

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: March 3, 2020

PUBLIC HEARING DATE: March 31, 2020

CONTACT PERSON NAME AND PHONE NUMBER:

Philip F. Etiwe, (915) 212-1553, EtiwePF@elpasotexas.gov

Adriana Martinez, (915) 212-1611, MartinezAD@elpasotexas.gov

DISTRICT(S) AFFECTED: 3

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

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

SUBJECT:

An Ordinance amending a condition placed on the property by Ordinance No. 17291 which changed the zoning of Lot 17, Block 258, Vista del Sol #45, 1900 Amy Sue Dr., City of El Paso, El Paso County, Texas, and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. The proposed condition amendment meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan. Subject Property: 1900 Amy Sue Dr.; Owners: Montwood Dr. LLC; PZCR19-00008 (District 3)

BACKGROUND / DISCUSSION:

On December 19, 2019, the CPC reviewed and recommended approval of the condition amendment.

SELECTION SUMMARY:

N/A

PROTESTS:

☒ No protest received for this requirement.

COUNCIL REPRESENTATIVE BRIEFING:

Was a briefing provided: ☐ Yes or ☒ No

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD:



Philip F. Etiwe, Director
Planning and Inspections Department

ORDINANCE NO. _____

AN ORDINANCE AMENDING A CONDITION PLACED ON PROPERTY BY ORDINANCE NO. 17291 WHICH CHANGED THE ZONING OF LOT 17, BLOCK 258, VISTA DEL SOL #45, 1900 AMY SUE DR., CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as Lot 17, Block 258, Vista Del Sol #45, 1900 Amy Sue Dr., City of El Paso, El Paso County, Texas, was changed by Ordinance No. 17291, approved by City Council on March 23, 2010; and,

WHEREAS, the rezoning was subject to the following zoning conditions:

1. That a 10-foot wide landscape buffer be provided along the easterly property lines, to include 2-inch caliper trees placed 15 feet on center; this shall be in addition to the landscape requirements of the City Code and shall be constructed prior to the issuance of any certificates of occupancy.
2. Automotive uses and gasoline fueling station are prohibited.
3. No access is permitted from Amy Sue Drive.

WHEREAS, placement of such conditions was necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

WHEREAS, the owner (applicant) submitted an application requesting an amendment to Condition 2 to allow automobile uses; and,

WHEREAS, a public hearing regarding the amendment of Condition 2 was held before the City Plan Commission, and the Commission recommended approval of the amendment and recommended the addition of a condition requiring a minimum fifty-foot setback for any automobile uses from any abutting residential or apartment use or district; and,

WHEREAS, the City Council of the City of El Paso has determined that the amendment of Condition 2 and additional condition will still 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:

1. That the following zoning Condition 2 imposed on the property rezoned by Ordinance No. 17291 dated March 23, 2010 be amended to read as follows:
 2. Gasoline fueling stations are prohibited.
2. That Ordinance No. 17291 dated March 23, 2010 be amended to add the following Condition 4:

4. That a minimum fifty-foot setback is required for any automobile uses from any abutting residential or apartment use or district.
3. Except as herein amended, Ordinance No. 17291 shall remain in full force and effect.

ADOPTED this ____ day of _____, 2020.

THE 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

MEMORANDUM

DATE: February 24, 2020

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

FROM: Adriana Martinez, Planner

SUBJECT: PZCR19-00008

An Ordinance amending a condition placed on the property by Ordinance No. 17291 which changed the zoning of Lot 17, Block 258, Vista del Sol #45, 1900 Amy Sue Dr., City of El Paso, El Paso County, Texas, and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code to allow for an automobile service station as permitted in the C-1 (Commercial) zone district.

The CPC recommended **APPROVAL** of the Condition Amendment and adding the following new condition:

That a minimum fifty-foot setback is required for any automobile uses from any abutting residential or apartment use or district;

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 condition release 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 condition amendment request; Notices sent to property owners within 300 feet on December 4, 2019.

Property Owner: Montwood Dr. LLC.
Applicant: Montwood Dr. LLC.
Representative: Eduardo Villeda

Attachments:
Staff Report

1900 Amy Sue Dr.

City Plan Commission — December 19, 2019 (REVISED)



CASE NUMBER: PZCR19-00008
CASE MANAGER: Adriana Martinez, 915-212-1611, MartinezAD@elpasotexas.gov
PROPERTY OWNER: Montwood Dr. LLC.
REPRESENTATIVE: Eduardo Villeda
LOCATION: 1900 Amy Sue Dr. (District 3)
LEGAL DESCRIPTION: Lot 17, Block 258, Vista del Sol #45, City of El Paso, El Paso County, Texas
PROPERTY AREA: 0.923 acres
REQUEST: To amend Condition No. 2 imposed by Ordinance 17291 dated March 23, 2010.
RELATED APPLICATIONS: N/A
PUBLIC INPUT: Planning has not received any communication in support or opposition to the condition amendment request; Notices sent to property owners within 300 feet on December 4, 2019.

SUMMARY OF REQUEST: The applicant is requesting to amend Condition No. 2 imposed by Ordinance 17291; dated March 23, 2010 and allow an automobile service station on the subject property. All other conditions are to remain in order to promote the health, safety, morals and general welfare of the City.

SUMMARY OF DCC RECOMMENDATION: The Development Coordinating recommended **APPROVAL** of the Condition Amendment and adding the following new condition:

That a minimum fifty-foot setback is required for any automobile uses from any abutting residential or apartment use or district;

Staff finds the existing conditions are no longer necessary. The proposed development as depicted is consistent with other commercial districts in the immediate area, and meets the established character of its surrounding neighborhood. Furthermore, the proposed development meets the intent of the G-3, Post-War land use designation of *Plan El Paso* in the East Planning Area.

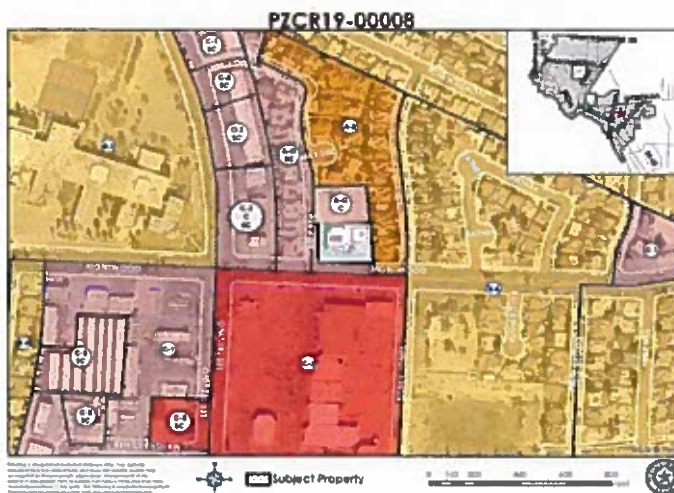


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant has submitted a Condition Release application to amend Condition No. 2 imposed by Ordinance 17291-dated March 23, 2010 for the property located at 1900 Amy Sue Dr. The subject property is currently required to comply with the special contract provisions imposed by such Ordinance, which states in part:

Current condition:

2. Automotive uses and gasoline fueling station are prohibited;

An automobile service station is a permitted use in the C-1 (Commercial) zone district. Considering that the subject property is surrounded by similar uses within the same zoning district, this condition automotive uses is no longer necessary to protect the health, safety, & welfare of its established neighborhood. Further, that for the property described above modify Condition #2 regarding automotive uses and adding one new condition. The proposed use shall demonstrate compliance with the all El Paso City Code requirements and supplemental uses prior to the issuance of a certificate of occupancy

The conceptual site plan shows proposes an automobile service station and an athletic facility.

PREVIOUS CASE HISTORY: The Development Coordinating recommends APPROVAL to amend Condition No. 2 and adding the following new condition:

#2. Automotive uses and gasoline fueling station are prohibited;

- *That a minimum fifty-foot setback is required for any automobile uses from any abutting residential or apartment use or district.*

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed development is consistent with the commercial developments in close proximity and meets the established character of its surrounding neighborhood. Further, the proposed the development meets the intent of G-3, Post-War use designation of *Plan El Paso*, the City's Comprehensive Plan.

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>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.</p>	<p>Yes, the proposed retail center is consistent with other commercial uses in the neighborhood. The surrounding properties are zoned C-3 (Commercial), A-O/c (Apartment-Office/condition), A-2 (Apartment) and A-O/sc (Apartment/special contract).</p>

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY	
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-1 (Commercial) District: The purpose of these districts is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the central business district, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.</p>	<p>Yes, the proposed development is a permitted use in the C-1 (Commercial) district. The proposed development is within proximity of other neighborhood retail uses.</p>
<p>Preferred Development Locations: Is the subject property located in either a compact urban area or along an arterial street?</p>	<p>Yes, the subject property is adjacent to Montwood Dr. a major arterial.</p>
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
<p>Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.</p>	<p>N/A</p>
<p>Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.</p>	<p>The proposed development would not present any adverse effects on the community. It has the potential to maximize the use of an undeveloped lot.</p>
<p>Natural Environment: Anticipated effects on the natural environment.</p>	<p>Subject property does not involve greenfield/environmentally sensitive land or arroyo disturbance.</p>
<p>Stability: Whether the area is stable or in transition.</p>	<p>Stable. There have not been any rezoning or condition release requests in the vicinity of the subject property.</p>
<p>Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.</p>	<p>The proposed development is within a stable area of the city which complies with the G-3, Post-War) neighborhood.</p>

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access to the subject property is proposed Montwood Dr. which is classified as a major arterial, adequate to serve the development.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No objections to proposed condition amendment. There were no adverse comments received. Applicant is responsible for obtaining all applicable permits and approvals prior to any building permits being issued.

PUBLIC COMMENT: The subject property falls within the boundary of the Eastside Civic Association, which have been 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 4, 2019. Planning has received no calls in support or opposition for the condition release request.

RELATED APPLICATIONS: N/A

CITY PLAN COMMISSION OPTIONS:

The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

1. **Recommend Approval** of the condition release request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval of the condition release request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Recommend Denial** of the condition release request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**

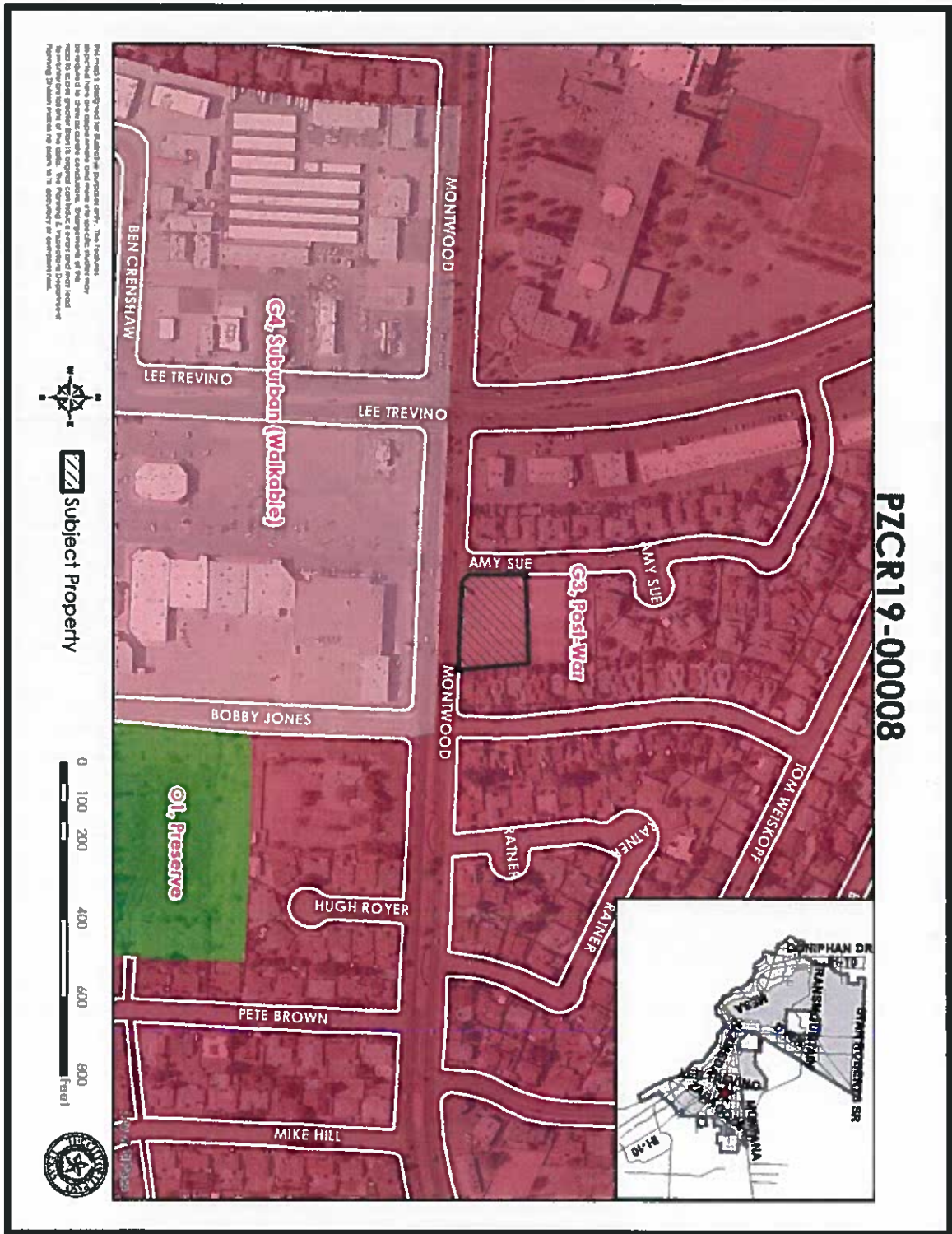
~~2. Automotive uses and gasoline fueling station are prohibited;~~

ATTACHMENTS:

1. Future Land Use Map
2. Department Comments
3. Neighborhood Notification Boundary Map
4. Conceptual Site Development Plan
5. Ordinance No. 17291

ATTACHMENT 1

Future Land Use Map



ATTACHMENT 2

Department Comments

Planning and Inspections Department

No objections to the Condition Release.

Note:

All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall follow the City of El Paso Design Standards for Construction and be ADA/TAS compliant.

Texas Department of Transportation

Proposed development is not abutting TxDOT right of way. Therefore, TxDOT has no comment.

Planning and Inspections Department – Landscaping Division

Recommended approval.

Note:

Reviewed for partial condition release that prohibits automotive uses.

Planning and Inspections Department – Land Development

EPW - Stormwater Engineering recommends using 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.

Police Department

No comments submitted.

Sun Metro

Recommended approval.

EPCWID

The attached case is not within the boundaries of EPCWID.

El Paso Water

El Paso Water does not object to this request.

Water:

There is an existing 6-inch diameter water main that extends along Amy Sue Dr., located approximately 20-feet west of and parallel to the eastern right-of-way line of Amy Sue Dr. This water main is available for service.

There is an existing 24-inch diameter water transmission main that extends along Montwood Dr., located approximately 30-feet south of and parallel to the northern right-of-way line of Montwood Dr. No direct service connections are allowed to this main as per the El Paso Water Rules & Regulations.

Previous water pressure from fire hydrant #4545 located 530 feet north of the intersection of Amy Sue Dr. and Montwood Dr. has yield a static pressure of 88 (psi), a residual pressure of 86 (psi) and a discharge of 750 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.

EPWater records show there is no water service serving the subject property.

Sewer:

There is an existing 8-inch diameter sanitary sewer main that extends along the west side of Amy Sue Dr., approximately 25-feet east of and parallel to the western right-of-way line of Amy Sue Dr. This sanitary sewer main is available for service.

General:

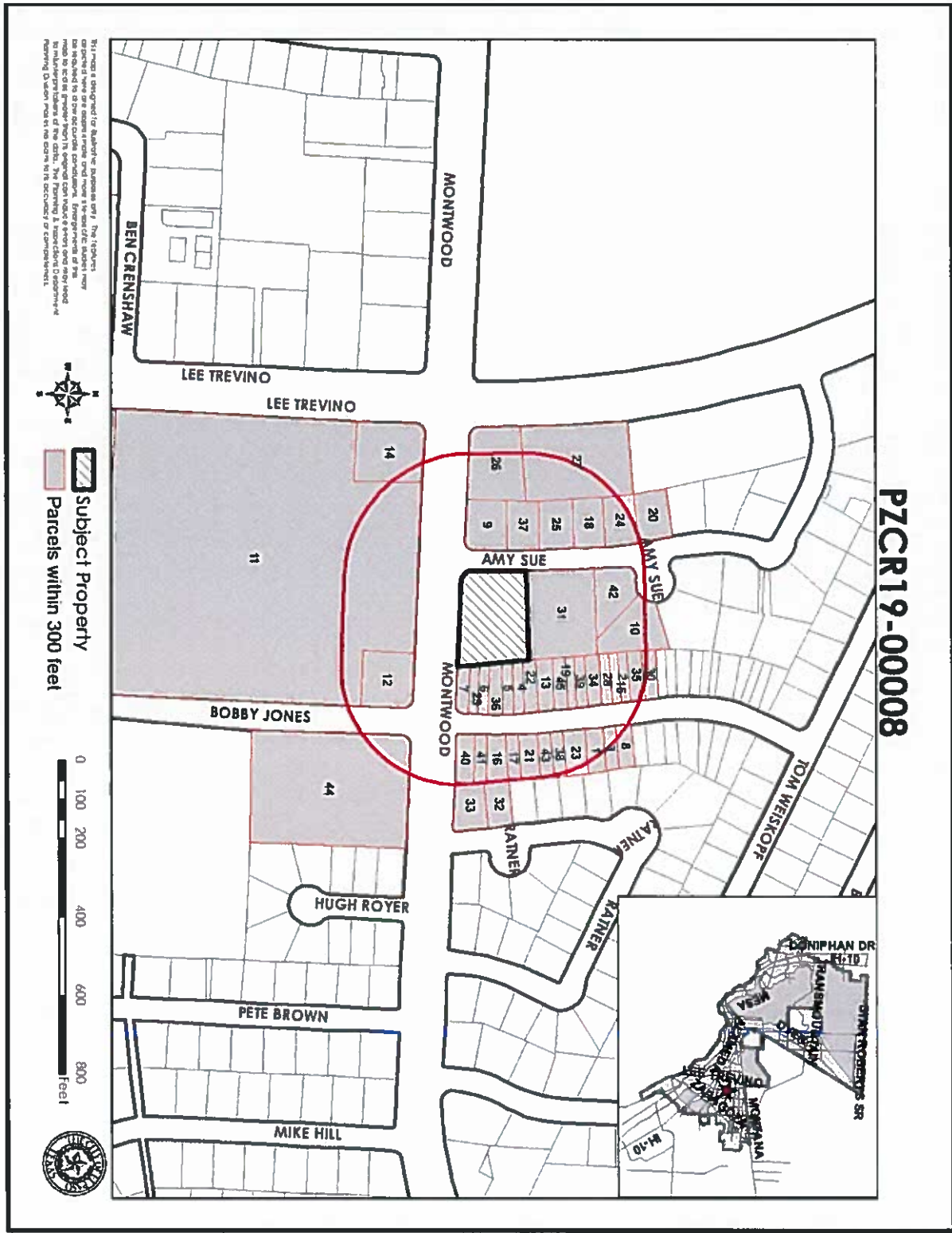
EPWater requires a new service application for services to the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Stormwater:

EPW - Stormwater Engineering recommends using 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.

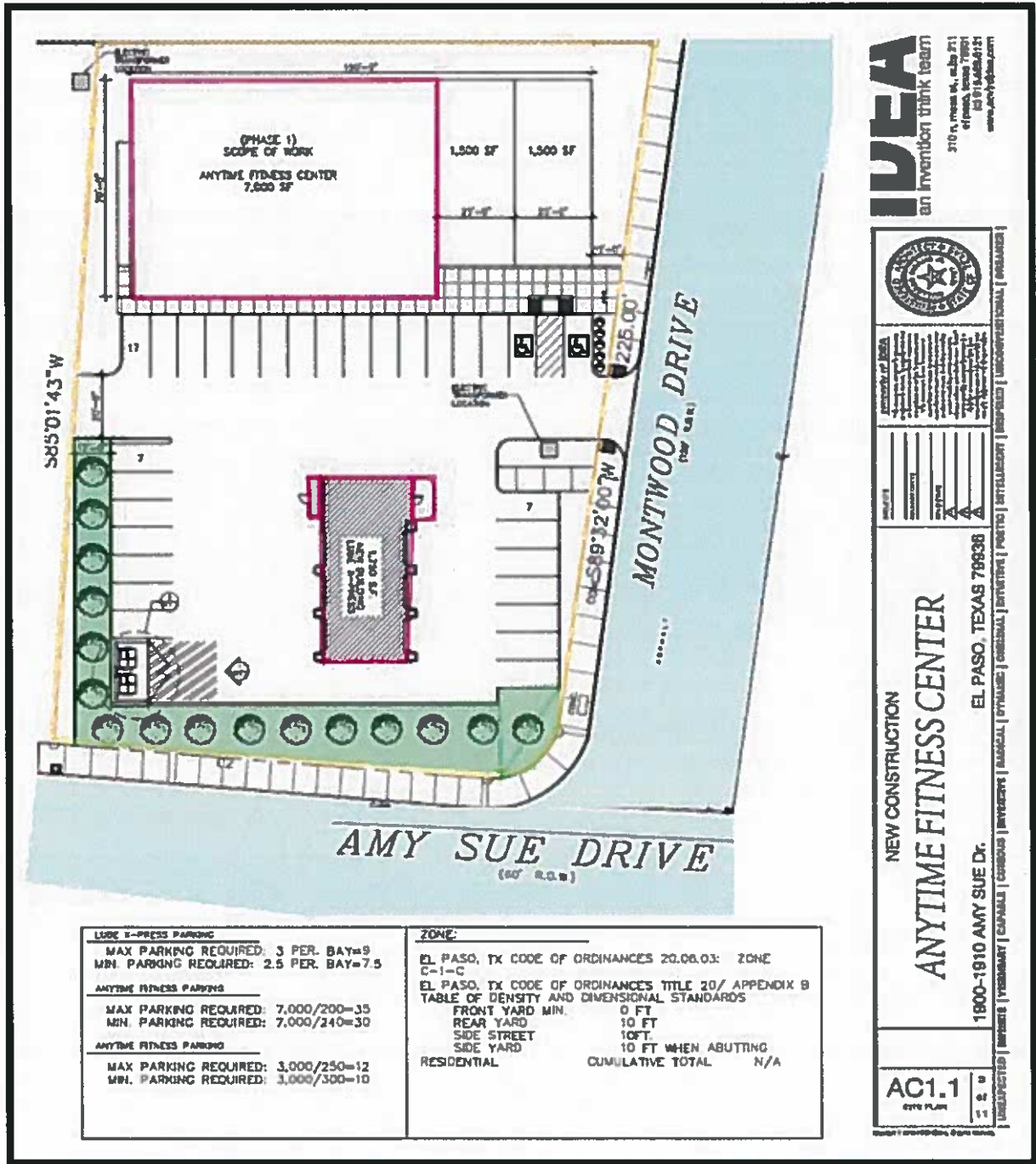
ATTACHMENT 3

Boundary Map



ATTACHMENT 4

Conceptual Site Plan



ATTACHMENT 5

Ordinance No. 17291

CITY CLERK DEPT.

10 FEB 22 PM 3:09

11A

ORDINANCE NO. 017291

AN ORDINANCE CHANGING THE ZONING OF LOT 17, BLOCK 258, VISTA DEL SOL UNIT 45, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-O/c (APARTMENT/OFFICE/CONDITIONS) TO C-1/c (COMMERCIAL/CONDITIONS), MODIFYING CONDITION NO. 1 PLACED ON THE PROPERTY BY ORDINANCE NO. 9955, AND ADDING TWO CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as *Lot 17, Block 258, Vista Del Sol Unit 45, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 9955 on January 24, 1990; and,

WHEREAS, the rezoning was subject to the following zoning conditions:

1. *Prior to the issuance of a certificate of occupancy, property must be landscaped in the following manner:*
 - a. *A minimum 5-foot wide landscaped strip must be provided along the east and north property lines. This landscaped strip must consist of drought-tolerant evergreen trees, 5 feet tall at the time of planting, and property spaced in accordance with acceptable horticultural standards.*
 - b. *A minimum 5-foot wide landscaped strip must be provided along the Montwood Drive and Amy Sue Drive property lines. This landscaped strip must consist of small drought-tolerant evergreen shrubs and groundcover.*
2. *The maximum height of any building constructed on the property shall not exceed 2 1/2 stories or 35 feet.*

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 property owner submitted an application requesting to rezone the property from A-O/c (Apartment/Office/conditions) to C-1/c (Commercial/conditions); and,

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

That the zoning of *Lot 17, Block 258, Vista Del Sol Unit 45, City of El Paso, El Paso County, Texas*, be changed from A-O/c (Apartment/Office/conditions) to C-1/c (Commercial/conditions) within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above modify Condition #1 regarding landscaping and adding two conditions which are necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City.

#54231 v1 - Planning/ORD/ZON09-00088/Rezoning and amending conditions/VAA
ORDINANCE NO. 017291

Document Author: LCUE
Zoning Case No: ZON09-00088

1. That a 10-foot wide landscape buffer be provided along the easterly property lines, to include 2-inch caliper trees placed 15 feet on center; this shall be in addition to the landscape requirements of the City Code and shall be constructed prior to the issuance of any certificates of occupancy;
2. Automotive uses and gasoline fueling station are prohibited; and,
3. No access is permitted from Amy Sue Drive.

PASSED AND APPROVED this 23rd day of March, 2010.



THE CITY OF EL PASO

John F. Cook
John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy
Mathew S. McElroy
Deputy Director – Planning
Development Services Department

#54231 v1 - Planning/ORD/ZON09-00088/Rezoning and amending conditions/VAA
ORDINANCE NO. 017291

Document Author: LCUE
Zoning Case No: ZON09-00088

Recommendation | Public Input

1

Planning Division and DCC recommendation:

The Development Coordinating recommends APPROVAL to amend Condition No. 2 and adding the following new condition:

- #2. ~~Automotive uses and gasoline fueling station~~ are prohibited;*
- That a minimum fifty-foot setback is required for any automobile uses from any abutting residential or apartment use or district;*

Public Input:

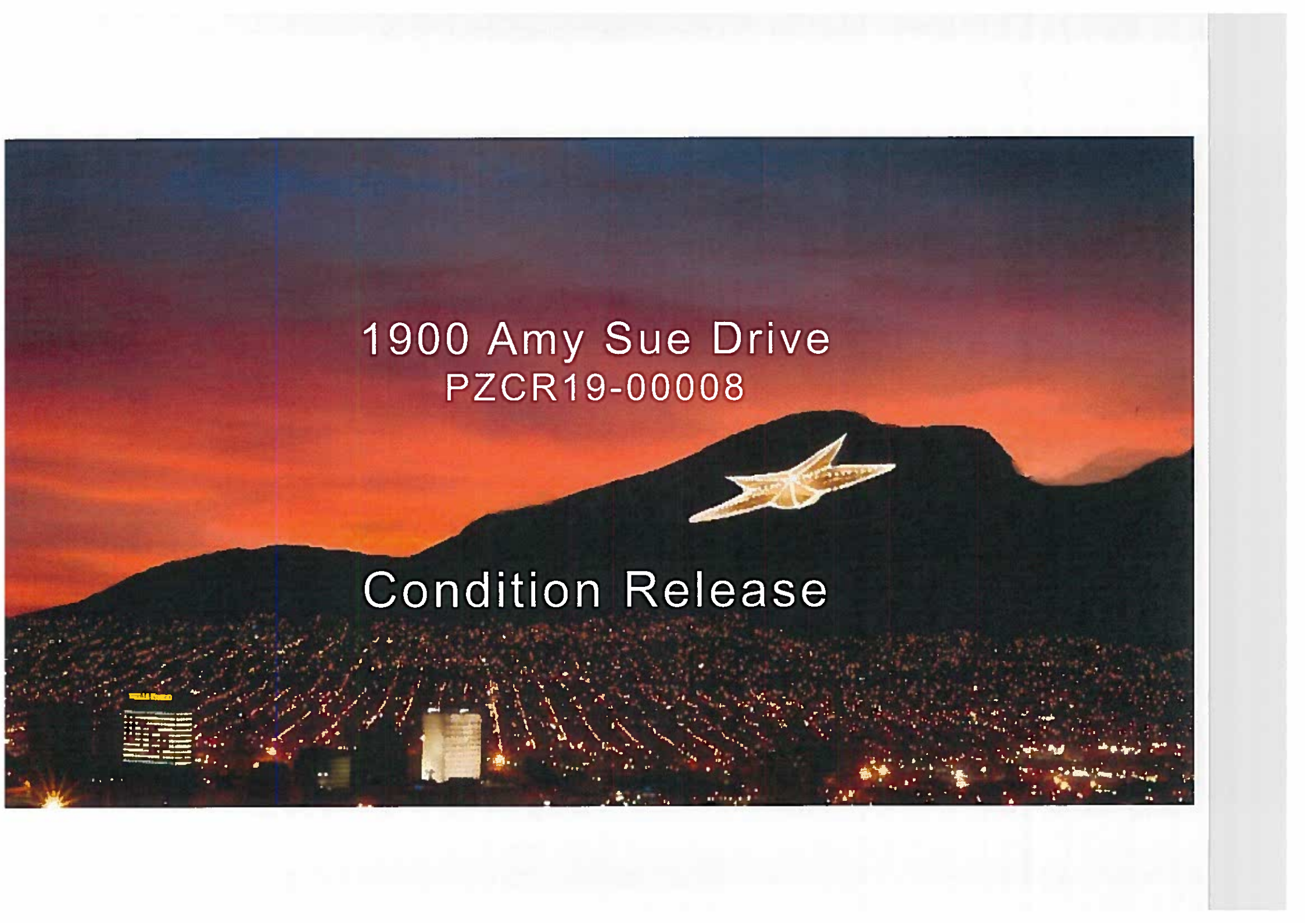
Planning has not received any communication in support or opposition to the rezoning request; Notices sent to property owners within 300 feet on December 4, 2019.

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



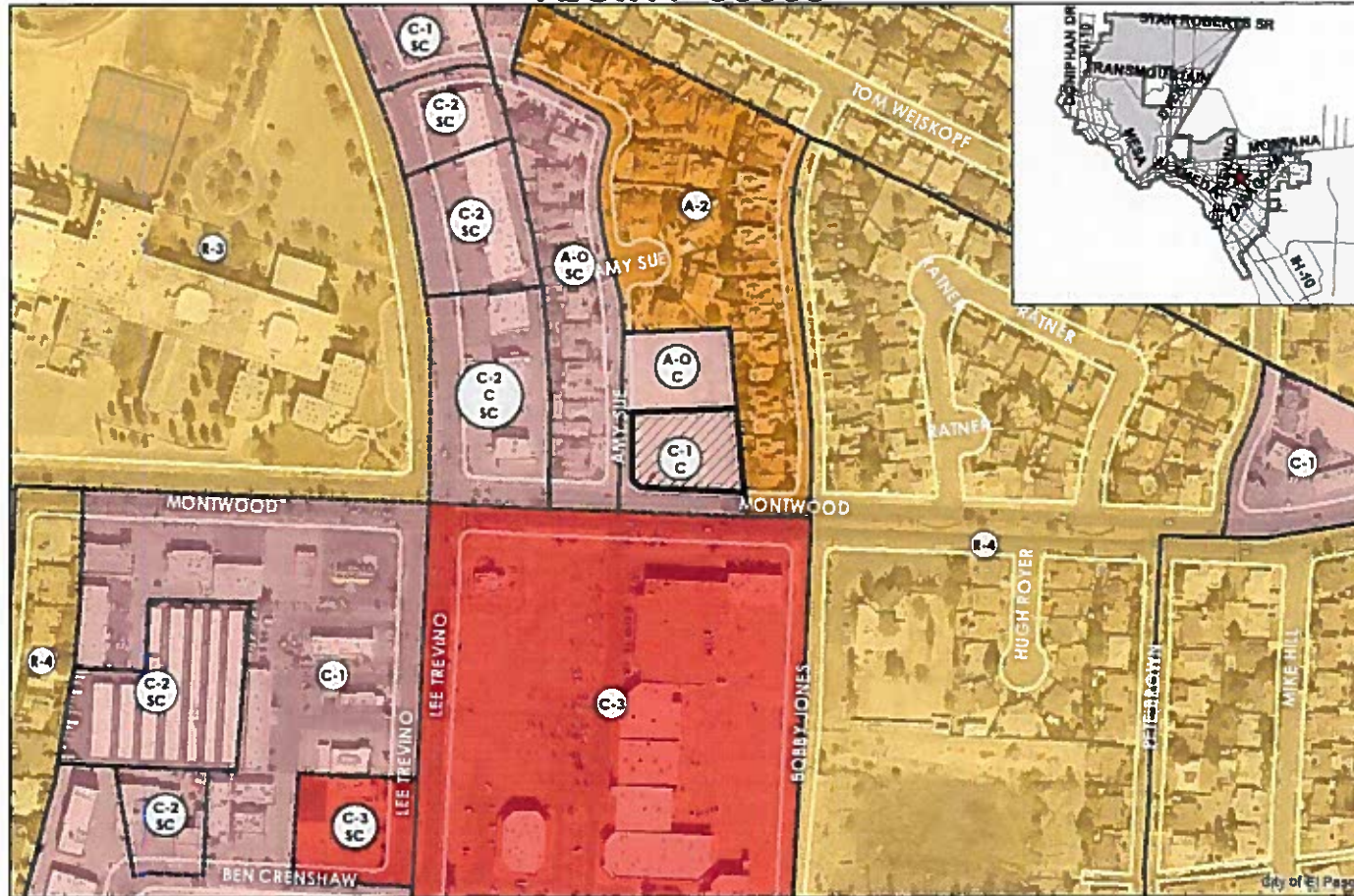


1900 Amy Sue Drive
PZCR19-00008

Condition Release

PZCR19-00008

3



This map is designed for illustrative purposes only. The location of parcels shown are approximate and more detailed site plans may be required to show accurate boundaries. Enlargements of this map to a scale greater than 1:10,000 can produce errors and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.

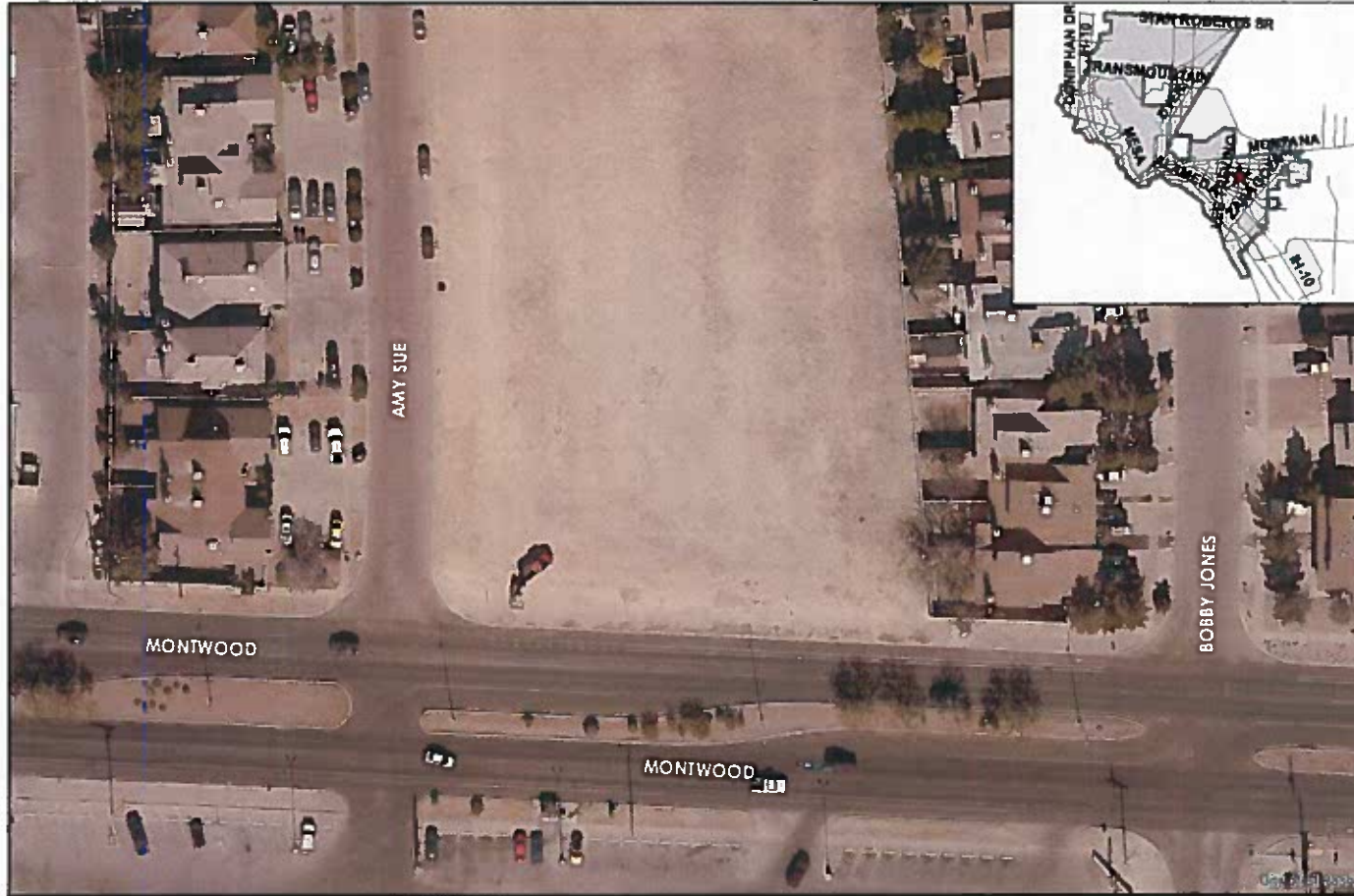


 Subject Property

0 100 200 400 600 800 Feet



PZCR19-00008



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

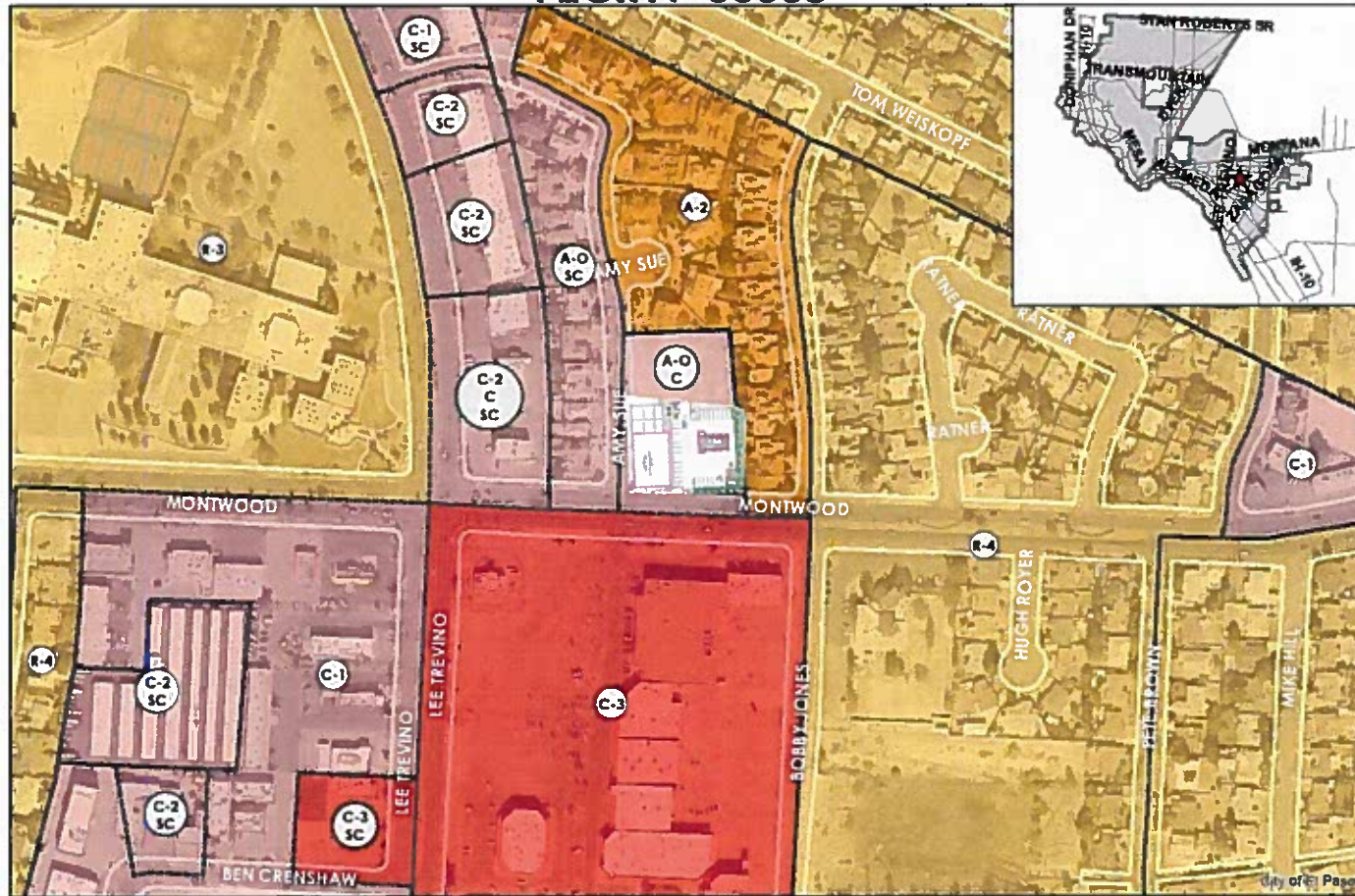


0 25 50 100 150 200 Feet



PZCR19-00008

5



This map is designed for illustrative purposes only. The location of parcels shown here are approximate and may not reflect the actual location of the parcels. The Planning & Information Department makes no claim to its accuracy or completeness.



 Subject Property

0 100 200 400 600 800 Feet



Current Conditions

6

Ordinance No. 9955:

1. Prior to the issuance of a certificate of a occupancy, property must be landscaped in the following manner:
 - a. A minimum 5-foot wide landscaped strip must be provided along the east and north property lines. This landscaped strip must consist of drought-tolerant evergreen trees, 5 feet tall at the time of planting, and property spaced in accordance with acceptable horticultural standards.
 - b. A minimum 5-foot wide landscaped strip must be provided along the Montwood Drive and Amy Sue Drive property lines. This landscaped strip must consist of small drought-tolerant evergreen shrubs and groundcover.
2. The maximum height of any building constructed on the property shall not exceed 2 ½ stories or 35 feet.

Ordinance No. 17291:

1. That a 10-foot wide landscape buffer be provided along the easterly property lines, to include 2-inch caliper trees placed 15 feet on center; this shall be in addition to the landscape requirements of the City Code and shall be constructed prior to the issuance of any certificates of occupancy;
2. Automotive uses and gasoline fueling station are prohibited; and,
3. No access is permitted from Amy Sue Drive.

Proposed Amendment & New Condition

Amend Condition No. 2 as follows:

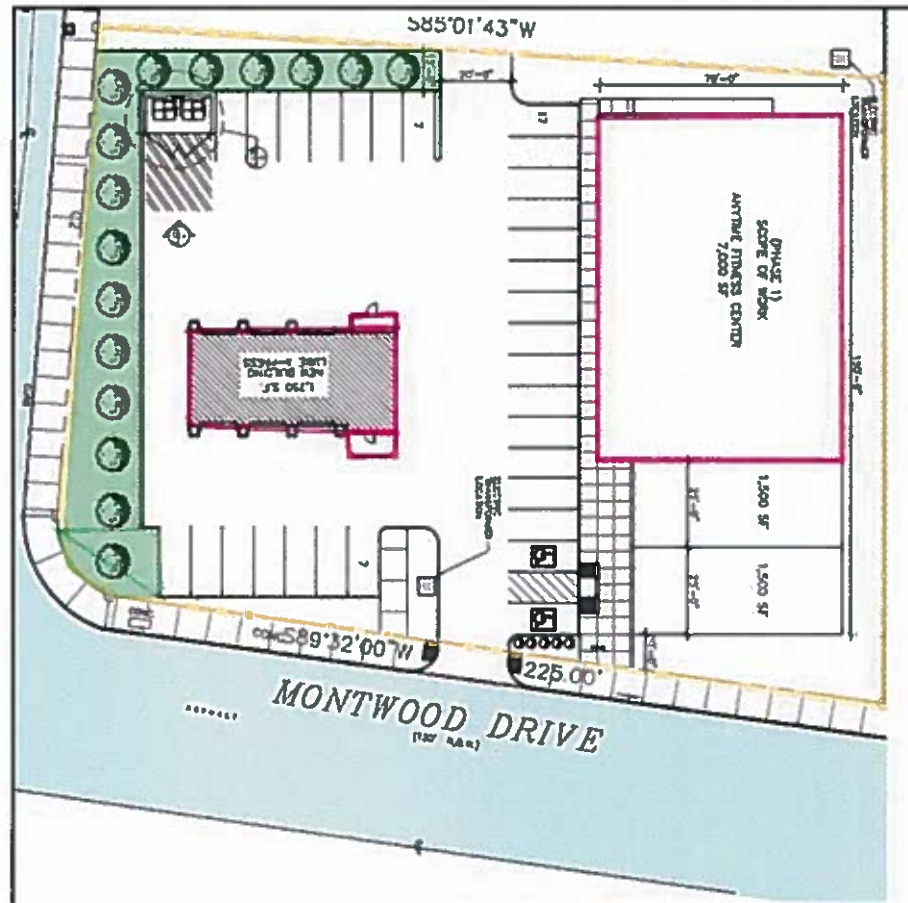
2. ~~Automotive uses and~~ gasoline fueling station are prohibited;

New condition:

- That a minimum fifty-foot setback is required for any automobile uses from any abutting residential or apartment use or district;

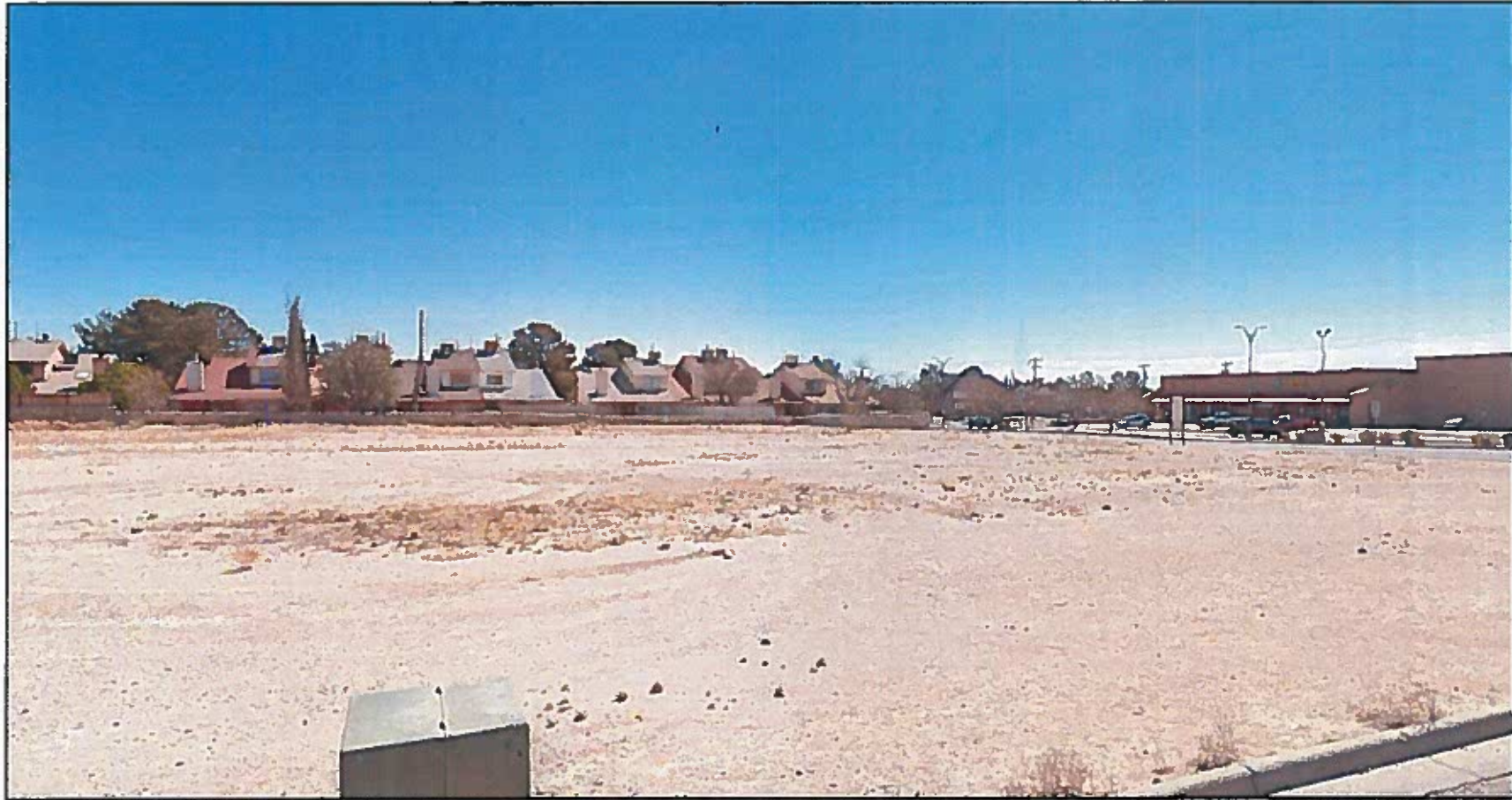
Conceptual Site Plan

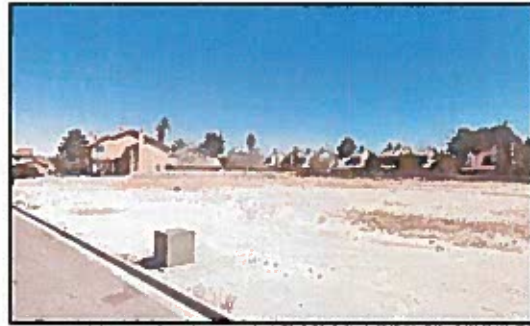
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Subject Property

6





THANK YOU

