

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: May 26, 2015
Public Hearing: June 16, 2015

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

DISTRICT(S) AFFECTED: 4

SUBJECT:

An Ordinance changing the zoning of a Portion of Lot 1, Block 1, 375/Railroad Commercial Park, 9950 Railroad Drive, City of El Paso, El Paso County, Texas from M-1 (Manufacturing) to C-3 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 9950 Railroad Drive. Property Owner: NE Railroad 12, LLC. PZRZ15-00003 (**District 4**)

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 (5-0)

*****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: _____

CITY CLERK DEPT.

2015 JUN -4 AM 10: 54

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 1, BLOCK 1, 375/RAILROAD COMMERCIAL PARK, 9950 RAILROAD DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (MANUFACTURING) TO C-3 (COMMERCIAL), AND IMPOSING CONDITIONS. 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 Lot 1, Block 1, 375/Railroad Commercial Park, 9950 Railroad, 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 **M-1 (Manufacturing)** 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 conditions which are 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:

1. *A 10' landscape buffer along the rear property line and a 5' landscape buffer along the property lines abutting the manufacturing zoned properties, both with high profile native trees placed every 25' on center, shall be installed 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.*

2. *The rear 50' of the property parallel to the Southern Pacific Railroad ROW shall be used exclusively for parking, storage, other accessory structures, and landscaping. No occupied buildings shall be permitted.*

3. *The following Automobile uses shall be prohibited: automobile sales, automobile storage and automobile repairs.*

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.

ORDINANCE NO. _____

Zoning Case No: PZRZ15-00003

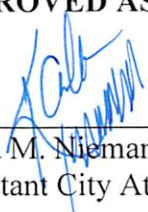
THE CITY OF EL PASO

ATTEST:

Oscar Leeser
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy, Director
Planning & Inspections Department

ORDINANCE NO. _____

Zoning Case No: PZRZ15-00003

EXHIBIT "A"

STATE OF TEXAS
COUNTY OF EL PASO

7.612 ACRES, BEING A
PORTION OF LOT 1, BLOCK 1,
375/RAILROAD
COMMERCIAL PARK

LEGAL DESCRIPTION

DESCRIPTION OF A 7.612 ACRE TRACT OF LAND, SITUATED IN SECTION 43, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, IN EL PASO COUNTY, TEXAS, BEING ALSO A PORTION OF LOT 1, BLOCK 1, 375/RAILROAD COMMERCIAL PARK, A SUBDIVISION OF RECORD IN DOCUMENT NUMBER 20130079478, SAID 7.612 ACRE TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8 inch iron rod with cap stamped "LANDMARK" found for the most westerly corner of the herein described tract, being also the northerly corner of that certain 22.084 acre tract of land, being described in a deed to El Paso Railroad 99 LLC, of record in Document No. 20130091016, of the Official Public records of El Paso County, Texas, and being the southeasterly line of Railroad Drive, a 120 foot wide right-of-way, from which a 1/2 inch iron rod with cap stamped "TX2027" found in the southeasterly line of said Railroad Drive, being also the northwesterly line of said 22.084 acre tract, bears S 68°34'50" W, a distance of 212.84 feet.

THENCE N 67°47'15" E, with the northwesterly line of the herein described tract, being also the northwesterly line of said Lot 1, Block 1, 375/Railroad Commercial Park, being also the southeasterly line of said Railroad Drive, for a distance of **153.64 feet** to a 5/8 inch iron rod found, at the beginning of a curve to the left.

THENCE continuing with the northwesterly line of the herein described tract, being also the northwesterly line of said Lot 1, Block 1, being also the southeasterly line of said Railroad Drive, along said curve to the left, having a radius of **1495.19 feet**, an arc length of **354.03 feet**, a central angle of **13°34'00"**, a chord bearing of **N 61°33'51" E**, for a chord distance of **353.21 feet** to a Texas Department of Transportation Brass Cap stamped "56+70.57" found at the end of said curve.

THENCE N 55°08'22" E, continuing with said common line, for a distance of **174.12 feet** to a 5/8 inch iron rod with cap stamped "ZWA" set for the most northerly corner of the herein described tract, from which a Texas Department of Transportation Brass Cap bears N 55°08'22" E, 65.03 feet.

THENCE, departing the northwesterly line of the herein described tract, being also the northwesterly line of said Lot 1, Block 1, 375/Railroad Commercial Park, being also the southeasterly line of said Railroad Drive, with the northeasterly line of the herein described tract, over and across said Lot 1, Block 1, 375/Railroad Commercial Park, the following nine (9) courses and distances:

- 1) **S 58°31'31" E**, a distance of **138.28 feet** to a point,
- 2) **S 32°25'02" W**, a distance of **22.20 feet** to a point,
- 3) **S 58°31'31" E**, a distance of **6.00 feet** to a point,
- 4) **N 32°25'02" E**, a distance of **22.20 feet** to a point,
- 5) **S 58°31'31" E**, a distance of **34.44 feet** to a point,
- 6) **S 32°25'02" W**, a distance of **10.00 feet** to a point,
- 7) **S 58°31'31" E**, a distance of **11.14 feet** to a point,
- 8) **N 32°25'02" E**, a distance of **10.00 feet** to a point,
- 9) **S 58°31'31" E**, a distance of **225.14 feet** to a 5/8 inch iron rod with cap stamped "ZWA" set for the most easterly corner of the herein described tract, being the west line of the Southern Pacific Railroad, a 150 foot wide right-of-way, per Union Pacific Right-Of-Way and Track Map Main Line;

THENCE S 31°29'43" W, departing the northeasterly line of the herein described tract, with the southeasterly line of the herein described tract, being also the southeasterly line of said Lot 1, Block 1, 375/Railroad Commercial Park, and being the west line of said Southern Pacific Railroad Tract, for a distance of **588.32 feet** to a 5/8 inch iron rod with cap stamped "Landmark" found for the most southerly corner of the herein described tract.

THENCE N 58°34'08" W, departing said common line, with the southwesterly line of the herein described tract, being also the southwesterly line of said Lot 1, Block 1, 375/Railroad Commercial Park, and being the northwesterly line of said 22.084 acre tract, for a distance of **752.74 feet** to the **POINT OF BEGINNING**, containing **7.612 acres** of land.

MEMORANDUM

DATE: May 14, 2015

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

FROM: Michael McElroy, Planner

SUBJECT: PZRZ15-00003

The City Plan Commission (CPC), on April 23, 2015, voted 5-0 to recommend **approval with conditions** of rezoning the subject property from M-1 (Manufacturing) to C-3 (Commercial) as follows:

1. *A 10' landscape buffer along the rear property line and a 5' landscape buffer along manufacturing zoned property, both with high profile native trees placed every 15' on center, shall be installed 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.*
2. *The rear 50' of the property parallel to the Southern Pacific Railroad ROW shall be used exclusively for parking, storage, other accessory structures, and landscaping. No occupied buildings shall be permitted.*
3. *The following Automobile uses shall be prohibited: automobile sales, automobiles storage and automobile repairs.*

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.

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

Attachment:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZRZ15-00003
Application Type: Rezoning
CPC Hearing Date: April 23, 2015
Staff Planner: Michael McElroy, 915-212-1612, mcelroyms@elpasotexas.gov
Location: 9950 Railroad Drive
Legal Description: Portion of Lot 1, Block 1, 375/Railroad Commercial Park, City of El Paso, El Paso County, Texas
Acreage: 7.612 acres
Rep District: 4
Existing Zoning: M-1 (Manufacturing)
Existing Use: Vacant
C/SC/SP/ZBA/LNC: N/A
Request: From M-1 (Manufacturing) to C-3 (Commercial) (Related to PLRG15-00002)
Proposed Use: Apartments
Property Owner: NE Railroad 12, LLC
Representative: Quantum Engineering Consultants – Robert Gonzalez

SURROUNDING ZONING AND LAND USE

North: M-1 (Manufacturing) / Manufacturing
South: M-1 (Manufacturing) / Manufacturing
East: Fort Bliss Military Reservation
West: R-5/sp (Residential) / Single-family dwellings

PLAN EL PASO DESIGNATION: G-7, Industrial and/or Railyards (Northeast Planning Area)

NEAREST PARK: Franklin Park (4,078 feet)

NEAREST SCHOOL: Parkland Middle School (2,214 feet)

NEIGHBORHOOD ASSOCIATIONS

There are no Registered Neighborhood Associations in this area per the City of El Paso's Department of Community and Human Services – Neighborhood Services Division.

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on April 6, 2015. The Planning Division has not received any communication in support or opposition to the rezoning request.

APPLICATION DESCRIPTION

The property owner is requesting a rezoning from M-1 (Manufacturing) to C-3 (Commercial) to permit the construction of a 20 building apartment complex inclusive of 126 dwelling units. The property is currently vacant. Access is proposed from Railroad Drive. As the property is currently classified as G-7 Industrial and/or Railyards, a separate, but related, amendment to our comprehensive plan has been submitted, for reclassification to G-3 (Post-War) to more consistently align the proposed development with expected future land use.

Planning and Inspections Department – Planning Division Recommendation

The Planning Division recommends **approval with conditions** of rezoning the subject property from M-1 (Manufacturing) to C-3 (Commercial) as follows:

1. *A 10' landscape buffer along the rear property line and a 5' landscape buffer along manufacturing zoned property, both with high profile native trees placed every 15' on center, shall be installed 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.*
2. *The rear 50' of the property parallel to the Southern Pacific Railroad ROW shall be used exclusively for parking, storage, other accessory structures, and landscaping. No occupied buildings shall be permitted.*
3. *The following Automobile uses shall be prohibited: automobile sales, automobiles storage and automobile repairs.*

The proposed rezoning is consistent with a transition of the manufacturing area along Railroad Drive to commercial property. Furthermore, the G-7 (Industrial and/or Railyards) growth sector notes that as industrial uses become obsolete, redevelopment of such sites for other purposes is appropriate. Coupled with a reclassification of the growth sector to G-3 (Post-War) to align it with the surrounding residential development, the rezoning will serve to add alternative housing options lacking in this area. The proposed conditions will provide appropriate designs considerations which will effectuate the transition and development of this property and surrounding 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.

G-7 – Industrial and/or Railyards: This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso's economy; however, when an industrial use becomes obsolete, there can be potential for mixed use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mix-use communities if the rail yards were moved out of town.

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. Permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

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. At the time of submittal for building permits project will need to comply with all provisions of title 18.46 as applicable.

El Paso Department of Transportation

No objections.

El Paso Fire Department

Recommend approval

El Paso Water Utilities

EPWU does not object to the rezoning request.

EPWU-PSB Comments**Water:**

1. There is an existing 12-inch diameter water main that extends along Railroad Drive. This main is available for service.
2. Previous water pressure tests from fire hydrant #7101 located at the northeast corner of Cross Drive and Railroad Drive have yielded a static pressure of 98 pounds per square inch (psi), a residual pressure of 82 psi and a discharge of 1556 gallons per minute. 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:

3. There is an existing 21-inch diameter sanitary sewer main along a 50-foot wide PSB easement located west and parallel to the eastern property line. This main is located approximately 2.5 feet east of the western easement line. Also, there is an existing 27-inch diameter sanitary sewer main along the easement. This main is located approximately 12.5-feet east of the western easement line. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.
4. EPWU-PSB requires access to the existing sanitary sewer facilities, appurtenances within the easement 24 hours a day, seven (7) days a week. Building setback lines are required abutting all easements (5-foot minimum). Also, the existing manholes shall be located in a parking island. No trash enclosures shall be located on the easement and trees are to be located at least 10-feet away from the existing mains.
5. There is an existing 8-inch diameter sewer main along a 20-foot easement located on the northwest corner of the property. This sewer main dead-ends approximately 20-feet south of the north property line.

General:

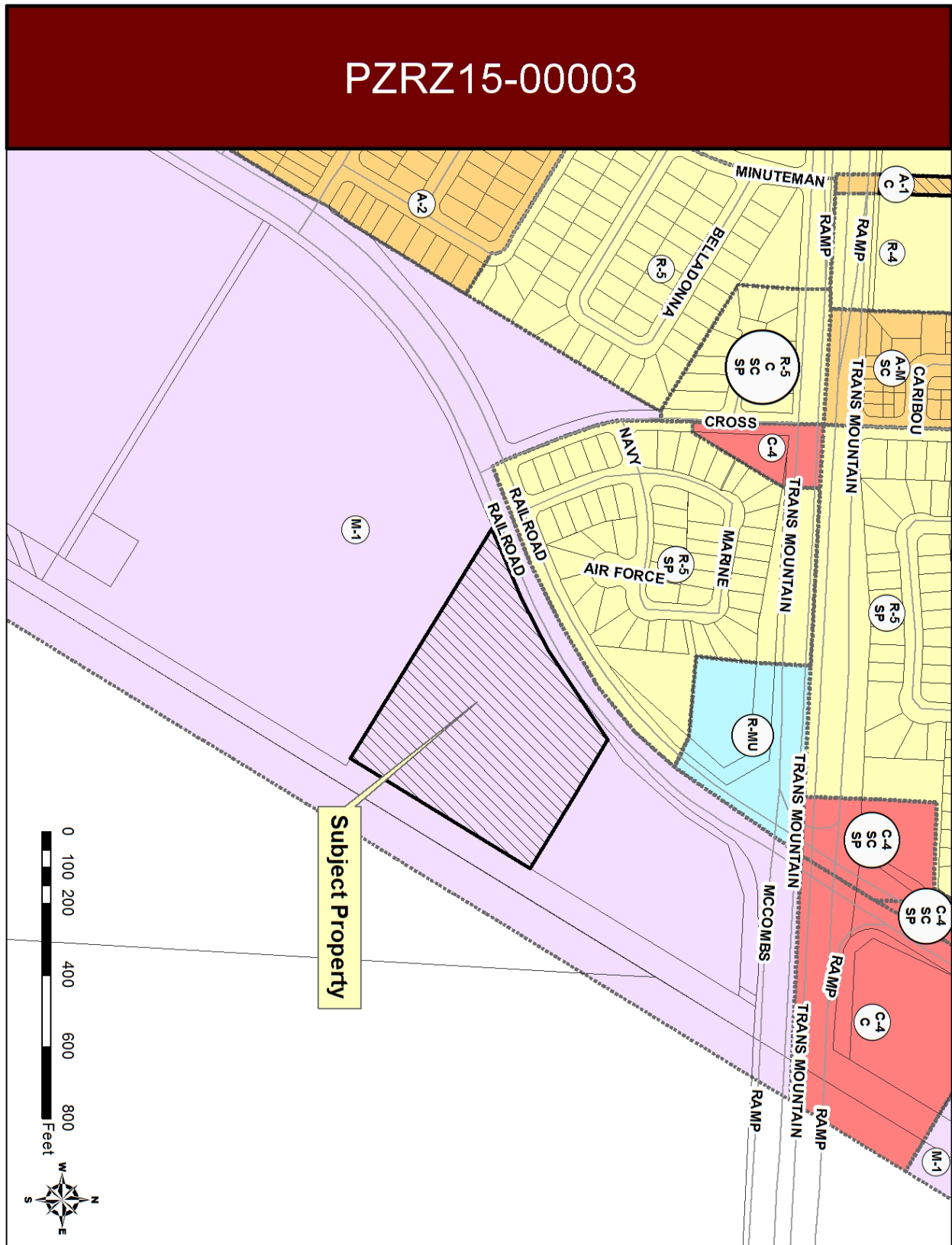
6. No building, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB. Use of low maintenance easement surface improvements is required.
7. EPWU-PSB requires a complete set of improvement plans, and grading plans for review and approval prior to any work pertaining to the portion of the property where the existing PSB facilities are located. This is required in to ascertain that the proposed improvements and/or grading will not adversely affect the existing mains that extends along the easements.
8. During the improvement work of the site, the Developer shall safeguard the existing water main and appurtenant structures. If any PSB facilities are damaged during the improvement work, the Owner/Developer is responsible for the repair costs. Also, the Owner/Developer shall minimize changes in grade above or near the vicinity of the existing mains.
9. EPWU-PSB requires a new service application to provide additional services. New service applications should be made 6-8 weeks in advance of construction to ensure water for construction work. The following items, if applicable, are required at the time of application: (1) hard copy of site plan with street names and addresses; (2) finalized set of improvement plans, including grading & drainage plans;

(3) digital copy of site plan; (4) benchmark check; (5) construction schedule; and (6) a certificate of compliance. Service will be provided in accordance with the current El Paso Water Utilities – Public Service Board (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.

Attachments

1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan

ATTACHMENT 1: LOCATION MAP

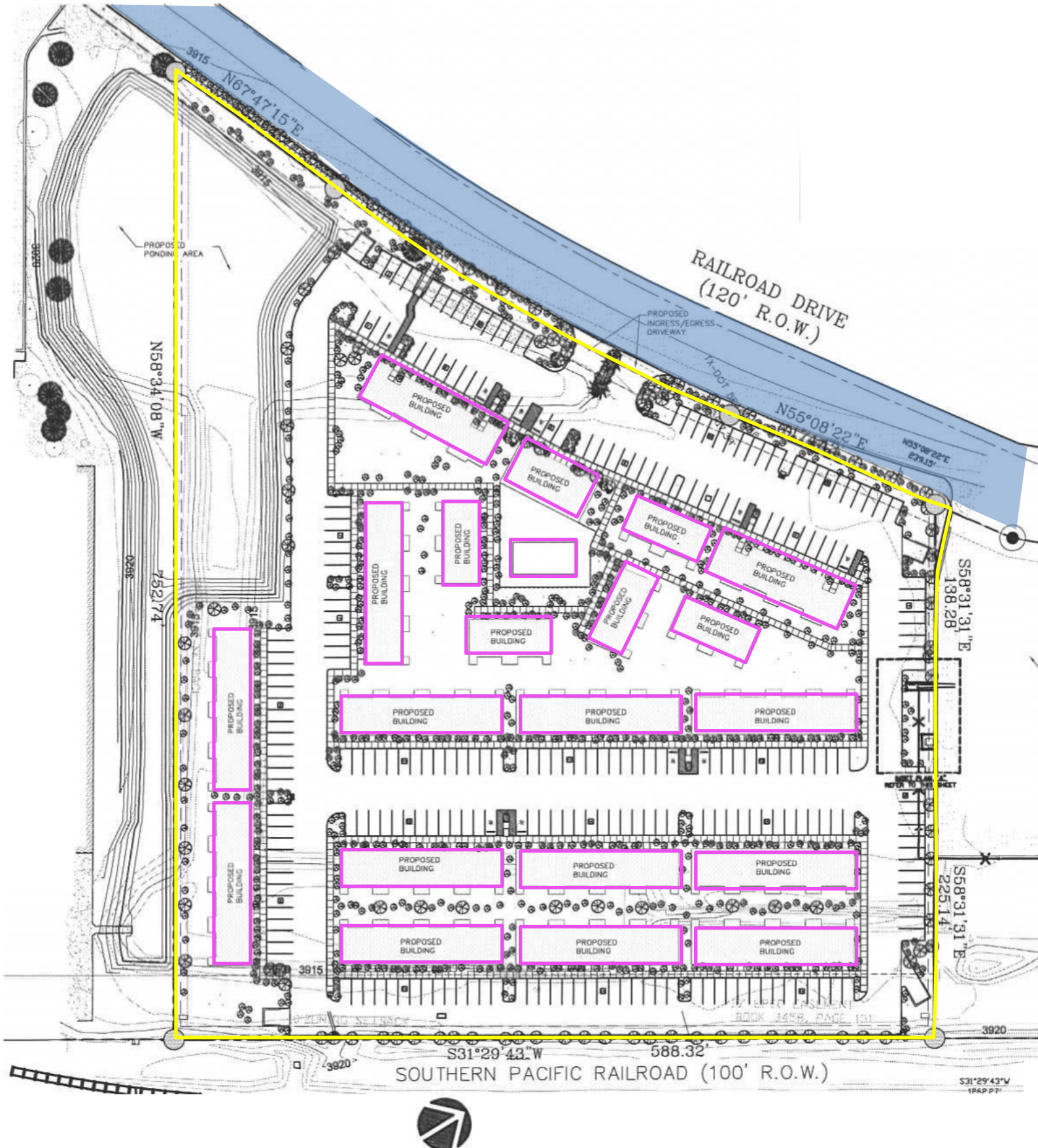


ATTACHMENT 2: AERIAL MAP

PZRZ15-00003



ATTACHMENT 3: CONCEPTUAL SITE PLAN





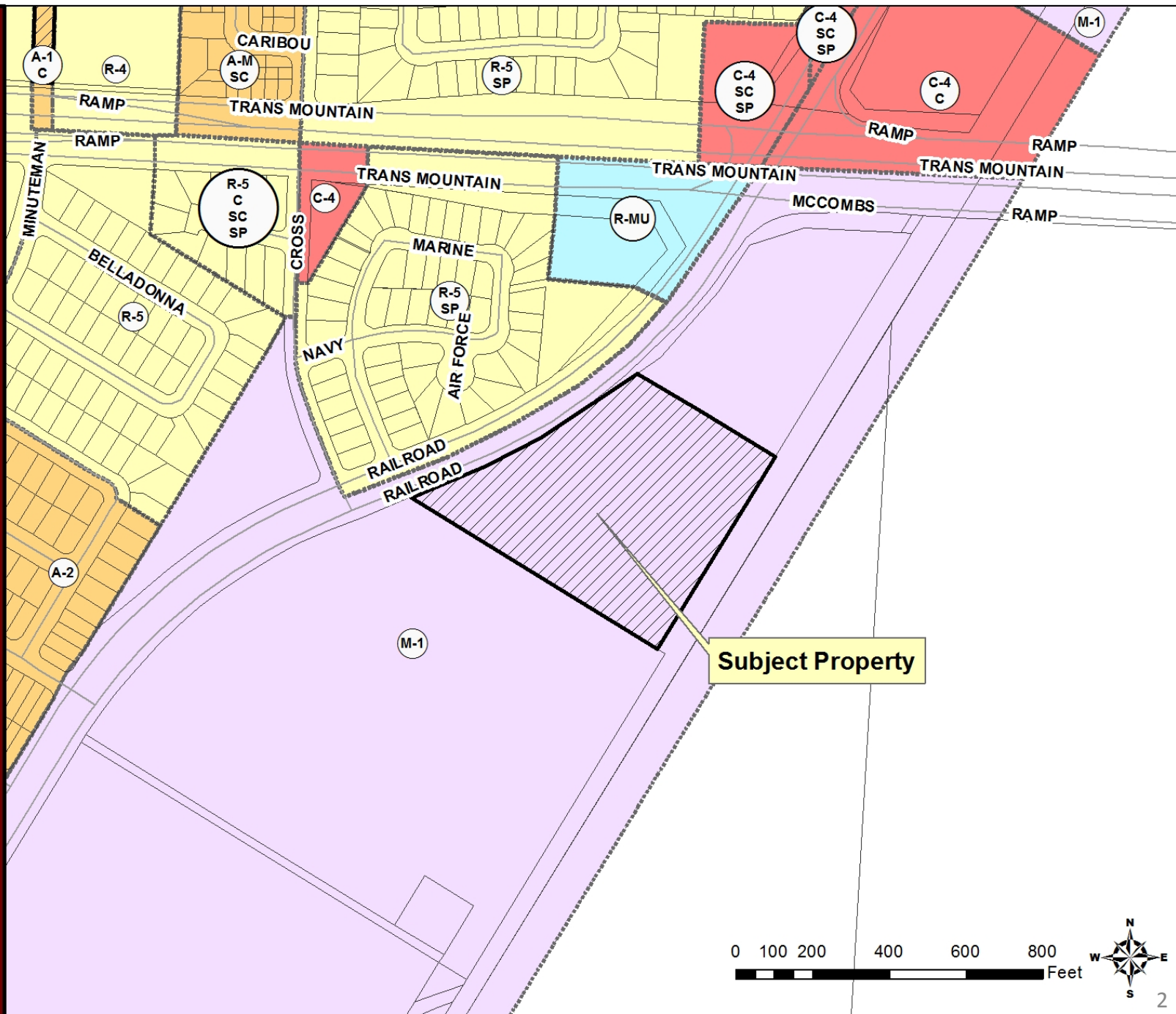
Recommendation/Public Input

- Planning Division recommendation: Approval
- CPC Vote: Approval with conditions
Recommendation (5-0)
- Public Input: No communications in support or opposition to the rezoning request.

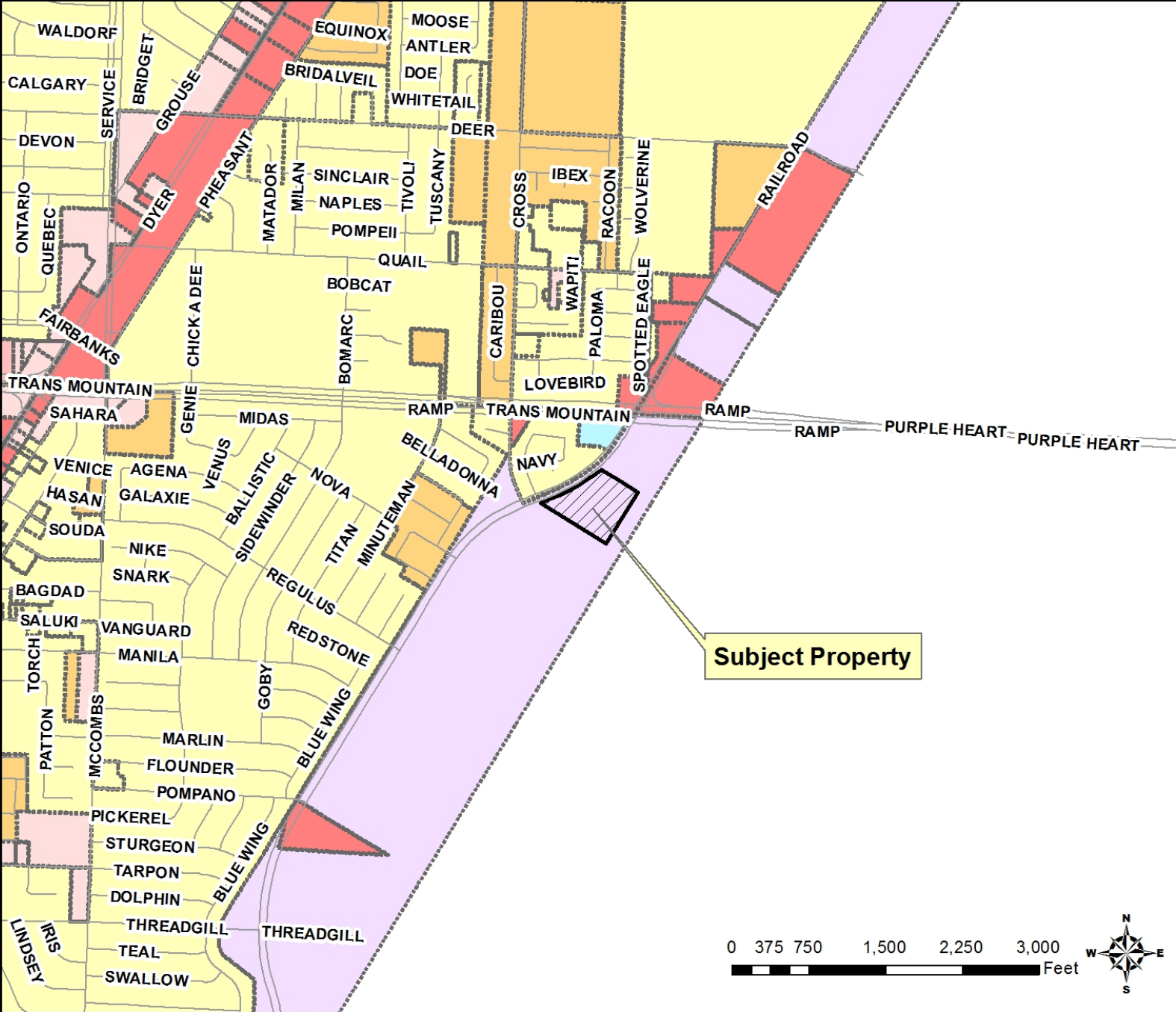
Strategic Goal #3 Promote the Visual Image of El Paso

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

PZRZ15-000003



PZRZ15-00003



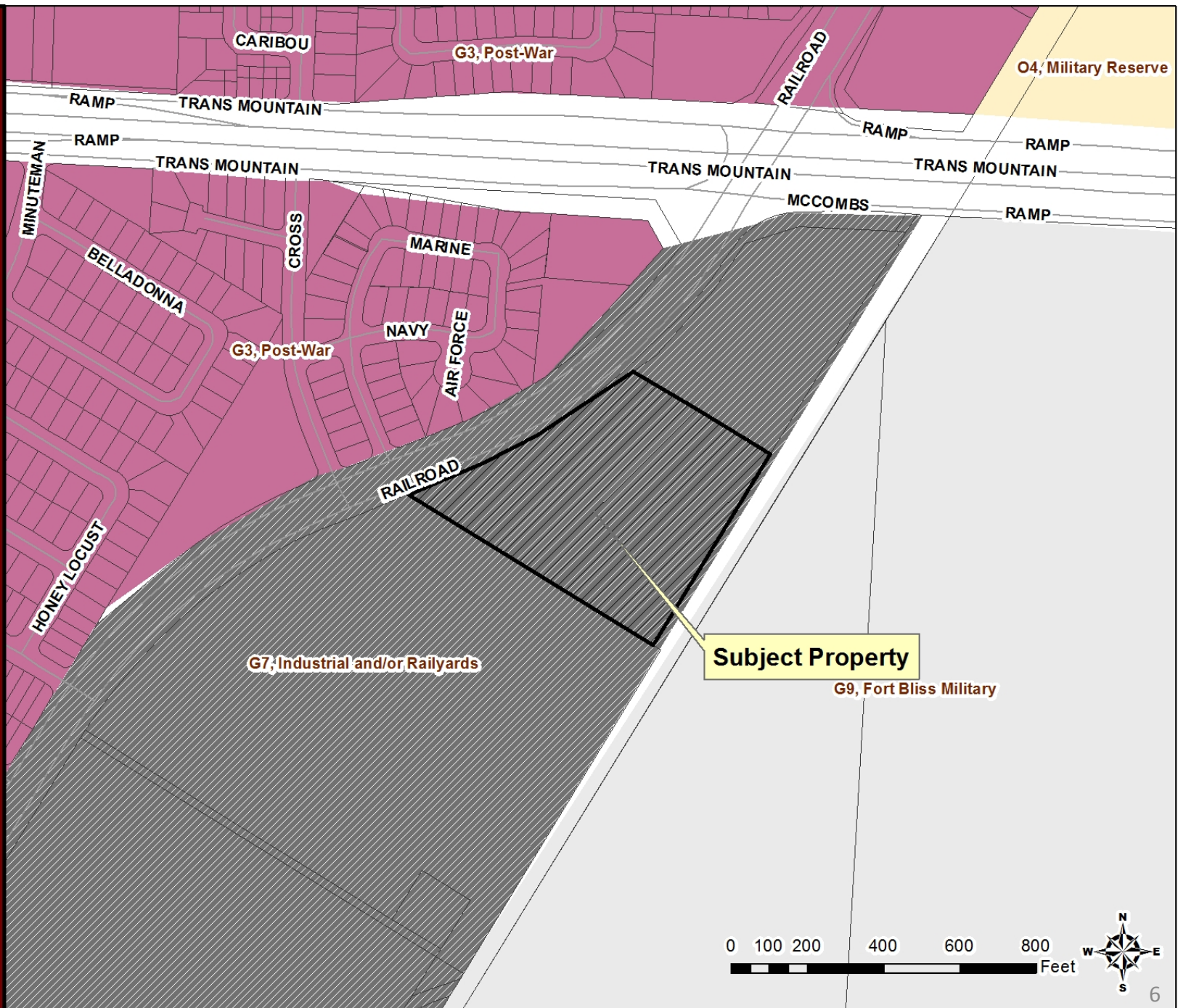
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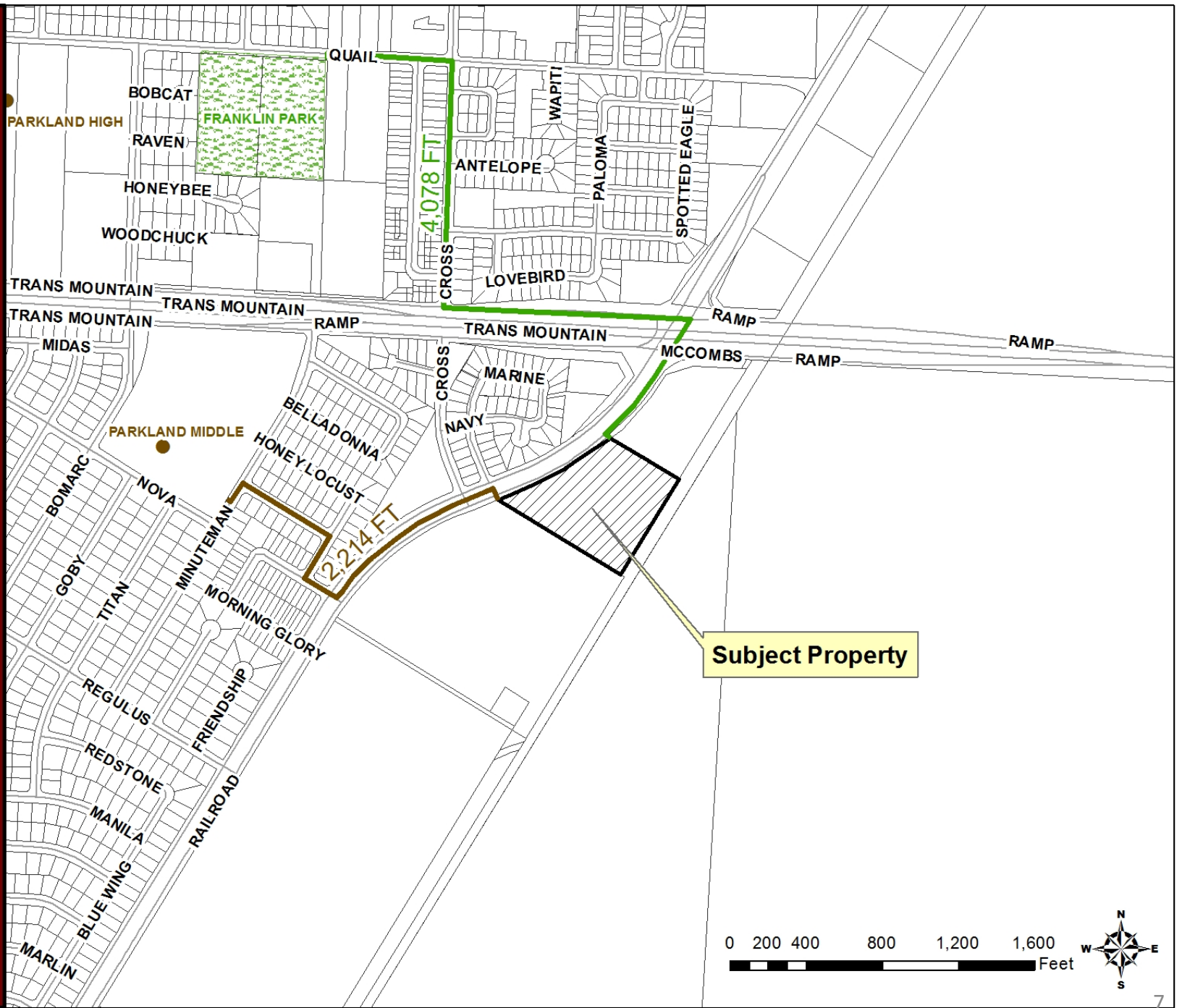
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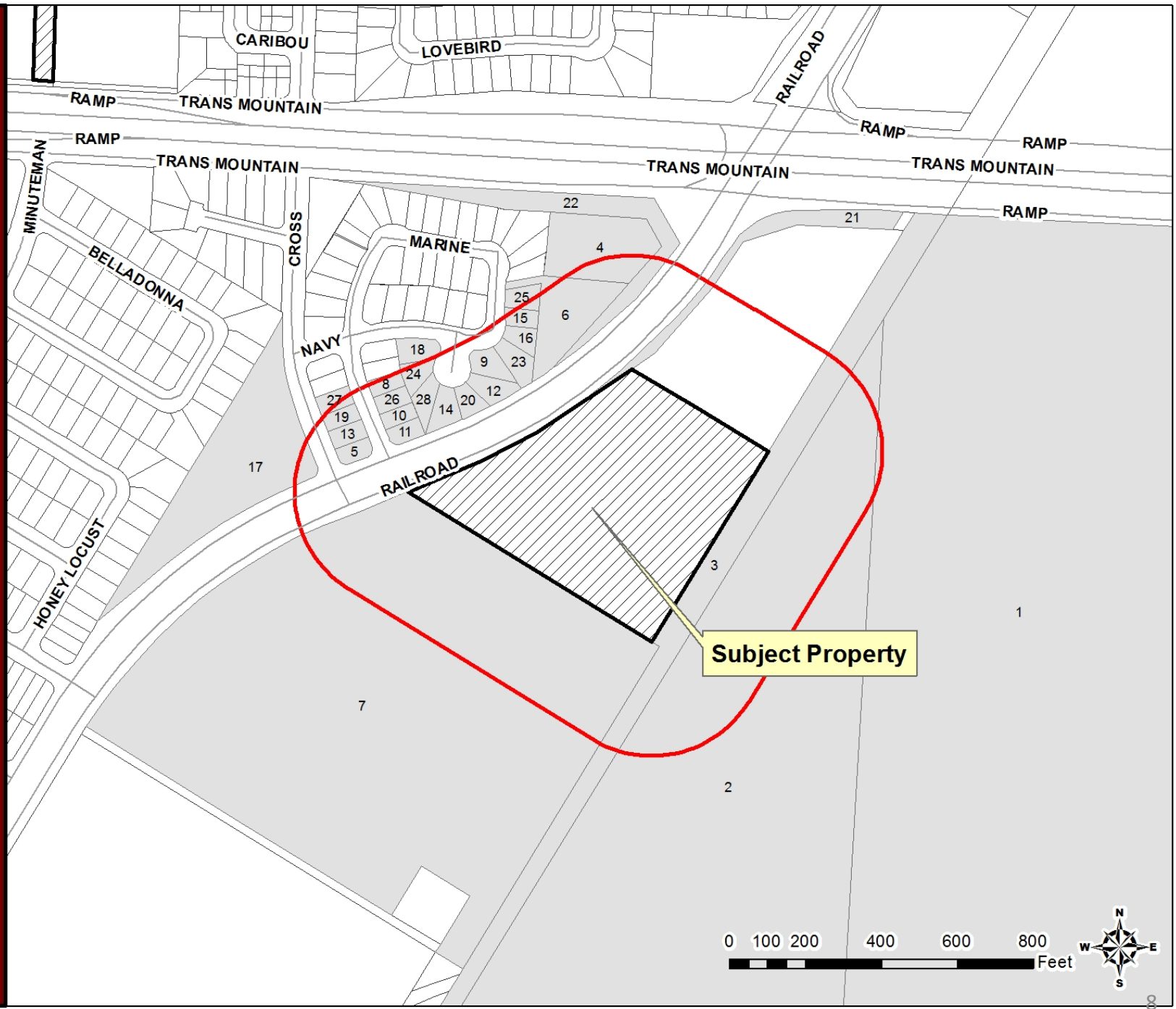
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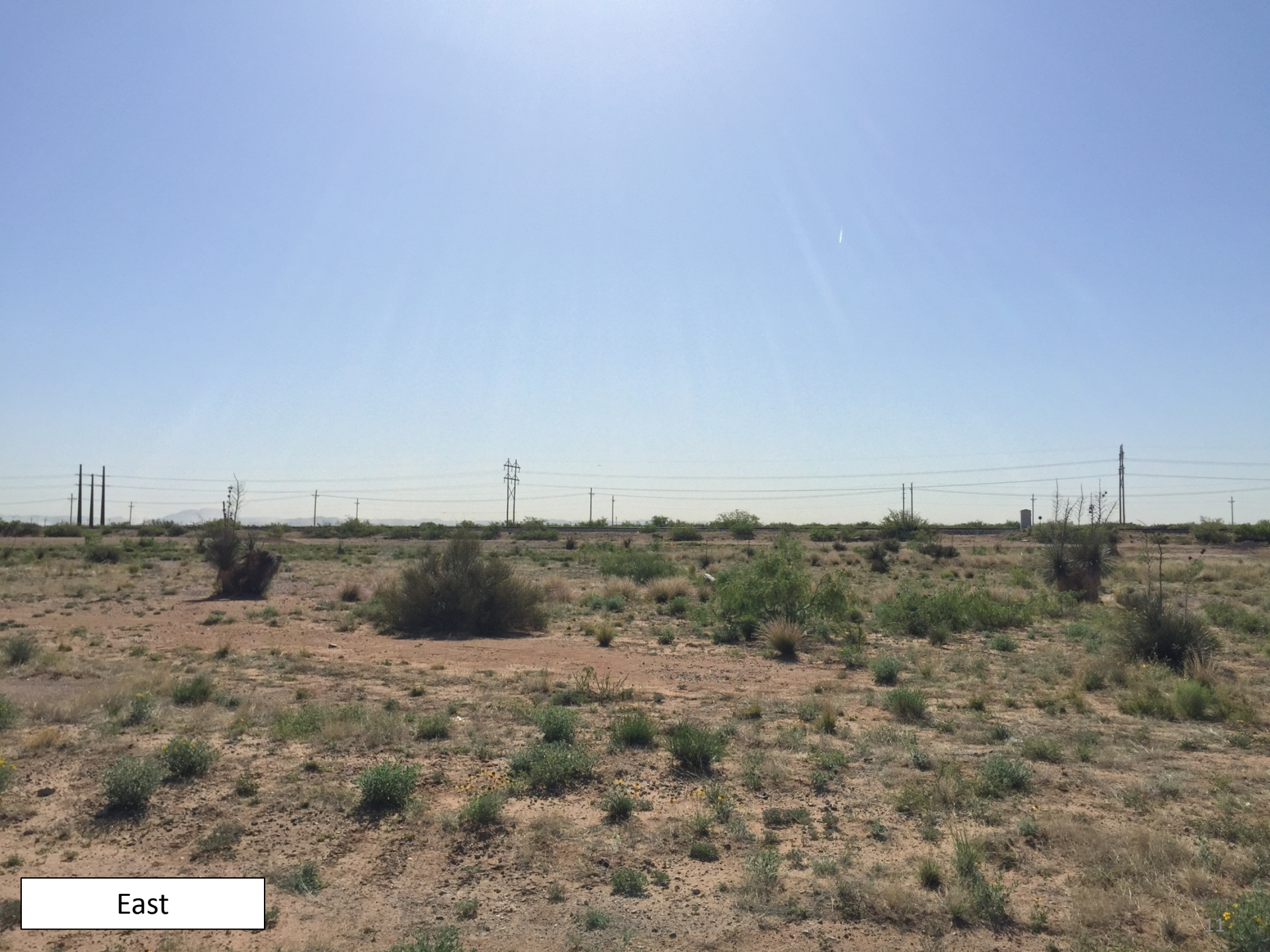
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Subject Property



East

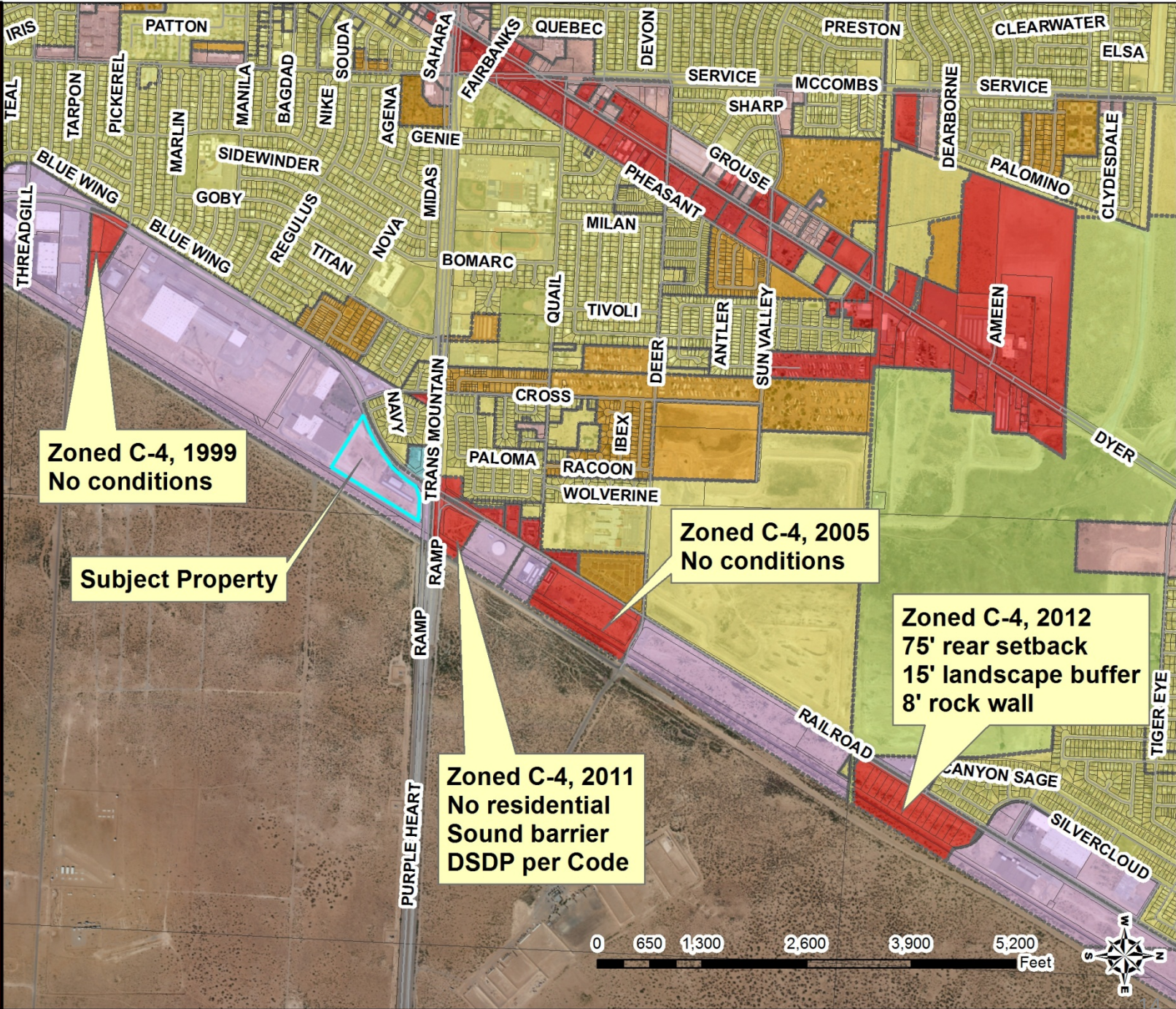


South



West

Railroad Rezoning History



PZRZ15-000003

