

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

DEPARTMENT: Planning & Inspections Department, Planning Division

AGENDA DATE: Introduction: December 1, 2015
Public Hearing: December 22, 2015

CONTACT PERSON/PHONE: Larry Nichols, 915-212-1550, nicholslf@elpasotexas.gov
Anne Antonini, 915-212-1814, antoniniam@elpasotexas.gov

DISTRICT(S) AFFECTED: 6

SUBJECT:

An Ordinance changing the zoning of a portion of Tract 14B and all of Tract 15B, Block 45, Ysleta Grant, 174 N. Zaragoza Street, City of El Paso, El Paso County, Texas, from R-4/H (Residential/Historic) to S-D/H (Special Development/Historic). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 174 N. Zaragoza Street. Property Owner: Gerardo and Consuelo Chacon. PZRZ15-00026 (District 6)

BACKGROUND / DISCUSSION:

Rezoning request is to permit the use of the property for retail and residential use.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission - Approval Recommendation (6-0)

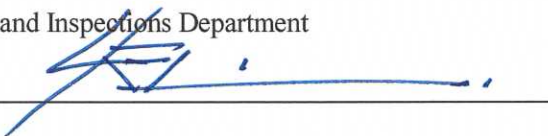
*****REQUIRED AUTHORIZATION*****

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 A PORTION OF TRACT 14B AND ALL OF TRACT 15B, BLOCK 45, YSLETA GRANT, 174 N. ZARAGOZA ROAD, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-4/H (RESIDENTIAL/HISTORIC) TO S-D/H (SPECIAL DEVELOPMENT DISTRICT/HISTORIC), PURSUANT TO SECTION 20.04.360, GRANTING A LOT AREA WAIVER AND A REAR YARD SETBACK REDUCTION, AND APPROVING A DETAILED SITE DEVELOPMENT PLAN PURSUANT TO SECTION 20.04.150 AND 20.10.360 OF THE EL PASO CITY CODE TO ALLOW FOR A RETAIL AND RESIDENTIAL USE AS PERMITTED IN THE S-D (SPECIAL DEVELOPMENT) ZONE DISTRICT. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Gerardo and Consuelo Chacon, (Owners), have applied for a rezoning of property from R-4/H (Residential/Historic) to S-D/H (Special Development/Historic) per section 20.04.360 of the El Paso City Code; and,

WHEREAS, Owners have also applied for approval of a detailed site development plan pursuant to Sections 20.04.150 and 20.10.360 of the El Paso City Code for a retail and residential use, which requires approval from both the City Plan Commission and City Council; and,

WHEREAS, a public hearing was held for the rezoning and detailed site plan requests at a City Plan Commission Meeting; and,

WHEREAS, City Plan Commission has recommended approval of the subject rezoning and detailed site development plan; and,

WHEREAS, the rezoning and site development plan has been submitted to the City Council of the City of El Paso for review and approval; and,

WHEREAS, the City Council of the City of El Paso find that the application conforms to all requirements 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 *a portion of Tract 14B and all of Tract 15B, Block 45, Ysleta Grant, 174 N. Zaragoza Road, 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-4/H**

(Residential/Historic) to S-D/H(Special Development District/Historic), as defined in Section 20.06.020, and the zoning map of the City of El Paso be revised accordingly.

2. That the property described above be granted the following waivers allowable under Title 20, Appendix B, CC.1, Subparts A and C:

a. A reduction in the required rear yard setback of the Special Development District from ten (10) feet to one and a half (1.5) feet to allow for the existing carport structure.

b. That City Council waive the one (1) acre minimum site requirement for the Special Development District.

3. Pursuant to the requirements of the El Paso City Code, the City Council hereby approves the detailed site plan submitted by the Owners, to a retail and residential use as permitted under the **S-D (Special Development)** district regulations of 20.04.150 and 20.10.360.

4. A copy of the approved detailed site development plan, signed by the Owners, the City Manager, and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference for all proposes.

5. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the standards applicable in the **S-D (Special Development)** district. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

6. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **S-D (Special Development)** district. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

7. The approval of this detailed site development plan shall automatically be void if construction on the subject property is not started in accordance with the attached plan Exhibit "B" within four (4) years from the date hereof.

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

(Signatures on Following Page)

ADOPTED this _____ day of _____, 2015.

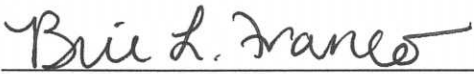
CITY OF EL PASO

ATTEST:

Oscar Leeser
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Brie L. Franco
Assistant City Attorney

APPROVED AS TO CONTENT:



Larry F. Nichols, Director
Planning & Inspections Department

(Development Agreement and Acknowledgement on the following page)

DEVELOPMENT AGREEMENT

By execution hereof, Gerardo and Consuelo Chacon ("Owners"), identified in the Ordinance to which this Development Agreement is attached, hereby covenant and agree to develop the above described property in accordance with the Detailed Site Development Plan, and in accordance with the standards applicable to the Special Development/Historic District located within the City of El Paso.

EXECUTED this 30 day of Oct., 2015

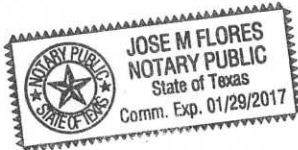
Gerardo and Consuelo Chacon:

Gerardo Chacon By: Consuelo Chacon
Gerardo Chacon Consuelo Chacon
(Print Name and Title)

ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 30 day of October, 2015, by Gerardo Chacon & Consuelo Chacon, in his legal capacity on behalf of r/a.



Jose m Flores
Notary Public, State of Texas

My Commission Expires:

01/29/17

EXHIBIT "A"

Calderon Engineering

3031 Trawood Drive
El Paso, Texas 79936
(915) 855-7552
Fax: 855-8350

June 19, 2015

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 14B and all of Tract 15B, Block 45, Ysleta Grant, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows;

Commencing at a found iron pin marking the Northwest corner of Tract 14B, the Southwest corner of Tract 14A and North 59°52'00" West a distance of 3.68 feet from the East right-of-way line of North Zaragosa Road in Block 45, Ysleta Grant; Thence South 59°52'00" East along the common Tract line between Tracts 14A and 14B a distance of 3.68 feet to a point on the East right-of-way line of North Zaragosa Road marked by a found concrete nail and marking the "Point of Beginning";

Thence South 59°52'00" East along the common Tract line between Tracts 14A, 14B, 15B3 and 15B a distance of 125.45 feet to found concrete nail;

Thence South 22°31'28" West along the common Tract line between Tracts 15B and 15B4 a distance of 93.48 feet to a found concrete nail;

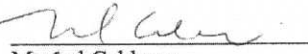
Thence North 85°56'00" West along the common Tract line between Tracts 15A and 15B a distance of 120.14 feet to a found concrete nail;

Thence South 47°26'00" West along the common Tract line between Tracts 14B and 15A a distance of 2.42 feet to a found iron pin;

Thence 6.37 feet along the arc of a curve to the right and along the East right-of-way line of North Zaragosa Road, whose interior angle is 00°05'08", whose radius is 4265.95 feet and whose chord bears North 18°55'07" East a distance of 6.37 feet to a found chiseled cross;

Thence North 18°57'41" East along the East right-of-way line of North Zaragosa Road a distance of 144.23 feet to the "Point of Beginning" and containing in all 14,535.00 square feet or 0.334 acres of land more or less. A plat of survey dated June 19, 2015 is a part of this description and attached hereto.




Manuel Calderon
Registered Professional Land Surveyor No. 2564
Calderon Engineering

MV C3
174 Zaragosa



City of El Paso – City Plan Commission Staff Report

Case No: PZRZ15-00026
Application Type: Rezoning and Detailed Site Development Plan Approval
CPC Hearing Date: October 22, 2015
Staff Planner: Anne Antonini, (915) 212-1814, antoniniam@elpasotexas.gov

Location: 174 N. Zaragoza Street
Legal Description: Portion of Tract 14B and all of Tract 15B , Block 45, Ysleta Grant, City of El Paso, El Paso County, Texas

Acreage: 0.33 acres
Rep District: 6
Current Zoning: R-4/H (Residential/Historic)
Existing Use: Retail/Single-Family Residential
C/SC/SP/ZBA/LNC: N/A
Request: From R-4/H (Residential/Historic) to S-D/H (Special Development/Historic)
Proposed Use: Retail/Single-Family Residential

Property Owner: Gerardo and Consuelo Chacon
Representative: Ray Mancera

SURROUNDING ZONING AND LAND USE

North: R-4/H (Residential/Historic) / Vacant
South: R-4/H (Residential/Historic) / Single Family Home
East: R-4/H (Residential/Historic) / Single-Family Home
West: C-1/c (Commercial/condition) & A-2/H (Apartment/Historic) / Commercial & Elementary School

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

NEAREST PARK: Pueblo Viejo (987 feet)

NEAREST SCHOOL: Robert F. Kennedy Pre-Kinder (239 feet)

NEIGHBORHOOD ASSOCIATION

Mission Valley Civic Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on October 8, 2015. The Planning Division has not received any phone calls or letters in support or opposition to the rezoning request.

CASE HISTORY

On October 24, 2014, the City of El Paso's Code Compliance Office received a complaint about a business operating from the subject property in violation of the R-4/H (Residential/Historic) zoning District. This was verified upon investigation, and the property was found to be in violation of 20.08.010, Uses Permitted by District. This rezoning request is intended to address the code violation and allow the existing retail business to operate lawfully on the subject property.

APPLICATION DESCRIPTION

The property owner is requesting a rezoning from R-4/H (Residential/Historic) to S-D/H (Special Development District) to accommodate its retail and residential uses. The current use of the property is for a single family home and fortune-telling business. The detailed site development plan shows an existing 1,910 square foot residential building thirteen (13) feet in height, proposed to remain. It also

shows an existing carport structure of approximately four hundred (400) square feet, also proposed to remain. The development proposes a reduction in the rear yard setback from ten (10) feet to one and a half (1.5) feet to accommodate the existing carport. As the subject property is less than one acre, City Council will be asked to waive the one (1) acre minimum for the S-D (Special Development) zoning district.

The development requires a minimum of seven (7) parking spaces, with one (1) ADA parking space. The applicant is providing seven (7) parking spaces, to include one (1) ADA parking space. A bicycle rack is also shown as required.

Access to the subject property is from two driveways onto Zaragoza Road.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of rezoning the property from R-4/H (Residential/Historic) S-D/H (Special Development/Historic) District and acceptance of the detailed site development plan. The proposed zoning district is consistent with other commercial and special development districts in the immediate area, and meets the established character of its surrounding neighborhood. Further, the proposed development meets the intent of the G-3 – Post War land use designation of Plan El Paso, the City’s Comprehensive Plan.

Plan El Paso- Future Land Use Map Designation

All applications for detailed site plan review 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 S-D (Special Development) District is intended to permit mixed use projects in certain older areas where there is a desire to permit a variety of nonresidential uses while maintaining the established residential appearance and landscaping of the area.

COMMENTS:

Planning and Inspections Department - Planning Division - Transportation

No objections to detailed site development plan.

Texas Department of Transportation

Not on state roadways.

Planning and Inspections Department – Plan Review

1. Provide parking calculations for new use
2. 6' rockwall required at all boundaries abutting residential districts
3. Gravel screening is only allowed for parking in excess of required parking.
4. Based on current aerial photograph new asphalt parking would be installed and landscape would need to be provided, based on 15% of the total area to be paved and 1 tree per 10 parking spaces.

Planning and Inspections Department – Landscaping Division

1. Recommend that landscape buffer be installed at front property line, with 2" caliper trees, 10' tall, spaced at 30' on center.

Planning and Inspections Department – Land Development

No objections.

Fire Department

No objections

Sun Metro

Sun Metro does not oppose this request. Recommends the construction of sidewalks to permit pedestrian access to mass transit opportunities. Routes 63, 67, and 69 provide service to an existing bus stop directly north of the subject property.

El Paso Water Utilities

The El Paso Water Utilities – Public Service Board (EPWU) does not object to this request.

EPWU-PSB Comments**Water:**

1. There is an existing 16-inch (16") diameter water main extending along N Zaragoza Dr. that is available for service, the water main is located approximately 15 feet (15') west from the western property line.
2. EPWU records indicate an active ¾-inch (¾") domestic water meter located along N Zaragoza Dr. approximately 80 feet (80') north of south property line. The service address for this meter is 174 N Zaragoza Rd.

Sewer:

3. There is an existing 10-inch (10") diameter sanitary sewer extending along N Zaragoza Dr. that is available for service, the sewer main is located approximately 14 feet (14') west from the western property line. The depth of the existing sewer main is approximately 9 ½ feet (9 ½') deep.
4. EPWU records indicate a 4-inch (4") sanitary service line located along N Zaragoza Dr. approximately 46 feet (46') north of manhole on Teodoso Dr. and N Zaragoza Dr. The service address for this service line is 174 N Zaragoza Rd.

General:

5. 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.

Stormwater:

1. Not required but recommended: - Using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavements) to reduce the amount of developed stormwater runoff

Attachments

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Elevations

ATTACHMENT 1: ZONING MAP

PZRZ15-00026



ATTACHMENT 2: AERIAL MAP

PZRZ15-00026



ATTACHMENT 4: ELEVATIONS

