

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

AGENDA DATE: April 11, 2023
PUBLIC HEARING DATE: May 9, 2023

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

DISTRICT(S) AFFECTED: District 4

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

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance changing the zoning for the property described as the South ½ of Tracts 64 and 65 and all of Tracts 66, 67, 68, 69, 70, 71, 72, 73, 74, and 75, First Supplemental Map of Parkland Addition, 10202 Dyer Street, 10266 Dyer Street, and 10288 Dyer Street, City of El Paso, El Paso County, Texas from C-3 (Commercial) and C-3/sc (Commercial/special contract) to C-4 (Commercial) and C-4/sc (Commercial/special contract), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning 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: 10202 Dyer Street, 10266 Dyer Street, and 10288 Dyer Street
Applicant: Atiyah Talal, Donna L. Green, and Cesar A. Lopez, PZRZ22-00038

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from C-3 (Commercial) and C-3/sc (Commercial/special contract) to C-4 (Commercial) and C-4/sc (Commercial/special contract) to allow for heavy equipment (sales, storage, repair and rental) and heavy truck (sales, storage, repair, and rental). The City Plan Commission (CPC) recommended 5-0 to approve the proposed rezoning with conditions on February 23, 2023. As of April 4, 2023, the Planning Division has not received any communication in support or opposition to the rezoning request. At the CPC meeting, there was one individual who was in opposition to this 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:

Kevin Smith for Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING FOR THE PROPERTY DESCRIBED AS THE SOUTH 1/2 OF TRACTS 64, AND 65 AND ALL OF TRACTS 66, 67, 68, 69, 70, 71, 72, 73, 74 AND 75, FIRST SUPPLEMENTAL MAP OF PARKLAND ADDITION, 10202 DYER STREET, 10266 DYER STREET, AND 10288 DYER STREET, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-3 (COMMERCIAL) AND C-3/SC (COMMERCIAL/SPECIAL CONTRACT) TO C-4 (COMMERCIAL) AND C-4/SC (COMMERCIAL/SPECIAL CONTRACT), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of the South 1/2 of Tracts 64, and 65 and all of Tracts 66, 67, 68, 69, 70, 71, 72, 73, 74 and 75, First Supplemental Map of Parkland Addition, 10202 Dyer Street, 10266 Dyer Street, and 10288 Dyer Street, located in the City of 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 **C-3 (Commercial) and C-3/sc (Commercial/special contract) to C-4 (Commercial) and C-4/sc (Commercial/special contract)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following conditions which are 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 an eight-foot (8') high masonry wall be required to be placed along the property lines abutting Pheasant Road and that all vehicular access through Pheasant Road be restricted.
2. That parkway improvements, including the removal of any existing driveways, be required along Pheasant Road.
3. That a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center inside the subject property along Pheasant Road. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy or certificates of completion.
4. That prior to the issuance of building permits, a Detailed Site Development Plan shall be submitted and approved per City Plan Commission.
5. First party will, as part of the development of the property, develop and maintain a twenty feet (25') wide landscaped setback along the property line abutting Dyer Street.
6. That the following uses be prohibited:
 - Recycling collection facility.
 - Motor carrier/freight terminal.
 - Composting facility.
 - Truck stop.

ORDINANCE NO. _____

PZRZ22-00038

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

ADOPTED this _____ day of _____ 2023.

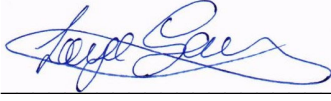
THE CITY OF EL PASO

ATTEST:

Oscar Leaser
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Joyce Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:

 for

Philip F. Etiwe, Director
Planning & Inspections Department

(Exhibit "A" on the following page)

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

10202, 10266 AND 10288 DYER STREET
EXHIBIT "A"

FIELD NOTE DESCRIPTION THE SOUTH 1/2 OF TRACTS 64, AND 65 AND ALL OF TRACTS 66, 67, 68, 69, 70, 71, 72, 73, 74 AND 75, FIRST SUPPLEMENTAL MAP OF PARKLAND ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A FOUND "V" ON THE WEST RIGHT-OF-WAY LINE OF PHEASANT ROAD (60' ROW) AND AT THE NORTH RIGHT-OF-WAY LINE OF DEER AVENUE (60' ROW), MARKING THE SOUTHEAST CORNER OF TRACT 75, FIRST SUPPLEMENTAL MAP OF PARKLAND ADDITION, AND ALSO BEING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED PARCEL;

THENCE, ALONG SAID NORTH RIGHT-OF-WAY LINE OF DEER AVENUE, SOUTH 90°00'00" WEST, A DISTANCE OF 310.20 FEET TO A POINT FOR CORNER ON SAID RIGHT-OF-WAY LINE;

THENCE, LEAVING SAID NORTH RIGHT-OF-WAY LINE OF DEER AVENUE, 41.69 FEET ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS 20.00 FEET, WHOSE INTERIOR ANGLE IS 119°25'45", WHOSE CHORD BEARS NORTH 30°17'08" WEST, A DISTANCE OF 34.54 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF DYER STREET (100' ROW);

THENCE, ALONG SAID EAST RIGHT-OF-WAY LINE OF DYER STREET, NORTH 29°25'45" EAST, A DISTANCE OF 1,112.13 FEET TO A FOUND PIPE FOR THE NORTHWEST CORNER OF THIS PARCEL;

THENCE, LEAVING SAID EAST RIGHT-OF-WAY LINE OF DYER STREET, SOUTH 60°34'15" EAST, A DISTANCE OF 300.00 FEET TO A FOUND "X", LYING ON SAID WEST RIGHT-OF-WAY LINE OF PHEASANT ROAD;

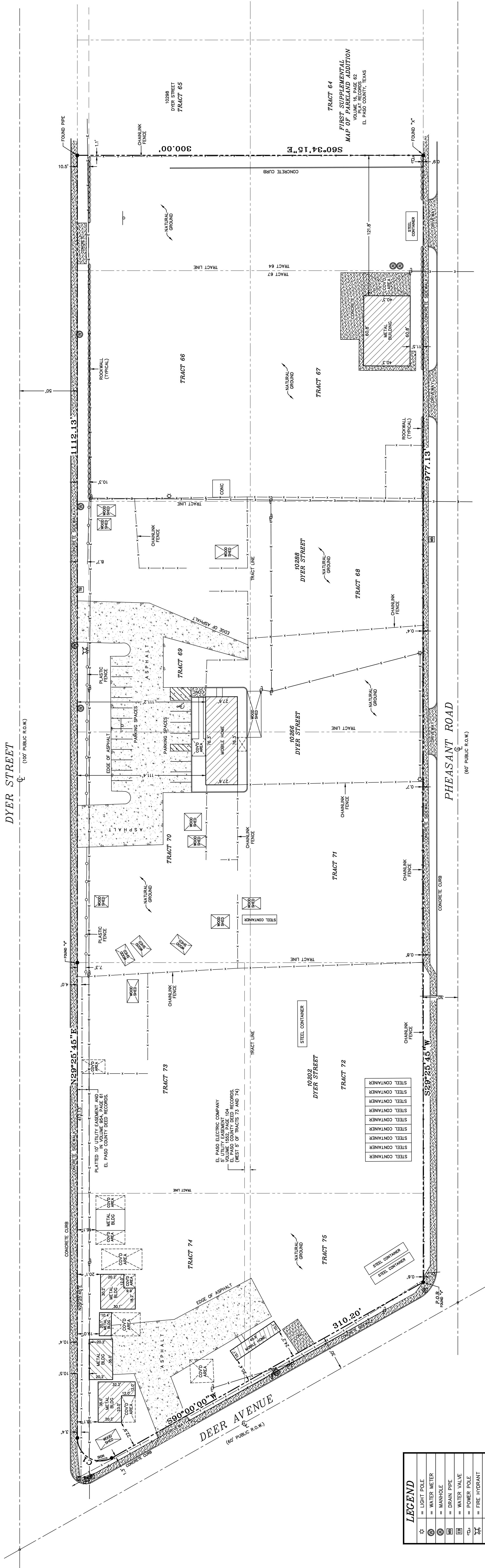
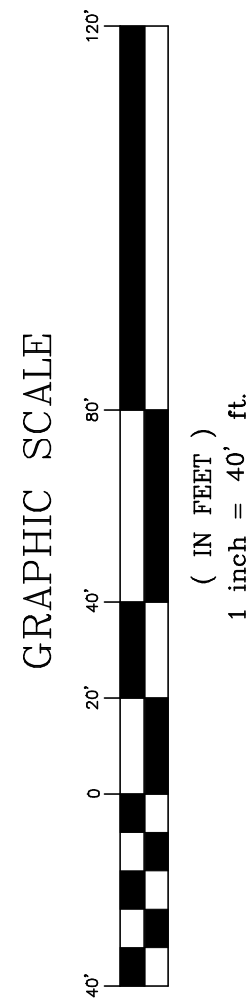
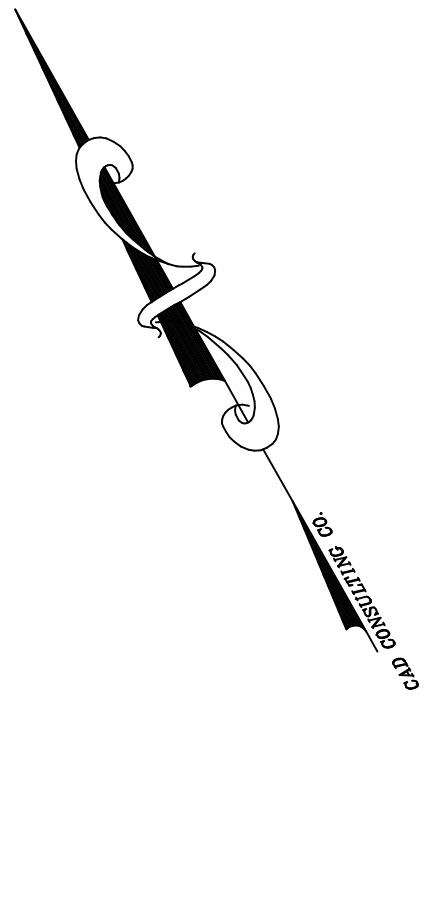
THENCE, ALONG SAID WEST RIGHT-OF-WAY LINE OF PHEASANT ROAD, SOUTH 29°25' 45" WEST, A DISTANCE OF 977.13 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL AND CONTAINING 318,257.94 SQUARE FEET OR 7.3062 ACRES OF LAND MORE OR LESS.

CARLOS M. JIMENEZ
R.P.L.S No. 3950
FIRM# 10099300
CAD CONSULTING CO.
1790 N. LEE TREVINO DR., STE. 309
EL PASO, TX 79936



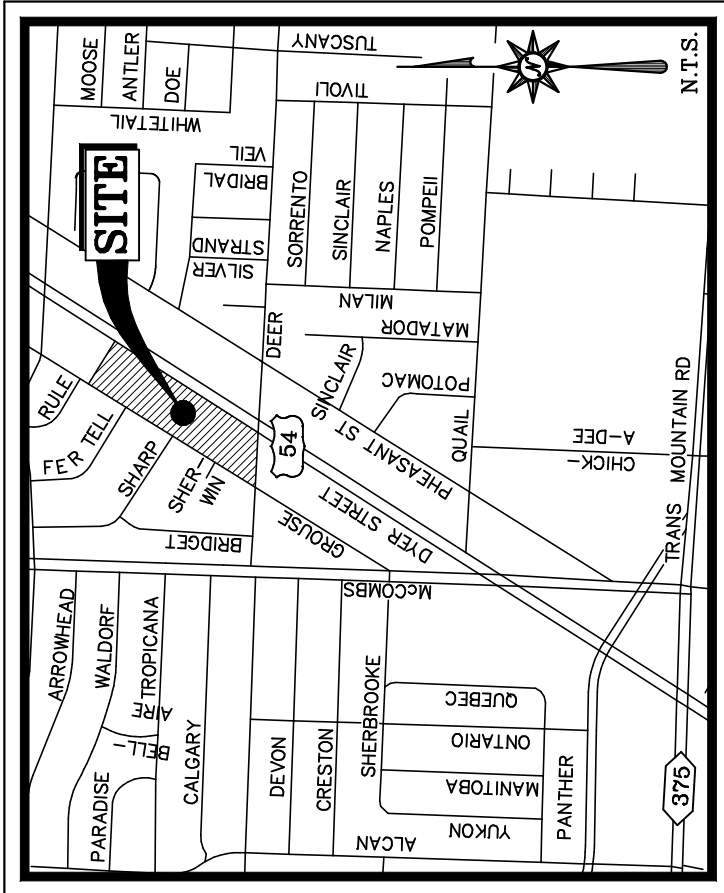
THE SOUTH 1/2 OF TRACTS 64 AND 65 AND
ALL OF TRACTS 66, 67, 68, 69, 70, 71 72, 73, 74 AND 75,
FIRST SUPPLEMENTAL MAP OF PARKLAND ADDITION,
CITY OF EL PASO, EL PASO COUNTY, TEXAS.

CONTAINING:
318,257.94 SQ. FT. OR 7.3062 ACRES ±
SEE EXHIBIT "A"



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	41.69	20.00	119°25'45"	N30°17'08"W	34.54

LOCATION MAP



BEGINNING AT A FOUND "V" ON THE WEST RIGHT-OF-WAY LINE OF PHEASANT ROAD (60' ROW) SOUTH-EAST CORNER OF TRACT 75, FIRST SUPPLEMENTAL MAP OF PARKLAND ADDITION, AND ALSO BEING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED PARCEL;

THENCE, ALONG SAID EAST RIGHT-OF-WAY LINE OF DYER STREET, NORTH 29°25'45" EAST, A DISTANCE OF 1,112.13 FEET TO A FOUND PIPE FOR THE NORTHWEST CORNER OF THIS PARCEL;

THENCE, LEAVING SAID EAST RIGHT-OF-WAY LINE OF DYER STREET, SOUTH 60°34'15" EAST, A DISTANCE OF 300.00 FEET TO A FOUND "X", LYING ON SAID WEST RIGHT-OF-WAY LINE OF PHEASANT ROAD;

THENCE, ALONG SAID WEST RIGHT-OF-WAY LINE OF PHEASANT ROAD, SOUTH 29°25' 45" WEST, A DISTANCE OF 977.13 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL AND CONTAINING 318,257.94 SQUARE FEET OR 7.3062 ACRES OF LAND MORE OR LESS.

NOTE(S):

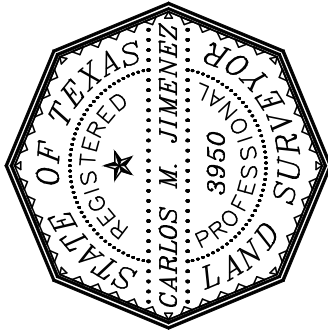
1. ACCORDING TO THE FLOOD INSURANCE RATE MAP HEREON DESCRIBED, TRACT LIES IN ZONE "C", COMMUNITY PANEL NO. 480241-0020 - B, DATED 10/15/1982.
2. MAP OF PARKLAND, ADDITION, FILED ON VOLUME 16, PAGE 62, PLAT RECORDS OF LAS ANIMAS COUNTY, TEXAS.
3. THE LOCATION OF UTILITY LINES SHOWN HEREON ARE FROM ASSERED EVIDENCE OF ABOVE-GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH SURFACE DOWEL MARKINGS, EXCAVATIONS OR UTILITY COMPANY PLANS TO DETERMINE THE EXACT LOCATION OF ANY SUBTERRANEAN USES.
4. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

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CONSULTING COMPANY

1790 LEE TREVINO DRIVE SUITE 309

TEL(915) 633-6422 FAX(915) 633-6424



CERTIFICATION

CARLOS M. JIMENEZ R.P.L.S No. 3950
FIRM# 10099700

10202, 10266, and 10288 Dyer Street

City Plan Commission — February 23, 2023

REZONING



CASE NUMBER:	PZRZ22-00038
CASE MANAGER:	Saul Pina, (915) 212-1612, PinaSJ@elpasotexas.gov
PROPERTY OWNER:	Atiyah Talal, Donna L. Green, and Cesar A. Lopez
REPRESENTATIVE:	Ray Mancera
LOCATION:	10202 Dyer St., 10266 Dyer St., and 10288 Dyer St. (District 4)
PROPERTY AREA:	7.31 acres
REQUEST:	Rezone from C-3 (Commercial) and C-3/sc (Commercial/special contract) to C-4 (Commercial) and C-4/sc (Commercial/special contract)
RELATED APPLICATIONS:	None
PUBLIC INPUT:	None received as of February 16, 2023

SUMMARY OF REQUEST: The applicant is requesting to rezone the three (3) subject properties from C-3 (Commercial) and C-3/sc (Commercial/special contract) to C-4 (Commercial) and C-4/sc (Commercial/special contract) to allow for the uses of heavy equipment (sales, storage, repair, and rental) and heavy truck (sales, storage, repair, and rental).

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the rezoning request. This recommendation is based on the consistency of the request with *Plan El Paso*, the City's adopted Comprehensive Plan, for the G-3, Post-War future land use designation. The conditions are the following:

1. *That an eight-foot (8') high masonry wall be required to be placed along the property lines abutting Pheasant Road and that all vehicular access through Pheasant Road be restricted.*
2. *That parkway improvements, including the removal of any existing driveways, be required along Pheasant Road.*
3. *That a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center inside the subject property along Pheasant Road. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy or certificates of completion.*
4. *That prior to the issuance of building permits, a Detailed Site Development Plan shall be submitted and approved per City Plan Commission.*
5. *First party will, as part of the development of the property, develop and maintain a 25 feet wide landscaped setback along the property line abutting Dyer Street.*
6. *That the following uses be prohibited:*
 - *Recycling collection facility.*
 - *Motor carrier/freight terminal.*
 - *Composting facility.*
 - *Truck stop.*

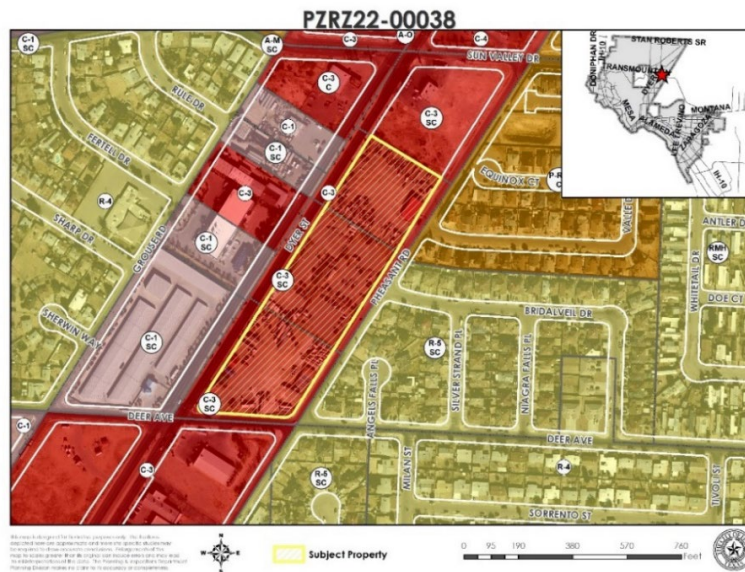


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone the three (3) subject properties from C-3 (Commercial) and C-3/sc (Commercial/special contract) to C-4 (Commercial) and C-4/sc (Commercial/special contract) to allow for the uses of heavy equipment (sales, storage, repair, and rental) and heavy truck (sales, storage, repair, and rental). The subject properties have a combined area of 7.31 acres. The detailed site plan shows three (3) existing buildings comprising of the following: a 463.59 square foot mobile office located on 10202 Dyer Street, a 2,105.88 square foot mobile office located on 10266 Dyer Street, and a 2,450.24 square foot office building located on 10288 Dyer Street. Main access to the properties is from Dyer Street.

PREVIOUS CASE HISTORY: The following case history is applicable to 10202 and 10266 Dyer Street:

Ordinance No. 4905, dated July 27, 1972 (attachment 3), and applicable to 10202 Dyer Street, changed the zoning from R-4 (Residential) to C-3 (Commercial) with the following special contract conditions:

- 1) First Party will, at no cost to the City and upon demand by the City, dedicate a sufficient amount of the property on the west side of Dyer Street for right of way for a deceleration lane on the west side of Dyer Street, to be approved by the Traffic and Transportation Department and other interested City Departments.

Note: Condition no. 1 subject to TXDOT review and approval.

- 2) First Party will, as part of the development of the property, develop and maintain 25 feet wide landscaped setbacks from the right of way along both sides of Dyer Street, and will build sidewalks along both sides of Dyer Street.

Note: Condition no. 2 to be complied with.

- 3) No development of any kind will be done on the property and no building permits will be issued for construction thereon until after site development plans and architectural plans have been approved by the Plan Commission.

Note: Condition no. 3 to be complied prior to issuance of building permits.

Ordinance No. 8198, dated November 6, 1984 (attachment 4), and applicable to 10266 Dyer Street, changed the zoning from R-4 (Residential) to C-3 (Commercial) with the following special contract conditions:

- 1) All repair of mobile homes must be done in an enclosed building.

Note: Condition no. 1 is not applicable for the proposed use.

- 2) The property owners shall pave half the right-of way of Pheasant Road adjacent to the subject property and install sidewalks within 120 days of approval of the rezoning request by the City Council.

Note: Condition no. 2 has been fulfilled or is not applicable. There are existing improvements on the referenced street.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed rezoning is consistent with adjacent commercial uses within the area. Properties to the north include a convenience store with gas pumps and an automotive service station zoned C-3/sc (Commercial/special contract) and C-3/c (Commercial/conditions); properties to the south include a convenience store and church zoned C-3 (Commercial); properties to the east include single and two-family dwellings zoned R-5/sc (Residential/special contract) and P-R II/c (Planned Residential II/conditions); and properties to the west include a self-storage facility and a motor vehicle repair shop zoned C-1/sc (Commercial/special contract). The nearest school, Parkland High School, is 0.57 miles and the nearest park, Franklin Park, is 0.8 miles in proximity to the site.

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 zone change is compatible with the Future Land Use designation for the property:</p> <p>G-3, Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. 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. The proposed heavy equipment (sales, storage, repair, and rental) and heavy truck (sales, storage, repair, and rental) use is an appropriate commercial use for this land use designation.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-4 (Commercial) District: The purpose of this district is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities.</p>	<p>Yes. The proposed zoning is compatible with surrounding commercial zoning districts. The proposed use of heavy equipment (sales, storage, repair, and rental) and heavy truck (sales, storage, repair, and rental) will integrate with surrounding commercial uses and will establish connectivity for business and commerce between Dyer Street, and Woodrow Bean Transmountain Road/Loop 375.</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 properties have access to Dyer St., which is designated as a major arterial in the City's Major Thoroughfare Plan. The classification of this road is appropriate as it will carry high traffic volume coming from nearby commercial properties and will connect to Woodrow Bean Transmountain Road/Loop 375. Access to Pheasant Rd., will be restricted as this local roadway is not suitable for heavy truck traffic.</p>

REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
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.	None. The subject properties are not located within any historic districts nor any other special designation areas.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	None. There are no anticipated adverse impacts.
Natural Environment: Anticipated effects on the natural environment.	None. The subject properties do not involve green field or environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	Yes. The area is stable, with nearby commercial zoning buffering residential.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Primary access is proposed from Dyer Street, a road classified as major arterial on the City of El Paso's Major Thoroughfare Plan (MTP) and is appropriate for the development. The existing infrastructure and services are adequate to serve the proposed development and connect with neighboring commercial properties. Dyer Street connects to Woodrow Bean Transmountain Road/Loop 375, a freeway located 0.59 miles to the south, and has vehicular and pedestrian access to the sites. Bus route 43 runs along Deer Avenue and the closest stop is located on Dyer Street, 0.05 miles in proximity to the subject properties.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: Improvements for 10202 Dyer Street, 10266 Dyer Street, and 10288 Dyer Street will be required to ensure proper development of the properties.

PUBLIC COMMENT: The subject properties do not lie within any neighborhood association. Notices were sent to property owners within 300 feet of the subject property on February 9, 2023. As of February 16, 2023, the Planning Division has not received any communication in support or opposition to the request. The public has expressed concerns related to traffic, pollution, and noise related to heavy truck usage on Pheasant Road.

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:

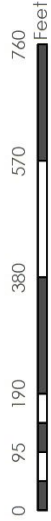
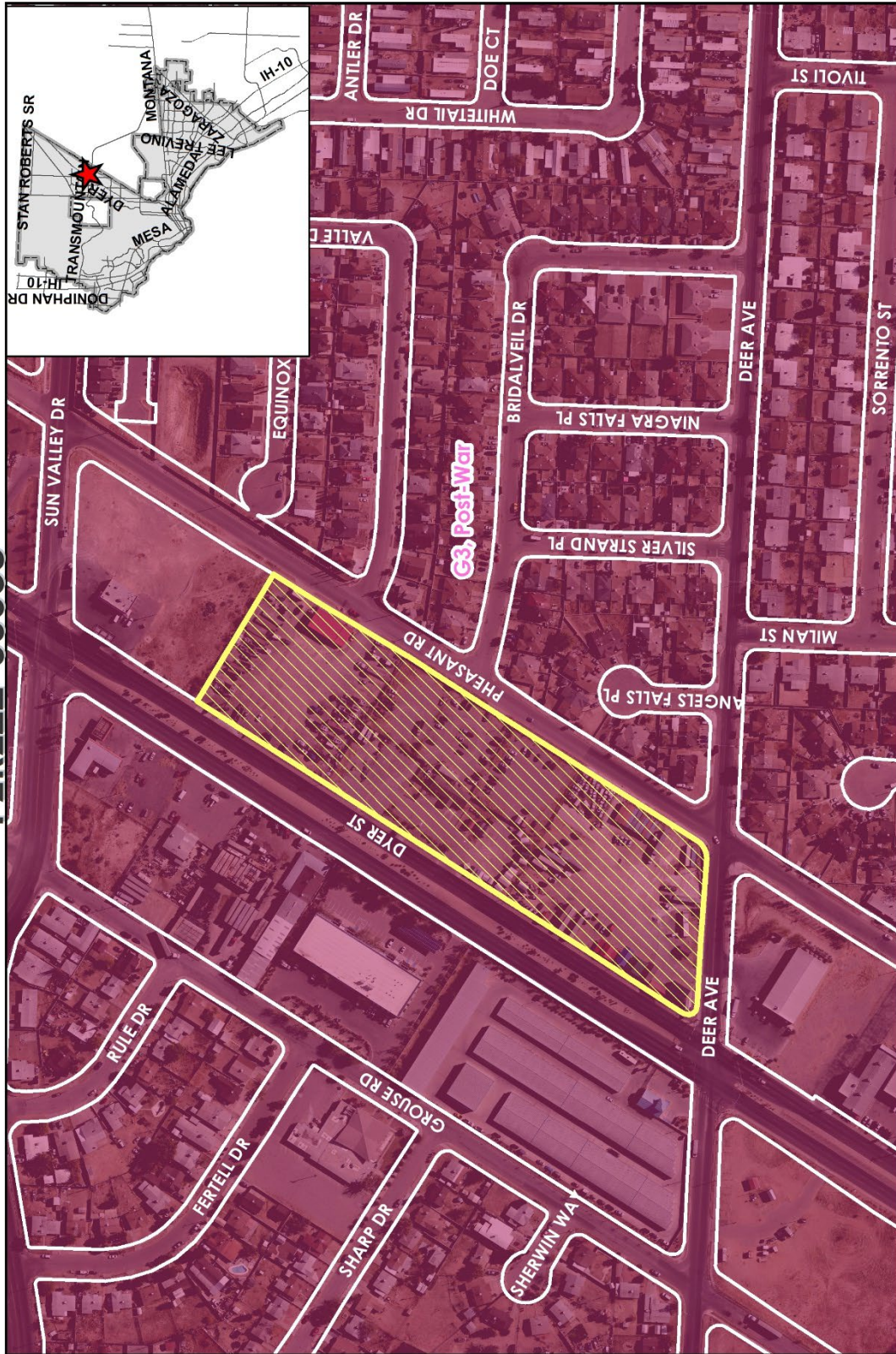
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval 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. **(Staff Recommendation)**
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. Future Land Use Map
2. Detailed Site Plan
3. Ordinance No. 4905
4. Ordinance No. 8198
5. Department Comments
6. Neighborhood Notification Boundary Map

ATTACHMENT 1

PZR22-00038



Subject Property



This map is designed for illustrative purposes only. The features shown on this map are not intended to be used for any other purpose. The map is not a survey and should not be used to draw accurate conclusions. Engagements 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.

The map shows a section of land bounded by Dyer Street to the north and Deer Avenue to the south. The land is divided into several tracts, each with specific features and boundaries. Tract 64 is at the top right, containing a mobile office. Tract 65 is to its west, also containing a mobile office. Tract 66 is further west, containing a mobile office. Tract 67 is to the east of Tract 66, containing a mobile office. Tract 68 is to the east of Tract 67, containing a mobile office. Tract 69 is to the east of Tract 68, containing a mobile office. Tract 70 is to the east of Tract 69, containing a mobile office. Tract 71 is to the east of Tract 70, containing a mobile office. Tract 72 is to the east of Tract 71, containing a mobile office. Tract 73 is to the east of Tract 72, containing a mobile office. Tract 74 is to the east of Tract 73, containing a mobile office. Tract 75 is to the east of Tract 74, containing a mobile office. The map also shows various streets, including Dyer Street and Deer Avenue. A graphic scale and north arrow are included for reference.

ATTACHMENT 3

AN ORDINANCE CHANGING THE ZONING
OF TRACTS 16 THROUGH 23 AND TRACTS
72 THROUGH 75, PARKLAND ADDITION,
THE PENALTY BEING AS PROVIDED IN
SECTION 25-10 OF THE EL PASO CITY CODE

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

That the zoning of Tracts 16 through 23, Parkland Addition be
changed to C-1 and Tracts 72 through 75, Parkland Addition be changed to
C-3 within the meaning of the Zoning Ordinance, and the zoning map of the
City be revised accordingly.

PASSED AND APPROVED this 27th day of July,
1972.



Mayor

ATTEST:



City Clerk

I certify that the zoning map has been revised to
reflect the amendment of ordinance 4905
By R. Gonzalez Date 8-17-72

I CERTIFY THAT THE FOLLOWING ZONING MAPS
HAVE BEEN REVISED: JOE CARDENAS
8-14-72 COUNTER
8-14-72 ORIGINAL
8-14-72 Billy Inspeccion
8-14-72 CONTROL 23-3616 R. Gonzalez

Contract

RESOLUTION

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

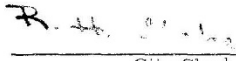
That the Mayor be authorized to sign a contract with John H. Goetz
and Surety Savings & Loan Association placing certain restrictions on prop-
erty rezoned by Ordinance No. 4985.

ADOPTED this 27th day of July, 1972.



Mayor

ATTEST:



City Clerk

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared R. T. Perry, President of SURETY SAVINGS & LOAN ASSOCIATION, a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that the same was the act of said corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and official seal this 21 day of July, 1972.

[Signature]
Notary Public in and for El Paso County,
Texas.

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared BERT WILLIAMS, Mayor of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he had executed the same for the purposes and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

Given under my hand and official seal this 27th day of July, 1972.

William L. Rogers, Jr.
Notary Public in and for El Paso County,
Texas.

CONTRACT

This contract, made this 25th day of July, 1972,
by and between John H. Goetz, First Party, Surety Savings & Loan Association, a corporation, Second Party, and the City of El Paso, Third Party,
witnesseth:

Application has been made to the City of El Paso for rezoning of Tracts 16 through 23 and Tracts 72 through 75, Parkland Addition to the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 4905 now pending before the City Council of the City of El Paso, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Party covenants that if the property is rezoned as indicated in the attached ordinance, it will be subject to the following restrictions, conditions and covenants:

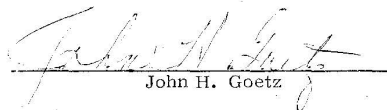
1. First Party will, at no cost to the City and upon demand by the City, dedicate a sufficient amount of the property on the west side of Dyer Street for right of way for a deceleration lane on the west side of Dyer Street, to be approved by the Traffic and Transportation Department and other interested City departments.
2. First Party will, as part of the development of the property, develop and maintain 25 feet wide landscaped setbacks from the right of way along both sides of Dyer Street, and will build sidewalks along both sides of Dyer Street.
3. No development of any kind will be done on the property and no building permits will be issued for construction thereon until after site development plans and architectural plans have been approved by the Plan Commission.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party, Second Party, and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

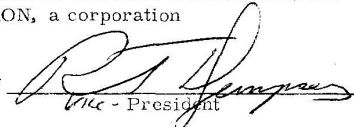
The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

Second Party is the owner and holder of a lien on the property and consents to this contract, but does not join herein for any other purpose.

Witness the following signatures and seals:


John H. Goetz

SURETY SAVINGS & LOAN ASSOCIATION, a corporation

by 
Vice-President

ATTEST:


Asst. Secretary

THE CITY OF EL PASO

by _____
Mayor

ATTEST:


City Clerk

THE STATE OF TEXAS)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared JOHN H. GOETZ, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 24th day of July, 1972.


Notary Public in and for El Paso County, Texas.

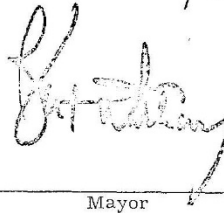
40.15

AN ORDINANCE CHANGING THE ZONING
OF TRACTS 16 THROUGH 23 AND TRACTS
72 THROUGH 75, PARKLAND ADDITION,
THE PENALTY BEING AS PROVIDED IN
SECTION 25-10 OF THE EL PASO CITY CODE

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

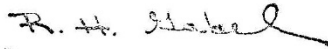
That the zoning of Tracts 16 through 23, Parkland Addition be
changed to C-1 and Tracts 72 through 75, Parkland Addition be changed to
C-3 within the meaning of the Zoning Ordinance, and the zoning map of the
City be revised accordingly.

PASSED AND APPROVED this 27th day of July,
1972.



Mayor

ATTEST:



City Clerk

40.15

Exhibit "A"

ATTACHMENT 4

ORD. No. 8198

Date of Introduction 10-7-84

Date of ADOPTION 11-6-84

City Clerk RUG

008198

AN ORDINANCE CHANGING THE ZONING
OF TRACTS 68, 69, 70 AND 71, PARKLAND ADDITION
THE PENALTY BEING AS PROVIDED IN
SECTION 25-96 OF THE EL PASO CITY CODE

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

That the zoning of Tracts 68, 69, 70 and 71, PARKLAND ADDITION,
be changed from R-4 (Residential) District to C-3 (Commercial)
District within the meaning of the zoning ordinance and the zoning
map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this 6th day of Nov, 1984.

Jonathan W. Rogers
Mayor

ATTEST:

R. W. Stohr
City Clerk

APPROVED AS TO FORM:

Ellen G. Gentry
Assistant City Attorney

APPROVED AS TO CONTENT:

Rory Adams
Planning, Research and
Development

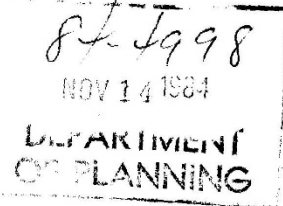
1-10-85 COUNTER

1-10-85 ZONING

1-10-85 Bldg. Inspection

1-10-85 CONTROL

Contract (11/6/84)
008198
Abstract Stohr
Date 1-10-85



RESOLUTION

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

That the Mayor be authorized to sign a contract with AMERICAN BANK OF COMMERCE, Trustee under the will of Elige Goss Dodson, deceased, placing certain restrictions, conditions and covenants on the property being rezoned by Ordinance No. 8198.

ADOPTED this 6th day of November, 1984.

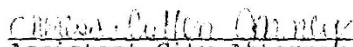


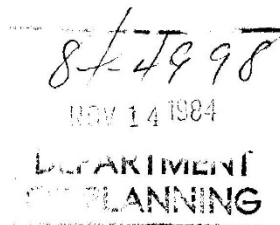
Mayor

ATTEST:


Acting City Clerk

APPROVED AS TO FORM:


Assistant City Attorney



CONTRACT

THIS CONTRACT, made this 5th day of November, 1984, by and between AMERICAN BANK OF COMMERCE, Trustee under the will of Elige Goss Dodson, Deceased, First Party, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning Tracts 68, 69, 70 and 71, PARKLAND ADDITION, City and County of El Paso, Texas. To remove certain objections to such rezoning, First Party covenants that if the property is rezoned to C-3 (Commercial) District within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. All repair of mobile homes must be done in an enclosed building.
2. The property owners shall pave half the right-of-way of Pheasant Road adjacent to the subject property and install sidewalks within 120 days of approval of the rezoning request by the City Council.

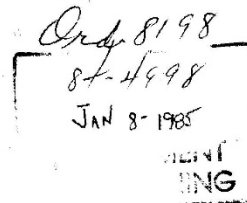
This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

WITNESS THE FOLLOWING SIGNATURES AND SEAL:

AMERICAN BANK OF COMMERCE, TRUSTEE
First Party

By Scott Z. Bauer



THE CITY OF EL PASO
Second Party

By [Signature]
Mayor

ATTEST:

[Signature]
City Clerk

APPROVED AS TO CONTENT:

[Signature]
Planning, Research and
Development

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 14th day of December, 1984, by [Signature] a representative for American Bank of Commerce.

[Signature]
Notary Public, State of Texas

My Commission Expires:

LEI R. DANIEL
Notary Public in and for El Paso County, Texas

7/1/88
THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 6th day of November, 1984, by JONATHAN W. ROGERS, as Mayor of the City of El Paso.

[Signature]
Notary Public, State of Texas

My Commission Expires:

7-12-86

Ord 8198

JAN 10 1985
DEPARTMENT
OF PLANNING

ATTACHMENT 5

Planning and Inspections Department - Planning Division

Staff recommends approval of the rezoning request with the following conditions:

1. *That an eight-foot (8') high masonry wall be required to be placed along the property lines abutting Pheasant Road and that all vehicular access through Pheasant Road be restricted.*
2. *That parkway improvements, including the removal of any existing driveways, be required along Pheasant Road.*
3. *That a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center inside the subject property along Pheasant Road. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy or certificates of completion.*
4. *That prior to the issuance of building permits, a Detailed Site Development Plan shall be submitted and approved per City Plan Commission.*
5. *First party will, as part of the development of the property, develop and maintain a 25 feet wide landscaped setback along the property line abutting Dyer Street.*
6. *That the following uses be prohibited:*
 - *Recycling collection facility.*
 - *Motor carrier/freight terminal.*
 - *Composting facility.*
 - *Truck stop.*

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend approval:

The generalized site plan is not being reviewed for conformance due to conceptual nature. No objections to proposed rezoning. 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 with conditions:

1. Show proposed drainage flow patterns on the site plan and identify the discharge and/or storage location(s) for all storm-water runoff within the subdivision. Show roof runoff discharge locations. On site ponding is required within each lot.
2. As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, rainwater harvesting within landscaped areas, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.
3. Concrete aprons must be removed when cancelling existing driveways with walls.

Note: Comments will be addressed at the building permitting stage.

Fire Department

Recommend approval:

No adverse comments.

Police Department

No comments received.

Environmental Services

No comments provided.

Streets and Maintenance Department

Recommend approval:

No objections. Must coordinate with TxDOT on access points and sidewalks for Dyer St.

Sun Metro

No comments provided.

El Paso Water

No objection to the request.

Water:

There is an existing 6-inch diameter water main along Sun Valley Drive. This main is available for service.

There is an existing 8-inch diameter water main along Pheasant Road, located 20-feet west of the property's western property line. This main is available for service.

There is an existing 16-inch diameter water transmission main that extends along Dyer St. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

Previous water pressure from fire hydrant #811, on Dyer St. fronting 10266 Dyer St., has yielded a static pressure of 90 (psi), a residual pressure of 78 (psi), and a discharge of 1,163 (gpm). The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer, and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sewer:

There is an existing 21-inch diameter sanitary sewer main along Pheasant Road, located 15-feet east of the property's western property line. This main is available for service.

There is an existing 8-inch diameter sanitary sewer main that extends along Pheasant Road, approximately 5 feet west of the right-of-way centerline.

There is an existing 8-inch diameter sanitary sewer main along Sun Valley Drive, located 25-feet south of the property's southern property line. This main is available for service.

General:

Dyer St. is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Dyer St. right-of-way requires written permission from TxDOT.

EPWater requires a new service application to provide additional service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. 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:

As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

If there is any further development, EPWater-SW requires on-site retention of all developed runoff; ensure runoff does not flow off-site.

Dyer St. is a state highway, and these roads are not designed to take in any outside flow. Deer & Pheasant roads were not designed to carry outside flows either.

Texas Department of Transportation

1. Please label which driveways are to be built/replaced/closed. From Google Earth, it seems the driveways are already built, we don't understand what the request is for.
2. We would need a drainage and grading plan as well to make sure that water runoff will not fall into our state Right of Way.
3. None of the driveways shown have any dimensions on the driveways.
4. Existing driveways spacing don't comply with TxDOT Standards.
5. Need further details on any new access requests. Exhibit did not specify what driveway(s) is(are) being proposed or if any modifications were going to be made to the existing ones on Dyer.
6. Provide for a possible Deceleration Lane.
7. Complete site layout.

Note: Comments will be addressed at the building permitting stage.

El Paso 9-1-1 District

No comments/concerns regarding the request.

El Paso County Water Improvement District #1

The attached item is not within the boundaries of EPCWID1.

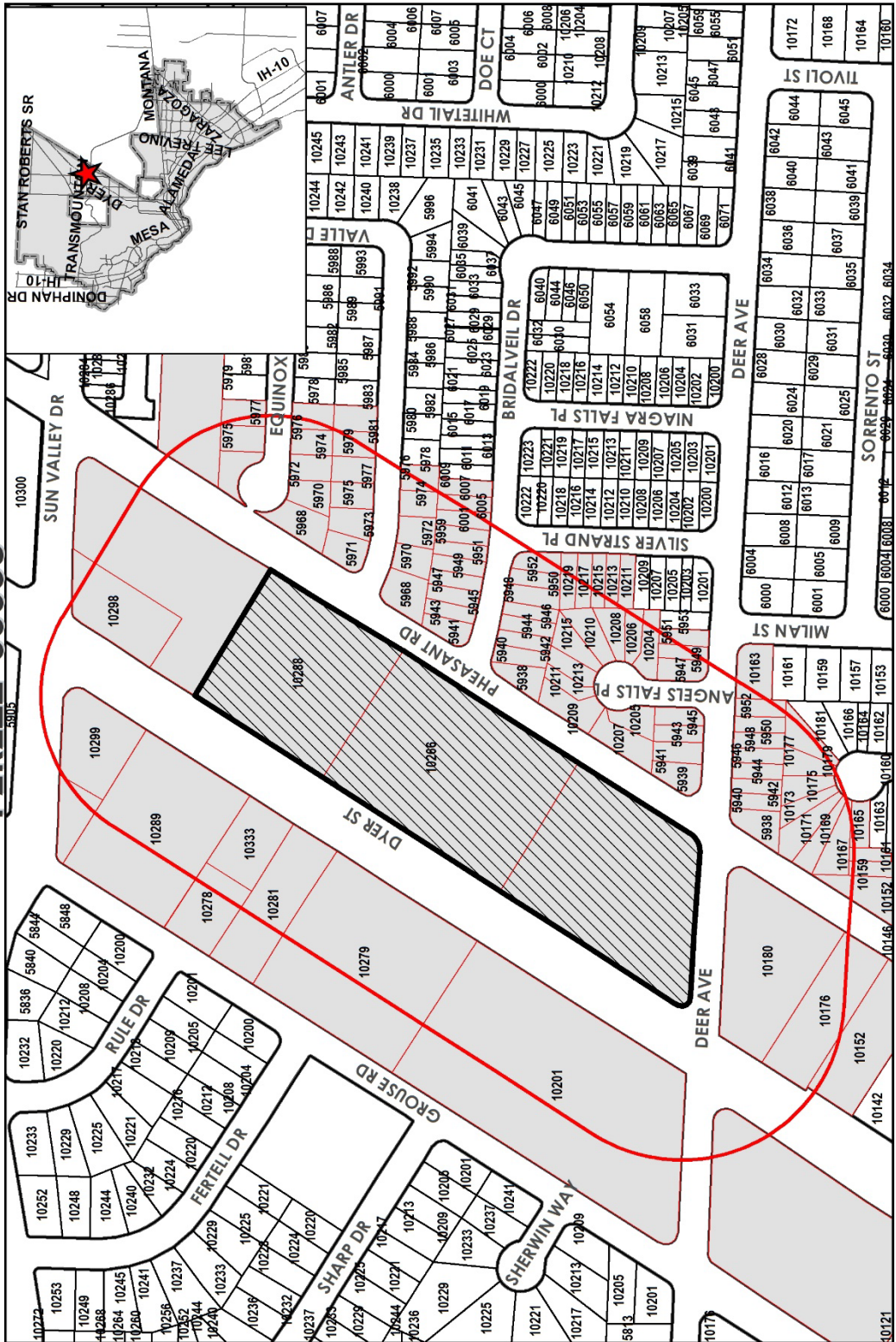
El Paso Electric

Please note the existing utility easements on Tracts 69-71, 66 and 67. No existing or future structures can encroach within these easements.

Note: Comment will be addressed at the building permitting stage.

ATTACHMENT 6

PZR22-00038



Subject Property
300 Feet Buffer



This map is designed for illustrative purposes only. The features depicted here are approximate and do not constitute a warranty. No representation is made by the City of San Jose or the Planning & Inspections Department as to the accuracy or completeness of the data. The Planning & Inspections Department makes no claim to its accuracy or completeness.