



## City of El Paso – City Plan Commission Staff Report

**Case No:** PZCR12-00004 (Related Rezoning PZRZ12-00007)  
**Application Type:** Zoning Condition Release for parcel zoned C-2/c (Commercial/condition) only, referred to as Parcel 1 on conceptual site plan  
**CPC Hearing Date:** May 31, 2012  
**Staff Planner:** Esther Guerrero, 915-541-4720, [guerreroex@elpasotexas.gov](mailto:guerreroex@elpasotexas.gov)  
**Location:** Rich Beem Boulevard @ Eastbrook Drive  
**Legal Description:** Portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas  
**Acreage:** 2.43 acres  
**Rep District:** 5  
**Zoning:** C-2/c (Commercial/condition)  
**Existing Use:** Vacant  
**Request:** Release all conditions per Ordinance No. 016385 (refer to Parcel 4)  
**Proposed Use:** Townhomes/Multi-family  
**Property Owner:** Tropicana Development Inc.  
**Representative:** CEA Group

### **SURROUNDING ZONING AND LAND USE**

**North:** PR-I (Planned Residential I) / vacant

**South:** C-2/c (Commercial/condition), PR-I (Planned Residential I) / vacant, single-family

**East:** PR-I (Planned Residential I) / vacant

**West:** C-2/c (Commercial/condition), PR-I (Planned Residential I) / vacant

**Plan El Paso Designation:** G4-Suburban (East Planning Area)

**Nearest Park:** Existing new park (1,523 feet)

**Nearest School:** Hurshel Antwine Elementary (6,586 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Eastside Civic Association

### **NEIGHBORHOOD INPUT**

Notices of the May 31, 2012 public hearing were mailed to all property owners within 300 feet of the subject property on May 10, 2012. The Planning Division has not received any calls or letters in favor or in opposition to this request.

### **APPLICATION DESCRIPTION**

The request is to release all conditions on the property imposed by the contract dated June 27, 2006 (see attachment 4).

#### **Original 2006 Conditions (Parcel 4):**

1. That a detailed site development plan be reviewed and approved per the El Paso City Code in effect at the time of submittal of the application for detailed site development plan review, prior to the issuance of any building permits; and,
2. That a ten foot (10') wide landscape buffer with high profile native trees placed at ten feet (10') on center, and if Mondale pine trees, fifteen feet (15') on center, be required along the property line abutting any residential zone prior to the issuance of any certificate of occupancy for this Parcel.

## **CITY DEVELOPMENT DEPARTMENT-PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of the zoning condition release request. The original conditions imposed on the property were made under the presumption commercial would abut residential. As it is now the applicant's intent to rezone the entire property A-O to allow for all residential, a detailed site plan depicting one residential use abutting another and a buffer dividing the site are no longer necessary conditions.

### **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-2 (Commercial) community 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.

### **City Development Department Section Comments**

#### Traffic Section

-Recommend wheel stops be placed on parking spaces abutting pedestrian paths of travel.

-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.

#### Permits & Inspections

No comments received.

#### Land Development

Applicant shall comply with chapter 19.08- Construction Plans and Management.

### **Fire Department**

Currently no issues with the condition release and will not adversely affect fire department.

\*\* Note: A more detailed review will be done by Fire Plan Review during the permitting process.

### **El Paso Water Utilities**

1. EPWU does not object to this request.

#### Water:

2. There is an existing 12-inch diameter water main along Eastbrook Drive. There is an existing 12-inch diameter stub-out along Eastbrook Drive that dead-ends approximately 22-feet east of the east right-of-way line of Andrew Wiseman Street. A 12-inch diameter water main extension from this main will be required along Rich Beem Boulevard. On site water main extensions will be required to be looped to the proposed water main extension along Rich Beem Boulevard, the water main along Eastbrook Drive and the future 16-inch diameter water main extension along Andrew Wiseman Street within Tres Suenos Unit 8.

#### Sewer:

3. Sanitary sewer flows from the subdivision need to be conveyed to an existing 15-inch diameter sewer main that extends within a 20-foot wide PSB easement that follows the alignment of the proposed 35-foot PSB Access and Utility Easement. Within the above mentioned 20-foot easement, there is an existing 12-inch diameter sewer force main.

#### General:

4. Annexation fees are due at the time of new service application for individual water meters within the subject subdivision.

5. EPWU-PSB requires a new service application to serve the subdivision. New service applications should be made 6-8 weeks in advance of construction to ensure water for construction work. The following items, if applicable, are required at the time of application: (1) hard copy of site plan with street names and

addresses; (2) finalized set of improvement plans, including grading & drainage plans; (3) digital copy of site plan; (4) benchmark check; (5) construction schedule; and (6) a certificate of compliance. Service will be provided in accordance with the current El Paso Water Utilities – Public Service Board (EPWU-PSB) Rules and Regulations. The owner 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 zoning condition release application:

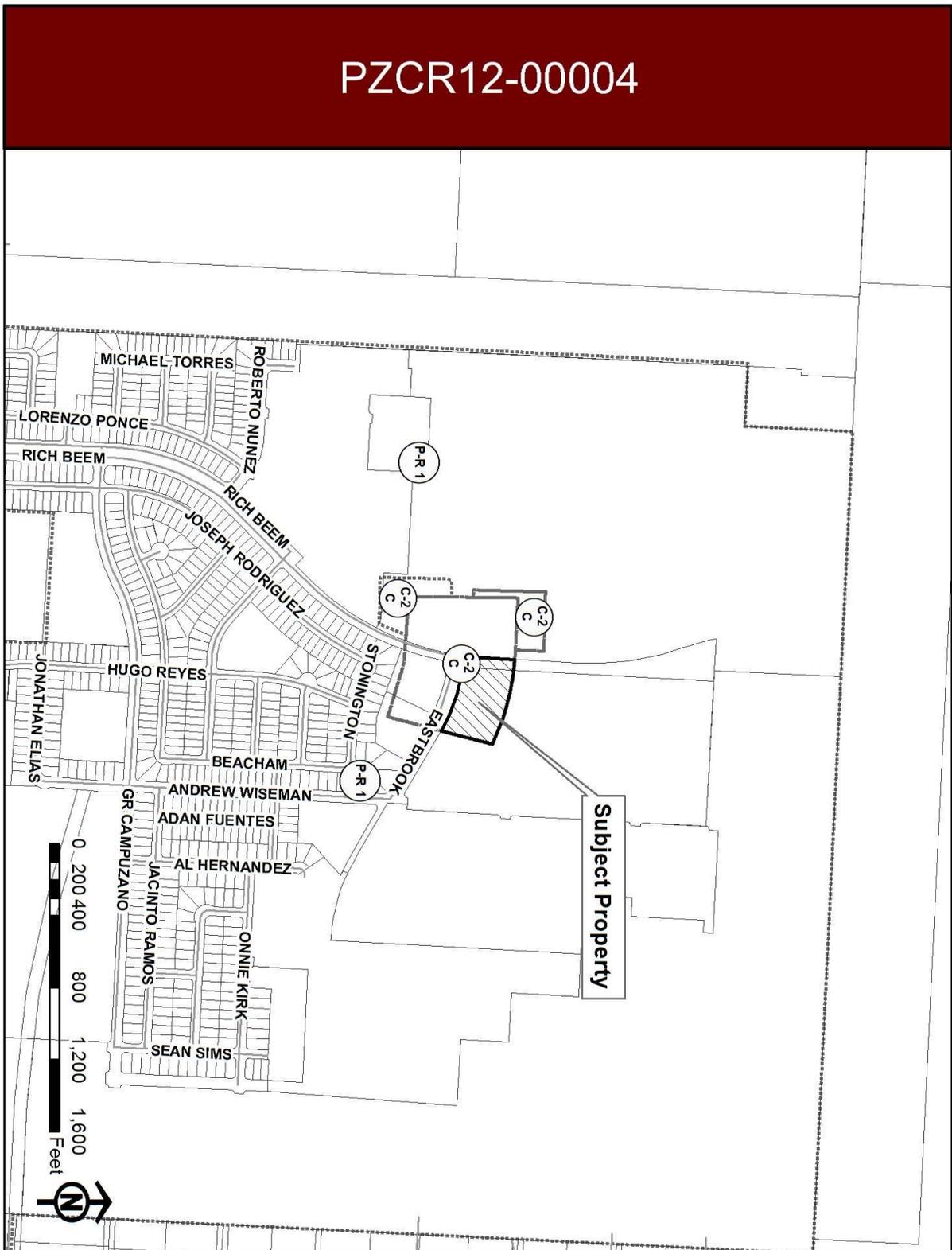
1. Recommend approval of the application finding that it is in conformance with the review criteria for Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring it into conformance with the review criteria for Plan El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that it does not conform to the review criteria for Plan 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. Conceptual Site Plan
4. Ordinance No. 016385

ATTACHMENT 1: ZONING MAP

PZCR12-00004



ATTACHMENT 2: AERIAL MAP

PZCR12-00004





**ATTACHMENT 4: ORDINANCE NO. 016385**

ORDINANCE NO. 016385

AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS: PARCEL 1: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL); PARCEL 2: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-3 (COMMERCIAL); PARCEL 3: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS; EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-2 (COMMERCIAL); PARCEL 4: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-2 (COMMERCIAL) AND IMPOSING CONDITIONS; PARCEL 5: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO PR-1 (PLANNED RESIDENTIAL 1); PARCEL 6: A PORTION OF TRACT 1B, SECTION 26, A PORTION OF TRACT 11C2, SECTION 34, A PORTION OF TRACT 4, SECTION 35, AND A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 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 the following property be changed as described below within the meaning of the zoning ordinance and that the zoning map of the City of El Paso be revised accordingly:

**Parcel 1:** A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys; 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-F (Ranch and Farm) to C-4 (Commercial); and,

Doc#22424/Planning/ZON06-00049

ORDINANCE NO. 016385

ZON06-00049

**Parcel 2:** A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County Texas, and as more particularly described by metes and bounds on the attached Exhibit "B", incorporated by reference, be changed from **R-F (Ranch and Farm)** to **C-3 (Commercial)**; and,

**Parcel 3:** A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County Texas, and as more particularly described by metes and bounds on the attached Exhibit "C", incorporated by reference, be changed from **R-F (Ranch and Farm)** to **C-2 (Commercial)**; and,

**Parcel 4:** A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County Texas, and as more particularly described by metes and bounds on the attached Exhibit "D", incorporated by reference, be changed from **R-F (Ranch and Farm)** to **C-2 (Commercial)**; and,

Further, that the property described as Parcel 4, be subject to the following conditions, which is 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. That a detailed site development plan be reviewed and approved per the El Paso City Code in effect at the time of submittal of the application for detailed site development plan review, prior to the issuance of any building permits; and,

2. That a ten foot (10') wide landscape buffer with high profile native trees placed at ten feet (10') on center, and if Mondale pine trees, fifteen feet (15') on center, be required along the property line abutting any residential zone prior to the issuance of any certificate of occupancy for this Parcel."

**Parcel 5:** A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, and El Paso, El Paso County Texas, and as more particularly described by metes and bounds on the attached Exhibit "E", incorporated by reference, be changed from **R-F (Ranch and Farm)** to **PR-I (Planned Residential I)**; and,

**Parcel 6:** A portion of Tract 1B, Section 26, a portion of Tract 11C2, Section 34, a portion of Tract 4, Section 35, and a portion of Section 27, Block 79, Township 2, Texas and Pacific Railroad Company Surveys El Paso, El Paso County Texas, and as more particularly described by metes and bounds on the attached Exhibit "F", incorporated by reference, from **R-F (Ranch and Farm)** to **C-4 (Commercial)**; and,

Further, that the property described as Parcel 6, be subject to the following conditions, which is necessitated by and attributable to the increased intensity of use generated by the

Doc#22424/Planning/ZON06-00049

2

ORDINANCE NO. 016385

ZON06-00049

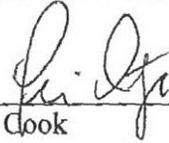
change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

"1. That a detailed site development plan be reviewed and approved per the El Paso City Code in effect at the time of submittal of the application for detailed site development plan review, prior to the issuance of any building permits; and,

2. That a twenty-five foot (25') wide landscape buffer with high profile native trees placed at ten feet (10') on center, and if Mondale pine trees, fifteen feet (15') on center, be required along the property line abutting any residential zone prior to the issuance of any certificate of occupancy for this Parcel."

PASSED AND APPROVED this 27<sup>th</sup> day of June, 2006.

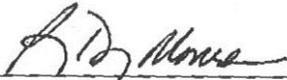
THE CITY OF EL PASO



MAYOR PRO-TEM

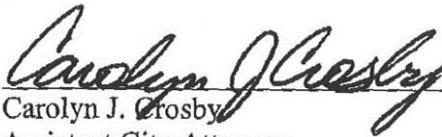
John F. Cook  
Mayor

ATTEST:



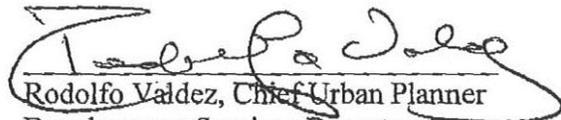
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:



Carolyn J. Crosby  
Assistant City Attorney

APPROVED AS TO CONTENT:



Rodolfo Valdez, Chief Urban Planner  
Development Services Department