

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

**DEPARTMENT:** Planning and Economic Development Department, Planning Division

**AGENDA DATE:** Introduction: January 17, 2012  
Public Hearing: February 7, 2012

**CONTACT PERSON/PHONE:** Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

**DISTRICT(S) AFFECTED:** ETJ/Adjacent to District 5

**SUBJECT:**

An ordinance changing the zoning of a portion of Tract 1, Section 35, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas, and a portion of the rights-of-way of Montana Avenue and Zaragoza Road from R-F (Ranch and Farm) to C-4 (Commercial), and imposing conditions. The penalty is as provided for in chapter 20.24 of the El Paso City Code. Subject Property: North of Zaragoza Road and South of Montana Avenue. Applicant: River Oaks Properties, Ltd. PZRZ11-00045 (ETJ/Adjacent to District 5)

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Reviewed  
City Plan Commission (CPC) – Approval Recommendation (5-0)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:**

Mathew S. McElroy  
Deputy Director, Planning and Economic Development Department

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**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1, SECTION 35, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, EL PASO COUNTY, TEXAS, AND A PORTION OF THE RIGHTS-OF-WAY OF MONTANA AVENUE AND ZARAGOZA ROAD, FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL), 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:

That the zoning of a portion of Tract 1, Section 35, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas, and a portion of the rights-of-way of Montana Avenue and Zaragoza Road, 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)**, 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 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) *That prior to the issuance of any building permits, a detailed site development plan shall be reviewed and approved in accordance with the requirements of the El Paso City Code, and;*
- 2) *That A 20-foot wide landscaped buffer with high-profile native trees of at least two (2) inch caliper and fifteen (15) feet in height shall be placed at ten (10) feet on center along the property lines adjacent to any residential or apartment zoning districts or use. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, 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.*

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

THE CITY OF EL PASO

ATTEST:

\_\_\_\_\_  
John F. Cook  
Mayor

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

*(Signatures continue on following page.)*

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

\_\_\_\_\_  
Mathew S. McElroy, Deputy Director  
Planning and Economic Development  
Department

Property Description: Portion of Tract 1, Section 35, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas, and a portion of the rights-of-way of Montana Avenue, (U.S. Hwy 62-180), and Zaragosa Road

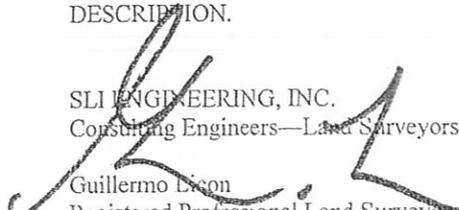
METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a portion of Tract 1, Section 35, Block 79, Township 2, Texas and Pacific Railroad Surveys; comprising parcels known for tax purposes as "Tract 1A1", "Tract 1A3" and a remnant portion of "Tract 1A" El Paso County, Texas, and being a portion of the rights-of-way of Montana Avenue and Zaragosa Road; more particularly described as follows:

Commencing, for reference, at a #4 rebar with cap stamped "KECO IVEY" found for the west common corner of said Tract 1A1 and Tract 1A3, FROM WHICH a 3" pipe found in the northwesterly right-of-way line of Zaragoza Road (100' wide right-of-way) in the east boundary line of said Section 35 and said Tract 1A bears North 76° 20' 21" East 1623.12 feet (Basis of Bearing); THENCE, with the west boundary line of said Tract 1A3 North 00° 32' 00" West 1399.88 feet to the northwest corner of said Tract 1A3 in the southerly right-of-way line of Montana Avenue (US HWY 62-180, 200' wide right-of-way), witnessed by a #4 rebar (no ID) lying South 76° East, 0.5 feet distant; THENCE, with said right-of-way line, South 81° 18' 00" West 45.46 feet to the northwest corner of said Tract 1A, witnessed by a disturbed 1" iron pipe lying North 53° East 0.6 feet distant; said northwest corner of Tract 1A also being the northeast corner of Tract 1B and the POINT OF BEGINNING of this property description; THENCE, the following eight (8) courses:

1. North 08° 44' 28" West, a distance of 100.00 feet to a point in the center line of Montana Avenue;
2. With said center line, North 81° 18' 00" East 711.50 feet to a point;
3. South 08° 44' 28" East 100.00 feet to a point in the south right-of-way line of Montana Avenue and the northeast corner of the subject tract, witnessed by a 3" pipe lying South 42° West 0.3 feet distant;
4. Departing said right-of-way line, with the east boundary line of the subject parcel (the same being the boundary line common to Tract 1A3 and Tract 1A4), South 00° 32' 00" East 2111.08 feet to a point in said northwesterly right-of-way line of Zaragoza Road and the southeast corner of said portion of Tract 1A tract, witnessed by a #4 rebar with cap stamped "KECO IVEY" lying South 12° West 0.6 feet distant, and a chiseled "X" lying South 24° West 0.8 feet distant;
5. South 47° 30' 55" East a distance of 50.00 feet to a point in the center line of Zaragosa Road;
6. With said center line, South 42° 33' 00" West, a distance of 1031.52 feet to a point;
7. North 47° 30' 55" West a distance of 50.00 feet to a #5 rebar (no ID) found for the southwest corner of said portion of Tract 1A;
8. Departing said right-of-way line, with the boundary line common to Tract 1A and Tract 1B, North 00° 32' 00" West 2763.69 feet to the POINT OF BEGINNING and containing, in all, 42.225 acres (1,839,327 sq. ft.) of land, of which 2.817 acres (122,726 sq.ft.) are contained within said portion of the rights-of-way of Montana Avenue and Zaragosa Road, leaving a net of 39.408 acres (1,716,601 sq. ft.).

A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC.  
 Consulting Engineers—Land Surveyors  
  
 Guillermo Licon  
 Registered Professional Land Surveyor  
 Texas License No. 2998



July 9, 2008  
 Job Number 06-06-2454  
 M&B\1489

## MEMORANDUM

**DATE:** January 9, 2012

**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager

**FROM:** Andrew Salloum, Planner

**SUBJECT:** PZRZ11-00045

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The City Plan Commission (CPC), on October 20, 2011, voted 4-0 to recommend **approval** of rezoning the subject property from R-F (Ranch and Farm) to C-4 (Commercial) with 2 conditions. The zoning complies with the conditions of the annexation agreement.

The City Plan Commission (CPC), on December 15, 2011, voted 5-0 to recommend approval of reconsideration due to a correction in the legal description of the property.

The CPC found that the rezoning is in conformance with the Plan for 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 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.

There is no opposition to this request.

**Attachment:**  
Staff Report



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

**Case No:** PZRZ11-00045 (Reconsideration)  
**Application Type:** Rezoning  
**CPC Hearing Date:** December 15, 2011  
**Staff Planner:** Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

**Location:** North of Zaragoza Road and South of Montana Avenue  
**Legal Description:** A portion of Tract 1, Section 35, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas, and a portion of the rights-of-way of Montana Avenue and Zaragoza Road  
**Acreage:** 39.408 acres  
**Rep District:** ETJ/Adjacent to District 5  
**Zoning:** R-F (Annexation in Process: Case No. AN08-006)  
**Existing Use:** Vacant  
**Request:** From R-F (Ranch and Farm) to C-4 (Commercial)  
**Proposed Use:** Commercial Development

**Property Owner:** River Oaks Properties, Ltd.  
**Applicant:** River Oaks Properties, Ltd.  
**Representative:** Yolander Giner

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

**North:** C-2 (Commercial) / Vacant; and R-5 (Residential) / Single-family dwellings  
**South:** C-3/c (Commercial/conditions) / Vacant; and C-4/c (Commercial/conditions) / Vacant  
**East:** C-2 (Commercial) / Vacant  
**West:** C-3/c (Commercial/conditions) / Vacant; and R-5 (Residential) / Single-family dwellings

**THE PLAN FOR EL PASO DESIGNATION:** Residential and Industrial (East Planning Area)

**NEAREST PARK:** Tierra Del Este #44 Park (2,912 feet)

**NEAREST SCHOOL:** Raphael Hernando III Middle (3,606 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Las Tierras Neighborhood Association

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on October 5, 2011. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

Re-notification was mailed to all property owners within 300 feet of the subject property on November 30, 2011. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

### **CASE HISTORY**

On October 20, 2011, CPC recommended approval of the rezoning request to C-4 (Commercial). The case is being presented to CPC for reconsideration due to a correction in the legal description of the property.

### **APPLICATION DESCRIPTION**

The applicant is requesting to rezone the subject property from R-F (Ranch and Farm) to C-4 (Commercial)

to allow for commercial uses. This rezoning application is related to annexation AN08-006. Annexed properties are automatically zoned R-F (Ranch and Farm). Access to the subject property is proposed from Montana Avenue. The rezoning request meets all annexation requirements.

### **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of rezoning the subject property from R-F (Ranch and Farm) to C-4 (Commercial) with the following conditions:

- 1) *That prior to the issuance of any building permits, a detailed site development plan shall be reviewed and approved in accordance with the requirements of the El Paso City Code, and;*
- 2) *That A 20 -foot wide landscaped buffer with high-profile native trees of at least two (2) inch caliper and fifteen (15) feet in height shall be placed at ten (10) feet on center along the property lines adjacent to any residential or apartment zoning districts or use. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, 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.*

The approval recommendation is based on the compatibility with the surrounding commercial zoning to the south and east of the subject property. The zoning complies with the conditions of the annexation agreement.

### **The Plan for El Paso-City-Wide Land Use Goals**

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

- 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.
- d. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.

The purpose of the C-4 (Commercial) district is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts 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.

### **Development Coordinating Committee Review**

The DCC reviewed and discussed the application for rezoning and offered no objections to Planning Staff's recommendation for **approval**.

### **Engineering & Construction Management Services Department – Plan Review**

No comments received.

### **Engineering & Construction Management Service Department - Land Development**

No objections.

### **Department of Transportation**

Transportation requires the following in accordance with the Annexation agreement approved by Resolution on June 7, 2011 at the time a subdivision plat application is submitted for the property in accordance with Section 3:

1. A TIA is required per Section 2 Paragraph 4. Owner shall be responsible for contribution of costs for traffic signalization and traffic calming devices with the TIA indicates are necessary, attributable and

proportional to the development of the property.

2. Sidewalks shall be provided on Zaragoza Road and Montana Avenue.

Notes:

1. Access to Zaragoza Road and Montana Avenue shall be coordinated with TXDOT.

2. All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in accordance with the current City of El Paso Design Standards for Construction and shall be ADA/TAS compliant.

### **Fire Department**

El Paso Fire Department has no objections to this rezoning request. The case remains subject to further review at later stages of the process including, but not limited to, Fire Department Plan review.

### **El Paso Water Utilities**

We have reviewed the zoning change request reference above and provide the following comments:

1. EPWU-PSB supports and encourages voluntary annexation to the City of El Paso. Annexation fees are due at the time of new service application for individual water meters within the subject property.

EPWU Comments

Water:

2. There is an existing 24-inch diameter water transmission main located along the north side of Montana Avenue. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations. Service to the property requires the extension of water main of lesser diameter with horizontal tunneling across Montana Avenue from the above described 24-inch diameter water main and the extension of a 12-inch diameter water main across Zaragoza Road to connect to future mains on the south side of Zaragoza Road. All Costs associated with the extension of the mains is the responsibility of the Owner/Developer. On-site easements will be required to accommodate the proposed water main extensions.

3. A backflow prevention assembly will be required at the discharge side of each water meter within the development. The property Owner is responsible for the operation and maintenance of the backflow prevention devices.

Sanitary Sewer:

4. There is an existing 18-inch sanitary sewer interceptor along Edgemere Boulevard. Sewer main extension along Zaragoza Road to Edgemere Boulevard is required.

General:

5. EPWU requires a new service application to provide services to the subject property. New service applications are available at 1154 Hawkins, 3<sup>rd</sup> Floor. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current 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 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 in 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

PZRZ11-00045



