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

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

AGENDA DATE: **Introduction:** **April 3, 2007**
Public Hearing: **April 24, 2007**

CONTACT PERSON/PHONE: **Esther Guerrero, 541-4720**

DISTRICT(S) AFFECTED: **2**

SUBJECT:

An Ordinance changing the zoning of all of C.R. Morehead Survey No. 16 and a portion of Hill Terrace Addition, El Paso, El Paso County, Texas, from R-4 (Residential) to A-3 (Apartment), and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: East of Radford Street and North of Nashville Avenue. Applicant: Victoria & Rosalie Hamrah. ZON06-00063 **(District 2) THIS IS AN APPEAL CASE.**

BACKGROUND / DISCUSSION:
See attached report.

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) – *Denial* Recommendation (7-0)

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

LEGAL: (if required) N/A **FINANCE:** (if required) N/A

DEPARTMENT HEAD: Alan Shubert

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

CITY CLERK DEPT.
07 MAR 27 AM 9:20

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF ALL OF C.R. MOREHEAD SURVEY NO. 16 AND A PORTION OF HILL TERRACE ADDITION, EL PASO, EL PASO COUNTY, TEXAS, FROM R-4 (RESIDENTIAL) TO A-3 (APARTMENT), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 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 *all of C.R. Morehead Survey No. 16 and a portion of Hill Terrace Addition, El Paso, El Paso County, Texas,* and as more particularly described by metes and bounds on Exhibit "A", attached and incorporated by reference, be changed from **R-4 (Residential) to A-3 (Apartment)** 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 is necessitated by and attributable to the increased intensity 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 the density be restricted to 204 total dwelling units; and,*
2. *That the height of all structures be restricted to 40 feet maximum.*

PASSED AND APPROVED this _____ day of _____, 2007.

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:

_____
Kimberly Forsyth, Senior Planner
Development Services Department

DOC #23439/Planning/Ord/ZON06-00063/CCRO

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT
DIRECTOR, DEVELOPMENT SERVICES

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES
PLANNING DIVISION

M E M O R A N D U M

DATE: March 26, 2007

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

FROM: Esther Guerrero, Planner

SUBJECT: ZON06-00063

The City Plan Commission (CPC), on 7/6/2006, voted (7-0) to recommend **DENIAL** of rezoning the subject property to A-3 (Apartment), contrary to Staff's recommendation.

The CPC found that this rezoning is not in conformance with The Plan for El Paso; and the proposed use is not in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning does not protect the best interest, health, safety and welfare of the public in general; and that the proposed use is not compatible with adjacent land uses.

One hundred thirty (130) letters of opposition to this request were received as of August 2006 but did not generate sufficient protest within two hundred (200) feet for the **invocation of 211.006(d) provisions**.

This item was scheduled for public hearing on September 5, 2006. The applicant requested that the item be deleted from the agenda and proceed at a later date.

On February 23, 2007 the Development Services Department received a letter from the representative on behalf of the applicant requesting that this item be placed back on the City Council Agenda for consideration.

Five (5) additional letters of opposition to this request have been received to date bringing the total number letters of opposition to one hundred thirty five (135) now generating sufficient protest within two hundred feet (200) in accordance with Texas Statue 211.006(d).

Attachments: 211.006(d) Provision Memo,

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT
DIRECTOR, DEVELOPMENT SERVICES

CITY COUNCIL
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DEVELOPMENT SERVICES
PLANNING DIVISION

M E M O R A N D U M

DATE: March 26, 2007

TO: Honorable Mayor and City Council

FROM: Esther Guerrero, Planner

SUBJECT: **Neighborhood Opposition; Invocation of 211.006(d) Provisions**
ZON06-00063

A proposed request to rezone property has generated sufficient protest in accordance with Texas Statute 211.006(d) to warrant additional study. One hundred thirty five (135) letters in opposition have been received; twenty two (22) signatures are from property owners within two hundred (200) feet of the area covered by this zoning change request.

An analysis was conducted, using approved Department procedures. The land immediately adjoining the property covered by the rezoning request and extending 200 feet from that area was measured using the Zoning Map of the City of El Paso (Scale: 1"=300').

CASE NUMBER: ZON06-00063
LOCATION: East of Radford Street and North of Nashville Avenue
PROPOSED USE: Apartments

GROSS LAND AREA (excluding site): 12.4418 acres

20% OF ADJOINING AREA: 2.4823 acres
OPPOSED ADJOINING AREA: 2.8956 acres

PERCENT OF ADJOINING AREA OPPOSED: 23.33 %

Based on this analysis and calculation of the area in opposition, this rezoning request **does** require the affirmative vote of at least three-fourths (7) of all members of the City Council.

cc: Kelly Carpenter, Deputy Director, Planning; Lupe Cuellar, Asst. City Attorney; Fred Lopez, Lead Planner; Kimberly Forsyth, Senior Planner

STAFF REPORT

Rezoning Case:	ZON06-00063
Property Owner(s):	Victoria and Rosalie Hamrah
Applicant(s):	Place Properties
Representative(s):	SLI Engineering, Inc.
Legal Description:	All of Morehead Survey No. 16 and a portion of Hill Terrace Addition
Location:	East of Radford Street and North of Nashville Avenue
Representative District:	2
Area:	9.577 Acres
Present Zoning:	R-4 (Residential)
Present Use:	Vacant
Proposed Zoning:	A-3 (Apartment)
Proposed Use:	Multi-family Residential
Recognized Neighborhood Associations Contacted:	A Presidential Neighborhood Association

Surrounding Land Uses:

North -	City Limit - Fort Military Reservation / Vacant
South -	R-4 (Residential) / Single-family Residential
East -	City Limit - Fort Military Reservation / Single-family Residential
West-	R-4 (Residential) / Single-family Residential

Year 2025 Designation: **Residential** (Central Planning Area)

CITY PLAN COMMISSION HEARING, JULY 6, 2006, 1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL

REZONING APPLICATION: ZON06-00063

GENERAL INFORMATION:

The applicant is requesting a rezoning from R-4 (residential) to A-3 (Apartment) in order to permit an apartment complex. The property is 9.577 acres in size and is currently vacant. The proposed site plan shows an apartment complex with 204 units to be located on the site. Access is proposed via Nashville and Radford Streets with 539 parking spaces to be provided. There are no zoning conditions currently imposed on this property.

INFORMATION TO THE COMMISSION:

The Development Services Department – Planning Division has received thirty-eight (38) letters of opposition to this request.

STAFF RECOMMENDATION:

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL** of this request for rezoning from R-4 (residential) to A-3 (Apartment) with the following conditions:

a. That the density be restricted to 204 total dwelling units.
b. That the height be restricted to 40 feet maximum.

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommend that El Paso "provide a wide range of housing types that respond to the needs of all economic segments of the community."

The Year 2025 Projected General Land Use Map for the **Central** Planning Area designates this property for **Residential** land uses.

A-3 (Apartment) zoning permits multi-family residential and **is compatible** with adjacent development.

The Commission must determine the following:

1. Will the A-3 (Apartment) zoning protect the best interest, health, safety and welfare of the public in general?
2. Will multi-family residential be compatible with adjacent land uses?
3. What is the relation of the proposed zone change to the City's Comprehensive Plan?
4. What effects will the zone change have on the natural environment, social and economic conditions, and property values in the vicinity and the city as a whole?

Information To The Applicant:

Development Services Department - Building Permits and Inspections Division Comments:

Zoning Review: Proposed apartments permitted on A-3 (Apartment) district. Meets minimum development standards which require a lot area of at least seven hundred fifty square feet per unit and a minimum site area of four thousand square feet, having an average width of fifty feet and minimum depth of eighty feet. Meets minimum parking requirements.
Landscape Review: Landscape required for this project. No calculations provided. Need calculations

on multiple frontages.

Development Services Department - Planning Division Comments:

Current Planning: Recommend approval of the proposed zone change.

Subdivision Review:

1. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
2. Grading plan and permit shall/may be required.*
3. Storm Water Pollution Prevention plan and/or permit shall/may be required.*
4. Drainage plans must be approved by the City Engineer.*
5. Additional Comments: Site location is not located within a Special Flood Hazard Area, Flood Zone(s) C, Panel(s) 480214 0034 B.
   *This requirement will be applied at the time of development.

Engineering Department - Traffic Division Comments:

No apparent traffic concerns.

Fire Department Comments:

No comments received.

El Paso Water Utilities Comments:

Water: Along Radford Street between Nashville Street and Mobile Street there is an existing water main. Along Radford Street from Nashville Street to the alley located between Nashville Street and Mobile Street (the Alley), the water main is twelve (12) inches in diameter. Along Radford Street from the described Alley to Mobile Street the water main decreases to six (6) inches in diameter.
Along Nashville Street from Radford Street to the limits of the subject Property there are no existing water mains. Along Bosworth Street from Memphis Street to the limits of the subject Property there are no existing water mains. Previous water pressure readings conducted on a fire hydrant located at the corner of Radford Street and Mobile Street have yielded a static pressure of 110 pounds per square inch (psi), residual pressure of 60 psi, discharge of 1,061 gallons per minute (gpm).

Sanitary Sewer: Along the alley located north and parallel to Mobile Street between Marr Street and Radford Street there is an existing eight (8) inch diameter sanitary sewer main. This main dead-ends immediately west of Radford Street. Along Mobile Street between Marr Street and Radford Street there is an existing eight (8) inch diameter sanitary sewer main. This main dead-ends approximately at the easternmost right-of-way line of Radford Street. Along Radford Street between Nashville Street and Mobile Street there is an existing eight (8) inch diameter sanitary sewer main. Along Radford Street north of Mobile Street there are no existing sanitary sewer mains. Along Nashville Street between Radford Street and Belmont Street there is an existing eight (8) inch diameter sanitary sewer main. This main dead-ends at approximately 372 feet east of Radford Street. Along Bosworth Street between Memphis Street to the limits of the subject Property there are no existing sanitary sewer mains.

General: EPWU-PSB requests that the Developer provide information pertaining to the expected water demand, as well as the expected sanitary sewer flow pertaining to this proposed apartment complex. EPWU-PSB requests that the Developer's Engineer coordinate directly with EPWU-PSB Engineering Department to determine water and sanitary sewer service mechanism; to determine if

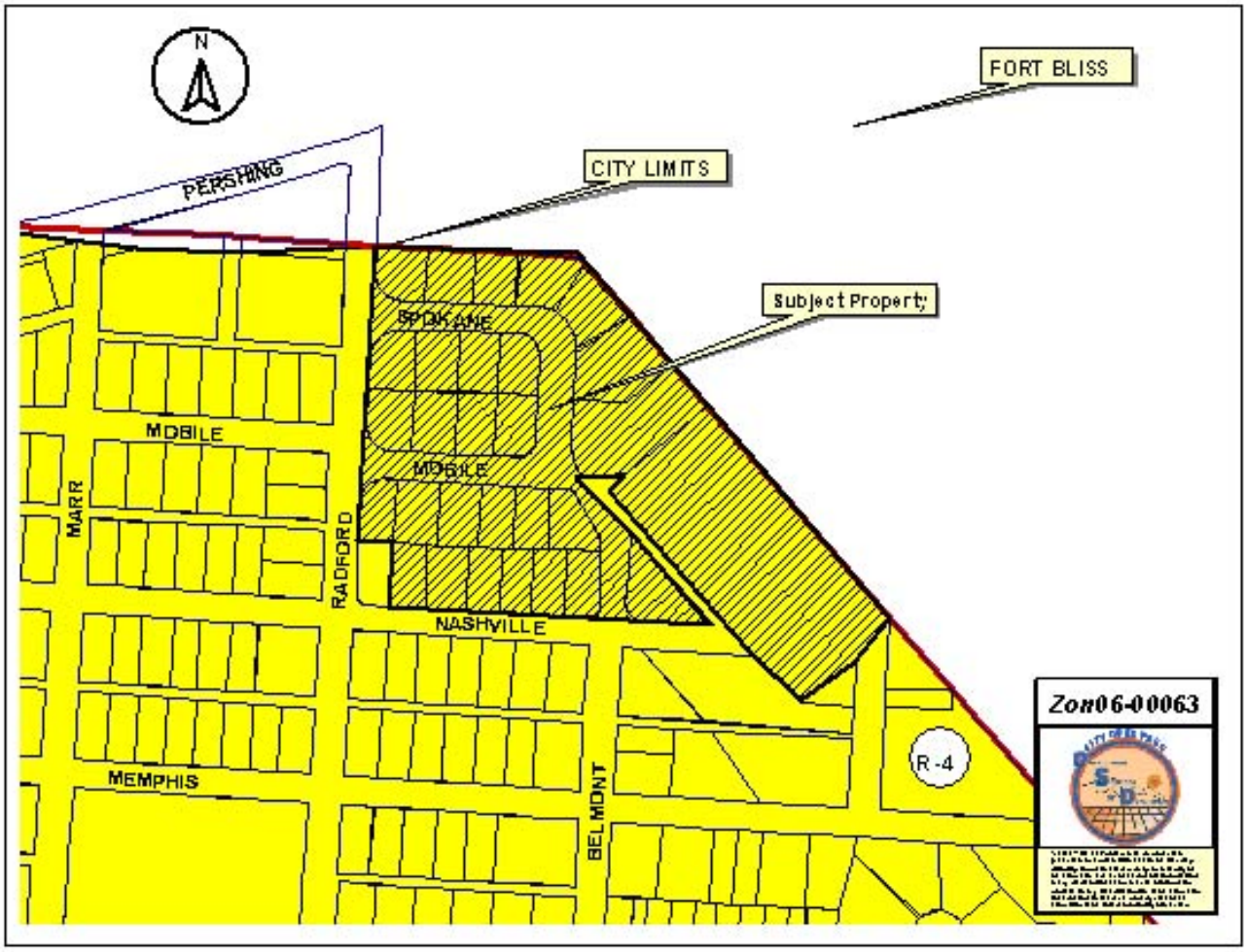
the development will require mater meters, or individual service meters for each apartment. Easements within the subject Property will be required for the extension of proposed water and sanitary sewer mains to serve this development. Easement grantor shall indemnify, defend, and hold harmless the El 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. The PSB easements shall be improved to allow the operation of EPWU maintenance vehicles. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB. The El Paso Water Utilities requires a finalized set of improvement plans including drainage and grading plans to initialize the design of the water and sanitary sewer main extensions to serve subject subdivision. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances. Furthermore, application for services for subject subdivision must be made in conjunction with the request for water and sanitary sewer main extensions. The improvement plans should include a site plan, a utility plan, grading & drainage plans, landscaping plan (if applicable), the legal description of the property, and a certificate-of-compliance which are required at the time of application. The certificate-of-compliance can be obtained at City Hall.

EPWU does not object to this request.

Attachments: Location Map; Aerial Map; Site Plan.

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING DEPARTMENT AT (915) 541-4056.

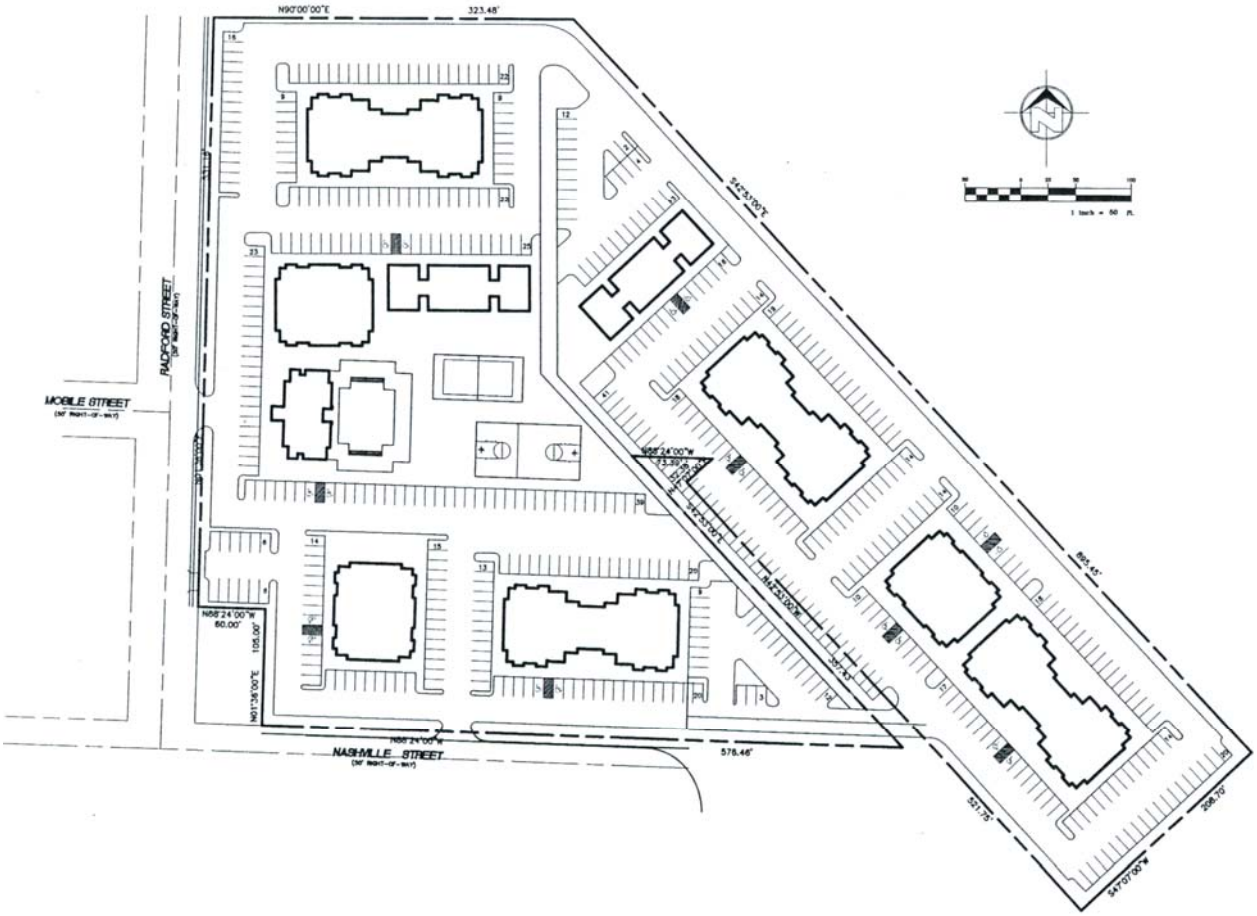
LOCATION MAP



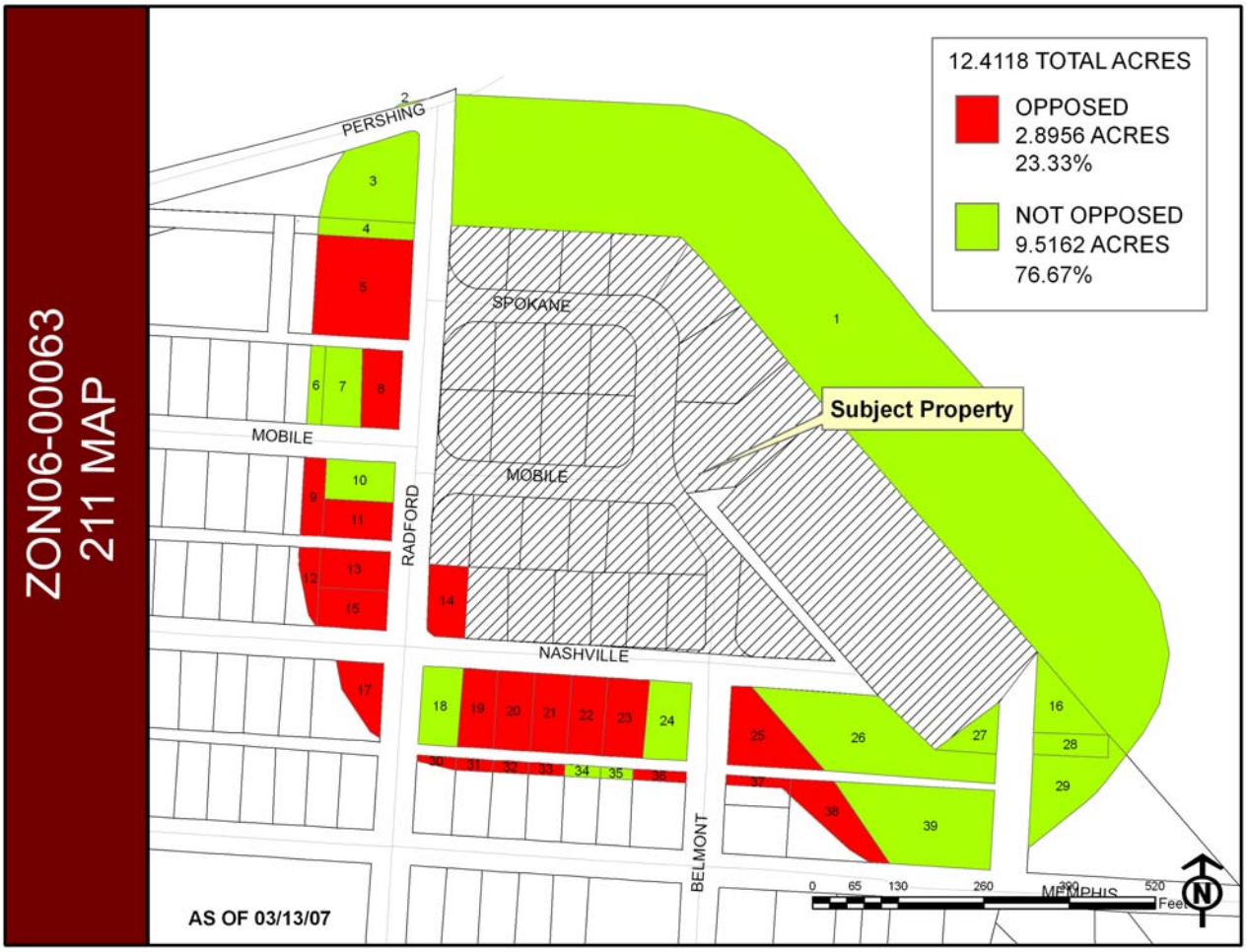
AERIAL MAP

N
PERSHING
SPOKANE
Subject Property
MOBILE
MOBILE
NASHVILLE
RADFORD
Zon06-00063
CITY OF EL PASO
MEMPHIS
BELMONT

SITE PLAN


N90°00'00"E
323.48'
S42°53'00"E
895.45'
S47°07'00"W
268.70'
521.75'
576.46'
N68°24'00"W
NASHVILLE STREET
(50' Right-of-Way)
N68°24'00"W
60.00'
105.00'
N21°36'00"E
RADFORD STREET
(50' Right-of-Way)
MOBILE STREET
(50' Right-of-Way)
1 inch = 50 ft.

211 MAP


ZON06-00063
211 MAP
12.4118 TOTAL ACRES
OPPOSED
2.8956 ACRES
23.33%
NOT OPPOSED
9.5162 ACRES
76.67%
Subject Property
PERSHING
SPOKANE
MOBILE
RADFORD
NASHVILLE
BELMONT
MEMPHIS
0 65 130 260 390 520
Feet
AS OF 03/13/07