

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

DEPARTMENT: Planning and Economic Development Department

AGENDA DATE: Introduction: September 28, 2010
Public Hearing: October 19, 2010

CONTACT PERSON/PHONE: Arturo Rubio, 541-4633

DISTRICT(S) AFFECTED: District 8

SUBJECT:

An Ordinance amending a condition placed on property by Ordinance No. 15891 which changed the zoning of Tract 2 Block 1, Upper Valley Surveys, City of El Paso, El Paso County, Texas, and imposed conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property Owner: Landford Family/ Real Estate, LLC and Vee K. Ross, Location: 1110 Sunland park Avenue.

BACKGROUND / DISCUSSION:

See attached Ordinance.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – No objections to Planning recommendation
City Plan Commission (CPC) – Approval Recommendation 5-0

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: _____

Kathryn B. Dodson, Ph.D
Director, Planning and Economic Development

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING A CONDITION PLACED ON PROPERTY BY ORDINANCE NO. 15891 WHICH CHANGED THE ZONING OF TRACT 2 BLOCK 1, UPPER VALLEY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND IMPOSED CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as *Tract 2, Block 1, Upper Valley Surveys, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 15891, approved by City Council on September 7, 2004; and,

WHEREAS, the rezoning was subject to the following two zoning conditions on Tract 2, Block 1, Ysleta Grant, City of El Paso, El Paso County, Texas:

1. Prior to the issuance of any building permits, a detailed site plan shall be reviewed and approved per the El Paso Municipal Code.

2. That the following uses shall be prohibited: automotive repair garage; automobile, light and heavy trucks, buses, motorcycles and boat sales, storage, rental or service; trailer, mobile home, travel trailer and recreational vehicle sales, display and repair; automobile or truck parts sales, travel trailer or mobile home parks; and Transportation Terminal Type A (see attachment 4); and,

WHEREAS, placement of such conditions were necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

WHEREAS, the owner (applicant) submitted an application requesting the removal of a portion of the condition on the above described property; and

WHEREAS, a public hearing regarding amendment of the condition was held before the City Plan Commission, and the Commission recommended approval of the amendment of the condition; and,

WHEREAS, the City Council of the City of El Paso has determined that the amendment of a portion of the above condition will protect the best interest, health, safety and welfare of the public in general.

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

1. That zoning condition No. 2 imposed by Ordinance No. 15891 dated September 7, 2004 be amended by removing the word "storage"; and
2. Except as herein amended, Ordinance No. 15891, approved by City Council on September 7, 2004, shall remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2010.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy, Deputy Director
Planning and Economic Development
Department

M E M O R A N D U M

DATE: September 20, 2010

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

FROM: Arturo Rubio, Senior Planner

SUBJECT: **ZON10-00052**

The City Plan Commission (CPC), on August 26, 2010, voted **5-0** to recommend **APPROVAL** of the zoning condition amendment in order to permit

The CPC found that the zoning condition amendment is in conformance with the Plan for El Paso. The CPC also determined that the zoning condition amendment 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 zoning condition amendment 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 no **OPPOSITION** to this request.

Attachment: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: ZON10-00052
Application Type: Zoning Condition Release or Amendment
CPC Hearing Date: August 26, 2010
Staff Planner: Arturo Rubio, 915-541-4633, rubioax@elpasotexas.gov
Location: 1110 Sunland Park Avenue
Legal Description: Tract 2, Block 1, Upper Valley Surveys, City of El Paso, El Paso County, Texas
Acreage: 9.13 acres
Rep District: 8
Zoning: C-3/sc (Commercial/special contract)
Existing Use: Vacant
Request: Zoning Condition Amendment Ordinance #15891
Property Owner: Landford Family Real Estate, LLC and Vee K. Ross
Applicant: Acala Investments
Representative: Etzold & Co.

SURROUNDING ZONING AND LAND USE

North: C-2 (Commercial) and R-4 (Residential)
South: R-3 (Residential)
East: C-4/sc (Commercial/special contract) and M-1 (Light Manufacturing)
West: C-1 (Commercial), C-1 (Commercial) and A-O (Apartment-Office)

THE PLAN FOR EL PASO DESIGNATION: Commercial and Industrial (Northwest Planning Area)

NEAREST PARK: Pacific Park (3,210 feet)

NEAREST SCHOOL: Zach White Elementary (6,309 feet)

NEIGHBORHOOD ASSOCIATIONS

Upper Valley Neighborhood Association, Save the Valley, Coronado Neighborhood Association, Upper Mesa Hills Neighborhood Association and Mountain Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on August 4, 2010. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

CASE HISTORY

On September 15, 2004 City Council approved a rezoning request for the subject property from R-F (Ranch and Farm) to C-3/c Commercial with two conditions imposed by Ordinance No. 15891: *1. Prior to the issuance of any building permits, a detailed site plan shall be reviewed and approved per the El Paso Municipal Code. 2. The following uses shall be prohibited: automotive repair garage; automobile, light and heavy trucks, buses, motorcycles and boat sales, storage, rental or service; trailer, mobile home, travel trailer and recreational vehicle sales, display and repair; automobile or truck parts sales, travel trailer or mobile home parks; and Transportation Terminal Type A (See attachment 4).*

APPLICATION DESCRIPTION

The applicant is requesting to amend Condition No. 2 placed by Ordinance 15891 (See attachment 4), which prohibited the sale, storage, rental or service of; trailer, mobile home, travel trailer and recreational vehicles.

The amendment request is to remove the word storage from the condition to allow the storage of boats, recreational vehicles and automobiles. The applicant is proposing a self storage facility that includes the storage of boats, RV's and automobiles. Access to the property is proposed from Emory Road. A detailed site development plan is not required for a condition amendment or release.

PLANNING DIVISION RECOMMENDATION

Planning Division recommends **approval** of the request to amend condition No. 2 placed on the property and to have the remainder of Condition No. 2 and all of Condition No.1 remain in place. A self storage facility is compatible to the surrounding area and the 2025 General Land Use Map.

The Plan for El Paso-City-Wide Land Use Goals

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

- a. Goal: develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.
- b. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.

The purpose of C-3 (Commercial) districts 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 the condition amendment and offered no objections to the Planning Staff's recommendation for **approval**.

Development Services Department - Building Permits and Inspections Division

Plan Review has no objections

Development Services Department – Land Development

1. Due to the site being within an area in a Special Flood Hazard Area (A8), applicant shall coordinate with Floodplain Coordinator for the requirements and compliance of Special Flood Hazard Area.
2. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
3. Grading plan and permit shall be required.*
4. Storm Water Pollution Prevention Plan and/or permit required.*
5. Drainage plans must be approved by the Development Services Department, Engineering Section.*
6. Coordination with TXDOT
7. No water runoff allowed outside the proposed development boundaries, (On-site ponding required)
8. The Subdivision is **within Flood Zone A8** – “Areas of 100-year flood; base flood elevation and flood hazard factors determined”.–

Panel # 480214 0027D, dated January 3, 1997.

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

Engineering Department - Traffic Division

No objection to removal of storage condition.

Street Department

No comments received.

Fire Department

El Paso Fire Department has no objections to the zoning condition amendment.

El Paso Water Utilities

1. EPWU does not object to this request.
2. There is an existing 12-inch diameter water main along Sunland Park Drive. Also, there is an existing 6-inch diameter water main along Emory Road that dead-ends approximately 500-feet south of the southern right-of-way line of Sunland Park Drive.
3. There is an existing 8-inch diameter sanitary sewer main along the north side of Sunland Park Drive fronting the subject subdivision.
4. Sanitary sewer service is critical. EPWU has coordinated with the Owner on the means of providing sanitary sewer service to the commercial development. The Owner will be responsible to install, operate, and maintain on his own premises and at his own expense all necessary sewage lifting equipment and private force main that will connect to the above mentioned 8-inch sewer main across Sunland Park Drive.
5. 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:

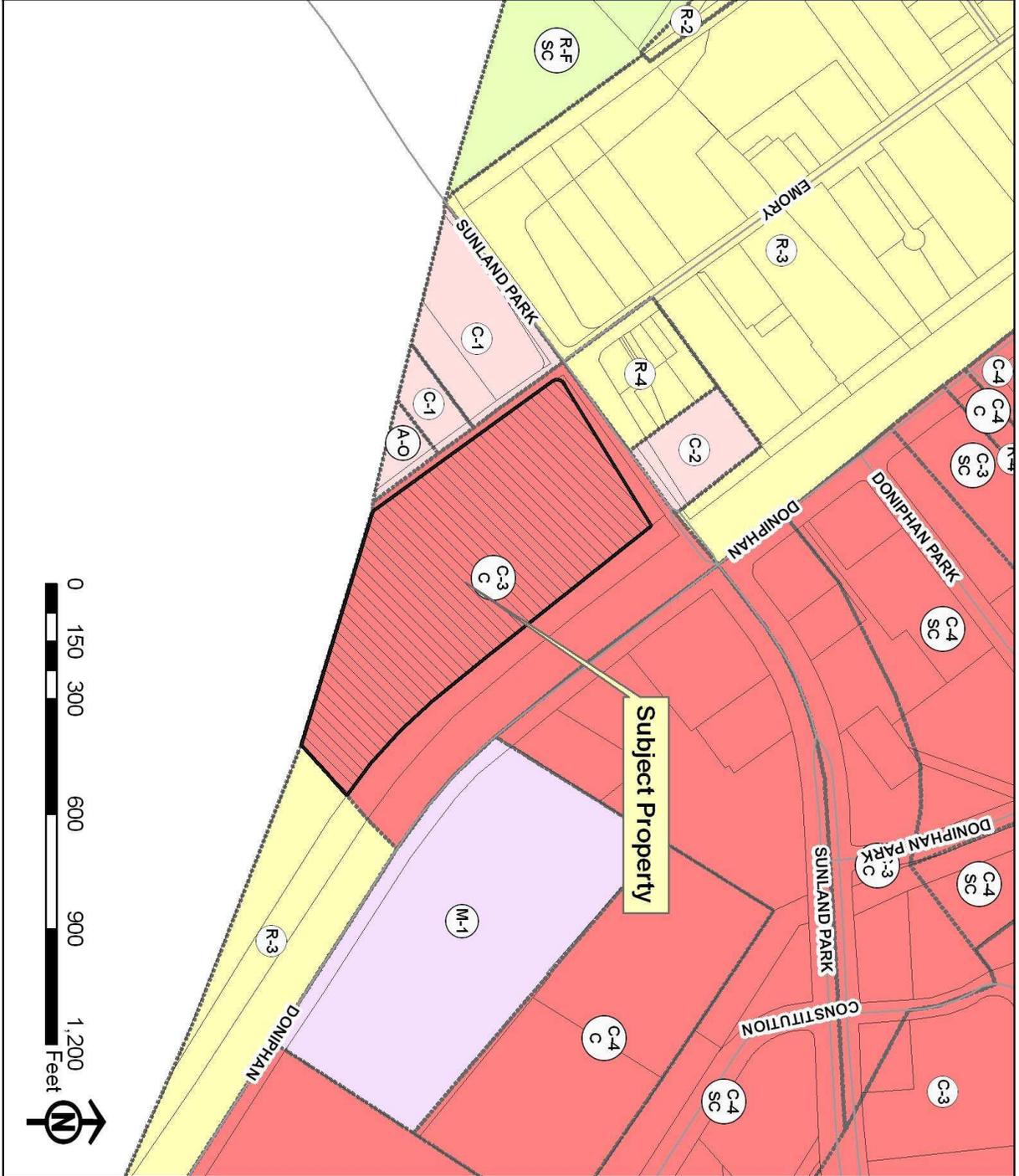
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into 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. Survey Map
4. Ordinance Zoning Conditions

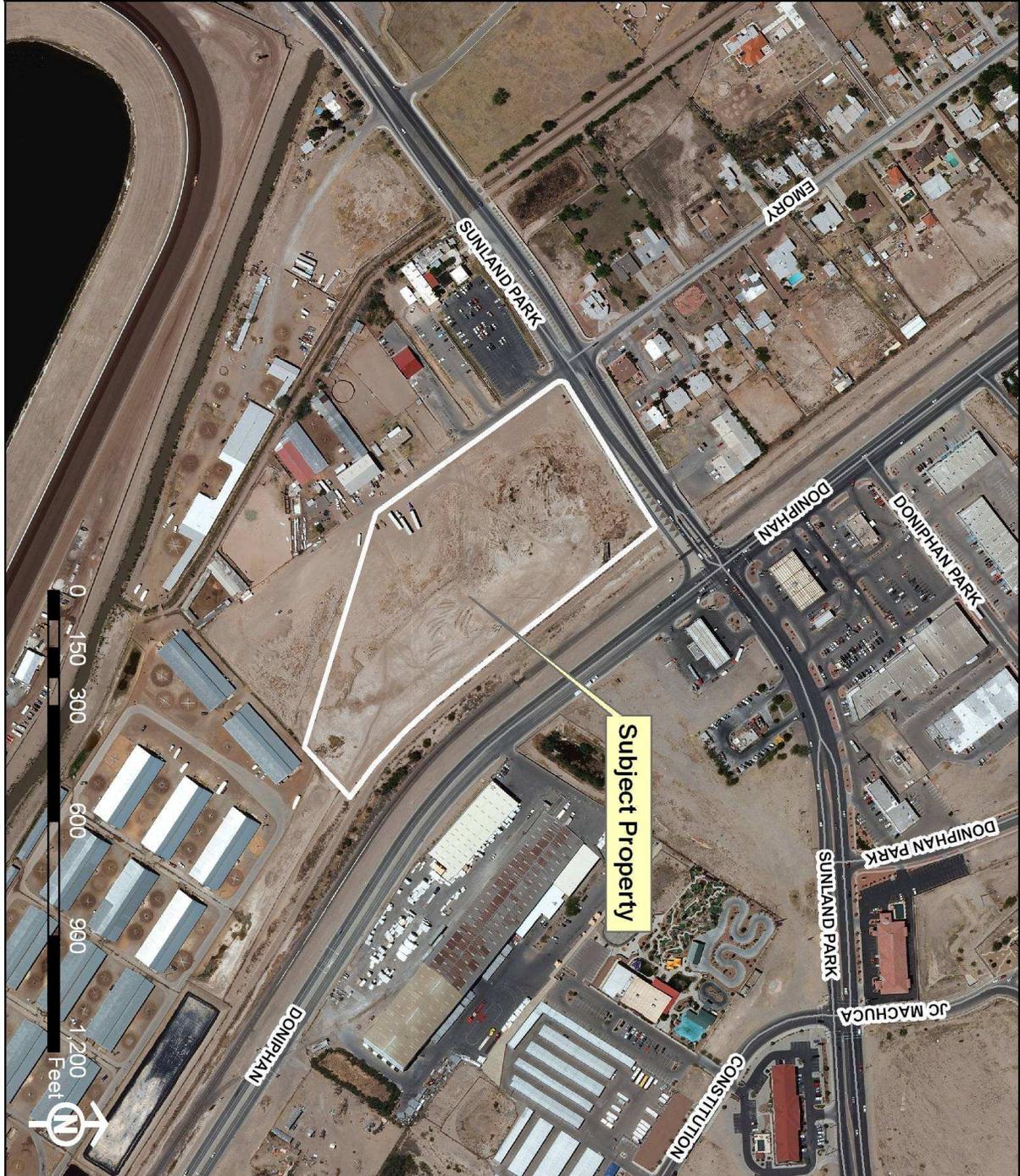
ATTACHMENT 1: ZONING MAP

ZON10-00052



ATTACHMENT 2: AERIAL MAP

ZON10-00052



ATTACHMENT 4: ORDINANCE ZONING CONDITIONS

ORDINANCE NO. 15891

AN ORDINANCE CHANGING THE ZONING OF TRACT 2, BLOCK 1, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (SUNLAND PARK DRIVE SOUTH OF DONIPHAN DRIVE) FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of *Tract 2, Block 1, Upper Valley Surveys, El Paso, El Paso County, Texas*, 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; and

That the property be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning R-3 (Residential) to C-3 (Commercial) in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

1. *Prior to the issuance of any building permits, a detailed site plan shall be reviewed and approved per the El Paso Municipal Code.*
2. *The following uses shall be prohibited: automotive repair garage; automobile, light and heavy trucks, buses, motorcycles and boats sales, storage, rental or service; trailer, mobile home, travel trailer and recreational vehicle sales, display and repair; automobile or truck parts sales, travel trailer or mobile home parks; and Transportation Terminal Type A.*

These conditions run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefitted thereby, and without affecting the validity of this ordinance.

(signatures on the following page)

