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

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

AGENDA DATE: **Introduction: March 26, 2013**
Public Hearing: April 16, 2013

CONTACT PERSON/PHONE: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:
An ordinance changing the zoning of all of Lot 2, Block 1, Keystone Business Park Replat "A", City of El Paso, El Paso County, Texas from P-I/sc (Planned Industrial/special contract) to C-4/sc (Commercial/special contract) . The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4529 Osborne Drive. Property Owner: Luis R. DeStefano. PZRZ12-00025 **(District 8)**

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:** _____

PZRZ12-00025

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF ALL OF LOT 2, BLOCK 1, KEYSTONE BUSINESS PARK REPLAT "A", CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM P-I/SC (PLANNED INDUSTRIAL/SPECIAL CONTRACT) TO C-4/SC (COMMERCIAL/SPECIAL CONTRACT) AND IMPOSING A CONDITION. 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 *all of Lot 2, Block 1, Keystone Business Park Replat "A", City of El Paso, El Paso County, Texas,* incorporated by reference, be changed from **P-I/sc (PLANNED INDUSTRIAL/special contract)** to **C-4/sc (COMMERCIAL/special contract)**, 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 condition which is 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 all residential development shall be prohibited.*

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

_____
Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Mathew S. McElroy, Director
City Development Department

#164121/13-1007-655/Planning/PZRZ12-00025/Rezoning

MEMORANDUM

DATE: March 18, 2013

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

FROM: Andrew Salloum, Planner

SUBJECT: **PZRZ12-00025**

The City Plan Commission (CPC), on March 7, 2013, voted 7-0 to recommend **approval** of rezoning the subject property from P-I/sc (Planned Industrial/special contract) to C-4/sc (Commercial/special contract) and imposing a condition that all residential development shall be prohibited.

The CPC found that the rezoning is in conformance with the 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 have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There is no opposition to this request.

Attachment:
Staff Report

City of El Paso – City Plan Commission Staff Report

Case No:	PZRZ12-00025
Application Type:	Rezoning
CPC Hearing Date:	March 7, 2013
Staff Planner:	Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov
Location:	4529 Osborne Drive
Legal Description:	All of Lot 2, Block 1, Keystone Business Park Replat "A", City of El Paso, El Paso County, Texas
Acreage:	1.169 acres
Rep District:	8
Existing Zoning:	P-I/sc (Planned Industrial/special contract)
Existing Use:	Vacant
Request:	From P-I/sc (Planned Industrial/special contract) to C-4/sc (Commercial/special contract)
Proposed Use:	Contractor yard, Office, and Warehouse
Property Owner:	Luis R. DeStefano
Representative:	Jorge Garcia

SURROUNDING ZONING AND LAND USE

North: P-I/sc (Planned Industrial/special contract) / vacant
South: C-4/sc (Commercial/special contract) / vacant
East: P-I/sc (Planned Industrial/special contract) / vacant
West: P-I/sc (Planned Industrial/special contract) / vacant

PLAN EL PASO DESIGNATION: G-7, Industrial and/or Railyards (Northwest Planning)
NEAREST PARK: Keystone Heritage Wetlands Park (1,143 feet)
NEAREST SCHOOL: Zach White Elementary (6,305 feet)

NEIGHBORHOOD ASSOCIATIONS

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

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on February 5, 2013. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

APPLICATION DESCRIPTION

The request is to change the zoning from P-I/sc (Planned Industrial/special contract) to C-4/sc (Commercial/special contract) to allow for a contractor yard, office, and warehouse. The contractor yard is not permitted in P-I (Planned Industrial) zone district. The special contract imposed conditions for sidewalks, temporary ponding and curb and gutters. These imposed conditions have either been complied with or will be addressed during the construction phase. Access is proposed from Osborne Drive.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of rezoning the subject property P-I/sc (Planned Industrial/special contract) to C-4/sc (Commercial/special contract) with a condition that no residential uses be permitted. The recommendation is based on the existing commercial and industrial uses immediately adjacent to the subject property. The predominant land use in the area is light manufacturing which is compatible with the Plan El Paso land use designation G-7, Industrial and/or Railyards.

Plan El Paso- Future Land Use Map Designation

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

G-7 – Industrial: This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso's economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.

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.

COMMENTS:

Planning Division - Transportation

A TIA is not required for the proposed change in zoning as the C-4 (Commercial) permits uses.

Note:
All proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall be constructed in compliance with the current ADA/TAS regulations and City Design Standards for construction.

City Development Department – Plan Review

No objections to rezoning.

City Development Department - Land Development

No Objection.

General Comments:

- 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.

Fire Department

Recommend approval as presented. It 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.

Sun Metro

Sun Metro does not oppose this request.

El Paso Water Utilities

We have reviewed the zoning change request described above and provide the following comments:

EPWU does not object to this request.

EPWU-PSB Comments

Water

Along Osborne Drive fronting the subject Property, east of Doniphan Drive, there is an existing fifty-four (54) inch diameter water transmission main. No service connections are allowed to this main as per the El Paso Water Utilities - Public Service Board Rules & Regulations.

Along Osborne Drive fronting the subject Property there is an existing eight (8) inch diameter water main. Previous water pressure readings conducted on fire hydrant number 10032 located along Osborne Drive at approximately 605 feet north of Ripley Drive have yielded a static pressure of 78 pounds per square inch (psi), residual pressure of 70 psi, discharge of 1,061gallons per minute (gpm).

Sanitary Sewer

Along Osborne Drive fronting the subject Property there is an existing twelve (12) inch diameter sanitary sewer main.

General

Water and sanitary sewer service is available from the above-described mains.

Application for water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. 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

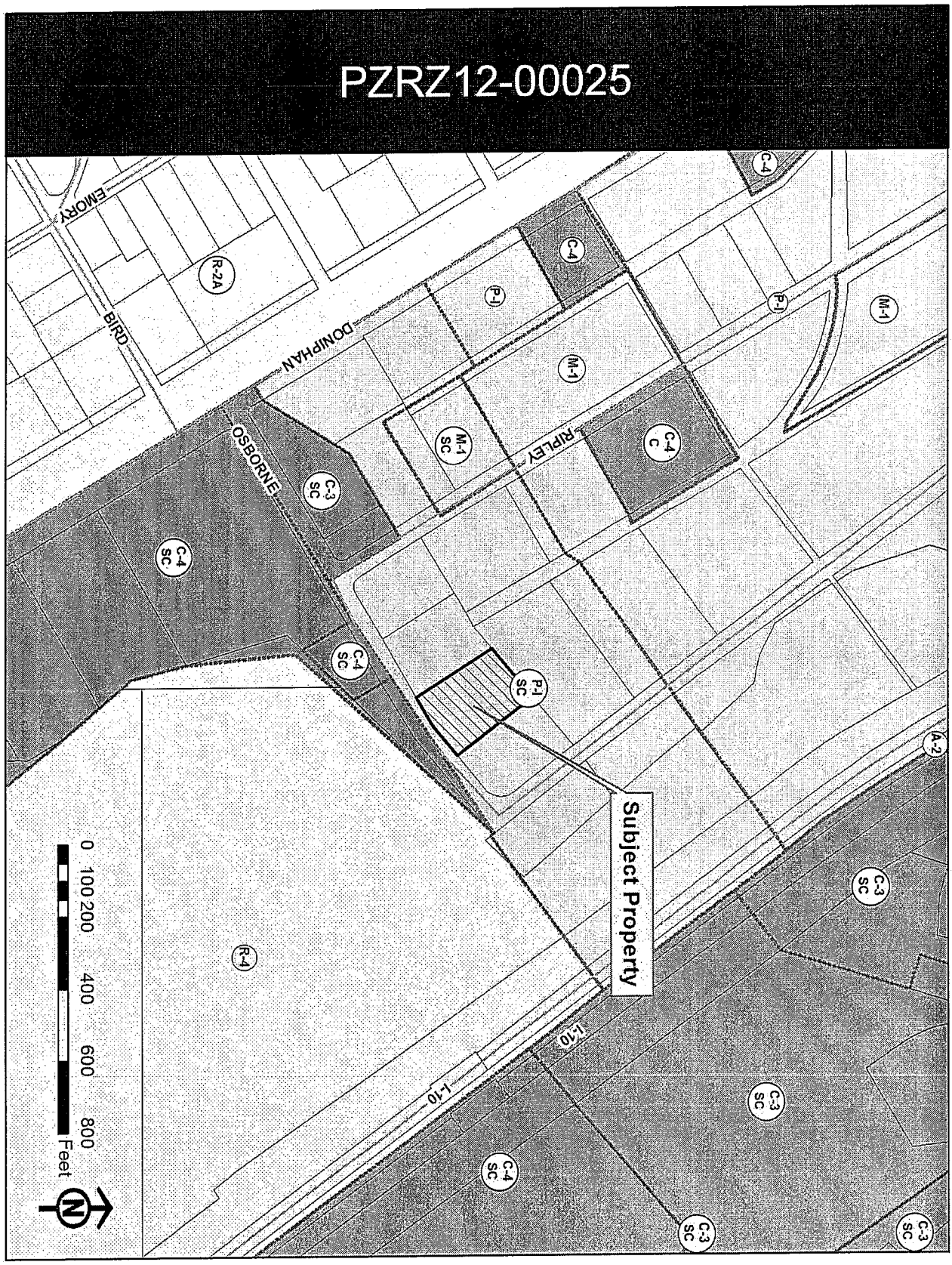
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application

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 in the Plan by the CPC.

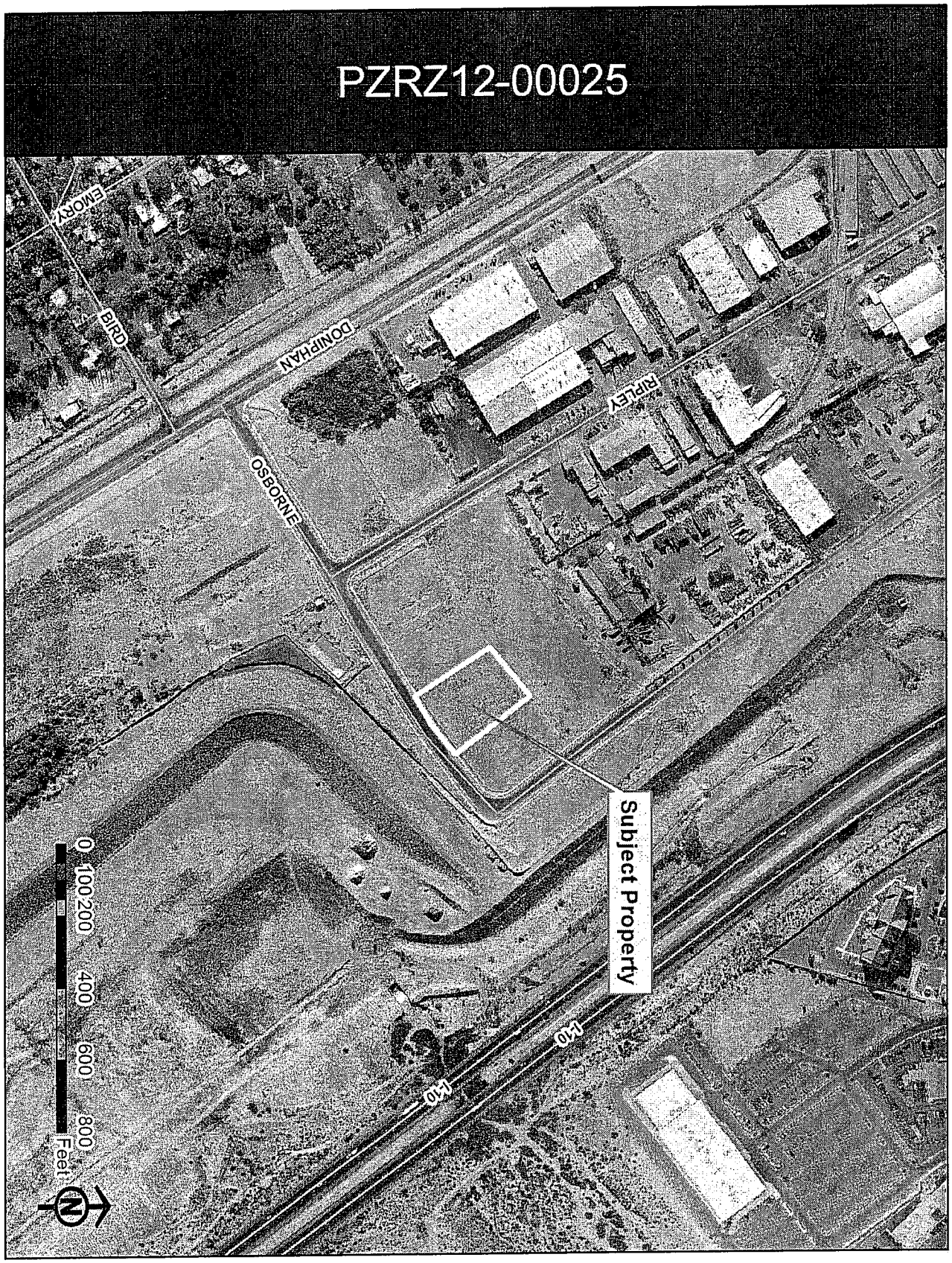
Attachments:

Attachment 1: Zoning Map
Attachment 2: Aerial Map
Attachment 3: Conceptual Site Plan
Attachment 4: Special Contract dated May 10, 1976

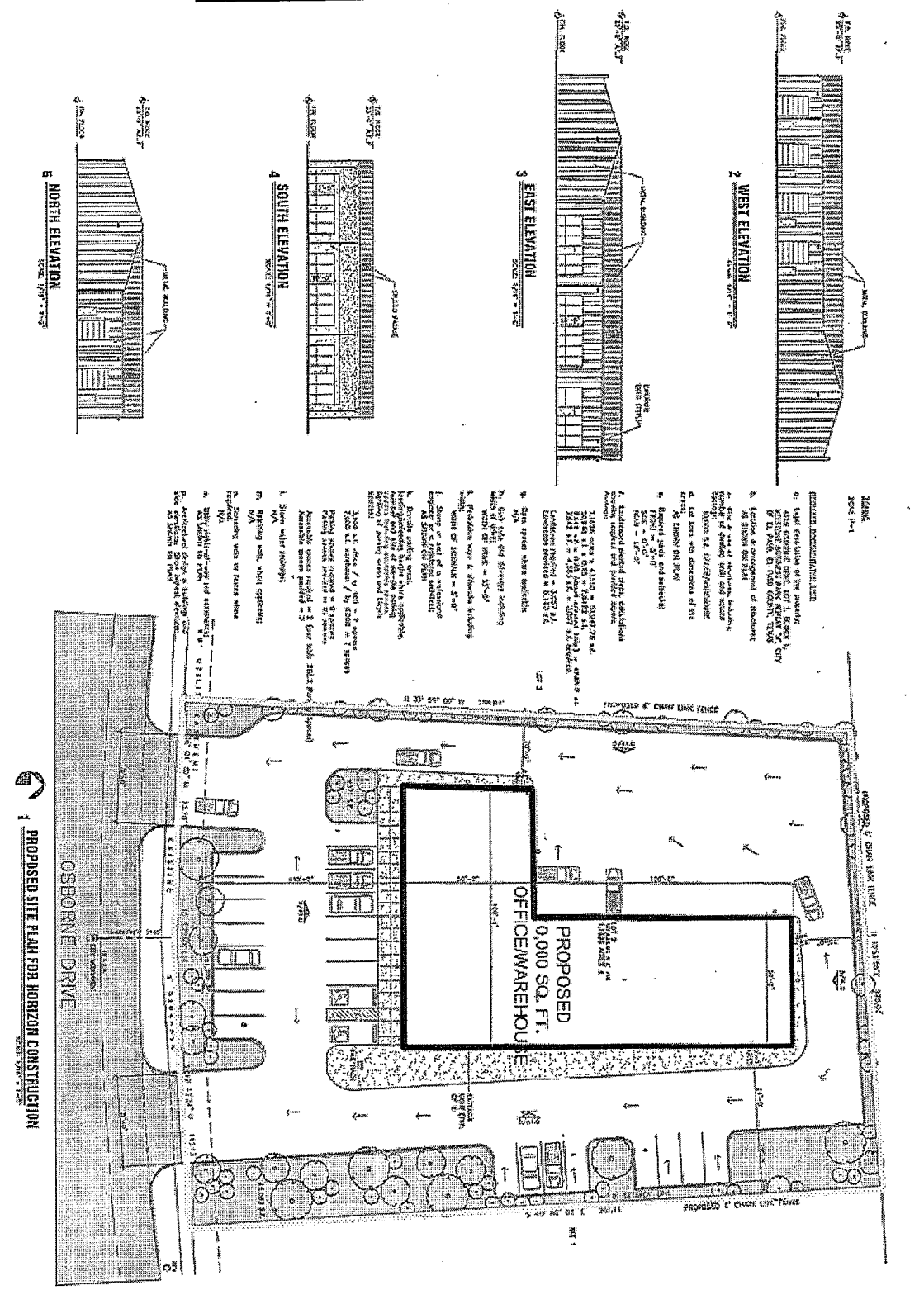
ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP



ATTACHMENT 3: CONCEPTUAL SITE PLAN



ATTACHMENT 4: SPECIAL CONTRACT DATED MAY 10, 1976

CONTRACT

This contract, made this 10 day of May, 1976, by and between THE EL PASO NATIONAL BANK, Trustee of the BOYKIN-HARVEY TRUST ESTATE, First Party, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning of Lot 29, Block 2, Zach White Industrial District, a portion of B.B.B. & C. Railroad Survey #154, and a portion of A. F. Miller Survey #210 in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 5140 now pending before the City Council of the City of El Paso, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Party covenants that if the property is rezoned as indicated in the attached ordinance, it shall be subject to the following restrictions, conditions and covenants:

1. First Party shall, at no cost to the City, construct a temporary ponding area for ponding of surface waters on the above property. Such temporary ponding area must be constructed in accordance with plans and specifications to be approved by the City Engineer of the City of El Paso and must be completed by First Party and approved by the City Engineer before building permits shall be issued for any buildings to be constructed on the property. Such temporary ponding area shall be maintained by First Party until the City Engineer advises First Party in writing that permanent drainage facilities located outside the property are available to receive surface waters to be discharged from the property. When such notice is received from the City Engineer, First Party may abandon the temporary ponding area, backfill it and be free to use it for other lawful purposes.

2. When Doniphan Drive is improved by widening the pavement thereon, First Party shall, at no cost to the City, construct the following improvements:

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(a) A curb and gutter on the side of Doniphan Drive adjacent to the property;

(b) A concrete sidewalk along the boundary of the property adjacent to Doniphan Drive.

Such improvement shall be installed by First Party within 90 days after the City Engineer of the City of El Paso advises First Party that Doniphan Drive is being widened and that such improvements should be installed. Such improvements shall be installed in accordance with specifications to be approved by the City Engineer and shall be subject to inspection and approval by him upon completion.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

WITNESS the following signatures and seals:

THE EL PASO NATIONAL BANK, a corporation, Trustee of the BOYKIN-HARVEY TRUST ESTATE

By _____
Jack D. Sargent, Vice President and Senior Trust Officer

ATTEST:

_____
Cashier
E.N.P.

THE CITY OF EL PASO

By _____
Mayor Pro-Tem

ATTEST:

_____
City Clerk

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