

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

DEPARTMENT: City Development Department
AGENDA DATE: Introduction: September 18, 2012
Public Hearing: October 16, 2012
CONTACT PERSON/PHONE: Esther Guerrero, (915) 541-4720
DISTRICT(S) AFFECTED: 5

SUBJECT:

An ordinance changing the zoning of Tract 17C63, Section 8, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-3 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Bob Hope Drive @ Saint Romeo Avenue. Property Owner: Elizabeth G. Flores. PZRZ11-00047 (**District 5**)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC): Recommend Approval with conditions.

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
City Development Department, Director

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF TRACT 17C63, SECTION 8, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CONDITIONS. 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 *Tract 17C63, Section 8, Block 79, Township 2, Texas and Pacific Railroad Surveys, 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-3 (COMMERCIAL)**, 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 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:

Conditions as follows:

1. *That access to the subject property be restricted from Bob Hope Drive; and,*
2. *That a ten-foot (10') landscaped buffer to include, but not limited to, evergreen trees placed at fifteen-feet (15') on center shall be required where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.*

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen, City Clerk

(Signatures continue on following page.)

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy, Director
City Development Department

BEING ALL OF TRACT 17C63, SECTION 8,
BLOCK 79, TOWNSHIP 3,
TEXAS AND PACIFIC RAILROAD SURVEYS,
CITY OF EL PASO, EL PASO COUNTY, TEXAS
AUGUST 20, 2011

METES AND BOUNDS DESCRIPTION

Metes and Bounds description of a parcel of land being all of Tract 17C63, Section 8, Block 79, Township 3, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County Texas, and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found city monument marking the centerline intersection of Bob Hope Drive (60' R.O.W.) and Saint Romeo Avenue (52' R.O.W.), Thence along the centerline of Bob Hope Drive, North $00^{\circ} 37' 42''$ West, a distance of 123.73 feet to a point; Thence, leaving said centerline, North $90^{\circ} 00' 00''$ East, a distance of 30.00 feet to a point lying on the easterly right-of-way line of Bob Hope Drive and being the **POINT OF BEGINNING** of the herein described parcel of land;

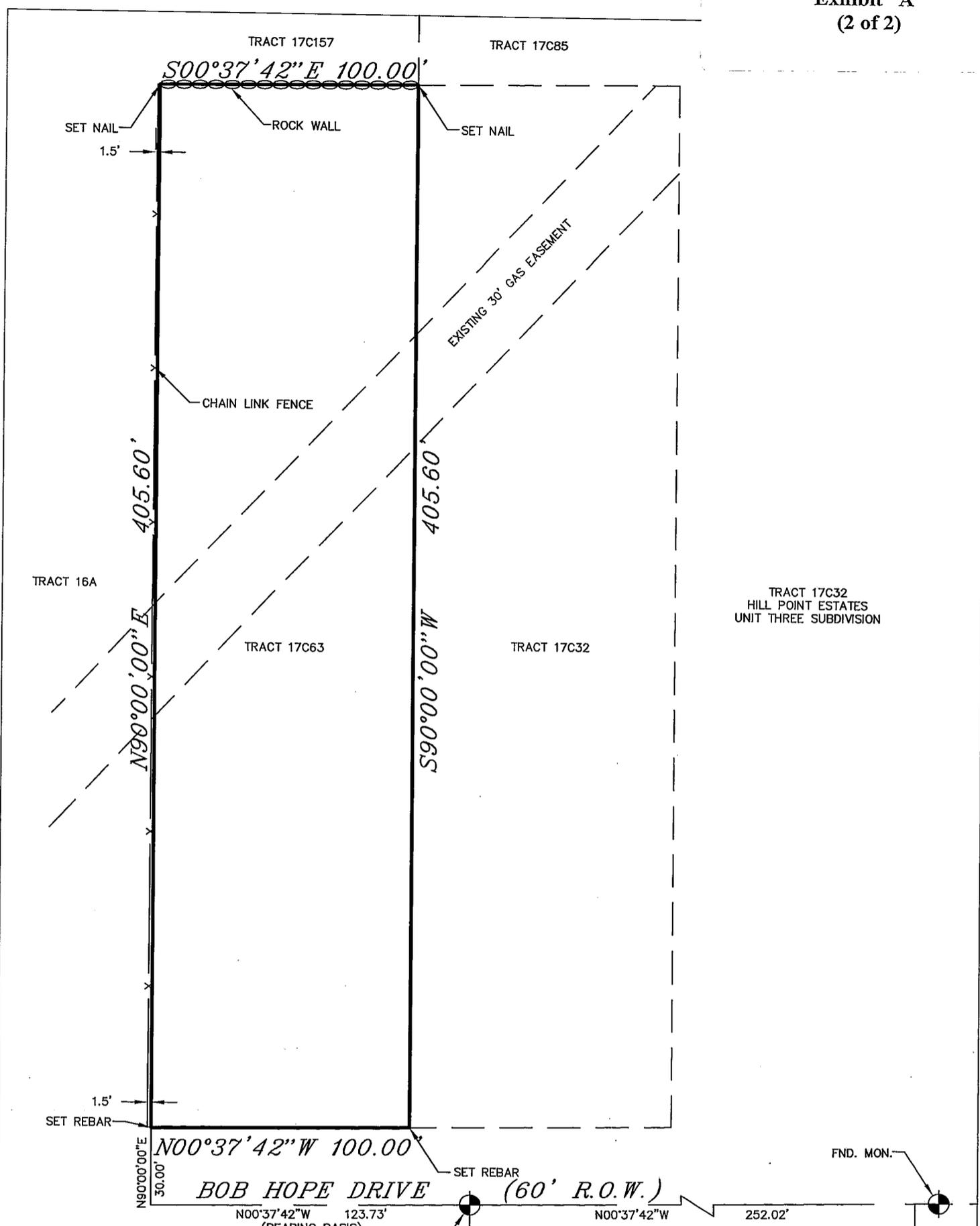
THENCE, leaving said right-of-way line, North $00^{\circ} 00' 00''$ East, a distance of 405.60 feet to a set nail on rockwall for corner;

THENCE, along the common boundary line of Tracts 17C63 and 17C157, South $00^{\circ} 37' 42''$ East, a distance of 100.00 feet to a set nail on rockwall for corner;

THENCE, South $90^{\circ} 00' 00''$ West, a distance of 405.60 feet to a point at its intersection with the easterly right-of-way line of Bob Hope Drive (60' R.O.W.);

THENCE, along said right-of-way line of Bob Hope Drive (60' R.O.W.), North $00^{\circ} 37' 42''$ West, a distance of 100.00 feet to the **POINT OF BEGINNING** of the herein described parcel of land and containing 40,422 square feet or 0.928 acres of land more or less.

ENRIQUE A. REY
R.P.L.S.
TX. 3505



TRACT 17C32
HILL POINT ESTATES
UNIT THREE SUBDIVISION



LOT AREA
40,422 Sq Ft
0.928 Ac.

SCALE: 1"=50'

BOUNDARY SURVEY BEING
ALL OF TRACT 17C63,
SECTION 8, BLOCK 79, TOWNSHIP 3, TEXAS AND
PACIFIC RAILROAD SURVEYS, CITY OF EL PASO,
EL PASO COUNTY, TEXAS
PREPARED BY AND UNDER THE SUPERVISION OF

NOTE:
THIS PROPERTY LIES IN ZONE C, AS DESIGNATED BY THE
F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL
NO.480214 0046B, DATED, OCTOBER 15, 1982 EL PASO
COUNTY, TEXAS



1 Sep. 2011

JOB No. BOB HOPE	DATE: JUNE 17, 2011
REY ENGINEERING	
CONSULTING ENGINEERING-SURVEYING-LAND PLANNING 2267 TRAWOOD DR. SUITE B-3 EL PASO TEXAS, 79935 PH. (915)309-1889 FAX (915) 633-8060 TEXAS FIRM REGISTRATION F-3368	

ENRIQUE A. REY
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 3405



Date: September 11, 2012
To: Honorable Mayor and City Council
Joyce Wilson, City Manager
From: Esther Guerrero, Planner
Subject: **PZRZ11-00047 Rezoning Case**

On August 23, 2012, the City Plan Commission (CPC) voted 5-1 to recommend **approval** of the rezoning request with conditions. The conditions included are for access to be restricted from Bob Hope Drive and to require a ten-foot (10') landscaped buffer where abutting residential. The recommendation for approval is **not** in agreement with the recommendation from staff. Staff did recommend that if the rezoning is approved, that the above conditions be imposed.

The CPC found that the rezoning is in conformance with review criteria for Plan El Paso. The CPC found that the proposed use is in conformance with the Plan El Paso Projected Land Use Map for the East Planning Area. The CPC also determined that the rezoning will protect the best interest, health, safety, and welfare of the public in general; and will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was one person present at the meeting in support of this rezoning, with the request that a masonry wall be placed on the south portion of the subject property where abutting residential. Six (6) foot high masonry walls are required when a commercial property is abutting residential or apartment zoning districts.

Attachment: CPC Staff Report

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Cortney Carlisle Niland

City Manager
Joyce A. Wilson



City Development Department



City of El Paso – City Plan Commission Staff Report

Case No: PZRZ11-00047
Application Type: Rezoning
CPC Hearing Date: August 23, 2012
Staff Planner: Esther Guerrero, 915-541-4720, guerreroex@elpasotexas.gov
Location: Bob Hope Drive at Saint Romeo Avenue
Legal Description: Tract 17C63, Section 8, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas
Acreage: 0.928 acre
Rep District: 5
Zoning: R-3 (Residential)
Existing Use: Vacant
Request: C-3 (Commercial)
Proposed Uses: Additional parking area for abutting automotive sales facility
Property Owner: Elizabeth G. Flores
Representative: Rey Engineering, Inc.

SURROUNDING ZONING AND LAND USE

North: C-4/sc (Commercial/special contract) / PSB water tower

South: R-3 (Residential) / single-family residential

East: C-3/c (Commercial/condition) / automobile car sales lot

West: P-RI (Planned Residential I) / single-family residential

The Plan for El Paso Designation: Commercial (East Planning Area)

Nearest Park: Walter Clarke Park (4,414 feet)

Nearest School: Bonham Elementary (2,263 feet)

NEIGHBORHOOD ASSOCIATIONS

Eastside Civic Association

NEIGHBORHOOD INPUT

Notices of the August 23, 2012 public hearing were mailed to all property owners within 300 feet of the subject property on August 13, 2012. The Planning Division has not received any phone calls or letters in support or opposition of the rezoning request.

APPLICATION HISTORY

This case was postponed by the City Plan Commission (CPC) three (3) previous times and later deleted in order for the representative to meet with the applicant to discuss recommendations made by staff and the City Plan Commission.

Staff's recommendation was to deny the rezoning, but if approved, we would recommend restricting access from Bob Hope Drive and include a 10' landscape buffer abutting any residential or apartment zoning district.

Legal counsel advised staff and the CPC that access could not be restricted from Bob Hope Drive because this would cause the property to be land locked.

Staff suggested that since the applicant was in the process of selling the property to the abutting property

owner to the east, the property could be platted and access would be provided via an existing driveway from Joe Battle Boulevard. The CPC advised the representative that if the property was to be platted, they would support a favorable recommendation to the rezoning with the condition that access be restricted from Bob Hope Drive.

As the application was submitted at the time of the previous comprehensive plan being in effect, staff has reviewed compatibility with future land uses under this document.

The applicant has since submitted a subdivision plat (Rise V Subdivision), which was approved administratively on July 17, 2012, and recorded on August 14, 2012.

APPLICATION DESCRIPTION

The request is to change the zoning from R-3 (Residential) to C-3 (Commercial) to allow the additional parking of vehicles for the existing automotive sales facility that abuts the subject property to the east. The conceptual site plan shows a parking lot with access proposed from the abutting property to the east.

PLANNING AND ECONOMIC DEVELOPMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **denial** of this rezoning request as commercial uses are incompatible with surrounding residential uses and districts. Although the projected land use designation for this property calls for commercial, the existing and abutting uses are residential with the commercial corridors along Zaragoza Road and Joe Battle Boulevard. The commercial property north of the site is the sportsplex, which has a special contract limiting the uses.

If approved, Planning recommends the following: that access to the subject property be restricted from Bob Hope Drive; that the subject property be platted with the parcel which abuts to the east or that applicant obtain a perpetual access easement to provide future access from Joe Battle Boulevard and to avoid land locking property; and, that a ten-foot (10') landscaped buffer to include, but not limited to, evergreen trees placed at fifteen-feet (15') on center shall be required where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

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: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character.
- 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-3 (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**.

Department of Transportation Recommend Denial.

Department of Transportation has the following concerns:

1. Transportation has concerns with the introduction of commercial traffic onto a local residential street. The lot is accessible through Bob Hope via residential streets in the Hill Point Estates Subdivision.

A. Transportation has installed traffic calming devices through the neighborhood traffic management program within the area to address speeding and high volumes of traffic.

Notes: 1. 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. Should your office or the applicant have any questions or comments regarding these issues, please contact Sandra Hernandez at (915) 541-4152 or Michelle Padilla at (915) 541-4035.

Engineering – Construction Management Division-Plan Review

No comments received.

Land Development

No objections.

Comments:

1. ADA accessible Sidewalks and Wheel-chair ramp will be required.
2. Grading plan and permit shall be required.
3. Storm Water Pollution Prevention Plan and/or permit required.
4. Drainage plans must be approved by the Engineering and Construction Management Department, Land Development Section.
5. Coordination with TXDOT.

These requirements will be applied at the time of development.

Fire Department

No comments received.

Sun Metro

Sun Metro does not oppose this request.

El Paso Water Utilities

1. EPWU does not object to this request.

Water:

2. There is an existing 12-inch diameter water main extending along Bob Hope Drive that is available for service, the water main is located approximately 10-feet east from the center right-of-way line. This main dead-ends at approximately 93-feet north of St. George Avenue.

Sewer:

3. There is an existing 8-inch diameter sanitary sewer main extending along Bob Hope Drive that is available for service, the sewer main is located approximately 5-feet west from the center right-of-way line. This main dead-ends at approximately 128-feet north of St. George Avenue.

General:

4. 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.

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 The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.

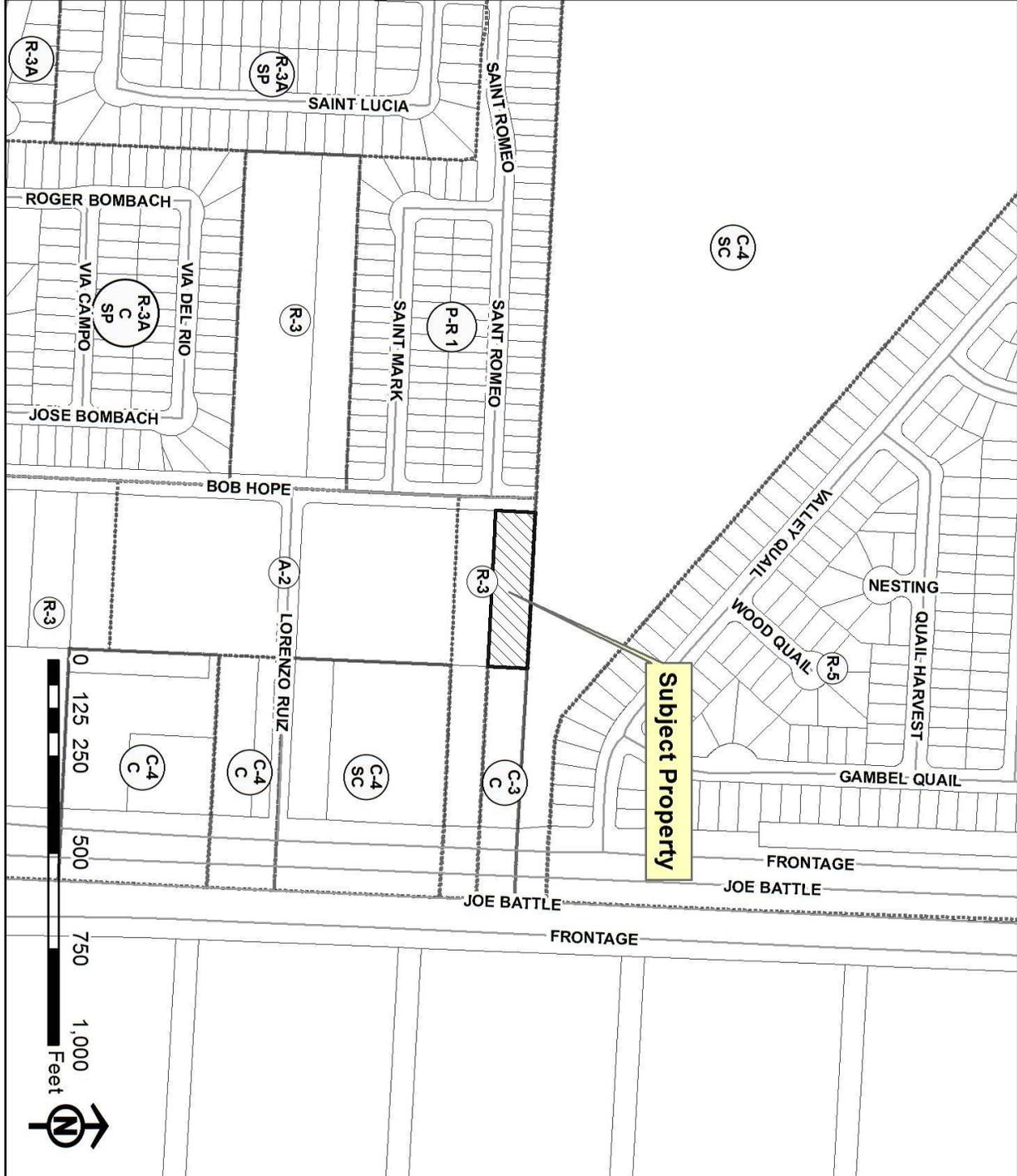
2. Recommend approval of the application with modifications to bring the rezoning into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the rezoning does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

Attachments

1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan

ATTACHMENT 1: ZONING MAP

PZRZ11-00047



ATTACHMENT 2: AERIAL MAP

PZRZ11-00047



ATTACHMENT 3: CONCEPTUAL SITE PLAN

