

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

DEPARTMENT: Planning and Economic Development Department

AGENDA DATE: Introduction: November 15, 2011
Public Hearing: December 6, 2011

CONTACT PERSON/PHONE: Esther Guerrero, (915) 541-4720

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance changing the zoning of a portion of Block P-4, portion of 20' alley and portion of Block P-3, Garden Subdivision, City of El Paso, El Paso County, Texas from A-3/sp (Apartment/special permit) to S-D (Special Development) and removing a Special Permit placed on the property. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2914 Paisano Drive. Property Owner: International Communications of El Paso, Inc. PZRZ11-00042 (**District 8**)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (4-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director-Planning and Economic Development

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF BLOCK P-4, PORTION OF 20' ALLEY AND PORTION OF BLOCK P-3, GARDEN SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-3/SP (APARTMENT/SPECIAL PERMIT) TO S-D (SPECIAL DEVELOPMENT) AND REMOVING A SPECIAL PERMIT PLACED ON THE PROPERTY. 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 Block P-4, portion of 20' alley and portion of Block P-3, Garden Subdivision, 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-3/sp (APARTMENT/SPECIAL PERMIT)** to **S-D (SPECIAL DEVELOPMENT)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and,

That the Special Permit granted on January 6, 1981 to allow for a governmental building and use on the property be removed on the property described above.

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

Property Description: A portion of Lots 4 through 7, Block P-3, a portion of Block P-4 and a portion of an abandoned 20-foot alley, Garden Subdivision, El Paso, El Paso County, Texas.

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a portion of Lots 4 through 7, Block P-3, a portion of Block P-4 and a portion of an abandoned 20-foot alley, all in the Garden Subdivision, an addition to the City of El Paso recorded in Book 11, Page 39, of the Plat Records of El Paso County, Texas and is more particularly described by metes and bounds as follows:

Commencing at the concrete monument for U.S.G.S. Triangulation Station West 1 found at the northwest corner of the intersection of Great Bear Court and San Marcial Street, said monument bears South 52° 10' 01" West a distance of 1028.80 feet from a TXDOT Brass Cap (centerline station 572+38.94 on right of way map) found on the centerline of Paisano Drive (State Highway 20); THENCE South 61° 40' 43" West a distance of 1019.73 feet to a chiseled "X" found on a concrete sidewalk in the easterly right of way line of Piedras Street (70' public right of way), said point is the TRUE POINT OF BEGINNING of this description;

THENCE, a distance of 89.29 feet along said right-of-way line and along the arc of a curve to the right having a radius of 506.42 feet, a central angle of 10° 06' 09" and a chord which bears North 28° 52' 14" West, a distance of 89.18 feet to a found chiseled "X";

THENCE, a distance of 13.91 feet along said right-of-way line and along the arc of a curve to the right having a radius of 25.00 feet, a central angle of 31° 52' 14" and a chord which bears North 07° 53' 08" West, a distance of 13.73 feet to a found PK nail with shiner;

THENCE, North 61° 10' 48" East, a distance of 137.77 feet to a set 1/2" iron pin with SLI plastic cap stamped "TX 2998";

THENCE, South 30° 50' 49" East, a distance of 15.64 feet to a 1/2" iron pin with SLI plastic cap stamped "TX 2998" set in the westerly line of Lot 8, Block P-3, Garden Subdivision;

THENCE, South 00° 38' 48" West, along the westerly line of said Lot 8, a distance of 36.29 feet to a 1/2" iron pin with SLI plastic cap stamped "TX 2998" set for the southwest corner of said Lot 8;

THENCE, South 89° 21' 12" East, along the southerly line of said Lot 8, a distance of 22.23 feet to a 1/2" iron pin with SLI plastic cap stamped "TX 2998" set for corner;

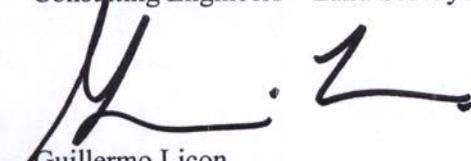
THENCE, South 30° 50' 49" East, a distance of 88.79 feet to a 1/2" iron pin with SLI plastic cap stamped "TX 2998" set for corner;

THENCE, South 55° 58' 48" West, a distance of 146.34 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 0.309 acres (13,455 Sq. Ft.) of land more or less.

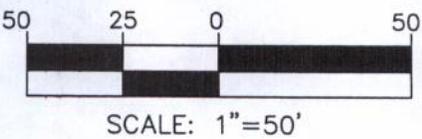
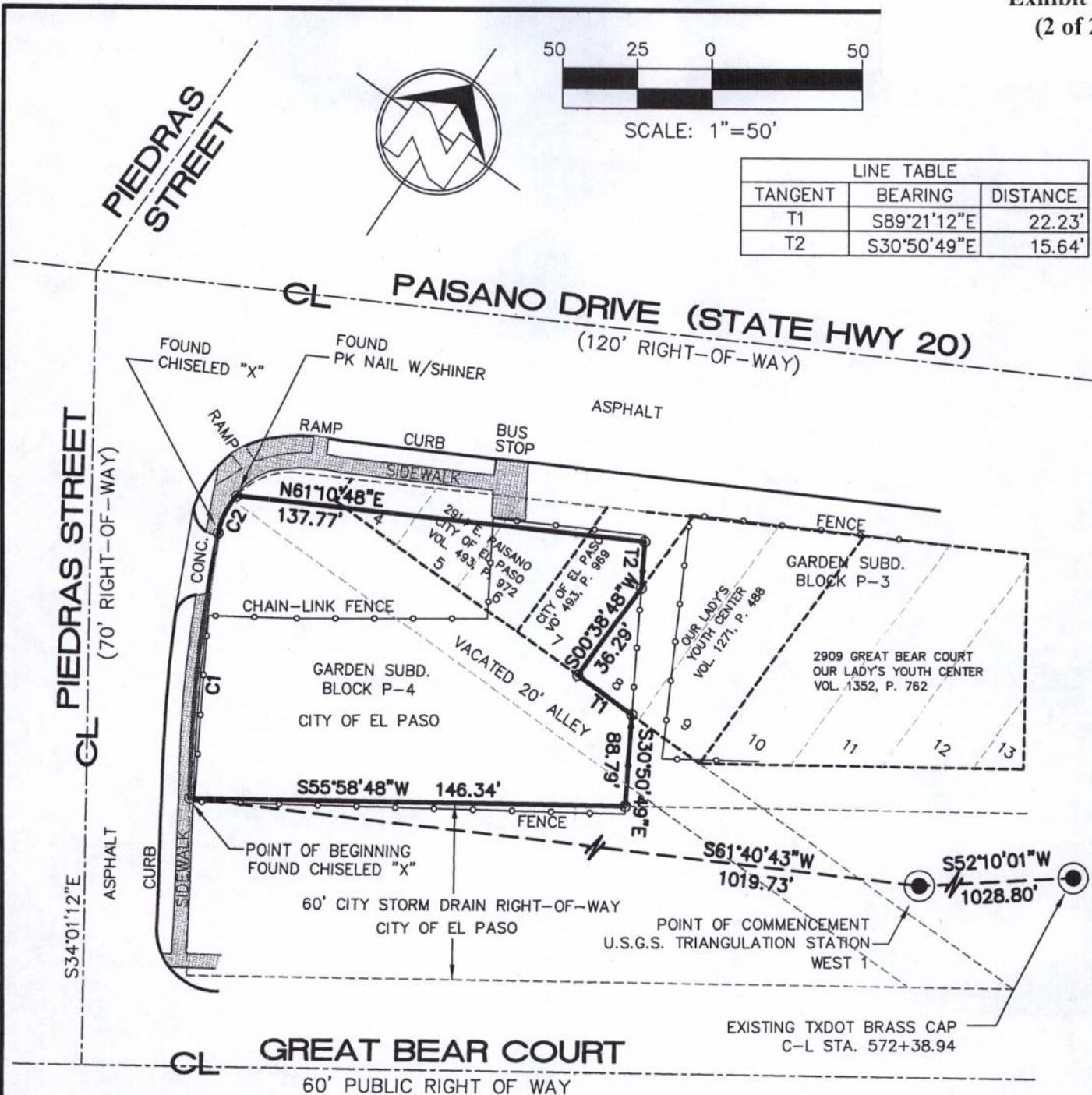
A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC.
Consulting Engineers—Land Surveyors


Guillermo Licon
Registered Professional Land Surveyor
Texas License No. 2998



December 17, 2010
Job Number 06-10-2968
M&B\1679



LINE TABLE		
TANGENT	BEARING	DISTANCE
T1	S89°21'12"E	22.23'
T2	S30°50'49"E	15.64'

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	506.42'	89.29'	44.76'	89.18'	N28°52'14"W	10°06'09"
C2	25.00'	13.91'	7.14'	13.73'	N07°53'08"W	31°52'14"

- NOTES:
1. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT OF SURVEY.
 2. SET 1/2" IRON WITH SLI CAP TEXAS NO. 2998 ON ALL PROPERTY CORNERS UNLESS OTHERWISE INDICATED.
 3. DEED REFERENCE IN VOL. 1236, PG. 1997 DEED RECORDS OF EL PASO COUNTY.
 4. BASIS OF BEARING: DEED, RECORDED IN VOL. 1236, PG. 1997.

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 480214-0040-B, DATED 10-15-82, THIS PROPERTY LIES IN FLOOD ZONE "C".

ZONE "C": AREAS OF MINIMAL FLOODING.

DUE TO INHERENT INACCURACIES OF FEMA OR FLOOD INSURANCE RATE MAPS THIS SURVEYOR DOES NOT CERTIFY TO THE ACCURACY OF LOCATIONS BASED ON SUCH MAPS. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

Copyright 2010 SLI Engineering, Inc.

This map and survey are being provided solely for the use of City of EL Paso and no license has been created, expressed or implied, to copy the surveys and/or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon December 17, 2010.



SLI ENGINEERING, INC.
F-1902

PLAT OF SURVEY

SLI ENGINEERING, INC.
CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS
6600 WESTWIND DRIVE
EL PASO, TEXAS 79912
915-584-4457

JOB #: 06-10-2968 DR. BY: BW

SCALE: 1"=50' METES & BOUNDS DOC. # 1679

DATE: 12/17/2010

A PORTION OF BLOCK P-4
A PORTION OF 20' ALLEY
AND A PORTION OF BLOCK P-3
GARDEN SUBDIVISION
CITY OF EL PASO
EL PASO COUNTY, TEXAS

CERTIFICATION
I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Guillermo Licon
GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2998

F:\PROJECTS\IMPURV\garden-p3-rot\dwg\GARDEN ADDITION BILL.dwg, 7/8/2011 11:00:22 AM



Date: November 15, 2011
To: Honorable Mayor and City Council
Joyce Wilson, City Manager
From: Esther Guerrero, Planner
Subject: **PZRZ11-00042 Rezoning**

The City Plan Commission (CPC) on October 20, 2011, voted **4-0** to recommend **approval** of this rezoning request. The request is to change the zoning from A-3/sp (Apartment/special permit) to S-D (Special Development). The applicant is proposing a restaurant within the existing building. The subject property was previously a City owned and occupied facility and was recently sold. The applicant is also requesting the removal of an existing special permit on the property which allowed governmental buildings and uses, it is no longer needed.

This recommendation is in agreement with the recommendation from staff and the Development Coordinating Committee (DCC).

The CPC found that the rezoning is in conformance with The Plan for El Paso. The CPC found that the proposed use is in conformance with the 2025 Projected General Land Use Map for the Cental Planning Area. The CPC also determined that the rezoning protects 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 no one present at the meeting to speak in favor or in opposition to this request.

Attachment: 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 of El Paso – City Plan Commission Staff Report

Case No: PZRZ11-00042
Application Type: Rezoning
CPC Hearing Date: October 20, 2011
Staff Planner: Esther Guerrero, 915-541-4720, guerreroex@elpasotexas.gov

Location: 2914 Paisano Drive
Legal Description: Portion of Block P-4, portion of 20' alley and portion of Block P-3, Garden Subdivision, City of El Paso, El Paso County, Texas

Acreage: 0.309 acres
Rep District: 8
Zoning: A-3/sp (Apartment/special permit)
(Special Permit Resolution dated January 6, 1981, allowed that governmental buildings and uses be permitted on the property)

Existing Use: Vacant building
Request: S-D (Special Development)
Proposed Uses: Restaurant
Property Owner: International Communications of El Paso, Inc.
Representative: Ray Mancera

SURROUNDING ZONING AND LAND USE

North: C-4 (Commercial) / Fueling Station
South: A-3 (Apartment) / Drainage Easement, Bowie High School
East: A-3 (Apartment) / Youth Center
West: C-4 (Commercial) / Whataburger Restaurant

The Plan for El Paso Designation: Residential (Central Planning Area)
Nearest Park: Chamizal National Memorial (1,063 feet)
Nearest School: Bowie High (378 feet)

NEIGHBORHOOD ASSOCIATIONS

Chamizal Neighborhood Association, Central Business Association

NEIGHBORHOOD INPUT

Notices of the October 20, 2011 public hearing were mailed to all property owners within 300 feet of the subject property on October 5, 2011. The Planning Division has not received any phone calls or letters in support or opposition of this rezoning request.

APPLICATION DESCRIPTION

The request is to change the zoning from A-3/sp (Apartment/special permit) to S-D (Special Development) for a proposed restaurant. The site plan shows an existing one-story building with access from Piedras Street.

The subject property was previously a City owned and occupied facility and was recently sold. The applicant is also requesting the removal of the special permit which allowed governmental buildings and uses on the property, it is no longer needed.

PLANNING AND ECONOMIC DEVELOPMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the rezoning request and the removal of the special permit.

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: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.
- c. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character.
- d. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.

The purpose of the S-D (Special Development) district is to provide an opportunity for mixed-use projects, integrated in design, in certain older residential areas where there is a desire to permit a variety of nonresidential uses while maintaining the established residential appearance and landscaping of the area. The regulations of this district are designed to ensure compatibility with existing uses in the district; to permit the production, exhibit or sale of goods and the providing of services to the public in such older residential areas; to protect the traffic capacity of streets serving such older residential areas; to encourage flexibility by prescribing general performance standards for such older residential areas; and to protect the environment of adjacent areas. For the purpose of this district, older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for rezoning and offered no objections to Planning Staff's recommendation for approval.

Department of Transportation

Sidewalk and driveway dimensions are not shown on conceptual site plan. All dimensions shall be compliant with city standards and addressed at the time of city permitting.

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

Engineering – Construction Management Division-Plan Review

No comments received.

Engineering – Land Development

No objections

Fire Department

El Paso Fire Department has no objections to this rezoning request. The case remains subject to review at later stages of the process including, but not limited to, detailed site plan review.

Police Department

No objections.

Sun Metro

No opposition to request.

El Paso Water Utilities

Water:

1. There is an existing 6-inch diameter water main along Piedras Street fronting the subject property.
2. EPWU records indicate a vacant water meter connection for the subject property with 800 S. Piedras Street as the service address.
3. Water pressure from fire hydrant #3530 located on Great Bear, approximately 300-feet east of Piedras Street has yield a static pressure of 88 pounds per square inch (psi), a residual pressure of 38 psi, and a discharge of 1,424 gallons per minute (gpm).
4. 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 Owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

5. There is an existing 8-inch diameter sanitary sewer main along Paisano Drive fronting the subject property.

General:

6. Paisano Drive is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Paisano Drive right-of-way requires a utility permit from TxDOT.
7. EPWU requires a new service application to provide additional services to 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 with street names and addresses; (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:

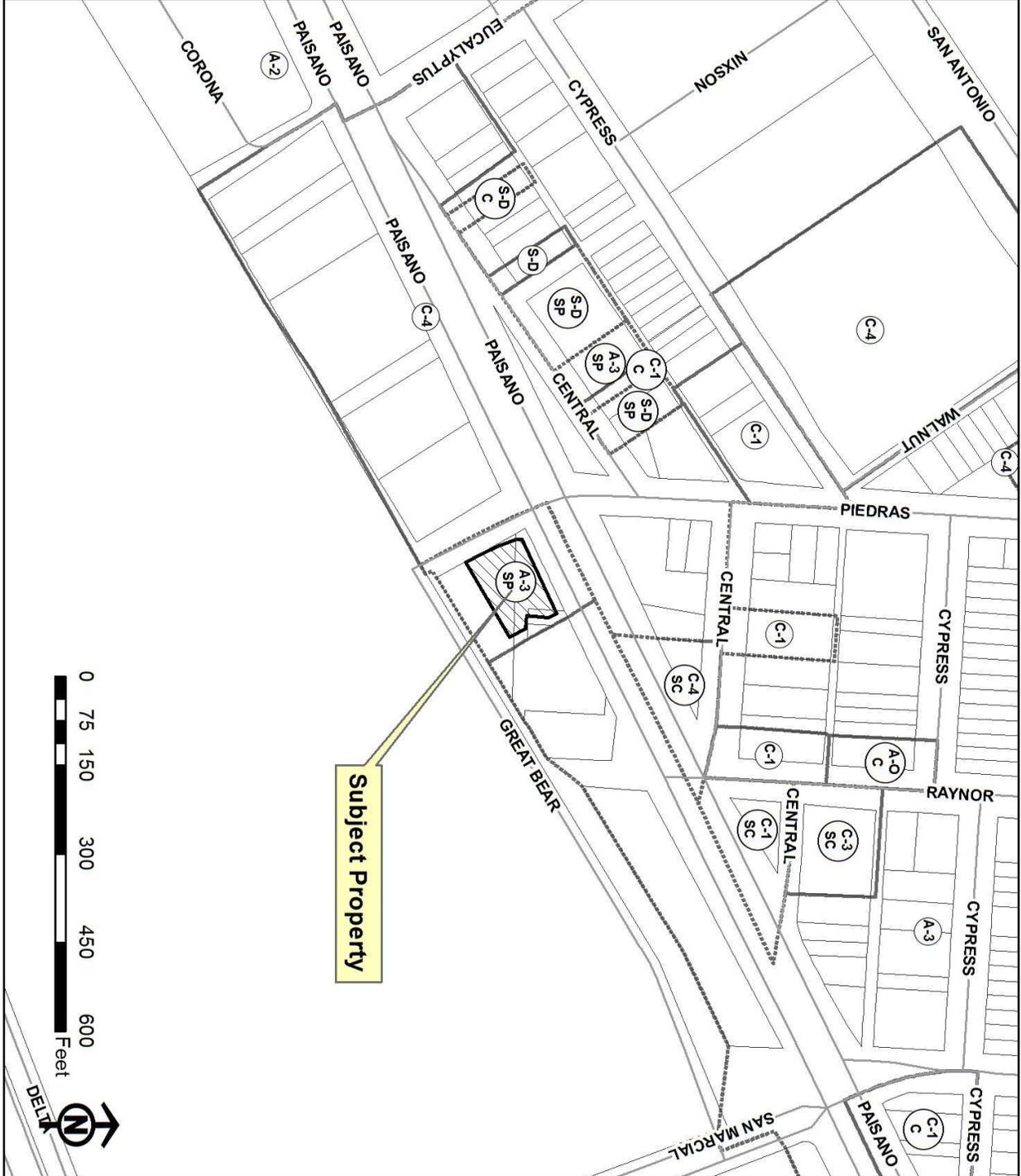
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into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

ATTACHMENT 1: ZONING MAP

PZRZ11-00042



ATTACHMENT 2: AERIAL MAP

PZRZ11-00042



ATTACHMENT 3: SITE PLAN

