

**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 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 5A, Section 15, Block 80, Township 1, Texas and Pacific Railway Company Surveys, 12191 Railroad Drive, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to C-4 (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: 12191 Railroad Drive
Applicant: Jose Frias, PZRZ22-00017

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone the subject property from R-F (Ranch and Farm) to C-4 (Commercial) to allow for general warehouse use. City Plan Commission recommended approval 5-0 with one (1) abstention of the proposed request on July 14, 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 5A, SECTION 15, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, 12191 RAILROAD DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-4 (COMMERICAL), 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 *Tract 5A, Section 15, Block 80, Township 1, Texas and Pacific Railway Company Surveys, 12191 Railroad Drive, 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.

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 adjacent property owners and the residents of this City:

1. *A Detailed Site Development Plan shall be reviewed and approved as per El Paso City Code prior to issuance of building permits.*
2. *For general warehouse or heavy truck (sales, storage, repair, and rental) type uses, a minimum 30% landscaping shall be required. The 30% landscaping shall be calculated in accordance with El Paso City Code Section 18.46 Landscape, and shall include the landscaping required by El Paso City Code Section 18.46 Landscape.*

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 Leoser
Mayor

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

EXHIBIT "A"

Tract 5A, Section 15, Block 80, Township 1,
Texas and Pacific Railway Company Surveys
City of El Paso, El Paso County, Texas

April 01, 2022

METES AND BOUNDS DESCRIPTION

Exhibit "A"

FIELD NOTE DESCRIPTION of Tract 5A, Section 15, Block 80, Township 1, Texas and Pacific Railway Company Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found iron rod located on the common boundary corner of Tract 5A and Tract 5C, same being the southerly right-of-way line of Dyer Street (100' R.O.W.) and **THE POINT OF BEGINNING** of herein described parcel;

THENCE, leaving said common boundary corner and along the southerly right-of-way line of Dyer Street, North $43^{\circ} 16' 00''$ East, a distance of 512.91 feet to a found iron rod at the common boundary corner of Tract 5A and North Point Industrial Park;

THENCE, leaving said southerly right-of-way line and along the common boundary line of Tract 5A and North Point Industrial Park, South $46^{\circ} 44' 00''$ East, a distance of 518.74 feet to a found iron rod for corner at the northerly right-of-way line of Railroad Drive (120' R.O.W.);

THENCE, leaving said common boundary line of Tract 5A and North Point Industrial Park and along the northerly right-of-way line of Railroad Drive, South $28^{\circ} 25' 36''$ West, a distance of 435.63 feet to a found iron rod at the common boundary corner of Tract 5A and Tract 5C;

THENCE, leaving said northerly right-of-way line of Railroad Drive and along the common boundary line of Tract 5A and Tract 5C, North $61^{\circ} 34' 24''$ West, a distance of 335.89 feet to a found iron rod for corner;

THENCE, continuing along the common boundary line of Tract 5A and Tract 5C, South $37^{\circ} 07' 59''$ West, a distance of 5.82 feet to a found iron rod for corner;

THENCE, continuing along the common boundary line of Tract 5A and Tract 5C, North $46^{\circ} 44' 00''$ West, a distance of 306.25 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 283,961.37 square feet or 6.5189 Acres of land more or less.

Carlos M. Jimenez
Registered Professional Land Surveyor
Texas No. 3950

CAD CONSULTING COMPANY.
1790 Lee Trevino Suite #309
El Paso, Texas 79936
(915) 633-6422
J:\M&B\2018\18-0380.wpd



12191 Railroad Drive

City Plan Commission — July 14, 2022

REZONING



CASE NUMBER: PZRZ22-00017
CASE MANAGER: Nina Rodriguez, (915) 212-1561, RodriguezNA@elpasotexas.gov
PROPERTY OWNER: Frias Real Estate LLC
REPRESENTATIVE: Jose Frias
LOCATION: 12191 Railroad Dr. (District 4)
PROPERTY AREA: 6.56 acres
REQUEST: Rezone from R-F (Ranch and Farm) to C-4 (Commercial)
RELATED APPLICATIONS: None
PUBLIC INPUT: None received as of July 7, 2022

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from R-F (Ranch and Farm) to C-4 (Commercial) to allow for general warehouse use.

STAFF RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the request as the proposed zone change and development is compatible with the surrounding land uses and zoning districts, in accordance with the G-4, Suburban (Walkable) Future Land Use designation of *Plan El Paso*, the City's adopted Comprehensive Plan. The conditions are the following:

1. A Detailed Site Development Plan shall be reviewed and approved as per El Paso City Code prior to issuance of building permits.
2. For general warehouse or heavy truck (sales, storage, repair, and rental) type uses, a minimum 30% landscaping shall be required. The 30% landscaping shall be calculated in accordance with El Paso City Code Section 18.46 Landscape, and shall include the landscaping required by El Paso City Code Section 18.46 Landscape.

PZRZ22-00017

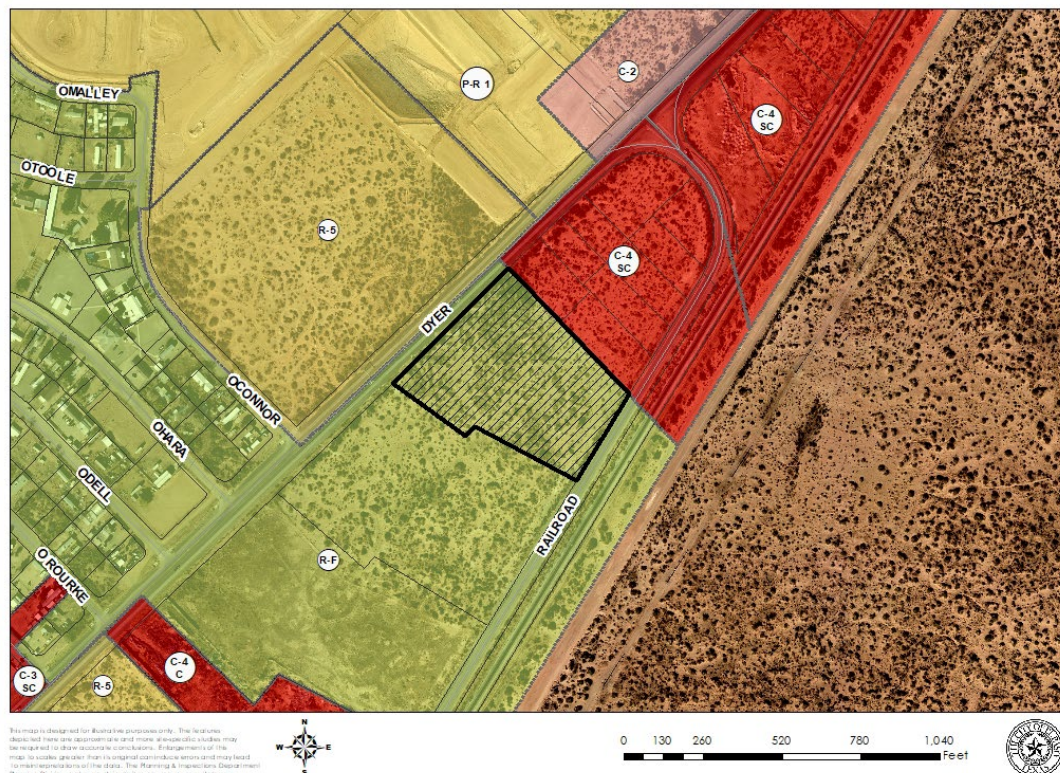


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone a 6.56-acre property from R-F (Ranch and Farm) to C-4 (Commercial) to allow for general warehouse use. The conceptual plan shows a 60,000 square foot building with loading docks, onsite parking, and a ponding area. Access to the subject property is provided from Railroad Drive.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed general warehouse use and C-4 (Commercial) district is compatible with the commercial district along Railroad Drive. The properties to the north, south, east and west of the subject property are currently vacant lots. The properties to the north are zoned C-4/sc (Commercial/special contract), to the south are zoned R-F (Ranch and Farm), and to the west is zoned R-5 (Residential). The subject property is bound to the east by Railroad Drive with property to the east of Railroad Drive being a vacant lot located within the boundaries of the Fort Bliss military base. Rezoning the subject property to a C-4 (Commercial) district will expand the permissibility of commercial uses already allowed along Railroad Drive. The distance to the nearest school, Desertaire Elementary School, is 4.15 miles and the distance to the nearest park, Mesquite Hill Park, is 1.13 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 zone change from R-F (Ranch and Farm) to C-4 (Commercial) is compatible with the future land use designation and the proposed general warehouse use is an appropriate commercial use for The use of general warehouse is consistent with the commercial zoning and use along Railroad</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-4 (Commercial) District: The purpose of these districts 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 adjacent properties to the north are commercial zones. The property to the west is vacant zoned R-5 (Residential), the property to the south is vacant and zoned R-F (Ranch and Farm), and the property to the east is vacant located within the boundaries of Fort Bliss military base. Changing the current zoning designation of the subject property to C-4 (Commercial) will allow for commercial permissibility already allowed along Railroad Drive.</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 through Railroad Drive and Dyer Street, major arterials, as classified under the City's Major Thoroughfare Plan. The classification of this road is appropriate for the proposed development. The properties to north of the subject property along Railroad Drive are already zoned commercially. Changing the zoning designation of the subject property will expand the permissibility of commercial uses already present along Railroad Drive.</p>
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
<p>Historic District or Special Designations & Study Area Plans: Any historic district or other special designations</p>	<p>This property does not fall within any historic districts, special designations, or study plan areas.</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:	
that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	
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 in transition with nearby properties rezoned from R-F (Ranch and Farm) to R-5 (Residential) across Dyer Street in 2019, and properties rezoned from M-1 (Light Industrial) to C-4 (Commercial) in 2021 and R-F (Ranch and Farm) to R-5 (Residential) in 2021 farther south from the subject property.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	The properties to the north are already zoned commercial. Rezoning the subject property from R-F (Ranch and Farm) to C-4 (Commercial) will expand the permissibility of commercial uses already allowed along Railroad Drive.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access to the subject property is provided from Railroad Drive and Dyer Street which are classified as major arterials per the City of El Paso's Major Thoroughfare Plan (MTP) and are adequate to support the proposed use.

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 16, 2022. The Planning Division has not received communication in support nor opposition to this request.

RELATED APPLICATIONS: None.

CITY PLAN COMMISSION OPTIONS:

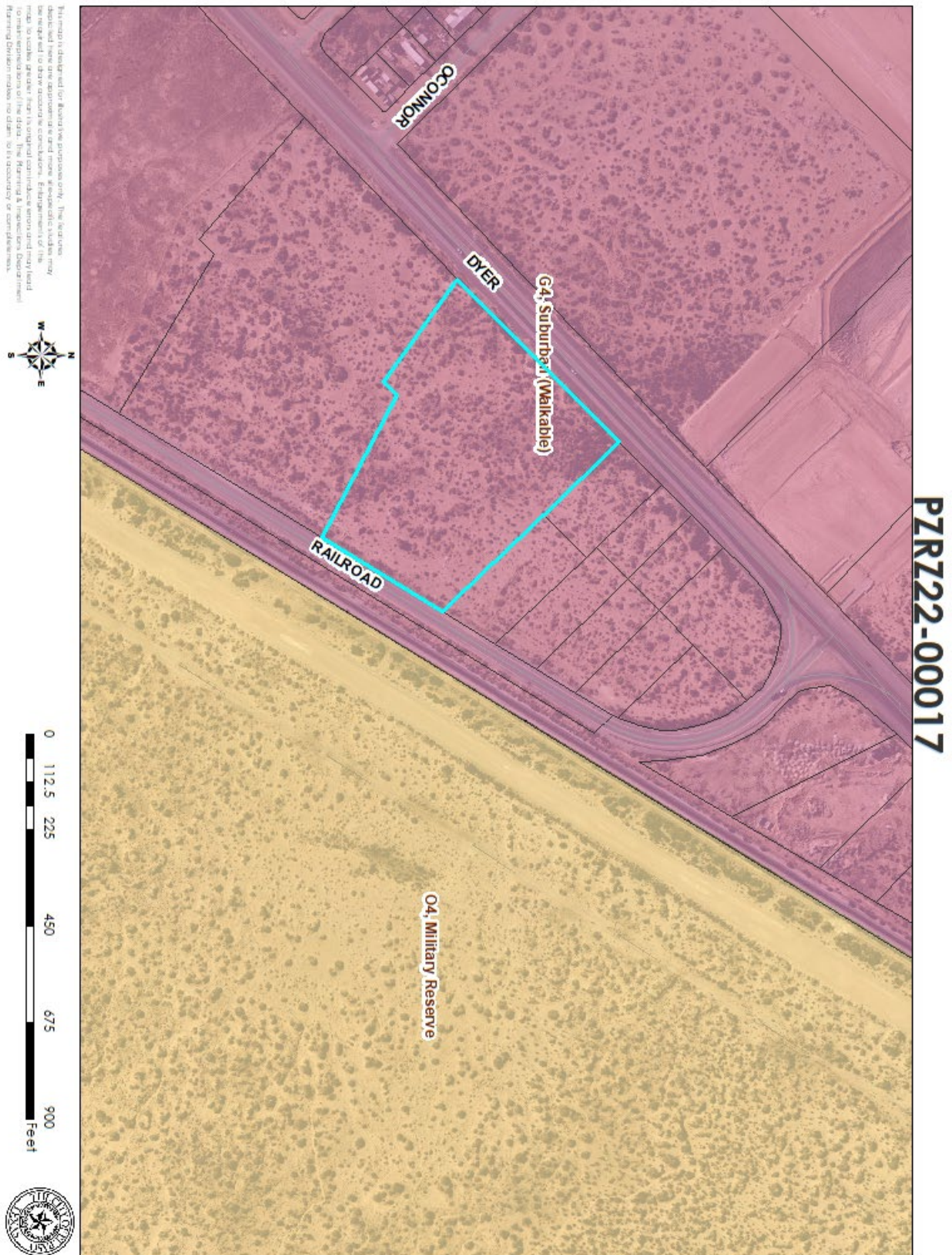
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

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. Generalized Plot Plan
3. Department Comments
4. Neighborhood Notification Boundary Map

ATTACHMENT 1



LEGAL DESCRIPTION:
 BEING ALL OF TRACT 8A,
 SECTION 16, BLOCK 80, TOWNSHIP 1,
 TEXAS AND PACIFIC RAILWAY COMPANY
 SURVEYS, CITY OF EL PASO,
 EL PASO COUNTY, TEXAS

285,961.37 SQ. FT. OR 6.5198 ACRES

LANDSCAPE - 88,000 SQ. FT. APPROX.



PROPOSED SITE PLAN

1997

ATTACHMENT 3

Planning and Inspections Department - Planning Division

Recommend approval with conditions of rezoning request. The conditions being:

1. *A Detailed Site Development Plan shall be reviewed and approved as per El Paso City Code prior to issuance of building permits.*
2. *For general warehouse or heavy truck (sales, storage, repair, and rental) type uses, a minimum 30% landscaping shall be required. The 30% landscaping shall be calculated in accordance with El Paso City Code Section 18.46 Landscape, and shall include the landscaping required by El Paso City Code Section 18.46 Landscape.*

Planning and Inspections Department – Plan Review & Landscaping Division

1. 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. Recommend Approval.
2. 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.
3. Label pond depth and side slope angles.
4. Fencing along lot frontage should be a combination rock wall and wrought iron abutting the ponding area.
5. No stormwater runoff allowed into Dyer street.

Note: Comments to be addressed during building permit review.

Fire Department

Recommend approval. No adverse comments.

Police Department

No comments received.

Environmental Services

No comments received.

Streets and Maintenance Department

A TIA is not required for this application per Section 19.18.010.B. of the El Paso Code.

Sun Metro

No comments received.

El Paso Water

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

1. The subject property is located within the City of El Paso Northeast Impact Fee Service Area. Impact fees will be assessed at the time of plat and collected after the El Paso Water receives an application for water and/or sanitary sewer services.
2. There are no water or sewer mains fronting the property at this time

EPWU-PSB Comments

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

2. A 16-inch diameter water main that will be located parallel to Dyer Street and within a 25-foot PSB easement will begin construction spring of 2022. Construction is estimated to be completed within the 22-23 fiscal year. No direct service connections are allowed to this main as per the El Paso Water - Public Service Board Rules & Regulations but this main will be available for main extensions.
3. Previous water pressure from fire hydrant #3626 located at the northwest corner of O'Toole Dr. and O'Conner Dr. has yield a static pressure of 50 (psi), a residual pressure of 20 (psi) and a discharge of 856 gallons per minute (gpm).

Sanitary Sewer

1. There are no sanitary sewer mains in the vicinity of the subject property at this time. The 30-inch diameter Northeast Dyer/Railroad Drive Interceptor will begin construction in the spring 2022. This sanitary sewer main will be located parallel to Dyer Street and within a 25-foot PSB easement in the southwest corner of the subject property. Construction is estimated to be completed within the 22-23 fiscal year. No direct service connections are allowed to the interceptor as per the El Paso Water – Public Service Board Rules and Regulations.

General

1. Water and sanitary sewer main extensions will be necessary to provide service to the property. Water main shall be extended creating a looped system. Owner is responsible for the cost of main extensions.
2. 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.
3. An application for water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd floor. 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:

No comments received.

Texas Department of Transportation

Please adhere to the attached checklist on page 2 of the packet and submit grading and drainage plans for review/approval at ELP_Access@txdot.gov.

Note: Comments to be addressed during building permit review.

El Paso County Water Improvement District 1

No comments received.

ATTACHMENT 4

