

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

DEPARTMENT: City Development Department, Planning Division

AGENDA DATE: Introduction: June 11, 2013
Public Hearing: July 2, 2013

CONTACT PERSON/PHONE: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov

DISTRICT(S) AFFECTED: 4

SUBJECT:

An Ordinance changing the zoning of a portion of Lot 3, Block 5, Castner Range Subdivision, City of El Paso, El Paso County, Texas from C-1 (Commercial) to C-3 (Commercial). The penalty is as provided for in Chapter 20.24 of The El Paso City Code. Property owner: Investment Builders, Location: 9301 Dyer Street, **PZRZ13-00006 (District 4)**

BACKGROUND / DISCUSSION:

Staff report attached.

PRIOR COUNCIL ACTION:

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

 *fr*

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 3, BLOCK 5, CASTNER RANGE SUBDIVISION NO. 1, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-1 (COMMERCIAL) TO C-3 (COMMERCIAL) 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:

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of a portion of Lot 3, Block 5, Castner Range Subdivision No. 1, located in the City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from C-1 (Commercial) to C-3 (Commercial), as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

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

#180383/13-1007-744 9301 Dyer

ORDINANCE NO. _____

Zoning Case No: PZRZ13-00006

EXHIBIT "A"

Property Description: A portion of Lot 3, Block 5, Castner Range Subdivision
No. 1, El Paso, El Paso County, Texas.

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a portion of Lot 3, Block 5, Castner Range Subdivision No. 1, El Paso, El Paso County, Texas and is more particularly described by metes and bounds as follows:

Commencing at an existing city monument lying on the centerline intersection of Rutherford Drive and W. Osborne Road; Thence, South 60° 34' 44" East, along the centerline of Rutherford Drive, a distance of 142.00 feet to a point; Thence; North 29° 25' 16" East, a distance of 488.97 feet to a point lying on the common boundary line between Lot 7, Block 21, Castner Heights Unit Three and Lot 3, Block 5, Castner Range Subdivision No. 1, said point being a found 5/8-inch iron with plastic SLI cap Texas No. 2998; Thence, South 60° 34' 44" East, a distance of 369.00 feet to a found 5/8-inch iron with SLI plastic cap Texas No. 2998; Thence, North 29° 25' 16" East a distance of 150.00 feet to a found 5/8-inch iron with SLI plastic cap Texas No. 2998; Thence, South 60° 34' 44" East a distance of 88.00 feet to a set 1/2-inch iron with SLI cap Texas No. 2998, said point being the TRUE POINT OF BEGINNING of this description;

THENCE, North 29° 25' 16" East, a distance of 178.99 feet to a set concrete nail in a rock wall;

THENCE, South 60° 34' 44" East, a distance of 112.00 feet to a set PK nail with shiner lying on the westerly right-of-way line of Dyer Street;

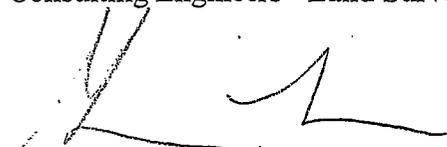
THENCE, South 29° 25' 16" West, along said right-of-way line, a distance of 178.99 feet to a found "X";

THENCE, North 60° 34' 44" West, a distance of 112.00 feet to the TRUE POINT OF BEGINNING of this description.

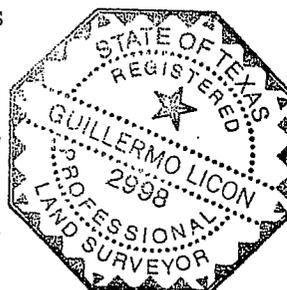
Said parcel of land contains 0.4602 acres (20,047 sq. ft.) of land more or less.

A PLAT OF BOUNDARY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION

SLI ENGINEERING, INC.
Consulting Engineers - Land Surveyors



Guillermo Licon
Registered Professional Land Surveyor
Texas License No. 2998



May 07, 2008
Job# 06-06-2084
M&B/2084

MEMORANDUM

DATE: May 28, 2013

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

FROM: Arturo Rubio, Senior Planner

SUBJECT: PZRZ13-00006

The City Plan Commission (CPC), on May 2, 2013, voted 7-1 to recommend **approval** of rezoning the subject property from C-1 (Commercial) to C-3 (Commercial).

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 one opposition to this request.

Attachment:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZRZ13-00006
Application Type: Rezoning
CPC Hearing Date: May 2, 2013
Staff Planner: Arturo Rubio, 915-541-4633, rubioax@elpasotexas.gov

Location: 9301 Dyer Street
Legal Description: A portion of Lot 3, Block 5, Castner Range Subdivision No. 1, City of El Paso, El Paso County, Texas
Acreage: 0.4602- acre
Rep District: 4
Existing Zoning: C-1 (Commercial)
Existing Use: Vacant
Request: From C-1 (Commercial) to C-3 (Commercial)
Proposed Use: National Tire Center and Automotive Repair
Property Owner: Investment Builders Inc.
Representative: SLI Engineering, Inc.

SURROUNDING ZONING AND LAND USE

North: C-3/sc (Commercial/special contract), Multi-family dwellings
South: C-1 (Commercial); C-4 (Commercial), Retail
East: C-3 (Commercial) Retail
West: C-1 (Commercial) Multi-family dwellings

PLAN EL PASO DESIGNATION: G-3 Post War (Northeast Plan Area)
NEAREST PARK: Todd Ware Park (3,769 feet)
NEAREST SCHOOL: Whitaker Elementary (2,871 feet)

NEIGHBORHOOD ASSOCIATIONS

Castner Heights Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on April 17, 2013. The Planning Division has not received any phone calls or letters in opposition to the rezoning request.

APPLICATION DESCRIPTION

The applicant is requesting to rezone the subject property from C-1 (Commercial) to C-3 (Commercial) to allow for a national tire center and automotive repair. The site plan shows a new 5,430 sq. ft. structure. Access is proposed from Dyer Street.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of rezoning the subject property to C-3 (Commercial). The existing full parcel is split zoned C-1 and C-3. The applicant is requesting to have a single zone for the entire property that would allow a national tire center and automotive repair. The C-3 zone allows both uses and the C-1 would allow only one and light automotive. The recommendation is based on the compatibility with the surrounding land uses adjacent to the property and the Plan El Paso Land Use Designation.

Plan El Paso- Future Land Use Map Designation

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

G-3 Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

C-3 (Commercial): The purpose of these districts is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

COMMENTS:

Planning Division - Transportation

No objection to the rezoning

Site Plan Comments to be addressed at the time of building permits:

1. Sidewalks shall be continuous across the driveway, sidewalks not permitted to ramp up and down across driveways.
2. The property is located along the Dyer Rapid Transit System (RTS) Corridor. Location and arrangement of bus stops and or bus pull in bays shall be coordinated and approved by Sun Metro.
3. Access and or improvements to Dyer Street shall be coordinated and approved by TXDOT.
4. All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall follow the City of El Paso Design Standards for Construction and be ADA/TAS compliant.

El Paso Department of Transportation

TIA is not required.

City Development Department – Plan Review

No comments received.

City Development Department - Landscaping Division

No comments received.

City Development Department - Land Development

No Objection.

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 Dept. Land Development Section.*

* This requirement will be applied at the time of development.

Sun Metro

Sun Metro does not oppose this request and recommends the construction of sidewalks to permit pedestrian access to mass transit options.

El Paso Water Utilities

1. EPWU does not object to this request.

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

3. An extension of a 6-inch diameter water main will be required along Dyer Street to provide water service to the subject property.

Water:

- 4. There is an existing 36-inch diameter transmission water main extending along Dyer Street between Rutherford and Diana Drives. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.
- 5. There is an existing 6-inch diameter water main extending along Dyer Street between Rutherford and Diana Drives that is available for service. Said main dead ends approximately 620-ft north of Rutherford Drive. An extension of a 6-inch diameter water main along Dyer Street will be required to provide water service to the subject property. The Owner/Developer is responsible for any necessary main extension cost.

6. Previous water pressure from fire hydrant #809 located approximately 440-ft north of Rutherford Drive has yield a static pressure of 132 (psi), a residual pressure of 132 (psi), and a discharge of 817 gallons per minute.

7. 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.

Sanitary Sewer:

8. There is an existing 8-inch diameter sanitary sewer main extending along Dyer Street that is available for service, the sewer main is located approximately 30-feet west from the center line of the right-of-way.

General:

9. 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.

Fire Department

Recommend “DENIAL” of “Conceptual Site Plan” as presented.

*****NOTE ***** PZRZ 13-00006

In accordance with the requirements of the Zoning Code Section 20.04.160 Content of application the Fire Planning Division has reviewed the submitted “Detailed Site Plan for the following: **Elevations, Perspective of the building, Dimensions, square footage and height of all structures, Number of dwelling units in Multi- family structures, and Driveways** as applicable to following sections of the fire code; *Sections 503 and Appendix D Fire Apparatus Access Roads, Section 903 Automatic Sprinkler Systems, Section 905 Standpipe Systems.*

“When required as per section 905.3.1, 905.4 and 905.5 all fire protections system plans shall be submitted separately to Fire Plan Review for further requirements and comments”.

The Fire Planning Division has reviewed the submitted “ Conceptual Site Plan” as per requirements of the Zoning Code Section 20.04.160 Content of application and has determined that the submission DOES NOT Comply within the zoning regulations.

The Conceptual Site Plan submitted does not reveal **Elevations, Perspective of the building, Dimensions, square footage and height of all structures, as per the requirements of the Zoning Regulations set forth**

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 Plan
- Attachment 4: Elevations

ATTACHMENT 2: AERIAL MAP

PZRZ13-00006

