



## *City of El Paso – City Plan Commission Staff Report*

### **REVISED**

**Case No:** PZRZ14-00024  
**Application Type:** Rezoning  
**CPC Hearing Date:** August 28, 2014  
**Staff Planner:** Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov  
**Location:** 1614 Jose Bombach  
**Legal Description:** Portion of Lot 8, Block 6, Maria Seanes Estates, Unit 1, being a portion of Section 8, Block 79, Township 3, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas  
**Acreage:** 0.5722 acres  
**Rep District:** 6  
**Current Zoning:** R-3A/c/sp (Residential/condition/special permit)  
**Existing Use:** Vacant  
**C/SC/SP/ZBA/LNC:** 1. Conditions imposed by Ordinance No. 14578, dated August 15, 2000  
2. Special Permit No. SU-00008 for a planned residential development  
**Request:** R-3A/c/sp (Residential /condition/special permit) to C-1 (Commercial) (Related to PZCR14-00005)  
**Proposed Use:** Shopping center  
**Property Owner:** Tepabe Properties, LLC  
**Representative:** Georges Halloul

#### **SURROUNDING ZONING AND LAND USE**

**North:** R-3A/c/sp (Residential/condition/special permit) / Single family homes  
**South:** C-1/sc (Commercial/special contract) & C-3/sc (Commercial/special contract) / Vacant  
**East:** C-1/c (Commercial/condition) / Vacant  
**West:** R-3/c/sp (Residential/condition/special permit) / Single-Family Homes

**PLAN EL PASO DESIGNATION:** G-4 Suburban (Walkable) (East Planning Area)

**NEAREST PARK:** Walter Clarke Park (235 feet)

**NEAREST SCHOOL:** Captain Walter E. Clarke Middle School (1,123 feet)

#### **NEIGHBORHOOD ASSOCIATIONS**

Eastside Civic Association

#### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on July 30, 2014. The Planning Division has received one phone call and **one letter** in opposition to the rezoning request.

#### **CASE HISTORY**

Ordinance No. 14578 (Attachment 4), approved August 15, 2000, rezoned the subject property (a portion of Parcel 1 in the ordinance) from R-3 to R-3A and imposed conditions as follows:

- 1. No building permits shall be issued for Parcels 1 to 5 until a subdivision plat has been approved by the City Plan Commission and recorded with the El Paso County Clerk.*
- 2. No building permits shall be issued for Parcel 1 until a special permit for planned residential development and a detailed site development plan have been approved by the El Paso City Plan Commission and City Council.*
- 3. The following uses shall be prohibited within Parcel 5:*

- a. Banks or other similar financial institutions, drive-in or otherwise.
- b. Theaters
- c. Garage, community, parking lot.
- d. Temporary non-accessory tents for special purposes.
- e. Temporary non-accessory amusement park.
- f. Swimming pools.
- g. Railroad right-of-way.
- h. Automotive tune-up service.
- i. Automobile and light truck lubrication service.
- j. Outdoor flea market.
- k. Retail shopping center.

Condition #3 does not apply to the subject property. Conditions #1 and #2 of Ordinance No. 14578 have been satisfied.

Ordinance No. 14603, dated September 5, 2000, granted Special Permit SU-00008 (Attachment 5) to allow for a planned residential development on the subject property. While the majority of the parcel granted the special permit has been developed accordingly, only the small portion comprising the subject property has remained vacant.

As part of the rezoning request City Council will be asked to repeal the special permit for the subject property only.

#### **APPLICATION DESCRIPTION**

The property owner is requesting a rezoning from R-3A/c/sp (Residential/condition/special permit) to C-1 (Commercial) to clean-up up the existing split zoning. The property is currently vacant and is 0.5722 acres in size. The conceptual site plan proposes a 15,000 sq. ft. shopping center for 12 tenant spaces. The development requires 50 parking spaces and provides 54, including 3 ADA accessible spaces and bicycle parking. A 10' landscape buffer is proposed at the rear along residentially-zoned properties. Access is proposed from Vista del Sol with additional egress-only on Jose Bombach.

#### **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of rezoning the subject property from R-3A/c/sp (Residential) to C-1 (Commercial). The majority of the lot is already zoned C-1 (Commercial) and the rezoning will clear up the present split-zoning and enable the lot to be developed to its full potential.

#### **Plan El Paso-Future Land Use Map Designation**

All applications for a rezoning shall demonstrate compliance with the following criteria:

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.

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

#### **COMMENTS:**

##### **City Development - Planning Division - Transportation**

No objections. A TIA is not required.

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.

**City Development Department – Building & Development Permitting**

No objections to proposed rezoning.

**City Development Department – Landscape Review**

No objections.

**City Development Department - Land Development**

No objections.

**El Paso Fire Department**

The re-zoning case as submitted has been reviewed and the fire dept. recommends approval for the re-zoning.

**El Paso Water Utilities**

EPWU does not object to this request.

**Water:**

1. There is an existing 8-inch diameter water main extending along Joe Bombach that is available for service, the water main is located approximately 8-ft east from the center line of the right-of-way.
2. There is an existing 12-inch diameter water main extending along Vista Del Sol Drive that is available for service, the water main is located approximately 35-ft north from the center line of the right-of-way.

**Sanitary Sewer:**

1. There is an existing 8-inch diameter sanitary sewer main extending along Joe Bombach that is available for service, the sewer main is located approximately 5-ft west from the center line of the right-of-way.
2. There is an existing 12-inch diameter sanitary sewer main extending along Vista Del Sol Drive that is available for service, the sewer main is located approximately 24-ft south from the center line of the right-of-way.

**General:**

1. 6. EPWU 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.

**Attachments:**

Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan

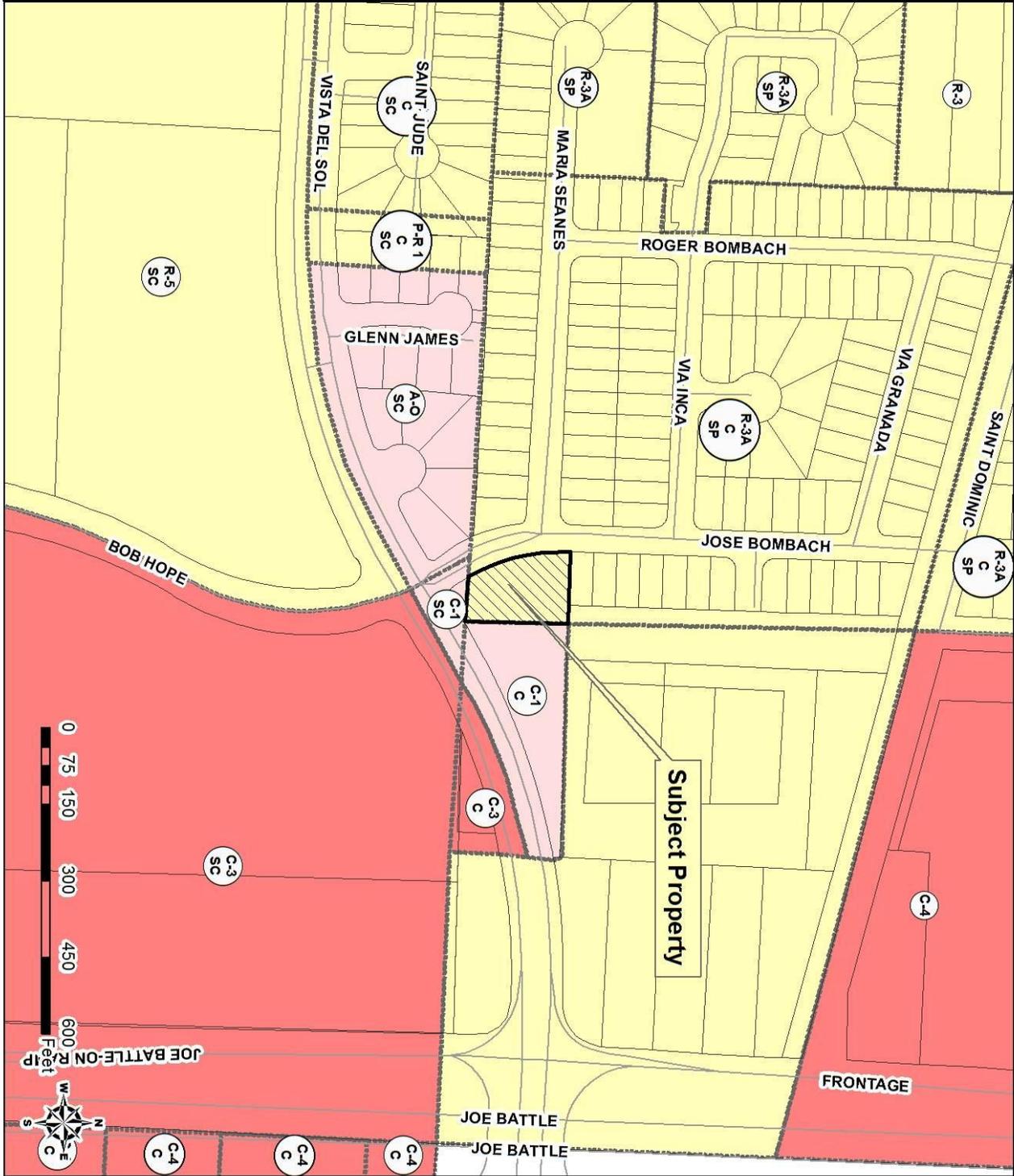
Attachment 4: Ordinance No. 14578

Attachment 5: Special Permit SU-00008

Attachment 6: Opposition Letter

ATTACHMENT 1: ZONING MAP

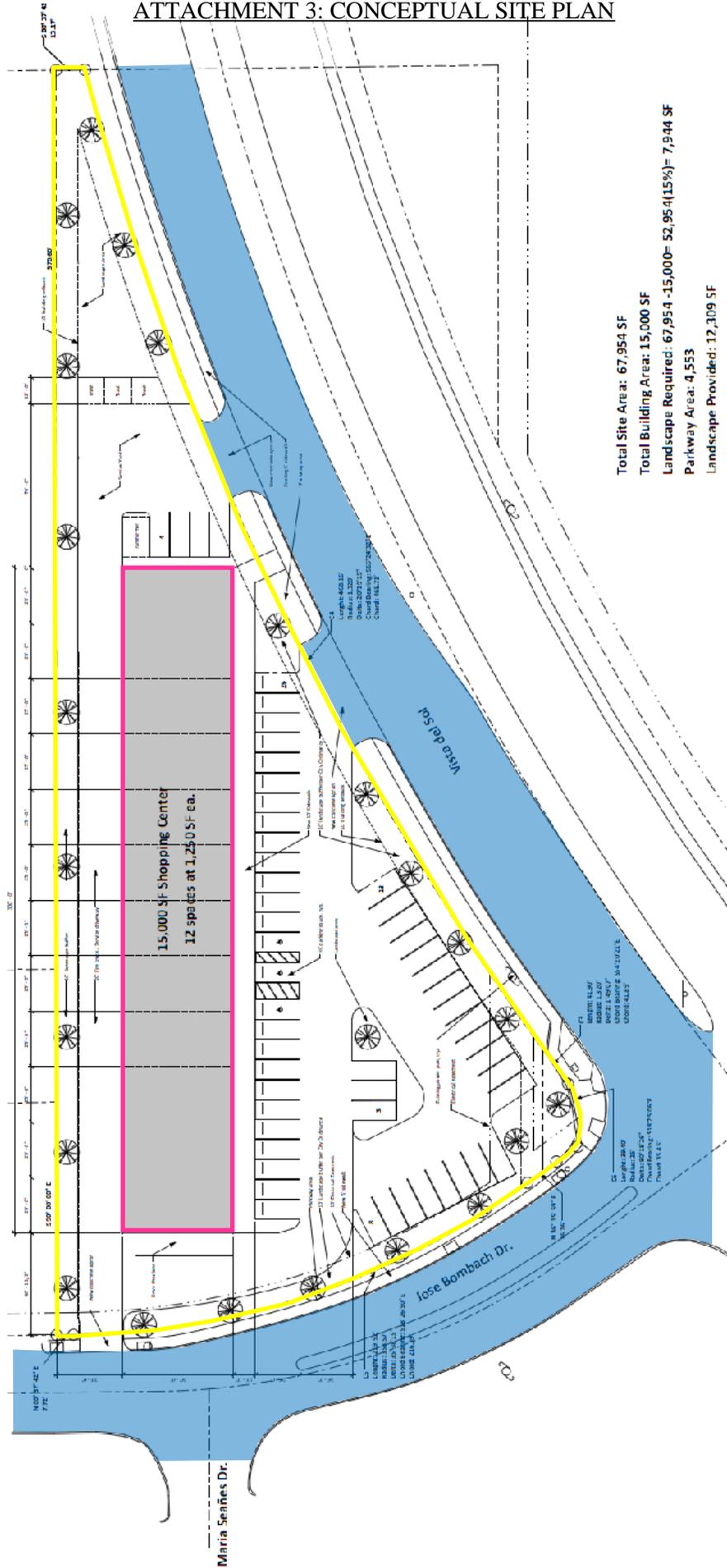
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**ATTACHMENT 3: CONCEPTUAL SITE PLAN**



**Total Site Area: 67,954 SF**  
**Total Building Area: 15,000 SF**  
**Landscaping Required: 67,954 - 15,000 = 52,954 (15%) = 7,944 SF**  
**Parkway Area: 4,553**  
**Landscaping Provided: 12,109 SF**  
 Paulsen Development, EA, Inc. EA, Inc.

15h

ORDINANCE NO. 014578

AN ORDINANCE CHANGING THE ZONING OF TRACTS 17C15, 17C30, 17C31, 17C38, 17C47, 17C51, 17C54, 17C65, 17C76, 17C77, 17C78, 17C79, 17C97, 17C98, 17C120, 17C130, 17C145, 17C155, 17C162, 17C163, SECTION 8, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILROAD SURVEYS, AND PORTIONS OF LOTS 13 AND 14, BLOCK 572, VISTA DEL SOL UNIT 150, CITY OF EL PASO, EL PASO COUNTY, TEXAS (12200 BLOCK OF VISTA DEL SOL DRIVE) AS FOLLOWS: PARCEL 1, FROM R-3 (RESIDENTIAL) TO R-3A/C (RESIDENTIAL/CONDITIONS); PARCEL 2, FROM R-3 (RESIDENTIAL) TO RMH (RESIDENTIAL MOBILE HOME/CONDITIONS); PARCEL 3, FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL/CONDITIONS); PARCEL 4, FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL/CONDITIONS); PARCEL 5, FROM R-3 (RESIDENTIAL) TO C-1/C (COMMERCIAL/CONDITIONS); AND PARCEL 6, FROM A-O/SC (APARTMENT-OFFICE/SPECIAL CONTRACT) TO C-1/SC (COMMERCIAL/SPECIAL CONTRACT); AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.

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

That the zoning of *Tracts 17C15, 17C30, 17C31, 17C38, 17C47, 17C51, 17C54, 17C65, 17C76, 17C77, 17C78, 17C79, 17C97, 17C98, 17C120, 17C130, 17C145, 17C155, 17C162, 17C163, Section 8, Block 79, Township 3, TEXAS AND PACIFIC RAILROAD SURVEYS, and portions of Lots 13 and 14, Block 572, VISTA DEL SOL UNIT 150, City of El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibits "A" - "E", be changed, within the meaning of the zoning ordinance, as follows:

- Parcel 1: from R-3 (Residential) to R-3A/c (Residential/conditions);
- Parcel 2: from R-3 (Residential) to RMH (Residential Mobile Home/conditions);
- Parcel 3: from R-3 (Residential) to C-1 (commercial/conditions);
- Parcel 4: from R-3 (Residential) to C-3 (commercial/conditions);
- Parcel 5: from R-3 (Residential) to C-1/c (commercial/conditions); and
- Parcel 6: from A-0/sc (Apartment-Office/special contract) to C-1/sc (Commercial/special contract)

and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning as noted above, in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

CJC:pme#72157

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7/19/00

ORDINANCE NO. 014578

Zoning Case No. ZC-00036

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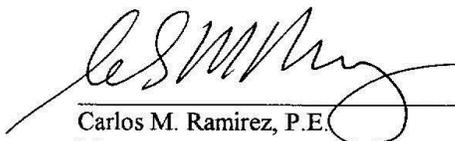
ATTACHMENT 4: ORDINANCE NO. 14578 (CONTINUED)

1. No building permits shall be issued for Parcels 1 to 5 until a subdivision plat has been approved by the El Paso City Plan Commission, and filed and recorded with the El Paso County Clerk.
2. No building permits shall be issued for Parcel 1 until a special permit for planned residential development and a detailed site development plan have been approved by the El Paso City Plan Commission and City Council.
3. The following uses shall be prohibited within Parcel 5:
  - a. Banks or other similar financial institutions, drive-in or otherwise.
  - b. Theaters.
  - c. Garage, community, parking lot.
  - d. Temporary non-accessory tents for special purposes.
  - e. Temporary non-accessory amusement park.
  - f. Swimming pools.
  - g. Railroad right-of-way.
  - h. Trade schools.
  - i. Automotive tune-up service.
  - j. Automobile and light truck lubrication service.
  - k. Outdoor flea market.
  - l. Retail shipping center.

These conditions run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity of this Ordinance.

PASSED AND APPROVED this 15<sup>th</sup> day of August, 2000.

THE CITY OF EL PASO

  
 Carlos M. Ramirez, P.E.  
 Mayor

ATTEST:

  
 Carole Hunter  
 City Clerk

(Signatures continue on following page)

CJC:pmc/#72157

ORDINANCE NO. 14578

2

7/19/00

Zoning Case No. ZC-00036

27

APPROVED AS TO FORM:

Carolyn J. Celum  
Carolyn J. Celum  
Assistant City Attorney

APPROVED AS TO CONTENT:

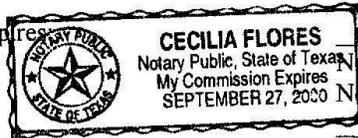
Alfonso Vásquez, Jr.  
Alfonso Vásquez, Jr.  
Dept. of Planning, Research & Development

**Acknowledgment**

THE STATE OF TEXAS )  
  )  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 15<sup>th</sup> day of August, 2000, by CARLOS M. RAMIREZ, P.E. as Mayor of **THE CITY OF EL PASO**.

My Commission Expires



Cecilia Flores  
Notary Public, State of Texas  
Notary's Printed or Typed Name:

CJC:pmc#72157

ORDINANCE NO. 14578

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7/19/00

Zoning Case No. ZC-00036

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ORDINANCE NO. 014603

**ORDINANCE GRANTING SPECIAL PERMIT NO. SU-00008, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON TRACTS 17C65, 17C76, 17C77, 17C78, 17C97, 17C98, 17C120, 17C162, 17C163, SECTION 8, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, AND A PORTION OF LOTS 13 AND 14, BLOCK 572, VISTA DEL SOL UNIT 150, EL PASO, EL PASO COUNTY, TEXAS (12200 BLOCK OF VISTA DEL SOL DRIVE) PURSUANT TO SECTION 20.12.040A (ZONING) OF THE EL PASO MUNICIPAL CODE.**

WHEREAS, JNC Land Co., Inc. has applied for a Special Permit under Section 20.12.040A of the El Paso Municipal Code, to allow for a planned residential development;

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval;

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

- 1. That the property described as follows is in an R-3A (Residential) District:

*Tracts 17C65, 17C76, 17C77, 17C78, 17C97, 17C98, 17C120, 17C162, 17C163, Section 8, Block 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, and a portion of Lots 13 and 14, Block 572, VISTA DEL SOL UNIT 150, El Paso, El Paso County, Texas, as more particularly described in the attached and incorporated Exhibit "A", and municipally known and numbered as the 12200 Block of Vista Del Sol Drive; and*

- 2. That a planned residential development is authorized by Special Permit in R-3A (Residential) districts under Section 20.12.040A of the El Paso Municipal Code; and

- 3. That the requirements for a planned residential development under Section 20.12.040A have been satisfied; and

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7/20/00

ORDINANCE NO. 014603

Special Permit #SU-00008

64

ATTACHMENT 5: SPECIAL PERMIT SU-00008 (CONTINUED)

4. That the City Council hereby grants a Special Permit under Section 20.12.040A of the El Paso Municipal Code, to allow a planned residential development on the above-described property; and

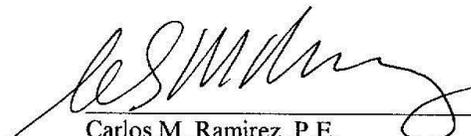
5. That this Special Permit is issued subject to the development standards in the R-3A (Residential) district regulations and subject to the approved Site Development Plan, signed by the Applicant, the Mayor and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; and

6. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. 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; and

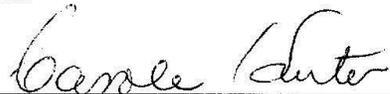
7. That if the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. SU-00008** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

PASSED AND APPROVED this 5<sup>th</sup> day of September, 2000.

THE CITY OF EL PASO

  
\_\_\_\_\_  
Carlos M. Ramirez, P.E.  
Mayor

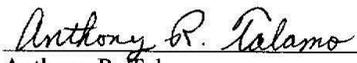
ATTEST:

  
\_\_\_\_\_  
Carole Hunter  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Carolyn J. Zelum  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Anthony R. Talamo  
Dept. of Planning, Research & Development

CJC:pmc#71583/ZON/PLA1Y7

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7/20/00

ORDINANCE NO. 504008

Special Permit #SU-00008

63

**ATTACHMENT 6: OPPOSITION LETTER**

**From:** [RichaSot@aol.com](mailto:RichaSot@aol.com)  
**To:** [McElroy, Michael](#)  
**Cc:** [RichaSot@aol.com](mailto:RichaSot@aol.com)  
**Subject:** Preserve Wildlife Land  
**Date:** Monday, August 25, 2014 1:40:33 PM

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We as El Pasoans need to incorporate and focus more on preserving spaces in our community for our peace of mind. We need to be more aware and acknowledge our wildlife animals and their habitats just like we are aware of our growing community. Since 2005 the building of Joe Battle Freeway the populations of many wildlife conservation have been killed off, close to extinction. I've had the pleasure in seeing Coyotes and other wildlife in action in their natural habitat, roaming free. It's heartbreaking to say that the Far East of El Paso has become too commercialize with highways and acres of unsold homes still "in the building process." There is no more room, nor respect or compassion for the beauty of nature and wildlife. We need spaces that are untouched sanctuaries for our wildlife as a refuge for them. Please put aside greed and help me and others to keep El Paso's true beauty in mind and heart.

Nature Advocate, Stephanie Sotelo

(915) 478-3647