

CITY CLERK DEPT.

2015 OCT 21 AM 8:32

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: October 27, 2015
Public Hearing: November 17, 2015

CONTACT PERSON/PHONE: Larry Nichols, (915) 212-1550, nicholslf@elpasotexas.gov
Andrew Salloum, (915) 212-1613, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 3

SUBJECT:

An Ordinance changing the zoning of Parcel 1: Lots 5 and 6, Block 2, Cielo Vista Amended Plat, City of El Paso, El Paso County, Texas from A-2 (Apartment) and C-4 (Commercial) to C-3/c (Commercial/conditions) and Parcel 2: Lots 5 thru 10, Block 3, Cielo Vista Amended Plat, City of El Paso, El Paso County, Texas from A-2 (Apartment) to C-3/c (Commercial/conditions) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North of Edgemere Boulevard and East of Airway Boulevard. Property Owner: E.P. Simana, L.P. PZRZ15-00024 (District 3)

BACKGROUND / DISCUSSION:

On September 24, 2015, 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 (5-0)

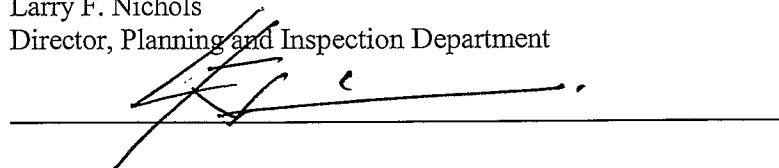
*****REQUIRED AUTHORIZATION*****

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: _____

CITY CLERK DEPT.

2015 OCT 21 AM 8:32

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: LOTS 5 AND 6, BLOCK 2, CIELO VISTA AMENDED PLAT, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) AND C-4 (COMMERCIAL) TO C-3/C (COMMERCIAL/CONDITIONS) AND PARCEL 2: LOTS 5 THRU 10, BLOCK 3, CIELO VISTA AMENDED PLAT, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO C-3/C (COMMERCIAL/CONDITIONS) 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 *City of El Paso, El Paso County, Texas*, be changed from *Parcel 1: Lots 5 and 6, Block 2, Cielo Vista Amended Plat, City of El Paso, El Paso County, Texas*, from **A-2 (Apartment) and C-4 (Commercial)** to **C-3/c (Commercial/conditions)** and *Parcel 2: Lots 5 thru 10, Block 3, Cielo Vista Amended Plat, City of El Paso, El Paso County, Texas*, from **A-2 (Apartment)** to **C-3/c (Commercial/conditions)**, 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 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:

1. *A 10' (ten-foot) landscaped buffer with high-profile native trees of at least 2" (two-inch) caliper and 10' (ten feet) in height shall be placed at 15' (fifteen feet) on center along the property lines adjacent to any residential or apartment zoning 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, and;*
2. *All Commercial vehicle ingress and egress from Avalon Drive shall be prohibited, and;*
3. *Access from Catalina Way shall be limited from four to three points of access.*

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

ORDINANCE NO. _____

Zoning Case No: PZRZ15-00024

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ADOPTED this _____ day of _____, 2015.

THE CITY OF EL PASO

ATTEST:

Oscar Leaser
Mayor

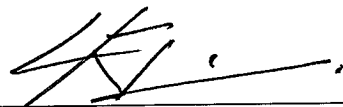
Richarda Duffy Momsen
City Clerk

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: PZRZ15-00024

#455765 / 15-1007-1525 / N. Edgemere Blvd. & E. Airway Blvd. Rezoning Ordinance
KMN

MEMORANDUM

DATE: October 18, 2015

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

FROM: Andrew Salloum, Planner

SUBJECT: PZRZ15-00024

The City Plan Commission (CPC) on September 24, 2015, voted 5-0 to recommend **approval** of rezoning the subject property from A-2 (Apartment) and C-4 (Commercial) to C-3 (Commercial) to allow for commercial development with the following conditions to mitigate for the increased intensity of use generated by the proposed zone change adjacent to existing residential zone and use districts to the north and east of subject property:

1. *A 10' (ten-foot) landscaped buffer with high-profile native trees of at least 2" (two-inch) caliper and 10' (ten feet) in height shall be placed at 15' (fifteen feet) on center along the property lines adjacent to any residential or apartment zoning 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, and;*

2. *Access from Avalon Drive shall be limited to emergency access and provide crash gate on Avalon Drive to limit access to emergency vehicles only, and*

Note: Condition was revised to meet Subdivision requirements as follows:

All Commercial vehicle ingress and egress from Avalon Drive shall be prohibited, and;

3. *Access from Catalina Way shall be limited from four to three points of access.*

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 received 3 phone calls and 4 letters in support to the rezoning request, see Attachment 4. The Planning Division also received 2 phone call of inquiry regarding the proposed uses next to the school site.

Property Owner: E.P. Simana, L.P.
Representative: SLI Engineering, Inc.

Attachments:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZRZ15-00024
Application Type: Rezoning
CPC Hearing Date: September 24, 2015
Staff Planner: Andrew Salloum, 915-212-1613, salloumam@elpasotexas.gov

Location: North of Edgemere Boulevard and East of Airway Boulevard
Legal Description: **Parcel 1:** Lots 5 and 6, Block 2, Cielo Vista Amended Plat, City of El Paso, El Paso County, Texas
Parcel 2: Lots 5 through 10, Block 3, Cielo Vista Amended Plat, City of El Paso, El Paso County, Texas
Acreage: 5.35 acres
Rep District: 3
Existing Zoning: **Parcel 1:** A-2 (Apartment) and C-4 (Commercial)
Parcel 2: A-2 (Apartment)
Existing Use: Apartment Complex (To be demolished)
C/SC/SP/ZBA/LNC: N/A
Request: **Parcel 1:** A-2 (Apartment) and C-4 (Commercial) to C-3 (Commercial)
Parcel 2: A-2 (Apartment) to C-3 (Commercial)
Proposed Use: Retail, grocery store, and hardware store

Property Owner: E.P. Simana, L.P.
Representative: SLI Engineering, Inc.

SURROUNDING ZONING AND LAND USE

North: C-4 (Commercial) / Car dealership
South: C-1 (Commercial) / convenience store with gas, restaurant, and retail; A-2 (Apartment) / Edgemere Median Park
East: R-4 (Residential) / Bonham Elementary School
West: C-4 (Commercial) / restaurant and retail; M-1 (Light Manufacturing) / car dealership

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

NEAREST PARK: Edgemere Median Park (41 feet)

NEAREST SCHOOL: Bonham Elementary (178 feet)

NEIGHBORHOOD ASSOCIATIONS

Cielo Vista 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 August 12, 2015. The Planning Division received 3 phone calls and 4 letters in support to the rezoning request, see Attachment 4. The Planning Division also received 2 phone call of inquiry regarding the proposed uses next to the school site.

APPLICATION DESCRIPTION

The applicant is requesting to rezone the subject property from A-2 (Apartment) and C-4 (Commercial) to C-3 (Commercial) to allow for commercial development. The A-2 (Apartment) district does not permit retail, grocery store, and hardware store. The subject property is 5.35 acres in size and is currently used as an apartment complex. The existing structures are proposed to be demolished. The conceptual site plan shows 7

proposed commercial buildings. The development requires a maximum of 220 parking spaces and the applicant is providing 285 parking spaces, to include ADA and 21 bicycle spaces. One tree for every five spaces in excess of the maximum parking requirement shall be required and shall be placed within the entire parking area to provide for even canopy coverage or along the parkway to create a visual buffer between the parking area and the street. The development shall comply with the minimum landscape area requirements of Title 18.46. Access to the subject property is provided from Airway Boulevard and Catalina Way.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of rezoning the subject property from A-2 (Apartment) and C-4 (Commercial) to C-3 (Commercial) with the following conditions to mitigate for the increased intensity of use generated by the proposed zone change adjacent to existing residential zone and use districts to the north and east of subject property:

1. *A 10' (ten-foot) landscaped buffer with high-profile native trees of at least 2" (two-inch) caliper and 10' (ten feet) in height shall be placed at 15' (fifteen feet) on center along the property lines adjacent to any residential or apartment zoning 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, and;*
2. *Access from Avalon Drive shall be limited to emergency access and provide crash gate on Avalon Drive to limit access to emergency vehicles only, and;*
3. *Access from Catalina Way shall be limited from four to three points of access.*

The recommendation is based on compatibility with the properties zoned C-1 (Commercial), C-4 (Commercial), and M-1 (Light Manufacturing) directly adjacent to the subject property, and in compliance with the Plan El Paso land use designation G-3, Post-War 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-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 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.

COMMENTS:

Planning Division - Transportation

Traffic Impact Analysis (TIA) is required and has been submitted.

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.

Planning and Inspections Department – Building and Development Permitting

No objections to proposed rezoning.

Planning and Inspections Department - Land Development

No objections.

El Paso Department of Transportation

No objections.

Fire Department

No objections.

Police Department

No adverse comments.

El Paso Water Utilities

1. EPWU's planning and development section does not object to this request. The existing water main along Avalon Dr. will have to be cut & capped and the existing fire hydrant (#217) will have to be relocated. The existing sewer main will have to be cut and a manhole will have to be installed at the new end of line. All cost associated with this work is the responsibility of the applicant.

Water:

2. There is an existing 6-inch (6") diameter water main extending along Catalina Way that is available for service, the water main is located approximately 40 feet (40') east from the eastern property line.
3. There is an existing 8-inch (8") diameter water main extending along Edgemere Way that is available for service, the water main is located approximately 12 feet (12') south from the southern property line.
4. There is an existing 12-inch (12") diameter water main extending along Airway Blvd. that is available for service, the water main is located approximately 36 feet (36') west from the western property line.
5. There is an existing 6-inch (6") diameter water main extending along Avalon Dr. that is available for service, the water main is located approximately 10 feet east from the center line of the right-of-way.
6. EPWU records indicate nine active meters located along Catalina Way. There are six (7) domestic meters (three (3) 1 ½-inch, three (3) 1-inch and one (1) ¾-inch) and two (2) ¾-inch yard meters.
7. Previous water pressure tests from fire hydrant # 472 located on the northeast corner of Catalina Way and Edgemere Way yielded a static pressure of 65 (psi) pounds per square inch, a residual pressure of 55 (psi), and a discharge of 949 (gpm) gallons per minute.

Sanitary Sewer:

8. There is an existing 8-inch (8") diameter sanitary sewer extending along Catalina Way that is available for service, the sewer main is located approximately 25 feet (25') east from the eastern property line. The depth of the existing sewer main is approximately 4 ½ feet deep.
9. There is an existing 8-inch (8") diameter sanitary sewer extending along Edgemere Way that is available for service, the sewer main is located approximately 30 feet (30') south from the southern property line. The depth of the existing sewer main is approximately 4 ½ feet deep.
10. There is an existing 12-inch (8") diameter sanitary sewer extending along Airway Blvd. that is available for service, the sewer main is located approximately 55 feet (55') east from the eastern property line. The depth of the existing sewer main is approximately 5 ½ feet deep.
11. There is an existing 8-inch diameter sanitary sewer main extending along Avalon Dr. that is available for service, the sewer main is located approximately 5 feet west from the center line of the right-of-way. The depth of the existing sewer main is approximately 4 feet deep.
12. EPWU records indicate a 4-inch (4") sanitary service line located along Airway Blvd. approximately 377 feet (377') south of manhole on Airway Blvd.
13. EPWU records indicate a 4-inch (4") sanitary service line located along Airway Blvd. approximately 77 feet (77') south of manhole on Airway Blvd.
14. EPWU records indicate a 4-inch (4") sanitary service line located along Airway Blvd. approximately 34 feet (34') south of manhole on Airway Blvd.

General:

15. EPWU requires a new service application to provide additional services 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,

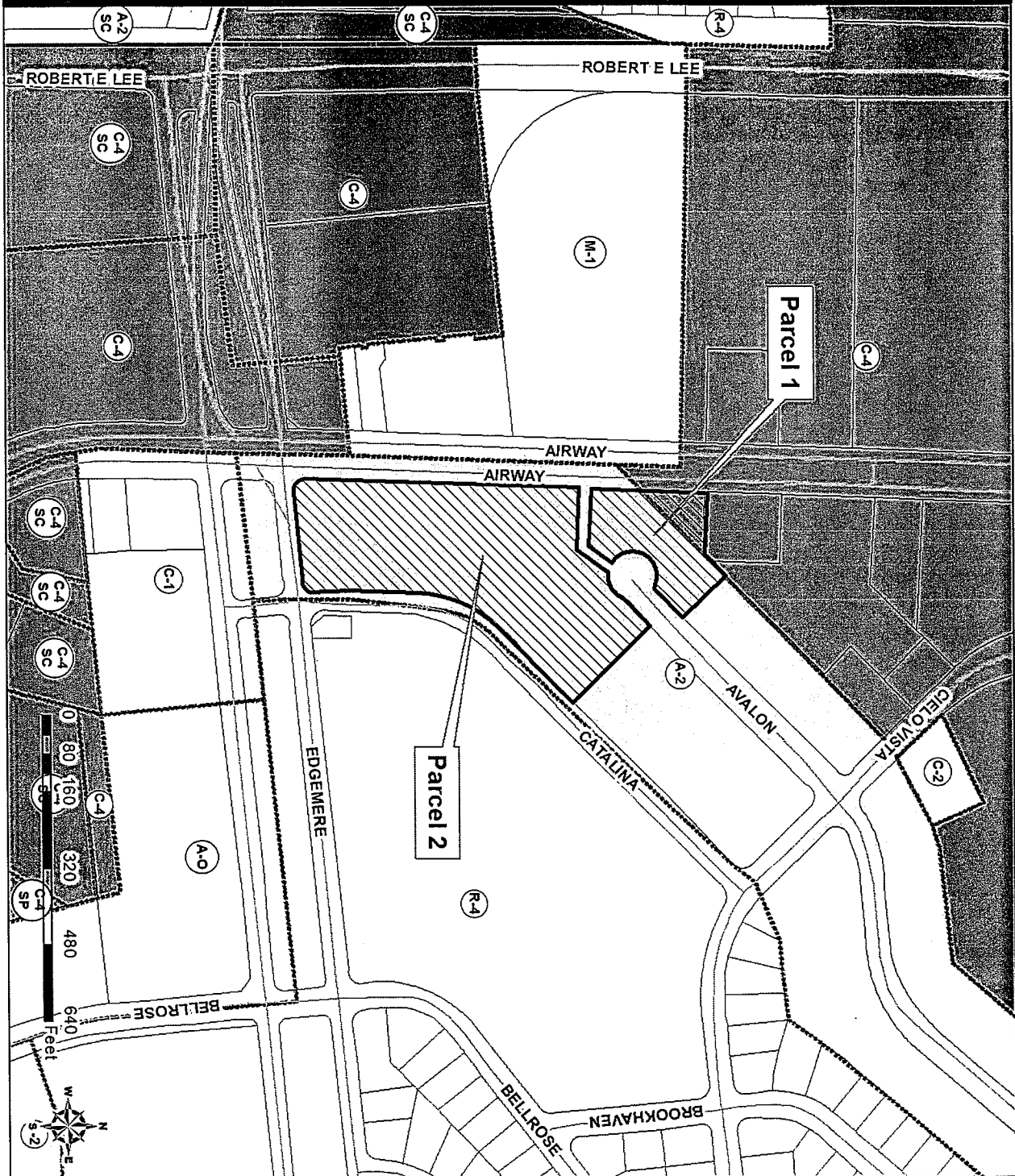
landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Attachments:

1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan
4. Support Letters

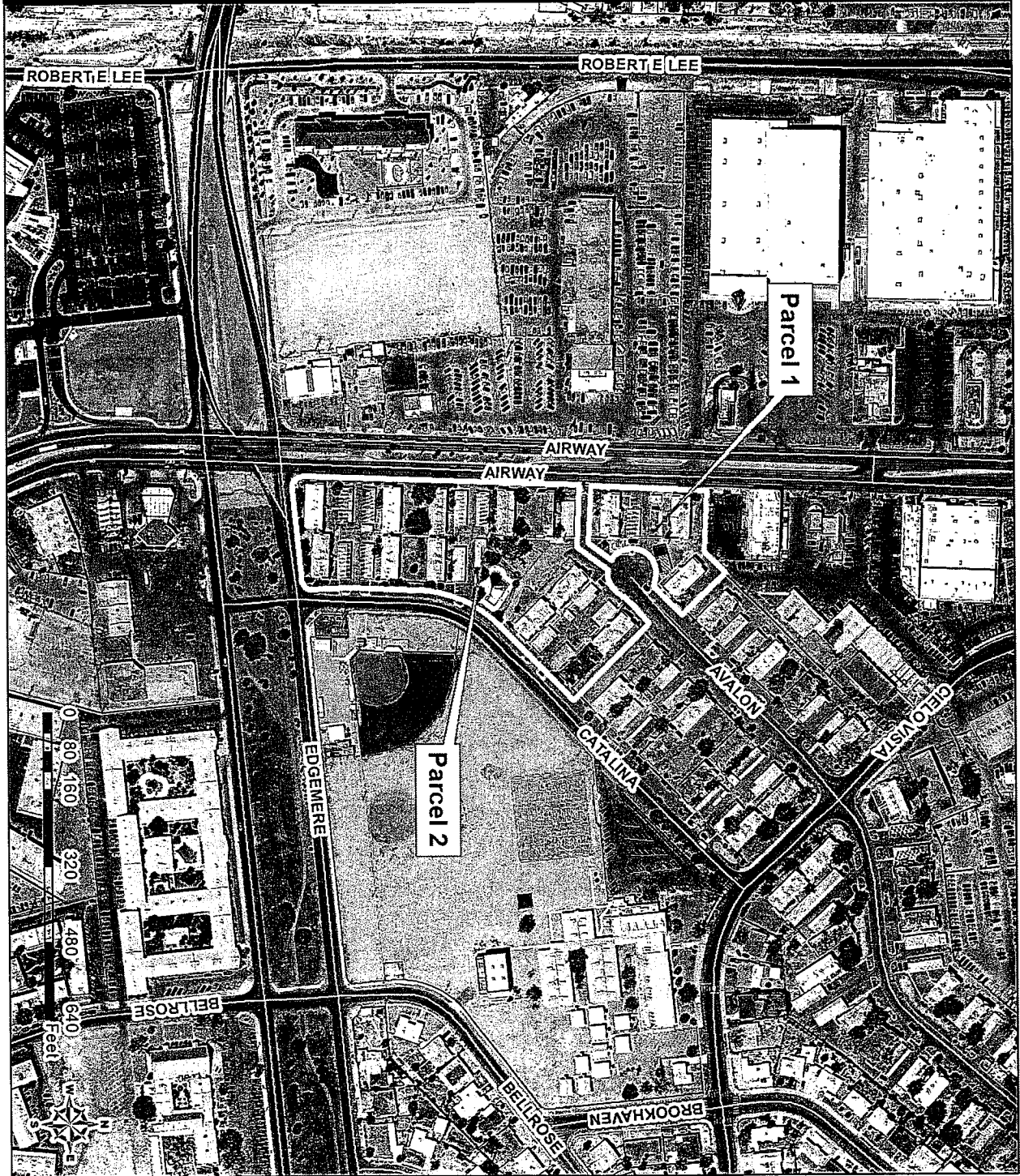
ATTACHMENT 1: ZONING MAP

PZRZ15-00024

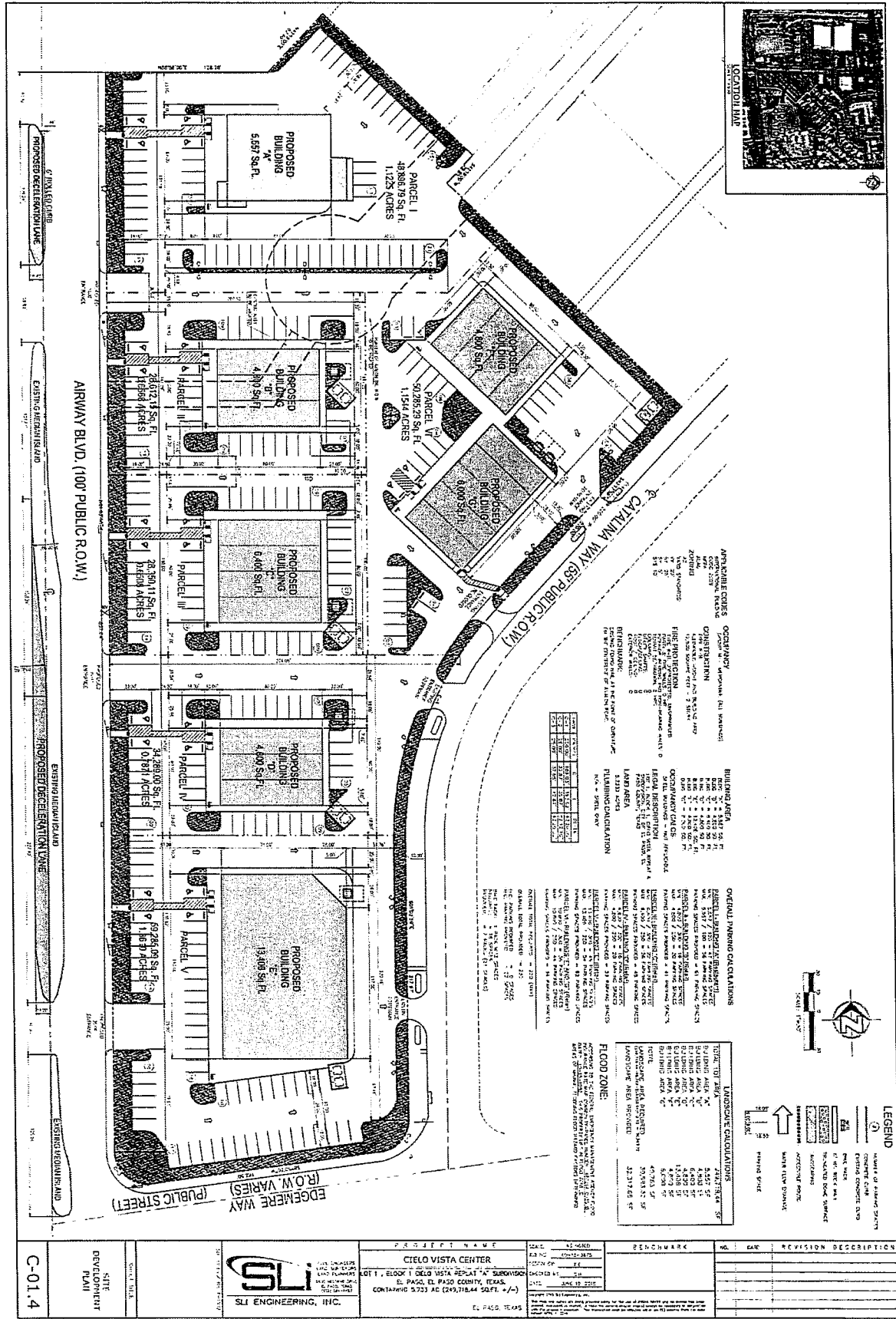


ATTACHMENT 2: AERIAL MAP

PZRZ15-00024



ATTACHMENT 3: CONCEPTUAL SITE PLAN



ATTACHMENT 4: SUPPORT LETTER

Aug 06 15 03:25a

Lawrence D. Boone

915-587-8939

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LL Boone Investments LLC
6812 Cielo Vista Dr. , EL PASO TEXAS, 79925
(915) 772-5223

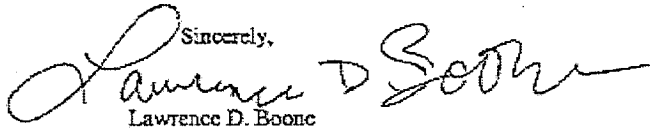
8/5/15

City Development Department-Planning Division
P.O. Box 1890
El Paso, Texas 79950-1890

Re: Case # PZRZ15-00024

To Whom it may concern:

We received notice of public hearing to re-zone the property located at Airway and Edgemere Avenue. LL Boone Investments LLC fully supports the proposed zoning change from A-2 (Apartments) to C-3 (Commercial) to allow for commercial development. If you have any questions please call me at: (915) 867-7272. Thank you.

Sincerely,

Lawrence D. Boone

p.1

915 5336781

Aug 05 15 02:04p

THE EDMERE APARTMENTS

6770 Edgemere Boulevard
El Paso, TX 79925

Mr. Andrew Salloum
Planning and Inspections Department- Planning Division
P.O. Box 1890
El Paso, TX 79950-1890

Re: Zoning Request Case No. PZRZ15-00024
August 27, 2015

Sent Via: Email – salloumam@elpasotexas.gov and USP

Dear Mr. Salloum:

This letter is to confirm my support of the proposed zoning change from A-2 Apartments and C-4 Commercial to C-3 Commercial on the subject property described as Parcel 1: Lots 5 and 6, Block 2, Cielo Vista Amended Plat, and Parcel 2: Lots 5 through 10, Block 3, Cielo Vista Amended Plat, City of El Paso.

I am in favor of allowing mixed use retail including grocery stores, hardware stores and restaurants at this site. This change will allow the surrounding residents and consumers to have additional retail opportunities to support them in their neighborhood. Many of the senior citizens that reside in the Edgemere Apartments would be able to walk to these places of business.

Thank you for your consideration.

Sincerely,



Gordon E. Welch
Owner
The Edgemere Apartments



August 24, 2015

CPC
c/o Planning Division
P.O. Box 1890
El Paso, TX 79950-1890

RE: Case Number PZRZ15-00024

To Whom It May Concern:

We received notice of the public hearing to rezone the property located at Airway Boulevard and Edgemere Boulevard. We fully support the proposed change of zoning of this property to C-3 Commercial Zoning. If you have any questions please call me.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Crawford". The signature is fluid and cursive, with the last name being particularly prominent.

6800 Montana Ave. • Mailing Address: PO Box 972810 • El Paso, Texas 79997 • 915.778.7781 • Fax 915.778.0219



1201 Airway Blvd
El Paso, TX 79925

CPC
c/o Planning Division
P.O. Box 1890
El Paso, TX 79950-1890

RE: Case Number PZRZ15-00024

To Whom It May Concern:

We received notice of the public hearing to rezone the property located at Airway Boulevard and Edgemere Boulevard. We fully support the proposed change of zoning of this property to C-3 Commercial Zoning. If you have any questions please call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Chico Nelan", with a long horizontal line extending to the right.

Chico Nelan
President / Chief Financial Officer
Carino's Restaurants El Paso
915-203-8101
chico@swcarinos.com