

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

**DEPARTMENT:** Planning & Inspections, Planning Division

**AGENDA DATE:** August 4, 2020

**PUBLIC HEARING DATE:** September 1, 2020

**CONTACT PERSON NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Adriana Martinez, (915) 212-1611

**DISTRICT(S) AFFECTED:** 2

**STRATEGIC GOAL:** #3 Promote the Visual Image of El Paso

**SUBGOAL:** 3.1 Provide business friendly permitting and inspection processes  
3.2 Improve the visual impression of the community

**SUBJECT:**

An ordinance changing the zoning of the property described as Lots 29, 30, 31, and 32, Block 94, East El Paso Addition, 3100 and 3106 Montana Avenue, City of El Paso, El Paso County, Texas from A-2 (Apartment) and A-O (Apartment/office) 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 professional 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 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: 3100 and 3106 Montana Avenue  
Applicant: Montana 3106, LLC. PZRZ20-00002

**BACKGROUND / DISCUSSION:**

The applicant requests to rezone from A-2 (Apartment) and A-O (Apartment-Office) to S-D (Special Development) and approval of the Detailed Site Development Plan to allow for a professional office with a rear and side setback reduction. City Plan Commission recommended 5-0 to approve the proposed rezoning on May 14, 2020. As of July 28, 2020, staff has not received any communication in support/opposition of the request. See attached staff report for additional information.

**PRIOR COUNCIL ACTION:**

N/A


**AMOUNT AND SOURCE OF FUNDING:**

N/A

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

**DEPARTMENT HEAD:**



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Philip F. Etiwe – Planning and Inspections Director

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

**AN ORDINANCE CHANGING THE ZONING OF THE PROPERTY DESCRIBED AS LOTS 29, 30, 31, AND 32, BLOCK 94, EAST EL PASO ADDITION, 3100 AND 3106 MONTANA AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) AND A-O (APARTMENT/OFFICE) 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 PROFESSIONAL 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.**

WHEREAS, Montana 3106, LLC, (Owner) has applied for a rezoning of property from A-2 (Apartment) and A-O (Apartment-Office) 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 Professional Office, 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 *Lots 29, 30, 31, and 32, Block 94, East El Paso Addition, 3100 and 3106 Montana Avenue, City of El Paso, El Paso County, Texas*, be changed from A-2 (Apartment) and A-O (Apartment/Office) 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. Pursuant to the requirements of the El Paso City Code, the City Council hereby approves the detailed site development plan submitted by the Owner, to allow for a professional office as permitted under the S-D (Special Development) district regulations of 20.04.150 and 20.10.360.

3. 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 "A" and incorporated herein by reference for all purposes.
4. 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.
5. 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.
6. 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 "A" within four (4) years from the date hereof.
7. The penalties for violating the standards imposed through this ordinance are found in Section 20.24 of the El Paso City Code.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.


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. Eitwe, Director  
Planning & Inspections Department

ORDINANCE NO. \_\_\_\_\_  
20-1007-2619 | 994960  
3100 Montana Ave.  
RTA

PZRZ20-00002





# 3100 & 3106 Montana Avenue

City Plan Commission — May 14, 2020 **Revised**



**CASE NUMBER:** PZRZ20-00002  
**CASE MANAGER:** Adriana Martinez, (915) 212-1611, [MartinezAD@elpasotexas.gov](mailto:MartinezAD@elpasotexas.gov)  
**PROPERTY OWNER:** Montana 3106, LLC.  
**REPRESENTATIVE:** SLI Engineering, Inc.  
**LOCATION:** 3100 and 3106 Montana Avenue (District 2)  
**PROPERTY AREA:** 0.2307 acres  
**REQUEST:** From A-2 (Apartment) & A-O (Apartment-Office) to S-D (Special Development)  
**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 May 1, 2020.

**SUMMARY OF REQUEST:** The applicant requests to rezone from A-2 (Apartment) and A-O (Apartment-Office) to S-D (Special Development) and approval of the Detailed Site Development Plan to allow for a professional office with a rear and side setback reduction.

**SUMMARY OF STAFF RECOMMENDATION:** Staff recommends **approval** of the rezoning request. The proposed development meets the established character of its surrounding neighborhood. Further, the proposed development meets the intent of G-2 Traditional Neighborhood (Walkable), use designation of *Plan El Paso* in the Central Planning area.

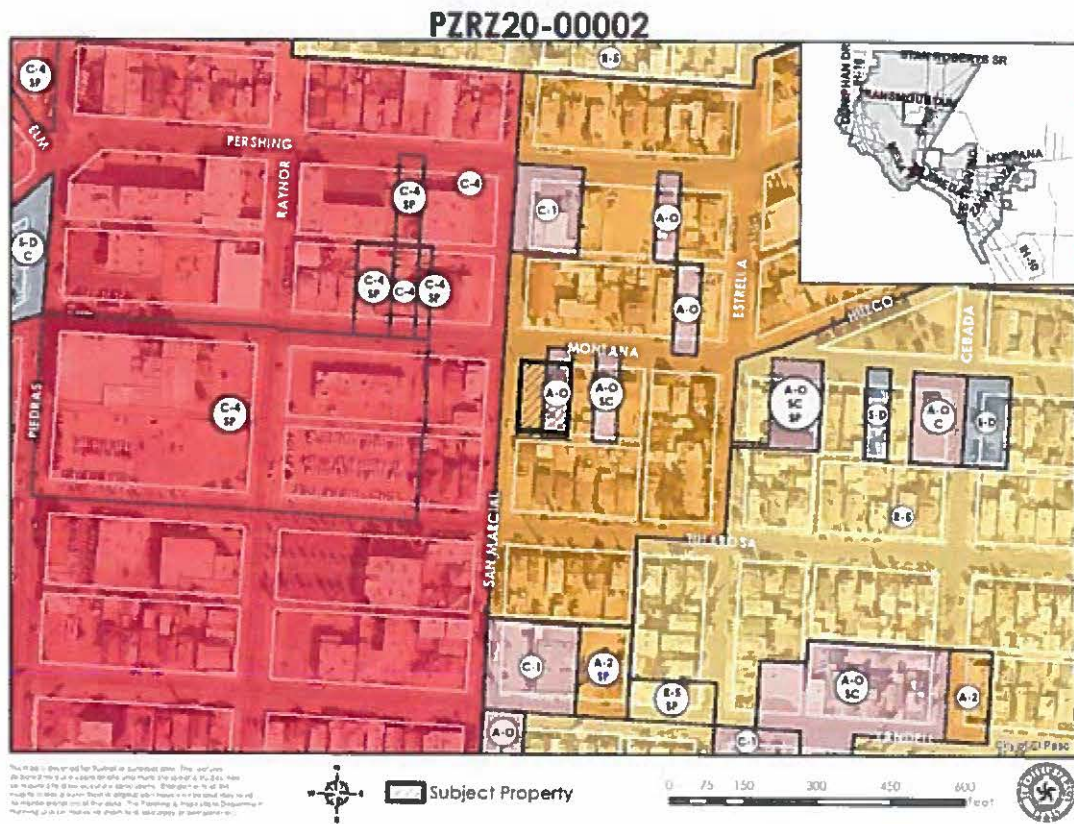


Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant proposes to rezone from A-2 (Apartment) and A-O (Apartment-Office) to S-D (Special Development) to allow for a professional office. The applicant intends to combine the two lots and construct a parking lot on the vacant property at 3100 Montana to serve for the existing professional office located at 3106 Montana. The Detailed Site Development Plan shows the existing 2,139 sq. ft. office building and an existing 930 square feet accessory structure, both located at 3106 Montana, as well as a new parking lot containing nine parking spaces, to include one ADA van accessible parking space located at 3100 Montana. The applicant is also requesting a rear and side setback reduction for the existing buildings on 3106 Montana Avenue. The Detailed Site Development plan shows a rear setback reduction from the required 10' (ten feet) to 0' (zero feet) for the existing accessory structure and a side setback reduction from the required 10' (ten feet) to 5.4" (five feet and four inches) for the office building. Primary access to the existing development is from Montana Avenue and San Marcial Street.

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The proposed development meets the intent of the G-2, Traditional Neighborhood (Walkable), use designation of *Plan El Paso* in the Central Planning area. The nearest park is Portland Park (0.40 miles) and the nearest school is College, Career, and Technology Academy Facilities (0.28 miles).

<b>COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with Plan El Paso, consider the following factors:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b>G-2, Traditional Neighborhood:</b> 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.</p>	<p>Yes. The professional office use remains consistent with other commercial and residential uses in the neighborhood. Commercial and Residential uses are common and welcomed in this sector. The surrounding area uses include both single-family dwellings and professional offices.</p>
<p><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>S-D (Special Development) District:</b> 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. 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</p>	<p>Yes, the proposed development is a permitted use in S-D (Special Development) District. The site is suitable for uses permitted in the proposed district, and the proposed district is within 58' (fifty-eight feet) from another professional office.</p>

<b>COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with Plan El Paso, consider the following factors:</b>	
environment of adjacent areas. Older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.	
<b>Preferred Development Locations:</b> Is the property in a “Compact Urban” area?	Yes, the subject property is located along Montana Avenue, which is classified as a major arterial on the City of El Paso’s Major Thoroughfare Plan.

<b>THE PROPOSED ZONING DISTRICT’S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	N/A
<b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.	There are no adverse effects predicted from the proposed rezoning. The existing infrastructure was originally designed for the proposed district and uses.
<b>Natural Environment:</b> Anticipated effects on the natural environment.	No effect on the natural environment anticipated as the subject property is in an already developed area.
<b>Stability:</b> Whether the area is stable or in transition.	The area is stable. There has been no rezoning cases within the past five years within the area.
<b>Socioeconomic &amp; Physical Conditions:</b> Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	N/A

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** There is an existing 4-inch diameter water main that extends along the alley north of Tularosa Avenue, fronting the subject property. This main is located approximately five-feet south of the north right-of-way line. This water main is available for service.

**PUBLIC COMMENT:** The subject property lies within the Sunrise Civic Neighborhood Associations, El Paso Central Business, and Five Points Development Associations. Notice was provided to both neighborhood associations prior to submittal. Planning has not received any communication in support or opposition to the rezoning request; Notices sent to property owners within 300 feet on May 1, 2020.

**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 has the authority to advise City Council on Zoning matters. In evaluating the request, the City Plan Commission (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)**

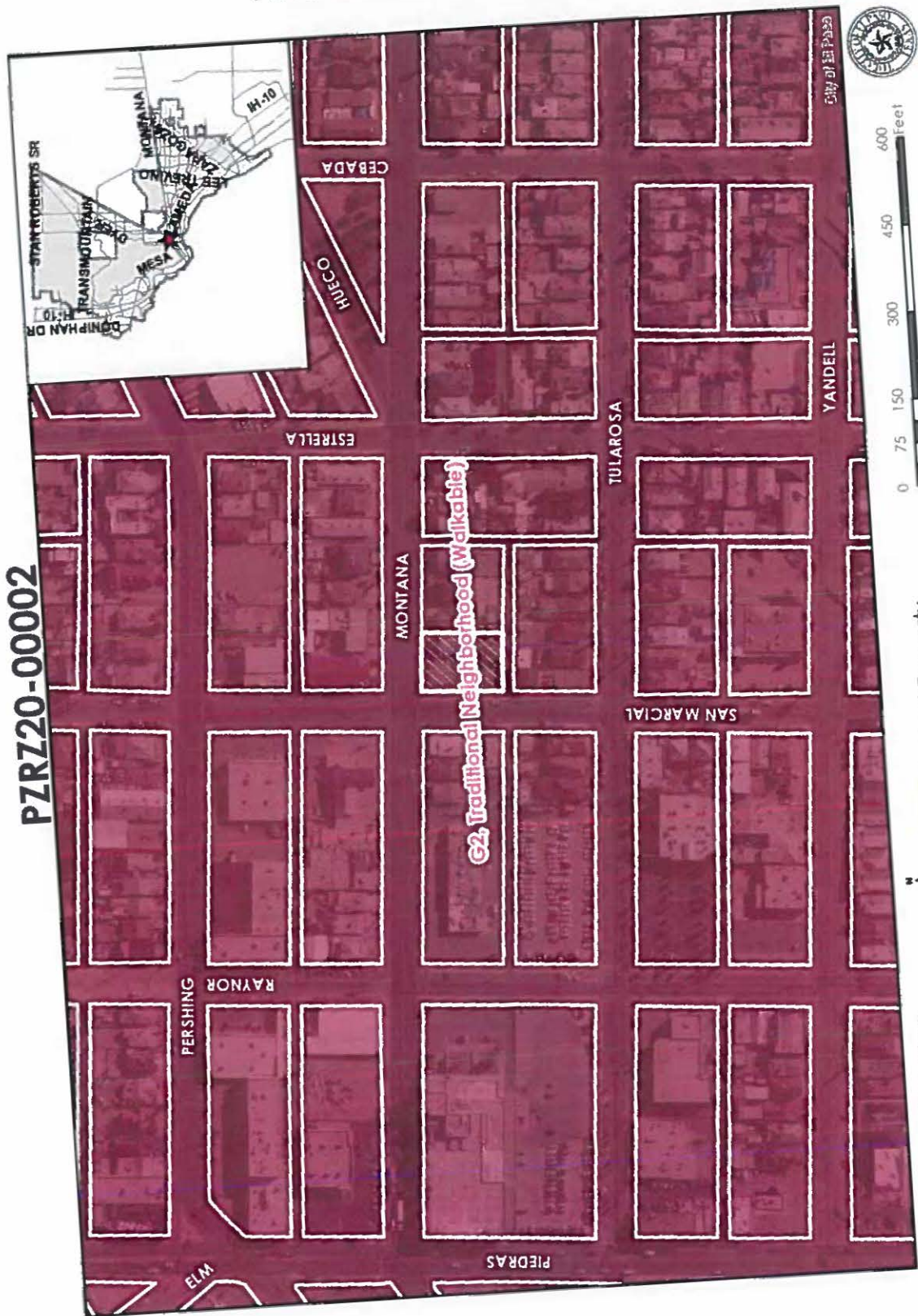
2. **Recommend Approval of the rezoning request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Recommend Denial** of the rezoning request, 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. Department Comments
3. Neighborhood Notification Boundary Map
4. Detailed Site Development Plan

# ATTACHMENT 1

## Future Land Use Map



# **ATTACHMENT 2**

## Department Comments

### **Planning and Inspections Department – Planning**

No objections to the Rezoning.

#### **Note:**

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

### **Planning and Inspections Department – Plan Review & Landscaping Division**

Recommended approval.

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

Recommended approval.

### **Fire Department**

Recommend approval.

### **Texas Department of Transportation**

Proposed development is not abutting TxDOT right of way. Therefore, TxDOT has no comment.

### **Sun Metro**

Recommend approval.

### **EPCWID**

The development is not within the boundaries of EPCWID.

### **Street & Maintenance**

No objections.

### **El Paso Water**

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

El Paso Water (EPWU) does not object to this request.

#### **Water:**

There is an existing 4-inch diameter water main that extends along the alley north of Tularosa Ave., fronting the subject property. This main is located approximately 5-feet south of the north right-of-way line. This water main is available for service.

Previous water pressure from fire hydrant #2486 located at the northwest corner of the intersection of Tularosa Ave. and San Marcial St., has yielded a static pressure of 90 psi, a residual pressure of 82 psi, and a discharge of 919 gallons per minute. The owner should, for his own protection and at his own expense, 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 above-described water pressure regulating device.

EPWU records indicate one active 3/4-inch domestic water service connection serving the subject property. The addresses for this service is 3106 Montana Ave.

**Sanitary Sewer:**

There is an existing 8-inch diameter sanitary sewer main that extends along the alley north of Tularosa Ave., fronting the subject property. This main is located approximately 10-feet north of the south right-of-way line. This sanitary sewer main is available for service.

There is an existing 24-inch diameter sanitary sewer main that extends along the alley north of Tularosa Ave., fronting the subject property. This main is located approximately 7.5-feet north of the south right-of-way line. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

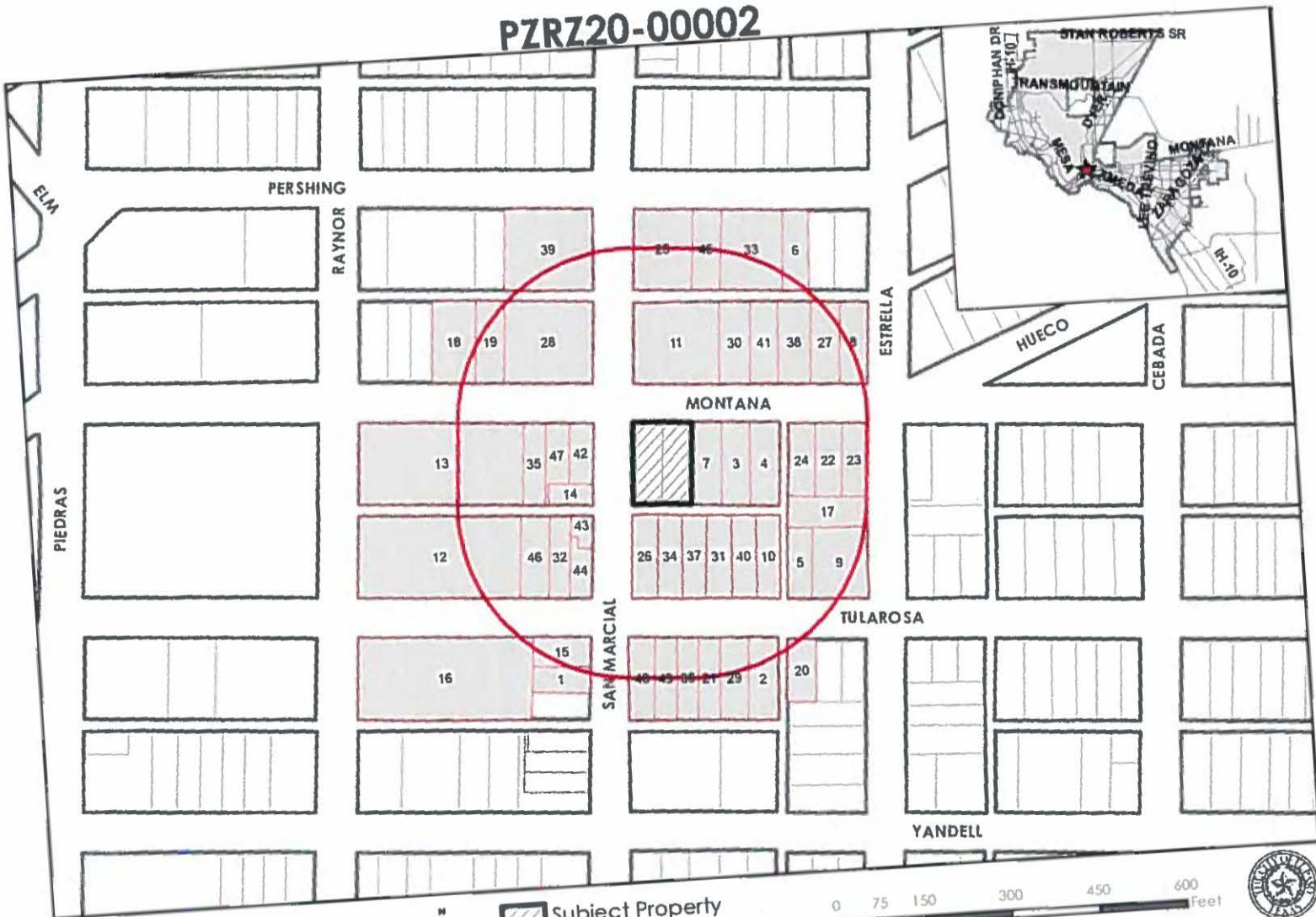
**General:**



An application for water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3<sup>rd</sup> floor. 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 Engineering**

EPWater - SW has reviewed the case distribution described above and has no objections to the proposal.

PZR220-00002



 Subject Property  
 Parcels within 300 feet

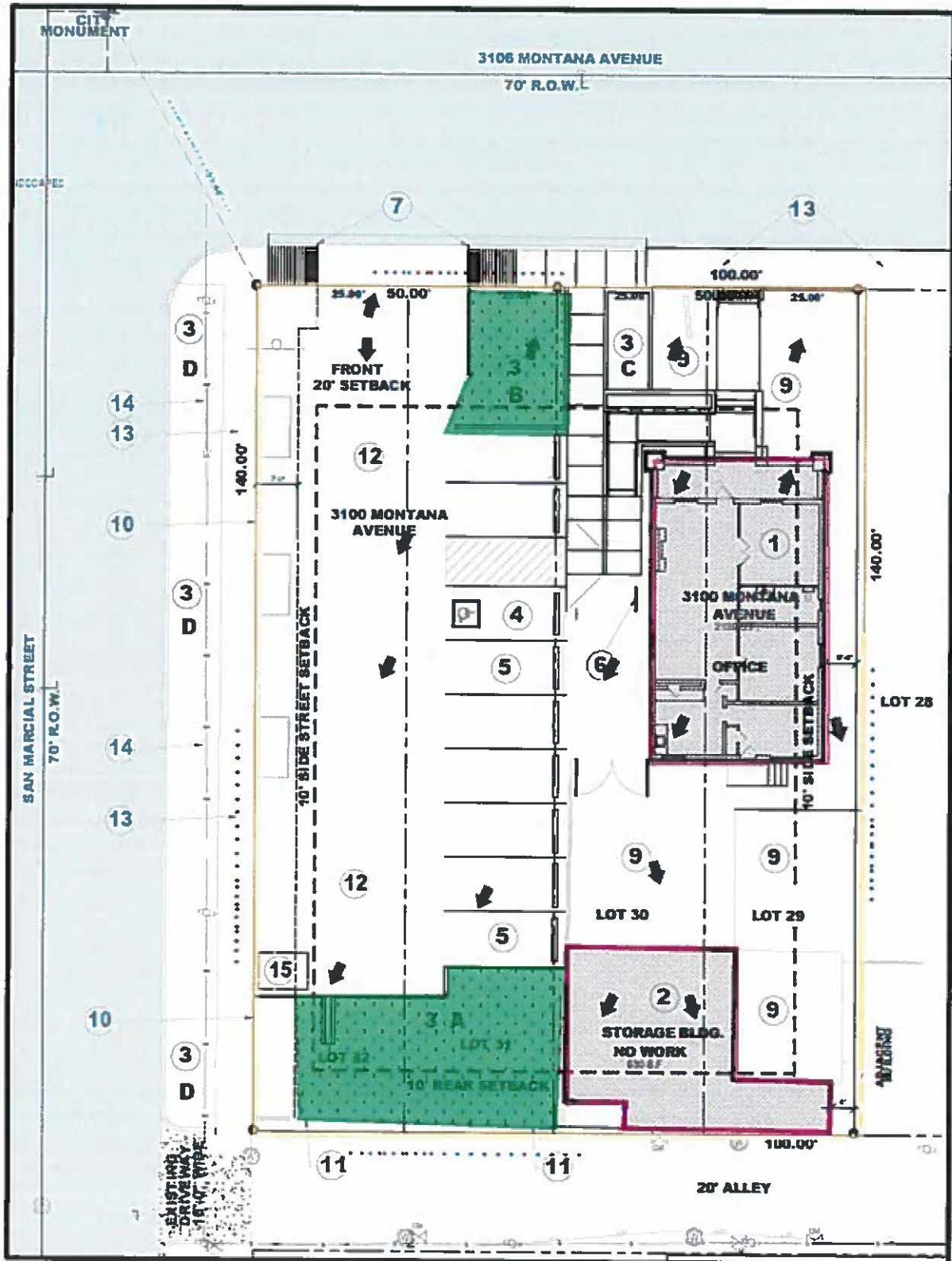


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**ATTACHMENT 3**  
Boundary Map

# ATTACHMENT 4

## Detailed Site Development Plan





# 3100 and 3106 Montana Avenue Rezoning

PZRZ20-00002

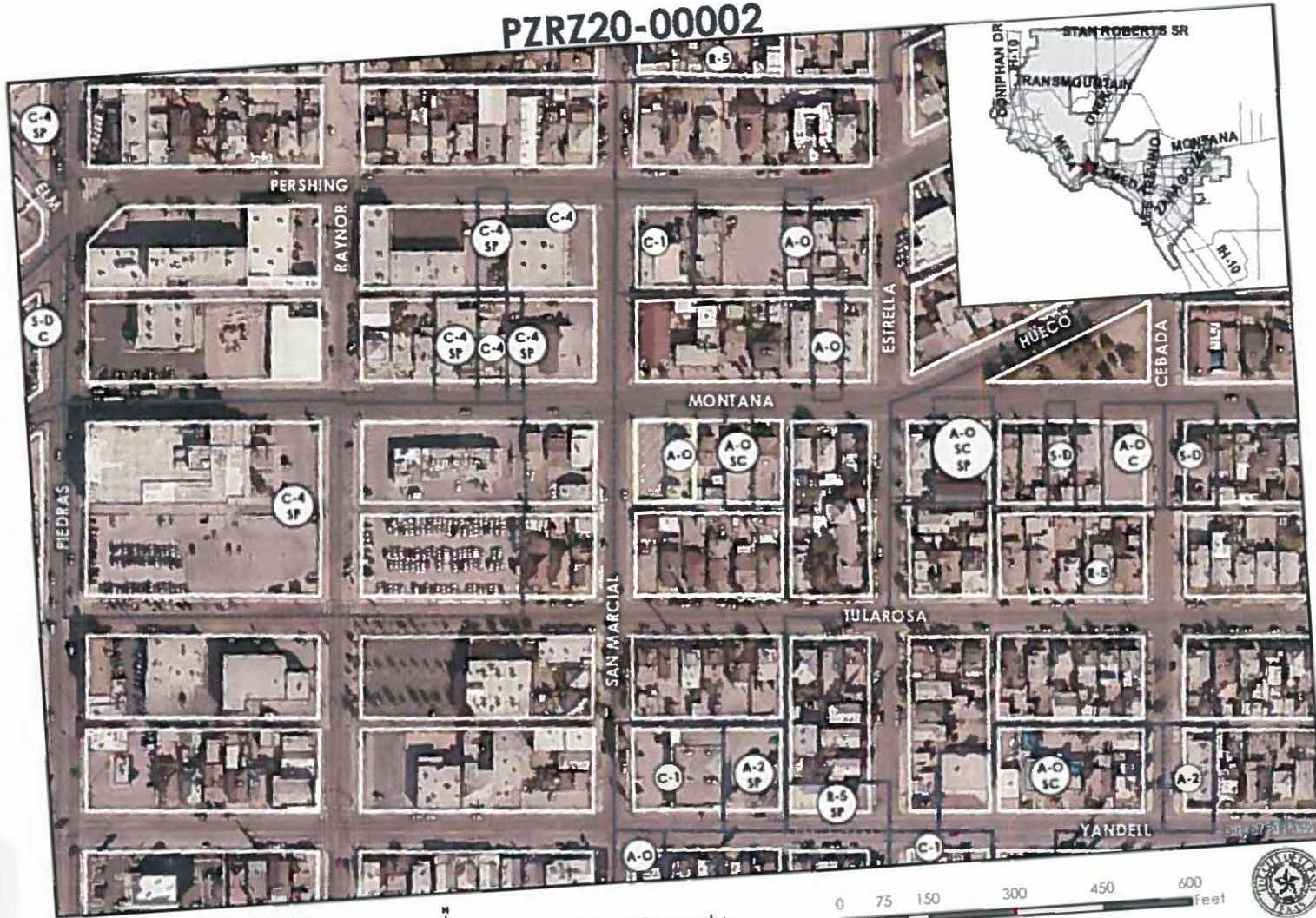
**Strategic Goal 3.**  
Promote the Visual Image of  
El Paso



PZRZ20-00002



# Aerial



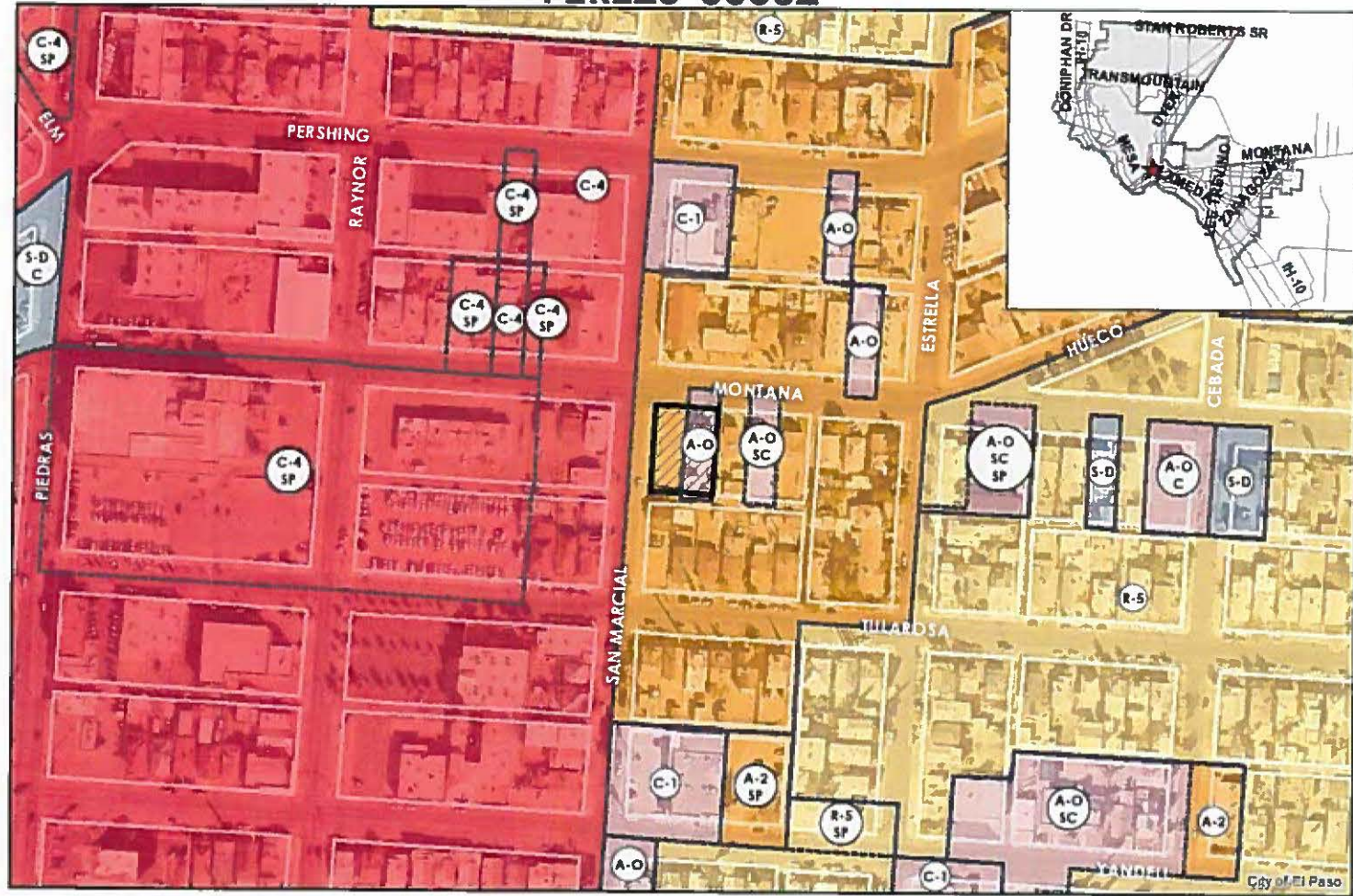
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Subject Property



# PZRZ20-00002



## Existing Zoning

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. Enlargement of this map to scales greater than 1:25,000 may indicate errors or may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to the accuracy or completeness.



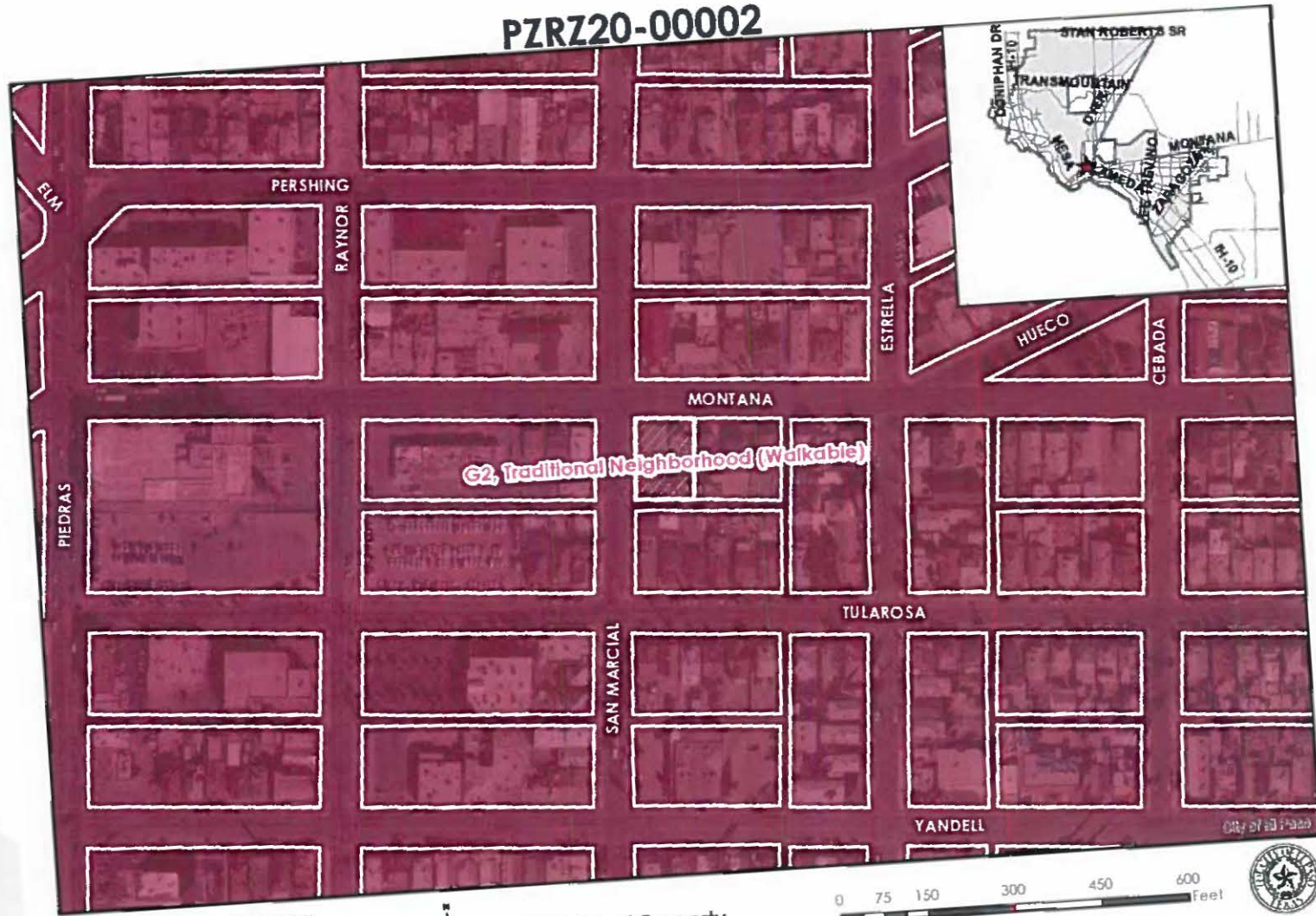
 Subject Property



PZRZ20-00002



# Future Land Use



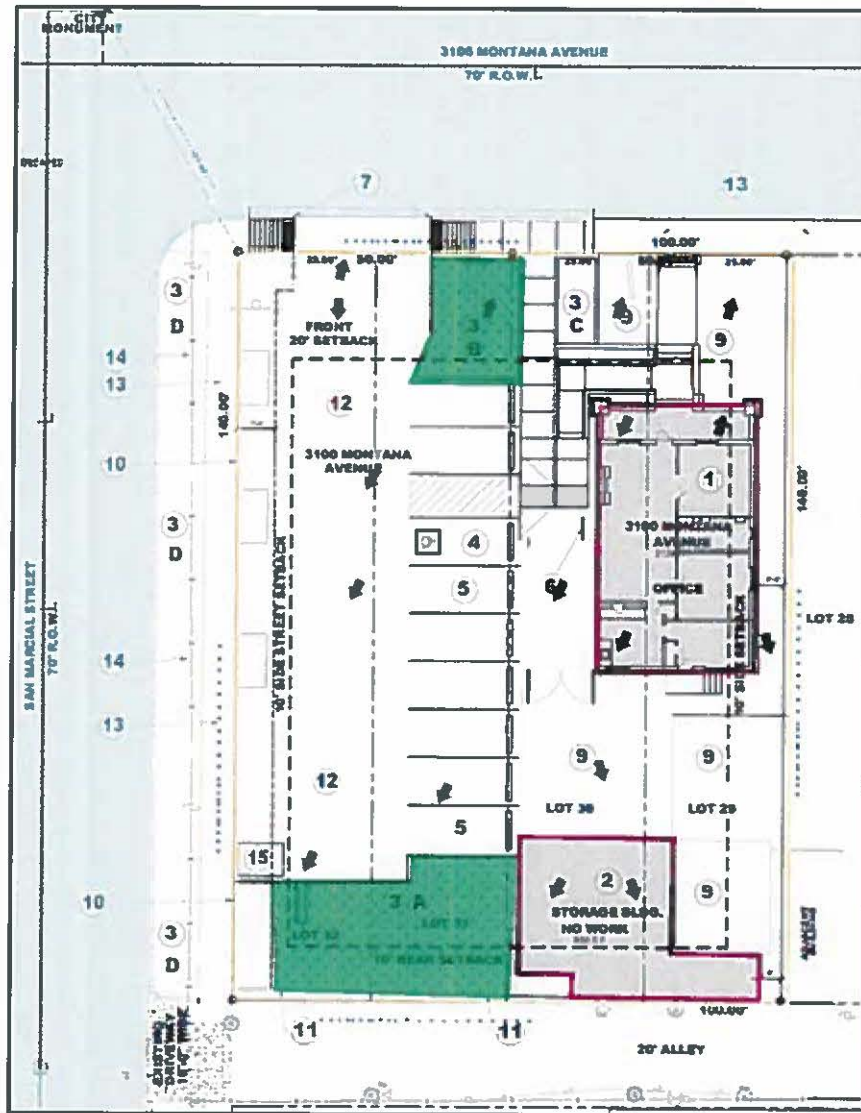
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Subject Property



# Detailed Site Development Plan





# Subject Property



# Surrounding Development



W



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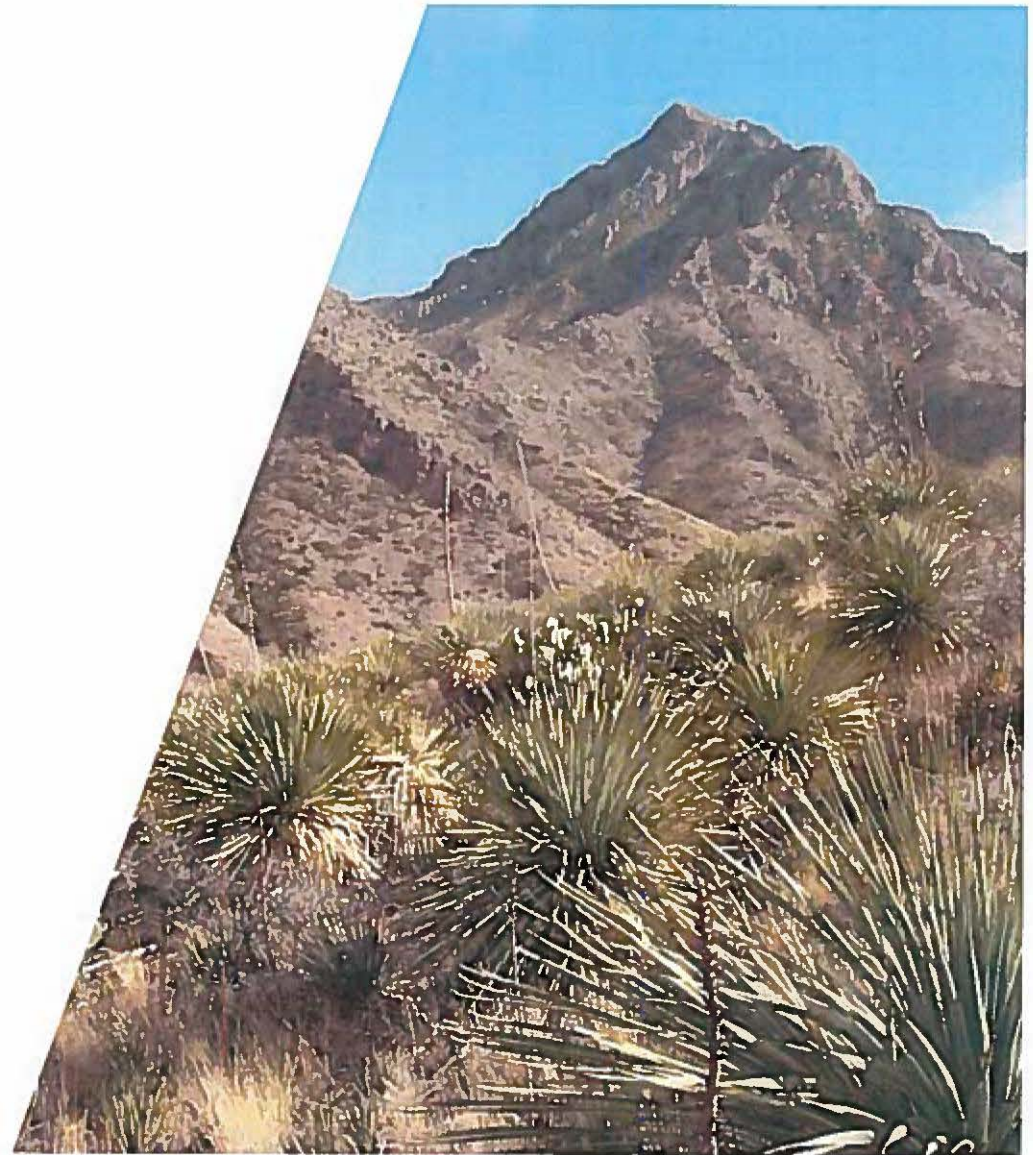


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# Public Input

- Notices were mailed to property owners within 300 feet on May 1, 2020.
- Planning has not received any communication in support or opposition to the rezoning request.

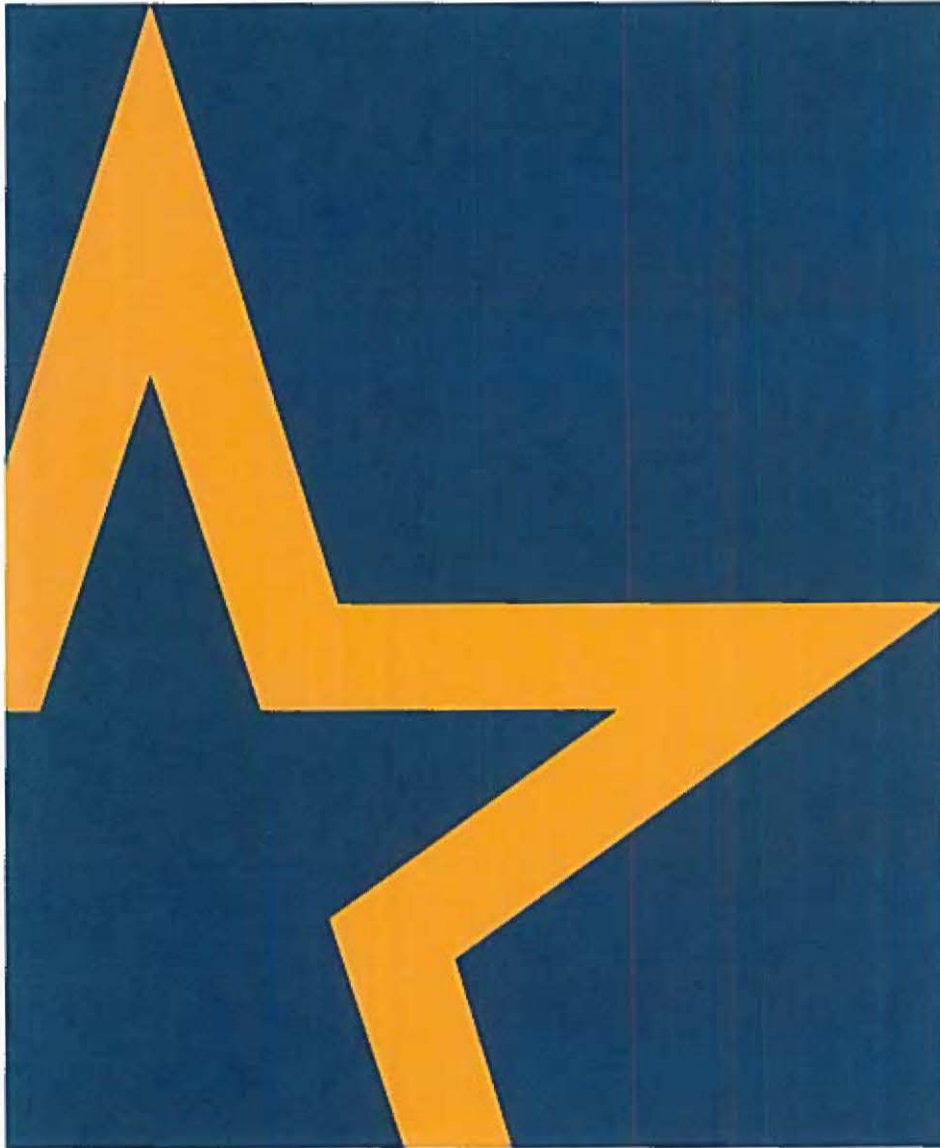




## Recommendation

- Staff recommends Approval of the rezoning request.





## Mission

Deliver exceptional services to support a high quality of life and place for our community

## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government

## Values

Integrity, Respect, Excellence, Accountability, People