

**CITY OF ALPINE
PLANNING & ZONING COMMISSION MEETING
MONDAY, NOVEMBER 27, 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, NOVEMBER 27, 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.

REGULAR MEETING AGENDA – 5:30 P.M.

1. Call to Order.

2. Public Comments.

3. Public Hearings –

- a) Public Hearing to obtain citizen views and comments regarding Rezoning Application 2023-10-01-A, a rezoning application allowing the applicant, Tehra Vaughn, to establish a beauty salon at the subject property. The property in question is located at 401 W. Sul Ross and is legally described as the East 18.89 feet of Lots 8, 9, 10, all of Lots 1, 2, and 3, and that portion of the platted alley lying between said lots, all out of Block 28, Original Townsite of Alpine, envelope 184, plat records of Brewster County, Texas. The property ID of the subject property is 35650. The record property owners are Thomas Robinson and Karen Chapman. The current zoning of the property is R-2 Two-Family District. The zoning classification if the rezoning is approved will be C-0 Office Services District.
- b) Public Hearing to obtain citizen views and comments regarding Replat 2023-11-01, a replat application allowing the applicant, Jose Cobos, to combine lots in order to provide the ability to use a primary address at the subject property without the necessity of building a primary structure on one lot. The subject property is located at South 6th Street and West Avenue F and is legally described as Lots 5 and 6, Block 55, Original Townsite of Alpine, Texas, as shown in the Subdivision Plat on file in Volume 2, Page 97, Deed Records of Brewster County, Texas. The record property owner is Jose Cobos. The Property ID of the subject property is 35832. The current zoning classification of the property is R-3 Apartment District. If the replat is approved the zoning classification will remain R-3 Apartment District.
- c) Public Hearing to obtain citizen views and comments regarding Replat 2023-11-02, a replat application allowing the applicant, Ruben Montilva, to combine lots to allow the applicant to install a structure over currently existing common lot lines. The subject property is located at South 14th Street and West Murphy Street and is legally described as Lots 5 and 6, Block 9, Thomas-Turney-Higgins Addition to the City of Alpine as shown in the subdivision plat on file in envelope 108, plat records of Brewster County, Texas. The record property owners are Ruben Montilva and Nieves Paredes. The Property ID of the subject property is 12885. The current zoning classification of the property is R-4 Mobile Home District. If the replat is approved the zoning classification will remain R-4 Mobile Home District..

4. Approval of minutes of previous Board Meeting –

- a) October 23, 2023 Regular Meeting Minutes. (A. Branch, Chair)

5. Discussion Items –

- a) Discuss updating the M-1 Industrial District Ordinance. (J. Isley, Building Services)
- b) Discuss updating parking requirements for the Short Term Rental Ordinance. (A. Devaney, Director of Building Services)

6. Action Items –

- a) Approve a recommendation to City Council to approve Rezoning Application 2023-10-01-A, a rezoning application allowing the applicant, Tehra Vaughn, to establish a beauty salon at the subject property. The property in question is located at 401 W. Sul Ross and is legally described as the East 18.89 feet of Lots 8, 9, 10, all of Lots 1, 2, and 3, and that portion of the platted alley lying between said lots, all out of Block 28, Original Townsite of Alpine, envelope 184, plat records of Brewster County, Texas. The property ID of the subject property is 35650. The record property owners are Thomas Robinson and Karen Chapman. The current zoning of the property is R-2 Two-Family District. The zoning classification if the rezoning is approved will be C-0 Office Services District. (M. Antrim, City Manager)
- b) Approve Replat 2023-11-01, a replat application allowing the applicant, Jose Cobos, to combine lots in order to provide the ability to use a primary address at the subject property without the necessity of building a primary structure on one lot. The subject property is located at South 6th Street and West Avenue F and is legally described as Lots 5 and 6, Block 55, Original Townsite of Alpine, Texas, as shown in the Subdivision Plat on file in Volume 2, Page 97, Deed Records of Brewster County, Texas. The record property owner is Jose Cobos. The Property ID of the subject property is 35832. The current zoning classification of the property is R-3 Apartment District. If the replat is approved the zoning classification will remain R-3 Apartment District. (A. Devaney, Director of Building Services)
- c) Approve Replat 2023-11-02, a replat application allowing the applicant, Ruben Montilva, to combine lots to allow the applicant to install a structure over currently existing common lot lines. The subject property is located at South 14th Street and West Murphy Street and is legally described as Lots 5 and 6, Block 9, Thomas-Turney-Higgins Addition to the City of Alpine as shown in the subdivision plat on file in envelope 108, plat records of Brewster County, Texas. The record property owners are Ruben Montilva and Nieves Paredes. The Property ID of the subject property is 12885. The current zoning classification of the property is R-4 Mobile Home District. If the replat is approved the zoning classification will remain R-4 Mobile Home District. (A. Devaney, Director of Building Services)
- d) Approve a recommendation to City Council to approve an ordinance amending Appendix C - Zoning, Schedule of Districts, Article I - Schedule of Districts, Section II - R-1 One Family District to the Alpine Code of Ordinances; Repealing the requirement that beauty salons are not an acceptable use in a residential area by approved special use permit; Providing the establishment of up to a \$500 penalty per occurrence for violations of the ordinance. (M. Antrim, City Manager)
- e) Appoint the Chair of the Planning & Zoning Commission. (G. Calderon, City Secretary)
- f) Appoint other officers of the Planning & Zoning Commission. (G. Calderon, City Secretary)
- g) Appoint a member of the Commission to provide a report to the City Council at the December 5,

2023, City Council meeting regarding the Commission's recommendation to approve/deny Rezoning Application 2023-10-01-A and the recommendation to approve/deny recommending an ordinance to update to provide that beauty salons may be approvable by special use permit in a residential zone. (G. Calderon, City Secretary)

7. Board Member Comments.

8. Adjourn.

NOTICE: 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.

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 November 20, 2023, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting.


Geoffrey R. Calderon, City Secretary





PLANNING & ZONING COMMISSION MEETING AGENDA ITEM COVER MEMO

NOVEMBER 27, 2023

PUBLIC HEARINGS

- a) Hearing to obtain citizen views and comments regarding Rezoning Application 2023-10-01-A, a rezoning application allowing the applicant, Tehra Vaughn, to establish a beauty salon at the subject property. The property in question is located at 401 W. Sul Ross and is legally described as the East 18.89 feet of Lots 8, 9, 10, all of Lots 1, 2, and 3, and that portion of the platted alley lying between said lots, all out of Block 28, Original Townsite of Alpine, envelope 184, plat records of Brewster County, Texas. The property ID of the subject property is 35650. The record property owners are Thomas Robinson and Karen Chapman. The current zoning of the property is R-2 Two-Family District. The zoning classification if the rezoning is approved will be C-0 Office Services District.
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in envelope 108, plat records of Brewster County, Texas. The record property owners are Ruben Montilva and Nieves Paredes. The Property ID of the subject property is 12885. The current zoning classification of the property is R-4 Mobile Home District. If the replat is approved the zoning classification will remain R-4 Mobile Home District.

BACKGROUND

NONE.

SUPPORTING MATERIALS

- a) Letter from Neighboring Property Owners, Homer & Druanne Mills.
- b) Letter from Subject Property Owner, Karen Chapman.
- c) Letter from Neighboring Property Owner, Shelley Atwood.
- d) Letter from Neighboring Property Owner, Mike Atwood.
- e) Letter from Neighboring Property Owner, Ron Nemeth.
- f) Letter from resident and business owner, Julie Balovich.
- g) Updated Letter from Neighboring Property Owner, Druanne Mills.
- h) Updated Letter from Neighboring Property Owner, Shelley Atwood.
- i) Rezoning Protest from Neighboring Property Owners, Mike & Shelley Atwood.

STAFF RECOMMENDATION

NONE.



A

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

Rezoning Application 2023-10-01

1 message

Druanne Mills

To: city.secretary@cityofalpine.com

Mon, Nov 6, 2023 at 12:26 AM

Dear City Council,

For the past 31 years we have resided at 301 North 9th Street in the Historic Stroud home built in 1894. We take great pride in Alpine and our historic residential neighborhood. Our family has lived in this area of Alpine since 1906. We strongly oppose the application for rezoning from R-2 to C-2 at [401 W. Sul Ross](#). The Alpine Planning and Zoning Commission has also voted against this rezoning application. This change to commercial zoning would adversely affect our property value. The current owners of 401 W Sul Ross also own the old Nevill house built on the same block as the subject property.

It is a mystery that their tenant would be allowed to petition for a different use for that portion of their property. If approved, conventional wisdom would be to expect harm to the value of their adjacent historic homesite as well.

Once this is rezoned, the door is thus opened for not just a 1 or 2 chair salon. Odds are another use would be even more disruptive to our historical neighborhood. The tenant/applicant unfortunately has already invested time and some money in this leased property prior to seeking a rezoning request, but this is small in comparison to the time and money spent by the homeowners in this neighborhood. I understand there are 35 available rental business properties in Alpine's business district that could accommodate a beauty salon. It would be unfortunate to sacrifice more historic residential property for commercial purposes especially since we have a shortage of available housing also. The argument has been made that this property is on the edge of our residential neighborhood as it is close to the City offices and the Legion. We would like to prevent further expansion along this residential area that borders Sul Ross Avenue and the homes here. We hope our City Council will strive to embrace the protection of this historic residential district from further encroachment and disallow a zoning/plat change on subject property 35650 to any business classification.

Sincerely,

Homer and Druanne Mills

Nov. 7, 2023

To: Mayor Catherine Eaves & Alpine City Council members
From: Karen (Mickey) Chapman
Re: Business zoning for 401 Sul Ross

Dear Mayor Eaves and City Council members,

Thank you all for the work you do to represent us and make Alpine a great place to live. My husband and I moved here from Ohio 2 years ago and we enjoy living here. Since the mid 90's I have made many trips to Alpine in the course of my work, which is focused on ecosystem conservation, and so I have been familiar with the unique nature of this town and its inhabitants even before coming to live here. I was fortunate that my work led me here first as a visitor and now as a resident.

My husband and I own the property in question at 401 Sul Ross – in fact our primary home is right next door - and after acquiring it from the previous owners, we began work to renovate the small house and to landscape the property, which is an on-going project. My vision is to someday have enough native plants and pollinators on the property that it becomes an urban haven for birds, because I plan to do a lot of bird-watching in my retirement. Which brings me to this zoning request.

I have gotten to know Tehra as her client and now as a friend, and when she needed a place to rent to start her own hair salon, we thought the tiny house at 401 Sul Ross would be a good place for that. I do not want and would never allow other commercial activity on the property. There will be minimal traffic coming and going and the business would be active only during the daytime, which seems to me to be a perfect situation as a neighbor. The Legion hall which is right across the street brings in much more traffic, noise and activity than this hair salon would. I understand there are concerns about other businesses locating here, but these concerns seem extreme and not necessarily realistic given the location, our own plans for the property and the fact that we've already made a significant investment in landscaping and renovating the place.

In short, I'm here to support Tehra and her dreams to locate her hair salon at 401 Sul Ross. I know there is very little, if any, rental property available for businesses like these in town, so I ask that you allow her to start her business with the appropriate zoning designation at 401 Sul Ross.

Thank you for your time in considering this request.
Karen "Mickey" Chapman



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

Rezoning of 401 W Sul Ross Ave

1 message

Shelley Atwood ·

Wed, Nov 8, 2023 at 4:34 PM

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

I am writing to express my concern about the recent decision to reconsider the zoning request for 401 W Sul Ross Ave as a C-0 designation. During the meeting, it was asserted by representatives from Planning and Zoning and members of the City Council that a C-0 designation would be an acceptable compromise. However, this assertion is untrue, and I oppose rezoning to a C-0 designation.

I am deeply troubled by the apparent disregard for the well-established zoning regulations in our community. The current R2 zoning classification is designed to safeguard the residential character of our neighborhood, preventing disruptions and incompatibilities that could arise from commercial establishments. While I understand the desire to accommodate Ms. Vaughn's business aspirations, I cannot endorse a compromise that undermines the integrity of our zoning ordinances.

I find it disheartening that the decision to reconsider the zoning request appears to be influenced by a letter-writing campaign orchestrated by Ms. Vaughn and her customers. While I respect their efforts, I believe that zoning decisions should be based on sound planning principles and the long-term interests of the community, not on popularity contests.

Moreover, I am concerned about the unenforceable nature of promises made by Ms. Vaughn regarding the size and scope of her salon. Zoning ordinances are enacted to protect the integrity of our neighborhoods, and any deviations from these ordinances should not be based on unenforceable assurances. Furthermore, it is disheartening that the city council appears to prioritize Ms. Vaughn's investment in the property over the life savings invested in our homes by long-time residents like myself. Not only did my husband buy this house almost 20 years ago, we spent all of our savings on remodeling the interior to bring it up to modern standards. Our homes represent our life investments, and we deserve to have the zoning regulations that protect our neighborhoods upheld.

I implore you to reconsider the decision to send the zoning request back to Planning and Zoning for a C-0 designation. I firmly believe that an R2 designation with a restrictive covenant is the most appropriate solution, ensuring that Ms. Vaughn's business can operate while preserving the residential character of our neighborhood.

Thank you for your time and consideration on this matter.

Shelley Atwood
404 W Sul Ross Ave
Ward 2



Geo Calderon <g.calderon@ci.alpine.tx.us>

REZONING "200 foot letter" Residents Clarification RESPONSE KINDLY REQUESTED

Mike
To: mayor.eaves@cityofalpine.com
Cc: Geo Calderon <g.calderon@cityofalpine.com>

Mike Atwood
404 West Sul Ross Avenue
Alpine, TX 79830

Dear Mayor Eaves,

We, three (so far) property owners who have received "200-foot letters," want to make our position clear:

We want our residential neighborhood to remain zoned residential. We do not want it to be rezoned.

We kindly request that you respond to us by phone, email, or any other method you see fit. We do not request any action at this time, other than for you to hear and understand our position.

We have attached one "200-foot" letter and six letters that we sent to the City Council through the City Secretary. These letters were authored by four individuals who are owners of three properties, but even a cursory review should confirm our commitment to retaining our current zoning.

We understand that there is much more to be said, but we believe that our simple position has not been heard.

Thank you for your time and consideration. We look forward to your acknowledgement.

Sincerely,

Mike Atwood

11-14-23

City of Alpine

I am writing, due to the
Rezone 2023-10-01-A.

I am the owner of 409 W. Sul Ross Ave.
And I am ~~against~~ not in favor and
do not want the Rezone.

I cannot make the hearing on the 27th


Ron Nemeth

RECEIVED

NOV 20 2023

BY: 

Law Office of Julie M. Balovich PLLC
P.O. Box 385 | Alpine, Texas 79831
512-497-9747 tel
jmbalovich@gmail.com

November 19, 2023

Geo Calderon
City of Austin

Via email

Re: Application for Zoning Variance – Tehra Vaughn

Dear Mr. Calderon:


I am writing to ask that the City of Alpine approve Ms. Vaughns's request for a zoning variance to allow her to open a hair salon in an area that is currently zoned residential. I am familiar with the area where she is seeking to open her salon. It is a short distance from downtown which means it would be walkable from town, an asset for people who work downtown. Her business will not attract high vehicle traffic since she is a sole proprietor and will not change how the area looks.

I am a local attorney. I started my private practice one year ago and have discovered that the City lacks affordable commercial rental space. This reduces services to the City and is an obstacle to investment. I applaud Ms. Vaughn for finding a solution to this problem.

If the City wants to support the growth of small businesses and improve economic development of individuals, it should grant reasonable variance requests like that of Ms. Vaughn's. We do not want to lose her entrepreneurial spirit and skills to another community.

Thank you.

Sincerely,



Julie M. Balovich
Attorney



Gmail

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

Rezone application from R-2 Two-Family District to C-0 on Sul Ross Avenue

1 message

Druanne Mills

To: city.secretary@cityofalpine.com

Mon, Nov 20, 2023 at 3:31 PM



Druanne Mills

2:30 PM (40 minutes ago)

to Homer, me

November 20, 2023

Dear Planning and Zoning Commission and Alpine City Council,

We strongly oppose the application for rezoning from R-2 Family District to C-0 at 401 W. Sul Ross Avenue. We would be in attendance at this public hearing if not for unforeseen medical issues that can not be rescheduled.

This change to commercial/business zoning would adversely affect our historic residential neighborhood and our property values. This is **not** a one-time, conditional, or special use application, but a permanent zoning change to this neighborhood. It does not revert back to residential classification when it is sold or when the applicant might decide on other plans. Realistically we know these things happen everyday in Alpine. For these reasons, we request our Planning and Zoning Commission place their focus on the long term preservation and wellbeing of our historic neighborhoods and not succumb to the short sighted commercial encroachment proposals.

Sincerely,

Homer and Druanne Mills



H

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

Rezoning application protest

Shelley Atwood

Mon, Nov 20, 2023 at 4:54 PM

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

Geo, would you please make sure that P&Z gets this email too? Thanks in advance.

This is a follow up to the email I sent on November 8, 2023. When we received a letter from the city on Friday, November 10, it was apparent, that I needed to further clarify our position. As a long-term resident and owner of the property across the street from 401 W Sul Ross Ave, I urge you to reconsider the proposed spot rezoning application of that property. I am deeply concerned about the impact this rezoning would have on our community, particularly our privacy, the character of our neighborhood, and the elimination of another potential residential property in a city which has a housing shortage.

Privacy

Ms. Vaughn contends that the traffic generated by the proposed rezoning will be minimal, but as individuals who value our privacy, we are concerned about the impact of clientele coming and going throughout the day. Indeed, we recognize that traffic passes by on the street all day, but that is very different from clients driving to and parking at the house across the street.

Character of the neighborhood

We have received a letter from the city stating that C-0 zoning is now being sought for the property at 401 W Sul Ross Ave. While this is less egregious than C-2 zoning, it is still undesirable from our perspective. We were not consulted about whether this would be acceptable to us, and were under the impression that the city would prioritize the well-being of residents when making zoning decisions

Mr. Nance has pointed out that we already have C-1 zoning on our street. While that may be true, none of the residents on this street are operating as a business. If you're only looking at zoning maps and not actually living here, you wouldn't be able to see that this is the case. The idea that introducing C-0 as a barrier between business and residence doesn't really fit our scenario.

It's also been suggested that since we already have commercial neighbors in the vicinity, it shouldn't make a difference if we have one more. However, this is not the case. Introducing one more commercial establishment might seem insignificant in isolation, but the impact on future rezoning decisions could have a substantial effect on the neighborhood's character, livability, and overall well-being. Allowing one more commercial establishment opens the door for further changes, potentially leading to a significant alteration of the neighborhood's zoning and character.

Elimination of another potential residential property

We are also concerned about the elimination of another potential residential property in a city which has a housing shortage. We urge the city to consider the impact of this rezoning on the availability of affordable housing in our community. The recent trend of converting residential properties into short-term rentals and now this rezoning effort demonstrate that we are at risk of experiencing the same problems that Marfa has faced. I don't think the city really wants our population to decrease as residents are forced to leave due to lack of affordable housing options. Further, people may be less likely to move to our community if they are concerned about the risk of arbitrary zoning changes.

Lack of transparency and consultation

Residents were not informed about the proposed rezoning until after Ms. Vaughn had made substantial progress in implementing her plans. This raises the question of what prompted Ms. Vaughn to proceed as if rezoning was simply a formality. Did she receive such guidance from a city official? We urge the city to reflect on the Dollar General controversy and prioritize transparency and community involvement in future zoning decisions.

City's treatment of the rezoning effort as a foregone conclusion

We are concerned that the city has already made up its mind about this rezoning and is not genuinely considering our concerns. At the Planning and Zoning meeting, some commissioners seemed to think that it was their duty to find a way to accommodate this business encroachment in a residential area. Then, at the city council meeting, some city council members seemed more concerned about protecting Ms. Vaughn's business investment than the investment of our life savings in our home of 20 years. In fact, statements were made at the last council meeting indicating that C-0 seemed like a good compromise. In our view, this is not a compromise since we don't want a business across the street at all. A compromise suggests that both parties have to give up something to get something. We are being asked to do all the giving. Further, it seems our tax dollars are being used against us to find ways to help Ms. Vaughn move her business into our R-2 neighborhood, forcing existing neighborhood residents to accept this intrusion. We hope the city will consider the impact of this rezoning on all stakeholders, not just the rezoning applicant.

Proposal

We urge you to retain the R-2 zoning for the property at 401 W Sul Ross Ave with a conditional use permit that would allow Ms. Vaughn to operate her business. We believe this is a fair compromise that would accommodate all parties.

Thank you for your time and consideration.

Shelley Atwood
404 W Sul Ross Ave
Alpine, TX 79830

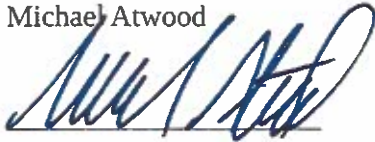
REZONING PROTEST

Date: November 20, 2023
Rezoning Application: 2023-10-01 / 23-10-01-A
Address of Zoning Request: 401 West Sul Ross Avenue
Alpine, Texas 79830
Affected Property: 404 West Sul Ross Avenue
Alpine, Texas 79830

To: Alpine City Council

We, the undersigned owners of the above referenced Affected Property impacted by the requested zoning change described in the referenced Rezoning Application (s), do hereby protest against any change which would rezone the property to any classification other than R2.

Michael Atwood



Shelley Atwood





**PLANNING & ZONING COMMISSION
MEETING AGENDA ITEM COVER MEMO
NOVEMBER 27, 2023**

APPROVAL OF MINUTES

- a) October 23, 2023 Regular Meeting Minutes. (A. Branch, Chair)

BACKGROUND

NONE.

SUPPORTING MATERIALS

1. October 23, 2023 Regular Meeting Minutes.

STAFF RECOMMENDATION

APPROVE.

**CITY OF ALPINE
PLANNING & ZONING COMMISSION
REGULAR MEETING & WORKSHOP
OCTOBER 23, 2023 - 5:30 P.M.
MINUTES**

REGULAR MEETING

- 1. Call to Order** – Abbey Branch, Chair of the Planning & Zoning Commission, called the workshop meeting to order at 5:30 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 Physically Present:

Wendy Little, Place 2 – *Secretary*
Tom Griffith, Place 3
Abbey Branch, Place 4 – *Chair*
Matthew Walter, Place 6 – *Vice-Chair*
Eva Olivas, Place 7

City Staff & Officials Present:

Megan Antrim, City Manager
Geoffrey R. Calderon, City Secretary
Andrew Devaney, Building Official
Jessica Isley, Building Services

Commissioners Not Present:

Richard Portillo, Place 1
Joanna Laxton, Place 5

Commissioners Present via Zoom: None.

3. Public Comments –

- a) Jenny Hatch expressed support of Rezone Application 2023-10-01.
- b) Jim Patillo expressed opposition to the Rezone Application 2023-10-01.
- c) Sherri McGinnis expressed support of Rezone Application 2023-10-01.
- d) Dona Ward expressed support of Rezone Application 2023-10-01.
- e) Tom Robinson expressed support of Rezone Application 2023-10-01.
- f) Tehra Vaughn expressed support of Rezone Application 2023-10-01.

4. Public Hearings –

- a) Public Hearing to obtain citizen views and comments regarding Rezoning Application 2023-10-01, a rezoning application to allow the applicant, Tehra Vaughn, to establish a beauty salon at the subject property. The property in question is located at 401 W. Sul Ross and is legally described as the East 18.89 feet of Lots 8, 9, 10, all of Lots 1, 2, and 3, and that portion of the platted alley lying between said lots, all out of Block 28, Original Townsite of Alpine, envelope 184, plat records of Brewster County, Texas. The property ID of the subject property is 35650. The record property owners are Thomas Robinson and Karen Chapman. The current zoning of the property is R-2 Two-Family District. The zoning classification if the rezoning is approved will be C-2 Business District.

5. Approval of minutes of previous Board Meeting –

- a) August 28, 2023 Regular Meeting Minutes. (G. Calderon, City Secretary)

On a motion by Commissioner Walter and seconded by Commissioner Olivas to approve the minutes, the Planning & Zoning Commission unanimously voted to adopt the motion.

6. Discussion Items –

Minutes: 10-23-2023
Approved: 11-27-2023

- a) Reminder regarding attendance at the November 27, 2023 regular meeting to consider two pending replat applications. (G. Calderon, City Secretary)
- b) Make necessary updates on M-1 Property Zoning to protect the safety and welfare of our citizens. (A. Branch, Chair)
- c) Evaluate the example of the M-1, Limited Industrial zoning ordinance and make changes accordingly. (A. Branch, Chair)
- d) Update the Code of Ordinances, Article IV – Coin Operated Machine Establishments. (A. Branch, Chair)

7. Action Items –

- a) Approve Rezoning Application 2023-10-01, a rezoning application to allow the applicant, Tehra Vaughn, to establish a beauty salon at the subject property. The property in question is located at 401 W. Sul Ross and is legally described as the East 18.89 feet of Lots 8, 9, 10, all of Lots 1, 2, and 3, and that portion of the platted alley lying between said lots, all out of Block 28, Original Townsite of Alpine, envelope 184, plat records of Brewster County, Texas. The property ID of the subject property is 35650. The record property owners are Thomas Robinson and Karen Chapman. The current zoning of the property is R-2 Two-Family District. The zoning classification if the rezoning is approved will be C-2 Business District. (A. Devaney, Director of Building Services)

On a motion by Commissioner Walter and seconded by Commissioner Little to make a recommendation to approve, the Planning & Zoning Commission voted in the following manner:

For: Commissioner Branch.

Against: Commissioner Walter, Commissioner Olivas.

Abstained: Commissioner Griffith, Commissioner Little.

- b) Appoint a member of the Commission to provide a report to the City Council at the November 7, 2023, City Council meeting regarding the Commission's recommendation to approve/deny Rezoning Application 2023-10-01. (G. Calderon, City Secretary)

On a motion by Commissioner Branch and seconded by Commissioner Olivas to appoint Commissioner Little, the Planning & Zoning Commission unanimously voted to adopt the motion.

8. Board Member Comments.

9. Adjourn (7:10 P.M.)

WORKSHOP AGENDA – **IMMEDIATELY FOLLOWING CONCLUSION OF THE REGULAR MEETING**

- 1. **Call to Order** – Abbey Branch, Chair of the Planning & Zoning Commission, called the workshop meeting to order at 7:11 P.M. The workshop was held in City Council Chambers located at 803 West Holland Avenue, Alpine, Texas, 79830 and via Zoom video conference.

Commissioner Branch moved to adjourn and to reschedule the workshop. Commissioner Olivas seconded the motion and the meeting was adjourned.

2. Adjourn (7:13 P.M.)

APPROVED:

Officer 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 18, 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



**PLANNING & ZONING COMMISSION
MEETING AGENDA ITEM COVER MEMO
NOVEMBER 27, 2023**

DISCUSSION ITEMS

- a) Discuss updating the M-1 Industrial District Ordinance. (J. Isley, Building Services)

BACKGROUND

- The Commission discussed amending the M-1 Industrial District Ordinance on October 23, 2023. Commissioner Branch provided a draft of sample updates.
- Jessica Isley, Building Services, advised the Commission that they could draft updates to the ordinance.
- The next discussion regarding the updates will occur on November 27, and an action item may be presented at the January 22 meeting for official recommendation to the City Council.

SUPPORTING MATERIALS

1. Proposed updates to the M-1 Industrial District Ordinance.

STAFF RECOMMENDATION

APPROVE.

Section VII. "M-1"— Industrial district.

- A. *Purposes of district.* M-1 Is a Manufacturing Zone is intended for limited manufacturing and limited industrial uses. Principal permitted uses. Building, structures and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses:

~~R-1 single family residential~~

~~R-2 multi family residential~~

~~R-4 mobile home district~~

C-1 neighborhood commercial district*

C-2 business district*

Assembly plants

Automobile painting, an reconditioning, body and fender work, and truck or tractor repairing or overhauling when enclosed within solid masonry walls not less than 6' (Six feet) in height.

Bakeries, wholesale

Bottling Plants

Breweries & Distilleries

Cabinet shops & furniture manufacture

Canning and packing

Canvas product manufacture

Cereal factories

Cleaning and dyeing plants

Cosmetic manufacture

Creameries

Electroplating

Feed & Fuel yards when enclosed with solid masonry walls not less than 6' (Six feet) in height.

Food products manufacture

Fruit & Vegetable packing plants

Garment Manufacture

Ice and Cold Storage & manufacture

Laboratories, experimental and the like

Laundries

Machine, Welding, and blacksmith shops, excluding the use of equipment producing undue noise or vibration.

Public utility service yards and electric receiving and transforming stations.

Radio manufacture and assembly and electric receiving and transforming stations.

Rug & Carpet Cleaning

Storage of goods, materials, liquids and equipment (except the bulk storage of matter or materials such as gasses, or chemical substances which are flammable or explosive, pose a danger to residents, may create dust, toxic, odor or fumes).

Wholesale buildings

B. Each site in the M-1 district shall be subject to the following site development regulations:

The following uses shall be permitted in the M-1 Zone provided site plans are approved by the Building Official or an approved authority *Reserved*.

C. **Open Storage:** Not more than 20 percent of the lot or tract may be used for open storage of products, materials or equipment, all of which shall be screened (not visible) from adjoining properties or streets.

D. **CONDITIONAL USES:** The following uses may be permitted, provided they meet the provisions of, and a Conditional Use Permit is issued.

1. Distilleries
2. Breweries
3. Central mixing plants for asphalt, concrete, or other paving materials.
4. Animal Kennels with outdoor runs.
5. Automotive Rental
6. Building Trades contractor within a completely enclosed building, with storage yard for materials and equipment.

E. **LIMITATIONS OF USES:** The following uses shall not be permitted within this District: "High Risk or hazardous industrial use" means any industrial use whose operation, involves a much higher than average risk to public health and safety. These uses include but are not limited to facilities where significant amounts of radiation, radioactive materials, highly toxic chemicals, or substances, or highly combustible or explosive materials are present, used, produced, stored, or disposed of. All uses shall not disseminate dust, gases, noxious odors, obnoxious by reason of sound, fumes, smoke, glare, harmful to humans or animals, pose a danger, obnoxious odors, combustible materials, or anything considered high hazard by the adopted code.

F. **BUFFER AREA REGULATIONS:** Whenever the Industrial District (M-1) abuts a residentially zoned district, a landscape buffer zone of not less than twenty-five (25) feet in depth shall be provided from the lot line. No buildings or structures, parking, loading or storage shall occur in the buffer area and such shall be landscaped to provide visual acoustical privacy to adjacent property.

Section VIII. Additional use, height and area regulations and exceptions.

A. ****Use regulations.** On all existing rights-of-way of railroad companies, regardless of the zoning district in which such rights-of-way are located, railroad tracks and accessories to railroad movement may be constructed or maintained.

B. *Height and area regulations.*

1. ~~Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding 60 feet, and churches and temples may be erected to a height not exceeding 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit otherwise provided in the district in which the building is located.~~
2. ~~Chimneys, cooling towers, elevator bulk heads, fire towers, grain elevators, flour mills, monuments, stacks or scenery lofts, tanks, water towers, ornamental towers and spired church steeples.~~ Radio or television towers or necessary mechanical appurtenances, may be erected to a height **exceeding in height**

in accordance with ordinances which may be hereafter adopted by the City of Alpine only accompanied with a variance approved from City Council. ~~In the absence of such ordinances, there shall be no and limitation for these structures.~~

C. Area regulations.

- ~~1. Front yard—Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (with a variation of five feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings. In determining such front yard depth, buildings located entirely on the rear one half of a lot shall not be counted.~~
- ~~2. A side yard of not less than 25 feet on the side of the lot adjoining any Residential zone (R-1, R-2, R-3 & R-4) R-1 or R-2 district, shall be provided for all schools, libraries, churches, community houses, clubs and other public or semi-public buildings hereafter erected or structurally altered.~~
- ~~3. Garages detached or attached to the main use building which enter on the side street of a corner lot, shall maintain a side yard of five feet in front of the garage.~~
4. *Excluding Residential uses.

Cross reference(s)—Businesses, Ch. 22.

Feature	Regulation
Lot size	Minimum 5,000 square feet
Lot width	50 feet
Height	3 stories or 35 feet
Front yard	Twenty-Five (25) feet
Street side yard	Fifteen (15) feet
Interior side yard	a) Twenty-Five (25) feet adjacent to residential district. b) Ten (10) feet nonresidential district
Rear Yard	Fifteen (15) feet
Signs	See Sign Ordinance
Maximum Impervious Coverage	85%
Maximum Building Coverage	Percentage of total lot, 75%



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

NOVEMBER 27, 2023

DISCUSSION ITEMS

- b) Discuss updating parking requirements for the Short Term Rental Ordinance. (A. Devaney, Director of Building Services)

BACKGROUND

- The Director of Building Services identified issues with parking requirements and discrepancies regarding parking in our ordinances.
- The Director has provided proposed updates to better align the Short Term Rental (STR) parking requirements with our additional parking requirements and strategic vision for STR parking requirements in Alpine.

SUPPORTING MATERIALS

1. Proposed updates to the Short Term Rental Ordinance.

STAFF RECOMMENDATION

APPROVE.

ARTICLE V. SHORT TERM RENTALS

Sec. 90-121. Generals.

This article as herein established has been written for the purpose to control, manage and limit short term rentals commonly referred to as vacation rentals within allowable districts described in the zoning ordinance. The intent of this chapter is to safeguard the life, health, safety, welfare and property of the occupants of residential dwelling units, the neighbors of said occupants, the general public and to minimize adverse impacts to the housing supply caused by the conversion of residential units to tourist or transient use.

(Ord. No. 2021-01-01, 2-2-21)

Sec. 90-122. Definitions.

Administrator means the director of the department designated by the city manager to enforce and administer this chapter, including the director's designees.

Advertise means the act of drawing the public's attention to a short-term rental in order to promote the availability of the residence for use as a short-term rental. Said advertising may be found in any medium, including but not limited to, newspaper, magazine, brochure, website, or mobile application.

Bedroom means the living area(s) of the dwelling unit that is designed and furnished for sleeping and which has proper egress as required by the International Residential Code.

Booking service means any reservation and/or payment service provided by a person or entity that facilitates a short-term rental transaction between an owner and a prospective occupant, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction.

Hosting platform means a person or entity that participates in the short-term rental business by providing, and collecting or receiving a fee for, booking services through which an owner may offer premises for an occupant on a short-term basis. Hosting platforms usually, though not necessarily, provide booking service through an online platform that allows an owner to advertise the premises through a website provided by the hosting platform and the hosting platform conducts a transaction by which potential occupants arrange their use and their payment, whether the would-be-occupant pays rent directly to the owner or to the hosting platform.

Occupant means any individual person living, sleeping or possessing a building, or portion thereof. A person is not required to be paying rent, providing in-kind services, or named in any lease, contract or other legal document to be considered an occupant.

Owner means any person, agent, operator, firm, trust, corporation, partnership, or any other legal entity who has a legal or equitable interest in the property; or who is recorded in the official records of the county as holding title to the property; or who otherwise has control of the property, including the guardian of the estate of any such person, and the executor of the estate of such person if ordered to take possession of real property by a court.

Premises means property, a lot, plot or parcel of land, including any structures or portions of structures thereon.

Short-term rental (STR) means a residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than 30 consecutive days. The definition of short-term rental does not include a bed and breakfast as defined in the Code.

(Ord. No. 2021-01-01, 2-2-21)

Sec. 90-123. Unpermitted short-term rentals prohibited.

- (a) It shall be unlawful for any owner or person to rent, lease, advertise, or otherwise permit or allow any residential premises to be operated or used as an unpermitted short-term rental.
- (b) All hosting platforms shall provide the following information in a notice to any owner listing a short-term rental located within the city through the hosting platform's service. The notice shall be provided prior to the owner listing the premises and shall include the following information: the "short-term rental" article of this Code prohibits the short-term rental of residential premises within the city without an active short-term rental permit.
- (c) Notwithstanding any other provision of this article, nothing shall relieve any owner, person, occupant, or housing platform of the obligations imposed by the applicable provisions of state law and this Code, including but not limited to, those obligations imposed by the Tax Code. Further, nothing in this article shall be construed to limit any remedies available under the applicable provisions of state law and this Code.

(Ord. No. 2021-01-01, 2-2-21)

Sec. 90-124. Short-term rental permit required.

An owner who desires to use its premises as a short-term rental must have a valid, active short-term rental permit from the city prior to using, allowing the use of, or advertising the use of said premises as a short-term rental. Each rentable unit must be permitted. Upon application to the city, a short-term rental permit shall be approved by the administrator, or designee, if the application satisfies all the conditions of this chapter, the "taxation chapter," and the zoning ordinance. The administrator may place reasonable conditions on short-term rental permits to ensure compliance with the provisions of this article.

(Ord. No. 2021-01-01, 2-2-21)

Sec. 90-125. Permit limitations.

- (a) Short-term rental permits are transferable only by inheritance to a natural person as directed in a will or trust. The permit is not transferable upon the sale of the property.
- (b) If the subject dwelling is on property that has a homeowners association (HOA) at the time of permitting, the owner of the dwelling shall provide the city with an affidavit of proof that the HOA allows for vacation rental of their dwelling, if not allowed, then the application will be denied.
- (c) A short-term rental permit shall expire on the last day of the month one year after the date of issuance. No short-term rental permit may be renewed without a completed renewal application submitted by the owner and payment of the renewal fee. If the renewal application satisfies all the conditions of this chapter and zoning ordinance, an application for the renewal of a short-term rental permit shall be approved by the Administrator, or designee.

(Ord. No. 2021-01-01, 2-2-21)

Sec. 90-126. Requirements of application.

- (a) Except as provided in this section, every complete application for a short-term rental permit shall include the following information with such detail and in form approved by the administrator:
 - (1) The name, address, contact information and authenticated signature for the owner of the premises;
 - (2) The name, address and contact information of the operator, agent if any, and designated local responsible party.

-
- (3) The city registration number for hotel occupancy tax;
 - (4) A plot plan of the premises identifying the location of parking spaces to be used in conjunction with the short-term rental;
 - (5) A dimensioned floor plan of the proposed short-term rental identifying bedrooms, other living spaces and emergency evacuation routes;
 - (6) Release of liability;
 - (7) The name and contact information of the property owner's association, if any, of which the premises are covered by dedicatory instruments;
 - (8) A copy of the proposed host rules for the short-term rental.
- (b) An application for short-term renewal permit may be filed beginning 30 days prior to expiration of a current permit. Every complete application for a short-term rental renewal permit shall include updates, if any, to the information contained in the original permit application or any subsequent renewals. The permit holder shall sign a statement affirming that there is either no change to such information, or that any updated information is accurate and complete.
 - (c) An application for a short-term rental renewal permit submitted after the expiration of the most immediate permit for the premises shall be treated as an application for a new permit as described in subsection (a) of this section.
 - (d) If a complete application for a short-term renewal permit is submitted less than 30 days prior to expiration of the current permit, the administrator in his sole discretion may grant a one-time extension of the current permit not to exceed ten days.

(Ord. No. 2021-01-01, 2-2-21)

Sec. 90-127. Designation of local responsible party required.

An owner must designate the name and contact information of a local responsible party who can be contacted regarding immediate concerns and complaints from the public. Said individual must be available to be reached in person or by phone at all times while occupants are on the premises of a short-term rental. If called, a local responsible party must be able to and shall be present at the premises within one hour of the call from the administrator, or his designee. A local responsible party must be authorized to make decisions regarding the premises and its occupants and shall not act to release the owner of any liability under this chapter.

(Ord. No. 2021-01-01, 2-2-21)

Sec. 90-128. Release of liability required.

It shall be unlawful for the owner of premises operating as a short-term rental to operate without either proof of insurance or a release of liability indemnifying and holding the city harmless from any and all claims that should arise out of the operation of the short-term rental.

(Ord. No. 2021-01-01, 2-2-21)

Sec. 90-129. Building permits required.

All work done to the property must meet all city permitting requirements as spelled out in this Code.

(Ord. No. 2021-01-01, 2-2-21)

Sec. 90-130. Permit fees.

An initial permit fee of \$350.00 (nonrefundable) will include the preliminary fire inspection fees. Upon completion of all required forms, approval of each dwelling unit by the administrator or his designee, and payment of the initial permit fee, the administrator may recommend a special use permit (short term rental permit) to be considered by the city council. Once approved by the city council, a special use permit (short term rental permit) shall be issued.

The annual permit renewal fee shall be \$100.00.

An annual fire inspection is required, the fee of which shall be established by city ordinance.

City short-term rental taxes must be paid quarterly for the permit to remain valid, as verified by the city short-term rental tax form.

(Ord. No. 2021-01-01, 2-2-21)

Sec. 90-131. Hotel occupancy tax; request for occupancy history.

It shall be unlawful for any owner of premises used for a short-term rental to fail to pay hotel occupancy taxes under state law and this chapter. Upon the request of the administrator or the finance department of the city, the owner of a premises used as a short-term rental shall remit, within 30 days, an accounting of all occupants who rented the premises and the hotel occupancy taxes paid therefor. It shall be unlawful for a person to fail to provide said information requested in a timely manner.

(Ord. No. 2021-01-01, 2-2-21)

Sec. 90-132. Short-term rental permit non transferable.

A short-term rental permit is non-transferable and shall not be assigned nor transferred to another person or entity. Only by inheritance is a short-term rental transferable.

(Ord. No. 2021-01-01, 2-2-21)

Sec. 90-133. Parking restrictions.

~~Parking is established by the International Building Codes (IBC) and will differ based on the zoning districts.~~

Guidelines are as follows: One parking space per sleeping unit, ~~plus one parking space per 500 square feet of common area.~~ The parking spaces required shall be located on the same lot or where use of such is provided on another lot not more than 500 feet radially from the subject lot.

The motor vehicles of all occupants of the short-term rental property shall be parked only on the permitted and approved driveway of the short-term rental property. No motor vehicles shall be parked on the vegetated area of a short-term rental property, or in the public right of way. While occupying a short-term rental property, no person shall park in violation of this Ordinance or in violation of the parking plan the owner must submit in accordance with Sec. 90-126 (a)(4).

(Ord. No. 2021-01-01, 2-2-21)

Sec. 90-134. Neighbor notice.

The city shall provide [by] mailing, email or otherwise distribute by hand a flier to neighbors within 200-foot radius of the vacation rental property address. The notice shall contain the owner and representative contact

information, a parking plan, and city website address where the information is also posted. The neighbors and the city shall be informed whenever there is a change in contact information.

(Ord. No. 2021-01-01, 2-2-21)

Sec. 90-135. Zones.

Vacation rentals are permitted in zones R-1, R-2, R-3, R-4, M-1, C-2a, C-2, C-1, C-1a, C-O by conditional use permit. All permits must meet general zoning regulations as defined in appendix C, zoning, of this Code.

(Ord. No. 2021-01-01, 2-2-21)

Sec. 90-136. Penalties.

Any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed \$2,000.00 and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(Ord. No. 2021-01-01, 2-2-21)

Sec. 90-137. Enforcement.

- (a) The owner of a short-term rental use that was not registered with the city for hotel occupancy tax prior to April 1, 2021 and who is unable to obtain a permit for said use or fails or refuses to obtain a permit for the use following the effective date of the ordinance from which this article derived, shall discontinue the short-term rental use no later than April 30, 2021.
- (b) If the permit of a short-term rental use is not renewed, the owner shall discontinue the use no later than the date on which the existing permit or any extension thereof expires.
- (c) This article shall be and is hereby declared to be cumulative of all other ordinances of the city; and this article shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this article, in which event such conflicting provisions, if any, in such other ordinances are hereby repealed.
- (d) If any section, subsection, sentence, clause or phrase of this article is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this article.
- (e) All of the regulations provided in this article are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the city council or any city official or employee charged with the enforcement of this article, acting for the city in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

(Ord. No. 2021-01-01, 2-2-21)



PLANNING & ZONING COMMISSION
MEETING AGENDA ITEM COVER MEMO
NOVEMBER 27, 2023

ACTION ITEMS

- a) Approve a recommendation to City Council to approve Rezoning Application 2023-10-01-A, a rezoning application allowing the applicant, Tehra Vaughn, to establish a beauty salon at the subject property. The property in question is located at 401 W. Sul Ross and is legally described as the East 18.89 feet of Lots 8, 9, 10, all of Lots 1, 2, and 3, and that portion of the platted alley lying between said lots, all out of Block 28, Original Townsite of Alpine, envelope 184, plat records of Brewster County, Texas. The property ID of the subject property is 35650. The record property owners are Thomas Robinson and Karen Chapman. The current zoning of the property is R-2 Two-Family District. The zoning classification if the rezoning is approved will be C-0 Office Services District. (M. Antrim, City Manager)

BACKGROUND

- See Report: Rezone 2023-10-01-A

SUPPORTING MATERIALS

1. Report: Rezone 2023-10-01-A.
2. Rezone Application.
3. Excerpt from Code of Ordinances regarding the Commission's duties when considering zoning applications.
4. Proposed Ordinance confirming zoning change.

STAFF RECOMMENDATION

APPROVE.



**REPORT - NOVEMBER 17, 2023
REZONE APPLICATION 2023-10-01-A
OFFICE OF THE CITY SECRETARY**

I. PURPOSE OF REPORT.

The purpose of this report is to provide background information and insight on Rezone Application 2023-10-01-A. The document was compiled by the City Secretary and includes a history of actions, procedural requirements, and events related to the rezoning application.

II. PROCEDURAL CONSIDERATIONS.

Rezone Application 2023-10-01 was submitted to the City of Alpine in September 2023. Planning & Zoning and City Council public hearings were scheduled. Pursuant to Chapter 211, Texas Local Government Code, the City sent 12 notices to surrounding property owners on September 29, 2023. None were returned as undeliverable. Notice of the public hearings was published in the official newspaper of the City, Alpine Avalanche, in the October 5, 2023 edition. Feedback was received by surrounding property owners opposing the zoning change. Feedback was also received from proponents. The feedback was forwarded to the Planning & Zoning Commission and the City Council.

III. CONSIDERATION BY THE PLANNING & ZONING COMMISSION.

The Planning & Zoning Commission (P&Z) considered Rezone Application 2023-10-01 on October 23, 2023. The applicant applied for C-2 Business District zoning from R-2 Two Family District, on advice of City Staff.

P&Z recommended denial of the application with the following members present and voting in the following manner:

- Commissioner Branch: For
- Commissioner Olivas: Against
- Commissioner Walter: Against

- Commissioner Griffith: Abstain
- Commissioner Little: Abstain

During the meeting, it was uncovered that a more desirable, and less intensive, zoning district may be an option to pursue. The C-0 Office Services District might mitigate the concerns of the surrounding property owners and to still allow the applicant to establish the proposed business. City Administration advised the Commission that the City Attorney would be consulted regarding the options going forward.

IV. CITY COUNCIL CONSIDERATION.

City Administration consulted with the City Attorney on the zoning issue in preparation of the November 7, 2023 City Council meeting. The City Attorney confirmed the options that the City Council had moving forward, and the zoning change item was considered on November 7, 2023. Due to the P&Z recommendation of denial, the City Council would need to approve any zoning change by a supermajority vote, which would require an affirmative vote of 4 City Council Members to approve.

The City received confirmation that the subject property could be rezoned C-0, even though it was not the originally applied for zone, due to the C-0 zone being less intensive than the C-2 zone that was originally applied for. This process is referred to as “downzoning.”

Although the City Council could have pursued designating the zoning as C-0 Office Services District by supermajority vote, the Council considered the available options and decided to refer the rezone application back to P&Z to investigate and determine if C-0 Office Services District would be an appropriate zone for the subject property. The Council expressed that a recommendation from P&Z would be essential, being that P&Z would be provided with the knowledge that C-0 Office Services District will be an option.

V. PROCEDURAL CONSIDERATIONS.

Rezone Application 2023-10-01-A is the identifier that was used on the rezone application in all official proceedings after the City Council referred the application back to P&Z. Planning & Zoning and City Council public hearings were scheduled to consider the updated option. Pursuant to Chapter 211, Texas Local Government Code, the City sent 12 notices to surrounding property owners on November 9, 2023. None were returned as undeliverable. Notice of the public hearings was published in the official newspaper of the City, Alpine Avalanche, in the November 9, 2023 edition. Feedback

was received by surrounding property owners opposing the zoning change. The feedback was forwarded to the Planning & Zoning Commission and the City Council.

VI. PROCEDURE FOR APPROVING C-0 OFFICE SERVICES DISTRICT.

If P&Z find that the C-0 Office Services District zoning designation is appropriate, the Commission must make a specific finding that the C-0 Office Services District is a less intensive zoning district than the applied for C-2 Business District. If P&Z recommends this zoning designation, then the City Council may pass the zoning change to C-0 by simple majority vote of 3 members voting affirmatively. Pursuant to Chapter 211 of the Texas Local Government Code, 20 percent of surrounding property owners may protest the zoning designation by signed petition. If the petition is submitted and validated, this would require the City Council to pass the zoning change by supermajority vote.

If P&Z recommends denial of a zoning change to C-0 Office Services District, then a supermajority vote of 4 City Council Members voting affirmatively will be required for the City Council to pass the zoning change.

VII. ACTION BY THE PLANNING & ZONING COMMISSION.

The Alpine Code of Ordinances provides standard criteria that should be used by the Commission to determine if the zoning change request is appropriate:

Section 21.09. - Review and evaluation criteria.

The planning and zoning commission and city council shall review and evaluate rezoning request applications using the following criteria:

1. Conformance with applicable regulations and standards established by the zoning regulations.
2. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features.
3. Potentially unfavorable affects [sic] or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site for a permitted use.
4. Modifications to the zoning map which would result in increased compatibility, would mitigate potentially unfavorable impacts, would be necessary to conform to applicable regulations and standards and would protect the public health, safety, and general welfare.
5. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to [sic] generated by the proposed rezone

request and other uses reasonable and anticipated in the area; as well as existing zoning and land uses in the area.

VIII. RESTRICTIVE COVENANTS.

The City has confirmed that restrictive covenants will not be an option in this situation. Restrictive covenants may only be placed by the property owner, as the only cities that have the ability to enforce restrictive covenants are:

1. A city with a population of 1.5 million or more; or
2. A city that does not have zoning ordinances.

IX. SPECIAL/CONDITIONAL USE PERMIT PROCESS.

The establishment of a beauty salon by Special Use Permit is currently prohibited in an R-1 and R-2 zone. The Commission is currently exploring a proposed ordinance that would provide that beauty salons and barber shops could be established by special/conditional use permit. This ordinance is a completely separate process from the rezone request, and the Commission should judge the rezone request solely on its own merits.



CITY OF ALPINE BUILDING SERVICES DEPARTMENT

309 W SUL ROSS AVENUE ALPINE, TX 79830

(432) 837-3281

APPLICATION FOR REZONING & CONDITIONAL USE PERMIT

Section 21.03. The city council shall have jurisdiction with respect to all rezone requests. The planning and zoning commission shall review and submit a recommendation to the city council on all applications for rezoning.

ADDRESS OF PROPERTY:		ACREAGE OF SITE:	
401 W Sul Ross		.4273	
LEGAL DESCRIPTION:		CURRENT ZONE:	
OT, Block 28, Lot 1, 2, 3		R2	
PROPERTY OWNER:	APPLICANT NAME:	TELEPHONE:	EMAIL:
Karen Chapman	Tehra Vaughn		
APPLICANT MAILING ADDRESS:		CITY, STATE & ZIP:	
806 E AVENUE E Alpine, TX 79830			
APPLICANT MAILING ADDRESS:		CITY, STATE & ZIP:	
Same		Alpine TX 79830	
PROJECT FOR WHICH REZONING IS SOUGHT:		APPLICABLE ZONING, BUSINESS, SECTION/SUBSECTION	
Beauty Salon		ORDINANCE: SUPDUP NOT ALLOWED	
SPECIFIC USE OF THE PROPERTY:		EXISTING USES OF ADJACENT PROPERTIES:	
VACANT / Residential		Residential / Commercial (C-2)	
PARCEL ID#: 35650		SURVEY INCLUDED: <input checked="" type="checkbox"/>	

**If the applicant is not the legal owner of the property, a signed statement by the owner that the applicant is the authorized agent of the owner of the property.

REZONING CHECKLIST

Initiation of zoning or rezoning:

☐ **Section 21.01. Zoning or rezoning of property may be initiated by the:**☐ Council;☐ Planning and zoning commission;☒ Record owner;☐ Petition of:

a. The owners of at least 51 percent of the land, by land area, in the proposed district; or

b. At least 51 percent of the owners of individual properties in the proposed district.

i. Property owned by the City Of Alpine or other governmental entities shall be fully excluded from the area subject to petition of the owners, except such property may be included in support if it contains structures or features that contribute to the historic character of the district, as determined by the historic landmark commission. The amount of such property to be calculated

as supporting shall not exceed one-third of the 51 percent of the land in the proposed district.

(Ord. No. 2016-08-02, 9-20-16; Ord. No. 2016-10-03, 11-1-16)

☒ **Section 21.02. Proposed district boundaries must be contiguous.**

Except as provided in section 21.01, the boundaries of the districts proposed in a zoning or rezoning application must be contiguous.

*** The boundaries of the districts proposed in a zoning application may be noncontiguous if the zoning is initiated by the council or the planning and zoning commission. (Ord. No. 2016-08-02, 9-20-16; Ord. No. 2016-10-03, 11-1-16*

SUBMITTAL VERIFICATION/INSPECTION AUTHORIZATION:

I as owner of the property hereinafter referenced, do hereby execute this document, and acknowledge the above statements to be true and, accurate to the best of knowledge. I have received, read and understand the terms and conditions of this request and agree to compliance with all applicable codes and ordinances of the City. I authorize the City or their representatives to visit and inspect the property for which this application is being submitted.

OPTIONAL:

IV I authorize my duly authorized agent to coordinate with the City and its representatives and speak in my behalf for the purpose of representing me in regards to this request.

APPLICANT SIGNATURE

Tehra Vaughn

PRINTED NAME

Tehra Vaughn

DATE

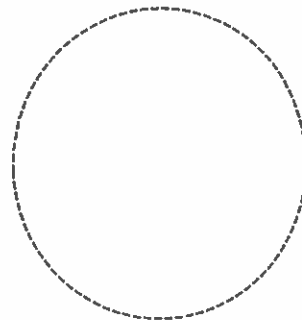
9/7/2023

FOR STAFF USE ONLY

PERMIT # 23-006996

TOTAL FEES 350⁰⁰

DATE: 09/11/2023



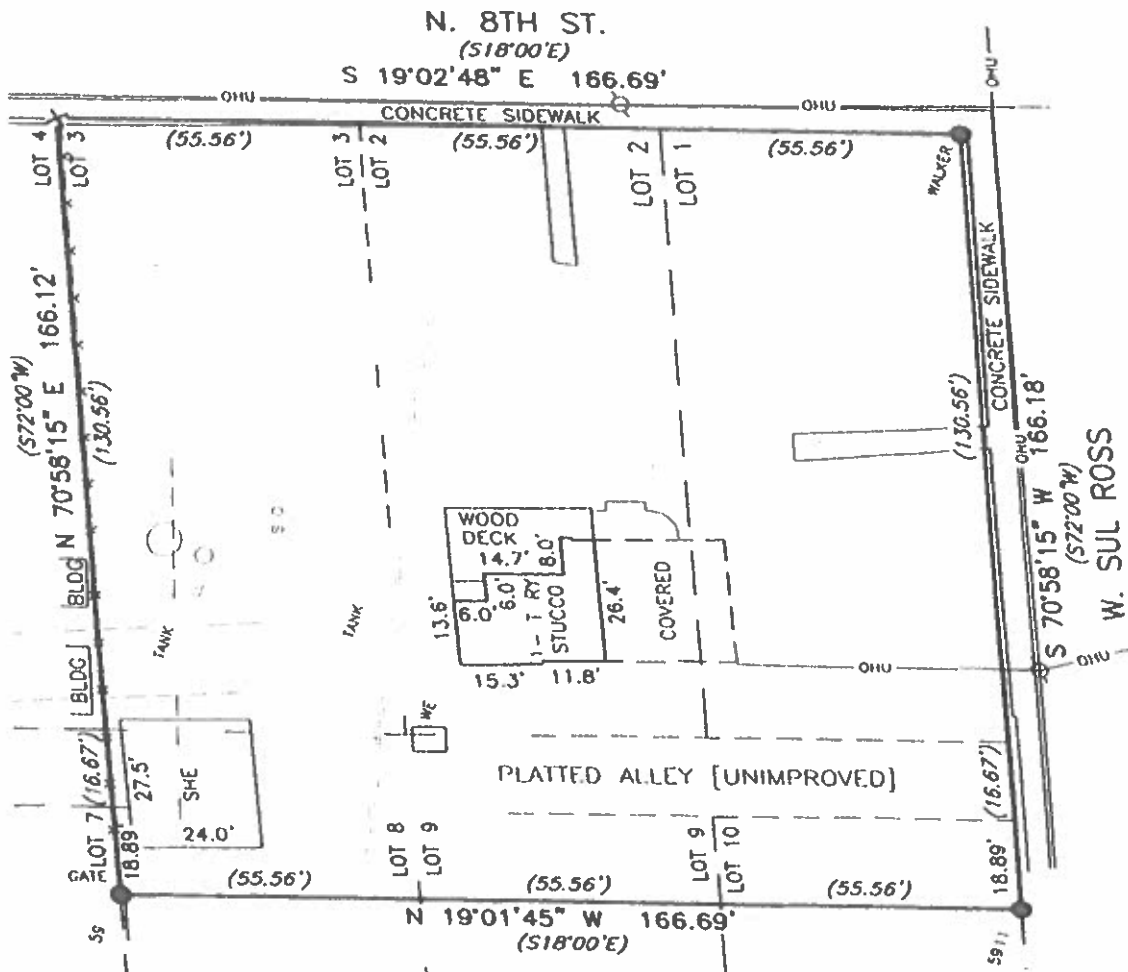
Section 21.15. Refunds.

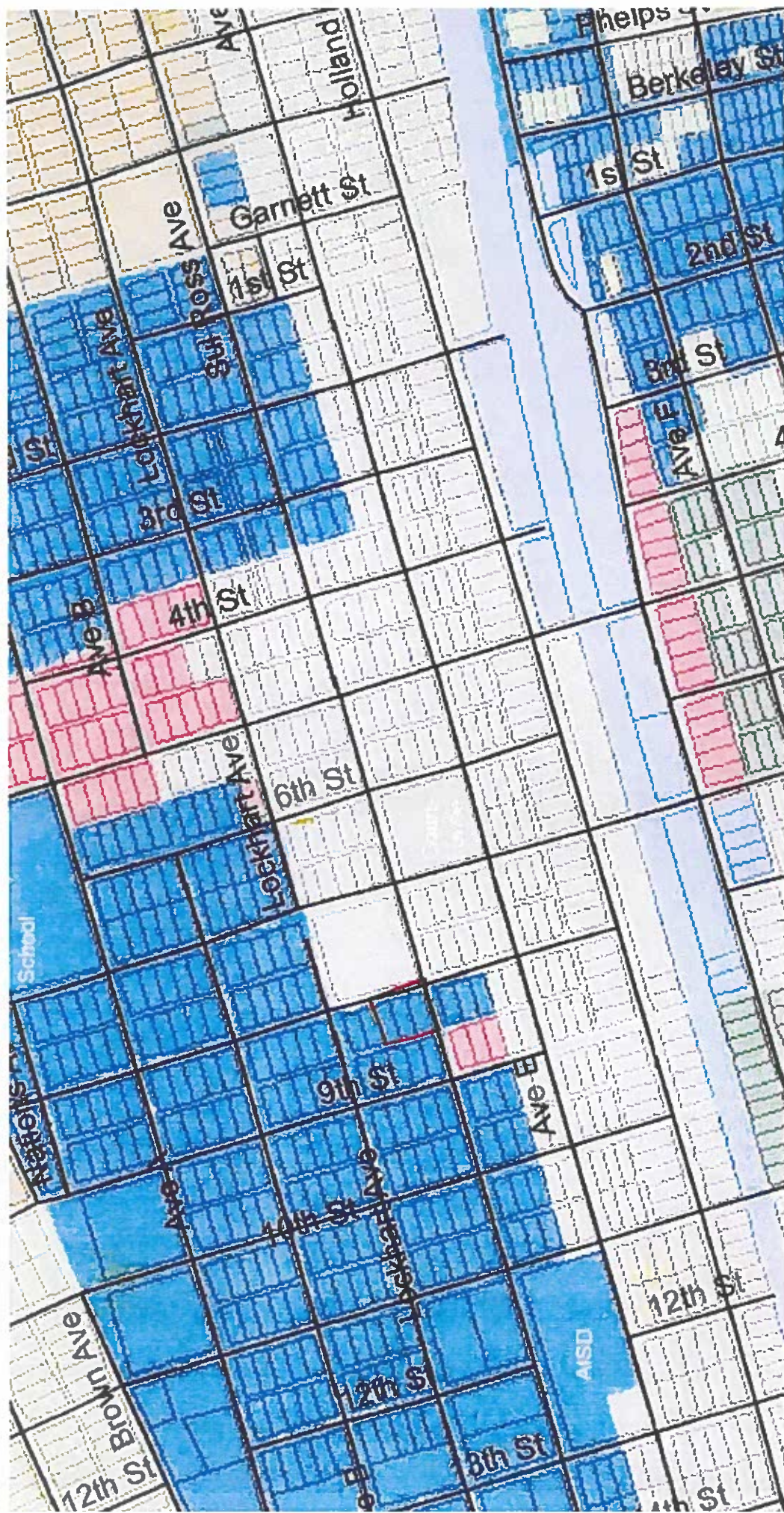
The fees established shall be non-refundable to the applicant, unless the request is completely withdrawn before the procedure of notices as set forth in section 20.13 have begun.

(Ord. No. 2016-08-02, 9-20-16; Ord. No. 2016-10-03, 11-1-16)

I, Karen Chapman, give Tehra Vaughn rights as an authorized agent of 401^W Sue Ross Ave.

Karen Chapman
9.7.2023



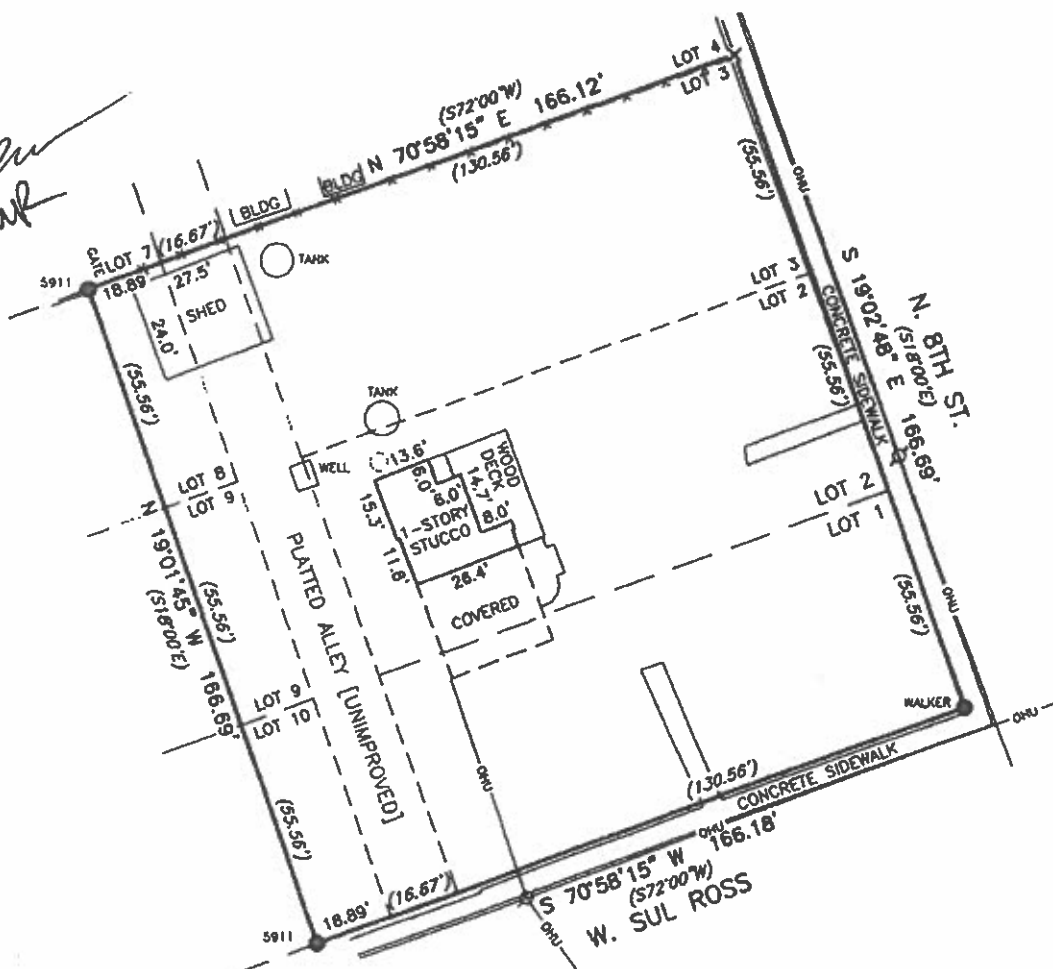
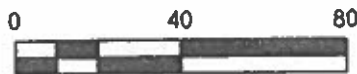


SURVEY PLAT

THE EAST 18.89 FEET OF LOTS 8, 9, AND 10, ALL OF LOTS 1, 2, AND 3, AND THAT PORTION OF THE PLATTED ALLEY LYING BETWEEN SAID LOTS, ALL OUT OF BLOCK 28, ORIGINAL TOWNSITE OF ALPINE ENVELOPE 184, PLAT RECORDS OF BREWSTER COUNTY, TEXAS

ALPINE, TEXAS

EXHIBIT A



AN INDEPENDENT EXHAUSTIVE SEARCH OF THE PUBLIC RECORD HAS NOT BEEN CONDUCTED. EASEMENTS/RESTRICTIONS NOT SHOWN HEREON MAY AFFECT THIS TRACT.

LEGEND

- IRON ROD FOUND [CAPPED AS NOTED]
- X "X" FOUND IN CONCRETE
- UTILITY POLE
- OHU OVERHEAD UTILITY
- X - X FENCE
- () RECORD INFORMATION

BEARING BASIS: WGS 84



ACCORDING TO FEMA FIRM MAP PANEL 4800850002B, DATED 11/16/1990, THIS TRACT APPEARS TO LIE WITHIN ZONE X [AREAS OUTSIDE THE 500-YR FLOODPLAIN].

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

6-29-2022

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

Section 21.09. Review and evaluation criteria.

The planning and zoning commission and city council shall review and evaluate rezoning request applications using the following criteria:

1. Conformance with applicable regulations and standards established by the zoning regulations.
2. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features.
3. Potentially unfavorable affects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site for a permitted use.
4. Modifications to the zoning map which would result in increased compatibility, would mitigate potentially unfavorable impacts, would be necessary to conform to applicable regulations and standards and would protect the public health, safety, and general welfare.
5. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to generated by the proposed rezone request and other uses reasonable and anticipated in the area; as well as existing zoning and land uses in the area.

(Ord. No. 2016-08-02, 9-20-16; Ord. No. 2016-10-03, 11-1-16)

ORDINANCE 2023-12-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS APPROVING REZONE APPLICATION 2023-10-01; AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY REZONING THE PROPERTY LOCATED AT 401 W. SUL ROSS AND LEGALLY DESCRIBED AS THE EAST 18.89 FEET OF LOTS 8, 9, 10, ALL OF LOTS 1, 2, AND 3, AND THAT PORTION OF THE PLATTED ALLEY LYING BETWEEN SAID LOTS, ALL OUT OF BLOCK 28, ORIGINAL TOWNSITE OF ALPINE, ENVELOPE 184, PLAT RECORDS OF BREWSTER COUNTY, TEXAS, FROM R-2 TWO-FAMILY DISTRICT TO C-0 BUSINESS SERVICES DISTRICT.

WHEREAS, the City of Alpine received an application to change the zoning designation from R-2 Two-Family District to C-2 Business District for the property located at 401 West Sul Ross Avenue; and

WHEREAS, the subject property is legally described as the East 18.89 feet of Lots 8, 9, 10, all of Lots 1, 2, and 3, and that portion of the platted alley lying between said lots, all out of Block 28, Original Townsite of Alpine, Envelope 184, plat records of Brewster County, Texas; and

WHEREAS, the subject property has a Property ID of 35650 in the public records of Brewster County, Texas, and the record owners of the property are Thomas and Karen Chapman; and

WHEREAS, the applicant of the rezoning application, Tara Vaughn, seeks to establish and operate a beauty salon at the subject property, the use of which is not acceptable by conditional use permit, and requires a zoning change; and

WHEREAS, on October 23, 2023, the Planning & Zoning Commission of the City of Alpine held a public hearing regarding the request to rezone, public notice of which was duly provided to the public in the October 5, 2023 edition of the official newspaper of the City; and

WHEREAS, the Planning & Zoning Commission voted 2 – 1, with two abstentions, to recommend denial of the rezoning request; and

WHEREAS, the City Council held a public hearing on November 7, 2023, regarding the request to rezone; and

WHEREAS, the City Council referred the item back to the Planning & Zoning Commission to investigate and determine if a less intensive zoning district of C-0 Office Services District is a more feasible zoning designation for the subject property.

WHEREAS, the Planning & Zoning Commission voted **X – X** to recommend **[REDACTED]** of the rezoning request; and

WHEREAS, Chapter 211 of the Texas Local Government Code provides that municipalities have the authority to regulate zoning; and

WHEREAS, Section 2.01(B)(8) of the City's Charter provides the City to provide land use and development regulations, including zoning regulations, by ordinance; and

WHEREAS, after receiving a recommendation from the Planning & Zoning Commission and receiving resident feedback, the City Council deems it to be in the best interest of the City to approve the zoning change of the subject property as requested by the applicant.

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

**SECTION I
FINDINGS OF FACT**

Each and every one of the recitals, findings, and determinations contained in the preamble of this ordinance are found to be true and correct legislative and factual findings of the City Council of the City of Alpine and are hereby repeated and incorporated herein as if copied in their entirety.

**SECTION II
ZONING CHANGE**

The zoning designation of C-0 Office Services District is hereby approved for the property located at 401 West Sul Ross and legally described as the East 18.89 feet of Lots 8, 9, 10, all of Lots 1, 2, and 3, and that portion of the platted alley lying between said lots, all out of Block 28, Original Townsite of Alpine, Envelope 184, plat records of Brewster County, Texas. The official zoning map of the City is hereby amended to reflect the updated zoning.

**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
PUBLIC HEARING**

A preliminary public hearing was held on December 5, 2023, and a second and final hearing was held on January 2, 2024, where interested parties had the opportunity to make public comments on this ordinance prior to approval. Notice of the date and time of the hearings, and notice of how to obtain copies of the proposed documents, was published in the Alpine Avalanche, the official newspaper of the City of Alpine.

**SECTION VII
EFFECTIVE DATE**

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

**PASSED AND ADOPTED THIS 2ND DAY OF JANUARY 2024 BY THE CITY COUNCIL
OF THE CITY OF ALPINE, TEXAS.**

INTRODUCTION AND FIRST READING
DECEMBER 5, 2023

SECOND AND FINAL READING
JANUARY 2, 2024

APPROVED:

ATTEST:

Catherine Eaves, Mayor

Geoffrey R. Calderon, City Secretary

APPROVED AS TO FORM:

City Attorney



PLANNING & ZONING COMMISSION MEETING AGENDA ITEM COVER MEMO

NOVEMBER 27, 2023

ACTION ITEMS

- b) Approve Replat 2023-11-01, a replat application allowing the applicant, Jose Cobos, to combine lots in order to provide the ability to use a primary address at the subject property without the necessity of building a primary structure on one lot. The subject property is located at South 6th Street and West Avenue F and is legally described as Lots 5 and 6, Block 55, Original Townsite of Alpine, Texas, as shown in the Subdivision Plat on file in Volume 2, Page 97, Deed Records of Brewster County, Texas. The record property owner is Jose Cobos. The Property ID of the subject property is 35832. The current zoning classification of the property is R-3 Apartment District. If the replat is approved the zoning classification will remain R-3 Apartment District. (A. Devaney, Director of Building Services)

BACKGROUND

- The applicant, Jose Cobos, must replat to combine lots in order to provide the ability to use a primary address at the subject property without the necessity of building a primary structure on one lot.
- Letters were sent to property owners within 200 feet advising them of the proposed change. Notice of the public hearing was posted in the official newspaper of the City, the Alpine Avalanche, in the October 26, 2023 edition.
- 27 letters were sent and none were returned as undeliverable.
- The application will be considered on first and final reading at the December 5, 2023, City Council Meeting.

SUPPORTING MATERIALS

1. Replat Application & Documents.

STAFF RECOMMENDATION

APPROVE.



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: Replat Lot 4 and PT Lots 5 and 6 Block 55, OT Alpine UNIT NO. _____
LOCATION DESCRIPTION/ NEAREST INTERSECTION: S 6th St. and W Ave F
ACREAGE: 0.237 ac NO. OF LOTS: EXISTING 2 PROPOSED 1
REASON(S) FOR PLATTING/REPLATTING Land Use Compliance
2. OWNER/APPLICANT*: Jose Cobos
(*if applicant is person other than owner, a letter of authorization must be proved from owner. *)
ADDRESS: 103 W Ave F Alpine, Texas Ste. _____
TELEPHONE: _____ FAX: _____ MOBILE: _____ EMAIL: _____
3. LICENSED ENGINEER/SURVEYOR: Kevin Mueller, R.P.L.S.
ADDRESS: PO Box 1751 Alpine, Texas Ste. _____
TELEPHONE: 432-538-2115 FAX: _____ MOBILE: _____ EMAIL: _____
4. LIST ANY VARIANCES REQUESTED: None
5. REASON FOR REQUEST (LIST ANY HARDSHIPS): N/A
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 of Alpine's Building Official, and appropriate Level TIA (If required).
- ☐ 3 copies of the plat (accepted size: 18"x 24"), collated and folded so that the subdivision name is visible and 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 (If required)..
- ☐ Tax Certificate from Brewster County showing that no delinquent taxes are due on the property (Texas Local Government Code Sec 12.002).
- ☐ 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.

FOR OFFICE USE ONLY:

Date Application Fee Received: 10/03/23 Received By: [Signature]
 Receipt No. 23-007034 Cash/Check No. _____ Amount Recd. \$ 200.00

X 3 copies X street names appr. list N/A TxDOT approval letter
X letter of authorization X proof of ownership X HOA document



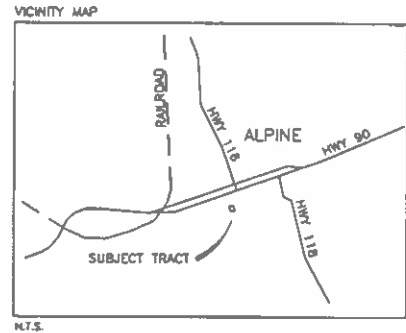
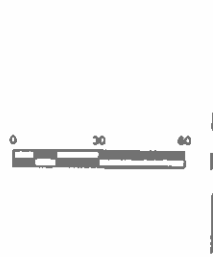
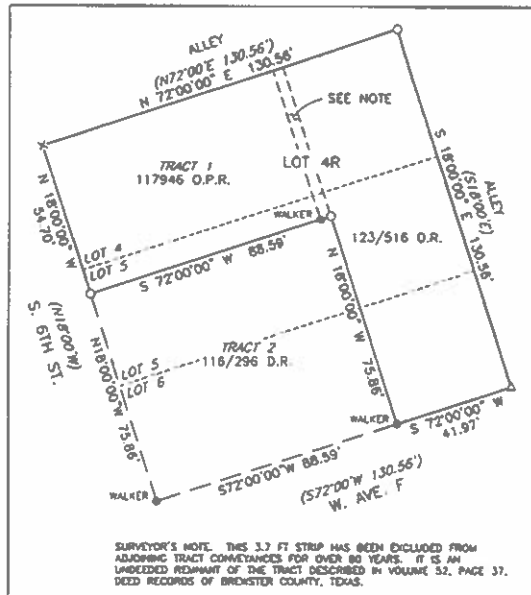
PAID
CASH

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

COUNTY CLERK RECORDING REQUIRED:

REPLAT OF LOT 4 AND PART OF LOTS 5 AND 6, BLOCK 55, ORIGINAL TOWNSITE OF ALPINE, TEXAS

SUBMISSION PLAT ON FILE IN VOLUME 2, PAGE 97, DEED RECORDS OF BREWSTER COUNTY, TEXAS



LEGEND

- IRON ROD FOUND [CAPPED AS NOTED]
 - CAPPED IRON ROD SET [5911]
 - x "X" CHISELED IN CONCRETE SET
 - △ CALCULATED POINT [UNACCESSIBLE]
 - () RECORD INFORMATION
- BEARING BASIS: WGS 84

NOTES:

1. ACCORDING TO FEMA FIRM MAP PANEL 4800850002B, DATED 11/16/1990, THIS TRACT LIES WITHIN ZONE X [AREAS OUTSIDE THE 500-YR 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.

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.



9-28-2023

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

SAW TOOTH SURVEY
P.O. BOX 1731
ALPINE, TX 79831

STATE OF TEXAS

COUNTY OF BREWSTER

WE, JOSE M. COBOS AND MELBA D. COBOS, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE HEREON DESCRIBED TRACT, AS DESCRIBED IN VOLUME 123, PAGE 516, OFFICIAL PUBLIC RECORDS OF BREWSTER COUNTY, TEXAS, AND DOCUMENT NO. 117946, OFFICIAL PUBLIC RECORDS OF BREWSTER COUNTY, TEXAS, AND DO HEREBY REPLAT SAID TRACT TO BE KNOWN AS:

REPLAT OF LOT 4 AND PART OF LOTS 5 AND 6, BLOCK 55, ORIGINAL TOWNSITE OF ALPINE

JOSE M. COBOS
103 W. AVE. F
ALPINE, TEXAS 79830

MELBA D. COBOS
103 W. AVE. F
ALPINE, TEXAS 79830

STATE OF TEXAS

COUNTY OF BREWSTER

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, JOSE M. COBOS AND MELBA D. COBOS, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND HAVE ACKNOWLEDGED TO ME THAT THEY HAVE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2023.

NOTARY PUBLIC'S SIGNATURE

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

MAYOR, CITY OF ALPINE

ATTEST: CITY SECRETARY

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

BREWSTER COUNTY Sarah Vasquez Brewster County Clerk P.O. Drawer 119 Alpine, TX, 79831 Phone: 432-837-3366	DOCUMENT #: 117946 RECORDED DATE: 08/28/2023 08:59:50 AM 
OFFICIAL RECORDING COVER PAGE	
Document Type: DEED Transaction Reference: Document Reference:	Transaction #: 89286 - 1 Doc(s) Document Page Count: 1 Operator Id: kmunoz
RETURN TO: ()	SUBMITTED BY: JOSE COBOS , TX
<p>DOCUMENT # : 117946 RECORDED DATE: 08/28/2023 08:59:50 AM</p> <p>I hereby certify that this document was filed on the date and time stamped hereon by me and was duly recorded in the Official Public Records of Brewster County.</p> <div style="display: flex; align-items: center;">  <div>  Sarah Vasquez Brewster County Clerk </div> </div>	

PLEASE DO NOT DETACH
THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always controls.
*COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT AFTER RECORDING FOR ADDITIONAL INFORMATION.

General Warranty Deed

Date: August 28, 2023

Grantor: Jose Valentin Merino

Grantor's Mailing Address: 102 N Lemon, Alpine, Brewster County, Texas

Grantee: Jose Cobos

Grantee's Mailing Address: 103 W Ave F, Alpine, Brewster County, Texas

Consideration: Valuable

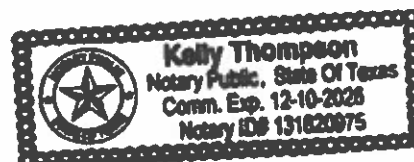
Property (including any improvements): ~~107 W Ave E, OT, Block 55, Lot, Alpine, Brewster~~
~~County, Texas~~. All of that certain Tract No. 1 described in volume 116, Page 296, Deed Records
of Brewster County, Texas, being a portion of that certain 0.261 acre tract described in Volume
164, Page 720, Official Public Records of Brewster County, Texas. JR

For the consideration, Grantor hereby assigns unto Grantee all of Grantor's right, title,
and interest in and to the property, to have and to hold it to Grantee and Grantee's heirs,
successors, and assigns forever. Neither Grantor nor Grantor's heirs, successors, or assigns will
have, claim, or demand any right or title to the property or any part of it.

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

Signature: *José V Merino* Date: 8-28-23
Merino Jose Valentin

Signature: *José Cobos* Date: 8-28-23
Jose Cobos



Kelly Thompson
8-28-2023
Brewster Co.

Doc# 56874 |

STATE OF TEXAS §
§
COUNTY OF BREWSTER §

WARRANTY DEED

Date: February 29th, 2000

Grantor: GLENN F. DE LA O and DEBBIE F. DE LA O

Grantor's Mailing Address: 305 S. Cockrell
(including county) Alpine, Brewster County, TX 79830

Grantee: JOSE M. COBOS and MELBA D. COBOS

Grantee's Mailing Address: 103 W. Avenue F
(including county) Alpine, Brewster County, TX 79830

Consideration:

TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, paid to Grantor by Grantee, the receipt of which is hereby acknowledged.

Property (including any improvements):

Being the East 42 feet of Lots Four (4), Five (5) and Six (6) in Block 55, Original Townsite of Alpine, Brewster County, Texas, as the same appears in the Map or Plat records on file in the Office of the County Clerk of Brewster County, Texas.


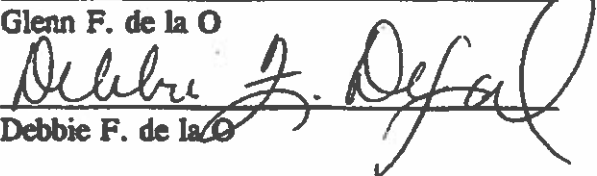
Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is subject to any and all valid and subsisting restrictions, easements, rights-of-way, mineral reservations, maintenance charges, together with any lien securing the maintenance charges, zoning laws, ordinances of municipal or other governmental agencies or authorities, and conditions and covenants, if any, applicable to and enforceable against the property described above as shown by the records of the county clerk of Brewster County, Texas. Taxes for the current and subsequent years are assumed by the Grantee.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor

binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

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


Glenn F. de la O

Debbie F. de la O

STATE OF TEXAS

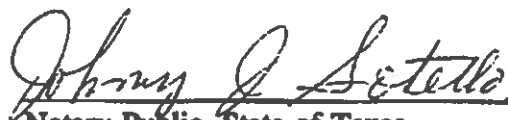
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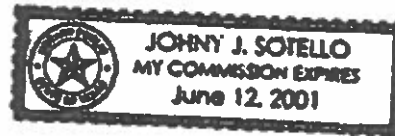
COUNTY OF BREWSTER

ACKNOWLEDGMENT

BEFORE ME, the undersigned authority, on this 29th day of February, 2000, personally appeared GLENN F. DE LA O and DEBBIE F. DE LA O, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed, to certify which witness my hand and seal of office.

(Seal)


Notary Public, State of Texas
Printed Name of Notary Public:
My commission expires:



PREPARED IN THE LAW OFFICE OF:

Charles Blackley
110B N. Sixth Street - P. O. Box 244
Alpine, Texas 79831
(915) 837-1696

AFTER RECORDING, RETURN TO:

JOSE AND MELBA COBOS
103 W. Avenue F
Alpine, TX 79830

Statement of Account

NOTICE: This is a statement of Taxes Paid & Due as of 10/05/2023 02:16:57PM
based upon the tax records of the tax office.

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

Property Information

Property ID: 35832 Geo ID: 973600550004000065
Legal Acres: 0.0000
Legal Desc:
Situs:
DBA:
Exemptions:

Owner ID: 39699 Ownership: 0.00%
COBOS JOSE
103 W AVE F
ALPINE, TX 79830

Value Information

Improvement HS:	0
Improvement NHS:	0
Land HS:	0
Land NHS:	0
Productivity Market:	0
Productivity Use:	0
Assessed Value	0

Entity	Description	Pct.	Ex Code	Description
		%		

Paid Bills Summary
No Information on File.

Unpaid Bills Summary
No Information on File.

10/5/2023

Paid Refunds Summary
No Information on File.

New Account for 2023 - No delinquent Taxes

2023 Estimate = \$193.95

No previous history Can not issue Tax Cert.

Sylvia Keys
Tax A/c

*** End of Statement ***

NOTICE: This document is not a tax certificate and does not absolve a Taxpayer from tax liability in any way. If this document is found to be in error, it may be corrected by the Collection Office listed above. Responsibility to pay the remaining taxes rests entirely with the Taxpayer, as outlined in the Texas Property Tax Code.



PLANNING & ZONING COMMISSION MEETING AGENDA ITEM COVER MEMO

NOVEMBER 27, 2023

ACTION ITEMS

- c) Approve Replat 2023-11-02, a replat application allowing the applicant, Ruben Montilva, to combine lots to allow the applicant to install a structure over currently existing common lot lines. The subject property is located at South 14th Street and West Murphy Street and is legally described as Lots 5 and 6, Block 9, Thomas-Turney-Higgins Addition to the City of Alpine as shown in the subdivision plat on file in envelope 108, plat records of Brewster County, Texas. The record property owners are Ruben Montilva and Nieves Paredes. The Property ID of the subject property is 12885. The current zoning classification of the property is R-4 Mobile Home District. If the replat is approved the zoning classification will remain R-4 Mobile Home District. (A. Devaney, Director of Building Services)

BACKGROUND

- The applicant, Ruben Montilva, must replat to combine lots to allow the applicant to install a structure over currently existing common lot lines.
- Letters were sent to property owners within 200 feet advising them of the proposed change. Notice of the public hearing was posted in the official newspaper of the City, the Alpine Avalanche, in the October 26, 2023 edition.
- 12 letters were sent and none were returned as undeliverable.
- The application will be considered on first and final reading at the December 5, 2023, City Council Meeting.

SUPPORTING MATERIALS

1. Replat Application & Documents.

STAFF RECOMMENDATION

APPROVE.



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: Replat of Lots 5 and 6 Block 9 Thomas-Turney Higgins UNIT NO.
LOCATION DESCRIPTION/ NEAREST INTERSECTION: S 14th St and W. Murphy St.
ACREAGE: 0.26 Acres NO. OF LOTS: EXISTING 2 PROPOSED 1
REASON(S) FOR PLATTING/REPLATTING Install Structure over Existing Common Lot Line
2. OWNER/APPLICANT*: Ruben Montilva
(*if applicant is person other than owner, a letter of authorization must be proved from owner. *)
ADDRESS: 901 W. Eagle Pass St. Ste. Apt. B
TELEPHONE: 432-294-4931 FAX: MOBILE: 432-294-4931 EMAIL:
3. LICENSED ENGINEER/SURVEYOR: Kevin Mueller, R.P.L.S.
ADDRESS: {PO Box 1751 Ste.
TELEPHONE: 432-538-2115 FAX: MOBILE: EMAIL:
4. LIST ANY VARIANCES REQUESTED: None
5. REASON FOR REQUEST (LIST ANY HARDSHIPS): N/A
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 of Alpine's Building Official, and appropriate Level TIA (If required).
- ☐ 3 copies of the plat (accepted size: 18"x 24"), collated and folded so that the subdivision name is visible and 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 (If required)..
- ☐ Tax Certificate from Brewster County showing that no delinquent taxes are due on the property (Texas Local Government Code Sec 12.002).
- ☐ 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

10-04-23

RH

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.

FOR OFFICE USE ONLY:

Date Application Fee Received: 10/11/23 Received By: [Signature]
 Receipt No. 23-007044 Cash/Check No. 242 Amount Recd. \$ 200.00

☒ 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: _____

COUNTY CLERK RECORDING REQUIRED:

Through Tax Year
2022

TAX CERTIFICATE

Certificate #
12980

Issued By:

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

Property Information

Property ID: 12885 Geo ID: 974900090001000000
Legal Acres: 0.3828
Legal Desc: TTH, BLOCK 9, LOT 4-6
Situe: MURPHY ST ALPINE, TX
DBA:
Exemptions:

Owner ID: 39766 100.00%
MONTILVA RUBEN &
NIEVES PAREDES
901 W. EAGLE PASS ST APT B
ALPINE, TX 79830

For Entities

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

Value Information

Improvement HS:	0
Improvement NHS:	0
Land HS:	24,497
Land NHS:	0
Productivity Market:	0
Productivity Use:	0
Assessed Value	24,497

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
			0.00	0.00	0.00	0.00

Totals:

Total Due if paid by: 10/31/2023 0.00

Effective Date: 10/04/2023

Tax Certificate Issued for:
Brewster County
Big Bend Regional Hospital District
City of Alpine
Alpine ISD

Taxes Paid In 2022
96.89
20.39
114.24
278.31

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 the 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: 10/04/2023
Requested By: MONTILVA RUBEN &
Fee Amount: 10.00
Reference #: CITY

BREWSTER COUNTY Sarah Vasquez Brewster County Clerk P.O. Drawer 119 Alpine, TX, 79831 Phone: 432-837-3366	DOCUMENT #: 117302 RECORDED DATE: 05/03/2023 10:54:27 AM 	
OFFICIAL RECORDING COVER PAGE		Page 1 of 3
Document Type: DEED Transaction Reference: Document Reference:	Transaction #: 82073 - 2 Doc(s) Document Page Count: 2 Operator Id: renee	
RETURN TO: ()	SUBMITTED BY: ELLYSON ABSTRACT , TX	
DOCUMENT # : 117302 RECORDED DATE: 05/03/2023 10:54:27 AM		
I hereby certify that this document was filed on the date and time stamped hereon by me and was duly recorded in the Official Public Records of Brewster County.		
	 Sarah Vasquez Brewster County Clerk	

PLEASE DO NOT DETACH
THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always controls.
 *COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT AFTER RECORDING FOR ADDITIONAL INFORMATION.

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.

WARRANTY DEED WITH VENDOR'S LIEN

Date: April 28, 2023

Grantor: W. NED ALLEN

Grantor's Mailing Address: 603 N. Cherry St
Alpine, TX 79830-3307
Brewster County, Texas

Grantee: RUBEN C. MONTILVA and NIEVES R. PAREDES

Grantee's Mailing Address: 901 W. Eagle Pass St Apt B
Alpine, TX 79830-2829
Brewster County, Texas

Consideration: Cash and a Note of even date, in the original principal amount of TWENTY THOUSAND AND NO/100 DOLLARS (\$20,000.00), executed by Grantee, and payable to the order of Grantor. The Note is secured by a vendor's lien and superior title retained in this Deed, and by a Deed of Trust of even date from Grantee to JOSEPH P. JAMES, Trustee.

Property (including any improvements):

All of Lots Four (4), Five (5), and Six (6), Block Nine (9), THOMAS TURNEY HIGGINS ADDITION to the City of Alpine, Brewster County, Texas.

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

Subject to the liens described as being part of the Consideration; validly existing easements and rights-of-way, whether of record or not; and taxes for 2023, which have been prorated and adjusted in cash as of the date hereof, the payment of which Grantee assumes.

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, except as to the Exceptions to Conveyance and Warranty.

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

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

EXECUTED by Grantor as of the date first above written.

W. Ned Allen
W. NED ALLEN

(Acknowledgment)

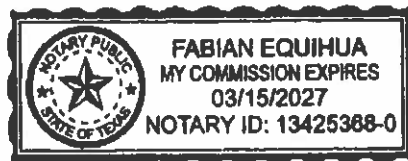
STATE OF TEXAS §
 §
COUNTY OF BREWSTER §

This instrument was acknowledged before me on April 28, 2023, by W. NED ALLEN.

[Seal]

Fabian Equihua

Notary Public, State of Texas



AFTER RECORDING RETURN TO:

ELLYSON ABSTRACT
P.O. BOX 418
ALPINE, TX 79831
GF# 202303108

PREPARED IN THE LAW OFFICE OF:

JOSEPH P. JAMES
ATTORNEY AT LAW
P.O. BOX 2013
FORT DAVIS, TX 79734



PLANNING & ZONING COMMISSION MEETING AGENDA ITEM COVER MEMO

NOVEMBER 27, 2023

ACTION ITEMS

- d) Approve a recommendation to City Council to approve an ordinance amending Appendix C - Zoning, Schedule of Districts, Article I - Schedule of Districts, Section II - R-1 One Family District to the Alpine Code of Ordinances; Repealing the requirement that beauty salons are not an acceptable use in a residential area by approved special use permit; Providing the establishment of up to a \$500 penalty per occurrence for violations of the ordinance. (M. Antrim, City Manager)

BACKGROUND

- With Rezone Application 2023-10-01-A, surrounding property owners, Commissioners, and multiple City Council Members agree that eliminating the requirement that beauty salons cannot be approved by special use permit in a residential zone may benefit citizens of Alpine.
- Throughout the history of Alpine, beauty salons in residential areas is not completely uncommon, and the special use permit process would still provide a process that encourages broad public review and input from surrounding property owners.
- This ordinance does not come without its own caveats, in that if approved, a beauty salon could be established in any residential zone in the city by special use permit. Further, once one is approved, on what basis can others be denied?
- The Commission should make a recommendation to City Council to approve/disapprove of the proposed ordinance and provide a report with the findings.

SUPPORTING MATERIALS

1. Proposed ordinance 2023-12-02.

STAFF RECOMMENDATION

APPROVE.

ORDINANCE 2023-12-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING APPENDIX C – ZONING, ARTICLE I – SCHEDULE OF DISTRICTS, SECTION II. – R-1 ONE FAMILY DISTRICT TO THE ALPINE CODE OF ORDINANCES; REPEALING THE REQUIREMENT THAT BEAUTY SALONS AND BARBER SHOPS ARE NOT AN ACCEPTABLE USE IN A RESIDENTIAL AREA BY APPROVED SPECIAL USE PERMIT; PROVIDING THE ESTABLISHMENT OF UP TO A \$500 PENALTY PER OCCURRENCE FOR VIOLATIONS OF THE ORDINANCE.

WHEREAS, the Planning & Zoning Commission (“Commission”) is composed of community members who advise the City Council on policy decisions that affect zoning issues of the city; and

WHEREAS, the Planning & Zoning Commission recently considered a rezoning request for a beauty salon to be established in a residential area; and

WHEREAS, surrounding property owners opposed a zoning change, but a majority of the opponents agree that a special use permit would be an efficient way to establish the business in the neighborhood without the property becoming permanently commercial in nature; and

WHEREAS, the current zoning ordinances regarding the issuance of special use permits explicitly prohibit beauty salons and barber shops as an acceptable use by approved special use permit, a practice that hinders growth for small businesses with low foot traffic in Alpine; and

WHEREAS, the Commission met on November 27, 2023, to discuss the option of updating the residential zoning requirements to allow beauty salons and barber shops to be established by special use permit; and

WHEREAS, the Commission found that the unique operating characteristics of a beauty salon in a residential neighborhood warrants review by the special use permit process, which encourages broad public review by notifying neighbors within 200 feet of proposed applications, Commission and City Council public hearings, and the publication of notice of the hearings in the official newspaper of the City at least 16 days in advance of the hearing; and

WHEREAS, the Commission found that the broad public review process should adequately notify and encourage surrounding property owners to provide feedback to the City if they believe that they will be negatively affected by the establishment of a beauty salon in a residential neighborhood; and

WHEREAS, the Commission voted **X to X** to recommend approval of the aforementioned updates to the residential zoning ordinance; and

WHEREAS, the Commission and the City Council agree that the ability to approve a beauty salon in a residential area by special use permit would be beneficial to residents and businesses in the City; and

WHEREAS, Chapter 211 of the Texas Local Government Code and Section 2.01(B)(8) of the City's Charter provides that City may, by ordinance, provide land use and development regulations, including but not limited to zoning and subdivision regulations; and

WHEREAS, the City Council deems it to be in the public interest to update the residential zoning ordinance by removing the exclusion of beauty salons and barbershops now being an acceptably use by approved special use permit.

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 Appendix C – Zoning, Article I – Schedule of Districts, Section II. – R-1 One Family District, 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
PUBLIC HEARING**

A public hearing was held on January 2, 2023, where interested parties had the opportunity to make public comments on this ordinance prior to approval. Notice of the date and time of the hearing and notice of how to obtain copies of the proposed ordinance was published in the Alpine Avalanche, the official newspaper of the City of Alpine on December 28, 2023.

**SECTION VII
EFFECTIVE DATE**

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

PASSED AND ADOPTED THIS 2nd DAY OF JANUARY 2024 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

INTRODUCTION AND FIRST READING
DECEMBER 5, 2023

SECOND AND FINAL READING
JANUARY 2, 2024

APPROVED:

ATTEST:

Catherine Eaves, Mayor

Geoffrey R. Calderon, City Secretary

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"

EDITOR'S NOTE:

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

SCHEDULE OF DISTRICTS

Section I. Establishment of districts.

In order to regulate and restrict the locations of trades and industries and the location of buildings erected or altered for specified uses, and to regulate and limit the height and bulk of the buildings hereafter erected or altered, to regulate and determine the area of yards and other open spaces, and to regulate and limit the density of population, the City of Alpine is hereby divided into districts, of which there shall be nine known as:

- "R-1"—One-Family District
- "R-2"—Multi-Family District
- "R-3"—Apartment District
- "R-4"—Mobile Home District
- "C-1"—Neighborhood Commercial District
- "C-1A"—Neighborhood Commercial District
- "C-2"—Business District
- "C-0"—Office Services District
- "M-1"—Industrial District

The districts aforesaid and the boundaries of such districts are shown upon the map accompanying and a part of this ordinance, being designated as "Official Zoning Map," and said map and all the notations, references and other information shown thereon shall be as much a part of this ordinance as if the matters and information set forth by said map were all fully described herein.

Section II. "R-1"—One-family district.

- A. In the R-1 district, no building or land shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this ordinance, except as described by the following:
 - Single-family residential (detached)
 - Local utility service
- B. Uses permitted subject to conditional use permit. The following uses may be permitted, some subject to a conditional use permit as provided in Section 20:
 - Bed and breakfast, VRBO
 - Day care services
 - Educational facilities*
 - Home occupations subject to approval of home occupation application provisions***

Libraries, museums

Municipal buildings, other city installations

Park**

Religious assembly

*School, public or private, having a curriculum equal to a public elementary, high school or institution of higher learning.

**Public parks, playgrounds, golf courses (except miniature), public and community buildings.

***Excluding ~~beauty shops, barber shops,~~ retail sales, and retail sale or service of food in any form.

C. Each site in the R-1 district shall be subject to the following site development regulations:

Feature	Regulations
Lot size	7,000 square feet minimum
Lot width	50 feet
Height	2½ stories or 35 feet
Front yard	25 ft*
Street side yard	12 feet 6 inches*
Interior side yard	5 feet*
Rear yard	25% of depth or not < 25 feet
Residential density	One per lot, not to include accessory structures
Minimum dwelling areas (Footprint of Home)	1000 Sq Ft
Maximum building coverage	40% primary structure
Maximum impervious coverage	49% all structures
Nonconforming uses	Section 4
Special yard regulations	Section VIII
Fences, walls and visibility	Section 6
Parking	1 Off street minimum
Temporary/accessory building	≤ 40% of required rear yard
Home occupations	Section 20

*No window sills, belt courses, cornices, and other architectural features will project within the setbacks stated above.

D. Modular home specifications:

- (1) Modular homes must have a certified seal is set by the manufacturing housing standards classifying homes as "modular homes".
- (2) All modular homes shall have the appearances and foundation structure of a site built home.
 - a. Masonite, hardy board, wood, brick or stucco types of siding shall be permissible. No type of crib walls for underpinning are allowed.
 - b. Under floor venting shall be installed as required in the 2012 International Residential Code.
 - c. Foundation footings shall comply with minimum of 12-inch width and 12-inch depth unless certain soil types require more footing depth or width.
 - d. All exterior wall shall be supported on a continuous solid concrete footing placed on undisturbed soil with a stem wall of concrete or grouted masonry block (8x8x16) containing vertical #3 or #4 rebar, every four feet on center.

-
- e. There shall be an exterior masonry (block) stem wall filled with concrete at every vertical rebar riser with the appropriate concrete anchor system installed. All exterior stem wall blocking on the last coarse shall be filled with concrete to form a bond beam. Column footings, pier pads must be 24-inch width, 24- inch length and 12- inch depth with #4 rebar with a 12-inch center grid. Blocking for pier pads shall be at least an 8x8x16 inch concrete block mortared or grouted into place with vertical rebar extending from the pier pad into the block courses.
 - f. All modular homes after completion shall have backfill material placed around the perimeter to facilitate drainage of water away from the building with a minimum fall of six inches within ten feet.



**PLANNING & ZONING COMMISSION
MEETING AGENDA ITEM COVER MEMO
NOVEMBER 27, 2023**

ACTION ITEMS

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

BACKGROUND

- Abbey Branch will resign from the Planning & Zoning Commission after she presides over her last meeting on November 27, 2023.
- With the Chair stepping down, the Commission will need a new Chair appointed.

SUPPORTING MATERIALS

1. None.

STAFF RECOMMENDATION

Appoint the Chair of the Planning & Zoning Commission.



**PLANNING & ZONING COMMISSION
MEETING AGENDA ITEM COVER MEMO
NOVEMBER 27, 2023**

ACTION ITEMS

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

BACKGROUND

- With the change in leadership on the Commission, it will likely be necessary to appoint other officers to leadership positions. These offices include Vice-Chair and Secretary. These roles are currently filled by Matt Walter and Wendy Little, respectively.

SUPPORTING MATERIALS

1. None.

STAFF RECOMMENDATION

Appoint the other officers of the Planning & Zoning Commission.



**PLANNING & ZONING COMMISSION
MEETING AGENDA ITEM COVER MEMO
NOVEMBER 27, 2023**

ACTION ITEMS

- g) Appoint a member of the Commission to provide a report to the City Council at the December 5, 2023, City Council meeting regarding the Commission's recommendation to approve/deny Rezoning Application 2023-10-01-A and the recommendation to approve/deny recommending an ordinance to update to provide that beauty salons may be approvable by special use permit in a residential zone. (G. Calderon, City Secretary)

BACKGROUND

- With the critical recommendations that the Commission makes to the City Council, it is important for leadership to provide a report to the City Council that describes the Commission's findings and reasons for the recommendations. The report will need to be provided at the December 5, 2023 City Council Meeting.

SUPPORTING MATERIALS

1. None.

STAFF RECOMMENDATION

Appoint a member to provide a report to the City Council on December 5, 2023.