

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

DEPARTMENT: Planning and Economic Development

AGENDA DATE: Introduction: February 28, 2012
Public Hearing: March 6, 2012

CONTACT PERSON/PHONE: Mathew McElroy, (915) 541-4056

DISTRICT(S) AFFECTED: All Districts

SUBJECT:

An Ordinance amending the City of El Paso's Comprehensive Plan, "The Plan for El Paso," and the Year 2025 General Land Use Map. (All Districts)

BACKGROUND / DISCUSSION:

See attached ordinance.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee – Reviewed
Comprehensive Plan Advisory Committee – Reviewed
Public Service Board – Pending (March 5, 2012)
City Plan Commission – Pending (February 23, 2012)
Economic Development, Planning & Tourism Legislative Review Committee – Pending (3/1/12)

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

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

DEPARTMENT HEAD: Mathew McElroy, Deputy Director for Planning

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE CITY OF EL PASO'S COMPREHENSIVE PLAN,
"THE PLAN FOR EL PASO," AND THE YEAR 2025 GENERAL LAND USE MAP.**

WHEREAS, the provisions of Chapter 213, Municipal Comprehensive Plans, of the Texas Local Government Code, allows the City to adopt or amend by ordinance a comprehensive plan for the long range development of the municipality; and,

WHEREAS, the purpose of a comprehensive plan is to promote the sound development of municipalities and promote the public health, safety, and welfare; and,

WHEREAS, under the provisions of Chapter 213 of the Texas Local Government Code, the city may define the content and design of a comprehensive plan and may include, but is not limited to, provisions on land use, transportation, and public facilities; and,

WHEREAS, under the provisions of Chapter 213 of the Texas Local Government Code, the comprehensive plan can consist of a single plan or a coordinated set of plans organized by subject and geographic area and can be used to coordinate and guide the establishment of development regulations; and,

WHEREAS, the original comprehensive plan was adopted by the City of El Paso in 1925, was amended in its entirety in 1999, and has subsequently been amended; and,

WHEREAS, the El Paso City Council determined that the city's existing comprehensive plan should be amended; and,

WHEREAS, the City engaged a consultant to assist the City in amending the comprehensive plan and established a Comprehensive Plan Advisory Committee for the purposes of reviewing the changes recommended by the consultants; and,

WHEREAS, parties in interest and the public in general had an opportunity to be heard and provide public input through the numerous charrettes for the public conducted in various areas of the City of El Paso and through the establishment of a website for the public to review drafts of the recommended changes; and,

WHEREAS, under the provisions of Chapter 213 of the Texas Local Government Code, the city may amend a comprehensive plan by ordinance following a hearing at which the public is given the opportunity to give testimony and present written evidence and after review by the municipality's planning commission; and,

WHEREAS, on February 23, 2012 a public hearing was held by the City of El Paso City Plan Commission, and the public was given the opportunity to give testimony and present written evidence; and,

WHEREAS, after review of the proposed amendment to the comprehensive plan the City Plan Commission recommended approval of the comprehensive plan and forwarded their recommendation to City Council; and,

WHEREAS, after publication in the City's official newspaper and after posting the agenda at City Hall more than seventy-two (72) hours before the public hearing, the El Paso City Council conducted a public hearing where the public was given the opportunity to give testimony and present written evidence;

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

Section 1. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. That the City of El Paso Comprehensive Plan, "The Plan for El Paso" be replaced with the comprehensive plan as set forth in Exhibit "A", titled "The Plan for El Paso", attached and incorporated by reference for all purposes, and that the following existing study area plans and master plans are incorporated into "The Plan for El Paso" as if copied in their entirety: Rim-University Neighborhood Plan adopted on May 22, 2001 by ordinance 014851, The Northwest Upper Valley Plan adopted on January 13, 2004 by ordinance 015670; The Chihuahuita Neighborhood Association Plan adopted on March 2, 2004 by ordinance 015709; The El Paso Water Utilities Public Service Board Westside Master Plan adopted on May 24, 2005 by ordinance 16056; Smart Growth Plan for the Northeast adopted on July 26, 2005 by ordinance 16100 and amended on January 9, 2007 by ordinance 016537 and amended on August 22, 2008 by ordinance 016960; The El Paso Downtown 2015 Plan adopted on October 31, 2006 by ordinance 018487; The Medical Center of the Americas Master Plan adopted on October 21, 2008 by ordinance 017014 and amended on June 21, 2011 by ordinance 017595; and Plan El Paso 2010: Connecting El Paso: Building Transit-Oriented Neighborhoods at Remcon Circle, Oregon Corridor, and Five Points and Redeveloping Asarco adopted on January 18, 2011 by ordinance 017485; and the 2025 Proposed Thoroughfare System adopted with The Plan for El Paso on April 27, 1999 and as subsequently amended. All of the above listed area plans and master plans are adopted as amended even if such amendments are not specifically stated in this paragraph, provided that such amendments were adopted in accordance with city and state code requirements.

Section 3. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, and the remainder of this ordinance shall be enforced as written.

Section 4. EFFECTIVE DATE

This effective date of this ordinance shall be the date approved by the El Paso City Council.

Section 5. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

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:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

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

ORDINANCE NO. _____

EXHIBIT “A”

**CITY OF EL PASO COMPREHENSIVE PLAN
“THE PLAN FOR EL PASO”**

ORDINANCE NO. _____