

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

**DEPARTMENT:** City Development Department, Planning Division

**AGENDA DATE:** Introduction: May 27, 2014  
Public Hearing: June 17, 2014

**CONTACT PERSON/PHONE:** Arturo Rubio, (915) 541-4633, [rubioax@elpasotexas.gov](mailto:rubioax@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** 7

**SUBJECT:**

An Ordinance changing the zoning of a portion of Lot 10, Block 64, Vista del Sol Unit Thirteen, 10640 Montwood Drive, City of El Paso, El Paso County, Texas, from R-3 (Residential) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property owner: Montwood Church of the Nazarene/Jon Stout, Location: 10640 Montwood Drive, **PZRZ14-00013 (District 7)**

**BACKGROUND / DISCUSSION:**

Staff report attached.

**PRIOR COUNCIL ACTION:**

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

City Plan Commission (CPC) – Approval Recommendation (5-1 vote)

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

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

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

**DEPARTMENT HEAD:**

Mathew S. McElroy  
Director, City Development Department

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**APPROVED FOR AGENDA:**

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

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

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

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 10, BLOCK 64, VISTA DEL SOL UNIT THIRTEEN, 10640 MONTWOOD DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO S-D (SPECIAL DEVELOPMENT). 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 Lot 10, Block 64, Vista Del Sol Unit Thirteen, 10640 Montwood Drive, located in the City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from R-3 (RESIDENTIAL) to 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.

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2014

THE CITY OF EL PASO

\_\_\_\_\_  
Oscar Leaser,  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda D. Momsen, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Karla M. Neuman,  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Mathew S. McElroy, Director  
City Development Department

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

Zoning Case No: PZRZ14-00013

#292257/14-1007-1055/10640 Montwood Dr. Rezoning Ordinance  
KMN

EXHIBIT "A"

METES AND BOUNDS

Description of a parcel of land that is a portion of Lot 10, Block 64, Vista del Sol Unit Thirteen, City of El Paso, El Paso County, Texas and more particularly described by metes and bounds as follows;

Commencing at a point that marks the most Easterly corner of Lot 10, Block 64, Vista del Sol Unit Thirteen, City of El Paso, El Paso County, Texas, said point lying on the Southerly Right-of-Way (ROW) line of Montwood Drive; Thence along said Montwood ROW line N 55° 42' 58" W a distance of 333.92 feet to a point; Thence leaving said Montwood Drive ROW line S 34° 17' 02" W a distance of 111.72 feet to a point; said point also being the point of beginning of this description;

Thence S 25° 24' 15" W, a distance of 252.97 feet to a point;

Thence N 75° 27' 58" W, a distance of 163.05 feet to a point that lies on the Easterly ROW line of Lomaland Drive;

Thence N 14° 32' 01" E along said Lomaland Drive, a distance of 248.43 feet to a point;

Thence leaving said Lomaland Drive S 75° 27' 59" E a distance of 210.76 feet to the point of beginning of this description. Said parcel of land contains 46,300 square feet or 1.0629 acres of land more or less.

Enrique A. Rey  
TPLS TX 3505



Wednesday, March 12, 2014

## **MEMORANDUM**

**DATE:** May 20, 2014

**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager

**FROM:** Arturo Rubio, Senior Planner

**SUBJECT: PZRZ14-00013**

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The City Plan Commission (CPC), on June 5, 2014, voted 5-1 to recommend **approval** of rezoning the subject property from R-3 (Residential) to S-D (Special Development) and recommended the following condition:

*That the maximum height of any building or structure adjacent to any residential zone district or use be limited to one story.*

The CPC found that the rezoning is in conformance with the 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 have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was one e-mail in opposition to the request, attached to the staff report.

**Property Owner:** Montwood Church of the Nazarene/Jon Stout  
**Representative:** Rey Engineering/Enrique Rey

**Attachment:**  
Staff Report





## *City of El Paso – City Plan Commission Staff Report*

**Case No:** PZRZ14-00013  
**Application Type:** Rezoning  
**CPC Hearing Date:** June 5, 2014  
**Staff Planner:** Arturo Rubio, 915-212-1613, rubioax@elpasotexas.gov

**Location:** 10640 Montwood  
**Legal Description:** A portion of Lot 10, Block 64, Vista del Sol Unit Thirteen, City of El Paso, El Paso County, Texas  
**Acreage:** 1.06 acres  
**Rep District:** 7  
**Current Zoning:** R-3 (Residential)  
**Existing Use:** Vacant  
**C/SC/SP/ZBA/LNC:** None  
**Request:** From R-3 (Residential) to S-D (Special Development)  
**Proposed Use:** Community Shopping Center

**Property Owner:** Montwood Church of the Nazarene/Jon Stout  
**Representative:** Rey Engineering/Enrique Rey

### **SURROUNDING ZONING AND LAND USE**

**North:** C-1 (Commercial) / Retail  
**South:** R-3 (Residential) / Single-family dwellings  
**East:** R-3 (Residential) / Single-family dwellings  
**West:** A-O (Apartment Office)/Medical Office / R-3 (Residential) / Single-family dwellings

**PLAN EL PASO DESIGNATION:** G-3, Post-War (East Plan Area)

**NEAREST PARK:** Pico Norte Park (1,860 feet)

**NEAREST SCHOOL:** Hanks High School (2,401 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Eastside Civic Association

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on May 05, 2014. The Planning Division has not received any phone calls or letters in support or opposition to the rezoning request.

### **APPLICATION DESCRIPTION**

The applicant is requesting to rezone the subject property from R-3 (Residential) to S-D (Special Development) to allow for a small shopping center. The R-3 (Residential) zone district does not permit retail use. The subject property is 1.06 acres in size and is currently vacant. Section 20.10.360, Mixed-Use Development, requires the submittal and review of a detailed site development plan on the S-D (Special Development) zone district prior to the issuance of any building permits. The applicant has been advised of the requirement and opted to submit the required detailed site plan after review of the rezoning application. The concept plan submitted for this request does not meet all the requirements of a detailed site development plan but meets or satisfies the rezoning application requirements. Access to the subject property is proposed Lomaland Drive.

## **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of rezoning the subject property from R-3 (Residential) to S-D (Special Development).

The recommendation is based on the compatibility of existing residential and commercial uses and zone districts adjacent to the subject property. The S-D (Special Development) district complies with Plan El Paso Land Use Map.

## **Plan El Paso- Future Land Use Map Designation**

All applications for rezoning shall demonstrate compliance with the following criteria:

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 stale but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the S-D (Special Development) district is to provide an opportunity for mixed-use 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.

## **COMMENTS:**

### **Planning Division - Transportation**

TIA is not required, no objections.

#### General Note:

All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall follow the City of El Paso Design Standards for Construction and be ADA/TAS compliant.

### **City Development Department – Building and Development Permitting**

Recommend approval

### **City Development Department - Land Development**

No comments received

### **Fire Department**

No comments received

### **El Paso Water Utilities**

EPWU does not object to this request.

All costs associated with the extensions of water and/or sanitary sewer mains are the responsibility of the Owner/Developer.

#### **Water:**

There is an existing 12-inch diameter water main extending along Lomaland Drive that is available for service, the water main is located approximately 10-ft east from the center line of the right-of-way.

**Sanitary Sewer:**

There is an existing 8-inch diameter sanitary sewer main extending along Lomaland Drive that is available for service, the sewer main is located approximately 7-ft east from the center line of the right-of-way.

**General:**

EPWU 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 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 EPWU – 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.

**Sun Metro**

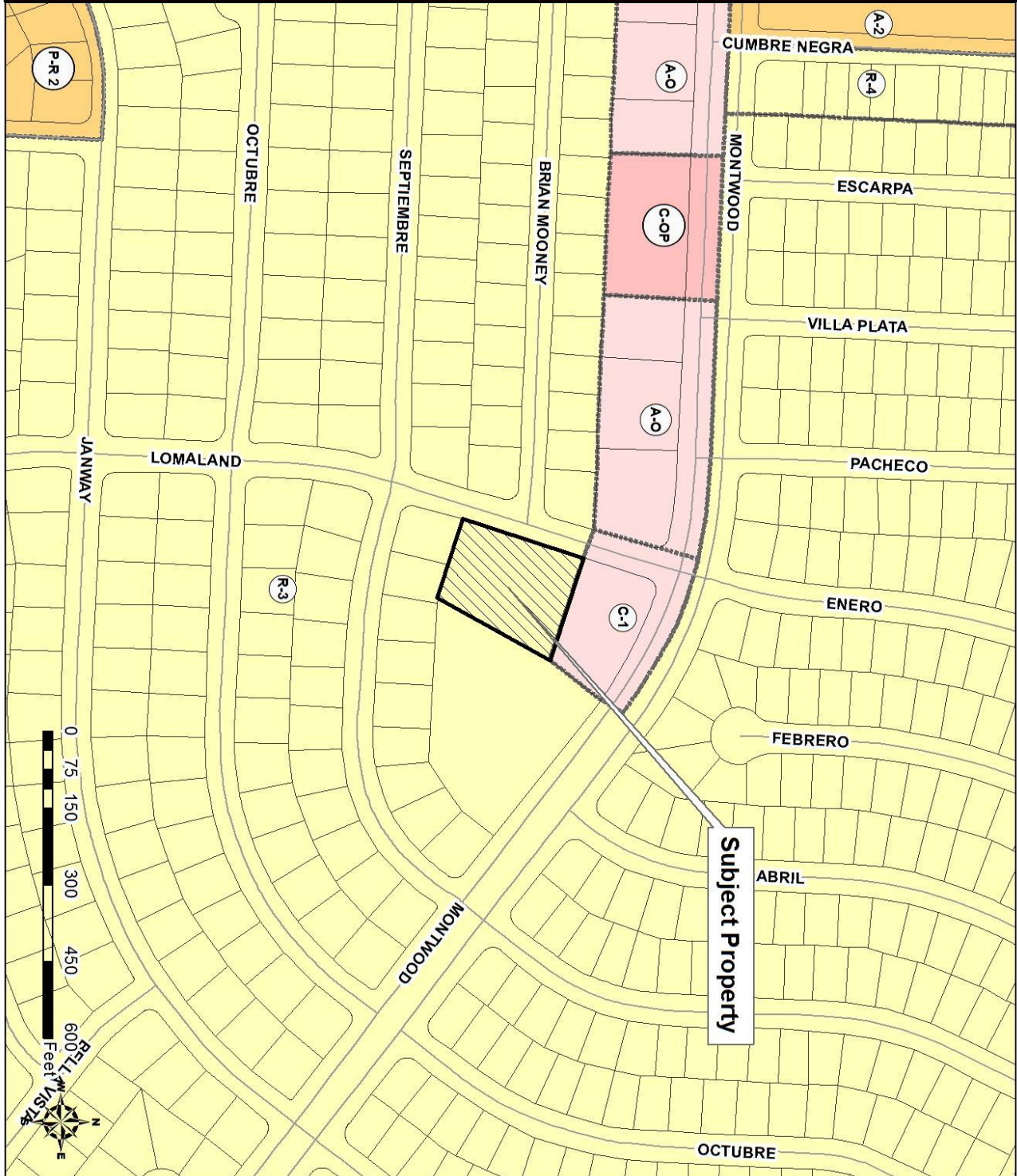
Sun Metro does not oppose this request; Recommends the construction of sidewalks to permit access to mass transit opportunities; Rts. 1 and 53 provide service along Montwood; There is a bus stop approximately 220' from the subject property on Montwood.

**Attachments:**

- Attachment 1: Zoning Map
- Attachment 2: Aerial Map
- Attachment 3: Conceptual Plan
- Attachment 4: Elevations
- Attachment 5: Opposition E-mail

ATTACHMENT 1: ZONING MAP

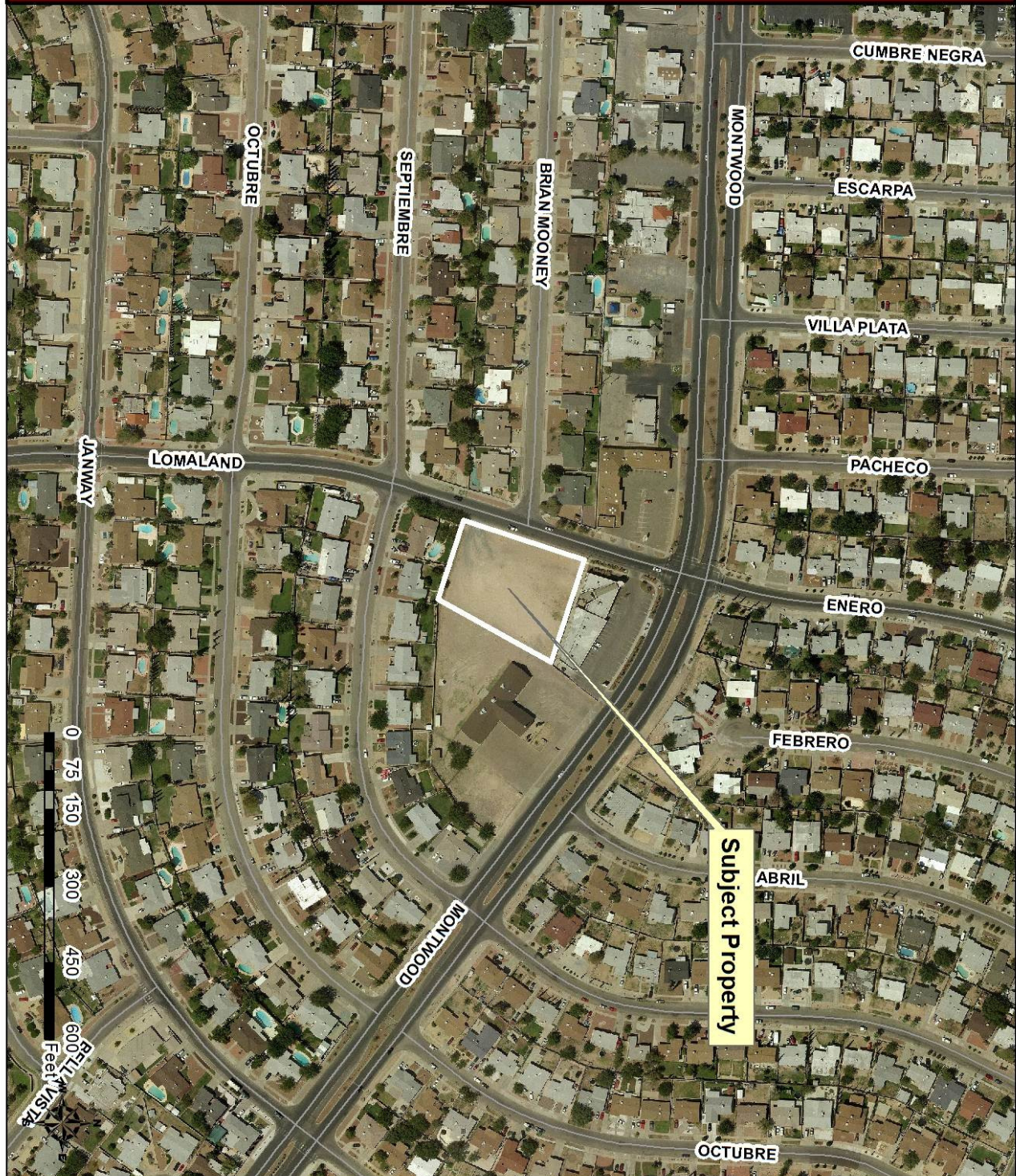
PZRZ14-00013





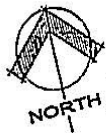
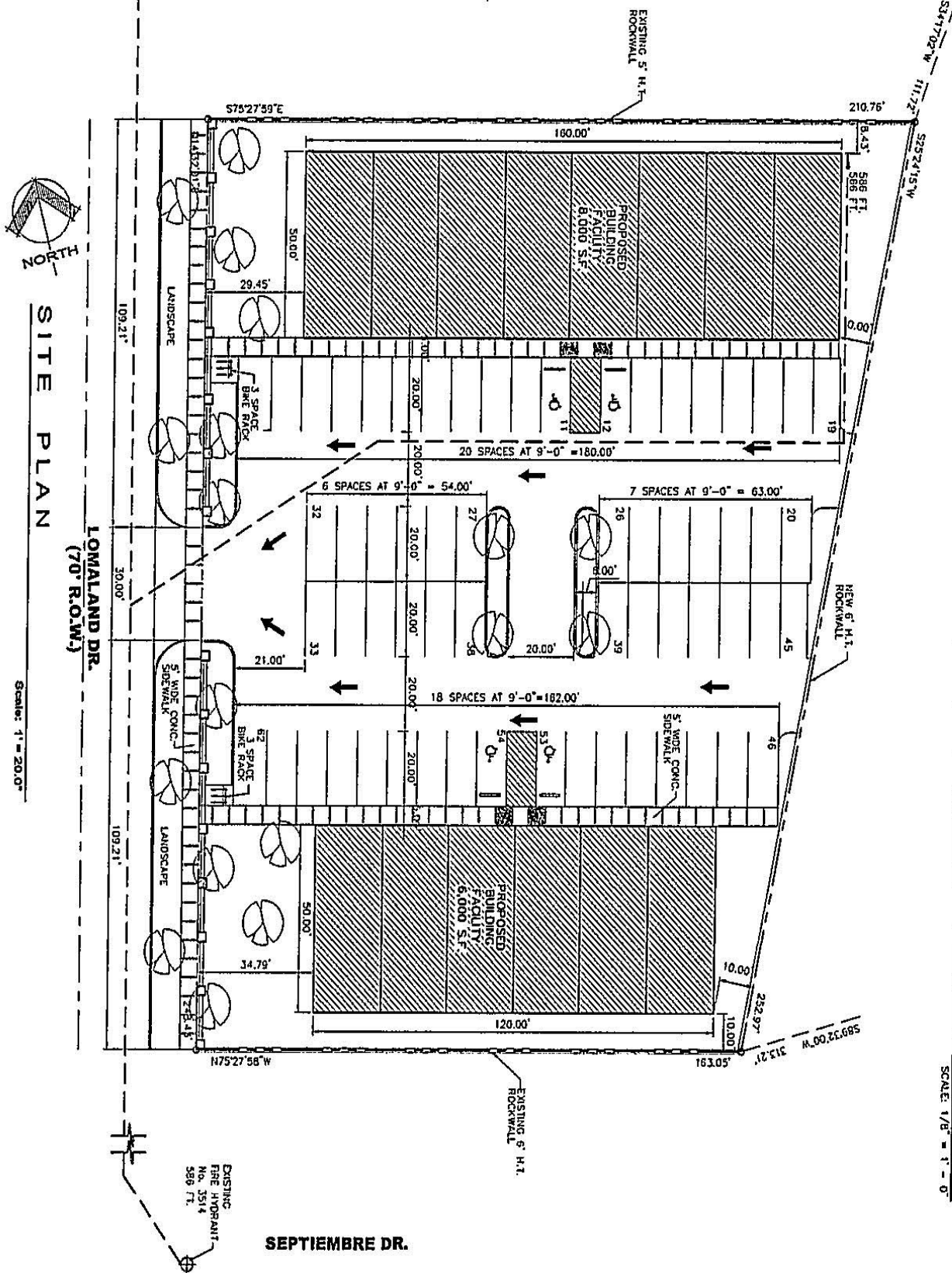
ATTACHMENT 2: AERIAL MAP

PZRZ14-00013





# ATTACHMENT 3: CONCEPTUAL PLAN

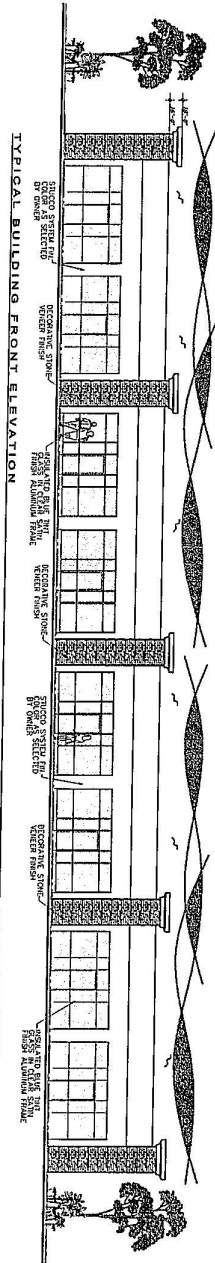
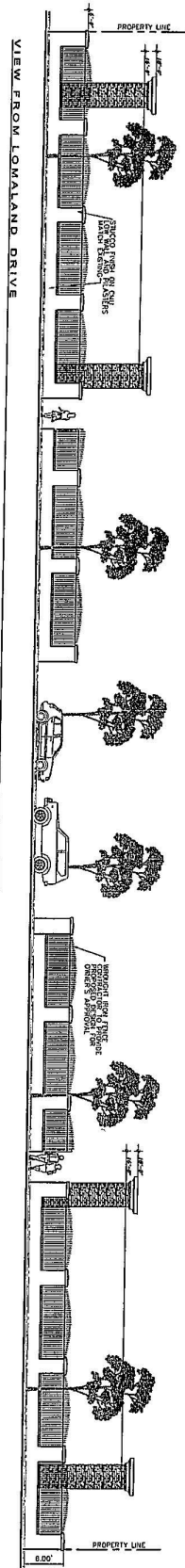


SITE PLAN

Scale: 1" = 20.0'

SCALE: 1/8" = 1' - 0"

# ATTACHMENT 4: ELEVATIONS



SCALE 1/8" = 1'-0"

**ATTACHMENT 5: OPPOSITION E-MAIL**

**Rubio, Arturo**

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**From:** barrio.luisenrique@gmail.com  
**Sent:** Tuesday, May 06, 2014 4:16 PM  
**To:** Rubio, Arturo  
**Subject:** Re: Case # PZRZ14-00013

The most concern I would have is the building construction going to be a single floor or a two story building?

Sent from my iPhone

On May 6, 2014, at 2:30 PM, "Rubio, Arturo" <[RubioAX@elpasotexas.gov](mailto:RubioAX@elpasotexas.gov)> wrote:

Mr. Barrio,

The zone the applicant is requesting does not permit heavy commercial uses. The most they can do is light retail as the most intense use. They are proposing a community shopping center to include office and retail use only. Having said that, the request would not allow such uses as motor vehicle repair, motor vehicle sales, storage or rental, contractor yards or ball rooms that would generate heavy traffic and nuisance as only some of the most intense uses permitted by the C-3 and C-4 (Commercial) zone districts of which they are not requesting.

As to notification, State Law requires that we notify only to the property owners, if the owner or those notified wish to pass on the information to renters it would be up to them. The general public that is not a property owner in the immediate 300 foot radius of the request can submit questions, concerns to the Planning Division once the Onsite posting is placed on the lot, which is required for lots 1 acre or above. The applicant has up to 15 days prior to the hearing to post the sign. Hope this answers your questions and concerns or should you have additional questions please e-mail or call me, as I am handling the application.

Cordially,

Art Rubio, Senior Planner  
City Development | City of El Paso  
222 S. Campbell Street  
El Paso, TX 79901  
O: 915.212-1613

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Click on the links for more information about City Development:

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**From:** Luis Barrio [<mailto:barrio.luisenrique@gmail.com>]  
**Sent:** Tuesday, May 06, 2014 1:22 PM  
**To:** Rubio, Arturo  
**Subject:** Case # PZRZ14-00013

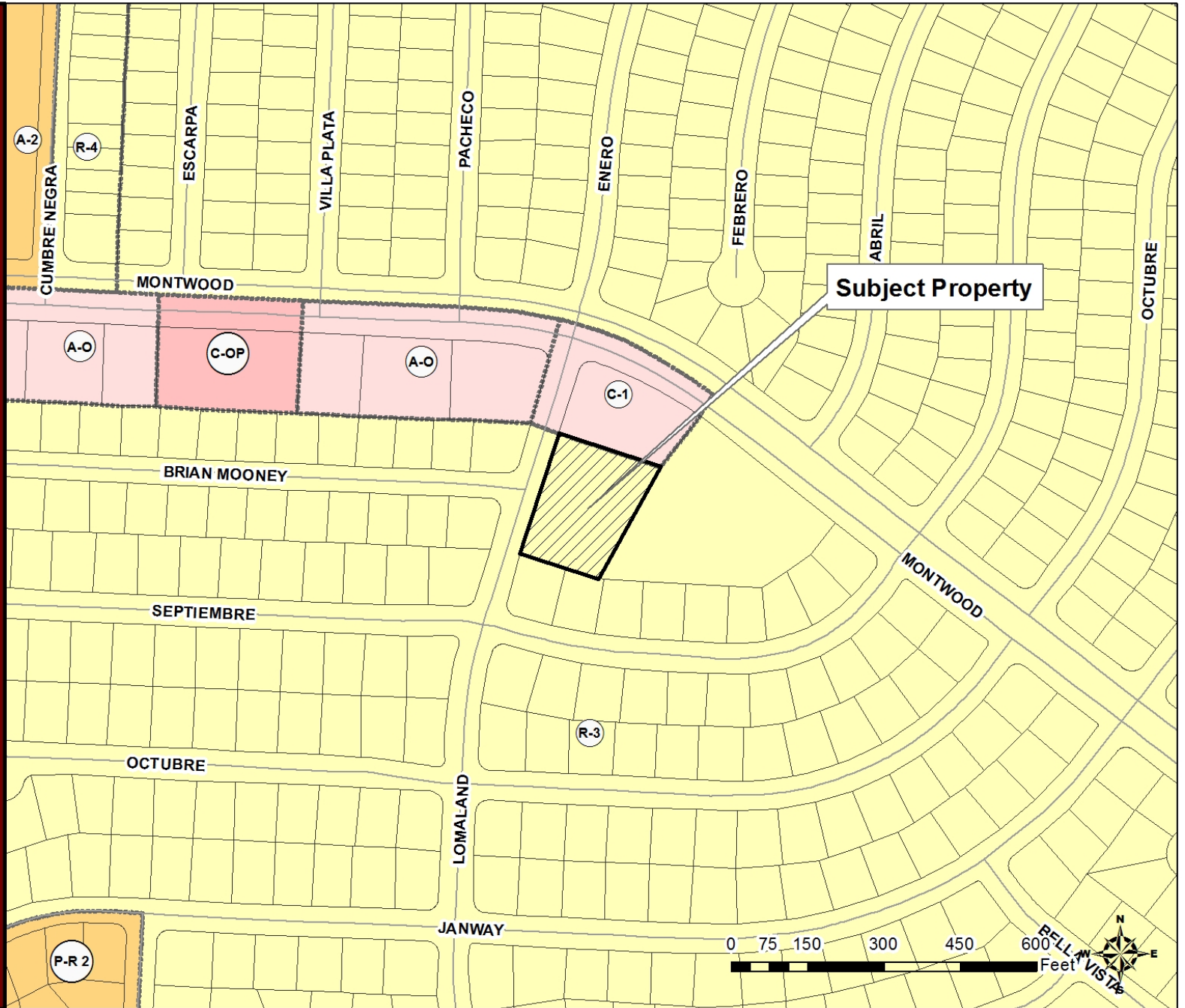
To whom it may concern:



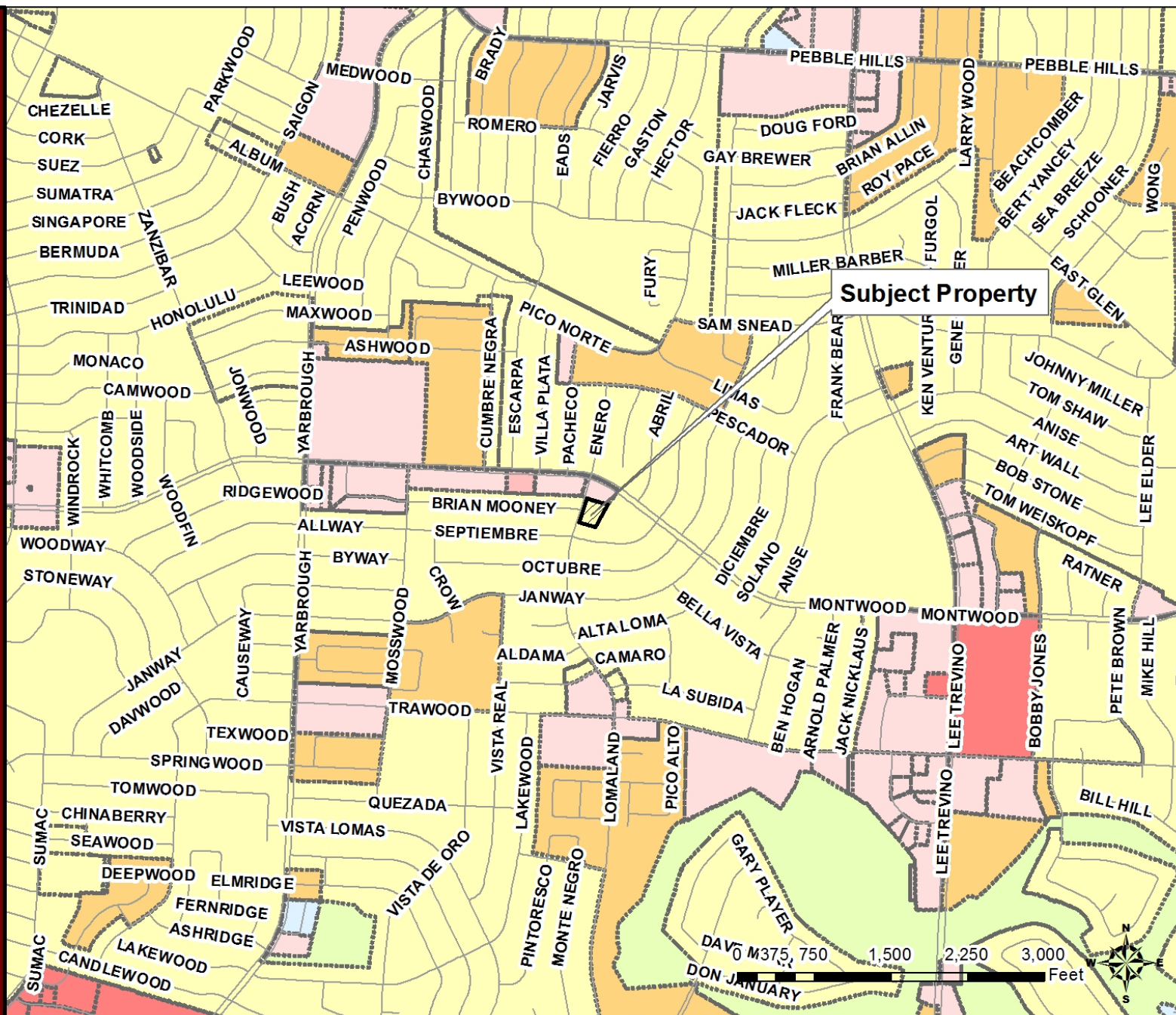
I received a letter from planning division stating that property owners at 10640 Montwood plan on re-zoning from R-3 to S-D. I have concerns and issues with the re-zoning as my address at 2001 Septiembre is directly behind the property in question. I have a 6' high rock wall and a swimming pool in my back yard. The proposed commercial business would bring assorted businesses to the area. Do you know what type of business they plan on opening, and will the building be a two story or single building. My next door neighbors at 2005 Septiembre are renting the home and they are special needs adults. You might try to find out who the homeowner is so that a letter can be mailed out to them and see what concerns they might have. Thank you.

Luis E. Barrio  
Phone: (915) 252-2531  
Email: [Barrio.LuisEnrique@gmail.com](mailto:Barrio.LuisEnrique@gmail.com)

PZRZ14-00013



PZRZ14-00013



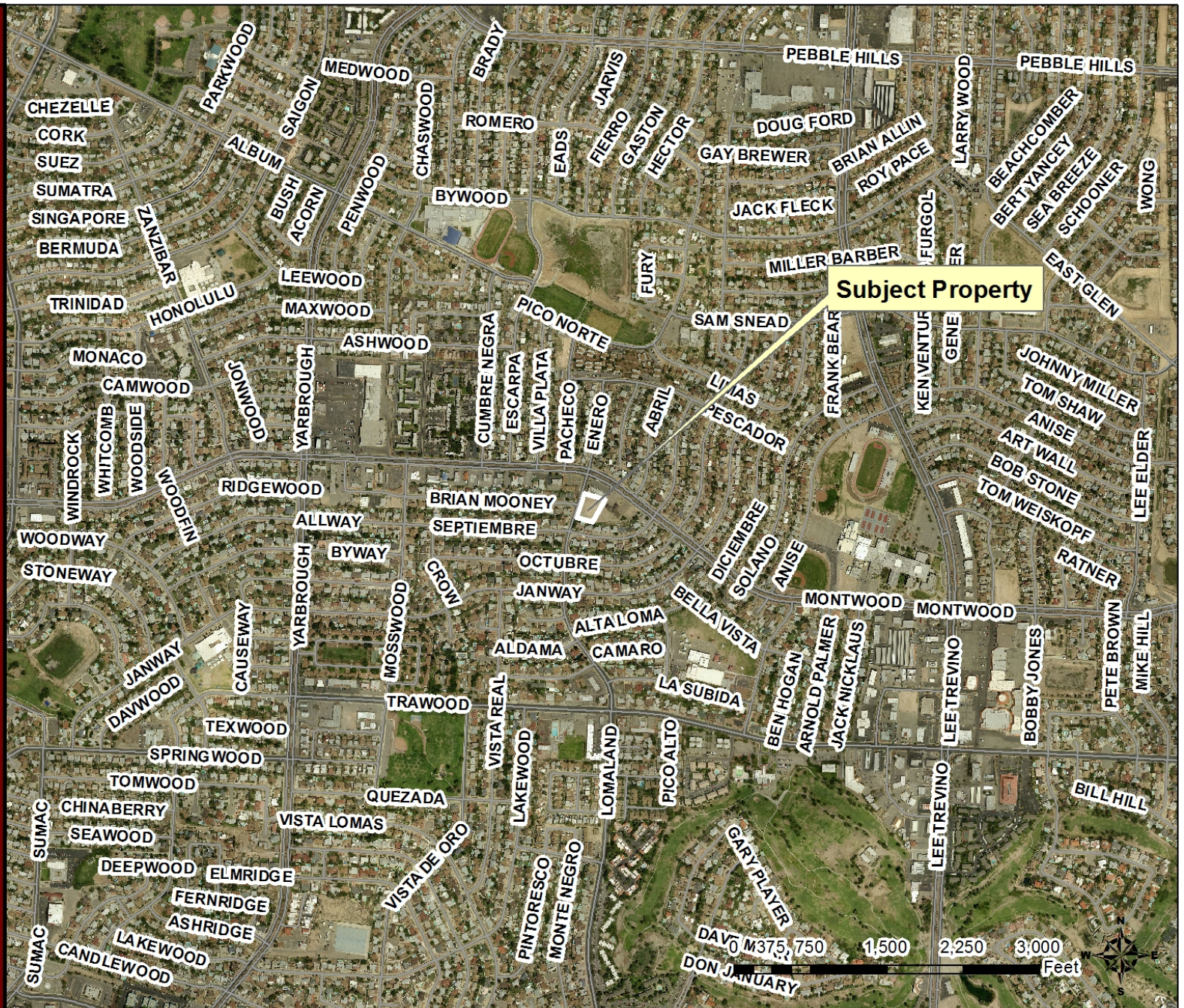


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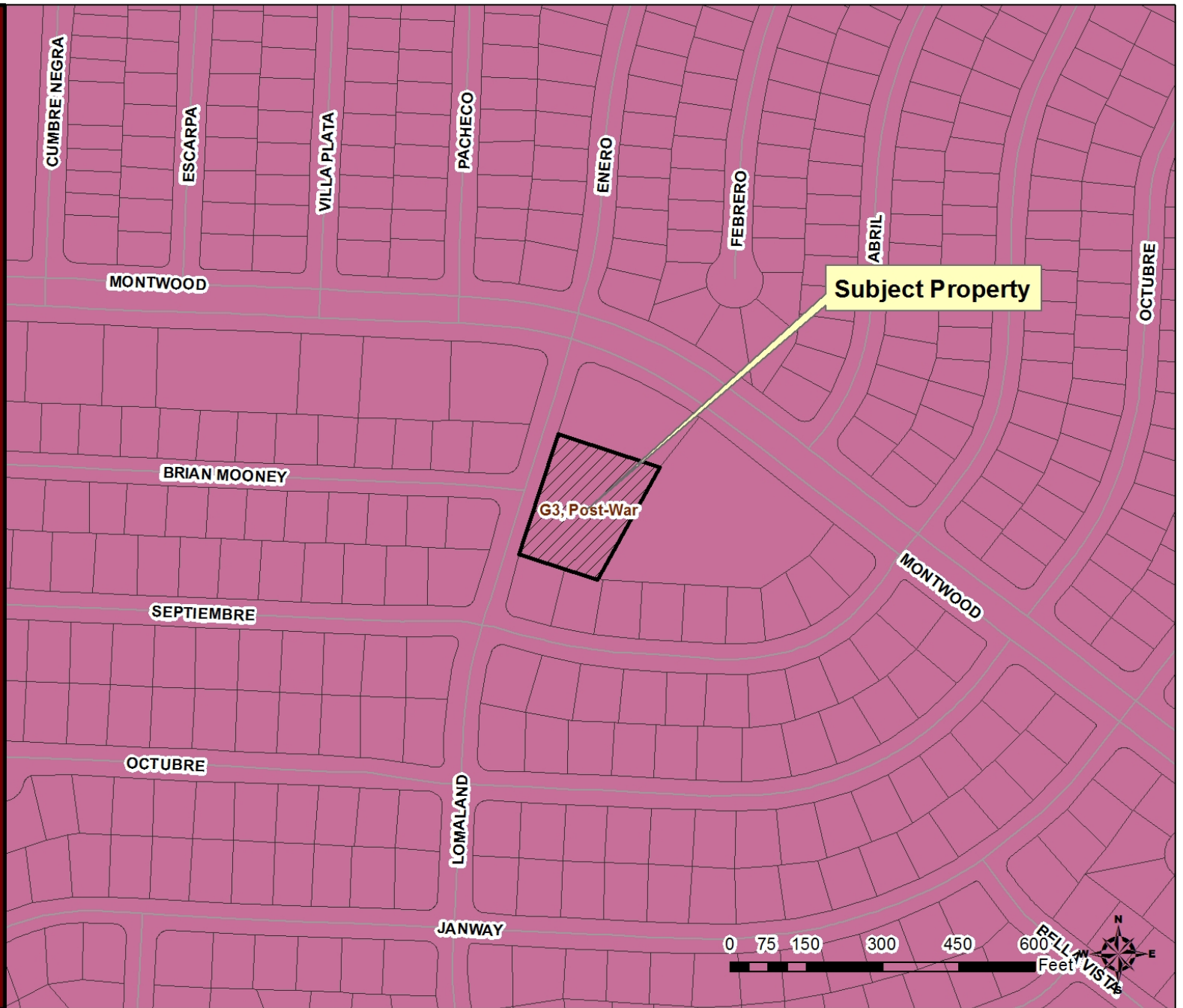


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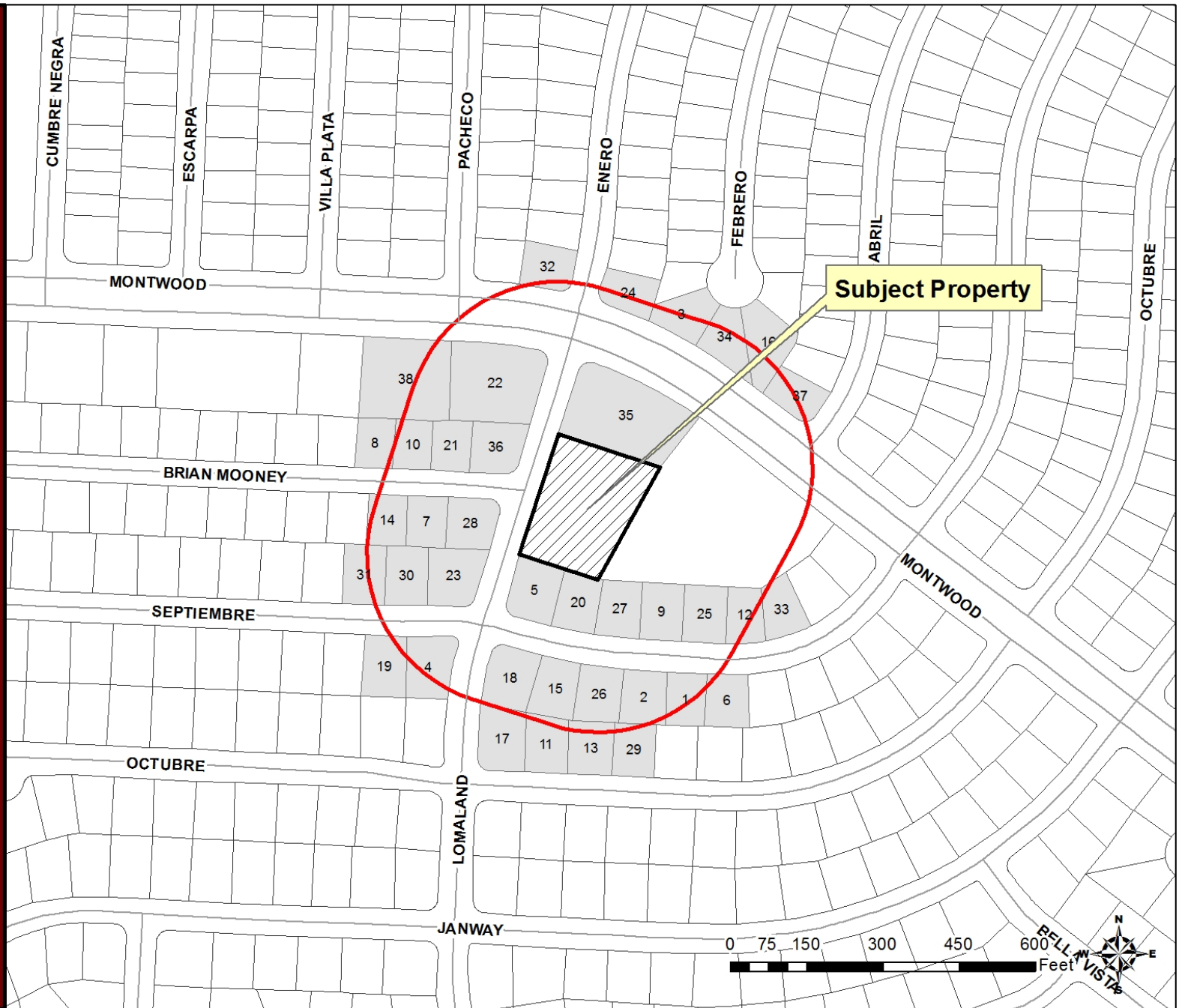




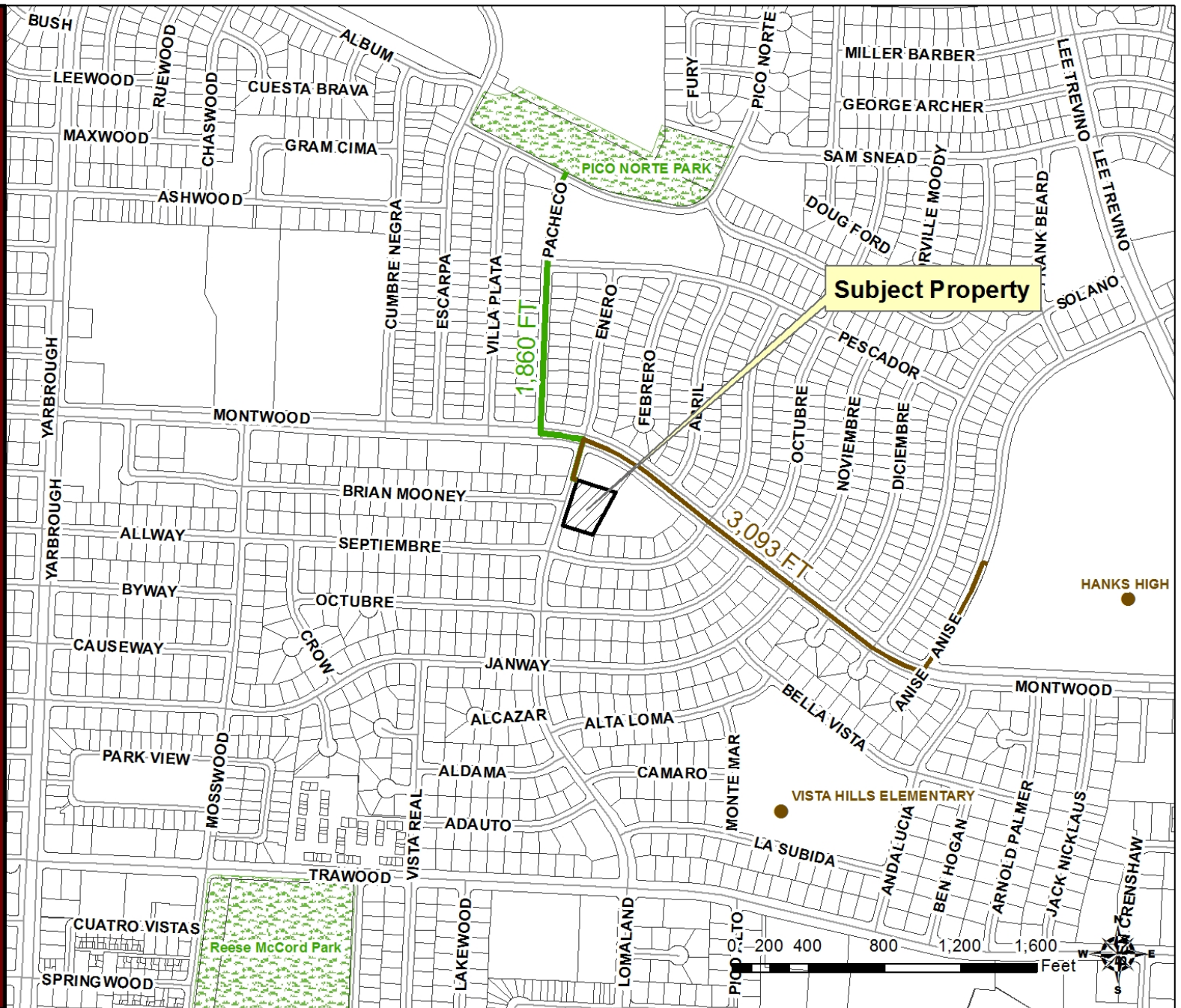
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PZRZ14-00013







### LANDSCAPE REQUIREMENTS

LAND AREA:  $46,299 - 14,000 = 32,299$  x .15 = 4,844 SQ. FT.

### PARKING REQUIREMENTS

RETAIL 1/250 =  $14,000 / 250$  = 56

TOTAL = 56

PARKING PROVIDED = 58

H/C PROVIDED = 4

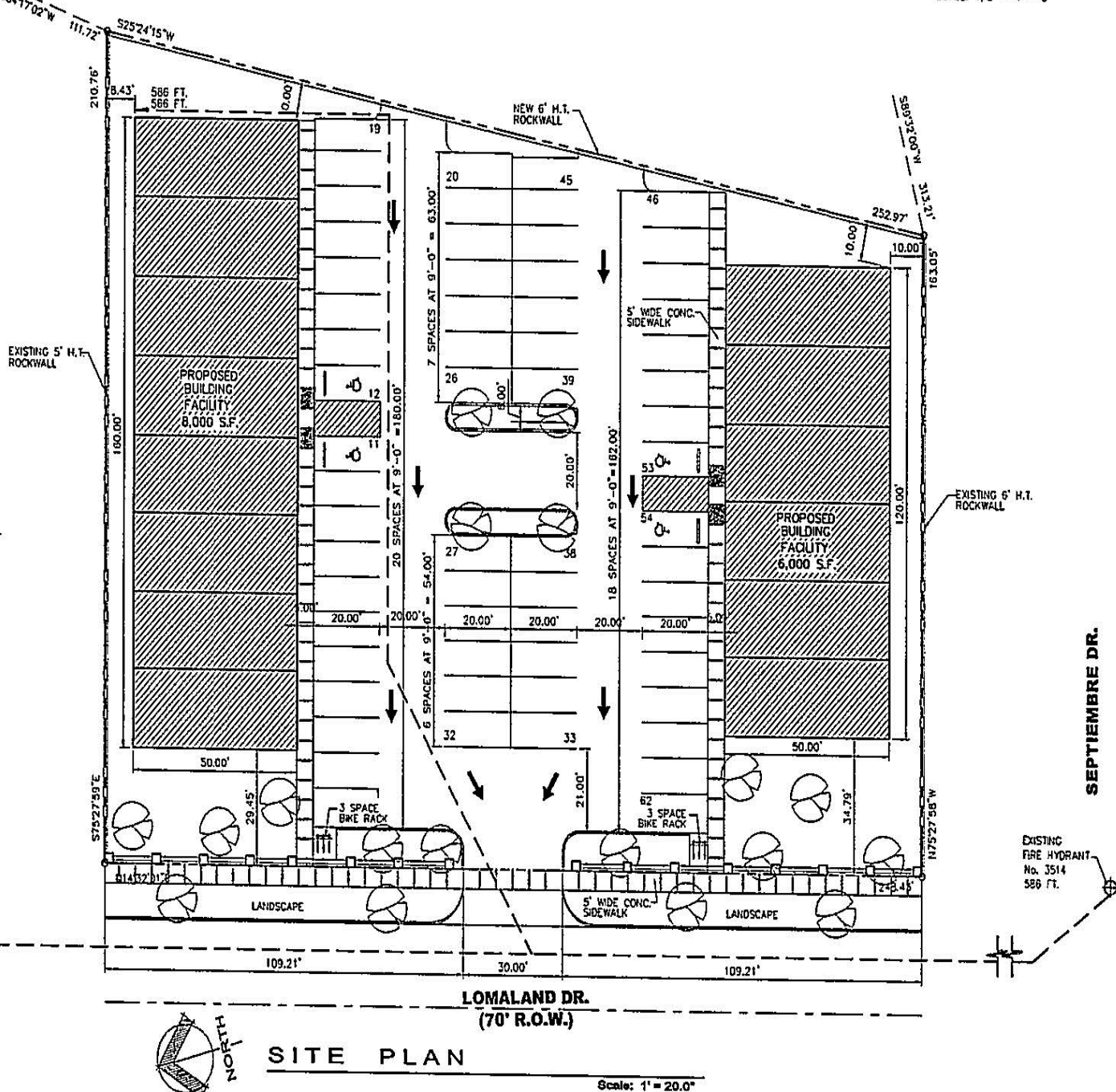
TOTAL = 62

BICYCLE SPACES REQUIRED = 6

BICYCLE SPACES PROVIDED = 6

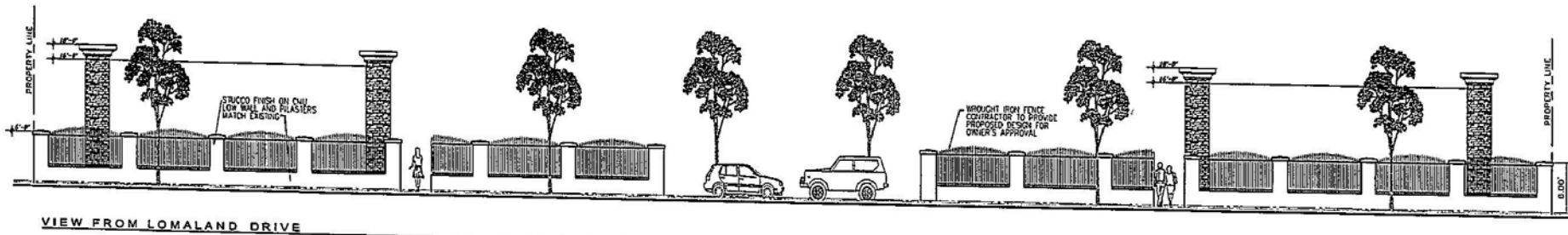
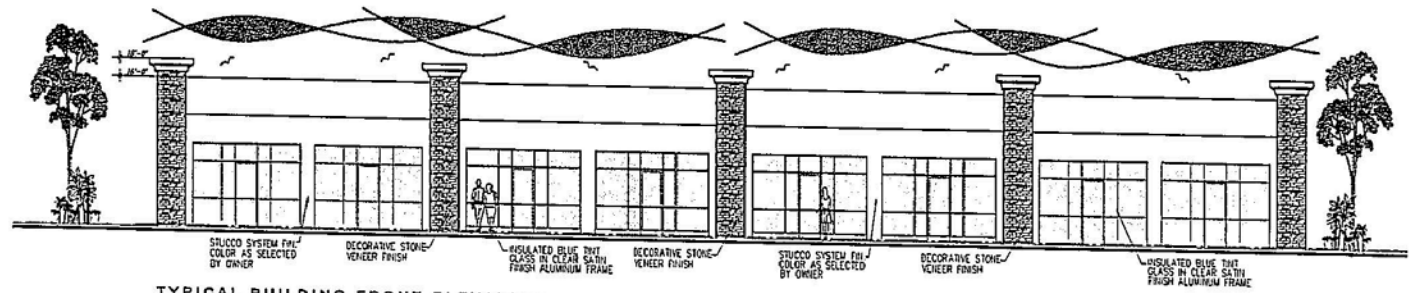
### LEGAL DESCRIPTION

BEING A PORTION OF LOT 10 BLOCK 64  
VISTA DEL SOL UNIT THIRTEEN  
CITY OF EL PASO, EL PASO COUNTY, TEXAS  
CONTAINING: 1.0629 AC.



### SITE PLAN

Scale: 1" = 20.0'



SCALE: 1/8" = 1' - 0"