

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

DEPARTMENT: City Development Department, Planning Division

AGENDA DATE: Introduction: November 19, 2013
Public Hearing: December 17, 2013

CONTACT PERSON/PHONE: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov

DISTRICT(S) AFFECTED: 3

SUBJECT:

An Ordinance changing the zoning of a portion of Lots 17, 18, and 19, Block 1, Valley View Heights, 6400 Montana Ave., City of El Paso, El Paso County, Texas, from R-4 (Residential) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of The El Paso City Code. Property owner: Poe Investments Ltd., Location: 6400 Montana Avenue, PZRZ13-00029 (District 3)

BACKGROUND / DISCUSSION:

Staff report attached.

PRIOR COUNCIL ACTION:

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

DEPARTMENT HEAD:

Mathew S. McElroy
Director, City Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 17, 18, AND 19, BLOCK 1, VALLEY VIEW HEIGHTS, 6400 MONTANA AVE., CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO C-4 (COMMERCIAL). 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:

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of A PORTION OF LOTS 17, 18, AND 19, BLOCK 1, VALLEY VIEW HEIGHTS, 6400 MONTANA AVE., located in the 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-4 (RESIDENTIAL) to C-4 (COMMERCIAL), as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

PASSED AND APPROVED this _____ day of _____, 2013

CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

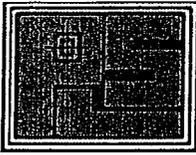
APPROVED AS TO FORM:



Karla M. Nieman,
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy, Director
City Development Department



PRECISION LAND SURVEYORS

10441 VALLE DE ORO DR.

El Paso, Texas 79927

Ph# (915) 222-5227

Being a portion of Lots 17, 18, and 19,
Block 1, Valley View Heights,
El Paso County, Texas

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a **portion of Lots 17, 18, and 19**, Block 1, Valley View Heights, an addition to The City of El Paso, El Paso County, Texas, according to the plat thereof filed in Volume 12, Page 25, El Paso County Plat Records, and being more particularly described by metes and bounds as follows:

"TRUE POINT OF BEGINNING" being a found nail with cap "2027" at the northwest corner of Lot 16 and northeast corner Lot 17, Block 1, Valley View Heights;

Thence along the common line between Lots 16 and 17, **South 08°50'00" East** a distance of **27.00 feet** to a found nail with cap "2027";

Thence leaving said common line, **South 74°53'00" West** a distance of **62.12 feet** to a found nail with cap "2027" at the common line between Lots 17 and 18;

Thence along the common line between Lots 17 and 18, **South 15°07'00" East** a distance of **7.57 feet** to a found nail with cap "2027";

Thence leaving said common line, **South 79°18'00" West** a distance of **101.53 feet** to a found nail with cap "2027" at the common line between Lots 18 and 19;

Thence along the common line between Lots 18 and 19, **South 47°03'00" East** a distance of **9.35 feet** to a point;

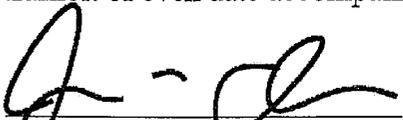
Thence leaving said common line, **South 49°14'00" West** a distance of **36.06 feet** to a point;

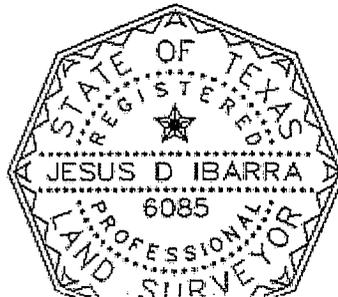
Thence, **South 79°19'00" West** a distance of **41.80 feet** to a found nail with cap "2027" at the west line of Lot 19;

Thence with the west line of Lot 19, **North 08°50'00" West** a distance of **72.40 feet** to a point at the northwest corner of Lot 19;

Thence, **North 81°10'00" East** a distance of **229.00 feet** to **"TRUE POINT OF BEGINNING"** and containing in all **10,807 square feet** or **0.2481 acres** of land more or less.

Exhibit of even date accompanies this metes and bounds description.


Jesus D. Ibarra, RPLS No. 6085



MEMORANDUM

DATE: November 11, 2013

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

FROM: Arturo Rubio, Senior Planner

SUBJECT: PZRZ13-00029

The City Plan Commission (CPC), on October 31, 2013, voted 7-0 to recommend **approval** of rezoning the subject property from R-4 (Residential) to C-4 (Commercial).

The CPC found that the rezoning is in conformance with Plan El Paso Comprehensive Plan and Future Land Use Map. The CPC also determined that the rezoning protects the best interest, health, safety and welfare of the public in general; that the proposed uses are 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 one phone call in opposition to the proposed uses.

Attachment:
Staff Report



City of El Paso – City Plan Commission Staff Report

REVISED

Case No: PZRZ13-00029
Application Type: Rezoning
CPC Hearing Date: October 31, 2013
Staff Planner: Arturo Rubio, 915-541-4633, rubioax@elpasotexas.gov

Location: 6400 Montana Avenue
Legal Description: A Portion of Lots 17, 18, and 19, Block 1, Valley View Heights, City of El Paso, El Paso County, Texas
Acreage: 0.2481 acres
Rep District: 3
Existing Zoning: R-4 (Residential)
Existing Use: Motel (Demolished)
Request: From R-4 (Residential) to C-4 (Commercial)
Proposed Use: Car Dealership/Cleanup
Property Owner: Poe Investments Ltd.
Representative: SLI Engineering, Inc.

SURROUNDING ZONING AND LAND USE

North: C-4/sp (Commercial/special permit), Car Dealership
South: R-4 (Residential), Single-family dwellings, Two-family dwellings
East: R-4 (Residential), Single-family dwellings, Two-family dwellings, C-1 (Commercial) Retail
C-4/sp (Commercial/special permit) Retail
West: C-4 (Commercial), Car Dealerships, M-1 (Manufacturing) Car Dealerships,

PLAN EL PASO DESIGNATION: G-4 Suburban Walkable (Central Plan Area)

NEAREST PARK: Normandy Park (3,049 feet)

NEAREST SCHOOL: Hughey Elementary School (2,206 feet)

NEIGHBORHOOD ASSOCIATIONS

El Paso Central Business Association
Valley View/CrestHill Neighborhood Association
Cielo Vista Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on October 15, 2013. The Planning Division received a phone call from Ms. Francis Bernal President of the Valley View/Cresthill Neighborhood Association in the area. Ms. Francis stated that the association is not opposed to the rezoning however, was concerned that the existing car dealership uses the residential streets for test drives and also introduce heavy truck traffic. Ms. Francis wanted me to advise the commission that she recommends that the CPC approve the rezoning with a condition that no test drives or heavy trucks utilize any residential streets in the area as they have had no resolution to this issue and this new expansion will worsen the situation.

APPLICATION DESCRIPTION

The applicant is requesting to rezone the subject property from R-4 (Residential) to C-4 (Commercial) to allow for a Car Dealership. The conceptual plan shows a parking area expansion to support the existing Car Dealership. Access is proposed from Montana Avenue.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of rezoning the subject property to C-4 (Commercial).

The existing parcel is split zoned R-4 and C-4. The applicant is requesting to have a single zone for the entire property that would allow a Car Dealership. The existing R-4 Zone district does not permit any commercial uses. The recommendation is based on the compatibility with the surrounding land uses adjacent to the property and the Plan El Paso Land Use Designation.

Plan El Paso- Future Land Use Map Designation

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

G-4 Suburban Walkable: 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 and civic and commercial uses.

The purpose of the C-4 (Commercial) district is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the central business district, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.

COMMENTS:

Planning Division - Transportation

No objection to the rezoning

Site Plan Comments to be addressed at the time of building permits:

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

El Paso Department of Transportation

No comments received.

City Development Department – Plan Review

No comments received.

City Development Department - Landscaping Division

No comments received.

City Development Department - Land Development

No comments received.

Sun Metro

No comments received.

El Paso Water Utilities

1. EPWU-PSB does not object to this request.

EPWU-PSB Comments

Water

2. There is an existing 12-inch diameter water main that extends along Montana Avenue. This water main is available for service.

3. EPWU records indicate there are four (4) active water meters within the subject subdivision. A 1-inch, 1½-inch, and 2-inch meters addressed to 6330 Montana, 6360 Montana, 6416 Montana and a 6501 Montana respectively.

Sanitary Sewer

4. There is an existing 10-inch diameter sanitary sewer main along Montana Avenue. This line is available for service.
5. EPWU records indicate existing sewer service for the subject subdivision.

General

6. EPWU-PSB requires a new service application to provide additional services to the subdivision. New service applications should be made 6-8 weeks in advance of construction to ensure water for construction work. The following items, if applicable, are required at the time of application: (1) hard copy of site plan with street names and addresses; (2) finalized set of improvement plans, including grading & drainage plans; (3) digital copy of site plan; (4) benchmark check; (5) construction schedule; and (6) a certificate of compliance. Service will be provided in accordance with the current El Paso Water Utilities – Public Service Board (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.

Fire Department

No objections to the Re-Zoning Cases as presented.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application

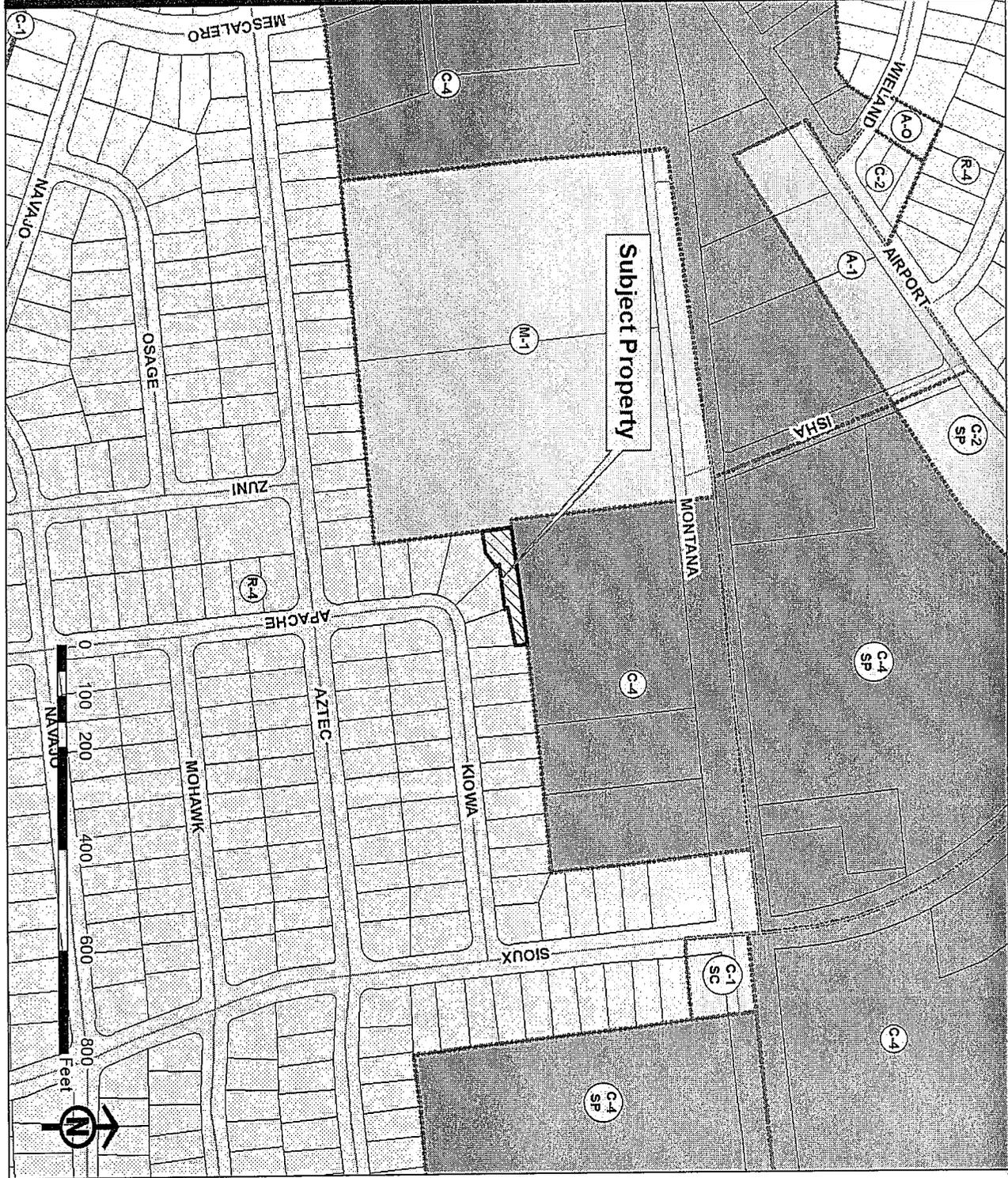
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into conformance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

Attachments:

- Attachment 1: Zoning Map
- Attachment 2: Aerial Map
- Attachment 3: Conceptual Plan

ATTACHMENT 1: ZONING MAP

PZRZ13-00029



ATTACHMENT 2: AERIAL MAP

PZRZ13-00029



