

**CITY OF ALPINE
PLANNING & ZONING
COMMISSION MEETING
MONDAY, JANUARY 23, 2023 - 5:30 P.M.**

NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING COMMISSION OF THE CITY OF ALPINE, TEXAS, WILL HOLD A MEETING AT 5:30 P.M. ON MONDAY, JANUARY 23, 2023, AT CITY COUNCIL CHAMBERS LOCATED AT 803 WEST HOLLAND AVENUE AND VIA ZOOM FOR THE PURPOSE OF CONSIDERING THE ATTACHED AGENDA. THIS NOTICE IS POSTED PURSUANT TO THE TEXAS OPEN MEETINGS ACT. ACTION ITEMS APPROVED AT THIS MEETING WILL BE CONSIDERED BY THE CITY COUNCIL FOR FINAL ACTION.

AGENDA

1. Call to Order.

2. Public Comments.

3. Public Hearings –

- a) Approve an application for a replat to allow the applicant, Don Cadden, to divide one lot into 2 lots. The property in question is located at 2011 Peach Tree Circle and is legally described as Lot 6 of Block 1 to Alpine West Estates, City of Alpine, Brewster County, Texas. The property ID of the subject property is 35591. The record property owner is Don Cadden. The current zoning of the property is R-4 Mobile Home District. The zoning classification, if the replat is approved, will remain R-4 Mobile Home District.
- b) Approve an application for a replat to allow the applicant, John Scott Turner, to combine lots on the subject property. The property in question is legally described as Lot Thirteen (13), Block A-Six (A-6), Famous Heights Addition, City of Alpine, Brewster County, Texas, as the same appears in records on file in the Office of the County Clerk of Brewster County, Texas. The record property owner is John Scott Turner. The property ID of the subject property is 35528. The current zoning of the property is R-2 Two-Family District. The zoning classification, if the replat is approved, will remain R-2 Two-Family District.
- c) Approve an application for a replat to allow the applicant, Kelly Deprado, to separate lots for sale. The property in question is located at 406 & 408 E. Nations and is legally described as Lots 8 and 9, Block 115, Harmon Addition, to the City of Alpine, Brewster County, Texas, as per a plat on file in envelope #94, Plat Records, out of Survey 42 and 101, Block 9, G.H. & S.A. Ry. Co. Surveys, Brewster County, Texas. The record property owner is Kelly Deprado. The property ID of the subject property is 12323. The current zoning of the property is R-2 Two-Family District. the zoning classification, if the replat is approved, will remain R-2 Two-Family District.

4. Signing of Statement of Officer by Commissioners.

5. Swearing-in of Members of the Planning and Zoning Commission.

6. Approval of minutes of previous Board Meeting –

- a) October 24, 2022, Regular Meeting Minutes.

7. Discussion Items –

- a) Discussion between Commissioners and City Staff regarding procedural items, questions, and/or recent Planning & Zoning related items. (G. Calderon, City Secretary)
- b) Discuss Ordinance 2022-10-03 and the official Boards, Commissions, and Committees Handbook. (G. Calderon, City Secretary)
- c) Discuss Resolution 2022-11-02, a City Council resolution tasking the Planning and Zoning Commission with key objectives for Fiscal Year 2022-2023. (G. Calderon, City Secretary)

- d) Discuss the Planning & Zoning Commissioners Handbook and any proposed amendments.
 - e) Discuss the 2016 Alpine Vision Plan.
 - f) Discuss the creation of a Historic District and the current Historic Overlay.
 - g) Continuation of the discussion on the Coin-Operated Machine ordinance.
 - h) Discuss the historical documents provided by Commissioner Branch, including:
 - I. Central Business District Map - 1966
 - II. Master Plan Building Condition Survey
 - III. Recommended Zoning Map - 1966
 - IV. Alpine Central Business District Code
 - V. City of Alpine 1991 Land Use
- (A. Branch, Commissioner)

8. Action Items –

- a) Approve an application for a replat to allow the applicant, Don Cadden, to divide one lot into 2 lots. The property in question is located at 2011 Peach Tree Circle and is legally described as Lot 6 of Block 1 to Alpine West Estates, City of Alpine, Brewster County, Texas. The property ID of the subject property is 35591. The record property owner is Don Cadden. The current zoning of the property is R-4 Mobile Home District. The zoning classification, if the replat is approved, will remain R-4 Mobile Home District. (G. Calderon, City Secretary)
- b) Approve an application for a replat to allow the applicant, John Scott Turner, to combine lots on the subject property. The property in question is legally described as Lot Thirteen (13), Block A-Six (A-6), Famous Heights Addition, City of Alpine, Brewster County, Texas, as the same appears in records on file in the Office of the County Clerk of Brewster County, Texas. The record property owner is John Scott Turner. The property ID of the subject property is 35528. The current zoning of the property is R-2 Two-Family District. The zoning classification, if the replat is approved, will remain R-2 Two-Family District. (G. Calderon, City Secretary)
- c) Approve an application for a replat to allow the applicant, Kelly Deprado, to separate lots for sale. The property in question is located at 406 & 408 E. Nations and is legally described as Lots 8 and 9, Block 115, Harmon Addition, to the City of Alpine, Brewster County, Texas, as per a plat on file in envelope #94, Plat Records, out of Survey 42 and 101, Block 9, G.H. & S.A. Ry. Co. Surveys, Brewster County, Texas. the record property owner is Kelly Deprado. the property ID of the subject property is 12323. The current zoning of the property is R-2 Two-Family District. The zoning classification, if the replat is approved, will remain R-2 Two-Family District. (G. Calderon, City Secretary)
- d) Approve making a recommendation to the City Council to establish an ordinance that implements a requirement that letters be sent to surrounding property owners regarding proposed annexations. (A. Rangra, Chair)
- e) Approve the Calendar Year 2023 Meeting Schedule. (G. Calderon, City Secretary)
- f) Appoint the Chair of the Planning & Zoning Commission. (G. Calderon, City Secretary)
- g) Appoint the Vice-Chair of the Planning & Zoning Commission. (G. Calderon, City Secretary)
- h) Appoint the Secretary of the Planning & Zoning Commission. (G. Calderon, City Secretary)

9. Board Member Comments.

10. Adjourn.

CERTIFICATION

I, Geoffrey R. Calderon, hereby certify that this notice was posted at City Hall, a convenient and readily accessible place to the general public, and to the City website at www.cityofalpine.com pursuant to Section 551.043, Texas Government Code. The said notice was posted at 5:00 P.M. on January 17, 2023, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting. This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Office of the City Secretary at (432) 837-3301, option 1, or email city.secretary@cityofalpine.com for further information.


Geoffrey R. Calderon, City Secretary



INTRODUCTION OVERVIEW

1. Call to Order.

2. Public Comments.

3. Public Hearings –

- a) Approve an application for a replat to allow the applicant, Don Cadden, to divide one lot into 2 lots. The property in question is located at 2011 Peach Tree Circle and is legally described as Lot 6 of Block 1 to Alpine West Estates, City of Alpine, Brewster County, Texas. The property ID of the subject property is 35591. The record property owner is Don Cadden. The current zoning of the property is R-4 Mobile Home District. the zoning classification, if the replat is approved, will remain R-4 Mobile Home District.
- b) Approve an application for a replat to allow the applicant, John Scott Turner, to combine lots on the subject property. The property in question is legally described as Lot Thirteen (13), Block A-Six (A-6), Famous Heights Addition, City of Alpine, Brewster County, Texas, as the same appears in records on file in the Office of the County Clerk of Brewster County, Texas. The record property owner is John Scott Turner. The property ID of the subject property is 35528. The current zoning of the property is R-2 Two-Family District. The zoning classification, if the replat is approved, will remain R-2 Two-Family District.
- c) Approve an application for a replat to allow the applicant, Kelly Deprado, to separate lots for sale. The property in question is located at 406 & 408 E. Nations and is legally described as Lots 8 and 9, Block 115, Harmon Addition, to the City of Alpine, Brewster County, Texas, as per a plat on file in envelope #94, Plat Records, out of Survey 42 and 101, Block 9, G.H. & S.A. Ry. Co. Surveys, Brewster county, Texas. the record property owner is Kelly Deprado. the property ID of the subject property is 12323. The current zoning of the property is R-2 Two-Family District. the zoning classification, if the replat is approved, will remain R-2 Two-Family District.

4. Signing of Statement of Officer by Commissioners.

5. Swearing-in of Members of the Planning and Zoning Commission.

6. Approval of minutes of previous Board Meeting –

- a) October 24, 2022, Regular Meeting Minutes.



PLANNING & ZONING COMMISSION MEETING AGENDA ITEM COVER MEMO

JANUARY 23, 2023

PUBLIC HEARINGS

- a) Approve an application for a replat to allow the applicant, Don Cadden, to divide one lot into 2 lots. The property in question is located at 2011 Peach Tree Circle and is legally described as Lot 6 of Block 1 to Alpine West Estates, City of Alpine, Brewster County, Texas. The property ID of the subject property is 35591. The record property owner is Don Cadden. The current zoning of the property is R-4 Mobile Home District. the zoning classification, if the replat is approved, will remain R-4 Mobile Home District.
- b) Approve an application for a replat to allow the applicant, John Scott Turner, to combine lots on the subject property. The property in question is legally described as Lot Thirteen (13), Block A-Six (A-6), Famous Heights Addition, City of Alpine, Brewster County, Texas, as the same appears in records on file in the Office of the County Clerk of Brewster County, Texas. The record property owner is John Scott Turner. The property ID of the subject property is 35528. The current zoning of the property is R-2 Two-Family District. The zoning classification, if the replat is approved, will remain R-2 Two-Family District.
- c) Approve an application for a replat to allow the applicant, Kelly Deprado, to separate lots for sale. The property in question is located at 406 & 408 E. Nations and is legally described as Lots 8 and 9, Block 115, Harmon Addition, to the City of Alpine, Brewster County, Texas, as per a plat on file in envelope #94, Plat Records, out of Survey 42 and 101, Block 9, G.H. & S.A. Ry. Co. Surveys, Brewster county, Texas. the record property owner is Kelly Deprado. the property ID of the subject property is 12323. The current zoning of the property is R-2 Two-Family District. the zoning classification, if the replat is approved, will remain R-2 Two-Family District.

BACKGROUND

NONE.

SUPPORTING MATERIALS

NONE.

STAFF RECOMMENDATION

NONE.



**PLANNING & ZONING COMMISSION
MEETING AGENDA ITEM COVER MEMO
JANUARY 23, 2023**

APPROVAL OF MINUTES

6. Approval of minutes of previous meetings –

- a) October 24, 2022, Regular Meeting Minutes (G. Calderon, City Secretary)

BACKGROUND

NONE.

SUPPORTING MATERIALS

- October 24, 2022 Regular Meeting Minutes.

STAFF RECOMMENDATION

APPROVE.

**CITY OF ALPINE
PLANNING & ZONING COMMISSION MEETING
MONDAY, OCTOBER 24, 2022 - 5:30 P.M.
MINUTES**

- 1. Call to Order** –Amit Rangra, Chair of the Planning & Zoning Commission, called the meeting to order at 5:37 P.M. The meeting was held in City Council Chambers located at 803 West Holland Avenue, Alpine, Texas, 79830 and via Zoom video conference.

Commissioners Physical Present:

Amit Rangra, Chair of the Commission
Lucy Escovedo, Commissioner
Wendy Little, Commissioner
Eileen Rouke, Commissioner
Abbey Branch, Commissioner

City Staff Present:

Geoffrey R. Calderon, City Secretary
Andrew Devaney, Director of Building Services
Jessica Boorse, Permit Technician

City Staff Present via Zoom:

Megan Antrim, City Manager

Commissioners Not Present:

Michael Eason, Commissioner

2. Public Comments –

Judy Stokes, Ward 1, commented on Council Member attendance at Board, Commission, and Committee meetings.

3. Public Hearings – None.

4. Approval of minutes of previous Board Meeting –

- a) September 26, 2022 Regular Meeting Minutes.

On a motion by Commissioner Rouke and seconded by Commissioner Branch to accept the minutes as is, the Planning & Zoning Commission unanimously voted to adopt the motion.

5. Discussion Items –

- a) Discussion between Commissioners and City Staff regarding procedural items, questions, and/or recent Planning & Zoning related items.
- b) Discuss the Planning & Zoning Commissioners Handbook.
- c) Discuss implementing a requirement for letters to be sent to surrounding property owners for prospective annexations.
- d) Discuss the possibility of a Historic District.
- e) Continuation of the discussion on the Coin-Operated Machine ordinance.

6. Action Items – None.

7. Board Member Comments.

8. Adjourn (6:48 P.M.)

APPROVED:

Amit Rangra, Chair of the Planning & Zoning Commission

CERTIFICATION

I, Geoffrey R. Calderon, hereby certify that this notice was posted at City Hall, a convenient and readily accessible place to the general public, and to the City website at www.cityofalpine.com pursuant to Section 551.043, Texas Government Code. The said notice was posted at 5:00 P.M. on October 20, 2022, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting. This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Office of the City Secretary at (432) 837-3301, option 1, or email city.secretary@ci.alpine.tx.us for further information.

Geoffrey R. Calderon, City Secretary

DISCUSSION OVERVIEW

7. Discussion Items –

- a) Discussion between Commissioners and City Staff regarding procedural items, questions, and/or recent Planning & Zoning related items. (G. Calderon, City Secretary)
- b) Discuss Ordinance 2022-10-03 and the official Boards, Commissions, and Committees Handbook. (G. Calderon, City Secretary)
- c) Discuss Resolution 2022-11-02, a City Council resolution tasking the Planning and Zoning Commission with key objectives for Fiscal Year 2022-2023. (G. Calderon, City Secretary)
- d) Discuss the Planning & Zoning Commissioners Handbook and any proposed amendments.
- e) Discuss the 2016 Alpine Vision Plan.
- f) Discuss the creation of a Historic District and the current Historic Overlay.
- g) Continuation of the discussion on the Coin-Operated Machine ordinance.
- h) Discuss the historical documents provided by Commissioner Branch, including:
 - Central Business District Map - 1966
 - Master Plan Building Condition Survey
 - Recommended Zoning Map - 1966
 - Alpine Central Business District Code
 - City of Alpine 1991 Land Use

(A. Branch, Commissioner)



**PLANNING & ZONING COMMISSION
MEETING AGENDA ITEM COVER MEMO
JANUARY 23, 2023**

DISCUSSION ITEMS

- a) Discussion between Commissioners and City Staff regarding procedural items, questions, and/or recent Planning & Zoning related items. (G. Calderon, City Secretary)

BACKGROUND

NONE.

SUPPORTING MATERIALS

NONE.

STAFF RECOMMENDATION

NONE.



**PLANNING & ZONING COMMISSION
MEETING AGENDA ITEM COVER MEMO
JANUARY 23, 2023**

DISCUSSION ITEMS

- b) Discuss Ordinance 2022-10-03 and the official Boards, Commissions, and Committees Handbook. (G. Calderon, City Secretary)

BACKGROUND

- The Boards, Commissions, and Committees ordinance is now officially passed.
- A memo was sent to all members to explain the key changes in operations going forward.
- This discussion item is being added to facilitate a conversation regarding the changes, and for the Commission to address City Staff with any changes that they might have.

SUPPORTING MATERIALS

- Memo to Board, Commission, and Committee members from City Secretary.

STAFF RECOMMENDATION

NONE.

ORDINANCE 2022-10-03
BOARDS, COMMISSIONS, AND COMMITTEES: AN OVERVIEW

ABSTRACT:

The Office of the City Secretary has prepared an overview of Ordinance 2022-10-03 for informational purposes for each board member. Ordinance 2022-10-03 regarding Boards, Commissions, and Committees was passed on November 1, 2022. Subsequently, the City Council approved the official Boards, Commissions, and Committees Handbook on Tuesday, November 15, 2022. One printed copy of the handbook will be available to members by request to city.secretary@ci.alpine.tx.us.

HIGHLIGHTS:

- Essentially, Ordinance 2022-10-03 implemented processes, procedures, and requirements for all Boards, Commissions, and Committees (hereinafter referred to as “Board(s)”) to adhere to.
- The ordinance has implemented more structure to board meetings by implementing Rules of Procedure and Rules of Decorum. This structure is set by ordinance, so it is critical that we look to the newly established rules for guidance and procedures.
- The City Council will provide annual directives to each board at the beginning of the fiscal year. The Council recently passed the following resolutions to task boards with key 2023 objectives:
 - Resolution 2022-11-01 tasking the Animal Advisory Board with key objectives.
 - Resolution 2022-11-02 tasking the Planning and Zoning Commission with key objectives.
 - Resolution 2022-11-03 tasking the Parks and Recreation Board with key objectives.
- Each board will be required to present to the City Council at least quarterly. This is typically done by the Chair or another board member.
- No Board will have the authority to delegate or administer projects without the explicit authorization of the City Council.
- Board members may be removed by the City Council member who appointed them or by a majority vote of the City Council.
- City employees may not serve on a Board unless explicitly approved by ordinance. Board members who begin employment with the City must resign upon accepting the position.
- City Boards must adhere to the Texas Open Meetings Act. These requirements are the same requirements that the City Council must follow for Council meetings, including:
 - Posting of notice at least 72 hours in advance.

- Meetings must be recorded.
- A quorum of 4 members must be present in order to transact business.
- Members attending virtually will need to have their cameras turned on in order to participate in the meeting.
- The ordinance has clearly established the following:
 - ***Types of Meetings and conditions for the meetings to be held:*** Types of meetings include Regular Meetings, Workshop Meetings, Special Meetings, or Town Hall Meetings.
 - ***Roles of officers of the Board and their duties:*** The Board Chair is now selected by a majority vote of the Board Members. The Board may also now opt to select a Vice-Chair by a majority vote of the Board members.
 - ***Rules of Procedure:*** The Rules of Procedure that have been established provide guidelines for the order of business that the board will consider at each meeting, voting, deliberations, types of motions, making amendments, and other procedural matters.
 - ***Procedures to add items to agendas are as follows:***
 - By written request, the Chair, the City Manager, the City Secretary, or any member of the board may place an item on a board agenda.
 - All items should originate as an information or discussion item and then may be presented as an action item at subsequent meetings after a thoughtful discussion has occurred.
 - Agenda requests and backup documentation shall be filed with the Chair by 5:00pm, 7 days prior to a meeting.
 - Agenda requests and backup documentation shall be filed by the Chair to the City Secretary by 5:00pm, 6 days prior to a meeting.
 - ***Rules of Attendance:*** Board members must make a reasonable effort to notify the Board Chair or the City Secretary if they will be absent from a meeting. Board members who miss three consecutive meetings or 1/3 of all meetings in a year shall be deemed to have resigned.
 - ***Rules of Decorum:*** The Rules of Decorum provide guidance on the following matters:
 - The rules that Board Members and Attendees must abide by during a meeting.
 - Behavior that is acceptable or unacceptable during a meeting.
 - Procedural steps for the audience to follow in order to participate in a meeting.

- ***Term Limits:*** The new term limits established by the ordinance provide that a Board Member may serve three consecutive, two-year terms. Once the term limit has been reached, the Board Member must conclude their service to the Board for a period of two years before being eligible to occupy a position on the Board again.
- ***Training:*** Each Board Member will need to take the Texas Open Meetings Act Training and the Public Information Act training available for free online from the Office of the Texas Attorney General.
- ***Conflict of Interest and Disclosure:*** Each Member must sign an acknowledgment form indicating that they understand their responsibilities regarding Conflict of Interest and Disclosure.
- **Other Changes:** The other changes established by the ordinance are to streamline and better solidify requirements based on an individual Board basis. An example of this type of change is combining the Parks and Recreation Board with the Beautification and Environmental Board. Another example is that the Building and Standards Commission no longer have alternate positions, but have at-large positions with full voting privileges now.

QUESTIONS?

Please do not hesitate to contact the Office of the City Secretary at (432) 837-3301, option 1, or by email to city.secretary@ci.alpine.tx.us.



**PLANNING & ZONING COMMISSION
MEETING AGENDA ITEM COVER MEMO
JANUARY 23, 2023**

DISCUSSION ITEMS

- c) Discuss Resolution 2022-11-02, a City Council resolution tasking the Planning and Zoning Commission with key objectives for Fiscal Year 2022-2023. (G. Calderon, City Secretary)

BACKGROUND

- The City Council passed Resolution 2022-11-02 tasking the Planning & Zoning Commission with key City objectives for the upcoming year.
- Other boards have assigned each objective to a member and have had each member report their findings at each meeting.
- This item is being added to discuss the Commission's plan going forward to address the objectives by the appropriate deadlines.

SUPPORTING MATERIALS

- Resolution 2022-11-02.

STAFF RECOMMENDATION

NONE.

STATE OF TEXAS

COUNTY OF BREWSTER

CITY OF ALPINE

RESOLUTION 2022-11-02**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS APPROVING A DIRECTIVE TASKING THE PLANNING AND ZONING COMMISSION WITH KEY CITY OBJECTIVES FOR THE FISCAL YEAR 2022-2023.**

WHEREAS, the general purpose of the Planning and Zoning Commission is to carry out matters of planning and zoning within the City as prescribed in Chapter 211 of the Local Government Code; and

WHEREAS, the Planning and Zoning Commission is a critical part of obtaining citizen views, and the City Council benefits from the views, plans, and recommendations derived from the Commission; and

WHEREAS, the City Council recognizes that key items related to the planning and zoning affairs of the City must be addressed, and shall annually task the Planning and Zoning Commission with objectives on which the City Council desires to be advised.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:

SECTION I. The City Council hereby tasks the Planning and Zoning Commission with the following Fiscal Year 2023 objectives:

- I. **Ordinance Review** – The current ordinances should be reviewed, amended, and updated to conform with State Law and Planning and Zoning best practices. The Board is tasked with reviewing the ordinances and recommending changes that benefit the City.

Deadline: Ongoing

- II. **Zoning Map** – The Commission shall investigate all zoning changes since 2013 and record changes that have occurred in an effort to update the Zoning Map. The Commission should then provide the data to the City so that the City may cause the Map to be updated internally or by a third party.

Deadline: September 2023

- III. **Comprehensive Zoning Plan** – The Commission shall study, investigate, and recommend a Comprehensive Zoning Plan for the City. The Comprehensive Zoning Plan shall provide updated zones throughout the City that will assist the community in anticipating infrastructure needs and increase the efficiency of development by coordinating improvements and directing growth. The Comprehensive plan will provide for development in an orderly manner, weighing and balancing competing private interests in land use.

Deadline: September 2023

- IV. **Historic District** – The Commission shall investigate the possibility of the implementation of a historic district and/or a historic overlay. The Commission shall take steps to determine how to best preserve the History of Alpine and to memorialize a set of standards that will enshrine the character of Alpine's history through zoning standards.

Deadline: September 2023

- V. **Control Growth of stores deemed detrimental to small economies** – Work with cities which have developed ordinances to control the growth of stores or chains which have been widely accepted to cause damage to small local economies.

Deadline: September 2023

- VI. **In-Person Visits** – Commissioners should consider making in-person visits to sites that are considered for new or different zoning to include current and future development. The Board shall develop policies and report on the impact that the potential zoning changes would have on the areas being considered for changes in zoning.

Deadline: Ongoing

- VII. **Reporting** – Present updates on the Commission's activity each quarter and work with City Staff to determine the best time to make the quarterly presentations.

Deadline: Ongoing

SECTION II. This resolution is effective immediately upon its passage.

PASSED, APPROVED, AND ADOPTED BY A MAJORITY VOTE OF THE CITY COUNCIL ON THIS THE 1st DAY OF NOVEMBER 2022 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

APPROVED:


Catherine Eaves, Mayor

ATTEST:


Geoffrey R. Calderon, City Secretary





**PLANNING & ZONING COMMISSION
MEETING AGENDA ITEM COVER MEMO
JANUARY 23, 2023**

DISCUSSION ITEMS

- d) Discuss the Planning & Zoning Commissioners Handbook and any proposed amendments.

BACKGROUND

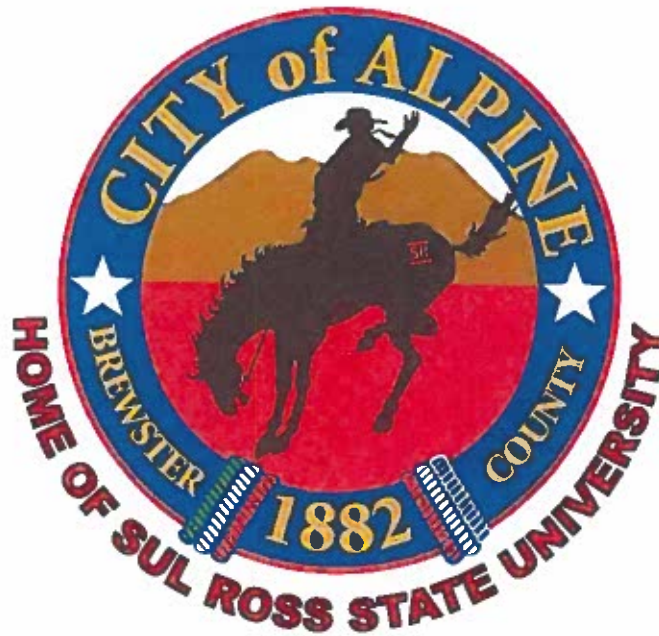
- The Commission recently discussed approving the Planning & Zoning Commissioner's Handbook at a prior meeting.
- The Chair asked each member to look at the proposed handbook and provide feedback.
- This item is being added to the agenda to discuss the Commission's recommendations.

SUPPORTING MATERIALS

- Planning & Zoning Commissioner's Handbook.

STAFF RECOMMENDATION

NONE.



Planning Commissioners Handbook

Planning & Zoning Job Summary:

This position provides customer service to the public; assists with submittal and distribution of rezoning requests, variances, preliminary plats, subdivision plats, site plans and special use/conditional use applications.

Introduction:

Welcome!

You have volunteered to provide a valuable service to your community and your time and efforts are much appreciated.

You may find yourself a little overwhelmed. You have been asked to do an almost impossible job, using confusing documents, about which you know next to nothing. Experience is not one of the conditions of appointment to the planning commission, you may wonder just what it is you are supposed to be doing?

During your term as a planning commissioner, you will encounter a wide variety of situations, people, and problems. You will need patience, tact, and diplomacy. Knowing how to act in stressful circumstances is one of the most important parts of the job, and one that is best learned through experience. Why are you doing this you may ask?

- Perhaps you had a desire to give something back to the community.
- Maybe something happened in your neighborhood that disturbed you.

The planning commissioner wears many hats from mediator, interpreter, visionary, researcher, or teacher to community builder.

Rather than trying to teach you about the laws and regulations governing planning and zoning, the concentration is on **what you might expect to encounter as a commissioner and some of the methods you may use to prepare, make and enforce your decisions.**

To accomplish this, commissioners will need a clear vision of the future of their community, more sophisticated regulations, and a degree of sensitivity in dealing with the public.

Ultimately, you will have to decide what kind of commissioner you will be.

What is the Planning Commission?

Early in the history of zoning, it was recognized that when reviewing zoning and land use matters, elected officials **needed input from a group of individuals** who were **not affected by political concerns**. Having a group of interested volunteers judge land use decisions for the community was intended to allow a wide range of views to be fairly represented.

As a planning commissioner, you are a representative of the people, having a variety of personalities on the commission serves a purpose. This means that the members of the commission represent the various interests found in the community, such as professionals, business owners and homemakers.

Regardless of whether you agree with them or not, keep in mind that the reason the commission has more than one member is to allow for this variety of opinions. Even though every commissioner has the best interests of the community at heart, their approaches may differ from yours since each is based on their own philosophy. Over time you may come to understand some of the motivations of the other commissioners and may find yourself appreciating their views.

This allows a planning commissioner to act without the political considerations that influence elected officials.

THE JOB:

As a Planning Commissioner, you will be dealing with people & land. Your decisions can have a great impact on the use and value of land in your community. *Decisions must be made with long term interests in the community.* Dealing with those who jealously guard their view of the community and those who may seem as though they are intent on destroying it.

This may not be easy, as you may know some of the landowners, applicants or neighbors personally.

The planning commissioner's job is to help create and carry out policies regarding the physical development of their community. The planning commissions must **constantly ensure that they treat each person and property in a fair and consistent manner.**

The Term: Two years coinciding with the appointing council member. A member shall continue to serve until the replacement has been filled. The terms of office for the commission members shall be staggered in intervals, to provide continuity in policy and personnel.

****Commissioners shall be resident of the City of Alpine.**

Duties & Powers: Comprehensive Plan. It shall be the duty of the commission, after holding public hearings, to create and recommend to City Council a comprehensive plan for the physical development of the City of Alpine (including what is permitted in the ETJ).

The Comprehensive plan shall include:

1. Official Maps.

2. Growth and land use.
3. Commercial/industrial uses.
4. Transportation and utilities.
5. Community facilities.
6. Housing.
7. Environment.
8. Geologic/natural hazards.

The commission shall be permitted to recommend amendments to the comprehensive plan regarding the administration or maintenance of the code.

Deputies: The Building/Code Official may appoint officers and other employees from time to time authorized to carry out the functions of this code. The code official shall be authorized to undertake reviews, make recommendations and grant approvals set forth in the code. The Code Official shall assist the planning commission in the development and implementation of the comprehensive plan.

THE LAND USE CHALLENGES:

New development often brings out concerns over land use. Residents become concerned about losing the character of their community. Those who propose changes are acting to protect their own investment, whether personal or professional. Decision makers must, **within the constraints of the law, allow for development which is consistent with the existing or planned character of the community and reject that which is not.**

Weighing the interest: Activists for development and preservation have common goals. Typically, they both seek better use of the land from their own perspectives: the developer to protect his or her financial interest, and the neighbors to maintain their quality of life.

We do not want to be down the road and ask ourselves:

“How did we get into this mess?”

Every community needs to plan locations for development:

This outlines goals and objectives and maps areas of different land uses.

Comprehensive “Master” Plan: A city that elects to enact zoning regulations must, under Section 212.004, adopt ordinances that are “in accordance with a comprehensive plan designed to:

- (1) lessen congestion in the streets
- (2) secure safety from fire, panic, and other dangers
- (3) promote health and the general welfare
- (4) provide adequate light and air
- (5) prevent the overcrowding of land
- (6) avoid undue concentration of population
- (7) facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

- Natural features and the environment are protected
- Community character will not be diminished
- It may be appropriate in designated areas rich with historical buildings and character.
- Expenses for new roads and services will be at a minimum
- May include* Rehabilitating existing structures and reclaiming unused or abandoned properties as well as developing new areas.
- Policies concerning growth, are the anchor the rest of the community and allow for orderly development.

The need to provide design flexibility, coupled with the desire to maintain some degree of control, has created the need to find innovative regulations.

Natural features may also be integrated into a site allowing them to remain as natural as possible. This could include the use of small wetlands as aesthetic features or maintaining vegetated areas as screening or visual interest. In this way, natural features often help market projects.

- Safety of vehicular and pedestrian circulation.

The purpose of reviewing circulation is to ensure proper driveway spacing, adequate setbacks for clear visibility and proper placement of parking areas. Requiring parking lot setbacks, particularly along the roadway, can foster driveway safety.

Ensuring adequate emergency access; Involve the fire and police authorities in the site plan review

- process and have them submit a recommendation to you.
- Exterior Lighting (Dark Skies Ordinance) should be adequate to illuminate the area, yet not shine on adjacent properties.
Requiring “cut-off” fixtures or reducing the height of light poles can be effective ways to meet this standard.

The planning commission remains the authors of the first draft of the zoning ordinance, however, this

requires more involvement by the legislative body in the planning and adoption process. City council is to be the adopting authority of the master plan (Vision for the future).

This statute, to a large degree, describes what zoning is, particularly with regard the use of property, the size of buildings, number of units per acres, type of construction. Zoning is the most intense governmental regulation of land use that exists in Texas and is often the most useful tool a city has to make itself the type of community its citizens desire. Conversely, exercise of its zoning authority frequently become a buzz saw of resistance and opposition for Texas cities.

Zoning, on the other hand, is limited to a city's corporate limits and may not be extended to its ETJ. Whereas subdivision regulation has significant focus on the construction, availability and access to public facilities such as streets and utility systems, zoning addresses how land may be used.

Planning and Zoning Commission: Establishing and amending zoning regulations and amendments thereto, establishing and authorizing changes to zoning classifications and establishing and authorizing changes to zoning district boundaries. Note, however, that a Zoning Commission is essentially only an advisory body. Final zoning action must be approved by the city's governing body. In many cities, the Zoning Commission is also the body that approves plats. [MUNILAW101.pdf \(isatexas.com\)](#) MUNICIPAL LAW 101 Basic Municipal Laws and Issues for Texas City Officials

The rules governing these districts are listed in a zoning ordinance that contains provisions controlling the type and intensity of development allowed.

Once the **master plan** and zoning ordinance are in place, it is **important that they be kept current**. A master plan that is not kept up-to-date and actively followed and implemented may lead to problems for the community in the future.

Zoning ordinance must be constantly reviewed to ensure that binding court rulings are included, new legislation recognized, and master plan changes noted (e.g., new land use classifications).

The master plan should be reviewed each year to make sure it stays relevant to current conditions. A comprehensive review should be considered about every five years.

After preparing a proposed plan, the planning commission must submit the proposed plan to the legislative body for review and comment. Before the adoption process can proceed, the legislative body must approve the distribution of the proposed plan. If it does not, it must return the plan to the Commission with its objections. The Commission must then revise the plan until it is accepted by the legislative body.

FUTURE LAND USE VS. ZONING IS NOT THE SAME:

The primary difference between future land use and zoning is a matter of timing. The future land use map shows the intended use of land at the end of the planning period, which could be many years in the future. The zoning map shows land as it is intended to be used today. Accordingly, the two maps will not be identical in every respect. Inexperienced commissioners can easily be sidetracked by discussions of landscaping, setbacks and other issues. Site plans are essentially meaningless during a rezoning.

Example, one area of the community may have a future land use designation for residential use. The goals and objectives of the master plan may indicate that residential uses should not be established without public water and sewer services. **Failure to consistently follow the plan may discredit its use as a defense for**

actions that may be challenged by property owners or developers.

Consistent and vigorous use of the plan will lend credibility to the community's attempts to implement controversial decisions on rezoning or other zoning actions.

PREPARING FOR MEETINGS:

The greatest responsibility of the commission is to provide guidance for land use and development in the community.

Planning commissioners cannot reach a fair and impartial decision without a firm base of knowledge about the matters placed before them. Gaining this knowledge will take the efforts of the community's staff, the applicant, and each commissioner. To make sure you are ready to make the best possible decision – based not on perception, but on facts.

Visiting the site is often a critical step in the decision-making process. Even if you have lived in the community all your life, individual sites take on a new personality when a specific project is to be built.

- Please note*. **Site visits should always be made individually rather than as a group.** Meeting on site (even with less than a quorum) raises several concerns.
- Look closely at traffic conditions, natural features, surrounding land uses and general neighborhood characteristics, possibly, at different times and on different days of the week would also be useful.
- A site plan is merely a depiction of the property showing proposed buildings, parking areas, streets and other details. Your objective when looking at a site plan is to ensure that at least the minimum dimensional standards of the zoning ordinance are met with respect to yards, signs, parking, etc., and that the proposed use is designed in harmony with its existing and future surroundings.
- You need to be familiar with some basic site planning principles as they relate to the standards of the zoning ordinance.

Side discussions can violate the spirit as well as the letter of the Open Meetings Act.

- Do not go onto the site unless specific written permission has been granted by the property owner or the site is otherwise available to the public. This can help avoid misunderstandings and problems with trespassing.
- Do not allow your decision to be influenced by the applicant's reluctance to allow you on the site. Many people are concerned about liability, or they simply are determined to protect their privacy. There are other ways to gather the information and you should not decide until the information is obtained.
- Do not discuss the proposal with the property owner, neighbors or applicant
**The intent of information gathering is to ensure that everyone has the same information on which to base a decision. This is not possible if individual commissioners contact or are contacted by interested parties outside of the meeting.

MAKING THE DECISIONS STICK

We do not want to rely on the members who have the most experience to remember past actions. No doubt that their memories are valuable, but their recall may not be complete. The only reliable methods of documenting actions are the written word and demonstrations.

1. All the work put into the meetings will be worthless if you fail to properly document what you did.
2. Keeping Minutes should contain enough detail so that a person not present can understand:
 - What matters were discussed (nature of the request, applicant, location);
 - Who spoke at the meeting and the general content of their comments (including name and address);
 - What action was taken by the commission (including the vote and any conditions attached);
 - Why that action was taken and on what standards of the ordinance it was based.

MOTIONS: A motion must have: a maker and second; a description of the nature of the request; the action taken (approval, approval with conditions, denial, tabling); any conditions attached to affirmative decisions (except rezonings, to which conditions cannot be attached); and the reasons for the action taken (applicability of standards).

- Take the time when the motion is made to make the wording right. To ensure accurate recording of the minutes.
- Reference relevant sections of the ordinance and staff reports. If discussion on the issue is thoroughly documented in the minutes.
- If the motion includes the need for further action, it should state who will be responsible to see that action completed.

For example, "a revised site plan shall be submitted for the building official to certify that all conditions have been met."

- Conditions attached to a decision have one purpose: to make sure that the standards used to make the decision are met. If the condition were not in place, the project would fail to meet the standards of the ordinance and must be denied.
- The administrative requirements include ensuring that notices are mailed and published, meeting procedures followed and other similar actions
- Findings and minutes are not official until reviewed and adopted by the commission.
- There are some administrative steps that should be taken to help complete the record.
- All records regarding zoning applications are considered permanent.

LEGAL

Governments are always open to lawsuits, regardless of the quality of their decisions. Far too often, disappointed applicants or neighbors look to the courts to solve their problems. As a result, you should not be overly influenced or concerned about whether your decision will result in a lawsuit –
provided you have followed the ordinance and acted within your authority

Make sure that you properly use the judgmental factors to make effective zoning decisions. The standards provided in the zoning ordinance are the clearest guide you use to reach a decision. All decisions must be based on these standards and the facts

QUESTIONS TO ASK YOURSELF:

1. Do you have your zoning ordinance or other applicable ordinances?
2. Have you examined the agenda and related materials?
3. Do you have your questions written down?
4. Have you completed the site visit? (If not, at least drive by the sites on the way to the meeting.)
5. Have you reviewed the standards that will be used for each decision?
6. Remind yourself that the purpose of preparing for the meeting is not to **decide**, it is only to gather the information needed to **prepare** you for the decision that is to come.

PROPER DECISION MAKING STARTS WITH THE BASICS:

- a) Knowledge of the zoning ordinance.
 - b) Knowledge of relevant case facts; and
 - c) Using ordinance standards to reach a decision.
- If you are contacted by the applicant or others, be prepared to tell them that you are required to conduct all of your discussions only when the other commissioners are present.
 - Encourage them to come to the meeting (tell them when and where) or ask them to submit their comments in writing (tell them to whom and by what date).
 - If a contact cannot be avoided, it should be reported to the rest of the members during the meeting, along with the general content of the conversation.
 - You may feel free to request information from the city of Alpine staff. But whatever information you receive should also be made available to each of the other members.
- ** Remember** – you are only one person on the planning commission. The only time you should act as a commissioner is in the presence of the other members at a scheduled meeting.

BEING FAIR:

Many Planning Commissioners attempt to follow Robert's Rules of Order in their meetings.

1. Everyone must have the opportunity to speak and present evidence at public hearings.
2. Recognize emotional responses and treat them with concern and understanding.

*** Try to look beyond the mannerisms and nervousness to find the speaker's message.*

3. To oppose or support a project, you must represent the long-term interests of entire community, not just those at the public hearing.

***Petitions, letters and other written expressions of concern are useful, but only to the point where they provide new information.*

4. **Listen.** Public meetings are your chance to take the pulse of the community and to learn more about the neighborhood in which a project is planned. Take advantage of the effort those attending the meeting have made and learn as much as you can.
5. Playing fair means playing by the rules. Having an effective set of meeting rules helps provide a sense of professionalism as well as ensuring that meetings are orderly.
6. Follow the Rules, but they do not need to be rigid. They occasionally need to be altered to take certain events into account.
7. If you learn that notices were not sent or published properly, stop the process and start over.

THE AUDIENCE:

Neighbors can provide a unique perspective on the neighborhood which may create the need for further study or information to be provided by the applicant or gathered by the community.

- **Direct all comments to the chairman.** The chairman of the commission is entrusted with enforcing meeting rules. Having a strong chairman is important both to the operation of the commission and to public perception.

***The role of the chairman is to maintain order throughout the meeting. The chairman should announce each agenda item and note the rules that apply to the hearing. During the meeting, the chairman should ensure that courtesy is maintained and that speakers are not interrupted*
- **Limit speaking time, when necessary.** It is appropriate to limit the time of each speaker to 3-5 minutes, except for the applicant.
- **Limit the number of times one person may speak.**
- **The chairman may also ask if there is a spokesperson for the audience.** The chairman should allow those for whom the spokesperson is speaking to be recognized, either through a show of hands or by standing. The spokesperson may be given additional time in recognition of his/her role.

- **After the public hearing is closed, it should remain closed.** Further comments should not be accepted unless specifically requested by a commissioner.

The Commissioners:

- **All comments should be directed to the chairman.** Just as the audience must be recognized by the chairman, so too should the commissioners.
- **All discussions should be in the open.** This goes beyond strict legal requirements. It is important that the audience view the commission as an open, fair and deliberative body.
- **Do not hold private conferences prior to the meeting.**

People are generally suspicious of government. Don't add substance to that perception.

1. **Express your opinions.** Do not just vote without letting everyone know why you are voting whether for or against the issue. Your comments may help others to decide (or change their vote). It also lets the applicant and the audience know the strengths or weaknesses of the proposal.
2. **Do not attempt to always answer every question.** Some comments cannot be answered.
3. **If things get out of hand, take a recess.** Long evenings and emotional topics can make for short tempers.
4. **Do not feel compelled to make a hasty decision** on the night of the hearing. Everyone should feel comfortable with their vote – if not, obtain whatever additional information is needed before proceeding with the decision.
5. **If the decision is challenged** the importance of using the ordinance's standards becomes self-evident. A well supported decision provides the background needed to build a solid legal foundation for the decision. The use of standards will help avoid the "arbitrary and capricious" label often given to zoning decisions that are not well supported.

Following rules of fairness, preparing for meetings, and making effective decisions can affirm the confidence placed in you by those who appointed you and those you serve.

- There is an increase of litigation and public participation, it is not enough to deny an application because of a vague notion that the use is not a good idea, or that it will hurt the neighborhood. Even applications that are approved need to be well supported.

ZONING ORDINANCES

Each planning commissioner must be familiar with the relevant parts of the ordinance when reviewing an application for a zoning decision.

1. Meaning of the regulation
2. Understands its purpose
3. Property right laws tell us that zoning has a public interest that will allow residents to have the right to peace and quiet of their neighborhood and to have the value of their property protected. On the other hand, the law holds that owners of property have a right to a reasonable return on their investment and that zoning cannot unreasonably deprive the owner of that return.
4. The entire zoning process, starting from the time that a person first approaches the community, to the issuance of the occupancy permit, should be clearly understood by all parties involved.

***A roomful of people who show up to oppose a project should not be the only reason for denial. You are obligated to protect the interests of the applicant, the neighbors, and the entire community.*

5. The intent of zoning is to help commissions avoid the necessity of trying to judge between them. Instead, zoning decisions should treat each person, property, and point of view in a fair and consistent manner.

***Approvals and denials must be thoroughly supported, clearly stating how the ordinance standards were or were not met.*

6. Decisions are always based on standards of the ordinance facts, not on emotion or opinion of the applicant.

***If you are unclear about whether a standard is met and are not ready to decide – don't. Zoning decisions are permanent. Take care that the decision you make is well supported. On the other hand, do not drag out the review unnecessarily*

7. Your municipal staff members are trained in their various fields and are providing you with their professional opinion. Their recommendations should be supported by the facts and application of the ordinance standards just as your decisions are expected to be. Their view of how the facts relate to the standards may differ from yours. Ultimately, it is the decision of the commission that will stand.

A Zoning plan is a document used in the present and future. A Zoning plan is adopted by a municipality, providing direction and control of the development of land within its boundaries (City Limits & ETJ).

A zoning map outlines the various uses within the boundaries of the municipality (Residential, Commercial, Industrial).

Zoning Code: It shall be the duty of the Planning commission to develop and recommend to City Council a zoning code, in accordance with the comprehensive plan, establishing zones within the City of Alpine. Regarding the character of each district and most appropriate use of land within the City of Alpine.

*** The Planning commission shall make periodic reports to the City Council.*

CONDITIONAL & SPECIAL USES

If there are doubts about an applicant's performance, make proper use of conditional approvals (except for rezonings), performance bonds and proper documentation for possible enforcement later.

The principal objective of the zoning code is to provide for an orderly arrangement of compatible buildings and land uses, and for the property location of all types of uses required for the social and economic welfare of the community.

Conditional Uses require considerations as to their proper location to adjacent, established or intended uses, or to the planned growth of the community.

The code official shall receive all applications for conditional uses, amendments, and variances.

Conditional-use permits and variances: The Code official shall receive all applications for conditional-uses and variances or other plans as shall be permitted or approved by this code.

A **Variance** is the relaxation of the strict provisions of the ordinance. The board might grant a variance when it would cause undue hardship for the owner of the land to strictly comply with the ordinance.

A **Conditional Use (Special Use)** is permitted in a designated zoning area that has to meet certain criteria or conditions for the location and operation as outlined in the ordinance. Providing controls to prevent the use from having an adverse effect on the surrounding environment/residence.

Placement of the building, the hours of operation, noise and landscaping are all things that need to be addressed before allowing a Conditional Use.

A **nonconforming use** is defined as a structure that complied with the zoning ordinance at the time it was built but no longer conforms to the regulations due to the adoption, revision, or amendment of zoning ordinance.

Lawfully established buildings and uses in existence at the time of the adoption of the code shall be permitted to have their existing use or occupancy continued, provided that such continued use is not dangerous to life.

Spot Zoning (Micro Zoning) occurs when a parcel of land is arbitrarily selected for a zoning classification that is unrelated to the surrounding uses and zoning districts and cannot be justified based on health, safety, or general welfare of the community.

Covenants are an agreement or promise between two or more people to either do something or refrain from doing something. In some cases, a restrictive deeds or covenants can limit the use or prohibit certain uses (encumbrance).

Zoning Decisions are Rarely Easy!

They are not usually a matter of right and wrong. Balancing the needs of the community and the private property owner has been entrusted to you, and it is essential that you honor that trust.

CHAPTER 12

CONDITIONAL USES

User note:

About this chapter: The intent of Chapter 12 is to allow for the occasional need for a use not normally permitted in a particular zoning district due to the unique characteristics and service that use provides to the public. This chapter establishes the requirements for conditional uses, such as minimum documentation required to support a conditional-use property, conditional-use permits and fees, and the criteria for expiration and revocation of conditional-use permits.

SECTION 1201 GENERAL

1201.1 Conditional-use permit. A *conditional-use* permit shall be obtained for certain uses, which would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions and located in specific locations within a zone, but shall not be allowed under the general conditions of the zone as stated in this code.

SECTION 1202 APPLICATIONS

1202.1 Submittal. *Conditional-use* permit applications shall be submitted to the code official as provided in this code. Applications shall be accompanied by maps, drawings, statements or other documents in accordance with the provisions of Section 103.7.4. An appropriate fee shall be collected at the time of submittal as determined by the jurisdiction.

SECTION 1203 PUBLIC HEARING

1203.1 Hearing and action. Prior to the approval, amending or denial of a *conditional-use* permit, a public hearing shall be held in accordance with the provisions of Section 109.1. Upon the completion of said public hearing, the commission or examiner shall render a decision within a time limit as required by law.

SECTION 1204 DETERMINATION

1204.1 Authorization. The hearing examiner on appeal, shall have the authority to impose conditions and safeguards as deemed necessary to protect and enhance the health, safety and welfare of the surrounding area. The authorization of a *conditional-use* permit shall not be made unless the evidence presented is such to establish:

1. That such use will not, under the specific circumstances of the particular case, be detrimental to the health, safety or general welfare of the surrounding area and that the proposed use is necessary or desirable and provides a service or facility that contributes to the general well being of the surrounding area.

2. That such use will comply with the regulations and conditions specified in this code for such use.
3. The planning commission or hearing examiner shall itemize, describe or justify, then have recorded and filed in writing, the conditions imposed on the use.

SECTION 1205 EXPIRATION AND REVOCATION

1205.1 General. A *conditional-use* permit shall be considered to be exercised when the use has been established or when a building permit has been issued and substantial construction accomplished. When such permit is abandoned or discontinued for a period of 1 year, it shall not be reestablished, unless authorized by the planning commission, hearing examiner or legislative body on appeal.

A *conditional-use* permit shall be revoked where the applicant fails to comply with conditions imposed by the hearing examiner.

SECTION 1206 AMENDMENTS

1206.1 General. An amendment to an approved *conditional-use* permit shall be submitted to the code official accompanied by supporting information. The planning commission or hearing examiner shall review the amendment and shall be permitted to grant, deny or amend such amendment and impose conditions deemed necessary.

SECTION 1207 CONDITIONAL USE REVIEW CRITERIA

1207.1 General. A request for a *conditional use* shall be approved, approved with conditions or denied. Each request for a *conditional use* approval shall be consistent with the criteria listed in Items 1 through 9 as follows:

1. The request is consistent with all applicable provisions of the comprehensive plan.
2. The request shall not adversely affect adjacent properties.
3. The request is compatible with the existing or allowable uses of adjacent properties.

CONDITIONAL USES

4. The request can demonstrate that adequate public facilities, including roads, drainage, potable water, sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
5. The request can demonstrate adequate provision for maintenance of the use and associated structures.
6. The request has minimized, to the degree possible, adverse effects on the natural environment.
7. The request will not create undue traffic congestion.
8. The request will not adversely affect the public health, safety or welfare.
9. The request conforms to all applicable provisions of this code.



**PLANNING & ZONING COMMISSION
MEETING AGENDA ITEM COVER MEMO
JANUARY 23, 2023**

DISCUSSION ITEMS

- e) Discuss the 2016 Alpine Vision Plan.

BACKGROUND

- Commissioner Branch is recommending that the Commission refer to the 2016 Alpine Vision Plan to ensure that P&Z is taking into consideration what was passed by previous administrations and stakeholders.
- The 2016 Alpine Vision Plan was sent to Commissioners via email. Physical copies are available from the Office of the City Secretary.

SUPPORTING MATERIALS

- NONE.

STAFF RECOMMENDATION

NONE.



**PLANNING & ZONING COMMISSION
MEETING AGENDA ITEM COVER MEMO
JANUARY 23, 2023**

DISCUSSION ITEMS

- f) Discuss the creation of a Historic District and the current Historic Overlay.

BACKGROUND

- Commissioner Branch is proposing that the Commission review the prior Historic District Overlay so that P&Z can begin work towards updating the City's endeavors to help Alpine achieve a thriving Historic District.

SUPPORTING MATERIALS

- Alpine Historic District documents and ordinance.

STAFF RECOMMENDATION

NONE.

Zimmer

ALPINE HISTORIC DISTRICT

A Historic Study was initiated in November, 2003. "A Historic Resources Survey of South Alpine". Approximately 270 structures were evaluated on a 50 block area. Significance centered on adobe construction over 50 years old. 51 properties were reported to be of interest either for their historical or architectural value.

JTB to who

In 2008, a business workgroup listed the development of a Historic District as one of their five long term objectives.

An examination of a Historic District zoning overlay was initiated on March 15, 2010, because of concern of modular and manufactured home introduction into the R-1 zone. Specifically because of the placement of a modular home on the corner of Phellps St. and Lockhart St., and the request to place a double-wide manufactured home at the corner of E. Nations St. and Cockrell St.. The Planning and Zoning Commission set initial parameters in the hope of excluding both types of housing.

Boundaries were set in a December, 2010 P & Z meeting.

Ordinance 2011-01-01 was signed on February 13, 2011 by Mayor Jerry Johnson, City Secretary Molly Taylor, and City Attorney Rod Ponton. (See map).

Problems associated with the overlay were:

- A. The District was poorly thought out.
- B. It was too large.
- C. Stated that the West boundary would be Neville Hayes Street.
- D. The criteria applied was deemed unenforceable by the Code Enforcement Officer (after consultation with the City Attorney) after two house trailers were placed on one lot and occupied before being approved by the placement Official of the State of Texas. These trailers were placed in an area zoned R-4 in the Historic District.

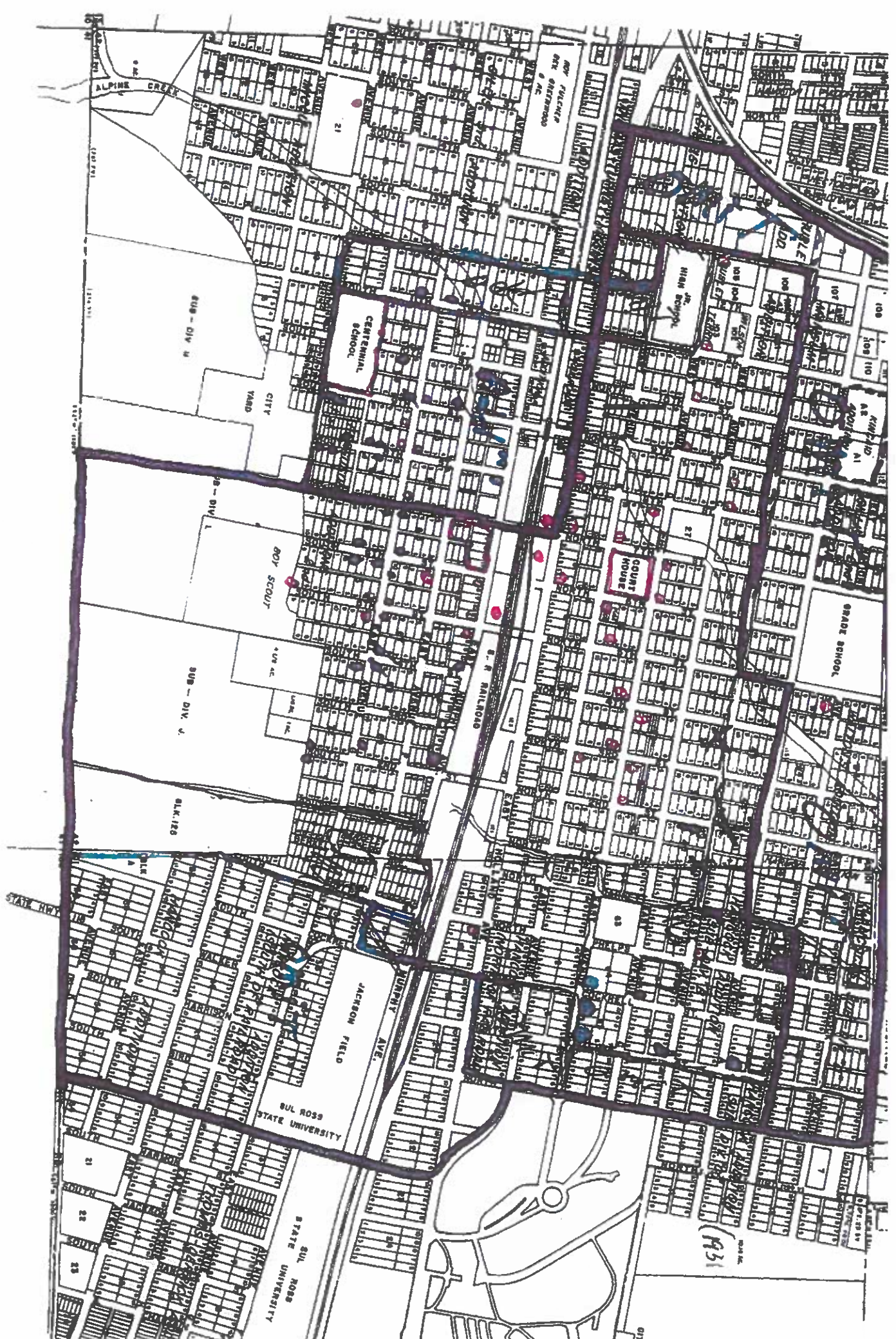
Thus, the decision of the Planning and Zoning Commission to re-visit the Historic District. Initial work involved re-visiting the boundaries, locating Historic structures and looking at criteria which would be enforceable.

The P & Z Commission was re-directed to re-visit and upgrade the P & Z Ordinances by the City Council.

The Ordinances are being updated, thus the re-visiting of the Historic District, as it is still on the books, but is not being enforced. The original map overlay has been changed to omit some of the SE portion.

Tasks: A. Agree on a map of the Historic District
B. Develop Criteria

Committee: Carl Fleming, Chairman
Lucy Escobedo Member
Glen Ramsdale, Member
Davis Keller, Center for Big Bend Studies, Advisor
Dr. Kip Sullivan, Historic Alpine Group, Advisor
Pete Peterson, Texas Historic Commission, Would like to be kept informed.



ORDINANCE # 2011-01-01

AN ORDINANCE AMENDING THE ZONING ORDINANCE. ARTICLE II OF THE ZONING MAP TO INCLUDE A HISTORICAL OVERLAY DESIGNATION ON CERTAIN AREAS OF TOWN AND PROVIDING CRITERIA FOR THE DESIGNATION AND DESIGNATING THE PLANNING AND ZONING COMMISSION AS AN ADVISORY BOARD TO REVIEW THE CRITERIA.

WHEREAS, the City Council of the City of Alpine has determined that a "Historical District" be created to preserve the integrity of the homes and businesses that are landmarks and enhance the city's culture, and

WHEREAS, the creation of the district will enhance, will protect the historic landmarks, will safeguard the city's historic and cultural heritage, will stabilize and improve property values, will foster civic pride and beauty, and will protect and enhance the city's attractions to tourists and visitors to our community, and

WHEREAS, the Planning and Zoning Commission has studied and reviewed standards for the administration of the "Historic Overlay District" for the enhancement and protection of the district for preservation of its landmarks.

NOW, THEREFORE, BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT THE FOLLOWING DISTRICT, CRITERIA, AND ADVISORY BOARD BE ADOPTED:

- 1. THAT AN OVERLAY DISTRICT BE ESTABLISHED THAT WOULD INCLUDE THE AREA WEST OF LOOP ROAD (STATE HWY 223) THAT BEING THE EAST BOUNDARY, THE AREA SOUTH OF BROWN STREET THAT BEING THE NORTH BOUNDARY, THE AREA EAST OF SOUTH ORIENT RAILROAD RIGHT-OF-WAY THAT BEING THE WEST BOUNDARY AND SUL ROSS AVENUE BEING THE SOUTH BOUNDARY. THE AREA SOUTH OF SUL ROSS AVENUE THAT BEING THE NORTH BOUNDARY OF THE COMMERCIAL AREA, THE AREA EAST OF 15TH STREET BEING THE WEST BOUNDARY ON THE COMMERCIAL AND RESIDENTIAL AREA ALONG AVENUE E AND HOLLAND AND THEN THE AREA EAST OF 7TH STREET THAT BEING THE WEST BOUNDARY ON THE SOUTH COMMERCIAL AREA UP TO "A" MOUNTAIN, THE AREA NORTH OF "A" MOUNTAIN WOULD BE THE SOUTH BOUNDARY AND THE WEST BOUNDARY WOULD BE NEVILLE HAYNES STREET AND CONNECTING TO THE LOOP ROAD.**
- 2. THAT AN ADVISORY BOARD (PLANNING AND ZONING COMMISSION) BE APPOINTED TO REVIEW PLANS, SPECIFICATIONS, AND CRITERIA TO MEET HISTORICAL PRESERVATION STANDARDS.**
- 3. THAT THE FOLLOWING CRITERIA BE ADOPTED:**

(A) BUILDINGS MUST BE BUILT ON SITE AND A SOLID FOUNDATION OR APPROVED BUILDING FOUNDATION AS SET BY THE ADVISORY BOARD.

(B) BUILDING MUST HAVE AN OUTSIDE AESTHETIC COVER THAT IS COMPATIBLE TO THE BUILDINGS WITHIN THE HISTORICAL DISTRICT; EXAMPLES ARE ADOBE, STUCCO, ROCK, WOOD AND BRICK.

(C) METAL BUILDINGS MUST HAVE AN EXTERIOR FINISH THAT IS COMPATIBLE TO THE HISTORICAL BUILDINGS WITHIN THE HISTORICAL DISTRICT.

(D) INDUSTRIALIZED HOMES IN RESIDENTIAL ZONING DISTRICT SHALL MEET ALL THE REQUIREMENTS OF THE DISTRICT IN WHICH THE INDUSTRIALIZED HOME IS LOCATED.

(E) HAVE A VALUE EQUAL TO OR GREATER THAN THE MEDIAN TAXABLE VALUE FOR EACH SINGLE-FAMILY DWELLING LOCATED WITHIN FIVE HUNDRED FEET (500') OF THE LOT ON WHICH THE INDUSTRIALIZED HOUSING IS PROPOSED TO BE LOCATED AS DETERMINED BY THE MOST RECENT CERTIFIED TAX APPRAISAL FOR BREWSTER COUNTY.

(F) HAVE EXTERIOR SIDING, ROOFING PITCH, FOUNDATION FASCIA, AND FENESTRATION COMPATIBLE WITH ANY SINGLE-FAMILY DWELLING LOCATED WITHIN FIVE HUNDRED FEET (500') OF THE LOT ON WHICH THE INDUSTRIALIZED HOUSING IS PROPOSED TO BE LOCATED.

(G) COMPLY WITH AESTHETIC STANDARDS, BUILDING SETBACKS, SIDE AND REAR YARD OFFSETS, SUBDIVISION STANDARDS, ARCHITECTURAL LANDSCAPING, SQUARE FOOTAGE, AND OTHER SITE REQUIREMENTS APPLICABLE TO SINGLE-FAMILY DWELLINGS IN THE ZONING DISTRICT IN WHICH THE INDUSTRIALIZED HOME IS LOCATED.

(H) BE SECURELY AFFIXED TO A PERMANENT FOUNDATION.

4. ALL SIGNS AND BILLBOARDS WITHIN THE HISTORICAL DISTRICT MUST BE APPROVED BY THE PLANNING AND ZONING COMMISSION BEFORE A BUILDING PERMIT IS ISSUED. THE BUILDING OFFICIAL WILL PREPARE THE DOCUMENTATION AND PRESENT IT TO THE COMMISSION. HE SHALL BRING THE DRAWINGS AND SPECS OF EACH INDIVIDUAL SIGN OR BILLBOARD.

PASSED BY A TWO THIRDS MAJORITY OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS ON FEBRUARY 15TH, 2011.

INTRODUCTION AND FIRST READING
JANUARY 18TH, 2011.

SECOND AND FINAL READING
FEBRUARY 15TH, 2011.

ATTEST:


Jerry Johnson, Mayor


Molly Taylor, City Secretary

APPROVED TO TEXT AND FORM:


Rod Ponton, City Attorney

(B) BUILDING MUST HAVE AN OUTSIDE AESTHETIC COVER THAT IS COMPATIBLE TO THE BUILDINGS WITHIN THE HISTORICAL DISTRICT; EXAMPLES ARE ADOBE, STUCCO, ROCK, WOOD AND BRICK.

(C) METAL BUILDINGS MUST HAVE AN EXTERIOR FINISH THAT IS COMPATIBLE TO THE HISTORICAL BUILDINGS WITHIN THE HISTORICAL DISTRICT.

(D) INDUSTRIALIZED HOMES IN RESIDENTIAL ZONING DISTRICT SHALL MEET ALL THE REQUIREMENTS OF THE DISTRICT IN WHICH THE INDUSTRIALIZED HOME IS LOCATED.

(E) HAVE A VALUE EQUAL TO OR GREATER THAN THE MEDIAN TAXABLE VALUE FOR EACH SINGLE-FAMILY DWELLING LOCATED WITHIN FIVE HUNDRED FEET (500') OF THE LOT ON WHICH THE INDUSTRIALIZED HOUSING IS PROPOSED TO BE LOCATED AS DETERMINED BY THE MOST RECENT CERTIFIED TAX APPRAISAL FOR BREWSTER COUNTY.

(F) HAVE EXTERIOR SIDING, ROOFING PITCH, FOUNDATION FASCIA, AND FENESTRATION COMPATIBLE WITH ANY SINGLE-FAMILY DWELLING LOCATED WITHIN FIVE HUNDRED FEET (500') OF THE LOT ON WHICH THE INDUSTRIALIZED HOUSING IS PROPOSED TO BE LOCATED.

(G) COMPLY WITH AESTHETIC STANDARDS, BUILDING SETBACKS, SIDE AND REAR YARD OFFSETS, SUBDIVISION STANDARDS, ARCHITECTURAL LANDSCAPING, SQUARE FOOTAGE, AND OTHER SITE REQUIREMENTS APPLICABLE TO SINGLE-FAMILY DWELLINGS IN THE ZONING DISTRICT IN WHICH THE INDUSTRIALIZED HOME IS LOCATED.

(H) BE SECURELY AFFIXED TO A PERMANENT FOUNDATION.

4. ALL SIGNS AND BILLBOARDS WITHIN THE HISTORICAL DISTRICT MUST BE APPROVED BY THE PLANNING AND ZONING COMMISSION BEFORE A BUILDING PERMIT IS ISSUED. THE BUILDING OFFICIAL WILL PREPARE THE DOCUMENTATION AND PRESENT IT TO THE COMMISSION. HE SHALL BRING THE DRAWINGS AND SPECS OF EACH INDIVIDUAL SIGN OR BILLBOARD.

PASSED BY A TWO THIRDS MAJORITY OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS ON FEBRUARY 15TH, 2011.

INTRODUCTION AND FIRST READING
JANUARY 18TH, 2011.

SECOND AND FINAL READING
FEBRUARY 15TH, 2011.

ATTEST:


Molly Taylor, City Secretary

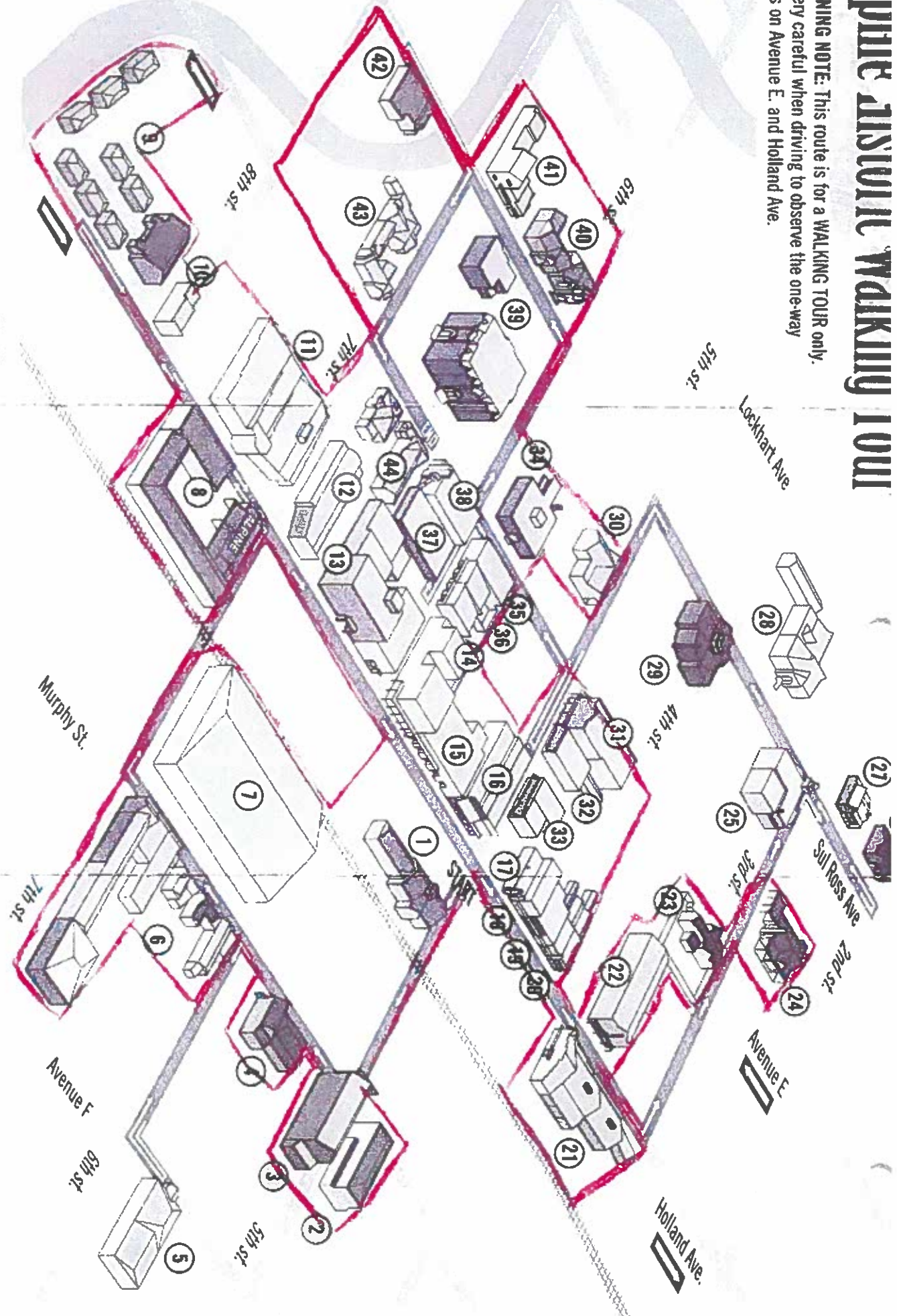

Jerry Johnson, Mayor

APPROVED TO TEXT AND FORM:

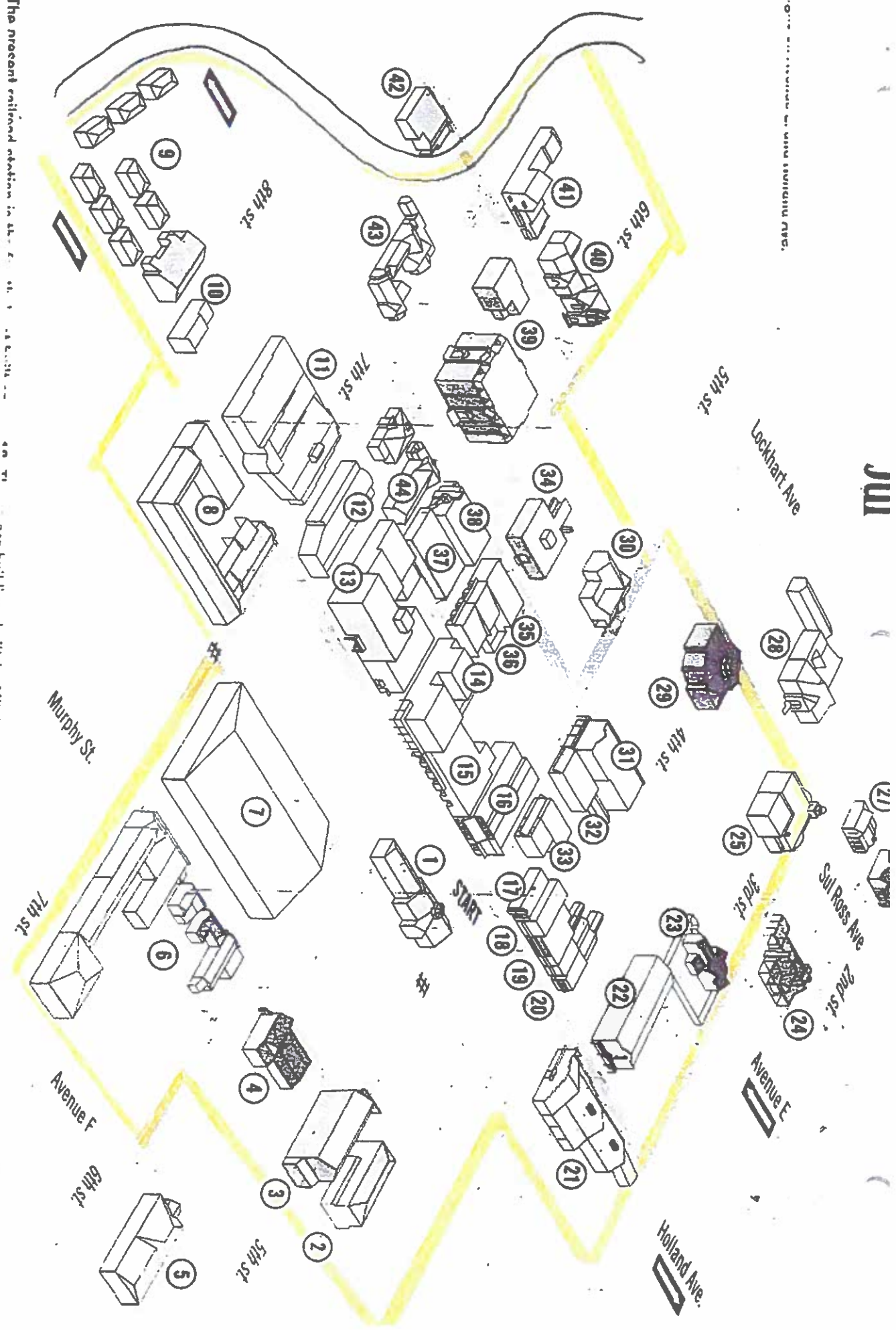

Rod Ponton, City Attorney

Alpine District Walking Tour

WARNING NOTE: This route is for a WALKING TOUR only. Be very careful when driving to observe the one-way signs on Avenue E. and Holland Ave.

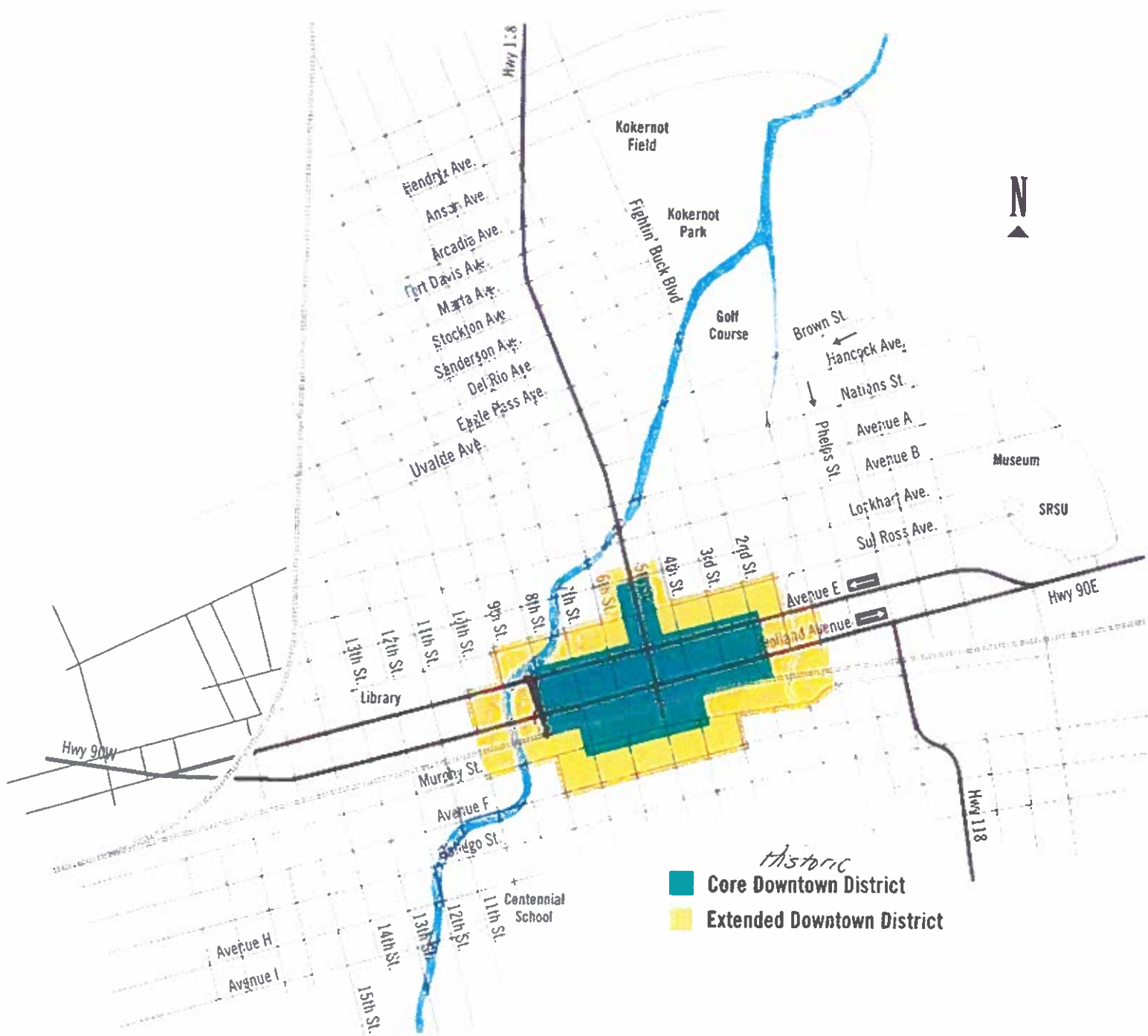


JUL



1 The present railroad station in the...

Handwritten: People
Goulded the





**PLANNING & ZONING COMMISSION
MEETING AGENDA ITEM COVER MEMO
JANUARY 23, 2023**

DISCUSSION ITEMS

- g) Continuation of the discussion on the Coin-Operated Machine ordinance.

BACKGROUND

- Amit Rangra, Chair, is recommending that the discussion regarding the coin-operated machine ordinance be continued.

SUPPORTING MATERIALS

- NONE.

STAFF RECOMMENDATION

NONE.



**PLANNING & ZONING COMMISSION
MEETING AGENDA ITEM COVER MEMO
JANUARY 23, 2023**

DISCUSSION ITEMS

h) the historical documents provided by Commissioner Branch, including:

- I. Central Business District Map - 1966
- II. Master Plan Building Condition Survey
- III. Recommended Zoning Map - 1966
- IV. Alpine Central Business District Code
- V. City of Alpine 1991 Land Use

(A. Branch, Commissioner)

BACKGROUND

- Commissioner Branch has submitted documents for the Commission to review and discuss.

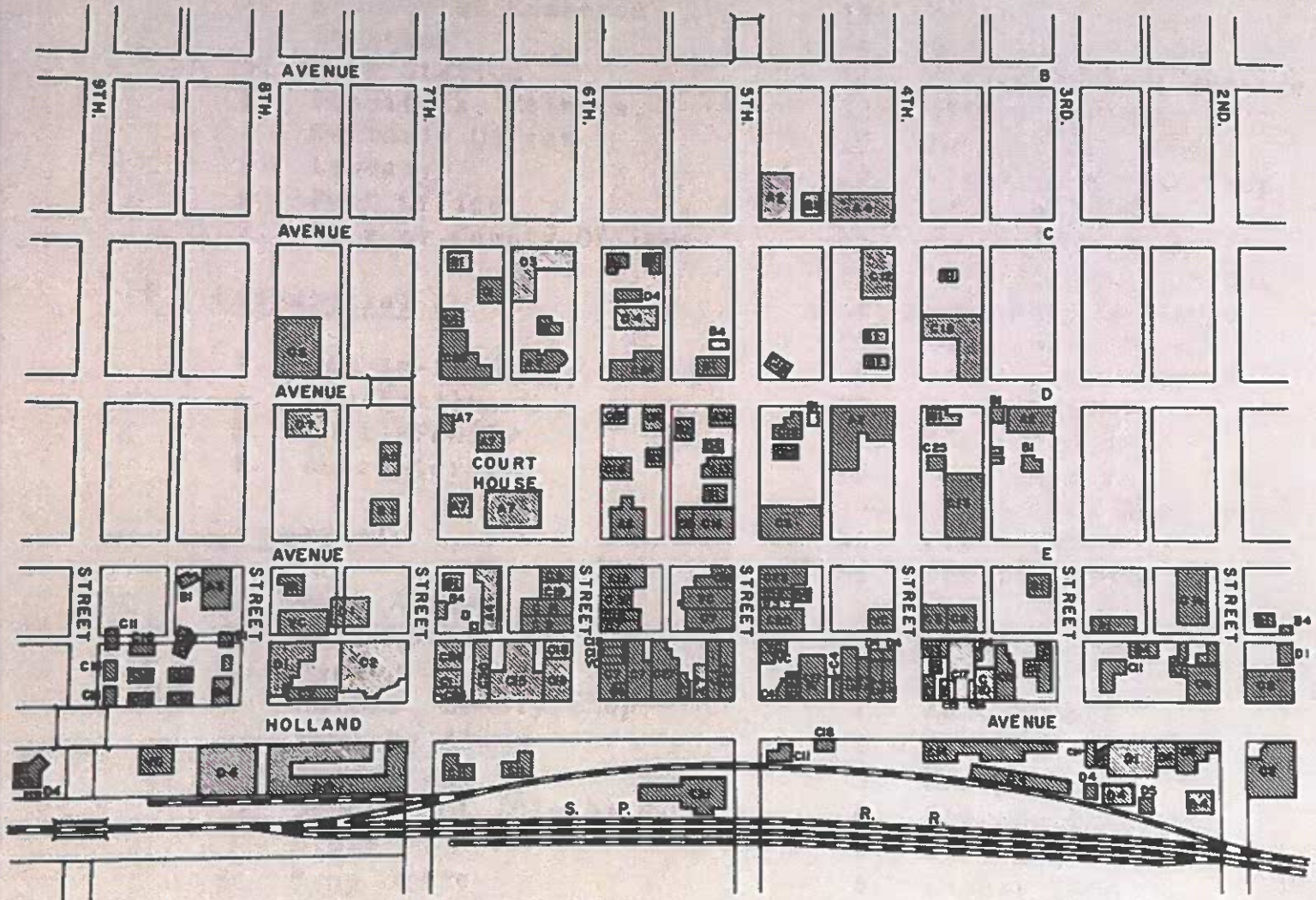
SUPPORTING MATERIALS

- I. Central Business District Map - 1966
- II. Master Plan Building Condition Survey
- III. Recommended Zoning Map - 1966
- IV. Alpine Central Business District Code
- V. City of Alpine 1991 Land Use

STAFF RECOMMENDATION

NONE.

CENTRAL BUSINESS DISTRICT MAP



PREPARED THROUGH THE COOPERATION
OF THE
TEXAS STATE DEPARTMENT OF HEALTH

The preparation of this material was financially
aided through a Grant Award from the Depart-
ment of Housing and Urban Development, under the
Urban Planning Assistance Program authorized
by Section 101 of the Housing Act of 1949,
as amended.

THE CITY OF ALPINE
BREWSTER COUNTY, TEXAS
A MASTER PLAN
FOR
FUTURE DEVELOPMENT
SHOWING

CENTRAL BUSINESS DISTRICT

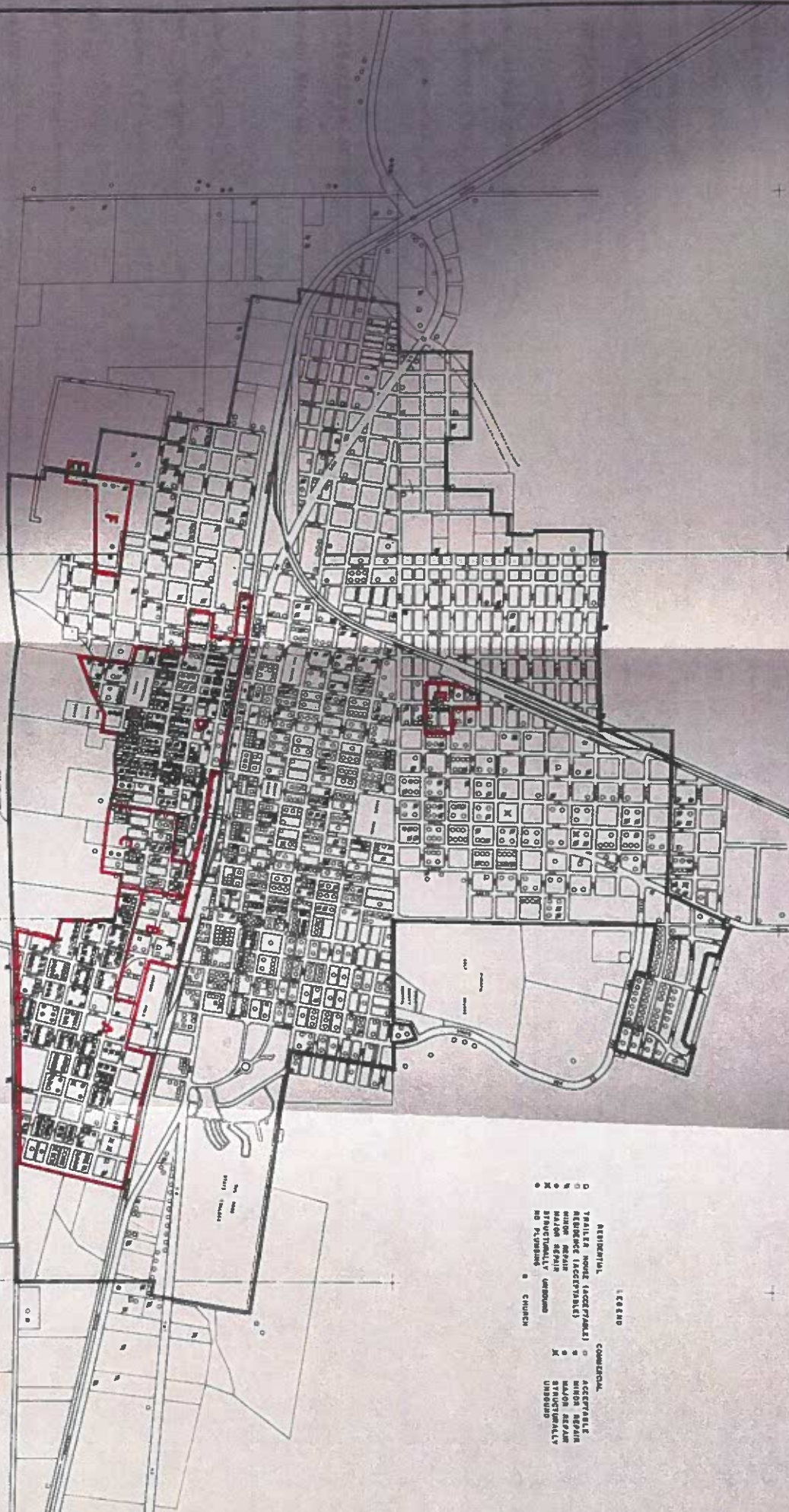
Prepared By
KENNETH E. EDMOND & ASSOCIATES
Consulting Engineers
Odessa, Texas
1966

BUILDING

CONDITION

SURVEY

- LEGEND**
- | | |
|---|---|
| <ul style="list-style-type: none"> ○ TRAILER HOME (ACCEPTABLE) ○ RESIDENCE (ACCEPTABLE) ○ MAJOR REPAIR ○ STRUCTURALLY WEAKENED ○ NO PLUMBING ■ CHURCH | <ul style="list-style-type: none"> ○ COMMERCIAL ○ ACCEPTABLE ○ MAJOR REPAIR ○ STRUCTURALLY WEAKENED |
|---|---|



THE CITY OF ALPINE
BREWSTER COUNTY, TEXAS
A MASTER PLAN

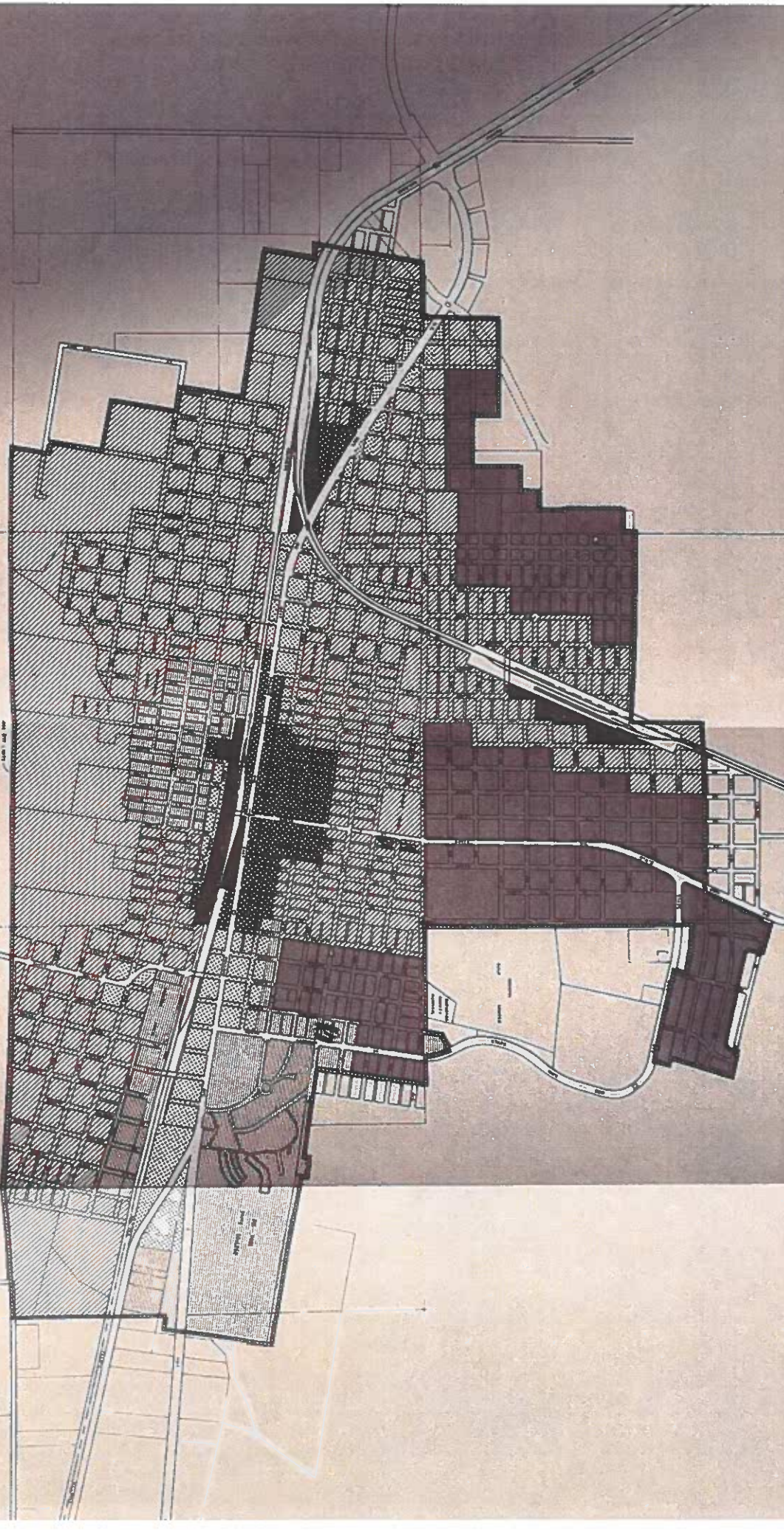
BUILDING CONDITION SURVEY

Prepared by
RENNETT E. EDWARDS & ASSOCIATES
Engineering Company
Alpine, Texas
1978

RECOMMENDED

1966

ZONING MAP



- LEGEND
- | | |
|----|----------------------------------|
| R1 | ONE FAMILY DISTRICT |
| R2 | TWO FAMILY DISTRICT |
| R3 | APARTMENT DISTRICT |
| C1 | NEIGHBORHOOD COMMERCIAL DISTRICT |
| C2 | BUSINESS DISTRICT |
| M1 | INDUSTRIAL DISTRICT |



THE CITY OF ALPINE
BREWER COUNTY TEXAS
A MASTER PLAN
FUTURE

ZONING MAP

DATE: 1966
BY: [illegible]
SCALE: 1" = 1/4 MILE
SHEET NO. 1 OF 1

ALPINE CENTRAL BUSINESS DISTRICT

CODE FOR BUILDING USE MAP

A. Public or Semi-Public

1. Chamber of Commerce
2. Churches
3. Fire Station
4. Hospitals, Clinics,
Doctor's Office
5. Library
6. Post Office
7. City or County Offices

B. Residential

1. Single-Family
2. Two-Family
3. Multi-Family
4. Auto Storage

C. Commercial

1. Auto Accessories
2. Auto Sales
3. Bank
4. Barber, Beauty Shop
5. Bowling Alley
6. Restaurant
7. Department (clothing)
Store
8. Drug Store
9. Dry Cleaner
10. Leather Shop
11. Service Station
12. Frozen Food Locker
13. Grocery Store
14. Furniture, Appliances,
Hardware Store

C. Commercial (continued)

15. Hotel
16. Motel
17. Motion Picture Theatre
18. Office Building
19. Photography Studio
20. Plumbing Repair Shop
21. Railroad Depot
22. Recreation Hall
23. Electric Service Co.
24. Telephone Exchange
25. Television Repair
26. Real Estate Office
27. Variety Store
28. Funeral Home
29. Shoe Repair
30. Upholstery Shop
31. Flower Shop
32. Jewelry Store

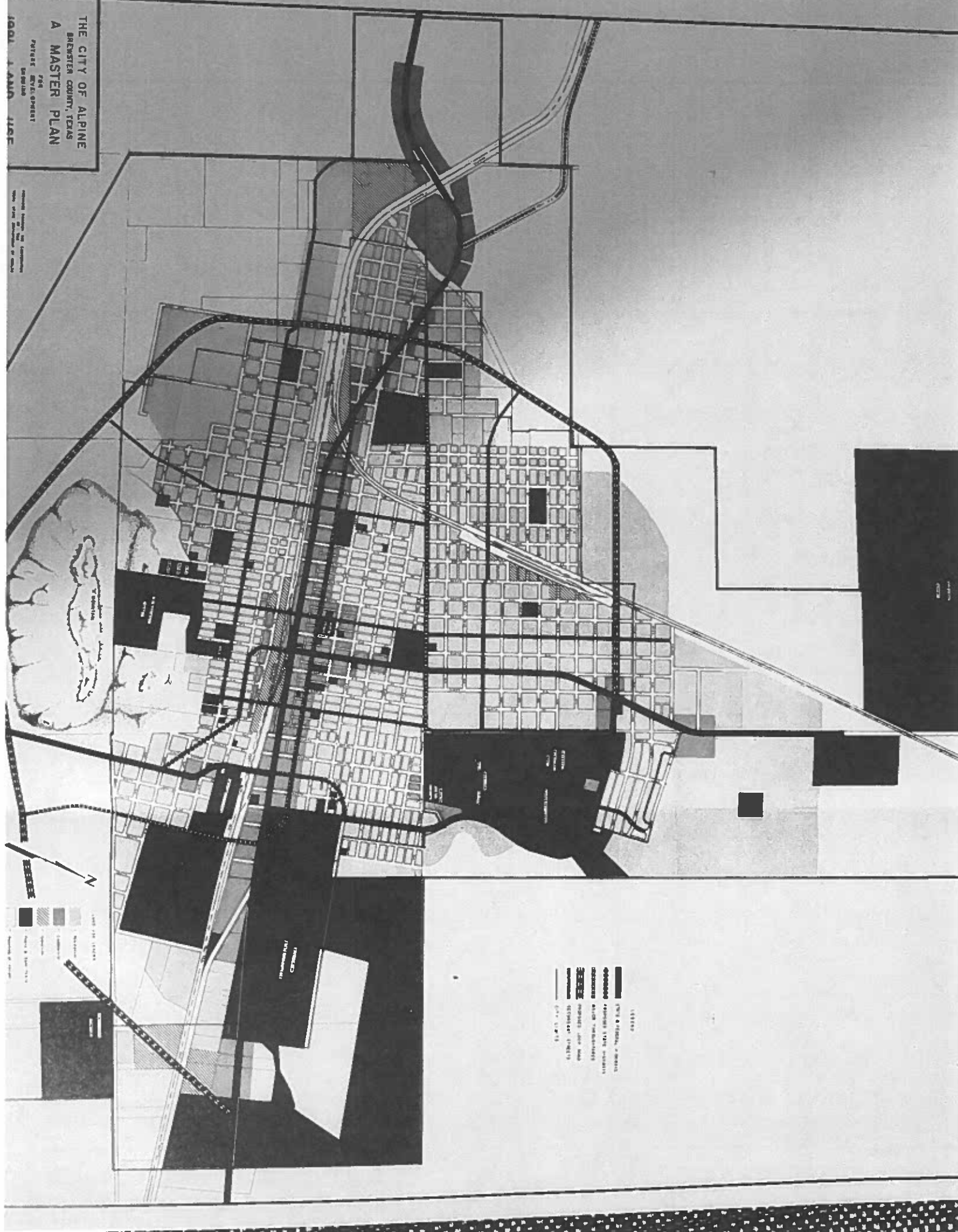
D. Industrial

1. Auto Repair
2. Butane Retail
3. Newspaper
4. Storage Building
5. Storage Tank
6. Lumber Yard
7. Welding Shop

NOTE: A "VC" indicates a vacant building.

THE CITY OF ALPINE
BREWSTER COUNTY, TEXAS
A MASTER PLAN
FOR
FUTURE DEVELOPMENT
OF LAND AND USE

**Outstanding Examples of Contemporary
Public Housing Architecture in America**



ACTION & CONCLUSION OVERVIEW

8. Action Items –

- a) Approve an application for a replat to allow the applicant, Don Cadden, to divide one lot into 2 lots. The property in question is located at 2011 Peach Tree Circle and is legally described as Lot 6 of Block 1 to Alpine West Estates, City of Alpine, Brewster County, Texas. The property ID of the subject property is 35591. The record property owner is Don Cadden. The current zoning of the property is R-4 Mobile Home District. the zoning classification, if the replat is approved, will remain R-4 Mobile Home District. (G. Calderon, City Secretary)
- b) Approve an application for a replat to allow the applicant, John Scott Turner, to combine lots on the subject property. The property in question is legally described as Lot Thirteen (13), Block A-Six (A-6), Famous Heights Addition, City of Alpine, Brewster County, Texas, as the same appears in records on file in the Office of the County Clerk of Brewster County, Texas. The record property owner is John Scott Turner. The property ID of the subject property is 35528. The current zoning of the property is R-2 Two-Family District. The zoning classification, if the replat is approved, will remain R-2 Two-Family District. (G. Calderon, City Secretary)
- c) Approve an application for a replat to allow the applicant, Kelly Deprado, to separate lots for sale. The property in question is located at 406 & 408 E. Nations and is legally described as Lots 8 and 9, Block 115, Harmon Addition, to the City of Alpine, Brewster County, Texas, as per a plat on file in envelope #94, Plat Records, out of Survey 42 and 101, Block 9, G.H. & S.A. Ry. Co. Surveys, Brewster county, Texas. the record property owner is Kelly Deprado. the property ID of the subject property is 12323. The current zoning of the property is R-2 Two-Family District. the zoning classification, if the replat is approved, will remain R-2 Two-Family District. (G. Calderon, City Secretary)
- d) Approve making a recommendation to the City Council to establish an ordinance that implements a requirement that letters be sent to surrounding property owners regarding proposed annexations. (A. Rangra, Chair)
- e) Approve the Calendar Year 2023 Meeting Schedule. (G. Calderon, City Secretary)
- f) Appoint the Chair of the Planning & Zoning Commission. (G. Calderon, City Secretary)
- g) Appoint the Vice-Chair of the Planning & Zoning Commission. (G. Calderon, City Secretary)
- h) Appoint the Secretary of the Planning & Zoning Commission. (G. Calderon, City Secretary)

9. Board Member Comments.

10. Adjourn.



**PLANNING & ZONING COMMISSION
MEETING AGENDA ITEM COVER MEMO
JANUARY 23, 2023**

ACTION ITEMS

- a) Approve an application for a replat to allow the applicant, Don Cadden, to divide one lot into 2 lots. The property in question is located at 2011 Peach Tree Circle and is legally described as Lot 6 of Block 1 to Alpine West Estates, City of Alpine, Brewster County, Texas. The property ID of the subject property is 35591. The record property owner is Don Cadden. The current zoning of the property is R-4 Mobile Home District. The zoning classification, if the replat is approved, will remain R-4 Mobile Home District. (G. Calderon, City Secretary.

BACKGROUND

- Don Cadden has submitted a replat application to divide one lot into 2 lots.
- 8 letters were sent to surrounding property owners within 200 feet of the property notifying them of the public hearings for this item. None were returned as undeliverable.
- The required public notice was posted in the Alpine Avalanche within the required timeframe. The notice was in the January 5th edition.
- The Zoning of the property will not change.

SUPPORTING MATERIALS

- Replat application and accompanying documents.

STAFF RECOMMENDATION

APPROVE.

Q CARPET 1/2 INCH FROM ROD SET [UNCLER]
1 RECORD INFORMATION
BEARING BUSH: MCS 84

1 CERTIFY THAT THIS PLAN REPRESENTS THE RESULTS OF AN
ACTUAL SURVEY ON THE GROUND MADE BY ME OR UNDER MY
SUPERVISION AND THAT THE LINES AND CORNERS FOUND ON
SET ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE
AND BELIEF.

11-19-2022
KEVIN WATLER, PWS NO. 5911
SAM 100TH STREET, PWS NO. 10194452
105 N. COCKRILL ST
ALPINE, TEXAS 76630
(457) 536-2115



A detailed plat map of Peach Tree Circle, showing two lots: Lot 6A (0.244 acres) and Lot 6B (0.331 acres). The map includes bearings and distances for all boundaries, including a 20-foot easement and a 10-foot easement. A dashed line indicates the centerline of Peach Tree Circle. The map is oriented with the circle on the left and the lots on the right.

Lot 6A (0.244 ACRES)
 North boundary: N 10° 10' 00" E 101.00'
 East boundary: E 101.00' S 10° 10' 00" W 101.00'
 South boundary: S 10° 10' 00" W 101.00'
 West boundary: W 101.00' S 10° 10' 00" E 101.00'

Lot 6B (0.331 ACRES)
 North boundary: N 10° 10' 00" E 101.00'
 East boundary: E 101.00' S 10° 10' 00" W 101.00'
 South boundary: S 10° 10' 00" W 101.00'
 West boundary: W 101.00' S 10° 10' 00" E 101.00'

Peach Tree Circle
 Centerline: S 10° 10' 00" W 101.00'

Easements
 20' EASEMENT (between Lot 6A and Lot 6B)
 10' EASEMENT (between Lot 6B and the centerline)

Other Features
 A dashed line indicates the centerline of Peach Tree Circle.
 A small circle is located at the intersection of the centerline and the 20-foot easement.

[illegible]

NOTES:

1. ACCORDING TO TWA TRIP WORK SHEET, 48003500078, DATED 11/16/1980, THIS TRACT APPLIES TO US MAIL OFFICE ZONE X (AREAS OUTSIDE THE 500-YARD RADIUS AREA).
2. THIS TRACT IS LOCATED WITHIN THE FULL-PURPOSE JURISDICTION OF THE CITY OF ALBUQUERQUE.
3. NO ROAD IMPROVEMENTS ARE PROPOSED WITH THIS TRACT.

[illegible]

DONALD CADDOEN

STATE OF TEXAS

COUNT OF PROPOSALS

ORDER OF THE BOARD OF DIRECTORS OF THE COMPANY, DONALD COHEN, known to me to be the person whose name is subscribed to the foregoing instrument, AND ACKNOWLEDGES TO ME THAT HE OWES THE SAME AS HIS FREE ACT AND DEED, PURPOSE AND CONSCIENTIOUS BELIEF, THE SUM OF \$100,000.00 TO THE COMPANY.

[illegible]

MOJAHY PUBLIC IN AND FOR BERTWISTON COUNTY, ILLAS

MAILING THE RETURNING AND ZIPPING COMMISSION OF THE CITY OF ALPINE, TEXAS VOTE AFFIRMATION
ON THIS _____ DAY OF _____, 20 _____ TO APPROVE THIS PLAN

CHAPTER 10 Planning and Zoning Commission

CITY COUNCIL APPROVAL:

OF _____, I HEREBY CERTIFY THAT THE CITY OF ALBANY, ILLAS VOTED AFFIRMATIVELY ON THIS _____ DAY OF _____, 20--.

MAYOR, CITY OF ALPINE

ATTEST: CITY SECRETARY

FILED FOR RECORD THIS DAY OF 20 A

SARAH VASQUEZ
BREWSTER COUNTY CLERK

CITY OF ALPINE

Fax # 432-837-2044

Our GF#

DATE: 01/05/2023

TAX CERTIFICATE REQUEST

Owner: DON CADDEN

I, Sylvia Vega
COUNTY OF BREWSTER:

Tax collector in and for the County of Brewster and the State of Texas, do hereby certify to the following condition of such taxes as are collectible by this office, on the following described real estate, situated in Brewster County, Texas as of this date

PID 35591 ALPINE WEST BLK 1, LOT 6
2013 SOLITAIRE LABEL: NTA1562962

Amount of Taxes due 2022

\$1,600.97

Taxes Paid to and Including Year

2022

Taxes Delinquent for Years

0

Amount of Delinquency

0

Given under my hand and seal of office at Alpine, Texas, this 5 day of Jan A.D. 2023

Tax Collector, Brewster County, Texas

By 
Deputy

Issued By:

Brewster County Tax Office
107 W Ave E #1 432-837-2214
Alpine, TX 79830

Property Information

Property ID: 35591 Geo ID: 975800010006000000
Legal Acres: 0.0000
Legal Desc: ALPINE WEST BLK 1, LOT 6; 2013 SOLITAIRE LABEL
NTA1562962
Situs: 2011 PEACH TREE CIRCLE ALPINE, TX
DBA:
Exemptions:

Owner ID: 38644 100.00%
CADDEN DON
47130 S HWY 118
ALPINE, TX 79830

For Entities

Alpine ISD
Big Bend Regional Hospital District
Brewster County
City of Alpine

Value Information

Improvement HS: 76,925
Improvement NHS: 0
Land HS: 0
Land NHS: 0
Productivity Market: 0
Productivity Use: 0
Assessed Value 76,925

Current/Delinquent Taxes

This is to certify that, after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code §33.48, are due on the described property for the following taxing unit(s):

Year	Entity	Taxable	Tax Due	Disc./P&I	Attorney Fee	Total Due
Totals:			0.00	0.00	0.00	0.00

Effective Date: 01/05/2023

Total Due if paid by: 01/31/2023 0.00

Tax Certificate Issued for:	Taxes Paid in 2022
Brewster County	304.27
Big Bend Regional Hospital District	64.03
City of Alpine	358.72
Alpine ISD	873.95

If applicable, the above-described property has/is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate [Tax Code Section 31.08(b)].

Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the unit's tax lien on the property is extinguished and the purchaser of the property is absolved of liability to the unit for delinquent taxes, penalties or interest on the property or for taxes based on omitted property. The person who was liable for the tax for the year the tax was imposed or the property was omitted remains personally liable for the tax and for any penalties or interest.

A tax certificate issued through fraud or collusion is void.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43 Paragraph(1) of the Texas Property Tax Code.

May Be Subject to Court Costs if Suit is Pending


Signature of Authorized Officer of Collecting Office

Date of Issue: 01/05/2023
Requested By: CITY OF ALPINE
Fee Amount: 10.00
Reference #: CITY OF ALPINE



APPLICATION FOR PLAT

Building Services Department

309 WEST SUL ROSS AVENUE, ALPINE, TEXAS 79830

(432) 837-3281

CHECK ONE: ☐ Master Plan ☐ Prelim. /Final Plat ☐ Prelim. Plat ☐ Final Plat ☒ Replat ☐ Amended ☐ Minor

- PROPOSED SUBDIVISION NAME: ALPINE WEST SUBDV. LOT 6, BUKI UNIT NO. 1
LOCATION DESCRIPTION/ NEAREST INTERSECTION: 2011-A AND 2011-B POKH TREE CIR.
ACREAGE: 0.574 NO. OF LOTS: EXISTING 1 PROPOSED 2
REASON(S) FOR PLATTING/REPLATTING: DIVID LOT
- OWNER/APPLICANT*: DON CADDEN
(*if applicant is person other than owner, a letter of authorization must be proved from owner. *)
ADDRESS: 47130 S. Hwy 118 ALPINE 79830 Ste.
TELEPHONE: FAX: MOBILE: 386-5959 EMAIL: dcadden@gmail.com
- LICENSED ENGINEER/SURVEYOR: SAW TOOTH SURVEY, KEVIN MUELLER
ADDRESS: 105 N. COCKRELL ST ALPINE Ste.
TELEPHONE: FAX: MOBILE: 432-538-2115 EMAIL:
- LIST ANY VARIANCES REQUESTED:
- REASON FOR REQUEST (LIST ANY HARDSHIPS): DIVID LOT INTO 2 LOTS
- CITY LIMITS: IN ☒ OUT ☐ IS ANY PART OF THE PROPERTY IN A FLOOD PLAIN? YES ☐ NO ☒
- Is the property subject to any liens, encumbrances, or judgments? If so, give details. (Provide separate sheet if needed.) Permission from any lien holders and/or removal of any encumbrances or judgments will be necessary prior to filing of said plat with the County Clerk's office.

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

Completed application, including signature of owner/applicant and signed waiver.

- ☒ Fee. (see reverse)
- ☒ TIA worksheet, reviewed by City Engineer, and appropriate Level TIA if required.
- ☒ 3 copies of the plat, collated and folded so that the subdivision name is visible. 1 Digital copy
- ☒ 1 copy of preliminary plan of the water system showing the approximate location and size of onsite and offsite existing and proposed water lines and fire hydrants.
- ☒ 1 copy of preliminary drainage plan.
- ☒ Current deed restrictions for Vacating Plats, and Townhouse and Zero Lot Line Subdivisions.
- ☒ Survey Showing any existing structures on the subject property.
- ☒ List of approved street names by the appropriate county.

PLEASE READ "IMPORTANT NOTES" ON THE REVERSE SIDE OF THIS APPLICATION

I agree to comply with all platting and subdivision requirements of the City of Alpine. I understand that the plat will NOT be forwarded to the Planning Commission unless staff comments are satisfactorily addressed by the plat corrections due date. I do not object to consideration of the plat on _____ (date of Planning Commission meeting). This waiver expires after _____ (date of Planning Commission meeting). (The waiver statement above is not applicable to Minor Plats).

Signature of Owner/Applicant

(If applicant is person other than owner, a letter of authorization must be provided from owner.) Signature indicates authorization for plat application and acceptance of waiver statement.

Date

Print Name & Title

APPLICATION FEES

TYPE OF PLAT/ACREAGE	TYPE I (Not previously platted, in R-3, C or M zoning, or Non-residential plat)	TYPE II (replat requiring public hearing in platted residential subdivision in any zone)	TYPE III (amending plat; corrections without vacating plat)	MASTER PLAN
Less than 1 acre	\$200.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$200.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$100.00	\$100.00 base fee + \$1.00 per lot or \$2.00 per acre, whichever is greater
1 to 4.99 acres	\$200.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$230.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$100.00	
5 to 10 acres	\$225.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$345.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$100.00	
More than 10	\$300.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$460.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$100.00	

All filing fees for plats are payable at time of initial submittal.
****All signature spots showing the recording on the document: Planning & Zoning, City Secretary, Mayor, County Clerk to sign off. **All documents must indicate "replat", "amended" in the title if being revised.**

Open space fees are due at time of final plat submittal. If public improvements are required, open space fees are due prior to construction plan approval.

IMPORTANT NOTES:

- All staff comments must be addressed by the plat correction due date. If not, the plat will NOT be forwarded to the Planning Commission until staff comments have been satisfied
- For plats on TxDOT right-of-way, it is highly recommended that a permit be submitted to TxDOT prior to submitting the plat application.
- All new plats and master plans must be reviewed by the Parks Planner for park dedication requirements.

The following items must be provided when submitting an approved plat for recordation:

- Tax certificate showing that no taxes are currently due or delinquent against the property. The certificates must be dated (issued) within 30 days of the plats being recorded.
- Recording fee. Checks should be made out to "City of Alpine."

FOR OFFICE USE ONLY:

Date Application Fee Received: 11/21/22 Received By: Jessica Boorse
 Receipt No. 22-006622 Cash/Check No. 10071 Amount Recd. \$ 100.00

☒ 3 copies ☒ street names appr. list N/A TxDOT approval letter

☒ letter of authorization _____ proof of ownership N/A HOA document



Plat review meeting date: _____ Planning Commission meeting date: _____

COUNTY CLERK RECORDING REQUIRED:

PLAT of a survey of all of Lot 6, Block 1, Alpine West Estates, a subdivision to the City of Alpine, Brewster County, Texas as the same appears on file in Envelope #199, Plat Records, in the office of the County Clerk, Brewster County, Texas.

Note: According to the Plat Map, Comally Final #480085 0002 B, dated November 16, 1990, the Lot 6 is in Zone X, area determined to be outside the 500-year floodplain.

EXHIBIT A

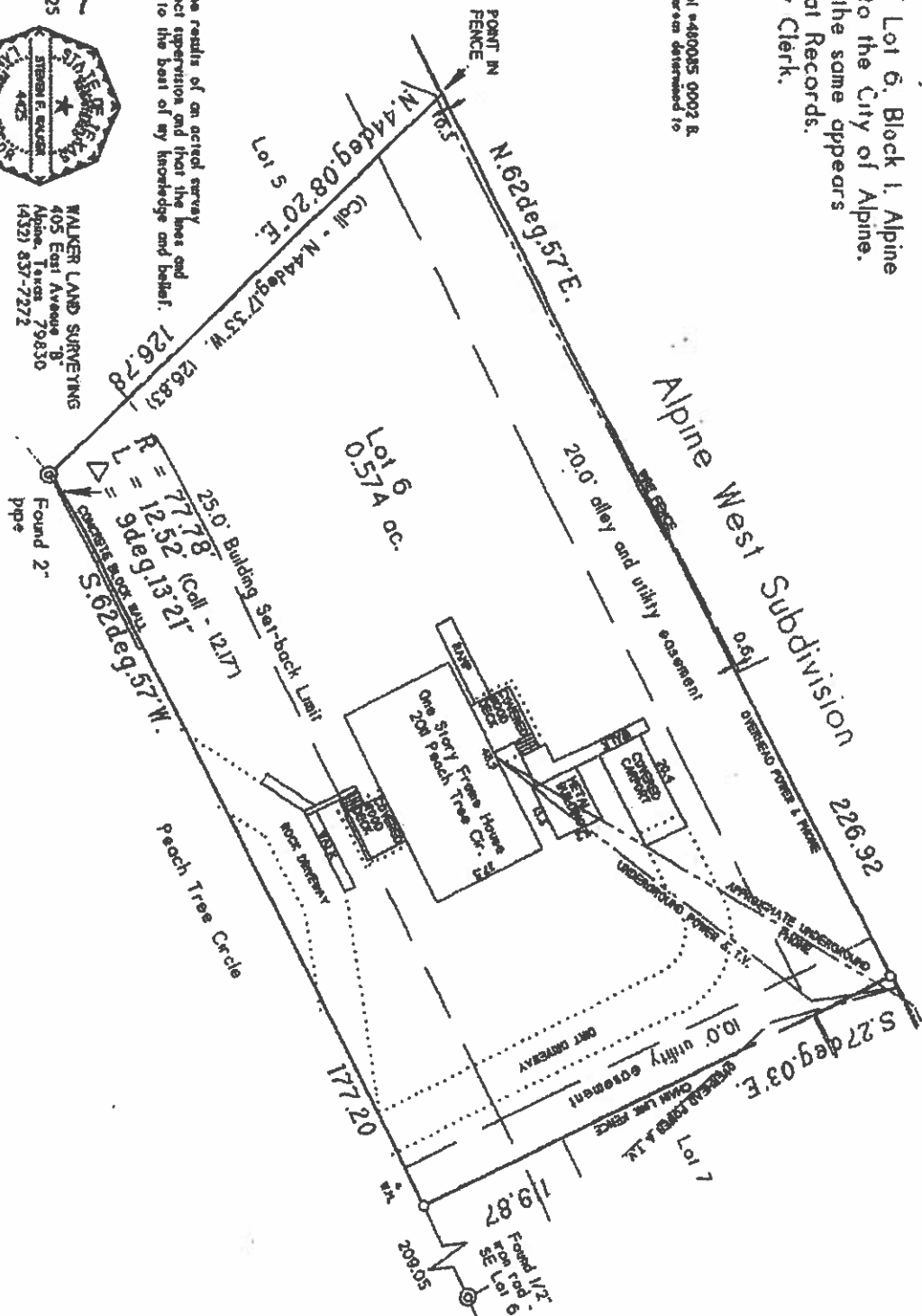
Scale: 1" = 40'
Bearings are based on the South line of Block 1 as monumented.
O = Set 1/2" iron rod with cap marked "Walker 4425"

I hereby certify that the plat represents the results of an actual survey made on the ground by me or under my direct supervision and that the lines and corners found or set are true and correct to the best of my knowledge and belief.

Steven E. Walker
Registered Professional Land Surveyor #4425
Date: April 30, 2003



WALKER LAND SURVEYING
405 East Avenue B
Alpine, Texas 79830
(432) 837-7272









PLANNING & ZONING COMMISSION
MEETING AGENDA ITEM COVER MEMO
JANUARY 23, 2023

ACTION ITEMS

- b) Approve an application for a replat to allow the applicant, John Scott Turner, to combine lots on the subject property. The property in question is legally described as Lot Thirteen (13), Block A-Six (A-6), Famous Heights Addition, City of Alpine, Brewster County, Texas, as the same appears in records on file in the Office of the County Clerk of Brewster County, Texas. The record property owner is John Scott Turner. The property ID of the subject property is 35528. The current zoning of the property is R-2 Two-Family District. The zoning classification, if the replat is approved, will remain R-2 Two-Family District. (G. Calderon, City Secretary)

BACKGROUND

- John Scott Turner has submitted a replat application to combine lots on the subject property.
- 6 letters were sent to surrounding property owners within 200 feet of the property notifying them of the public hearings for this item. None were returned as undeliverable.
- The required public notice was posted in the Alpine Avalanche within the required timeframe. The notice was in the January 5th edition.
- The Zoning of the property will not change.

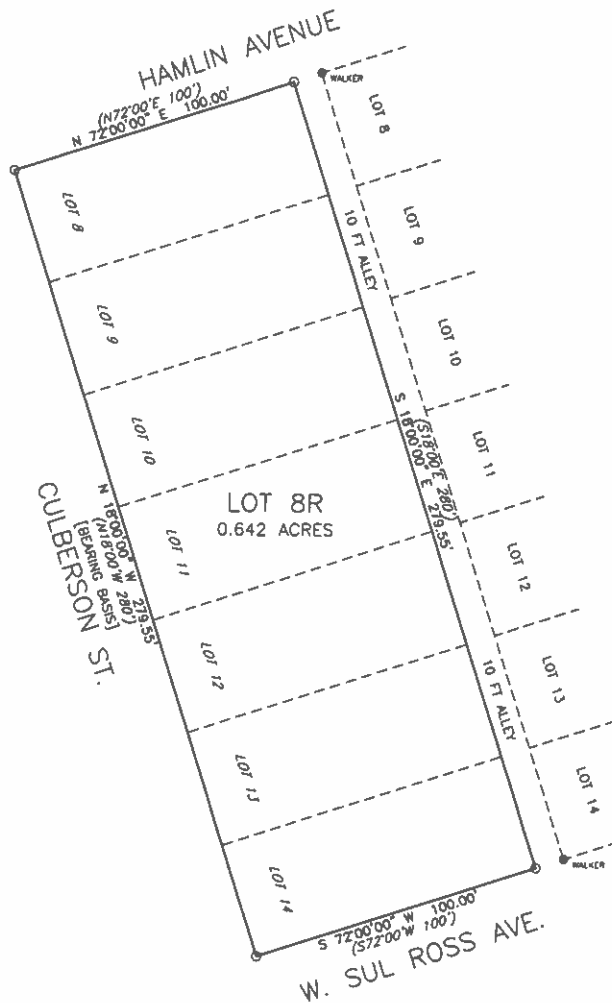
SUPPORTING MATERIALS

- Replat application and accompanying documents.

STAFF RECOMMENDATION

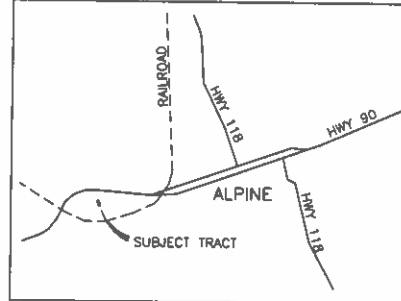
APPROVE.

REPLAT OF THE WEST HALF (W/2) OF BLOCK A-6, FAMOUS HEIGHTS ADDITION TO ALPINE
SUBDIVISION PLAT ON FILE IN ENVELOPE 108, PLAT RECORDS OF BREWSTER COUNTY, TEXAS

**LEGEND**

- IRON ROD FOUND [CAPPED AS NOTED]
- IRON ROD SET [5911]
- () RECORD INFORMATION
- BEARING BASIS: AS SHOWN

0 30 60

**VICINITY MAP**

N.T.S.

STATE OF TEXAS

COUNTY OF BREWSTER

I, JOHN SCOTT TURNER, DO HEREBY CERTIFY THAT I AM THE OWNER OF THE 0.642 ACRE TRACT DESCRIBED HEREON, AS RECORDED IN VOLUME 322, PAGE 166, VOLUME 372, PAGE 561, AND VOLUME 415, PAGE 702, OFFICIAL PUBLIC RECORDS OF BREWSTER COUNTY, TEXAS, AND DO HEREBY REPLAT SAID TRACT TO BE KNOWN AS:

REPLAT OF THE WEST HALF (W/2) OF BLOCK A6, FAMOUS HEIGHTS ADDITION TO ALPINE

JOHN SCOTT TURNER
 236 KJ'S TRAIL
 TUSCOLA, TEXAS 79562

STATE OF TEXAS

COUNTY OF BREWSTER

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, JOHN SCOTT TURNER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGES TO ME THAT HE EXECUTES THE SAME AS HIS FREE ACT AND DEED AND FOR THE PURPOSE AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2022, NOTARY PUBLIC IN AND FOR BREWSTER COUNTY, TEXAS. MY COMMISSION EXPIRES THE _____ DAY OF _____, 2023.

NOTARY PUBLIC IN AND FOR BREWSTER COUNTY, TEXAS

NOTES:

1. ACCORDING TO FEMA FIRM MAP PANEL 4800850002B, DATED 11/16/1990, THIS TRACT APPEARS TO LIE WITHIN ZONE X [AREAS OUTSIDE THE 500-YEAR FLOODPLAIN].
2. THIS TRACT IS LOCATED WITHIN THE FULL-PURPOSE JURISDICTION OF THE CITY OF ALPINE.
3. NO ROAD IMPROVEMENTS ARE PROPOSED WITH THIS REPLAT.

WHEREAS THE PLANNING AND ZONING COMMISSION OF THE CITY OF ALPINE, TEXAS VOTED AFFIRMATIVELY ON THIS _____ DAY OF _____, 2022, TO APPROVE THIS PLAT.

CHAIRMAN, PLANNING AND ZONING COMMISSION

CITY COUNCIL APPROVAL

WHEREAS THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS VOTED AFFIRMATIVELY ON THIS _____ DAY OF _____, 2022, TO APPROVE THIS PLAT.

MAYOR, CITY OF ALPINE

ATTEST: CITY SECRETARY

I HEREBY CERTIFY THAT THIS PLAT IS BASED ON AN ACTUAL ON THE GROUND SURVEY AND THAT THE LINES AND CORNERS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



KEVIN MUELLER
 105 N. COCKRELL ST.
 (432) 538-2115
 KEVIN.MUELLER@SAWTOOTHSSURVEY.COM

SAW TOOTH SURVEY
 P.O. BOX 1751
 ALPINE, TX 79831

FILED FOR RECORD THIS _____ DAY OF _____, 2022, AT _____
 RECORDED THIS _____ DAY OF _____, 2023, IN PLAT ENVELOPE NO. _____
 _____ BREWSTER COUNTY PLAT RECORDS.

SARAH VASQUEZ
 BREWSTER COUNTY CLERK

CITY OF ALPINE

Fax # 432-837-2044

Our GF#

DATE: 01/05/2023

TAX CERTIFICATE REQUEST

Owner: JOHN SCOTT TURNER

I, Sylvia Vega
COUNTY OF BREWSTER:

Tax collector in and for the County of Brewster and the State of Texas, do hereby certify to the following condition of such taxes as are collectible by this office, on the following described real estate, situated in Brewster County, Texas as of this date

PID: 35528 FAMOUS HTS, BLOCK A6, LOT 13

Amount of Taxes due 2022

\$119.87

Taxes Paid to and Including Year

2021

Taxes Delinquent for Years

0

Amount of Delinquency

0

Given under my hand and seal of office at Alpine, Texas, this 5 day of Jan A.D. 2023

Tax Collector, Brewster County, Texas

By Sylvia Vega
Deputy

TAX CERTIFICATE

Issued By:

Brewster County Tax Office
107 W Ave E #1 432-837-2214
Alpine, TX 79830

Property Information

Property ID: 35528 Geo ID: 970700060003000001
Legal Acres: 0.1837
Legal Desc: FAMOUS HTS, BLOCK A6, LOT 13
Situation:
DBA:
Exemptions:

Owner ID: 33945 100.00%
TURNER JOHN SCOTT
236 KJ'S TRAIL
TUSCOLA, TX 79562

For Entities

Value Information

Alpine ISD	Improvement HS:	0
Big Bend Regional Hospital District	Improvement NHS:	0
Brewster County	Land HS:	5,760
City of Alpine	Land NHS:	0
	Productivity Market:	0
	Productivity Use:	0
	Assessed Value	5,760

Current/Delinquent Taxes

This is to certify that, after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code §33.48, are due on the described property for the following taxing unit(s):

Year	Entity	Taxable	Tax Due	Disc./P&I	Attorney Fee	Total Due
2022	Alpine ISD	5,760	65.44	0.00	0.00	65.44
2022	City of Alpine	5,760	26.86	0.00	0.00	26.86
2022	Big Bend Regional Hospital Dis	5,760	4.79	0.00	0.00	4.79
2022	Brewster County	5,760	22.78	0.00	0.00	22.78
Totals:			119.87	0.00	0.00	119.87

Effective Date: 01/05/2023

Total Due if paid by: 01/31/2023

119.87

Tax Certificate Issued for:	Taxes Paid in 2022
Brewster County	0.00
Big Bend Regional Hospital District	0.00
City of Alpine	0.00
Alpine ISD	0.00

If applicable, the above-described property has/is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate [Tax Code Section 31.08(b)].

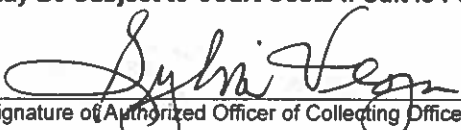
Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the unit's tax lien on the property is extinguished and the purchaser of the property is absolved of liability to the unit for delinquent taxes, penalties or interest on the property or for taxes based on omitted property. The person who was liable for the tax for the year the tax was imposed or the property was omitted remains personally liable for the tax and for any penalties or interest.

A tax certificate issued through fraud or collusion is void.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43 Paragraph(1) of the Texas Property Tax Code.

May Be Subject to Court Costs if Suit is Pending

Date of Issue: 01/05/2023
Requested By: CITY OF ALPINE
Fee Amount: 10.00
Reference #: CITY OF ALPINE


Signature of Authorized Officer of Collecting Office



APPLICATION FOR PLAT

Building Services Department
309 WEST SUL ROSS AVENUE, ALPINE, TEXAS 79830
(432) 837-3281

CHECK ONE: ☐ Master Plan ☐ Prelim./Final Plat ☐ Prelim. Plat ☐ Final Plat ☒ Replat ☐ Amended ☐ Minor

- PROPOSED SUBDIVISION NAME: Replat of the W/2 block A-6, Famous Heights UNIT NO.
LOCATION DESCRIPTION/ NEAREST INTERSECTION: Hamlin + Culberson
ACREAGE: 0.642 NO. OF LOTS: EXISTING 6 PROPOSED 1
REASON(S) FOR PLATTING/REPLATTING Combined Lots
- OWNER/APPLICANT*: John Scott Turner
(*if applicant is person other than owner, a letter of authorization must be proved from owner. *)
ADDRESS: 236 KJ's Trail Tuscola, TX Ste.
TELEPHONE: 325-669-6120 FAX: MOBILE 325-669-6128 EMAIL:
- LICENSED ENGINEER/SURVEYOR: Kevin Mueller R.P.L.S.
ADDRESS: 105 N. Cockrell St. Alpine, TX Ste.
TELEPHONE: 432-538-2115 FAX: MOBILE EMAIL: Kevin.Mueller@SawtoothSurvey.com
- LIST ANY VARIANCES REQUESTED:
- REASON FOR REQUEST (LIST ANY HARDSHIPS):
- CITY LIMITS: IN ☒ OUT ☐ IS ANY PART OF THE PROPERTY IN A FLOOD PLAIN? YES ☐ NO ☒
- Is the property subject to any liens, encumbrances, or judgments? If so, give details. (Provide separate sheet if needed.) Permission from any lien holders and/or removal of any encumbrances or judgments will be necessary prior to filing of said plat with the County Clerk's office.

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

Completed application, including signature of owner/applicant and signed waiver.

- ⇒ Fee. (see reverse)
- ⇒ TIA worksheet, reviewed by City Engineer, and appropriate Level TIA if required.
- ⇒ 2 copies of the plat, collated and folded so that the subdivision name is visible. 1 Digital copy
- ⇒ 1 copy of preliminary plan of the water system showing the approximate location and size of onsite and offsite existing and proposed water lines and fire hydrants.
- ⇒ 1 copy of preliminary drainage plan.
- ⇒ Current deed restrictions for Vacating Plats, and Townhouse and Zero Lot Line Subdivisions.
- ⇒ Survey Showing any existing structures on the subject property.
- ⇒ List of approved street names by the appropriate county.

PLEASE READ "IMPORTANT NOTES" ON THE REVERSE SIDE OF THIS APPLICATION

I agree to comply with all platting and subdivision requirements of the City of Alpine. I understand that the plat will NOT be forwarded to the Planning Commission unless staff comments are satisfactorily addressed by the plat corrections due date. I voluntarily waive my right to request a certificate stating the date the plat within thirty days. I do not object to consideration of the plat on (date of Planning Commission meeting). This waiver expires after (date of Planning Commission meeting). (The waiver statement above is not applicable to Minor Plats).

John Scott Turner
Signature of Owner/Applicant

11/11/2022
Date
John Scott Turner - Owner
Print Name & Title

(If applicant is person other than owner, a letter of authorization must be provided from owner.) Signature indicates authorization for plat application and acceptance of waiver statement.

APPLICATION FEES

TYPE OF PLAT/ACREAGE	TYPE I (Not previously platted, in R-3, C or M zoning, or Non-residential plat)	TYPE II (replat requiring public hearing in platted residential subdivision in any zone)	TYPE III (amending plat; corrections without vacating plat)	MASTER PLAN
Less than 1 acre	\$150.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$150.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$45.00	\$100.00 base fee + \$1.00 per lot or \$2.00 per acre, whichever is greater
1 to 4.99 acres	\$225.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$230.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$45.00	
5 to 10 acres	\$250.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$345.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$45.00	
More than 10	\$300.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$460.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$45.00	

All filing fees for plats are payable at time of initial submittal.

Open space fees are due at time of final plat submittal. If public improvements are required, open space fees are due prior to construction plan approval.

IMPORTANT NOTES:

- All staff comments must be addressed by the plat correction due date. If not, the plat will NOT be forwarded to the Planning Commission until staff comments have been satisfied
- For plats on TxDOT right-of-way, it is highly recommended that a permit be submitted to TxDOT prior to submitting the plat application.
- All new plats and master plans must be reviewed by the Parks Planner for park dedication requirements.

The following items must be provided when submitting an approved plat for recordation:

- Tax certificate showing that no taxes are currently due or delinquent against the property. The certificates must be dated (issued) within 30 days of the plats being recorded.
- Recording fee. Checks should be made out to "City of Alpine."

FOR OFFICE USE ONLY:

Date Application Fee Received: 11/01/2022 Received By: Andrew Dawson
 Receipt No. 22-006597 Cash/Check No. 642 Amount Recd. \$ 150.00

X 3 copies _____ street names appr. list _____ TxDOT approval letter

_____ letter of authorization _____ proof of ownership _____ HOA document

Plat review meeting date: _____ Planning Commission meeting date: _____

Warranty Deed

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

Date: November 23, 2021

Grantor: Jim Little

Grantor's Mailing Address: 708 E. Sol Ross Ave., Alpine, Brewster County, Texas 79830

Grantee: John Scott Turner

Grantee's Mailing Address: 236 KJ's Trail, Tuscola, Taylor County, Texas 79562

Consideration: Ten Dollars (\$10.00) and other valuable consideration

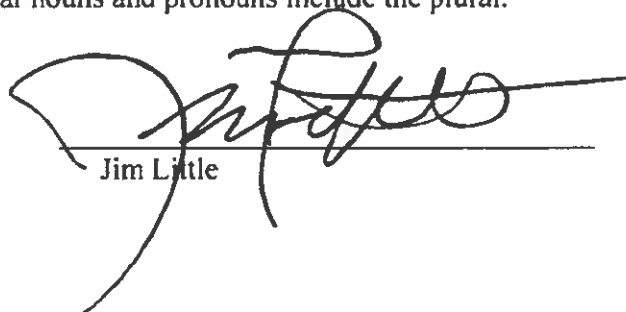
Property (including any improvements): Lot Thirteen (13), Block A-Six (A-6), Famous Heights Addition, City of Alpine, Brewster County, Texas, as the same appears in records on file in the Office of the County Clerk of Brewster County, Texas

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty: Validly existing and recorded easements, rights-of-way, and prescriptive rights; any discrepancies, conflicts, or shortages in area or boundary lines; and any encroachments or overlapping of improvements.

Grantor, for the Consideration and subject to the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through, or under Grantor but not otherwise, except as to the Exceptions to Conveyance and Warranty.

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

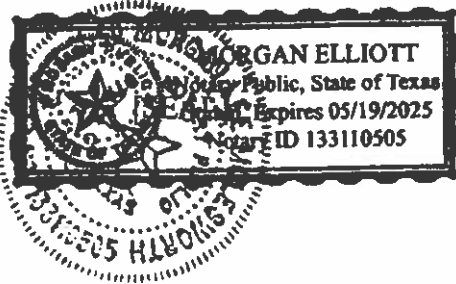


Jim Little

STATE OF TEXAS

COUNTY OF BREWSTER

This instrument was acknowledged before me on November 23, 2021, by Jim Little.



Morgan Elliott

Notary Public in and for the State of Texas
My commission expires:

Doc#: 114333

Pages: 3.0

01/05/2022 08:27AM

Filed & Recorded in

Official Records of

BREWSTER COUNTY

SARAH VASQUEZ

COUNTY CLERK

Fees: \$30.00

STATE OF TEXAS

COUNTY OF BREWSTER

I hereby certify that this Instrument was
FILED on the date and at the time stamped
hereon by me and was duly RECORDED in the
Volume and Page of the Official Public
Records of Brewster County, Texas
VOL: 0415 PAGE: 0699

A handwritten signature in cursive script that reads "Sarah Vasquez".

County Clerk, Brewster County, Texas



**PLANNING & ZONING COMMISSION
MEETING AGENDA ITEM COVER MEMO
JANUARY 23, 2023**

ACTION ITEMS

- c) Approve an application for a replat to allow the applicant, Kelly Deprado, to separate lots for sale. The property in question is located at 406 & 408 E. Nations and is legally described as Lots 8 and 9, Block 115, Harmon Addition, to the City of Alpine, Brewster County, Texas, as per a plat on file in envelope #94, Plat Records, out of Survey 42 and 101, Block 9, G.H. & S.A. Ry. Co. Surveys, Brewster County, Texas. the record property owner is Kelly Deprado. The property ID of the subject property is 12323. The current zoning of the property is R-2 Two-Family District. The zoning classification, if the replat is approved, will remain R-2 Two-Family District. (G. Calderon, City Secretary)

BACKGROUND

- Kelly Deprado has submitted a replat application to separate lots on the subject property in order to sell the property.
- 13 letters were sent to surrounding property owners within 200 feet of the property, notifying them of the public hearings for this item. None were returned as undeliverable.
- The required public notice was posted in the Alpine Avalanche within the required timeframe. The notice was in the January 5th edition.
- The Zoning of the property will not change.

SUPPORTING MATERIALS

- Replat application and accompanying documents.

STAFF RECOMMENDATION

APPROVE.



City Secretary <city.secretary@ci.alpine.tx.us>

Replat 2023-01-03

1 message

Jennifer Stewart <jstewart@cityofalpine.com>

Wed, Dec 14, 2022 at 4:24 PM

To: City Secretary <city.secretary@cityofalpine.com>

Good afternoon Geo,

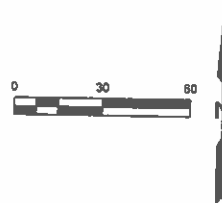
I wanted to give you my response to the letter I received regarding Kelly Deprado's properties, 406 & 408 E Nations. I am in support of whatever Ms. Deprado needs to do in regards to the sale of her properties. I know that she has been trying to sell her properties for at least a month, or more after a separation from her significant other and if separating the lots for sale will help her achieve this more quickly I think we should as a city support her.

Sincerely,

Jennifer Stewart

[illegible]

LINE	BEARING	DISTANCE
L1	N 72°00'00" E	15.53'
L2	N 18°00'00" W	19.86'



● IRON ROD FOUND [CAPPED AS NOTED]
○ IRON ROD SET [5911]
() RECORD INFORMATION
BEARING BASIS: AS SHOWN

I, KELLY DEPRADO, DO HEREBY CERTIFY THAT I AM THE OWNER OF LOTS 8 AND 9, BLOCK 115, HARMON ADDITION TO THE CITY OF ALPINE, AS DESCRIBED IN VOLUME 363, PAGE 742, OFFICIAL PUBLIC RECORDS OF BREWSTER COUNTY, TEXAS, AND DO HEREBY REPLAT SAID TRACT TO BE KNOWN AS:

REPLAT OF LOTS 8 AND 9, BLOCK 115, HARMON ADDITION TO THE CITY OF ALPINE

KELLY DEPRADO
702 N 2ND ST.
ALPINE, TEXAS 79830

STATE OF TEXAS
COUNTY OF BREWSTER

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, KELLY DEPRADO, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGES TO ME THAT SHE EXECUTES THE SAME AS HER FREE ACT AND DEED AND FOR THE PURPOSE AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY AND AND SEAL OF OFFICE, THIS _____ DAY OF _____ NOTARY
PUBLIC IN AND FOR BREWSTER COUNTY, TEXAS. MY COMMISSION EXPIRES THE _____ DAY
OF _____

NOTARY PUBLIC IN AND FOR BREWSTER COUNTY, TEXAS

NOTES:

1. ACCORDING TO CWA FIRM MAP PANEL 4800B50002B, DATED 11/16/1990, A PORTION OF THIS TRACT APPEARS TO LIE WITHIN ZONE AE [BASE FLOOD ELEVATIONS HAVE BEEN DETERMINED].
2. THIS TRACT IS LOCATED WITHIN THE FULL-PURPOSE JURISDICTION OF THE CITY OF ALPINE.
3. NO ROAD IMPROVEMENTS ARE PROPOSED WITH THIS REPLAT.

WHEREAS THE PLANNING AND ZONING COMMISSION OF THE CITY OF ALPINE, TEXAS VOTED AFFIRMATIVELY ON THIS _____ DAY OF _____, 20_____, TO APPROVE THIS PLAN.

CHAIRMAN, PLANNING AND ZONING COMMISSION

CITY COUNCIL APPROVAL

WHEREAS THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS VOTED AFFIRMATIVELY ON THIS _____ DAY OF _____, 20____, TO APPROVE THIS PLAT.

MAYOR, CITY OF ALPINE.

ATTEST: CITY SECRETARY

I HEREBY CERTIFY THAT THIS PLAT IS BASED ON AN
ACTUAL ON THE GROUND SURVEY AND THAT THE LINES
AND CORNERS ARE TRUE AND CORRECT TO THE BEST
OF MY KNOWLEDGE AND BELIEF.



K. W. 1-8-2023

KEVIN MUELLER SAW TOOTH SURVEY
105 N. COCKRELL ST. P.O. BOX 1751
(432) 538-2115 ALPINE, TX 79831
KEVIN.MUELLER@SAWTOOTHSURVEY.COM

FILED FOR RECORD THIS _____ DAY OF _____, 2022, AT _____
RECORDED THIS _____ DAY OF _____, 2023, IN PLAT ENVELOPE NO. _____
_____, BREWSTER COUNTY PLAT RECORDS.

SARAH VASQUEZ
BREWSTER COUNTY CLERK

CITY OF ALPINE

Fax # 432-837-2044

Our GF#

DATE: 01/05/2023

TAX CERTIFICATE REQUEST

Owner: KELLY DEPRADO

I, Sylvia Vega
COUNTY OF BREWSTER:

Tax collector in and for the County of Brewster and the State of Texas, do hereby certify to the following condition of such taxes as are collectible by this office, on the following described real estate, situated in Brewster County, Texas as of this date

PID: 12323 HARMON BLK 115 SE PART OF LOT 8,9

Amount of Taxes due 2022

\$1,359.29

Taxes Paid to and Including Year

2021

Taxes Delinquent for Years

0

Amount of Delinquency

0

Given under my hand and seal of office at Alpine, Texas, this 5 day of Jan A.D. 2023

Tax Collector, Brewster County, Texas

By Sylvia Vega
Deputy

Issued By:

Brewster County Tax Office
107 W Ave E #1 432-837-2214
Alpine, TX 79830

Property Information

Property ID: 12323 Geo ID: 973601150000000230
Legal Acres: 0.3093
Legal Desc: HARMON BLK 115 SE PART OF LOT 8,9
Situs: 408 E NATIONS ALPINE, TX
DBA:
Exemptions:

Owner ID: 10843 100.00%
DEPRADO KELLY
702 N 2ND
ALPINE, TX 79830

For Entities

Value Information

Alpine ISD	Improvement HS:	44,477
Big Bend Regional Hospital District	Improvement NHS:	0
Brewster County	Land HS:	20,835
City of Alpine	Land NHS:	0
	Productivity Market:	0
	Productivity Use:	0
	Assessed Value	65,312

Current/Delinquent Taxes

This is to certify that, after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code §33.48, are due on the described property for the following taxing unit(s):

Year	Entity	Taxable	Tax Due	Disc./P&I	Attorney Fee	Total Due
2022	Alpine ISD	65,312	742.01	0.00	0.00	742.01
2022	City of Alpine	65,312	304.57	0.00	0.00	304.57
2022	Big Bend Regional Hospital Dis	65,312	54.37	0.00	0.00	54.37
2022	Brewster County	65,312	258.34	0.00	0.00	258.34
Totals:			1,359.29	0.00	0.00	1,359.29

Effective Date: 01/05/2023

Total Due if paid by: 01/31/2023

1,359.29

Tax Certificate Issued for:	Taxes Paid in 2022
Brewster County	0.00
Big Bend Regional Hospital District	0.00
City of Alpine	0.00
Alpine ISD	0.00

If applicable, the above-described property has/is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate [Tax Code Section 31.08(b)].

Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the unit's tax lien on the property is extinguished and the purchaser of the property is absolved of liability to the unit for delinquent taxes, penalties or interest on the property or for taxes based on omitted property. The person who was liable for the tax for the year the tax was imposed or the property was omitted remains personally liable for the tax and for any penalties or interest.

A tax certificate issued through fraud or collusion is void.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43 Paragraph(1) of the Texas Property Tax Code.

May Be Subject to Court Costs if Suit is Pending

Date of Issue: 01/05/2023
Requested By: CITY OF ALPINE
Fee Amount: 10.00
Reference #: CITY OF ALPINE

Page: 1

Signature of Authorized Officer of Collecting Office



APPLICATION FOR PLAT

Building Services Department
309 WEST SUL ROSS AVENUE, ALPINE, TEXAS 79830
(432) 837-3281

CHECK ONE: ☐ Master Plan ☐ Prelim. /Final Plat ☐ Prelim. Plat ☐ Final Plat ☒ Replat ☐ Amended ☐ Minor

1. PROPOSED SUBDIVISION NAME: NA UNIT NO. _____
LOCATION DESCRIPTION/ NEAREST INTERSECTION: 406+408 E NATIONS
ACREAGE: _____ NO. OF LOTS: EXISTING _____ PROPOSED _____
REASON(S) FOR PLATTING/REPLATTING See Survey + Property T.O
2. OWNER/APPLICANT*: Kelly DePrado
(*if applicant is person other than owner, a letter of authorization must be proved from owner. *)
ADDRESS: 702 N. 2ND ST. Ste. _____
TELEPHONE: 432-586-5561 FAX: _____ MOBILE: _____ EMAIL: Kelly.deprado@yahoo.com
3. LICENSED ENGINEER/SURVEYOR: See Attached Survey
ADDRESS: _____ Ste. _____
TELEPHONE: _____ FAX: _____ MOBILE: _____ EMAIL: _____
4. LIST ANY VARIANCES REQUESTED: _____
5. REASON FOR REQUEST (LIST ANY HARDSHIPS): Surveyed out the well
6. CITY LIMITS: IN ☒ OUT ☐ IS ANY PART OF THE PROPERTY IN A FLOOD PLAIN? YES ☐ NO ☐
7. Is the property subject to any liens, encumbrances, or judgments? If so, give details. (Provide separate sheet if needed.) Permission from any lien holders and/or removal of any encumbrances or judgments will be necessary prior to filing of said plat with the County Clerk's office.

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

Completed application, including signature of owner/applicant and signed waiver.

- ☐ Fee. (see reverse)
- ☐ TIA worksheet, reviewed by City Engineer, and appropriate Level TIA if required.
- ☐ 3 copies of the plat, collated and folded so that the subdivision name is visible. 1 Digital copy
- ☐ 1 copy of preliminary plan of the water system showing the approximate location and size of onsite and offsite existing and proposed water lines and fire hydrants.
- ☐ 1 copy of preliminary drainage plan.
- ☐ Current deed restrictions for Vacating Plats, and Townhouse and Zero Lot Line Subdivisions.
- ☐ Survey Showing any existing structures on the subject property.
- ☐ List of approved street names by the appropriate county.

PLEASE READ "IMPORTANT NOTES" ON THE REVERSE SIDE OF THIS APPLICATION

I agree to comply with all platting and subdivision requirements of the City of Alpine. I understand that the plat will NOT be forwarded to the Planning Commission unless staff comments are satisfactorily addressed by the plat corrections due date. I do not object to consideration of the plat on _____ (date of Planning Commission meeting). This waiver expires after _____ (date of Planning Commission meeting). (The waiver statement above is not applicable to Minor Plats).



Kelly DePrado
Signature of Owner/Applicant

NOVEMBER 14, 2022
Date
Kelly DePrado owner
Print Name & Title

(If applicant is person other than owner, a letter of authorization must be provided from owner.) Signature indicates authorization for plat application and acceptance of waiver statement.

APPLICATION FEES

TYPE OF PLAT/ACREAGE	TYPE I (Not previously platted, in R-3, C or M zoning, or Non-residential plat)	TYPE II (replat requiring public hearing in platted residential subdivision in any zone)	TYPE III (amending plat; corrections without vacating plat)	MASTER PLAN
Less than 1 acre	\$200.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$200.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$100.00	\$100.00 base fee + \$1.00 per lot or \$2.00 per acre, whichever is greater
1 to 4.99 acres	\$200.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$230.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$100.00	
5 to 10 acres	\$225.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$345.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$100.00	
More than 10	\$300.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$460.00 Plus \$2 per lot or \$4 per acre, whichever is greater	\$100.00	

All filing fees for plats are payable at time of initial submittal.
****All signature spots showing the recording on the document: Planning & Zoning, City Secretary, Mayor, County Clerk to sign off. **All documents must indicate "replat", "amended" in the title if being revised.**

Open space fees are due at time of final plat submittal. If public improvements are required, open space fees are due prior to construction plan approval.

IMPORTANT NOTES:

- All staff comments must be addressed by the plat correction due date. If not, the plat will NOT be forwarded to the Planning Commission until staff comments have been satisfied
- For plats on TxDOT right-of-way, it is highly recommended that a permit be submitted to TxDOT prior to submitting the plat application.
- All new plats and master plans must be reviewed by the Parks Planner for park dedication requirements.

The following items must be provided when submitting an approved plat for recordation:

- Tax certificate showing that no taxes are currently due or delinquent against the property. The certificates must be dated (issued) within 30 days of the plats being recorded.
- Recording fee. Checks should be made out to "City of Alpine."

FOR OFFICE USE ONLY:

Date Application Fee Received: 11/14/22 Received By: Jessica Boorse
 Receipt No. 22-006609 Cash/Check No. 1252 Amount Recd. \$ 100.00

3 copies ☒ street names appr. list N/A TxDOT approval letter

N/A letter of authorization ☒ proof of ownership N/A HOA document

Plat review meeting date: _____ Planning Commission meeting date: _____

COUNTY CLERK RECORDING REQUIRED:

PAID
1252

PLAT of all of Lots 8 and 9, Block 115, Harmon Addition to the City of Alpine, as per a plat on file in Envelope #94, Plat Records, out of Surveys 42 and 101, Block 9, G.H. & S.A. Realty, Co. Surveys, Brewster County, Texas. Said tract is filed in Vol. 13, p. 578
Official Public Records.

Rept of
Block 7E, Hancock B.
Envelope # 228, Pls!
Records

Block 78

SCALE: 1" = 30'

BEARINGS ARE BASED ON THE RECORD WEST
LINE OF BLOCK 15. HARMON ADDITION AS
MONUMENTED.

O - SET V2. RON ROD WITH CAP
MARKED "WALKER 4425"

© - FOLIO V2" PPE UNLESS NOTED OTHERWISE

ACCORDING TO THE INFORMATION DEPICTED ON THE FIRM MAP, COMMUNITY PANEL #480085 0002 B, DATED NOVEMBER 15 1990, THESE LOTS HAVE TWO DESIGNATED ZONES:

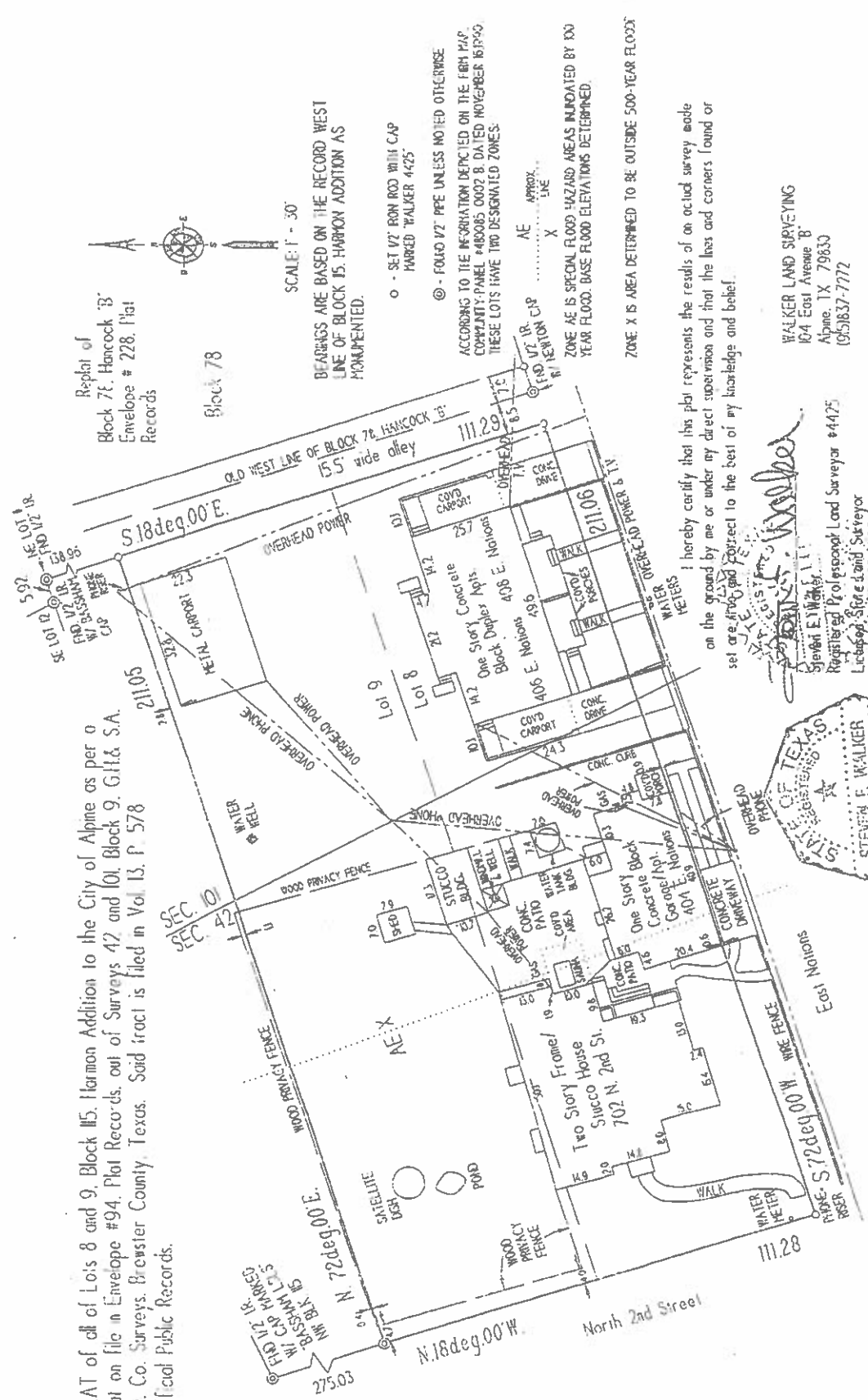
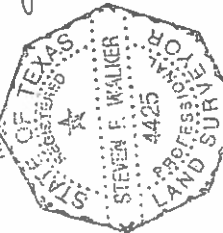
ZONE AE IS SPECIAL FLOOD HAZARD AREAS INUNATED BY 100 YEAR FLOOD. BASE FLOOD ELEVATIONS DETERMINED

ZONE X IS AREA DETERMINED TO BE OUTSIDE 500-YEAR FLOOD

I hereby certify that this play represents the results of an actual survey made on the ground by me or under my direct supervision and that the lines and corners found set are first and correct to the best of my knowledge and belief.

WALKER LAND SURVEYING
104 East Avenue B
Alpine, TX 79830
(957) 383-7772

Steven E. Warner
Registered Professional Land Surveyor #4425
Licenses: State and Surveyor
Date: November 28, 1999





**PLANNING & ZONING COMMISSION
MEETING AGENDA ITEM COVER MEMO
JANUARY 23, 2023**

ACTION ITEMS

- d) Approve making a recommendation to the City Council to establish an ordinance that implements a requirement that letters be sent to surrounding property owners regarding proposed annexations. (A. Rangra, Chair)

BACKGROUND

- Amit Rangra, Chair, recommended that the Commission propose an ordinance to City Council requiring that letters be sent to surrounding property owners (within 200 feet) be sent a letter regarding proposed annexations.
- The Office of the City Secretary has drafted an ordinance based on the recommendations that the letter requirement be implemented. If approved, the recommendation will be sent to City Council for approval.

SUPPORTING MATERIALS

- Ordinance implementing a letter requirement for proposed annexations.

STAFF RECOMMENDATION

APPROVE.

ORDINANCE 2023-02-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING THE ALPINE CODE OF ORDINANCES; ESTABLISHING CHAPTER 9 – ANNEXATION; ADOPTING AN ORDINANCE PROVIDING FOR ADDITIONAL ANNEXATION REQUIREMENTS IN ADDITION TO THOSE PRESCRIBED BY STATE LAW.

WHEREAS, the City Council of the City of Alpine has a legislative duty to its constituents to increase transparency and take action regarding feedback received from the public; and

WHEREAS, some residents of Alpine have expressed the desire for increased notification to surrounding property owners when potential annexations are being considered by the City Council; and

WHEREAS, the Planning & Zoning Commission has considered making a recommendation to the City Council to propose an ordinance implementing a requirement for letters to be sent to surrounding property owners for proposed annexations; and

WHEREAS, the Planning & Zoning Commission approved a recommendation for the implementation of a neighbor letter requirement at the regularly scheduled meeting on January 23, 2023; and

WHEREAS, in accordance with the City Charter, all annexations by the City shall be undertaken in strict compliance with State law, including Chapter 43 of the Texas Local Government Code; and

WHEREAS, the City Council desires to add an additional requirement that neighbors within 200 feet of a potential annexation site be notified by regular USPS mail that an nearby annexation will be considered by the City Council; and

WHEREAS, it is deemed by the City Council to be in the best interest of the City to establish a Chapter in the Alpine Code of Ordinances concerning annexations and the additional neighbor notice requirement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:

**SECTION I
FINDINGS OF FACT**

The Alpine Code of Ordinances is hereby amended to reflect the changes hereto attached as Exhibit “A.” The premises attached as Exhibit “A” are found to be true and correct legislative and factual findings of the City Council of the City of Alpine and are hereby approved and incorporated herein as findings of fact.

**SECTION II
INCLUSION IN THE CODE OF ORDINANCES**

The provisions of this ordinance shall become and be made a part of the Code of Ordinances of Alpine, Texas. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “article,” or any other appropriate word. The codifier of the City is empowered to make amendments to match the style of the existing code.

**SECTION III
CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of the City of Alpine, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed

**SECTION IV
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council of the City of Alpine that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

**SECTION V
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION VI
EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by State and Local law.

PASSED AND ADOPTED THIS 21ST DAY OF FEBRUARY 2023 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

INTRODUCTION AND FIRST READING

FEBRUARY 7, 2023

APPROVED:

Catherine Eaves, Mayor

SECOND AND FINAL READING

FEBRUARY 21, 2023

ATTEST:

Geoffrey R. Calderon, City Secretary

APPROVED AS TO FORM:

Rod Ponton, City Attorney

EXHIBIT “A”

EDITOR’S NOTE:

Additions are Underlined. ~~Omissions appear in Red Strikethrough Text.~~

CHAPTER 9. ANNEXATION.

Sec. 9-1. In General.

In accordance with the Alpine City Charter, all annexations by the City, whether by action of the City Council or by petition shall be undertaken in strict compliance with State law, including Chapter 43 of the Texas Local Government Code.

Sec. 9-2. Disannexation.

Disannexation procedures shall be followed in compliance with the Alpine City Charter and State Law, including Chapter 43 of the Texas Local Government Code.

Sec. 9-1. Neighbor Notice.

In addition to the requirements prescribed in Chapter 43 of the Texas Local Government Code, the City shall send notice by United States Postal Service regular mail to property owners within 200 feet of a property that will be considered for annexation by the City Council. Said notices must be sent to property owners within 200 feet at least 10 days prior to the second and final public hearing.



**PLANNING & ZONING COMMISSION
MEETING AGENDA ITEM COVER MEMO
JANUARY 23, 2023**

ACTION ITEMS

- e) Approve the Calendar Year 2023 Meeting Schedule. (G. Calderon, City Secretary)

BACKGROUND

- The 2023 Yearly Calendar is being considered by each Board, Commission, and Committee.
- The time and day of the month for meetings is set by ordinance (the 4th Monday of each month)
- The calendar will be able to provide each member with the meeting dates for the rest of the calendar year.

SUPPORTING MATERIALS

- 2023 Yearly Meeting Calendar.

STAFF RECOMMENDATION

APPROVE.

**PLANNING AND ZONING COMMISSION
2023 MEETING CALENDAR**

All meetings occur at City Council Chambers located at 803 West Holland Avenue on the 4th **Monday** of each month at 5:30 p.m.

January 23, 2023

February 27, 2023

March 27, 2023

April 24, 2023

May 22, 2023

June 26, 2023

July 24, 2023

August 28, 2023

September 25, 2023

October 23, 2023

November 27, 2023

December 2023 – No Meeting Scheduled; only a special meeting may be called.

***Meeting dates are subject to change due to extenuating circumstances; however, this is unlikely, and every effort will be made to hold the meetings on the 4th Monday of each month.**



**PLANNING & ZONING COMMISSION
MEETING AGENDA ITEM COVER MEMO
JANUARY 23, 2023**

ACTION ITEMS

- f) Appoint the Chair of the Planning & Zoning Commission. (G. Calderon, City Secretary)

BACKGROUND

- The Chair of the Planning & Zoning Commission was previously set by the City Council.
- After the passage of Ordinance 2022-10-03, Commission officers are elected by a majority vote of the board, commission, or committee.
- This item is being added to the agenda so that the Commission can elect a Chair and memorialize the appointment by majority vote.

SUPPORTING MATERIALS

- NONE.

STAFF RECOMMENDATION

APPROVE.



**PLANNING & ZONING COMMISSION
MEETING AGENDA ITEM COVER MEMO**

JANUARY 23, 2023

ACTION ITEMS

- g) Appoint the Vice-Chair of the Planning & Zoning Commission. (G. Calderon, City Secretary)

BACKGROUND

- After the passage of Ordinance 2022-10-03, Commission officers are elected by a majority vote of the board, commission, or committee.
- This item is being added to the agenda so that the Commission can elect a Vice-Chair and memorialize the appointment by majority vote.

SUPPORTING MATERIALS

- NONE.

STAFF RECOMMENDATION

APPROVE.



PLANNING & ZONING COMMISSION MEETING AGENDA ITEM COVER MEMO

JANUARY 23, 2023

ACTION ITEMS

- g) Appoint the Secretary of the Planning & Zoning Commission. (G. Calderon, City Secretary)

BACKGROUND

- After the passage of Ordinance 2022-10-03, Commission officers are elected by a majority vote of the board, commission, or committee.
- This item is being added to the agenda so that the Commission can elect a Secretary and memorialize the appointment by majority vote.

SUPPORTING MATERIALS

- NONE.

STAFF RECOMMENDATION

APPROVE.