



City of El Paso – City Plan Commission Staff Report

Case No: PZRZ14-00029
Application Type: Rezoning
CPC Hearing Date: August 14, 2014
Staff Planner: Michael McElroy, 915-212-1612, mcelroyms@elpasotexas.gov
Location: West of Desert Boulevard and South of Bells Corners Avenue
Legal Description: A portion of Bells Corners Avenue, in La Puesta Del Sol Unit One Subdivision, an addition to the City of El Paso, El Paso County, Texas, and a portion of Lots 12 to 19, Block 9, Sunset Terrace Unit Four, an addition to the City of El Paso, El Paso County, Texas, and a portion of Lots 10, 11, and a portion of EPWU R.O.W., Block 9, and a portion of Drainage R.O.W., in Sunset Terrace Unit Four Replat 'A', an addition to the City of El Paso, El Paso County, Texas

Acreage: 0.80
Rep District: 1
Existing Zoning: C-4/sc (Commercial/special contract)
Existing Use: Vacant
C/SC/SP/ZBA/LNC: Special contract dated April 1, 1986 (Attachment 4)
Request: From C-4/sc (Commercial/special contract) to R-3A/sc (Residential/special contract)
Proposed Use: Single-family dwellingsc
Property Owner: Carefree Homes II, L.P.
Representative: CEA Group

SURROUNDING ZONING AND LAND USE

North: C-3 (Commercial) / Retail & R-3A (Residential) / Single-family dwellings

South: C-4/sc (Commercial/special contract) / Vacant & R-3A/sc (Residential/special contract) / Single-family dwellings

East: C-4/sc (Commercial/special contract) / Vacant

West: R-3A/sc (Residential/special contract) / Vacant

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

NEAREST PARK: La Puesta Del Sol Park (952 feet)

NEAREST SCHOOL: Hut Brown Middle (8,331 feet)

NEIGHBORHOOD ASSOCIATIONS

Upper Mesa Hills Neighborhood Association

Upper Valley Neighborhood Association

Coronado Neighborhood Association

Save the Valley

Upper Valley Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on July 30, 2014. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

CASE HISTORY

On April 1, 1986 City Council approved Ordinance No. 8646 which rezoned the subject property from R-3 (Residential) to C-4 (Commercial) and imposed the following conditions by special contract:

1. *First Party shall pay his pro-rata share of the improvements to Artcraft Road for the portion abutting his property, upon demand of the City.*
2. *Prior to the issuance of any building permits, a detailed site development plan for the M-1 portion of the subject property must be approved by the City Plan Commission and the City Council.*
3. *Prior to the issuance of any building permits, First Party must dedicate a drainage easement, to be approved by the City Engineer and shown on an approved subdivision plat.*

Conditions #1 and #3 have been complied with. Condition #2 does not apply to the subject property.

Ordinance No. 16260 (Attachment 5) rezoned 48.574 acres of land adjacent to the subject property from C-4/sc (Commercial/special contract) and M-1/sc (Manufacturing/special contract) to R-3A/sc (Residential/special contract). This rezoning action did not include the subject property.

On December 13, 2012, the City Plan Commission approved a plat for Sunset Terrace Unit 4 (Attachment 6). This subdivision comprised a portion of the R-3A/sc (Residential/special contract) land rezoned by Ordinance No. 16260 and also included the C-4/sc (Commercial/special contract) subject property.

APPLICATION DESCRIPTION

The property owner is requesting a rezoning from C-4/sc (Commercial/special contract) to R-3A/sc (Residential/special contract) to clean-up 9 split-zoned lots. The properties are currently vacant and are 0.80 acres in size. The subject property was not included in rezoning Ordinance No. 16260. To develop the property for residential purposes as proposed the subject property needs to be rezoned to R-3A/sc (Residential/special contract).

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of rezoning the subject property from C-4/sc (Commercial/special contract) to R-3A/sc (Residential/special contract).

The rezoning establishes a unified zoning district across the lots and thereby makes them developable for residential purposes. The development complies with the Plan El Paso G-4 Suburban (Walkable) land use designation.

Plan El Paso-Future Land Use Map Designation

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

G-4, Suburban (Walkable): 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 R-3A/sc (Residential/special contract) district is to provide a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations, permits primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

COMMENTS:

Planning Division - Transportation

No objections. A TIA is not required.

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.

City Development Department – Building Development & Permitting

No objections to proposed rezoning.

City Development Department - Land Development

No objection.

El Paso Fire Department

The fire dept. has no objections to the rezoning case.

El Paso Water Utilities

Water:

1. There is an existing 8-inch diameter water main that extends along Bells Corners Ave. located approximately 8 feet north of the street centerline. This main is available for service.
2. There is an existing 8-inch diameter water main that extends along Westfield Dr. This main is available for service.
3. The subject property will be located within an intermediate pressure zone. Pressure reducing and pressure relief valves will be required within the water distribution system. In addition, private water pressure regulating devices will be required at the discharge side of each water meter. The Owner/Developer shall include in the sale of contract documents that the lot/home buyer shall acquire ownership of the above-described water pressure regulating devices to be located at the discharge side of the water meters. Additionally, the lot/home buyer shall be responsible for the operation and maintenance of the above-described privately-owned water pressure regulating devices.

Sanitary Sewer:

4. There is an existing 8-inch diameter sanitary sewer main that extends along Bells Corners Ave. located approximately 8 feet south of the street centerline.
5. There is an existing 8-inch diameter sanitary sewer main that extends along Westfield Dr.
6. There is an existing 24-inch diameter sewer gravity force main along the existing 40-foot wide PSB easement/ROW. Also, there is an existing 8-inch diameter sanitary sewer main along the above mentioned 40-foot easement/ROW that starts just east of the western property line of Lot 11 and continues west along Bellwood Drive, then south along Berringer Road to connect to an existing main along Nordstrom Avenue.

General:

7. EPWU-PSB requires a new service application to serve the property. 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.

Attachments:

Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan

Attachment 4: Special contract dated April 1, 1986

Attachment 5: Ordinance No. 16260

PZRZ14-00029



ATTACHMENT 4: SPECIAL CONTRACT DATED APRIL 1, 1986

8646

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 1B AND 59A1, AND STATE HIGHWAY DEPARTMENT DRAINAGE RIGHT-OF-WAY, NELLIE D. MUNDY SURVEY #241, THE PENALTY BEING AS PROVIDED IN SECTION 25-96 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of a portion of Tracts 1B and 59A1, and State Highway Department drainage right-of-way, Nellie D. Mundy Survey #241 as more particularly described by metes and bounds in the attached Exhibits "A" and "B," be changed from R-3 (Residential) to C-4 (Commercial) (Parcel 1 - 55.61 acres) and M-1 (Manufacturing) (Parcel 2 - 22.08 acres) within the meaning of the zoning ordinance, subject to a special contract placing certain restrictions, conditions and covenants on the property, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this 1st day of April, 1986.

Jonathan W. Rogers
Mayor

ATTEST:
Cassie Hunter
City Clerk

APPROVED AS TO FORM:
John Bob
Assistant City Attorney

APPROVED AS TO CONTENT:
Ray Shepard
Planning Department

I certify that the zoning map has been revised to reflect the amendment of ordinance #8646 by R. Gonzales, Date 4-30-86

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED:
4-30-86 COUNTER
4-30-86 ORIGINAL
4-30-86 City Inspection
8646 4-30-86 CONTROL
Contract dated 4/1/86

86-5144
RECEIVED
APR 23 1986
PLANNING DEPARTMENT

ATTACHMENT 4: SPECIAL CONTRACT DATED APRIL 1, 1986 (CONTINUED)

ZONING DESCRIPTION
55.61 ACRES

Being a portion of Tracts 1B, 59A1, and State Highway Department Drainage Right-of-Way, Nellie D. Mundy Survey No. 241, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING for reference at the northwest corner of said Tract 1B;

THENCE, along the north line of said Tract 1B, South 89°59'36" East, a distance of 554.00 feet to POINT OF BEGINNING for the herein described tract;

THENCE, continuing along said line, South 89°59'36" East, a distance of 800.26 feet to a point in the westerly right-of-way line of Interstate Highway No. 10;

THENCE, along said right-of-way line the following seven courses:

South 00°02'04" West, a distance of 612.19 feet to a point;

South 01°44'14" West, a distance of 501.42 feet to a point;

South 00°21'15" West, a distance of 1,440.89 feet to a point;

South 16°45'02" West, a distance of 135.46 feet to a point;

South 11°38'53" East, a distance of 119.99 feet to a point;

South 43°39'15" East, a distance of 140.48 feet to a point;

South 13°20'23" East, a distance of 536.95 feet to a point in the northerly right-of-way line of Artcraft Road;

THENCE, along said northerly right-of-way line, South 78°12'30" West, a distance of 453.84 feet to a point;

THENCE, leaving said right-of-way line, North 11°48'25" West, a distance of 529.17 feet to a point;

THENCE, North 52°41'27" East, a distance of 16.04 feet to a point;

THENCE, North 11°48'29" West, a distance of 734.88 feet to a point;

THENCE, South 62°35'45" East, a distance of 38.72 feet to a point;

THENCE, North 11°48'29" West, a distance of 169.48 feet to the beginning of a curve to the right;

THENCE, along the arc of said curve (Delta Angle = 39°12'44", Radius = 180.00 feet, Chord = North 07°47'53" East, 120.80 feet) a distance of 123.19 feet to a point;

THENCE, North 27°24'15" East, a distance of 39.89 feet to a point;

THENCE, North 62°35'45" West, a distance of 301.94 feet to a point at the beginning of a curve to the right;

THENCE, along the arc of said curve (Delta Angle = 55°40'22", Radius = 284.23 feet, Chord = North 34°45'34" West, 265.44 feet) a distance of 276.17 feet to a point;

THENCE, North 06°55'23" West, a distance of 1,111.67 feet to the beginning of a curve to the right;

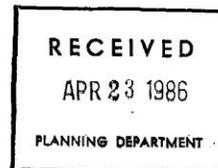
THENCE, along the arc of said curve (Delta Angle = 96°55'47", Radius = 198.67 feet, Chord = North 41°32'30" East, 297.43 feet) a distance of 336.10 feet to a point;

THENCE, South 89°59'36" East, a distance of 30.00 feet to a point;

THENCE, North 00°00'24" East, a distance of 285.00 feet to the POINT OF BEGINNING and containing 55.61 acres of land.

Prepared By:
FAUGHT & ASSOCIATES INC.
El Paso, Texas
January 6, 1986
Job No. 5501-01

Exhibit "A"



*Parcel 1
to C-4*

86-5144

ZONING DESCRIPTION
22.08 ACRES

Being a portion of Tracts 1B and 59A-1, Nellie D. Mundy Survey No. 241, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the northwesterly corner of said Tract 1B;

THENCE, along the northerly line of said Tract 1B, South 89°59'36" East, a distance of 554.00 feet to a point;

THENCE, leaving said line, South 00°00'24" West, a distance of 285.00 feet to a point;

THENCE, North 89°59'36" West, a distance of 30.00 feet to the beginning of a curve to the left;

THENCE, along the arc of said curve (Delta Angle = 96°55'47", Radius = 198.67 feet, Chord = South 41°32'30" West, 297.43 feet) a distance of 336.10 feet to a point;

THENCE, South 06°55'23" East, a distance of 1,111.67 feet to the beginning of a curve to the left;

THENCE, along the arc of said curve (Delta Angle = 55°40'22", Radius = 284.23 feet, Chord = South 34°45'34" East, 265.44 feet) a distance of 276.17 feet to a point;

THENCE, South 62°35'45" East, a distance of 301.94 feet to a point;

THENCE, South 27°24'15" West, a distance of 39.89 feet to the beginning of a curve to the left;

THENCE, along the arc of said curve (Delta Angle = 39°12'44", Radius = 180.00 feet, Chord = South 07°47'53" West, 120.80 feet) a distance of 123.19 feet to a point;

THENCE, South 11°48'29" East, a distance of 169.48 feet to a point;

THENCE, North 62°35'45" West, a distance of 990.36 feet to the southwest corner of said Tract 1B;

THENCE, along the west line of said Tract 1B, North 00°01'32" West, a distance of 1,833.45 feet to the POINT OF BEGINNING and containing 22.08 acres of land.

Prepared By:
FAUGHT & ASSOCIATES INC.
El Paso, Texas
January 6, 1986
Job No. 5501-01

EXHIBIT "B"

Parcel 2
L 59-1



86-5144

ATTACHMENT 4: SPECIAL CONTRACT DATED APRIL 1, 1986 (CONTINUED)

ZONING DESCRIPTION
55.61 ACRES

Being a portion of Tracts 1B, 59A1, and State Highway Department Drainage Right-of-Way, Nellie D. Mundy Survey No. 241, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING for reference at the northwest corner of said Tract 1B;

THENCE, along the north line of said Tract 1B, South 89°59'36" East, a distance of 554.00 feet to POINT OF BEGINNING for the herein described tract;

THENCE, continuing along said line, South 89°59'36" East, a distance of 800.26 feet to a point in the westerly right-of-way line of Interstate Highway No. 10;

THENCE, along said right-of-way line the following seven courses:

South 00°02'04" West, a distance of 612.19 feet to a point;

South 01°44'14" West, a distance of 501.42 feet to a point;

South 00°21'15" West, a distance of 1,440.89 feet to a point;

South 16°45'02" West, a distance of 135.46 feet to a point;

South 11°38'53" East, a distance of 119.99 feet to a point;

South 43°39'15" East, a distance of 140.48 feet to a point;

South 13°20'23" East, a distance of 536.95 feet to a point in the northerly right-of-way line of Artcraft Road;

THENCE, along said northerly right-of-way line, South 78°12'30" West, a distance of 453.84 feet to a point;

THENCE, leaving said right-of-way line, North 11°48'25" West, a distance of 529.17 feet to a point;

THENCE, North 52°41'27" East, a distance of 16.04 feet to a point;

THENCE, North 11°43'29" West, a distance of 734.88 feet to a point;

THENCE, South 62°35'45" East, a distance of 38.72 feet to a point;

THENCE, North 11°48'29" West, a distance of 169.48 feet to the beginning of a curve to the right;

THENCE, along the arc of said curve (Delta Angle = 39°12'44", Radius = 180.00 feet, Chord = North 07°47'53" East, 120.80 feet) a distance of 123.19 feet to a point;

THENCE, North 27°24'15" East, a distance of 39.89 feet to a point;

THENCE, North 62°35'45" West, a distance of 301.94 feet to a point at the beginning of a curve to the right;

THENCE, along the arc of said curve (Delta Angle = 55°40'22", Radius = 284.23 feet, Chord = North 34°45'34" West, 265.44 feet) a distance of 276.17 feet to a point;

THENCE, North 06°55'23" West, a distance of 1,111.67 feet to the beginning of a curve to the right;

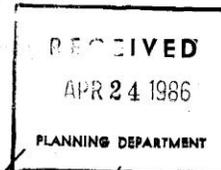
THENCE, along the arc of said curve (Delta Angle = 96°55'47", Radius = 198.67 feet, Chord = North 41°32'30" East, 297.43 feet) a distance of 336.10 feet to a point;

THENCE, South 89°59'36" East, a distance of 30.00 feet to a point;

THENCE, North 00°09'24" East, a distance of 285.00 feet to the POINT OF BEGINNING and containing 55.61 acres of land.

Prepared By:
FAUGHT & ASSOCIATES, INC.
El Paso, Texas
January 6, 1986
Job No. 5501-01

Exhibit "A"



Parcel 1
to C-4

ZONING DESCRIPTION
22.08 ACRES

Being a portion of Tracts 1B and 59A-1, Nellie D. Mundy Survey No. 241, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the northwesterly corner of said Tract 1B;

THENCE, along the northerly line of said Tract 1B, South 89°59'36" East, a distance of 554.00 feet to a point;

THENCE, leaving said line, South 00°00'24" West, a distance of 285.00 feet to a point;

THENCE, North 89°59'36" West, a distance of 30.00 feet to the beginning of a curve to the left;

THENCE, along the arc of said curve (Delta Angle = 96°55'47", Radius = 198.67 feet, Chord = South 41°32'30" West, 297.43 feet) a distance of 336.10 feet to a point;

THENCE, South 06°55'23" East, a distance of 1,111.67 feet to the beginning of a curve to the left;

THENCE, along the arc of said curve (Delta Angle = 55°40'22", Radius = 284.23 feet, Chord = South 34°45'34" East, 265.44 feet) a distance of 276.17 feet to a point;

THENCE, South 62°35'45" East, a distance of 301.94 feet to a point;

THENCE, South 27°24'15" West, a distance of 39.89 feet to the beginning of a curve to the left;

THENCE, along the arc of said curve (Delta Angle = 39°12'44", Radius = 180.00 feet, Chord = South 07°47'53" West, 120.80 feet) a distance of 123.19 feet to a point;

THENCE, South 11°48'29" East, a distance of 169.48 feet to a point;

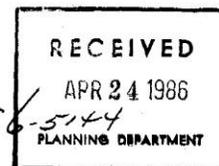
THENCE, North 62°35'45" West, a distance of 990.36 feet to the southwest corner of said Tract 1B;

THENCE, along the west line of said Tract 1B, North 00°01'32" West, a distance of 1,833.45 feet to the POINT OF BEGINNING and containing 22.08 acres of land.

Prepared By:
FAUGHT & ASSOCIATES INC.
El Paso, Texas
January 6, 1986
Job No. 5501-01

EXHIBIT "B"

Parcel 2
L 59-1



185

ORDINANCE NO. 16260

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 1B AND 59A1A, NELLIE D. MUNDY SURVEY NO. 241, EL PASO, EL PASO COUNTY, TEXAS FROM M-1/SC (LIGHT-MANUFACTURING/SPECIAL CONTRACT) AND C-4/SC (COMMERCIAL/SPECIAL CONTRACT) TO R-3A/SC (RESIDENTIAL/SPECIAL CONTRACT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning a portion of Tracts 1B and 59A1A, Nellie D. Mundy Survey No. 241, El Paso, El Paso County, Texas, and more particularly described by metes and bounds in the attached Exhibit 'A', be changed from M-1/sc (Light-Manufacturing/special contract) and C-4/sc (Commercial/special contract) to R-3A/sc (Residential/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 10th day of January, 2006.

THE CITY OF EL PASO


John F. Cook
Mayor

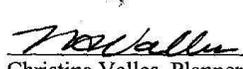
ATTEST:


Richarda Duffy Momsen
City Clerk

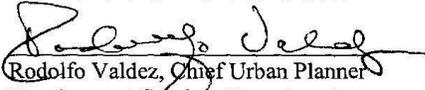
APPROVED AS TO FORM:


Carolyn J. Crosby
Assistant City Attorney

APPROVED AS TO CONTENT:


Christina Valles, Planner II
Development Services Department

APPROVED AS TO CONTENT:


Rodolfo Valdez, Chief Urban Planner
Development Services Department

DOC #18645/Planning/Ord/13/ZON05-00124/CCRO

ORDINANCE NO. 16260

Zoning Case No: ZON05-00124

2000-0602/PR

ZONING DESCRIPTION
48.574 Acres

Being the description of a portion of Tracts 1B and 59A1A, Nellie D. Mundy Survey No. 241, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows;

COMMENCING FOR REFERENCE at the Northeast corner of said Tract 1B in the West right-of-way line of Interstate Highway 10 and the city monument at the intersection of Aircraft Road and Northwestern Drive bears, South 36°31'47" East, 3807.00 feet;

THENCE, leaving said West right-of-way line and along the North line of said Tract 1B, North 89°59'36" West, a distance of 300.00 feet to the **POINT OF BEGINNING** for the herein described tract;

THENCE, leaving said North line, South 00°04'30" West, a distance of 608.64 feet;

THENCE, South 01°40'20" West, a distance of 499.16 feet;

THENCE, South 00°12'59" West, a distance of 1067.25 feet;

THENCE, South 00°23'42" West, a distance of 174.05 feet;

THENCE, leaving said right-of-way line, North 81°01'08" West, a distance of 54.45 feet;

THENCE, North 62°35'45" West, a distance of 1101.65 feet to the Southwest corner of said Tract 1B;

THENCE, along the West line of said Tract 1B, North 00°01'32" West, a distance of 1453.42 feet;

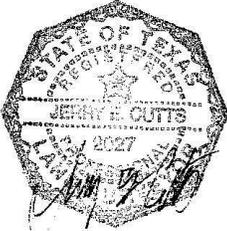
THENCE, leaving said West line, North 89°58'28" East, a distance of 195.00 feet;

THENCE, North 00°01'32" West, a distance of 379.92 feet to said North line of Tract 1B;

THENCE, along said North line, South 89°59'36" East a distance of 858.21 feet to the **POINT OF BEGINNING** and containing **48.574 acres** of land.

This description was prepared from record information and is not the result of an on the ground survey.

PREPARED BY:
Cutts Land Surveying, Inc.
El Paso, Texas
October 6, 2005
Job No. 050906-48



16260

EXHIBIT "A"

