

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 6

SUBJECT:

An ordinance changing the zoning of a portion of Lot 1, Gateway Estates, El Paso County, Texas, as filed and recorded in volume 41, page 13b, Plat records of El Paso County, Texas and a portion of the rights-of-way of Windermere Avenue, Brandywine Road, and Joe Battle Boulevard from R-F (Ranch and Farm) to C-3 (Commercial), and imposing conditions. The penalty is as provided for in chapter 20.24 of the El Paso City Code. Subject Property: East of Joe Battle Boulevard and South of Windermere Avenue. Applicant: River Oaks Properties, Ltd. PZRZ11-00034 (ETJ/Adjacent to District 6)

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

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 1, GATEWAY ESTATES, EL PASO COUNTY, TEXAS, AS FILED AND RECORDED IN VOLUME 41, PAGE 13B, PLAT RECORDS OF EL PASO COUNTY, TEXAS AND A PORTION OF THE RIGHTS-OF-WAY OF WINDERMERE AVENUE, BRANDYWINE ROAD, AND JOE BATTLE BOULEVARD FROM R-F (RANCH AND FARM) TO C-3 (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 Lot 1, Gateway Estates, El Paso County, Texas, as filed and recorded in volume 41, page 13b, Plat records of El Paso County, Texas and a portion of the rights-of-way of Windermere Avenue, Brandywine Road, and Joe Battle Boulevard 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-3 (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.)

87802/11-1007-031.023 v1 - Planning/PZRZ11-00034/ORD/Rezoning

Document Author: LCUE

ORDINANCE NO. _____

Zoning Case No: **PZRZ11-00034**

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

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

Property Description: Portion of Lot 1, Gateway Estates, El Paso County, Texas, as filed and recorded in volume 41, page 13b, Plat records of El Paso County, Texas and a portion of the rights-of-way of Windermere Avenue, Brandywine Road and Joe Battle Boulevard.

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a portion of Lot 1, Gateway Estates, El Paso County, Texas, as filed and recorded in volume 41, page 13b, Plat records of El Paso County, Texas and also being a portion of the right-of-ways of Windermere Avenue, Brandywine Road and Joe Battle Boulevard (Highway Loop 375), and is more particularly described by metes and bounds as follows:

Commencing at a found TX Department of Transportation disc in concrete lying on the centerline of Joe Battle Boulevard (Highway Loop 375, a 300 foot right-of-way, stamped Sta. 205+00); Thence, North 00° 40' 06" West, along said centerline, a distance of 1345.51 feet to a point lying at the center line intersection of Joe Battle Boulevard and Brandywine Road (60' right-of-way), said point being THE TRUE POINT OF BEGINNING of this description;

THENCE, North 00° 40' 06" West, continuing along said center line of Joe Battle Boulevard, a distance of 379.65 feet to a point lying at the intersection of the centerline of Joe Battle Boulevard and the northerly right-of-way line of Windermere Avenue (60' right-of-way);

THENCE, North 89° 58' 32" East, along said northerly right-of-way line of Windermere Avenue, a distance of 916.72 feet to a point;

THENCE, South 00° 01' 28" East, a distance of 394.22 feet to a point lying on the center line of Brandywine Road, at 30.00 feet and at 302.86 feet passing a found 1/2-inch iron with plastic cap stamped "TX 2564";

THENCE, along said center line, the following courses:

North 73° 05' 32" West, a distance of 28.72 feet to a point;

107.44 feet along the arc of a curve to the left, having a radius of 350.00 feet, a central angle of 17°35' 16" and a chord which bears North 81° 53' 11" West, a distance of 105.95 to a point;

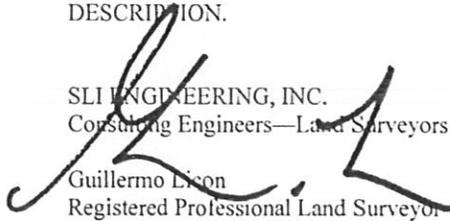
South 89° 19' 11" West, a distance of 779.09 feet to THE TRUE POINT OF BEGINNING of this description;

Said parcel of land contains 7.887 acres (343,576 sq. ft.) of land, more or less;

Contained within said parcel are 2.887 acres (125,760 sq.ft.) of land for said rights-of-way of Windermere Avenue, Brandywine Road and Joe Battle Boulevard, leaving a net of 5.000 acres (217,816 sq. ft.) of land more or less for the portion of Lot 1, Gateway West.

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



December 9, 2005, revised January 13, 2011
Job Number 09-05-2385
M&B\1688

MEMORANDUM

DATE: January 9, 2012

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

FROM: Andrew Salloum, Planner

SUBJECT: PZRZ11-00034

The City Plan Commission (CPC), on December 15, 2011, voted 5-0 to recommend **approval** of rezoning the subject property from R-F (Ranch and Farm) to C-3 (Commercial) with 2 conditions. The zoning complies with the conditions of the annexation agreement.

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: PZRZ11-00034
Application Type: Rezoning
CPC Hearing Date: December 15, 2011
Staff Planner: Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

Location: East of Joe Battle Boulevard and South of Windermere Avenue
Legal Description: A portion of Lot 1, Gateway Estates, El Paso County, Texas, as filed and recorded in volume 41, page 13b, Plat records of El Paso County, Texas and a portion of the rights-of-way of Windermere Avenue, Brandywine Road, and Joe Battle Boulevard
Acreage: 5 acres
Rep District: ETJ/Adjacent to District 6
Zoning: R-F (Annexation in Process: Case No. AN08-004)
Existing Use: Vacant/Ponding area
Request: From R-F (Ranch and Farm) to C-3(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-4/c (Commercial/condition) / Automobile Sale and Loop 375
South: ETJ/ Vacant
East: ETJ/ Vacant
West: C-3 (Commercial) / Shopping Center

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

NEAREST PARK: Montwood Heights Park (3,667 feet)

NEAREST SCHOOL: Helen Ball Elementary (4,721 feet)

NEIGHBORHOOD ASSOCIATIONS

No neighborhood associations are present in the area.

NEIGHBORHOOD INPUT

Notice of a Public Hearing 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.

APPLICATION DESCRIPTION

The applicant is requesting to rezone the subject property from R-F (Ranch and Farm) to C-3 (Commercial) to allow for commercial uses. This rezoning application is related to annexation AN08-004. Annexed properties are automatically zoned R-F (Ranch and Farm). Access to the subject property is proposed from Joe Battle Boulevard and Windermere 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-3 (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 and uses to the north and west 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-3 (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.

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

The Department of Transportation does not object to the proposed rezoning request. The following comments are provided:

1. Brandywine Road shall be improved to the center of the right-of-way along the entire length of this property in accordance with Section Two, Paragraph Six of the Annexation agreement for the property. All improvements shall meet the Design Standards for Construction.
2. Sidewalks shall be provided on Joe Battle Blvd. and Windermere Ave.
3. Access to Joe Battle Boulevard shall be coordinated with TXDOT.

Note:

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

No objections.

El Paso Water Utilities

We have reviewed the rezoning referenced above and provide the following comments:

1. The subject property is located within the City of El Paso Eastside Impact Fee Service Area. Impact fees will be assessed at the platting stage and collected by the El Paso Water Utilities at the time when water and sewer service is made available and EPWU receives an application for water and/or sewer services.

EPWU-PSB Comments

Water and Sewer:

2. EPWU-PSB supports the City of El Paso and its annexation methodology. Water can be made available by extending a 12-inch diameter water main along the entire frontage of Windermere Avenue from an existing 16-inch diameter water main located along Sun Fire Boulevard and to loop it with an existing 8-inch diameter water main within the El Paseo Market Place Subdivision.

3. Sewer service requires the extension of a sewer main along Windermere Avenue from the western property line to a 42-inch diameter sanitary sewer interceptor located along Cherrington Street (3,800 feet approximately). The Owner/Developer 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.

General:

4. EPWU-PSB requires a new service application to initialize the design of the water and sanitary sewer main extensions 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.

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:

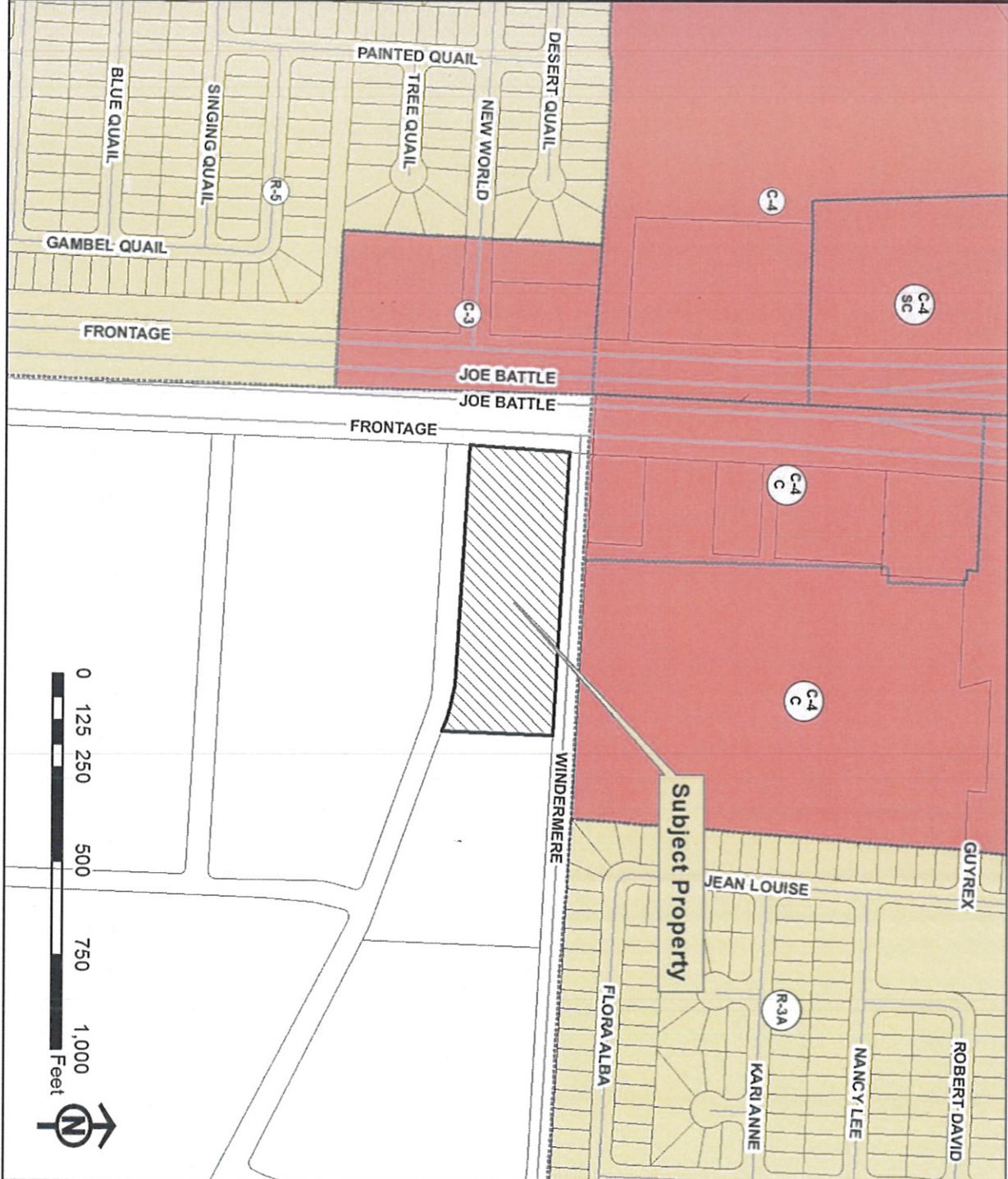
Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan

ATTACHMENT 1: ZONING MAP

PZRZ11-00034



ATTACHMENT 2: AERIAL MAP

PZRZ11-00034



