

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: March 10, 2015
Public Hearing: March 31, 2015

CONTACT PERSON/PHONE: Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov

DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance changing the zoning of a portion of Lots 1 & 2 of Block 1, of Cudahy-Locke Subdivision, 5888 Doniphan Drive and 190 Edgar Road, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-3 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 5888 Doniphan Drive and 190 Edgar Road. Property Owner: Cudahy-Locke Investments LLC. PZRZ14-00063 (**District 1**)

BACKGROUND / DISCUSSION:

Staff report attached.

PRIOR COUNCIL ACTION:

N/A

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:

Mathew S. McElroy
Director, Planning and Inspections Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 1 & 2 OF BLOCK 1, OF CUDAHY-LOCKE SUBDIVISION, 5888 DONIPHAN DRIVE AND 190 EDGAR ROAD, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL), 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 *a portion of Lots 1 & 2, Block 1, of Cudahy-Locke Subdivision, 5888 Doniphan Drive and 190 Edgar Road, located in the City of El Paso, El Paso County, Texas*, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **R-3 (Residential)** to **C-3 (Commercial)**, 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 intensity 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:

That a five (5) foot wide landscaped buffer with high-profile native trees of at least two (2) inch caliper and ten (10) feet in height shall be placed at an average of thirty (30) feet on center abutting the southern and eastern property lines. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, shall be irrigated and maintained by the property owner at all times, and shall be installed prior to the issuance of any certificates of occupancy.

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 _____, 2015.

THE CITY OF EL PASO

Oscar Leoser
Mayor


ORDINANCE NO. _____

Zoning Case No: PZRZ14-00063

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy, Director
Planning and Inspections Department

ORDINANCE NO. _____

Zoning Case No: PZRZ14-00063

EXHIBIT "A"

Michael McElroy
City of El Paso Texas
Planning & Inspections

METES & BOUNDS
LEGAL DESCRIPTION
ZONING CASE No. 14-00063
5888 DONIPHAN DR. & 190 EDGAR ROAD

Being a portion of lots 1 & 2 of block 1, of Cudahy-Locke Subdivision, in the city of El Paso Texas, recorded on September 2, 2014, in file No. 20140056510, more particularly described as follows:

Beginning at the Northeast corner of lot 3 of said Cudahy-Locke Subdivision, said point being a ½" rod and being also the point of Beginning for the Legal description of El Paso Texas City Ordinance No. 012454; thence South 71 ° 41' 00 " West a distance of 80.00 feet along the northerly line of said lot 3; Thence South 18 ° 19' 00 " East a distance of 75.00 feet to the TRUE POINT OF BEGINNING.

Thence from the True point of Beginning South 71 ° 41' 00 " West a distance of 277.00 feet, to a point on the R.O.W. of Doniphan Drive also being the Westerly line of said Lot 1; Thence South 18 ° 19' 00 " East a distance of 225.00 feet to the Southwest Corner of said lot 1; Thence North 71 ° 41' 00 " East a distance of 277.00 feet along the Southerly line of said Lots 1 & 2 to the Southeast corner of said Lot 2; Thence North 18 ° 19' 00 " West a distance of 225.00 feet to the TRUE POINT OF BEGINNING.

Containing in all 62,325.00 sq. feet or 1.43 acres more or less.

MEMORANDUM

DATE: February 21, 2015

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

FROM: Michael McElroy, Planner

SUBJECT: PZRZ14-00063 (Related to PZST14-00036)

The City Plan Commission (CPC), on February 12, 2015, voted 7-0 to recommend **approval with a condition** of rezoning the subject property from R-3 (Residential) to C-3 (Commercial). The condition is as follows:

That a five (5) foot wide landscaped buffer with high-profile native trees of at least two (2) inch caliper and ten (10) feet in height shall be placed at an average of thirty (30) feet on center abutting the southern and eastern property lines. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, shall be irrigated and maintained by the property owner at all times, and shall be installed prior to the issuance of any certificates of occupancy.

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 have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

One phone call was received in support of the rezoning and one letter of support with a recommendation was received from the Montoya Neighborhood Association.

Attachment:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZRZ14-00063
Application Type: Rezoning
CPC Hearing Date: February 12, 2015
Staff Planner: Michael McElroy, 915-212-1612, mcelroyms@elpasotexas.gov
Location: 5888 Doniphan Drive and 190 Edgar Road
Legal Description: Portion of Lots 1 and 2 of Block 1, of Cudahy-Locke Subdivision, City of El Paso, El Paso County, Texas
Acreage: 1.43
Rep District: 1
Existing Zoning: R-3 (Residential)
Existing Use: Apartments
C/SC/SP/ZBA/LNC: Registered Legal Non-Conforming for apartments, RV, and mobile home park prior to annexation
Request: R-3 (Residential) to C-3 (Commercial) (Related to Special Permit PZST14-00036)
Proposed Use: Apartments
Property Owner: Cudahy-Locke Investments LLC
Representative: Gilberto Millot

SURROUNDING ZONING AND LAND USE

North: C-3 (Commercial) / Apartments & Commercial
South: R-3 (Residential) / Single family and duplex dwellings
East: R-3 (Residential) / Single family and duplex dwellings
West: P-I/sc (Planned-Industrial/special contract) and P-R 2/sc (Planned Residential II/special contract) / Automobile auctions and single family dwellings

PLAN EL PASO DESIGNATION: G-3 Post-War (Northwest Planning Area)

NEAREST PARK: Ruby Coates Park (1,421 feet)

NEAREST SCHOOL: Herrera Elementary (1,880 feet)

NEIGHBORHOOD ASSOCIATIONS

Upper Valley Improvement Association
Upper Mesa Hills Neighborhood Association
Montoya Heights Community Improvement Association
Coronado Neighborhood Association
Upper Valley Neighborhood Association
Save the Valley

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on January 28, 2015. The Planning Division received one phone call in support of the rezoning and one letter of support with a recommendation from the Montoya Neighborhood Association.

CASE HISTORY

The property was annexed to the City on May 12, 1987 as R-3 (Residential). On June 27, 1995 the City Council approved a rezoning request from R-3 (Residential) to C-3 (Commercial) by Ordinance No. 12454.

APPLICATION DESCRIPTION

The property owner is requesting a rezoning from R-3 (Residential) to C-3 (Commercial) to allow and expand apartment uses, as well as to unify the parcels which are currently split-zoned C-3 (Commercial)

and R-3 (Residential). The property is currently occupied by a seven unit apartment structure totaling 2,141 sq. ft. and one apartment structure proposed for expansion to include 12 units totaling 2,924 sq. ft. through related Special Permit PZST14-00036. The seven unit structure is proposed to reduce its rear yard setback five feet to comply with the C-3 (Commercial) zoning district standards. Ten parking spaces are currently provided for the existing seven unit apartment structure, and 10 are provided for the structure proposed for expansion. Access is proposed from Edgar Road and Doniphan Drive. The applicant is aware that the rezoning eliminates the legal non-conforming status of the property.

Planning and Inspections Department – Planning Division Recommendation

The Planning Division recommends **approval with a condition** of rezoning the subject property from R-3 (Residential) and to C-3 (Commercial) as follows:

- 1. That a five (5) foot wide landscaped buffer with high-profile native trees of at least two (2) inch caliper and ten (10) feet in height shall be placed at an average of thirty (30) feet on center abutting the southern and eastern property lines. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, shall be irrigated and maintained by the property owner at all times, and shall be installed prior to the issuance of any certificates of occupancy.*

The rezoning will provide a unified zoning district that will enable the property to expand its existing apartment use. Furthermore, the proposed development is compliant with the G-3 Post-War land use designation in the Northwest Planning Area.

Plan El Paso-Future Land Use Map Designation

All applications for special permit 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 purpose of the R-3 (Residential) district is to provide a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations, permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

The purpose of the C-3 (Commercial) district is to provide goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods. The district permits 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.

COMMENTS:

Planning and Inspections Department – Planning Division - Transportation

No objections.

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 - Land Development

No objection.

Planning and Inspections Department – Plan Review

No objections to proposed rezoning. At the time of submittal for building permits the project will need to comply with all applicable provisions of the IBC, TAS and local municipal code.

Planning and Inspections Department - Landscaping

No objection. Landscape required will be based on 15 % of the new construction.

El Paso Fire Department

Recommend “APPROVAL with Conditions” of “Application” as presented. PZRZ14-00063. Applicant shall provide an access walkway from the apparatus access roads to the exterior of all buildings shown on the proposed site plan. *****NOTE ***** In accordance with the requirements of the Zoning Code Section 20.04.160 Content of application the Fire Planning Division has reviewed the submitted “Detailed Site Plan for the following: Elevations, Perspective of the building, Dimensions, square footage and height of all structures, Number of dwelling units in Multi- family structures, and Driveways as applicable to the following sections of the fire code; Chapter 5 Fire Service Features, and Appendix D Fire Apparatus Access Roads, Please note: Fire Protection Systems are not being reviewed at this time “When required as per section 905.3.1, 905.4 and 905.5 all fire protections system plans shall be submitted separately to Fire Plan Review for further requirements and comments”. The Fire Planning Division has reviewed the submitted “Detailed Site Plan Application” as per requirements of the Zoning Code Section 20.04.160 Content of application and has determined that the submission DOES comply within the zoning regulations.

El Paso Water Utilities

EPWU does not object to this request.

1. Doniphan Drive is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Doniphan Drive right-of-way requires written permission from TxDOT.

Water:

1. There is an existing 16-inch diameter water main extending along Doniphan Drive, the water main is located approximately 45-ft east from the center right-of-way line.
2. There is an existing 6-inch diameter water main extending along Johannson Road that is available for service, the water main is located approximately 19-ft east from the center right-of-way line.
3. EPWU records indicate a 1-1/2-inch water meter serving the subject property. The service address for this meter is 5888 Doniphan Drive.

Sewer:

1. There is an existing 21-inch diameter sanitary sewer main extending along a 25-foot utility easement within the subject property. Said main is located approximately 10-ft east from the western property line. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.
2. There is an existing 8-inch diameter sanitary sewer main extending along Johannson Road that is available for service, the sewer main is located approximately 5-ft west from the center right-of-way line.
3. The EPWU recommends that grading for Lots 1 and 2 be directed toward Edgar Road to allow sewer service by gravity.

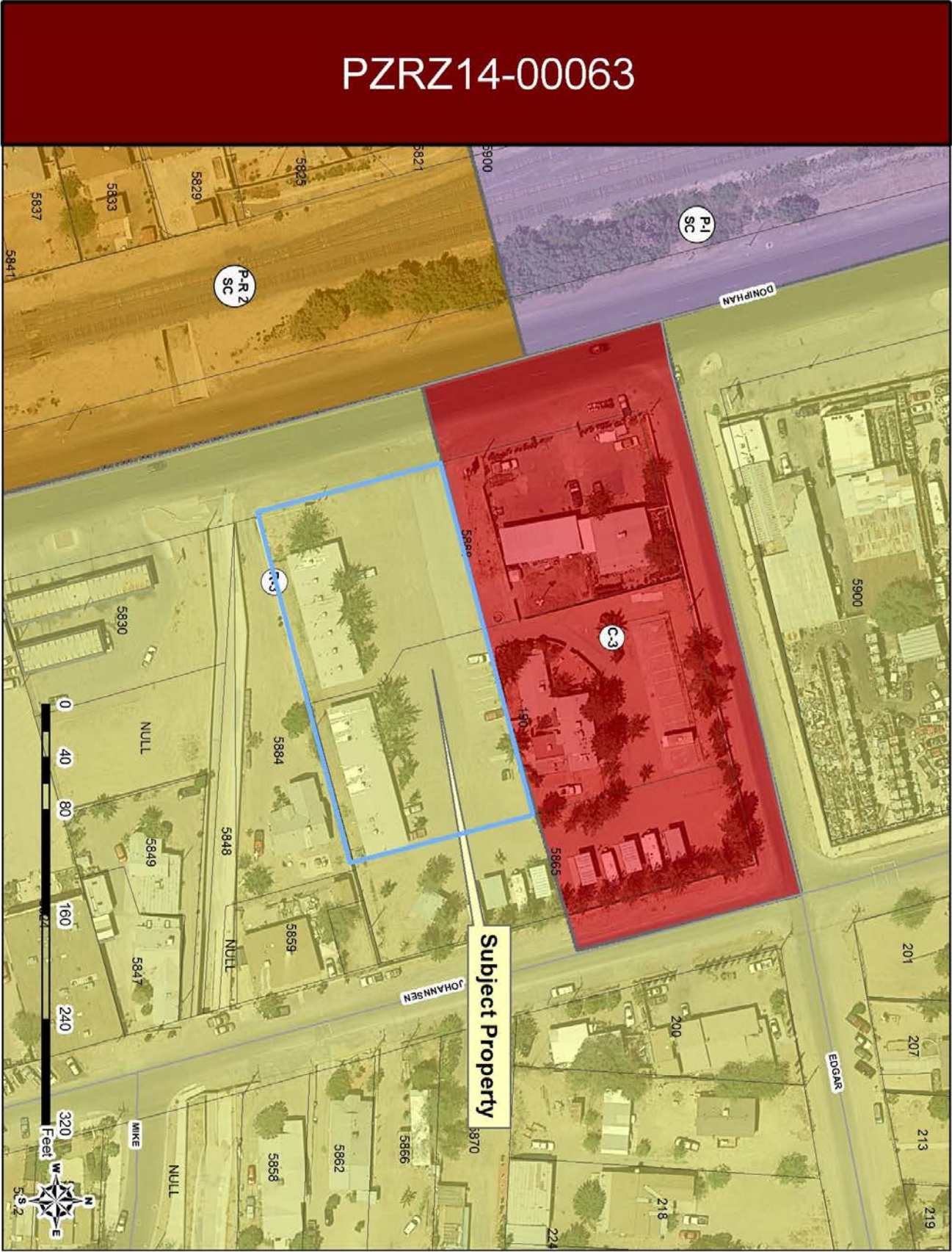
General:

1. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWU-PSB easement without the written consent of EPWU-PSB. The Developer shall refrain from constructing rock walls, signs, buildings, or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any sign or structure.
2. EPWU requires a new service application to provide service 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 EPWU – 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.

Attachments

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Elevations
5. Support Letter

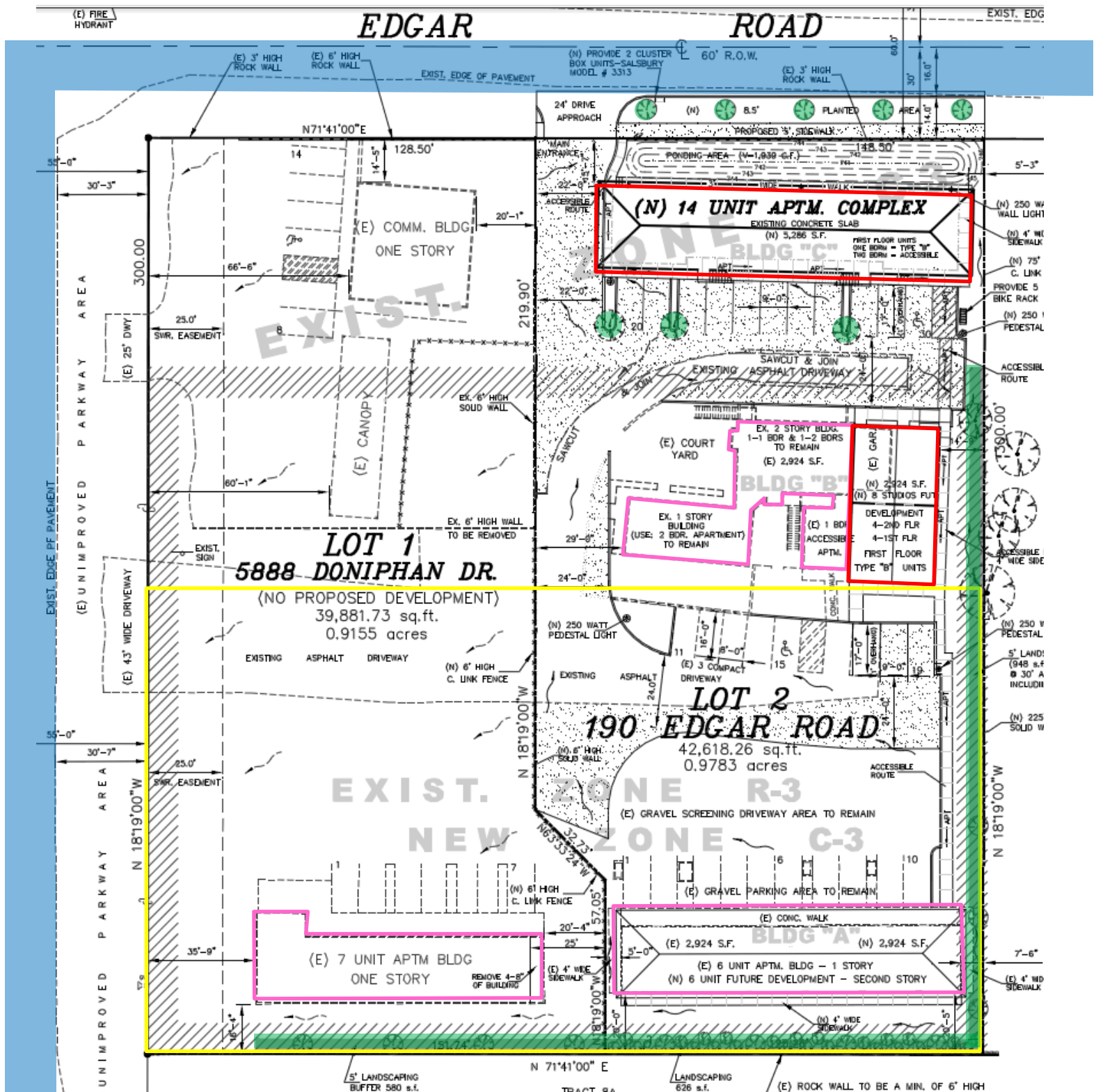


ATTACHMENT 2: AERIAL MAP

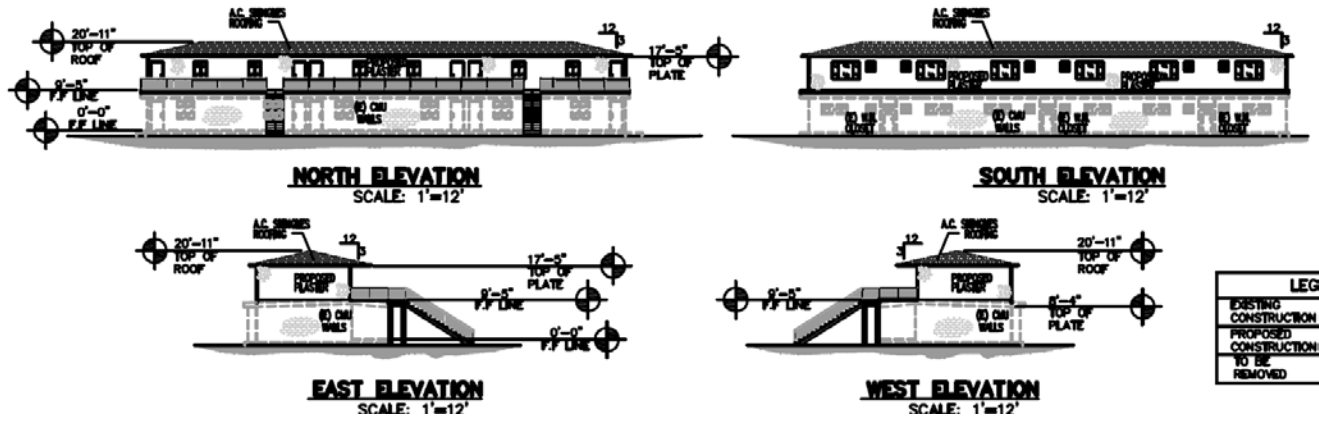
PZRZ14-00063



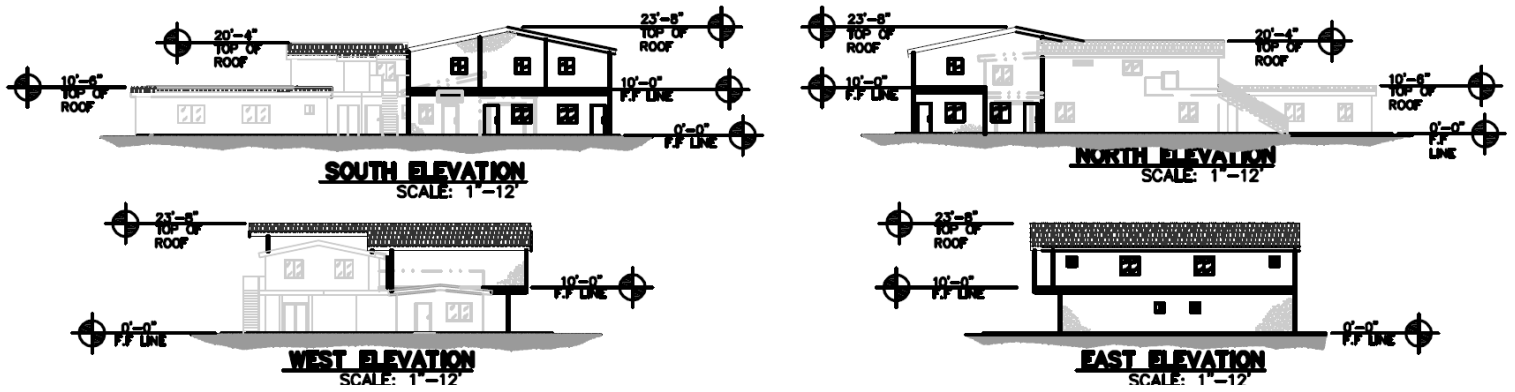
ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



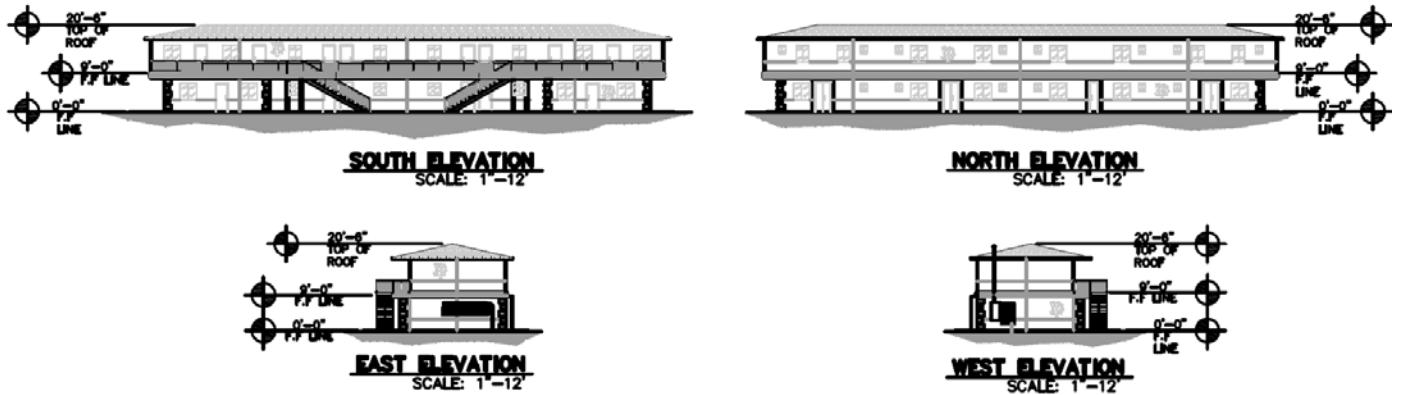
ATTACHMENT 4: ELEVATIONS



Existing Building "A"



Existing Building "B"



Proposed Building "C"

ATTACHMENT 5: SUPPORT LETTER

McElroy, Michael

From: Acosta, Maria D
Sent: Monday, February 09, 2015 7:38 AM
To: McElroy, Michael
Subject: FW: 021215 CPC Agenda

Good morning Michael,
FYI, please see attached email.

From: robert sandoval [<mailto:eplocal153@yahoo.com>]
Sent: Friday, February 06, 2015 1:55 PM
To: Acosta, Maria D
Cc: Veronica Sandoval; Arturo Villarreal; District #1; Montalvo, Olivia T.; Robert Sandoval
Subject: Re: 021215 CPC Agenda

Montoya Neighborhood Association would like to submit the following letter for consideration to the City Plan Commission Agenda. Letter is in support of request with provisions on item # 14 PZRZ14-00063 for Discussion and Action.

Provision is to rise East end wall on property to 8 feet or highest length allowed under City Code .

Thank you for your consideration to enter letter under public comment.

Respectfully,

Sandoval Robert
Montoya Neighborhood Vice President
309 Coates Drive
El Paso, Texas
Mobile: 915-497-6607
Fax: 915-886-4900



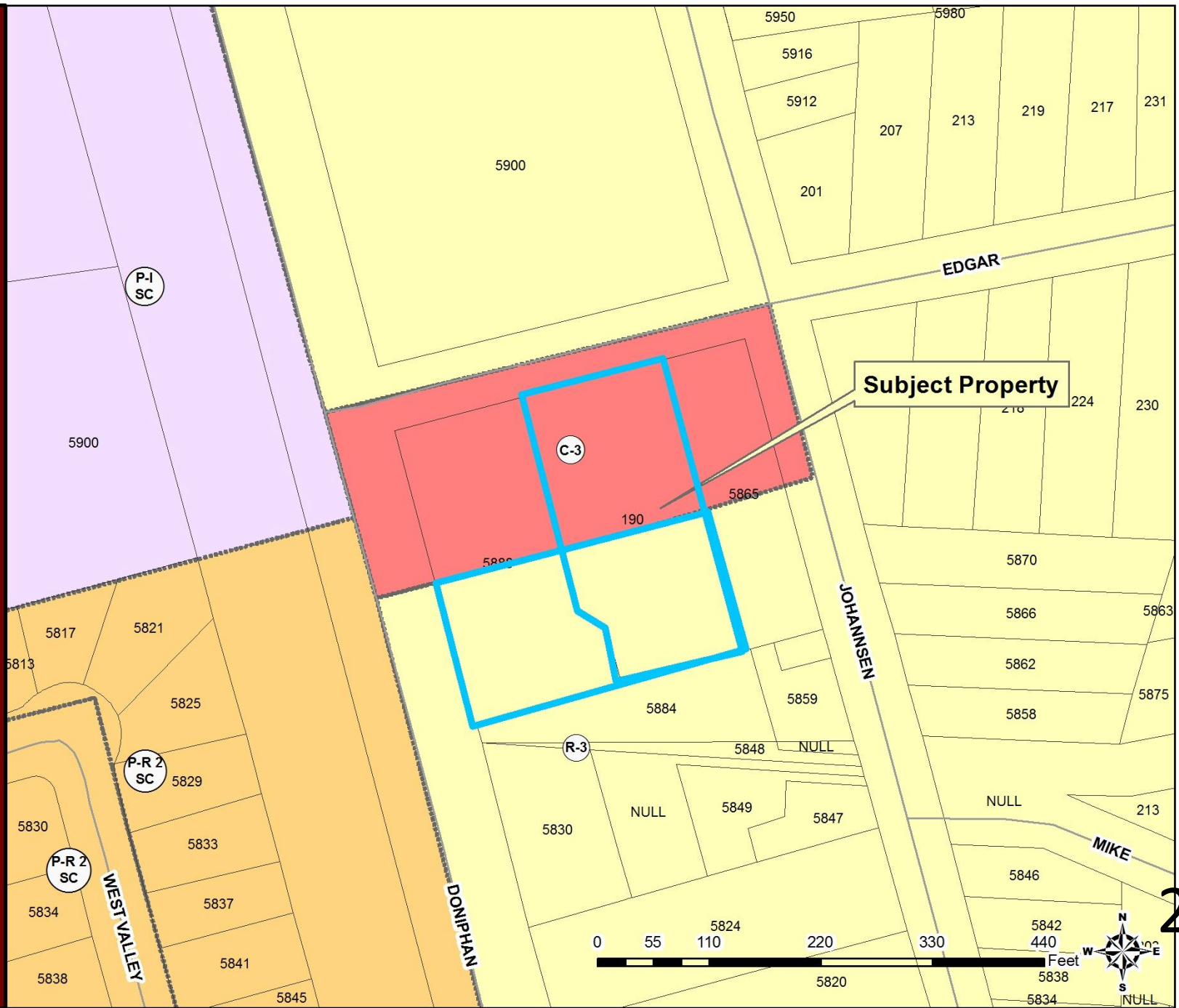
Recommendation/Public Input

- Planning Division recommendation: Approval
- CPC Vote: Approval Recommendation (7-0)
- Public Input: 1 Phone call and 1 letter in support were received for the rezoning and special permit.

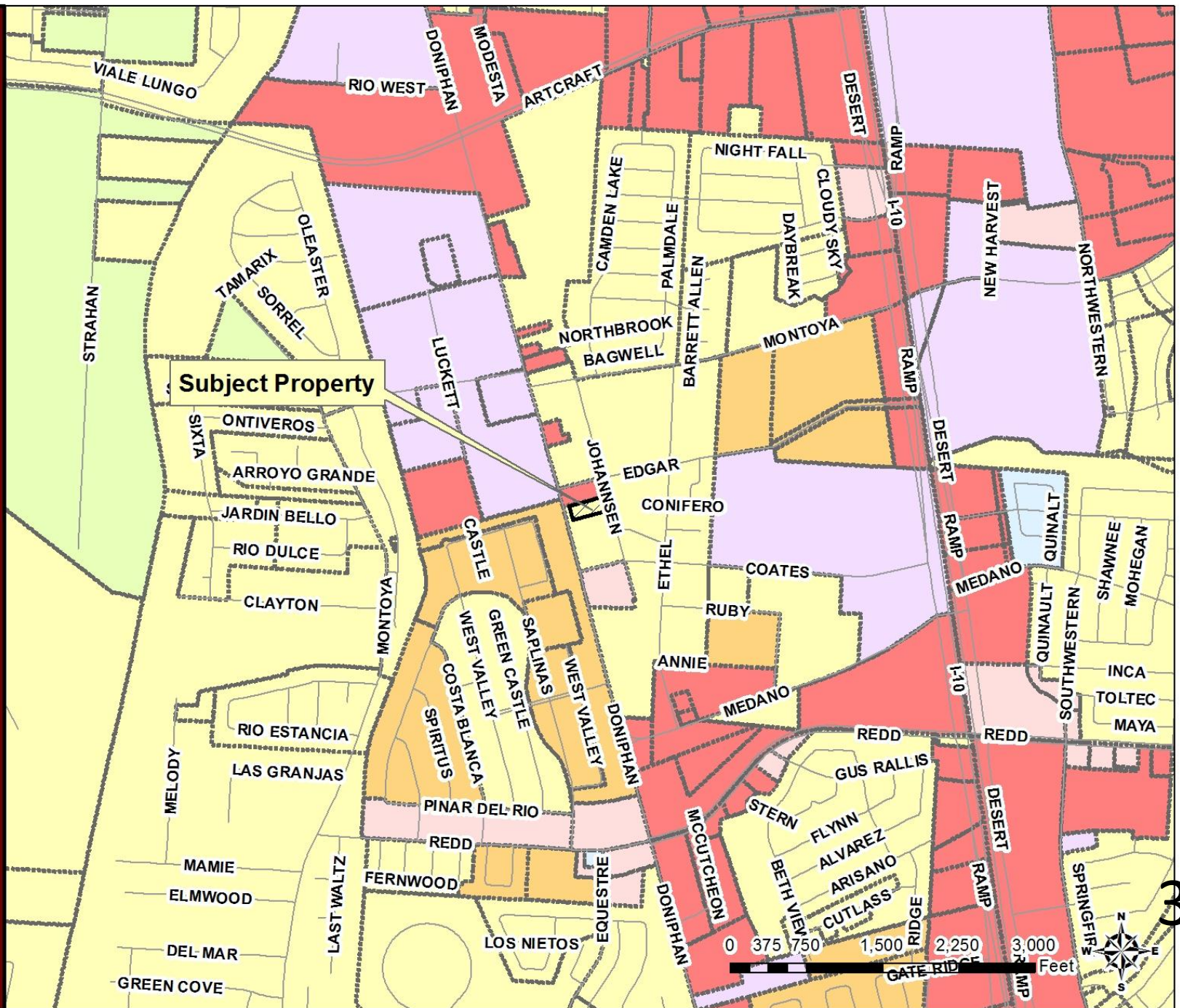
Strategic Goal #3 Promote the Visual Image of El Paso

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

PZRZ14-00063 & PZST14-00036



PZRZ14-00063 & PZST14-00036



PZRZ14-00063 & PZST14-00036



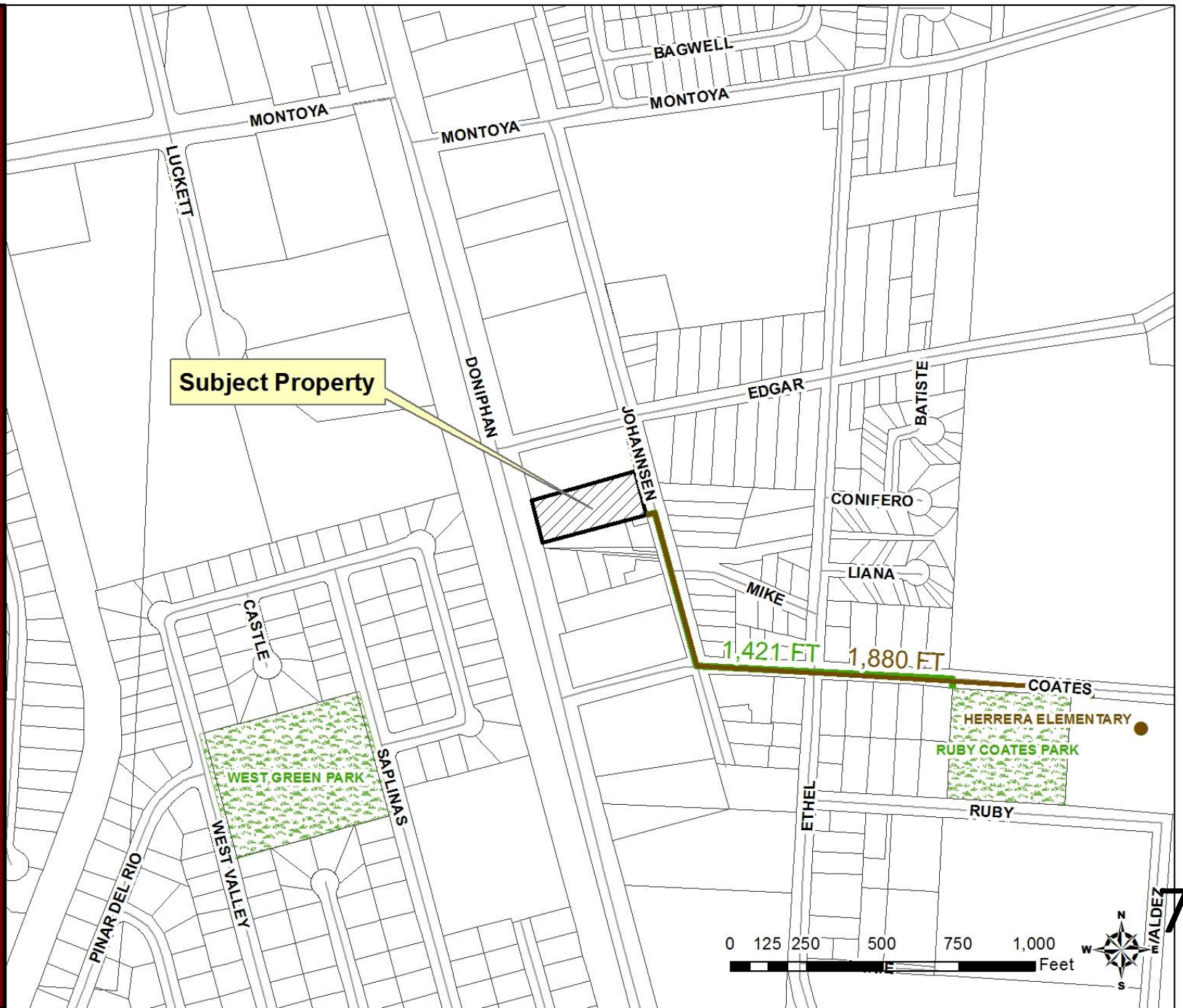
PZRZ14-00063 & PZST14-00036



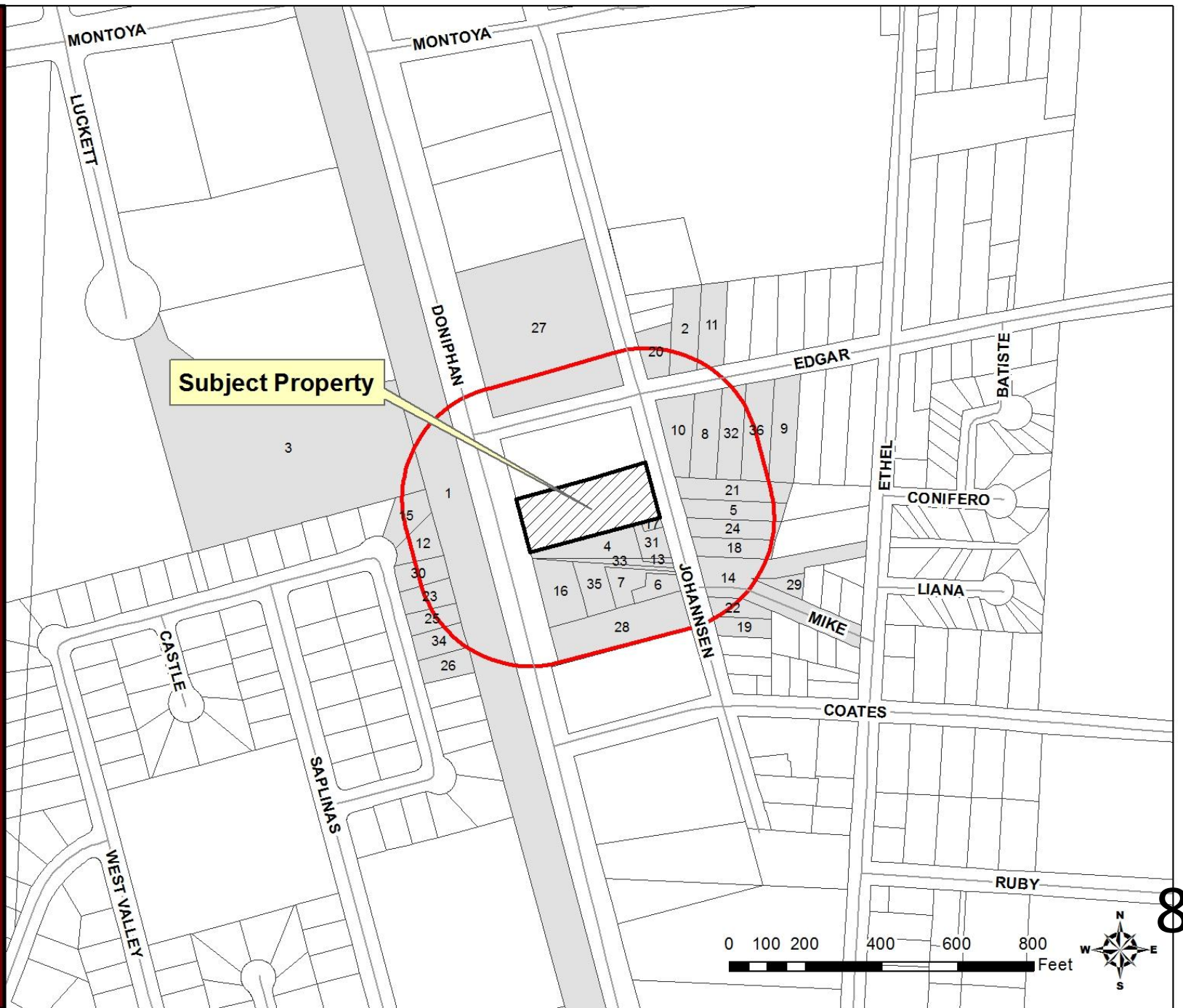
PZRZ14-00063 & PZST14-00036



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PZRZ14-00063 & PZST14-00036



[illegible]

5888 DONIPHAN DR.
(NO PROPOSED DEVELOPMENT)
39,881.73 sq.ft.
0.9155 acres

LOT 1

LOT 2
190 EDGAR ROAD
42,618.26 sq.ft.
0.9783 acres

EXIST. BLDG "A"
(E) 7 UNIT APTM BLDG
ONE STORY

EXIST. BLDG "B"
(E) 1 STORY BUILDING
(USE: 2 BDR APARTMENT) TO REMAIN

EXIST. BLDG "C"
(N) 14 UNIT APTM. COMPLEX
EXISTING CONCRETE SLAB
(N) 3,286 S.F.

EXIST. BLDG "D"
(E) 2 STORY BLDG.
1-1 BDR & 1-2 BDRS
TO REMAIN
(E) 2,924 S.F.

EXIST. BLDG "E"
(E) 1 BDR ACCESSIBLE
APTM.
FIRST FLOOR
TYPE "B" UNITS

EXIST. BLDG "F"
(N) 2,924 S.F.
(N) 8 STUDIOS PUT
DEVELOPMENT
4-2ND FLR
4-1ST FLR
TYPE "B" UNITS

EXIST. BLDG "G"
(E) 2,924 S.F.
(N) 2,924 S.F.

EXIST. BLDG "H"
(E) 6 UNIT APTM. BLDG - 1 STORY
(N) 6 UNIT FUTURE DEVELOPMENT - SECOND STORY

EXIST. BLDG "I"
(E) 250 WATT WALL LIGHT
(N) 250 WATT WALL LIGHT
(N) 225' SOLID W.

EXIST. BLDG "J"
(E) 250 WATT WALL LIGHT
(N) 250 WATT WALL LIGHT
(N) 225' SOLID W.

EXIST. BLDG "K"
(E) 250 WATT WALL LIGHT
(N) 250 WATT WALL LIGHT
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EXIST. BLDG "L"
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EXIST. BLDG "M"
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EXIST. BLDG "N"
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EXIST. BLDG "O"
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EXIST. BLDG "AH"
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EXIST. BLDG "AJ"
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EXIST. BLDG "AL"
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EXIST. BLDG "AP"
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EXIST. BLDG "AQ"
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EXIST. BLDG "AR"
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(N) 225' SOLID W.

EXIST. BLDG "AS"
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(N) 250 WATT WALL LIGHT
(N) 225' SOLID W.

EXIST. BLDG "AT"
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EXIST. BLDG "AU"
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EXIST. BLDG "AV"
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EXIST. BLDG "AW"
(E) 250 WATT WALL LIGHT
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(N) 225' SOLID W.

EXIST. BLDG "AX"
(E) 250 WATT WALL LIGHT
(N) 250 WATT WALL LIGHT
(N) 225' SOLID W.

EXIST. BLDG "AY"
(E) 250 WATT WALL LIGHT
(N) 250 WATT WALL LIGHT
(N) 225' SOLID W.

EXIST. BLDG "AZ"
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(N) 225' SOLID W.

EXIST. BLDG "BA"
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(N) 250 WATT WALL LIGHT
(N) 225' SOLID W.

EXIST. BLDG "BB"
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(N) 250 WATT WALL LIGHT
(N) 225' SOLID W.

EXIST. BLDG "BC"
(E) 250 WATT WALL LIGHT
(N) 250 WATT WALL LIGHT
(N) 225' SOLID W.

EXIST. BLDG "BD"
(E) 250 WATT WALL LIGHT
(N) 250 WATT WALL LIGHT
(N) 225' SOLID W.

EXIST. BLDG "BE"
(E) 250 WATT WALL LIGHT
(N) 250 WATT WALL LIGHT
(N) 225' SOLID W.

EXIST. BLDG "BF"
(E) 250 WATT WALL LIGHT
(N) 250 WATT WALL LIGHT
(N) 225' SOLID W.

EXIST. BLDG "BG"
(E) 250 WATT WALL LIGHT
(N) 250 WATT WALL LIGHT
(N) 225' SOLID W.

EXIST. BLDG "BH"
(E) 250 WATT WALL LIGHT
(N) 250 WATT WALL LIGHT
(N) 225' SOLID W.

EXIST. BLDG "BI"
(E) 250 WATT WALL LIGHT
(N) 250 WATT WALL LIGHT
(N) 225' SOLID W.

EXIST. BLDG "BJ"
(E) 250 WATT WALL LIGHT
(N) 250 WATT WALL LIGHT
(N) 225' SOLID W.

EXIST. BLDG "BK"
(E) 250 WATT WALL LIGHT
(N) 250 WATT WALL LIGHT
(N) 225' SOLID W.

EXIST. BLDG "BL"
(E) 250 WATT WALL LIGHT
(N) 250 WATT WALL LIGHT
(N) 225' SOLID W.

EXIST. BLDG "BM"
(E) 250 WATT WALL LIGHT
(N) 250 WATT WALL LIGHT
(N) 225' SOLID W.

EXIST. BLDG "BN"
(E) 250 WATT WALL LIGHT
(N) 250 WATT WALL LIGHT
(N) 225' SOLID W.

EXIST. BLDG "BO"
(E) 250 WATT WALL LIGHT
(N) 250 WATT WALL LIGHT
(N) 225' SOLID W.

EXIST. BLDG "BP"
(E) 250 WATT WALL LIGHT
(N) 250 WATT WALL LIGHT
(N) 225' SOLID W.

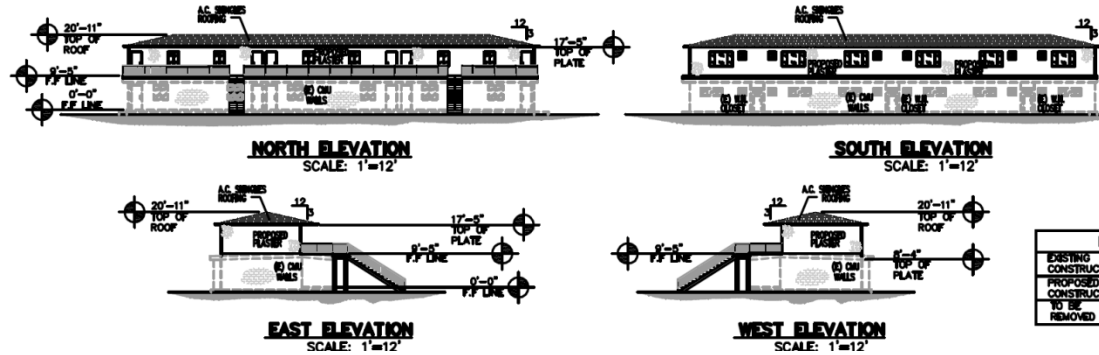
EXIST. BLDG "BQ"
(E) 250 WATT WALL LIGHT

[illegible]

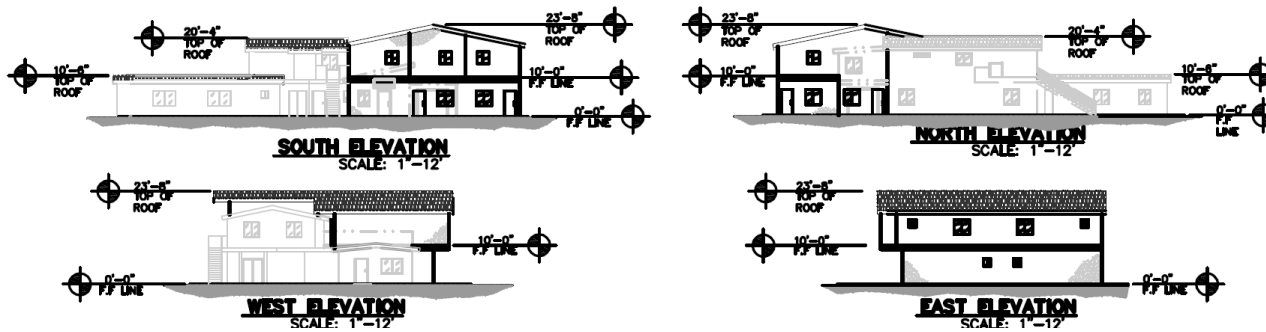
Existing

Proposed

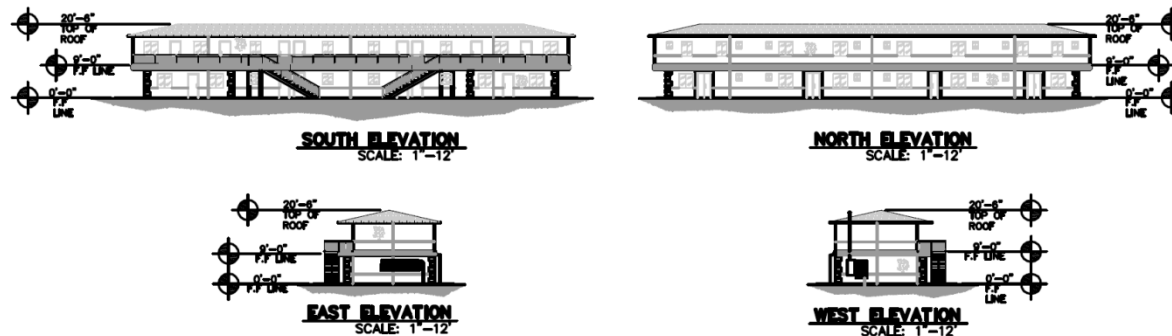
Elevations



Existing Building "A"



Existing Building "B"



Proposed Building "C"

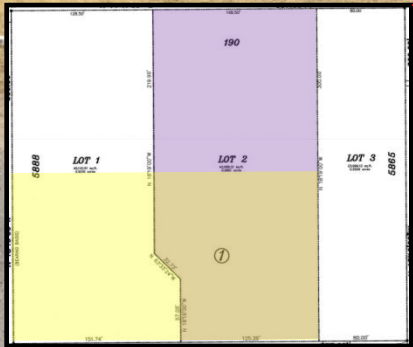


RIO GRANDE



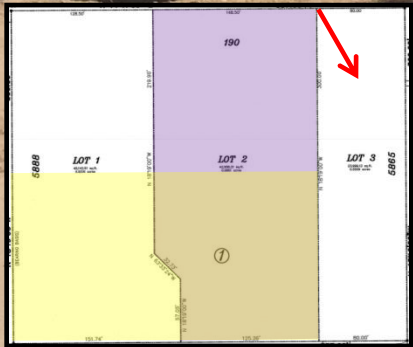
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North



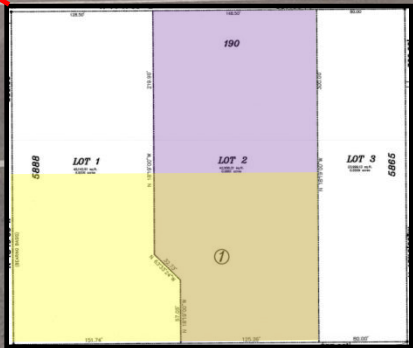
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East



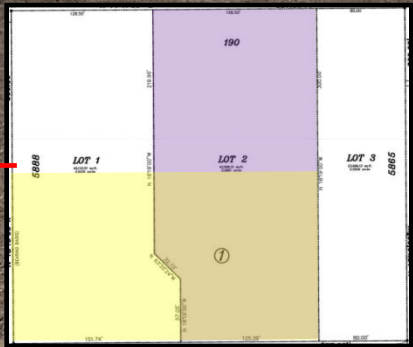
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East



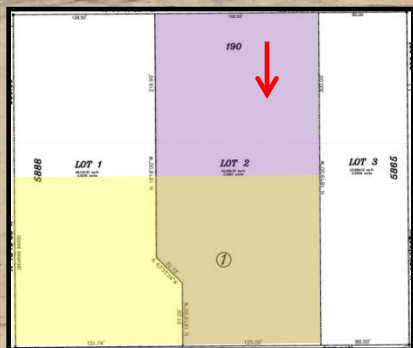
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West



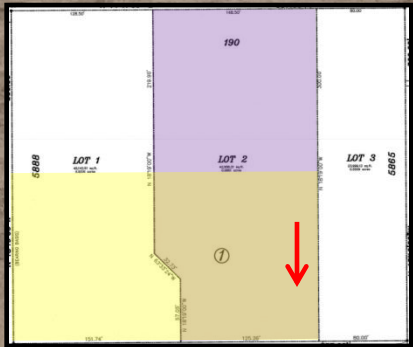
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West



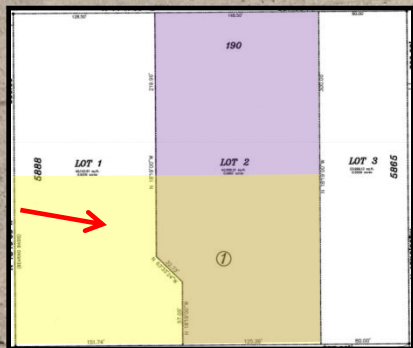
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Subject Property & South



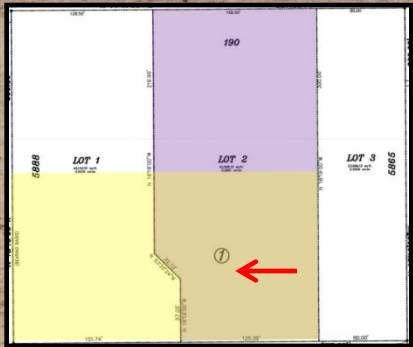
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Subject Property & South



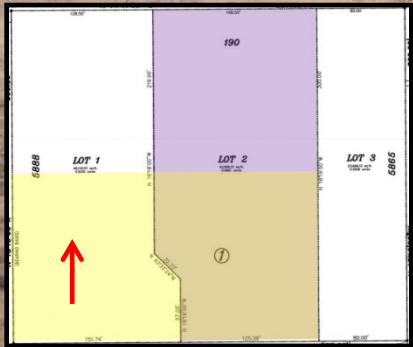
20

Subject Property & West



21

Subject Property & East



PZRZ14-00063 & PZST14-00036

