

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Public Hearing: April 10, 2007

CONTACT PERSON/PHONE: Melissa Granado, 541-4730

DISTRICT(S) AFFECTED: 6

SUBJECT:

A resolution approving a detailed site development plan for a portion of Lot 1, Block 1, and a portion of Lot 4, Block 1, El Paseo Marketplace Replat A, City of El Paso, El Paso, County, Texas, (East of Joe Battle Boulevard and South of Montwood Drive), pursuant to a condition imposed by Ordinance No. 011446. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: East of Joe Battle Boulevard and South of Montwood Drive. Applicant: River Oaks Properties, LTD. ZON07-00005 (District 6)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Unanimous Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (6-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: R. Alan Schubert

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

RESOLUTION

07 MAR 19 PM 2:02

A RESOLUTION APPROVING A DETAILED SITE DEVELOPMENT PLAN, FOR A PORTION OF LOT 1, BLOCK 1, AND A PORTION OF LOT 4, BLOCK 1, EL PASEO MARKETPLACE REPLAT A, CITY OF EL PASO, EL PASO, COUNTY, TEXAS, (EAST OF JOE BATTLE BOULEVARD AND SOUTH OF MONTWOOD DRIVE), PURSUANT TO A CONDITION IMPOSED BY ORDINANCE NO. 011446. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

WHEREAS, RIVER OAKS PROPERTIES, LTD, (the "Applicant") has applied for approval of a detailed site development plan pursuant to a condition, to permit the construction and development of a shopping center; and

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

WHEREAS, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

WHEREAS, the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

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

1. Pursuant to requirements imposed by a condition, the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit the construction and development of a shopping center on the following described property which is located in a C-4/c (Commercial/conditions) District:

A portion of Lot 1, Block 1, and a portion of Lot 4, Block 1, El Paseo Marketplace, Replat A, City of El Paso, El Paso, County, Texas, as more particularly described by metes and bounds on the attached Exhibit "A" and incorporated herein by reference.

A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference.

CITY CLERK DEPT.
07 MAR 10 01:22:02

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the C-4/c (Commercial/conditions) District regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the C-4/c (Commercial/conditions) District. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

ADOPTED this _____ day of _____, 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:

Kimberly Forsyth, Senior Planner
Development Services Department

(Agreement on following page)

Property Description: A portion of Lot 1, Block 1, EL Paseo Marketplace, Replat A, EL Paso, EL Paso County, Texas.

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a portion of Lot 1, Block 1, EL Paseo Marketplace, Replat A, EL Paso, EL Paso County, Texas and is more particularly described by metes and bounds as follows:

Commencing at an existing Texas Department of Transportation Brass Cap lying on the centerline intersection of Joe Battle Boulevard (Loop 375, variable in width public road) and Montwood Drive (120' right-of-way public road); Thence, North 89° 29' 00" East, along said centerline of Montwood Drive, a distance of 271.03 feet to a point; Thence, South 00° 00' 31" East, a distance of 60.00 feet to a point lying on the southerly right-of-way line of Montwood Drive, said point being a found ½-inch iron, also being the TRUE POINT OF BEGINNING of this description;

THENCE, North 89° 29' 00" East, along said right-of-way line, a distance of 176.63 feet to a point for a corner;

THENCE, South 01° 22' 30" West, a distance of 402.88 feet to a point for a corner;

THENCE, North 88° 37' 30" West, a distance of 249.56 feet to a point for a corner lying on the easterly right-of-way line of Joe Battle Boulevard (Loop 375);

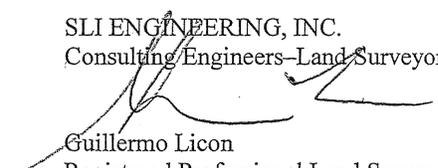
THENCE, North 01° 23' 00" East, along said right-of-way line, a distance of 319.80 feet to a point for a corner;

THENCE, North 44° 44' 46" East, a distance of 106.27 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 2.222 acres (96,772 Sq. Ft.) of land more or less.

A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC.
Consulting Engineers—Land Surveyors


Guillermo Licon
Registered Professional Land Surveyor
Texas License No. 2998



January 22, 2007
Job Number 09-06-2503
Page 1 of 2
M&B\1352

CITY CLERK DEPT.
07 MAR 19 PM 2:02

Property Description: A portion of Lot 4, Block 1, EL Paseo Marketplace, Replat A, EL Paso, EL Paso County, Texas.

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a portion of Lot 4, Block 1, EL Paseo Marketplace, Replat A, EL Paso, EL Paso County, Texas and is more particularly described by metes and bounds as follows:

Commencing at an existing Texas Department of Transportation Brass Cap lying on the centerline intersection of Joe Battle Boulevard (Loop 375, variable in width public road) and Montwood Drive (120' right-of-way public road); Thence, North 89° 29' 00" East, along said centerline of Montwood Drive, a distance of 199.48 feet to a point; Thence, South 01° 23' 00" West, along the easterly right-of-way line of Joe Battle Boulevard, a distance of 982.67 feet to a point lying on the common boundary line between Lots 2 and 3, Block 1, EL Paseo Marketplace, said point being the TRUE POINT OF BEGINNING of this description;

THENCE, along said boundary line, the following courses:

South 88° 37' 30" East, a distance of 249.64 feet to a point for a corner;

South 01° 22' 30" West, a distance of 43.00 feet to a point for a corner;

South 88° 37' 30" East, a distance of 40.00 feet to a point for a corner;

THENCE, South 01° 22' 30" West, distance of 211.13 feet to a point for a corner;

THENCE, North 88° 37' 30" West, a distance of 40.00 feet to a point for a corner;

THENCE, South 01° 22' 30" West, distance of 834.59 feet to a point for a corner lying on the northerly right-of-way line of Windermere Avenue (60' right-of-way public street);

THENCE, North 89° 57' 20" West, along said right-of-way line, a distance of 201.22 feet to a point for a curve;

THENCE, 46.83 feet along the arc of a curve to the right, having a radius of 30.00 feet, a central angle of 89° 25' 59" a chord which bears South 45° 14' 21" East, a distance of 42.22 feet to a point for a corner lying on the easterly right of way line of Joe Battle Boulevard;

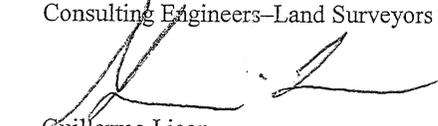
THENCE, North 00° 31' 21" West, along said right-of-way line, a distance of 539.51 feet to a point for a corner;

THENCE, North 01° 23' 00" East, continuing along said right-of-way line, a distance of 525.18 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 6.324 acres (275,464 Sq. Ft.) of land more or less.

A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC.
Consulting Engineers—Land Surveyors


Guillermo Licon
Registered Professional Land Surveyor
Texas License No. 2998



January 22, 2007
Job Number 09-06-2563
M&B1353

CITY CLERK DEPT.
07MAR 19 PM 2:02

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT
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
PLANNING DIVISION

MEMORANDUM

DATE: March 19, 2007
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Melissa Granado, Planner
SUBJECT: **ZON07-00005**

The City Plan Commission (CPC), on March 1, 2007, voted **6-0** to recommend **APPROVAL** of a detailed site plan for property located east of Joe Battle Boulevard and south of Montwood Drive, concurring with Staff's recommendation.

The CPC found that this detailed site plan satisfies the City's minimum requirements necessary to protect the public health, safety, and general welfare of the community. The CPC also determined that the detailed site plan complies with all ordained development standards of the C-4/c (Commercial/conditions) zoning district.

There was no opposition to this request.

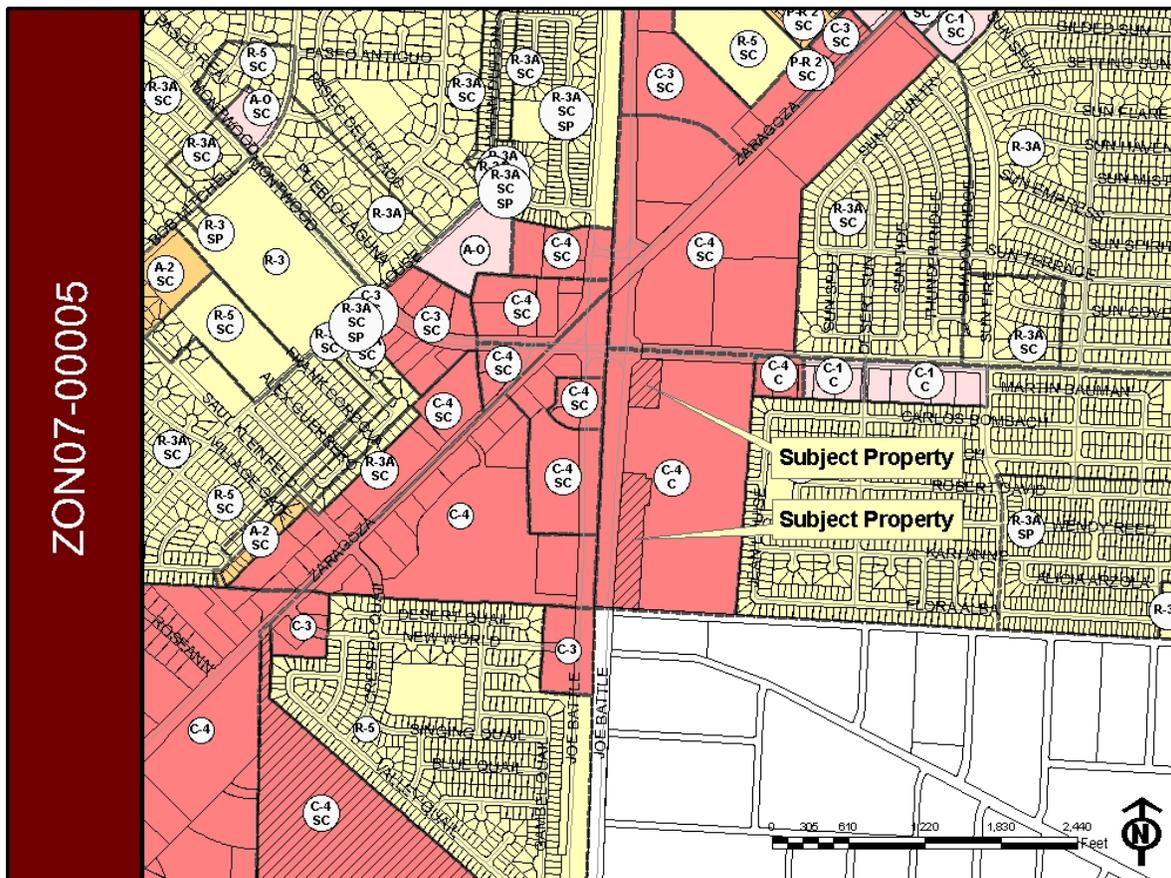
Attachment: Staff Report



ZON07-00005

Application Type: Detailed Site Development Plan
Property Owner(s): River Oaks Properties, LTD.
Representative(s): SLI Engineering, Inc.
Legal Description: A portion of Lot 1, Block 1, and a portion of Lot 4, Block 1, El Paseo Marketplace Replat A, City of El Paso, El Paso County, Texas

Location: East of Joe Battle Boulevard and South of Montwood Drive
Representative District: # 6
Area: 8.25 acres **Zoning:** C-4/c (Commercial/conditions)
Present Use: Vacant (SuperTarget out parcels)
Public Response: None
Surrounding Land Uses: **North:** C-4/sc / Shopping center, **South:** City Limits, **East:** R-3A / Single-family dwellings, **West:** Loop 375 Commercial (East Planning Area)
Year 2025 Designation: Commercial (East Planning Area)



General Information

Site plan review is required per a zoning condition currently imposed on the parcel of land. The property is zoned C-4/c (Commercial/conditions). The site is currently vacant out parcels located in the El Paseo Marketplace shopping complex. The property is 8.25 acres in size. The site plan proposes a total of seven buildings for various uses to be located on the site. The site plan also proposes a combined total of 2,632 parking spaces on entire site, 542 of which are located on the subject property. Access is proposed via Joe Battle Boulevard.

There were two conditions imposed on this property by Ordinance 011446 dated June 22, 1993 (See Attachment 3, Parcel 1).

Staff Recommendation

The Development Coordinating Committee (DCC) recommends **APPROVAL** of this detailed site development plan review.

The recommendation is based on the following:

- **The Plan for El Paso City-Wide Land Use Goals** recommends that El Paso “provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.”
- **The Year 2025 Projected General Land Use Map** for the East Planning Area designates this property for **Commercial** land uses.

Findings

The Commission must determine the following:

1. Does the detailed site development plan satisfy the City's minimum requirements necessary to protect the public health, safety, and general welfare of the community?
2. Does the proposed development comply with all ordained development standards of the C-4/c (Commercial/conditions) zoning district?

Development Services - Building Permits and Inspections Division Comments

Zoning Review: Commercial shopping center as submitted is permitted on a C-4 Commercial District. Meets minimum setback and parking requirements. Must verify existing 6 ft. masonry screening wall along property lines abutting Residential District.

Landscaping: This parcel has met the landscape ordinance during the construction of Super Target as a whole. Requires canopy trees for parking spaces when parking lot is developed.

Development Services - Planning Division Comments

Current Planning: Recommends approval of the detailed site plan.

Land Development: No comments received.

Engineering Department, Traffic Division Comments

No major traffic issues with the proposed Detailed Site Plan.

Fire Department Comments

No comments received.

El Paso Water Utilities Comments

We have reviewed the request referenced above and provide the following comments:

Water and sanitary sewer mains and services have been installed along El Paso Water Utilities –

Public Service Board (EPWU – PSB) easements located within the subject property. These mains and service connections are available to serve the proposed development.

No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced easements without the written consent of the El Paso Water Utilities – Public Service Board (EPWU-PSB).

Any additional water/sewer service connections require a new service application. New service applications are available at 1154 Hawkins, 3rd Floor. A site plan, utility plan, grading and drainage plans, landscaping plan, legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant 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.

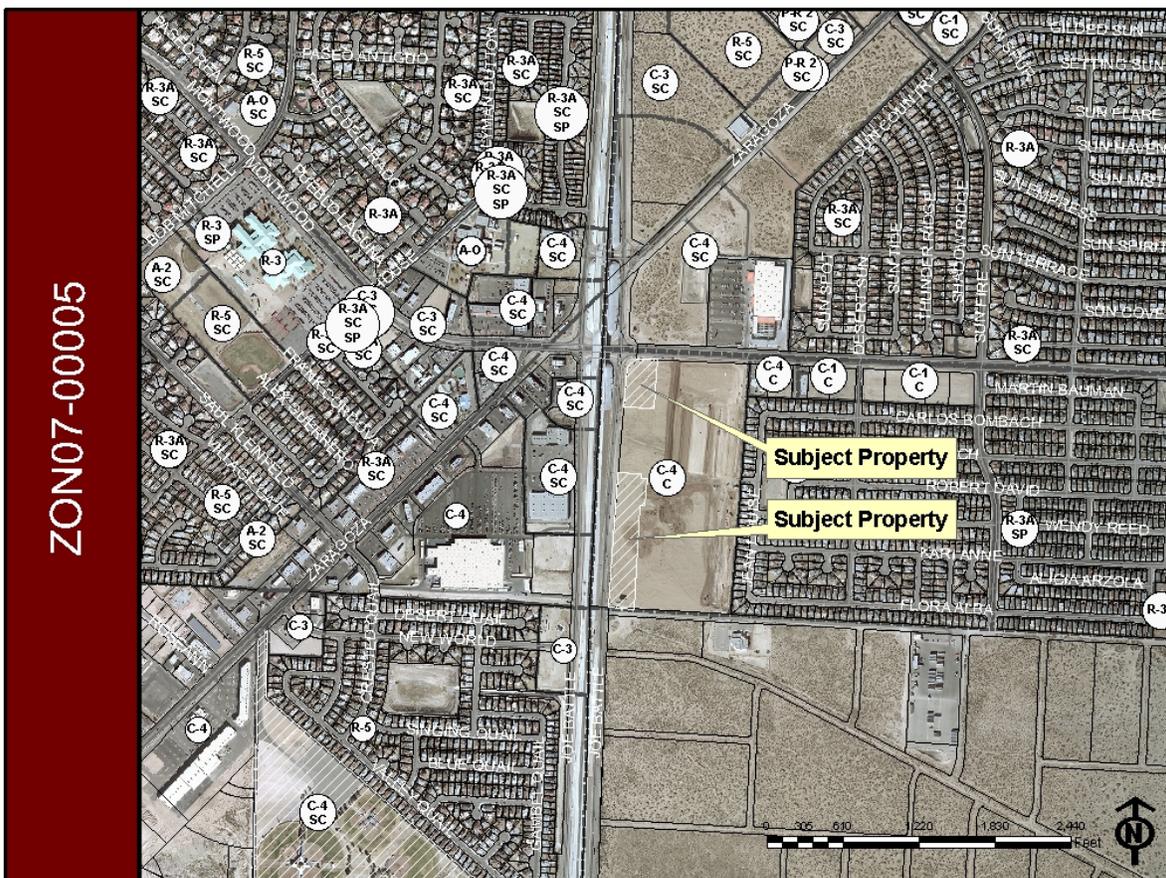
EPWU does not object to this request.

List of Attachments

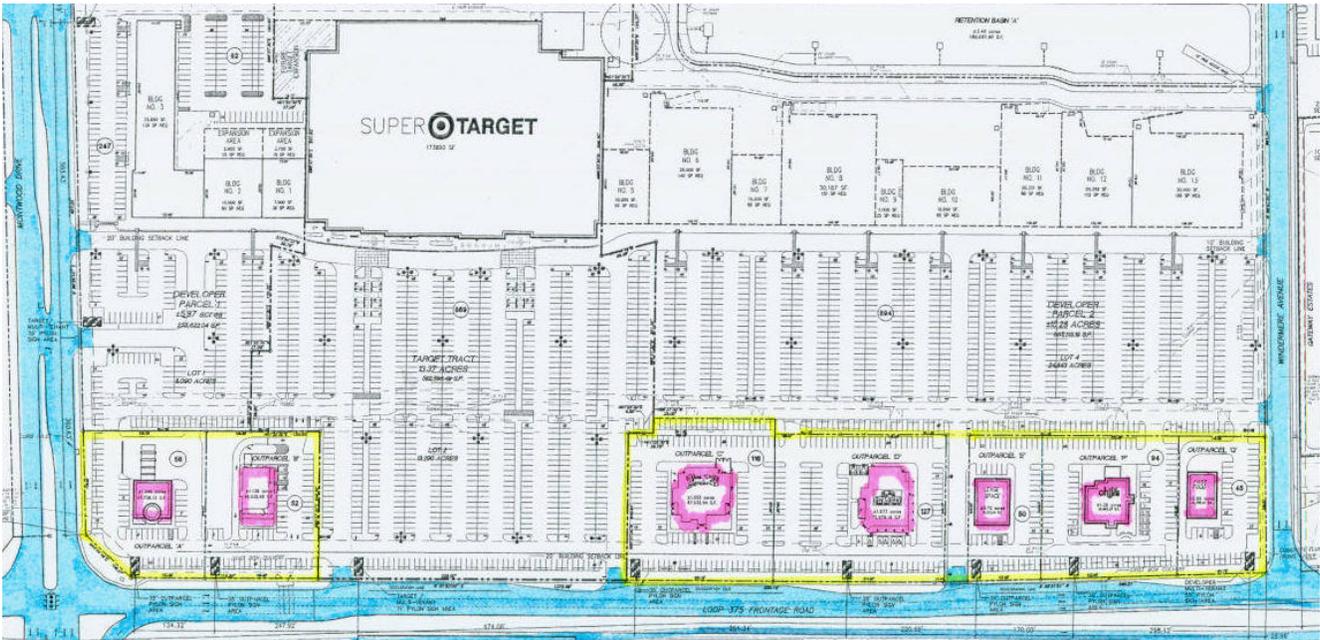
Attachment 1: Site Plan, Previous Site Plan

Attachment 2: Ordinance 011446

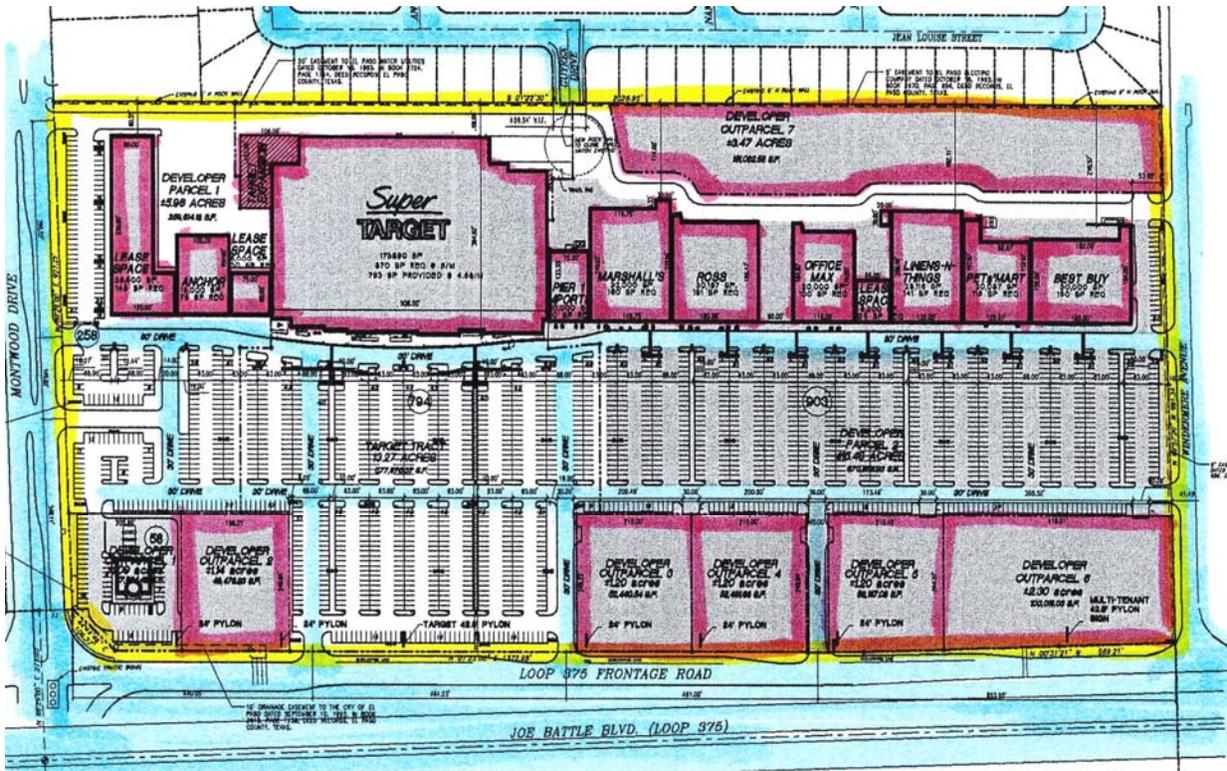
Attachment 3: Application



Attachment 1: Site Plan



Previous Site Plan



Attachment 2: Ordinance 011446

ORDINANCE NO. 011446

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 3, SECTION 4, BLOCK 79, TSP 3, T&P RAILWAY CO. SURVEYS, AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of A PORTION OF TRACT 3, SECTION 4, BLOCK 79, TSP 3, T&P RAILWAY CO. SURVEYS, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from R-3 (Residential), to R-3A (Residential-Parcel 5), C-4 (Commercial-Parcels 1&2), A-O (Apartment/Office-Parcel 4) and C-1 (Commercial-Parcel 3) within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-3 (Residential) to R-3A (Residential), C-4 (Commercial), A-O (Apartment/Office) and C-1 (Commercial) in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

Parcels 1 & 2

1. Prior to issuance of building permits, the applicants must submit for review and approval by the City Plan Commission and the Mayor and City Council a detailed site development plan of the property. Such site plans should also include a landscaping plan, to show how the area adjacent to the residential uses can be buffered.

ORDINANCE NO: 011446 PAGE 1 OF 3

2. Provide a 15' strip of landscaping adjacent to Joe Battle Blvd. (Loop 375) and Montwood Dr.

Parcels 2,3&4

1. Prior to issuance of any building permits the applicants must submit for review and approval by the City Plan Commission and the Mayor and City Council, a detailed site development plan of the property.
2. Limiting the height of any structure to not more than 2½ stories or 35' whichever is greater.
3. Provide a 10' wide strip of landscaping along Montwood Dr.

These conditions run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefitted thereby, and without affecting the validity of this ordinance.

PASSED AND APPROVED this 22nd day of June, 1993.

THE CITY OF EL PASO



Mayor

ATTEST:

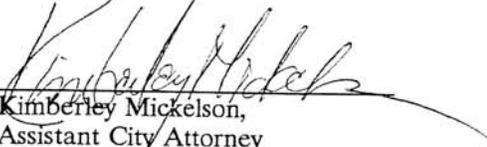


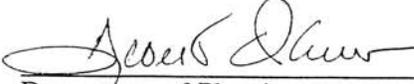
City Clerk

ORDINANCE NO. 011446 PAGE 2 OF 3

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

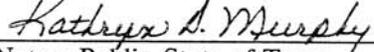

Kimberley Mickelson,
Assistant City Attorney


Department of Planning

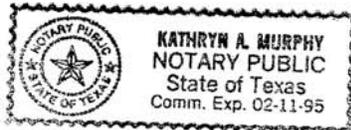
ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 28th day of June, 1993, by Larry Francis as Mayor of the CITY OF EL PASO.


Notary Public, State of Texas
Notary's Printed or Typed Name:

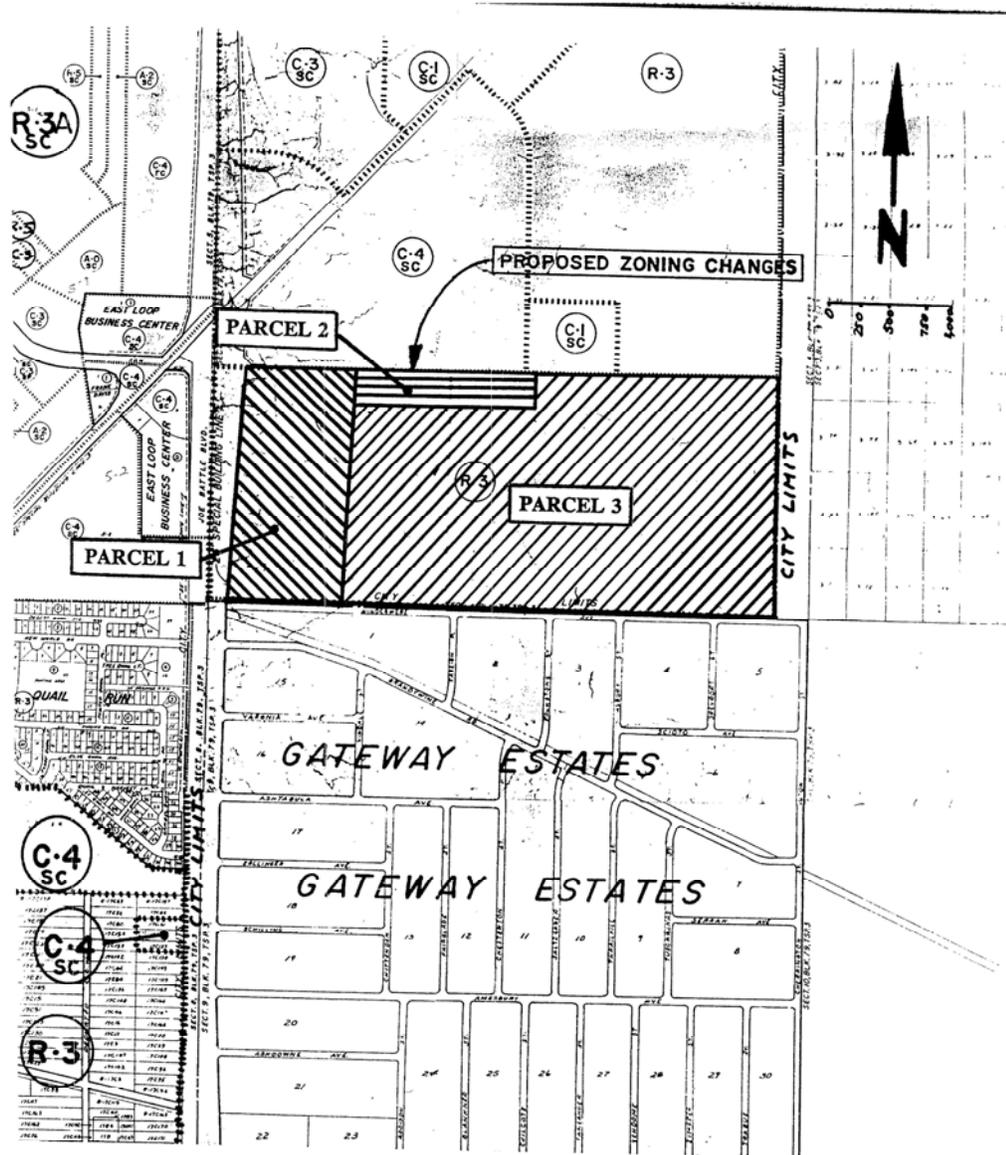
My Commission Expires:



C:\KM\Z93-5787.ORD

GG\CA\KM\ZNG-EX2LORD
Rev. January 28, 1993 (88)

ORDINANCE NO. 011446 PAGE 3 OF 3



**CASE NO. 93-5787
GENERAL LOCATION MAP**

PROPERTY OWNERS: Rubin Investments

Portion of Tract 3, Sec 4, Blk 79, TSP 3, T&P Rwy CO SURVEYS

46.21+/- acres -	Parcel 1	-	from R-3	to C-4	} to allow for single-family development, a neighborhood shopping center and a major shopping center
9.9741+/- acres -	Parcel 2	-	from R-3	to C-3	
170.8245+/- acres -	Parcel 3	-	from R-3	to R-3A	

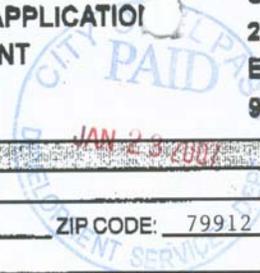
Attachment 3: Application



Dec. 27. 2006 11:46AM CITY OF EL PASO

**DETAILED SITE DEVELOPMENT PLAN APPLICATION
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

No. 9400, P. 1
City of El Paso, Texas
2 Civic Center Plaza
El Paso, TX 79901-1196
915-541-4024



1. CONTACT INFORMATION

PROPERTY OWNER(S): River Oaks Properties
 ADDRESS: 106 Mesa Park Dr. ZIP CODE: 79912 PHONE: 225-5704
 E-MAIL ADDRESS: _____ FAX: 225-5701

REPRESENTATIVE(S): SLI Engineering, Inc.
 ADDRESS: 6600 Westwind Dr. ZIP CODE: 79912 PHONE: 584-4457
 E-MAIL ADDRESS: ghalloul@sl-engineering.com FAX: 581-7756

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: X579999304A2000
 LEGAL DESCRIPTION: A portion of Lot 1, Block 1 and a portion of Lot 4, Block 1, El Paso Market Place, Replat A
 STREET ADDRESS OR LOCATION: EAST OF JOE BATTLE, SOUTH OF MONTWOOD DR. REP DISTRICT: 6
 ACREAGE: 8.25 PRESENT ZONING: L4L PROPOSED LAND USE: SHOPPING CENTER
 REASON FOR REQUEST: ZONING CONDITION

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
 LEGAL DESCRIPTION: _____
 STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
 ACREAGE: _____ PRESENT ZONING: _____ PROPOSED LAND USE: _____
 REASON FOR REQUEST: _____

4. PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
 LEGAL DESCRIPTION: _____
 STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
 ACREAGE: _____ PRESENT ZONING: _____ PROPOSED LAND USE: _____
 REASON FOR REQUEST: _____

5. ADDITIONAL INFORMATION

OWNER(S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):
 Printed Name: RICHARD G. WILLIAMS Signature: [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 07-00005 RECEIVED DATE: 1/23/07 APPLICATION FEE: \$ 440
 DCC REVIEW DATE: 2/14/07 (8:30 am, Conference Room, 2nd Floor, City Hall Building)
 CPC REVIEW DATE: 3/1/07 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
 ACCEPTED BY: [Signature]

Revised 9/2006