

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

DEPARTMENT: Planning and Inspection Department, Planning Division

AGENDA DATE: Introduction – November 26, 2019

PUBLIC HEARING DATE: December 17, 2019

CONTACT PERSON NAME AND PHONE NUMBER:

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

Andrew Salloum, (915) 212-1603, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 4

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 a portion of Lot 5, Block 6, Castner Range Subdivision No. 1, 4800 Woodrow Bean Transmountain Drive, City of El Paso, El Paso County, Texas from R-4 (Residential) to C-3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan. Subject Property: 4800 Woodrow Bean Transmountain Drive. Property Owner: MIMCO. PZRZ19-00030 (District 4)

BACKGROUND / DISCUSSION:

On November 21, 2019, The CPC reviewed and recommended approval of the subject property request.

PRIOR COUNCIL ACTION:

There is no prior City Council action on this rezoning application.

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD:

Philip F. Etiwe, Director
Planning and Inspection Department

MEMORANDUM

DATE: December 12, 2019 (REVISED)
TO: The Honorable Mayor and City Council
Tommy Gonzalez, City Manager
FROM: Andrew Salloum, Senior Planner
SUBJECT: PZRZ19-00030

The City Plan Commission (CPC), on November 21, 2019, voted 7-0 to recommend approval of the request to rezone the property from R-4 (Residential) to C-3 (Commercial) in order to allow for a commercial development.

The CPC found that the rezoning is in conformance with Plan El Paso. The CPC also determined that the rezoning protect 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 effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

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

Property Owner: MIMCO
Representative: SLI Engineering, Inc.

Attachments:
Staff report

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 5, BLOCK 6, CASTNER RANGE SUBDIVISION NO. 1, 4800 WOODROW BEAN TRANSMOUNTAIN DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO C-3 (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 Lot 5, Block 6, Castner Range Subdivision No. 1, 4800 Woodrow Bean Transmountain Drive**, located in the City of El Paso, El Paso County, Texas, and more particularly described in the attached metes and bounds as **Exhibit "A"**, be changed from **R-4 (Residential)** to **C-3 (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 _____, 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 F. Etiwe, Director
Planning & Inspections Department

(Exhibit "A" on the following page)

EXHIBIT "A"

Prepared for: EPISD
September 26, 2018
(Parcel 2)

METES AND BOUNDS DESCRIPTION

Being a portion of Lot 5, Block 6, Castner Range Subdivision No. 1, as recorded in volume 43, page 30, Plat records of El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a found concrete cylinder with brass cap stem remnant for the northwest corner of Section 2, Block 81, Township 2, Texas and Pacific Railway Surveys from which a found brass cap marked Texas Department of Transportation ROW-NO for Southwest corner of Section 2, Block 81, Township 2, Texas and Pacific Railway Company Surveys bears, South 01°12'06" East a distance of 5293.35 feet (measured) 5293.30 Feet (Record), Thence along the westerly line of said section 37, Block 81, Township 2, Texas and Pacific Railway Company surveys, North 01°15'40" West a distance of 5296.54 feet to the common corner of Sections 30, 31, 36 & 37, Block 81, Township 1, Texas and Pacific Railway Company Surveys. Thence along the common line of Sections 30 & 37, Block 81, Township 1, Texas and Pacific Railway Company Surveys, North 88°49'50" East a distance of 2430.06 feet to a point. Thence leaving said line, South 01°10'10" East a distance of 200.00 feet to a set chiseled x in concrete sidewalk on the southerly right of way line of Trans Mountain Road (Loop 375) for the "TRUE POINT OF BEGINNING".

Thence along said right of way line, North 88°49'50" East a distance of 939.45 feet to a set ½" rebar;

Thence leaving said right of way line, South 01°12'01" East a distance of 546.00 feet to a set ½" rebar;

Thence, South 88°44'20" West a distance of 958.90 feet to a set ½" rebar on the easterly right of way line of Kenworthy Street;

Thence along said right of way line, North 01°15'40" West a distance of 527.50 feet to a point of curve from which a found ½" rebar bears South 28°28'57" East a distance of 0.37 feet;

Thence, 31.45 feet along the arc of a curve to the right which has a radius of 20.00 feet a central angle of 90°05'30" a chord which bears North 43°47'05" East a distance of 28.31 feet to the "TRUE POINT OF BEGINNING" and containing 524,367 square feet or 12.04 acres of land more or less.

Note: A Plat of survey of even date accompanies this description.



Ron R. Conde
R.P.L.S. No. 5152



CONDE, INC.

ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE SUITE 100 / EL PASO, TEXAS 79905 / (915) 592-0283
FAX (915) 592-0286 / FIRM NO. 10078100

MEMORANDUM

DATE: November 19, 2019
TO: The Honorable Mayor and City Council
Tommy Gonzalez, City Manager
FROM: Andrew Salloum, Senior Planner
SUBJECT: PZRZ19-00030

The City Plan Commission (CPC) is scheduled for November 21, 2019.

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

Property Owner: MIMCO
Representative: SLI Engineering, Inc.

Attachments:
Staff report

4800 Woodrow Bean Transmountain Drive

City Plan Commission — November 21, 2019

REZONING



CASE NUMBER: PZRZ19-00030
CASE MANAGER: Andrew Salloum, 915-212-1603, salloumam@elpasotexas.gov
PROPERTY OWNER: MIMCO
REPRESENTATIVE: SLI Engineering, Inc.
LOCATION: 4800 Woodrow Bean Transmountain Road (District 4)
PROPERTY AREA: 12.04 acres
REQUEST: Rezone from R-4 (Residential) to C-3 (Commercial)
RELATED APPLICATIONS: N/A
PUBLIC INPUT: None, notices sent to property owners within 300 feet on November 7, 2019.

SUMMARY OF REQUEST: The applicant is proposing to rezone the property from R-4 (Residential) to C-3 (Commercial) in order to allow for a commercial development.

SUMMARY OF DCC RECOMMENDATION: The Development Coordinating Committee recommends **APPROVAL** of the rezoning request. The proposed district is consistent with other surrounding commercial districts in the immediate area, and meets the established character of its surrounding neighborhood. Furthermore, the proposed development meets the intent of the G-4, Suburban use designation of *Plan El Paso* in the Northeast planning area.

PZRZ19-00030



Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone from R-4 (Residential) to C-3 (Commercial) to allow for a commercial development consisting of retail, restaurant, and office. Commercial uses are not permitted in the R-4 district. The subject property is currently vacant, but was formerly in use by the school district. The proposed commercial development is within proximity of other commercial lots to the west. The conceptual site plan shows six commercial buildings with required 264 parking spaces. Access to the subject property is provided from Woodrow Bean Transmountain Road and Kenworthy Street.

PREVIOUS CASE HISTORY: The Development Coordinating Committee recommended **APPROVAL** of the rezoning request on November 5, 2019.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed development is consistent with the commercial developments in close proximity and meets the established character of its surrounding neighborhood. Further, the proposed the development meets the intent of G-4 Suburban (Walkable) use designation of Plan El Paso, the City’s Comprehensive Plan.

| COMPLIANCE WITH PLAN EL PASO/REZONING POLICY | |
|--|---|
| 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>G-4, Suburban (Walkable): 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.</p> | <p>Yes, it is compatible with the G-4 Suburban (walkable) Future Land Use designation. Community/Regional shopping centers are consistent with G-4 because it references suburban shopping centers.</p> |
| <p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-3 (Commercial) District: The purpose of this district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.</p> | <p>Yes, the proposed development is a permitted use in the C-3 (Commercial) district. The proposed development is within proximity of other commercial lots to the west.</p> |
| <p>Preferred Development Locations: 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: | |
| <p>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.</p> | <p>N/A</p> |

| COMPLIANCE WITH PLAN EL PASO/REZONING POLICY | |
|---|---|
| Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning. | The proposed development is not anticipated to pose any adverse effects on the community. It has the potential to maximize the use of an undeveloped lot. |
| 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. | Stable. There have not been any rezoning requests in the vicinity of the subject property. |
| Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property. | The proposed development is within an older, stable area of the city which complies with the G-4, Suburban (Walkable) future land use designation. Note that this is a part of 80 acres of the school district is selling and future rezoning and subdivision requested are likely. |

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access to the subject property is proposed from Woodrow Bean Transmountain Road as major highway and Kenworthy Drive as a minor highway. It is adequate to serve the proposed development.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No objections to proposed rezoning. There were no adverse comments received. Applicant is responsible for obtaining all applicable permits and approvals prior to construction.

PUBLIC COMMENT: The proposed development lies within no registered neighborhood association. Public notices were sent to property owners within 300 feet on November 7, 2019. The Planning Division has not received any communication in support or opposition to the rezoning request

RELATED APPLICATIONS: Not applicable.

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. Department Comments
3. Neighborhood Notification Boundary Map
4. Conceptual Plan

ATTACHMENT 2

Planning & Inspections Department

No objections.

BPI Review

Preliminary scheme reviewed for rezoning purposes only.

At the time of submittal for building permits, the project will need to comply with all applicable provisions of the IBC, Municipal Code, and TAS.

Land Development

1. Show proposed drainage flow patterns on the preliminary plat and identify the discharge and/or storage location(s) for all storm-water runoff within the subdivision limits.
2. EPWater – SW requires retention of all developed storm water runoff within this subdivision. As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, non-point source pollution and maintain the integrity of natural and man-made channels, and encourage the use of nonstructural storm water management such as the preservation of greenspace and other conservation areas, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, Subparagraph A-2 & A-5.
3. There is a drainage channel that goes through this property conveying storm water from Trans-mountain Dr.; this flow needs to be accounted for in the design of the development of this subdivision.

*The comments will be addressed at time of the permitting stage.

Fire

No objections.

Sun Metro

No objections.

TxDOT

TxDOT has not receive a formal submittal of grading and drainage plan for review or access request. Developer has made only initial coordination.

*The comments will be addressed at time of the permitting stage.

Environmental Services Department

No comments received.

El Paso Water

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

Water:

There is an existing 12-inch diameter water main along Kenworthy Street. This main continues East along Woodrow Bean Transmountain Road for approximately 200-feet. This main is available for service.

EPWater records indicate one (1) 2-inch water service serving the subject property with 4770 Woodrow Bean Transmountain Road as the service address.

EPWater records indicate one (1) 6-inch fire line service 5000 Woodrow Bean Transmountain Road (adjacent property) that crosses the subject property and it is for located along northern limits of the property.

Previous water pressure reading from fire hydrant # 8390 located 940-feet south of Woodrow Bean Transmountain Road and Kenworthy Drive, yielded a static pressure of 70 psi, a residual pressure 62 psi and a discharge of 1,138 gallons per minute.

Sanitary Sewer:

There is an existing 8-inch diameter sanitary sewer main extending along Woodrow Bean Transmountain Road east of Kenworthy Drive. This sewer main continues north across Woodrow Bean Transmountain Road approximately 200 east of Kenworthy Drive. This main is available for service.

There is an existing 8-inch diameter sanitary sewer along Kenworthy Drive. This main dead-ends about 181-feet south of Woodrow Bean Transmountain Road. This main is available for service.

There is an existing 8-inch diameter sanitary sewer main extending along and parallel to Kenworthy Drive within an easement located at 9999 Kenworthy Drive. This main front a portion of the property. This main is available for service.

General:

Woodrow Bean Transmountain Road is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Woodrow Bean Transmountain Road right-of-way requires written permission from TxDOT.

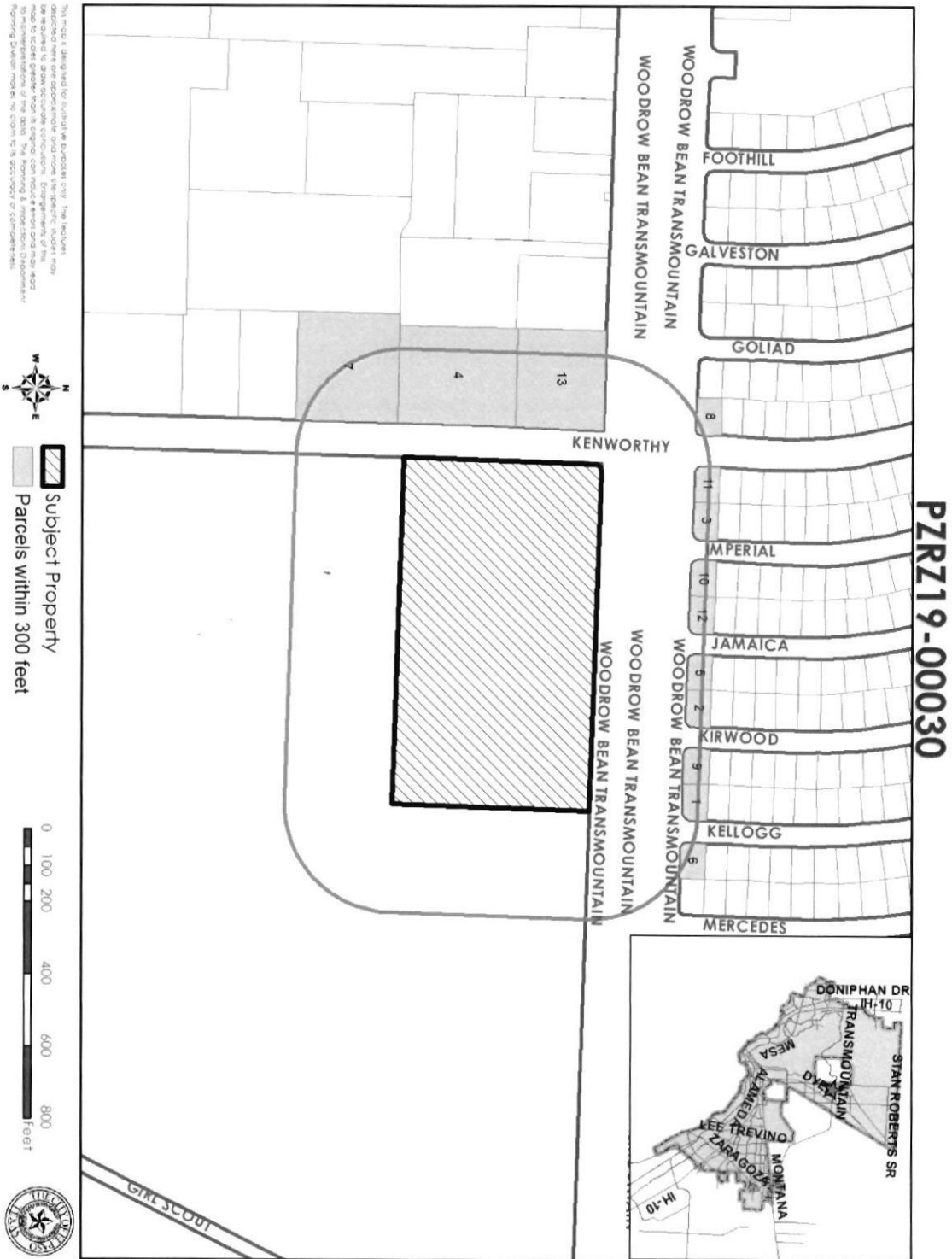
EPWater requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping 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.

Stormwater Engineering

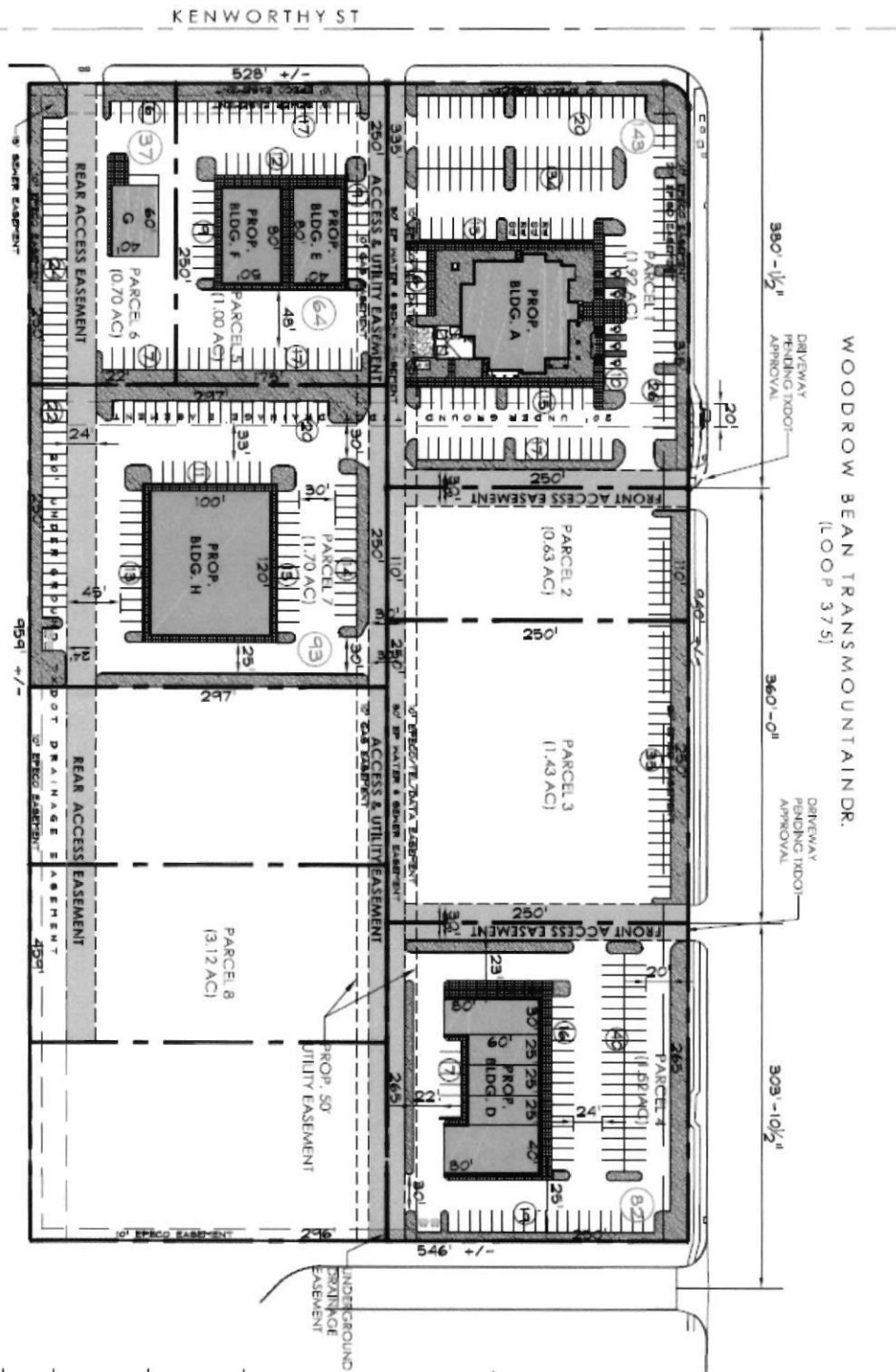
1. We have done a 5-Day review on this property under Castner Heights Rplt. "A".
2. EPWater – SW requires retention of all developed storm water runoff within this subdivision. As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, non-point source pollution and maintain the integrity of natural and man-made channels, and encourage the use of nonstructural storm water management such as the preservation of greenspace and other conservation areas, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, Subparagraph A-2 & A-5.
3. There is a drainage channel that goes through this property conveying storm water from Trans-mountain Dr.; this flow needs to be accounted for in the design of the development of this subdivision.

*The comments will be addressed at time of the permitting stage.

ATTACHMENT 3



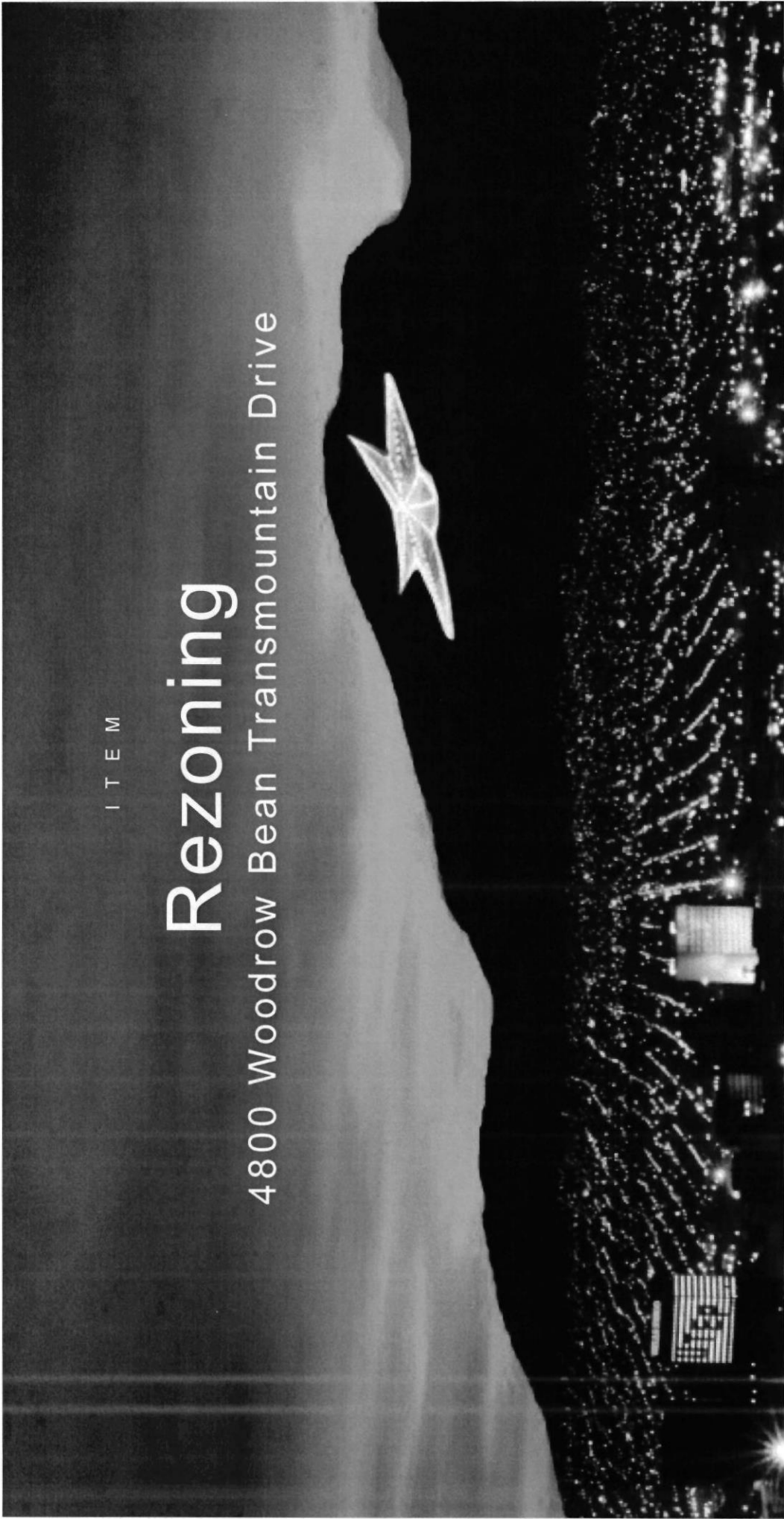
ATTACHMENT 4



I T E M


Rezoning

4800 Woodrow Bean Transmountain Drive



PZRZ19-00030



 Subject Property



This map is designed for subjective purposes only. The features are not intended to show accurate boundaries. Improvements of the map to include greater than is original can reduce error and may lead to misinterpretations of the data. The Planning & Inspection Department Planning & Inspection Unit, City of El Paso, is not responsible for any inaccuracies.





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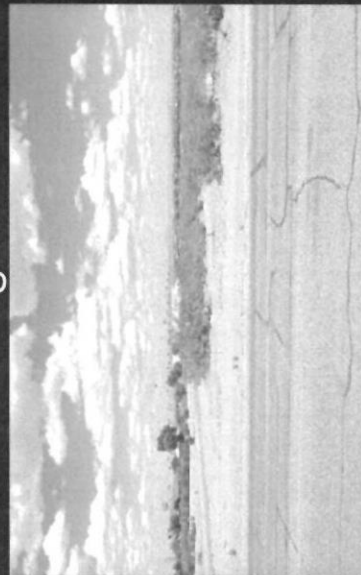
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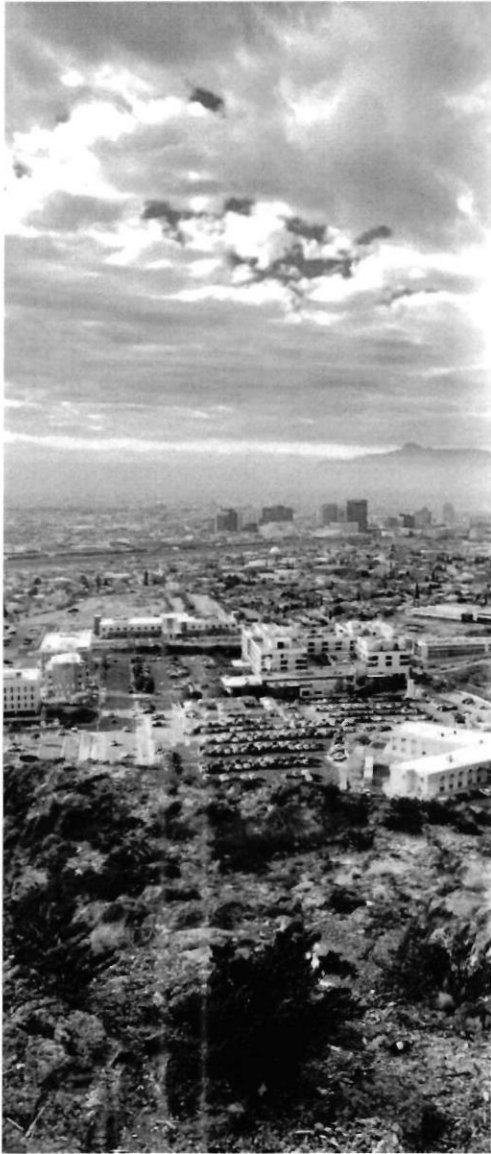


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Recommendation | Public Input

8

Planning Division and DCC recommendation:

Approval

CPC Vote:

Scheduled for November 21, 2019

Public Input:

- The Planning Division has not received communication 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

THANK YOU

