

**CITY OF EL PASO, TEXAS
AGENDA SUMMARY FORM**



DEPARTMENT / COUNCIL OFFICE:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

AGENDA ITEM:

ISSUE STATEMENT:

BACKGROUND:

COUNCIL OPTIONS:

COMMITTEE REVIEW AND/OR RECOMMENDATION:

COMMUNITY AND STAKEHOLDER OUTREACH (if applicable, as an attachment) – please include:

RELATED CITY POLICIES:

PRIOR COUNCIL ACTION:

LEGAL REVIEW:

Legal counsel reviewed as a part of Council packet

Legal counsel reviewed in advance of packet as an individual item

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

ATTACHMENTS:

FOR MORE INFORMATION:

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

SIGNATURE:

Kevin Smith for Philip Etiwe

(If Agenda Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOTS 1 THROUGH 10, BLOCK 28, ALEXANDER ADDITION 1401 N. MESA STREET, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-3 (APARTMENT) TO C-1 (COMMERCIAL), 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 **Lots 1 through 10, Block 28, Alexander Addition, 1401 N. Mesa Street**, located in the City of El Paso, El Paso County, Texas, be changed from **A-3 (Apartment)** to **C-1 (Commercial)**, 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 neighborhood character and the increased intensity of use generated by the change of zoning in order to protect the health, safety and welfare of the residents of the City:

- 1. That no vehicular ingress or egress be permitted along Mesa Street.*
- 2. That no less than 80% of the building façade shall be setback more than twenty feet (20') from the property line along Mesa Street.*
- 3. That a detailed site development plan be reviewed and approved per City Code prior to the issuance of certificates of occupancy or certificates of completion.*

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 _____, 2026.

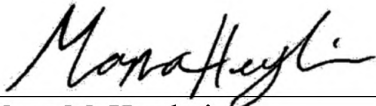
THE CITY OF EL PASO

ATTEST:

Renard U. Johnson
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Mona M. Heydarian
Assistant City Attorney

APPROVED AS TO CONTENT:

Kevin Smith for

Philip F. Etiwe, Director
Planning & Inspections Department

1401 N. Mesa

City Plan Commission — March 26, 2026

REZONING



CASE NUMBER:	PZRZ25-00031
CASE MANAGER:	Alejandra González, (915) 212-1506, GonzalezAG@elpasotexas.gov
PROPERTY OWNER:	Dirty Freddy, LLC
REPRESENTATIVE:	Charlie Gomez – EP Grotto, LLC
LOCATION:	1401 N. Mesa St. (District 8)
PROPERTY AREA:	0.73 acres
REQUEST:	Rezone from A-3 (Apartment) to C-1 (Commercial)
RELATED APPLICATIONS:	None
PUBLIC INPUT:	None received as of March 19, 2026

SUMMARY OF REQUEST: The applicant is proposing to rezone the subject property from A-3 (Apartment) to C-1 (Commercial) to allow for a restaurant.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the rezoning request. The proposed zoning district is compatible with the commercial uses in the surrounding area and consistent with *Plan El Paso*, the City's Comprehensive Plan, and the G-2, Traditional Neighborhood Future Land Use Designation. The conditions are the following:

1. That no vehicular ingress or egress be permitted along Mesa Street.
2. That no less than 80% of the building facade shall be set back no more than twenty feet (20') from the property line along Mesa Street.
3. That a detailed site development plan be reviewed and approved per City Code prior to the issuance of certificates of occupancy or certificates of completion.

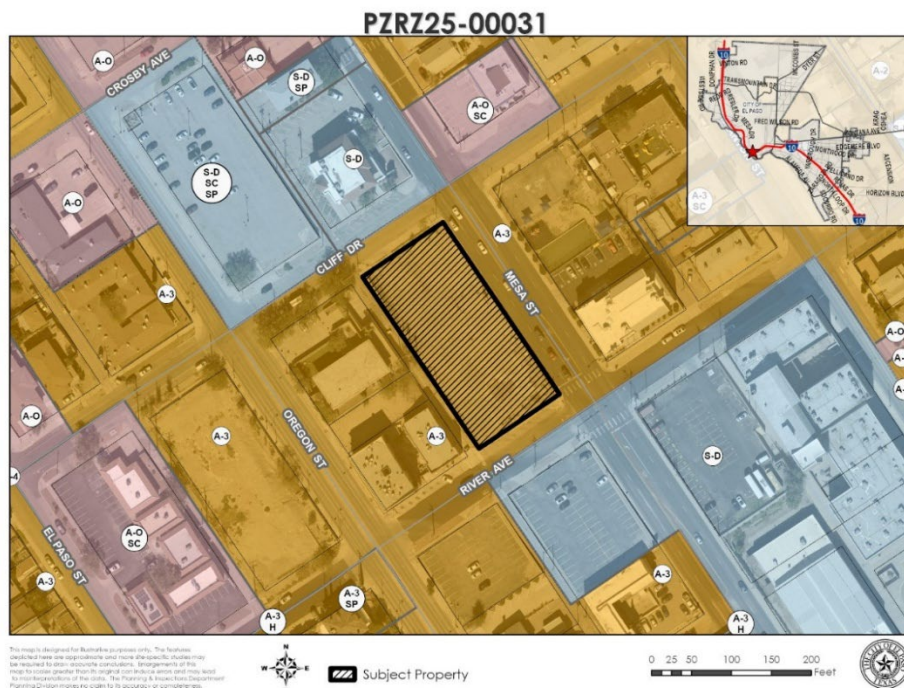


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is proposing to rezone the subject property from A-3 (Apartment) to C-1 (Commercial) to allow for a proposed restaurant. The subject property is 0.73 acres in size and has been vacant since approximately 2023. The conceptual site plan shows the proposed layout for the restaurant, drive-thru, and parking areas. Vehicular access to the property is from Cliff Drive and River Avenue. The conceptual plan is not being reviewed for compliance with zoning requirements and is not binding.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The Downtown, Uptown, and Surrounding Neighborhoods Master Plan objective is to enhance livability and economic prosperity and improve pedestrian connectivity to existing neighborhoods for a more sustainable city. One of the policies implemented by this plan is promoting infill development, which the proposal is aiming to achieve in order to realize the plan's vision.

The proposed zoning district and restaurant development are in character with surrounding zoning districts and the neighboring uses. Properties to the northwest across Cliff Drive and to the southwest across River Avenue are zoned S-D (Special Development) and include business and professional offices and a parking lot; properties to the northeast across Mesa Street and to the southwest across the alley are zoned A-3 (Apartment) and include a school, professional office, and apartment buildings. The nearest school, El Paso Country Day School, is 0.1 miles and the nearest park, Dunn Park, is 0.2 miles from the proposed development.

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with Plan El Paso, 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-2, Traditional Neighborhood: This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly face streets; schools, parks, and small shops are integrated with residential areas. This sector is wellsuited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.</p>	<p>Yes. The proposed restaurant development is compatible with the G-2, Traditional Neighborhood Land Use Designation of <i>Plan El Paso</i>. Restaurants and similar establishments attract major activity centers such as the nearby schools and offices, and promote a shared community for students, workers, and residents of nearby neighborhoods.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-1 (Commercial) District: The purpose of these districts is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.</p>	<p>Yes. The proposed C-1 (Commercial) zoning district will provide the integration of commercial uses with S-D (Special Development), A-3 (Apartment), and A-O (Apartment/Office) zoning districts in the surrounding area. Vacant properties are an opportunity, and the Mesa Street corridor is a link between diverse districts. The policies of the Downtown, Uptown and Surrounding Neighborhoods Master Plan are designed to protect neighborhood character while promoting infill. The main goal of implementing the proposed conditions is to safeguard the character of the existing neighborhood.</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 along Mesa Street, which is designated as a major arterial and, with access from Cliff Drive and River Avenue which are designated as minor arterial and local street respectively in the City's Major Thoroughfare Plan (MTP) and are appropriate to serve the proposed development.</p>
<p>THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</p>	
<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>Yes. The proposed development is within Downtown + Uptown & Surrounding Neighborhoods Plan boundaries.</p>
<p>Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.</p>	<p>The proposed development is not anticipated to pose any adverse effects on the community. However, staff recommends the proposed conditions in order to maintain the neighborhood's character. Mesa Street is owned and maintained by the Texas Department of Transportation (TxDOT) as State Highway 20, and is subject to design and access standards beyond the City's control. Traffic entering through Mesa Street will impact sidewalk and streetscape that promote walkability and bike transportation. Additionally, front setback conditions will prioritize building design and avoid surface parking as the frontage which contributes to a welcoming pedestrian friendly development.</p>
<p>Natural Environment: Anticipated effects on the natural environment.</p>	<p>The subject property does not involve sensitive land or arroyo disturbance.</p>
<p>Stability: Whether the area is stable or in transition.</p>	<p>The area is stable. However; The property located at 1551 Stanton Street was rezoned from A-O to R-MU in 2015 to allow for an apartment development.</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: The proposed development will have access from Cliff Drive and River Avenue via Mesa Street, which are designated as minor arterial, local street, and major arterial, respectively, in the City's Major Thoroughfare Plan. The classification of the roads is appropriate for the proposed development. Sidewalks and on-street parking are already present. Multiple bus routes, including Brio and the streetcar, run along Oregon Street. The nearest bus stop is 0.03 miles in proximity to the subject property.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: The location offers the opportunity to create spaces that will be favorable for both users and the proposed restaurant. Research of the surrounding areas of the subject property, show that there are building frontages along Mesa St., with parking lots located behind or to the sides. This is one of the priorities of the Downtown, Uptown, and Surrounding Neighborhoods Master Plan.

Staff intent for the section of Mesa Street is to have future development focus on the building and not the parking spaces. The proposed conditions will continue to maintain this character in the area and minimize negative visual impacts of parking areas and assist in improving pedestrian friendly design.

PUBLIC COMMENT: The subject property is located within the El Paso Central Business Association and the Sunrise Civic Group, which the applicant contacted. Notices were sent to property owners within 300 feet of the subject property on March 13, 2026. As of March 19, 2026, the Planning Division has not received any communication in support or opposition to the rezoning request.

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:

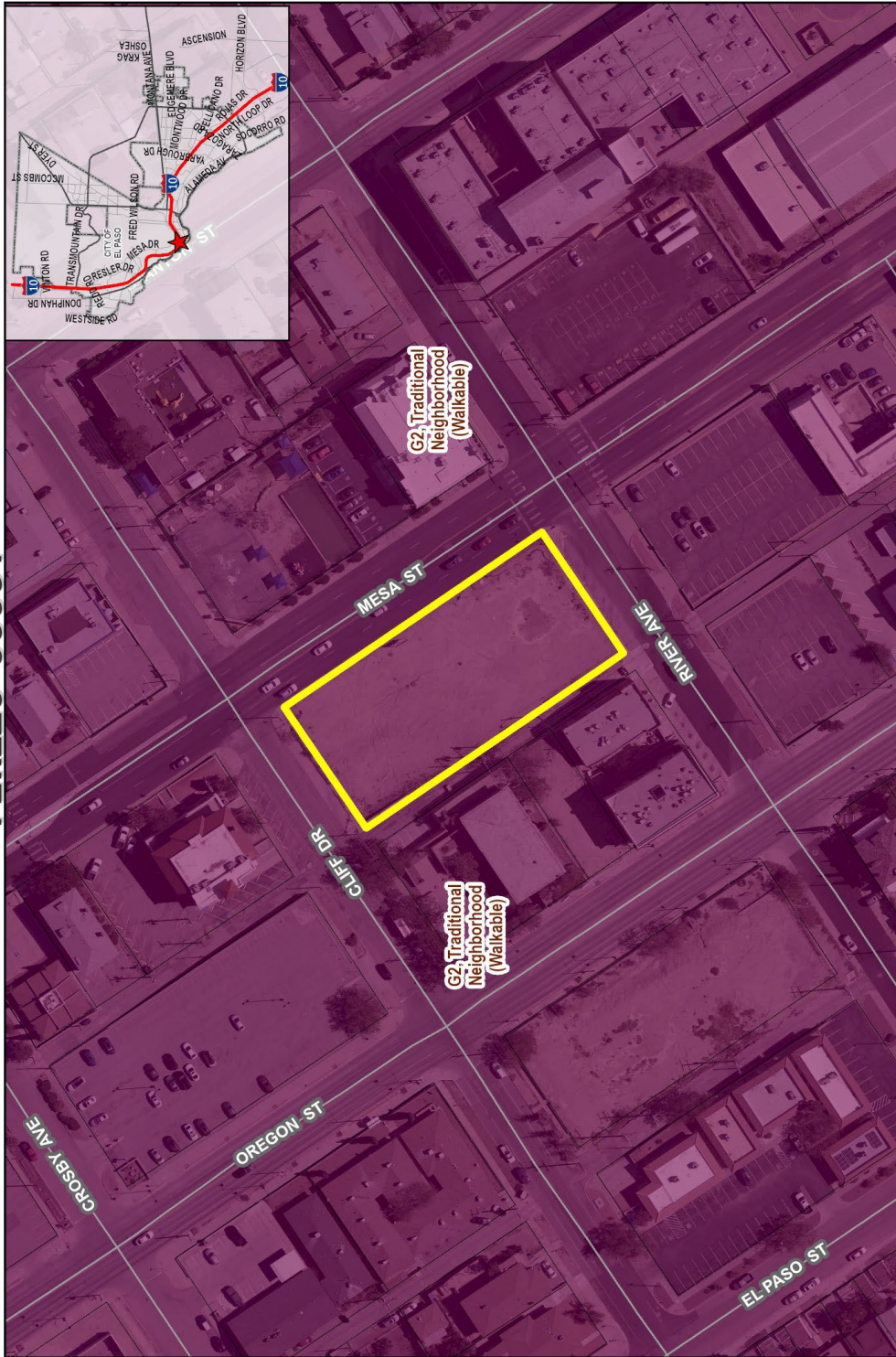
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval 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. Generalized Plot Plan
3. Department Comments
4. Neighborhood Notification Boundary Map

ATTACHMENT 1

PZR25-00031



 Subject Property

The 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 incorrect conclusions. The City of El Paso Planning Department Planning Division makes no claim to its accuracy or completeness.

ATTACHMENT 3

Planning and Inspections Department - Planning Division

Staff recommends **APPROVAL WITH CONDITIONS** of the rezoning request. The proposed zoning district is compatible with the commercial uses in the surrounding area and consistent with Plan El Paso, the City's Comprehensive Plan, and the G-2, Traditional Neighborhood Future Land Use Designation. The conditions are the following:

1. *That no vehicular ingress or egress be permitted along Mesa Street.*
2. *That no less than 80% of the building facade shall be set back no more than twenty feet (20') from the property line along Mesa Street.*
3. *That a detailed site development plan be reviewed and approved per City Code prior to the issuance of certificates of occupancy or certificates of completion.*

Planning and Inspections Department – Plan Review & Landscaping Division

1. 10-foot landscape buffer on street frontage will be required.
2. Street trees will be required on the parkway along E. Cliff Dr. and E. River Ave.

Note: Comments to be addressed at the permitting stage.

Planning and Inspections Department – Land Development

1. Specify if there will be a fence/wall along property line abutting the alley. Dimension alley access and specify if open driveway connectivity.
2. Abutting alley asphalt surface is in disrepair.
3. Show proposed drainage flow patterns on site plan and identify the discharge location(s) for all storm-water runoff into on site ponding.
4. Incorporate recessed landscape areas for rainwater harvesting infiltration detention allowing excess runoff water to overflow.

Note: Comments to be addressed at the permitting stage.

Fire Department

No adverse comments.

Police Department

No comments received.

Environment Services

No comments.

Sun Metro

No comments received.

Streets and Maintenance Department

Traffic & Transportation Engineering

No objections to rezoning application.

Streets Lighting:

Street Lights Department does not object to this request.

N. Mesa St. is a Texas Department of Transportation (TXDoT) right-of-way (ROW).

For the development of a subdivision a complete set of plans shall be submitted to Street Lights Department for review showing the minimum requirements for street illumination proposals**. The submission shall contain but shall not necessarily be limited to plans indicating the location on the premises of all lighting fixtures, both proposed and existing on the site***. The description of all lighting fixtures, both proposed and existing. Photometric data. Plans shall show street illumination design and details. El Paso city code is applicable to this process, Street Design Manual (SDM)* and any other applicable standards or requirements of the city.

Street Lights Department requires that a project that involves a roadway is to be evaluated for lighting requirements based on the City of El Paso Street Design Manual (SDM) and the Design Standards for Construction (DSC) according to City of El Paso Codes (cited below). While developing a project or construction area the existing street illumination system shall be protected and preserved. Complete survey for street illumination system shall be shown on plans. Any change on existing street illumination systems shall be coordinated with Street Lights Department.

City of El Paso Codes to be followed:

*Title 19 - 19.16.010 - Streetlighting.

**18.18.190 – Submission contents.

*** 19.02.040 Criteria for approval.

Contract Management:

No objections to rezoning application.

For future development, a complete set of improvement plans shall be submitted for review.

Indicate that any proposed infrastructure improvements located within the city right-of-way must follow the design standards for construction (DSC), in accordance with its municipal code.

Indicate that any damage to existing infrastructure caused by the development of this project must be restore to its original or better condition.

El Paso Water

EPWater-PSB does not object to this request.

There is an existing 30-inch diameter water transmission main that extends E Cliff Dr., located approximately 7 1/2-feet south of and parallel to the northern 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 6-inch water main that extends along River St. This main is approximately 4-feet south of and parallel to northern the right-of-way line and available for service. Depending on water demand, infrastructure upgrade maybe required.

There is an existing 4-inch water main that extends along the alley between Mesa St. and Oregon St. This main is approximately 4-feet east of western alley line and available for service. Depending on water demand, infrastructure upgrade maybe required.

EPWater records indicate an active 1-inch water meter serving the subject property. The service address for this meter is 1401 N. Mesa St.

Previous water pressure from fire hydrant #2085 last tested 04/08/2022 located northeast of the intersection between Mesa St. and River St. has yield a static pressure of 60 psi, a residual pressure of 50 psi, and a discharge of 919 gpm.

Sanitary Sewer

There is an existing 8-inch diameter sanitary sewer main along the alley between Oregon Street and Mesa Street. This main dead-ends approximately 40-feet south of southern Cliff Dr. right-of-way line and available to provide service.

There is an existing 8-inch diameter sanitary sewer main that extends along River St. This main is approximately 35-feet north of and parallel to the southern right-of way and available to provide service.

There is an existing 8-inch diameter sanitary sewer main that extends along Cliff Dr., located approximately 35-feet north of and parallel to the southern right-of way and available to provide service.

General

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

During the site improvement work, the Owner/Developer shall safeguard the existing water/sanitary sewer mains and appurtenant structures located within the subdivision. The Owner/Developer shall minimize changes in grade above or near the vicinity of the existing PSB facilities and is responsible for the costs of setting appurtenant structures to final grade.

EPWater-PSB 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:

EP Water-SW reviewed the property described above and provided the following comments:

- As per the Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of green space, 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.
- EPWater-SW recommends using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavement) to reduce the amount of developed stormwater runoff.

El Paso County 911 District

No comments or concerns.

Texas Department of Transportation

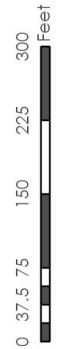
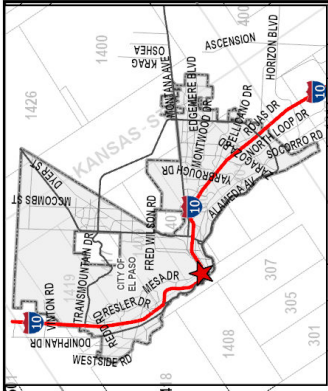
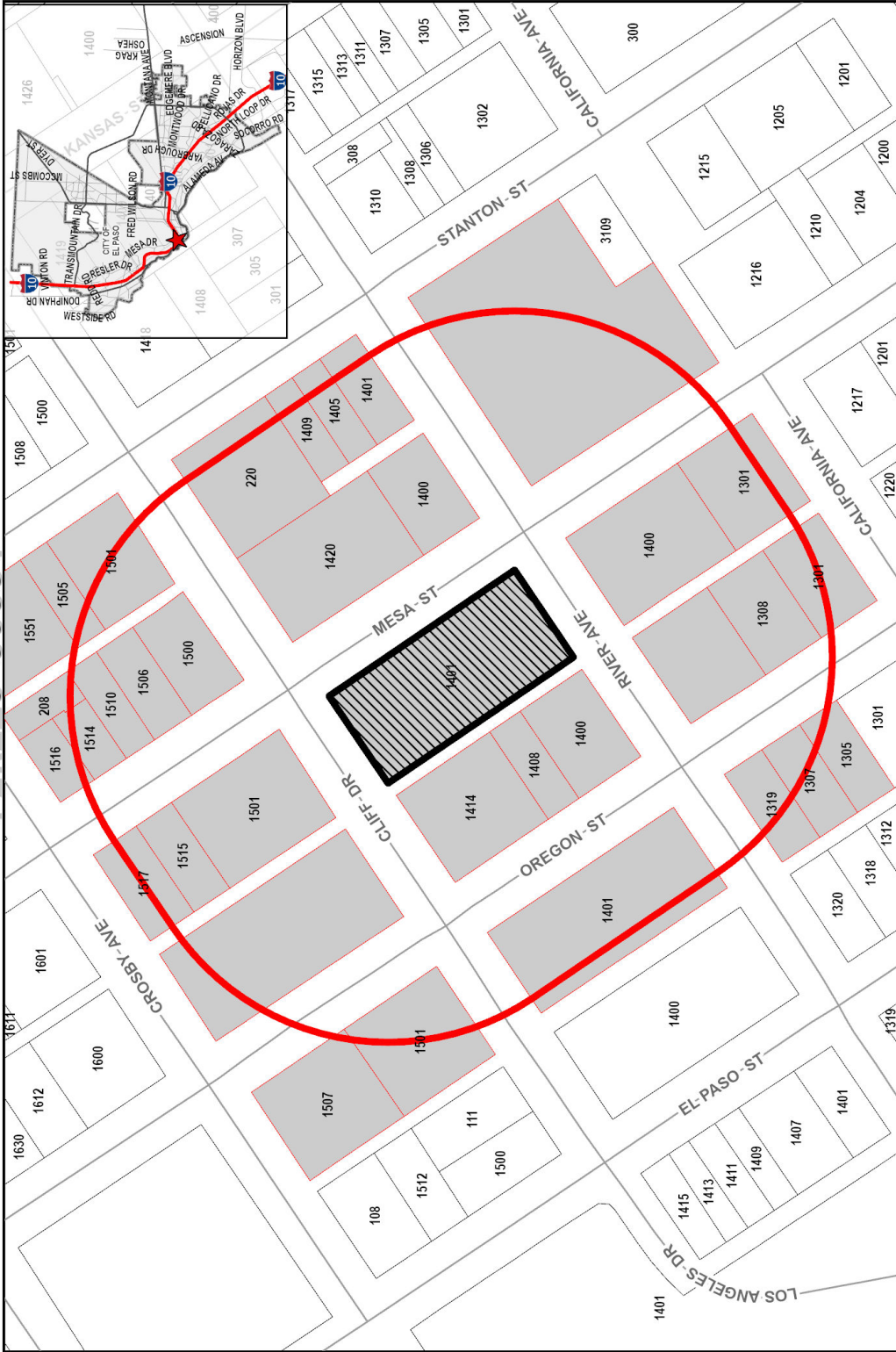
Driveways proposed on SH 20 (Mesa St) will need to be approved by our Access Management Committee (AMC).

El Paso County Water Improvement District #1

No comments received.

ATTACHMENT 4

PZR25-00031



-  Subject Property
-  300 Feet Notice Area
-  Notified Properties



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