

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

AGENDA DATE: June 6, 2023

PUBLIC HEARING DATE: July 5, 2023

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 200 feet of Lot 33, Map of Sunrise Acres No. 2, 4819 Titanic Avenue, City of El Paso, El Paso County, Texas from R-4 (Residential) to A-2 (Apartment), and imposing a condition. 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: 4819 Titanic Avenue

Applicant: Gisela R. Herrera, PZRZ22-00027

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from R-4 (Residential) to A-2 (Apartment) to allow for proposed apartments. City Plan Commission recommended 8-0 to approve the proposed rezoning with a condition on April 6, 2023. As of May 30, 2023, the Planning Division has not received any communication in support or opposition to the rezone 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 200 FEET OF LOT 33, MAP OF SUNRISE ACRES NO. 2, 4819 TITANIC AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO A-2 (APARTMENT), AND IMPOSING A CONDITION. 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 200 feet of Lot 33, Map of Sunrise Acres No. 2, 4819 Titanic Avenue, 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)** to **A-2 (Apartment)**, 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 condition which is necessitated by and attributable to the increased intensity of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

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 rear property line 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.

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 _____, 2023.


THE CITY OF EL PASO

ATTEST:

Oscar Leoser
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

Being the South 200 feet of Lot 33,
Map of Sunrise Acres No. 2,
City of El Paso, El Paso County, Texas

June 21, 2021

METES AND BOUNDS DESCRIPTION

4819 Titanic Drive
Exhibit "A"

FIELD NOTE DESCRIPTION of the South 200 feet of Lot 33, Map of Sunrise Acres No. 2, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at the common boundary corner of Lots 30 and 33, same being the northerly right-of-way line of Titanic Drive and the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said northerly right-of-way line of Titanic Drive and along the common boundary line of Lots 30 and 33, North $01^{\circ}11'00''$ West, a distance of 200.00 feet to a point for corner;

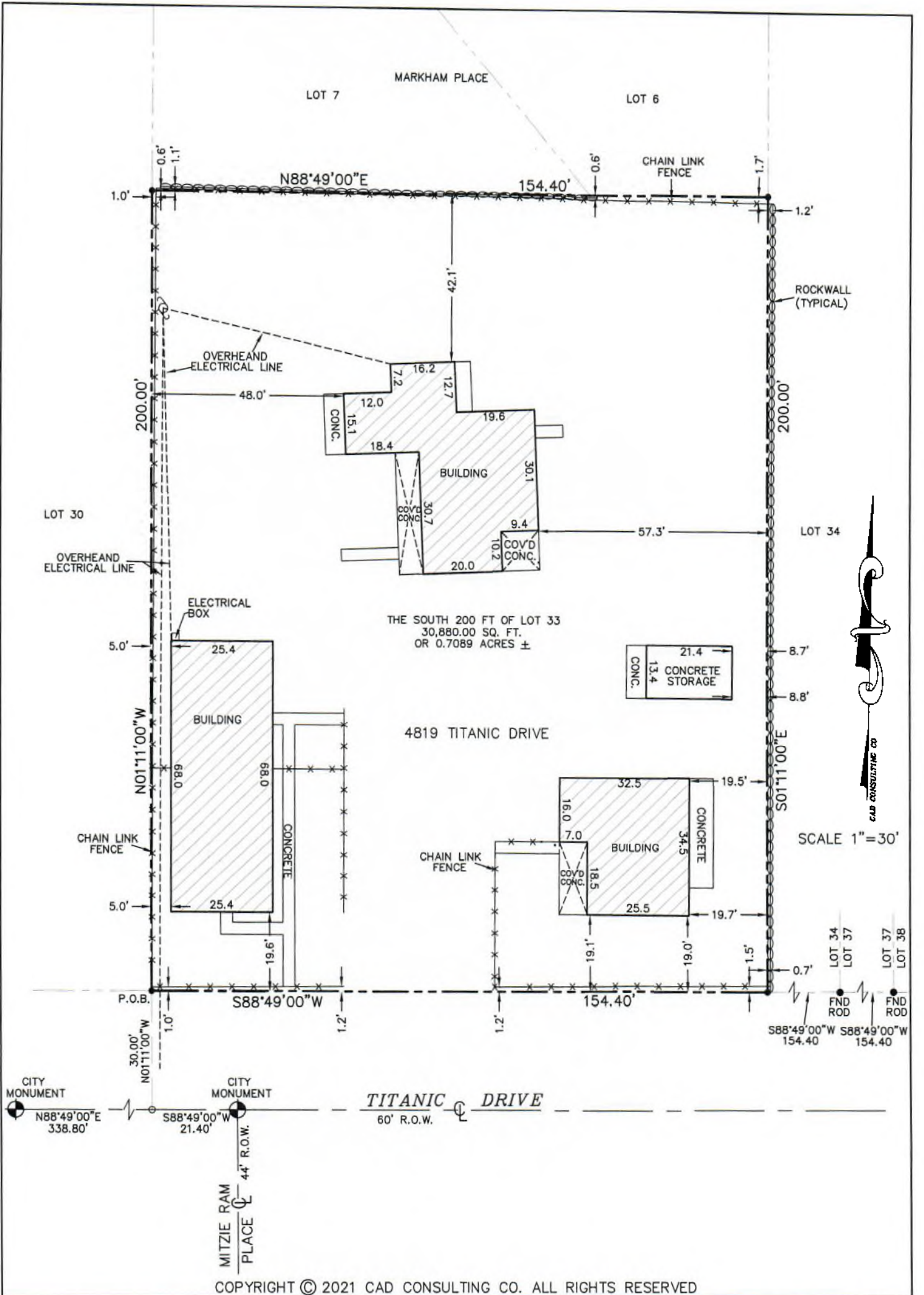
THENCE, leaving said common boundary line, North $88^{\circ}49'00''$ East, a distance of 154.40 feet to a point for corner at the common boundary line of Lots 33 and 34;

THENCE, along the common boundary line of Lots 33 and 34, South $01^{\circ}11'00''$ East, a distance of 200.00 feet to a point for corner at the common boundary corner of Lots 33 and 34, same being the northerly right-of-way line of Titanic Drive;

THENCE, leaving said common boundary corner and along the northerly right-of-way line of Titanic Drive, South $88^{\circ}49'00''$ West, a distance of 154.40 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 30,880.00 square feet or 0.7089 acres of land more or less.

Carlos M. Jimenez
R.P.L.S. # 3950
CAD Consulting Co.
1790 Lee Trevino Drive, Suite 309
El Paso, Texas 79936
(915) 633-6422
I:\M&B\2021\21- 4819 Titanic Dr.





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CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN HEREON.

CARLOS M. JIMENEZ

3950

CARLOS M. JIMENEZ
R.P.L.S. No. 3950

JOB # 21- DATE: 06-21-21 FIELD: DG OFFICE: MR FILE: NET:\MARCO\2021\21-
LOCATED IN ZONE C, B & A3 PANEL # 480214-0024-B DATED 06-12-18
RECORDED IN VOLUME 2 PAGE 7 , PLAT RECORDS, EL PASO COUNTY, TX

4819 TITANIC DRIVE
THE SOUTH 200 FEET OF LOT 33 (SEE EXHIBIT "A")
MAP OF SUNRISE ACRES NO. 2
CITY OF EL PASO, EL PASO COUNTY, TEXAS



CONSULTING COMPANY
1790 LEE TREVINO DRIVE SUITE 309
EL PASO, TEXAS 79936
(915) 633-6422

FIRM# 10099300

4819 Titanic Avenue

City Plan Commission — April 6, 2023

REZONING



CASE NUMBER: PZRZ22-00027
CASE MANAGER: Nina Rodriguez, (915) 212-1561, RodriguezNA@elpasotexas.gov
PROPERTY OWNER: Gisela R. Herrera
REPRESENTATIVE: Luis Lopez
LOCATION: 4819 Titanic Ave. (District 2)
PROPERTY AREA: 0.71 acres
REQUEST: Rezone from R-4 (Residential) to A-2 (Apartment)
RELATED APPLICATIONS: None
PUBLIC INPUT: None received as of April 6, 2023

SUMMARY OF REQUEST: The applicant is requesting a rezone from R-4 (Residential) to **A-2 (Apartment)** to allow for apartments.

SUMMARY OF STAFF'S RECOMMENDATION: The recommends **APPROVAL WITH CONDITION** 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 condition is as follows:

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 rear property line 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.

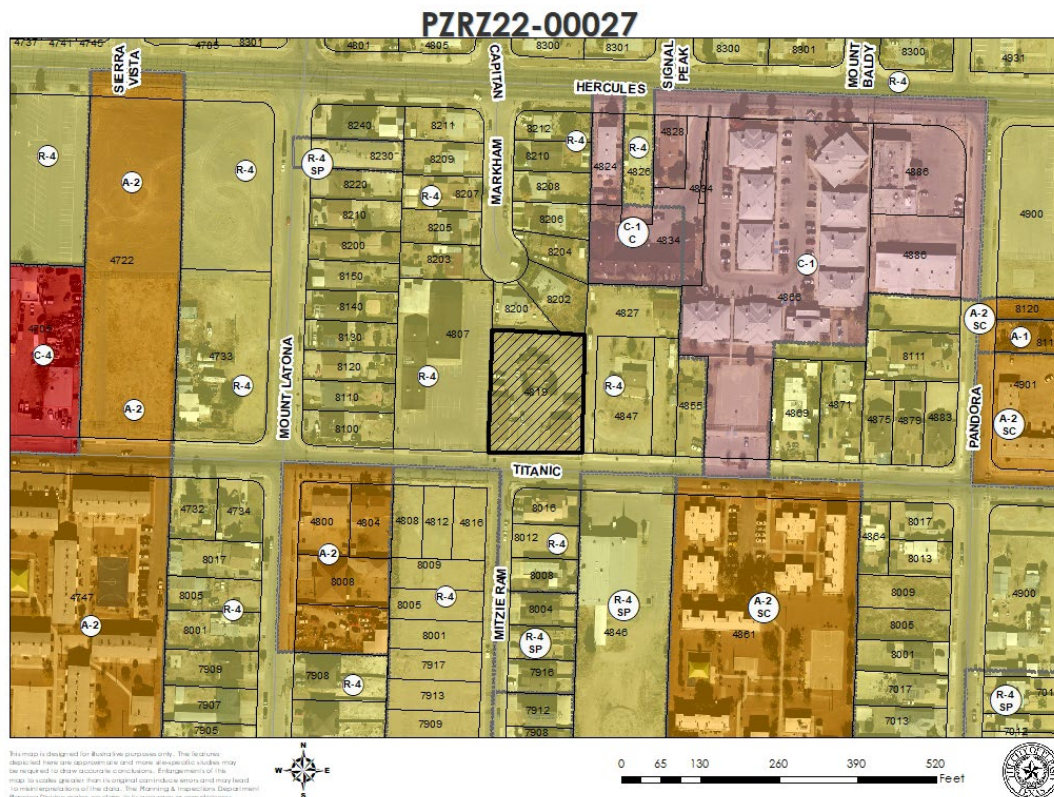


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone a 0.71-acre property from R-4 (Residential) to A-2 (Apartment) to allow for apartments. The conceptual site plan shows five (5) detached apartment buildings providing a combined total of fifteen (15) units, with on-site ponding at the rear of the property. The proposed development identifies one-story and two-story buildings with a max height of 29.17 feet and twenty-eight (28) parking spaces. Access to the subject property is provided from Titanic Avenue.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed apartment use and A-2 (Apartment) 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, east, west and south are zoned R-4 (Residential) and include single-family dwellings and church uses. Beyond the adjacent properties, the area surrounding the subject property includes C-1/c (Commercial/conditions), A-1 (Apartment), A-2/sc (Apartment/special contract), and C-4 (Commercial) and contains a variety of commercial, apartment and single-family dwelling uses. The subject property is located on Titanic Avenue, which is located a block from Hercules Avenue, a minor arterial and is appropriate to serve the proposed apartments. Rezoning the subject property to an A-2 (Apartment) district, will provide more diverse residential options for the surrounding community. There are existing sidewalks along Titanic Avenue. The distance to the nearest school, Magoffin Middle School, is approximately 0.56 miles and the distance to the nearest park, Mountain View Park, is 0.28 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-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-2 (Apartment) District: The purpose of the district 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. The proposed A-2 (Apartment) zoning district is compatible with the surrounding zones and is in character with the residential uses of the area. Rezoning the subject property from R-4 (Residential) to A-2 (Apartment) allows future developments to 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</p>	<p>Yes. Access to the subject property is provided from Titanic Avenue, classified as a local street and which is located a block from Hercules Avenue, a minor arterial</p>

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:	
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.	in the City's Major Thoroughfare Plan (MTP). The classification of this road is appropriate for the proposed development. While the subject property will become the only apartment zoned in the block face adjacent to residential zoned properties, there are multiple other apartment zoned properties in the area adjacent to residential zoned properties.
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.	There has been some transition within the last 10 years in the nearby area. West of the subject property are properties that were rezoned in 2020 from R-MU (Residential Mixed Use) to R-4 (Residential) and another property rezoned in 2017 from R-4 (Residential) to R-MU (Residential Mixed Use). Northwest of the subject property is another property that was rezoned in 2017 from R-4 (Residential) to A-2/c (Apartment/condition). This area supports high density development.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	Rezoning the subject property from R-4 (Residential) to A-2 (Apartment) will expand the permissibility of residential uses already allowed in the surrounding area.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access to the subject property is proposed from Titanic Avenue, classified as a local street, which is located a block from Hercules Avenue which is classified as a minor arterial per the City of El Paso's Major Thoroughfare Plan (MTP) and is adequate to support the proposed use of apartments. There are existing sidewalks along Titanic Avenue. The nearest bus stop to the subject property is at the intersection of Titanic Avenue and Diana Drive and is located 0.34 miles from the subject property.

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

PUBLIC COMMENT: The subject property lies within the boundaries of the Mountain View Neighborhood Association, and the Logan Sunrise Neighborhood Association. Property owners within 300 feet of the subject property were notified of the rezone request on March 23, 2022. As of April 6, 2023, the Planning Division has not received communication in support or opposition to the request.

CITY PLAN COMMISSION OPTIONS:

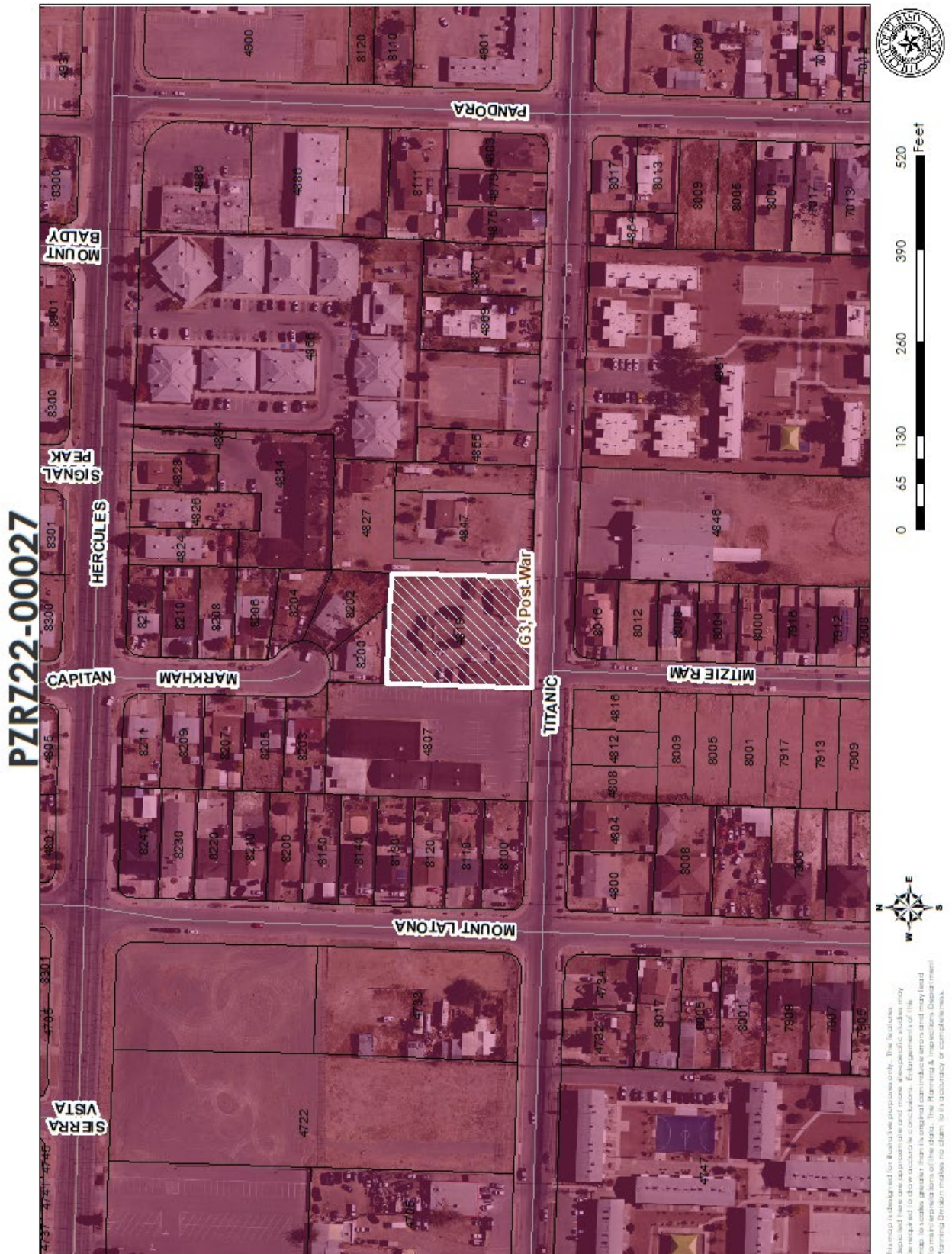
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

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.

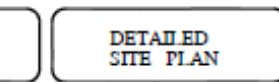
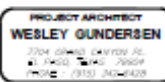
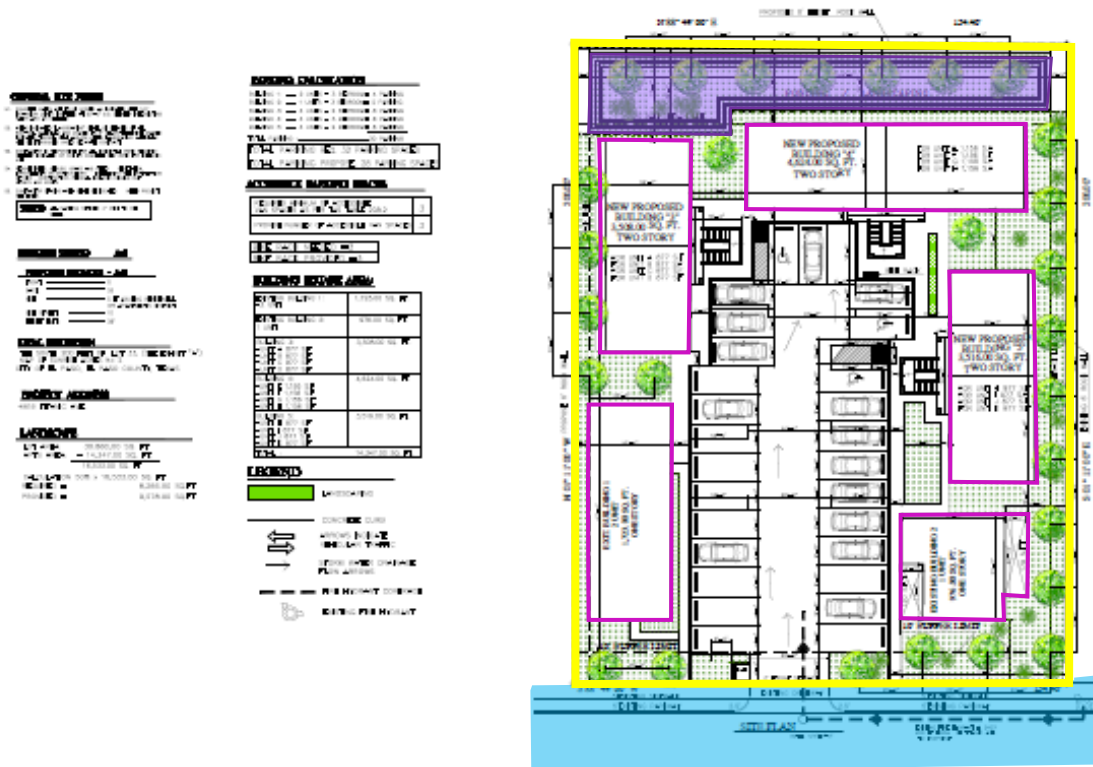
ATTACHMENTS:

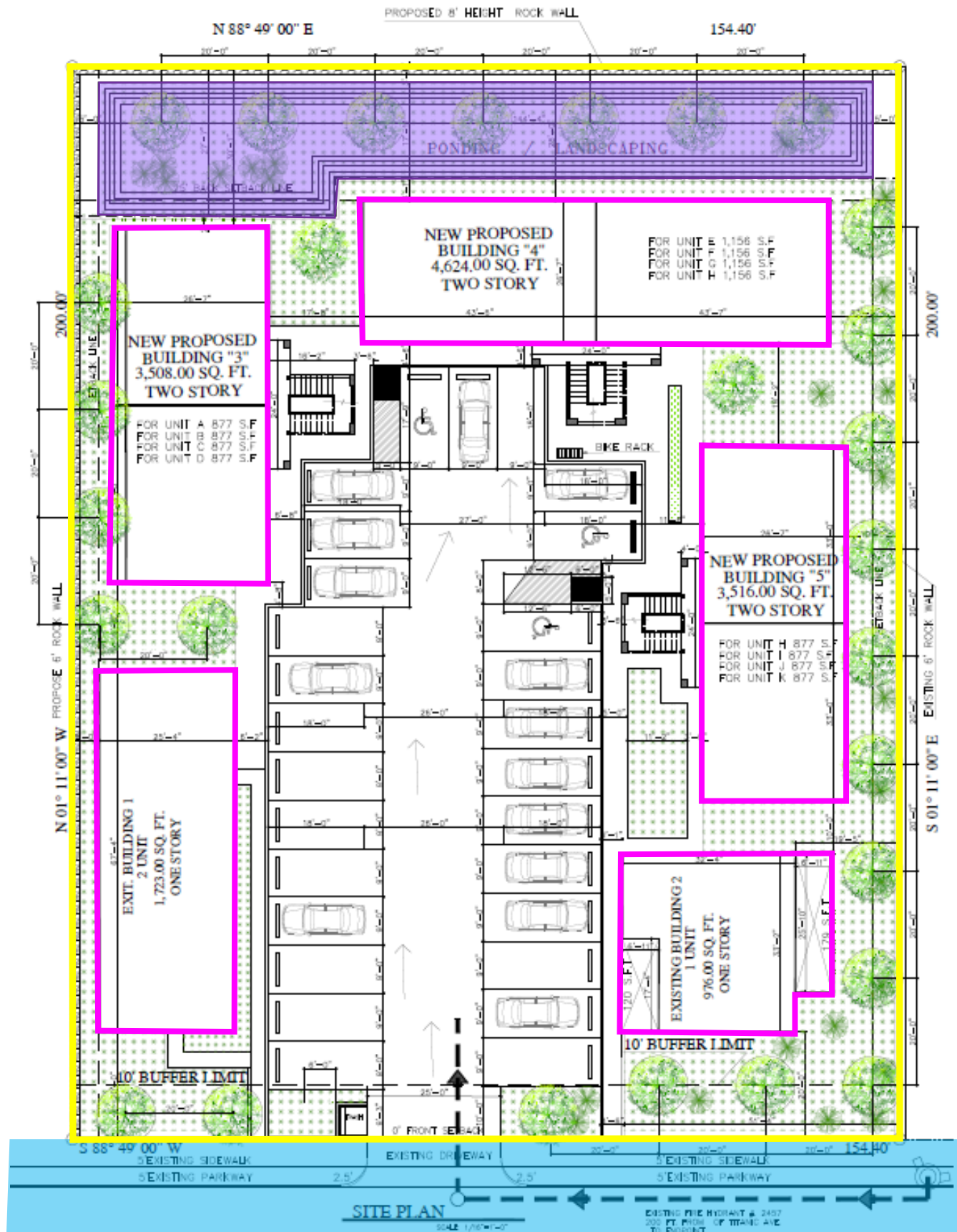
1. Future Land Use Map
2. Conceptual Plan
3. Department Comments
4. Neighborhood Notification Boundary Map

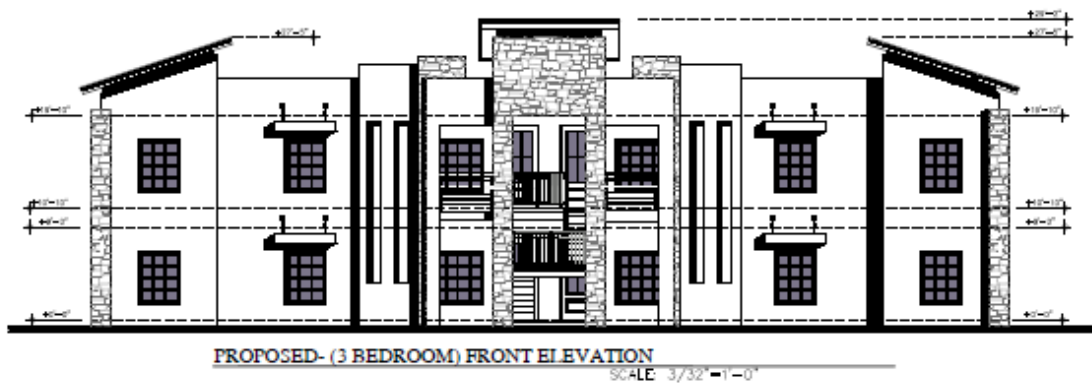
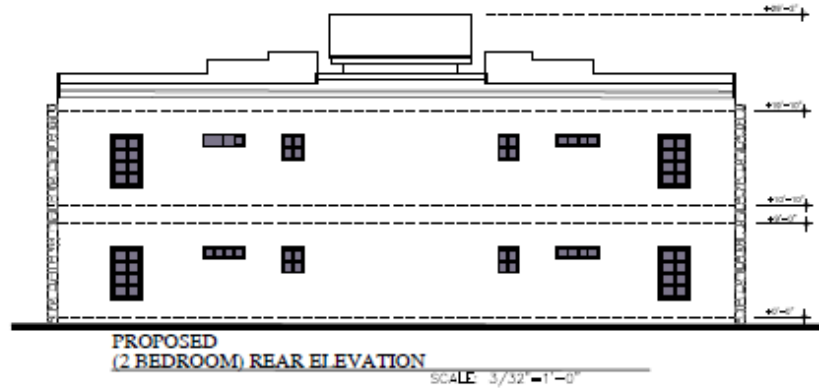
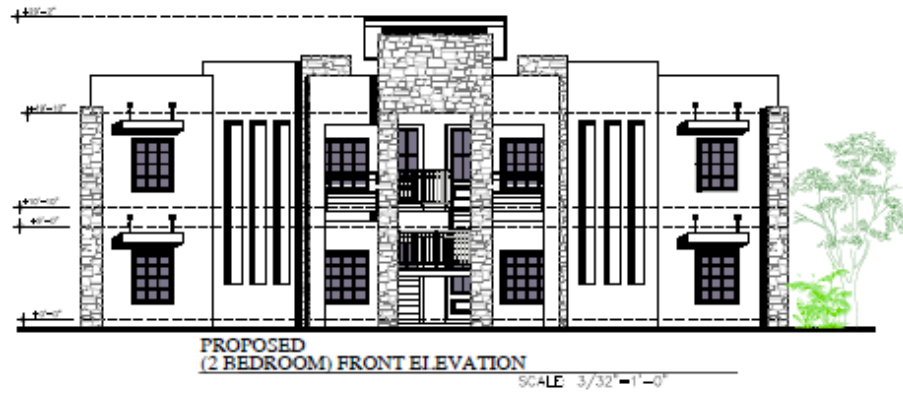
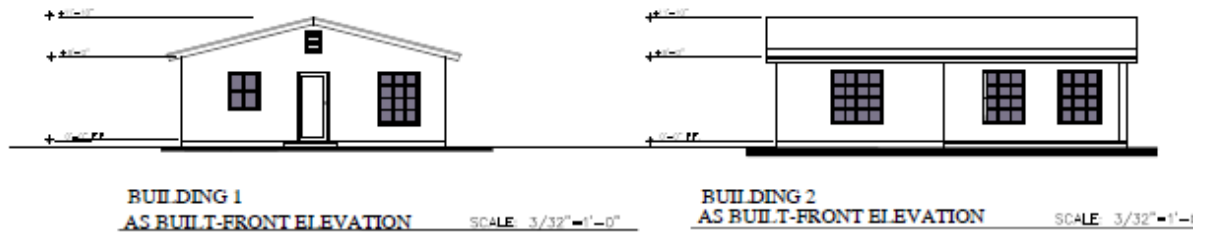
ATTACHMENT 1



ATTACHMENT 2







ATTACHMENT 3

Planning and Inspections Department - Planning Division

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

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 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.

Note: The site plan provided is only for fulfillment of the current rezoning application. No approval is provided for the proposed layout.

Planning and Inspections Department – Plan Review & Landscaping Division

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

Approved, no objections to rezoning.

Fire Department

Recommend approval, no adverse comments.

911 District

No comments received.

Environmental Services

No comments received.

Streets and Maintenance Department

A TIA is not required. No objections.

Sun Metro

No comments received.

El Paso Water

EPWater-PSB does not object to this request.

EPWU-PSB Comments

There is an existing 8-inch diameter water main that extends along Titanic Ave., located approximately 18-feet south of the north right-of-way line. This main is available for service.

EPWater records indicate two (2) active ¾-inch domestic water meters serving the subject property. The service address for these meters is 4819 Titanic Ave.

EPWater records indicate an active ¾-inch domestic water meter serving the subject property. The service address for this meter is 4823 Titanic Ave.

Previous water pressure from fire hydrant #2457, located on Titanic Ave. approximately 621-feet east of Mt Latona Dr., has yielded a static pressure of 100 (psi), a residual pressure of 90 (psi), and a discharge of 1,404 (gpm). 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 that extends along Titan Ave., located approximately 18-feet north of the south 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:

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.

The developer may be responsible for the additional stormwater runoff generated by this development, and must ensure that the historic runoff volume, peak and duration are maintained.

Texas Department of Transportation

No comments received.

El Paso County Water Improvement District 1

No comments received.

ATTACHMENT 4

