

CITY OF EL PASO, TEXAS

AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Planning and Inspections, Planning Division

AGENDA DATE: Introduction: February 5, 2019
Public Hearing: March 5, 2019

CONTACT PERSON/PHONE: Philip Etiwe, (915) 212-1550, EtiwePF@elpasotexas.gov
Anne Guayante, (915) 212-1814, GuayanteAM@elpasotexas.gov

DISTRICT(S) AFFECTED: 6

SUBJECT:

An Ordinance changing the zoning of Tract 14-A, Block 45, Ysleta Grant, City of El Paso, El Paso County, Texas; and Tract 15-B-3 and 15-B-1-B, City of El Paso, El Paso County, Texas; from R-4/H (Residential/Historic) to C-1/H (Commercial/Historic) and imposing a condition. Subject Property: 180 N. Zaragoza Rd. and 193 N. Old Pueblo Rd. Property Owner: Gilbert Malooly and Malooly Properties, LLC. PZRZ18-00029 (District 6)

BACKGROUND / DISCUSSION:

On December 20, 2018, the CPC reviewed and recommended approval of the proposed rezoning, with one condition.

PRIOR COUNCIL ACTION:

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

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

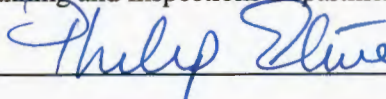
City Plan Commission (CPC) – Approval Recommendation (7-0)

*****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 TRACT 14-A, BLOCK 45, YSLETA GRANT, 180 N. ZARAGOZA RD., CITY OF EL PASO, EL PASO COUNTY, TEXAS AND TRACTS 15-B-3 AND 15-B-1-B, 193 N. PUEBLO RD., CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4/H (RESIDENTIAL/HISTORIC) TO C-1/H (COMMERCIAL/HISTORIC), AND IMPOSING A CONDITION. 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 **Tract 14-A, Block 45, Ysleta Grant, 180 N. Zaragoza Rd., and Tracts 15-B-3 and 15-1-B, 193 N. Old Pueblo Rd.**, located in the City of El Paso, El Paso County, Texas, and more fully described in the attached metes and bound found herein as Exhibit "A", be changed from **R-4/H (Residential/Historic)** to **C-1/H (Commerical/Historic)**, as defined in Section 20.06.020, 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 activity generated by the change of zoning in order to protect the health, safety and welfare of the residents of the City:

1. That a ten (10) foot wide landscaped buffer be established and maintained between the subject property and adjacent residentially zoned property to the south, and that high profile, native trees of at least two (2) inch caliper and ten (10) feet of height be placed every fifteen (15) feet on center.

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

(Signatures on the following page)

APPROVED AS TO FORM:



Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____
19-1007-2357 | 854067
180 N. Zaragoza Rd. & 193 N. Old Pueblo Rd.

PZRZ18-00029

EXHIBIT "A"

BEING TRACTS 14-A, 15-B-3 & 15-B-1-B,
BLOCK 45, YSLETA GRANT,
CITY OF EL PASO, EL PASO Co., TEXAS
FEBRUARY 23, 2018

METES AND BOUNDS

Description of a parcel of land being Tracts 14-A, 15-B-3 & 15-B-1-B, Block 45, Ysleta Grant, City of El Paso, El Paso County Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the most Westerly corner of said Tract 14-A, said point also being the **POINT OF BEGINNING** of the herein described parcel of land;

THENCE, along said Easterly Right-of-Way line of N. Zaragoza Road, North $18^{\circ}57'14''$ East a distance of 67.89 feet to a point;

THENCE, 34.22 feet along the arc of a curve to the right, whose radius is 24.00 feet, whose interior angle is $81^{\circ}42'00''$, whose chord bears North $59^{\circ}48'14''$ East a distance of 31.40 feet to a point that lies on the Southerly Right-of-Way line of N. Old Pueblo Road (25 feet R.O.W);


THENCE, along said Southerly Right-of-Way line of N. Old Pueblo Road, South $79^{\circ}20'00''$ East a distance of 92.47 feet to a point;

THENCE, 60.20 feet along the arc of a curve to the right, whose radius is 45.00 feet, whose interior angle is $76^{\circ}38'57''$, whose chord bears South $34^{\circ}08'29''$ East, a distance of 55.81 feet to a point that lies on the Westerly Right-of-Way line of N. Old Pueblo Road (25 feet R.O.W);

THENCE, along said Westerly Right-of-Way line of N. Old Pueblo Road, South $04^{\circ}10'00''$ West a distance of 75.97 feet to a point ;

THENCE, leaving said Westerly Right-of-Way line of N. Old Pueblo Road, South $87^{\circ}31'35''$ West a distance of 62.68 feet to a point;

THENCE, North $59^{\circ}52'00''$ West, a distance of 125.53 feet to the **POINT OF BEGINNING** of the herein described parcel of land and containing 18,594 square feet or 0.427 acres of land more or less.


ENRIQUE A. REY
R.P.L.S.
TX. 3505
REY ENGINEERING INC.
9434 VISCOUNT STE. 148
EL PASO TEXAS, 79925
(915) 633-8070



MEMORANDUM

DATE: January 28, 2019

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

FROM: Anne Guayante - Planning & Inspections

SUBJECT: PZRZ18-00029

The City Plan Commission unanimously recommended **approval** (7-0) of the proposed rezoning at its December 20, 2018 meeting.

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 rezoning 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 January 28, 2019, Planning staff has not received any opposition to the rezoning.

Property Owner: Gilbert Malooly and Malooly Properties, LLC
Applicant: Ray Mancera

Attachments: Staff Report

180 N. Zaragoza Rd. and 193 N. Old Pueblo Rd

City of El Paso — Plan Commission — 12/20/2018

PZRZ18-00029 Rezoning



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

OWNER: Gilbert Malooly, Jr. and Malooly Properties, LLC

REPRESENTATIVE: Ray Mancera

LOCATION: 180 N. Zaragoza Rd. and 193 N. Old Pueblo Rd, District 6

LEGAL DESCRIPTION: Parcel 1: Tract 14-A, Block 45, Ysleta Grant, 180 N. Zaragoza, City of El Paso, El Paso County, Texas; Parcel 2: Tracts 15-B-3 and 15-B-1-B, 193 N. Pueblo, City of El Paso, El Paso County, Texas

EXISTING ZONING: R-4/H (Residential/Historic)

REQUEST: To rezone from R-4/H to C-1/H

RELATED APPLICATIONS: N/A

PUBLIC INPUT No comments received; Notices sent to property owners within 300 feet on December 6, 2018

STAFF RECOMMENDATION: Approval with one condition (see pages 2—4 for basis for recommendation)

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from R-4/H (Residential/Historic) to C-1/H (Commercial/Historic) for a retail use.

SUMMARY OF RECOMMENDATION: The Planning Division recommends **APPROVAL WITH A CONDITION** of rezoning the property from R-4/H (Residential/Historic) to C-1/H (Commercial/Historic). The proposed zoning district is consistent with other low-density commercial districts and retail and residential uses in the immediate area, and meets the established character of its surrounding neighborhood. Further, the proposed development meets the intent of the G-3 (Post-War) 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 R-4/H (Residential/Historic) property to the south, and that high profile native evergreen trees of at least two inch caliper and ten feet in height be placed every fifteen feet on center. The request was presented to the Development Coordinating Committee on July 17, 2018, and that body did not object to the rezoning request.



DESCRIPTION OF REQUEST

The property owner is requesting a rezoning from R-4/H (Residential/Historic) to C-1/H (Commercial/Historic) to accommodate a retail use. The current use of the property is vacant. The conceptual site plan shows a small retail building similar to existing commercial buildings across Zaragoza.

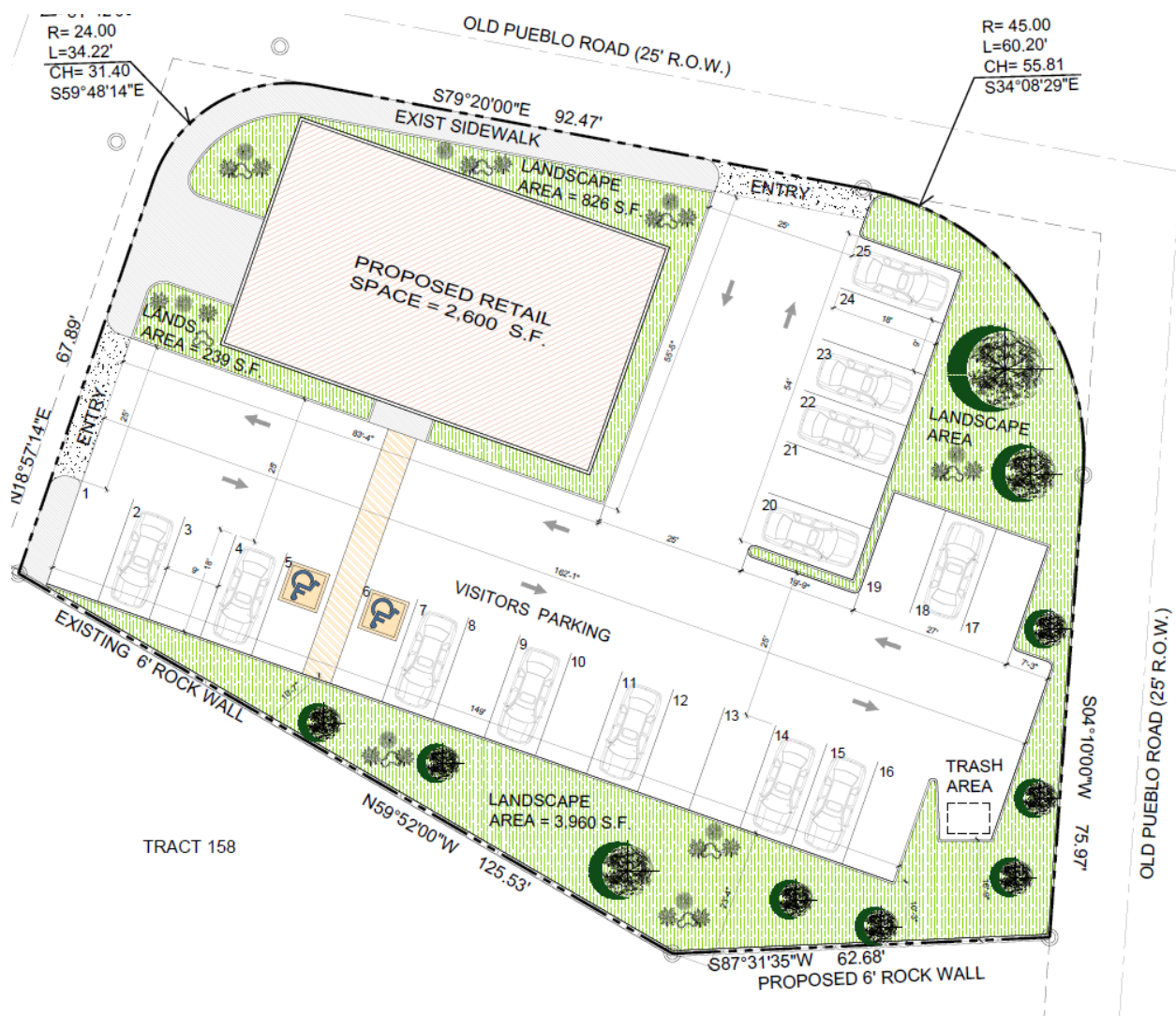
The Conceptual Site Plan demonstrates how that could be accomplished on the subject property, but is not binding. All applicable codes, to include landscaping, zoning, and engineering standards, must be met at the time of development. Because the subject property lies within the Historic Overlay District, Historic Landmark Commission approval will be required prior to development. A Traffic Impact Analysis was not required due to the size of the subject property.

REZONING POLICY

POLICY	DOES IT COMPLY?
<u>Compatibility</u> Proposed zone change matches existing land use map or matches existing land use designation within 300 ft. of the subject property.	Yes, properties adjacent to the subject property are zoned C-1 (Commercial), A-O/H (Apartment-Office/Historic), S-D/H (Special Development/Historic).
<u>Plan El Paso</u> Contributes to 50% of residences being within ¼ mile of 4 different uses	Yes, within ¼ mile of the subject property are an elementary school campus, the Ysleta Transfer Station, and a psychic, as well as a significant number of single-family residential homes.

NEIGHBORHOOD CHARACTER AND COMPATIBILITY: The subject property is located within the Ysleta Grant, which is unplatted, but was annexed into the City of El Paso in 1955. The area was partially developed at that time, with about half of the lots vacant. The subject property contained one single family home on 180 N. Zaragoza, but it was demolished between 1956 and 1991. 193 N. Old Pueblo appears to have always been vacant. The adjacent land uses within a quarter mile of the subject property consist of a mix of low-intensity commercial uses along Zaragoza, to include small retail and office uses, a psychic, an elementary school campus, and single-family residential. The addition of a retail establishment would be in character with the established neighborhood.

COMPLIANCE WITH PLAN ELPASO: The proposed rezoning would add a small-scale commercial use to an area that is transitioning from residential to commercial and is walkable and bikeable from multiple adjacent residential neighborhoods.



RELATION OF PROPOSED CHANGE TO THE CITY'S COMPREHENSIVE PLAN

CONSISTENCY WITH PLAN EL PASO	DOES IT COMPLY?
<u>G-3 Post-War</u> This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. 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	Yes. The applicant proposes to rezone two vacant residential lots adjacent to a minor arterial. This would supplement the limited but increasing stock of small commercial uses adjacent to existing single family residential uses and within walking distance of a transit hub.
ZONING DISTRICT	DOES IT COMPLY?
<u>C-1/H (Commercial/Historic)</u> The purpose of these districts 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. Retail uses are permitted in the C-1 (Commercial) District.
POLICY	DOES IT COMPLY?
<u>Policy 1.3.1: Neighborhood Retrofits</u> Most neighborhoods, even new ones, would benefit from a greater variety of activities within walking and bicycling distance. For instance, a greater number of smaller parks are preferable to a few larger ones that are accessible only to those with a private vehicle. Likewise, smaller schools often become the centerpiece of their neighborhoods rather than distant facilities to which most students must be driven or bused each day. This policy is most applicable within the G-3 "Post-War" and G-4 "Suburban" growth sectors on the Future Land Use Map.	Yes. The proposed rezoning would add a small-scale commercial use to an area that is transitioning from residential to commercial and is walkable and bikeable from multiple adjacent residential neighborhoods.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The subject property is large enough to accommodate at least two single family homes. However, properties along Zaragoza, which is classified as a minor arterial in front of the subject property have been transitioning away from residential uses for several years, and there are approximately seventy percent more commercially zoned properties along Zaragoza than remaining residential ones within a quarter mile radius of the subject property.

SUITABILITY OF SITE FOR USES UNDER PROPOSED ZONING: The lot meet the dimensional requirements for the proposed C-1 (Commercial) district and could feasibly support permitted uses under that district. The proposed retail use is permitted within the proposed district, and the subject property could feasibly support a small retail building and its required parking.

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 retail establishment on a minor arterial that is within close proximity of over one hundred homes. The subject property provides sufficient space for uses allowed within the C-1 (Commercial) District. All applicable codes, to include landscaping, zoning, and engineering standards, must be met at the time of development.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: No reviewing departments expressed negative comments. A new service application will be required for water service, but existing infrastructure serving the area of the subject property is considered adequate. The subject property will need to be platted before development, as it is currently in tract form.

EFFECT UPON THE NATURAL ENVIRONMENT: The subject property is not within an arroyo or other environmentally sensitive property, and no negative environmental impacts are anticipated from this rezoning if approved.

COMMENT FROM THE PUBLIC: The subject property falls within the boundary of the Mission Valley Civic 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 December 6, 2018. The Planning Division has not received any comments in support of or opposition to the rezoning request.

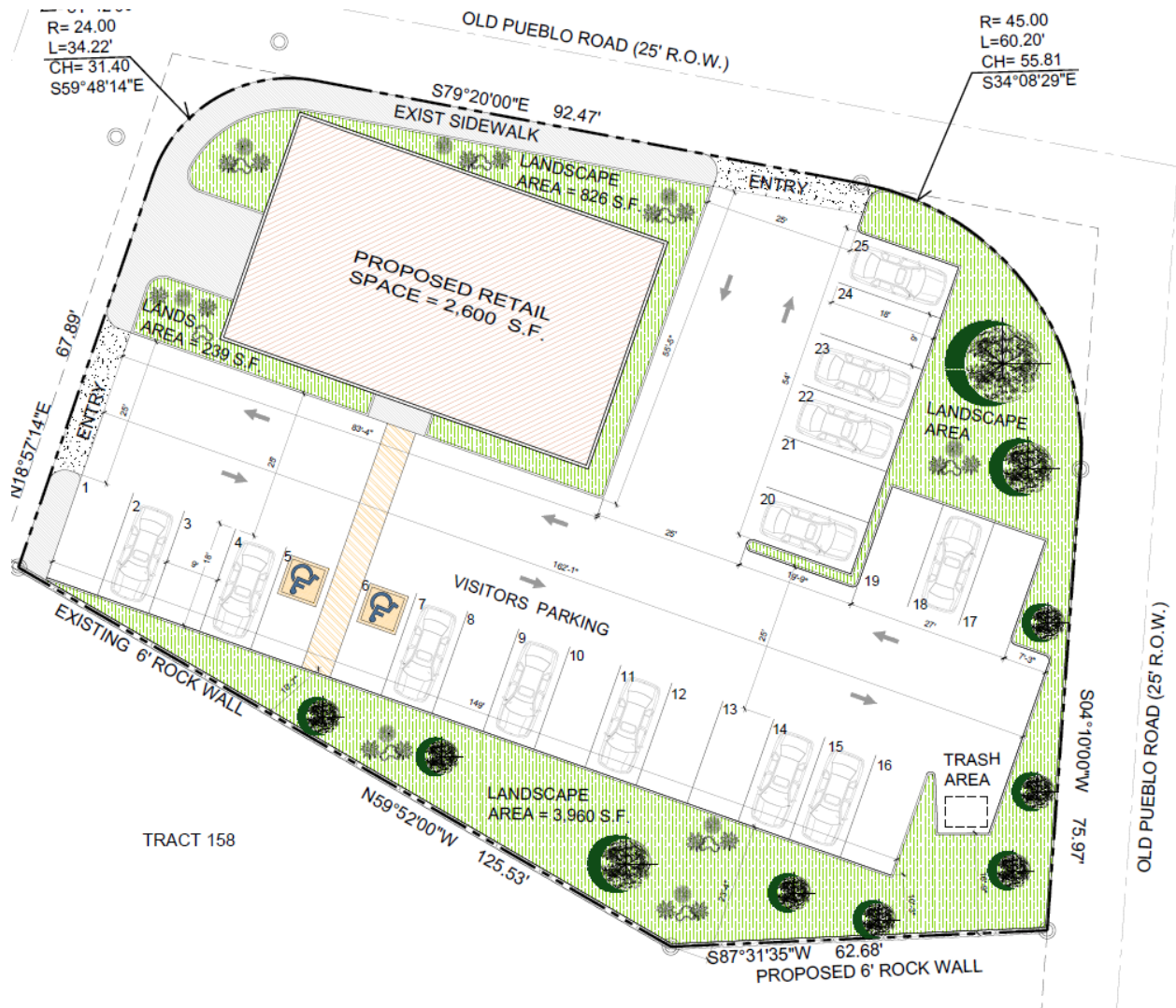
STAFF COMMENTS: No objections to proposed rezoning. All review comments have been satisfied. Prior to development, the subject property will need to be platted and water service will need to be obtained. At the time of development, compliance is required with all applicable codes, and the applicant is 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:

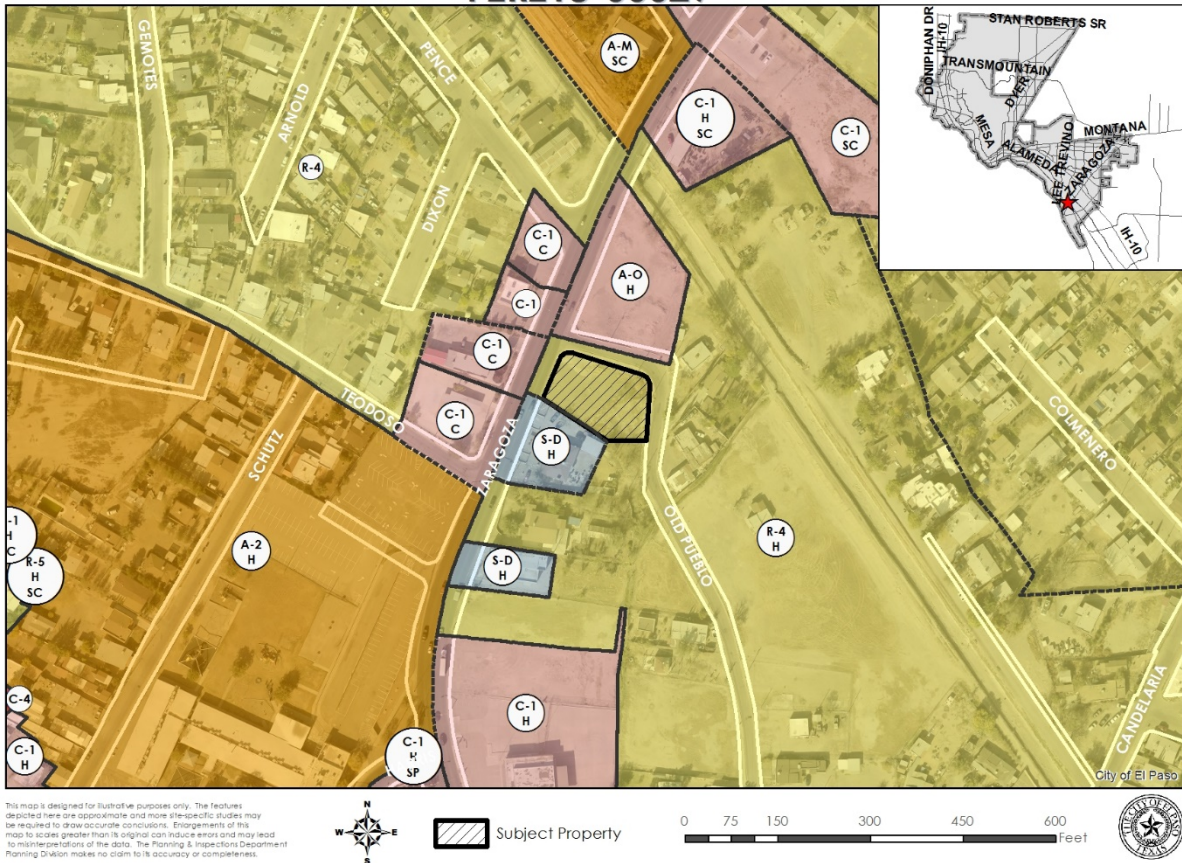
1. Site Plan
2. Zoning Map
3. Comprehensive Plan Map
4. Department Comments
5. Neighborhood Notification Boundary Map

ATTACHMENT 1: CONCEPTUAL SITE PLAN



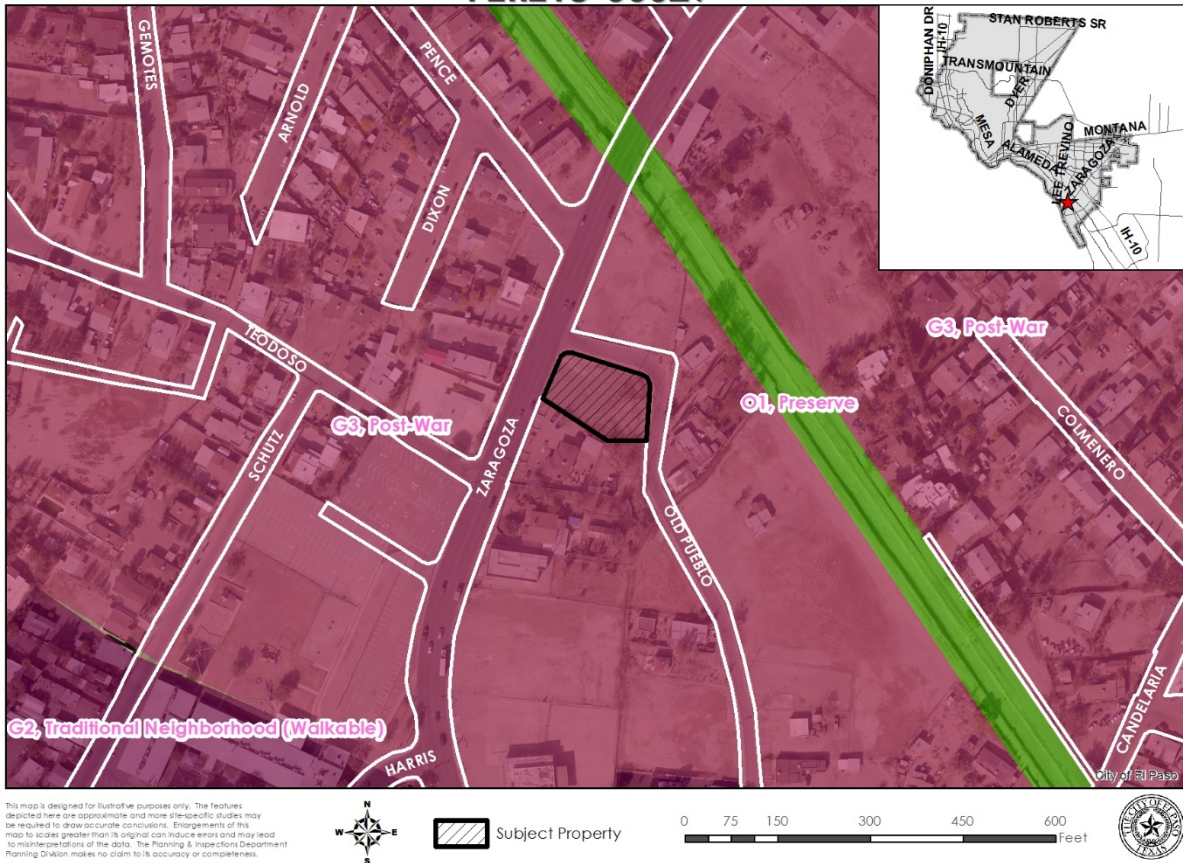
ATTACHMENT 2: ZONING MAP

PZRZ18-00029



ATTACHMENT 3: FUTURE LAND USE MAP

PZRZ18-00029



ATTACHMENT 4: DEPARTMENT COMMENTS

Planning and Inspections Department – Zoning Section

1. Need verification that Gilbert Malooly is Malooly Enterprises
2. Please submit a zoning verification application to request a use determination for food truck court. It is not currently in our Table of Permissible uses. ***(Note: proposed use was subsequently changed to retail, which resolves this and the following comments that reference food trucks)***
3. If the use is determined compatible with other uses within the C-1 Zoning District and if staff is able to recommend approval, we will include within our recommendation a 10' landscaped buffer abutting all residentially-zoned or used properties.
4. If the use is determined compatible with other uses within the C-1 Zoning District and if staff is able to recommend approval, the following requirements would be applied to the proposed food truck use to ensure public safety:
 - a. No trucks within the required setbacks of the C-1 (Commercial) District
 - b. Electrical outlets need to be permanently installed and available for food trucks to use
 - c. Hard surfacing is required under all trucks
 - d. A restroom must be provided on-site
 - e. Two parking spaces per food truck are required on-site
 - f. Fire lanes must be provided.
 - g. A dumpster must be provided.

Texas Department of Transportation

No comments provided.

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend approval.

Planning and Inspections Department – Land Development

1. Add note to site plans: "The difference between Historic and Developed Storm-water runoff discharge volumes shall be retained within this lot's limits (as per approved Hueco Commercial Unit 6) (DSC, 19.19.010A and DDM, 11.1.)"
2. Revise site plan to show proposed ponding area location(s).

Fire Department

Recommend approval.

Police Department

No comments provided.

Sun Metro

No objections. See attached comments map.

El Paso Water Utilities

We have reviewed the zoning change request described above and provide the following comments:

EPWater does not object to this request.

EPWU-PSB Comments

1. Along Zaragoza Road between Pence Road and Teodosa Street there is an existing sixteen (16) inch diameter water main. This main is not available for individual service connections; no direct service connections are allowed to this main as per the El Paso Water - Public Service Board Rules & Regulations.
2. Along Old Pueblo Road fronting the subject Parcels there is an existing six (6) inch diameter water main. This main is available for service.
3. Previous water pressure readings conducted on fire hydrant number 2650 located at Zaragoza Road and Pence Way have yielded a static pressure of 100 pounds per square inch (psi), residual pressure of 88 psi, discharge of 1,186 gallons per minute (gpm). 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

4. Along Zaragoza Road between Pence Road and Teodosa Street there is an existing ten (10) inch diameter sanitary sewer main. This main is available for service.
5. Along Old Pueblo Road fronting the subject Parcels there is an existing eight (8) inch diameter sanitary sewer main. This main is available for service.

General

Application for water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. 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 – PSB 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:

We have reviewed the property described above and provide the following comments:

As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code also encourages the use of nonstructural stormwater management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

Texas Gas Service

Texas Gas Service (“TGS”) offers no objection to the proposed case PZRZ18-00029. Please be advised that TGS does maintain an intermediate pressure 6” gas main within vicinity of said project; therefore, contractor/applicant is required to contact Texas811 prior to excavation. If you have any questions or concerns, feel free to contact me directly. My contact info is below.

Thank you,

Elsa D. Román

Tech Analyst

P: 915.680.7260

elsa.roman@onegas.com

ATTACHMENT 5: OWNER NOTIFICATION MAP

