

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: August 24, 2010
Public Hearing: September 14, 2010

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

DISTRICT(S) AFFECTED: 6

SUBJECT:

An ordinance changing the zoning of a portion of Tract 8J, Block 42, Ysleta Grant, City of El Paso, El Paso County, Texas from R-4 (Residential) to S-D (Special Development), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 327 S. Zaragoza Road. Property Owner: Juan and Teresa Ceballos. ZON10-00041 (**District 6**)

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 a condition.
City Plan Commission (CPC) – Approval recommendation with conditions (5-0)

*****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 A PORTION OF TRACT 8J, BLOCK 42, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO S-D (SPECIAL DEVELOPMENT), 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 *a portion of Tract 8J, Block 42, 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 **R-4 (Residential)** to **S-D (Special Development)**, 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:

Restrict vehicular access from Cemetery Road.

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

ORDINANCE NO. _____

Zoning Case No: ZON10-00041

A portion of Tract 8J, Block 42,
Ysleta Grant,
City of El Paso, El Paso County, Texas
April 19, 2010

METES AND BOUNDS DESCRIPTION

FIELD NOTE DESCRIPTION of a portion of Tract 8J, Block 42, 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 Tract 8I and Tract 8J, Block 42, Ysleta Grant, same being the easterly right-of-way line of Zaragosa Road, **THENCE**, along said easterly right-of-way line and leaving said common boundary line, North 25°18'00" East, a distance of 50.00 feet to the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said easterly right-of-way line, South 64°42'00" East, a distance of 125.00 feet to a point;

THENCE, South 25°18'00" West, a distance of 54.70 feet to a point;

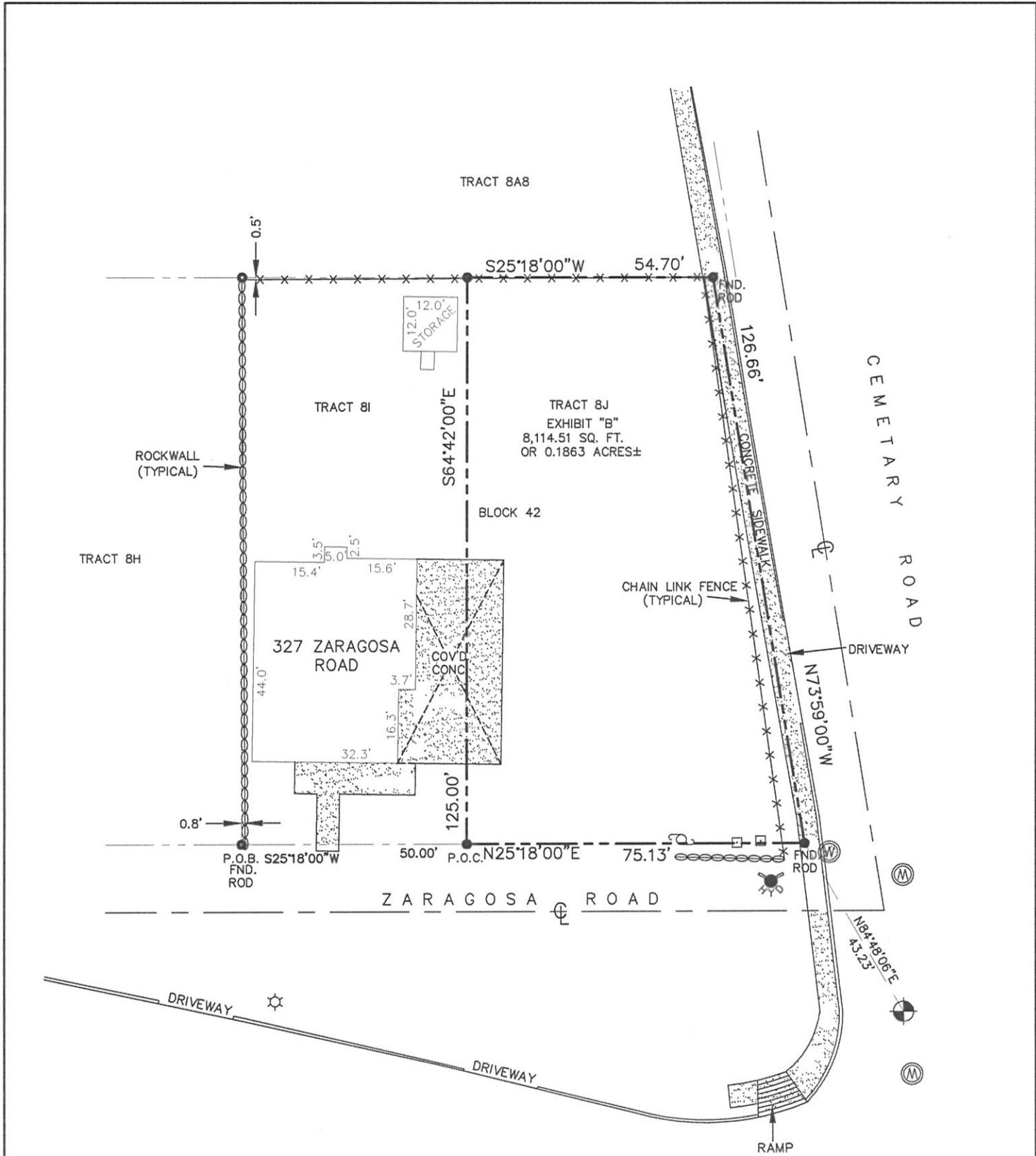
THENCE, North 73°59'00" West, a distance of 126.66 feet to a point;

THENCE, North 25°18'00" East, a distance of 75.13 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 8,114.51 square feet or 0.1863 acres of land more or less.

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

CAD Consulting Co.
1790 Lee Trevino Drive. Suite 503
El Paso, Texas 79936
(915) 633-6422
I:\M&B\2010\wpd





BENCHMARK:
 CITY MONUMENT AT INTERSECTION OF
 PADILLA AND ROSE KENNEDY.
 ELEVATION: 3657.41

LEGEND

- CL = CENTERLINE STREET
- NG = NATURAL GROUND
- GM = GAS METER
- G = GUTTER
- TC = TOP OF CURVE
- CLF = CHAIN LINK FENCE
- CM = CITY MONUMENT
- MH = MANHOLE
- FH = FIRE HYDRANT
- WM = WATER METER
- PP = POWER POLE
- AN = ANCHOR

NOTE:
 THIS SURVEY WAS
 DONE WITHOUT THE
 BENEFIT OF A
 TITLE COMMITMENT.

SCALE 1"=30'

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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
 PROFESSIONAL SURVEYOR
 CARLOS M. JIMENEZ
 R.P.L.S. No. 3956

JOB # 00801 DATE: 04-19-10 FIELD: JC OFFICE: SM FILE: NET:\SABINO\2010\00801
 LOCATED IN ZONE AH PANEL # 480214-0048-B DATED 10-15-82
 RECORDED IN VOLUME N/A PAGE N/A , PLAT RECORDS, EL PASO COUNTY, TX

327 ZARAGOSA ROAD (EXHIBIT "B")
 A PORTION OF 8J, BLOCK 42
 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 16, 2010
TO: Honorable Mayor and City Council
Joyce Wilson, City Manager
FROM: Esther Guerrero, Planner
SUBJECT: ZON10-00041

The City Plan Commission (CPC) on July 15, 2010, voted **5-0** to recommend **APPROVAL** of rezoning the subject property from R-4 (Residential) to S-D (Special Development), and imposing a condition to restrict vehicular access from Cemetery Road, in agreement with the recommendation from the staff and the Development Coordinating Committee (DCC).

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

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



City of El Paso – City Plan Commission Staff Report

Case No: ZON10-00041 (Related Detailed Site Development Plan Review Case No. ZON10-00042)

Application Type: Rezoning

CPC Hearing Date: July 29, 2010

Staff Planner: Esther Guerrero, 915-541-4720, guerreroex@elpasotexas.gov

Location: 327 S. Zaragoza Road

Legal Description: A portion of Tract 8J, Block 42, Ysleta Grant, City of El Paso, El Paso County, Texas

Acreage: 0.1863 acres

Rep District: 6

Existing Use: Vacant

Request: R-4 (Residential) to S-D (Special Development)

Proposed Use: Parking lot to serve abutting parcel to the north for a proposed restaurant

Property Owner: Juan and Teresa Ceballos

Representative: Carrera Group, Inc.

SURROUNDING ZONING AND LAND USE

North: S-D (Special Development) / vacant building

South: R-4 (Residential) / cemetery

East: R-4 (Residential) / single-family

West: R-4 (Residential) / vacant

Plan for El Paso Designation: Residential (Mission Valley Planning Area)

Nearest Park: Ysleta Park (460 Feet)

Nearest School: Robert F. Kennedy Pre-Kinder (2,295 Feet)

NEIGHBORHOOD ASSOCIATIONS

Ysleta Neighborhood Association

NEIGHBORHOOD INPUT

Notices of the July 15, 2010, City Plan Commission hearing were mailed out to property owners within 300 feet of the subject property on July 1, 2010.

APPLICATION DESCRIPTION

The request is to change the zoning from R-4 (Residential) to S-D (Special Development) to allow a parking lot that will serve the abutting S-D (Special Development) for a proposed restaurant. The proposed site plan shows a total of 16 required parking spaces with 2 handicap parking spaces. The property is 0.1863 acres in size and is currently vacant. Access is proposed via Zaragoza Road.

A related Detailed Site Development Review application is in process and will be considered by the City Plan Commission (ZON09-00042). The Detailed Site Development Plan will include the subject property as well as the abutting parcel of land to the north for a proposed restaurant.

DEVELOPMENT SERVICES DEPARTMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the rezoning request with the following condition:

“Restrict vehicular access from Cemetery Road.”

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

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

- a. Goal: establish 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: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- c. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character.

The purpose of the S-D (Special Development) district is to provide an opportunity for mixed-use projects, integrated in design, in certain older residential areas where there is a desire to permit a variety of nonresidential uses while maintaining the established residential appearance and landscaping of the area. The regulations of this district are designed to ensure compatibility with existing uses in the district; to permit the production, exhibit or sale of goods and the providing of services to the public in such older residential areas; to protect the traffic capacity of streets serving such older residential areas; to encourage flexibility by prescribing general performance standards for such older residential areas; and to protect the environment of adjacent areas. For the purpose of this district, older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.

Development Coordinating Committee Review

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

Engineering Department - Traffic Division

No objection to zoning change.

Street Department

- No objections to the rezoning request.
- Sidewalks at driveways will not be ADA/TAS compliant as shown, sidewalks are required.
- Clarify how rock-wall encroachment on to City right-of-way will be addressed.
- All existing/proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public rights-of-way 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

No objections.

Development Services Department – Land Development

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.

1. 6' Rockwall (inside property line) abutting R-4 zone will be required
2. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
3. Grading plan and permit shall be required.*
4. Storm Water Pollution Prevention Plan and/or permit required.*
5. Drainage plans must be approved by the Development Services Department, Engineering Section.*
6. The Subdivision is within Flood Zone X – “Areas determined to be outside the 0.2% annual chance floodplain (No shading)” – Panel # 480214 0048C, dated February 16, 2006.

* This requirement will be applied at the time of development

Fire Department

No comments received.

Sun Metro:

No comments received.

El Paso Police Department Pebble Hills Regional Command

No issues of the future site having a negative impact within the community.

El Paso Water Utilities

1. EPWU does not object to this request

Water:

2. There is an existing 8-inch diameter water main along Cemetery Road that is available for service, the water main is located approximately 7-ft north from the southern right of way property line.

3. There is an existing 12-inch diameter water main along Zaragoza Road. Said main is located approximately 77-ft east from the western right of way property line.

4. Previous water pressure from fire hydrant # 5868 located at approximately 10-ft west from the southwestern property line have yield a static pressure of 98 (psi) pounds per square inch, a residual pressure of 78 (psi) pounds per square inch , and a discharge of 1007 (GPM) gallons per minute.

5. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sewer:

6. There is an existing 8-inch diameter sanitary sewer main that extends along Cemetery Road that is available for service, the sewer main is located approximately 14-ft north from the southern right of way property line.

7. There is an existing 8-inch diameter sanitary sewer main that extends along Zaragoza Road. Said main is located approximately 50-ft east from the western right of way property line.

General:

8. 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.

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:

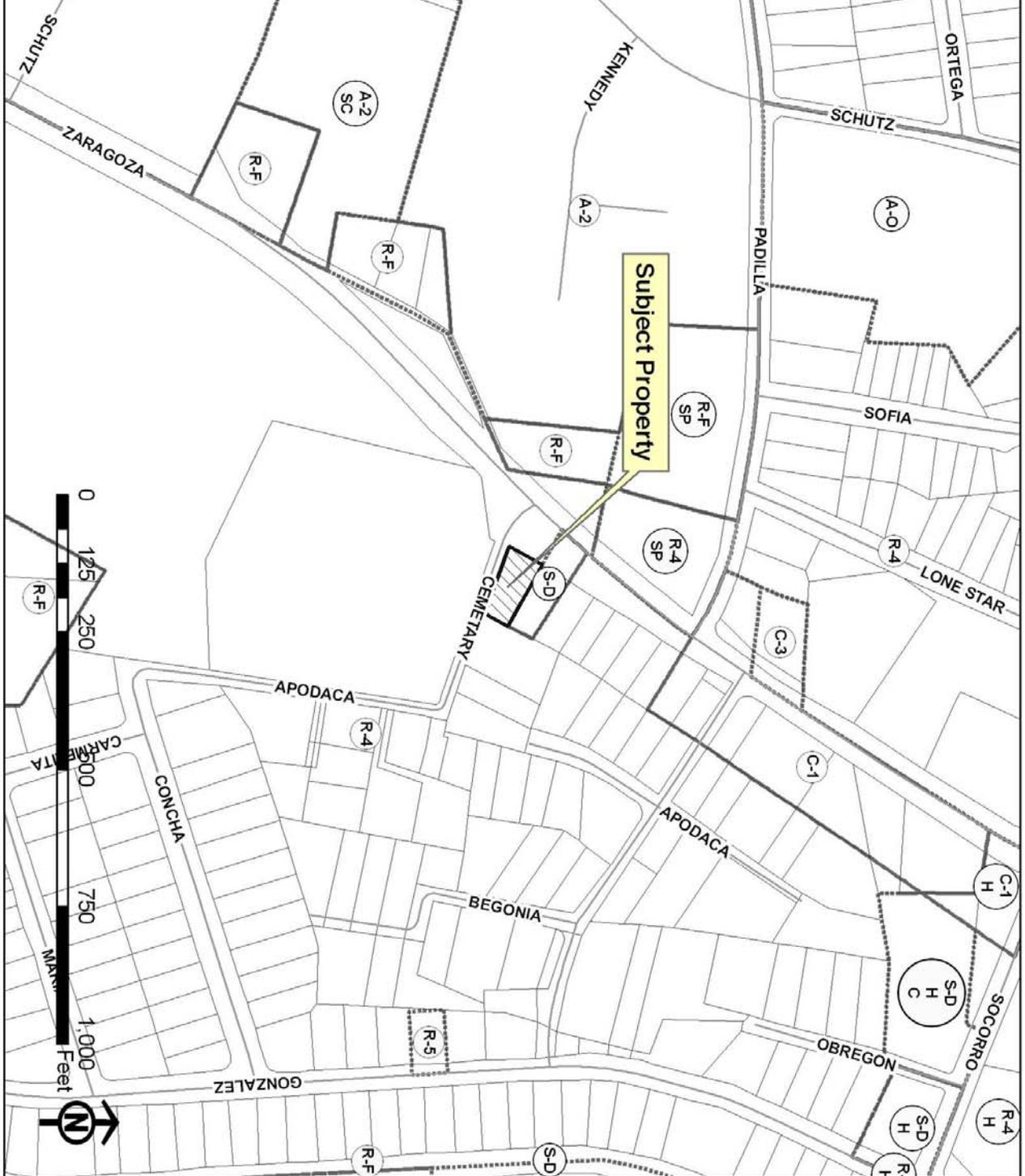
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into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

ATTACHMENT 1: ZONING MAP

ZON10-00041

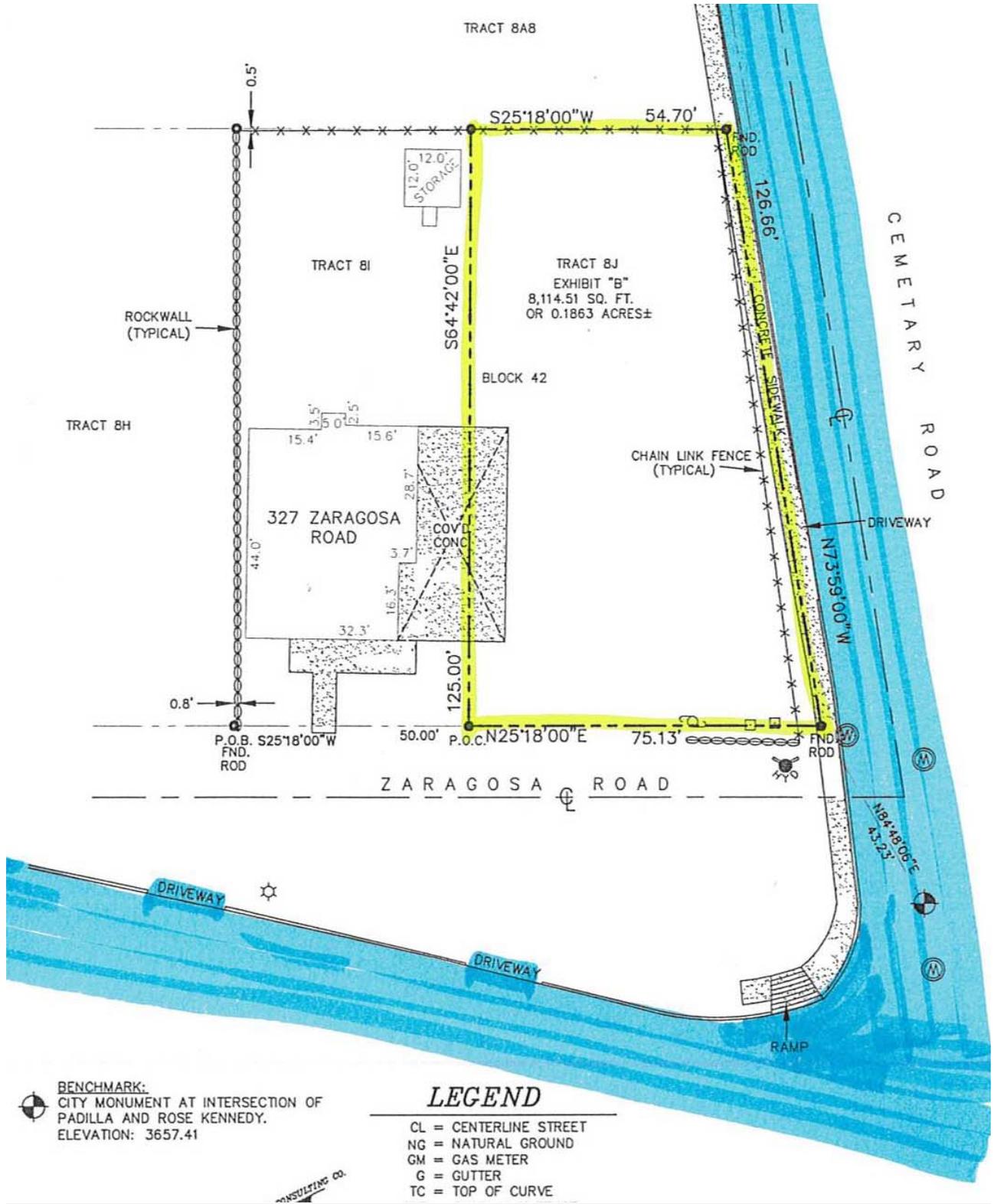


ATTACHMENT 2: AERIAL MAP

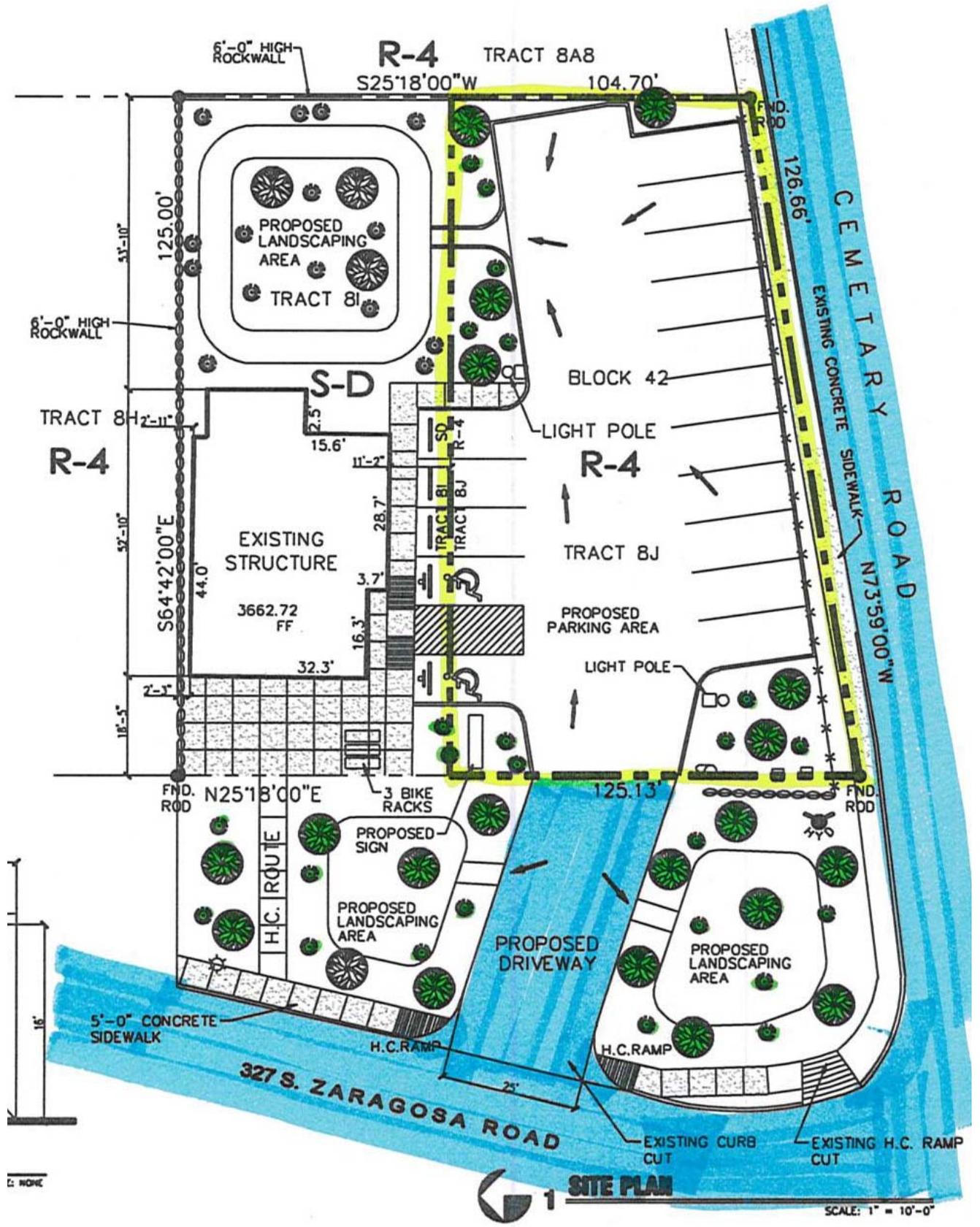
ZON10-00041



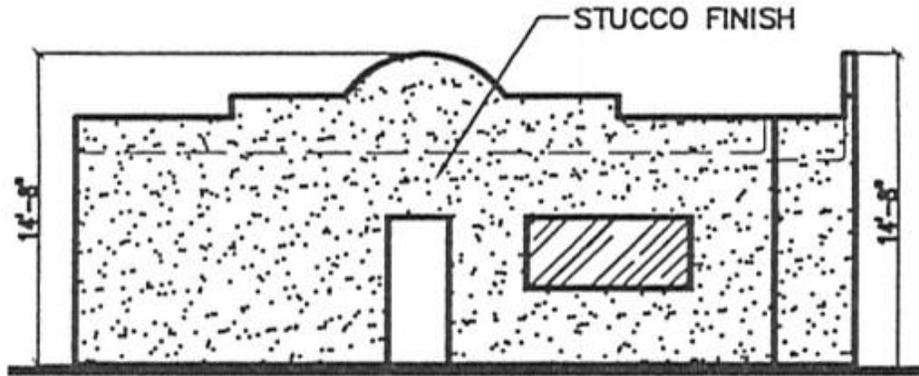
ATTACHMENT 3: EXISTING SITE PLAN



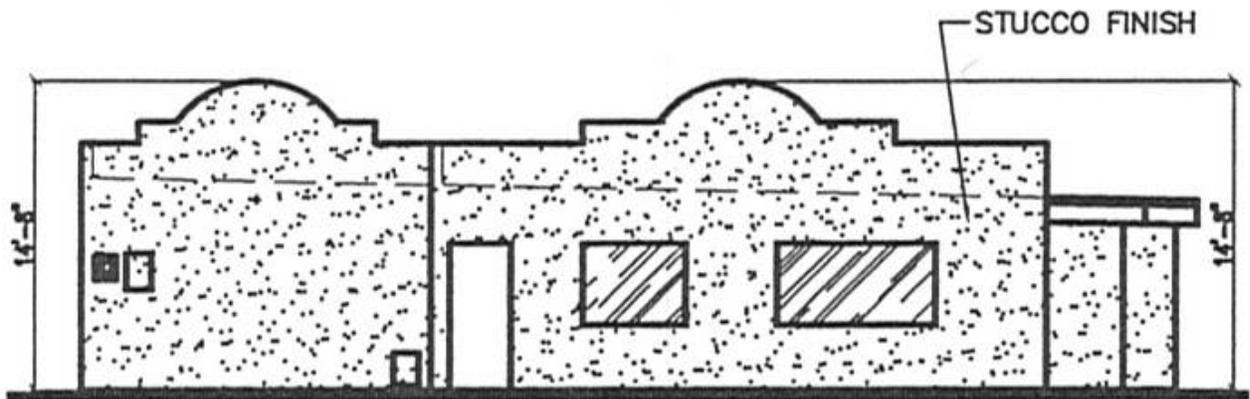
ATTACHMENT 4: PROPOSED DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 5: ELEVATIONS



WEST ELEVATION (EXISTING)
(FRONT ELEVATION) SCALE: NONE



SOUTH ELEVATION (EXISTING)
SCALE: NONE