

**CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: City Development Department, Planning Division

AGENDA DATE: Introduction: December 18, 2012
Public Hearing: January 15, 2013

CONTACT PERSON/PHONE: Michael McElroy, 915-541-4238, mcelroyms@elpasotexas.gov

DISTRICT(S) AFFECTED: 7

SUBJECT:

An ordinance changing the zoning of a portion of Lot 32, Richland Gardens, City of El Paso, El Paso County, Texas from R-3 (Residential) to A-O (Apartment-Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 400-404 Grace. Property Owner: Dorine R. Brown. PZRZ12-00029 (District 7) **THIS IS AN APPEAL CASE.**

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Denial Recommendation (6-0)

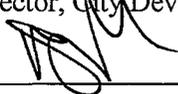
*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Mathew S. McElroy
Director, City Development Department



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 32, RICHLAND GARDENS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO A-O (APARTMENT-OFFICE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

That the zoning of a portion of Lot 32, Richland Gardens, City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from R-3 (RESIDENTIAL) TO A-O (APARTMENT-OFFICE), within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Karla M. Nieman
Assistant City Attorney



Mathew S. McElroy, Director
City Development Department

Prepared For: Dorine R. Brown.
A Portion of Lot 32, Block 18, Richland Gardens,
City of El Paso, El Paso County, Texas
July 31, 201
W.O. 061912-5

METES AND BOUNDS DESCRIPTION

DESCRIPTION OF A 0.220 ACRE PARCEL OF LAND BEING A PORTION OF LOT 32 BLOCK 18, RICHLAND GARDENS, CITY OF EL PASO, EL PASO COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW WIT:

COMMENCING AT A FOUND TXDOT BRASS CAP LOCATED AT THE WESTERLY RIGHT OF WAY PROPERTY LINE OF GRACE PLACE , WHICH IS ON THE BOUNDARY LINE OF RICHLAND GARDENS, THENCE NORTH 66° 02' 06" EAST A DISTANCE OF 44.08 FEET TO A FOUND TXDOT BRASS CAP POINT BEING THE "TRUE POINT OF BEGINNING";

THENCE NORTH 89° 47' 00" WEST A DISTANCE OF 96.49 FEET TO A SET "X" MARK ON CONCRETE MASONRY UNIT WALL;

THENCE SOUTH 00° 03' 00" EAST A DISTANCE OF 99.98 FEET, UNABLE TO SET;

THENCE SOUTH 89° 47' 08" WEST A DISTANCE OF 91.42 FEET TO FOUND TXDOT BRASS CAP;

THENCE NORTH 02° 57' 03" WEST A DISTANCE OF 100.09 FEET, BACK TO THE FOUND TXDOT BRASS CAP BEING THE " TRUE POINT OF BEGINNING" AND SAID PARCEL CONTAINING IN ALL 9,394 SQUARE FEET OR 0.220 ACRES OF LAND MORE OR LESS.



Bradley Roe

BRADLEY ROE R.P.L.S. 2449
Roe Engineering, L.C.

LOT 31, BLOCK 18
RICHLAND GARDENS

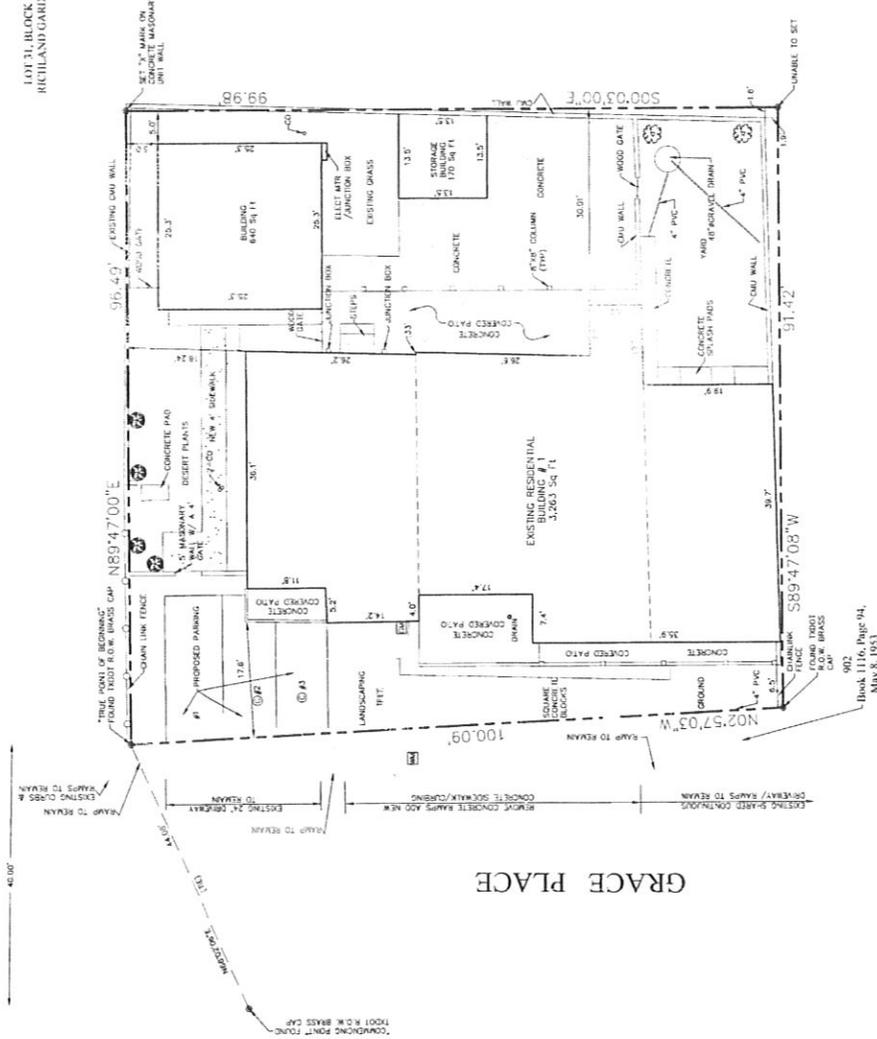
LOT 32, BLOCK 18
RICHLAND GARDENS

GRACE PLACE

LOT 17, BLOCK 18
RICHLAND GARDENS



SCALE: 1" = 10'



METES AND BOUNDS DESCRIPTION

DESCRIPTION OF A 0.220 ACRE PARCEL OF LAND BEING A PORTION OF LOT 32, BLOCK 18, RICHLAND GARDENS, CITY OF EL PASO COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: WIT:
 COMMENCING AT A FOUND TIE-BRASS CAP LOCATED AT THE ACCESSION POINT OF GRACE PLACE, WHICH IS ON THE BOUNDARY LINE OF RICHLAND GARDENS, THENCE NORTH 08° 07' 00" EAST 100.00 FEET TO A FOUND TIE-BRASS CAP, POINT BEING THE TRUE POINT OF BEGINNING;
 THENCE NORTH 87° 07' 00" WEST A DISTANCE OF 18.49 FEET TO A SET 4" MARK ON CONCRETE MASONRY UNIT WALL;
 THENCE SOUTH 09° 05' 00" EAST A DISTANCE OF 99.98 FEET UNABLE TO SET;
 THENCE SOUTH 89° 47' 00" WEST A DISTANCE OF 31.42 FEET TO FOUND TIE-BRASS CAP;
 THENCE NORTH 02° 57' 03" WEST A DISTANCE OF 100.09 FEET, BACK TO THE FOUND TIE-BRASS CAP BEING THE TRUE POINT OF BEGINNING; AND SAID PARCEL CONTAINS IN ALL 3,394 SQUARE FEET OR 0.220 ACRES OF LAND MORE OR LESS.

LEGEND

- ⊙ DENOTES SET 3/8" REBAR WITH YELLOW PLASTIC CAP STAMPED TX 2449, 402 D-CP, L.C. UNLESS OTHERWISE NOTED.
- ⊙ UNFOUNDED MARK
- ⊙ PROPOSED CLEARER INLET
- ⊙ EXISTING CLEARER INLET
- EXISTING INLET

PROPOSED ZONING REFORMATION

- FRONT SETBACK - 20 FEET
- REAR SETBACK - 20 FEET
- SIDE SETBACK - 10 FEET
- HEIGHT - 10 FEET
- REQUIREMENT OF MINIMUM DISTANCE FROM ALL ADJACENT PROPERTIES - 10 FEET

EXISTING ZONING INFORMATION

- FRONT SETBACK - 20 FEET
- REAR SETBACK - 20 FEET
- SIDE SETBACK - 10 FEET
- HEIGHT - 10 FEET

LOT 33, BLOCK 18
RICHLAND GARDENS

<p>NOTICE: The above plat and property are subject to the provisions of the Texas Flood Control Act of 1950 (Act 1950, Chapter 166, Acts of the 51st Legislature, Regular Session, 1950) and the Texas Flood Control Act of 1956 (Act 1956, Chapter 166, Acts of the 54th Legislature, Regular Session, 1956) and the Texas Flood Control Act of 1962 (Act 1962, Chapter 166, Acts of the 57th Legislature, Regular Session, 1962) and the Texas Flood Control Act of 1968 (Act 1968, Chapter 166, Acts of the 60th Legislature, Regular Session, 1968) and the Texas Flood Control Act of 1974 (Act 1974, Chapter 166, Acts of the 63rd Legislature, Regular Session, 1974) and the Texas Flood Control Act of 1980 (Act 1980, Chapter 166, Acts of the 66th Legislature, Regular Session, 1980) and the Texas Flood Control Act of 1986 (Act 1986, Chapter 166, Acts of the 69th Legislature, Regular Session, 1986) and the Texas Flood Control Act of 1992 (Act 1992, Chapter 166, Acts of the 72nd Legislature, Regular Session, 1992) and the Texas Flood Control Act of 1998 (Act 1998, Chapter 166, Acts of the 75th Legislature, Regular Session, 1998) and the Texas Flood Control Act of 2004 (Act 2004, Chapter 166, Acts of the 78th Legislature, Regular Session, 2004) and the Texas Flood Control Act of 2010 (Act 2010, Chapter 166, Acts of the 81st Legislature, Regular Session, 2010) and the Texas Flood Control Act of 2016 (Act 2016, Chapter 166, Acts of the 84th Legislature, Regular Session, 2016) and the Texas Flood Control Act of 2022 (Act 2022, Chapter 166, Acts of the 87th Legislature, Regular Session, 2022).</p>	<p>DATE: 10/17/22 10/20/22</p>	<p>REVISIONS: REVISIONS PER CITY PLANNER REVISIONS PER CITY PLANNER</p>	<p>BY: J.L. J.L.</p>	<p>SCALE: 1/4" = 1' N/A 1/8" = 1' N/A 1/16" = 1' N/A 1/32" = 1' N/A 1/64" = 1' N/A 1/128" = 1' N/A 1/256" = 1' N/A 1/512" = 1' N/A 1/1024" = 1' N/A 1/2048" = 1' N/A 1/4096" = 1' N/A 1/8192" = 1' N/A 1/16384" = 1' N/A 1/32768" = 1' N/A 1/65536" = 1' N/A 1/131072" = 1' N/A 1/262144" = 1' N/A 1/524288" = 1' N/A 1/1048576" = 1' N/A 1/2097152" = 1' N/A 1/4194304" = 1' N/A 1/8388608" = 1' N/A 1/16777216" = 1' N/A 1/33554432" = 1' N/A 1/67108864" = 1' N/A 1/134217728" = 1' N/A 1/268435456" = 1' N/A 1/536870912" = 1' N/A 1/1073741824" = 1' N/A 1/2147483648" = 1' N/A 1/4294967296" = 1' N/A 1/8589934592" = 1' N/A 1/17179869184" = 1' N/A 1/34359738368" = 1' N/A 1/68719476736" = 1' N/A 1/137438953472" = 1' N/A 1/274877906944" = 1' N/A 1/549755813888" = 1' N/A 1/1099511627776" = 1' N/A 1/2199023255552" = 1' N/A 1/4398046511104" = 1' N/A 1/8796093022208" = 1' N/A 1/17592186044416" = 1' N/A 1/35184372088832" = 1' N/A 1/70368744177664" = 1' N/A 1/140737488355328" = 1' N/A 1/281474976710656" = 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2012 DEC 13 PM 3:10

MEMORANDUM

DATE: December 3, 2012

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Michael McElroy, Planner

SUBJECT: PZRZ12-00029

The City Plan Commission (CPC), on November 15, 2012, voted 6-0 to recommend **denial** of rezoning the subject property from R-3 (Residential) to A-O (Apartment-Office).

The CPC found that the rezoning is not in conformance with the Plan El Paso. The CPC also determined that the rezoning does not protect the best interest, health, safety and welfare of the public in general; that the proposed use is not compatible with adjacent land uses; and the rezoning will have negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There were 3 people that attended the CPC meeting on November 15, 2012 to oppose the request from R-3 (Residential) to A-O (Apartment-Office) and Planning Division also received a letter in opposition to the request (see letter attached).

There was one (1) letter in **OPPOSITION** to this request.

Attachment:
Appeal Letter
Opposition Letter
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZRZ12-00029
Application Type: Rezoning
CPC Hearing Date: November 15, 2012
Staff Planner: Michael McElroy, 915-541-4238, mcelroyms@elpasotexas.gov
Location: 400 – 404 Grace
Legal Description: Being a Portion of Lot 32, Richland Gardens, City of El Paso, El Paso County, Texas
Acreage: 0.2157 acres
Rep District: 7
Zoning: R-3 (Residential)
Existing Use: Apartments
Request: R-3 (Residential) to A-O (Apartment-Office) (Related to PZST12-00017).
Proposed Use: Apartments
Property Owner: Dorine R. Brown
Representative: Roe Engineering, L.C.

SURROUNDING ZONING AND LAND USE

North: R-4/sc (Residential/special contract) / Single family home
South: C-4/sc (Commercial / special contract) / Retail
East: R-3 (Residential) / Auto storage yard
West: R-3 (Residential) / Vacant

Plan El Paso Designation: G3, Post-War (Mission Valley)

Nearest Park: Green Lilac Park (2,287 ft.)

Nearest School: North Loop Elementary (644 ft.)

NEIGHBORHOOD ASSOCIATIONS

Santa Lucia Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on October 29, 2012. The Planning Division received one (1) letter in opposition of the rezoning request.

APPLICATION DESCRIPTION

The request is to change the zoning from R-3 (Residential) to A-O (Apartment-Office) to allow for an existing apartment 4,000 square foot apartment building. The detailed site plan proposes an existing development consisting of 3 buildings, one of which serves as a storage building. Access is proposed from Grace.

CITY DEVELOPMENT DEPARTMENT -PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the rezoning to A-O (Apartment-Office) from R-3 (Residential).

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 A-O (Apartment-Office) district is to provide medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. Permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain non-residential uses and support.

COMMENTS:

City Development Department – Planning Division - Transportation

No objections to the rezoning request. Note: 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 - Land Development

Grading plan and permit shall be required.*

Storm Water Pollution Prevention Plan and/or permit required.*

Drainage plans must be approved by the City Development Department, Land Development Section.*

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

El Paso Fire Department

Recommend approval.

The current proposed 12 foot driveways "Do Not" meet the intent of the code; 503.2.1 Fire apparatus access roads shall have an unobstructed width of not less than 20 feet. D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. ** Note, A more detailed reviewed will be done by fire plan review during the permitting process. All conditions shall be met in accordance with the appropriate codes.

El Paso Water Utilities

1. EPWU-PSB Planning & Development section does not object to this request.

Water:

2. There is an existing 6-inch diameter water main along Grace Place fronting the subject property.
3. Previous water pressure readings from fire hydrant 1794 located at the northeast intersection of North Loop Drive and Grace Place have yield a static pressure of 94 pounds per square inch (psi), a residual pressure of 82 psi, and a discharge of 919 gallons per minute. The Owner should, for his own protection and at his own expense, install at the discharge side of the 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:

4. There is an existing 8-inch diameter sanitary sewer main along Grace Place fronting the subject

property.

General:

5. EPWU records indicate an existing ¾-inch meter serving the subject property.

6. EPWU requires a new service application to serve the site. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The owner 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:

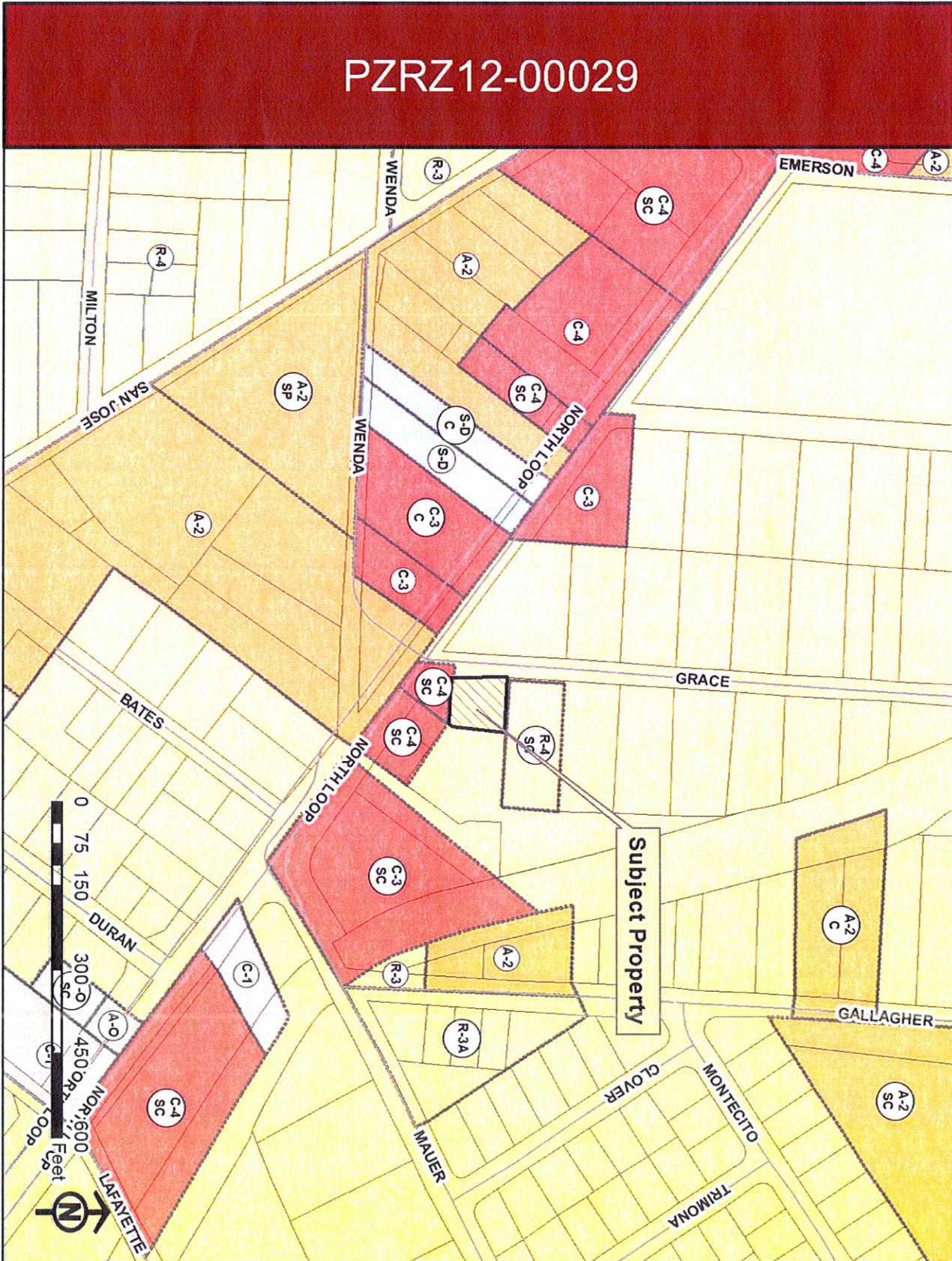
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into conformance 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 from the Plan by the CPC.

Attachments

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
- 4: Opposition Letter

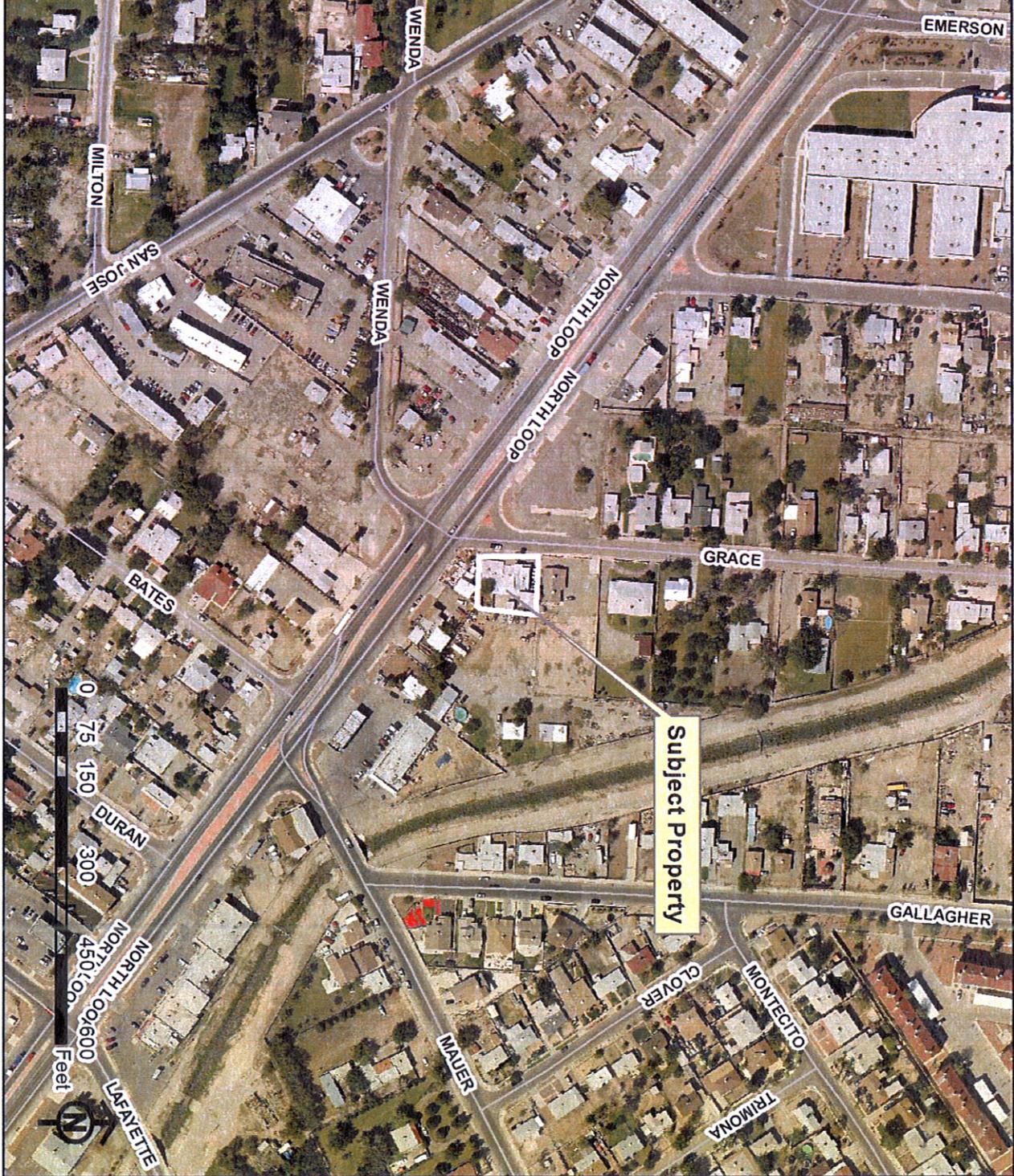
ATTACHMENT 1: ZONING MAP

PZRZ12-00029

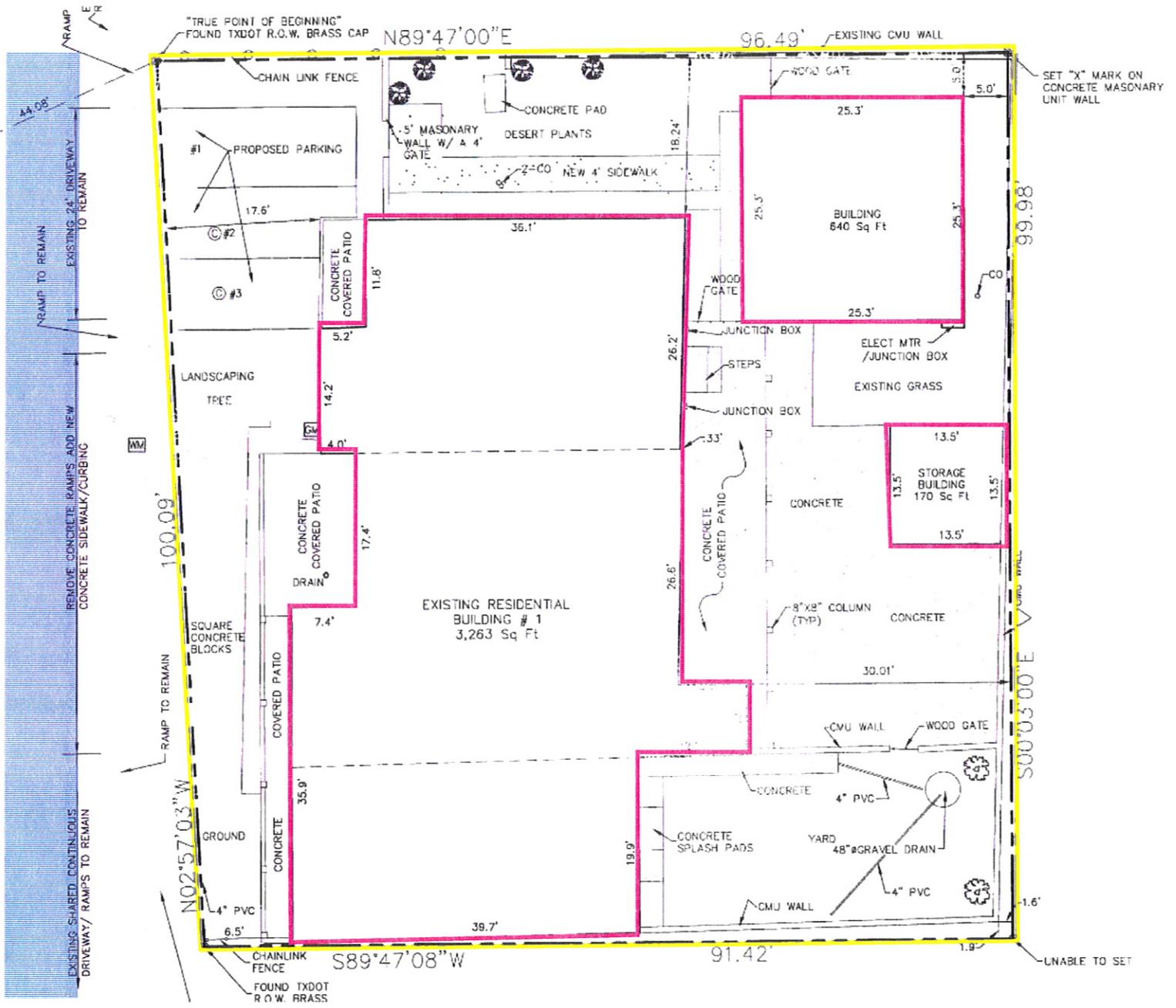


ATTACHMENT 2: AERIAL MAP

PZRZ12-00029



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: OPPOSITION LETTER

11-13-'12 10:01 TO-

65414725

FROM-

P0002

T-757

November 12, 2012

M Vasquez

417 Grace Pl

El Paso, TX 79915

RE Case No: PZST12-00017 & PZRZ12-00029

Dear Mr. Michael McElroy

I am against any changes such as rezoning the property from R-3 (Residential) to A-O (Apartment-Office) and a special permit to reduce rear and side building setbacks, as well as a 50% parking reduction.

We already have a hard time driving out of our street with the business in the corner because their customers block our view for us when we want to make a left turn.

Sincerely,

M. Vasquez

Roe Engineering, L.C.

Civil Engineering • Land Development • Planning • Surveying

CITY CLERK DEPT.
2012 NOV 15 PM 3:38

November 15, 2015

El Paso City Clerk
El Paso, Texas

Re: PZRZ12-00029 Rezoning R-3 to A-O
PZST12-00017 Special Permit

The referenced cases were denied at the City Plan Commission Meeting of November 15, 2012.

I request to be scheduled before City Council for appeal of both cases.

Sincerely,



Bradley Roe, P.E., R.P.L.S.