

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

AGENDA DATE: November 19, 2024
PUBLIC HEARING DATE: December 17, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Jose Beltran, (915) 212-1607

DISTRICT(S) AFFECTED: District 3

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance changing the zoning of a portion of Lot 11, Block 5, North Loop Gardens No. 1, 7705 North Loop Drive, City of El Paso, El Paso County, Texas from A-2 (Apartment) to C-4 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with *Plan El Paso*, the City's Comprehensive Plan.

Subject Property: 7705 North Loop Drive
Applicant: Ruben and Martha Perez, PZRZ23-00042

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from A-2 (Apartment) to C-4 (Commercial) to allow for apartments. City Plan Commission recommended 7-0 to approve the proposed rezoning request with conditions on August 8, 2024. As of November 5, 2024, the Planning Division has received two (2) letters via email in opposition to the rezoning request. See attached staff report for additional information.

The Disclosure of Campaign Contributions and Donations Form was provided to the applicant for the opportunity to disclose contributions and donations.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 11, BLOCK 5, NORTH LOOP GARDENS NO. 1, 7705 NORTH LOOP DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO C-4 (COMMERCIAL), AND IMPOSING CONDITIONS. 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, that the zoning of *a portion of Lot 11, Block 5, North Loop Gardens No. 1, 7705 North Loop Drive, 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 **A-2 (Apartment)** to **C-4 (Commercial)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the increased intensity generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

- 1. That a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the property line abutting residential districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.*
- 2. That automobile uses and contractor's yard uses be prohibited on the subject property.*

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 _____, **2024**.

THE CITY OF EL PASO

ATTEST:

Oscar Leeser, Mayor

Laura D. Prine
City Clerk

(Additional signatures next page)

APPROVED AS TO FORM:

Jesus Quintanilla

Jesus A. Quintanilla
Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

A portion of Lot 11, Block 5,
North Loop Gardens No. 1,
City of El Paso, El Paso County, Texas
March 12, 2024

METES AND BOUNDS DESCRIPTION

7705 North Loop Drive
Zone: A-2
Exhibit "A"

FIELD NOTE DESCRIPTION a portion of Lot 11, Block 5, North Loop Gardens No. 1, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found iron rod located at the north boundary corner of Lots 9, 10 and 11, Block 5, North Loop Gardens No. 1, same being'p the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said common boundary corner and along the common boundary line of Lots 9 and 11, South 35°12'00" East, a distance of 70.00 feet to a found iron rod for corner at the common boundary corner of Lots 9, 11 and 12;

THENCE, leaving said common boundary corner and along the common boundary line of Lots 11 and 12, South 54°48'00" West, a distance of 113.28 feet to a point for corner;

THENCE, leaving said common boundary line of Lots 11 and 12, North 36°03'57" West, a distance of 70.00 feet to a point for corner at the common boundary line of Lots 10 and 11;

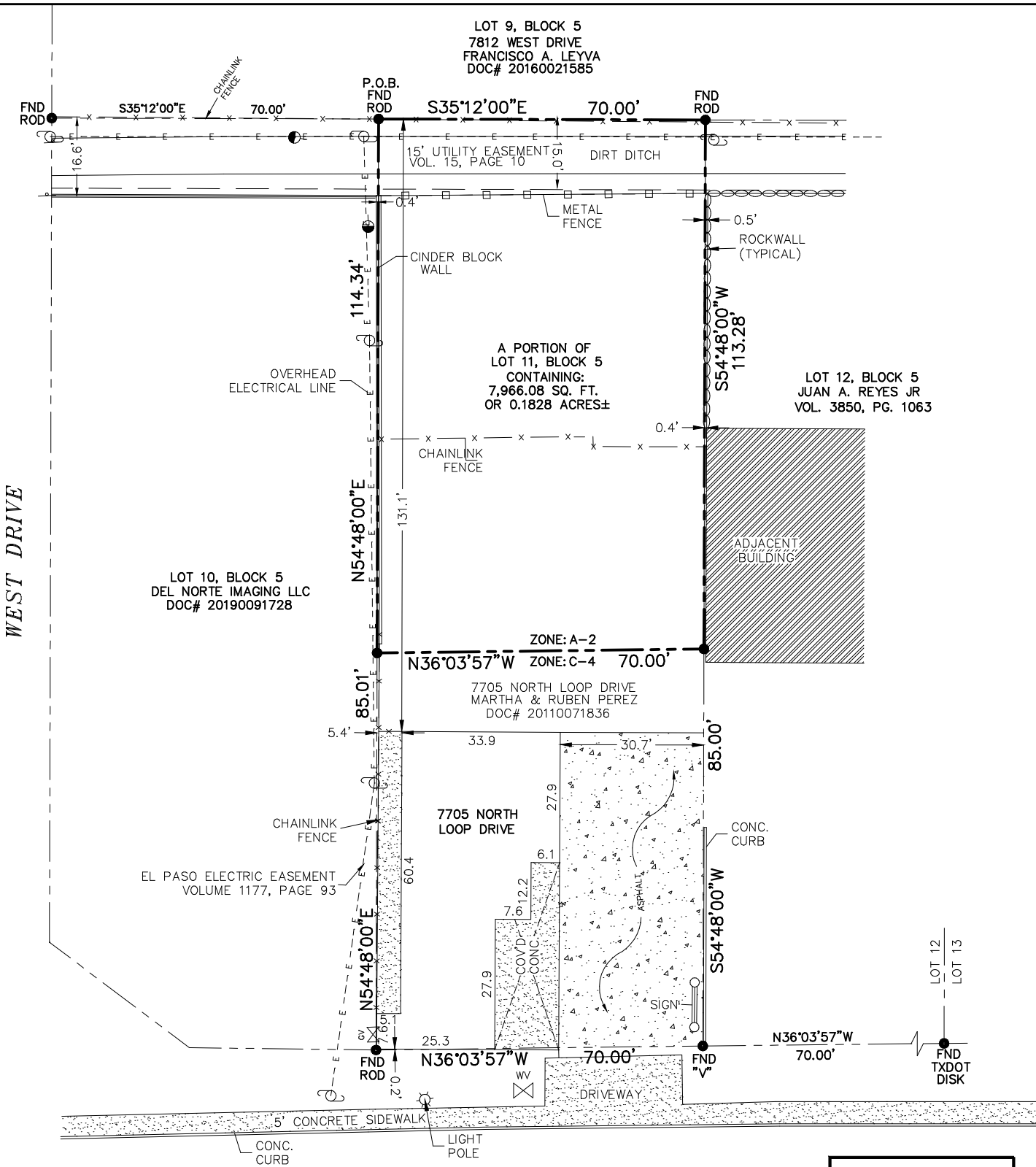
THENCE, along the common boundary line of Lots 10 and 11, North 54°48'00" East, a distance of 114.34 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 7,966.08 square feet or 0.1828 acres of land more or less.

Carlos M. Jimenez
R.P.L.S.# 3950
Firm# 10099300

CAD Consulting Co.
1790 Lee Trevino Drive. Suite 503
El Paso, Texas 79936
(915) 633-6422
I:\M&B\2024\24-0554.wpd



LOT 9, BLOCK 5
7812 WEST DRIVE
FRANCISCO A. LEYVA
DOC# 20160021585



LEGEND	
	= POWER POLE
	= WATER METER
	= CITY MONUMENT
	= OH ELECTRIC LINE
	= SIGN
	= GAS METER
	= ELECTRIC BOX
	= ANCHOR
	= TRAFFIC STOP LIGHT
	= CHAINLINK FENCE

NOTE:
THIS SURVEY WAS DONE FOR REZONING
PURPOSES ONLY. THIS SURVEY DOES NOT
CONSTITUTE A LOT SUBDIVISION.

NORTH LOOP DRIVE

SCALE 1"=30'

NOTE:
THIS SURVEY WAS
DONE WITHOUT THE
BENEFIT OF A
TITLE COMMITMENT.

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CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THERE ARE NO ENCROACHMENTS, ERECTIONS, OR OTHER OBSTRUCTIONS SHOWN HEREON.

CAD CONSULTING CO.
3950
SURVEYOR

CARLOS M. JIMENEZ
R.P.L.S. No. 3950

JOB # 24-0554 DATE: 03-12-2024 FIELD: JM OFFICE: JR FILE: NET:\JORGE\2024\24-0554

LOCATED IN ZONE AE PANEL # 480214-0044-C DATED 02-16-06

RECORDED IN VOLUME 15 PAGE 10 , PLAT RECORDS, EL PASO COUNTY, TX

7705 NORTH LOOP DRIVE - ZONE: A-2 AREA
A PORTION OF LOT 11, BLOCK 5 (SEE EXHIBIT "A")
NORTH LOOP GARDENS No. 1
CITY OF EL PASO, EL PASO COUNTY, TEXAS

CAD CONSULTING COMPANY
1790 LEE TREVINO DRIVE SUITE 309
EL PASO, TEXAS 79936
(915) 633-6422

FIRM# 10099300

7705 North Loop

City Plan Commission — August 8, 2024 **REVISED**

REZONING



CASE NUMBER:	PZRZ23-00042
CASE MANAGER:	Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER:	Ruben and Martha Perez
REPRESENTATIVE:	Lorena Armenta
LOCATION:	7705 North Loop Dr. (District 3)
PROPERTY AREA:	0.183 acres
REQUEST:	Rezone from A-2 (Apartment) to C-4 (Commercial)
RELATED APPLICATIONS:	None
PUBLIC INPUT:	Two (2) letters via email in opposition received as of August 7, 2024

SUMMARY OF REQUEST: The applicant is requesting to rezone from A-2 (Apartment) to C-4 (Commercial) to consolidate the property under the same C-4 (Commercial) zoning district.

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

1. That a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the property line abutting residential districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.
2. That automobile uses and contractor's yard uses be prohibited on the subject property.

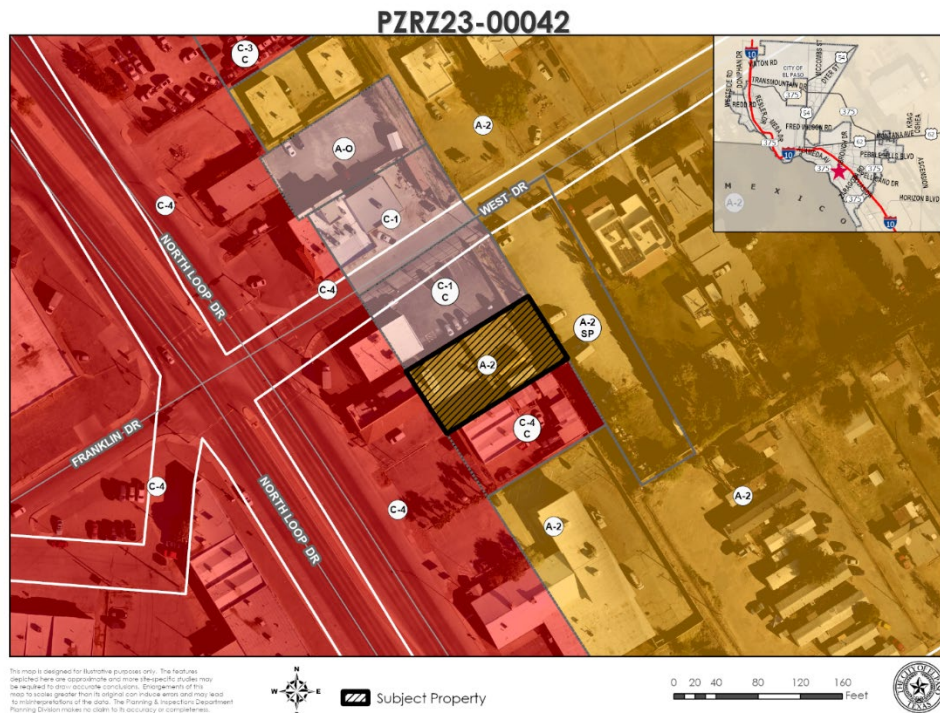


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone from A-2 (Apartment) to C-4 (Commercial) to consolidate the property under the same C-4 (Commercial) zoning district for proposed apartment. The property size is 0.183 acres. The conceptual site plan shows a parking lot to serve the proposed apartment development under the consolidated C-4 (Commercial) zone. The main access to the property is proposed from North Loop Drive.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed development is permitted by right in the C-4 (Commercial) zoning district. Properties to the north is zoned C-1/c (Commercial/condition) and consist of a medical office; to the south is zoned C-4/c (Commercial/conditions) and consist of retail; to the east is zoned A-2/sp (Apartment/special permit) and consist of parking lot; and to the west is zoned C-4 (Commercial) and consist of retail. The closest school is Constance Hulbert Elementary School which is 0.03 miles away and the closest park is Office David Ortiz Park which is 0.17 miles away.

COMPLIANCE WITH PLAN EL PASO/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 proposed apartment use is compatible with the future land use designation of <i>Plan El Paso</i>.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-4 (Commercial) District: The purpose of these districts is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities.</p>	<p>Yes. The proposed C-4 (Commercial) will provide for the integration of apartment use with adjacent C-4 (Commercial), C-1 (Commercial) and A-2 (Apartment) zoning districts.</p>
<p>Preferred Development Locations: The subject property is located along a major arterial. 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 North Loop Drive, which is designated as a major arterial in the City’s Major Thoroughfare Plan.</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 plans, including land-use maps in those plans.</p>	<p>None. The proposed development is not within any historic districts or study area plan boundaries.</p>

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
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.	The subject property does not involve greenfield, environmentally sensitive land, or arroyo disturbance.
Stability: Whether the area is stable or in transition.	None. The area is stable and the surrounding properties have not been rezoned in 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.	None. The proposed development is within an older, stable area of the city. The established neighborhood is comprised of medical offices, retail, restaurants, parking lot, and single-family dwellings.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The proposed development will have access to North Loop drive which is designated as a major arterial under the City’s Major Thoroughfare Plan (MTP). Access is proposed from North Loop Drive. The classification of this road is appropriate for the proposed development. Existing infrastructure and services are adequate to serve the proposed development. There are at least two (2) bus stops within walkable distance (0.05 miles) of the subject property. The closest bus stop is along North Loop Drive, which is located 0.03 miles from the subject property.

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

PUBLIC COMMENT: The subject property lies within the three (3) neighborhood associations including the Mission Valley Civic Association, Corridor 20, and the Santa Lucia Neighborhood Association, which were notified of the rezoning by the applicant. The Mission Valley Civic Association is opposed to the rezoning request. Public notices were mailed to property owners within 300 feet on July 24, 2024. As of August 7, 2024, the Planning Division has received two (2) emails in opposition of the request from the public.

RELATED APPLICATIONS: None.

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:

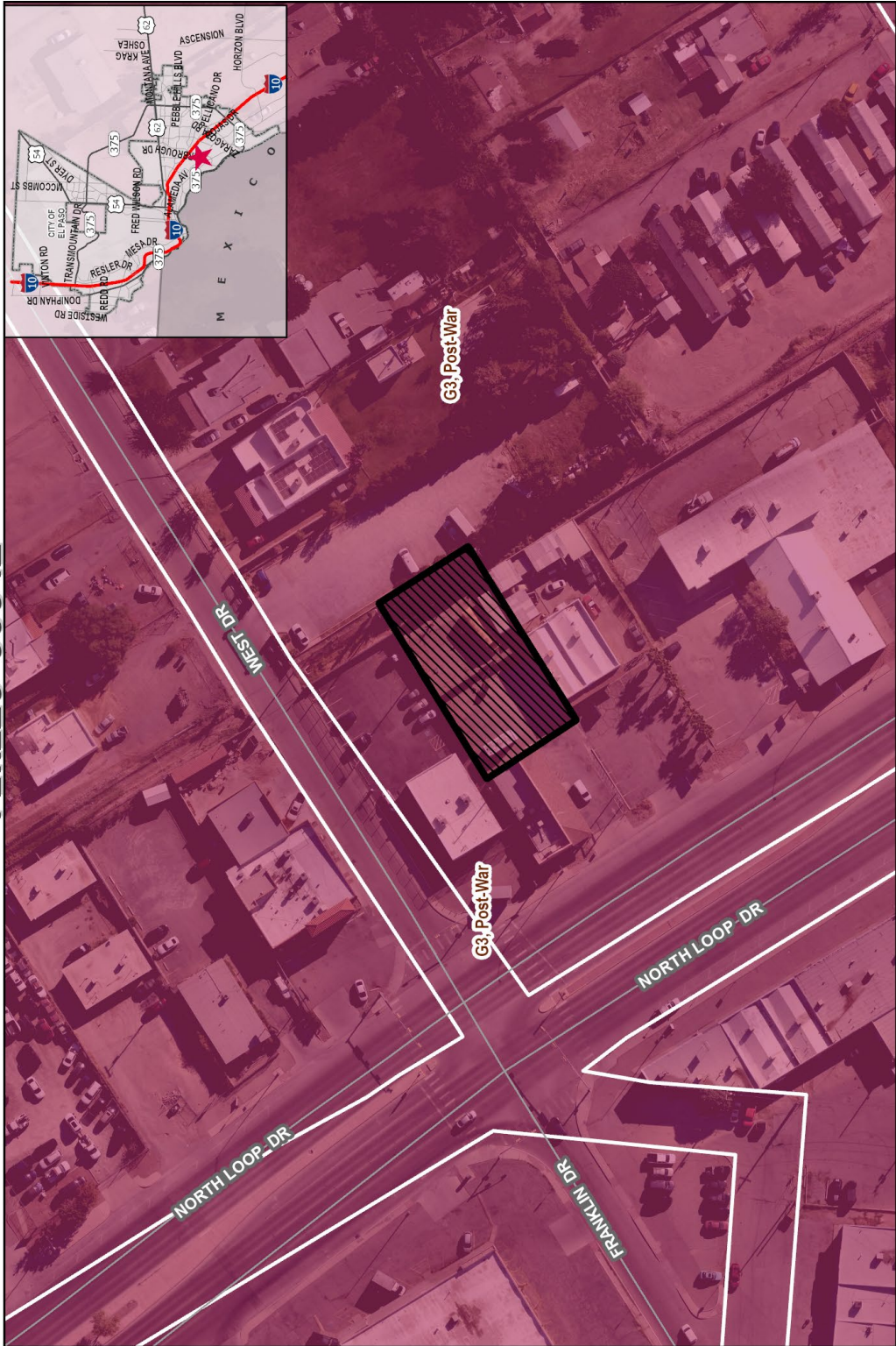
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval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

ATTACHMENT 1

PZR23-00042

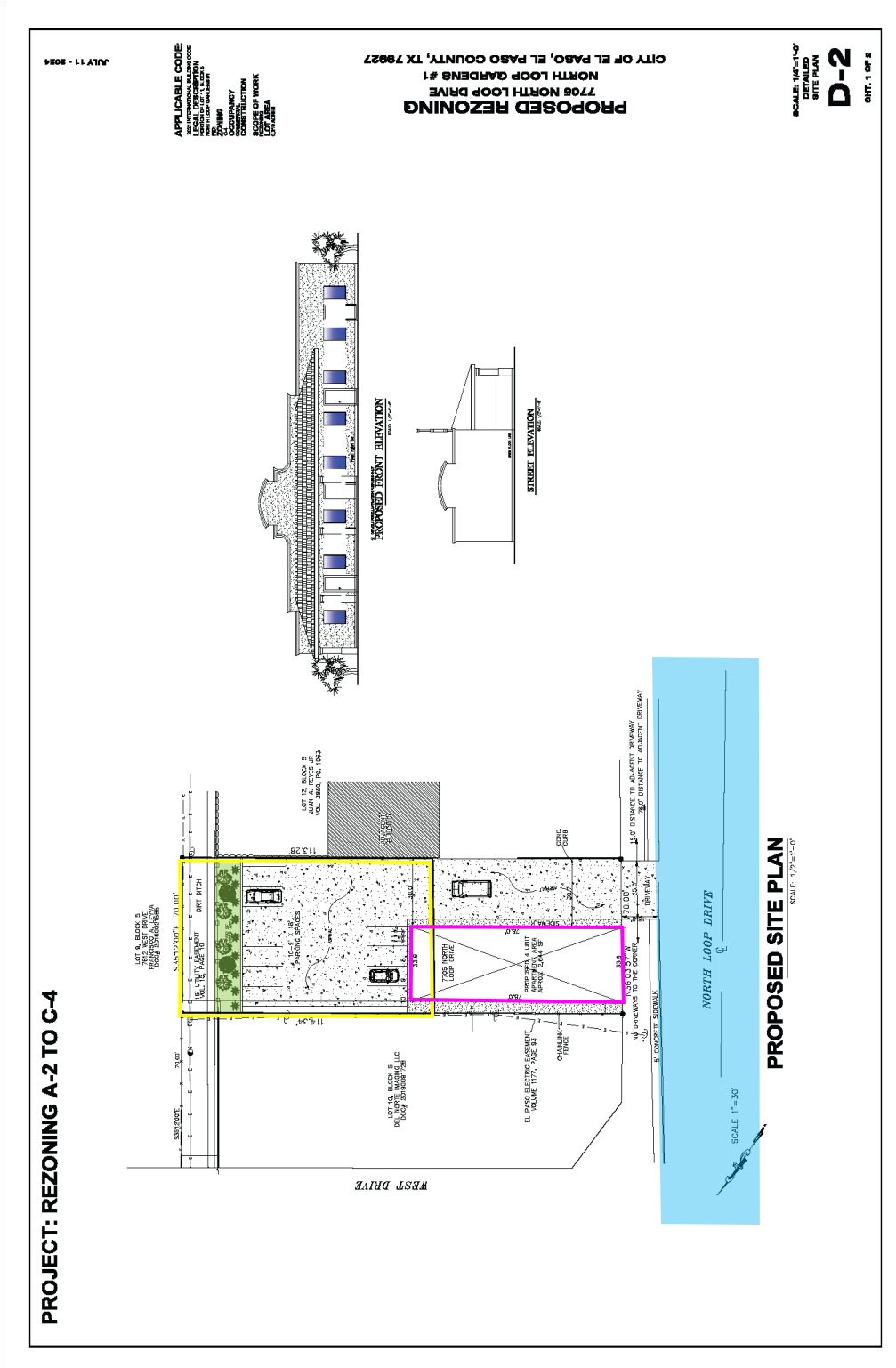


Subject Property



This map is designed for illustrative purposes only. The features shown on this map are not intended to be used for any other purpose. The user may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce error and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

ATTACHMENT 2



ATTACHMENT 3

Planning and Inspections Department - Planning Division

Staff recommends **APPROVAL WITH CONDITIONS** of the request. The proposed zoning district is compatible with commercial uses in the surrounding area and is consistent with *Plan El Paso*, the City's adopted Comprehensive Plan, and the G-3, Post-War future land use designation. The conditions are as follows:

1. *That a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the property line abutting residential districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.*
2. *That automobile uses and contractor's yard uses be prohibited on the subject property.*

Planning and Inspections Department – Plan Review & Landscaping Division

No comments received.

Planning and Inspections Department – Land Development

Recommend approval.

1. The property is in the flood zone "AE", provide an Elevation Certificate at the time of grading permit.
2. TXDOT review and approval are required of the proposed subdivision for drainage and access requirements at the time of grading permit.
3. It is recommended harvesting area on the property.
4. Please clarify the dimensions of the proposed driveway (25ft min – 35ft max in the commercial area) and the minimum curb and gutter edge-to-edge spacing between driveways in the North Loop, please see Concrete apron Driveway detail 6-17, Appendix "A" Design Standard for Construction from Street Design Manual.

Note: Comments to be addressed at permitting stage

Fire Department

No comments received.

Police Department

No comments received.

Environment Services

No comments received.

Streets and Maintenance Department

Streets and Maintenance traffic engineering has no objections.

Sun Metro

No comments received.

El Paso Water

No comments received.

EPWU-PSB Comments

No comments received.

Sanitary Sewer

No comments received.

General

No comments received.

Stormwater:

EP Water-SW reviewed the property described above and provide the following comments:

1. 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 in order 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.

Texas Department of Transportation

No comments received.

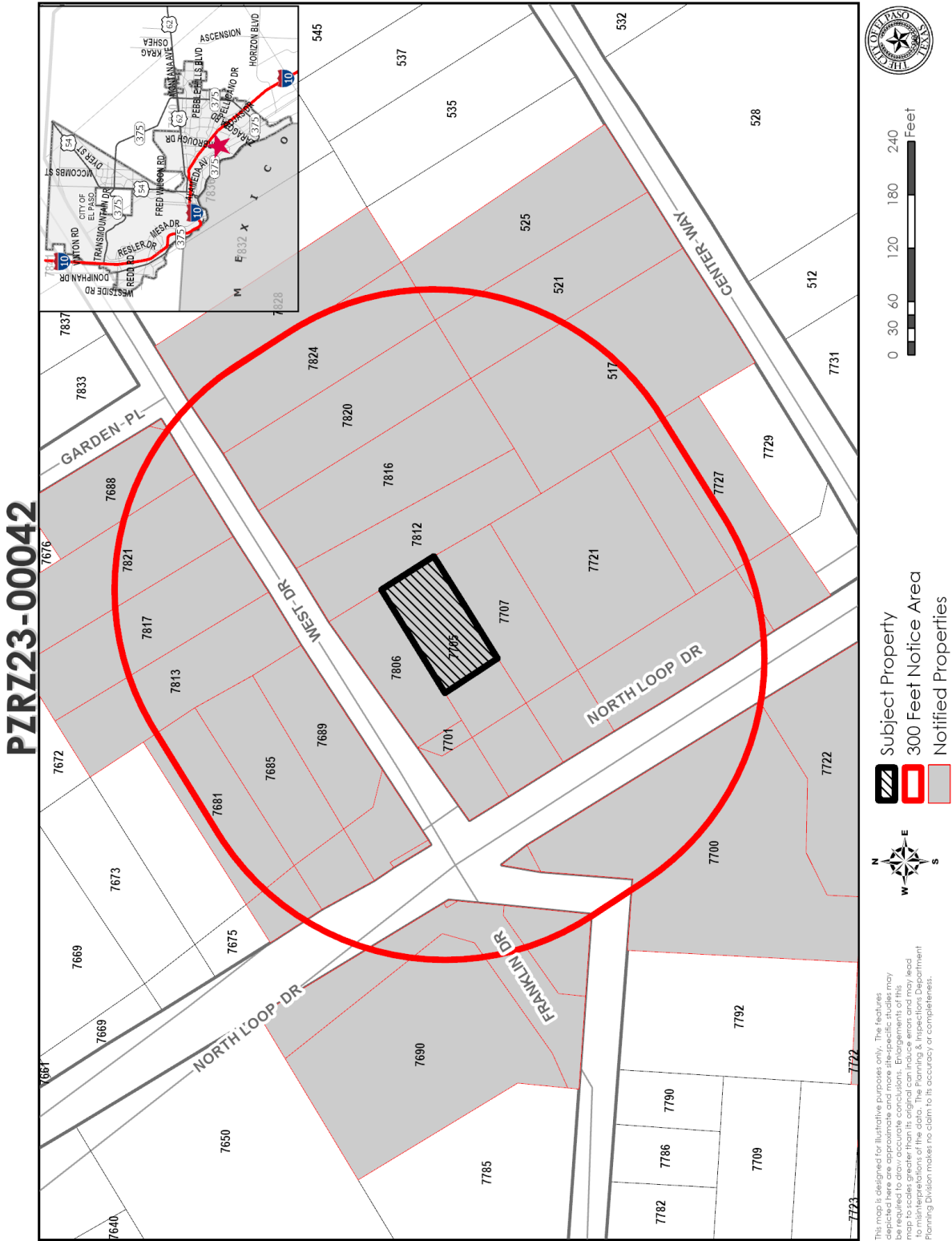
El Paso County Water Improvement District #1

No comments received.

Texas Gas Service

Texas Gas Service has no comments.

ATTACHMENT 4



ATTACHMENT 5

Beltran, Jose V.

From: Sylvia Carreon <longhorn_1989@hotmail.com>
Sent: Friday, May 17, 2024 10:32 AM
To: ivonne armenta; Rodriguez, Nina A.
Subject: Re: 7705 NORTH LOOP DRIVE REZONING-UPDATE

You don't often get email from longhorn_1989@hotmail.com. [Learn why this is important](#)

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Good morning Ms. Armenta, the last contact I had with you was that both lots in question were A-2, however, now I see the update of the front property as C-4 and the back as A-2. I also mentioned that a C-4 would be a denial to this request as it opens the door to many other possibilities which do not belong in this area. If you wanted to expand the restaurant, you can apply for C-1 or C-2, with a condition of NO car lot!! I tried to call you this morning but left a message. Thank you for reaching out to us, this is Sylvia Carreon, president of the Mission Valley Civic Association.

From: ivonne armenta <arqlorenaarmenta2@yahoo.com>
Sent: Wednesday, May 15, 2024 6:05 PM
To: Sylvia Carreon <longhorn_1989@hotmail.com>; Nina A. Rodriguez <rodriguezna@elpasotexas.gov>
Subject: Fw: 7705 NORTH LOOP DRIVE REZONING-UPDATE

----- Mensaje reenviado -----

De: ivonne armenta <arqlorenaarmenta2@yahoo.com>
Para: Sylvia Carreon <longhorn_1989@hotmail.com>; Nina A. Rodriguez <rodriguezna@elpasotexas.gov>
Enviado: martes, 14 de mayo de 2024, 21:29:42 GMT-6
Asunto: 7705 NORTH LOOP DRIVE REZONING

TO MISSION VALLEY CIVIC ASSOCIATION, ANY QUESTIONS PLEASE FEEL FREE TO CALL ME AT 915-892-8122, THANK YOU

ATTACHMENT 6

Beltran, Jose V.

From: Mark Santilli <msantilli68@yahoo.com>
Sent: Tuesday, August 6, 2024 2:55 PM
To: Beltran, Jose V.
Subject: Case: PZRZ23-00042- 7705 North Loop Dr.

You don't often get email from msantilli68@yahoo.com. [Learn why this is important](#)

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.

My name is Mark A. Santilli and I live at 7816 West Dr.. I'm a little confused about the request to change the zoning from A-2 to C-4. I believe that the property is currently zoned (commercial). Nevertheless, I am notifying the City Planning Commission that I am against the change in zoning. The surrounding area, within a thousand feet, is already saturated with apartments. As you well know, an A-2 zoning is a medium density apartment district. I confident that this area has met it's medium density designation and should not be subject to further affordable housing development. In addition, more low income housing in the area will further negatively affect the noise level and current traffic situation. Lastly, there is already a busy restaurant in the immediate vicinity that has increased traffic and disrupted our once quiet, peaceful neighborhood. Thank you for the notification and your consideration of my position.

Cordially,

Mark A. Santilli
Concerned Resident
7816 West Drive