City of El Paso – City Plan Commission Staff Report

Case No: PZRZ13-00027
Application Type: Rezoning
CPC Hearing Date: October 17, 2013
Staff Planner: Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

Location: 9951 Taj Mahal Street
Legal Description: Lots 17-20, Block 2, Sahara Subdivision, City of El Paso, El Paso County, Texas
Acreage: 0.5510 acres
Rep District: 4
Existing Zoning: C-1/sc (Commercial/special contract)
Existing Use: Vacant
Request: From C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract)
Proposed Use: Automobile Sales

Property Owner: Juan Gandara
Representative: Jose Uresti

SURROUNDING ZONING AND LAND USE
North: C-1/sc (Commercial/special contract) / Retail
South: C-1/sc (Commercial/special contract) / Vacant
East: R-4 (Residential) / single-family dwellings
West: C-3/c/sc (Commercial/condition/special contract) / Automobile sales and retail

PLAN EL PASO DESIGNATION: G-3, Post-War
NEAREST PARK: Milagro Park (3,695 feet)
NEAREST SCHOOL: Parkland Elementary (2,596 feet)

NEIGHBORHOOD ASSOCIATIONS
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 September 18, 2013. The Planning Division received a letter in opposition to the rezoning request, (see Attachment 5, on page 13).

APPLICATION DESCRIPTION
The applicant is requesting to rezone the subject property from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract) in order to allow for automobile sales. The subject property is 0.5510 acres in size and is currently vacant. Access to the subject property is proposed from Sahara Lane.

There are 4 conditions imposed in Special Contract Ordinance No. 6245 dated August 8, 1978, (see Attachment #4, page 7-12). Condition 1A requires that a detailed site development plan shall be reviewed and approved by City Plan Commission. All remaining conditions will be reviewed and complied with at the time of building permit.

PLANNING DIVISION RECOMMENDATION
The Planning Division recommends **denial** of rezoning the subject property from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract). The C-3 (Commercial) zone district is incompatible with surrounding R-4 (Residential) zone district and uses immediately adjacent to the subject

property. The requested C-3 (Commercial) will permit very intense uses which will increase commercial traffic into the residential streets and neighborhood such as contractor yard, major motor vehicle repair, automobile sale, rental, and storage, warehouse club, and Recreational Vehicle park. The proposed C-3 will result in a change in character of the established residential neighborhood. Also, this development is not in support of the Plan El Paso land use designation of G-3, Post-War.

Plan El Paso- Future Land Use Map Designation
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.

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.

The purpose of the C-3 (Commercial) district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

COMMENTS:

Planning Division - Transportation
1. Recommends that no commercial vehicular access from Sahara Lane be permitted.

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 objections.

City Development Department - Land Development
No objections.

Fire Department
No objections.

El Paso Water Utilities
1. EPWU does not object to this request.

EPWU-PSB Comments
Water:
2. There is an existing six (6) inch diameter water main that extends along Taj Mahal Street on the eastern boundary of the subject property. This water main is available for service.
3. There is an existing six (6) inch diameter water main that extends along Sahara Ave. approximately 13 feet north of the street centerline. This water main is available for service.
3. Previous water pressure readings from fire hydrant #166, located on the eastern side of Taj Mahal Street fronting the subject property, have yielded a static pressure of 90 pounds per square inch (psi), a residual

pressure of 84 psi and a discharge of 1342 gallons per minute (gpm).
4. 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:
4. There is an existing eight (8) inch diameter sanitary sewer main that extends along Sahara Ave. The main is located approximately 5 feet south of the street centerline. This sanitary sewer main is available for service.
5. There is an existing eight (8) inch diameter sanitary sewer main along Taj Mahal Street fronting the subject property. This sewer main is available for service.
6. Application for additional water services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. 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 lines and appurtenances.

CITY PLAN COMMISSION OPTIONS

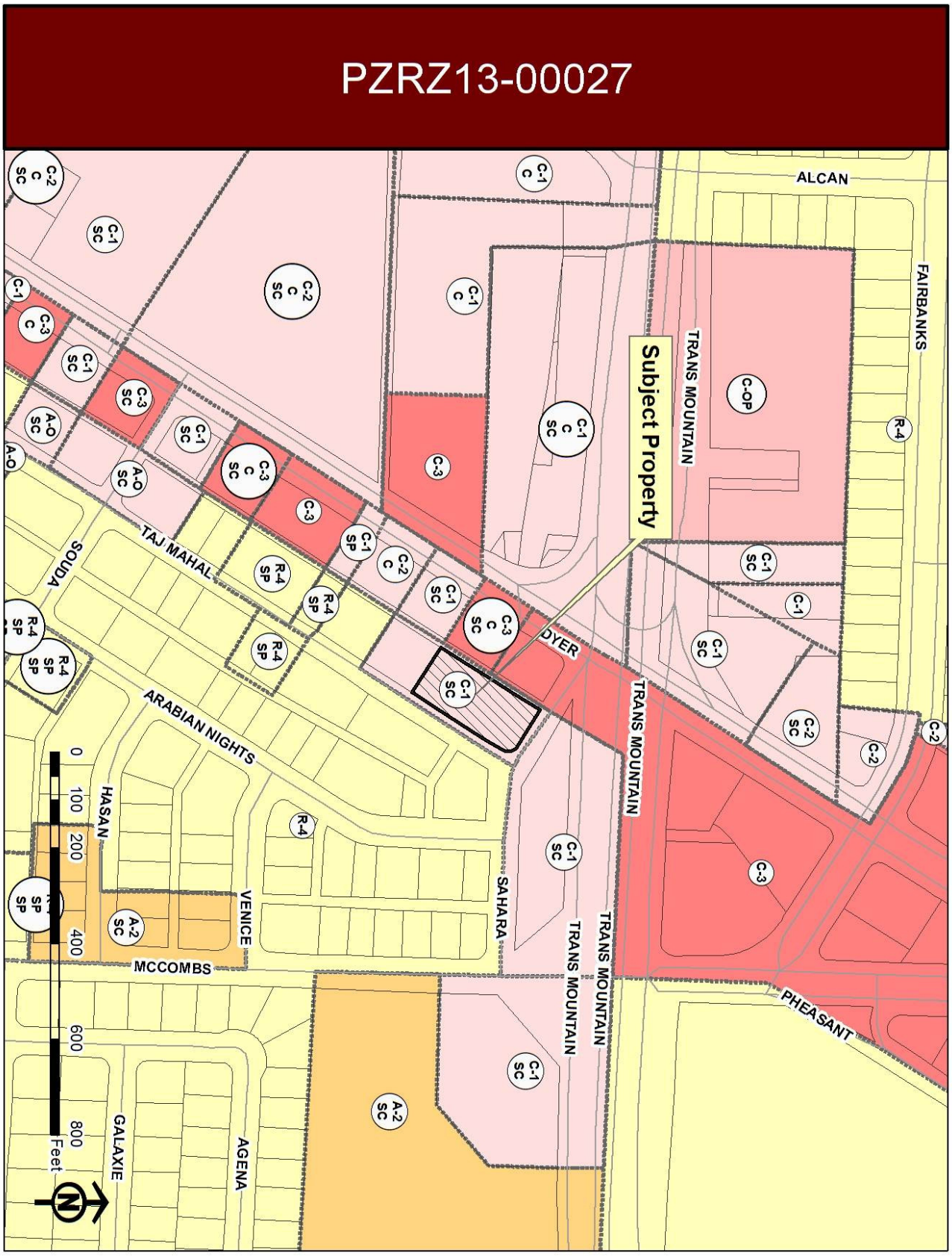
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application:

1. Recommend approval of the application finding that the rezoning 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 rezoning 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 rezoning does not conform to the review criteria in Plan El Paso as reflected in CPC report or other criteria identified in the Plan by the CPC.

Attachments:

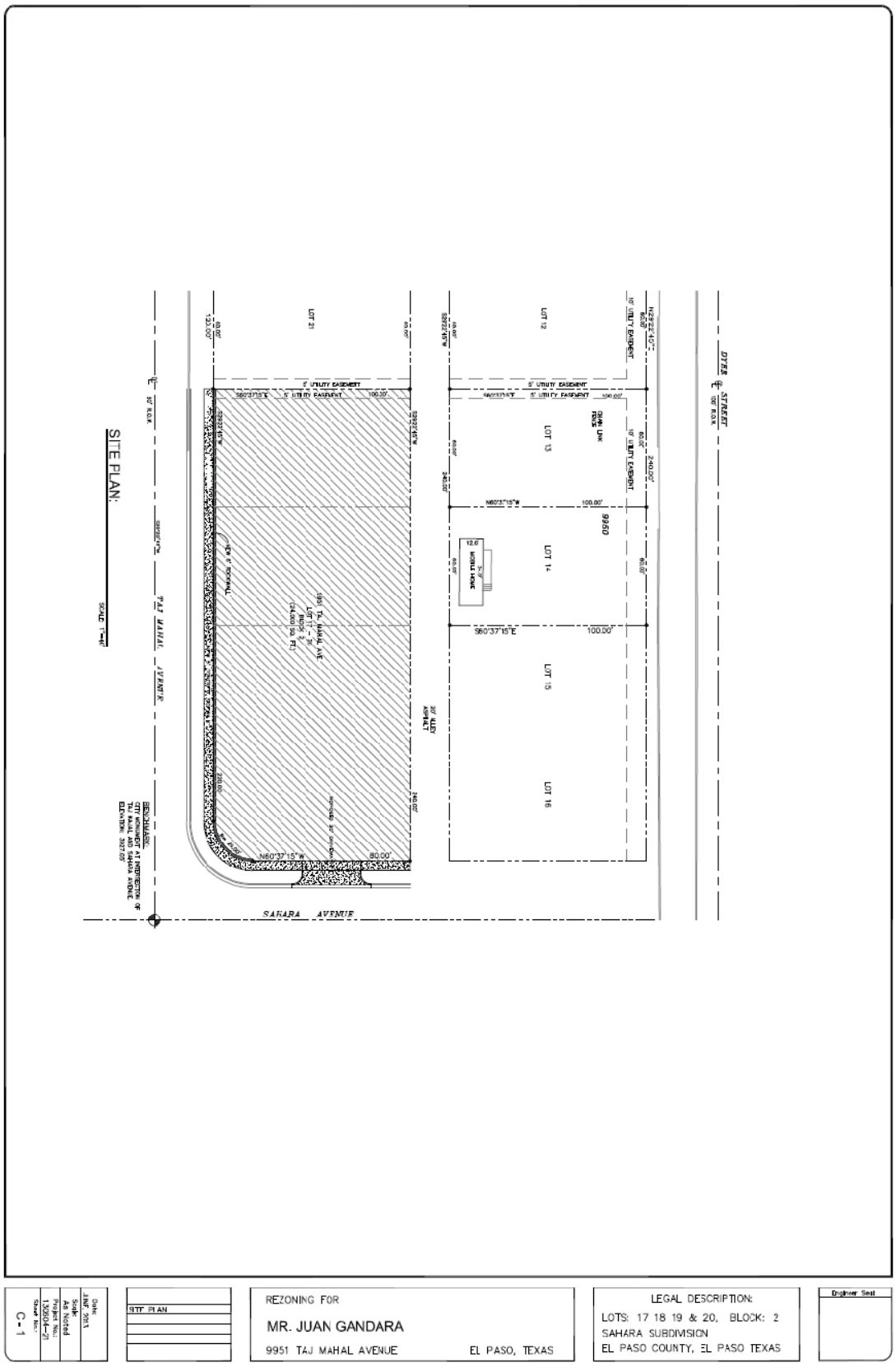
Attachment 1: Zoning Map
Attachment 2: Aerial Map
Attachment 3: Conceptual Site Plan
Attachment 4: Special Contract Ordinance No. 6245 dated August 8, 1978
Attachment 5: Opposition Letter

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: CONCEPTUAL SITE PLAN



ATTACHMENT 4: Special Contract Ordinance No. 6245 dated August 8, 1978

8/8/78

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-Tem

ATTEST:

City Clerk

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED:
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 revised to reflect the amendment of ordinance #6245
By R. Gonzalez Date 8-23-78

6245
78-4182

CONTRACT

This contract, made this 21 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 by 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 by 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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THE CITY OF EL PASO

By _____
Mayor Pro-Tem

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
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.

_____
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.

_____
Notary Public in and for El Paso County, Texas

My Commission Expires:

4/30/79

78-428

THE STATE OF TEXAS)

COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared Don M. Pendleton, Mayor Pro-Tem, of the City of El Paso, known to me to be the person 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 8th day of August, 1978.

Angela C. Guillen
Notary Public in and for El Paso County, Texas

My Commission Expires:
ANGELA C. GUILLEN, Notary Public
In and for the County of El Paso, Texas
My Commission Expires 9/30/78

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ATTACHMENT 5: OPPOSITION LETTER

Carlos Chiong
9933 Arabian Nights St.
El Paso, TX 79924-4804

September 24, 2013

The City Plan Commission
c/o Planning Division, 2nd Floor
222 S. Campbell Street
El Paso, TX 79901-1196

Gentleman:

I am opposed to any kind of commercial business in front of a residential area.

Sincerely,

Carlos Chiong

Case No. PZST13-00027