

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

AGENDA DATE: August 16, 2022
PUBLIC HEARING DATE: September 13, 2022

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

DISTRICT(S) AFFECTED: District 6

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 17-C-85, Section 8, Block 79, Township 3, Texas Pacific Railway Surveys, 1681 Joe Battle Boulevard, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-3 (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: 1681 Joe Battle Boulevard
Applicant: Vesir Properties LLC, PZRZ22-00013

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from R-3 (Residential) to C-3 (Commercial) to allow for automobile (sales, service, storage & rental). City Plan Commission recommended 8-0 to approve the proposed request on June 16, 2022. As of August 9, 2022, 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? 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 TRACT 17-C-85, SECTION 8, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY SURVEYS, 1681 JOE BATTLE BOULEVARD, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (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 17-C-85, Section 8, Block 79, Township 3, Texas and Pacific Railway Surveys, 1681 Joe Battle Boulevard**, 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-3 (Residential)** to **C-3 (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 _____, 2022.

THE CITY OF EL PASO:

Oscar Leaser, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

Wendi N. Vineyard

Wendi N. Vineyard
Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

Exhibit "A"

DORADO ENGINEERING GROUP, INC

2717 E. Yandell Dr. El Paso, Texas 79903 (915) 562-0002, Fax (915) 562-7743

1681 Joe Battle Boulevard

Metes and bounds description of Tract 17-C-85, Section 8, Block 79, Township 3, Texas and Pacific Railway Surveys, located at the City of El Paso, County of El Paso Texas and being more particularly described as follows;

Beginning on an existing city monument located at the centerline intersection of Saint Romeo Avenue and Bob Hope Avenue; Thence South $00^{\circ}37'42''$ East along the centerline of Bob Hope Avenue a distance of twenty four and five hundredths (24.05) feet to a corner; Thence leaving the centerline if Bob Hope Avenue South $90^{\circ}00'00''$ East a distance of thirty and no hundredths (30.00) feet to the Northerly corner of Tract 17-C-32, Section 8, Block 79, Township 3, Texas and Pacific Railway Surveys and Lot 1, Block 1, Rise V Subdivision; Thence South $90^{\circ}00'00''$ East along the common line of said mention Tract 17-C-32, Section 8, Block 79, Township 3, Texas and Pacific Railway Surveys and Lot 1, Block 1, Rise V Subdivision a distance of four hundred five and fifty seven hundredths (405.57) feet to the common Easterly corner of Tract 17-C-32, and Tract 17-C-85, Section 8, Block 79, Township 3, Texas and Pacific Railway Surveys, said corner being the point of beginning;

Thence South $90^{\circ}00'00''$ East along the common line of Lot 1, Block 1, Rise V Subdivision and Tract 17C-85, Section 8, Block 79, Township 3, Texas and Pacific Railway Surveys a distance of four hundred thirty five and sixty hundredths (435.60) feet for a corner on the Northerly right of way of Joe Battle Boulevard (Loop 375);

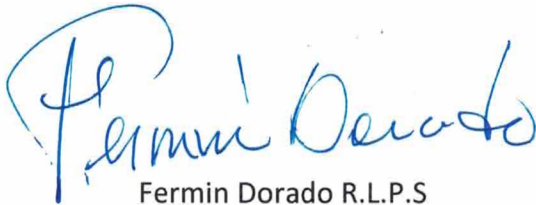
Thence South $00^{\circ}37'42''$ West along the Northerly right of way of Joe Battle Boulevard (Loop 375) a distance of one hundred and no hundredths (100.00) feet to the common Southerly corner of Tract 17-C-61 and Tract 17-C-85, Section 8, Block 79, Texas and Pacific Railway Surveys;

Thence North 90°00'00" West along the common line of Tracts 17-C-61 and Tract 17-C-85, Section 8, Block 79, Township 3, Texas and Pacific Railway Surveys a distance of four hundred thirty five and sixty hundredths (435.60) feet to the common Northerly corner of Tract 17-C-61 and Tract 17-C-85, Section 8, Block 79, Township 3, Texas and Pacific Railway Surveys;

Thence North 00°37'42" East along the common line of Tracts 17-C-32 and Tract 17-C-85, Section 8, Block 79, Township 3, Texas and Pacific Railway Surveys a distance of one hundred and no hundredths (100.00) feet for a corner said corner being the point of beginning for this description.

Said Tract 17-C-85, Section 8, Block 79, Township 3, contains 43,557.00 square feet or 1.00 acres of land more or less.

Prepared by,


Fermin Dorado R.L.P.S



May 13, 2022

GNZ



STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the rezoning request as the proposed zone change and development is compatible with the surrounding land uses and the G-4, Suburban (Walkable) future land use designation of *Plan El Paso*, the City's adopted Comprehensive Plan.

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 75 150 300 450 600 Feet

The map displays several land parcels with the following zoning codes:

- C-4 SC
- R-3
- A-2
- R-3A C SP
- C-3 C
- C-4 C
- P-R-1
- R-3
- C-4 SC
- C-4 C
- C-4 C
- C-4 C

Streets shown include: SAINT ROMEO, SAINT MARK, BOB HOPE, VIA DEL RIO, JOSE BOMBACH, LORENZO RUIZ, JOE BATTE, LOOP 375, EXIT 41, AMESBURY, SCHILLING, VALLEY QUAIL, WOOD QUAIL, STAN ROBERTS SR, TRANSMOUNTAIN, DIXIE, MESA, ALAMEDA, LEE TREVINO, ZAR COZA, DONIPHAN DR, I-10, I-69, I-37, DALLAS, FORT WORTH, AUSTIN, SAN ANTONIO, TEXAS.

Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone a 1.0-acre property from R-3 (Residential) to C-3 (Commercial) to allow for automobile (sales, service, storage and rental). The subject property is a proposed extension of an existing automobile (sales, service, storage and rental) use adjacently north of the subject property. The conceptual plan demonstrates 89 parking spaces. Access to the subject property is provided from Joe Battle Boulevard.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed automobile (sales, service, storage and rental) use and C-3 (Commercial) district is compatible with the commercial district in the immediate area, and is in character with the areas surrounding the subject property. The subject property is a proposed extension of the adjacent property to the north zoned C-3/c (Commercial/conditions), which is an existing automobile (sales, service, storage & rental) use. The property to the south is a vacant lot zoned C-4/sc (Commercial/special contract). The property to the west is a vacant lot zoned R-3 (Residential). The subject property is bound to the east by Joe Battle Boulevard with property to the east of Joe Battle Boulevard being a vacant lot located the El Paso extraterritorial jurisdiction (ETJ). Rezoning the subject property to a C-3 (Commercial) district, will allow for commercial use already present along Joe Battle Boulevard, while also serving as a buffer for residential properties located near Joe Battle Boulevard. The distance to the nearest school, Walter Clarke Middle School, is 0.80 miles and the distance to the nearest park, Walter Clarke Park, is 0.64 miles.

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:	
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-4, Suburban Walkable: 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 development is compatible with the future land use designation. The proposed automobile (sales, service, storage, and rental) use is an appropriate commercial use for this land use designation.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-3 (Commercial) District: The purpose of these districts is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.</p>	<p>Yes. The adjacent properties to the north and south are commercial zones. The property to the west is vacant zoned R-4 (Residential) and property to the east is vacant located within El Paso ETJ. Changing the current zoning designation of the subject property to C-3 (Commercial) will allow for commercial use already present along Joe Battle Boulevard, while also serving as a buffer for residential properties located near Joe Battle Boulevard.</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 property on the block with an alternative zoning district, density, use and/or land use.</p>	<p>Yes. Access to the subject property is provided by Joe Battle Boulevard, a freeway as classified under the City's Major Thoroughfare Plan. The classification of this road is appropriate for the proposed development. Adjacent properties to the north and south of the subject property along Joe Battle Boulevard are already zoned commercially. Changing the zoning designation of the subject property will keep a consistency of commercial zoning along this block along Joe Battle Boulevard.</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:	
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.	R-3 Residential zones are not suitable as frontage locations along freeways. Further, the adjacent properties to the north and south of the subject property are already zoned commercial. Rezoning the subject property from R-3 (Residential) to C-3 (Commercial) will keep consistency in zoning for this area fronting Joe Battle Boulevard.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access to the subject property is provided from Joe Battle Boulevard which is classified as a freeway per the City of El Paso’s Major Thoroughfare Plan (MTP) and is appropriate to support the proposed use. Sidewalks are already present along Joe Battle Boulevard.

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. Notice of the proposed rezone was provided to all property owners within 300 feet of subject property on June 3, 2022. One (1) phone call of inquiry was received. The Planning Division has not received communication in support nor opposition.

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:

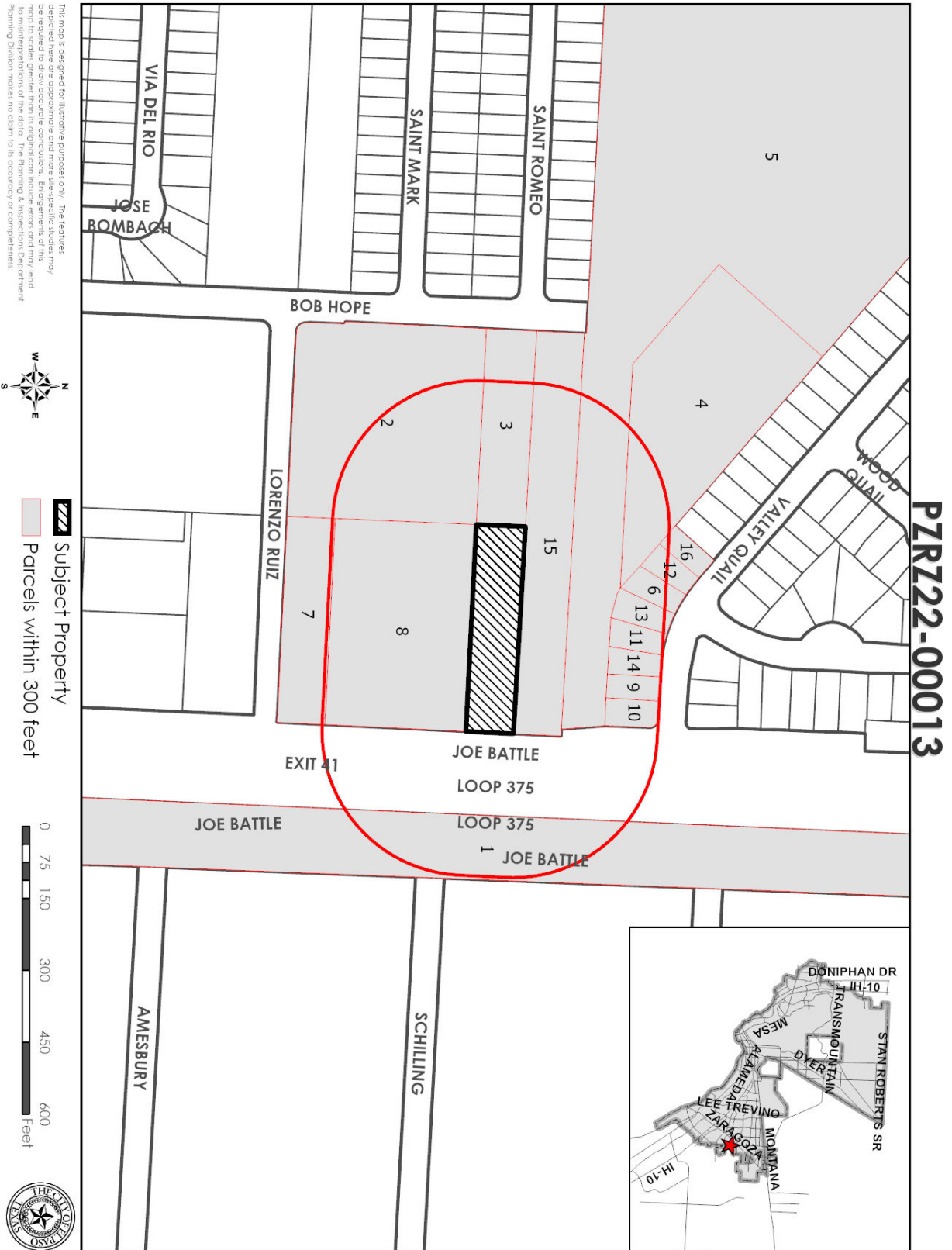
1. Future Land Use Map
2. Neighborhood Notification Boundary Map
3. Generalized Plot Plan
4. Department Comments

ATTACHMENT 1

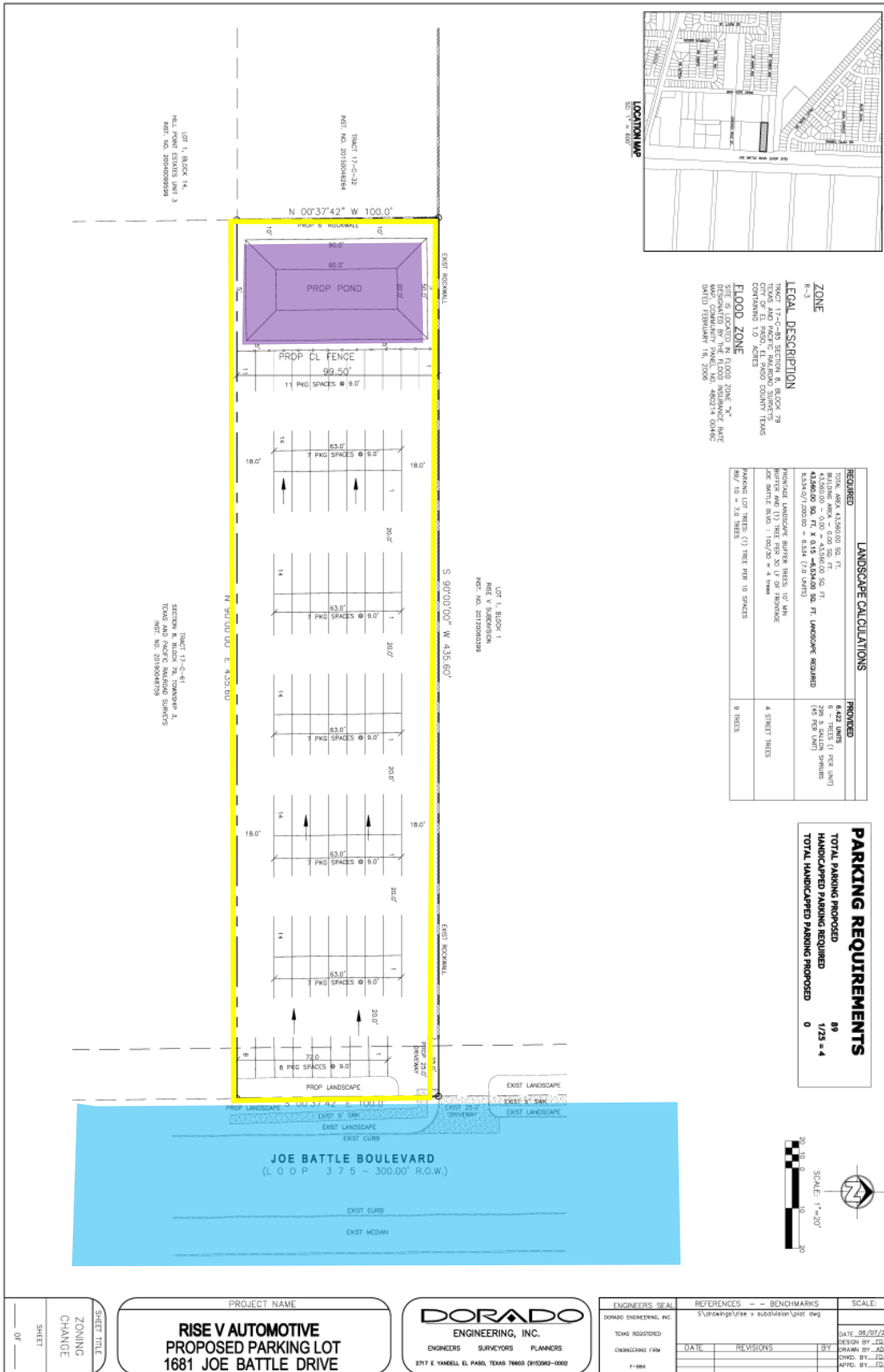
PZR22-00013



ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4

Planning and Inspections Department - Planning Division

Staff recommends approval of the rezoning request as the proposed zone change and development is compatible with the surrounding community and the G-4, Suburban (Walkable) future land use designation of *Plan El Paso*.

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend Approval.

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 objections to proposed rezoning.

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

TIA not required for this application

Sun Metro

No comments received.

El Paso Water

EPWater does not object to this request.

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

There is an existing 8-inch diameter water main along an easement located at the property limit at Joe Battle Blvd. The water main is located approximately 5-ft west of the western right-of-way.

There is an existing 48-inch diameter flow line along a 25-foot easement located at the eastern limit of the property at Joe Battle Blvd. This water main is located approximately 10-feet west of the western right-of-way. 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 from fire hydrant #09588 located on Joe Battle Blvd. 515-feet north of Lorenzo Ruiz Ave., has yielded a static pressure of 60 (psi), a residual pressure of 54 (psi), and a discharge of 919 gallons per minute.

Sanitary Sewer

There is an existing 8-inch diameter sanitary sewer main extending along a 25-foot PSB easement west of and parallel to Joe battle Blvd. This main extends south of Valley Quail Dr. and dead ends just north of the subject property. This main is available for main extension.

General

A sanitary sewer main extension will be required to provide service. Owner is responsible for main installation costs. Sewer main extension is to cover the entire frontage of the property.

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.

Storm Water

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”.

Note: Comments to be addressed prior to construction

Texas Department of Transportation

Please submit construction plans to ELP_access@txdot.gov so we can review the grading, drainage, and proposed landscaping on TXDOT ROW.

Note: Comments to be addressed prior to construction