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

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

AGENDA DATE: **Introduction: July 9, 2013**
Public Hearing: July 30, 2013

CONTACT PERSON/PHONE: Michael McElroy, (915) 541-4238, mcelroyms@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:
An Ordinance changing the zoning of Lots 26 & 27, Block C, Stevens, City of El Paso, El Paso County, Texas from C-4 (Commercial) to C-5 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 533 W. Franklin. Property Owner: 533 West Franklin, LLC. PZRZ13-00018 **(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 (8-0)

**********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:** _____

PZRZ13-00018

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOTS 26 & 27, BLOCK C, STEVENS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-4 (COMMERCIAL) TO C-5 (COMMERCIAL), 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:

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of **Lots 26 & 27, Block C, Stevens**, located in the City of El Paso, El Paso County, Texas, be changed from **C-4 (Commercial)** to **C-5 (Commercial)**, as defined in Section 20.06.020, 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. *A detailed site development plan be approved per City Code before the issuance of building permits.*

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

_____
Oscar Leeser
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

Doc #185457/Template for Rezoning Full Lot With Conditions -533 W. Franklin
Matter # 13-1007-773

MEMORANDUM

DATE: June 26, 2013

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

FROM: Michael McElroy, Planner

SUBJECT: **PZRZ13-00018**

The City Plan Commission (CPC), on June 13, 2013, voted 8-0 to recommend **approval** of rezoning the subject property from C-4 (Commercial) to C-5 (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 was one phone call in opposition to this request.

Attachment:
Staff Report

City of El Paso – City Plan Commission Staff Report

Case No:	PZRZ13-00018
Application Type	Rezoning
CPC Hearing Date	June 13, 2013
Staff Planner	Michael McElroy, (915) 541-4238, mcelroyms@elpasotexas.gov
Location	533 W. Franklin
Legal Description	Lots 26 & 27, Block C, Stevens, City of El Paso, El Paso County, Texas
Acreage	0.15 acres
Rep District	8
Zoning	C-4 (Commercial)
Existing Use	Vacant
Request	C-4 (Commercial) to C-5 (Commercial)
Proposed Use	Residential / Retail
Property Owner	533 West Franklin, LLC
Representative	T.J. Karam

SURROUNDING ZONING AND LAND USE
North: A-3/H (Apartment/historic) / Apartments
South: M-1(Manufacturing) / Rail and Texas Tech School of Architecture
East: C-4 (Commercial) / Cell Tower
West: C-4 (Commercial) / Duplex

PLAN EL PASO DESIGNATION: G-1, Downtown (Central Planning Area)
NEAREST PARK: Grace Chope Park (350 feet)
NEAREST SCHOOL: Vilas Elementary (2,326 feet)

NEIGHBORHOOD ASSOCIATIONS
El Paso Central Business Association

NEIGHBORHOOD INPUT
Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on May 29, 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 C-4 (Commercial) to C-5 (Commercial) to permit residential and retail development. Access is to be off of Franklin Drive.

CITY DEVELOPMENT DEPARTMENT -PLANNING DIVISION RECOMMENDATION
The Planning Division recommends **approval** of the rezoning from C-4 (Commercial) to C-5 (Commercial) with the following condition:

1. A detailed site plan be approved per City Code before the issuance of building permits.

Plan El Paso-Future Land Use Map Designation
All applications for rezoning shall demonstrate compliance with the following criteria:

G-1 – Downtown: This sector includes the historic core of Downtown plus the larger downtown area from Paisano Drive north to I-10. El Paso's "Invest first in Downtown" policies apply in this sector. New buildings

should continue the tradition of multi-story, multi-use buildings with retail on the first floor and offices or residences on the upper floors. The reintroduction of a stable, mixed-income residential population will provide a market for a wider range of dining and entertainment options.

The purpose of the C-5 (Central Business District) district is intended to serve the entire City to permit heavy commercial uses characterized by automotive and light warehousing. 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:

City Development Department – Planning Division - Transportation
No objections to the proposed rezoning.

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.

City Development Department – Building Permits & Inspections
Condition is landscape is required and should include calculations unless smart code is being applied.

El Paso Fire Department
No objection to the rezoning case only at this time

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

EPWU-PSB Comments

Water:
Along Franklin Street fronting the subject Property there is an existing forty – eight (48) inch diameter water transmission main. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board (EPWU-PSB) Rules and Regulations.

Along the alley located between Missouri Street and Franklin Street, east of Coldwell Street there is an existing six (6) inch diameter water main.

Previous water pressure readings conducted on fire hydrant number 2783 located at the corner of Coldwell Street and Franklin Street have yielded a static pressure of 76 pounds per square inch (psi), residual pressure of 50 psi, discharge of 1,463 gallons per minute (gpm).

Sanitary Sewer:
Along Franklin Street fronting the subject Property there is an existing eight (8) inch diameter sanitary sewer main.
Along the alley located between Missouri Street and Franklin Street, east of Coldwell Street there is an

existing eight (8) inch diameter sanitary sewer main.

General
As per EPWU-PSB Records 533 W. Franklin has two (2) water services; the sizes are three-quarter (3/4) inch diameter and one (1) inch diameter services. Records indicate that the sanitary sewer service discharges unto the sanitary sewer main that extends along Franklin Street.

If the City of El Paso Fire Department requires additional fire hydrants on Public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service. 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.

EPWU requires a new service application to initialize design of the water and sanitary sewer main extensions to serve the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The owner 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.

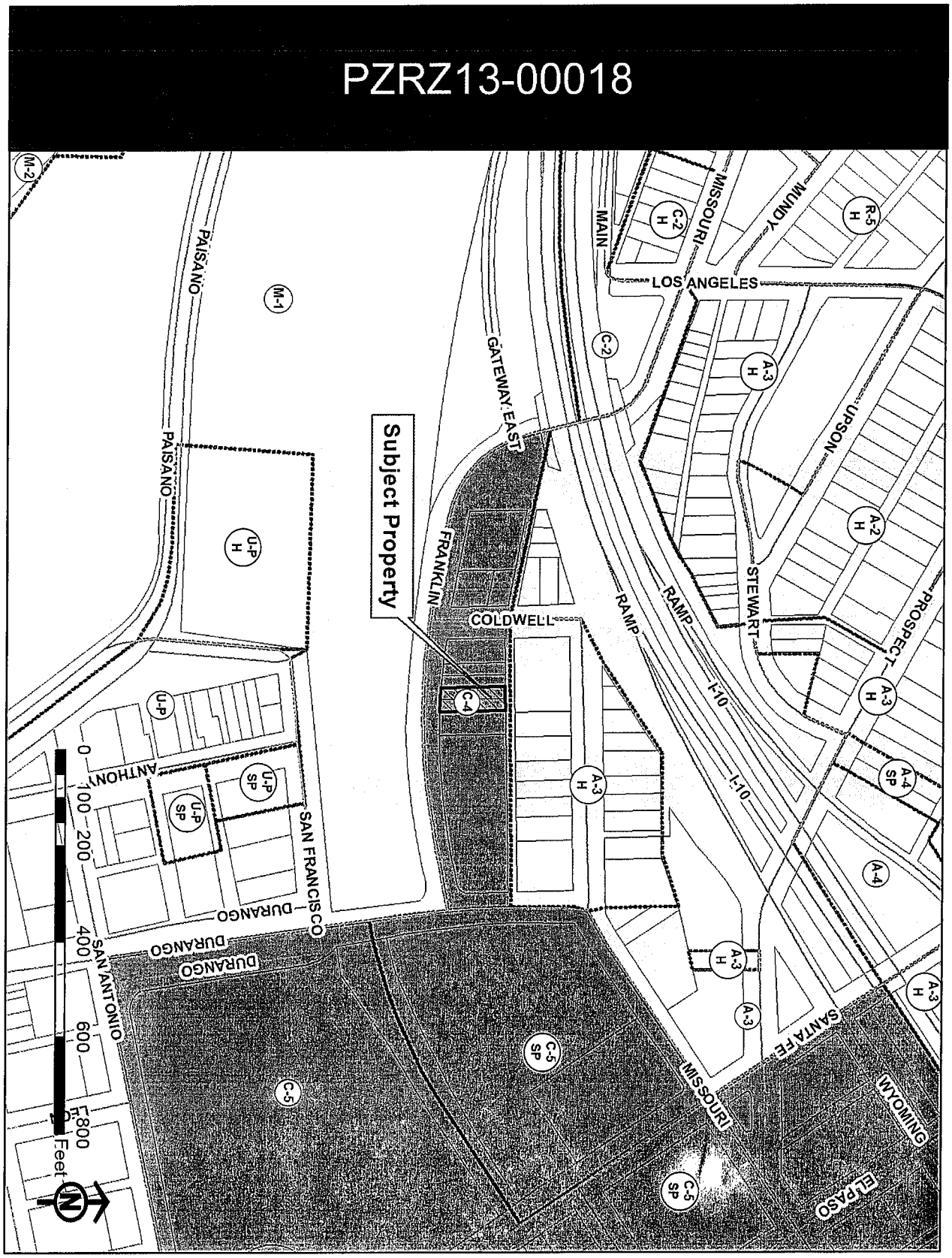
CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the change of zoning application:

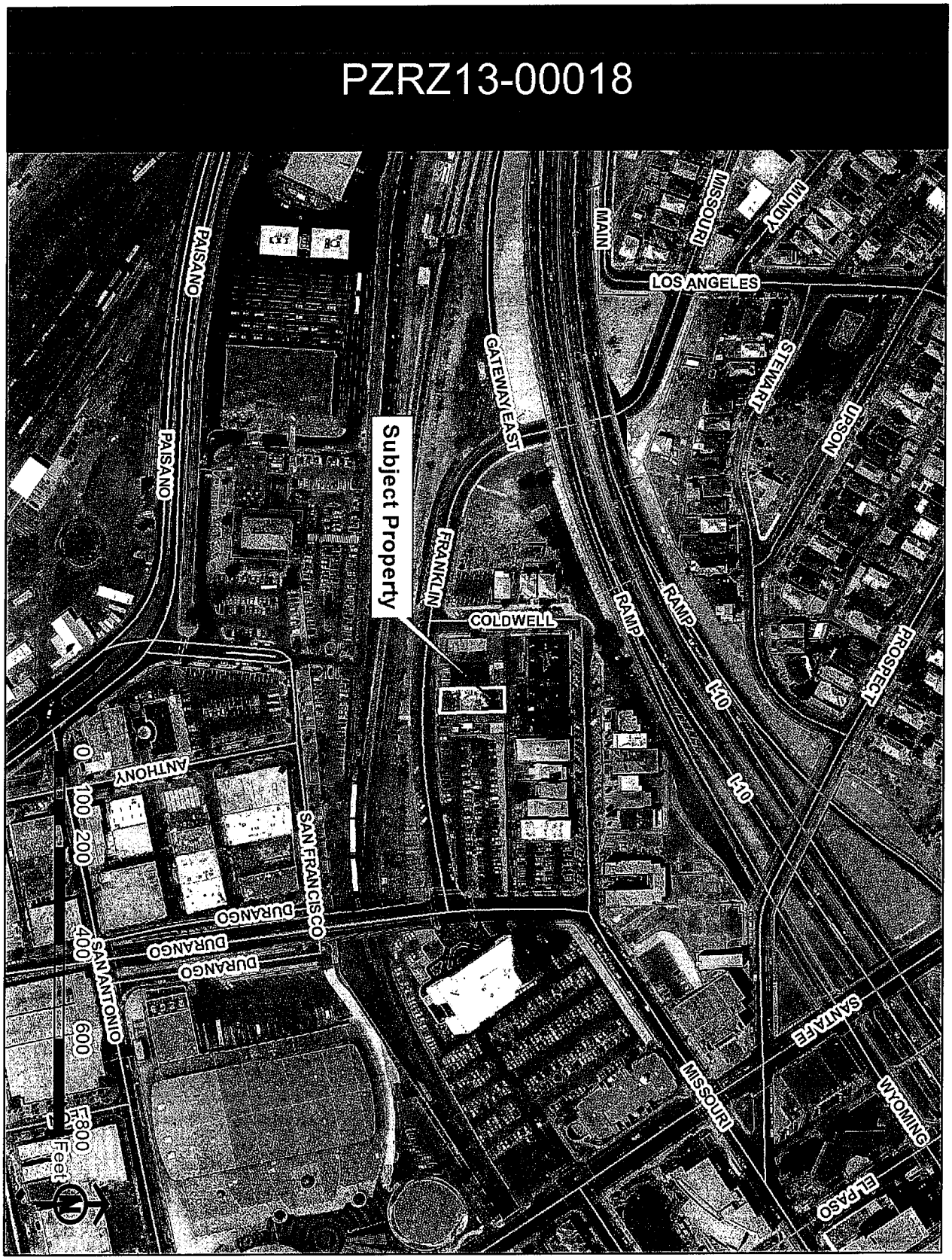
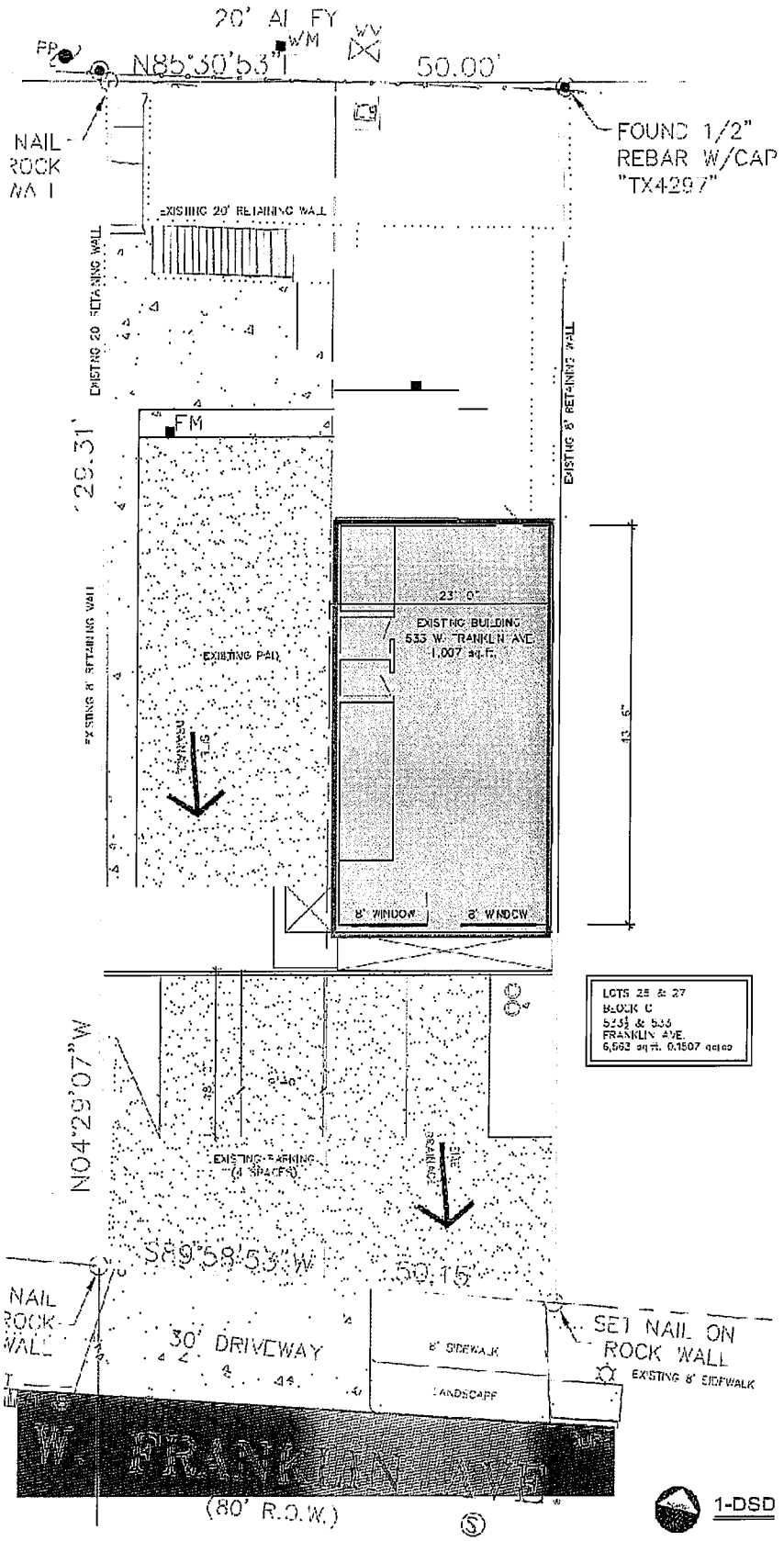
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into conformance 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 from the Plan by the CPC.

Attachments
1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN