

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

AGENDA DATE: August 16, 2022
PUBLIC HEARING DATE: September 13, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Nina Rodriguez, (915) 212-1561

DISTRICT(S) AFFECTED: District 6

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

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance removing a condition placed on property by Ordinance No. 15503 which changed the zoning of Lot 1, Block 1, Leegacy Subdivision, 1426 George Dieter Drive, City of El Paso, El Paso County, Texas, and which imposed a condition. 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: 1426 George Dieter Drive
Applicant: Dr. William Boushka, EBB Holding LLC, PZCR22-00002

BACKGROUND / DISCUSSION:

The applicant is requesting to release Condition No. 1 imposed on the subject property by Ordinance No. 15503, dated August 5, 2003. This condition limits the use of access from George Dieter Drive for the subject property, requiring access only from Physicians Drive. City Plan Commission recommended 6-0 to approve the proposed request on July 14, 2022. As of August 9, 2022, the Planning Division has not received any communication in support or opposition to the rezoning request. 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? X YES ___ NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE REMOVING A CONDITION PLACED ON PROPERTY BY ORDINANCE NO. 15503 WHICH CHANGED THE ZONING OF LOT 1, BLOCK 1, LEEGACY SUBDIVISION, 1426 GEORGE DIETER DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED A CONDITION. 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 1, Block 1, Leegacy Subdivision, 1426 George Dieter Drive, City of El Paso, El Paso County, Texas, was changed by Ordinance No. 15503, approved by City Council on August 5, 2003; and,

WHEREAS, the rezoning was subject to the following zoning condition:

1. That access to the property only be permitted from Physicians Drive.
- ; *and*

WHEREAS, placement of such condition was 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 Condition No. 1 because this condition has been satisfied or is current requirement of the City Code; and,

WHEREAS, a public hearing regarding the removal of the condition was held before the City Plan Commission, and the Commission recommended approval of removing the condition; and,

WHEREAS, the City Council of the City of El Paso has determined that the amendment removing the condition will still 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:

1. That the following zoning condition No. 1 imposed on the property rezoned by Ordinance No. 15503 dated August 5, 2003 be removed.

1. That access to the property only be permitted from Physicians Drive

2. Except as herein amended, Ordinance No. 15503 shall remain in full force and effect.

[SIGNATURES ON THE FOLLOWING PAGE]

ORDINANCE NO. _____

22-1007-2937|1189029

Ordinance Amending Condition|PZCR22-00002 1426 George Dieter

RTA

ADOPTED this _____ day of _____, 20 ____.

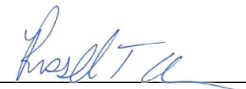
THE CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

22-1007-2937|1189029
Ordinance Amending Condition|PZCR22-00002 1426 George Dieter
RTA

1426 George Dieter Drive

City Plan Commission — July 14, 2022 **REVISED**



CASE NUMBER: PZCR22-00002
CASE MANAGER: Nina Rodriguez, (915) 212-1561, RodriguezNA@elpasotexas.gov
PROPERTY OWNER: EBB Holding, LLC
REPRESENTATIVE: Carl Daniel Architects
LOCATION: 1426 George Dieter Dr. (District 6)
PROPERTY AREA: 0.99 acres
REQUEST: To release Condition No. 1 on the subject property imposed by Ordinance No. 15503, dated August 5, 2003
RELATED APPLICATIONS: PZDS22-00002 Detailed Site Development Plan
PUBLIC INPUT: No communication in support or opposition received as of July 14, 2022

SUMMARY OF REQUEST: The applicant is requesting to release Condition No. 1 imposed on the subject property by Ordinance No. 15503, dated August 5, 2003. This condition limits the use of access from George Dieter Drive for the subject property, requiring access only from Physicians Drive.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the request. Condition No. 1 is no longer necessary or has been satisfied. Furthermore, the existing medical clinic and its proposed addition meets the intent of the G-4, Suburban (Walkable) land use designation of *Plan El Paso* in the East Planning Area.

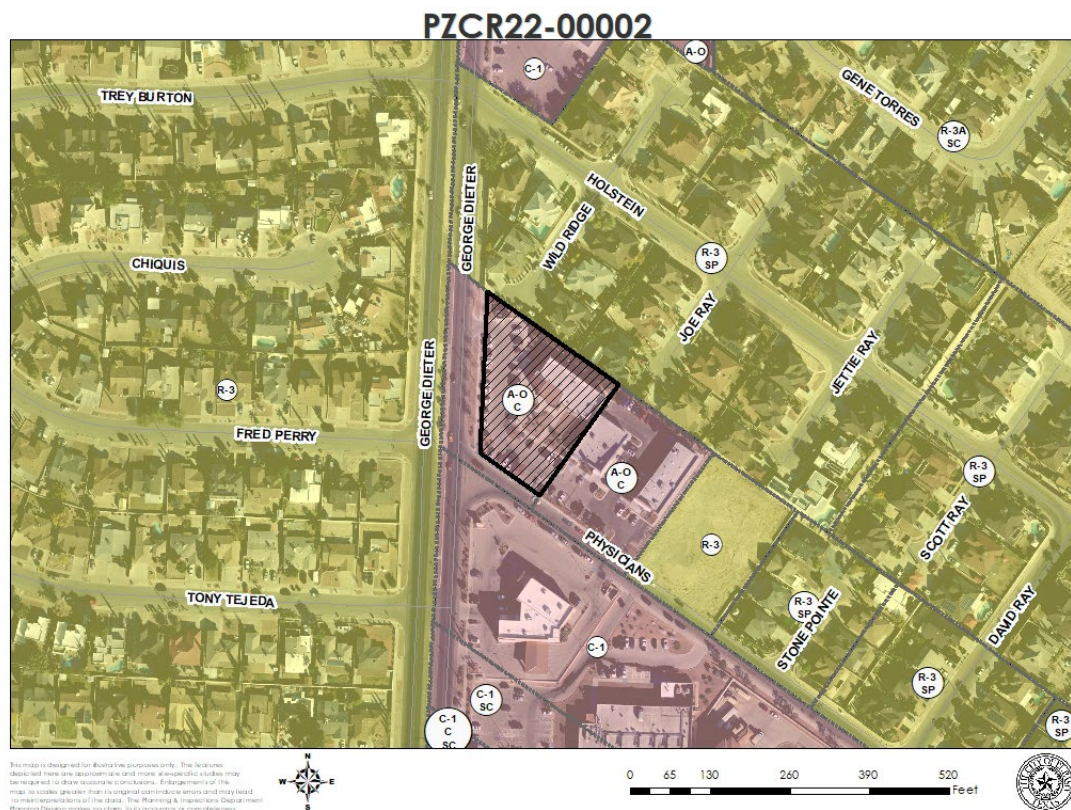


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant submitted a Condition Release application requesting to release Condition No. 1 imposed on the subject property by Ordinance No. 15503, dated August 5, 2003. The applicant is proposing an addition to the existing medical clinic with vehicular access from George Dieter Drive and Physicians Drive. The subject property is 0.99 acres and located at 1426 George Dieter Drive. The subject property is required to comply with conditions imposed by such Ordinance, which states in part:

1. That access to the property only be permitted from Physicians Drive.
2. That a minimum rear setback of 10 feet be required.
3. That a detailed site development plan be approved per the El Paso Municipal Code prior to building permits being issued.

Condition No. 1 imposed by the rezoning is no longer necessary or has been satisfied, and future development of the subject property is beyond what is needed to be compatible with its surrounding established neighborhood. The proposed addition to the existing medical clinic shall demonstrate compliance with all El Paso City Code requirements prior to the issuance of a certificate of occupancy.

PREVIOUS CASE HISTORY: The subject property was part of rezoning case ZC-02071, which changed the zoning district from R-3 (Residential) to A-O (Apartment/Office). Ordinance No. 15503, passed on August 5, 2003 imposed the following conditions:

1. That access to the property only be permitted from Physicians Drive.
2. That a minimum rear setback of 10 feet be required.
3. That a detailed site development plan be approved per the El Paso Municipal Code prior to building permits being issued.

Note: The applicant is requesting to release condition No. 1. All other conditions shall continue in effect.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The existing medical clinic is consistent with surrounding development. Other medical and commercial use properties abutting George Dieter Drive in the vicinity provide vehicular access off such road, including those adjacent to residential zones. The nearest park is Argal Park (0.60 miles) and the nearest school is Myrtle Cooper Elementary School (1.03 miles).

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed condition release 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 existing medical clinic is compatible with the G-4, Suburban (Walkable) Future Land Use designation as it is conducive to supporting civic and commercial uses.</p>

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
<p>Compatibility with Surroundings: The zoning district is compatible with those surrounding the site:</p> <p>A-O (Apartment/Office) District: The purpose of this district is to promote and preserve residential development within the city associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low-density residential neighborhoods to other residential areas, and certain nonresidential uses and support facilities.</p>	<p>Yes. The existing medical clinic on subject property is a use permitted in the A-O (Apartment/Office) district, and medical use is adjacent to other medical and commercial uses. Surrounding uses consist of single-family dwellings, financial institutions and other medical uses.</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. The subject property is located off of George Dieter Drive and Physician Drive, which are classified as a Major Arterial and local street, respectively per the City's Major Thoroughfare Plan (MTP).</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 areas plans, including land-use maps in those plans.</p>	<p>This property does not fall within any historic districts, special designations, or study plan areas.</p>
<p>Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested condition release.</p>	<p>Allowing vehicular access of George Dieter Drive would allow for access to the existing medical clinic while decreasing unnecessary commercial traffic from local streets and residential zones. Decreasing commercial traffic from residential zones would reduce noise pollution and increase safety for neighboring residential areas.</p>
<p>Natural Environment: Anticipated effects on the natural environment.</p>	<p>The subject property does not involve green field or environmentally sensitive land or arroyo disturbance.</p>

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Stability: Whether the area is stable or in transition.	The area is stable with no rezoning cases within the last 10 years.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	The condition restricting access on the subject property to Physicians Drive is no longer appropriate as George Dieter Drive is classified as a Major Arterial according the City of El Paso’s Major Thoroughfare Plan (MTP). Allowing access to the subject property from George Dieter Drive would benefit surrounding residential areas by alleviating unnecessary commercial traffic and noise while increasing the safety of surrounding residential properties.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The applicant is proposing vehicular access from Physicians Drive and George Dieter Drive which are classified as a Local street and Major Arterial, respectively per the City of El Paso’s Major Thoroughfare Plan (MTP). The classification of these roads are adequate for the use of medical clinic. The subject property has existing sidewalks along George Dieter Drive and Physicians Drive.

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

PUBLIC COMMENT: The subject property does not lie within any neighborhood or civic association. The applicant did inform the nearest neighborhood association, Las Palmas Neighborhood Association. Notices were sent to property owners within 300 feet on June 29, 2022. As of July 14, 2022, Planning received one (1) phone call of inquiry, but has not received any other communication in support or opposition to the condition release request.

RELATED APPLICATIONS: Detailed Site Development Plan – PZDS22-00002. The detailed site development – administrative approval is currently under review. The applicant is proposing to expanding his medical clinic by constructing an addition to the current building.

OTHER CONSIDERATIONS: Nearly every other commercial and medical property fronting George Dieter Drive along the entirety of the road provide vehicular access off George Dieter Drive.

CITY PLAN COMMISSION OPTIONS:

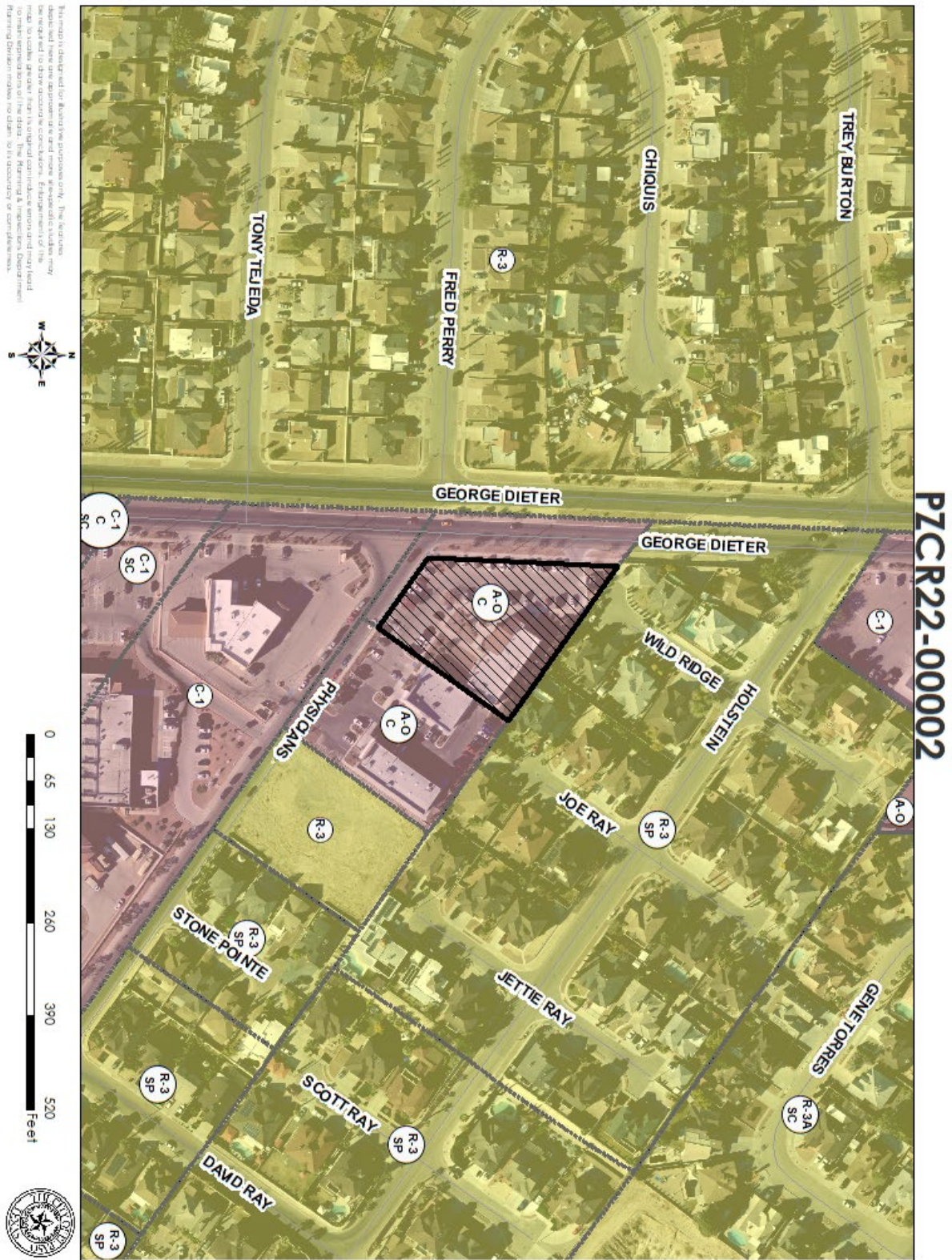
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

1. **Recommend Approval** of the rezoning 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 rezoning 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 rezoning 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. Zoning Map
2. Detailed Site Plan
3. Department Comments
4. Neighborhood Notification Boundary Map
5. Ordinance No. 15503

ATTACHMENT 1



[illegible]

ATTACHMENT 3

Planning and Inspections Department - Planning Division

Recommend approval of the condition release request.

Planning and Inspections Department – Plan Review & Landscaping Division

No objections to release condition No. 1 on Ordinance No. 15503. At the time of submittal for building permits, the project will need to comply with all applicable municipal and building code requirements.

Planning and Inspections Department – Land Development

No objections to the request.

Fire Department

No adverse comments.

Police Department

No comments received.

Environmental Services

No comments received.

Streets and Maintenance Department

No adverse comments for this application.

Sun Metro

No comments received.

El Paso Water

El Paso Water (EPWater) does not object to this request.

EPWU-PSB Comments

There is an existing 8-inch diameter water main that extends along the north side of Physicians Dr. approximately 18-feet south of and parallel to the northern right-of-way line of Physicians Dr. This water main is available for service.

There is an existing 12-inch diameter water main that extends along George Dieter Dr. approximately 60-feet east of and parallel to the western right-of-way line of George Dieter Dr. This water main is available for service.

EPWater records indicate there is one (1) 2-inch domestic meter, one (1) ¾" yard meter, one (1) 4-inch fire-line meter and one(1) 6-inch fire line meter serving the subject property. The service address is 11861 Physicians Rd.

Previous water pressure from fire hydrant #05320 located at the northwest corner of the intersection of George Dieter Dr. and Fred Perry Dr., has yielded a static pressure of 66 pounds per square inch (psi), a residual pressure of 62 psi, and a discharge of 1321 gallons per minute.

Sanitary Sewer

There is an existing 8-inch diameter sanitary sewer main along the north side of Physicians Dr. approximately 20-feet north of and parallel to the southern right-of-way line. This main dead-ends approximately 80-feet east of George Dieter Dr. This sanitary sewer main is available for service and main extension.

General

An application for additional water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater-PSB Rules and

Regulations. The applicant 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 comments received.

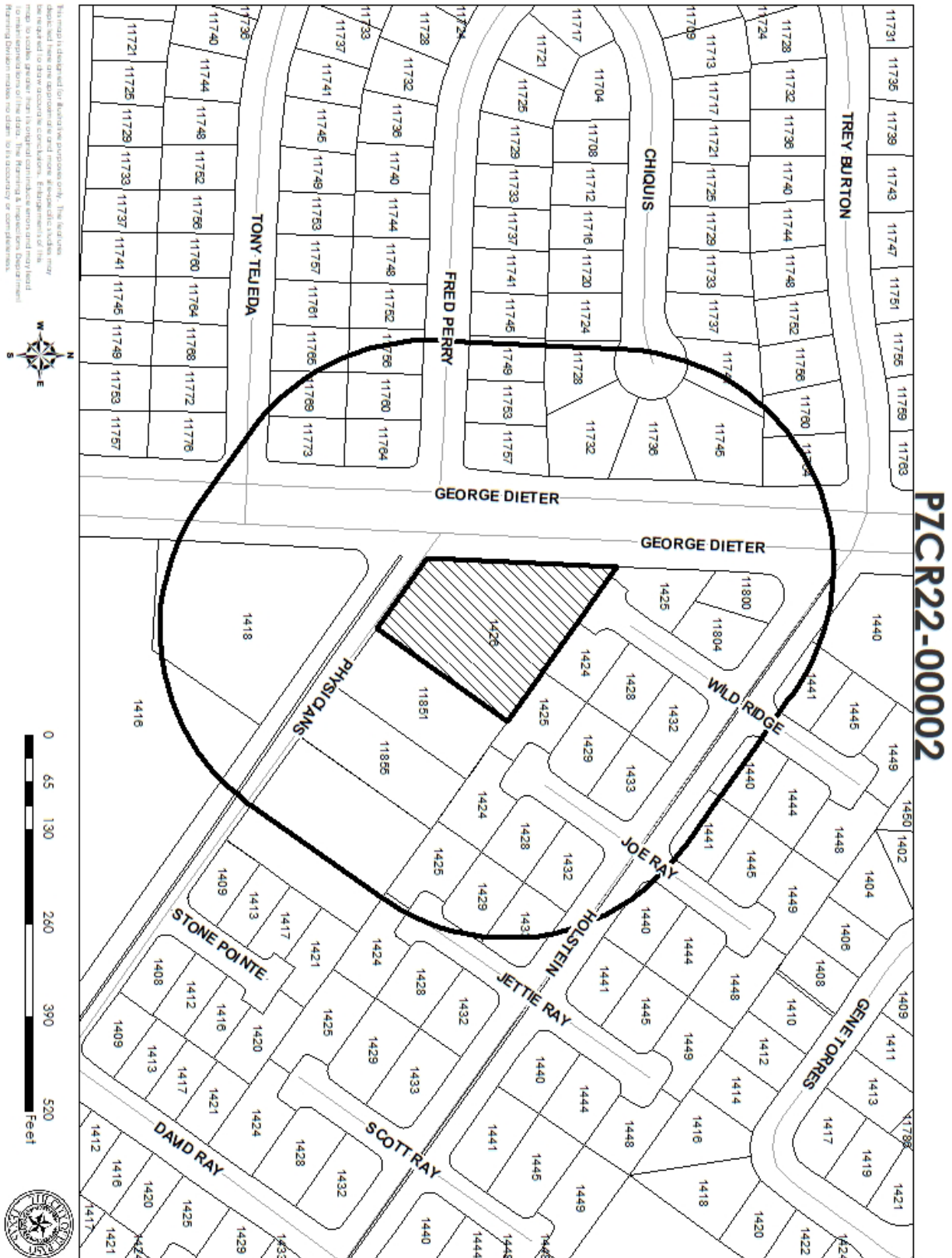
Texas Department of Transportation

No comments received.

El Paso County Water Improvement District 1

No comments received.

ATTACHMENT 4



ATTACHMENT 5

Doc# 20040085348

212

ORDINANCE NO. 15503

AN ORDINANCE CHANGING THE ZONING OF TRACT 21, O. A. DANIELSON SURVEY NO. 310, EL PASO, EL PASO COUNTY, TEXAS (GEORGE DIETER DRIVE AND PHYSICIANS DRIVE) FROM R-3 (RESIDENTIAL) TO A-O (APARTMENT-OFFICE) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of *Tract 21, O. A. DANIELSON SURVEY NO. 310, El Paso, El Paso County, Texas*, be changed **from R-3 (Residential) to A-O (Apartment-Office)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from R-3 (Residential) to A-O (Apartment-Office)**, in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

1. *That access to the property only be permitted from Physicians Drive.*
2. *That a minimum rear setback of 10 feet be required.*
3. *That a detailed site development plan be approved per the El Paso Municipal Code prior to building permits being issued.*

These conditions run with the land, is a charge and servitude thereon, and binds the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of this condition, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or

MW:pmc\#89995v2\ZON\PLA\Y6

ORDINANCE NO. 15503

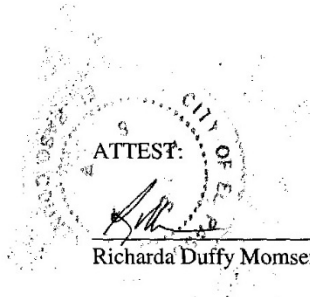
1

7/31/03

Zoning Case No. ZC-02071

release the above condition in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity of this Ordinance.

PASSED AND APPROVED this 5th day of August 2003.



Richarda Duffy Momsen, City Clerk

THE CITY OF EL PASO

Joe Wardy
Mayor

A handwritten signature of Joe Wardy, Mayor of the City of El Paso.

APPROVED AS TO FORM:

Matt Watson
Assistant City Attorney

A handwritten signature of Matt Watson, Assistant City Attorney.

APPROVED AS TO CONTENT:

Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

A handwritten signature of Rodolfo Valdez, Chief Urban Planner.

Acknowledgment

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 5th day of August, 2003,
by JOE WARDY as Mayor of THE CITY OF EL PASO.

My Commission Expires:



A handwritten signature of Dora Nazariega, Notary Public.
Notary Public, State of Texas
Notary's Printed or Typed Name:
Dora Nazariega

MW:\pmc\#89995v2\ZON\PLA\Y6

ORDINANCE NO. 15503

2

7/31/03

Zoning Case No. ZC-02071

Doc# 20040085348
#Pages 2 HNFPages 1
3/10/2004 12:04:32 PM
Filed & Recorded in
Official Records of
EL PASO COUNTY
WALDO ALARCON
COUNTY CLERK
Fees \$16.00

SCANNED

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL
OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR
OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW
STATE OF TEXAS COUNTY OF EL PASO

I hereby certify that this instrument was filed on the date and time stamped
hereon by me and was duly recorded in the volume and page of the Official
Public Record of Real Property El Paso County.



EL PASO COUNTY, TEXAS

Waldo Alarcon
SEP 10 2004