

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: March 16, 2010
Public Hearing: April 6, 2010

CONTACT PERSON/PHONE: Esther Guerrero, (915) 541-4720

DISTRICT(S) AFFECTED: 8

SUBJECT:

An ordinance changing the zoning of Lots 14 through 16, Block 59, East El Paso, City of El Paso, El Paso County, Texas, from R-5 (Residential) to A-O (Apartment-Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 3429 Gateway West Boulevard. Property Owner: Z-Lighting Sales, Inc./Richard Zant. ZON09-00081 (**District 8**)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (4-2)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director-Planning, Development Services Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOTS 14 THROUGH 16, BLOCK 59, EAST EL PASO, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-5 (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 *Lots 14 through 16, Block 59, East El Paso, City of El Paso, El Paso County, Texas*, be changed from **R-5 (Residential)** to **A-O (Apartment-Office)** district, 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 _____, 2010.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy
Deputy Director – Planning
Development Services Department

MEMORANDUM

DATE: March 8, 2010

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

SUBJECT: ZON09-00081

The City Plan Commission (CPC) on January 28, 2010, voted **4-2** to recommend **DENIAL** of rezoning the subject property from R-5 (Residential) to C-1 (Commercial) and instead recommended **APPROVAL** of rezoning the property from R-5 (Residential) to A-O (Apartment-Office), in agreement with the recommendation from the DCC and staff.

The applicant was advised of the meeting date but was not present at the meeting.

First motion made and seconded to table the item to till end of the meeting to allow the applicant to arrive, motion passed.

Second motion made and seconded to postpone the item for two weeks since the applicant was still not present, motion failed.

Final motion made and seconded to recommend denial of the request to rezone to C-1 (Commercial) and approve A-O (Apartment0Office), motion passed.

The CPC found that the rezoning is in conformance with The Plan for El Paso. The CPC found that the proposed use is in conformance with the 2025 Projected General Land Use Map for the Central Planning Area. The CPC also determined that the rezoning protects the best interest, health, safety, and welfare of the public in general; and the rezoning will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There were two people present to speak in favor of the request to rezone to C-1 (Commercial) but left before the final motion and recommendation.

Attachment: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: ZON09-00081
Application Type: Rezoning
CPC Hearing Date: January 28, 2010
Staff Planner: Esther Guerrero, 915-541-4720, guerreroex@elpasotexas.gov

Location: 3429 Gateway West Boulevard
Legal Description: Lots 14 through 16, Block 59, East El Paso, City of El Paso, El Paso County, Texas
Acreage: 0.024 acres
Rep District: 8
Existing Use: Vacant

Request: R-5 (Residential) to C-1 (Commercial)
Proposed Use: Office
Property Owner: Z-Lighting Sales, Inc.
Representative: Ed Soltero

SURROUNDING ZONING AND LAND USE

North: R-5 (Residential) / Single-family Residential
South: R-5 (Residential) / IH-10
East: R-5 (Residential) / Single-family Residential
West: R-5 (Residential) / Single-family Residential

Plan for El Paso Designation: Commercial (Central Planning Area)
Nearest Park: Mary Webb (160 Feet)
Nearest School: Alta Vista Elementary (1,840 Feet)

NEIGHBORHOOD ASSOCIATIONS

N/A

NEIGHBORHOOD INPUT

Notices of the January 28, 2010 City Plan Commission hearing were mailed out to property owners within 300 feet of the subject property on January 13, 2010.

APPLICATION DESCRIPTION

The request is to change the zoning from R-5 (Residential) to C-1 (Commercial) to allow a professional and business office. The property is 0.024 acres in size and is currently vacant. Access is proposed via Grama Street.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

Recommend **denial** of C-1 (Commercial) and instead recommend **approval** of A-O (Apartment-Office).

DEVELOPMENT SERVICES DEPARTMENT-PLANNING DIVISION RECOMMENDATION

Recommend denial of C-1 (Commercial) and instead recommend approval of A-O (Apartment-Office). Professional and business offices are permitted in the A-O (Apartment-Office) district. The A-O (Apartment-Office) district is compatible with the abutting existing single-family homes and with the surrounding R-5 (Residential) district.

The Plan for El Paso-City-Wide Land Use Goals

All applications for rezoning shall demonstrate compliance with the following criteria:

- a. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses
- b. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- c. Goal: preserve, protect, and enhance the integrity, economic vitality, and livability of the city's neighborhoods.
- d. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character.

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 A-O (Apartment/Office) district is to promote and preserve residential development within the City associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for 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. The regulations of the districts will permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain non-residential uses and support facilities.

Engineering Department - Traffic Division

- Commercial traffic not consistent with adjacent uses.
- Proposed use may be permitted under A-O zoning.
- Access to Gateway West needs TxDOT approval.

Street Department

We offer no objections to rezoning request but the following conditions shall be placed on the approval.

- The Alley shall be paved and improved as per Design Standards for Construction; if there will be any access to property from the alley, such as for parking, access to trash dumpster or other vehicular access requirements.
- 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.

Development Services-Building Permits and Inspections

No objections.

Fire Department

No objection to rezoning request.

Sun Metro:

No comments submitted.

NE Regional Command Center

No objections.

El Paso Water Utilities

1. EPWU does not object to this request.

Water:

2. There is an existing 6-inch diameter water main along the alley west of Gateway Boulevard West that is available for service. Said main is located approximately 6-ft south from the northern right of way property line. There is an existing 6-inch diameter water main along Grama Street fronting the subject property,

approximately 20-ft west from the eastern right of way property line.

3. Previous water pressure reading from hydrant #1116 located at the northeast intersection of Grama Street and Gateway West have yield a static pressure of 96 (psi) pounds per square inch, a residual pressure of 92 (psi) pounds per square inch and a discharge of 1278 (GPM) gallons per minute.

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.

Sewer:

5. There is an existing 6-inch sanitary sewer main that extends along the alley west of Grama Street and Gateway Boulevard West that is available for service. Said main is located approximately 10-ft north from the southern right of way property line.

General:

6. 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 change of zoning application:

1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for 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 The Plan for 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 The Plan for 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. Conceptual Site Plan

ZON09-00081



ATTACHMENT 3: CONCEPTUAL SITE PLAN

