

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

AGENDA DATE: February 27, 2024
PUBLIC HEARING DATE: March 26, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Saul J. G. Pina, (915) 212-1612

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 a portion of Tract 92, Map of Sunrise Acres No. 2, 4707 Atlas 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: 4707 Atlas Avenue
Applicant: Helmut Group Inc., PZRZ23-00036

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone the subject property from R-4 (Residential) to A-2 (Apartment) to allow for the use of apartments. City Plan Commission recommended 7-0 to approve the proposed rezoning with a condition on January 25, 2024. As of February 13, 2024, the Planning Division received one (1) email in 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:

Kevin Smith for Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 92, MAP OF SUNRISE ACRES NO. 2, 4707 ATLAS 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 *a portion of Tract 92, Map of Sunrise Acres No. 2, 4707 Atlas 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:

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.

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 following page)

ORDINANCE NO. _____

HQ24-2117/Tran#510699/P&I

Rezoning 4707 Atlas

RTA

Page 1 of 2

Zoning Case No: PZRZ23-00036

ADOPTED this _____ day of _____, 2024.

THE CITY OF EL PASO

ATTEST:

Oscar Leeser
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:

Kevin Smith for

Philip F. Etiwe, Director
Planning & Inspections Department

EXHIBIT "A"

BEING A PORTION OF TRACT 92,
MAP OF SUNRISE ACRES NO. 2, (RECORDED IN VOLUME 2, PAGE 7),
CITY OF EL PASO, EL PASO COUNTY, TEXAS
SEPTEMBER 01, 2023

**METES AND BOUNDS
4707 ATLAS**

Description of a parcel of land being a portion of Tract 92, Map Of Sunrise Acres No. 2, Recorded in Volume 2, Page 7, City Of El Paso, El Paso County Texas, and being more particularly described by metes and bounds as follows:

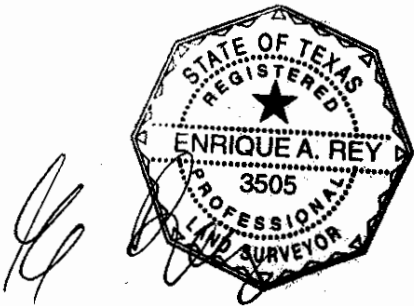
THE POINT OF BEGINNING beingt the southwest corner of said Tract 92, said point lying on the northerly right-of-way line of Atlas Avenue;

THENCE, leaving said right-of-way line of Atlas Avenue, North $01^{\circ} 11' 00''$ West, a distance of 288.71 feet to a point being the northwest corner of Tract 92;

THENCE, North $88^{\circ} 49' 00''$ East, a distance of 76.76 feet to a point;

THENCE, South $01^{\circ} 11' 00''$ East, a distance of 288.71 feet to a point at its intersection with the northerly right-of-way line of Atlas Avenue;

THENCE, along said right-of-way line of Atlas Avenue South $88^{\circ} 49' 00''$ West, a distance of 76.76 feet to the **POINT OF BEGINNING** of the herein described parcel of land and containing 22,161 square feet or 0.509 acres of land more or less.



ENRIQUE A. REY
R.P.L.S. TX 3505
REY ENGINEERING INC.
9434 VISCOUNT STE. 148
EL PASO TEXAS, 79925
(915) 633-8070

HOWARD DRIVE (60' R.O.W.)

TRACT 94

TRACT 93

N88°49'00"E 76.76'



SCALE 1"=40'

TRACT 95

N01°11'00"W 288.71'

22,161 Sq Ft
0.509 Ac.

TRACT 92

S01°11'00"E 288.71'

TRACT 92

P.O.B.

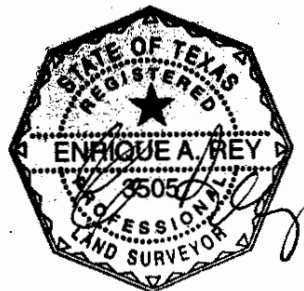
N01°11'00"W
30.00'

S88°49'00"W 76.76'

N88°49'00"E 184.40'

ATLAS AVENUE
(60' R.O.W.)

SKETCH



PLAT OF SURVEY BEING
A PORTION OF TRACT 92
MAP OF SUNRRISE ACRES NO. 2
CITY OF EL PASO, EL PASO COUNTY, TEXAS
RECORDED IN VOLUME 2, PAGE 7
EL PASO COUNTY RECORDS
(AS DESCRIBED BY METES AND BOUNDS ATTACHED
HERETO MADE PART HEREOF)

D.M.	AUGUST 31, 2023
JOB NO. 2023-	
REY ENGINEERING INC.	
CONSULTING ENGINEERING-SURVEYING-LAND PLANNING	
9434 VISCOUNT DR. SUITE 148 EL PASO TEXAS, 79925	
PH. (915)309-1889 FAX (915) 633-8060	
TEXAS FIRM REGISTRATION F-3368	

4707 Atlas

City Plan Commission — January 25, 2024

REZONING



CASE NUMBER: PZRZ23-00036 **REVISED**
CASE MANAGER: Saul J. G. Pina, (915) 212-1612, PinaSJ@elpasotexas.gov
PROPERTY OWNER: Helmut Group Inc.
REPRESENTATIVE: Ray Mancera
LOCATION: 4707 Atlas Ave. (District 2)
PROPERTY AREA: 0.5 acres
REQUEST: Rezone from R-4 (Residential) to A-2 (Apartment)
RELATED APPLICATIONS: None
PUBLIC INPUT: One (1) email in opposition as of January 18, 2024

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from R-4 (Residential) to A-2 (Apartment) to allow for the use of apartments.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL with a CONDITION** of the rezoning request. This recommendation is based on the consistency of the request with *Plan El Paso*, the City's adopted Comprehensive Plan, for the G-3, Post-War future land use designation. The condition is the following:

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.

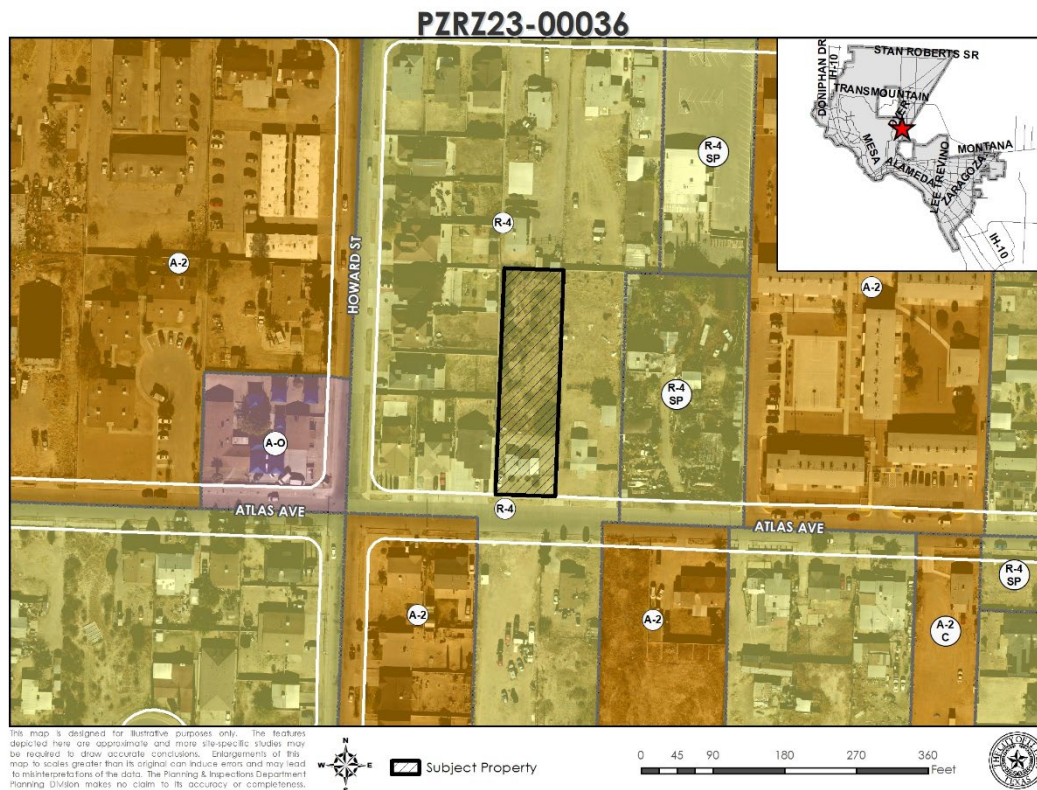


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone the subject property from R-4 (Residential) to A-2 (Apartment) to allow for apartments. The property is approximately 0.5 acres in size. The conceptual site plan shows a two (2) story apartment building with fourteen (14) proposed units and thirty (30) proposed parking spaces. Per A-2 (Apartment) zone district, a 50% open space is required. Main access to the property is proposed from Atlas Avenue. The conceptual plan is not being reviewed for zoning requirements under Title 20 of El Paso City Code. Drainage, landscaping, and other requirements will be reviewed during the building permit stage.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed rezoning is consistent with the various types of residential housing within the area. Properties to the north, east, and west include single-family dwellings zoned R-4 (Residential) and properties to the south include a vacant property zoned R-4 (Residential). The nearest school, Sunrise Mountain Elementary School, is 0.6 miles and the nearest park, Wainwright Park, is 1.0 mile in proximity to the site.

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 as it will provide mixed housing types already emergent in the area.</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 these districts 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 zoning is compatible with residential housing types and other apartments in the immediate vicinity. The proposed apartments will not only integrate with surrounding residential dwellings but will preserve the character of the neighborhood.</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 Atlas Avenue, which is designated as a local road in the City's Major Thoroughfare Plan. The classification of this road is appropriate for the proposed development as it connects to other residential neighborhoods and commercial establishments on the area's periphery.</p>

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 area plans, including land-use maps in those plans.	None. The property is not located within any historic districts nor any other special designation areas.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	None. There are no anticipated adverse impacts.
Natural Environment: Anticipated effects on the natural environment.	None. The subject property does not involve green field or environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	Yes. The area is in transition to mixed residential zoning. In the last 10 years, nearby areas have changed zoning from R-4 (Residential) to A-2 (Apartment), R-MU (Residential Mixed Use) to R-4 (Residential), and R-4 (Residential) to R-MU (Residential Mixed Use) to permit various types of residential uses in the area.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Primary access is proposed from Atlas Avenue, a road classified as local on the City of El Paso's Major Thoroughfare Plan (MTP) and is adequate for the proposed development and the various types of mixed housing on the area. There are existing sidewalks along Atlas Avenue that provide pedestrian access to the site. The closest bus stop, located on Dyer Street, is 0.50 miles in proximity to the proposed development.

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 Mountain View Neighborhood Association and Logan Sunrise Neighborhood Association. The applicant contacted all neighborhood associations prior to January 25, 2024. Notices were sent to property owners within 300 feet of the subject property on January 12, 2024. As of January 18, 2024, the Planning Division received one (1) email in opposition to the rezoning 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)

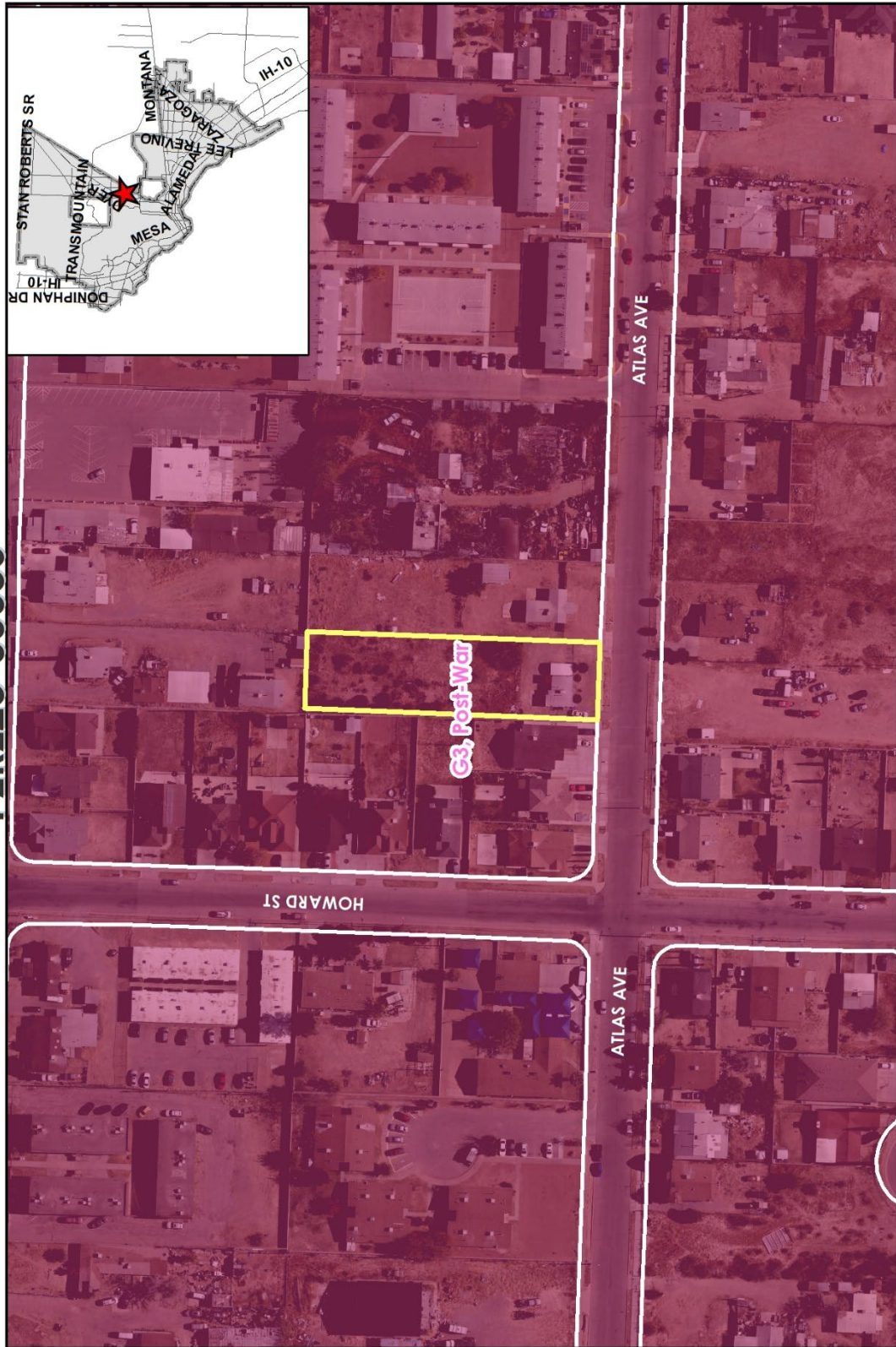
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

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

ATTACHMENT 1

PZR23-00036



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.



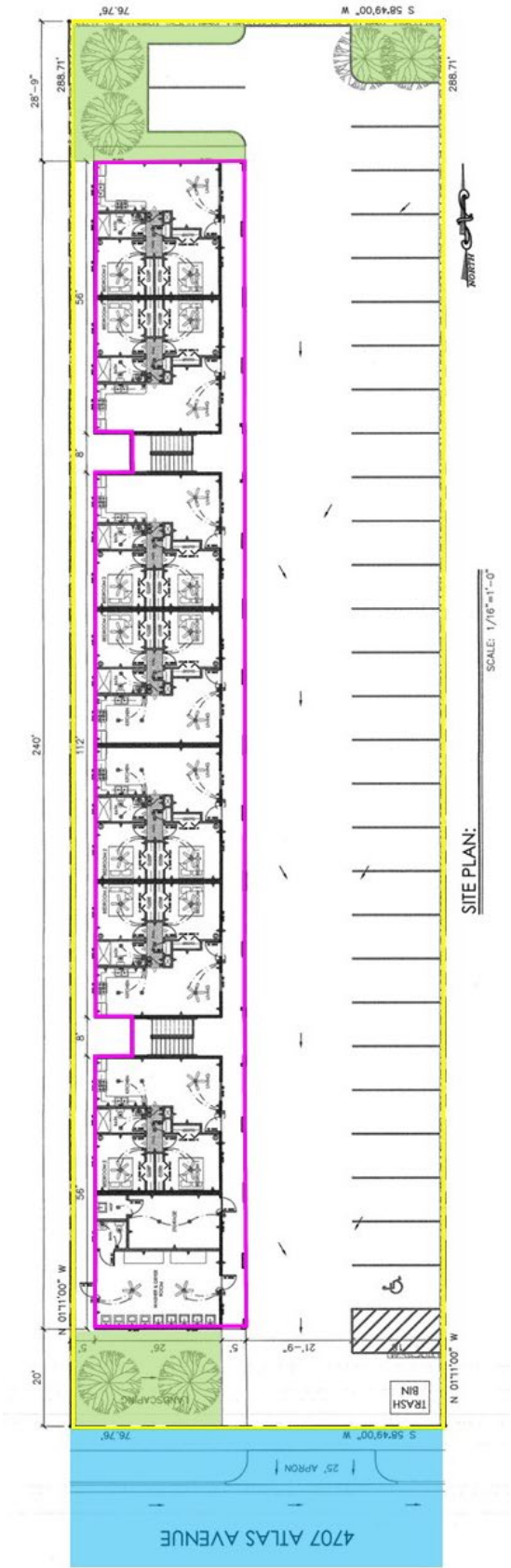
Subject Property



0 45 90 180 270 360 Feet



ATTACHMENT 2



ATTACHMENT 3

Planning and Inspections Department - Planning Division

Staff recommends **APPROVAL with a CONDITION** of the rezoning request. This recommendation is based on the consistency of the request with *Plan El Paso*, the City's adopted Comprehensive Plan, for the G-3, Post-War future land use designation. The condition is the following:

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Planning and Inspections Department – Plan Review & Landscaping Division

Recommend approval with condition:

1. Remove Landscaping Summary table. The generalized site plan is not being reviewed for conformance due to conceptual nature.
2. 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.

Note: Conceptual plan will not be reviewed for compliance

Planning and Inspections Department – Land Development

Recommend approval:

1. All storm-water runoff discharge volumes including fill displacement shall be retained within this subdivision's limits in compliance with the provision of (DSC PANEL 1-4C-J, 19.19.010A and DDM 11.1).
2. The property is in flood zone area "A3". An Elevation Certificate is required at the time of grading permit.

Fire Department

Recommend approval, no adverse comments.

Police Department

No comments provided.

Environment Services

No comments provided.

Streets and Maintenance Department

1. Plans need to specify city list of acceptance of plant or tree materials
2. Show location of bike racks
3. Sidewalks and driveway to be City Standards
4. TIA not required.

Sun Metro

No comments provided.

El Paso Water

EPWater does not object to this request.

Water:

There is an existing 6-inch diameter water main extending along Atlas Avenue. This water main is available for service.

Previous water pressure from fire hydrant #0204 located at northeast corner of Atlas Avenue and MT Latona Drive, has yielded a static pressure of 100 psi, a residual pressure of 90 psi, and a discharge of 1,300 gallons per minute. The owner should, for his own protection and at his own expense shall 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 water pressure regulator device.

Sanitary Sewer:

There is an existing 8-inch diameter sanitary sewer main extending along Atlas Avenue. This main is available for service.

General:

EPWater requires a new service application to provide services 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 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 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

No comments provided.

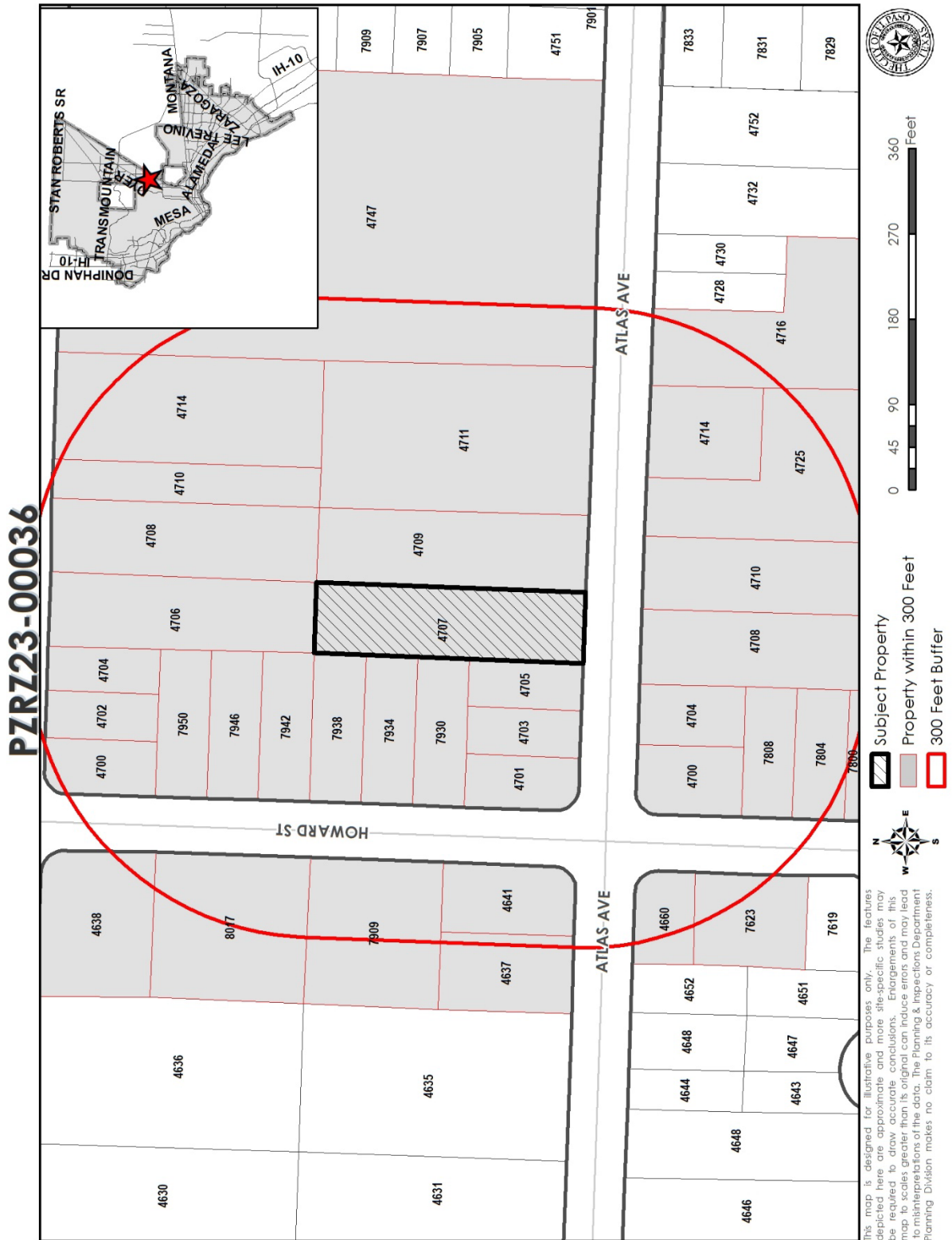
El Paso County Water Improvement District No. 1

No comments provided.

Texas Gas Service

In reference to the proposed development, 4707 Atlas Ave, Texas Gas Service does not have any objections.

ATTACHMENT 4



ATTACHMENT 5

From: [James Berryman](#)
To: [Pina, Saul J.](#)
Subject: Case# PZRZ23-00036 Re-zoning request for 4707 Atlas Ave
Date: Wednesday, January 17, 2024 3:30:47 PM

You don't often get email from dortha2002@hotmail.com. [Learn why this is important](#)

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.

Dear Mr. Pina,

My name is James Henry Berryman, and I am the owner of the house at 7930 Howard Street. As per our phone conversation earlier today, I am advising you that my vote for this re-zoning request will be a "NO", based on the information provided.

One of my main considerations when purchasing this home was the fact that there were no close neighbors in the back of the house. If the re-zoning is approved and a structure with more than 10 apartments is built on the half acre of land behind my home and several others, we will no longer have the privacy, safety and security that we currently enjoy, not having neighbors on top of us on the back side of our homes, which cannot be seen from the street. I am a senior citizen that lives alone and I am very concerned for my safety and my home's security. If this changes and we now have a bunch of new families, living practically touching out backyards, the entire dynamic will change for privacy and security issues and we probably will not be able to enjoy the private use of our backyards, one of the great assets of these properties.

I am a senior citizen and live alone and I'm concerned for my safety, should this proposal be approved. Also, since I spent my last penny on purchasing this home, I am concerned that the value of my home could be negatively affected, by such a project. Another concern of mine is that I travel a lot, so my house is empty for weeks at a time. Up until now, no house in this area has been broken into, as far as I know, so this has not been an issue, but could easily become one if we have to deal with a whole bunch of new apartments/families being built in the back of our homes, not to mention the noise factor, which is certain to become an issue should this project be allowed to go forward. We currently enjoy lots of quiet and tranquility in our homes and would prefer that this not change.

I know there are several renters in this area, who will not have the same concerns and may not inform the true owners, so I am hoping that all the true property owners are informed of this proposal before any final decisions are made either by you or the council at a later date.

If, on the other hand, the plan is to build high-end apartments that usually attract less potentially problematic buyers or renters, I would be more open to supporting this proposal.

I thank you for your time and wish you all the best.

Very sincerely,

James Berryman

Sent from [Outlook for Android](#)