

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

DEPARTMENT: Development Services Department

AGENDA DATE: Introduction: April 3, 2007
Public Hearing: April 24, 2007

CONTACT PERSON/PHONE: Arlan Greer, 541-4723

DISTRICT(S) AFFECTED: 7

SUBJECT:

An Ordinance granting Special Permit No. ZON06-00128, to allow for a planned residential development on a portion of Tracts 2R1, 2R3, and 2A10B, Block 6, Ascarate Grant, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.040 (Zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

Subject Property: North of Esther Road and West of Lafayette Drive. Applicant: Carefree Land II, LP, 1560 Goodyear Drive, El Paso, Texas 79936. ZON06-00128 (7)

BACKGROUND / DISCUSSION:

See attached report.

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

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Kelly Carpenter

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON06-00128, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON A PORTION OF TRACTS 2R1, 2R3, AND 2A10B, BLOCK 6, ASCARATE GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.040 (ZONING) OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

WHEREAS, Carefree Land Company have applied for a Special Permit under Section 20.14.040 of the El Paso City Code, to allow for a planned residential development; and,

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and,

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and,

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Section 20.04.320.D of the El Paso City Code.

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

1. That the property described as follows is in an **R-5 (Residential)** District:

A portion of Tracts 2R1, 2R3, and 2A10B, Block 6, Ascarate Grant, City of El Paso, El Paso County, Texas, and more particularly described in the metes and bounds in Exhibit "A" which is attached hereto and made a part hereof for all purposes; and,

2. That the City Council hereby grants a Special Permit under Section 20.14.040 of the El Paso City Code to allow a planned residential development on the property described in Paragraph 1 of this Ordinance; and,

3. That this Special Permit is issued subject to the development standards in the R-5 (Residential) District regulations and is subject to the approved Detailed Site Development plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and is incorporated herein by reference for all purposes; and,

4. That if at any time the Applicant fails to comply with any of the requirements of the Ordinance, **Special Permit No. ZON06-00128** shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.68 and any other legal or equitable remedy; and,

5. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

CITY CLERK DEPT.
17 MAR 26 PM 3:05
ATTEST:

PASSED AND APPROVED this _____ day of _____, 2007.

THE CITY OF EL PASO

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Kimberly Forsyth, Senior Planner
Development Services Department

BARRAGAN & ASSOCIATES

Land Planning & Land Surveying

1450 Pendale Road, Suite "B" El Paso, Texas 79936

Ph. (915) 591-5709

Fax (915) 591-5706

DESCRIPTION

Description of a portion of land being Tracts 2-R-1, 2-R-3 and 2-A-10-B, Block 6, Ascarate Grant, City of El Paso, El Paso County, Texas, Plat Records of El Paso County, Texas, and being more particularly described as follows:

COMMENCING for reference at a county concrete monument located on the southerly right-of-way line of Interstate Highway 10, said monument being the northwesterly corner for Tracts 1A, Block 4, Block 6, Ascarate Grant, City of El Paso, El Paso County, Texas; THENCE, N 54°07'00" W, along said right-of-way line, a distance of 1902.33 feet to a point on the westerly right-of-way of Lafayette Drive; THENCE, S 00°18'00" E, along said right-of-way line, a distance of 493.38 feet to a found concrete nail, marking the easterly common corner for Tracts 2A10B and 2A10A, Block 6, Ascarate Grant, said nail also being the POINT OF BEGINNING of this description;

THENCE, S 00°18'00" E, along said right-of-way line, a distance of 155.81 feet to set 5/8" iron pin for the easterly common corner for Tracts 2R and 2R3, Block 6, Ascarate Grant;

THENCE, S 89°42'00" W, along Tracts 2R and 2R3, Block 6, Ascarate Grant, a distance of 429.74 feet to a set 5/8" iron pin, for the westerly common corner for Tracts 2R and 2R3, Block 6, Ascarate Grant;

THENCE, S 00°18'00" E, along Tract 2R and 2R1, Block 6, Ascarate Grant, a distance of 182.80 feet to a set 5/8" iron pin, for the common line for Tracts 2H, 2R, and 2R1, Block 6, Ascarate Grant;

THENCE, S 89°42'00" W, along Tracts 2H, 2H1, 2H2, 2H3, 2H4 and 2R1, Block 6, Ascarate Grant, a distance of 673.80 feet to point on the easterly line of Sageland Addition, First Revised Map, (filed in volume 2, page 55, Plat Records of El Paso County, Texas);

THENCE, N 00°18'00" W, along said line and along Sageland Addition, Unit Four, (filed in volume 70, page 26, Plat Records of El Paso County, Texas), a distance of 886.90 feet to a set 5/8" iron pin for the westerly common corner for Tracts 2A10B and 2A10B1, Block 6, Ascarate Grant;

THENCE, N 89°42'00" E, along said common line, a distance of 52.88 feet (Deed 53.88 feet) to a set 5/8" iron pin on the easterly common corner for Tracts 2A10B and 2A10B1, Block 6, Ascarate Grant;

THENCE, S 56°48'00" E, along Tracts 2A10B, 2A10B1, 2A6A, Block 6, Ascarate Grant, and the southerly line of Lot 3, Block 15, Sageland Addition, Unit Four, a distance of 834.64 feet to a set 5/8" iron pin for the northwesterly corner for Tract 2A10A1, Block 6, Ascarate Grant;

THENCE, S 00°18'00" E, along Tract 2A10A1 and 2A10B, Block 6, Ascarate Grant, a distance of 87.62 feet to a set 5/8" iron pin, for the common line for Tracts 2A10A1; and 2A10B, Block 6, Ascarate Grant;

THENCE, N 89°42'00" E, along Tracts 2A10A, 2A10A1 and 2A10B, Block 6, Ascarate Grant, a distance of 354.67 feet to the POINT OF BEGINNING of the herein parcel being described, containing 12.52 acres of land more or less.

NOTES:

1. A Plat of Survey of even date accompanies this Description.
2. Bearings recited herein are based on the northerly line of Block 6, Ascarate Grant.

Barragan

Benito Barragan TX R.P.L.S. 5615, July 5, 2006, blk6ascgrant



07 MAR 26 PM 3:08
CITY CLERK DEPT

Exhibit "A"



JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT, PE, CB
DIRECTOR, DEVELOPMENT SERVICES

KELLY CARPENTER, AICP
DEPUTY DIRECTOR, PLANNING

CITY COUNCIL

ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

March 16, 2007

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

FROM: Arlan Greer, Planner

SUBJECT: ZON06-00128

The City Plan Commission (CPC), on Feb. 15, 2007, voted unanimously to recommend **APPROVAL** of the Special Permit to allow for a planned residential development in an R-5 (Residential) district. The Special Permit will allow for private streets, reduced lot widths and reduced rear setbacks.

The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map which designates this area for residential land uses. The CPC also determined that this rezoning protects the best interest, health, safety and welfare of the public in general; and that the proposed use is compatible with adjacent land uses; and the effect of the rezoning will have no effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

We have received one letter in favor and one in opposition to this request.

Attachment: Staff Report, Aerial Map, Site Plan, Application



ZON06-00128

Application Type: Special Permit
Property Owner(s): Carefree Land Company
Representative(s): CEA Engineering Group
Legal Description: A portion of Tracts 2R1,2R3,and 2A10B, Block 6, Ascarate Grant, City of El Paso, El Paso County, Texas

Location: North of Esther Road and West of Lafayette Drive

Representative District: 7 **Area:** 12.437 Acres

Present Zoning: R-5 (Residential) **Present Use:** Vacant

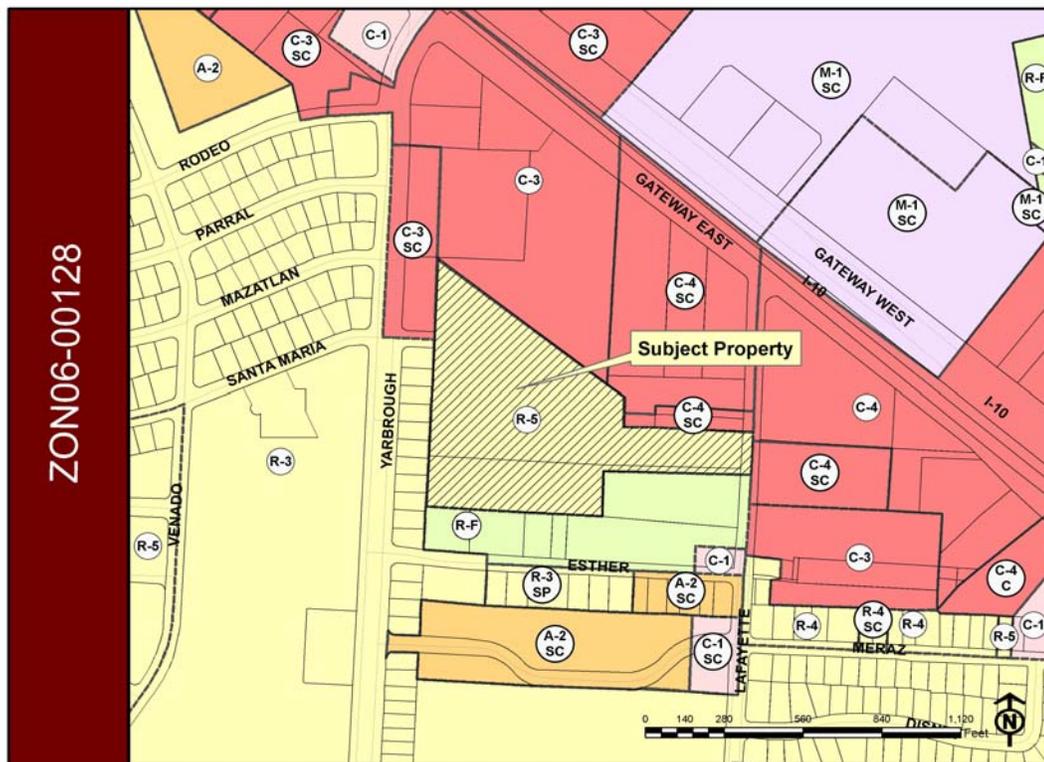
Request: Planned Residential Development

Recognized Neighborhood Associations Contacted: N/A

Public Response: One letter of opposition and one letter of support.

Surrounding Land Uses: **North:** C-3 / Hotel **South:** R-F / Vacant
East: C-4 / sc / RV Park **West:** R-3 / Single Family Homes

Year 2025 Designation: **Commercial and Residential** (Lower Valley Planning Area)



General Information:

The applicant is requesting a special permit to allow for planned residential development with private streets, reduced lot width, (minimum is 42') and rear setbacks. The property is currently zoned R-5 (Residential). The site is currently vacant and is 12.437 acres in size. The proposed site plan shows single family residential development with 59 lots to be located on the site. Access is proposed via Lafayette and Yarbrough. There are no zoning conditions currently imposed on this property.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends approval of this special permit request for a planned residential development with private streets and reduced lot width (minimum 42'), and rear setbacks of 20 feet.

Findings:

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommends that El Paso “Provide a wide range of housing types that respond to the needs of all economic segments of the community.”

The Year 2025 Projected General Land Use Map for the Lower Valley Planning Area designates this property for **Residential** and **Commercial** land uses.

R-5 (Residential) zoning permits a planned residential development.

The Commission must determine the following:

1. Will the special permit protect the best interest, health, safety and welfare of the public in general?
2. Will the special permit for private streets, reduced lot width and setbacks be compatible with adjacent land uses?
3. What is the relation of the proposed special permit to the City’s Comprehensive Plan?
4. What effects will the proposed special permit have on the natural environment, social and economic conditions and property values in the vicinity and the city as a whole?

Information To The Applicant:

Development Services - Building Permits and Inspections Division Notes:

Setback requirements for R-5 residential district are twenty feet front and twenty five rear. Proposed R-5 residential lots do not meet district's minimum average lot width. Development shall only allow single family dwelling units.

Development Services - Planning Division Notes:

Current Planning: Recommends approval of the Special Permit Request.

1. Year 2025 Plan designates area for Residential and Commercial uses.
2. Proposed development is compatible with adjacent land uses.

Land Development: No comments submitted.

Engineering Department, Traffic Division Notes:

No major traffic concerns.

Fire Department Notes:

No comments.

El Paso Water Utilities Notes:

EPWU does not object to this request.

List of Attachments

Attachment 1: Aerial

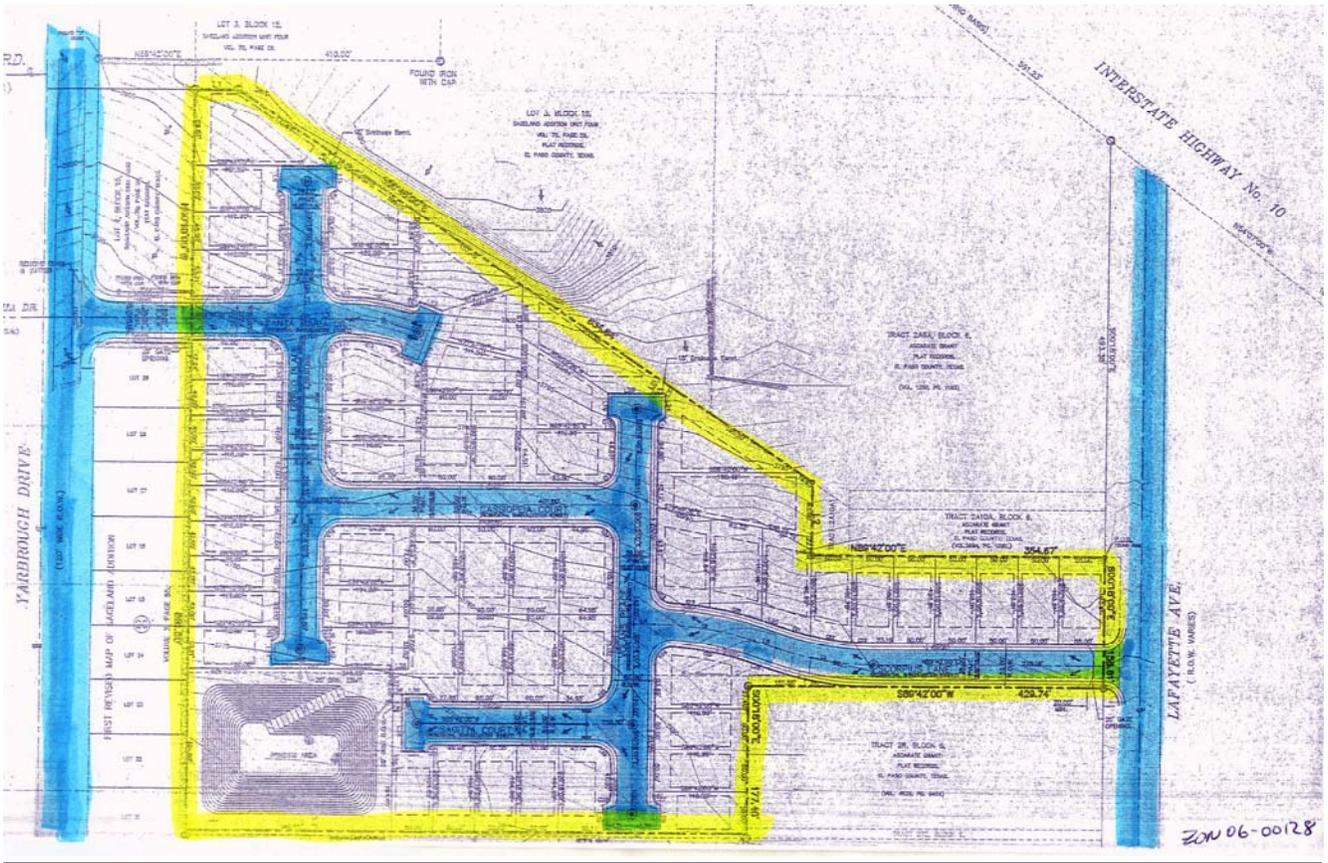
Attachment 2: Site Plan

Attachment 3: Application

Attachment 1
AERIAL



Attachment 2
SITE PLAN



Attachment 3



SPECIAL PERMIT APPLICATION
PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT
CITY OF EL PASO, TEXAS

1. CONTACT INFORMATION

PROPERTY OWNER(S): Carefree Land II, L.P.
ADDRESS: 1560 Goodyear ZIP CODE: 79936 PHONE: 590-8811
APPLICANT(S): Carefree Land II, L.P.
ADDRESS: 1560 Goodyear ZIP CODE: 79936 PHONE: 590-8811
REPRESENTATIVE(S): CEA Engineering Group
ADDRESS: 1204 Montez Ave ZIP CODE: 79902 PHONE: 544-5232
E-MAIL ADDRESS: jazz@ceagroup.net FAX: _____

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: A765-999-004C-0270
LEGAL DESCRIPTION: A Portion of Land Being Tracts 2-R-1, 2-R-3, and 2-A-10B, Block 6, Ascot
STREET ADDRESS OR LOCATION: Grant, Am Add. to the City of El Paso REP DISTRICT: 3
ACREAGE: 12.52 PRESENT ZONING: R-5 PRESENT LAND USE: Vacant
SPECIAL PERMIT REQUEST: To reduce front setbacks to 15' (20' driveways) and the rear setbacks to 17'-ft.

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER: N/A
LEGAL DESCRIPTION: _____
STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
SPECIAL PERMIT REQUEST: _____

4. PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER: N/A
LEGAL DESCRIPTION: _____
STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
SPECIAL PERMIT REQUEST: _____

5. ADDITIONAL INFORMATION

OWNER(S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):
Printed Name: Carefree Land II L.P. Signature: _____
Printed Name: _____ Signature: _____
Printed Name: _____ Signature: _____

Note: Signatures are required for all owners of record for the property proposed for special permit. Attach additional signatures on a separate sheet of paper.



****OFFICE USE ONLY****
ZON _____ RECEIVED DATE: 10 15 106 APPLICATION FEE: \$ 135.00
DCC REVIEW DATE: 11 1 106 (8:30 am, Planning Department Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 11 16 106 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: _____ FUND - 01101, DEPT ID - 99010335, ACCOUNT - 404126

Revised 06/2004

ZOND6-00128