



**CITY OF ALPINE**  
**PLANNING & ZONING COMMISSION MEETING**  
**July 28, 2025 – 5:30 PM**

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*City Council Chambers, 803 W. Holland Avenue, Alpine, Texas 79830*

1. **CALL TO ORDER.**

2. **PUBLIC COMMENTS.**

*Each person in attendance who desires to speak to the Board on an item on the agenda shall speak during this section. Public comments may be made regarding agenda items only. Attendees must be physically present in order to address the Board. Comments by proxy are not allowed. Public Comments are limited to 3 minutes per person. Unused time may not be yielded to other attendees.*

3. **PUBLIC HEARINGS.**

*At this time, the Chair will invite members of the public to address each item listed in this section. Comments made during this section are limited to the topic of each public hearing. Attendees must be physically present in order to address the Board. Comments by proxy are not allowed. Public Comments are limited to 3 minutes per person. Unused time may not be yielded to other attendees. If more than one public hearing is being held, each person will be allowed to speak during each topic.*

A. Public Hearing to obtain citizen views and comments regarding Variance 2025-08-01, a variance application that would allow the applicants, Alvaro Martinez and Elizabeth Martinez, to establish a variance to the setback requirements of the subject property. The acceptable setback is typically 25 feet from a structure to the property line. This variance would allow the subject property 0 feet of setback from the structure to the property line, which typically does not meet the requirements for a residential lot under the city's code. The non-conforming subject in question was established prior to adoption of the city's code and setback requirements. The subject property is located at 502 S. 5th Street and is legally described as Block 1, Lots 1-4, Ferguson Addition to the City of Alpine, Brewster County, Texas. The property owner of record is Jaquez Alberto Dec'd C/O Alvaro Martinez. The Property ID of the subject property is 10377. The current zoning classification of the property is R-3 Apartment District. If the variance is approved the zoning classification of the subject property will be R-3 Apartment District.

B. Public Hearing to obtain citizen views and comments regarding Replat 2025-08-01, an replat application to allow the applicants, Michael & Lynn McCarson, to reflect the updated ownership of a recently purchased portion of public property. The subject property is located at or about the corner of West Brown Street and 16th Street. The subject property is legally described as a replat Block 1 to 6, Colima Addition to the City of Alpine, Subdivision Plat on file in Envelope 67, Plat Records of Brewster County Texas. The record property owner is Michael Freeman McCarson & Elizabeth Lynn McCarson. The Parcel Identification Numbers of the subject properties are 10309, 10310, 10311, 10312, 10313, and 10314. The current zoning classification of the property is R-2 Two Family District. If the replat is approved the zoning classification of the subject property will remain R-2 Two Family District.

C. Public Hearing to obtain citizen views and comments regarding Rezone 2025-08-01, a rezone application allowing the applicant, Melinda Vega, to establish a commercial rental at the subject property. The subject property is located at 601 S. Walker and is legally described as Lots No. Three (3), Four (4), and Five (5), Block Forty-Nine (49), Hancock Addition (South of

the Railroad) to the City of Alpine, Brewster County, Texas, as the same appears in the Plat Records of Brewster County, Texas. The property owner of record is Melinda A. Vega. The property identification number of the subject property is 10842. The current zoning classification of the subject property is R-4 Mobile Home District. The zoning classification if the rezoning application is approved will be C-0 Office Services District.

4. **APPROVAL OF MINUTES OF PREVIOUS BOARD MEETING**

A. Approval of the June 23, 2025 regular meeting minutes. (G. Calderon, Interim City Manager)

5. **DISCUSSION ITEMS**

6. **ACTION ITEMS.**

*Action items are to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to 10 per meeting).*

A. Approve Variance 2025-08-01, a variance application that would allow the applicants, Alvaro Martinez and Elizabeth Martinez, to establish a variance to the setback requirements of the subject property. The acceptable setback is typically 25 feet from a structure to the property line. This variance would allow the subject property 0 feet of setback from the structure to the property line, which typically does not meet the requirements for a residential lot under the city's code. The non-conforming subject in question was established prior to adoption of the city's code and setback requirements. The subject property is located at 502 S. 5th Street and is legally described as Block 1, Lots 1-4, Ferguson Addition to the City of Alpine, Brewster County, Texas. The property owner of record is Jaquez Alberto Dec'd C/O Alvaro Martinez. The Property ID of the subject property is 10377. The current zoning classification of the property is R-3 Apartment District. If the variance is approved the zoning classification of the subject property will be R-3 Apartment District. (G. Calderon, Interim City Manager)

B. Approve Replat 2025-08-01, a replat application to allow the applicants, Michael & Lynn McCarson, to reflect the updated ownership of a recently purchased portion of public property. The subject property is located at or about the corner of West Brown Street and 16th Street. The subject property is legally described as a replat Block 1 to 6, Colima Addition to the City of Alpine, Subdivision Plat on file in Envelope 67, Plat Records of Brewster County Texas. The record property owner is Michael Freeman McCarson & Elizabeth Lynn McCarson. The Parcel Identification Numbers of the subject properties are 10309, 10310, 10311, 10312, 10313, and 10314. The current zoning classification of the property is R-2 Two Family District. If the replat is approved the zoning classification of the subject property will remain R-2 Two Family District. (G. Calderon, Interim City Manager)

C. Approve Rezone 2025-08-01, a rezone application allowing the applicant, Melinda Vega, to establish a commercial rental at the subject property. The subject property is located at 601 S. Walker and is legally described as Lots No. Three (3), Four (4), and Five (5), Block Forty-Nine (49), Hancock Addition (South of the Railroad) to the City of Alpine, Brewster County, Texas, as the same appears in the Plat Records of Brewster County, Texas. The property owner of record is Melinda A. Vega. The property identification number of the subject property is 10842. The current zoning classification of the subject property is R-4 Mobile Home District. The zoning classification if the rezoning application is approved will be C-0 Office Services District. (G. Calderon, Interim City Manager)


7. **BOARD MEMBER COMMENTS**

8. **ADJOURN.**

**CERTIFICATION**

I, Geoffrey R. Calderon, do hereby certify that this notice was posted at City Hall, in a convenient and readily accessible place to the general public, and on the City website at [www.cityofalpine.com/agenda](http://www.cityofalpine.com/agenda) pursuant to Section 551.043, Texas Government Code. The said notice was posted by 5:00 P.M. on July 22, 2025, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting.

**WITNESS MY HAND AND SEAL**  
**this 22nd day of July, 2025.**

  
\_\_\_\_\_  
Geoffrey R. Calderon, TRMC  
*City Secretary & Chief Governance Officer*



**PLANNING & ZONING COMMISSION AGENDA ITEM  
REPORT**

**July 28, 2025**

Agenda Item No. 3A

Department: Office of the City Secretary

Sponsor: Geoffrey R. Calderon, City Secretary

Memo Prepared By: Geoffrey R. Calderon, Interim City Manager



Staff Recommendation: None

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**AGENDA ITEM**

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Public Hearing to obtain citizen views and comments regarding Variance 2025-08-01, a variance application that would allow the applicants, Alvaro Martinez and Elizabeth Martinez, to establish a variance to the setback requirements of the subject property. The acceptable setback is typically 25 feet from a structure to the property line. This variance would allow the subject property 0 feet of setback from the structure to the property line, which typically does not meet the requirements for a residential lot under the city’s code. The non-conforming subject in question was established prior to adoption of the city’s code and setback requirements. The subject property is located at 502 S. 5th Street and is legally described as Block 1, Lots 1-4, Ferguson Addition to the City of Alpine, Brewster County, Texas. The property owner of record is Jaquez Alberto Dec’d C/O Alvaro Martinez. The Property ID of the subject property is 10377. The current zoning classification of the property is R-3 Apartment District. If the variance is approved the zoning classification of the subject property will be R-3 Apartment District.

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**EXECUTIVE SUMMARY**

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None

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**SUPPORTING MATERIALS**

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None

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**BUDGET CONSIDERATIONS**

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Expenditure Required: N/A  
Savings Anticipation: N/A  
Current Budget FY 2024-2025: N/A  
Additional Funding: N/A

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**APPROVERS**

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Alex Tackett, Deputy City Secretary  
Geoffrey R. Calderon, City Secretary

**PLANNING & ZONING COMMISSION AGENDA ITEM REPORT**

**July 28, 2025**

Agenda Item No. 3B

Department: Office of the City Secretary

Sponsor: Geoffrey R. Calderon, City Secretary

Memo Prepared By: Geoffrey R. Calderon, Interim City Manager



Staff Recommendation: None

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**AGENDA ITEM**

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Public Hearing to obtain citizen views and comments regarding Replat 2025-08-01, an replat application to allow the applicants, Michael & Lynn McCarson, to reflect the updated ownership of a recently purchased portion of public property. The subject property is located at or about the corner of West Brown Street and 16th Street. The subject property is legally described as a replat Block 1 to 6, Colima Addition to the City of Alpine, Subdivision Plat on file in Envelope 67, Plat Records of Brewster County Texas. The record property owner is Michael Freeman McCarson & Elizabeth Lynn McCarson. The Parcel Identification Numbers of the subject properties are 10309, 10310, 10311, 10312, 10313, and 10314. The current zoning classification of the property is R-2 Two Family District. If the replat is approved the zoning classification of the subject property will remain R-2 Two Family District.

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**EXECUTIVE SUMMARY**

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None

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**SUPPORTING MATERIALS**

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None

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**BUDGET CONSIDERATIONS**

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Expenditure Required: N/A  
Savings Anticipation: N/A  
Current Budget FY 2024-2025: N/A  
Additional Funding: N/A

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**APPROVERS**

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Alex Tackett, Deputy City Secretary  
Geoffrey R. Calderon, City Secretary

**PLANNING & ZONING COMMISSION AGENDA ITEM  
REPORT**

**July 28, 2025**

Agenda Item No. 3C

Department: Office of the City Secretary

Sponsor: Geoffrey R. Calderon, City Secretary

Memo Prepared By: Geoffrey R. Calderon, Interim City Manager



Staff Recommendation: None

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**AGENDA ITEM**

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Public Hearing to obtain citizen views and comments regarding Rezone 2025-08-01, a rezone application allowing the applicant, Melinda Vega, to establish a commercial rental at the subject property. The subject property is located at 601 S. Walker and is legally described as Lots No. Three (3), Four (4), and Five (5), Block Forty-Nine (49), Hancock Addition (South of the Railroad) to the City of Alpine, Brewster County, Texas, as the same appears in the Plat Records of Brewster County, Texas. The property owner of record is Melinda A. Vega. The property identification number of the subject property is 10842. The current zoning classification of the subject property is R-4 Mobile Home District. The zoning classification if the rezoning application is approved will be C-0 Office Services District.

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**EXECUTIVE SUMMARY**

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None

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**SUPPORTING MATERIALS**

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None

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**BUDGET CONSIDERATIONS**

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Expenditure Required: N/A  
Savings Anticipation: N/A  
Current Budget FY 2024-2025: N/A  
Additional Funding: N/A

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**APPROVERS**

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Alex Tackett, Deputy City Secretary  
Geoffrey R. Calderon, City Secretary

**PLANNING & ZONING COMMISSION AGENDA ITEM REPORT**

**July 28, 2025**

Agenda Item No. 4A

Department: Office of the City Secretary

Sponsor:

Memo Prepared By: Agenda Managers: please remove this text and enter the name and title of the individual creating the memo/item report PRIOR to producing the memo/item report so that it can be populated into the document automatically.

Staff Recommendation:



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**AGENDA ITEM**

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Approval of the June 23, 2025 regular meeting minutes. (G. Calderon, Interim City Manager)

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**EXECUTIVE SUMMARY**

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**SUPPORTING MATERIALS**

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1. 6-23-25 P&Z Minutes
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**BUDGET CONSIDERATIONS**

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Expenditure Required:  
Savings Anticipation:  
Current Budget FY2024-  
2025:  
Additional Funding:

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**APPROVERS**

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Alex Tackett, Deputy City Secretary  
Geoffrey R. Calderon, City Secretary

**City Of Alpine**  
**PLANNING & ZONING COMMISSION MEETING**  
**Monday, June 23, 2025 – 5:30 PM**  
**Minutes**

1. **CALL TO ORDER.**

*Chair of the Planning & Zoning Commission, Matt Walter, called the meeting to order at 5:30 P.M.*

**Board Members Present:**

Commissioner Thomas Griffith  
Commissioner Lisa Nix  
Commissioner Joanna Laxton  
Chair Matt Walter

**City Staff and Stakeholders Present:**

Geoffrey R. Calderon, Interim City Manager  
Jessica Isley, Buildings Director  
Robert Rückes, City Council Representative

**Not Present:**

Commissioner Tara Gaugler  
Commissioner Benjamin Garcia  
Commissioner Linda Molinar

**Others Present:** 1 other attendee

2. **PUBLIC COMMENTS.**

*Each person in attendance who desires to speak to the Board on an item on the agenda shall speak during this section. Public comments may be made regarding agenda items only. Attendees must be physically present in order to address the Board. Comments by proxy are not allowed. Public Comments are limited to 3 minutes per person. Unused time may not be yielded to other attendees.*

3. **PUBLIC HEARINGS.**

*At this time, the Chair will invite members of the public to address each item listed in this section. Comments made during this section are limited to the topic of each public hearing. Attendees must be physically present in order to address the Board. Comments by proxy are not allowed. Public Comments are limited to 3 minutes per person. Unused time may not be yielded to other attendees. If more than one public hearing is being held, each person will be allowed to speak during each topic.*

- A. Public Hearing to obtain citizen views and comments regarding Replat 2025-07-01, a replat application which would allow the applicant, Horticultural Consulting, LLC, to reflect the updated ownership of a recently purchased portion of public property. The subject property is located at or about 508 S. 5th Street and is legally described as a replat Lot 5, Block 1, J.W. Ferguson's Second Addition to the City of Alpine, Subdivision Plat on file in Envelope 96, Plat Records of Brewster County Texas. The record property owner is Horticultural Consulting, LLC. The Parcel ID of the subject property is 10378. The current zoning classification of the property is R-3 Apartment District. If the replat is approved the zoning classification of the subject property will remain R-3 Apartment District.

**Public Comments:** None

4. **APPROVAL OF MINUTES OF PREVIOUS BOARD MEETING**

- A. May 19, 2025 Regular Meeting Minutes. (G. Calderon, Interim City Manager)

*On a motion by Commissioner Lisa Nix and seconded by Commissioner Joanna Laxton to approve the minutes, the board unanimously voted to adopt the motion.*

5. **DISCUSSION ITEMS**

- A. Discussion regarding the zoning designation of 601 S. Walker. The property ID of the subject property is 10842. The property owner of record is Melinda A.Vega. (G. Calderon, Interim City Manager)

6. **ACTION ITEMS.**

*Action items are to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to 10 per meeting).*

- A. Approve Replat 2025-07-01, a replat application which would allow the applicant, Horticultural Consulting, LLC, to reflect the updated ownership of a recently purchased portion of public property. The subject property is located at or about 508 S. 5th Street and is legally described as a replat Lot 5, Block 1, J.W. Ferguson’s Second Addition to the City of Alpine, Subdivision Plat on file in Envelope 96, Plat Records of Brewster County Texas. The record property owner is Horticultural Consulting, LLC. The Parcel ID of the subject property is 10378. The current zoning classification of the property is R-3 Apartment District. If the replat is approved the zoning classification of the subject property will remain R-3 Apartment District. (G. Calderon, Interim City Manager)

*On a motion by Commissioner Joana Laxton and seconded by Commissioner Lisa Nix to approve, the board unanimously voted to adopt the motion.*

- B. Approve a recommendation regarding the zoning designation of 601 S. Walker. The property ID of the subject property is 10842. The property owner of record is Melinda A.Vega. (G. Calderon, Interim City Manager)

*On a motion by Commissioner Joanna Laxton and seconded by Commissioner Thomas Griffith to postpone for a future meeting, the board unanimously voted to adopt the motion.*

7. **BOARD MEMBER COMMENTS**

8. **ADJOURN.**

*There being no further business, the meeting was adjourned. (6:01 P.M.)*

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Officer of the Board

\_\_\_\_\_  
Geoffrey R. Calderon, TRMC  
City Secretary & Chief Governance Officer

**CERTIFICATION**

I, Geoffrey R. Calderon, do hereby certify that this notice was posted at City Hall, in a convenient and readily accessible place to the general public, and on the City website at [www.cityofalpine.com/agenda](http://www.cityofalpine.com/agenda) pursuant to Section 551.043, Texas Government Code. The said notice was posted by 10:00 A.M. on June 20, 2025, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting.

**WITNESS MY HAND AND SEAL**

**this 20th day of June, 2025**

  
\_\_\_\_\_  
Geoffrey R. Calderon, TRMC  
*City Secretary & Chief Governance Officer*



**PLANNING & ZONING COMMISSION AGENDA ITEM  
REPORT**

**July 28, 2025**

Agenda Item No. 6A

Department: Board

Sponsor: Geoffrey R. Calderon, City Secretary

Memo Prepared By: Geoffrey R. Calderon, Interim City Manager

Staff Recommendation: Approve



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**AGENDA ITEM**

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Approve Variance 2025-08-01, a variance application that would allow the applicants, Alvaro Martinez and Elizabeth Martinez, to establish a variance to the setback requirements of the subject property. The acceptable setback is typically 25 feet from a structure to the property line. This variance would allow the subject property 0 feet of setback from the structure to the property line, which typically does not meet the requirements for a residential lot under the city’s code. The non-conforming subject in question was established prior to adoption of the city’s code and setback requirements. The subject property is located at 502 S. 5th Street and is legally described as Block 1, Lots 1-4, Ferguson Addition to the City of Alpine, Brewster County, Texas. The property owner of record is Jaquez Alberto Dec’d C/O Alvaro Martinez. The Property ID of the subject property is 10377. The current zoning classification of the property is R-3 Apartment District. If the variance is approved the zoning classification of the subject property will be R-3 Apartment District. (G. Calderon, Interim City Manager)

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**EXECUTIVE SUMMARY**

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The City Council is asked to consider Variance 2025-08-01, a request submitted by Alvaro Martinez and Elizabeth Martinez on behalf of the property owner of record, Jaquez Alberto (Dec’d) c/o Alvaro Martinez, for the property located at 502 S. 5th Street and legally described as Block 1, Lots 1–4, Ferguson Addition to the City of Alpine, Brewster County, Texas (Property ID 10377).

The applicants are seeking relief from the setback requirements established under the City of Alpine Code of Ordinances. The current setback requirement for a residential lot in this zoning classification is 25 feet from a structure to the property line. The requested variance would permit a 0-foot setback, which does not conform to current zoning regulations.

The subject property is legally non-conforming, as the structure was built prior to the adoption of the city’s existing code and setback standards. Due to the non-conforming status, the property owner is unable to proceed with necessary improvements or modifications under current code requirements. Approval of this variance would allow for continued use and reasonable development of the property despite its non-conformity.

The property is currently zoned R-3 Apartment District, and approval of the variance would not alter the zoning classification. Staff recommends Planning & Zoning and City Council

consideration of the unique circumstances of this property and the limited development options available without approval of the variance.

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**SUPPORTING MATERIALS**

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- 1. VARIANCE 2025-08-01\_Redacted
- 2. 502 S 5th Aerial View

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**BUDGET CONSIDERATIONS**

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Expenditure Required: N/A  
Savings Anticipation: N/A  
Current Budget FY 2024-2025: N/A  
Additional Funding: N/A

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**APPROVERS**

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Alex Tackett, Deputy City Secretary  
Geoffrey R. Calderon, City Secretary



# APPLICATION FOR VARIANCE

City of Alpine Building Services Department  
309 W. Sul Ross Av., Alpine Texas, 79830  
432.837.3281

\*Application must be completely filled out.  
Fee is non-refundable. Subsequent applications will require a new fee.

|  |   |
|--|---|
| Address of Property 502 S 5th St Alpine, TX 79830  | Acreage of Site 130.56' X 165.83'   |
| Legal Description <input type="checkbox"/> FERGUSON 2, BLOCK 1, LOT 1-4  |   |
| Property Owner<br>Alvaro Martinez Jr. ELIZABETH MARTINEZ   | Contact Name<br>ELIZABETH MARTINEZ  |
| Primary Telephone Number   | Email Address   |
| Mailing Address 4000 Norwood St  | City, State, Zip Midland, TX 79707  |
| Project for which Variance is sought remodel ADU/Casita on the property  |   |
| Applicable Section/Subsection Ordinance zoning ordinance   |   |
| Specific Use of the Property ADU/Casita  |   |
| Existing uses of Adjacent Properties Baines Park (north side), home site-house recently razed (south side)   |   |
| (CHECK ONE & INCLUDE SUPPORTING MATERIAL ON CHECKLIST)   |   |
| <input type="checkbox"/> DEVELOPMENT <input checked="" type="checkbox"/> BUILDING <input type="checkbox"/> SIGN  |   |
| <p><i>Variance—A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal authorized only for height, area and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.</i></p> <p><i>*Nearby violations. Nearby encroachments into setbacks, even if similar to the request variance, do not provide grounds for granting variance.</i></p> |   |
| <b>SUBMITTAL VERIFICATION/INSPECTION AUTHORIZATION</b>   |   |
| 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.   |   |
| <b>OPTIONAL:</b>   |   |
| 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.   |   |
| Docusigned by: <u>Alvaro Martinez Jr.</u><br>Signature of Owner  | Docusigned by: <u>ELIZABETH MARTINEZ</u><br>OWNERS<br>Alvaro Martinez Jr.<br>Printed Name & Title |
|  | 06/26/2025<br>Date  |

PAID  
CKH 143

## VARIANCE CHECKLIST

*Variance applications that do not include all of the following information cannot be accepted for review*

**LETTER JUSTIFYING REQUEST:**

- Provide a special individual reason that makes the strict application of the ordinance impractical.
- Prove that there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of his land.
- Describe the specific hardships that would be incurred by the applicant should the variance not be granted.
- Show how the modification is in conformity with the intent and purpose of the ordinance.
- Demonstrate how the granting of the variance will not be detrimental to the public health, safety, convenience or welfare, or injurious to the property in the area.
- Demonstrate that the granting of the variance will not create the probability of harmful environmental consequences.
- Discuss probable effect of variance on traffic conditions.
- Demonstrate that the granting of the variance will not have the effect of preventing the orderly development of other land in the area accordance with the provisions of the ordinance.

**SUPPORTIVE MATERIAL:**

- General location map.
- Copy of plat, lot layout, site plan, etc.
- Scaled drawing(s) of proposed changes associated with variance to plat, lot layout, site plan, etc. (Such location of encroachment in setback, location of excessive cut and fill etc.)
- Sketch of structures, site work, etc. related to variance (such as the type of fence encroaching in a setback, cross-section, of excessive cut & fill, depiction of sign not allowed by ordinance, etc.)
- Supportive letters from the approving agencies (such as Fire Dept., Municipal Utility District, Texas Department of Transportation, etc.) as necessary.

### FOR STAFF USE ONLY

|  |  |   |
|--|--|---|
| Date Application<br><span style="font-size: 1.2em;">06/30/25</span>  | Permit No.<br><span style="font-size: 1.2em;">25-008076</span> | Total Fees<br><span style="font-size: 1.2em;">350<sup>00</sup></span> |
| Reason<br><br><span style="font-size: 1.2em;">Variance to remodel non conforming structure that existed before code adoptions &amp; zoning setbacks</span> |  |   |
| Planning & Zoning meeting date (Public Hearing)  |  | Notes   |

Elizabeth Martinez  
4000 Norwood Street  
Midland, TX 79707

June 27, 2025

Dear Ms. Jessica Isley & City of Alpine Building Services Department:

I am requesting a variance regarding the distance from the house to the street in order to remodel the small building located at 502 S 5th Street to make it a Casita or ADU.

*Provide a special individual reason that makes the strict application of the ordinance impractical:*

When this building was built, it was a house. My husband's grandfather built it for his daughter and her family. I plan to use it for that purpose again, making it a one bedroom, one bath "tiny home".

*Prove that there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of the land:*

This building should be used for its original intended purpose of being a home. Also, I already invested in the roof being replaced a few months ago because it had caved in over the years.

*Describe the specific hardships that would be incurred by the applicant should the variance not be granted:*

Unfortunately, homeless people have tried to stay in the building because they think it's abandoned. This causes concerns not only for me, as the owner, but also to the current occupants of the house on the property as well as for the neighbors across the street.

*Show how the modification is in conformity with the intent and purpose of the ordinance:*

Once remodeled, it will be used as a home and will be an asset to the neighborhood instead of an eyesore and vacant building.

*Demonstrate how the granting of the variance will not be detrimental to the public health, safety, convenience or welfare, or injurious to the property in the area:*

On the contrary, the remodel will make the neighborhood even better in terms of keeping up with the recent updates to surrounding neighborhood homes.

*Demonstrate that the granting of the variance will not create the probability of harmful environmental consequences:*

To reiterate, the remodel will be done using local contractors who know the area and work within environmental guidelines to assure the safety of all individuals and occupants of the neighborhood.

*Discuss probable effect of variance on traffic conditions:*

Because of its locale in a slow traffic area (other than Sundays for Church), traffic conditions would not change. Also, most of the work will be done on the inside of the house.

*Demonstrate that the granting of the variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of the ordinance:*

This will be a relatively small project that is on my personal property and will not affect any other land in any way.

For these reasons, I respectfully request that a variance be granted and the building be brought back to life as an Additional Dwelling Unit/Casita. I believe it will be an asset to the neighborhood rather than an eyesore that could continue to invite unwanted squatters.

Thank you for your kind consideration in this matter,

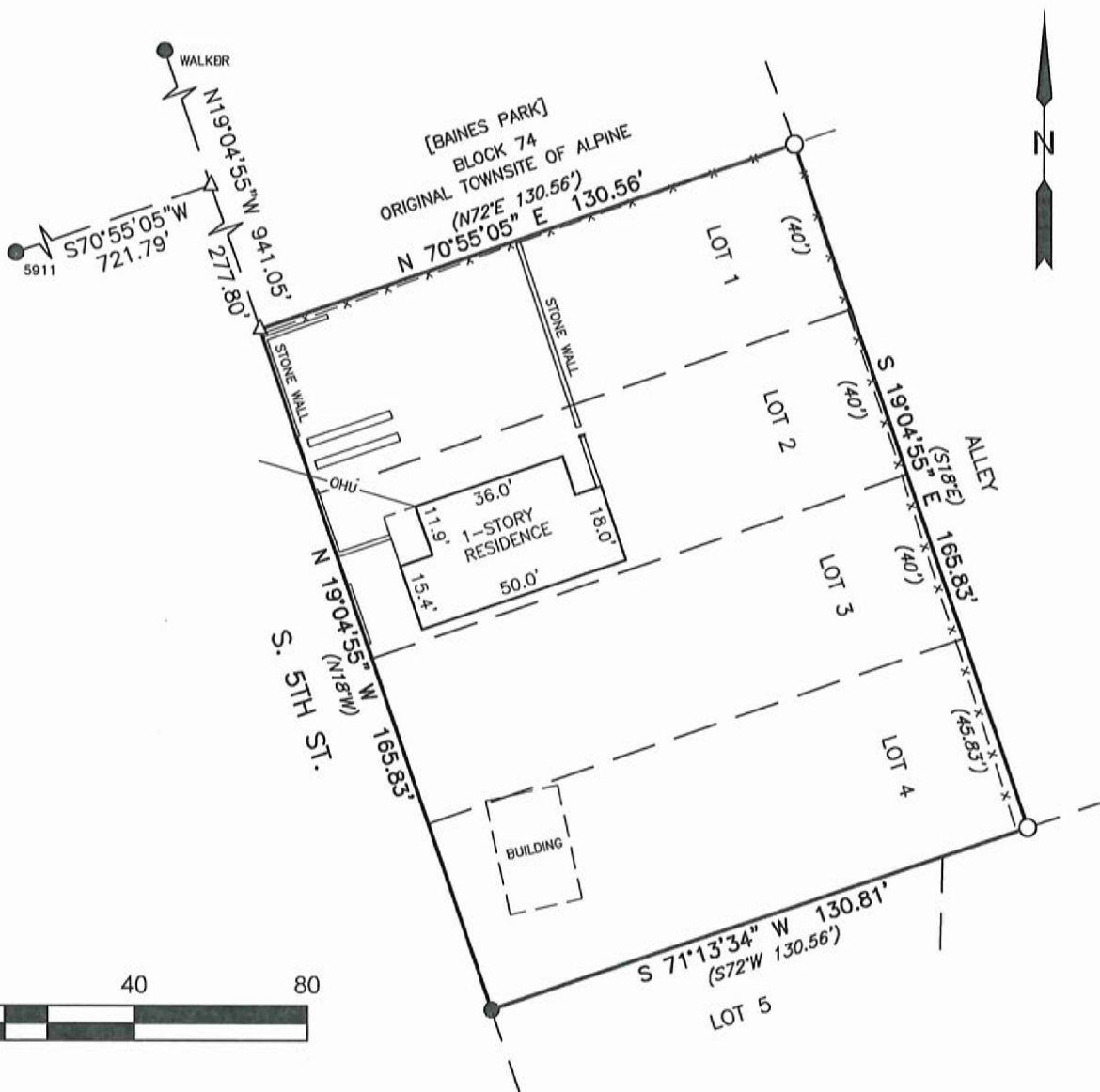
*Elizabeth Martinez*

# SURVEY PLAT

25-0157

LOTS 1, 2, 3, AND 4, BLOCK 1, J.W. FERGUSON'S SECOND ADDITION TO ALPINE  
PLAT ON FILE IN ENVELOPE 96, PLAT RECORDS OF BREWSTER COUNTY, TEXAS

**502 S. 5TH ST. ALPINE, TEXAS**



AN EXHAUSTIVE SEARCH OF THE PUBLIC RECORD HAS NOT BEEN CONDUCTED. BASEMENTS NOT SHOWN HERON MAY AFFECT THIS TRACT.

**LEGEND**

- IRON ROD FOUND [CAPPED AS NOTED]
  - CAPPED IRON ROD SET [5911]
  - △ CALCULATED POINT
  - 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 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*

5-30-2025

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

# DESIRED FLOOR PLAN



gis.bisclient.com/brewstercad/index.html?find=10377

Search Here: 10377

Show search results for 103...

**Property Information**

Property ID: 10377  
 Legal Acreage: 0.49  
 GEO ID: 970900010001000000  
 Legal Description: FERGUSON 2, BLOCK 1, LOT 1-4  
 Tract or Lot: 1-4  
 Abstract Subdivision Code: 1059  
 Block: 1  
 Neighborhood Code: SOUTH  
 School District: 21  
 City Limits: 11

**Property Location**

Situs Number: 502  
 Zoom to

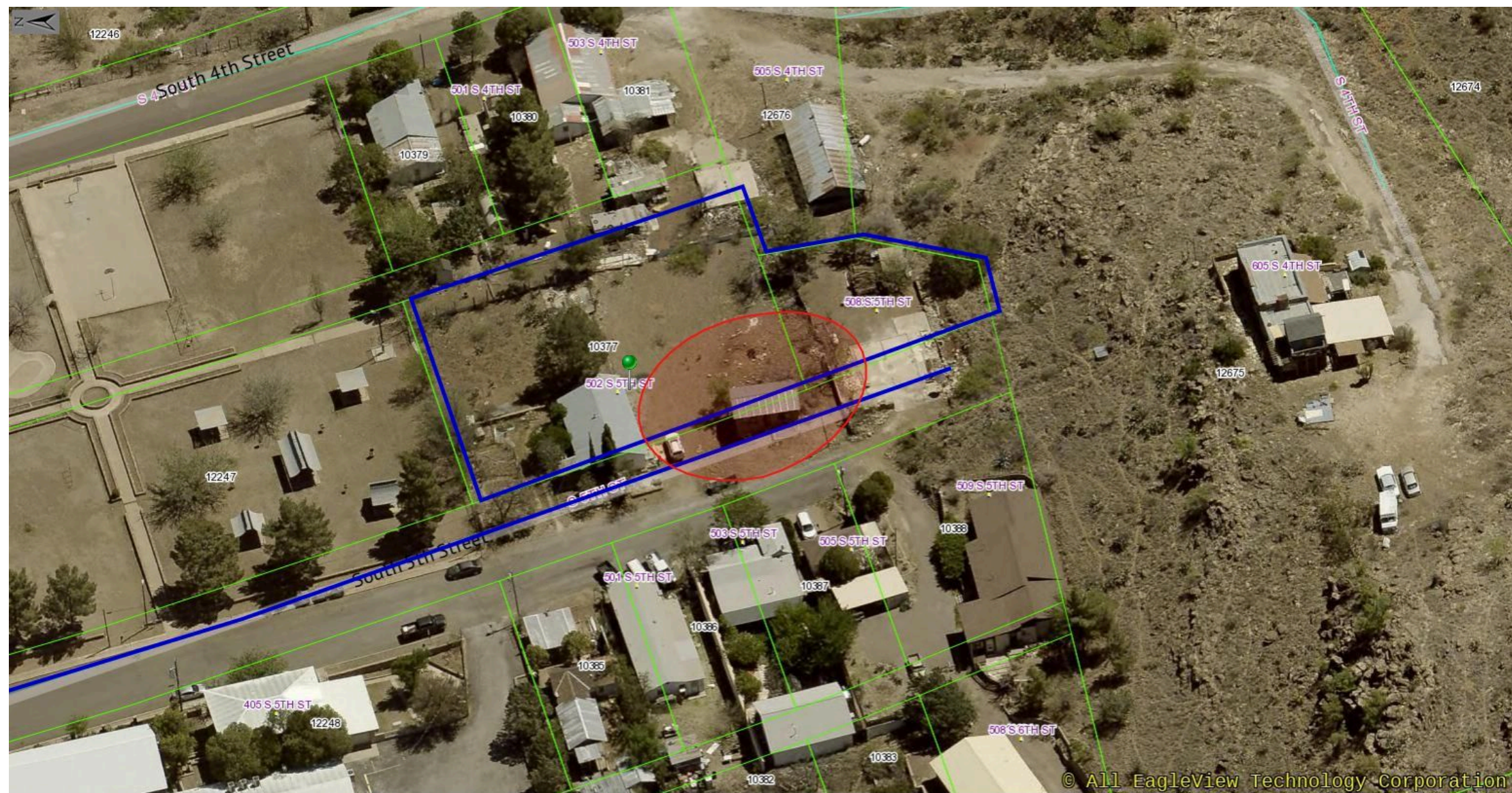
**Map Contents**

Click in the box to activate layer

- Parcels
- Abstracts
- Subdivisions
- Schools
- City Limits
- Lot Lines

Contributors, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, COHAMP, Esri, TomTom, Garmin

# 502 S 5th Aerial



**PLANNING & ZONING COMMISSION AGENDA ITEM  
REPORT**

**July 28, 2025**

Agenda Item No. 6B

Department: Board

Sponsor: Geoffrey R. Calderon, City Secretary

Memo Prepared By: Geoffrey R. Calderon, Interim City Manager

Staff Recommendation: Approve



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**AGENDA ITEM**

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Approve Replat 2025-08-01, a replat application to allow the applicants, Michael & Lynn McCarson, to reflect the updated ownership of a recently purchased portion of public property. The subject property is located at or about the corner of West Brown Street and 16th Street. The subject property is legally described as a replat Block 1 to 6, Colima Addition to the City of Alpine, Subdivision Plat on file in Envelope 67, Plat Records of Brewster County Texas. The record property owner is Michael Freeman McCarson & Elizabeth Lynn McCarson. The Parcel Identification Numbers of the subject properties are 10309, 10310, 10311, 10312, 10313, and 10314. The current zoning classification of the property is R-2 Two Family District. If the replat is approved the zoning classification of the subject property will remain R-2 Two Family District. (G. Calderon, Interim City Manager)

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**EXECUTIVE SUMMARY**

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The Planning & Zoning Commission is asked to consider **Replat 2025-08-01**, a replat application submitted by **Michael Freeman McCarson and Elizabeth Lynn McCarson** for property located near the **intersection of West Brown Street and 16th Street**. The subject property is legally described as a **Replat of Blocks 1 through 6, Colima Addition to the City of Alpine**, as recorded in **Envelope 67, Plat Records of Brewster County, Texas**. The relevant **Parcel Identification Numbers** are **10309 through 10314**, and the property is currently zoned **R-2 Two Family District**, which will remain unchanged if the replat is approved.

This replat is being presented in fulfillment of a **condition required by the City** as part of the terms of sale of **unimproved public rights-of-way** previously located within the Colima Addition. The sale was authorized through the adoption of **Ordinance 2025-04-04**, which vacated and conveyed portions of **Saltillo Avenue, Monterey Avenue, Tuluco Avenue, and Morilos Avenue** to the applicants following several months of Council review and revision. The ordinance was initially proposed in November 2024, tabled multiple times to allow for applicant input and to address access concerns, and ultimately approved by the City Council in **April 2025** after **Avenue "C"** was removed from the request to preserve public ingress and egress.

The purpose of the replat is to **update the public record** to accurately reflect the **current configuration and ownership** of the affected parcels following the approved conveyance.

Approval of this replat will ensure the City’s plat records are accurate and consistent with the legal transfer of property as completed under the ordinance.

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**SUPPORTING MATERIALS**

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- 1. REPLAT 2025-08-01 (2)\_Redacted
- 2. Replat 2025-08-01 Aerial View

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**BUDGET CONSIDERATIONS**

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Expenditure Required: N/A  
Savings Anticipation: N/A  
Current Budget FY 2024-2025: N/A  
Additional Funding: N/A

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**APPROVERS**

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Alex Tackett, Deputy City Secretary  
Geoffrey R. Calderon, City Secretary



# APPLICATION FOR PLAT

City of Alpine Building Services Department  
309 W. Sul Ross Av., Alpine Texas, 79830  
432.837.3281

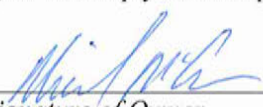
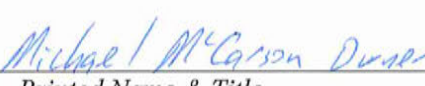
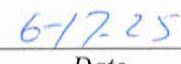
\*Application must be completely filled out.

|   |   |                                      |   |  |                                  |                                |
|---|---|--------------------------------------|---|--|----------------------------------|--------------------------------|
| <b>Please check one.</b>  |   |                                      |   |  |                                  |                                |
| <input type="checkbox"/> Master Plan  | <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Final Plat  | <input type="checkbox"/> Preliminary Replat   | <input checked="" type="checkbox"/> Final Replat | <input type="checkbox"/> Amended | <input type="checkbox"/> Minor |
| <b>SECTION 1</b>  |   |                                      |   |  |                                  |                                |
| Proposed Subdivision Name<br><i>Replat of Blocks 1 to 6, Colours Addition</i>   |   |                                      |   |  | Unit No.                         |                                |
| Location Description/ Nearest Intersection<br><i>West Brown Street and North 16th Street</i>  |   |                                      |   |  |                                  |                                |
| Acreage<br><i>5.048</i>   |   | Number of existing lots<br><i>87</i> |   | Proposed<br><i>10</i>                            |                                  |                                |
| Reason (s) for Platting/ Replatting<br><i>Existing lots are too small</i>   |   |                                      |   |  | Parcel ID No.                    |                                |
| <b>SECTION 2</b>  |   |                                      |   |  |                                  |                                |
| Owner/Applicant<br><i>Michael McCarron</i>  |   |                                      |   |  |                                  |                                |
| (if applicant is person other than owner, a letter of authorization must be proved from owner)  |   |                                      |   |  |                                  |                                |
| Address<br><i>853 McCarron Ranch Rd Mountain Home, TX 78058</i>   |   |                                      |   |  |                                  |                                |
| Primary Telephone Number  |   |                                      | Email Address   |  |                                  |                                |
| <b>SECTION 3</b>  |   |                                      |   |  |                                  |                                |
| Licensed Engineer/ Surveyor Name<br><i>EKG Engineering</i>  |   |                                      |   | TDLR No.   |                                  |                                |
| Address<br><i>706 S. Abe St. San Angelo, TX 76903</i>   |   |                                      |   |  |                                  |                                |
| Primary Telephone Number  |   |                                      | Email Address   |  |                                  |                                |
| <b>SECTION 4</b>  |   |                                      |   |  |                                  |                                |
| List any variances requested<br><i>NONE</i>   |   |                                      |   |  |                                  |                                |
| Reason for request (list any hardships, and please provide an in-depth description of why application is required)  |   |                                      |   |  |                                  |                                |
|   |   |                                      |   |  |                                  |                                |
|   |   |                                      |   |  |                                  |                                |
|   |   |                                      |   |  |                                  |                                |
| City Limits: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  |   |                                      | Is any part of the property in a flood plain? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |  |                                  |                                |
| Is the property subject to any liens, encumbrances, or judgments? If so, give details. (Provide separate sheet if needed.)<br>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.*

|   |   |
|---|---|
| <input type="checkbox"/> Fee (see reverse)<br><input type="checkbox"/> Traffic Impact Assessment worksheet, reviewed by City of Alpine's Building Official, and appropriate Level TIA (if required).<br><input type="checkbox"/> 3 copies of the plat (accepted size: 18"x 24"), collated and folded so that the subdivision name is visible and 1 digital copy.<br><input type="checkbox"/> 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). | <input type="checkbox"/> Tax Certificate from Brewster County showing that no delinquent taxes are due on the property (Texas Local Government Code Section 12.002).<br><input type="checkbox"/> Current deed restrictions for Vacating Plats, and Townhouse and Zero Lot Line Subdivisions.<br><input type="checkbox"/> Survey Showing any existing structures on the subject property.<br><input type="checkbox"/> List of approved street names by the appropriate county. |
|---|---|

I agree to comply with all platting and subdivision requirements of the City of Alpine.

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

| TYPE OF PLAT/ACREAGE | TYPE I<br>(Not previously platted, in R-3, C or M zoning, or Non-residential plat) | TYPE II<br>(replat requiring public hearing in platted residential subdivision in any zone) | TYPE III<br>(amending plat; corrections without vacating plat) | MASTER PLAN   |
|----------------------|--|---|--|---|
| Less than 1 acre     | \$200.00<br>Plus \$2 per lot or \$4 per acre, whichever is greater                 | \$200.00<br>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<br>Plus \$2 per lot or \$4 per acre, whichever is greater                 | \$230.00<br>Plus \$2 per lot or \$4 per acre, whichever is greater                          | \$100.00   |   |
| 5 to 10 acres        | \$225.00<br>Plus \$2 per lot or \$4 per acre, whichever is greater                 | \$345.00<br>Plus \$2 per lot or \$4 per acre, whichever is greater                          | \$100.00   |   |
| More than 10         | \$300.00<br>Plus \$2 per lot or \$4 per acre, whichever is greater                 | \$460.00<br>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 necessary signatures must be included. Signatures include: Planning & Zoning chair, City Secretary, Mayor, County Clerk. (must include blank spaces for recollection information).  
 \*\*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:**  
 •For plats on TxDOT right-of-way, it is highly recommended that a permit be submitted to TxDOT prior to submitting the plat application.

**FOR STAFF USE ONLY**

|                                  |             |                         |                                  |                         |                    |
|----------------------------------|-------------|-------------------------|----------------------------------|-------------------------|--------------------|
| Date Application Fee Received    | Received By |                         |                                  | Receipt No.             | Cash/Check No.     |
| Amount Received \$               | 3 Copies    | Street names appr. list | TxDOT approval letter            | Letter of authorization | Proof of ownership |
| Plat review meeting date         |             |                         | Planning Commission meeting date |                         |                    |
| COUNTY CLERK RECORDING REQUIRED: |             |                         |                                  |                         |                    |

Issued By:

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

Property Information

Property ID: 10314 Geo ID: 970500060001000000  
Legal Acres: 0.2500  
Legal Desc: COLIMA, BLOCK 6, LOT 1-6  
Situs: ALPINE,  
DBA:  
Exemptions:

Owner ID: 38581 100.00%  
MCCARSON MICHAEL FREEMAN  
853 MCCARSON RANCH RD  
MOUNTAIN HOME, TX 78058

For Entities

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

Value Information

Improvement HS: 0  
Improvement NHS: 0  
Land HS: 0  
Land NHS: 2,800  
Productivity Market: 0  
Productivity Use: 0  
Assessed Value 2,800

Current/Delinquent Taxes

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

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

Effective Date: 06/16/2025

Total Due if paid by: 06/30/2025

0.00

| Tax Certificate Issued for:         | Taxes Paid in 2024 |
|-------------------------------------|--------------------|
| Brewster County                     | 9.78               |
| Big Bend Regional Hospital District | 1.85               |
| City of Alpine                      | 12.30              |
| Alpine ISD                          | 27.17              |

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

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

A tax certificate issued through fraud or collusion is void.

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

May Be Subject to Court Costs if Suit is Pending

Date of Issue: 06/16/2025  
Requested By: MCCARSON MICHAEL FREEMAN  
Fee Amount: 10.00  
Reference #:

Signature of Authorized Officer of Collecting Office

Issued By:

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

Property Information

Property ID: 10313 Geo ID: 970500050001000000  
Legal Acres: 1.0000  
Legal Desc: COLIMA, BLOCK 5, LOT 1-17  
Situs: ALPINE,  
DBA:  
Exemptions:

Owner ID: 39218 100.00%  
MCCARSON MICHAEL FREEMAN &  
ELIZABETH LYNN MCCARSON  
853 MCCARSON RANCH RD  
MOUNTAIN HOME, TX 78058

For Entities

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

Value Information

Improvement HS: 0  
Improvement NHS: 0  
Land HS: 0  
Land NHS: 11,200  
Productivity Market: 0  
Productivity Use: 0  
Assessed Value 11,200

Current/Delinquent Taxes

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

Effective Date: 06/16/2025

Total Due if paid by: 06/30/2025

0.00

| Tax Certificate Issued for:         | Taxes Paid in 2024 |
|-------------------------------------|--------------------|
| Brewster County                     | 39.14              |
| Big Bend Regional Hospital District | 7.40               |
| City of Alpine                      | 49.19              |
| Alpine ISD                          | 108.66             |

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Fee Amount: 10.00  
Reference #:

  
Signature of Authorized Officer of Collecting Office

Issued By:

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

Property Information

Property ID: 10312 Geo ID: 970500040001000000  
Legal Acres: 1.0000  
Legal Desc: COLIMA, BLOCK 4, LOT 1-17  
Situs: ALPINE,  
DBA:  
Exemptions:

Owner ID: 39218 100.00%  
MCCARSON MICHAEL FREEMAN &  
ELIZABETH LYNN MCCARSON  
853 MCCARSON RANCH RD  
MOUNTAIN HOME, TX 78058

For Entities

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

Value Information

Improvement HS: 0  
Improvement NHS: 0  
Land HS: 0  
Land NHS: 11,200  
Productivity Market: 0  
Productivity Use: 0  
Assessed Value 11,200

Current/Delinquent Taxes

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Effective Date: 06/16/2025

Total Due if paid by: 06/30/2025

0.00

| Tax Certificate Issued for:         | Taxes Paid in 2024 |
|-------------------------------------|--------------------|
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| Big Bend Regional Hospital District | 7.40               |
| City of Alpine                      | 49.19              |
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Fee Amount: 10.00  
Reference #:

  
Signature of Authorized Officer of Collecting Office

Issued By:

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

Property Information

Property ID: 10311 Geo ID: 970500030001000000  
Legal Acres: 1.0000  
Legal Desc: COLIMA, BLOCK 3, LOT 1-19  
Situs: ALPINE,  
DBA:  
Exemptions:

Owner ID: 39218 100.00%  
MCCARSON MICHAEL FREEMAN &  
ELIZABETH LYNN MCCARSON  
853 MCCARSON RANCH RD  
MOUNTAIN HOME, TX 78058

For Entities

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

Value Information

Improvement HS: 0  
Improvement NHS: 0  
Land HS: 0  
Land NHS: 11,200  
Productivity Market: 0  
Productivity Use: 0  
Assessed Value 11,200

Current/Delinquent Taxes

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Signature of Authorized Officer of Collecting Office

Issued By:

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

Property Information

Property ID: 10310 Geo ID: 970500020001000000  
Legal Acres: 1.0000  
Legal Desc: COLIMA, BLOCK 2, LOT 1-21  
Situs: ALPINE,  
DBA:  
Exemptions:

Owner ID: 39218 100.00%  
MCCARSON MICHAEL FREEMAN &  
ELIZABETH LYNN MCCARSON  
853 MCCARSON RANCH RD  
MOUNTAIN HOME, TX 78058

For Entities

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

Value Information

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Improvement NHS: 0  
Land HS: 0  
Land NHS: 11,200  
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Productivity Use: 0  
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Fee Amount: 10.00  
Reference #:

  
Signature of Authorized Officer of Collecting Office

Issued By:

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

Property Information

Property ID: 10309 Geo ID: 970500010001000000  
Legal Acres: 0.7500  
Legal Desc: COLIMA, BLOCK 1, LOT 1-24  
Situs: ALPINE,  
DBA:  
Exemptions:

Owner ID: 39218 100.00%  
MCCARSON MICHAEL FREEMAN &  
ELIZABETH LYNN MCCARSON  
853 MCCARSON RANCH RD  
MOUNTAIN HOME, TX 78058

For Entities

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

Value Information

Improvement HS: 0  
Improvement NHS: 0  
Land HS: 0  
Land NHS: 8,400  
Productivity Market: 0  
Productivity Use: 0  
Assessed Value 8,400

Current/Delinquent Taxes

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

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

Effective Date: 06/16/2025

Total Due if paid by: 06/30/2025

0.00

| Tax Certificate Issued for:         | Taxes Paid in 2024 |
|-------------------------------------|--------------------|
| Brewster County                     | 29.35              |
| Big Bend Regional Hospital District | 5.55               |
| City of Alpine                      | 36.90              |
| Alpine ISD                          | 81.50              |

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

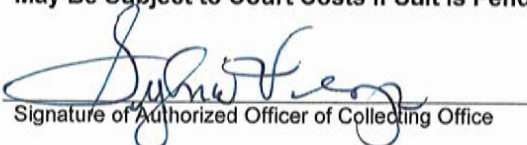
Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the unit's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

A tax certificate issued through fraud or collusion is void.

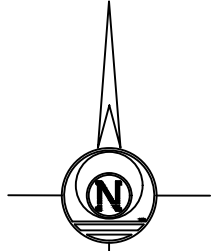
This certificate does not clear abuse of granted exemptions as defined in Section 11.43 Paragraph(1) of the Texas Property Tax Code.

May Be Subject to Court Costs if Suit is Pending

Date of Issue: 06/16/2025  
Requested By: MCCARSON MICHAEL FREEMAN  
Fee Amount: 10.00  
Reference #:

  
Signature of Authorized Officer of Collecting Office

**REPLAT OF BLOCK 1 TO 6, COLIMA ADDITION TO THE CITY OF ALPINE  
SUBDIVISION PLAT ON FILE IN ENVELOPE 67, PLAT RECORDS OF BREWSTER COUNTY, TEXAS**



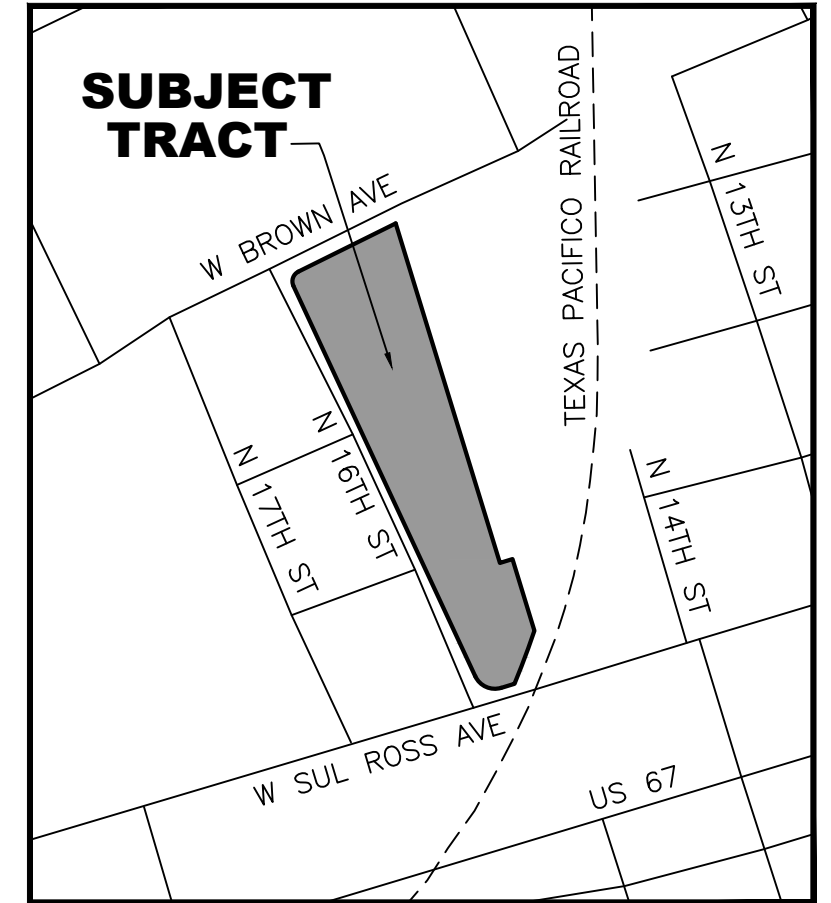
SCALE: 1" = 60'  
0 30 60 120  
GRAPHIC SCALE : FEET

NOTE: Bearings shown hereon are based on the Texas Coordinate System - Central Zone. Distances shown are surface horizontal.

**LEGEND:**

- Found 1/2" Iron Pipe or Rod (unless otherwise noted)
- Set 1/2" Iron Rod with Cap

$L=38.66'$   
 $R=25.00'$   
 $\Delta=88^{\circ}36'00''$   
 $L.C.=N19^{\circ}19'16''E$   
 $34.92'$



VICINITY MAP

STATE OF TEXAS  
COUNTY OF BREWSTER

I, MICHAEL FREEMAN McCARSON AND ELIZABETH LYNN McCARSON, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF 5.048 ACRES OUT OF BLOCKS 1, 2, 3, 4, 5, AND 6, COLIMA ADDITION TO THE CITY OF ALPINE, AS SHOWN ON PLAT RECORDED IN ENVELOPE 67, PLAT RECORDS OF BREWSTER COUNTY, TEXAS, PER GENERAL WARRANTY DEED RECORDED IN VOLUME 416, PAGE 825, OFFICIAL PUBLIC RECORDS OF BREWSTER COUNTY, TEXAS, AND DO HEREBY REPLAT SAID TRACT TO BE KNOWN AS:

**REPLAT OF BLOCKS 1 TO 6, COLIMA ADDITION TO THE CITY OF ALPINE**

MICHAEL FREEMAN McCARSON  
853 McCARSON RANCH ROAD  
MOUNTAIN HOME, TX 78058-1156  
KERR COUNTY, TEXAS

ELIZABETH LYNN McCARSON  
853 McCARSON RANCH ROAD  
MOUNTAIN HOME, TX 78058-1156  
KERR COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF TOM GREEN

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, MICHAEL FREEMAN McCARSON AND ELIZABETH LYNN McCARSON, 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 \_\_\_\_\_, 2024.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

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 \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_, RECORDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, IN PLAT ENVELOPE NO. \_\_\_\_\_, BREWSTER COUNTY PLAT RECORDS.

SARAH VASQUEZ  
BREWSTER COUNTY CLERK

**NOTES:**

1. ACCORDING TO FEMA FIRM MAP PANEL 4800850002B, DATED 11/16/1990, THIS TRACT LIES WITHIN ZONE X (AREAS OUTSIDE THE 500-YEAR FLOOD PLAIN).
2. THIS TRACT IS LOCATED WITHIN THE FULL-PURPOSE JURISDICTION OF THE CITY OF ALPINE.
3. NO ROAD IMPROVEMENTS ARE PROPOSED WITH THIS REPLAT.
4. PORTIONS OF BLOCKS 1 TO 6 OUTSIDE THE LIMITS OF THIS REPLAT ARE IN USE AS NORTH 16TH STREET.

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.

Released by Russell T. Gully, R.P.L.S. 5636 for preliminary review on 01/30/2025.  
Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

RUSSELL T. GULLY  
SKG ENGINEERING, LLC  
706 SOUTH ABE STREET  
SAN ANGELO, TEXAS 76903  
rg@skge.com

**SKG ENGINEERING, LLC**  
SURVEYING • ENVIRONMENTAL • LAB/CMT  
706 SOUTH ABE STREET SAN ANGELO, TEXAS 76903  
PHONE: 325.655.1288 FAX: 325.657.8189  
Firm No. 10102400 www.skge.com

$L=71.63'$   
 $R=50.00'$   
 $\Delta=82^{\circ}04'56''$   
 $L.C.=N66^{\circ}01'16''W$   
 $65.66'$

$L=131.43'$   
 $R=1,946.53'$   
 $\Delta=3^{\circ}52'08''$   
 $L.C.=S20^{\circ}32'50''W$   
 $131.41'$

$S72^{\circ}56'12''W$   
 $32.29'$

# Replat 2025-08-01 Aerial View



**PLANNING & ZONING COMMISSION AGENDA ITEM  
REPORT**

**July 28, 2025**

Agenda Item No. 6C

Department: Board

Sponsor: Geoffrey Calderon, City Secretary

Memo Prepared By: Geoffrey R. Calderon, Interim City Manager

Staff Recommendation: None



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**AGENDA ITEM**

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Approve Rezone 2025-08-01, a rezone application allowing the applicant, Melinda Vega, to establish a commercial rental at the subject property. The subject property is located at 601 S. Walker and is legally described as Lots No. Three (3), Four (4), and Five (5), Block Forty-Nine (49), Hancock Addition (South of the Railroad) to the City of Alpine, Brewster County, Texas, as the same appears in the Plat Records of Brewster County, Texas. The property owner of record is Melinda A. Vega. The property identification number of the subject property is 10842. The current zoning classification of the subject property is R-4 Mobile Home District. The zoning classification if the rezoning application is approved will be C-0 Office Services District. (G. Calderon, Interim City Manager)

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**EXECUTIVE SUMMARY**

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**Background and Zoning History**

The applicant, Melinda Vega, seeks to rezone her property from R-4 Mobile Home District to C-0 Office Services District in order to operate a commercial rental, specifically an art studio. This request follows a prior unsuccessful application earlier in 2024, which sought a C-1 Neighborhood Commercial District designation and was ultimately denied by City Council after receiving a unanimous recommendation for denial from the Planning & Zoning Commission. The Commission cited concerns regarding **spot zoning** and inconsistency with surrounding residential uses.

The property has a complex zoning history. In 2000, prior owners Alonzo and Alicia Aguilar submitted a rezone request for commercial designation; however, that request was denied by City Council following public opposition and was tabled indefinitely pending a comprehensive planning study. The City has since confirmed that the property has continuously been designated as **residential** on all officially adopted zoning maps, including those from 1986 and 2013. While the Flamingo Bar previously operated at the location, records indicate that it did so in violation of applicable zoning regulations and without formal commercial designation.

**Updated Request and Legal Considerations**

The applicant has now modified her request to rezone to **C-0 Office Services District**, a less intensive commercial classification than her previous C-1 request. While this change demonstrates an effort to address prior concerns, **the rezone still constitutes a non-contiguous (spot) zoning request**, as the property is not directly adjacent to any commercially zoned parcels.

In April 2024, the Planning & Zoning Commission and City Council took action to address spot zoning through **Ordinance 2024-08-01**, which removed the ability for either body to initiate spot zoning requests except under narrow, legally defined exceptions. The ordinance codified a balancing test derived from the Texas Supreme Court case *Pharr v. Tippitt*, allowing spot zoning only if it clearly meets four criteria evaluating public purpose, surrounding land uses, suitability of current zoning, and relationship to public welfare.

While the applicant contends the proposed zoning change may align with some of these factors—such as location along a major thoroughfare and future commercial potential—**no changes in surrounding conditions or long-range planning documents currently support the rezoning**. Furthermore, the Planning & Zoning Commission has previously **unanimously recommended denial** of a substantively similar request, creating additional legal risk and procedural obligations should the matter proceed.

**Procedural Notes**

Per **Section 803 of the Alpine Code of Ordinances**, if the Planning & Zoning Commission recommends denial of a zoning application, **a supermajority vote of the City Council (at least 4 out of 5 members)** is required to approve the application. This elevated threshold reflects the seriousness with which the City must weigh deviations from adopted zoning plans, particularly in cases involving potential spot zoning.

**Recommendation**

The Planning & Zoning Commission is asked to evaluate Rezone 2025-08-01 in light of:

- The legal restrictions and exceptions outlined in **Ordinance 2024-08-01**;
- The long-standing **residential designation** of the subject property;
- The lack of direct commercial adjacency (i.e., **spot zoning risk**);
- The **prior unanimous recommendation of denial** and City Council rejection of the earlier C-1 application;
- The requirement for a **supermajority Council vote** if the Commission again recommends denial.

Should the Commission determine that the request satisfies the balancing test under *Pharr v. Tippitt*, findings of fact supporting that conclusion should be clearly stated to mitigate legal exposure and uphold the integrity of the zoning process.

## **Legal Framework and Application of the Balancing Test**

Under Texas law and as codified in **Ordinance 2024-08-01**, spot zoning is presumptively illegal unless it meets the four-prong **balancing test** established by the Texas Supreme Court in *Pharr v. Tippitt*, 616 S.W.2d 173 (Tex. 1981). The City of Alpine’s zoning code incorporates this test to determine whether a non-contiguous zoning request (spot zone) may be lawfully granted as an exception to the general prohibition.

The test is not applied as a checklist, but rather through a holistic **weighing of four factors**:

1. **Substantial Detriment or Public Purpose:** Whether the rezoning causes substantial detriment to surrounding properties or serves no substantial public purpose.
2. **Adverse Impact on Surrounding Lands:** Whether the rezoning is substantially inconsistent with surrounding zoning or land uses.
3. **Suitability of Current Zoning:** Whether the property’s current zoning classification renders it unsuitable, impractical, or confiscatory in light of its location, shape, or size.
4. **Relationship to Public Welfare:** Whether the proposed zoning bears a substantial relationship to the public health, safety, morals, or general welfare, and whether there is a demonstrated public need for the proposed use.

## **Recommended Procedures for Applying the Test**

To ensure compliance with state law and minimize legal risk, the Planning & Zoning Commission should:

- **Deliberate each of the four factors on the record**, discussing whether the evidence presented supports a finding under each prong.
- **Develop and vote on specific findings of fact** if recommending approval of the rezoning application, clearly documenting how the request meets the legal standard for an exception to the spot zoning prohibition.
- **Request supplemental information** from the applicant, if needed, to evaluate suitability of current use or the existence of a public benefit.

- **Consider comparability to prior rezones**, including whether adjacent properties have recently been rezoned under similar justifications.

## **Suggested Findings of Fact (If Recommending Approval)**

If the Commission finds that Rezone 2025-08-01 satisfies the balancing test, the following draft findings of fact may be considered for adoption:

1. **Substantial Public Purpose:** The Commission finds that the proposed rezoning to C-0 Office Services District serves a substantial public purpose by promoting small-scale economic development along a major arterial roadway (S. Walker) and aligning with long-term objectives to commercialize gateway corridors into the City.
2. **Lack of Substantial Detriment:** The Commission finds that the proposed use as a low-impact art studio and rental office will not materially disrupt surrounding residential properties and is consistent with the mixed-use character increasingly observed along S. Walker.
3. **Unsuitability of Current Zoning:** The Commission finds that the R-4 Mobile Home District designation is unsuitable for the subject property due to its proximity to a state highway and the absence of mobile home development on the property or in the immediate area.
4. **Relationship to Public Welfare:** The Commission finds that rezoning the property bears a substantial relationship to the public welfare by enabling productive use of a long-underutilized parcel in a manner that supports cultural and commercial activity without imposing undue burden on infrastructure or neighborhood character.
5. **Limitation of Precedent:** The Commission further finds that approval of this rezoning request is based on specific, narrowly tailored findings and does not establish a general precedent for approving non-contiguous zoning in the absence of substantial justification.

These findings must be formally adopted by the Commission and included in the minutes if a recommendation of approval is made. If the Commission recommends denial, no such findings are required; however, a clear rationale should still be documented in the record to inform City Council deliberations and preserve the transparency of the process.

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### **SUPPORTING MATERIALS**

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1. 7-2-25 Rezone 2025-08-01\_Redacted
2. 601 S. Walker Aerial View Zoning Designations

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**BUDGET CONSIDERATIONS**

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Expenditure Required: N/A  
Savings Anticipation: N/A  
Current Budget FY 2024-2025: N/A  
Additional Funding: N/A

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**APPROVERS**

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Alex Tackett, Deputy City Secretary  
Geoffrey R. Calderon, City Secretary



# APPLICATION FOR REZONE

City of Alpine Building Services Department  
309 W. Sul Ross Av., Alpine Texas, 79830  
432.837.3281

*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.*

\*Application must be completely filled out

| <b>PROPERTY INFORMATION</b>  |  |
|--|--|
| Address of property<br><i>601 S. Walker Alpine, TEXAS 79830</i>  | Parcel ID#<br><i>10842</i>   |
| Legal Description<br><i>Hancock, Block 49, Lot 3, 4, 5</i>   |  |
| Acreage of Site<br><i>0.5281</i>   | Current Zone<br><i>R-4</i>   |
| <b>OWNER INFORMATION</b>   |  |
| Property Owner<br><i>Melinda Aguilar Vega</i>  |  |
| Applicant Name<br><i>Melinda Aguilar Vega</i>  |  |
| Applicant Mailing Address<br><i>265 CJ Jones Cove</i>  |  |
| City, State, Zip<br><i>Cibola, TEXAS 78108</i>   |  |
| Telephone Number   | Email Address  |
| Project for which Rezoning is Sought<br><i>For a Commercial rental that will be compliant with C-O zoning. Art Studio, Beauty Shop, Health Service facilities office for Dentist, Doctor &amp; other practitioners of HEALING.</i> |  |
| Applicable Section/ Subjection Ordinance<br><i>Section VI-A</i>  | Specific Use of the Property<br><i>C-O Compliant Commercial usage.</i> |
| Existing Uses of Adjacent Properties <i>(North + South of property)</i><br><i>Commercial properties on both sides of my property</i>   | Survey Included<br>Yes _____ No <input checked="" type="checkbox"/>    |

**\*\* If the applicant is not the legal owner of the property, a notarized 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;

MM ✓

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.

1. 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:**

\_\_\_\_\_ 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.

*Melinda A. Vega*  
Applicant's Signature

Melinda A. Vega  
Printed Name

June 30, 2025  
Date

| FOR STAFF USE ONLY      |                       |                  |
|-------------------------|-----------------------|------------------|
| Permit No.<br>25-008080 | Total Fees<br>\$35000 | Date<br>07/01/25 |

**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)

**Section 21.04**

Conditional Use Permit Application fee \$250.00

REZONING Application Fee \$100.00

Total amount due: \$350.00



PAID  
CK # 291

# 601 S. Walker - Area Zoning Designations

