

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: February 2, 2010
Public Hearing: February 23, 2010

CONTACT PERSON/PHONE: Michelle Padilla, (915) 541-4903, padillamx@elpasotexas.gov

DISTRICT(S) AFFECTED: 5

SUBJECT:

An Ordinance changing the zoning of a portion of Tract 4B, Section 38, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from A-2 (Apartment) to C-1/c (Commercial/condition), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property Owner: Ranchos Real IV, LTD, ZON09-00041 (**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) – Unanimous Denial Recommendation
City Plan Commission (CPC) – Approval Recommendation (5-1)

*****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: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 4B, SECTION 38, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM A-2 (APARTMENT) TO C-1/C (COMMERCIAL/CONDITION), AND IMPOSING A CONDITION. 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 4B, Section 38, Block 79, Township 2, Texas and Pacific Railway Company 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/c (Commercial/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:

Prior to issuance of building permit, a detailed site development plan review will be done in accordance with the El Paso City Code.

PASSED AND APPROVED this _____ day of _____ 2010

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew McElroy Deputy Director
Development Services Department -
Planning Division

EXHIBIT "A"

Being a portion of Tract 4B,
Section 38, Block 79, Township 2,
Texas and Pacific Railway Company Surveys,
City of El Paso, El Paso County, Texas
Prepared For: Southwest Land Development Services Inc.
July 27, 2009
(Parcel 1 A-2 to C-1)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 4B, Section 38, Block 79, Township 2, Texas and Pacific Railway 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 an existing city monument at the centerline intersection of Edgemere Blvd. and Tim Foster St., Thence North $16^{\circ}01'31''$ West a distance of 57.23 feet to a point on the northerly right of way line of Edgemere Blvd. for The "TRUE POINT OF BEGINNING"

Thence along said right of way line North $89^{\circ}59'39''$ West a distance of 547.60 feet to a point of curve;

Thence 264.47 feet along the arc of a curve to the right which has a radius of 795.00 feet a central angle of $19^{\circ}03'37''$ a chord which bears North $80^{\circ}27'51''$ West a distance of 263.25 feet to a point;

Thence leaving said right of way line North $42^{\circ}31'34''$ East a distance of 619.25 feet to a point on the line between sections 35 and 38, Block 79, Township 2, Texas and Pacific Railway Company Surveys;

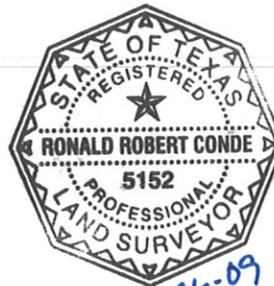
Thence along said line North $89^{\circ}59'07''$ East a distance of 383.54 feet to a point;

Thence leaving said line South $00^{\circ}35'06''$ East a distance of 500.16 feet to "TRUE POINT OF BEGINNING" and containing 6.958 acres of land more or less.

Not a ground survey, bearings basis is True north for a Transverse Mercator surface projection as determined by GPS methods centered near this site.



Ron R. Conde
R.P.L.S. No. 5152
Job no: 609-83



CONDE, INC.

ENGINEERING / LAND SURVEYING / PLANNING

1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

MEMORANDUM

DATE: January 25, 2010

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

FROM: Michelle Padilla, Planner

SUBJECT: ZON09-00041

The City Plan Commission (CPC), on September 24, 2009, voted **5-1** to recommend **APPROVAL** of rezoning subject property from A-2 (Apartment) to C-1/c (Commercial/condition) with a condition that prior to the issuance of a building permit, a detailed site development plan review will be done in accordance with the El Paso City Code.

The CPC's motion also included a strong request that the development be fully residential oriented to include such attributes as buildings built at the front of the property with parking to the rear. Subsequently, the applicant has submitted a revised conceptual site plan.

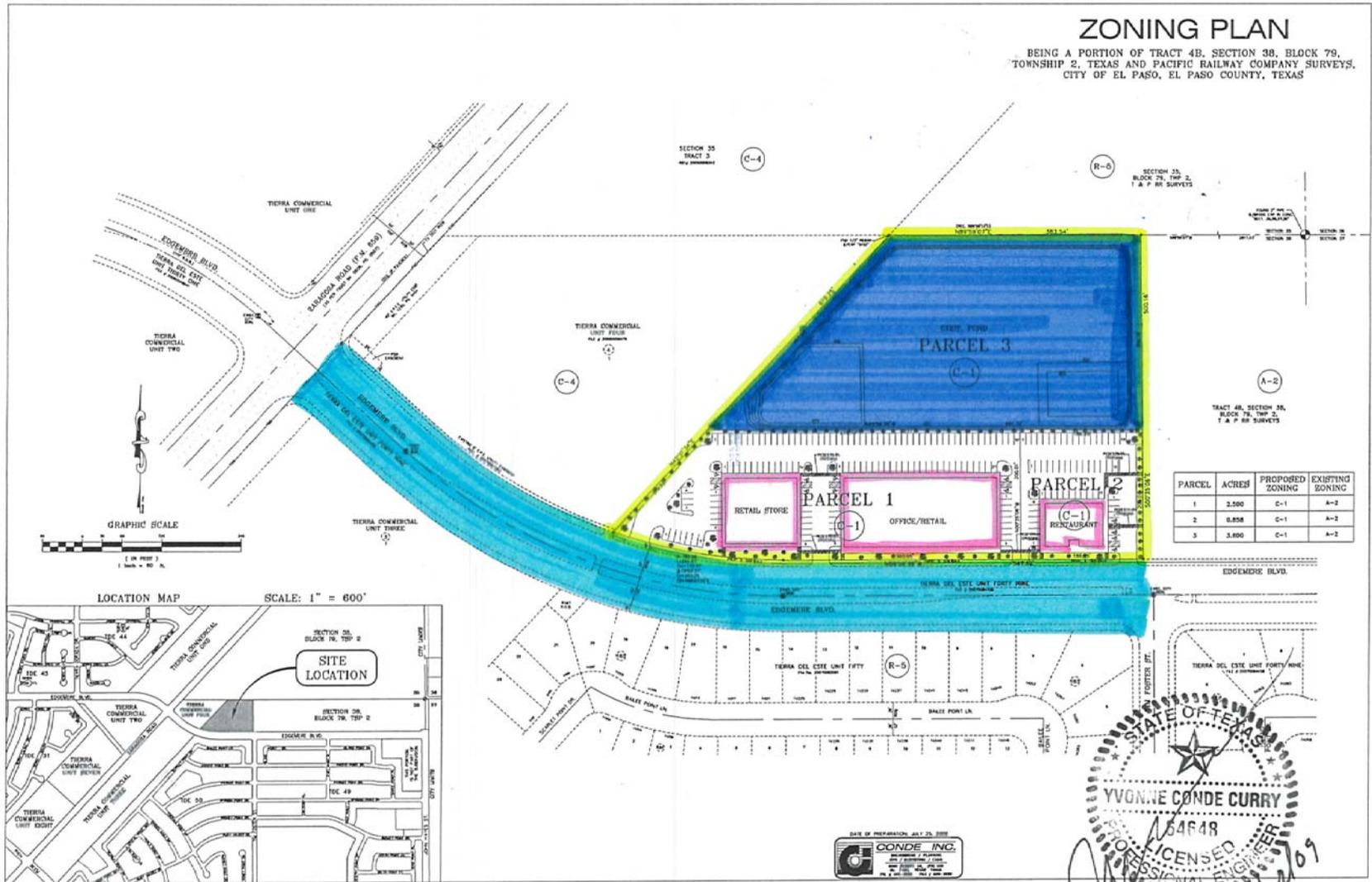
The CPC found that the rezoning is in conformance with The Plan for El Paso. There is no projected land use map. The CPC also determined that the rezoning protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and 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: Revised conceptual Site Plan
Staff report

ZONING PLAN

BEING A PORTION OF TRACT 4B, SECTION 38, BLOCK 79,
TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS,
CITY OF EL PASO, EL PASO COUNTY, TEXAS





City of El Paso – City Plan Commission Staff Report

Case No: ZON09-00041
Application Type: Rezoning
CPC Hearing Date: September 24, 2009
Staff Planner: Michelle Padilla, 915-541-4903, padillamx@elpasotexas.gov

Location: East of Zaragoza Road & North of Edgemere Boulevard
Legal Description: Being a portion of Tract 4B, Section 38, Block 79, Township 2, Texas and Pacific Railway Surveys, City of El Paso, El Paso County, Texas

Acreage: 6.958 acres
Rep District: 5
Existing Use: Vacant
Request: From A-2 (Apartment) to C-3 (Commercial)
Proposed Use: Commercial Development

Property Owner: Ranchos Real IV, LTD
Applicant: Marie Otero
Representative: Conde, Inc.

SURROUNDING ZONING AND LAND USE

North: C-4/c (Commercial/conditions) / Vacant, R-5 (Residential) / Vacant

South: R-5 (Residential) / Single-Family Dwellings

East: A-2 (Apartment) / Vacant

West: C-4/c (Commercial/conditions) / Vacant

THE PLAN FOR EL PASO DESIGNATION: N/A (East Planning Area)

Nearest Park: Tierra Del Este 50A Park (645 Feet)

Nearest School: Roberto Ituarte Elementary (4,455 Feet)

NEIGHBORHOOD ASSOCIATIONS

There are no registered neighborhood associations in the area.

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on September 8, 2009. The Planning Division has received one phone call in support of the rezoning request.

APPLICATION DESCRIPTION

The property owner is requesting to rezone property from A-2 (Apartment) to C-3 (Commercial) in order to permit commercial development. The property is 6.958 acres in size. Access to the property is proposed from Edgemere Boulevard.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

The DCC recommends **denial** of rezoning the property from A-2 (Apartment) to C-3 (Commercial).

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **denial** of rezoning the property from A-2 (Apartment) to C-3 (Commercial).

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

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

- a. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- b. Goal: preserve, protect, and enhance the integrity, economic vitality, and livability of the city's neighborhoods.

The purpose of an A-2 (Apartment) district is to promote and preserve residential development within the city associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain nonresidential uses and support facilities.

Development Services Department - Building Permits and Inspections Division

Zoning Review: no comments received.

Landscape Review: no comments received.

Development Services Department - Planning Division

The Planning Division recommends **denial** of rezoning the property from A-2 (Apartment) to C-3 (Commercial). The C-3 zoning is not compatible with the surrounding residential districts. The development agreement and land study imposed on this property designates C-3 and C-4 commercial development along Zaragoza Road only. The existing A-2 zoning is intended as a buffer between the commercial uses along Zaragoza Road and the single-family residential neighborhoods to the south and to the east. In addition, Planning's recommendation of denial is in an effort to prevent any further encroachment of commercial uses into the predominately residential area.

Engineering Department - Traffic Division

No objections to proposed change of zoning from A-2 to C-3.

Fire Department

We have no opposition at this time.

El Paso Water Utilities

EPWU does not object to this request.

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.

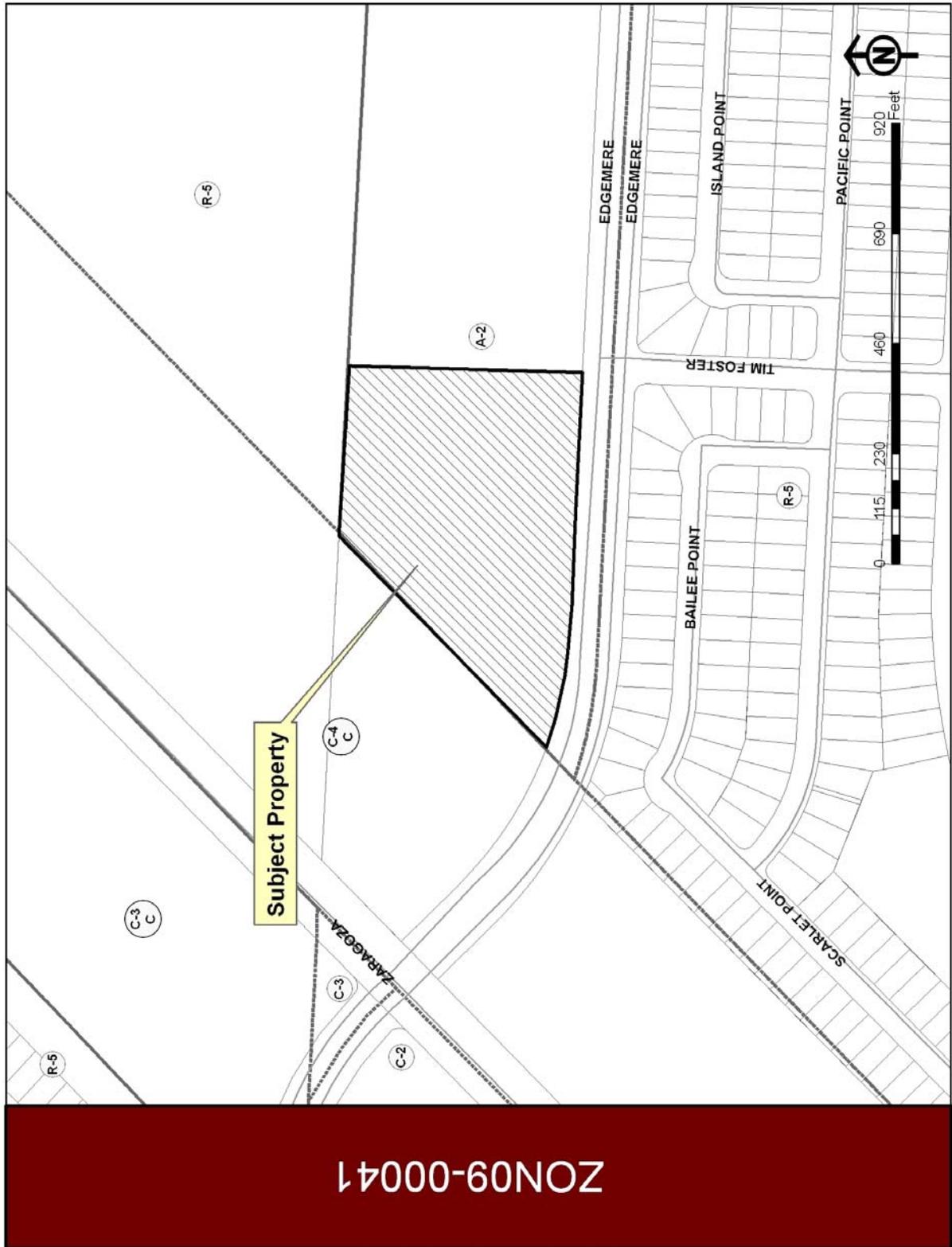
Attachments:

Attachment 1: Zoning Map

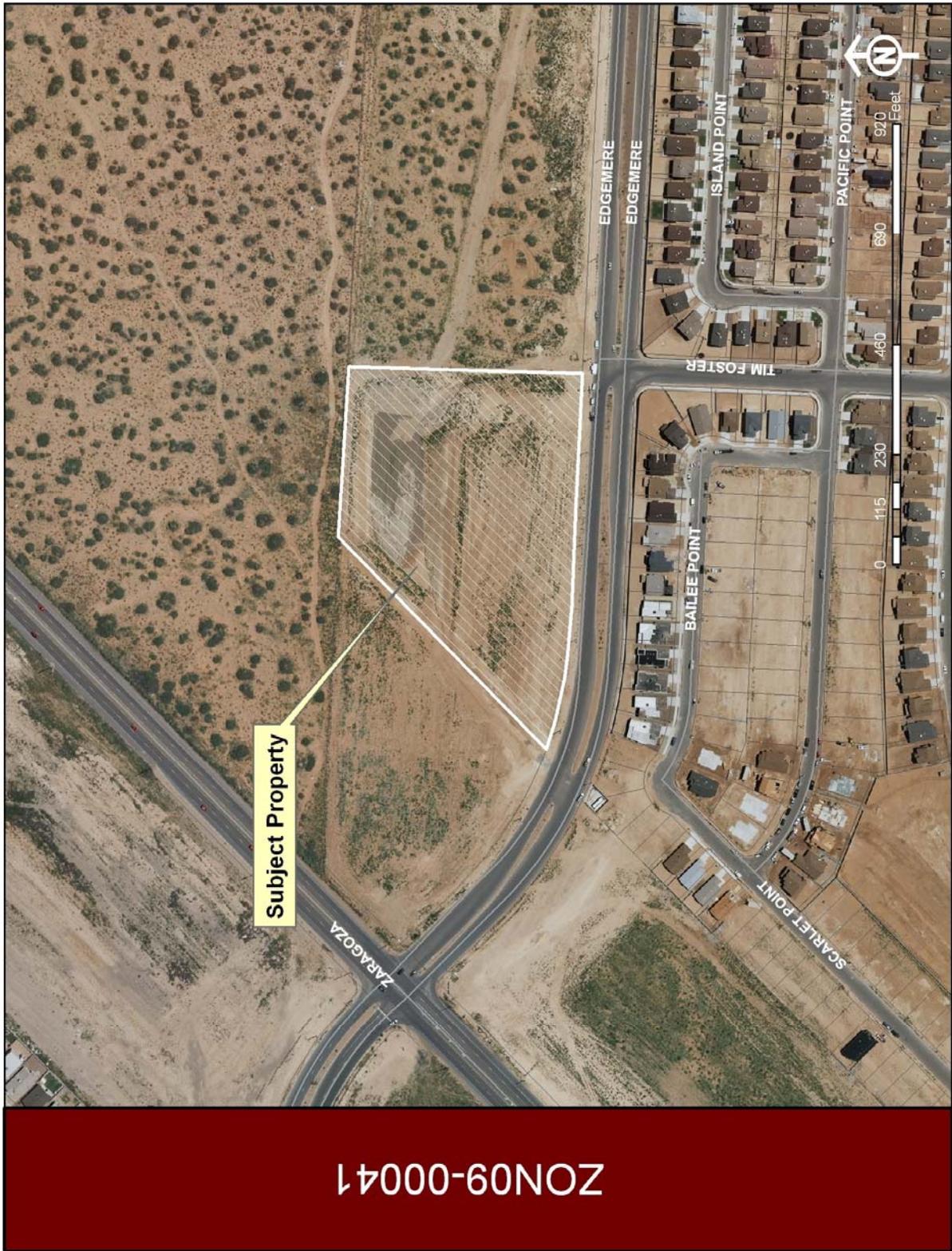
Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan

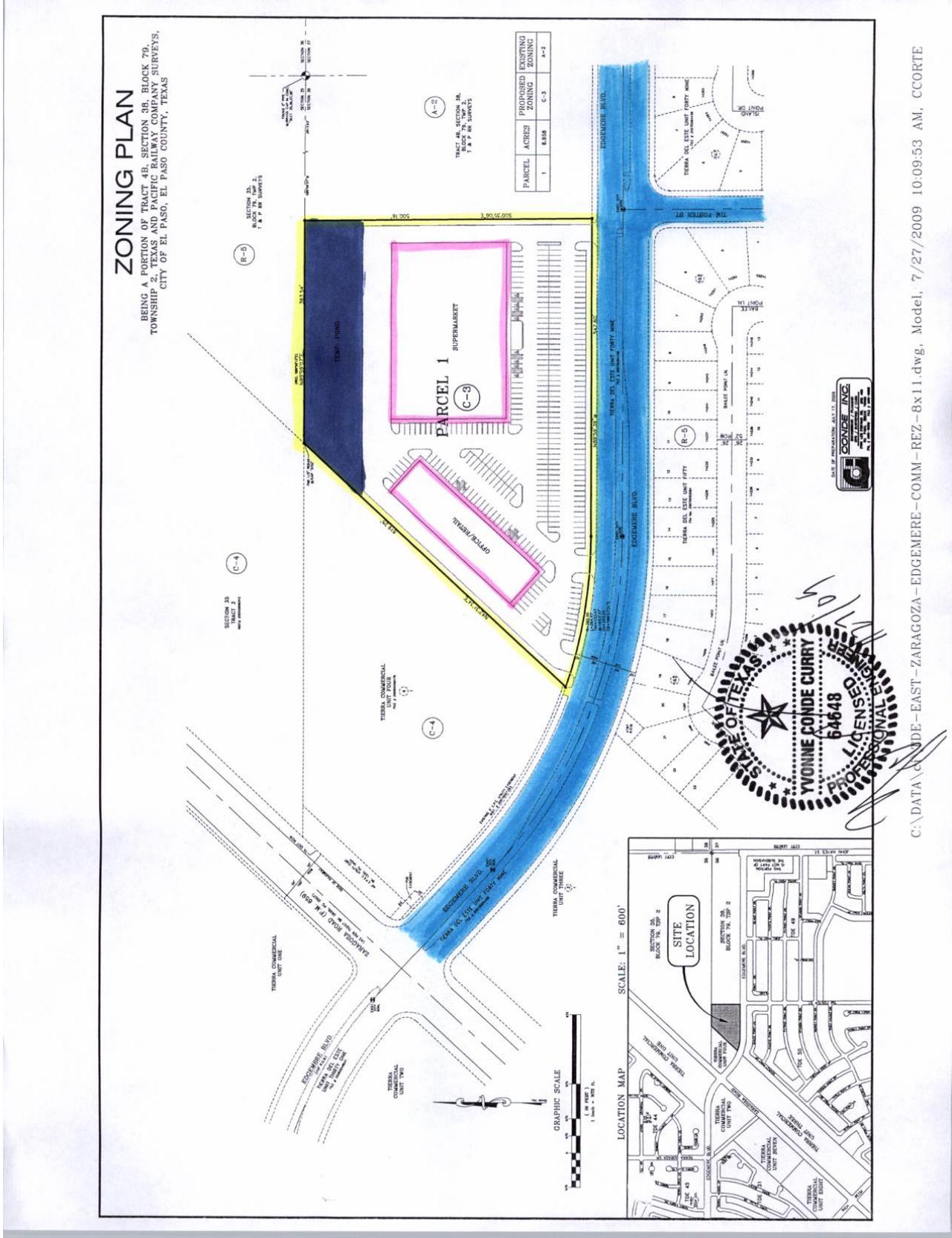
ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP



ATTACHMENT 3: CONCEPTUAL SITE PLAN



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