City of El Paso – City Plan Commission Staff Report

Case No:	PZRZ14-00032 (Related to Condition Release Application PZCR14-00006)
Application Type:	Rezoning
CPC Hearing Date:	August 14, 2014
Staff Planner:	Andrew Salloum, 915-212-1613, salloumam@elpasotexas.gov
Location:	6966 Market Avenue
Legal Description:	A portion of Lots 21 and 26 and all of Lots 22 through 25, Block 9, Eastside Industrial District Unit One, City of El Paso, El Paso County, Texas
Acreage:	1.6532 acres
Rep District:	3
Existing Zoning:	M-1/sc (Light Manufacturing/special contract)
Existing Use:	Office warehouse
C/SC/SP/ZBA/LNC:	Special Contract dated October 23, 1956 (see Attachment #4)
Request:	M-1/sc (Light Manufacturing/special contract) to M-2 (Heavy Manufacturing)
Proposed Use:	Salvage yard
Property Owner:	HW McKinney Jr. Wrecking, Inc.
Representative:	Cesar Molina

SURROUNDING ZONING AND LAND USE
North: M-1/sc (Manufacturing/special contract) / Office warehouse
South: M-1 (Manufacturing) / Office warehouse and product manufacturing
East: M-1/sc (Manufacturing/special contract) / Product manufacturing
West: M-1/sc (Manufacturing/special contract) / Office warehouse

PLAN EL PASO DESIGNATION: G-7 Industrial and/or Railyards (Mission Valley Planning Area)
NEAREST PARK: Vista del Valle Park (5,754 feet)
NEAREST SCHOOL: Del Norte Heights Elementary (6,341 feet)

NEIGHBORHOOD ASSOCIATIONS

There are no registered neighborhood associations in the area. This was verified through Community Development Department data on recognized neighborhood associations.

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on July 30, 2014. 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 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,* (existing code requirement).
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,* (existing code requirement).

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,* (existing code requirement).
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,* (not necessary).
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,* 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 omission 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 omit 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. 223*, see attachment #4, (existing code requirement).
13. *No plant shall omit 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 M-2 (Manufacturing) in order to allow for a salvage yard. Salvage yard uses are not permitted in M-1 (Light Manufacturing) zone district. The subject property is 1.6532 acres in size and the detailed site development plan shows an existing 20,712 sq. ft. warehouse and office area. The detailed site development plan is a rezoning application requirement for properties with existing structures for land use compatibility analysis and is not subject to CPC review and approval as per Section 20.04.380 Application Requirement. Access to the subject property is provided from Market Avenue. This application is related to zoning condition release application PZCR14-00006.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of rezoning the subject property from M-1/sc Manufacturing/special contract) to M-2 (Manufacturing) with a condition:

> *That any outdoor sales or storage of items shall be screened in accordance with Section 20.16 Screening and Fencing and not visible from public right-of-way.*

The recommendation is based on compatibility with the surrounding properties zoned M-1 (Light Manufacturing) directly adjacent to the subject property, and in compliance with the Plan El Paso land use designation G-7 Industrial and/or Railyards in the Mission Valley Planning Area.

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 M-2 (Heavy Manufacturing) district is to provide for the most intensive of industrial uses which may be characteristic of nuisance or hazardous conditions. It is intended that the districts will serve the entire city. The regulations of the districts will require reasonable standards for the protection and preservation of the compatibility of such uses and adjacent areas.

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 – Plan Review
No Objection to proposed rezoning.

City Development Department - Land Development
No objections.

Fire Department
The fire department has no objections to the rezoning case of PZRZ14-00032.

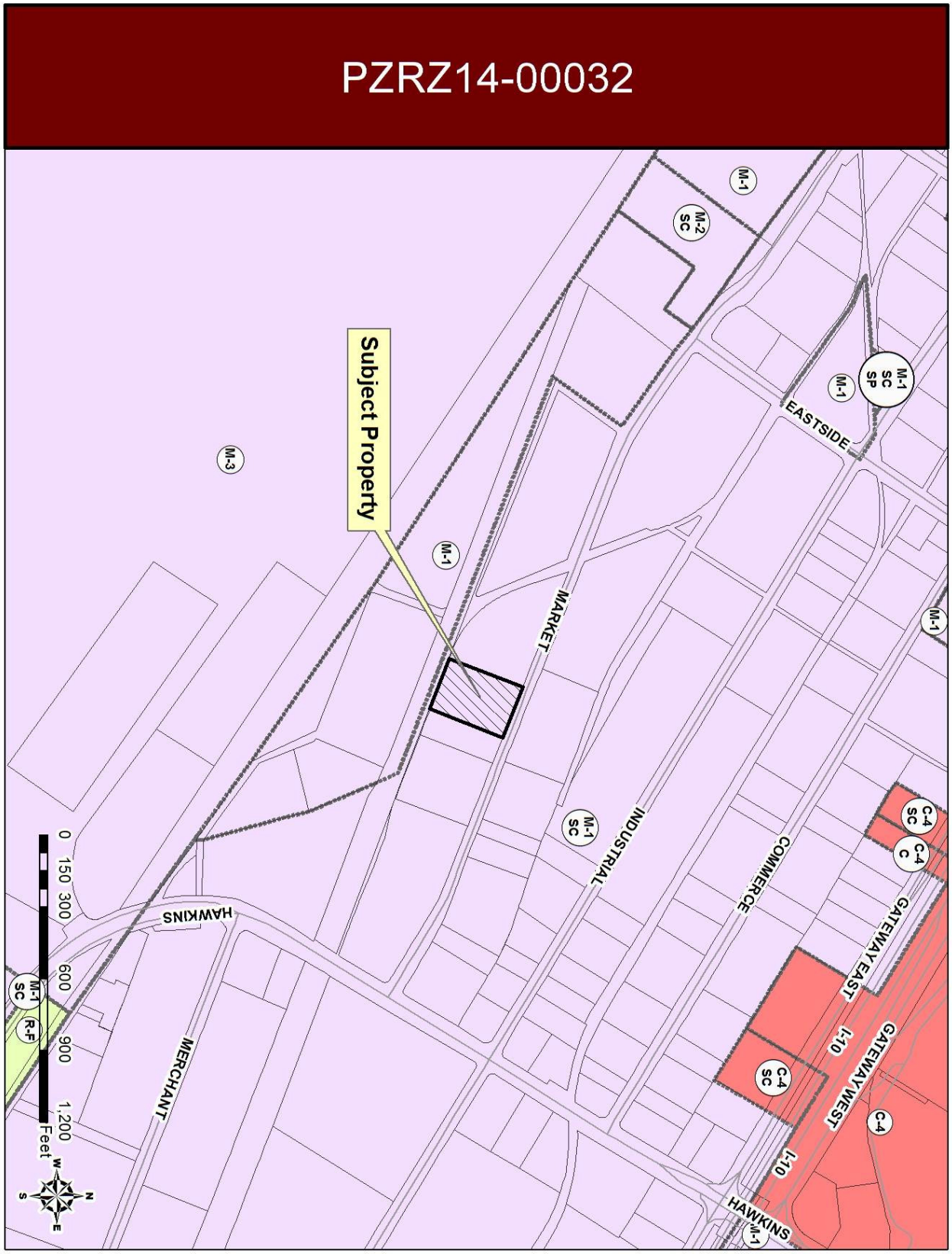
El Paso Water Utilities
EPWU does not object to this request.
Water:
There is an existing 8-inch diameter water main extending along Market Avenue that is available for service, the water main is located approximately 8-ft from the north right-of-way.
EPWU records indicates one (1) active 2-inch water meter serving the subject property. The service addresses for this meters is 6966 Market Avenue.
Previous water pressure readings from fire hydrant number 1483 1200-feet west of the intersection of Market Avenue and Hawkins Blvd., have yielded a static pressure of 120 pounds per square inch (psi), residual pressure of 100 psi and a discharge of 1,483 gallons per minute (gpm). 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 Owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.
Sanitary Sewer:
There is an existing 12-inch diameter sanitary sewer main extending along Market Avenue that is available for service, the sewer main is located approximately 25-ft from the south right-of-way.
General:
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.

Attachments:

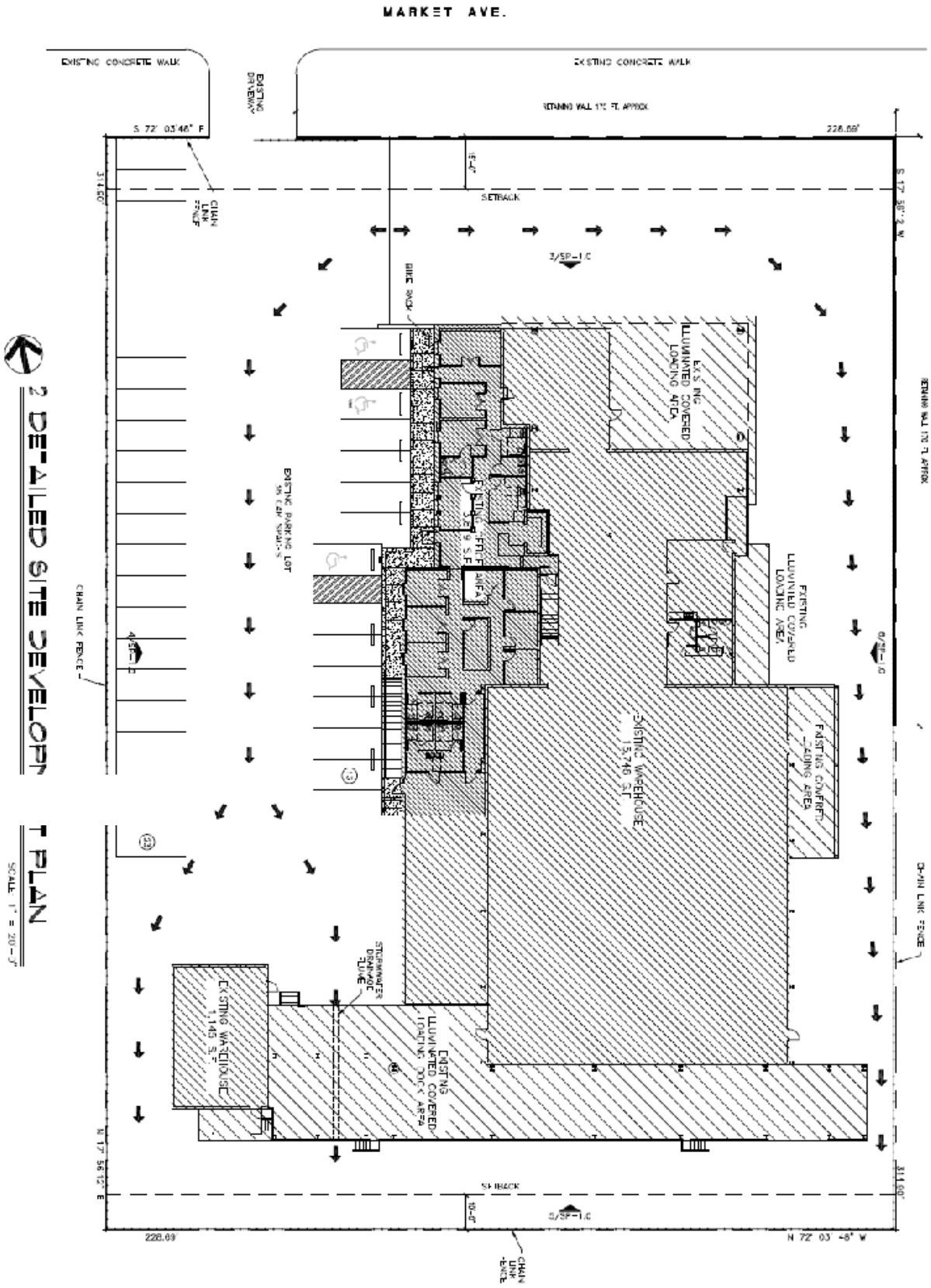
1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Special Contract dated October 23, 1956

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



Unit 4
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.

-1-

(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.
Fuiminates. (FULMINATES)
Anhydrous hydrazine.
Ammonium nitrate.
Dinitroresorcinol.
Dinitroteiuene.
Guanidine nitrate.
Guncutton (Cellulose, Nitrate or Pyroxylin).
Hexamine.
Nitroglycerine.
Petn.
Pictic 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.

(3) 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.