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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: February 3, 2009  
Public Hearing: February 24, 2009

**CONTACT PERSON/PHONE:** Andrew Salloum, 541-4027

**DISTRICT(S) AFFECTED:**

**SUBJECT:**

An Ordinance changing the zoning of a portion of tract 1A5, Section 45, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas from A-2 (Apartment) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North of Pebble Hills and East of Tierra Blanda Drive. Applicant: JNC Land, Inc., ZON08-00099 (District 5).

**BACKGROUND / DISCUSSION:**

**PRIOR COUNCIL ACTION:**

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

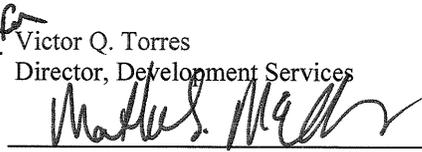
Development Coordinating Committee (DCC) – Unanimous Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation (8-0)

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

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

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

**DEPARTMENT HEAD:** Victor Q. Torres  
Director, Development Services



**APPROVED FOR AGENDA:**

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

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

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

**AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1A5, SECTION 45, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO C-1 (COMMERCIAL). 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 1A5, Section 45, Block 79, Township 2, Texas and Pacific Railroad 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 **A-2 (Apartment)** to **C-1 (Commercial)**, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**THE CITY OF EL PASO**

**ATTEST:**

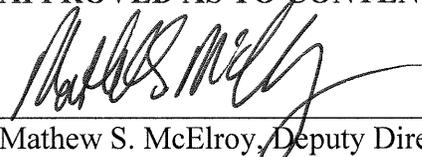
\_\_\_\_\_  
John F. Cook  
Mayor

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

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

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

  
\_\_\_\_\_  
Mathew S. McElroy, Deputy Director  
Development Services Department

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

**ZON08-00099**

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Exhibit "A"

Description of a parcel of land being  
a portion of Tract 1A5,  
Section 45, Block 79, Township 2,  
Texas and Pacific Railroad Company Surveys,  
City of El Paso, El Paso County, Texas.  
Prepared for: JNC Land Development  
October 9, 2008  
(Parcel 1 A2 to C1)

#### METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 1A5, Section 45, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a found City monument disk at the centerline intersection of Jon Evans Drive and Pebble Hills Boulevard within Sombras Del Sol Unit Four recorded by instrument #20060085025 with the El Paso County Real Property Records, from which a found city monument disk at the intersection of Jon Evans and Sombrita Way, bears South 47°29'54" East a distance of 790.10 feet; Thence, North 02°22'33" East a distance of 71.19 feet to a point at the northeasterly right of way of Pebble Hills Boulevard within Sombras Del Sol Unit Four and the **"TRUE POINT OF BEGINNING"**.

Thence leaving said right of way, 38.71 feet along the arc of a curve to the right which has a radius of 25.00 feet, a central angle of 88°42'29", a tangent of 24.44 feet, and a chord which bears South 88°09'35" West a distance of 34.95 feet to a point at the northeasterly right of way line of Tierra Blanda Drive as referenced by Sombras Del Sol Unit Four;

Thence with said right of way, North 47°29'10" West a distance of 99.90 feet to a point of curvature;

Thence with said right of way, 39.52 feet along the arc of a curve to the right which has a radius of 474.00 feet, a central angle of 4°46'36", a tangent of 19.77 feet, and a chord which bears North 45°05'52" West a distance of 39.51 feet to a point of tangency;

Thence with said right of way, North 42°42'34" West a distance of 25.36 feet to a point at the southeasterly line of Block 24, Tierra Del Este Unit Three recorded in Volume 77, Page 2, 2A, & 2B with the El Paso County Plat Records;

Thence leaving said right of way, 43.68 feet along the arc of a curve to the left which has a radius of 831.38 feet, a central angle of 3°00'38", a tangent of 21.85 feet, and a chord which bears North 43°59'36" East a distance of 43.68 feet to a point of tangency;

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Thence, North 42°30'50" East a distance of 100.80 feet to a point of inverse;

Thence, North 38°40'53" East a distance of 219.25 feet to a point at the most westerly corner of Lot 24, Block 24, Tierra Del Este Unit Three and southwesterly line of Block 24, Tierra Del Este Unit One recorded in Volume 76, Pages 40, 40A, & 40B with the El Paso County Plat Records;

Thence, South 47°29'10" East a distance of 177.43 feet to a point at the northeasterly right of way of Pebble Hills Boulevard;

Thence with said right of way, South 42°30'50" West a distance of 4.40 feet to a point of curvature;

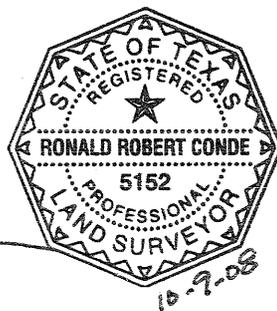
Thence with said right of way, 148.58 feet along the arc of a curve to the left which has a radius of 902.50 feet, a central angle of 9°25'58", a tangent of 74.46 feet, and a chord which bears South 37°47'51" West a distance of 148.41 feet to a point of reverse curvature;

Thence with said right of way, 191.00 feet along the arc of a curve to the right which has a radius of 1020.38 feet, a central angle of 10°43'29", a tangent of 95.78 feet, and a chord which bears South 38°26'36" West a distance of 190.72 feet to "TRUE POINT OF BEGINNING" and containing in all 66,540 square feet or 1.528 acres of land more or less.

Sketch of even date accompanies this metes and bounds description.

Not a ground survey.

  
Ron R. Conde  
R.P.L.S. No. 5152



job #801-53

CONDE, INC.  
ENGINEERING / LAND SURVEYING / PLANNING  
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283



**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:** January 23, 2009  
**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager  
**FROM:** Andrew Salloum, Planner  
**SUBJECT:** **ZON08-00099**

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The City Plan Commission (CPC), on January 8, 2009, voted **8-0** to recommend **APPROVAL** of rezoning subject property from A-2 (Apartment) to C-1 (Commercial)

The CPC found that the rezoning is in conformance with The Plan for El Paso and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. 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 effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was **NO OPPOSITION** to this request.

**Attachment:** Staff report, zoning map, aerial map, and conceptual site plan.



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

**Case No:** ZON08-00099  
**Application Type:** Rezoning  
**CPC Hearing Date:** January 8, 2009  
**Staff Planner:** Andrew Salloum, 915-541-4027, [salloumam@elpasotexas.gov](mailto:salloumam@elpasotexas.gov)

**Location:** Pebble Hills Boulevard and Tierra Bland Drive Road  
**Legal Description:** Portion of Tract 1A5, Section 45, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas

**Acreage:** 1.528 Acres  
**Rep District:** 5  
**Existing:** Vacant  
**Request:** From A-2 (Apartment) to C-1 (Commercial)  
**Proposed Use:** To allow for commercial development

**Property Owner:** JNC Land, Inc.  
**Applicant:** JNC Land, Inc.  
**Representative:** Conde, Inc.

**SURROUNDING ZONING AND LAND USE**

**North:** R-5 (Residential); Single-Family Residential  
**South:** R-5 (Residential); Single-Family Residential  
**East:** R-5 (Residential); Single-Family Residential  
**West:** C-1 (Commercial); Vacant

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

**NEAREST PARK:** Carlos Bombach (559 Feet)

**NEAREST SCHOOL:** Paso Del Norte Elementary (2,133 Feet)

**NEIGHBORHOOD ASSOCIATIONS:**

Eastside Civic Association  
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 December 3, 2008. Planning Division did not receive any letters or phone calls in support or opposition of rezoning request.

**APPLICATION DESCRIPTION:**

The applicant is requesting to rezone property from A-2 (Apartment) to C-1 (Commercial) to allow for commercial development. The property consists of a total of 1.528 acres of land and is currently vacant. The proposed access is from **Pebble Hills Boulevard**.

**DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION:**

The DCC recommends **APPROVAL** of rezoning property from A-2 (Apartment) to C-1 (Commercial).

**PLANNING DIVISION RECOMMENDATION:**

The Planning Division recommends **APPROVAL**. The rezoning request is compatible with the surrounding land uses and the 2025 projected land use. The C-1 district is a neighborhood commercial district and the subject property is abutting a neighborhood commercial node.

**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.

The purpose of the C-1 (Commercial) district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood conveniences goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

**Development Services Department - Building Permits and Inspections Division:**

Zoning Review:

No objection to the proposed rezoning request. Only uses permitted in a C-1 (Commercial) to be allowed. Parking compliance could not be determined as submitted. Shall require a six foot high masonry screening wall along the property lines abutting the residential districts.

Landscape Review:

Landscape required for either zone. No calculations provided. Landscape to meet code under building submittal.

**Development Services Department - Planning Division:**

Current Planning: Recommends **APPROVAL** of rezoning property from A-2 (Apartment) to C-1 (Commercial). The proposed rezoning is compatible to surrounding C-1 district to the west and the projected land use map designates the property for residential land use. The C-1 district is a neighborhood commercial district and the subject property also abutting a neighborhood commercial node.

Land Development:

- ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.\*
- Grading plan and permit required.\*
- Storm Water Pollution Prevention plan and/or permit required.\*
- Drainage plans must be approved by the Development Services, Engineering Section.\*

- Additional Comments: Site location is **not** located within a Special Flood Hazard Area, Flood Zone **X**, Panel **480212 0175 B**, Effective Date: Sep. 4, 1991.

**\* This requirement will be applied at the time of development.**

**Engineering Department - Traffic Division:**

No objection to proposed zoning change.

- **Note:** No median cuts shall be allowed.

**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:**

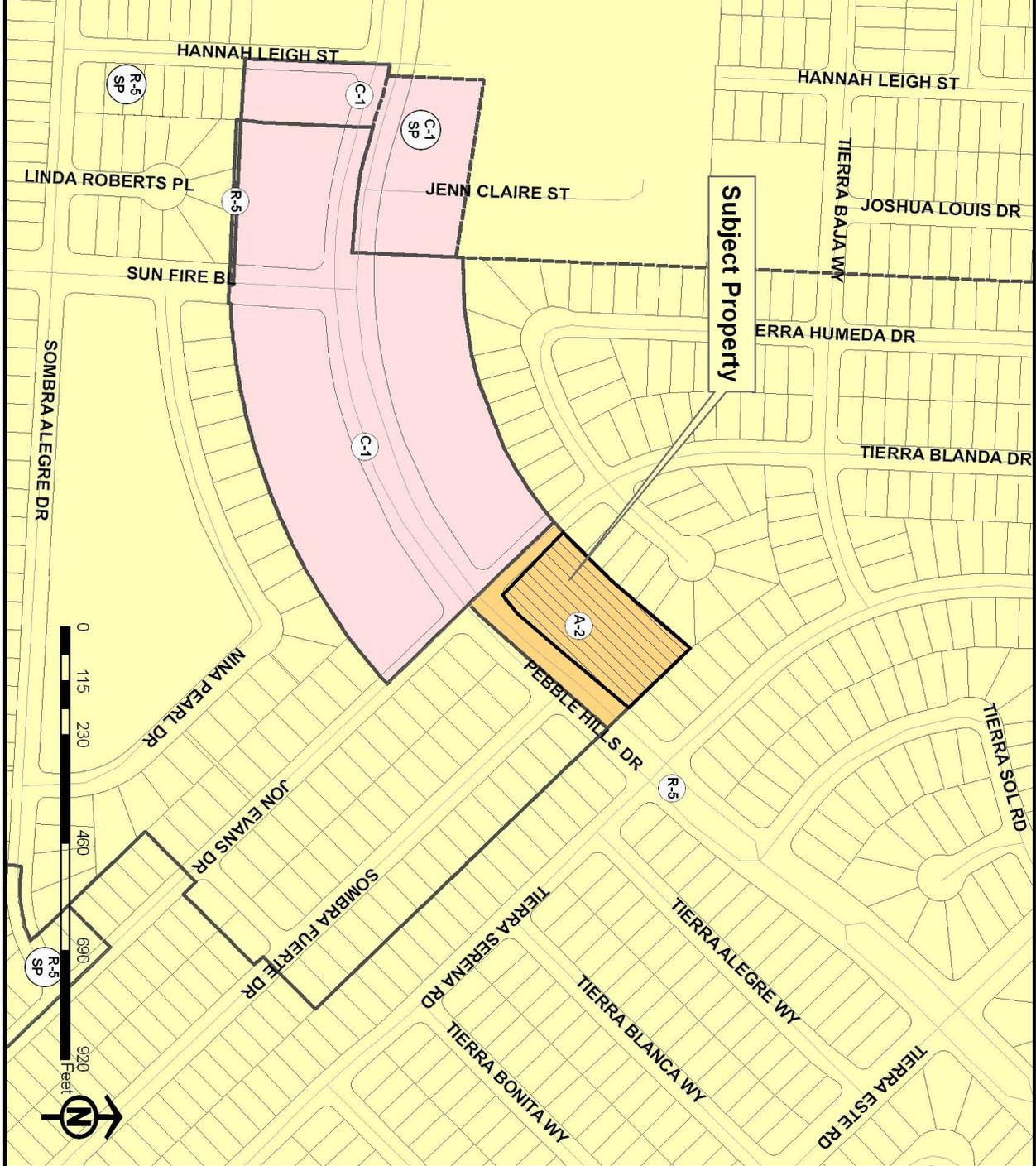
Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan

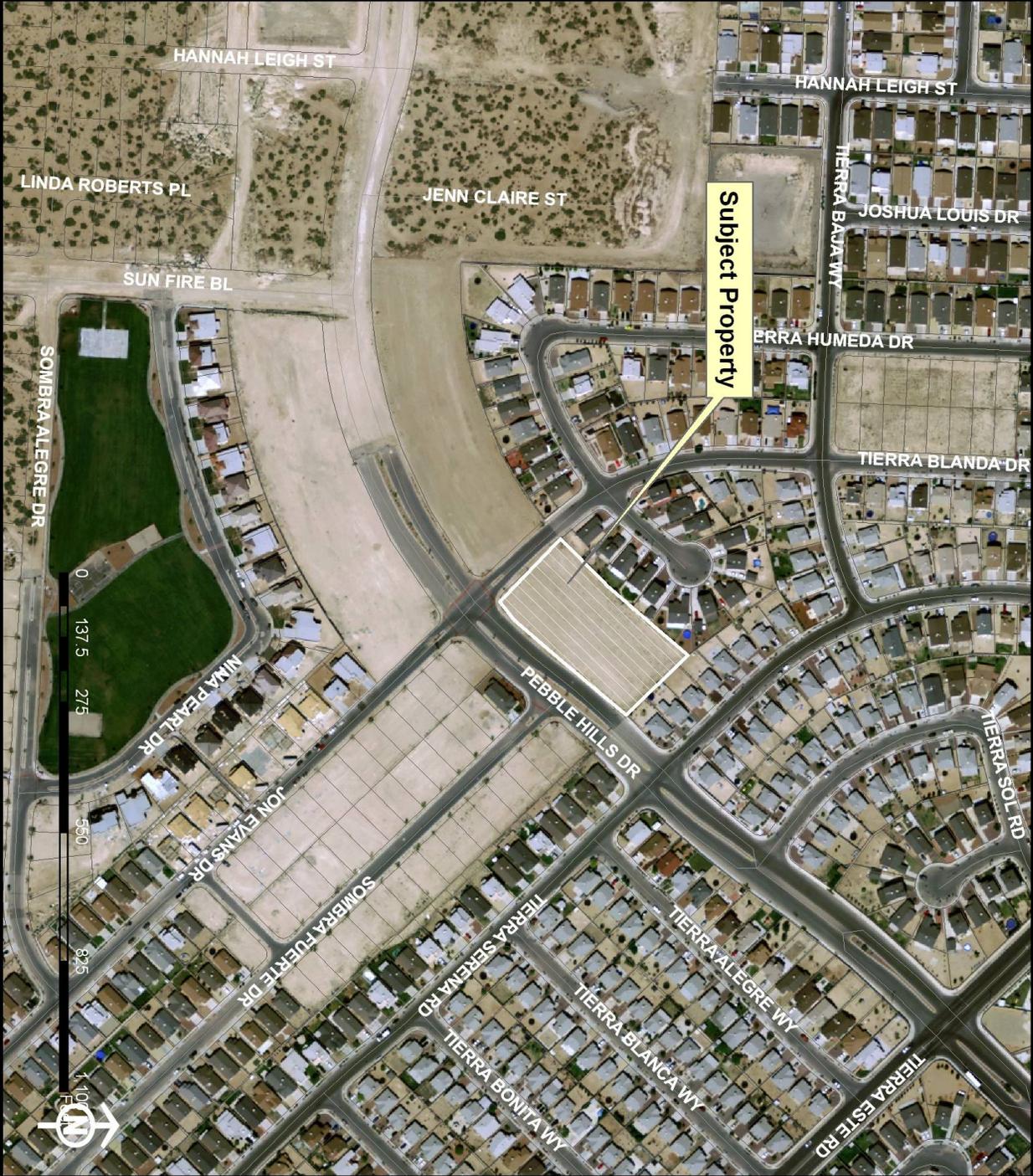
ATTACHMENT 1: ZONING MAP

ZON08-00099



ATTACHMENT 2: AERIAL MAP

ZON08-00099



**ATTACHMENT 3: CONCEPTUAL SITE PLAN**

