

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

AGENDA DATE: May 9, 2023
PUBLIC HEARING DATE: June 6, 2023

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

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 Lot 1, Block 1, Tower Subdivision, 1271 Tower Trail Lane, City of El Paso, El Paso County, Texas from M-1 (Light Manufacturing) to C-3 (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: 1271 Tower Trail Lane
Applicant: Mostly Done, Inc., PZRZ23-00006

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from M-1 (Light Manufacturing) to C-3 (Commercial) to allow for a food truck park. City Plan Commission recommended 8-0 to approve the proposed rezoning with conditions on April 6, 2023. As of May 2, 2023, the Planning Division received five (5) letters of support 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 LOT 1, BLOCK 1, TOWER SUBDIVISION, 1271 TOWER TRAIL LANE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (LIGHT MANUFACTURING) TO C-3 (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 **Lot 1, Block 1, Tower Subdivision, 1271 Tower Trail Lane**, located in the City of El Paso, El Paso County, Texas, be changed from **M-1 (Light Manufacturing)** to **C-3 (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 of use generated by the change of zoning in order to protect the health, safety and welfare of the residents of the 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 lines adjacent to residential zone 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. Prior to issuance of any certificates of occupancy or completion, the subject property must provide sidewalks along Tower Trail Lane and Ranger Trail in accordance with the El Paso City Code.

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


ATTEST:

Oscar Leoser
Mayor


Laura D. Prine
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Joyce Garcia
Assistant City Attorney



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

Zoning Case No: PZRZ23-00006

1271 Tower Trail Lane

City Plan Commission — April 6, 2023

REZONING



CASE NUMBER:	PZRZ23-00006
CASE MANAGER:	Saul Pina, (915) 212-1612, PinaSJ@elpasotexas.gov
PROPERTY OWNER:	Mostly Done, Inc
REPRESENTATIVE:	Ismael Jaramillo
LOCATION:	1271 Tower Trail Ln. (District 7)
PROPERTY AREA:	0.43 acres
REQUEST:	Rezone from M-1 (Light Manufacturing) to C-3 (Commercial)
RELATED APPLICATIONS:	None
PUBLIC INPUT:	Five (5) letters of support as of March 30, 2023

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from M-1 (Light Manufacturing) to C-3 (Commercial) to allow for the use of outdoor flea market and food truck park.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the rezoning request. This recommendation is based on the consistency of the request with *Plan El Paso*, the City's adopted Comprehensive Plan, for the G-7, Industrial and/or Railyards future land use designation. The conditions are the following:

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 lines adjacent to residential zone 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. Prior to issuance of any certificates of occupancy or completion, the subject property must provide sidewalks along Tower Trail Lane and Ranger Trail in accordance with El Paso City Code.



Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone the subject property from M-1 (Light Manufacturing) to C-3 (Commercial) to allow for the use of outdoor flea market and food truck park. The subject property has an area of 0.43 acres. The conceptual site plan shows two (2) proposed shipping containers, along with a staging area, and on-site parking for visitors and food truck vendors. On-site ponding will be provided. Main access to the subject property is from Tower Trail Lane.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed rezoning is consistent with adjacent commercial zoning districts and uses and will serve nearby residents in the surrounding area. Properties to the north and west include single-family dwellings zoned R-F (Ranch and Farm); to the south is an automotive repair garage, zoned C-4/c/sc (Commercial/conditions/special contract); and to the east is an automobile (sales, service, storage and rental) establishment zoned C-3/sc (Commercial/special contract). As per one of the conditions previously mentioned, landscaping will serve as a buffer to separate commercial and residential due to the difference in zoning intensity. The nearest school, Del Valle Elementary School, is 1 mile and the nearest park, Blackie Cheshier Park, is 0.8 miles in proximity to the site.

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with Plan El Paso, 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-7, Industrial and/or Railyards: This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso’s economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.</p>	<p>Yes. The proposed zoning is compatible with the future land use designation. The proposed use of outdoor flea market and food truck park will provide new uses and services not in the nearby area.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-3 (Commercial) District: The purpose of this district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will 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 proposed zoning is compatible with surrounding commercial zoning districts. The proposed use of outdoor flea market and food truck park will integrate well with surrounding commercial uses and will service abutting residential dwellings.</p>
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the</p>	<p>Yes. The subject property has access to Tower Trail Lane, designated as a local road and connects to</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:	
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.	Gateway Boulevard East, designated as a major arterial under the City’s Major Thoroughfare Plan. The classification of Tower Trail is appropriate for the proposed development given its connectivity to the commercial establishments within the vicinity of the area.
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.	None. The subject 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 rezoning does not involve green field or environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	Yes. The area is in transition with commercial and light-manufacturing zoning buffering residential.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Primary access to the subject property is from Tower Trail Lane, a road classified as local on the City of El Paso’s Major Thoroughfare Plan (MTP) and connects to Gateway Boulevard East, a major arterial under the City’ MTP. These classifications of roads are appropriate to for the proposed development and provide connectivity to surrounding commercial establishments. The existing site infrastructure is adequate although will require improvements such as sidewalks along Tower Trail Lane and Ranger Trail. Bus route 69 runs along North Zaragoza Road and is in close proximity to the subject property. The closest bus stop is near the intersection Summerford Lane and North Zaragoza Road and is 0.13 miles away from the subject property.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments were received for the rezoning request from the reviewing departments.

PUBLIC COMMENT: The subject property lies within the Mission Valley Civic Association and Corridor 20 Civic Association. Public notice was sent to property owners within 300 feet of the subject property on March 24, 2023. As of March 30, 2023, the Planning Division received five (5) letters of support for 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 (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)**

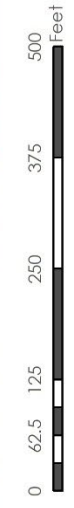
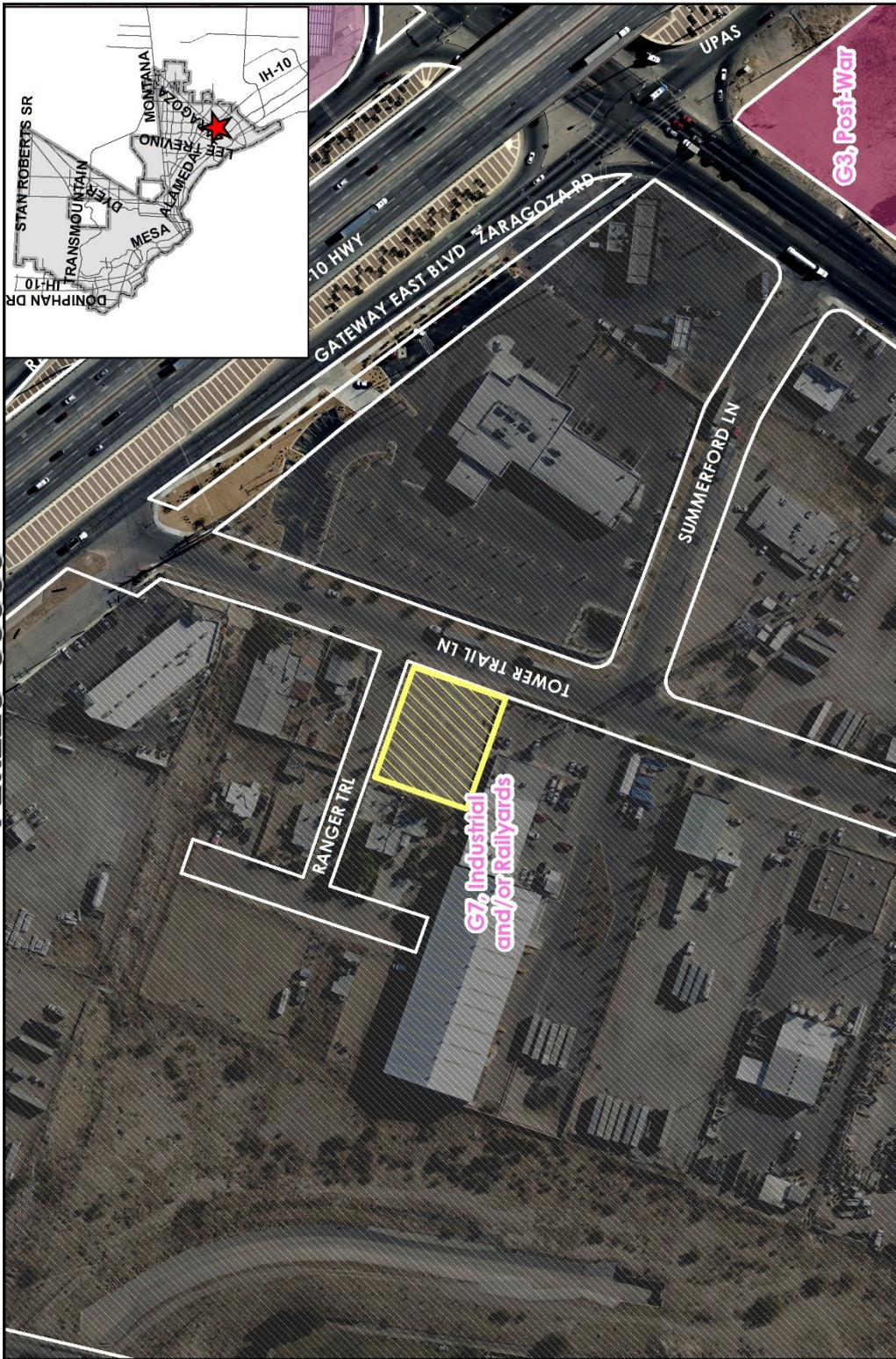
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

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

ATTACHMENT 1

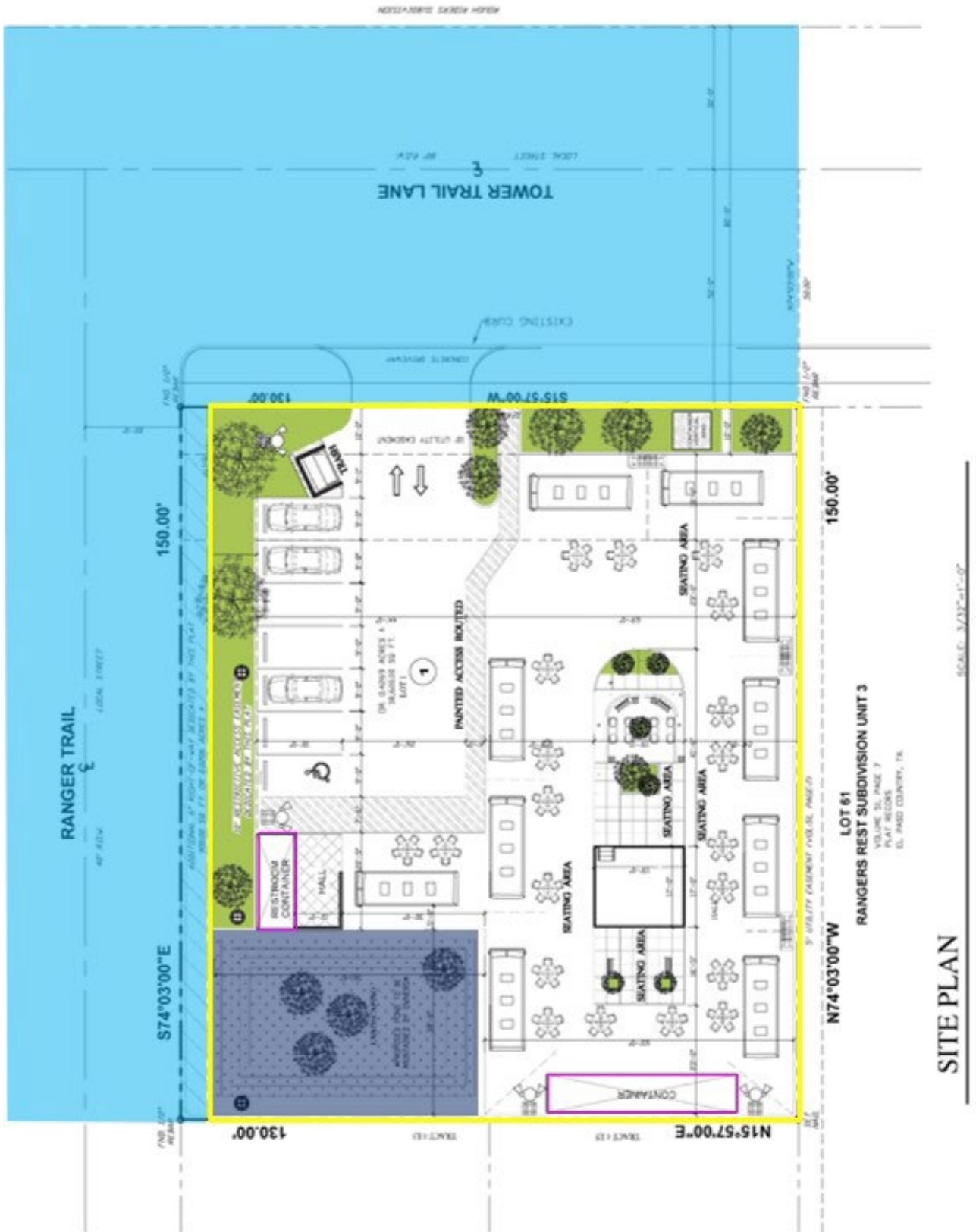
PZR23-00006



 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 may be made for informational purposes only and should not be used to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.

ATTACHMENT 2



ATTACHMENT 3

Planning and Inspections Department - Planning Division

Staff recommends approval of the rezoning request with the following condition:

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 lines adjacent to residential zone 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. Prior to issuance of any certificates of occupancy or completion, the subject property must provide sidewalks along Tower Trail Lane and Ranger Trail in accordance with El Paso City Code.

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend approval:

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. Driveway width in commercial area shall be 25' minimum to 35' maximum.
2. Recommend 5' concrete sidewalk on all right-of-way. (Tower Trail Ln. and Ranger Rail Dr.)
3. Ranger Trail Dr. is unimproved. It is recommended to provide cross section of the street, including sidewalk and parkway area.

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

Fire Department

No comments provided.

Police Department

No comments provided.

Environmental Services

The angle that the trash bin faces should be sufficient for a 26-foot long truck to be able to provide service and prevent damage to the area or anyone who may park along the curb.

Streets and Maintenance Department

No objections to the request. A 5-foot sidewalk must be provided along the property boundary with ADA ramp at the intersection of Tower Trail and Ranger Trail.

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

Sun Metro

No comments provided.

El Paso Water

EPWater does not object to this request.

Water:

There is an existing 4-inch diameter water main extending along Ranger Trail, located approximately 14.5 feet south of right-of-way north boundary line. This main is available for service.

There is an existing 8-inch diameter water main extending along Tower Train Lane, located approximately 10-feet east of the right-of-way centerline. This main is available for service.

Previous water pressure reading from fire hydrant # 02904 located on the intersection of Gateway East Boulevard and Tower Trail Lane, yielded a static pressure of 90 psi, a residual pressure 70 psi and a discharge of 1,244 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 extending along Ranger Trail located approximately 15-feet north of the property. This main is available for service.

There is an existing 8-inch diameter sanitary sewer main extending along Tower Trail Lane located approximately 22-ft east of the property. This main is available for service.

General:

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:

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.

The proposed ponding area shown, shall have enough capacity to hold the developed runoff for a designated 100-yr. storm event.

El Paso 9-1-1 District

No comments/concerns regarding the rezoning request.

El Paso County Water Improvement District #1

No comments provided.

Texas Gas Service – El Paso

No objection to the rezoning request.

ATTACHMENT 5

Hello Neighbors

To whom it may concern;

My name is Ismael Jaramillo, I am the property owner at 1271 Tower Trail Ln, the reason for this letter is that I'm proposing to rezone this property for the purpose of building a food truck park and I'm asking for your support and would really appreciate it.

Name:

Carol Anderson

Address:

1291 Tower Trail Ln.

Signature:

Carol Anderson

Date:

2-9-23

Phone:

915-502-6552

Comments:

I think this would make a great improvement
in my neighbor hood,

Hello Neighbors

To whom it may concern;

My name is Ismael Jaramillo, I am the property owner at 1271 Tower Trail Ln, the reason for this letter is that I'm proposing to rezone this property for the purpose of building a food truck park and I'm asking for your support and would really appreciate it.

Name:

Mary Douglas

Address:

1281 Tower Tr. Ln.

Signature:

Mary Douglas

Date:

2-11-23

Phone:

915-759-1432

Comments:

I believe this is a good thing
to happen here

Hello Neighbors

To whom it may concern;

My name is Ismael Jaramillo, I am the property owner at 1271 Tower Trail Ln, the reason for this letter is that I'm proposing to rezone this property for the purpose of building a food truck park and I'm asking for your support and would really appreciate it.

Name:

Blasa Saldívar

Address:

1238 Ranger

Signature:

Blasa Saldívar

Date:

2/9/23

Phone:

915-204-2376

Comments:

Hello Neighbors

To whom it may concern;

My name is Ismael Jaramillo, I am the property owner at 1271 Tower Trail Ln, the reason for this letter is that I'm proposing to rezone this property for the purpose of building a food truck park and I'm asking for your support and would really appreciate it.

Name:

Heather Rodriguez

Address:

1242 Ranger

Signature:

Heather Rodriguez

Date:

2-11-23

Phone:

915-352-3411

Comments:

Hello Neighbors

To whom it may concern;

My name is Ismael Jaramillo, I am the property owner at 1271 Tower Trail Ln, the reason for this letter is that I'm proposing to rezone this property for the purpose of building a food truck park and I'm asking for your support and would really appreciate it.

Name:

Angelita Vasquez

Address:

1246 Ranger st

Signature:



Date:

2/13/23

Phone:

915-929-6223

Comments:
