City of El Paso – City Plan Commission Staff Report

REVISED

Case No: PZRZ13-00031
Application Type: Rezoning
CPC Hearing Date: November 14, 2013
Staff Planner: Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

Location: 5332 Marcillus Avenue
Legal Description: A portion of Tracts 5 and 6, Milagro Acres, City of El Paso, El Paso County, Texas
Acreage: 0.23
Rep District: 4
Current Zoning: C-1 (Commercial)
Existing Use: Duplex
C/SC/SP/ZBA/LNC: No
Request: From C-1 (Commercial) to R-4 (Residential)
Proposed Use: Duplex

Property Owner: Olga R. Sanchez
Representative: Olga R. Sanchez

SURROUNDING ZONING AND LAND USE
North: C-1 (Commercial) / Motor vehicle repair, minor
South: R-4 (Residential) / Single-family dwellings
East: C-1 (Commercial) / Cash Pawn Shop
West: R-4 (Residential) / Single-family dwellings

PLAN EL PASO DESIGNATION: G-3, Post-War
NEAREST PARK: Milagro Park (2,853 feet)
NEAREST SCHOOL: Dowell Elementary (3,084 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 October 30, 2013. The Planning Division has not received any phone calls or letters in support or opposition to the rezoning request.

CASE HISTORY

On April 14, 1966, City Council approved the rezoning request for the subject property from R-4 (Residential) to C-1 (Commercial) and imposing conditions by Ordinance No. 3499 (see Attachment #4).

On October 23, 1979, City Council approved the release of all special contract conditions.

APPLICATION DESCRIPTION

The applicant is requesting to rezone the subject property from C-1 (Commercial) to R-4 (Residential) in order to allow for a duplex. The existing duplex is not permitted in C-1 (Commercial) district. In 2006, the property started being used as a duplex. Considering the surrounding land uses, the R-4 (Residential) is the most-compatible zoning district permitting the existing use. The subject property is 0.23 acres in size. The detailed site plan shows the existing 1,086 sq. ft. duplex with 2-driveways. Access to the subject property is

provided from Marcillus Avenue. If rezoned to R-4 (Residential), the lot will comply with all dimensional standards for the zone:

Lot & Dwelling Size / Building Setback	Required (Minimum)	Proposed (Existing)
Lot Area	7,000 sq. ft.	10,000 sq. ft.
Lot Width	70 ft.	100 ft.
Lot Depth	90 ft.	100 ft.
Front Yard	10 ft., except that a 20 ft. driveway must be provided	20 ft.
Rear Yard	10 ft.	28 ft. 2 in.
Cumulative Front & Back Yard	45 ft.	48 ft. 2 in.
Side Yard	5 ft.	12 ft. 6 in. and 10 ft. 5in.
Side Street Yard	10 ft.	N/A
Height	35 ft.	12 ft.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of rezoning the subject property from C-1 (Commercial) to R-4 (Residential). The recommendation is based on the compatibility with the surrounding land uses and in compliance with the Plan El Paso future land use designation, 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 R-4 (Residential) district is to promote and preserve residential development within the city to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the districts will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

COMMENTS:

Planning Division - Transportation

1. No objections to the rezoning request.
2. TIA is not required.

City Development Department – Plan Review

No objections.

City Development Department - Land Development

No objections.

Fire Department

No objections to the rezoning cases as presented.

El Paso Water Utilities

1. EPWU-PSB does not object to this request.

Water:

2. There is an existing 6-inch diameter water main extending along Marcillus Avenue that is available for service, the water main is located approximately 10-ft north from the center line of the right-of-way.
3. EPWU records indicate two 3/4-inch water meters serving the subject property. The service address for these meters is 5332 Marcillus Avenue.
4. Previous water pressure tests from fire hydrant # 2821 located at the northeast corner of Corenell and Marcillus Avenues have yielded a static pressure of 98 (psi) pounds per square inch, a residual pressure of 90 (psi) pounds per square inch, and a discharge of 750 (gpm) gallons per minute.
5. 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:
6. There is an existing 8-inch diameter sanitary sewer main extending along Marcillus Avenue that is available for service, the sewer main is located approximately 5-ft north from the center line of the right-of-way.
General
7. 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

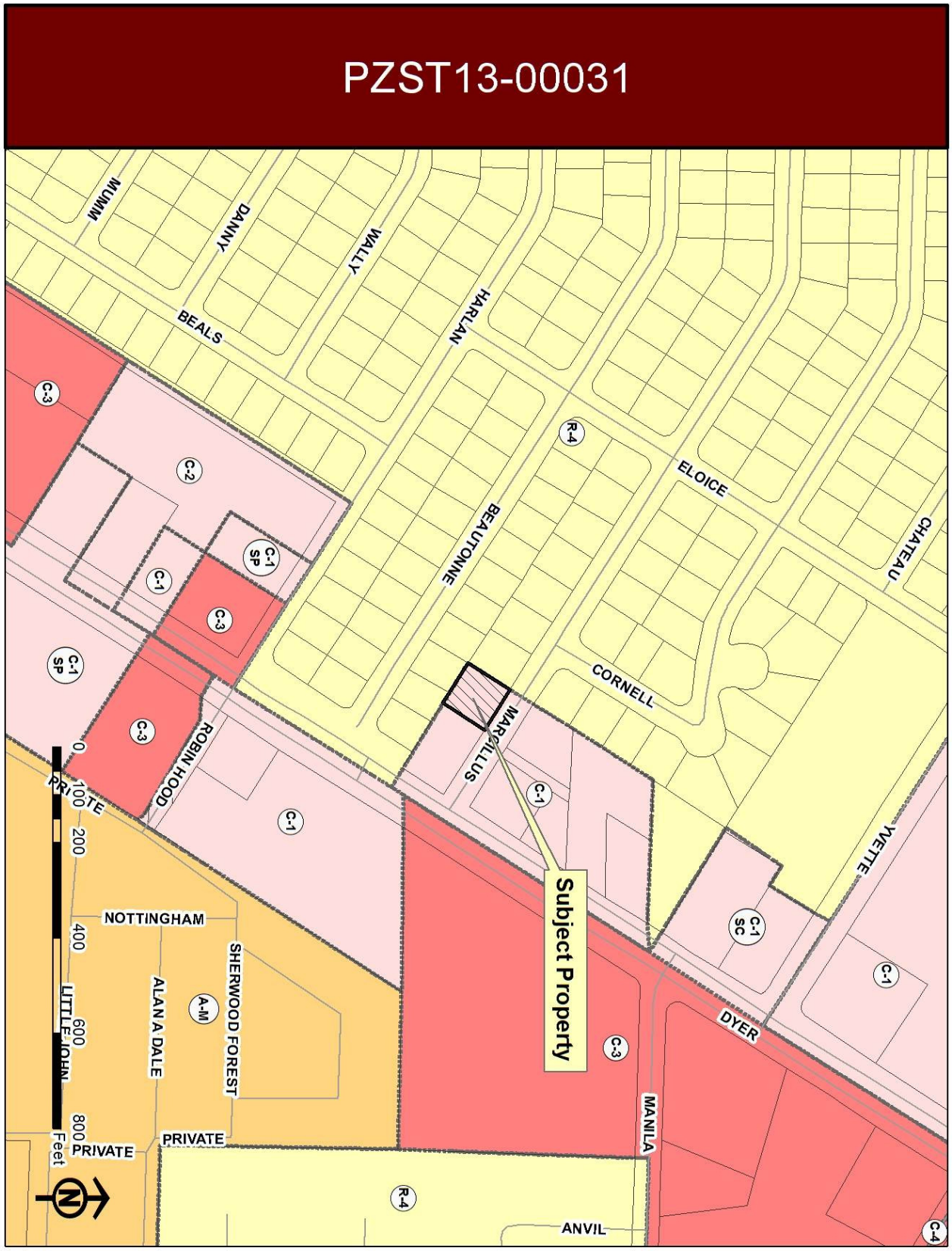
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application:

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.

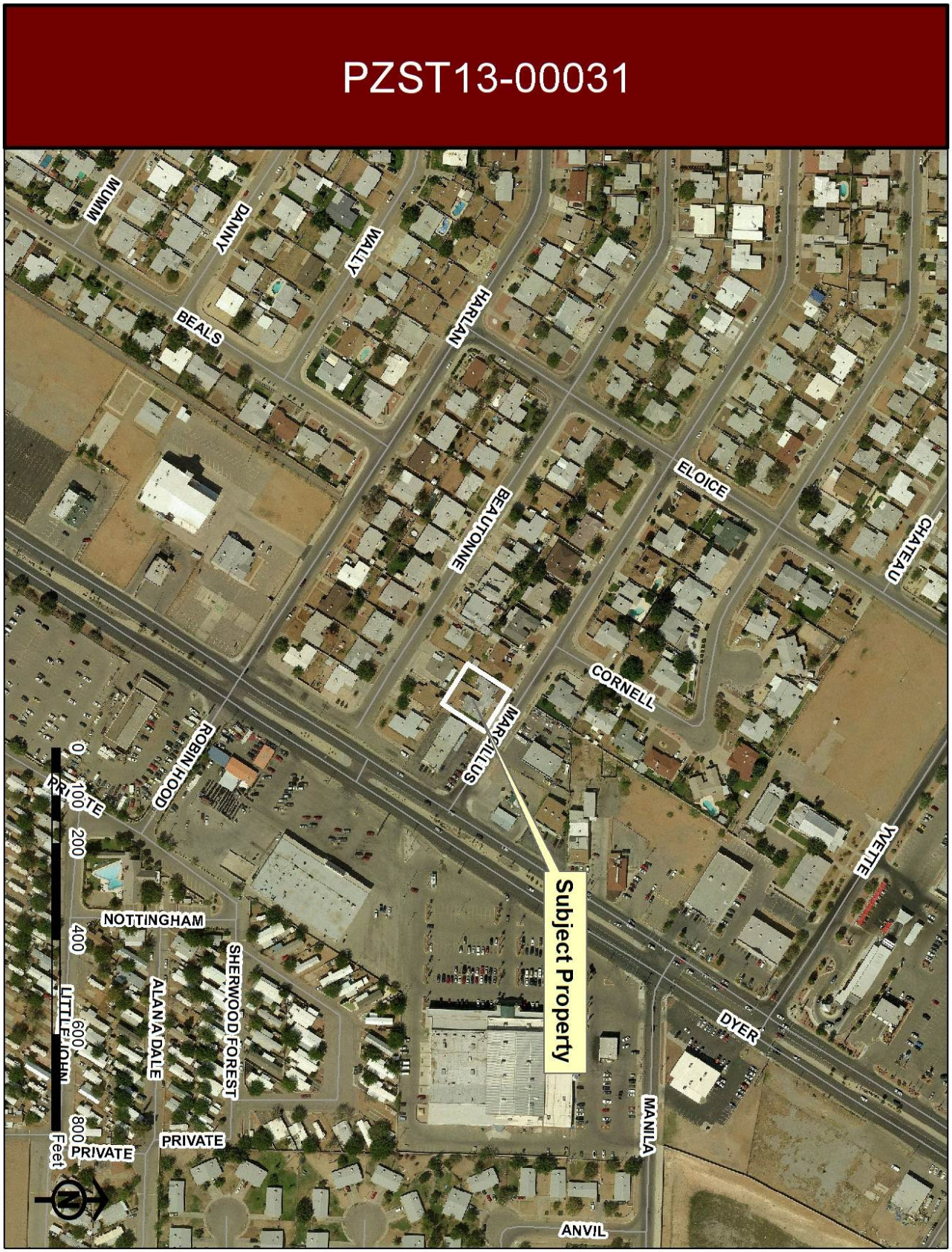
Attachments:

Attachment 1: Zoning Map
Attachment 2: Aerial Map
Attachment 3: Detailed Site Plan
Attachment 4: Ordinance No. 3499 (These conditions have all been released and no longer apply).

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP



ATTACHMENT 3: DETAILED SITE PLAN

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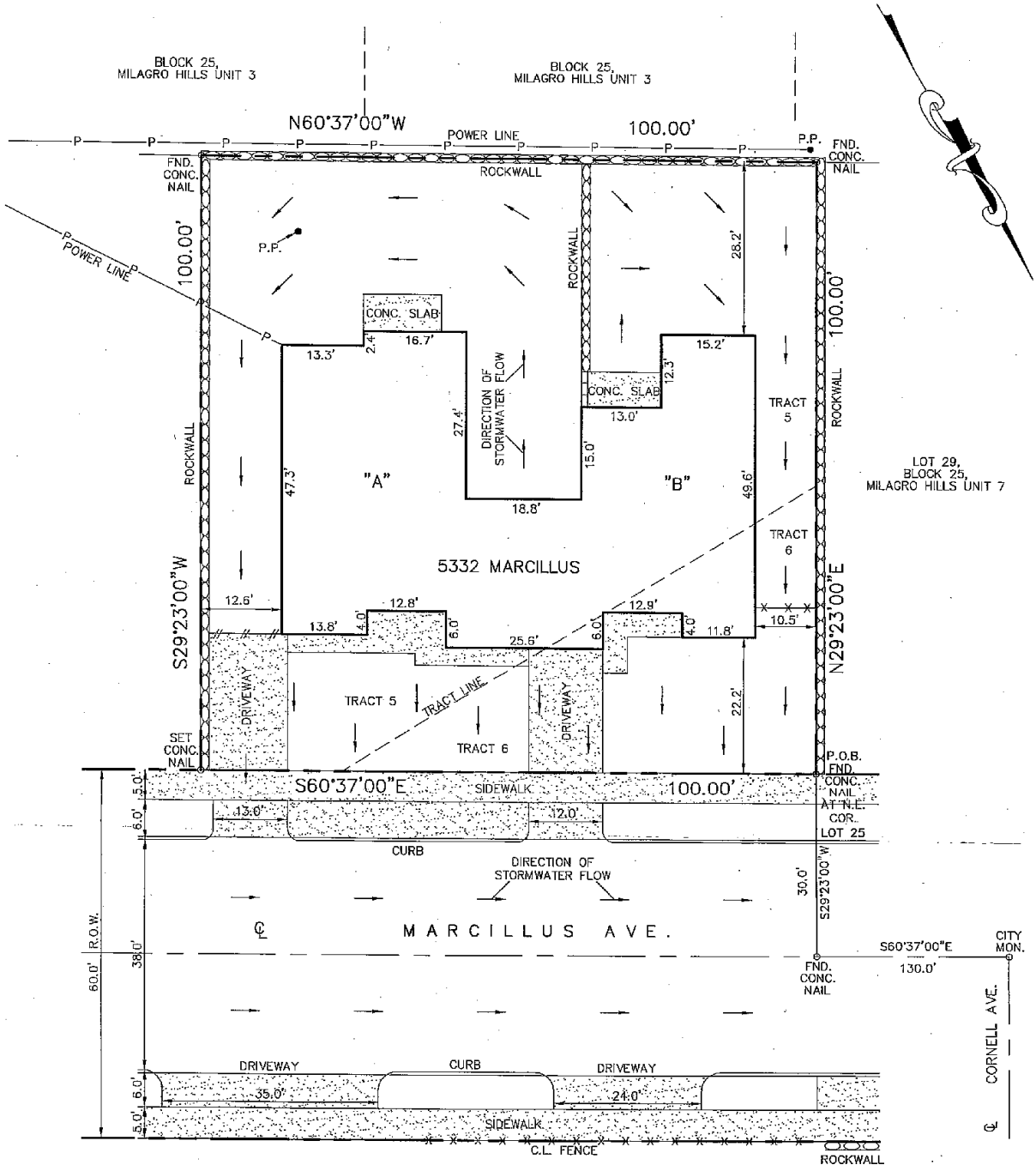

ATTACHMENT 4: ORDINANCE NO. 3499
(THESE CONDITIONS HAVE ALL BEEN RELEASED AND NO LONGER APPLY)

3499

AN ORDINANCE CHANGING THE ZONING OF PORTIONS OF ~~LOTS~~ TRACTS 4, 5, and 6, MILAGRO ACRES, 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 described portions of ~~Lots~~ TRACTS 4, 5, and 6, Milagro Acres, be changed to C-1 within the meaning of the Zoning Ordinance, and the zoning map of the City be revised accordingly:

Beginning at a point which is the northeasterly corner of Lot 29 of Block 25, Milagro Hills, Unit 7;

Thence South 60° 37' East along the south right of way line of Marcillus Avenue 238.52 feet to the P.C. of a curve to the right;

Thence 31.42 feet along the arc of a curve to the right; said curve having a central angle of 90°, a radius of 20.00 feet, and has a long chord bearing South 15° 37' East a distance of 28.28 feet to a point in the westerly right of way line of Dyer Street, (U.S. Highway 54);

Thence South 29° 23' West along said westerly right of way line of Dyer Street (U.S. Highway 54) 80 feet to a point;

Thence North 60° 37' West 258.52 feet to the southeasterly corner of Lot 29, Block 25 of Milagro Hills Unit 7;

122.2953

Thence North 29° 23' East 100.00 feet to the place of beginning and containing 0.592 acres of land, more or less.

PASSED AND APPROVED this 14th day of April, 1966.

[signature]
Mayor

ATTEST:

[signature]
City Clerk

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED:
4-14-66
4-14-66
4-14-66 CU
4-14-66 CONTROL

ZONING 1-300'

Freddy Sanchez

I certify that the zoning map has been revised to reflect the [illegible] of ordinance 3499
By David Garcia Date 4/18/66

3499

RESOLUTION

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

That the Mayor be authorized to sign a contract with Milagro Development Corporation, placing certain restrictions on property re-zoned by Ordinance No. 3499.

ADOPTED this 7th day of April, 1966.

Mayor

ATTEST:

City Clerk

CONTRACT

This contract, made this 14th day of April, 1966, by and between Milagro Development Corporation, First Party, and the City of El Paso, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning the following described portion of Tracts 4, 5 and 6, Milagro Acres, in the City of El Paso:

> Beginning at a point which is the northeasterly corner of Lot 29, Block 25, Milagro Hills, Unit 7;
>
> Thence South 60° 37' East along the south right of way line of Marcillus Avenue 238.52 feet to the P.C. of a curve to the right;
>
> Thence 31.42 feet along the arc of a curve to the right; said curve having a central angle of 90°, a radius of 20.00 feet, and has a long chord bearing South 15° 37' East a distance of 28.28 feet to a point in the westerly right of way line of Dyer Street, (U. S. Highway 54);
>
> Thence South 29° 23' West along said westerly right of way line of Dyer Street (U. S. Highway 54) 80 feet to a point;
>
> Thence North 60° 37' West 258.52 feet to the southeasterly corner of Lot 29, Block 25 of Milagro Hills Unit 7;
>
> Thence North 29° 23' East 100.00 feet to the place of beginning and containing 0.592 acres of land, more or less.

In order to remove certain objections to such rezoning, First Party covenants that if the property is rezoned to C-1 it shall be subject to the following restrictions:

(1) No construction work of any kind shall be done thereon until complete and detailed construction and plot plans have been submitted to the City Plan Commission of the City of El Paso for approval before any building permit is issued.

(2) A solid masonry wall not less than six feet nor more than eight feet in height shall be erected along the south boundary line of said property.

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This contract constitutes a restriction, condition and covenant running with the land, and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall embody this contract by express reference.

The City may enforce this contract by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restriction, condition and covenant in its discretion without the consent of any third person who may be benefited thereby.

Witness the following signatures and seals:

MILAGRO DEVELOPMENT CORPORATION

by _____
President

ATTEST:

_____
Secretary

THE CITY OF EL PASO

by _____
Mayor

ATTEST:

_____
City Clerk

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THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared James Doss, President of MILAGRO DEVELOPMENT CORPORATION, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that the same was the act of said corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and official seal this 8th day of April 1966.

BY
JAMES DOSS

Florine W. Stokley
Notary Public in and for ~~El Paso~~ Dallas County, ~~Texas~~
FLORINE W. STOKLEY, Notary Public
Dallas County, Texas

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared JUDSON F. WILLIAMS, Mayor of the City of El Paso, known to me to be the person and officer 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 14th day of APRIL, 1966.

William L. Rieger, Jr.
Notary Public in and for El Paso County, Texas.

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