City of El Paso – City Plan Commission Staff Report

Case No:	PZRZ14-00027 (Related to Detailed Site Development Plan Application PZDS14-00027)
Application Type:	Rezoning
CPC Hearing Date:	August 28, 2014
Staff Planner:	Andrew Salloum, 915-212-1613, salloumam@elpasotexas.gov
Location:	820 Redd Road
Legal Description:	A portion of Lot 27, Block 123, Chaparral Park Subdivision Unit 33, City of El Paso, El Paso County, Texas
Acreage:	2.023 acres
Rep District:	1
Current Zoning:	A-O/c (Apartment/Office/condition)
Existing Use:	Daycare
C/SC/SP/ZBA/LNC:	C: Ordinance No. 010264 dated October 23, 1990 (see Attachment #4)
Request:	From A-O/c (Apartment/Office/condition) to C-1/c (Commercial/condition)
Proposed Use:	Retail
Property Owner:	George M. Dipp, Jr.
Representative:	Bearing Development, LLC

SURROUNDING ZONING AND LAND USE
North: C-1/c (Commercial/conditions) / Retail
South: R-3 (Residential) / Vacant, Single-family dwellings
East: C-1/c (Commercial/condition) / Medical Office
West: R-3/A (Residential) / Single-family dwellings

PLAN EL PASO DESIGNATION: G-4, Suburban (Walkable) (Northwest Planning Area)
NEAREST PARK: Francisco Delgado Park (3,685 feet)
NEAREST SCHOOL: Franklin High School (1,413 feet)

NEIGHBORHOOD ASSOCIATIONS
Upper Valley Improvement Association
Upper Mesa Hills Neighborhood Association
Coronado Neighborhood Association
Save the Valley

NEIGHBORHOOD INPUT
Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on July 30, 2014. When the CPC meeting was rescheduled for August 28, 2014, a re-notification was mailed out on August 13, 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, 1990, City Council approved a rezoning request for the subject property from R-3 (Residential) to A-O/c (Apartment/Office/condition) and imposed a condition by Ordinance No. 010264 (see Attachment #4) as follows:

> *Prior to the issuance of a building permit for Parcel A, B, C, or E, a detailed site development plan must be reviewed by City Plan Commission and approved by City Council for each parcel requiring the permit.*

The applicant is submitting the application for detailed site development plan review concurrently with the rezoning application.

APPLICATION DESCRIPTION

The applicant is requesting to rezone the subject property from A-O/c (Apartment/Office/condition) to C-1/c (Commercial/condition) to allow for retail uses. Retail uses are not permitted in A-O (Apartment/Office) zone district. The subject property is 2.023 acres in size and is currently used as a daycare. The existing structure will be demolished. The conceptual site plan shows three new retail buildings. Access to the subject property is proposed from Redd Road. This application is related to detailed site development plan application PZDS14-00027.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of rezoning the subject property from A-O/c (Apartment/Office/condition) to C-1/c (Commercial/condition). The recommendation is based on the compatibility with surrounding land use and the existing C-1 (Commercial) zoned properties to the north and east of the subject property and the compliance with the Plan El Paso land use designation, G-4, Suburban (Walkable) in the Northwest Planning Area.

Plan El Paso- Future Land Use Map Designation

All applications for rezoning 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:

Open Space Advisory Board

On August, 6, 2014, the OSAB voted 7-0 to recommend approval of the rezoning request.

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

Recommend approval of rezoning.

City Development Department - Land Development

No objections.

Fire Department

The Fire Department has no objections to the rezoning case of PZRZ14-00027.

El Paso Water Utilities

EPWU does not object to this request.

Water:

1. There is an existing 12-inch diameter water main extending along Redd Road that is available for service, the water main is located approximately 27-ft north from the center line of the right-of-way.
2. There is an existing 30-inch diameter transmission water main extending along Redd Road, the water main is located approximately 35-ft north from the center line of the right-of-way. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.
3. EPWU records indicate an active 3/4-inch water meter serving the subject property. The service address for this meter is 820 Redd Road.

Sanitary Sewer:

There is an existing 12-inch diameter sanitary sewer main extending along Redd Road that is available for service, the sewer main is located approximately 20-ft south from the center line of the right-of-way.

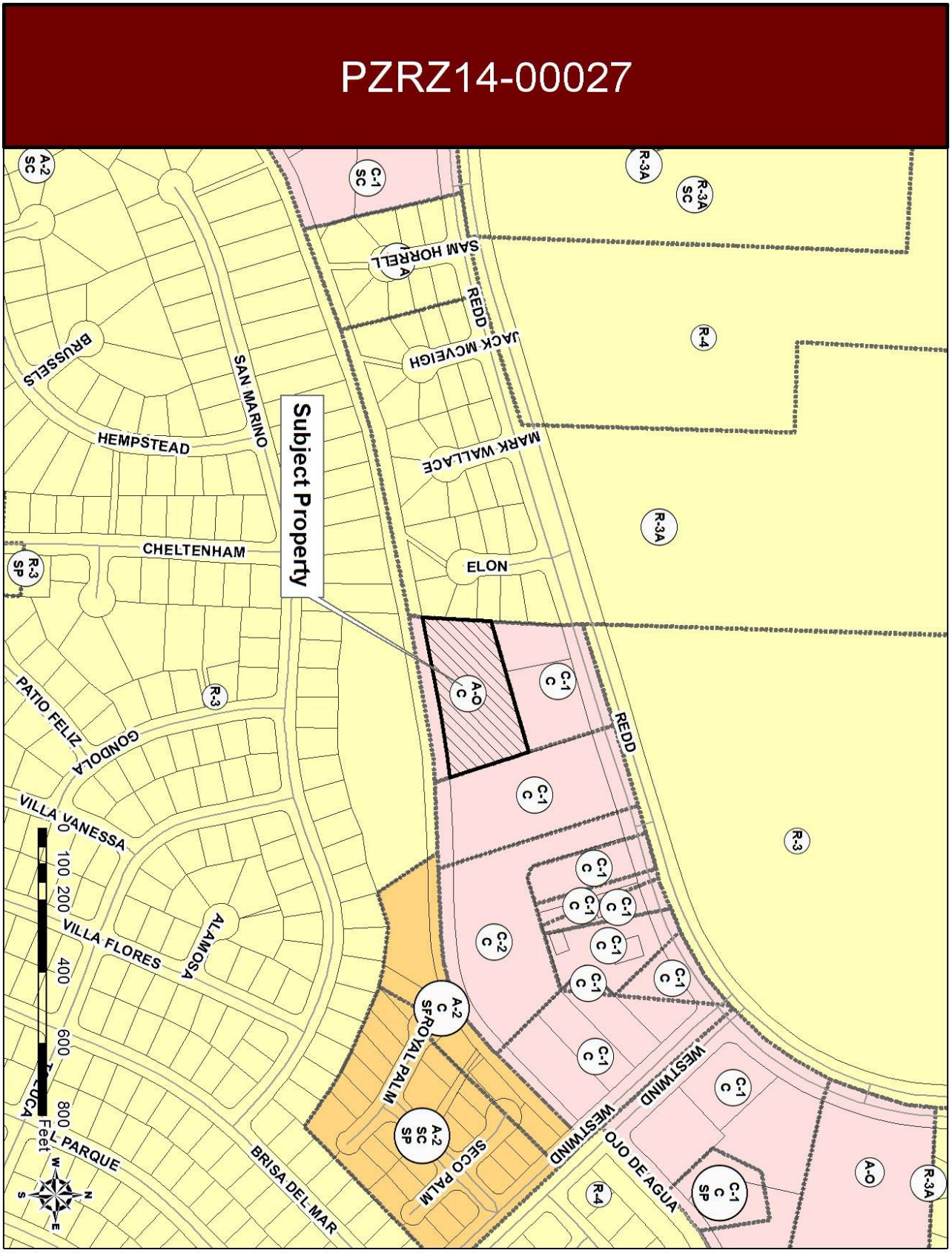
General:

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:

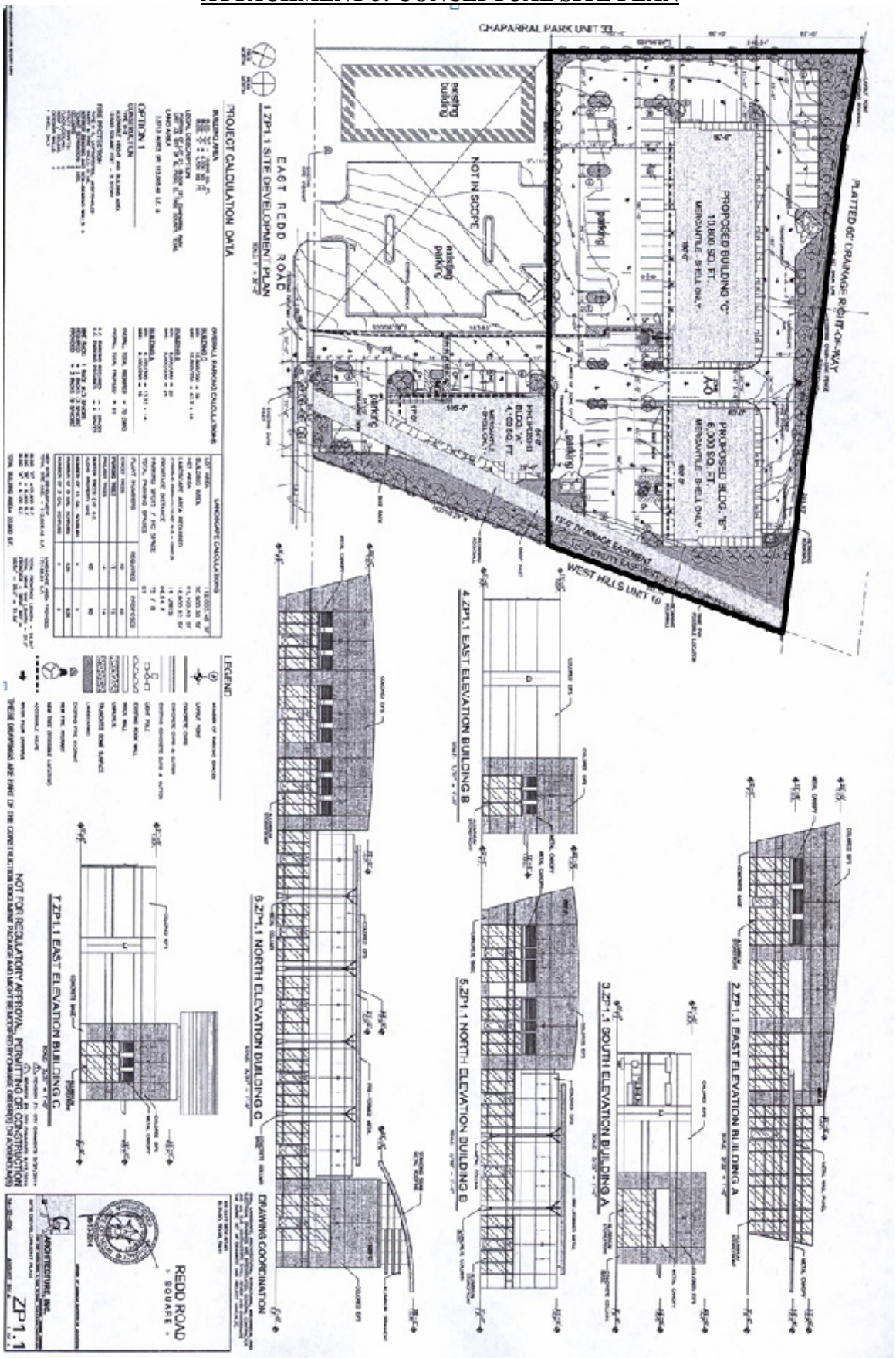
Attachment 1: Zoning Map
Attachment 2: Aerial Map
Attachment 3: Conceptual Site Plan
Attachment 4: Ordinance No. 010264, dated October 23, 1990

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: CONCEPTUAL SITE PLAN



ATTACHMENT 4: ORDINANCE NO. 010264, DATED OCTOBER 23, 1990

010264

AN ORDINANCE CHANGING THE ZONING OF PORTIONS OF H. G. FOSTER SURVEY #256 AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO CITY CODE.

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

That the zoning of H. G. Foster Survey #256, as more particularly described by metes and bounds in the attached Exhibit "A", be changed as follows:

From R-3 to A-O (Apartment/Office) Parcel A (6.676 ac.) (to permit apartments/offices)

From R-3 to C-1 (Commercial) Parcel B (10.032 ac.) (to permit commercial uses)

From R-3 to C-1 (Commercial) Parcel C (6.489 ac.) (to permit commercial uses)

From R-3, A-2 and C-1 to R-4 (Residential) Parcel D (9.042 ac.) (to permit single-family/duplexes)

From R-3 to A-2 (Apartment) Parcel E (1.697 ac.) (to permit apartments and church use)

within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following condition which is necessitated by and attributable to the increased intensity of use generated by the changes of zoning, in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

Prior to the issuance of a building permit for Parcel A, B, C, or E, a detailed site development plan must be reviewed by City Plan Commission and approved by City Council for each parcel requiring the permit.

This condition runs with the land, is a charge and servitude thereon, and binds the current property owner and any successors in

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title. The City may enforce this conditions by injunction, by rescission of the zoning which is made appropriate as a result of this condition, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above condition in its discretion without the consent of any third person who may be benefitted thereby, and without affecting the validity of this ordinance.

PASSED AND APPROVED this 23d day of October, 1990.

THE CITY OF EL PASO

Mayor

ATTEST:

City Clerk

I certify that the zoning map has been revised to reflect the amendment of ordinance # 10264

By Date 3-22-91

APPROVED AS TO FORM:

Assistant City Attorney

APPROVED AS TO CONTENT:

Roy Gilyard
Department of Planning, Research and Development

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED: T-9/J-R

3-22-91 COUNTER
3-22-91 ORIGINAL
3-22-91 Bldg. Inspection
3-22-91 CONTROL

(ACKNOWLEDGEMENT ON NEXT PAGE)

2

010264

ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____day of _____, 1990, by SUZANNE S. AZAR, as Mayor of the CITY OF EL PASO.

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

My Commission Expires:
_____

CC2/klt
Z5601.ORD
11/01/90

PREPARED FOR: Highland Four, Joint Venture
Being a portion of Tract 2
H.G. Foster Survey No. 256
And a portion of the Southerly right-of-way line of Redd Road
City of El Paso, El Paso County, Texas
August 14, 1990

P R O P E R T Y D E S C R I P T I O N

(P A R C E L " A ")

(PROPOSED ZONING FROM R-3 TO A-O)

Description of a 6.6755 acre parcel of land being a portion of Tract 2, H.G. Foster Survey No. 256 and a portion of the Southerly right-of-way line of Redd Road, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows to wit;

Starting at the intersection of the centerline of Redd Road and the common Tract line between Tracts 1 and 2, H.G. Foster Survey No. 256, said point being the "TRUE POINT OF BEGINNING"

Thence North 69`53'32" East along the centerline of Redd Road a distance of 527.37 feet to a point;

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SEP 11 REC'D
PLANNING DEPARTMENT

Thence South 20`06'28" East a distance of 547.79 feet to a point lying along the Northerly right-of-way line of a Proposed 60-foot wide drainage right-of-way;

Thence South 85`05'46" West along said Northerly right-of-way line a distance of 188.37 feet to a point;

Thence 211.85 feet along an arc of a curve to the left along said Northerly right-of-way line, whose interior angle is 09`02'04", whose radius is 1343.53 feet, and whose chord bears South 80`34'44" West a distance of 211.63 feet to a point;

Thence South 76`03'42" West along said Northerly right-of-way line a distance of 294.92 feet to a point lying along the common line between Tract 2, H.G. Foster Survey No. 256 and the most Easterly boundary line of the Proposed Falcon Hills Unit Ten Subdivision;

Thence North 00`06'28" West along said common line a distance of 454.88 feet back to the " TRUE POINT OF BEGINNING ", and said parcel containing 290,786.19 square feet or 6.6755 acres of land more or less.

Bradley Roe R.P.S. 2449