

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

DEPARTMENT: Planning and Economic Development Department, Planning Division

AGENDA DATE: Introduction: August 30, 2011
Public Hearing: September 20, 2011

CONTACT PERSON/PHONE: Justin Bass, (915) 541-4930, bassjd@elpasotexas.gov

DISTRICT(S) AFFECTED: 7

SUBJECT:

An ordinance changing the zoning of a portion of Tract 3, Kilpatrick Subdivision, City of El Paso, El Paso County, Texas from R-F (Ranch-Farm) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8648 North Loop Drive, Applicant: Margarita Modabber PZRZ11-00025 (District 7)

BACKGROUND / DISCUSSION:

Staff Report Attached

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Reviewed
City Plan Commission (CPC) – Approval Recommendation (5-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

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

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 3, KILPATRICK SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH-FARM) TO C-1 (COMMERCIAL). 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 3, Kilpatrick Subdivision, 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-F (RANCH-FARM) to C-1 (COMMERCIAL)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

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

PROPERTY DESCRIPTION

8648 N. Loop

Description of a parcel of land being a portion of Tract 3, Kilpatrick Subdivision, El Paso County, Texas, said Kilpatrick Subdivision recorded in book 13, page 41, Plat Records, El Paso County, Texas and also being that parcel recorded in book 1406, page 615 and book 1673, page 1061, SAVE AND EXCEPT that portion conveyed for ROW purposes in book 2782, page 621, El Paso County Clerks Records, and described as follows;

Commencing for reference at a rebar with cap stamped 4178 found lying on the southwesterly ROW line of N. Loop Drive, said rebar with cap also lying at the most southeasterly corner of that parcel recorded in book 759, page 512, said rebar with cap lying North 35°48'34" West a distance of 94.99' from a found brass cap marking said ROW line, said rebar with cap also lying South 35°48'34" East a distance of 566.72' from another brass cap found marking said ROW line; Thence, with said ROW line, North 35°48'34" West a distance of 105.66' to a bridge nail set at the southeasterly corner of this parcel, and being the "Point Of Beginning";

Thence, with the common boundary between this parcel and said parcel recorded in book 759, page 512, South 53°41'00" West a distance of 253.03' to the southwesterly corner of this parcel;

Thence, with the common boundary between this parcel and that parcel recorded in book 878, page 473, North 36°19'00" West a distance of 137.80' to the northwesterly corner of this parcel;

Thence, with the common tract line between said Tract 3 and Tract 4 of said Kilpatrick Subdivision, North 53°41'00" East a distance of 254.25' to a bridge nail set at the northeast corner of this parcel;

Thence, with said ROW line, South 35°48'34" East a distance of 137.80' to the "Point Of Beginning" and containing 34,952 sq. ft. or 0.8024 acres.

Based on a field survey performed under my supervision and dated September 24, 2009.


John A Eby, Texas R.P.L.S. 5372 NM PLS 17779

Paso Del Norte Surveying Inc.
13998 Bradley Road
El Paso, TX. 79938
915-241-1841



MEMORANDUM

DATE: August 30, 2011

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

FROM: Justin Bass, Planner

SUBJECT: PZRZ11-00025

The City Plan Commission (CPC), on July 28, 2011, voted 5-0 to recommend **APPROVAL** of rezoning the subject property from R-F (Ranch-Farm) to C-1 (Commercial).

The CPC found that the rezoning is in conformance with the Plan for 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 was no **OPPOSITION** to this request.

Attachment:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZRZ11-00025
Application Type: Rezoning
CPC Hearing Date: July 28, 2011
Staff Planner: Justin Bass, 915-541-4930, bassjd@elpasotexas.gov

Location: 8648 North Loop Drive
Legal Description: Portion of Tract 3, Kilpatrick Subdivision, City of El Paso, El Paso County, Texas
Acreage: 0.8024-acre
Rep District: 7
Zoning: R-F (Ranch-Farm)
Existing Use: Single-family dwelling
Request: From R-F (Ranch-Farm) to C-1 (Commercial)
Proposed Use: Retail Store

Property Owner: Margarita Modabber
Applicant: Margarita Modabber
Representative: Margarita Modabber

SURROUNDING ZONING AND LAND USE

North: A-2 (Apartment) / Vacant
South: C-1/c (Commercial/conditions) / Commercial Development
East: R-F (Ranch-Farm) / Single-Family Residential Development
West: C-1/c (Commercial/conditions) / Commercial Development

THE PLAN FOR EL PASO DESIGNATION: Mixed-Use (Mission Valley Planning Area)

Nearest Park: Pueblo Viejo Park (6,575 Feet)
Nearest School: Valley View Middle School (368 Feet)

NEIGHBORHOOD ASSOCIATIONS

Save the Valley 21

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on July 11, 2011. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

CASE HISTORY

On March 15, 1955, City Council approved an annexation agreement which incorporated subject property into the city with a base zone of R-F (Ranch-Farm).

APPLICATION DESCRIPTION

The applicant is requesting to rezone the subject property from R-F (Ranch-Farm) to C-1 (Commercial) in order to allow for a proposed retail store. The subject property is 0.8024-acre in size and is currently vacant. Access is proposed from North Loop Drive.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of rezoning the subject property from R-F (Ranch-Farm) to C-1 (Commercial). The recommendation is based on conformance with the 2025 projected land use map, a transition from residential to commercial uses and compatibility with surrounding land uses.

The Plan for El Paso –City-wide Land Use Goals

All applications for detailed site development plan 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: 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.
- c. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- d. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.

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 & Construction Management Services Department – Plan Review

No comments received.

Engineering & Construction Management Service Department - Land Development

No Objections.

Department of Transportation

1. No objection to rezoning. Proposed size & use does not indicate a substantial increase in traffic, from existing zoning conditions, will be created.

Notes:

- Access to North Loop shall be coordinated with TXDoT.
- 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.

El Paso Water Utilities

We have reviewed the zoning change request reference above and provide the following comments:

1. EPWU does not object to this request.
2. North Loop Drive is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within North Loop Drive right-of-way requires written permission from TxDOT.

Water:

3. There is an existing 12-inch diameter water main extending along North Loop Drive that is available for service, the water main is located approximately 47-feet south from the center right of way line.
4. EPWU records indicate a 3/4-inch water meter serving the subject property. The service address for this meter is 8648 Artcraft Road.
5. Previous water pressure reading from fire hydrant # 3612 located at the northwest intersection of Gilmore Way and North Loop Drive, have yielded a static pressure of 90 (psi) pounds per square inch, a residual pressure of 76 (psi) pounds per square inch and a discharge of 1163 (gpm) gallons per minute.
6. 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:

7. There is an existing 15-inch diameter sanitary sewer main extending along North Loop Drive that is available for service, the sewer main is located approximately 38-feet south from the center right of way 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. 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.

Fire Department

No comments received.

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:

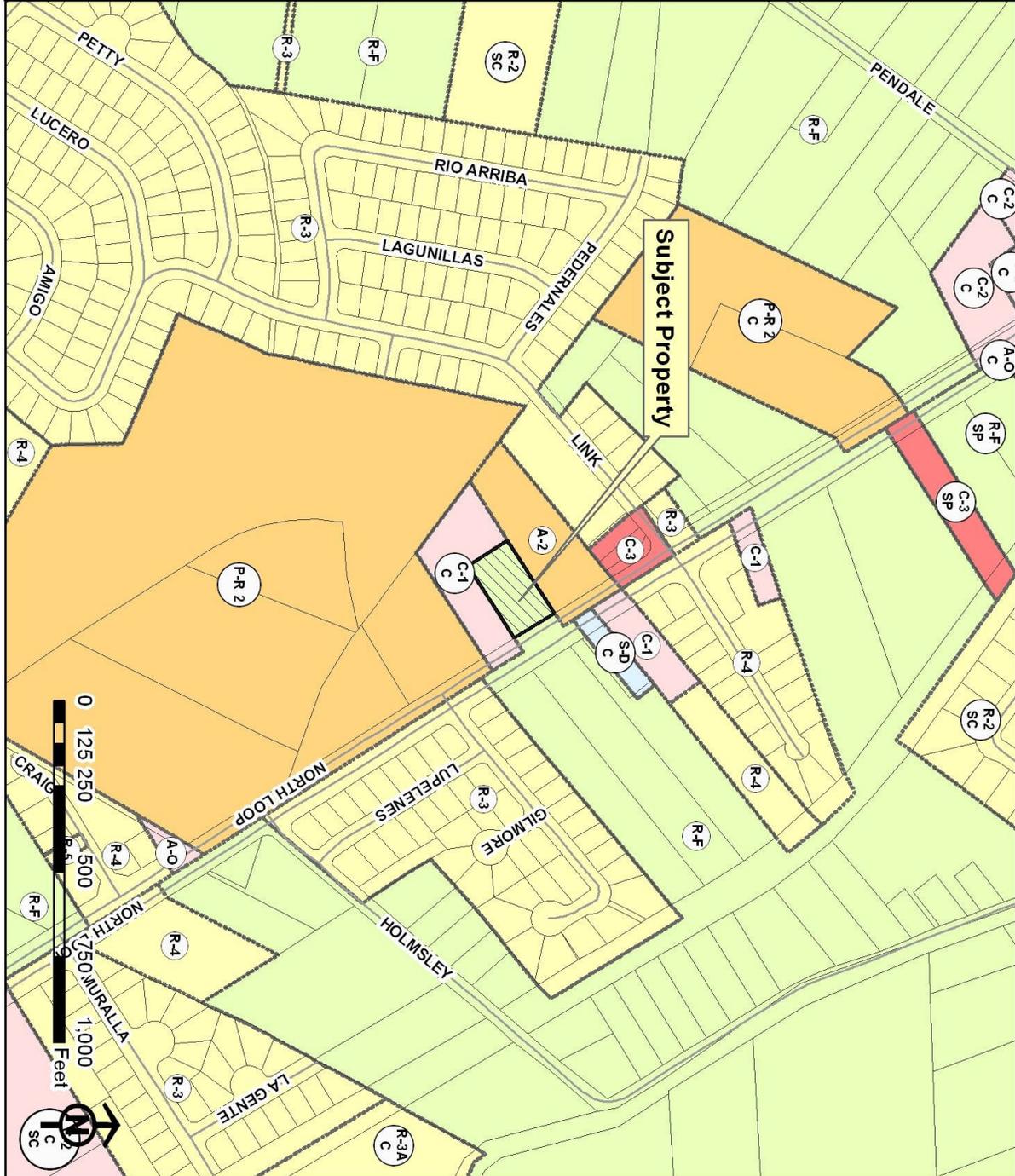
Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan

ATTACHMENT 1: ZONING MAP

PZRZ11-00025



ATTACHMENT 2: AERIAL MAP

PZRZ11-00025



