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

Case No:	PZCR16-00003
Application Type:	Zoning Condition Amendment
CPC Hearing Date:	May 19, 2016
Staff Planner:	Andrew Salloum, 915-212-1643, salloumam@elpasotexas.gov
Location:	1039 Chelsea Street
Legal Description:	Lots 1 and 2, Block 1, V.A.L. Tract, City of El Paso, El Paso County, Texas
Acreage:	1.77 acres
Rep District:	2
Zoning:	C-1/c/sp (Commercial/conditions/special permit)
Existing Use:	Vacant
C/SC/SP/ZBA/LNC:	Conditions: Ordinance No. 16788, dated December 11, 2007 Special Permit: Ordinance No. 14163, dated August 24, 1999
Request:	Amend Condition No. 2 by Ordinance No. 16788
Proposed Use:	Administrative office
Property Owner:	El Paso City Employees' Pension Fund
Applicant:	Robert Ash, Pension Administrator
Representative:	Karl Rimkus, Fund Vice-chairman

SURROUNDING ZONING AND LAND USE
North: R-4 (Residential) / Single-family dwellings
South: R-4/sp (Residential/special permit) / Vacant
East: C-1 (Commercial) / Restaurant
West: R-4 (Residential) / Single-family dwellings

PLAN EL PASO DESIGNATION: G-4, Suburban (Walkable) (Central Planning Area)
NEAREST PARK: Mesa Terrace Park (2,399 feet)
NEAREST SCHOOL: Hillside Elementary (3,400 feet)

NEIGHBORHOOD ASSOCIATIONS
El Paso Central Business Association
United Neighborhood Association

NEIGHBORHOOD INPUT
Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on May 4, 2016. The Planning Division received 8 phone calls of inquiry, 3 phone call and 4 letters via e-mail in opposition to the zoning condition amendment request, (see Attachment 6), citing that concerns of high traffic and expressed their concerns about the on-site posting.

CASE HISTORY
On December 11, 2007, City Council approved the rezoning request for the subject property from R-4/sp (Residential/special permit) to C-1/c/sp (Commercial/conditions/special permit) and imposed conditions by Ordinance No. 16788 (see Attachment 4) as follows:

1. *That a fifteen foot (15') landscape buffer including trees native to the area at fifteen foot (15') offsets be placed along the property line adjacent to Cardon Street; and*
2. *That access to the property is only permitted from Chelsea Street; and*

3. *That a detailed site development plan be reviewed and approved per the El Paso City Code prior to building permits being issued; and*
4. *That automotive tune up service and automobile and light truck lubrication services be prohibited.*

On August 24, 1999, City Council approved the Ordinance No. 014163, granting special permit to allow for a convalescent home on the subject property in R-4 zone district (see Attachment 5).

APPLICATION DESCRIPTION

The applicant is requesting to amend Condition No. 2 imposed on the property by Ordinance No. 16788, dated December 11, 2007, is permitting access from Chelsea Street and add Trowbridge Drive to Condition No. 2. A development may have two proposed access from Chelsea Street and Trowbridge Drive. Any proposed development shall comply with the all El Paso City Code requirement prior to the issuance of a certificate of occupancy.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the zoning condition amendment request, as the condition is in compliance with current code requirements.

Plan El Paso- Future Land Use Map Designation

All applications for a condition release review 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 C-1(Commercial) district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

COMMENTS:

Planning and Inspections Department - Planning Division - Transportation

A driveway can be safely located on Trowbridge Drive depending on the proposed layout that will be shown on the detailed site plan.

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.

Planning and Inspections Department – Building and Development Permitting

No objections to proposed condition amendment.

Planning and Inspections Department - Land Development

No objections to proposed condition amendment.

Approval of the site plans by CPC constitutes a determination that the applicant is in compliance with the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that stormwater is in compliance with ordinances, codes, DSC, and DDM. Failure to comply may require the applicant to seek re-approval of the site plans from CPC.

Fire Department

Recommended approval.

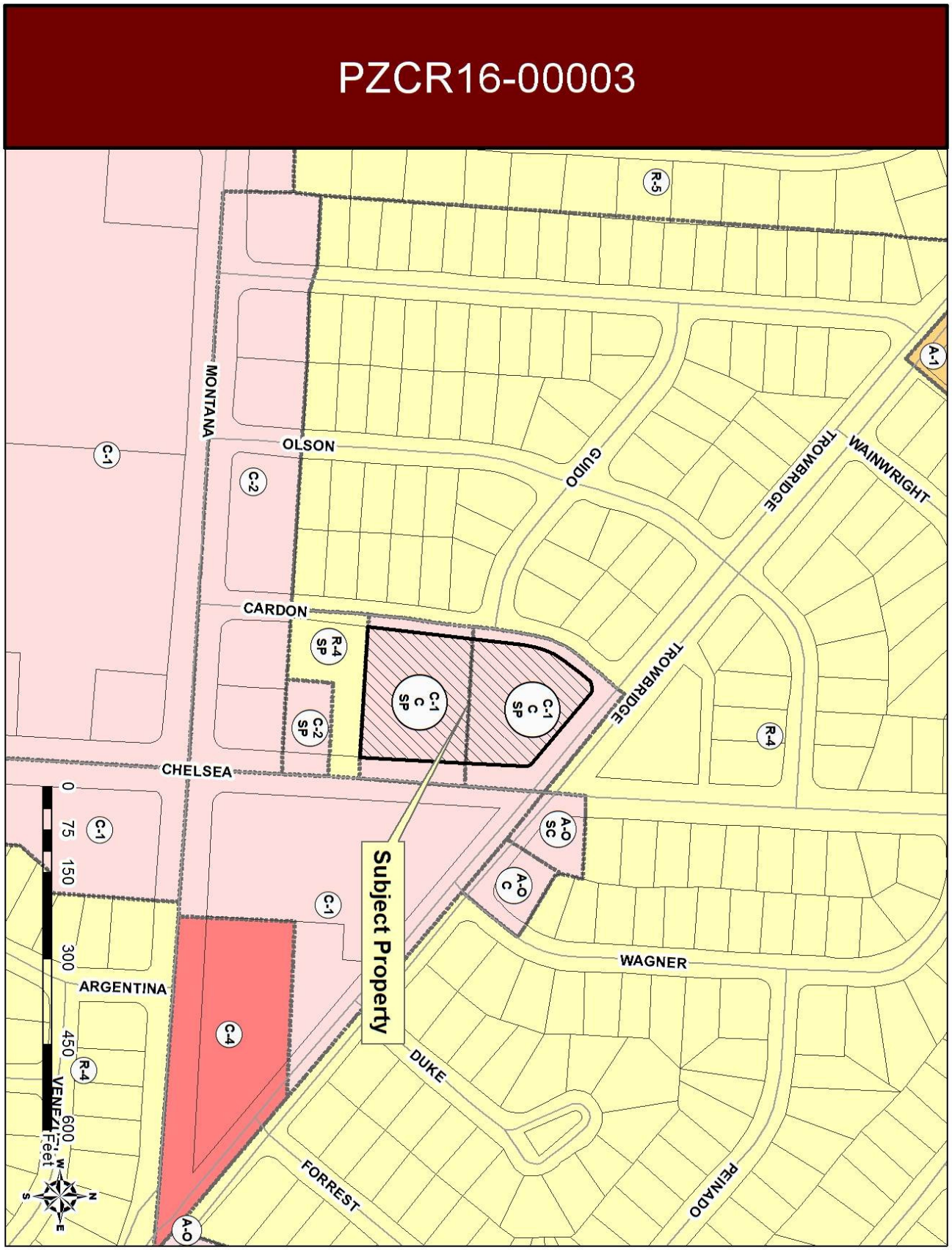
Sun Metro
Sun Metro does not oppose this request.
Sun Metro has an existing bus stop directly adjacent to the subject property.
Proposed Case No: PZCR16-00003 will be in conflict with existing bus stop: Recommends coordinating with Sun Metro before moving forward with design and construction.

El Paso Water Utilities
EPWU does not object to this request.
Water:
There is an existing 12-inch diameter water main along Trowbridge Drive. Also, there is an existing 6-inch diameter water main along Cardon Street. These mains are available for service.
There are no water mains along Chelsea Street fronting the subject property.
Previous water pressure readings from fire hydrant #506 located at the intersection of Chelsea Street and Trowbridge Drive has yielded a static pressure of 128 (psi), a residual pressure of 110 (psi), and a discharge of 1300 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:
There are existing 8-inch diameter sanitary sewer mains along Trowbridge Drive, Chelsea Street and Cardon Street fronting the subject property. The sewer main along Cardon Street dead-ends approximately 80-feet south of the south Trowbridge right-of-way line. These mains are available for service.
General:
EPWU-PSB records indicate one (1) 3/4" vacant water meter connection for the subject property with 1039 Chelsea Street as the service address.
EPWU requires a new service application for additional water and sewer to provide 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.

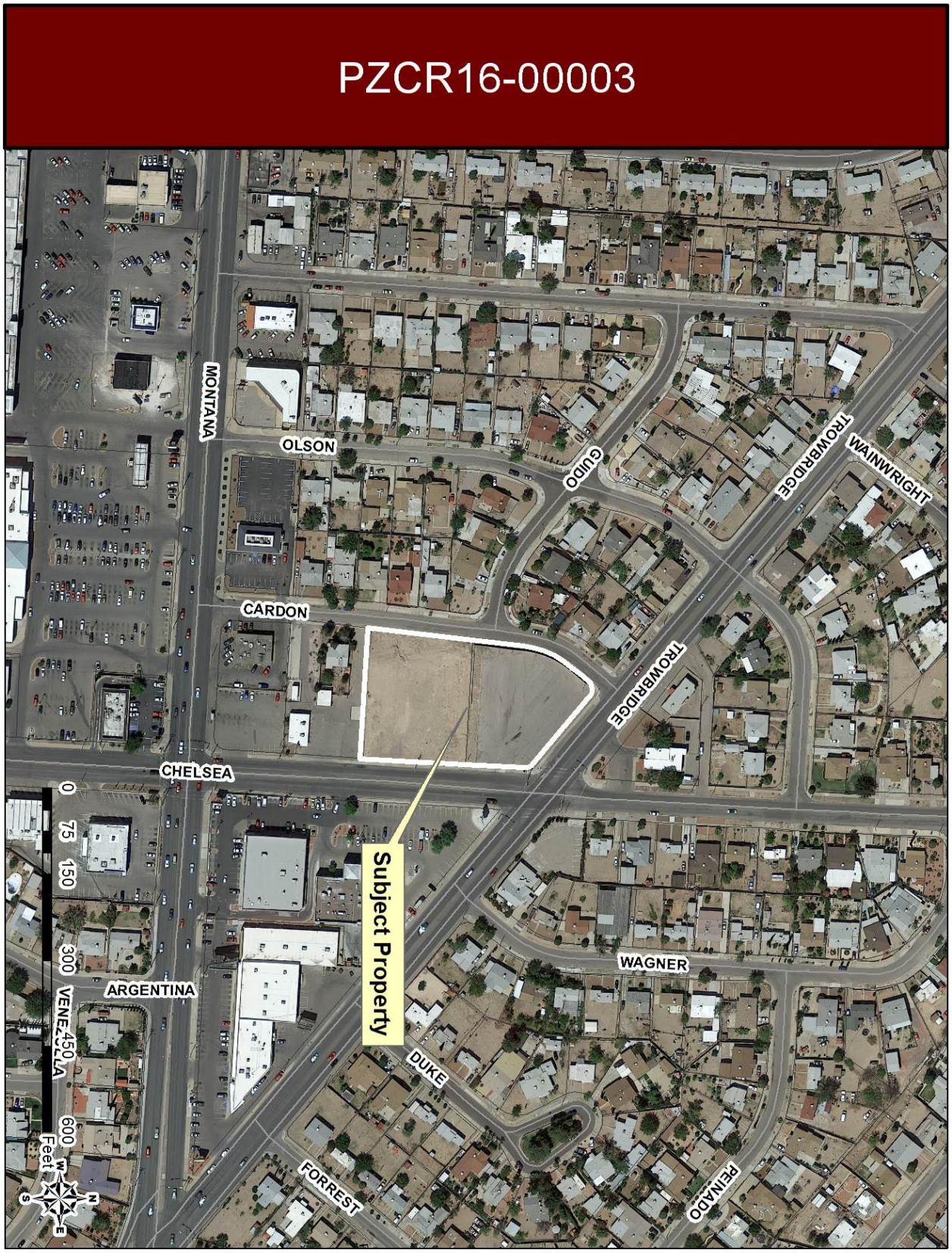
El Paso Water Utilities - Stormwater Division
No objections.

Attachments
1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan
4. Ordinance No. 16788, dated December 11, 2007
5. Ordinance No. 14163, dated August 24, 1999
6. Letters in Opposition

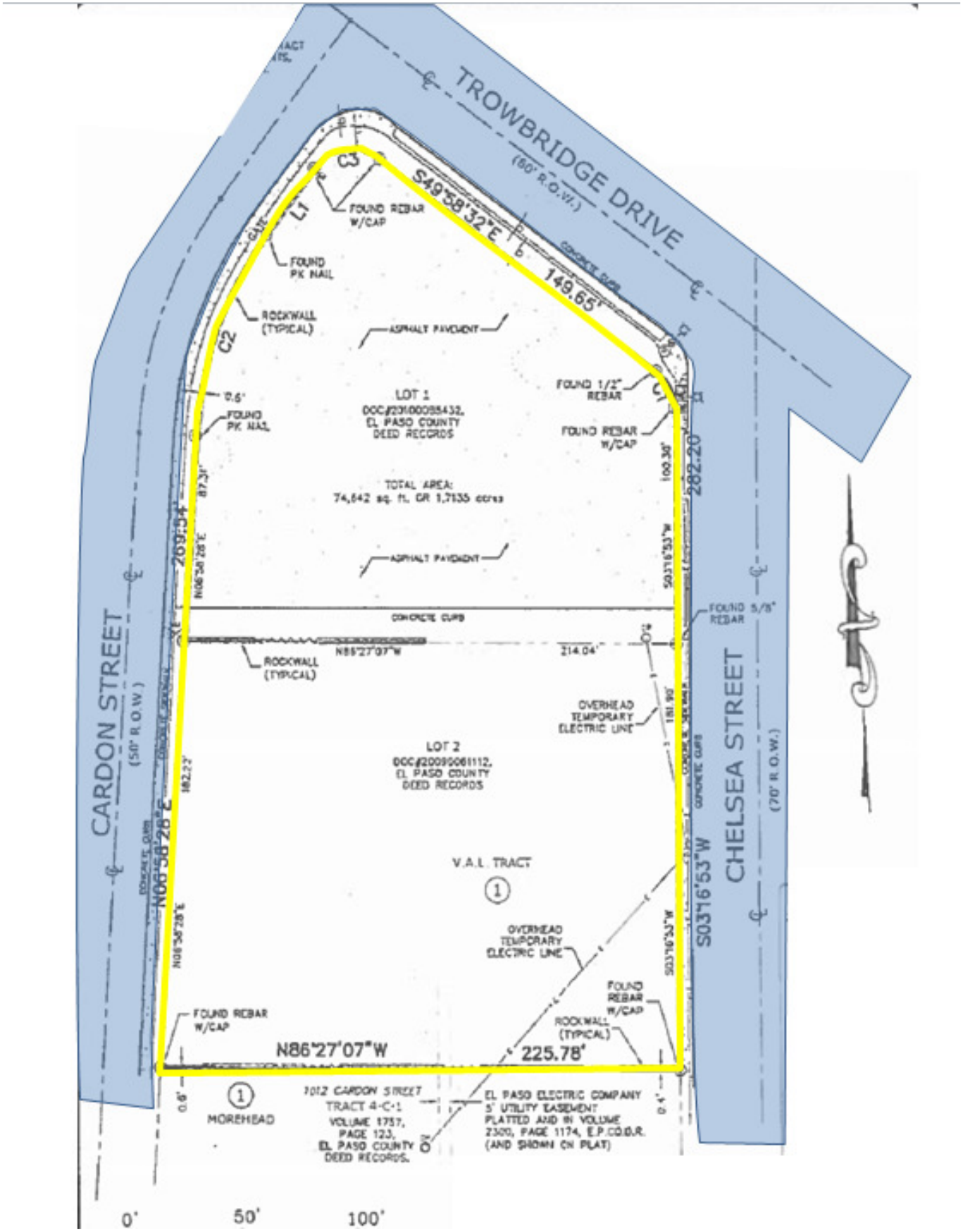
ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP



ATTACHMENT 3: CONCEPTUAL SITE PLAN



ATTACHMENT 4: ORDINANCE NO. 016788, DATED DECEMBER 11, 2007

10A
15/14

Doc# 20070115859

ORDINANCE NO. 016788

AN ORDINANCE CHANGING THE ZONING OF TRACT 4C, MOREHEAD BLOCK, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4/SP (RESIDENTIAL/SPECIAL PERMIT) TO C-1/SP/C (COMMERCIAL/SPECIAL PERMIT/CONDITION), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the property owner has requested that the property be rezoned to from a residential zone to C-1 (commercial) uses; and,

WHEREAS, the property is abutting residential property and as such conditions are needed to transition the area from a residential zone to a commercial use, such as restricting access to and from the property which will mitigate the traffic impact on the abutting residential property and also address the traffic safety concerns related to Trowbridge Street; and,

WHEREAS, due to the restricted access, the property owner has agreed to orient the front of the buildings toward Chelsea Street and to locate parking, air conditioning units, trash container, utility boxes and services areas to the rear of buildings;

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

That the zoning of *Tract 4C, Morehead Block, City of El Paso, El Paso County, Texas,* and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **R-4/sp (Residential/special permit) to C-1/sp/c (Commercial/special permit/condition)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety, and welfare of the adjacent property owners and the residents of this City:

1. That a fifteen foot (15') landscape buffer including trees native to the area at fifteen foot (15') offsets be placed along the property line adjacent to Cardon Street; and

2. That access to the property is only permitted from Chelsea Street; and

3. That a detailed site development plan be reviewed and approved per the El Paso City Code prior to building permits being issued; and,

4. That automotive tune up service and automobile and light truck lubrication services be prohibited.

SIGNATURES ON FOLLOWING PAGE

ORDINANCE NO. 016788 **Zoning Case No: ZON07-00094**

#34459 v2 - Planning/ORD/ZON07-00094/Rezoning Application/Conditions

PASSED AND APPROVED this 11th day of December, 2007.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Kelly Carpenter, AICP, Deputy Director
Development Services Department -
Planning Division

ORDINANCE NO. 016788

Zoning Case No: ZON07-00094

#34459 v2 - Planning/ORD/ZON07-00094/Rezoning Application/Conditions

ATTACHMENT 5: ORDINANCE NO. 014163, DATED AUGUST 24, 1999

ORDINANCE NO. 014163

ORDINANCE GRANTING SPECIAL PERMIT NO. SU-99009, TO ALLOW FOR A CONVALESCENT HOME ON TRACT 4C AND 4C1, MOREHEAD BLOCK, CITY OF EL PASO, EL PASO COUNTY, TEXAS (1039 CHELSEA STREET) PURSUANT TO SECTION 20.14.040C (ZONING) OF THE EL PASO MUNICIPAL CODE.

WHEREAS, **BIENVIVIR SENIOR HEALTH SERVICES** has applied for a Special Permit under Section 20.14.040C of the El Paso Municipal Code, to allow for a convalescent home, 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 R-4 (Residential) District:

Tract 4C and 4C1, Morehead Block, City of El Paso, El Paso County, Texas, City and County of El Paso, Texas, as more particularly described in the attached and incorporated Exhibit "A", and municipally known and numbered as 1039 Chelsea Street; and

2. That a convalescent home is authorized by Special Permit in R-4 (Residential) districts under Section 20.14.040C of the El Paso Municipal Code; and

3. That the requirements for a convalescent home under Section 20.14.040C have been satisfied; and

4. That the City Council hereby grants a Special Permit under Section 20.14.040C of the El Paso Municipal Code, to allow a convalescent home on the above-described property; and

5. That this Special Permit is issued subject to the development standards in the R-4 (Residential) district regulations and subject to the approved Site Development Plan, signed by

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ORDINANCE NO. 014163 **Special Permit #SU-99009**

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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

6. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. 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 Ordinance, **Special Permit No. SU-99009** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

PASSED AND APPROVED this 24th day of August, 1999.

THE CITY OF EL PASO

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

John F. Nance
Assistant City Attorney

APPROVED AS TO CONTENT:

Anthony R. Talamo
Dept. of Planning, Research & Development

(Agreement on following page)

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ORDINANCE NO._____

Special Permit #SU-99009

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AGREEMENT

BIENVIVIR SENIOR HEALTH SERVICES, the Applicant referred to in the above Ordinance, 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 **R-4 (Residential)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 19____.

BIENVIVIR SENIOR HEALTH SERVICES

By: Mrs Barbara Green
President Board of Directors
Bienvivir Senior Health Services
(name/title)

Acknowledgment

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 15th day of July, 1999, by Mrs. Barbara Green as President-Board of Directors, on behalf of **BIENVIVIR SENIOR HEALTH SERVICES**, as Applicant.

My Commission Expires:

COLLEEN SEGUINOT
Notary Public, State of Texas
My Commission Expires
MAY 4, 2003

Colleen Seguinot
Notary Public, State of Texas
Notary's Printed or Typed Name:
Colleen Seguinot

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ORDINANCE NO._____ **Special Permit #SU-99009**

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ATTACHMENT 6: LETTERS IN OPPOSITION

Salloum, Andrew M.

From: Garcia, Raul
Sent: Monday, May 09, 2016 4:27 PM
To: Salloum, Andrew M.
Subject: FW: Case #PZCR16-00003 Proposed Removal of Condition

For your files/staff report.

From: unajj@att.net [mailto:unajj@att.net]
Sent: Monday, May 09, 2016 12:49 PM
To: Garcia, Raul
Cc: Beatriz Baeza; Heriberto Baeza Jr
Subject: Case #PZCR16-00003 Proposed Removal of Condition

Hello Mr. Garcia

I am against allowing access to Trowbridge for the following reasons:

1. The Pension Organization did not provide any reasonable reason for such an access. Denying access is important for the safety of the residents along Cardon Street.

2. Since the Pension Organization plans to sell the Northern property, an access to Trowbridge (a heavy traffic usage street) would cause traffic flow issues in the future from the occupants accessing Trowbridge and residents who live along Cardon Street.

3. Allowing access to Trowbridge and depending on the future makeup of the City Council, City Council may be politically motivated to allow access to Cardon Street if a precedence has already been established by allowing access to Trowbridge.

Jose Jimenez
UNA Member

Salloum, Andrew M.

From:	Garcia, Raul
Sent:	Tuesday, May 10, 2016 3:34 PM
To:	peter stevenson
Cc:	Salloum, Andrew M.
Subject:	RE: Rezoning signs

Mr. Stevenson,
Thank you for your comments, they will be incorporated into the staff report.

Cordially,

Raul Garcia, CNU-A

Lead Planner
Planning and Inspections Department | City of El Paso
City 3 | 801 Texas Avenue
El Paso, Texas 79901
Phone: 915.212.1643
GarciaR1@elpasotexas.gov

From: peter stevenson [mailto:petruski@elp.rr.com]
Sent: Tuesday, May 10, 2016 2:57 PM
To: Garcia, Raul
Subject: Rezoning signs

Mr. Garcia:

I am requesting that the city zoning department reconsider the color scheme of posted signs notifying the public of rezoning in area neighborhoods. They are difficult to read and are too easily overlooked by passers bye. Specifically, I am referring to the sign posted on vacant property that borders Chelsea and Trowbridge streets. This is my neighborhood and I am obviously keen on knowing what zoning changes are proposed to this parcel of land, as are other residents of this neighborhood. Thank you. –P. Allen Stevenson

Salloum, Andrew M.

From: Garcia, Raul
Sent: Tuesday, May 10, 2016 3:34 PM
To: Monica Liza Galante
Cc: Salloum, Andrew M.
Subject: RE: Coloring of Signs

Ms. Galante,
Thank you for your comments, they will be incorporated into the staff report.

Cordially,

Raul Garcia, CNU-A

Lead Planner
Planning and Inspections Department | City of El Paso
City 3 | 801 Texas Avenue
El Paso, Texas 79901
Phone: 915.212.1643
GarciaR1@elpasotexas.gov

From: Monica Liza Galante [mailto:monica.galante@att.net]
Sent: Tuesday, May 10, 2016 1:15 PM
To: Garcia, Raul
Subject: RE: Coloring of Signs

My apologies, I forgot the attachment that I referred and how it comes across.

Monica Liza Galante
El Paso, TX
monica.galante@att.net

From: Monica Liza Galante
Sent: Tuesday, May 10, 2016 1:08 PM
To: garciaR1@elpasotexas.gov
Subject: Coloring of Signs

Mr. Garcia, first let me thank you for notifying our neighborhood of the upcoming hearing. My concern today is the coloring of the sign. For someone who is not visually impaired, it is difficult to see which raises some accessibility compliance concerns. Additionally, it is even more challenging to view at night. Just to give you a sample visual of how it comes across, I attached a PowerPoint slide with a dark green – black lettering. This does raise questions of accessibility and ADA compliance.

If the city could be more attentive in choosing a brighter contrasting font that could be seen during the day or night would be much better.

Thank you for listening to my concerns.

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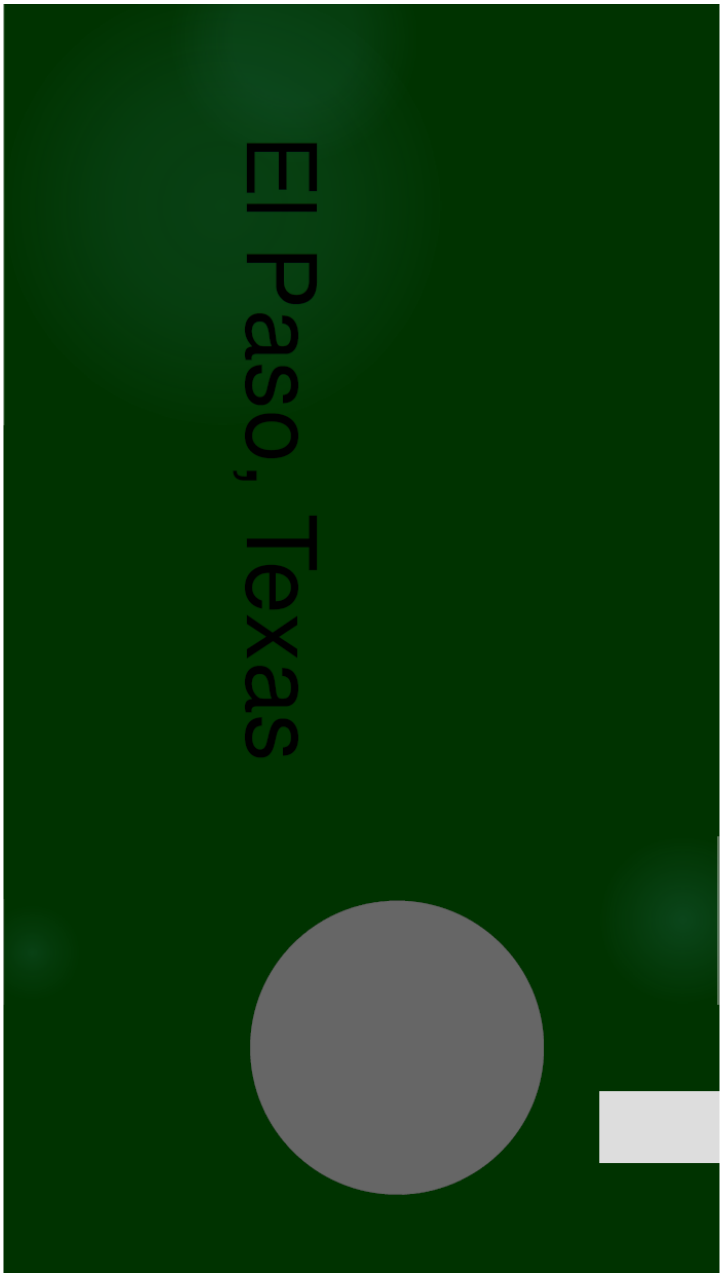
El Paso, Texas

Salloum, Andrew M.

From:	Garcia, Raul
Sent:	Wednesday, May 11, 2016 4:19 PM
To:	Salloum, Andrew M.
Subject:	FW: City Planning Dept Bad Color Scheme

For staff report

From: Lila Murphy [mailto:lilalm@sbcglobal.net]
Sent: Wednesday, May 11, 2016 2:50 PM
To: Garcia, Raul
Cc: unajj@att.net
Subject: Fwd: City Planning Dept Bad Color Scheme

I completely agree with the message below.
Yesterday, after circling the block to try to read any of those 3 signs at the corner of Chelsea and Trowbridge, I realized I would have to park the car and walk to the signs to see what they said. They are impossible to read from any distance. I still have no idea what they say. Lila Murphy lilalm@sbcglobal.net

Begin forwarded message:

From: <unajj@att.net>
Date: May 10, 2016 11:59:47 AM MDT

Subject: City Planning Dept Bad Color Scheme
Reply-To: <unajj@att.net>

Hello Everyone

Recently, the City Planning office changed the color scheme for the signs they post on properties to notify the public about zoning changes, etc.

The color scheme of a dark green background with black letters and numbers is very difficult to impossible to read if you are passing the sign inside your car. You have to stop your car or actually get out of your car and walk to the sign in order to read the wording.

I ask your help in contacting Mr. Raul Garcia, Lead Planner, garciaR1@elpasotexas.gov (915-212-1643) at City Planning to correct this problem. An example of signs with a dark green background with black lettering may be viewed at the corner of Chelsea and Trowbridge.

Your help is very important in order to promote transparency of City Planning activities on properties.
JJ
Neighborhood Coordinator
United Neighborhood Association (UNA)

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