

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

**DEPARTMENT:** Planning and Inspections

**AGENDA DATE:** November 12, 2019

**PUBLIC HEARING DATE:** December 10, 2019

**CONTACT PERSON NAME AND PHONE NUMBER:** Philip Etiwe, 915-212-1550, etiewpf@elpasotexas.gov  
Karina Braggalla, 915-212-1604, braggallakx@elpasotexas.gov

**DISTRICT(S) AFFECTED:** 5

**STRATEGIC GOAL:** 3.

**SUBGOAL:** 3.1

**SUBJECT:**

**APPROVE** an Ordinance changing the zoning of a Portion of Section 28, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch-Farm) to R-MU (Residential Mixed Use). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. PZRZ19-00014 (District 5)

**BACKGROUND / DISCUSSION:**

City Plan Commission (CPC) heard the case on September 26, 2019. The CPC staff report is attached.

**PRIOR COUNCIL ACTION:**

On July 23, 2019, City Council approved the ordinance annexing the subject property (SUAX19-00001).

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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

**DEPARTMENT HEAD:**



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

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

**AN ORDINANCE CHANGING THE ZONING OF A PORTION OF SECTION 28, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH-FARM) TO R-MU (RESIDENTIAL MIXED USE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS**, on July 23, 2019, City Council annexed the property described as a Portion of Section 28, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas; and

**WHEREAS**, Ordinance No. 018360 established a Master Zoning Plan (MZP) for the Desert Sands Development;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of a *Portion of Section 28, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas*, 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 **R-MU (Residential Mixed Use)**, 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 \_\_\_\_\_, 2019.

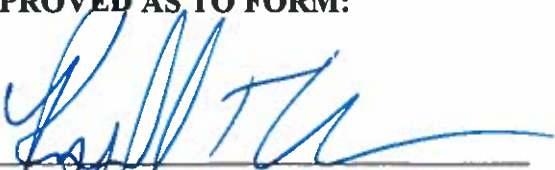
**THE CITY OF EL PASO:**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**APPROVED AS TO CONTENT:**

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

**EXHIBIT "A"**

**METES AND BOUNDS DESCRIPTION  
EXHIBIT "A"**

The parcel of land herein described as a portion, Survey 28, Block 79, Township 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, City of El Paso, El Paso County, Texas, and is described by metes and bounds as follows:

Commencing at a brass cap marked "TX 01 NSW 28" located on the common boundary line of Sections 27 and 38; Thence, leaving said brass cap along the common boundary line of Sections 27 and 28, North 02°21'45" East, a distance of 2209.96' feet to said point being the TRUE POINT OF BEGINNING of the parcel of land herein being described;

THENCE, leaving said common boundary line, North 87°37'44" West, a distance of 361.48 feet to a point;

THENCE, North 02°21'45" East, a distance of 361.48 feet to a point;

THENCE, South 87°37'55" East, a distance of 361.50 feet to a point;

THENCE, South 02°21'45" West, a distance of 361.50 feet back to the TRUE POINT OF BEGINNING of this description.

Said parcel of land containing 3.000 acres (130,675.02 s.f.) 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  
November 30, 2018  
Job# 16-3911



**MEMORANDUM**

**DATE:** November 5, 2019

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

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

**SUBJECT:** PZRZ19-00014

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The City Plan Commission unanimously recommended **approval** (8-0) of the proposed rezoning at its September 26, 2019 meeting.

The CPC found that the rezoning is in conformance with Plan El Paso. The CPC also determined that the PZRZ19-00014 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 November 5, 2019, Planning staff has no communication in support of or in opposition to the request.

**Property Owner:** EPT Desert Sands LLC  
**Representative:** SLI Engineering Inc.

**Attachments:** Staff Report

# Desert Sands Phase 3B

City Plan Commission — September 26, 2019

REZONING



<b>CASE NUMBER:</b>	<b>PZRZ19-00014</b>
<b>CASE MANAGER:</b>	Karina Brascgalla, 212-1604, BrascgallaKX@elpasotexas.gov
<b>PROPERTY OWNER:</b>	EPT Desert Sands, LLC
<b>REPRESENTATIVE:</b>	SLI Engineering, Inc.
<b>LOCATION:</b>	North of Montana Avenue and East of Purple Heart Boulevard (District 5)
<b>PROPERTY AREA:</b>	3.00 acres
<b>REQUEST:</b>	Rezone from R-F (Ranch Farm) to R-MU (Residential Mixed Use)
<b>RELATED APPLICATIONS:</b>	SUAX19-00001 (Annexation), PZRZ14-00023 (Rezoning)
<b>PUBLIC INPUT:</b>	None

**SUMMARY OF REQUEST:** The applicant is requesting to rezone the subject property from R-F (Ranch Farm) to R-MU (Residential Mixed Use). This area was recently annexed and will become part of the existing Desert Sands R-MU development.

**SUMMARY OF DCC RECOMMENDATION:** The Development Coordinating Committee recommends **APPROVAL** of the request. The proposed rezoning is in keeping with purpose of the R-MU district and the character of the surrounding area. Furthermore, the request complies with the *Plan El Paso* policies for the G-2, Traditional Neighborhood designation.

## PZRZ19-00014



This map is designed for illustrative purposes only. The features described 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

0 250 500 1,000 1,500 2,000 Feet



Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is proposing to add 3.00 acres of land to the existing 113-acre Desert Sands R-MU development. The subject property will become approximately 13 single-family homes, in accordance with the approved Desert Sands Master Zoning Plan (MZP). The MZP identifies other areas of the development that will house duplexes and quadruplexes, as well as park and pond sites. The plan also calls for an extension of Desert Nomad Drive, a local road, which will provide access to the subject property.

**PREVIOUS CASE HISTORY:** The initial Desert Sands rezoning request and MZP were approved by City Council on June 2, 2015 (PZRZ14-00023). The Desert Sands Preliminary Plat and Phase 1 Final Plat were approved by City Plan Commission (CPC) on July 12, 2018. The final Plat for Desert Sands Phase 2 was approved by CPC on June 13, 2019. The subject property was annexed on July 23, 2019.

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The subject property abuts the existing Desert Sands development, zoned R-MU. All other nearby properties are within the City’s Extra Territorial Jurisdiction (ETJ).

<b>COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, 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><u>G-2 – Traditional Neighborhood:</u></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 proposed rezoning to R-MU will allow for a mix of housing types and higher density than traditional residential zoning districts.</p>
<p><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b><u>R-MU (Residential Mixed Use) District:</u></b>            The purpose of this district is to accommodate, encourage and promote innovatively designed developments involving neighborhood-serving residential and commercial land uses, which together form an attractive and harmonious unit of the city. The regulations of this district are intended to allow for developments that are intended by their size and nature of operation to provide service to a neighborhood. It is intended that the district regulations permit uses that are compatible with the residential areas that the uses serve, and allow flexibility and encourage more creative, efficient and aesthetically desirable design and placement of land uses.</p>	<p>Yes, the subject property abuts the existing Desert Sands development, also zoned R-MU. The proposed development will comply with the adopted Desert Sands Master Zoning Plan.</p>
<p><b>Preferred Development Locations:</b> Is the property in a “Compact Urban” area?</p>	<p>Yes, the subject property has a G-2 (Traditional Neighborhood) designation. The proposed rezoning will allow smaller lots and decreased setbacks, thereby increasing the residential density.</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.	No adverse effect anticipated.
<b>Natural Environment:</b> Anticipated effects on the natural environment.	None
<b>Stability:</b> Whether the area is stable or in transition.	The area is stable. The most recent rezoning, to establish the Desert Sands Development, was in 2014. There have been no other annexation or zoning actions in the immediate 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.	The subject property was recently annexed and brought into the City limits with an R-F (Ranch Farm) designation.

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** The existing infrastructure is sufficient to serve the proposed development. The subject property will provide access to the proposed residential lots via Desert Nomad Drive, a local street. The street was dedicated as part of the Desert Sands Preliminary plat.

**PUBLIC COMMENT:** Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on September 13, 2019. The Planning Division has not received any phone calls or letters in support or 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:

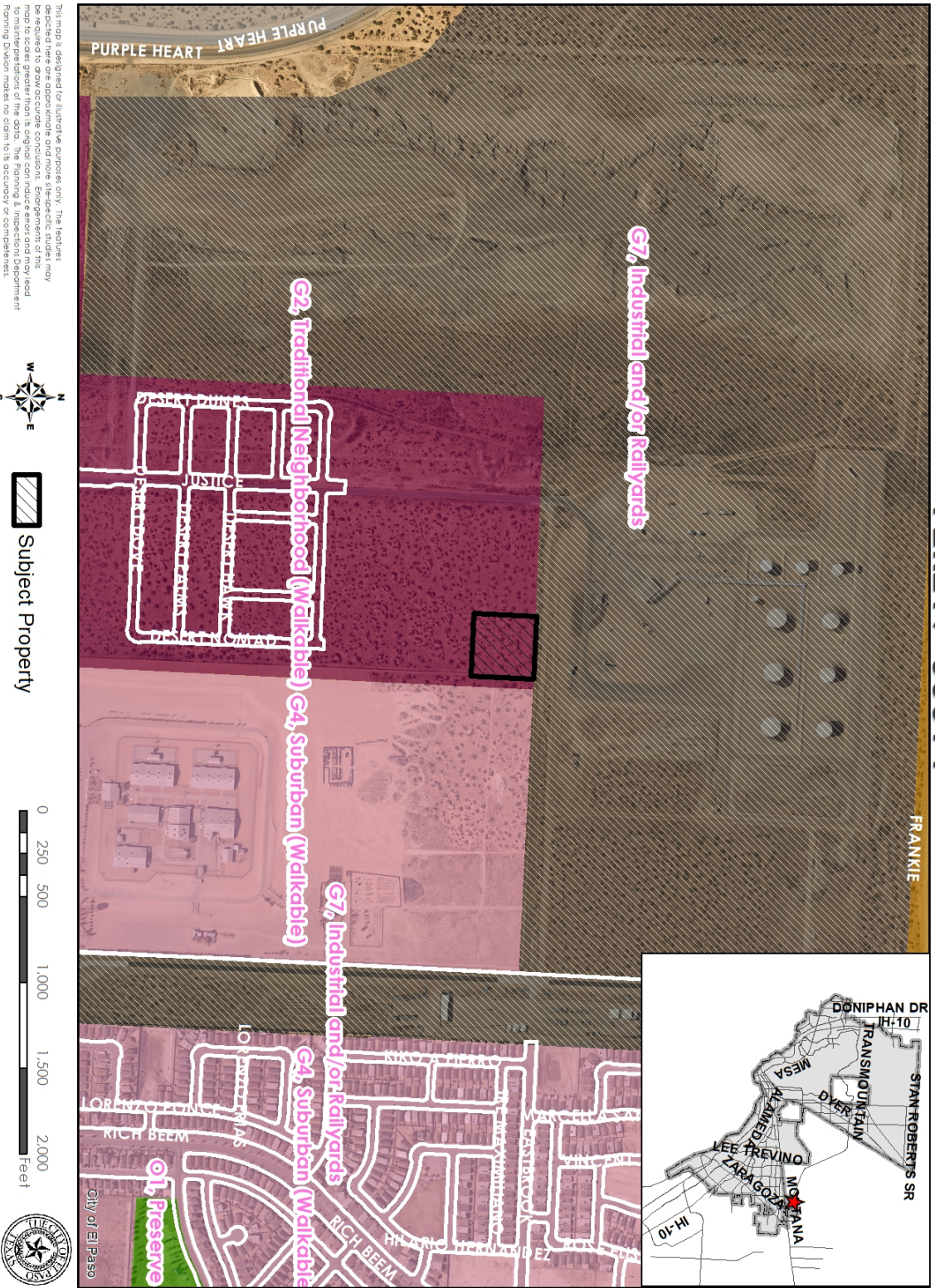
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**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

# ATTACHMENT 1

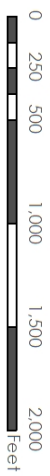
PZRZ19-00014



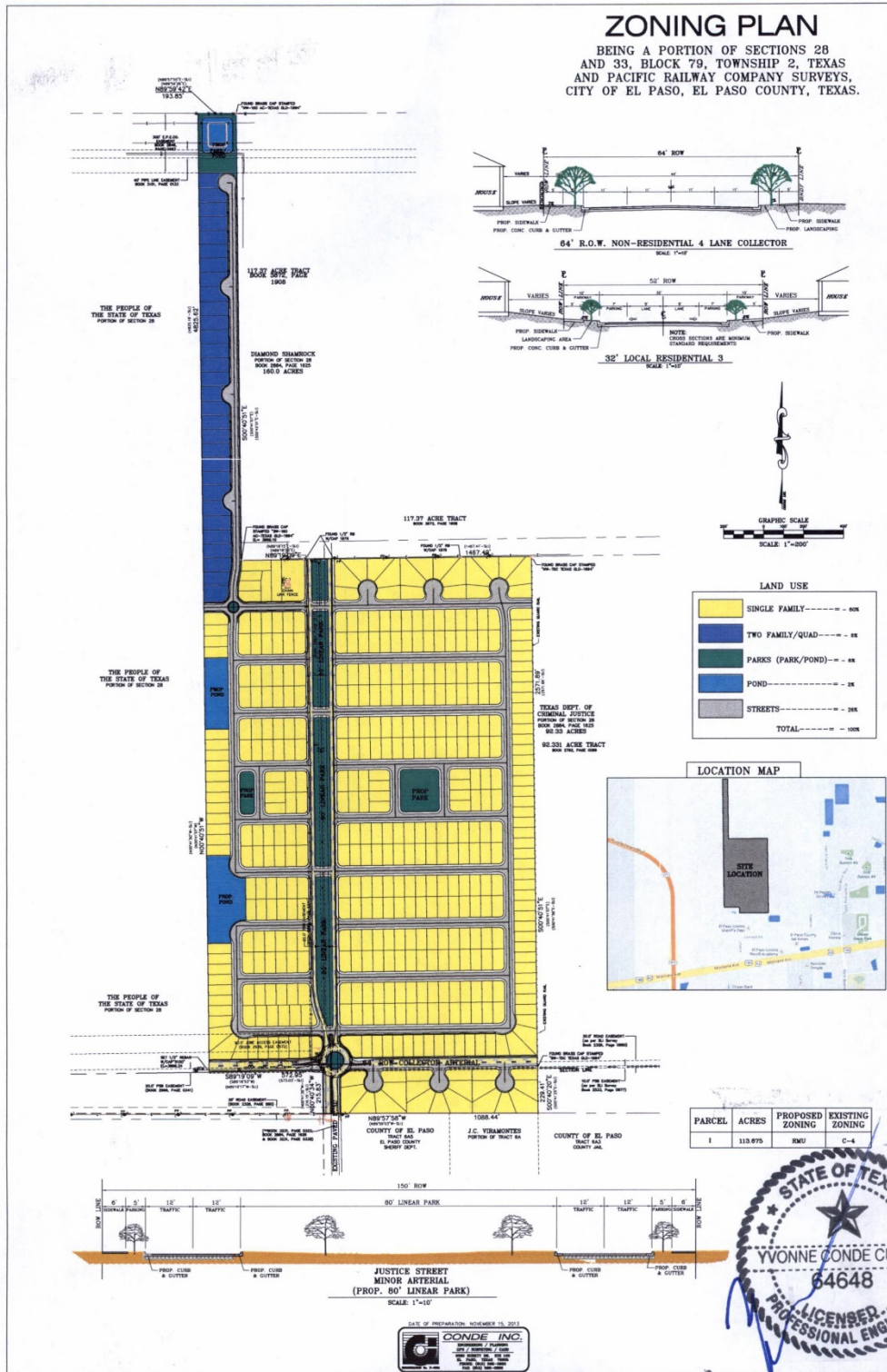
This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Errors or omissions on this map to scales greater than 1:5000 can indicate errors and may need to be corrected. Planning Division makes no claim to its accuracy or completeness.



Subject Property



# ATTACHMENT 2



# **ATTACHMENT 3**

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

1. Recommend approval. The proposed rezoning complies with the adopted Desert Sands Master Zoning Plan.

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

No objections to proposed rezoning.

### **Fire Department**

Recommend approval.

### **Police Department**

We will provide service to the best of our ability with our limited resources.

### **Sun Metro**

No objections.

### **Texas Department of Transportation**

Development is not abutting TxDOT Right of Way.

### **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.

The Owner/Developer has entered into a Development Agreement with the El Paso Water – Public Service Board (EPWater-PSB) to construct, 8-inch diameter water mains and 8-inch diameter sanitary sewer mains to provide service to this property. The Developer’s utility contractor is currently installing the required water and sanitary sewer mains which will be available for permanent service once EPWater-PSB issues a Letter of Final Acceptance of the facilities.

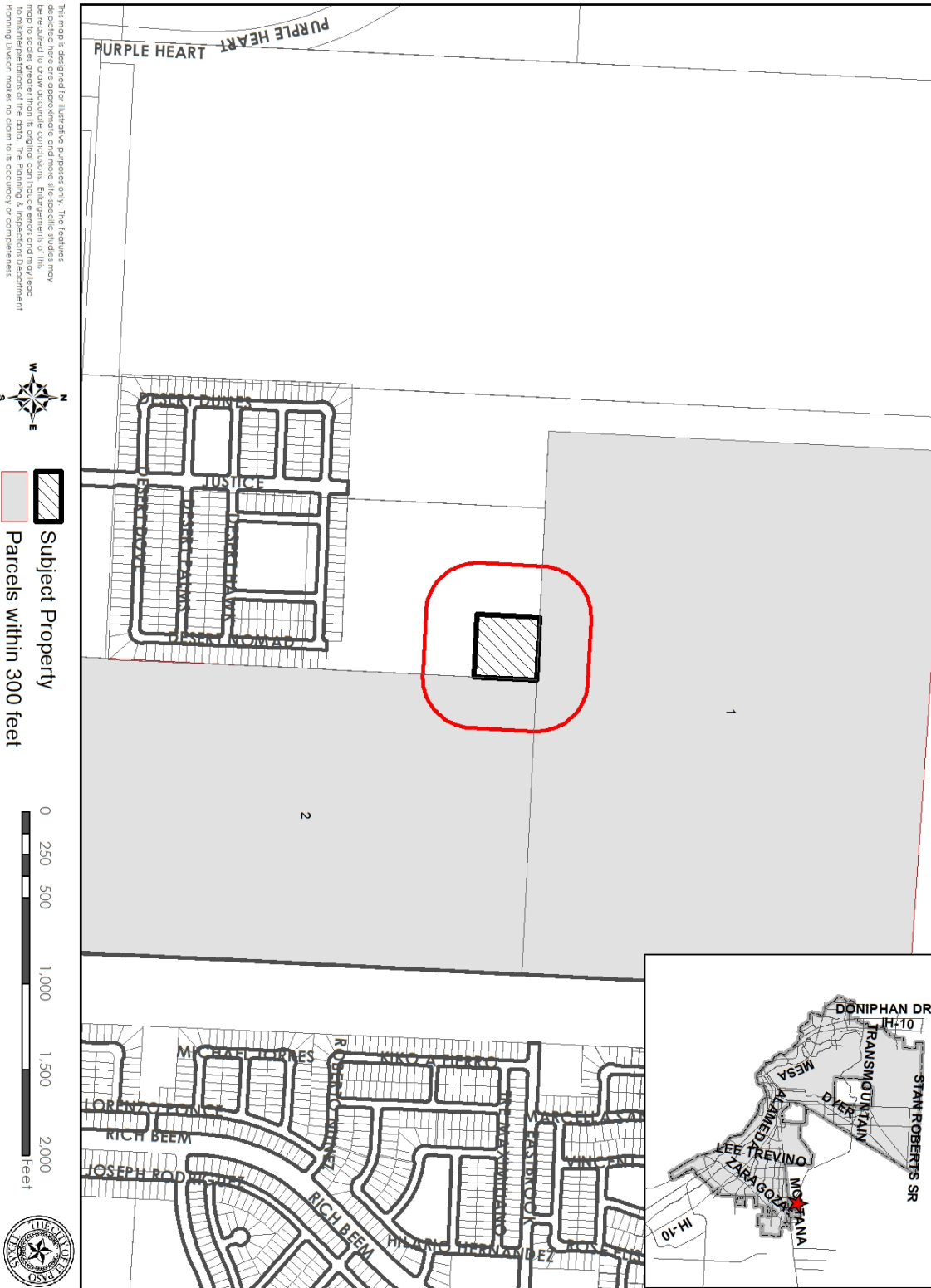
#### **General:**

Annexation fees are due at the time of new service application for individual water meters within the subject property.

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.

# ATTACHMENT 3

PZRZ19-00014



# REZONING



# Recommendation | Public Input

2

## **Development Coordinating Committee recommendation:**

Approval

## **CPC Vote:**

Approval Recommendation (8-0)

## **Public Input:**

- The Planning Division has not received communication in support of or opposition to the rezoning request.

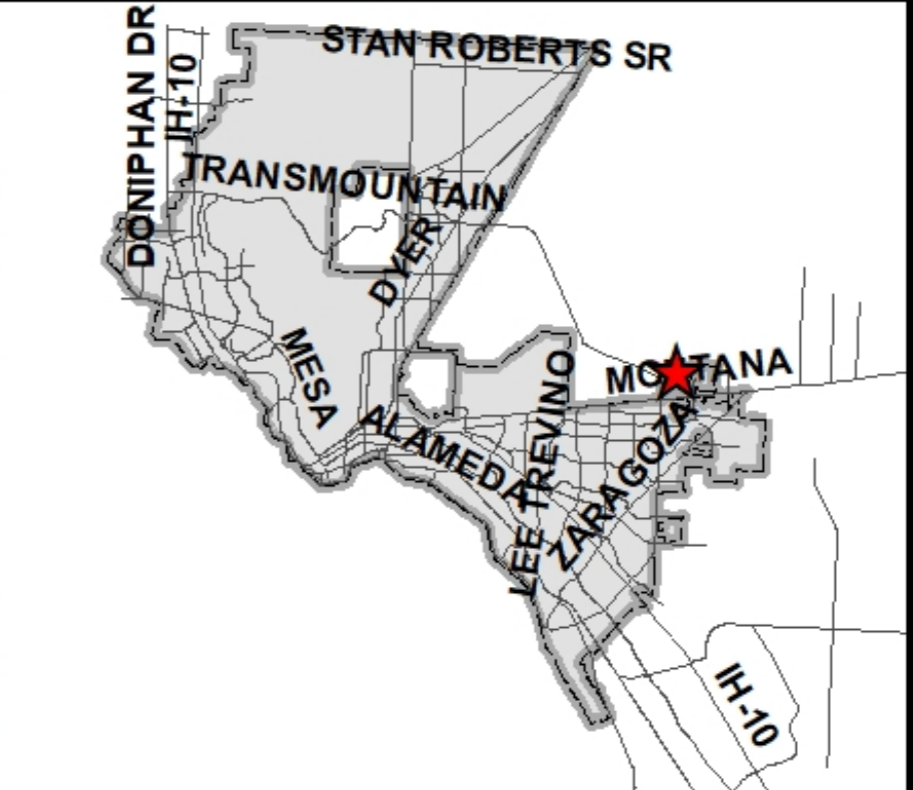
### **Strategic Goal #3 Promote the Visual Image of El Paso**

3.1 Provide business friendly permitting and inspection processes

3.2 Improve the visual impression of the community




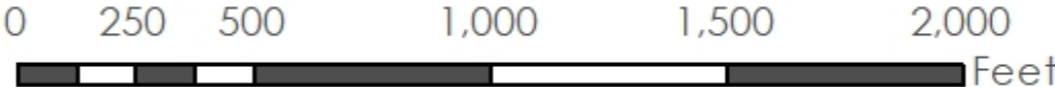
# PZRZ19-00014



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 Subject Property




# PZRZ19-00014



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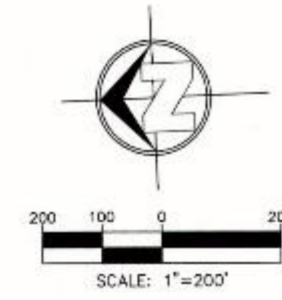


 Subject Property



# DESERT SANDS

BEING A PORTION OF SECTIONS 28 AND 33, BLOCK 79,  
TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS  
CITY OF EL PASO, EL PASO COUNTY, TEXAS  
CONTAINING: 106.282 ACRES ±

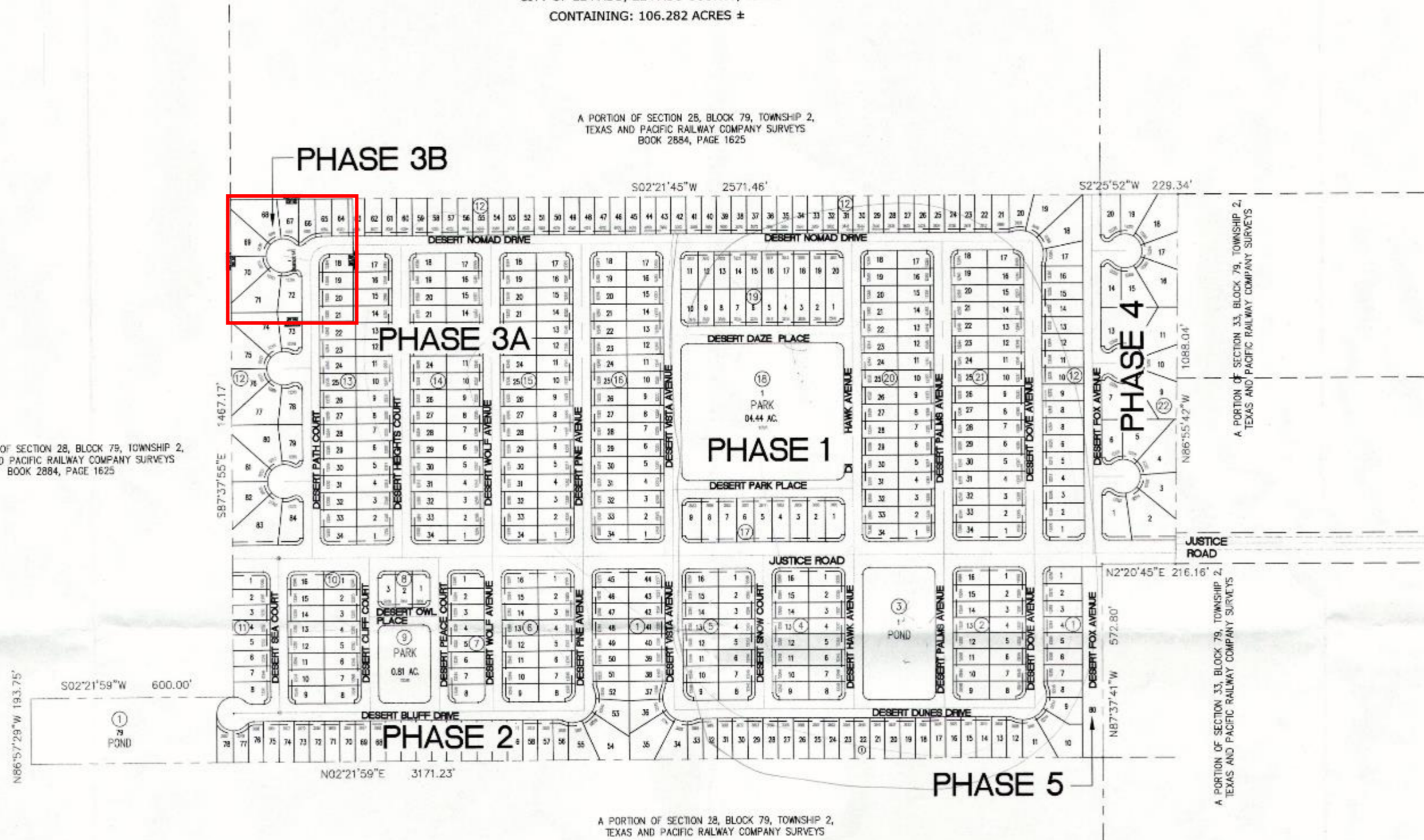


## DESERT SANDS

SECTION 21 SECTION 28 SECTION 28 SECTION 33  
SECTION 20 SECTION 29 SECTION 28 SECTION 32



A PORTION OF SECTION 28, BLOCK 79, TOWNSHIP 2,  
TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS  
BOOK 2884, PAGE 1625



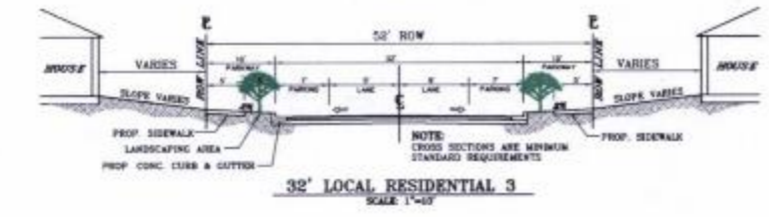
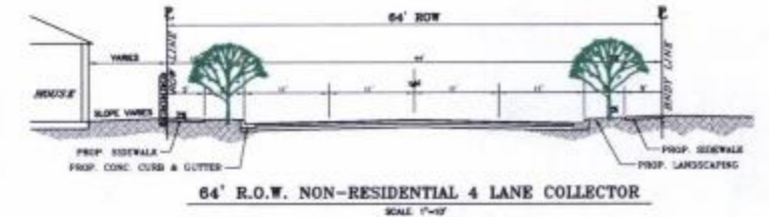
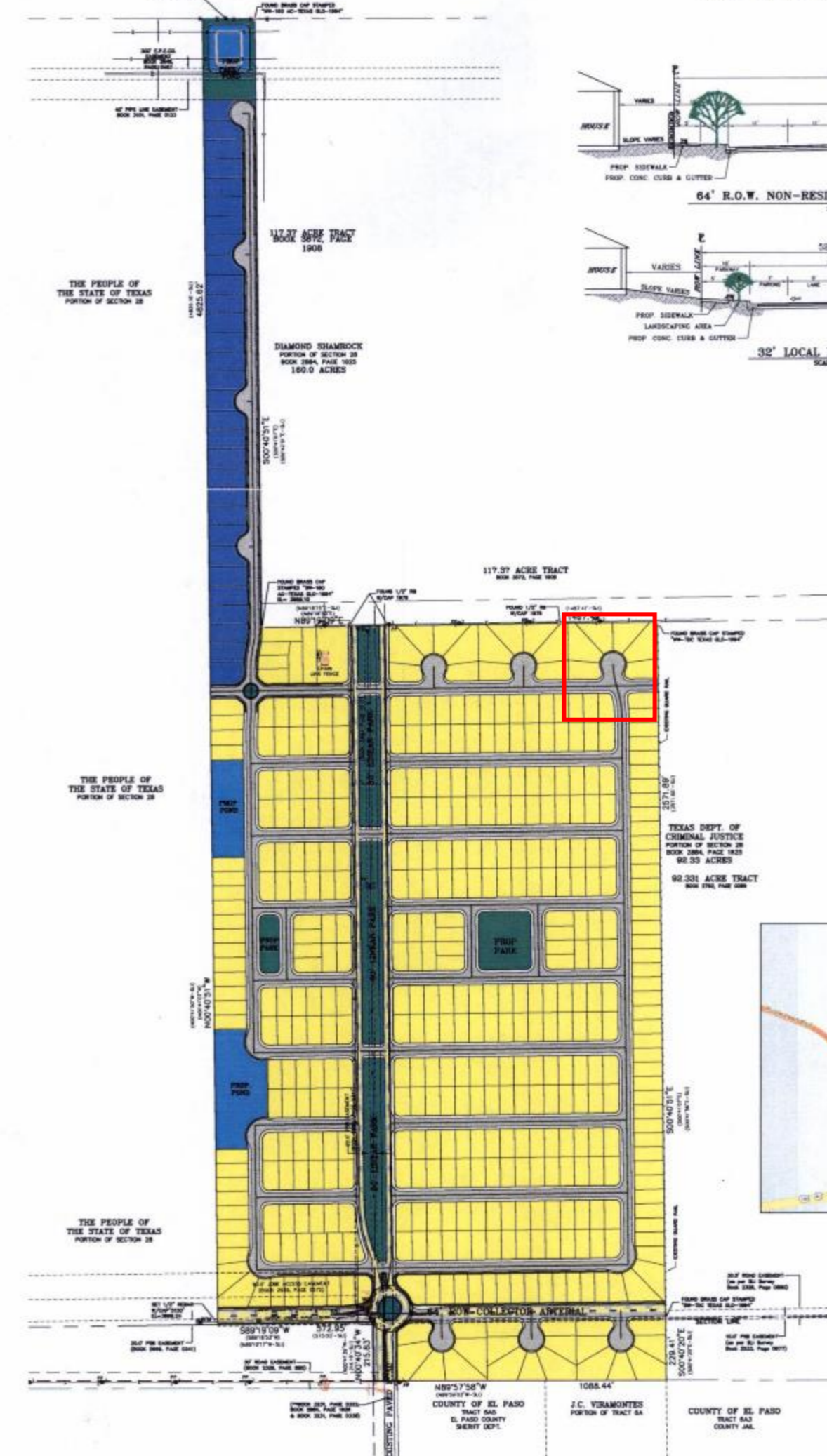
A PORTION OF SECTION 28, BLOCK 79, TOWNSHIP 2,  
TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS

A PORTION OF SECTION 33, BLOCK 79, TOWNSHIP 2,  
TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS

DESCRIPTION	START DATE	DURATION	DENSITY			
			RESIDENTIAL LOTS	PARK	POND	R.O.W.
PHASE 1 (51.329 ACRES)	AUGUST 2018	28 MONTHS	249	1	1	X
PHASE 2 (20.083 ACRES)	AUGUST 2020	12 MONTHS	86	1	1	X
PHASE 3A AND 3B (27.655 ACRES)	AUGUST 2021	12 MONTHS	160			X
PHASE 4 (6.435 ACRES)	MARCH 2022	7 MONTHS	20			X
PHASE 5 (0.779 ACRES)	JUNE 2022	1 MONTH				
<b>TOTAL</b>	<b>5 YEARS</b>	<b>60 MONTHS</b>	<b>515</b>	<b>2</b>	<b>2</b>	

PROJECT NAME	REVISION DESCRIPTION
DESERT SANDS	
PORTIONS OF SECTION 28 AND 33, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS	
EL PASO, TEXAS	
JUSTICE STREET	
SCALE: AS INDICATED	NO.
JOB NO.: 09-11E-3811	DATE
DESIGN BY: JAF	BENCHMARK
CHECKED BY: D/P/E	SECTION CORNER FOR SECTIONS 28 AND 33, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS ELEVATION: 3859.35 (NAVD83 DATUM)
DATE: 06/19/23	
Copyright 2023 by Engineers, Inc.	
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ONE ENGINEERS AND ARCHITECTS LAND PLANNERS 1111 W. 11TH STREET EL PASO, TEXAS 79906 (972) 784-4400	
SLI ENGINEERING, INC.	
LICENSE No. F-1902	
SHEET TITLE	
PHASING PLAN	
1 OF 1	

**ZONING PLAN**  
 BEING A PORTION OF SECTIONS 28  
 AND 33, BLOCK 79, TOWNSHIP 2, TEXAS  
 AND PACIFIC RAILWAY COMPANY SURVEYS,  
 CITY OF EL PASO, EL PASO COUNTY, TEXAS.

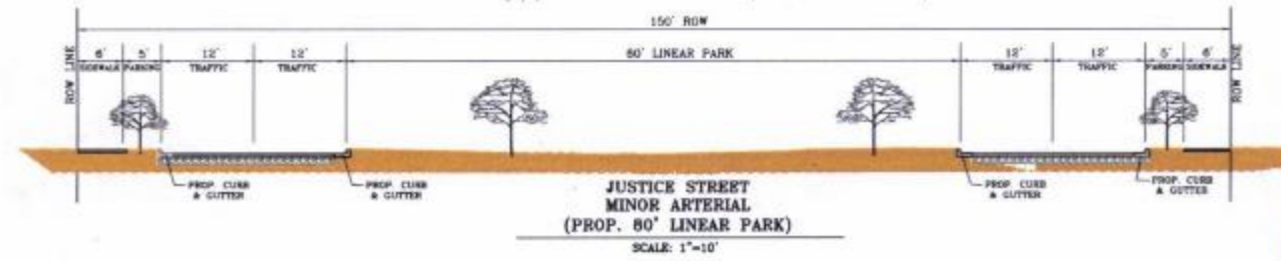


**LAND USE**

SINGLE FAMILY	---	80%
TWO FAMILY/QUAD	---	10%
PARKS (PARK/POND)	---	5%
POND	---	5%
STREETS	---	10%
<b>TOTAL</b>	<b>---</b>	<b>100%</b>



PARCEL	ACRES	PROPOSED ZONING	EXISTING ZONING
1	113.875	RMU	C-4



# SIGNS



SIGNAGE POSTED IN PROPOSED REZONING LOCATIONS





N



W



S



E



THANK YOU

