

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: January 8, 2019
Public Hearing: February 5, 2019

CONTACT PERSON/PHONE: Philip F. Etiwe, (915) 212-1553, EtiwePF@elpasotexas.gov
Adriana Martinez, (915) 212-1611, MartinezAD@elpasotexas.gov

DISTRICT(S) AFFECTED: 2

SUBJECT:

An Ordinance changing the zoning of Lots 17-24 and the East ½ of Lot 25, Block 118, Supplemental Map No. 1 of East El Paso Addition, 3528 Pershing Dr., City of El Paso, El Paso County, Texas from A-2 (Apartment) to C-2 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **Subject Property:** 3528 Pershing Dr. Owner: 900 Magoffin Investment Company, LC. **PZRZ18-00048 (District 2)**

BACKGROUND / DISCUSSION:

On December 20, 2018. The City Plan Commission recommended Approval.

PRIOR COUNCIL ACTION:

There is no prior City Council action on this rezoning application.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Recommended Approval on a 7-0 vote.

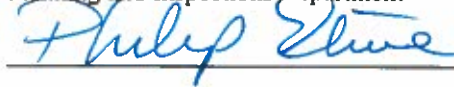
*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Philip F. Etiwe
Planning and Inspections Department



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOTS 17-24 AND THE EAST ½ OF LOT 25, BLOCK 118, SUPPLEMENTAL MAP NO. 1 OF EAST EL PASO ADDITION, 3528 PERSHING DR., CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO C-2 (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, the zoning of Lots 17-24 and the East ½ of Lot 25, Block 118, Supplemental Map No. 1 of East El Paso Addition, 3528 Pershing Dr., located in the City of El Paso, El Paso County, Texas, further described by the metes and bounds attached as Exhibit "A", be changed from A-2 (Apartment) to C-2 (Commercial), as defined in Section 20.06.020, and that the zoning map herein attached as Exhibit "B", 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.

ADOPTED this ____ day of _____, 2019.

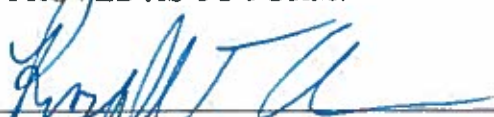
CITY OF EL PASO:

Dee Margo, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

(Exhibits on the following pages)

ORDINANCE NO. _____
18-1007-2347 | 848821
3528 Pershing Dr.
RTA

PZRZ18-00048

Page 1 of 1

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

THE PARCEL OF LAND HEREIN DESCRIBED IS LOTS 17 THROUGH 24 AND THE EAST 1/2 OF LOT 25, BLOCK 118, SUPPLEMENTAL MAP No. 1 OF EAST EL PASO ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, SAID SUPPLEMENTAL MAP No. 1 OF EAST EL PASO ADDITION RECORDED IN VOLUME 1, PAGE 51, PLAT RECORDS, EL PASO COUNTY, TEXAS AND ALSO BEING THAT PARCEL RECORDED IN INSTRUMENT#20100062762, DEED RECORDS, EL PASO COUNTY, AND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:


THE POINT OF BEGINNING BEING A SET "V" MARKING THE NORTHWEST CORNER OF THIS PARCEL, SAID SET "V" LYING ON THE SOUTH RIGHT OF WAY LINE OF PERSHING DRIVE (70' WIDE);

THENCE, ALONG SAID SOUTH RIGHT OF WAY LINE, NORTH 63°56'00" EAST A DISTANCE OF 62.50' TO A SET "V" MARKING THE NORTHEAST CORNER OF THIS PARCEL;

THENCE, LEAVING SAID SOUTH RIGHT OF WAY LINE OF PERSHING DRIVE, SOUTH 26°04'00" EAST A DISTANCE OF 140.00' TO A SET "V" MARKING THE SOUTHEAST CORNER OF THIS PARCEL AND LYING ON THE NORTH RIGHT OF WAY LINE OF AN EXISTING 20' WIDE ALLEY;

THENCE, THE NORTH RIGHT OF WAY LINE OF SAID 20' EXISTING ALLEY, SOUTH 63°56'00" WEST A DISTANCE OF 62.50' TO A SET 1/2" REBAR MARKING THE SOUTHWEST CORNER OF THIS PARCEL

THENCE, LEAVING SAID NORTH RIGHT OF WAY LINE, NORTH 26°04'00" WEST, A DISTANCE OF 140.00' TO THE POINT OF BEGINNING AND HAVING AN AREA OF 8,750.00 SQUARE FEET OR 0.2008 ACRES.

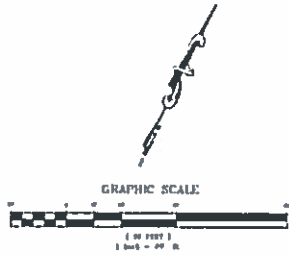

10-26-18
CARLOS M. JIMENEZ R.P.L.S No. 3950
CAD CONSULTING CO.
1790 N. LEE TREVINO DR., STE. 503
EL PASO, TX 79936





DETAILED SITE DEVELOPMENT PLAN

3528 PERSHING STREET
 LOTS 23 AND 24 AND THE EAST 1/2 OF LOT 25, BLOCK 118
 SUPPLEMENTAL MAP No. 1 OF EAST EL PASO ADDITION
 CITY OF EL PASO, EL PASO COUNTY, TEXAS.
 CONTAINING: 8,750.00 SQ. FT. OR 0.2008 ACRES ±



- KEYED NOTES**
1. LANDSCAPE AREA
 2. 1" WIDE PAINT STRIPE
 3. 6" W.P.C. SIGN
 4. PAINTED W.C. SIGN
 5. 10' W. WIDE SIGN
 6. EXISTING SIGNWAY TO BE SET CITY AND CO. SIGN STANDARDS
 7. EXISTING SIDE WALKS
 8. EXISTING CONC. DRIVE AND DRIVE
 9. EXISTING DRIVEWAY PAVING
 10. EXISTING RECYCLING TO BE MAINT.
 11. EXISTING CHINA BLOCK WALL TO BE MAINT.
 12. EXISTING SIDE OF PAVEMENT

LEGEND

1	EXISTING FIELD
2	EXISTING W.C. SIGN
3	EXISTING W.P.C. SIGN
4	EXISTING SIDE WALK
5	EXISTING CONC. DRIVE AND DRIVE
6	EXISTING DRIVEWAY PAVING
7	EXISTING SIDE WALKS
8	EXISTING CONC. DRIVE AND DRIVE
9	EXISTING DRIVEWAY PAVING
10	EXISTING RECYCLING TO BE MAINT.
11	EXISTING CHINA BLOCK WALL TO BE MAINT.
12	EXISTING SIDE OF PAVEMENT

PARKING CALCULATIONS

PARKING SPOTS: 15 PER 100 SQ. FT. APPROX. "C" OF ZONING
 DEMAND FOR CITY OF EL PASO, TEXAS

PARKING DEMAND	REQUIRED SPACES	REQUIRED	PROVIDED
RESIDENTIAL 1,744 SQ. FT.	2615.84	10	16
TOTAL 1,744 SQ. FT.	2615.84	10	16

LANDSCAPING REQUIRED

15% MINIMUM TO THE PAVED

NET FLOOR SPACE AREA	LAND AREA	LANDSCAPE FEET
NET FLOOR SPACE AREA	REQUIRED	PROVIDED
128,750	19,312.5	1,815

METES AND BOUNDS DESCRIPTION

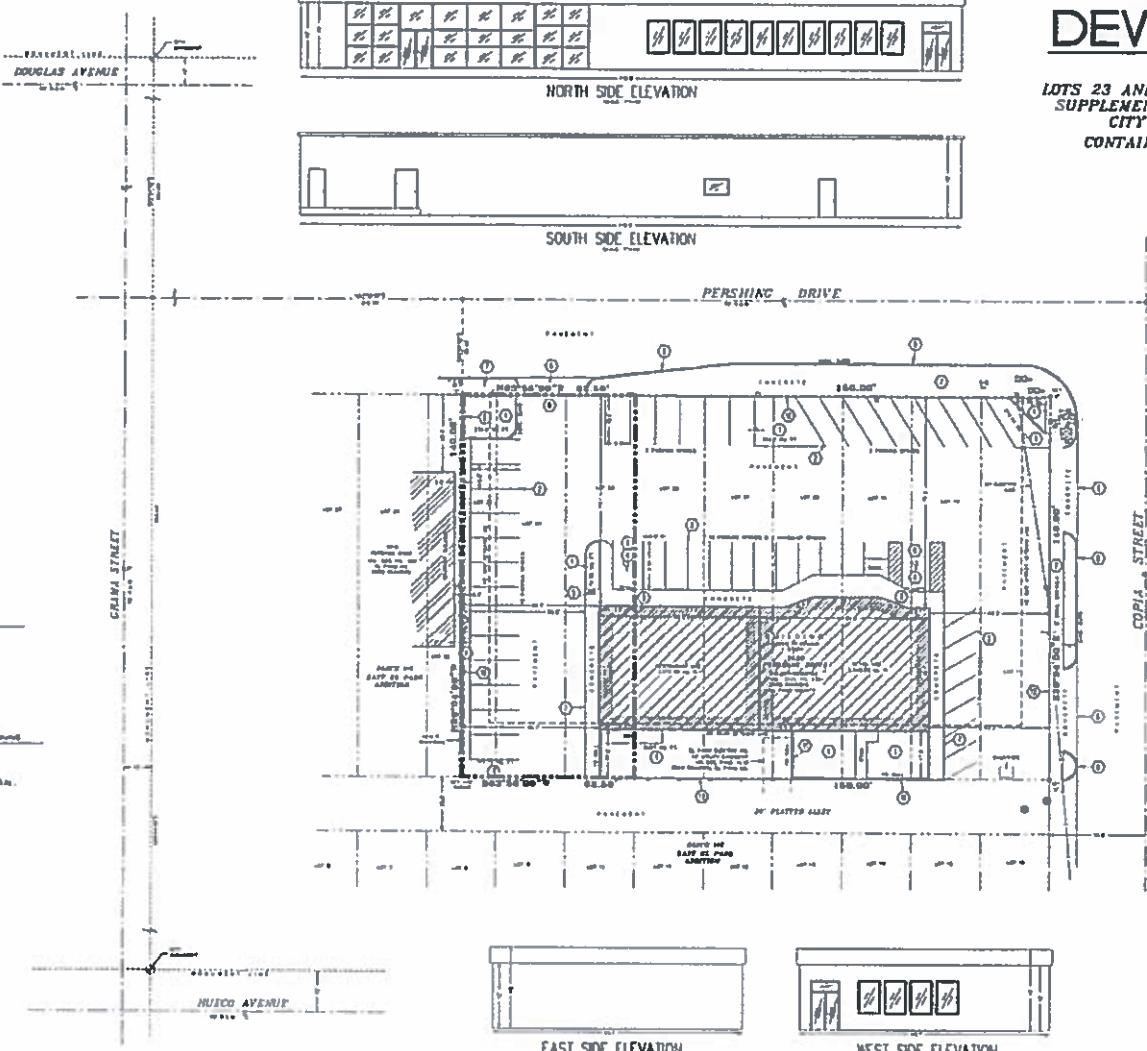
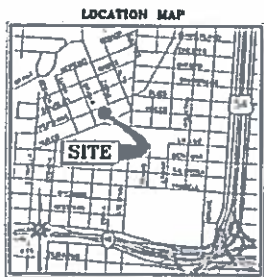
THE POINTS OF LAND HEREIN DESCRIBED ARE CORNER POINTS TO BE SET BY THE SURVEYOR OF THE CITY OF EL PASO, TEXAS, AND THE SURVEYOR SHALL BE RESPONSIBLE FOR THE LOCATION OF THE POINTS OF LAND HEREIN DESCRIBED. THE POINTS OF LAND HEREIN DESCRIBED ARE CORNER POINTS TO BE SET BY THE SURVEYOR OF THE CITY OF EL PASO, TEXAS, AND THE SURVEYOR SHALL BE RESPONSIBLE FOR THE LOCATION OF THE POINTS OF LAND HEREIN DESCRIBED. THE POINTS OF LAND HEREIN DESCRIBED ARE CORNER POINTS TO BE SET BY THE SURVEYOR OF THE CITY OF EL PASO, TEXAS, AND THE SURVEYOR SHALL BE RESPONSIBLE FOR THE LOCATION OF THE POINTS OF LAND HEREIN DESCRIBED.

EXISTING ZONING AND SETBACKS:
 YARD, LOT AND HEIGHT STANDARDS AS PER A-2 ZONING

THE MINIMUM YARD STANDARDS SHALL BE:
 1. FRONT YARD: TWENTY FEET
 2. REAR YARD: TWENTY FEET
 3. INTERIOR SIDE YARD: FIVE FEET
 4. SIDE STREET SIDE YARD: TEN FEET

PROPOSED ZONING AND SETBACKS:
 YARD, LOT AND HEIGHT STANDARDS AS PER PROPOSED C-2 ZONING

THE MINIMUM YARD STANDARDS SHALL BE:
 1. FRONT YARD: TWENTY FEET (EXISTING 22 FT)
 2. REAR YARD: TWENTY FEET (EXISTING 18 FT)
 3. INTERIOR SIDE YARD: TEN FEET (EXISTING 5 FT)
 4. SIDE STREET SIDE YARD: TEN FEET (EXISTING 10 FT)



CONSULTING COMPANY
 1700 LAS TRINIDAD DRIVE SUITE 300
 EL PASO, TEXAS 79906
 TEL: (915) 443-6422 FAX: (915) 433-6434



MEMORANDUM

DATE: December 21, 2018
TO: The Honorable Mayor and City Council
Tommy Gonzalez, City Manager
FROM: Adriana Martinez, Planner
SUBJECT: PZRZ18-00048

The City Plan Commission (CPC), on December 20, 2018 voted 7-0 to recommend **Approval** to the rezoning of the property described as Lots 17-24 and the East ½ of Lot 25, Block 118, Supplemental Map No. 1 of East El Paso Addition, 3528 Pershing Dr., City of El Paso, El Paso County, Texas from A-2 (Apartment) to C-2 (Commercial) to allow the existing use of a restaurant and a commercial development.

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 the rezoning will not have negative effects on the natural environment, social economic conditions, property values in the vicinity, and the city as a whole.

Planning has not received any communication in support or opposition to the rezoning request; Notices sent to property owners within 300 feet on December 10, 2018.

Property Owner: 900 Magoffin Investment Company, L.C.
Applicant: 900 Magoffin Investment Company, L.C.
Representative: Ray Mancera

Attachments:
Staff Report

3528 Pershing Dr.

City of El Paso — City Plan Commission — 12/20/18

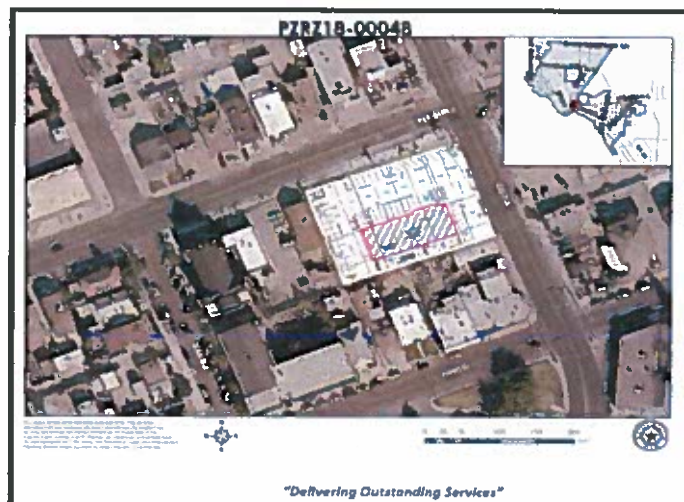
PZRZ18-00048 Rezoning



STAFF CONTACT:	Adriana Martinez, 915-212-1611, MartinezAD@elpasotexas.gov
OWNER:	900 Magoffin Investment Company, LC
REPRESENTATIVE:	Ray Mancera
LOCATION:	3528 Pershing Dr., District 2
LEGAL DESCRIPTION:	Lots 17-24 and the East ½ of Lot 25, Block 118, Supplemental Map No. 1 of East El Paso Addition, City of El Paso, El Paso County, Texas
EXISTING ZONING:	A-2 (Apartment)
REQUEST:	From A-2 (Apartment) to C-2 (Commercial)
RELATED APPLICATIONS:	N/A
PUBLIC INPUT	Planning has not received any communication in support or opposition to the rezoning request; Notices sent to property owners within 300 feet on December 10, 2018.
STAFF RECOMMENDATION:	Approval (see pages 2—4 for basis for recommendation)

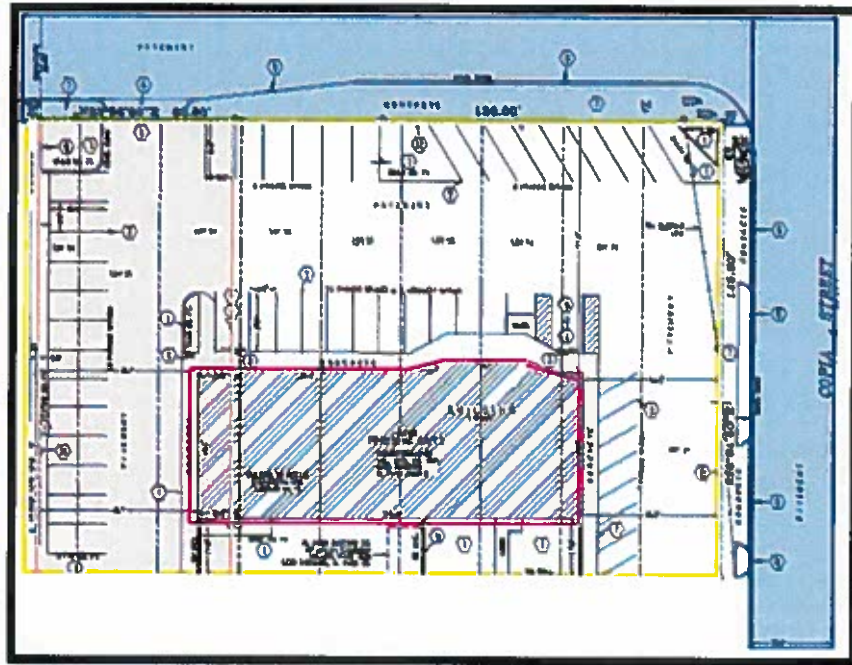
SUMMARY OF REQUEST: The property owner is requesting a rezoning from A-2 (Apartment) & C-2 (Commercial) to C-2 (Commercial) to allow the existing use of a restaurant and a commercial development. The property is located at the Northeast corner of Copia St. and Pershing Dr. within the Central Planning Area. The area of the rezoning request is 0.2008 acres. The site plan shows an existing 5,522.85 sq. ft. building to be used as retail.

SUMMARY OF RECOMMENDATION: The Development Coordinating Committee and Planning Division **APPROVAL** of the rezoning from A-2 (Apartment) to C-2 (Commercial). The proposed development is consistent with the adjacent commercial development within its vicinity and meets the established character of its surrounding neighborhood. Further, the proposed development meets the intent of the G-2, Traditional Neighborhood use designation of Plan El Paso, in the Central Planning area.



DESCRIPTION OF REQUEST

The property owner is requesting a rezoning from A-2 (Apartment) & C-2 (Commercial) to C-2 (Commercial) to allow the existing use of a restaurant and a commercial development. The property is located at the Northeast corner of Copia St. and Pershing Dr. within the Central Planning Area. The area of the rezoning request is 0.2008 acres. The site plan shows an existing 5,522.85 sq. ft. building to be used as an existing restaurant and retail. Access to the property will be from Copia St. & Pershing Dr.



RELATION OF PROPOSED CHANGE TO THE CITY'S COMPREHENSIVE PLAN

<p>CONSISTENCY WITH PLAN EL PASO 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. 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.</p>	<p>DOES IT COMPLY? The existing commercial development is consistent with other commercial uses in the neighborhood. Commercial uses are common and welcomed in this sector. The proposed development will supplement the retail, housing stock, and commercial in the neighborhood.</p>
<p>ZONING DISTRICT C-2 (Commercial): Establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods. Permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.</p>	<p>DOES IT COMPLY? Yes, the property is designated G-2, Traditional Neighborhood land use designation of Plan El Paso. The proposed development is adjacent to commercial and residential lots.</p>

POLICY	DOES IT COMPLY?
<p>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:</p> <ul style="list-style-type: none"> a. Existing walkable neighborhoods, identified as land in the G-1 "Downtown" and G-2 "Traditional Neighborhood" sectors. b. Planned walkable communities, identified as land in the O-7 "Urban Expansion" sector. c. Future redeveloped and infill neighborhoods, identified with these overlays: "Local Transfer Centers," "RTS Stops," and "Future Compact Neighborhoods." 	<p>This development has the potential to introduce new uses and provide new employment opportunities within the Central planning area. The subject property is within an existing commercial area.</p>

SUITABILITY OF SITE FOR PROPOSED USE UNDER CURRENT ZONING: The proposed commercial development is consistent with other commercial uses in the neighborhood; therefore, being consistent with the established neighborhood. Commercial uses are common and welcomed in this sector. The proposed development will supplement the retail, housing stock, and commercial in the neighborhood. The proposed development shall comply with all dimensional requirements of the district.

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-2 (Commercial) district is for establishments providing goods and rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods. Permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses. The proposed development is adjacent to light commercial and residential lots.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: The proposed improvements were reviewed for adequacy of the existing infrastructure and it was found to be capable of supporting the proposed development. See Attachment 4 for further details.

EFFECT UPON THE NATURAL ENVIRONMENT: The subject property is not in an arroyo or other environmentally sensitive area.

STAFF COMMENTS: No objections to the 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.

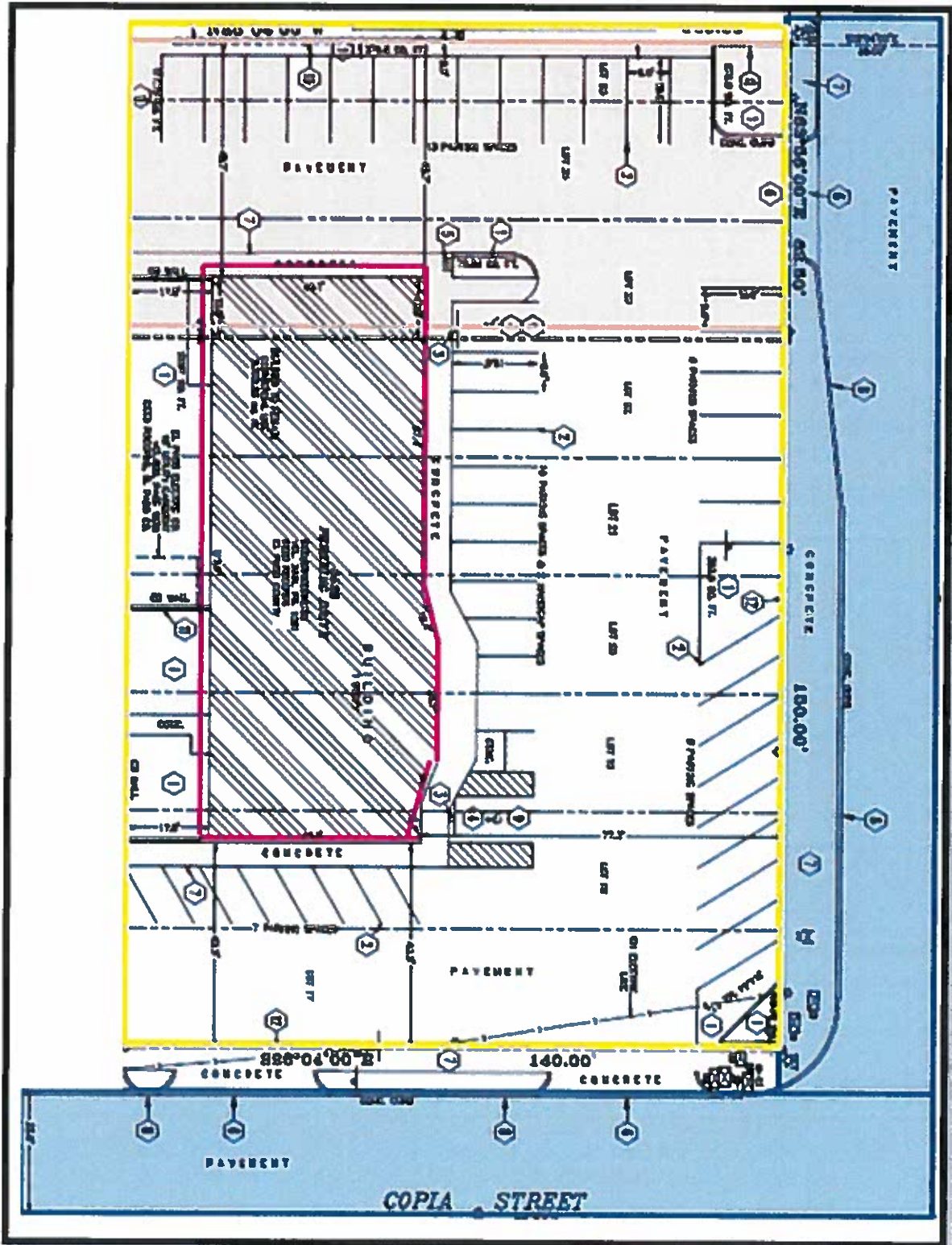
OTHER APPLICABLE FACTORS: Approval of the site plans by CPC constitutes a determination that the applicant is in compliance with the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that stormwater is in compliance with ordinances, codes, DSC, and DDM. Failure to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

ATTACHMENTS:

1. Detailed Site Development Plan
2. Zoning Map
3. Future Land Use Map
4. Department Comments
5. Public Notification Boundary Map

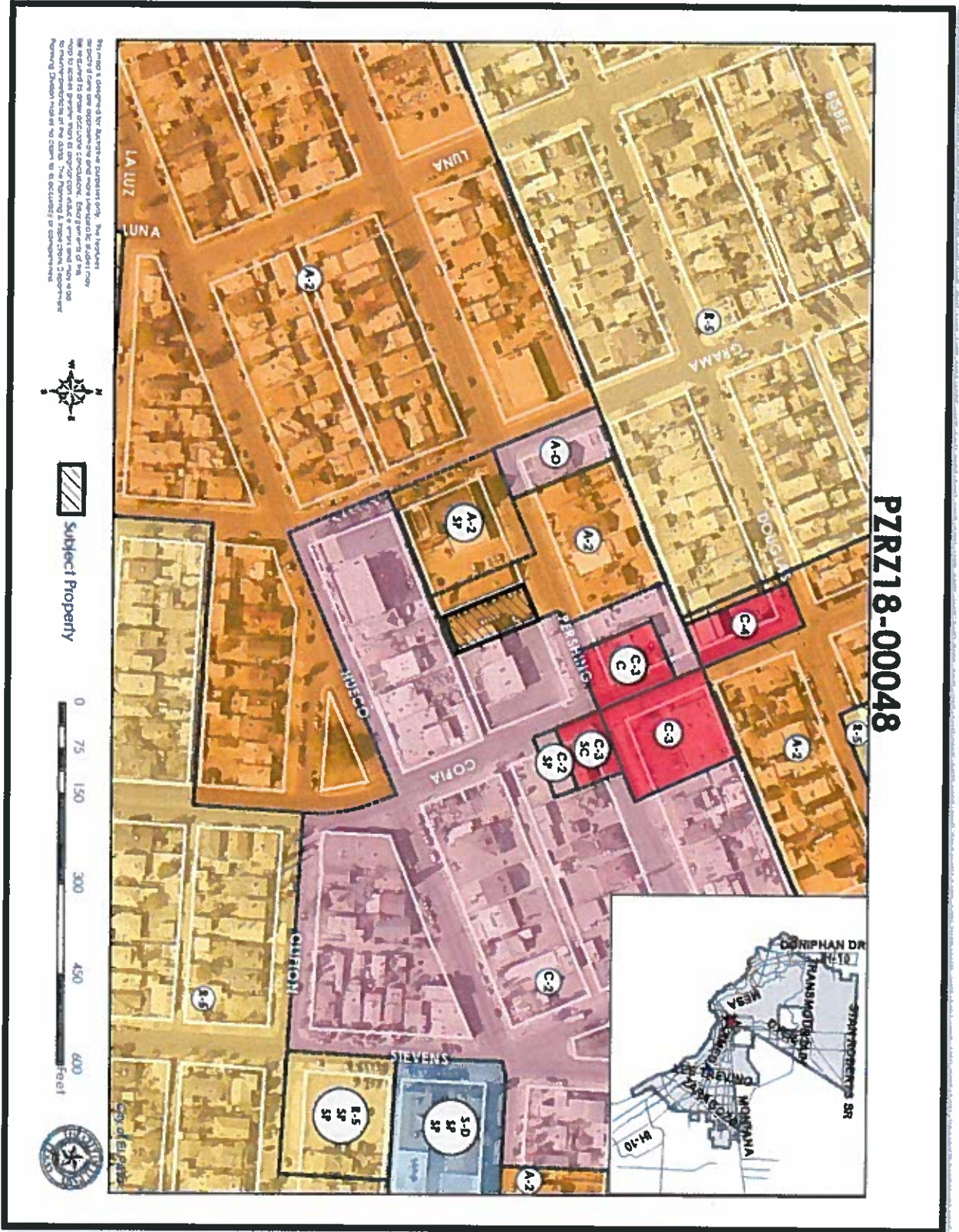
ATTACHMENT 1

Detailed Site Development Plan



ATTACHMENT 2

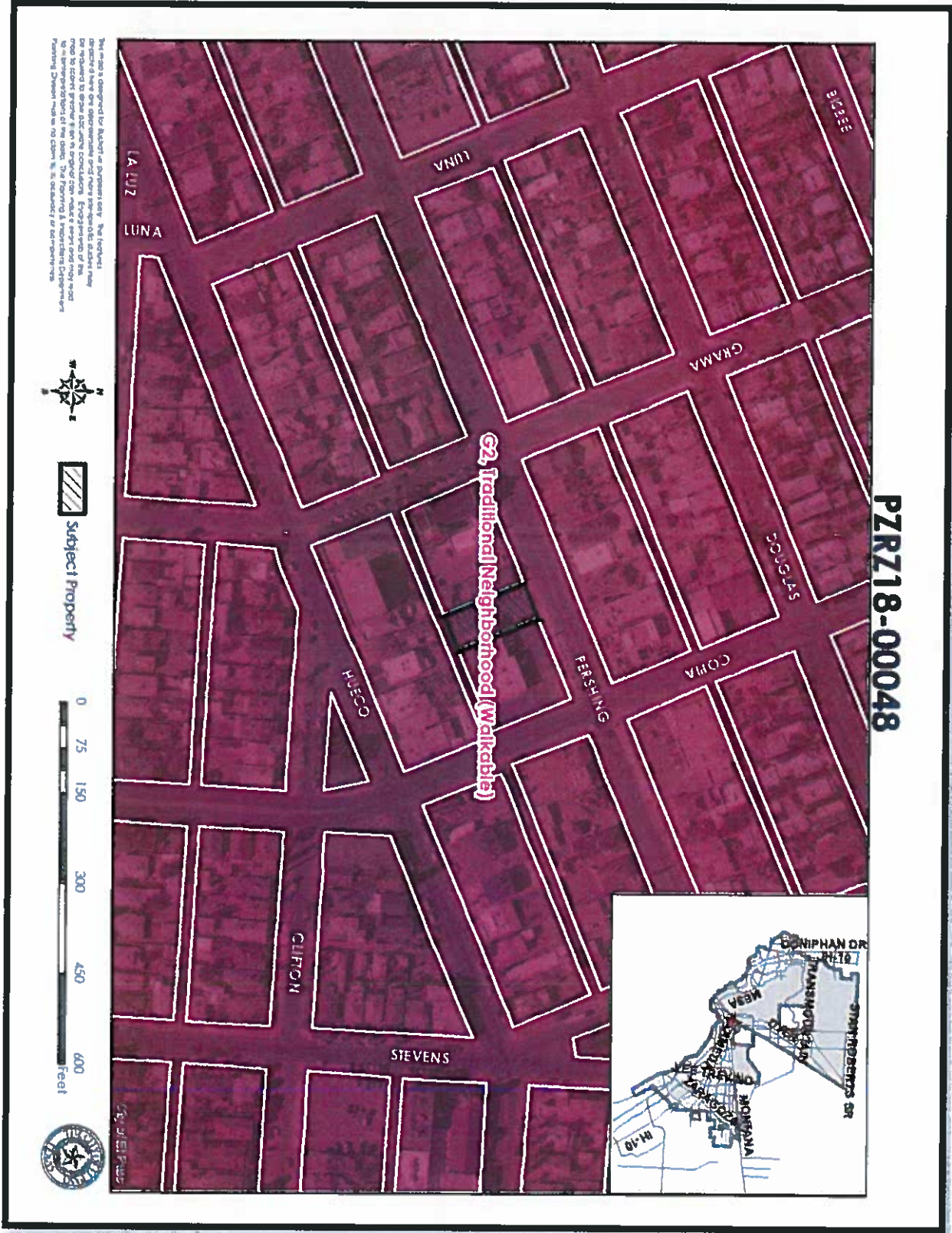
Zoning Map



PZR18-00048

ATTACHMENT 3

Future Land Use Map



ATTACHMENT 5

Department Comments

Planning and Inspections Department- Planning Division

No objections to rezoning.

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.

Planning and Inspections Department - City Development & Permitting- Landscape

Recommend Approval

Planning and Inspections Department - Land Development

Recommend Approval

Note: It is recommended to utilize principles of low impact & green infrastructure development (such as recessed landscaping, rainwater harvesting, and porous pavements) to reduce the amount of developed storm-water runoff and to mitigate adverse downstream drainage conditions.

Sun Metro:

Recommends approval.

Fire Department

Recommends approval.

Police Department

No comments received.

TxDot

Development is not abutting TxDOT Right of Way.

El Paso Water Utilities

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

1. EPWater does not object to this request.

Water

2. There is an existing 4-inch diameter water main extending along the alley between Pershing Dr. and Hueco Ave. located approximately 5 feet south of the property. This water main is available for service.
3. EPWater records indicate there is one (1) ¾" water service connection serving the subject property. The address for this service is 1400 Arizona Avenue.
4. Previous water pressure from fire hydrant #1232 located at northwest corner intersection of Copia St. and Hueco Ave., has yielded a static pressure of 80 psi, a residual pressure of 65 psi, and a discharge of 712 gallons per minute.

Sanitary Sewer:

5. There is an existing 8-inch diameter sewer main extending along alley between Pershing Dr. and Hueco Ave. located approximately 15 feet south of the property. This sanitary sewer main is available for service.

General:

6. 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:

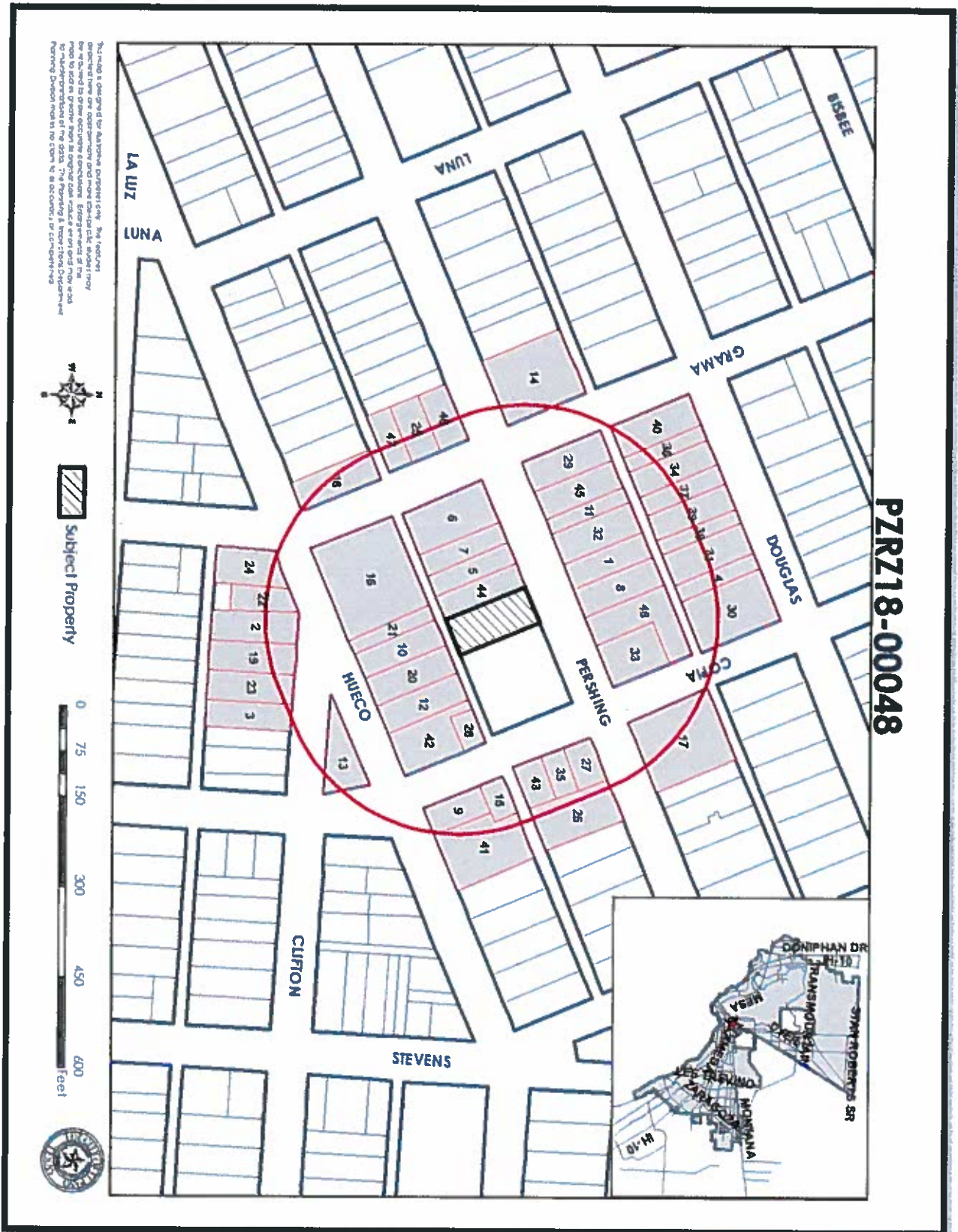
EPWater - Stormwater Engineering has reviewed the above-mentioned development and has no objections to the proposal.

EPCWID:

No comments submitted.

ATTACHMENT 6

Notification Map



PZR18-00048



Recommendation/Public Input

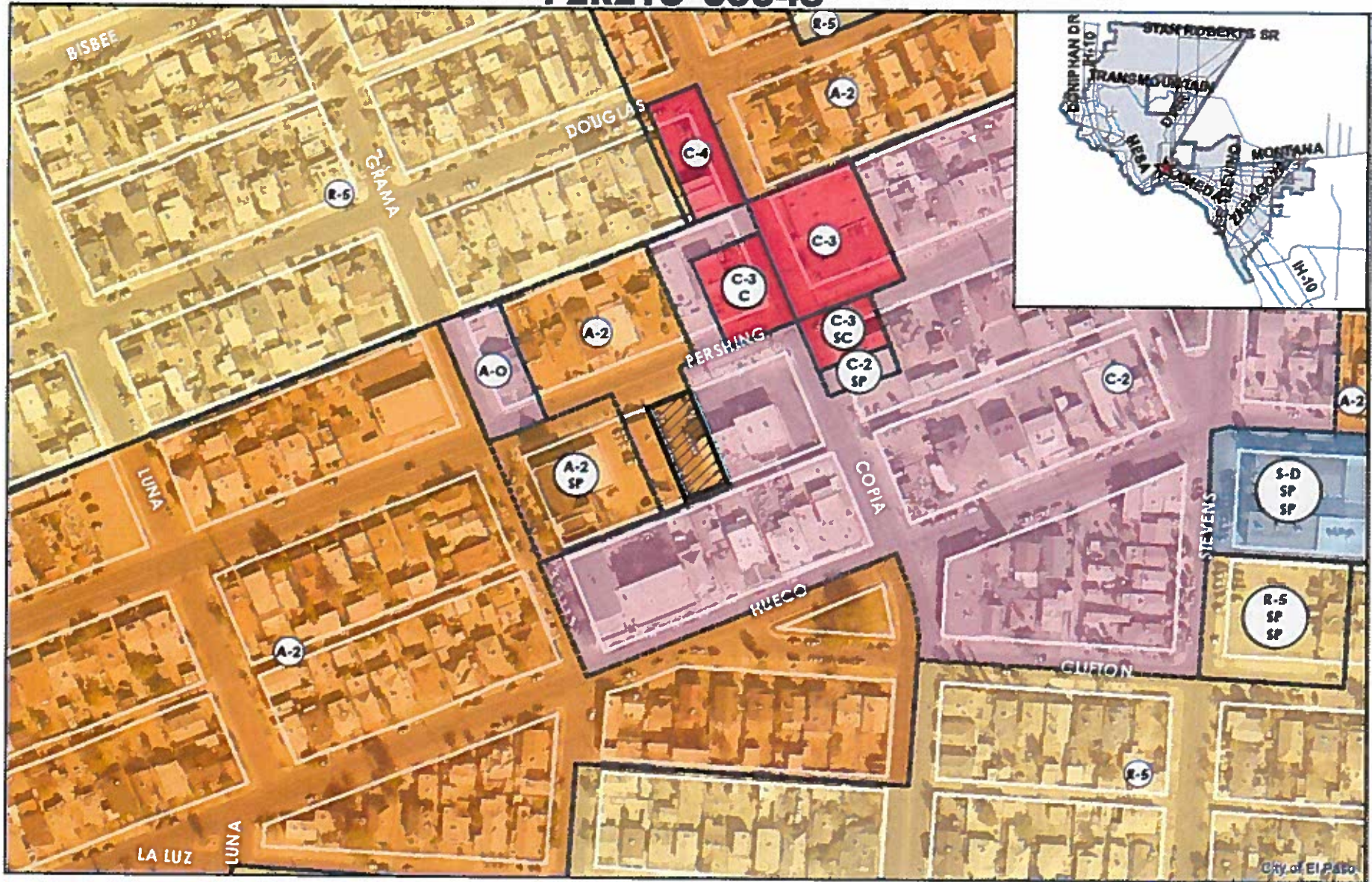
- **Planning Division recommendation:** Approval
- **CPC Vote:** Approval Recommendation on a 7-0 vote
- **Public Input:** Notices are not required per Section 20.04.520.

Strategic Goal #3 Promote the Visual Image of El Paso

- 3.1 Provide business friendly permitting and inspection processes
- 3.2 Improve the visual impression of the community

"Delivering Outstanding Services"

PZRZ18-00048



This map is designed for illustrative purposes only. The features depicted here are approximate and more detailed studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Information Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property



PZRZ18-00048



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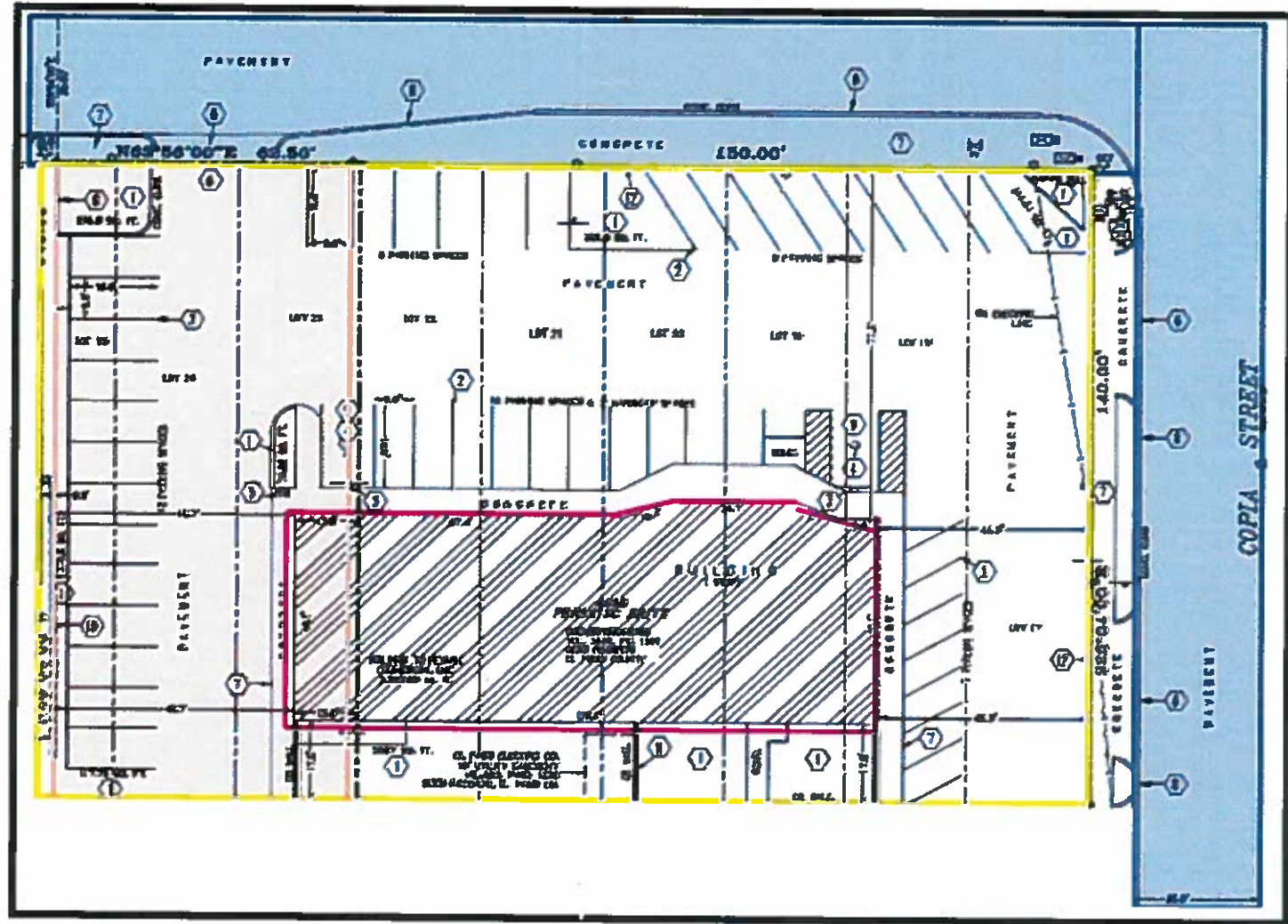


Subject Property





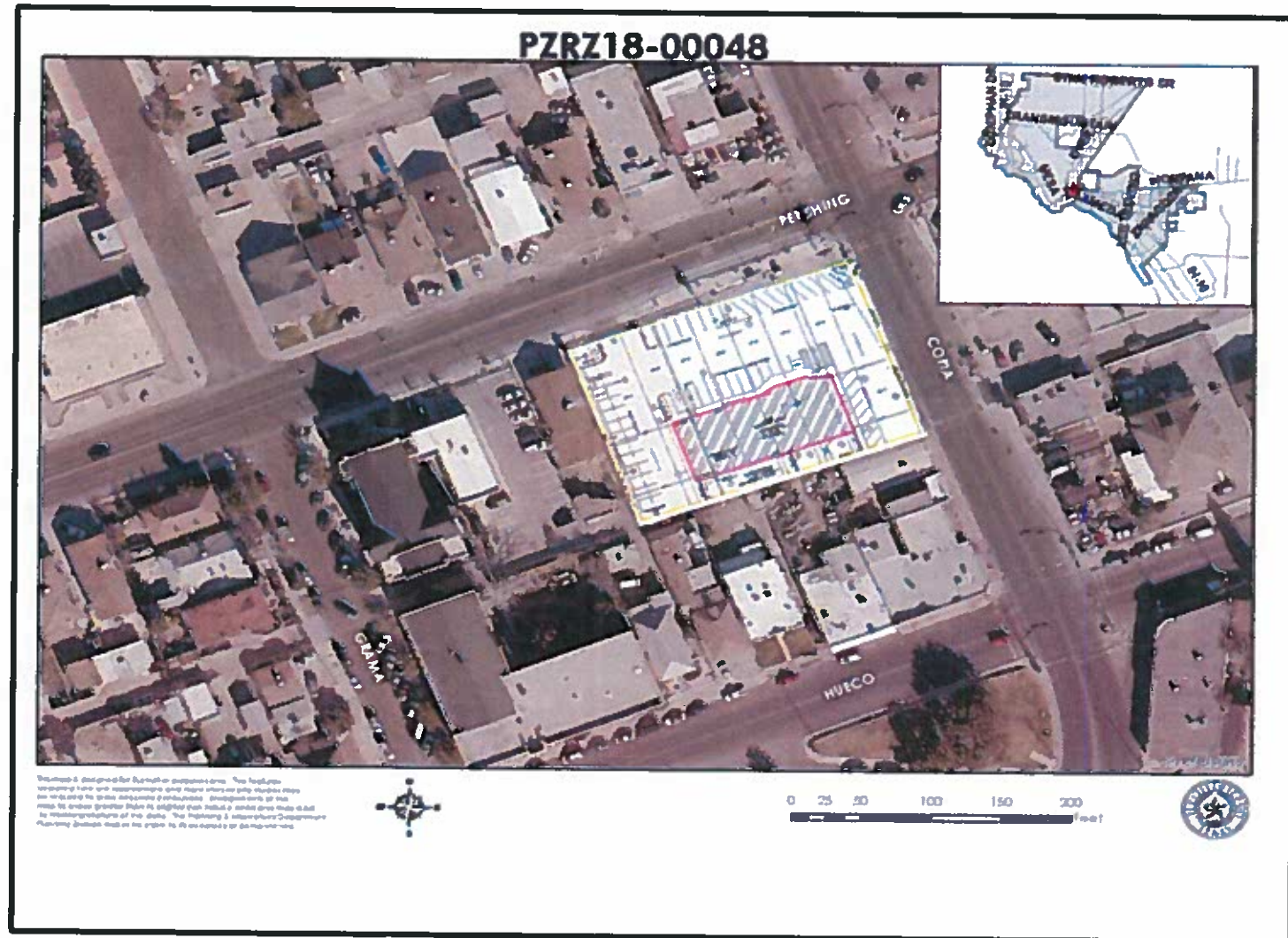
Detailed Site Development Plan



"Delivering Outstanding Services"



Superimposed Site Plan



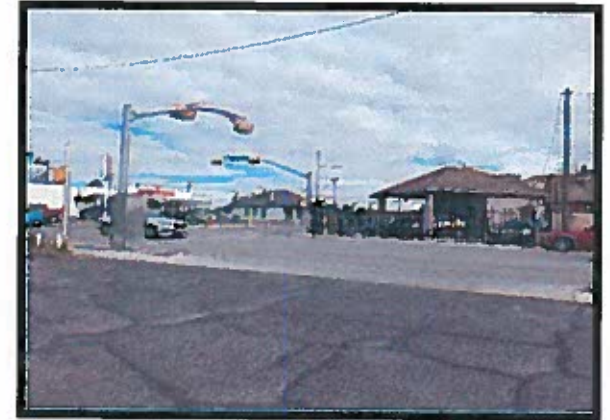
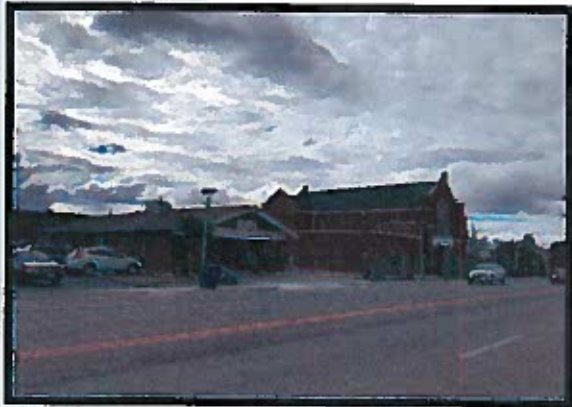
"Delivering Outstanding Services"



Subject Property



"Delivering Outstanding Services"



"Delivering Outstanding Services"

PZRZ18-00048



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 Subject Property

