

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

**DEPARTMENT:** Planning and Economic Development Department, Planning Division

**AGENDA DATE:** Introduction: September 27, 2011  
Public Hearing: October 18, 2011

**CONTACT PERSON/PHONE:** Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

**DISTRICT(S) AFFECTED:** 6

**SUBJECT:**

An ordinance releasing all conditions placed on property by Ordinance No. 5941 which changed the zoning of a portion of Lots 1 and 2, Block 10, Pecan Grove Subdivision Unit-2, City of El Paso, El Paso County, Texas, and which imposed conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 9002 Betel Drive. Applicant: La Jolla Place, LLC. PZCR11-00001 (**District 6**)

**BACKGROUND / DISCUSSION:**

Staff report attached.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

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

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

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

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

**DEPARTMENT HEAD:**

Mathew S. McElroy  
Deputy Director, Planning and Economic Development Department

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**APPROVED FOR AGENDA:**

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

**DATE:** \_\_\_\_\_

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

AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 5941 WHICH CHANGED THE ZONING OF A PORTION OF LOTS 1 AND 2, BLOCK 10, PECAN GROVE SUBDIVISION UNIT-2, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as *a portion of Lots 1 and 2, Block 10, Pecan Grove Subdivision Unit-2, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 5941, approved by City Council on September 9, 1977; 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:**

1. That all of the zoning conditions imposed by Ordinance No. 5941 dated September 9, 1977, on the portion of land identified in Exhibit "A" be released because the conditions have been satisfied by the construction of the bridges on Betel Drive across Warnock Drain and Juan de Herrera Lateral and are no longer necessary, or are current requirements of the City Code.

1. *No certificates of occupancy and compliance shall be issued by the City for any buildings constructed on the property until First Parties have, at no cost to the City, done the following:*
  - a. *Installed paving, curbs and gutters on Betel Drive from Zaragoza Road to the existing pavement on Kernel Circle, and from the existing pavement on Kernel Circle to the Juan de Herrera Lateral,*
  - b. *Constructed concrete sidewalks along the boundaries of the property which are adjacent to Zaragoza Road, Betel Drive and Cashew Drive,*
  - c. *Constructed a bridge on Betel Drive across the Warnock Drain.*

- d. *Constructed a bridge on Betel Drive across the Juan de Herrera Lateral.*
  - e. *Constructed six foot high rock walls with barbed wire extensions along the boundaries of the property which are adjacent to the Mesa Drain, the Juan de Herrera Lateral and the Warnock Drain.*
  - f. *Submitted a drainage plan of the property to the City Engineer of the City of El Paso and constructed all drainage facilities in accordance with the plan approved by the City Engineer.*
2. *All of the above improvements shall be installed and constructed in accordance with plans and specifications to the approved by the City Engineer of the City of El Paso and shall be subject to inspection and approval by him before certificates of occupancy and compliance are issued.*

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

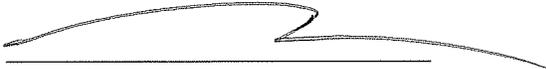
**THE CITY OF EL PASO**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**APPROVED AS TO CONTENT:**

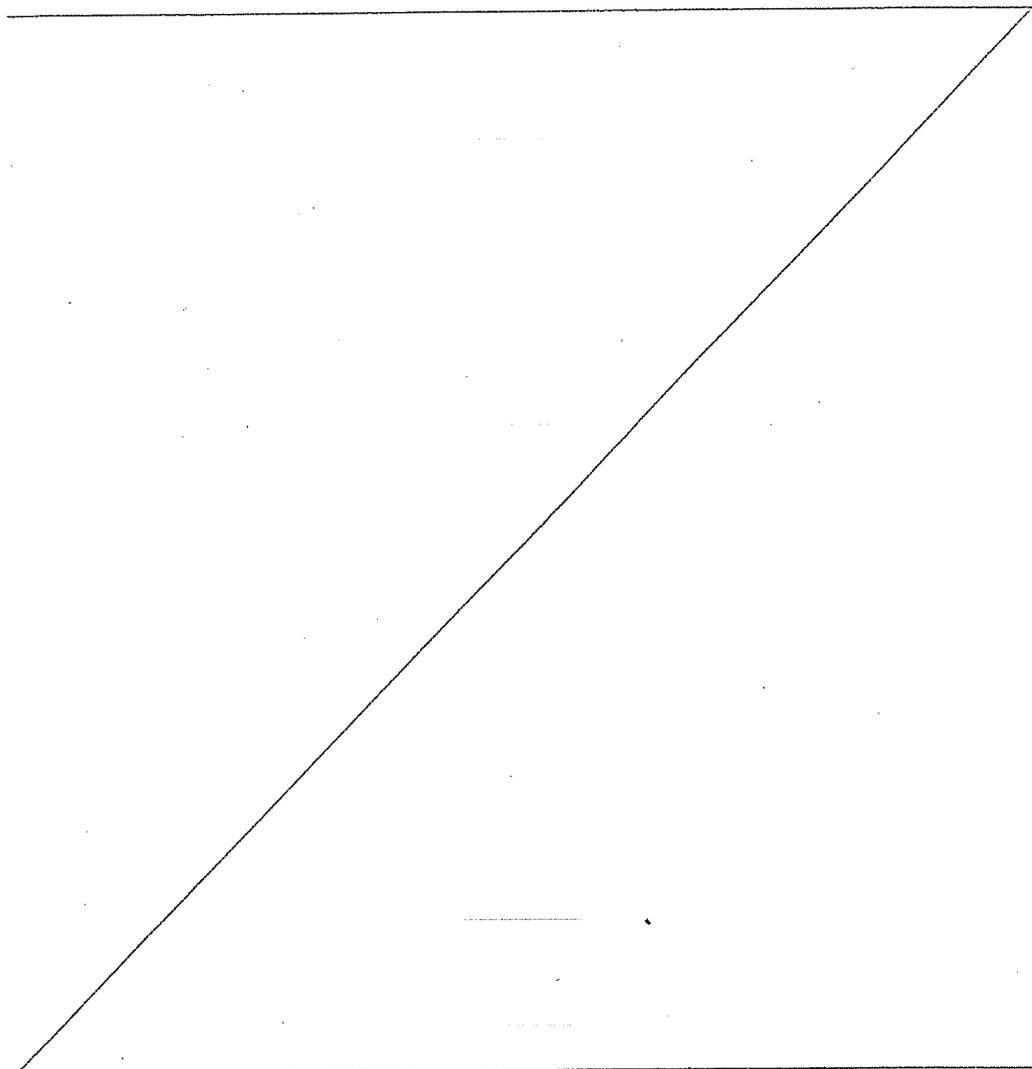
\_\_\_\_\_  
Mathew S. McElroy, Deputy Director  
Planning and Economic Development  
Department

5941

AN ORDINANCE CHANGING THE ZONING OF  
LOTS 1-7, BLOCK 10, LOT 1 AND A  
PORTION OF LOT 2, BLOCK 9, PECAN  
GROVE S/D UNIT 2, 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 Lots 1-7, Block 10, Lot 1 and a portion of  
Lot 2, Block 9, Pecan Grove S/D Unit 2, as more particularly described  
below, be changed as indicated within the meaning of the Zoning Ordinance,  
and the zoning map of the City be revised accordingly:



5941

*(Case # 77-4042)*

CONTRACT

This contract, made this 9 day of Sept, 1977,  
by and between HERBERT HAESECKE, GUS RALLIS, MANUEL ALVAREZ, and  
SURETY SAVINGS AND LOAN ASSOCIATION, a corporation, co-partners  
doing business as PECAN GROVE JOINT VENTURE, First Parties, and the  
CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning  
of Lots 1 through 7 in Block 10, all of Lot 1 and a portion of Lot 2,  
Block 9, Pecan Grove Subdivision Unit 2, in the City of El Paso, El  
Paso County, Texas, such property being more particularly described  
in Ordinance No. 5941, now pending before the City Council of the  
City of El Paso, a copy of which is attached hereto, marked Exhibit  
"A" and made a part hereof by reference.

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

1. No certificates of occupancy and compliance shall be issued  
by the City for any buildings constructed on the property until First  
Parties have, at no cost to the City, done the following:

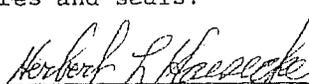
- a. Installed paving, curbs and gutters on Betel Drive from Zaragosa Road to the existing pavement on Kernel Circle, and from the existing pavement on Kernel Circle to the Juan de Herrera Lateral.
- b. Constructed concrete sidewalks along the boundaries of the property which are adjacent to Zaragosa Road, Betel Drive and Cashew Drive.
- c. Constructed a bridge on Betel Drive across the Warnock Drain.
- d. Constructed a bridge on Betel Drive across the Juan de Herrera Lateral.
- e. Constructed six foot high rock walls with barbed wire extensions along the boundaries of the property which are adjacent to the Mesa Drain, the Juan de Herrera Lateral and the Warnock Drain.
- f. Submitted a drainage plan of the property to the City Engineer of the City of El Paso and constructed all drainage facilities in accordance with the plan approved by the City Engineer.

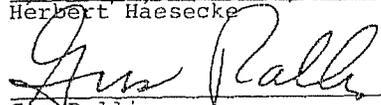
2. All of the above improvements shall be installed and constructed in accordance with plans and specifications to be approved by the City Engineer of the City of El Paso and shall be subject to inspection and approval by him before certificates of occupancy and compliance are issued.

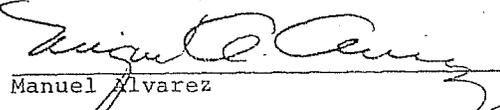
This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express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

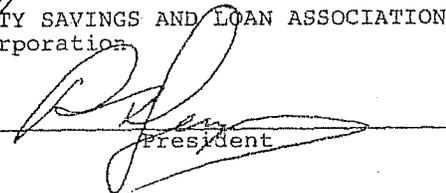
WITNESS the following signatures and seals:

  
Herbert Haesecke

  
Gus Rallis

  
Manuel Alvarez

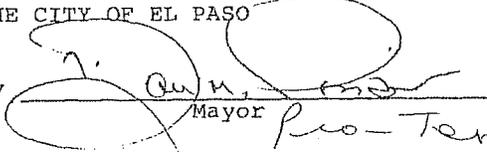
SURETY SAVINGS AND LOAN ASSOCIATION,  
a corporation

By   
President

ATTEST:

  
Assistant Secretary

THE CITY OF EL PASO

By   
Mayor

ATTEST:

  
City Clerk

MEMORANDUM

**DATE:** September 20, 2011

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

**FROM:** Andrew Salloum, Planner

**SUBJECT:** PZCR11-00001

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The City Plan Commission (CPC), on August 25, 2011, voted 6-0 to recommend **APPROVAL** of the zoning condition release request.

The CPC found that the zoning condition release is in conformance with the Plan for El Paso. The CPC also determined that the zoning condition release 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 zoning condition release will have no effect 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 request.

**Attachment:** Staff Report



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

**Case No:** PZCR11-00001  
**Application Type:** Zoning Condition Release  
**CPC Meeting Date:** August 25, 2011  
**Staff Planner:** Andrew Salloum, 915-541-4633, [salloumam@elpasotexas.gov](mailto:salloumam@elpasotexas.gov)

**Location:** 9002 Betel Drive  
**Legal Description:** A portion of Lots 1 and 2, Block 10, Pecan Grove Subdivision Unit-2, City of El Paso, El Paso County, Texas

**Acreage:** 2.58 acres  
**Rep District:** 6  
**Zoning:** C-1/sc (Commercial/special contract)  
**Existing Use:** Vacant  
**Request:** Release zoning condition imposed by Special Contract per Ordinance No. 5941  
**Proposed Use:** Apartment Complex

**Property Owner:** La Jolla Place, L.L.C.  
**Applicant:** Jose Uresti  
**Representative:** Jose Uresti

### **SURROUNDING ZONING AND LAND USE**

**North:** C-1/sc (Commercial/special contract) / Post Office and Apartment Complex  
**South:** A-M/sc (Apartment/Mobile Home Park /special contract) / Vacant  
**East:** C-1/sc (Commercial/special contract) / Grocery store  
**West:** C-1/sc (Commercial/special contract) / Car wash, self-service

**THE PLAN FOR EL PASO DESIGNATION:** Residential (Mission Valley Planning Area)

**Nearest Park:** Pecan Grove Park #2 (2,304 Feet)

**Nearest School:** Mission Valley Elementary School (4,407)

### **NEIGHBORHOOD ASSOCIATIONS**

Save the Valley 21

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on July 28, 2011. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

### **APPLICATION DESCRIPTION**

The applicant is requesting to release the special contract condition imposed by Ordinance No. 5941, dated September 9, 1977 (See attachment 4). The conditions imposed on the property are as follows:

1. *No certificates of occupancy and compliance shall be issued by the City for any buildings constructed on the property until First Parties have, at no cost to the City, done the following:*
  - a. *Installed paving, curbs and gutters on Betel Drive from Zaragoza Road to the existing pavement on Kernel Circle, and from the existing pavement on Kernel Circle to the Juan de Herrera Lateral,*
  - b. *Constructed concrete sidewalks along the boundaries of the property which are adjacent to Zaragoza Road, Betel Drive and Cashew Drive,*
  - c. *Constructed a bridge on Betel Drive across the Warnock Drain.*
  - d. *Constructed a bridge on Betel Drive across the Juan de Herrera Lateral.*

- e. *Constructed six foot high rock walls with barbed wire extensions along the boundaries of the property which are adjacent to the Mesa Drain, the Juan de Herrera Lateral and the Warnock Drain.*
  - f. *Submitted a drainage plan of the property to the City Engineer of the City of El Paso and constructed all drainage facilities in accordance with the plan approved by the City Engineer.*
2. *All of the above improvements shall be installed and constructed in accordance with plans and specifications to the approved by the City Engineer of the City of El Paso and shall be subject to inspection and approval by him before certificates of occupancy and compliance are issued.*

The above conditions were placed on a large parcel of land and Conditions #1 c and d have been satisfied by the construction of the bridges on Betel Drive across Warnock Drain and Juan de Herrera Lateral. Other conditions (Conditions #1 a, b, e, and f) are required by El Paso City Code and will be complied with at the time of building permit.

#### **PLANNING AND ECONOMIC DEVELOPMENT-PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of the zoning condition release request.

#### **The Plan for El Paso-City-Wide Land Use Goals**

All applications for zoning condition release shall demonstrate compliance with the following criteria:

- a. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses
- b. Goal: develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.
- c. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- d. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.

The purpose of C-1 (Commercial) district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

#### **Development Coordinating Committee Review**

The DCC reviewed and discussed the application for rezoning and offered no objections to Planning Staff's recommendation for **APPROVAL**.

#### **Engineering & Construction Management Services Department – Plan Review**

No objections.

#### **Engineering & Construction Management Service Department - Land Development**

Comments:

- Rockwall (6') from high side is required abutting Mesa Drain. \*

General Comments:

- ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.\*
- Grading plan and permit shall be required.\*
- Storm Water Pollution Prevention Plan and/or permit required.\*
- Drainage plans must be approved by the Engineering and Construction Management Department, Land Development Section.\*
- The Subdivision is within Flood Zone X-“Areas of minimal flooding” – Panel # 480212 0048C, dated February 16, 2006.

**Department of Transportation**

No objection to condition release.

Sidewalks are required.

Note:

All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

**El Paso Water Utilities**

We have reviewed the zoning condition release request above and provide the following comments:

1. EPWU does not object to this request.

**EPWU-PSB Comments**

**Water:**

2. There is an existing 12-inch diameter water main that extends along Betel Drive fronting the northeast boundary of the subject property (9002 Betel Drive).
3. EPWU records indicate there is an active 1½-inch water meter serving the subject property. The service address for this meter is 9002 Betel Drive.

**Sanitary Sewer:**

4. There is an existing 8-inch diameter sanitary sewer main that extends along Betel Drive fronting the northeast boundary of the subject property (9002 Betel Drive).

**General:**

5. 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 EPWU – 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.

**Fire Department**

El Paso Fire Department has no objections to the release of zoning conditions.

**CITY PLAN COMMISSION OPTIONS**

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the change of zoning application:

1. Recommend approval of the application finding that the zoning condition release is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the zoning condition release into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the zoning condition release does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

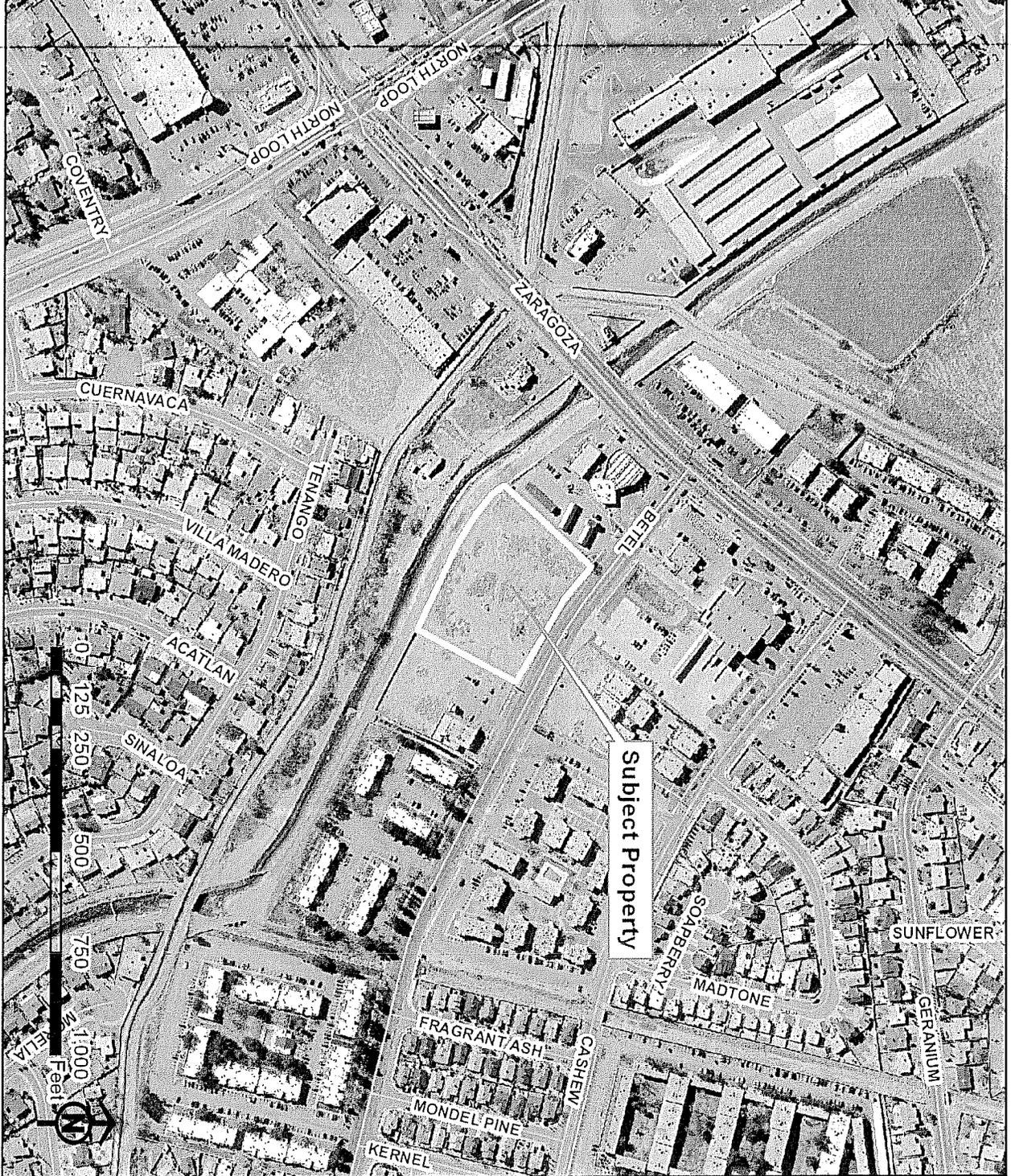
**Attachments**

1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan
4. Ordinance No. 5941



ATTACHMENT 2: AERIAL MAP

PZCR11-00001





ATTACHMENT 4: ORDINANCE NO. 5941

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City Engineer of the City of El Paso and con-  
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with the plan approved by the City Engineer.

*Case # 77-4042*

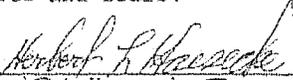
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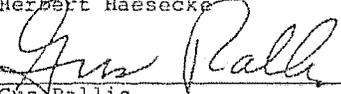
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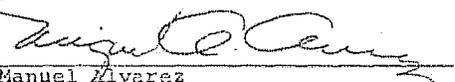
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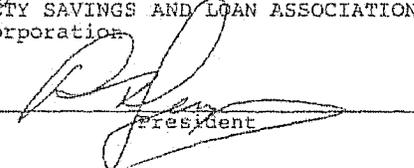
WITNESS the following signatures and seals:

  
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Gus Rallis

  
Manuel Alvarez

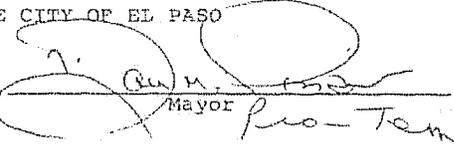
SURETY SAVINGS AND LOAN ASSOCIATION,  
a corporation

By   
President

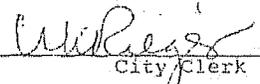
ATTEST:

  
Assistant Secretary

THE CITY OF EL PASO

By   
Mayor

ATTEST:

  
City Clerk