

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

**AGENDA DATE:** November 22, 2022  
**PUBLIC HEARING DATE:** December 13, 2022

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

**DISTRICT(S) AFFECTED:** District 2

**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 the south 60 feet of tract 187 and the south 60 feet of the east 90 feet of tract 188, map of Sunrise Acres, City of El Paso, El Paso County, Texas from R-4 (Residential) and C-2 (Commercial) to C-3 (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: 8641 Gateway South Boulevard  
Applicant: R-Avilo, LLC PZRZ22-00019

**BACKGROUND / DISCUSSION:**

The applicant is requesting to rezone to allow for automobiles (sales, storage, and rental) use. City Plan Commission recommended 8-0 to approve the proposed rezoning on November 3, 2022. As of November 15, 2022, the Planning Division received one (1) phone call and one (1) email in support 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 THE SOUTH 60 FEET OF TRACT 187 AND THE SOUTH 60 FEET OF THE EAST 90 FEET OF TRACT 188, MAP OF SUNRISE ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) AND C-2 (COMMERCIAL) TO C-3 (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 *the south 60 feet of tract 187 and the south 60 feet of the east 90 feet of tract 188, map of Sunrise Acres, 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-4 (Residential) and C-2 (Commercial)** 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.

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. 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 or certificates of completion.
2. Prior to issuance of any certificates of occupancy or certificates of completion, property owner must install an eight-foot (8') rock wall along the westerly property line if abutting residential uses or districts.
3. No storage of any motor vehicles shall be located within fifty feet (50') from the rear property line if abutting residential uses or districts.
4. Within twenty feet (20') from the front property line abutting Gateway South Boulevard, no parking or vehicular storage or display shall be allowed.
5. No repair of any type of motor vehicle shall be allowed on 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.

(Signatures on the following page)

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

22-1007-2998 | 1213293\_2

8641 Gateway South | Rezoning Ordinance Partial Lot w/Condition

JG

**Zoning Case No: PZRZ22-00019**

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

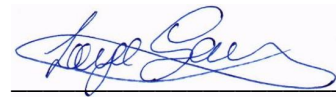
**THE CITY OF EL PASO**

**ATTEST:**

\_\_\_\_\_  
Oscar Leaser  
Mayor


\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**



\_\_\_\_\_  
Joyce Garcia  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning & Inspections Department

(Exhibits on the following pages)

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

22-1007-2998 | 1213293\_2  
8641 Gateway South | Rezoning Ordinance Partial Lot w/Condition  
JG

**Zoning Case No: PZRZ22-00019**

# METES AND BOUNDS DESCRIPTION

8641 SOUTH GATEWAY BOULEVARD  
EXHIBIT "A"

A PARCEL OF LAND CONTAINING 0.3994 ACRE MORE OR LESS, BEING THE SOUTH 60 FEET OF TRACT 187 AND THE SOUTH 60 FEET OF THE EAST 90 FEET OF TRACT 188, MAP OF SUNRISE ACRES, ACCORDING TO THE PLAT OR MAP RECORDED IN VOLUME 16, PAGE 19, PLAT RECORDS OF EL PASO COUNTY, TEXAS AND BEING THAT PARCEL RECORDED IN DOC. NO. 20180041641, DEED RECORDS, EL PASO COUNTY, AND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

THE POINT OF BEGINNING BEING A SET 1/2" REBAR MARKING THE NORTHEAST CORNER OF THIS PARCEL, SAID SET 1/2" REBAR LYING ON THE WEST RIGHT OF WAY LINE OF SOUTH GATEWAY BOULEVARD;

THENCE, ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 01°09' 00" EAST A DISTANCE OF 60.00 FEET TO A SET 1/2" REBAR MARKING THE SOUTHEAST CORNER OF THIS PARCEL;

THENCE, LEAVING SAID WEST RIGHT OF WAY LINE, SOUTH 88°51' 00" WEST A DISTANCE OF 290.00 FEET TO A SET NAIL MARKING THE SOUTHWEST CORNER OF THIS PARCEL;

THENCE, NORTH 01°09' 00" WEST, A DISTANCE OF 60.00 FEET TO A FOUND 5/8" REBAR MARKING THE NORTHWEST CORNER OF THIS PARCEL;

THENCE, NORTH 88° 51' 00" EAST, 290.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED AND CONTAINING 17,400.00 SQUARE FEET OR 0.3994 ACRE OF LAND MORE OR LESS.

CARLOS M. JIMENEZ  
R.P.L.S. #3950

CAD CONSULTING CO.  
1790 N. LEE TREVINO DR., STE. 309  
EL PASO TX 79936









# 8641 Gateway South Boulevard

City Plan Commission — November 3, 2022

<b>CASE NUMBER:</b>	<b>PZRZ22-00019</b>
<b>CASE MANAGER:</b>	Nina Rodriguez, (915) 212-1561, <a href="mailto:RodriguezNA@elpasotexas.gov">RodriguezNA@elpasotexas.gov</a>
<b>PROPERTY OWNER:</b>	R-Avilo, LLC
<b>REPRESENTATIVE:</b>	CAD Consulting Co.
<b>LOCATION:</b>	8641 Gateway South Boulevard (District 2)
<b>PROPERTY AREA:</b>	0.40 acres
<b>REQUEST:</b>	Rezone from R-4 (Residential) and C-2 (Commercial) to C-3 (Commercial)
<b>RELATED APPLICATIONS:</b>	None
<b>PUBLIC INPUT:</b>	One (1) phone call and one (1) email of support received as of November 2, 2022

**SUMMARY OF REQUEST:** The applicant is requesting to rezone the subject property from R-4 (Residential) and C-2 (Commercial) to C-3 (Commercial) to allow for automobile (sales, storage, and rental) use.

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL WITH CONDITIONS** of the request as the proposed use and rezoning is compatible with surrounding land uses and the G-3, Post-War future land use designation of *Plan El Paso*, the City's adopted comprehensive plan. The conditions are the following:

1. 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 or certificates of completion.
2. Prior to issuance of a certificate of occupancy or certificate of completion, property owner must install an eight-foot (8') rock wall along the westerly property line if abutting residential uses or districts.
3. No storage of any motor vehicles shall be located within fifty feet (50') from the rear property line if abutting residential uses or districts.
4. Within twenty feet (20') from the front property line abutting Gateway South Boulevard, no parking or vehicular storage or display shall be allowed.
5. No repair of any type of motor vehicle shall be allowed on the property.

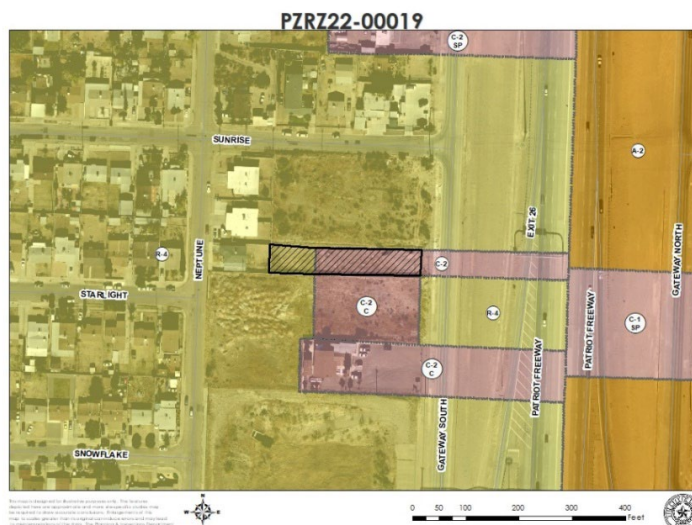


Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting to rezone an approximately 0.40-acre parcel from R-4 (Residential) and C-2 (Commercial) to C-3 (Commercial) to allow automobile (sales, storage, and rental) use. The conceptual plan shows twelve (12) onsite parking spaces in the front of the property and a 2,800 square foot building at the rear of the property. Access to the subject property is provided from Gateway South Boulevard.

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The automobile (sales, service, storage and rental) use, and C-3 (Commercial) district is in character with the commercial district to the south, and is compatible with the areas surrounding the subject property with the proposed conditions. Conditions are being recommended to safeguard any existing residential properties adjacent to the subject property. The property north of the subject property is a vacant lot zoned R-4 (Residential), while the properties to the south are vacant and zoned R-4 (Residential) and C-2/c (Commercial/conditions). To the west, the adjacent property is a single-family dwelling unit zoned R-4 (Residential). The subject property is bound to the east by Patriot Freeway with properties further east of Patriot Freeway being a vacant lot zoned C-1/sc (Commercial/special contract) and a detached single-family dwelling zoned A-2 (Apartment). The rezoning will also expand commercial zoning already present along Gateway South Boulevard, while also serving as a buffer for residential properties behind Gateway South Boulevard to decrease traffic and noise pollution from the freeway. The distance to the nearest school, Magoffin Middle School, is 0.43 miles and the distance to the nearest park, Sunrise Park, is approximately 1.12 miles.

<b>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:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b>G-3, Post-War:</b> 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 automobile (sales, service, storage, and rental) use is an appropriate commercial use for this land use designation.</p>
<p><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>C-3 (Commercial) District:</b> The purpose of the district is to accommodate establishments providing goods and 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 district 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 rezoning is compatible with adjacent property to the south zoned C-2/c (Commercial/conditions) and properties to the east zoned C-1/sp (Commercial/special permit) and A-2 (Apartment). While the properties to the west and north of the subject property are zoned R-4 (Residential), changing the current zoning designation of the subject property will serve as a buffer for residential properties behind Gateway South Boulevard to reduce traffic and noise pollution from the freeway, as well as expand commercial zoning already present along Gateway South Boulevard.</p> <p>The recommended conditions will also serve as a buffer to limit any nuisances that may be created between the proposed and the abutting residential development.</p>
<p><b>Preferred Development Locations:</b> Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street</p>	<p>Yes. Access to the subject property is provided by Gateway South Boulevard, a major arterial as classified under the City's Major Thoroughfare Plan. The</p>

<b>COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
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.	classification of this road is appropriate for the proposed development. Adjacent properties to the north and east of the subject property along Gateway South Boulevard are zoned commercial. Changing the zoning designation of the subject property will contribute to a consistency of commercial zoning along this block of Gateway South Boulevard.
<b>THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	This property does not fall within any historic districts, special designations, or study plan areas.
<b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.	There are no anticipated adverse impacts.
<b>Natural Environment:</b> Anticipated effects on the natural environment.	The subject property does not involve green field or environmentally sensitive land or arroyo disturbance.
<b>Stability:</b> Whether the area is stable or in transition.	The area is in transition with nearby properties further north rezoned from R-4 (Residential) to C-2/sp (Commercial/special permit) in 2014 and from R-4 (Residential) to S-D/c/sp (Special District/condition/special permit) in 2016. Properties south of the subject property were rezoned from A-2 (Apartment) to C-2/c (Commercial condition).
<b>Socioeconomic &amp; Physical Conditions:</b> Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	Adjacent properties to the south and east of the subject property are zoned commercial. Rezoning the subject property from R-4 (Residential) and C-2 (Commercial) to C-3 (Commercial) will keep the consistency of commercial zoning in this block along Gateway South Boulevard.

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** Access to the subject property is provided from Gateway South Boulevard which is classified as a major arterial per the City of El Paso's Major Thoroughfare Plan (MTP) and is appropriate to support the proposed use. Sidewalks are not present for the subject property along Gateway South Boulevard and may be required during development.

**SUMMARY OF DEPARTMENTAL REVIEW COMMENTS:** The Planning and Inspections Department recommends imposing conditions requiring a landscape buffer along property lines abutting residential districts along with a minimum 8-foot privacy fence. The department also recommends restricting storage of any motor vehicles within fifty feet (50') from the rear lot if abutting residential uses or districts, restricting parking or vehicular storage or display within twenty feet (20') from the front property line, and restricting any type of motor vehicle repair from property to mitigate any potential commercial noise and activity effects from the subject property.

**PUBLIC COMMENT:** The subject property lies within the boundaries of the Sunrise Neighborhood Association. Property owners within 300 feet of the subject property were notified of the rezone request on September 8, 2022. As of **November 2, 2022**, the Planning Division has received one (1) phone call and one (1) email of support (Attachment 5).

**RELATED APPLICATIONS:** None.



### **CITY PLAN COMMISSION OPTIONS:**

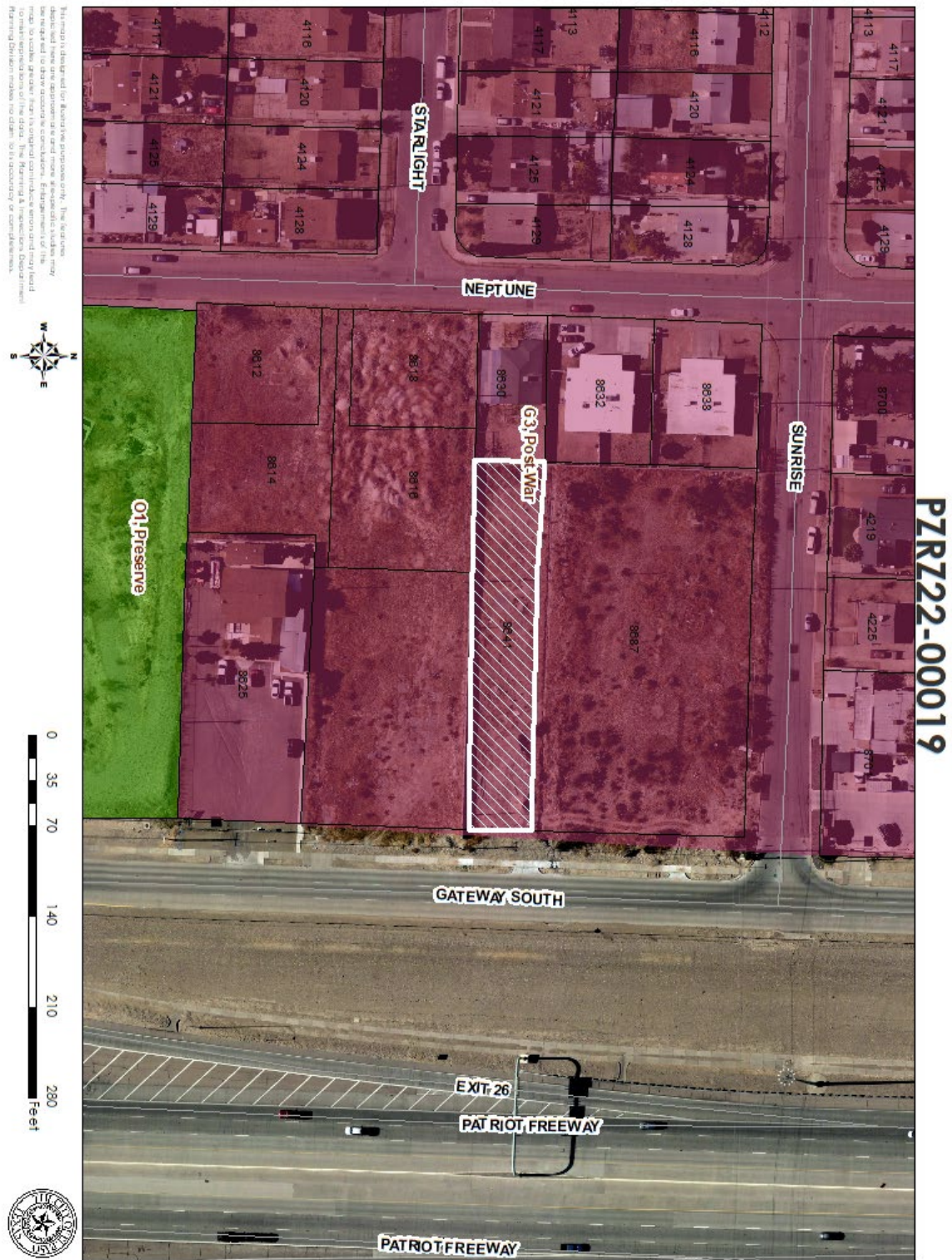
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

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.

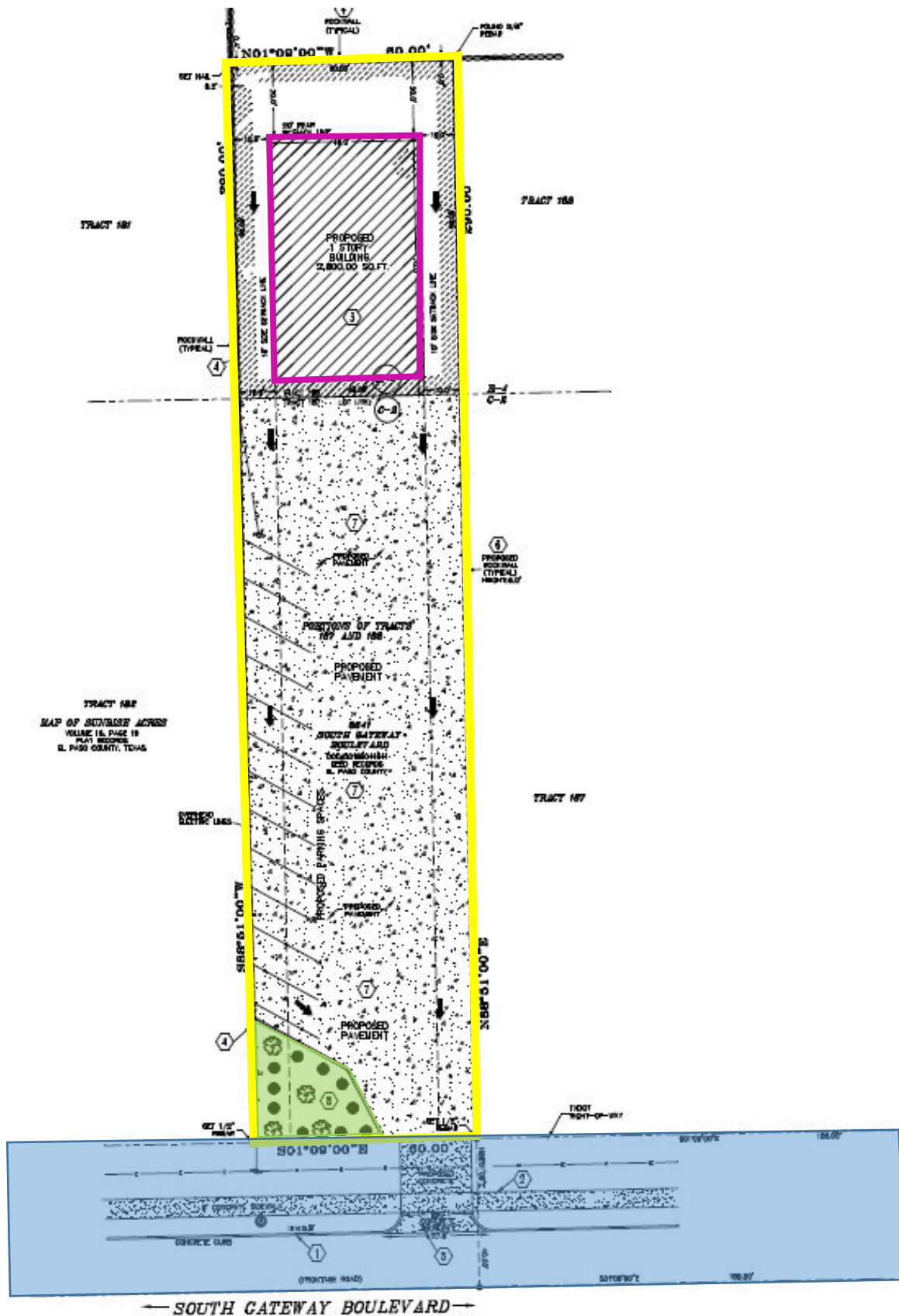
### **ATTACHMENTS:**

1. Future Land Use Map
2. Generalized Plot Plan
3. Department Comments
4. Neighborhood Notification Boundary Map
5. Sunrise Neighborhood Association Email in Support

# ATTACHMENT 1



# ATTACHMENT 2



# **ATTACHMENT 3**

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

The Planning & Inspections Department recommends approval with the following conditions:

1. *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 or certificates of completion.*
2. *Prior to issuance of a certificates of occupancy or certificates of completion, property owner must install an eight-foot (8') rock wall along the westerly property line if abutting residential uses or districts.*
3. *No storage of any motor vehicles shall be located within fifty feet (50') from the rear property line if abutting residential uses or districts.*
4. *Within twenty feet (20') from the front property line abutting Gateway South Boulevard, no parking or vehicular storage or display shall be allowed.*
5. *No repair of any type of motor vehicle shall be allowed on the property.*

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

Recommend approval.

Not reviewed as a Detailed Site Development Plan, submitted plan was reviewed for rezoning purposes only. No objections to the 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**

Recommend approval.

1. On site ponding is required in compliance with sections (DSC panel 1-4C-J, 19.19.010A and DDM, 11.1)
2. No stormwater runoff shall be allowed to discharge into TXDOT ROW as per TXDOT regulations.

*Note: Applicant to coordinate with Land Development at time of building permits.*

## **Fire Department**

No issue with rezoning.

## **Police Department**

No comments received.

## **911 District**

No comments received.

## **Environmental Services**

No comments received.

## **Streets and Maintenance Department**

The Streets and Maintenance Department has no objections. A TIA is not required.

## **Sun Metro**

No comments received.

**El Paso Water Utilities**

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

The Owner/Developer has entered into a Development Agreement with the El Paso Water to construct, an 8-inch diameter sanitary sewer main to provide service to this property. The Developer's utility contractor is currently installing the required sanitary sewer main which will be available for permanent service once EPWater-PSB issues a Letter of Final Acceptance.

**EPWU-PSB Comments**

There is an existing 6-inch diameter water main along Gateway South Blvd., located approximately 12 feet east of the property. This main is available for service.

**Sanitary Sewer**

There is an existing 12-inch diameter sanitary sewer main that extends along Sunrise Ave.

**General**

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

Application for water and sanitary sewer services should be made 8 to 10 weeks prior to 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 appurtenance.

**Stormwater:**

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**

Please have the requestor submit grading and drainage plans for review and approval by TxDOT.

*Note: Applicant to coordinate with TxDOT at the time of building permits.*

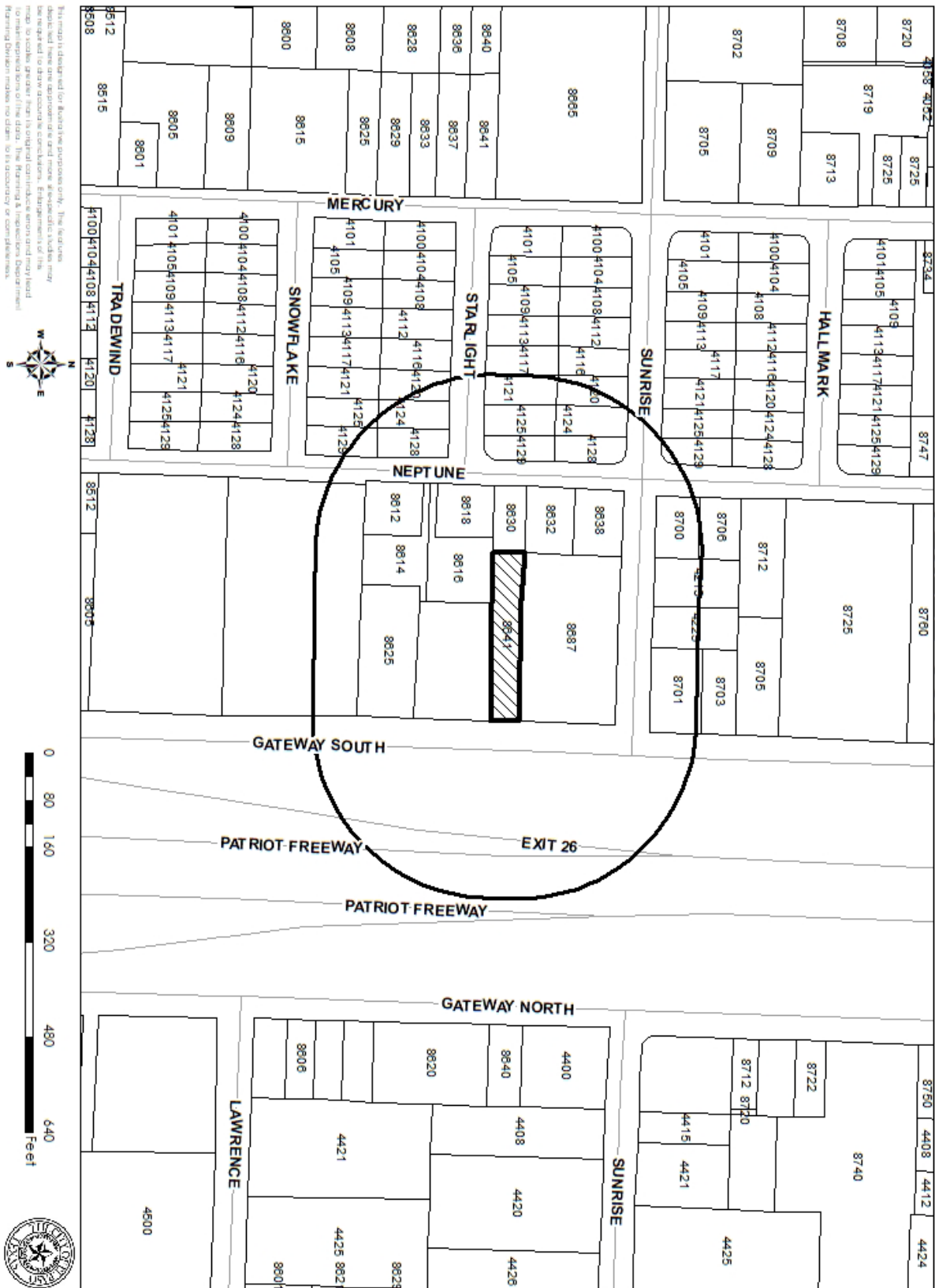
**El Paso County Water Improvement District 1**

No comments received.



# ATTACHMENT 4

PZR22-00019





# ATTACHMENT 5

**From:** [Betty Halliburton](#)  
**To:** [Rodriguez, Nina A.](#); [Jose Gutierrez](#)  
**Subject:** Re: PZDS22-00019 8641 Gateway S  
**Date:** Wednesday, October 5, 2022 11:39:09 AM  
**Attachments:** [image001.png](#)

---

**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](mailto:SpamReport@elpasotexas.gov).

Dear Ms Rodriguez,

The Sunrise Neighborhood Association is in favor of commercial development at 8641 Gateway South. Please don't allow the auto storage to become a salvage for auto-parts yard.

Sincerely,  
Jose Gutierrez, President  
Brenda Ness, Vice President  
BettyAnn Halliburton, Secretary/Treasurer

On Wed, Oct 5, 2022 at 10:40 AM Rodriguez, Nina A. <[RodriguezNA@elpasotexas.gov](mailto:RodriguezNA@elpasotexas.gov)> wrote  
Good Morning Ms. Halliburton,

I wanted to follow up with you this morning to see how the neighborhood meeting went? Was the neighborhood in support of the rezoning request and proposed use of automobiles (sales, storage, and rental) for 8641 Gateway South?

Respectfully,

Nina Rodriguez

Nina Rodriguez | Planner

Planning & Inspections | City of El Paso

801 Texas Ave. | El Paso, TX 79901

915-212-1561 | [RodriguezNA@elpasotexas.gov](mailto:RodriguezNA@elpasotexas.gov)

[ElPasoTexas.gov](http://ElPasoTexas.gov) | [Take Our Survey](#)