

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

DEPARTMENT: Planning and Economic Development Department

AGENDA DATE: Introduction: March 1, 2011
Public Hearing: March 22, 2011

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

DISTRICT(S) AFFECTED: 6

SUBJECT:

An ordinance releasing a condition placed on property by Ordinance No. 16332 which changed the zoning of Lot 1, Block 1, Placitas De Zaragoza, City of El Paso, El Paso County, Texas, and which imposed a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1508 Zaragoza Road. Property Owner: Purple Hawk, L.P. ZON10-00105 (**District 6**)

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 (5-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director-Planning and Economic Development

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE RELEASING A CONDITION PLACED ON PROPERTY BY ORDINANCE NO. 16332 WHICH CHANGED THE ZONING OF LOT 1, BLOCK 1, PLACITAS DE ZARAGOZA, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as *Lot 1, Block 1, Placitas De Zaragoza, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 16332, approved by City Council on April 18, 2006; and,

WHEREAS, the rezoning was subject to the following zoning condition:

“Prior to the issuance of a certificate of occupancy, the entire length and width of the slope adjacent to the residential development shall be seeded with “Sand Love Grass” and “Sonora Bloom” vegetation; and an irrigation system shall be installed to maintain the planted areas.”; and,

WHEREAS, placement of such conditions were necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

WHEREAS, the owner (applicant) submitted an application requesting the removal of the above two conditions on the above described property; and,

WHEREAS, a public hearing regarding amendment of the condition was held before the City Plan Commission, and the Commission recommended approval of the partial release; and,

WHEREAS, the City Council of the City of El Paso has determined that the release of the above condition will protect the best interest, health, safety and welfare of the public in general.

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

1. That zoning condition imposed by Ordinance No. 16332 dated April 18, 2006, requiring that *“Prior to the issuance of a certificate of occupancy, the entire length and width of the slope adjacent to the residential development shall be seeded with “Sand Love Grass” and “Sonora Bloom” vegetation; and an irrigation system shall be installed to maintain the planted areas.”* be released as the condition is no longer necessary.

2. Except as herein amended, Ordinance 16332 shall remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2011.

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 and Economic Development
Department



Date: February 21, 2011
To: Honorable Mayor and City Council
Joyce Wilson, City Manager
From: Esther Guerrero, Planner
Subject: ZON10-00105

The City Plan Commission (CPC) on February 10, 2010, voted **4-0** to recommend **approval** of the zoning condition release request.

The subject property is abutting a residential district which has an existing utility facility. Releasing the landscape requirement will not impact existing residential development.

This recommendation is in agreement with the recommendation from staff and the Development Coordinating Committee (DCC).

The CPC found that the zoning condition release 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 East Planning Area. The CPC also determined that the zoning condition release protects the best interest, health, safety, and welfare of the public in general; and will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was no one present at the meeting to speak in favor or in opposition to this request.

Attachment: Staff Report

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson





City of El Paso – City Plan Commission Staff Report

Case No: ZON10-00105 (Related Detailed Site Development Plan ZON10-00104)
Application Type Zoning Condition Release
CPC Hearing Date February 10, 2011
Staff Planner Esther Guerrero, 915-541-4720, guerreroex@elpasotexas.gov

Location 1508 Zaragoza Road
Legal Description Lot 1, Block 1, Placitas De Zaragoza, City of El Paso, El Paso County, Texas
Acreage 1.139 acres
Rep District 6
Existing Use Vacant
Existing Zoning C-4/c (Commercial/condition)
Request Release condition per Ordinance No. 16332

Property Owner Purple Hawk, L.P.
Applicant Smart Construction Managers
Representative Sergio Martinez

SURROUNDING ZONING AND LAND USE

North: R-3 (Residential) / utility facility
South: C-4/c (Commercial/condition) / commercial development
East: C-4/c (Commercial/condition) / commercial development
West: C-4/sc (Commercial/special contract) / vacant, commercial development

THE PLAN FOR EL PASO DESIGNATION: Residential, Commercial (East Planning Area)
Nearest Park: Marty Robbins Park (5,812 feet)
Nearest School: Myrtle Cooper Elementary (1,914 feet)

NEIGHBORHOOD ASSOCIATIONS

Eastside Civic Association

NEIGHBORHOOD INPUT

Notices of a Public Hearing were mailed to all property owners within 300 feet of the subject property on January 27, 2011.

APPLICATION DESCRIPTION

The request is to release the zoning condition imposed per Ordinance No. 16332. The site plan shows an 11,900 sq. ft. building, 57 parking spaces, three bicycle racks and access via a private access driveway via Zaragoza Road.

PLANNING AND ECONOMIC DEVELOPMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** to release the zoning condition imposed on the subject property.

The subject property is abutting a residential district which has an existing utility facility. Releasing landscape requirement will not impact existing residential development.

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

All applications for detailed site development plan shall demonstrate compliance with the following

criteria:

Goal: develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.

Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.

The purpose of the C-4 (Commercial) District is to provide for locations for the most intensive commercial uses intended to serve the entire City. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the Central Business District, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.

Development Coordinating Committee Review

The DCC reviewed and discussed the zoning condition release application and offered no objections to Planning Staff's recommendation for approval.

Transportation Department

Notes:

- If necessary, access to Zaragoza shall be coordinated with TxDOT.
- 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.

Fire Department

No objections.

El Paso Water Utilities

Owner/Developer shall grade the subject Property to enable sanitary sewer service towards the existing public sanitary sewer main by means of gravity flow.

EPWU-PSB respectfully requests the Owner/Developer to show in the plans the existing public water and sanitary sewer mains and the corresponding EPWU-PSB easements.

EPWU-PSB requires a complete set of improvement plans, and grading plans for review and approval prior to any work pertaining to the portion of the Property where the existing water and sanitary sewer mains and corresponding easements are located. This is required in order to ascertain that the proposed improvements and/or grading will not adversely affect the existing mains.

EPWU does not object to this request.

General

Within Lot 1, Block 1, Placitas De Zaragoza there are public water and sanitary sewer mains within easements.

Zaragoza Road is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Zaragoza Road right-of-way requires written permission from TxDOT.

Previous water pressure readings from fire hydrant number 5940 located at the corner of Zaragoza Road and Pellicano Drive have yielded a static pressure of 78 pounds per square inch, residual pressure of 76 pounds per square inch, and a discharge of 1,443 gallons per minute.

All easements dedicated for public water and/or sanitary sewer facilities are to comply with EPWU-PSB Easement Policy.

Easement grantor shall indemnify, defend, and hold harmless the El Paso Water Utilities – Public Service Board from and against any and all claims, liability, actions, and damages for bodily injury and property

damage to third parties or to the El Paso Water Utilities – Public Service Board which may be caused by or arise out of the maintenance and existence of said water and sanitary sewer mains in the easement area.

Engineering Construction and Management – Land Development Division

1. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
 2. Grading plan and permit shall be required.*
 3. Storm Water Pollution Prevention Plan and/or permit required.*
 4. Drainage plans must be approved by Engineering and Construction Management, Land Development Section.*
 5. No water runoff allowed outside the proposed development boundaries, (On-site ponding required).
 - 6 The Subdivision is within Flood Zone X, "Areas of minimal flooding"- Panel # 480214 0046C, date February 16, 2006.
- * This requirement will be applied at the time of development.

Engineering and Construction Management –Permits & Inspections Division

No objections.

Sun Metro

Sun Metro does not oppose this request. Closest route is Route 73 traveling along Zaragoza

CITY PLAN COMMISSION OPTIONS

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

1. Recommend approval of the application finding that the detailed site development plan 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 detailed site development plan 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 detailed site development plan 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. Detailed Site Development Plan
4. Elevations
5. Ordinance No. 16332

ATTACHMENT 1: ZONING MAP

ZON10-00104 & ZON10-00105

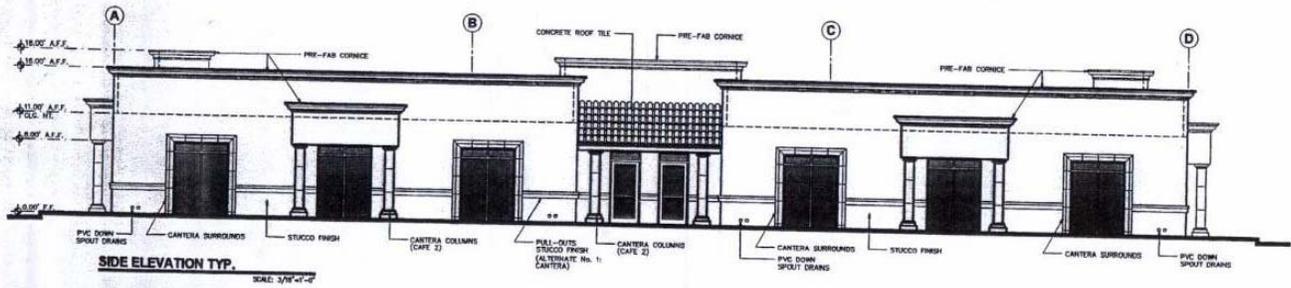
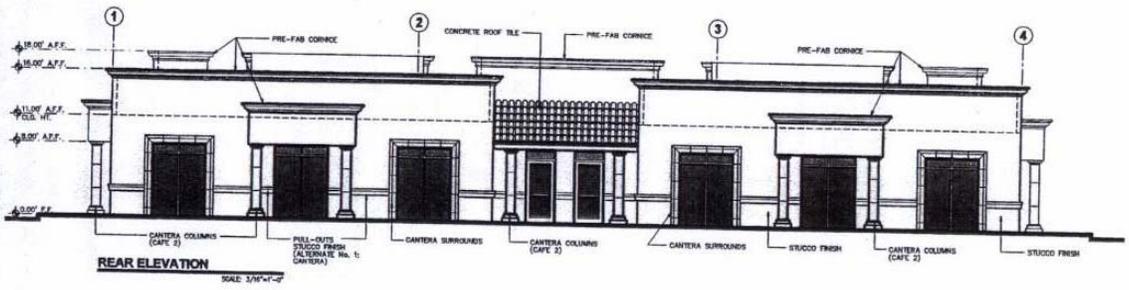
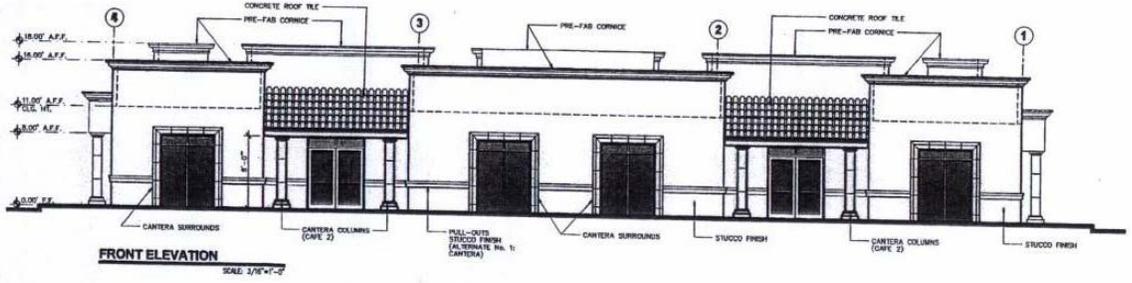


ATTACHMENT 2: AERIAL MAP

ZON10-00104 & ZON10-00105



ATTACHMENT 4: ELEVATIONS



ATTACHMENT 5: ORDINANCE NO. 16332

13D

ORDINANCE NO. 16332

AN ORDINANCE AMENDING ORDINANCE NUMBER 15845, IN ORDER TO AMEND THE CONDITIONS CITED IN SAME ORDINANCE WHICH CHANGED THE ZONING OF PARCEL 1: A PORTION OF TRACT 44C, O.A. DANIELSON SURVEY NO. 310, EL PASO, EL PASO COUNTY, TEXAS, AND PARCEL 2: A PORTION OF TRACT 44C, O.A. DANIELSON SURVEY NO. 310, EL PASO, EL PASO COUNTY, TEXAS, NOW KNOWN AS LOT 1, BLOCK 1, PLACITAS DE ZARAGOSA, EL PASO, EL PASO COUNTY, TEXAS, AND IMPOSED CERTAIN CONDITIONS.

WHEREAS, Ordinance Number 15845 was approved by City Council on August 10, 2004, changing the zoning of Parcel 1: a portion of Tract 44C, O.A. Danielson Survey No. 310, El Paso, El Paso County, Texas, and Parcel 2: a portion of Tract 44C, O.A. Danielson Survey No. 310, El Paso, El Paso County, Texas, now known as Lot 1, Block 1, Placitas de Zaragosa, El Paso, El Paso County, Texas; and,

WHEREAS, William Van Haselen, Tom Lewis, and Neal Current are the property owners of said property and have requested that Condition Number 2. be amended; and,

WHEREAS, the City Plan Commission and City Council have reviewed the conditions once made necessary by the rezoning and is now of the determination that, due to topographic conditions in the area, such condition may be amended to protect the public health, safety and welfare.

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

Section 1. That Condition 2. as it relates to Parcel 1 and Parcel 2, described in Ordinance Number 15845, shall be amended to read as follows:

"Prior to the issuance of a certificate of occupancy, the entire length and width of the slope adjacent to the residential development shall be seeded with "Sand Love Grass" and "Sonora Bloom" vegetation; and an irrigation system shall be installed to maintain the planted areas."

Section 2. That Except as herein amended, Ordinance Number 15845, shall remain in full force and effect.

PASSED AND APPROVED this 18th day of April, 2006.

Doc#: 20894

Zoning Case No: ZON06-00019

ORDINANCE NO. 16332