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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: October 21, 2008
Public Hearing: November 11, 2008

CONTACT PERSON/PHONE: Arturo Rubio, 541-4633

DISTRICT(S) AFFECTED:

SUBJECT:

An Ordinance changing the zoning of a portion of Tract 11C2, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from C-3 (Commercial) to C-4 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of The El Paso City Code. Subject Property: West of Rich Beem Boulevard and North of Montana Avenue. Applicant: East Montana Joint Venture, ZON08-00058 (District 5).

BACKGROUND / DISCUSSION:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Unanimous Approval Recommendation
City Plan Commission (CPC) – Tie Vote (3-3)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Victor Q. Torres
Director, Development Services

Victor Q. Torres _____ 10/13/08

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 11C2, SECTION 34, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-3 (COMMERCIAL) TO C-4 (COMMERCIAL) AND IMPOSING A CONDITION. 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 a portion of Tract 11C2, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, 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 C-3 (Commercial) to C-4 (Commercial), within the meaning of the zoning ordinance, 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 condition which is 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 two hundred (200) foot buffer of C-3 (Commercial) be provided between the approved C-4 (Commercial) and the existing P-R I (Planned Residential I).

PASSED AND APPROVED this _____ day of _____, 2009.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:


Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:


Mathew S. McElroy
Deputy Director – Planning
Development Services Department

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ORDINANCE NO. _____

ZON08-00058

Being a portion of Tract 11C2, Section 34,
Block 79, Township 2, Texas and Pacific,
Railway Company Surveys
City of El Paso, El Paso County, Texas
Prepared for: J.N.C Land Co.
September 23, 2008
Parcel 1 C-3 To C-4)

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 11C2, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, Real property records of El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at an existing city monument at the point of curve centerline Rich Beem Blvd, from which an existing city monument at the centerline intersection of Rich Beem Blvd. and Sueno Alegre Dr. bears North 00°32'39" West a distance of 900.41 feet; Thence along the centerline of Rich Beem Blvd. North 00°32'39" West a distance of 156.89 feet to a point; Thence leaving said centerline South 89°27'21" West a distance of 60.00 feet to a point on the westerly right of way line of Rich Beem Blvd. for THE "TRUE POINT OF BEGINNING"

Thence leaving said right of way line South 89°27'21" West a distance of 217.00 feet to a point on the line between tract 11C and 11C2;

Thence along said line North 00°32'39" West a distance of 514.19 feet to a point

Thence leaving said line South 89°59'27" East a distance of 217.01 feet to a point on the westerly right of way line of Rich Beem Blvd.;

Thence along said right of way line South 00°32'39" East a distance of 512.09 feet to the "TRUE POINT OF BEGINNING", and containing 111,351.0263 Square Feet or 2.5563 acres of land more or less.

Notes: Bearings basis is true north for a transverse mercator surface projection as determined by GPS methods center near this site


Ron R. Conde
R.P.L.S. No. 5152
Job#108-01





JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

VICTOR Q. TORRES
DIRECTOR, DEVELOPMENT SERVICES

MATHEW S. McELROY
DEPUTY DIRECTOR, PLANNING

CITY COUNCIL

ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES
PLANNING DIVISION**

MEMORANDUM

DATE: October 13, 2008
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Arturo Rubio, Planner
SUBJECT: ZON08-00058

The City Plan Commission (CPC), on August 28, 2008, **voted 3-3 to tie** on the rezoning of subject property from C-3 (Commercial) to C-4 (Commercial) with a condition.

The CPC was unable to determine if the rezoning is in conformance with The Plan for El Paso and if the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC was also unable to determine if the rezoning protects the best interest, health, safety and welfare of the public in general; or if the proposed use is compatible with adjacent land uses; and if the rezoning 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 one phone call in opposition to the request



Attachment: Staff Report

City of El Paso – City Plan Commission Staff Report

Case No: ZON08-00058
Application Type: Rezoning
CPC Hearing Date: August 28, 2008
Staff Planner: Arturo Rubio, 915-541-4633, rubioax@elpasotexas.gov

Location: West of Rich Beem Boulevard and North of Montana Avenue
Legal Description: A portion of Tract 11C2, Section 34, Block 79, Township 2 Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas

Acreage: 3.5496 acres
Rep District: 5
Existing Use: Vacant
Existing Zoning: C-3 (Commercial)
Proposed Zoning: C-4 (Commercial)

Property Owner: East Montana Joint Venture
Applicant: East Montana Joint Venture
Representative: Conde, Inc.

SURROUNDING ZONING AND LAND USE

North: P-R I (Planned Residential I); Single-Family residential dwelling

South: C-4 (Commercial), Vacant,

East: C-2 (Commercial), Vacant, ETJ, Mobile Home Park

West: R-F (Ranch and Farm) Jail, C-4 (Commercial) Light industrial

THE PLAN FOR EL PASO DESIGNATION: No designation (East Planning Area)

NEIGHBORHOOD ASSOCIATIONS: None registered in the area.

APPLICATION DESCRIPTION

The applicant is proposing a rezoning from C-3 (Commercial) to C-4 (Commercial) to allow for regional commercial development. The proposed access is Rich Beem Boulevard. There are no zoning conditions on the property. Rezoning case ZON08-00059 is a related to this case.

NEIGHBORHOOD INPUT

Notice of the public hearing was mailed to all property owners within 300 feet of this proposed rezoning on July 3, 2008. Planning received one phone call in opposition of the request just prior to the City Plan Commission hearing.

**The Plan for El Paso –City-wide Land Use Goals:
For Regional Commercial Rezoning**

- a. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.
- b. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.
- c. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character.

The C-4 (Commercial) district requested does not meet goals a, b, and c above of the Plan for El Paso based on the following:

The C-4 (Commercial) district would provide the most intense commercial uses would significantly impact established surrounding neighborhoods. Although the regional commercial zoning C-4 may provide the surrounding neighborhood convenience goods and services that would serve day-to-day needs, it may also introduce very intense uses such as contractor yards, truck terminals, high intensity vehicle repair and storage and light manufacturing uses that are not compatible with residential uses

The Regional Commercial zoning regulations for C-4 (Commercial) district requested would permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the district are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities.

Land uses in the C-4 (Commercial) district are high traffic generators, and are encouraged along major or higher order arterial streets.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee provides the following comments:

The DCC recommends denial of this request for rezoning from C-3 (Commercial) to C-4 (Commercial) for the reasons stated above.

Development Services Department - Building Permits and Inspections Division:

Zoning Review: No objection to the proposed re-zoning request. Insufficient information submitted to determine compliance with the proposed C-4 (Commercial) district's development standards.

Landscape Review:

No landscape calculations provided for this project. Landscaping is required under Section 18.46 and shall be provided for building permit

Development Services Department - Planning Division:

Current Planning: Recommends **denial** of rezoning request from C-3 (Commercial) to C-4 (Commercial). The purpose of the regional commercial district is to provide for locations for the most intensive commercial uses intended to serve the entire City. Also primary access to established residential and proposed rezoning request is all off Rich Beem Boulevard.

Land Development: No comments Received

Engineering Department - Traffic Division:

No objection to proposed rezoning.

Fire Department

No comments received.

El Paso Water Utilities:

EPWU does not object to this request.

Parks:

No comments received.

Sun Metro:

No comments received.

School Districts:

No comments received.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning 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.

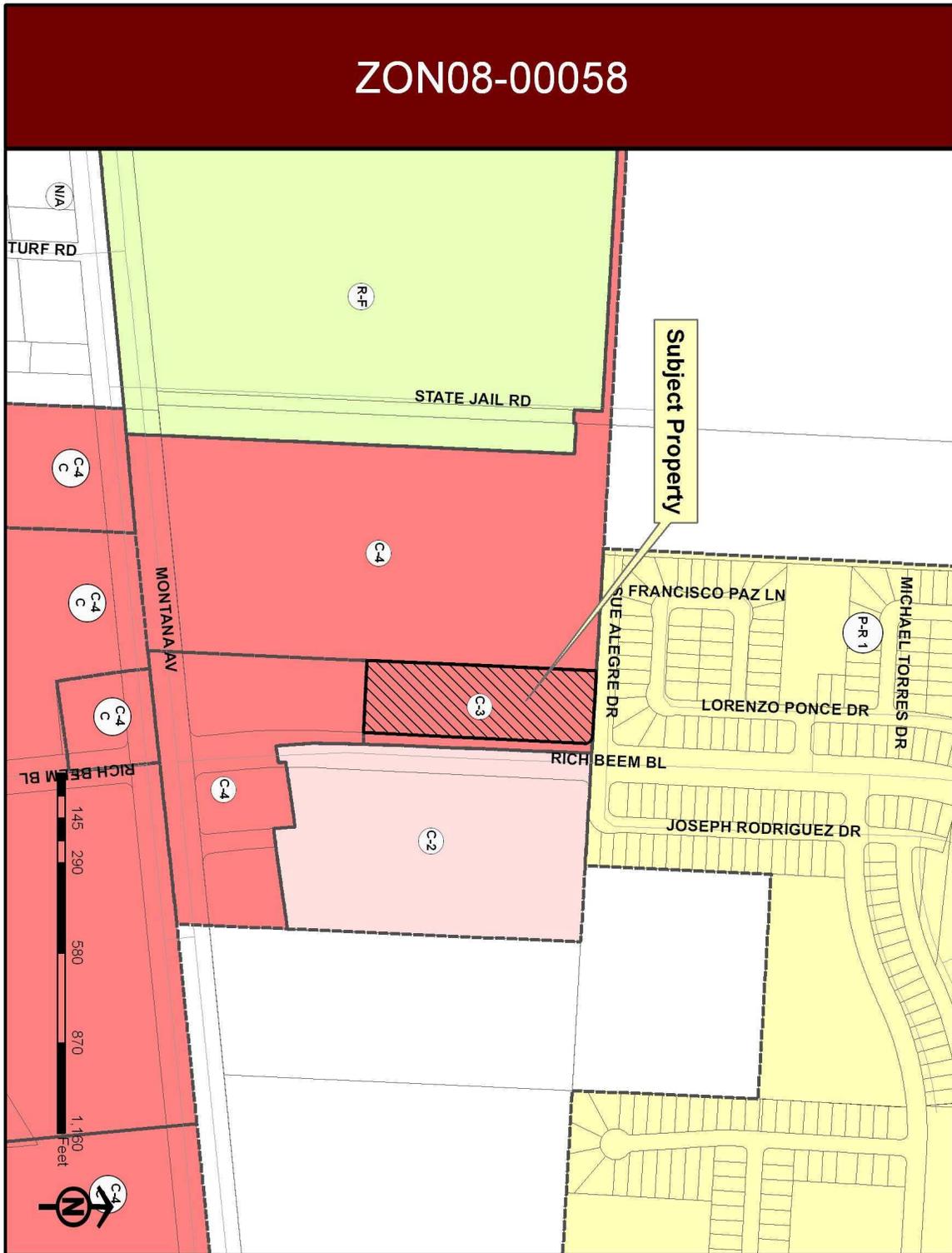
Attachments:

Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan

Attachment 1: Zoning Map



Attachment 2: Aerial Map

ZON08-00058



Attachment 3: Conceptual Site Plan

