

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

DEPARTMENT: Planning and Economic Development Department

AGENDA DATE: Introduction: January 10, 2012
Public Hearing: January 31, 2012

CONTACT PERSON/PHONE: Esther Guerrero, (915) 541-4720

DISTRICT(S) AFFECTED: 1

SUBJECT:

An ordinance amending a condition placed on property by Ordinance No. 016588 which changed the zoning of a portion of H.G. Foster Survey 262, City of El Paso, El Paso County, Texas, and which imposed a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: East of the intersection of Franklin Dove Avenue Franklin Bluff Drive. Property Owner: Hunt Communities, GP, LLC. PZCR11-00004 (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) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (5-0)
Open Space Advisory Board (OSAB) – Approval Recommendation

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director-Planning and Economic Development

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING A CONDITION PLACED ON PROPERTY BY ORDINANCE NO. 016588 WHICH CHANGED THE ZONING OF A PORTION OF H.G. FOSTER SURVEY 262, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as a portion of H.G. Foster Survey 262, City of El Paso, El Paso County, Texas, was changed by Ordinance No. 016588, approved by City Council on March 20, 2007; and,

WHEREAS, the rezoning was subject to the following zoning condition:

*That a walking trail be provided varying in width from 10 to 15 feet as shown on the conceptual plan submitted with the application for rezoning;
and*

WHEREAS, placement of such condition was necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

WHEREAS, the owner (applicant) submitted an application requesting the amendment to the conceptual plan to relocate a portion of the walking trail; and,

WHEREAS, a public hearing regarding the amendment to the conceptual plan was held before the City Plan Commission, and the Commission recommended approval of the amendment; and,

WHEREAS, the City Council of the City of El Paso has determined that the amendment of the conceptual plan will still protect the best interest, health, safety and welfare of the public in general.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

1. That the conceptual plan submitted as part of the rezoning application for the property rezoned by Ordinance No. 016588 dated March 20, 2007 be amended on the portion of land identified in Exhibit "A".
2. Except as herein amended, Ordinance 016588 shall remain in full force and effect.

3. Except as herein amended, the conceptual plan shall remain the same and the walking trail shall be provided as reflected in the conceptual plan.

PASSED AND APPROVED THIS _____ day of _____, 2012.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

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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LOT	ACRES	SQ FT
Lot 1, Block 24	0.137	8628
Lot 2, Block 24	0.148	9456
Lot 3, Block 24	0.146	9376
Lot 4, Block 24	0.133	8575
Lot 5, Block 24	0.133	8575
Lot 6, Block 24	0.148	9456
Lot 7, Block 24	0.148	9456
Lot 8, Block 24	0.148	9456
Lot 9, Block 24	0.148	9456
Lot 10, Block 24	0.148	9456
Lot 11, Block 24	0.144	9273

LOT	ACRES	SQ FT
Lot 1, Block 25	0.182	11627
Lot 2, Block 25	0.183	11658
Lot 3, Block 25	0.183	11658
Lot 4, Block 25	0.183	11658
Lot 5, Block 25	0.183	11658
Lot 6, Block 25	0.183	11658
Lot 7, Block 25	0.183	11658
Lot 8, Block 25	0.183	11658
Lot 9, Block 25	0.183	11658
Lot 10, Block 25	0.183	11658
Lot 11, Block 25	0.183	11658
Lot 12, Block 25	0.183	11658
Lot 13, Block 25	0.183	11658
Lot 14, Block 25	0.183	11658
Lot 15, Block 25	0.183	11658
Lot 16, Block 25	0.183	11658
Lot 17, Block 25	0.183	11658
Lot 18, Block 25	0.183	11658
Lot 19, Block 25	0.183	11658
Lot 20, Block 25	0.183	11658
Lot 21, Block 25	0.183	11658
Lot 22, Block 25	0.183	11658
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Lot 26, Block 25	0.183	11658
Lot 27, Block 25	0.183	11658
Lot 28, Block 25	0.183	11658
Lot 29, Block 25	0.183	11658
Lot 30, Block 25	0.183	11658
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Lot 45, Block 25	0.183	11658
Lot 46, Block 25	0.183	11658
Lot 47, Block 25	0.183	11658
Lot 48, Block 25	0.183	11658
Lot 49, Block 25	0.183	11658
Lot 50, Block 25	0.183	11658

LOT	ACRES	SQ FT
Lot 1, Block 29	0.147	9414
Lot 2, Block 29	0.194	12454
Lot 3, Block 29	0.248	15648
Lot 4, Block 29	0.133	8575
Lot 5, Block 29	0.133	8575
Lot 6, Block 29	0.133	8575
Lot 7, Block 29	0.133	8575
Lot 8, Block 29	0.133	8575
Lot 9, Block 29	0.133	8575
Lot 10, Block 29	0.133	8575
Lot 11, Block 29	0.133	8575
Lot 12, Block 29	0.133	8575
Lot 13, Block 29	0.133	8575
Lot 14, Block 29	0.133	8575
Lot 15, Block 29	0.133	8575
Lot 16, Block 29	0.133	8575
Lot 17, Block 29	0.133	8575
Lot 18, Block 29	0	



Date: January 2, 2012
To: Honorable Mayor and City Council
Joyce Wilson, City Manager
From: Esther Guerrero, Planner
Subject: **PZCR11-00004 Zoning Condition Amendment**

The City Plan Commission (CPC) on December 15, 2011, voted **5-0** to recommend **approval** of this zoning condition amendment.

The applicant is requesting to amend the zoning condition imposed by Ordinance No. 016588 and contract dated March 20, 2007. The condition imposed on the property is as follows:

“That a walking trail be provided varying in width from 10 to 15 feet as shown on the conceptual plan submitted with the application for rezoning.”

The applicant is proposing to relocate the previously approved walking trail. The proposed walking trail will run approximately 15 ft. in width by 1,200 ft. in length along the southern boundary of the subdivision which proposes 81 single-family residential lots, park, and a detention pond, and is intended to provide future connectivity to Franklin Mountain State Park.

This recommendation is in agreement with the recommendation from staff and the Development Coordinating Committee (DCC).

The CPC found that the amendment of this zoning condition is in conformance with The Plan for El Paso. The CPC found that the proposed use is in conformance with the 2025 Projected General Land Use Map for the Northwest Planning Area. The CPC also determined that the zoning condition amendment protects the best interest, health, safety, and welfare of the public in general; and will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

Attachment: Staff Report

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Cortney Carlisle Niland

City Manager
Joyce A. Wilson





City of El Paso – City Plan Commission Staff Report

Case No: PZCR11-00004
Application Type: Zoning Condition Amendment
CPC Hearing Date: December 15, 2011
Staff Planner: Esther Guerrero, 915-541-4720, guerreroex@elpasotexas.gov

Location: East of the intersection of Franklin Dove Avenue and Franklin Bluff Drive
Legal Description: Portion of H.G. Foster Survey 262, City of El Paso, El Paso County, Texas
Acreage: 21.234 acres
Rep District: 1
Zoning: P-RI (Planned Residential I)
Existing Use: Vacant
Request: Amend zoning condition imposed by Ordinance No. 016588, dated March 20, 2007. (Request to modify the walking trail shown on the conceptual plan submitted with the application for rezoning and approved per Ordinance No. 016588)
Proposed Use: Single-family residential lots
Property Owner: Hunt Communities, GP, LLC
Representative: Quantum Engineering Consultants, Inc.

SURROUNDING ZONING AND LAND USE

North: R-3A (Residential) / vacant
South: R-3A (Residential) / vacant, school
East: PMD (Planned Mountain Development) / vacant
West: R-3A (Residential) / single-family, vacant

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

Nearest Park: Franklin Mountains State Park (817 feet)

Nearest School: Lundy Elementary (4,499 feet)

NEIGHBORHOOD ASSOCIATIONS

Save the Valley, Upper Mesa Hills Neighborhood Association, Coronado Neighborhood Association, Upper Valley Improvement Association

NEIGHBORHOOD INPUT

Notices of the December 15, 2011 City Plan Commission public hearing were mailed to all property owners within 300 feet of the subject property on November 29, 2011.

APPLICATION DESCRIPTION

The applicant is requesting to amend the zoning condition imposed by Ordinance No. 016588 and contract dated March 20, 2007, (see Attachment 6). The condition imposed on the property is as follows:

“That a walking trail be provided varying in width from 10 to 15 feet as shown on the conceptual plan submitted with the application for rezoning.”

The applicant is proposing to relocate the previously approved walking trail (see Attachment 4). The proposed walking trail will run approximately 15 ft. in width by 1,200 ft. in length along the southern

boundary of the subdivision which proposes 81 single-family residential lots, park, and a detention pond (see Attachment 3), and is intended to provide future connectivity to Franklin Mountain State Park.

PLANNING AND ECONOMIC DEVELOPMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the zoning condition amendment.

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

All applications for zoning condition release shall demonstrate compliance with the following criteria:

- a. Goal: develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.
- b. Goal: provided a wide range of housing types that respond to the needs of all economic segments of the community.
- c. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- d. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the City's neighborhoods.

The purpose of the P-RI (Planned Residential I) district is to encourage planned developments as a means of creating a superior living environment through unified planning and building operations at lower residential densities. The regulations of the district are designed to encourage variety in housing needed to meet changing housing demands and to provide adequate community facilities well-located with respect to needs; to protect the natural beauty of the landscape; to encourage preservation and more efficient use of open space; and to offer an opportunity for design flexibility and encourage innovations which may result in improved relationships between uses of different types and between land uses and transportation facilities.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for zoning condition amendment and offered no objections to Planning Staff's recommendation for approval.

Department of Transportation

Department of Transportation does not object to the request to amend zoning condition. However, Transportation has the following concern:

1. Previous walking trail provided enhanced connectivity in that the trail was longer than the proposed walking trail.

Note:

1. All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

Should your office or the applicant have any questions or comments regarding these issues, please contact Sandra Hernandez at 541-4152.

Engineering – Construction Management Division-Plan Review

Plan Review

Recommend approval.

Land Development

All develop storm water runoff shall be retained within the site and not allowed to drain into the Arroyo.

Fire Department

Recommend approval.

El Paso Water Utilities

1. EPWU does not object to this request.

EPWU-PSB Comments

Water:

2. There are existing 8-inch diameter water mains along the portions of Franklin Bluff Drive and Franklin Dove Avenue within Franklin Hills Unit Seven. These water mains are part of a system that operates on the Coronado Country Club #3 (CCC3) pressure zone. This pressure system can provide a maximum of 55 pounds per square inch of pressure up to an approximate elevation of 4550 feet (PSB datum).

3. On-site water main extensions from the above referenced 8-inch mains are required along the streets within the proposed development.

Sanitary Sewer:

4. There are existing 8-inch diameter sanitary sewer mains along the portions of Franklin Bluff Drive and Franklin Dove Avenue within Franklin Hills Unit Seven.

5. On-site sanitary sewer main extensions from the above referenced 8-inch mains are required along the streets within the proposed subdivision.

General:

6. On January 2009, EPWU designed water distribution and sanitary sewer collection systems to serve the subject property. A design fee invoice and a blank Development Agreement were forwarded to the Owner on January 12, 2009. No water or sanitary sewer lines were installed to serve the proposed Franklin Hills Unit 8. EPWU requests the Owner to submit a new application for water and sanitary sewer service along with a new set of city-approved improvement plans. Design fees are due from the Owner.

7. EPWU requires a new service application to initialize design of the on-site water and sanitary sewer main extensions to serve the subject property. New service applications are available at 1154 Hawkins, 3rd 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.

OSAB RECOMMENDATION

On December 7, 2011, the Open Space Advisory Board unanimously recommended approval of this zoning condition amendment request.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the zoning condition release:

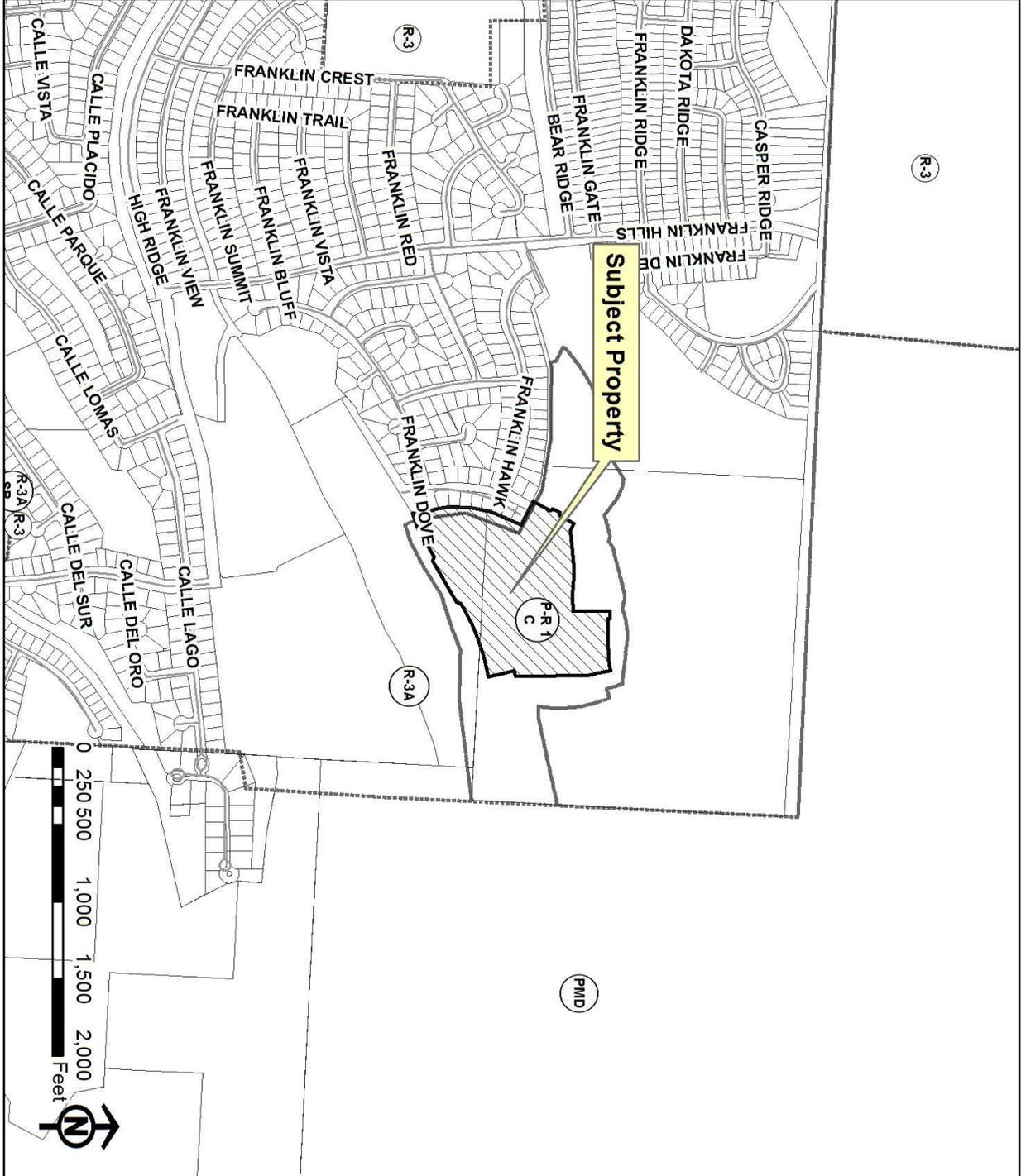
1. Recommend approval of the application finding that the zoning condition amendment is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the zoning condition amendment 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 zoning condition amendment 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

1. Zoning Map
2. Aerial Map
3. Revised Conceptual Walking Trail Site Plan
4. Conceptual Site Plan approved per Ordinance No. 016588
5. Ordinance No. 016588

ATTACHMENT 1: ZONING MAP

PZCR11-00004



ATTACHMENT 2: AERIAL MAP

PZCR11-00004

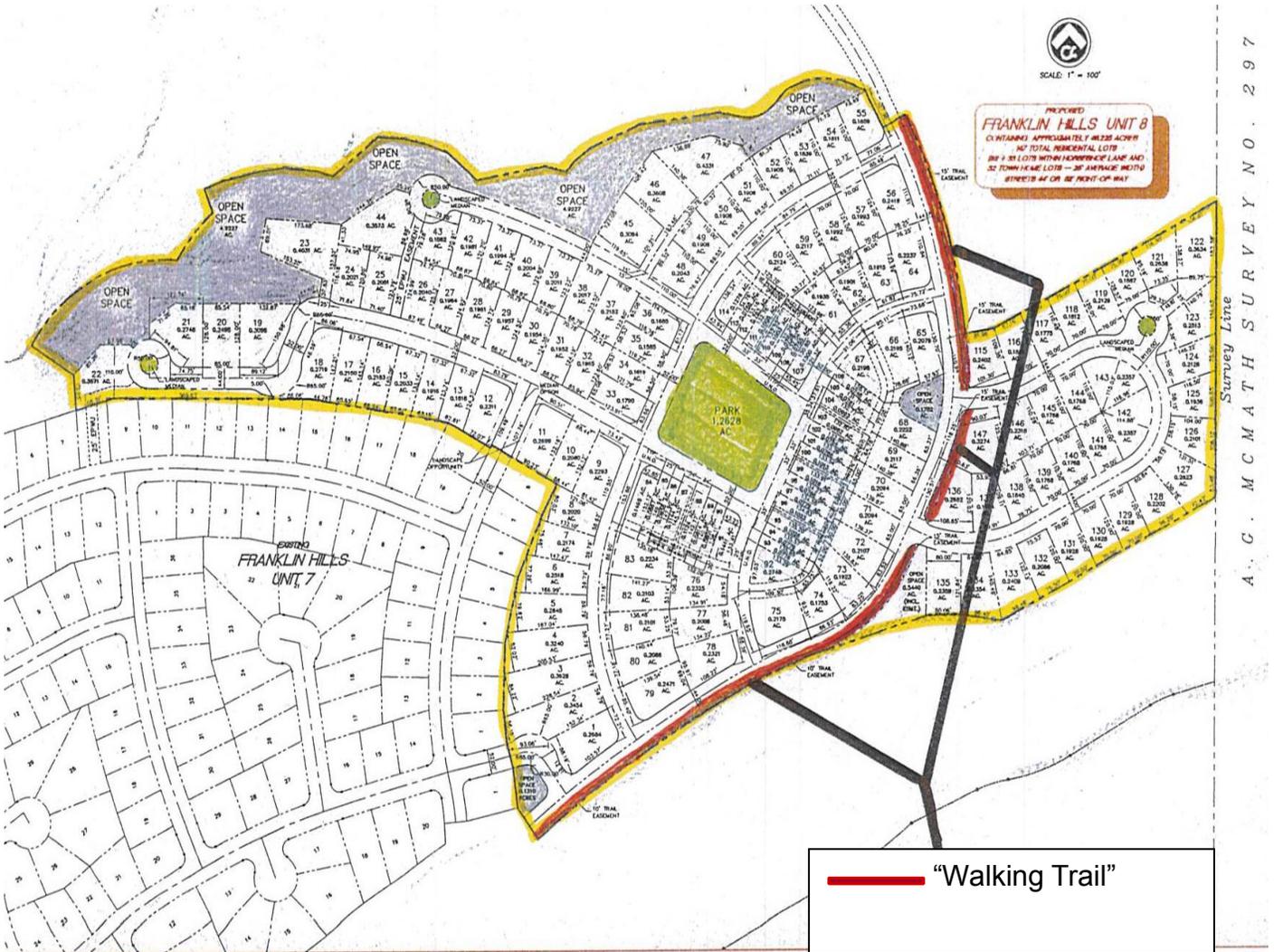


ATTACHMENT 3: REVISED CONCEPTUAL WALKING TRAIL SITE PLAN



Proposed "Walking Trail"

ATTACHMENT 4: CONCEPTUAL SITE PLAN APPROVED PER ORDINANCE NO. 016588



ATTACHMENT 5: ORDINANCE NO. 016588

ORDINANCE NO. 016588

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF H.G. FOSTER SURVEY NO. 262, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3A (RESIDENTIAL) TO P-R I (PLANNED RESIDENTIAL I), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

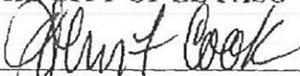
NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of a portion of H.G. Foster Survey No. 262, 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-3A (Residential) to P-R I/c (Planned Residential I/condition), 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: "That a walking trail be provided varying in width from 10 to 15 feet as shown on the conceptual plan submitted with the application for rezoning."

PASSED AND APPROVED this 20th day of March, 2007.

THE CITY OF EL PASO


John F. Cook
Mayor

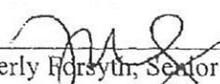
ATTEST:


Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:


Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:


For: Kimberly Forsyth, Senior Planner
Development Services Department

07 FEB 19 PM 3:02

Doc#28359 v1 - Planning/ORD/ZON06-00157/Rezoning Application/Imposing Condition/LCUE

ORDINANCE NO. 016588

Zoning Case No: ZON06-00157