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

DEPARTMENT: **Development Services Department, Planning Division**

AGENDA DATE: **Introduction: March 2, 2010**
Public Hearing: March 23, 2010

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

DISTRICT(S) AFFECTED: 6

SUBJECT:
An Ordinance changing the zoning of the following real property described as: Parcel 1: a portion of Tracts 3 and 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, be changed from Q (Quarry) to A-O (Apartment/ Office); and, Parcel 2A: a portion of Tract 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, be changed from Q (Quarry) to C-2/c (Commercial/condition), and imposing conditions; and,
Parcel 2B: a portion of Tracts 5 and 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, be changed from Q/sc (Quarry/special contract) to C-2/c (Commercial/condition), and imposing conditions; and,
Parcel 3A: a portion of Tract 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, be changed from Q (Quarry) to C-4/c (Commercial/condition), and imposing conditions; and, Parcel 3B: a portion of Tracts 5 and 8 and all of Tract 5a, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas; be changed from Q/sc (Quarry/special contract) to C-4/c (Commercial/condition), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: South of Pebble Hills Boulevard and West of Joe Battle Boulevard. Property Owner: Joe Battle Partners, L.P. ZON09-00064 **(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) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (6-0)

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

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

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director-Planning, Development Services Department

_____

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS:

PARCEL 1: A PORTION OF TRACTS 3 AND 8, SECTION 44, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM Q (QUARRY) TO A-O (APARTMENT/ OFFICE); AND,

PARCEL 2A: A PORTION OF TRACT 8, SECTION 44, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM Q (QUARRY) TO C-2/C (COMMERCIAL/CONDITION), AND IMPOSING CONDITIONS; AND,

PARCEL 2B: A PORTION OF TRACTS 5 AND 8, SECTION 44, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM Q/SC (QUARRY/SPECIAL CONTRACT) TO C-2/C (COMMERCIAL/CONDITION), AND IMPOSING CONDITIONS; AND,

PARCEL 3A: A PORTION OF TRACT 8, SECTION 44, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM Q (QUARRY) TO C-4/C (COMMERCIAL/CONDITION), AND IMPOSING CONDITIONS; AND,

PARCEL 3B: A PORTION OF TRACTS 5 AND 8 AND ALL OF TRACT 5A, SECTION 44, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS; BE CHANGED FROM Q/SC (QUARRY/SPECIAL CONTRACT) TO C-4/C (COMMERCIAL/CONDITION), 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 the following property be changed as described below within the meaning of the zoning ordinance and that the zoning map of the City of El Paso be revised accordingly:

Parcel 1: *A portion of Tracts 3 and 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas,* and more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **Q (Quarry)** to **A-O (Apartment/Office)**; and,

Parcel 2A: *A portion of Tract 8, Section, 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas,* and more particularly described by metes and bounds on the attached Exhibit "B", incorporated by reference, be changed from **Q (Quarry)** to **C-2/c (Commercial/condition)**; and,

Parcel 2B: *A portion of Tracts 5 and 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas,* and more particularly described by metes and bounds on the attached Exhibit "C", incorporated by reference, be changed from **Q/sc (Quarry/special contract)** to **C-2/c (Commercial/condition)**; and,

Parcel 3A: *A portion of Tract 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas,* and more particularly described by metes and bounds on the attached Exhibit "D", incorporated by reference, be changed from **Q (Quarry)** to **C-4/c (Commercial/condition)**; and,

Parcel 3B: *A portion of Tracts 5 and 8 and all of Tract 5A, Section 44, Block 2, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas,* and more particularly described by metes and bounds on the attached Exhibit "E", incorporated by reference, be changed from **Q/sc (Quarry/special contract)** to **C-2/c (Commercial/condition)**.

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:

Parcel 2A:

1. *A 20' landscaped buffer with high-profile native trees of at least two-inch (2") caliper and ten-feet (10') in height shall be placed at fifteen-feet (15') on center along the property lines adjacent to any residential or apartment zoning districts. The landscaped buffer 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; and,*

2. *That a Detailed Site Development Plan be reviewed and approved per the El Paso City Code prior to the issuance of any building permits.*

Parcel 2B:

1. *Prior to the issuance of any building permits for that portion of the property that was formerly used as the Zaragosa Landfill, the property owner must first obtain written approval from the State of Texas concerning excavation or disturbance of closed sanitary landfills and upon receipt thereof shall deliver a copy of such permits to the City Engineer; and,*

2. *A 20' landscaped buffer with high-profile native trees of a least two-inch (2") caliper and ten-feet (10') in height shall be placed at fifteen-feet (15') on center along the property lines adjacent to any residential or apartment zoning districts. The landscaped buffer 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; and,*

3. *That a Detailed Site Development Plan be reviewed and approved per the El Paso City Code prior to the issuance of any building permits.*

Parcel 3A:

1. *A 20' landscaped buffer with high-profile native trees of at least two-inch (2") caliper and ten-feet (10') in height shall be placed at fifteen-feet (15') on center along the property lines adjacent to any residential or apartment zoning districts. The landscaped buffer 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; and,*

2. *That a Detailed Site Development Plan be reviewed and approved per the El Paso City Code prior to the issuance of any building permits.*

Parcel 3B:

1. *Prior to the issuance of any building permits for that portion of the property that was formerly used as the Zaragosa Landfill, the property owner must first obtain written approval from the State of Texas concerning excavation or disturbance of closed sanitary landfills and upon receipt thereof shall deliver a copy of such permits to the City Engineer; and,*

2. *A 20' landscaped buffer with high-profile native trees of at least two-inch (2") caliper and ten-feet (10') in height shall be placed at fifteen-feet (15') on center along the property lines adjacent to any residential or apartment zoning districts. The landscaped buffer 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; and,*

3. *That a Detailed Site Development Plan be reviewed and approved per the El Paso City Code prior to the issuance of any building permits.*

(Signatures continued on Page 4)

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:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Mathew S. McElroy
Deputy Director – Planning
Development Services Department

Exhibit "A"

DORADO ENGINEERING, INC.

2717 E. Yandell El Paso, Texas 79903 (915) 562-0002 Fax (915) 562-7743

Portion of Tracts 3 and 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys

Parcel 1

Metes and Bound description of a parcel being a portion of Tracts 3 and 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, County of El Paso, Texas and being more particularly described as follows;

From a existing ½ inch rebar located at the intersection of the Westerly Right-of-Way line of Joe Battle Boulevard (Loop 375) and the Southerly Right-of-Way line of Pebble Hills Boulevard; Thence North 47° 33' 38" West along the Southerly Right-of-Way line of Pebble Hills Boulevard a distance of one hundred two and sixty four hundredths (102.64) feet to a corner on the Southerly Right-of-Way line of Pebble Hills Boulevard; Thence South 89° 28' 29" West along the Southerly Right-of-Way Pebble Hills Boulevard a distance of five hundred ninety nine and thirty eight hundredths (599.38) feet for a point for a curve to the right; Thence along an arc of a curve to the right a distance of eighty hundred eighty seven and fifty seven hundredths (887.57) feet, with a central angle of 39° 59' 07", a radius of one thousand two hundred seventy one and eighty two hundredths (1271.82) feet, said curve having a chord bearing of North 70° 31' 54" West and a chord distance of eight hundred sixty nine and sixty seven hundredths (869.67) feet for a corner, said corner being the Point of Beginning for this description;

Thence South along the Easterly line of the parcel being described, a distance of three hundred fifty five and fifty two hundredths (355.52) feet to the Southeasterly corner of the parcel being described;

Thence South 88° 40' 06" West along the Southerly line of the parcel being described, a distance of two thousand two hundred seventy two and sixteen hundredths (2272.16) feet to the Southwesterly corner of the parcel being described;

Thence North 00° 28' 28" West along the Westerly line of the parcel being described, a distance of four hundred seventy nine and eighty nine hundredths (479.89) feet to the Northwesterly corner of the parcel being described, said corner lying on the Southerly line of an existing fifty and no hundredths (50.00) feet Drainage Easement;

Thence North 89° 28' 12" East along the South line of said mentioned Drainage Easement, a distance of two thousand one hundred seventy five and sixty two hundredths (2175.62) feet to the Northeasterly corner of the parcel being described, said corner lying on the Southerly Right-of-Way line of Pebble Hills Boulevard;
Thence along an arc of a curve to the left, said arc being the Southerly Right-of-Way line of

Pebble Hills Boulevard, a distance of one hundred thirty five and seventy three hundredths (135.73) feet, said curve having a central angle of 06° 06' 52" and a radius of one thousand two hundred seventy one and eighty two hundredths (1271.82) feet, with a chord bearing of South 47° 28' 57" East and a chord distance of one hundred thirty five and sixty six hundredths (135.66) feet for a corner, said corner being the Point of Beginning for this description.

Said parcel of land contains 1,050,190 square feet or 24.109 acres of land more or less.

Fermin Dorado, R.P.L.S.

September 8, 2009
Revised October 5, 2009
Final January 8, 2010

DORADO ENGINEERING, INC.

2717 E. Yandell El Paso, Texas (915) 562-0002 Fax (915) 562-7743

Portion of Tract 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys

Parcel 2A

Metes and Bounds description of a parcel of land being a portion of Tract 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, County of El Paso, Texas and being more particularly described as follows;

From a found ½ inch rebar located in the common Easterly corner of Tract 5, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys and the Vista Hills Subdivision Unit 46, said corner lying on the Westerly Right-of-Way line of Joe Battle Blvd. (Loop 375); Thence West along the common line of said mentioned Tract 5 and Vista Hills Unit 46 Subdivision, a distance of one thousand three hundred and no hundredths (1300.00) feet to the Southeasterly corner of parcel 2B; Thence North along the Westerly line of parcel 2B, a distance of one thousand three hundred seventy three and thirty seven hundredths (1373.37) feet for a corner; Thence North 89° 11' 46" West along a Southerly line of parcel 2B, a distance of two hundred sixty three and three hundredths (263.03) feet for a corner: Thence North along a Westerly line of parcel 2B, a distance of one thousand forty one and sixty nine hundredths (1041.69) feet to the Southwesterly corner of the parcel being described said corner also being the Point of Beginning for this description.

Thence North along the Westerly line of the parcel being described, a distance of three hundred fifty five and fifty two hundredths (355.52) feet for a corner on the Southerly Right-of-Way line of Pebble Hills Boulevard;

Thence along an arc of a curve to the left, said arc being the Southerly Right-of-Way line of Pebble Hills Boulevard, a distance of eight hundred eighty seven and fifty seven hundredths (887.57) feet, said curve having a central angle of 39° 59' 07", a radius of one thousand two hundred seventy one and eighty two hundredths (1271.82) feet a chord bearing of South 70° 31' 54" East and a chord distance of eight hundred sixty nine and sixty seven hundredths (869.67) feet for a corner;

Thence North 89° 28' 29" East along the Southerly Right-of-Way line of Pebble Hills Boulevard a distance of three hundred eighty five and ninety hundredths (385.90) feet to the Northeasterly corner of the parcel being described;

Thence South 00° 24' 32" East along the Easterly line of the parcel being described a distance of forty one and eighteen hundredths (41.18) feet for a corner;

Parcel 2A

Thence South 88° 40' 06" West along the Southerly line of the parcel being described a distance of one thousand two hundred six and forty five hundredths (1206.45) feet to the Southwesterly corner of the parcel being described, said corner also being the Point of Beginning for this description;

Said parcel of land contains 181,816.00 square feet or 4.174 acres of land more or less.

Fermin Dorado P.E.

December 8, 2009
Revised January 8, 2010
Revised February 2, 2010

DORADO ENGINEERING, INC.
2717 E. Yandell El Paso, Texas (915) 562-0002 Fax (915) 562-7743

Portion of Tracts 5 and 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys

Parcel 2B

Metes and Bounds description of a parcel of land being a portion of Tracts 5 and 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, County of El Paso, Texas and being more particularly described as follows;

From a found ½ inch rebar located in the common Easterly corner of Tract 5, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys and the Vista Hills Subdivision Unit 46, said corner lying on the Westerly Right-of-Way line of Joe Battle Blvd. (Loop 375); Thence West along the common line of said mention Tract 5 and Vista Hills Subdivision Unit 46, a distance of six hundred eighty five and three hundredths (685.03) feet to the Southeasterly corner of the parcel being described, said corner also being the Point of Beginning for this description;

Thence West along the common line of Tract 5, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys and Vista Hills Subdivision Unit 46, a distance of six hundred fourteen and ninety seven hundredths (614.97) feet to the Southwesterly corner of the parcel being described;

Thence North along the Westerly line of the parcel being described a distance of one thousand three hundred seventy three and thirty seven hundredths (1373.37) feet for a corner;

Thence North 89° 11' 46" West along a Southerly line of the parcel being described a distance of two hundred sixty three and three hundredths (263.03) feet for a corner:

Thence North along a Westerly line of the parcel being described a distance of one thousand forty one and sixty nine hundredths (1041.69) feet to the Northwesterly corner of the parcel being described;

Thence East along the Northerly line of the parcel being described, a distance of one thousand two hundred six and forty five hundredths (1206.45) feet to the Northeasterly corner of the parcel being described;

Thence South 00° 24' 32" East along the Easterly line of the parcel being described a distance of four hundred twenty five and twenty one hundredths (425.21) feet for a corner;

Parcel 2B

Thence West a distance of three hundred thirty one and twenty two hundredths (331.22) feet for a corner;

Thence South along the Easterly line of the parcel being described a distance of two thousand twenty one and fifty nine hundredths (2021.59) feet to the Southeasterly corner of the parcel being described said corner lying on the common line out Tract 5, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, and Vista Hills Subdivision Unit 46, said corner also being the Point of Beginning for this description.

Said parcel of land contains 1,909,723.00 square feet or 43.841 acres of land more or less.

Fermin Dorado P.E.

December 8, 2009
Revised January 8, 2010
Revised February 2, 2010

DORADO ENGINEERING, INC.
2717 E. Yandell El Paso, Texas (915) 562-0002 Fax (915)

Exhibit "D"

Portion of Tract 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys

Parcel 3A

Metes and Bounds description of a parcel of land being a portion of Tract 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, County of El Paso, Texas and being more particularly described as follows;

From a found ½ inch rebar located in the common Easterly corner of Tract 5, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys and Vista Hills Unit 46 Subdivision, said corner lying on the Westerly Right-of-Way line of Joe Battle Boulevard (Loop 375); Thence North 00° 29' 43" West along the Westerly Right-of-Way line of Joe Battle Boulevard (Loop 375) a distance of one thousand forty three and ninety seven hundredths (1043.97) feet for a corner; Thence North 02° 29' 11" West along the Westerly Right-of-Way line of Joe Battle Boulevard, a distance of six hundred forty nine and seventy two hundredths (649.72) feet; Thence North 02° 25' 00" West along the Westerly Right-of-Way line of Joe Battle Boulevard (Loop 375) a distance of seven hundred twenty eight and twenty seven hundredths (728.27) feet for a corner; Thence North 47° 33' 38" West along the Westerly Right-of-Way line of Joe Battle Boulevard (Loop 375) a distance of forty seven and forty six hundredths (47.46) feet to the Southeasterly corner of the parcel being described said corner also being the Point of Beginning for this description;

Thence South 88° 40' 06" West along the Southerly line of the parcel being described, a distance of two hundred fifty three and ninety six hundredths (253.96) feet to the Southwesterly corner of the parcel being described;

Thence North 00° 24' 32" West along the Westerly line of the parcel being described a distance of forty one and eighteen hundredths (41.18) feet for a corner on the Southerly Right-of-Way line of Pebble Hills Boulevard;

Thence North 89° 28'29" East along the Southerly Right-of-Way line of Pebble Hills Boulevard a distance of two hundred thirteen and forty eight hundredths (213.48) feet for a corner on the Southerly Right-of-Way Line of Pebble Hills Boulevard;

Thence South 47° 33' 38" East along the Southerly Right-of-Way line of Pebble Hills Boulevard a distance of fifty five and eighteen hundredths (55.18) feet for a corner on the Westerly Right-of-Way line of Joe Battle Boulevard (Loop 375) said corner being the Point of Beginning for this description;

Said Parcel of land contains 9,243.00 square feet or 0.212 acres of land more or less.

STATE OF TEXAS REGISTERED FERMIN DORADO 3190 PROFESSIONAL LAND SURVEYOR

Fermin Dorado, R.P.L.S.

December 8, 2009
Revised January 8, 2010 / Revised February 2, 2010

DORADO ENGINEERING, INC.
2717 E. Yandell El Paso, Texas (915) 562-0002 Fax (915) 562-7743

Portion of Tracts 5 and 8, and all of Tract 5A, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys

Parcel 3B

Metes and Bounds description of a parcel of land being a portion of Tracts 5 and 8 and all of Tract 5A, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, County of El Paso, Texas and being more particularly described as follows;

From a set rebar at the common Easterly corner of Vista Hills Unit 36 and 46 Subdivisions set corner lying on the Westerly Right-of-Way line of Joe Battle Boulevard (Loop 375); Thence North 00° 32' 15" West along the Westerly Right-of-Way line of Joe Battle Boulevard (Loop 375) a distance of three hundred ninety one and forty five hundredths (391.45) feet to the common Easterly corner of Tract 5, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys and Vista Hills Unit 46 Subdivision, set corner being the Point of Beginning for this description;

Thence West along the common line of said mentioned Tract 5 and Vista Hills Unit 46 Subdivision, a distance of six hundred eighty five and three hundredths (685.03) feet to the Southwesterly corner of the parcel being described;

Thence North along the Westerly line of the parcel being described a distance of two thousand twenty one and fifty nine hundredths (2021.59) feet for a corner;

Thence East along the Northerly line of the parcel being described a distance of three hundred thirty one and twenty two (331.22) feet for a corner;

Thence North 00° 24' 32" West along a Westerly line of the parcel being described a distance of four hundred twenty five and twenty one hundredths (425.21) feet to the Northwesterly corner of the parcel being described;

Thence North 88° 40' 06" East along the Northerly line of the property being described a distance of two hundred fifty three and ninety six hundredths (253.96) feet for a corner on the Southerly Right-of-Way line of Pebble Hills Boulevard;

Thence South 47° 33' 38" East along the Southerly Right-of-Way line of Pebble Hills Boulevard a distance of forty seven and forty six hundredths (47.46) feet for a corner on the Westerly Right-of-Way line of Joe Battle Boulevard (Loop 375);

Parcel 3B

Thence South 02° 25' 00" East along the Westerly Right-of-Way line of Joe Battle Boulevard (Loop 375) a distance of seven hundred twenty eight and twenty seven hundredths (728.27) feet for a corner;

Thence South 02° 29' 11" East along the Westerly Right-of-Way line of Joe Battle Boulevard (Loop 375) a distance of six hundred forty nine and seventy two hundredths (649.72) feet for a corner;

Thence South 00° 29' 43" East along the Westerly Right-of-Way line of Joe Battle Boulevard (Loop 375) a distance of one thousand forty three and ninety nine hundredths (1043.99) feet for a corner; said corner being the common Easterly corner of Tract 5, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys and Vista Hills Unit 46 Subdivision, said corner also being the Point of Beginning for this description.

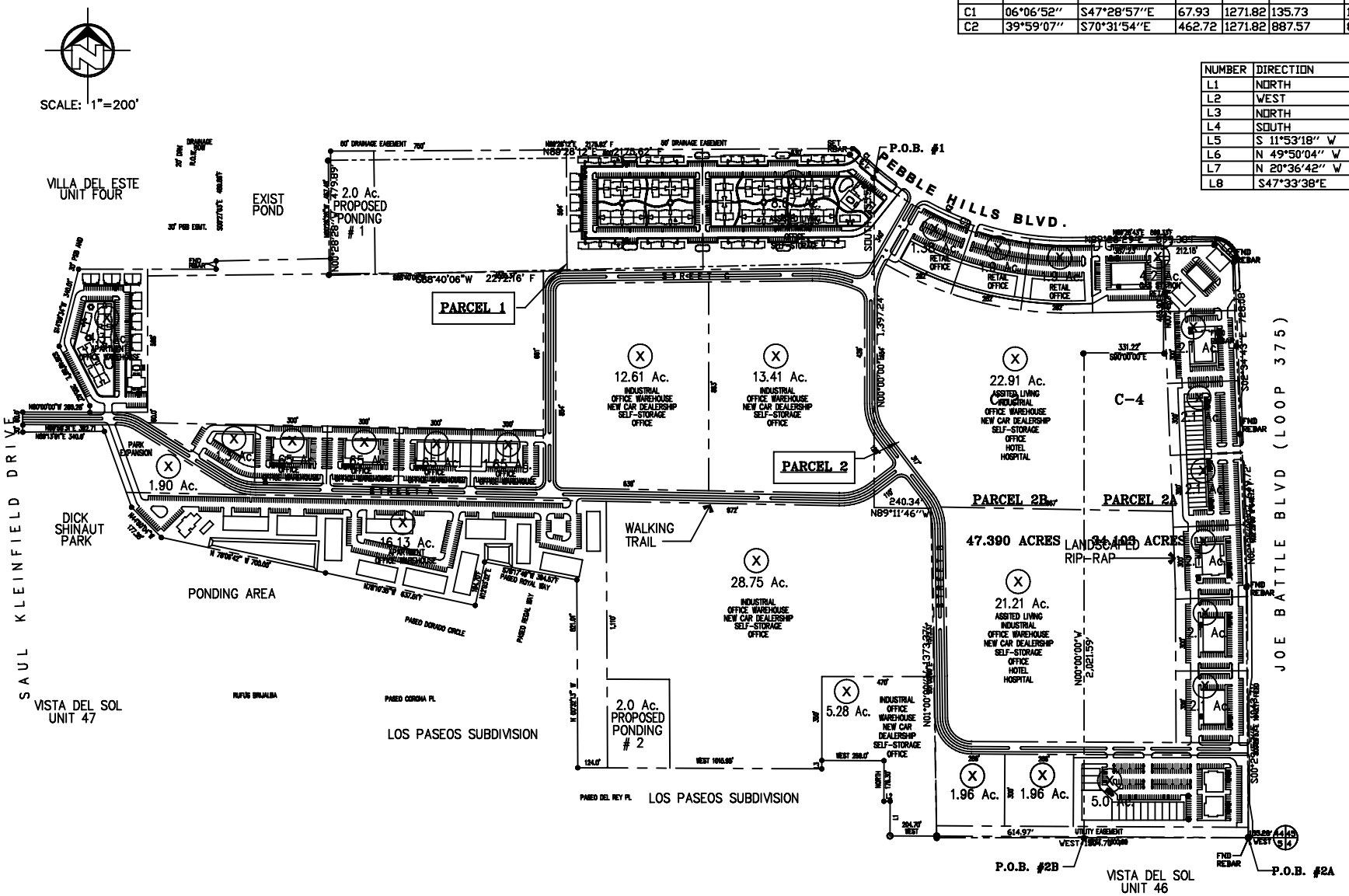
Said parcel of land contains 1,476,570.00 square feet or 33.897 acres of land more or less.

Fermin Dorado, R.P.L.S.

December 8, 2009
Revised January 8, 2010
Revised February 2, 2010

NUMBER	DELTA ANGLE	CHORD DIRECTION	TANGENT	RADIUS	ARC LENGTH '	CHORD LENGTH'
C1	06°06'52"	S47°28'57"E	67.93	1271.82	135.73	135.66
C2	39°59'07"	S70°31'54"E	462.72	1271.82	887.57	869.67

NUMBER	DIRECTION	DISTANCE
L1	NORTH	137.54'
L2	WEST	18.00'
L3	NORTH	176.30'
L4	SOUTH	41.84'
L5	S 11°53'18" W	184.22'
L6	N 49°50'04" W	177.25'
L7	N 20°36'42" W	80.44'
L8	S47°33'38"E	102.64



REV. 12-08-09
09-04-09
04-01-09
03-19-09
03-17-09

SCALE:

DATE 09/04/09
DESIGN BY FD
DRAWN BY S.G.G
CHKD. BY FD
APPD. BY FD

REFERENCES - - BENCHMARKS
S:/drawings/Z_LANFIL/ZONING/PARCEL_1_2_3_ZONING.DWG

DATE	REVISIONS	BY

ENGINEERS SEAL

FERMIN DORADO 37512

DORADO ENGINEERING, INC.
ENGINEERS SURVEYORS PLANNERS
2717 E YANDELL EL PASO, TEXAS 79903 (915)562-0002

JOE BATTE PARTNERS INC.
PORTION OF TRACES 3,5,5D,6,7, AND 8

PROJECT NAME
PORTION OF TRACTS 3, 5, 5A AND 8, SECTION 44, BLOCK 79, TOWNSHIP 2, TEXAS & PACIFIC RAILROAD SURVEYS

SHEET TITLE
PARCEL 1, 2A & 2B

SHEET
1 OF 1

M E M O R A N D U M

DATE: February 22, 2010

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

SUBJECT: **ZON09-00064**

The City Plan Commission (CPC) on December 17, 2009 voted **6-0** to recommend **APPROVAL** of rezoning the subject property from Q (Quarry) to A-O (Apartment/Office) on Parcel 1; from Q (Quarry) to C-2/c (Commercial/condition) on Parcel 2A; from Q/sc (Quarry/special contract) to C-2/c (Commercial/condition) on Parcel 2B; from Q (Quarry) to C-4/c (Commercial/condition) on Parcel 3A; and from Q/sc (Quarry/special contract) to C-4/c (Commercial/condition) on Parcel 3B, in agreement with the recommendation from the DCC and staff.

The CPC found that the rezoning is in conformance with The Plan for El Paso. The CPC found that the proposed uses are in conformance with the 2025 Projected General Land Use Map for the East Planning Area. The CPC also determined that the rezoning protects the best interest, health, safety, and welfare of the public in general; 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 one letter in opposition to this request.

Attachment: Staff Report

City of El Paso – City Plan Commission Staff Report

Case No:	ZON09-00064
Application Type:	Rezoning
CPC Hearing Date:	December 17, 2009
Staff Planner:	Esther Guerrero, 915-541-4720, *guerreroex@elpasotexas.gov*
Location:	South of Pebble Hills Boulevard and West of Joe Battle Boulevard
Legal Description:	Parcel 1: A portion of Tracts 3 and 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas. Parcel 2A: A portion of Tract 8, Section, 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas. Parcel 2B: A portion of Tracts 5 and 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas. Parcel 3A: A portion of Tract 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas. Parcel 3B: A portion of Tracts 5 and 8 and all of Tract 5A, Section 44, Block 2, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas.
Acreage:	Parcel 1: 24.109 acres; Parcel 2A: 4.174 acres; Parcel 2B: 43.841 acres; Parcel 3A: 0.212 acres; Parcel 3B: 33.897 acres
Rep District:	6
Existing Use:	Vacant/Closed Landfill/Quarry
Request:	Parcel 1: Q (Quarry) to A-O (Apartment/Office) Parcel 2A: Q (Quarry) to C-2/c (Commercial) Parcel 2B: Q/sc (Quarry/special contract) to C-2/c (Commercial/condition) Parcel 3A: Q (Quarry) to C-4/c (Commercial/condition) Parcel 3B: Q/sc (Quarry/special contract) to C-4/c (Commercial/condition)
Proposed Use:	Apartments, Offices, Commercial Development
Property Owner:	Joe Battle Partners, L.P.
Representative:	Dorado Engineering, Inc.

SURROUNDING ZONING AND LAND USE

North: R-5 (Residential); C-2/c (Commercial/condition); C-4 (Commercial) / Vacant and Residential
South: Q/sc/sp (Quarry/special contract/special permit); R-3A/sc/sp (Residential/special contract/special permit); R-5/sc (Residential/special contract); A-2/sc (Apartment/special contract); C-4/sc (Commercial/special contract) / Vacant and Residential
East: C-4/c (Commercial/condition); C-3/sc (Commercial/special contract) / Joe Battle Boulevard
West: Q (Quarry); Q/sc (Quarry/special contract) / Vacant

Plan for El Paso Designation: Commercial; Parks and Open Space; Residential; Mixed-Use (East Planning Area)
Nearest Park: Dick Shinaut (1,296 Feet)
Nearest School: Elfida Chavez Elementary (1,565 Feet)

NEIGHBORHOOD ASSOCIATIONS

Eastside Civic Association

NEIGHBORHOOD INPUT

Notices of the November 5, 2009 City Plan Commission hearing were mailed out to property owners within 300 feet of the subject property on October 21, 2009.

One letter of opposition received (attached).

APPLICATION DESCRIPTION

The applicant is requesting the change in zoning to permit apartments, offices, retail, neighborhood commercial and a commercial business park. All parcels are currently vacant. Access is proposed via Joe Battle Boulevard and Pebble Hills Boulevard.

This item was postponed from the December 3, 2009 City Plan Commission meeting. The Commission asked that staff work with the applicant to reconsider a recommendation that would better serve and complement all other land uses.

DEVELOPMENT COORDINATING COMMITTEE RECONSIDERATION RECOMMENDATION

- Recommend **approval** of A-O on Parcel 1
- Recommend **approval** of C-2/c (Commercial/condition) on Parcel 2A with the following conditions:
    1. *A 20' landscaped buffer with high-profile native trees of at least two-inch (2") caliper and ten-feet (10') in height shall be placed at fifteen-feet (15') on center along the property lines adjacent to any residential or apartment zoning districts. The landscaped buffer 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; and,*
    2. *That a Detailed Site Development Plan be reviewed and approved per the El Paso City Code prior to the issuance of any building permits.*
- Recommend **approval** of C-2/c (Commercial/condition) on Parcel 2B with the following conditions:
    1. *Prior to the issuance of any building permits for that portion of the property that was formerly used as the Zaragosa Landfill, the property owner must first obtain written approval from the State of Texas concerning excavation or disturbance of closed sanitary landfills and upon receipt thereof shall deliver a copy of such permits to the City Engineer; and*
    2. *A 20' landscaped buffer with high-profile native trees of at least two-inch (2") caliper and ten-feet (10') in height shall be placed at fifteen-feet (15') on center along the property lines adjacent to any residential or apartment zoning districts. The landscaped buffer 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; and,*
    3. *That a Detailed Site Development Plan be reviewed and approved per the El Paso City Code prior to the issuance of any building permits.*
- Recommend **approval** of C-4/c (Commercial/condition) on Parcel 3A with the following conditions:
    1. *A 20' landscaped buffer with high-profile native trees of at least two-inch (2") caliper and ten-feet (10') in height shall be placed at fifteen-feet (15') on center along the property lines adjacent to any residential or apartment zoning districts. The landscaped buffer 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.*
    2. *That a Detailed Site Development Plan be reviewed and approved per the El Paso City Code prior to the issuance of any building permits.*
- Recommend **approval** of C-4/c (Commercial/condition) on Parcel 3B with the following conditions:
    1. *Prior to the issuance of any building permits for that portion of the property that was formerly used as the Zaragosa Landfill, the property owner must first obtain written approval from the State of Texas concerning excavation or disturbance of closed sanitary landfills and upon receipt thereof shall deliver a copy of such permits to the City Engineer; and*
    2. *A 20' landscaped buffer with high-profile native trees of at least two-inch (2") caliper and ten-feet (10') in height shall be placed at fifteen-feet (15') on center along the property lines adjacent to any residential or apartment zoning districts. The landscaped buffer 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; and,*
    3. *That a Detailed Site Development Plan be reviewed and approved per the El Paso City Code prior to the issuance of any building permits.*

DEVELOPMENT SERVICES DEPARTMENT-PLANNING DIVISION RECOMMENDATION

- Recommend **approval** of A-O on Parcel 1
- Recommend **approval** of C-2/c (Commercial/condition) on Parcel 2A with the following conditions:
    1. *A 20' landscaped buffer with high-profile native trees of at least two-inch (2") caliper and ten-feet (10') in*

height shall be placed at fifteen-feet (15') on center along the property lines adjacent to any residential or apartment zoning districts. The landscaped buffer 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; and,

2.That a Detailed Site Development Plan be reviewed and approved per the El Paso City Code prior to the issuance of any building permits.

- Recommend **approval** of C-2/c (Commercial/condition) on Parcel 2B with the following conditions:
  1. *Prior to the issuance of any building permits for that portion of the property that was formerly used as the Zaragosa Landfill, the property owner must first obtain written approval from the State of Texas concerning excavation or disturbance of closed sanitary landfills and upon receipt thereof shall deliver a copy of such permits to the City Engineer; and*
  2. *A 20' landscaped buffer with high-profile native trees of at least two-inch (2") caliper and ten-feet (10') in height shall be placed at fifteen-feet (15') on center along the property lines adjacent to any residential or apartment zoning districts. The landscaped buffer 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; and,*
  3. *That a Detailed Site Development Plan be reviewed and approved per the El Paso City Code prior to the issuance of any building permits.*
- Recommend **approval** of C-4/c (Commercial/condition) on Parcel 3A with the following conditions:
  1. *A 20' landscaped buffer with high-profile native trees of at least two-inch (2") caliper and ten-feet (10') in height shall be placed at fifteen-feet (15') on center along the property lines adjacent to any residential or apartment zoning districts. The landscaped buffer 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.*
  2. *That a Detailed Site Development Plan be reviewed and approved per the El Paso City Code prior to the issuance of any building permits.*
- Recommend **approval** of C-4/c (Commercial/condition) on Parcel 3B with the following conditions:
  1. *Prior to the issuance of any building permits for that portion of the property that was formerly used as the Zaragosa Landfill, the property owner must first obtain written approval from the State of Texas concerning excavation or disturbance of closed sanitary landfills and upon receipt thereof shall deliver a copy of such permits to the City Engineer; and*
  2. *A 20' landscaped buffer with high-profile native trees of at least two-inch (2") caliper and ten-feet (10') in height shall be placed at fifteen-feet (15') on center along the property lines adjacent to any residential or apartment zoning districts. The landscaped buffer 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; and,*
  3. *That a Detailed Site Development Plan be reviewed and approved per the El Paso City Code prior to the issuance of any building permits.*

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: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.

c. Goal: preserve, protect, and enhance the integrity, economic vitality, and livability of the city's neighborhoods.

d. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character.

The purpose of the A-O (Apartment/Office) 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 non-residential uses and support facilities.

The purpose of the C-2 (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.

The purpose of the C-4 (Commercial) district is to provide for locations for the most intensive commercial uses intended to serve the entire City. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities.

Engineering Department - Traffic Division
1. No objection to proposed rezoning.
2. Access to Joe Battle requires approval of TxDOT.
3. A Traffic Impact Analysis of the proposed development is required with submittal of a subdivision plat.

Street Department
We offer no objections to the zoning change.

Development Services-Building Permits and Inspections
No objections.

Fire Department
No objection to rezoning request.

Sun Metro:
No comments submitted.

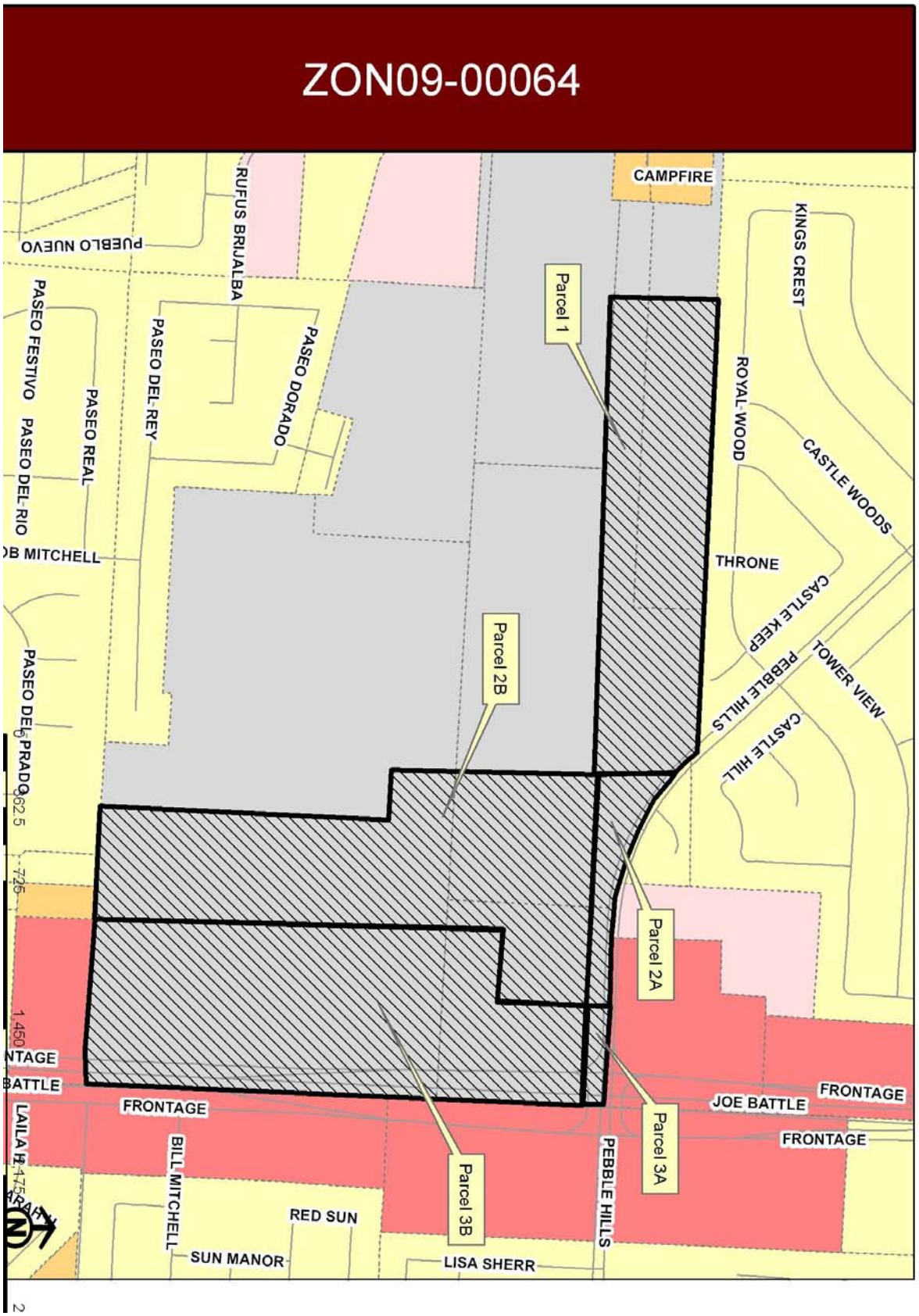
CITY PLAN COMMISSION OPTIONS
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the zoning condition release application:

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

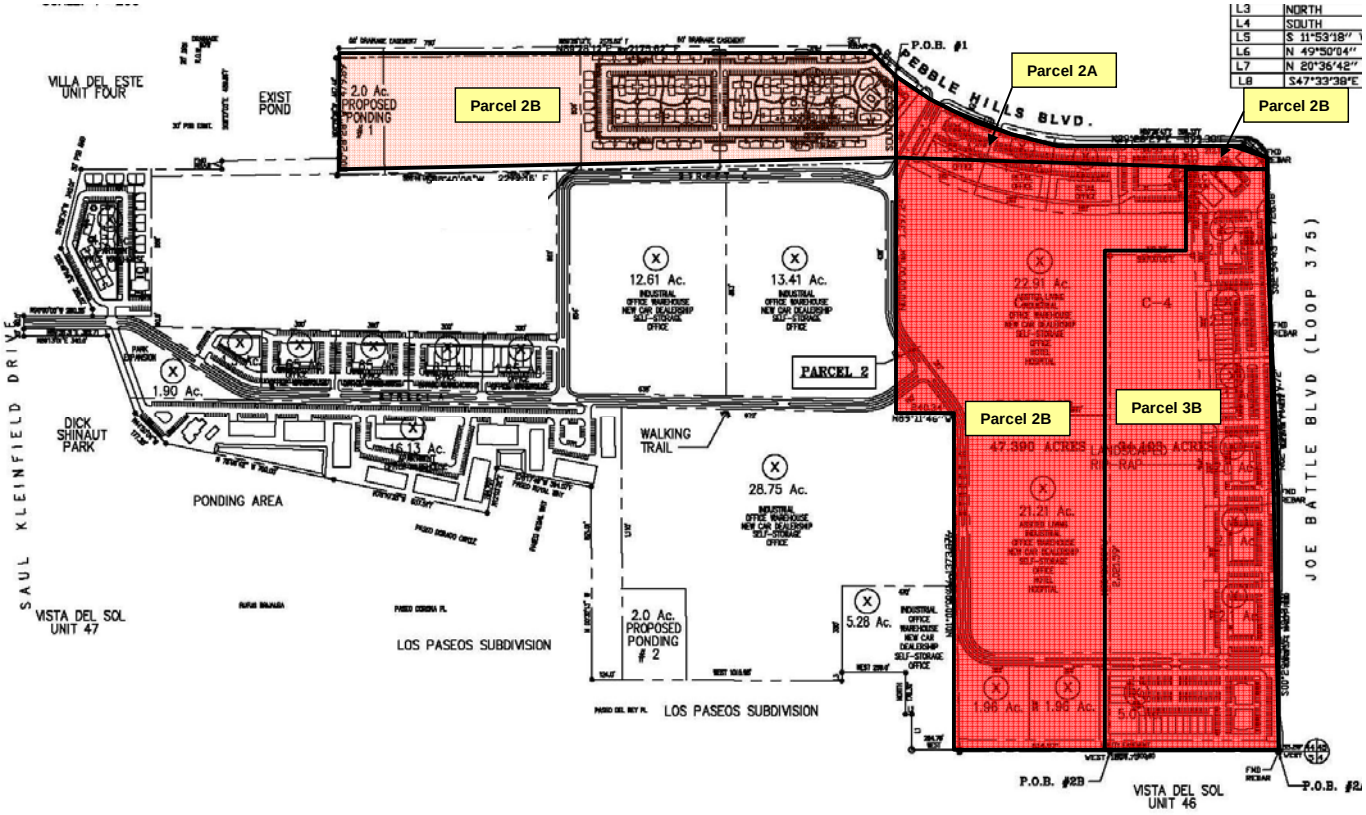
1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan
4. Conceptual Overall Plan
5. TCEQ Letter
6. Letter of Opposition

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: CONCEPTUAL SITE PLAN



ATTACHMENT 4: Conceptual Overall Plan

- PHASE 1 - ROAD CONSTRUCTION
- PHASE 2 - ROAD CONSTRUCTION
- PHASE 3 - ROAD CONSTRUCTION
- PHASE 4 - ROAD CONSTRUCTION
- WALKING TRAIL: 0.56 ACRES
- PARK EXPANSION: 1.90 ACRES
- LANDSCAPED RIP-RAP: 5.14 ACRES
- PROPOSED PONDING: 4.0 ACRES
- TOTAL OPEN SPACE: 11.60 ACRES

TRUE NORTH

GENERAL MIXED USE DEVELOPMENT

LEGAL DESCRIPTION

PORTION OF TRACTS 5, 7 AND 8 AND ALL OF 5-A, SECTION 44, BLOCK 79, TOWNSHIP 2, TEXAS & PACIFIC RAILROAD SURVEYS

0 100' 200' 400' 800'

Dimensions ARCHITECTS

BOUNTIFUL PROPERTIES DEVELOPMENT

ANNOUNCES MAJOR REAL ESTATE DEVELOPMENT PLANS

COPYRIGHT © 2005 DIMENSIONS ARCHITECTS

JOE BATTLE Partners, L.P.

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 15, 2009

Mr. David Mezzacappa, P.E.
SCS Engineers
1901 Central Drive, Suite 550
Bedford, Texas 76021

Re: Authorization to Disturb the Final Cover over a Closed MSW Landfill - El Paso County Municipal Solid Waste (MSW) - Redevelopment of the Closed Zaragosa Landfill
Tracking Nos. 12788131, 12845131

Dear Mr. Mezzacappa:

We received your submittal dated August 12, 2009 and the revisions dated September 23, 2009 regarding the request for authorization for the disturbance of final cover over a closed MSW landfill in accordance with Title 30 Texas Administrative Code (30 TAC) Section (§)330.954(e) and §330.960. The request was made on behalf of Joe Battle Partners, LP as part of the redevelopment of the closed Zaragosa Landfill. Two areas (Area 1 and Area 2) are identified in the authorization request where waste will be excavated and removed from the closed Zaragosa Landfill.

No enclosed structures are proposed over any waste disposal areas. As long as the construction project does not include any enclosed structures as defined in 30 TAC §330.951 over waste disposal areas, authorization is hereby granted to proceed with the activities pursuant to 30 TAC §330.954(e) and as described in your above referenced submittals.

Locations where waste is removed must be backfilled and compacted with clean clay-rich soil and graded to provide positive drainage and prevent ponding. Any waste left in place must be covered to prevent long-term exposure by erosion and vectors. Any waste that is removed must be disposed at an authorized solid waste facility in accordance with 30 TAC Chapter 330 and Chapter 335. No waste shall be left exposed overnight. If putrescible waste is encountered which may generate methane gas and create a human health or safety risk, methane must be monitored. If methane is detected at concentrations which may pose a human health or safety risk, construction activities must cease, and a plan to address the methane must be submitted to the Municipal Solid Waste Permits Section for review and approval before construction activities can resume. Any water that comes into contact with waste must be managed in a manner that will not cause surface water or groundwater contamination.

If you have any questions, please contact Ms. Karen Cleveland at (512) 239-4519. When addressing written correspondence, please use mail code MC 124.

Sincerely,

Richard C. Carmichael

Richard C. Carmichael, Ph.D., P.E.
Manager, Municipal Solid Waste Permits Section
Waste Permits Division

RCC/KDC/fp

cc: Mr. Kevin Yard, SCS Engineers, Bedford

P.O. Box 13087 Austin, Texas 78711-3087 512-239-1000 Internet address: www.tceq.state.tx.us

printed on recycled paper using soy-based ink

RIVER OAKS PROPERTIES
EL PASO, TEXAS

Via Facsimile and Regular Mail

Honorable City Plan Commission Members
City of El Paso
C/o Planning Division
2 Civic Center Plaza (5th floor)
El Paso, Texas 79901

Re: ZON09-00064 and ZON09-00063

We are in receipt of the City of El Paso's notice regarding a rezoning request by Joe Battle Partners, L.P. River Oaks Properties, Ltd. ("River Oaks") is the owner of property located within 300 feet of the property proposed for rezoning ("Property"). Please accept this letter as our formal protest of the requested zoning change under the provision of Section 211.006 of the Local Government Code.

It is our understanding that under the City's Comprehensive Plan for El Paso ("City's Plan"), the Property is designated primarily for parks and open space. Under Section 211.004 of the Local Government Code, a zoning regulation must be adopted in accordance with a city's comprehensive plan. Further, according to the City's Plan rezoning of property should conform to the City's Plan and should be carried out in a manner that promotes public health, safety and welfare. The proposed rezoning of the property is clearly inconsistent with the City's Plan and does not promote public health, safety and welfare and therefore, should be denied.

We respectfully request that you deny the application because it does not conform to the criteria set forth in the City's Plan. Thank you for your attention to this matter.

Sincerely,

RIVER OAKS PROPERTIES, LTD.
a Texas limited partnership
By: River Oaks Asset Management, Inc.,
a Texas corporation, its sole general
partner

By: _____
Adam Z. Frank, President

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