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

AGENDA DATE: June 7, 2022
PUBLIC HEARING DATE: June 22, 2022

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

Luis Zamora, (915) 212-1552

DISTRICT(S) AFFECTED: District 3

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 27, Block 6, Stiles Gardens, 7249 Dale Road, City of El Paso, El Paso County, Texas from A-2 (Apartment) to C-1 (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: 7249 Dale Road Applicant: Scott Winton, PZRZ21-00031

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from A-2 (Apartment) to C-1 (Commercial) to allow a proposed mix of retail and offices. City Plan Commission recommended 5-0 to approve the proposed rezoning on April 7, 2022. As of May 3, 2022, the Planning Division has received one (1) email in support; one (1) email, one (1) call, and a petition in 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? X YES NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

<u>DEPARTMENT HEAD:</u> Kevin Smith for Philip Etiwe

ORDINANCE NO.	
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AN ORDINANCE CHANGING THE ZONING OF LOT 27, BLOCK 6, STILES GARDENS, 7249 DALE ROAD, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO C-1 (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 27, Block 6, Stiles Gardens, 7249 Dale Road, located in the City of El Paso, El Paso County, Texas, be changed from A-2 (Apartment) to C-1 (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 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 fifteen feet (15') on center along the property lines adjacent to residential or apartment 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. A Detailed Site Development Plan shall be reviewed and approved per City Code prior to issuance of building permits.
- 3. The following uses are prohibited on the property: Motor Vehicle Repair, Minor Automotive Service Station Nightclub, bar, cocktail lounge
- 4. Vehiclular access to and from Dale Rd. shall be prohibited.

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	, 2022.
		THE CITY OF EL PASO:
ATTEST:		Oscar Leeser Mayor
Laura D. Prine City Clerk		
APPROVED AS TO FORM	м:	APPROVED AS TO CONTENT:
Juan S. Gonzalez Assistant City Attorney	4	Kevin Smith for Philip F. Etiwe, Director Planning & Inspections Department
ORDINANCE NO.		Zoning Case No: PZRZ21-00031

7249 Dale Road

City Plan Commission — April 7, 2022 REVISED

CASE NUMBER: PZRZ21-00031

CASE MANAGER: Luis Zamora, (915) 212-1552 ZamoraLF@elpasotexas.gov

PROPERTY OWNER:Manuel GarzaREPRESENTATIVE:Scott Winton

LOCATION: 7249 Dale Rd. (District 3)

PROPERTY AREA: 0.47 acres

REQUEST: Rezone from A-2 (Apartment) to C-1 (Commercial)

RELATED APPLICATIONS: None

PUBLIC INPUT: One (1) email in support; one (1) email, one (1) call, and a petition

in opposition as of April 7, 2022

SUMMARY OF REQUEST: Applicant requests to rezone the subject property from A-2 (Apartment) to C-1 (Commercial) for a proposed mix of retail and offices.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the rezoning request. The recommendation is based on the proposed development uses being consistent with adjacent commercial and residential properties within its vicinity. Furthermore, the proposed commercial zone is compatible with the G-7, Industrial and/or Railyards Future Land Use designation and is in keeping with the policies of *Plan El Paso* in the Mission Valley Planning Area.

- 1. "That a 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 fifteen feet (15') on center along the property lines adjacent to residential or apartment 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. A Detailed Site Development Plan shall be reviewed and approved per City Code prior to issuance of building permits.
- 3. The following uses are not permitted:
 - Motor Vehicle Repair, Minor
 - Automotive Service Station

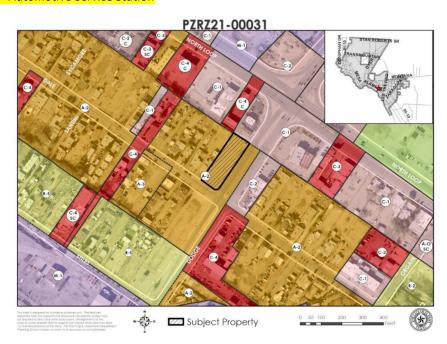


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant requests to rezone from A-2 (Apartment) to C-1 (Commercial) to allow for a light retail and offices. A generalized site plan shows the proposed development configuration of the property with a conceptual building and parking lot with access from Dodge Road. The lot is located at the intersection of Dale Road and Dodge Road.

PREVIOUS CASE HISTORY: None.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed rezoning is consistent with adjacent uses and meets the established character of its neighborhood. Properties to the north include apartments and a material sales store zoned C-1 (Commercial); to the east, properties include a restaurant that is zoned C-2 (Commercial); to the south, there is a vacant property zoned A-2 (Apartments); and to the west, properties include single-family dwellings zoned A-2 (Apartments). Due to the proximity to other similar uses and zoning districts, the property has the potential to provide light commercial uses within walking distance to an area consisting of single-family and multi-family developments. The nearest school is Ramona Elementary School (0.51 miles) and the nearest park is Stiles Park (0.14 miles).

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:				
Criteria	Does the Request Comply?			
Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property: G-7, Industrial: 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.	Yes. The area has the potential for mixed-use redevelopment of commercial and residential uses in close proximity to each other, which is in character with the future land use designation of <i>Plan El Paso</i> .			
Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site: C-1 (Commercial): The purpose of this 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.	Yes. The proposed C-1 (Commercial) zone is compatible with the surrounding A-2 (Apartment), C-1 and C-2 (Commercial) districts. Furthermore, it has the potential to provide light commercial uses within walkable distance to residential properties.			
Preferred Development Locations: 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.	Yes . The subject property has access to Dodge Road, which is designated as a Major Arterial in the City's Major Thoroughfare Plan. The classification of this road is appropriate for proposed development.			

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a				
proposed rezoning is in accordance with Plan El Paso, consider the following factors:				
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER				
EVALUATING THE FOLLOWING FACTORS:				
Historic District or Special Designations & Study Area	None. The property is not located within any Historic			
Plans: Any historic district or other special designations	Overlay District nor any other special designation areas.			
that may be applicable. Any adopted small areas plans,				
including land-use maps in those plans.				
Potential Adverse Effects: Potential adverse effects	None. The proposed rezoning, if approved, is not			
that might be caused by approval or denial of the	anticipated to cause any adverse effects on the			
requested rezoning.	community.			
Natural Environment: Anticipated effects on the	None. The subject property does not lie within an			
natural environment.	arroyo or other sensitive environment. No negative			
	environmental impacts are anticipated if the rezoning			
	request is approved.			
Stability: 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.			
Socioeconomic & Physical Conditions: Any changed	None.			
social, economic, or physical conditions that make the				
existing zoning no longer suitable for the property.				

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The subject property is located at the intersection of Dale Road and Dodge Road. Dodge Road is designated as a Major Arterial in the City's Major Thoroughfare Plan (MTP). The major arterial classification is appropriate to serve the future proposed uses. Currently, there is no sidewalk on the property along Dodge Road, but will be required to be installed by the owner at the time of development. Other existing infrastructure and services are appropriate to serve future development.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments from reviewing departments. The Planning Division recommends adding conditions to provide a ten-foot (10') landscaping buffer along residential and apartment zone districts or uses, to require and approved Detailed Site Development Plan reviewed per City Code prior to issuance of building permits, and to prohibit the uses of Motor Vehicle Repair, Minor and Automotive Service Station.

PUBLIC COMMENT: The subject property lies within the Stiles Garden Neighborhood Association, Mission Valley Civic Association, and Corridor 20 Civic Association. These Associations were notified of the request by the applicant, with the Planning Division receiving two (2) emails from such associations providing commentary to the applicant per the request, with one (1) email (Mission Valley Civic Association) in support. In addition, we received one (1) email from the office of City Representative Cassandra Hernandez stating opposition from the Stiles Garden Neighborhood Association. Staff contacted Mrs. Elva Villagran via phone from such Association, who stated concern for automobile service uses, as well as inquiring about other similar uses permitted under the existing and proposed zoning district. At the end of the conversation, it was decided that the call was going to be kept as opposition just as the previous email stated. At the City Plan Commission on April 7, 2022, a petition in opposition was provided from Stiles Garden Neighborhood Association. All correspondence is included on Attachment 4 of this document. Public notice was sent to all property owners within 300 feet of the subject property on March 23, 2022. As of April 6, 2022, only the previous stated email has been received in support.

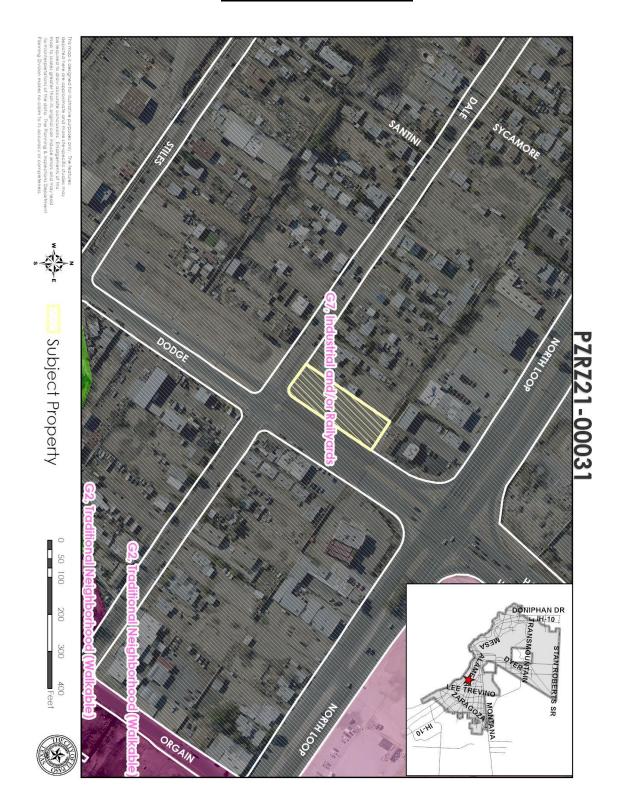
CITY PLAN COMMISSION OPTIONS:

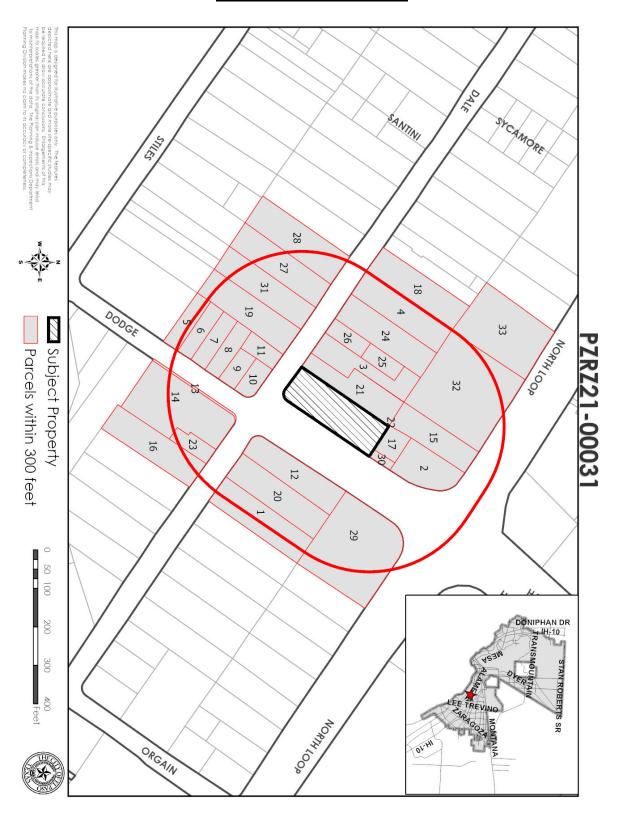
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

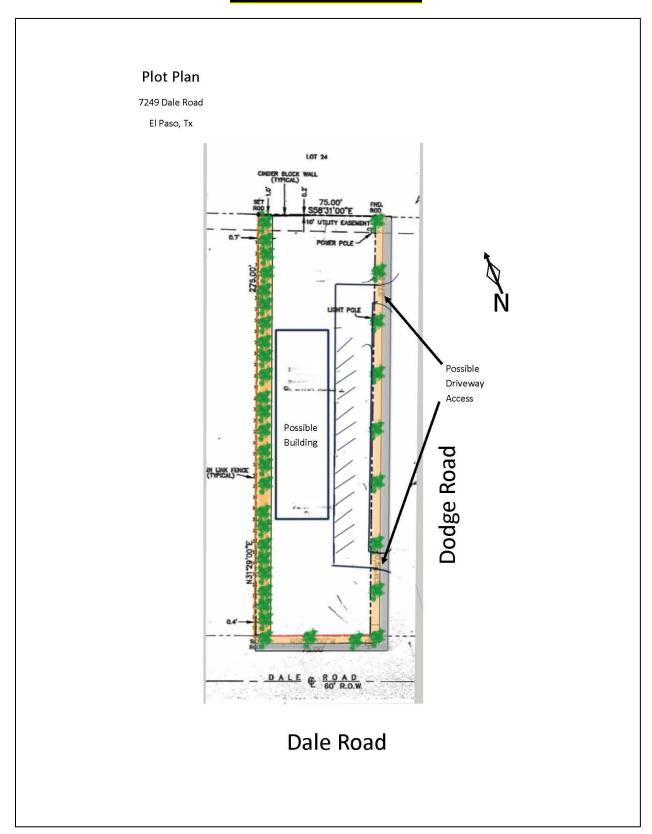
- 1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
- 2. **Recommend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







Zamora, Luis F.

From: Fabiola Campos-Lopez <corridor20ca@yahoo.com>

Sent: Wednesday, March 2, 2022 11:23 AM

To: eduardoatalamantes@gmail.com; longhorn_1989@hotmail.com; mmcarr008@gmail.com; scott

winton

Cc: Garcia, Raul; Zamora, Luis F.

Subject: Re: Application for Zoning Change 7249 Dale Road

You don't often get email from corridor20ca@yahoo.com. Learn why this is important

CAUTION: This email originated from outside of the City of El Paso. Do not click links or open attachments unless you recognize the sender and know the content is safe. If suspicious, use **Phish Alert** or forward to **SpamReport@elpasotexas.gov**.

Mr. Winton,

Hope this communication finds you well.

As going over the permissible uses for zone C1, we noticed that the automobile sales, service, storage, and rental business uses are **not** permissible. This will safeguard the welfare and safety of the adjacent residential area property owners.

The Corridor 20 civic association's mission is to support responsible growth in the Mission Valley area and ensure its neighborhoods will maintain and/or improve their quality of life for the health, safety, and welfare of its residents.

CORRIDOR 20 ca will follow up on this rezoning application for the property with address 7249 Dale. Thank you for the update.

Best Regards.

Fabiola Campos-Lopez, Coordinator

CORRIDOR20ca



On Tuesday, March 1, 2022, 11:05:46 AM MST, scott winton <scottwinton@sbcglobal.net> wrote:

Hello All.

I hope everyone is well.

A notice was previously sent informing you that an application for a zoning changed on the above property had been filed. That zoning request was for a C-4 Zoning designation.

Based upon feedback we received from you, the application has been re-filed with the request modified to a C-1 zoning.

We do not have a user for the property at this time, but the C-1 designation gives more flexibility than the current zoning.

If you have any questions, please call or email.

Thank you for your time.

Scott Winton

915-637-0787

On Tuesday, November 2, 2021, 02:52:16 PM MDT, scott winton < scottwinton@sbcglobal.net> wrote:

Greetings,

Thank you to all who accepted my phone call.

I have attached a notification that an application for a zoning change has been filed.

I hope you will call me with any questions or comments.

The property owner and his family hope to be a positive presence in the community with the planned facilities.

The trucks are generally only parked on weekends and are not required to run continuously for refrigeration.

They hope the office will be used by community members for socializing and bathroom needs. Please let me know if you are interested, and I will set up a meeting where we can all discuss this application,

Respectfully,

Scott Winton

915-637-0787

Leap Town Planning Services

www.leaptown.org

Zamora, Luis F.

From: Garcia, Raul

Sent: Thursday, March 3, 2022 10:00 AM

To: Zamora, Luis F.

Subject: FW: Application for Zoning Change 7249 Dale Road

Luis,

See comments from neighb assoc, make sure they are included in backup when it goes to CPC. Thanks

From: Sylvia Carreon < longhorn_1989@hotmail.com>

Sent: Thursday, March 3, 2022 9:52 AM **To:** scott winton <scottwinton@sbcglobal.net>

Cc: Fabiola Campos-Lopez <corridor20ca@yahoo.com>; villagrane@yahoo.com; Garcia, Raul

<GarciaR1@elpasotexas.gov>

Subject: Re: Application for Zoning Change 7249 Dale Road

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GM Scott, as per our ongoing conversations in reference to this location at 7249 Dale Rd., we had agreed that you might go forward in an application to rezone to C-1 which I believe to be acceptable at this time. I spoke with Elva Villagran who is the current Vice president of the Stiles Garden Neighborhood Association and told her that I would include her on this reply. Her cell number for your records 915-780-3221 and request calls after 3 pm. For a current update, Mr. Raul Dominguez, who was the President of Stiles Garden, passed away last month, may he RIP. He was the one who conducted meetings and events.

Please keep me undated on all applications in reference to this location and you have my cell number. Thank you

From: scott winton < scottwinton@sbcglobal.net > Sent: Wednesday, March 2, 2022 11:45 AM

To: longhorn 1989@hotmail.com <longhorn 1989@hotmail.com>

Subject: Fw: Application for Zoning Change 7249 Dale Road

Scott Winton

915-637-0787 Leap Town Planning Group www.leaptown.org

---- Forwarded Message -----

From: scott winton < scottwinton@sbcglobal.net >

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To: corridor20ca@yahoo.com; eduardoatalamantes@gmail.com; longhorn 1989@hotmail.com; longhorn 1989@hotmail.com; mmcarr008@gmail.com; scottwinton@sbcglobal.net>
Cc: Raul (DSD) Garcia garciar1@elpasotexas.gov; <a href="mailto:Luis F. Zamora <zamoralf@elpasotexas.gov">camoralf@elpasotexas.gov

Sent: Tuesday, March 1, 2022, 11:05:41 AM MST

Subject: Re: Application for Zoning Change 7249 Dale Road

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Thank you for your time.

Scott Winton

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The trucks are generally only parked on weekends and are not required to run continuously for refrigeration.

They hope the office will be used by community members for socializing and bathroom needs. Please let me know if you are interested, and I will set up a meeting where we can all discuss this application,

Respectfully,

Scott Winton

915-637-0787 Leap Town Planning Services www.leaptown.org

Zamora, Luis F.

From: Olivares, Bettina

Sent:Wednesday, April 6, 2022 5:48 PMTo:Zamora, Luis F↓ Smith, Kevin W.

Cc: District #3; Garcia, Raul

Subject: 4/7 CPC Item 5 Rezoning 7249 Dale - Elva Villagran - Stiles NA

Hello Luis and Kevin,

I just got off the phone with Elva Villagran from Stiles NA. She has questions regarding the below item and is in opposition and wanted more details. Can someone please give her a call before tomorrow's item? I did encourage her to call in to give input on item and how she could do so, if that's what she wanted.

PUBLIC HEARING Rezoning Application:

PZRZ21-00031: Lot 27, Block 6, Stiles Gardens, City of El Paso, El Paso Co

Location: 7249 Dale Rd. Existing Zoning: A-2 (Apartment)

Request: Rezone from A-2 (Apartment) to C-1 (Commercial)

Existing Use: Vacant

Proposed Use: Light Retail, Office, or Mixture of Permitted Uses

Property Owner: Manuel Garza Representative: Scott Winton

District: 3

Staff Contact: Luis Zamora, (915) 212-1552, ZamoraLF@elpasotexas.gov

Bettina Olivares

Legislative Aide Office of Cassandra Hernandez Council Representative | District 3 City of El Paso | O: 915.212.0003

* Email was followed up by a call to Mrs. Villagran by Staff on April 6, 2022.

PETITION

To: City Commissioners, City Hall, 300 N. Campbell, El Paso, TX.

The Stiles Garden Neighborhood Association and the residents oppose to the request of Manuel Garza build a light retail, office or Mixture of permitted uses at 7249 Dale Rd. Case No: PZRZ21-00031 from A-2 (Apartment) to C-1 (Commercial). Lot 27, Block 6. We oppose this due to uncertain what owner will bring as a business or mixtures permitted uses. We oppose this due to safety issues, having citizens living nearby, and well being of our community.

Print Name	Address	Phone Number	Signature
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<u>Planning and Inspections Department - Planning Division</u>

Recommend approval of the rezoning request with the following conditions:

- That a 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 fifteen feet (15') on center along the property lines adjacent to residential or apartment 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. A Detailed Site Development Plan shall be reviewed and approved per City Code prior to issuance of building permits.
- 3. The following uses are not permitted:
 - a. Motor Vehicle Repair, Minor
 - b. Automotive Service Station

Planning and Inspections Department – Plan Review & Landscaping Division

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

No comments received.

Fire Department

Recommend approval.

Police Department

No comments received.

Environmental Services

No comments received.

Streets and Maintenance Department

TIA not required for this application.

Sun Metro

No comments received.

El Paso Water Utilities

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

Water:

There is an existing 6-inch diameter water main extending along Dale Rd. fronting the subject property. This main is located approximately 19-feet south of the northern right-of-way line of Dale Rd. This water main is available for service.

There is an existing 8-inch diameter water main extending along Dodge Rd. approximately 15-feet west of the eastern right-of-way line Dodge Rd. This water main is available for service.

There is an existing 48-inch diameter water main extending along Dale Rd. fronting the subject property. This main is located approximately 7-feet north of the southern right-of-way line of Dale Rd. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

Previous water pressure readings from fire hydrant # 680 located at the southwest corner of the intersection of Dale Rd. and Dodge Rd., have yielded a static pressure of 100 pounds per square inch, a residual pressure of 80 pounds per square inch, and a discharge flow of 1384 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 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 Dale Rd. fronting the subject property. This main is located approximately 20-feet north of the southern right-of-way line of Dale Rd. This sanitary sewer main is available for service.

There is an existing 12-inch diameter sanitary sewer main extending along Dodge Rd. fronting the subject property. This main is located approximately 30-feet east of the western right-of-way line of Dodge Rd. This sanitary sewer main is available for service.

General:

EPWU requires a new service application to provide additional 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 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.

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.

Texas Department of Transportation

No comments received.

El Paso County Water Improvement District

No comments received.