

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: June 30, 2015
Public Hearing: July 21, 2015

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

DISTRICT(S) AFFECTED: 7

SUBJECT:

An Ordinance changing the zoning of Tract 6C, Block 15, Ysleta Grant, East of Knowles Way and South of Lomaland Drive, City of El Paso, El Paso County, Texas from R-3 (Residential) to S-D (Special Development), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: East of Knowles Way and South of Lomaland Drive. Property Owner: Christopher Kangur. PZRZ15-00009 (District 7)

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 with conditions recommendation (6-1)

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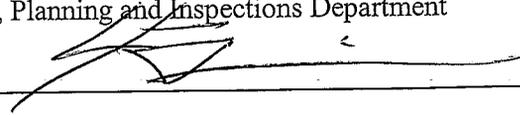
*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Larry F. Nichols
Director, Planning and Inspections Department



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF TRACT 6C, BLOCK 15, YSLETA GRANT, EAST OF KNOWLES WAY AND SOUTH OF LOMALAND DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO S-D (SPECIAL DEVELOPMENT), 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 *Tract 6C, Block 15, Ysleta Grant, East of Knowles Way and South of Lomaland Dive, 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 **S-D (Special Development)**, 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 all residentially zoned property, with high profile native trees placed every 20' 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. A 5' building setback beyond the landscape buffer shall be provided.

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

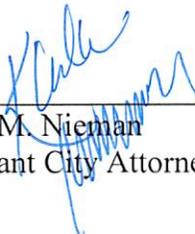
ORDINANCE NO. _____

Zoning Case No: PZRZ15-00009

ATTEST:

Richard Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:

Larry F. Nichols, Director
Planning & Inspections Department

ORDINANCE NO. _____

Zoning Case No: PZRZ15-00009

Exhibit "A"

BEING ALL OF TRACT 6C,
BLOCK 15, YSLETA GRANT,
CITY OF EL PASO, EL PASO COUNTY, TEXAS
October 13, 2014

METES AND BOUNDS

Description of a parcel of land being all of Tract 6C, Block 15, Ysleta Grant, City Of El Paso, El Paso County Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the common corner of Tracts 6A and 6C, Block 15, Ysleta Grant and lying on the southerly right-of-way line of Lomaland Drive and being the **POINT OF BEGINNING** of the herein described parcel of land;

THENCE, leaving said southerly right-of-way line, South 35° 46' 00" East, a distance of 148.50 feet to a point;

THENCE, South 65° 05' 00" West, a distance of 113.00 feet to a point;

THENCE, North 38° 22' 00" East, a distance of 150.39 feet to a point at its intersection with the southerly right-of-way line of Lomaland Drive;

THENCE, along said southerly right-of-way line, North 65° 17' 00" East, a distance of 120.00 feet to the **POINT OF BEGINNING** of the herein described parcel of land and containing 17,011 square feet or 0.3905 acres of land more or less.

ENRIQUE A. REY
R.P.L.S.
TX. 3505

REY ENGINEERING INC.
9434 VISCOUNT STE. 148
EL PASO TEXAS, 79925
(915) 633-8070

MEMORANDUM

DATE: June 9, 2015

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

FROM: Michael McElroy, Planner

SUBJECT: PZRZ15-00009

The City Plan Commission (CPC), on May 7, 2015, voted 6-1 to recommend **approval with conditions** of rezoning the subject property from R-3 (Residential) to S-D (Special Development) as follows:

- 1. A 10' landscape buffer along all residentially zoned property lines with high profile native trees placed every 20' 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. A 5' building setback beyond the landscape buffer shall be provided.*

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 received 4 letters, and 3 persons spoke in opposition, to the rezoning request.

Attachment:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZRZ15-00009
Application Type: Rezoning & Detailed Site Development Plan Review
CPC Hearing Date: May 7, 2015
Staff Planner: Michael McElroy, 915-212-1612, mcelroyms@elpasotexas.gov
Location: East of Knowles Way and South of Lomaland Drive
Legal Description: Tract 6C, Block 15, Ysleta Grant, City of El Paso, El Paso County, Texas
Acreage: 0.3905 acres
Rep District: 7
Existing Zoning: R-3 (Residential)
Existing Use: Vacant
C/SC/SP/ZBA/LNC: N/A
Request: From R-3 (Residential) to S-D (Special Development)
Proposed Use: Apartments
Property Owner: Christopher Kangur
Representative: Jesus Jaime

SURROUNDING ZONING AND LAND USE

North: R-F (Ranch Farm) / Church
South: R-4 (Residential) / Vacant
East: R-3 (Residential) / Single-family dwelling
West: R-3 (Residential) / Single-family dwelling

PLAN EL PASO DESIGNATION: G-3, Post-War (Mission Valley Planning Area)

NEAREST PARK: Lomaland Park (952 feet)

NEAREST SCHOOL: Loma Terrace Elementary (3,474 feet)

NEIGHBORHOOD ASSOCIATIONS

Mission Valley Civic Association
Lomaland Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on April 15, 2015. Four letters in opposition to the rezoning request were received (Attachment 5), and three persons spoke in opposition.

APPLICATION DESCRIPTION

The property owner is requesting a rezoning from R-3 (Residential) to S-D (Special Development) to permit the construction of a five unit apartment complex totaling 7,726 sq. ft. The property is currently vacant. Ten parking spaces are required and 10 are proposed (five internally), to include ADA and three bicycle parking. A 0' front setback is requested to accommodate a street-oriented entrance. The proposed development requires 1,570 sq. ft. of landscaping and proposes 2,733 sq. ft. Access is proposed from Lomaland Drive.

Planning and Inspections Department – Planning Division Recommendation

The Planning Division recommends **approval** of rezoning the subject property from R-3 (Residential) to S-D (Special Development) and approval of the detailed site development plan. The proposed zoning district is consistent with other apartment zoning districts in proximity to the subject property. Furthermore, the proposed development is compliant with the G-3 Post-War land use designation in the Mission Valley 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 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.

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

When reviewed under the 2015 IBC, provisions are provided to allow for the patio separation distance to be measure to the centerline of the street so long as 1 hour fire rating is provided to any portion of the building less than five feet from the property line. Compliance with rating to be verified at the time of building permit submittal.

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 Fire Department

Recommend Approval w/ Condition. Rear Building shall be provided with fire sprinkler protection systems or comply with the following. Please coordinate with EPFD Plan review to ensure appropriate access is provided per section SECTIONS 503 Fire Apparatus Access Roads and 504 - ACCESS TO BUILDING OPENINGS AND ROOFS Recommend “APPROVAL” of “Application” as presented. PZRZ15-00009 *****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. Please note: Section 503 –

Fire Apparatus Access Roads 503.1.1 Buildings and facilities. Approved Fire Apparatus Access Roads.....shall extend to within 150 feet of all portions of a facility....by an approved route around the exterior of the building or facility. SECTION 504 - ACCESS TO BUILDING OPENINGS AND ROOFS 504.1 Required access. Exterior doors and openings required by this code or the International Building Code shall be maintained readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided when required by the fire code official.

El Paso Water Utilities

EPWU does not object to this request.

Water

Along Lomaland Drive fronting the subject Property there is an existing eight (8) inch diameter water main. This main is available for service. Previous water pressure readings conducted on fire hydrant number 2848 located along Lomaland drive at Halloway Street have yielded a static pressure of 100 pounds per square inch (psi), residual pressure of 84 psi, discharge of 1,186 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.

Sanitary Sewer

Along Lomaland Drive fronting the subject Property there is an existing six (6) inch diameter sanitary sewer main. This main dead-ends at approximately 390 feet west of the Juan De Herrera Lateral. This main is available for service. The depth of this sanitary sewer main varies from three (3) feet to four (4) feet approximately along the frontage of the subject Property. A private lift station may be required to provide service.

General

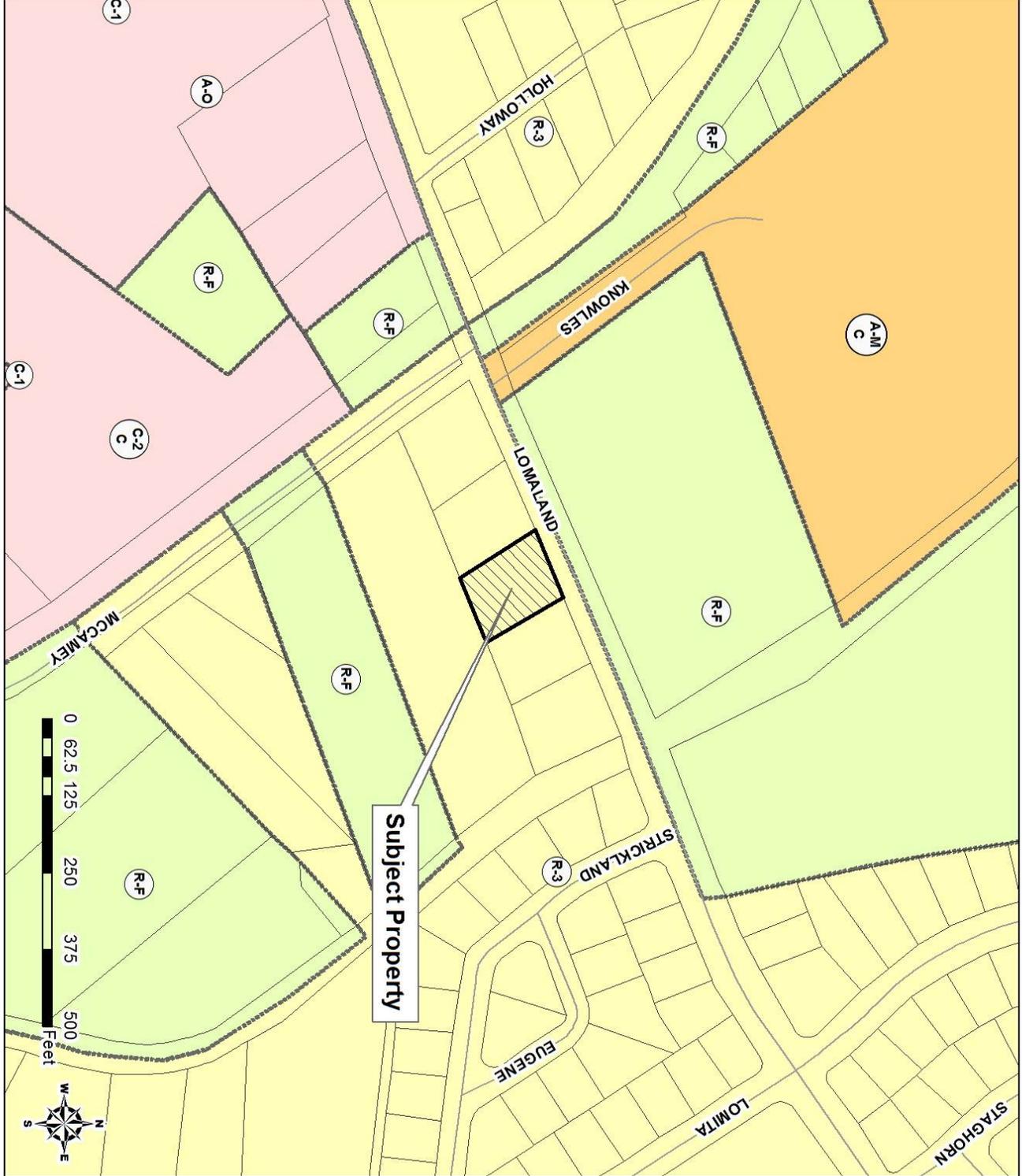
Application for water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description 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. Opposition Letters

ATTACHMENT 1: LOCATION MAP

PZRZ15-00009



PZRZ15-00009



ATTACHMENT 5: OPPOSITION LETTERS

From: [Jorge Nunez](#)
To: [McElroy, Michael](#)
Subject: Rezone Concern
Date: Thursday, April 16, 2015 8:22:10 PM

My name is Jorge Nunez. I live at 644 Lomaland. My first question is if Mr. Kangur is planning to build these apartments in the lot that is in between my house and my neighbors house? If this is the case I'm opposed to that plan, I do not agree that it should be rezoned for that purpose. There are too many apartments already. There are several mobile home parks and public housing communities. These apartments would be an eyesore in between these two residential homes. Additionally, it would also bring the value of our homes down. This lot should be for residential and for one house to be built in that particular lot. Therefore, I am strongly against rezoning the lot and these apartments being built.

I thank you for your consideration and would greatly appreciate updates in regards to this matter.

Your Truly,
Jorge Nunez

ATTACHMENT 5: OPPOSITION LETTERS (CONTINUED)

From: [Sally Duran](#)
To: [McElroy, Michael](#)
Subject: Case No. PZRZ15-00009
Date: Sunday, April 26, 2015 3:32:17 PM

Dear Mr. McElroy,

My name is Celia C. Duran. I reside at 600 Lomaland Dr. I want to respectfully request that the property from the case number PZRZ15-00009 not be zoned for the purpose of building apartments. My home is directly in front of this property and to the left of this lot is The Valley Pines Mobile Home Park. There has been an increase of traffic ever since this mobile park was built. Along with the increase of traffic, there has been numerous accidents involving residents of this mobile home park because other drivers do not acknowledge their signal or brake lights when approaching the entrance, bus drivers constantly honk at drivers disregarding their stop signs and red flashing lights while dropping off students in the area, the traffic noise is unbearable making it difficult for one to get a good nights sleep, I have had my fence and my mailbox knocked down and have had speeding cars jump the curb almost hitting my house on a few occasions. Thank you for your time and I hope you put my concerns into consideration.

Cordially,
Celia C. Duran
600 Lomaland Dr.
El Paso, Tx. 79907

ATTACHMENT 5: OPPOSITION LETTERS (CONTINUED)

RECEIVED
by CTR A. Torres 4/30/15

Jesus Tirrez & Associates, P.C.
Attorney and Counselor at Law

1301 South IH 35 Suite 307
Austin, Texas 78741

Telephone number 512-426-1100
Telecopier number 512-375-0275

McElroyMS@elpasotexas.gov

April 27, 2015

Planning and Inspections Department
c/o Planning Division
P.O. Box 1890
El Paso, Texas 79950-1890

Re: Case No. PZR215-00009
Date May 7, 2015
Time 1:30 p.m.
Place City Council Chamber, 1st Floor, City Hall, 300 N.
Campbell Street, El Paso, Texas

To Whom It May Concern:

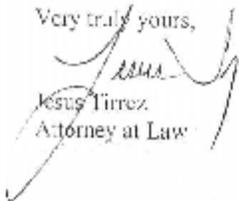
Please be advised we have been retained to represent the family who lives at 616 Loma land Drive, El Paso, Texas 79907.

The property is located next door to the subject property requesting a change in zoning.

My clients family has lived at 616 Loma land Drive since April of 1970 when the home was built. The homes in this section of Loma land have always been single family homes. Any change would be detrimental to the neighborhood, and is strongly opposed by all the surrounding neighbors.

Should you wish additional information please contact me

Very truly yours,


Jesus Tirrez
Attorney at Law

ATTACHMENT 5: OPPOSITION LETTERS (CONTINUED)

From: [Duran, Naomi \(N.\)](#)
To: [McElroy, Michael](#)
Subject: New Apartments on Lomaland Drive
Date: Thursday, May 07, 2015 8:55:50 AM

Dear Sir or Madam,

With regards to the proposal to build new apartments on Lomaland Drive, just north of North Loop, I would like to submit a request for denial. Although I no longer live in the residence, I grew up in a house on Lomaland, in which my mother currently resides, and visit often. I can tell you first-hand that traffic is very heavy on this road, and has become even more so as the years have past. This particular area of Lomaland is especially congested with the mobile home park on the West side of the street and because of several city bus stops. In addition, I have witnessed the issues that school buses have with this heavy traffic and congestion, as well as the unavailability of a safe spot on the street or sidewalk for kids to wait for the bus. The addition of new apartments will only add to this congestion and increase the safety risk.

Another point to consider is that the area being proposed is a typical residential site. For the most part, these are random houses with areas of farmland behind them. Every summer this land has to be irrigated. This presents another safety issue and a liability risk, especially if the residents moving into the apartments have children. The apartments will be flanked by two irrigation ditches.

I would also like to make an appeal on behalf of the residents who currently reside on Lomaland and have had to adapt to the increase in traffic, noise, and crime that has increased in the area over the years as more and more residences have been set up. The inconveniences have come through no fault of their own, other than the fact that they have always lived in these houses and have no interest in relocating because these have become generational homes.

Thank you,
Naomi Duran



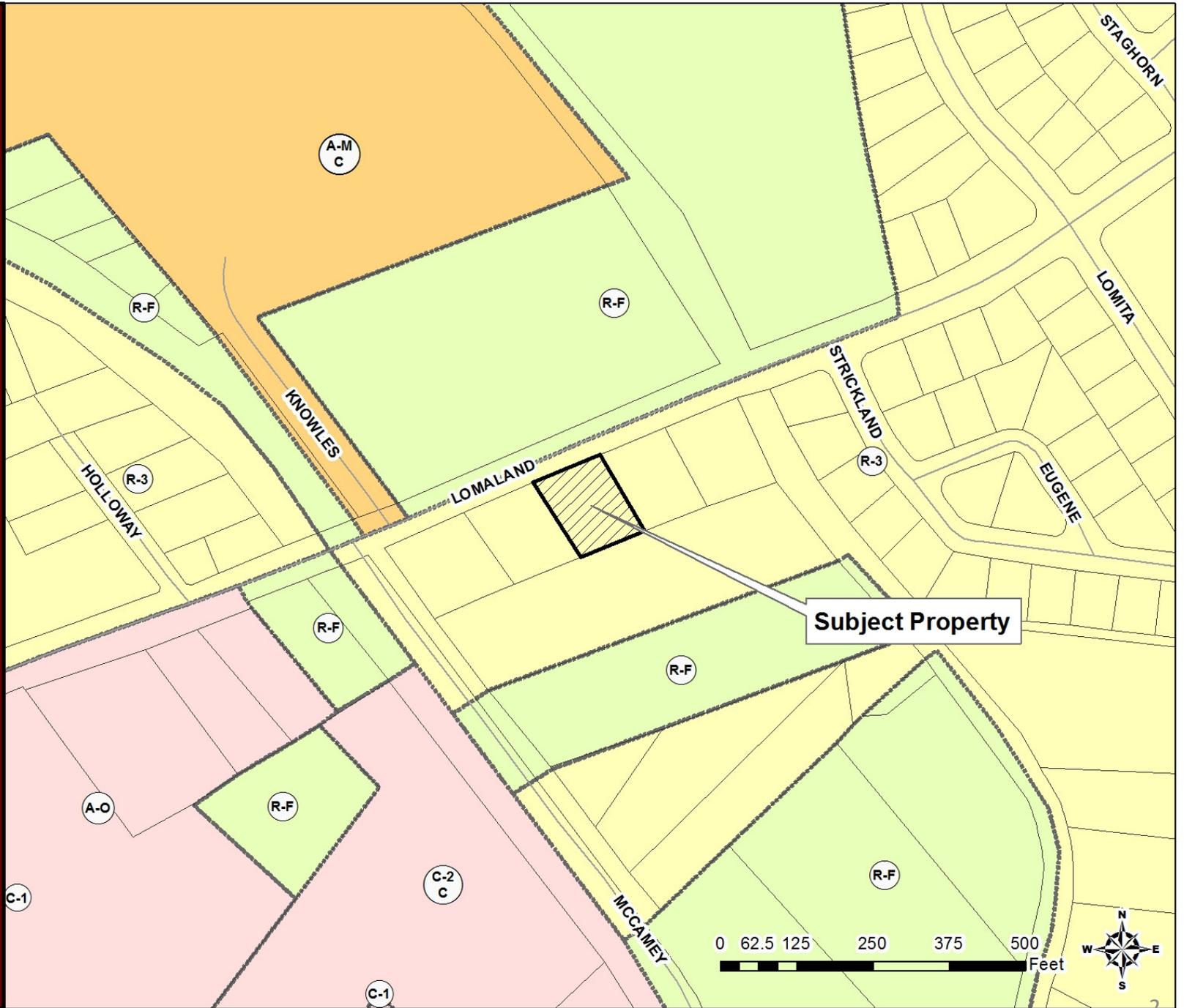
Recommendation/Public Input

- Planning Division recommendation: Approval
- CPC Vote: Approval Recommendation (6-1)
- Public Input: Four letters were received, and three persons spoke, in opposition

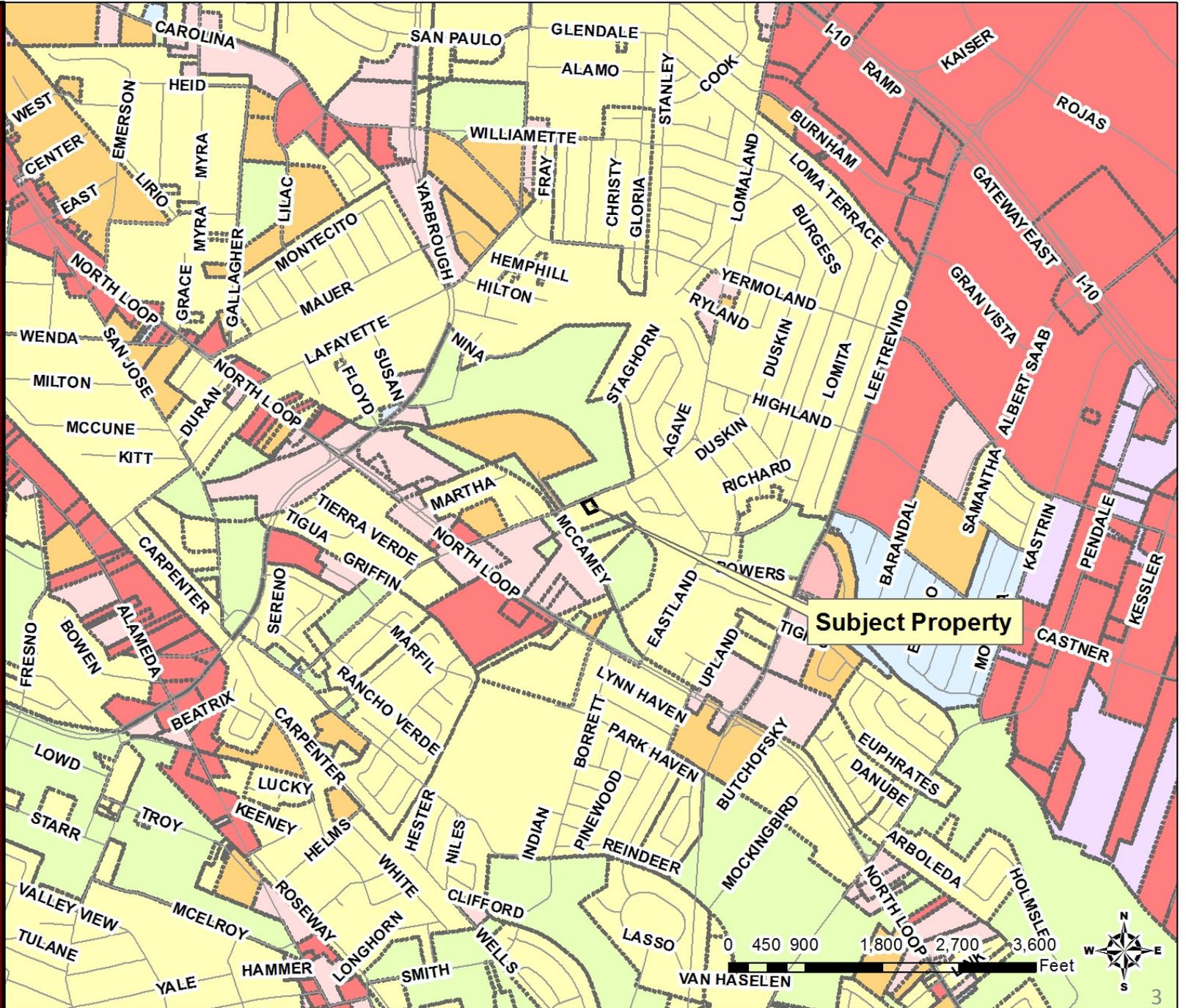
Strategic Goal #3 Promote the Visual Image of El Paso

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

PZRZ15-00009



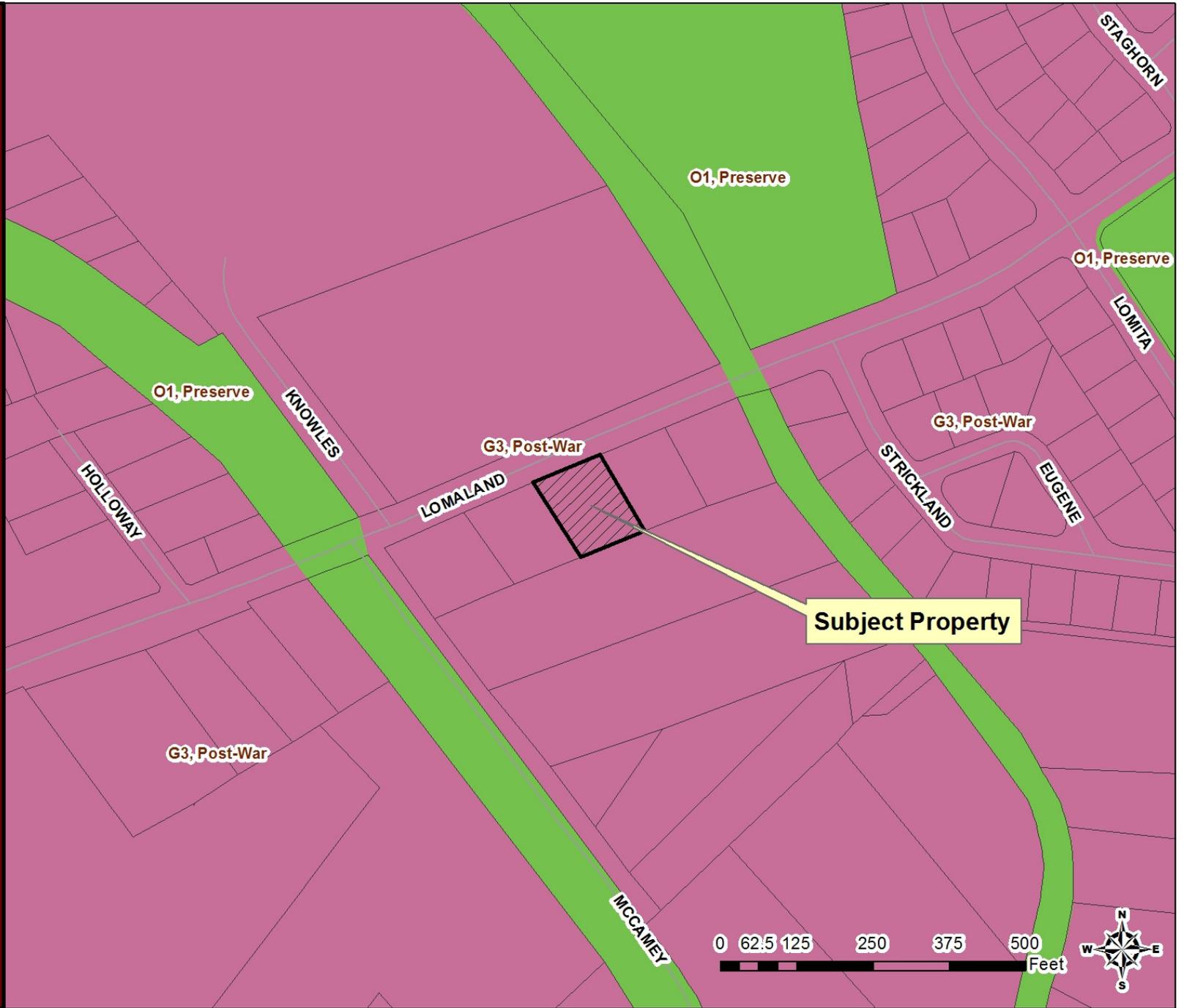
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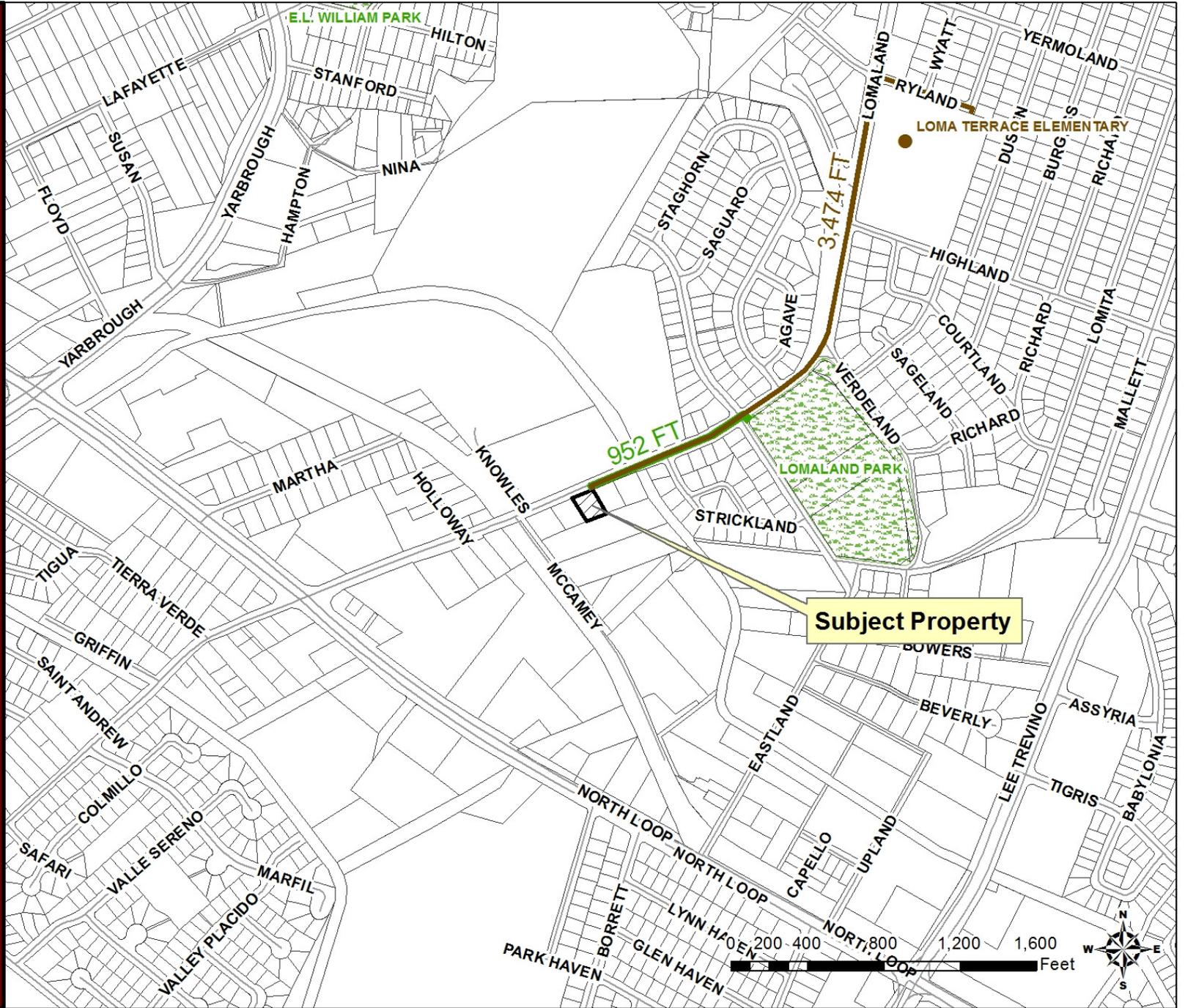
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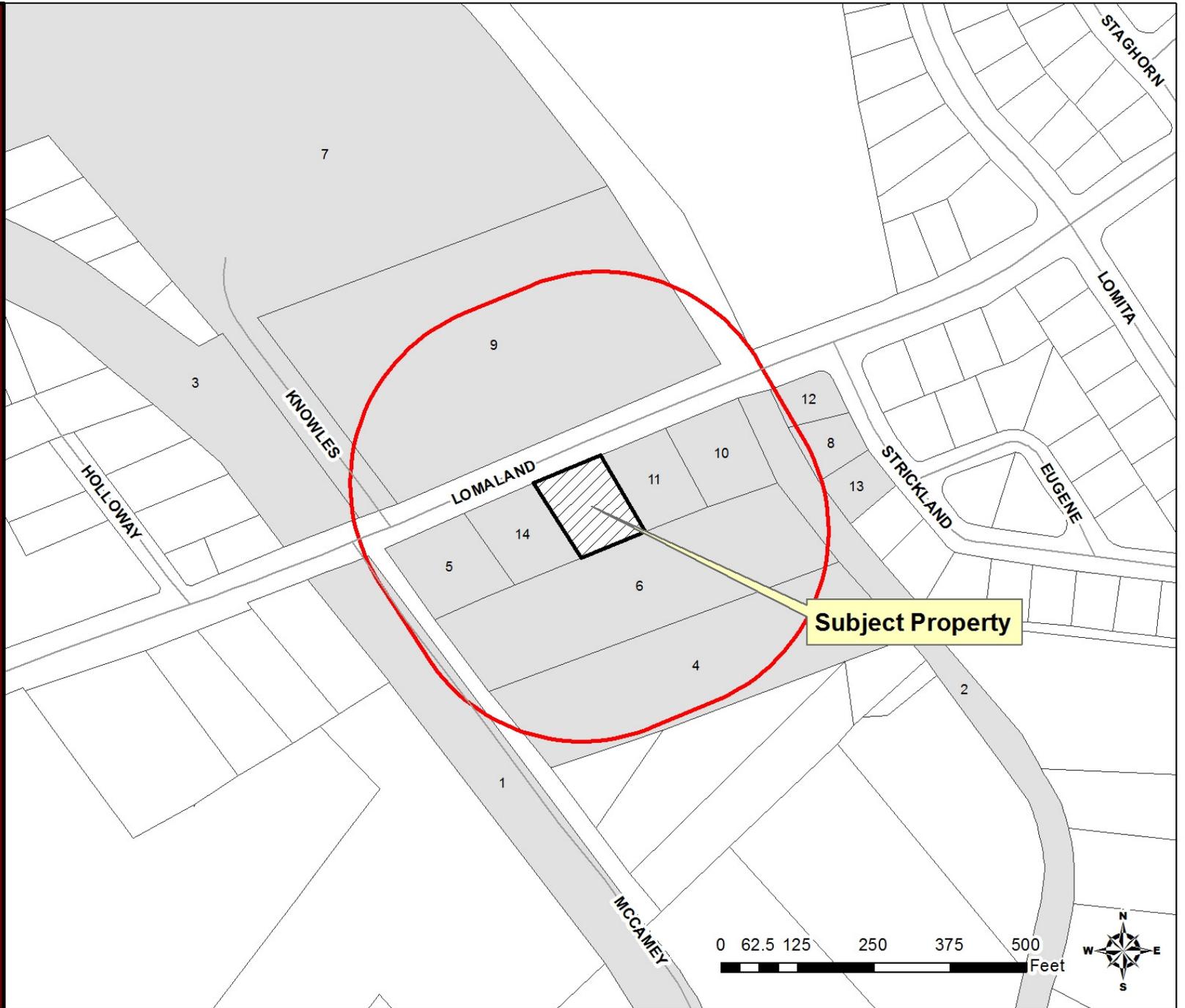
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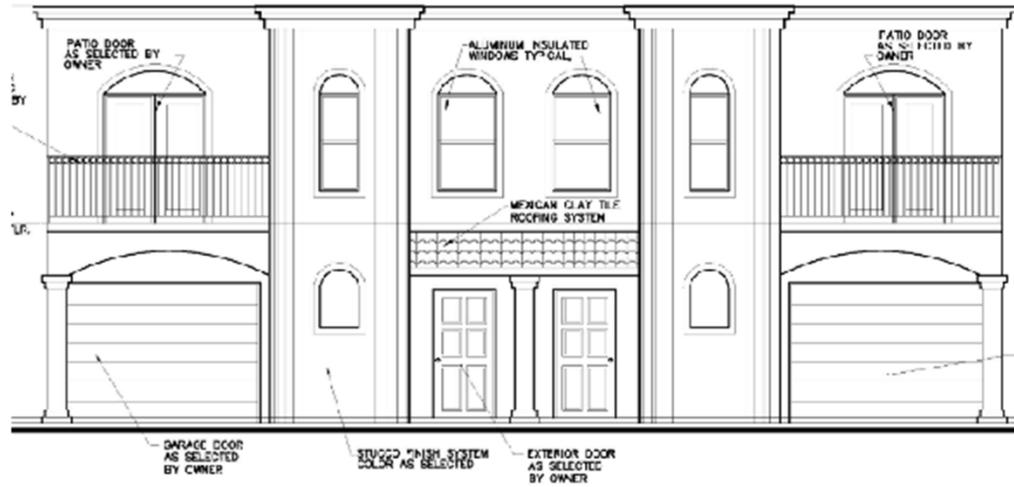
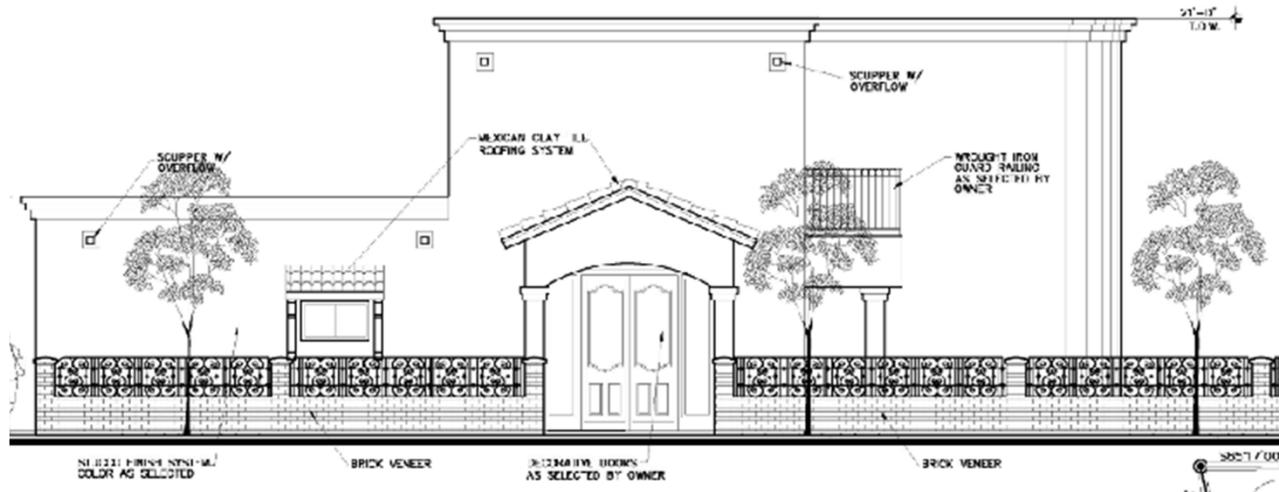
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Elevations





Subject Property & South



North

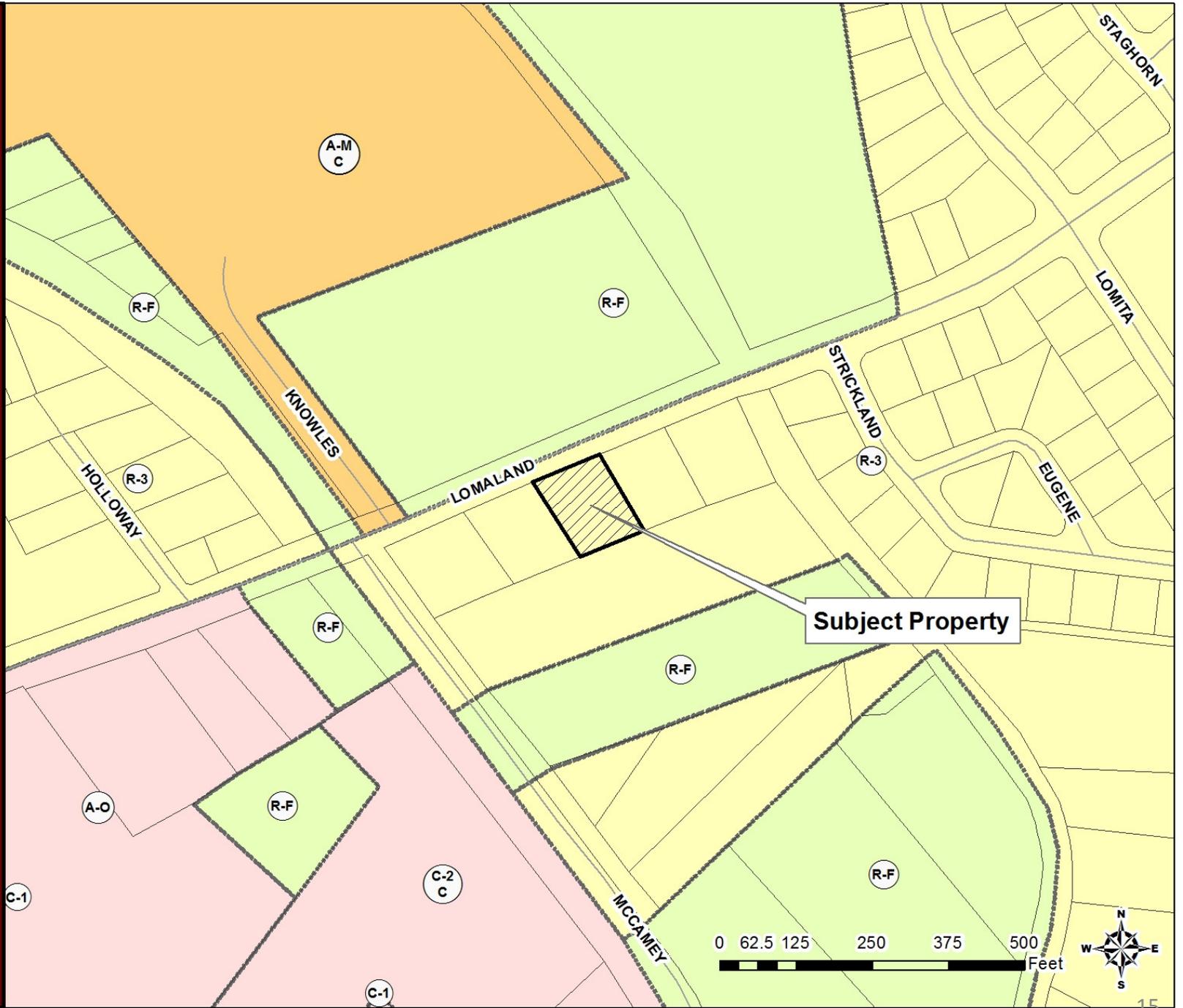


East



West

PZRZ15-00009





Dimension Standards

Dimensional Standards Required and Proposed		
Dimension	Required	Proposed
Lot Width	N/A	116'
Lot Depth	N/A	149'
Front Yard	20'	0'
Rear Yard	10'	10.5'
Side Yard	10' (between structures)	1'
Cumulative Front/Back	N/A	10.5'
Cumulative Side/Side Street	N/A	N/A

"Delivering Outstanding Services"