

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

**DEPARTMENT:** Development Services Department

**AGENDA DATE:** Introduction: June 6, 2006  
Public Hearing: June 27, 2006

**CONTACT PERSON/PHONE:** Christina Valles, 541-4930

**DISTRICT(S) AFFECTED:** 5

**SUBJECT:**

An Ordinance granting Special Permit No. ZON06-00015, to allow for a planned residential development on a portion of Tract 5, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys and Replat of Lots 28-35, Block 1, The Estates at Los Paseos, El Paso, El Paso County, Texas, pursuant to Section 20.12.040 (Zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.68 of The El Paso City Code. Applicant: Carefree Land Company. ZON06-00015 (District 5)

**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 (5-0)

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

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

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

**DEPARTMENT HEAD:** George Sarmiento, AICP

**APPROVED FOR AGENDA:**

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

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

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON06-00015, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON A PORTION OF TRACT 5, SECTION 44, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS AND REPLAT OF LOTS 28-35, BLOCK 1, THE ESTATES AT LOS PASEOS, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.12.040 (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 Land Company has applied for a Special Permit under Section 20.12.040 of the El Paso City Code, to allow for a planned residential development to permit private streets; 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, except to the extent waived by City Council, 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-3A/sc (Residential/special contract)** District:

*Portion of Tract 5, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys and Replat of Lots 28-35, Block 1, The Estate at Los Paseos Subdivision, El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on Exhibit "A", attached and incorporated by reference.*

2. That a planned residential development is authorized by Special Permit in **R-3A/sc (Residential/special contract)** districts under Section 20.12.040 of the El Paso City Code; and,

3. That the requirements for a planned residential development under Section 20.12.040 have been satisfied; and,

4. That the City Council hereby grants a Special Permit under Section 20.12.040 of the El Paso City Code, in order to allow a planned residential development on the above-described property to allow for private streets; and,

5. That this Special Permit is issued subject to the development standards in the **R-3A/sc (Residential/special contact)** 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. ZON06-00015** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

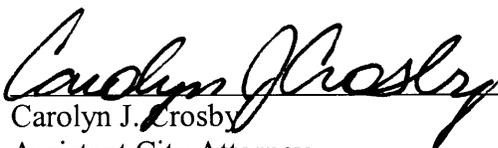
**THE CITY OF EL PASO**

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

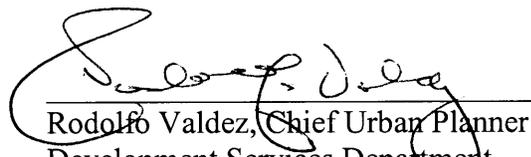
**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Carolyn J. Crosby  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Rodolfo Valdez, Chief Urban Planner  
Development Services Department

**AGREEMENT**

Carefree Land Company, collectively 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-3A/sc (Residential/special contract)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 9<sup>th</sup> day of May, 2006.

By: Frank Arroyos III  
(name/title)

[Signature]  
(signature)

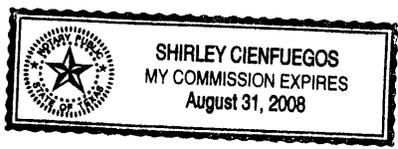
**ACKNOWLEDGMENT**

THE STATE OF TEXAS )  
)  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 9<sup>th</sup> day of May, 2006, by FRANK ARROYOS III, on behalf of **Carefree Land Company**, as Applicant.

My Commission Expires:

[Signature]  
Notary Public, State of Texas  
Notary's Printed or Typed Name:  
\_\_\_\_\_



**BARRAGAN & ASSOCIATES**

Land Planning &amp; Land Surveying

1450 Pendale Road Suite B, El Paso, Texas 79936, Phone (915) 591-5709 Fax 591-5706

**METES AND BOUNDS DESCRIPTION**

Description of a 1.7386 acre tract, out of Tract 5, in Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

**Beginning** at a point, marking the northeasterly corner for Lot 37, Block 1, The Estate at Los Paseos (filed in volume 17, page 111, Plat Records of El Paso County, Texas), said point also being the **Point of Beginning** of this description;

**Thence**, North 78°06'42" West, along the common line said Tract 5, and northerly line of The Estate at Los Paseos, a distance of 431.42 feet to a point for corner;

**Thence**, North 11°53'18" East, a distance of 184.21 feet to a point for corner;

**Thence**, South 78°06'42" East, a distance of 390.83 feet to a point for corner;

**Thence**, South 00°32'13" East, a distance of 188.63 feet to the **POINT OF BEGINNING** of this description, containing 75,734 square feet or 1.7386 acres of land more or less.



Benito Barragan TX R.P.L.S. 5615  
Estates2  
4/12/06

**NOTES:**

1. Not a ground Survey.
2. Bearings recited herein are based the filed plat for The Estate at Los Paseos.

JOHN COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER

GEORGE G. SARMIENTO, AICP  
DEPUTY DIRECTOR



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**

May 8, 2006

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

**FROM:** Christina Valles, Senior Planner

**SUBJECT: ZON06-00015**  
A portion of Tract 5, Section 44, Block 79, Township 2, Texas and Pacific Railroad  
Company Surveys

**LOCATION:** North of Paseo Dorado Circle and East of Saul Kleinfeld Drive

**REQUEST:** Special Permit for a Planned Residential Development

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The City Plan Commission (CPC), on May 4, 2006, voted **(5-0)** to recommend **Approval** of a special permit request for a Planned Residential Development on the subject property in order to allow private streets, concurring with Staff's recommendation.

The CPC found that this special permit is in conformance with *The Plan for El Paso* Citywide land use goals: "That El Paso provide a wide range of housing types that respond to the needs of all economic segments of the community; and preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods." The proposed use is in conformance with the Year 2025 Projected General Land Use Map, which designates the subject property for parks and open space uses. The special permit and the proposed single-family residential development are compatible with adjacent zoning and land uses. The CPC also determined the special permit protects the best interest, health, safety, and welfare of the public in general.

There was no opposition to this request.

**Attachment:** Location Map; Aerial Map; Site Plan.

**STAFF REPORT**

**Special Use Permit #:** ZON06-00015

**Property Owner(s):** Carefree Land Company

**Applicant(s):** Carefree Land Company

**Representative(s):** CEA Engineering Group

**Legal Description:** A portion of Tract 5, Section 44, Block 79, Township 2, Texas and Pacific Railroad Company Sureys and a Replat of Lots 28-35, Block 1, the Estates at Los Paseos

**Location:** North of Paseo Dorado Circle and East of Saul Kleinfeld Drive

**Representative District:** # 5

**Area:** 1.73 Acres

**Zoning:** Q/sc (Quarry/special contract),  
R-3A/c/sp (Residential/condition/special permit)

**Existing Use:** Vacant

**Proposed Use:** Planned Residential Development to allow Private Streets

**Recognized Neighborhood Associations Contacted:** Eastside Civic Association

**Surrounding Land Uses:**

<b>North -</b>	Q/sc (Quarry/special contract) / Vacant
<b>South -</b>	R-3A/c/sp (Residential/condition/special permit) / Single-family Residential
<b>East -</b>	Q (Quarry) / Vacant
<b>West-</b>	C-2/sc (Commercial/special contract), R-3A/sc (Residential/special contract) / Vacant, Park, Ponding

**Year 2025 Designation:** **Parks and Open Space** (East Planning Area)

**CITY PLAN COMMISSION HEARING, MAY 4, 2006,  
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

**Special Use Permit: ZON06-00015**

**GENERAL INFORMATION:**

The applicant is requesting a special permit for a Planned Residential Development to allow for private streets. The property is currently zoned Q/sc (Quarry/special contract) and R-3A/c/sp (Residential/condition/special permit). The site is currently vacant and is 1.73 acres in size. The proposed site plan shows 4 residential lots to be located on the site. Access is proposed via Paseo Dorado Circle.

There is a zoning application in process for the area of the site that is currently zoned Q/sc (Quarry/special contract) in order to rezone to R-3A/sc (Residential/special contract). An Ordinance dated October 29, 2002 imposed the following condition on the portion of the property that is currently zoned R-3A/c/sp (Residential/condition/special permit):

*Access to the property shall be from the extension of Bob Mitchell Drive only. Secondary emergency access, allowing only emergency service vehicles, may be allowed to the subject property. Such emergency access must be secured with a gate or other similar means to secure the passageway from general traffic from the public so that only emergency vehicles may access the property.*

A Special Contract dated September 3, 1985 imposed the following conditions on the property that is currently zoned Q/sc (Quarry/special contract):

- 1. First Party will be responsible for the maintenance of the water tight integrity of the property described above by metes and bounds, and for ten (10) feet beyond such boundary.*
- 2. First Party shall agree to hold the City of El Paso harmless, and to indemnify the City for any and all liability for any loss of life, personal injury or property damage which occurs, due to the negligence or wrongful act of the owner, lessee or their agents, employees or assigns.*
- 3. The underlying refuse shall not be excavated or disturbed in any manner without the prior written consent of the Director of Public Works or his designee and the Texas Department of Public works.*
- 4. First Party must agree to grant to the City of El Paso and the Texas Department of Health the right of entry and inspection, and any necessary maintenance or repair of the landfill site for which the City is responsible under applicable Texas Department of Health rules and regulations, without the consent or authorization of First Party; provided that the City shall give the First Party reasonable notice considering the circumstances before taking any corrective action. First Party agrees that any cost to First Party as a result of the City performing its obligations of maintenance of the landfill site pursuant to Texas Department of Health rules and regulations, shall be borne solely by First Party or lessee. The City shall bear its own expenses of performing its obligations of maintenance of the landfill site to the extent that the maintenance or corrective action required to be taken by the City is not any greater than would have been required if the ready-mix concrete and pre-cast concrete operations were not on the property.*

**INFORMATION TO THE COMMISSION:**

The Development Services Department - Planning Division has received no calls or letters in support or opposition to this application.

**STAFF RECOMMENDATION:**

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL** of this special permit request.

The recommendation is based on the following:

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

**The Year 2025 Projected General Land Use Map** for the **East** Planning Area designates this property for Parks and Open Space land uses.

R-3A zoning permits a Planned Residential Development by special permit.

The Commission must determine the following:

- A. Will the Planned Residential Development protect the best interest, health, safety and welfare of the public in general?
- B. Will a Planned Residential Development be compatible with adjacent land uses?
- C. What is the relation of the proposed change to the City’s Comprehensive Plan?
- D. What effects will the Planned Residential Development have upon the natural environment, social and economic conditions, and property values in the vicinity and in the city as a whole?

**INFORMATION TO THE APPLICANT:**

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

- A. Zoning: Proposed zoning district not specified. Shall meet lot and yard development standards on R-3A/c/sp (Residential/condition/special permit) district.
- B. Landscaping: Landscaping not required for single-family residential use or for new subdivisions at this time.

**Development Services Department - Land Development Division Notes:**

- A. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.\*
- B. Grading plan and permit shall be required.\*
- C. Storm Water Pollution Prevention Plan and/or permit may be required.\*
- D. Drainage plans must be approved by the Development Services Department, Engineering Section.\*
- E. Additional Comments: Site location is not located within a Special Flood Hazard Area, Flood Zone(s) C, Panel(s) 480214 0043 B. Quarry?  
\* This requirement will be applied at the time of development.

**Engineering Department - Traffic Division Notes:**

No apparent traffic concerns.

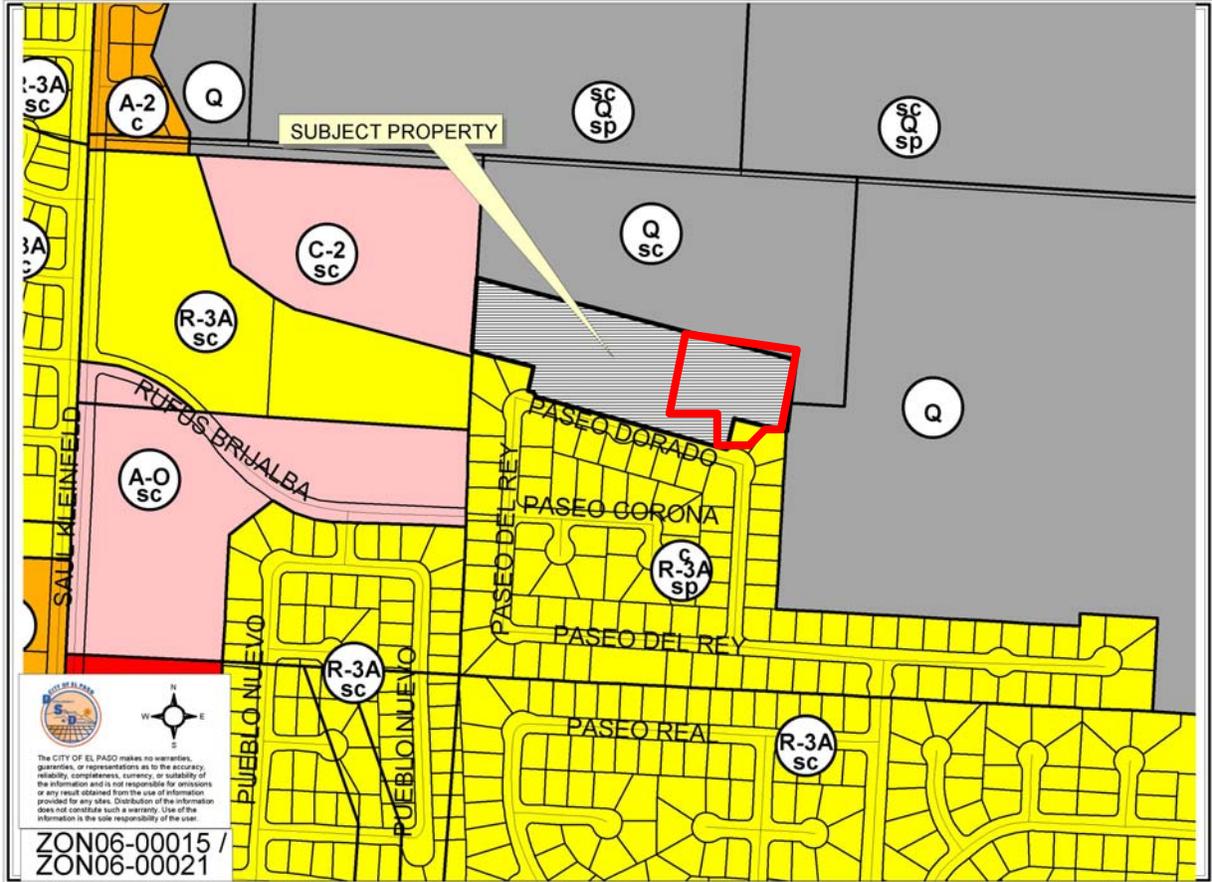
**Development Services Department - Planning Division Notes:**

Recommend approval of this special permit request contingent on approval of the rezoning request for the subject property.

**ATTACHMENT:** Site Plan; Location 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



# AERIAL MAP



