

**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:** 1

**SUBJECT:**

An ordinance changing the zoning of a portion of Nellie D. Mundy Survey 241, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-3 (Commercial). The penalty is as provided for in chapter 20.24 of the El Paso City Code. Subject Property: 6380 Berringer Street. Applicant: TGK Artcraft, LLC. PZRZ11-00046 (District 1)

**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 NELLIE D. MUNDY SURVEY 241, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (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 Nellie D. Mundy Survey 241, 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 **R-3 (RESIDENTIAL)** 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.

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

**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  
Planning and Economic Development  
Department

**Barragan & Associates Inc.**

Land Planning &amp; Land Surveying

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

**METES AND BOUNDS DESCRIPTION**

**Description** of a 3.018 acre tract out of a property described in document no. 20080081447, Real Property Records of El Paso County, Texas, being a portion of Nelly D. Mundy Survey 241, 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 2" pipe for the common Westerly corner of Nellie D. Mundy Surveys 240 and 241, City of El Paso, El Paso County, Texas; **THENCE**, S 89°59'19" E, along the common line of said Surveys 240 and 241, a distance of 3,380.08 feet to a found 1/2" rebar with cap on the Westerly right-of-way line of Interstate Highway No. 10; **THENCE**, along said Westerly right-of-way line of Interstate Highway No. 10 the following four courses and distances: S 00°04'30" W, a distance of 613.19 feet; S 01°40'20" W, a distance of 499.52 feet; S 00°12'59" W, a distance of 1,063.90 feet; and S 00°23'42" W, a distance of 210.73 feet to a found 1/2" rebar with cap stamped "TX 2027" for the common Easterly corner of Lot 9, Block 1, Sunset Terrace Unit One Amending Plat, an addition to the city of EL Paso, El Paso County Texas, and said Tract 59A1A, of said Nellie Mundy Survey 241; **THENCE**, N 81° 01' 08" W, continuing along common line of Tract 59A1A and Sunset Terrace Unit One Amending Plat, a distance of 303.40 feet to a set 1/2" rebar; **THENCE**, N 00° 23' 42" E, continuing along said common line of Tract 59A1A and Sunset Terrace Unit One Amending Plat, a distance of 13.76 feet to a point; **THENCE**, N 80° 36' 28" E, along said common line of Tract 59A1A and Sunset Terrace Unit One Amending Plat, a distance of 121.49 feet to a point; **THENCE**, N 62° 35' 45" W, along said common line of Tract 59A1A and Sunset Terrace Unit One Amending Plat, a distance of 74.12 feet to a set 1/2" rebar marking the northeasterly corner for said document no. 20080081447; **THENCE**, S 11° 48' 29" E, a distance of 165.53 feet to a set 1/2" rebar with cap stamped "B&A" also being the **POINT OF BEGINNING** of this description:

**THENCE**, S 11° 48' 29" E, a distance of 578.79 feet to a set 1/2" rebar with cap stamped "B&A" on the common line of said TxDOT Drainage right-of-way line and Lot 3, Artcraft Commercial Unit One;

**THENCE**, S 52°23'59" W, continuing along said common line, a distance of 17.45 feet to a set 1/2" rebar with cap stamped "B&A";

**THENCE**, N 11° 48' 25" W, along the common line of said TxDOT Drainage right-of-way and Lot 3, Artcraft Unit Two, a distance of 10.58 feet to a set 1/2" rebar cap stamped "B&A";

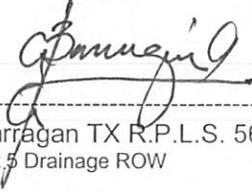
**THENCE**, N 37°35'45" W, continuing along said common, a distance of 907.20 feet to a set 1/2" rebar with cap;

**THENCE**, N 62°35'45" W, along the common line of said TxDOT Drainage right-of-way and Lot 7, Artcraft Unit Two, a distance of 187.20 feet to a set 1/2" rebar with cap on the most Easterly common corner for the TxDOT Drainage right-of-way as described in deed recorded in volume 731, page 515 and in document no. 20080081447, Real Property Records of El Paso County, Texas and a 20' EPWU Easement as described in deed recorded in volume 2628, page 1696, Real Property Records of El Paso County, Texas;

**THENCE**, S 68°54'06" E, a distance of 661.68 feet to the **POINT OF BEGINNING** of this parcel, and containing in all 3.018 acres of land more or less.

NOTES:

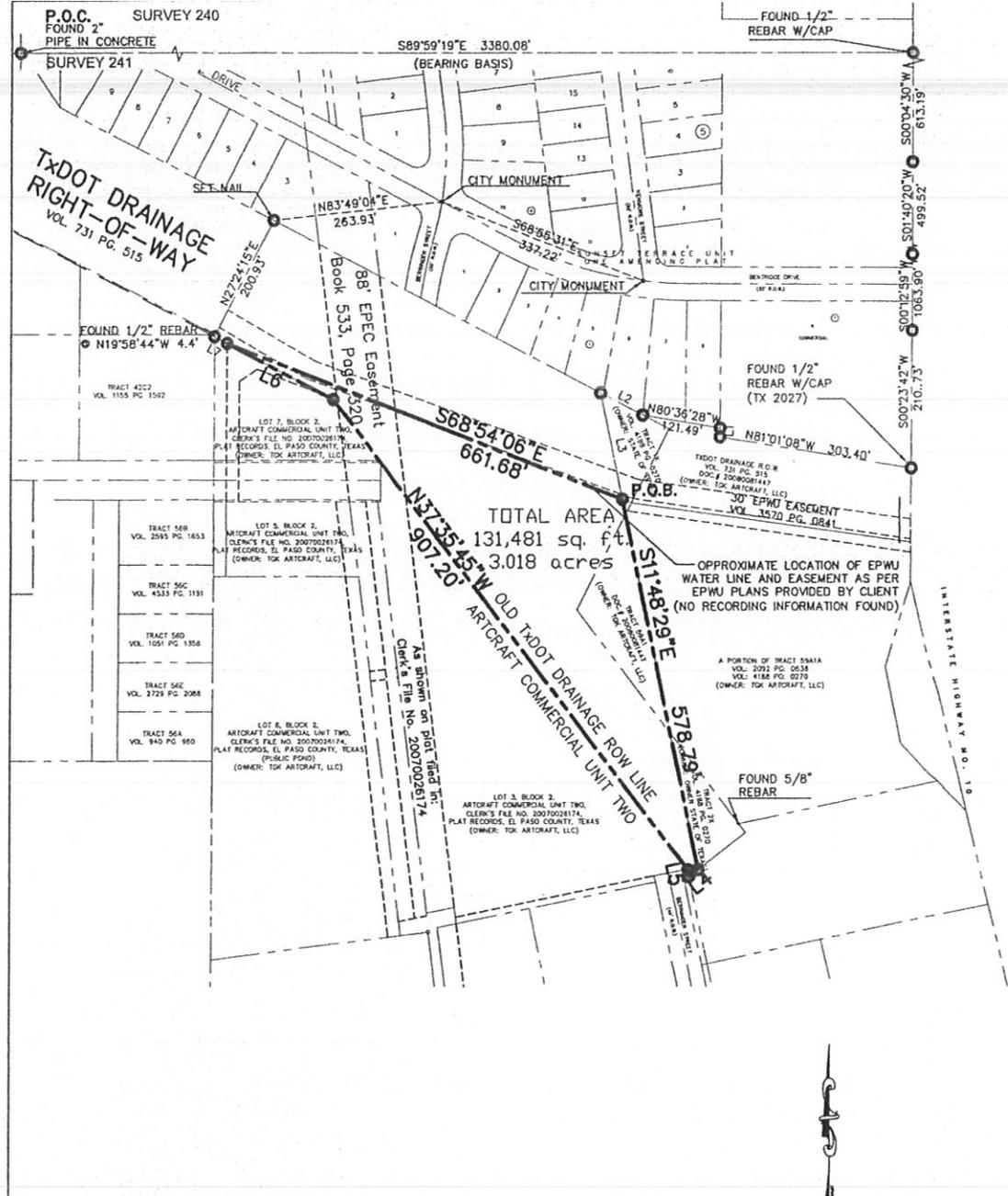
1. A Plat of Survey of even date accompanies this Description.
2. This property may be subject to easements whether of record or not.
3. Bearings recited herein are based on the deed filed in document no. 20070072034.
4. This description does not intent to be a subdivision process which may be required by City of El Paso ordinance. The client/owner has been advised of this, and it is their responsibility to verify if this process is required.



-----  
Benito Barragan TX R.P.L.S. 5615, November 5, 2010  
Artcraft Unit 5 Drainage ROW



Sheet 2 of 2



**GENERAL NOTES**

1. BEARINGS SHOWN ARE BASED ON THE DEED FILED IN DOC# 20070072034, REAL PROPERTY RECORDS OF EL PASO COUNTY TEXAS.
2. SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN ZONES "C", "B", "A2", "A" AND "X", PER F.L.R.M. PANEL NUMBERS 0016 C AND 0125 B, LAST REVISION DATES 02-05-86 AND 09-04-91. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.
3. THIS PLAT DOES NOT INTEND TO BE A SUBDIVISION PROCESS WHICH MAY BE REQUIRED BY CITY OF EL PASO ORDINANCE, AND IT IS THE CLIENT'S/OWNER'S RESPONSIBILITY TO COMPLY WITH THIS ORDINANCE IF REQUIRED.
4. SET 1/2" REBAR AT ALL EXTERIOR CORNERS UNLESS NOTED OTHERWISE.
5. A WRITTEN DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°23'42"E	13.76'
L2	N62°35'45"W	74.12'
L3	S11°48'29"E	165.53'
L4	S52°23'59"W	17.45'
L5	N11°48'25"W	10.58'
L6	N62°35'45"W	187.32'
L7	S62°35'45"E	22.53'

N:\241\ARTCRAFT COMMERCIAL\JOB\ARTCRAFT-US-SURVEY BRADSHAW Edwg 11/3/2008 8:40:46 PM HD

**Barragan & Associates Inc.**  
 LAND PLANNING & SURVEYING  
 10950 Pellicano Dr. Building-F,  
 El Paso, Tx 79935  
 Phone (915) 591-5709 Fax (915) 591-5706

**Plat of Survey**

A PORTION OF  
 NELLIE D. MUNDY SURVEY 241,  
 CITY OF EL PASO,  
 EL PASO COUNTY, TEXAS  
 AREA 3.018 ACRES ±



Plat Reference Vol/Bk N/A Pages N/A  
 Scale: 1"=200' Date: 11/05/10 Drawn By: BM

*Benito Barragan*  
 Benito Barragan TX R.P.L.S. No. 5615  
 Job No. 101012-23 Copy Rights ©

MEMORANDUM

**DATE:** January 9, 2012

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

**FROM:** Andrew Salloum, Planner

**SUBJECT:** PZRZ11-00046

---

The City Plan Commission (CPC), on December 15, 2011, voted 5-0 to recommend **approval** of rezoning the subject property from R-3 (Residential) to C-3 (Commercial).

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:** PZRZ11-00046  
**Application Type:** Rezoning  
**CPC Hearing Date:** December 15, 2011  
**Staff Planner:** Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

**Location:** 6380 Berringer Street  
**Legal Description:** A portion of Nellie D. Mundy Survey 241, City of El Paso, El Paso County, Texas  
**Acreage:** 3.018 acres  
**Rep District:** 1  
**Zoning:** R-3 (Residential)  
**Existing Use:** Vacant  
**Request:** From R-3 (Residential) to C-3 (Commercial)  
**Proposed Use:** Commercial Development

**Property Owner** TGK Artcraft, LLC  
**Applicant** Tropicana Development, Inc.  
**Representative** CEA Group

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

**North:** R-3A/sc (Residential/special contract) / Single-family residential  
**South:** C-4/spc (Commercial/special protective conditions) / Vacant  
**East:** C-4/sc (Commercial/special contract) / Vacant  
**West:** C-4/spc (Commercial/special protective conditions) / Vacant

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

**NEAREST PARK:** Proposed Park (0 foot)

**NEAREST SCHOOL:** Jose H. Damian Elementary (6,682 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Upper Valley Neighborhood Association  
Save the Valley  
Coronado Neighborhood Association  
Upper Area Hills Neighborhood Association  
Upper Valley Improvement Association  
Borderland Community Improvement Neighborhood Association

### **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.

### **CASE HISTORY**

On December 8, 1987, City Council approved an annexation agreement which incorporated subject property into the city with a base zone of R-3 (Residential).

### **APPLICATION DESCRIPTION**

The applicant is requesting to rezone the subject property from R-3 (Residential) to C-3 (Commercial) to allow for commercial development. Access to the subject property is proposed from Berringer Street and Borderland Road.

## **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of rezoning the subject property from R-3 (Residential) to C-3 (Commercial). The C-3 (Commercial) is compatible with the surrounding commercial zoned area to the South, East, and West of the subject property. The area has transitioned to commercial zone and uses.

### **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-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 objections.

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

No objections.

### **Department of Transportation**

Department of Transportation has the no objections to the proposed rezoning:

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**

Fire has no objection on this project.

### **Sun Metro**

Sun Metro does not oppose this request.

### **El Paso Water Utilities**

We have reviewed the subdivision described above and provide the following comments:

1. EPWU does not object to this request.
2. The portion of the property north of Borderland Road is located within the *Westside Impact Service Fee Area*.

Impact fees will be assessed by the City of El Paso at the time of platting and collected by EPWU prior to the issuance of a Building Permit.

EPWU-PSB Comments

General:

3. There is an existing 24-inch diameter water transmission main along the 30-foot wide PSB easement located north of the subject property. This main continues west, transecting the previous TXDOT Drainage ROW, and then south along a 20-foot wide PSB easement located on the western side of the subject

property. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

4. The subject property will be located within an intermediate pressure zone. Pressure reducing and pressure relief valves will be located within the water distribution system. The pressure reducing valve will be located at Arcraft Road at Berringer Street. The pressure relief valve will be located on at Borderland Road and Domingo Road. Private water pressure regulating devices will be required at the discharge side of each meter within the intermediate pressure zone. The Developer shall include in the sale of contract documents that the lot buyer shall acquire ownership of the above-described water pressure regulating devices. The lot/home buyer shall be responsible for the operation and maintenance of the above-described water pressure regulating devices.

5. There are existing water and sewer mains along Berringer Street and they are available for service.

6. The Owner/Developer shall minimize changes in grade above or near the vicinity of the existing PSB facilities to ascertain that the proposed grading will meet EPWU standards for pipeline cover and will not adversely affect the existing mains. During the improvement work, the Owner/Developer shall safeguard the existing water and sewer mains and appurtenant structures.

7. EPWU-PSB requires a new service application to provide service to 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 Rules and Regulations. The owner is responsible for the costs of any necessary on-site/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.

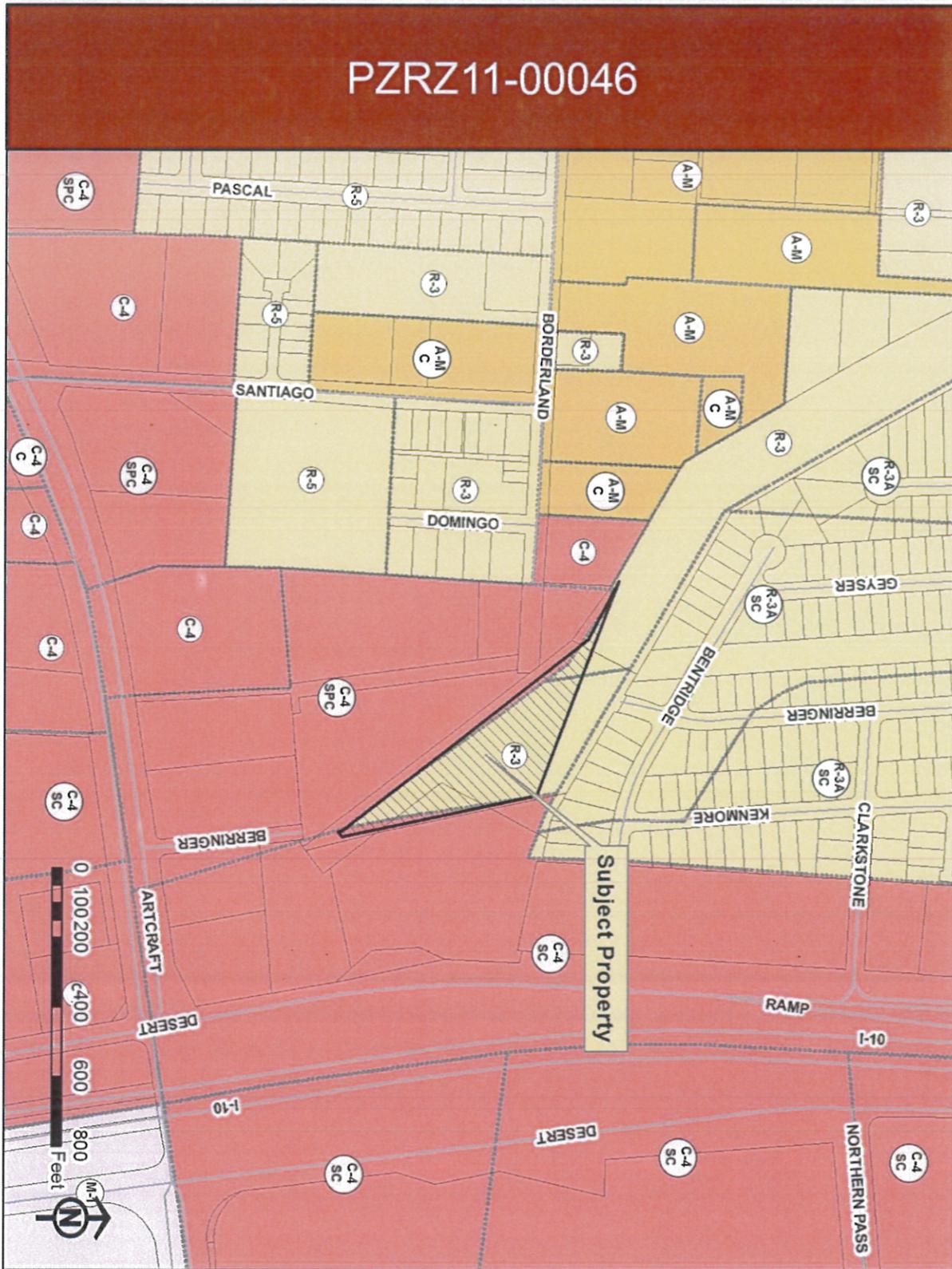
#### **Attachments:**

Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

PZRZ11-00046



