

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: September 3, 2019

PUBLIC HEARING DATE: October 1, 2019

CONTACT PERSON NAME AND PHONE NUMBER:

Philip F. Etiwe, (915) 212-1553, EtiwePF@elpasotexas.gov

Adriana Martinez, (915) 212-1611, MartinezAD@elpasotexas.gov

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 The West 8 feet of Lot 27, all of Lot 28, and the East 17 feet of Lot 29, Block 93, Supplemental Map No. 1 of East El Paso, 3220 Montana Ave. an addition to the City of El Paso, El Paso County, Texas from R-5 (Residential) 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 medical treatment facility 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. Subject Property: 3220 Montana Ave. Owner: Estrada Luz de Lumbre Properties, INC; PZRZ19-00003 (District 2)

BACKGROUND / DISCUSSION:

On July 25, the CPC reviewed and recommended approval of the proposed rezoning.

SELECTION SUMMARY:

PROTESTS:

☒ No protest received for this requirement.

COUNCIL REPRESENTATIVE BRIEFING:

Was a briefing provided: ☐ Yes or ☒ No

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD:



Philip F. Etiwe, Director
Planning and Inspections Department

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF THE PROPERTY DESCRIBED AS THE WEST 8 FEET OF LOT 27, ALL OF LOT 28, AND THE EAST 17 FEET OF LOT 29, BLOCK 93, SUPPLEMENTAL MAP NO. 1 OF EAST EL PASO, 3220 MONTANA AVE. AN ADDITION TO THE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) 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 MEDICAL TREATMENT FACILITY 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, Estrada Luz de Lumbre Properties, Inc. , (Owner) has applied for a rezoning of property from R-5 (RESIDENTIAL) 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 a medical treatment facility, 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 *The West 8 feet of Lot 27, all of Lot 28, and the East 17 feet of Lot 29, Block 93, Supplemental Map No. 1 of East El Paso, 3220 Montana Ave. an addition to the, 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 **R-5 (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.

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 a medical treatment facility

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 "B" 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 "B" 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 _____, 2019.

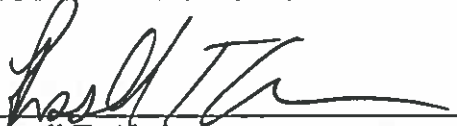
THE CITY OF EL PASO

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. _____
19-1007-2490 | 917147
3220 Montana Ave.
RTA

PZRZ19-00003

AGREEMENT

By execution hereof, Estrada Luz de Lumbre Properties, INC. ("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 15 day of August, 2019.

OWNER: Estrada Luz de Lumbre
Properties, INC.

By: Pablo E. Estrada
(Print name & Title)

ACKNOWLEDGEMENT

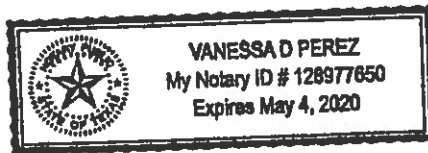
THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 15 day of August, 2019, by Pablo E. Estrada, in his legal capacity on behalf of Estrada Luz de Lumbre Properties, INC.

My Commission Expires:

May 4, 2020

Vanessa D Perez
Notary Public, State of Texas



(Exhibits on the following pages)

ORDINANCE NO. _____
19-1007-2490 | 917147
3220 Montana Ave.
RTA

PZRZ19-00003

EXHIBIT "A"

3220 Montana Avenue, El Paso, Texas METES AND BOUNDS

Metes and bounds description of a parcel of land, being the West 8 feet of Lot 27, all of Lot 28, and the East 17 feet of Lot 29, Block 93, Supplemental Map No. 1 of East El Paso Addition, City of El Paso, El Paso County, Texas, recorded in Volume 1, Page 51, El Paso County Records. Said parcel of land is more particularly described by metes and bounds as follows:

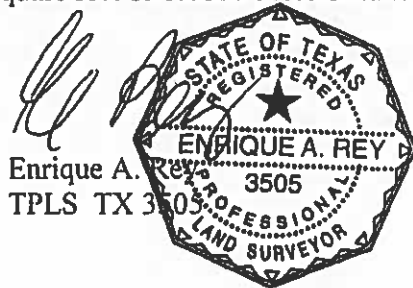
Commencing at the center line intersection of Cebada Street (70 feet right of way) and Montana Avenue (70 feet right-of-way); Thence due West along the center line of Montana Avenue, a distance of 127.00 feet to a point; Thence leaving said center line due South a distance of 35.00 feet to a point that lays on the Southerly right-of-way line of Montana Avenue, said point being the point of beginning of these metes and bounds description;

THENCE, due South, a distance of 140.00 feet to a point that lies on the Northerly right-of-way line of a 20 feet wide alley;

THENCE, along said alley right-of-way line due West, a distance of 50.00 feet to a point for a corner;

THENCE, leaving said alley right-of way line due North, a distance of 140.00 feet to a point that lies on the Southerly right-of way line of Montana Avenue;

THENCE, along said Southerly right-of-way line of Montana Avenue, due East, a distance of 50.00 feet to the point of beginning of this description. Said parcel of land contains 7,000 square feet or 0.1607 acres of land more or less.



El Paso, Texas – Thursday, May 16, 2019

MEMORANDUM

DATE: August 27, 2019

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

FROM: Adriana Martinez, Planner

SUBJECT: PZRZ19-00003

The City Plan Commission (CPC), on July 25, 2019 voted 6-0 to recommend Approval to the rezoning of the property described as The West 8 feet of Lot 27, all of Lot 28, and the East 17 feet of Lot 29, Block 93, Supplemental Map No. 1 of East El Paso, 3220 Montana Ave. an addition to the City of El Paso, El Paso County, Texas from R-5 (Residential) 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 medical treatment facility as permitted in the S-D (Special Development) zone district.

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 received one call of inquiry to the rezoning request.

Property Owner: Estrada Luz de Lumbre Properties, INC.
Applicant: Estrada Luz de Lumbre Properties, INC.
Representative: Gilda Maraboto

Attachments:
Staff Report

3220 Montana Ave.

City Plan Commission — July 25, 2019

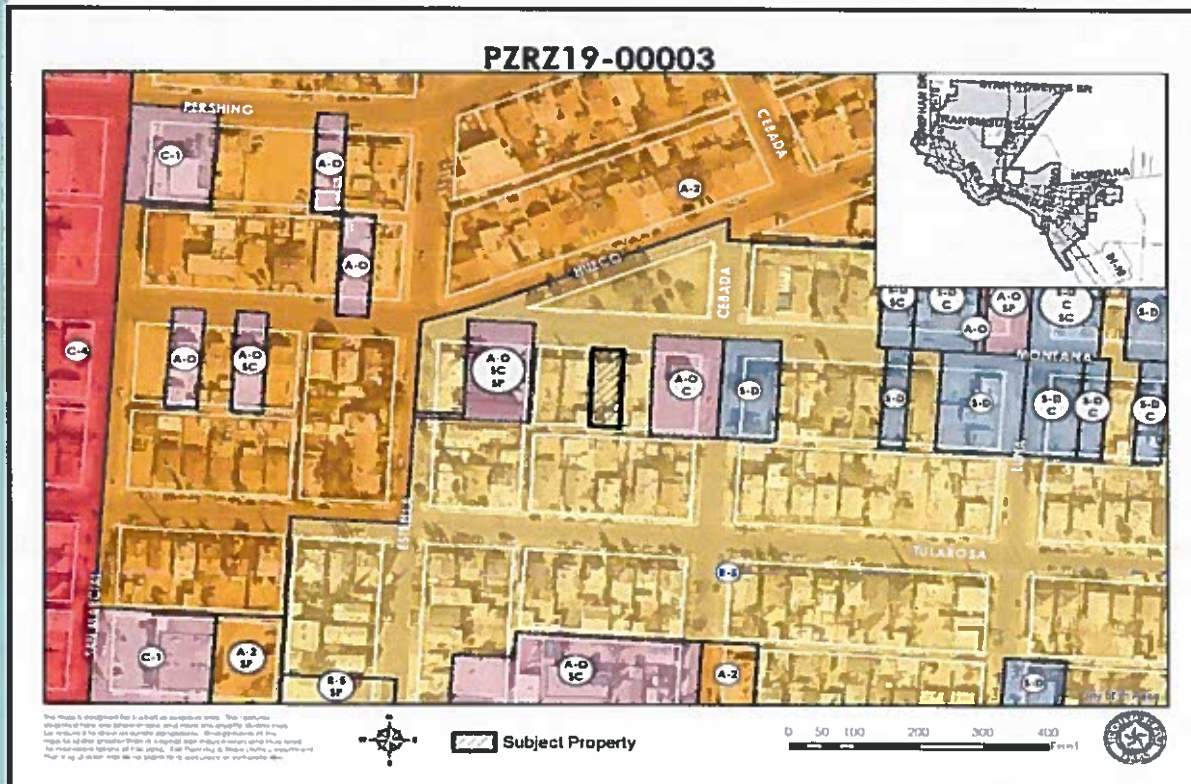
REZONING



CASE NUMBER: PZRZ19-00003
CASE MANAGER: Adriana Martinez, 915-212-1611, MartinezAD@elpasotexas.gov
PROPERTY OWNER: Estrada Luz de Lumbre Properties, INC.
REPRESENTATIVE: Gilda Maraboto
LOCATION: 3220 Montana Ave.; District: 2
LEGAL DESCRIPTION: The West 8 feet of Lot 27, all of Lot 28, and the East 17 feet of Lot 29, Block 93, Supplemental Map No. 1 of East El Paso, an addition to the City of El Paso, El Paso County, Texas
PROPERTY AREA: 0.1607 acres
REQUEST: To rezone from R-5 (Residential) to S-D (Special Development) and approval of the Detailed Site Development Plan
RELATED APPLICATIONS: N/A
PUBLIC INPUT: None

SUMMARY OF REQUEST: The property owner is requesting to rezone the subject property from R-5 (Residential) to S-D (Special Development), and approval of a detailed site development plan to allow the subject property to be used as a medical treatment facility.

SUMMARY OF DCC RECOMMENDATION: The Development Coordinating Committee recommended **APPROVAL** of the rezoning request and the detailed site development plan on July 16, 2019. 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 G-2, Traditional Neighborhood (Walkable), use designation of Plan El Paso in the Central Planning area.



DESCRIPTION OF REQUEST: The property owner is requesting to rezone from R-5 (Residential) to S-D (Special Development) which is accompanied detailed site development plan to allow the subject property to be used as a medical treatment facility. The property is located at 3220 Montana Ave. within the Central Planning Area. The subject property is 0.1607 acres in size. The detailed site development plan shows a 1,970 sq. ft. single family dwelling to be converted into a medical treatment facility. The Development Coordinating Committee recommended **APPROVAL** of the rezoning request on July 16, 2019

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: 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 G-2, Traditional Neighborhood (Walkable), use designation of *Plan El Paso*, in the Central Planning area.

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?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><u>G-2 Traditional Neighborhood (Walkable)</u></p> <p>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 proposed medical treatment facility is consistent with other commercial uses in the neighborhood. Commercial and Residential uses are common and welcomed in this sector. The surrounding properties are zoned R-5 (Residential), A-O (Apartment/office), and S-D (Special District). The surrounding area uses vary from single-family dwellings, and professional offices.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p><u>S-D (Special Development) District:</u></p> <p>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 environment of adjacent areas. Older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.</p>	<p>Yes, the proposed development is a permitted use in the S-D (Special Development) district with the approval of a detailed site development plan. The existing development is adjacent to commercial and residential lots.</p>

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with Plan El Paso, consider the following factors:	
Preferred Development Locations: Is the property in a "Compact Urban" area?	Yes, the proposed development meets the intent of the G-2, Traditional Neighborhood (Walkable), use designation of <i>Plan El Paso</i> .
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.	N/A
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	The proposed development if approved is not anticipated to cause any adverse effects on the community. It has the potential to maximize the use of an existing parcel.
Natural Environment: Anticipated effects on the natural environment.	Subject property does not involve greenfield/ environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	The subject property is in a neighborhood in transition from a single family to a professional offices along Montana Ave.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	The proposed use is permitted in the S-D (Special Development) district.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:

There is an existing 24-inch diameter water main that extends along the north side of Montana Ave., approximately 35-feet south of and parallel to the northern right of way line Montana Ave. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No objections to 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.

PUBLIC COMMENT: The proposed development lies within the Five Points Development Association and El Paso Central Business Association. Notices sent to property owners within 300 feet on July 11, 2019. Planning has not received any calls in support or opposition to the rezoning request.

RELATED APPLICATIONS: N/A

OTHER APPLICABLE FACTORS: Approval of the detailed site plan by the City Plan Commission (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, Development Standards for Construction (DSC), and Drainage Design

Manual (DDM). Failure to comply may require the applicant to seek re-approval of the site plans from CPC.

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 CPC may take any of the following actions:

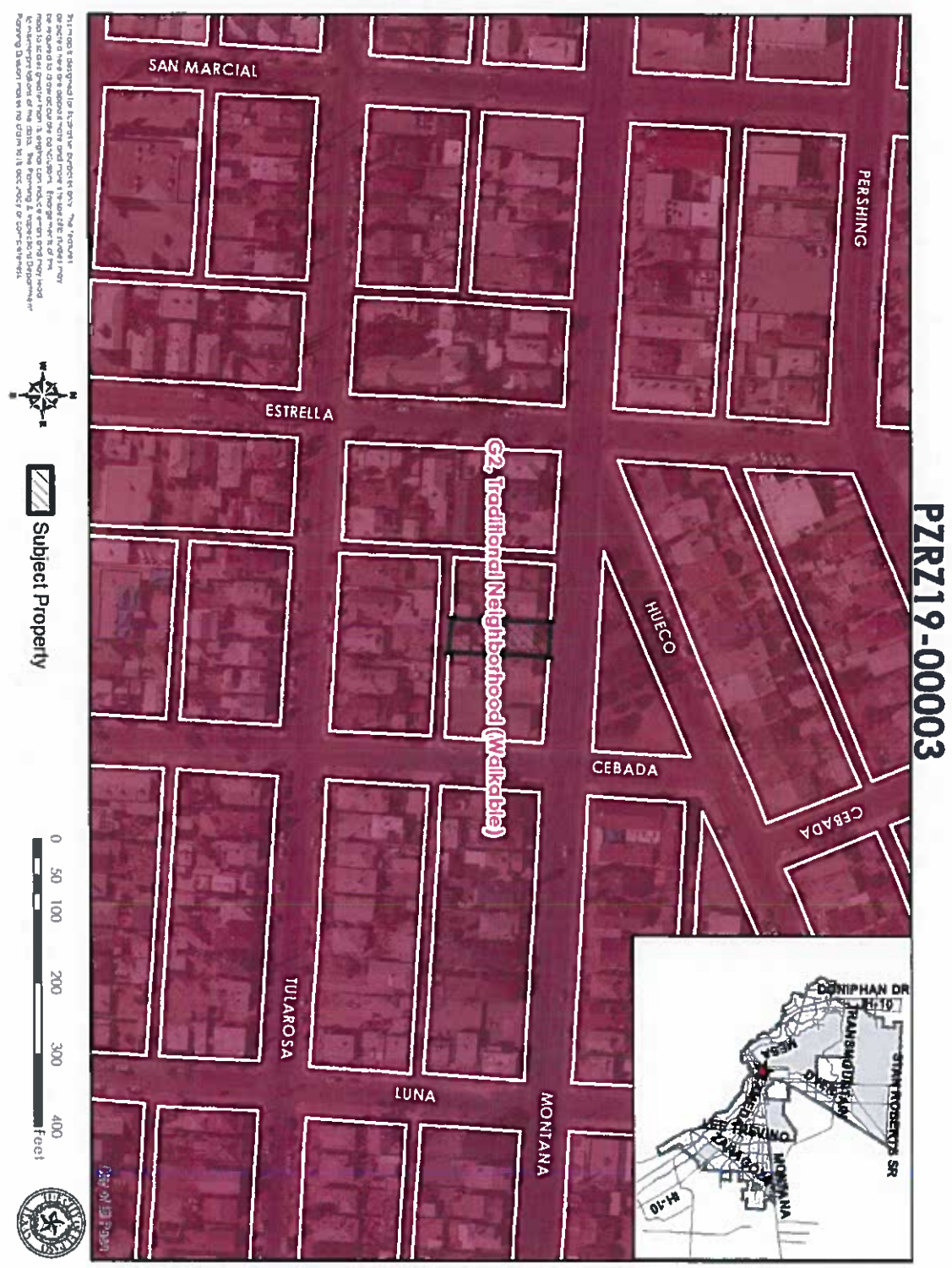
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval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

ATTACHMENT 1

Future Land Use Map



ATTACHMENT 2

Department Comments

Planning and Inspections Department

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.

Texas Department of Transportation

Development is not abutting State Right of Way.

Planning and Inspections Department – Landscaping Division

Recommended approval

Planning and Inspections Department – Land Development

Recommended approval

1. Show proposed drainage flow patterns on site plan and identify the discharge location for all storm-water runoff within the subdivision. The code encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.
2. Verify, driveway width should be between 25' minimum to 35' maximum as per (DSC Section 6-16).

Fire Department

Recommend Approval

Police Department

No comments received

Sun Metro

Recommend Approval

El Paso Water

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

Water:

There is an existing 6-inch diameter water main that extends along the Alley, north of Tularosa St. and west of Cebada St. This water main is available for service.

There is an existing 24-inch diameter water main that extends along the north side of Montana Ave., approximately 35-feet south of and parallel to the northern right of way line Montana Ave. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

EPWater records indicate an active 3/4-inch water meter serving the subject property. The service address for this meter is 3220 Montana Avenue.

Previous water pressure from fire hydrant #1645 located at northeast corner of Montana Ave. and Luna St., has yielded a static pressure of 90 psi, a residual pressure of 88 psi, and a discharge of 531 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.

Sanitary Sewer:

There is an existing 8-inch diameter sanitary sewer main that extends along the alley, north of Tularosa St. and west of Cebada St. This sanitary sewer main is available for service.

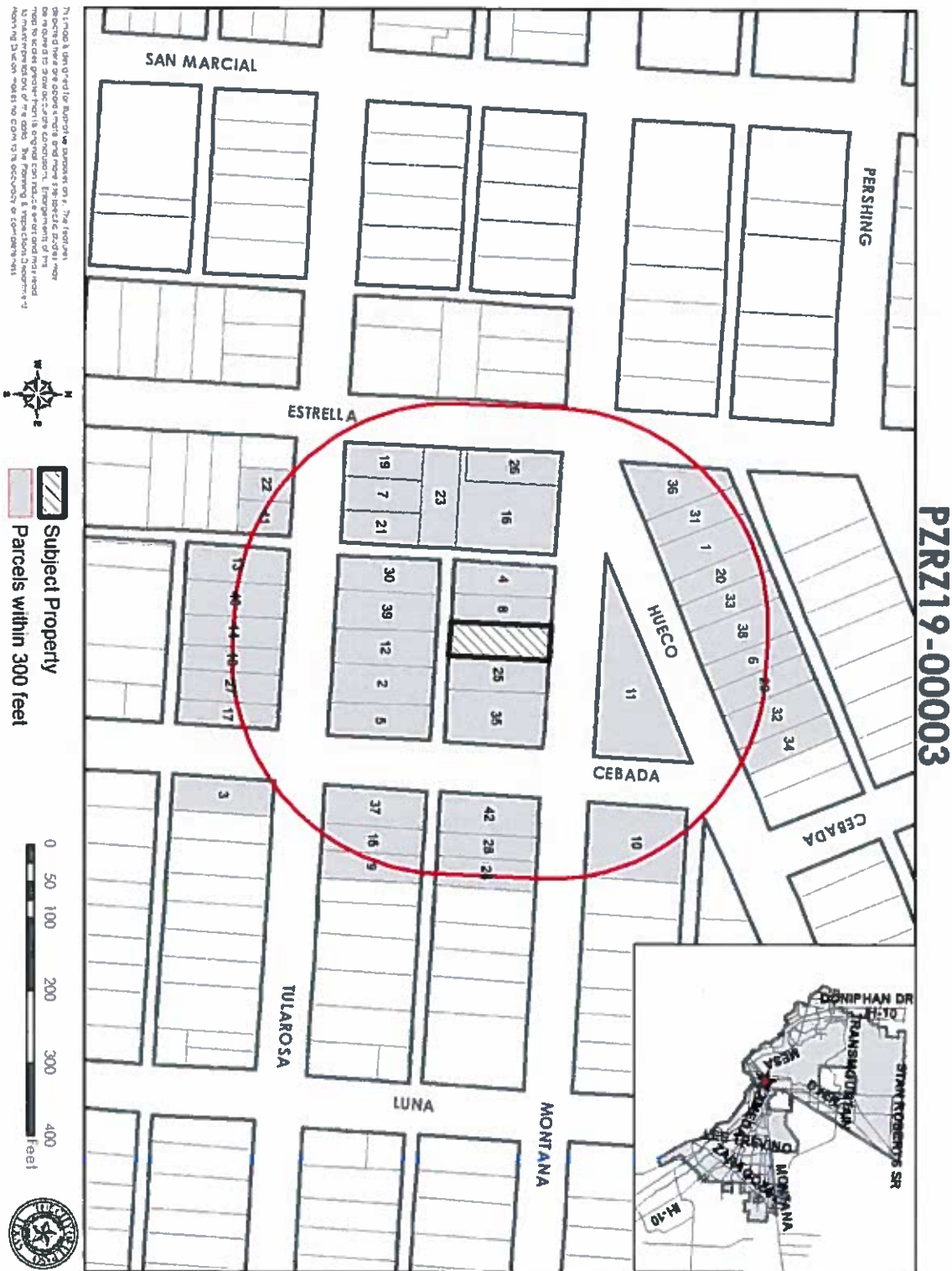
General:

EPWater requires a new service application to provide additional services 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 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:

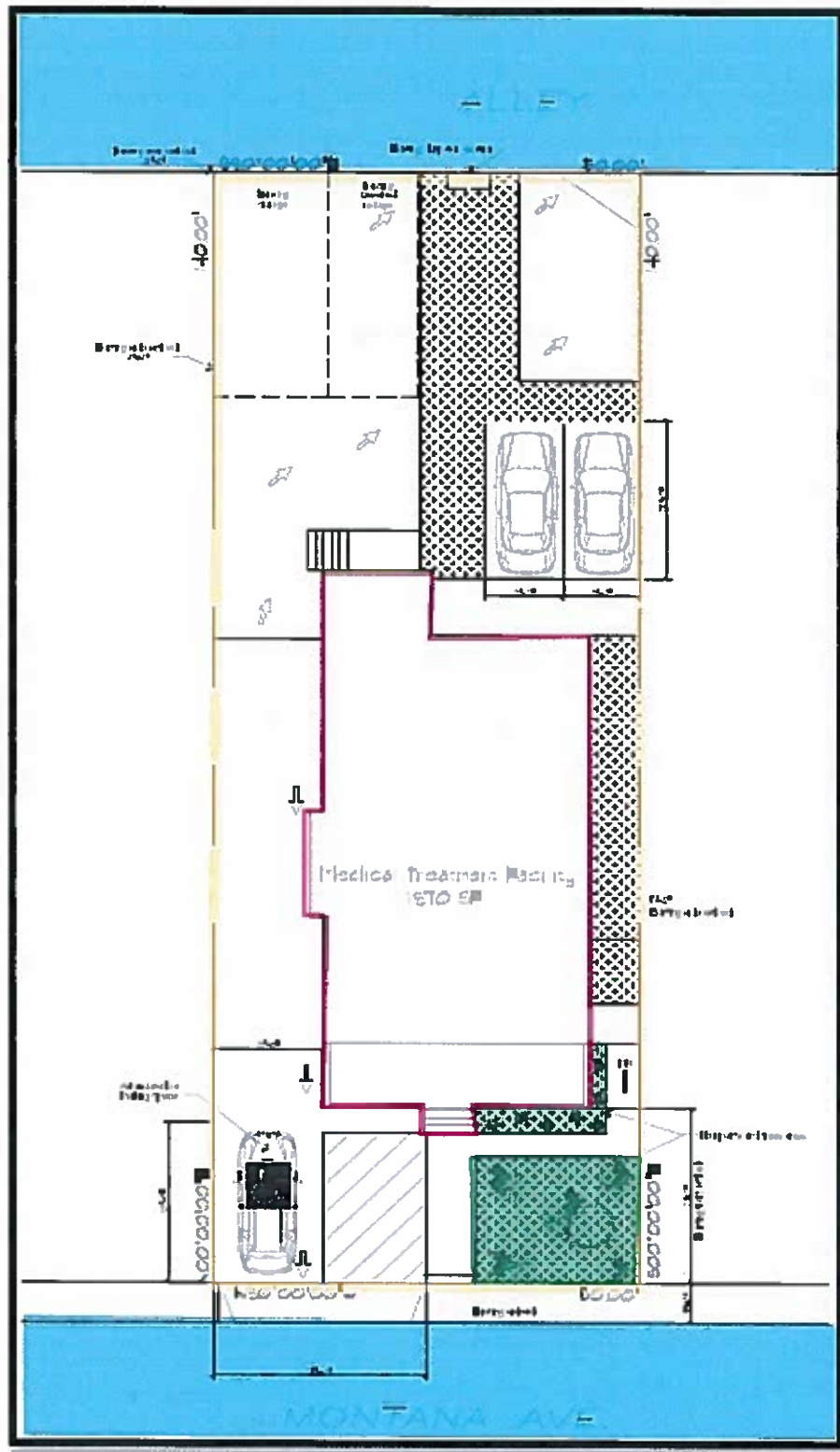
EPW-Stormwater Engineering encourages the preservation of greenspace, water harvesting, and other conservation efforts.

Notification Map



ATTACHMENT 4

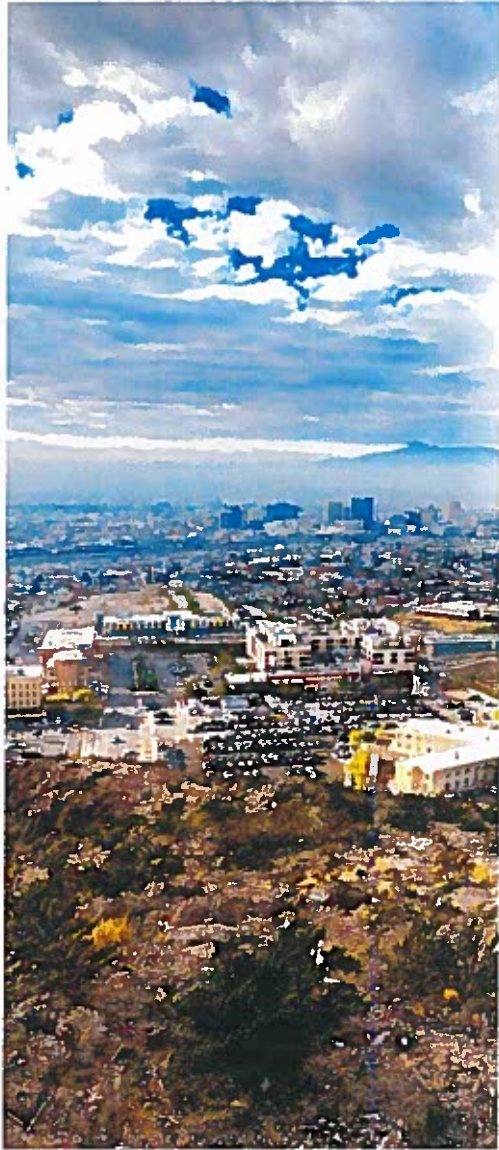
Detailed Site Development Plan



ATTACHMENT 5

Elevations





Recommendation | Public Input

1

The City Plan Commission: Recommended **approval** of the rezoning request and the Detailed Site Development Plan on July 25, 2019.

Public Input:

- The Planning Division did not receive any calls in support or opposition to the rezoning request.

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

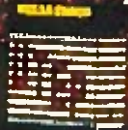
ITEM 3

P Z R Z 1 9 - 0 0 0 0 3

REZONING



3 2 2 0 M o n t a n a A v e .



PZRZ19-00003



This map is designed for illustrative purposes only. The features depicted here are approximations and more specific studies may be required to draw accurate conclusions. Employment of this map to make decisions that may lead to errors and may lead to misinterpretation of the data. The Planning & Information Department Planning Division makes no claim to its accuracy or completeness.



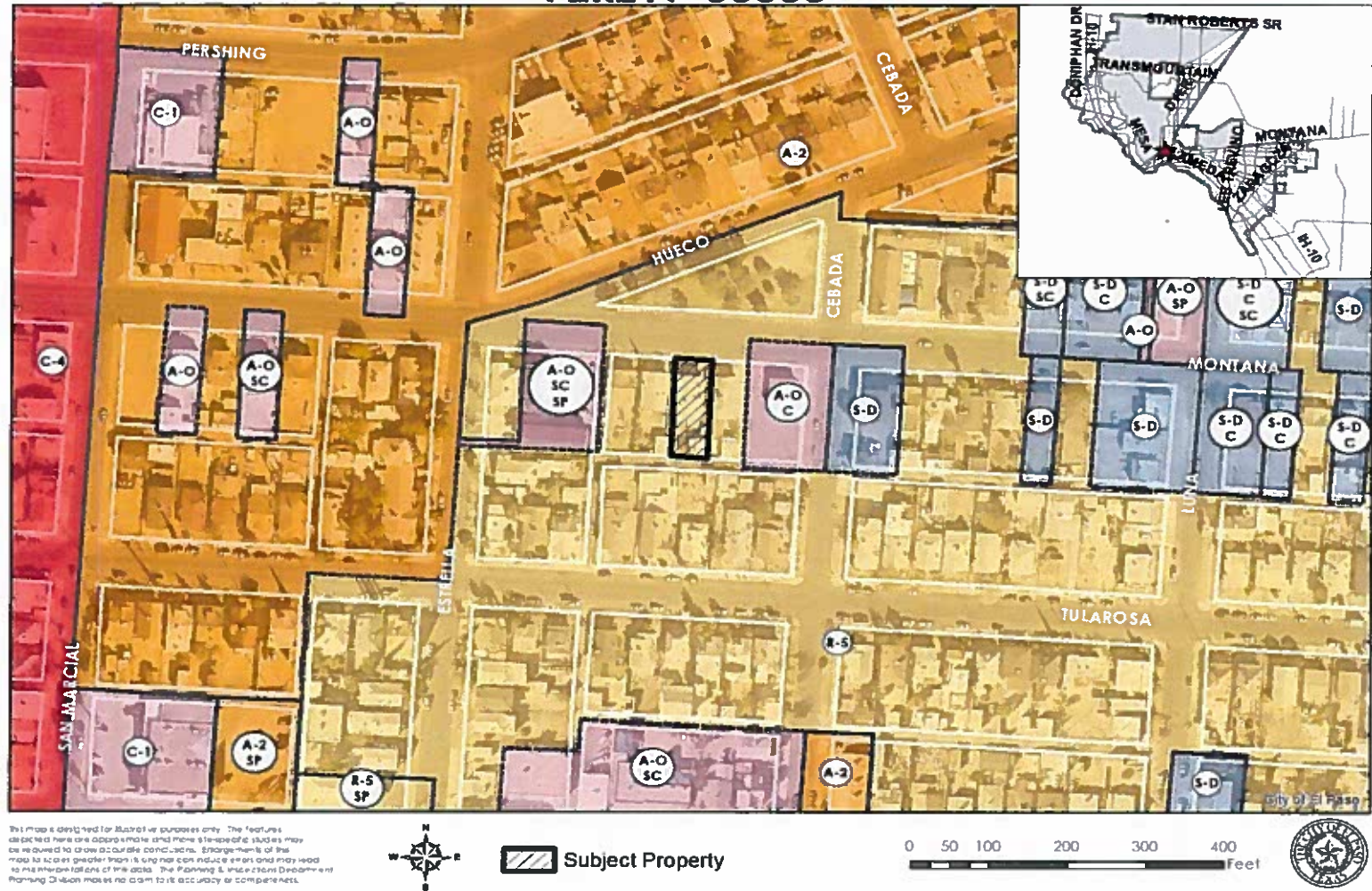
 Subject Property

0 50 100 200 300 400 Feet



PZRZ19-00003

4



PZRZ19-00003

5



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 1:10,000 can produce errors and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.

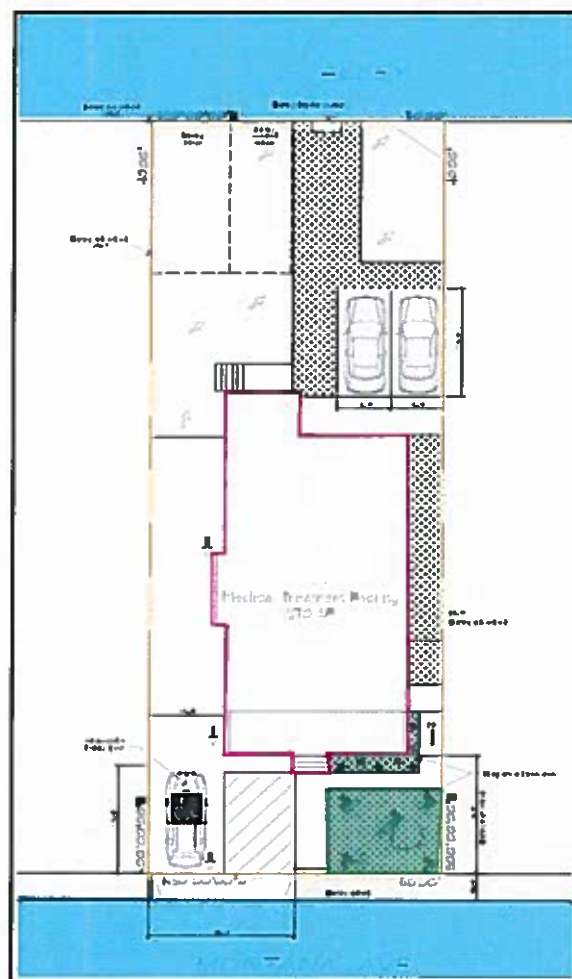


Subject Property

0 50 100 200 300 400 Feet



Detailed Site Development Plan

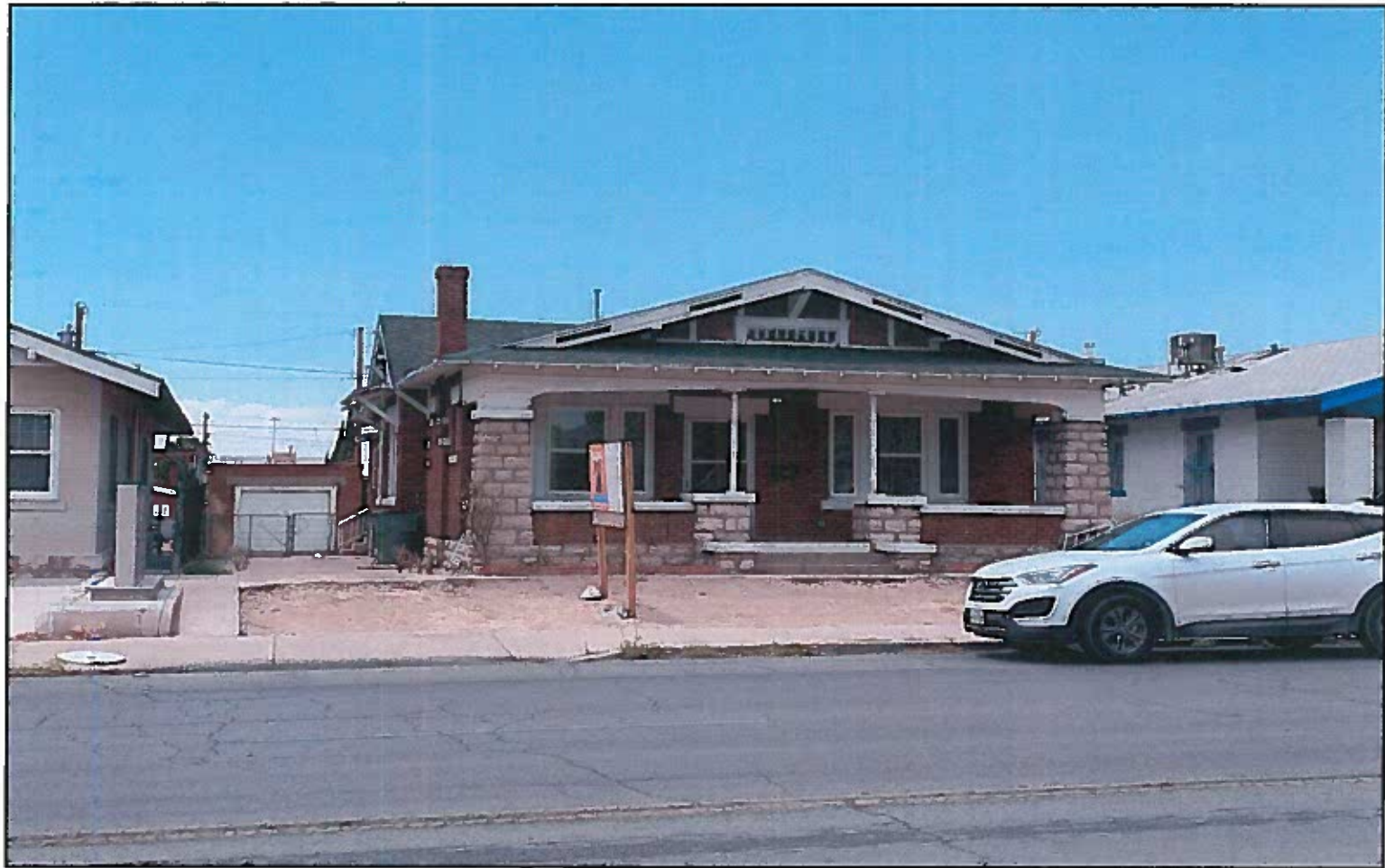


Elevations



Subject Property

13





THANK YOU

