

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

AGENDA DATE: March 12, 2024

PUBLIC HEARING DATE: April 9, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Juan C. Naranjo, (915) 212-1604

DISTRICT(S) AFFECTED: District 6

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 Tracts 17C-174 and 17C-175, Section 8, Block 79, Township 3, Texas and Pacific Railway Company Survey, South of Vista del Sol Drive and West of Joe Battle Boulevard, 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: South of Vista del Sol Dr. and West of Joe Battle Blvd.

Applicant: El Paso Vista HY RE, LLC, PZRZ23-00034

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone the subject property to allow the use of automobiles (sales, service, storage and rental). City Plan Commission unanimously recommended 7-0 to approve the proposed rezoning on January 25, 2024. As of February 27, 2024, the Planning Division has not received any communication in support or opposition to the rezoning request. See attached staff report for additional information.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD: *Kevin Smith* for Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 17C-174 AND 17C-175, SECTION 8, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEY, SOUTH OF VISTA DEL SOL DRIVE AND WEST OF JOE BATTLE BOULEVARD, 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, that the zoning of a portion of Tracts 17C-174 and 17C-175, Section 8, Block 79, Township 3, Texas and Pacific Railway Company Survey, South of Vista del Sol Drive and West of Joe Battle Boulevard located in the City of El Paso, El Paso County, Texas, and 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

ATTEST:

Oscar Leaser
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Kevin Smith for

Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

Zoning Case No: PZRZ23-00034

EXHIBIT "A"

Prepared for: Hyundai
August 31, 2023.

METES AND BOUNDS DESCRIPTION

Description of a parcel of Land being a portion of Tracts 17C-174 and 17C-175, Section 8, Block 79, Township 3, Texas and Pacific Railway Company Survey, City of El Paso, El Paso County, Texas; and being more particularly described by metes and bounds as follows:

Commencing for reference an existing brass disk City Monument at the centerline intersection of Vista Del Sol Dr. (120' R.O.W.) and Bob Hope Dr. (90' R.O.W.), from which at an existing brass disk City Monument at the point of curve centerline of Bob Hope Dr. bears South 01°21'16" East a distance of 429.62 feet; Thence leaving said centerline intersection, North 75°59'44" West a distance of 488.97 feet to a set ½" rebar with cap marked TX.5152 for the "TRUE POINT OF BEGINNING".

Thence, North 02°27'51" East a distance of 65.69 feet to a found ½" rebar on the southerly right of way line of Vista Del Sol Rd.;

Thence, along said right of way line 317.59 feet along the arc of a curve to the right whose radius is 1199.98 feet whose interior angle is 15°09'51" whose chord bears, North 84°51'50" East a distance of 316.67 feet to a found 5/8" rebar with cap marked KHA on the westerly right of way line of Joe Battle Blvd. (Loop 375);

Thence along said right of way line, South 44°28'29 East a distance 102.07 feet to a found 5/8" rebar with cap marked KHA;

Thence along said right of way line, South 00°30'22 East a distance 42.64 feet to a set ½" rebar with cap marked TX. 5152 on the westerly right of way line of Joe Battle Blvd. (Loop 375);

Thence leaving said right of way line, North 86°50'26" West a distance of 389.95 feet to the "TRUE POINT OF BEGINNING" and containing 35,780 square feet or 0.8214 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# 10078100

CURVE TABLE					
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING
C1	1199.98'	317.59'	156.73'	316.67'	N84°51'50"E
					15°09'51"

SYMBOL LEGEND	
●	FOUND CONTROL POINT
⊕	FOUND CITY MONUMENT
○	SET 1/2" REBAR W/CAP 5152
⊗	CALCULATED POINT (NOT SET)
⊙	SANITARY SEWER
⊕	WATER VALVE
⊕	ELECTRIC PULL BOX
⊕	POWER POLE
⊕	GUY WIRE
⊕	TRAFFIC CONTROL BOX
⊕	TRAFFIC SIGN
⊕	TELEPHONE BOX

NOTES:

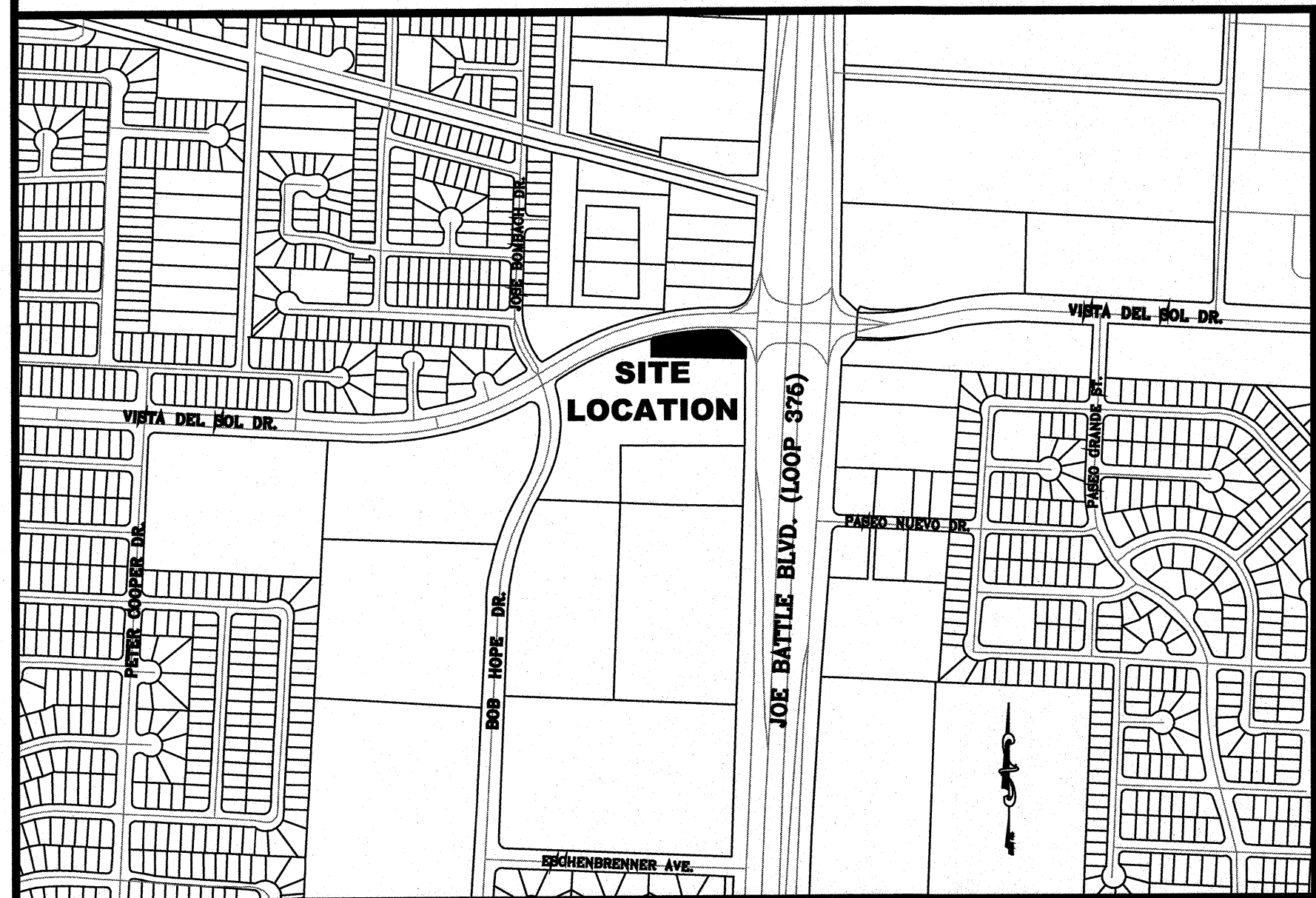
1. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480214-0046C, DATED FEBRUARY 16, 2006, THIS PROPERTY IS IN FLOOD HAZARD ZONE X "AREAS OF MINIMAL FLOODING".
2. SET 1/2" REBAR WITH A CAP MARKED TX. 5152 ON ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.
3. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SURVEY.

PARCEL	ACRES	PROPOSED ZONING	EXISTING ZONING
I	0.821	C-3	R-3

C-3 SETBACKS	
FRONT YARD	0 ft.
REAR YARD	10 ft.
SIDE YARD	10 ft. (WHEN ABUTTING RESIDENTIAL OR APARTMENT DISTRICT)
SIDE ABUTTING STREET	10 ft.

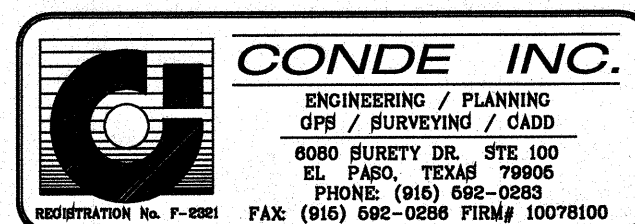
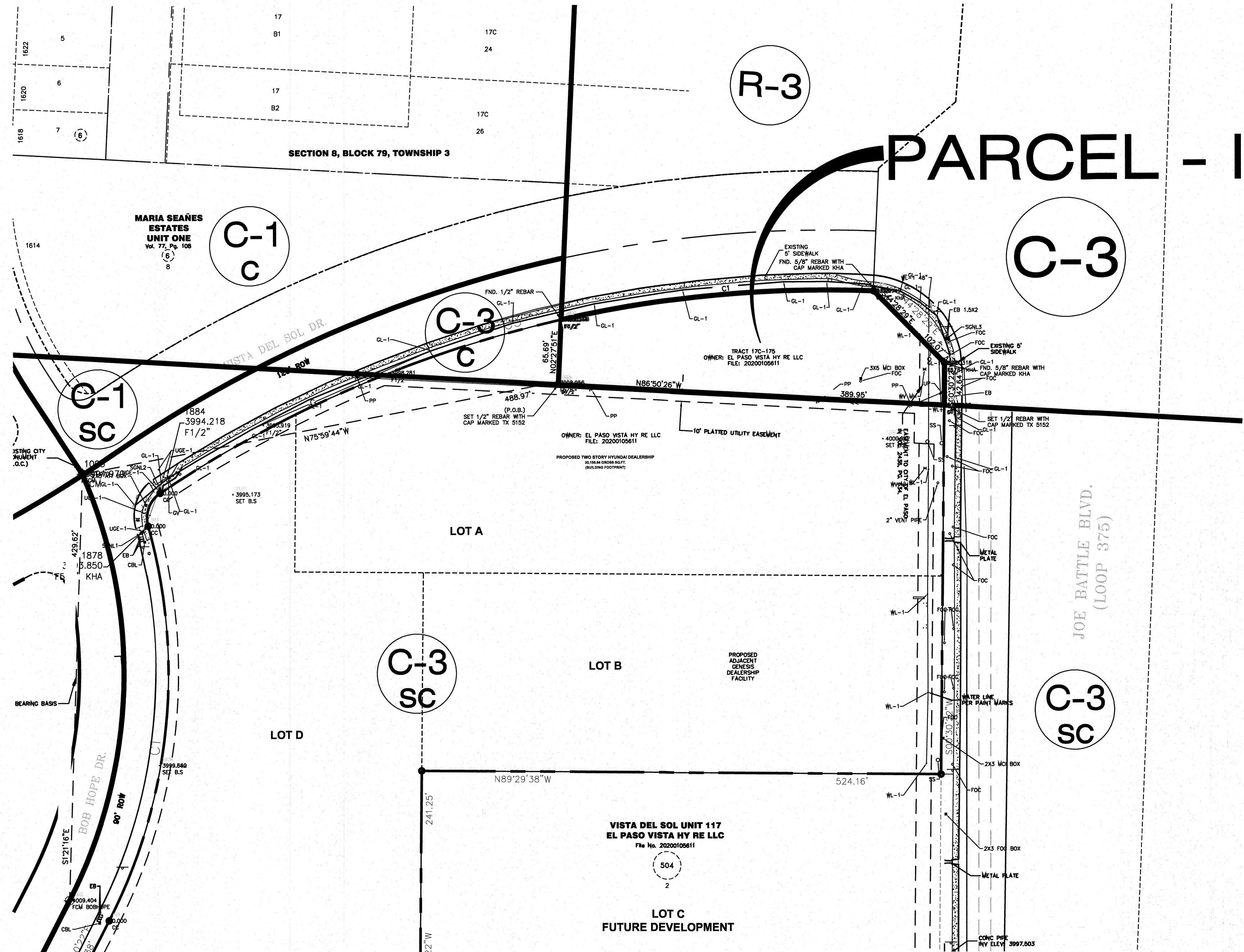
LOCATION MAP

SCALE: 1"=600'



PLAT OF SURVEY

BEING A PORTION OF TRACTS 17C-174 AND 17C-175, BLOCK 79, TOWNSHIP 3, SECTION 8, TEXAS AND PACIFIC SURVEY, CITY OF EL PASO, PASO COUNTY, TEXAS



CERTIFICATION
THIS PLAT REPRESENTS A SURVEY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF BASED ON THE FACTS EXISTING AT TIME OF THIS SURVEY.
RON R. CONDE
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 5152

Vista del Sol

City Plan Commission — January 25, 2024 - **REVISED**

REZONING



CASE NUMBER: PZRZ23-00034
CASE MANAGER: Juan C. Naranjo, (915) 212-1604, NaranjoJC@elpasotexas.gov
PROPERTY OWNER: El Paso Vista HY RE, LLC
REPRESENTATIVE: Conde, Inc
LOCATION: South of Vista del Sol Dr. and West of Joe Battle Blvd. (District 6)
PROPERTY AREA: 0.82 acres
REQUEST: Rezone from R-3 (Residential) to C-3 (Commercial)
RELATED APPLICATIONS: SUSU23-00086 - Resubdivision Combination
PUBLIC INPUT: None received as of January 24, 2024

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

SUMMARY OF RECOMMENDATION: Staff recommends **APPROVAL** of the rezoning request. The proposed zoning district is compatible with residential and commercial uses in the surrounding area and is consistent with *Plan El Paso*, the City's adopted Comprehensive Plan, and the G-4, Suburban for the future land use designation.

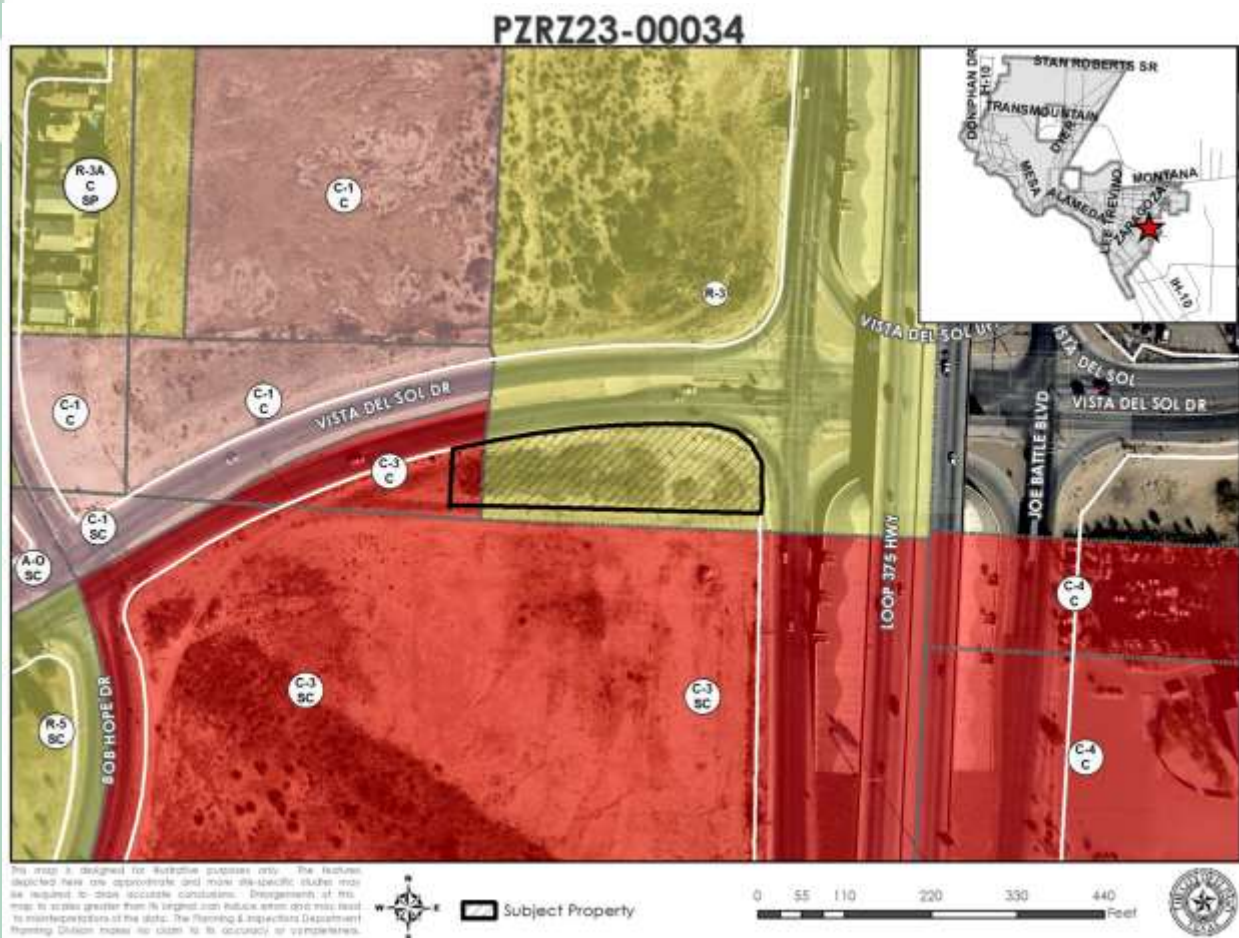


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone the subject property from R-3 (Residential) to C-3 (Commercial) to allow for the use of automobile sales, service, storage and rental. The rezoning will serve to consolidate the property under the same zoning district. The size of the property is 0.82 acres and is currently vacant. The conceptual site plan shows the subject property as part of an overall development comprising of one (1) proposed 30,156 square-foot building with access proposed from Joe Battle Boulevard and Vista del Sol Drive

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed use of automobile sales, service, storage and rental, and the proposed rezoning of the subject property to C-3 (Commercial) **is** compatible with the adjacent vacant lots and zoning districts. To the south and west, adjacent properties are vacant and are zoned C-3/c (Commercial/special contract). The property to the north is a vacant lot zoned R-3 (Residential), while the subject property is bound to the east by Joe Battle Boulevard with properties beyond Joe Battle Boulevard being vacant and residing within the City of El Paso's 5 Mile Extraterritorial Jurisdiction (ETJ). The rezoning will expand commercial zoning already present along Joe Battle Boulevard, while also serving as a buffer for residential properties to the east of Bob Hope Drive and Joe Battle Blvd to decrease noise pollution from the freeway. The distance to the nearest school, Captain Walter Clarke Middle School, is 0.25 miles and the distance to the nearest park, Walter Clarke Park, is approximately 0.15 miles.

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-4 – Suburban (Walkable): This sector applies to modern single use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes. The proposed commercial development 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 integration of commercial uses already present with 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 is located along Vista del Sol Drive and Joe Battle Boulevard, which are designated as a major arterial and freeway respectively, in the City's Major Thoroughfare Plan. The classification of these roads is appropriate for the proposed development.</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:	
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 plan, including land-use maps in those plans.	None. The proposed development is not within any historic districts or study area plan boundaries.
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 has been in transition within the last 10 years. Properties located north of the subject property were rezoned from R-3 (Residential) and R-3A/c/sp (Residential/conditions/special permit) to C-1/c (Commercial/conditions) back in 2018 and 2014, respectively.
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 more properties along Joe Battle are being rezoned to commercial districts. 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 Vista del Sol Drive and Joe Battle Boulevard, which are designated as a major arterial and a freeway, respectively, in the City's Major Thoroughfare Plan. The classification of these roads is appropriate for the proposed development. Sidewalks are present for the subject property along Vista del Sol Drive and Joe Battle Boulevard. The nearest bus stop is located 0.08 miles from the subject property on Joe Battle Boulevard.

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

PUBLIC COMMENT: The subject property does not reside within the boundaries of any recognized neighborhood associations. Public notices were mailed to property owners within 300 feet on January 12, 2024. As of January 24, 2024, the Planning Division has not received any communication in support or opposition to the request from the public.

RELATED APPLICATIONS: Resubdivision Combination application (SUSU23-00086) approval was previously granted by the City Plan Commission on November 16, 2023.

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:

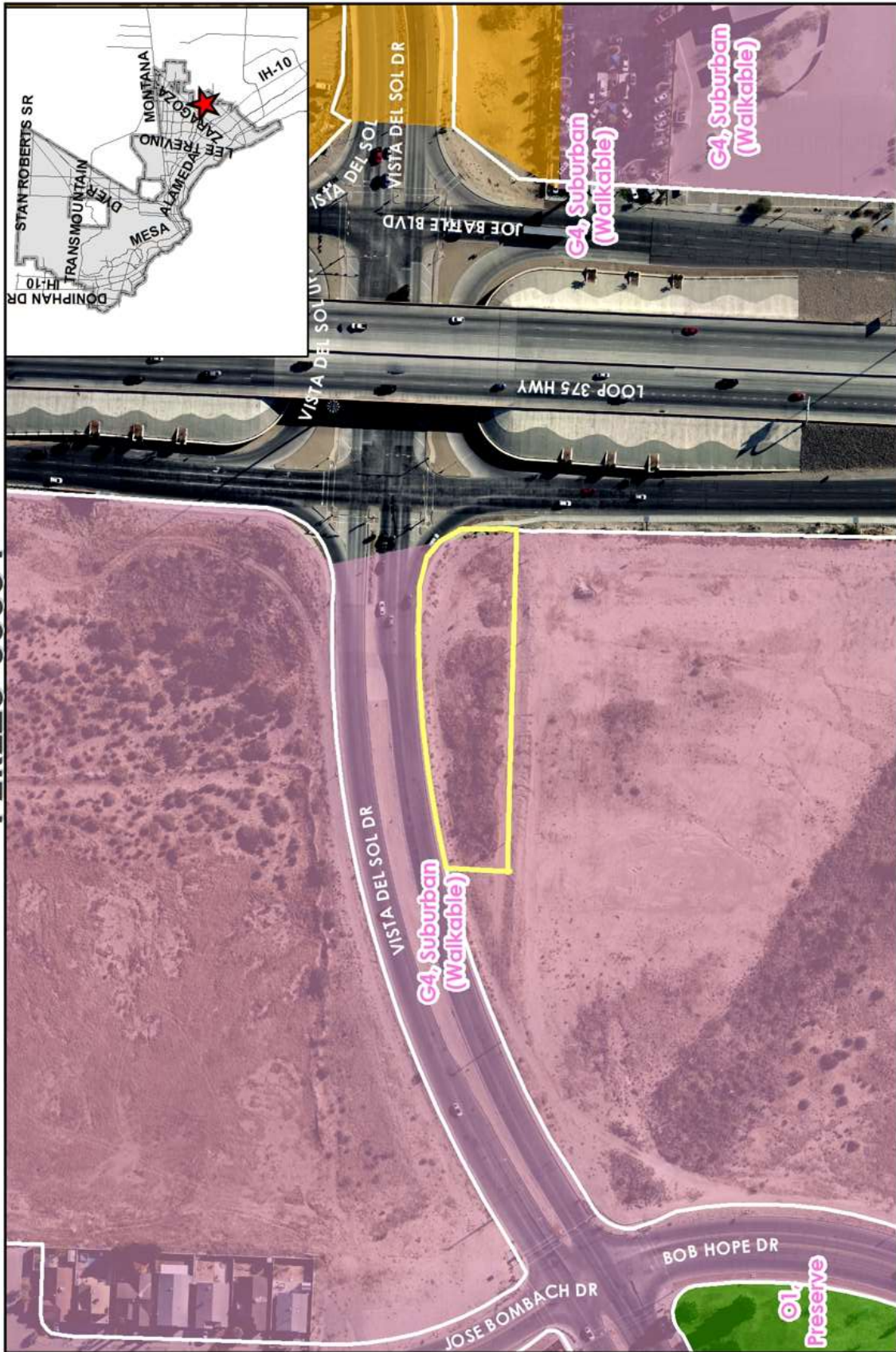
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
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. Generalized Plot Plan
3. Department Comments
4. Neighborhood Notification Boundary Map

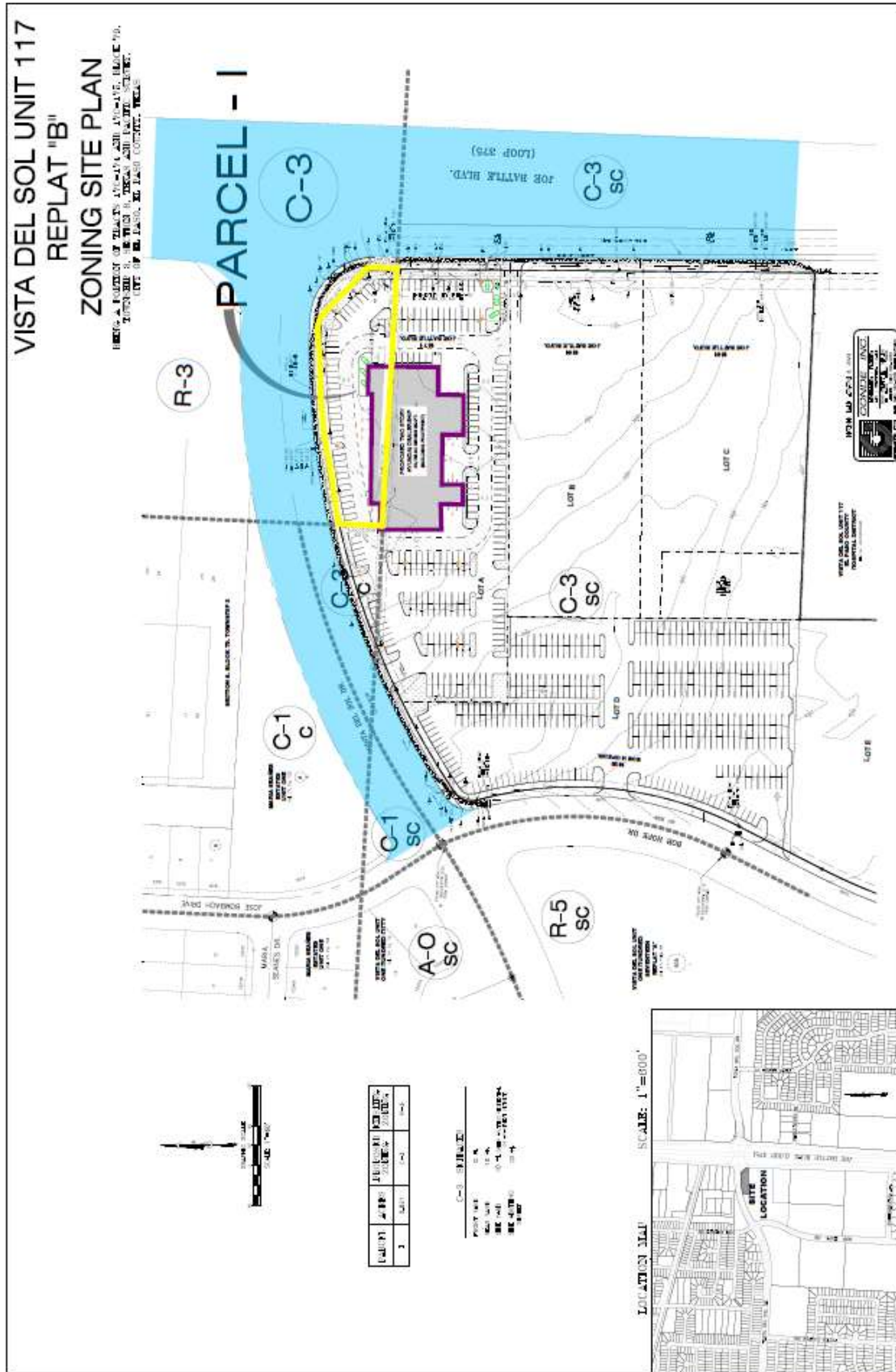
ATTACHMENT 1

PZRZ23-00034



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 makes no claim to its accuracy or completeness.

ATTACHMENT 2



ATTACHMENT 3

Planning and Inspections Department - Planning Division

Staff recommends approval.

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

Planning and Inspections Department – Land Development

No objections.

Fire Department

Recommend approval, no adverse comments.

Streets and Maintenance Department

TIA is required, no objections to rezoning.

Note: TIA is not required as subject property is less than two (2) acre in size.

Texas Department of Transportation

1. Remove proposed driveway on Joe Battle, it does not meet spacing requirements.
2. Submit grading and drainage plans for review to TxDOT.
3. Any work on TxDOT ROW will require a permit.

Note: Comments will be addressed at permitting stage.

El Paso Water

EPWater does not object to this request.

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

The 15-foot Public Service Board Utility Easement and the 10-foot platted utility easement must be labelled in the dedicated area on the plans.

Water:

There is an existing 48-inch diameter water main extending along Joe Battle Blvd. This main is located within a 25-foot easement approximately 17-feet west of and parallel to Joe Battle Blvd. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

There is an existing 12-inch diameter water main extending along Vista Del Sol Dr. approximately 25-feet south of the north side of Vista Del Sol Dr. This main is available for main extension. A 12-inch water main extension along the entire Joe Battle Blvd. frontage, within the existing PSB easement described above, will be required. Main extension cost will be the responsibility of the owner.

Previous water pressure readings from fire hydrant # 6470 located at the southeast corner of the intersection of Bob Hope Dr. and Vista Del Sol Dr., have yielded a static pressure of 50 pounds per square inch, a residual pressure of 48 pounds per square inch, and a discharge flow of 949 gallons per minute.

Sanitary Sewer:

There is an existing 8-inch diameter sanitary sewer main extending along Joe Battle Blvd. fronting the subject property. This main is located within a 25- foot easement west of and parallel to Joe Battle Blvd.

There is an existing 12-inch diameter sanitary sewer main extending along Vista Del Sol Dr. approximately 36-feet north of the south side of Vista Del Sol Dr. This main is available for service.

General:

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.

EPWater-PSB requests that the lot be graded such that sanitary sewer service to each lot can be provided via gravity system.

During the site improvement work, the Owner/Developer shall safeguard all existing water mains, sewer mains, and appurtenant structures. The Owner/Developer shall minimize changes in grade above or near the vicinity of the existing PSB facilities and is responsible for the cost of setting appurtenant structures to final grade.

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:

No comments received

El Paso County Water Improvement District #1

No comments received.

Police Department

No comments received.

Environment Services

No comments received.

Sun Metro

No comments received.

ATTACHMENT 4

PZRZ23-00034

