

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

DEPARTMENT: Development Services/Planning Division
AGENDA DATE: Introduction 08/29/06; Public Hearing 09/19/06
CONTACT PERSON/PHONE: Esther Guerrero, Planner – 541-4720
DISTRICT(S) AFFECTED: #5

SUBJECT:

An Ordinance changing the zoning of the West portion of Lot 1, Palo Vista Addition, El Paso, El Paso County, Texas from R-3 (Residential) to C-4/c (Commercial/conditions) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

Subject Property: 12000 block of Montana Avenue. Applicant: Ysela Sanchez, ZON06-00076 (District 5)

BACKGROUND / DISCUSSION:

See attached report

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

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Alan Shubert

APPROVED FOR AGENDA:

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF THE WEST PORTION OF LOT 1, PALO VISTA ADDITION, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4/C (COMMERCIAL/CONDITIONS), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 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 *West portion of Lot 1, Palo Vista Addition, 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/c (Commercial/conditions)**, 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 intensity 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. *Provide as 10' landscaped buffer with 10' on center high native profile vegetation abutting the R-3 (Residential) property line to the south.*
2. *That the following uses shall be prohibited:*
 - a. *Light manufacturing;*
 - b. *General contractor yard;*
 - c. *Sales, storage, repair, rental of tractors, heavy trucks, farm equipment, contractors equipment and heavy vehicles and equipment;*
 - d. *Trailer, mobile home, travel trailer and recreational vehicle sales, display and repair; and*
 - e. *Heavy trucks, buses, motorcycles and boats sales, storage, rental or service.*

PASSED AND APPROVED this _____ day of _____, 2006.

(Signatures on following page)

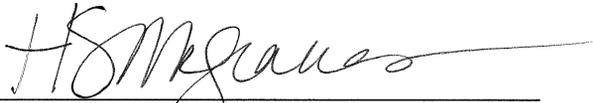
THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Hillary S. McGinnes
Assistant City Attorney

APPROVED AS TO CONTENT:



FOR: Rodolfo Valdez, Chief Urban Planner
Development Services Department

Being the west Portion of Lot 1,
Palo Vista Addition,
City of El Paso, El Paso County, Texas,

May 18, 2006

METES AND BOUNDS DESCRIPTION

Exhibit "A"

FIELD NOTE DESCRIPTION of a parcel of land being the west Portion of Lot 1, Palo Vista Addition, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a set iron rod located at the common boundary line of Lot 1 and a 20 feet alley, same being the easterly right-of-way line of El Dorado Street (70' R.O.W.) and being the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said easterly right-of-way line along said common boundary line, North 89° 27' 00" East, a distance of 198.07 feet to a found iron rod for corner;

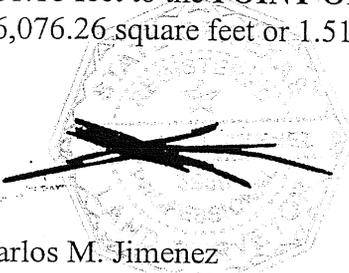
THENCE, leaving said common boundary line, North 00° 33' 00" West, a distance of 288.39 feet to a found iron rod for corner;

THENCE, South 81° 12' 00" West, a distance of 228.30 feet to a set iron rod for corner;

THENCE, 56.96 along the arc of a curve to the left whose radius is 39.92', whose interior angle is 81° 45' 00", whose chord bears South 40° 19' 30" West, a distance of 52.25 feet to a set iron rod for corner;

THENCE, South 00° 33' 00" East, a distance of 24.75 feet to a set iron rod for corner;

THENCE, 204.52 feet along the arc of a curve to the left whose radius is 326.00 feet, whose interior angle is 35° 56' 41", whose chord bears South 18° 31' 00" East, a distance of 201.18 feet to the **POINT OF BEGINNING** of the herein described tract and containing 66,076.26 square feet or 1.5169 Acres of land more or less.



Carlos M. Jimenez
Registered Professional Land Surveyor
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JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
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**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

August 18, 2006

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

FROM: Esther Guerrero, Planner

SUBJECT: ZON06-00076

The City Plan Commission (CPC), on August 3, 2006, voted **(5-0)** to recommend **approval** of the rezoning from R-3 (Residential) to C-4/c (Commercial/conditions) in order to permit offices and warehouse development on the subject property and imposing the following conditions, concurring with staff's recommendation:

1. *Provide as 10' landscaped buffer with 10' on center high native profile vegetation abutting the R-3 (Residential) property line to the south.*
2. *That the following uses shall be prohibited:*
 - a. *Light manufacturing;*
 - b. *General contractor yard;*
 - c. *Sales, storage, repair, rental of tractors, heavy trucks, farm equipment, contractor's equipment and heavy vehicles and equipment;*
 - d. *Trailer, mobile home, travel trailer and recreational vehicle sales, display and repair; and*
 - e. *Heavy trucks, buses, motorcycles and boats sales, storage, rental or service.*

The CPC found that this rezoning with conditions is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map, which designates the subject property for mixed use land uses. The CPC also determined that this 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 effects of the rezoning will have no effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was no one in opposition to this application present at the meeting.

Attachment: Location Map, Aerial, Site Plan

STAFF REPORT

Rezoning Case: ZON06-00076

Property Owner(s): Ysela Sanchez

Applicant(s): Ysela Sanchez

Representative(s): Debra Hellard

Legal Description: A portion of Lot 1, Palo Vista Addition

Location: 12000 block of Montana Avenue, West of Dominican Street

Representative District: # 5

Area: 1.5169 acres

Present Zoning: R-3 (Residential)

Present Use: Vacant

Proposed Zoning: C-4 (Commercial)

Proposed Use: Office/Warehouse Development

Recognized Neighborhood Associations Contacted: East Side Civic Association

Surrounding Land Uses:

North -	N/A / Fort Bliss property
South -	R-3 (Residential) / Vacant
East -	C-4/c (Commercial/conditions) / Automotive Repair
West-	RMH/c (Residential Mobile Home/conditions) / Mobile Homes

Year 2025 Designation: **Mixed Use** (East Planning Area)

**CITY PLAN COMMISSION HEARING, AUGUST 3, 2006,
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

REZONING APPLICATION: ZON06-00076

GENERAL INFORMATION:

The applicant is requesting a rezoning from R-3 (Residential) to C-4 (Commercial) in order to permit Office/Warehouse Development. The property is 1.5169 acres in size and is currently vacant. The proposed site plan shows an 18,000 sq. ft. building to be located on the site. Access is proposed via Montana Avenue and Rabouin Street. There are no zoning conditions currently imposed on this property.

INFORMATION TO THE COMMISSION:

The Development Services Department – Planning Division has received one letter in opposition to this application.

STAFF RECOMMENDATION:

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL** of this request for rezoning from R-3 (residential) to C-4 (Commercial) with the following condition:

1. *Provide as 10' landscaped buffer with 10' on center high native profile vegetation abutting the R-3 (Residential) property line to the south.*
2. *That the following uses shall be prohibited:*
 - a. *Light manufacturing;*
 - b. *General contractor yard;*
 - c. *Sales, storage, repair, rental of tractors, heavy trucks, farm equipment, contractors equipment and heavy vehicles and equipment;*
 - d. *Trailer, mobile home, travel trailer and recreational vehicle sales, display and repair; and*
 - e. *Automobile, light and heavy trucks, buses, motorcycles and boats sales, storage, rental or service.*

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommends that El Paso “provide designated locations for commercial development that do not adversely affect the health, safety and welfare of the community and where essential infrastructure is available to serve the development.”

The Year 2025 Projected General Land Use Map for the **East** Planning Area designates this property as **Mixed-Use**.

C-4 (Commercial) zoning permits Office/Warehouse Development and **is compatible** with adjacent development.

The Commission must determine the following:

- A. Will the C-4 (Commercial) zoning protect the best interest, health, safety and welfare of the public in general?
- B. Will Office/Warehouse Development be compatible with adjacent land uses?
- C. What is the relation of the proposed rezoning to the City's Comprehensive Plan?

INFORMATION TO THE APPLICANT:

Development Services / Planning Division Notes:

- A. The Year 2025 Projected General Land Use Map for the East Planning Area designates this property as Mixed-Use.
- B. C-4/c (Commercial/conditions) zoning will permit Office/Warehouse Development and is compatible with surrounding land uses.
- C. Restricting certain uses will provide a buffer between the abutting Residential Mobile Home Park to the west of the proposed property to be rezoned.

Development Services Department - Building Permits and Inspections Division Notes:

Zoning Review

Proposed use permitted on C-4 Commercial District. Project meets minimum setback and parking requirements. A 6' high masonry screening wall abutting R-3 residential district will be required.

Landscape Review

This project will meet the ordinance as per required area. Applicant will need to provide canopy trees for parking, one for every 20 parking's.

Development Services Department / Subdivision Plan Review Notes:

- A. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
- B. Grading plan and permit shall/may be required.*Storm Water Pollution Prevention plan and/or permit shall/may be required.*
- C. Drainage plans must be approved by the Development Services.*
- D. Coordination with TXDOT.*
- E. No water runoff allowed outside the proposed development boundaries.*
- F. Additional Comments: Site location is located within a Special Flood Hazard Area, Flood Zone(s) C, Panel(s) 480214 0037 B.

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

Engineering Department / Traffic Division Notes:

No apparent traffic concerns.

Fire Department Notes:

No comments received.

EI Paso Water Utilities Notes:

Water

- A. There is an existing 24-inch diameter water transmission main along Montana Avenue fronting the subject property.
- B. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board (EPWU-PSB) Rules and Regulations.
- C. There is an existing 12-inch diameter water main that dead-ends at the easternmost El Dorado Drive right-of-way line. This main needs to be extended along the frontage of the subject property.

Sanitary Sewer

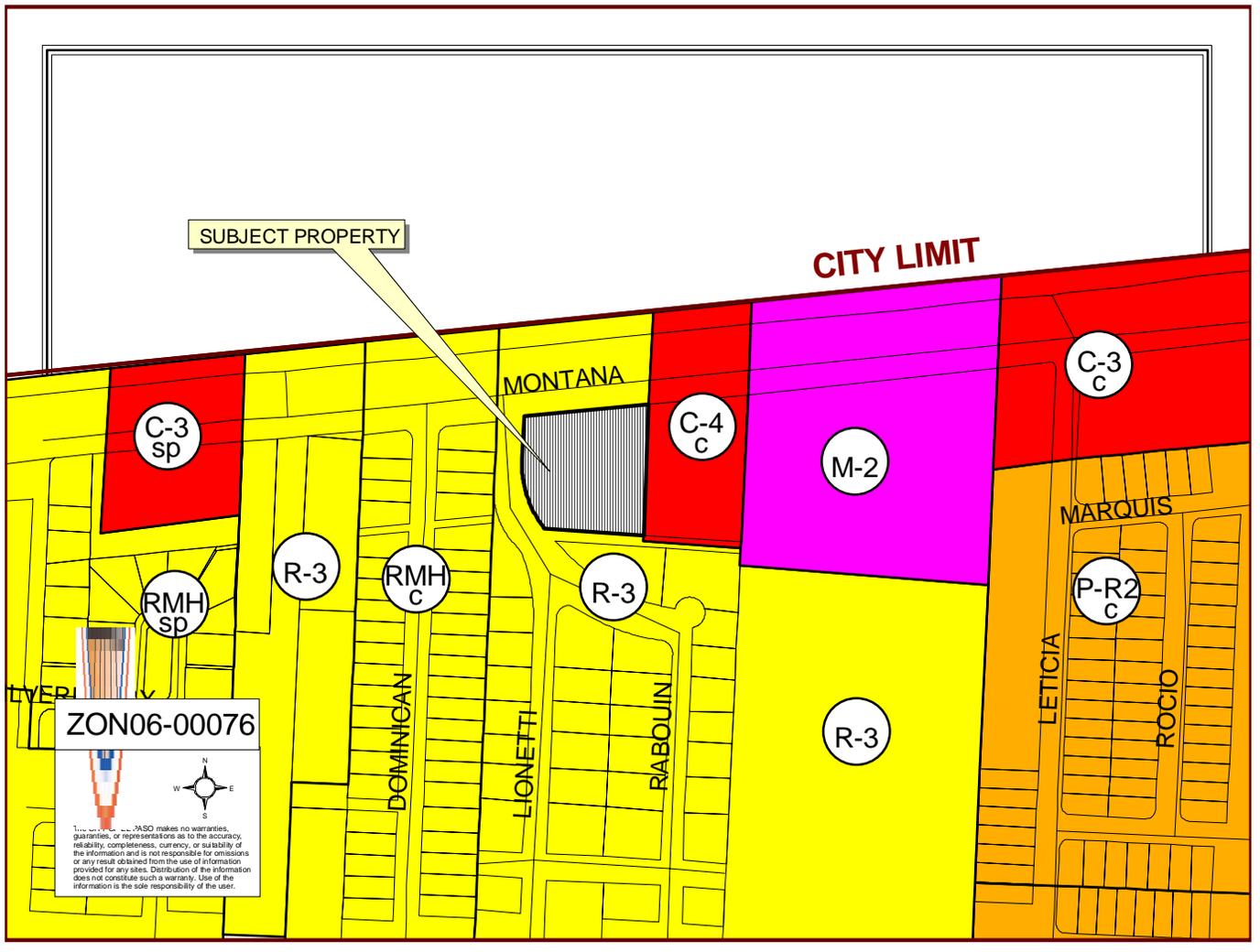
There is an existing 12-inch sanitary sewer main located along a 25-foot EPWU-PSB easement within the subject property.

General

- A. The owner shall minimize any grading above or near the existing 25-foot easement in order to prevent adverse effects on the existing water and sanitary sewer mains within the easement.
- B. EPWU-PSB requires access to the existing sanitary sewer mains located within the easement 24 hours a day, seven (7) days a week.
- C. No building, reservoir, structure or other improvement, other than asphalt paving (HMAC), shall be constructed or maintained on the above referenced EPWU-PSB easement without the written consent of EPWU-PSB easement grantor shall indemnify, defend, and hold harmless the El Paso Water Utilities – Public Service Board (EPWU-PSB) from and against any and all claims, liability, actions, and damages for bodily injury and property damage to third parties or to the El Paso Water Utilities – Public Service Board which may be caused by or arise out of the maintenance and existence of said water and sanitary sewer mains in the easement area.
- D. Montana Avenue is a Texas Department of Transportation (TxDOT) right-of-way. All proposed utility work to be performed within the right-of-way requires a utility installation permit from TxDOT.
- E. EPWU does not object to this request. EPWU requires a finalized set of improvement plans including drainage and grading plans. The owner is responsible for the costs of any necessary extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances. A site plan, a utility plan, grading & drainage plans, landscaping plan (if applicable), the legal description of the property, and a certificate-of-compliance are required at the time of application.

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING DEPARTMENT AT (915) 541-4056.

Location Map



Aerial

