

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD: Philip Tiive

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 8, MILAGRO ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO C-1 (COMMERCIAL). 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, the zoning of a **Portion of Tract 8, Milagro Acres**, 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 from **R-4 (Residential)** to **C-1 (Commercial)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

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 ____ day of _____, 2025.

THE CITY OF EL PASO

Renard U. Johnson, Mayor

ATTEST:


Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Jesus A. Quintanilla
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

HQ25-4655|Trans#607460|P&I
Rezoning Ordinance 9649 Dyer
JAQ

PZRZ24-00036

EXHIBIT "A"

Barragan & Associates Inc.

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

DESCRIPTION

Description of a portion of Tract 8, Milagro Acres, City of El Paso, El Paso County, Texas, according to the Plat thereof of record in Volume 9, Page 47, Plat Records of El Paso County, Texas, and being a portion out of property described in Instrument No. 20220029100, Real Property Records of El Paso County, Texas, and being more particularly described as follows:

COMMENCING, at a found 60d nail at the intersection of Eloice Road and Yvette Avenue; **THENCE**, S 60° 37' 00" E, along the centerline of Yvette Avenue, a distance of 850.00 feet to a point on the westerly right-of-way line of Dyer Street, (U.S. Highway 54); **THENCE**, S 29° 23' 00" W, along said westerly right-of-way line of Dyer Street, a distance of 290.00 feet to a found "x" chiseled mark, for the southeasterly corner of Milagro Hills Addition Unit Four Replat "D", according to the Plat thereof of record in Volume 78 page 9, Plat Records of El Paso County, Texas, and the northeasterly corner of said property described in Instrument No. 20220029100, and also being the **POINT OF BEGINNING** of this description;

THENCE, S 29° 23' 00" W, along said westerly right-of-way line of Dyer Street, a distance of 33.95 feet to a found nail with shiner for corner;

THENCE, S 88° 49' 00" W, leaving said right-of-way line of Dyer Street a distance of 300.00 feet to a found old 1/2" iron for corner of this parcel, on the easterly line of Lot 10, Block 31, Milagro Hills Addition Unit 7, filed for record in Volume 23, Page 12, Plat Records of El Paso County, Texas, from which a found nail bears NE-3.4 feet;

THENCE, N 29° 23' 00" E, along the easterly line of said Milagro Hills Unit 7, a distance of 186.50 feet to a set nail for corner;

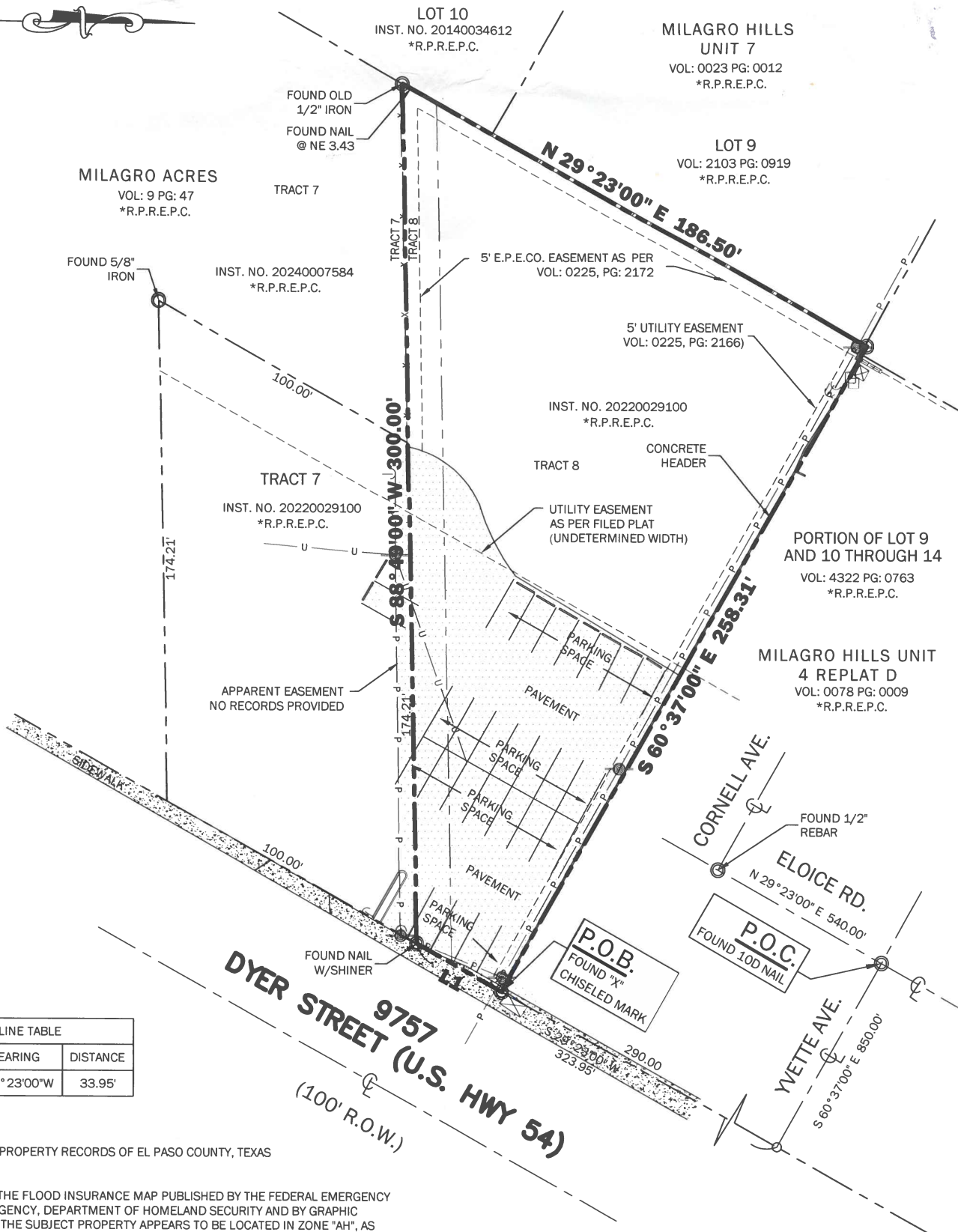
THENCE, S 60° 37' 00" E, along the southerly line of Milagro Hills Addition Unit Four Replat "D", filed for record in Instrument No. 20030014827, Plat Records of El Paso County, Texas, a distance of 258.31 feet to the **POINT OF BEGINNING** of this description and containing in all 0.65 acres more or less.

NOTES:

1. This property may be subject to easements whether of record or not. No Additional Research was performed by B&A Inc. for any reservations, restrictions, building lines, and or easements which may or may not affect this parcel.
2. Bearings shown based on the filed plat for Milagro Acres.
3. This description is not intended to be a subdivision process which may be required by the local or state code, and it is the client's/owner's responsibility to comply with this code if required.
4. This survey was done without the benefit of a title report.
5. A Plat of Survey of even date accompanies this description.



Benito Barragan TX R.P.L.S 5615,
Barragan and Associates Inc.
Texas Surveying Firm # 10151200
August 05, 2024
Job No. 240730-08



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S29°23'00"W	33.95'

*R.P.R.E.P.C. = REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS

NOTES:

1. ACCORDING TO THE FLOOD INSURANCE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY AND BY GRAPHIC PLOTTING ONLY, THE SUBJECT PROPERTY APPEARS TO BE LOCATED IN ZONE "AH", AS SHOWN ON MAP NO. 480214 0019 B; MAP REVISED 10-15-1982, FOR EL PASO COUNTY AND INCORPORATED AREAS. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
2. BEARINGS SHOWN ARE BASED ON THE FILED PLAT FOR MILAGRO ACRES.
3. NO ADDITIONAL RESEARCH WAS PERFORMED BY B&A INC. FOR ANY RESERVATION, BUILDING AND UTILITY LINES, AND/OR EASEMENTS WHICH MAY OR MAY NOT AFFECT SUBJECT PARCEL.
4. PROPERTY OWNERS ARE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL TITLE COMMITMENT PROVISIONS, TERMS, CONDITIONS, COVENANTS, AND CONFIRMING THE SIZE AND USE OF ALL RECORDED TERMS, RESTRICTION CONDITIONS AND EASEMENTS PERTAINING TO THIS PROPERTY, IN SPITE OF THE ACCURACY OR DEFECTS OF THIS PLAT.
5. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES AND IS ONLY TO BE USED FOR TITLE INSURANCE BY THE HEREON NAMED BORROWER, MORTGAGE COMPANY, AND/OR TITLE COMPANY.
6. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT.
7. THE TERM "CERTIFY" OR "CERTIFICATE" AS SHOWN AND USED HEREON INDICATED AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED; AND IS ADDRESSED EXCLUSIVELY TO THE PARTIES NAMED HEREON.

LEGEND

	— SET NAIL (UNLESS NOTED OTHERWISE)		— P — POWER LINE
	— POWER POLE		— U — OVERHEAD UTILITY SERVICE LINE
	— FOUND ORIGINAL CITY MONUMENT		— UTILITY PEDESTAL
	— CALCULATED POINT (NOT SET)		— ELECTRIC BOX
	— CONCRETE		— ROCK WALL
	— ANCHOR		— PAVEMENT

Barragan & Associates Inc.

LAND PLANNING & SURVEYING
TEXAS SURVEYING FIRM# 10151200
10950 Pellicano Dr. Building F,
El Paso, Tx 79935
Phone (915) 591-5709 Fax (915) 591-5706

Plat of Survey

A PORTION OF TRACT 8, MILAGRO ACRES, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, ACCORDING TO THE PLAT OF MAP THEREOF RECORDED IN VOLUME 9, PAGE 47, PLAT RECORDS OF EL PASO COUNTY, TEXAS.
AREA 0.65 ACRES ±

Plat Reference Vol/Bk 9 Pages 47

Scale: 1"=50'

Date: 08-05-2024

Drawn By: IB

Prepared by and under my supervision.



Benito Barragan TX, R.P.L.S. No. 5615
Job No. 240730/08

Copy Rights ©

Field: JM

Book: N/A

Page: N/A

9649 Dyer

City Plan Commission — January 30, 2025

REZONING

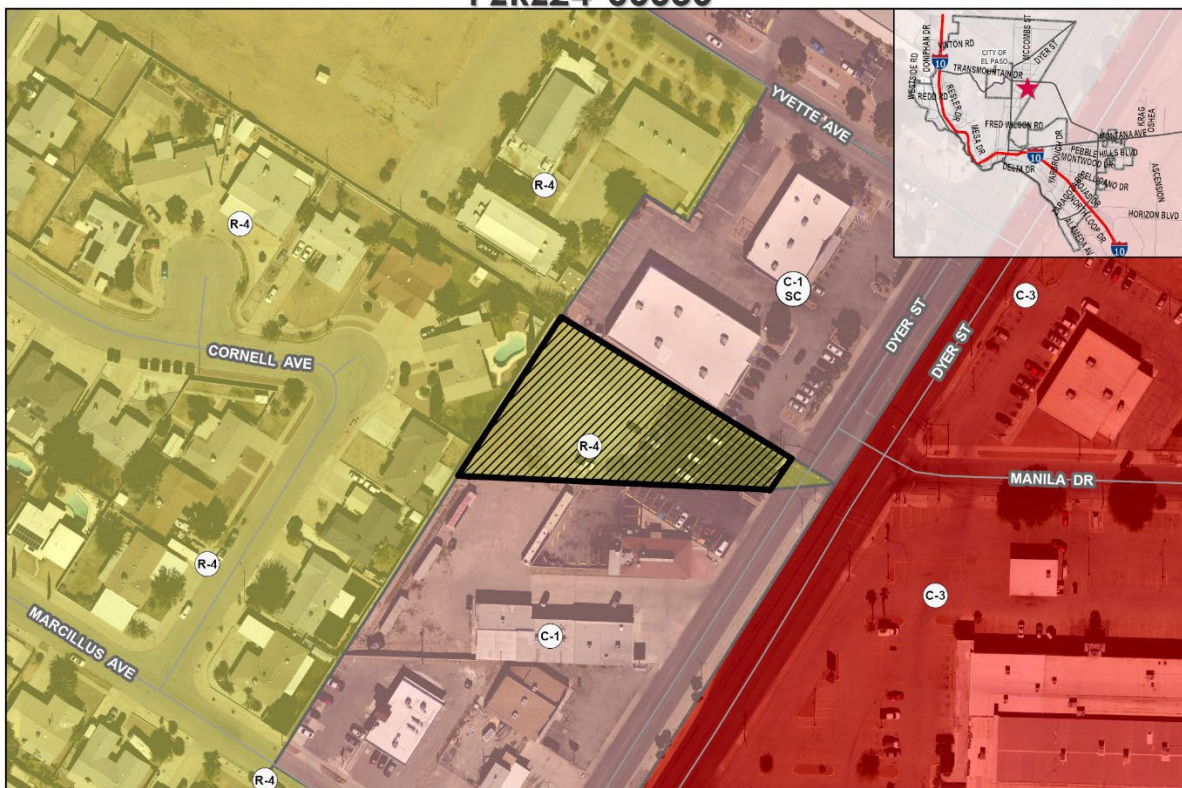


CASE NUMBER: PZRZ24-00036
CASE MANAGER: Blanca Perez, (915) 212-1561, PerezBM@elpasotexas.gov
PROPERTY OWNER: Jesus Becerra
REPRESENTATIVE: Erica Becerra
LOCATION: 9649 Dyer St. (District 4)
PROPERTY AREA: 0.67 acres
REQUEST: Rezone from R-4 (Residential) to C-1 (Commercial)
RELATED APPLICATIONS: None
PUBLIC INPUT: Received (1) e-mail in opposition as of January 23, 2024

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from R-4 (Residential) to C-1 (Commercial) to allow for a proposed business office.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the rezoning request. The proposed zoning district is compatible with commercial zone district in the surrounding area and is consistent with *Plan El Paso*, the City's adopted Comprehensive Plan, and the G-3 Post War for the future land use designation.

PZRZ24-00036



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



Subject Property

0 25 50 100 150 200 Feet



Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone the subject property from R-4 (Residential) to C-1 (Commercial) to allow for a proposed business office. The conceptual site plan shows a proposed business office. Main access to the property is provided from Dyer Street. The site plan is not being reviewed for compliance at this time and full compliance with El Paso City Code will be required at time of building.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed office space in the C-1 (Commercial) district is compatible with surrounding zoning: a church in the R-4 (Residential) district to the north, a restaurant in the C-1 (Commercial) district to the south, and automobile parts store in the C-3 (Commercial) district to the east, and single-family homes in the R-4 (Residential) district to the west. The proposed development is compatible with the established character of the area surrounding the subject property. The nearest school is Dolphin Terrace Elementary, which is located 0.9 miles away, and the nearest park is Dolphin Park, which is 1.1 miles from the subject property.

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>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.</p>	<p>Yes. The subject property and the proposed development meet the intent of the G-3, Post-War Future Land Use designation of <i>Plan El Paso</i>. The proposed zoning is compatible with the future land use designation.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-1 (Commercial) District: The purpose of these districts 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.</p>	<p>Yes. The proposed C-1 (Commercial) zoning district will provide for the integration of light commercial uses with adjacent R-4 (Residential), C-1 and C-3 (Commercial) zoning districts in the surrounding area.</p>
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning 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. The subject property has access to Dyer Street., which is designated as a major arterial under the City's Major Thoroughfare Plan. The classification of this road is appropriate as it connects to other commercial establishments.</p>
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
<p>Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plan, including land-use maps in those plans.</p>	<p>None. The subject property is not located within any historic districts or study area plan boundaries.</p>

Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	The proposed development is not anticipated to pose any adverse effects on the community.
Natural Environment: Anticipated effects on the natural environment.	None. The proposed rezoning does not involve green field or environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	The area has been stable with no rezoning within the last 10 years.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	The rezoning from R-4 (Residential) to C-1 (Commercial) aligns better with the adjacent properties, which are predominantly commercial, making the current R-4 zoning designation no longer appropriate. This request effectively addresses a remnant lot by assigning a zoning designation that is more compatible with the surrounding uses and enhances consistency within the area.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access is proposed from Dyer Street which is classified as a major arterial on the City of El Paso Major Thoroughfare Plan (MTP) and is appropriate for commercial development. Sidewalks are currently present along Dyer Street. There are three (3) bus stops located within walkable distance (0.15 miles) of the subject property. The closest bus stop is along Dyer Street, which is located 0.06 miles from the subject property.

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

PUBLIC COMMENT: The subject property does not lie within any neighborhood associations. Public notices were mailed to property owners within 300 feet on January 17, 2025. As of January 23, 2025, the Planning Division has received (1) e-mail in opposition to the request from the public.

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:

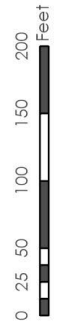
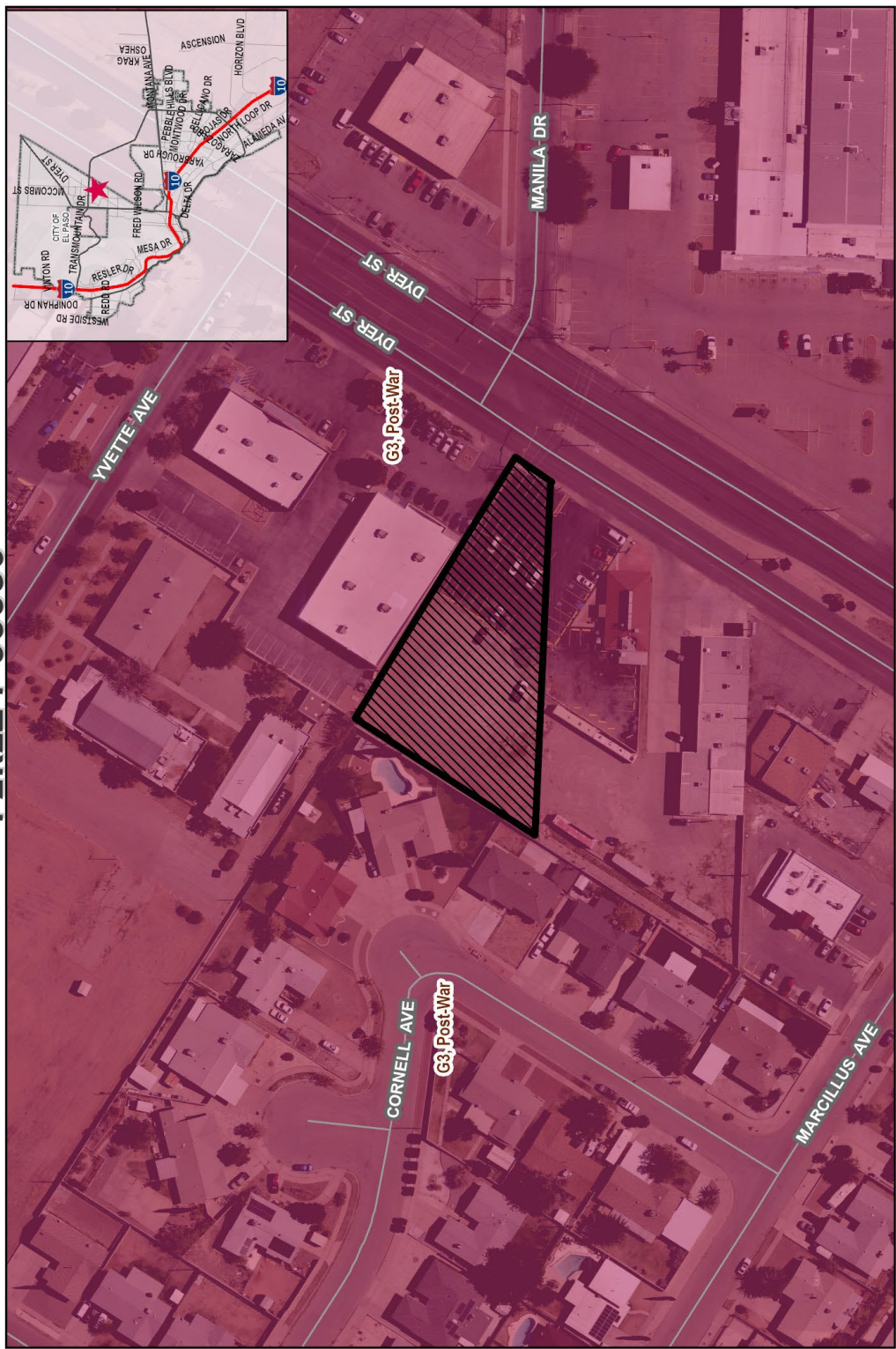
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Recommend Approval of the rezoning 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 rezoning 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. Conceptual Site Plan
3. Department Comments
4. Neighborhood Notification Boundary Map
5. Opposition Letter

ATTACHMENT 1

PZRZ24-00036

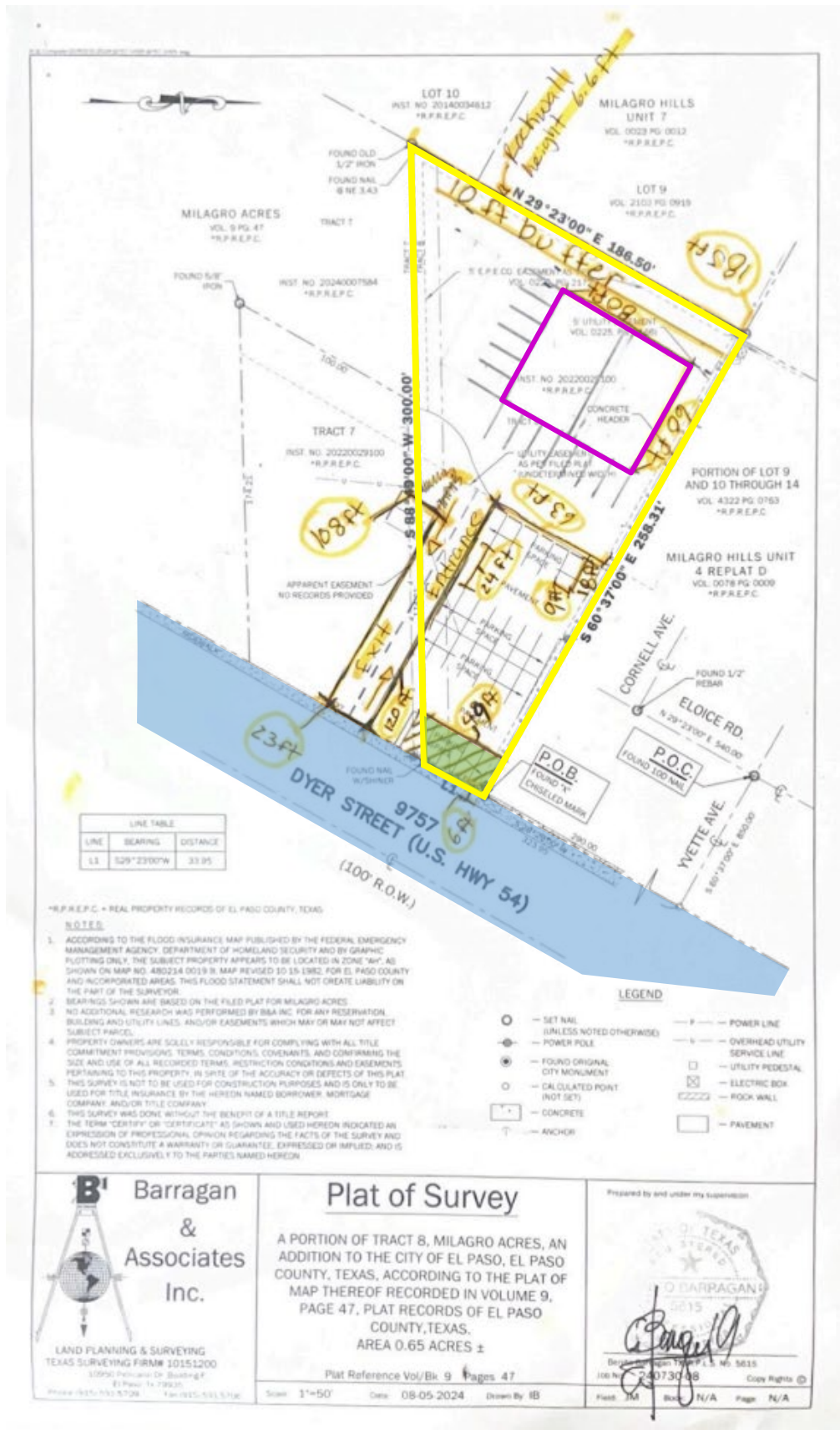


Subject Property



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ATTACHMENT 2



ATTACHMENT 3

Planning and Inspections Department - Planning Division

Staff recommends **APPROVAL** of the rezoning request. The proposed zoning district is compatible with commercial zone district in the surrounding area and is consistent with *Plan El Paso*, the City's adopted Comprehensive Plan, and the G-3 Post War for the future land use designation.

Planning and Inspections Department – Plan Review & Landscaping Division

No objections to rezoning.

At the time of submittal for building permit, the project will need to comply with all applicable provisions of the ICC, TAS and Municipal Code.

Planning and Inspections Department – Land Development

Approved.

1. Coordinate with TXDOT on Dyer. (Driveways if required) for their review and approval at the time of grading permit.
2. Proposed parking lot area, please see "Cluster Parking" Detail 3-42, Appendix "A" Design Standard for Construction from Street Design Manual.
3. A 6ft rock-wall from high side is required along residential (5329 and 5333 Cornell Ave.) and commercial area at the time of grading permit.
4. Verify access agreement in the lot 9757 Dyer, in order to share access between properties to Dyer St.

Fire Department

No adverse comments.

Police Department

No comments provided.

Environment Services

No comments provided.

Streets and Maintenance Department

Traffic & Transportation Engineering

No objections. No TIA is required.

Street Lights Department

For the development of a subdivision a complete set of plans shall be submitted to Street Lights Department for review showing the minimum requirements for street illumination proposals**. The submission shall contain but shall not necessarily be limited to plans indicating the location on the premises of all lighting fixtures, both proposed and existing on the site***. The description of all lighting fixtures, both proposed and existing. Photometric data. Plans shall show street illumination design and details. El Paso city code is applicable to this process, Street Design Manual (SDM)* and any other applicable standards or requirements of the city.

Street Lights Department requires that a project that involves a roadway is to be evaluated for lighting requirements based on the City of El Paso Street Design Manual (SDM) and the Design Standards for Construction (DSC) according to City of El Paso Codes (cited below). While developing a project or construction area the existing street illumination system shall be protected and preserved. Complete survey for street illumination system shall be shown on plans. Any change on existing street illumination systems shall be coordinated with Street Lights Department.

City of El Paso Codes to be followed:

*Title 19 - 19.16.010 - Streetlighting.

**18.18.190 – Submission contents.

*** 19.02.040 Criteria for approval.

Sun Metro

No effects to Sun Metro transit operations or services.

El Paso Water

EPWater does not object to this request.

EPWU-PSB Comments

There is an existing 12-inch diameter water main extending along Dyer St. This main is available for service.

Previous water pressure reading from fire hydrant #03548, located at the intersection of Manila Dr. and Dyer St. has yielded a static pressure of 105 (psi), a residual pressure of 100 (psi), and a discharge of 1299 (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.

Sanitary Sewer

There is an existing 8-inch diameter sanitary sewer main extending along Dyer St. This main is available for service.

From the above described 8-inch sanitary Sewer main, there is an existing 8-inch diameter sanitary sewer main stub out approximately 500 feet north of Marcillus Avenue that extends in the direction of the property of 9649 Dyer St. This main is available for service.

General

Each lot shall have a water and sewer connection fronting the limits of the lot.

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

EPWater requires a new service application to provide 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.

Stormwater:

Show existing & proposed drainage flow patterns on the concept plan and identify the discharge location for all storm water runoff.

As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

Dyer St. is a state highway; TXDOT roads are not designed to take in outside flow.

El Paso County 911 District

The 911 District request that the address for parcel be changed to something in the 9700 range per the location of the parcel and the existing addresses around it. Please see the attached that shows where the 9600 block and the 9700 blocks of Dyer are.



Texas Department of Transportation

Submit construction plans to TXDOT for approval.

El Paso County Water Improvement District #1

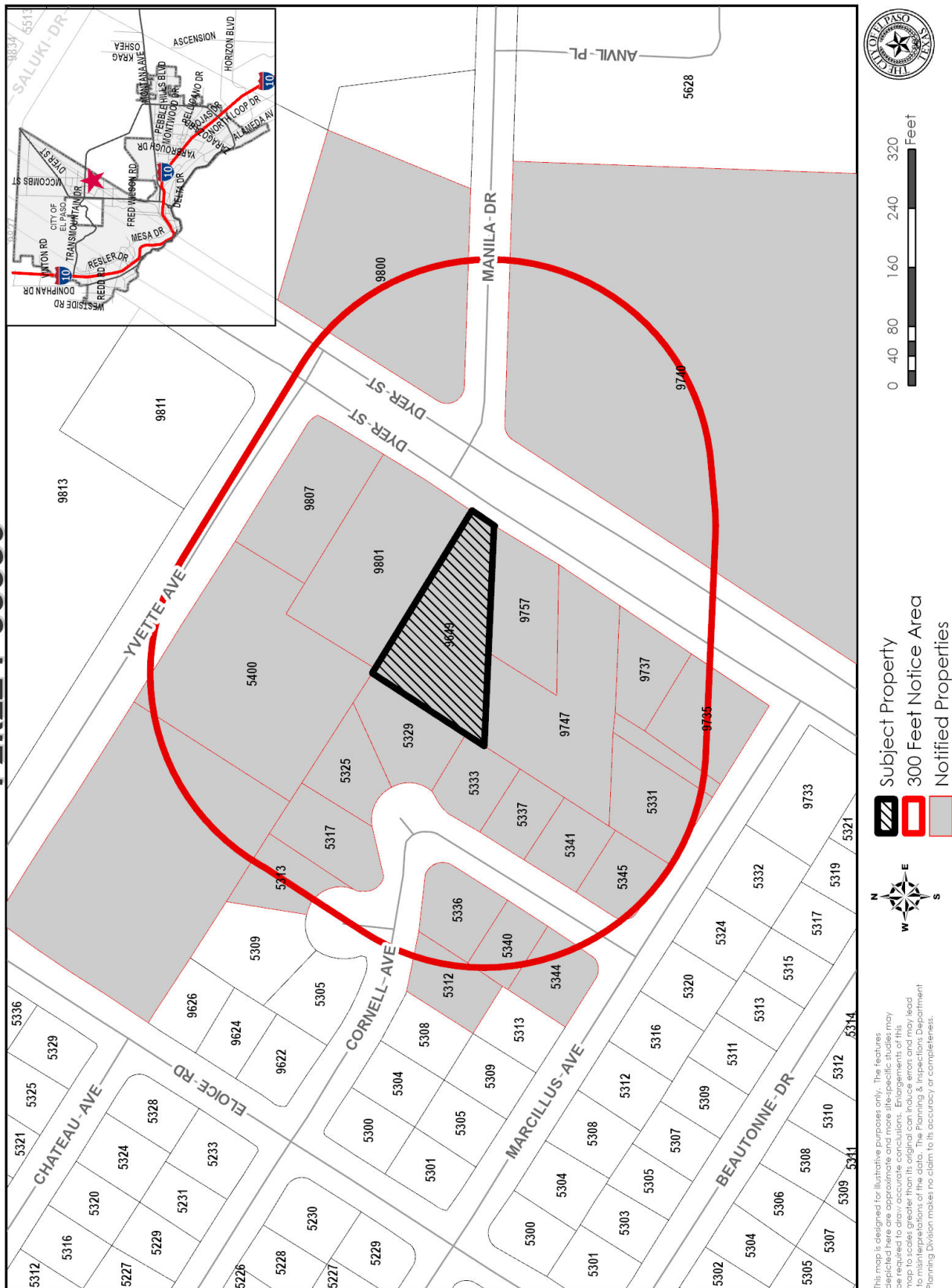
No comments provided.

Texas Gas Service

Texas Gas Service does not have any objections.

ATTACHMENT 4

PZRZ24-00036



ATTACHEMENT 5

Perez, Blanca M.

From: Rick Hemphill <rhemphill@elp.rr.com>
Sent: Tuesday, January 21, 2025 6:37 PM
To: Perez, Blanca M.
Subject: Case PZRZ24-00036 9649 DYER

Follow Up Flag: Follow up
Flag Status: Flagged

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

CAUTION: This email originated from outside of the City of El Paso. Do not click links or open attachments unless you recognize the sender and know the content is safe. If suspicious, use Phish Alert or forward to SpamReport@elpasotexas.gov.

Hello,

Please do not allow this change in zoning. The owner bought this property knowing it was zoned for Residential zoning for a reason. Besides there is already too much traffic in this area and safety of drivers and pedestrians is at risk if this is approved.

Thank you,
Rick Hemphill
5345 Cornell Ave,
El Paso TX, 79924