

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

AGENDA DATE: June 20, 2023

PUBLIC HEARING DATE: July 18, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Saul Pina, (915) 212-1612

DISTRICT(S) AFFECTED: District 6

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 Tract 40, O.A. Danielson Survey No. 310, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-4 (Commercial). 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: North of Rojas Drive and East of George Dieter Drive

Applicant: EPX Construction, PZRZ23-00010

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from R-3 (Residential) to C-4 (Commercial) to allow for office warehouse and restaurant. City Plan Commission recommended 6-0 to approve the proposed rezoning on May 4, 2023. As of June 13, 2023, the Planning Division has not received any communication in support or opposition to the rezoning request. See attached staff report for additional information.

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 TRACT 40, O.A. DANIELSON SURVEY NO. 310, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (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 **Tract 40, O.A. Danielson Survey No. 310**, 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-3 (Residential)** 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.

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 _____, 2023

THE CITY OF EL PASO

Oscar Leeser, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Russell Abeln

Russell T. Abeln
Assistant City Attorney

Philip Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

Being All of Tract 40,
O. A. Danielson Survey No. 310
City of El Paso, El Paso County, Texas
March 8, 2023

METES AND BOUNDS DESCRIPTION
Exhibit "A"

FIELD NOTE DESCRIPTION of Tract 40, O.A. Danielson Survey No. 310, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a set ½ rebar at the common boundary corner of Lot 3, Block 1, Las Terrazas Subdivision and Tract 40, O.A. Danielson Survey No. 310 and the westerly right-of-way line of Zaragoza Road (100' R.O.W), same being the **POINT OF BEGINNING** of the herein described parcel;

THENCE, along said westerly right-of-way line, South 32°19'00" West, a distance of 160.01 feet to a found ½ inch rebar for corner along the westerly right-of-way line;

THENCE, leaving said westerly right-of-way line and along said common boundary line of Tract 40, Lot 1, Block 341, Vista del Sol Unit 69 and Lot 1, Block 23, Vista Granada Unit 3, North 57°41'00" West, a distance of 1,237.59 feet to a set ½ inch rebar for corner along the common boundary corner of Tract 40 and Lot 1, Block 23 and the easterly right-of-way line of George Dieter Drive (120' R.O.W.);

THENCE, leaving said common boundary corner and long said easterly right-of-way line of George Dieter Drive, 38.29 feet along the arc of a curve to the left whose radius is 1,380.00 feet, whose interior angle is 01°35'23", whose chord bears North 01°14'31" East, a distance of 38.29 feet to a point for corner;

THENCE, continuing along said easterly right-of-way line, North 00°33'11" West, a distance of 151.88 feet to a set ½ inch rebar for corner along the easterly right-of-way line and the common boundary corner of Tract 40 and Lot 1, Block 1;

THENCE, leaving said easterly right-of-way line and along Tract 40 and Lots 1 and 2, South 57°41'00" East, a distance of 1,340.35 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 206,204.14 square feet or 4.7338 acres of land more or less.

CAD Consulting Co.
1790 Lee Trevino Drive. Suite 309
El Paso, Texas 79936
(915) 633-6422
I:\M&B\2023\23-0369_George Dieter & Zaragoza.wpd



EXHIBIT "A"

TOPOGRAPHIC,
BOUNDARY AND
IMPROVEMENTS SURVEY

TRACT 40,
O. A. DANIELSON SURVEY No. 310
CITY OF EL PASO, EL PASO COUNTY, TEXAS.
CONTAINING: 206,204.14 SQ. FT. OR 4.7338 ACRES ±



LEGEND

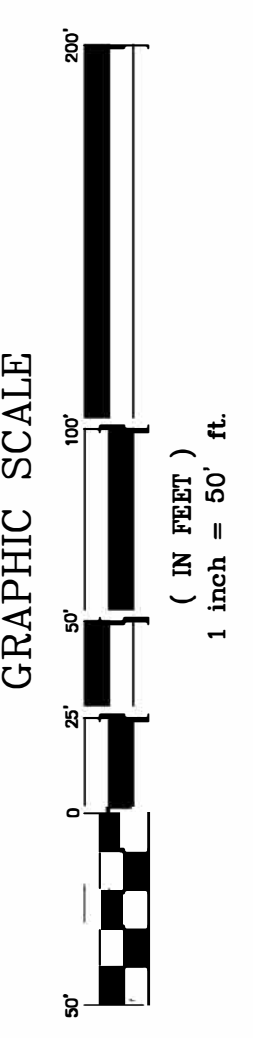
CBW	= UNDER BLOCK WALL
TC	= TOP OF CURB
NS	= NATURAL GROUND
PA	= PAVEMENT
C	= CUTTER
BS	= BACK OF SIDEWALK
BLDG	= BUILDING
RW	= ROCKWALL
W	= WATER METER
SSN	= SSN
PO	= POWER POLE
EB	= ELECTRIC BOX
PH	= FIRE HYDRANT
EH	= OVERHEAD-ELECTRIC
RW	= ROCKWALL
CH	= CHAINLINK-FENCE

TITLE COMMENT INFORMATION

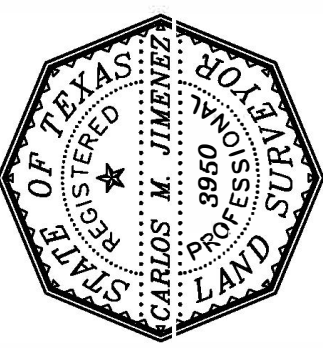
DATE OF DESCRIPTION AND SCHEDULE B: TEXAS HERON
APR 17, 2022
FILE # 221928-COM ISSUED DATE: NOVEMBER 30, 2022.

BENCH MARK
PUNDO CITY MOUNTAIN AT CENTERLINE
INTERSECTION OF HENRY BRENNAN & FULLMAN DR
BENCH MARK ELEV. = 3684.89' CITY DATUM
CONTOUR INTERVAL: 1 FOOT
CONTOUR LABEL: 5 FEET

LINE	TABLE	BEARING
LINE	LENGTH	BEARING
CT	38.29	138.0.00
CT	138.0.00	135.73°
CT	138.0.00	109.14.31'E
CT	38.29	38.29



CONSULTING COMPANY
1790 LEE TREVIÑO DRIVE SUITE 309
EL PASO, TEXAS 79936
TEL: (915) 633-6422 FAX: (915) 633-6424



NOTES:

1. ACCORDING TO THE FLOOD INSURANCE RATE MAP HERON DESCRIBED TRACT LOTS IN ZONE X-1, COMMUNITY PANEL NO. 48214-004-C AND 48214-004-C.
2. THE LOCATION OF EXISTING UTILITIES SHOWN HERON ARE FROM OBSERVED CHECKS OF ABOVE GRADING APPLICANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH THE EXACT LOCATION OF ANY SUBTERRANEAN UTILITIES.

North of Rojas and East of George Dieter

City Plan Commission — May 4, 2023

REZONING



CASE NUMBER:	PZRZ23-00010
CASE MANAGER:	Saul Pina, (915) 212-1612, PinaSJ@elpasotexas.gov
PROPERTY OWNER:	Robert Pearson; Brent E. Pearson; Troy K. Belcher; Karlye N. Belcher
REPRESENTATIVE:	Gallinar Planning and Development, LLC
LOCATION:	North of Rojas Dr. and East of George Dieter Dr. (District 6)
PROPERTY AREA:	4.87 acres
REQUEST:	Rezone from R-3 (Residential) to C-4 (Commercial)
RELATED APPLICATIONS:	None
PUBLIC INPUT:	None received as of April 27, 2023

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from R-3 (Residential) to C-4 (Commercial) to allow for the use of office warehouse and restaurant.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the rezoning request. This recommendation is based on the consistency of the request with *Plan El Paso*, the City's adopted Comprehensive Plan and the G-4, Suburban (Walkable) future land use designation.

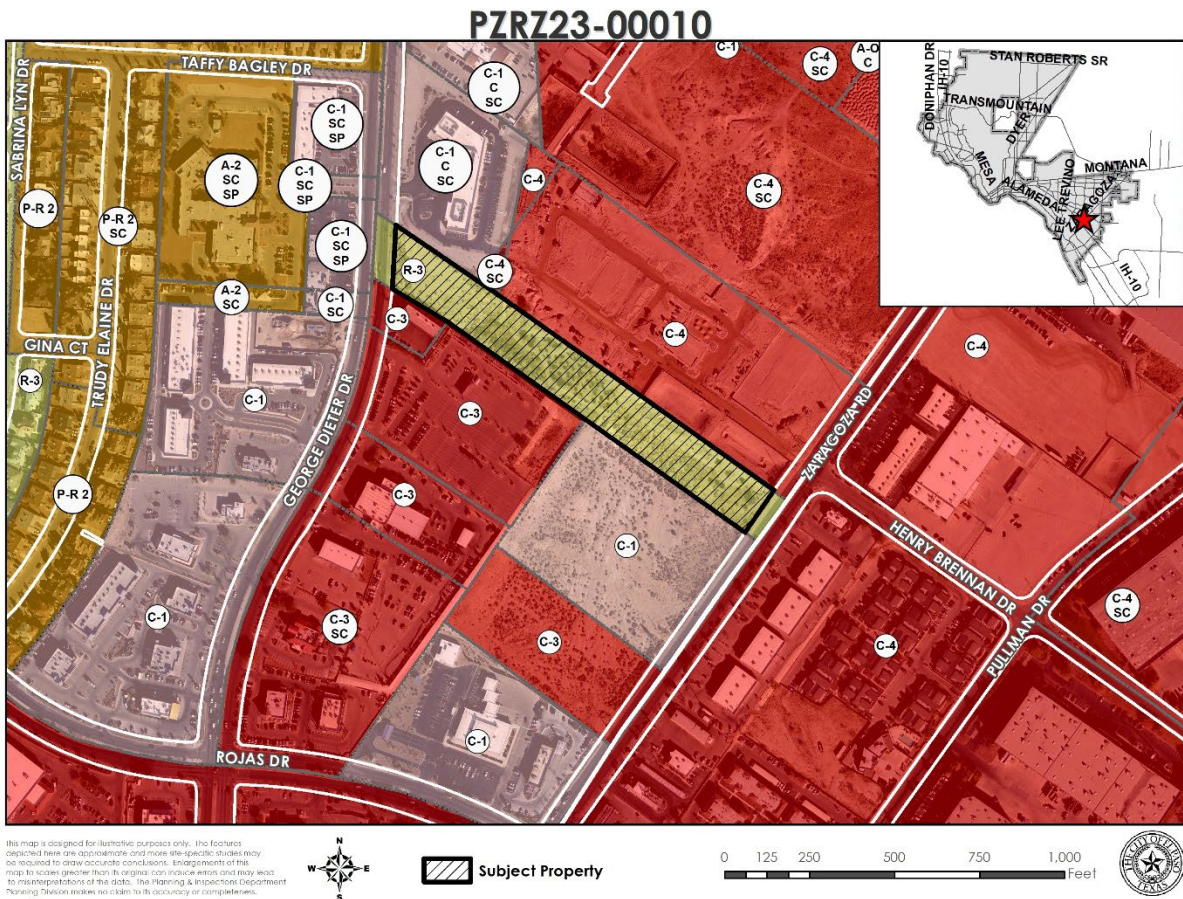


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone the subject property from R-3 (Residential) to C-4 (Commercial) to allow for the use of office warehouse and restaurant. The subject property is approximately 4.87 acres in size. The conceptual site plan shows three (3) proposed office warehouse buildings and two (2) restaurant buildings. Main access to the subject property will be provided from George Dieter Drive and Zaragoza Road.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed rezoning is consistent with the various commercial uses within the immediate vicinity. Properties to the north include medical and business offices zoned C-1/c/sc (Commercial/conditions/special contract) and C-4 (Commercial); properties to the south include an automobile (sales, service, storage, and rental) establishment and a vacant lot zoned C-3 (Commercial) and C-1 (Commercial); properties to the east include a shopping center zoned C-4 (Commercial); and properties to the west include medical offices zoned C-1/sc/sp (Commercial/special contract/special permit). The nearest school, Myrtle Cooper Elementary School, is located 0.8 miles and the nearest park, Blackie Chesher Park, is located 1.2 miles in proximity to the subject property.

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-4, Suburban (Walkable): This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. 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 development is compatible with the future land use designation as it will integrate well with the abutting commercial establishments and provide uses previously not available.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-4 (Commercial): The purpose of this district 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 zoning is compatible with the surrounding zoning districts as the proposed office warehouse and restaurant use will integrate with existing commercial areas.</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 will have access to both George Dieter Drive and Zaragoza Road, which are designated as major arterials in the City's Major Thoroughfare Plan. The classification of these roads is appropriate for the proposed development as both George Dieter and Zaragoza connect to other commercial establishments within the immediate vicinity.</p>
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	

REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small area plans, including land-use maps in those plans.	None. The property is not located within any historic districts nor any other special designation areas.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	None. There are no anticipated adverse impacts.
Natural Environment: Anticipated effects on the natural environment.	None. The proposed development 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 in transition. For the last 10 years, the surrounding properties have been rezoned to allow for commercial uses.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	The existing residential zoning that the subject property has is inappropriate due to the commercial zoning and uses surrounding the property. With the change in zone from residential to commercial, the subject property will now be compatible with its surroundings.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access to the subject property is proposed from both George Dieter Drive and Zaragoza Road, two roads classified as major arterials on the City of El Paso’s Major Thoroughfare Plan (MTP) and are adequate for the proposed development. The proposed development will require the necessary street improvements, such as sidewalks and driveways, to provide pedestrian and vehicular access to the site. Several bus stops are located on George Dieter Drive, with the closest 0.02 miles away.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: Due to the conceptual plan not being reviewed for compliance, the applicant will need to address some of the departmental comments prior to the issuance of building permits.

PUBLIC COMMENT: The subject property does not lie within any neighborhood association. Public notice was sent to property owners within 300 feet of the subject property on April 21, 2023. As of April 27, 2023, the Planning Division has not received any communication in support or opposition to the request.

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:

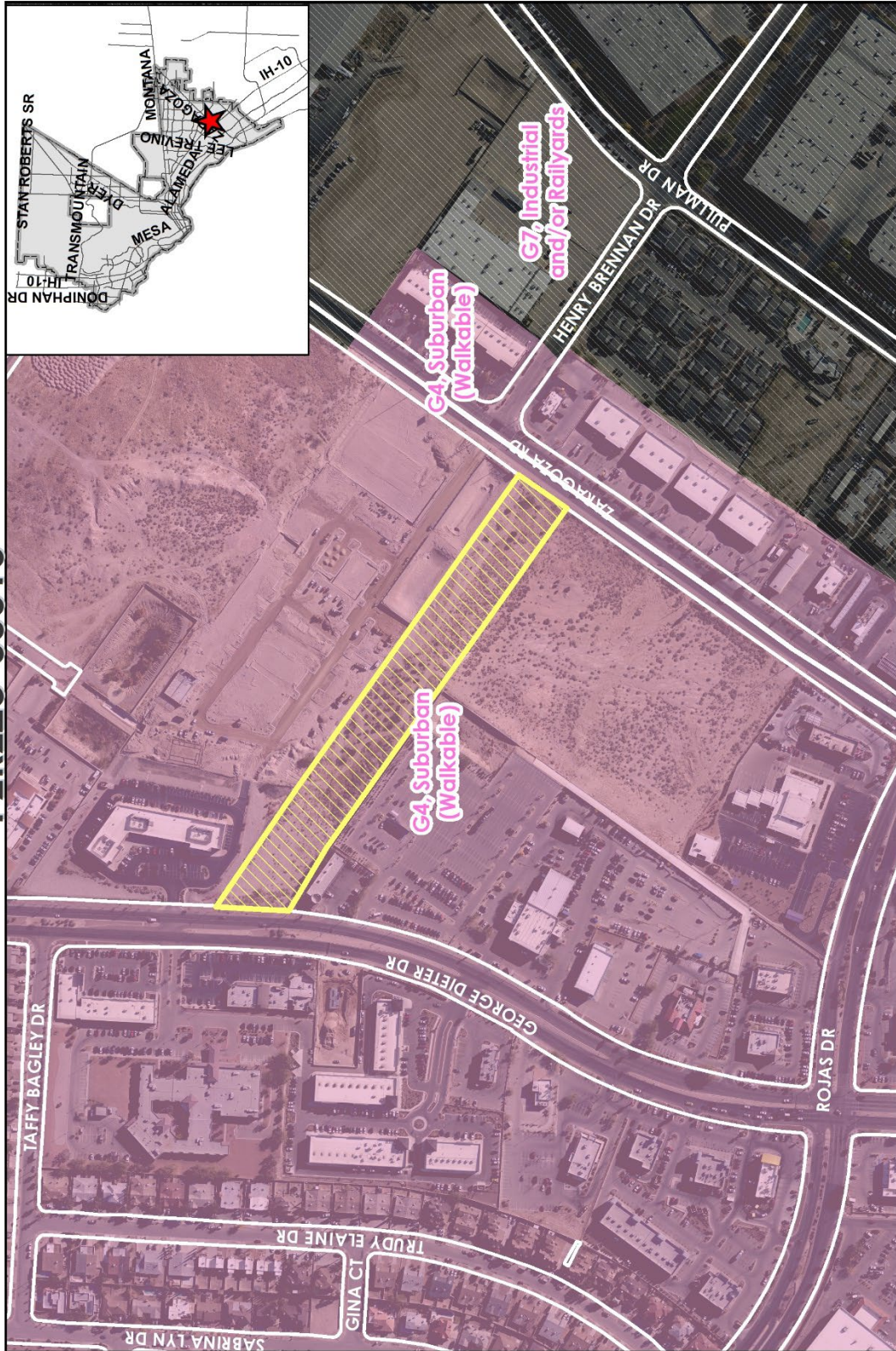
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**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

ATTACHMENT 1

PZR23-00010



Subject Property



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 accuracy or completeness.

ATTACHMENT 3

Planning and Inspections Department - Planning Division

Staff recommends approval of the rezoning request.

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend approval:

The generalized site plan is not being reviewed for conformance due to conceptual nature. No objections to proposed 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

Recommend approval:

1. Coordinate and obtain approval from TxDOT at the time of grading permit (Zaragoza Rd)
2. Provide new 5' concrete sidewalk abutting property line along R.O.W. and according to ADA requirements.
3. Driveways must be between 25'– 35' feet wide as per DSC 6-16.
4. Add general note to both the preliminary and final plat sheets: "The retention of all storm-water runoff discharge volume is required within this subdivision's limits in compliance with all provisions of (Muni-Code 19.19.010A, DSC, and DDM Section 11.1)."
5. Show proposed drainage flow patterns on the site plan and identify the discharge and/or storage location(s) for all storm-water runoff within the subdivision.

Note: Comments to be addressed during the building permit stage.

Fire Department

Recommend approval:

No adverse comments.

Police Department

No comments provided.

Environment Services

Have trash locations with enough room for a 26-foot truck to get around.

Note: Comments to be addressed during the building permit stage.

Streets and Maintenance Department

Recommend approval:

No objections to the rezoning request.

Sun Metro

No comments provided.

El Paso Water

No objections to the rezoning request.

Water:

There is an existing 36-inch diameter water main that extends along east portion of Zaragoza Road. 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.

There is an existing 12-inch diameter water main that extends along George Dieter Drive located approximately 43-feet west of the east right-of-way line. This water main is available for service.

Previous water pressure readings from fire hydrant # 05772 located on the southeast corner of Henry Brennan Drive and Pullman Drive, yielded a static pressure of 116 psi, a residual pressure of 88 psi and a discharge of 1,501 gallons per minute. 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 that extends along George Dieter Drive located approximately 55-feet west of the east right-of-way line. This sanitary sewer main is available for service.

There is an existing 8-inch sanitary sewer main that extends along Zaragoza Road located approximately 9 feet east of the property. This main is available for service.

General:

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

EPWater requires a new service application to provide services 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 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:

The proposed ponding areas shown, shall have enough capacity to hold the developed runoff for a designated 100-yr. storm event. Label the pond as "Private".

Texas Department of Transportation

This proposed layout does not meet the spacing for the two driveways shown. Please have the requestor resubmit revised plans to TxDOT for review by the Access Management Committee.

Note: To be addressed prior to building permitting stage.

El Paso 9-1-1 District

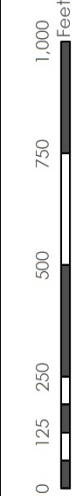
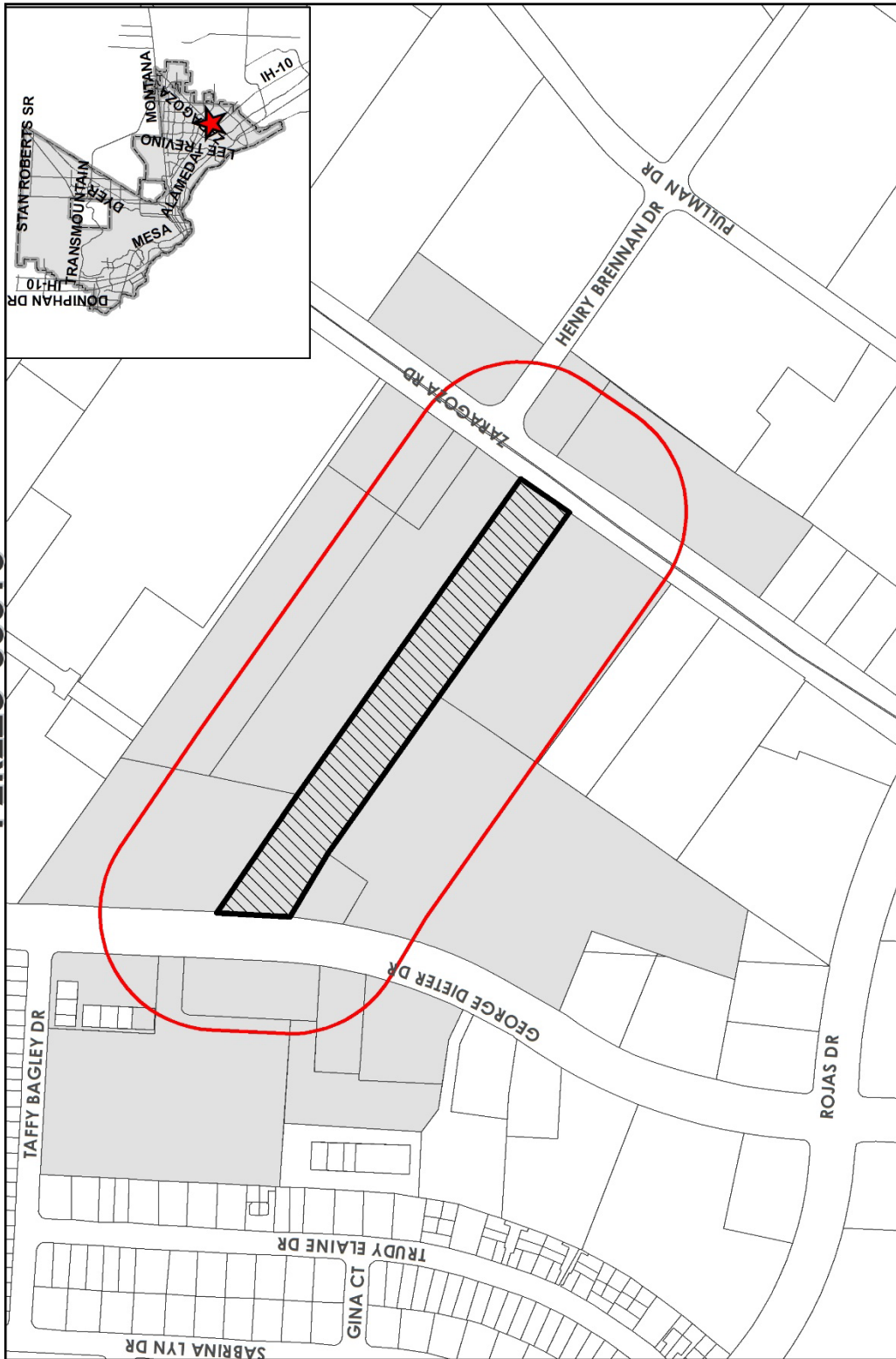
No comments/concerns regarding the rezoning request.



El Paso County Water Improvement District

No comments provided.

ATTACHMENT 4

PZR23-00010



 **Subject Property**
 **300 Feet Buffer**



This map is designed for illustrative purposes only. The features depicted here are approximate and do not constitute a warranty. No liability is assumed for any errors or omissions. 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.