

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: October 10, 2023
PUBLIC HEARING DATE: November 7, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Saul J. G. Pina, (915) 212-1612

DISTRICT(S) AFFECTED: District 5

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance releasing all conditions placed on property by Ordinance No. 16385 which changed the zoning of Lot 39, Block 13, Tres Suenos Unit Four Amending Plat, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed condition release meets the intent of the Future Land Use designation for the property and is in accordance with *Plan El Paso*, the City's Comprehensive Plan.

Subject Property: South of Eastbrook Drive and East of Rich Beem Boulevard
Applicant: Northtowne Village Joint Venture, PZCR23-00001

BACKGROUND / DISCUSSION:

The applicant is requesting to release all conditions imposed by Ordinance No. 16385, dated June 27, 2006, on the subject property. City Plan Commission recommended 5-0 to approve the proposed condition release on August 10, 2023. The Planning Division initially received nine (9) calls and four (4) emails in opposition to the condition release request. These were subsequently rescinded prior to the City Plan Commission hearing as the applicant met with neighborhood residents on July 6, 2023 to address the concerns. Since the City Plan Commission hearing and up to September 26, 2023, no other feedback has been received. There is a related rezoning request, Case PZRZ23-00011. See attached staff report for additional information.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division
SECONDARY DEPARTMENT: N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 16385 WHICH CHANGED THE ZONING OF LOT 39, BLOCK 13, TRES SUENOS UNIT FOUR AMENDING PLAT, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as LOT 39, BLOCK 13, TRES SUENOS UNIT FOUR AMENDING PLAT, City of El Paso, El Paso County, Texas, was changed by Ordinance No. 16385 approved by City Council on JUNE 27, 2006; and,

WHEREAS, the rezoning was subject to certain zoning conditions, and

WHEREAS, placement of such conditions were necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

WHEREAS, the owner (applicant) submitted an application requesting the removal all of the conditions because these conditions have been satisfied or are current requirement of the City Code; and,

WHEREAS, a public hearing regarding removal of the conditions was held before the City Plan Commission, and the Commission recommended approval of the release of all conditions; and,

WHEREAS, the City Council of the City of El Paso has determined that the release of certain conditions will protect the best interest, health, safety, and welfare of the public in general.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

That all of the zoning conditions imposed by Ordinance No. 16385 approved by City Council on JUNE 27, 2006, on the portion of land identified in Exhibit "A" be released because the conditions have been satisfied and are no longer necessary, or are current requirements of the City Code.

Conditions as follows:

- 1) That a detailed site development plan be reviewed and approved per the el paso city code in effect at the time of submittal of the application for detailed site development plan review, prior to the issuance of any building permits.
- 2) That a ten-foot (10') wide landscape buffer with high profile native trees placed at ten feet (10') on center, and if mondale pine trees, fifteen feet (15') on center, be required along the property line abutting any residential zone prior to the issuance of any certificate of occupancy for this parcel.

ORDINANCE NO. _____

PZCR23-00001

ADOPTED this _____ day of _____, 2023.

THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Philip Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

(Exhibit on the following page)

Exhibit "A"

Barragan And Associates Inc.

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

DESCRIPTION

Description of a parcel of land being Lot 39, Block 13, Tres Sueños Unit Four Amending Plat, an Addition to the City of El Paso, El Paso County, Texas, filed for record in Instrument No. 20090009718, Real Property Records of El Paso County, Texas, and being more particularly described as follows:

COMMENCING, at a found city monument at the cul-de-sac radius point of Beacham Street, WHENCE a found city monument at the intersection of Beacham Street and Alfredo Apodaca Drive bears S 03° 03' 12" W (S 00° 00' 11" W – Record), a distance of 1137.89 feet; THENCE, N 74° 07' 30" W, a distance of 450.60 feet to a set nail on the northerly line of Lot 18, Block 13, Tres Sueños Unit Four Amending Plat, and the southerly common corner of Lots 38 and 39, Block 13, Tres Sueños Unit Four Amending Plat, said set nail being the POINT OF BEGINNING of this description;

THENCE, N 70° 15' 11" W (N 73° 18' 12" W – Record), along the common line of Lots 15, 16, 17, 18, and 39, Block 13, Tres Sueños Unit Four Amending Plat, a distance of 250.00 feet to a set nail on the easterly right-of-way line of Rich Beem Boulevard, being the beginning of a non-tangential curve;

THENCE, 251.32 feet, along said easterly right-of-way line of Rich Beem Boulevard being an arc of a curve to the left with a radius of 1560.00 feet, an interior angle of 09° 13' 50", and a chord which bears N 15° 07' 54" E (N 12° 04' 53" E – Record), a distance of 251.05 feet to a set nail being the beginning of a non-tangential curve;

THENCE, 30.81 feet, leaving said easterly right-of-way line of Rich Beem Boulevard along an arc of a curve to the right with a radius of 20.00 feet, an interior angle of 88° 15' 08", and a chord which bears N 54° 38' 33" E (N 51° 35' 32" E – Record), a distance of 27.85 feet to a found 5/8" rebar on the southerly right-of-way line of Eastbrook Drive, being the beginning of a non-tangential curve;

THENCE, 285.07 feet, along said southerly right-of-way line of Eastbrook Drive being an arc of a curve to the right with a radius of 968.00 feet, an interior angle of 16° 52' 24", and a chord which bears S 72° 47' 41" E (S 75° 50' 42" E – Record), a distance of 284.04 feet to a found "V" mark, being the northerly common corner of Lots 38 and 39, Block 13;

THENCE, S 25° 38' 31" W (S 22° 35' 30" W – Record), along the common line of said Lots 38 and 39, Block 13, a distance of 287.19 feet to the POINT OF BEGINNING of this description and containing in all 1.79 acres of land more or less.

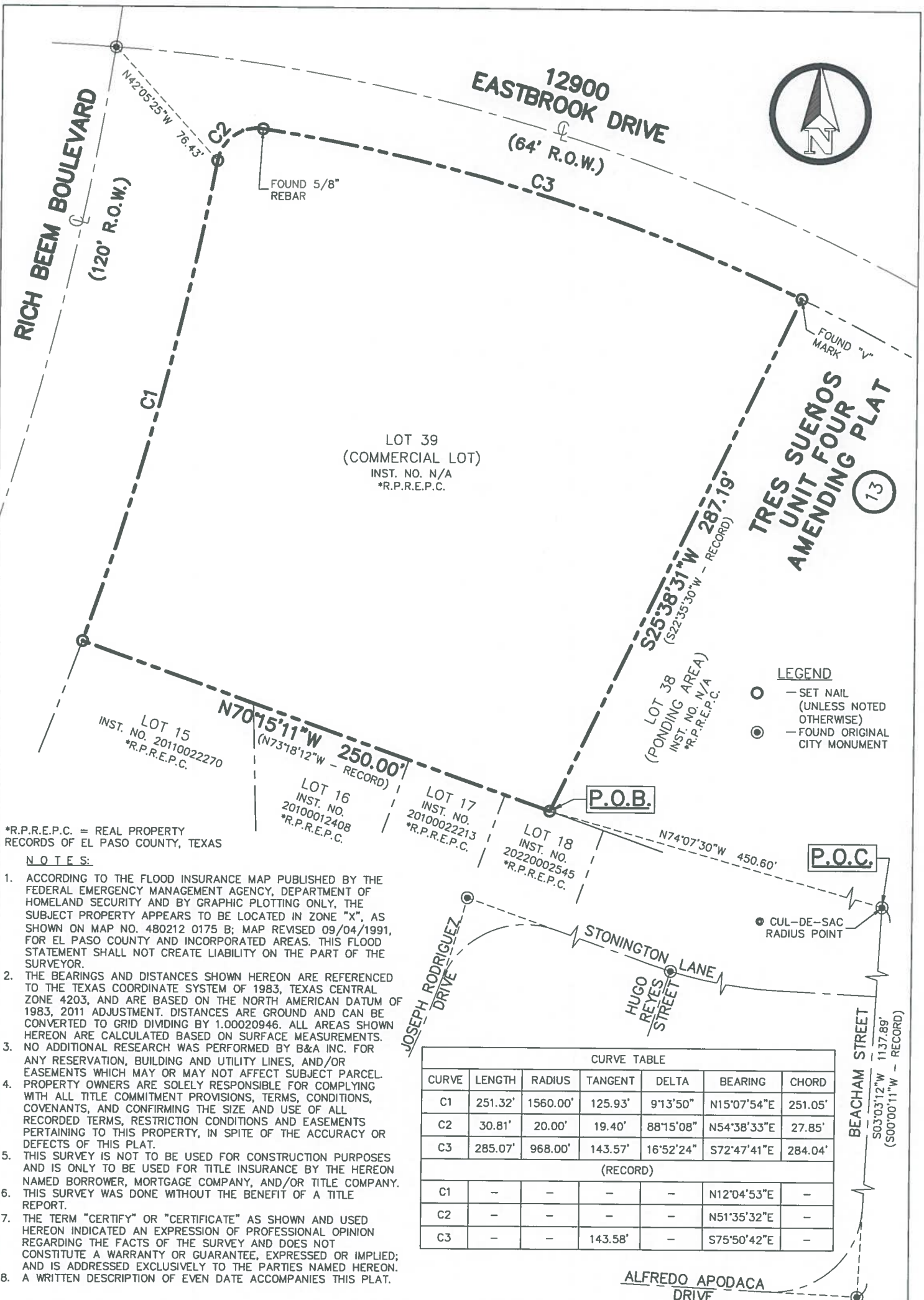
NOTES:

- 1. This property may be subject to easements whether of record or not. No Additional Research was performed by B&A Inc. for any reservations, restrictions, building lines, and or easements which may or may not affect this parcel.
2. Bearings shown are grid bearings derived from RTK Observations to the Texas CO-OP Network. Referred to the Texas Coordinate System (NAD 83) Central Zone. Distances are ground and may be converted to grid dividing by 1.00020946.
3. This description is not intended to be a subdivision process which may be required by the local or state code, and it is the client's/owner's responsibility to comply with this code if required.
4. A Plat of Survey of even date accompanies this description.
5. (Record information in parenthesis.)

Handwritten signature of Benito Barragan

Benito Barragan TX R.P.L.S 5615, Barragan and Associates Inc. Texas Surveying Firm # 10151200 March 7, 2023 12900 Eastbrook Job No. 230306-02





*R.P.R.E.P.C. = REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS

NOTES:

1. ACCORDING TO THE FLOOD INSURANCE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY AND BY GRAPHIC PLOTTING ONLY, THE SUBJECT PROPERTY APPEARS TO BE LOCATED IN ZONE "X", AS SHOWN ON MAP NO. 480212 0175 B; MAP REVISED 09/04/1991, FOR EL PASO COUNTY AND INCORPORATED AREAS. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
2. THE BEARINGS AND DISTANCES SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, TEXAS CENTRAL ZONE 4203, AND ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT. DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID DIVIDING BY 1.00020946. ALL AREAS SHOWN HEREON ARE CALCULATED BASED ON SURFACE MEASUREMENTS.
3. NO ADDITIONAL RESEARCH WAS PERFORMED BY B&A INC. FOR ANY RESERVATION, BUILDING AND UTILITY LINES, AND/OR EASEMENTS WHICH MAY OR MAY NOT AFFECT SUBJECT PARCEL.
4. PROPERTY OWNERS ARE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL TITLE COMMITMENT PROVISIONS, TERMS, CONDITIONS, COVENANTS, AND CONFIRMING THE SIZE AND USE OF ALL RECORDED TERMS, RESTRICTION CONDITIONS AND EASEMENTS PERTAINING TO THIS PROPERTY, IN SPITE OF THE ACCURACY OR DEFECTS OF THIS PLAT.
5. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES AND IS ONLY TO BE USED FOR TITLE INSURANCE BY THE HEREON NAMED BORROWER, MORTGAGE COMPANY, AND/OR TITLE COMPANY.
6. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT.
7. THE TERM "CERTIFY" OR "CERTIFICATE" AS SHOWN AND USED HEREON INDICATED AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED; AND IS ADDRESSED EXCLUSIVELY TO THE PARTIES NAMED HEREON.
8. A WRITTEN DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.

LEGEND

- — SET NAIL (UNLESS NOTED OTHERWISE)
- — FOUND ORIGINAL CITY MONUMENT

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	DELTA	BEARING	CHORD
C1	251.32'	1560.00'	125.93'	9'13"50"	N15°07'54"E	251.05'
C2	30.81'	20.00'	19.40'	88°15'08"	N54°38'33"E	27.85'
C3	285.07'	968.00'	143.57'	16°52'24"	S72°47'41"E	284.04'
(RECORD)						
C1	-	-	-	-	N12°04'53"E	-
C2	-	-	-	-	N51°35'32"E	-
C3	-	-	143.58'	-	S75°50'42"E	-

Barragan & Associates Inc.

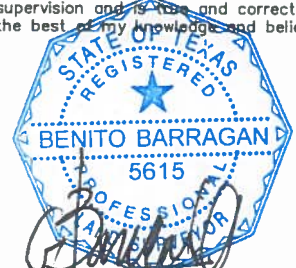
LAND PLANNING & SURVEYING
TEXAS SURVEYING FIRM# 10151200
10950 Pellicano Dr. Building-F,
El Paso, Tx 79935
Phone (915) 591-5709 Fax (915) 591-5706

Plat of Survey

LOT 39, BLOCK 13,
TRES SUEÑOS UNIT FOUR
AMENDING PLAT,
AN ADDITION TO THE
CITY OF EL PASO,
EL PASO COUNTY, TEXAS.
AREA 1.79 ACRES ±

Plat Reference Clerk's File No. 20090009718

I hereby certify that the foregoing survey was made on the ground and under my supervision and is true and correct to the best of my knowledge and belief.



Benito Barragan, R.P.L.S. No. 5615
Job No. 230306-02 Copy Rights ©

South of Eastbrook and East of Rich Beem

City Plan Commission — August 10, 2023

REZONING

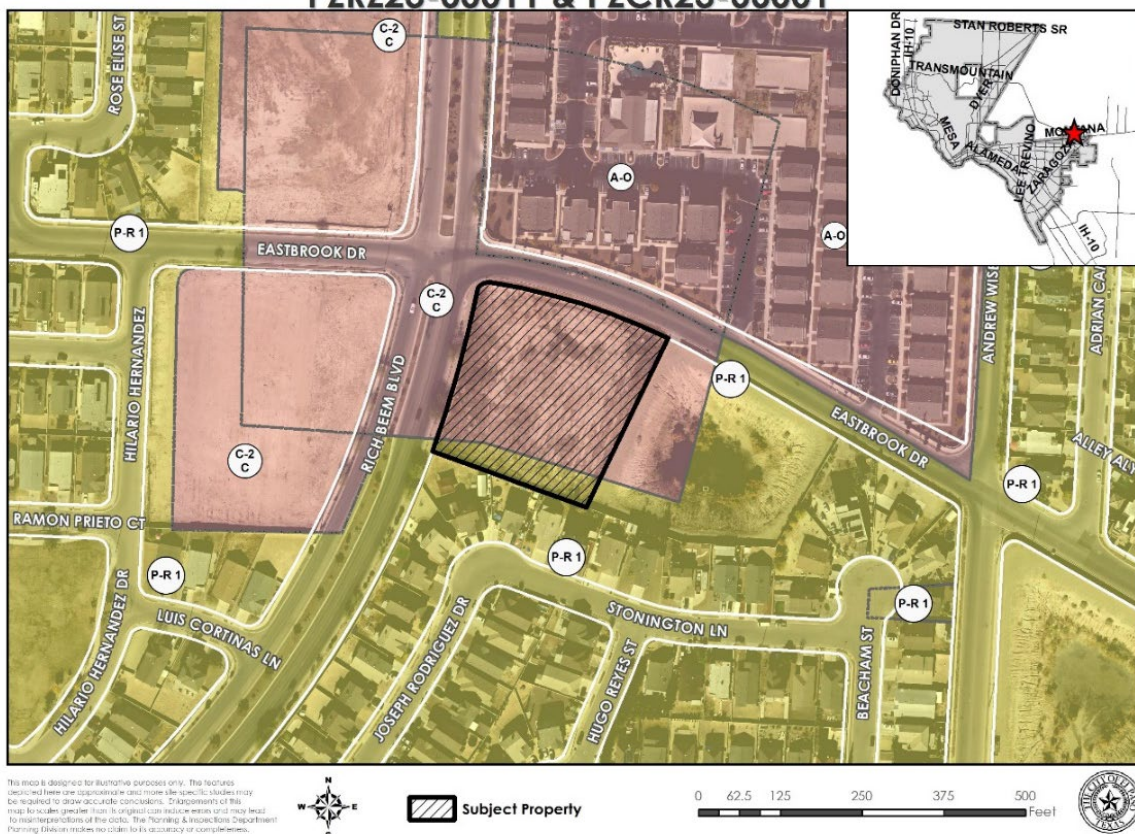


CASE NUMBER:	PZCR23-0001 REVISED
CASE MANAGER:	Saul J. G. Pina, (915) 212-1612, PinaSJ@elpasotexas.gov
PROPERTY OWNER:	Northtowne Village Joint Venture
REPRESENTATIVE:	CEA Group
LOCATION:	South of Eastbrook Dr., and East of Rich Beem Blvd. (District 5)
PROPERTY AREA:	1.79 acres
REQUEST:	To release conditions imposed by Ordinance No. 16385
RELATED APPLICATIONS:	PZR23-00011 – Rezoning Application
PUBLIC INPUT:	Nine (9) calls and four (4) emails in opposition. (Rescinded) No other correspondence as of August 3, 2023

SUMMARY OF REQUEST: The applicant is requesting to release all conditions imposed by Ordinance No. 16385 on the subject property.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the condition release request. This recommendation would allow for future development of the property consistent with *Plan El Paso*, the City's adopted Comprehensive Plan, for the G-4, Suburban (Walkable) Future Land Use Designation.

PZR23-00011 & PZCR23-00001



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Discrepancies of this map include greater than 10 original can reduce errors and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.

Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to release conditions imposed by Ordinance No. 16385, to allow for a planned residential development. The subject property is approximately 1.79 acres and is undeveloped. The detailed site development plan shows the proposed two (2) single-family lots and six (6) duplex lots, ranging from 6,200 to 9,300 square feet. Main access to the subject property is provided from Eastbrook Drive.

PREVIOUS CASE HISTORY: Ordinance 16385, dated June 27, 2006 (attachment 3), changed the zoning for Parcel 4 from R-F (Ranch and Farm) to C-2 (Commercial) with the following conditions:

- 1) That a detailed site development plan be reviewed and approved per the El Paso City Code in effect at the time of submittal of the application for detailed site development plan review, prior to the issuance of any building permits.
- 2) That a ten foot (10”) wide landscape buffer with high profile native trees placed at ten feet (10’) on center, and if Mondale pine trees, fifteen feet (15’) on center, be required along the property line abutting any residential zone prior to the issuance of any certificate of occupancy for this Parcel.

Note: Condition 1 and 2 are being requested to be released in its entirety. The conditions are no longer necessary or not applicable for the proposed residential development.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed condition release would allow development compatible with the mixed residential housing types in the area. To the north are apartments (5 or more units) zoned A-O (Apartment/office); to the south are single-family dwellings zoned P-R I (Planned Residential I); to the east is a retention pond, zoned P-R I (Planned Residential I); and to the west is a vacant lot, zoned C-2/c (Commercial/conditions). The nearest school, Purple Heart Elementary, is 0.7 miles and the nearest park, Eddie “Hirby” Beard Park, is 0.3 miles in proximity to the subject property.

REZONING POLICY – When evaluating whether a proposed condition release is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-4, Suburban (Walkable): This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes. The proposed development is compatible with the future land use designation as it will integrate with the various types of residential uses, allowing for a mixture of housing types in the area.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>P-R II (Planned Residential II) The purpose of this district is to encourage planned developments as a means of creating a superior living environment through unified planning and building operations at higher residential densities. The regulations of the district are designed to encourage variety in housing needed to meet changing housing demands and to provide adequate community facilities well-located with respect to needs; to protect the natural beauty of the landscape; to encourage preservation and more efficient use of open space; to offer an opportunity for design flexibility; and encourage innovations which may</p>	<p>Yes. The condition release and proposed zoning is compatible with the surrounding residential zoning districts. The proposed zoning will permit a planned residential development with design flexibility and efficient use of the land.</p>

REZONING POLICY – When evaluating whether a proposed condition release is in accordance with *Plan El Paso*, consider the following factors:

<p>result in improved relationships between uses of different types and between land uses and transportation facilities.</p>	
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.</p>	<p>Yes. Access to the subject property will be provided from Eastbrook Drive, which is designated as a local road in the City's Major Thoroughfare Plan. The classification of this road is appropriate for the proposed development as it will accommodate localized residential traffic and connect to other roads with greater street classification.</p>

THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:

<p>Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small area plans, including land-use maps in those plans.</p>	<p>None. The property is not located within any historic districts nor any other special designation areas.</p>
<p>Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.</p>	<p>None. There are no anticipated adverse impacts.</p>
<p>Natural Environment: Anticipated effects on the natural environment.</p>	<p>None. The proposed development does not involve green field or environmentally sensitive land or arroyo disturbance.</p>
<p>Stability: Whether the area is stable or in transition.</p>	<p>Yes. The area is in transition to residential zoning of various types. During the last 10 years or more, there has been changes in zoning, which allowed mixed residential housing by right. Only a few lots with commercial zoning remain.</p>
<p>Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.</p>	<p>None.</p>

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Primary access is proposed from Eastbrook Drive, a road classified as Local on the City of El Paso’s Major Thoroughfare Plan (MTP) and is adequate for the single-family and duplex development. Improvements to the proposed development will have to be done to provide vehicular and pedestrian access to the site.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments were received from the reviewing departments.

PUBLIC COMMENT: The subject property does not lie within any neighborhood association. Public notice was sent to property owners within 300 feet of the subject property on June 5, 2023. The applicant met with neighborhood residents on July 6, 2023, for public outreach. On July 17, 2023, the nine (9) calls and four (4) emails in opposition that were previously obtained, were rescinded or withdrawn as the result of the meeting between the applicant and neighborhood residents (attachment 6). No further input was received between July 17 and August 3, 2023.

CITY PLAN COMMISSION OPTIONS: The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

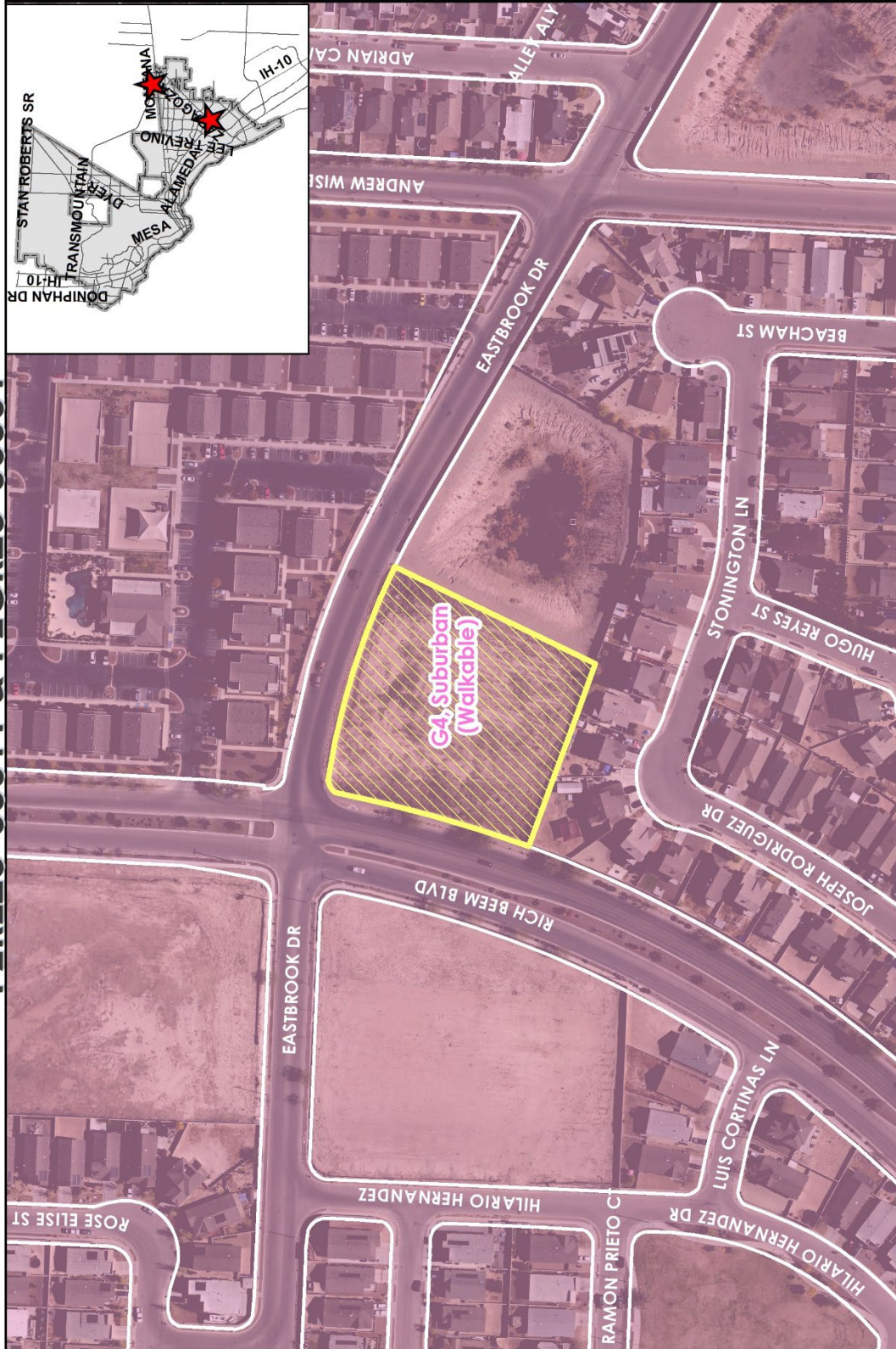
1. **Recommend Approval** of the condition release request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Recommend Approval of the condition release request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Recommend Denial** of the condition release request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

1. Future Land Use Map
2. Detailed Site Development Plan
3. Ordinance No. 16385
4. Department Comments
5. Neighborhood Notification Boundary Map
6. Public Input

ATTACHMENT 1

PZR23-00011 & PZCR23-00001

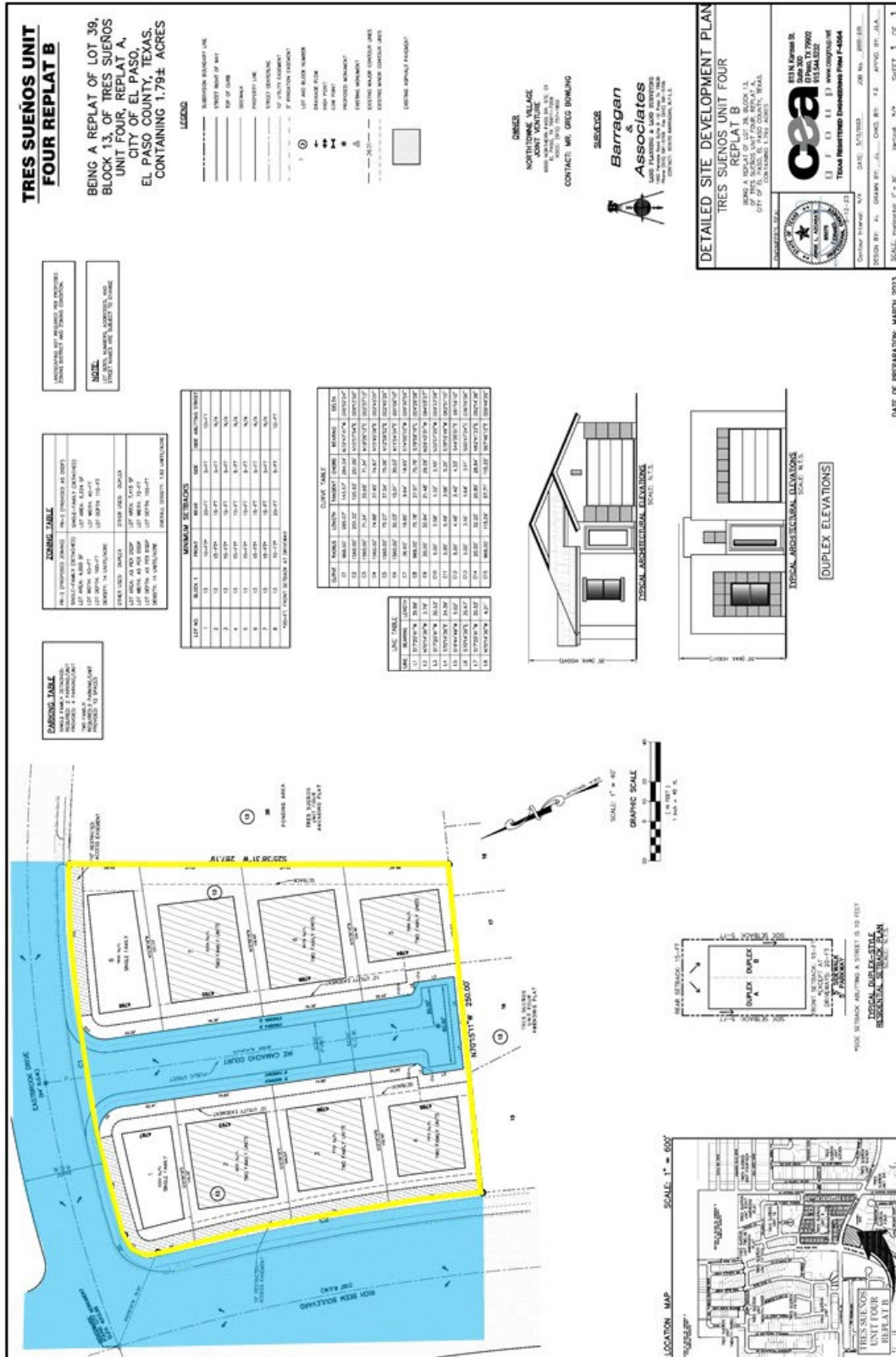


Subject Property



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

ATTACHMENT 2



ATTACHMENT 3

AC

ORDINANCE NO. 016385

AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS: PARCEL 1: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL); PARCEL 2: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-3 (COMMERCIAL); PARCEL 3: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS; EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-2 (COMMERCIAL); PARCEL 4: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-2 (COMMERCIAL) AND IMPOSING CONDITIONS; PARCEL 5: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO PR-1 (PLANNED RESIDENTIAL 1); PARCEL 6: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of the following property be changed as described below within the meaning of the zoning ordinance and that the zoning map of the City of El Paso be revised accordingly:

Parcel 1: A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys; El Paso, El Paso County Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from R-F (Ranch and Farm) to C-4 (Commercial); and,

Doc#22424/Planning/ZON06-00049

ORDINANCE NO. 016385

ZON06-00049

Parcel 2: A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County Texas, and as more particularly described by metes and bounds on the attached Exhibit "B", incorporated by reference, be changed from **R-F (Ranch and Farm)** to **C-3 (Commercial)**; and,

Parcel 3: A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County Texas, and as more particularly described by metes and bounds on the attached Exhibit "C", incorporated by reference, be changed from **R-F (Ranch and Farm)** to **C-2 (Commercial)**; and,

Parcel 4: A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County Texas, and as more particularly described by metes and bounds on the attached Exhibit "D", incorporated by reference, be changed from **R-F (Ranch and Farm)** to **C-2 (Commercial)**; and,

Further, that the property described as Parcel 4, be subject to the following conditions, which is necessitated by and attributable to the increased intensity of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

1. That a detailed site development plan be reviewed and approved per the El Paso City Code in effect at the time of submittal of the application for detailed site development plan review, prior to the issuance of any building permits; and,

2. That a ten foot (10') wide landscape buffer with high profile native trees placed at ten feet (10') on center, and if Mondale pine trees, fifteen feet (15') on center, be required along the property line abutting any residential zone prior to the issuance of any certificate of occupancy for this Parcel."

Parcel 5: A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, and El Paso, El Paso County Texas, and as more particularly described by metes and bounds on the attached Exhibit "E", incorporated by reference, be changed from **R-F (Ranch and Farm)** to **PR-I (Planned Residential I)**; and,

Parcel 6: A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys El Paso, El Paso County Texas, and as more particularly described by metes and bounds on the attached Exhibit "F", incorporated by reference, from **R-F (Ranch and Farm)** to **C-4 (Commercial)**; and,

Further, that the property described as Parcel 6, be subject to the following conditions, which is necessitated by and attributable to the increased intensity of use generated by the

Doc#22424/Planning/ZON06-00049

2

ORDINANCE NO. 016385

ZON06-00049

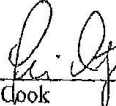
change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

"1. That a detailed site development plan be reviewed and approved per the El Paso City Code in effect at the time of submittal of the application for detailed site development plan review, prior to the issuance of any building permits; and,

2. That a twenty-five foot (25') wide landscape buffer with high profile native trees placed at ten feet (10') on center, and if Mondale pine trees, fifteen feet (15') on center, be required along the property line abutting any residential zone prior to the issuance of any certificate of occupancy for this Parcel."

PASSED AND APPROVED this 27th day of June, 2006.

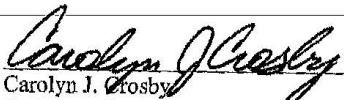
THE CITY OF EL PASO


MAYOR PRO-TEM
John F. Cook
Mayor

ATTEST:


Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:


Carolyn J. Crosby
Assistant City Attorney

APPROVED AS TO CONTENT:


Rodolfo Valdez, Chief Urban Planner
Development Services Department

Doc#22424/Planning/ZON06-00049

3

ORDINANCE NO. 016385

ZON06-00049

ATTACHMENT 4

Planning and Inspections Department - Planning Division

Staff recommends approval of the condition release as the current conditions are not necessary or applicable for the proposed residential development.

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend approval. No objections to proposed rezoning or condition release. At the time of submittal for building permit, the project will need to comply with all applicable provisions of the ICC, TAS and Municipal Code

Planning and Inspections Department – Land Development

Recommend approval. Provide subdivision improvement plans.

Note: To be addressed prior to construction permitting.

Fire Department

Recommend approval. No adverse comments.

Police Department

No comments provided.

Environment Services

No comments provided.

Streets and Maintenance Department

No objections to the proposed rezoning and condition release.

Sun Metro

No comments provided.

El Paso Water

No objection to the request. Annexation fees will be assessed and collected at the time the El Paso Water receives an application for water and sewer services.

Water:

There is an existing 12-inch diameter water main that extends along Eastbrook Dr. located approximately 16-feet south of the northern right-of-way line. This main is available for service and main extension.

Previous water pressure reading from fire hydrant #10049, located on the northeast corner of Eastbrook Dr. and Rich Beem Blvd. has yielded a static pressure of 70 pounds per square inch (psi), a residual pressure of 68 (psi), and a discharge of 919 gallons per minute (gpm).

Sanitary Sewer:

There is an existing 12-inch diameter sanitary sewer main that extends along Eastbrook Dr. located approximately 27-feet south of the northern right-of-way line. This main is available for main extension.

There is an existing 12-inch diameter sanitary sewer force main that extends along Rich Beem Blvd. located approximately 27-feet west of the eastern right-of-way line. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

There is an existing 12-inch diameter sanitary sewer force main that extends along Eastbrook Dr. located approximately 18-feet north of the southern right-of-way line. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

General:

Water and sanitary sewer main extensions along Ike Camacho Court will be required to provide service. Main extension costs will be the responsibility of the owner.

EPWater requires a new service application to serve the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Stormwater:

No objections to the proposal; this lot was originally a commercial lot and was allowed to discharge into the Eastbrook Dr. and eventually into the adjacent pond.

Texas Department of Transportation

No comments provided.

El Paso 9-1-1 District

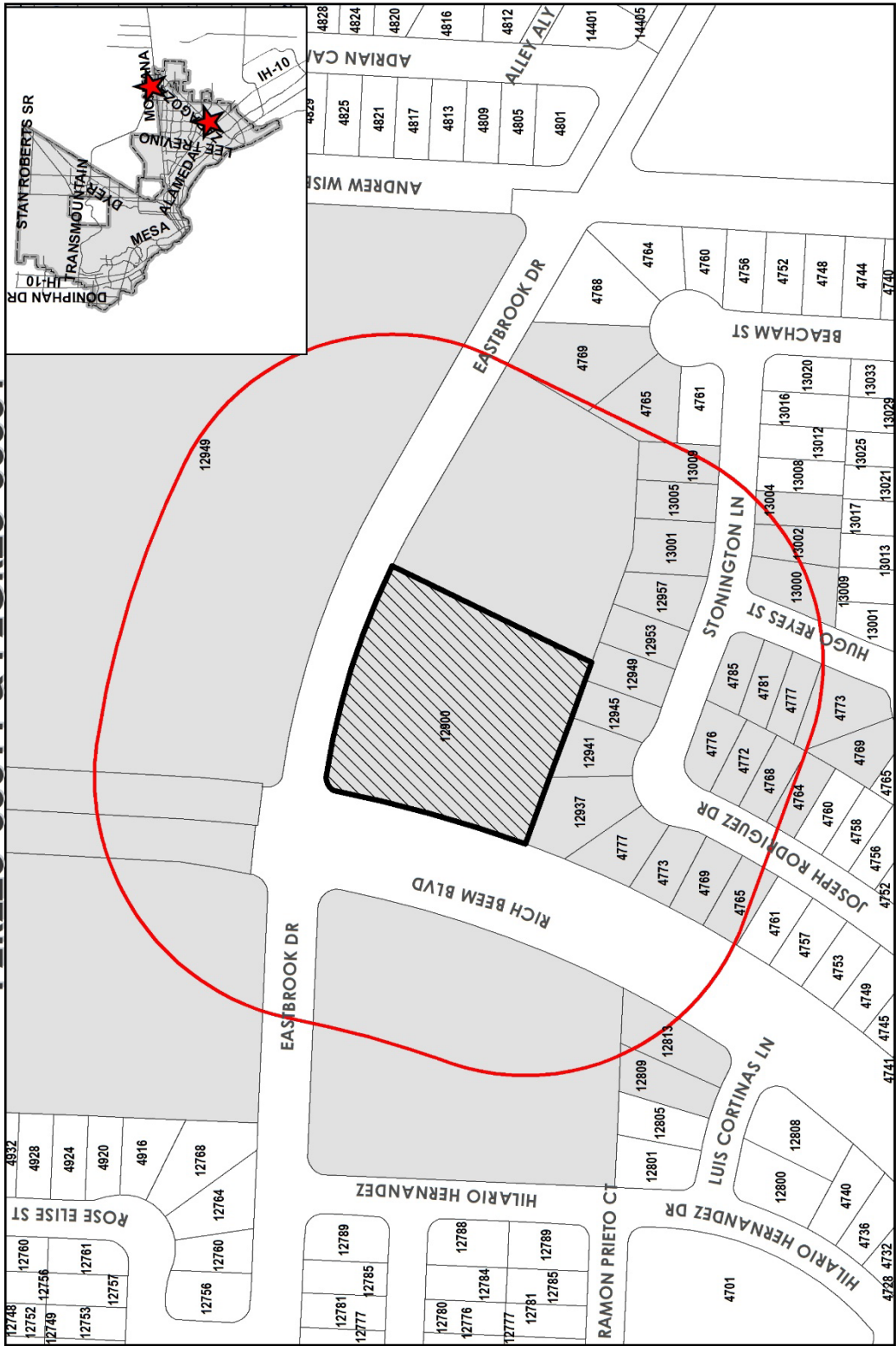
No comments/concerns.



El Paso County Water Improvement District #1

No comments provided.

ATTACHMENT 5

PZR23-00011 & PZCR23-00001



 **Subject Property**
 **300 Feet Buffer**



This map is designed for illustrative purposes only. The features depicted here are approximate and are not intended to be used for any specific purpose. Enlargements of this map to scales greater than its original can induce error and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

ATTACHMENT 6

From: [Carlos Molina](#)
To: [Pina, Saul J.](#)
Cc: [Mayra Ozaeta](#); [bonniesolis83@gmail.com](#); [Garcia, Raul](#); [Jorge Azcarate](#); [Marisol Ramirez](#)
Subject: Acknowledgement of Withdrawal of Objection to Proposed Down Zone - Case: PZR23-00011 & PZCR23-00001
Date: Monday, July 17, 2023 8:46:54 AM
Attachments: [image002.png](#)
[image004.png](#)

Some people who received this message don't often get email from carlosmolinat@hotmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the City of El Paso. Do not click links or open attachments unless you recognize the sender and know the content is safe. If suspicious, use **Phish Alert** or forward to SpamReport@elpasotexas.gov.

Case: PZR23-00011 & PZCR23-00001

CPC Planning Division
P.O. Box 1890
El Paso, Texas 79950-1890

Good Morning, Mr. Pina,

After speaking with our neighbors, I am writing to formally acknowledge and communicate our decision to withdraw our objections regarding the proposed down zone. After thorough deliberation and discussions with Mr. Azcarate on July 6th, 2023, we have reconsidered our stance and are now in favor of the rezoning from C-2 C to PR-II for the proposed plans of the duplex one-story buildings and homes.

The primary reason for our initial objection was the potential impact on our property's privacy and security. However, we are pleased to inform you that we have received assurances from Mr. Azcarate regarding the implementation of certain measures to address these concerns adequately.

Firstly, he has agreed to construct a 6-foot rock wall above a new 3-foot raised elevation, parallel to our existing 6-foot back rock wall. This additional barrier will not only enhance our privacy but also provide a sense of security, which I believe is crucial in maintaining the integrity of our properties.

Secondly, we are pleased to learn that 7'-0" bollards will be installed on center at the T-cul-de-sac. This addition will provide safety to our homes since it will prevent cars from accidentally crashing into our back walls and yards. I appreciate the effort made by Mr. Azcarate in recognizing the importance of ensuring our family's safety.

We kindly request that you proceed with the necessary procedures to effectuate the rezoning, taking into account our revised position. We trust that you will duly inform all relevant parties involved in this matter.

Thank you for your understanding and for providing a platform for open discussions. We appreciate your attention to this matter. If you require any further information or clarification, please do not hesitate to contact us at your earliest convenience.

Yours sincerely,
Carlos Molina

From: Jorge Azcarate <jazcarate@ceagroup.net>

Sent: Thursday, July 13, 2023 1:08 PM

To: Carlos Molina <carlosmolinat@hotmail.com>; Mayra Ozaeta <ozaeta79@icloud.com>; bonniesolis83@gmail.com <bonniesolis83@gmail.com>

Cc: Pina, Saul J. <PinaSJ@elpasotexas.gov>; Garcia, Raul <GarciaR1@elpasotexas.gov>

Subject: Re: 12900 Eastbrook Proposed Rezoning

We will agree to construct a 6-foot rockwall along the existing residents (I think there's 3-4 residents). We did mention it at the meeting but probably it was not portrayed properly.

Thank you.

Sincerely,

Jorge L. Azcarate, P.E., CFM

From: Carlos Molina <carlosmolinat@hotmail.com>

Sent: Thursday, July 13, 2023 9:05:32 PM

To: Jorge Azcarate <jazcarate@ceagroup.net>; Mayra Ozaeta <ozaeta79@icloud.com>; bonniesolis83@gmail.com <bonniesolis83@gmail.com>

Cc: Pina, Saul J. <PinaSJ@elpasotexas.gov>; Garcia, Raul <GarciaR1@elpasotexas.gov>

Subject: Re: 12900 Eastbrook Proposed Rezoning

Good afternoon, Mr. Azcarate,

I apologize since I don't recall any discussion about the height of the new elevation. The three-foot elevation you mention in this letter under the proposed four-foot-high wall creates a significant vantage point for anyone taller than the wall itself. This elevation effectively grants individuals of a height greater than four feet an unobstructed view and access into our property (see attached image). It is important to note that this directly contradicts the purpose of the existing six-foot high wall, which was built specifically to provide privacy and security for our property. Please let us know if the new rock wall can be built to six feet high instead of four.

Thank you,

Carlos Molina

From: Jorge Azcarate <jazcarate@ceagroup.net>

Sent: Thursday, July 13, 2023 1:55 AM

To: Mayra Ozaeta <ozaeta79@icloud.com>; carlosmolinat@hotmail.com <carlosmolinat@hotmail.com>; bonniesolis83@gmail.com <bonniesolis83@gmail.com>

Cc: Pina, Saul J. <PinaSJ@elpasotexas.gov>; Garcia, Raul <GarciaR1@elpasotexas.gov>

Subject: RE: 12900 Eastbrook Proposed Rezoning

Good morning. Thank you for your time on July 6 to discuss the project with myself. As it was discussed, the property is currently zoned C-2 C which allows a variety of commercial and multi-family uses and we proposed to down zone it to strictly residential land use-PR-II for single-family and two-family dwellings. Your concerns, in regards to the project are as follows:

- Vehicles driving straight from the street and hitting the vehicles
- Raising the existing wall

As I mentioned on our meeting and after reviewing the plans, we offer the following:

- Placement of bollards at 7'-0" on center at the T-cul-de-sac to run along the area of the HMAC paved surface of the T cul-de-sac;
- As part of the design, a new rockwall will be constructed entirely on the rezoned property. The subdivision design will raise the elevation by 3-feet and the new wall will be 4-feet high. This will

provide 2 walls for added protection and privacy.

Let me know if you have any questions or comments and if you concur with our discussion from our meeting on July 6. If so, please inform Saul Pina if anyone of you withdraw your objection. Thank you.

Sincerely,



Jorge L. Azcarate, PE, CFM

DIRECT LINE | 915.200.1103

Uptown centre **OFFICE** | 915.544.5232

813 N. Kansas St., Ste 300
El Paso, Texas 79902

CONFIDENTIALITY NOTICE: The contents of this e-mail are confidential to the sender and ordinary user of the e-mail address to which it was addressed, and may also be privileged. If you are not the addressee of this e-mail, you may not copy, forward, disclose or otherwise use it or any part of it in any form whatsoever. Any views or opinions expressed are solely those of the author and do not necessarily represent those of CEA Group. If you have received this e-mail in error, please advise the sender. Thank you.

From: Mayra Ozaeta <ozaeta79@icloud.com>
Sent: Wednesday, July 5, 2023 4:38 PM
To: Jorge Azcarate <jazcarate@ceagroup.net>
Subject: Re: 12900 Eastbrook Proposed Rezoning

Good afternoon Mrs Azcarate sorry for the late notice some of the neighbors just responded to me they said if it was OK with you for tomorrow at 8 PM

Sent from my iPhone

On Jul 3, 2023, at 3:01 PM, Jorge Azcarate <jazcarate@ceagroup.net> wrote:

Thank you. Let me know the sooner the better. Thank you.

Sincerely,

<image005.png>

Jorge L. Azcarate, PE, CFM

DIRECT LINE | 915.200.1103

<image006.png>

OFFICE | 915.544.5232

813 N. Kansas St., Ste 300
El Paso, Texas 79902

CONFIDENTIALITY NOTICE: The contents of this e-mail are confidential to the sender and ordinary user of the e-mail address to which it was addressed, and may also be privileged. If you are not the addressee of this e-mail, you may not copy, forward, disclose or otherwise use it or any part of it in any form whatsoever. Any views or opinions expressed are solely those of the author and do not necessarily represent those of CEA Group. If you have received this e-mail in error, please advise the sender. Thank you.

From: Mayra Ozaeta <ozaeta79@icloud.com>
Sent: Monday, July 3, 2023 2:59 PM

To: Jorge Azcarate <jazcarate@ceagroup.net>
Subject: Re: 12900 Eastbrook Proposed Rezoning

Good afternoon Mrs Azcarate I just told the neighbor to see if July 6 at 8:00pm would be ok with them to meet up with you

Sent from my iPhone

On Jul 3, 2023, at 2:46 PM, Jorge Azcarate <jazcarate@ceagroup.net> wrote:

Good morning Ms. Ozaeta,

It was a pleasure talking to you on Friday afternoon regardless of the 3-4 disconnection disruptions. Please find the Site Plan being considered by the City of El Paso for the referenced property. Based on our call, I am available to meet the following times:

July 6: 6 pm to 8 pm
July 26: 6 pm to 8 pm
July 27: 6 pm to 8 pm
July 29: 9 am to 12 pm
July 31-August 3: 6 pm to 12 pm

Let me know your availability and your neighbors as well. I understand several neighbors may be traveling out of town which is the reason for meeting in late July and early august to discuss the proposed project.

Thank you for your time.

Sincerely,
Jorge L. Azcarate, P.E., CFM

From: Mayra Ozaeta <ozeta79@icloud.com>
Sent: Friday, June 23, 2023 1:46 PM
To: Jorge Azcarate <jazcarate@ceagroup.net>
Subject: Re: 12900 Eastbrook Proposed Rezoning

Good afternoon Mr Azcarate been calling your office to speak to you if you could please call me back 915-867-7521 thank you

Sent from my iPhone

On Jun 22, 2023, at 8:34 AM, Jorge Azcarate <jazcarate@ceagroup.net> wrote:

Good morning Ms. Ozaeta,

Just following up on my email from Monday. As of today, we have not had a response from you or your group to meet and discuss the proposed rezoning.

Let me know if you want to meet and your availability. Thank you.

Sincerely,
Jorge L. Azcarate, P.E., CFM

From: Jorge Azcarate <jazcarate@ceagroup.net>
Sent: Monday, June 19, 2023 9:54 PM
To: ozeta79@icloud.com <ozeta79@icloud.com>
Cc: Pina, Saul J. <PinaSJ@elpasotexas.gov>; Garcia, Raul <GarciaR1@elpasotexas.gov>
Subject: FW: 12900 Eastbrook Proposed Rezoning

Ms. Ozaeta:

Good evening. We are the representative for the proposed rezoning project from Commercial (C-2) to Planned Residential (PR-II) for the 1.79-acre located off of the intersection of Eastbrook and Rich Beem. It is our understanding that several neighbors in the Tres Suenos Unit Four subdivision are in opposition to the proposed down zoning from C-2 to PR-II. We have been provided the reasons of the opposition and we are extending our willingness to meet with you and the neighbors to discuss your concerns and how we can resolve the neighbors concerns. The proposed project consists of 12 single-story duplex units and 2 single-family detached residential units for a total of 14 units.

As you know, the case was postponed for 2 weeks from the City Plan Commission to allow us time to meet with you and your neighbors and also the owners are planning to revisit the original plans for the property from 2 years ago which is allowed by the current zoning of C-2. We may consider postponing another 4 weeks or withdraw the application to further allow the property owner to continue evaluating the original plans for multi-family. Please let me know when you and your neighbors are available to meet to further discuss the project. Let me know where we can meet. We can make ourselves available to meet at the property site on evening or a Saturday morning. We look forward to your response and suggestions for meeting times and dates and a location. Thank you.

Sincerely,
<[image005.png](#)>
Jorge L. Azcarate, PE, CFM
Direct Line | 915.200.1103
<[image006.png](#)>
Office | 915.544.5232

813 N. Kansas St., Ste 300
El Paso, Texas 79902

CONFIDENTIALITY NOTICE: The contents of this e-mail are confidential to the sender and ordinary user of the e-mail address to which it was addressed, and may also be privileged. If you are not the addressee of this e-mail, you may not copy, forward, disclose or otherwise use it or any part of it in any form whatsoever. Any views or opinions expressed are solely those of the author and do not necessarily represent those of CEA Group. If you have received this e-mail in error, please advise the sender. Thank you.

From: Gilbert Aldaco <galdaco3@gmail.com>
Sent: Monday, June 19, 2023 9:31 PM
To: Jorge Azcarate <jazcarate@ceagroup.net>
Subject: Re: 12900 Eastbrook Proposed Rezoning

Hello,

Thank you for reaching out. Yes I did email, but it was to voice my opinion that or household would agree with the owners of the houses that are adjacent to the property in question. The main people leading this charge are the 3-4 houses that are adjacent/connecting to the property and were in attendance at the city meeting, which suspicious got postponed with no notification once they were all physically there at the meeting. The home owner you would need to reach out to is Mayra Ozaeta , email ozeta79@icloud.com , who resides at 12941 Stonington Ln. My family lives at several houses down at 13005 Stonington Ln. From what I understand, Mrs. Ozaeta and her adjoining neighbors will be penning a letter of opposition to discuss with area neighbors. Please reach out to her when possible, I update get about this email so she would be aware.

Thank you
Gilbert Aldaco

On Mon, Jun 19, 2023, 7:59 PM Jorge Azcarate <jazcarate@ceagroup.net> wrote:

Good evening Mr. Aldaco:

We are following up on the email dated, June 16, 2023 and we are awaiting a response from you and your neighbors. Let me know if you are not the right person and we shall be coordinated with others. Your name was provided to us by the City of El Paso. Our original email is as follows:

"We are the representative for the proposed rezoning project from Commercial (C-2) to Planned Residential (PR-II) for the 1.79-acre located off of the intersection of Eastbrook and Rich Beem. It is our understanding that several neighbors in the Tres Suenos Unit Four subdivision are in opposition to the proposed down zoning from C-2 to PR-II. We have been provided the reasons of the opposition and we are extending our willingness to meet with you and the neighbors to discuss your concerns and how we can resolve the neighbors concerns. The proposed project consists of 12 single-story duplex units and 2 single-family detached residential units for a total of 14 units.

As you know, the case was postponed for 2 weeks from the City Plan Commission to allow us time to meet with you and your neighbors and also to revisit the original plans for the property from 2 years ago.

Please let me know when you and your neighbors are available to meet to further discuss the project. Let me know where we can meet. We can make ourselves available to meet at the property site on evening or a Saturday morning. We look forward to your response and suggestions for meeting times and dates and a location. Thank you."

Sincerely,