

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

DEPARTMENT: Planning and Inspections, Planning Division

AGENDA DATE: Introduction: December 11, 2018
Public Hearing: January 8, 2019

CONTACT PERSON/PHONE: Philip Etiwe, (915) 212-1553, EtiwePF@elpasotexas.gov
Anne Guayante, (915) 212-1814, GuayanteAM@elpasotexas.gov

DISTRICT(S) AFFECTED: 2

SUBJECT:

An ordinance changing the zoning of a portion of Lots 8 and 9, Block 127, Supplemental Map #1 of East El Paso, El Paso County, Texas, from A-2 (Apartment) to C-1 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: the southwest corner of Douglas and Stevens. Property Owner: Robert Malooly. PZRZ18-00012 (District 2)

BACKGROUND / DISCUSSION:

On July 26, 2018, the CPC reviewed and recommended approval of the proposed rezoning.

PRIOR COUNCIL ACTION:

There is no prior City Council action on this proposed amendment.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

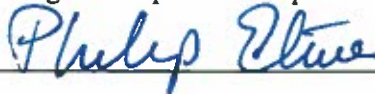
City Plan Commission (CPC) – Approval Recommendation (5-1)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Philip Etiwe
Planning and Inspections Department



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 8 AND 9, BLOCK 127, SUPPLEMENTAL MAP #1 OF EAST EL PASO, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO C-1 (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:

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of a **Portion of Lots 8 and 9, Block 127, Supplemental Map #1 of East El Paso**, located in the City of El Paso, El Paso County, Texas, which is further described by the metes and bounds which is attached as Exhibit 'A', to be changed from **A-2 (Apartment)** to **C-1 (Commercial)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly which can be found as Exhibit 'B'.

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the need to protect surrounding residential development and to conform with the policies of Plan El Paso generated by the change of zoning in order to protect the health, safety and welfare of the residents of the City:

1. A ten (10) foot landscaped buffer shall be established along the westerly boundary of the subject property. It shall be irrigated and landscaped, with high profile native trees of at least two (2) inch caliper and ten (10) feet in height be placed every fifteen (15) feet on center. Beginning twenty (20) feet from the southerly property line, the buffer shall then taper westerly until it reaches a width of zero (0) feet at the driveway of the alley, ensuring that at all points, a driving lane of fifteen (15) feet is maintained between the driveway on Stevens Street and the driveway on the alley.

2. Vehicular access to and from the subject property shall be prohibited from Douglas Street.

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

ADOPTED this _____ day of _____, 2019.

THE CITY OF EL PASO

ATTEST:

Dee Margo
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Russell T. Abein
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip T. Etiwe, Director
Planning & Inspections Department

(Exhibits on following pages)

EXHIBIT 'A'



PRECISION LAND SURVEYORS

10441 VALLE DE ORO DR.

El Paso, Texas 79927

Ph# (915) 222-5227

A portion of lots 8 and 9, Block 127,
Supplemental Map No.1 of East El Paso,
El Paso County, Texas
April 4, 2018;

METES AND BOUNDS DESCRIPTION

Description of a portion of Lots 8 and 9, Block 127, East El Paso Addition and being more particularly described by metes and bounds as follows:

Commencing for reference at a found City Monument at the intersection of the monument line on Trowbridge Drive with the centerline of Stevens Street, said monument being North 00°26'00" East, a distance of 10.00 feet from the intersection of the centerlines of Steven Street and Trowbridge Drive, thence South 00°26'00" West, along the centerline of Stevens Street, a distance of 45.00 feet, thence North 09°34'00" West, a distance of 35.00 feet to the west right of way of Stevens Street and the east property line of Lot 8, Block 127, East El Paso Addition and the "TRUE POINT OF BEGINNING".

Thence along the west right of way line of Stevens Street, South 00°26'00" West a distance of 99.33 feet to a point at the north right of way line of 20 foot alley;

Thence along said north right of way line, South 64°22'00" West a distance of 17.01 feet to a point at the southerly common corner of Lots 9 and 10, Block 127;

Thence along the common line of Lots 9 and 10, Block 127, North 25°38'00" West a distance of 118.90 feet to a point at the south right of way line of Douglas Street and the northerly common corner of Lots 9 and 10, Block 127;

Thence along said south right of way line, South 89°34'00" East a distance of 67.53 feet to "TRUE POINT OF BEGINNING" and containing in all 4,365 square feet or 0.1002 acres of land more or less.


Jesus D. Ibarra, RPLS No.6085
April 13, 2018

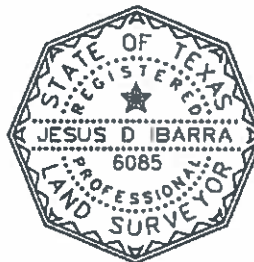
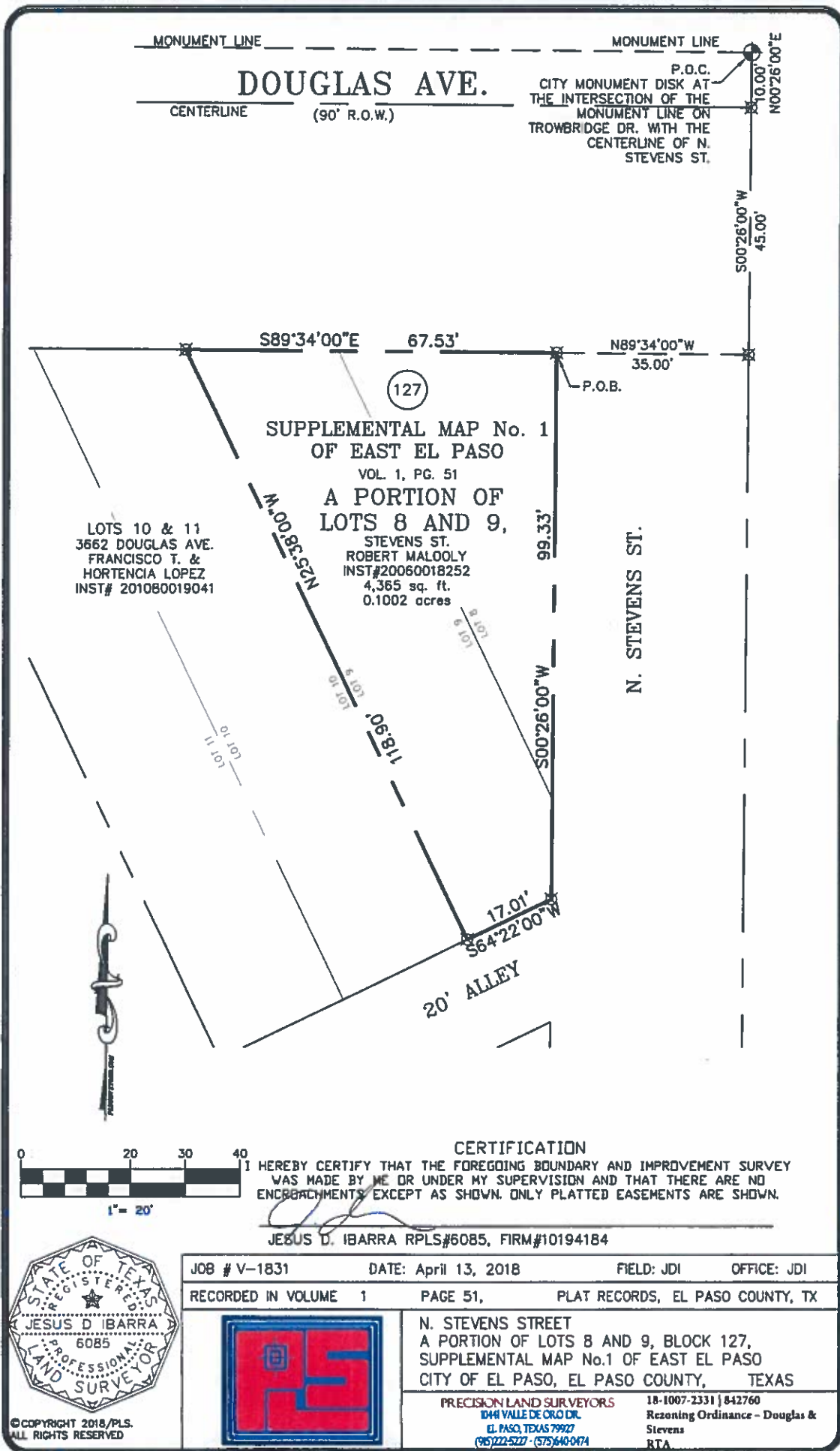


EXHIBIT 'B'



MEMORANDUM

DATE: November 29, 2018

TO: The Honorable Mayor and City Council
Tomàs Gonzalez, City Manager

FROM: Anne Guayante - Planning & Inspections

SUBJECT: PZRZ18-00012

The City Plan Commission recommended **approval** (5-1) of the proposed rezoning at its July 26, 2018 meeting, and recommended imposing two conditions.

The CPC found that the rezoning is in conformance with Plan El Paso. The CPC also determined that the rezoning protects the best interest, health, safety, and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and, that the proposed zoning district would have no negative effects on the natural environment, socio-economic conditions, and property values in the vicinity or the city as a whole.

As of November 29, 2018, Planning staff has not received any opposition to the rezoning request.

Property Owner: Robert Malooly
Applicant: Ray Mancera

Attachments: Staff Report

Southwest Corner of Stevens and Douglas

City of El Paso — Plan Commission — 07/26/2018

PZRZ18-00012 Rezoning



STAFF CONTACT: Anne Guayante, (915) 212-1814, guayanteam@elpasotexas.gov

OWNER: Robert Malooly

REPRESENTATIVE: Ray Mancera

LOCATION: Southwest Corner of Stevens and Douglas, District 2

LEGAL DESCRIPTION: A Portion of Lots 8 and 9, Block 127, Supplemental Map #1 of East El Paso, City of El Paso, El Paso County, Texas

EXISTING ZONING: A-2 (Apartment)

REQUEST: To rezone from A-2 (Apartment) to C-1 (Commercial)

RELATED APPLICATIONS: N/A

PUBLIC INPUT No comment received in support of or opposition to the rezoning request; Notices sent to property owners within 300 feet on July 11, 2018 (See Attachment #7)

STAFF RECOMMENDATION: Approval (see pages 2—5 for basis for recommendation)

SUMMARY OF REQUEST: The applicant requests to rezone the subject property from A-2 (Apartment) to C-1 (Commercial) to allow a proposed ice vending kiosk.

SUMMARY OF RECOMMENDATION: The Planning Division recommends **APPROVAL WITH CONDITIONS** of rezoning the property from A-2 (Apartment) to C-1 (Commercial). The proposed zoning district is consistent with other commercial and apartment districts and residential, commercial, and civic uses in the immediate area, and meets the established character of its surrounding neighborhood. Further, the proposed development meets the intent of the G-2, Traditional land use designation of Plan El Paso, the City's Comprehensive Plan. Staff is recommending a condition that a 10' landscaped buffer be established and maintained between the subject property and the adjacent A-2 (Apartment) properties to the west, and that high profile native evergreen trees of at least two inch caliper and ten feet in height shall be placed every 15 feet on center; and a condition that access be prohibited from Douglas Street.



DESCRIPTION OF REQUEST

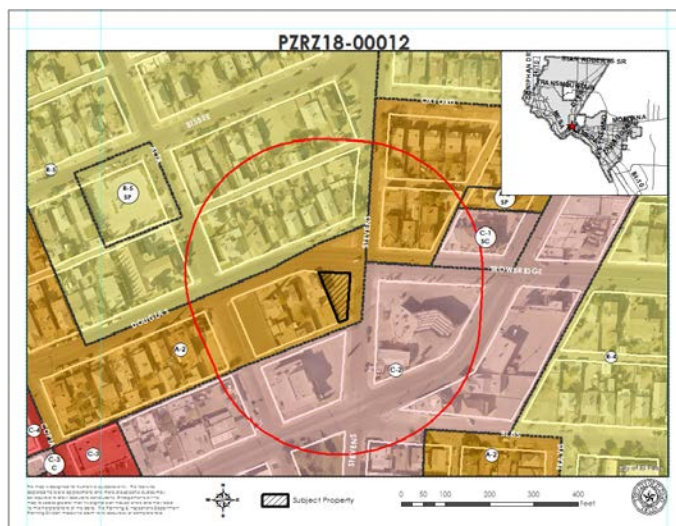
The property owner is requesting a rezoning from A-2 (Apartment) to C-1 (Commercial) to accommodate a ice vending kiosk. The subject property is currently vacant. The general concept plan shows an ice vending kiosk, ten parking spaces, and a driving aisle. Access to the subject property would occur via a curb cut on Douglas and a curb cut on Stevens.

The general concept for the proposed development appears capable of meeting all applicable code provisions. Prior to development, it will need to demonstrate compliance with all applicable City codes. Due to the size of the subject property and the low-intensity of the proposed zoning district, no TIA is required.

REZONING POLICY

POLICY	DOES IT COMPLY?
Compatibility Proposed zone change matches existing land use map or matches existing land use designation within 300 ft. of the subject property.	Yes, eight properties within 300' of the subject property are zoned C-2 (Commercial), to include one adjacent parcel. One property is zoned C-1/sc (Commercial/special contract). Twelve properties are zoned A-2 (Apartment), to include the remainder of the blockface of the subject property. 18 properties are zoned R-5 (Residential), all located across Douglas Street from the subject property.
Plan El Paso Policy 2.1.12 Preferred locations for higher density development and redevelopment are sites in Compact Urban areas, which include the following land as identified on the Future Land Use Map: a. Existing walkable neighborhoods, identified as land in the G-1 "Downtown" and G-2 "Traditional Neighborhood" sectors.	The subject property is within a preferred location for higher density for higher density development and redevelopment, as it is a vacant corner parcel within the G-2, Traditional Future Land Use Designation.

NEIGHBORHOOD CHARACTER AND COMPATIBILITY: The subject property is located at Douglas and Stevens, which is the intersection at which Stevens turns into Trowbridge. It is part of the East El Paso Addition, which was platted in 1904, and has been vacant for at least twenty years. Adjacent land uses include single family homes, a service station, and civic uses. It is across the alley from the WIC Clinic located at 3707 Pershing, and directly across the street from a gas station and muffler shop on the 3800 block of Pershing. The nearest park is Memorial-Alta Vista baseball field, and the nearest school is Alta Vista Elementary School.



Douglas Ave.

NORTH

LOTS 10 & 11
3662 DOUGLAS AVE.
FRANCISCO T. &
HORTENCIA LOPEZ
INST# 201080019041

LOT 11
LOT 10

LOT 9
LOT 10

EXISTING DRIVEWAY

EXISTING SIDEWALK

Water & Ice Machine Dispenser

N. Steven St.

20' ALLEY

RELATION OF PROPOSED CHANGE TO THE CITY'S COMPREHENSIVE PLAN

CONSISTENCY WITH PLAN EL PASO	DOES IT COMPLY?
<u>G-2 (Traditional Neighborhood)</u> This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly face streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.	Yes. The proposed use is a small-scale commercial development located on a corner lot within an existed neighborhood consisting of existing single family, commercial, and civic uses. This is consistent with the pattern of development characteristic of the G-2, Traditional Neighborhood Future Land Use designation.
ZONING DISTRICT	DOES IT COMPLY?
<u>C-1 (Commercial)</u> The purpose of the district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.	Yes. The proposed use is similar to and compatible with uses allowed within the C-1 (Commercial) District
POLICY	DOES IT COMPLY?
<u>Policy 1.11.3.a.</u> The proposed zoning district's effect on development or redevelopment of the property, particularly whether the rezoning will further or at least not conflict with specific policies listed under other goals of Plan El Paso.	Yes. The subject property is located in a transitional area between commercial and residential uses within the Traditional Neighborhood Future Land Use Designation. Approving the proposed rezoning will not adversely impact the surrounding neighborhood or be in conflict with the policies of Plan El Paso.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The subject property exceeds the minimum lot size requirement for single family residential uses and other permitted uses in the A-2 zoning district. Due to its shape and location, its buildable area would be constrained for the residential uses permitted in the A-2 (Apartment) District.

SUITABILITY OF SITE FOR USES UNDER PROPOSED ZONING: The subject property exceeds all minimum standards for the C-1 (Commercial) District, and the proposed use is similar to and compatible with uses permitted within that district. Within the C-1 District, there is no required front yard, and rear and side street yards of only 10' each. Because of the adjacent residential uses, the interior side setback would also be 10 feet. Staff is recommending a landscaped buffer within this setback to soften the transition between the residential uses and proposed commercial use.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent of the Zoning Ordinance is to protect the public health, safety, and general welfare; to regulate the use of land and buildings within zoning districts to ensure compatibility, and to protect property values. The intent of the C-1 (Commercial) District is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The proposed rezoning would allow for a use that provided a useful service within walking distance of over 500 residences and around 70 commercially zoned lots. The subject property provides sufficient area for all applicable requirements to be met, and the proposed zoning district is compatible with the surrounding established neighborhood.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: The request and general concept plan were sent to multiple departments and agencies for their assessment of the adequacy of the existing infrastructure to serve the proposed development on the subject property. No adverse comments were received.

EFFECT UPON THE NATURAL ENVIRONMENT: The subject property is not within an arroyo or other

COMMENT FROM THE PUBLIC: The subject property falls within the boundary of the El Paso Central Business Association and Five Points Development Association. They were contacted as required by 20.04.520. Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on July 12, 2018. The Planning Division has received no communication in support of or opposition to the rezoning request.

STAFF COMMENTS: No objections to proposed rezoning. No reviewing departments had any negative comments. Applicant is responsible for obtaining all applicable permits and approvals prior to any construction or change in occupancy.

OTHER APPLICABLE FACTORS: Approval of the site plans by CPC constitutes a determination that the applicant is in compliance with the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that stormwater is in compliance with ordinances, codes, DSC, and DDM. Failure to comply may require the applicant to seek re-approval of the site plans from CPC.

ATTACHMENTS:

1. General Concept Plan
2. Zoning Map
3. Future Land Use Map
4. Department Comments
5. Neighborhood Notification Boundary Map
6. Letters from the Public

ATTACHMENT 1: GENERAL CONCEPT PLAN

GENERALIZED PLOT PLAN

LEGAL DESCRIPTION:
A PORTION OF LOTS 8 AND 9, BLOCK 127,
SUPPLEMENTAL MAP NO. 1
OF EAST EL PASO,
EL PASO COUNTY, TEXAS

LAND AREA
4,365 sq. ft.



2. VICINITY MAP
SCALE: NOT TO SCALE

PARKING CALCULATION	
PARKING REQUIRED	= 1
PARKING PROVIDED	= 10

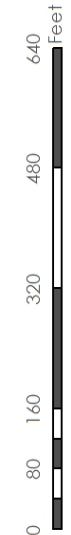
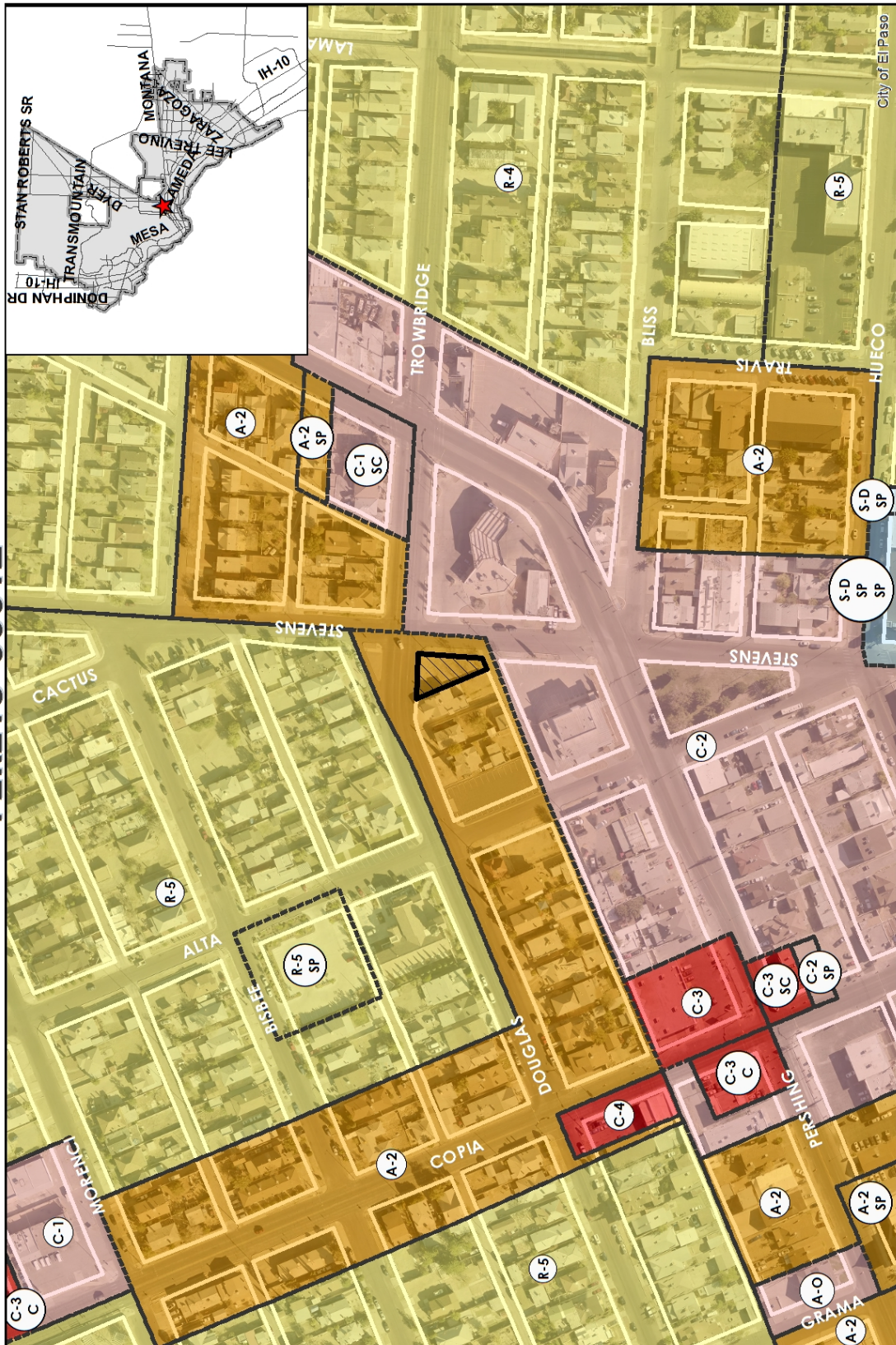
CERTIFICATION
I, the undersigned, being a duly Licensed Professional Engineer in the State of Texas, do hereby certify that the above is a true and correct copy of the original as filed in my office.

Date: 7/26/2018
Professional Engineer, No. 100,000,000



ATTACHMENT 2: ZONING MAP

PZRZ18-00012



Subject Property



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Engagements of this map to scales greater than 1:10,000 may induce errors and may lead to inaccuracies. The City of El Paso Planning Division makes no claim to its accuracy or completeness.

ATTACHMENT 3: FUTURE LAND USE MAP

PZRZ18-00012



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ATTACHMENT 4: DEPARTMENT COMMENTS

Planning and Inspections Department - Planning Division

1. General concept plan shows all required information.
2. Note that the required street side yard setback is 10'.
3. Maximum parking for the proposed use is 1 space. Additional landscaping will be required as ten spaces are shown.
4. Due to the proximity of the existing residential uses, approval is going to be conditioned upon the inclusion of a 10' landscaped buffer.

Texas Department of Transportation

No comments received

Planning and Inspections Department – Plan Review & Landscaping Division

1. No objections to proposed rezoning
2. The generalized site plan is not being review for conformance due to conceptual nature.
3. Note to applicant:
 - a. As shown the proposed parking lot does not meet landscape requirements, and setbacks
 - b. At the time of submittal for building permits the project will need to comply with all applicable requirements of the IBC, TAS and local municipal code

Planning and Inspections Department – Land Development

1. Stormwater ponding is required due to the proposed redevelopment and increase in impermeable surfaces (harvest rainfall).
2. Provide directional handicap ramp crossing Stevens Street on site plan.

Fire Department

Recommend approval

Police Department

No comments received

Sun Metro

See attached

El Paso Water Utilities

1. EPWater does not object to this request.

EPWU-PSB Comments

2. There is an existing 12-inch diameter water main that extends along Stevens St. This main is approximately 15-feet west of and parallel to the right of way eastern boundary line. This water main is available for service.
3. There is an existing 6-inch diameter water main that extends along the alley between Douglas Ave. and Pershing Dr. located approximately 5 feet south of the property. This water main is available for service.
4. Previous water pressure from fire hydrant #135 located approximately on Alta Dr. 150 feet south of Douglas Ave., has yielded a static pressure of 116 psi, a residual pressure of 110 psi, and a discharge of 1,823 gallons per minute. 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 Lot 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 that extends along Steven St. This main is available for service.
6. There is an existing 8-inch diameter sanitary sewer main that extends along the alley between Douglas Ave and Pershing Dr. This main is available for service.

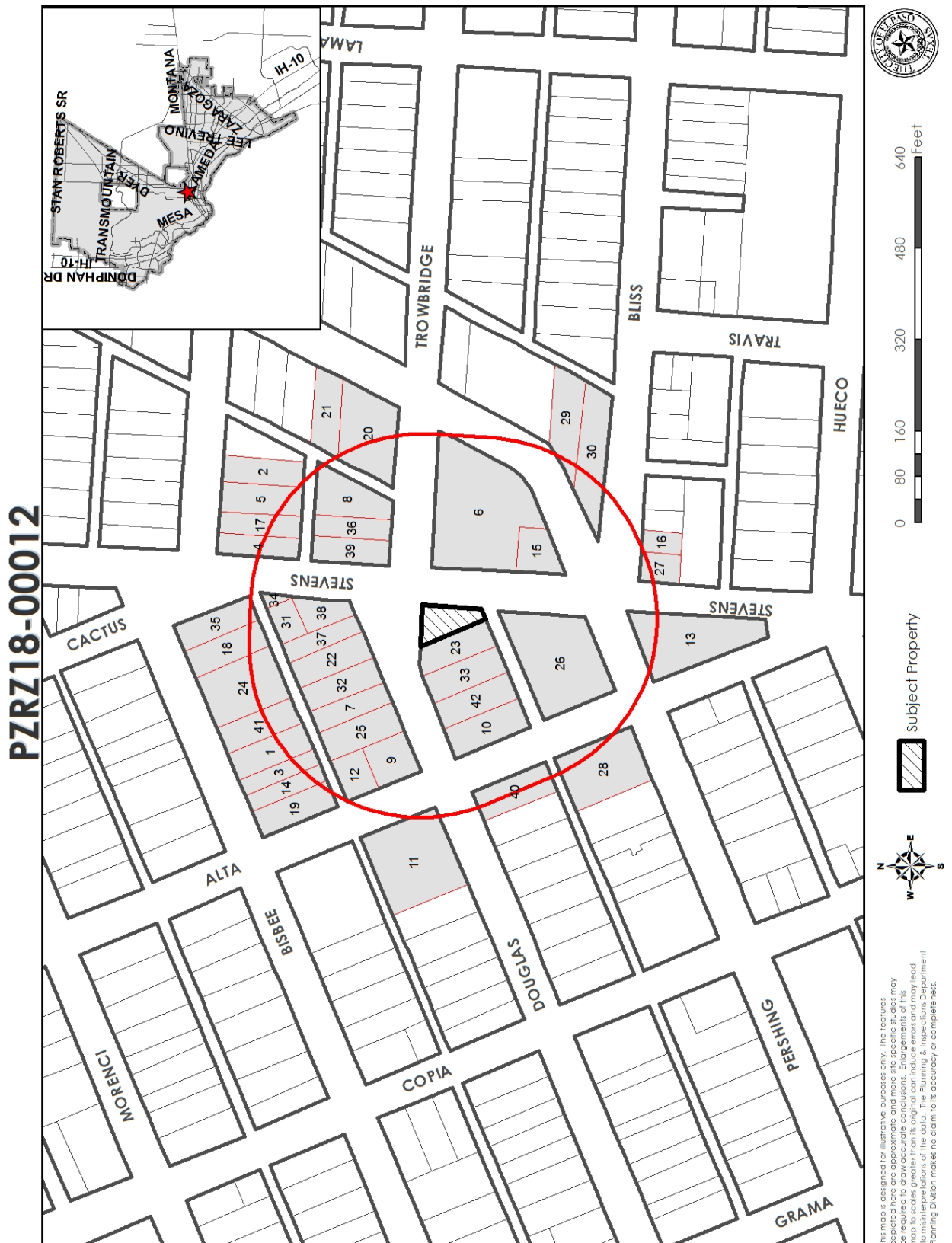
General

7. EPWater requires a new service application to provide additional services to the property. 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 EPWater 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.

Stormwater:

1. None received

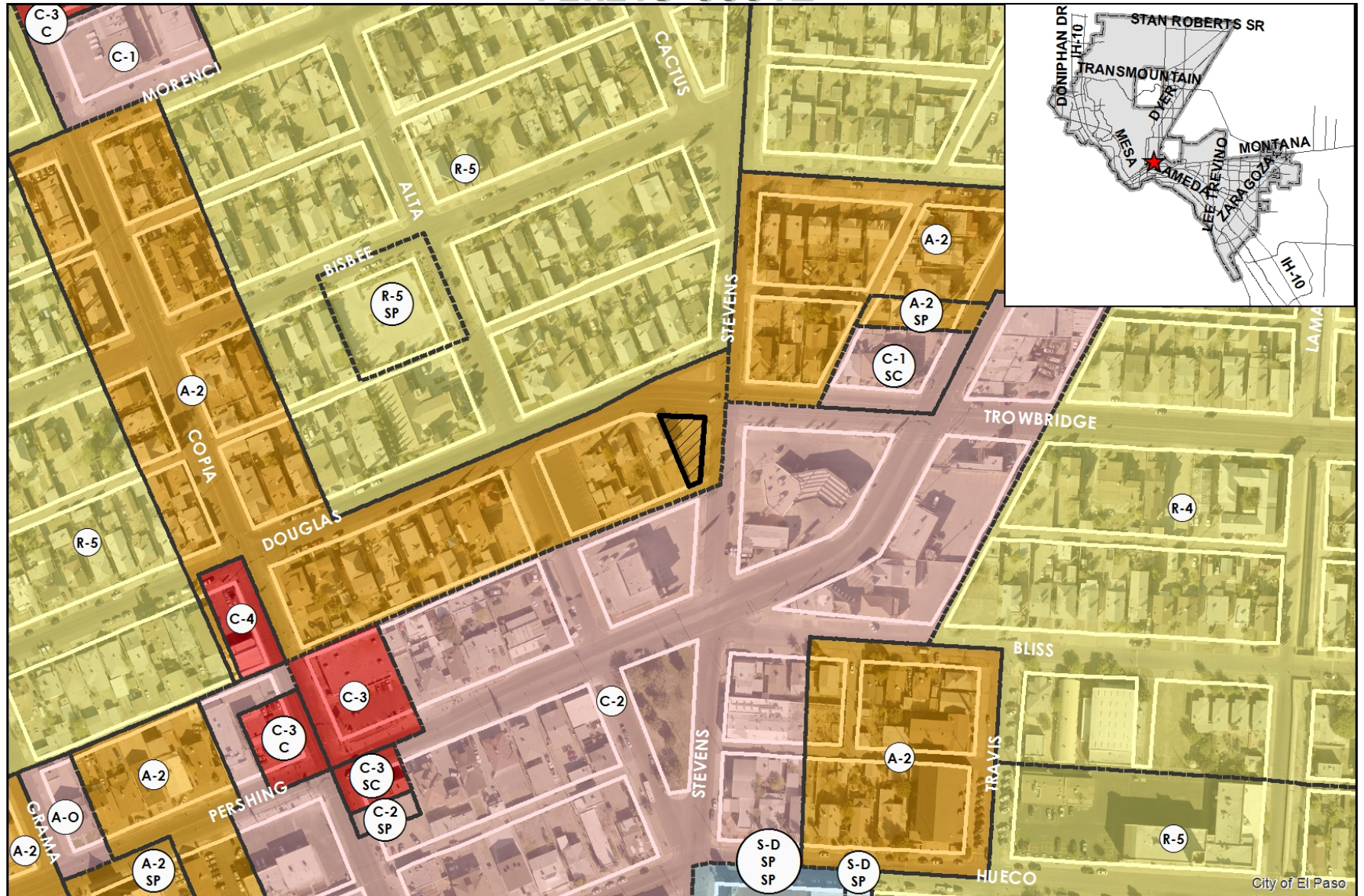
ATTACHMENT 5: NOTIFICATION BOUNDARY MAP



ATTACHMENT 6: PUBLIC COMMENT


No written comment from the public received.

PZRZ18-00012



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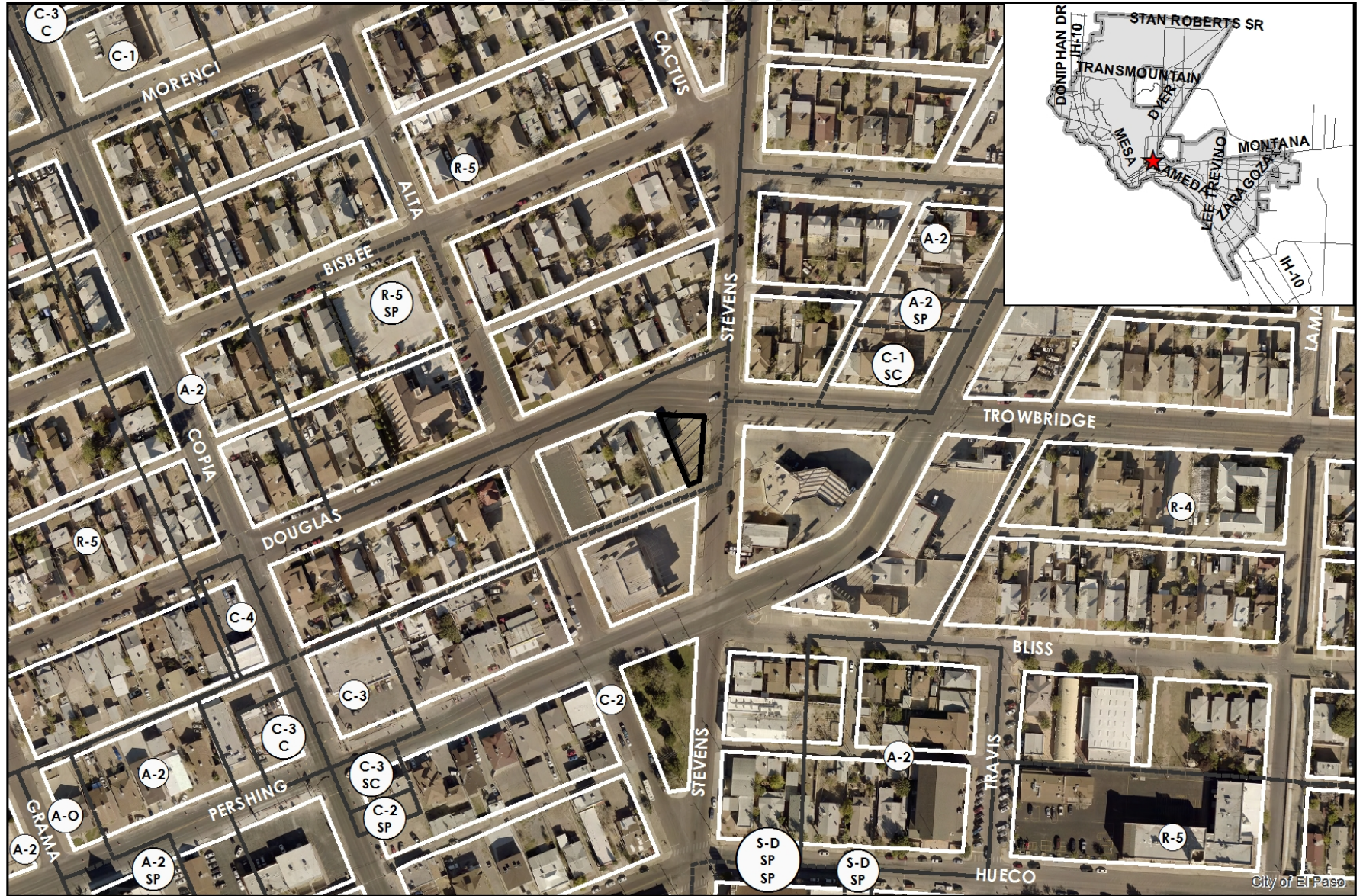


 Subject Property

0 80 160 320 480 640 Feet



PZRZ18-00012

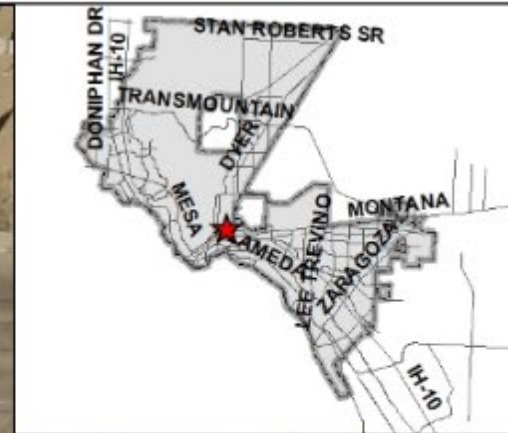


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Subject Property





**Water & Ice
Machine
Dispenser**



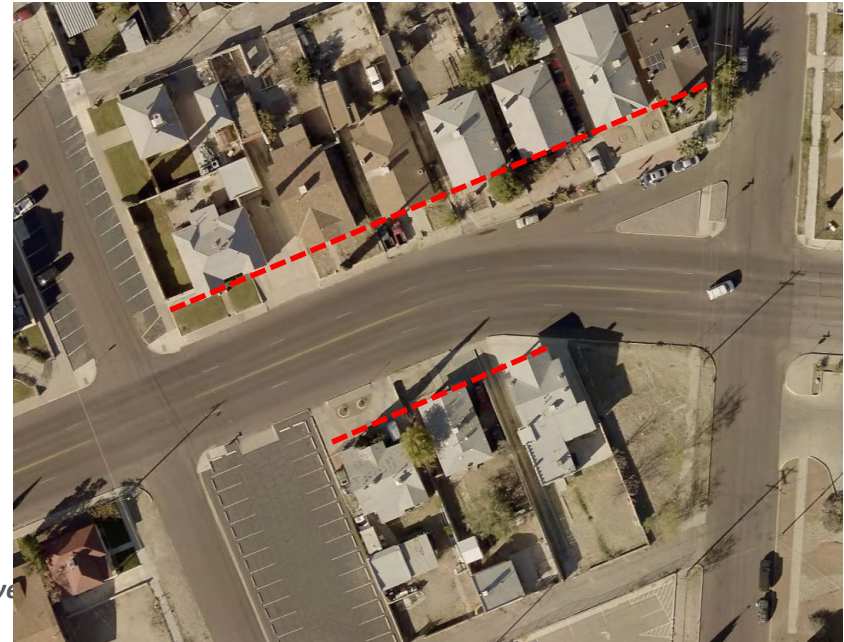
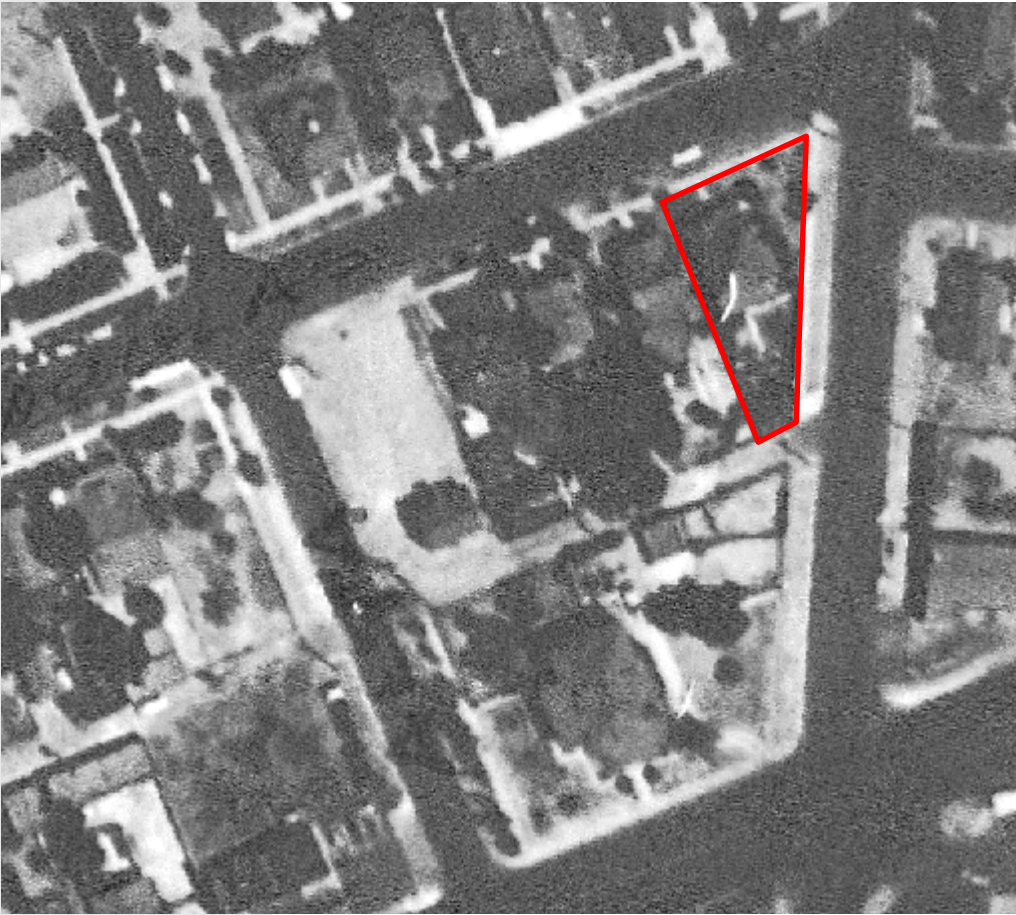
Proposed Conditions



"Delivering Outstanding Services"



Proposed Conditions



"Deliver

Proposed Conditions

G-2 – Traditional Neighborhood:

“This sector includes the remainder of Central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; **buildings directly faced streets**; schools parks, and small shops are integrated with residential areas.”

Future Land Use Map	Compact Urban
	G-1 – Downtown G-2 – Traditional Neighborhood O-7 – Urban Expansion Local Transfer Centers (overlay) RTS Stops (overlay) Future Compact Neighborhood (overlay)
ITE Context Zones	C-6 – Urban Core
	C-5 – Urban Center
	C-4 – General Urban
	C-3 – Suburban

Policy 4.1.2: Compact Urban areas include the following land as identified on the Future Land Use Map:

a. Existing walkable neighborhoods, identified as land in the G-1 “Downtown” and G-2 “Traditional Neighborhood” sectors.

General Urban Context Zone (C-4):

- Mix of housing types; some commercial & civic activities.
- Mostly detached buildings.
- Buildings placed fairly close to front property line.
- Moderate transit service; pedestrians are comfortable.

	General Urban (C-4)					
	Residential			Commercial		
	Boulevard	Avenue	Street	Boulevard	Avenue	Street
Building Entrance	front	front	front	front	front	front
Off-Street Parking Location	rear	rear, side	rear, side	rear, side	rear, side	rear, side
Minimum Sidewalk Width	8 ft.	6 ft.	6 ft.	8 ft.	6 ft.	6 ft.
Street Trees	8 ft. planting strip	8 ft. planting strip	6 ft. planting strip	7 ft. tree well	6 ft. tree well	6 ft. tree well
Target Speed (mph)	25 – 35	25 – 30	25	25 – 35	25 – 30	25
Number of Through Lanes	4 – 6 lanes	2 – 4 lanes	2 lanes	4 – 6 lanes	2 – 4 lanes	2 – 4 lanes
Lane Width	10–11 ft.	10–11 ft.	10–11 ft.	10–12 ft.	10–11 ft.	10–11 ft.
On-Street Parking Width	7 ft.	7 ft.	7 ft.	8'	7–8 ft.	7–8 ft.
Medians	4 – 18 ft.	Optional 4 – 16 ft.	None	4 – 18 ft.	Optional 4 – 18 ft.	None
Access Management	Moderate	Low	Low	High	Low – Moderate	Low – Moderate
Typical Traffic Volume (ADT)	10,000 – 35,000	1,500 – 20,000	500 – 5,000	15,000 – 50,000	1,500 – 30,000	1,000 – 15,000



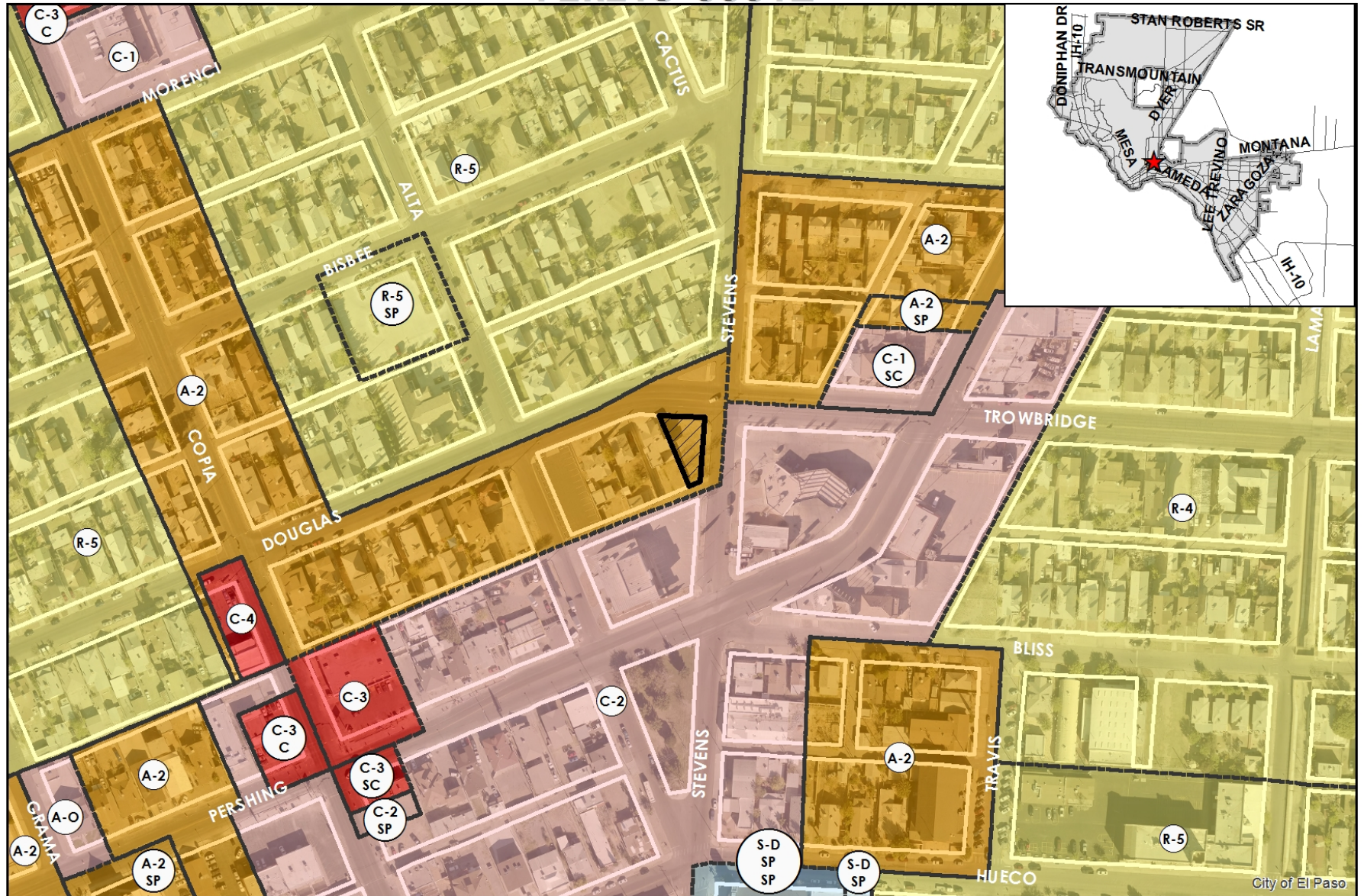







ding Services"

PZRZ18-00012



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 Subject Property

0 80 160 320 480 640 Feet

