

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

DEPARTMENT: Planning and Economic Development Department

AGENDA DATE: Introduction: August 23, 2011
Public Hearing: September 20, 2011

CONTACT PERSON/PHONE: Esther Guerrero, (915) 541-4720

DISTRICT(S) AFFECTED: 8

SUBJECT:

An ordinance changing the zoning of Lot 2, Block 2, Keystone Business Park Replat A, City of El Paso, El Paso County, Texas from P-I/sc (Planned Industrial/special contract) to C-4/sc (Commercial/special contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4501 Osborne Drive. Property Owner: EP Dirtmen, LLC. PZRZ11-00026 (District 8)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation
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
Deputy Director-Planning and Economic Development

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOT 2, BLOCK 2, KEYSTONE BUSINESS PARK REPLAT A, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM P-I/SC (PLANNED INDUSTRIAL/SPECIAL CONTRACT) TO C-4/SC (COMMERCIAL/SPECIAL CONTRACT). 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:

That the zoning of *Lot 2, Block 2, Keystone Business Park Replat A, City of El Paso, El Paso County, Texas*, be changed from **P-I/sc (PLANNED INDUSTRIAL/special contract)** to **C-4/sc (COMMERCIAL/special contract)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this _____ day of _____, 2011.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy, Deputy Director
Planning and Economic Development
Department

Dedicated to Outstanding Customer Service for a Better Community

S E R V I C E S O L U T I O N S S U C C E S S



Date: August 15, 2011
To: Honorable Mayor and City Council
Joyce Wilson, City Manager
From: Esther Guerrero, Planner
Subject: **PZRZ11-00026 Rezoning**

The City Plan Commission (CPC) on July 28, 2011, voted **5-0** to recommend **approval** of this rezoning. The request is to change the zoning from P-1/sc (Planned Industrial/special contract) to C-4/sc (Commercial/special contract) to allow uses such as offices, retail (high volume), shopping center and restaurants which are not permitted in the M-1 (Manufacturing) district.

This recommendation is in agreement with the recommendation from staff and the Development Coordinating Committee (DCC).

The CPC found that the rezoning is in conformance with The Plan for El Paso. The CPC found that the proposed use is in conformance with the 2025 Projected General Land Use Map for the Northwest Planning Area. The CPC also determined that the rezoning protects the best interest, health, safety, and welfare of the public in general; and will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was no one present at the meeting to speak in favor or in opposition to this request.

Attachment: Staff Report

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Cortney Carlisle Niland

City Manager
Joyce A. Wilson



Planning & Economic Development

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City of El Paso – City Plan Commission Staff Report

Case No: PZRZ11-00026
Application Type: Rezoning
CPC Hearing Date: July 28, 2011
Staff Planner: Esther Guerrero, 915-541-4720, guerreroex@elpasotexas.gov

Location: 4501 Osborne Drive
Legal Description: Lot 2, Block 2, Keystone Business Park Replat A, City of El Paso, El Paso County, Texas
Acreage: 2.0343 acres
Rep District: 8
Zoning: P-I/sc (Planned Industrial/special contract)
Existing Use: Vacant
Request: C-4/sc (Commercial/special contract)
Proposed Use: Commercial/Office/Warehouse
Property Owner: EP Dirtmen, LLC & CIC Limited, Inc.
Representative: Chris Cummings

SURROUNDING ZONING AND LAND USE

North: P-I/sc (Planned Industrial/special contract), M-1/sc (Manufacturing/special contract) / Keystone Wetlands, pond
South: C-4/sc (Commercial/special contract) / vacant
East: P-I/sc (Planned Industrial/special contract) / vacant
West: R-2A (Residential) / single-family residential

The Plan for El Paso Designation: Parks and Open Space (Northwest Planning Area)

Nearest Park: Keystone Heritage Wetlands (a small portion of the Keystone Wetlands immediately to the north)

Nearest School: Zach White Elementary (5,372 feet)

NEIGHBORHOOD ASSOCIATIONS

Upper Valley Neighborhood Association, Save the Valley, Coronado Neighborhood Association, Upper Mesa Hills Neighborhood Association, Upper Valley Improvement Association

NEIGHBORHOOD INPUT

Notices of the July 28, 2011 public hearing were mailed to all property owners within 300 feet of the subject property on July 12, 2011. The Planning Division has not received any phone calls or letters in support or opposition of this rezoning request.

APPLICATION DESCRIPTION

The request is to change the zoning from P-I/sc (Planned Industrial/special contract) to C-4/sc (Commercial/special contract). The applicant is in the process of selling this parcel and the potential buyer wishes to utilize the parcel with commercial uses that might include offices, warehousing and retail; some of these uses are permitted in the P-I (Planned Industrial) district but would require a detailed site development plan. The special contract imposed conditions for sidewalks, temporary ponding and curb and gutters. These imposed conditions have either been complied with or will be addressed during the construction phase.

PLANNING AND ECONOMIC DEVELOPMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the rezoning request.

The Plan for El Paso-City-Wide Land Use Goals

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

- a. Goal: establish a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities and outlets for social and cultural expression.
- b. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- c. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.

The purpose of the C-3 (Commercial) district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the City. The regulations of the districts will 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.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for rezoning and offered no objections to Planning Staff's recommendation for approval.

Department of Transportation

No objection to rezoning on revised plan of smaller land area.

Note:

All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

Sun Metro

Sun Metro does not oppose this request. Sun Metro recommends the construction of sidewalks to provide pedestrian access to nearby public transit.

Engineering – Construction Management Division-Plan Review

Plan Review

No comments received.

Land Development

No objections.

Fire Department

No objections to rezoning.

El Paso Water Utilities

EPWU does not object to this request.

Water

Along Osborne Drive fronting Lot 2 Block 2, Keystone Business Park Replat "A" there is an existing fifty-four (54) inch diameter water transmission main. No service connections are allowed to this main as per the El Paso Water Utilities - Public Service Board Rules & Regulations.

Along Osborne Drive fronting Lot 2 Block 2, Keystone Business Park Replat "A" there is an existing eight (8) inch diameter water main.

Previous water pressure readings conducted on fire hydrant number 10033 located at Osborne Drive and Ripley Drive have yielded a static pressure of 78 pounds per square inch (psi), residual pressure of 68 psi,

discharge of 1,061 gallons per minute (gpm).

Sanitary Sewer

Along Osborne Drive fronting Lot 2 Block 2, Keystone Business Park Replat "A" there is an existing twelve (12) inch diameter sanitary sewer main. At approximately 260 feet south of Ripley Drive the diameter of this main increases to fifteen (15) inches in diameter.

General

Water and sanitary sewer service is available from the above described mains.

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.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the change of zoning application:

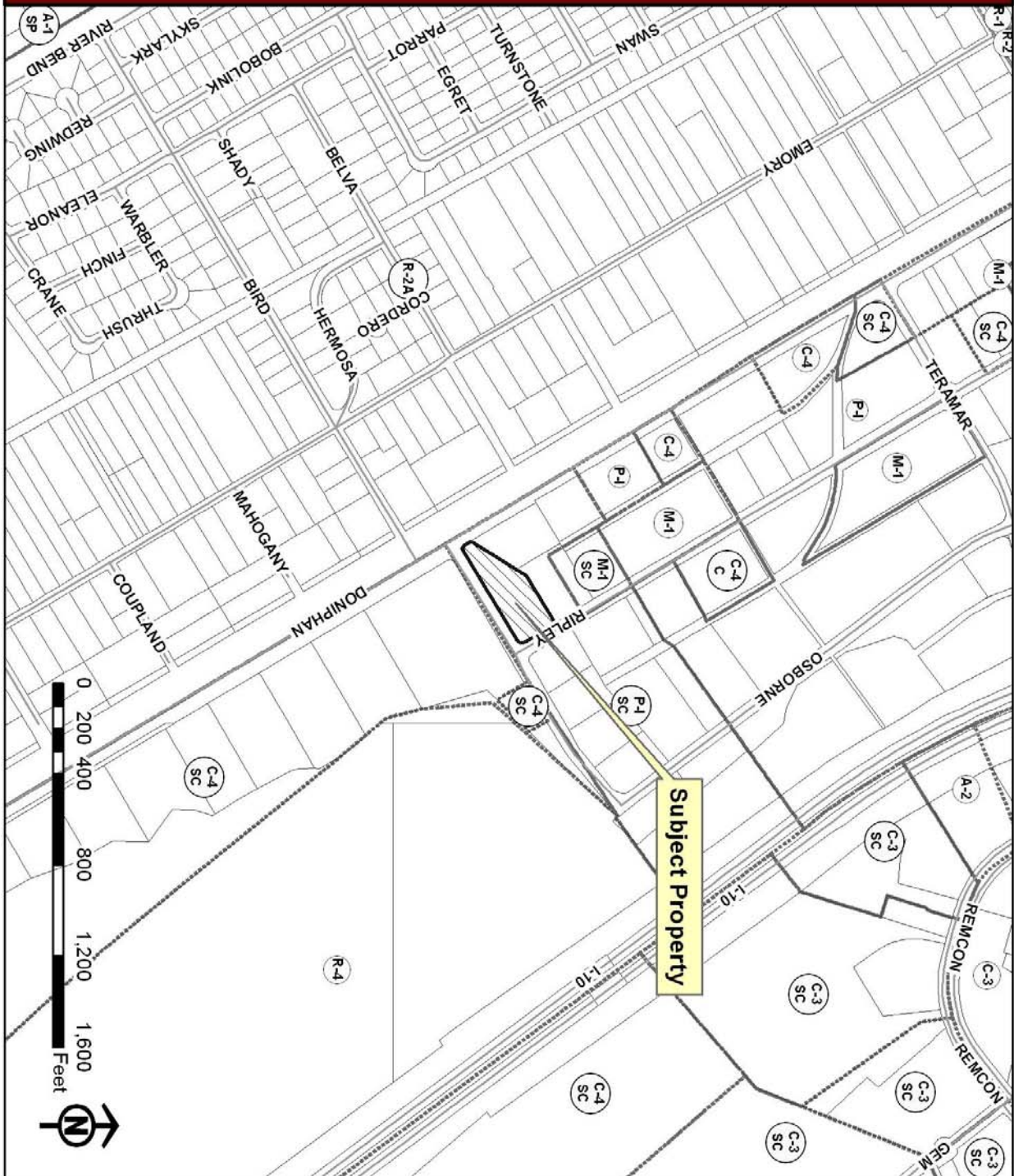
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the rezoning does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

Attachments

1. Zoning Map
2. Aerial Map
3. Survey
4. Special Contract dated May 10, 1976

ATTACHMENT 1: ZONING MAP

PZRZ11-00026



ATTACHMENT 2: AERIAL MAP



ATTACHMENT 4: SPECIAL CONTRACT

CONTRACT

This contract, made this 10 day of May, 1976,
by and between THE EL PASO NATIONAL BANK, Trustee of the
BOYKIN-HARVEY TRUST ESTATE, First Party, and the CITY OF EL
PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for re-
zoning of Lot 29, Block 2, Zach White Industrial District, a
portion of B.B.B. & C. Railroad Survey #154, and a portion of
A. F. Miller Survey #210 in the City of El Paso, El Paso County,
Texas, such property being more particularly described in Ordinance No. 5940 now pending before the City Council of the City of El Paso, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

In order to remove certain objections to such rezoning,
First Party covenants that if the property is rezoned as indicated in the attached ordinance, it shall be subject to the following restrictions, conditions and covenants:

1. First Party shall, at no cost to the City, construct a temporary ponding area for ponding of surface waters on the above property. Such temporary ponding area must be constructed in accordance with plans and specifications to be approved by the City Engineer of the City of El Paso and must be completed by First Party and approved by the City Engineer before building permits shall be issued for any buildings to be constructed on the property. Such temporary ponding area shall be maintained by First Party until the City Engineer advises First Party in writing that permanent drainage facilities located outside the property are available to receive surface waters to be discharged from the property. When such notice is received from the City Engineer, First Party may abandon the temporary ponding area, backfill it and be free to use it for other lawful purposes.

2. When Doniphan Drive is improved by widening the pavement thereon, First Party shall, at no cost to the City, construct the following improvements:

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-1-

(a) A curb and gutter on the side of Doniphan Drive adjacent to the property;

(b) A concrete sidewalk along the boundary of the property adjacent to Doniphan Drive.

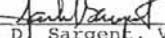
Such improvement shall be installed by First Party within 90 days after the City Engineer of the City of El Paso advises First Party that Doniphan Drive is being widened and that such improvements should be installed. Such improvements shall be installed in accordance with specifications to be approved by the City Engineer and shall be subject to inspection and approval by him upon completion.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

WITNESS the following signatures and seals:

THE EL PASO NATIONAL BANK, a
corporation, Trustee of the
BOYKIN-HARVEY TRUST ESTATE

By 
Jack D. Sargent, Vice President
and Senior Trust Officer

ATTEST:


Cashier
A.V.P.

THE CITY OF EL PASO

By 
Mayor Pro-Tem

ATTEST:


City Clerk

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