

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

AGENDA DATE: July 6, 2022
PUBLIC HEARING DATE: August 2, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Nina Rodriguez, (915) 212-1561

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 a portion of the East 300 feet of North 150 feet of South 165 feet of Tract 9-D, First Supplemental Map of Parkland Addition, City of El Paso, El Paso County, Texas from R-4 (Residential) to A-O (Apartment/Office) 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: North of Woodrow Bean Transmountain Drive and East of Bomarc Street
Applicant: CEA Group, PZRZ22-00015

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone to allow apartment use. City Plan Commission recommended 7-0 to approve the proposed rezoning on June 16, 2022. As of July 20, 2022, the Planning Division has received two (2) emails in opposition to the 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

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF THE EAST 300 FEET OF NORTH 150 FEET OF SOUTH 165 FEET OF TRACT 9-D, FIRST SUPPLEMENTAL MAP OF PARKLAND ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE) 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 **a portion of the East 300 feet of North 150 feet of South 165 feet of Tract 9-D, First Supplemental Map of Parkland Addition**, located in the City of El Paso, El Paso County, Texas, be changed from **R-4 (Residential)** to **A-O (Apartment/Office)**, 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 health and safety of the community, generated by the change of zoning in order to protect the health, safety and welfare of the residents of the City:

1. *Structures shall not exceed more than two-stories.*
2. *That a five-foot (5') 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 twenty feet (20') on center along the property lines adjacent to residential 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.*
3. *Prior to issuing a certificate of occupancy, property owner must install an eight-foot (8') privacy fence along the northern property line.*
4. *Trash receptacles shall be located a minimum of seventy-five feet (75') away from residential lots located to the north of the property.*

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.

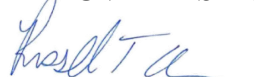
THE CITY OF EL PASO:

ATTEST:

Oscar Leiser
Mayor

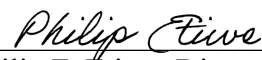
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

Zoning Case No: PZRZ22-00015

North of Woodrow Bean Transmountain Drive and East of Bomarc Street



City Plan Commission — June 16, 2022 **REVISED**

CASE NUMBER: PZRZ22-00015
CASE MANAGER: Nina Rodriguez, (915) 212-1561, RodriguezNA@elpasotexas.gov
PROPERTY OWNER: The Venice Group, LLC
REPRESENTATIVE: CEA Group
LOCATION: North of Woodrow Bean Transmountain Dr. and East of Bomarc St. (District 4)
PROPERTY AREA: 1.03 acres
REQUEST: Rezone from R-4 (Residential) to A-O (Apartment/Office)
RELATED APPLICATIONS: None
PUBLIC INPUT: 2 emails in opposition received as of July 20, 2022

SUMMARY OF REQUEST: The applicant is requesting a rezone from R-4 (Residential) to A-O (Apartment/Office) to allow for apartments.

STAFF RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the rezoning request based on its consistency with *Plan El Paso*, the City's Comprehensive Plan and the G-3, Post-War future land use designation. The conditions are as follows:

1. Structures shall not exceed more than two-stories.
2. That a **five-foot (5')** 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 twenty feet (20') on center along the property lines adjacent to residential 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.
3. Prior to issuing a certificate of occupancy, property owner must install an eight-foot (8') privacy fence along northern property line.
4. Trash receptacles shall be located a minimum of 75' away from residential lots located to the north of property.

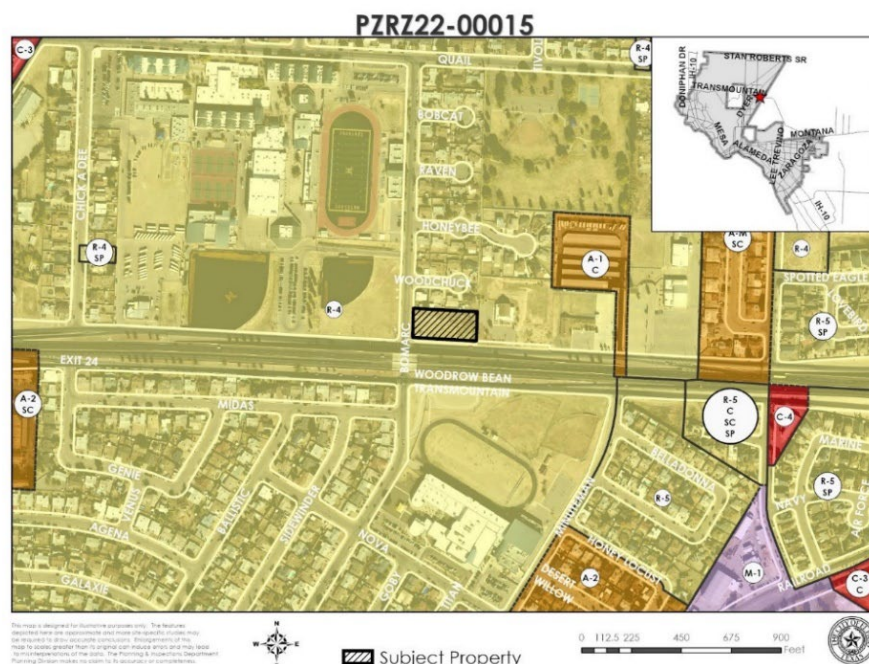


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone a 1.03-acre property from R-4 (Residential) to A-O (Apartment/Office) to allow for apartments. The conceptual plan shows a twenty-four (24) apartment unit complex. Access to the subject property is proposed from Bomarc Street and Woodrow Bean Transmountain.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed apartment use and A-O (Apartment/Office) district is compatible with the residential districts in the immediate area and is in character with the areas surrounding the subject property. The adjacent properties to the north are single-family dwelling uses in an R-4 (Residential) zoning district, and the properties to the west, east, and south are public school and church uses also zoned R-4 (Residential). The subject property is located off the Woodrow Bean Transmountain Drive highway at the Northeast corner of Bomarc Street and has the potential to serve as a buffer between the highway and the single-family dwellings located directly behind. There are existing sidewalks along Woodrow Bean Transmountain Drive. By rezoning the subject property to an A-O (Apartment/Office) district, the area has the potential to provide more diverse residential options. The distance to the nearest school, Parkland High School, is approximately 0.06 miles and the distance to the nearest park, Franklin Park, is 0.28 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 proposed development is compatible with the future land use designation. The proposed development has the potential to increase the available housing stock in an area facing limited housing stock.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>A-O (Apartment-Office) District: The purpose of these districts is to promote and preserve residential development within the city associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low-density residential neighborhoods to other residential areas, and certain nonresidential uses and support facilities.</p>	<p>Yes. Adjacent properties to the north, south, east and west of the subject property are zoned R-4 (Residential) zones. The proposed A-O (Apartment/Office) zoning district is compatible with the surrounding uses as it also serves to provide residential use purpose. However, by rezoning the subject property from R-4 (Residential) to A-O (Apartment/Office), future developments can achieve more density and more diverse residential uses, thereby serving the community with a variety of housing options.</p>
<p>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</p>	<p>Yes. Access to the subject property is proposed from Bomarc Street; a local street and Woodrow Bean Drive, a major arterial as classified under the City's Major Thoroughfare Plan. The classification of these streets are appropriate for the proposed development. While</p>

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
property on the block with an alternative zoning district, density, use and/or land use.	the subject property will be the only A-O (Apartment-Office) zoning district on the corner of the intersection surrounded by R-4 (Residential) zoning districts, changing the zoning designation of the subject property allows for an increase in density and more types of residential uses than allowed in R-4 (Residential) districts. This has the potential to provide the area with more housing units and flexible uses to meet a wider range of needs for the community.
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.	This property does not fall within any historic districts, special designations, or study plan areas.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	There are no anticipated adverse impacts.
Natural Environment: Anticipated effects on the natural environment.	The subject property does not involve green field or environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	The area is stable with no rezoning cases within the last 10 years.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	The property directly abuts Woodrow Bean Transmountain Dr. and serves as a buffer along Woodrow Bean Transmountain Dr. for single-family properties located directly behind the subject property. Higher density uses are more desirable in these areas to serve as a buffer. The proposed development would also serve as infill for a currently vacant corner lot.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access to the subject property is proposed from Bomarc Street; a local street and Woodrow Bean Transmountain Drive, classified as a freeway per the City of El Paso’s Major Thoroughfare Plan (MTP) and are adequate to support the proposed use of apartments. The proposed development is within walking distance of local schools and parks, and sidewalks are already present along Woodrow Bean Transmountain Drive.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments were received for the rezoning request from the reviewing departments.

PUBLIC COMMENT: The subject property does not reside within the boundaries of any neighborhood or civic associations identified by the City of El Paso. A community meeting was held on June 11, 2022 providing information on the proposed rezoning, five residents attended the meeting. Notice of the proposed rezoning was provided to all property owners within 300 feet of subject property on June 1, 2022. As of July 20, 2022, the Planning Division has received (2) emails in opposition to the request, and no other communication in support nor opposition. One phone call of inquiry was received from the public.

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.
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. Department Comments
5. Public Comment

ATTACHMENT 1

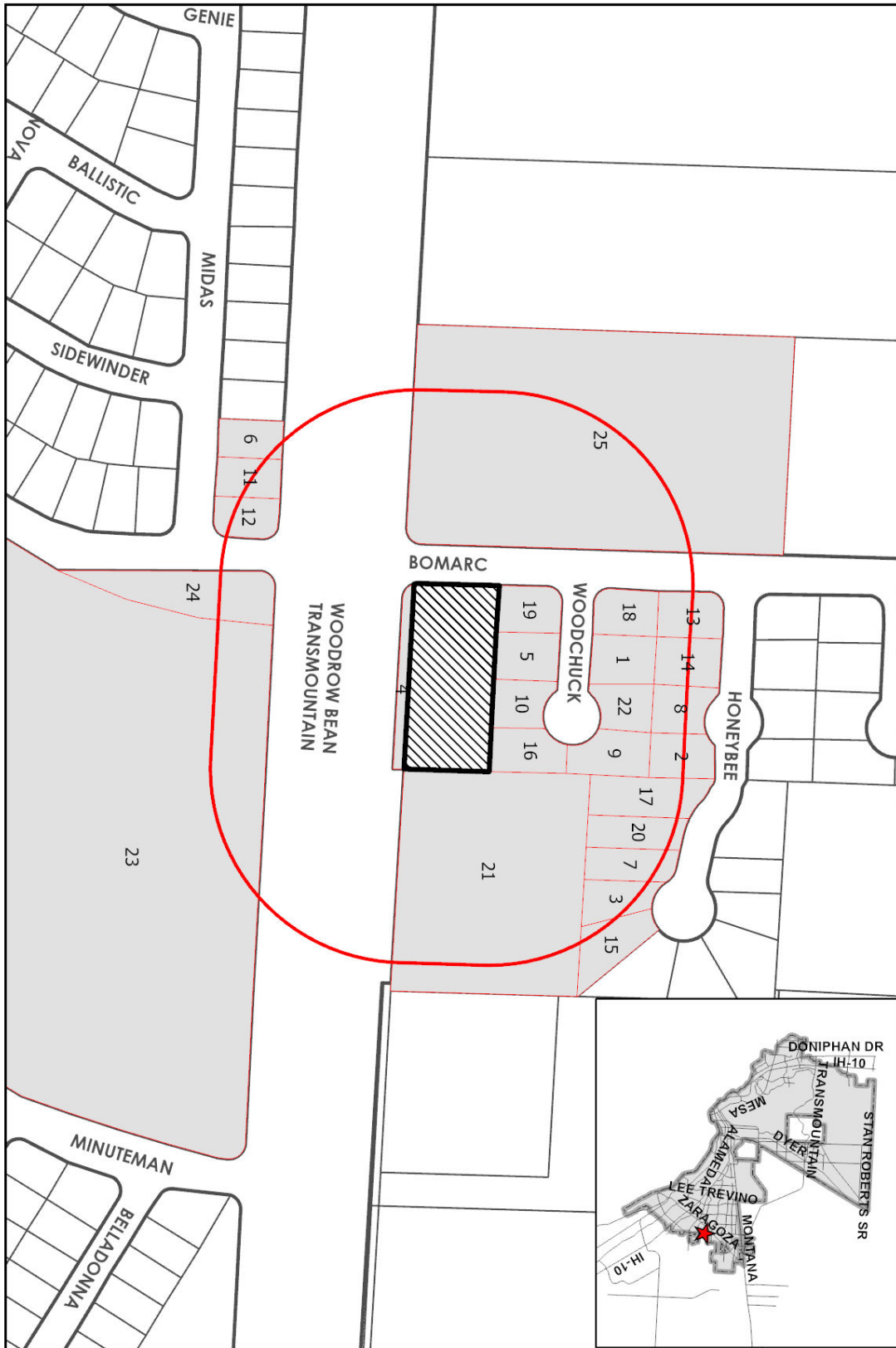
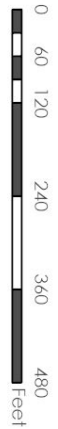


ATTACHMENT 2

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. Engagements of this map to scales greater than its original scale may reduce errors and may lead to misinterpretation of the map. The Planning Division makes no claim to its accuracy or completeness.



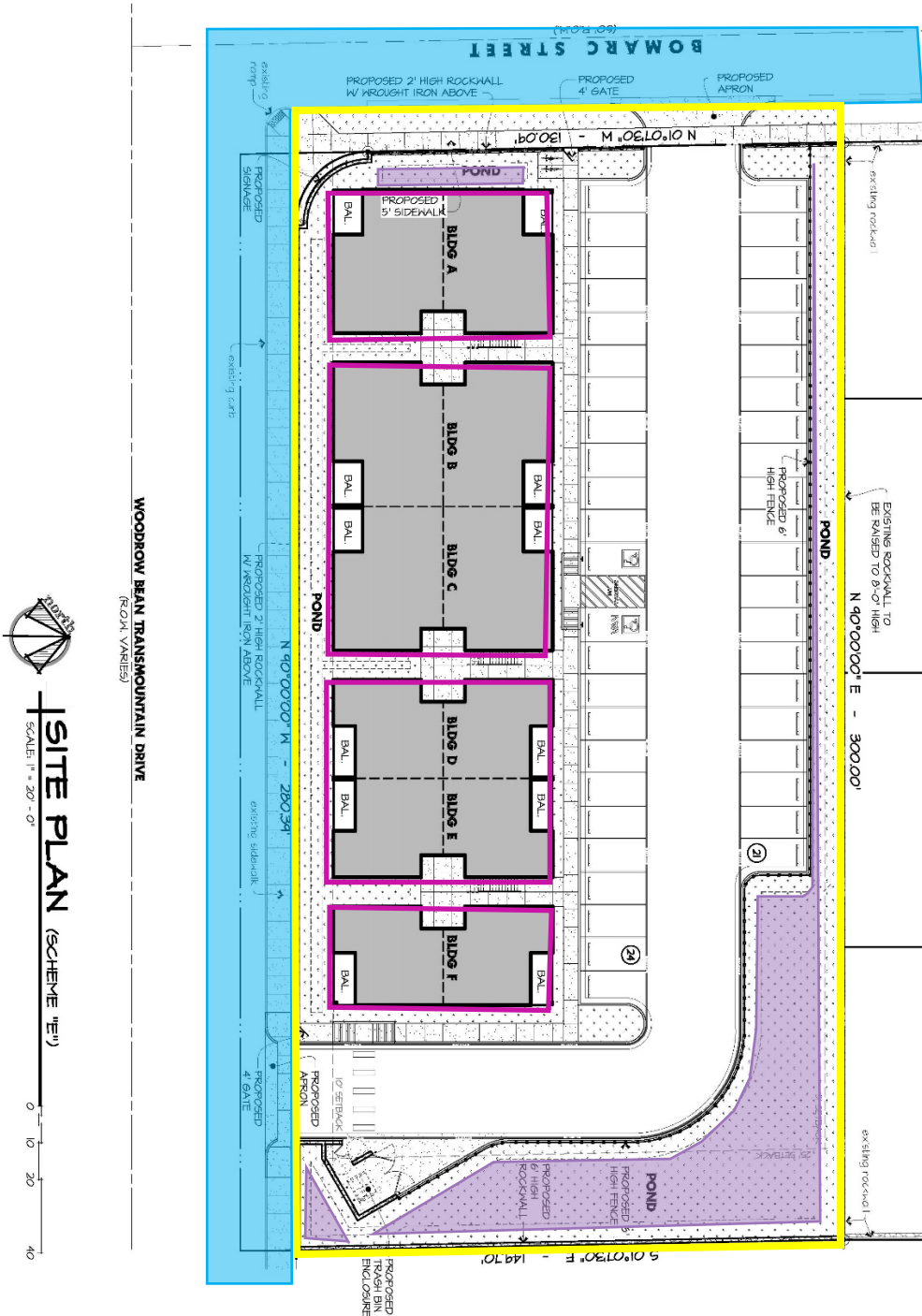
Subject Property



PZR22-00015

ATTACHMENT 3

6 ONE BEDROOM UNIT PER STORY (X 2 STORIES) = 12 UNITS
 6 TWO BEDROOM UNIT PER STORY (X 2 STORIES) = 12 UNITS
24 TOTAL UNITS
 42 PARKING SPACES REQUIRED (INCLUDING 2 HANDICAP SPACES)
 45 PARKING SPACES PROVIDED (INCLUDING 2 HANDICAP SPACES)



CONCEPTUAL DESIGN

SP1.1
 1 OF 1
 ARCHITECTURAL
 SITE PLAN - SCHEME

NEW APARTMENT COMPLEX FOR

BOMARC APARTMENTS

BOMARC ST. & WOODROW BEAN TRANSMOUNTAIN DR.

EL PASO, TEXAS 79924

CONCEPTUAL DESIGN
 THIS DOCUMENT WAS PREPARED FOR THE ARCHITECT BY THE ARCHITECT'S FIRM. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE ARCHITECT'S WRITTEN CONSENT. THE ARCHITECT'S FIRM IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE ARCHITECT.

ARCHITECT

ATTACHMENT 4

Planning and Inspections Department – Planning Division

Staff recommends approval of the rezoning request with the following conditions:

1. Structures shall not exceed more than two-stories.
2. That a ten-foot (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 twenty feet (20') on center along the property lines adjacent to residential 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.

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

1. Show proposed drainage flow patterns on the site plan and identify the discharge and/or storage location(s) for all storm-water runoff within the subdivision.
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. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, rainwater harvesting within landscaped areas, 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.

Police Department

No comments received.

911 District/El Paso County 911 District

No comments received.

Environmental Services

No comments received.

Streets and Maintenance Department

No comments received.

Sun Metro

No comments received.

El Paso Water Utilities

El Paso Water does not object to this request.

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

There is an existing 6-inch/8-inch diameter water main along Bomarc St. The water main is located approximately 20-ft west of the eastern right-of-way. This main is available for service.

There is an existing 30-inch diameter flow line along Woodrow Bean Transmountain Rd. This water main is located approximately 17-feet south of the northern right-of-way. This main is not available for service.

Previous water pressure from fire hydrant #08996 located on Woodrow Bean Transmountain Rd., approximately 495-ft east of Bomarc St. has yield a static pressure of 90 (psi), a residual pressure of 84 (psi), and a discharge of 1113 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 Lot 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 Bomarc St. The sewer main is located approximately 25-feet east of the western right-of-way line. This main is available for service.

General:

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 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 – 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:

1. 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.
2. The small concrete channel that runs behind this property was not designed to take in this storm sewer runoff.
3. EPWater-SW requires on-site retention of all developed runoff; ensure runoff does not flow off-site.
4. Any 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”.

Note: To be complied prior to construction

Texas Department of Transportation

Please submit grading and drainage plans for TxDOT review.

Note: To be complied prior to construction

El Paso County Water Improvement District

No comments received.

ATTACHEMENT 5

From: [David Mullen](#)
To: [Rodriguez, Nina A.](#)
Subject: Case: PZR22-00015
Date: Wednesday, June 8, 2022 10:42:46 AM

You don't often get email from dmullen69@att.net. [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.

To Whom It May Concern:

This email is in regards to a rezoning request for the northeast corner of Loop 375 access road and Bomarc Street.

I strongly oppose this proposal, as it would be unsafe to put an apartment complex on that corner for the following reasons:

1. There is at least one accident at that intersection every quarter and sometimes more. Putting an apartment complex there would only increase the chances of those numbers increasing.
2. The foot traffic during the school year at that intersection is very heavy, both before school and after.
3. During football season, there is barely room to get down Bomarc Street in your vehicle, as attendees to the games park on both sides of the street. With an apartment complex added to the mix, that would be adding to an already crowded area.
4. Most importantly, the safety of the school children would be at an increased risk. And that mostly applies to the children who obey the crossing lights. Those who do not, and there are very many, would be at greater risk.

It is difficult to imagine that the city would even consider this proposal. Just a quick look would indicate the dangers this complex would bring to this neighborhood.

We strongly oppose this action!

Very Respectfully,

David & Blanca Mullen
6024 Honeybee Ct
El Paso, TX 79924
(915) 471-9409

From: [David Mullen](#)
To: [Rodriguez, Nina A.](#)
Subject: Rezoning at Loop 375 and Bomarc Streeta - PZRZ-22-00015
Date: Tuesday, July 19, 2022 6:59:28 PM

You don't often get email from dmullen69@att.net. [Learn why this is important](#)

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Good Day:

Attached are photos of an accident that occurred on 16 June 2022, at the corner you are proposing to put an apartment complex.

Accidents occur at this corner at least once every three to four months. The children in this area would be in greater danger if an apartment complex is built on this corner, as you would be adding to the number of children who would cross the intersection.

If this is approved, even for a business, accidents will increase.

For the sake of the children, do not allow this proposal go forward.

Thank you for your attention in this matter.

El Capitan





From: Jorge Azcarate
To: Rodriguez, Nina A.
Cc: Carlos Silveyra; Garcia, Raul
Subject: Fwd: Open Records Request :: W109742-060922
Date: Monday, June 13, 2022 12:34:46 PM

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.

Nina,

Please see below on responses from El Paso Police Dept. On our open records request. Thank you.

Sincerely,
Jorge L. Azcarate, P.E., CFM

From: The City of El Paso <ElPaso@govqa.us>
Sent: Saturday, June 11, 2022 11:22 AM
To: Jorge Azcarate <jazcarate@ceagroup.net>
Subject: Open Records Request :: W109742-060922

--- Please respond above this line ---



06/11/2022

VIA ELECTRONIC MAIL (jazcarate@ceagroup.net)

President Jorge Azcarate 4712
Woodrow Bean, Suite F

El Paso TX 79924

Re: Open Records Request #W109742-060922

Dear President Jorge Azcarate:

Your request, received 06/09/2022, has been forwarded to me and is being treated as a request for records under the Texas Public Information Act (Tex. Gov't Code Ann. §552.001 *et seq.*). You requested the following information:

"...Accidents information for the intersection of Bomarc and Woodrow Bean (Trans-mountain) in NE El Paso. Any fatalities at the intersection.

Information being requested is for the last 3 years. Information being used for a Traffic Study."

Please be advised that I have been informed that there are no responsive documents pertaining to your request. As no responsive documents have been located, there is no charge associated with this response and your request is now considered closed. PLEASE CONTACT TEXAS DEPARTMENT OF TRANSPORTATION

Sincerely,

Alexis Esquivel,C1722
Police Records Specialist/Open Records