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

DEPARTMENT: **City Development Department, Planning Division**

AGENDA DATE: **Introduction: August 14, 2012**
Public Hearing: September 11, 2012

CONTACT PERSON/PHONE: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 7

SUBJECT:
An ordinance to correct an error in Ordinance No. 017768 which changed the zoning from R-F (Ranch and Farm) to C-2 (Commercial) and imposed a condition on a portion of Tract 3, Block 10, Boothville Subdivision, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8623 North Loop Drive. Applicant: Aseo, Inc. PZRZ11-00059 **(District 7)**

BACKGROUND / DISCUSSION:
N/A

PRIOR COUNCIL ACTION:
On April 17, 2012, City Council approved a rezoning request with the condition that a fifteen (15) foot landscaped buffer be placed along any residential or apartment uses or zone districts. The condition was placed as part of a floor amendment during the council hearing to address concerns with the impact that the increased intensity of uses allowed under the new rezoning would have on adjacent properties to the subject property. The location of the landscape buffer was placed incorrectly along the north east boundary of the subject property. The following correction ordinance places the landscape buffer along the northerly boundary of the subject property only as intended.

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
N/A

********************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 TO CORRECT AN ERROR IN ORDINANCE NO. 017768 WHICH CHANGED THE ZONING FROM R-F (RANCH AND FARM) TO C-2 (COMMERCIAL) AND IMPOSED A CONDITION ON A PORTION OF TRACT 3, BLOCK 10, BOOTHVILLE SUBDIVISION, CITY OF EL PASO, EL PASO, COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, City Council passed and approved Ordinance No. 017768 on April 17, 2012; and

WHEREAS, Ordinance No. 017768 granted a rezoning change from R-F (Ranch and Farm) to C-2 (Commercial) and imposed a condition on *a portion of Tract 3, Block 10, Boothville Subdivision, City of El Paso, El Paso County, Texas*; and

WHEREAS, prior to the approval of the ordinance, a floor amendment was made to place a condition on the rezoning to address concerns with the impact that the increased intensity of uses allowed under the new rezoning would have on abutting properties located to the rear of the property; and,

WHEREAS, the floor amendment did not accurately state the condition and both the City and property owner wish to amend the ordinance so that the correct condition can be placed on the property;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the condition imposed by Ordinance No. 017768 for *a portion of Tract 3, Block 10, Boothville Subdivision, City of El Paso, El Paso County, Texas* is hereby corrected to read as follows:

1. *That a fifteen (15) 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 rear property lines (north easterly part of the lot). The landscaped buffer 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 _____, 2012.

SIGNATURES CONTINUE ON NEXT PAGE

THE CITY OF EL PASO

ATTEST:

_____
John F. Cook
Mayor

_____
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Mathew S. McElroy, Director
City Development Department

MEMORANDUM

DATE: August 6, 2012

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

FROM: Andrew Salloum, Planner

SUBJECT: **PZRZ11-00059**

On April 17, 2012, City Council approved a rezoning request with the condition that a fifteen (15) foot landscaped buffer be placed along any residential or apartment uses or zone districts. The condition was placed as part of a floor amendment during the council hearing to address concerns with the impact that the increased intensity of uses allowed under the new rezoning would have on adjacent properties to the subject property. The location of the landscape buffer was placed incorrectly along the north east boundary of the subject property. The following correction ordinance places the landscape buffer along the northerly boundary of the subject property only as intended.

The City Plan Commission (CPC), on February 23, 2012, voted 6-0 to recommend **approval** of rezoning the subject property from R-F (Ranch and Farm) to C-2 (Commercial), with no conditions. The Planning Division recommends **denial** of rezoning the subject property from R-F (Ranch and Farm) to C-2 (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 is no opposition to this request.

Attachment:
Staff Report

City of El Paso – City Plan Commission Staff Report

Case No:	PZRZ11-00059
Application Type:	Rezoning
CPC Hearing Date:	February 23, 2012
Staff Planner:	Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov
Location:	8623 North Loop Drive
Legal Description:	A portion of Tract 3, Block 10, Boothville Subdivision, City of El Paso, El Paso County, Texas
Acreage:	3.790 acres
Rep District:	7
Existing Zoning:	R-F (Ranch and Farm)
Existing Use:	Vacant
Request:	From R-F (Ranch and Farm) to C-2 (Commercial)
Proposed Use:	Ballroom
Property Owner:	Aseo, Inc.
Representative:	Jesus L. Jaime and Ray Mancera

SURROUNDING ZONING AND LAND USE
North: C-3/sp (Commercial/special permit) / Contractor yard
South: R-F (Ranch and Farm) / Vacant
East: R-2 (Residential) / Single-family dwellings
West: R-F (Ranch and Farm) / vacant and P-R II/c (Planned Residential/condition) / Apartments

THE PLAN FOR EL PASO DESIGNATION: Mixed Use and Residential (Mission Valley Planning Area)
NEAREST PARK: Marian Manor Park (7,564 feet)
NEAREST SCHOOL: Valley View Middle (1,367 feet)

NEIGHBORHOOD ASSOCIATIONS
Planning Division verified that there are no registered neighborhood associations in the area.

NEIGHBORHOOD INPUT
Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on February 8, 2012. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

APPLICATION DESCRIPTION
The applicant is requesting to rezone the subject property from R-F (Ranch and Farm) to C-2 (Commercial) to allow for a ballroom. A ballroom is a permitted used in C-2 (Commercial) with a special permit approval. The applicant has also submitted a special permit to allow for ballroom use (PZST11-00017). Access to the subject property is proposed from North Loop Drive.

PLANNING DIVISION RECOMMENDATION
The Planning Division recommends **denial** of rezoning the subject property from R-F (Ranch and Farm) to C-2 (Commercial) based on the incompatibility with the comprehensive plan, which calls for mixed use type development and residential. The C-2 (Commercial) is incompatible with the surrounding residential uses in the area to the south, east, and west of the subject property. C-1 (Commercial) zone is most compatible with a mixed use type land use.

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: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.

c. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character.

The purpose of the C-2 (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.

Development Coordinating Committee Review

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

Engineering & Construction Management Services Department – Plan Review

No comments received.

Engineering & Construction Management Service Department - Land Development

General Comments:

- 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 Engineering and Construction Management Department, Land Development Section.*
- The property shall be subject to On-Site Ponding. The applicant shall coordinate with TxDOT for drainage and access on North Loop Drive.
- The Subdivision is within Flood Zone X-"Areas of minimal flooding" – Panel # 480212 0048C, dated February 16, 2006. *

*This requirement will be applied at the time of building permit.

Department of Transportation

Department of Transportation does not object to the proposed rezoning.

Notes:

1. The property is located along the North Loop Rapid Transit System (RTS) Corridor. Coordinate with Sun Metro regarding the location and arrangement of any bus stops or bus pull in bays.
2. No additional median cuts on North Loop Drive in accordance with Section 19.16.020.H.6 (Median Openings).
3. Sidewalks shall comply with Section 19.21 of the El Paso City Code. Sidewalks shall be continuous across driveway and shall comply with ADA standards.
4. Parking space and aisle width dimensions shall comply with Section 20.14.040 (Design and construction) at the time of permitting.
5. Access to North Loop Drive shall be coordinated with TXDOT.
6. 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.

Fire Department

No comments received.

Sun Metro
Sun Metro does not oppose this request.

El Paso Water Utilities
We have reviewed the zoning change request described above and provide the following comments:
EPWU does not object to this request.
Water
Along the northernmost portion of North Loop Drive fronting the subject Property there is an existing eight (8) inch diameter water main.
Along the southernmost portion of North Loop Drive fronting the subject Property there is an existing twelve (12) inch diameter water main.
Previous water pressure readings conducted on fire hydrant number 8935 located along the northernmost portion of North Loop Drive, located at approximately 650 feet north of Link Drive have yielded a static pressure of 86 pounds per square inch (psi), residual pressure of 72 psi, discharge of 1,324 gallons per minute (gpm). Private water pressure regulating devices will be required at the discharge side of each water meter. The Property owner shall acquire ownership of the above-described water pressure regulating devices to be located at the discharge side of the water meters. The Property Owner shall be responsible for the operation and maintenance of the above-described water pressure regulating devices.
Sanitary Sewer
Along the northernmost portion of North Loop Drive fronting the subject Property there is an existing eight (8) inch diameter sanitary sewer main.
Along the southernmost portion of North Loop Drive fronting the subject Property there is an existing fifteen (15) inch diameter sanitary sewer main.
General:
As per EPWU-PSB records, 8623 North Loop Drive has a single three-quarter (3/4) inch diameter water service.
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.
Easements will be required if the development of this Property requires water and sanitary sewer main extensions inside the Property.
All easements dedicated for public water and/or sanitary sewer facilities are to comply with EPWU-PSB Easement Policy.
Easement grantor shall indemnify, defend, and hold harmless the El Paso Water Utilities – Public Service Board 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.
The alignment and location of the proposed EPWU-PSB easement shall enable the placement of water meters outside of the parking areas and minimize the length of services. No vehicular traffic is allowed over the water meters. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easements 24 hours a day, seven (7) days a week.
No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB.
The PSB easement shall be improved to allow the operation of EPWU maintenance vehicles.
Proposed surface improvements such as paving, landscaping, other types of low maintenance surfacing shall be reviewed for approval by EPWU-PSB.
Use of low maintenance easement surface improvements is required. The Owner of the property is responsible for maintenance of the easement surface; surface maintenance is not the responsibility of EPWU-PSB.
EPWU-PSB requests the Developer to refrain from constructing rock walls or any structure that will interfere with the access to the PSB easements.
EPWU-PSB requests the Developer to refrain from constructing signs within the PSB easements.
All proposed buildings shall comply with EPWU-PSB Easement Policy. Buildings shall be located 5 feet

away from the easement line.
If the City of El Paso Fire Department requires additional fire hydrants on public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.
EPWU requires a new service application to initialize design of the water and sanitary sewer main extensions to serve the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. 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.

CITY PLAN COMMISSION OPTIONS

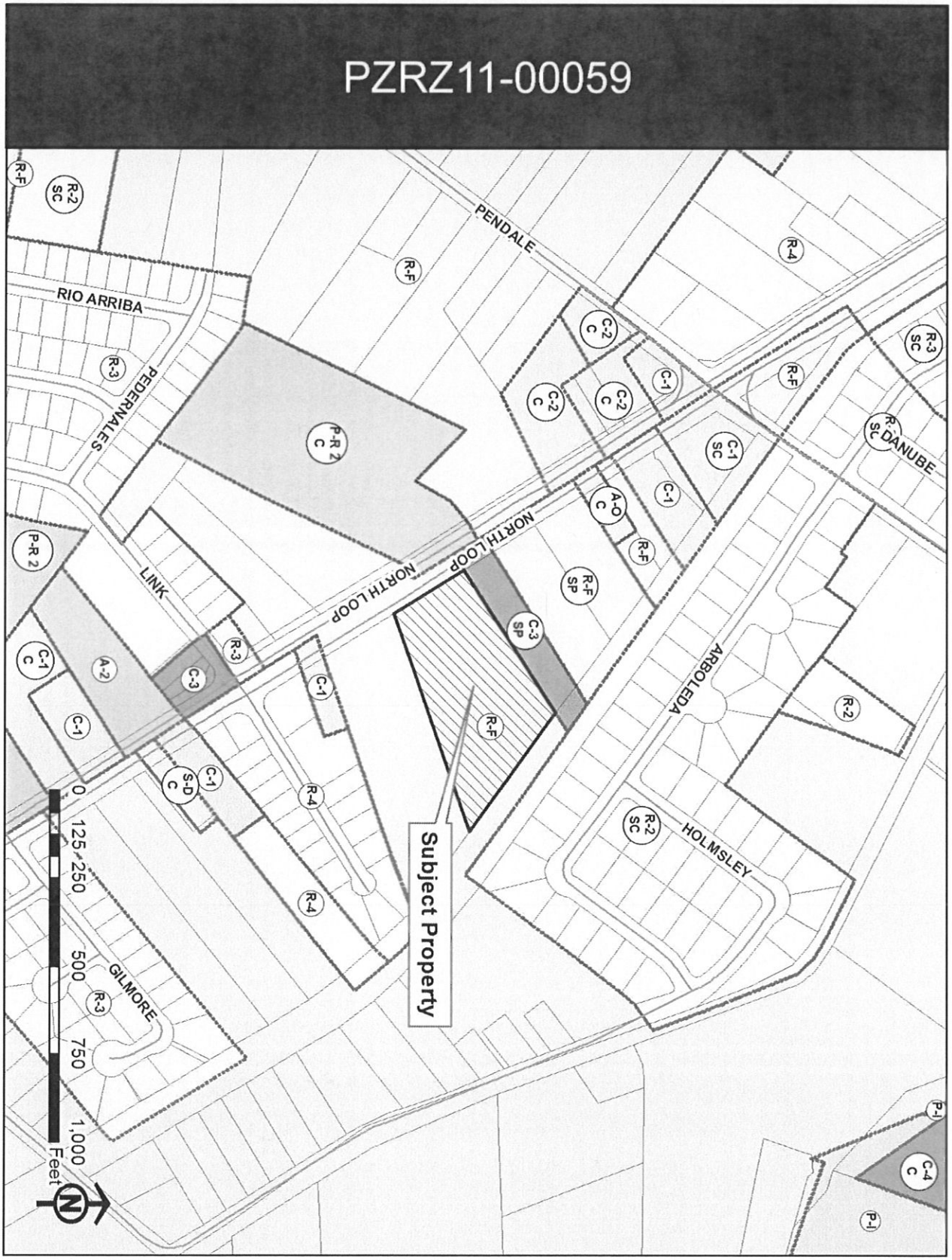
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application

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.

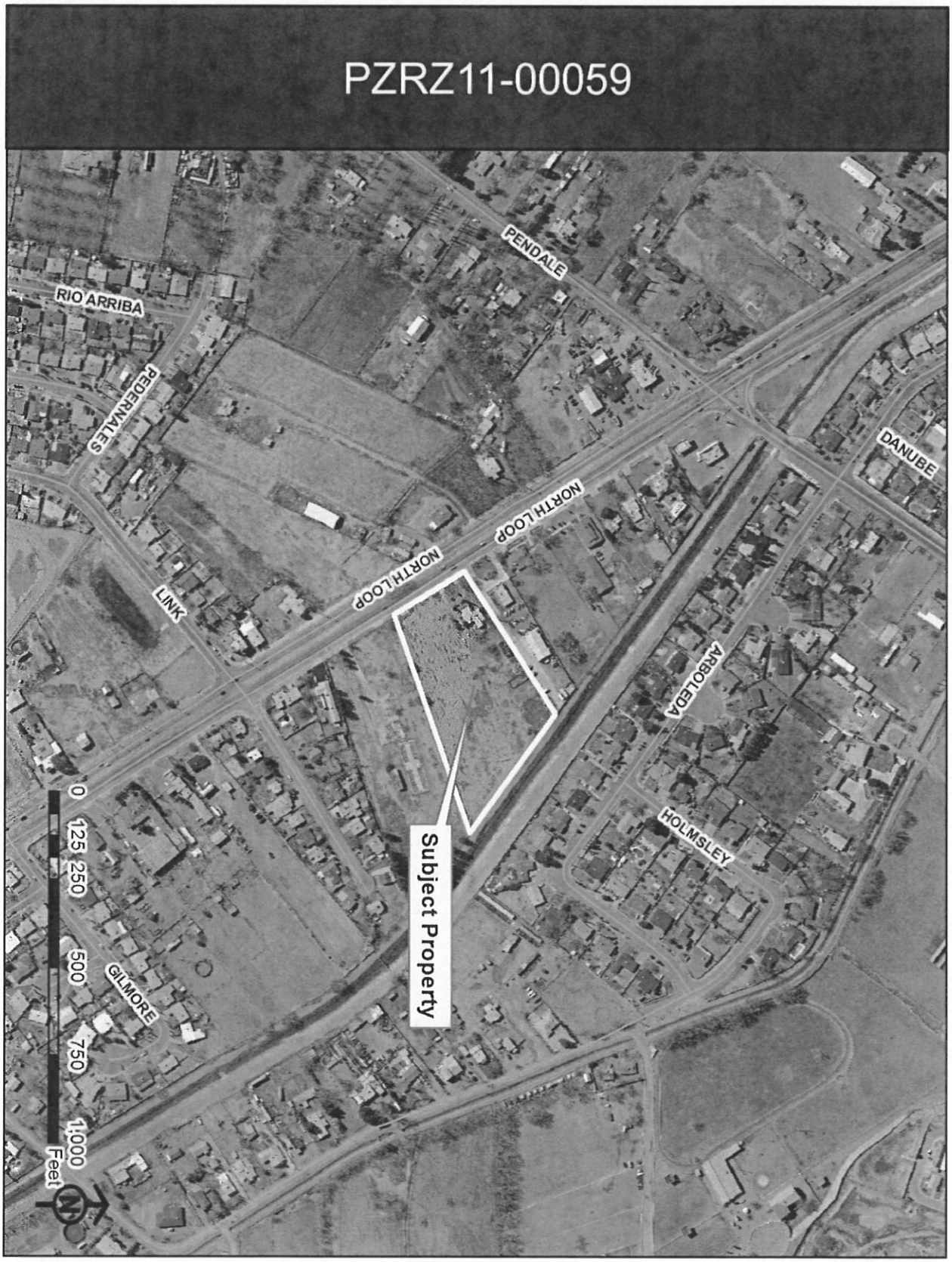
Attachments:

Attachment 1: Zoning Map
Attachment 2: Aerial Map
Attachment 3: Conceptual Site Plan

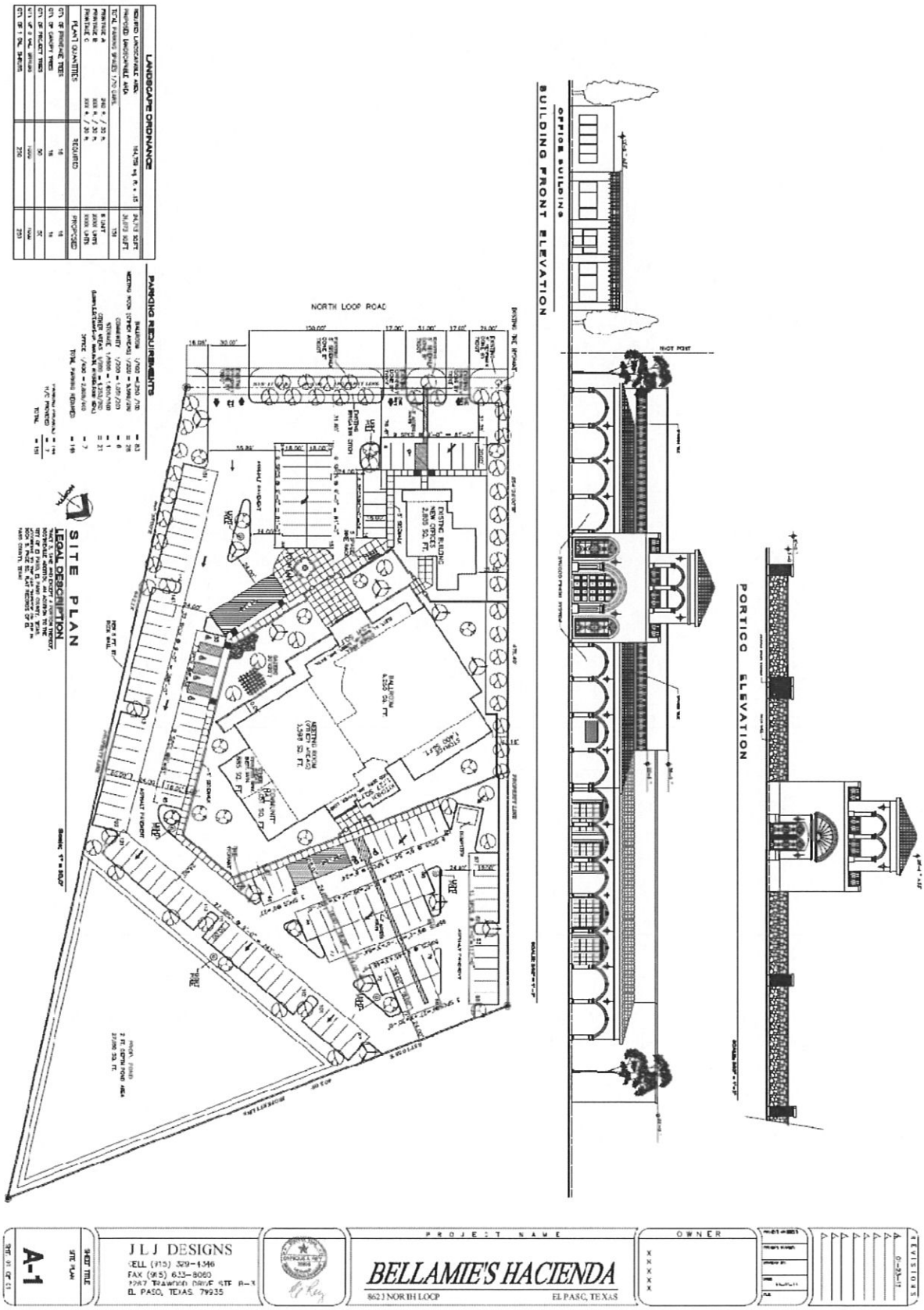
ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP



ATTACHMENT 3: CONCEPTUAL SITE PLAN



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