

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

DEPARTMENT: Planning and Economic Development Department, Planning Division

AGENDA DATE: Introduction: July 12, 2011
Public Hearing: August 2, 2011

CONTACT PERSON/PHONE: Geena Maskey, (915) 541-4192, maskeyga@elpasotexas.gov

DISTRICT(S) AFFECTED: 5

SUBJECT:

An ordinance changing the zoning of all of Tract 1A4, Section 45, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-4 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: East of Joe Battle (Loop 375) and South of Maribel Chavez Court. Property Owner: The Episcopal Church Diocese of the Rio Grande. PZRZ11-00019 (**District 5**)

BACKGROUND / DISCUSSION:

This item was scheduled to be heard on the June 30th CPC agenda however, was postponed to July 14th agenda due to no quorum at the scheduled date of the June 30th CPC public hearing. The case was heard on July 14th CPC public hearing.

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) – Approval Recommendation (5-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew, McElroy
Deputy Director, Planning & Economic Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF ALL OF TRACT 1A4, SECTION 45, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (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:

That the zoning of *all of Tract 1A4, Section 45, Block 79, Township 2, Texas and Pacific Railway Company Surveys, 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 **R-3 (RESIDENTIAL) to C-4 (COMMERCIAL)**, 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. A ten (10) foot landscaped buffer with high-profile native trees of at least two (2) inch caliper and ten (10) feet in height shall be placed at fifteen (15) feet on center along the property lines adjacent to any residential or apartment zoning districts. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, shall be irrigated and maintained by the property owner at all times, and shall be installed prior to the issuance of any certificates of occupancy.

PASSED AND APPROVED this _____ day of _____, 2011.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy, Deputy Director
Planning and Economic Development
Department

Being Tract 1A4, Section 45, Block 79, Township 2,
Texas and Pacific Railway Company Surveys
City of El Paso, El Paso County, Texas
April 11, 2011

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being Tract 1A4, Section 45, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at an existing brass disk monument at the centerline intersection of Maribel Chavez Court and Jasmine Ali Lane in Sombras Del Sol Unit Three recorded in volume 79, page 61, Plat records of El Paso County, Texas; from which an existing brass disk city monument at the point of intersection of Jasmine Ali Lane in front of lot 12, Block 12, Sombras Del Sol Unit Three bears South 00°31'00" East a distance of 480.00 feet; Thence along the centerline of Maribel Chavez Court South 89°29'00" West a distance of 134.50 feet to a point; Thence leaving said centerline South 00°31'00" East a distance of 68.70 feet to a point on the intersection of the northerly line of tract 1A4 with the westerly line of Sombras Del Sol Unit Three for the "TRUE POINT OF BEGINNING".

Thence along said right of way line South 00°31'00" East a distance of 414.86 feet to a point on the common line of tract 1A3 and 1A4;

Thence along said line South 89°29'00" West a distance of 518.52 feet to a point on the easterly right of way line of Joe Battle Blvd. (Loop 375);

Thence along said right of way line North 02°25'00" West a distance of 317.64 feet to a point;

Thence along said right of way line North 00°31'00" West a distance of 97.39 feet to a point;

Thence leaving said right of way line North 89°29'00" East a distance of 529.05 feet to The "TRUE POINT OF BEGINNING" containing 217,810 Square Feet of 5.000 acres of land more or less.

Note: Not a ground survey. Description prepared from record information.


Ron R. Conde
R.P.L.S. No. 5152



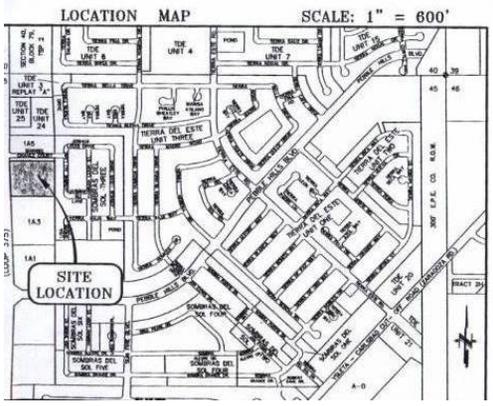
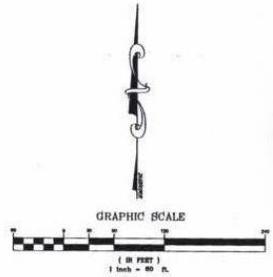
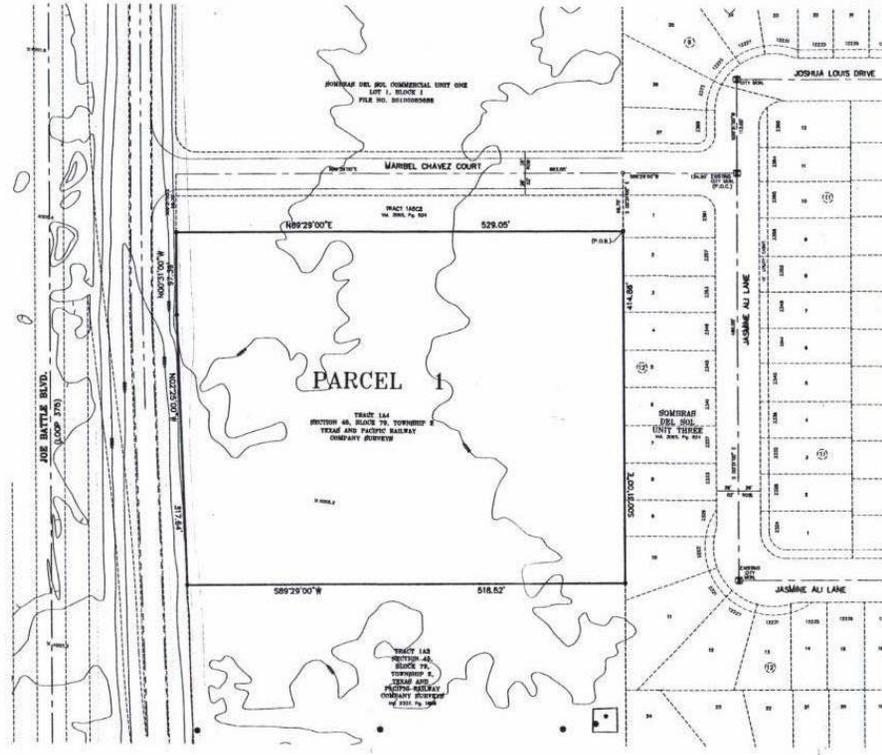
Job #311-73

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE SUITE 100 / EL PASO, TEXAS 79905 / (915) 592-0283 FAX (915) 592-0286

PLAT OF SURVEY

BEING TRACT 1A4, SECTION 45,
BLOCK 79, TOWNSHIP 2,
TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS
CITY OF EL PASO, EL PASO COUNTY, TEXAS
CONTAINING: 5.000± ACRES

- NOTES:
1. BOUNDARY BEARS IS TRUE NORTH FOR A TRANSFORMED MONOCENTRIC SURFACE PROJECTION AS DETERMINED BY GPS METHODS BASED ON THE CENTER OF THE SITE.
 2. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANELS NO. 48025 01708 DATED SEPTEMBER 4, 1997 THIS PROPERTY IS IN FLOOD HAZARD ZONE X OUTSIDE THE 500 YEAR FLOOD-PLAIN.
 3. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SURVEY.
 4. NOT A GROUND SURVEY.



CONDE, INC.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 5152

CERTIFICATION
THIS MAP REPRESENTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF BASED ON THE FACTS EXISTING AT TIME OF THIS SURVEY.





Date: July 19, 2011
To: Honorable Mayor and City Council
Joyce Wilson, City Manager
From: Geena Maskey, Planner
Subject: **PZRZ11-00019**

The City Plan Commission (CPC) on July 14th, 2011, voted **5-0** to recommend **approval** of this rezoning request. The request is to change the zoning on from R-3 (Residential) to C-4 (Commercial) to allow a wholesale store. A wholesale store is permitted in a C-4 district.

This recommendation is in agreement with the recommendation from staff and the Development Coordinating Committee (DCC). The CPC found that the rezoning is in conformance with The Plan for El Paso. The CPC's recommendation was based on the changing land uses in the area which is transitioning predominantly to C-4 commercial. The subject property is the last remaining parcel zoned residential in the C-4 commercial zoned corridor. The CPC also determined that the rezoning protects the best interest, health, safety, and welfare of the public in general; and will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was no one present at the meeting to speak in favor or in opposition to this request.

Attachment: Staff Report



Two Civic Center Plaza
El Paso, TX 79901
(915) 541-4056

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Cortney Carlisle Niland

City Manager
Joyce A. Wilson



City of El Paso – City Plan Commission Staff Report

Revised

Case No: PZRZ11-00019
Application Type: Rezoning
CPC Hearing Date: July 14, 2011
Staff Planner: Geena Maskey, (915) 541-4192, maskeyga@elpasotexas.gov
Location: East of Joe Battle (Loop 375) and South of Maribel Chavez Court
Legal Description: Tract 1A4, Section 45, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas
Acreage: 5 acres
Rep District: 5
Present Zoning: R-3 (Residential)
Existing Use: Vacant
Request: From R-3(Residential) to C-4 (Commercial)
Proposed Use: Wholesale Market
Property Owner: The Episcopal Church Diocese of the Rio Grande
Representative: Conde, Inc.

SURROUNDING ZONING AND LAND USE

North: C-4/c (Commercial/ condition) / Vacant
South: C-4/c (Commercial/ condition) / Vacant
East: R-5/sp (Residential/special permit)/ Single family dwellings
West: C-4/c (Commercial/ condition) / Vacant

Plan for El Paso Designation: Residential and Mixed Use (East Planning Area)

Nearest Park: Carlos David Bombach Park (3,094 Feet)

Nearest School: Elfida Chavez Elementary (5,376 Feet)

NEIGHBORHOOD ASSOCIATIONS

East Side Civic Association
Las Tierras Neighborhood Association

NEIGHBORHOOD INPUT

Notice of Public Hearing was mailed to all the property owners within 300 feet of the subject property on June 13, 2011. Re-notification was mailed out to all property owners within 300 feet of the subject property on June 30, 2011. The Planning Division has not received any letters or phone calls in support of or opposition to the rezoning request.

APPLICATION DESCRIPTION

The applicant is requesting to rezone the property from R-3 (Residential) to C-4 (commercial) to allow for a wholesale market. Access is proposed from Joe Battle.

PLANNING AND ECONOMIC DEVELOPMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **Approval** of rezoning of the subject property with a condition as follows:

A ten (10) foot landscaped buffer with high-profile native trees of at least two (2) inch caliper and ten (10) feet in height shall be placed at fifteen (15) feet on center along the property lines adjacent to any residential or apartment zoning districts. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, shall be irrigated and maintained by the property owner at all times, and shall be installed prior to the issuance of any certificates of occupancy.

The projected land use map calls for residential and mixed use; however, Planning's recommendation for approval is based on the changing land uses in the area which are predominantly C-4 commercial. The subject property is the only property that is zoned residential along this existing heavy commercial corridor.

The Plan for El Paso-City-Wide Land Use Goals

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

- a. Goal: develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.
- b. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.

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.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for rezoning and offered no objections to the Planning Staff's recommendation for **Approval**.

Engineering – Construction Management Division-Plan Review

Recommend Approval with a Condition

1. Show accessible route from public right-of-way to building entrance

Engineering – Land Development

Comments:

No Objections.

Department of Transportation

Recommend Approval Notes:

1. Based on proposed use as a Wholesale Distributor and trips generated, a TIA will not be needed.
2. Sidewalk is required.
3. All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

Fire Department

El Paso Fire Department has no objections to the rezoning request.

El Paso Water Utilities

EPWU-PSB Comments

1. To provide sanitary sewer and water service to the subject property, main extensions within a 30 foot PSB easement are required. The required easement needs to be dedicated beginning from the northeast corner of private property (Track 1A5C2), and continue along the entire frontage of subject property.
2. The Developer is responsible for all sanitary sewer main extension costs, as well as the acquisition of all required on-site and/or off-site easements. EPWU requests that the Developer coordinate with EPWU to finalize the alignment of the proposed easements.

Water:

3. There is an existing 8-inch diameter water main extending along Maribel Chavez Ct. that is available for service, the water main is located approximately 8-feet north from the center right of way line.

Sewer:

4. There is an existing 8-inch diameter sanitary sewer main extending along Maribel Chavez Ct. that is available for service. Said main ends approximately 100-feet east from the northwest property line.

General:

5. All easements dedicated for public sanitary sewer facilities shall comply with the El Paso Water Utilities-Public Service Board (EPWU-PSB) Easement Policy. The PSB easements shall be improved to allow the operation of EPWU maintenance vehicles. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24-hours a day, seven (7) days a week.

6. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWU-PSB easements without the written consent of EPWU-PSB. The Developer shall refrain from constructing rock walls, signs, buildings, or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any sign or structure.

7. 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.

CITY PLAN COMMISSION OPTIONS

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

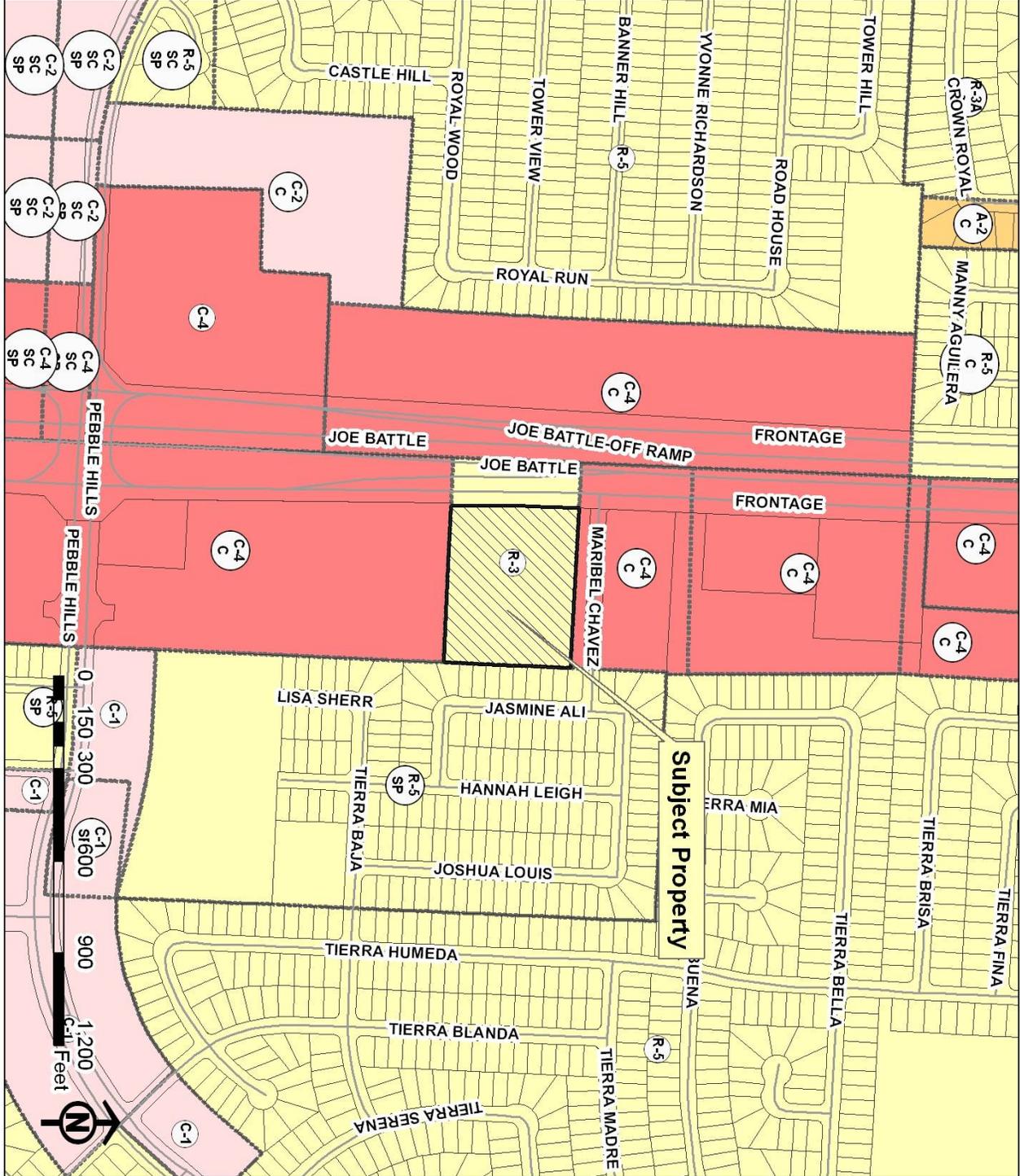
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that rezoning does not conform to the review criteria in The Plan for 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. Conceptual Site Plan

ATTACHMENT 1: ZONING MAP

PZRZ11-00019



ATTACHMENT 2: AERIAL MAP

PZRZ11-00019



ATTACHMENT 3: CONCEPTUAL PLOT PLAN

