

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

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

**AGENDA DATE:** Introduction: October 2, 2018  
Public Hearing: October 30, 2018

**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 Tracts 17B & 17C, Section 8, Block 79, Township 3 of the Texas and Pacific Railway Company Surveys, North of Vista del Sol Drive & West of Joe Battle Blvd., City of El Paso, Texas from R-3 (Residential) to C-1 (Commercial). The Penalty is as provided for in Chapter 20.24 of the El Paso City Code. North of Vista del Sol Drive & West of Joe Battle Blvd. Owner: Yolanda S. Nevarez & Hector Nevarez **PZRZ18-00015 (District 6)**

**BACKGROUND / DISCUSSION:**

On August 23, 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 an 8-0 vote.

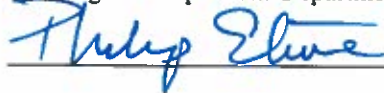
\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**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 TRACTS 17B & 17C, SECTION 8, BLOCK 79, TOWNSHIP 3 OF THE TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, NORTH OF VISTA DEL SOL DRIVE & WEST OF JOE BATTLE BLVD., CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL). 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, the zoning of A portion of Tracts 17 & 17c, Section 8, Block 79, Township 3 of the Texas And Pacific Railway Company Surveys, located in the City of El Paso, El Paso County, Texas, be changed from **R-3 (Residential)** 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.

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 \_\_\_\_\_, 2018.

THE CITY OF EL PASO

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

ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Phillip Etiwe, Director  
Planning & Inspections Department

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

18-1007-2271 | 821216

North of Vista del Sol Dr. & West of Joe Battle Blvd.

RTA

PZRZ18-00015

## EXHIBIT "A"

### METES AND BOUNDS

A parcel of land being a portion of Tracts 17B and 17C, Section 8, Block 79, Township 3, Texas and Pacific Railroad Company Surveys, El Paso County, Texas, and being more particularly described by metes and bounds as follows;

COMMENCING at the City Monument found at the intersection of the south line of said Section 8 and the centerline of Joe Battle Boulevard (300 foot public right-of-way); THENCE, North 90° 00' 00" West, along the south line of said Section 8, a distance of 565.61 feet to a point; THENCE, North 00° 37' 42" West, a distance of 200.00 feet to a 1/2" iron rod with cap stamped "TX 2998" set for the TRUE POINT OF BEGINNING of the parcel being described;

THENCE, North 90° 00' 00" West, a distance of 405.60 feet to a set 1/2" iron rod with plastic cap stamped "TX 2998";

THENCE, North 00° 37' 42" West, along the east line of a dedicated 60 foot wide road easement recorded in Book 1500, Page 908, Deed Records of El Paso County, Texas, a distance of 500.00 feet to a set 1/2" iron rod with plastic cap stamped "TX 2998";

THENCE, South 90° 00' 00" East, a distance of 405.60 feet to a set 1/2" iron rod with plastic cap stamped "TX 2998";

THENCE, South 00° 37' 42" East, a distance of 500.00 feet to the "TRUE POINT OF BEGINNING" of this description.

Said parcel of land containing 4.655 acres (202,788 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



4-11-18

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

18-1007-2271 | 821216

North of Vista del Sol Dr. & West of Joe Battle Blvd.

RTA

PZRZ18-00015

## MEMORANDUM

**DATE:** September 14, 2018

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

**FROM:** Adriana Martinez, Planner

**SUBJECT:** PZRZ18-00015

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The City Plan Commission (CPC), on August 23, 2018 voted 8-0 to recommend **Approval** to the rezoning of the property described as A portion of Tracts 17B & 17C, Section 8, Block 79, Township 3 of the Texas and Pacific Railway Company Surveys, North of Vista del Sol Drive & West of Joe Battle Blvd., City of El Paso, Texas from R-3 (Residential) to C-1 (Commercial). The proposed development is to allow for an apartment building (five or more units)

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 have no 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 August 9, 2018.

**Property Owner:** Yolanda S. Nevarez & Hector Nevarez  
**Applicant:** Yolanda S. Nevarez & Hector Nevarez  
**Representative:** SLI Engineering, Inc.

**Attachments:**  
Staff Report

# North of Vista del Sol Dr. & West of Joe Battle Blvd.

City of El Paso — Plan Commission — 08/23/2018

PZRZ18-00015

Rezoning

REVISED



**STAFF CONTACT:** Adriana Martinez, 915-212-1611, [Martinezad@elpasotexas.gov](mailto:Martinezad@elpasotexas.gov)

**OWNER:** Yolanda S. Nevarez & Hector Nevarez

**REPRESENTATIVE:** SLI Engineering, Inc.

**LOCATION:** North of Vista del Sol Dr. & West of Joe Battle Blvd.

**LEGAL DESCRIPTION:** A portion of Section 8, Block 79, Township 3 of the Texas and Pacific Railway Company Surveys in El Paso County, Texas

**EXISTING ZONING:** R-3 (Residential)

**REQUEST:** To rezone from R-3 (Residential) to C-1 (Commercial) to allow for an apartment building (five or more units)

**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 August 9, 2018.

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

**SUMMARY OF REQUEST:** The property owner is requesting a rezone from R-3 (Residential) to C-1 (Commercial) to allow for an apartment building (five or more units) for the property located North of Vista del Sol Dr. & West of Joe Battle Blvd. The property is 4.33 acres in size and is currently vacant.

**SUMMARY OF RECOMMENDATION:** The Planning Division recommends **APPROVAL** of rezoning the property from rezone from R-3 (Residential) to C-1 (Commercial) to allow for an apartment building (five or more units). The proposed zoning district is consistent with other commercial districts in the immediate area along Joe Battle Blvd., and meets the established character of its surrounding neighborhood. Further, the proposed development meets the intent of the G-4, Suburban (Walkable) land use designation of Plan El Paso, the City's Comprehensive Plan.



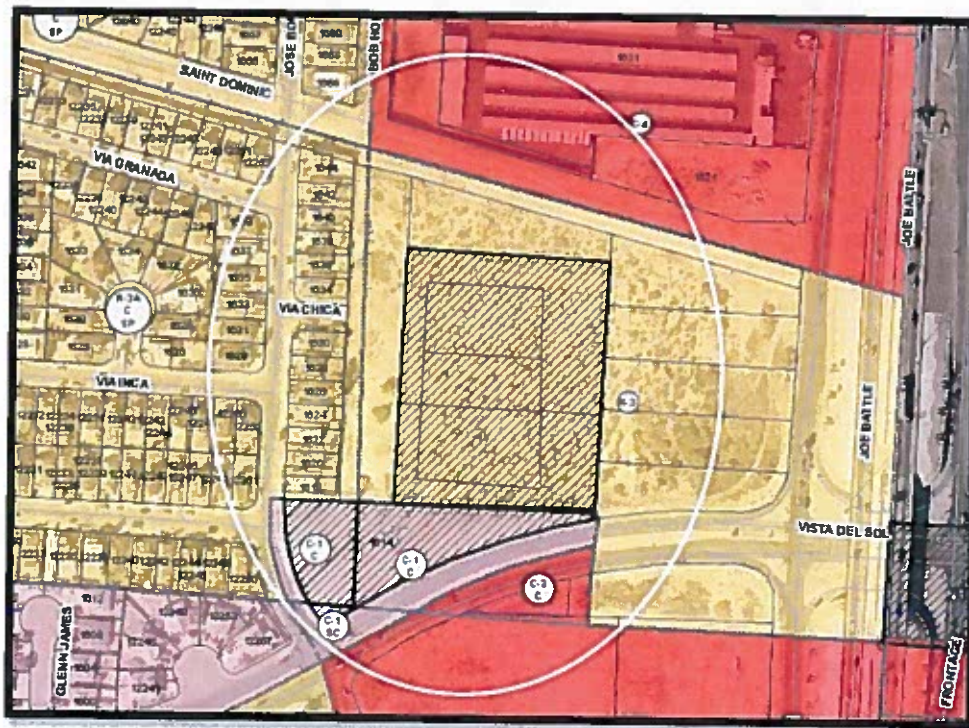
## DESCRIPTION OF REQUEST

The property owner is requesting a rezoning from R-3 (Residential) to C-1 (Commercial) to accommodate a proposed apartment complex. The development will comply with the City of El Paso Design Standards for Construction prior to any building permits being issued. The property is 4.33 acres in size and is currently vacant.

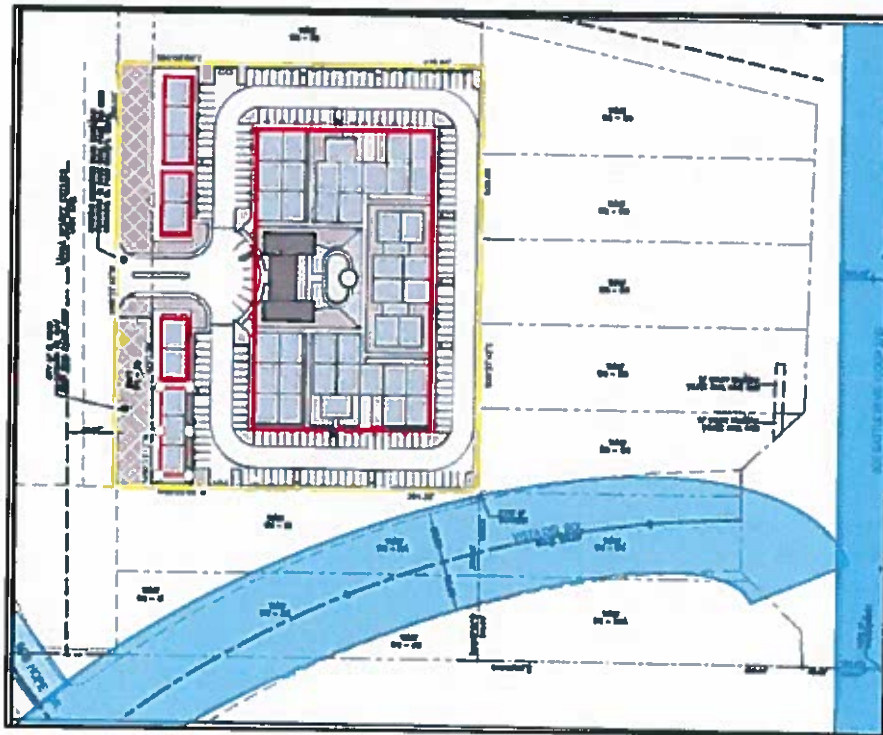
## REZONING POLICY

POLICY	DOES IT COMPLY?
<b>Compatibility</b> Proposed zone change matches existing land use map or matches existing land use designation within 300 ft. of the subject property.	Yes, the property is designated G-4, Suburban (Walkable) and meets the intent of similar zoning districts.
<b>Plan El Paso</b> Properties located within 300 feet of the subject property have the same or similar zoning. The zoning district opens the opportunity for new commercial uses.	Yes, properties adjacent to the subject property are zoned R-3 (Residential), R-3A (Residential), C-1/c (Commercial/condition), C-3/c (Commercial/condition) & C-4 (Commercial).

**NEIGHBORHOOD CHARACTER AND COMPATIBILITY:** The site is zoned R-3 (Residential) is currently vacant. Properties adjacent to the subject property are zoned R-3 (Residential), R-3A (Residential), C-1/c (Commercial/condition), C-3/c (Commercial/condition) & C-4 (Commercial). Surrounding land uses include dwellings, single-family, self-storage warehouse, and vacant lots. The nearest park is Walter Clarke Park (1,031 feet) and the nearest school is Capt. Walter Clarke Middle (1,945 feet).



**COMPLIANCE WITH PLAN EL PASO:** The purpose of the application is to introduce a proposed general commercial development within the G-4, Suburban (Walkable) land use designation.



### RELATION OF PROPOSED CHANGE TO THE CITY'S COMP. PLAN

CONSISTENCY WITH PLAN EL PASO	DOES IT COMPLY?
G-4, 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.	Yes, the purpose of this project is to maximize the potential of the subject property, while maintaining adjacent compatibility residential and commercial uses.
ZONING DISTRICT	DOES IT COMPLY?
C-1 (Commercial) Provide compatible neighborhood convenience goods and services that serve day-to-day needs. Permit locations for business and professional offices and retail category uses within adjacent residential areas of medium and high densities.	Yes, an apartment complex is a permissible use in the C-1 (Commercial) district.

<b>POLICY</b>	<b>DOES IT COMPLY?</b>
<b>2.2.5 :</b> The design of new neighborhoods and additions to existing neighborhoods should strive for a balance of housing, jobs, shopping, recreation, and civic uses to avoid unnecessary travel and reduce infrastructure and public services costs.	Yes, the applicant is proposing an apartment complex to supplement the existing single-family dwellings and light commercial in the area.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The lot proposes 4.33 acres in size. The subject property is currently vacant and the conceptual site plan to accommodate a proposed apartment complex, which is a permitted use in the C-1 (Commercial) zone district. Upon the development of the site, all other dimensional standards are to be met as required under the C-1 (Commercial) zoning.

**SUITABILITY OF SITE FOR USES UNDER PROPOSED ZONING:** The subject site is 4.33 acres in size and allows the proposed uses under the proposed C-1 (Commercial) zoning. Consequently, a plat will be required prior to development and will be required to meet all the dimensional standards at the subdivision stage.

**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-1 (Commercial) district is to provide compatible neighborhood convenience goods and services that serve day-to-day needs. Permit locations for business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** There is an existing 8-inch diameter water main extending along the north side of Via Chica Dr., approximately 18-feet south of and parallel to the northern right-of-way line of Via Chica Dr. this main dead-ends approximately 105-feet east of Jose Bombach Dr. This water main is available for main extensions. Water main extensions are to extend by creating a looped system.

**EFFECT UPON THE NATURAL ENVIRONMENT:** Subject property does not involve greenfield/ environmentally sensitive land or arroyo disturbance.

**COMMENT FROM THE PUBLIC:** The subject property falls within the boundary of the Eastside Civic Association and has been contacted as required by 20.04.520. Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on August 9, 2018. Planning has not received any communication in support or opposition to the rezoning request.

**STAFF 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.

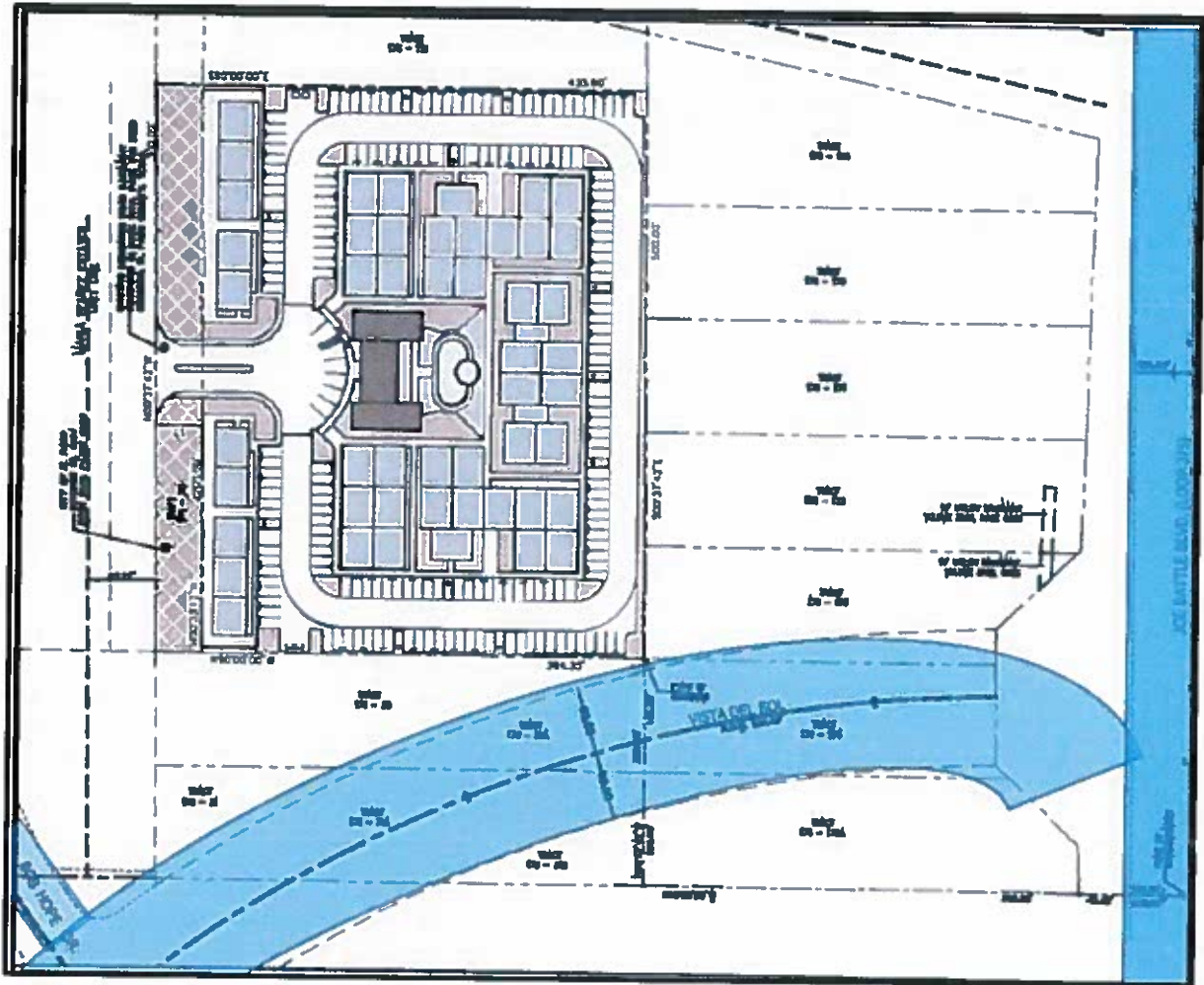
**OTHER APPLICABLE FACTORS:** Approval of the rezoning by the City Plan Commission constitutes a determination that the applicant is in compliance with the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that stormwater is in compliance with ordinances, codes, DSC, 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

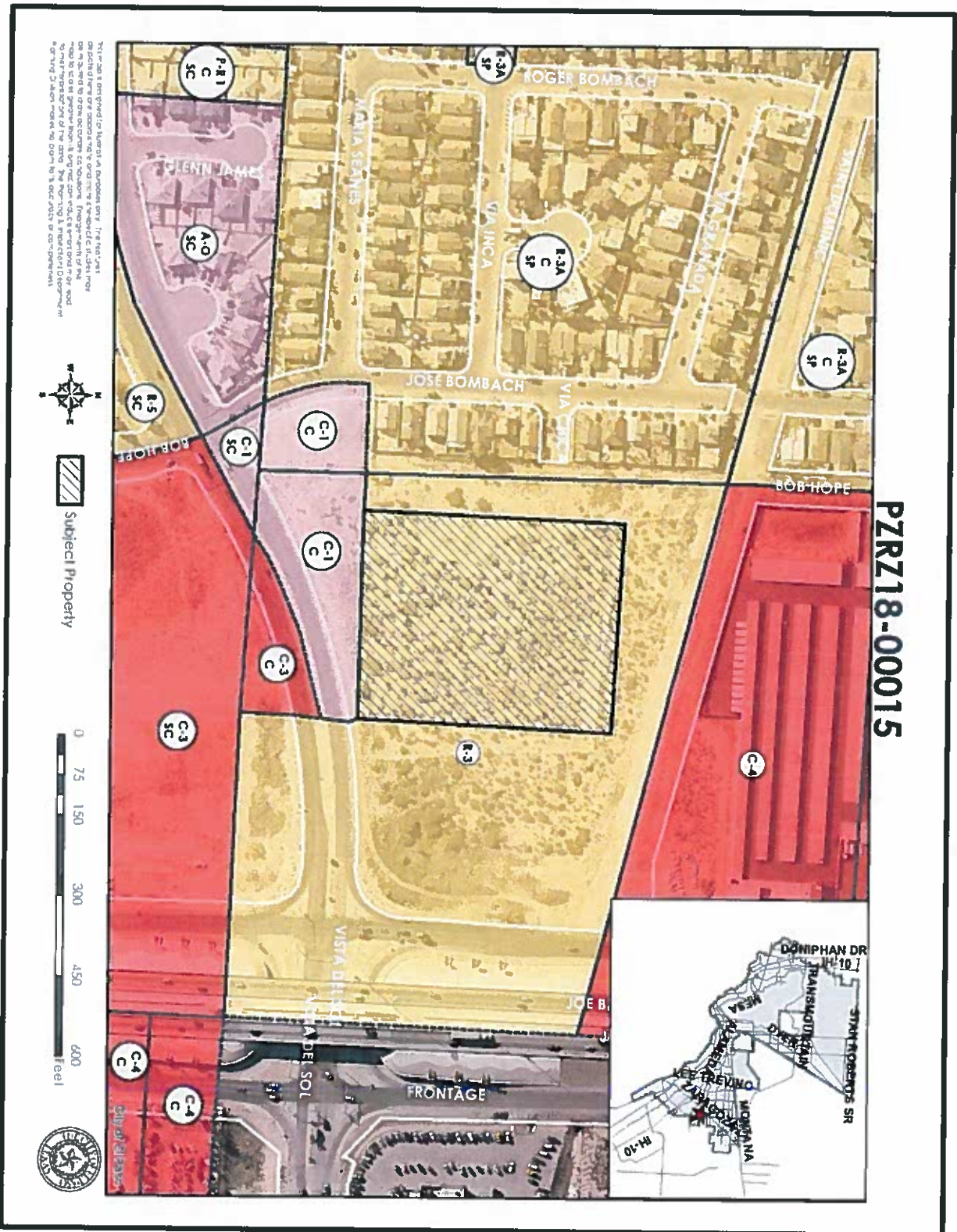
# ATTACHMENT 1

## Conceptual Site Plan



# ATTACHMENT 2

## Zoning Map



## 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.

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

Approval w/condition

1. Add note on site plans: All Storm-water runoff discharge volumes shall be retained within this lot's limits (DSC, 19.19.010A and DDM, 11.1)."
2. Show existing and proposed drainage patterns, ponding area locations, and label all drainage structures.
3. Add current FEMA FIRM flood zone information to general notes.

### **Sun Metro:**

Recommended approval.

### **Fire Department**

No objections to the proposed rezoning.

### **Police Department**

No objections to the proposed rezoning

### **TxDot**

Not required.

### **Streets & Maintenance**

TIA is needed for this rezoning case; however, will be deferred to the platting stage.

### **Note:**

We anticipate 4.33 acres of commercial to generate 299 peak hour trips.

### **Subdivisions Department**

The subject properties are currently unplatted. Consequently, a plat will be required prior to development. In addition, there appears to be several lots within the proposed area to be rezoned that do not appear to have access to public right-of-way. This issue will need to be addressed during the platting stage of the development process. Depending on the number of proposed apartment units, a Traffic Impact Analysis (TIA) may be required at the platting stage.

### **Environmental Services**

Waste storage area(s) for any dumpsters will need to be identified on the plans, and will need enclosures to keep them screened from surrounding R-3. The enclosures will not be required if there is a six-ft. rock wall between the C-1 and R-3 parcels.

**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**

- There is an existing 8-inch diameter water main extending along the north side of Via Chica Dr., approximately 18-feet south of and parallel to the northern right-of-way line of Via Chica Dr. this main dead-ends approximately 105-feet east of Jose Bombach Dr. This water main is available for main extensions. Water main extensions are to extend by creating a looped system. Owner is responsible for all main extensions costs.
- Previous water pressure from fire hydrant #8745 located on the NW corner of the intersection of Jose Bombach Dr. and Via Granada Dr. has yield a static pressure of 48 (psi), a residual pressure of 44 (psi), and a discharge of 1,007 gallons per minute.

**Sanitary Sewer:**

- There is an existing 8-inch diameter sanitary sewer main extending along the south side of Via Chica Dr., approximately 21-feet north of and parallel to the southern right-of-way line of Via Chica Dr. this main dead-ends approximately 105-feet east of Jose Bombach Dr. This sanitary sewer main is available for main extensions.

**General:**

- EPWater - PSB 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.
- EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within utility and PSB easements 24 hours a day, seven (7) days a week

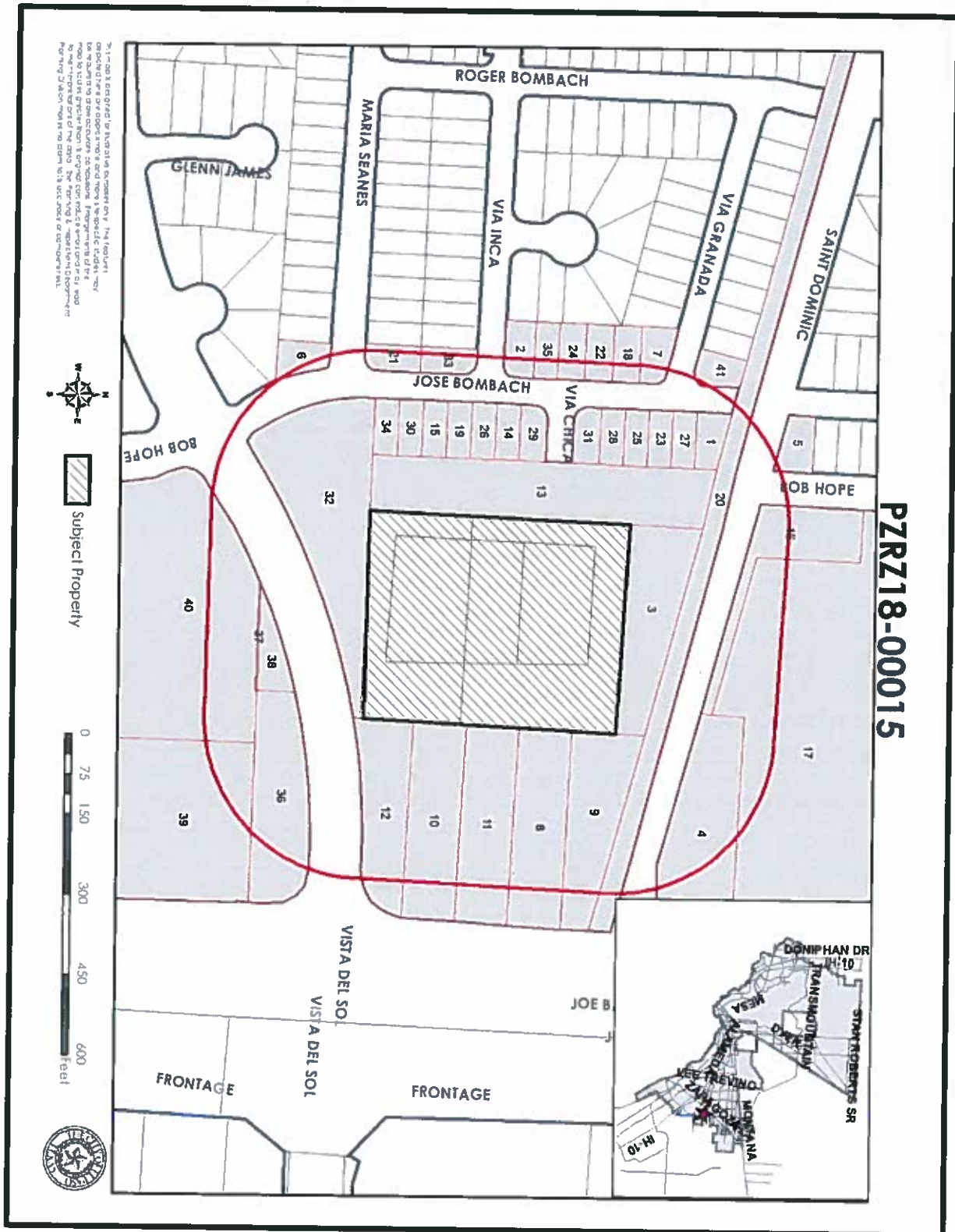
**Stormwater Engineering**

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

- EPW – Stormwater Engineering requires retention of all developed stormwater runoff within this subdivision.
- EPW - Stormwater Engineering recommends using principles of low impact & green infrastructure development (such as recessed landscaping, rainwater harvesting, and porous pavements) to reduce the amount of developed stormwater runoff and to mitigate adverse downstream drainage conditions.

# ATTACHMENT 6

## Notification Map





## Recommendation/Public Input

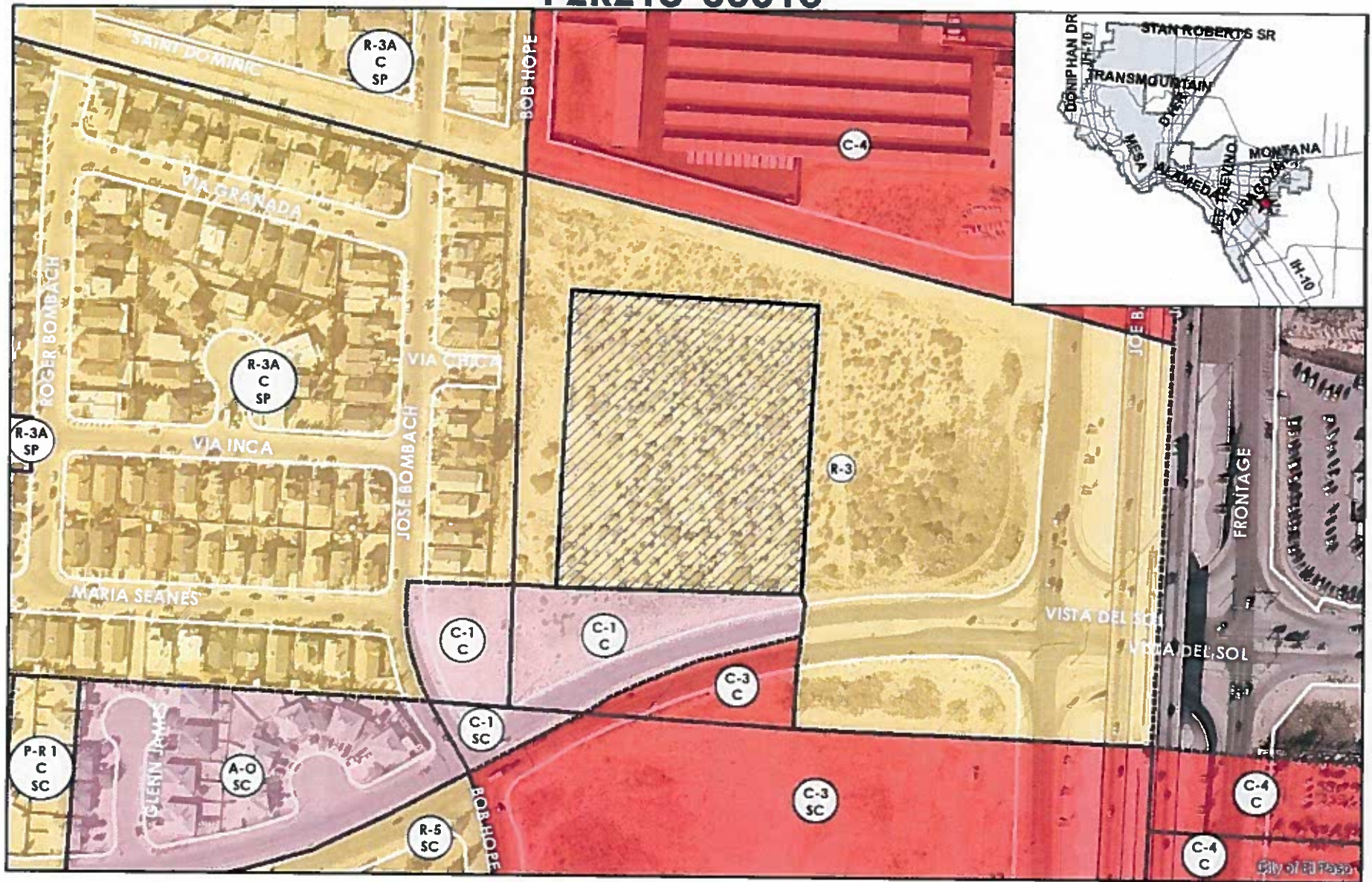
- **Planning Division recommendation: Approval**
- **CPC Vote:** Recommended Approval on an 8-0 vote.
- **Public Input:** The Planning Division did not receive any calls in support or opposition to the rezoning request.

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

*"Delivering Outstanding Services"*

PZRZ18-00015



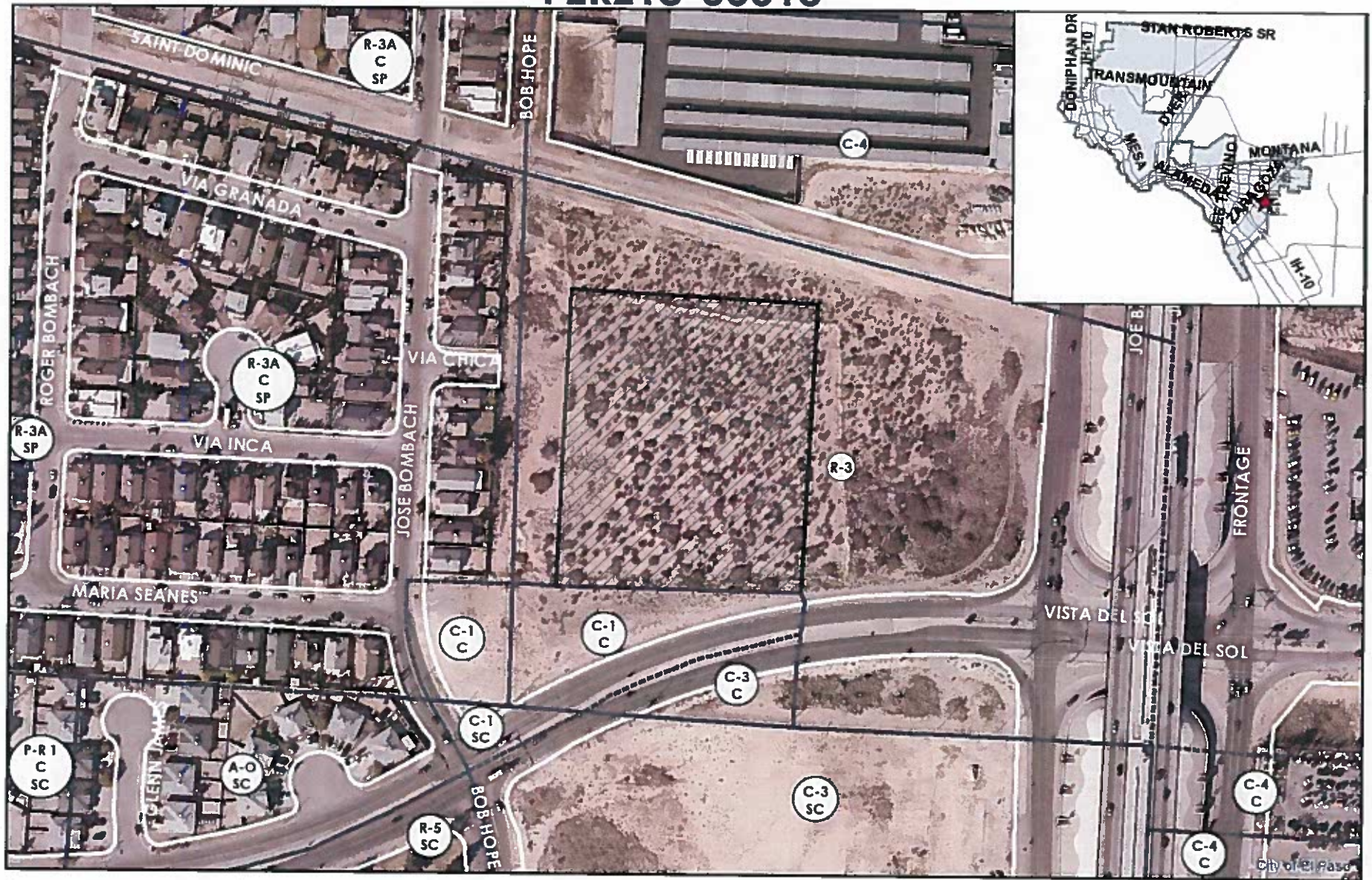
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Subject Property



PZRZ18-00015



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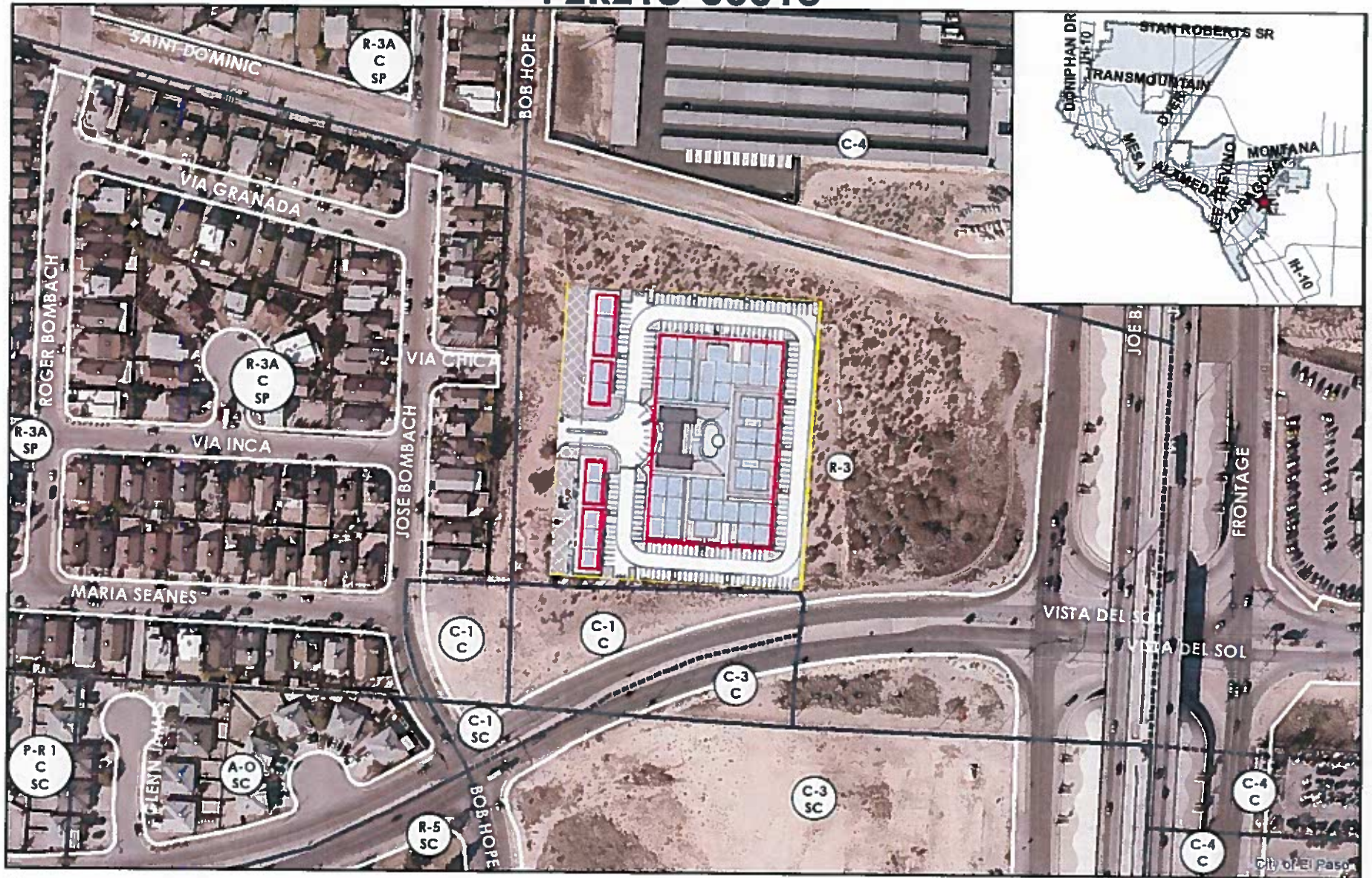


Subject Property

0 75 150 300 450 600 Feet



# PZRZ18-00015



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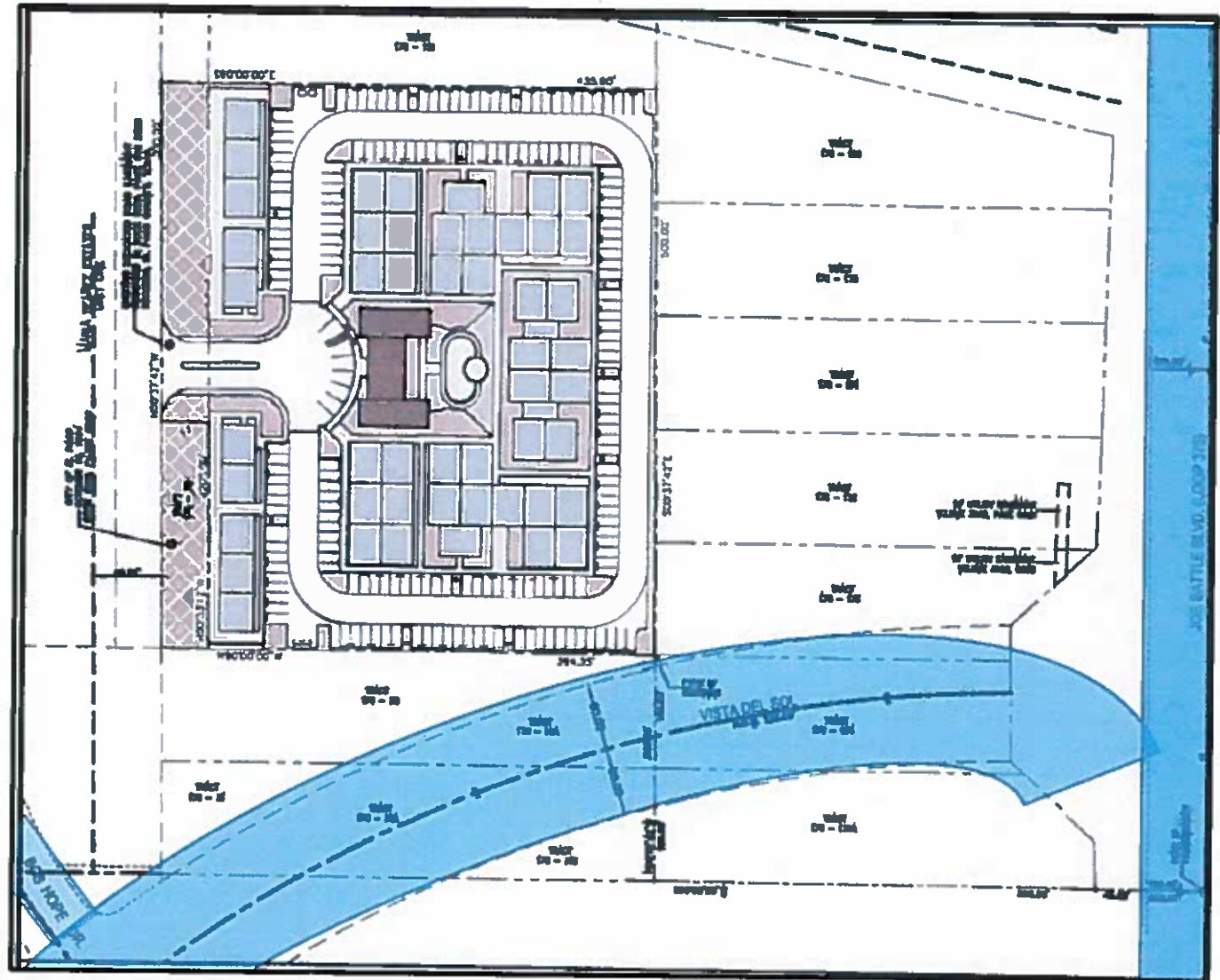


Subject Property





# Detailed Site Plan



*"Delivering Outstanding Services"*



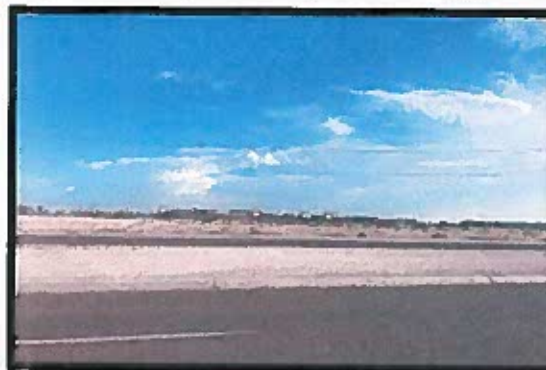
# Subject Property



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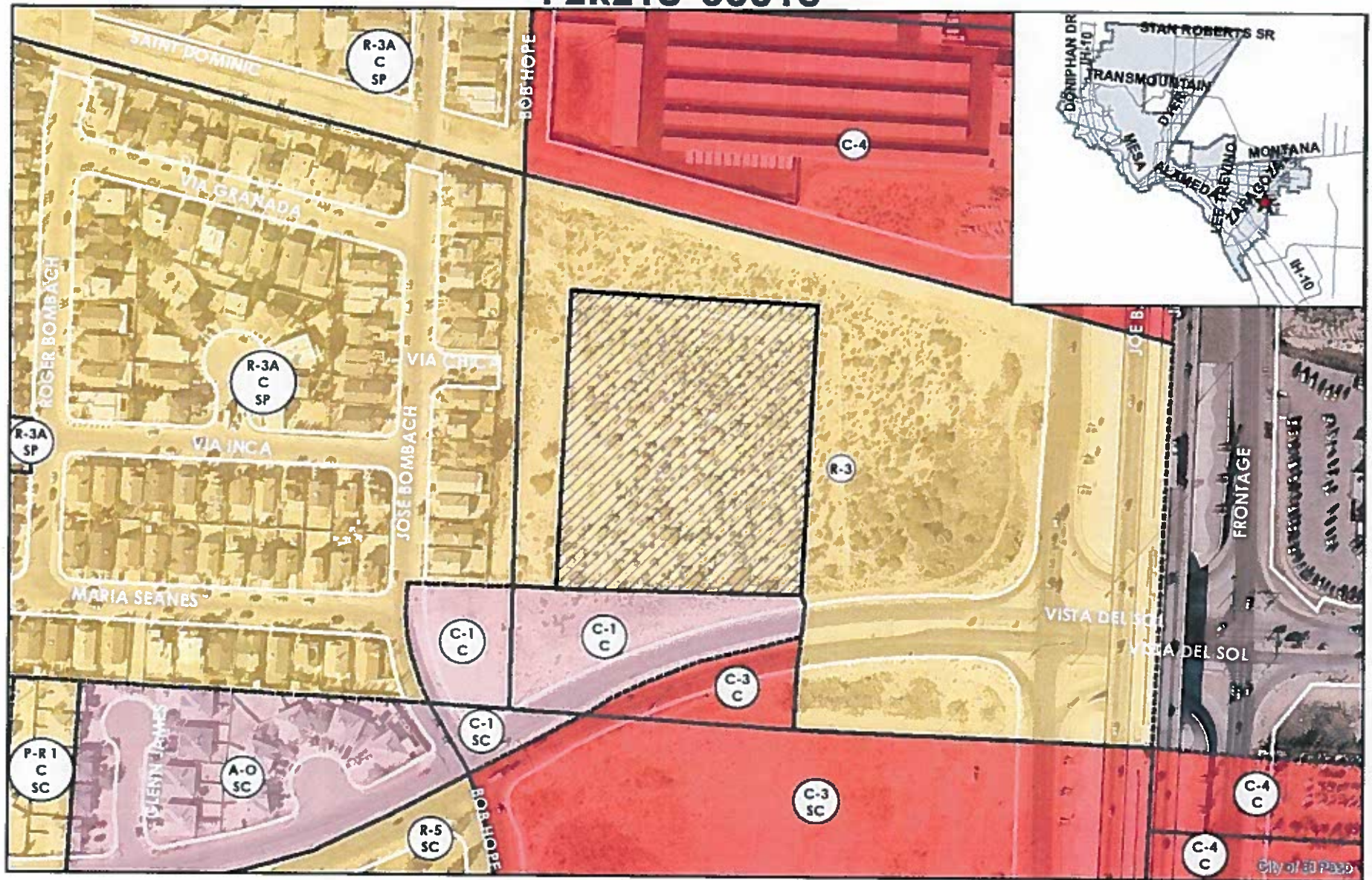


# Surrounding Areas



*"Delivering Outstanding Services"*

# PZRZ18-00015



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 Subject Property

0 75 150 300 450 600 Feet

