

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

DEPARTMENT: City Development Department, Planning Division

AGENDA DATE: Introduction: July 23, 2013
Public Hearing: August 20, 2013

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

DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance changing the zoning of a portion of Lot 2, Block 9, Canutillo Industrial Park, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-3 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of The El Paso City Code. Property owner: Abram Wiebe Dyck and Aganetha Fehr Hildebrand, Location: South of Desert Boulevard and North of Los Mochis Drive, **PZRZ11-00043**

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

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 2, BLOCK 9, CANUTILLO INDUSTRIAL PARK, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (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 *a portion of Lot 2, Block 9, Canutillo Industrial Park, 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 **R-3 (Residential)** 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.

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:

That a ten (10') foot landscaped buffer with high-profile native trees of at least three (3) inch caliper and ten (10') in height shall be placed at ten (10') feet on center along the property lines adjacent to any residential use or zone. The landscape 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 _____, 2013.

THE CITY OF EL PASO

Oscar Leeser, Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Karla M. Nieman
Assistant City Attorney

Mathew S. McElroy, Director
City Development Department

EXHIBIT "A"

BEING A PORTION OF LOT 2, BLOCK 9,
CANUTILLO INDUSTRIAL PARK, AN ADDITION TO
EL PASO COUNTY, TEXAS

August 11, 2011

METES AND BOUNDS DESCRIPTION

Metes and Bounds description of a parcel of land being a portion of Lot 2, Block 9 Canutillo Industrial Park an addition to, El Paso County Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a found Rebar marking the Northeasterly corner of Lot 2, Block 9 Canutillo Industrial Park with The Westerly right-of-way line of South Desertt Boulevard; and being the **POINT OF BEGINNING** of the herein described parcel of land;

THENCE, along said right-of-way line of South Desertt Boulevard, South $00^{\circ} 03' 06''$ West, a distance of 546.10 feet to a Found $5/8''$ rebar for a corner.

THENCE, leaving said right-of-way line, South $90^{\circ} 00' 00''$ West, a distance of 503.39 feet to a Set $5/8''$ rebar for a corner;

THENCE, North $00^{\circ} 00' 46''$ East, a distance of 414.97 feet Set a set $5/8''$ rebar for a corner;

THENCE, North $47^{\circ} 41' 39''$ East, a distance of 194.83 feet to a set $5/8''$ rebar for a corner;

THENCE, North $90^{\circ} 00' 00''$ East, a distance of 361.70 feet to the **POINT OF BEGINNING** of the herein described parcel of lan and containing 266,636 square feet or 6.121 acres of land more or less.


ENRIQUE A. REY
R.P.L.S.
TX. 3505



MEMORANDUM

DATE: July 16, 2013

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

FROM: Arturo Rubio, Senior Planner

SUBJECT: PZRZ11-00043

The City Plan Commission (CPC), on June 27, 2013, voted 7-0 to recommend **approval** of rezoning the subject property from R-3 (Residential) to C-3 (Commercial) with a condition.

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 were no letters or phone calls in support or opposition to this request.

Attachment:
Staff Report



City of El Paso – City Plan Commission Staff Report
REVISED

Case No: PZRZ11-00043
Application Type: Rezoning
CPC Hearing Date: June 27, 2013
Staff Planner: Arturo Rubio, 915-541-4633, rubioax@elpasotexas.gov
Location: West of Desert Boulevard and North of Los Mochis Avenue
Legal Description: A portion of Lot 2, Block 9, Canutillo Industrial Park, City of El Paso, El Paso County, Texas
Acreage: 6.121 acres
Rep District: 1
Zoning: R-3 (Residential)
Existing Use: Vacant
Request: From R-3 (Residential) to C-4 (Commercial)
Proposed Use: Agricultural, Motor Vehicle, farm equipment and supply sales
Property Owner: Abram Wiebe Dyck and Aganetha Fehr Hilderbrand
Representative: Enrique Rey, Rey Engineering

SURROUNDING ZONING AND LAND USE

North: R-3 (Residential) Vacant
South: C-3 (Commercial)
East: C-3/c Commercial/condition
West: ETJ

Plan for El Paso Designation: G-3 Post War (Northwest Planning Area)
Nearest Park: Rio Grande River Trail #1 (11,142 feet)
Nearest School: Canutillo Elementary/Head Start/Middle School (9,592 feet)

NEIGHBORHOOD ASSOCIATIONS

Upper Mesa Hills Neighborhood Association
Coronado Neighborhood Association
Upper Valley Improvement Association
Save the Valley

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on May 21, 2013. The Planning Division has not received any phone calls or letters in support or opposition of the rezoning request.

APPLICATION DESCRIPTION

The applicant is requesting to rezone the subject property from R-3 (Residential) to C-4 (Commercial). The applicant is requesting the rezoning for proposed agricultural motor vehicle, farm equipment and supply sales. The proposed use is not permitted in any zone other than C-4 (Commercial) or higher. The proposed access is from Desert Boulevard.

PLANNING DIVISION RECOMMENDATION

The applicant was notified that planning is recommending a C-3 (Commercial) instead of the C-4 (Commercial). The applicant is in agreement with the recommendation made by Planning Staff and has amended his application to request C-3 (Commercial) for the subject property and instead elected to propose retail and parking on the property as the use. The Planning Division recommends **approval** of rezoning the

subject property from R-3 (Residential) to C-3 (Commercial) with the following condition:

That a ten (10') foot landscaped buffer with high-profile native trees of at least three (3) inch caliper and ten (10') feet in height shall be placed at ten (10') feet on center along the property lines adjacent to any residential use or zone. 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.

Plan El Paso-Future Land Use Map Designation

All applications for special permit 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 limited housing stock and add missing civic and commercial uses.

The purpose of the C-3 (Commercial) District 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 objections

Notes:

1. The proposed deceleration lane on Desert Boulevard shall be coordinated and approved by TxDOT.
2. Access and improvements to Desert Boulevard shall be coordinated and approved by TxDOT.
3. All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in accordance with the current City of El Paso Design Standards for Construction and shall be ADA/TAS compliant.

City Development Department – Plan Review

No comments received.

City Development Department - Land Development

1. Developer / Engineer shall comply with section 18.60 Flood Damage Prevention of the El Paso Municipal Code and FEMA requirements.

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

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.*

Fire Department

El Paso Fire Department has no objections to this rezoning request. The case remains subject to review at later stages of the process including, but not limited to, Fire Department plan review.

El Paso Water Utilities (EPWU)

1. EPWU does not object to this rezoning request.

2. EPWU cannot commit to providing sanitary sewer service to the site at this time.

EPWU-PSB Comments

Water:

3. There is an existing 12-inch diameter water main along Los Mochis Drive.

4. There is an existing 16-inch diameter water main along Desert Boulevard South that dead-ends at Los Mochis Drive approximately 1,800 feet south of the subject property. A 16-inch diameter water main extension will be required from this main to the northern boundary line of the subject property. The Owner/Developer is responsible for all water main extension costs.

Sanitary Sewer:

5. There is an existing 10-inch diameter sanitary sewer force main extending along Desert Boulevard South fronting the eastern boundary of the subject property. No direct service connections are allowed to the 10-inch diameter sanitary sewer force main.

6. There is an existing 12-inch diameter dry (inactive) sanitary sewer main along Los Mochis Drive.

General:

7. Application for water and sanitary sewer services should be made 6 to 8 weeks prior to any construction to ensure water for construction work. A site plan, a 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 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.

Sun Metro

1. Sun Metro does not oppose this request. Recommends the construction of sidewalks to permit pedestrian accessibility.

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 the rezoning does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified in the Plan by the CPC.

Attachments:

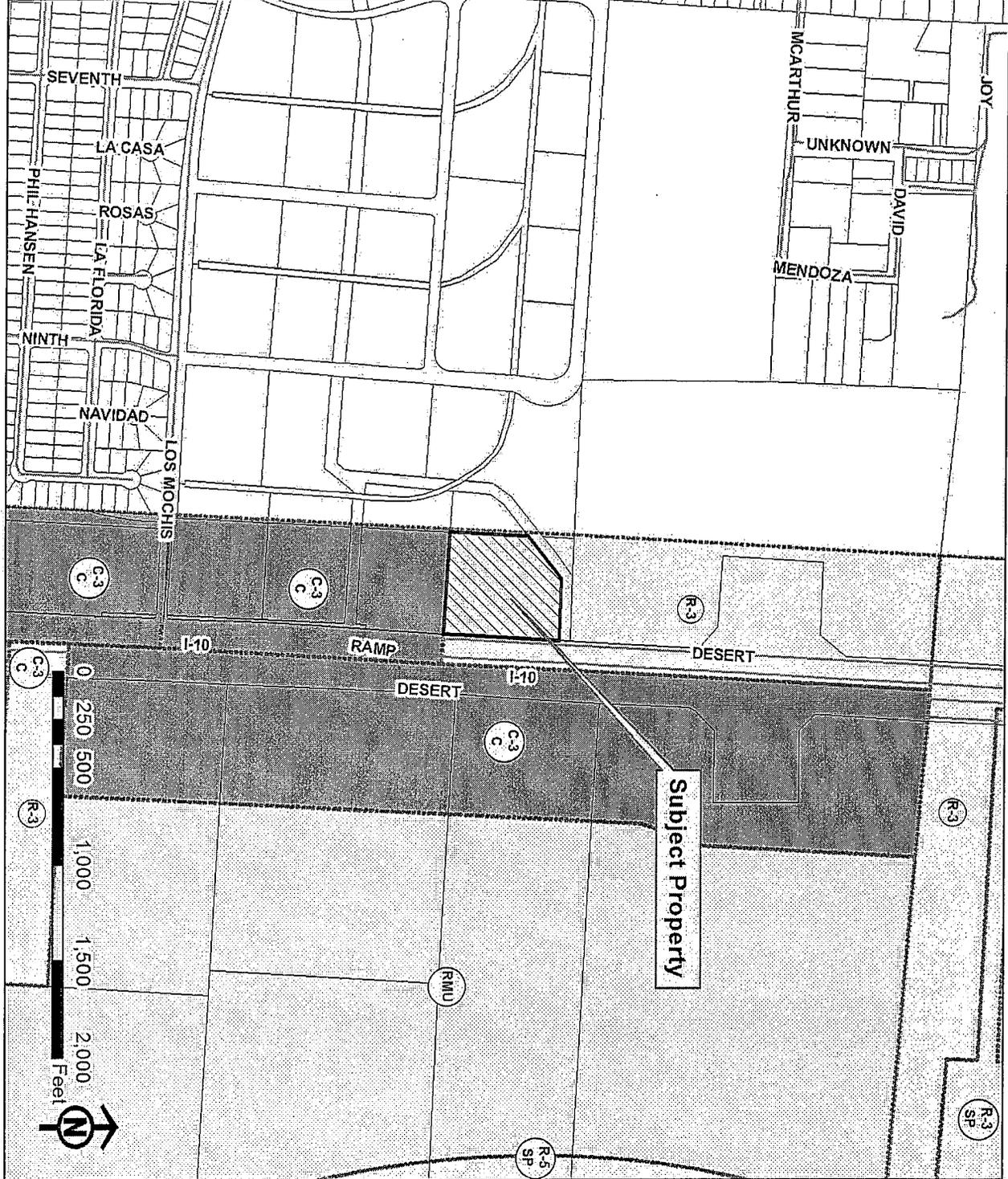
Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Conceptual Plan

ATTACHMENT 1: ZONING MAP

PZRZ11-00043



ATTACHMENT 2: AERIAL MAP

PZRZ11-00043



