

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

DEPARTMENT: City Development Department, Planning Division

AGENDA DATE: Introduction: December 3, 2013
Public Hearing: January 2, 2014

CONTACT PERSON/PHONE: Michael McElroy, (915) 541-4238, mcelroyms@elpasotexas.gov

DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance changing the zoning of Lots 1 to 22 and 24 to 27, Block 1, Boulder Canyon Subdivision, City of El Paso, El Paso County, Texas from PR-1/c (Planned Residential 1/Condition) to PR-II (Planned Residential 2); and releasing all conditions placed on the subject property by Ordinance No. 16586 which changed the zoning of Lots 1 to 22 and 24 to 27, Block 1, Boulder Canyon Subdivision. The penalty is as provided in Chapter 20.24 of the El Paso City Code. Subject Property: East of Westwind and North of Belvidere. Property Owner: DVEP Land, LLC. PZRZ13-00007 & PZCR13-00007 (**District 1**)

BACKGROUND / DISCUSSION:

See attached.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval Recommendation (9-0).

*****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 LOTS 1 TO 22 AND 24 TO 27, BLOCK 1, BOULDER CANYON SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM PR-I/C (PLANNED RESIDENTIAL 1/CONDITION) TO PR-II (PLANNED RESIDENTIAL 2); AND RELEASING THE CONDITION PLACED ON THE SUBJECT PROPERTY BY ORDINANCE NO. 16586 WHICH CHANGED THE ZONING OF LOTS 1 TO 22 AND 24 TO 27, BLOCK 1, BOULDER CANYON SUBDIVISION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as **Lots 1 to 22 and 24 to 27, Block 1, Boulder Canyon Subdivision, East of Westwind and North of Belvidere**, City of El Paso , El Paso County, was changed by Ordinance No. 16586 approved by City Council on March 20, 2007; and,

WHEREAS, the rezoning was subject to a zoning condition; and,

WHEREAS, placement of such condition was 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 rezoning and removal of the condition because this condition has been satisfied or is a current requirement of the City Code; and,

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

WHEREAS, the City Council of the City of El Paso has determined that the rezoning and release of the 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:

Section 1. Pursuant to Section 20.04.360 of the El Paso City Code, the zoning of **Lots 1 to 22 and 24 to 27, Block 1, Boulder Canyon Subdivision, East of Westwind and North of Belvidere**, located in the City of El Paso, El Paso County, Texas, be changed from **PR-I/c (Planned Residential 1/condition)** to **PR-II (Planned Residential 2)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

Section 2. That the zoning condition imposed by Ordinance No. 16586 approved by the city Council on March 20, 2007, on the land described as **Lots 1 to 22 and 24 to 27, Block 1**,

13-1007-870/#218822-2/PZRZ13-00007/PZCR13-00007 – East of Westwind and North of Belvidere/kmn

ORDINANCE NO. _____

**Zoning Case No: PZRZ13-00007
PZCR13-00007**

Boulder Canyon Subdivision, East of Westwind and North of Belvidere, City of El Paso, El Paso County, Texas be released because the condition has been satisfied and is no longer necessary, or is a current requirement of the City Code.

Condition Being Released:

The maximum number of units should not exceed twenty-six

Section 3. The penalties for violating the standards imposed through this rezoning and release of condition 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

MEMORANDUM

DATE: November 26, 2013

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

FROM: Michael McElroy, Planner

SUBJECT: PZRZ13-00007 & PZCR13-00007

The City Plan Commission (CPC), on October 3, 2013, voted 9-0 to recommend **approval** of the rezoning from PR-1/c (Planned Residential 1/Condition) to PR-2 (Planned Residential 2) as well as a condition release.

The CPC determined that the rezoning and condition release and on the subject property protects the best interest, health, safety and welfare of the public in general; and the rezoning and release of the zoning conditions will have no negative effects on the natural environment, social and economic conditions, and property values in the vicinity and the city as a whole.

The Planning division received no communication in support or opposition to this request.

Attachment:

Staff Report – PZRZ13-00007

Staff Report – PZCR13-00007



City of El Paso – City Plan Commission Staff Report

Case No: PZRZ13-00007
Application Type: Rezoning
CPC Hearing Date: October 3, 2013
Staff Planner: Michael McElroy, 915-541-4238, mcelroyms@elpasotexas.gov
Location: East of Westwind and North of Belvidere
Legal Description: Lots 1 to 22 and 24 to 27, Block 1, City of El Paso, El Paso County, Texas
Acreage: 7.21 acres
Rep District: 1
Zoning: P-R I/c (Planned Residential 1/condition)
Existing Use: Vacant
Request: P-R I/c (Planned Residential 1/Condition) to P-R II/c (Planned Residential 2/Condition) (Related to PZCR13-00007)
Proposed Use: Single Family Residences
Property Owner: DVEP Land, LLC
Representative: Jorge Azcarate

SURROUNDING ZONING AND LAND USE

North: C-2 (Commercial) / Office Park
South: C-1 (Commercial) / Office and Retail
East: P-R I/sc (Planned Residential 1/Special contract) / Single Family Homes
West: A-2 (Apartment) / Apartments

Plan El Paso Designation: G4, Suburban (Walkable) (Northwest)
Nearest Park: Park Hills Park (5,336 ft.)
Nearest School: Polk Elementary (1,234 ft.)

NEIGHBORHOOD ASSOCIATIONS

Upper Valley Improvement Association, Upper Mesa Hills Neighborhood Association, Coronado Neighborhood Association, Save the Valley

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on September 16, 2013. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

APPLICATION DESCRIPTION

The request is to change the zoning from P-R I/c (Planned Residential 1/Condition) to P-R II/c (Planned Residential 2/condition) to permit the construction of single family homes. The detailed site plan proposes a development consisting of 61 individual lots ranging from 2,378 sq. ft. to 4,138 sq. ft. Seven common open space areas totaling 79,357 sq. ft. (1.82 acres) are provided within the development, to include the provision of a neighborhood swimming pool. Several pedestrian and alley access easements are provided to increase neighborhood connectivity. Lastly, traffic calming intersection knockouts and midblock bulbouts are proposed for the streets. Access is proposed off of Westwind Drive.

CITY DEVELOPMENT DEPARTMENT -PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the rezoning from P-R I/c (Planned Residential I/condition) to P-R II/c (Planned Residential 2/condition).

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 civic and commercial uses.

The purpose of the P-R II (Planned Residential 2 District) is to provide planned developments that create a superior living environment through unified planning and building operations at higher residential densities; encourage variety in housing needed to meet changing housing demands; provide adequate community facilities well-located with respect to needs; protect the natural beauty of the landscape; encourage preservation and more efficient use of open space; offer an opportunity for design flexibility; and encourage innovations which may result in improved relationships between uses of different types and between land uses and transportation facilities.

COMMENTS:

City Development Department – Planning Division - Transportation

No objections.

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

City Development Department - Land Development

No Objection.

City Development Department – Building Permits & Inspections

No objections.

El Paso Fire Department

Recommends approval.

El Paso Water Utilities

1. EPWU does not object to this request.

EPWU-PSB Comments

Water:

2. There is an existing 12-inch diameter water main along Westwind Drive fronting the subject property. This water main is located approximately 35 feet west of and parallel to the east Westwind Drive right-of-way line. On-site water main extensions are required from the existing 12-inch main on Westwind Drive. The Developer is responsible for all water main extension costs.

3. Previous water pressure readings from fire hydrant #5030 located on Westwind Drive approximately 405 feet south of Villa Hermosa have yielded a static pressure of 138 pounds per square inch, a residual pressure of 132 pounds per square inch and a discharge of 1174 gallons per minute.

4. Private water pressure regulating devices will be required within the proposed development. The Developer shall include in the sale of contract documents that the lot/home buyer shall acquire ownership of the above-

described water pressure regulating devices to be located at the discharge side of the water meters. The lot/home buyer shall be responsible for the operation and maintenance of the above-described water pressure regulating devices.

Sanitary Sewer:

5. There is an existing 8-inch diameter sanitary sewer main along Westwind Drive fronting the subject property. This sanitary sewer main is located approximately 55 feet east of and parallel to the west Westwind Drive right-of-way line. On-site sanitary sewer main extensions are required from the existing 8-inch main on Westwind Drive. The Developer is responsible for all sanitary sewer main extension costs.

General:

6. The EPWU requires an exclusive PBS easement to accommodate public water and sanitary sewer mains when the public water and sanitary sewer mains are not located within a public street. This condition applies to the proposed lots fronting the proposed of access easements.

7. EPWU requires a new service application to initialize design of the on-site water and sanitary sewer main extensions to serve 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:

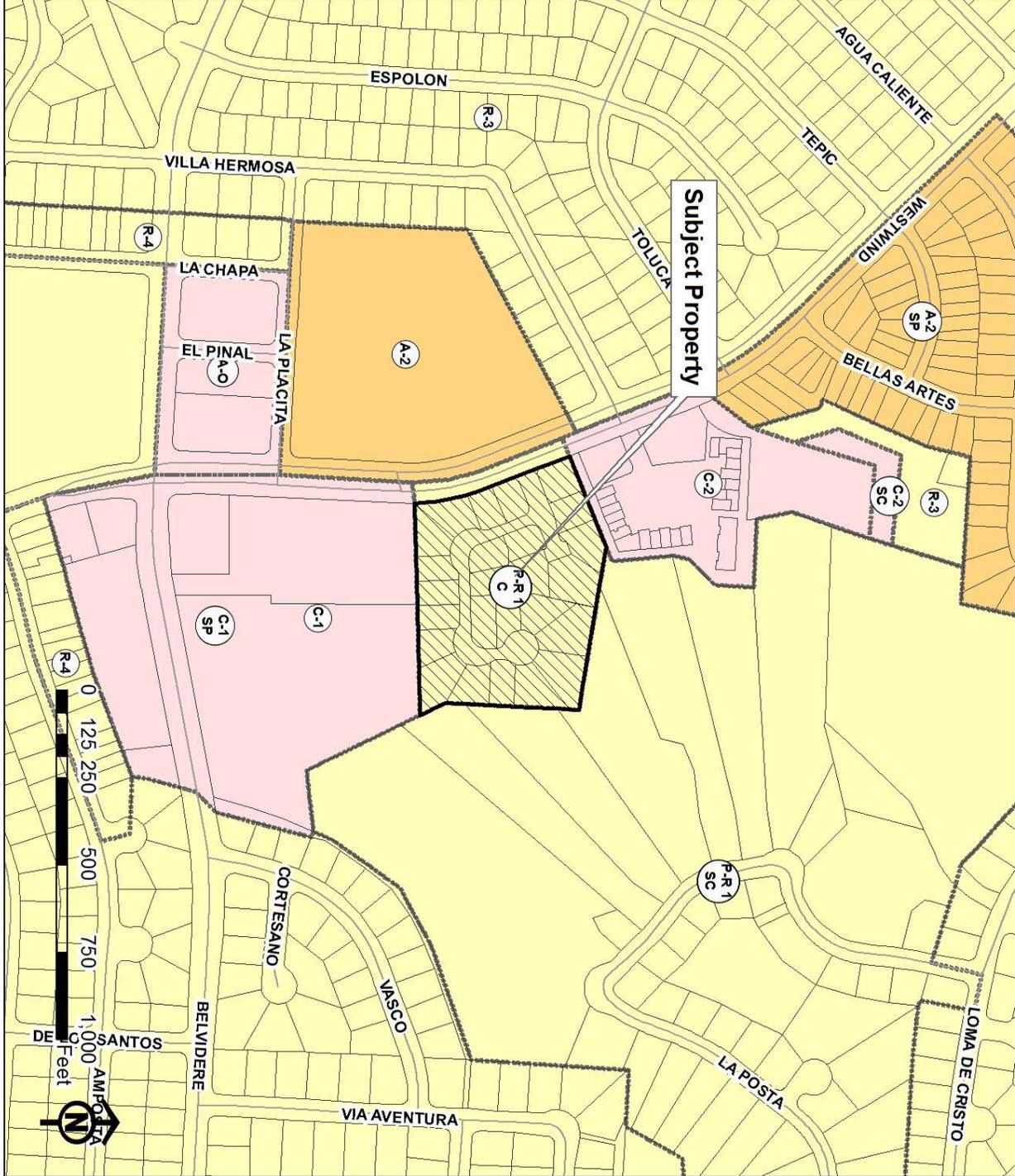
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into conformance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

Attachments

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan

ATTACHMENT 1: ZONING MAP

PZRZ13-00007



ATTACHMENT 2: AERIAL MAP

PZRZ13-00007



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN





City of El Paso – City Plan Commission Staff Report

Case No: PZCR13-00007
Application Type: Condition Release
CPC Hearing Date: October 3, 2013
Staff Planner: Michael McElroy, 915-541-4238, mcelroyms@elpasotexas.gov
Location: East of Westwind and North of Belvidere
Legal Description: Lots 1 to 22 and 24 to 27, Block 1, Boulder Canyon Subdivision, City of El Paso, El Paso County, Texas
Acreage: 7.21 acres
Rep District: 1
Zoning: P-R I/c (Planned Residential 1/condition)
Existing Use: Vacant
Request: Release of condition imposed by Ordinance 16586, dated March 20, 2007 (Related to PZRZ13-00007)
Proposed Use: Single Family Residences
Property Owner: DVEP Land, LLC
Representative: Jorge Azcarate

SURROUNDING ZONING AND LAND USE

North: C-2 (Commercial) / Office Park
South: C-1 (Commercial) / Office and Retail
East: P-R I/sc (Planned Residential 1/Special contract) / Single Family Homes
West: A-2 (Apartment) / Apartments

Plan El Paso Designation: G4, Suburban (Walkable) (Northwest)

Nearest Park: Park Hills Park (5,336 ft.)

Nearest School: Polk Elementary (1,234 ft.)

NEIGHBORHOOD ASSOCIATIONS

Upper Valley Improvement Association, Upper Mesa Hills Neighborhood Association, Coronado Neighborhood Association, Save the Valley

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on September 16, 2013. The Planning Division has not received any letters or phone calls in support or opposition of the condition release request.

APPLICATION DESCRIPTION

The request is to release all conditions imposed by Ordinance No. 16586, dated March 20, 2007. The contract was imposed in conjunction with a rezoning of the property from C-2/c (Commercial/condition) to P-R I/c (Planned Residential 1/condition). Specifically, the condition limits the maximum number of dwelling units on the property to no more than twenty-six.

CITY DEVELOPMENT DEPARTMENT -PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the condition release in furtherance of our comprehensive planning goals, to include higher density infill development.

The development proposes 61 individual lots ranging from 2,378 sq. ft. to 4,138 sq. ft. and seven common open space areas totaling 79,357 sq. ft. (1.82 acres). An examination of nearby R-3 lots shows an average lot size of 0.17 acres, or approximately 6 lots an acre. Considering that the subject property is 7.21 acres, constructing conventional development to mirror existing land use would yield 43 lots, far in excess of the 26 currently permitted. Coupled with the current planning best practice for higher density development, the proposed 61 lots both provides more conformity with existing residential land use and better use of vacant infill land.

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 civic and commercial uses.

The purpose of the P-R I (Planned Residential 1 District) is to provide planned developments that create a superior living environment through unified planning and building operations at higher residential densities; encourage variety in housing needed to meet changing housing demands; provide adequate community facilities well-located with respect to needs; protect the natural beauty of the landscape; encourage preservation and more efficient use of open space; offer an opportunity for design flexibility; and encourage innovations which may result in improved relationships between uses of different types and between land uses and transportation facilities.

COMMENTS:

City Development Department – Planning Division - Transportation

No objections.

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

City Development Department - Land Development

No Objection.

City Development Department – Building Permits & Inspections

No objections.

El Paso Fire Department

Recommends approval.

El Paso Water Utilities

1. EPWU does not object to this request.

EPWU-PSB Comments

Water:

2. There is an existing 12-inch diameter water main along Westwind Drive fronting the subject property. This water main is located approximately 35 feet west of and parallel to the east Westwind Drive right-of-way line. On-site water main extensions are required from the existing 12-inch main on Westwind Drive. The Developer is responsible for all water main extension costs.

3. Previous water pressure readings from fire hydrant #5030 located on Westwind Drive approximately 405

feet south of Villa Hermosa have yielded a static pressure of 138 pounds per square inch, a residual pressure of 132 pounds per square inch and a discharge of 1174 gallons per minute.

4. Private water pressure regulating devices will be required within the proposed development. The Developer shall include in the sale of contract documents that the lot/home buyer shall acquire ownership of the above-described water pressure regulating devices to be located at the discharge side of the water meters. The lot/home buyer shall be responsible for the operation and maintenance of the above-described water pressure regulating devices.

Sanitary Sewer:

5. There is an existing 8-inch diameter sanitary sewer main along Westwind Drive fronting the subject property. This sanitary sewer main is located approximately 55 feet east of and parallel to the west Westwind Drive right-of-way line. On-site sanitary sewer main extensions are required from the existing 8-inch main on Westwind Drive. The Developer is responsible for all sanitary sewer main extension costs.

General:

6. The EPWU requires an exclusive PBS easement to accommodate public water and sanitary sewer mains when the public water and sanitary sewer mains are not located within a public street. This condition applies to the proposed lots fronting the proposed of access easements.

7. EPWU requires a new service application to initialize design of the on-site water and sanitary sewer main extensions to serve 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 a condition release request application:

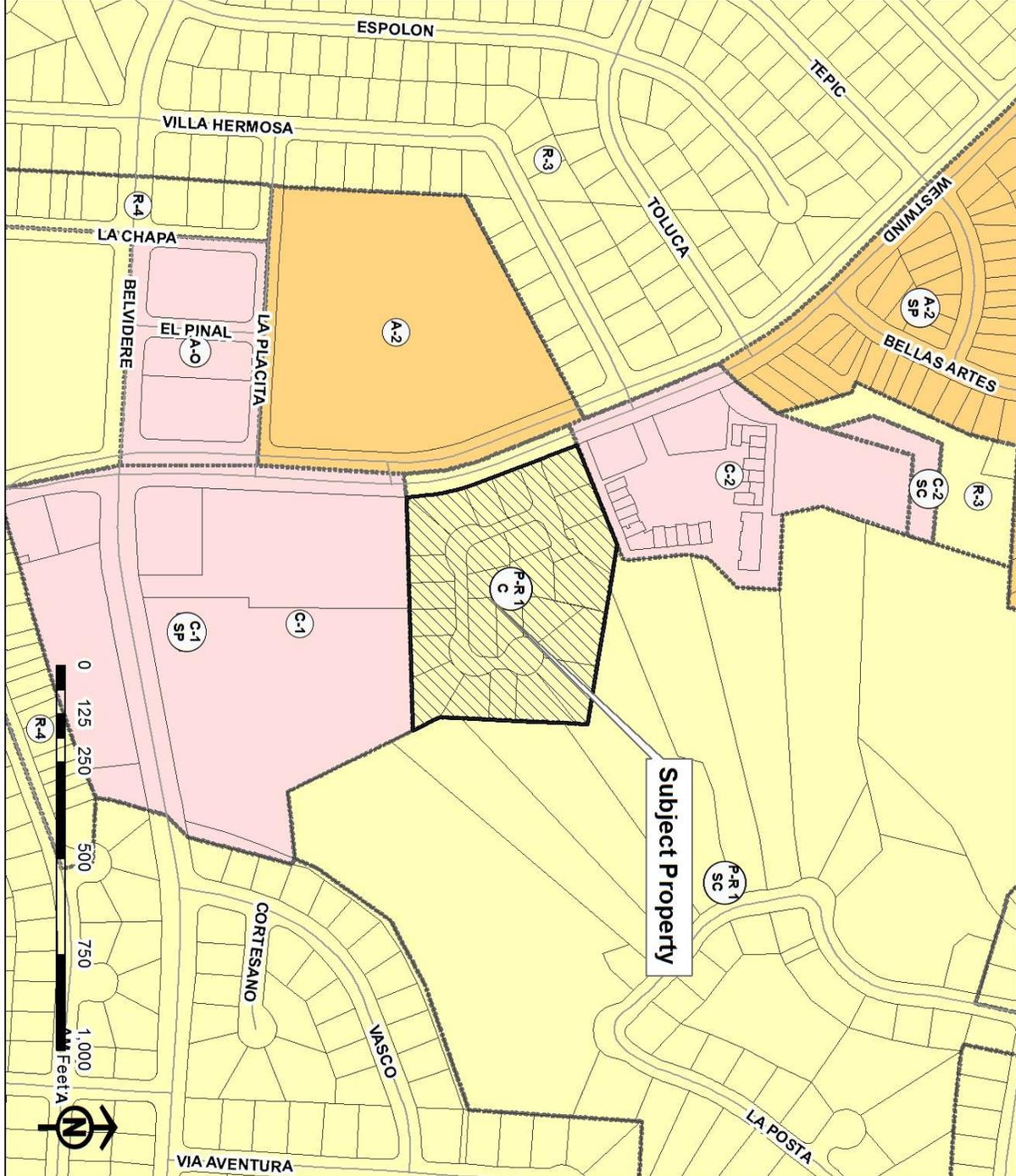
1. Recommend approval of the application finding that it is in conformance with the review criteria for Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring it into conformance with the review criteria for 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 it does not conform to the review criteria for Plan 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. Detailed Site Development Plan
4. Ordinance 16586, dated March 20, 2007

ATTACHMENT 1: ZONING MAP

PZCR13-00007

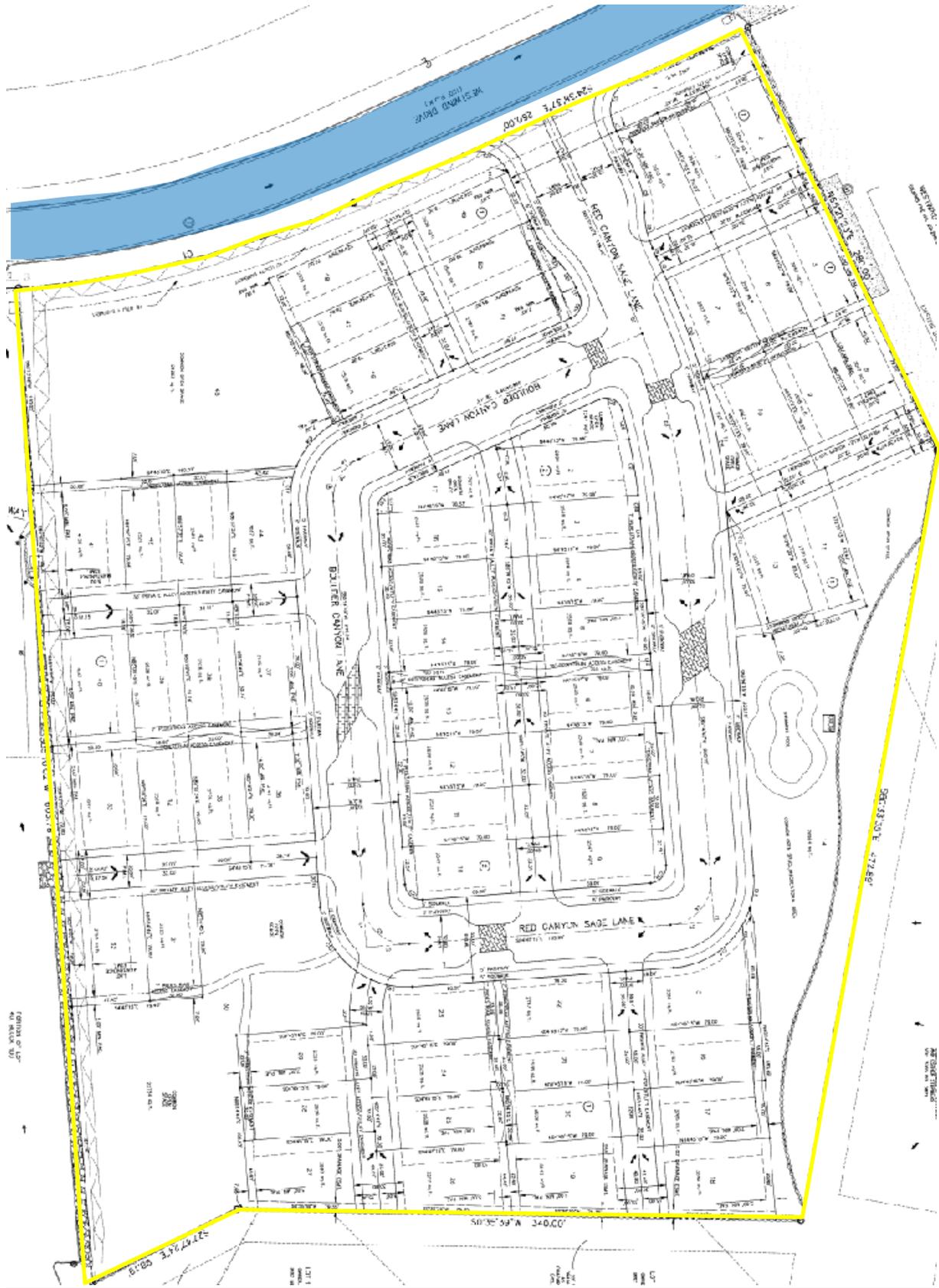


ATTACHMENT 2: AERIAL MAP

PZCR13-00007



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: ORDINANCE 16586, DATED MARCH 20, 2007

ORDINANCE NO. 016586

AN ORDINANCE CHANGING THE ZONING OF LOT 41, BLOCK 100, CHAPARRAL PARK UNIT 22 REPLAT A, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-2/C (COMMERCIAL/CONDITION) TO P-R I/C (PLANNED RESIDENTIAL I/CONDITION), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

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

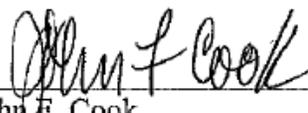
That the zoning of Lot 41, Block 100, Chaparral Park Unit 22 Replat A, City of El Paso, El Paso County, Texas, be changed from C-2/c (Commercial/condition) to P-R I/c (Planned Residential I/condition), within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following condition which is 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:

The maximum number of units shall not exceed twenty-six.

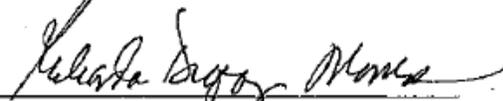
PASSED AND APPROVED this 20th day of March, 2007.

THE CITY OF EL PASO


John F. Cook
Mayor

CITY CLERK DEPT.
07 FEB 16 AM 10:45

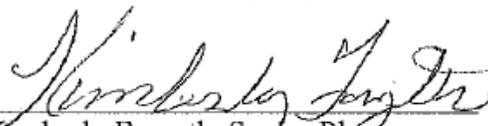
ATTEST:


Richarda Duffy Montsen
City Clerk

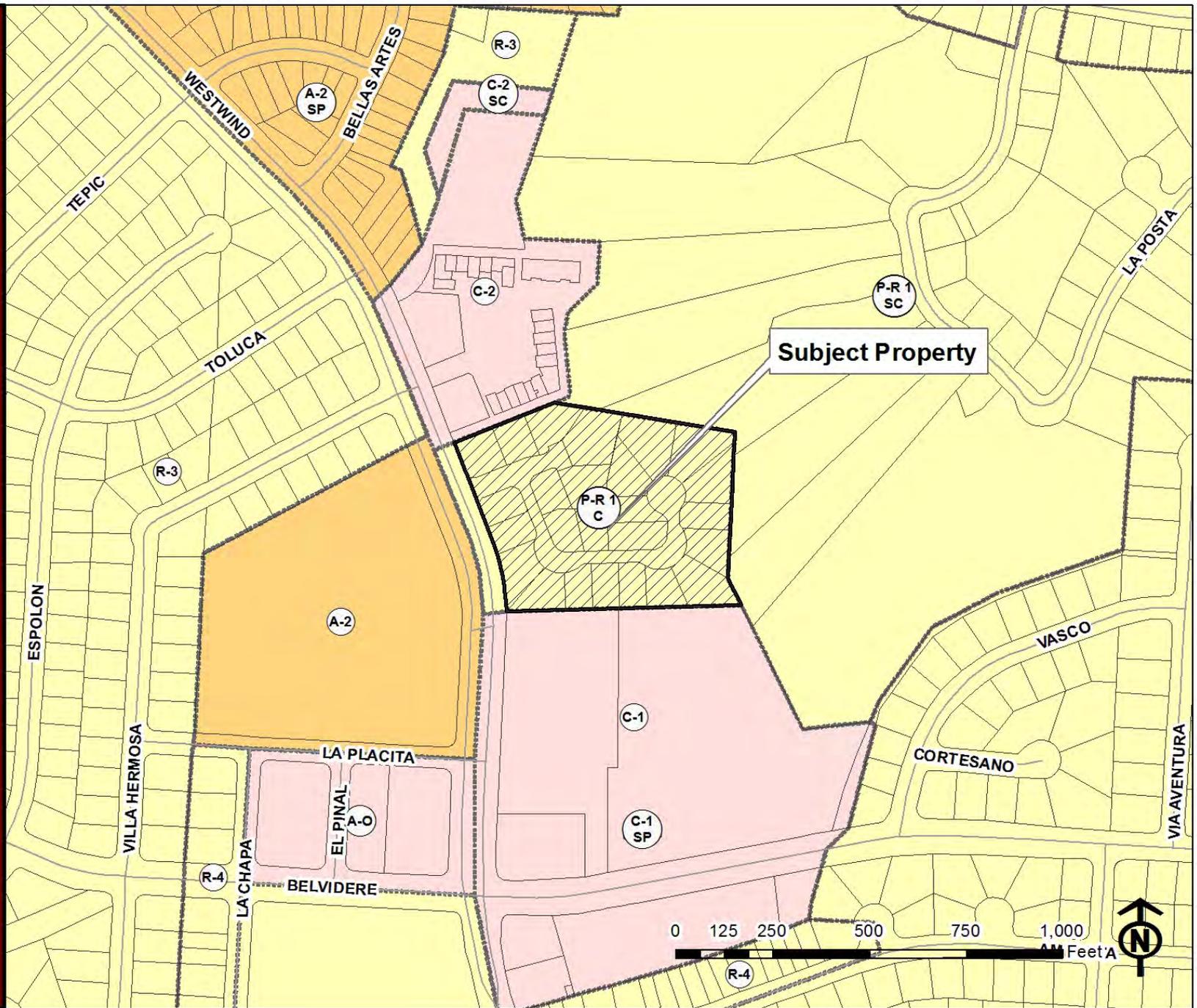
APPROVED AS TO FORM:


Lupe Cuellar
Assistant City Attorney

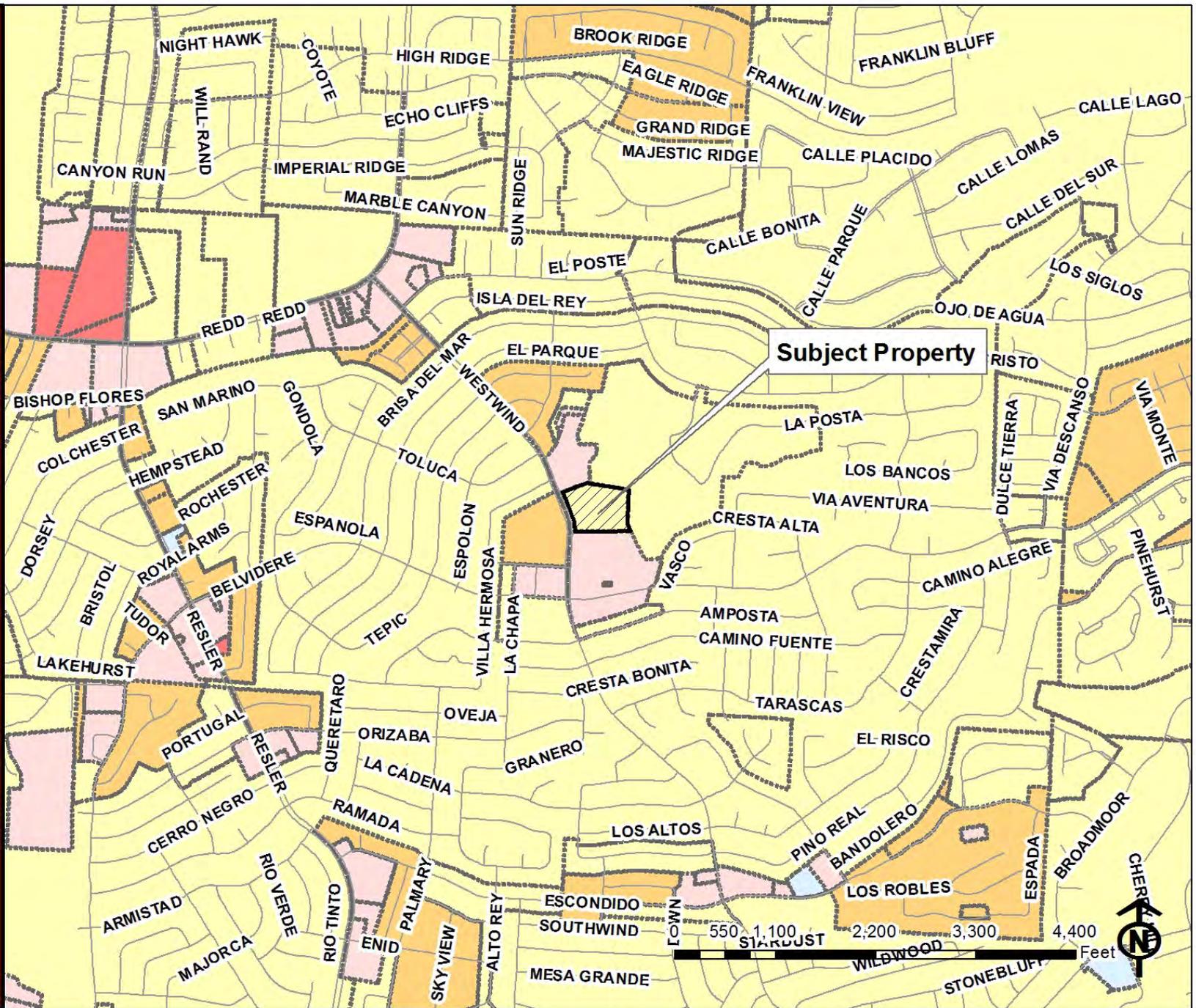
APPROVED AS TO CONTENT:


Kimberly Forsyth, Senior Planner
Development Services Department

PZCR13-00007



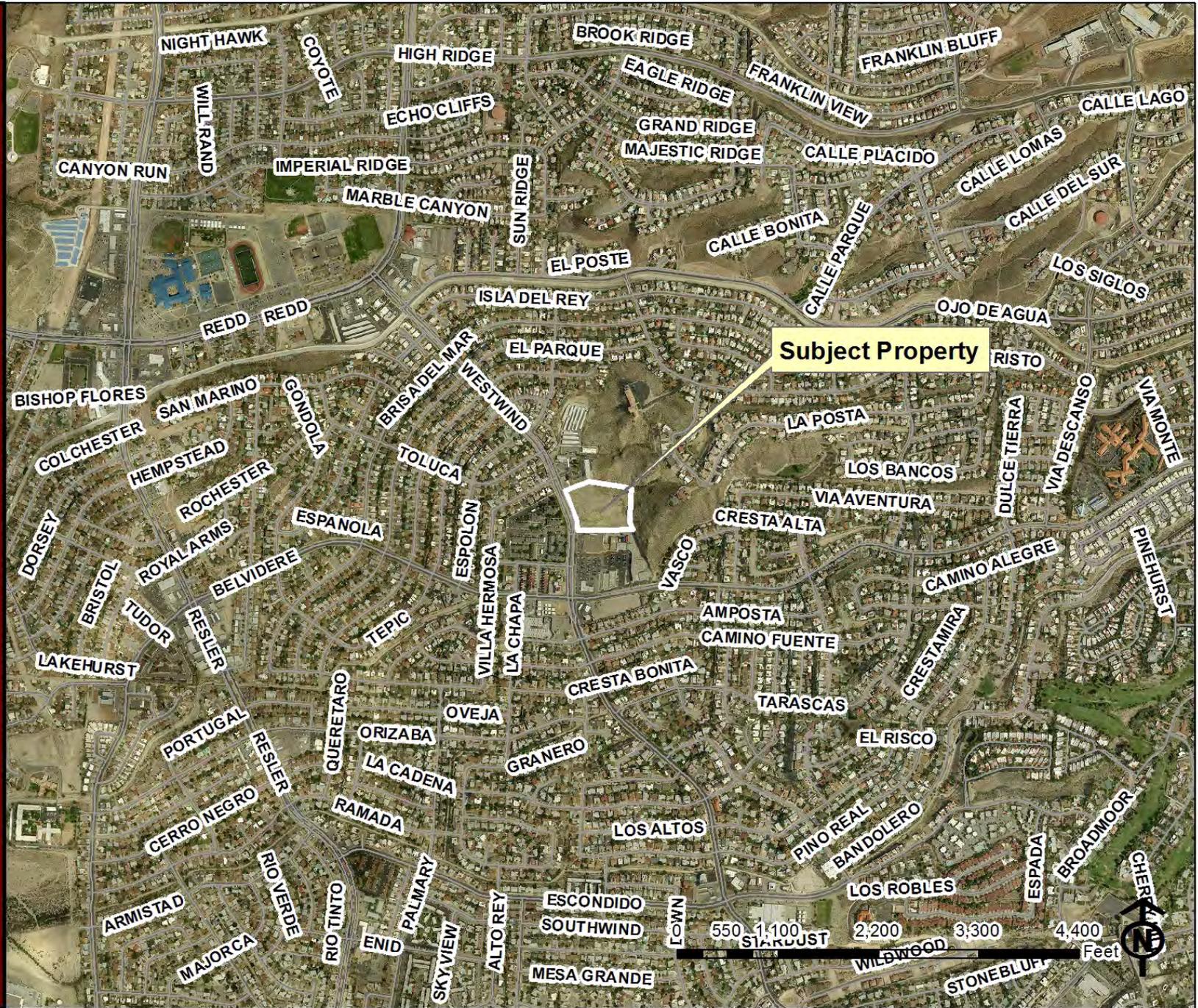
PZCR13-00007



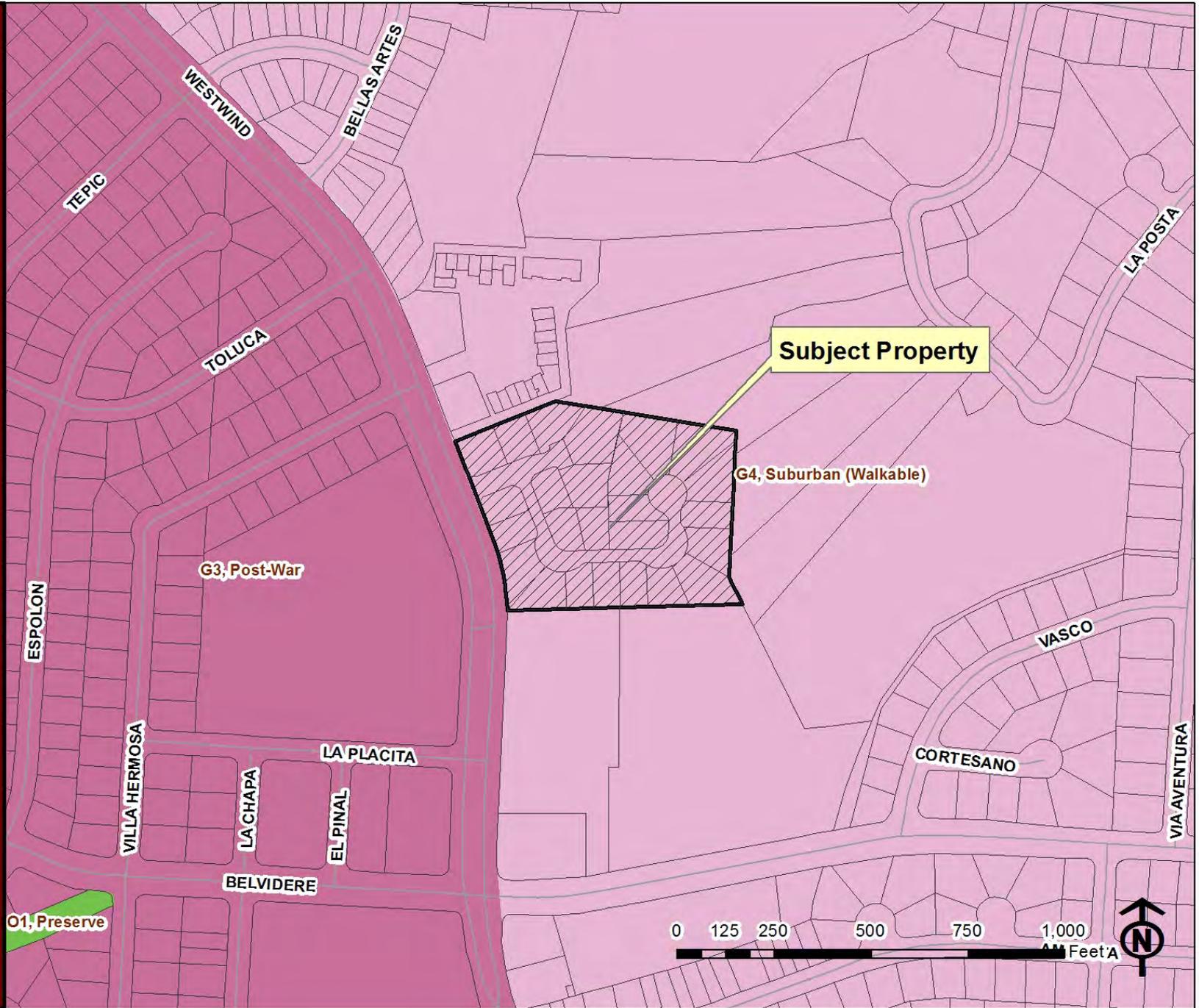
PZCR13-00007



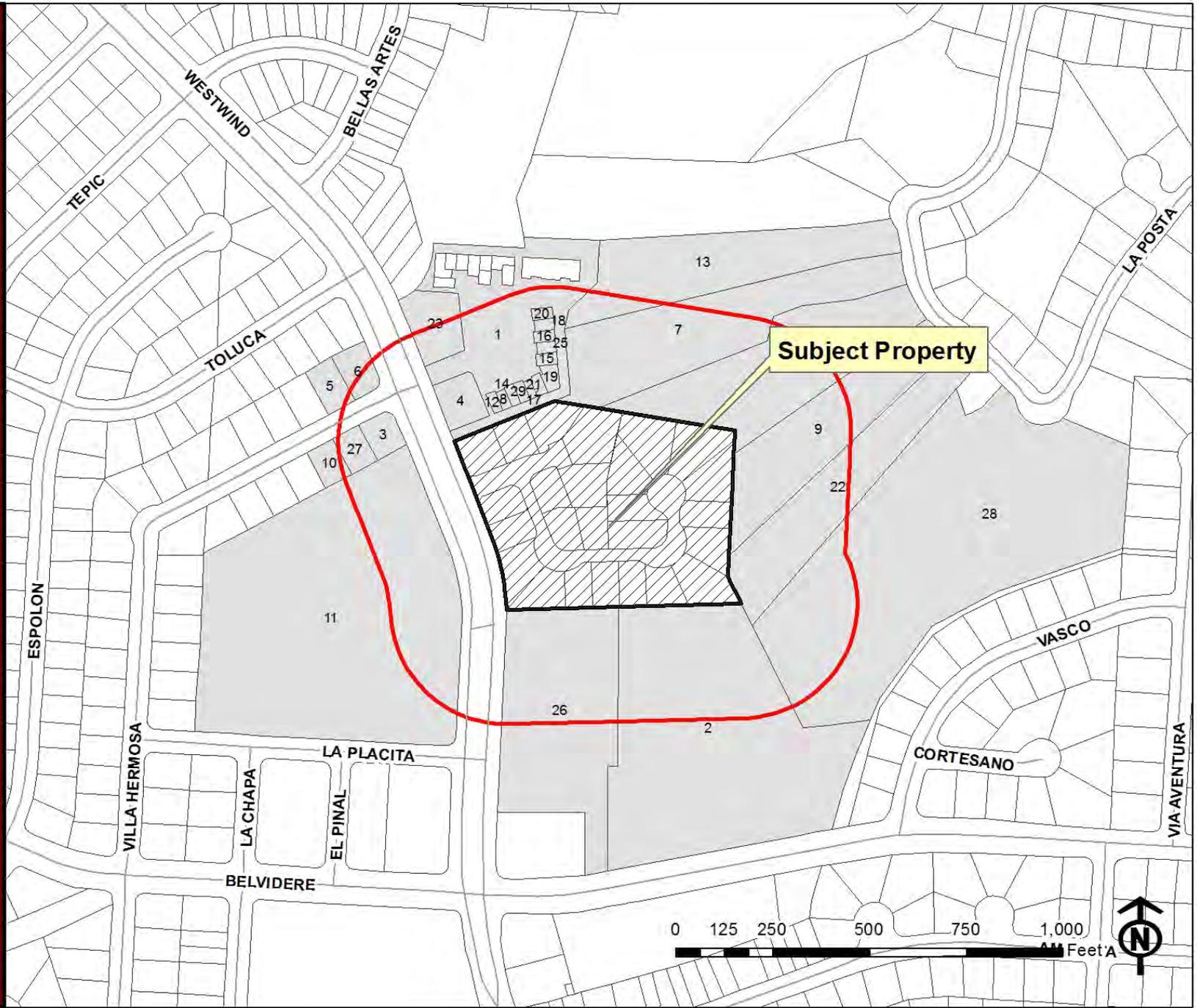
PZCR13-00007



PZCR13-00007



PZCR13-00007



Ordinance 16586, dated March 20, 2007

ORDINANCE NO. 016586

AN ORDINANCE CHANGING THE ZONING OF LOT 41, BLOCK 100, CHAPARRAL PARK UNIT 22 REPLAT A, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-2/C (COMMERCIAL/CONDITION) TO P-R I/C (PLANNED RESIDENTIAL I/CONDITION), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

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

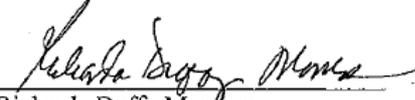
That the zoning of *Lot 41, Block 100, Chaparral Park Unit 22 Replat A, City of El Paso, El Paso County, Texas*, be changed from **C-2/c (Commercial/condition)** to **P-R I/c (Planned Residential I/condition)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following condition which is 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:

The maximum number of units shall not exceed twenty-six.

PASSED AND APPROVED this 20th day of March, 2007.

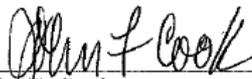
ATTEST:


Richarda Duffy Monsen
City Clerk

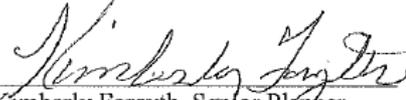
APPROVED AS TO FORM:


Lupe Cuellar
Assistant City Attorney

THE CITY OF EL PASO


John F. Cook
Mayor

APPROVED AS TO CONTENT:


Kimberly Forsyth, Senior Planner
Development Services Department

CITY CLERK DEPT.
07 FEB 16 AM 10:45

Detailed Site Development Plan





Subject Property & East



South



West



North

PZCR13-00007

