

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

**DEPARTMENT:** Planning and Economic Development Department

**AGENDA DATE:** Introduction: June 7, 2011  
Public Hearing: June 28, 2011

**CONTACT PERSON/PHONE:** Esther Guerrero, (915) 541-4720

**DISTRICT(S) AFFECTED:** 4

**SUBJECT:**

An ordinance changing the zoning of the following real property known as:  
Parcel 1: a portion of Lot 3, all of Lots 4 thru 32, Block 1, all of Block 2, all of Billy Joe Circle and portions of Lisa Anne Way right-of-way and Robert Todd Way right-of-way, Desertaire Estates, City of El Paso, El Paso County, Texas, from R-5 (Residential) to C-1 (Commercial)  
Parcel 2: Lots 1 thru 8, Block 3, and a portion of Lisa Anne Way right-of-way and Robert Todd Way right-of-way, Desertaire Estates, City of El Paso, El Paso County, Texas from R-5 (Residential) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Dyer Street, North of Mohair Drive. Property Owner: Hacienda Development. ZON11-00019 (District 4)

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation (8-0)

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

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

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

**DEPARTMENT HEAD:** Mathew S. McElroy  
Deputy Director-Planning and Economic Development

**APPROVED FOR AGENDA:**

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

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

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

AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY KNOWN AS:

**PARCEL 1: A PORTION OF LOT 3, ALL OF LOTS 4 THRU 32, BLOCK 1, ALL OF BLOCK 2, ALL OF BILLY JOE CIRCLE AND PORTIONS OF LISA ANNE WAY RIGHT-OF-WAY AND ROBERT TODD WAY RIGHT-OF-WAY, DESERTAIRE ESTATES, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-5 (RESIDENTIAL) TO C-1 (COMMERCIAL)**

**PARCEL 2: LOTS 1 THRU 8, BLOCK 3, AND A PORTION OF LISA ANNE WAY RIGHT-OF-WAY AND ROBERT TODD WAY RIGHT-OF-WAY, DESERTAIRE ESTATES, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO C-4 (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:**

That the zoning of the following property be changed as described below within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly:

**Parcel 1:** *a portion of Lot 3, all of Lots 4 thru 32, Block 1, all of Block 2, all of Billy Joe Circle and portions of Lisa Anne Way right-of-way and Robert Todd Way right-of-way, Desertaire Estates, City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds in the attached Exhibit A, incorporated by reference, be changed from **R-5 (Residential)** to **C-1 (Commercial)***

**Parcel 2:** *Lots 1 thru 8, Block 3, and a portion of Lisa Anne Way right-of-way and Robert Todd Way right-of-way, Desertaire Estates, City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds in the attached Exhibit B, incorporated by reference, be changed from **R-5 (Residential)** to **C-4 (Commercial)**.*

**PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.**

*(signatures on following page)*

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

**ZONING CASE NO: ZON11-00019**

**THE CITY OF EL PASO**

**ATTEST:**

\_\_\_\_\_  
John F. Cook  
Mayor

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

\_\_\_\_\_  
Mathew S. McElroy, Deputy Director  
Planning and Economic Development  
Department

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

**ZONING CASE NO: ZON11-00019**

# Barragan & Associates Inc.

Land Planning & Land Surveying

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

## METES AND BOUNDS DESCRIPTION

**Description** of a parcel of land being a portion of Lot 3, all of Lots 4 thru 32, Block 1, all of Block 2, all of Billy Joe Circle and portions of Lisa Anne Way right-of-way and Robert Todd Way right-of-way, Desertaire Estates, according to the plat thereon file recorded in Clerk's File No. 20080047508 of the Real Property Records of El Paso County Texas and being more particularly described by metes and bounds as follows:

**COMMENCING** for reference at an existing city monument located at the intersection of Tiger Eye Street and Dyer Street; **THENCE**, N 33°32'17" E, a distance of 3,007.69 feet to a found 5/8" rebar on the northerly right-of-way line of Dyer Street, being the southwesterly corner for Desertaire Estates; **THENCE**, N 46°43'51" W, along the westerly boundary line of Desertaire Estates, a distance of 221.39 feet to the **POINT OF BEGINNING** of this description:

**THENCE**, N 46° 43' 51" W, along said westerly boundary line of Desertaire Estates, a distance of 438.71 feet to a found 5/8" rebar at the northerly Boundary Line of said subdivision;

**THENCE**, N 43° 17' 08" E, along the northerly boundary line of Desertaire Estates, a distance of 799.91 feet to a found 5/8" rebar at the most easterly boundary line of said subdivision;

**THENCE**, S 46°42' 55" E, along the easterly boundary line of Desertaire Estates, a distance of 494.00 feet to a point on the southerly boundary line of Lot 31, Block 1, Desertaire Estates;

**THENCE**, S 43° 17' 08" W, along the said southerly boundary, a distance of 193.95 feet to a point at the centerline of Robert Todd Way;

**THENCE**, N 46°44' 00" W, along the centerline of Robert Todd Way, a distance of 100.00 feet to a point;

**THENCE**, S 43° 17' 08" W, leaving said centerline, a distance of 439.82 feet to a point on the westerly right-of-way line of Lisa Anne Way;

**THENCE**, S 46° 44' 00" E, along said westerly right-of-way line of Lisa Anne Way, a distance of 44.70 feet to a point;

**THENCE**, S 43°17'08" W, leaving said right-of-way line, a distance of 166.00 feet to the **POINT OF BEGINNING** of this parcel, and containing in all 7.850 acres of land more or less.

### NOTES:

1. A Plat of Survey of even date accompanies this Description.
2. This property may be subject to easements whether of record or not.
3. Bearings recited herein are based on the filed plat for Desertaire Estates.
4. This description does not intent to be a subdivision process which may be required by City of El Paso ordinance. The client/owner has been advised of this, and it is their responsibility to verify if this process is required. For rezoning purposes only.

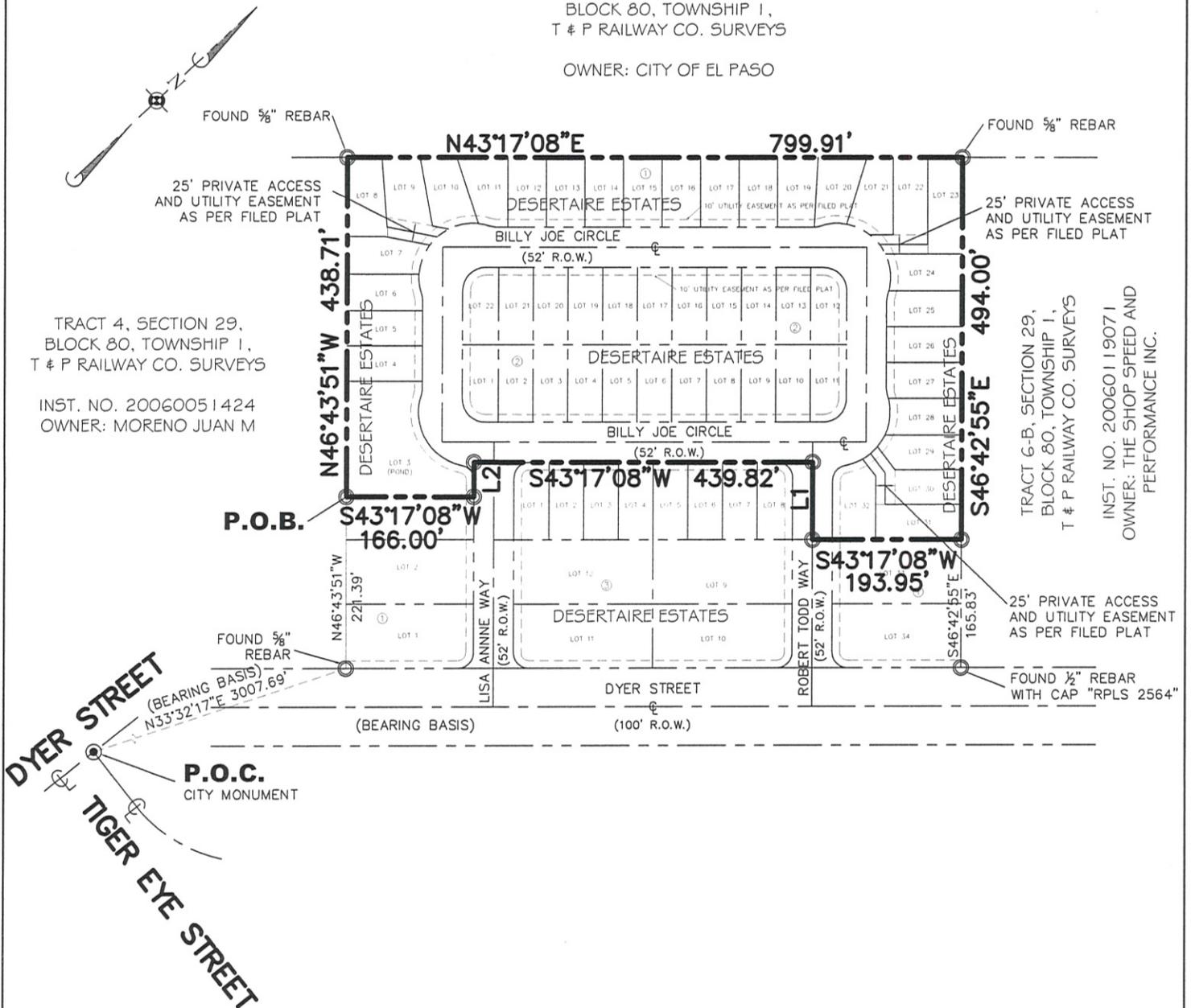


Benito Barragan TX R.P.L.S. 5615, December 28, 2010-Revised March 28, 2011  
Desertaire Apartments-A-revised-03-28-11



A PORTION OF SECTION 29,  
BLOCK 80, TOWNSHIP 1,  
T & P RAILWAY CO. SURVEYS

OWNER: CITY OF EL PASO



TRACT 4, SECTION 29,  
BLOCK 80, TOWNSHIP 1,  
T & P RAILWAY CO. SURVEYS

INST. NO. 20060051424  
OWNER: MORENO JUAN M

TRACT 6-B, SECTION 29,  
BLOCK 80, TOWNSHIP 1,  
T & P RAILWAY CO. SURVEYS  
INST. NO. 20060119071  
OWNER: THE SHOP SPEED AND  
PERFORMANCE INC.

**GENERAL NOTES**

1. BEARINGS SHOWN ARE BASED ON THE FILED PLAT FOR DESERTAIRE ESTATES
2. SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN ZONE "A1" AND "C", AS PER F.I.R.M. PANEL NUMBER 15D, LAST REVISION DATE JANUARY 3, 1997. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.
3. THE PROPERTY OWNERS ARE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL TITLE COMMITMENT PROVISIONS AND CONFIRMING THE SIZE AND USE OF ALL RECORDED EASEMENTS PERTAINING TO THIS PROPERTY, IN SPITE OF THE ACCURACY OR DEFECTS OF THIS PLAT.
4. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
5. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS WHETHER OF RECORD OR NOT. NO INDEPENDENT SEARCH FOR EASEMENTS OF RECORD HAVE BEEN MADE BY THE SURVEYOR.
6. A NARRATIVE DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.
7. PREPARED FOR: JORGE ASCARATE, CEA ENGINEERING GROUP
8. THIS SURVEY DOES NOT INTENT TO BE A SUBDIVISION PROCESS WHICH MAY BE REQUIRED BY THE CITY OF EL PASO ORDINANCE. THE CLIENT/OWNER HAS BEEN ADVISED OF THIS, AND IT IS THEIR RESPONSIBILITY TO VERIFY IF THIS PREOCCESS IS REQUIRED. FOR REZONING PURPOSES ONLY.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N46°44'00"W	100.00'
L2	S46°44'00"E	44.71'

REVISED 03-28-2011

**B<sup>1</sup>**  
**Barragan  
&  
Associates  
Inc.**

LAND PLANNING & SURVEYING  
10950 Pellicano Dr. Building-F,  
El Paso, Tx 79935  
Phone (915) 591-5709 Fax (915) 591-5706

**Plat of Survey**

A PORTION OF LOT 3, ALL OF  
LOTS 4 THRU 32, BLOCK 1, ALL  
OF BLOCK 2, ALL OF BILLY JOE CIRCLE  
AND PORTIONS OF LISA ANNE WAY AND  
ROBERT TODD WAY, DESERTAIRE ESTATES,  
AN ADDITION TO THE  
CITY OF EL PASO,  
EL PASO COUNTY, TEXAS.  
AREA 7.850 ACRES ±

Plat reference CLERK'S FILE NO. 20080047508  
Scale 1"=200' Date 12/28/2010 Drawn by OE/RV

I HEREBY CERTIFY THAT THE FOREGOING  
BOUNDARY SURVEY WAS MADE ON THE  
GROUND AND UNDER MY  
SUPERVISION AND IS TRUE AND CORRECT TO  
THE BEST OF MY KNOWLEDGE AND BELIEF.

*Benito Barragan*  
Benito Barragan, Tx, R.P.L.S. No. 5615

Job No. 101222-05 Copy Rights ©

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### METES AND BOUNDS DESCRIPTION

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**COMMENCING** for reference at an existing city monument located at the centerline intersection of Tiger Eye Street and Dyer Street; **THENCE**, N 33°32'17" E, a distance of 3,007.69 feet to a found 5/8" rebar on the northerly right-of-way line of Dyer Street, marking the southwesterly corner for Desertaire Estates; **THENCE**, N 43°16'00" E, along said right-of-way line, a distance of 166.01 feet to a point on the westerly right-of-way line of Lisa Anne Way; **THENCE**, N 46°44'00" W, along said right-of-way line, a distance of 166.04 feet to a point, also being the **POINT OF BEGINNING** of this description:

**THENCE**, N 46° 44' 00" W, continuing along said right-of-way line, a distance of 100.00 feet to a point;

**THENCE**, N 43° 17' 08" E, along the southerly line of Billy Joe Circle, a distance of 439.82 feet to a point on the centerline of Robert Todd Way;

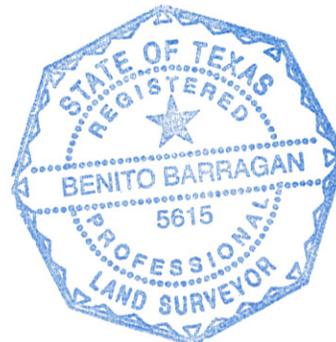
**THENCE**, S 46° 44' 00" E, along said centerline, a distance of 100.00 feet to a point;

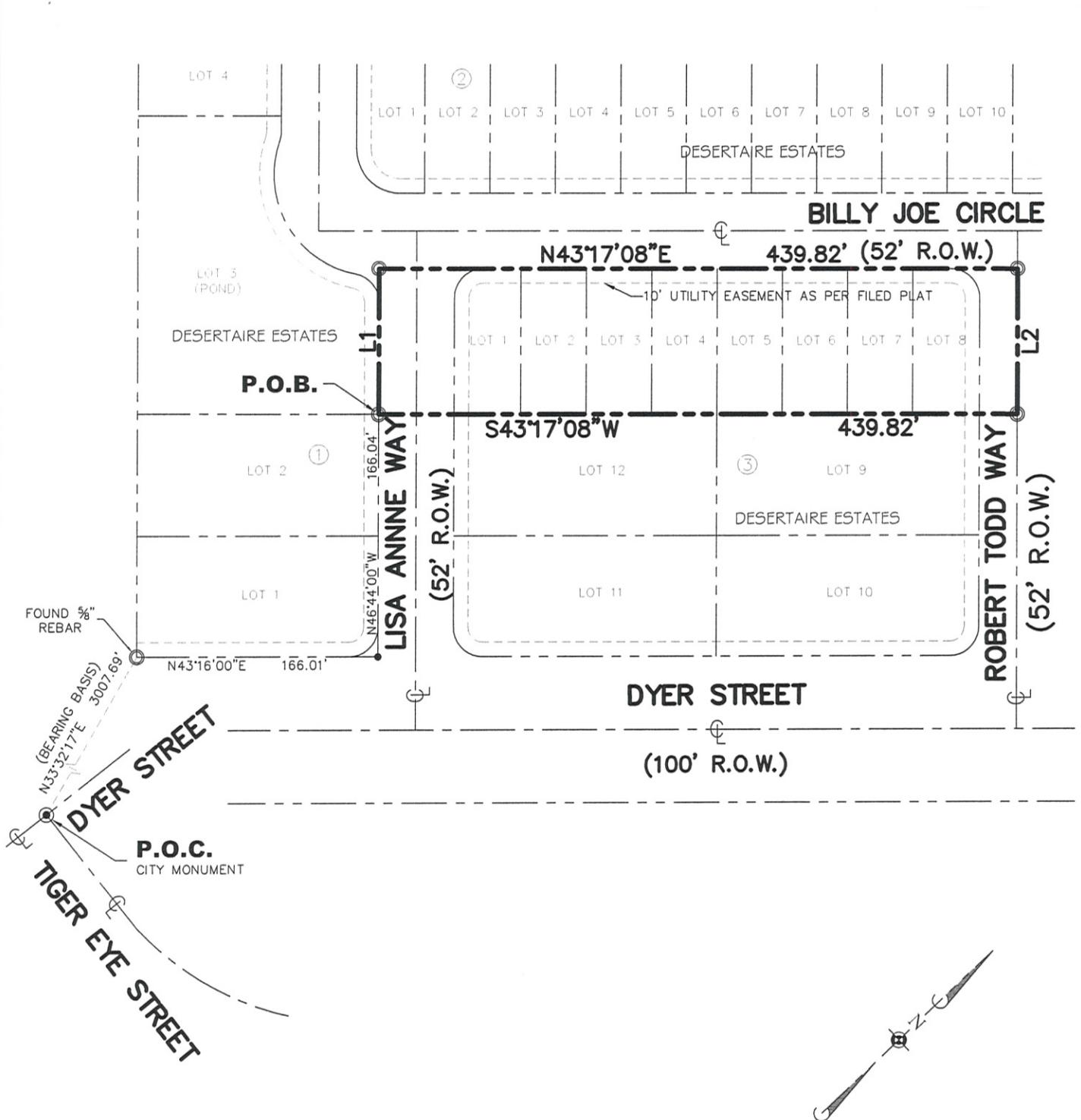
**THENCE**, S 43° 17' 08" W, along the southerly line of Lots 1 through 8, Block 3, a distance of 439.82 feet to the **POINT OF BEGINNING** of this parcel, and containing in all 1.010 acres of land more or less.

#### NOTES:

1. A Plat of Survey of even date accompanies this Description.
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4. This description does not intent to be a subdivision process which may be required by City of El Paso ordinance. The client/owner has been advised of this, and it is their responsibility to verify if this process is required. For rezoning purposes only.

  
-----  
Benito Barragan TX R.P.L.S. 5615, December 28, 2010 Revised March 28, 2011  
Desertaire Apartments-B rev 03-28-11





**GENERAL NOTES**

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REVISED 03-28-2011

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Phone (915) 591-5709 Fax (915) 591-5706

**Plat of Survey**

ALL OF LOTS 1 THROUGH 8, BLOCK 3, AND A PORTION OF LISA ANNE WAY AND ROBERT TODD WAY, DESERTAIRE ESTATES, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS. AREA 1.010 ACRES ±

Plat reference CLERK'S FILE NO. 20080047508

Scale 1"=100' Date 12/28/2010 Drawn by OE/RV

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*Benito Barragan*  
Benito Barragan, T.X. R.P.L.S. No. 5615

Job No. 101222-05 Copy Rights ©



**Date:** May 25, 2011  
**To:** Honorable Mayor and City Council  
Joyce Wilson, City Manager  
**From:** Esther Guerrero, Planner  
**Subject:** ZON11-00019

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The City Plan Commission (CPC) on May 5, 2011, voted **8-0** to recommend **approval** of this rezoning request. The request is to change the zoning on Parcel 1 from R-5 (Residential) to C-1 (Commercial) to allow the proposed development of 43 apartment buildings with approximately 172 units, and one (1) community building with a park; and on Parcel 2 from R-5 (Residential) to C-4 (Commercial) to allow the proposed development of two (2) commercial pad sites with a ponding area.

This recommendation is in agreement with the recommendation from staff and the Development Coordinating Committee (DCC).

The CPC found that the rezoning is in conformance with The Plan for El Paso. The CPC found that the proposed use is in conformance with the 2025 Projected General Land Use Map for the Northeast Planning Area. The CPC also determined that the rezoning protects the best interest, health, safety, and welfare of the public in general; and will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was no one present at the meeting to speak in favor or in opposition to this request.

**Attachment:** City Plan Commission Staff Report

**Mayor**  
John F. Cook

**City Council**

District 1  
Ann Morgan Lilly

District 2  
Susannah M. Byrd

District 3  
Emma Acosta

District 4  
Carl L. Robinson

District 5  
Rachel Quintana

District 6  
Eddie Holguin Jr.

District 7  
Steve Ortega

District 8  
Beto O'Rourke

**City Manager**  
Joyce A. Wilson





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

**Case No:** ZON11-00019  
**Application Type:** Rezoning  
**CPC Hearing Date:** May 5, 2011  
**Staff Planner:** Esther Guerrero, 915-541-4720, [guerreroex@elpasotexas.gov](mailto:guerreroex@elpasotexas.gov)

**Location:** Dyer Street, North of Mohair Drive  
**Legal Description:** Parcel 1: Portion of Lot 3, all of Lots 4 thru 32, Block 1, all of Block 2, all of Billy Joe Circle and portions of Lisa Anne Way right-of-way and Robert Todd Way right-of-way, Desertaire Estates, City of El Paso, El Paso County, Texas  
Parcel 2: Lots 1 thru 8, Block 3, and a portion of Lisa Anne Way right-of-way and Robert Todd Way right-of-way, Desertaire Estates, City of El Paso, El Paso County, Texas

**Acreage:** Parcel 1: 7.850 acres  
Parcel 2: 1.010 acres

**Rep District:** 4  
**Zoning:** Parcel 1: R-5 (Residential)  
Parcel 2: R-5 (Residential)

**Existing Use:** Parcel 1: Vacant  
Parcel 2: Vacant

**Request:** Parcel 1: From R-5 (Residential) to C-1 (Commercial)  
Parcel 2: From R-5 (Residential) to C-4 (Commercial)

**Proposed Use:** Parcel 1: Multi-family (Apartments)  
Parcel 2: Commercial Development

**Property Owner:** Hacienda Development  
**Representative:** CEA Group

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

**North:** M-1/sc (Manufacturing) / Industrial uses, C-3 (Commercial) / Commercial uses  
**South:** C-4 (Residential), M-1/sp (Manufacturing/special permit) / Industrial uses  
**East:** C-4 (Commercial) / Commercial uses  
**West:** R-F (Ranch and Farm) / Vacant

**The Plan for El Paso Designation:** Open Space (Northeast Planning Area)

**Nearest Park:** Sherman Park (3,942 feet)

**Nearest School:** Desertaire Elementary (5,256 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

North Hills Neighborhood Pride Association

### **NEIGHBORHOOD INPUT**

Notices of the April 21, 2011 public hearing were mailed to all property owners within 300 feet of the subject property on April 5, 2011.

## **APPLICATION DESCRIPTION**

The request is to change the zoning on Parcel 1 from R-5 (Residential) to C-1 (Commercial) and on Parcel 2 from R-5 (Residential) to C-4 (Commercial). The conceptual site plan shows the proposed zoning boundaries for both parcels and also includes existing C-4 (Commercial) zoning property abutting Dyer Street. The applicant proposes the development of 43 apartment buildings with approximately 172 units, one (1) community building with a park, two (2) commercial pad sites and a ponding area. Access is proposed via Dyer Street.

## **CASE HISTORY**

The subject property was rezoned in August of 2006 from C-4 (Commercial) to R-5 (Residential) and subdivided in June of 2008 to allow single-family residential lots. Although the Plan for El Paso's Projected Land Use calls for parks and open space for this area, there are existing commercial zoning districts which have existed since the 1980's. Changing conditions in this area have prompted recent rezoning approvals to commercial and manufacturing districts dating from 2006 thru 2009.

## **PLANNING AND ECONOMIC DEVELOPMENT-PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of the rezoning request pending the submittal of a Traffic Impact Analysis (TIA) by the applicant and the review and approval of the TIA by the Department of Transportation.

## **The Plan for El Paso-City-Wide Land Use Goals**

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

- a. Goal: establish a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities and outlets for social and cultural expression.
- b. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.
- c. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.

The purpose of the Neighborhood Commercial District C-1 (Commercial) District is 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.

The purpose of Community Commercial C-2 (Commercial) 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.

## **Development Coordinating Committee Review**

The DCC reviewed and discussed the application for rezoning and offered no objections to Planning Staff's recommendation for approval.

## **Transportation Department**

Department of Transportation requires the following comments be addressed in order to provide an affirmative recommendation: 1. No objection to rezoning of Parcel 2 from R-5 to C-4, parcel is too small to generate substantial increase. 2. Rezoning of Parcel 1 from R-5 to C-1 will create a substantial increase in traffic due to the zoning change and the large size of the parcel. A TIA is required in order for Transportation to properly analyze the increase in the volume of traffic generated by the C-1 (Commercial) zoning. To date, no TIA has been submitted for review. Note: All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for

Construction.

**Engineering – Construction Management Division-Plan Review**

No objections.

**Engineering – Land Development**

No objections.

The property is within Flood Zone A2, “Areas of 100-year flood; base flood elevations and flood hazard factors determined”, and

Zone C, “Areas of minimal flooding”- Panel # 480214 0037B, date October 15, 1982.

**Fire Department**

No objections to rezoning.

**Sun Metro**

Sun Metro does not oppose this request. Sun Metro does recommend the construction of sidewalks to provide access to mass transit options.

**El Paso Water Utilities**

1. The subject property is located within the City of El Paso Northeast Impact Fee Service Area. Impact fees will be assessed by the City of El Paso at the time of platting and collected by EPWU prior to the issuance of a Building Permit.

2. EPWU does not object to this request.

EPWU-PSB Comments

**Water:**

3. Along Dyer Street between Angora Loop North Street and Ashley Road, there is an existing twelve (12) inch diameter water main. This 12-inch diameter water main is dedicated to serve McGregor Range exclusively; no service is available from this main.

4. Along Dyer Street between Angora Loop North Street and Ashley Road, there is an existing sixteen (16) inch diameter water main. Water service is available from this 16-inch diameter water main. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations. Public water mains may be extended within a PSB easement by the developer into the subdivision.

5. Previous water pressure readings from a fire hydrant located at the north intersection of Dyer Street and Angora Loop have yielded a static pressure of 90 pounds per square inch, a residual pressure of 82 pounds per square inch, a pitot pressure of 52 pounds per square inch, and a discharge of 3414 gallons per minute.

6. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

7. In the event that the City of El Paso Fire Department requires additional fire hydrants or on-site fire protection systems within the private properties, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service. Easements may be required to accommodate each fire hydrant.

**Sanitary Sewer:**

8. Along Dyer Street there exists a fifteen (15) inch diameter sewer main fronting the subject property. No direct service connections are allowed to this sanitary sewer main as per the El Paso Water Utilities – Public Service Board Rules and Regulations. Public sanitary sewer mains may be extended within a PSB easement by the developer to service the area.

**General:**

9. A thirty (30) foot wide exclusive EPWU-PSB easement will be required to accommodate the proposed public water and sanitary sewer main extensions.

10. The Owner/Developer is responsible for the acquisition of all required off-site and on-site easements. EPWU-PSB requires access to the proposed water and sanitary sewer facilities and appurtenances within

easements 24 hours a day, seven (7) days a week. The Owner/Developer is responsible for all sanitary sewer main extension costs.

11. Dyer Street is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and/or sanitary sewer work to be performed within Dyer Street right-of-way requires permits from TxDOT.

12. All easements dedicated for public water and/or sanitary sewer facilities are to comply with EPWU-PSB Easement Policy.

13. Easement grantor shall indemnify, defend, and hold harmless the El Paso Water Utilities – Public Service Board from and against any and all claims, liability, actions, and damages for bodily injury and property damage to third parties or to the El Paso Water Utilities – Public Service Board which may be caused by or arise out of the maintenance and existence of said water and sanitary sewer mains in the easement area.

14. The alignment and location of the proposed EPWU-PSB easement shall enable the placement of water meters outside of the parking areas and minimize the length of services. No vehicular traffic is allowed over the water meters. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.

15. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB.

16. Proposed surface improvements such as paving, landscaping, other types of low maintenance surfacing shall be reviewed for approval by EPWU-PSB.

17. EPWU-PSB requests the Developer to refrain from constructing rock walls or any structure that will interfere with the access to the PSB easements.

18. EPWU requires a new service application to initialize design of the water and sanitary sewer main extensions to serve the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The owner 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 PLAN COMMISSION OPTIONS**

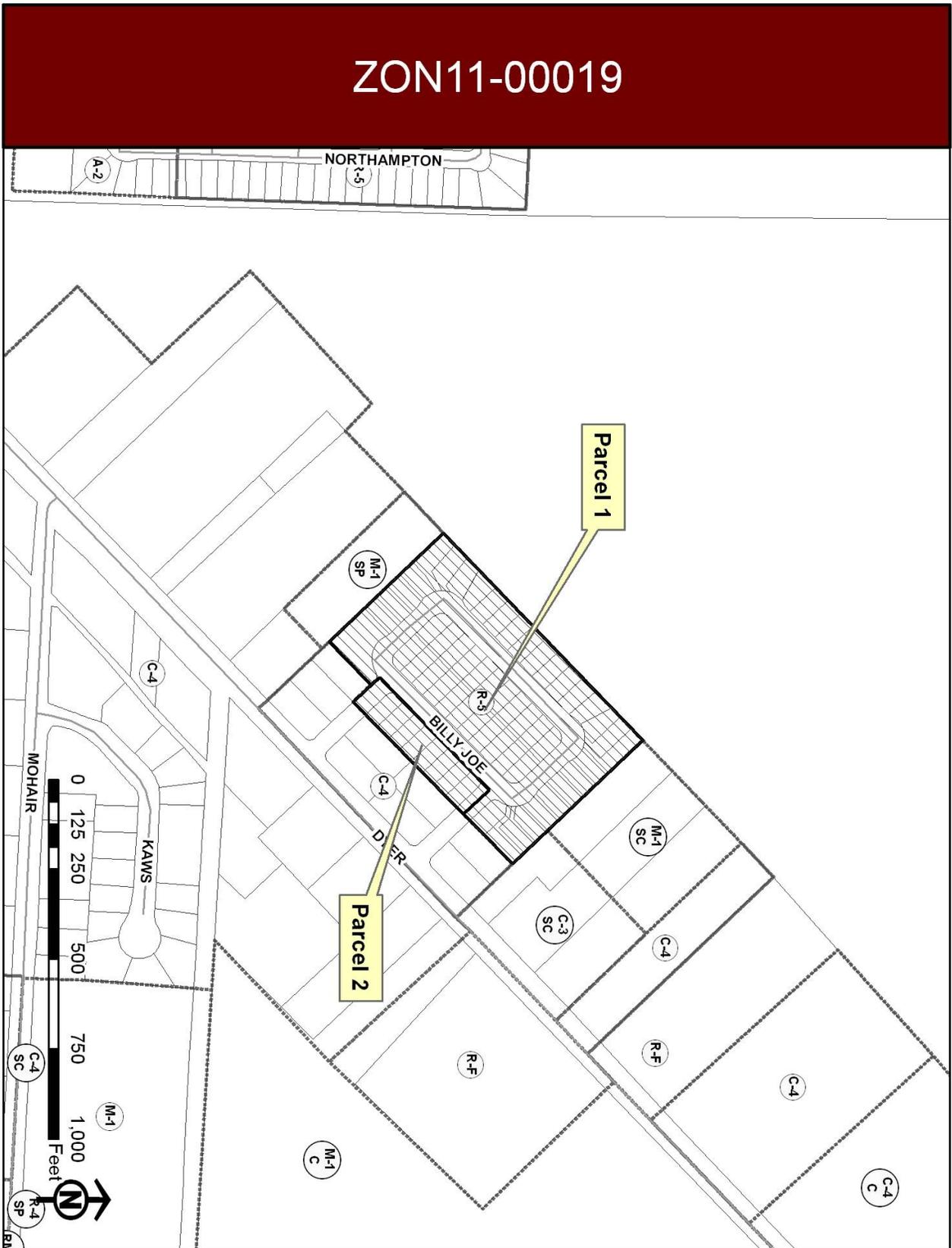
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the change of zoning application:

1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the rezoning does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

### **Attachments**

1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

ZON11-00019

