

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: June 28, 2016
Public Hearing: July 26, 2016

CONTACT PERSON/PHONE: Larry Nichols, (915) 212-1550, NicholsLF@elpasotexas.gov
Adriana Martinez, (915) 212-1611, MartinezAD@elpasotexas.gov

DISTRICT(S) AFFECTED: 2

SUBJECT:

An Ordinance changing the zoning of the real property known as: Parcel 1: Lots 1,2,4, and 5, Block 1, Del Mesa Addition, City of El Paso, El Paso County, Texas, From C-2 (Commercial) to C-1 (Commercial); and Parcel 2 & 3: A Portion of Tract 4A, now known as Tract 4C-1, Morehead Block, City of El Paso, El Paso County, Texas, from C-2/sp (Commercial/special permit) and R-4/sp (Residential/special permit) to C-1 (Commercial); and Imposing a Condition that a Detailed Site Development Plan be reviewed and approved in accordance with the El Paso City Code prior to building permits being issued, and repealing Special Permit No. SU-99009 as it pertains to Parcels 2 and 3. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code to allow a new 11,945 sq. ft. Retail Pharmacy Building with Drive-thru. The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code. Subject Property: 5331 Montana Ave.; 5305 Montana Ave.; 1012 Cardon Street. Owner: Parcel 1: El Paso West Airport LTD; Parcel 2 & 3: William Welsh (Executor of the Estate). PZRZ16-00005 (District 2)

BACKGROUND / DISCUSSION:

On June 2, 2016 The City Plan Commission recommended Approval on an 8-0 vote.

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) – Recommended Approval 8-0.

*****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 THE FOLLOWING REAL PROPERTY KNOWN AS:

PARCEL 1: LOTS 1,2,4, AND 5 BLOCK 1, DEL MESA ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-2 (COMMERCIAL) TO C-1 (COMMERCIAL); AND,

PARCELS 2 AND 3: A PORTION OF TRACT 4A, NOW KNOWN AS TRACT 4C-1, MOREHEAD BLOCK , CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-2/SP (COMMERCIAL/SPECIAL PERMIT) AND R-4/SP (RESIDENTIAL/SPECIAL PERMIT) TO C-1 COMMERCIAL; AND,

IMPOSING A CONDITION THAT A DETAILED SITE DEVELOPMENT PLAN BE REVIEWED AND APPROVED IN ACCORDANCE WITH THE EL PASO CITY CODE PRIOR TO BUILDING PERMITS BEING ISSUED, AND REPEALING SPECIAL PERMIT NO. SU-99009 AS IT PERTAINS TO PARCELS 2 AND 3. 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:

1. Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of *Parcel 1: Lots 1,2,4, and 5 Block 1, Del Mesa Addition*, located in the City of El Paso, El Paso County, Texas; and, *Parcels 2 and 3: A portion of Tract 4A, now known as Tract 4C-1*, located in the City of El Paso, El Paso County, Texas, all three parcels more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference; be changed as listed for **PARCEL 1: FROM C-2 (Commercial) TO C-1 (Commercial); and PARCELS 2 AND 3: FROM C-2/SP (Commercial/Special Permit) and R-4/SP (Commercial/Special Permit) TO C-1 Commercial**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

2. That the parcels described above be subject to the following condition which is necessitated by and attributable to the increased intensity in use generated by the change of zoning in order to protect the health, safety and welfare of the residents of the City:

That a detailed site development plan be reviewed and approved per the El Paso City Code prior to building permits being issued.

3. That Special Permit No. SU-99009 granted by City Council under Ordinance No. 014163 allowing for a convalescent home is hereby repealed as it pertains to Parcels 2 and 3.

ORDINANCE NO. _____

Zoning Case No: PZRZ16-00005

4. Except as provided under this ordinance, Special Permit No. SU-99009 will remain in full force and effect.

5. The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

PASSED AND APPROVED this _____ day of _____, 2016.

THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

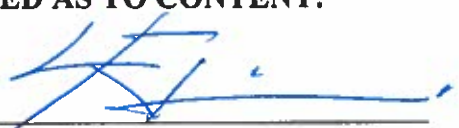
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



Omar A. De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:



Larry F. Nichols, Director
City Development Department

ORDINANCE NO. _____

Zoning Case No: PZRZ16-00005

#545681/Rezoning 3805 Montana Ave. PZRZ16-00005/OAR
Matter # 16-1007-1732



PRECISION LAND SURVEYORS

10441 VALLE DE ORO DR.

El Paso, Texas 79927

Ph# (915) 222-5227

Being a portion of Tract 4A,
Now Known as Tract 4-C-1,
Morehead Block, and
Lots 1, 2, 4, and 5,
Block 1, Del Mesa Addition,
City of El Paso, El Paso County, Texas
October 8, 2015;

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 4A, now known as Tract 4-C-1, Morehead Block, and Lots 1, 2, 4, and 5, Block 1, Del Mesa Addition, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a found city monument at the centerline intersection of Montana Avenue (95 foot R.O.W.) and Chelsea Street (74 foot R.O.W.), thence with the centerline with Chelsea Street, North $03^{\circ}18'19''$ East a distance of 55.21" feet to a point, thence leaving said centerline, North $86^{\circ}41'41''$ West a distance of 45.00 set nail at the westerly right-a-way line of Chelsea Street and the **"TRUE POINT OF BEGINNING"**.

Thence, **31.51 feet** along the arc of a curve to the right which has a **radius of 20.00 feet**, a **central angle of $90^{\circ}16'00''$** , a tangent of 20.09 feet, and a chord which bears **South $48^{\circ}25'07''$ West** a distance of **28.35 feet** to a set nail at northerly right-of-way of Montana Avenue;

Thence, **North $86^{\circ}26'53''$ West** (Rec. North $89^{\circ}34'00''$ West) a distance of **184.58 feet** to a found nail at easterly right-of-way of Cardon Street (50 foot R.O.W.);

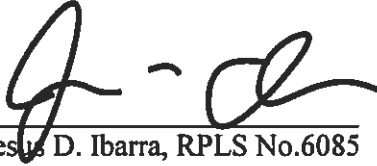
Thence, **31.56 feet** along the arc of a curve to the right which has a **radius of 20.00 feet**, a **central angle of $90^{\circ}25'00''$** , a tangent of 20.15 feet, and a chord which bears **North $41^{\circ}14'23''$ West** a distance of **28.39 feet** to a set nail easterly right-of-way of Cardon Street;

Thence, **North $03^{\circ}58'07''$ East** (Rec. North $03^{\circ}51'00''$ East) a distance of **214.48 feet** to a found nail easterly right-of-way of Cardon Street;

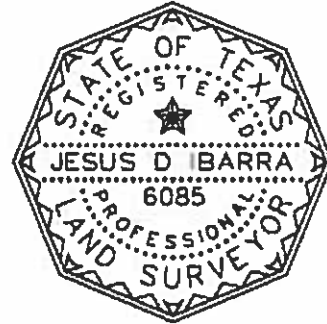
Thence, **North $06^{\circ}58'07''$ East** (Rec. North $00^{\circ}51'00''$ East) a distance of **20.36 feet** to a found 1/2" rebar easterly right-of-way of Cardon Street;

Thence leaving said right of way, **South $86^{\circ}27'30''$ East** (Rec. South $89^{\circ}34'37''$ East) a distance of **220.72 feet** to a found 1/2" rebar westerly right-of-way of Chelsea Street;

Thence, South 03°17'07" West (Rec. South 00°10'00" West) a distance of 234.90 feet to
"TRUE POINT OF BEGINNING" and containing in all 54,508 square feet or 1.3028
acres of land more or less.



Jesus D. Ibarra, RPLS No.6085
June 20, 2016



MEMORANDUM

DATE: June 20, 2016

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

FROM: Adriana Martinez, Planner

SUBJECT: PZRZ16-00005

The City Plan Commission (CPC), on June 2, 2016 voted 8-0 to recommend **Approval** of rezoning the subject property from Parcel 1: C-2 (Commercial) and Parcel 2 & 3: (C-2sp / R-4sp) to C-1 (Commercial); and Imposing a Condition that a Detailed Site Development Plan be reviewed and approved in accordance with the El Paso City Code prior to building permits being issued, and repealing Special Permit No. SU-99009 as it pertains to Parcels 2 and 3. The request is being made to allow to a new 11,945 sq. ft. Retail Pharmacy Building with Drive-thru.

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 department received one call and one email in opposition of the proposed development.

Property Owner: Parcel 1: El Paso West Airport LTD
Parcel 2 & 3: William Welsh (Executor of the Estate)

Applicant: Joaquin Orozco; First Hart Realty Company

Representative: James K. Farrelly; Linfield & Hunter & Junius, Inc.

Attachments:
Staff Report



City of El Paso – City Plan Commission Staff Report

REVISED

Case No: PZRZ16-00005
Application Type: Rezoning
CPC Hearing Date: June 2, 2016
Staff Planner: Adriana Martinez, 915-212-1611, MartinezAD@elpasotexas.gov
Location: Montana Ave. & Chelsea St.
Parcel 1: 5331 Montana & 5305 Montana (C-2)
Parcel 2 & 3: 1012 Cardon Street (C-2sp / R-4sp)
Legal Description: Parcel 1: Lots 1,2,4, and 5, Block 1, Del Mesa Addition, City of El Paso, El Paso County, Texas
Parcel 2 & 3: A Portion of Tract 4a, now known as Tract 4C-1, Morehead Block, City of El Paso, El Paso County, Texas
Acreage: 1.3028 acres
Rep District: 2
Existing Zoning: Parcel 1: C-2 (Commercial)
Parcel 2 & 3: (C-2sp / R-4sp)
Existing Use: Parcel 1: Restaurant & Parking Lot
Parcel 2 & 3: Residential / Vacant
C/SC/SP/ZBA/LNC: SP Ordinance No. 14163, dated August 24, 1999 (*doesn't apply*)
Request: Parcel 1: From C-2 (Commercial) to C-1 (Commercial)
Parcel 2 & 3: From C-2sp / (Commercial /sp) & R-4/sp (Residential/sp) to C-1 (Commercial)
Proposed Use: Commercial Retail Pharmacy (with Drive-Thru)
Property Owner: Parcel 1: El Paso West Airport LTD
Parcel 2 & 3: William Welsh (Executor of the Estate)
Applicant: Joaquin Orozco; First Hart Realty Company
Representative: James K. Farrelly; Linfield & Hunter & Junius, Inc.

SURROUNDING ZONING AND LAND USE

North: C-1/c/sp (Commercial/condition) / Vacant
South: C-1 (Commercial) / Restaurant / Shopping Center
East: C-1 (Commercial) / Commercial Retail Pharmacy (with Drive-Thru)
West: C-2/R-4 (Commercial) / (Residential) / Restaurant / Single-Family Dwelling

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

NEAREST PARK: Mesa Terrace Park (2,131 feet)

NEAREST SCHOOL: Hillside Elementary School (3,152 feet)

NEIGHBORHOOD ASSOCIATIONS

El Paso Central Business Association
United Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on May 5, 2016. On April 20, 2016, Staff, District #2, and the developers did meet with United Neighborhood Association, who stated their support of the rezoning and the proposed development. The planning department received one call and one email in opposition of the proposed development.

APPLICATION DESCRIPTION

The applicant is requesting to rezone the subject property to C-1 (Commercial District) to allow the

construction of a Commercial Retail Pharmacy (with Drive-Thru). The proposed development features a new 11,945 sq. ft. Retail Pharmacy Building with 11,079 sq. ft. (19.5%) of landscaping. Additionally, the applicant is proposing for a 15 ft. landscaping buffer along Cardon St. to protect the privacy of nearby residents. Forty parking spaces are required and 50 are provided, to include ADA, and bicycle racks.

The property has 3 different access points, Cardon St., Montana Ave., and Chelsea St.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of rezoning the subject property to C-1 (Commercial) with the following condition to mitigate for the increased intensity of use generated by the proposed zone change adjacent to existing residential zone and use districts to the subject property.

- 1. That a detailed site development plan be reviewed and approved per the El Paso City Code prior to building permits being issued.*

The approval recommendation is based on the compatibility with existing commercial and residential zoning in the area. Additionally, the proposed development is compliant with the G-4, Suburban (Walkable) land use designation in the Central Planning Area.

Plan El Paso- Future Land Use Map Designation

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

G-4 – Suburban: 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 purpose of the C-1 (Commercial) zoning district is to provide a compatible neighborhood convenience goods and services that serve day-to-day needs. Permit locations for business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

COMMENTS:

Planning and Inspections Department- Planning Division - Transportation

Recommend approval. A TIA is required & deferred to Platting Stage.

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 - City Development & Permitting- Landscape

Recommended approval:

Note: Condition being placement of trees.

Landscape calculations are correct and this parcel has the right amount of plant material; however, the tree locations are not to code and will have to be revised at time of permit. Trees missing in the right of way of Chelsea, and portion of Cardon St. and trees on Montana show to be in the sidewalk area.

Planning and Inspections Department - Land Development

We have reviewed subject plans and recommend that the applicant addresses the following comments.

Note: No objections.

Administrative approval of the site plans 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 the administrator.

Sun Metro

Sun Metro does not oppose this request

Note: Sun Metro has an existing bus stop directly adjacent to the subject property to be relocated. /
Coordinating with Sun Metro

Fire Department

No objections to proposed rezoning.

TxDot

Not in a State Roadway.

El Paso Water Utilities**Water:**

1. There is an existing 20-inch diameter water transmission main located along the north side of Montana Avenue, approximately 20-feet south of and parallel to the northern right-of-way line of Montana Avenue. No direct service connections are allowed to this water transmission main.
2. There is an existing 6-inch diameter water main located along the north side of Montana Avenue, approximately 27-feet south of and parallel to the northern right-of-way line of Montana Avenue. Water service connections are allowed to this water main.
3. There is an existing 12-inch diameter water transmission main (flow line) located along the north side of Montana Avenue, approximately 30-feet south of and parallel to the northern right-of-way line of Montana Avenue. No direct service connections are allowed to this main (flow line).
4. There is an existing 6-inch diameter water main located along the east side of Cardon Street, approximately 15-feet west of and parallel to the eastern right-of-way line of Cardon Street. Water service connections are allowed to this water main.
5. There is an existing 8-inch diameter water main located along the east side of Chelsea Street, approximately 25-feet west of and parallel to the eastern right-of-way line of Chelsea Street. Water service connections are allowed to this water main.
6. EPWU records indicate there are three (3) existing ¾-inch water meters serving to the proposed subject property from 6-inch water main on Cardon Street. The service addressees for the water meters are 5305 Montana Avenue (active), 1015 Chelsea Street (vacant) and 1012 Cardon Street (vacant).
7. Previous water pressure readings conducted on fire hydrant number 1634 located at the corner of Montana Avenue and Cardon Street have yielded a static pressure of 130 pounds per square inch (psi), residual pressure of 120 psi, discharge of 1,547 gallons per minute (gpm).

Sanitary Sewer:

1. There is an existing 10-inch diameter sanitary sewer main located along the south side of Montana Avenue, approximately 20-feet north of and parallel to the southern right-of-way line of Montana Avenue. Direct service connections are allowed to this sanitary sewer main.
2. There is an existing 8-inch diameter sanitary sewer main located along the west side of Cardon Street, approximately 20-feet east of and parallel to the western right-of-way line of Cardon Street. Direct service connections are allowed to this sanitary sewer main.

3. There is an existing 8-inch diameter sanitary sewer main located along the west side of Chelsea Street, approximately 32-feet east of and parallel to the western right-of-way line of Chelsea Street. Direct service connections are allowed to this sanitary sewer main.
4. Reclaimed Water:
5. There is an existing 30-inch diameter reclaimed water main located along the west side of Chelsea Street, approximately 18-feet east of and parallel to the western right-of-way line of Chelsea Street. No direct service connections are allowed to this reclaimed water main.

General:

1. 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.
2. EPWU requires a new service application to provide addition 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.

Stormwater:

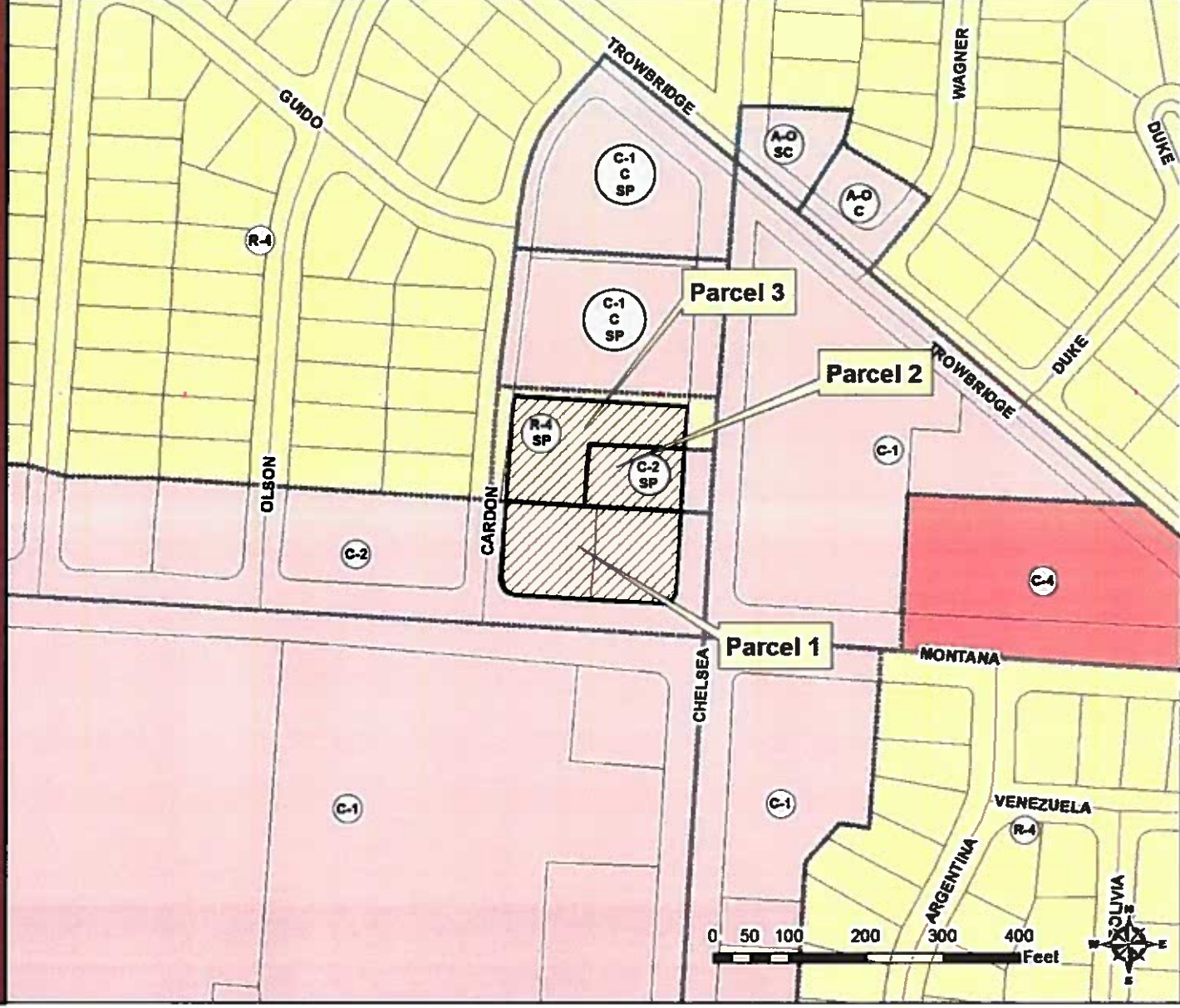
1. Provide an acceptable drainage plan in accordance with Section 19.01.050 of the current City Ordinance when submitting construction plans.
2. Not required but recommend:
 - Using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavements) to reduce the amount of developed stormwater runoff.

Attachments:

- Attachment 1: Zoning Map
- Attachment 2: Aerial Map
- Attachment 3: Future Land Use Map
- Attachment 4: Detail Site Development Plan
- Attachment 5: Elevations
- Attachment 6: Opposition Email

ATTACHMENT 1: ZONING MAP

PZRZ16-00005



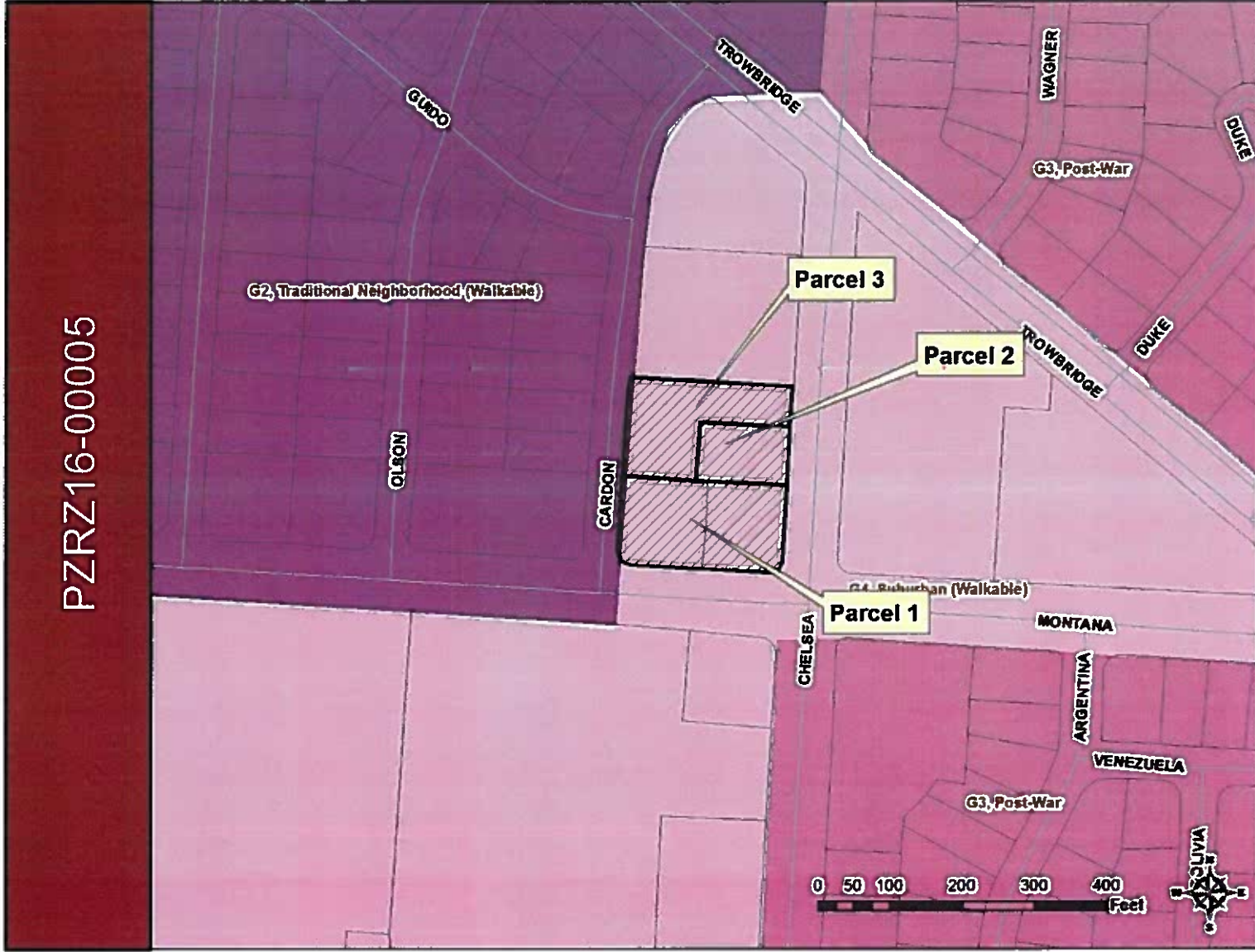
ATTACHMENT 2: AERIAL MAP

PZRZ16-00005

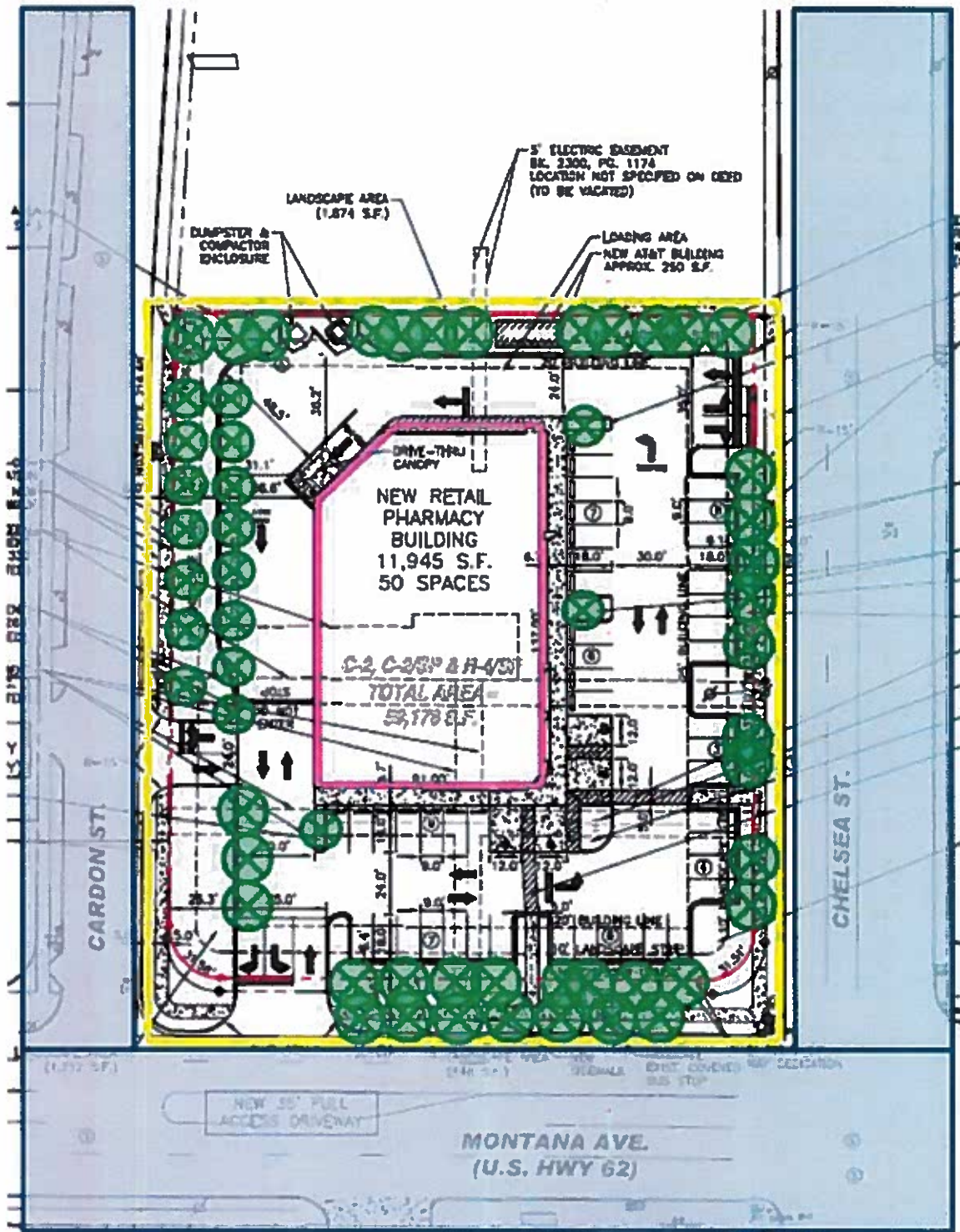


ATTACHMENT 3: FUTURE LAND USE MAP

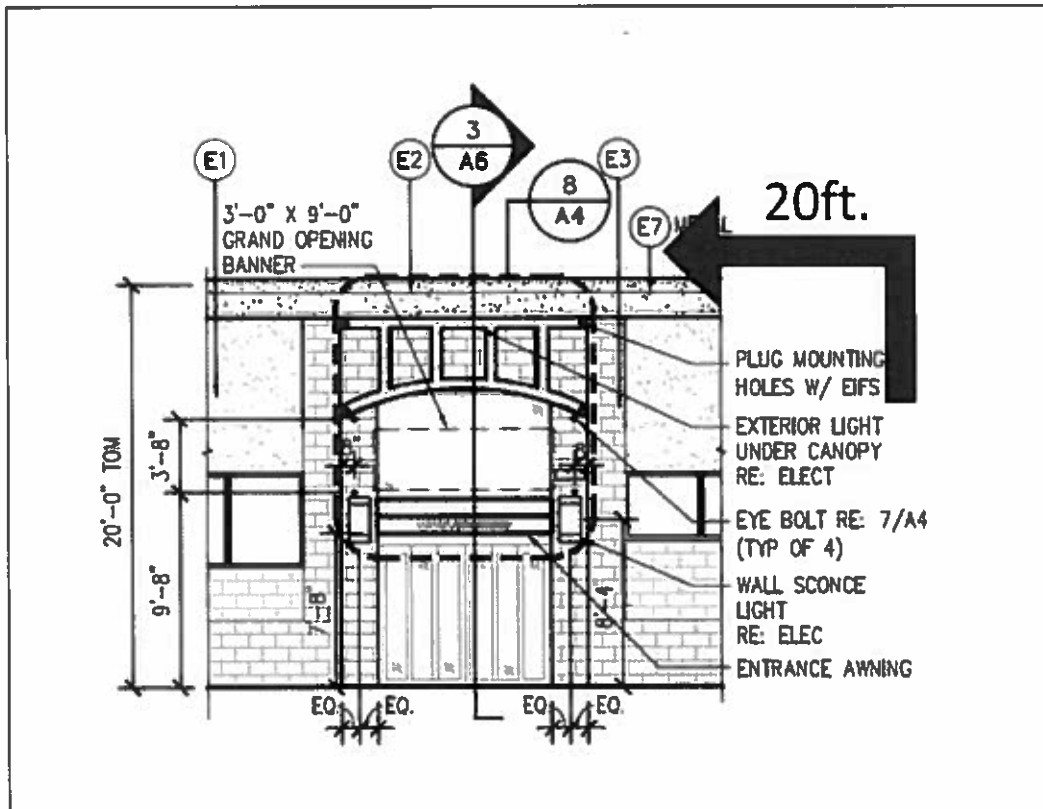
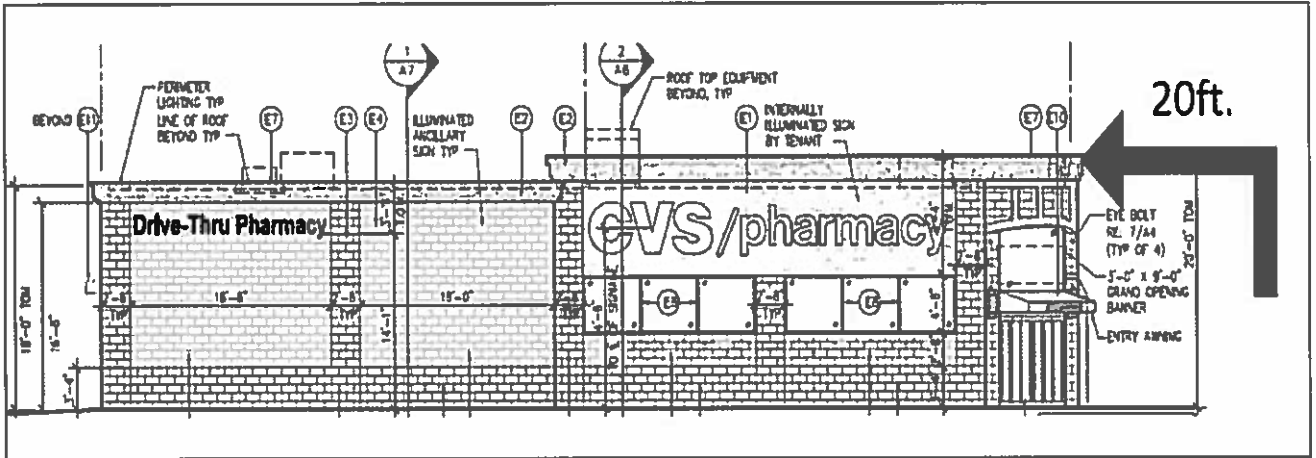
PZRZ16-00005



ATTACHMENT 4: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 5: ELEVATIONS



ATTACHMENT 6: OPPOSITION EMAIL

From: [Mayela Sepulveda](#)
To: [Martinez, Adriana](#)
Subject: CVS where in the Chicos Tacos location
Date: Thursday, May 26, 2016 11:05:43 AM

To whom it may concern:

I am writing this email to express my disapproval at the selection of a CVS for this area. I do not care for Chicos but I do care for my family still residing in this community. I am very disappointed in the lack of foresight for this project. My family lives in this area and unfortunately whatever representative is in charge of looking out for this community has done a poor job at it. This area has lots of needs. One of the needs I see is lack of recreational places for this community. The Chelsea pool has been shut down and I don't foresee it being open. This area also has many elderly and you see them walking to Alberstons for groceries pushing the grocery carts to their homes. What about a senior center in this area? What about a recreation center in this area? How about a medical plaza in this area? Can you do better than adult shops and Walmart/CVS? I am sure you will notice that the bus stops in this area frequently. This should tell you that many in the community rely on public transportation. My mother is one of the individual living in this community. Do you know where she gets her medical help? University Medical Center or aka Thomason. Why? That's the closest medical facility in the area. Can you guys think more deeply about the needs of this community? Again I would prefer a small medical plaza, senior center or recreation center. Please forward this email to whom ever is responsible for this area.

Thank you,

Mayela Sepulveda



Recommendation/Public Input

- Planning Division recommendation: Approval
- CPC Vote: 8-0

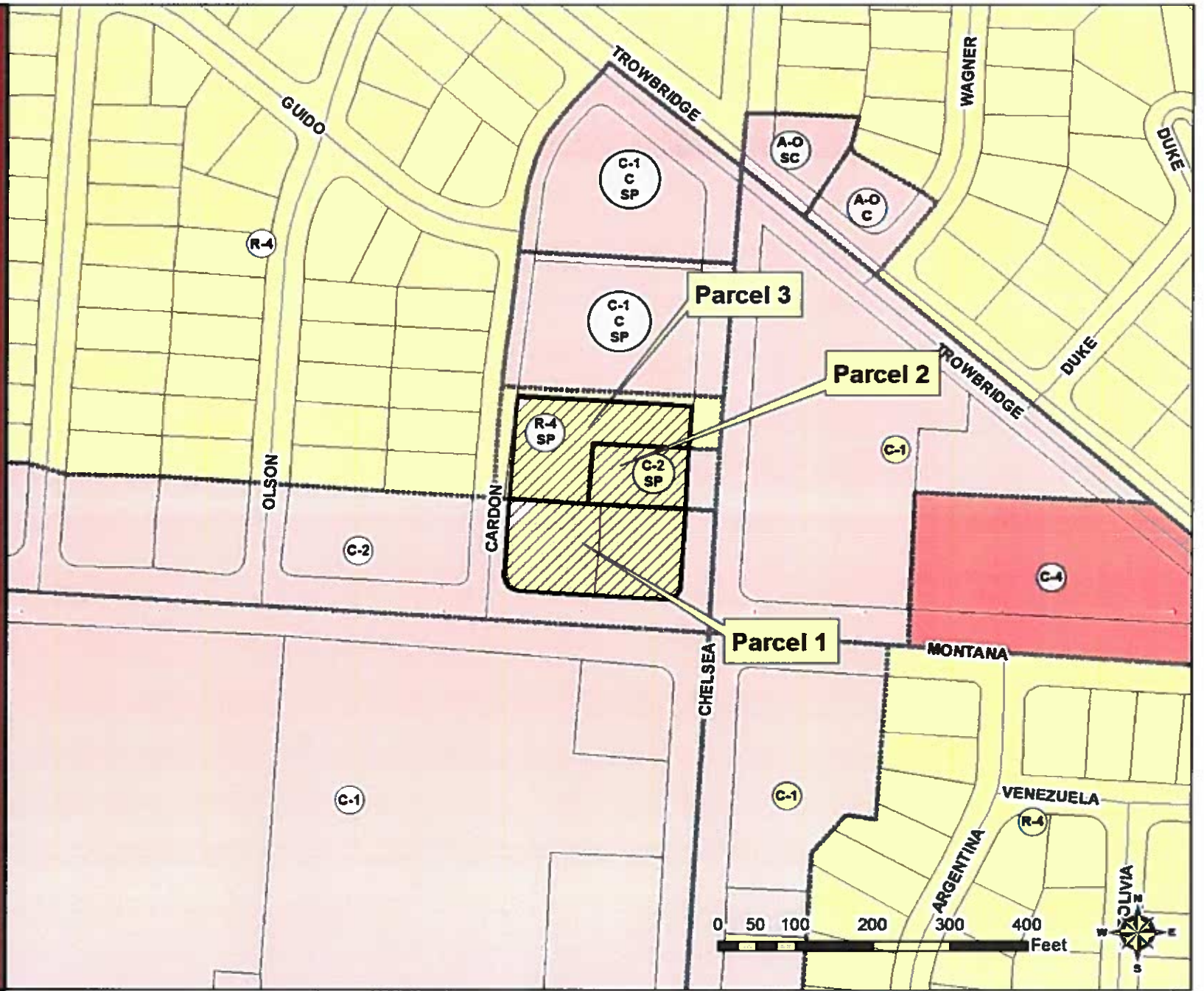
Public Input:

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**

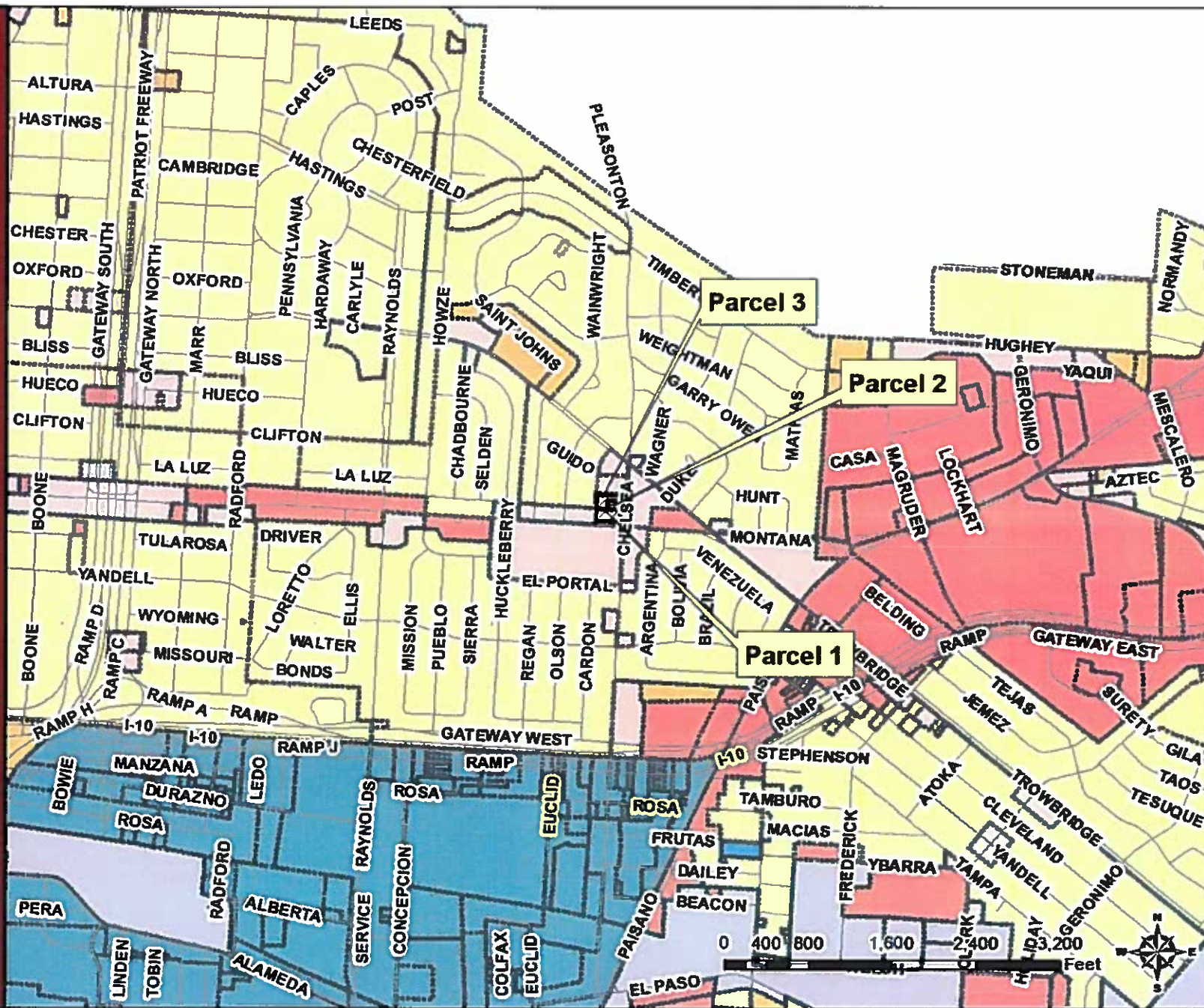
PZRZ16-00005

2



PZRZ16-00005

3



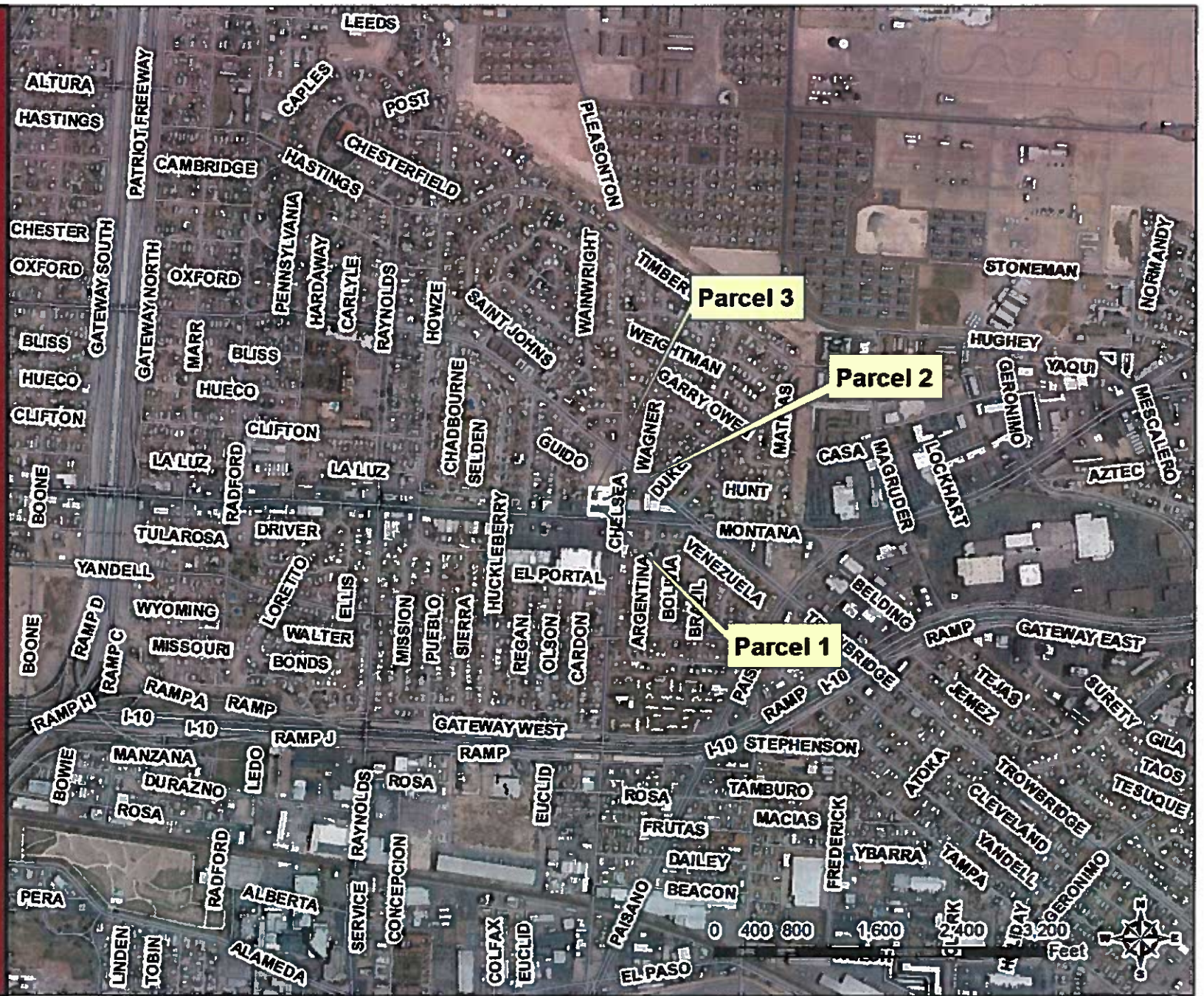
PZRZ16-000005

4



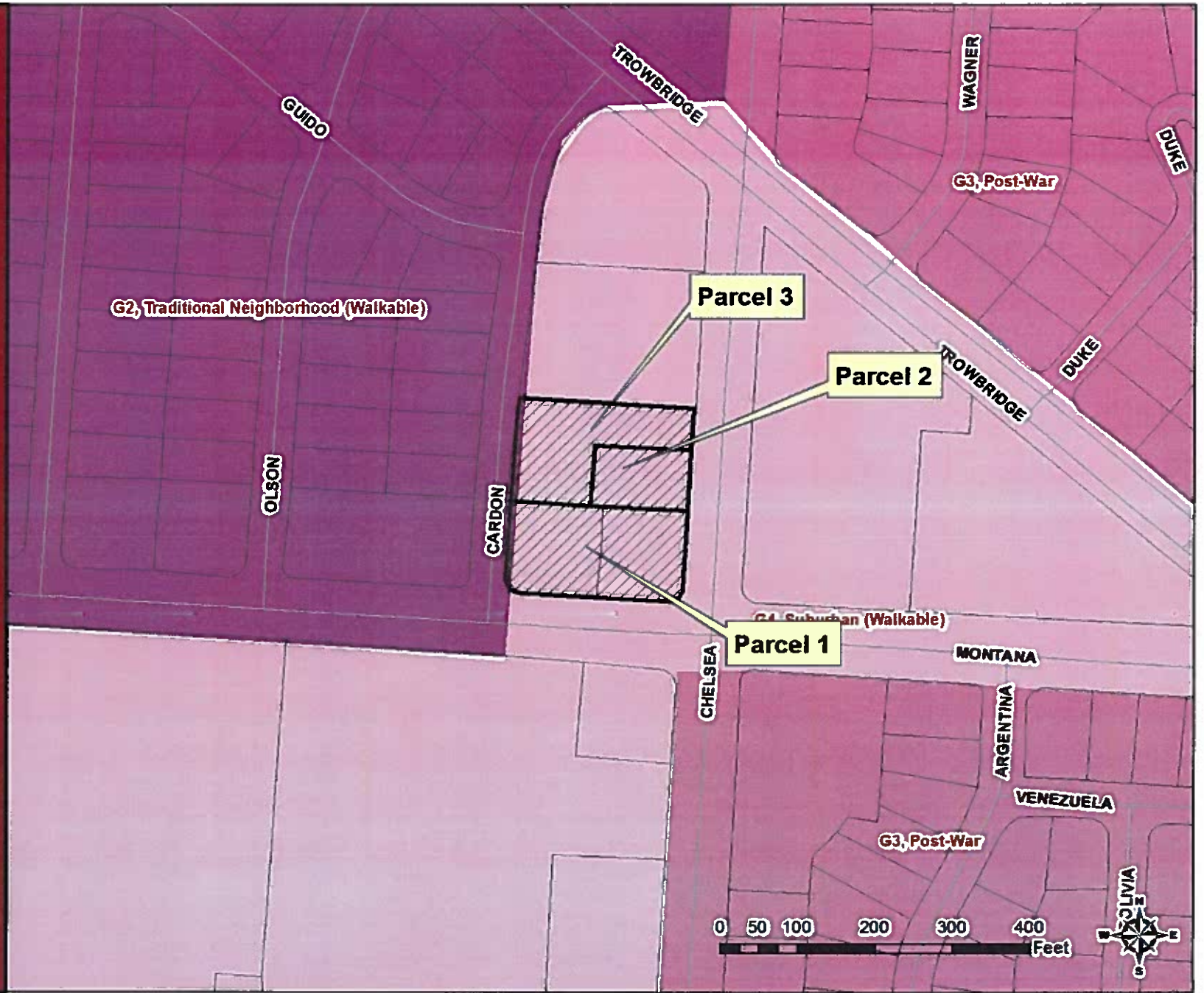
PZRZ16-00005

5

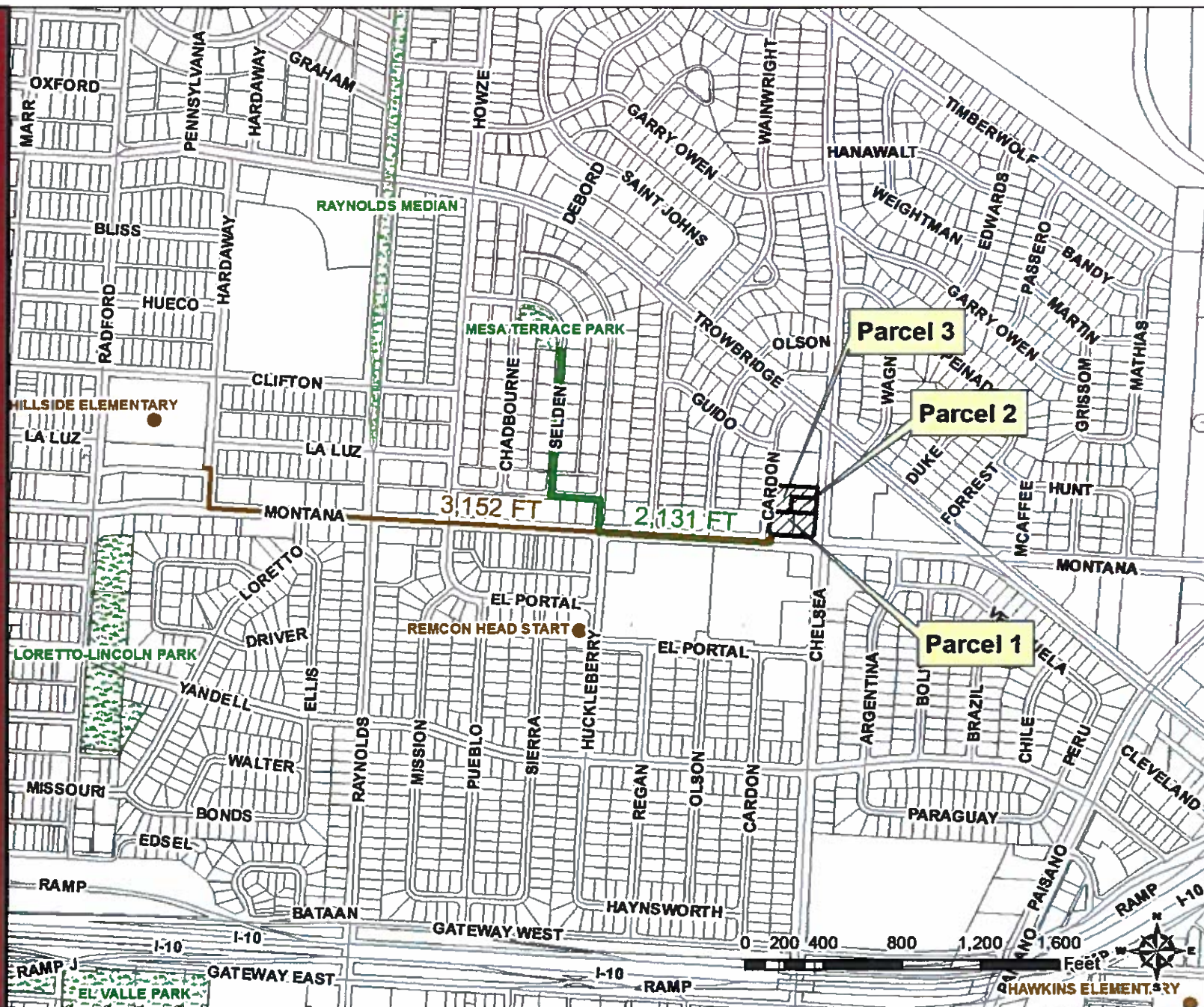


PZRZ16-00005

6

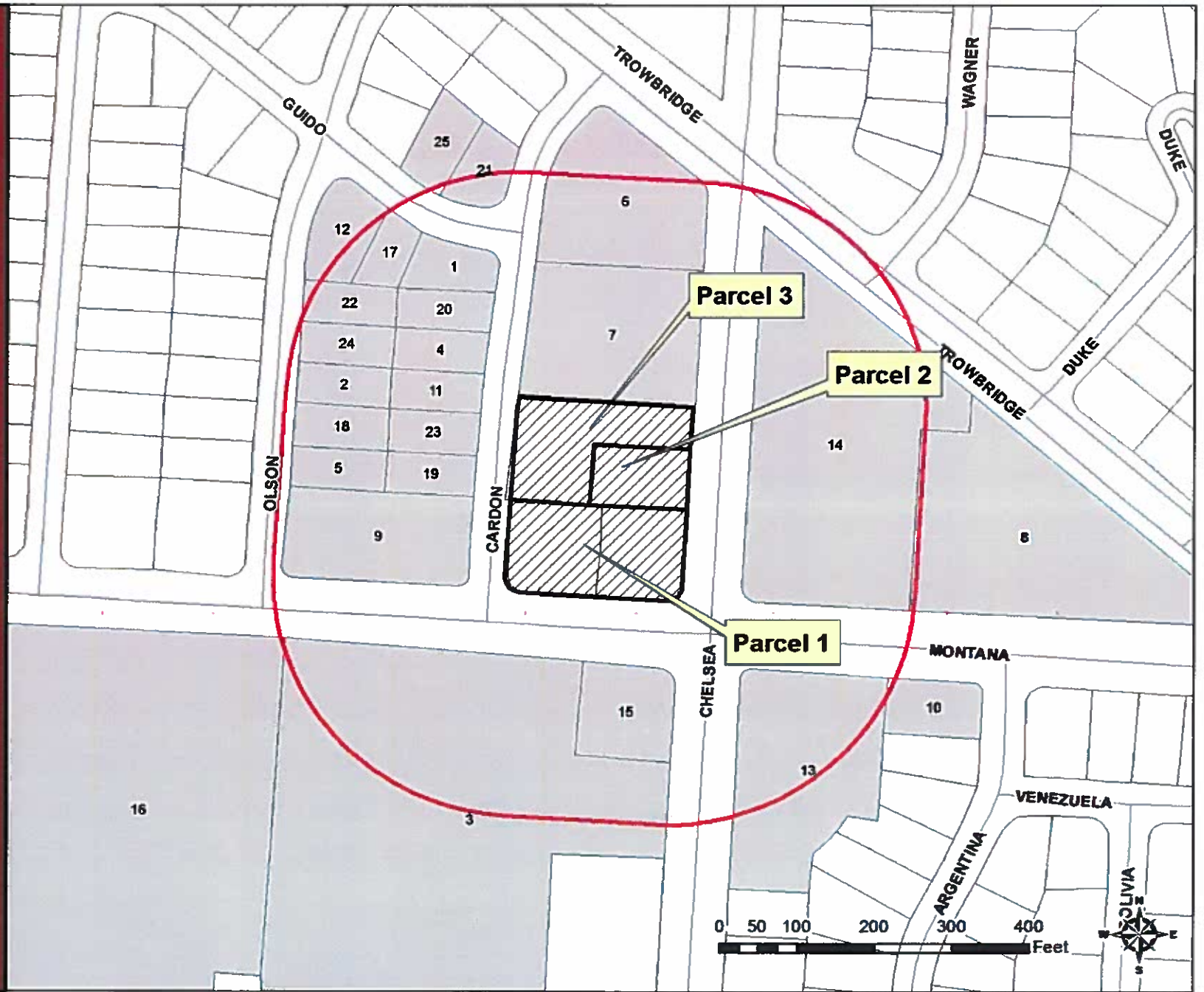


7



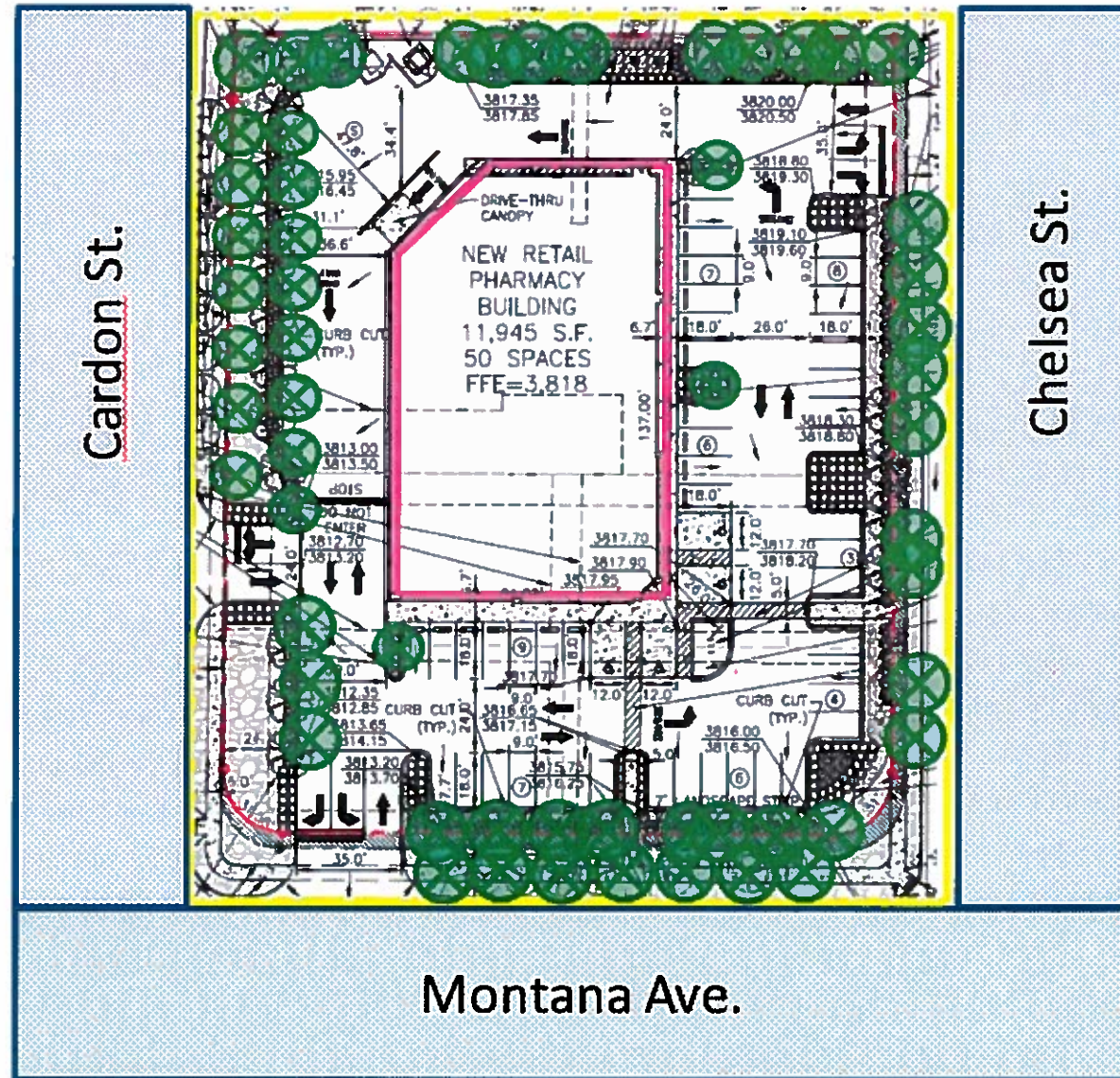
PZRZ16-00005

8



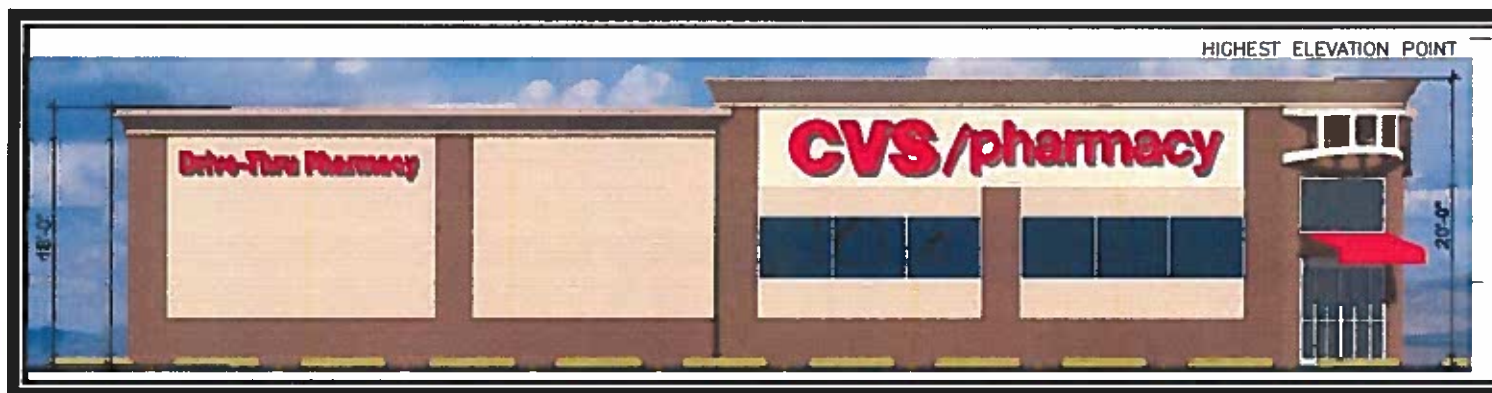


Detailed Site Development Plan





Elevations



Montana Ave.



Cardon St.

C-1	Height	
	Maximum	Proposed
	35'	20'



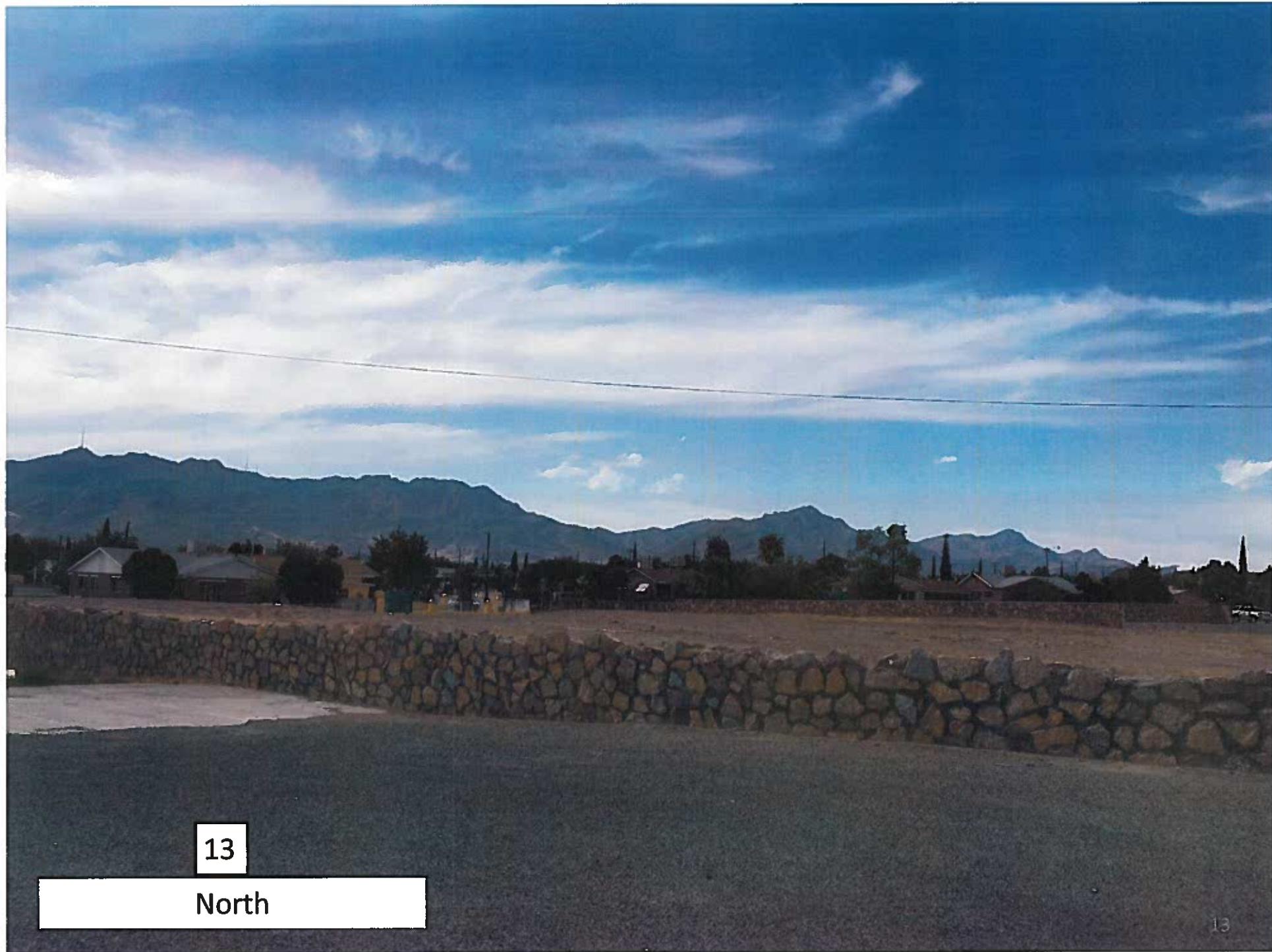
11

Subject Property



12

Subject Property



13

North



14

South



15

East



16

West

PZRZ16-000005

17

