



CITY OF EAGLE PASS
AGENDA
PLANNING AND ZONING COMMISSION REGULAR MEETING
Council Chambers, City Hall
100 S. Monroe Street, Eagle Pass,
Maverick County, Texas
Thursday, August 14, 2025 at 5:30 PM

ESTABLISHMENT OF QUORUM

CITIZENS COMMUNICATIONS

PUBLIC HEARINGS

1. Continuation of a public hearing on the request by Sandra Tovar for a Conditional Use Permit to allow the establishment of a pet grooming home occupation on property located at 1964 Misty Hollow Drive; closing of public hearing and possible action.
2. Public hearing on the request submitted by Angel Lopez for a Conditional Use Permit to allow the establishment of a mechanic shop on property located at 2173 El Indio Highway; closing of public hearing and possible action.
3. Public hearing on the subdivision variance request submitted by Jose Martinez for property located at 1382 Las Quintas Boulevard, also known, as Quintas Fronterizas, Block 4, Tract 1, Lot 3 (south ½ of Lot 3). The applicant seeks a subdivision variance from Section 23-69(b)(2)(b) regulating lot size requirements for the R-5 Garden Home District, to reduce the minimum lot depth from 100 feet to 82.5 feet; closing of public hearing and possible action.

ADJOURNMENT

The Board reserves the right to consider business out of the posted order and the right to adjourn into Executive Session to discuss items which are not listed as Executive Session Items, but which qualify to be discussed in closed session as permitted by the Texas Open Meetings Act, under Chapter 551 of the Texas Government Code.

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 South Monroe Street, Eagle Pass, Texas, on August 11, 2025 at 2:30 p.m.

Placido Madera
Community Development Director



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

Sandra Tovar Conditional Use Permit Request – 1964 Misty Hollow Drive

I. BACKGROUND

A. General Information

Applicant: Sandra Tovar | 1964 Misty Hollow Drive | Eagle Pass, Tx 78852

Location: 1964 Misty Hollow Drive

Property ID Number: 60976

Legal Description: Lot 28 in Block 1 of Timber Creek Unit 2

Request: Approval of a request for a Conditional Use Permit to allow the establishment of a pet grooming home occupation.

B. Subject Property Information

Parcel Size: 8,933-square-feet

Vegetation: Residential landscaping

Existing Use: Single-family dwelling

Zoning: R-1 First One-Family Dwelling District

Master Plan: Residential

C. Vicinity Data

The property is located within an area featuring residential development at a density consistent with the 7,700-square-foot minimum lot size of the *R-1 District*.

Misty Hollow Drive provides access to the property via Bibb Avenue and Flowers Street to North Veterans.

D. Infrastructure

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

II. PUBLIC NOTICE

Public notification of the *Conditional Use Permit* (CUP) 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*. 28 notices were mailed to the abutting property owners, with a legal notice published in the Eagle Pass News Gram.

III. RECOMMENDED FINDINGS OF FACT

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

- Section 9.1 Planning and zoning commission

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

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

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

- **Section 9.3 Master Plan.**

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

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

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

Land Use Development

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

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

Land Use Development Goals

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

Land Use Objectives

- Development of the local capacity to monitor, evaluate, and promote the sound development of the community.
- Promotion of development standards and guidelines to minimize wasteful land subdivision and to improve local resource utilization in a compatible land use relationship.
- Coordination with area-wide, county, and state agencies which deal with land and resource utilization to eliminate substandard development in the Extra Territorial Jurisdiction (ETJ) and beyond, and to improve existing substandard areas.

Short-Term Land Use Objectives

- Establish the planning process as a continuing municipal function.
- Review planning studies and material from agencies, such as the American Planning Association, the Texas Municipal League, and the Texas Department of Housing and Community Affairs, that can be applicable to the City of Eagle Pass.

- Continue enforcement of the provisions of the zoning and subdivision ordinances.
- Strict review of proposed subdivisions, particularly those located in environmentally sensitive areas such as sloping areas or those areas with soils which pose limitation to development.
- Annex colonia areas located within the City's Extra Territorial Jurisdiction which affect to the City.

B. Eagle Pass Code of Ordinances Appendix A: Zoning Ordinance

- **Section I: Title.**

This Ordinance shall be known, and may be cited, as the Zoning Ordinance for the City of Eagle Pass, Texas.

- **Section 2: Purpose.**

The zoning regulations and districts herein established have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals, and the general welfare of the City of Eagle Pass, Texas. They have been designed to lessen the congestion of streets; to secure safety from fire, panic, or other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with the view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City of Eagle Pass, Texas.

- **Section 3 Definitions.**

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular. The word 'building' shall include the word 'structure'; the word 'lot' includes the word 'plot'; and the word 'shall' is mandatory and not merely permissive or directory.

(20) Home occupation. Any occupation or profession engaged in by the occupants of a dwelling not involving the conduct of a retail business, and not including any occupation conducted in any building on the premises excepting the building which is used by the occupant as his or her private dwelling. Home occupations shall include, in general, personal services such as furnished by an architect, lawyer, physician, dentist, musician, artist, and seamstress, when performed by the person occupying the building as his or her private dwelling and not including a partnership or the employment of more than one (1) assistant in the performance of such services.

- **Section 4 Districts.**

For the purpose of regulating and restricting the height and size of buildings and other structures, the percentage of the lot that may be occupied, the size of yards, the other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purpose, the

City of Eagle Pass, Texas is hereby divided into districts, of which there shall be seven classes in number, and shall be known as:

- R-1 First One-Family Dwelling District
- R-2 Second One-Family Dwelling District
- R-3 Duplex District
- R-3(A) Apartment District
- R-4 Townhouse Residence District
- R-5 Garden Home District
- R-6 Third One-Family Dwelling District
- B-1 Neighborhood Business District
- B-2 Central Business District
- B-3 General Business District
- I Industrial District
- F Floodway District

...Except as hereinafter provided:

- (1) No building shall be erected, converted, enlarged, reconstructed, or structurally altered, and no building or land shall be used for any purpose that is not permitted in the district in which the building or land is situated.

- **Section 5: R-1 First One-Family Dwelling District.**

The following regulations shall apply to the "R-1" *First One-Family Dwelling District*:

- A. Use regulations: A building or premises shall be used only for the following purposes:
 - (1) Single-family dwellings.
 - (2) Boardinghouse with a conditional-use permit.
 - (3) Church except temporary revival, with *Conditional Use Permit*.
 - (4) School, public or private, having a curriculum equal to a public elementary, high school, or institution of higher learning, but shall require a *Conditional Use Permit*.
 - (5) Public parks, playgrounds, golf courses except miniature golf.
 - (6) Police and fire stations only as required for safety requirements.
 - (7) Customary home occupations, as permitted by *Section 13 Home Occupations* and with a *Conditional Use Permit*.
 - (8) Accessory buildings and accessory uses, customarily incident to the above uses not involving the conduct of a business, when located on the same lot, including a private garage for one (1) or more cars. Accessory buildings shall not be used for rent or used for commercial purposes.
 - (9) Temporary sales office.
- B. Height regulations: No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height except as provided in section 12 hereof.
- C. Area regulations:
 - (1) Front yard. There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be twenty-five (25) feet.
 - (2) Side yards. There shall be a side yard on each side of a building and shall not be less than five (5) feet in width. Where there is a corner lot,

side yard shall not be less than ten (10) feet from the side of the building to the property line running adjacent to any street.

(3) Rear yard. The depth of the rear yard shall be at least twenty-five (25) feet in depth.

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

D. Intensity of use: Every lot or tract of land shall have an area of not less than seven thousand seven hundred (7,700) square feet and an average width of not less than seventy (70) feet, except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on the effective date of this ordinance and shall not have been changed since said date, such parcel of land may be used for a single-family dwelling.

E. Parking regulations: Off-street parking shall be provided on a basis of two (2) concrete surfaced off-street parking spaces per dwelling. Other standards contained in *Section 12.1 Parking Requirements* shall also apply.

F. Additional use, height, and area regulations:

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

(2) Signs:

(a) One unlighted sign, which shall not exceed one (1) square foot in area, indicating the name of the occupant or occupation of a customary home occupation, provided the sign is attached flat-wise to the building.

- **Section 12.1: Parking Requirements.**

(a) Authority and purpose. This ordinance is adopted for the purpose of providing an adequate number of parking spaces for residential, commercial, institutional and industrial uses in the City of Eagle Pass. This ordinance is enacted in accordance with the home rule powers of the city, granted under the Texas Constitution, and the Statutes of the State of Texas.

(b) Parking regulations and requirements.

(2) Parking required. In all districts there shall be provided at the time any building permit or structure is erected or structurally altered, off-street parking and maneuvering spaces in accordance with the minimum requirements set out in this ordinance. All parking and maneuvering space shall be provided on the private property unless otherwise stated in this Ordinance. When, in the opinion of the city, the provisions of this ordinance are not adequate, such additional requirements as may be necessary and desirable may be required.

(5) Rules for computing parking requirements. In the interpretation of the parking requirements set out in this ordinance, the following rules shall apply:

i. "Floor area" shall mean shall mean the gross floor area of the specific use. "Use" shall mean any use of the specific floor area.

- ii. Where fractional spaces result, the parking spaces required shall be construed to be the next largest whole.
- iii. The parking space required for a use not specifically mentioned in this ordinance shall be the same as required for a use of similar nature.
- iv. After the effective date of the ordinance from which this chapter is derived, whenever a property is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase to 25-percent or more in the number of existing spaces, such additional spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of the ordinance from which this chapter is derived is enlarged to the extent of 50-percent or more in floor area used, such building or use shall then and thereafter comply with the parking requirements set forth in this ordinance.
- v. In the case of mixed uses, the parking spaces required in this ordinance shall equal the sum of the requirements of the various uses computed separately.
- vi. Where none of the foregoing rules are applicable to an existing fact situation, the method for computing the parking requirement shall be based on other parking data from acceptable publications.

- **Section 13: Home Occupations.**

- (a) Purpose and intent. The City of Eagle Pass recognizes the need for some citizens to use their place of residence for limited nonresidential activities. However, the city believes that the need to protect the residential character of residential areas is of paramount concern. In essence, the objective of this chapter is to allow limited commercial type activity in residential areas only to the extent that such commercial activity is not obtrusive to neighbors or passersby.
- (b) Permitted home occupations. The following home occupations shall be permitted in any residential zone without conditional use permits providing they meet the performance standards in Section 13(e):
 - (1) Dressmaking, sewing and tailoring;
 - (2) Painting, sculpturing or writing;
 - (3) Telephone answering or soliciting;
 - (4) Home crafts such as model making, rug weaving and lapidary;
 - (5) Tutoring limited to two (2) students at a time;
 - (6) Home cooking and preserving;
 - (7) Computer programming.
- (c) Prohibited home occupations. The following home occupations are prohibited in all residential zones:
 - (1) Animal hospitals;
 - (2) Dancing studios, exercise studios;
 - (3) Mortuaries;
 - (4) Private clubs;

- (5) Restaurants;
 - (6) Stables or kennels;
 - (7) Automobile body shops;
 - (8) Occupations involving explosives or other hazardous materials.
- (d) Conditional use permits. All home occupations not specifically listed in subsection (b) above shall obtain a conditional use permit from the planning and zoning commission prior to conducting any business activity. The conditional use permit shall be obtained in the manner provided in section 21 of this chapter.
- (e) Performance standards. In considering applications for conditional use permits for home occupations, the Planning and Zoning Commission of Eagle Pass shall be guided by the following considerations:
- (1) The legislative intent as set forth in section 1 above;
 - (2) No materials or equipment shall be permitted which would be detrimental to the residential use of nearby residences such as vibration, noise, dust, smoke, odor, interferences with radio or television reception and other factors detrimental to residential use;
 - (3) A home business shall not be permitted which requires frequent home deliveries for commercial purposes;
 - (4) A home business shall not be permitted which will result in the parking of customers' automobiles in a manner, frequency, or number which will cause traffic congestion or will unduly inconvenience nearby residences;
 - (5) Signs for home occupations shall be located on the lot for which the conditional use permit is issued. One (1) sign, unlighted and attached to the building which shall not exceed six square feet in area may be permitted;
 - (6) Employment in a home occupation shall be limited to persons residing in the dwelling unit where the home occupation is conducted;
 - (7) No conditional use permit for a home occupation shall be granted by the planning and zoning commission unless the applicant has furnished proof of having registered with the State of Texas Comptrollers Office;
 - (8) There shall be no exterior indication of the home occupation or variation from the residential character of the principal or accessory buildings except for a sign in conformance with this chapter;
 - (9) There shall be no outside storage or display of items for sale, materials or equipment to be used in conjunction with the home occupation.
 - (10) In no case shall a home occupation be open to the public at times earlier than 7:00 a.m. nor later than 10:00 p.m.

- **Section 21: Conditional Use Permits.**

- (a) Purpose. The purpose of this section is to allow the proper integration into the community of uses which may be suitable only in specific locations in a zoning

district or only if such uses are designed or laid out on the site in a particular manner.

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

- (h) Minor modification to use permit. The planning director may approve minor modifications to an approved use permit.
- (i) Revocation. In the event the conditions of a use permit have not been or are not being complied with, the planning department shall give the permittee notice of intention to revoke such permit at least ten days prior to a planning and zoning commission review thereon. After the conclusion of the review, the planning and zoning commission may revoke such permit.

C. **Conclusions**

1. The application contains sufficient information upon which the Planning and Zoning Commission may render a decision. Please refer to Attachment 1 for a copy of the *Conditional Use Permit* (CUP) application.
2. The request involves the establishment of a pet grooming business to service a non-profit organization known and registered as the “Buddy Foundation” in an existing single-family residence.
3. *Section 21(d) of City of Eagle Pass Code of Ordinances Appendix A* states, in part, that the Planning and Zoning Commission may approve, conditionally approve or deny an application for a *Conditional Use Permit*, and in authorizing a conditional use, may impose such requirements and conditions with respect to location, construction, time period, maintenance and operation as deemed necessary for the protection of adjacent properties and the public interest when reasonably related to the use of the property.

In a circumstance where a pet grooming home business is proposed to be established in a single-family residential neighborhood, the primary issues that need to be examined should focus on the hours of operation, the availability of parking and the permitting requirement as indicated in Chapter 6 regulating animal licenses and permits.

Please refer to Attachment 3 for a copy of Chapter 6, more particularly *Sections 6-101* regulating grooming shop permit .

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

The Planning Department utilizes the *City of Eagle Pass Master Plan* and the associated *Master Plan* as guidance in providing a recommendation to the Planning and Zoning Commission on their consideration of land use issues, including those involving a *Conditional Use Permit* application.

This application is consistent with the *Plan’s Land use Development Goals*, as the proposed use will retain the community’s character and scale.

This application is also consistent with the *Plan’s Land Use Objectives*, as the Conditional Use Permit provides a mechanism that will not disrupt the development of the local capacity to monitor, evaluate, and promote the sound development of the community.

Finally, the application is also consistent with the *Plans Short-Term Land Use Objectives*, as it provides a method for the city to continue enforcement of the provisions of the zoning ordinance.

Please refer to Attachment 4 for a copy of the *Master Plan Map*.

5. The *Conditional Use Permit*, if granted, would be consistent with the purpose of the *Zoning Ordinance for the City of Eagle Pass, Texas*. Section 2 states that the purpose of the zoning code is to promote the health, safety, morals, and general welfare of the City by, (a) lessening the congestion of streets, (b) securing safety from fire, panic, or dangers, (c) providing adequate light and air, (d) preventing the overcrowding of land, (e) avoiding undue concentration of population, (f) facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Section 2 emphasizes the importance of the character of a specific zoning district and its peculiar suitability for particular uses, conserving the value of buildings, and encouraging the most appropriate use of land throughout the City. The use of the single-family residence as a pet grooming home business does facilitate the retention of the character of the neighborhood.

The *Conditional Use Permit*, if granted by the Commission will not constitute any change in the City's zoning district map, and will not increase the congestion in public streets as the grooming will be set by appointment, it will not increase the public danger of fires and safety, it will not materially diminish and impair established property values within the surrounding area, and it will not impair the public health, safety, comfort, morals and welfare of the City of Eagle Pass, Texas.

Please refer to Attachment 4 for a copy of the *City of Eagle Pass Zoning District Map*.

6. The *Conditional Use Permit* application is consistent with the approval criteria set forth in Section 21 of the *Zoning Ordinance for the City of Eagle Pass, Texas* for the reasons set forth above in Conclusion 1 through and including Conclusion 5 and should be granted by the Commission.

D. Community Development Department Recommendation

The Planning and Zoning Commission **GRANT** the Sandra Tovar request to establish a pet grooming home occupation on property located at 1964 Misty Hollow Drive, subject to the conditions listed as follows:

1. Section 13(e)(1-10) of the Zoning Ordinance of Eagle Pass, regulating home occupations.
2. Section 6-101 of Chapter 6, regulating animal licenses and permits.

[Go to the following page for additional conditions.](#)

Section 21(1) Revocation

In the event the conditions of a use permit have not been or are not being complied with, the community development department shall give the permittee notice of intention to revoke such permit at least ten days prior to a planning and zoning commission review thereon. After the conclusion of the review, the planning and zoning commission may revoke such permit.

Section 6-103 Revocation

All permits issued under this chapter may be revoked by the director, or authorized designee, for violation by the permit holder thereof of any of provisions in this chapter. Revocation of the permit is accomplished by mailing to the holder of such permit a written notice of revocation by certified mail. Revocation of the permit may also be accomplished by personally delivering to the holder thereof a written notice stating the permit is revoked.

Continued Conditions:

3. Pets need to be leashed for pickups and drop offs to avoid loose animals in the neighborhood.
4. Pets are not stay overnight.
5. Follow up review of the operation to be held on the one-year mark.

TRANSMITTED to the parties listed hereafter:

Sandra Tovar via e-mail
Eagle Pass City Secretary Erika Rodriguez via e-mail
Eagle Pass City Manager Homero Balderas via e-mail
Eagle Pass Assistant City Manager Ivan Morua via e-mail
Eagle Pass City Attorney Ana Sophia Garcia via e-mail
Eagle Pass Community Development Department Report dated 08/07/2025.

Attachment 1 Application



PLANNING DEPARTMENT

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

CONDITIONAL USE PERMIT APPLICATION

Applicant Information	Name: <u>Sandra Tovar</u>
	Mailing Address: <u>1964 Misty Hollow Dr</u>
	Phone: <u>830-352-4753</u> E-mail: <u>Sandy78852@yahoo.com</u>
	<u>Note: if you are not the owner of the property, you must attach a letter from the owner authorizing you to submit this application.</u>

Property Owner Information	Name: <u>Sandra Tovar</u>
	Mailing Address: <u>(same)</u>
	Phone: _____ E-mail: _____

Property Information	Site Address: <u>1964 Misty Hollow Dr</u> MCAD Property ID # <u>60976</u>
	Legal Description: Lot(s) <u>28</u> Block <u>1</u> Subdivision <u>Timber Creek Unit #2</u> (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) _____ Rear Yard Width (feet) _____ Side Yard Width (feet) _____
	Current Use <u>Home</u>
	Proposed Use <u>Dog Grooming</u>

Description of Project:
<u>A dog grooming project to service ONLY small to medium sized dogs. Dogs will be dropped off and picked up within 1-2 hours after grooming is completed. This project will be in my garage space with A/C Unit and dogs will remain indoors at all times.</u>

Detailed Explanation of Proposed Conditional Use
What development measures regarding location, construction, time period, maintenance, and operation will you use to protect adjacent properties from impacts from your project?
<u>Hours of operation: MONDAY - FRIDAY 10:00 A.M to 4 pm</u>
<u>A max of 5 dogs per day by Appointment only</u>
<u>* NO OVERNIGHT STAY. WILL BE PERMITTED *</u>
<u>All dogs will be picked up as soon as their grooming is completed</u>

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

Depending on the condition of the dog we will only schedule what the 10am to 4pm window of time allows. No more than 5 aday since there is only one groomer. (ME)

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

Every dog will be picked up at the end of their appointment grooming.

Aplicant Authorization

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

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

Applicant Signature

Date

Office Use

Date Application Accepted for Review: 7-16-25 By: AH/MC

Contact Date for Supplemental Info: 7-17-25^{MC} Supplemental Info Received: 7-17-25^{MC}

Completeness Review Date: 7-17-25 By: MC

Application Returned to Applicant: NA (when applicable)

publication paid MC

MR.6/2020

Corporations Section
P.O.Box 13697
Austin, Texas 78711-3697



Carlos H. Cascos
Secretary of State

Office of the Secretary of State

August 31, 2016

Attn: Legalzoom.com, Inc.

Legalzoom.com, Inc.
101 N. Brand Blvd, 10th Floor
Glendale, CA 91203 USA

RE: The Buddy Foundation
File Number: 802532119

It has been our pleasure to file the certificate of formation and issue the enclosed certificate of filing evidencing the existence of the newly created nonprofit corporation.

Nonprofit corporations do not automatically qualify for an exemption from federal and state taxes. Shortly, the Comptroller of Public Accounts will be contacting the corporation at its registered office for information that will assist the Comptroller in setting up the franchise tax account for the corporation. Information about franchise tax, and contact information for the Comptroller's office, is available on their web site at <http://window.state.tx.us/taxinfo/franchise/index.html>. For information on state tax exemption, including applications and publications, visit the Comptroller's Exempt Organizations web site at <http://window.state.tx.us/taxinfo/exempt/index.html>. Information on exemption from federal taxes is available from the Internal Revenue Service web site at www.irs.gov.

Nonprofit corporations do not file annual reports with the Secretary of State, but do file a report not more often than once every four years as requested by the Secretary. It is important for the corporation to continuously maintain a registered agent and office in Texas as this is the address to which the Secretary of State will send a request to file a periodic report. Failure to maintain a registered agent or office in Texas, failure to file a change to the agent or office information, or failure to file a report when requested may result in the involuntary termination of the corporation. Additionally, a nonprofit corporation will file documents with the Secretary of State if the corporation needs to amend one of the provisions in its certificate of formation. If we can be of further service at any time, please let us know.

Sincerely,

Corporations Section
Business & Public Filings Division
(512) 463-5555
Enclosure

Come visit us on the Internet at <http://www.sos.state.tx.us/>

Phone: (512) 463-5555
Prepared by: Tiffany Garcia

Fax: (512) 463-5709
TID: 10286

Dial: 7-1-1 for Relay Services
Document: 687492740005

Corporations Section
P.O.Box 13697
Austin, Texas 78711-3697



Carlos H. Cascos
Secretary of State

Office of the Secretary of State

CERTIFICATE OF FILING OF

The Buddy Foundation
File Number: 802532119

The undersigned, as Secretary of State of Texas, hereby certifies that a Certificate of Formation for the above named Domestic Nonprofit Corporation has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

The issuance of this certificate does not authorize the use of a name in this state in violation of the rights of another under the federal Trademark Act of 1946, the Texas trademark law, the Assumed Business or Professional Name Act, or the common law.

Dated: 08/31/2016

Effective: 08/31/2016



A handwritten signature in black ink, appearing to read "Cascos", followed by a horizontal line.

Carlos H. Cascos
Secretary of State

Phone: (512) 463-5555
Prepared by: Tiffany Garcia

Come visit us on the internet at <http://www.sos.state.tx.us/>

Fax: (512) 463-5709
TID: 10306

Dial: 7-1-1 for Relay Services
Document: 687492740005

7:16



mycpa.cpa.state.tx.us

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Texas Tax Registration Confirmation

Final Steps to Receive Your Sales Tax Permit

1. Print a copy of your application summary for your records. Once you leave this page, this print feature will no longer be available.

[Print Application Summary](#)

You will receive a permit within 2-3 weeks.

Tax Return Information

You are now registered for the following
Taxes/Fees :

[Sales and Use Tax](#)

Return/Payment Due

Quarterly

Return/Payment
Due Date

10/20/2025

If your First Taxable Sales Date is in the past, there may be delinquent sales tax reports and payments due. You will NOT be able to obtain a sales tax permit until these reports have been filed. If you require assistance filing these returns, contact [1-800-252-8880](tel:1-800-252-8880)

How to File/Pay Returns

- You can file and pay online using this same login account to access WebFile.
- You MUST file a tax return **even if you have no sales or no activity.**
- [View the Tax Due Date Calendar](#)
- Visit <https://comptroller.texas.gov/taxes/> for answers to frequently asked questions, publications, forms and the latest information concerning Texas taxes and your business.
- We encourage all new taxpayers to attend free seminars on tax responsibilities for buyers, sellers and service providers. No registration is required.

Your Texas taxpayer number is:

[32101175845](#)

GARAGE DOOR

BATH

GROOMING
TABLE

DOG
CRATES

DOOR TO
HOME

← 24 ft →
MINI SPLIT
UNIT

← 24 ft →

SUPPLIES

DOOR TO
BACKYARD

← 24 ft →

Aerial View



Street View



Attachment 2
Section 13: Home Occupations
Section 21: Conditional Use Permits

Sec. 13. Home occupations.

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

interferences with radio or television reception and other factors detrimental to residential use;

(3) A home business shall not be permitted which requires frequent home deliveries for commercial purposes;

(4) A home business shall not be permitted which will result in the parking of customers' automobiles in a manner, frequency, or number which will cause traffic congestion or will unduly inconvenience nearby residences;

(5) Signs for home occupations shall be located on the lot for which the conditional use permit is issued. One (1) sign, unlighted and attached to the building which shall not exceed six square feet in area may be permitted;

(6) Employment in a home occupation shall be limited to persons residing in the dwelling unit where the home occupation is conducted;

(7) No conditional use permit for a home occupation shall be granted by the planning and zoning commission unless the applicant has furnished proof of having registered with the State of Texas Comptrollers Office;

(8) There shall be no exterior indication of the home occupation or variation from the residential character of the principal or accessory buildings except for a sign in conformance with this chapter;

(9) There shall be no outside storage or display of items for sale, materials or equipment to be used in conjunction with the home occupation.

(10) In no case shall a home occupation be open to the public at times earlier than 7:00 a.m. nor later than 10:00 p.m.

(f) *Pre-existing home occupations.* Any home occupation which lawfully existed on the effective date of this chapter shall be allowed to continue operation in accordance with section 16.

(Ord. No. 06-13, § 2, 7-11-2006)

Sec. 21. Conditional use permits.

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

the planning director may extend the approval of a use permit for one (1) additional year, with the same conditions of approval, if circumstances have not changed. The request in writing must be received prior to the expiration of the use permit.

- (h) *Minor modification to use permit.* The planning director may approve minor modifications to an approved use permit.
- (i) **Revocation.** In the event the conditions of a use permit have not been or are not being complied with, the planning department shall give the permittee notice of intention to revoke such permit at least ten days prior to a planning and zoning commission review thereon. After the conclusion of the review, the planning and zoning commission may revoke such permit.

(Ord. No. 06-13, § 2, 7-11-2006)

Attachment 3
Chapter 6 – Animal Licenses and Permits

PART II - CODE OF ORDINANCES
Chapter 6 - ANIMALS
ARTICLE IV. ANIMAL LICENSES AND PERMITS

ARTICLE IV. ANIMAL LICENSES AND PERMITS

Sec. 6-100. Pet shop permit.

No person shall operate any pet shop as defined in this chapter, without first obtaining a permit from the director or his designee who shall take into consideration the type of building construction, the regulatory compliance history of the permittee as it relates to sanitation, health, welfare of the animals, birds or reptiles housed, and related zoning requirements. The director or his designee shall utilize a standardized checklist for inspecting and evaluating the qualifications of applicants.

- (a) Applications for an original or renewal pet shop permit shall be submitted to the department of public works and shall be approved or denied by the director. The department shall investigate the applicant's qualifications for a license, and report its findings to the director. A conviction for the violation of any provision of this chapter may constitute cause for denial or revocation of a license.
- (b) Failure to apply for a permit prior to the opening of a pet shop, or within thirty (30) days after the renewal date, shall constitute an offense subject to a fine not to exceed five hundred dollars (\$500.00).
- (c) Each pet shop permit shall be valid for one (1) year and the permit fee shall be set by the director.
- (d) There shall be an annual fee of one hundred fifty dollars (\$150.00) for the issuance of a pet shop permit.

(Ord. No. 2018-20, § 1, 8-13-2018)

Sec. 6-101. Grooming shop permit.

- (a) No person shall operate any grooming shop, as defined in this chapter, without first obtaining a permit from the director or his designee who shall take into consideration the type of building construction, the regulatory compliance history of the permittee as it relates to sanitation, health, welfare of the animals, and related zoning requirements. The director or his designee shall utilize a standardized checklist for inspecting and evaluating the qualifications of applicants.
 - (1) Applications for an original or renewal grooming shop permit shall be submitted to the department and shall be approved or denied by the director or his designee. The department shall investigate the applicant's qualifications for a license, and report its findings to the director or his designee. A conviction for the violation of any provision of this chapter may constitute cause for denial or revocation.
 - (2) Failure to apply for a permit prior to the opening of a grooming shop, or within thirty (30) days after the renewal date, shall constitute an offense subject to a fine not to exceed five hundred dollars (\$500.00).
 - (3) Each grooming shop permit shall be valid for one (1) year and the permit fee shall be set by the director or his designee.
- (b) A grooming shop permit holder shall request and require proof that any dog or cat accepted for grooming be vaccinated against common diseases.
- (c) There shall be an annual fee of one hundred fifty dollars (\$150.00) for the issuance of a grooming shop permit.

(Ord. No. 2018-20, § 1, 8-13-2018)

Sec. 6-102. Commercial boarding kennels permit.

No person shall operate a commercial boarding kennel without first obtaining a permit from the director or his designee which shall be valid for one (1) year. Such permit shall be issued after inspection and approval of the facilities, taking into consideration the type of construction as it relates to sanitation, the health and welfare of the dogs and cats, and related zoning regulations. There shall be an annual fee of one hundred fifty dollars (\$150.00) for the issuance of a commercial boarding kennels permit.

- (a) Application for permits under this section shall be made to the director on the form furnished by the department of public works and approved by the director. The director or designee shall conduct the investigation necessary to determine the applicant's qualifications for a permit.
 - (1) The director, or designee, shall determine whether the commercial boarding kennel conditions and the applicant's animal care practices meet the standards of this chapter, whether the facilities are adequate, and whether the applicant is otherwise willing and capable of complying with city ordinances.
 - (2) If the application is for renewal of an existing license, and the applicant has not complied with the rules and regulations established in this chapter, said director shall issue a "Letter of Denial of Renewal and Order of Termination of Operations" to the subject commercial boarding kennel upon the expiration of the current license period.
- (b) Failure to apply for a permit prior to the opening of a commercial boarding kennel, or within thirty (30) days after the renewal date is an offense subject to a fine of no more than five hundred dollars (\$500.00).
- (c) Each commercial boarding kennel permit shall be valid for one (1) year and the permit fee shall be set by the director. No corporation with Internal Revenue Service Code Section 501(c)(3) status as a non-profit organization established for the purpose of protecting and caring for stray and unwanted animals shall be required to pay the permit fee.
- (d) Any unlicensed commercial boarding kennel is hereby declared a public nuisance, and shall be summarily abated by seizure and impoundment of all cats and dogs exceeding the legal number that may be kept by a resident.
- (e) Any commercial boarding kennel permit holder shall request and require proof that any dog or cat accepted be vaccinated against common diseases.

(Ord. No. 2018-20, § 1, 8-13-2018)

Sec. 6-103. Revocation.

All permits issued under this chapter may be revoked by the director, or authorized designee, for violation by the permit holder thereof of any of provisions in this chapter. Revocation of the permit is accomplished by mailing to the holder of such permit a written notice of revocation by certified mail. Revocation of the permit may also be accomplished by personally delivering to the holder thereof a written notice stating the permit is revoked.

(Ord. No. 2018-20, § 1, 8-13-2018)

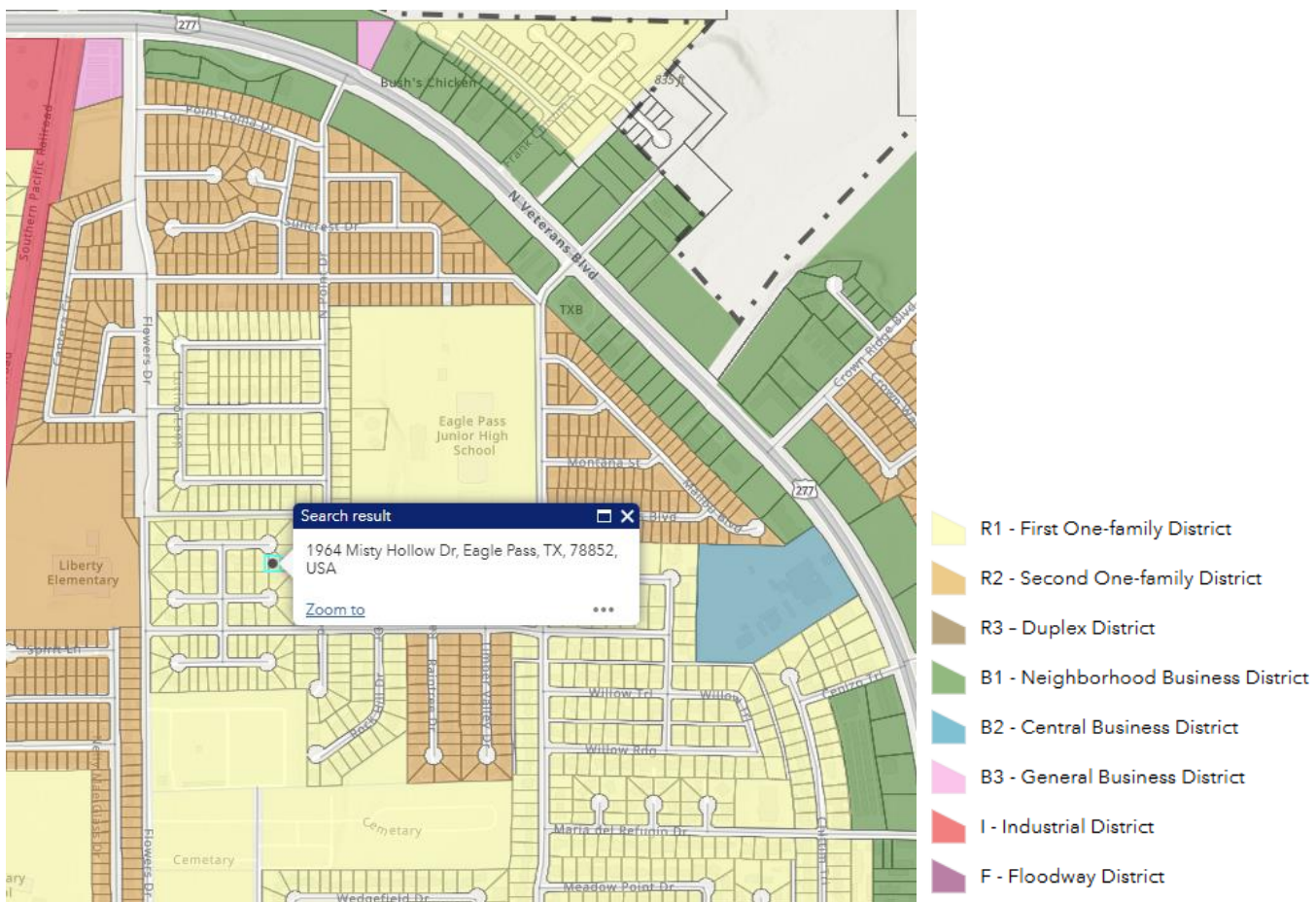
Secs. 6-104—6-124. Reserved.

Attachment 4
Master Plan Map & Zoning District Map

Master Plan Map



Zoning Map





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

Angel Lopez Conditional Use Permit Request - 2173 El Indio Hwy

I. BACKGROUND

A. General Information

Applicant: Angel Lopez | 1792 Cox Street | Eagle Pass, TX 78852

Property Owner: Humberto Farias, Jr.

Property ID Number: 6641

Legal Description: Lots 7 in Cuatro Esquinas

Request: A request for a Conditional Use Permit to allow for the establishment of a mechanic shop business.

B. Subject Property Information

Parcel Size: 7,500 square feet

Acres: .1721

Vegetation: None

Existing Use: mechanic shop type structure in use

Zoning: B-1 Neighborhood Business District

Master Plan: Commercial

C. Vicinity Data

The property is located within an area featuring commercial development at a density consistent with the maximum lot area requirement of the *B-1 District*.

The parcel is located off El Indio Highway.

D. Infrastructure

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

II. PUBLIC NOTICE

Public notification of the *Conditional Use Permit* (CUP) 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*. 7 notices were mailed to the abutting property owners on August 1, 2025, with a legal notice published in the Eagle Pass News Gram on July 31, 2025.

III. RECOMMENDED FINDINGS OF FACT

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

- Section 9.1 Planning and zoning commission

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

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

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

- **Section 9.3 Master Plan.**

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

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

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

Land Use Development

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

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

Land Use Development Goals

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

Land Use Objectives

- Development of the local capacity to monitor, evaluate, and promote the sound development of the community.
- Promotion of development standards and guidelines to minimize wasteful land subdivision and to improve local resource utilization in a compatible land use relationship.
- Coordination with area-wide, county, and state agencies which deal with land and resource utilization to eliminate substandard development in the Extra Territorial Jurisdiction (ETJ) and beyond, and to improve existing substandard areas.

Short-Term Land Use Objectives

- Establish the planning process as a continuing municipal function.
- Review planning studies and material from agencies, such as the American Planning Association, the Texas Municipal League, and the Texas Department of Housing and Community Affairs, that can be applicable to the City of Eagle Pass.

- Continue enforcement of the provisions of the zoning and subdivision ordinances.
- Strict review of proposed subdivisions, particularly those located in environmentally sensitive areas such as sloping areas or those areas with soils which pose limitation to development.
- Annex colonia areas located within the City's Extra Territorial Jurisdiction which affect to the City.

B. Eagle Pass Code of Ordinances Appendix A: Zoning Ordinance

- **Section 1: Title.**

This Ordinance shall be known, and may be cited, as the Zoning Ordinance for the City of Eagle Pass, Texas.

- **Section 2: Purpose.**

The zoning regulations and districts herein established have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals, and the general welfare of the City of Eagle Pass, Texas. They have been designed to lessen the congestion of streets; to secure safety from fire, panic, or other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with the view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City of Eagle Pass, Texas.

- **Section 3 Definitions.**

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular. The word 'building' shall include the word 'structure'; the word 'lot' includes the word 'plot'; and the word 'shall' is mandatory and not merely permissive or directory.

(9) Filling station, service station, provided all storage tanks for gasoline shall be below the surface of the ground, and not including auto repair, and only with a conditional use permit as specified by [section 21](#).

- **Section 4 Districts.**

For the purpose of regulating and restricting the height and size of buildings and other structures, the percentage of the lot that may be occupied, the size of yards, the other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purpose, the City of Eagle Pass, Texas is hereby divided into districts, of which there shall be seven classes in number, and shall be known as:

- R-1 First One-Family Dwelling District
- R-2 Second One-Family Dwelling District
- R-3 Duplex District
- R-3(A) Apartment District
- R-4 Townhouse Residence District

R-5	Garden Home District
R-6	Third One-Family Dwelling District
B-1	Neighborhood Business District
B-2	Central Business District
B-3	General Business District
I	Industrial District
F	Floodway District

...Except as hereinafter provided:

- (1) No building shall be erected, converted, enlarged, reconstructed, or structurally altered, and no building or land shall be used for any purpose that is not permitted in the district in which the building or land is situated.

- **Section 8: B-1 Neighborhood Business District.**

The following regulations shall apply to the "B-1" District:

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

(9) Filling station, service station, provided all storage tanks for gasoline shall be below the surface of the ground, and not including auto repair, and only with a conditional use permit as specified by [section 21](#).

- **Section 8: B-1 Neighborhood Business District.**

The following regulations shall apply to the "B-1" District:

- B. *Height regulations:* No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height.

- C. *Yard regulations:*

(1) Front yard. For uses permitted in the "R-3(A)" District, the front yard requirements for the "R-3(A)" District shall apply. For other uses permitted in this district a front yard of twenty (20) feet in depth is required.

(2) Side yards. For uses permitted in the "R-3(A)" District, the side yard requirements for the "R-3(A)" District shall apply. For other uses a ten-foot side yard is required.

(3) Rear yard. For uses permitted in the "R-3(A)" District, the "R-3(A)" District regulations shall apply. There are no rear yard regulations for other uses.

(4) Depth of lot. The minimum depth of lot shall be one hundred (100) feet.

- D. Intensity of use: For uses permitted in the "R-3(A)" District the minimum lot area and minimum lot width shall be the same as the "R-3(A)" District. For other uses a maximum lot area of eight thousand (8,000) square feet is required.

- E. Parking regulations:

(1) Parking shall be provided as required in section 12.1, Parking Requirements Ordinance.

- F. Additional use, height, and area regulations: Additional use, height, and area regulations and exceptions are found in section 12 herein.

- **Section 12.1: Parking Requirements.**

(a) Authority and purpose. This ordinance is adopted for the purpose of providing an adequate number of parking spaces for residential, commercial, institutional, and industrial uses in the City of Eagle Pass. This ordinance is enacted in accordance with the home rule powers of the city, granted under the Texas Constitution, and the Statutes of the State of Texas.

(c) Parking regulations and 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.

(4) Rules for computing parking requirements. In the interpretation of the parking requirements set out in this ordinance, 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.

8. Design standards. Design standards for off-street parking.

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 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.

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.
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.

• **Section 21: Conditional Use Permits.**

- (a) Purpose. The purpose of this section is to allow the proper integration into the community of uses which may be suitable only in specific locations in a zoning district or only if such uses are designed or laid out on the site in a particular manner.
- (b) Application. A conditional use permit shall be required for all uses listed as conditional uses in the residential, commercial and industrial land use descriptions or elsewhere in the Zoning Ordinance of the City of Eagle Pass.
 - (1) Filing. Application shall be made in writing by the property owner or his authorized agent, on forms provided by the planning department, and accompanied by such data and information as may be necessary to fully describe the request.
 - (2) Fee. The filing and investigation fee shall be \$100.00.
- (c) Public hearing. A public hearing shall be held in accordance with law. A notice of hearing shall be mailed at least ten calendar days prior to said hearing to all property owners, any part of whose property lies within a radius of two hundred 200-feet of the applicant's property, using for this purpose the names of such owners as shown on the last equalized assessment roll, or alternatively, from

such other records of the assessor or the tax collector as contain more recent addresses. In addition, if warranted in the determination of Planning Director, notice shall be provided by conspicuously posting it on the subject property for at least ten days prior to the hearing. Failure to receive the notice required by this section shall not invalidate the action of the planning and zoning commission.

- (d) Planning and zoning commission action. The planning and zoning commission may approve, conditionally approve or deny an application for a *Conditional Use Permit*, and in authorizing a conditional use, may impose such requirements and conditions with respect to location, construction, time period, maintenance and operation as deemed necessary for the protection of adjacent properties and the public interest when reasonably related to the use of the property. Before granting any conditional use permit the planning director shall be satisfied that the proposed structure or use conforms to the requirements and the intent of this chapter and the general plan(s) of the City of Eagle Pass.
- (e) Appeals. The planning and zoning commission action on the conditional use permit shall be final unless, within fourteen (14) calendar days after the decision, the applicant or any other person, including the city council, any individual city council member, or the city manager, not satisfied with the decision of the planning and zoning commission, may appeal to the city council. No conflict of interest shall exist solely by reason of the filing of an appeal by the city council, an individual city council member, or the city manager. Any appeal shall be filed with the city secretary's office and, except an appeal by the city council, a council member, or the city manager, shall be accompanied by a filing fee \$100.00. The city secretary shall set a date for a public hearing and shall give notice to the appellant, the applicant and neighboring property owners in the manner provided in the zoning ordinance.
- (f) Issuance. No conditional use permit which has been approved by the planning and zoning commission shall be issued prior to the expiration of the appeal period as set forth in the Ordinances of the City of Eagle Pass, or the final action on an appeal to the city council.
- (g) Expiration. In the event the planning and zoning commission finds the use permit has not been exercised within the time limit set by the commission, or within one 1-year if no specific time limit has been set, the permit shall be null and void without further action; except that the planning director may extend the approval of a use permit for one 1-additional year, with the same conditions of approval, if circumstances have not changed. The request in writing must be received prior to the expiration of the use permit.
- (h) Minor modification to use permit. The planning director may approve minor modifications to an approved use permit.
- (i) Revocation. In the event the conditions of a use permit have not been or are not being complied with, the planning department shall give the permittee notice of intention to revoke such permit at least ten days prior to a planning and zoning commission review thereon. After the conclusion of the review, the planning and zoning commission may revoke such permit.

C. Conclusions

1. The application contains sufficient information upon which the Planning and Zoning Commission may render a decision. Please refer to Attachment 1 for a copy of the *Conditional Use Permit* (CUP) application.
2. The request involves the establishment of a mechanic shop business in a commercial property.

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

The Community Development Director believes that the proposed structure or use conforms to the requirements and the intent of this chapter and the general plan(s) of the City of Eagle Pass. The CUP would be allowed on the condition that all applicable codes are met.

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

The Community Development Department utilizes the *City of Eagle Pass Master Plan* and the associated *Master Plan* as guidance in providing a recommendation to the Planning and Zoning Commission on their consideration of land use issues, including those involving a *Conditional Use Permit* Application.

This application is consistent with the *Plan's Land use Development Goals*, as the proposed use will retain the community's character and scale.

This application is also consistent with the *Plan's Land Use Objectives*, as the approval of the Conditional Use Permit provides a mechanism that will allow for the development of the local capacity to monitor, evaluate, and promote the sound development of the community.

Finally, the application is also consistent with the *Plans Short-Term Land Use Objectives*, as it provides a method for the city to continue enforcement of the provisions of the zoning ordinance.

Please refer to Attachment 3 for a copy of the *Master Plan Map*.

5. The *Conditional Use Permit*, if granted, would be consistent with the purpose of the zoning code. Section 2 of the *Zoning Ordinance for the City of Eagle Pass* states that the purpose of the zoning code is to promote the health, safety, morals, and general welfare of the City by, (a) lessening the congestion of streets, (b) securing safety from fire, panic, or dangers, (c) providing adequate light and air, (d) preventing the overcrowding of land, (e) avoiding undue concentration of population, (f) facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Section 2 emphasizes the importance of the character of a specific zoning district and its peculiar suitability for particular uses, conserving the value of buildings, and encouraging the most appropriate use of land throughout the City. The use of a mechanic shop will facilitate the retention of the character of the neighborhood.

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

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

Please refer to Attachment 3 for a copy of the *City of Eagle Pass Zoning District Map*.

6. The *Conditional Use Permit* application is consistent with the approval criteria set forth in Section 21 of the *Zoning Ordinance for the City of Eagle Pass* for the reasons set forth above in Conclusion 1 through and including Conclusion 5 and should be granted by the Commission.

D. Community Development Department Recommendation

The Planning and Zoning Commission **GRANT** the Angel Lopez request to establish an auto mechanic shop business on property located at 2173 El Indio Highway, subject to the compliance of Section 21 and Section 12.1 of the *Zoning Ordinance for the City of Eagle Pass*

TRANSMITTED to the parties listed hereafter:

Angel Lopez via e-mail
Eagle Pass City Secretary Erika Rodriguez via e-mail
Eagle Pass City Manager Homero Balderas via e-mail
Eagle Pass Assistant City Manager Ivan Morua via e-mail
Eagle Pass City Attorney Ana Sophia Garcia via e-mail
Eagle Pass Community Development Department Report dated August 7, 2025

Attachment 1 Application



PLANNING DEPARTMENT

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

CONDITIONAL USE PERMIT APPLICATION

Applicant Information	Name: <u>Angel Lopez</u>
	Mailing Address: <u>1792 Cox Street, Eagle Pass, Tx 78852</u>
	Phone: <u>830-752-5330</u> E-mail: <u>elindiotiresshop@gmail.com</u>
	<u>Note: If you are not the owner of the property, you must attach a letter from the owner authorizing you to submit this application.</u>

Property Owner Information	Name: <u>Humberto Farias Jr.</u>
	Mailing Address: _____
	Phone: <u>830-752-7147</u> E-mail: <u>hfarias21@gmail.com</u>

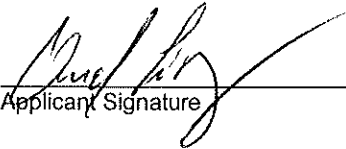
Property Information	Site Address: <u>2173 El Indio Hwy</u> MCAD Property ID # <u>6641</u>
	Legal Description: Lot(s) <u>7</u> Block _____ Subdivision <u>Cuatro Esquinas</u> (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) <u>50'</u> Rear Yard Width (feet) <u>50'</u> Side Yard Width (feet) <u>150'</u>
	Current Use <u>mechanic shop</u>
	Proposed Use <u>mechanic shop</u>

Description of Project:
<u>Negocio de taller mecanico</u>

Detailed Explanation of Proposed Conditional Use
What development measures regarding location, construction, time period, maintenance, and operation will you use to protect adjacent properties from impacts from your project?
<u>Hacer trabajos mecanicos y servicios de mantenimiento</u>

Describe how your project is reasonably related to the use of the property. Tenemos un amplio estacionamiento y contamos con 4 espacios adicionales techados y una oficina con sala de espera.

Describe how your project conforms to the purpose of the zoning district in which the project will be established. El taller mecánico propuesto se alinea con el propósito del distrito de zonificación al brindar servicios esenciales de reparación de vehículos que apoyan a los residentes y a los negocios comerciales locales. Contribuye a la economía local y operará en conformidad con las regulaciones de la zonificación.

Applicant Authorization	I authorize the City of Eagle Pass to conduct any site visits necessary to evaluate this conditional use permit application.
	I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the conditional use permit request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of the conditional use permit approval. I agree to provide any additional information requested by the City as they deem necessary for the processing of this application.  <u>6/11/25</u> Applicant Signature Date

Office Use	Date Application Accepted for Review: <u>6/12/25</u> By: <u>KV/ne</u>
	Contact Date for Supplemental Info: <u>6/12/25</u> Supplemental Info Received: <u>6/24/25</u>
	Completeness Review Date: <u>6/24/25</u> By: <u>ne</u>
	Application Returned to Applicant: <u>NA</u> (when applicable)

MR:6/2020

OWNER AUTHORIZATION LETTER

For Conditional Use Permit Application

Date: April 11, 2025

To Whom It May Concern,

I, Humberto Farias, am the legal owner of the property located at:

2173 El Indio Highway, Eagle Pass, TX 78852

I hereby authorize Mr. Angel Lopez, doing business as Angelson Garage LLC, to apply for a Conditional Use Permit with the City of Eagle Pass Planning Division for the purpose of operating his business at the above-mentioned address.

If additional information or verification is needed, I can be contacted at:

Phone: (830) 752-7147

Email: hfarias21@gmail.com

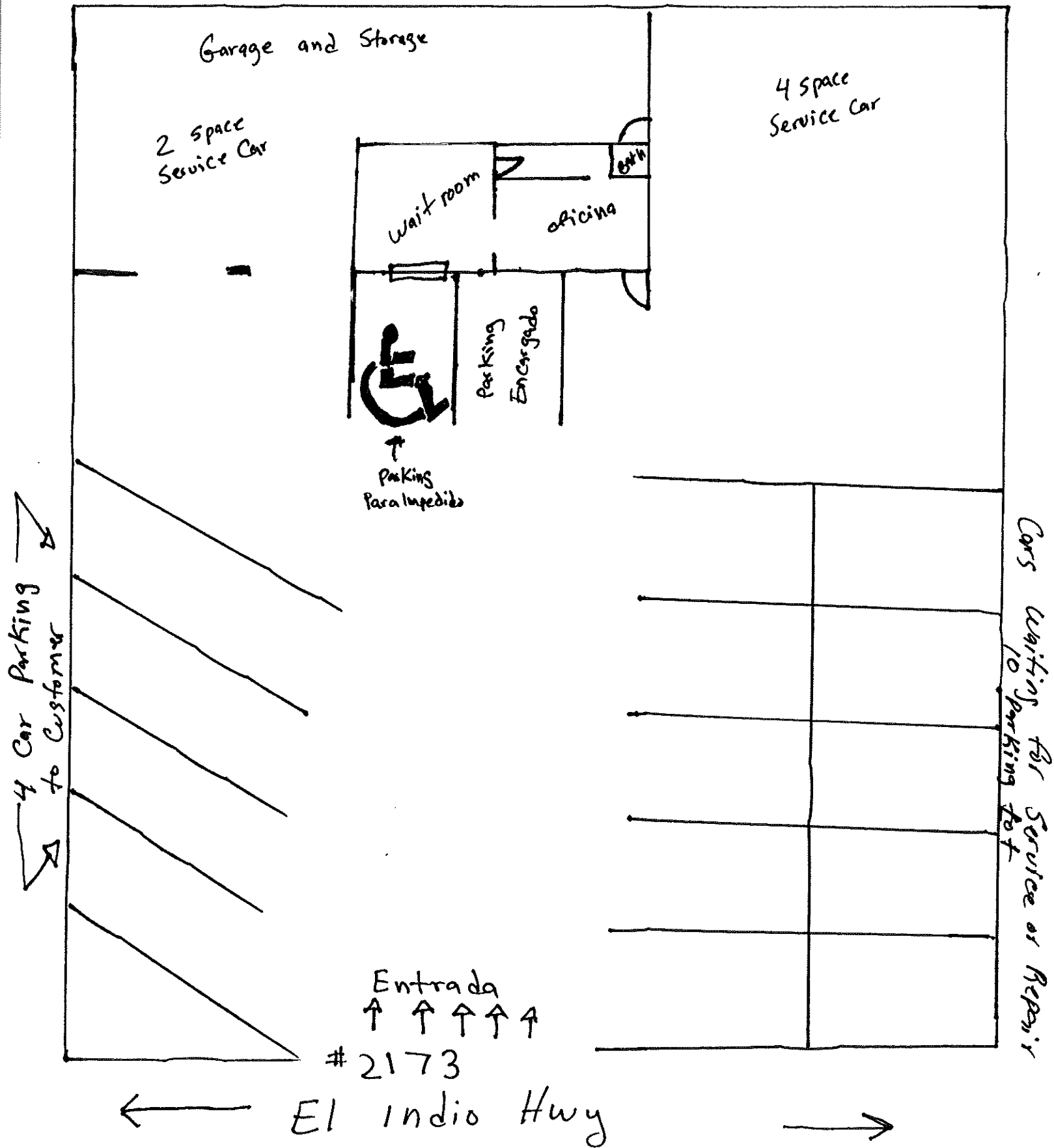
Sincerely,



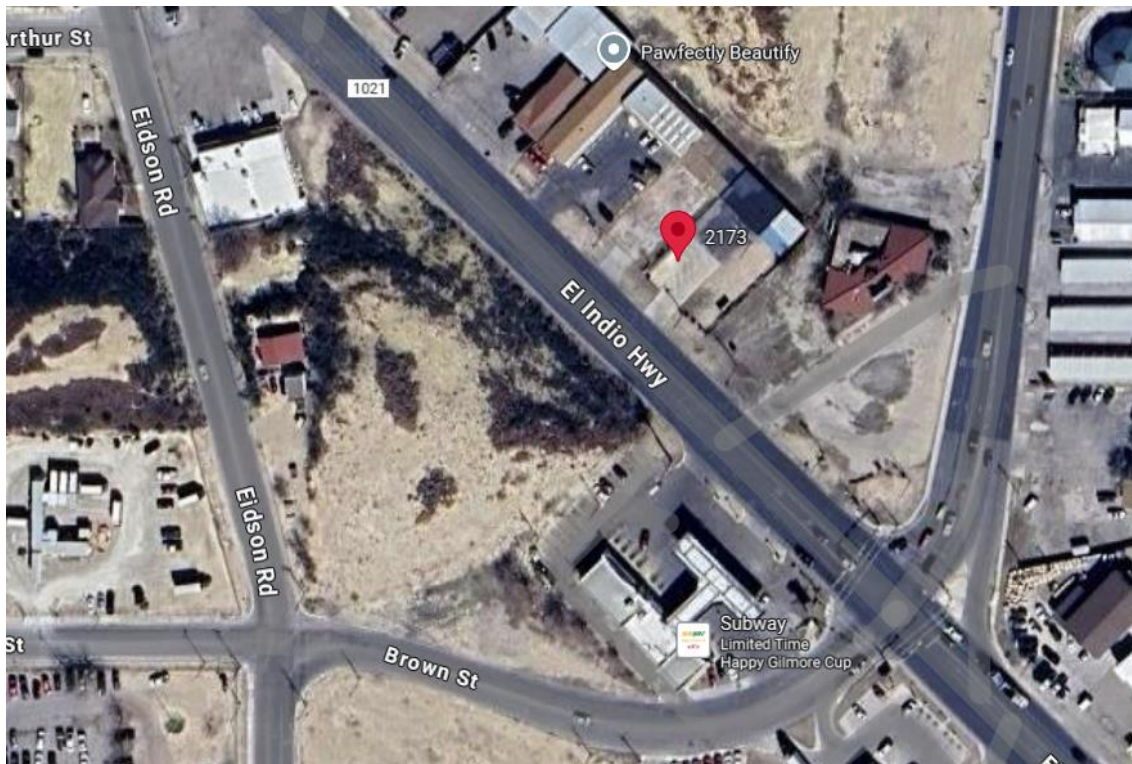
Humberto Farias

Property Owner

Rear Garage Space







Attachment 2
Section 8, Section 21, and Section 12.1

Sec. 8. "B-1" Neighborhood business district.

The following regulations shall apply to the "B-1" Neighborhood business districts:

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

- (1) Any use permitted in the "R-1," "R-2," and "R-3" districts.
- (2) Advertising signs which advertise the building on this same property, on-premise signs shall be limited to one (1) per establishment. See section 15 for additional sign information.
- (3) Automobile parking lots with spaces for rent.
- (4) Bakery.
- (5) Bank.
- (6) Barbershop.
- (7) Beauty parlor.
- (8) Doctor's office or small clinic, but not exceeding five thousand (5,000) square feet in size.
- (9) Filling station, service station, provided all storage tanks for gasoline shall be below the surface of the ground, and not including auto repair, and only with a conditional use permit as specified by section 21.
- (10) Job printing.
- (11) Dry cleaning, and Laundromats.
- (12) Medical offices.
- (13) Funeral home.
- (14) Offices up to a total building size of ten thousand (10,000) square feet.
- (15) Radio repair and sales shop.
- (16) Restaurant, cafe, cafeteria.
- (17) Studio.
- (17a) Used car lot.
- (18) Any retail business, not to exceed five thousand (5,000) square feet for each individual retail establishment, and provided that such use is not noxious or offensive by reason of vibrations, smoke, odor, dust, gas, or noise, and which is not prohibited by the City Charter.

B. *Height regulations:* No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height.

C. *Yard regulations:*

- (1) *Front yard.* For uses permitted in the "R-3(A)" District, the front yard requirements for the "R-3(A)" District shall apply. For other uses permitted in this district a front yard of twenty (20) feet in depth is required.

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- (2) *Side yards.* For uses permitted in the "R-3(A)" District, the side yard requirements for the "R-3(A)" District shall apply. For other uses a ten foot side yard is required.
 - (3) *Rear yard.* For uses permitted in the "R-3(A)" District, the "R-3(A)" District regulations shall apply. There are no rear yard regulations for other uses.
 - (4) *Depth of lot.* The minimum depth of lot shall be one hundred (100) feet.
 - D. *Intensity of use:* For uses permitted in the "R-3(A)" District the minimum lot area and minimum lot width shall be the same as the "R-3(A)" District. For other uses a maximum lot area of eight thousand (8,000) square feet is required.
 - E. *Parking regulations:*
 - (1) Parking shall be provided as required in section 12.1, Parking Requirements Ordinance.
 - F. *Additional use, height, and area regulations:* Additional use, height, and area regulations and exceptions are found in section 12 herein.
- (Ord. No. 06-13, § 2, 7-11-2006)

Sec. 21. Conditional use permits.

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

the planning director may extend the approval of a use permit for one (1) additional year, with the same conditions of approval, if circumstances have not changed. The request in writing must be received prior to the expiration of the use permit.

- (h) *Minor modification to use permit.* The planning director may approve minor modifications to an approved use permit.
- (i) *Revocation.* In the event the conditions of a use permit have not been or are not being complied with, the planning department shall give the permittee notice of intention to revoke such permit at least ten days prior to a planning and zoning commission review thereon. After the conclusion of the review, the planning and zoning commission may revoke such permit.

(Ord. No. 06-13, § 2, 7-11-2006)

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.

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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.

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- (d) *Factory group F.* The use of a building or portion thereof for assembling, disassembling, finishing, manufacturing, packaging, repairing, or processing not classified as storage.

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

- i. Light industrial: One (1) parking space for each five hundred (500) square feet of gross floor area.
- ii. Heavy industrial: One (1) parking space for each one thousand (1,000) square feet of gross floor area.
- iii. Permits certain parking and uses on non-asphalt surfaces within factory group occupancies.

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

- (e) *Institutional group I.* The use of a building or portion thereof for which people having physical limitations because of health or age are cared for or live in a supervised environment for care or treatment, or in which the people are detained for correctional purposes.

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

- i. Nursing home, convalescent home, elderly housing home, assisted living facility, retirement home, or group home: One (1) parking space for every four (4) beds.
- ii. Commercial nonresidential day care center: One (1) parking space for every eight (8) students or pupils.

- (f) *Mercantile group M.* The use of a building or portion thereof for the display and sale of merchandise and involves stocks of goods, wares, or merchandise incidental to such proposes and accessible to the public.

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

- i. Grocery stores, hardware stores, furniture stores, and convenience stores: One (1) parking space for every four hundred (400) square feet of gross floor area.

- (g) *Residential group R.* The use of a building or portion thereof for sleeping purposes.

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

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

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

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

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

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

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

4. Computation of parking requirements. In the interpretation of the parking requirements set out in this section, the following rules shall apply:
- (a) Where fractional spaces result, the parking spaces required shall be construed to be the next largest whole.
 - (b) The parking space required for a use not specifically mentioned in this ordinance shall be the same as required for a use of similar nature.
 - (c) Whenever a property is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, additional spaces shall be provided on the based upon the enlargement or change. The additional off-street

parking spaces will be required only to serve the enlarged or expanded area, not the entire building or use.

- (d) In the case of mixed uses, the parking spaces required in this section shall equal the sum of the requirements of the various uses computed separately.
5. Americans with Disabilities Act (ADA) compliant parking. Parking spaces designated for use by members of the disabled community shall comply with the table shown below, but in all cases shall be consistent with the Texas Accessibility Standards found in the State of Texas Architectural Barriers Act. Parking required to satisfy ADA requirements shall be in addition to the spaces required per section (C)3, Minimum improved off-street parking requirements, located in this chapter.

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

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

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

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

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

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

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

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

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.

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- (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:

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- 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.

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- (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.
 - (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.

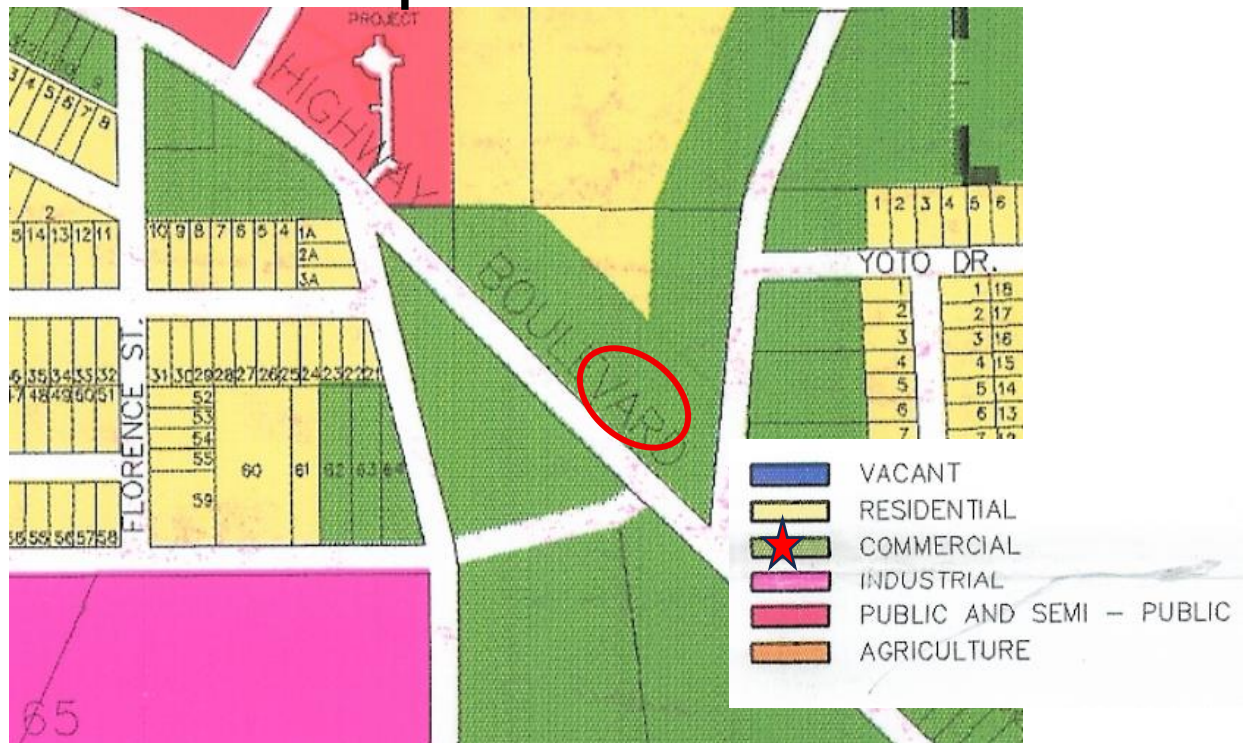
9. Pavement standards. All parking lots and access roadways thereto shall be paved according to the standards and specifications set forth in the City of Eagle Pass Public Works Department Construction Specifications Manual, with parking area and access design reviewed and approved by the city engineer 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.

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- (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)

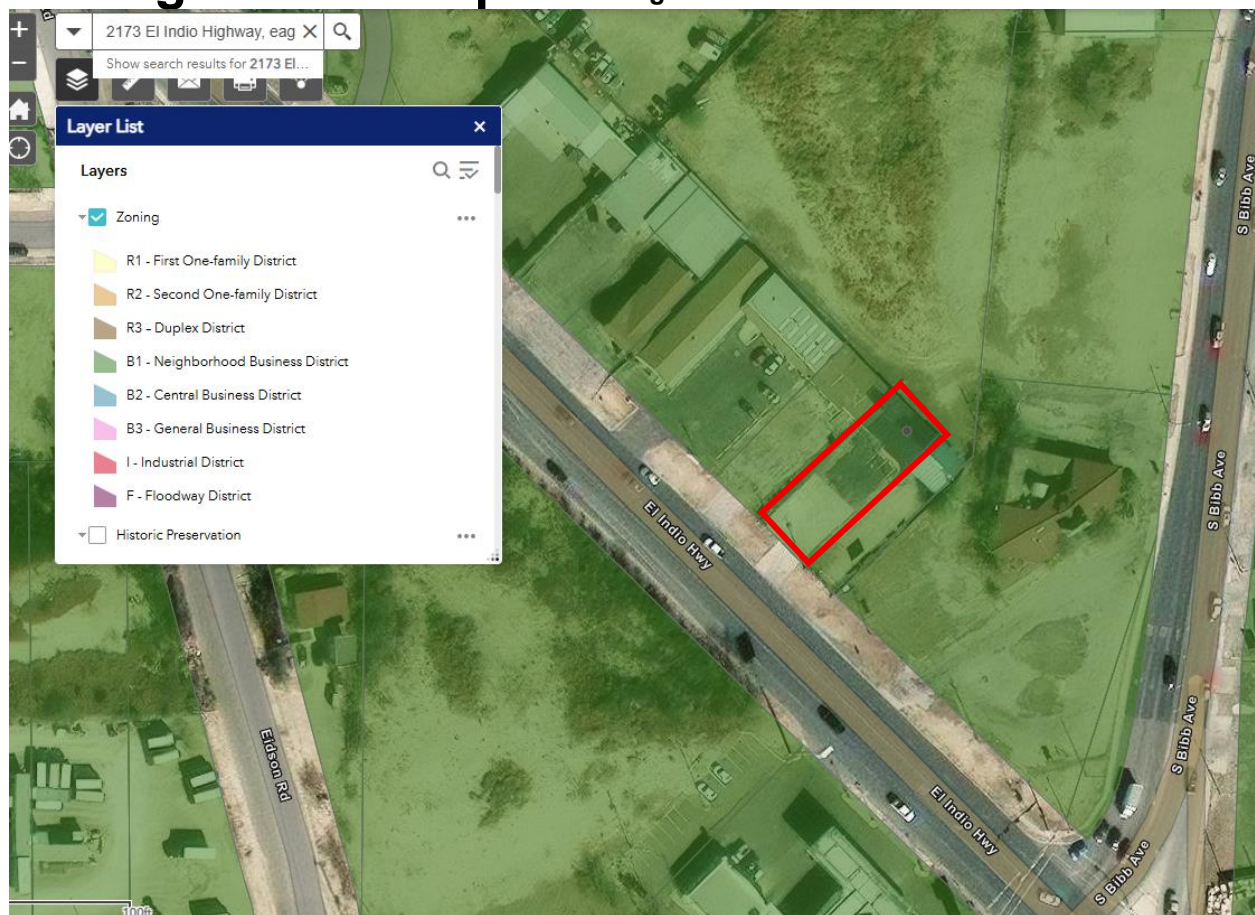
Attachment 3

Land Use & Zoning Maps

Master Plan Map



Zoning District Map – B1 Neighborhood Business District





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

Subdivision Variance Request from City of Eagle Pass Code of Ordinances
1382 Las Quintas Blvd. - Proposed Re-Plat of Lot 3 (south 1/2), Tract 1 of Las Quintas Fronterizas

I. BACKGROUND

A. General Information

Applicant & Property Owner: Jose Martinez | 2139 Lucino Loop, Eagle Pass, Tx 78852

Location: 1382 Las Quintas Blvd

Property ID Number: 51920

Legal Description: Lot 3 (south 1/2), Tract 1 of Las Quintas Fronterizas

Request: Approval of subdivision variance from Section 23-69(b)(2)(b) regulating lot size requirements for the R-5 Garden Home District, to reduce the minimum depth of lot from 100 feet to 82.5 feet.

B. Subject Property Information

Parcel Size: 4,500 square feet

Topography: Generally flat

Existing Use: Vacant and undeveloped and the north half houses a single family dwelling

Zoning: Not applicable as the lot is in the ETJ

Master Plan: No depiction as the lot is in the ETJ

C. Vicinity Data

The surrounding area is comprised of residential land uses.

D. Infrastructure

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

The subject is given access off Las Quintas Boulevard via El Indio Highway and S. Veterans Boulevard.

II. 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*. 24 notices were mailed to the abutting property owners on August 1, 2025, with a legal notice published in the Eagle Pass News Gram on July 31, 2025.

III. RECOMMENDED FINDINGS OF FACT

A. Conclusions

1. The applicant's requests contains sufficient information for consideration by the Planning and Zoning Commission. The information contained in this report and the Commission's public meeting will be used as part of the Committee's deliberation process for approval or denial of application. Please refer to Attachment 1 for a copy of the request.
2. The subdivision variance rests entirely upon whether the applicant has demonstrated that the proposal complies with the subdivision variance criteria set forth in Section 23-11(a) and Section 23-11(c).

First Variance Decision Criteria

Section 23-11(a)(1). The variance is consistent with this section of the city code, as the strict application of the requirement to receive approval to reduce the minimum depth of lot from one hundred (100) feet to 82.50 feet, for a 1 lot subdivision that currently contains all required supporting public infrastructure would deprive the applicant of the reasonable subdivision of their land.

Second Variance Decision Criteria

Section 23-11(a)(2). The variance is also consistent with this section of the city code, as the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. The subdivision design is consistent with the purpose of the *R-5 Garden Home District*. The residential use of the property will allow the enjoyment of property rights permitted by the City code.

Third Variance Decision Criteria

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

Fourth Variance Decision Criteria

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

Fifth Variance Decision Criteria

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

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

3. The subdivision is not located within the boundary depicted on the *City of Eagle Pass Master Plan Map*. The *City of Eagle Pass Master Plan Map* does, however, provide direction regarding the re-plat of property both within the City and within the City's 5-mile wide Extraterritorial Jurisdiction (ETJ). The *Master Plan* emphasizes the importance of maintaining the character of the residential neighborhoods.
 - ✓ The proposed replat will be consistent with the *Housing Goals* of the *Master Plan*, as the subdivision process will ensure appropriate land development regulation with appropriate lot sizes, paved streets with curb and gutters, and adequate utility services.
 - ✓ The proposed replat will be consistent with the *Land Use Development Goals* of the *Master Plan*, as the project is designed to provide for a building lot density that is consistent with the purpose of the *R-5 Garden Home District*. This design will allow for the continuing development of the community while retaining the neighborhood character and scale while providing utility services in the most efficient and equitable manner.
 - ✓ The proposed replat will be consistent with the *Street Goal* of the *Master Plan*, as access to the site from Las Quintas Blvd is designed to provide the residents of and visitors to Eagle Pass and Maverick County with a street system that will enable them to travel safely and conveniently.
 - ✓ The proposed replat will be consistent with the *Thoroughfare Goals* of the *Master Plan*, as Las Quintas Blvd has been designed to be part of a safe and efficient thoroughfare system.
 - ✓ The proposed replat will be consistent with the *Storm Drainage Goals* of the *Master Plan*, as the size of the lot and the eventual density on the proposed replat site will not adversely impact existing area drainage effectiveness.
4. The re-subdivision design is consistent with the residential purpose of the *R-5 Garden Home District* as well. Administration has allowed subdivisions within the 5-mile ETJ be given the opportunity to comply with any of the residential zoning directs to allow for affordable housing.
5. The proposed re-subdivision is consistent with City design and specifications, as the subsequent development of the site will be required to conform to the following sections of *Article IV* in *Eagle Pass Code of Ordinances Chapter 23*:
 - ✓ *Section 23-62* governing utility easements
 - ✓ *Section 23-64* governing sidewalks
 - ✓ *Section 23-66* governing sanitary sewage disposal
 - ✓ *Section 23-67* governing potable water supply and fire flow
 - ✓ *Section 23-68* governing storm drainage
 - ✓ *Section 23-69* governing **the size of building lots**, including lot width, lot depth, lot orientation, and building setback areas, subject to a grant of a variance by the Commission and Maverick County Commissioners' Court.
 - ✓ *Section 23-71* governing the installation and inspection of utility lines

6. The subdivision of the property is in conformance with the provisions of the *Master Plan* and the *Eagle Pass Code of Ordinances* by facilitating the following benefits:
- Protect private rights while considering public health, safety, and welfare.
 - Provide efficient and economical ways to move people and goods outside the City by an adequate plan for streets and highways.
 - Guide future development in an orderly manner, by stages according to a pattern, so that the City and County may have balanced land use.
 - Encourage a diversified economic base and encourage public and private investments in land and improvements.
 - Prevent and eliminate blight and slums, making the City and County attractive to people, commerce, and industry.
 - Create the desire for a more pleasing appearance of the City and County and incorporate into its physical development the basic principles of good design.
 - Protect and preserve the identity of each neighborhood through use of the guidance provided by the *Master Plan* and the *Code of Ordinances*.
 - Locate all land uses on land best suited for their needs, arranged in such a way as to be mutually beneficial and functional, with ample area to meet long-term needs.
 - Establish a proper relationship between open space, developed areas, building bulk, light, and air space, in all future development programs of land use.
 - Encourage and abet the development of civic, cultural, and other public and quasi-public buildings in harmonious and functional groupings.
7. The proposed re-plat will allow for a use of the property that is consistent with the residential purpose of the *R-5 Garden Home District* for the following reasons:
- A. The proposed subdivision design bears a substantial relationship to the public's health, safety, and welfare.
 - B. The proposed subdivision is in accordance with the policies of the Master Plan and the business purpose of the *R-5 Garden Home District*.
 - C. The proposed subdivision is warranted because of the necessity to create additional building lots in the *R-5 Garden Home District*, and because the proposed development is appropriate to accomplish the reasonable use of the property.
 - D. The proposed subject property is suitable for development in general conformance with development standards of the *R-5 Garden Home District*.
 - E. The proposed subdivision will benefit the City as a whole and will not be detrimental to nearby land uses of a similar nature.

- F. The subsequent development will be designed and conditioned to comply with all applicable subdivision criteria and standards of the City of Eagle Pass.

Please refer to Attachment 2 for a copy of the *Master Plan* Map and a copy of the *Zoning District Map* for the City of Eagle Pass.

8. City Staff recommend the following actions based of Conclusion 1 through and including Conclusion 7 of this report.

B. Community Development Department Recommendation

The Planning and Zoning Commission **GRANT** the subdivision variance from Section 23-69(b)(2)(b) regulating lot size requirements for the R-5 Garden Home District, to reduce the minimum depth of lot from one hundred (100) feet to 82.5 feet, for property located at 1382 Las Quintas Boulevard.

TRANSMITTED to the parties listed hereafter:

Jose Martinez via e-mail

Eagle Pass Planning and Zoning Commission via e-mail

Eagle Pass City Manager Homero Balderas via e-mail

Eagle Pass Assistant City Manager Ivan Morua via e-mail

Eagle Pass City Secretary Erika Rodriguez via e-mail

Eagle Pass City Attorney Ana Sophia Garcia via e-mail

Maverick County Building Inspector Israel Rodriguez via e-mail

Eagle Pass Community Development Department Report dated August 7, 2025

Attachment 1
Subdivision Variance Application



COMMUNITY DEVELOPMENT DEPARTMENT

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

SUBDIVISION VARIANCE APPLICATION

Applicant Information

Applicant (If not owner): Jose Martinez

Address: 2139 Lucino Loop

Phone: 830 325-4084

E-mail: josemarvilla@hotmail.com

Owner: Same

Address: _____

Phone: _____

E-mail: _____

Property Information

Site Address: 1382 Las Quintas Blvd

MCAD Property ID No. 51920

Legal Description (from deed): South 1/2 of Lot 3, Trac 1, Lot 4

Description of Subdivision Variance Request

This property is 4,895 sq ft. Dimentions of the lot has 60 ft frontage, and

81.6 ft setback. I am formally requesting a Variance Request for the 100 ft setback accoding

to City Ordinance guidelines.

Detailed Explanation of Subdivision Variance Request

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

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

Original subdivision was 1 Lot. In 1987 property was sold separately by original owner

to two different people. Propert has now two deeds.

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

By officially and legally separating this property, it will preserve

the enjoyment of the property

Describe how the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

As it is, property is considered separate from any other adjacent properties. Official separation will not be detrimental to the public health, safety or welfare to other property in the area.

Describe how the granting of the variance will not have the effect of preventing the orderly subdivision of the other land in the area in accordance with the provisions of the subdivision code.

Next door property has gone thru the same process in the past.

This process will not effect the orderly subdivision of the other land in the area.

Required Application Attachments

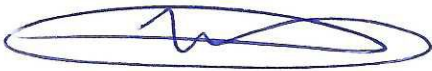
The following documentation is required to be attached to this application:

- A copy of a survey map prepared by a licensed surveyor.
- A copy of a 'run sheet' for the property detailing prior deed history, which can typically be obtained at a title company.

Applicant Authorization

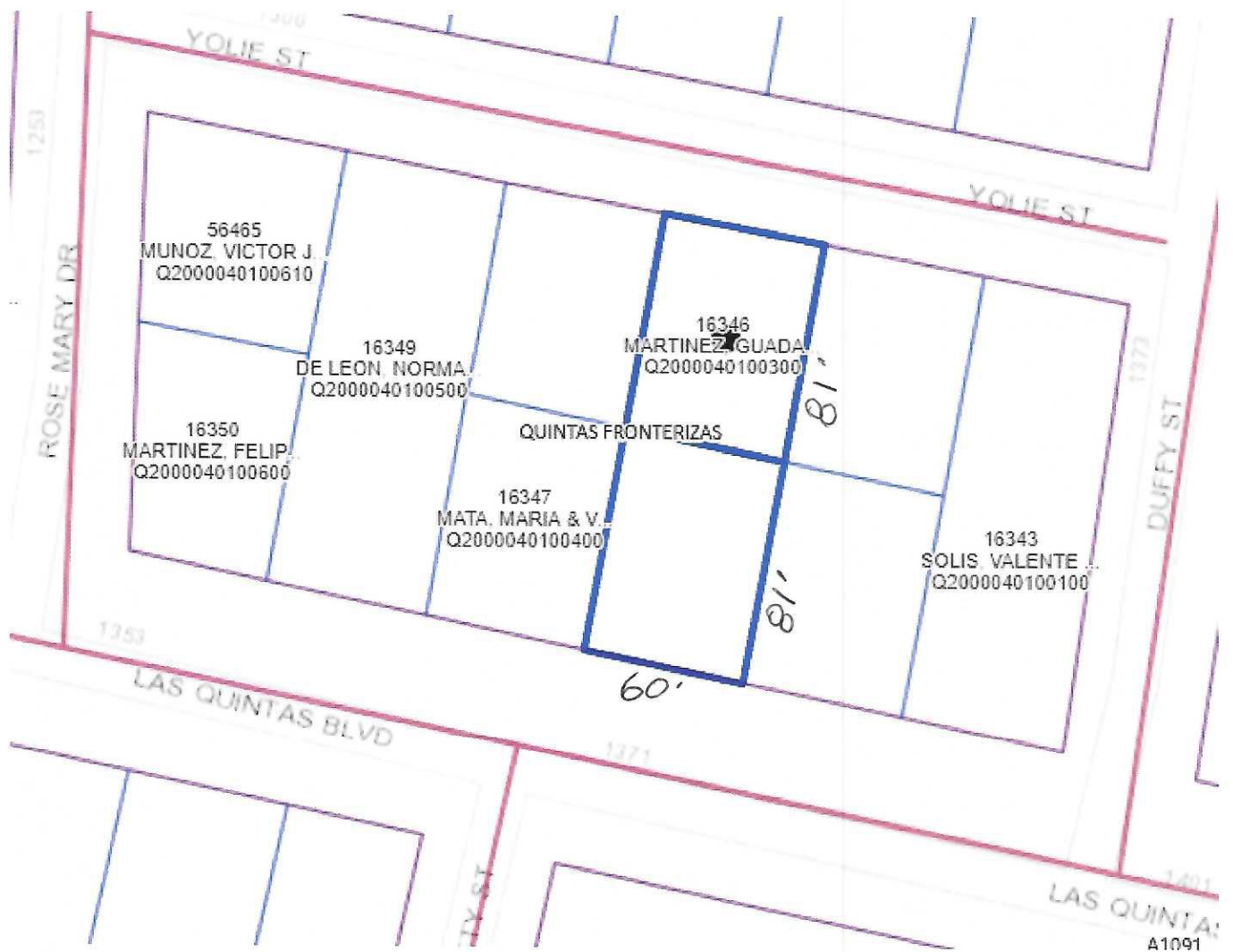
I authorize the City of Eagle Pass to conduct any site visits necessary to evaluate this subdivision variance application.

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



Applicant Signature

9/11/25
Date





1382 Las Quintas Blvd: MCAD 51920

QUINTAS FRONTERIZAS, BLOCK 4, TRACT 1, LOT 3 (SOUTH 1/2 OF LOT3)



1374 Yolie Street: MCAD 16346

QUINTAS FRONTERIZAS, BLOCK 4, TRACT 1, LOT 3 (NORTH 1/2)

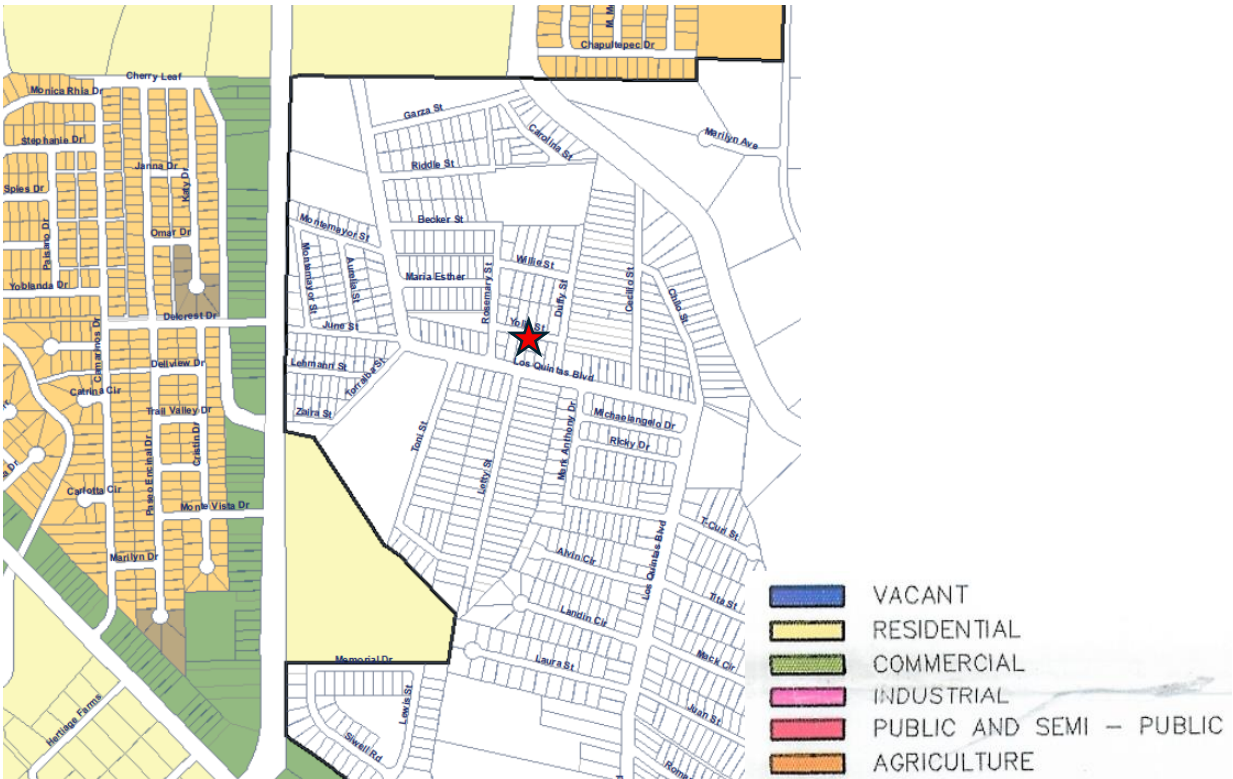






Attachment 2
Master Plan Map & Zoning District Map

Master Plan Map



Zoning Map

