

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

AGENDA DATE: February 13, 2024
PUBLIC HEARING DATE: March 12, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Andrew Salloum, (915) 212-1603

DISTRICT(S) AFFECTED: District 1

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 Tract 1G, Laura E. Mundy Survey No. 238, 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: Desert South Blvd. and North of Vinton Ave.
Applicant: Wieland Properties, Joint Venture, PZRZ23-00029

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from R-3 (Residential) to C-3 (Commercial) to allow for a food bank facility. City Plan Commission recommended 8-0 to approve the proposed rezoning on November 30, 2023. As of January 29, 2024, the Planning Division has received a phone call 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 A PORTION OF TRACT 1G, LAURA E. MUNDY SURVEY NO. 238, 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 a **portion of Tract 1G, Laura E. Mundy Survey No. 238**, 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 _____, 2024.

THE CITY OF EL PASO

Oscar Leaser, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

HQ2023-1948-P&I | TRAN#508294
Rezoning Ordinance Full Lot No Conditions
RTA

CASE: PZRZ23-00029

EXHIBIT "A"

Prepared for: Susan Goodell
September 22, 2023

METES AND BOUNDS DESCRIPTION

Description of a parcel of land, being a portion of Tract 1G, Laura E. Mundy Survey No. 238, City of El Paso, El Paso County, Texas and being more particularly described by Metes and Bounds as follows:

Commencing for Reference at a found 1/2" rebar with cap marked TX 2027 on the intersection of the southerly right of way line of Vinton Avenue with the westerly right of way line of U.S. Interstate Highway No. 10, Thence North 02°48'32" West a distance of 496.88 feet to a point on the intersection of the westerly right of way line of U.S. Interstate Highway No. 10 with the southerly line of Tract 1G, Laura E. Mundy Survey No. 238 for the **"TRUE POINT OF BEGINNING"**

Thence Leaving said right of way line, North 89°58'09" West a distance of 400.18 feet to a found 1/2" rebar with cap marked TX 5679 on the line of Tract 2G, Laura Mundy Survey No. 238 and Arroyo Seco;

Thence along said line, North 00°07'06" East a distance of 455.28 feet to a point from which a found 1/2" rebar with cap marked TX 5679 bears South 69°55'20" West a distance of 0.31 feet;

Thence along said line, South 73°34'00" West a distance of 104.68 feet to a point from which a found 1/2" rebar with cap marked TX 5679 bears North 68°25'22" West a distance of 0.31 feet;

Thence leaving said line North 00°04'30" East a distance of 531.11 feet to a set 1/2" rebar with cap marked TX 5152 on the common line of Tracts 1G & 1H, Laura E. Mundy Survey No. 238;

Thence along said line, South 89°54'37" East a distance of 500.20 feet to a set 1/2" rebar with cap marked TX 5152 on the westerly right of way line of U.S. Interstate Highway No. 10;

Thence along said right of way line, South 00°04'30" West a distance of 956.20 feet to the **TRUE POINT OF BEGINNING** and containing 434,294 Square Feet or 9.97 acres of land more or less.

Note: A drawing of even date accompanies this description.


Ron R. Conde
R.P.L.S. No 5152



CONDE INC
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE / SUITE 100 / EL PASO, TEXAS 79905
(915) 592-0283 FAX (915) 592-0286 FIRM NO. 10078100

Desert South and North of Vinton

City Plan Commission — November 30, 2023 **(REVISED)**



CASE NUMBER: PZRZ23-00029
CASE MANAGER: Andrew Salloum, (915) 212-1603, SalloumAM@elpasotexas.gov
PROPERTY OWNER: Wieland Properties, Joint Venture
REPRESENTATIVE: Conde, Inc.
LOCATION: Desert South Blvd. and North of Vinton Ave. (District 1)
PROPERTY AREA: 9.97 acres
REQUEST: Rezone from R-3 (Residential) to C-3 (Commercial)
RELATED APPLICATIONS: SUSU23-00077 – Major Preliminary
PUBLIC INPUT: Received a phone call in support as of November 29, 2023

SUMMARY OF REQUEST: The applicant is requesting to rezone from R-3 (Residential) to C-3 (Commercial) to allow for a food bank facility.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the rezoning request. The proposed zoning district is compatible with the commercial uses in the surrounding area and consistent with *Plan El Paso*, the City's Comprehensive Plan and the G-3, Post-War future land use designation.

PZRZ23-00029



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 95 190 380 570 760 Feet



Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone from R-3 (Residential) to C-3 (Commercial) to allow for a food bank facility. The size of the property is 9.97 acres. The conceptual site plan shows a food bank facility and warehouse building on the property. Main access to the property is proposed from Desert South Boulevard.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed development is permitted by right in the C-3 (Commercial) zoning district in the commercial surrounding area along the U.S. Interstate Highway 10. To the north is a vacant lot zoned R-3 (Residential); to the south and east are self-storage facility, church, and U.S. Interstate Highway 10 zoned C-3 (Commercial) and; to the west is vacant, El Paso's 5 Miles Extraterritorial Jurisdiction (ETJ). The closest school is Canutillo Middle School located 1 mile away and the closest park is Westside Sport Complex located 1.27 miles away.

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 subject property is proposed to be developed into commercial development, which is in character with the future land use designation of <i>Plan El Paso</i>.</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 proposed C-3 (Commercial) zoning district will provide for the integration of commercial uses with adjacent C-3 (Commercial) zoning districts in the surrounding area.</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. The subject property has access to Desert South Boulevard, which is designated as a major arterial in the City's Major Thoroughfare Plan. The classification of these roads is appropriate for the proposed development.</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 that may be applicable. Any adopted small areas plan, including land-use maps in those plans.</p>	<p>None. The proposed development is not within any historic districts or study area plan boundaries.</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:	
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	The proposed development is not anticipated to pose any adverse effects on the community.
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 within the last 10 years in the surrounding area. The property located at 7115 Desert South Blvd. to the south was rezoned from R-3 (Residential) to C-3 (Commercial) in 2018. Additionally, the property located at Desert North Blvd. to the northeast and east were rezoned from R-3 (Residential) to C-3 (Commercial) in 2022.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	The area is in transition as is currently under development. It is expected to be developed into a commercial development along Interstate 10. The R-3 (Residential) zoning designation is no longer suitable for the property.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The proposed development will have access to Desert South Boulevard which is designated as a major arterial in the City's Major Thoroughfare Plan. The subject property will need to provide adequate infrastructure at the time of development. Although pursuant to requirements for this rezoning request, a Traffic Impact Analysis deferral letter has been submitted and is under review by the City of El Paso's Streets and Maintenance Department as well as by the Texas Department of Transportation at the time of the subdivision platting stage. Prior to development, the subject property will need to be formally subdivided. All necessary infrastructure will be addressed at that time. The nearest bus stop is located 1.48 miles from the subject property on Northwestern Drive and Hoover Avenue.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments were received from reviewing departments.

PUBLIC COMMENT: The subject property is located within the boundaries of El Paso Central Business Association and Sunrise Civic Group, which were notified of the rezoning request by the applicant. As required, public notices were mailed to property owners within 300 feet on November 15, 2023. As of November 29, 2023, the Planning Division received a phone call in support of the request from the public.

RELATED APPLICATIONS: A Major Preliminary subdivision application (SUSU23-00077) approval was previously granted by the City Plan Commission on October 19, 2023 for a commercial subdivision, comprising of one lot.

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:

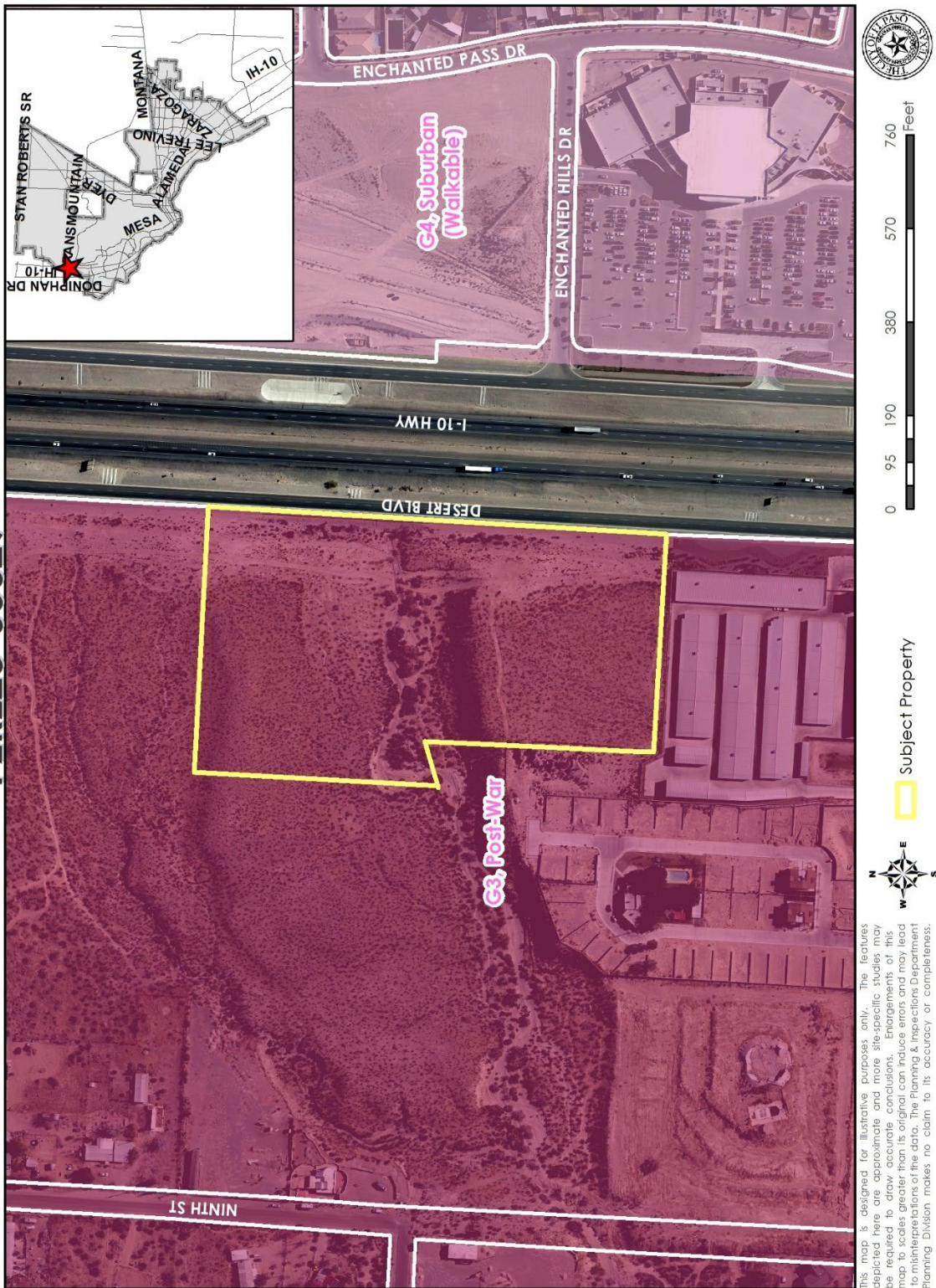
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. (Staff Recommendation)
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:

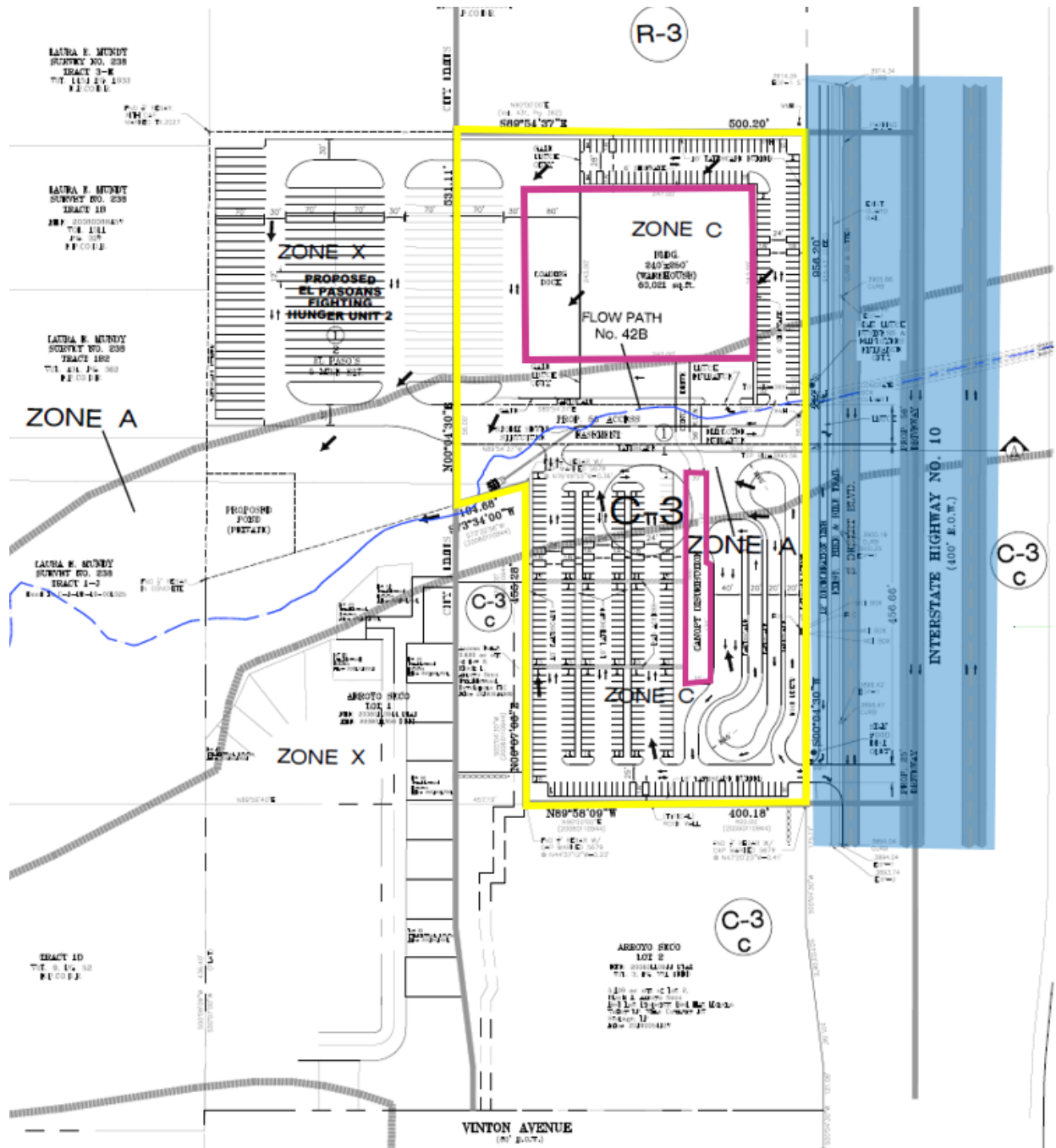
1. Future Land Use Map
2. Conceptual Site Plan
3. Department Comments
4. Neighborhood Notification Boundary Map

ATTACHMENT 1

PZR23-00029



ATTACHMENT 2



ATTACHMENT 3

Planning and Inspections Department - Planning Division

Staff recommends **APPROVAL** of the rezoning request. The proposed zoning district is compatible with the commercial uses in the surrounding area and consistent with *Plan El Paso*, the City's Comprehensive Plan and the G-3, Post-War future land use designation.

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 permits, the project will need to comply with all applicable provisions of the IBC, Municipal Code, and TAS.

Planning and Inspections Department – Land Development

1. Label and specify if solid drainage arrows are existing or proposed. Show existing and 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. Provide alternate drainage course for historic flows.
2. Provide a drainage easement for a stormwater drainage system crossing through subdivision fully dimensioned by bearing and distance.
3. Provide FEMA LOMR number reference prior to recording the final plat.
4. TXDOT review and approval for proposed subdivision improvements is required.
5. Include the deceleration lane on the x section A-A (Existing and proposed),
6. Specify the merge of the deceleration lane and exiting hike and bike crossing.

Note: Comments will be addressed at the permitting stage.

Fire Department

No adverse comments.

Environment Services

Need an enclosure for a dumpster with enough room to allow clearance for a 30-foot-long truck.

Streets and Maintenance Department

- No objections to rezoning
- TIA was reviewed and approved to recommendations and conclusions.
- Propose deceleration lane, entrances and exits show details. How is this going to interact with existing bike and hike trail.
- ADA compliance on ramps and sidewalks
- Details from VO from landscape buffer

Note: Comments will be addressed at the permitting stage.

Texas Department of Transportation (TxDOT)

Requester needs to submit layout with dimensions of proposed driveways to existing driveways/intersections and resubmit to TxDOT for review.

Note: Comments will be addressed at the permitting stage.

Sun Metro

No comments received.

El Paso Water

EPWater does not object to this request.

The subject property is located within the City of El Paso Westside 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.

The subject subdivision will be located within an Intermediate Pressure Zone. Private water pressure regulating devices will be required at the discharge side of each water meter. The Developer shall include in the sale of contract documents that the lot/home buyer shall acquire ownership of the above-described water pressure regulating devices to be located at the discharge side of the water meters. Additionally, the lot/home buyer shall be responsible for the operation and maintenance of the above-described privately-owned water pressure regulating devices.

Water:

There is an existing 16-inch diameter water main that extends a 30-foot PSB easement located west of and parallel to Desert South Blvd. This main is located approximately 20-feet west of and parallel to the western right-of-way of Desert South Blvd.

Sanitary Sewer:

There is an existing 15-inch diameter water main that extends along Desert South Blvd. This main is located approximately 5-feet east of and parallel to the western right-of-way of Desert South Blvd. Only a portion of this main is available for service and main extension.

General:

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

No building, reservoir, structure, parking stalls or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWater-PSB easement without the written consent of EPWater-PSB. The Developer shall refrain from constructing rock walls, signs, buildings, curbs or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any building, sign or structure. All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWater-PSB Easement Policy. The PSB easements shall be improved to allow the operation of EPWater maintenance vehicles. EPWater-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.

Stormwater:

1. Provide a conceptual Drainage Plan indicating existing and proposed major stormwater facilities as per Section 19.02.020 of the Municipal Code.
2. A 15' Drainage Easement shall cover the entire length of the proposed storm sewer conduit.
3. Ensure that all construction in these zones complies with Section 18.60 - Flood Damage Prevention of the current City Ordinances followed.
4. The proposed subdivision is located near a potential sediment flow source. At the improvement plan stage EPW-Stormwater requires the Engineer to account for sediment volume in all calculations used to size stormwater drainage structures to prevent sediment from clogging the proposed crossings. Provide enough access for mechanized maintenance equipment and vehicles.
5. The developer shall be responsible for the additional stormwater runoff generated by this development, and must ensure that the historic runoff volume, peak, and duration are maintained.
6. The difference between the historic and the developed runoff must be contained onsite. Any ponding areas shall have the capacity for a 100-yr. storm event.
7. At the improvement plan stage, provide protection to the subdivision from all offsite storm water runoff that may have an adverse impact on any improvements and convey the existing watercourse through the subdivision.

Note: Comments will be addressed at the permitting stage.

El Paso County 911 District

The 911 District has no comments/concerns regarding this zoning.

El Paso County Water Improvement District #1

The item is not within the boundaries of EPCWID1.

Texas Gas Service

In reference to the existing lots at Desert South and Vinton Ave, Texas Gas Service does not have any objections.

ATTACHMENT 4

