

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

DEPARTMENT: Planning and Economic Development Department

AGENDA DATE: Introduction: November 29, 2011
Public Hearing: December 20, 2011

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

DISTRICT(S) AFFECTED: 4

SUBJECT:

An Ordinance changing the zoning of portions of Tract 1A1 and 3B5, Section 41, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from M-1 (Manufacturing) to C-4 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Railroad Drive at Trans Mountain Road. Property Owner: Transmt-Rail, LLC. PZRZ11-00035 (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) – Approval Recommendation
City Plan Commission (CPC) – Recommend Approval

*****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 PORTIONS OF TRACT 1A1 AND 3B5, SECTION 41, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (MANUFACTURING) TO C-4 (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 portions of *Tract 1A1 and 3B5, Section 41, Block 80, Township 1, Texas and Pacific Railway Company 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 **M-1 (Manufacturing) to C-4 (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, if used for residential development, to include multifamily, 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:

1. *That a sound barrier between the adjacent railroad track and the development be constructed. The sound barrier can be a minimum six-foot high earth berm with heavy vegetation (evergreen trees or shrubs a minimum of three-foot high) at crest; or an autoclaved aerated concrete or Hebel Block sound barrier to include a ten foot (10') landscape buffer with high-profile trees of at least 2" in caliper and 10' in height placed at 15' on center abutting the sound barrier. Landscape buffer required under this condition shall be in addition to the landscape requirements of Title 18; and,*
2. *Prior to the issuance of any building permits, a detailed site development plan shall be reviewed and approved as per City Code.*

PASSED AND APPROVED this _____ day of _____, 2011.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

(Signatures continue on following page.)

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

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

Being a portion of Tract 1A1, and a portion of Tract 3B5,
Section 41, Block 80, Township 1,
Texas and Pacific Railway Company Surveys,
City of El Paso, El Paso County, Texas
August 11, 2011;

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 1A1 and a portion of Tract 3B5,
Section 41, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of
El Paso, El Paso County, Texas, and being more particularly described by metes and
bounds as follows:

"TRUE POINT OF BEGINNING" being a found TX D.O.T. Brass with cap held for
the most westerly corner of this parcel and the easterly right of way line of Railroad
Drive.

Thence with said right of way, **North 20°18'27" East** (North 23° 25'00"
East, Inst# 20080013612-Exhibit B) a distance of **282.23 feet** (282.33 feet, Inst#
20080013612-Exhibit B) to a found TX D.O.T. Brass Cap;

Thence with said right of way, **North 28°26'00" East** a distance of **261.19 feet** to
a found ½" rebar at the most northerly corner of this parcel and the most easterly
corner of Tract 1A3 (held for bearing basis);

Thence leaving said right of way, **South 61°32'10" East** (South 61° 34" East,
Inst# 20080013612-Exhibit A) a distance of **360.01 feet** (360.00 feet, Inst#
20080013612-Exhibit A) to a found ½" rebar at most easterly corner of this parcel
and the westerly existing right-of-way line of Union Pacific Railroad;

Thence with said right of way, **South 28°26'30" West** (South 28° 26" West, Inst#
20080013612-Exhibit A) a distance of **452.88 feet** to a found ½" rebar at the
northerly right of way line of Loop 375;

Thence with said right of way, **North 89°54'58" West** (North 86° 52'18" West,
Inst# 2008001361-Exhibit B) a distance of **281.54 feet** (281.38 feet, Inst#
20080013612-Exhibit B) to a found ½" rebar;

Thence, **North 28°59'44" West** (North 25° 55'24" West, Inst# 20080013612-Exhibit B)
a distance of **85.77 feet** (85.05 feet, Inst# 20080013612-Exhibit B) to **"TRUE POINT
OF BEGINNING"** and containing in all **185,535 square feet** or **4.2593 acres** of land
more or less.


Jesus D. Ibarra, RPLS No.6085





Date: November 29, 2011
To: Honorable Mayor and City Council
Joyce Wilson, City Manager
From: Esther Guerrero, Planner
Subject: **PZRZ11-00035 Rezoning**

The City Plan Commission (CPC) on October 20, 2011, voted **4-0** to recommend **approval** of this rezoning with conditions. The request is to change the zoning from M-1 (Manufacturing) to C-4 (Commercial) to allow proposed apartment development.

This recommendation is in agreement with the recommendation from staff and the Development Coordinating Committee (DCC), with the conditions stated in the ordinance if the property is used for residential development including multi-family.

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 Mission Valley 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





REVISED

City of El Paso – City Plan Commission Staff Report

Case No: PZRZ11-00035
Application Type: Rezoning
CPC Hearing Date: October 20, 2011
Staff Planner: Esther Guerrero, 915-541-4720, guerreroex@elpasotexas.gov

Location: Railroad Drive at Trans Mountain Road
Legal Description: Tracts 1A1 and 3B5, Section 41, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas
Acreage: 4.2609 acres
Rep District: 4
Zoning: M-1 (Manufacturing)
Existing Use: Vacant
Request: C-4 (Commercial)
Proposed Use: Apartments
Property Owner: Transmt-Rail, LLC
Representative: Jimmy Moreno, Sr.

SURROUNDING ZONING AND LAND USE

North: M-1 (Manufacturing) / vacant, PSB water tank
South: M-1 (Manufacturing) / Loop 375 Hwy
East: City Limits Boundary / Fort Bliss property
West: C-4/sc/sp (Commercial/special contract/special permit) / apartments

The Plan for El Paso Designation: Industrial (Northeast Planning Area)

Nearest Park: Franklin Park (3,483 feet)

Nearest School: Parkland Elementary, Parkland High (3,573 feet)

NEIGHBORHOOD ASSOCIATIONS

North Hills Neighborhood Pride Association

NEIGHBORHOOD INPUT

The Planning Division has not received any phone calls or letters in support or opposition of the rezoning request.

APPLICATION DESCRIPTION

The request is to change the zoning from M-1 (Manufacturing) to C-4 (Commercial) to allow multi-family dwellings. The conceptual site plan shows ten buildings with 84 two and three bedroom units, an office building, swimming pool, two gazebo/barbeque areas, and three playground areas. Access is proposed via Railroad Drive.

PLANNING AND ECONOMIC DEVELOPMENT-PLANNING DIVISION RECOMMENDATION

After reconsideration and review by the DCC on October 19, 2011, the Planning Division recommends **approval** of the rezoning request with the following conditions:

If the property is used for residential development, to include multifamily the following conditions shall apply:

1. That a sound barrier between the adjacent railroad track and the development be constructed. The sound barrier can be a minimum six-foot high earth berm with heavy vegetation (evergreen trees or shrubs a minimum of three-foot high) at crest; or an autoclaved aerated concrete or Hebel Block sound barrier to include a ten-foot (10') landscape buffer with high-profile trees of at least 2" in caliper and 10' in height placed at 15' on center abutting the sound barrier. Landscape buffer will be in addition to the landscape requirement of Title 18; and
2. Prior to the issuance of any building permits, a detailed site development plan shall be reviewed and approved as per City Code.

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.

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.

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 conditions.

Department of Transportation

The Department of Transportation does not object to the proposed rezoning in that it will not create a substantial increase in traffic from the existing zoning. However, as shown on the conceptual site plan, the driveways create a visibility issue and may pose public safety concerns if constructed in the proposed areas. Transportation requires that a detailed site development plan for the property be approved prior to the issuance of building permits in order to ensure that safe and proper access is provided.

Notes:

1. Sidewalks are required along Railroad Drive.
2. It is recommended that landscaping, vegetation, and irrigation system be provided on parkway area along the perimeter of Highway Loop 375 and Railroad Drive.
3. All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and 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 541-4152.

Engineering – Construction Management Division-Plan Review

Plan Review

No comments received.

Land Development

No objections.

Fire Department

El Paso Fire Department has no objections to this rezoning case.

Police Department

NERCC supervisory staff has reviewed attached rezoning application for property at Railroad and Trans Mountain, and have no objections or comments to add.

El Paso Water Utilities

EPWU does not object to this request.

Water

Along Railroad Drive fronting the subject Property there is an existing twelve (12) inch diameter water main.

Along Transmountain Drive (Loop 375) there are no existing water mains fronting the subject Property. Immediately east of the subject property, within the Southern Pacific Railway Company right-of-way there is an existing forty-eight (48) inch diameter water transmission main. The alignment of this main is parallel to the Southern Pacific Railway Company Right-of-Way. No direct service connections are allowed to this main as per the El Paso Water Utilities - Public Service Board Rules and Regulations.

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:

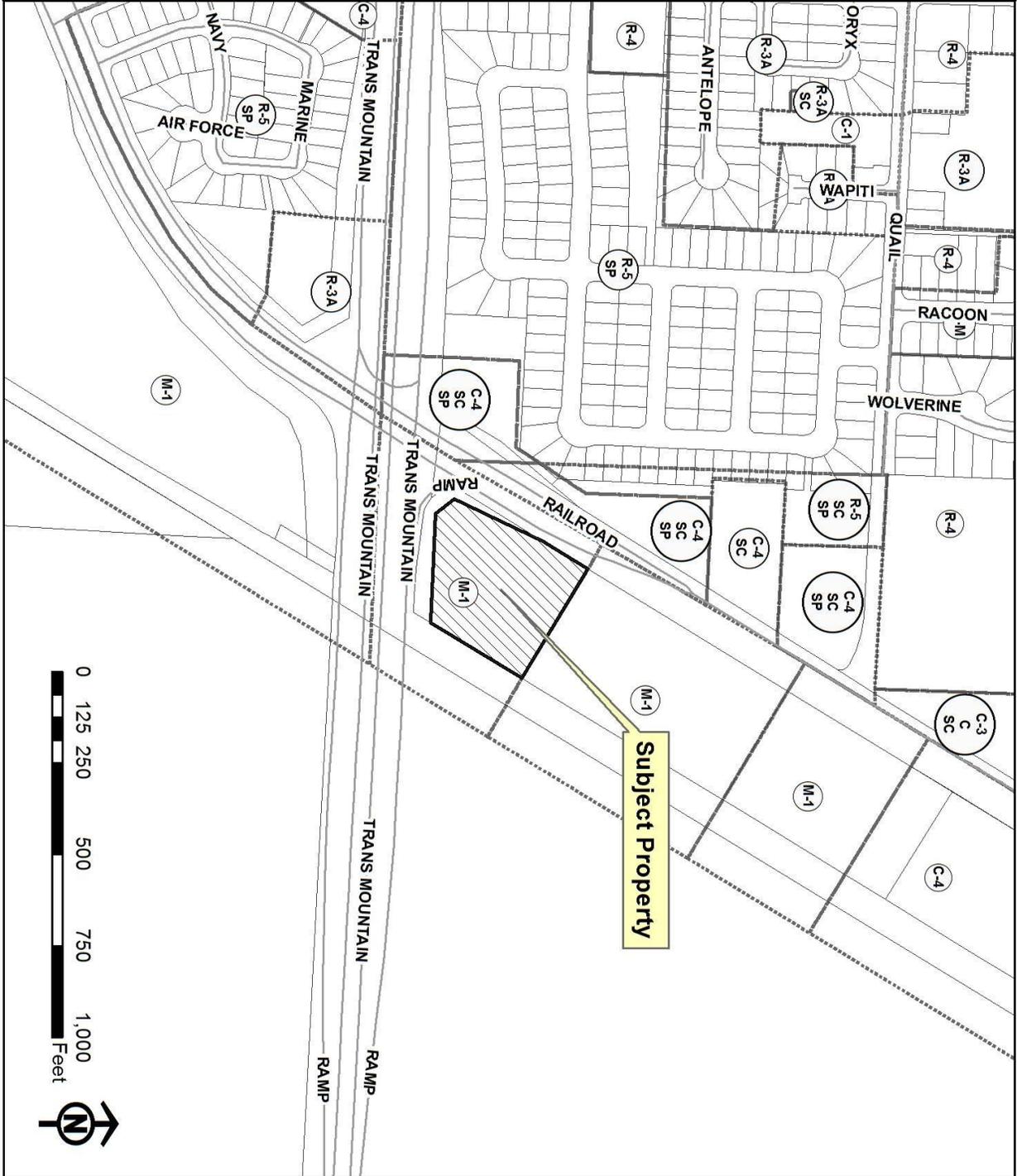
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into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

PZRZ11-00035



ATTACHMENT 2: AERIAL MAP

PZRZ11-00035



ATTACHMENT 3: CONCEPTUAL SITE PLAN

