

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: August 10, 2010
Public Hearing: August 31, 2010

CONTACT PERSON/PHONE: Esther Guerrero, (915) 541-4720

DISTRICT(S) AFFECTED: 7

SUBJECT:

An ordinance changing the zoning of Tract 2, Block 37, Ysleta Grant, City of El Paso, El Paso County, Texas from A-O/c (Apartment-Office/condition) to C-1/c (Commercial/condition), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 171 N. Zaragoza Road. Property Owner: Elvia Mendoza. ZON10-00030 (**District 7**)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval recommendation with conditions
City Plan Commission (CPC) – Approval recommendation with conditions (3-2)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director-Planning, Development Services Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF TRACT 2, BLOCK 37, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-O/C (APARTMENT-OFFICE/CONDITION) TO C-1/C (COMMERCIAL/CONDITION), AND IMPOSING CONDITIONS. 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 *Tract 2, Block 37, Ysleta Grant, 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 **A-O/c (Apartment-Office/condition)** to **C-1/c (Commercial/condition)**, 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 conditions which are 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. *Prohibit the following uses: Automotive Service Station, Motor Vehicle Repair, Minor and Commercial Fueling Stations.*
2. *Restrict vehicular access from Teodoso Drive.*
3. *That a Detailed Site Development Plan be reviewed and approved per the El Paso City Code prior to any certificates of occupancy or building permits being issued.*

PASSED AND APPROVED this _____ day of _____, 2010.

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
Development Services Department
Planning Division

All of Tract 2, Block 37,
Ysleta Grant,
City of El Paso, El Paso County, Texas
April 19, 2010

METES AND BOUNDS DESCRIPTION

171-175 N. Zaragosa Road
Exhibit "A"

FIELD NOTE DESCRIPTION of a parcel of land being all of Tract 2, Block 37, Ysleta Grant, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at the common boundary line of Tracts 2 and 2A, same being the northerly right-of-way line of N. Zaragosa Road and being the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said common boundary line and along said northerly right-of-way line, South $18^{\circ} 57' 41''$ West, a distance of 97.86 feet to a point;

THENCE, leaving said northerly right-of-way line, 42.25 feet along the arc of a curve to the right whose radius is 24.00 feet, whose interior angle is $10^{\circ}05'2''$, whose chord bears North $69^{\circ} 23' 41''$ East, a distance of 37.00 feet to a point;

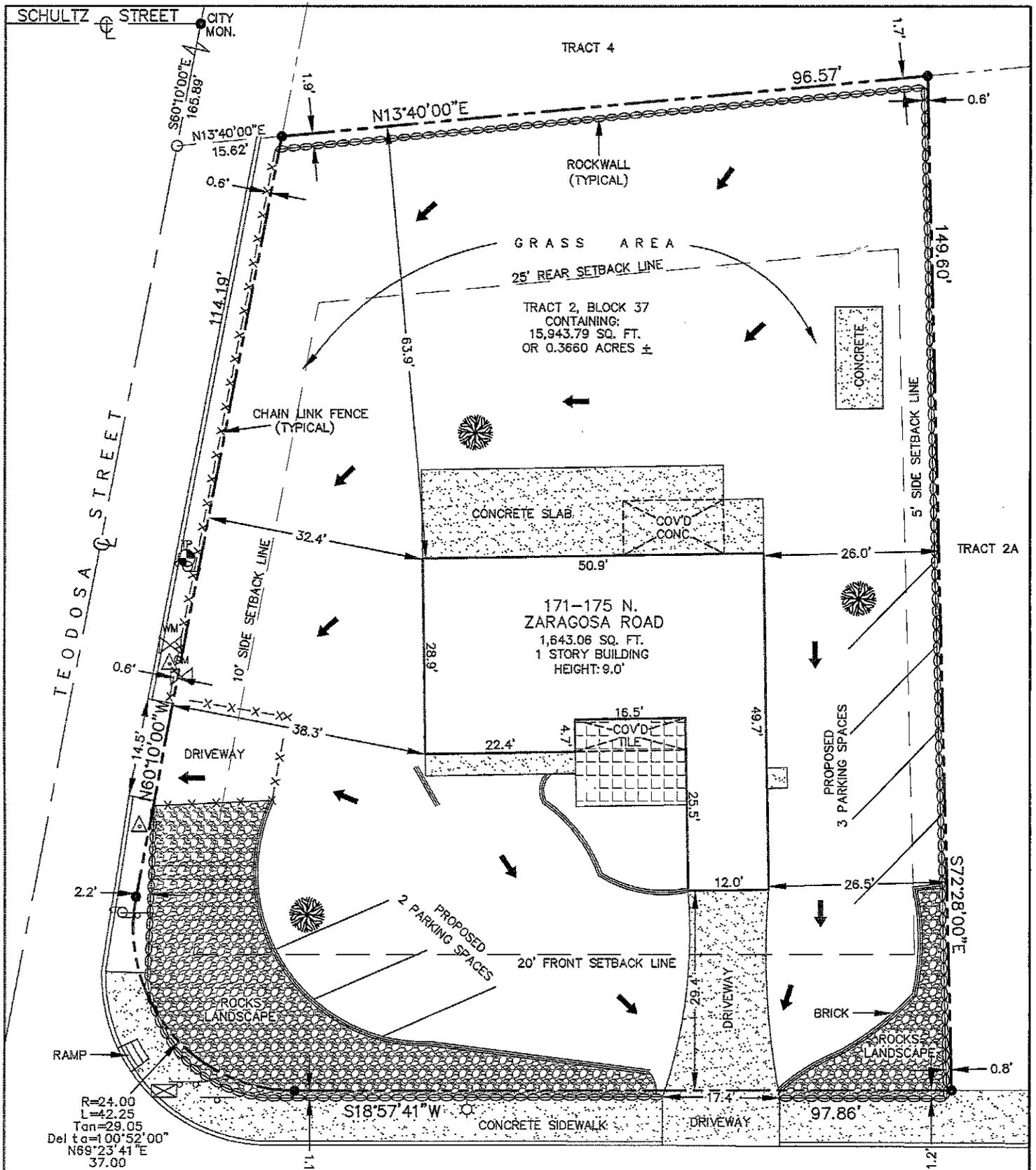
THENCE, North $60^{\circ} 10' 00''$ West, a distance of 114.19 feet to a point;

THENCE, North $13^{\circ} 40' 00''$ East, a distance of 96.57 feet to a point;

THENCE, South $72^{\circ} 28' 00''$ East, a distance of 149.60 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 15,943.79 square feet or 0.3660 Acres of land more or less.

Carlos M. Jimenez
Registered Professional Land Surveyor
Texas No. 3950





$R=24.00$
 $L=42.25$
 $Tan=29.05$
 $Del\ to=100^{\circ}52'00''$
 $N69^{\circ}23'41''\ E$
 37.00

BUILDINGS SETBACKS AS PER ZONE C-1

FRONT	20'
REAR	25'
SIDES	5'
SIDE STREET	10'

LEGEND

- = TRAFFIC LIGHT BOX
- = LIGHT POLE
- = POWER POLE
- = ANCHOR
- = SIGN
- = WATER METER
- = TREE
- = GAS METER
- = TELEPHONE RISER

N. ZARAGOSA ROAD

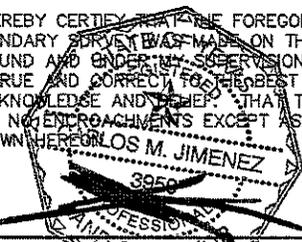
CAD CONSULTING CO.

SCALE 1"=20'

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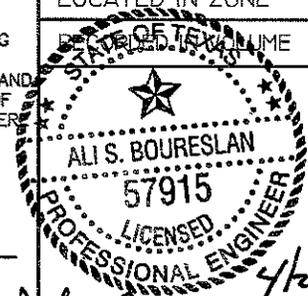
CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN HEREON.



CARLOS M. JIMENEZ
R.P.L.S. No. 3950

JOB # 71838 DATE: 04-19-10 FIELD: AR OFFICE: EA FILE: NET:\ENRIQUE\2007\71838
 LOCATED IN ZONE C PANEL # 480214-0048-B DATED 10-15-82
 N/A PAGE N/A, PLAT RECORDS, EL PASO COUNTY, TX



Ali Boureslan
05017

171-175 N. ZARAGOSA ROAD
TRACT 2, BLOCK 37 (SEE EXHIBIT "A")
YSLETA GRANT
CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONSULTING COMPANY
1790 LEE TREVINO DRIVE SUITE 503
EL PASO, TEXAS 79936
(915) 633-6422



MEMORANDUM

DATE: August 2, 2010
TO: Honorable Mayor and City Council
Joyce Wilson, City Manager
FROM: Esther Guerrero, Planner
SUBJECT: ZON10-00030

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
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

The City Plan Commission (CPC) on July 1, 2010, voted **3-2** to recommend **APPROVAL** of rezoning the subject property from A-O/c (Apartment/Office/condition) to C-1/c (Commercial), in agreement with the recommendation from the DCC and staff and recommend imposing the following additional conditions:

1. *Prohibit the following uses: Automotive Service Station, Motor Vehicle Repair Minor and Commercial Fueling Stations.*
2. *Restrict vehicular access from Teodoso Drive.*
3. *That a Detailed Site Development Plan be reviewed and approved per the El Paso City Code prior to any certificates of occupancy or building permits issued.*

The CPC found that the rezoning is in conformance with The Plan for El Paso. The CPC found that the proposed use is in conformance with the 2025 Projected General Land Use Map for the Mission Valley Planning Area. The CPC also determined that the rezoning protects the best interest, health, safety, and welfare of the public in general; 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.

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

Attachment: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: ZON10-00030
Application Type: Rezoning
CPC Hearing Date: July 1, 2010
Staff Planner: Esther Guerrero, 915-541-4720, guerreroex@elpasotexas.gov

Location: 171 N. Zaragoza Road
Legal Description: Tract 2, Block 37, Ysleta Grant, City of El Paso, El Paso County, Texas
Acreage: 0.3660 acres
Rep District: 7
Existing Use: Vacant Building

Request: A-O/c (Apartment-Office/condition) to C-1/c (Commercial/condition)
Proposed Use: Commercial Day Care Center
Property Owner: Elvia Mendoza
Representative: CAD Consulting Co.

SURROUNDING ZONING AND LAND USE

North: C-1 (Commercial) / Retail Shop
South: A-2/H (Apartment/Historic) / School parking lot
East: R-4 (Residential) / Single-family
West: R-4 (Residential) / Single-family

Plan for El Paso Designation: Mixed-use (Mission Valley Planning Area)

Nearest Park: Ysleta Pedestrian Plaza (67 feet)

Nearest School: Robert F. Kennedy Pre-Kinder (710 feet)

NEIGHBORHOOD ASSOCIATIONS

Save the Valley 21

NEIGHBORHOOD INPUT

Notices of the July 1, 2010 City Plan Commission hearing were mailed out to property owners within 300 feet of the subject property on June 17, 2010.

APPLICATION DESCRIPTION

The request is to change the zoning from A-O/c (Apartment-Office/condition) to C-1/c (Commercial/condition) in order to allow the use of a commercial day care center. The property currently has an existing 1,643 sq. ft. vacant building on-site. The property was rezoned from R-4 (Residential) to A-O (Apartment-Office) in February of 2008 with a condition that parking be provided to the rear of the property.

DEVELOPMENT SERVICES DEPARTMENT-PLANNING DIVISION RECOMMENDATION

Recommend **approval** of rezoning the subject property from A-O/c (Apartment-Office/condition) to C-1/c (Commercial/condition) with the following additional conditions:

- 1) Prohibit the following uses: automotive uses and commercial fueling stations.
- 2) Restrict vehicular access from Teodoso Drive.
- 3) That a Detailed Site Development Plan be reviewed and approved per the El Paso City Code prior to any certificates of occupancy or building permits being issued.

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

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

- a. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.
- b. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.

The purpose of the C-1 (Commercial) district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

Development Coordinating Committee Review

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

Engineering Department - Traffic Division

- Driveways should meet minimum width standards.
- Sidewalks should meet city standards.
- Recommend that no access be allowed from Teodoso (a residential street).
- Rock wall appears to be encroaching on City ROW.

Street Department

- We offer no objections to the rezoning but are offering the following comments:
- Clarify how encroachment on to City ROW will be addressed
- Sidewalks at driveways will not be ADA /TAS compliant as shown.
- 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.

Development Services-Building Permits and Inspections

Plan Review

No objections.

Landscape

This project shall require landscaping in a C-1 zone. No landscape calculations provided.

Development Services Department – Land Development

- Comments: 6' Rockwall is required abutting R-4 zone.
 - ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
 - Grading plan and permit shall be required.*
 - Storm Water Pollution Prevention Plan and/or permit required.*
 - Drainage plans must be approved by the Development Services Department, Engineering Section.*
 - The Subdivision is within Flood Zone X – “Areas determined to be outside the 0.2% annual chance floodplain.” – Panel # 480214 0048C, dated February 16, 2006.
- *This requirement will be applied at the time of development.

Fire Department

No comments received

El Paso Water Utilities

1. EPWU does not object to this rezoning request.

General:

2. There are existing water and sanitary sewer mains along Zaragoza Road and Teodoso Drive fronting the subject property.

3. EPWU-PSB records indicate that the property at 171 Zaragoza Road has a vacant water meter connection.
4. EPWU requires a new service application to provide additional services. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6-8 weeks in advance. The following items, if applicable, are required at the time of application: (1) hard copy of site plan with street names and addresses; (2) grading & drainage plans; (3) digital copy of site plan; (4) benchmark check; (5) construction schedule; and (6) a certificate of compliance. The certificate of compliance can be obtained on the 5th floor at City Hall. Service will be provided in accordance with the current El Paso Water Utilities – Public Service Board (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:

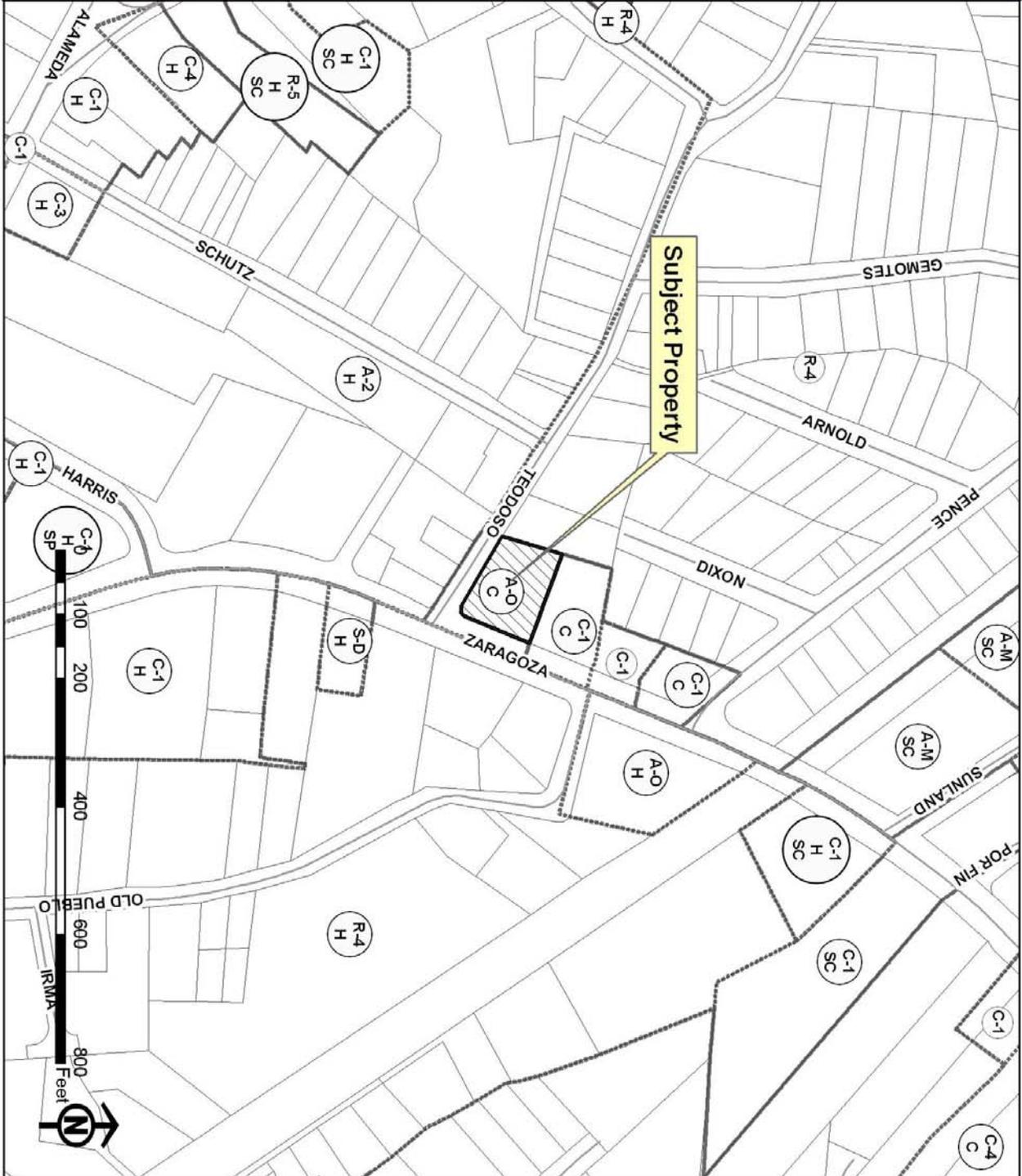
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into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

ATTACHMENT 1: ZONING MAP

ZON10-00030



ATTACHMENT 2: AERIAL MAP

ZON10-00030



ATTACHMENT 3: SITE PLAN

