

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

**DEPARTMENT:** Planning and Economic Development Department

**AGENDA DATE:** Introduction: November 29, 2011  
Public Hearing: December 20, 2011

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

**DISTRICT(S) AFFECTED:** 4

**SUBJECT:**

An ordinance changing the zoning of Tract 6, Section 29, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to C-2 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 11145 Dyer Street. Property Owner: Beverly M. Stipe. PZRZ11-00051 (**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) – Pending Recommendation

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

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

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

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

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**APPROVED FOR AGENDA:**

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

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

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

**AN ORDINANCE CHANGING THE ZONING OF TRACT 6, SECTION 29, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-2 (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 *Tract 6, Section 29, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas*, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **R-F (RANCH AND FARM) to C-2 (COMMERCIAL)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

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

**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

Being Tract 6, Section 29, Block 80, Township 1,  
Texas and Pacific Railroad Company Surveys,  
City of El Paso, El Paso County, Texas  
September 16, 2011

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being Tract 6, Section 29, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a 3" iron pipe in concrete found for the common corner of Sections 29, 28, 21, and 20, whence the common corner of Sections 29, 20, 30, and 19, bears South 89°56'46" West, 5,281.20 feet; Thence South 01°13'02" East a distance of 11.33 feet to a point on the northwesterly right of way line of Dyer Street (100 foot R.O.W.), Thence, along said right of way line, South 43°16'17" West, a distance of 4060.63 feet to a set ½" rebar with cap marked TX 5152 on the line between tract 6-C and 6, Section 29, Block 80, Township 1, Texas and Pacific Railway Surveys for the "TRUE POINT OF BEGINNING".

Thence continuing along said right of way line, South 43°16'17" West (South 43°16'00" West, Book 1274, Page 0513) a distance of 276.00 feet to a set ½" rebar with cap marked TX 5152 on the line between tracts 6 and 6-A;

Thence leaving said right of way line, North 46°43'43" West (North 46°44'00" West, Book 3701, Page 0512) a distance of 660.00 feet to a set ½" rebar with cap marked TX 5152;

Thence, North 43°16'17" East (North 43°16'00" East, Book 1274, Page 0513) a distance of 276.00 feet to a set ½" rebar with cap marked TX 5152 on the line between tracts 6 and 6-C;

Thence along said line, South 46°43'43" East (South 46°44'00" East, Book 3452, Page 0505) a distance of 660.00 feet to "TRUE POINT OF BEGINNING" and containing 182,160 square feet or 4.1818 acres of land more or less.

Bearing basis is true north for a Transverse Mercator Surface Projection as determined by GPS methods based at center of this site.

A drawing of even date accompanies this description.

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

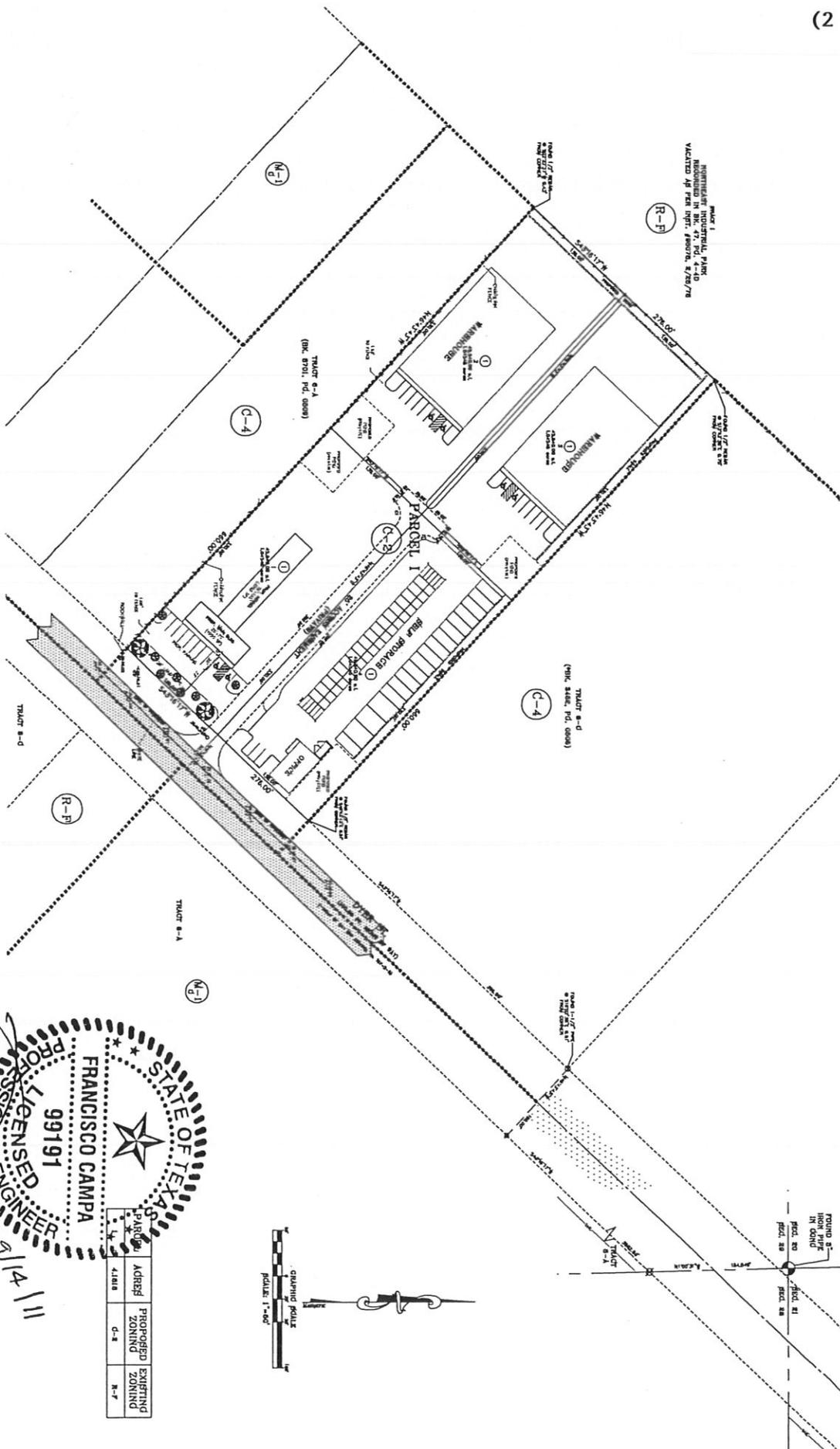


job # 811-13

CONDE, INC.  
ENGINEERING / LAND SURVEYING / PLANNING  
6080 SURETY DRIVE SUITE 100 / EL PASO, TEXAS 79905 / (915) 592-0283  
FAX (915) 592-0286

# ZONING PLAN

BEING TRACT 6, SECTION 29, BLOCK 80, TOWNSHIP 1,  
TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS,  
CITY OF EL PASO, EL PASO COUNTY, TEXAS.



PARCEL	ADDRESS	PROPOSED ZONING	EXISTING ZONING
1	41818	C-4	R-1-P

9/14/11

PZ 211-00051



**Date:** November 29, 2011  
**To:** Honorable Mayor and City Council  
Joyce Wilson, City Manager  
**From:** Esther Guerrero, Planner  
**Subject:** **PZRZ11-00051 Rezoning**

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**The City Plan Commission (CPC) will consider this request on December 1, 2011.** The request is to change the zoning from R-F (Ranch & Farm) to C-2 (Commercial). The applicant is proposing the use of the property for an animal kennel, retail and office warehousing, and self-storage units, with access via Dyer Street.

Staff and the Development Coordinating Committee (DCC) recommend approval of this request. Although the Projected General Land Use for this area identifies this property for parks and open space, properties along Dyer Street in the this area are predominantly commercial and there have been various zoning changes in this area dating back from the 1980's to the present time that support the recommendation for approval.

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

**Attachment:** Staff Report

Mayor  
John F. Cook

City Council

*District 1*  
Ann Morgan Lilly

*District 2*  
Susie Byrd

*District 3*  
Emma Acosta

*District 4*  
Carl L. Robinson

*District 5*  
Dr. Michiel R. Noe

*District 6*  
Eddie Holguin Jr.

*District 7*  
Steve Ortega

*District 8*  
Cortney Carlisle Niland

City Manager  
Joyce A. Wilson





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

**Case No:** PZRZ11-00051  
**Application Type:** Rezoning  
**CPC Hearing Date:** December 1, 2011  
**Staff Planner:** Esther Guerrero, 915-541-4720, [guerreroex@elpasotexas.gov](mailto:guerreroex@elpasotexas.gov)

**Location:** 11145 Dyer Street  
**Legal Description:** Tract 6, Section 29, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas  
**Acreage:** 4.1818 acres  
**Rep District:** 4  
**Zoning:** R-F (Ranch & Farm)  
**Existing Use:** Vacant  
**Request:** C-2 (Commercial)  
**Proposed Uses:** Animal kennel, self-storage units, and retail and office warehouse,  
**Property Owner:** Beverly M. Stipe  
**Representative:** Conde, Inc.

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

**North:** C-4 (Commercial) / vacant  
**South:** C-4 (Commercial) / commercial warehouse  
**East:** R-F (Ranch & Farm), M-1/c (Manufacturing/condition) / vacant  
**West:** R-F (Ranch & Farm) / vacant

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

**Nearest Park:** Sherman Park (6,247 feet)  
**Nearest School:** Desertaire Elementary (4,958 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Eastside Civic Association

### **NEIGHBORHOOD INPUT**

Notices of the December 1, 2011 public hearing were mailed to all property owners within 300 feet of the subject property on November 14, 2011. The Planning Division has not received any phone calls or letters in support or opposition of the rezoning request.

### **APPLICATION DESCRIPTION**

The request is to change the zoning from R-F (Ranch & Farm) to C-2 (Commercial) to allow the use of the property for an animal kennel, self-storage units, and retail and office warehouses. The conceptual site plan shows two (2) retail and office warehouse buildings, an animal kennel facility, and a self-storage facility, with access via Dyer Street.

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

The Planning Division recommends **approval** of this rezoning request.

Although the Projected General Land Use identifies this property for parks and open space, there have been various changing conditions in the area dating back from the 1980's to the present time that support the recommendation for approval, including existing abutting commercial zoning districts.

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

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

- a. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.
- b. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character.
- c. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- d. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the City's neighborhoods.

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

### **Department of Transportation**

Department of Transportation does not object to the proposed rezoning. Notes: 1. Coordination of the design and installation of a dedicated left turn lane on Dyer Street shall be coordinated with TXDOT. 2. Property is located along the Dyer Rapid Transit System (RTS) corridor. Location and arrangements of bus stops and bus pull in bays shall be coordinated with Sun Metro. 3. All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in accordance with the current City of El Paso Design Standards for Construction and shall be ADA/TAS compliant

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

No comments received.

### **Fire Department**

Subject to Fire Code Compliance of all buildings constructed.

### **N.E. Regional Command Center**

No objections.

### **El Paso Water Utilities**

1. EPWU does not object to this request.
2. No public water and sanitary sewer mains will be extended along the Access Easement. Water and sewer services will be provided at the right-of-way line of Dyer Street. Extension of private service lines from Dyer Street to each unit is the responsibility of the Owner. The Owner is to provide the locations for the water services outside of the driveways. No vehicular traffic is allowed over the water meter boxes.
3. 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.

### **Water**

4. There is an existing 16-inch diameter water main that extends along the east side of Dyer Street fronting the subject property. Water service is available from this main with boring beneath Dyer Street.
5. There is an existing 12-inch diameter water main along the east side of Dyer Street. This 12-inch diameter water main is dedicated to serve McGregor Range exclusively; no service is available from this main.

6. Previous water pressure readings conducted on fire hydrant #9836 located at 11030 Dyer Street have yielded a static pressure of 94 pounds per square inch (psi), residual pressure of 88 psi and a discharge of 1,210 gallons per minute (gpm). The owner should, for his own protection and at his own expense, shall 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.

Sanitary Sewer

7. There is an existing 15-inch diameter sanitary sewer main that extends along Dyer Street. The main is located approximately 10 feet east of the Dyer Street west right-of-way line. This sanitary sewer main is available for service.

General

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

9. Application for services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. 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 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:

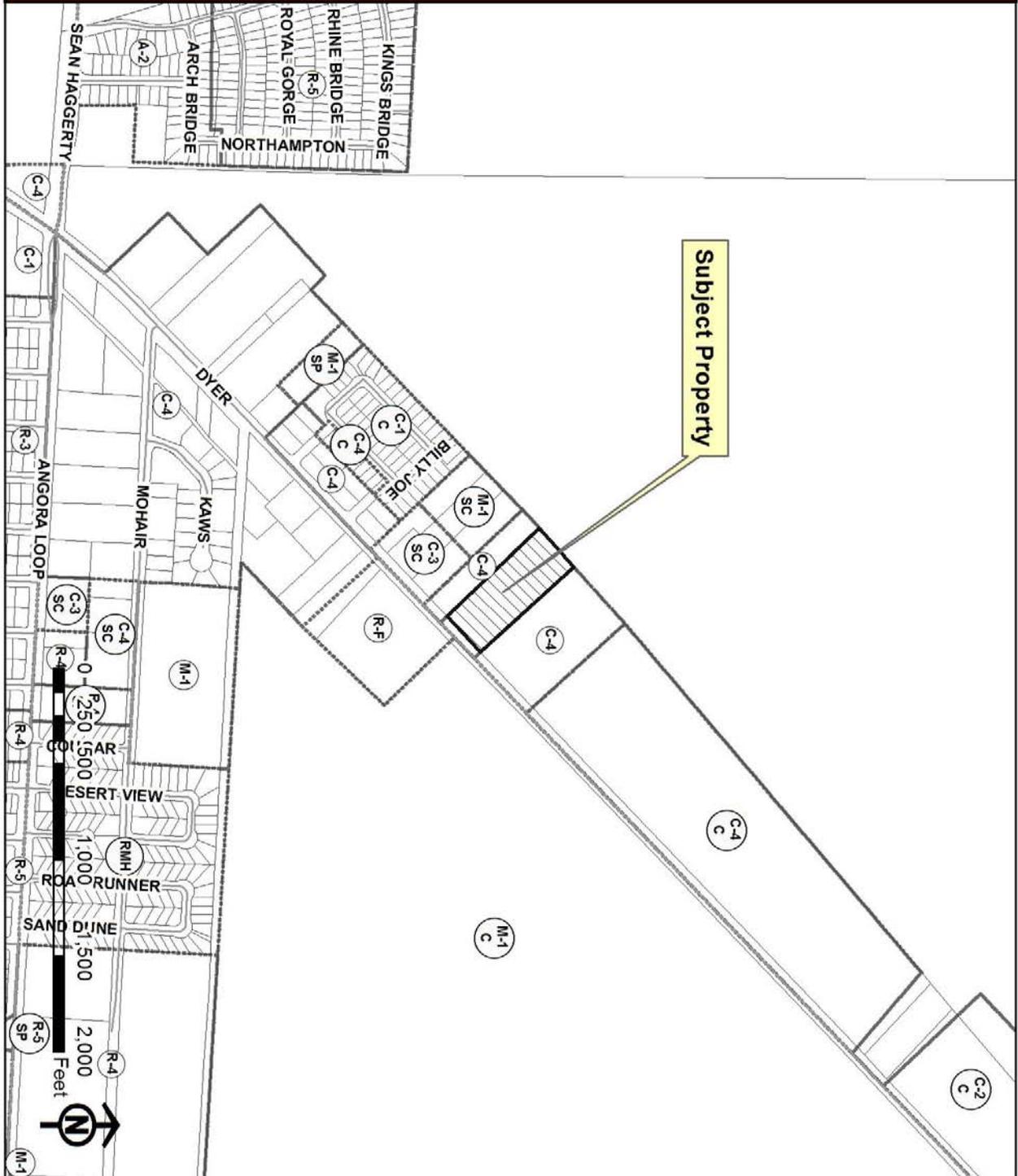
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into 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

PZRZ11-00051



ATTACHMENT 2: AERIAL MAP

PZRZ11-00051



