

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: May 20, 2008
Public Hearing: June 10, 2008

CONTACT PERSON/PHONE: Arturo Rubio, 541-4633

DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance changing the zoning of the following real property described as parcel 1: All of Lots 1-5, Block 224, Alexander Addition, City of El Paso, El Paso County, Texas, be changed from C-1 (Commercial) to S-D (Special Development); and, parcel 2: A portion of Lots 6 through 10, Block 224, Alexander Addition, City of El Paso, El Paso County, Texas, be changed from C-2 (Commercial) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of The El Paso City Code. Subject Property: 2701 and 2725 N. Mesa Street. Applicants: Gilbert W. Malooly and Geraldine Malooly, Trustees, ZON07-00137 (District 1)

BACKGROUND / DISCUSSION:

See attached 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)

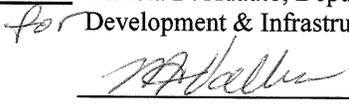
CITY CLERK DEPT.
MAY 13 PM 2:54

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Patricia D. Adauto, Deputy City Manager
for Development & Infrastructure Services



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS:

PARCEL 1: ALL OF LOTS 1-5, BLOCK 224, ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM C-1 (COMMERCIAL) TO S-D (SPECIAL DEVELOPMENT); AND,

PARCEL 2: A PORTION OF LOTS 6 THROUGH 10, BLOCK 224, ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM C-2 (COMMERCIAL) TO S-D (SPECIAL DEVELOPMENT). 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 the following property be changed as described below within the meaning of the zoning ordinance and that the zoning map of the City of El Paso be revised accordingly:

Parcel 1: *All of Lots 1-5, Block 224, Alexander Addition, City of El Paso, El Paso County Texas*, and more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from C-1 (Commercial) to S-D (Special Development); and,

Parcel 2: *A portion of Lots 6 through 10, Block 224, Alexander Addition, City of El Paso, El Paso County Texas*, and more particularly described by metes and bounds on the attached Exhibit "B", incorporated by reference, be changed from C-2 (Commercial) to S-D (Special Development).

PASSED AND APPROVED this ____ day of _____, 2008.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

CITY CLERK DEPT.
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(Signatures continue on Page 2)

APPROVED AS TO FORM:
ORDINANCE NO. _____

APPROVED AS TO CONTENT:
Zoning Case No. ZON07-00137



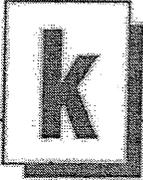
Lupe Cuellar
Assistant City Attorney

Patricia D. Adauto
Patricia D. Adauto, Deputy City Manager
Development & Infrastructure Services

CITY CLERK DEPT.
08 MAY 13 PM 2:50

ORDINANCE NO. _____

Zoning Case No. ZON07-00137



KISTENMACHER ENGINEERING COMPANY, INC.

• CONSULTING ENGINEERING

• LAND PLANNING

• SURVEYING

EXHIBIT "A"

DESCRIPTION

All of Lots 1 through 5 and a portion of Lots 6 through 10, in Block 224 of Alexander Addition to the city of El Paso, El Paso County, Texas, more fully described as follows:

COMMENCING at a point on the centerline of Mesa Street, said point being the intersection of the south right-of-way of Baltimore Street and the centerline of Mesa Street;

THENCE, South 52°25' West, a distance of 60.00 feet to a chiseled "X" found for the intersection of said south right-of-way and the west right-of-way line of Mesa Street, said "X" also being the POINT OF BEGINNING of the herein described tract;

THENCE, South 48°30'08" East (record South 48°28'08" East), along said west right-of-way, a distance of 132.38 feet to a chiseled "X" found for corner;

THENCE, South 37°37'00" East, with said west right-of-way a distance of 130.00 feet to a point for a corner, said point lying on the intersection of said west right-of-way and the north right-of-way of Cincinnati Street, from said point a chiseled "X" found bears S 68°05'W - 0.37';

THENCE, South 52°23'00" West, a distance of 122.07 feet (record 122 feet) to a 5/8 inch iron rod with a cap marked "KECO" set for a corner, said iron rod lying on the intersection of said north right-of-way and the east right-of-way of a 16.00 foot alley;

THENCE, North 37°37'00" West, along said east right-of-way a distance of 260.00 feet to a 60 penny nail with a shiner set for corner, said nail and shiner lying on the intersection of said east right-of-way and the south right-of-way of Baltimore Street;

THENCE, North 52°23'00" East, with said south right-of-way a distance of 97.07 feet (record 97.00 feet) to the POINT OF BEGINNING and containing within these calls a calculated area of 0.691 acre or 30,113 square feet, more or less.



CITY CLERK DEPT.
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TWO LOCATIONS IN TEXAS TO SERVE YOU



KISTENMACHER ENGINEERING COMPANY, INC.

• CONSULTING ENGINEERING

• LAND PLANNING

• SURVEYING

EXHIBIT "B"

DESCRIPTION

All of Lots 1 through 5 and a portion of Lots 6 through 10, in Block 224 of Alexander Addition to the city of El Paso, El Paso County, Texas, more fully described as follows:

COMMENCING at a point on the centerline of Mesa Street, said point being the intersection of the south right-of-way of Baltimore Street and the centerline of Mesa Street;

THENCE, South 52°25' West, a distance of 60.00 feet to a chiseled "X" found for the intersection of said south right-of-way and the west right-of-way line of Mesa Street, said "X" also being the POINT OF BEGINNING of the herein described tract;

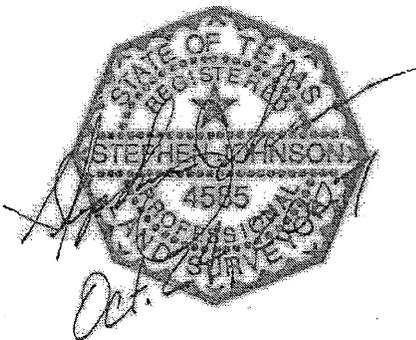
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CITY CLERK DEPT.
08 MAY 16 AM 10:46

TWO LOCATIONS IN TEXAS TO SERVE YOU

1420 GERONIMO DRIVE, STE. A-2
EL PASO, TEXAS 79925
915-778-4476 • FAX 915-778-4504

6336 GREENVILLE AVENUE, STE. C
DALLAS, TEXAS 75206
214-234-0011 • FAX 214-234-0012



JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

PAT D. ADAUTO
DEPUTY CITY MANAGER
DEVELOPMENT AND INFRASTRUCTURE SERVICES

VACANT
DEPUTY DIRECTOR, PLANNING

CITY COUNCIL

ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
VACANT, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES
PLANNING DIVISION**

MEMORANDUM

DATE: April 28, 2008
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Arturo Rubio, Planner
SUBJECT: ZON07-00137

CITY CLERK DEPT.
08 MAY 13 PM 2:54

The City Plan Commission (CPC), on April 10, 2008, voted **6-0** to recommend **APPROVAL** of rezoning the subject property parcel 1: from C-1 (Commercial) to S-D (Special Development), parcel 2: from C-2 (Commercial) to S-D (Special Development).

The CPC found that this 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 this 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.

On February 28, 2008 CPC recommended that case be postponed for two weeks to allow the applicant and staff to meet and discuss possible recommended changes to the detailed site plan submitted. On March 27, 2008 applicant requested that rezoning case be postponed to allow for further revisions to the detailed site plan submitted.

There was no opposition to this request.

Attachment: Staff Report



ZON07-00137

Application Type: Rezoning

Property Owner: Gilbert W. Malooly and Geraldine Malooly, Trustees

Representatives: Etzold & Co.

Legal Description: A portion of Lots 6 through 10 and all of Lots 1 through 5, Block 224, Alexander Addition, City of El Paso, El Paso County, Texas

Location: 2701 and 2725 N. Mesa Street

Representative District: 1 **Area:** 0.69 acres

Present Zoning: Parcel 1: C-1 (Commercial) **Present Use:** Vacant
Parcel 2: C-2 (Commercial)

Proposed Zoning: Parcel 1: S-D (Special Development)
Parcel 2: S-D (Special Development)

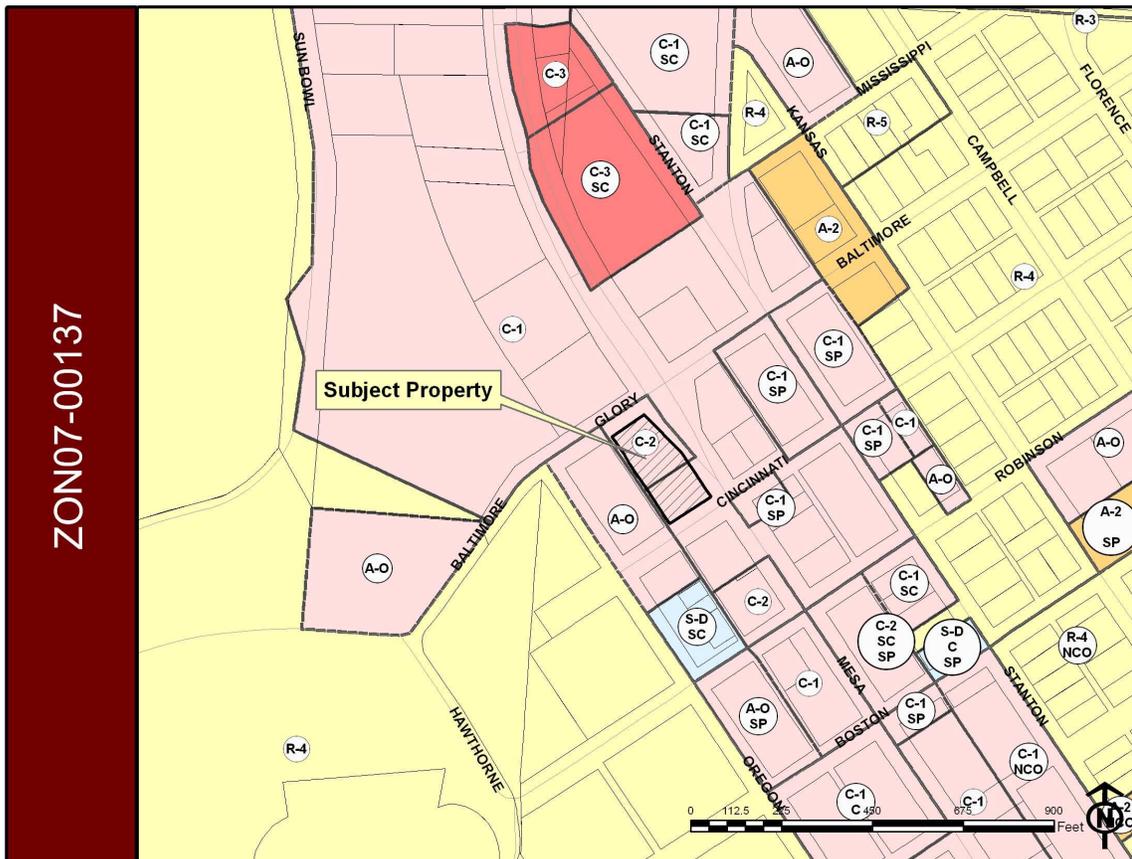
Recognized Neighborhood

Associations Contacted: None

Public Response: None

Surrounding Land Uses: **North:** C-1, UTEP; **South:** C-1, restaurant; **East:** C-1, C-1/sp; **West:** A-O, UTEP, parking lot

Year 2025 Designation: **Mixed Use** (Central Planning Area)



General Information:

The applicant is requesting a rezoning on Parcel 1: from C-1 (Commercial) to S-D (Special Development) and Parcel 2: from C-2 (Commercial) to S-D (Special Development). The property is 0.69 acres and is currently vacant. This rezoning case is subject to review and approval of a detailed site development plan as per requirement of S-D (Special Development) district. The applicant is requesting reduced and zero set backs, as permitted in the S-D zoning district (See ZON07-00152) Detailed Site Development Plan case. Access is via Glory Road and egress from Cincinnati Street.

On February 28, 2008 CPC recommended that case be postponed for two weeks to allow the applicant and staff to meet and discuss possible recommended changes to the detailed site plan submitted. On March 27, 2008 applicant requested that rezoning case be postponed to allow for further revisions to the detailed site plan submitted.

The applicant has coordinated the recommended revisions to the detailed site development plan with planning staff and DCC and we are forwarding a recommendation of approval to the CPC.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **Approval** of this request for rezoning parcel 1 from C-1 (Commercial) to S-D (Special Development) and parcel 2 from C-2 (commercial) to S-D (Special Development).

The recommendation is based on the following:

- **The Plan for El Paso** City-Wide Land Use Goals recommends that El Paso “provide designated locations for commercial 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 Plan for El Paso** in the Northwest and Central planning area encourages master planning of large undeveloped areas into integrated developments which contain a balanced mix of open space, residential, commercial and industrial uses.
- **The Plan for El Paso** Proposed Land Use Policy Areas that include the Mesa Street Corridor encourage:
 1. The construction of sidewalks and landscape parkways on both sides of Mesa Street to facilitate pedestrian activity.
 2. Reduce curb cuts along Mesa Street by the use of shared driveways, interparcel access points and secondary street access.
 3. Improve lighting along Mesa Street for both vehicular and pedestrian traffic.
 4. Encourage new development along the Mesa Street Corridor to provide reduced front setbacks and rear or side parking areas to enhance pedestrian circulation.
 5. Promote beautification throughout the area, through landscaping and other amenities, with particular focus on the main transit corridors.
 6. Promote the use of alleys and backyards for access and parking purposes and prohibit conversion of front yards for parking uses throughout the Central planning area.

- **The Year 2025 Projected General Land Use Map** for the Central Planning Area designates this property for **Mixed** land uses.
- **S-D** (Special Development) is **compatible** with adjacent development.

Findings:

The Commission must determine the following:

1. Will the zoning protect the best interest, health, safety and welfare of the public in general?
2. Will retail development be compatible with adjacent land uses?
3. What is the relation of the proposed change to the city's Comprehensive Plan?
4. What effect will the rezoning have upon the natural environment social and economic conditions and property values in the vicinity and in the City as a whole?

All review committee members have reviewed revised site plan and have recommended approval.

All comments below reflect previous recommendations based on previously submitted site plan

Development Services Department - Building Permits and Inspections Division:

Zoning Review: It is noted that these conditions are present: 1. Proposed uses on overall site plan permitted on S-D (Special Development) district. 2. Minimum requirement of one acre. 3. Requires minimum of 10' rear and side street set back off alley and Cincinnati street.

Landscape Review: No comments received.

Development Services Department - Planning Division:

Current Planning: Recommends approval of rezoning from C-1 (Commercial) and C-2(Commercial) to S-D (Special Development) with the revised detailed site development plan submitted (ZON07-00152).

Land Development:

No Comments Received

Engineering Department - Traffic Division:

Access to Mesa must be approved by TX DOT. Verify that landscaping at street corners does not impede accessible route. Per 20.12.060 (Vision Clearance at Intersections) The Traffic Engineer must review and approve any structures over 3 feet in height.

TXDOT:

TXDOT is responding to SH 20 at Glory Road. TXDOT recommends that the parking should be to the back of the property and access can be through Glory Road.

Fire Department:

No comments received.

El Paso Water Utilities:

EPWU does not object to this request.

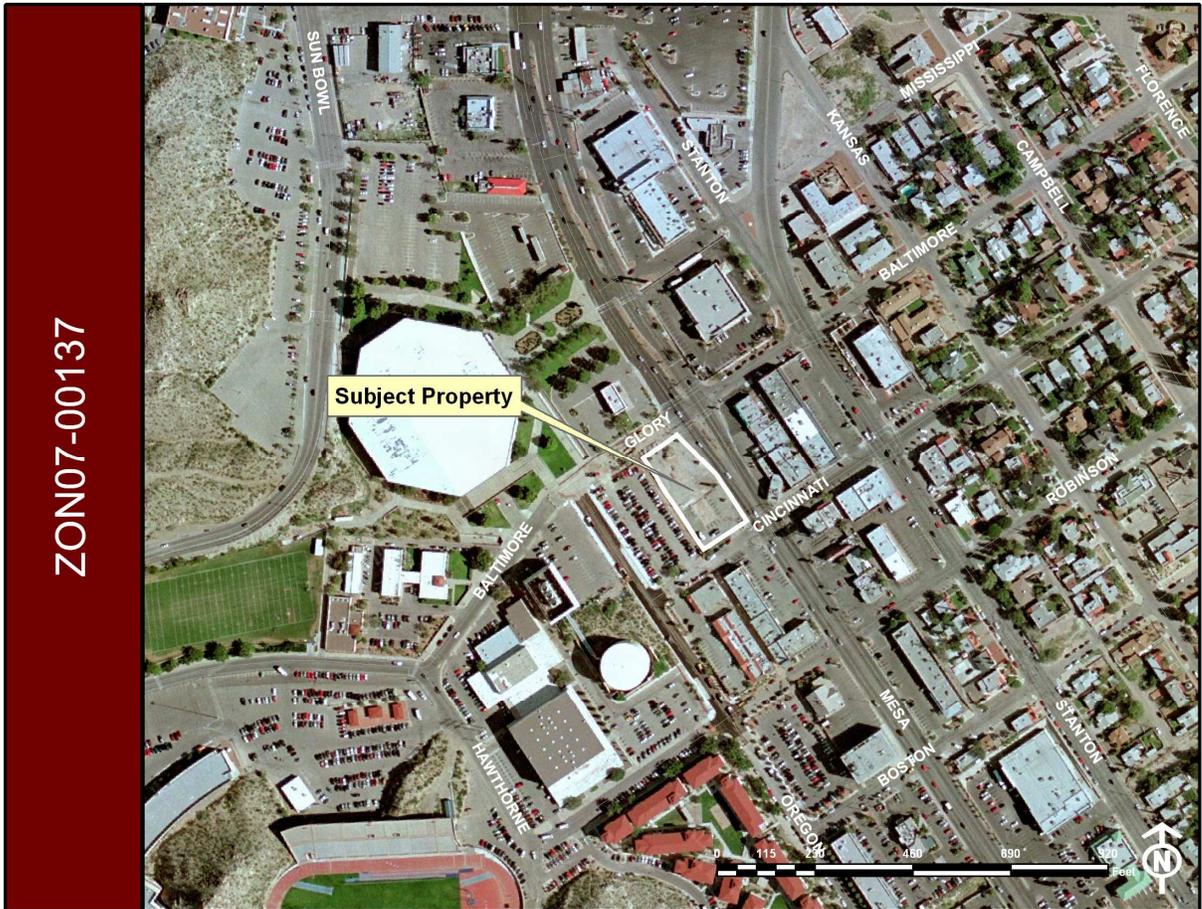
Sun Metro: We strongly recommend to the developer to reconsider his proposal as it pertains to the placement of the building. Our concerns stem from the fact that Sun Metro will be constructing a park and ride multi-story facility behind the proposed strip mall. There will be numerous buses traversing adjacent to this building. If relocating the building to the front of the property is not an option. Then we urged this body to deny the special use requested in the zoning. By denying the special use, the building would have to comply with the "C" zoning requirements of a 10' building setback to the rear and the side abutting side street. If the developer wishes to meet and discuss the matter with Sun Metro, we are at your service.

The following comments are for the record from Sun Metro:

1. The building is too close to the proposed Transit terminal by Sun Metro. The alley or street between the terminal and the proposed building would be subject to buses traversing every fifteen minutes right next to the building. The seismic vibration would probably not be very conducive for the proposed uses.
2. The proposed driveways towards the front create points of conflicts for our buses at the street intersections.
3. The plan does not support the Transit Oriented Development (TOD) for the Mesa Corridor.
4. The Glory Road Terminal is a critical component for the City of El Paso as it develops the BRT system along this corridor

Parks:

No Comments received.

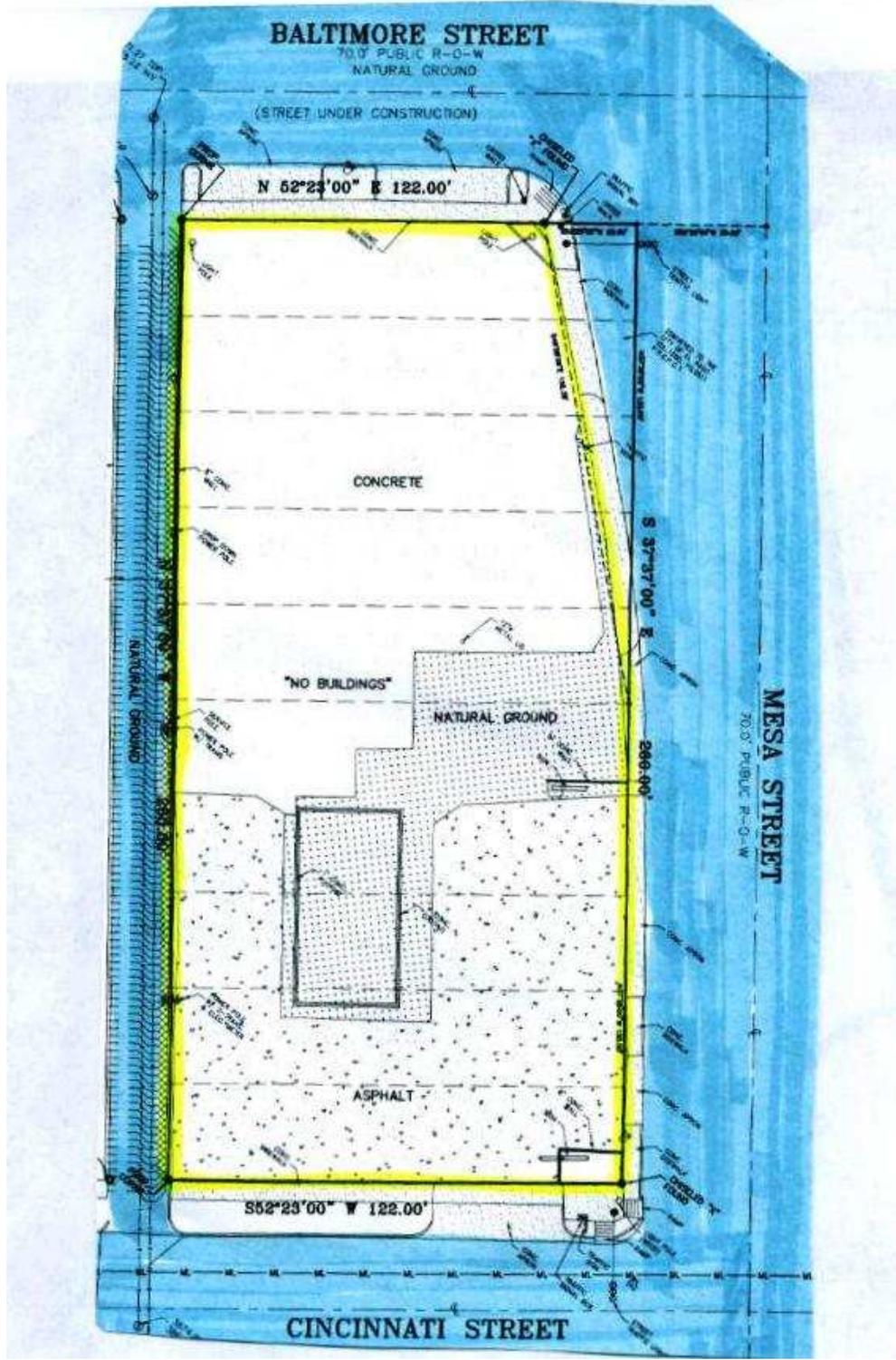


List of Attachments:

Attachment 1: Boundary and Improvement Survey

Attachment 2: Application

Attachment 1: Boundary and Improvement Survey



Attachment 2: Application



REZONING APPLICATION
 DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION

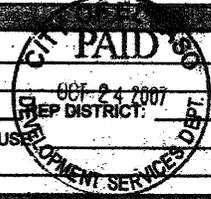
City of El Paso, Texas
 2 Civic Center Plaza
 El Paso, TX 79901-1196
 915-541-4024

PROPERTY OWNER(S): Gilbert W. Malooly and Geraldine Malooly, Trustees
 ADDRESS: _____ ZIP CODE: 79903 PHONE: _____
 APPLICANT(S): (same)
 ADDRESS: _____ ZIP CODE: _____ PHONE: _____
 REPRESENTATIVE(S): ETZOLD & CO (David Etzold)
 ADDRESS: 201 E. Main, Suite 103 ZIP CODE: 79901 PHONE: 845-6006
 E-MAIL ADDRESS: etzold1@whc.net FAX: 351-9255

PROPERTY IDENTIFICATION NUMBER: A462-999-2240-0100
 LEGAL DESCRIPTION: Lots 1-4, Block 224, Alexander Addition
 STREET ADDRESS OR LOCATION: 2701 N. Mesa REP DISTRICT: 1
 ACREAGE: 0.2913 PRESENT ZONING: C-1 PRESENT LAND USE: vacant
 PROPOSED ZONING: S-D PROPOSED LAND USE: Retail Center

PROPERTY IDENTIFICATION NUMBER: A462-999-2240-2100
 LEGAL DESCRIPTION: Lot 5, and Ptn of Lots 6-10, Blk 224, Alexander Addition
 STREET ADDRESS OR LOCATION: 2725 N. Mesa REP DISTRICT: 1
 ACREAGE: 0.3981 PRESENT ZONING: C-2 PRESENT LAND USE: vacant
 PROPOSED ZONING: S-D PROPOSED LAND USE: Retail Center

PROPERTY IDENTIFICATION NUMBER: N/A
 LEGAL DESCRIPTION: _____
 STREET ADDRESS OR LOCATION: _____
 ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
 PROPOSED ZONING: _____ PROPOSED LAND USE: _____



OWNER(S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):
 Printed Name: Gilbert W. Malooly, Tr Signature: Gilbert W. Malooly
 Printed Name: Geraldine Malooly, Tr Signature: Geraldine A. Malooly
 Printed Name: _____ Signature: _____

Note: Signatures are required for all owners of record for the property proposed for rezoning. Attach additional signatures on a separate sheet of paper.

****OFFICE USE ONLY****
 ZON 07-00137 RECEIVED DATE: 10/24/07 APPLICATION FEE: \$ 750.00
 DCC REVIEW DATE: 11/14/07 (8:30 am, Conference Room, 2nd Floor, City Hall Building)
 CPC REVIEW DATE: 12/20/07 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
 ACCEPTED BY: [Signature]