

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

**AGENDA DATE:** August 31, 2021  
**PUBLIC HEARING DATE:** September 28, 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 a Portion of Tract 4D, of First Supplemental Map of Parkland Addition, City of El Paso, El Paso County, Texas R-4 (Residential) 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: 10032 Cross St.  
Applicant: Premium Intercapital Group, Inc., PZRZ21-00013

**BACKGROUND / DISCUSSION:**

The applicant is requesting to rezone the subject property from R-4 (Residential) to R-5 (Residential) to allow for a single-family, residential development. City Plan Commission recommended 6-0 to approve the proposed request on July 29, 2021. As of August 17, 2021, 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?**  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 A PORTION OF TRACT 4D, OF FIRST SUPPLEMENTAL MAP OF PARKLAND ADDITION, 10032 CROSS STREET, CITY OF EL PASO, EL PASO COUNTY, TEXAS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) 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 a portion of Tract D, of First Supplemental Map of Parkland Addition, 10032 Cross Street, located in the City of El Paso, El Paso County, Texas, more particularly described by metes and bounds attached as Exhibit "A" be changed from R-4 (Residential) 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

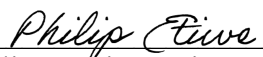
ATTEST:

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Russell T. Abeln  
Assistant City Attorney

APPROVED AS TO CONTENT:

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

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

**EXHIBIT "A"**

# Barragan And Associates Inc.

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

## METES AND BOUNDS DESCRIPTION

**Description** of a portion of Tract 4D, of First Supplemental Map of Parkland Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat or map thereof recorded in Volume 16, Page 62, plat records of El Paso County, Texas, being the same property as described in Volume 97, Page 2255, and being more particularly described as follows:

**COMMENCING**, for reference a found city monument on the point of intersection of Cross Street and Oryx Street;  
**THENCE**, S02°07'55" W, along a monument line and centerline of said Cross Street, a distance of 264.69 feet to a point;  
**THENCE**, S87°52'05" E, leaving the centerline of said Cross Street, a distance of 30.01 feet to a found 5/8" rebar on the easterly right-of-way line of Cross Street, also being the **POINT OF BEGINNING** of this description:

**THENCE**, S86°52'55" E (S90°00'00" W), leaving said easterly right-of-way line of Cross Street, and along the southerly line of Parkland East, according to the plat or map thereof recorded in Volume 75, Page 31, plat records of El Paso County, Texas, a distance of 208.12 (208.71) feet to a set 1/2" rebar with cap stamped "B&A Inc." for the northwesterly corner of Lot 16, Block 2, Falcon Heights Addition, according to the plat or map thereof recorded in File No. 20060054816, plat records of El Paso County, Texas;

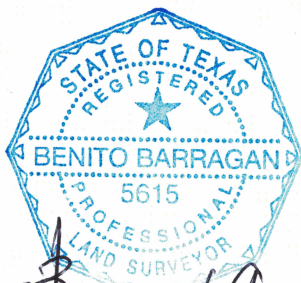
**THENCE**, S01°59'44" W (N01°07'00" W), along the westerly line of Lots 16 and Lot 27, Block 2, Parkland East, a distance of 209.11 (208.71) feet to a found 1/2" rebar on the northerly right-of-way line of Spotted Eagle Drive;

**THENCE**, N86°52'46" W (N90°00'00" E), along the northerly right-of-way line of Spotted Eagle Drive, a distance of 208.62 (208.71) feet to a set 1/2" rebar with cap stamped "B&A Inc." on the easterly right-of-way line of Cross Street;

**THENCE**, N02°07'55" E (N01°07'00" E), along the easterly right-of-way line of said Cross Street, a distance of 209.09 (208.71) feet to the **POINT OF BEGINNING** of this description and containing in all 1.00 acres of land more or less.

### NOTES:

1. This property may be subject to easements whether of record or not. No Additional Research was performed by B&A Inc. for any reservations, restrictions, building lines, and or easements which may or may not affect this parcel.
2. Bearings recited are grid bearings derived from RTK observations to the Texas CO-OP Network. Referred to the Texas Coordinate System (NAD 83) Central Zone. Distances are ground distances and may be converted to grid dividing by 1.00020946.
3. This description does not intend to be a subdivision process which may be required by local or state code, and it is the client's/owner responsibility to comply with this code if required.
4. A Plat of Survey dated 04/21/2021, accompanies this description.



*Benito Barragan*

Benito Barragan, Texas R.P.L.S. 5615  
Barragan and Associates Inc.  
Texas Surveying Firm # 10151200  
April 21, 2021  
10032 Cross Street

# 10032 Cross St.

City Plan Commission — July 29, 2021

REZONING

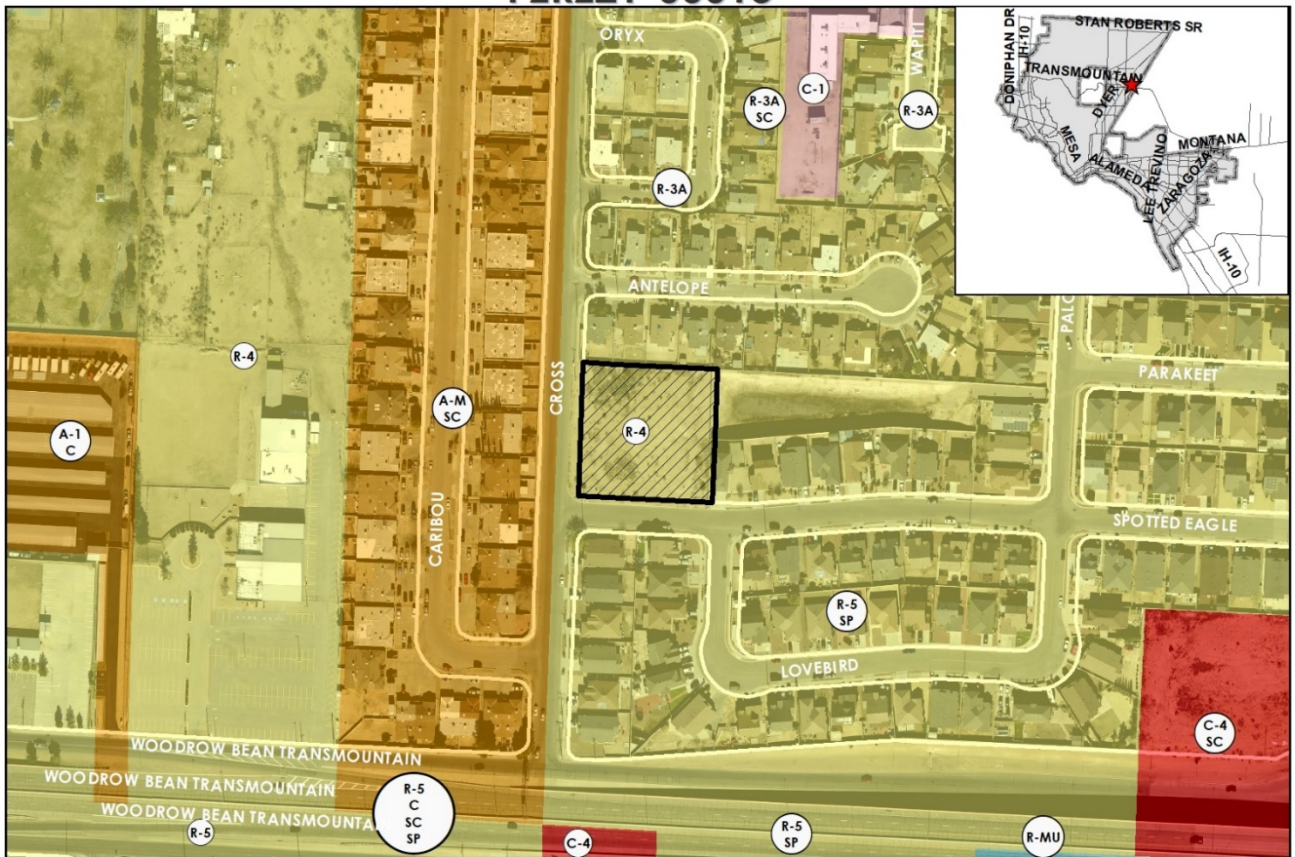


<b>CASE NUMBER:</b>	<b>PZRZ21-00013</b>
<b>CASE MANAGER:</b>	David Samaniego, (915) 212-1608, SamaniegoDC@elpasotexas.gov
<b>PROPERTY OWNER:</b>	Premium Intercapital Group, Inc.
<b>REPRESENTATIVE:</b>	Ray Mancera
<b>LOCATION:</b>	10032 Cross St. (District 4)
<b>PROPERTY AREA:</b>	1 acre
<b>REQUEST:</b>	Rezone from R-4 (Residential) to R-5 (Residential)
<b>RELATED APPLICATIONS:</b>	N/A
<b>PUBLIC INPUT:</b>	Five (5) calls of inquiry as of July 22, 2021

**SUMMARY OF REQUEST:** The applicant is requesting to rezone the subject property from R-4 (Residential) to R-5 (Residential) to allow for single-family, residential lots.

**SUMMARY OF STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the rezoning request. The recommendation is based on the compatibility of the proposed zoning district with the surrounding residential and apartment districts in the immediate area. Further, the proposed development meets the intent of the G3, Post-War land use designation of *Plan El Paso*, the City's adopted Comprehensive Plan in the Northeast Planning area.

## PZRZ21-00013



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



Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant proposes to rezone approximately one (1) acre of land from R-4 (Residential) to R-5 (Residential). The property is located at 10032 Cross Street within the Northeast Planning area. The subject property is currently vacant. The conceptual site plan proposes to split the one (1) acre lot into eight (8) single-family, residential lots. The proposed rezoning to the R-5 (Residential) zone district would allow for a minimum lot area of 4,500-square feet for single-family lots. Access to the development is proposed from Cross Street and Spotted Eagle Drive.

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The proposed development meets the intent of the G3, Post-War land use designation of *Plan El Paso* within the Northeast Planning area. Properties abutting to the east of the subject property and directly across the street to the south, are zoned R-5 (Residential), which is the proposed rezoning designation. The nearest park is Franklin Park (0.26 miles) and the nearest school is Parkland High School (0.48 miles).

<b>COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with Plan El Paso, 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-3, Post-War:</b> 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, Post-War designation is compatible with the R-5 (Residential) and abutting residential and apartment zone districts. The abutting properties to the east and directly across the street to the south are zoned R-5 (Residential). The proposed use of single-family lots is permitted in the R-5 (Residential) zone district with a minimum lot area of 4,500-square feet.</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 districts. Properties abutting the subject property along Cross Street and Spotted Eagle Drive are zoned R-5 (Residential). The proposed use of single-family, residential lots is compatible with the surrounding residential and apartment zone districts, and is permitted by right in the R-5 (Residential) zone district with a minimum lot area of 4,500-square feet.</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>Preferred Development Locations:</b> <i>Is the property in a preferred development location identified in Plan El Paso? State which one.</i>	The proposed rezoning would permit an increase in residential density as the R-5 (Residential) zone districts allows for smaller minimum lot sizes (4,500-square feet for single-family lots in the R-5 district versus 6,000-square feet for the R-4 district). In addition, the proposed development is accessed from Cross Street, which is classified as a residential collector street as per the City of El Paso's Major Thoroughfare Plan.
<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 outside 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.	No effect on the natural environment is anticipated as the subject property is in an area that is already developed.
<b>Stability:</b> Whether the area is stable or in transition.	The area is stable. The subject property and the immediately 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 is platted and has access from Cross Street, which is classified as a residential collector and from Spotted Eagle Drive, which is classified as a local street, on the City of El Paso's Major Thoroughfare Plan. In addition, there is an existing eight (8) inch diameter water main extending along the east side of Cross Street, that is available for service. There is also an existing eight (8) inch diameter water main extending along the north side of Spotted Eagle Dr., approximately eighteen (18) feet south of and parallel to the northern right-of-way line of Spotted Eagle Dr. that is 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 of subject property on July 13, 2021. As of July 22, 2021, Planning has not received five (5) calls of inquiry, but no communication in support of or opposition to the rezoning request.

**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.

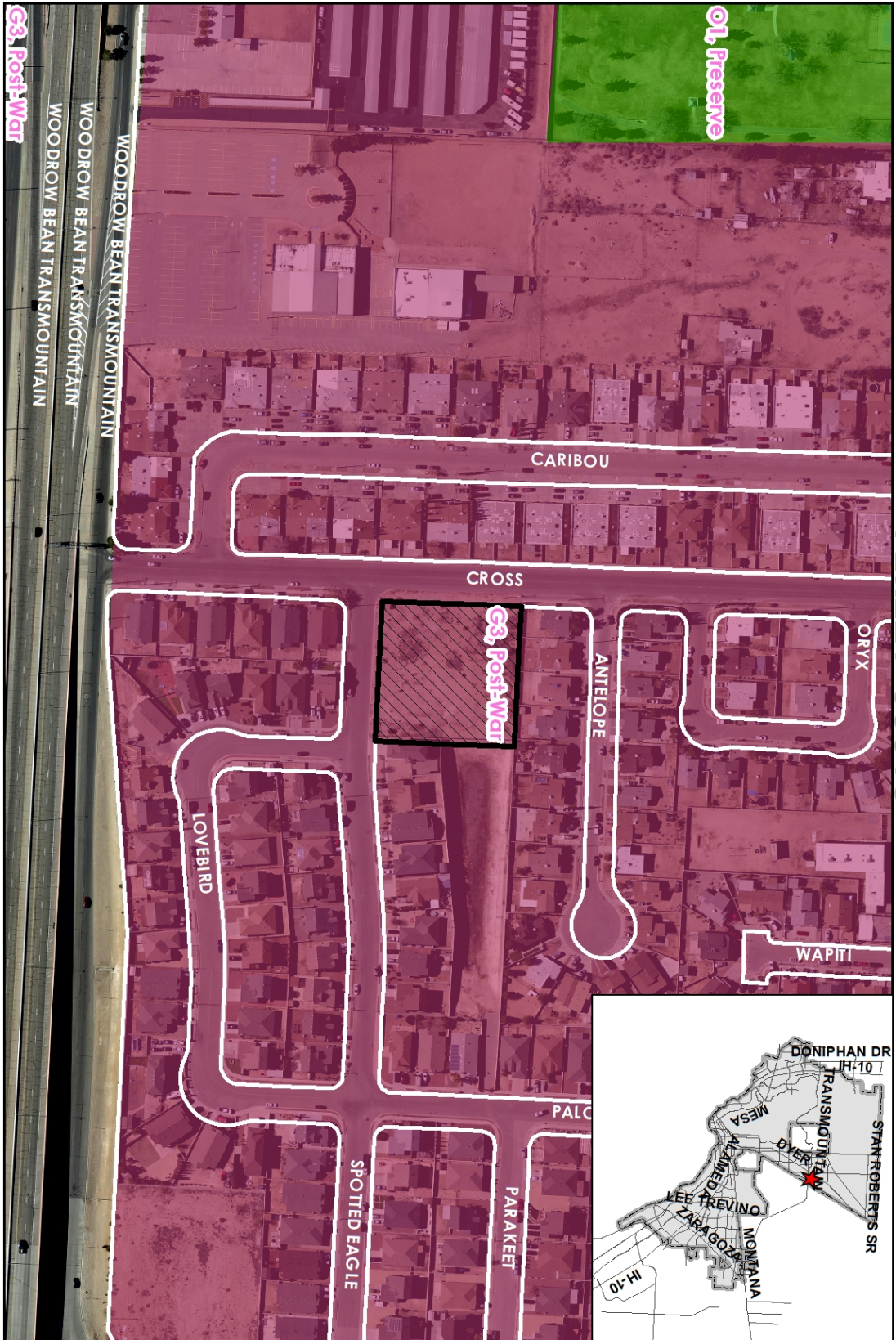
### **ATTACHMENTS:**

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




# ATTACHMENT 1

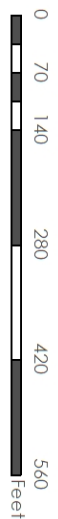
PZR221-00013



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 Subject Property



# **ATTACHMENT 2**

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

Please note that this conceptual site plan is required as a documentation of existing conditions on the subject property at the time of rezoning. Any changes in use or to the improvements on the subject property will be reviewed at the time of permit issuance or certificate of occupancy for compliance with all applicable regulations.

## **Planning and Inspections Department – Plan Review & Landscaping Division**

Recommend approval.

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

Recommend Approval w/Condition:

1. Show proposed drainage flow patterns on the site plans. Label proposed ponding location(s).
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 as per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.
3. 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).

## **El Paso Water**

EPWater does not object to this request.

### **Water:**

There is an existing 8-inch diameter water main extending along the east side of Cross St., approximately 20-feet west of and parallel to the eastern right-of-way line of Cross St. This water main is available for service.

There is an existing 8-inch diameter water main extending along the north side of Spotted Eagle Dr., approximately 18-feet south of and parallel to the northern right-of-way line of Spotted Eagle Dr. This water main is available for service.

There is an existing 30-inch diameter water flow line extending along the west side of Cross St. No service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

EPWater records indicate no water meter serving the subject property.

Previous water pressure from fire hydrant #9630 located at the intersection of Spotted Eagle Dr. and Lovebird Ln. has yield a static pressure of 80 (psi), a residual pressure of 52 (psi) and a discharge of 1,034 gallons per minute (gpm). 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.

### **Sanitary Sewer:**

There is an existing 8-inch diameter sanitary sewer main that extends along the south side of Spotted Eagle Dr., approximately 21-feet north of and parallel to the southern right-of-way line of Spotted Eagle Dr. This main is available for service.

### **General:**

Separate water and sewer services will be required for each lot (within the limits of each lot).

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 8 to 10 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:**

EP Water-SW 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.

**Fire Department**

Recommend approval – no adverse comments.

**Sun Metro**

Recommend approval – no objections.

**911**

The 911 district has no objections.

**Texas Department of Transportation**

No comments received

**Police Department**

No comments received



