



City of El Paso – City Plan Commission Staff Report

Case No: PZCR12-00002
Application Type: Zoning Condition Release
CPC Meeting Date: June 14, 2012
Staff Planner: Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

Location: Parcel 1: 9950 Dyer Street
Parcel 2: 9944 Dyer Street
Legal Description: Parcel 1: Lots 13 and 14, Block 2, Sahara Subdivision, City of El Paso, El Paso County, Texas
Parcel 2: Lots 11 and 12, Block 2, Sahara Subdivision, City of El Paso, El Paso County, Texas
Acreage: Parcel 1: 0.2755 acres
Parcel 2: 0.2755 acres
Rep District: 4
Existing Use: Parcel 1: Vacant
Parcel 2: Vacant
Request: Parcel 1: Amend condition 1A and release conditions 1B thru 4 imposed by Special Contract Ordinance No. 6245, dated July 31, 1978 and release all previously amended conditions as Ordinance No. 17313, dated May 4, 2010
Parcel 2: Amend condition 1A and release conditions 1B thru 4 imposed by Special Contract Ordinance No. 6245, dated July 31, 1978
Proposed Use: Parcel 1: Automotive sales
Parcel 2: Retail

Property Owner Juan Gandara and, Antonio and Laura Mendoza
Applicant Juan Gandara
Representative Jose Uresti

SURROUNDING ZONING AND LAND USE

North: C-3 (Commercial) / Automotive body shop
South: R-4 (Residential) / Vacant
East: C-1/sc (Commercial/special contract) / Vacant
West: C-1/c/sc (Commercial/condition/special contract) / Dental Office; and C-3 (Commercial) / Commercial building

THE PLAN FOR EL PASO DESIGNATION: G-3, Post-War (Northeast Planning Area)

Nearest Park: Milagro Park (3,311 feet)

Nearest School: Parkland Elementary (2,630 feet)

NEIGHBORHOOD ASSOCIATIONS

Planning Division verified that there are no registered neighborhood associations in the area.

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on May 30, 2012. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

APPLICATION DESCRIPTION

The applicant is requesting to amend condition 1A and release all of conditions 1B to 4 of Ordinance No. 6245, dated July 31, 1978 on both Parcels (see Attachment 4). The applicant is also requesting to release amended conditions in reference to Ordinance No. 17313 dated May 4, 2010 on Parcel 1 (see Attachment 5).

Ordinance No. 6245, July 13, 1978 - (see Attachment 4)

The applicant is requesting to amend condition 1A and release the following conditions 1b through 4.

Existing condition 1A: Complete and detailed site development and architectural plans or the proposed development on the property must be submitted by First Parties and approved by the City Plan Commission of the City of El Paso.

Proposed amendment to condition 1A: That prior to the issuance of any building permits, a detailed site development plan shall be reviewed and approved administratively by the Zoning Administrator in accordance with the requirements of the El Paso City Code.

Ordinance No. 17313 dated May 4, 2010 - (see Attachment 5)

The applicant is also requesting to release the following amended conditions 1a-c and 2.

The recommendation for release of all remaining conditions placed by Ordinance No. 6245 and 17313 is based on the current building code requirements which the applicant must comply with prior to the issuance of any building permits and compliance with remaining conditions.

CITY DEVELOPMENT DEPARTMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the zoning condition amendment and release request as the majority of the conditions have been met or are requirements of building permits. Planning Division also recommends condition 1A to be amended and not released as there are residential zone district adjacent to the subject property.

The Plan for El Paso-City-Wide Land Use Goals

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

G-3, Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. 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.

COMMENTS:

Planning Division - Transportation

No objection to the condition release.

Notes:

1. Sidewalks shall comply with Section 19.21 of the El Paso City Code. Sidewalks shall be continuous across driveway and shall comply with ADA standards.
2. Parking aisle width for Parcel 1 does not comply with Section 20.14.040.E. (Parking Space Dimensions). 24' aisle width is required.
3. All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

City Development Department – Plan Review

No comments received.

City Development Department - Land Development

- ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
- Grading plan and permit shall be required.*
- Storm Water Pollution Prevention Plan and/or permit required.*
- Drainage plans must be approved by the Engineering and Construction Management Department, Land Development Section.*
- Coordination with TXDOT for Dyer Street. *
- No water runoff allowed outside the proposed development boundaries, (On-site ponding required). *

*This requirement will be applied at the time of development.

Fire Department

Fire does not adversely affect fire department on the Rezoning Condition release.

Sun Metro

Sun Metro does not oppose this request. Recommends the construction of sidewalks to permit access to public transit options.

El Paso Water Utilities

We have reviewed the zoning change request reference above and provide the following comments:

1. EPWU does not object to this request.
2. Dyer Street is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Dyer Street right-of-way requires written permission from TxDOT.

Water:

3. There is an existing 12-inch diameter water main extending along Dyer Street that is available for service, the water main is located approximately 30-feet east from the center line of the right-of-way.
4. EPWU records indicate a 3/4-inch water meter serving the subject property. The service address for this meter is 9952 Dyer Street.
5. Previous water pressure from fire hydrant #8637 located approximately 128-ft south from the south west property line have yielded a static pressure of 90 (psi), a residual pressure of 86 (psi), and a discharge of 1,300 gallons per minute.
6. 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:

7. There is an existing 15-inch diameter sanitary sewer main extending along Dyer Street that is available for service, the sewer main is located approximately 20-feet west from the center line of the right-of-way.
8. There is an existing 8-inch diameter sanitary sewer main that is available for service along the alley between Sahara Lane and Souda Avenue. The sewer main is located approximately 10-feet east from the eastern property line. Said main ends approximately 60-feet south from the northeast subject property line.
9. A sewer main will need to be extended at the developer's cost from the end of said main to the common boundary line of lots 11 and 12.

General:

10. EPWU requires a new service application 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.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the change of zoning application:

1. Recommend approval of the application finding that the zoning condition release is in conformance with the review criteria of Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the zoning condition release into conformance with the review criteria in Plan El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the zoning condition release does not conform to the review criteria in Plan El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

Attachments

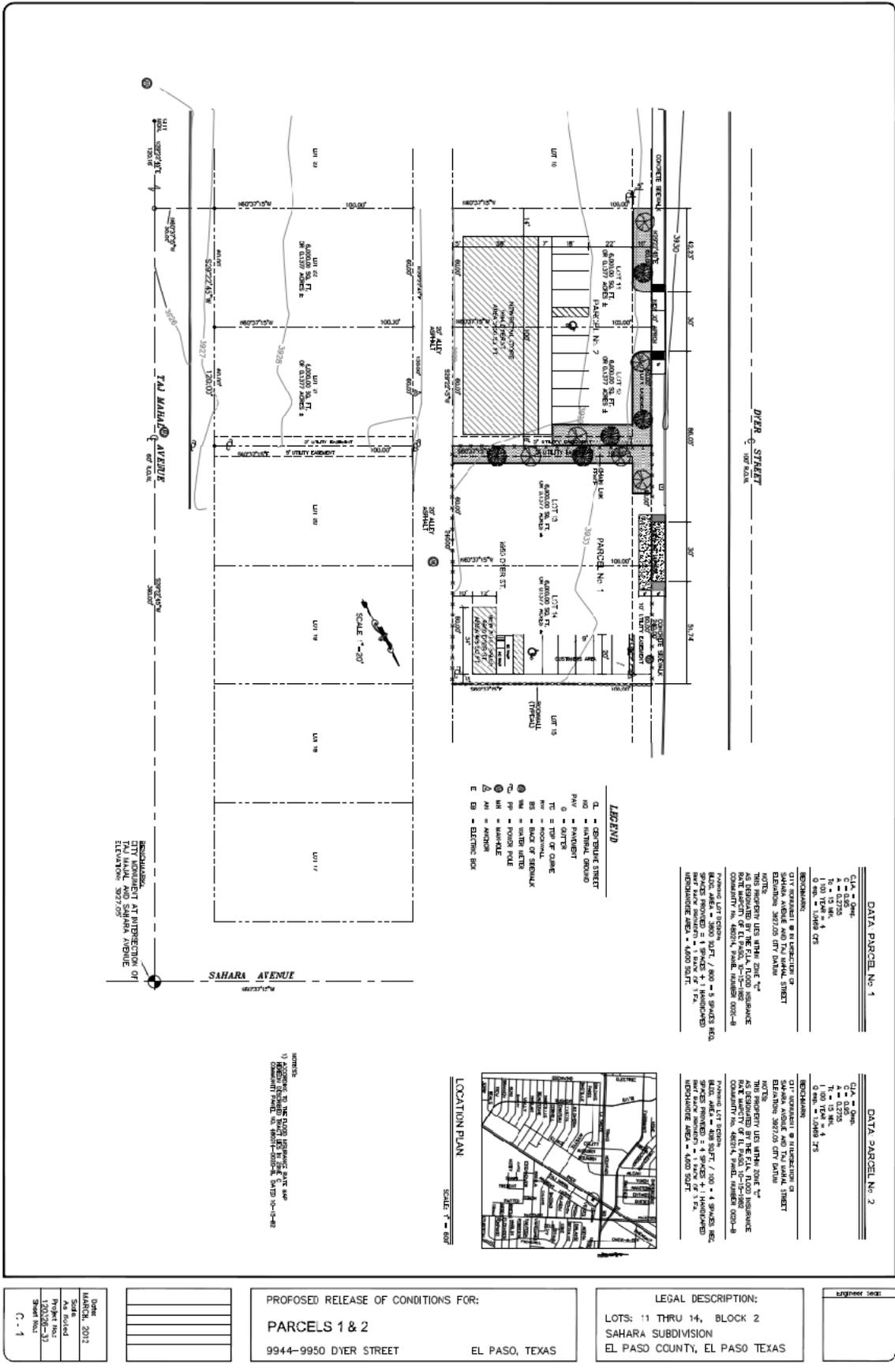
1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan
4. Ordinance No. 6245
5. Ordinance No. 17313

ATTACHMENT 2: AERIAL MAP

PZCR12-00002



ATTACHMENT 3: CONCEPTUAL SITE PLAN



ATTACHMENT 4: ORDINANCE NO. 6245

PROPOSED ORDINANCE
8/23/78
8/8/78
WR

6245

AN ORDINANCE CHANGING THE ZONING OF LOTS 11-14, 17-22, 31 AND 32, BLOCK 2 AND LOTS 16-19, BLOCK 3, SAHARA ADDITION, THE PENALTY BEING AS PROVIDED IN SECTION 25-10 OF THE EL PASO CITY CODE

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

That the zoning of the following Lots in Block 2 and Block 3, Sahara Addition be changed as indicated, within the meaning of the Zoning Ordinance, and the zoning map of the City be revised accordingly:

PARCEL 1 - Changed to C-1 (Commercial)

Lots 11 through 14 and Lots 17 through 22, Block 2, Sahara Addition

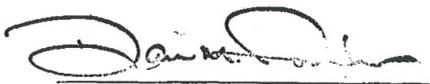
PARCEL 2 - Changed to A-0 (Apartment-Professional-Office)

Lots 31 and 32, Block 2, and Lots 18 and 19, Block 3, Sahara Addition

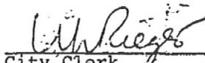
PARCEL 3 - Changed to C-1 (Commercial)

Lots 16 and 17, Block 3, Sahara Addition

PASSED AND APPROVED this 8th day of August, 1978.


Mayor Pro - hem

ATTEST:


City Clerk

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED: C.T.
8-23-78 COUNTER
8-23-78 ORIGINAL
8-23-78 Bldg. Inspection
8-23-78 CONTROL R Gonzalez

APPROVED AS TO FORM:


Assistant City Attorney

certify that the zoning map has been updated to reflect the amendment of ordinance #6245
By R Gonzalez Date 8-23-78

6245

78-4182

CONTRACT

This contract, made this 31 day of July, 1978,
by and between MORTON L. BLAUGRUND and wife, VIVIAN M. BLAUGRUND,
First Parties, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning
of Lots 11-14, 17-22, 31 and 32, Block 2 and Lots 16-19, Block 3,
all in the Sahara Addition to the City of El Paso, El Paso County,
Texas. In order to remove certain objections to such rezoning, First
Parties covenant that if the property is rezoned as indicated in
Ordinance No. 6245 a copy of which is attached hereto, marked Exhibit "A"
and made a part hereof by reference, it shall be subject to the following
restrictions, conditions and covenants:

1. No building permits shall be issued for construction on the
property until the following conditions have been met by First Parties:

(a) Complete and detailed site development and architectural
plans of the proposed development on the property must be submitted
by First Parties and approved by the City Plan Commission of the
City of El Paso.

(b) Drainage and grading plans for the proposed development
on the property must be submitted by First Parties and approved by
the City Engineer of the City of El Paso and the Texas Department
of Highways and Public Transportation. Such plans shall include
plans and specifications for a facility to be constructed by First
Parties on the property for the on-site ponding of storm waters.
Such facilities shall be designed so that no storm waters will be
permitted to flow from the property into Dyer Street or Taj Mahal
Street.

(c) A complete and detailed landscaping plan must be submitted
by First Parties and approved by the Director of Planning and the
Director of Traffic and Transportation of the City of El Paso. Such
plan shall show details of a 15-foot wide landscaped strip to be
installed by First Parties on the property adjacent and parallel to
the property line along Dyer Street. This landscaping may be
accomplished by the use of greenery, grass, and shrubs, or by

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the use of such materials as crushed stone, cactus, lava rock, or similar materials. The entire width of the strip shall be landscaped with the exception of approved driveways. The landscaping shall not have a height greater than three feet above the level of the center line of Dyer Street and shall be so designed as to not interfere with visibility for safe ingress and egress.

2. No certificates of occupancy and compliance shall be issued by the City for any buildings constructed on the property until First Parties have, at no cost to the City, done the following:

(a) Constructed all improvements on the property in accordance with the approved site development and architectural plans.

(b) Done all grading and made all drainage improvements required by the approved grading and drainage plans, including installation of the facility for the on-site ponding of storm waters.

(c) Installed the 15-foot wide landscaped strip in accordance with the approved landscaping plan.

(d) Installed asphalt paving on the part of the alley in Block 2, Sahara Addition, which lies between the southerly boundary of Sahara Lane and the southerly lot lines (extended) of Lots 11 and 22, Block 2, Sahara Addition, and installed asphalt paving on the part of the alley in Block 3, Sahara Addition, which lies between the southerly boundary of Souda Avenue and the southerly lot lines (extended) of Lots 16 and 19, Block 3, Sahara Addition. Such paving shall be done in accordance with specifications to be approved by the City Engineer of the City of El Paso.

(e) Contacted a paving contractor and requested that he initiate a proposal to the City to install paving, curbs and gutters on the following parts of Taj Mahal Street: between the southerly boundary of Sahara Lane and the southerly lot line (extended) of Lot 22, Block 2, Sahara Addition; between the southerly lot line (extended) of Lot 30, Block 2, Sahara Addition and the northerly boundary of Souda Avenue and between the southerly boundary of Souda Avenue and the southerly lot line (extended) of Lot 19, Block 3, Sahara Addition.

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No certificates of occupancy and compliance shall be issued until the City Engineer, Director of Planning, Director of Traffic and Transportation, and the Texas Department of Highways and Public Transportation have certified that First Parties have complied with the above provisions.

3. The landscaped strip required to be constructed under Paragraphs 1(c) and 2(c) shall be properly maintained and kept in good condition by First Parties at all times. The parking of vehicles on such strip is prohibited.

4. If and when the paving, curbs and gutters are installed on Taj Mahal Street in accordance with the provisions of Paragraph 2(e) hereof, First Parties agree, upon demand by the City, to pay 1/2 the cost of the paving, curbs and gutters on such parts of Taj Mahal Street, provided however, that the balance of the cost of such street improvements is to be paid by the other owners of property abutting thereon, either through voluntary payment, mechanics lien contracts, or assessment of paving liens as provided in Art. 1105b, Tex. Rev. Civ. Stat. Ann. All such street improvements shall be made in accordance with plans and specifications to be approved by the City Engineer of the City of El Paso.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First 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.

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.

WITNESS the following signatures and seals:


Morton L. Blaugrund


Vivian M. Blaugrund

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-3-

THE CITY OF EL PASO

By

[Signature]
Mayor
Two-Term

ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

THE STATE OF TEXAS)

COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared MORTON L. BLAUGRUND, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN under my hand and official seal this 31 day of July, 1978.

[Signature]
Notary Public in and for El Paso County,
Texas

My Commission Expires:

4/30/79

THE STATE OF TEXAS)

COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared VIVIAN M. BLAUGRUND, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN under my hand and official seal this 31 day of July, 1978.

[Signature]
Notary Public in and for El Paso County,
Texas

My Commission Expires:

4/30/79

78-418 ✓

ATTACHMENT 5: ORDINANCE NO. 17313

Parcel 1

CITY CLERK DEPT.
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ORDINANCE NO. 017313

AN ORDINANCE RELEASING CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 6245 WHICH CHANGED THE ZONING OF LOTS 13 AND 14, BLOCK 2, SAHARA SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as *Lots 13 and 14, Block 2, Sahara Subdivision, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 6245, approved by City Council on July 31, 1978; and,

WHEREAS, the rezoning was subject to the certain following conditions that were necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

WHEREAS, the owner (applicant) submitted an application requesting the removal of all the conditions and the City Plan Commission recommended that certain conditions should be released and other conditions should be amended; and,

WHEREAS, a public hearing regarding amendment of the conditions was held before the City Plan Commission, and the Commission determined that some conditions are no longer necessary and should be released and other conditions should be amended; and,

WHEREAS, the City Council of the City of El Paso has determined that the removal or amendment of certain conditions will protect the best interest, health, safety and welfare of the public in general.

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

1. That zoning conditions imposed by Ordinance No. 6245 dated July 31, 1978 be amended as follows:

✓a. Condition 2(e), requiring coordination of selection of a contractor to install paving, curbs and gutters on Taj Mahal Street: between the southerly boundary of Sahara Lane and the southerly lot line (extended) of Lot 22, Block 2, Sahara Addition and between the southerly lot line (extended) of Lot 30, Block 2, Sahara Addition and the northerly boundary of Souda Avenue and between the southerly boundary of Souda Avenue and the southerly lot line (extended) of Lot 19, Block 3, Sahara Addition is no longer necessary and is released. .

✓b. Condition 4, requiring the payment of 1/2 the cost of the paving, curbs and gutters on such parts of Taj Mahal Street be paid by the applicant and the balance of the cost of such street improvements be paid by the other owners of property abutting thereon, either through voluntary payment, mechanics lien contracts, or assessment of paving liens and that all such street improvements shall be made in accordance with plans and specifications to be approved by the City Engineer of the City of El Paso is no longer necessary and is released.

✓c. Conditions 1(c) and 2(c), requiring a 15-foot wide landscape strip are amended to require a 10-foot wide landscaped strip.

#54772 v1 - Planning/ORD/ZON09-00092/Zoning Condition Release/Juan Gandara
ORDINANCE NO. 017313

Document Author: LCUE
ZON09-00092

2. Except as herein amended, Ordinance 6245, approved by City Council on July 31, 1978, shall remain in full force and effect.



RESOLVED APPROVED this 4th day of May, 2010.

THE CITY OF EL PASO

John F. Cook
John F. Cook
Mayor

Richarda Duffy Momen
Richarda Duffy Momen
City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy
Mathew S. McElroy
Deputy Director - Planning
Development Services Department

EL PASO TEXAS
CITY CLERK'S OFFICE
5 CIVIC CENTER PLAZA
EL PASO, TEXAS 79901-1188

#54772 v1 - Planning/ORD/ZON09-00092/Zoning Condition Release/Juan Gandara
ORDINANCE NO. 017313

Document Author: LCUE
ZON09-00092