

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

**DEPARTMENT:** Development Services - Planning Division  
**AGENDA DATE:** Introduction 02/13/07; Public Hearing 03/6/07  
**CONTACT PERSON/PHONE:** Arlan Greer, Planner – 541-4723  
**DISTRICT(S) AFFECTED:** 4

**SUBJECT:**

An Ordinance granting special permit No. Zon06-00144, to allow for a planned residential development on a portion of Tract 210, South Parkland, City of El Paso, El Paso County, Texas, pursuant to section 20.14.040 (Zoning) of the El Paso City Code. Subject Property: Cross Street and Transmountain Drive. Applicant: Carefree Homes, L. P. ZON06-00144 (District 4)

**BACKGROUND / DISCUSSION:**

See attached report

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation (6-0)

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

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** R. Alan Shubert

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

07 FEB 5 2021

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON06-00144, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON A PORTION OF TRACT 210, SOUTH PARKLAND, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.040 (ZONING) OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

WHEREAS, Carefree Homes L.P. have applied for a Special Permit under Section 20.14.040 of the El Paso City Code, to allow for a planned residential development; and,

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and,

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and,

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Section 20.04.320.D of the El Paso City Code.

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

- 1. That the property described as follows is in an **R-5/sc (Residential/special contract)** District:

*A portion of Tract 210, South Parkland, City of El Paso, El Paso County, Texas, and more particularly described in the metes and bounds in Exhibit "A" which is attached hereto and made a part hereof for all purposes; and,*

- 2. That a planned residential development is authorized by Special Permit in **R-5/sc (Residential/special contract)** districts under Section 20.14.040 of the El Paso City Code; and,

- 3. That the requirements for a planned residential development under Section 20.14.040 have been satisfied; and,

- 4. That the City Council hereby grants a Special Permit under Section 20.14.040 of the El Paso City Code, in order to allow a planned residential development on the above-described property; and,

- 5. That this Special Permit is issued subject to the development standards in the **R-5/sc (Residential/special contract)** district regulations and subject to the approved Site

Development Plan, signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; and,

6. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued; and,

7. That if the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON06-00144** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

**THE CITY OF EL PASO**

\_\_\_\_\_  
John F. Cook  
Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Kimberly Forsyth, Senior Planner  
Development Services Department

CITY CLERK DEPT.  
07 FEB -5 PM 12:21

**AGREEMENT**

Carefree Homes L.P., the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Site Development Plan and in accordance with the standards identified in the R-5/sc (Residential/special contract) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 29th day of January, 2007.

By: Frank Arroyos  
(name/title) Owner

[Signature]  
(signature)

CITY CLERK DEPT.  
07 FEB - 5 PM 12: 22

**ACKNOWLEDGMENT**

THE STATE OF TEXAS )  
)  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 29th day of January, 2007, by Carefree Homes, L.P., as Applicant.

My Commission Expires:

January 17, 2010

Guadalupe Mendoza  
Notary Public, State of Texas  
Notary's Printed or Typed Name:  
\_\_\_\_\_



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

Special Permit No. ZON06-00144

ATCON ENGINEERING  
A 2.166 ACRE PARCEL  
BEING A PORTION OF TRACT 210  
SOUTH PARKLAND ADDITION  
OCTOBER 4, 2006

CITY CLERK DEPT.  
07 FEB -5 PM 12:22

DESCRIPTION  
(REZONING AND SPECIAL PERMIT)

DESCRIPTION OF A PARCEL OF LAND BEING A PORTION OF TRACT 210, SOUTH PARKLAND ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FOR REFERENCE AT AN EXISTING CITY MOUNMENT LOCTED AT THE CENTERLINE INTERSECTION OF CROSS STREET (60' RIGHT-OF-WAY) AND NAVY LANE (46' RIGHT-OF-WAY) AND SIAD POINT BEING THE POINT OF BEGINNING FOR THE PARCEL OF LAND DESCRIBED HEREIN;

THENCE, ALONG THE CENTERLINE OF CROSS STREET 84.75 FEET ALONG THE ARC OF A CURVE TO THE RIGHT WHICH HAS A CENTRAL ANGLE OF  $10^{\circ}11'52''$ , A RADIUS OF 476.16 FEET AND A CHORD WHICH BEARS NORTH  $06^{\circ}13'09''$ , WEST A DISTANCE OF 84.64 FEET TO A FOUND NAIL ON THE POINT OF CURVE;

THENCE, NORTH  $01^{\circ}07'00''$ , WEST A DISTANCE OF 33.03 FEET ALONG THE CENTERLINE OF CROSS STREET TO A SET NAIL WITH SHINNER TO A POINT;

THENCE, LEAVING SAID CENTERLINE OF CROSS STREET SOUTH  $88^{\circ}53'00''$ , WEST A DISTNACE OF 30 FEET TO FOUND  $\frac{1}{2}$ " REBAR TO THE WESTERLY RIGHT-OF-WAY LINE OF CROSS STREET FOR A CORNER OF THIS PARCEL;

THENCE, LEAVING SAID RIGHT-OF-WAY LINE NORTH  $61^{\circ}35'15''$ , WEST A DISTNCE OF 405.94 FEET ALONG THE COMMON LINE OF SUMMER FIELD UNIT TWO- AND TRACT 210, SOUTH PARKLAND ADDITION TO A SET CONCRETE NAIL FOR A CORNER OF THIS PARCEL;

THENCE, NORTH  $00^{\circ}01'15''$  WEST A DISTANCE OF 171.25 FEET ALONG THE COMMON LOT LINE OF LOT 49, BLOCK 4, SUMMER FIELD UNIT TWO AND TRACT 210, SOUTH PARKLAND ADDITION TO A SET  $\frac{1}{2}$ " REBAR FOR A CORNER OF THIS PARCEL;

THENCE, NORTH  $89^{\circ}58'45''$  EAST A DISTANCE OF 350 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF TRANS-MOUNTAIN ROAD TO A SET  $\frac{1}{2}$ " REBAR FOR A CORNER OF THIS PARCEL:

THENCE, SOUTH  $01^{\circ}07'00''$  EAST DISTANCE OF 364.60 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF CROSS STREET TO THE POINT OF BEGINNING AND SAID PARCEL CONTAINING 94,359.08 SQUARE FEET OR 2.166 ACRES OF LAND MORE OR LESS

Exhibit "A"



2006-00144

**JOHN COOK**  
MAYOR

**JOYCE WILSON**  
CITY MANAGER

**R. ALAN SHUBERT, PE, CB**  
DIRECTOR, DEVELOPMENT SERVICES

**KELLY CARPENTER, AICP**  
DEPUTY DIRECTOR, PLANNING



**CITY COUNCIL**  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
PRESI ORTEGA, JR., DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION**

**TO:** The Honorable Mayor and City Council  
Ms. Joyce A. Wilson

**FROM:** Arlan Greer, Planner

**SUBJECT: ZON06-00144**

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The City Plan Commission (CPC), on December 21, 2006, voted **(6-0)** to recommend **approval** of the special permit by Carefree Homes on their property located at the intersection of Cross Street and Transmountain Drive. The property is legally described as a portion of Tract 210, South Parkland Addition, City of El Paso, El Paso County, Texas.

The CPC found that this special permit is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map, which designates the subject property for residential land uses. The CPC also determined that this special permit protects the best interest, health, safety, and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the effects of the special permit will have no effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was **No Opposition** to this special permit request.

**STAFF REPORT**

**Special Use Permit #:** ZON06-00144

**Property Owner(s):** Carefree Homes L.P.

**Representative(s):** ATCON Engineering & Surveying

**Legal Description:** A portion of Tract 210, South Parkland  
City of El Paso, El Paso County, Texas

**Location:** Intersection of Cross Street and Transmountain Drive

**Representative District:** 4

**Area:** 2.17 Acres

**Zoning:** C-2/sc (Commercial / special contract); proposed zoning is  
R-5/sc (Residential/special contract)

**Existing Use:** Vacant

**Proposed Use:** Planned Residential Development with reduced rear setbacks

**Recognized Neighborhood Associations Contacted:** Northeast Healthy Communities  
Northeast Civic Association

**Surrounding Land Uses:**

<b>North -</b>	A-M/sc (Apartment and Mobile Home Park / special contract) / Residential
<b>South -</b>	R-5 (Residential) / Residential
<b>East -</b>	C-4 (Commercial) / Residential
<b>West-</b>	R-4 (Residential) / Residential

**Year 2025 Designation:** Residential (Northeast Planning Area)

**CITY PLAN COMMISSION HEARING, 12/21/2006,  
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

**Special Use Permit: ZON06-00144**

**General Information:**

The applicant is requesting a special permit to allow for a single family residential development with reduced rear setbacks of ~~20 feet~~ 15 feet. The property is currently zoned C-2/sc (Commercial/ special contract), and a rezoning application is being processed concurrently. The site is currently vacant and is 2.17 acres in size. The proposed site plan shows 11 single family lots on the site. Access is proposed via Minuteman Street. There are zoning conditions currently imposed on this property by contract dated Aug. 2, 1983 (attached).

**Information to the Commission:**

The Planning Division has received no calls or letters in opposition or support of this request.

**Staff Recommendation:**

The Development Coordinating Committee (DCC) recommends approval of this special permit request.

The recommendation is based on the following:

**The Plan for El Paso** City-Wide Land Use Goals recommends that El Paso “provide a wide range of housing types that respond to the need of all economic segments of the community.”

**The Year 2025 Projected General Land Use Map** for the Northeast Planning Area designates this property for Residential land uses.

R-5/sc (Residential/special contract) zoning permits a planned residential development with reduced setbacks by special permit.

The Commission must determine the following:

1. Will the special permit for a planned residential development protect the best interest, health, safety and welfare of the public in general?
2. Will the special permit be compatible with adjacent land uses?
3. What is the relation of the proposed special permit to the City’s Comprehensive Plan?
4. What effects will the proposed special permit have on the natural environment, social and economic conditions and property values in the vicinity and the city as a whole?

**Information To The Applicant:**

**Development Services - Building Permits and Inspections Division Notes:**

*Zoning:* Proposed development meets minimum R-5 residential lot development standards.

*Landscaping:* Landscape not required for this project; not required for residential use.

**Development Services - Planning Division Notes:**

*Current Planning:* Planning recommends approval of the special permit. The proposed development is in conformance with the Plan for El Paso and is compatible with adjacent development.

*Land Development:* Landscape not required for residential use.

**Engineering Department, Traffic Division Notes:**

No apparent traffic concerns.

**Fire Department Notes:**

No comments.

**El Paso Water Utilities Notes:**

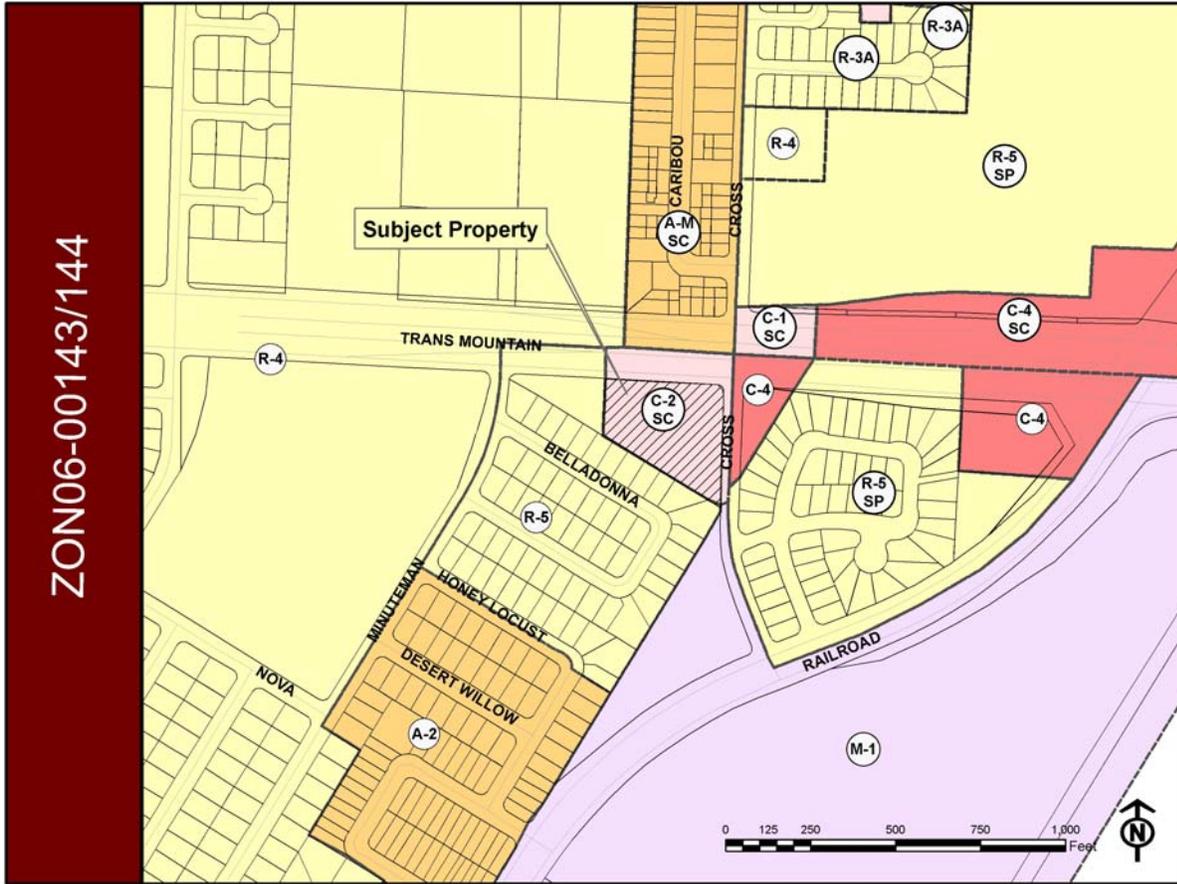
No comments received.

**ATTACHMENT:** Location Map, Site Plan; Aerial Map.

**NOTE TO THE PROPERTY OWNER:** CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE DEVELOPMENT SERVICES DEPARTMENT, PLANNING DIVISION (915) 541-4056.

LOCATION MAP

ZON06-00143/144



**AERIAL MAP**



**SITE PLAN**

