

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

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

**AGENDA DATE:** Introduction: September 3, 2019  
Public Hearing: October 1, 2019

**CONTACT PERSON/PHONE:** Philip Etiwe, 915-212-1550, etiewpf@elpasotexas.gov  
Karina Brasgalla, 915-212-1604, brasgallakx@elpasotexas.gov

**DISTRICT(S) AFFECTED:** 7

**SUBJECT:**

An Ordinance changing the zoning of Tracts 4C, 4D, 4E, 4F, 4G, 4J, 4K, 4L, and 5, Block 8, Ysleta Grant, Texas, 343-345 Zaragoza Road, City of El Paso, El Paso County, Texas from R-F (Ranch-Farm) to C-1 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. (District 7)

**BACKGROUND / DISCUSSION:**

On August 8, 2019, the CPC reviewed and recommended approval of the proposed rezoning with two conditions.

**PRIOR COUNCIL ACTION:**

None

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

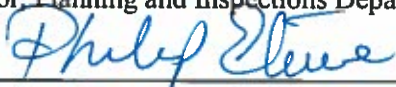
City Plan Commission (CPC) – Approval Recommendation (9-0)

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

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

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

**DEPARTMENT HEAD:** Philip Etiwe  
Director, Planning and Inspections Department

  
\_\_\_\_\_

**APPROVED FOR AGENDA:**

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

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

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

AN ORDINANCE CHANGING THE ZONING OF TRACTS 4C, 4D, 4E, 4F, 4G, 4J, 4K, 4L, AND 5, BLOCK 8, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, 343-345 ZARAGOZA ROAD, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH-FARM) TO C-1 (COMMERCIAL), AND IMPOSING CONDITIONS. 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 Tracts 4C, 4D, 4E, 4F, 4G, 4J, 4K, 4L, AND 5, Block 8, Ysleta Grant, 343-345 Zaragoza Road, located in the City of El Paso, El Paso County, Texas, further described in the metes and bounds attached as Exhibit "A", be changed from R-F (Ranch-Farm) to C-1 (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 conditions which are 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:

1. That a 10' landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten (10') in height shall be placed at fifteen (15') on center along the property lines adjacent to residential or apartment zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy;

2. That a Detailed Site Development Plan is approved by City Plan Commission prior to the issuance of any building permits.

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. \_\_\_\_\_  
19-1007-2491 | 919223  
343-345 Zaragoza Road  
RTA

PZRZ19-00013

EXHIBIT "A"

Being all of Tracts 4C, 4D, 4E, 4F, 4G  
4H, 4J, 4K, 4L and 5, Block 8,  
Ysleta Grant,  
City of El Paso, El Paso County, Texas  
April 05, 2019

**METES AND BOUNDS DESCRIPTION**

343-345 Zaragoza Road  
Exhibit "A"

**FIELD NOTE DESCRIPTION** of Tracts 4C, 4D, 4E, 4F, 4G, 4H, 4J, 4K, 4L and 5, Block 8, Ysleta Grant, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

**COMMENCING FOR REFERENCE** at a found  $\frac{1}{2}$ " rebar at the northeast boundary corner of Tract 5, Block 8, Ysleta Grant, same being the southerly right-of-way line of Juan De Herrera Lateral (60' R.O.W.) and westerly right-of-way line of Zaragoza Road and being the **POINT OF BEGINNING** of the herein described parcel;

**THENCE**, leaving said northeast boundary corner of Tract 8 and southerly right-of-way line of Juan De Herrera Lateral and along the westerly right-of-way line of Zaragoza Road, South  $31^{\circ}50'00''$  West, a distance of 170.90 feet to a set chiseled "X" for corner;

**THENCE**, continuing along said westerly right-of-way line of Zaragoza Road, South  $39^{\circ}13'00''$  West, a distance of 92.08 feet to a set  $\frac{1}{2}$ " rebar for corner;

**THENCE**, leaving said westerly right-of-way line of Zaragoza Road, North  $50^{\circ}38'00''$  West, a distance of 123.56 feet to a set  $\frac{1}{2}$ " rebar for corner;

**THENCE**, South  $39^{\circ}13'00''$  West, a distance of 142.00 feet to a set nail for corner;

**THENCE**, North  $50^{\circ}38'00''$  West, a distance of 369.10 feet to a set nail for corner;

**THENCE**, North  $38^{\circ}56'00''$  East, a distance of 268.40 feet to a set  $\frac{1}{2}$ " rebar for corner;

**THENCE**, North  $47^{\circ}35'00''$  West, a distance of 666.80 feet to a found nail for corner;

**THENCE**, North  $26^{\circ}09'00''$  East, a distance of 4.00 feet to a set  $\frac{1}{2}$ " rebar for corner;

**THENCE**, North  $52^{\circ}43'00''$  West, a distance of 44.91 feet to a set  $\frac{1}{2}$ " rebar for corner;

**THENCE**, North  $28^{\circ}05'00''$  East, a distance of 122.03 feet to a set  $\frac{1}{2}$ " rebar for corner at the northwest boundary corner of Tract 5 and the southerly right-of-way line of Juan De Herrera Lateral;

**THENCE**, along the southerly right-of-way line of Juan De Herrera Lateral, South  $45^{\circ}55'00''$  East, a distance of 264.60 feet to a set  $\frac{1}{2}$ " rebar for corner;

**THENCE**, South  $50^{\circ}36'00''$  East, a distance of 943.50 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 266,461.85 square feet or 6.1171 acres of land more or less.

CAD Consulting Co.  
1790 Lee Trevino Drive, Suite 503  
El Paso, Texas 79936  
(915) 633-6422  
I:\M&B\2019\343-345 Zaragoza



## MEMORANDUM

**DATE:** August 27, 2019

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

**FROM:** Karina Brasgalla, Senior Planner - Planning & Inspections

**SUBJECT:** PZRZ19-00013

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The City Plan Commission unanimously recommended **approval** (9-0) of the proposed rezoning at its May 30, 2019 meeting with two conditions:

1. That a 10' landscaped buffer with high-profile native or naturalized trees of at least two-inch (2 ") caliper and ten (10 ') in height shall be placed at fifteen (15 ') on center along the property lines adjacent to residential or apartment zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy; and,
2. That a Detailed Site Development Plan is approved by City Plan Commission prior to the issuance of any building permits.

The CPC found that the rezoning is in conformance with Plan El Paso. The CPC also determined that the PZRZ19-00007 protects the best interest, health, safety, and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and, that the rezoning would have no negative effects on the natural environment, socio-economic conditions, and property values in the vicinity or the city as a whole.

As of August 27, 2019, Planning staff has received three calls of inquiry, and one call and one letter of opposition to the request.

**Property Owner:** Iwaloye Properties, LLC and The Estate of Maria Germany  
**Representative:** CAD Consulting Co.

**Attachments:** Staff Report



# 343-345 Zaragoza Road REVISED

City Plan Commission — August 8, 2019

REZONING



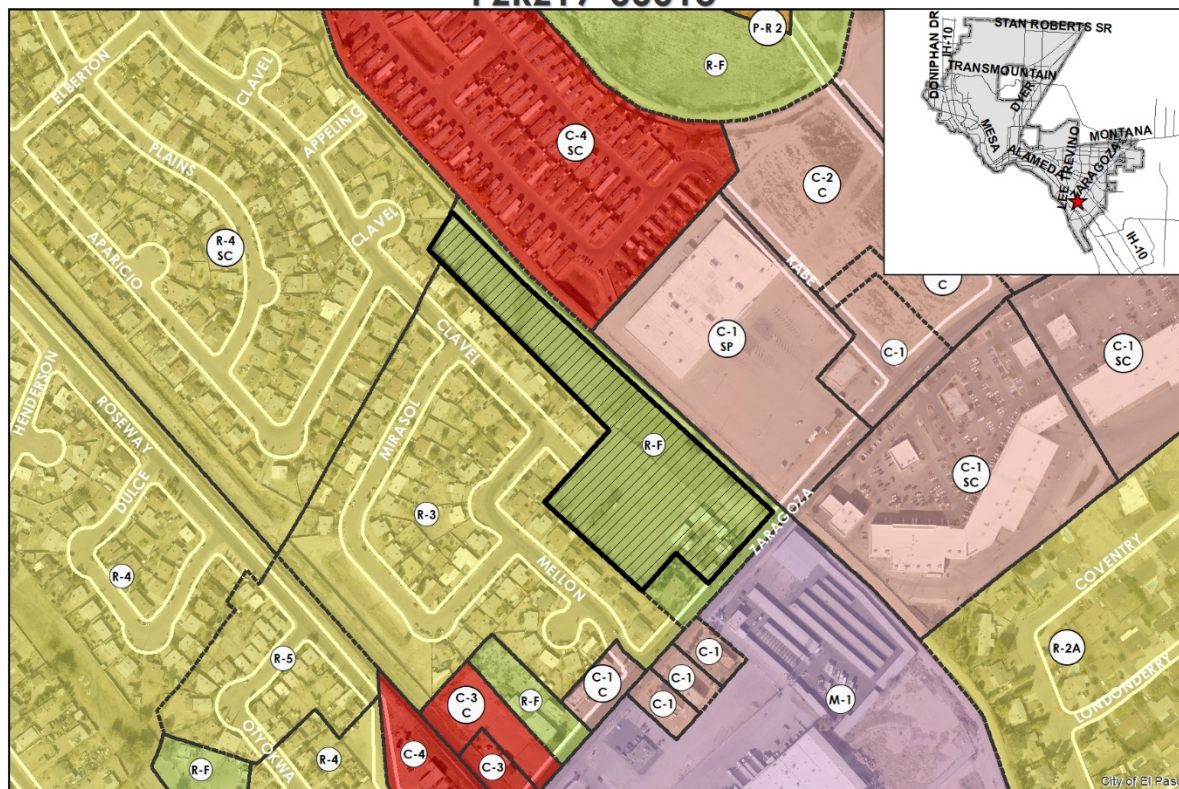
**CASE NUMBER:** PZRZ19-00013  
**CASE MANAGER:** Karina Brascalla, (915)212-1604, BrascallaKX@elpasotexas.gov  
**PROPERTY OWNER:** Iwaloye Properties, LLC and The Estate of Maria Germany  
**REPRESENTATIVE:** CAD Consulting Co.  
**LOCATION:** 343-345 Zaragoza Road (District 7)  
**PROPERTY AREA:** 6.1171 acres  
**REQUEST:** Rezone from R-F (Ranch-Farm) to C-1 (Commercial)  
**PUBLIC INPUT:** Three calls of inquiry; one call and one letter of opposition

**SUMMARY OF REQUEST:** The applicant is requesting to rezone from the R-F (Ranch-Farm) district to the C-1 (Commercial) district in order to accommodate a proposed commercial development.

**SUMMARY OF DCC RECOMMENDATION:** The Development Coordinating Committee recommends **APPROVAL** of the request with a condition. The proposed development is in keeping with the adjacent commercial neighborhood and the policies of Plan El Paso for the G-3 (Post-War) Future Land Use Designation in the Mission Valley Plan Area. The condition is as follows:

*That a 10' landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten (10') in height shall be placed at fifteen (15') on center along the property lines adjacent to residential or apartment zone districts or uses.*

## PZRZ19-00013



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 its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



Subject Property

0 100 200 400 600 800 Feet



Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is proposing to redevelop an approximately 6-acre site to allow for a commercial development. The subject property is currently vacant. The conceptual site plan shows the potential building sites, landscaping and ponding areas, parking, and drive aisles for internal circulation. Proposed access is from Zaragoza Road. Any future development will need to comply with the applicable standards of the El Paso City Code.

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** Properties to the north are zoned C-1 and occupied by uses appropriate for a commercial zoning district. Across Zaragoza Road to the east, properties are zoned M-1 and C-1. Abutting the subject property to the south and west is a residential development zoned R-3. There is another small R-F property further south, although it abuts C-1, C-3, and C-4 commercial parcels. The immediate area is characterized by industrial, low-intensity commercial, and single-family residential uses. The proposed development is similar in scale and intensity to existing commercial sites and will provide a transition between the residential and high-intensity commercial uses.

<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><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b>G-3, Post-War:</b> 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 stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes, the applicant proposes to develop a vacant site that is intended to serve the nearby neighborhood.</p>
<p><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>C-1 (Neighborhood Commercial) District:</b> The purpose of these districts is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.</p>	<p>Yes, the proposed development will provide commercial uses at a scale compatible with the nearby residential neighborhood and existing commercial development.</p>
<p><b>Preferred Development Locations:</b> Is the property in a “Compact Urban” area?</p>	<p>N/A</p>

THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
<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.	None
<b>Natural Environment:</b> Anticipated effects on the natural environment.	N/A
<b>Stability:</b> Whether the area is stable or in transition.	The area is stable, as the majority of surrounding properties were rezoned from the late 70s to early 90s to create the existing mix of R-3 and C-1 districts. There is almost no remaining R-F land in this 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.	Yes, the configuration of the property and proximity to commercial and industrial uses mean that it is no longer suitable for agricultural use.

#### ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:

Access is proposed from Zaragoza Road, classified as a Minor Arterial. The higher classification of this street is appropriate to serve the proposed commercial use.

**PUBLIC COMMENT:** The subject property lies within the Mission Valley Civic Association and Save the Valley 21 Neighborhood Association boundaries, who were notified prior to application submittal. Surrounding property owners within 300 feet were notified by mail on July 26, 2019. The Planning Department has received three calls of inquiry and one letter of opposition to the rezoning 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:

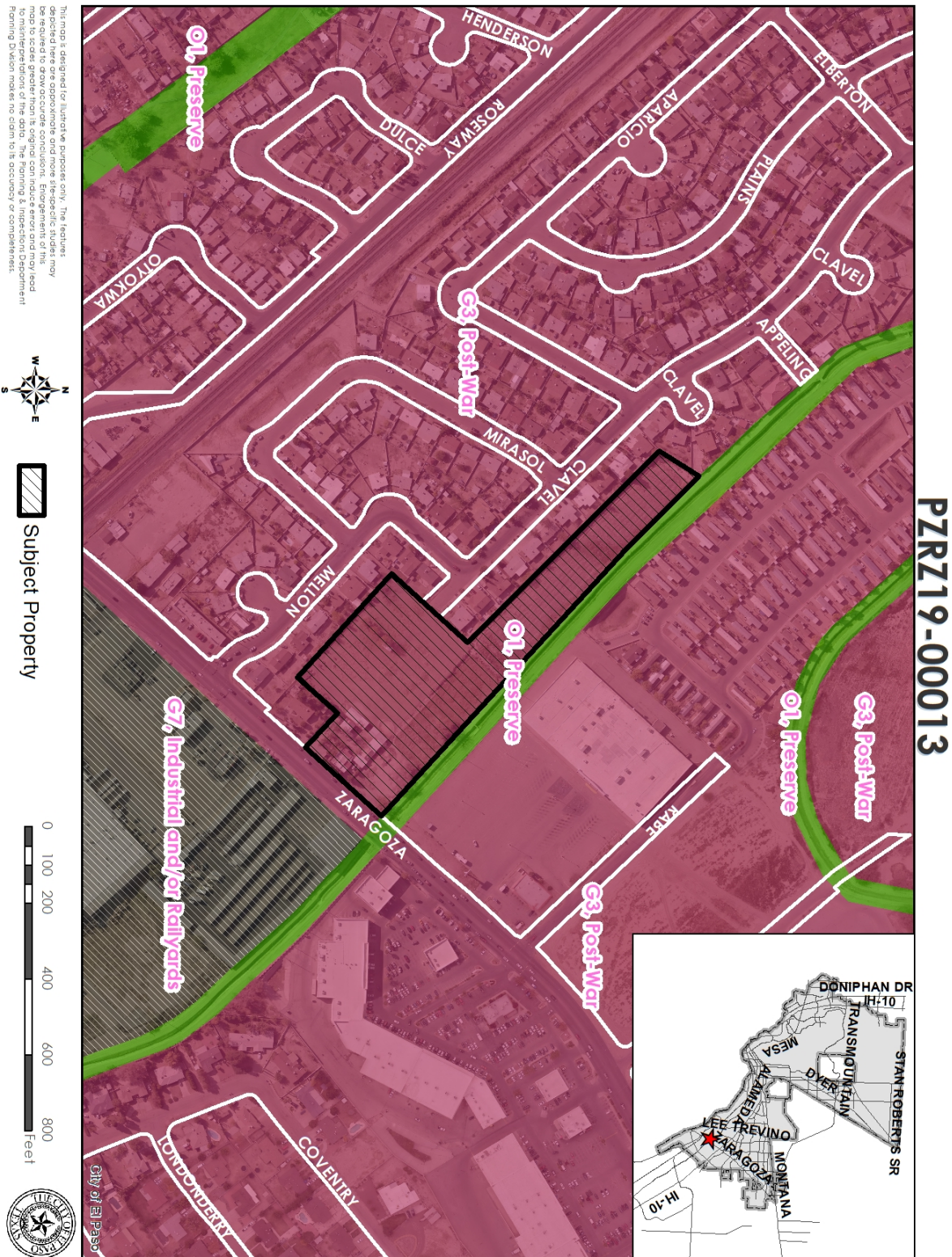
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of Plan El Paso as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval 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. **(Staff Recommendation)**
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. Neighborhood Notification Boundary Map
3. Conceptual Site Plan
4. Department Comments
5. Letter of opposition



## Future Land Use Map







# ATTACHMENT 2

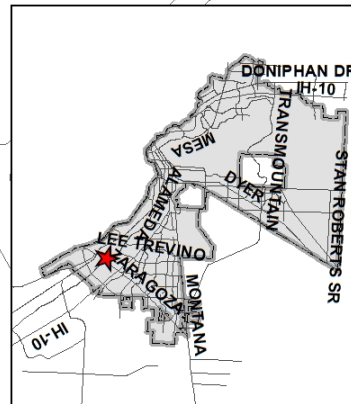
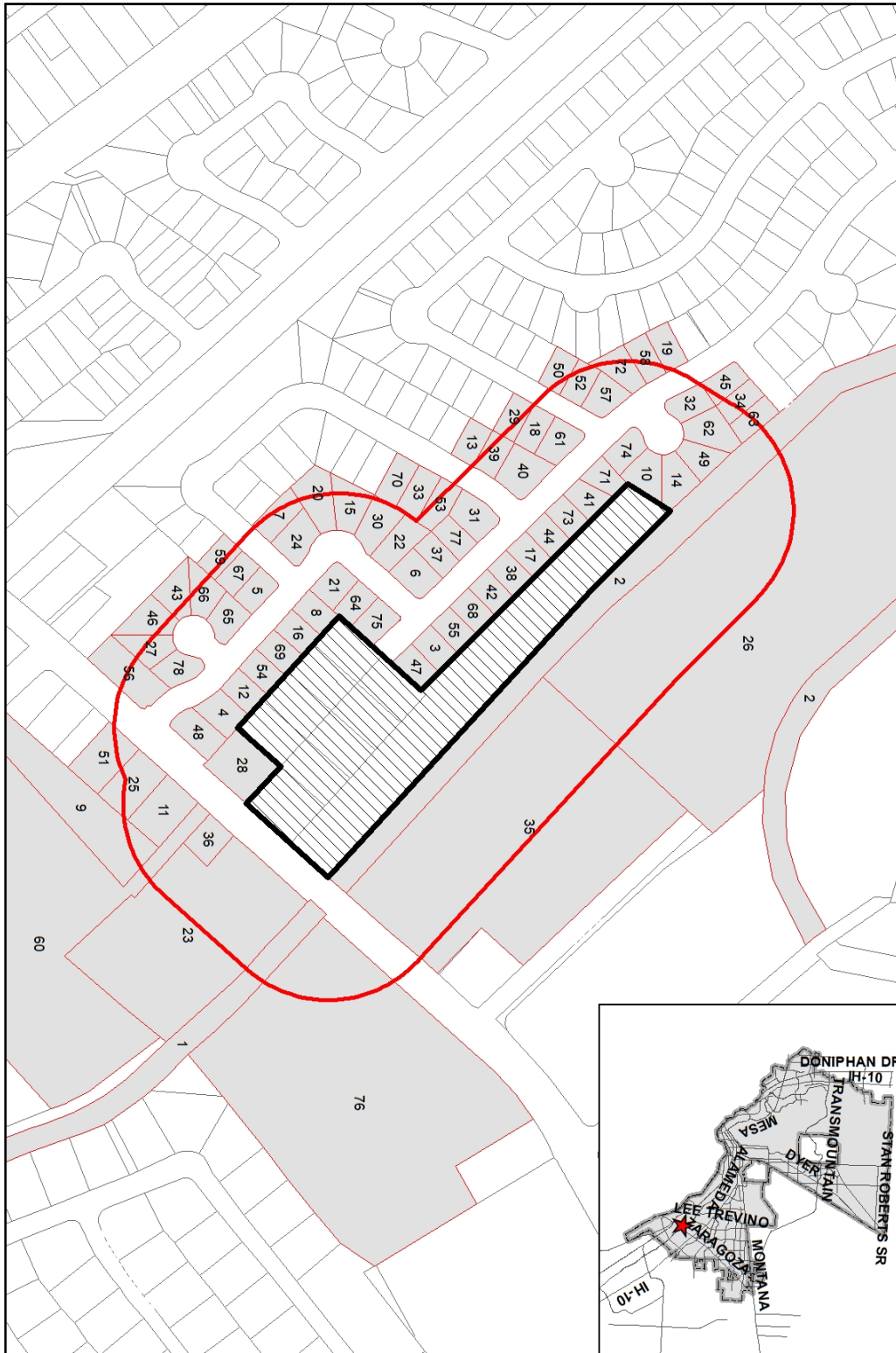
## 300-foot Notification Map

This map is designed for illustrative purposes only. The features depicted here are approximate and not to scale. The Planning & Inspection Division may not be responsible for errors or omissions in this map. The Planning & Inspection Division makes no claim to its accuracy or completeness.



 Subject Property  
 Parcels within 300 feet

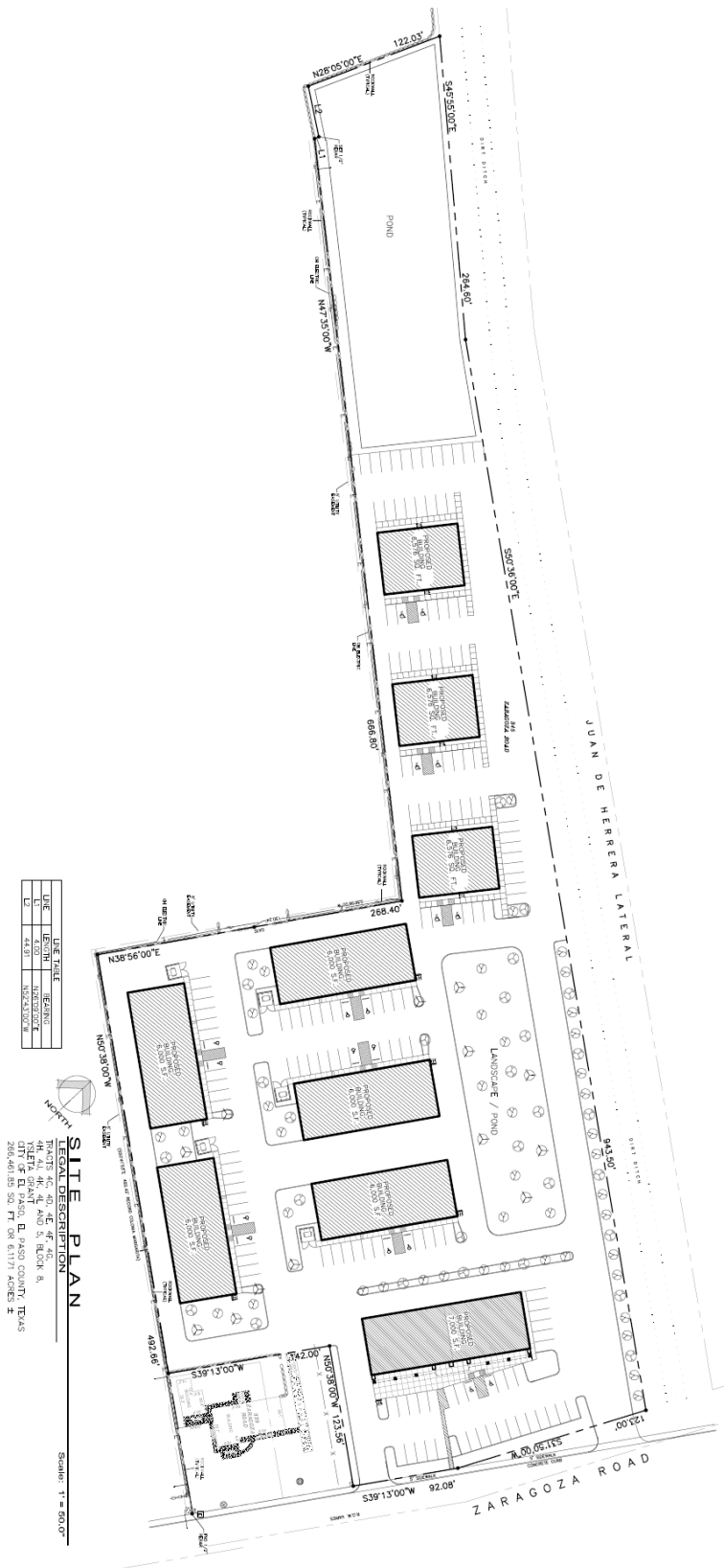
0 100 200 400 600 800  
 Feet



PZR19-00013

## ATTACHMENT 2

## Conceptual Site Plan



# **ATTACHMENT 4**

## **Department Review Comments**

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

Recommend approval with condition:

- That a 10' landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten (10') in height shall be placed at fifteen (15') on center along the property lines adjacent to residential or apartment zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy;

### **Planning and Inspections Department – Building Plan Review**

Reviewed and approved for rezoning only.

### **Streets and Maintenance**

The property at 343-345 Zaragoza is granted a TIA deferral to the subdivision stage as it meets both of the criteria stated in Chapter 19.18.010 of the El Paso City Code.

### **Texas Department of Transportation**

Development is not abutting TxDOT Right of Way. This section of Zaragoza is not under TxDOT jurisdiction.

### **Sun Metro**

No objections.

### **Fire Department**

No objections.

### **Capital Improvement Department—Parks**

We have reviewed received rezoning application case PZRZ19-00013 and have no objections to proposed rezoning; however, we have the following comments in need of coordination with the Applicant / Developer:

Land shall be required to be properly subdivided and or a Development plat needs to be submitted and approved.

Applicant needs to provide covenants restricting the number of proposed dwelling units.

Applicant shall be required to pay "Park fees" based on the number of dwelling units.

### **El Paso County Water Irrigation District No. 1**

Developer must submit an application, application fee, and irrigable land exhibit to EPCWID prior to development.

### **El Paso Water – Stormwater Engineering:**

1. The proposed pond shall have enough capacity to hold the developed runoff based on a 100-yr. storm event.
2. EPW - Stormwater Engineering also recommends using principles of low impact & green infrastructure development (such as recessed landscaping, rainwater harvesting, and porous pavements) to reduce the amount of developed storm water runoff and to mitigate adverse downstream drainage conditions.

### **El Paso Water – Engineering:**

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 6-inch diameter water main that extends along Clavel Dr. This main is available for service

There is an existing 16-inch diameter water main that extends along the northern portion of Zaragoza Rd. No direct service connections are allowed to this main as per the El Paso Water - Public Service Board Rules & Regulations. This main is available for main extensions.



There is an existing 36-inch diameter water main that extends along Zaragoza Rd. No direct service connections are allowed to this main as per the El Paso Water - Public Service Board Rules & Regulations. This main is available for main extensions.

Previous water pressure from fire hydrant #470, located at the northeast corner of Edgar Park Avenue and Leo Street, has yielded a static pressure of 64 psi, a residual pressure of 60 psi, and a discharge of 1061 gallons per minute.

**Sanitary Sewer:**

There is an existing 8-inch sanitary sewer main that extends along Clavel Dr. This main is available for service. (This main is 4.5 feet deep.)

There is an existing 8-inch sanitary sewer main that extends along Zaragoza Rd. This main is available for service and main extension.

**General:**

Water mains are to be extended creating a looped system.

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 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.

CITY OF EL PASO  
RECEIVED

AUG 07 2019

Planning &  
Inspections  
Department

Dear City Plan Commissioners:

My name is: Mrs. Irene Esquivel  
and I reside at 339 N. Zaragoza Rd. El Paso, TX 79907

I am writing to you today, to discuss my concerns on  
Case No PZRZ 19-00013.

My family and I are concerned about the amount of traffic  
that will be generated around my residence if this plan  
is approved.

I am worried about where the center entrance or  
exits will be constructed. My concern is that patrons will  
mistake my driveway as an entry point.

I would prefer that none of my property be used  
for an easement. A type of buffer fence should be required  
so as to try to control noise and pollution levels and  
derail traffic.

If these factors are not considered, by your Commission, I  
fear that it would affect my ability to sell my property in  
the future. I know that my property extends 3 more feet further  
back than my existing rock wall fence. I have not seen or been  
shown the survey surveys that were taken some time ago, to  
add to my concern, the Realty Co. that represents the sellers  
of the property treated us very unprofessionally throughout the  
years. The agreements we signed at times were not valid,  
meaning, there was no real offer made to me at any given time,  
to represent me as a seller.

If I were presented a valid offer in writing,  
I might have also considered selling my Property and  
I would not be writing to you at this point

Please consider my concerns which I think are valid  
and please call me at 915-858-0796, if you have any questions.  
I would appreciate to hear from you and your decisions.

Sincerely: Jerry Esquivel

Jerry M Esquivel - 915-858-0796

339 N Zaragoza Rd

El Paso, TX 79907