
**Vicinity:** Property is bordered by large, developed parcels of land adjacent to Main Street and Highway 57

Access to the site is provided by US Hwy 57 and Main Street.

## III. PUBLIC NOTICE

Public notification of the variance request before the Planning and Zoning Commission was completed consistent with the provisions of *Chapter 211 of the State of Texas Local Government Code Title 7*. There were nine (9) notices mailed to the abutting property owners, with a legal notice published in the Eagle Pass News Gram on March 20, 2024.

**Figure 1. Aerial Map**



#### 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 50 trees and 99 shrubs to 0 trees and 0 shrubs, to allow for the construction of a 1,331 square foot restroom addition and a 97,500 square foot concrete pavement addition on already developed property. The calculations are based on the proposed additions and not the existing development.

##### **Calculations:**

Building Addition: 1,331 sf

Concrete pavement addition: 97,500 sf

Total impervious coverage: 98,831 sf

$98,831 * 0.15 = 14,824.65$

$14,824.65 / 600 = 24.70$

$24.70 * 2 = 50$  Trees

$24.70 * 4 = 99$  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. Community Development Staff suggested that some landscape be installed around the perimeter of the detention pond but that was not an option for the applicant.

#### V. STAFF RECOMMENDATION

Staff recommends denying the request as proposed application does not comply with regulations set forth in *Section 23-89(b)(4)* regulating landscape plan requirements under *Chapter 23-Subdivisions / Article VI – Landscape and Tree Preservation*.

**TRANSMITTED** to the parties listed hereafter:

Neutze Properties, LTD via e-mail

Community Development Department Report dated March 28, 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](mailto:planning@eaglepasstx.us)  
eaglepasstx.us

|                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Project</b>                   | Legal Description: <u>LOTS 1+2 NEUTZE PROPERTIES, LTD</u><br>Site Address: <u>3002 U.S. HIGHWAY 57</u><br>Acres: <u>10</u> Square feet: _____ Existing land use: <u>Commercial</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Owner</b>                     | Name: <u>NEUTZE PROPERTIES LTD</u> Phone: <u>830 278 6653</u><br>Address: <u>2066 E MAIN ST.</u> E-mail: <u>CONSTRUCTION@MINDIS.COM</u><br>City: <u>UVALDE</u> State: <u>TX</u> Zip: <u>78801</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Applicant</b><br>If not owner | Name: _____ Phone: _____<br>Address: _____ E-mail: _____<br>City: _____ State: _____ Zip: _____<br>Relationship to owner: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Authorization</b>             | <p>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?<br/>Yes _____ No <u>X</u></p> <p>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.</p> <p>I acknowledge that application and publication fees are non-refundable, and that incomplete applications will not be accepted or processed.</p> <p>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.</p> <p>Signature: <u>[Signature]</u> Date: <u>2/5/24</u><br/>Print Name: <u>James T. Neutze</u> <input type="checkbox"/> Applicant <input type="checkbox"/> Authorized Agent</p> |

RECEIVED  
2/29/2024

email

|                     |                                                                                                                                                                                                                                                                   |                |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>Board Action</b> | Description:                                                                                                                                                                                                                                                      |                |
|                     | <div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> |                |
|                     | Board Chairman Signature _____                                                                                                                                                                                                                                    | Date _____     |
| <b>Office</b>       | 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: RELIEF FROM REQUIREMENTS FOR LANDSCAPING TO BE ADDED TO SITE WITH BUILDING EXPANSION.

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: THE ONLY AREA OPEN FOR LANDSCAPE IS A DETENTION POND, LANDSCAPE CANNOT BE IN DETENTION AREA.

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: LANDSCAPING CANNOT BE ACCOMMODATED ON THE SITE. THE ONLY LOCATION OPEN IS A DETENTION POND

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

Explain: \_\_\_\_\_

## VARIANCE APPLICATION CHECKLIST

### APPLICATION COMPLETENESS REQUIREMENTS:



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

| Applicant                           | Staff                               | Not Applicable                      | <b>TECHNICAL REQUIREMENTS</b>                                                                        |                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------|-------------------------------------|-------------------------------------|------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                     |                                     |                                     | Any application that is missing information will be considered incomplete and will not be processed. |                                                                                                                                                                                                                                                                                                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |                                     | 1                                                                                                    | A scaled site plan of the subject property showing property dimensions, building locations, setback dimensions, and other applicable information.                                                                                                                                                                 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |                                     | 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.                                                                                                 |
|                                     | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |                                     | 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.                                                                                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |                                     | 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

2/5/24

Doc# 92528

WARRANTY DEED WITH VENDOR'S LIEN

Date: January 15, 1999

Grantor: Eagle Five, Ltd., a Texas Limited Partnership

Grantor's Mailing Address (including county):

2834 Bee Cave St.  
SAN ANTONIO, TX 78231

Grantee: Neutze Properties, Ltd., a Texas Limited Partnership

Grantee's Mailing Address (including county):

2066 East Main St.  
Uvalde, Uvalde, TX 78801

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and a note of even date that is in the principal amount of ONE MILLION AND 00/100 DOLLARS (\$1,000,000.00), and is executed by Grantee, payable to the order of First State Bank of Uvalde, Texas. The note is secured by a vendor's lien retained in favor of First State Bank of Uvalde, Texas, in this deed and by a deed of trust of even date from Grantee to Lewis E. Bracy, Jr., Trustee.

Property (including any improvements):

Being all that certain tract or parcel of land, together with all improvements thereon, and being 20.0 Acre Tract out of Survey 6, Abstract 1110, in Maverick County, Texas, and being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof.

Reservations from and Exceptions to Conveyance and Warranty:

1. All interest in and to all oil, gas and other minerals in, on, under or that may be produced from the above described property, together with all rights relating thereto, expressed or implied, said minerals having been severed from the surface estate in deed recorded in Vol. 32, Page 79, Deed Records of Maverick County, Texas.



Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the right and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

When the context requires, singular nouns and pronouns include the plural.

First State Bank of Uvalde, Texas, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the property that is evidenced by the note described. The vendor's lien and superior title to the property are retained for the benefit of First State Bank of Uvalde, Texas, and are transferred to that party without recourse on Grantor.

EAGLE FIVE, LTD.,  
A TEXAS LIMITED PARTNERSHIP

By: Norma T. Acosta Kiser  
Norma T. Acosta Kiser

Printed Name: Carlos Ramon Acosta

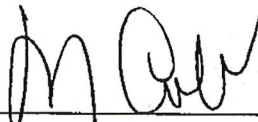
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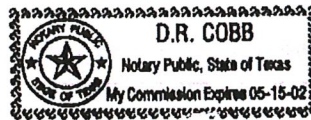
Book 524 Page 348

(CORPORATE ACKNOWLEDGMENT)

STATE OF TEXAS §  
COUNTY OF ~~MAVERICK~~ <sup>BEXAR CA JK</sup> §

This instrument was acknowledged before me on this the 14th day of January, 1999, by NORMA T. ALBERTA KISER / CARLOS RAMON ALBERTA of Eagle Five, Ltd., a Texas Limited Partnership, for and on behalf of said Partnership.

  
\_\_\_\_\_  
Notary Public, State of Texas  
Notary Seal:



AFTER RECORDING RETURN TO:

PREPARED IN THE LAW OFFICE OF:

MATTHEWS & BRANSCOMB  
A Professional Corporation  
Title Guaranty Bldg.  
Attorneys at Law  
675 Main Street  
Eagle Pass, Texas 78852-4520

✓ Neutze Properties  
2066 East Main  
Uvalde, TX  
78801  
Re: GF#98116

Book 524 Page 349

EXHIBIT "A"

**FIELD NOTES FOR A 20.00 ACRE TRACT**

Being a 20.00 Acre Tract of land lying and situated in Maverick County, Texas, out of Survey 6, Abstract 1110, and being a portion of certain 50 Acre Tract as described by metes and bounds and conveyed from Morris Allas, to Enrique Acosta by a correction Warranty Deed as recorded in Volume 248, Pages 390-392 of the Maverick County Deed Records; said 20.00 Acre Tract being more particularly described by metes and bounds as follows:

**STARTING** In quest of a Point of Beginning at a ½" Iron rod found on the southwest corner of G & S Estate Subdivision as said subdivision is shown by the plat of record in Envelope 193, Side B of the Maverick County Map Records, falling on the east line of U S Highway 57; thence along the east line of State Highway 57, S11°00'00"W, passing at 421.09 feet the common line of Survey 6, Abstract 1110 and Survey 3, Abstract 1007, continuing for a total distance of 1620.46 feet to a ½" Iron rod found for the POINT OF BEGINNING.

**THENCE** along the common line of the herein described tract and a 5.00 Acre Tract,  
N88°00'00"E, 643.04 feet to a ½" iron rod;

**THENCE** along an existing fence, the east line of said 50.00 Acre Tract,  
S10°54'00"W, 1391.45 feet to a ½" iron rod, falling on the north line of State Highway 277 for the southeast corner of the herein described tract,

**THENCE** along the north line of said State Highway 277,  
S88°00'00"W, 571.45 feet to a ½" iron rod;

**THENCE** N40°41'00"W, 92.00 feet to a ½" Iron rod, being the intersection of the east line of State Highway 57 with the northerly line of State Highway 277;

**THENCE** along the east right of way line of State Highway 57,  
N11°00'00"E, 1318.31 feet to the POINT OF BEGINNING.

Doc# 92528  
Book: 524  
Pages: 347 - 350  
Filed & Recorded  
01/15/99 04:32:04 PM  
SARA MONTEMAYOR  
COUNTY CLERK  
MAVERICK  
RECORDING FEE \$ 9.00  
RECORDS PRESERV \$ 5.00  
COURTHOUSE SECU \$ 1.00  
POSTAGE \$ 0.60

*nk* *CA*





**SARA MONTEMAYOR**  
**MAVERICK COUNTY CLERK**  
**500 QUARRY STREET, SUITE 2**  
**EAGLE PASS, TEXAS 78852**

**C E R T I F I C A T E**

**STATE OF TEXAS**  
**COUNTY OF MAVERICK**

I, Sara Montemayor, Clerk of the County Court of Maverick County, Texas  
do hereby certify that the following property: Lot 1 Neutze Properties LTD  
Subdivision, HAS NO RESTRICTIONS.

**WITNESS** my hand and seal of said court, at my office in Eagle Pass, Texas  
this 22<sup>ND</sup>, day of March 2024.

**Sara Montemayor**  
**Clerk, County Court, Maverick County, Texas**

By: *Sahia Martinez*, Deputy Clerk



Maverick, Tx  
Sara Montemayor, County Clerk  
500 Quarry Street Suite 2  
Eagle Pass, Tx 78852  
(830) 773-2829



DATE: 03/22/2024

RECEIVED FROM: MARIBEL RODRIGUEZ

TIME: 11:29am

REGISTER NO: DM

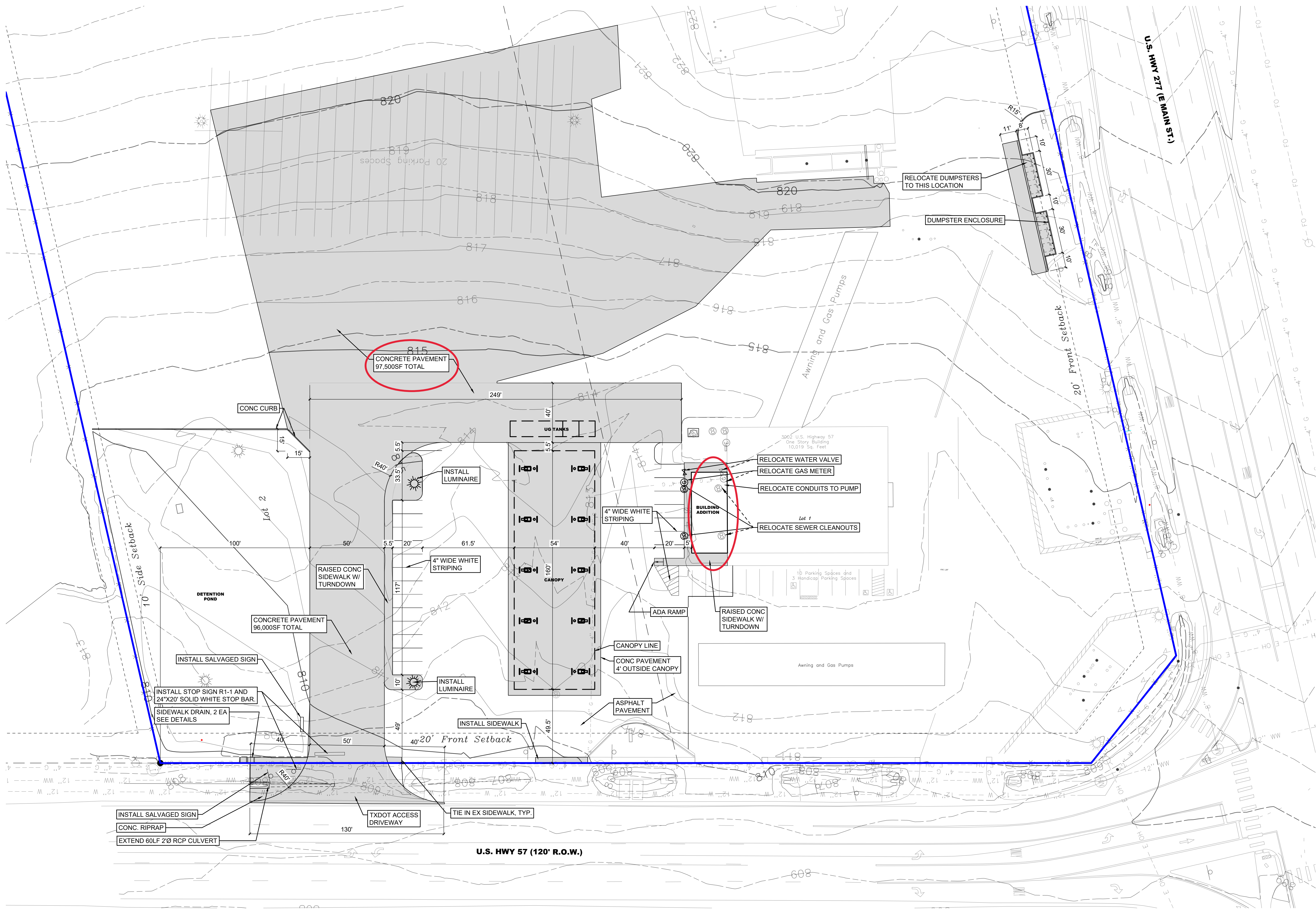
CASHIER: DMARTINEZ

| ITEM DESCRIPTION    | CLERK/CAUSE # | QTY | FEEES PAID |
|---------------------|---------------|-----|------------|
| CERTIFIED COPIES    |               | 1   | \$5.00     |
| TOTAL FEES PAID     |               |     | \$5.00     |
| AMOUNT TENDERED     |               |     |            |
| CASH                |               |     | \$5.00     |
| TOTAL RECEIVED      |               |     | \$5.00     |
| TRANSACTION SUMMARY |               |     |            |
| TOTAL RECEIVED      |               |     | \$5.00     |
| TOTAL FEES PAID     |               |     | \$5.00     |
| CHANGE DUE BACK     |               |     | \$0.00     |

Thank You,  
Sara Montemayor  
County Clerk



PLAN: 23-2995-01  
SHEET: 1 OF 2  
DATE: 08-23-2023  
BY: KENDIRKSEN/SBCGLOBAL



#### SITE NOTES:

1. FLAT WORK WITHIN 5' OF BUILDING WILL BE PER ARCHITECTURAL/ STRUCTURAL DRAWINGS.
2. SEE ARCHITECTURAL/ STRUCTURAL FOR BUILDING PAD DETAILS.
3. SEE ARCHITECTURAL FOR PARKING TABLE.
4. SEE CIVIL DETAILS FOR PAVING DETAILS.
5. EXPANSION JOINT SPACING @ 30FT MAXIMUM. CONTRACTION SAW JOINTS AT 15FT MAXIMUM AND AT RADIUS POINTS.
6. CONTACT GENERAL CONTRACTOR/BUILDER FOR ARCHITECTURAL DRAWINGS, UTILITY DRAWINGS, FOUNDATION AND BUILDING PAD DRAWINGS.

#### UTILITY NOTES:

1. CALL ONE CALL CENTER (811) TO MARK ALL EXISTING UTILITIES PRIOR TO DIGGING. EXISTING UTILITIES AND DRAINAGE STRUCTURES, SHOWN AND NOT SHOWN, WILL BE FIELD LOCATED AND VERIFIED BEFORE CONSTRUCTION.
2. NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN THE DRAWN LOCATION OF EXISTING UTILITIES AND FIELD LOCATION. THE CONTRACTOR IS RESPONSIBLE FOR PRESERVING EXISTING UTILITIES AND REPAIR TO EXISTING UTILITIES DAMAGED DURING CONSTRUCTION.
3. NOTIFY EPWW BEFORE CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING INSPECTION OF IMPROVEMENTS WITH EPWW.
4. CONTRACTOR IS RESPONSIBLE FOR PERFORMING SANITATION OF WATER MAINS AND HYDROTESTING TESTING AS REQUIRED. CONTRACTOR MUST COMPLETE TESTING REPAIRS AS NECESSARY TO MEET TESTING REQUIREMENTS.
5. REQUIRED DENSITY FOR BACKFILL IS 95% MODIFIED PROCTOR MINIMUM. THE CONTRACTOR IS RESPONSIBLE FOR MEETING COMPACTION REQUIREMENTS ON ALL TRENCH BACKFILL AND PROVIDING THE TEST RESULTS PERFORMED BY A THIRD PARTY. COMPACTION TESTS WILL BE DONE AT ONE LOCATION POINT RANDOMLY SELECTED OR AS INDICATED BY THE EPWW INSPECTOR/TEST ADMINISTRATOR PER EACH 12 INCH LOOSE LIFT PER 400 LINEAR FEET. THIS PROJECT WILL NOT BE ACCEPTED AND FINALIZED BY EPWW WITHOUT THIS REQUIREMENT BEING MET AND VERIFIED BY PROVIDING NECESSARY DOCUMENTED TEST RESULTS.

#### SITE & UTILITY LAYOUT

SCALE : 1" = 30'



#### LINETYPE LEGEND (PROFILE)

|     |                   |
|-----|-------------------|
| --- | PROPOSED GRADE CL |
| --- | EXISTING GRADE CL |
| --- | EXISTING GRADE LT |
| --- | EXISTING GRADE RT |

#### LINETYPE LEGEND (PLAN)

| EXISTING/ DEMOLISH | BOUNDARY       | PROPOSED |
|--------------------|----------------|----------|
| ---                | EASEMENT       | ---      |
| ---                | SETBACK        | ---      |
| ---                | LOTS           | ---      |
| ---                | ABSTRACT       | ---      |
| ---                | DEED           | ---      |
| ---                | FENCE          | ---      |
| ---                | WATER SUPPLY   | ---      |
| ---                | SANITARY SEWER | ---      |
| ---                | STORM SEWER    | ---      |
| ---                | POWER          | ---      |
| ---                | TELEPHONE      | ---      |
| ---                | ATT            | ---      |
| ---                | TWC            | ---      |
| ---                | GAS            | ---      |
| ---                | CONDUIT        | ---      |
| ---                | SILT FENCE     | ---      |
| ---                | FIBER ROLL     | ---      |
| ---                | CONTOUR MINOR  | ---      |
| ---                | CONTOUR MAJOR  | ---      |

#### SYMBOL LEGEND

|   |                            |   |                     |
|---|----------------------------|---|---------------------|
| ● | FOUND MONUMENT             | ① | TELEPHONE PEDESTAL  |
| ■ | FOUND MONUMENT-CONC        | ② | GAS SERVICE         |
| ⊙ | SET 1/2" STEEL STAKE       | ③ | SANITARY MANHOLE    |
| ⊕ | WATER VALVE                | ④ | CLEAN OUT           |
| ⊕ | FIRE HYDRANT               | ⑤ | DOUBLE CLEAN OUT    |
| ⊕ | POWER POLE                 | ⑥ | STORM SEWER MANHOLE |
| ⊕ | LUMINAIRE                  | ⑦ | WATER SERVICE       |
| ⊕ | GUY WIRE                   | ⑧ | ELEC SERVICE        |
| ⊕ | FENCE CORNER POST          | ⑨ | SHRUB               |
| ⊕ | SPOT ELEVATION / BM        | ⑩ | TREE                |
| ⊕ | MAIL BOX                   | ⑪ | SIGN                |
| ⊕ | BOLLARD                    | ⑫ | TRAFFIC SIGNAL      |
| ⊕ | BACKFLOW PREVENTER         | ⑬ | REVISION NO.        |
| ⊕ | FIRE DEPARTMENT CONNECTION | ⑭ | 2556 911 ADDRESS    |

#### HATCH LEGEND

|     |          |
|-----|----------|
| --- | CONCRETE |
|-----|----------|

THESE DRAWINGS ARE THE PROPERTY OF DIRKSEN ENGINEERING AND SHALL NOT BE USED ON OTHER WORK WITHOUT THEIR APPROVAL. IF THIS SHEET DOES NOT MEASURE 24"x36" IT HAS BEEN MODIFIED. COPYRIGHT 2023.

#### FIRM NAME & ADDRESS

**DIRKSEN ENGINEERING**  
UVALDE EAGLE PASS  
TBPE FIRM #F-8848, TBPLS FIRM #10193741  
441 FORT CLARK RD., STE. B, UVALDE, TX - 78801  
PH: (830) 278-2100, FAX: (830) 278-2102  
EMAIL: KENDIRKSEN@SBCGLOBAL.NET  
WEBSITE: WWW.DIRKENG.COM

PROJECT# 23-2995

#### PROJECT NAME & ADDRESS

**MINITS**  
EAGLE PASS, TX

#### SHEET TITLE

**SITE & UTILITY LAYOUT**

THIS DRAWING AUTHORIZED BY KENNETH R. DIRKSEN, P.E. ON 08-23-2023

PLANS ISSUED FOR REVIEW & BIDDING ONLY. NOT FOR CONSTRUCTION.

DES'D : KR  
DRAWN : NDG  
APP'VD : KR  
DATE : 08-23-2023

#### SHEET

**C1.2**

OF \*\* SHEETS







**ORDINANCE NO. 2023-**

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

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

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

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

D. Miscellaneous regulations:

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

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

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

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

ATTEST:

\_\_\_\_\_  
Rolando Salinas  
Mayor

\_\_\_\_\_  
Imelda B. Rodriguez  
City Secretary

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

[https://library.municode.com/tx/eagle\\_pass/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH23SU\\_ARTVILATRPR\\_S23-89LAPLRE](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)