

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

DEPARTMENT: City Development Department, Planning Division

AGENDA DATE: Introduction: August 13, 2013
Public Hearing: September 17, 2013

CONTACT PERSON/PHONE: Michael McElroy, (915) 541-4238, mcelroyms@elpasotexas.gov

DISTRICT(S) AFFECTED: 3

SUBJECT:

An Ordinance changing the zoning of Tract 1-D-1, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-1 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North of Album and East of McRae. Property Owner: LUCMOR, LLC PZRZ13-00017 (**District 3**)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval Recommendation (8-0)

*****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 TRACT 1-D-1, BLOCK 2, ASCARATE GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (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 **Tract 1-D-1, Block 2, Ascarate Grant**, 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-1 (Residential)**, 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:

A detailed site development plan be approved per City Code before the issuance of building permits.

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF EL PASO

ATTEST:

Oscar Leoser
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Karla M. Niceman
Assistant City Attorney

Mathew S. McElroy, Director
City Development Department

Exhibit A

Being a portion of **Tract 1D1,**
Block 2, Ascarate Grant,
El Paso County, Texas
July 23, 2013

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of **Tract 1D1, Block 2, Ascarate Grant,** El Paso County, Texas, and being more particularly described by metes and bounds as follows:

“TRUE POINT OF BEGINNING” being a point at the intersection of the east right of way line of McRae Boulevard (F.M. Hwy. 2316) and the northeasterly line of Tract 1D1, Block 2, Ascarate Grant;

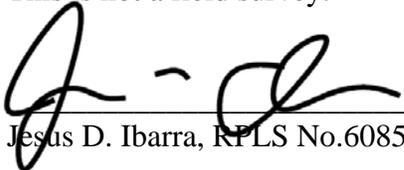
Thence along said northeasterly line of Tract 1D1, Ascarate Grant, **South 66°27'00” East** a distance of **136.36 feet** to a point;

Thence, **South 23°33'00” West** a distance of **120.00 feet** to a to a point at the northeasterly right of way line of Album Avenue (70 foot R.O.W.);

Thence with said right of way line, **North 66°27'00” East** a distance of **88.95 feet** to a to a point at the east right of way line of McRae Boulevard (F.M. Hwy. 2316);

Thence with said right of way line, **North 01°59'30” East** a distance of **129.03 feet** to **“TRUE POINT OF BEGINNING”** and containing in all **0.31 acres** of land more or less.

This is not a field survey.


Jesus D. Ibarra, RPLS No.6085



MEMORANDUM

DATE: July 18, 2013

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

FROM: Michael McElroy, Planner

SUBJECT: PZRZ13-00017

The City Plan Commission (CPC), on July 11, 2013, voted 8-0 to recommend **approval** of rezoning the subject property from R-3 (Residential) to C-1 (Commercial).

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 was one phone call and one letter received in opposition to this request.

Attachment:
Staff Report



City of El Paso – City Plan Commission Staff Report **2nd REVISION**

Case No: PZRZ13-00017
Application Type Rezoning
CPC Hearing Date July 11, 2013
Staff Planner Michael McElroy, (915) 541-4238, mcelroyms@elpasotexas.gov
Location North of Album and East of McRae
Legal Description Tract 1-D-1, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas
Acreage 0.31 acres
Rep District 3
Zoning R-3 (Residential)
Existing Use Vacant
Request R-3 (Residential) to C-1 (Commercial)
Proposed Use Retail / Office
Property Owner LUCMOR, LLC
Representative T.J. Karam

SURROUNDING ZONING AND LAND USE

North: R-3 (Residential) / Single Family Residential
South: R-3 (Residential) / Single Family Residential
East: R-3 (Residential) / Single Family Residential
West: C-1 (Commercial) / Convenience Store / Gas Station

PLAN EL PASO DESIGNATION: G-3, Post-War (East Planning Area)

NEAREST PARK: Eastwood Park (2,436 feet)

NEAREST SCHOOL: Scotsdale Elementary (1,049 feet)

NEIGHBORHOOD ASSOCIATIONS

Eastside Civic Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on June 24, 2013. The Planning Division received one letter and one phone call in opposition to the rezoning request.

APPLICATION DESCRIPTION

The property owner is requesting a rezoning from R-3 (Residential) to C-1 (Commercial). The proposed use is for retail and office purposes. Access to the subject property is proposed from both Album and McRae.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the rezoning from R-3 (Residential) to C-1 (Commercial) with the following condition:

1. A detailed site plan be approved per City Code before the issuance of building permits.

Plan El Paso-Future Land Use Map Designation

All applications for special permit shall demonstrate compliance with the following criteria:

G-2 – Traditional Neighborhood: This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly face streets; schools, parks, and small shops are integrated with residential areas. This sector is well suited for use of the SmartCode as a

replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.

The purpose of the C-1 (Neighborhood Commercial) district is to provide compatible neighborhood convenience goods and services that serve day-to-day needs. Permit locations for business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

COMMENTS:

Planning Division - Transportation

No Objection.

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.*

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

City Development Department – Plan Review

No objections. Landscape shall be required when applicant applies for building permit.

City Development Department - Land Development

No objection to the proposed rezoning. 1. Location and arrangement of driveways shall be reviewed and approved by the El Paso Department of Transportation and Texas Department of Transportation due to the proximity to the signalized intersection of McRae and Album. Note: 1. Access and improvements to McRae shall be coordinated and approved by TxDOT. 2. All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

Fire Department

No objections

El Paso Water Utilities

EPWU does not object to this request.

EPWU-PSB Comments

Water:

Along Album Street between Mc Rae Boulevard and Fir Street there is an existing twelve (12) inch diameter water main.

Along Mc Rae Boulevard between Album Street and Lockerbie Street there are no existing water mains.

Previous water pressure readings conducted on fire hydrant number 117 located at the corner of Album Street and Fir Street have yielded a static pressure of 60 pounds per square inch (psi), residual pressure of 56 psi, discharge of 856 gallons per minute (gpm).

Sanitary Sewer:

Along Album Street between Mc Rae Boulevard and Fir Street there is an existing twelve (12) inch diameter sanitary sewer main.

Along Mc Rae Boulevard between Album Street and Lockerbie Street there are no existing sanitary sewer mains.

General

Mc Rae Boulevard is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Mc Rae Boulevard right-of-way requires written permission from TxDOT.

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.

Application for water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. 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.

CITY PLAN COMMISSION OPTIONS

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

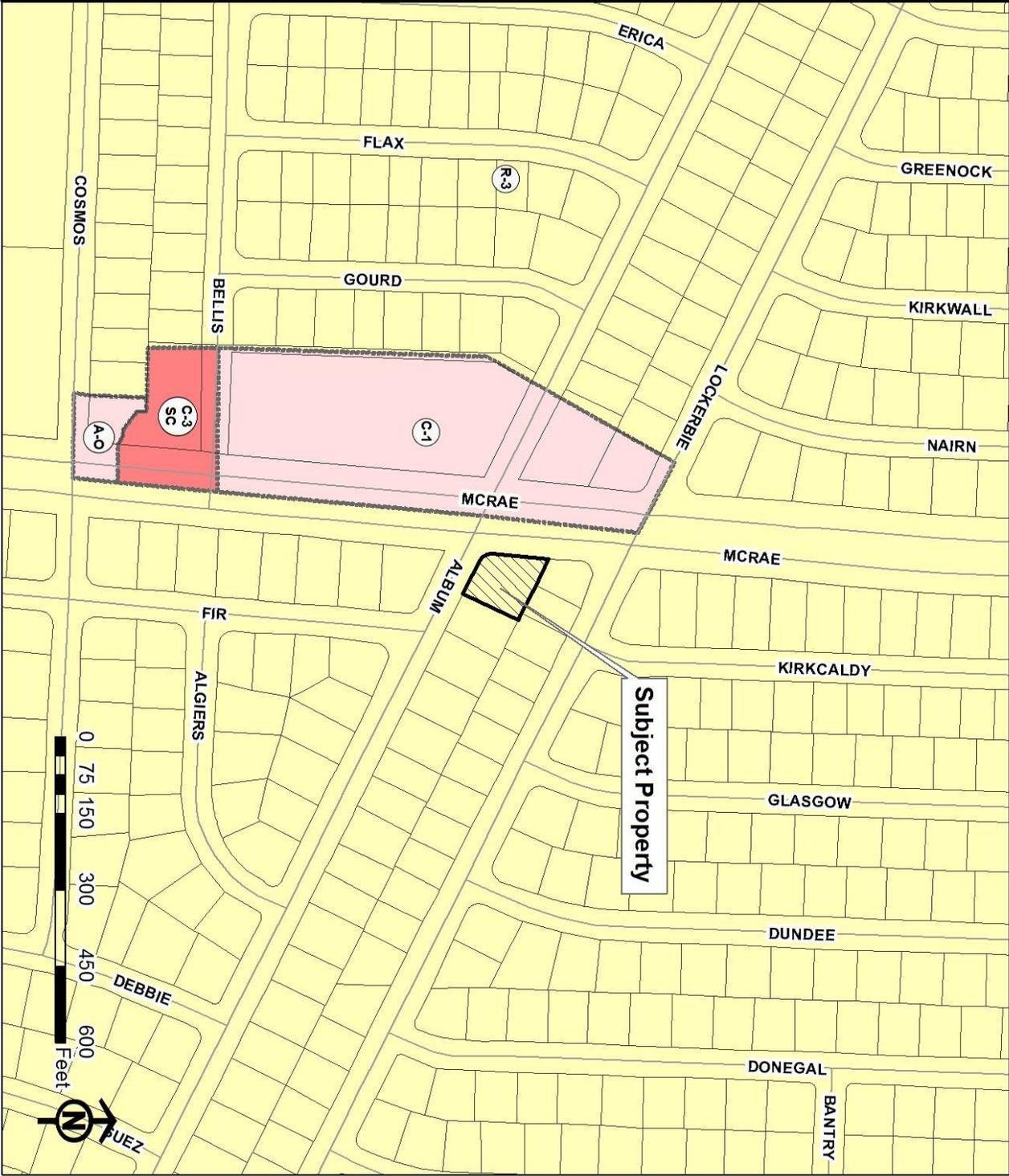
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan
2. Recommend approval of the application with modifications to bring the rezoning into conformance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

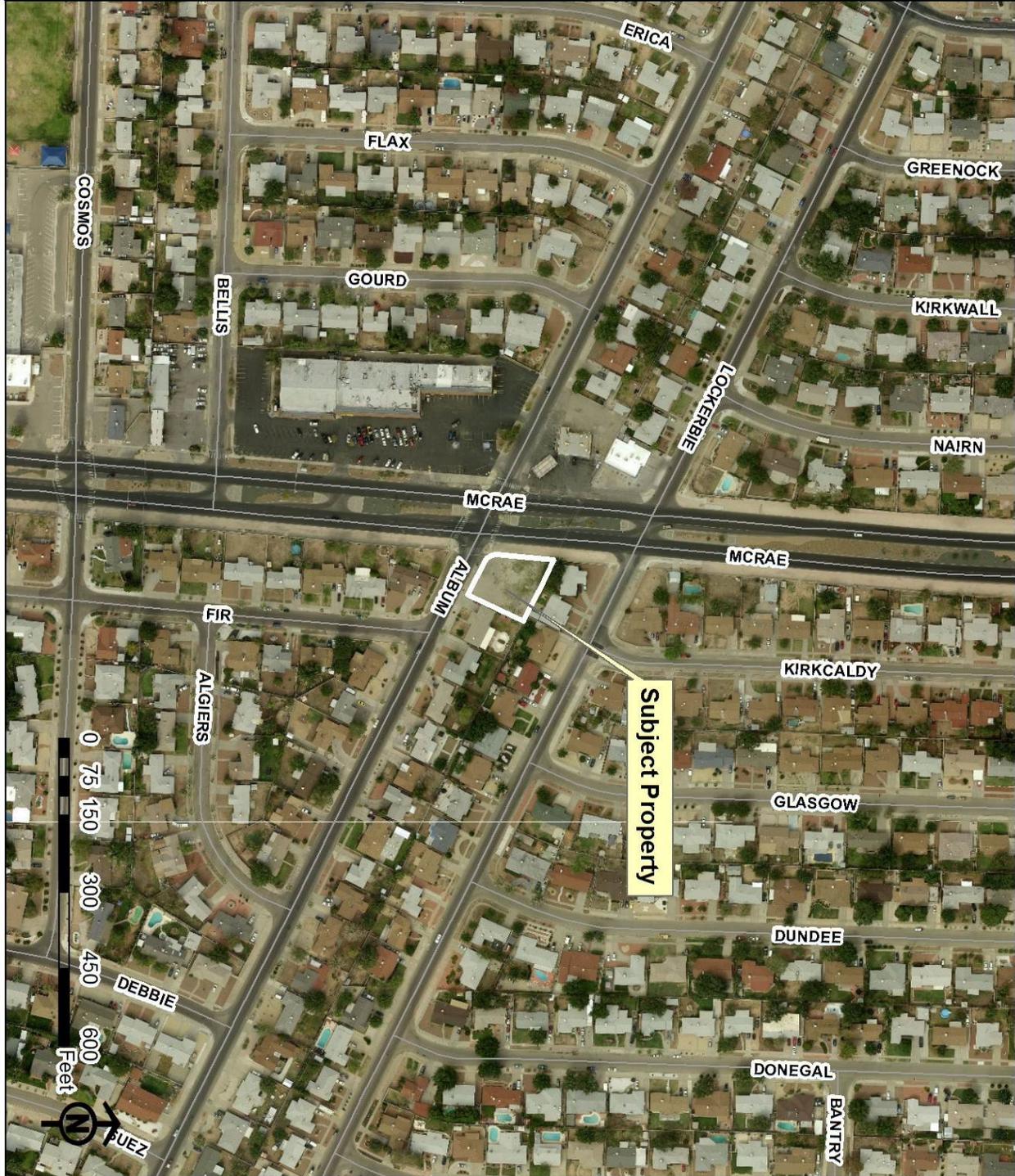
ATTACHMENT 1: ZONING MAP

PZRZ13-00017



ATTACHMENT 2: AERIAL MAP

PZRZ13-00017



ATTACHMENT 4: OPPOSITION LETTER

July 8, 2013

City of El Paso, City Development Department
Planning Division
ATTN: Mr. Michael McElroy, City Planner
222 South Campbell
El Paso, TX 79950

RE: Case # PZRZ13-00017

Dear Mr. McElroy,

Please accept this letter as my request to deny the application for Case #PZRZ13-00017, Rezone from R-3 Residential to C-1 Commercial for the purposes of a retail establishment on Tract 1-D-1, Block 2, Ascarate Grant, City of El Paso.

Currently, the West side of McRae Blvd. has been zoned as Commercial. There exists ample parking, easy access for patrons, and vacant commercial locations where a new business may be located. The parcel of land you are considering for rezone is only 0.31 acres in size which is approximately one and one half of the current residential parcels located in this area. This area will not provide suitable, safe entrance to access any type of retail establishment. This will create an issue with traffic as well as, noise for our quiet subdivision. A commercial rezone on such a small lot will prove to be a menace to the resident's in the area.

I have been a resident since 1972 and, again would request your denial of this case due to the noise that will be created, the safety hazard it will cause, and the fact that the lot size simply will not accommodate any advantageous retail establishment.

Thank you in advance for your consideration in this matter. Feel free to contact me for further discussion if deemed necessary.

Sincerely,



Mrs. Ann Garbowski
9720 Lockerble Ave.
El Paso, TX 79925
(915) 598-8213