

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: February 6, 2018
Public Hearing: March 6, 2018

CONTACT PERSON/PHONE: Victor Morrison-Vega, (915) 212-1553, Morrison-VegaVX@elpasotexas.gov
Adriana Martinez, (915) 212-1611, MartinezAD@elpasotexas.gov

DISTRICT(S) AFFECTED: 7

SUBJECT:

An Ordinance Releasing All Conditions placed on the property by Ordinance No. 011074, which changed the zoning of Tract 14A, Block 16, Ysleta Grant, 475 Yarbrough Dr., City of El Paso, El Paso County, Texas. The Penalty being provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 475 Yarbrough Dr. Owner: Lino Carrera PZCR15-00007 related to PZRZ15-00040 (District 7)

BACKGROUND / DISCUSSION:

On November 2, 2017. The City Plan Commission recommended Approval.

PRIOR COUNCIL ACTION:

There is no prior City Council action on this Condition Release application.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Recommended Approval on a 5-0 vote.

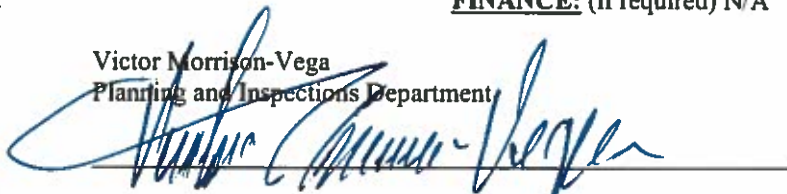
*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Victor Morrison-Vega
Planning and Inspections Department



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 011074 WHICH CHANGED THE ZONING OF TRACT 14A, BLOCK 16, YSLETA GRANT, 475 YARBROUGH DR., CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as *TRACT 14A, BLOCK 16, YSLETA GRANT, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 011074 approved by City Council on July 21, 1992; and,

WHEREAS, the rezoning was subject to certain zoning conditions, and

WHEREAS, placement of such conditions were 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 removal all of the conditions because these conditions have been satisfied or are current requirement of the City Code; and,

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

WHEREAS, the City Council of the City of El Paso has determined that the release of certain conditions 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, TEXAS:

That all of the zoning conditions imposed by Ordinance No. 011074 approved by City Council on *July 21, 1992*, on the portion of land identified in **Exhibit "A"** be released because the conditions have been satisfied and are no longer necessary, or are current requirements of the City Code.

Conditions as follows:

PROHIBITING THE USE OF THE PROPERTY AS A RESTAURANT; BAR; RETAIL SHOP UNRELATED TO A BARBERSHOP OR BEAUTY PARLOR; AND AUTOMOTIVE USES.

(SIGNATURES FOLLOW ON THE NEXT PAGE)

ADOPTED this _____ day of _____, 2017.

THE CITY OF EL PASO

Dee Margo
Mayor

ATTEST:

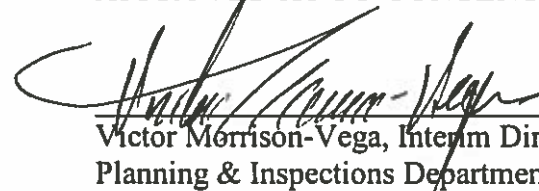
Laura D. Prine
Interim City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Victor Morrison-Vega, Interim Director
Planning & Inspections Department

EXHIBIT "A"

Being all of Tract 14A, Block 16,
Ysleta Grant,
City of El Paso, El Paso County, Texas

October 04, 2017

METES AND BOUNDS DESCRIPTION
475 Yarbrough Drive
Exhibit "A"

FIELD NOTE DESCRIPTION of a parcel of land being all of Tract 14A, Block 16, Ysleta Grant, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found iron rod located at the northwest corner of Tract 15D, same being the intersection of right-of-ways of the easterly right-of-way line of Floyd Way (40' R.O.W.) and the southerly right-of-way line of an Alley; **THENCE**, leaving said northwest corner of Tract 15D and the intersection of right-of-ways and along said southerly right-of-way line of an Alley, North 70°06' 00" East, a distance of 115.43 feet to a found iron rod for corner at the **POINT OF BEGINNING** of the herein described parcel;

THENCE, continuing along said southerly right-of-way line of an Alley, North 70°06' 00" East, a distance of 161.10 feet to a found iron rod for corner;

THENCE, continuing along said southerly right-of-way line of an Alley, North 86°45' 00" East, a distance of 19.86 feet to a found iron rod for corner located at the northerly right-of-way line of Yarbrough Drive (120' R.O.W.);

THENCE, leaving said southerly right-of-way line of an Alley and along the northerly right-of-way line of Yarbrough Drive, South 47°02' 50" West, a distance of 61.35 feet to a found iron rod for corner;

THENCE, continuing along said northerly right-of-way line of Yarbrough Drive, South 48°28' 50" West, a distance of 175.00 feet to a found iron rod for corner;

THENCE, leaving said northerly right-of-way line of Yarbrough Drive, North 02°36' 00" East, a distance of 101.95 feet to the **POINT OF BEGINNING** of the herein described lot and containing 9,186.51 square feet or 0.2108 Acres of land more or less.



Carlos M. Jimenez
Registered Professional Land Surveyor
Texas No. 3950



CAD CONSULTING COMPANY,
1790 Lee Trevino Suite # 503
El Paso, Texas 79936
(915) 633-6422
Hampton Sub-475 Yarbrough.wpd

MEMORANDUM

DATE: January 26, 2018

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

FROM: Adriana Martinez, Planner

SUBJECT: PZCR15-00007 related to PZRZ15-00040

The City Plan Commission (CPC), on November 2, 2017 voted 5-0 to recommend **Approval** of the Ordinance Releasing All Conditions placed on the property by Ordinance No. 011074. The proposed development is to allow for Other retail establishment (low-volume) which features a new 4,379 sq. ft. commercial building.

The CPC found that the condition release is in conformance with Plan El Paso. The CPC also determined that the Condition Release 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 releasing of all conditions will have no negative effects on the natural environment, social economic conditions, property values in the vicinity, and the city as a whole.

The Planning Division received two comments in opposition of the Condition Release in the November 2, 2017 City Plan Commission public hearing.

Property Owner: Lino Carrera
Applicant: Carlos Jimenez; Jorge Castro
Representative: Carlos Jimenez; Jorge Castro

Attachments:
Staff Report



City of El Paso – City Plan Commission Staff Report

REVISED

Case No: PZCR15-00007 (Related to PZRZ15-00040)
Application Type: Condition Release
CPC Hearing Date: November 2, 2017
Staff Planner: Adriana Martinez, 915-212-1611, Martinezad@elpasotexas.gov
Location: 475 Yarbrough Dr.
Legal Description: Tract 14A, Block 16, Ysleta Grant, City of El Paso, El Paso County, Texas
Acreage: 0.2073 acres
Rep District: 7
Existing Zoning: S-D/c (Special Development/condition)
Existing Use: Vacant
C/SC/SP/ZBA/LNC: Condition attached to Ordinance No. 11074, dated July 21, 1992
Request: Release all conditions on the property
Proposed Use: Other retail establishment (low-volume)
Property Owner: Lino Carrera
Representative: Carlos Jimenez; Jorge Castro

SURROUNDING ZONING AND LAND USE

North: R-3 (Residential) / Single-family Dwelling
South: C-1/sc (Commercial) / **Medical Office (new)**
East: R-F / (Ranch Farm) / & C-1/c/sp / Commercial / **Medical Office, Daycare**
West: R-F / (Ranch Farm) / Single-family Dwelling

PLAN EL PASO DESIGNATION: G-3, Preserve (Mission Valley Planning Area)
NEAREST PARK: E.L. William Park (1,889 feet)
NEAREST SCHOOL: North Loop Elementary School (3,582 feet)

NEIGHBORHOOD ASSOCIATIONS

Santa Lucia Neighborhood Association
Mission Valley Civic Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on October 18, 2017. Planning has not received any communication in support or opposition to the condition release request.

CASE HISTORY

Ordinance No. 011071, approved by City Council on July 21, 1992 rezoned the property to S-D (Special Development) and imposed conditions (Attachment #6) which reads as follows:

- 1. Prohibiting the use of the property as a restaurant; bar; retail shop unrelated to a barbershop or beauty parlor; and automotive uses.*

APPLICATION DESCRIPTION

The applicant is requesting to release all conditions imposed on the subject property by Ordinance No. 011071, approved by City Council on July 21, 1992, (see Attachment #6). The conditions imposed are limiting the development potential of the property under the current code requirements. This case is related to rezoning application PZRZ15-00040.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** to release all conditions imposed on the subject property by Ordinance No. 011071, approved by City Council on July 21, 1992, (see Attachment #6). The conditions imposed are limiting the development potential of the property under the current code requirements. This case is related to rezoning application (PZRZ15-00040). The proposed development features a new 4,379 sq. ft. commercial building to be used as an Other retail establishment (low-volume).

Plan El Paso- Future Land Use Map Designation

All applications for rezoning shall demonstrate compliance with the following criteria:

G-3 – Post-War: 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.

The Planning Division recommendation is based on the compatibility with the G-3, Post-War land use designation through the proposed redevelopment of an existing site and opportunities for non-residential uses in the area.

The purpose of the S-D (Special Development) district is for mixed-use projects, integrated in design, in certain older residential areas where there is a desire to permit a variety of nonresidential uses while maintaining the established residential appearance and landscaping of the area. Designed to ensure compatibility with existing uses in the district; to permit the production, exhibit or sale of goods and the providing of services to the public in such older residential areas; to protect the traffic capacity of streets serving such older residential areas; to encourage flexibility by prescribing general performance standards for such older residential areas; and to protect the environment of adjacent areas. Older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.

The Planning Division recommendation is based on the proposed redevelopment of an existing site and opportunities for non-residential uses in the area.

Plan El Paso - Goals & Policies

This application addresses policy 1.2.3 Vacant and underutilized parcels in and around the City's traditional neighborhoods can be excellent locations for redevelopment that adds housing, shopping, employment, entertainment, and recreational options for nearby residents and transit patrons. Redevelopment of such sites should mesh with the scale and character of these existing neighborhoods rather than imposing a suburban or high-rise model on traditional neighborhoods. The City's zoning and development regulations should be modified accordingly. Additional infill incentives should be considered by the City.

The Planning Division recommendation is based on the proposed redevelopment of an existing site and opportunities for non-residential uses in the area.

COMMENTS:

Planning and Inspections Department- Planning Division

No objections to the condition release.

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

No objections to the condition release.

Note: The project meets the required landscape ordinance based on the table provided. At the time of submittal for building permits, the project will be required to provide a 10' deep buffer of permeable pavers or concrete to meet the buffer requirements along Floyd Way and provide all the required buffer trees along Yarbrough Drive.

Planning and Inspections Department - Land Development

No objections to the condition release.

Note: 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.

Sun Metro:

Sun Metro does not oppose this request.

Note: Recommends the construction of sidewalks to permit pedestrian access to mass transit options..

Fire Department

No objections.

Police Department

El Paso Police Department has no objections.

TxDot

Not on state roadway:

El Paso Water Utilities

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

1. Provide an acceptable drainage plan in accordance with Section 19.01.050 of the current City ordinance.
2. Only historic run-off flowing into the public streets (if any), will be allowed. The developed runoff shall be retained on-site. On the Drainage Plan, provide the capacity of the proposed pond. Any ponding area shall have enough capacity to hold the developed runoff for a designed 100-yr storm event.

Note: Not required but recommended:

Using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavements) to reduce the amount of developed stormwater runoff.

Water:

EPWU does not object to this request.

1. There is an existing 6-inch diameter water main extending along Hampton Road that is available for service, the water main is located approximately 5-ft north from the northern property line.
2. There is an existing 8-inch diameter un-chlorinated water flow line that extends along Yarbrough Drive, service cannot be provided from this main. The water main is located approximately 46-ft north from the center line of the right-of-way. Said main continues along Floyd Road and changes to a southern direction approximately 75-ft north from the southern subject property line.
3. EPWU records indicate a vacant water service connection (inactive meter) serving the subject property. The address for this service is 600 Hampton Road.

4. Previous water pressure from fire hydrant #3288 located approximately 445-ft north of Hampton Road has yield a static pressure of 90 (psi), a residual pressure of 82 (psi), and a discharge of 3,559 gallons per minute.
5. 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:

6. There is an existing 8-inch diameter sanitary sewer main extending along Hampton Road that is available for service, the alignment of the sewer main varies between the eastern and western property lines.

General:

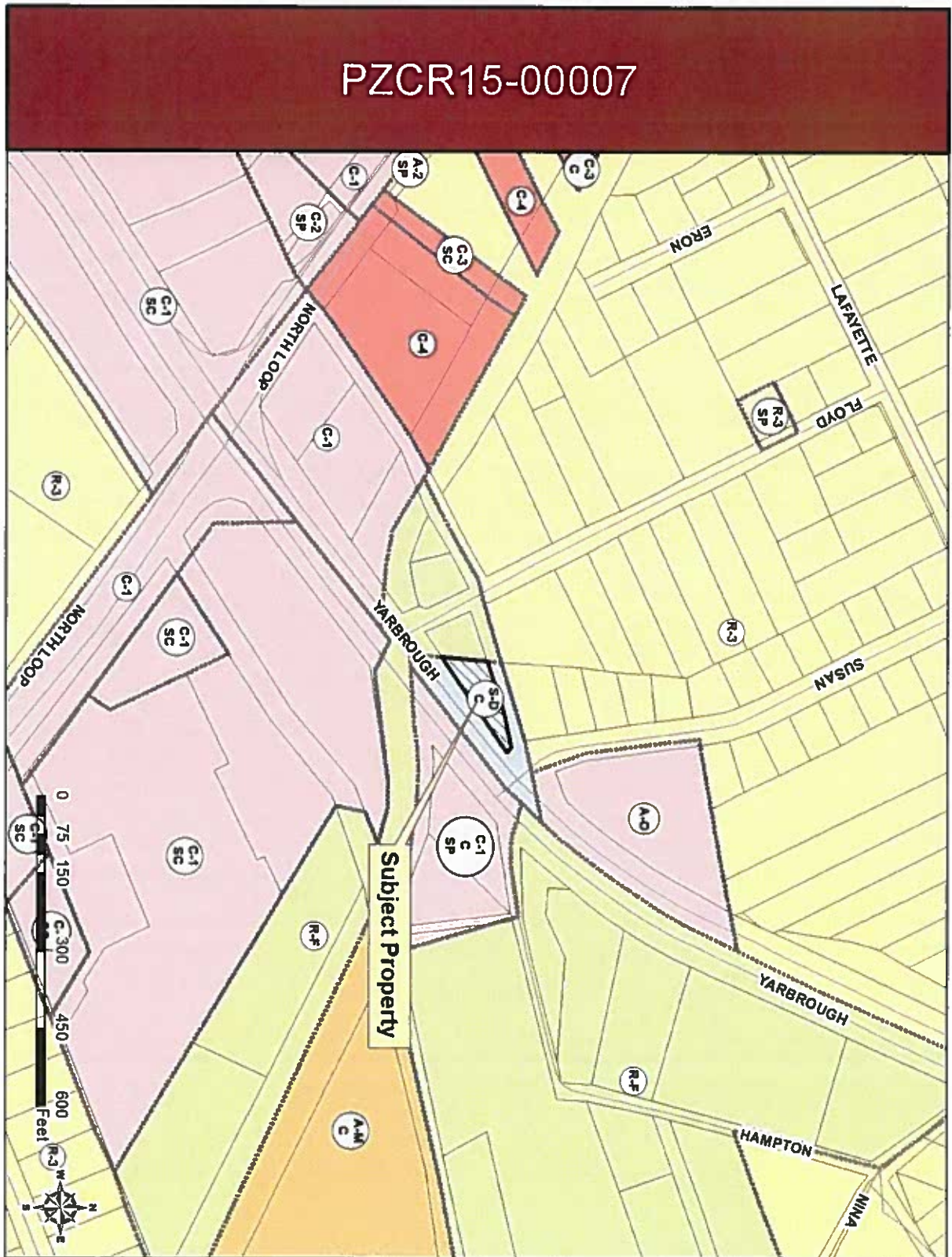
7. EPWU requires a new service application to provide additional services to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage 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.

Attachments:

- Attachment 1: Zoning Map
- Attachment 2: Aerial Map
- Attachment 3: Future Land Use Map
- Attachment 4: Detail Site Development Plan
- Attachment 5: Elevations
- Attachment 6: Ordinance No. 11074

ATTACHMENT 1: ZONING MAP

PZCR15-00007

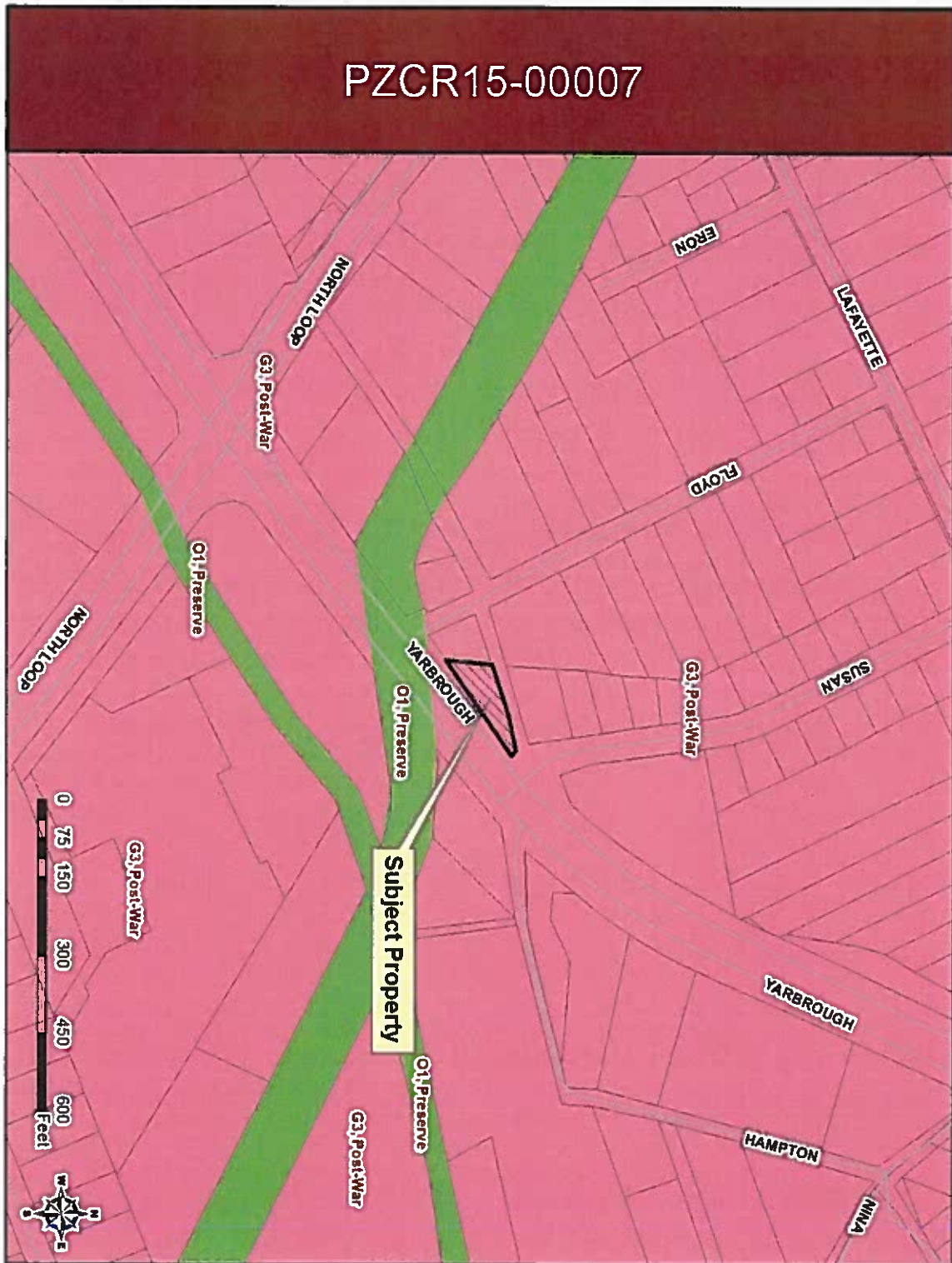


ATTACHMENT 2: AERIAL MAP

PZCR15-00007



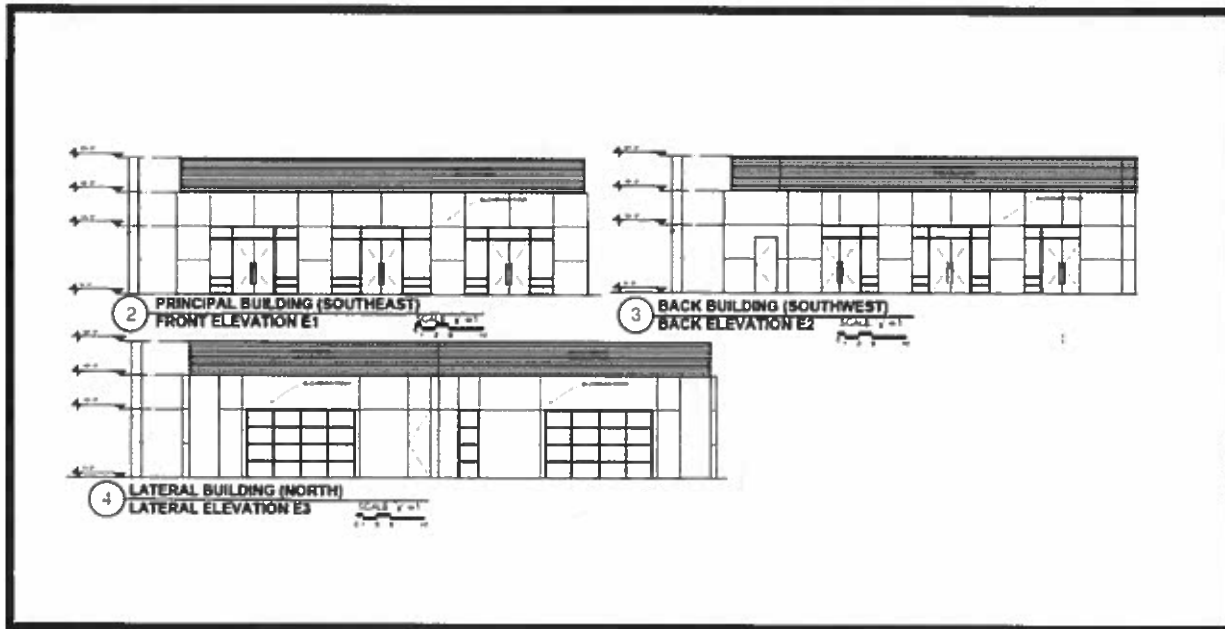
ATTACHMENT 3: FUTURE LAND USE MAP



ATTACHMENT 4: DETAIL SITE DEVELOPMENT PLAN



ATTACHMENT 5: ELEVATIONS



ATTACHMENT 6: ORDINANCE NO. 11074

ORDINANCE NO. 011074

JUL 27 1992
PLANNING DEPARTMENT

AN ORDINANCE CHANGING THE ZONING OF TRACT 14A, BLOCK 16, YSLETA GRANT AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of TRACT 14A, BLOCK 16, YSLETA GRANT, be changed from R-F (Ranch/Farm) to S-D (Special Development District), within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following condition which is necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-F (Ranch/Farm) to S-D (Special Development District), in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

Prohibiting the use of the property as a restaurant; bar; retail shop unrelated to a barbershop or beauty parlor; and automotive service uses.

This condition runs with the land, is a charge and servitude thereon, and binds the current property owner and any successors in title. The City may enforce this conditions by injunction, by rescission of the zoning which is made appropriate as a result of this condition, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above condition in its/their discretion without the consent of any third person who may be benefitted thereby, and without affecting the validity of this ordinance.

Ordinance No. 011074 PAGE 1 OF 2
92-5716

PASSED AND APPROVED this 21st day of July, 1992.

THE CITY OF EL PASO

William S. Tilney
Mayor

ATTEST:

Carole Hunter
City Clerk

APPROVED AS TO FORM:

Kimberly Mickelson
Kimberly Mickelson,
Assistant City Attorney

APPROVED AS TO CONTENT:

Patricia Garcia
Department of Planning, Research
and Development

ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

I certify that the zoning map has been revised to reflect the amendment of ordinance # 011074 by Raul Romales Date 7-31-92

This instrument is acknowledged before me on this _____ day of _____, 1992, by WILLIAM S. TILNEY, as Mayor of the CITY OF EL PASO.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires: _____

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Rev. December 1, 1991. (2)

Ordinance No. 011074

PAGE 2 OF

I CERTIFY THAT THE FOLLOWING ZONING

HAVE BEEN REVISED BY:

7-31-92 COUNTER

7-31-92 ORIGINAL

7-31-92 CONTROL

7-31-92 CONTROL

Bldg. Department
Raul Romales



Recommendation/Public Input

- **Planning Division recommendation:** Approval
- **CPC Vote:** Approval Recommendation 5-0
- **Public Input:** The Planning Division has not received any communications in support or opposition to the detailed site development plan.

Strategic Goal #3 Promote the Visual Image of El Paso

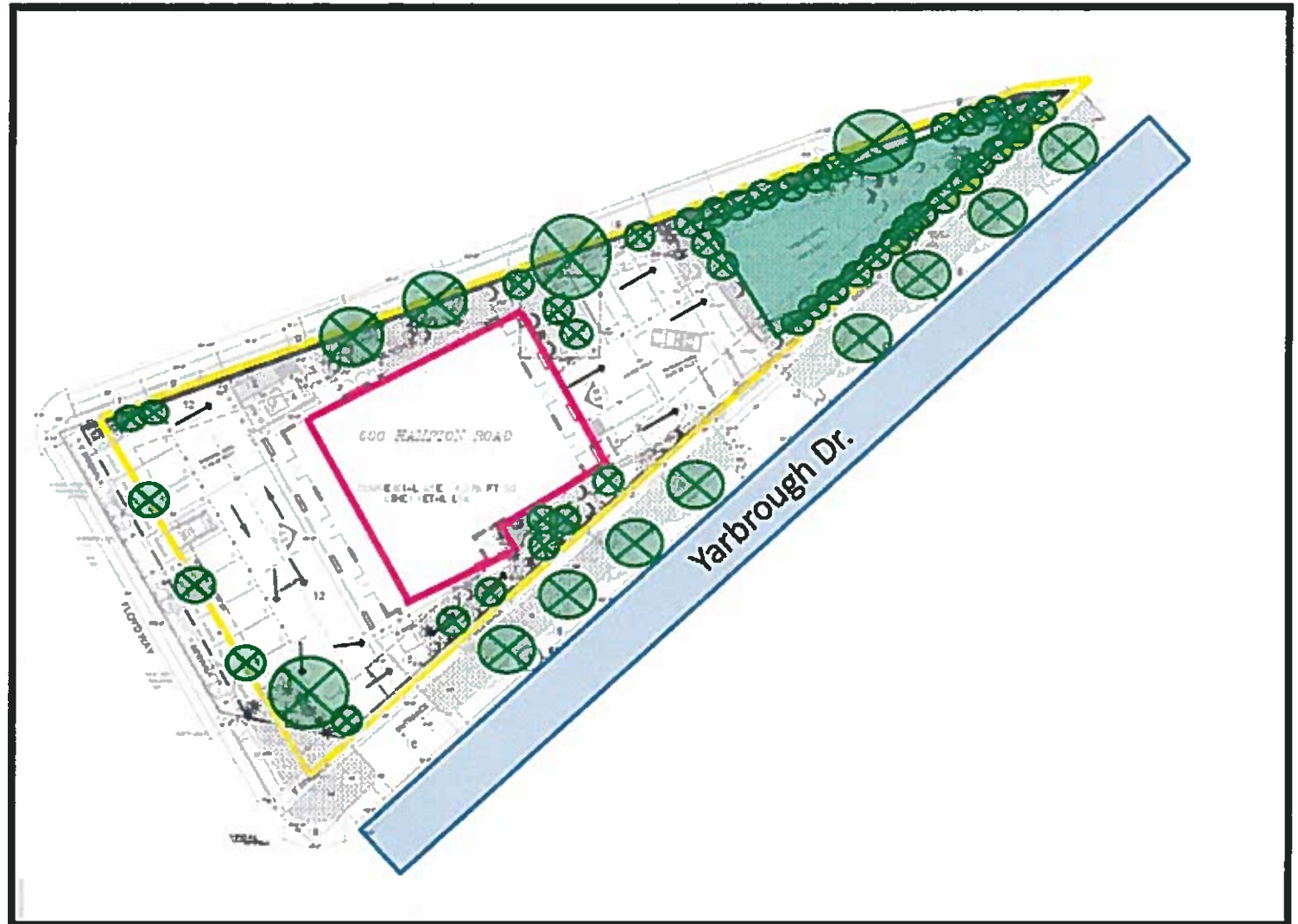
3.1 Provide business friendly permitting and inspection processes

3.2 Improve the visual impression of the community

"Delivering Outstanding Services"



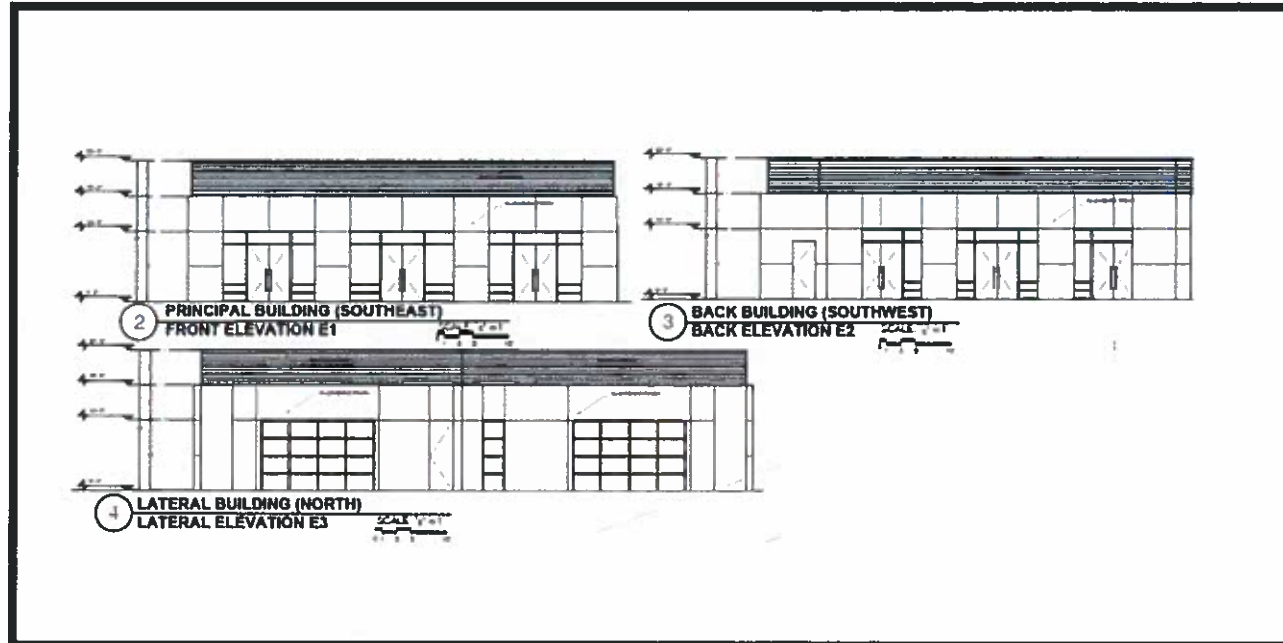
Detailed Site Plan



"Delivering Outstanding Services"

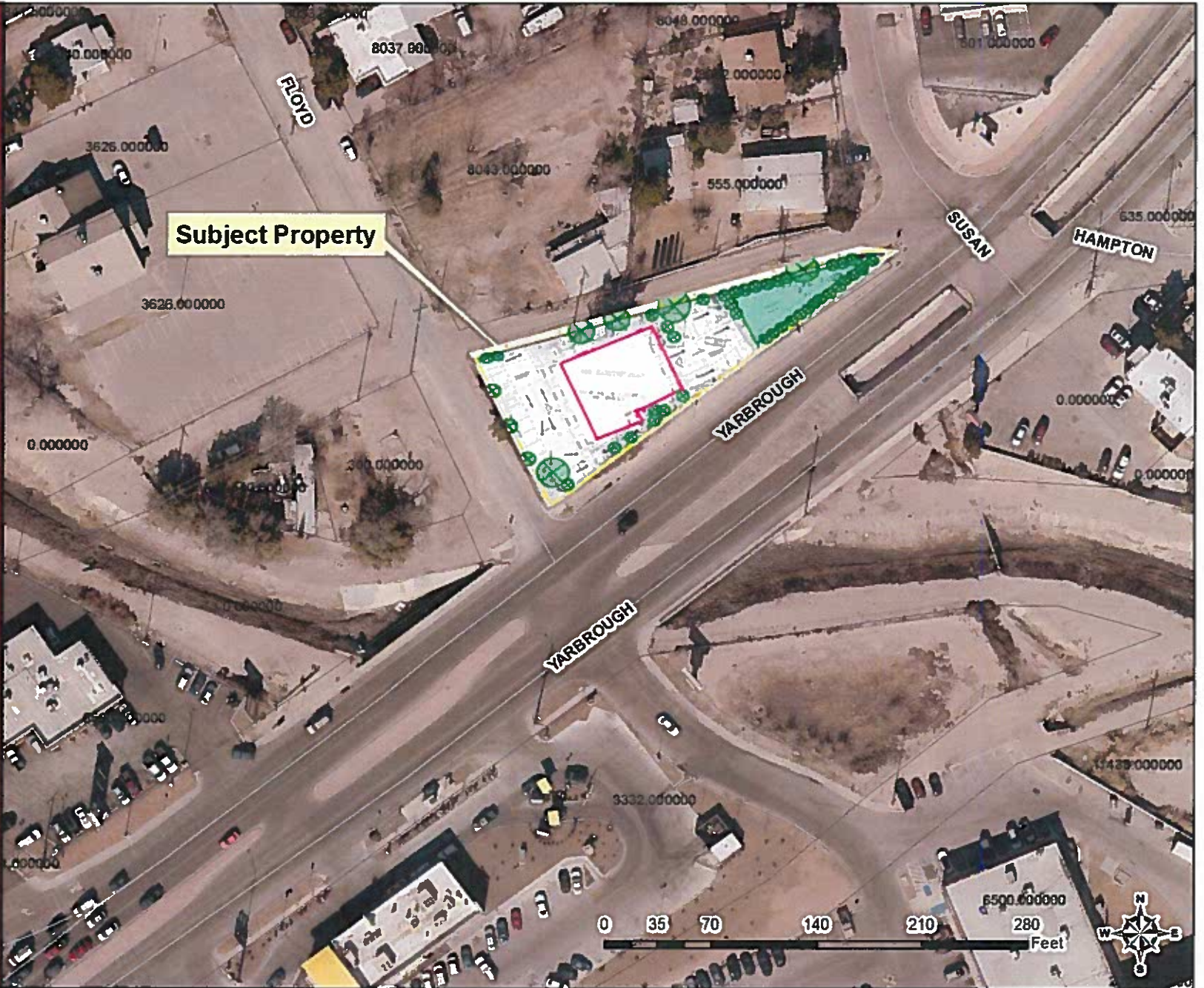


Elevations



"Delivering Outstanding Services"

PZRZ15-00040 & PZCR15-00007







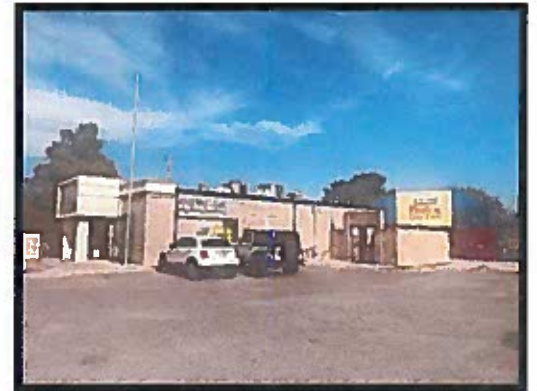
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PZRZ15-00040 & PZCR15-00007

