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

AGENDA DATE: March 26, 2024
PUBLIC HEARING DATE: April 23, 2024

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

Nina Rodriguez, (915) 212-1561

**DISTRICT(S) AFFECTED**: District 8

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 property described as a portion of Lots 20 and 21, Block 92, Bassett Addition, 2607 Montana Avenue, City of El Paso, El Paso County, Texas from A-2 (Apartment) to S-D (Special Development), pursuant to section 20.04.360, and approving a detailed site development plan pursuant to section 20.04.150 and 20.10.360 of the El Paso City Code to allow for a business office as permitted in the S-D (Special Development) Zone District. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning and detailed site development plan meet 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: 2607 Montana Ave.

Applicant: Carlos Estrello Jr., PZRZ23-00040

### **BACKGROUND / DISCUSSION:**

The applicant is requesting to rezone from A-2 (Apartment) to S-D (Special Development) with reductions to the minimum district area, required setbacks, and approval of a Detailed Site Development Plan to allow for a proposed business office. City Plan Commission recommended 7-0 to approve the proposed rezoning and detailed site development plan on January 25, 2024. As of March 12, 2024, the Planning Division has not received any communication in support or opposition to the rezoning and detailed site development plan 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

\_\_\_\_\_

**DEPARTMENT HEAD:** Kevin Smith for Philip Etiwe

AN ORDINANCE CHANGING THE ZONING OF THE PROPERTY DESCRIBED AS A PORTION OF LOTS 20 AND 21, BLOCK 92, BASSETT ADDITION, 2607 MONTANA AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO S-D (SPECIAL DEVELOPMENT), PURSUANT TO SECTION 20.04.360, **DEVELOPMENT APPROVING DETAILED** SITE PLAN PURSUANT TO A SECTION 20.04.150 AND 20.10.360 OF THE EL PASO CITY CODE TO ALLOW FOR IN BUSINESS **OFFICE** AS **PERMITTED** THE S-D (SPECIAL DEVELOPMENT) ZONE DISTRICT. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

**WHEREAS,** Carlos Estrello Jr., (Owner) has applied for a rezoning of property from **A-2** (**Apartment**) to **S-D** (**Special Development**) per Section 20.04.360 of the El Paso City Code; and,

**WHEREAS,** Owner has also applied for approval of a detailed site development plan pursuant to Sections 20.04.150 and 20.10.360 of the El Paso City Code for reductions to the minimum district area and setback requirements, which requires approval from both City Plan Commission and City Council; and,

**WHEREAS,** a public hearing was held for the rezoning and detailed site plan requests at a City Plan Commission meeting; and,

**WHEREAS,** City Plan Commission has recommended approval of the subject rezoning and detailed site development plan; and,

**WHEREAS,** the rezoning and detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval; and,

**WHEREAS**, the City Council of the City of El Paso finds that the application conforms to all requirements of the El Paso City Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of a portion of Lots 20 and 21, Block 92, Bassett Addition, 2607 Montana Avenue, City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached **Exhibit** "A", be changed from A-2 (Apartment) to S-D (Special Development), as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

- 2. A copy of the approved detailed site development plan, signed by the Owner, the City Manager, and the Secretary of the City Plan Commission, is attached hereto, as **Exhibit** "**B**" and incorporated herein by reference for all purposes.
- 3. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **S-D** (**Special Development**) District regulations.
- 4. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the S-D (Special Development) district. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.
- 5. The approval of this detailed site development plan shall automatically be void if construction on the property is not started in accordance with the attached plan **Exhibit** "B" within four (4) years from the date hereof.
- 6. The penalties for violating the standards imposed through this ordinance are found in Section 20.24 of the El Paso City Code.

| <b>ADOPTED</b> this day of | , 2024.               |
|----------------------------|-----------------------|
|                            | THE CITY OF EL PASO   |
| ATTEST:                    | Oscar Leeser<br>Mayor |
| Laura D. Prine City Clerk  |                       |

**APPROVED AS TO FORM:** 

**APPROVED AS TO CONTENT:** 

Russell Abeln
Russell T. Abeln

Senior Assistant City Attorney

Kevin Smith for

Philip F. Etiwe, Director

Planning & Inspections Department

### **AGREEMENT**

By execution hereof, Carlos Estrello, Jr. ("Owner"), referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the S-D (Special Development) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 2rd day of February, 2024.

OWNER: Carlos Estrello, Jr.

(Print name & Title)

### **ACKNOWLEDGEMENT**

THE STATE OF TEXAS )

COUNTY OF EL PASO )

This instrument is acknowledged before me on this 2<sup>rd</sup> day of Forum, 2024, by Carlos Estrello, in his legal capacity on behalf of Carlos Estrello, Jr.

My Commission Expires:

Notary Public, State of Texas

**ROCIO MENDIA NOTARY PUBLIC** NOTARY ID#: 13320723-3 In and for the State of Texas My commission expires JULY 12, 2025

### EXHIBIT "A"

### Calderon Engineering

3031 Trawood Drive El Paso, Texas 79936 (915) 855-7552 Fax: 855-8350 calderonengineering@elpbizclass.com

June 14, 2023

### 2607 MONTANA METES & BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Lots 20 and 21, Block 92, Bassett Addition, City of El Paso, El Paso County, Texas, as filed and recorded in Volume 5, Page 21 and 21A, Deed Records of El Paso County, Texas; and being more particularly described by metes and bounds as follows:

Commencing at a found nail marking the Southwest corner of Lot 17 and being on intersection of the North R.O.W. of Montana Avenue and the East R.O.W. line of Rosewood Street, all in Block 92, Bassett Addition, City of El Paso, El Paso County, Texas; Thence North 53°00'00" East along the North R.O.W. line of Montana Avenue a distance of 81.50 feet to a found nail marking the "Point of Begining."

Thence North 37°00'00" West a distance of 120.00 feet to a found iron pin;

Thence North 53°00'00" East along the South R.O.W. line of an 18 foot alley and along the North boundary line of Lots 20 and 21 a distance of 39.50 feet to a found nail:

Thence South 37°00'00" East a distance of 120.00 feet to a found nail;

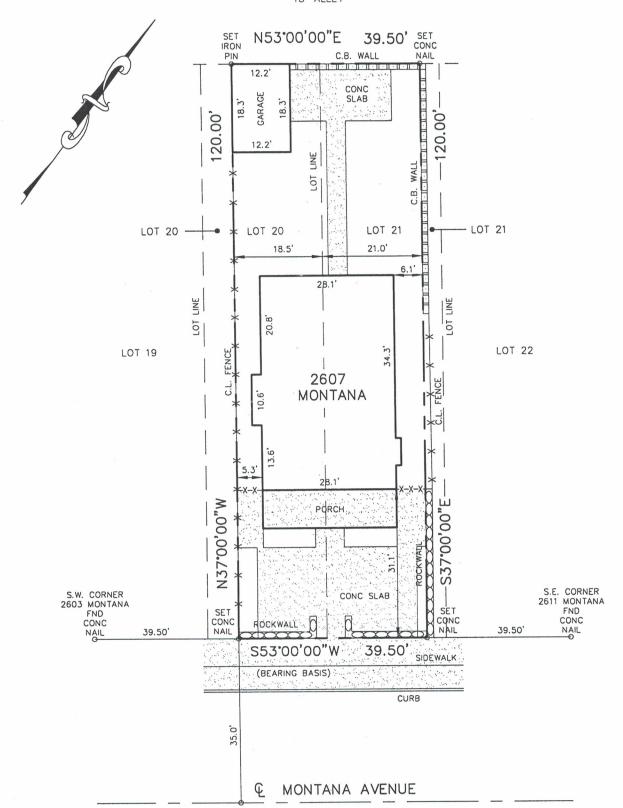
Thence South 53°00'00" West along the South boundary line of Lots 21 and 20 and along the North Right of Way line of Montana Avenue a distance of 39.50 feet to the "Point of Beginning" and containing in all 4,740.00 square feet or 0.109 acres of land more or less. A plat of survey dated June 14, 2023 is a part of this description and is attached hereto.

MANUEL CALDERON D

VP-C1 2607 Montana Manuel Calderon Calderon Engineering

mil Wilcom

Registered Professional Engineer No. 42333 Texas Registered Engineering Firm No. F-3788 Texas Licensed Surveying Firm No. 100200-00





### CERTIFICATION

I hereby certify that the foregoing Boundary and Improvement Survey was made by me or under my supervision and that there are no encroachments except as shown. Only platted easements are shown.

halde

Manuel Calderon

Registered Professional Land Surveyor No. 2564
Texas Surveying Firm Reg. No. 100200-00
Texas Registered Engineering Firm No. F-3788

E-Mail: Calderonengineering@elpbizclass.com

Book 5 Page 21 & 21A Job No. 623-101

2607 MONTANA AVENUE,
THE EAST 18.5 FEET OF LOT 20, AND THE
WEST 21 FEET OF LOT 21, BLOCK 92,
BASSETT ADDITION,
CITY OF EL PASO,
EL PASO COUNTY, TEXAS

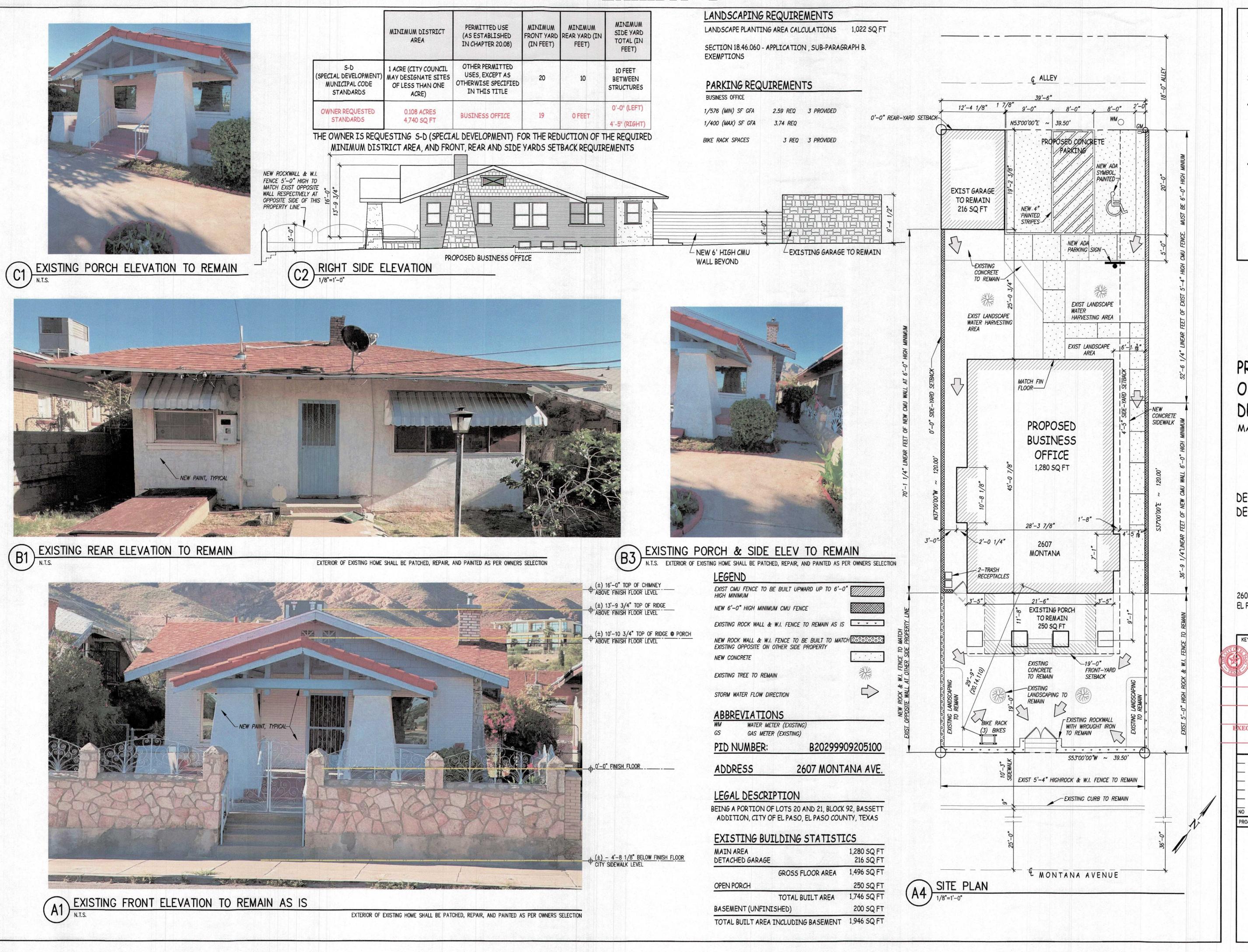
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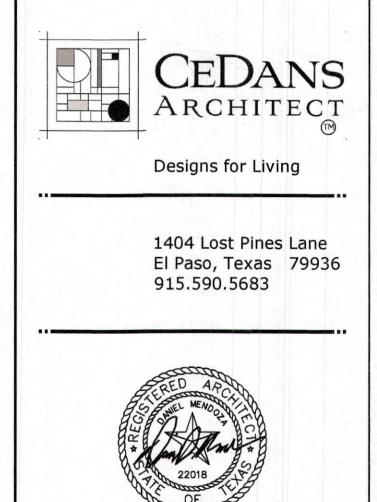
### CALDERON

### ENGINEERING

3031 TRAWOOD DR.
EL PASO, TEXAS 79936 (915) 855-7552
E-Mail: CalderonEngineering@elpbizclass.com

# EXHIBIT "B"

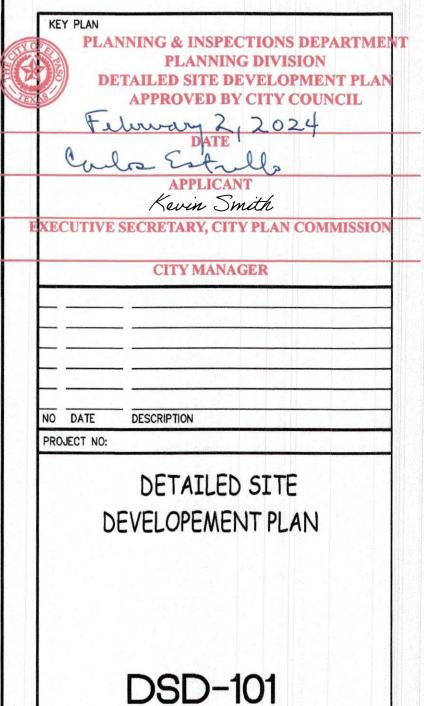




PROPOSED BUSINESS OFFICE FOR: DR. ESTRELLO, MSW MASTER OF SOCIAL WORKER

DETAILED SITE
DEVELOPEMENT PLAN

2607 MONTANA EL PASO, TEXAS



### 2607 Montana

City Plan Commission — January 25, 2024

CASE NUMBER: PZRZ23-00040

CASE MANAGER: Nina Rodriguez, (915) 212-1561, RodriguezNA@elpasotexas.gov

**PROPERTY OWNER:** Carlos Estrello **REPRESENTATIVE:** Carlos Estrello

**LOCATION:** 2607 Montana Ave. (District 8)

**PROPERTY AREA:** 0.11 acres

**REQUEST:** Rezone from A-2 (Apartment) to S-D (Special Development) with

reductions to minimum district area and setbacks, and approval of

a Detailed Site Development Plan

RELATED APPLICATIONS: None

**PUBLIC INPUT:** None received as of January 18, 2024

**SUMMARY OF REQUEST:** The applicant is requesting to rezone the subject property from A-2 (Apartment) to S-D (Special Development) with reductions to the minimum district area and required setbacks and approval of a detailed site development plan to allow for business office use.

**SUMMARY OF RECOMMENDATION:** Staff recommends **APPROVAL** of the request as the proposed rezone and use is in keeping with the policies of the G-2, Traditional Neighborhood (Walkable) Future Land Use Designation of Plan El Paso, the City's adopted Comprehensive Plan. Furthermore, the proposed development meets the requirements of El Paso City Code Section 20.04.150 Detailed Site Development Plan.

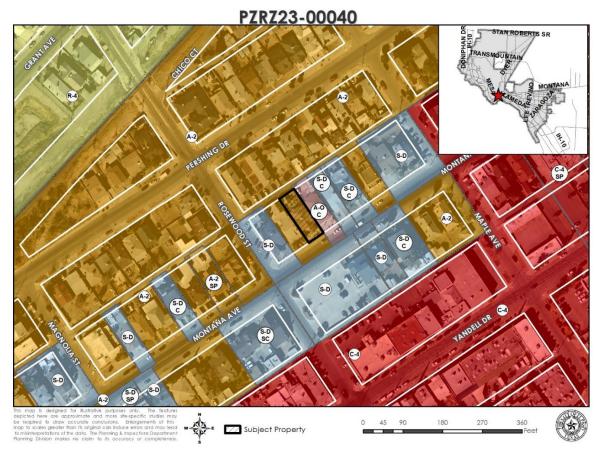


Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting to rezone from A-2 (Apartment) to S-D (Special Development) with reductions to the minimum district area and required front, rear, and side yard setbacks to allow for a business office. Approval of a Detailed Site Development Plan by City Council is required as per proposed zoning district, requested reductions, and proposed use. The size of the property is approximately 0.11 acres. The applicant is proposing to convert an existing single-family dwelling into a business office. The detailed site development plan shows a 1,280 square foot building with a maximum height of sixteen (16) feet and a two-hundred and sixteen (216) square foot detached garage. The table below provides a detailed summary of the requested minimum district area and setback reductions as allowed by provisions in the El Paso City Code Section 20.10.360. The site plan is compliant with required vehicular and bicycle parking spaces, with three (3) and three (3) respectively. The proposed site plan is also compliant with landscape and drainage requirements per City Code. Vehicular access to the subject property is proposed from Rosewood Street and Maple Street via the rear alley, while providing pedestrian access from the public sidewalk along Montana Avenue.

The following table summarizes the reduction requests:

| S-D (Special Development) Zone District – Other Permitted Uses |                            |                 |  |
|--|----------------------------|-----------------|--|
| Density/Dimensional Standard                                   | Required                   | Proposed        |  |
| Minimum District Area  | 1 acre                     | 0.11 acres      |  |
|  |                            | (approximately) |  |
| Front Yard Setback (min.)                                      | 20 Feet                    | 19 Feet         |  |
| Rear Yard Setback (min.)                                       | 10 Feet                    | 0 Feet          |  |
| Side Yard Setback (Left) (min.)                                | 10 Feet Between Structures | 0 Feet          |  |
| Side Yard Setback (Right) (min.)                               | 10 Feet Between Structures | 4 Feet 5 Inches |  |

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The proposed development and use is permitted with approval of a detailed site development plan in the S-D (Special Development) zoning district and will contribute to a mix of uses already present in the surrounding area. Adjacent properties to the north and west are zoned A-2 (Apartment) and consist of apartments and single-family dwellings. The property to the east is zoned A-O/c (Apartment/Office/Conditions) and consists of a business office, while the property to the south is zoned S-D (Special Development) and also includes a business office. The closest school is the Young Women's STEAM Research and Preparatory Academy located 0.49 miles away and the closest park is Roger Brown Ballfield Park located 0.49 miles away.

| COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with Plan El Paso, consider the following factors:  |   |  |  |
|---|---|--|--|
| Criteria  | Does the Request Comply?  |  |  |
| <b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:   | Yes. The subject property is proposed to be converted into a business office, which is in character with the future land use designation of <i>Plan El Paso</i> . |  |  |
| G-2, Traditional Neighborhood: This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly faced streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan. |   |  |  |

# COMPLIANCE WITH *PLAN EL PASO*/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with *Plan El Paso*, consider the following factors:

**Compatibility with Surroundings:** The proposed zoning district is compatible with those surrounding the site:

S-D (Special Development) District: The purpose of this district is to provide an opportunity for mixeduse projects, integrated in design, in certain older residential areas where there is a desire to permit a variety of nonresidential uses while maintaining the established residential appearance and landscaping of the area. The regulations of this district are designed to ensure compatibility with existing uses in the district; to permit the production, exhibit or sale of goods and the providing of services to the public in such older residential areas; to protect the traffic capacity of streets serving such older residential areas; to encourage flexibility by prescribing general performance standards for such older residential areas; and to protect the environment of adjacent areas. For the purpose of this district, older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.

Yes. The proposed S-D (Special Development) district is adjacent S-D compatible with the Development), A-2 (Apartment), and A-O/c (Apartment/Office/condition) zoning districts. Changing the zoning district of the subject property to S-D (Special Development) contribute to the mix of uses already present in the area. Converting the use of the existing single-family dwelling in to a business office use will maintain the established residential appearance and landscaping of the area of the older residential area as called in the S-D (Special Development) district.

**Preferred Development Locations:** Property is designated G-1, G-2, O-7 or identified as being within a "Local Transfer Center", "RTS Stops" or "Future Compact Neighborhood". (Pages 1.33-.34).

Yes. The property is designated G-2, Traditional Neighborhood and is a preferred location for a mix of uses.

# 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.

The subject property does not lie within an historic district, study area plan, or overlay district.

**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 little transition in the area in the last 10 years. The last rezoning in the nearby area happened a property approximately 3 blocks southwest of the subject property, with the property being rezoned from A-2 (Apartment) to S-D (Special Development) in 2014.

**Socioeconomic & Physical Conditions**: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.

Several properties to the east, west and south of the subject property are zoned S-D (Special Development). Rezoning the subject property from A-2 (Apartment) to S-D (Special Development) will allow for more of a mix of uses along Montana Avenue.

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** The subject property fronts Montana Avenue, a major arterial as designated in the City of El Paso's Major Thoroughfare Plan (MTP). Vehicular access to the subject property is proposed from Rosewood Street and Maple Street via the rear alley, while providing pedestrian access from the public sidewalk along Montana Avenue. The closest bus stop is approximately one hundred (100) feet away from the subject property located across the street from the subject property. The existing infrastructure and services are adequate to serve the proposed development.

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

**PUBLIC COMMENT:** The subject property lies within the boundaries of the El Paso Central Business Association, the Sunrise Civic Group, and the Five Points Development Association all of which were notified of the rezoning request and the request for reductions the minimum district area and setback requirements. Property owners within 300 feet of the subject property were notified of the rezone request on January 12, 2024. As of January 18, 2024, the Planning Division has not received communication in support or opposition to the request.

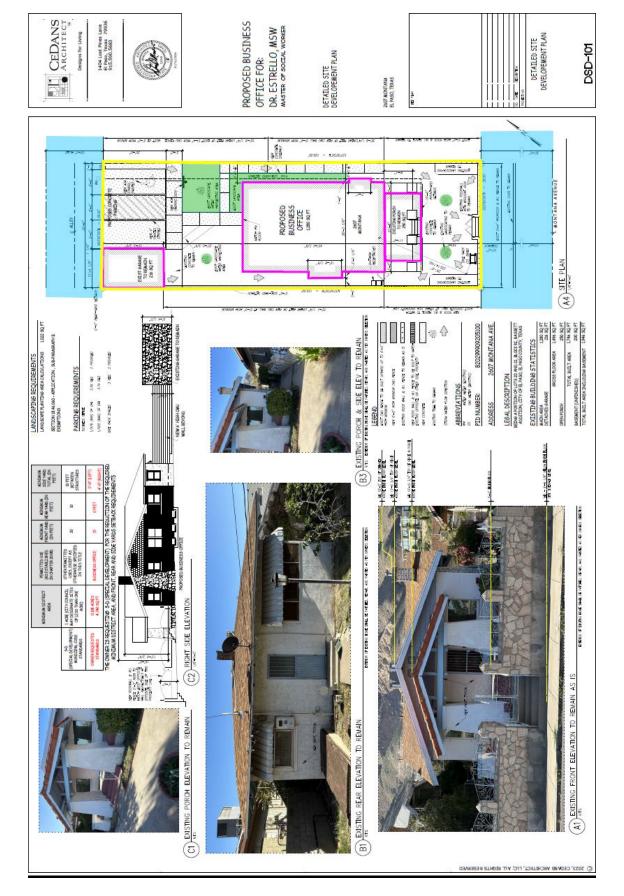
**CITY PLAN COMMISSION OPTIONS:** The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

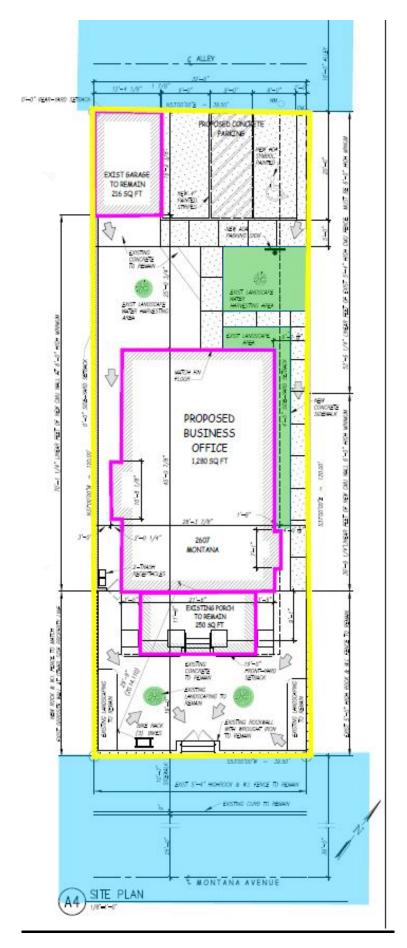
- 1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. (Staff Recommendation)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

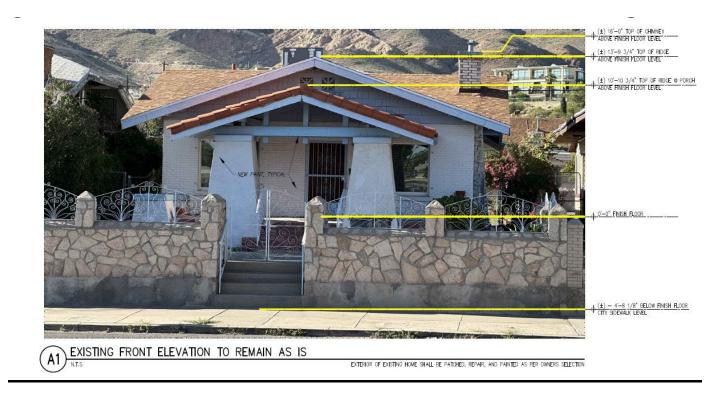
### **ATTACHMENTS:**

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











### <u>Planning and Inspections Department - Planning Division</u>

Staff recommends approval.

#### Planning and Inspections Department - Plan Review & Landscaping Division

No objections to the proposed detailed site and re-zoning application. 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.

### <u>Planning and Inspections Department – Land Development</u>

No objection to the proposed Rezoning/ Detailed site plan.

#### **Fire Department**

Recommend approval, no adverse comments.

### **Police Department**

No comments received.

#### **Environment Services**

No comments received.

#### **Streets and Maintenance Department**

No objections.

### **Sun Metro**

No comments received.

### **El Paso Water**

EPWater does not object to this request.

### **EPWU-PSB Comments**

There is an existing 6-inch diameter water main that extends along the alley between Montana Avenue and Pershing Drive. This water main is available for service.

Previous water pressure from fire hydrant #1944 located at the southeast corner of Pershing Drive and Rosewood Street, has yielded a static pressure of 68 psi, a residual pressure of 64 psi, and a discharge of 1,210 gallons per minute.

EPWU records indicate one (1) %-inch active water service serving the subject property. The address of this service is 2607 Montana Avenue.

### **Sanitary Sewer**

There is an existing 8-inch diameter sanitary sewer main that extends along the alley between Montana Avenue and Pershing Drive. This main is available for service.

#### General

EPWater requires a new service application to provide additional 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:

No comments received.

### **Texas Department of Transportation**

No comments received.

### El Paso County Water Improvement District #1

No comments received.

