

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

DEPARTMENT: Planning and Economic Development Department, Planning Division

AGENDA DATE: Introduction: September 27, 2011
Public Hearing: October 18, 2011

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

DISTRICT(S) AFFECTED: 4

SUBJECT:

An ordinance changing the zoning of the following real property known as: Parcel 1: Lot 25 and a portion of Lot 24, Block 1, Colonia Verde, City of El Paso, El Paso County, Texas, from R-4 (Residential) to C-2 (Commercial) and imposing a condition. Parcel 2: Lot 1, Block 35, Colonia Verde Unit Six, City of El Paso, El Paso County, Texas from C-1/sc (Commercial/special contract) to C-2/sc (Commercial/special contract) and imposing a condition. The penalty is as provided for in chapter 20.24 of the El Paso City Code. Subject Property: 5720 and 5728 Fairbanks Drive and 10005 Dyer Street. Applicant: Heller Associates Properties VLT. PZRZ11-00033 (District 4)

BACKGROUND / DISCUSSION:

N/A

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 THE FOLLOWING REAL PROPERTY KNOWN AS:

PARCEL 1: LOT 25 AND A PORTION OF LOT 24, BLOCK 1, COLONIA VERDE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-4 (RESIDENTIAL) TO C-2 (COMMERCIAL) AND IMPOSING A CONDITION.

PARCEL 2: LOT 1, BLOCK 35, COLONIA VERDE UNIT SIX, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-1/SC (COMMERCIAL/SPECIAL CONTRACT) TO C-2/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 the following property be changed as described below within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly:

Parcel 1: *Lot 25, and a portion of Lot 24, Block 1, Colonia Verde, City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds in the attached Exhibit A, incorporated by reference, be changed from R-4 (Residential) to C-2 (Commercial)*

Parcel 2: *Lot 1, Block 35, Colonia Verde Unit Six, City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds in the attached Exhibit A, incorporated by reference, be changed from C-1/sc (Commercial/special contract) to C-2/sc (Commercial/special contract)*

Further, that the existing conditions imposed by Ordinance #8361 remain on the property described above and the additional conditions below 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 be placed on the property:

Parcel 1 (5720 and 5728 Fairbanks Drive)

A 20 -foot wide landscaped buffer with high-profile native trees of at least two (2) inch caliper and fifteen (15) feet in height shall be placed at ten (10) feet on center along the property lines adjacent to any residential or apartment zoning districts or use. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, 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.

ORDINANCE NO. _____

ZONING CASE NO: PZRZ11-00033

Parcel 2 (10005 Dyer Street)

A 20-foot wide landscaped buffer with high-profile native trees of at least two (2) inch caliper and fifteen (15) feet in height shall be placed at ten (10) feet on center along the property lines adjacent to any residential or apartment zoning districts or use. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, 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 _____, 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

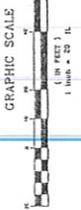
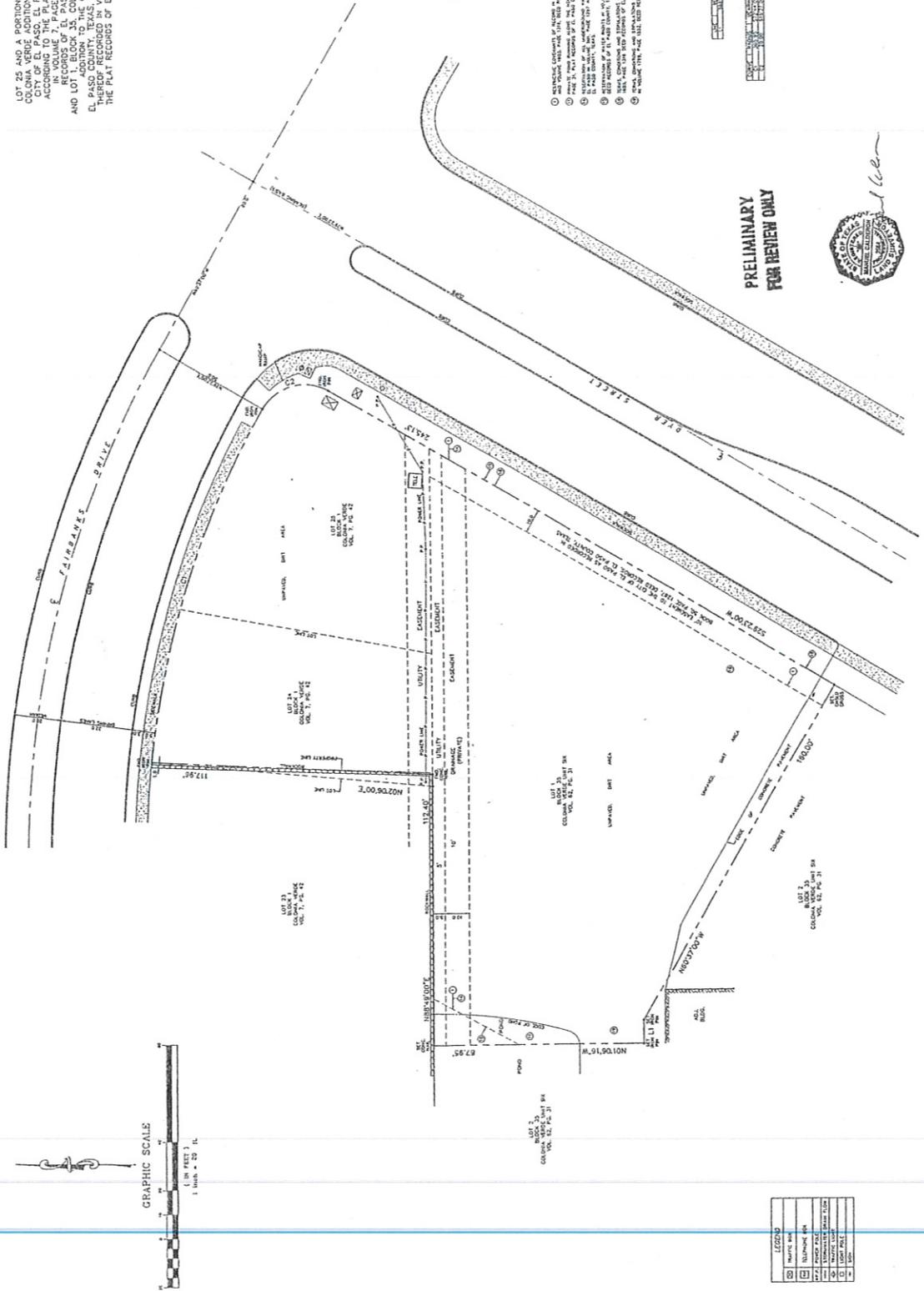
ORDINANCE NO. _____

ZONING CASE NO: PZRZ11-00033

Exhibit "A"

BOUNDARY AND IMPROVEMENTS SURVEY

LOT 26 AND A PORTION OF LOT 24, BLOCK 1, COLONIA VERDE ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 7, PAGE 42, OF THE PLAT RECORDS OF EL PASO COUNTY, TEXAS, AND LOT 26, BLOCK 1, COLONIA VERDE ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 7, PAGE 42, OF THE PLAT RECORDS OF EL PASO COUNTY, TEXAS.



- ① ALL RECORDS, VOLUMES 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

PRELIMINARY FOR REVIEW ONLY



Calderon Engineering, Inc.
 3031 RAWOODE DR.
 EL PASO, TEXAS 79938 (915) 852-2525

LEGEND	
①	PROPERTY MARK
②	UTILITY MARK
③	EXISTING EASEMENT
④	PROPOSED EASEMENT
⑤	PROPOSED UTILITY
⑥	PROPOSED FENCE

MEMORANDUM

DATE: September 20, 2011

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

FROM: Andrew Salloum, Planner

SUBJECT: PZRZ11-00033

The City Plan Commission (CPC), on September 8, 2011, voted 5-0 to recommend **approval** of rezoning Parcel 1 from R-4 (Residential) to C-2 (Commercial) and Parcel 2 from C-1/sc (Commercial/special contract) to C-2/sc (Commercial/special contract) to allow for a restaurant and drive-in.

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: PZRZ11-00033
Application Type: Rezoning
CPC Hearing Date: September 8, 2011
Staff Planner: Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

Location: Parcel 1: 5720 & 5728 Fairbanks Drive
Parcel 2: 10005 Dyer Street
Legal Description: Parcel 1: Lot 25 and a portion of Lot 24, Block 1, Colonia Verde, City of El Paso, El Paso County, Texas
Parcel 2: Lot 1, Block 35, Colonia Verde Unit Six, City of El Paso, El Paso County, Texas
Acreage: 0.97-acre
Rep District: 4
Zoning: Parcel 1: R-4 (Residential)
Parcel 2: C-1/sc (Commercial/special contract)
Existing Use: Vacant
Request: Parcel 1: From R-4 (Residential) to C-2 (Commercial)
Parcel 2: From C-1/sc (Commercial/special contract) to C-2/sc (Commercial/special contract)
Proposed Use: Restaurant, drive-in
Property Owners Heller Associates Properties VLT
Applicant Heller Associates Properties VLT
Representative Carleen R. Barth

SURROUNDING ZONING AND LAND USE

North: R-4 (Residential) / Retail
South: C-1/sc (Commercial/special contract) / Convenience Store with gas pump
East: C-3 (Commercial) / Restaurant
West: R-4 (Residential) / Single-family dwellings and C-1 (Commercial) / vacated and ponding

THE PLAN FOR EL PASO DESIGNATION: Commercial and Mixed Use (Northeast Planning Area)

NEAREST PARK: Colonia Verde Park (2,570 Feet)

NEAREST SCHOOL: Parkland Elementary (1,675 Feet)

NEIGHBORHOOD ASSOCIATIONS

North Hills Neighborhood Pride Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on August 25, 2011. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

HISTORY CASE

On May 21, 1985, City Council approved a rezoning for the subject property from R-4 (Residential) to C-1 (Commercial) with the following 2 conditions:

- 1) *Prior to the issuance of any building permits, a detailed site development plan must be approved*

by the City Plan Commission and the City Council. Such site plan may include a height limitation to one-story structures on all or part of the subject property as the City Plan commission and City Council may reasonably require.

2) A 25-foot setback must be provided along the northerly property line. This condition was amended June 12, 2001 to require a 15-foot setback.

APPLICATION DESCRIPTION

The applicant is requesting to rezone Parcel 1 from R-4 (Residential) to C-2 (Commercial) and Parcel 2 from C-1/sc (Commercial/special contract) to C-2/sc (Commercial/special contract) to allow for a restaurant and drive-in. The applicant is requesting C-2 (Commercial) due to a supplemental use regulation for drive in restaurants in C-1 district, which requires two hundred (200) feet from a residential zone or use. The C-2 district does not have the 200 feet requirement. Access to the subject property is proposed from Dyer Street and Fairbanks Drive.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the rezoning of Parcel 1 (5720 and 5728 Fairbanks Drive) from R-4 (Residential) to C-2 (Commercial) with the following condition:

A 20 -foot wide landscaped buffer with high-profile native trees of at least two (2) inch caliper and fifteen (15) feet in height shall be placed at ten (10) feet on center along the property lines adjacent to any residential or apartment zoning districts or use. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, 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.

The Planning Division also recommends **approval** of rezoning of Parcel 2 (10005 Dyer Street) from C-1/sc (Commercial/special contract) to C-2/sc (Commercial/special contract) with the following condition:

A 20 -foot wide landscaped buffer with high-profile native trees of at least two (2) inch caliper and fifteen (15) feet in height shall be placed at ten (10) feet on center along the property lines adjacent to any residential or apartment zoning districts or use. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, 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.

The recommended condition is proposed in order to maintain a buffer to the existing residential 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 **approval** with a condition.

Engineering & Construction Management Services Department – Plan Review

No objections.

Engineering & Construction Management Service Department - Land Development

No objections.

Department of Transportation

1. No objection to the proposed rezoning.
2. Dyer Street is a proposed Bus Rapid Transit Corridor. Applicants are to coordinate with Sun Metro for the location and placement of bus pull in bays and/or transit stop locations.
3. Proposed change in zoning will not create a substantial increase in traffic.
4. Sidewalks are required on Dyer Street and Fairbanks Drive.
5. Coordination of the drive-thru exit as shown on the proposed with Transportation to ensure there are no potential conflicts between vehicles entering and exiting the site, exiting the drive-thru and pedestrians. This can be addressed during the detailed site plan review that is required by the zoning conditions imposed on the property.

Notes:

1. Access to Dyer Street shall be coordinated with TXDOT.
2. All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with the current City of El Paso Design Standards for Construction and shall be ADA/TAS compliant.

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

Water:

3. There is an existing 12-inch diameter water main extending along Fairbanks Drive that is available for service, the water main is located approximately 26-feet north from the center right of way line.
4. There is an existing 12-inch diameter water main extending along Dyer Street that is available for service, the water main is located approximately 33-feet east from the center right of way line.
5. There is an existing 30-inch diameter water main extending along a 10-foot utility easement. Said main is located approximately 6 feet east from the eastern property line. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.
6. All proposed buildings shall comply with EPWU-PSB Easement Policy. Buildings shall be located 5 feet away from the easement line.
7. Previous water pressure reading from fire hydrant # 925 located at the northwest intersection of Ontario Street and Fairbanks Drive, have yielded a static pressure of 95 (psi) pounds per square inch, a residual pressure of 85 (psi) pounds per square inch and a discharge of 1244 (gpm) gallons per minute
8. 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:

9. There is an existing 12-inch diameter sanitary sewer main extending along Fairbanks Drive that is available for service, the sewer main is located approximately 30-ft south from the center right of way line.
10. There is an existing 15-inch diameter sanitary sewer main extending along Dyer Street approximately 20-ft east from the eastern property line. The sanitary sewer main change in diameter on station 0+83 to station 1+25 to a 21-inch diameter pipe. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

General:

11. 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 objections.

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.

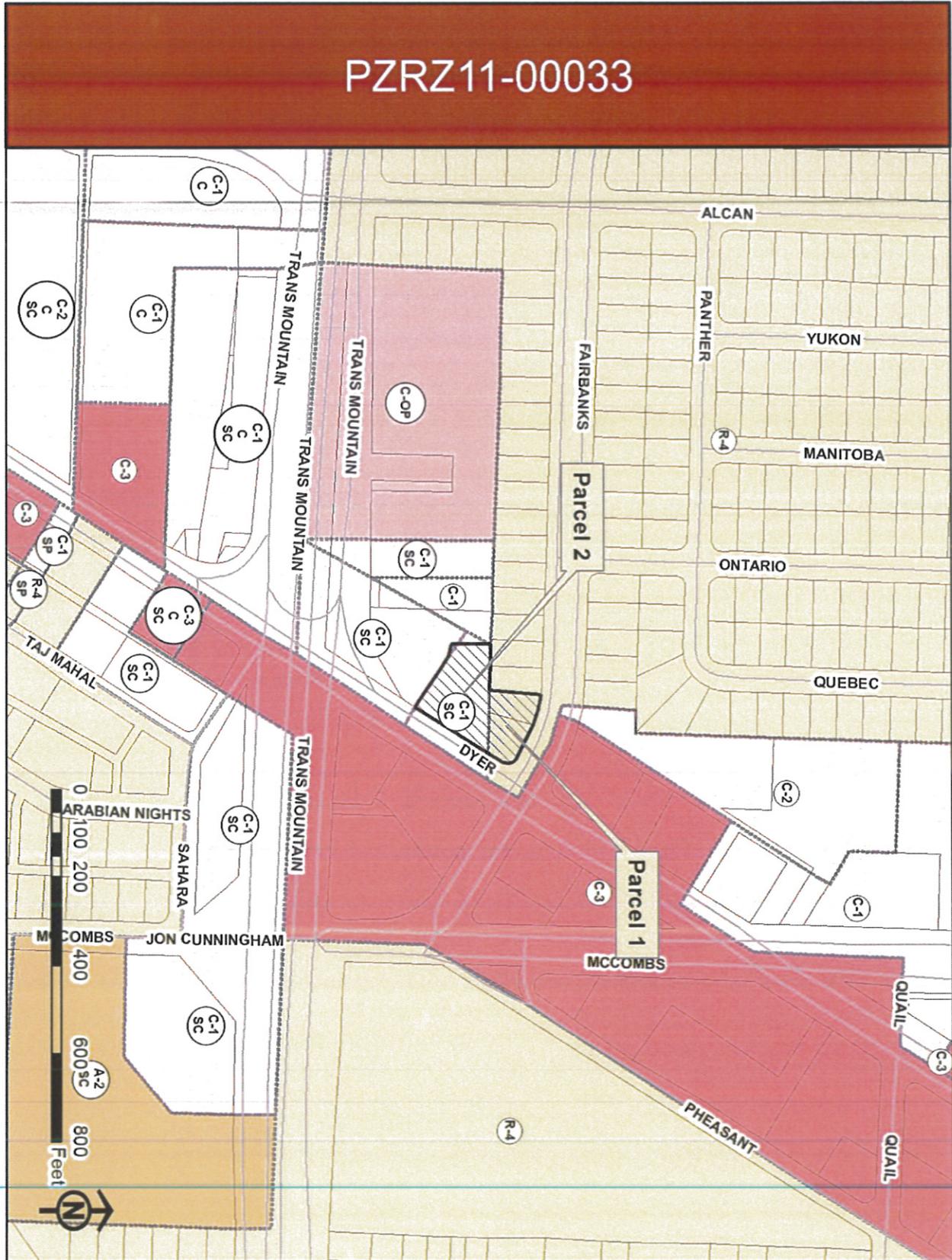
Attachments:

Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

PZRZ11-00033



ATTACHMENT 3: CONCEPTUAL SITE PLAN

