

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

**AGENDA DATE:** November 9, 2021  
**PUBLIC HEARING DATE:** December 7, 2021

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Luis Zamora, (915) 212-1552

**DISTRICT(S) AFFECTED:** District 4

**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 Tract 8C, Section 29, Block 80, TSP 1, Texas And Pacific RR Company Surveys, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to C-4 (Commercial). 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: Generally located East of Dyer Street and North of Sean Haggerty Drive/Angora Loop Avenue  
Applicant: Sitework Engineering c/o Jorge Garcia, PZRZ21-00022

**BACKGROUND / DISCUSSION:**

The applicant is requesting to rezone the subject property to allow a proposed shopping center. City Plan Commission recommended 8-0 to approve the proposed rezoning on October 7, 2021. As of November 2, 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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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CHANGING THE ZONING OF TRACT 8C, SECTION 29, BLOCK 80, TSP 1, TEXAS AND PACIFIC RR COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL). 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 **Tract 8C, Section 29, Block 80, Tsp 1, Texas and Pacific RR Company Surveys, City of El Paso, El Paso County, Texas**, 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 and Farm)** to **C-4 (Commercial)**, 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.

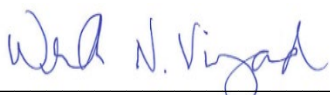
**THE CITY OF EL PASO:**

\_\_\_\_\_  
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. Etime, Director  
Planning & Inspections Department

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

21-1007-2799 | 1121054

Rezoning Ordinance Partial or Unplatted Lot No Conditions | PZRZ21-00022 Dyer/Sean Haggerty  
WNV

EXHIBIT "A"

Tract 8C, Section 29, Block 80, Tsp 1,  
Texas and Pacific RR Company Surveys,  
City of El Paso, El Paso County, Texas

METES AND BOUNDS

Metes and bounds description of a parcel of land known as Tract 8C, Section 29, Block 80, Tsp 1, Texas and Pacific RR Company Surveys, City of El Paso, El Paso County, Texas containing 233,777 square feet or, 5.367 acres of land more or less and better described by metes and bounds as follows:

Commencing at a found rebar on the Southerly ROW line of Dyer Street (100 feet R.O.W.) that marks the most Northerly corner of Tract 8C, said point also being the point of beginning of this description.


Thence, leaving said Dyer Street R.O.W. line and along the Boundary line of Tracts 8C and 8A, S 46° 43' 47" E a distance of 477.66 feet to a point (found rebar) ;

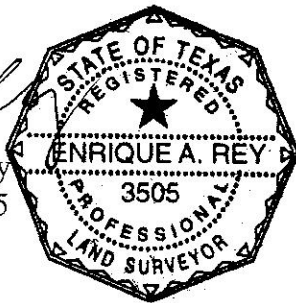
Thence S43° 16' 13" W, a distance of 489.88 feet to a point (found rebar);

Thence N46° 43' 47" W, a distance of 477.66 feet to a point (found pipe)

Thence 47.12 feet along the arc of a curve to the right, whose radius is 30.00 feet, whose interior angle is 90 degrees, whose chord bears N01° 43' 47" W a distance of 42.42 feet to a point (found rebar) on the Southerly R.O.W. line of Dyer Street;

Thence along said Dyer Street R.O.W. line N 43° 16' 13" E, a distance of 459.78 feet' to the point of beginning of this description. Said parcel of land contains 233,777 square feet or 5.367 acres of land more or less.

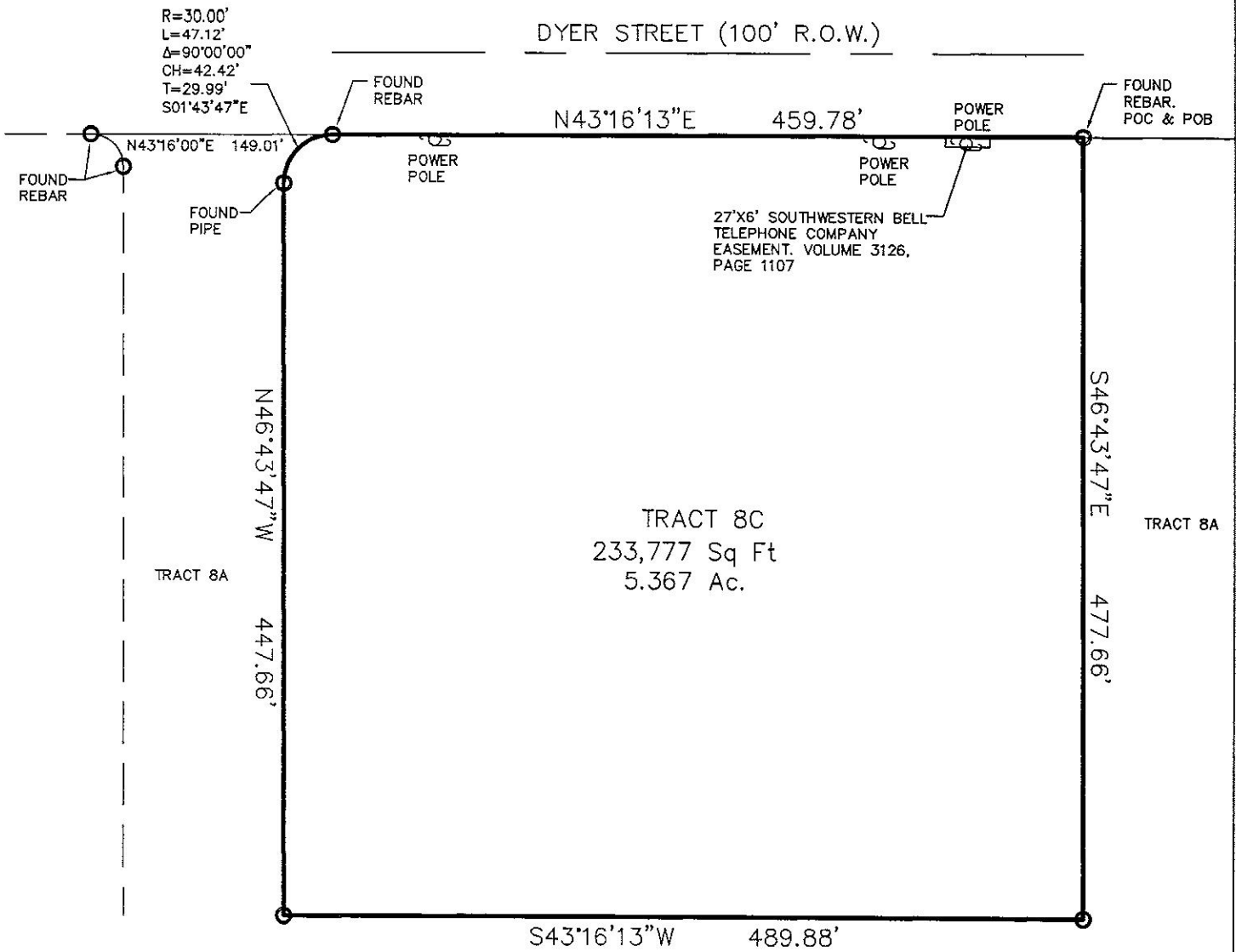
  
Enrique A. Rey  
RPLS TX 3505



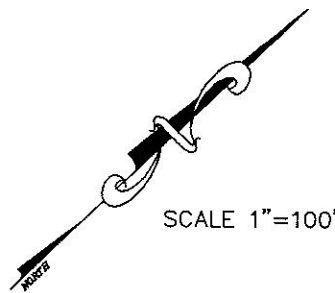
El Paso, Texas- Tuesday, August 24, 2021

**NOTES:**

1. THE FOLLOWING EASEMENTS ARE BLANKET IN NATURE AND ARE NOT PLOTTABLE. EASEMENT TO EL PASO ELECTRIC COMPANY AND MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY RECORDED IN VOLUME 1351, PAGE 183, VOLUME 1398, P 613 AND VOLUME 71, 1157. SOLD AND QUIT CLAIMED TO SOUTHWESTERN BELL TELEPHONE COMPANY RECORDED IN VOLUME 1231, PAGE 646. REAL PROPERTY RECORDS EL PASO COUNTY, TEXAS



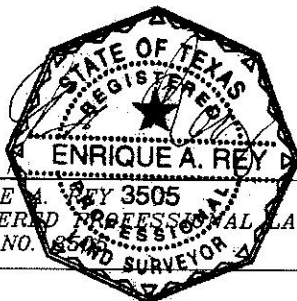
TRACT 8A  
EL PASO WATER UTILITIES PSB



PLAT OF SURVEY BEING  
TRACT 8C, SECTION 29, BLOCK 80 TOWNSHIP 1  
TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS  
CITY OF EL PASO, EL PASO COUNTY, TEXAS  
EL PASO COUNTY RECORDS

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY  
AND IMPROVEMENT SURVEY WAS MADE ON THE  
GROUND BY ME OR UNDER MY SUPERVISION AND IS  
TRUE AND CORRECT TO THE  
BEST OF MY KNOWLEDGE AND BELIEF.

THIS PROPERTY LIES IN ZONE C, AS DESIGNATED BY THE  
F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL  
NO.480214 0010B, DATED, OCTOBER 15, 1982 EL PASO  
COUNTY, TEXAS



ENRIQUE A. REY 3505  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS NO. 3505

*24 Aug 2021*

D.M.	MAY 18, 2021
JOB NO. 2021-119200	BERT BOSBERRY
<b>REY ENGINEERING INC.</b>	
CONSULTING ENGINEERING-SURVEYING-LAND PLANNING	
9434 VISCOUNT DR. SUITE 148 EL PASO TEXAS, 79925	
PH. (915)309-1889 FAX (915) 633-8060	
TEXAS FIRM REGISTRATION F-3368	

# East of Dyer St. and North of Sean Haggerty Dr



City Plan Commission — October 7, 2021

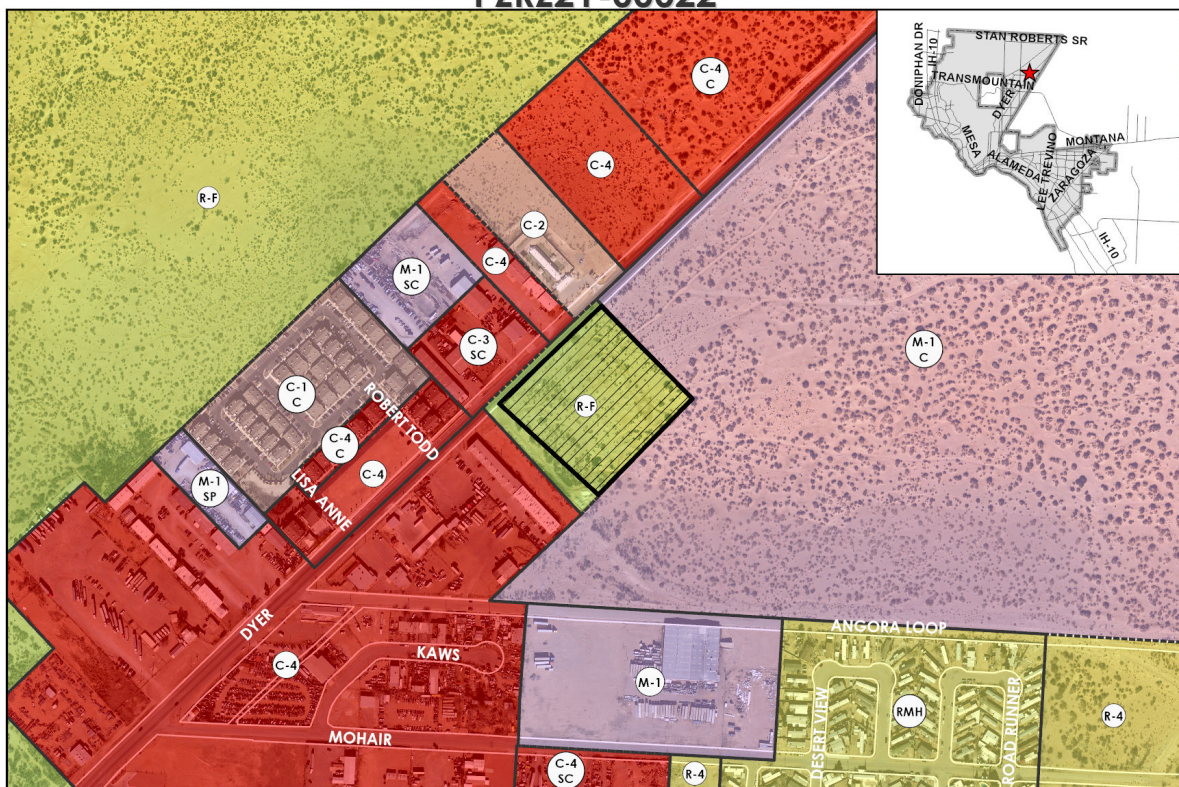
REZONING

<b>CASE NUMBER:</b>	<b>PZRZ21-00022</b>
<b>CASE MANAGER:</b>	Luis Zamora, (915) 212-1552, ZamoraLF@elpasotexas.gov
<b>PROPERTY OWNER:</b>	Tomlin Partners, LLC and Adobe Haciendas, Inc. as Tenants in Common
<b>REPRESENTATIVE:</b>	Sitework Engineering c/o Jorge Garcia
<b>LOCATION:</b>	East of Dyer St. and North of Sean Haggerty Dr. (District 4)
<b>PROPERTY AREA:</b>	5.37 acres
<b>REQUEST:</b>	Rezone from R-F (Ranch and Farm) to C-4 (Commercial)
<b>RELATED APPLICATIONS:</b>	None
<b>PUBLIC INPUT:</b>	None received as of September 30, 2021

**SUMMARY OF REQUEST:** The applicant is requesting to rezone the subject property from R-F (Ranch and Farm) to C-4 (Commercial) to allow the proposed use of shopping center.

**SUMMARY OF STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the rezoning request. The proposed development is consistent with adjacent commercial properties within its vicinity. Furthermore, the proposed commercial zone is compatible with the G-4, Suburban (Walkable) Future Land Use Designation and is in keeping with the policies of *Plan El Paso* in the Northeast Planning Area.

## PZRZ21-00022



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

0 125 250 500 750 1,000 Feet



Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant proposes to rezone a 5.37-acre lot from R-F (Ranch and Farm) to C-4 (Commercial) to allow for a shopping center development. The subject property is currently undeveloped. The generalized plot plan shows the subject property with the conceptual foot print of the shopping center location. Primary access is proposed through Dyer Street.

**PREVIOUS CASE HISTORY:** N/A

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The proposed rezoning is consistent with adjacent uses and meets the established character of its neighborhood. Properties to the northwest across Dyer Street are zoned C-2 (Commercial), C-3/sc (Commercial/special contract), and C-4 (Commercial) with uses including automotive repair shops and a kennel. Property to the northeast and southeast is zoned M-1/c (Light Manufacturing/conditions) and is currently undeveloped. Property to the southwest is split-zoned R-F (Ranch and Farm) and C-4 (Commercial) and is also undeveloped.

<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-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 proposed shopping center is consistent with the surrounding commercial properties and is in keeping with the G-4, Suburban (Walkable) future land use designation of <i>Plan El Paso</i>.</p>
<p><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>C-4 (Commercial):</b> The purpose of this district is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities.</p>	<p>Yes. The proposed C-4 (Commercial) zone district matches other immediate properties across Dyer Street zoned C-2 (Commercial), C-3/sc (Commercial/special contract), and C-4 (Commercial). Immediate property to the southeast and northwest is zone M-1/c (Light Manufacturing/conditions) and the proposed zoning district can serve as transition to more intensive uses permitted in that district.</p>
<p><b>Preferred Development Locations:</b> Located along an arterial (or greater street classification) or the 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.</p>	<p>Yes. The property is located along Dyer Street, which is classified as a major arterial roadway on the City of El Paso’s Major Thoroughfare Plan (MTP). The proposed zoning district is consistent with the zoning district to the south (C-4 (Commercial)).</p>
<b>THE PROPOSED ZONING DISTRICT’S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<p><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.</p>	<p>N/A. The property is not located within any Historic Overlay District nor any other special designation areas.</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>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.	None. The proposed rezoning, if approved, is not anticipated to cause any adverse effects on the community.
<b>Natural Environment:</b> Anticipated effects on the natural environment.	None. The subject property does not lie within an arroyo or other sensitive environment. No negative environmental impacts are anticipated if the rezoning request is approved.
<b>Stability:</b> Whether the area is stable or in transition.	The area is stable. None of the surrounding properties within the neighborhood of the subject property have been recently rezoned.
<b>Socioeconomic &amp; Physical Conditions:</b> 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 is proposed through Dyer Street, which is classified as a major arterial roadway on the City of El Paso’s Major Thoroughfare Plan (MTP). The major arterial classification is appropriate to serve the proposed shopping center development. Existing services and infrastructure are appropriate to serve future development.

**SUMMARY OF DEPARTMENTAL REVIEW COMMENTS:** No adverse comments from reviewing departments.

**PUBLIC COMMENT:** The subject property does not lie within any Neighborhood or Civic Associations. Surrounding property owners within 300 feet were notified by mail on September 9, 2021. The Planning division has received no communication in support of or in opposition to the rezoning request as of September 30, 2021.

**RELATED APPLICATIONS:** None.

**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:

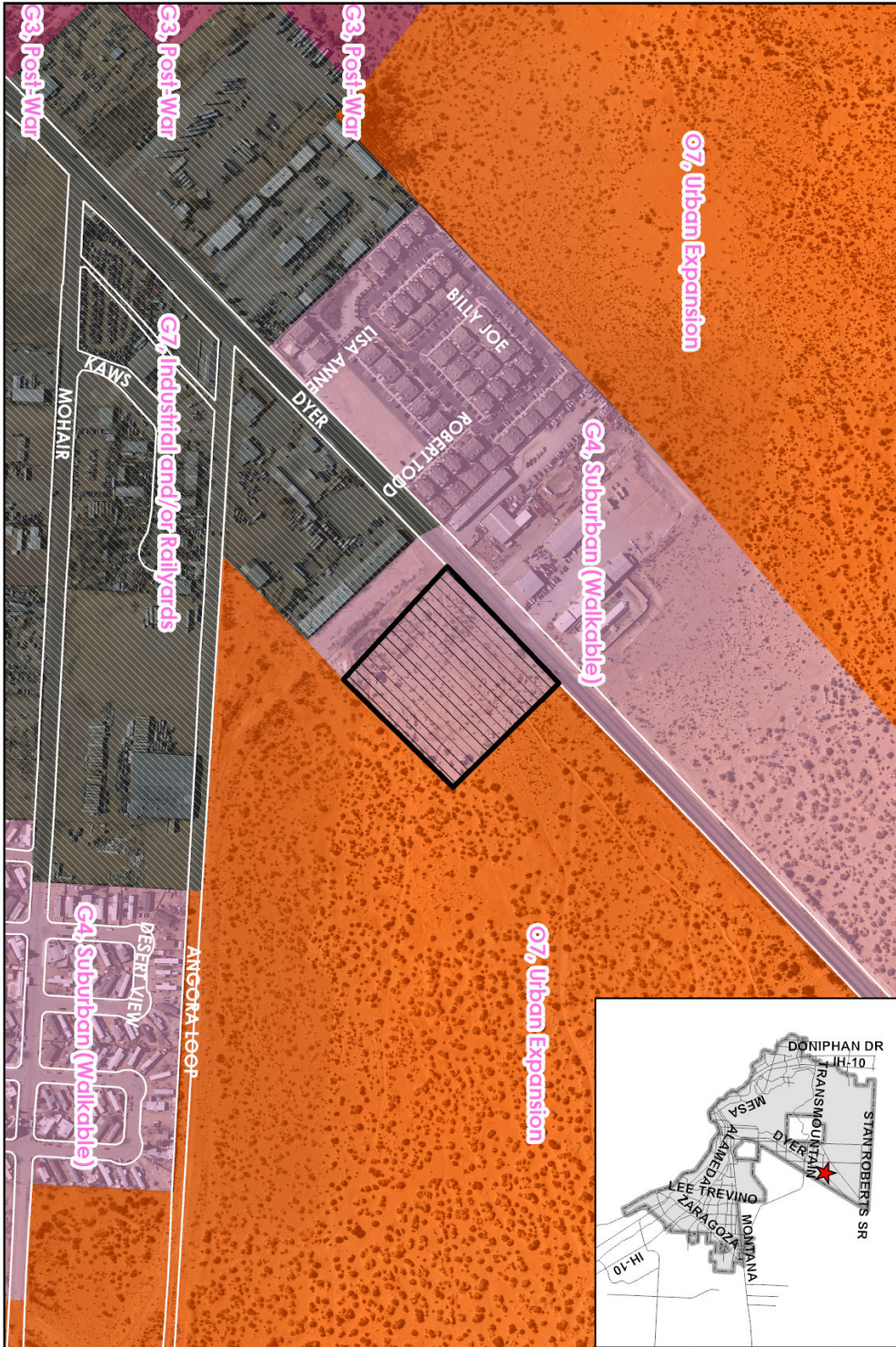
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**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

# ATTACHMENT 1

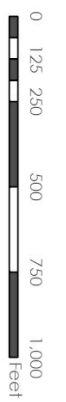
PZR21-00022



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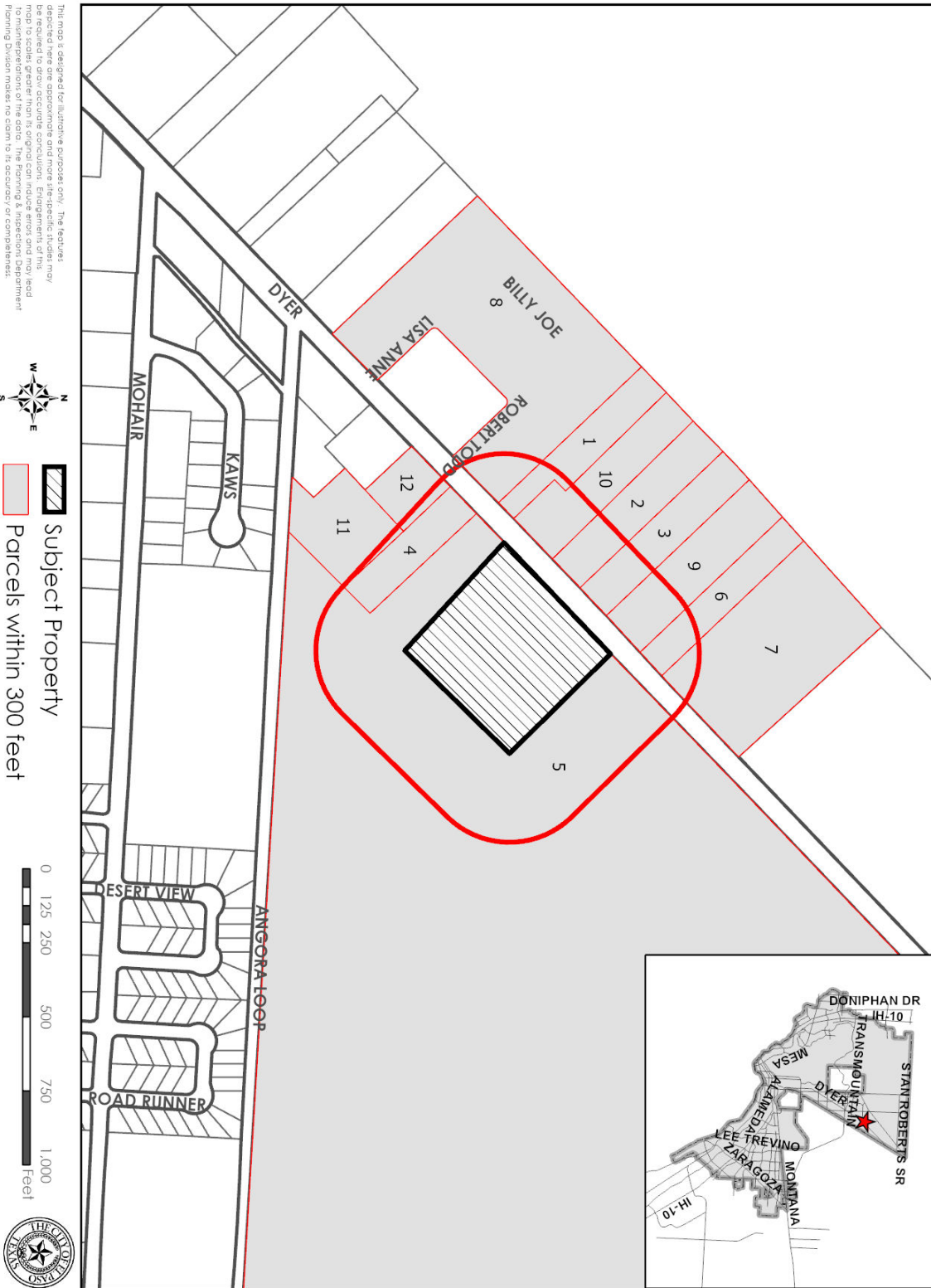
Subject Property





# ATTACHMENT 2

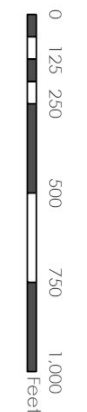
PZR21-00022



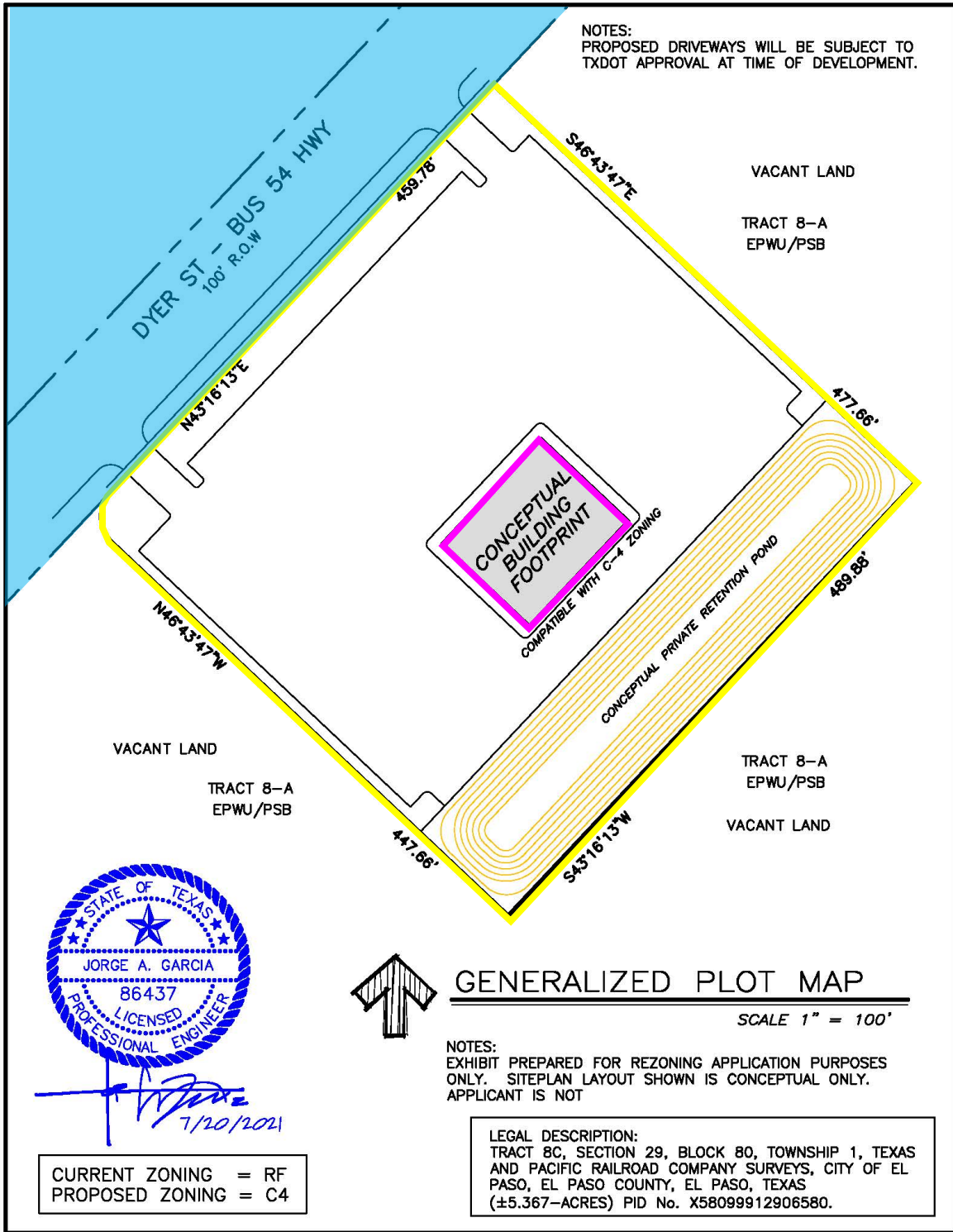
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 Subject Property  
 Parcels within 300 feet



# ATTACHMENT 3



# **ATTACHMENT 4**

## **Planning and Inspections Department - Planning Division**

Coordinate with Texas Department of Transportation for driveway access along Dyer St.

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

No objections to proposed rezoning

The generalized site plan is not being reviewed for conformance due to conceptual nature.

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

No objections to proposed rezoning.

## **Fire Department**

No adverse comments.

## **Police Department**

No comments received.

## **Environment Services**

No comments received.

## **Streets and Maintenance Department**

No objections for TIA deferral since the requirements are met as per Section 19.08.010 B.4 of the El Paso Code.

## **Sun Metro**

No objections.

## **El Paso Water Utilities**

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

The subject property is located within the City of El Paso Northeast Impact Fee service area. Impact fees are assessed at the time of plat and due at the time that El Paso Water receives an application for water and sewer services.

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

### **Water:**

There is an existing 16-inch diameter water main that extends along Dyer Street, this main is located approximately 37-feet east of the right of way center line. This water main is available for service.

There is an existing 12-inch diameter water main that extends along Dyer Street. No water services from this main are allowed since the main is exclusively dedicated to provide service to the McGregor Range site.

Previous water pressure from fire hydrant #012 located at 11105 Dyer Street and Angora Loop North, has yielded a static pressure of 78 psi, a residual pressure of 74 psi, and a discharge of 919 gallons per minute.

### **Sanitary Sewer:**

There is an existing 15-inch diameter sanitary sewer along Dyer Street. This main is located approximately 89.5-feet west of the property. This sewer main is available for service.

### **General**

EPWater requires a new service application to provide additional services 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 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:**

The proposed ponding area shown shall have enough capacity to hold the developed runoff for a designated 100-yr. storm event. Label the pond as "Private".

**El Paso County 911 District**

The El Paso County 911 District has no comments/concerns regarding this rezoning.

**Texas Department of Transportation**

Based on the generalized plot plan, the development does not meet the spacing requirements to have two driveways. The driveway for this development would need to be at least 425 feet from the neighboring driveway to the South.

The TxDOT Access Management Committee will have additional comments once this is presented to them with formal construction drawings and additional information in regards to the purpose of this development is provided.

**El Paso County Water Improvement District**

No comments received.