

ORDINANCE NO. **019565**

AN ORDINANCE CHANGING THE ZONING OF THE NORTH 158 FEET OF TRACT 187 AND THE NORTH 158 FEET OF THE EAST 90 FEET OF TRACT 188, SUNRISE ACRES NO. 1, 8687 GATEWAY SOUTH BOULEVARD, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO C-2 (COMMERCIAL), AND IMPOSING CONDITIONS. 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, that the zoning of the North 158 feet of Tract 187 and the North 158 feet of the East 90 feet of Tract 188, Sunrise Acres No. 1, 8687 Gateway South Boulevard, located in the 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-4 (Residential)** to **C-2 (Commercial)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

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

1. *That a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.*
2. *Prior to issuance of a certificate of occupancy or certificate of completion, property owner must install an eight-foot (8') rock wall along the westerly property line if abutting residential uses or districts.*

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

(Signatures on the following page)

ORDINANCE NO. **019565**

23-1584 | Tran #501540 | P&I
8687 Gateway South Boulevard-Rezoning Ordinance Parcel Lot w/Condition
RTA

Zoning Case No: PZRZ23-00008

ADOPTED this 21st day of November 2023.

THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Russell T. Abeln
Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe
Philip F. Etiwe, Director
Planning & Inspections Department

(Exhibit "A" on the following page)

ORDINANCE NO. **019565**

23-1584 | Tran #503540 | P&I
8687 Gateway South Boulevard-Rezoning Ordinance Partial Lot w/Condition
RTA

Zoning Case No: PZRZ23-00008

EXHIBIT "A"



PRECISION LAND SURVEYORS

10441 VALLE DE ORO DR.
El Paso, Texas 79927
Ph# (915) 222-5227

The North 158 feet of Tract 187 and
The North 158 feet of the East 90 feet of Tract 188,
Sunrise Acres No. 1,
City of El Paso, El Paso County, Texas
January 12, 2022;

METES AND BOUNDS DESCRIPTION

The North 158 feet of Tract 187 and The North 158 feet of the East 90 feet of Tract 188,
Sunrise Acres of land more or less. No. 1, City of El Paso, El Paso County, Texas, and being
more particularly described by metes and bounds as follows:

Commencing for reference at a found nail and the intersection of Neptune Street and
Sunrise Ave., thence along the centerline of Sunrise Ave. (60' right of way), North
88°51'00" East a distance of 135.00 feet to a point, thence leaving said centerline, South
01°09'00" East a distance of 30.00 feet to a set 1/2" rebar with cap "6085" at the northwest
corner of the this parcel, the south right of way of Sunrise Ave., and the "TRUE POINT
OF BEGINNING".

Thence along said south right of way, North 88°51'00" East a distance of 290.00
feet to a found 5/8" rebar at the northeast corner of the this parcel and the west right
of way of Gateway Blvd. South;

Thence along said west right of way, South 01°09'00" East a distance of 158.00
feet to a found 1/2" rebar at the southeast corner of the this parcel;

Thence leaving said west right of way, South 88°51'00" West a distance of 290.00
feet to a found 5/8" rebar at the southwest corner of the this parcel;

Thence, North 01°09'00" West a distance of 158.00 feet to "TRUE POINT OF
BEGINNING" and containing in all 45,820 square feet or 1.0519 acres of land more or
less.

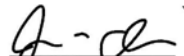
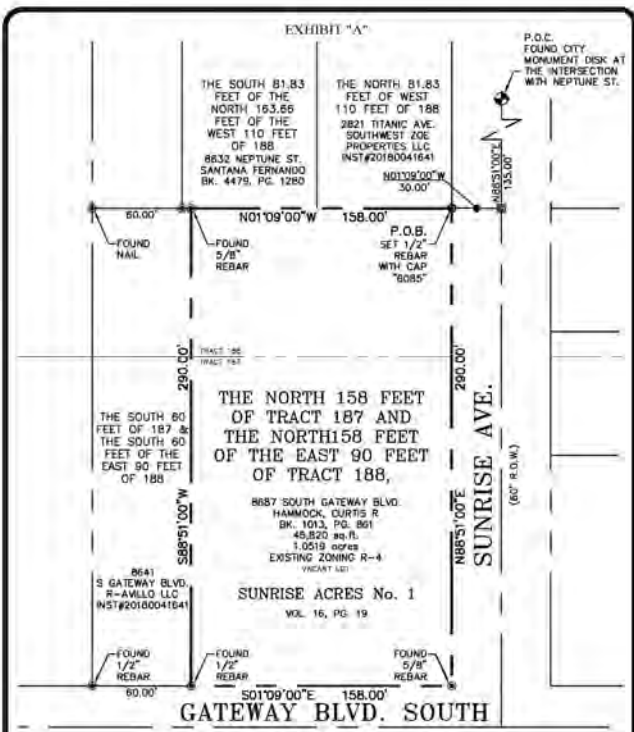

Jesus D. Ibarra, RPLS No. 6085
April 5, 2022



EXHIBIT "A"



P.O.C. FOUND CITY MONUMENT DISK AT THE INTERSECTION WITH NEPTUNE ST.

P.O.B. SET 1/2" REBAR WITH CAP "0085"

FOUND NAIL

FOUND 5/8" REBAR

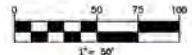
FOUND 1/2" REBAR

FOUND 1/2" REBAR

FOUND 5/8" REBAR

NOTES:

1. BEARING BASIS IS RECORD FOR SUNRISE ACRES No. 1, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF FILED IN VOL. 16, PG. 19, PLAT RECORDS OF EL PASO COUNTY, TEXAS AND REFERENCE BY FOUND CITY MONUMENTS SHOWN HEREIN.
2. THIS PROPERTY MAY BE SUBJECT TO EASEMENT WHETHER OF RECORD NOT. (NOT SHOWN).
3. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.



CERTIFICATION
 I HEREBY CERTIFY THAT THIS MAP WAS MADE FROM AN ACTUAL ON THE GROUND SURVEY AND THAT THE INFORMATION SHOWN HEREIN WERE FOUND AND/OR PLACED UNDER MY PERSONAL SUPERVISION, & ALSO CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY "A" CONVEYANCE SURVEY.

4-5-2022
 JESUS D. IBARRA RPLS 6085, FID#010194184



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8687 Gateway South



City Plan Commission — August 10, 2023

CASE NUMBER:	PZR23-00008
CASE MANAGER:	Nina Rodriguez, (915) 212-1561, RodriguezNA@elpasotexas.gov
PROPERTY OWNER:	Curtis Hammock
REPRESENTATIVE:	Robert A. Gonzales
LOCATION:	8687 Gateway South Blvd. (District 2)
PROPERTY AREA:	1.05 acres
REQUEST:	Rezone from R-4 (Residential) to C-2 (Commercial)
RELATED APPLICATIONS:	None
PUBLIC INPUT:	None received as of August 3, 2023

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from R-4 (Residential) to C-2 (Commercial) to allow for shopping center and office uses.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the request as the proposed use and rezoning is compatible with surrounding land uses and the G-3, Post-War future land use designation of *Plan El Paso*, the City's adopted comprehensive plan. The conditions are the following:

1. *That a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy or certificates of completion.*
2. *Prior to issuance of a certificate of occupancy or certificate of completion, property owner must install an eight-foot (8') rock wall along the westerly property line if abutting residential uses or districts.*



Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone a 1.05-acre parcel from R-4 (Residential) to C-2 (Commercial) to allow for shopping center and office uses. The conceptual plan shows one (1) proposed 4,680 square foot retail/office building with fifty (50) on-site parking spaces, a ponding area, and landscaping along front and rear property lines. The applicant is proposing access provided from Sunrise Avenue.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed uses of shopping center and offices, and the proposed rezoning of the subject property to C-2 (Commercial) is in character with the commercial districts to the south. Conditions are being recommended to safeguard and mitigate any negative impacts to existing residential properties adjacent to the subject property. Properties to the north and west of the subject property are zoned R-4 (Residential) and mostly consists of single-family dwellings and duplexes. The properties to the south are zoned C-3/c (Commercial/conditions), C-2/c (Commercial/conditions), and R-4 (Residential) and consist of vacant lots and single-family dwellings. The subject property is bound to the east by Patriot Freeway. The rezoning will also expand commercial zoning already present along Gateway Boulevard South, while also serving as a buffer for residential properties behind Gateway Boulevard South to decrease noise pollution from the freeway. There are existing sidewalks along Gateway Boulevard South, and the applicant is proposing to install sidewalks along Sunrise Avenue. The distance to the nearest school, Park Elementary School, is 0.63 miles and the distance to the nearest park, Sunrise Park, is approximately 0.30 miles.

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with Plan El Paso, consider the following factors:	
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-3, Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. 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. The proposed development is compatible with the future land use designation. Shopping center and office uses are an appropriate commercial use for this land use designation.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-2 (Commercial) District: The purpose of the district is to accommodate establishments providing goods and 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 district 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 rezoning is compatible with adjacent property to the south zoned C-3/c (Commercial/conditions) and properties to the east zoned C-1/sp (Commercial/special permit) and A-2 (Apartment). While the properties to the west and north of the subject property are zoned R-4 (Residential), changing the current zoning designation of the subject property will serve as a buffer for residential properties behind Gateway South Boulevard to reduce traffic and noise pollution from the freeway, as well as expand commercial zoning already present along Gateway Boulevard South.</p>
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not</p>	<p>Yes. The subject property is located at the intersection of Gateway Boulevard South, a major arterial as classified under the City's Major Thoroughfare Plan (MTP) and Sunrise Avenue, a local road as classified</p>

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with Plan El Paso, consider the following factors:	
located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.	under the City's MTP. Adjacent properties to the north and east of the subject property along Gateway Boulevard South are zoned commercial. Changing the zoning designation of the subject property will contribute to a consistency of commercial zoning along this block of Gateway Boulevard South.
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
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.	This property does not fall within any historic districts, special designations, or study plan areas.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	There are no anticipated adverse impacts.
Natural Environment: Anticipated effects on the natural environment.	The subject property does not involve green field or environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	The area is in transition with the adjacent property to the south rezoned from R-4 (Residential) and C-2 (Commercial) to C-3/c (Commercial/conditions) in 2022. Nearby properties further north were rezoned from R-4 (Residential) to C-2/sp (Commercial/special permit) in 2014 and from R-4 (Residential) to S-D/c/sp (Special District/condition/special permit) in 2016.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	Adjacent properties to the south and east of the subject property are zoned commercial. Rezoning the subject property from R-4 (Residential) to C-2 (Commercial) will keep the consistency of commercial zoning in this block along Gateway Boulevard South.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access to the subject property is proposed from Sunrise Avenue, a local road as classified under the City's Major Thoroughfare Plan, which leads to Gateway Boulevard South which is classified as a major arterial under the City's MTP. The classification of these roads is appropriate to support the proposed use. Sidewalks are present for the subject property along Gateway South Boulevard, but are not present along Sunrise Avenue and may be required during development. The closest bus stop is located 1.4 miles from the subject property.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: The Planning and Inspections Department recommends imposing conditions requiring a landscape buffer along property lines abutting residential districts along with a minimum 8-foot privacy fence.

PUBLIC COMMENT: The subject property lies within the boundaries of the Sunrise Neighborhood Association. Property owners within 300 feet of the subject property were notified of the rezone request on July 27, 2023. As of August 3, 2023, the Planning Division has not received any communication in support or opposition to the request.

RELATED APPLICATIONS: None.

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.
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. (*Staff Recommendation*)
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.

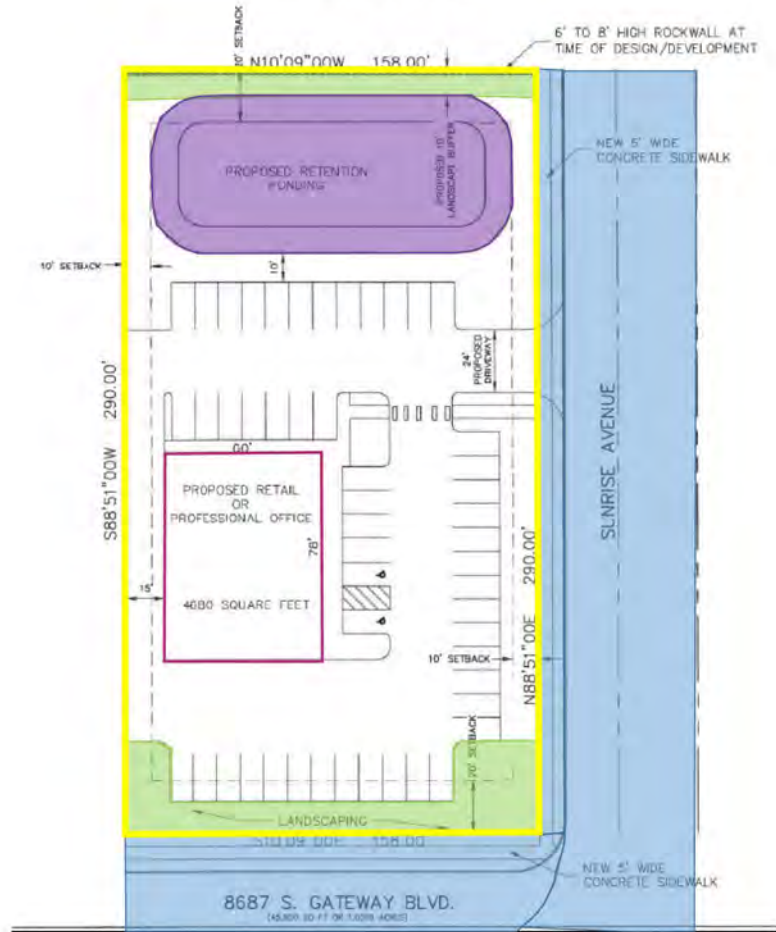
ATTACHMENTS:

1. Future Land Use Map
2. Generalized Plot Plan
3. Department Comments
4. Neighborhood Notification Boundary Map

ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3

Planning and Inspections Department - Planning Division

1. Staff recommends the following conditions:
 - A ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy or certificates of completion.
 - Prior to issuance of a certificates of occupancy or certificates of completion, property owner must install an eight-foot (8') rock wall along the westerly property line if abutting residential uses or districts.

Planning and Inspections Department – Plan Review & Landscaping Division

1. Recommend approval.
2. The generalized site plan is not being reviewed for conformance due to conceptual nature. No objections to proposed rezoning. At the time of submittal for building permit, the project will need to comply with all applicable provisions of the ICC, TAS and Municipal Code

Planning and Inspections Department – Land Development

1. Coordinate and obtain approval from TX DOT at the time of grading permit.
2. Provide new concrete sidewalk abutting property line along R.O.W.
3. Driveways must be 25'-35' wide per DSC 6-16.

Comments will be addressed during permitting stage.

Fire Department

1. Recommend approval
2. No adverse comments

Police Department

No comments received.

Environment Services

No comments received.

Streets and Maintenance Department

Streets and Maintenance Traffic Engineering has no objections to zoning change.

Sun Metro

No comments received.

El Paso Water

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

EPWU-PSB Comments

There is an existing 24-inch diameter water main along Sunrise Ave approximately 14-feet south of the northern right-of-way. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

There is an existing 6-inch diameter water main along Gateway South Blvd approximately 12-feet east of the western right-of-way. This main is available for service.

Previous water pressure from fire hydrant #58 located at the northeast corner of Neptune St. and Sunrise Ave. has yielded a static pressure of 71 psi, a residual pressure of 70 psi, and a discharge of 1,300 gallons per minute. 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.

Sanitary Sewer

There is an existing 12-inch diameter sanitary sewer main along Sunrise Ave approximately 25-feet north of the southern right-of-way. This main is available for service.

There is an existing 8-inch diameter sanitary sewer main along Gateway South Blvd approximately 21-feet east of the western right-of-way. This main is available for service.

General

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

EPWater requires a new service application to provide additional 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:

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 to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

Texas Department of Transportation

Please have the requestor submit grading and drainage plans to ELP_Access@txdot.gov

Note: Comments will be addressed at permitting stage.

El Paso County Water Improvement District #1

No comments received.

ATTACHMENT 4

