City of El Paso – City Plan Commission Staff Report
(REVISED)

Case No:	PZRZ13-00012 (Related to PZCR13-00005 and PZDS13-00022)
Application Type:	Rezoning
CPC Hearing Date:	February 13, 2014
Staff Planner:	Andrew Salloum, 915-212-1613, salloumam@elpasotexas.gov
Location:	North of Medano Drive and East of Desert North Boulevard
Legal Description:	Lots 3 and 4, Block 2, Medano Height Subdivision, Replat "A", City of El Paso, El Paso County, Texas
Acreage:	12.202 acres
Rep District:	1
Existing Zoning:	R-5/c (Residential/conditions)
Existing Use:	Vacant
C/SC/SP/ZBA/LNC	C: Ordinance No. 014596, dated August 22, 2000 (see Attachment #5)
Request:	From R-5/c (Residential/conditions) to S-D/c (Special Development/conditions)
Proposed Use:	Apartment Complex
Property Owner:	The Housing Authority of the City of El Paso
Representative:	SLI Engineering, Inc.

SURROUNDING ZONING AND LAND USE
North: R-3 (Residential) / Vacant
South: C-3/sc (Commercial/special contract) / Retail; R-3 (Residential) / Single-family dwelling
East: R-3 (Residential) / Single-family dwelling
West: C-3/c (Commercial/condition) / Restaurant, retail and vacant

PLAN EL PASO DESIGNATION: G-4, Suburban (Walkable)
NEAREST PARK: Three Hills Park (4,985 feet)
NEAREST SCHOOL: Hut Brown Middle (5,268 feet)

NEIGHBORHOOD ASSOCIATIONS
Upper Valley Improvement Association
Upper Mesa Hills Neighborhood 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 29, 2014. The Planning Division received 6 phone calls in opposition to the rezoning request, indicating that they are opposed to the building of an apartment complex, increased traffic, and concerns over property value.

CASE HISTORY
On August 22, 2000, City Council approved the rezoning request for the subject property from R-3 (Residential) to C-3/c (Commercial/conditions) and imposed a condition by Ordinance No. 014596 (see Attachment #5) as follows:

1. *Submittal of a detailed site development plan for approval by the City Plan Commission and City Council prior to the issuance of a building permit or certificate of occupancy,*

2. *Construction of an eight-foot high masonry screening wall along the easterly property line shall be required prior to the issuance of certificates of occupancy; the vertical surface of the screening wall, above six feet, must not be less than 75% open,*
3. *A minimum of twenty-foot building setback along the easterly property line shall be required prior to the issuance of a building permit or certificate of occupancy,*
4. *Landscaping within the entire length and width of a minimum ten-foot wide buffer strip along the easterly property line shall be required prior to the issuance of certificates or occupancy and shall be in addition to landscaping required per El Paso City Code. The landscaping shall be included within the required twenty-foot building setback along easterly property line,*
5. *The maximum height of any building or structure within the subject property shall not exceed one story.*
6. *Access from Tuscarora Avenue shall be prohibited.*
7. *Construction of a six-foot high masonry screening wall along the southerly property line along that portion of Medano Drive immediately to the north of the R-3 (Residential) zoned portion of Three Hills Addition, shall be required prior to the issuance of certificate.*
8. *The use of the subject property for: Automobile, light truck, bus, motorcycle and boat, sales, storage, rental and service, billiard halls, bowling alleys, amusement game complex or park, garages, parking or community, parking lot, miniature golf courses, private club, lodge or meeting hall, transportation terminal, theaters, trailer, mobile home, travel trailer and recreational vehicle sales, display and repair, skating rink, outdoor flea market, dance hall heliport, helistop or airpad, massage parlor, or bar, taven or cocktail lounge shall be prohibited. Provided, however, that the sale of alcoholic beverages shall be permitted within the subject property in conjunction with the operation of restaurant, or retail sales for off-premise consumption.*

On July 11, 2006, City Council approved the rezoning request for the subject property from C-3/c (Commercial/conditions) to R-5/c (Residential/conditions). The conditions originally imposed by Ordinance No. 014596, dated August 22, 2000 remained in effect after the rezoning. The Detailed Site Development Plan depicts compliance with all conditions on the subject property, with the exception of the one requested to be released by application PZCR13-00005.

On April 11, 2011, City Plan Commission approved the related Medano Heights Subdivision Replat "A" for single-family residential. As the rezoning is to allow for apartments, the property will have to be replatted.

APPLICATION DESCRIPTION

The applicant is requesting to rezone the subject property from R-5 (Residential) to S-D (Special Development) in order to allow an apartment complex. An Apartment use is not permitted in R-5 (Residential) zone district but it is permitted in S-D zone district with a detailed site development plan. The request for rezoning is solely to allow for the apartment use as the applicant is not requesting any setback modifications as are permitted in the S-D through the detailed site development plan. The subject property is 12.202 acres in size and is currently vacant. The detailed site development plan shows a new 180 unit apartment complex, clubhouse, maintenance building, two swimming pools, sports court, fenced toddler park, fenced pet park, and active courtyard. The applicant proposes five 1-story apartment structures adjacent to the easterly property line, which is the adjacent to a residential zone district. The remaining fourteen 2-story apartment structures will be built throughout the subject property. The development requires 349 parking spaces and the applicant is providing 411 parking spaces and 20 bicycle spaces. Access to the subject property is proposed from Picacho Hills Drive and Medano Drive. This application is related to zoning condition release application PZCR13-00005 and detailed site development plan review application PZDS13-00022.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of rezoning the subject property from R-5 (Residential) to S-D (Special Development). The recommendation is based on compatibility with the surrounding properties currently R-3 (Residential) and C-3 (Commercial) directly adjacent to the subject property, in support of the Plan El Paso land use designation G-4, Suburban. The proposed rezoning to S-D would provide a transitional

buffer from the existing light residential uses to the east and to the south, and the existing heavy commercial uses to the west.

Plan El Paso- Future Land Use Map Designation
All applications for 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 S-D (Special Development) district is to provide an opportunity for mixed-use projects, integrated in design, in certain older residential areas where there is a desire to permit a variety of nonresidential uses while maintaining the established residential appearance and landscaping of the area. The regulations of this district are designed to ensure compatibility with existing uses in the district; to permit the production, exhibit or sale of goods and the providing of services to the public in such older residential areas; to protect the traffic capacity of streets serving such older residential areas; to encourage flexibility by prescribing general performance standards for such older residential areas; and to protect the environment of adjacent areas. For the purpose of this district, older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.

COMMENTS:

Planning Division - Transportation
Department of Transportation has received applicant's letter requesting exemption from having to submit Traffic Impact Analysis (TIA).

Note:
All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall follow the City of El Paso Design Standards for Construction and be ADA/TAS compliant.

Department of Transportation
EPDOT had reviewed and determined that a traffic impact analysis is not required.

City Development Department – Plan Review
No objections.

City Development Department - Land Development
No Objection.

Comments:
Grading plan and permit shall be required.*
Storm Water Pollution Prevention Plan and/or permit required.*
Drainage plans must be approved by the City Development Dept. Land Development Section.*

* This requirement will be applied at the time of development.

Fire Department
No objections to the rezoning case as presented at this time.

El Paso Water Utilities
We have reviewed the rezoning referenced above and provide the following comments:
1. The Owner/Developer of Medano Heights entered into a Development Agreement with the El Paso Water

Utilities – Public Service Board (EPWU-PSB) to construct water and sanitary sewer mains to provide service to the entire subdivision. On May 24, 2010, EPWU-PSB issued a Partial Final Acceptance letter to the water and sewer mains located along Picacho Hills Court, west of the subject property. Water and sewer mains, appurtenances, and meters where installed by the Developer's utility contractor within the subject property along the streets vacated with Medano Heights Replat A. These water and sewer facilities are not part of the EPWU-PSB system and they will be available for permanent service after EPWU-PSB issues a letter of Final Acceptance if the developer chooses to proceed with public mains within the development. If private water and sewer systems are preferred, amendment to the existing agreement will be required.

2. If the developer chooses to proceed with public mains, EPWU requires for the existing water and sewer mains within the subject property to follow the alignment of the access roads for the new development, outside of the limits of the parking stalls. PSB easements are to be dedicated to accommodate the water and sewer mains. Close coordination with EPWU-PSB is required. The Owner/Developer is to provide to EPWU engineering a copy of the site plan showing the location of the existing water/sewer service connections, noting on the plans the location of the water/sewer services that are to remain and the location of the surplus water/sewer services that are to be eliminated completely by the Utility Contractor as the result of the new development plan. No Utility work is to be performed until the Development Agreement has been amended.

3. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter within the development 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.

4. A new application for service is required. 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.

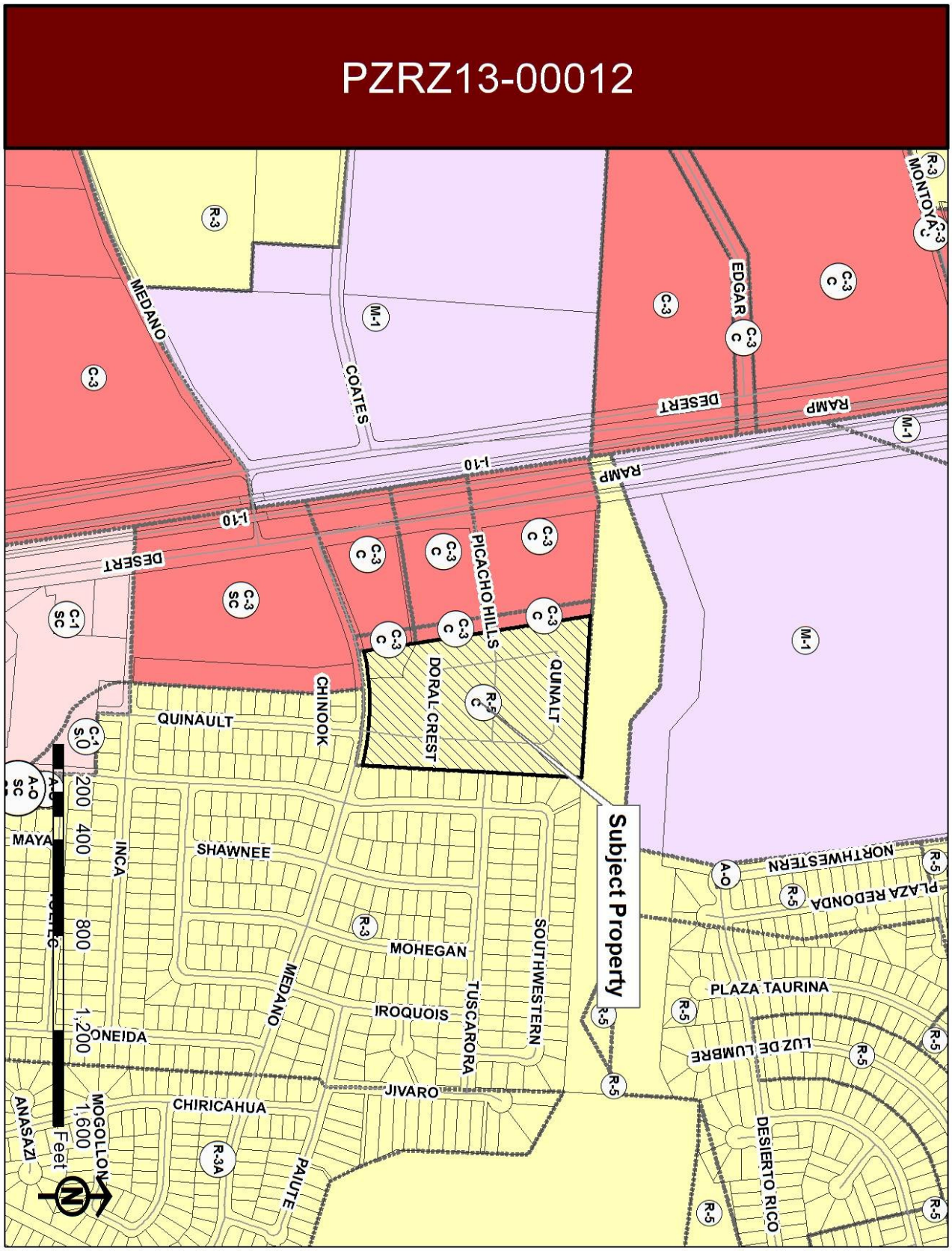
Open Space Advisory Board

On February 4, 2014, Open Space Advisory Board recommended **approval** of rezoning the subject property from R-5 (Residential) to S-D (Special Development).

Attachments:

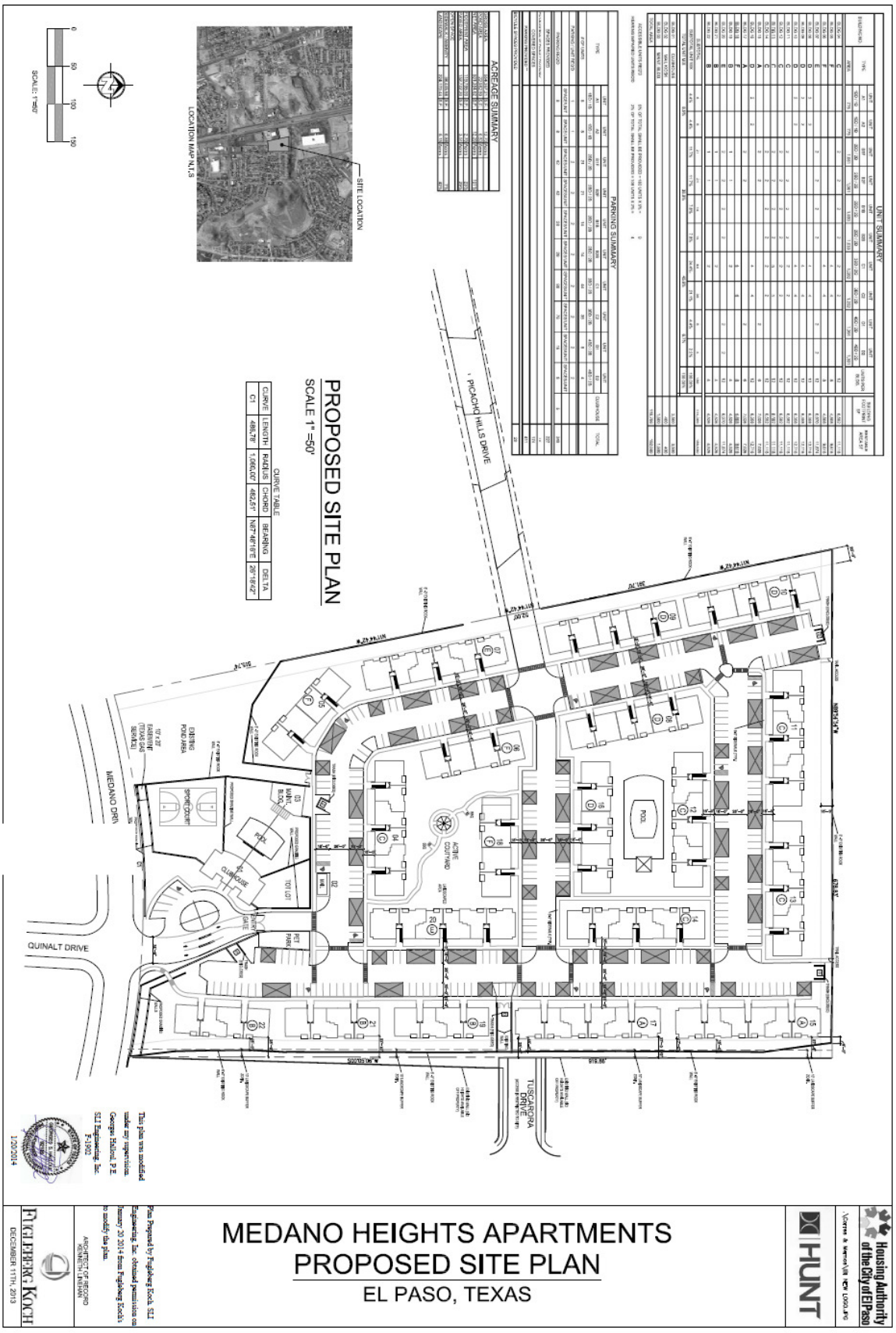
1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan
4. Ordinance No. 14596
5. Ordinance No. 16394

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: ORDINANCE NO. 14596

ORDINANCE NO. 014596

AN ORDINANCE CHANGING THE ZONING OF TRACT 13A, S. A. & M. G. SURVEY NO. 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS (5900 BLOCK OF NORTH DESERT BOULEVARD) FROM R-3 (RESIDENTIAL) TO C-3/C (COMMERCIAL/CONDITIONS), 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 *Tract 13A, S. A. & M. G. SURVEY NO. 266, City of El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed **from R-3 (Residential) to C-3/c (Commercial/conditions)** within the meaning of the zoning ordinance, 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 **from R-3 (Residential) to C-3/c (Commercial/conditions)**, in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

1. Submittal of a detailed site development plan for approval by the City Plan Commission and City Council prior to the issuance of a building permit or certificate of occupancy.
2. Construction of an eight-foot (8') high masonry screening wall along the easterly property line of *Tract 13-A, S. A. & M. G. RAILWAY COMPANY SURVEY NO. 266*, shall be required prior to the issuance of certificates of occupancy; the vertical surface of the screening wall, above six feet (6'), must not be less than 75% open.
3. A minimum of twenty-foot (20') building setback along the easterly property line of *Tract 13-A, S. A. & M. G. RAILWAY COMPANY SURVEY NO. 266*, shall be required prior to the issuance of a building permit or certificate of occupancy.
4. Landscaping within the entire length and width of a minimum ten-foot (10') wide buffer strip along the easterly property line of *Tract 13-A, S. A. & M. G. RAILWAY COMPANY SURVEY NO. 266*, shall be required prior to the issuance of certificates of occupancy and shall be in addition to landscaping required per El Paso Municipal Code Chapter 20.65. The landscaping shall be included within the required twenty-foot (20') building setback along that property line.
5. The maximum height of any building or structure within the subject property shall not exceed one (1) story.
6. Access to *Tract 13-A, S. A. & M. G. RAILWAY COMPANY SURVEY NO. 266*, from and onto Tuscarora Avenue, shall be prohibited.
7. Construction of a six-foot (6') high masonry screening wall along the southerly property line of *Tract 13-A, S. A. & M. G. RAILWAY COMPANY SURVEY*

NO. 266 along that portion of Medano Drive immediately to the north of the R-3 (Residential) zoned portion of *THREE HILLS ADDITION*, shall be required prior to the issuance of certificates of occupancy.

8. The use of the subject property for: Automobile, light truck, bus, motorcycle and boat, sales, storage, rental and service, billiard halls, bowling alleys, amusement game complex or park, garages, parking or community, parking lot, miniature golf courses, private club, lodge or meeting hall, transportation terminal, theaters, trailer, mobile home, travel trailer and recreational vehicle sales, display and repair, skating rink, outdoor flea market, dance hall, heliport, helistop or airpad, massage parlor, or bar, tavern or cocktail lounge shall be prohibited. Provided, however, that the sale of alcoholic beverages shall be permitted within the subject property in conjunction with the operation of a restaurant, or retail sales for off-premise consumption.

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 22nd day of August, 2000.

THE CITY OF EL PASO

Carlos M. Ramirez, P.E.
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Carolyn J. Celum
Assistant City Attorney

APPROVED AS TO CONTENT:

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

(Acknowledgment on following page)

CJC:pmc\#71144 2 08/15/00

ORDINANCE NO. 14596 **Zoning Case No. ZC-00024**

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ATTACHMENT 5: ORDINANCE NO. 016394

BC
14-294

ORDINANCE NO. 016394

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 13A, S.A. AND M.G. SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM C-3/C (COMMERCIAL/CONDITIONS) TO R-5/C (RESIDENTIAL/CONDITIONS). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 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 a *Portion of Tract 13A, S.A. and M.G. Survey No. 266, El Paso, El Paso County, Texas,* and as more particularly described by metes and bounds on Exhibit "A", attached and incorporated by reference, be changed from **C-3/c (Commercial/conditions) to R-5/c (Residential/conditions)**, 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 11th **day of** July, **2006.**

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Carolyn J. Crosby
Assistant City Attorney

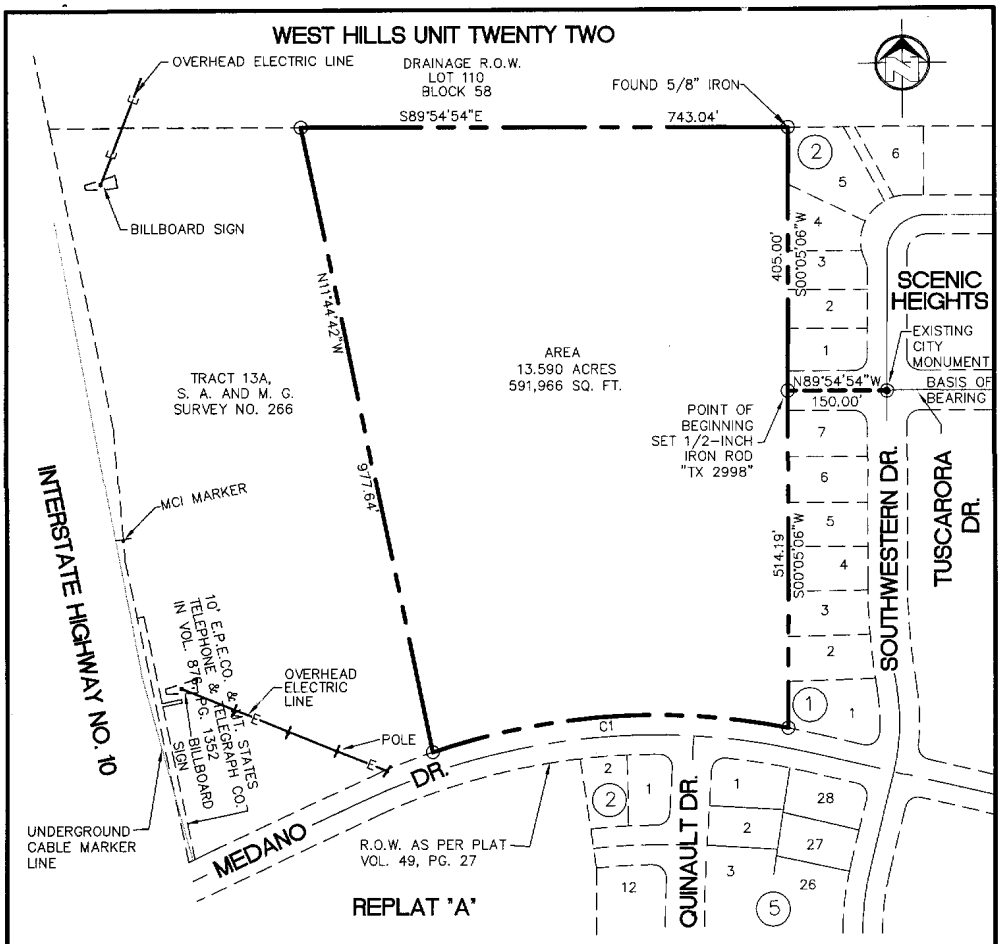
APPROVED AS TO CONTENT:

Rodolfo Valdez, Chief Urban Planner
Development Services Department

DOC #22037/Planning/Ord/13/ZON06-00034/CCRO

ORDINANCE NO. 016394 **Zoning Case No: ZON06-00034**

EXHIBIT "A"



CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	1060.00'	550.07'	281.38'	543.92'	S86°06'46"W	29°43'58"

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 480214 0021 D, DATED JANUARY3 5, 1997, THIS PROPERTY LIES IN FLOOD ZONE C .

ZONE C AREAS OF MINIMAL FLOODING.

DUE TO INHERENT INACCURACIES OF FEMA OR FLOOD INSURANCE RATE MAPS THIS SURVEYOR DOES NOT CERTIFY TO THE ACCURACY OF LOCATIONS BASED ON SUCH MAPS. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

NOTE: UNABLE TO SHOW LOCATION OF EL PASO ELECTRIC CO. EASEMENTS RECORDED IN VOL. 440, PG. 349 AND VOL. 447, PG. 173. EASEMENT ARE GENERALLY DESCRIBED AS BEING IN S.A. & M.G. SURVEY NO. 266.

FOUND 5/8" IRON WITH SLI CAP ON ALL PROPERTY CORNERS UNLESS OTHERWISE INDICATED.

A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT OF SURVEY.

Copyright 2006 SLI Engineering, Inc.

This map and survey are being provided solely for the use of El Paso Housing Authority and no license has been created, expressed or implied, to copy the surveys and/or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon May 26, 2006 .

NOTE:
ALL INFORMATION SHOWN HEREON WITH RESPECT TO UNDERGROUND CONDITIONS, WAS DETERMINED BY DATA COLLECTED THROUGH SURVEY CREW OBSERVATION AND OTHER INFORMATION TAKEN FROM EXISTING PLANS AND MAPS OF RECORD. NO UNDERGROUND UTILITIES EXISTING OR ABANDONED WERE EXPOSED OR LOCATED.

UNLESS SPECIFICALLY ACCEPTED BY SLI ENGINEERING, INC. IN WRITING, SLI ENGINEERING, INC. MAKES NO CLAIM, EXPRESSED OR IMPLIED, AS TO THE UNDERGROUND SITE CONDITIONS.

STATE OF TEXAS
REGISTERED
GUILLERMO LICON
2998
PROFESSIONAL
LAND SURVEYOR

PLAT OF SURVEY

SLI ENGINEERING, INC.
CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS
6600 WESTWIND DRIVE
EL PASO, TEXAS 79912
915-584-4457

JOB #: 09-05-2379 DR. BY: AFV
SCALE: 1"=200' F.B. #: 1028
DATE: 05/26/2006 DWG.: F:\PROJECTS\MEDANO\WORKING 13-29AC.DWG

A PORTION OF TRACT 13A,
S.A. AND M.G. SURVEY NO. 266,
EL PASO, EL PASO COUNTY,
TEXAS

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

GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2998

PAGE 2 OF 2