

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

DEPARTMENT: City Development Department
AGENDA DATE: Introduction: August 28, 2012
Public Hearing: September 18, 2012
CONTACT PERSON/PHONE: Michael McElroy, 541-4238
DISTRICT(S) AFFECTED: 5

SUBJECT:

An Ordinance changing the zoning of a portion of Tract 39-A, O.A. Danielson Survey No 310, City of El Paso, El Paso County, Texas from A-O/sc (Apartments-Office/special contract) to C-1/sc (Commercial/special contract) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property Owner: Gabter, LP. Subject Property: East of George Dieter Drive and West of Zaragoza Road. PZRZ12-00017 (District 5)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval Recommendation (7-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DIRECTOR: Mathew McElroy



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 39-A, O.A. DANIELSON SURVEY NO 310, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-O/SC (APARTMENT-OFFICE/SPECIAL CONTRACT) TO C-1/SC (COMMERCIAL/SPECIAL CONTRACT) 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 39-A, O.A. Danielson Survey No 310, 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 A-O/SC (APARTMENT-OFFICE/SPECIAL CONTRACT) to C-1/SC (COMMERCIAL/SPECIAL CONTRACT), 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:

1. That a detailed site development plan be approved per City Code prior to the issuance of any building permits as per city code.

PASSED AND APPROVED this _____ day of _____, 2012.

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, Director
City Development Department

June 4, 2012
(AO to C-1)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land, being a portion of Tract 39-A, O.A. Danielson Survey No. 310, City of El Paso, El Paso County, Texas and being more particularly described by Metes and Bounds as follows:

The **"TRUE POINT OF BEGINNING"** being a point marking the intersection of the easterly right of way line of George Dieter Drive with the common line of Tract 39A, O.A. Danielson Survey No. 310 and the southerly line of Stone Ridge Unit Four recorded in Volume 77, Page 21, Plat records of El Paso County, Texas

Thence along said common line, South 57°32'50" East (South 57°42'17" East Vol. 77, Pg. 21) a distance of 562.17 feet to a point;

Thence leaving said line, South 32°27'10" West a distance of 422.70 feet to a point on the common line of Tract 39A and 40, O.A Danielson Survey No. 310;

Thence along said line, North 57°32'50" West a distance of 288.41 feet to a point on the easterly right of way line of George Dieter Drive;

Thence along said right of way line, North 00°28'33' West a distance of 503.61 feet to the **"TRUE POINT OF BEGINNING"** and containing 4.1270 acres of land more or less.

Note: Bearings based on grid north for a local surface projection as determined by GPS methods centered on the site.

A drawing of even date accompanies this description.


Ron R. Conde
R.P.L.S. No. 5152





CITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

MEMORANDUM

DATE: 8/16/2012

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

FROM: Michael McElroy, Planner

SUBJECT: PZRZ12-00017

The City Plan Commission (CPC) on 8/09/2012 voted **7-0** to recommend **APPROVAL** of rezoning the subject property to C-1 (Commercial), concurring with Staff's recommendation.

The CPC found that this rezoning is in conformance with Plan El Paso; and the proposed use is in conformance with the Future Land Use Map. The CPC also determined that this rezoning protects the best interest, health, safety and welfare of the public in general; and that the proposed use is compatible with adjacent land uses.

There was **NO OPPOSITION** to this request.

Attachment: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZRZ12-00017
Application Type: Rezoning
CPC Hearing Date: August 9, 2012
Staff Planner: Michael McElroy, 915-541-4238, mcelroyms@elpasotexas.gov
Location: East of George Dieter Drive and West of Zaragoza Road
Legal Description: Portion of Tract 39-A, O.A. Danielson Survey No 310, City of El Paso, El Paso County, Texas
Acreage: 4.1270 acres
Rep District: 5
Zoning: A-O/sc (Apartment-Office/special contract)
Existing Use: Vacant
Request: C-1/sc (Commercial/special contract)
Proposed Use: Retail Commercial and Multi-Family
Property Owner: Gabter, LP
Representative: Conde, Inc.

SURROUNDING ZONING AND LAND USE

North: C-1/c/sc (Commercial/condition/special contract) / Hospital
South: R-3 (Residential) / Vacant
East: C-4/sc (Commercial/special contract) / Vacant
West: C-1/sc/sp (Commercial/special contract/special permit) / Vacant

Plan El Paso Designation: G4, Suburban - Walkable (East)
Nearest Park: Zaragoza Park (4,645 ft.)
Nearest School: James R. Vasquez Head Start (1,032 ft.)

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 July 2, 2012. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

CASE HISTORY

The subject property has conditions imposed by ordinance No. 7313, dated September 8, 1981, which requires the submission of a subdivision plat prior to the issuance of building permits, a condition which has been satisfied.

APPLICATION DESCRIPTION

The request is to change the zoning from A-O/sc (Apartment-Office/special contract) to C-1/sc (Commercial/special contract) to allow for a retail and multi-family development. The conceptual site plan proposes a development consisting of 13 buildings, comprised of 264 total dwelling units and 7 retail establishments. Access is proposed from George Dieter Drive and Zaragoza Road.

CITY DEVELOPMENT DEPARTMENT -PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the rezoning to C-1 (Commercial) with the following condition: *that a detailed site development plan be approved per City Code prior to the issuance of any building permits.*

Plan El Paso-Future Land Use Map Designation

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

G-4 – Suburban: This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

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

COMMENTS:

City Development Department – Planning Division - Transportation

No objections to the rezoning request. Note: 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.

City Development Department - Land Development

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.* No water runoff allowed outside the proposed development boundaries, (On-site ponding required and provide location for the proposed ponding area). * This requirement will be applied at the time of development.

El Paso Water Utilities

EPWU does not object to this request.

Water

Along George Dieter Drive fronting the subject Property there is an existing twelve (12) inch diameter water main. This main is located approximately at 43 feet west of the easternmost right-of-way line of George Dieter Right-of-Way. This water main is not available for service to the subject Property; the City of El Paso does not allow any pavement cuts on George Dieter Drive.

At the intersection of George Dieter Drive and Taffy Bagley Drive, along George Dieter Drive there is an existing eight (8) inch diameter water main. This main is located at approximately 7.5 feet west of the easternmost right-of-way line of George Dieter Drive. This existing main dead-ends approximately at the vicinity of the northernmost portion of the subject Property. Water service to the subject Property is anticipated by extensions inside the Property (within easements) originating from this described main. The alignment of the proposed mains will also be parallel and east to George Dieter Drive, and shall cover the entire frontage of the Property. Easements located immediately east of George Dieter Drive will be required for the proposed water mains.

From the intersection of Surgeons Drive and Guernsey Road along Surgeons Drive there is an existing eight (8) inch diameter water main. This main dead-ends at the southernmost portion of Surgeons Drive.

Along Zaragoza Road fronting the subject Property there is an existing thirty – six (36) inch diameter water transmission main. This main is located along the easternmost portion of Zaragoza

Road. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board (EPWU-PSB) Rules and Regulations.

Along Zaragoza Road fronting the subject Property there is an existing twelve (12) inch diameter water main. This main is located along the easternmost portion of Zaragoza Road.

Previous water pressure readings conducted on fire hydrant number 5656 located along Taffy Bagley Drive west of George Dieter Drive have yielded a static pressure of 110 pounds per square inch (psi), residual pressure of 105 psi, discharge of 1,300 gallons per minute (gpm).

Previous water pressure readings conducted on fire hydrant number 5785 located at the corner of Henry Brennan Street and Zaragoza Road have yielded a static pressure of 110 pounds per square inch (psi), residual pressure of 100 psi, discharge of 1,609 gallons per minute (gpm).

Private water pressure regulating devices will be required at the discharge side of each water meter. The Developer shall include in the sale of contract documents that the Property/lot buyer shall acquire ownership of the above-described water pressure regulating devices to be located at the discharge side of the water meters. Additionally, the Property/lot buyer shall be responsible for the operation and maintenance of the above-described water pressure regulating devices.

Sanitary Sewer

Along George Dieter Drive fronting the subject Property there is an existing eight (8) inch diameter sanitary sewer main. This main is located approximately at 50 feet east of the westernmost right-of-way line of George Dieter Right-of-Way. This sanitary sewer main is not available for service to the subject Property; the City of El Paso does not allow any pavement cuts on George Dieter Drive.

The above-described sanitary sewer main has a stub-out aligned towards the east. The stub-out is located at approximately 417 feet south of Taffy Bagley Drive. The stub-out dead-ends at approximately 63 feet east of the described main that extends along George Dieter Drive.

Immediately north of the subject Property, within Stone Ridge Unit Four subdivision, there is an existing eight (8) inch diameter sanitary sewer main. This main is located within an existing 20 foot wide easement situated immediately north and parallel to the common boundary line to Stone Ridge Unit Four subdivision and Tract 39A, O.A. Danielson Survey No. 310.

Along Zaragoza Road fronting the subject Property there is an existing eight (8) inch diameter sanitary sewer main

Sanitary sewer service to the subject Property is anticipated by means of main extensions within the subject Property.

General

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

Easements will be required within 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.

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.

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 change of zoning application:

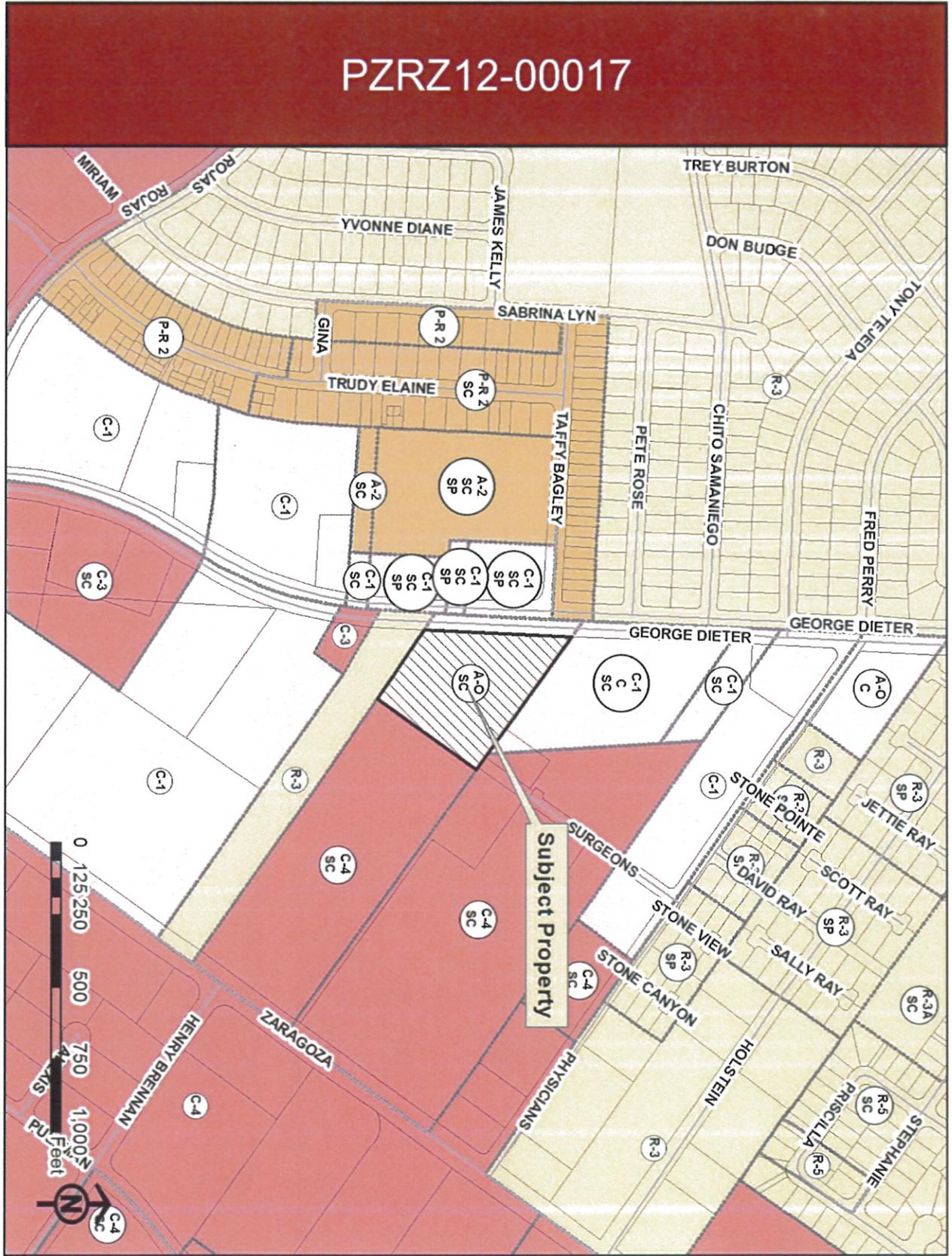
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into conformance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

ATTACHMENT 1: ZONING MAP

PZRZ12-00017

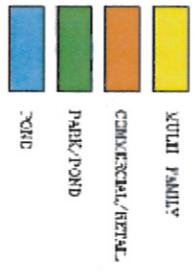


ATTACHMENT 2: AERIAL MAP

PZRZ12-00017



ATTACHMENT 3: CONCEPTUAL SITE PLAN



TOTAL COST SUMMARY	
CONSTRUCTION COSTS	1,250,000
LAND ACQUISITION COSTS	1,000,000
LAND DEVELOPMENT COSTS	500,000
LAND ACQUISITION COSTS	1,000,000
LAND DEVELOPMENT COSTS	500,000
TOTAL DEVELOPMENT COSTS	3,250,000
LAND ACQUISITION COSTS	1,000,000
LAND DEVELOPMENT COSTS	500,000
TOTAL DEVELOPMENT COSTS	3,250,000
LAND ACQUISITION COSTS	1,000,000
LAND DEVELOPMENT COSTS	500,000
TOTAL DEVELOPMENT COSTS	3,250,000