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

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| **Case No:** | PZRZ15-00010 |
| **Application Type:** | Rezoning |
| **CPC Hearing Date:** | May 7, 2015 |
| **Staff Planner:** | Andrew Salloum, 915-212-1613, salloumam@elpasotexas.gov |
| | |
| **Location:** | 1010 Wall Street |
| **Legal Description:** | Lots 18 - 20, Block 4, Eastside Industrial District Unit One, City of El Paso, El Paso County, Texas |
| **Acreage:** | 1.428 acres |
| **Rep District:** | 3 |
| **Existing Zoning:** | M-1/sc (Light Manufacturing/special contract) |
| **Existing Use:** | Exercise facility (indoor), office, and truck repair station |
| **C/SC/SP/ZBA/LNC:** | Special Contract dated October 23, 1956 (see Attachment #4) |
| **Request:** | From M-1/sc (Light Manufacturing/special contract) to C-4/sc (Commercial/ special contract) |
| **Proposed Use:** | Exercise facility (indoor), office, and truck repair station |
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| **Property Owner:** | Clan Sandy Properties, LLC |
| **Applicant:** | Mark Sandy |
| **Representative:** | Jaime Montoya |

**SURROUNDING ZONING AND LAND USE**
**North**: M-1/sc (Light Manufacturing/special contract) / General warehouse
**South:** M-1/sc (Light Manufacturing/special contract) / General warehouse
**East:** M-1/sc (Light Manufacturing/special contract) / General warehouse
**West:** M-1/sc (Light Manufacturing/special contract) / General warehouse and large contractor yard

**PLAN EL PASO DESIGNATION:** G-7 Industrial and/or Railyards (Mission Valley Planning Area)
**NEAREST PARK:** Vista del Valle Park (8,988 feet)
**NEAREST SCHOOL:** Del Norte Heights Elementary (9,574 feet)

**NEIGHBORHOOD ASSOCIATIONS**
Mission Valley Civic Association

**NEIGHBORHOOD INPUT**
Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on April 22, 2015. The Planning Division has not received any phone calls or letters in support or opposition to the rezoning request.

**CASE HISTORY**
On October 23, 1956, City Council approved the rezoning request for the subject property to M-1 (Light Manufacturing) and imposed the following special contract conditions summarized below (see Attachment #4):

1. *No premises or building in said district shall be used for other than industrial, commercial and warehousing purposes,* (special contract condition).
2. *None of said building sites designated on said map or plat may be used for any purpose or use which would constitute a nuisance or which would cause the omission of odors which are injurious or*

*noxious to persons,* (special contract condition).

3. *No building or structure shall ever be erected on said building sites which shall be nearer than 35 feet to the property line of the road now designated as F.M. 2233 (I-10) or nearer than 25 feet to the line of any other established access road or frontage road or any cross streets or nearer than 15 feet to the side line of any property,* (not necessary).
4. *No structures (including billboards) shall be erected within the areas required for front yard, side street yards without the approval of the City Council,* (existing code requirement).
5. *No billboard or advertising signs other than those identifying the name, business, and products of the person or firm occupying the premises shall be permitted on any building,* see attachment #4, (not necessary).
6. *No accessory building use shall be construed to permit the keeping of articles, goods, or materials in the open or exposed to public view on the front one-third of the parcel,* see attachment #4, (existing code requirement).
7. *Off-street parking facilities on the premises in back of the front yard line shall be provided on each building site to provide adequate space for customers, employees and tenants of the business on said sites,* (existing code requirement).
8. *No loading docks will be permitted to front on the highway now known as F.M. 2233 (I-10),* see attachment #4, (not necessary).
9. *No plant of any nature shall create noise in excess of the limits in the following table,* see attachment #4, (existing code requirement).
10. *No plant shall permit emission of smoke from any source whatever during normal operation of a density greater than that density described as No. 1 on the Ringlemann Chart*, see attachment #4, (existing code requirement).
11. *No plant shall employ any process that will emit any dirt, dust, sprays, or mists into air that will be transmitted beyond their property lines during normal operations*, (existing code requirement).
12. *Incandescent lights shall be so located and shielded that no incandescent light source will be directly visable from the right of way of F.M. 2233 (I-10)*, see attachment #4, (not necessary).
13. *No plant shall emit any toxic or corrosive gas under any condition*, (existing code requirement).
14. *All welding and heating operation normal to any plant shall be screened from the view of adjacent properties or roadways*, (existing code requirement).
15. *All sites shall be landscaped and maintained by the planting of grass in the front set back area*, see attachment #4 (existing code requirement).
16. *Development of all parcels shall conform to the requirements of the Comprehensive Zoning Ordinance of the City of El Paso*, (existing code requirement).

## APPLICATION DESCRIPTION

The applicant is requesting to rezone the subject property from M-1/sc Manufacturing/special contract) to C-4/sc (Commercial/special contract) in order to allow for an exercise facility (indoor), office, and truck repair station. Exercise facility uses are not permitted in M-1 (Light Manufacturing) zone district. The subject property is 1.428 acres in size and the detailed site development plan shows an existing 12,292 sq. ft. building. The submission of a detailed site development plan is a rezoning application requirement for properties with existing structures but approval of the detailed site development plan is not required. Access to the subject property is provided from Wall Street.

## PLANNING DIVISION RECOMMENDATION

Pending.

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

All applications for 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 mixed-use communities if the rail yards were moved out of town.

The purpose of the C-4 (Commercial) district is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the central business district, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.

**COMMENTS:**

**Planning Division - Transportation**
TIA is not required.

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.

**City Development Department – Building and Development Permitting**
No Objection to proposed rezoning.

**City Development Department - Land Development**
No objections.

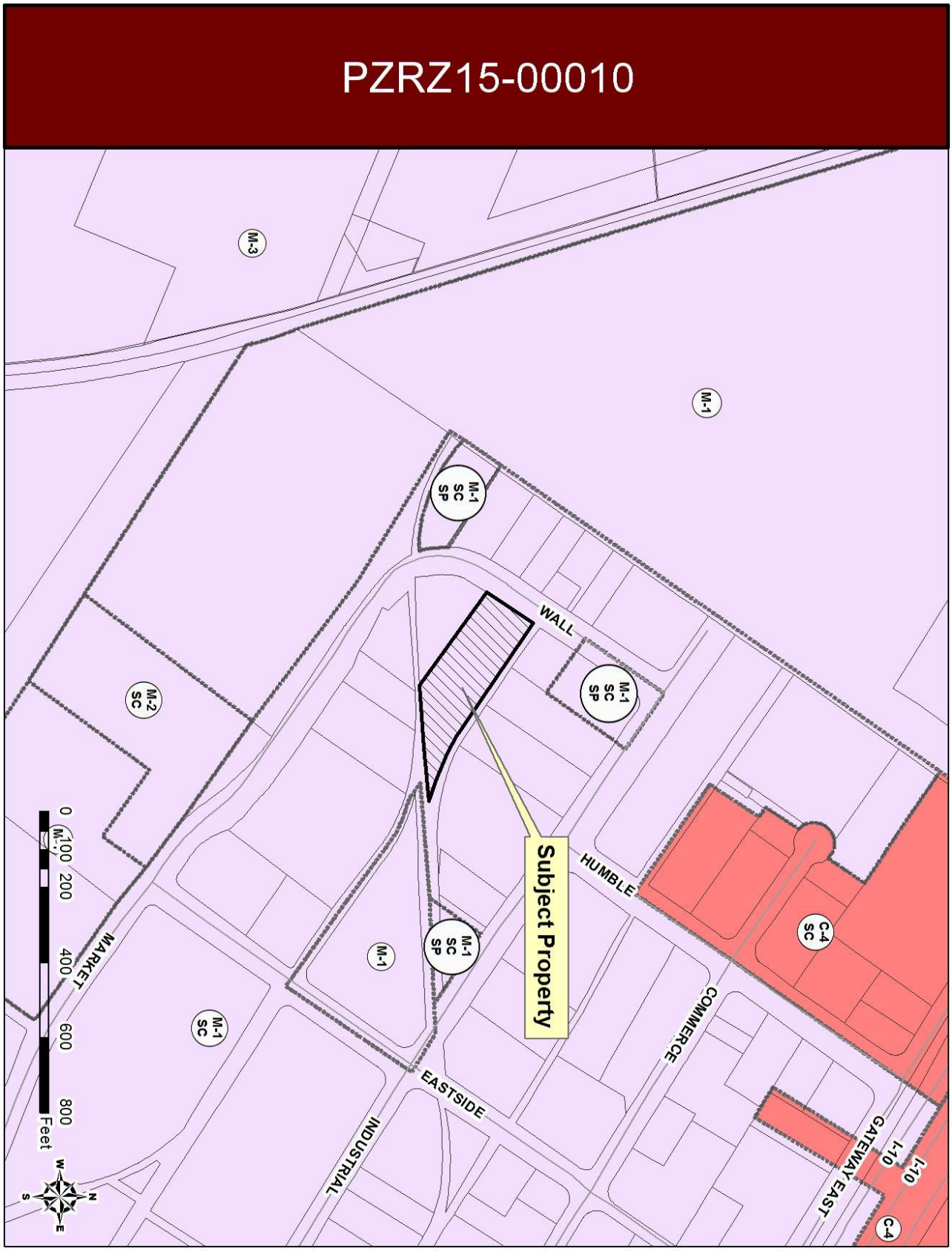
**Fire Department**
Rezoning request does not adversely affect the Fire Department.

**El Paso Water Utilities**
1. EPWU does not object to this request.
Water:
2. There is an existing 8-inch diameter water main extending along Wall Street that is available for service, the water main is located approximately 30 feet east of the right-of-way.
3. EPWU records indicate two (2) active 8-inch water meters serving the subject property. One is a fire line and the other is a domestic service connection.
4. Previous water pressure tests from fire hydrant # 6760 located approximately 100 feet from the south boundary of the subject property, have yielded a static pressure of 136 (psi) pounds per square inch, a residual pressure of 110 (psi) pounds per square inch, and a discharge of 1300 (gpm) gallons per minute. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter 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.
Sanitary Sewer:
5. There is an existing 12-inch diameter sanitary sewer main extending along Wall Street that is available for service, the sewer main is located approximately 45-ft east of the right-of-way.
General:
6. 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.

**El Paso Water Utilities - Stormwater Division**
No objections.

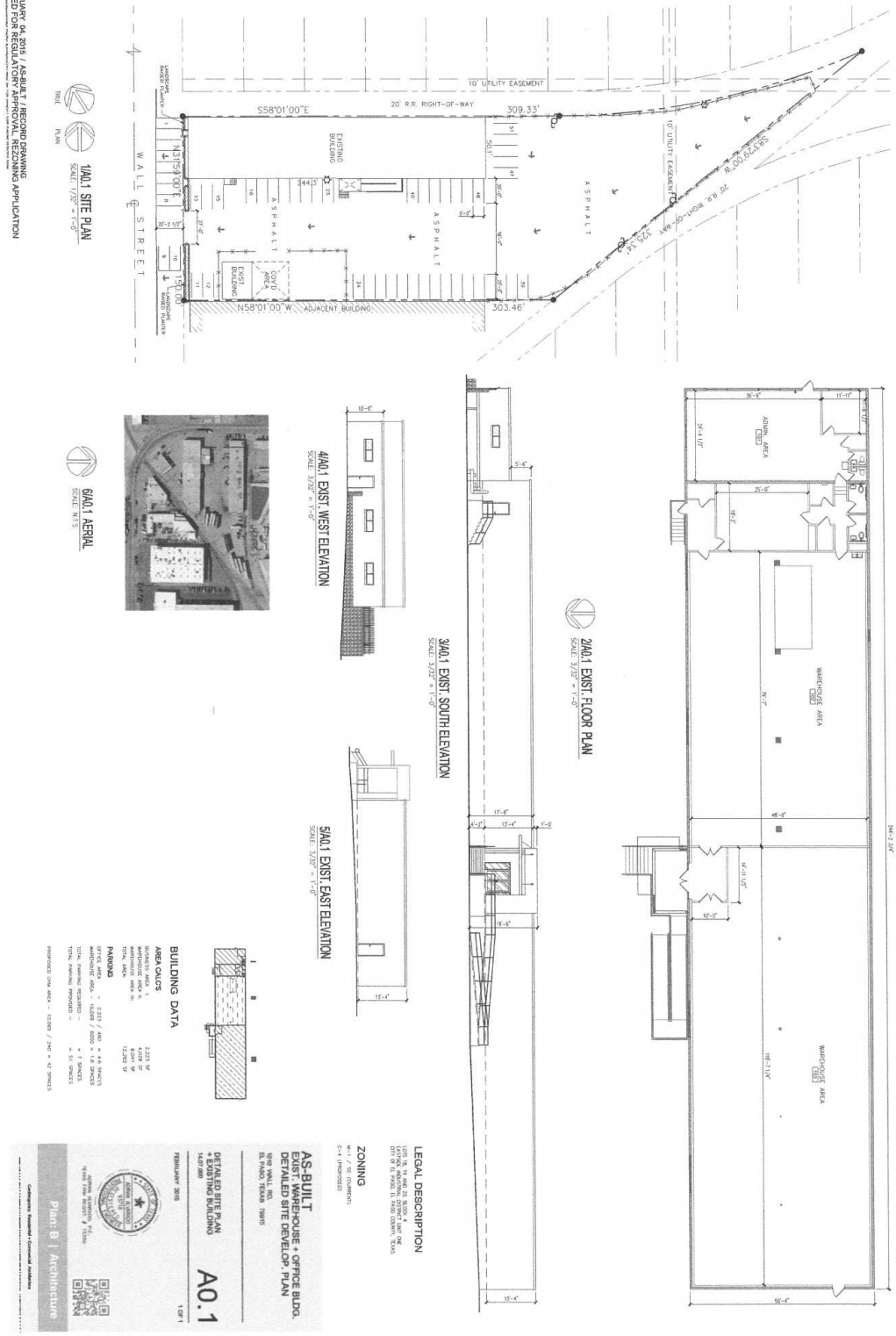
**Attachments:**
1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Special Contract dated October 23, 1956

## ATTACHMENT 1: ZONING MAP



## ATTACHMENT 2: AERIAL MAP

# ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



# ATTACHMENT 4: SPECIAL CONTRACT DATED OCTOBER 23, 1956

East Side Industrial District (1st Section)

**CONTRACT**

This contract made this 23rd day of October 1956, by and between Pat DeWitt and Harry O. Rearick, copartners doing business as DeWitt & Rearick, hereinafter called First Parties, and the City of El Paso, hereinafter called Second Party, witnesseth:

First Parties have applied to Second Party for the approval of a subdivision map or plat styled the East Side Industrial District, as per copy of said map and plat attached hereto and made a part hereof, and whereas the Planning Commission of the City of El Paso has raised some objection to the use of said property because of its location and to remove objections to the same First Parties have consented if the property is rezoned as requested and the plat approved, to place the hereinafter described restrictions therein:

(1) No premises or building in said district shall be used for other than industrial, commercial and warehousing purposes.

(2) None of said building sites designated on said map or plat may be used for any purpose or use which would constitute a nuisance or which would cause the emission of odors which are injurious or noxious to persons.

(3) No building or structure shall ever be erected on said building sites which shall be nearer than 35 feet to the property line of the road now designated as F.M. 2233 or nearer than 25 feet to the line of any other established access road or frontage road or any cross streets or nearer than 15 feet to the side line of any property.

(4) No structures (~~including billboards~~) shall be erected within the areas required for ~~front yard, side street yards~~ yards. without the approval of ~~the City Council.~~

(5) No billboard or advertising signs other than those identifying the name, business, and products of the person or firm occupying the premises shall be permitted ~~on any~~ ALL SUCH STRUCTURES SHALL BE AFFIXED TO THE building. No billboard or identifying sign shall be erected to a height greater than five feet higher than the main building on the same site. A sign not to exceed 10' x 20' in size offering the premises for sale or lease may be erected.

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(6) Nonaccessory building use shall be construed to permit the keeping of articles, goods, or materials in the open or exposed to public view on the front one-third of the parcel. When necessary to store or keep such materials in the open, the lot or area shall be limited to the rear two-thirds of the property and this area shall be screened by a masonry fence six feet in height measured from the grade of the ground on the high side.

Building sites in the East Side Industrial District shall not be used for any of the following businesses:

The manufacture of paper.
Storage In bulk of junk or secondhand material.
Public blacksmith.
Public horseshoeing.
Public wagon shop.
Public veterinary hospital.
Public stable.
Dairy.
Iron foundry.
Butane or propane.
Automobile wrecking.
Operation of amine or a quarry.

or for the manufacture, storage or distribution of explosives including:

Acetylides.
Azides.
Chlorates.
Dynamite.
Blasting gelatin.
Fulminates. (FULMINATES)
Anhydrous hydrazine.
Ammonium nitrate.
Dinitroresorcinol.
Dinitrotoluene.
Guanidine nitrate.
Guncutton (Cellulose, Nitrate or Pyroxylin).
Hexamine.
Nitroglycerine. - 1
Petn.
Picric Acid.
Tetryl.
Cylonite or Hexogen.
Dinui.
Petryl.
TNT
Percholorates(when mixed with carvonaceous materials)
Black powder.
Greek fire.
Fireworks.
Permanganates.
Peroxides.

(7) Off-street parking facilities on the premises in back of the front yard line shall be provided on each building site to provide adequate space for customers, employees and tenants of the business on said sites.

(8) No loading docks will be permitted to front on the highway now known as F.M. 2233 and provisions for the handling of freight by rail or otherwide shall be provided on the sides of building which do not face a frontage street and all other loading docks shall be located at least 75 feet from the front property line of the site.

(9) No plant of any nature shall create noise in excess of the limits in the following table:

Maximum Sound Pressure Level in Decibels 0.0002 dynes per sq. Centimeter.

| Octave Band in Cycles per Second | Residenct Dist. Boundaries | Industrial Dist. Boundaries |
|---|---|---|
| 0-75 | 72 | 79 |
| 75-150 | 63 | 74 |
| 150-300 | 55 | 66 |
| 300-600 | 49 | 59 |
| 600-1200 | 44 | 53 |
| 1200-2400 | 39 | 47 |
| 2400-4800 | 34 | 41 |
| above 4800 | 32 | 39 |

Objectionable noises, due to intermittence, beat frequency or shrillness shall be muffled so as not to become a nuisance to properties in or outside the District.

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements are to be taken at the property lines of the site.

(10) No plant shall permit emission of smoke from any source whatever during normal operation of a density greater than that density described as No. 1 on the Ringlemann Chart.

For the purpose of grading the density of smoke, the Ringlemann Chart, as published and used by the United States Bureau of Mines which is hereby made a part of these restrictions shall be the standards.

(11) No plant shall employ any process that will emit any dirt, dust, sprays, or mists into the air that will be transmitted beyond their property lines during normal operations.

(12) Incandescent lights shall be so located and shielded that no incandescent light source will be directly visable from the right of way of F.M. 2233. Direct or reflected light in a horizontal plane at a height of 6' at the right of way line of F.M. 2233 shall not exceed an intensity of 20 footcandles.

(13) No plant shall emit any toxic or corrosive gas under any condition.

(14) All welding and heating operations normal to any plant shall be screened from the view of adjacent properties or roadways. No operation shall be carried on that would produce heat which the operation is located as measured in a horizontal plane to a distance of 24 feet above the ground level of the site.

(15) All sites shall be landscaped and maintained by the planting of grass in the front set back area, ~~and~~ The planting of evergreen shrubs on an average of every twenty feet of building width shall be required.

(16) Development of all parcels shall conform to the requirements of the Comprehensive Zoning Ordinance of the City of El Paso.

The above agreement by First Parties shall constitute covenants running with the land and easements and servitudes thereon and be binding on First Parties and their successors in title and may be enforced by Second Party by injunction or any other remedy.

The City Council of the City of El Paso may release the above restrictions or any one or number of them in whole or in relation to any particular site, without the consent of any third person who may be benefitted thereby.

site, without the consent of any third person who may be benefitted thereby.

Witness the following signatures and seal:

Pat DeWitt

Harry O. Rearick

THE CITY OF EL PASO

by Hal Dean
Mayor

ATTEST:

City Clerk

THE STATE OF TEXAS |
|
COUNTY OF EL PASO |

BEFORE ME, the undersigned authority, on this day personally appeared Pat DeWitt and Harry O. Rearick, dba DeWitt & Rearick, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 23rd day of October 1956.

Notary Public in and for El Paso County, Texas.
Dora Segovia

THE STATE OF TEXAS |
|
COUNTY OF EL PASO |

BEFORE ME, the undersigned authority, on this day personally appeared ~~Tom L. Rogers~~ Hal Dean, Mayor of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he had executed the same for the purposes and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 26th day of October 1956.

Notary Public in and for El Paso County, Texas.

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