

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

DEPARTMENT: City Development Department, Planning Division

AGENDA DATE: Introduction: January 2, 2013
Public Hearing: January 29, 2013

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

DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance changing the zoning of the following real property known as:

Parcel 1: Portion of Lot 1, Block 11, Lomas Del Rey, Second Replat, City of El Paso, El Paso County, Texas, from R-3 (Residential) to C-1 (Commercial); and,

Parcel 2: Portion of Lot 1, Block 11, Lomas Del Rey, Second Replat, City of El Paso, El Paso County, Texas, from R-3 (Residential) to C-1 (Commercial);

And imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 109 Argonaut. Property Owner: OSRO Holdings LLC, A Texas Limited Liability Company. PZRZ12-00033 (District 1)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval Recommendation (7-0)

*****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 THE FOLLOWING REAL PROPERTY KNOWN AS:

PARCEL 1: PORTION OF LOT 1, BLOCK 11, LOMAS DEL REY, SECOND REPLAT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL); AND,

PARCEL 2: PORTION OF LOT 1, BLOCK 11, LOMAS DEL REY, SECOND REPLAT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL);

AND IMPOSING CONDITIONS. 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 *Parcel 1: Portion of Lot 1, Block 11, Lomas Del Rey, Second Replat, 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; *and, Parcel 2: Portion of Lot 1, Block 11, Lomas Del Rey, Second Replat, 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 as listed for **PARCEL 1: FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL); AND, PARCEL 2: FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL)**; within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

1. *That prior to the issuance of any building permits or certificates of occupancy, a detailed site development plan shall be required as per El Paso City Code.; and,*
2. *That all existing right-of-way encroachments are remedied prior to the issuance of any building permits or certificates of occupancy as shown on the required detailed site development plan.*

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen, City Clerk

(SIGNATURES CONTINUE ON FOLLOWING PAGE)

APPROVED AS TO FORM:

Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy, Director
City Development Department

EXHIBIT "A"

EXHIBIT "A"

PARCEL 1: A parcel of land containing 0.594 acres more or less, being a portion of Lot 1, Block 11, **LOMAS DEL REY SECOND REPLAT**, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof recorded in Book 24, Page 28, Plat Records of El Paso County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point, said point being in the northerly right of way line of Argonaut Drive, from which point the most northerly corner of Lot 1, Block 11, bears North $31^{\circ} 26' 17''$ East, a distance of 187.73 feet;

Thence, South $31^{\circ} 26' 17''$ West along said right of way line, a distance of 57.60 feet;

Thence, 82.43 feet along said right of way line and along the arc of a curve to the right, whose radius is 360.06 feet, whose interior angle is $13^{\circ} 07' 03''$, and whose chord bears South $37^{\circ} 59' 48''$ West a distance of 82.25 feet;

Thence, North $33^{\circ} 17' 59''$ West a distance of 227.00 feet;

Thence, North $56^{\circ} 42' 01''$ East a distance of 82.00 feet;

Thence, North $89^{\circ} 35' 54''$ East a distance of 57.17 feet;

Thence, South $33^{\circ} 17' 59''$ East a distance of 145.00 feet to the **POINT OF BEGINNING**, and containing in all 25,850.47 square feet or 0.594 acres of land, more or less.

EXHIBIT "A"

PARCEL 2: A parcel of land containing 0.577 acres more or less, being a portion of Lot 1, Block 11, **LOMAS DEL REY SECOND REPLAT**, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof recorded in Book 24, Page 28, Plat Records of El Paso County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point at the most easterly corner of Lot 1, Block 11; Thence, South $31^{\circ} 26' 17''$ West, along the northerly right of way line of Argonaut Drive, a distance of 187.73 feet;

Thence, $33^{\circ} 17' 59''$ East a distance of 145.00 feet;

Thence, South $89^{\circ} 35' 54''$ West a distance of 57.17 feet;

Thence, South $56^{\circ} 42' 01''$ West a distance of 82.00 feet;

Thence, North $33^{\circ} 17' 59''$ West a distance of 104.59 feet to a point on the northerly property line of said Lot 1;

Thence, South $89^{\circ} 31' 17''$ East along said property line a distance of 360.66 feet to the **POINT OF BEGINNING**, and containing in all 25,131.25 square feet or 0.577 acres of land more or less.

MEMORANDUM

DATE: December 19, 2012

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

FROM: Michael McElroy, Planner

SUBJECT: PZRZ12-00033

The City Plan Commission (CPC), on December 13, 2012, voted 7-0 to recommend **approval** of rezoning the subject property from R-3 (Residential) to C-1 (Commercial).

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

There were no communications in support or opposition to the rezoning request.

Attachment:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZRZ12-00033
Application Type: Rezoning
CPC Hearing Date: December 13, 2012
Staff Planner: Michael McElroy, 915-541-4238, mcelroyms@elpasotexas.gov
Location: 109 Argonaut
Legal Description: Parcel 1: Portion of Lot 1, Block 11, Lomas Del Rey, Second Replat, City of El Paso, El Paso County, Texas
Parcel 2: Portion of Lot 1, Block 11, Lomas Del Rey, Second Replat, City of El Paso, El Paso County, Texas
Acreage: Parcel 1: 0.594 acres
Parcel 2: 0.577 acres
Rep District: 1
Zoning: R-3 (Residential)
Existing Use: Private School
Request: Parcel 1: From R-3 (Residential) to C-1 (Commercial)
Parcel 1: From R-3 (Residential) to C-1 (Commercial)
Proposed Use: Office Building
Property Owner: OSRO Holdings LLC, A Texas Limited Liability Company
Representative: Georges Halloul

SURROUNDING ZONING AND LAND USE

North: SCZ (SmartCode Zone) / Vacant
South: A-2/sc (Apartment/special contract) / Apartments
East: R-3 (Residential) / Single-family homes
West: C-1/sc (Commercial/special contract) / Office building

Plan El Paso Designation: G4 Suburban (Walkable) (Northwest)

Nearest Park: Galatzan Park (5,760 ft.)

Nearest School: Morehead Middle School (5,084 ft.)

NEIGHBORHOOD ASSOCIATIONS

Upper Valley Improvement Association, Upper Mesa Hills Neighborhood Association, Coronado Neighborhood Association, Save the Valley

NEIGHBORHOOD INPUT

Notices of the December 13, 2012 public hearing were mailed to all property owners within 300 feet of the subject property on December 3, 2012. The Planning Division received no letters of support or opposition to the request.

APPLICATION DESCRIPTION

The applicant is requesting a rezoning of the subject property from R-3 (Residential) to C-1 (Commercial) to permit the use of the 12,311 sq. ft. existing building for office uses.

PLANNING DIVISION RECOMMENDATION

Pending

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 (Neighborhood Commercial District) district is to provide compatible neighborhood convenience goods and services that serve day-to-day needs. Permit locations for business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

COMMENTS:

City Development Department – Planning Division - Land Development

We have reviewed subject plan and recommend Denial. The Developer/Engineer needs to address the following comments. 1. Provide a drainage plan showing direction of flow of all watercourses, location, type, material and size of any existing and proposed storm water drainage structures or facilities. 2. Clarify statement of encroaching: “Parking lot encroaches into right-of-way of Argonaut Drive”. 3. The existing sidewalks, driveways shall be brought into compliance with all City Codes and ADA, TAS rules and regulations. 4. Clarify property lines with the plat. 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.

City Development Department – Planning Division - Transportation

Site Plan Comments: 1. Provide driveway widths. Driveways for the proposed Commercial zone shall be between 25 ft. and 35 ft. in width. 2. Driveways shall comply with sight visibility requirements. 3. A 24ft. aisle width is required for 90 degree angle parking. 4. Show fence and rock wall height 5. Show sidewalk width. 6. Sidewalks shall continue across driveways 7. The 145ft. structure located adjacent to the westernmost boundary of Parcel two adjacent to Argonaut Drive 8. The parking spaces and the structure mentioned above are encroaching onto City right-of-way Notes: 1. The property is located adjacent to the Mesa Rapid Transit System (RTS) corridor. Location of bus stops and bus pull in bays shall be coordinated with Sun Metro. 2. All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

Sun Metro

Sun Metro does not oppose this request. Sun Metro recommends the construction of a sidewalk to provide pedestrian access to mass transit options.

El Paso Fire Department

Recommend approval of “site plan” as presented. Does not adversely affect fire department at this time. ** Note, A more detailed reviewed will be done by fire plan review during the permitting process.

El Paso Water Utilities

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

2. If the subject property requires the extension of public water and/or sanitary sewer mains. The Owner/Developer is responsible for any necessary main extension cost.

Water:

3. There is an existing 12-inch diameter water main extending along Argonaut Drive that is available for service, the water main is located approximately 10-ft south from the center line of the right-of-way.

4. EPWU records indicate a 1-1/2-inch water meter serving the subject property. The service address for this meter is 109 Argonaut Drive.

5. Previous water pressure reading from fire hydrant # 101 located at the northeast intersection of Argonaut Drive and Mesa Street, have yielded a static pressure of 120 (psi) pounds per square inch, a residual pressure of 114 (psi) pounds per square inch and a discharge of 1256 (gpm) gallons per minute.

6. 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:

7. There is an existing 8-inch diameter sanitary sewer main extending along Argonaut Drive that is available for service, the sewer main is located approximately 24-ft south from the center line of the right-of-way. Said main ends approximately 285-ft east of Mesa Street.

General:

8. 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 from the Plan by the CPC.

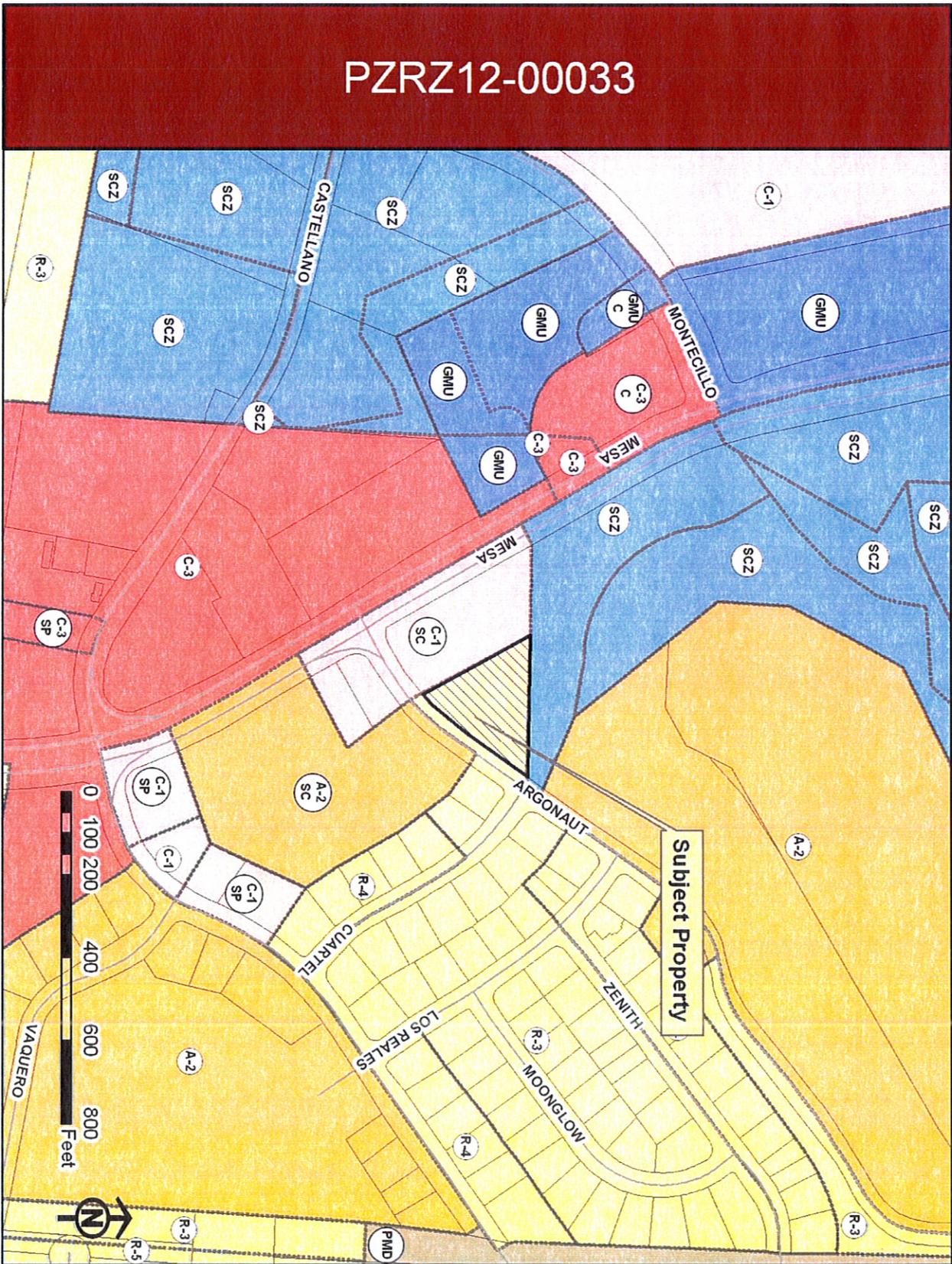
Attachments:

Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Detailed Site Development Plan

ATTACHMENT 1: LOCATION MAP

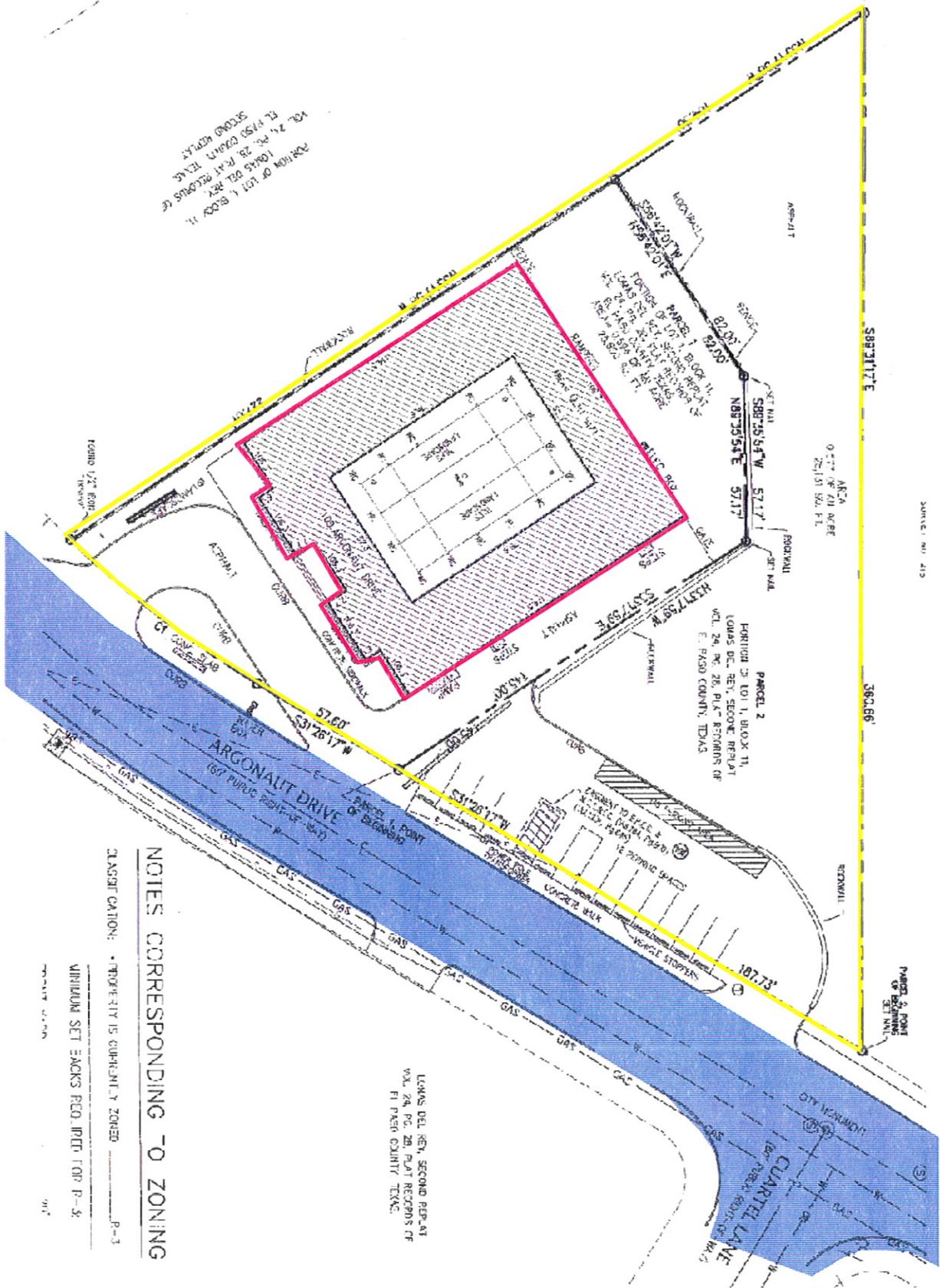


ATTACHMENT 2: AERIAL MAP

PZRZ12-00033



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



NOTES CORRESPONDING TO ZONING

CLASSIFICATION: • PROPERTY IS CURRENTLY ZONED P-3
 MINIMUM SET BACKS REQ. INTO TOP P-3
 50 FT

LOUIS DEL. REV. SECOND REPLAT
 VOL. 28, PG. 28, PLAT RECORDS OF
 FT. BEND COUNTY, TEXAS