Dedicated to Outstanding Customer Service for a Better Community

S E R V I C E S O L U T I O N S S U C C E S S

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

DEPARTMENT: **Development Services Department, Planning Division**

AGENDA DATE: **Introduction: March 10, 2009**
Public Hearing: March 31, 2009

CONTACT PERSON/PHONE: **Andrew Salloum, 541-4027**

DISTRICT(S) AFFECTED:

SUBJECT:
An Ordinance changing the zoning of a portion of Tract 7A, H.A. Chadwick Survey no. 253, a portion of Tract 2A, Pedro Perez Survey 157, and a portion of Tract 4A, A.L. Walton Survey No. 140, in the City of El Paso, El Paso County, Texas From R-4 (Residential) to M-2 (Heavy Manufacturing). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property:3500 Doniphan Drive. Applicant: JRBR-Texas, LLC, ZON08-00110 (District 8).

BACKGROUND / DISCUSSION:
This case was previously heard on February 12, 2009 by the CPC and was recommended for approval to rezone the property to M-2 (Heavy Manufacturing). The case was presented to CPC on March 26, 2009 for reconsideration due to a correction on legal description on the agenda. (see staff report)

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
Development Coordinating Committee (DCC) – Unanimous Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (6-0) on February 12, 2009
City Plan Commission (CPC) – Reconsideration- approval (5-0) on March 26, 2009

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Victor Q. Torres
Director, Development Services

_____

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Melina Castro

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 7A, H. A. CHADWICK SURVEY NO. 253, A PORTION OF TRACT 2A, PEDRO PEREZ SURVEY 157, AND PORTION OF TRACT 4A, A.L. WALTON SURVEY NO. 140, IN THE CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO M-2 (HEAVY MANUFACTURING). 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 Tract 7A, H.A. Chadwick Survey No. 253, a portion of Tract 2A, Pedro Perez Survey 157, and a portion of Tract 4A, A.L. Walton Survey No. 140, in the City of El Paso, El Paso County, Texas,* be changed from **R-4 (Residential)** to **M-2 (Heavy Manufacturing)**, 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 _____, 2009.

THE CITY OF EL PASO

_____
John F. Cook
Mayor

CITY CLERK DEPT.
09 MAR -6 AM 10:04

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Mathew S. McElroy, Deputy Director
Development Services Department
Planning Division

Doc #45977/Planning/Ord/ZON08-00110 (Rezoning)/LCUE

Dedicated to Outstanding Customer Service for a Better Community

S E R V I C E S O L U T I O N S S U C C E S S

M E M O R A N D U M

DATE: March 27, 2009

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

FROM: Andrew Salloum, Planner

SUBJECT: **ZON08-00110**

The City Plan Commission (CPC), on March 26, 2009, under reconsideration voted **5-0** to recommend **APPROVAL** of rezoning subject property from R-4 (Residential) to M-2 (Heavy Manufacturing).

This case was previously heard on February 12, 2009 by the CPC and was recommended for approval to rezone the property to M-2 (Heavy Manufacturing). The case was presented to CPC on March 26, 2009 for reconsideration due to a correction on legal description on the agenda.

The CPC found that the rezoning is in conformance with The Plan for El Paso and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. 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 have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

Attachment: Staff report, zoning map, aerial map, and conceptual site plan.

Mayor
John F. Cook

City Council

District 1
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District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

City of El Paso – City Plan Commission Staff Report

Case No:	ZON08-00110
Application Type:	Rezoning
CPC Hearing Date:	March 26, 2009
Staff Planner:	Andrew Salloum, 915-541-4027, *salloumam@elpasotexas.gov*
Location:	3500 Doniphan Drive
Legal Description:	Being a portion of Tract 7A, H. A. Chadwick Survey No. 253, and a portion of Tract 2A, Pedro Perez Survey 157, and a portion of Tract 4A, A. L. Walton Survey No. 140, in the City of El Paso, El Paso County, Texas
Acreage:	5.057 acres
Rep District:	8
Existing:	Vacant
Request:	From R-4 (Residential) to M-2 (Heavy Manufacturing)
Proposed Use:	Rail yard, intermodal facility and warehouse
Property Owner:	JRBR-Texas, LLC
Applicant:	JRBR-Texas, LLC
Representative:	ETZOLD & CO.

SURROUNDING ZONING AND LAND USE

North: R-4 (Residential); Vacant
South: M-2 (Heavy Manufacturing); Factory, Vacant
East: R-4 (Residential); Vacant
West: M-2 (Heavy Manufacturing); Vacant

THE PLAN FOR EL PASO DESIGNATION: Industrial and Mixed Use (Northwest Planning Area)
NEAREST PARK: Buena Vista Park (1,735 Feet)
NEAREST SCHOOL: L.B. Johnson Elementary (7,675 Feet)

NEIGHBORHOOD ASSOCIATIONS:

Save the Valley
Coronado Neighborhood Association
Upper Mesa Hills Neighborhood Association
Upper Valley Neighborhood Association
Upper Valley Improvement Association
Mountain Arroyos Neighborhood Association

NEIGHBORHOOD INPUT:

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on March 2, 2009. Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

APPLICATION DESCRIPTION:
The applicant is requesting to rezone the subject property from R-4 (Residential) to M-2 (Heavy Manufacturing) to allow for a rail yard, intermodal facility and a warehouse development. The property consists of a total of 5.057 acres and is currently vacant. Access is proposed from **Doniphan Drive.**

CASE HISTORY:
This case was previously heard on February 12, 2009. CPC recommended approval of the rezoning to M-2 (Heavy Manufacturing). The case is being presented to CPC for reconsideration due to a correction on legal description.

DEVELOPMENT COORDIANTING COMMITTEE RECOMMANDITION:
The DCC recommends **APPROVAL** of rezoning the subject property from R-4 (Residential) to M-2 (Heavy Manufacturing).

PLANNING DIVISION RECOMMENDATION:
The Planning Division recommends **APPROVAL**. The rezoning request is compatible with the surrounding land uses. The predominant land use in the area is manufacturing and heavy commercial.

The Plan for El Paso-City-Wide Land Use Goals:
All applications for rezoning shall demonstrate compliance with the following criteria:

a. Goal: provide designated locations for industrial development that do not adversely affect the health, safety, and welfare of the community and where essential infrastructure is available to serve the development.

The request is in compliance with the 2025 General Land Use Plan for the Northwest Planning area that designates this area for Mixed Use and Industrial. The purpose of the M-2 (Heavy Manufacturing) district is to provide for locations for the most intensive of industrial uses which may be characteristic of nuisance or hazardous conditions. It is intended that the districts will serve the entire City. The regulations of the districts will require reasonable standards for the protection and preservation of the compatibility of such uses and adjacent areas.

Development Services Department - Building Permits and Inspections Division:
Zoning Review:
Proposed Rail Yard, intermodal facility and warehouses on M-1 district is allowed. Insufficient data provided to determine yard, off-street parking and loading standards.

Landscape Review:
Landscaping will not meet code as submitted. Calculations are incorrect based on 18.46. 4.729 acres all owned by same individual shall be addressed in calculations as per 18.46

Development Services Department - Planning Division:
Current Planning: Recommends **APPROVAL** of rezoning the subject property from R-4 (Residential) to M-2 (Heavy Manufacturing). The proposed rezoning is compatible with the projected land use map designates the property for mixed use and industrial land use.

Land Development:

- ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*****
- Grading plan and permit shall be required.*****
- Storm Water Pollution Prevention Plan and/or permit required.*
- Drainage plans must be approved by the Development Services Department, Engineering Section.*****
- Coordination with TXDOT. *
- No water runoff allowed outside the proposed development boundaries, (On-site ponding required)*
- Additional Comments: Site location is located within a Special Flood Hazard Areas, Flood Zones **A8, B and C,** Panel **480214 0032 C.**

Engineering Department - Traffic Division:
No objections to proposed zoning change.

Fire Department:
No opposition to rezoning at this time.

El Paso Water Utilities:
EPWU does not object to this request.

Parks:
No comments received.

Sun Metro:
No comments received.

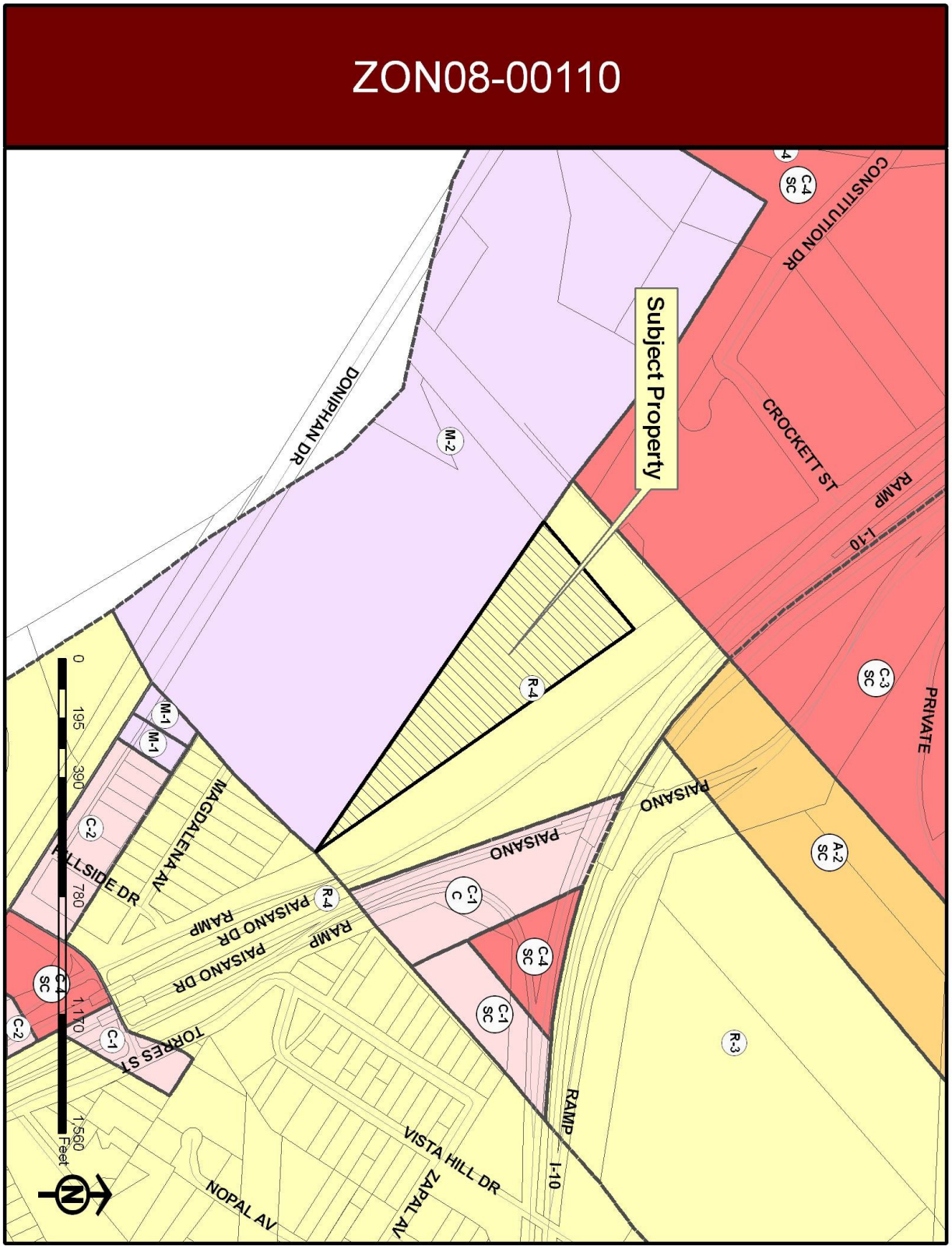
School Districts:
No comments received.

CITY PLAN COMMISSION OPTIONS
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application

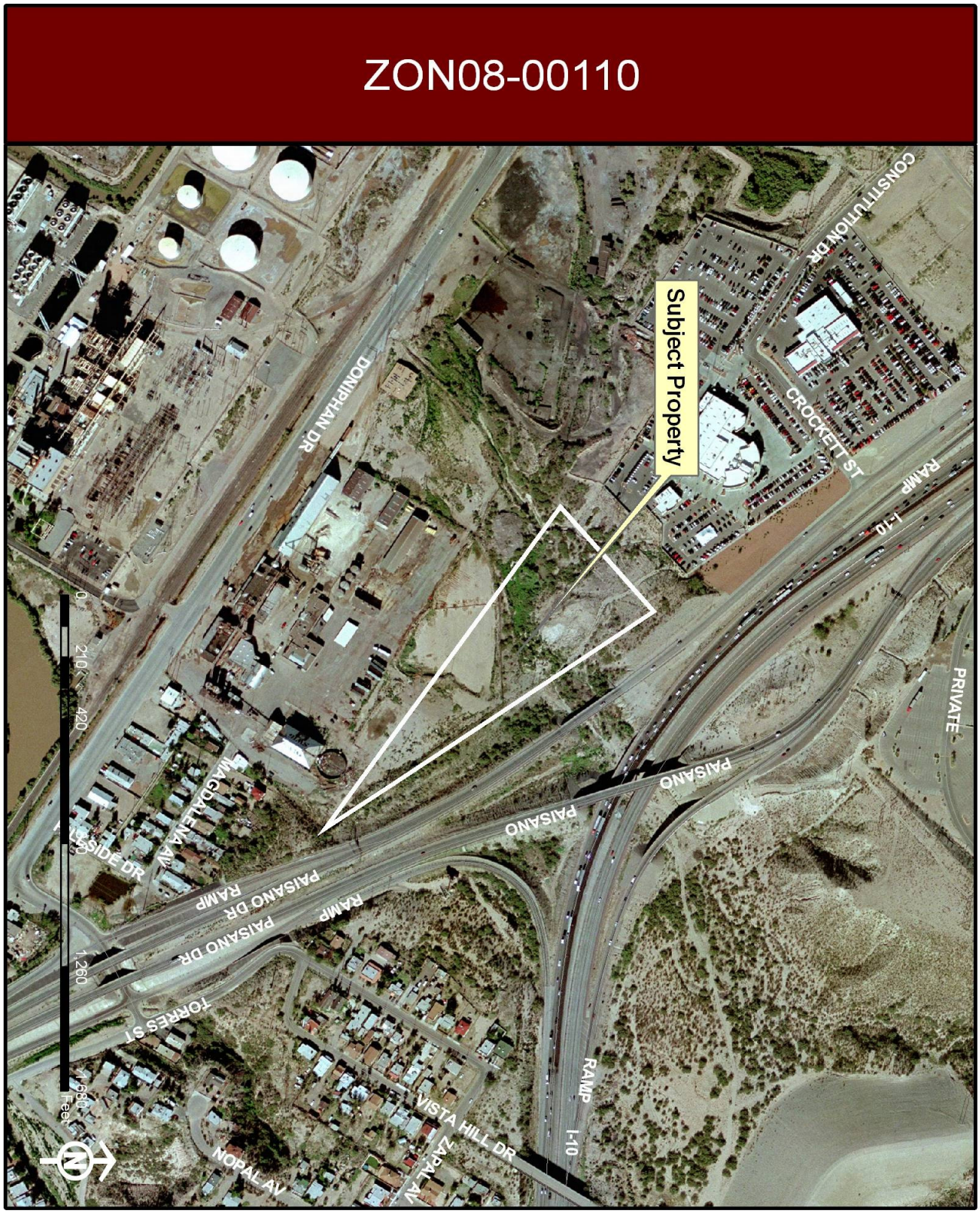
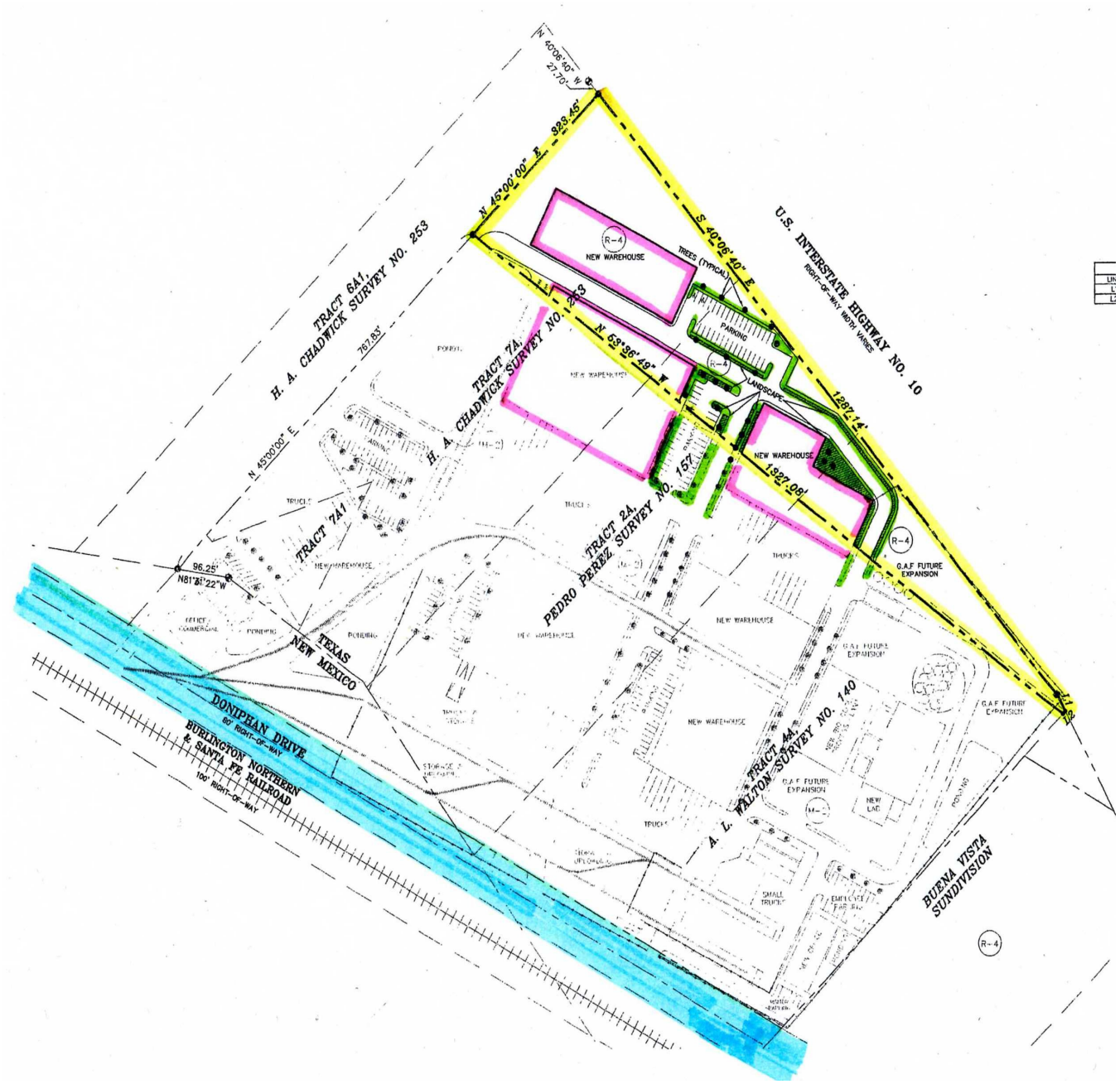
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into 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:
Attachment 1: Zoning Map
Attachment 2: Aerial Map
Attachment 3: Conceptual Site Plan

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP



ATTACHMENT 3: CONCEPTUAL SITE PLAN