

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

**DEPARTMENT:** Planning and Inspections Department, Planning Division

**AGENDA DATE:** Introduction: January 8, 2019  
Public Hearing: February 5, 2019

**CONTACT PERSON/PHONE:** Philip F. Etiwe, (915) 212-1553, [EtiwePF@elpasotexas.gov](mailto:EtiwePF@elpasotexas.gov)  
Adriana Martinez, (915) 212-1611, [MartinezAD@elpasotexas.gov](mailto:MartinezAD@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** 6

**SUBJECT:**

An Ordinance changing the zoning of A portion of Tract 6, Section 16, Block 79, Township 3, Texas and Pacific Railway Surveys, 1408 Joe Battle Blvd., City of El Paso, El Paso County, Texas from R-3 (Residential) to C-4 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. 1408 Joe Battle Blvd. Owner: Pellicano and 375 LLC. PZRZ18-00039 (District 6)

**BACKGROUND / DISCUSSION:**

On December 6, 2018. The City Plan Commission recommended Approval.

**PRIOR COUNCIL ACTION:**

There is no prior City Council action on this rezoning application.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

City Plan Commission (CPC) – Recommended Approval on a 6-0 vote.

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:**

Philip F. Etiwe  
Planning and Inspections Department

  
\_\_\_\_\_

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 6, SECTION 16, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY SURVEYS, 1408 JOE BATTLE BLVD., CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL), 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 6, Section 16, Block 79, Township 3, Texas and Pacific Railway Surveys, 1408 Joe Battle Blvd., located in the City of El Paso, El Paso County, Texas, be changed from R-3 (Residential) to C-4 (Commercial), 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 That automobile (sales, service, storage and rental), Contractor yards, Motor vehicle repair, major & minor, shall be prohibited which is necessitated by and attributable to the increased density generated by the change of zoning in order to protect the health, safety and welfare of the residents of the City:

*That automobile (sales, service, storage and rental), Contractor yards, Motor vehicle repair, major & minor, shall be prohibited..*

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 \_\_\_\_\_, 2019.

THE CITY OF EL PASO

ATTEST:

\_\_\_\_\_  
Dee Margo  
Mayor

\_\_\_\_\_  
Laura D. Prine  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Russell T. Abeln  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning & Inspections Department

ORDINANCE NO. \_\_\_\_\_  
18-1007-2346 | 848772  
1408 Joe Battle Blvd.  
RTA

PZRZ18-00039

## EXHIBIT "A"

### METES AND BOUNDS DESCRIPTION

Property Description: A portion of Tract 6, Section 16, Block 79, Township 3, Texas and Pacific Railway Surveys, in El Paso, El Paso County, Texas, according to the resurvey done by El Paso County for Tax purposes and being more particularly described by metes and bounds as follows:

Commencing at a city monument lying on the centerline intersection of Henri Matisse Drive and Bob Hope Drive; Thence, South  $11^{\circ} 17' 16''$  West, with said centerline of Bob Hope drive, a distance of 562.70 feet to a city monument lying on the centerline intersection of said Bob Hope drive and Amstater Circle; Thence, North  $89^{\circ} 17' 43''$  East, abandoning said centerline, a distance of 1,531.99 feet to a point for a property corner lying on the easterly right-of-way line of Joe Battle Boulevard (Loop 375) and on the common boundary line between Tracts 6, 1B and 1C, said point being the most northwesterly corner of Tract 6, also being the TRUE POINT OF BEGINNING of this description;

THENCE, North  $90^{\circ} 00' 00''$  East, with said boundary line, a distance of 462.09 feet to a point for a property corner lying on the common boundary line between Tracts 1B and 1C, said point being the most northeasterly corner of Tract 1B;

THENCE, South  $00^{\circ} 57' 00''$  East, with said boundary line, a distance of 822.62 feet to a point for a corner lying on the northerly right-of-way line of Pellicano Drive;

THENCE, South  $90^{\circ} 00' 00''$  West, with said right-of-way line, a distance of 353.8 feet to a point for a property corner;

THENCE, North  $47^{\circ} 28' 24''$  West, a distance of 103.68 feet to a point for a property corner lying on the easterly right-of-way line of Joe Battle Boulevard (Loop 375);

THENCE, North  $03^{\circ} 27' 39''$  West, with said right-of-way line, a distance of 753.81 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land containing 8.33 Acres (362,692.52 sq.ft.) of land, more or less.

A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC.  
Consulting Engineers—Land Surveyors

Guillermo Licon  
Registered Professional Land Surveyor  
Texas License No. 2998



August 4, 2018

Job # 06-14-3539

ORDINANCE NO. \_\_\_\_\_  
18-1007-2346 | 848772  
1408 Joe Battle Blvd.  
RTA

PZRZ18-00039

## MEMORANDUM

**DATE:** December 20, 2018

**TO:** The Honorable Mayor and City Council  
Tommy Gonzalez, City Manager

**FROM:** Adriana Martinez, Planner

**SUBJECT:** PZRZ18-00039

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The City Plan Commission (CPC), on December 6, 2018 voted 6-0 to recommend **Approval** to the rezoning of the property described as A portion of Tract 6, Section 16, Block 79, Township 3, Texas and Pacific Railway Surveys, 1408 Joe Battle Blvd., City of El Paso, El Paso County from R-3 (Residential) to C-4 (Commercial) with a condition to allow for a commercial development.

The CPC found that the rezoning is in conformance with Plan El Paso. The CPC also determined that the rezoning protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the rezoning will not have negative effects on the natural environment, social economic conditions, property values in the vicinity, and the city as a whole.

Planning has not received any communication in support or opposition to the rezoning request; Notices sent to property owners within 300 feet on November 20, 2018.

**Property Owner:** Pellicano and 375 LLC.  
**Applicant:** Pellicano and 375 LLC.  
**Representative:** SLI Engineering, Inc. c/o Georges Halloul

**Attachments:**  
Staff Report

# 1408 Joe Battle Blvd.

City of El Paso — City Plan Commission — 12/06/18

**PZRZ18-00039 Rezoning**

REZONING



**STAFF CONTACT:** Adriana Martinez, 915-212-1611, [MartinezAD@elpasotexas.gov](mailto:MartinezAD@elpasotexas.gov)  
**OWNER:** Pellicano and 375 LLC.  
**REPRESENTATIVE:** SLI Engineering, Inc. c/o Georges Halloul  
**LOCATION:** 1408 Joe Battle Blvd., District 6  
**LEGAL DESCRIPTION:** A portion of Tract 6, Section 16, Block 79, Township 3, Texas and Pacific Railway Surveys, City of El Paso, El Paso County, Texas  
**EXISTING ZONING:** R-3 (Residential)  
**REQUEST:** From R-3 (Residential) to C-4 (Commercial)  
**RELATED APPLICATIONS:** N/A  
**PUBLIC INPUT** Planning has not received any communication in support or opposition to the rezoning request; Notices sent to property owners within 300 feet on November 20, 2018.

**STAFF RECOMMENDATION:** Approval (see pages 2—4 for basis for recommendation)

**SUMMARY OF REQUEST:** The property owner is requesting a rezoning from R-3 (Residential) to C-4 (Commercial) to allow for a commercial development. The property is located in the corner of Pellicano Dr. & Joe Battle Dr. within the East Planning Area. The area of the rezoning request is 8.33 acres. The conceptual plan proposes a commercial development. The proposed development is part of a 20-acre project of which approximately 12 acres is within the county. The property is currently vacant.

**SUMMARY OF RECOMMENDATION:** The Development Coordinating Committee & Planning Division **APPROVAL** of the rezoning from R-3 (Residential) to C-4 (Commercial) with the following condition:

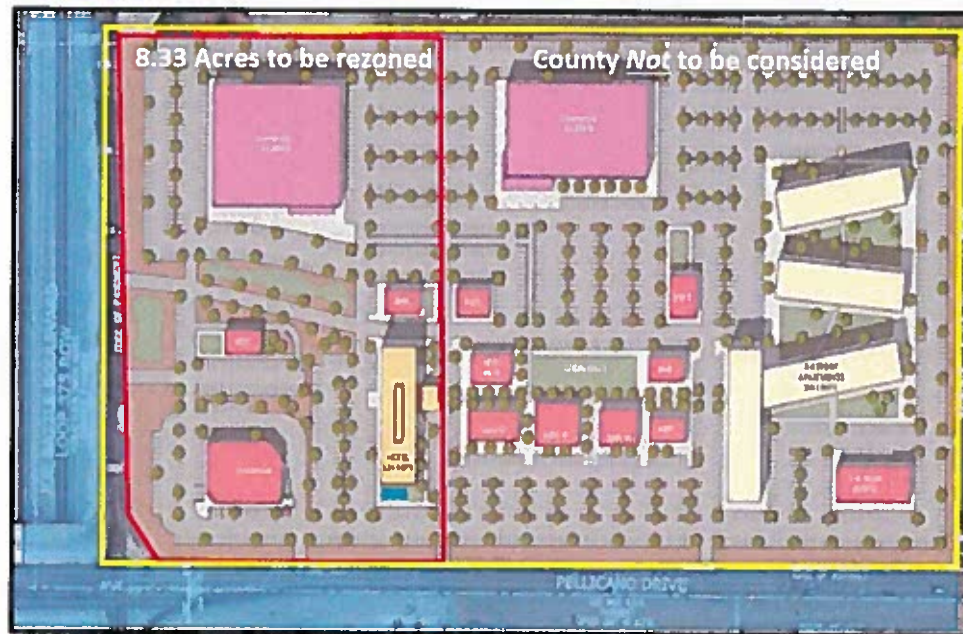
1. That automobile (sales, service, storage and rental), Contractor yards, Motor vehicle repair, major & minor, shall be prohibited.

The proposed development is consistent with the adjacent commercial development within its vicinity and meets the established character of its surrounding neighborhood. Further, the proposed development meets the intent of the G-4, Suburban (Walkable) use designation of Plan El Paso, in the East Planning area.



## DESCRIPTION OF REQUEST

The property owner is requesting a rezoning from R-3 (Residential) to C-4 (Commercial) to allow for a commercial development. The property is located in the corner of Pellicano Dr. & Joe Battle Dr. within the East Planning Area. The area of the rezoning request is 8.33 acres. The conceptual plan proposes a commercial development. The proposed development is part of a 20-acre project of which an average of 12 acres is within the county. The property is currently vacant. Access to the property will be from Joe Battle Blvd. & Pellicano Dr.



## RELATION OF PROPOSED CHANGE TO THE CITY'S COMPREHENSIVE PLAN

CONSISTENCY WITH PLAN EL PASO	DOES IT COMPLY?
<b>G-4. Suburban (Walkable)</b> 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.	The proposed commercial development is consistent with other commercial uses in the neighborhood. Commercial uses are common and welcomed in this sector. The proposed development will supplement the retail, housing stock, and commercial in the neighborhood.
ZONING DISTRICT	DOES IT COMPLY?
<b>C-4 (Commercial):</b> Commercial uses intended to serve the entire City to permit heavy commercial uses characterized by automotive and light warehousing. Provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the Central Business District, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.	No, the property is designated G-4, Suburban (Walkable) land use designation of Plan El Paso. The proposed development is adjacent to commercial and residential lots.



<b>POLICY</b>	<b>DOES IT COMPLY?</b>
<p><b>Policy 1.3.1:</b> Most neighborhoods, even new ones, would benefit from a greater variety of activities within walking and bicycling distance. For instance, a greater number of smaller parks are preferable to a few larger ones that are accessible only to those with a private vehicle. Likewise, smaller schools often become the centerpiece of their neighborhoods rather than distant facilities to which most students must be driven or bused each day. This policy is most applicable within the G-3 "Post-War" and G-4 "Suburban" growth sectors on the Future Land Use Map.</p>	<p>This proposal will introduce a variety of new uses in the East Planning Area with the potential for new employment opportunities. The subject property is within an existing commercial area located in close proximity to the Loop 375.</p>

**SUITABILITY OF SITE FOR PROPOSED USE UNDER CURRENT ZONING:** The proposed commercial development is not consistent with other commercial uses in the neighborhood; therefore, prohibiting the use of the property to limit automotive uses will ensure the proposed development remains consistent with the established neighborhood. Commercial uses are common and welcomed in this sector. The proposed development will supplement the retail, housing stock, and commercial in the neighborhood. The proposed development shall comply with all dimensional requirements of the district.

**CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:** The intent of the Zoning Ordinance is to protect the public health, safety, and general welfare; to regulate the use of land and buildings within zoning districts to ensure compatibility, and to protect property values. The intent of the C-4 (Commercial) is to serve the entire City to permit heavy commercial uses characterized by automotive and light warehousing. Provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the Central Business District, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations. Because the property is designated G-4, Suburban (Walkable) land use designation of Plan El Paso. The proposed development is adjacent to light commercial and residential lots; therefore, prohibiting the use of the property to limit automotive uses will ensure the proposed development remains consistent with the established neighborhood.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** The proposed improvements were reviewed for adequacy of the existing infrastructure and it was found to be capable of supporting the proposed development. See Attachment 4 for further details.

**EFFECT UPON THE NATURAL ENVIRONMENT:** The subject property is not in an arroyo or other environmentally sensitive area.

**STAFF COMMENTS:** No objections to the proposed rezoning. No reviewing departments had any negative comments. Applicant is responsible for obtaining all applicable permits and approvals prior to any construction or change in occupancy.

**OTHER APPLICABLE FACTORS:** Approval of the site plans by CPC constitutes a determination that the applicant is in compliance with the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that stormwater is in compliance with ordinances, codes, DSC, and DDM. Failure to comply may require the applicant to seek re-approval of the site plans from CPC.

**ATTACHMENTS:**

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



# ATTACHMENT 1

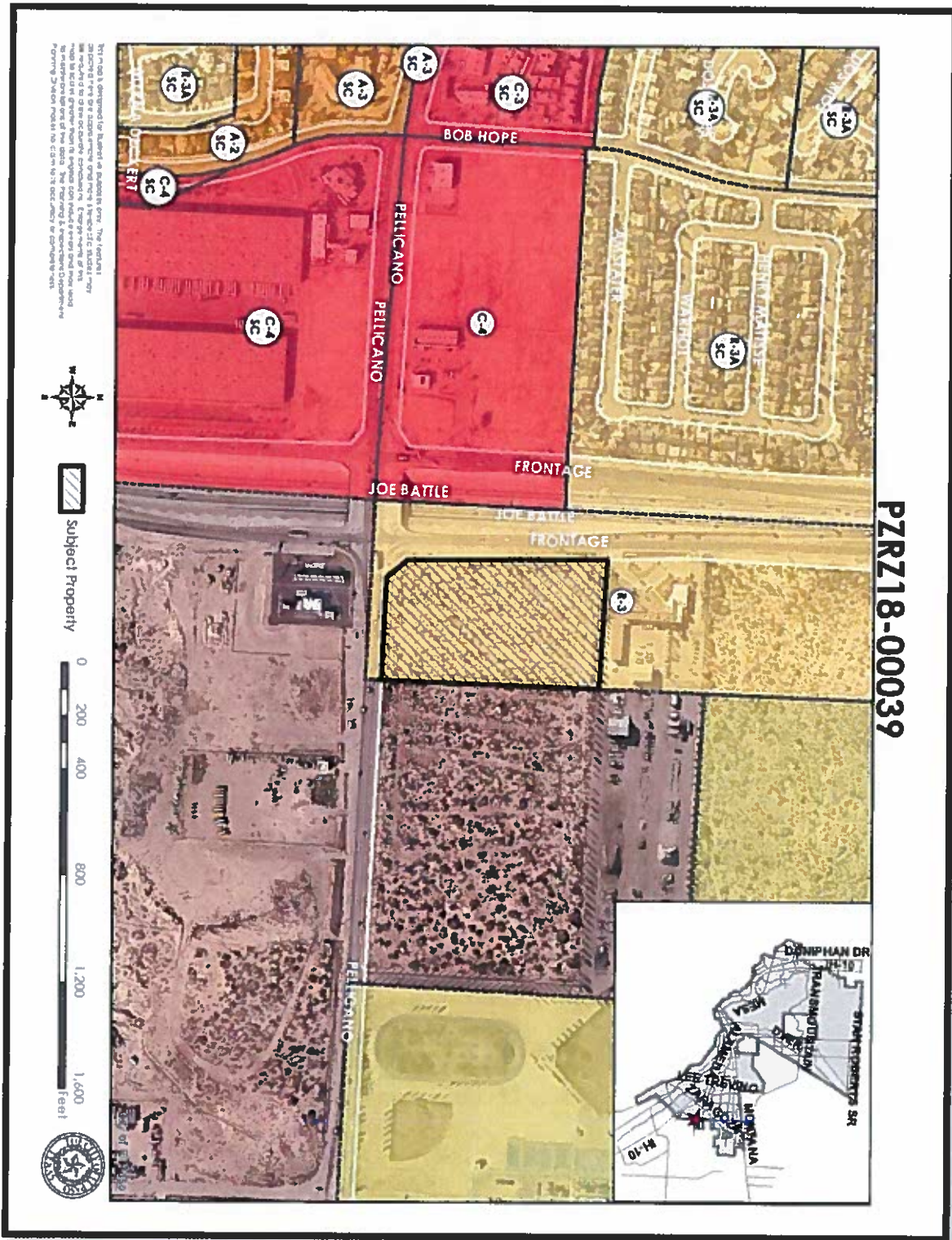
## Conceptual Site Plan





# ATTACHMENT 2

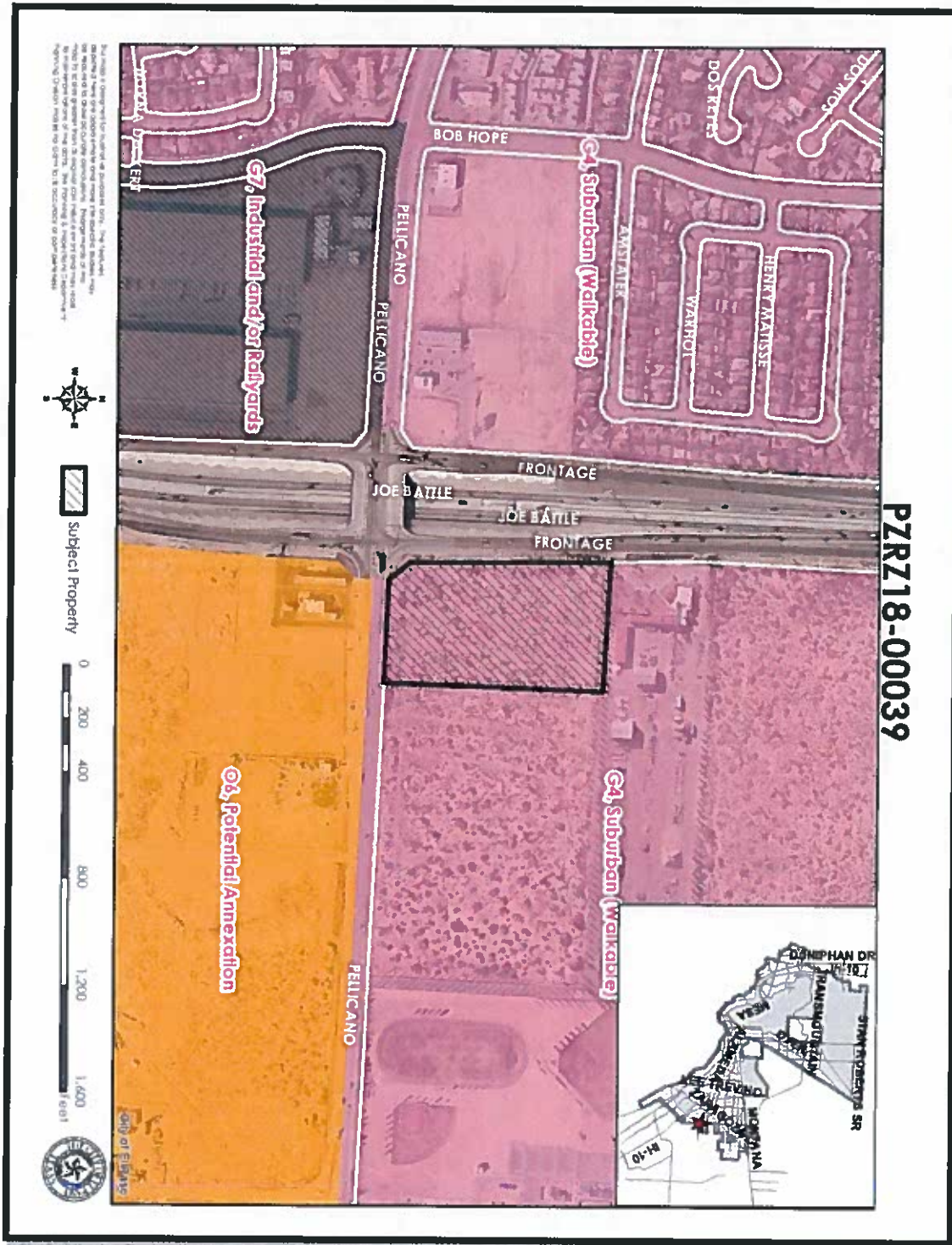
## Zoning Map





# ATTACHMENT 3

## Future Land Use Map



# **ATTACHMENT 5**

## **Department Comments**

### **Planning and Inspections Department- Planning Division**

No objections to rezoning.

Note: All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

### **Planning and Inspections Department - City Development & Permitting- Landscape**

Recommend Approval

Note: No comments for rezoning review. Conceptual Site Plan not reviewed in rezoning case.

### **Planning and Inspections Department - Land Development**

Recommend Approval

Note:

1. Show proposed storm-water runoff direction arrows and ponding areas on conceptual site plan.
2. Coordinate with TXDOT for storm-water drainage and access requirements.
3. Add note to site plans: "The difference between Historic and Developed Storm-water runoff discharge volumes shall be retained within this lot's limits as per (DSC, 19.19.010A and DDM, 11.1.)"

### **Sun Metro:**

Sun Metro does not oppose this request.

### **Fire Department**

No objections to rezoning.

### **Police Department**

### **TxDot**

Request is still under review and has not been approved.

Note: Requestor, SLI engineering needs to submit access request for approval and grading and drainage plan to TxDOT for review.

### **Street & Maintenance**

TIA can be deferred to platting stage

Note: For the 8.33 we estimate the rezoning will generate approximately 365 trips in the PM Peak hour; therefore, the development meets the exception to defer the TIA to the platting stage.

### **El Paso Water Utilities**

We have reviewed the property described above and provide the following comments:

1. EPWater does not object to this request.

### **Water**

2. There is an existing 16-inch diameter water main along the north side of Pellicano Drive. There is an existing 12-inch diameter water main that extends in a north to south direction located west of the west property line of the subject property along Joe Battle Blvd.
3. There is also a section of 24-inch diameter water main that connects the existing 16-inch diameter water main along Pellicano and the 12-inch diameter water main along Joe Battle. The main is located 10 feet east of the property line. No direct service connections are allowed to the 16-inch

and 24-inch diameter water mains as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

**Sanitary Sewer:**

4. There is no sewer mains fronting the property.
5. Sewer service to the subject property can be provided with the extension of an off-site 12-inch diameter sanitary sewer main along Pellicano Drive from the west property line of the subject property to an existing 42-inch diameter sanitary sewer interceptor located along Mission Ridge/Aviation Way (approximately 4,200-feet east of the subject property). This 12-inch sewer main is anticipated to be constructed in conjunction with the Pellicano County Project.

**General:**

6. Joe Battle Blvd (Loop 375) is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Joe Battle Blvd (Loop 375) right-of-way requires written permission from TxDOT.
7. EPWater requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 8 to 10 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:**

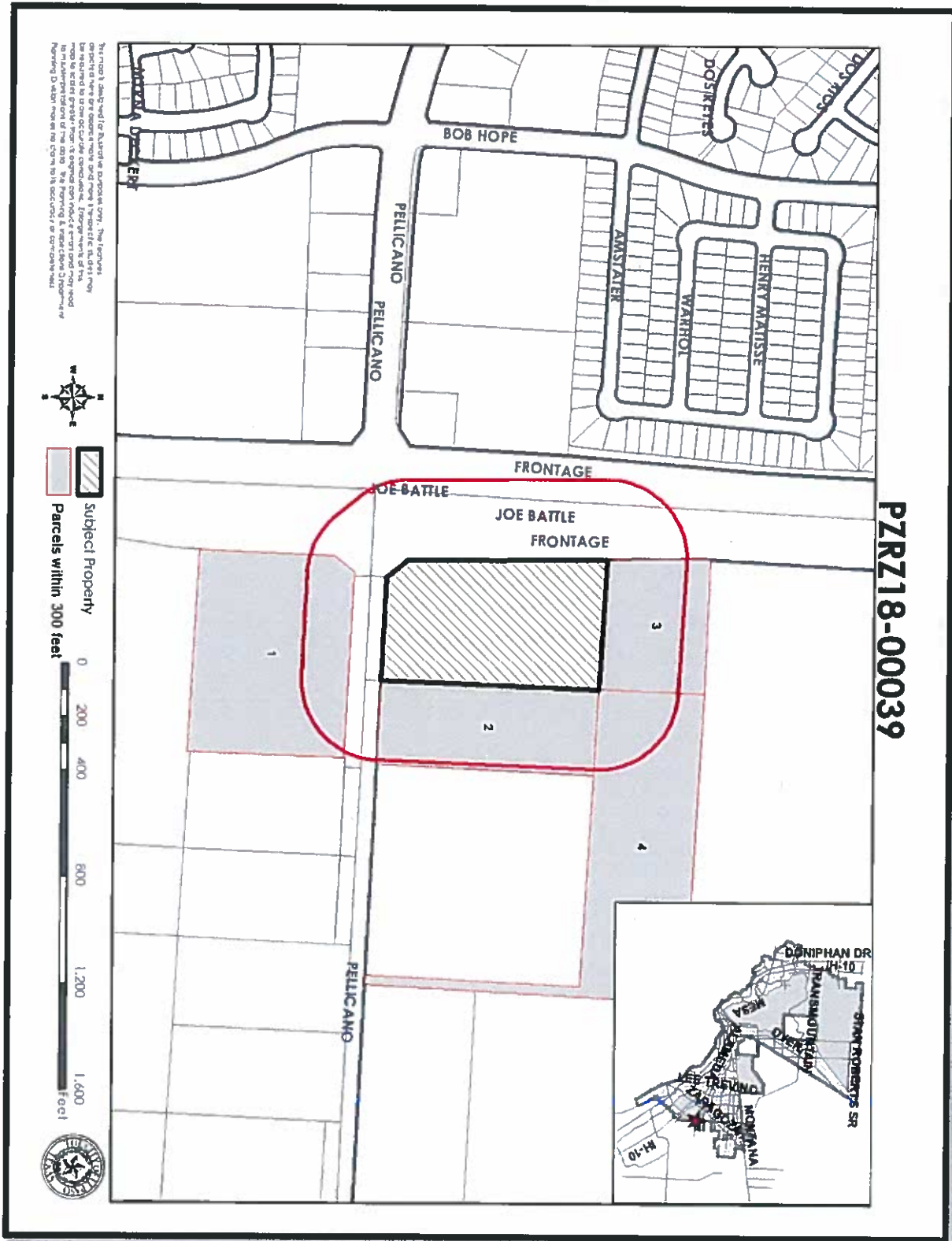
No comments submitted.

**EPCWID:**

No comments submitted.

# ATTACHMENT 6

## Notification Map





## **Recommendation/Public Input**

- **Planning Division recommendation:** Approval
- **CPC Vote:** Approval Recommendation on a 6-0 vote
- **Public Input:** Planning has not received any communication in support or opposition to the rezoning request; Notices sent to property owners within 300 feet on November 20, 2018.

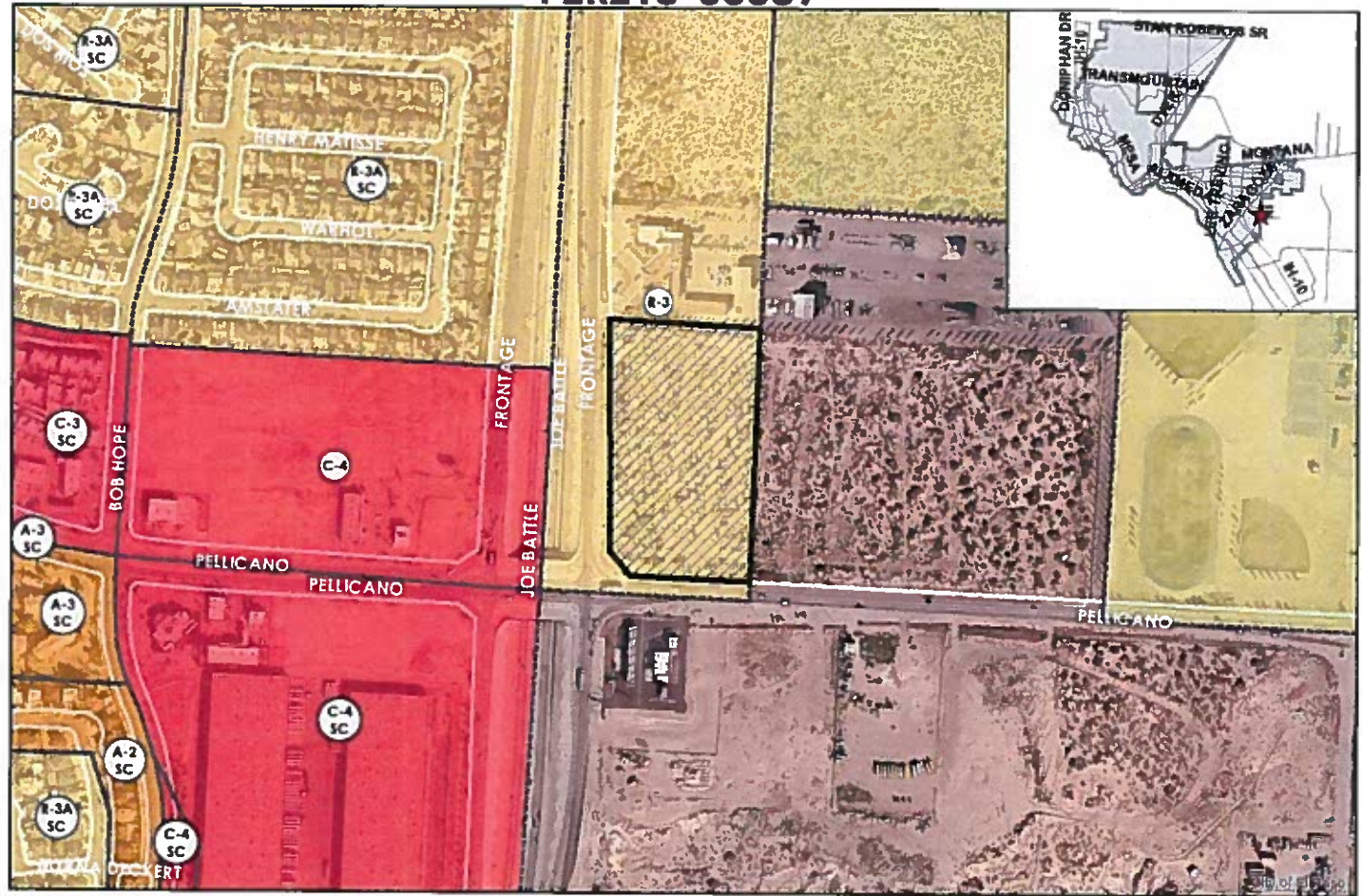
Strategic Goal #3 Promote the Visual Image of El Paso

- 3.1 Provide business friendly permitting and inspection processes
- 3.2 Improve the visual impression of the community





PZRZ18-00039



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Subject Property

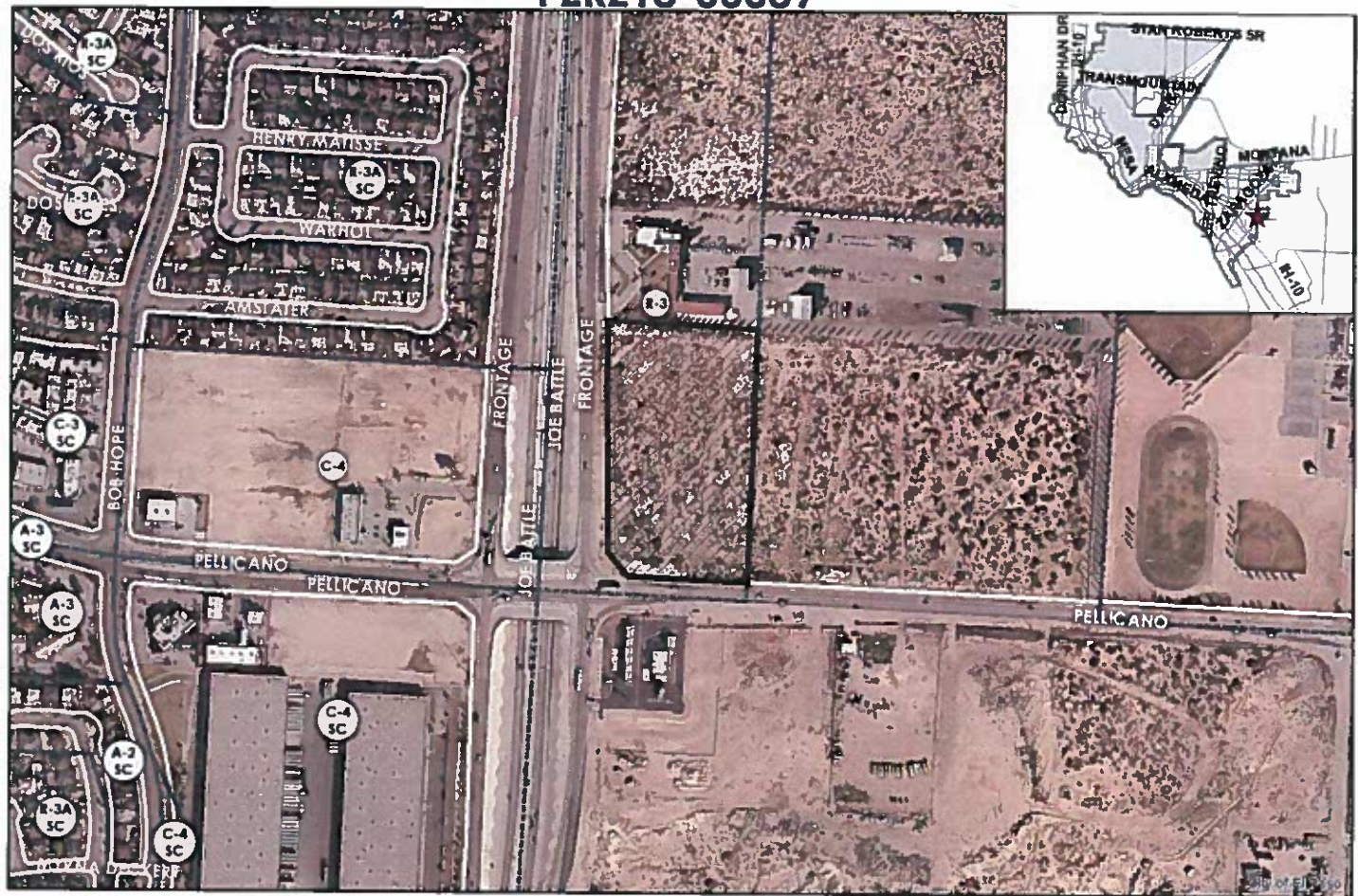
0 200 400 800 1,200 1,600 Feet







PZRZ18-00039



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 Subject Property

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## Conceptual Site Plan

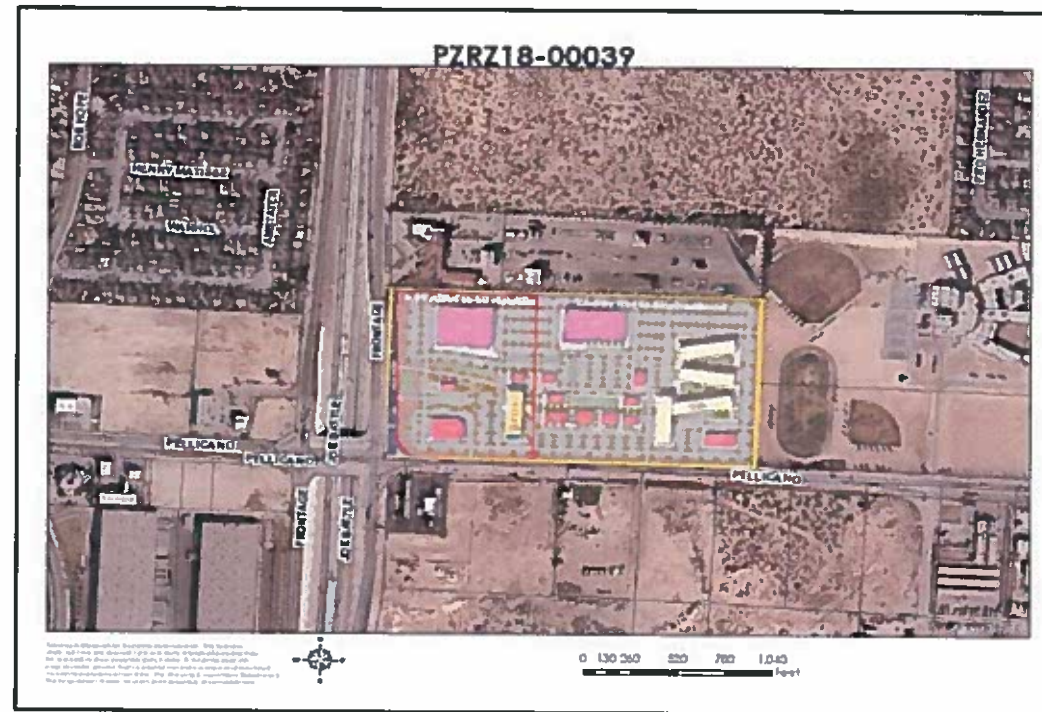


*"Delivering Outstanding Services"*





# Superimposed Site Plan



*"Delivering Outstanding Services"*



## Subject Property



*"Delivering Outstanding Services"*

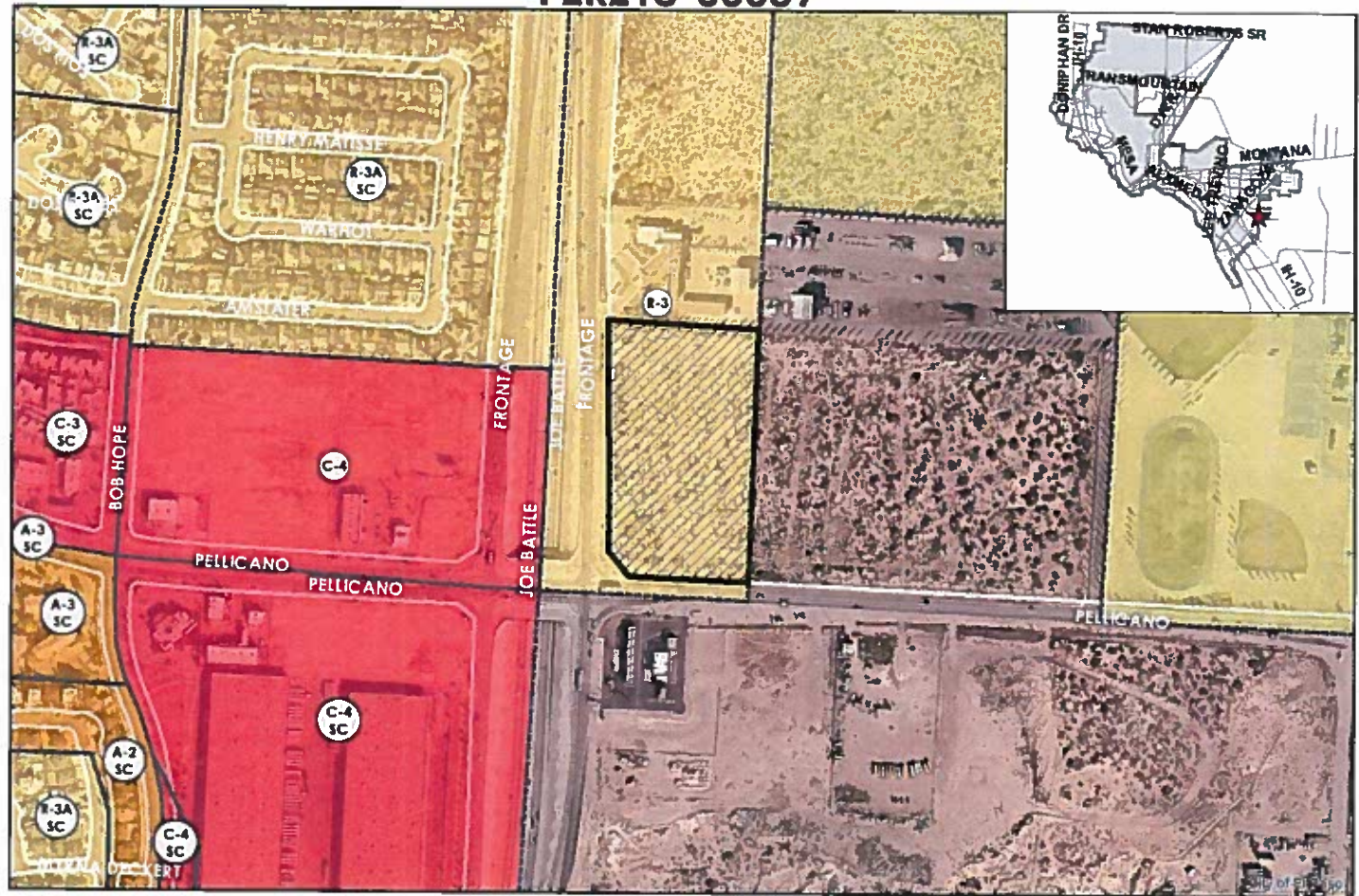


*"Delivering Outstanding Services"*





PZRZ18-00039



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 Subject Property

0 200 400 800 1,200 1,600 Feet

