

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

**DEPARTMENT:** Development Services Department, Planning Division

**AGENDA DATE:** Introduction: November 11, 2008  
Public Hearing: December 2, 2008

**CONTACT PERSON/PHONE:** Arturo Rubio, 541-4633

**DISTRICT(S) AFFECTED:** 5

**SUBJECT:**

An Ordinance releasing conditions on property by an Ordinance No. 09146 which changed the zoning of a portion of Lot 11, Block 5, Hueco View Acres, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of The El Paso City Code. Subject Property: North of Ardelle Avenue and East of George Dieter Drive. Applicant: J&L Unique Homes/Joe Lozano, ZON08-00068 (District 5).

**BACKGROUND / DISCUSSION:**

**PRIOR COUNCIL ACTION:**

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Unanimous Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation (5-0)

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

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

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

**DEPARTMENT HEAD:** Victor Q. Torres  
Director, Development Services

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**APPROVED FOR AGENDA:**

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

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

**AN ORDINANCE RELEASING CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 009146 WHICH CHANGED THE ZONING OF A PORTION OF LOT 11, BLOCK 5, HUECO VIEW ACRES, 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 *a portion of Lot 11, Block 5, Hueco View Acres, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 009146, approved by City Council on September 1, 1987; and,

**WHEREAS**, the rezoning was subject to certain zoning conditions; and,

**WHEREAS**, placement of such conditions was 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 of the above conditions on the above described property; and,

**WHEREAS**, a public hearing regarding amendment of the conditions was held before the City Plan Commission, and the Commission recommended approval of the release; and,

**WHEREAS**, the City Council of the City of El Paso has determined that the release of the above 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 zoning conditions imposed by Ordinance No. 009146 dated September 1, 1987 primarily addressing possible impacts on residential development to the East and South of subject property be released on the portion of land identified in Exhibit "A" because the conditions are no longer necessary or because they have been met.

That the following conditions be released:

- (1) The property owners must dedicate thirty feet (30') of right-of-way for the widening of George Dieter Drive at the time the rezoning request is approved by the Mayor and City Council.
- (2) The property owners must improve George Dieter Drive to City standards within one year from the date of this contract, or upon demand by the City.
- (3) There shall be no vehicular ingress and egress from this property to Ardelle Avenue.

- (4) Prior to the issuance of a certificate of occupancy, a twenty-five foot (25') landscaped area must be provided adjacent to Ardelle Avenue.
- (5) Prior to the issuance of a certificate of occupancy, the property owners must provide a fifteen foot (15') wide landscaped strip adjacent to George Dieter Drive.
- (6) The property shall not be used as a bar or for on-premise consumption of alcoholic beverages, except in conjunction with a restaurant establishment.
- (7) Prior to the issuance of any building permits, a detailed site development plan must be approved by the City Plan Commission and the Mayor and City Council.
- (8) Prior to the issuance of a certificate of occupancy, sidewalks must be constructed along George Dieter Drive.
- (9) Upon demand by the City, sidewalks must be constructed along Ardelle Avenue.
- (10) The property shall not be used for a bar, an adult book store, adult motion picture theater, and nude live entertainment club or amusement game complex; and,

2. Except as herein amended, Ordinance 009146 shall remain in full force and effect.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

**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  
 Development Services Department

CITY CLERK DEPT.  
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**JOHN COOK**  
MAYOR

**JOYCE WILSON**  
CITY MANAGER

**VICTOR Q. TORRES**  
DIRECTOR, DEVELOPMENT SERVICES

**MATHEW S. McELROY**  
DEPUTY DIRECTOR, PLANNING

**CITY COUNCIL**

ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
RACHEL QUINTANA, DISTRICT 5  
EDDIE HOLGUIN, JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES  
PLANNING DIVISION**

**MEMORANDUM**

**DATE:** November 3, 2008  
**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager  
**FROM:** Arturo Rubio, Planner  
**SUBJECT: ZON08-00068**

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The City Plan Commission (CPC), on October 9, 2008, voted **5-0** to recommend **APPROVAL** of releasing conditions placed on property by Ordinance No. 09146.

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

There were five letters in opposition to the rezoning request. Letters were received after CPC hearing.

**Attachment:** Staff Report



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

**Case No:** ZON08-00068  
**Application Type:** Special Contract/Condition Release  
**CPC Hearing Date:** October 9, 2008  
**Staff Planner:** Arturo Rubio, 915-541-4633, [rubioax@elpasotexas.gov](mailto:rubioax@elpasotexas.gov)

**Location:** North of Ardelle Avenue and East of George Dieter Drive  
**Legal Description:** A portion of Lot 11, Block 5, Hueco View Acres, City of El Paso, El Paso County, Texas

**Acreage:** 1.6168 acres  
**Rep District:** 5  
**Existing Use:** Vacant  
**Proposed Use:** Residential Development  
**Existing Zoning:** C-1/sc (Commercial/special contract)  
**Proposed Zoning:** R-4 (Residential) (ZON08-00067)  
**Request:** To remove 10 conditions placed by Special Contract on Zoning Ordinance No. 09146 dated September 1, 1987.

**Property Owner:** J & L Unique Homes  
**Applicant:** J & L Unique Homes  
**Representative:** UBCI

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

**North:** C-1/sc (Commercial/special contract), C-2/sc (Commercial/special contract)

**South:** R-3 (Residential), Single-Family dwellings

**East:** R-3 (Residential), Vacant and Single-Family dwellings

**West:** R-3 (Residential), Single-Family dwellings

**THE PLAN FOR EL PASO DESIGNATION:** Commercial/Residential (East Planning Area)

**NEIGHBORHOOD ASSOCIATIONS:** East Side Civic Association

**APPLICATION DESCRIPTION:** The applicant is requesting to remove all of 10 conditions imposed by a special contract placed by zoning Ordinance No. 009146 dated September 1, 1987 and is requesting to rezone the property from C-1/sc (Commercial/special contract) to R-4 (Residential) concurrently under rezoning case (ZON08-00067).

The conditions are as follows:

1. The property owners must dedicate thirty feet (30') of right-of-way for the widening of George Dieter Drive at the time the rezoning request is approved by the Mayor and City Council.
2. The property owners must improve George Dieter Drive to City standards within one (1) year from the date of this contract, or upon demand by the City.

3. There shall be no vehicular ingress and egress from this property to Ardelle Avenue.
  4. Prior to the issuance of a certificate of occupancy, a twenty-five foot (25') landscaped area must be provided adjacent to Ardelle Avenue.
  5. Prior to the issuance of a certificate of occupancy, the property owners must provide a fifteen foot (15') wide landscaped strip adjacent to George Dieter Drive.
  6. The property shall not be used as a bar or for on-premise consumption of alcoholic beverages, except in conjunction with a restaurant establishment.
  7. Prior to the issuance of any building permits, a detailed site development plan must be approved by the City Plan-Commission and the Mayor and City Council.
  8. Prior to the issuance of a certificate of occupancy, sidewalks must be constructed along George Dieter Drive.
  9. Upon demand by the City, sidewalks must be constructed along Ardelle Avenue.
  10. The property shall not be used for a bar, an adult book store, adult motion picture theater, and nude live entertainment club or amusement game complex.
- Conditions 1, 2 and 9 have been met as outlined on conceptual site plan, and conditions 5, 6, 7, 8 and 10 pertain to the remaining C-1/sc zoned commercial property. The remaining conditions pertaining 3 and 4 were reviewed by Traffic Engineering and Landscape reviewer. Traffic Engineering is not opposed to releasing conditions 3 and 4 since the applicant is proposing residential development. The Landscape reviewer is not opposed to the release of condition 4 since the applicant is proposing residential development.

**CASE HISTORY:** On September 1, 1987, the subject property composed of a total of 4.432161 acres was rezoned from R-3 (Residential) to C-1 (Commercial). The property was rezoned with the a special contract that placed 10 zoning conditions primarily addressing possible impacts on residential development to the East and South of subject property

**NEIGHBORHOOD INPUT:** Notice of a Public Hearing was mailed out to all property owners within 300 feet of subject property on September 10, 2008. Planning Division did not receive any letters or phone calls in support or opposition of contract release request.

**DEVELOPMENT COORDIANATING COMMITTEE COMMENTS:**  
The Development Coordinating Committee provides the following comments:

**Development Services Department - Building Permits and Inspections Division:**  
Zoning Review: No objection to remove conditions placed by Special Contract of Zoning Ordinance No. 009146 dated September 1, 1987.

Landscape Review: No landscape calculations provided. Condos and residential duplex do not require landscaping under 18.46. Landscape is ok with waiving the 25' on Ardelle but not with the 15 feet on George Dieter.

**Development Services Department - Planning Division:**  
Current Planning: Recommends approval of removing all conditions on special contract. The conditions apply to the C-1 (Commercial) along George Dieter Drive which will remain zoned commercial and there is no request to remove the conditions from that parcel.

Land Development: No comments Received

**Engineering Department - Traffic Division:**

No objections to proposed release of restrictions for parcels “C,” “D” and “E” ONLY.

**Fire Department:**

No comments received.

**El Paso Water Utilities:**

EPWU does not object to this request.

**Parks:**

No comments received.

**Sun Metro:**

No comments received.

**School Districts:**

No comments received.

**DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION:**

The DCC (Development Coordinating Committee) recommends **approval**

**PLANNING DIVISION RECOMMENDATION:**

The Planning Division recommends **approval**.

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

Medium Density Residential Districts:

- a. 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.
- b. Goal: provide and enforce standards for providing decent, safe and sanitary housing for all El Pasoans in accordance with federal, state and local regulations.
- c. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.
- d. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.

The purpose of the R-4 district is to promote and preserve residential development within the City to create basic neighborhood units. The surrounding properties to the East, South and West are in an R-3 (Residential) district and are comprised primarily of single family dwellings. The addition of multifamily development would provide a mix of densities, housing types and styles that would add to the economic development and other social benefits. The R-4 (Residential) district regulations will serve to maintain low density dwelling units supporting a suburban-urban interface that permits developments utilizing varying

lot configurations.

### **CITY PLAN COMMISSION OPTIONS**

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application

- 1 Recommend approval of the application finding that the rezoning 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 rezoning 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 rezoning 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:**

Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan

Attachment 4: Special Contract Conditions

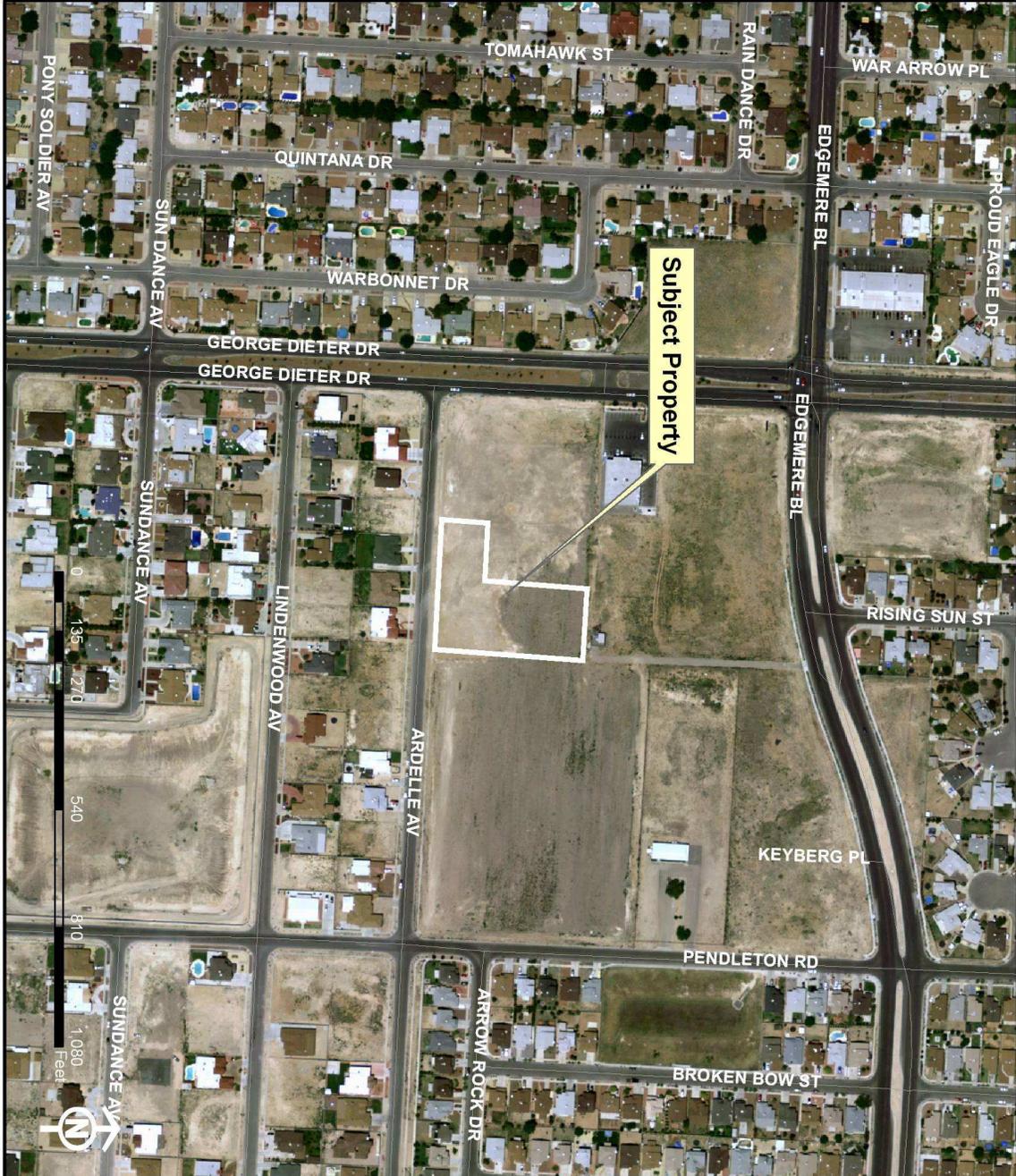
Attachment 1: Zoning Map

ZON08-00067 / ZON08-00068



Attachment 2: Aerial Map

ZON08-00067 / ZON08-00068





#### Attachment 4: Special Contract Conditions

1. The property owners must dedicate thirty feet (30') of right-of-way for the widening of George Dieter Drive at the time the rezoning request is approved by the Mayor and City Council.
2. The property owners must improve George Dieter Drive to City standards within one (1) year from the date of the contract, or upon demand by the City.
3. There shall be no vehicular ingress and egress from this property to Ardelle Avenue.
4. Prior to the issuance of a certificate of occupancy, a twenty-five foot (25') landscaped area must be provided adjacent to Ardelle Avenue.
5. Prior to the issuance of a certificate of occupancy, the property owners must provide a fifteen foot (15') wide landscaped strip adjacent to George Dieter Drive.
6. The property shall not be used as a bar or for on-premise consumption of alcoholic beverages, except in conjunction with a restaurant establishment.
7. Prior to the issuance of any building permits, a detailed site development plan must be approved by the City Plan Commission and the Mayor and City Council.
8. Prior to the issuance of a certificate of occupancy, sidewalks must be constructed along George Dieter Drive.
9. Upon demand by the City, sidewalks must be constructed along Ardelle Avenue.
10. The property shall not be used for a bar, an adult book store, adult motion picture theater, nude live entertainment club or amusement game complex.

- **Conditions have been met as outlined in the site plan.**
- **Conditions that apply to subject property.**
- **Remaining conditions do not apply to the subject property.**

**Attachment 4: Letters of Opposition**

**RECEIVED**

OCT 22 2008

**CITY OF EL PASO  
DEVELOPMENT SERVICES  
DEPARTMENT**

Johnny Zuniga  
11356 Ardelle Ave  
El Paso, Tx 79936

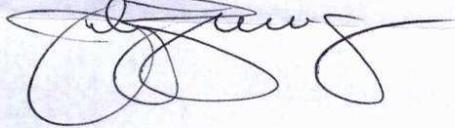
Attn: Art Rubio-Case Manager  
City Hall Development Services  
Planning Division  
2 Civic Center Plaza  
El Paso, Tx 79901

Dear Mr. Rubio,

I am writing in concern to a proposed zoning change on some vacant lots at the corner of George Dieter and Ardelle Ave. I inquired about the proposed zoning change from commercial zoning to R4. I am specifically referring to Zoning Case: ZON08-00067. I am adamantly opposed to this change as this entire block of homes west of Pendleton Ave are bigger nicer homes, as are most homes in the Kimberly Heights Subdivision. Specifically, most completed homes on this street and in this subdivision are valued over well over \$200,000. (According to the El Paso Central Appraisal district website). My concern is that the proposed duplexes that are to be built by J and L Unique Homes will de- value my (our) property values. I am opposed to this zoning change. If you should have any questions please feel free to call me at my home at 915 857-0177. Thank you for your attention to this important matter.

Sincerely,

Johnny Zuniga



**Attachment 4: Letters of Opposition**

**RECEIVED**

OCT 22 2008

CITY OF EL PASO  
DEVELOPMENT SERVICES  
DEPARTMENT

Ricardo Chavez  
11304 Ardelle Ave  
El Paso, Tx. 79936

Attn: Art Rubio-Case Manager  
City Hall Development Services  
Planning Division  
2 Civic Center Plaza  
El Paso, Tx. 79901

Dear Mr. Rubio,

I am writing in concern to a proposed zoning change on some vacant lots at the corner of George Dieter and Ardelle Ave. I inquired about the proposed zoning change from commercial zoning to R4. I am specifically referring to Zoning Case: ZON08-00067. I am adamantly opposed to this change as this entire block of homes west of Pendleton Ave are bigger nicer homes, as are most homes in the Kimberly Heights Subdivision. Specifically, most completed homes on this street and in this subdivision are valued over well over \$200,000. (According to the El Paso Central Appraisal district website). My concern is that the proposed duplexes that are to be built by J and L Unique Homes will de-value my (our) property values. I am opposed to this zoning change. If you should have any questions please feel free to call me at my home at 915 849-7118. Thank You for your attention to this important matter.

Sincerely,

  
Ricardo Chavez

Attachment 4: Letters of Opposition

MRS GABINO Rodriguez JR  
11328 Ardelle Ave  
EL PASO, TX 79936  
915-630-7589 - Cell

ATTN: Art Rubio - Case Manager  
City Hall Development Services  
Planning Division  
2 Civic Center Plaza  
El Paso, TX 79901

Dear Mr. Rubio

In Reference to the Proposed Zoning Change on some VACANT lots on George Dieter and Ardelle Ave: Zoning Case ZON08-00067. I AM Greatly Opposed AS I HAVE JUST HAD A House built on Ardelle and I fear THAT THE Proposed Duplexes THAT ARE TO BE built by J&L Unique Homes Will de-valuate My Home. All THE Homes IN THIS AREA ARE All well over \$200,000 AND, WITH THE Economy THE way IT IS, I feel We do NOT need ANOTHER Obstacle TO further Devaluate OUR Properties. We ARE Opposed TO THE Zoning CHANGE. THANK You for your ATTENTION ON THIS MATTER

THANKING YOU  
Sue Rodriguez

## Attachment 4: Letters of Opposition

Vennis T. Manson  
Donna S. Manson  
11320 Ardelle Ave.  
El Paso, TX 79936

City Development Services Department  
Attn: Art Rubio, Case Manager  
Planning Division  
2 Civic Center Plaza  
El Paso, TX 79901

Dear Mr. Rubio,

I am writing concerning a proposed zoning change on some vacant lots at the corner of George Dieter and Ardelle Avenue. I understand there is a proposed zoning change from commercial zoning to R4. Specifically, concerning zoning case # ZON08-00067, I have been informed that there is a proposal to build duplex or multi-family housing on the vacant lots between Ardelle Ave. and Edgemere Blvd. We are adamantly opposed to approval of that proposal. The entire block of homes on Ardelle west of Pendleton and east of George Dieter are bigger, nicer homes, as are most homes in the Kimberly Heights Subdivision. Most completed homes on this street and in this subdivision are valued over \$200,000. We are concerned that the proposed duplexes to be built by J and L Unique Homes (or any duplexes/ quadplexes to be built at this site) will de-value our property values.

We are equally opposed to allowing approval of any commercial businesses at the site. We do not want businesses or duplexes directly across the street from the homes on Ardelle Avenue, as these structures will not only de-value our home, but will also have an adverse effect on our quality of life and quiet enjoyment of the neighborhood.

We strongly recommend that the zoning for the lots in question be changed to allow for their most suitable use, which would be for single family homes or open space. You may call us at 915 759-9355 should you need to discuss this further.  
Thanks you for your attention to this important matter.

Sincerely,



Vennis T. and Donna S. Manson

## Attachment 4: Letters of Opposition

To: City Hall Development Services  
Attn: Art Rubio-Case Manager  
Planning Division  
2 Civic Center Plaza  
El Paso, Tx. 79901

From: Mario Jacquez  
11344 Ardelle Ave.  
El Paso, TX 79936

Date: October 20, 2008

Dear Mr. Rubio

I am writing this letter in concern to a proposal zoning change on some vacant lots at the corner of George Dieter and Ardelle Ave. I inquired about the proposed zoning change from commercial zoning to R4. I am specifically referring to Zoning Case: ZON08-00067. I am totally opposed to this change as this entire block of homes west of Pendleton Ave. are bigger and nicer homes, as are most homes in the Kimberly Heights Subdivision.

Specifically, most completed homes on this street and in this subdivision are valued over \$200,000.00 according to El Paso Central Appraisal district website. My concern is that the proposed duplexes that are to be built by J and L Unique Homes will de-value my property values. I am opposed to this zoning change. If you should have any questions, please feel free to contact me, at (915)309-9022.

Thank you, for your attention to this very important matter.

Sincerely,

  
Mario Jacquez