

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

DEPARTMENT: Planning & Inspections, Planning Division

AGENDA DATE: February 2, 2021

PUBLIC HEARING DATE: March 2, 2021

CONTACT PERSON NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Martinez, Adriana, (915) 212-1611

DISTRICT(S) AFFECTED: 7

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

SUBGOAL: 3.1 Provide business friendly permitting and inspection processes
3.2 Improve the visual impression of the community

SUBJECT:

An ordinance changing the zoning of a portion of Lots 2 & 3, Block 1, Las Terrazas Subdivision, 1351 and 1355 Zaragoza Rd., City of El Paso, El Paso County, Texas from C-1/C/SC (Commercial/condition/special contract) to C-4/C/SC (Commercial/condition/special contract). 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: 1351 and 1355 Zaragoza Rd.
Applicant: Palo Verde Business Park, LLC; PZRZ20-00017

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from C-1/c/sc (Commercial/condition/special contract) to C-4/c/sc (Commercial/condition/special contract) to allow the subject property to be used as business offices. City Plan Commission recommended 7-0 to approve the proposed rezoning on November 19, 2020. As of January 26, 2021, staff has not received any calls 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

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

DEPARTMENT HEAD:



Philip F. Etiwe – Planning and Inspections Director

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 2 & 3, BLOCK 1, LAS TERRAZAS SUBDIVISION, 1351 AND 1355 ZARAGOZA RD., CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-1/C/SC (COMMERCIAL/CONDITION/SPECIAL CONTRACT) TO C-4/C/SC (COMMERCIAL/CONDITION/SPECIAL CONTRACT). 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, a rezoning of a portion of Lots 2 & 3, Block 1, Las Terrazas Subdivision, 1351 and 1355 Zaragoza Rd., located in the City of El Paso, El Paso County, Texas, and more particularly described by the metes and bounds attached as Exhibit "A", to be changed from C-1/c/sc (Commercial/condition/special contract) to C-4/c/sc (Commercial/condition/special contract), 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 _____, 2021.

THE CITY OF EL PASO

Oscar Leeser, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____
20-1007-2671 | 1045750
1351 & 1355 Zaragoza Rd.
LBJ

PZRZ20-00017

1351 & 1355 Zaragoza Rd.

City Plan Commission — November 19, 2020

REZONING

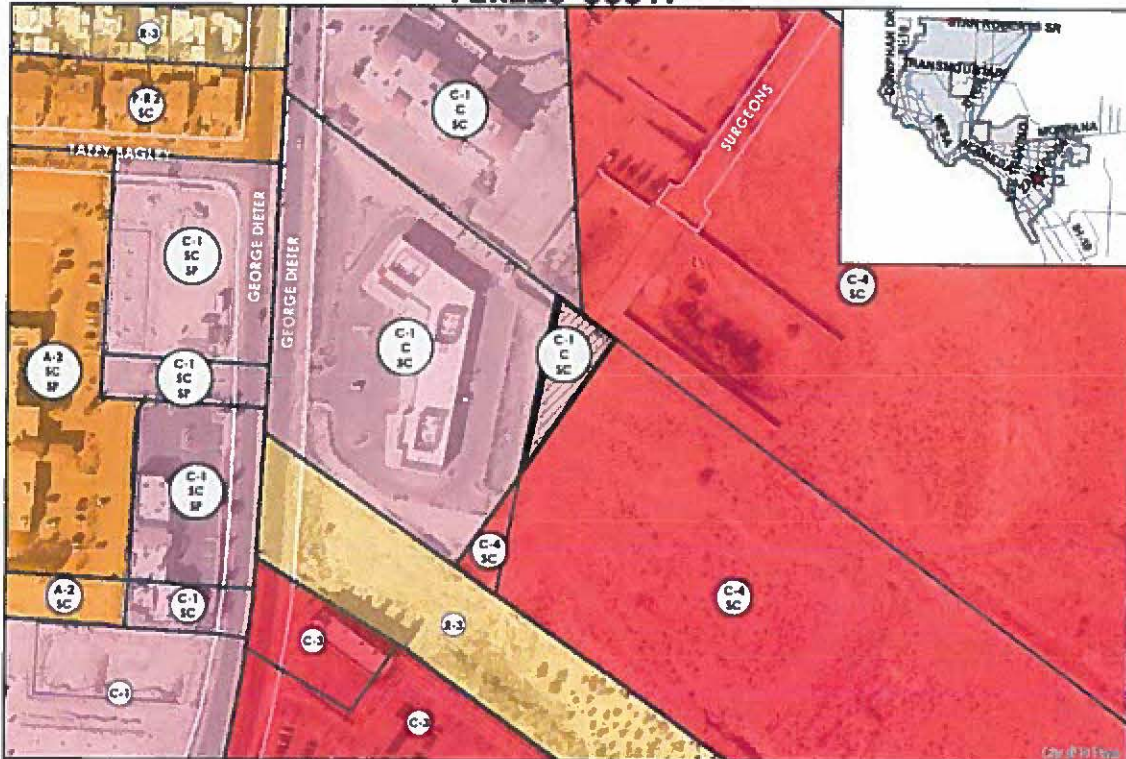


CASE NUMBER:	PZR20-00017
CASE MANAGER:	Adriana Martinez, (915) 212-1611, MartinezAD@elpasotexas.gov
PROPERTY OWNER:	Palo Verde Business Park, LLC
REPRESENTATIVE:	William Van Haselen
LOCATION:	1351 and 1355 Zaragoza Rd. (District 7)
PROPERTY AREA:	0.2957 acres
REQUEST:	Rezone from C-1/c/sc (Commercial/condition/special contract) to C-4/c/sc (Commercial/condition/special contract)
RELATED APPLICATIONS:	Condition Release (PZR20-00002)
PUBLIC INPUT:	N/A

SUMMARY OF REQUEST: The applicant is requesting to rezone from C-1/c/sc (Commercial/condition/special contract) to C-4/c/sc (Commercial/condition/special contract) to allow the subject property to be used as business offices.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the rezoning request. The proposed zoning district is consistent with the surrounding neighborhood. Further, the proposed development meets the intent of the G-4, Suburban (Walkable) land use designation of *Plan El Paso*, the City's Comprehensive Plan in the East Planning area.

PZR20-00017



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Subject Property

0 60 120 240 360 480 Feet



Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant proposes to rezone a portion of land approximately 0.2957 acres from C-1/c/sc (Commercial/condition/special contract) to C-4/c/sc (Commercial/condition/special contract). The subject property is currently required to comply with the special contract provisions imposed by Ordinance No. 7313, dated September 8, 1981 and Ordinance No. 17870 dated September 18, 2012, which states in part:

Ordinance No. 7313:

- *No building permit shall be issued for the construction on the property until a subdivision plat of the property has been submitted by First Party to the City Plan Commission of the City of El Paso and filed for record.*

Ordinance No. 17870:

- *That a detailed site development plan be approved per City Code prior to the issuance of any building permits as per city code.*

The rezoning request is to allow the entire split zoned property of 10.43 acres of land to be zoned C-4 (Commercial). The property is located at 1351 and 1355 Zaragoza Rd. within the East Planning Area. The conceptual site plan accommodates a total of 15 commercial buildings to be used as business offices. Primary access to the proposed development is from Zaragoza Road.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed development is consistent with the adjacent commercial development within its vicinity and meets the established character of its surrounding neighborhood. Further, the proposed development meets the intent of G-4 Suburban (Walkable) use designation of *Plan El Paso* in the East Planning area. The nearest park is Blackie Chester Park (1.38 miles) and the nearest school is Myrtle Cooper Elementary (0.83 miles).

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: G-4 – Suburban: 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 subject property, and the proposed development for it, meet the intent of the G-4 Suburban (Walkable) Future Land Use designation of <i>Plan El Paso</i>. The proposed development will introduce additional commercial uses, to the established neighborhood. The surrounded properties are zoned C-4 (Commercial), C-3 (Commercial), C-1 (Commercial), and R-3 (Residential). The surrounding area uses vary from hospital, commercial retail, restaurants, and financial institution.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site: C-4 (Commercial) District: Establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods. Permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.</p>	<p>Yes, the site is suitable for uses permitted in the proposed district, and the proposed development is adjacent to commercial uses. The surrounding uses consist of a hospital, medical offices, commercial retail, restaurants, and financial institution.</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:	
Preferred Development Locations: Is the property in a "Compact Urban" area?	Yes, the subject property is located along Zaragoza Road, which is classified as a major arterial as per the City of El Paso's Major Thoroughfare Plan.
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING 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 areas plans, including land-use maps in those plans.	N/A
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	There are no adverse effects predicted from the proposed rezoning. The existing infrastructure was originally designed for the proposed district and uses.
Natural Environment: Anticipated effects on the natural environment.	No effect on the natural environment anticipated as the subject property is in an already developed area.
Stability: Whether the area is stable or in transition.	Yes, the proposed development is within an older area of the city, which represent stability within the G-4, Suburban use designation of Plan El Paso. There has been no rezoning cases within the last five years.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	N/A

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Main access to the proposed commercial development will be Zaragoza Road, which is designated as a Major Arterial as per the City of El Paso's Major Thoroughfare Plan. The subject property as part of Las Terrazas Subdivision. Access and location of driveway on Zaragoza Road shall be coordinated with TxDOT. All existing or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction. There is an existing 12-inch diameter water main that extends along the eastside of Zaragoza Road, approximately 25-feet west of and parallel to the eastern right-of-way line of Zaragoza Road. This water main is available for service.

PUBLIC COMMENT: The subject property lies within the Eastside Civic Association. Notices sent to property owners within 300 feet on November 5, 2020. As of November 12, 2020, Planning has not received any calls in support or opposition to the rezoning 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 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:

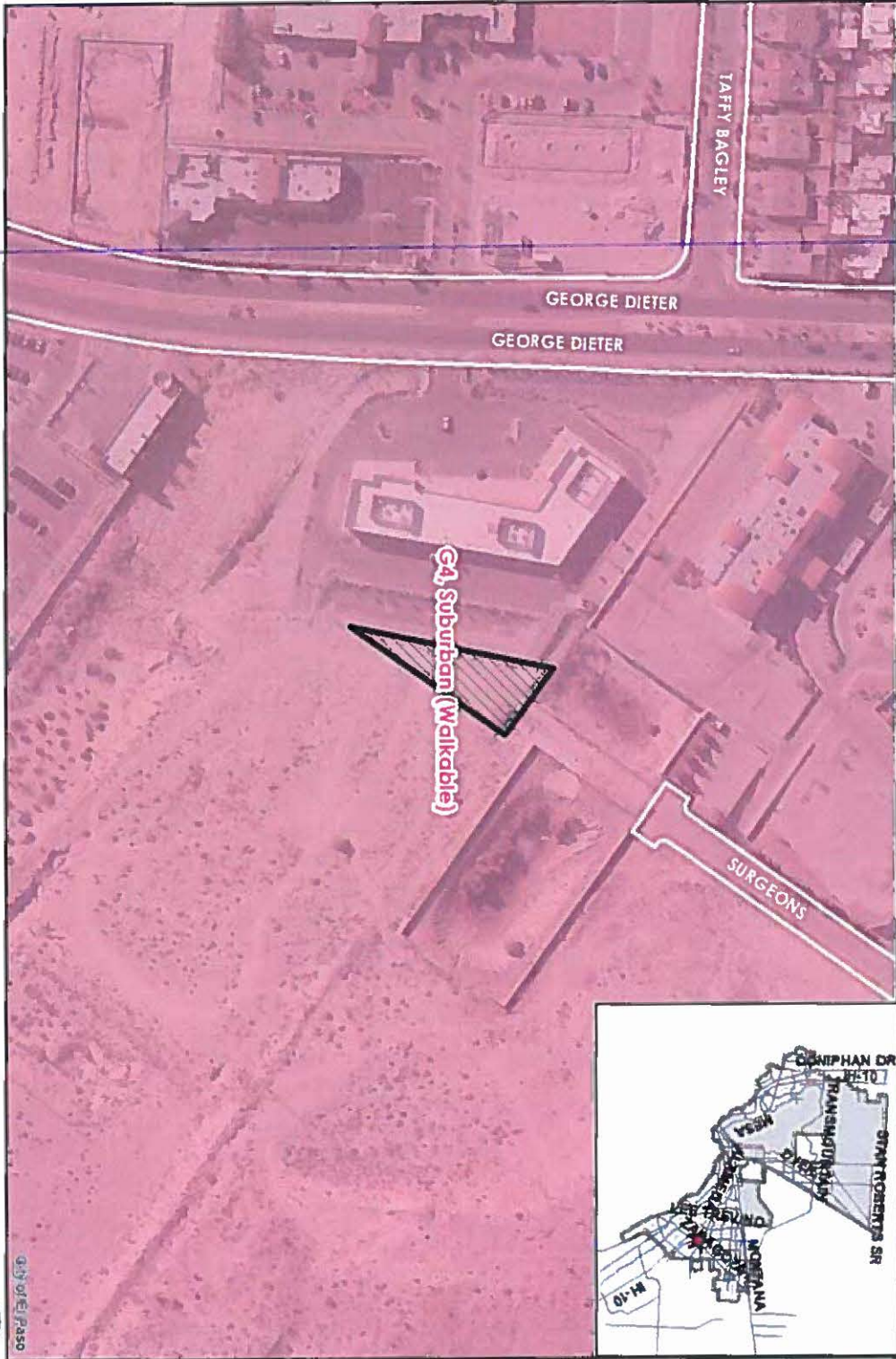
1. Future Land Use Map
 2. Department Comments
 3. Neighborhood Notification Boundary Map
 4. Conceptual Site Plan
-

ATTACHMENT 1

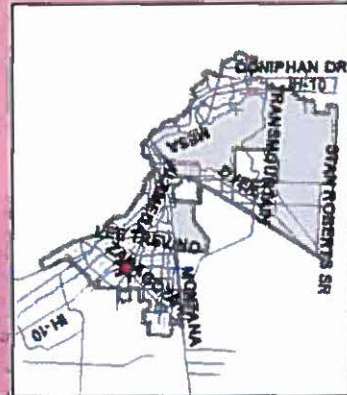
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Subject Property



PZR220-00017



ATTACHMENT 2

Planning and Inspections Department – Planning

No objections to the Rezoning.

Note:

All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall follow the City of El Paso Design Standards for Construction and be ADA/TAS compliant.

Planning and Inspections Department – Plan Review & Landscaping Division

Generalized Site Plan reviewed and approved for rezoning.

Planning and Inspections Department – Land Development

1. Show proposed drainage flow patterns on the plans and identify the discharge and/or storage location(s) for all storm-water runoff within the subdivision limits.
2. 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.
3. Add note on detailed site plan: "The retention of the difference between historic and developed 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)."
4. The Proposed ponding area(s) shall have enough capacity to hold the developed runoff for a designated 100-yr. storm event.

Fire Department

Recommended approval.

Texas Department of Transportation

TxDOT's comments are as follows:

- Requestor will need to submit a request for a driveway permit and for a grading and drainage review since improvements are proposed abutting TxDOT right-of-way.
- Requests may be submitted to elp_access@txdot.gov.

Sun Metro

Recommended approval.

Streets & Maintenance

No objections to the proposed rezoning.

El Paso Water

We have reviewed the request described above and provide the following comments:

El Paso Water (EPWater) does not object to this request.

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

Water:

There is an existing 12-inch diameter water main that extends along the eastside of Zaragoza Rd., approximately 25-feet west of and parallel to the eastern right-of-way line of Zaragoza Rd. This water main is available for service.

There is an existing 24-inch diameter water main that extends along the eastside of Zaragoza Rd., approximately 7-feet west of and parallel to the eastern right-of-way line of Zaragoza Rd. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations. EPWater records indicate there is no water meters serving the subject property.

Previous water pressure from fire hydrant #5785 located at the northeast corner of Zaragoza Rd. and Henry Brennan Dr., has yielded a static pressure of 110 psi, a residual pressure of 70 psi, and a discharge of 1,592 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 Owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sewer:

There is an existing 8-inch diameter sanitary sewer main that extends within a 20-foot PSB easement, north of and parallel to the north property line of the subject property. This sanitary sewer main is available for service.

There is an existing 8-inch diameter sanitary sewer main that extends along the west side of Zaragoza Rd., approximately 9-feet east of and parallel to the western right-of-way line of Zaragoza Rd. This sanitary sewer main is available for service.

General:

No building, reservoir, structure, parking stalls or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWater-PSB easement without the written consent of EPWater-PSB. The Developer shall refrain from constructing rock walls, signs, buildings, curbs or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any building, sign or structure. All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWater-PSB Easement Policy. The PSB easements shall be improved to allow the operation of EPWater maintenance vehicles. EPWater-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.

An application for water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd floor. 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 Engineering

We have reviewed the property described above and provide the following comments:

1. Show drainage flow patterns on the plot plan and identify the discharge location for all storm water runoff.
2. Zaragoza Rd. is a state highway; consult TXDOT if runoff is proposed to flow into their ROW.
3. The developer may be responsible for the additional stormwater runoff generated by this development, and must ensure that the historic runoff volume, peak and duration are maintained.

4. Verify that the existing pond adjacent to the subject property was designed to take in the developed runoff from this property.

El Paso County Water Improvement District #1

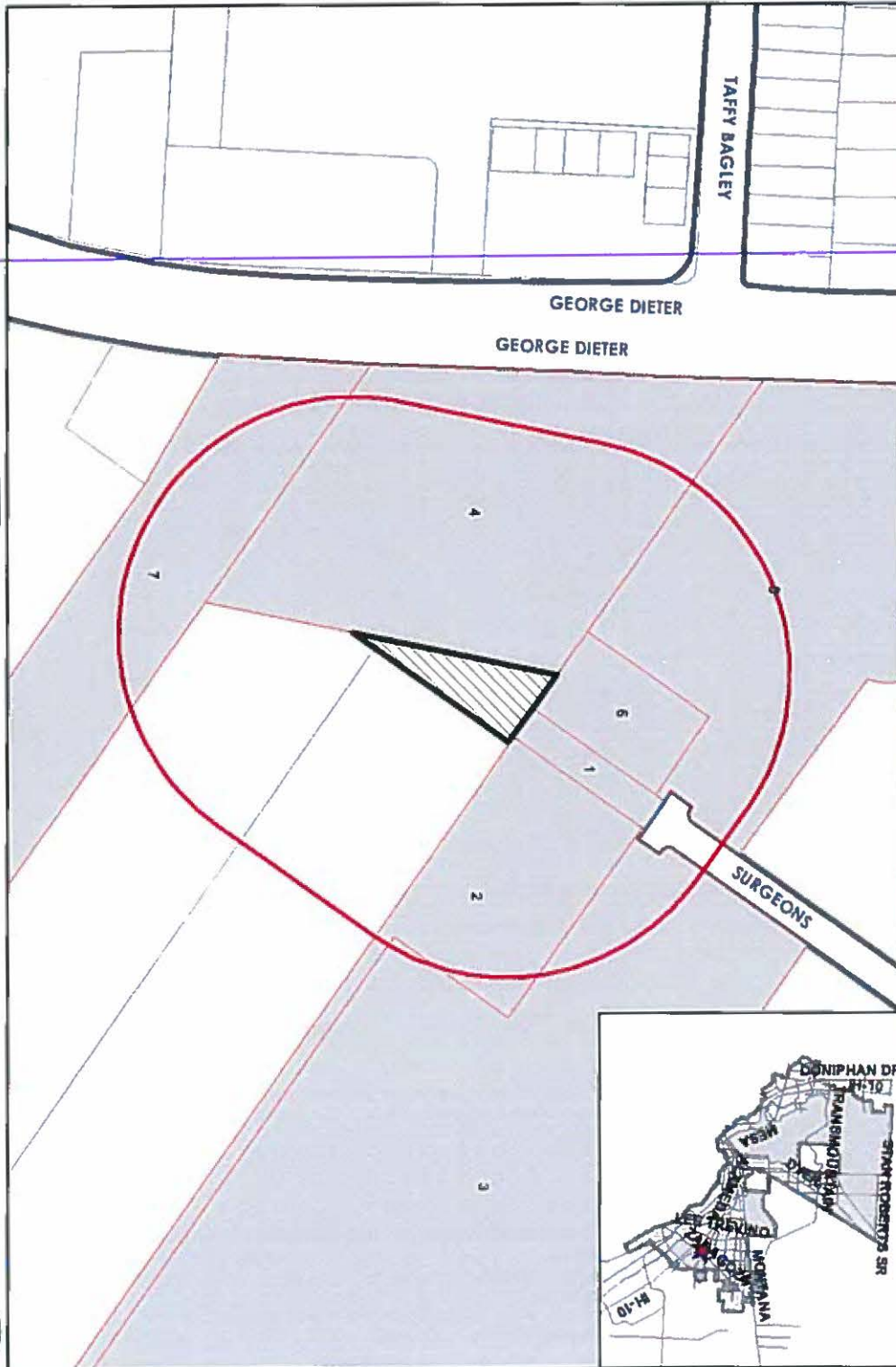
The attached cases are not within the boundaries of EPCWID

ATTACHMENT 3

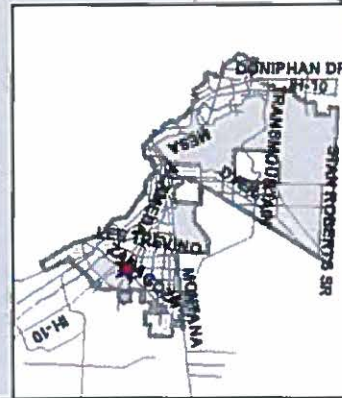
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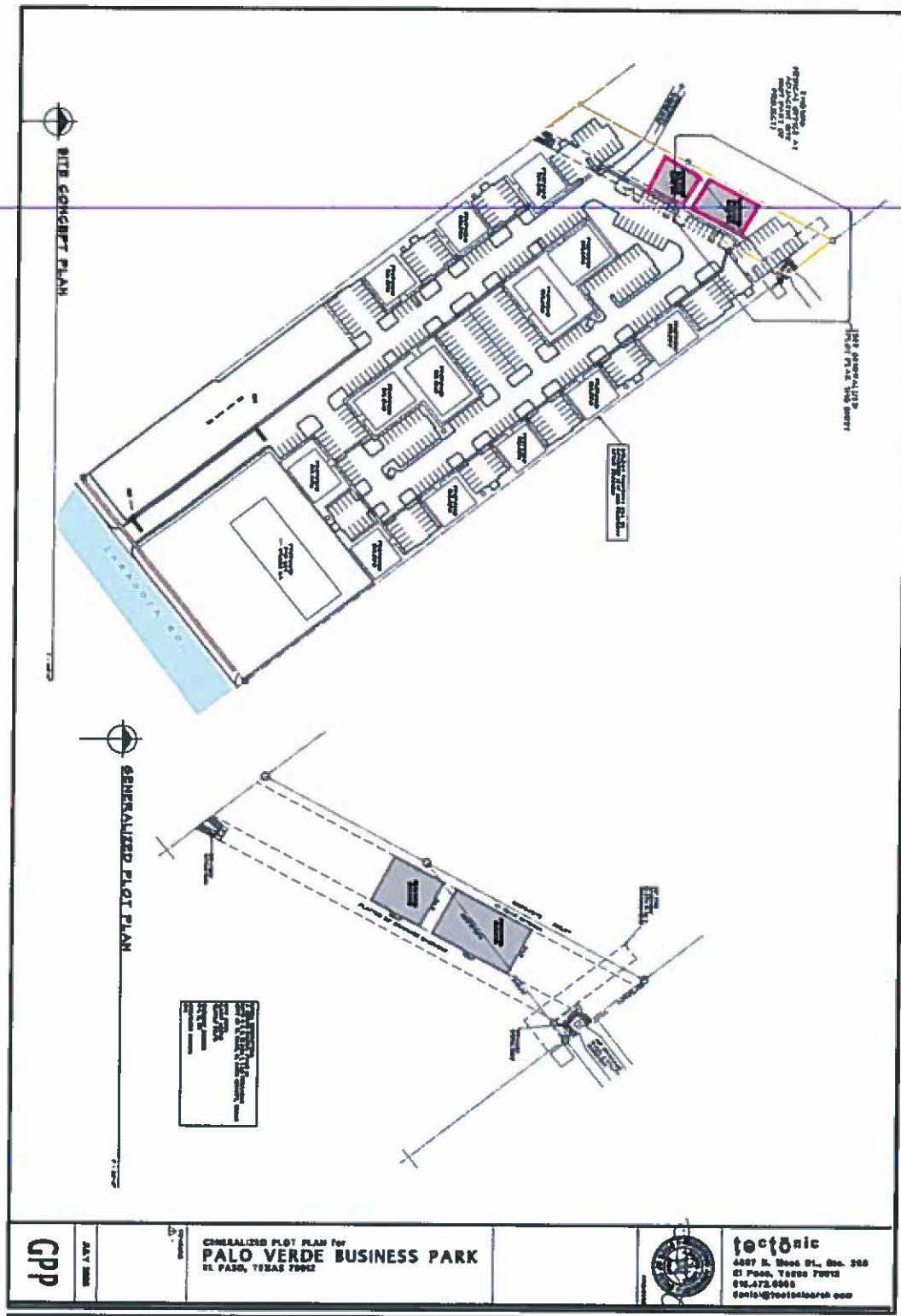
Subject Property
Parcels within 300 feet



PZR220-00017



ATTACHMENT 4





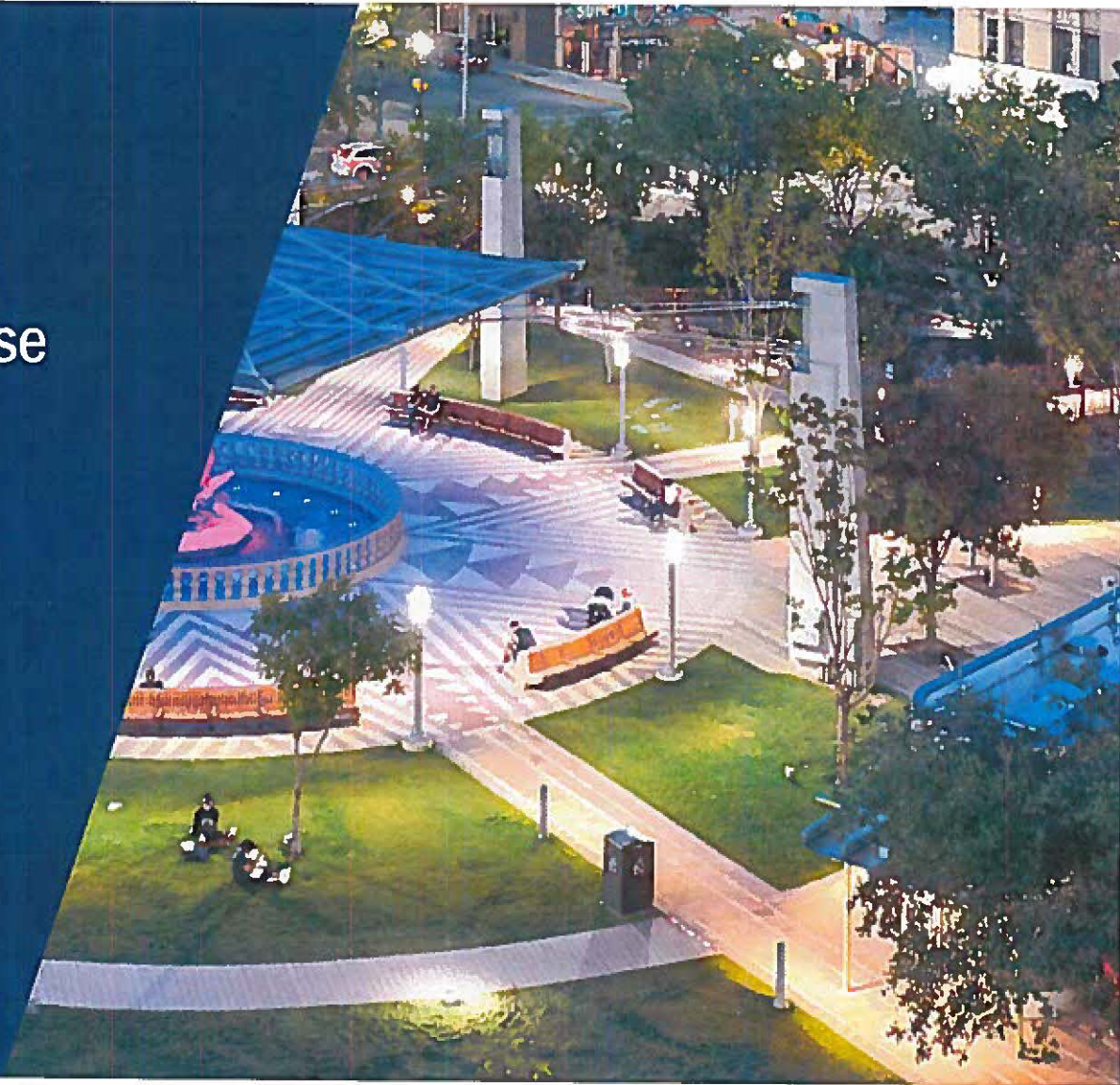
ITEM 8 & 10

1351 & 1355 Zaragoza Rd. Rezoning & Condition Release

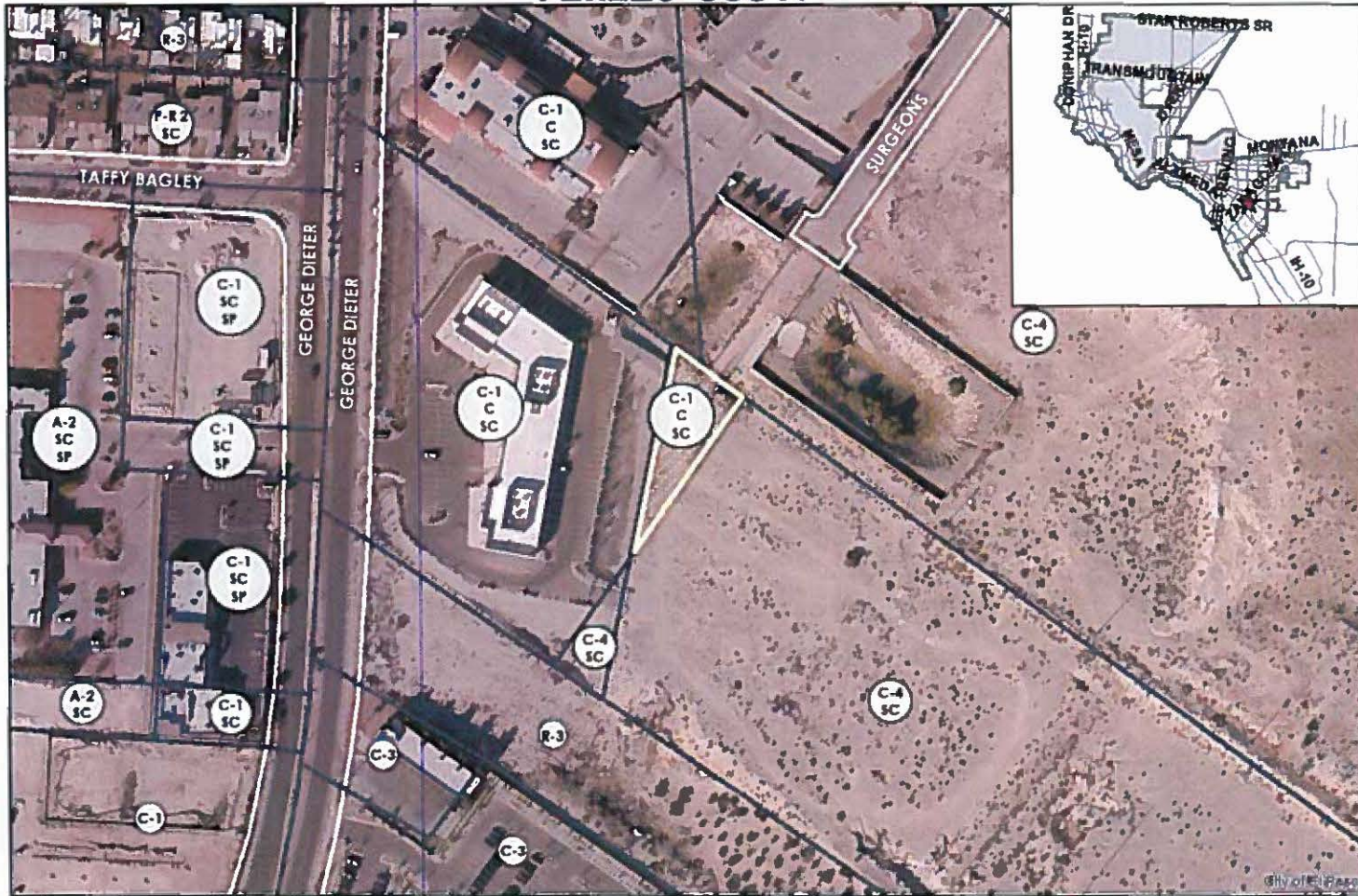
PZRZ20-00017 & PZCR20-00002

Strategic Goal 3.

Promote the Visual Image of
El Paso



PZRZ20-00017



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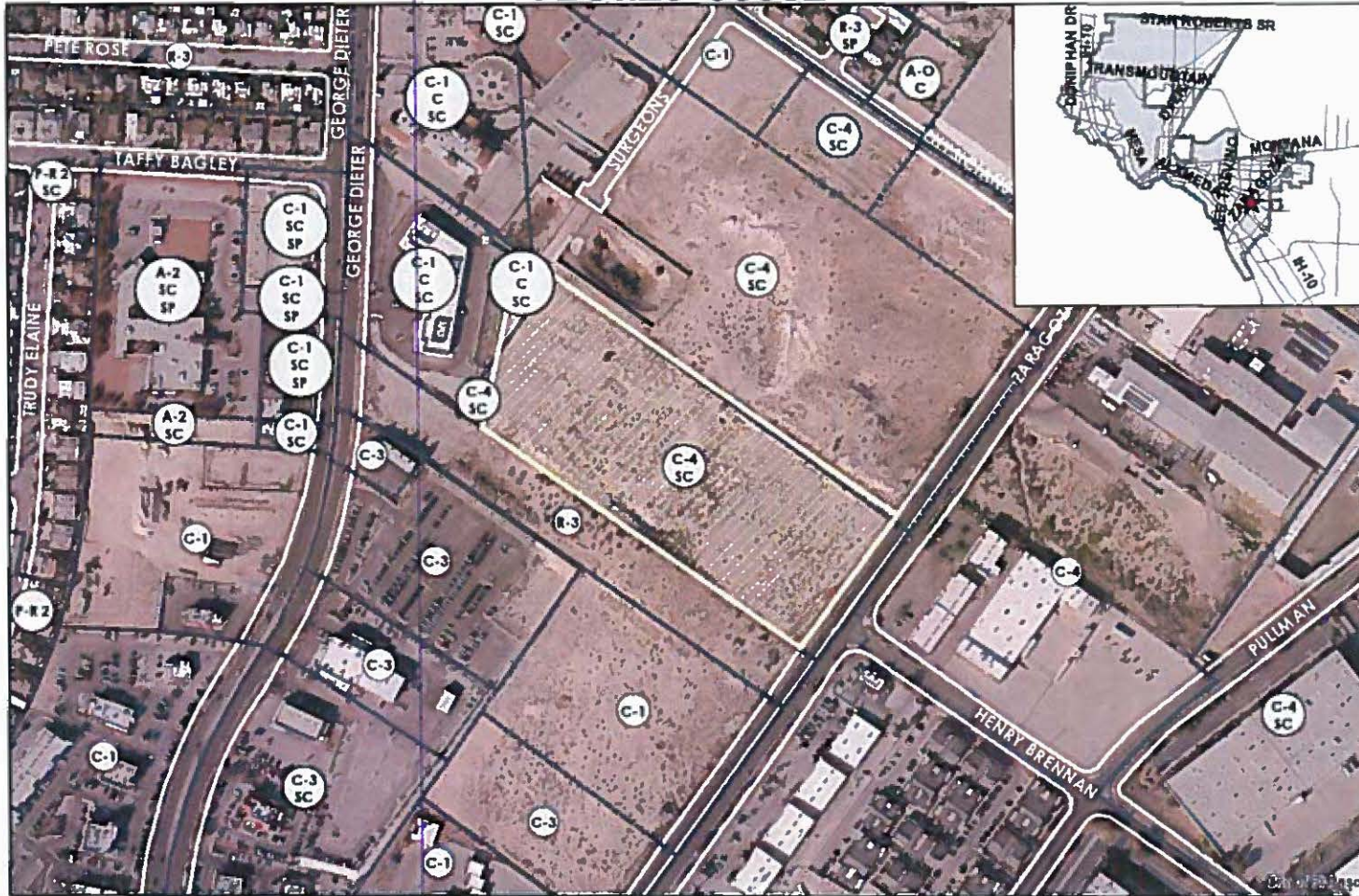


Subject Property



Aerial Rezoning

PZCR20-00002



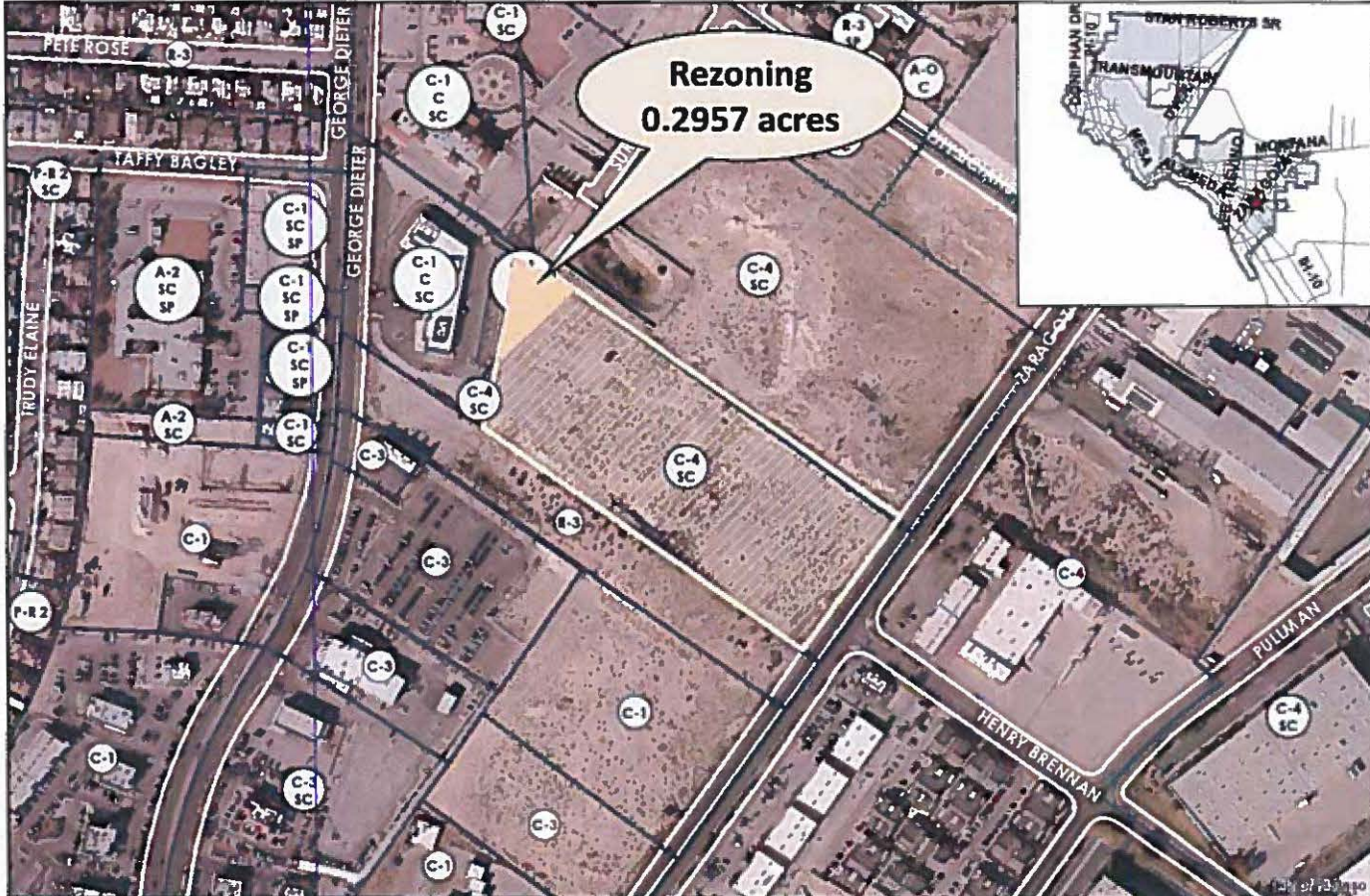
Aerial Condition Release

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 Subject Property





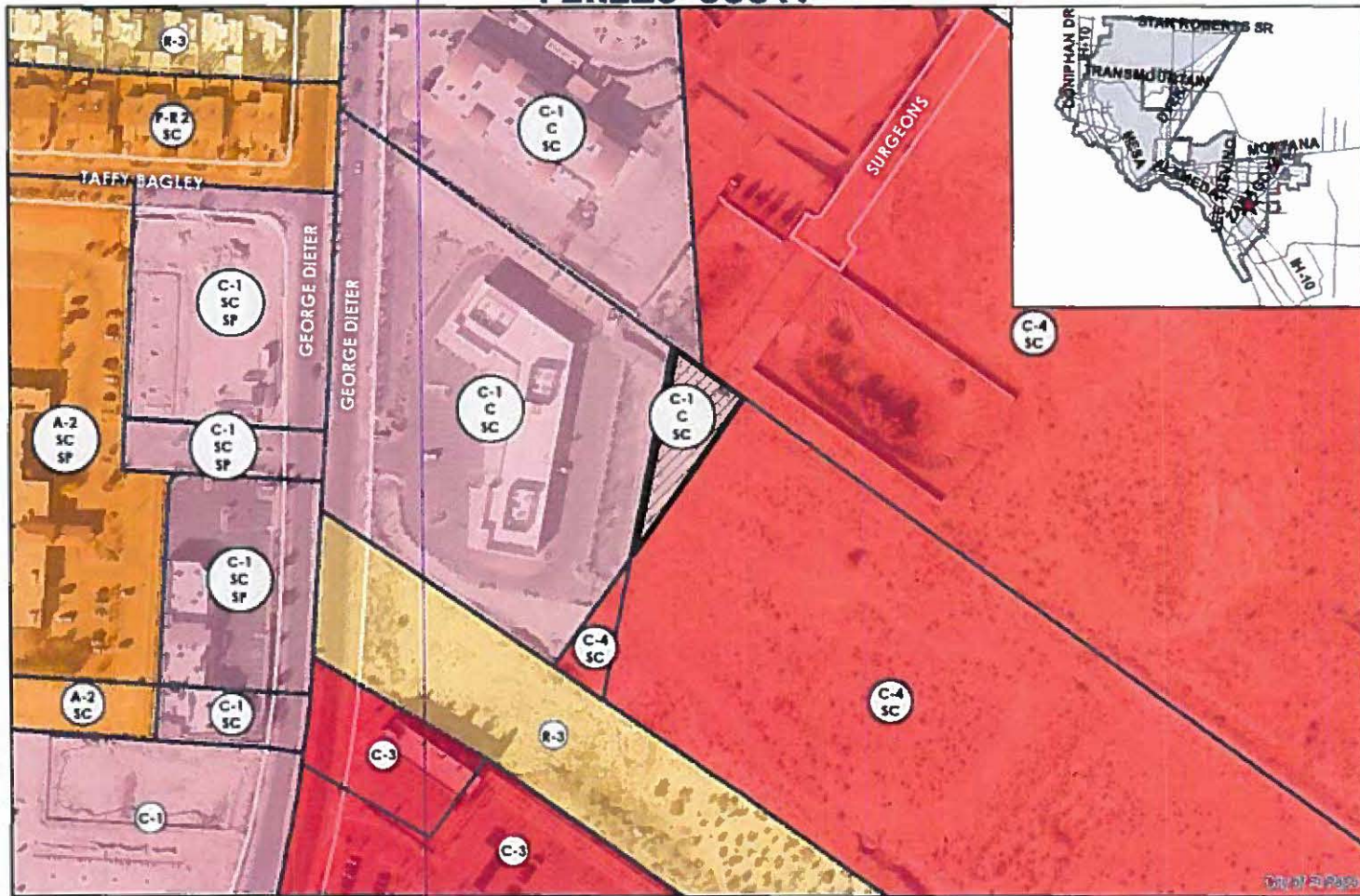
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Subject Property



PZR20-00017



Existing Zoning

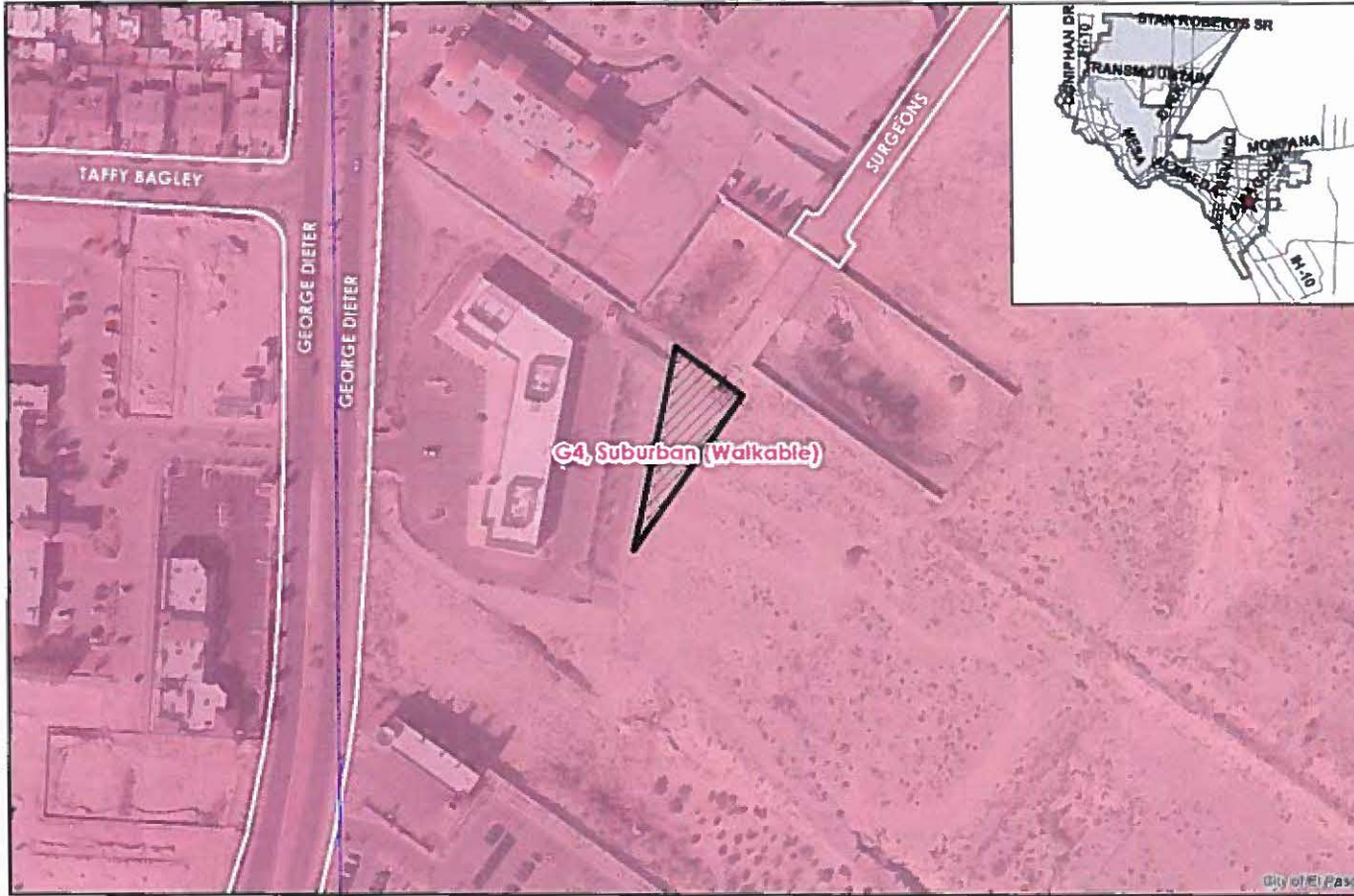
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 Subject Property



PZRZ20-00017

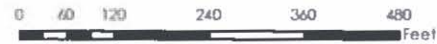


Future Land Use

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 Subject Property



Description of request:

- Current condition per Ordinance No. 7313, dated September 8, 1981
 - *No building permit shall be issued for the construction on the property until a subdivision plat of the property has been submitted by First Party to the City Plan Commission of the City of El Paso and filed for record.*

The subject property is has been platted as part of Las Terrazas Subdivision which was filed and recorded as of January 13, 2013, this condition has been met and is no longer needed.

- Current condition per Ordinance No. 17870, dated September 18, 2012
 - *That a detailed site development plan be approved per City Code prior to the issuance of any building permits as per city code.*

The applicant is proposing to develop the subject property to be used for office, business which is a permitted use in both C-1 (Commercial) and C-4 (Commercial) districts. Considering that the subject property is surrounded by similar uses within the same zoning district, this condition is no longer necessary to protect the health, safety, and welfare of its established neighborhood.

Condition Release

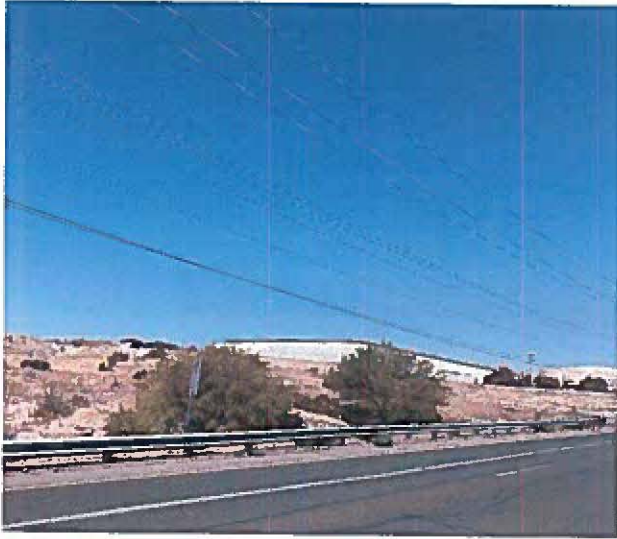


Subject Property

Surrounding Development



W



N



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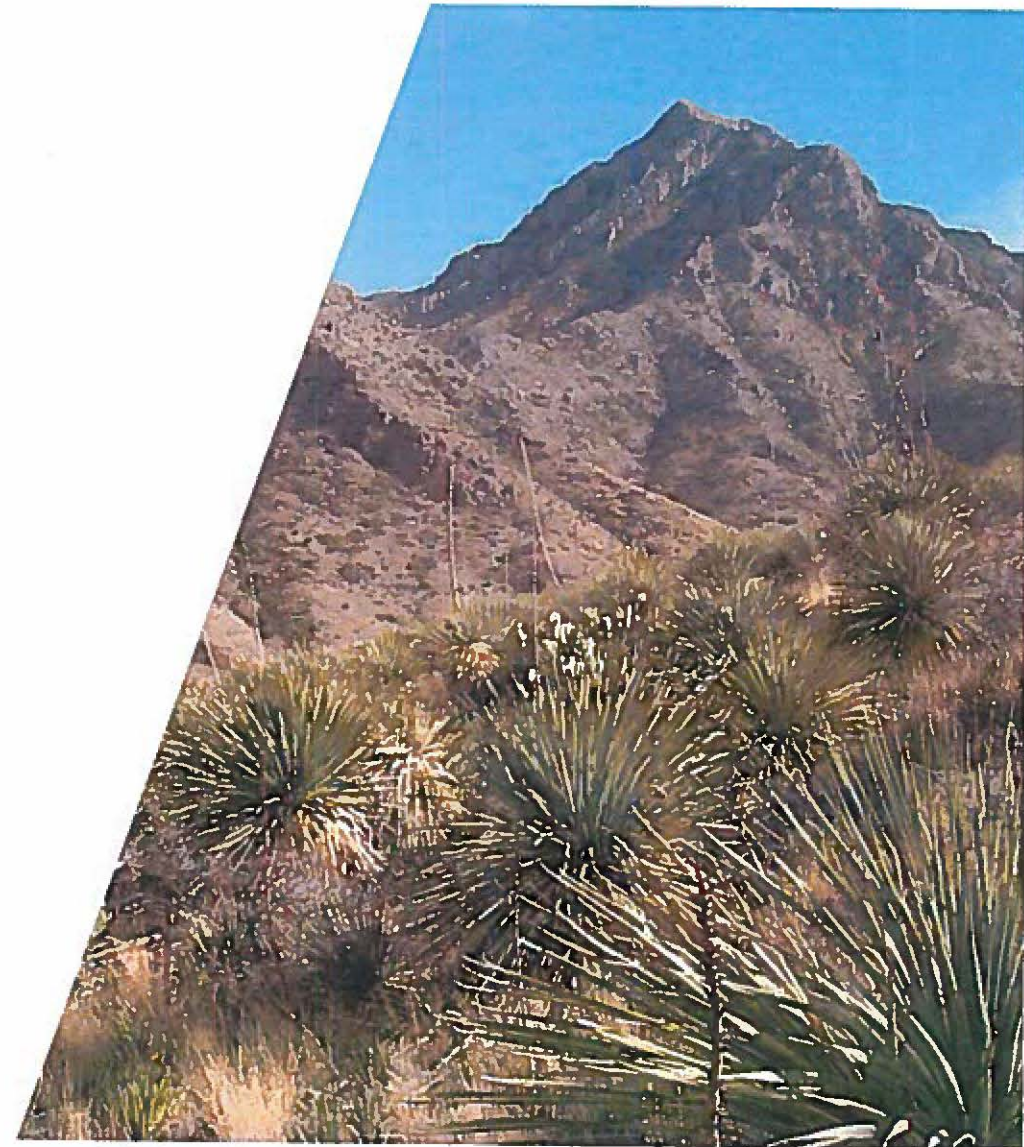


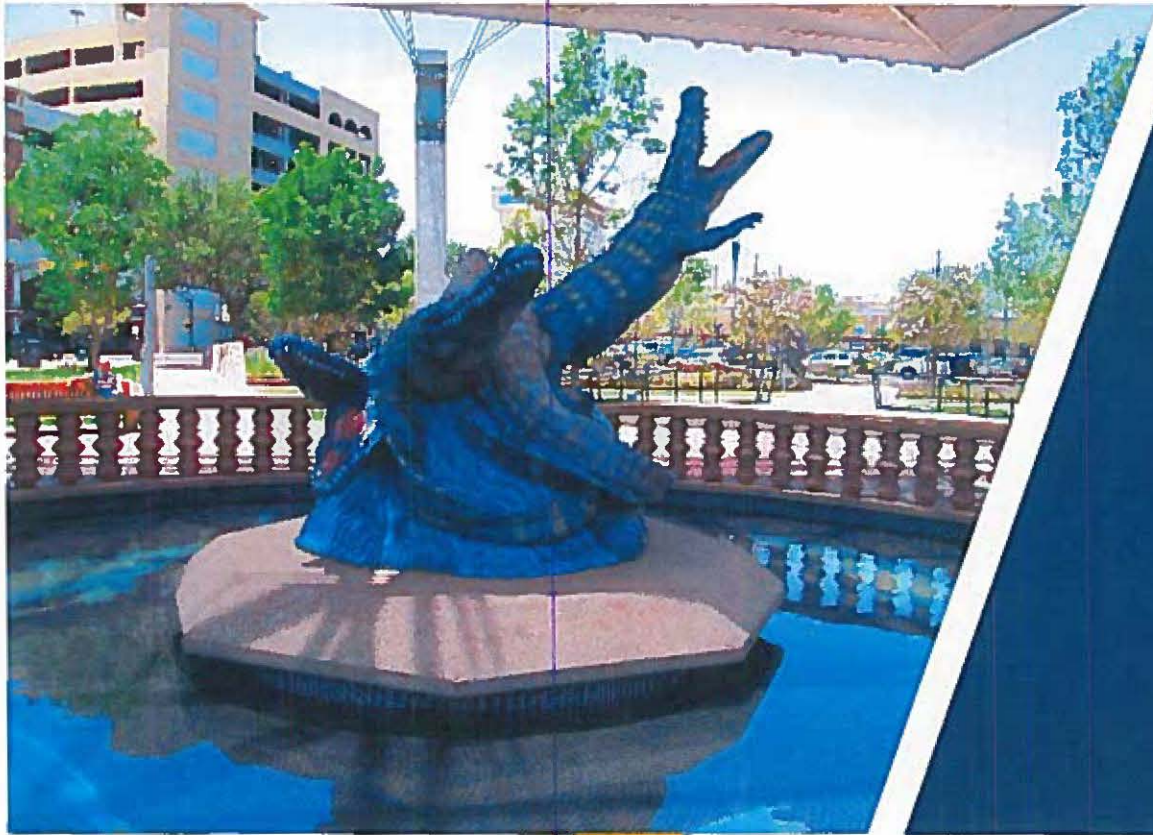
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Public Input

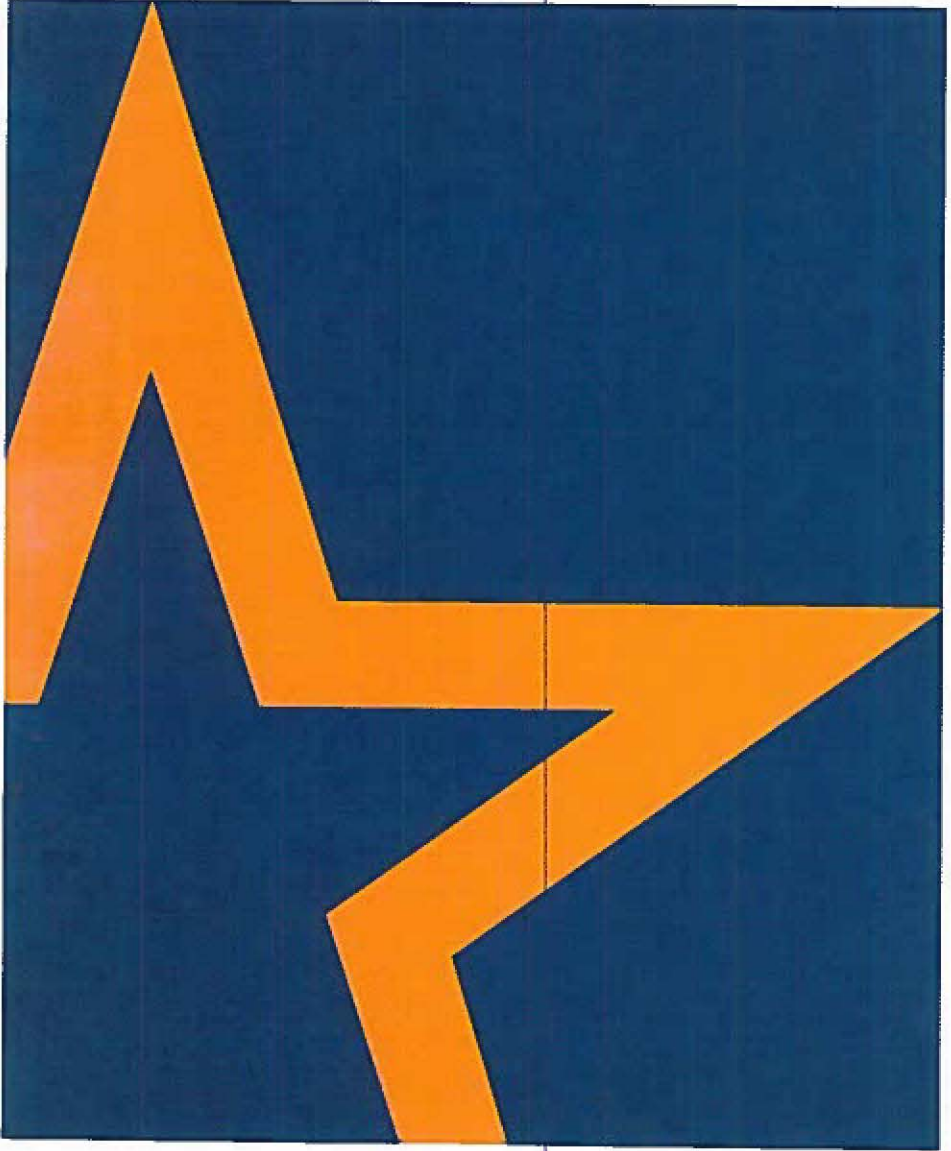
- Notices were mailed to property owners within 300 feet on November 5, 2020.
- The Planning Division has not received any communications in support nor opposition to the Rezoning & Condition Release request.





Recommendation

- Staff recommends **APPROVAL** of the rezoning and condition release request.



Mission

Deliver exceptional services to support a high quality of life and place for our community

Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government

Values

Integrity, Respect, Excellence, Accountability, People