

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

**AGENDA DATE:** October 12, 2021  
**PUBLIC HEARING DATE:** November 9, 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 for the property described as being a portion of Tracts 3 and 3A, Section 15, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from R-F (Ranch-Farm) to R-5 (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: Dyer Street and O'Connor Drive  
Applicant: Salvare NE El Paso, LLC, PZRZ21-00019

**BACKGROUND / DISCUSSION:**

The applicant is requesting to rezone the subject property from R-F (Ranch-Farm) to R-5 (Residential) to allow for single-family, residential lots. City Plan Commission recommended 5-0 to approve the proposed request on August 26, 2021. As of September 29, 2021, the Planning Division has received one email in opposition and one call of inquiry 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

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

*Philip Etiwe*

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**Philip E. Etiwe – Planning and Inspections Director**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CHANGING THE ZONING OF BEING A PORTION OF TRACTS 3 AND 3A, SECTION 15, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH-FARM) TO R-5 (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, the zoning of **being a portion of Tracts 3 and 3A, Section 15, Block 80, Township 1, Texas and Pacific Railway Company Surveys**, 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-Farm)** to **R-5 (Residential)**, 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.

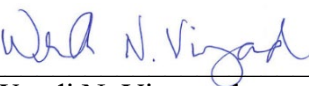
**THE CITY OF EL PASO:**

\_\_\_\_\_  
Oscar Leeser, Mayor

**ATTEST:**

\_\_\_\_\_  
Laura D. Prine, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Wendi N. Vineyard  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning & Inspections Department

**ORDINANCE NO.**

Exhibit "A"

**Prepared For: El Paso Water**

**Date: 07-02-2021**

**A Portion of Section 15, Block 80,  
Township 1, Texas, and Pacific Railway Company Surveys  
El Paso County, Texas  
W.O. 060421-1**

**METES AND BOUNDS DESCRIPTION**

Description of a 17.047-acre parcel of land more or less being a portion of Tracts 3 and 3A, Section 15, Block 80, Township 1, Texas and Pacific Railway Company Surveys, described in deed dated October 18, 2007, in File Clerk's Number 20070099125, Deed Records, El Paso County, Texas, and being more particularly described by metes and bounds as follows to wit:

Commencing at a found 2"  $\phi$  diameter pipe on common corner of sections 9, 10, 15, & 16, Block 80, Township 1, Texas and Pacific Railway Company Surveys, from which an existing 2"  $\phi$  diameter pipe on the common corner of sections 10, 11, 14, & 15, bears South 86°51'47" East, a distance of 5290.57 feet, Thence, along the common boundary line of Sections 15, and 16, South 02°00'32" West, a distance of 5080.93 feet to a point on the westerly right-of-way line of Dyer Street (100-Foot Right-of-Way, Book 614, Page 295, Deed Records, El Paso County, Texas) Thence, along said right-of-way line, North 46°22'51" East, a distance of 2654.37 feet to 1/2"  $\phi$  diameter rebar found on the northerly right-of-way of O'Conner Drive (70-Foot Right-of-Way, Future Land Unit One, Book 1, Page 40, Plat Records, El Paso County, Texas) said 1/2"  $\phi$  diameter rebar, being the Point of Beginning;

**Thence**, along said right-of-way line, 34.41 feet along a curve to the right, having a radius of 20.00 feet, a central angle of 90.00'00" and a chord which bears North 88°37'09" West, a distance of 28.28 feet to a found 1/2"  $\phi$  diameter rebar;

**Thence**, North 43°37'09" West, continuing along said right-of-way, a distance of 447.36 feet to a found 1/2"  $\phi$  rebar with cap stamped "B&A";

**Thence**, continuing along said right-of-way, 360.31 feet along a curve to the right, having a radius of 555.00 feet, a central angle of 37°11'49" and a chord which bears North 25°01'14" West, a distance of 354.02 feet to a 1/2"  $\phi$  diameter rebar with cap stamped "TX5152" found on the common boundary line described in deeds File Clerk's Numbers 20050053303 and 20070099125, Deed Records, El Paso County, Texas;

**Thence**, North 46°23'23" East, along said boundary line, a distance of 827.22 feet to point from which a found 5/8"  $\phi$  diameter rebar bears North 21°25'56" West, a distance of 0.58 feet;

**Thence**, South 43°36'37" East, continuing along said boundary line, a distance of 802.76 feet to a point on the westerly right-of-way line of Dyer Street from which a found 5/8"  $\phi$  diameter rebar bears South 89°28'05" East, a distance of 0.44 feet;

Thence South 46°22'51" West, along said right-of-way line, a distance of 920.01 feet to Point of Beginning and containing in all 742,565 square feet or 17.047 acres of land more or less.



  
07-14-2021  
CHARLES H. GUTIERREZ R.P.L.S. 5572  
H2O-Terra





**DESCRIPTION OF REQUEST:** The applicant proposes to rezone approximately seventeen (17) acres of land from R-F (Ranch-Farm) to R-5 (Residential). The property is located at the corner of O'Connor Drive and Dyer Street within the Northeast Planning area. The subject property is currently vacant. The conceptual site plan proposes to develop the seventeen (17) acre lot into 100 single-family, residential lots, one (1) park site, and one (1) pond site. Note the site plan is conceptual, as the final lot configurations will be addressed at the Subdivision stage. The development is proposing access from O'Connor Drive and Dyer Street.

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The proposed development meets the intent of the G4, Suburban (Walkable) land use designation of *Plan El Paso*, within the Northeast Planning area. Abutting properties to the north and west are zoned P-R-I (Planned Residential I) and are scheduled for single-family residential development. Abutting properties to the west and south are zoned R-F (Ranch-Farm) and developed as mobile homes, horse stables, single-family, residential, and vacant lots.

<b>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:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b>G-4, Suburban (Walkable):</b> 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 G4, Suburban (Walkable) land use designation is compatible with the proposed R-5 (Residential) zone designation and the abutting P-R-I (Planned Residential I) and R-F (Ranch-Farm) zone districts. All abutting properties have planned single-family, residential development.</p>
<p><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>R-5 (Residential) District:</b> The purpose of the district 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 zoning district is compatible with the surrounding zone districts. Properties abutting to the west and south are zoned R-F (Ranch-Farm) and consist of mobile homes, single-family, residential, and vacant lots. The proposed use of single family, residential lots is compatible with the surrounding existing and planned residential development and is permitted by right in the R-5 (Residential) district with a minimum lot area of 4,500-square feet for single-family lots.</p>
<p><b>Preferred Development Locations:</b> <i>Is the property in a preferred development location identified in Plan El Paso? State which one.</i></p>	<p>Yes, the subject property is located along Dyer Street, which is classified as a major arterial on the City of El Paso's Major Thoroughfare Plan (MTP).</p>

<b>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:</b>	
<b>THE PROPOSED ZONING DISTRICT’S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<b>Historic District or Special Designations &amp; Study Area Plans:</b> 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 not located within any historic districts or other special designation areas.
<b>Potential Adverse Effects:</b> 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.
<b>Natural Environment:</b> Anticipated effects on the natural environment.	There are no anticipated effects on the natural environment.
<b>Stability:</b> Whether the area is stable or in transition.	The area is stable. The subject property and the immediate abutting properties have not been rezoned within the last ten (10) years.
<b>Socioeconomic &amp; Physical Conditions:</b> 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 has access from Dyer Street, which is classified as a major arterial and from O’Connor Drive, which is classified as a local street on the City of El Paso’s Major Thoroughfare Plan. In addition, water and sanitary sewer service to the development will require the construction of facilities, as per comments from El Paso Water. North 2 Pump Station is under construction with completion date of fiscal year 21-22. Water/sewer service and additional infrastructure will be addressed at the Subdivision stage.

**PUBLIC COMMENT:** The subject property lies within the Northeast Planning area. Notices were mailed to property owners within 300 feet of the subject property on August 10, 2021. As of August 19, 2021, Planning has received one (1) email in opposition and one (1) phone call of inquiry.

**RELATED APPLICATIONS:** N/A

**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.

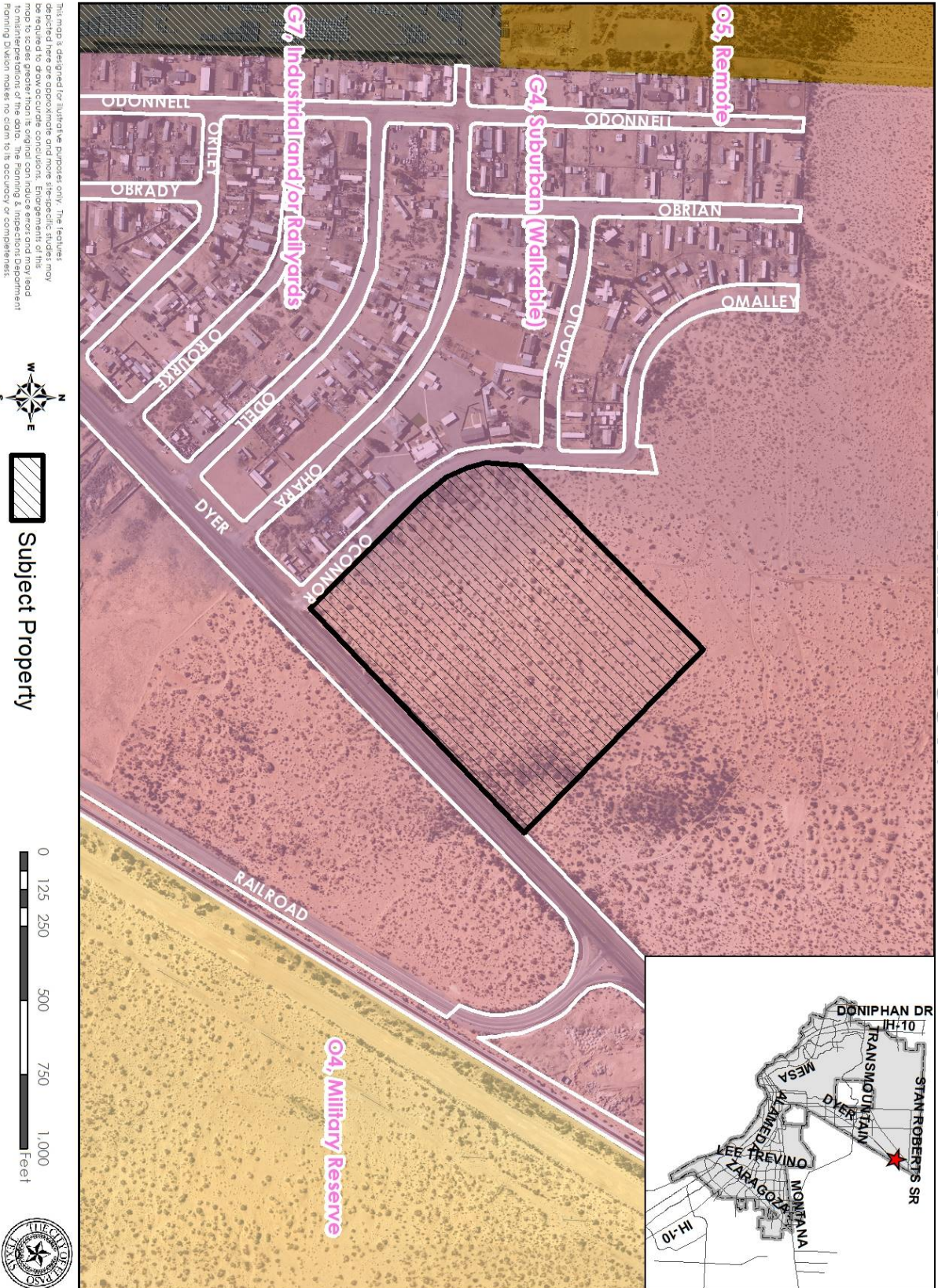
**ATTACHMENTS:**

1. Future Land Use Map
2. Department Comments
3. Neighborhood Notification Boundary Map
4. Conceptual Site Plan (non-binding)
5. Email of opposition



# ATTACHMENT 1

PZR221-00019



# **ATTACHMENT 2**

## **Planning and Inspections Department – Planning**

Consider relocating the park to a more centralized location or away from Dyer St. (at Subdivision stage).

## **Texas Department of Transportation**

Applicant will need to submit the access request for approval and grading and drainage plan for review for new subdivision on Dyer.

## **Planning and Inspections Department – Plan Review**

Recommend approval.

## **Planning and Inspections Department – Land Development**

No objections to proposed rezoning.

## **Sun Metro**

Recommend approval – no objections.

## **El Paso Water**

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

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

Water and sanitary sewer service to this subdivision requires the construction of major facilities. North 2 Pump Station is under construction with completion date of fiscal year 21-22.

The subject property is located within the Northeast Impact Fee Service Area. Impact fees will be assessed and collected at the time the El Paso Water Utilities receives an application for water and sanitary sewer services when service becomes available.

## **Water**

There is an existing 12-inch diameter water main that extends along Dyer Street, located approximately 45-feet south of the right of way centerline. No water services from this main are allowed, since it is exclusively dedicated to providing service to the McGregor Range site.

There is an existing 6-inch diameter water main that extends along O'Connor Drive, located approximately 17-feet south of the property line. This main dead-end approximately 242-feet west of Dyer Street. This water main is available for extension and service.

There is an existing 16-in diameter water main that extended along Dyer Street and dead-ends approximately 270-feet northeast of the intersection of Dyer Street and Mesquite Flor Drive. This water main will be required to be extended along Dyer Street from where its dead ends to the proposed intersection of O'Connor Drive and Dyer Street. EPWater is currently designing the main parallel to Dyer Street and construction is estimated to be completed in fiscal year 21-22.

## **Sanitary Sewer**

There are no existing sanitary sewer mains and sewer services currently in the vicinity of

the subject property.

Sanitary sewer mains of smaller diameter will be required to connect to the interceptor main to provide service to the subject property.

Upgrade of the (Dyer / Railroad) Lift Station is required to enable service to the proposed development. The upgrade is under design.

**General**

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

An application for additional water and sanitary sewer services should be submitted 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3<sup>rd</sup> 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 EPWU – 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.

**EP Water-SW** reviewed the property described above and provide the following comments:

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

**Fire Department**

No comments received.

**El Paso County Water Improvement District**

Not within the boundaries of EPCWID1

**911**

The 911 District does not have any comments or concerns regarding this rezoning.

**Streets and Maintenance Department**

No comments received.

**Police Department**

No comments received.

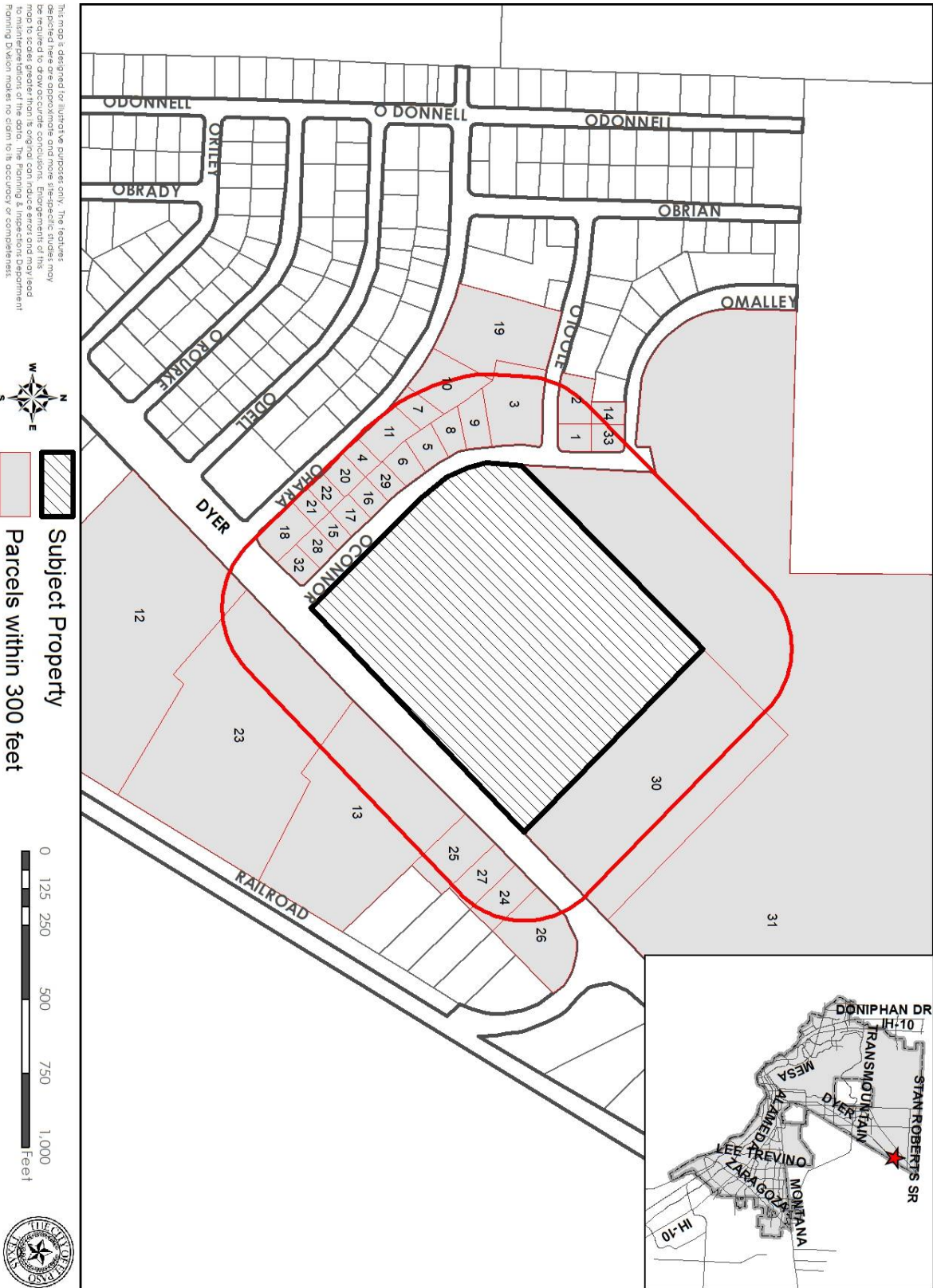
**Environment Services**

No comments received.



# ATTACHMENT 3

PZRZ21-00019





# ATTACHMENT 5



Thu 7/15/2021 4:05 PM

Leslie Canada <[lcandada.epch@elp.twcbc.com](mailto:lcandada.epch@elp.twcbc.com)>  
Zoning Change OConnor and 11800 block of Dyer

To: Samaniego, David C

You forwarded this message on 7/15/2021 4:43 PM.

Phish Alert V2

Get more app

Greetings Mr. Samaniego,

I called today because of the sign posted concerning a zoning change on the property in the 12300 block of Dyer. I spoke with Mariano who said the change had not occurred yet.

The land, 17 acres, has a sign posted. I am requesting formal notification for the City Plan hearing on the zoning and/or any action Salware.

My family has lived her since 1970ish before the City of El Paso annexed the area. My properties are 12359 OConnor and 7344 OToole. Mariano advised that the City sent notice for zoning change to those property owners on the OConnor within the 300 feet of the proposed housing development. It is desert land on the north side of OConnor. I live on the south side of OConnor. I never received such notification. Now the land is cleared and curbing is in preparation for new housing. I am not trying to stop economic development. I have a horse facility and should I need to move because of the development, it will be very time consuming and costly.

Can you email a planning map of the area so I have some idea how it is going to affect my property which consists of a riding stables, 25 stalls and arena?

Regards,

Leslie Connor-Canada  
12359 OConnor  
915-433-3626

Sent from [Mail](#) for Windows 10