City of El Paso – City Plan Commission Staff Report

Case No:	PZRZ14-00051
Application Type:	Rezoning
CPC Hearing Date:	February 26, 2015 (postponed from February 12, 2015 CPC Agenda)
Staff Planner:	Arturo Rubio, 915-212-1613, rubioax@elpasotexas.gov
Location:	406 W. Yandell Drive
Legal Description:	A portion of Lots 17-23 and all of Lots 90 and 91 and a portion of Lot 92 and a portion of vacated alley, Block 8, Second Revised Map of Sunset Heights, City of El Paso, El Paso County, Texas
Acreage:	1.21 acres
Rep District:	8
Current Zoning:	A-4/sp (Apartment/special permit)
Existing Use:	Vacant
C/SC/SP/ZBA/LNC:	Special Permit to allow for Business and Professional Offices dated October 30, 1990
Request:	From A-4/sp (Apartment/special permit) to S-D (Special Development)
Proposed Use:	Office and Retail
Property Owner:	Yandell Tower & Horizon Properties, LLC
Representative:	Conde, Inc.

SURROUNDING ZONING AND LAND USE

North: A-3/H (Apartment/Historical)/Multifamily-dwellings/A-O/H (Apartment-Office/Historical) Offices
South: A-2/H (Apartment/Historical)/Multifamily-dwellings
East: A-4 (Apartment)
West: A-3/H (Apartment/Historical)/Multifamily-dwellings

PLAN EL PASO DESIGNATION: G-2, Traditional Neighborhood Walkable (Northwest Plan Area)
NEAREST PARK: Sunset Heights Park (552 feet)
NEAREST SCHOOL: Vilas Elementary School (2,210 feet)

NEIGHBORHOOD ASSOCIATIONS

Sunset Heights Neighborhood Improvement Association
El Paso Central Business Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on January 8, 2014. The Planning Division has received one phone call in opposition to the rezoning request, citing issues with any type of development and would prefer instead a park or recreation facility. Planning Division also received opposition from Mr. Mendoza a resident within the area of the rezoning request. Planning Division also received an e-mail letter in opposition, citing issues with the permitted uses in the proposed change of zone district (Attachment 5, pg. 11). Planning Division also received an opposition letter from the Sunset Heights Neighborhood Improvement Association (Attachment 6, pg. 12).

APPLICATION DESCRIPTION

The applicant is requesting to rezone the subject property from A-4/sp (Apartment/special permit) to S-D (Special Development) to allow for a mix of retail and office uses. The A-4/sp (Apartment/special permit) district does not permit retail use. There is a special permit on the subject property to allow for office and

business uses, however not retail use (Attachment 4, pg. 7). The subject property is 1.21 acres in size and is currently vacant. Section 20.10.360, Mixed-Use Development, requires the submittal and review of a detailed site development plan on the S-D (Special Development) district prior to the issuance of any building permits. The applicant has been advised of the requirement and opted to submit the required detailed site development plan after review and approval of the rezoning application and prior to the submittal of any building permits. The concept plan submitted for this request does not meet all the requirements of a detailed site development plan; however, it meets or satisfies the rezoning application requirements. Access to the subject property is proposed from Yandell Boulevard and Prospect Avenue.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of rezoning the subject property from A-4/sp (Apartment/special permit) to S-D (Special Development).

The recommendation is based on the compatibility of existing residential and commercial uses and zone districts adjacent to the subject property. The S-D (Special Development) district complies with Plan El Paso Land Use Map G-2 – Traditional Neighborhood designation in the Central Planning Area.

Plan El Paso- Future Land Use Map Designation

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

G-2 – Traditional Neighborhood: This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly face streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the Smart Code as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.

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

TIA is not required, no objections.

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

Planning and Inspections – Building and Development Permitting

Recommend approval

Planning and Inspections - Land Development

No comments received

Fire Department
Zoning request change does not adversely affect the Fire Department

El Paso Water Utilities
EPWU does object to this request.

There is an existing 6-inch diameter sanitary sewer main extending along an alley between Yandell Drive and Prospect Avenue that is available for service, the sewer main is located approximately 2-ft north from the center line of the right-of-way. The main continues to a northeast direction to a manhole located at the intersection of Yandell Drive and Gateway West, the sewer main is located approximately 4-ft east from the eastern subject property line.
Water:
1. There is an existing 6-inch diameter water main extending along Prospect Avenue that is available for service, the water main is located approximately 11-ft south from the center line of the right-of-way.
2. There is an existing 6-inch diameter water main extending along Yandell Drive that is available for service, the water main is located approximately 14.5-ft south from the center line of the right-of-way.
Sanitary Sewer:
1. There is an existing 8-inch diameter sanitary sewer main extending along Prospect Avenue that is available for service, the sewer main is located approximately 31-ft south from the center line of the right-of-way. Said main continues west along Prospect Avenue from a manhole located at the intersection of Prospect Avenue and Stewart Ct.
2. There is an existing 6-inch diameter sanitary sewer main extending along Yandell Drive that is available for service, the sewer main is located approximately 24-ft north from the center line of the right-of-way.
General:
3. EPWU 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 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.

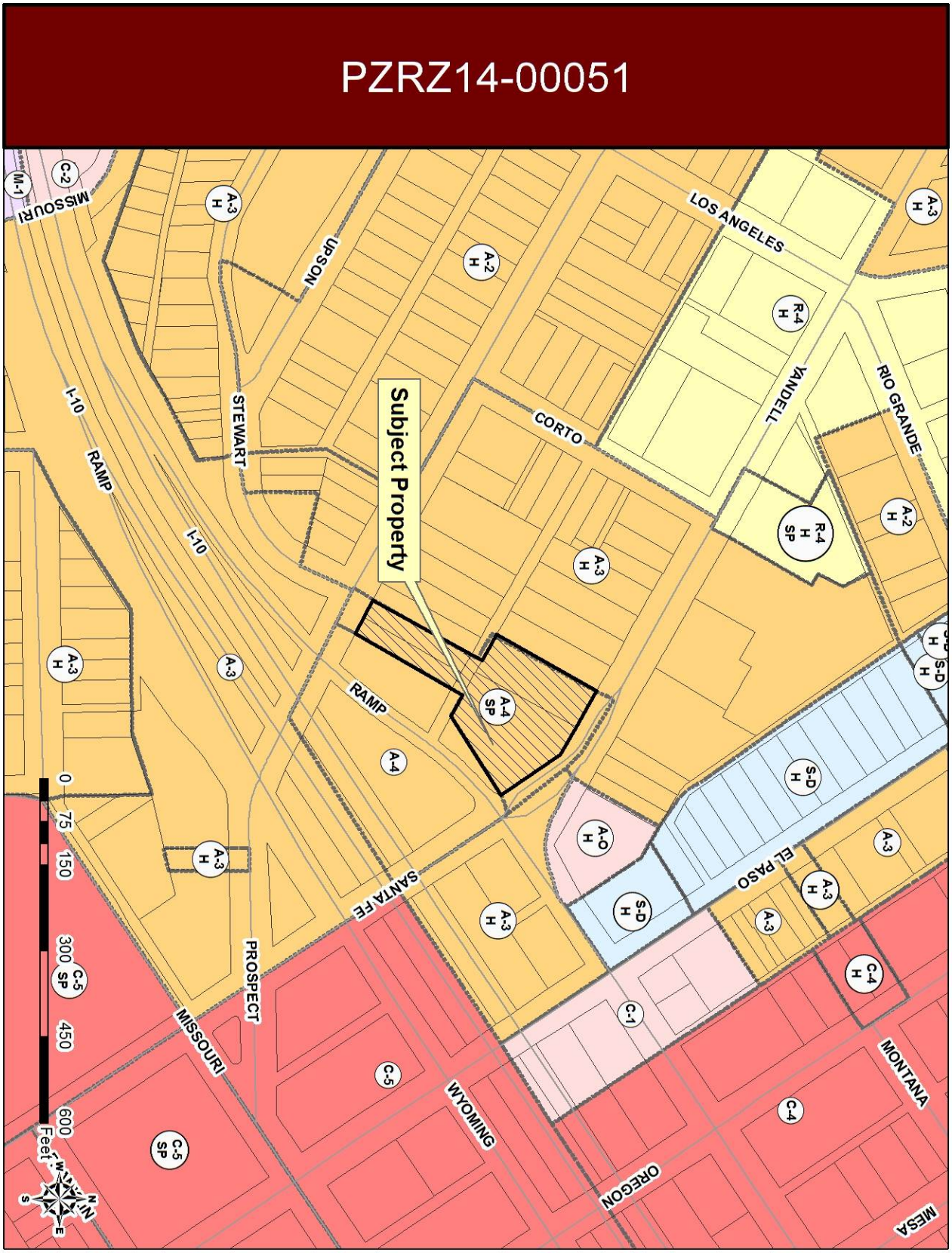
Sun Metro
Sun Metro does have an active bus stop being serviced by Route 10 immediately in front of the subject site on Yandell. Sun Metro requests property owner coordinate construction efforts with Sun Metro staff.

TXDOT
The Access Management committee recommend for developer to make ADA improvements at the intersection of W. Yandell Dr. and the On-ramp for compliance with ADA requirements. Also, the AMC recommended to check sight distance for location of driveway on W. Yandell Dr., even though is outside TxDOT jurisdiction.

El Paso Police Department
No issues with this request.

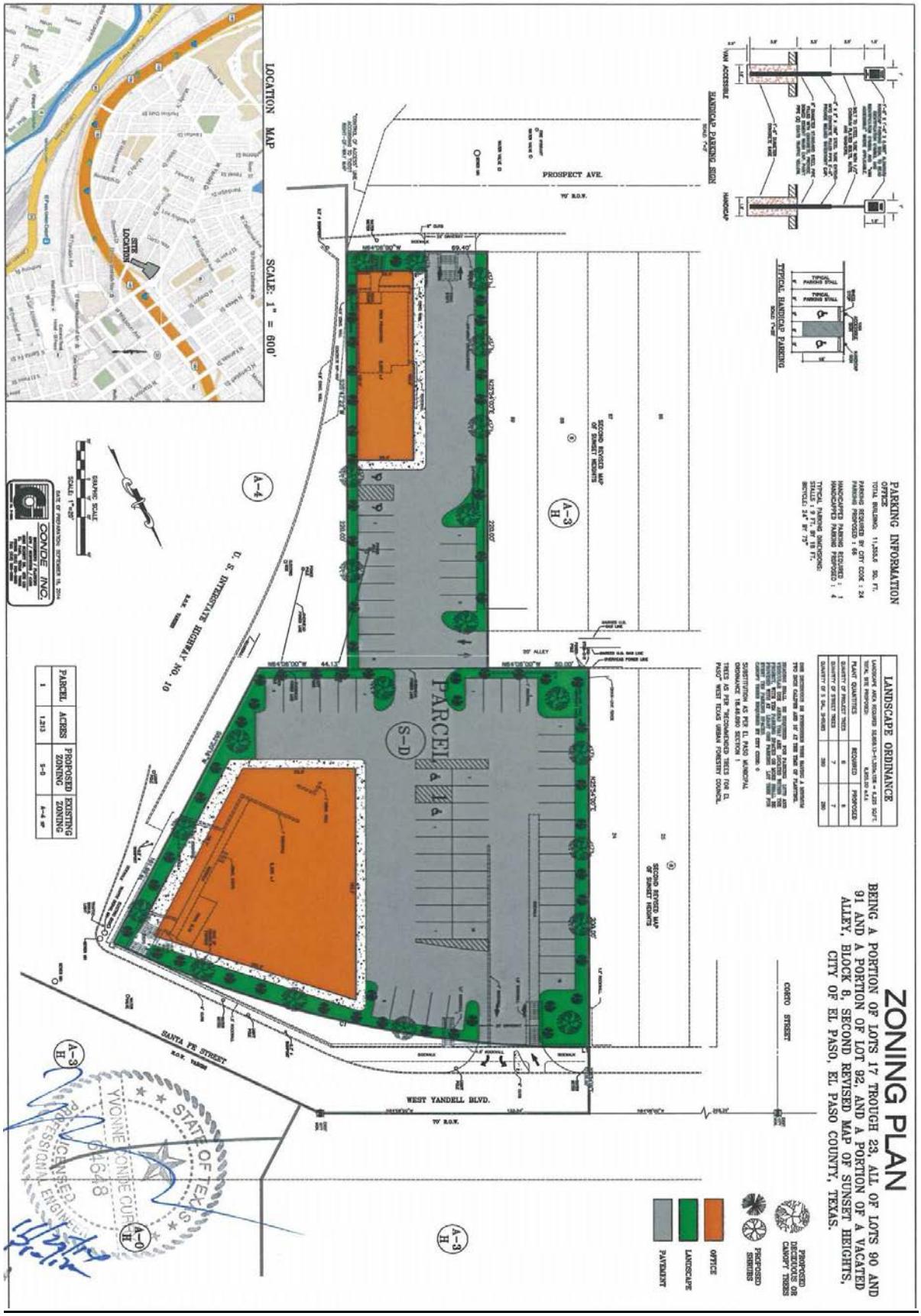
Attachments:
Attachment 1: Zoning Map
Attachment 2: Aerial Map
Attachment 3: Conceptual Plan
Attachment 4: Special Permit dated October 30, 1990
Attachment 5: Opposition Letter
Attachment 6: Opposition Letter

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: CONCEPTUAL PLAN



ATTACHMENT 4: SPECIAL PERMIT DATED OCTOBER 30, 1990

RESOLUTION GRANTING SPECIAL PERMIT NO. SP90-18,
TO ALLOW FOR BUSINESS & PROFESSIONAL OFFICES
ON LOTS 17-23 AND LOTS 90, 91 AND A PORTION OF 92,
PLUS A PORTION OF THE VACATED ALLEY,
ALL WITHIN BLOCK 8, SUNSET HEIGHTS ADDITION,
PURSUANT TO SECTION 20.26.040.A (ZONING)
OF THE EL PASO MUNICIPAL CODE.

WHEREAS, Santa Fe Street Partnership has applied for a Special Permit under Section 20.26.040.A of the El Paso Municipal Code, to allow business and professional offices, and;

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the property described as follows is in an A-4 District:

> Lots 17-23, and Lots 90, 91, and a portion of Lot 92, plus a portion of the vacated alley, all within Block 8, Sunset Heights Addition, City and County of El Paso, Texas, as more particularly described in the attached and incorporated Exhibit "A", and municipally known and numbered as 300 West Yandell; and

2. That business and professional offices are uses authorized by Special Permit in A-4 districts under Section 20.26.040.A of the El Paso Municipal Code; and

3. That the City Council hereby grants a Special Permit under Section 20.26.040.A of the El Paso City Code, to allow

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business and professional offices on the above-described property; and

4. That this Special Permit is issued subject to the development standards in the A-4 district regulations and subject to the approved Site Development Plan, dated 10-30-90, and signed by the Applicant, the Mayor and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; and

5. That the Applicant is required to comply with the following requirement:

Prior to the issuance of any building permit for construction on Lots 27 through 23, Block 8, Sunset Heights Addition, the Applicant shall grade and contour the west end of Lots 90, 91 and a portion of Lot 92, Block 8, Sunset Heights Addition, in accordance with a grading plan approved by the City Engineer. The grading plan shall provide for blocking the stairways so that the wall adjacent to Prospect Street is continuous; and for filling and covering the stairways and the existing abandoned foundation; and

6. That the Applicant shall sign an Agreement incorporating the requirements of this Resolution. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued; and

7. That if the Applicant fails to comply with any of the requirements of this Resolution, Special Permit No. SP90-18 shall

automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

ADOPTED this 30th day of October, 1990.

THE CITY OF EL PASO

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

APPROVED AS TO CONTENT:

Department of Planning, Research and Development

AGREEMENT

Santa Fe Street Partnership, the Applicant referred to in the above Resolution, hereby agrees to develop the above-described property in accordance with the approved Site Development Plan and in accordance with the standards identified in the A-4 District regulations, and subject to all other requirements set forth in this Resolution.

EXECUTED this 30th day of October, 1990.

By: John McChristian J.
Title: Secretary

(ACKNOWLEDGEMENT FOLLOWS ON NEXT PAGE)

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ATTACHMENT 5: OPPOSITION E-MAIL

From: Mark Smith
To: Rubio, Arturo
Subject: case number PZRZ14-00051
Date: Saturday, January 31, 2015 8:16:46 AM

We have the property on 501 Prospect, and are not for changing the zoning. Not knowing what you could put there if the zoning were changed is a problem for us and the residents in the 500&600 block of Prospect. Also the alley is one and a half car alley at best. thank you Mark & Mike Smith property owners

ATTACHMENT 6: OPPOSITION LETTER

SHNIA

SUNSET HEIGHTS NEIGHBORHOOD IMPROVEMENT ASSOCIATION

Mr. Rubio,

We are **not** in favor of the re-zoning being requested for 406 W. Yandell. SHNIA feels mixed use of the lot is not in our best interest. It would increase traffic, and lower the value of our home. We feel it should be kept as SD-1 so that it allows the construction of apartments and offices. The community does not want a parking lot, a strip shopping center with low end retail and bars, no automobile access from Prospect Avenue, limited access from Yandell. We would like the owner to consider additional landscape, reduce height, and to enforce architectural design similar to the historical design already existing in the area, as required by the HLC and our historical overlay/design guidelines.

It's important to point out that the planning department failed to send notices to everyone on the first attempt to notify property owners working 300 feet. The developer also failed to set up a sign on the west side of the lot facing Prospect Street. We feel that that there is nothing smart about smart zoning when it comes to our historical neighborhood. We don't need a Yandell Tower or an additional parking area with 66 parking spots in Sunset Heights.

That portion of our neighborhood is high traffic, both automobile and pedestrian, already and we are concerned that allowing the re-zoning to commercial will further complicate the traffic situation. We would be willing to meet with the property owner and discuss some alternatives for the area that is the entrance way to our beautiful historic neighborhood.

Kind regards,

Leah Wood
President, SHNIA

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