

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

AGENDA DATE: July 7, 2021

PUBLIC HEARING DATE: August 3, 2021

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
David Samaniego, (915) 212-1608

DISTRICT(S) AFFECTED: District 4

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 Lot 1, Block 35, Colonia Verde #6, 10005 Dyer Street, City of El Paso, El Paso County, Texas, From C-2/c/sc (Commercial/condition/special contract) to C-1/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: 10005 Dyer Street
Applicant: Beckross Properties, LLC PZRZ20-00027

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone the subject property from C-2/c/sc (Commercial/condition/special contract) to C-1/c/sc (Commercial/condition/special contract) to allow for the construction of a convenience store with gas pumps. City Plan Commission recommended 9-0 to approve the proposed rezoning on April 22, 2021. As of June 28, 2021, staff has not received any communication in support or opposition to the rezoning request. See attached staff report for additional information. (Related case PZDS20-00045)

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

Philip F. Etiwe – Planning and Inspections Director

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOT 1, BLOCK 35, COLONIA VERDE #6, 10005 DYER STREET, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-2/C/SC (COMMERCIAL/CONDITION/SPECIAL CONTRACT) TO C-1/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, the zoning of **Lot 1, Block 35, Colonia Verde #6, 10005 Dyer Street**, located in the City of El Paso, El Paso County, Texas, be changed from **C-2/c/sc (Commercial/condition/special contract)** to **C-1/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.

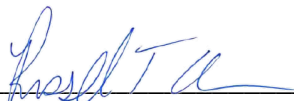
THE CITY OF EL PASO

Oscar Leeser, Mayor

ATTEST:


Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Russell Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

DESCRIPTION OF REQUEST: The applicant proposes to rezone a the subject property from C-2/c/sc (Commercial/condition/special contract) to C-1/c/sc (Commercial/ condition/special contract). The subject property is located at 10005 Dyer Street within the Northeast Planning Area. The applicant intends to combine the abutting property, 10001 Dyer Street, zoned C-1 (Commercial) into one commercial lot. The proposed rezoning will allow for the entire parcel to fall within the same zoning district after the two current properties are combined. The detailed site development plan (DSDP) shows a 5,200-square foot convenience store with gas pumps. Primary access to the development is from Dyer Street and Woodrow Bean Transmountain Road.

PREVIOUS CASE HISTORY: N/A

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed development meets the intent of G-3, Post-War use designation of *Plan El Paso* in the Northeast Planning area. The nearest park is Colonia Verde Park (.55 miles) and the nearest school is Parkland High School (0.44 miles).

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-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 G-3 designation is compatible with the C-1 (Commercial) and the abutting R-4 (Residential) zoning districts. The block face along Dyer St. is zoned C-1 and C-2 (Commercial) and features vacant land and low-density commercial. The abutting properties to the rear are zoned R-4 (Residential) and feature single-family residential development. The proposed development continues the abutting use of a convenience store and will serve the surrounding neighborhood.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-1 (Commercial) District: The purpose of the district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.</p>	<p>Yes, the proposed development is a permitted use in the C-1 (Commercial) zone district. All properties on the same block face fronting Dyer are zoned C-1 and C-2 (Commercial) and are currently vacant or feature similar low-density commercial uses.</p>
<p>Preferred Development Locations: Is the property in a “Compact Urban” area?</p>	<p>Yes, the subject property is located along Dyer Avenue, which is classified as a major</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:	
	arterial on 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.	No, the proposed development is outside any historic districts or other special designation areas.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	There are no adverse effects anticipated 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.	The area is stable. The most recent rezoning is dated September 20, 2011 (PZRZ11-00033) that rezoned the subject property from C-1/sc (Commercial/special contract) to C-2/sc (Commercial/special contract).
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: The subject property is platted and fronts onto Dyer Street, which is classified as a major arterial on the City of El Paso's Major Thoroughfare Plan. In addition, there is an existing 30-inch diameter water flow main that runs along Dyer Street that is available for service. There is also an existing 15-inch diameter sanitary sewer main that extends along Dyer Street that is also available for service. The owner of the subject property is responsible for extension and on-site/off-site easement acquisition costs.

PUBLIC COMMENT: The subject property lies within the Northeast Planning area. Notices were mailed to property owners within 300-feet on April 9, 2021. As of April 15th, 2021, Planning has not received any communication in sport of or opposition to the rezoning request.

RELATED APPLICATIONS: There is also a related application to approve a detailed site development plan (DSDP), PZDS20-00045, as per Ordinance 8361. The DSDP is to allow for the new construction of a convenience store with gas pumps.

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:

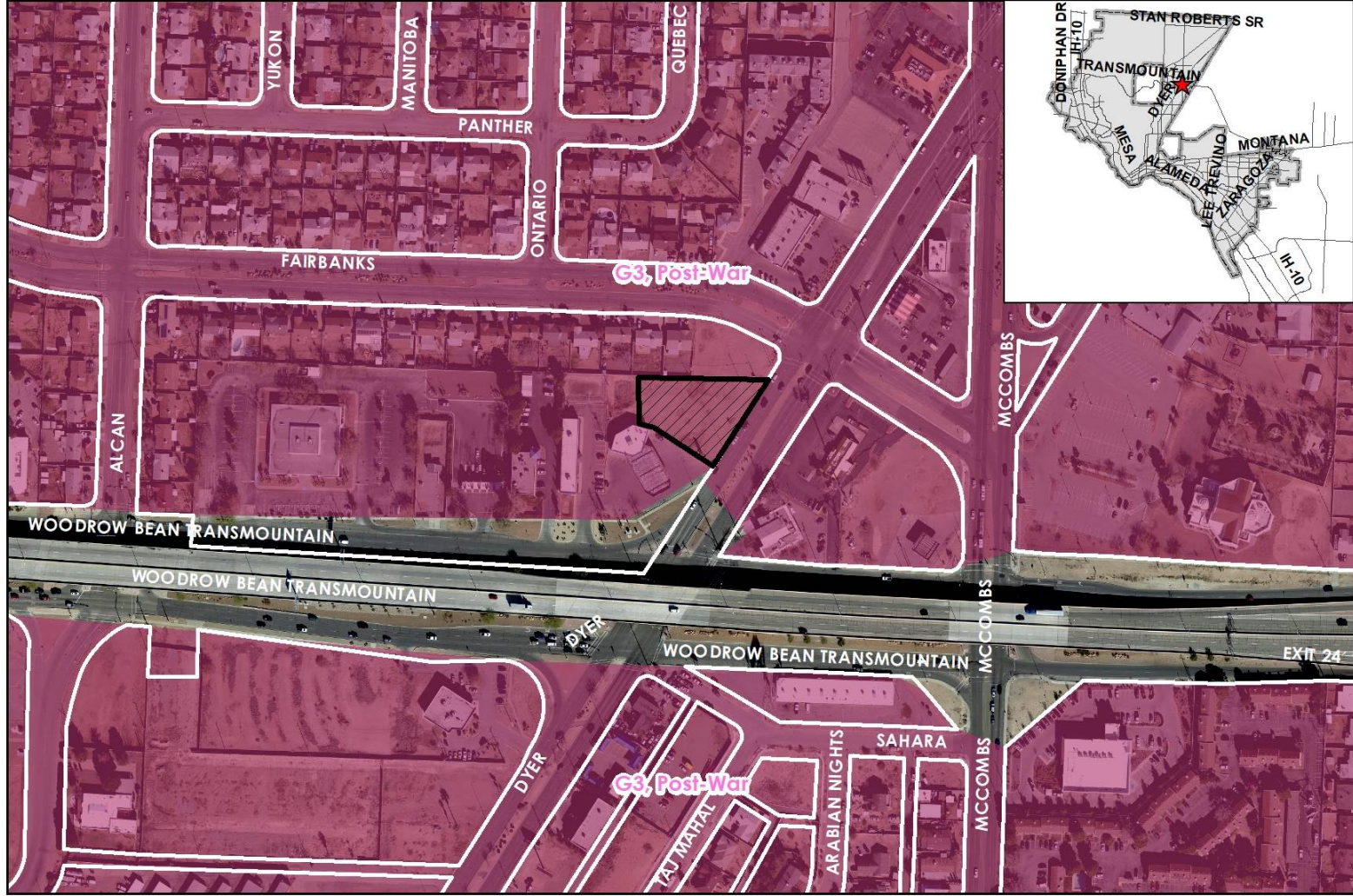
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
(Staff Recommendation)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

ATTACHMENT 1

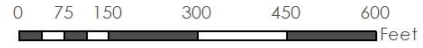
PZRZ20-00027



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 its accuracy or completeness.



 Subject Property



ATTACHMENT 2

Planning and Inspections Department – Planning

Recommend approval.

Planning and Inspections Department – Plan Review

Recommend approval.

Texas Department of Transportation

Engineer need to submit plans and access request form and grading plan to TxDOT for review and approval. Please have requestor to send their request to ELP_Access@txdot.gov

*Applicant has submitted written proof of continued coordination with TxDOT – Planning.

Planning and Inspections Department – Land Development

No objections to proposed rezoning & detailed site development plan.

Streets and Maintenance

No objections

Fire Department

Recommend approval.

Police Department

Reviewed – no objections.

Sun Metro

Recommend approval – no objections.

El Paso Water

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

Dyer Street and Woodrow Bean Transmountain Road are Texas Department of Transportation (TxDOT) rights-of-way. All proposed water and sanitary sewer work to be performed within Dyer Street and Woodrow Bean Transmountain Road rights-of-way requires written permission from TxDOT.

Water:

There is an existing 12-inch diameter water main that extends along Woodrow Bean Transmountain Rd., located approximately 20-feet south of and parallel to the northern right-of-way line of Woodrow Bean Transmountain Rd. and continues along Dyer St. approximately 14-feet west of and parallel to the eastern right-of way of Dyer St. This water main is available for service.

There is an existing 30-inch diameter water flow main located 20-feet south of and parallel to the northern right-of-way line of Woodrow Bean Transmountain Rd. and continues along Dyer St. approximately 12-feet west of and parallel to the western back of curb of Dyer St. 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 an active 1-1/2-inch water meter serving the subject property. The service address for this meter is 10001 Dyer.

Previous water pressure from fire hydrant #813 located at the northeast corner of Dyer St. and Woodrow Bean Transmountain Rd., has yielded a static pressure of 88 psi, a residual pressure of 80 psi, and a discharge of 1061 gallons per minute.

Sanitary Sewer:

There is an existing 15-inch diameter sanitary sewer main that extends along Dyer St. approximately 20-feet east of and parallel to the western right-of-way line of Dyer St. This sanitary sewer main is available for service.

There is an existing 21-inch diameter sanitary sewer main that extends along Dyer St. approximately 25-feet west of and parallel to the western right-of-way line of Dyer St. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

General:

EPWU requires a new service application to provide service to the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: a site plan, utility plan, drainage and grading plans, landscaping plan (if applicable). Application for services for subdivisions must be made in conjunction with the request for water and sanitary sewer main extensions. 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 EPWU – PSB Rules and Regulations. The owner 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.

El Paso Water – Stormwater Engineering

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

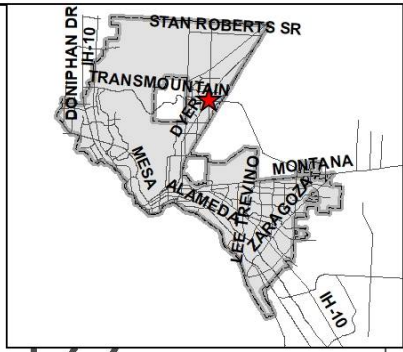
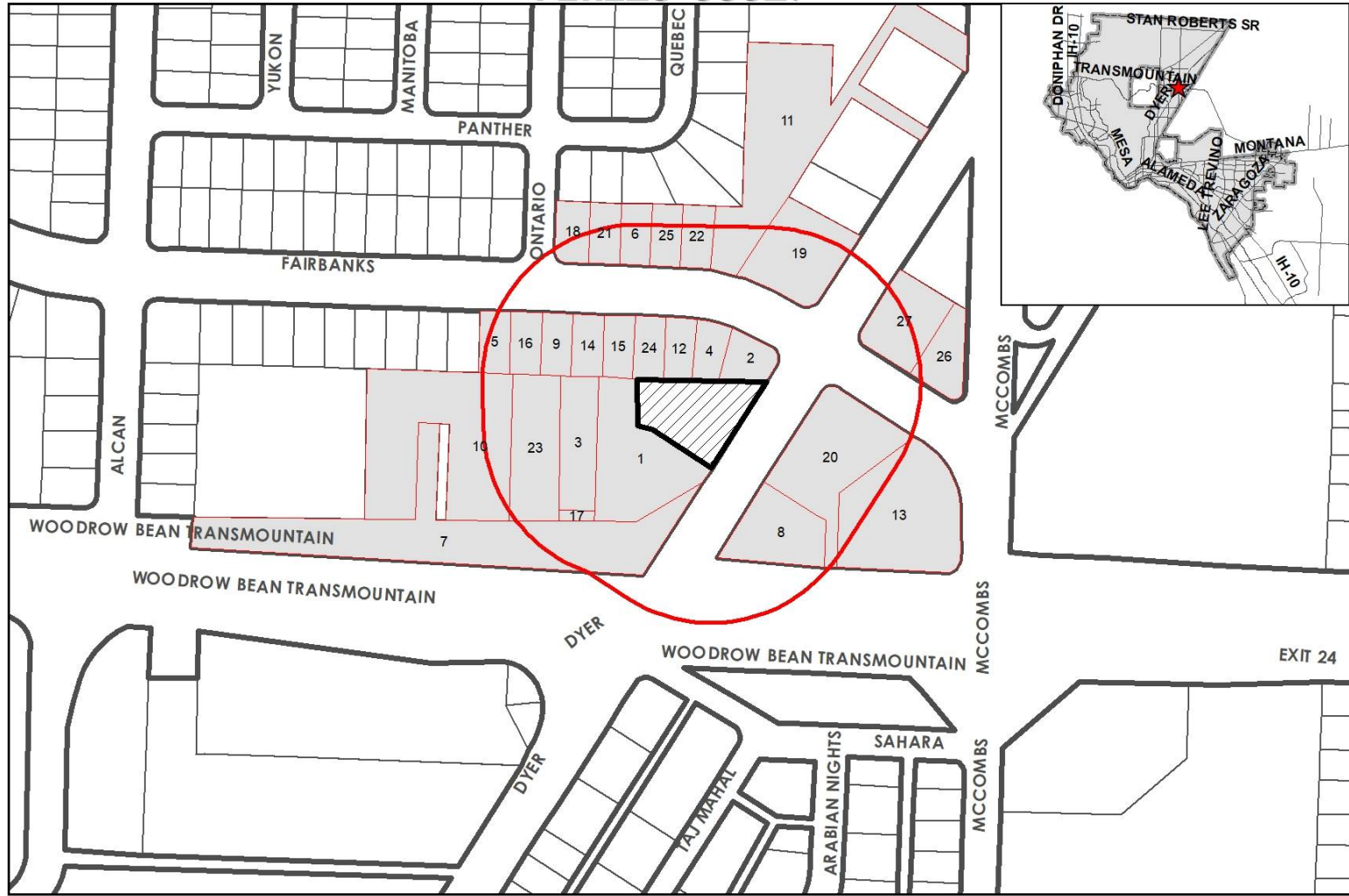
- As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation 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.
- Previously, this property had a ponding area in the back and there was a vacant lot fronting Dyer St., which had pervious surface. Once it becomes fully developed, there will be runoff into Dyer St. & Transmountain Rd.; these are state-maintained roads and they are not designed to take any offsite runoff.

Planning and Inspections Department – Landscaping Division

No comments received.

ATTACHMENT 3

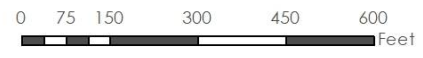
PZRZ20-00027



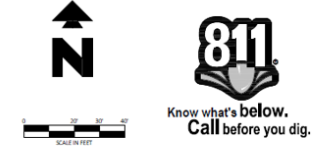
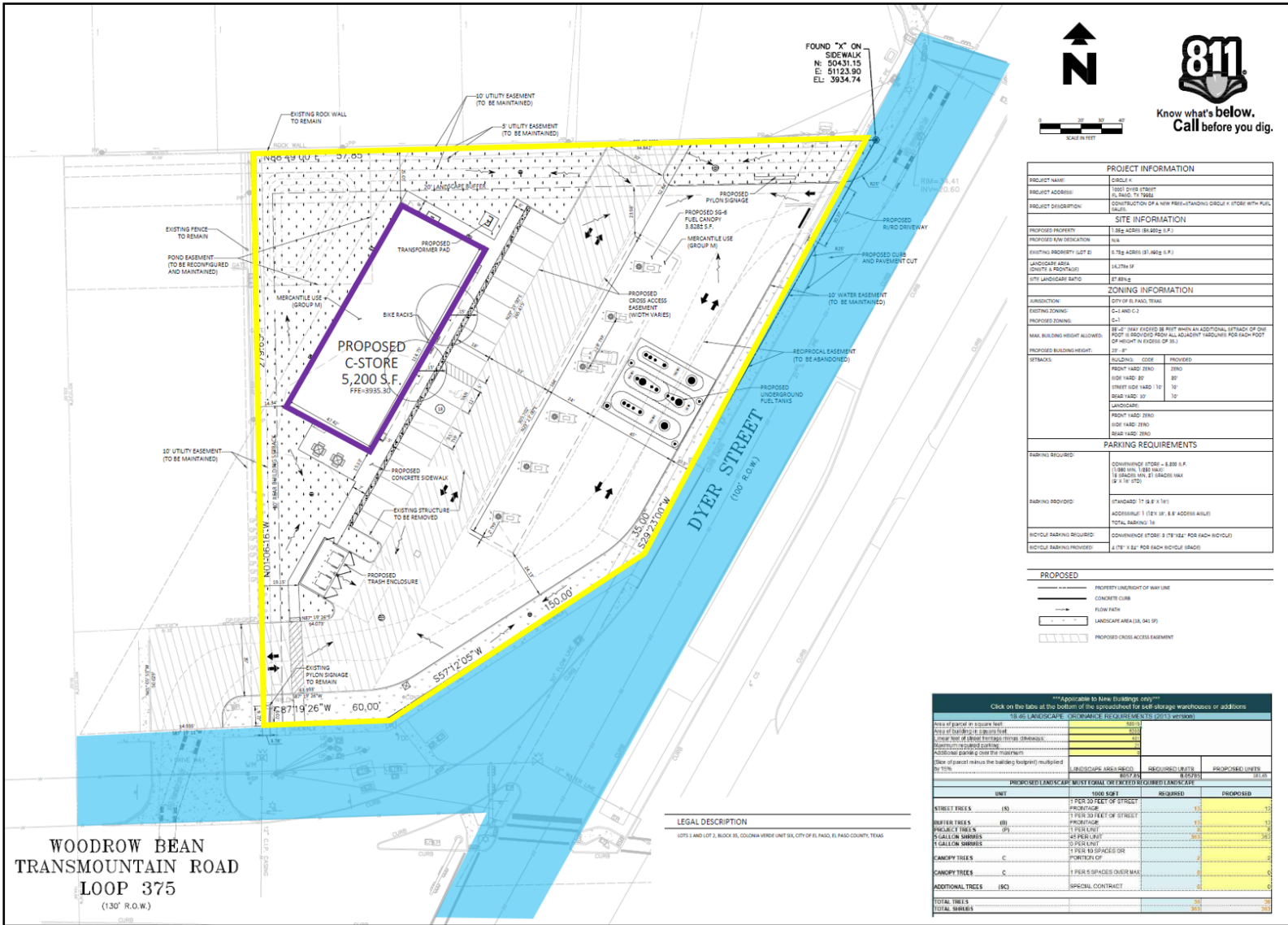
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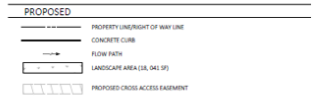
- Subject Property
- Parcels within 300 feet



ATTACHMENT 4



PROJECT INFORMATION	
PROJECT NAME:	CIRCLE K
PROJECT ADDRESS:	1000 DYER STREET EL PASO, TX 79906
PROJECT DESCRIPTION:	CONSTRUCTION OF A NEW FREE-STANDING CIRCLE K STORE WITH FUEL CANOPY
SITE INFORMATION	
PROPOSED PROPERTY:	1.862 ACRES (81,842 S.F.)
PROPOSED PARCEL DESIGNATION:	N/A
EXISTING PROPERTY (LOT #):	5.782 ACRES (251,862 S.F.)
LANDSCAPE AREA (CONCRETE & PAVEMENT):	14,779 S.F.
STY LANDSCAPE RATIO:	87.88%
ZONING INFORMATION	
JURISDICTION:	CITY OF EL PASO, TEXAS
EXISTING ZONING:	C-1 (MERC-C)
PROPOSED ZONING:	C-1
MAX. BUILDING HEIGHT ALLOWED:	35' 0" (MAX. HEIGHTS BE FURTHER WITH AN ADDITIONAL STRADDLE OF ONE FOOT IS PROVIDED FROM ALL ADJACENT PARCELS FOR EACH FOOT OF HEIGHT IN EXCESS OF 35')
PROPOSED BUILDING HEIGHT:	35' 0"
STRAKES	
BUILDING CODE PROVIDED:	
FRONT YARD STRIKE:	20' 0"
SIDE YARD STRIKE:	10' 0"
REAR YARD STRIKE:	10' 0"
LANDSCAPE	
FRONT YARD STRIKE:	20' 0"
SIDE YARD STRIKE:	10' 0"
REAR YARD STRIKE:	10' 0"
PARKING REQUIREMENTS	
PARKING REQUIRED:	CONVENIENCE STORE - 4,000 S.F. TOTAL PARKING: 16 (8 STRIKE A, 8 STRIKE B, 8 STRIKE C) (2 X 10' STRIKE)
PARKING PROVIDED:	(STANDARD) 17 (8' X 16') ADDITIONAL: 1 (8' X 16', 8' X 16' AREA) TOTAL PARKING: 18
BI-CYCLE PARKING REQUIRED:	CONVENIENCE STORE: 3 (7' X 12" FOR EACH BI-CYCLE)
BI-CYCLE PARKING PROVIDED:	4 (7' X 12" X 8" FOR EACH BI-CYCLE SPACE)



Applicable to New Buildings only
Click on the tabs at the bottom of the spreadsheet for self-storage warehouses or additions

AREA OF PLANT IN SQUARE FEET	15' 0" LANDSCAPE	CONFORMANCE (INCLUDES ALL 15' 0" STRIKE'S WIDTHS)	REQUIRED UNITS	PROPOSED UNITS
STREET TREES (S)	1 PER 30 FEET OF STREET FRONTAGE	17	17	17
BRUSH TREES (B)	1 PER 30 FEET OF STREET FRONTAGE	17	17	17
5 GALLON SHOBERS (5)	2 PER LINEAL FOOT	20	20	20
15 GALLON SHOBERS (15)	1 PER 10 SPACES OR PORTION OF	17	17	17
CANOPY TREES (C)	1 PER 5 SPACES OR PORTION OF	17	17	17
ADDITIONAL TREES (A)	SPECIAL CONTRACT	0	0	0
TOTAL TREES		88	88	88
TOTAL SHOBERS		37	37	37

CEI
Solutions for Land and Life

D
LAND DEVELOPMENT CONSULTANTS, LLC

CIRCLE K

CEI ENGINEERING ASSOCIATES, INC.
701 W. PRUDEN AVE.
DALLAS, TX 75201
PHONE: (214) 441-1111
FAX: (214) 441-1119

PLANT PROVIDED BY:
CIRCLE K STORES, INC.
3000 S. GULFVIEW ST., SUITE 100
SHERWOOD VILLAGE, COLORADO, 80111
PHONE: (303) 784-6233

CIRCLE K
1000 DYER ST
EL PASO, TEXAS 79924

FOR REVIEW ONLY
NOT FOR
CONSTRUCTION

PROFESSIONAL OF RECORD: TAB
PROJECT MANAGER: AID
DRAWN BY: BNA
PROJECT NUMBER: 2021
DATE: 5/15/2021
REVISION: REV 1

DETAIL SITE PLAN
SHEET TITLE
SHEET NUMBER

1 1

April 22, 2021



10005 Dyer

❖ PZRZ20-00027 – Rezoning application

Strategic Goal 3.

Promote the Visual Image of
El Paso

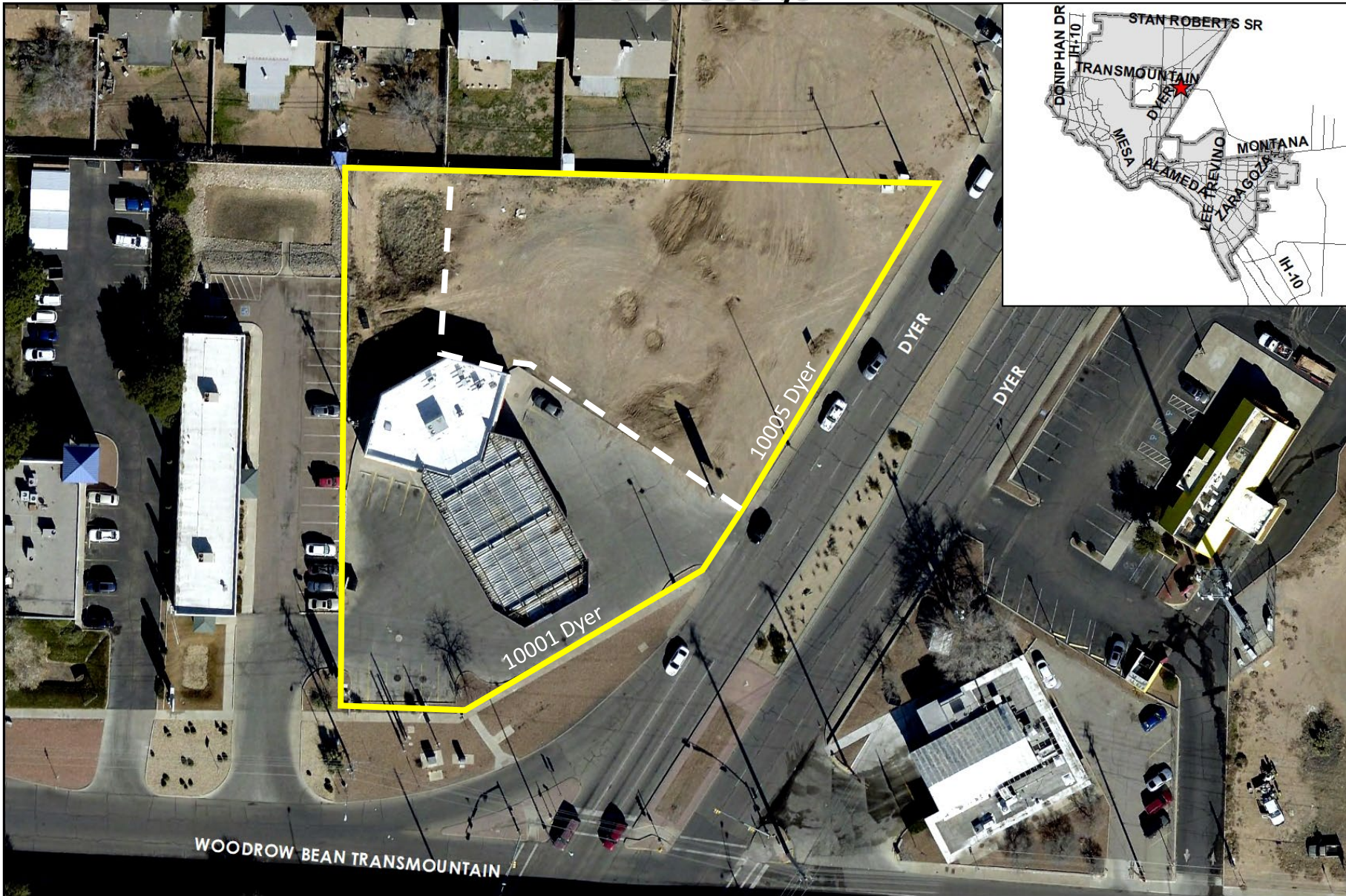




Recommendation

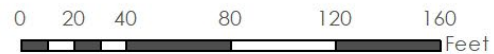
- Staff recommends APPROVAL of the rezoning request.
 - City Plan Commission recommends approval (9-0) of the rezoning request

10001 & 10005 Dyer St.

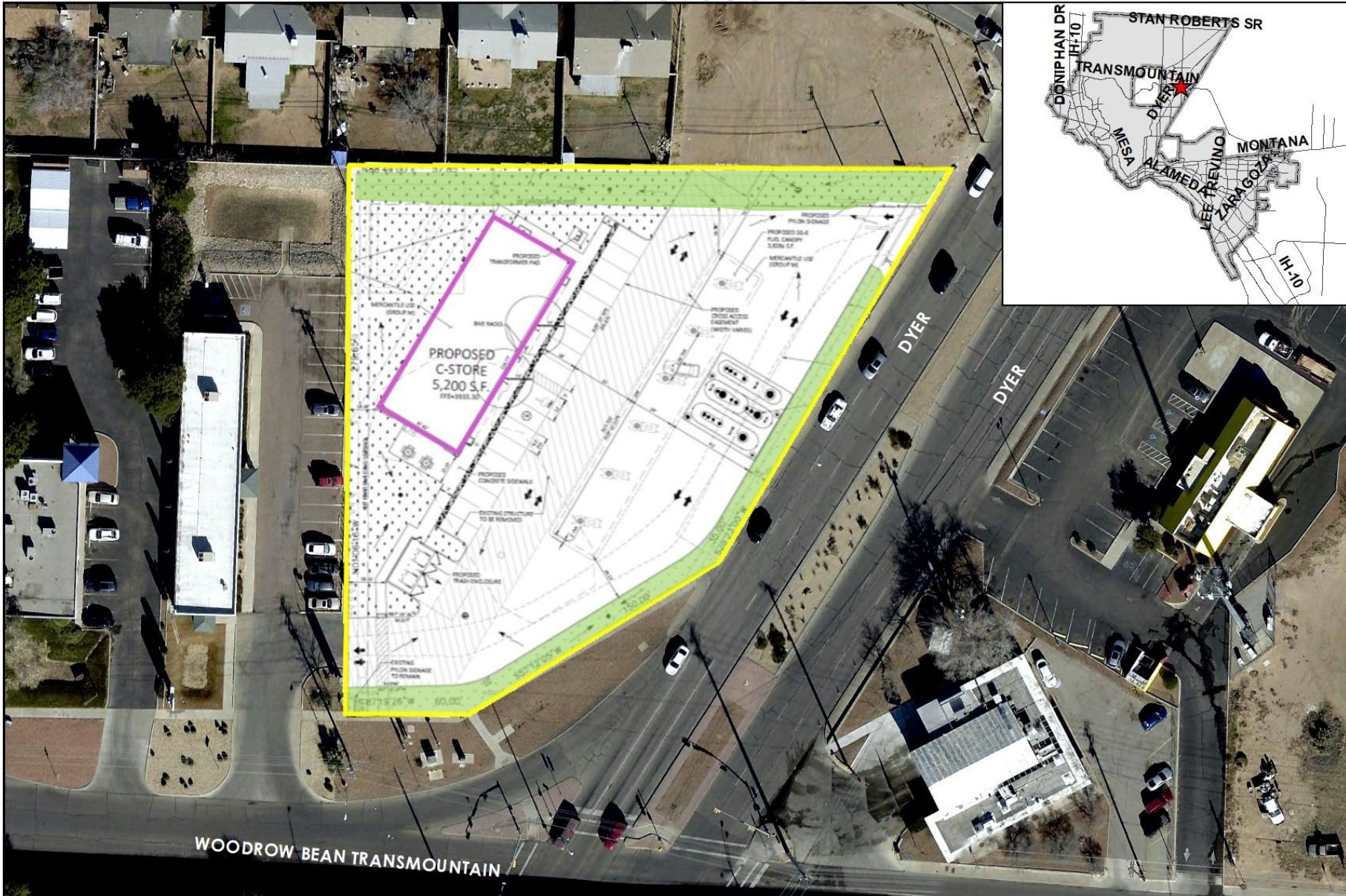


Aerial

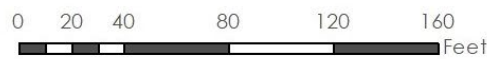
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Aerial with Site Plan



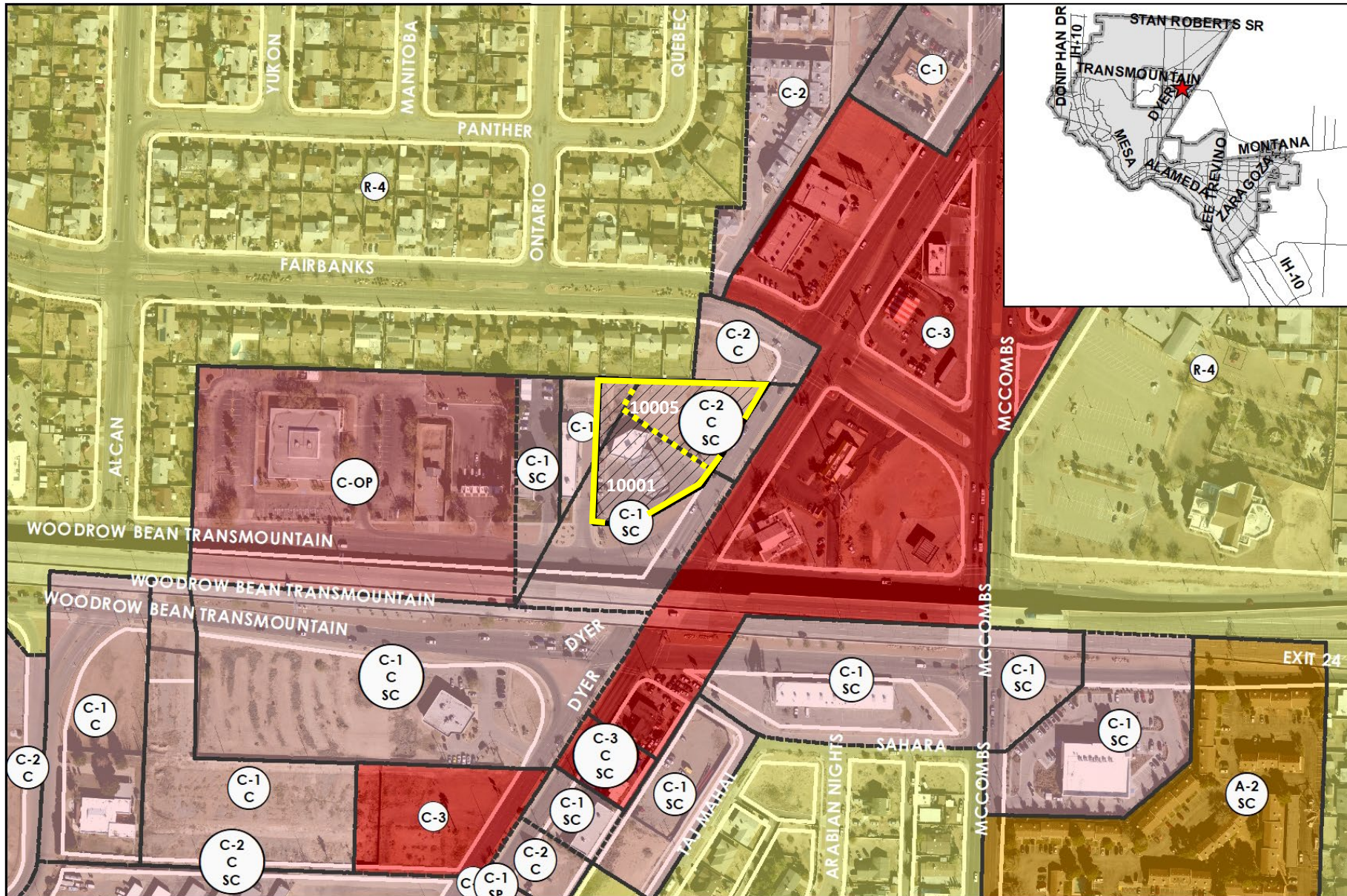
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10001 & 10005 Dyer St.



Existing Zoning



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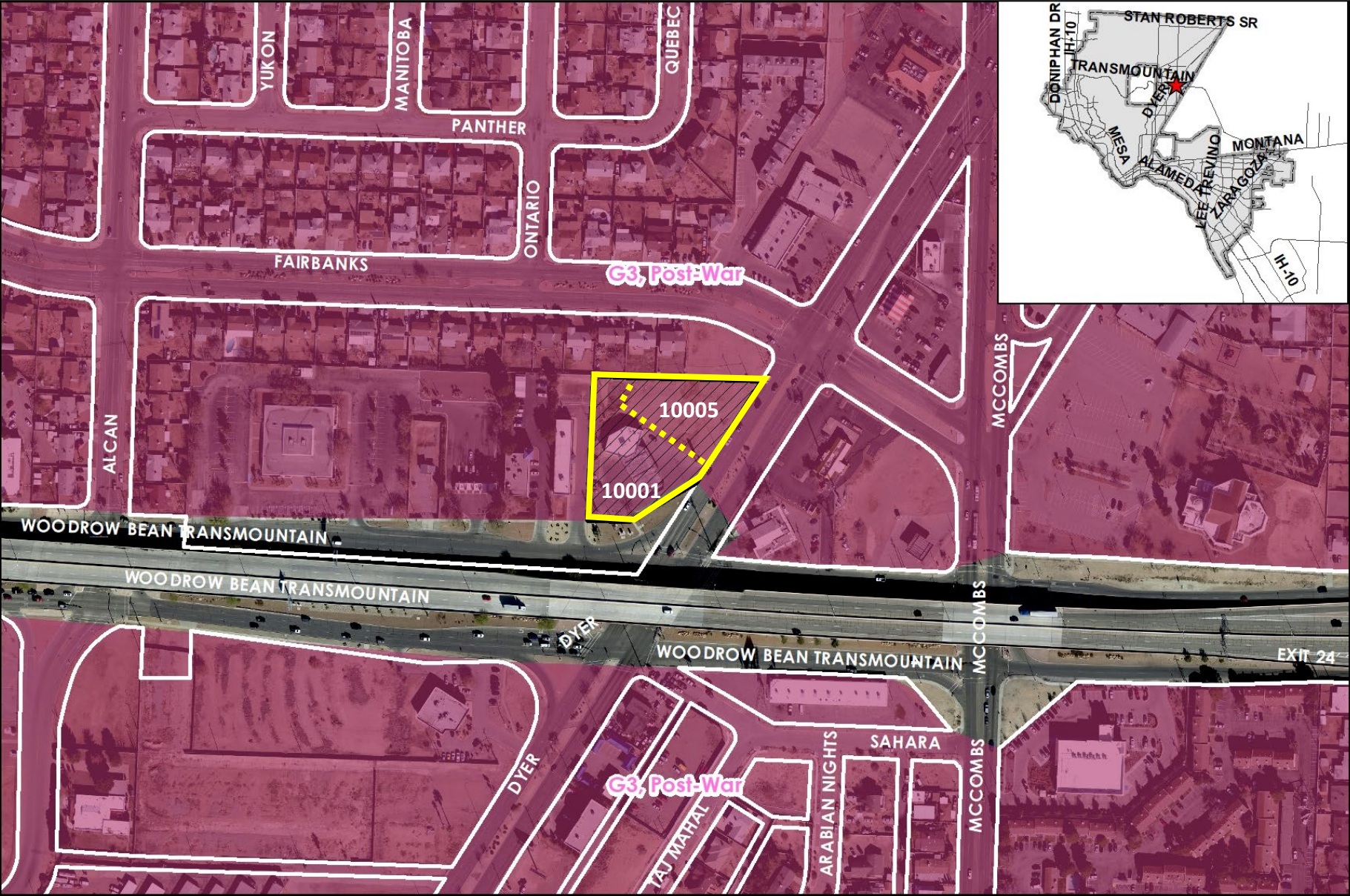
Subject Property



PZDS20-00045



Future Land Use



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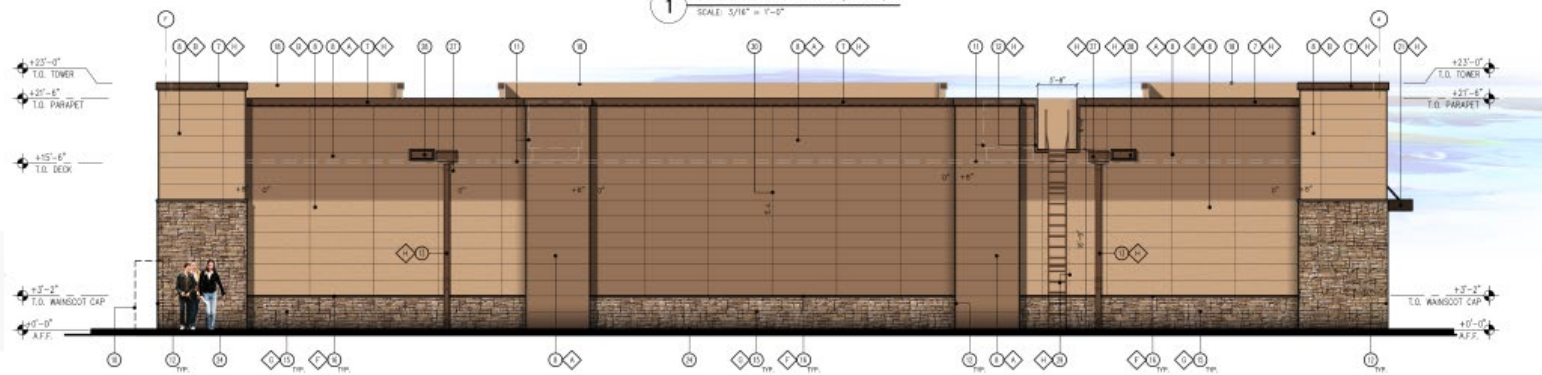


 Subject Property

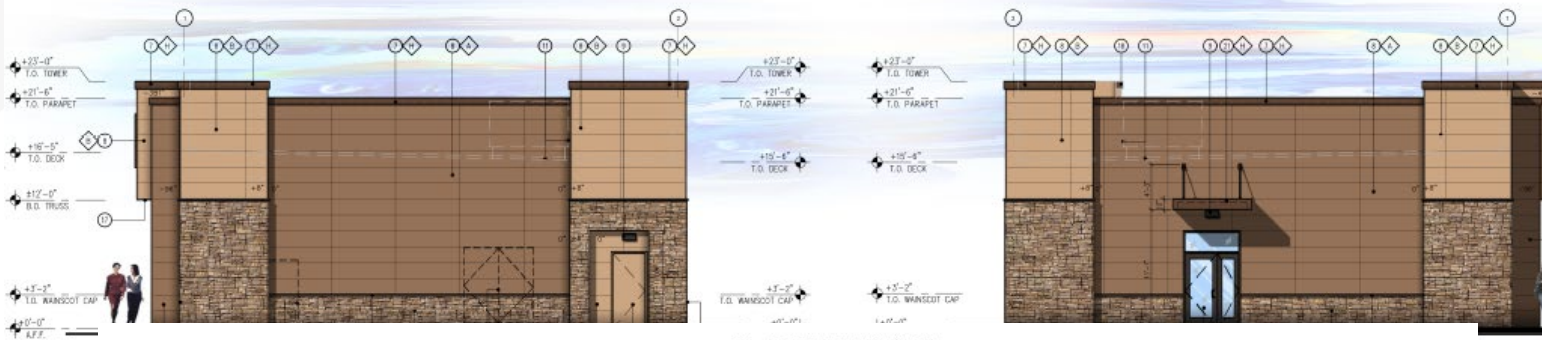




1 FRONT ELEVATION (EAST)
SCALE: 3/16" = 1'-0"



2 BACK ELEVATION (WEST)
SCALE: 3/16" = 1'-0"



2 FRONT ELEVATION (EAST)



Elevations

Subject Property: 10001 & 10005 Dyer St.



Surrounding Development



N

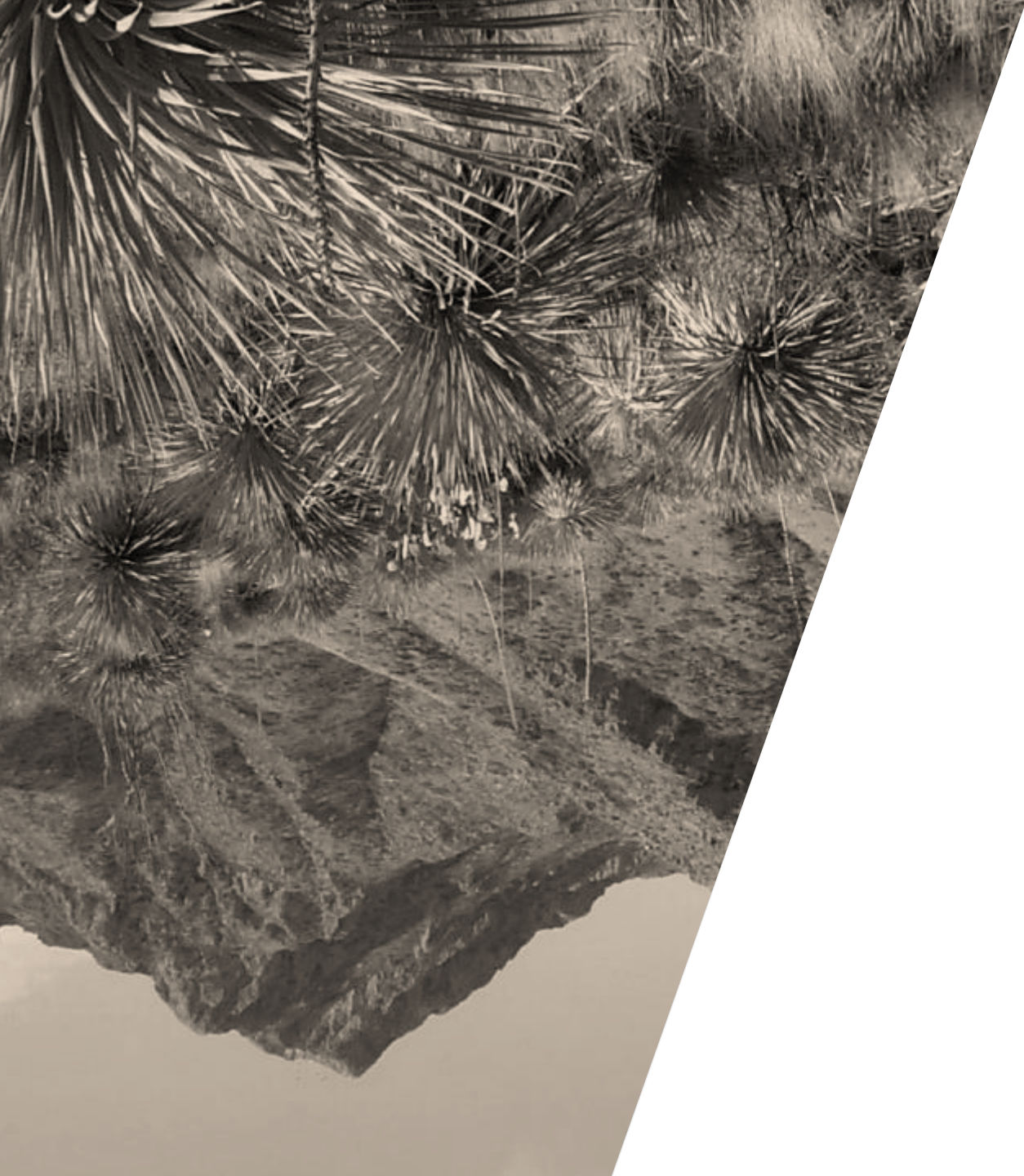


W

E

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Public Input

- Notices were mailed to property owners within 300 feet on April 9, 2021.
- The Planning Division has not received any communications in support nor opposition to the request as of April 22, 2021.



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