



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

**Case No:** PZRZ13-00038  
**Application Type:** Rezoning  
**CPC Hearing Date:** February 13, 2014  
**Staff Planner:** Michael McElroy, (915) 212-1612, mcelroym@elpasotexas.gov  
**Location:** West of Doniphan & South of Montoya  
**Legal Description:** Portion of Lot 1, Block 1, Miramonte Industrial Park Unit 1, Replat “A”, City of El Paso, El Paso County, Texas  
**Acreage:** 8.846  
**Rep District:** 1  
**Current Zoning:** P-I/sc (Planned Industrial/Special contract)  
**Existing Use:** Vacant  
**C/SC/SP/ZBA/LNC:** Yes; Special contract (see attachment 4)  
**Request:** P-I/sc (Planned Industrial/Special contract) to C-3/sc (Commercial/Special contract)  
**Proposed Use:** Automobile Storage  
**Property Owner:** RDG-PDI Center, LLC  
**Representative:** CSA Design Group, Inc.

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

**North:** P-I/sc (Planned Industrial/Special contract) / Milk Bottling  
**South:** P-R II/Special contract (Planned-Residential 2/Special contract) / Single Family Homes  
**East:** P-I/sc (Planned Industrial/Special contract) / Manufacturing  
**West:** P-R I (Planned Residential 1) / Single Family Homes

**PLAN EL PASO DESIGNATION:** G-7, Industrial and/or Railyard (Northwest Planning Area)

**NEAREST PARK:** Little River (4,323 feet)

**NEAREST SCHOOL:** Herrera Elementary (5,384 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 27, 2014. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

### **APPLICATION HISTORY**

Upon annexation the subject property was zoned to I-D (Industrial-District) by Ordinance 4926 on September 14, 1972, which included a special contract (see attachment 4). The contract included platting, drainage improvements, and railroad improvements. The conditions for platting and railroad improvements have been complied with. The condition for approval of drainage plans before building permits is addressed at the building permits stage and is not yet required for this case. The property was subsequently rezoned to its current zoning of P-I (Planned-Industrial) by Ordinance No. 6725 approved on September 25, 1979 (see attachment 5).

### **APPLICATION DESCRIPTION**

The property owner is requesting a rezoning from P-I/sc (Planned-Industrial/Special contract) to C-3/sc (Commercial/Special contract) to permit an automobile storage facility and future commercial development. The conceptual site plan shows an 8.846 acre parcel upon which 3.31 acres is proposed for the automobile facility. The portion of the lot proposed for immediate development, comprising the eastern half of the subject property, is further proposed to include a 2,220 s.f. building with a possible 7,545 s.f. expansion. The remaining 4.31 acres

on the western side of the subject property are to be reserved for future commercial properties. Access to the property is proposed from an approximately 700' extension off Lockett Court, with driveways to be provided into the individual lots.

### **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of the rezoning from P-I/sc (Planned-Industrial/sc) to C-3/sc (Commercial/Special contract) with the following conditions:

1. The following uses shall be prohibited:
  - a. Contractor's yard
  - b. Industrial and commercial equipment repair
  - c. Material sales (building and construction)
2. A 10' landscape buffer with trees every 30' shall be provided between the property and abutting residential property and the Montoya canal.

The proposed rezoning will downzone the existing industrially-zoned property and thereby make it more compatible with the adjacent residential area and open space protected canal. Nevertheless, to mitigate the effects of dust, noise, and vibration on the adjacent properties, a landscape buffer and the prohibition of a limited number of uses are proposed as conditions. As such, the rezoning can both permit the desired commercial activity and serve as a transitional area between the P-R I (Planned Residential 1) and P-R I (Planned Residential 2) zoning districts.

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

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

G-7 – Industrial and/or Railyards: This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso's economy; however, when an industrial use becomes obsolete, there can be potential for mixed use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mix-use communities if the rail yards were moved out of town.

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

### **COMMENTS:**

#### **Planning Division - Transportation**

No objections. A TIA is not required.

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.

#### **City Development Department – Plan Review**

No objections to proposed rezoning. All future construction will need to adhere to all relevant zoning, building, municipal and ADA code requirements.

#### **City Development Department - Land Development**

No objection

#### **El Paso Fire Department**

Recommend approval w/ conditions of that prior to any construction a full detailed set of sprinkler and alarm system plans as noted on the site plan be submitted to Fire Plan Review.

#### **El Paso Water Utilities**

We have reviewed the site plan request and provide the following comments:

1. EPWU does not object to this request.
2. Water and sanitary sewer main extensions are required to provide service to the proposed development.
3. All costs associated with the extensions of water and/or sanitary sewer mains are the responsibility of the Owner/Developer.

### **EPWU-PSB Comments**

#### **Water:**

1. There is an existing eight (8) inch diameter water main that extends along Lockett Ct. and dead ends approximately 751 feet south of Montoya Rd. The main is located approximately 10 feet east of the street right of way line. An extension of an 8-inch diameter water main from the 8-inch water main dead-end will be required to service the subject property.

#### **Sanitary Sewer:**

1. There is an existing eight (8) inch diameter sanitary sewer main that extends along Lockett Ct. and the existing 30-foot easement that extends along the western portion of the property. This sanitary sewer main is available for service.

#### **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 easements 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. During the improvement work of the site, the Owner/Developer shall safeguard all existing water mains, sanitary sewer mains, and appurtenant structures. If the PSB facilities are damaged during the subdivision improvement work, the Owner/Developer is responsible for the repair costs.
3. No buildings or permanent structures shall be constructed in easements. Accumulation of storage, vehicles, lumber or other materials within the easement is not allowed.
4. No trees are allowed within the El Paso Water Utilities - Public Service Board Easement(s).
5. No rock wall is allowed within the El Paso Water Utilities – Public Service Board Easement(s). Rock wall shall be located at the easement lines.
6. No ponding encroachment within the El Paso Water Utilities – Public Service Board Easement(s).
7. Application for new water 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.

**Attachments:**

Attachment 1: Zoning Map

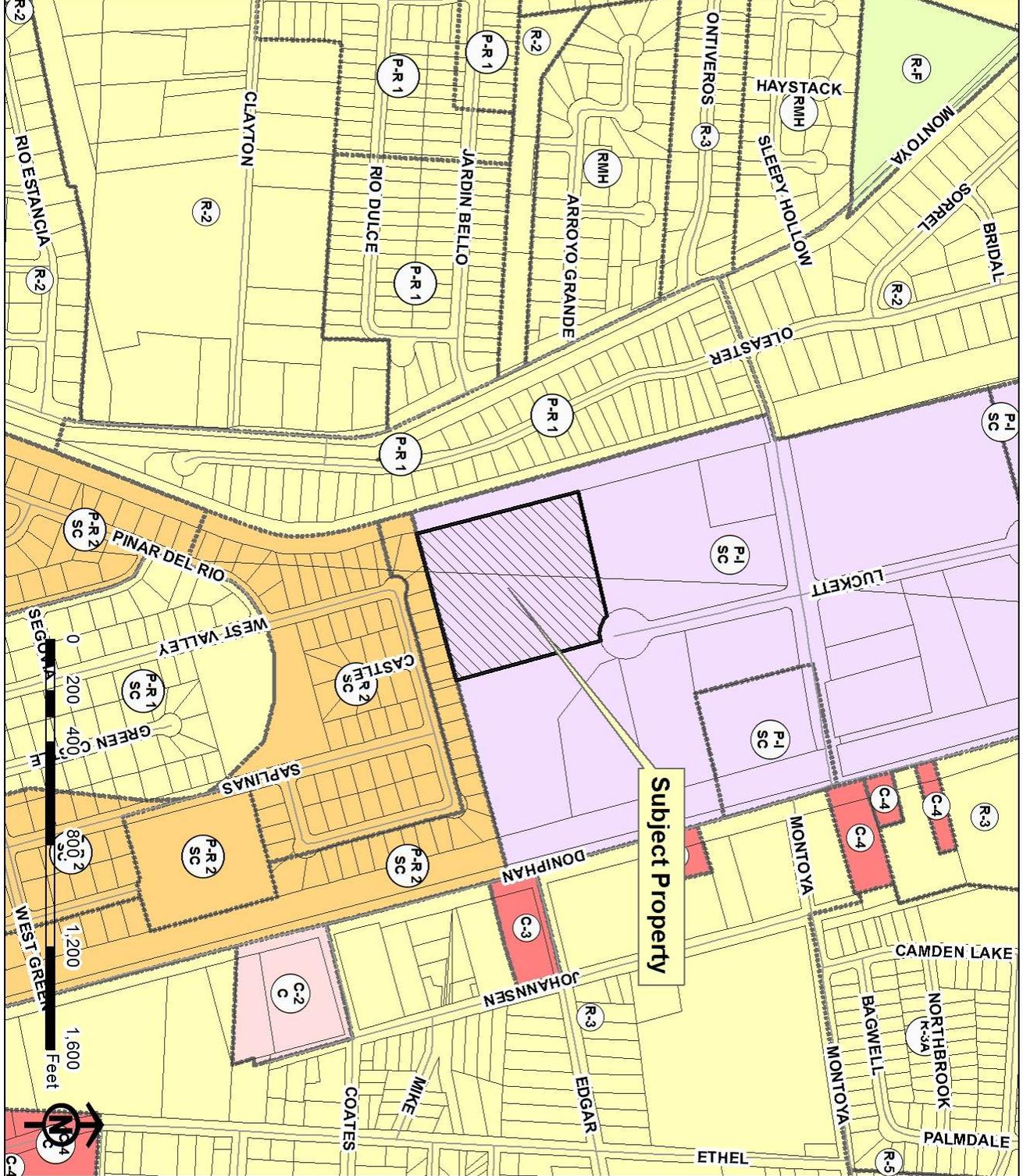
Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan

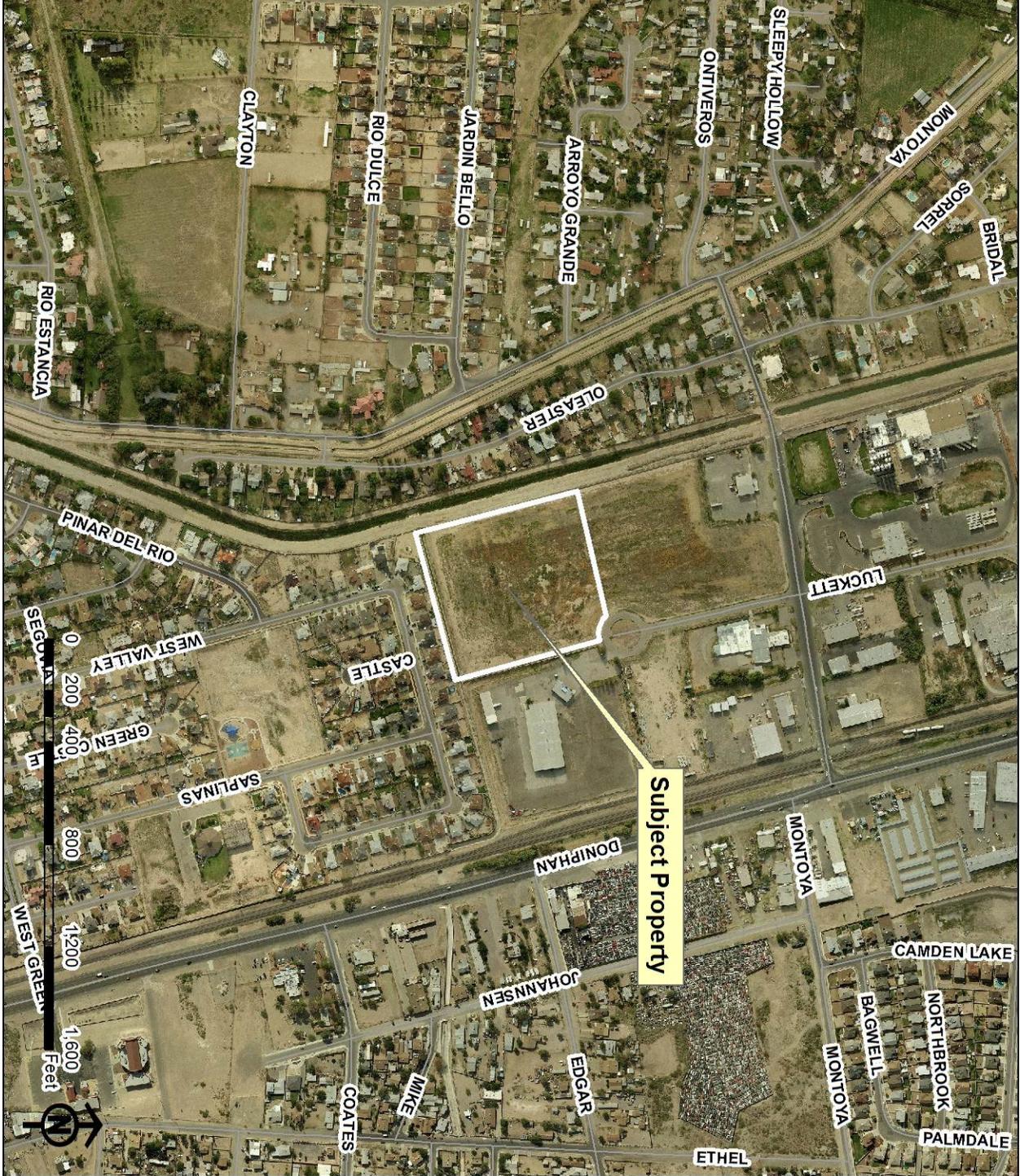
Attachment 4: Special contract dated September 12, 1972

Attachment 5: Ordinance No. 6725

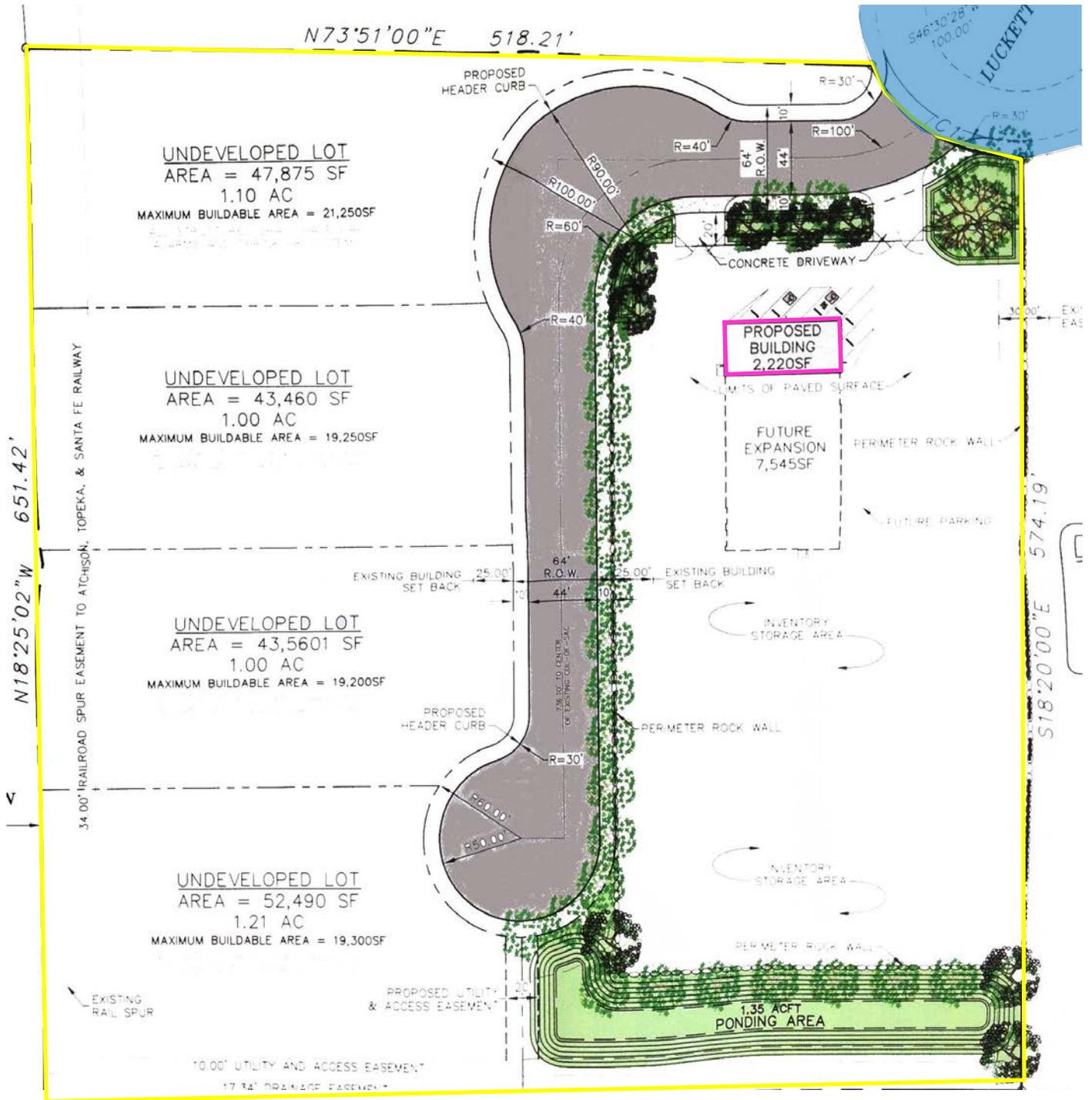
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**ATTACHMENT 3: CONCEPTUAL SITE PLAN**



Thence South 89° 48' East along the north boundary of said Tracts 1 and 2, being common to the south right of way line of a drain (70 feet right of way), a distance of 1316.70 feet to the point of beginning, said parcel containing 23.806 acres of land, more or less.

Parcel 4:

Tract 7B, Block 12, Upper Valley Surveys, more particularly described as:

Beginning at the northeast corner of Tract 7B, Block 12 of the Upper Valley Surveys, said corner being on the westerly line of the Rio Grande, El Paso, and Santa Fe Railroad right of way;

Thence South 18° 20' East along said westerly right of way line a distance of 1054.70 feet to the southeast corner of said Tract 7B;

Thence North 89° 48' West along the south boundary of said Tract 7B, being common to the north right of way line of a drain (70 feet right of way), a distance of 1316.12 feet to the southwest corner of said Tract being on the easterly right of way line of the Montoya Drain;

Thence North 17° 24' West along said easterly right of way line a distance of 1049.10 feet to the northwest corner of said Tract;

Thence South 89° 48' East along the north boundary of said Tract 7B a distance of 1298.10 feet to the point of beginning, said parcel containing 30.004 acres of land, more or less.

(2) Application has been made to the City of El Paso to zone the property herein designated as Parcel 1 as A-O, and Parcels 2, 3, and 4 as I-D.

To remove certain objections to the proposed zoning First Party and Second Parties agree that if the property is zoned as proposed it will be subject to the following covenants and restrictions, and no building or structure will be constructed on the land unless such covenants and restrictions are complied with:

(a) The plat and the deed restrictions referred to in Section 25-32.1(F)(1) of the El Paso City Code shall be subject to approval by both the City Plan Commission and the City Council. (Platting of both parcels will be required.) *(This last sentence released from restrictions 25-3-77 as it applies to the A-O parcels retained on the I-D parcels)*

(b) In addition thereto, the restrictions set forth in Exhibit A attached hereto shall be filed concurrently with the plat.

(c) The design of the facilities for drainage of the site shall be

subject to approval by both the City Engineer and the City Council, and such drainage facilities shall be constructed before or concurrently with the construction of any building or structure.

(3) First Party has obtained from the Atchison, Topeka and Santa Fe Railway Company a commitment to provide automatic crossing gates and flashing signals at three grade crossings, traffic over which may be affected by the proposed zoning; and as a further inducement to the City Council to adopt the proposed zoning, a contract with the railroad providing for such traffic protection will be filed herewith, as a part of this transaction.

(4) This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First and Second Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

(5) The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby, except the restrictions in Exhibit A, which after they have been filed for record may be changed only as provided in paragraph XVI thereof.

Witness the following signatures and seals:

SANTA FE LAND IMPROVEMENT COMPANY

by P. C. Merrill

LAND AND TAX AGENT

ATTEST:

P. C. Merrill  
Asst. Secretary

Milton D. Feinberg  
Milton D. Feinberg

Stephen L. Feinberg  
Stephen L. Feinberg

ATTACHMENT 5: ORDINANCE NO. 6725

6725

City of El Paso  
Date  
City Clerk

AN ORDINANCE ADOPTING A REVISED ZONING MAP OF THE CITY OF EL PASO, THE PENALTY BEING AS PROVIDED IN SECTION 25-96 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That pursuant to Section 25-8 of the El Paso City Code (Zoning District Maps - incorporated by reference) the following attached maps:

- a) The map, consisting of sheets 1 to 62, inclusive, captioned "Official Zoning Map Series, City of El Paso, Scale 1" = 300'," and bound together with a title-index sheet;
- b) The map, consisting of sheets 1 to 15, inclusive, captioned "Zoning Map Series Supplement, 1" = 600' series," and bound together with a title-index sheet;

which maps are made a part of this Ordinance by reference, be and are hereby adopted as the Revised Zoning Map of the City, and shall supersede all prior maps and revisions thereof.

2. That the use districts and area districts shall be as shown on said map; and all notations, references and other information shown on said maps are hereby made a part of the Zoning Ordinance and shall be considered as much a part of the same as if the matters and information set forth by said map were all fully described therein. Except as otherwise provided in the Zoning Ordinance, no building shall be used, erected, or structurally altered, except in conformity with the regulations provided in the Zoning Ordinance for the use and area districts in which such building is located as shown by such revised map.

PASSED AND APPROVED this 22 day of September, 1979.

ATTEST:

*[Signature]*  
City Clerk

*[Signature]*  
Mayor

APPROVED AS TO FORM:  
*[Signature]*  
City Attorney

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