



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

**Case No:** PZRZ14-00063  
**Application Type:** Rezoning  
**CPC Hearing Date:** February 12, 2015  
**Staff Planner:** Michael McElroy, 915-212-1612, mcelroyms@elpasotexas.gov  
**Location:** 5888 Doniphan Drive and 190 Edgar Road  
**Legal Description:** Portion of Lots 1 and 2 of Block 1, of Cudahy-Locke Subdivision, City of El Paso, El Paso County, Texas  
**Acreage:** 1.43  
**Rep District:** 1  
**Existing Zoning:** R-3 (Residential)  
**Existing Use:** Apartments  
**C/SC/SP/ZBA/LNC:** Registered Legal Non-Conforming for apartments, RV, and mobile home park prior to annexation  
**Request:** R-3 (Residential) to C-3 (Commercial) (Related to Special Permit PZST14-00036)  
**Proposed Use:** Apartments  
**Property Owner:** Cudahy-Locke Investments LLC  
**Representative:** Gilberto Millot

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

**North:** C-3 (Commercial) / Apartments & Commercial

**South:** R-3 (Residential) / Single family and duplex dwellings

**East:** R-3 (Residential) / Single family and duplex dwellings

**West:** P-I/sc (Planned-Industrial/special contract) and P-R 2/sc (Planned Residential II/special contract) / Automobile auctions and single family dwellings

**PLAN EL PASO DESIGNATION:** G-3 Post-War (Northwest Planning Area)

**NEAREST PARK:** Ruby Coates Park (1,421 feet)

**NEAREST SCHOOL:** Herrera Elementary (1,880 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Upper Valley Improvement Association

Upper Mesa Hills Neighborhood Association

Montoya Heights Community Improvement Association

Coronado Neighborhood Association

Upper Valley Neighborhood Association

Save the Valley

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on January 28, 2015. The Planning Division received one phone call in support of the rezoning.

### **CASE HISTORY**

The property was annexed to the City on May 12, 1987 as R-3 (Residential). On June 27, 1995 the City Council approved a rezoning request from R-3 (Residential) to C-3 (Commercial) by Ordinance No. 12454.

### **APPLICATION DESCRIPTION**

The property owner is requesting a rezoning from R-3 (Residential) to C-3 (Commercial) to allow and expand apartment uses, as well as to unify the parcels which are currently split-zoned C-3 (Commercial) and R-3 (Residential). The property is currently occupied by a seven unit apartment structure totaling 2,141

sq. ft. and one apartment structure proposed for expansion to include 12 units totaling 2,924 sq. ft. through related Special Permit PZST14-00036. The seven unit structure is proposed to reduce its rear yard setback five feet to comply with the C-3 (Commercial) zoning district standards. Ten parking spaces are currently provided for the existing seven unit apartment structure, and 10 are provided for the structure proposed for expansion. Access is proposed from Edgar Road and Doniphan Drive. The applicant is aware that the rezoning eliminates the legal non-conforming status of the property.

**Planning and Inspections Department – Planning Division Recommendation**

The Planning Division recommends **approval with a condition** of rezoning the subject property from R-3 (Residential) and to C-3 (Commercial) as follows:

- 1. That a five (5) foot wide landscaped buffer with high-profile native trees of at least two (2) inch caliper and ten (10) feet in height shall be placed at an average of thirty (30) feet on center abutting the southern and eastern property lines. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, 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.*

The rezoning will provide a unified zoning district that will enable the property to expand its existing apartment use. Furthermore, the proposed development is compliant with the G-3 Post-War land use designation in the Northwest Planning Area.

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

All applications for special permit shall demonstrate compliance with the following criteria:

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.

The purpose of the R-3 (Residential) district is to provide a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations, permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

The purpose of the C-3 (Commercial) district is to provide goods or rendering services which are used in support of the community’s trade and service establishments and serving multi-neighborhoods. The district permits 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.

**COMMENTS:**

**Planning and Inspections Department – Planning Division - Transportation**

No objections.

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.

**Planning and Inspections Department - Land Development**

No objection.

**Planning and Inspections Department – Plan Review**

No objections to proposed rezoning. At the time of submittal for building permits the project will need to comply with all applicable provisions of the IBC, TAS and local municipal code.

## **Planning and Inspections Department - Landscaping**

No objection. Landscape required will be based on 15 % of the new construction.

## **El Paso Fire Department**

Recommend "APPROVAL with Conditions" of "Application" as presented. PZRZ14-00063. Applicant shall provide an access walkway from the apparatus access roads to the exterior of all buildings shown on the proposed site plan. \*\*\*\*\*NOTE \*\*\*\*\* In accordance with the requirements of the Zoning Code Section 20.04.160 Content of application the Fire Planning Division has reviewed the submitted "Detailed Site Plan for the following: Elevations, Perspective of the building, Dimensions, square footage and height of all structures, Number of dwelling units in Multi- family structures, and Driveways as applicable to the following sections of the fire code; Chapter 5 Fire Service Features, and Appendix D Fire Apparatus Access Roads, Please note: Fire Protection Systems are not being reviewed at this time "When required as per section 905.3.1, 905.4 and 905.5 all fire protections system plans shall be submitted separately to Fire Plan Review for further requirements and comments". The Fire Planning Division has reviewed the submitted "Detailed Site Plan Application" as per requirements of the Zoning Code Section 20.04.160 Content of application and has determined that the submission DOES comply within the zoning regulations.

## **El Paso Water Utilities**

EPWU does not object to this request.

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

### **Water:**

1. There is an existing 16-inch diameter water main extending along Doniphan Drive, the water main is located approximately 45-ft east from the center right-of-way line.
2. There is an existing 6-inch diameter water main extending along Johannson Road that is available for service, the water main is located approximately 19-ft east from the center right-of-way line.
3. EPWU records indicate a 1-1/2-inch water meter serving the subject property. The service address for this meter is 5888 Doniphan Drive.

### **Sewer:**

1. There is an existing 21-inch diameter sanitary sewer main extending along a 25-foot utility easement within the subject property. Said main is located approximately 10-ft east from the western property line. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.
2. There is an existing 8-inch diameter sanitary sewer main extending along Johannson Road that is available for service, the sewer main is located approximately 5-ft west from the center right-of-way line.
3. The EPWU recommends that grading for Lots 1 and 2 be directed toward Edgar Road to allow sewer service by gravity.

### **General:**

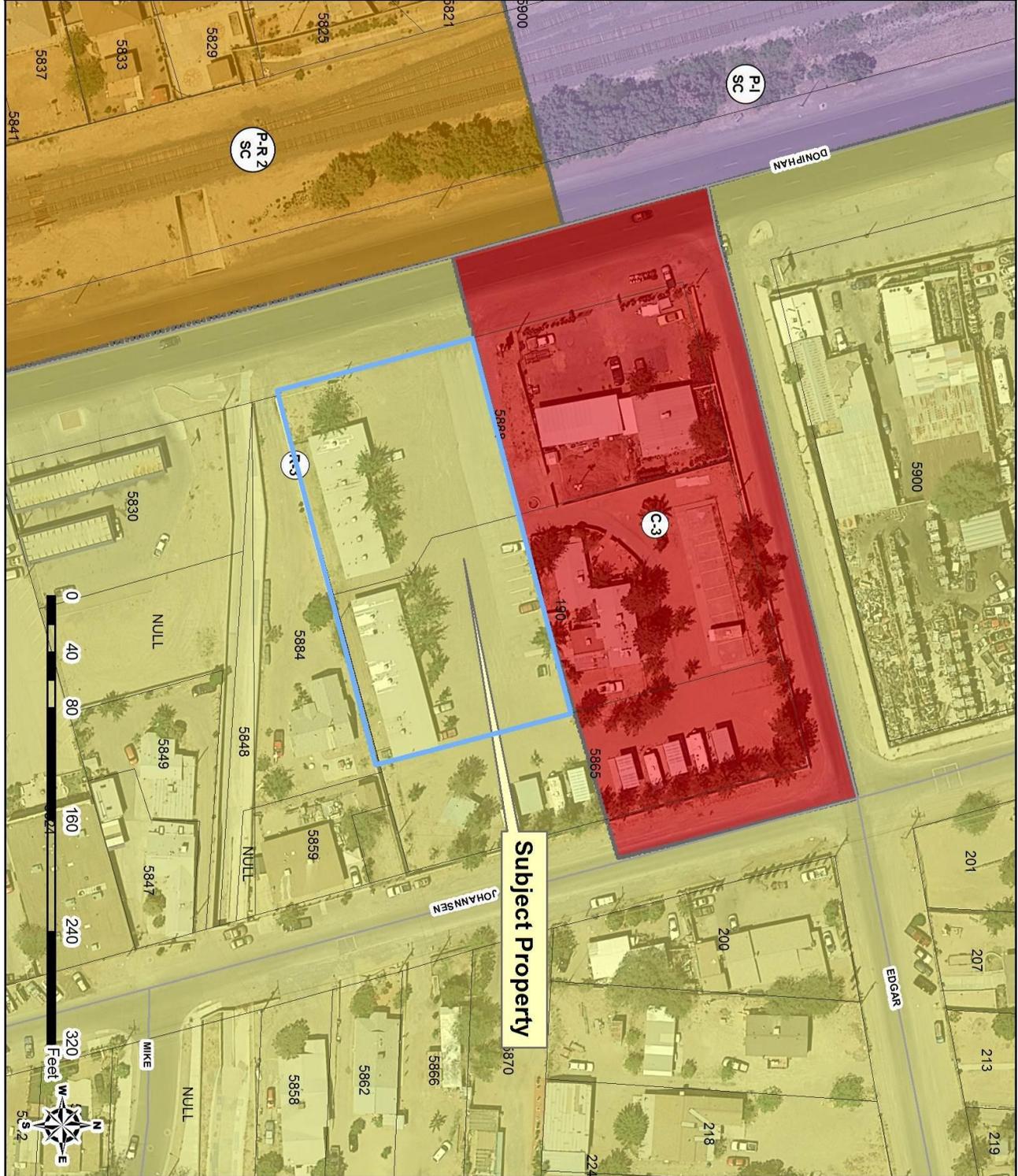
1. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWU-PSB easement without the written consent of EPWU-PSB. The Developer shall refrain from constructing rock walls, signs, buildings, or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any sign or structure.
2. 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**

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Elevations

ATTACHMENT 1: LOCATION MAP

PZRZ14-00063

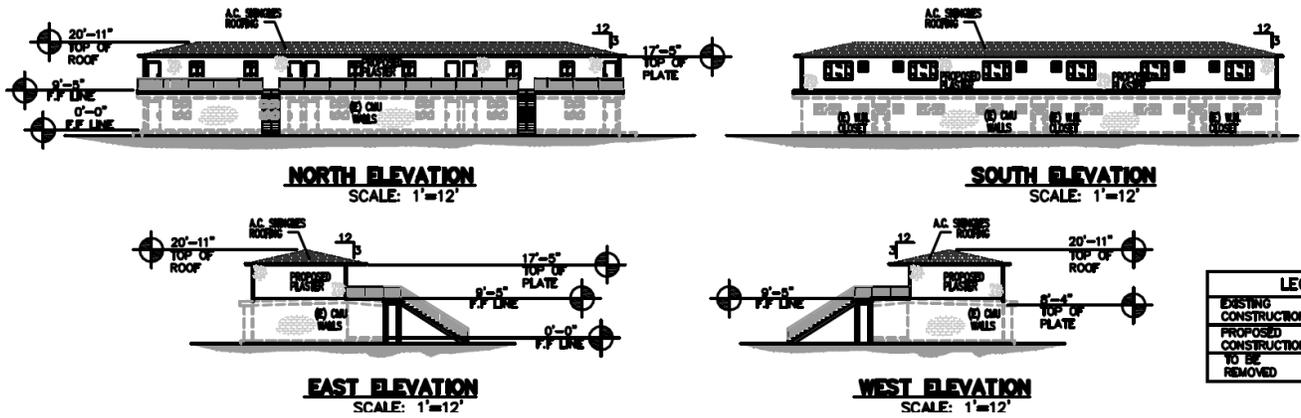


PZRZ14-00063

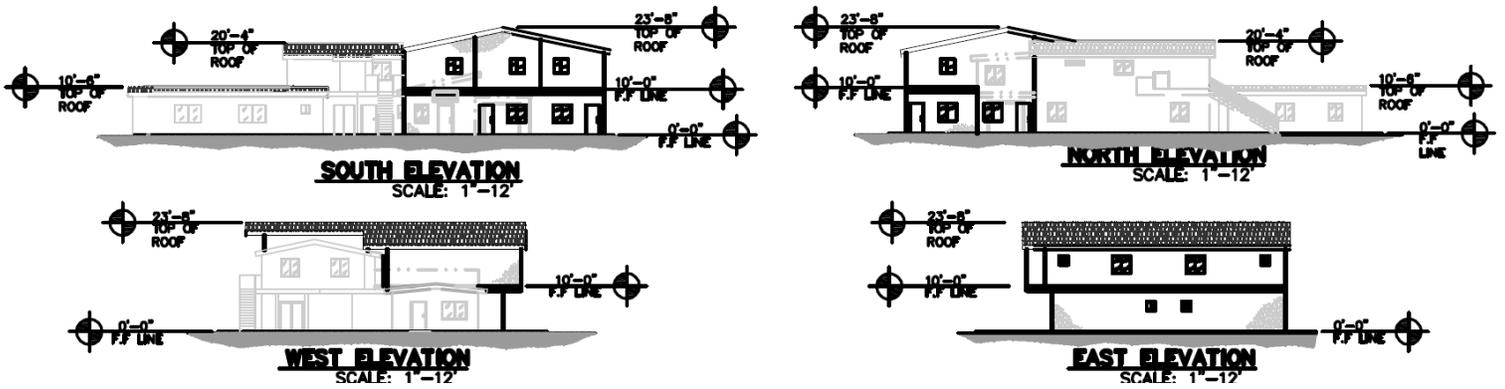




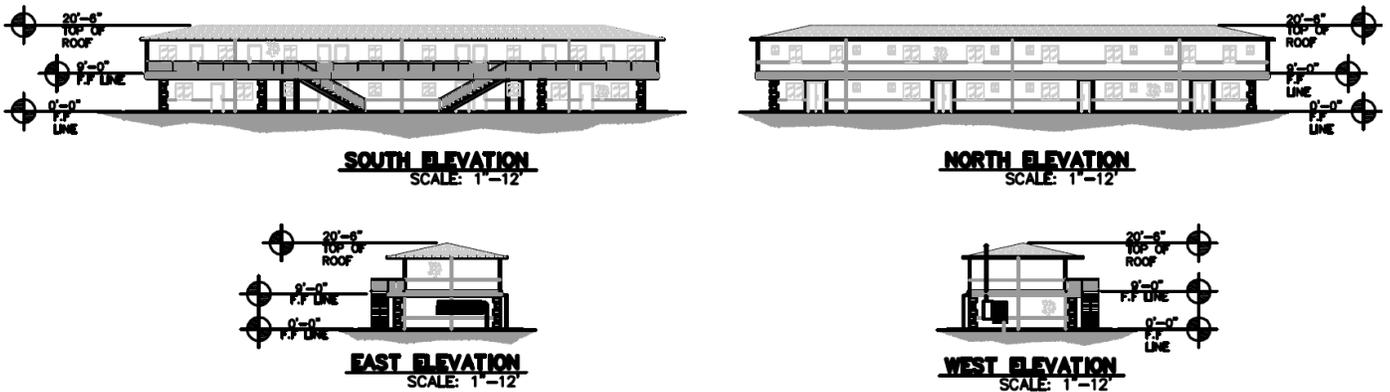
ATTACHMENT 4: ELEVATIONS



Existing Building "A"



Existing Building "B"



Proposed Building "C"