

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

AGENDA DATE: April 9, 2024

PUBLIC HEARING DATE: May 7, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Andrew Salloum, (915) 212-1603

DISTRICT(S) AFFECTED: District 7

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 Tracts 63 and 64, Cinecue Park Subdivision, 471 Fresno Drive, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-3 (Residential). 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: 471 Fresno Drive

Applicant: Jose Angel Avila and Jacqueline Avila, PZRZ23-00030

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from R-F (Ranch and Farm) to R-3 (Residential) to allow for a proposed single-family dwelling. City Plan Commission recommended 5-0 to approve the proposed rezoning on February 8, 2024. As of March 25, 2024, 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? X 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 TRACTS 63 AND 64, CINECUE PARK SUBDIVISION, 471 FRESNO DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO R-3 (RESIDENTIAL) . 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 Tracts 63 and 64, Cinecue Park Subdivision, 471 Fresno 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 **R-F (Ranch and Farm)** to **R-3 (Residential)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

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 Leaser
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Philip Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

Zoning Case No: PZRZ23-00030

Being a Portion of Tracts 63 and 64,
Cinecue Park Subdivision,
City of El Paso, El Paso County, Texas
October 16, 2023

METES AND BOUNDS DESCRIPTION

Fresno Road
Exhibit "A"

FIELD NOTE DESCRIPTION of a Portion of Tracts 63 and 64, Cinecue Park Subdivision, 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 nail located at the centerline intersection of Fresno Road (30' R.O.W.) and Lowd Avenue (30' R.O.W.); **THENCE**, leaving said centerline intersection and along the centerline of Fresno Road, South $19^{\circ}00'00''$ West, a distance of 139.88 feet to a point; **THENCE**, leaving said centerline of Fresno Road, North $71^{\circ}00'00''$ West, a distance of 15.00 feet to a found iron rod at the westerly right-of-way line of Fresno Road and being the **POINT OF BEGINNING** of the herein described parcel;

THENCE, along the westerly right-of-way line of Fresno Road, South $19^{\circ}00'00''$ West, a distance of 79.64 feet to a set nail for corner;

THENCE, leaving said westerly right-of-way line of Fresno Road, North $71^{\circ}00'00''$ West, a distance of 187.73 feet to a found pipe for corner at the common boundary line of Tracts 64 and 65;

THENCE, along the common boundary line of Tracts 64 and 65, North $19^{\circ}00'00''$ East, a distance of 79.64 feet to a found iron rod for corner;

THENCE, leaving said common boundary line of Tracts 64 and 65, South $71^{\circ}00'00''$ East, a distance of 187.73 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 14,950.82 square feet or 0.3432 acres of land more or less.

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

CAD Consulting Co.
1790 Lee Trevino Drive. Suite 309
El Paso, Texas 79936
(915) 633-6422
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471 Fresno Drive

City Plan Commission — February 8, 2024

REZONING



CASE NUMBER: PZRZ23-00030
CASE MANAGER: Andrew Salloum, (915) 212-1603, SalloumAM@elpasotexas.gov
PROPERTY OWNER: Jose Angel Avila and Jacqueline Avila
REPRESENTATIVE: Breanna Avila
LOCATION: 471 Fresno Drive (District 7)
PROPERTY AREA: 0.34 acres
REQUEST: Rezone from R-F (Ranch and Farm) to R-3 (Residential)
RELATED APPLICATIONS: None
PUBLIC INPUT: None as of February 1, 2024

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from R-F (Ranch and Farm) to R-3 (Residential) to allow for a single-family dwelling.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the rezoning request. The proposed zoning district is compatible with the residential districts 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.

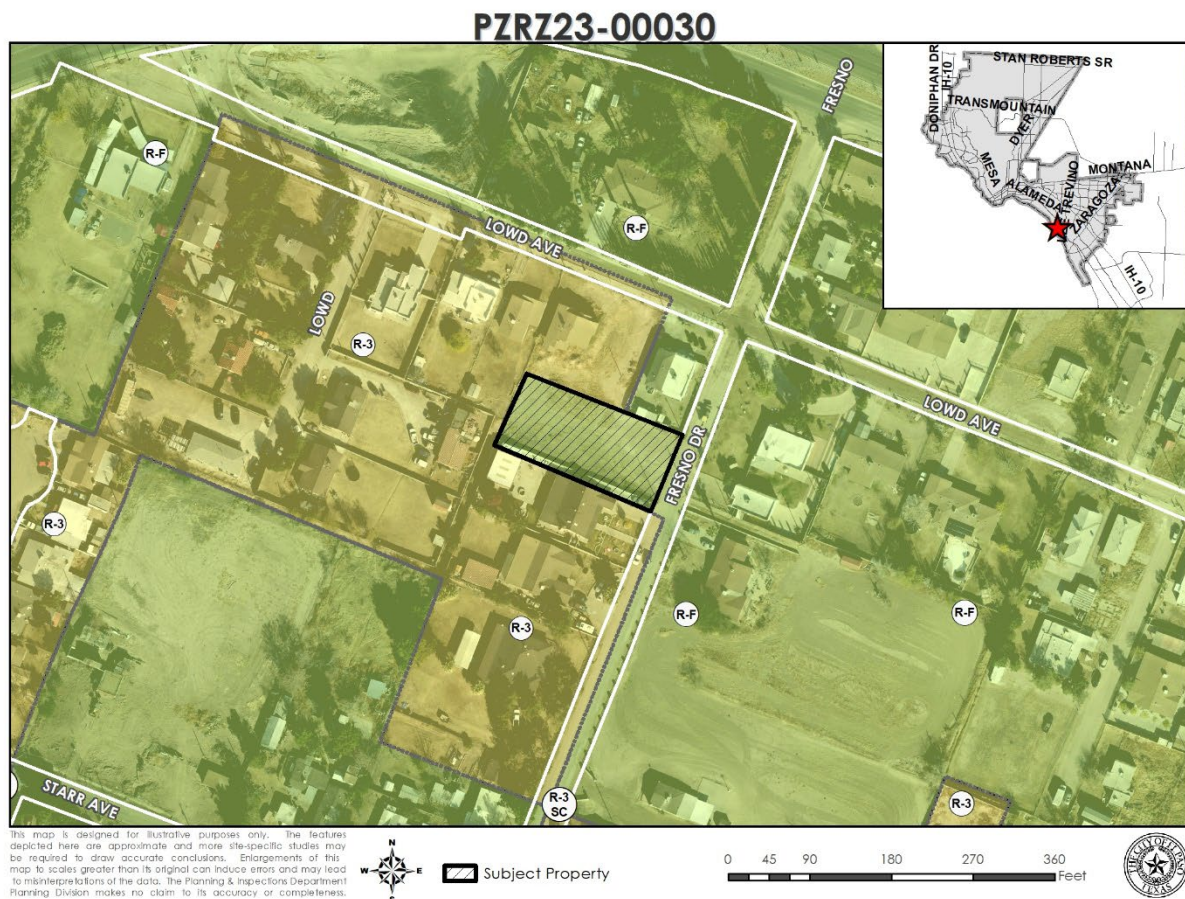


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone the subject property from R-F (Ranch and Farm) to R-3 (Residential) to allow for a single-family dwelling. The size of the property is 0.34 acres and is currently vacant. The conceptual site plan shows a proposed single-family dwelling with access provided from Fresno Drive.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed single-family dwelling use and the proposed R-3 (Residential) district are compatible with the established character of the area and with adjacent single-family dwellings zoned R-3 (Residential) to the north, west and south, and with single-family dwellings zoned R-F (Ranch and Farm) to the north and east. The nearest school is Ysleta Pre-K Center, which is located 0.41 miles away, and the nearest park is J.P. Shawver Park, which is 0.77 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>.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>R-3 (Residential) District: The purpose of these districts is to promote and preserve residential development within the city to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the districts will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.</p>	<p>Yes. The proposed single-family dwelling is consistent with residential uses in the neighborhood. The proposed development is within close proximity of other light density residential developments. The surrounding properties are single-family dwellings zoned R-F (Ranch and Farm) and R-3 (Residential).</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 subject property is not located within historic districts nor any other special designation areas.</p>
<p>Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.</p>	<p>None. There are no anticipated adverse impacts.</p>
<p>Natural Environment: Anticipated effects on the natural environment.</p>	<p>None. The proposed rezoning does not involve green field or environmentally sensitive land or arroyo disturbance.</p>
<p>Stability: Whether the area is stable or in transition.</p>	<p>The area is stable with no rezonings within the last 10 years.</p>

COMPLIANCE WITH *PLAN EL PASO*/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with *Plan El Paso*, consider the following factors:

Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	The R-F (Ranch and Farm) zoning designation is no longer suitable for the property. The lot may be unusable due to the size and not meeting the current zoning requirements.
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ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access to the subject property is from Fresno Drive, which is designated as a local street per the City of El Paso’s Major Thoroughfare (MTP) and is appropriate to serve the proposed development. A sidewalk abutting the property will be required along Fresno Drive. There are at least two (2) bus stops within walkable distance (0.25 mile) of the subject property. The closest bus stop is 0.09 miles away along Yarbrough Drive.

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

PUBLIC COMMENT: The subject property is located within the boundaries of Corridor 20 Civic Association, Mission Valley Civic Association, and Save the Valley 21, which were notified of the rezoning request by the applicant. Public notices were mailed to property owners within 300 feet on January 26, 2024. As of February 1, 2024, the Planning Division has not received any communication in support or opposition to the request from the public.

CITY PLAN COMMISSION OPTIONS:

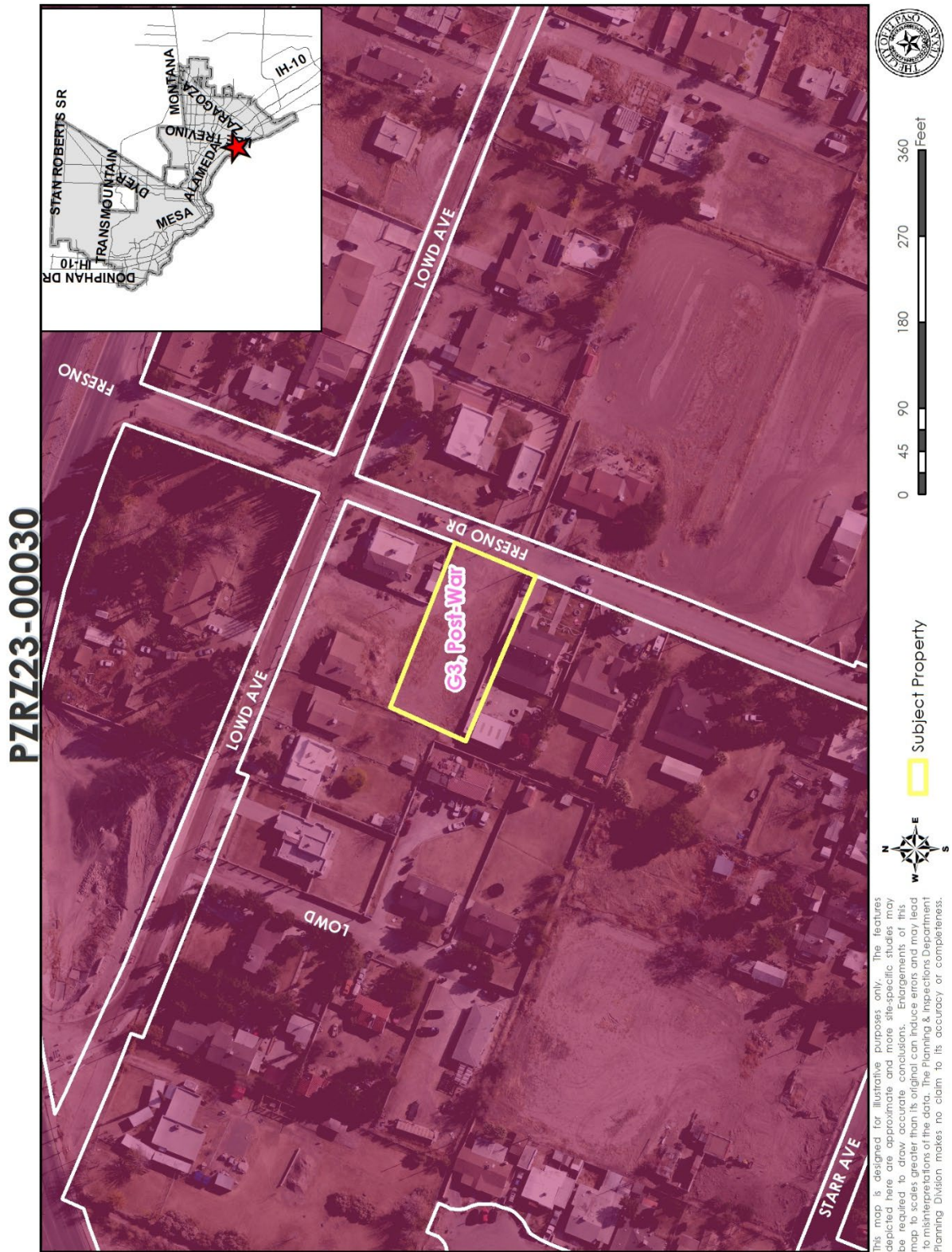
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

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.

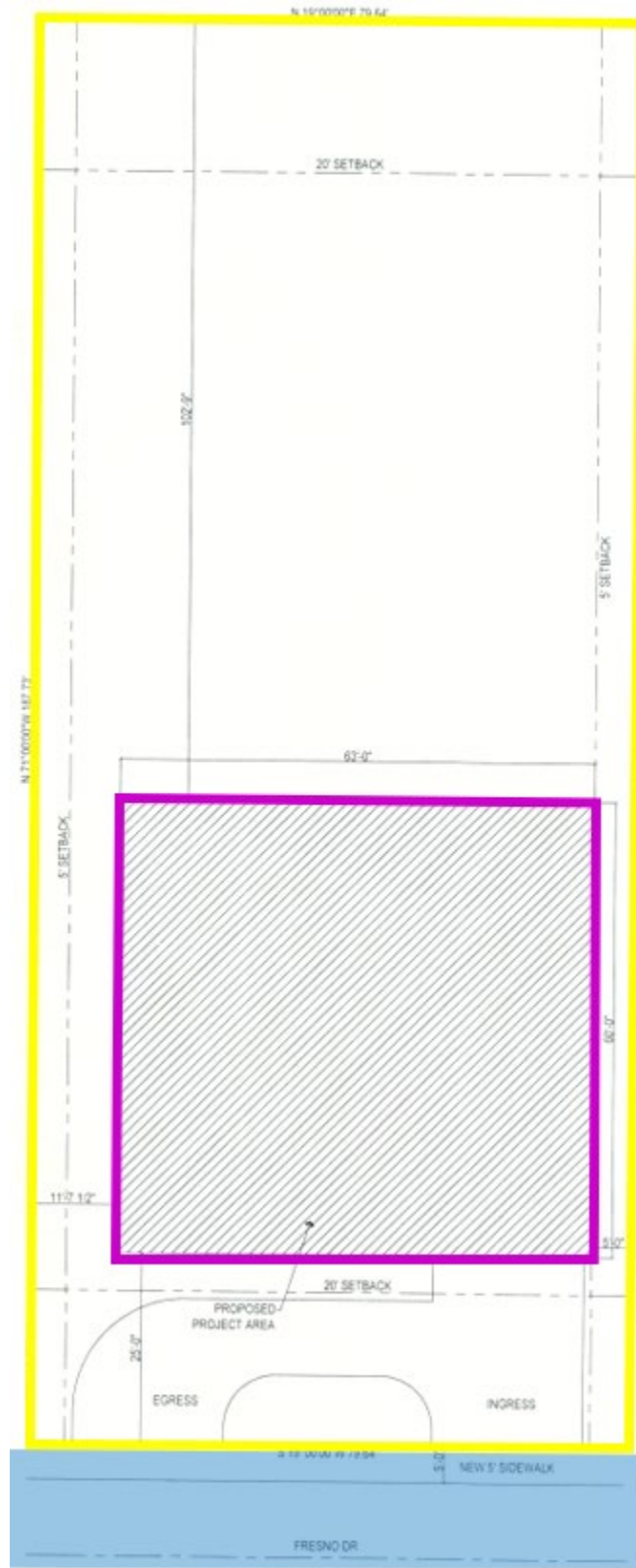
ATTACHMENTS:

1. Future Land Use Map
2. Generalized Plot Plan
3. Department Comments
4. Neighborhood Notification Boundary Map

ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3

Planning and Inspections Department - Planning Division

Staff recommends **APPROVAL** of the rezoning request. The proposed zoning district is compatible with the residential districts 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

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

1. Provide a 5' concrete sidewalk abutting the property line.
2. A portion of the property area will be in the Flood zone according to the future FEMA maps. Meaning; that according to current maps from FEMA, the property is NOT in the flood zone area, but a portion of the property will be in the flood zone area in the future when new maps become effective. The comment is just to inform you so that you are aware of the changes that will happen and are prepared for when those changes are made.

Note: Comments to be addressed at permitting stage.

Fire Department

No adverse comments.

Police Department

No comments received.

Environment Services

No comments received.

Streets and Maintenance Department

1. No objections to rezoning
2. 5 feet sidewalk and driveway need to be ADA compliant.

Note: Comments to be addressed at permitting stage.

Sun Metro

No comments received.

El Paso Water

EPWater does not object to this request.

EPWU-PSB Comments

There is an existing 6-inch diameter water main extending along Fresno Drive. The water main is located approximately 12-ft south of the northern right-of-way. This main is available for service.

Previous water pressure readings from fire hydrant #01423 located at 8141 Lowd., have yielded a static pressure of 108 pounds per square inch, a residual pressure of 76 pounds per square inch, and a discharge flow of 1,138 gallons per minute. The lot 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.

EPWater records indicate a 3/4-inch water meter serving the subject property. The service address for this meter is 485 Fresno Drive.

Sanitary Sewer

There is an existing 8-inch diameter sanitary sewer main extending along Fresno Drive. The sanitary sewer main is located approximately 14-ft west of the eastern right-of-way. This main is available for main extension.

General

EPWater requires a new service application to provide additional 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:

No comments received.

El Paso County 911 District

No comments received.

Texas Department of Transportation

No comments received.

El Paso County Water Improvement District #1

No comments received.

Texas Gas Service

No objections.

911 District

No comments/concerns regarding this re-zoning

ATTACHMENT 4

