

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

**AGENDA DATE:** January 30, 2024  
**PUBLIC HEARING DATE:** February 27, 2024

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Andrew Salloum, (915) 212-1603

**DISTRICT(S) AFFECTED:** District 7

**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. 16396 and 18811 which changed the zoning of Tracts 10A, 10B, 10B2C, 10D, 11B, 12A, 12B, 15A, 15J, 15J1, and 15J1A, Block 2, Ysleta Grant, 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: Americas Ave. and Southwest of North Loop Dr.  
Applicant: Americas 375 LLC, PZCR23-00004

**BACKGROUND / DISCUSSION:**

The applicant is requesting to release the conditions imposed by Ordinance No. 6396, dated November 28, 1978 and Ordinance No. 18811, dated July 10, 2018 on the subject property. On November 30, 2023, City Plan Commission recommended 8-0 to approve the proposed condition release request. As of January 11, 2024, the Planning Division has received one (1) phone call in opposition to the request that was previously obtained but it was rescinded as the result of the meeting between the applicant and neighborhood residents prior to the City Plan Commission hearing. No further input was received. 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

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

*Philip Etiwe*

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 16396 AND 18811 WHICH CHANGED THE ZONING OF TRACTS 10A, 10B, 10B2C, 10D, 11B, 12A, 12B, 15A, 15J, 15J1, AND 15J1A, BLOCK 2, YSLETA GRANT, 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 *TRACTS 10A, 10B, 10B2C, 10D, 11B, 12A, 12B, 15A, 15J, 15J1 AND 15J1A, BLOCK 2, YSLETA GRANT, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 16396 AND 18811 approved by City Council on NOVEMBER 28, 1978 AND JULY 10, 2018; 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. *6396 AND 18811* approved by City Council on *NOVEMBER 28, 1978 AND JULY 10, 2018*, 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:*

**ORDINANCE NO. 6396:**

**1. NO BUILDING PERMITS SHALL BE ISSUED FOR CONSTRUCTION ON THE PROPERTY UNTIL COMPLETE AND DETAILED ARCHITECTURAL AND SITE DEVELOPMENT PLANS OF THE PROPOSED DEVELOPMENT HAVE BEEN SUBMITTED BY FIRST PARTIES AND APPROVED BY THE CITY PLAN COMMISSION OF THE CITY OF EL PASO. ALL CONSTRUCTION AND DEVELOPMENT ON THE PROPERTY SHALL BE DONE IN ACCORDANCE WITH THE APPROVED PLANS.**

**2. FIRST PARTIES WILL, AT NO COST TO THE CITY, CONSTRUCT A PONDING AREA TO PROVIDE ON-SITE DRAINAGE FOR THE PROPERTY. SUCH PONDING AREA SHALL BE**

**ORDINANCE NO. \_\_\_\_\_**

**PZCR23-00004**

*CONSTRUCTED IN ACCORDANCE WITH PLANS AND SPECIFICATIONS TO BE APPROVED BY THE CITY ENGINEER OF THE CITY OF EL PASO AND MUST BE INSPECTED AND APPROVED BY HIM BEFORE CERTIFICATES OF OCCUPANCY AND COMPLIANCE ARE ISSUED FOR ANY BUILDINGS CONSTRUCTED ON THE PROPERTY AND BEFORE THE PROPERTY IS USED FOR ANY PURPOSES REQUIRING C-3 ZONING.*

*ORDINANCE NO. 18811:*

*1. THAT A TEN FOOT (10') LANDSCAPED BUFFER BE ESTABLISHED AND MAINTAINED ALONG ANY PROPERTY LINE ZONED RESIDENTIAL OR SPECIAL PURPOSE, TO INCLUDE THE R-F (RANCH AND FARM) AND RMH (RESIDENTIAL MOBILE HOME) DISTRICTS.*

*2. THAT A 15' IRRIGATED LANDSCAPED BUFFER WILL BE ESTABLISHED AND MAINTAINED ALONG THE FRONTAGE OF THE PROPERTY WHERE IT ABUTS LOOP 375. HIGH PROFILE NATIVE EVERGREEN TREES OF AT LEAST TWO INCH (2") CALIPER AND TEN FEET (10') IN HEIGHT SHALL BE PLACED EVERY FIFTEEN FEET (15') ON CENTER. AN ADDITIONAL SEVENTY FEET (70') OF NON-IRRIGATED OPEN SPACE SHALL BE MAINTAINED BEHIND THE LANDSCAPED BUFFER, FOLLOWED BY A SECOND 15' LANDSCAPED BUFFER, FOR A TOTAL BUFFER DEPTH OF 100'. THE SECOND 15' LANDSCAPED PORTION OF THE 100' BUFFER SHALL ALSO BE IRRIGATED AND MAINTAINED WITH HIGH PROFILE NATIVE EVERGREEN TREES OF AT LEAST TWO INCH (2") CALIPER AND TEN FEET (10') IN HEIGHT PLACED EVERY FIFTEEN FEET (15') ON CENTER.*

*3. THAT AUTOMOBILE (SALES, SERVICE, STORAGE, AND RENTAL) USES ARE PROHIBITED ON THE SUBJECT PROPERTY.*

*4. NO OUTDOOR STORAGE OF EQUIPMENT, MATERIALS, AND SUPPLIES SHALL BE PERMITTED WITHIN ONE-HUNDRED FEET (100') OF LOOP 375 OR WITHIN TWENTY FEET (20') OF ANY PROPERTY LINE THAT ABUTS RESIDENTIALLY-ZONED OR SPECIAL PURPOSE ZONED PROPERTY, TO INCLUDE THE R-F (RANCH AND FARM) AND RMH (MOBILE HOME PARK) DISTRICTS.*

**ORDINANCE NO. \_\_\_\_\_**

**PZCR23-00004**

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**THE CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leeson  
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 F. Etiwe*  
\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning & Inspections Department

**ORDINANCE NO.** \_\_\_\_\_

**PZCR23-00004**

## EXHIBIT "A"

12-4-78

TO

DATE

ZONING SECTION

LAND PLANNING

MAPPING SECTION

E.D.P. SECTION

ADVANCE SECTION

REPRODUCE:

RETURN TO:

By (Date):

FILED :

ORDINANCE NO:

DATE:

CONTRACT:

CASE NO.:

NOTES:

AN ORDINANCE CHANGING THE ZONING OF  
BLOCK 2, TRACT 10-B, YSLETA GRANT,  
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 Block 2, Tract 10-B, Ysleta Grant, as more particularly described below, be changed to C-3 (Commercial) within the meaning of the Zoning Ordinance, and the zoning map of the City be revised accordingly:

Beginning at the northwesterly common corner of Tracts 10B and 10D of said Block 2;

Thence North 63°08'00" East a distance of 448.80 feet along the boundary line between Tracts 10B and 10B1 of said Block 2 to a point on the westerly line of the Juan de Herrera Main Lateral;

Thence South 36°02'00" East a distance of 249.60 feet along the westerly line of the Juan de Herrera Main Lateral to a point;

Thence South 44°06'00" West a distance of 426.70 feet along the boundary line between Tracts 10B and 11B of said Block 2 to a point;

Thence North 39°24'00" West a distance of 395.30 feet along the boundary line between said Tracts 10B and 10D to the point of beginning.

PASSED AND APPROVED this 28th day of November 1978.

ATTEST:

Mayor

*Pro-Tem*

*U. K. Reger*

City Clerk

City Clerk

APPROVED AS TO FORM:

*John R. Reger*

City Attorney

I CERTIFY THAT THE FOLLOWING ZONING MAPS

HAVE BEEN REVISED:

1-29-79 COUNTER

1-26-79 ORIGINAL

1-26-79 *Blitz* Inspection

1-29-79 CONTROL

*f. Brungley*

I certify that the zoning map has been revised to reflect the amendment of ordinance #6396

By

Date

1-29-79

CONTRACT

This contract, made this 29<sup>th</sup> day of Nov, 1978, by and between FRANK CANDELARIA and wife, ELISA A. CANDELARIA, First Parties, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning of Block 2, Tract 10-B, Ysleta Grant in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 6396 now pending before the City Council of the City of El Paso, a copy of which ordinance is attached hereto, marked Exhibit "A" and made a part hereof by reference. To remove certain objections to such rezoning, First Parties covenant that if the property is rezoned to C-3 (Commercial) 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. No building permits shall be issued for construction on the property until complete and detailed architectural and site development plans of the proposed development have been submitted by First Parties and approved by the City Plan Commission of the City of El Paso. All construction and development on the property shall be done in accordance with the approved plans.

2. First Parties will, at no cost to the City, construct a ponding area to provide on-site drainage for the property. Such ponding area shall be constructed in accordance with plans and specifications to be approved by the City Engineer of the City of El Paso and must be inspected and approved by him before certificates of occupancy and compliance are issued for any buildings constructed on the property and before the property is used for any purpose requiring C-3 zoning.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Parties 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.

WITNESS THE FOLLOWING SIGNATURES AND SEAL:

Frank Candelaria  
Frank Candelaria

Elisa A. Candelaria  
Elisa A. Candelaria

THE CITY OF EL PASO

By Cur M. [Signature]  
Mayor PRO-TEM

ATTEST:

[Signature]  
City Clerk

APPROVED AS TO FORM:

[Signature]  
City Attorney

THE STATE OF TEXAS)  
COUNTY OF EL PASO )

BEFORE ME, the undersigned authority, on this day personally appeared FRANK CANDELARIA and his wife, ELISA A. CANDELARIA, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 29th day of Nov, 1978.

My Commission Expires:

Aug. 7 - 1980

[Signature]  
Notary Public, El Paso County, Texas

78-1240



THE STATE OF TEXAS)  
COUNTY OF EL PASO )

BEFORE ME, the undersigned authority, on this day personally appeared DAN M. Ponder, Mayor PRO-TEM 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 SEAL OF OFFICE this 30<sup>th</sup> day of November, 1978.

Billie Jean Branham  
Notary Public, El Paso County, Texas

My Commission Expires:

6-30-80

BILLIE JEAN BRANHAM, Notary Public  
In and for the County of El Paso, Texas  
My Commission Expires



70-4240

RESOLUTION

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

That the Mayor be authorized to sign a contract with Frank Candelaria and wife, Elisa A. Candelaria, placing certain restrictions, conditions and covenants on the property being rezoned by Ordinance No. 6396.

ADOPTED this 28th day of November, 1978.

ATTEST:

Mayor

City Clerk

City Clerk

THE STATE OF TEXAS, }  
COUNTY OF EL PASO

KNOW ALL MEN BY THESE PRESENTS:

That we, Frank Candelaria and Elisa Candelaria do hereby convey this non-homestead property

of the County of El Paso State of Texas, for and in consideration of  
the sum of TEN AND NO/100 (\$10.00) \_\_\_\_\_  
DOLLARS,

AND OTHER GOOD AND VALUABLE CONSIDERATION,  
to us in hand paid by City of El Paso (30 ft. right of way) hereinafter referred  
to as "GRANTEE", receipt of which is hereby acknowledged,

have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey unto the said

City of El Paso ( 30 ft. right of way )  
of the County of El Paso, State of Texas, all that certain  
tract or parcel of real estate situated in El Paso County, Texas, more particularly  
described as follows, to-wit:

Being the description of a 0.269 acre (11707.7 square foot) parcel of land  
out of Tracts 10B and 10B1, Block 2, Ysleta Grant, El Paso County, Texas  
and being more particularly described by metes and bounds as follows:  
See Exhibit "A" attached.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights  
and appurtenances thereto in anywise belonging unto the said Grantee, his

heirs and assigns forever; and we do hereby bind ourselves, our  
heirs, executors and administrators, to Warrant and Forever Defend all and singular the said premises  
unto the said Grantee, his  
heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part  
thereof.

Witness our hands at El Paso, Texas,

this 23 day of November, A. D. 19 78

Witnesses at Request of Grantor:

Frank Candelaria  
Frank Candelaria

Elisa Candelaria  
Elisa Candelaria

78-4240

ACKNOWLEDGMENT

THE STATE OF TEXAS,

COUNTY OF

in and for said County, Texas, on this day personally appeared

BEFORE ME, the undersigned authority,

Frank Candelaria

known to me to be the person whose name 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 SEAL OF OFFICE, This day of, A.D. 19 (L.S.)

Notary Public, County, Texas My Commission Expires

ACKNOWLEDGMENT

THE STATE OF TEXAS,

COUNTY OF

in and for said County, Texas, on this day personally appeared

BEFORE ME, the undersigned authority,

Elisa Candelaria and Frank Candelaria

known to me to be the person S whose name are 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 SEAL OF OFFICE, This 24th day of Dec, A.D. 1915 (L.S.)

Notary Public, County, Texas My Commission Expires

CORPORATION ACKNOWLEDGMENT

THE STATE OF TEXAS,

COUNTY OF

in and for said County, Texas, on this day personally appeared

BEFORE ME, the undersigned authority,

whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said

a 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 SEAL OF OFFICE, This day of, A.D. 19 (L.S.)

Notary Public, County, Texas My Commission Expires

CLERK'S CERTIFICATE

THE STATE OF TEXAS,

COUNTY OF

I, County

Clerk of the County Court of said County, do hereby certify that the foregoing instrument of writing dated on the day of, A. D. 19, with its Certificate of Authentication, was filed for record in my office on the day of, A. D. 19, at o'clock M., and duly recorded this day of, A. D. 19, at o'clock M., in the Records of said County, in Volume, on pages.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT of said County, at office in, the day and year last above written.

(L. S.)

County Clerk County, Texas. By Deputy.

No.

WARRANTY DEED

FROM

TO

FILED FOR RECORD

this day of, A. D. 19

at o'clock M.

County Clerk Co., Texas

By Deputy.

RECORDED

A. D. 19

in County Records,

Book, Page,

County Clerk.

Deputy.

Recording Fee \$

This instrument should be filed immediately with the County Clerk for record.

MARTIN Stationery Co., Dallas

ORDINANCE NO. **018811**

AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY KNOWN AS:

**PARCEL 1: TRACT 11B (2.389 AC), BLOCK 2, YSLETA GRANT (538 IVEY), CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-3 (COMMERCIAL); AND,**

**PARCEL 2: TRACT 10D (2.0785 AC) AND TRACT 12B (3.935 AC) (6.0315 AC), BLOCK 2, YSLETA GRANT, 538 IVEY, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-3 (COMMERCIAL); AND,**

**PARCEL 3: TRACT 10A (0.3981 AC), BLOCK 2, YSLETA GRANT, 538 IVEY, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-3 (COMMERCIAL); AND,**

**PARCEL 4: TRACT 12A (3.292 AC), BLOCK 2, YSLETA GRANT, 538 IVEY CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-3 (COMMERCIAL), AND IMPOSING A 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

*Parcel 1: Tract 11B (2.389 ac), Block 2, Ysleta Grant, 538 Ivey, 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; and,*

*Parcel 2: Tract 10D (2.0785 ac) and Tract 12B (3.935 ac) (6.0315 ac), Block 2, Ysleta Grant, 538 Ivey, 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; and,*

*Parcel 3: Tract 10A (0.3981 ac), Block 2, Ysleta Grant, 538 Ivey, City of El Paso, El Paso County, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference; and,*

*Parcel 4: Tract 12A (3.292 ac), Block 2, Ysleta Grant, 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 as listed for:*

**PARCEL 1: FROM R-F (RANCH AND FARM) TO C-3 (COMMERCIAL);**



**PARCEL 2: FROM R-F (RANCH AND FARM) TO C-3 (COMMERCIAL); and**

**PARCEL 3: R-F (RANCH AND FARM) TO C-3 (COMMERCIAL), and**

**PARCEL 4: R-F (RANCH AND FARM) TO C-3 (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 condition which is necessitated by and attributable to the proximity of the proposed commercial equipment repair facility to adjacent residential and agricultural land uses generated by the change of zoning in order to protect the health, safety and welfare of the residents of the City:

1. *That a ten foot (10') landscaped buffer be established and maintained along any property line zoned residential or special purpose, to include the R-F (Ranch and Farm) and RMH (Residential Mobile Home) Districts.*
2. *That a 15' irrigated landscaped buffer will be established and maintained along the frontage of the property where it abuts Loop 375. High profile native evergreen trees of at least two inch (2") caliper and ten feet (10') in height shall be placed every fifteen feet (15') on center. An additional seventy feet (70') of non-irrigated open space shall be maintained behind the landscaped buffer, followed by a second 15' landscaped buffer, for a total buffer depth of 100'. The second 15' landscaped portion of the 100' buffer shall also be irrigated and maintained with high profile native evergreen trees of at least two inch (2") caliper and ten feet (10') in height placed every fifteen feet (15') on center.*
3. *That automobile (sales, service, storage, and rental) uses are prohibited on the subject property.*
4. *No outdoor storage of equipment, materials, and supplies shall be permitted within one-hundred feet (100') of Loop 375 or within twenty feet (20') of any property line that abuts residentially-zoned or special purpose zoned property, to include the R-F (Ranch and Farm) and RMH (Mobile Home Park) Districts.*

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 10<sup>th</sup> day of July, 2018.

(SIGNATURES ON THE FOLLOWING PAGE)

**018811**

**ORDINANCE NO.** \_\_\_\_\_

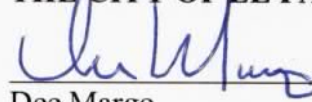
18-1007-2134 | 762112\_2

538 Ivey Road.

KMN

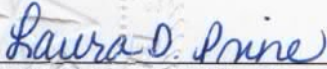
**PZRZ16-00035**

THE CITY OF EL PASO



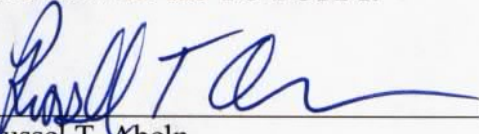
Dee Margo  
Mayor

ATTEST:



Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Russel T. Abeln  
Assistant City Attorney

APPROVED AS TO CONTENT:



Victor Morrison-Vega, Interim Director  
Planning & Inspections Department

(Development Agreement on the following page)

**018811**

ORDINANCE NO. \_\_\_\_\_

18-1007-2134 | 762112\_2  
538 Ivey Road.  
KMN

**PZRZ16-00035**

## DEVELOPMENT AGREEMENT

By execution hereof, **Pierre Hernandez and Norma Hernandez** ("Owner"), identified in the Ordinance to which this Development Agreement is attached and more particularly describe as Exhibit "B", and hereby covenant and agree, to develop the above described property in accordance with the approved Detailed Site Development Plan, and in accordance with the standards applicable to the **C-3 (Commercial)** District located within the City of El Paso.

**EXECUTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**Owner's Name(s)**

By: \_\_\_\_\_  
Pierre Hernandez

\_\_\_\_\_  
Norma Hernandez

## ACKNOWLEDGEMENT

**THE STATE OF TEXAS )**  
**)**  
**COUNTY OF EL PASO )**

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2018,  
by \_\_\_\_\_, in his legal capacity on behalf of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires:  
\_\_\_\_\_



**018811**

**ORDINANCE NO.** \_\_\_\_\_

18-1007-2134 | 762112\_2  
538 Ivey Road.  
KMN

**PZRZ16-00035**



## EXHIBIT "A"

Being all of Tracts 10A, 10D,  
11B, 12A, and 12B, Block 2,  
Ysleta Grant,  
City of El Paso, El Paso County, Texas  
December 26, 2016

### METES AND BOUNDS DESCRIPTION

538 Ivey Road  
Exhibit "A"

**FIELD NOTE DESCRIPTION** of Tracts 10A, 10D, 11B, 12A, and 12B, Block 2, Ysleta Grant, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

**COMMENCING FOR REFERENCE** at a found iron rod located at the common boundary line of Tracts 10A and 13A, same being the southerly right-of-way line of Americas Avenue (370' R.O.W.) and being the **POINT OF BEGINNING** of the herein described parcel;

**THENCE**, leaving said common boundary line and along said southerly right-of-way line of Americas Avenue, North 63°51'00" East, a distance of 182.80 feet to a found iron rod lying at the common boundary corner of Tracts 10B and 10D;

**THENCE**, leaving said southerly right-of-way line and along the common boundary line of Tracts 10B and 10D, South 39°24'00" East, a distance of 329.61 feet to a point;

**THENCE**, leaving said common boundary line of Tracts 10B and 10D, North 44°06'00" East, a distance of 431.33 feet to a found iron rod for corner at the common boundary line of Tracts 10B2A and 11B, same being the westerly right-of-way line of Juan De Herrera Lateral;

**THENCE**, leaving said common boundary corner and along said westerly right-of-way line of Juan De Herrera Lateral the following four courses:

- 1.) 63.26 feet along the arc of a curve to the right whose radius is 163.20 feet, whose interior angle is 22°12'34", whose chord bears South 11°43'05" East, a distance of 62.87 feet to a point;
- 2.) South 00°36'59" East, a distance of 1038.61 feet to a point;
- 3.) 146.19 feet along the arc of a curve to the left whose radius is 221.30 feet, whose interior angle is 37°51'01", whose chord bears South 19°32'29" East, a distance of 143.55 feet to a point;
- 4.) South 38°28'00" East, a distance of 76.19 feet to a point;

**THENCE**, leaving said westerly right-of-way line of Juan De Herrera Lateral, North 65°48'00" West, a distance of 355.23 feet to a point;

**THENCE**, North 35°14'00" West, a distance of 537.30 feet to a point;

**THENCE**, North 04°27'17" West, a distance of 76.75 feet to a point;

**THENCE**, North 20°02'00" West, a distance of 240.70 feet to a point;

**THENCE**, North 14°30'00" West, a distance of 281.25 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 526,162.96 square feet or 12.0790 acres of land more or less.

CAD Consulting Co.  
1790 Lee Trevino Drive, Suite 503  
El Paso, Texas 79936  
(915) 633-6422  
I:\M&B\2016\538 Ivey-Final.wpd



018811

ORDINANCE NO. \_\_\_\_\_

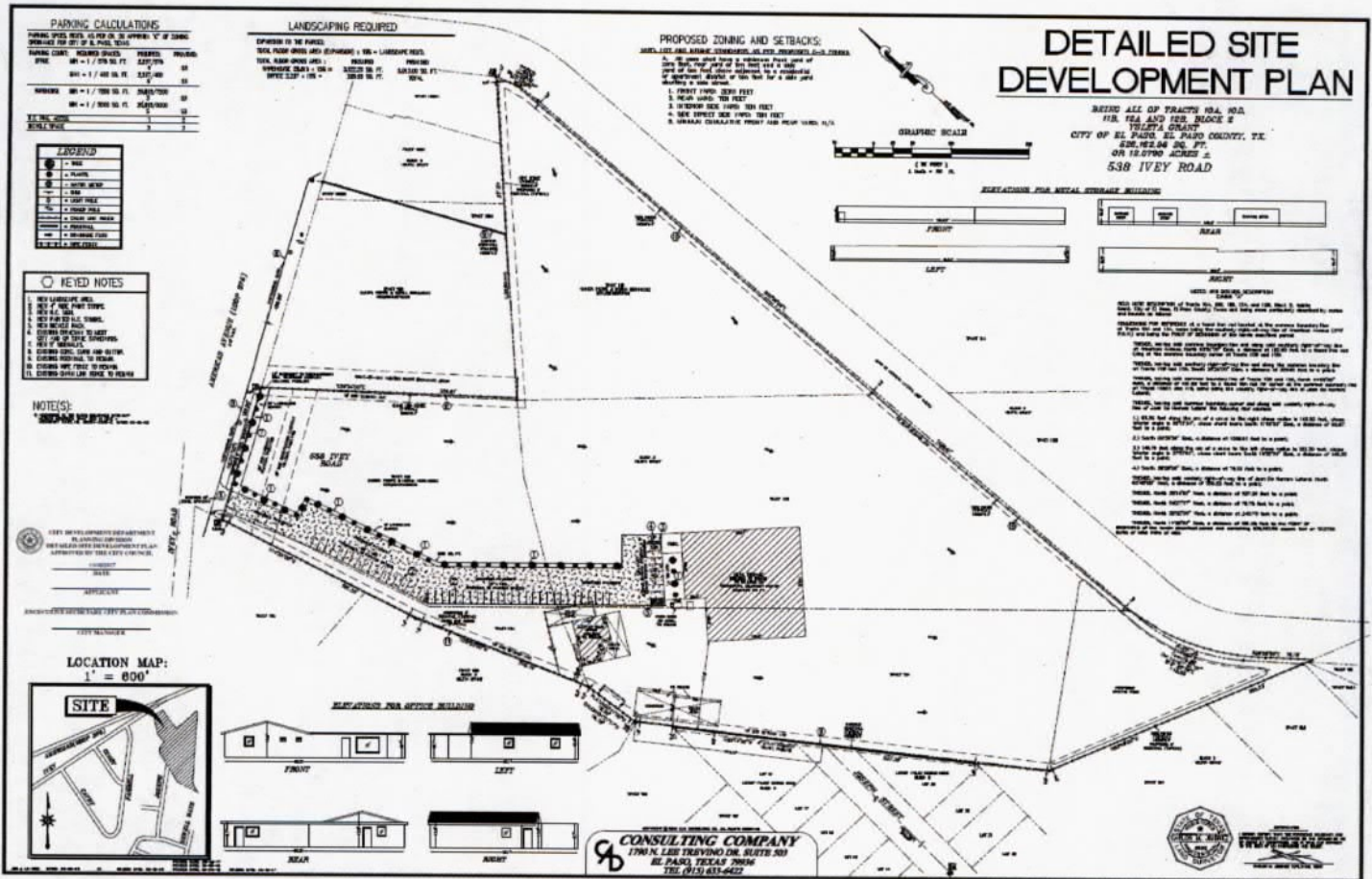
18-1007-2134 | 762112\_2

538 Ivey Road.

KMN

PZRZ16-00035

## EXHIBIT "B"



018811

**ORDINANCE NO.**

18-1007-2134 | 762112\_2

538 Ivey Road.

KMN

**PZRZ16-00035**

## **MEMORANDUM**

**DATE:** November 20, 2017

**TO:** The Honorable Mayor and City Council  
Tomàs Gonzalez, City Manager

**FROM:** Victor Morrison-Vega, Planning & Inspections  
Anne Antonini, Senior Planner

**SUBJECT:** PZRZ16-00035

---

The City Plan Commission (CPC) on November 16, 2017, voted (6-0) to recommend **approval** (6-0) of the request to rezone the subject property from R-F (Ranch and Farm) to C-3 (Commercial).

The CPC found that the rezoning is in conformance with Plan El Paso. The CPC also determined that the rezoning protects the best interest, health, safety, and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and, that the rezoning would have no negative effects on the natural environment, socio-economic conditions, and property values in the vicinity or the city as a whole.

The Planning Division has not received any communication in support of or opposition to the rezoning request.

**Property Owner:** Pierre and Norma Hernandez  
**Applicant:** Enrique Ayala, CAD Consulting

**Attachments:**  
Staff Report



***City of El Paso – City Plan Commission Staff Report***

**Case No:** PZRZ16-00035 (Related to PLCP17-00001)  
**Application Type** Rezoning  
**CPC Hearing Date** November 16, 2017  
**Staff Planner** Anne Antonini, (915) 212-1814, antoniniam@elpasotexas.gov

**Location** 538 Ivey  
**Legal Description** Parcel 1: Tract 11B(2.389 ac), Block 2, Ysleta Grant, City of El Paso, El Paso County  
Parcel 2: Tract 10D (2.0785 ac) and Tract 12B (3.935 ac) (6.0315 ac), Block 2, Ysleta Grant, City of El Paso, El Paso County  
Parcel 3: Tract 10A (0.3981 ac), Block 2, Ysleta Grant, City of El Paso, El Paso County  
Parcel 4: Tract 12A (3.292 ac), Block 2, Ysleta Grant, City of El Paso, El Paso County  
Tracts 10A, 10B, 10B2C, 10D, 12A, and 12B, Block 2, Ysleta Grant, City of El Paso, El Paso County

**Acreage** 12.08 acres  
**Rep District** 6  
**Existing Zoning:** R-F (Ranch and Farm)  
**Existing Use:** Vacant Metal Structure  
**C/SC/SP/ZBA/LNC:** N/A  
**Request:** From R-F (Ranch and Farm) to C-3 (Commercial)  
**Proposed Use:** Commercial Equipment Repair

**Property Owner** Pierre and Norma Hernandez  
**Representative** Enrique Ayala, CAD Consulting

**SURROUNDING ZONING AND LAND USE**

**North:** C-3/SC (Commercial/Special Contract) / Veterinary Clinic; C-2 (Commercial) / Bank  
**South:** RMH (Residential Mobile Home) / Residential; R-F (Ranch-Farm) / Agriculture  
**East:** R-F (Ranch and Farm) / Agriculture  
**West:** R-F (Ranch and Farm) / Warehouse

**THE PLAN FOR EL PASO DESIGNATION:** O3, Agriculture, and G3, Postwar (Mission Valley Planning Area)

**NEAREST PARK:** Feather Lake Wildlife Sanctuary (2,552 feet)

**NEAREST SCHOOL:** Del Valle High School (2,251 feet)

**NEIGHBORHOOD ASSOCIATIONS**

Mission Valley Civic Association

**NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on October 18, 2017. Planning has received one phone call in support of the rezoning request, and two phone calls of inquiry.

**APPLICATION HISTORY**

A previous rezoning request, from R-F to M-2 for a then-existing salvage and recycling use, was denied by the City Plan Commission in 2011.



## **APPLICATION DESCRIPTION**

The applicant is requesting a rezoning from R-F (Ranch and Farm) to C-3 (Commercial) to allow for commercial equipment repair. The current R-F (Ranch and Farm) zoning district does not permit that use. The property is 12.08 acres in size. The detailed site plan shows an existing 20,815 square foot storage structure, 2,237 square foot office building, and metal canopy accessory structures, proposed to remain. Access to the property is proposed from the frontage road for State Route 375. As the property is currently classified as O-3, Agriculture, a separate, but related, amendment to our comprehensive plan has been submitted for reclassification to G3, Post-War to more consistently align with the existing use of the subject property as well as its expected future land use.

## **Planning and Inspections Department – Planning Division Recommendation**

The Planning Division recommends **approval** of rezoning the subject property from R-F (Ranch and Farm) to C-3 (Commercial) with one condition:

1. *That a 10' landscaped buffer be established and maintained along any property line zoned residential, to include the R-F (Ranch and Farm) and RMH (Residential Mobile Home) Districts, and also along the eastern property line where it abuts the irrigation channel.*

The recommendation is based on compatibility with the adjacent properties zoned light industrial, regional commercial, and agricultural; existing heavy commercial uses within the area of the subject property; and, in compliance with the proposed Plan El Paso land use designation G3, Post-War in the Mission Valley Planning Area. Further, the established land use pattern of properties abutting Loop 375 is transitioning from agricultural to industrial, with many heavy commercial uses present, and zoning generally consisting of C-3, C-4, and M-1 for most properties directly abutting the highway. The subject property has access from the Loop 375 frontage road. The existing configuration present on the subject property is part of the established neighborhood and consistent with development in the area. The proposed G-3, Post War Future Land Use designation provides a buffer between the ranch farm and manufactured housing community uses to the west with the higher-intensity commercial surrounding the immediate vicinity of the subject property and its established neighborhood.

## **Plan El Paso-Future Land Use Map Designation**

All applications for rezoning shall demonstrate compliance with the following criteria:

*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.*

The Planning Division recommendation is based on the compatibility with the proposed G3, Industrial land use designation.

Title 20, Chapter 20.06, Section 20.06.020.D.8 states,

*The purpose of the C-3 (Commercial) is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the district permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.*

The Planning Division recommendation is based on the compliance with the purpose of the C-3 (Commercial) District, which provides for the most appropriate use of the subject property while offering protection to nearby farming and residential uses.



## **Plan El Paso - Goals & Policies**

Plan El Paso Policy 1.11.3 states:

*Policy 1.11.3 Decisions on rezoning requests will be made in accordance with Plan El Paso and in accordance with all requirements of City and State law. When evaluating whether a proposed rezoning is in accordance with Plan El Paso, the City Council may also consider the following factors:*

- a. The proposed zoning district's effect on development or redevelopment of the property, particularly whether the rezoning will further or at least not conflict with specific policies listed under other goals of Plan El Paso.*
- c. The proposed zoning district's effect on the property and surrounding property, after evaluating the following factors:*
  - i. The physical context of the property and surrounding properties, including recent or anticipated changes to that context.*
  - vi. Whether the area is stable or in transition.*
  - vii. Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property*

Plan El Paso Policy 1.11.3 states that changes in context to the subject property shall be considered in evaluating rezoning requests. Though this property is zoned R-F and formerly was used exclusively for an Ranch and Farm purpose, the property was converted to a commercial or industrial use over ten years ago. Cessation of Ranch and Farm activity was evident on about one third of the subject property as early as 2002, and was complete by 2007. The proposed use is less intense than the previous use on the subject property, and the C-3 (Commercial Zoning District) allows greater protection for the remaining adjacent Ranch and Farm and residential uses, while allowing the subject property to operate consistently with other properties along the heavy commercial corridor present along Americas due to the proximity of the Port of Entry. Approving the rezoning request to C-3 (Commercial) would allow for a new heavy commercial use to operate that is consistent with other properties abutting Americas Ave, and would include sensible protections for the remaining Ranch and Farm and residential land uses adjacent to the subject property.

*The Planning Division recommendation is based on the compatibility of proposed development with the Zaragoza Port of Entry/Americas Corridor and the protections the proposed zone would offer the remaining Ranch and Farm and manufactured home uses adjacent to the subject property.*

## **COMMENTS:**

### **Planning and Inspections Department - Planning Division**

1. Show required setbacks
2. Dimension the covered concrete areas and show their distance to the nearest lot line.
3. Check the parking calculations. The table references 43 spaces and 51 are shown.
4. Verify that elevations show existing improvements as well as proposed improvements.
5. Clarify proposed use. Proposed district needs to be C-4 if the proposed use is warehouse, as warehouses are not permitted in C-3. Application will need to be revised if that is the case.

### **Texas Department of Transportation**

Requestor need to submit grading and drainage plans to TxDOT for review and approval, and if he is planning to have access to Loop 375 (Americas Ave.), he also need to submit an access request form and a site layout plan.

### **Planning and Inspections Department – Plan Review & Landscape Division**

1. Revisions
2. Due to change of zoning a 6' rock wall is required along all portions of the property that abut a Ranch and Farm district  
10' landscape buffer is required a the front of the property abutting Americas  
Recommend obtain platting determination to determine if due to the proposed improvements platting of the property will or will not be required  
parking calculations are incorrect for the warehouse, the correct factor for warehouse 1/7200 min and 1/5000 max  
this will impact the required canopy trees



### **Planning and Inspections Department – Land Development**

We have reviewed subject plans and recommend that the applicant addresses the following comments.

1. Label proposed pond as "private pond".
2. Approval of the site plans by CPC constitutes a determination that the applicant is in compliance with the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that stormwater is in compliance with ordinances, codes, DSC, and DDM. Failure to comply may require the applicant to seek re-approval of the site plans from CPC.

### **Fire Department**

*No comments received.*

### **Police Department**

No comment on this application.

### **Sun Metro**

Sun Metro does not oppose this request.

### **El Paso Water Utilities**

1. EPWater does not object to this request.

### **Water:**

2. There is an existing 8-inch diameter water main extending along Americas Avenue. This water main is available for service.
3. There is an existing 48-inch diameter water main that extends along a 30' Easement south of and parallel to Americas Avenue. No direct service connections are allowed to this main as per the El Paso Water - Public Service Board Rules & Regulations.
4. There is an existing 8-inch diameter water main extending along Joseph Street. This water main is available for service and main extensions.
5. EPWater records indicate there is one (1) active ¾" diameter service water meter on the property with 538 Ivey Road as the service address.
6. Previous water pressure from fire hydrant #5606 located at 444 Joseph Street and 630' N of Luis Mendivil Street, has yielded a static pressure of 106 psi, a residual pressure of 70 psi, and a discharge of 787 gallons per minute.
7. 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.

### **Sanitary Sewer:**

8. There is an existing 8-inch diameter sanitary sewer main extending along Joseph Street. This main is available for service and main extensions.

### **General:**

9. All easements dedicated for public water and/or sanitary sewer facilities are to comply with EPWater-PSB Easement Policy. EPWater-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week. No building, reservoir, structure, parking stalls or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWater-PSB easements without the written consent of EPWater-PSB. The Developer shall refrain from constructing rock walls, signs, buildings, curbs or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any sign or structure.
10. EPWater requires a new service application to provide additional services 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 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:**

1. Provide an acceptable Stormwater Management plan in accordance with Section 19.19.030 of the current subdivision ordinance.
2. Provide an acceptable Drainage Plan in accordance with Section 19.01.050 of the current City Ordinance.
3. At the improvement plan stage, provide protection to the property from all offsite stormwater runoff that may have an adverse impact on any improvements.
4. The developer shall be responsible for the additional stormwater runoff generated by the proposed development, and must ensure that the historic runoff volume, peak and duration are maintained; Americas Ave., which is a state road, is not designed to take in any outside runoff.
5. EPW-Stormwater Engineering recommends using principles of low impact & green infrastructure development (such as recessed landscaping, rainwater harvesting, and porous pavements) to reduce the amount of developed stormwater runoff.

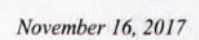


ATTACHMENT 1: LOCATION MAP

PZRZ16-00035

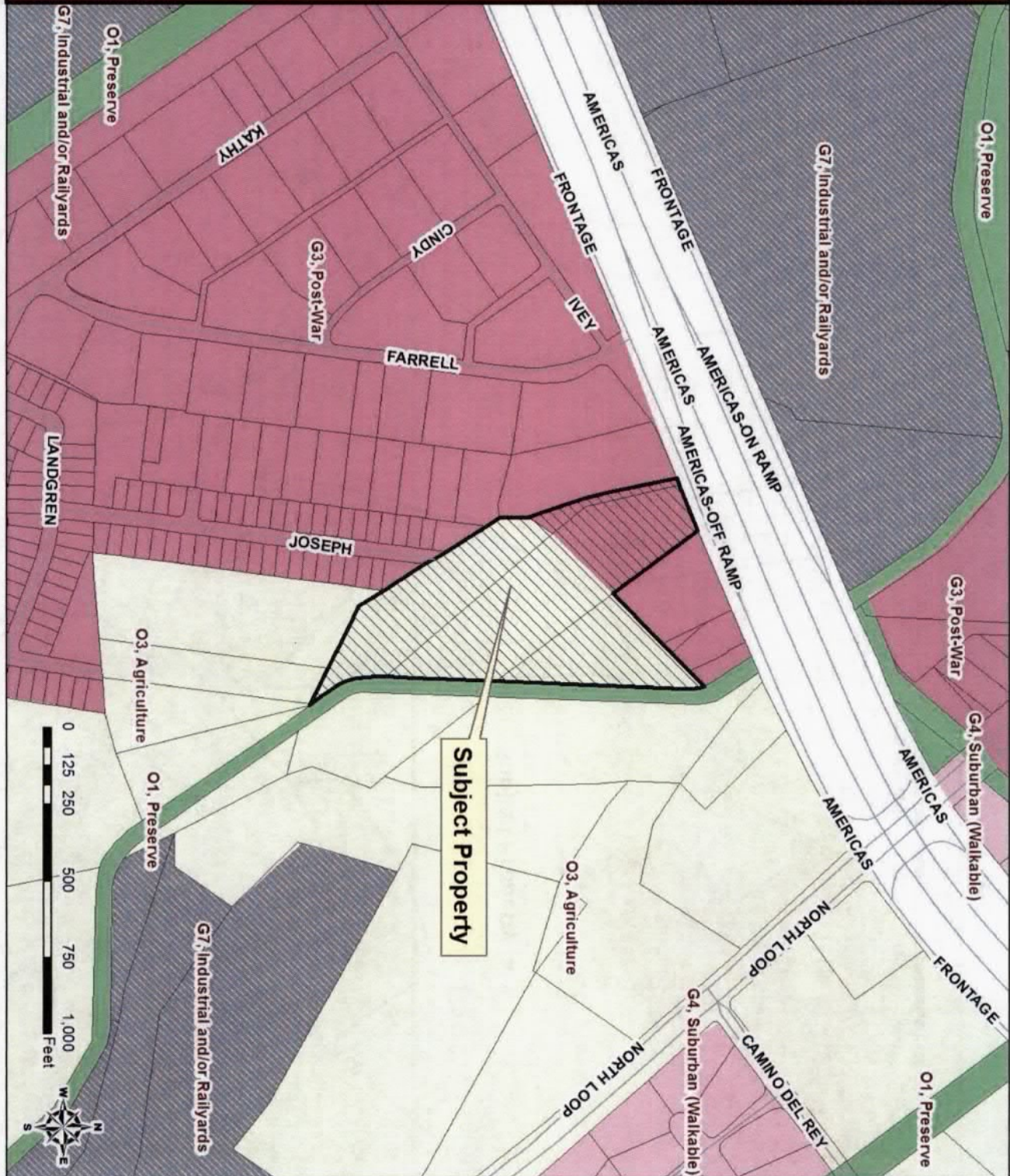






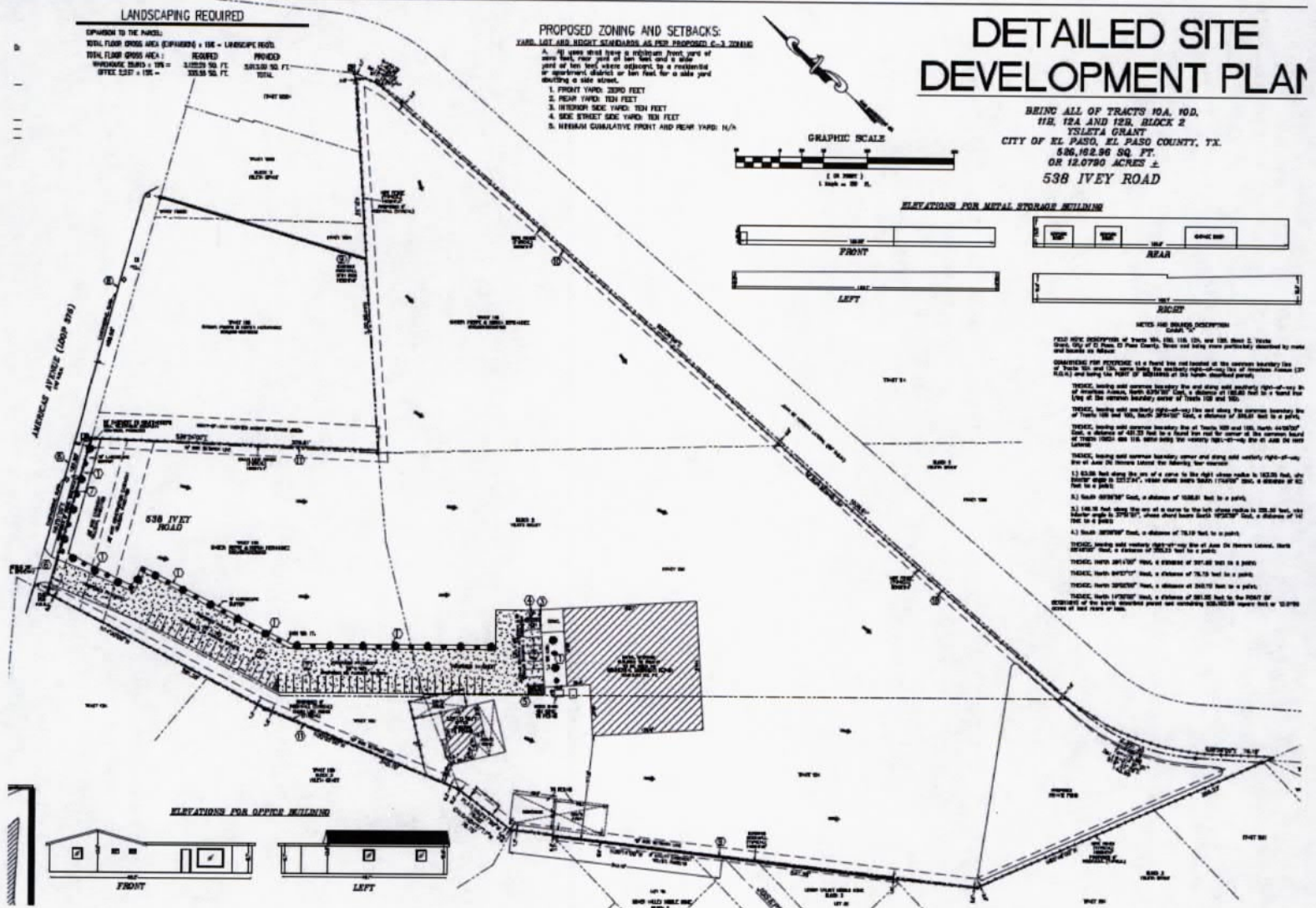


PZRZ16-00035





# ATTACHMENT 4: DETAILED SITE DEVELOPMENT PLAN



# Americas and Southwest of North Loop

City Plan Commission — November 30, 2023 **(REVISED)**



**CASE NUMBER:** PZCR23-00004  
**CASE MANAGER:** Andrew Salloum, (915) 212-1603, [SalloumAM@elpasotexas.gov](mailto:SalloumAM@elpasotexas.gov)  
**PROPERTY OWNER:** Americas 375 LLC  
**APPLICANT:** Hamilton Commercial LLC – Hamilton Peck and Jonathan Tooley  
**REPRESENTATIVE:** Sergio Castillo  
**LOCATION:** Americas Ave. and Southwest of North Loop Dr. (District 7)  
**PROPERTY AREA:** 24.74 acres  
**REQUEST:** Release conditions imposed by Ordinance No. 6396 and 18811  
**RELATED APPLICATIONS:** PZRZ23-00035 Rezoning Application  
**PUBLIC INPUT:** One (1) phone call in opposition initially received since rescinded.  
No other correspondence as of November 29, 2023.

**SUMMARY OF REQUEST:** The applicant is requesting to release the conditions imposed by Ordinance No. 6396, dated November 28, 1978 and Ordinance No. 18811, dated July 10, 2018 on the subject property.

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL** of the request as the proposed condition release have been deemed necessary for appropriate development of the property and align with the intent of the policies of G-3, Post-War future land use designation of *Plan El Paso*, the City's adopted Comprehensive Plan.

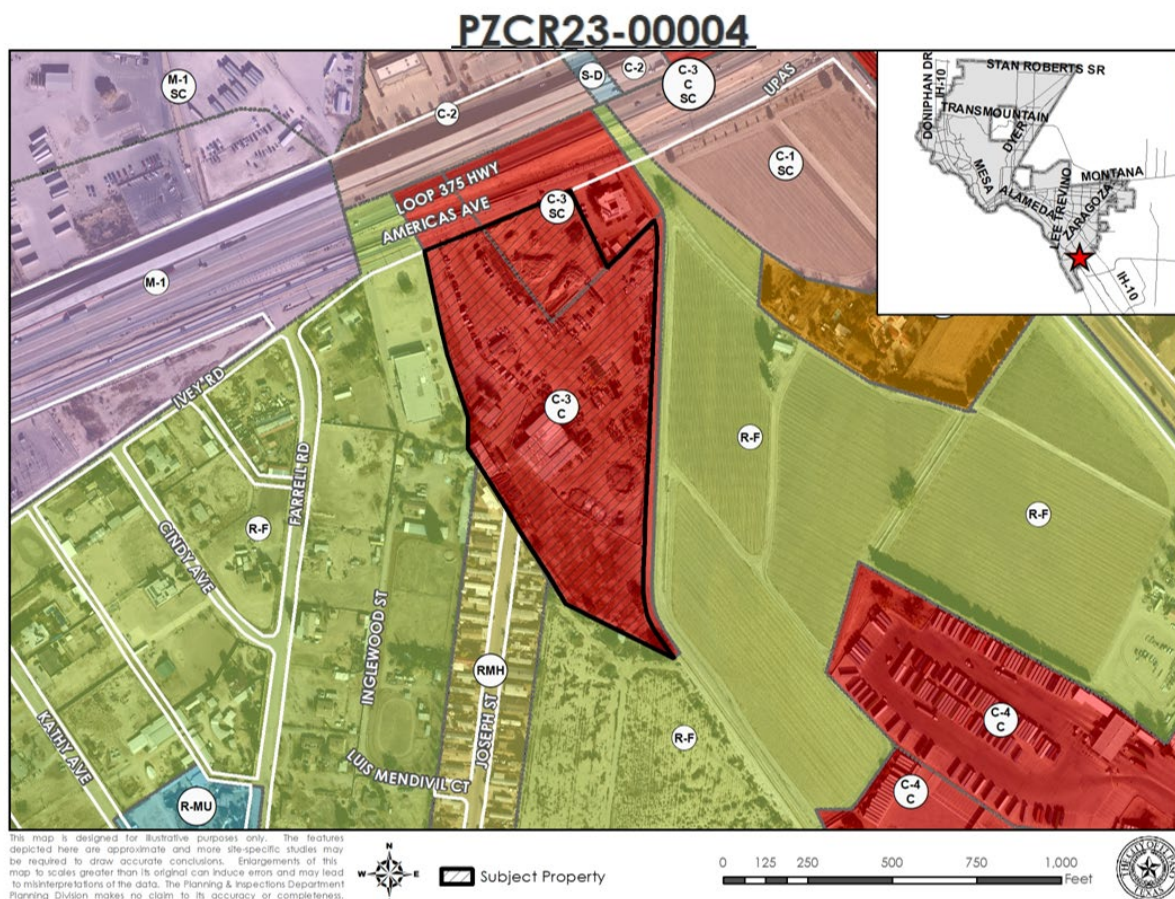


Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting to release the conditions imposed by Ordinance No. 6396, dated November 28, 1978 and Ordinance No. 18811, dated July 10, 2018 to allow for the development of an apartment complex. The size of the property is 24.74 acres. The detailed site development plan shows 490 apartment units consisting of 14 buildings, an administrative office, a clubhouse and fitness center building, a maintenance building along with other amenities. Main access is from Americas Avenue and Newell Hayes Drive, with vehicular access limited to only emergency vehicles along Joseph Street.

**PREVIOUS CASE HISTORY:** On November 28, 1978, City Council approved of the rezoning of the subject property from R-F (Ranch and Farm) to C-3 (Commercial) with the following conditions imposed by Ordinance No. 6396:

1. *No building permits shall be issued for construction on the property until complete and detailed architectural and site development plans of the proposed development have been submitted by First Parties and approved by the City Plan Commission of the City of El Paso. All construction and development on the property shall be done in accordance with the approved plans.*
2. *First Parties will, at no cost to the City, construct a ponding area to provide on-site drainage for the property. Such ponding area shall be constructed in accordance with plans and specifications to be approved by the City Engineer of the City of El Paso and must be inspected and approved by him before certificates of occupancy and compliance are issued for any buildings constructed on the property and before the property is used for any purposes requiring C-3 zoning.*

**Note: The applicant is requesting to release all conditions because the conditions have been satisfied, are no longer necessary, or are current requirements of the City Code.**

On July 10, 2018, City Council approved of the rezoning of the subject property from R-F (Ranch and Farm) to C-3 (Commercial) with the following conditions imposed by Ordinance No. 18811:

1. *That a ten-foot (10') landscaped buffer be established and maintained along any property line zoned residential or special purpose, to include the R-F (Ranch and Farm) and RMH (Residential Mobile Home) Districts.*
2. *That a 15' irrigated landscaped buffer will be established and maintained along the frontage of the property where it abuts Loop 375. High profile native evergreen trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed every fifteen feet (15') on center. An additional seventy feet (70') of non-irrigated open space shall be maintained behind the landscaped buffer, followed by a second 15' landscaped buffer, for a total buffer depth of 100'. The second 15' landscaped portion of the 100' buffer shall also be irrigated and maintained with high profile native evergreen trees of at least two-inch (2") caliper and ten feet (10') in height placed every fifteen feet (15') on center.*
3. *That automobile (sales, service, storage, and rental) uses are prohibited on the subject property.*
4. *No outdoor storage of equipment, materials, and supplies shall be permitted within one-hundred feet (100') of Loop 375 or within twenty feet (20') of any property line that abuts residentially-zoned or special purpose zoned property, to include the R-F (Ranch and Farm) and RMH (Mobile Home Park) Districts.*

**Note: The applicant is requesting to release all conditions because the conditions are no longer necessary or not applicable for the proposed S-D (Special Development) zone district to allow for the development of an apartment complex.**

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The proposed development is permitted by right with an approval of detailed site development plan in the S-D (Special Development) zoning district and will supplement the existing housing stock with multi-family housing. To the north is a bank and business office zoned C-2 (Commercial); to the south and west are a residential mobile home, zoned RMH (Residential Mobile Home) and residential uses and vacant lots zoned R-F (Ranch and Farm); to the east are vacant zoned R-F (Ranch and Farm). The closest school is Del Valle High School located 0.48 miles away and the closest park is Pavo Real Recreation Center located 1.31 miles away.



<b>COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed condition release is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b>G-3, Post-War:</b> 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><b>O-3, Agriculture:</b> This open-space sector applies to active farmland in the Rio Grande Valley. Changes to City codes and policies may limit plat and utility approvals beyond the City limits in a coordinated effort to protect significant portions of farmland.</p>	<p>Yes. The subject property is proposed to be developed into apartment complex development, which is in character with the future land use designation of <i>Plan El Paso</i>.</p>
<p><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>S-D (Special Development) District:</b> The purpose of this district is to provide an opportunity for mixed-use projects, integrated in design, in certain older residential areas where there is a desire to permit a variety of nonresidential uses while maintaining the established residential appearance and landscaping of the area. The regulations of this district are designed to ensure compatibility with existing uses in the district; to permit the production, exhibit or sale of goods and the providing of services to the public in such older residential areas; to protect the traffic capacity of streets serving such older residential areas; to encourage flexibility by prescribing general performance standards for such older residential areas; and to protect the environment of adjacent areas. For the purpose of this district, older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.</p>	<p>Yes. The proposed S-D (Special Development) zone district will provide for the integration of apartment complex development with adjacent R-F (Ranch and Farm), RMH (Residential Mobile Home), and C-3 (Commercial) zoning districts in an older area.</p>
<p><b>Preferred Development Locations:</b> Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning and condition release 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. Proposed development will have access to the subject property is provided from Americas Avenue and Newell Hayes Drive which are classified as freeway and local street, respectively, under the City's Major Thoroughfare Plan (MTP). The classification of this road is appropriate for the proposed development.</p>

<b>THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	The subject property does not lie within an historic district, study area plan, or overlay district.
<b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.	There are no anticipated adverse impacts.
<b>Natural Environment:</b> Anticipated effects on the natural environment.	The subject property does not involve green field or environmentally sensitive land or arroyo disturbance.
<b>Stability:</b> Whether the area is stable or in transition.	The area is in transition within the last 10 years in the surrounding area. The property located at 9522 North Loop Drive to the northeast was rezoned from R-F (Ranch and Farm) to S-D (Special Development) in 2015. Additionally, the property located at 551 Inglewood Drive to the southeast was rezoned from R-F (Ranch and Farm) to C-4 (Commercial) in 2021.
<b>Socioeconomic &amp; Physical Conditions:</b> Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	The proposed development is in transition from inactive agricultural uses for the property. The established neighborhood is comprised of a residential and commercial development. The north portion of this property was rezoned from R-F (Ranch and Farm) to C-3 (Commercial) in 2018. The R-F (Ranch and Farm) zoning designation is no longer suitable for the property.

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** The proposed development will have access to Americas Avenue and Newell Hayes Drive which are designated as a freeway and local street, respectively, in the City's Major Thoroughfare Plan. The subject property will need to provide adequate infrastructure at the time of development. Although pursuant to requirements for this rezoning request, a Traffic Impact Analysis deferral letter has been submitted and is under review by the City of El Paso's Streets and Maintenance Department as well as by the Texas Department of Transportation at the time of the subdivision platting stage. Prior to development, the subject property will need to be formally subdivided. All necessary infrastructure will be addressed at that time. The nearest bus stop is located 0.71 miles from the subject property on Alameda Avenue.

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

**PUBLIC COMMENT:** The subject property is located within the boundaries of Mission Valley Civic Association and Corridor 20 Civic Association, which were notified of the rezoning and condition release request by the applicant. Property owners within 300 feet of subject property were notified of the rezone request on November 2, 2023. As of November 29, 2023, the Planning Division has received one (1) phone call in opposition to the request that was previously obtained but it was rescinded as the result of the meeting between the applicant and neighborhood residents (see attachment 8). No further input was received. Additionally, the applicant met with several members of the neighborhood to discuss the proposal at a meeting held on July 19, 2023.

**RELATED APPLICATIONS:** Rezoning application PZR23-00035 is running concurrently with this application. The rezoning application request is to rezone from R-F (Ranch and Farm) C-3/sc (Commercial/special contract) and C-3/c (Commercial/conditions) to S-D (Special Development) and Detailed Site Development Plan review and approval to allow for apartment complex.



### **CITY PLAN COMMISSION OPTIONS:**

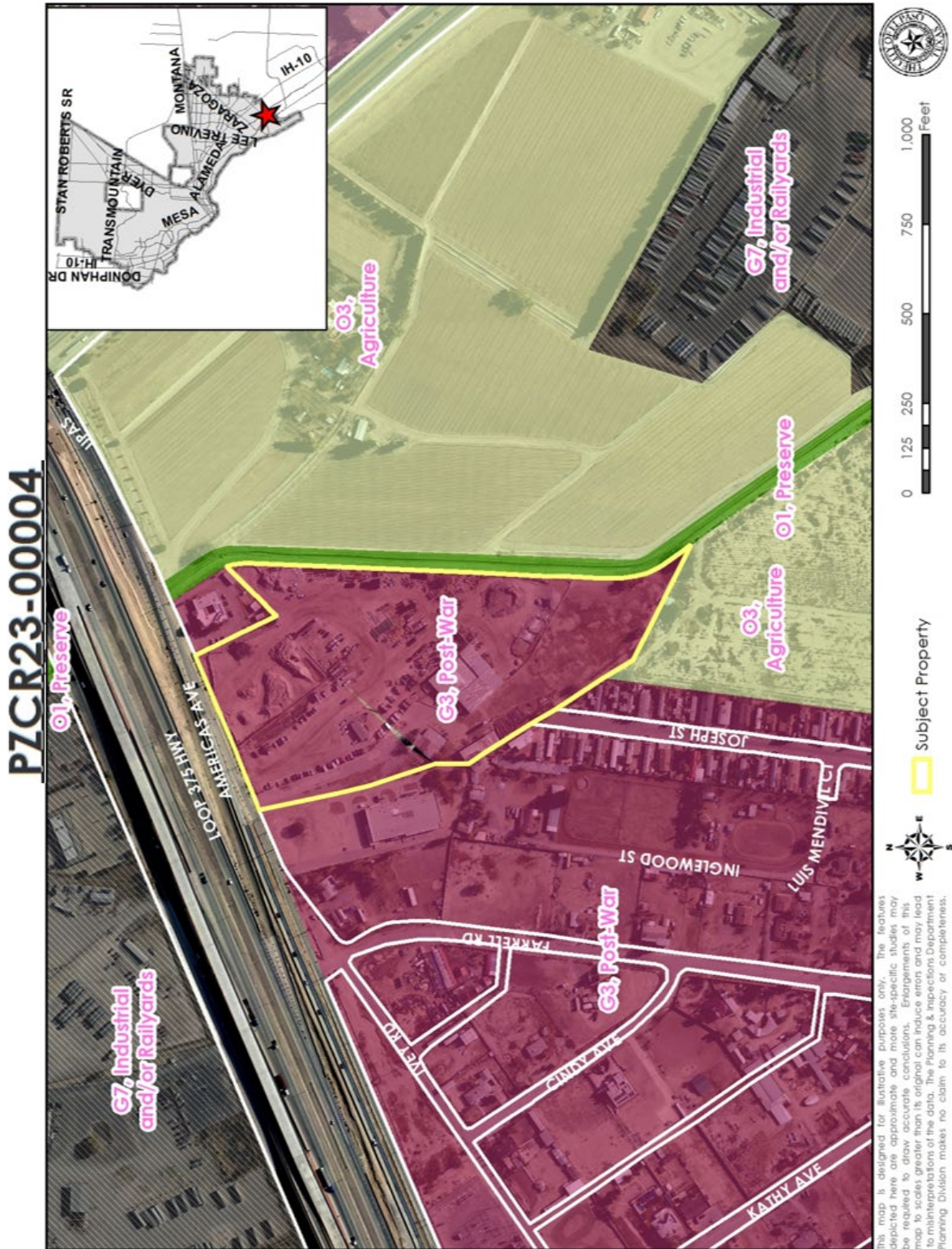
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

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:**

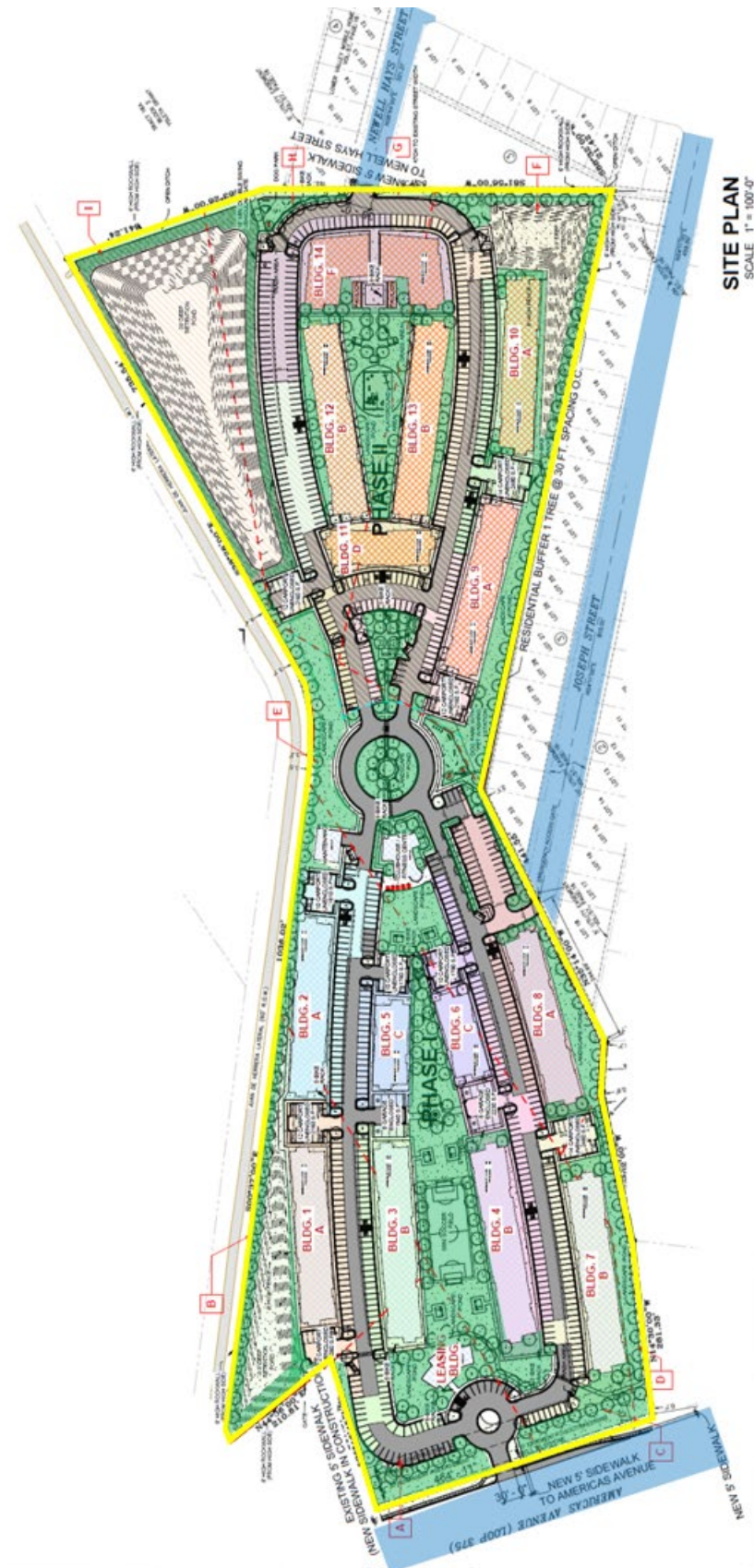
1. Future Land Use Map
2. Detailed Site Development Plan
3. Elevations
4. Ordinance No. 6396, dated November 28, 1978
5. Ordinance No. 18811, dated July 10, 2018
6. Department Comments
7. Neighborhood Notification Boundary Map
8. Public input via an email

# ATTACHMENT 1





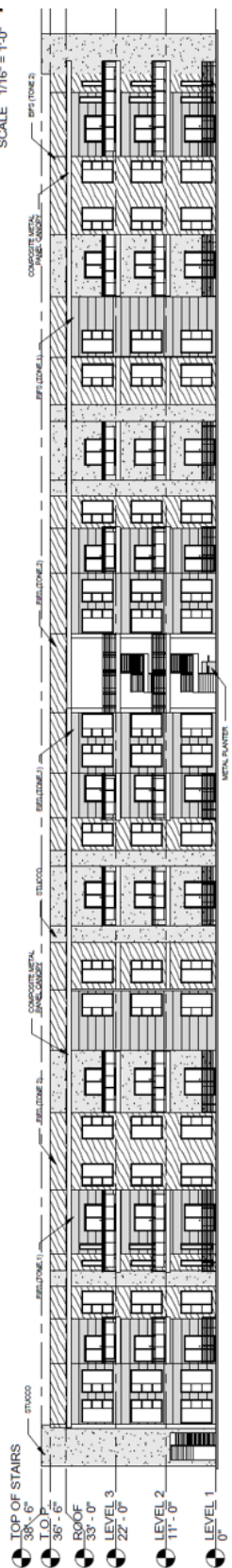
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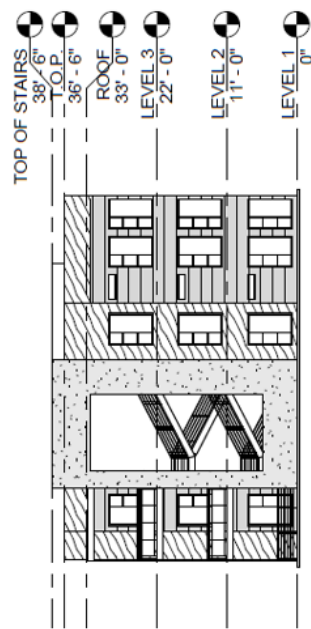
# ATTACHMENT 3



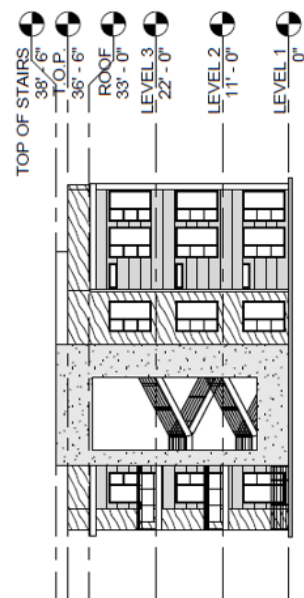
NEW BUILDING SOUTH EXTERIOR ELEVATION  
SCALE 1/16" = 1'-0"



NEW BUILDING NORTH EXTERIOR ELEVATION  
SCALE 1/16" = 1'-0"



NEW BUILDING EAST EXTERIOR ELEVATION  
SCALE 1/16" = 1'-0"



NEW BUILDING WEST EXTERIOR ELEVATION  
SCALE 1/16" = 1'-0"

# ATTACHMENT 4

6396

AN ORDINANCE CHANGING THE ZONING OF  
BLOCK 2, TRACT 10-B, YSLETA GRANT,  
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 Block 2, Tract 10-B, Ysleta Grant, as  
more particularly described below, be changed to C-3 (Commercial)  
within the meaning of the Zoning Ordinance, and the zoning map  
of the City be revised accordingly:

Beginning at the northwesterly common corner of  
Tracts 10B and 10D of said Block 2;

Thence North 63°08'00" East a distance of 448.80  
feet along the boundary line between Tracts 10B and  
10B1 of said Block 2 to a point on the westerly  
line of the Juan de Herrera Main Lateral;

Thence South 36°02'00" East a distance of 249.60 feet  
along the westerly line of the Juan de Herrera Main  
Lateral to a point;

Thence South 44°06'00" West a distance of 426.70 feet  
along the boundary line between Tracts 10B and 11B of  
said Block 2 to a point;

Thence North 39°24'00" West a distance of 395.30 feet  
along the boundary line between said Tracts 10B and 10D  
to the point of beginning.

PASSED AND APPROVED this 28th day of November 1978.

ATTEST:

W. R. Rogers  
City Clerk

City Clerk

Mayor

Rio-Ten

APPROVED AS TO FORM:

Shane R. Rios  
City Attorney

I CERTIFY THAT THE FOLLOWING ZONING MAPS  
HAVE BEEN REVISED: 2.D  
1-29-79 COUNTER  
1-26-79 ORIGINAL  
1-26-79 Blky. Inspection  
1-29-79 CONTROL f. Brungler

I certify that the zoning map has been revised to  
reflect the amendment of ordinance #6396  
By f. Brungler Date 1-29-79

6396

78-1240

CONTRACT

This contract, made this 29<sup>th</sup> day of Nov, 1978,  
by and between FRANK CANDELARIA and wife, ELISA A. CANDELARIA,  
First Parties, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning  
of Block 2, Tract 10-B, Ysleta Grant in the City of El Paso, El Paso  
County, Texas, such property being more particularly described in  
Ordinance No. 6396 now pending before the City Council of the  
City of El Paso, a copy of which ordinance is attached hereto,  
marked Exhibit "A" and made a part hereof by reference. To remove  
certain objections to such rezoning, First Parties covenant that  
if the property is rezoned to C-3 (Commercial) within the meaning  
of the zoning ordinance of the City of El Paso, it shall be subject  
to the following restrictions, conditions and covenants:

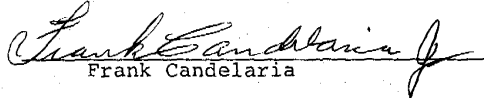
1. No building permits shall be issued for construction  
on the property until complete and detailed architectural and site  
development plans of the proposed development have been submitted  
by First Parties and approved by the City Plan Commission of the  
City of El Paso. All construction and development on the property  
shall be done in accordance with the approved plans.

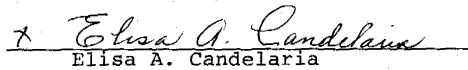
2. First Parties will, at no cost to the City, construct  
a ponding area to provide on-site drainage for the property. Such  
ponding area shall be constructed in accordance with plans and  
specifications to be approved by the City Engineer of the City of  
El Paso and must be inspected and approved by him before certificates  
of occupancy and compliance are issued for any buildings constructed  
on the property and before the property is used for any purpose  
requiring C-3 zoning.

This agreement is a restriction, condition and covenant running  
with the land and a charge and servitude thereon, and shall bind  
First Parties 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.

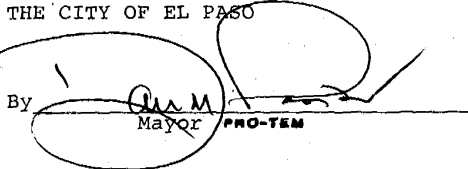
The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

WITNESS THE FOLLOWING SIGNATURES AND SEAL:

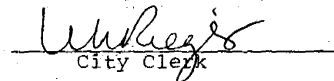
  
Frank Candelaria

x   
Elisa A. Candelaria

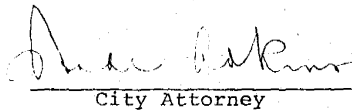
THE CITY OF EL PASO

By   
Mayor PRO-TEM

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
City Attorney

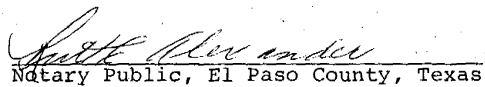
THE STATE OF TEXAS)  
COUNTY OF EL PASO )

BEFORE ME, the undersigned authority, on this day personally appeared FRANK CANDELARIA and his wife, ELISA A. CANDELARIA, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 29th day of Nov, 1978.

My Commission Expires:

Aug. 7 - 1980

  
Notary Public, El Paso County, Texas

78-4240

THE STATE OF TEXAS)  
 )  
COUNTY OF EL PASO )

BEFORE ME, the undersigned authority, on this day personally appeared DAN M. Ponder, Mayor PRO-TEM 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.

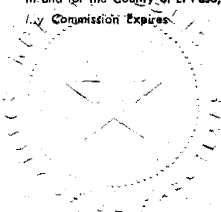
GIVEN UNDER MY HAND AND SEAL OF OFFICE this 30<sup>th</sup> day of NOVEMBER, 1978.

Billie Jean Branham  
Notary Public, El Paso County, Texas

My Commission Expires:

6-30-80

BILLIE JEAN BRANHAM, Notary Public  
In and for the County of El Paso, Texas  
Commission Expires



70-4240

-3-



RESOLUTION

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

That the Mayor be authorized to sign a contract with Frank Candelaria and wife, Elisa A. Candelaria, placing certain restrictions, conditions and covenants on the property being rezoned by Ordinance No. 6396.

ADOPTED this 28th day of November, 1978.

ATTEST:

Mayor

City Clerk

City Clerk

78-1240

# ATTACHMENT 5

CITY CLERK DEPT.  
2018 JUL 5 PM 12:28

ORDINANCE NO. 018811

AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY KNOWN AS:

PARCEL 1: TRACT 11B (2.389 AC), BLOCK 2, YSLETA GRANT (538 IVEY), CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-3 (COMMERCIAL); AND,

PARCEL 2: TRACT 10D (2.0785 AC) AND TRACT 12B (3.935 AC) (6.0315 AC), BLOCK 2, YSLETA GRANT, 538 IVEY, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-3 (COMMERCIAL); AND,

PARCEL 3: TRACT 10A (0.3981 AC), BLOCK 2, YSLETA GRANT, 538 IVEY, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-3 (COMMERCIAL); AND,

PARCEL 4: TRACT 12A (3.292 AC), BLOCK 2, YSLETA GRANT, 538 IVEY CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-3 (COMMERCIAL), AND IMPOSING A 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

*Parcel 1: Tract 11B (2.389 ac), Block 2, Ysleta Grant, 538 Ivey*, 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; and,

*Parcel 2: Tract 10D (2.0785 ac) and Tract 12B (3.935 ac) (6.0315 ac), Block 2, Ysleta Grant, 538 Ivey*, 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; and,

*Parcel 3: Tract 10A (0.3981 ac), Block 2, Ysleta Grant, 538 Ivey, City of El Paso, El Paso County*, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference; and,

*Parcel 4: Tract 12A (3.292 ac), Block 2, Ysleta Grant*, 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 as listed for:

**PARCEL 1: FROM R-F (RANCH AND FARM) TO C-3 (COMMERCIAL);**

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**PARCEL 2: FROM R-F (RANCH AND FARM) TO C-3 (COMMERCIAL); and**

**PARCEL 3: R-F (RANCH AND FARM) TO C-3 (COMMERCIAL), and**

**PARCEL 4: R-F (RANCH AND FARM) TO C-3 (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 condition which is necessitated by and attributable to the proximity of the proposed commercial equipment repair facility to adjacent residential and agricultural land uses generated by the change of zoning in order to protect the health, safety and welfare of the residents of the City:

1. *That a ten foot (10') landscaped buffer be established and maintained along any property line zoned residential or special purpose, to include the R-F (Ranch and Farm) and RMH (Residential Mobile Home) Districts.*
2. *That a 15' irrigated landscaped buffer will be established and maintained along the frontage of the property where it abuts Loop 375. High profile native evergreen trees of at least two inch (2") caliper and ten feet (10') in height shall be placed every fifteen feet (15') on center. An additional seventy feet (70') of non-irrigated open space shall be maintained behind the landscaped buffer, followed by a second 15' landscaped buffer, for a total buffer depth of 100'. The second 15' landscaped portion of the 100' buffer shall also be irrigated and maintained with high profile native evergreen trees of at least two inch (2") caliper and ten feet (10') in height placed every fifteen feet (15') on center.*
3. *That automobile (sales, service, storage, and rental) uses are prohibited on the subject property.*
4. *No outdoor storage of equipment, materials, and supplies shall be permitted within one-hundred feet (100') of Loop 375 or within twenty feet (20') of any property line that abuts residentially-zoned or special purpose zoned property, to include the R-F (Ranch and Farm) and RMH (Mobile Home Park) Districts.*

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 10<sup>th</sup> day of July, 2018.

(SIGNATURES ON THE FOLLOWING PAGE)

**018811**

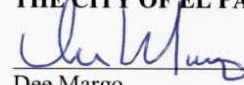
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CITY CLERK DEPT.  
2018 JUL 5 PM 12:28

THE CITY OF EL PASO



Dee Margo  
Mayor

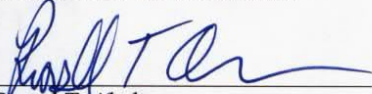


ATTEST:



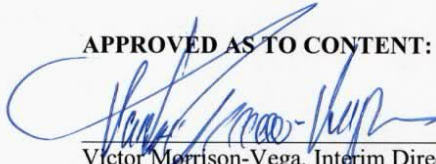
Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Russel T. Abeln  
Assistant City Attorney

APPROVED AS TO CONTENT:



Victor Morrison-Vega, Interim Director  
Planning & Inspections Department

(Development Agreement on the following page)

**018811**

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## EXHIBIT "A"

Being all of Tracts 10A, 10D,  
11B, 12A, and 12B, Block 2,  
Ysleta Grant,  
City of El Paso, El Paso County, Texas  
December 26, 2016

### METES AND BOUNDS DESCRIPTION 538 Ivey Road Exhibit "A"

**FIELD NOTE DESCRIPTION** of Tracts 10A, 10D, 11B, 12A, and 12B, Block 2, Ysleta Grant, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

**COMMENCING FOR REFERENCE** at a found iron rod located at the common boundary line of Tracts 10A and 13A, same being the southerly right-of-way line of Americas Avenue (370' R.O.W.) and being the **POINT OF BEGINNING** of the herein described parcel;

**THENCE**, leaving said common boundary line and along said southerly right-of-way line of Americas Avenue, North 63°51'00" East, a distance of 182.80 feet to a found iron rod lying at the common boundary corner of Tracts 10B and 10D;

**THENCE**, leaving said southerly right-of-way line and along the common boundary line of Tracts 10B and 10D, South 39°24'00" East, a distance of 329.61 feet to a point;

**THENCE**, leaving said common boundary line of Tracts 10B and 10D, North 44°06'00" East, a distance of 431.33 feet to a found iron rod for corner at the common boundary line of Tracts 10B2A and 11B, same being the westerly right-of-way line of Juan De Herrera Lateral;

**THENCE**, leaving said common boundary corner and along said westerly right-of-way line of Juan De Herrera Lateral the following four courses:

- 1.) 63.26 feet along the arc of a curve to the right whose radius is 163.20 feet, whose interior angle is 22°12'34", whose chord bears South 11°43'05" East, a distance of 62.87 feet to a point;
- 2.) South 00°36'59" East, a distance of 1038.61 feet to a point;
- 3.) 146.19 feet along the arc of a curve to the left whose radius is 221.30 feet, whose interior angle is 37°51'01", whose chord bears South 19°32'29" East, a distance of 143.55 feet to a point;
- 4.) South 38°28'00" East, a distance of 76.19 feet to a point;

**THENCE**, leaving said westerly right-of-way line of Juan De Herrera Lateral, North 65°48'00" West, a distance of 355.23 feet to a point;

**THENCE**, North 35°14'00" West, a distance of 537.30 feet to a point;

**THENCE**, North 04°27'17" West, a distance of 76.75 feet to a point;

**THENCE**, North 20°02'00" West, a distance of 240.70 feet to a point;

**THENCE**, North 14°30'00" West, a distance of 281.25 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 526,162.96 square feet or 12.0790 acres of land more or less.

CAD Consulting Co.  
1790 Lee Trevino Drive, Suite 503  
El Paso, Texas 79936  
(915) 633-6422  
L:\M&B\2016\538 Ivey-Final.wpd



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**PARKING CALCULATIONS**

USE	NO. OF CARS	NO. OF SPACES	NO. OF SPACES	NO. OF SPACES
OFFICE	100	100	100	100
STREET	100	100	100	100
TOTAL	200	200	200	200

**LANDSCAPING REQUIRED**

SPACES IN THE PARKING LOT SHALL BE LANDSCAPED WITH 1" X 6" LAMINATED PLYWOOD. THE LANDSCAPING SHALL BE DONE BY THE OWNER AND SHALL BE DONE BY THE END OF THE YEAR 2000.

**PROPOSED ZONING AND SETBACKS**

THE PROPOSED ZONING AND SETBACKS ARE AS SHOWN ON THE ATTACHED ZONING MAP. THE ZONING MAP IS A PART OF THIS PLAN AND SHALL BE KEPT WITH THE PLAN FOR THE LIFE OF THE PROJECT.

**LEGEND**

- 1. OFFICE BUILDING
- 2. PARKING LOT
- 3. LANDSCAPED AREA
- 4. STREET
- 5. RAILROAD
- 6. IVEY ROAD
- 7. LOT LINE
- 8. SETBACK LINE
- 9. ZONING MAP
- 10. LANDSCAPING REQUIRED
- 11. OFFICE BUILDING
- 12. PARKING LOT
- 13. LANDSCAPED AREA
- 14. STREET
- 15. RAILROAD
- 16. IVEY ROAD
- 17. LOT LINE
- 18. SETBACK LINE
- 19. ZONING MAP
- 20. LANDSCAPING REQUIRED

**NOTES**

1. THE SITE IS LOCATED IN THE CITY OF ST. PAUL, TEXAS, AND IS ZONED FOR OFFICE USE.
2. THE SITE IS BOUND BY IVEY ROAD TO THE NORTH AND EAST, AND BY A RAILROAD TO THE SOUTH.
3. THE SITE IS DIVIDED INTO SEVERAL AREAS, INCLUDING A PARKING LOT, A BUILDING FOOTPRINT, AND LANDSCAPED AREAS.
4. THE PROPOSED ZONING AND SETBACKS ARE AS SHOWN ON THE ATTACHED ZONING MAP.
5. THE ZONING MAP IS A PART OF THIS PLAN AND SHALL BE KEPT WITH THE PLAN FOR THE LIFE OF THE PROJECT.
6. THE LANDSCAPING SHALL BE DONE BY THE OWNER AND SHALL BE DONE BY THE END OF THE YEAR 2000.
7. THE OFFICE BUILDING SHALL BE A ONE-TOUR STORY BUILDING WITH A TOTAL AREA OF 10,000 SQUARE FEET.
8. THE PARKING LOT SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
9. THE LANDSCAPED AREA SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
10. THE STREET SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
11. THE RAILROAD SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
12. THE IVEY ROAD SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
13. THE LOT LINE SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
14. THE SETBACK LINE SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
15. THE ZONING MAP SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
16. THE LANDSCAPING REQUIRED SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
17. THE OFFICE BUILDING SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
18. THE PARKING LOT SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
19. THE LANDSCAPED AREA SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
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22. THE IVEY ROAD SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
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25. THE ZONING MAP SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
26. THE LANDSCAPING REQUIRED SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
27. THE OFFICE BUILDING SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
28. THE PARKING LOT SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
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37. THE OFFICE BUILDING SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
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80. THE STREET SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
81. THE RAILROAD SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
82. THE IVEY ROAD SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
83. THE LOT LINE SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
84. THE SETBACK LINE SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
85. THE ZONING MAP SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
86. THE LANDSCAPING REQUIRED SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
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92. THE IVEY ROAD SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
93. THE LOT LINE SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
94. THE SETBACK LINE SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
95. THE ZONING MAP SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
96. THE LANDSCAPING REQUIRED SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
97. THE OFFICE BUILDING SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
98. THE PARKING LOT SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
99. THE LANDSCAPED AREA SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
100. THE STREET SHALL BE 100 FEET WIDE AND 100 FEET DEEP.
101. THE RAILROAD SHALL BE 100 FEET W

**ORDINANCE NO.**  
18-1007-2134 | 762112\_2  
538 Ivey Road.  
KMN

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# **ATTACHMENT 6**

## **Planning and Inspections Department - Planning Division**

Staff recommends **APPROVAL** of the request as the proposed condition release have been deemed necessary for appropriate development of the property and align with the intent of the policies of G-3, Post-War future land use designation of *Plan El Paso*, the City's adopted Comprehensive Plan.

## **Planning and Inspections Department – Plan Review & Landscaping Division**

Recommend approval with conditions:

- 1) Remove "Landscape Legend" and plant quantities from plans
- 2) Occupancy use shall be R-2, not B

Note: the comments will be addressed at the time of permitting stage.

## **Planning and Inspections Department – Land Development**

Recommend approval with conditions

1. The property is in the flood zone "AH", a preliminary and final elevation certificate will be required at the time of grading permit and complies with all FEMA requirements.
2. All storm-water runoff discharge volumes including fill/water displacement shall be retained within this subdivision's limits in compliance with the provision of (DSC PANEL 1-4C-J, 19.19.010A and DDM 11.1).
3. TXDOT review and approval are required of the proposed subdivision for drainage and access requirements. No storm water is allowed into TxDOT R.O.W.
4. Verify the existing driveway on Americas (Loop 375), if not used, it will require closing.

Note: the comments will be addressed at the time of permitting stage.

## **Fire Department**

Recommend approval with conditions.

Turning radius for emergency vehicles, aerial access requirements and address fire related issues. Check for TXDoT requirements on Loop 375 due to emergency vehicles turning radius requirements.

Note: the comments will be addressed at the time of permitting stage.

## **Police Department**

No comments received.

## **Environment Services**

No comments received.

## **Streets and Maintenance Department**

- No objections to Traffic Impact Analysis (TIA) report.
- No objections to site plan.

## **Sun Metro**

No comments received.

## **El Paso Water**

EPWater-PSB does not object to this request.



#### Water:

There is an existing 8-inch diameter water main that extends along Americas Ave., located approximately 7-feet north of the south right-of-way line. This main is available for service and main extension.

There is an existing 48-inch diameter water transmission main that extends within a 30-foot PSB easement parallel to Americas Ave and along the northern property 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 8-inch diameter water main that extends along Joseph St., located approximately 15-feet west of the east right-of-way line. This main is available for service and main extension.

There is an existing 8-inch diameter water main that extends along Newell Hays St., located approximately 15-feet west of the east right-of-way line. This main is available for service and main extension.

EPWater records indicate an active ¾-inch domestic water meter serving the subject property. The service address for this meter is 538 Ivey Rd.

Previous water pressure from fire hydrant #5606, located at 444 Joseph St., has yielded a static pressure of 102 (psi), a residual pressure of 88 (psi), and a discharge of 750 (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 8-inch diameter sanitary sewer main that extends along Joseph St., located approximately 20-feet east of the west right-of-way line. This main is available for service and main extension.

There is an existing 8-inch diameter sanitary sewer main that extends along Newell Hays St., located approximately 20-feet east of the west right-of-way line. This main is available for service and main extension.

#### General:

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

EPWater-PSB requests that the site be graded so that sanitary sewer service may be provided by gravity.

No building, reservoir, structure, parking stalls, or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWater-PSB easement without the written consent of EPWater-PSB. The Developer shall refrain from constructing rock walls, signs, trees, buildings, curbs, or any structure that will interfere with the access to the PSB easement(s). There shall be at least a 5-foot setback from the easement line to any building, sign, or structure. All easements dedicated to public water and/or sanitary sewer facilities shall comply with EPWater-PSB Easement Policy. The PSB easement(s) shall be improved to allow the operation of EPWater-PSB maintenance vehicles. EPWater-PSB requires access to the proposed water facilities, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week. 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.

**El Paso County 911 District**

No comments received.

**Texas Department of Transportation**

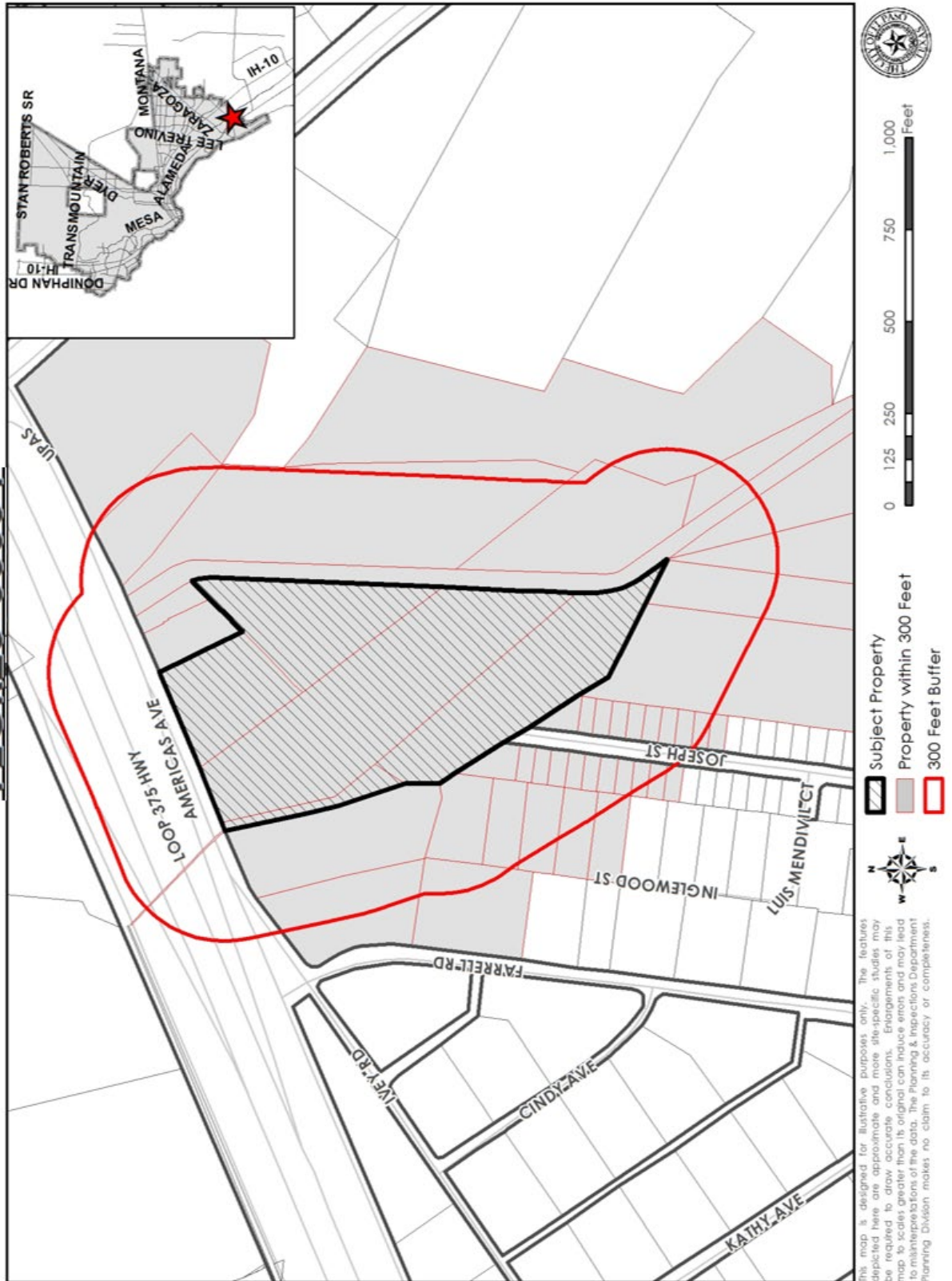
- Please add a deceleration lane
- Move proposed driveway further south to allow use of the deceleration lane.

**El Paso County Water Improvement District #1**

No comments received.

# ATTACHMENT 7

PZCR23-00004



## ATTACHMENT 8

**Salloum, Andrew M.**

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**From:** Salloum, Andrew M.  
**Sent:** Wednesday, November 29, 2023 10:56 AM  
**To:** Ben Ivey  
**Cc:** Adrienne Ivey Schultz; David Escobar; Hamilton Peck; Jonathan Tooley; Smith, Kevin W.; Garcia, Raul; Zamora, Luis F.  
**Subject:** RE: Hamilton Group Zoning Request

Good morning Mr. Ivey,

Thank you for your email. It will be added to the backup that will be presented to the City Plan Commission.

Cordially,  
Andrew Salloum | Senior Planner  
P: 915.212.1603  
A: 801 Texas Ave. El Paso, TX 79901  
E: SalloumAM@elpasotexas.gov  
ElPasoTexas.gov | Take Our Survey

Planning & Inspections Department  
City of El Paso

-----Original Message-----

From: Ben Ivey <ben@iveyoffice.com>  
Sent: Wednesday, November 29, 2023 10:13 AM  
To: Salloum, Andrew M. <SalloumAM@elpasotexas.gov>  
Cc: Adrienne Ivey Schultz <ais419@sbcglobal.net>; David Escobar <tocmodar@gmail.com>; Hamilton Peck <hamilton@hamiltoncommercialtx.com>; Jonathan Tooley <jonathan@hamiltoncommercialtx.com>  
Subject: Hamilton Group Zoning Request

[You don't often get email from ben@iveyoffice.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

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Mr. Salloum,

This is Ben Ivey and I am letting you know that our family is not going to oppose anything on the Hamilton Group zoning request coming up before the planning commission this Thursday. We hope that every consideration will be given to help the traffic problem that this apartment project will add to the existing problem we already have with the intersection of North Loop and Americas Ave. Also the traffic that will be impacted to Inglewood Rd.



I've tried for years to get TXDOT to put in a braided interchange just north of North Loop from Americas to the access road so that truck traffic from Mexico wouldn't necessarily go through the North Loop and Americas intersection. They could cross over North Loop and have an exit just after North Loop Road for that traffic that wants to go north to the industrial parks that are north of the interstate. If that could ever be accomplished it help the North Loop Intersection tremendously and be good even for the apartment project.

If there is anything else that you may need from me, just let me know.

God Bless

Ben Ivey