

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: May 16, 2017
Public Hearing: June 13, 2017

CONTACT PERSON/PHONE: Larry Nichols, (915) 212-1550, nicholslf@elpasotexas.gov
Andrew Salloum, (915) 212-1643, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 5

SUBJECT:

An Ordinance changing the zoning of Tract 3, Section 36, Block 80, Township 2, Texas & Pacific Railway Surveys, 11050 Montana Avenue, City of El Paso, El Paso County, Texas from R-3 (Residential) to S-D/c (Special Development/condition), and imposing condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 11050 Montana Avenue. Property Owner: Blanche Abraham Wagner. PZRZ17-00004 (District 5)

BACKGROUND / DISCUSSION:

On April 20, 2017, the CPC reviewed and recommended approval of the rezoning request.

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) – Approval Recommendation (7-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Larry F. Nichols
Director, Planning and Inspection Department



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF TRACT 3, SECTION 36, BLOCK 80, TOWNSHIP 2, TEXAS & PACIFIC RAILWAY SURVEYS, 11050 MONTANA AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO S-D/C (SPECIAL DEVELOPMENT /CONDITION), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of Tract 3, Section 36, Block 80, Township 2, Texas & Pacific Railway Surveys, 11050 Montana Avenue, 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 **from R-3 (Residential) to S-D/c (Special Development/condition)**, 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 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:

A 10' landscaped buffer with high-profile native trees of at least two-inch (2") caliper and ten (10') in height shall be placed at fifteen (15') on center along the property lines adjacent to residential or apartment zone districts or uses. The landscaped buffer 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 _____, 2017.

(SIGNATURES ON THE FOLLOWING PAGE)


THE CITY OF EL PASO

ATTEST:

Oscar Leeser
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Karla M. Nijman
Assistant City Attorney

APPROVED AS TO CONTENT:



Larry F. Nichols, Director
Planning & Inspections Department

EXHIBIT "A"

PROPERTY DESCRIPTION

Property Description: Tract 3, Section 36, Block 80, Township 2, Texas & Pacific Railway Surveys, El Paso, El Paso County Texas and more particularly described by metes and bounds as follows:

Commencing at a point for a property corner laying on the souther boundary line of Section 36, Block 80, (described previously), from which a point for the southeast corner of said Section 36 bears North 90° 00' 00" East, a distance of 3,446.92 feet, also known as the Baker Corner, said point of commencement being the TRUE POINT OF BEGINNING of this description.

THENCE, North 90° 00' 00" West, along said boundary line of Section 36, a distance of 522.65 feet to a point for a property corner laying on the common boundary line between Tracts 2 and 3, Section 36, Block 80, TSP 2, T&P R.R. Surveys;

THENCE, North 00° 00' 00" East, along said boundary line, a distance of 691.70 feet to a found 1/2" iron pin for a property corner laying on the southerly right-of-way line of Montana Avenue (US 62-180);

THENCE, North 81° 12' 00" East, along said right-of-way line, a distance of 528.87 feet to a found 5/8" iron pin for a property corner laying on the common boundary line between Tracts 3 and 4A, Section 36, Block 80;

THENCE, South 00° 00' 00" West, along said boundary line, a distance of 772.61 feet back to the TRUE POINT OF BEGINNING of this description.

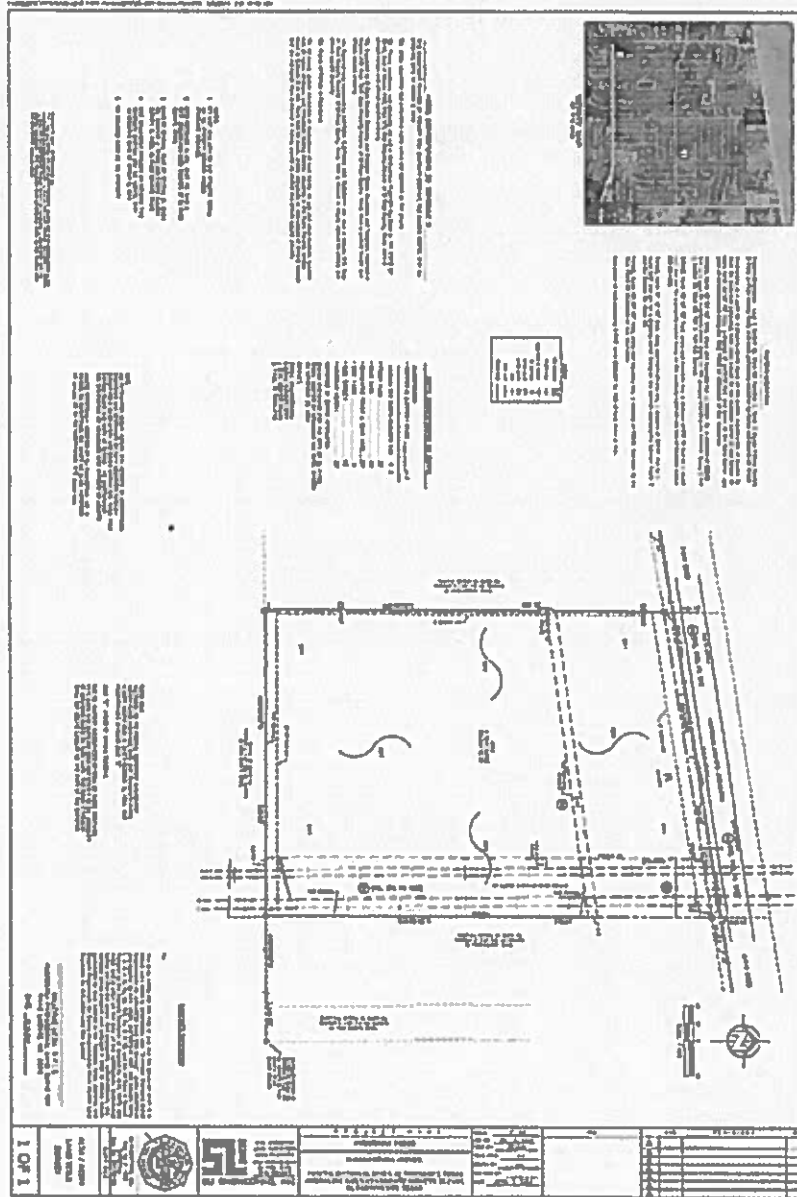
Said parcel of land containing 8.7847 acres (382,661 Sq. Ft.) of land, more or less.

A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC.
Consulting Engineers—Land Surveyors
Guillermo Licon
Registered Professional Land Surveyor
Texas License No. 2998



2-17-2017



MEMORANDUM

DATE: May 8, 2016

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

FROM: Andrew Salloum, Planner

SUBJECT: PZRZ17-00004

The City Plan Commission (CPC) on April 20, 2017, voted 7-0 to recommend **approval** of rezoning the subject property from R-3 (Residential) to S-D (Special Development) with the following condition:

A 10' landscaped buffer with high-profile native trees of at least two-inch (2") caliper and ten (10') in height shall be placed at fifteen (15') on center along the property lines adjacent to residential or apartment zone districts or uses. The landscaped buffer 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, that 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.

The Planning Division has not received any phone calls or letters in support or opposition to the rezoning request.

Property Owner: Blanche Abraham Wagner
Representative: SLI Engineering, Inc.

Attachments:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZRZ17-00004
Application Type: Rezoning
CPC Hearing Date: April 20, 2017
Staff Planner: Andrew Salloum, 915-212-1643, salloumam@elpasotexas.gov

Location: 11050 Montana Avenue
Legal Description: Tract 3, Section 36, Block 80, Township 2, Texas & Pacific Railway Surveys, City of El Paso, El Paso County, Texas
Acreage: 8.78
Rep District: 5
Current Zoning: R-3 (Residential)
Existing Use: Vacant
C/SC/SP/ZBA/LNC: No
Request: From R-3 (Residential) to S-D (Special Development)
Proposed Use: Mixed use Commercial and Multi-family dwellings

Property Owner: Blanche Abraham Wagner
Representative: SLI Engineering, Inc.

SURROUNDING ZONING AND LAND USE

North: Ft. Bliss, Texas
South: R-3 (Residential) / Single-family dwellings
East: C-3 (Commercial) / Vacant
West: P-R 2 (Planned Residential 2) / Single-family dwellings

PLAN EL PASO DESIGNATION: G-4, Suburban (Walkable) (East Planning Area)

NEAREST PARK: Indian Ridge 9 Park (8,087 feet)

NEAREST SCHOOL: Rel Washington Elementary School (5,676 feet)

NEIGHBORHOOD ASSOCIATION

Eastside Civic Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on April 5, 2017. The Planning Division has not received any phone calls or letters in support or opposition to the rezoning request.

APPLICATION DESCRIPTION

The applicant is requesting to rezone the subject property from R-3 (Residential) to S-D (Special Development) to allow for mixed use, consisting of retail and an apartment complex. Retail and apartment uses are not a permitted use in R-3 (Residential) district; it is a permitted use in S-D zone district with a detailed site development plan. The request for rezoning is solely to allow for the retail and apartment uses as the applicant is not requesting any setback modifications. The applicant will submit a new application for detailed site development plan prior to the issuance of building permit. The subject property is 8.78 acres in size and is currently vacant. The conceptual site plan shows two retail buildings and an apartment complex. The development requires 241 parking spaces and the applicant is providing 344 parking spaces, to include ADA and bicycle spaces. Access to the subject property is provided from Montana Avenue.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of rezoning the subject property from R-3 (Residential) to S-D (Special Development) with the following condition:

A 10' landscaped buffer with high-profile native trees of at least two-inch (2") caliper and ten (10') in height shall be placed at fifteen (15') on center along the property lines adjacent to residential or apartment zone districts or uses. The landscaped buffer 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 recommendation is based on compatibility with the surrounding properties zoned commercial and residential districts to the south, east and west, and uses within the area of the subject property, and in compliance with the Plan El Paso land use designation G-4, Suburban (Walkable) in the East Planning Area.

Plan El Paso- Future Land Use Map Designation

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

G-4, Suburban (Walkable): This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. 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-4, Suburban (Walkable) land use designation through the addition of missing commercial uses provided to surrounding neighborhoods within the area of the existing residential and reducing travel and infrastructure needs.

The purpose of the S-D (Special Development) district is to provide an opportunity 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. The regulations of this district are 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. For the purpose of this district, 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 compliance with the definition for mixed use in which the existing commercial uses provided through the rezoning supports the existing commercial and residential uses in the area reducing travel and infrastructure needs and provides goods and services to the neighborhoods in the area.

Plan El Paso - Goals & Policies

Goal 2.2: The City of El Paso should change its growth pattern away from homogeneous land uses and return to a pattern of compact well-connected mixed-use neighborhoods.

Policy 2.2.2. "The design of new neighborhoods and additions to existing neighborhoods should strive for a mix of housing types to create neighborhoods that accommodate diverse ages and incomes and allow residents to trade up, downsize, or create multi-generational households without being forced to leave the neighborhood. Housing types include both small and large single-family detached homes, duplexes, townhouses, multi-family buildings, live-work units, and accessory dwelling units, and include both rental apartments and units that can be owned by their occupants."

Policy 2.2.5: The design of new neighborhoods and additions to existing neighborhoods should strive for a balance of housing, jobs, shopping, recreation, and civic uses to avoid unnecessary travel and reduce infrastructure and public services costs.

The Planning Division recommendation is based on the addition of commercial uses and employment opportunities provided to surrounding neighborhoods within the area which is zoned for residential and commercial uses, while also reducing travel and infrastructure needs through the mix of uses proposed.

COMMENTS:

Planning and Inspections Department - Planning Division - Transportation

No objections to the rezoning.

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.

Street and Maintenance

Traffic Impact Analysis is required; however, the applicant has requested to be deferral to the subdivision stage of the development.

TXDOT

Developer or consultant need to submit an Access Request and Grading and Drainage plan for approval.

Planning and Inspections Department – Building and Development Permitting

Recommend approval of rezoning.

Note: At the time of submittal for permits each phase will be required to comply with all applicable provisions of the IBC, TAS and local municipal code.

Planning and Inspections Department - Land Development

1. Show proposed runoff arrows on detailed site plan.
2. All storm water runoff shall be addressed within the subdivision's limits in compliance with all provisions of (DSC, 19.19.010A) and (DDM, 11.1).
3. 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.

Fire Department

Recommend approval.

Police Department

EPPD does not see any conflicts.

Sun Metro

Sun Metro does not oppose this request. Recommends construction of sidewalks to permit pedestrian access to nearby bus stop. Rt. 58 provides services to a bus stop approximately 345 ft. west of the subject property.

El Paso Water

Water

Within the Oasis Ranch Subdivision along Dandelion Way, there is an existing eight (8) inch diameter water main. This main transects Lot "D" Oasis Ranch Subdivision and continues along Montana Avenue towards the east and dead-ends approximately at the boundary line common to both Oasis Ranch

Subdivision and the subject Property. This main is available for main extensions.

From the intersection of Montana Avenue and Wooster Lane along Montana Avenue towards the west there is an existing eight (8) inch diameter water main. This main dead-ends at approximately the western boundary line of Tract 4B, Section 36, Block 80, Township 2, identified as 11100 Montana Avenue. This main is available for main extensions.

Service to the subject Property is anticipated by means of a water main extension to connect the above-mentioned mains.

Previous water pressure readings conducted on fire hydrant number 7566 located along Montana Avenue approximately 590 feet west of Wooster Lane have yielded a static pressure of 54 pounds per square inch (psi), residual pressure of 44 psi, discharge of 822 gallons per minute (gpm).

Sanitary Sewer

Within the eastern portion of Oasis Ranch Subdivision, within Block 2, along a twenty (20) foot wide PSB and City Drainage Right-of-Way there is an existing twelve (12) inch diameter sanitary sewer main stub-out. This stub-out dead-ends approximately at the boundary line common to both Oasis Ranch Subdivision and the subject Property. This main is approximately five (5) feet deep and it is available for main extensions.

Service to the subject Property is anticipated by means of sanitary sewer main extensions from the described main stub-out. Easements will be required to accommodate the proposed main extensions.

All easements dedicated for public water and/or sanitary sewer facilities are to comply with EPWater-PSB Easement Policy.

Easement grantor shall indemnify, defend, and hold harmless the El Paso Water – Public Service Board from and against any and all claims, liability, actions, and damages for bodily injury and property damage to third parties or to the El Paso Water – Public Service Board which may be caused by or arise out of the maintenance and existence of said water and sanitary sewer mains in the easement area.

The alignment and location of the proposed EPWater-PSB easement shall enable the placement of water meters outside of the parking areas and minimize the length of services. No vehicular traffic is allowed over the water meters. EPWater-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.

No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWater-PSB easements) without the written consent of EPWater-PSB.

The PSB easement shall be improved to allow the operation of EPWater maintenance vehicles.

Proposed surface improvements such as paving, landscaping, other types of low maintenance surfacing shall be reviewed for approval by EPWater-PSB.

Use of low maintenance easement surface improvements is required. The Owner of the property is responsible for maintenance of the easement surface; surface maintenance is not the responsibility of EPWater-PSB.

EPWater-PSB requests the Developer to refrain from constructing rock walls, signs or any structure that will interfere with the access to the PSB easements.

All proposed buildings shall comply with EPWATER-PSB Easement Policy. Buildings shall be located 5 feet away from the easement line.

General

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

EPWater requires a new service application to initialize design of the water and sanitary sewer main extensions to serve 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; (2) finalized set of street 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 EPWU – 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.

El Paso Water - Stormwater Engineering Division

Provide an acceptable drainage plan in accordance with Section 19.01.050 of the current city ordinance.

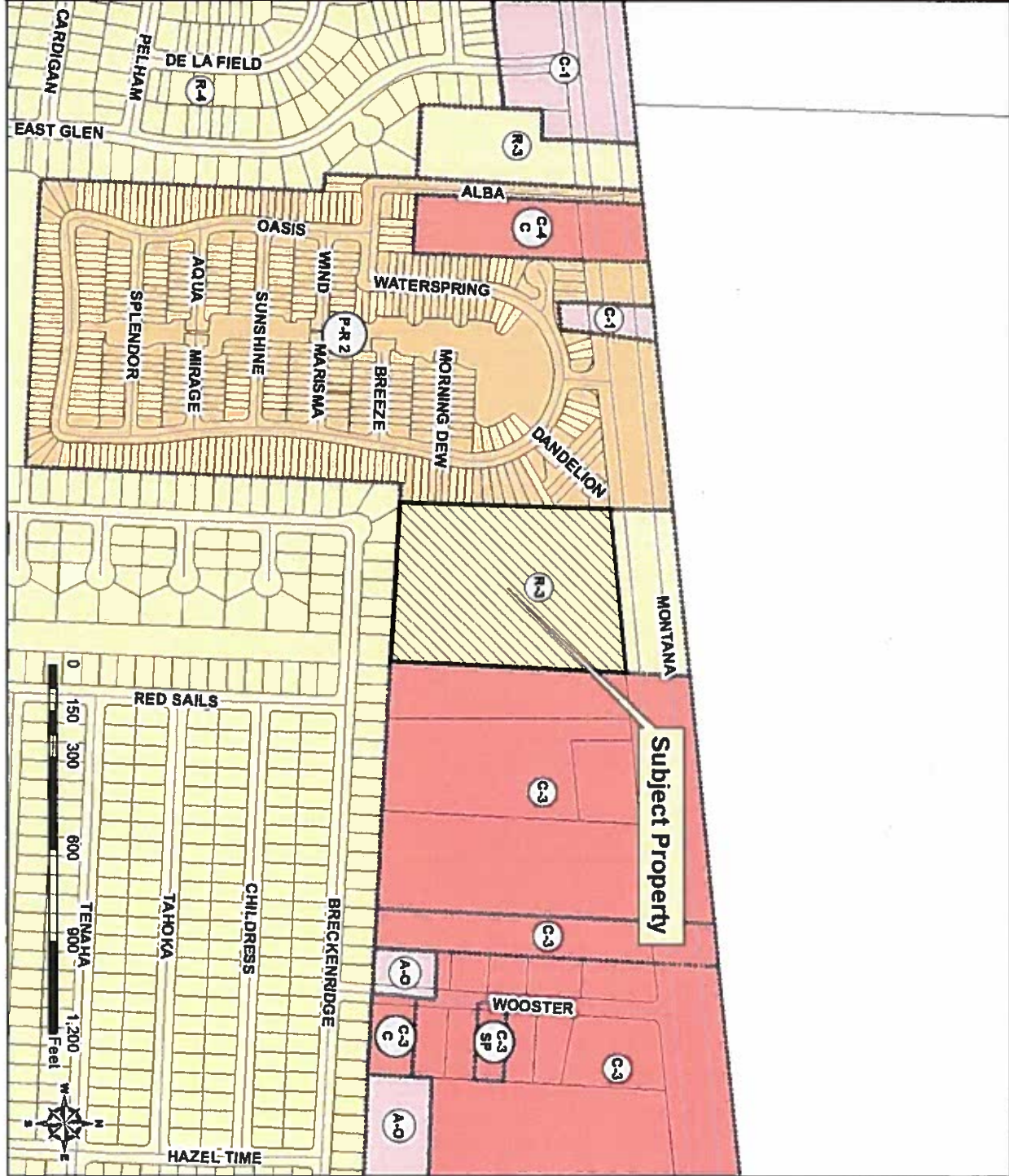
1. At the improvement plan stage, provide protection to the property from all offsite stormwater runoff that may have an adverse impact on any improvements. However any flow path traversing property must be protected and allowed to continue its path.
2. The developer shall be responsible for the additional stormwater runoff generated by the proposed property, and must ensure that the historic runoff volume, peak and duration are maintained.
3. On the Drainage Plan, provide the proposed capacity of the ponds: any proposed ponding area shall have enough capacity to hold the developed runoff for a designed 100-yr storm event.
4. 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 stormwater runoff.

Attachments:

1. Zoning Map
2. Aerial Map
3. Future Land Use Map
4. Conceptual Site Plan
5. TIA Deferral Letter

ATTACHMENT 1: ZONING MAP

PZRZ17-00004



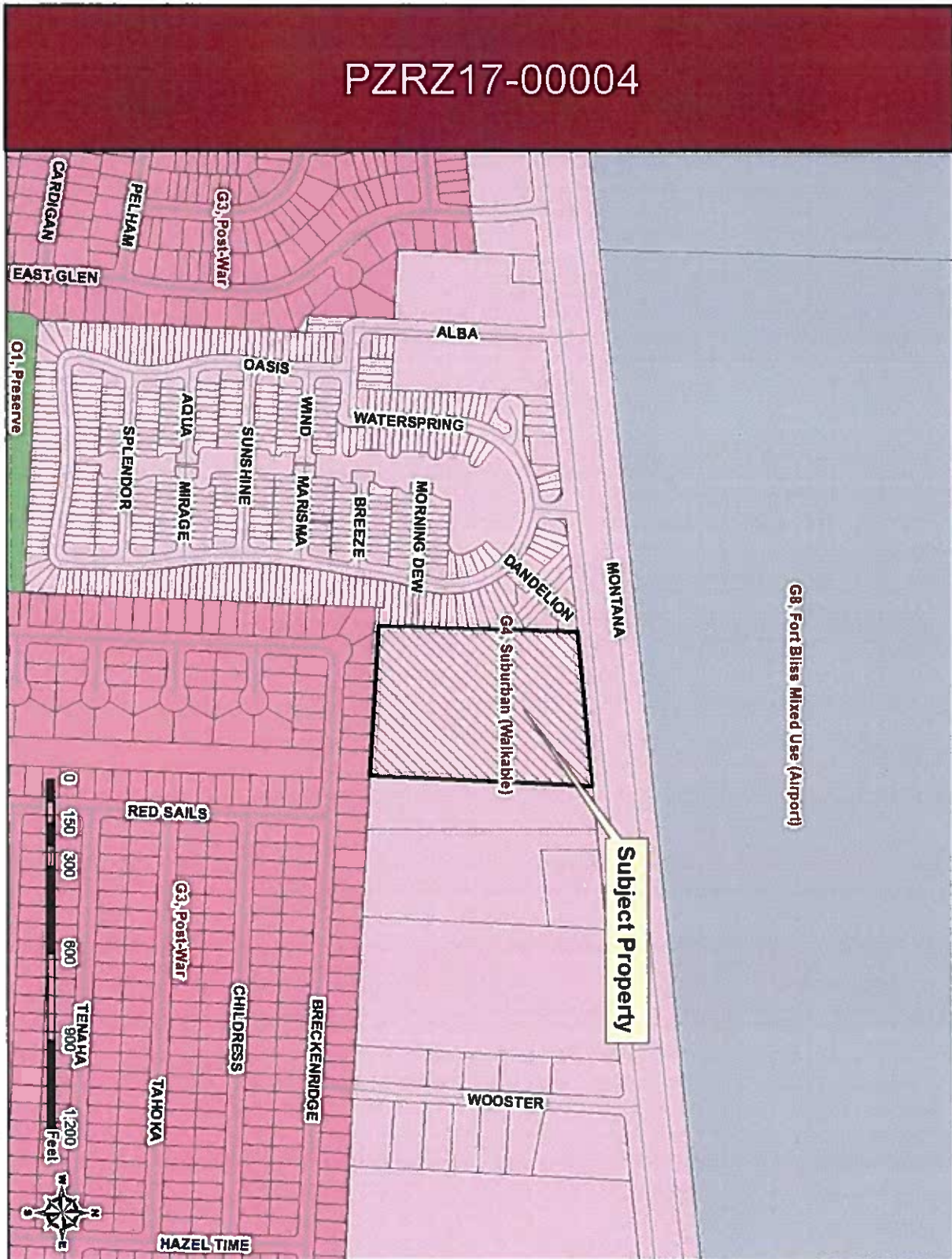
ATTACHMENT 2: AERIAL MAP

PZRZ17-00004

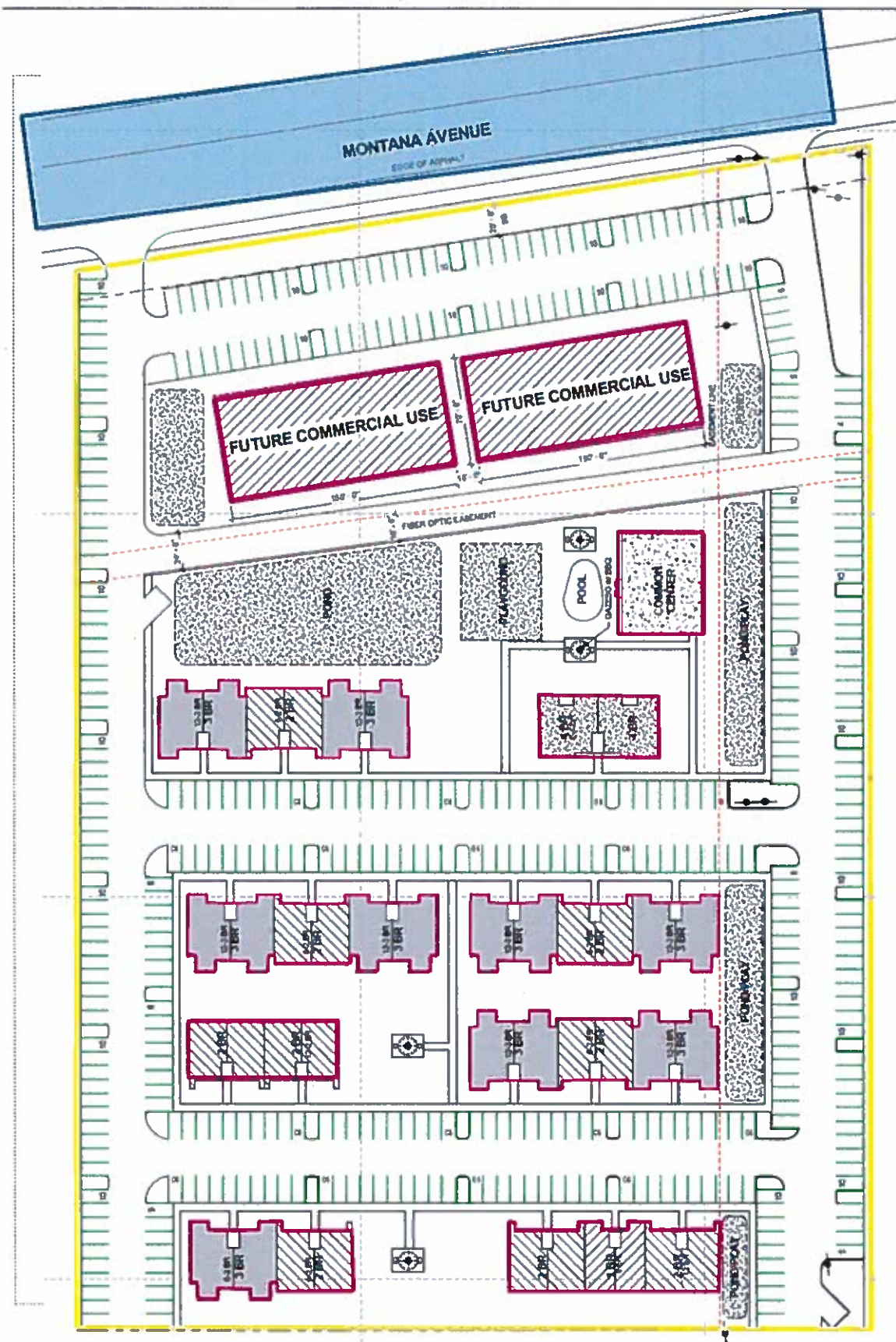


ATTACHMENT 3: FUTURE LAND USE MAP

PZRZ17-00004



ATTACHMENT 4: CONCEPTUAL SITE PLAN



ATTACHMENT 5: TIA DEFERRAL LETTER



Page 1 of 1

April 7, 2016

Guillermo León, P.E.
President

Andrew Salloum
Planner | Planning Division
Planning and Inspections Department | City of El Paso
City 3 Building | 801 Texas Avenue
El Paso, TX 79901

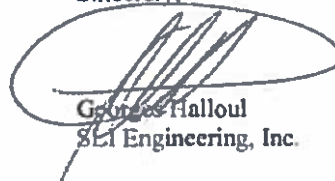
Subject: 11050 Montana, Zoning Case,

Dear Andrew:

The client cordially request to **defer** the requirement for the traffic Impact Study until the platting process. My client is applying for a tax credit and is not sure if the State will approve the application. Once the application is approved, we will apply for a subdivision plat and we will prepare the Traffic Impact Analysis.

Thank you for all your assistance.

Sincerely:

A handwritten signature in black ink, appearing to read "Georges Halloul", is enclosed within a hand-drawn oval. Below the signature, the name "Georges Halloul" and the company "SLI Engineering, Inc." are printed in a black, sans-serif font.

Georges Halloul
SLI Engineering, Inc.

Civil Engineers
Land Surveyors & Planners
Construction Management

Licensed Registered Engineers
Texas - New Mexico
Arizona - Colorado

6600 Westwind Drive
El Paso, TX 79912
Phone (915) 584-4457
Fax (915) 581-7756

1



Recommendation/Public Input

- **Planning Division recommendation:** Approval
- **CPC Vote:** Approval Recommendation (7-0)
- **Public Input:** The Planning Division has not received any phone calls or letters in support or opposition to the rezoning request.

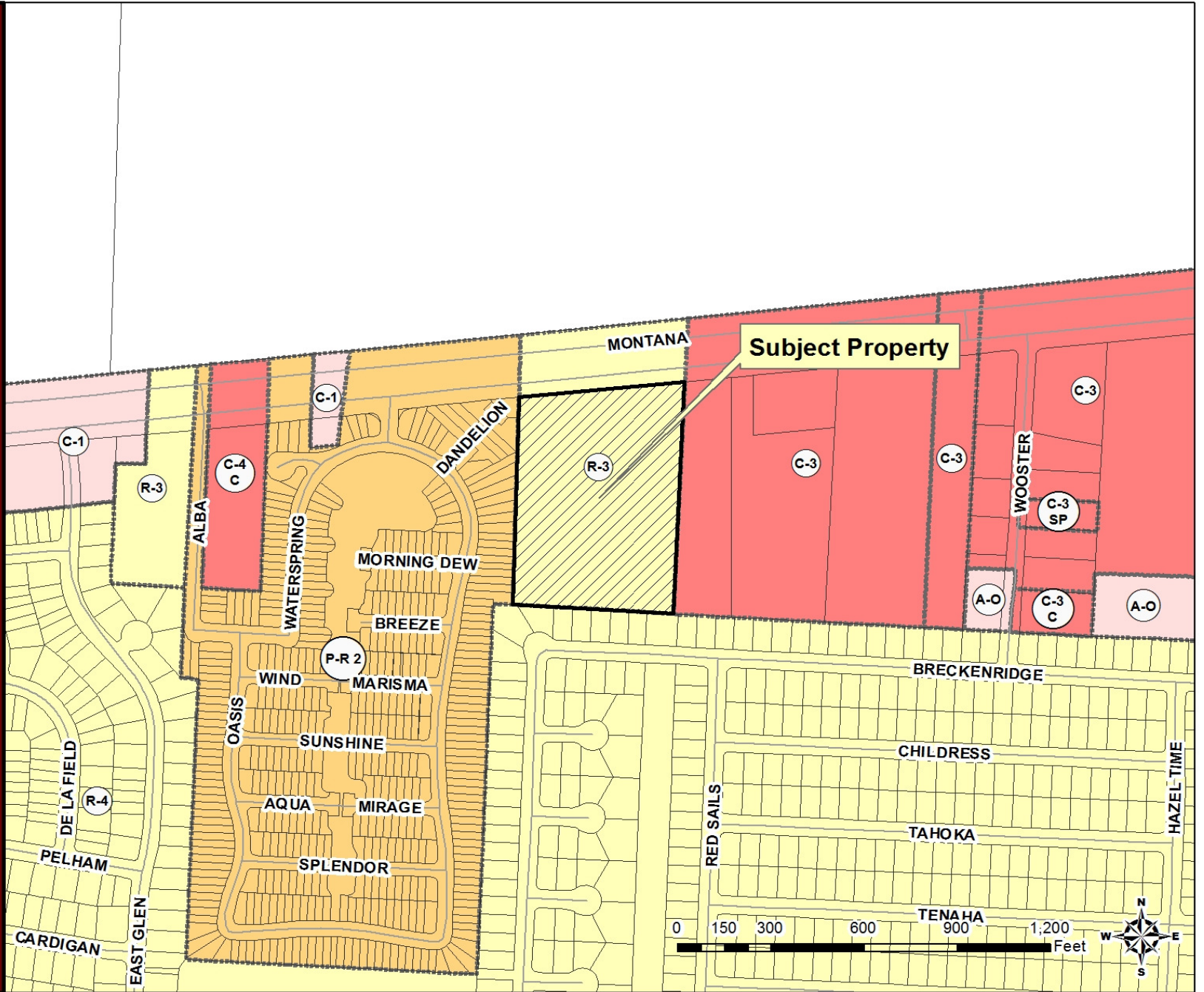
Strategic Goal #3 Promote the Visual Image of El Paso

3.1 Provide business friendly permitting and inspection processes

3.2 Improve the visual impression of the community

PZRZ17-00004

2



PZRZ17-00004

3





5





- The Planning Division recommends **approval** of rezoning the subject property from R-3 (Residential) to S-D (Special Development) with the following condition:

A 10' landscaped buffer with high-profile native trees of at least two-inch (2") caliper and ten (10') in height shall be placed at fifteen (15') on center along the property lines adjacent to residential or apartment zone districts or uses. The landscaped buffer 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.

PZRZ17-00004

