City of El Paso – City Plan Commission Staff Report

Case No:	PZRZ15-00007
Application Type:	Rezoning
CPC Hearing Date:	April 9, 2015
Staff Planner:	Michael McElroy, 915-212-1612, mcelroyms@elpasotexas.gov
Location:	311 Montana Avenue
Legal Description:	Lots 5 and 6 and a portion of Lots 4 and 7, Block 43, Hart's Survey No. 9, City of El Paso, El Paso County, Texas
Acreage:	0.2176 acres
Rep District:	8
Existing Zoning:	A-2 (Apartment) and C-4 (Commercial)
Existing Use:	Retail; qualifies for legal non-conforming status in A-2 (Apartment) district
C/SC/SP/ZBA/LNC:	N/A
Request:	From A-2 (Apartment) to C-1 (Commercial)
Proposed Use:	Retail
Property Owner:	MIMA Properties L.L.C.
Representative:	Conde, Inc.

SURROUNDING ZONING AND LAND USE
North: A-2 (Apartment) / Apartments
South: C-4 (Commercial) / Funeral Home
East: A-2 (Apartment) and C-4 (Commercial) / Apartments, Commercial, and Single-family dwelling
West: A-2 (Apartment) and C-4 (Commercial) / Apartments and Commercial

PLAN EL PASO DESIGNATION: G-2, Traditional Neighborhood (Walkable) (Central Planning Area)
NEAREST PARK: Houston Park (1,859 feet)
NEAREST SCHOOL: El Paso High School (3,836 feet)

NEIGHBORHOOD ASSOCIATIONS
Five Points Development 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 March 19, 2015. The Planning Division did not receive any communication in support or opposition to the rezoning request.

APPLICATION DESCRIPTION
The property owner is requesting a rezoning from R-1 (Residential) to C-1 (Commercial) to allow commercial uses. The property is currently occupied by an existing structure. The proposed development will decrease the lot coverage, leaving only an 8,000 sq. ft. building. The development requires 27 parking spaces and provides 23 on-site, to include ADA and bicycle parking. Additional parking spaces will be shared with the adjacent property located at 307 Montana and 906 Stanton based on a shared parking agreement. Access is proposed from Kansas Street.

Planning and Inspections Department – Planning Division Recommendation
The Planning Division recommends **approval** of rezoning the subject property from A-2 to S-D (Special Development).

The Planning Division also recommends **approval with conditions** of rezoning the subject property from

A-2 (Residential) and to S-D (Commercial) with the following conditions:

1. *The sale, storage or consumption of alcoholic beverages shall be prohibited.*
2. *That a ten (10) 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 apartment or residential zoning districts. 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.*
3. *That prior to the issuance of any building permits, a detailed site development plan shall be required as per the El Paso City Code.*

Rezoning to S-D (Special Development) and imposing a landscape buffer will provide the desired retail uses while ensuring a development pattern complimentary to older, established neighborhoods. The alcohol prohibition serves to protect the nearby educational and religious institutions.

Plan El Paso-Future Land Use Map Designation
All applications for special permit shall demonstrate compliance with the following criteria:

G-2 Traditional Neighborhood (Walkable): 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 C-1 district is to accommodate establishments providing goods or rendering 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 districts 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.

The purpose of the S-D district is to provide 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. 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. Older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.

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 objections to proposed rezoning at the time of submittal for building permits project will need to comply with all provisions of title 18.46 as applicable.

El Paso Fire Department
Recommend approval.

El Paso Water Utilities
EPWU does not object to this request.

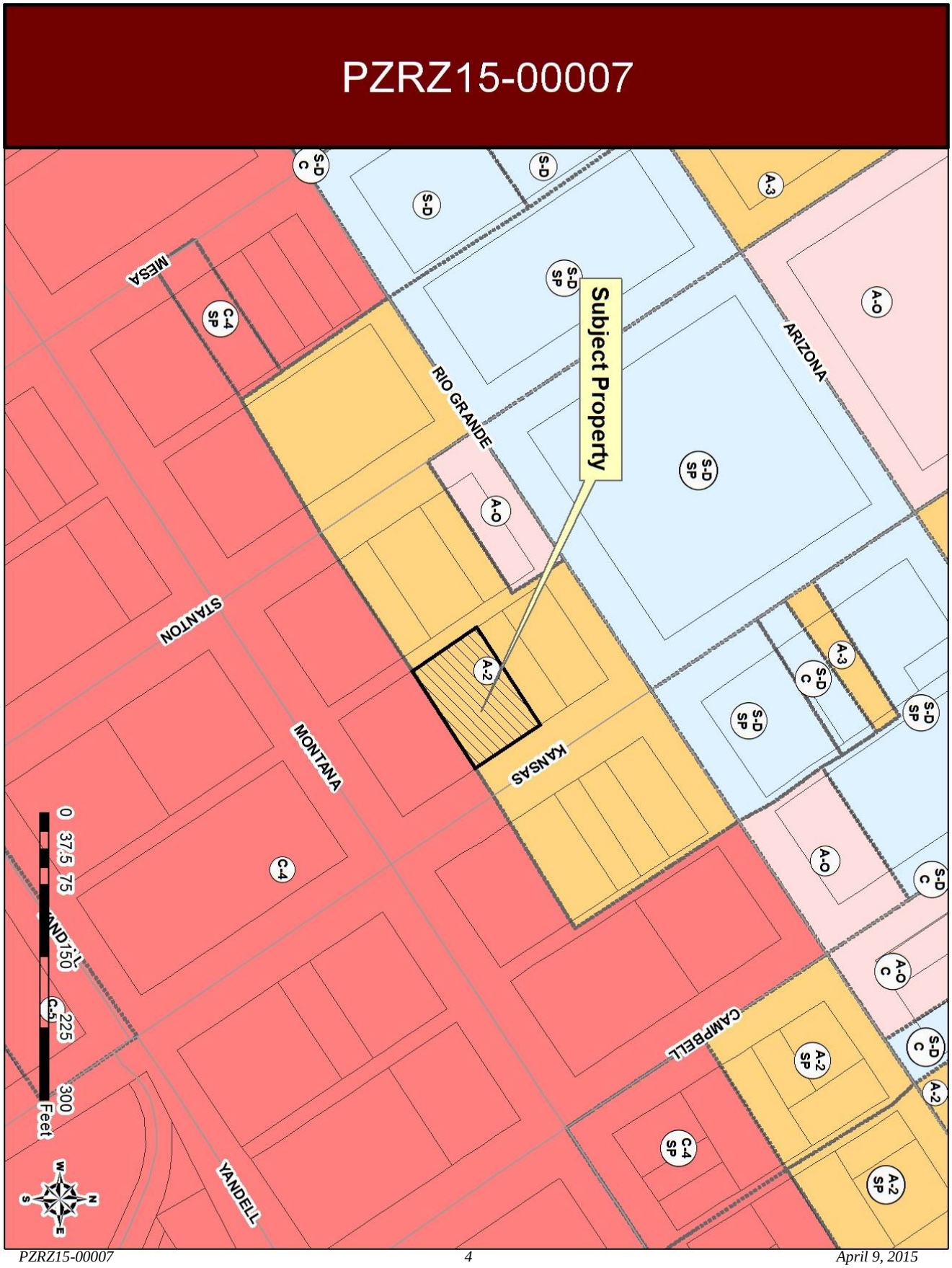
Water
1. Along Montana Avenue fronting the subject Property there is an existing four (4) inch diameter water main. This main is available for service.
2. Along Kansas Street fronting the subject Property there is an existing six (6) inch diameter water main. This main is available for service.
3. As per EPWU-PSB Records 311 Montana Avenue has single three-quarter (3/4) inch diameter water service along Montana Avenue. Records further identify this service as "*vacant-shut off*". Records include a single active one and one-half (1-1/2) inch diameter water service pertaining to 915 N. Kansas Street.

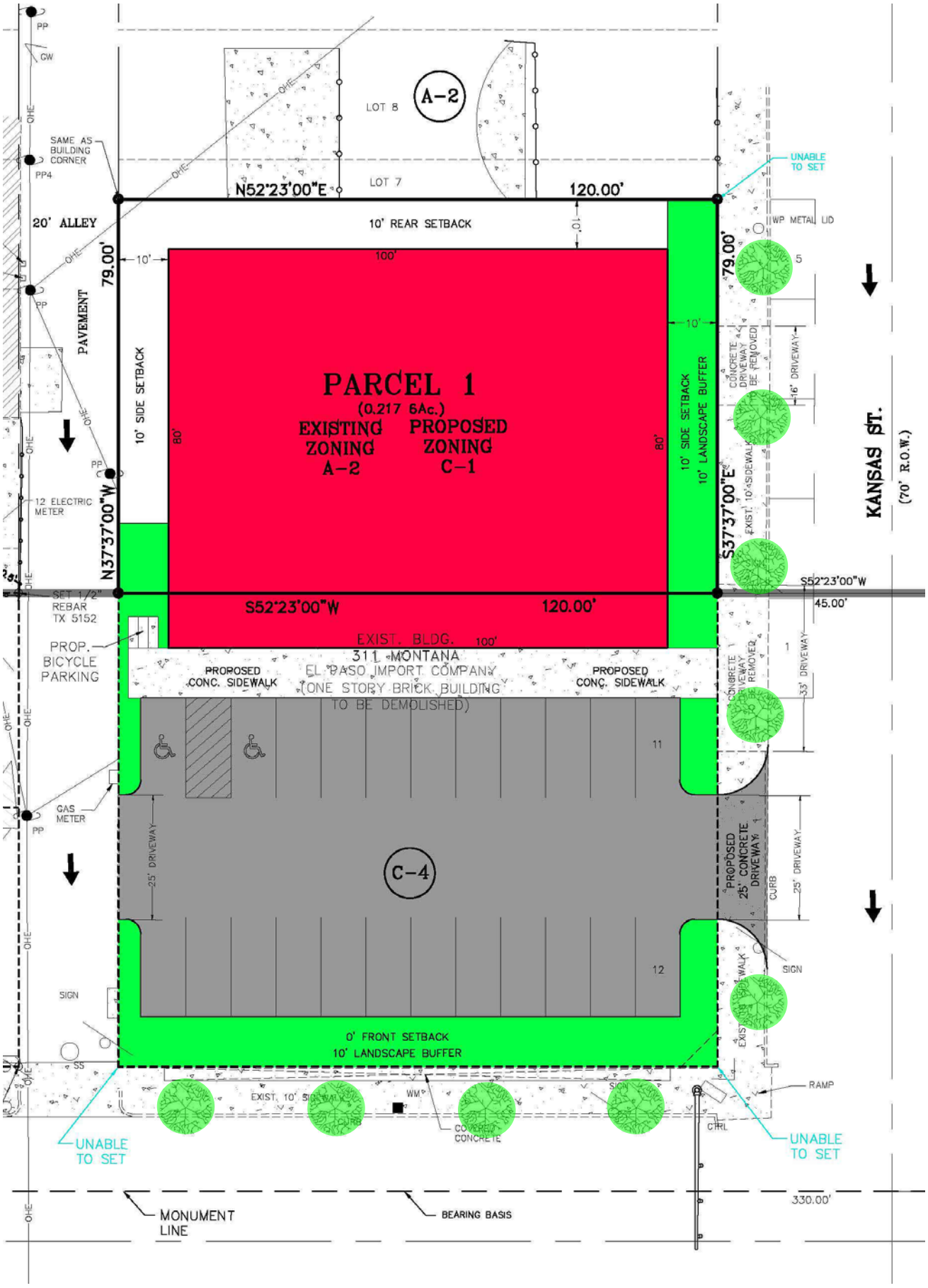
Sanitary Sewer
Along the alley located between Kansas Street and Stanton Street north of Montana Avenue there is an existing ten (10) inch diameter sanitary sewer main. This main is available for service.

General
Application for water and sanitary sewer 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 and sanitary sewer lines and appurtenances.

Attachments
1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan

ATTACHMENT 1: LOCATION MAP



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: CONCEPTUAL PLAN