

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: April 22, 2008
Public Hearing: May 13, 2008

CONTACT PERSON/PHONE: Arturo Rubio, 541-4633

DISTRICT(S) AFFECTED: 3

SUBJECT:

An Ordinance changing the zoning of a portion of Tracts , 18, 19, 20, 21, 22, 23, 24 and all of Tracts 25, 26, 27, and 28 Palmdale Acres, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to M-1 (Light Manufacturing). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North of North Loop Drive and West of Hawkins Boulevard. Applicants: Farmers Select, LLC, ZON07-00124 (District 3)

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 (5-0)

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

LEGAL: N/A

FINANCE: N/A

DEPARTMENT HEAD:

Patricia D. Adauto

Patricia D. Adauto, Deputy City Manager
Development & Infrastructure Services

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

CITY CLERK DEPT.
FEB 14 PM 12:48

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 18, 19, 20, 21, 22, 23, 24 AND ALL OF TRACTS 25, 26, 27, AND 28, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO M-1 (LIGHT MANUFACTURING). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

That the zoning of a portion of Tracts 18, 19, 20, 21, 22, 23, 24 and all of Tracts 25, 26, 27, and 28, City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from R-F (Ranch and Farm) to M-1 (Light Manufacturing), within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this _____ day of _____, 2008.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Patricia D. Adauto
Patricia D. Adauto, Deputy City Manager
Development & Infrastructure Services

CITY CLERK DEPT.
09 APR 14 PM 12:49

ORDINANCE NO. _____

ZON07-00124

Being Tracts 25, 26, 27, and 28,
Palmdale Acres,
City of El Paso, El Paso County, Texas
March 19, 2008
(Parcel 1)

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being Tracts 25, 26, 27 and 28, Palmdale Acres, City of El Paso El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a Texas Department of Transportation Brass Disk at the point of intersection of the monument line of North Loop Drive in front of Tract 22, Palmdale Acres, from which a Texas Department of Transportation Brass Disk bears North 64°07'00" West a distance of 558.65'; Thence leaving said monument line North 31°55'30" East a distance of 25.14 feet to a point on the northerly right of way line of North Loop Dr.; Thence along said right of way line North 64°07'00" West a distance of 195.25 feet to a point on the line between Tracts 24 and 25, Palmdale Acres for the "TRUE POINT OF BEGINNING",

Thence continuing along the right of way line of North Loop Dr., North 64°07'00" West a distance of 296.36 feet to a point on the line between Tracts 28 and 29, Palmdale Acres;

Thence along said line North 44°32'00" East a distance of 639.57 feet to a point on the northerly line of Palmdale Acres;

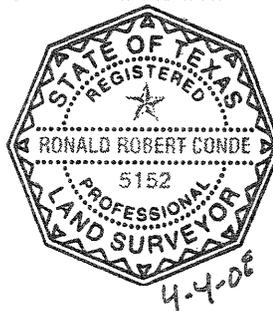
Thence along said line South 56°54'00" East a distance of 286.48 feet to a point on the line between Tracts 24 and 25, Palmdale Acres;

Thence along said line South 44°32'00" West a distance of 601.59 feet to the "TRUE POINT OF BEGINNING" and containing 4.00 Acres of land more or less.

NOTE: Not a ground survey, Bearings and description based on Texas department of Transportation Right of way map Project no. 67-4-01-06 Account no. 6024-00-01

Reference: Survey prepared by Fermin Dorado on 5-2-06


Ron R. Conde
R.P.L.S. No. 5152



job# 907-65

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EXHIBIT "A"

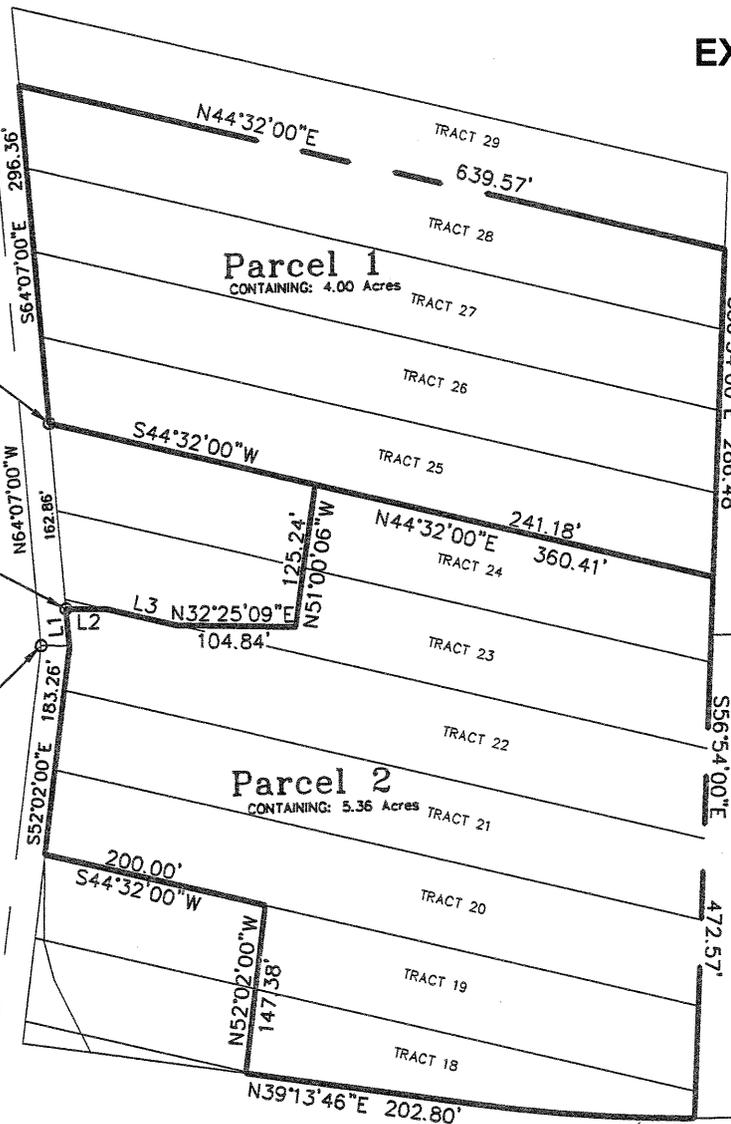
TX. DOT BRASS CAP

NORTH LOOP ROAD

(P.O.B. PARCEL 1)

(P.O.B. PARCEL 2)

TX. DOT BRASS CAP (P.O. C.)



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5 101

COOPERFIELD INDUSTRIAL CENTER

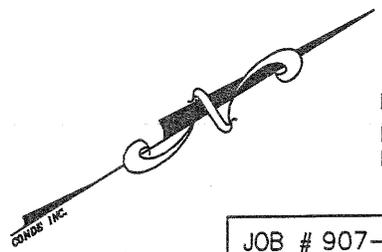
9 101

HAWKINS BLVD.

R=1413.37
L=195.80
Ch=195.64
Δ=7°56'14"

LINE TABLE		
LINE	LENGTH	BEARING
L1	32.39	N64°07'00"W
L2	35.70	N32°07'00"E
L3	63.81	N44°33'26"E

NOTE: METES AND BOUNDS DESCRIPTIONS OF EVEN DATE ACCOMPANY THIS SKETCH.
 NOT A GROUND SURVEY BEARINGS BASED ON TEXAS DEPARTMENT OF TRANSPORTATION
 RIGHT OF WAY MAPS PROJECT NO. 67-4-01-06 ACCOUNT NO. 6024-00-01.

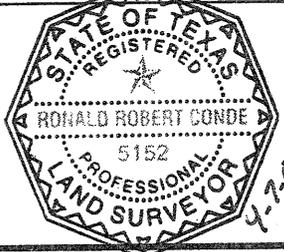


SCALE: 1"=150'

JOB # 907-65

DATE: APRIL 4, 2008

OFFICE: F.R.



BEING TRACT 25 THROUGH 28 AND PORTION
 OF TRACTS 18 THROUGH 24,
 PALMDALE ACRES
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONDE ENGINEERING INC. CADD FILE: C:\SU\4\LDD HAWKINS
 1790 LEE TREVINO SUITE 400
 EL PASO, TEXAS 79936

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 ALL RIGHTS RESERVED

RR



JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

PAT D. ADAUTO
DEPUTY CITY MANAGER
DEVELOPMENT AND INFRASTRUCTURE SERVICES

VACANT
DEPUTY DIRECTOR, PLANNING

**DEVELOPMENT SERVICES
PLANNING DIVISION**

MEMORANDUM

CITY COUNCIL

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

DATE: April 14, 2008
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Arturo Rubio, Planner
SUBJECT: ZON07-00124

CITY CLERK DEPT
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The City Plan Commission (CPC), on February 14, 2008, voted **5-0** to recommend **APPROVAL** of rezoning the subject property from R-F (Ranch and Farm) to M-1 (Light Manufacturing).

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. The CPC also determined that this rezoning protects the best interest, health, safety and welfare of the public in general, that the proposed use is compatible with adjacent land uses, and the rezoning will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

This item was postponed at the November 15, 2007 CPC hearing to allow the applicant and abutting property owner to discuss access issues. The abutting property owner notified planning staff that the applicant had reached an agreement regarding access east of the abutting property owners' property. The abutting property owner dropped her opposition and the CPC and staff recommended approval of the request for rezoning. The applicant amended the application to reflect acceptance of an M-1 rezoning recommended by staff and the CPC.

There was no opposition to this request.

Attachment: Staff Report



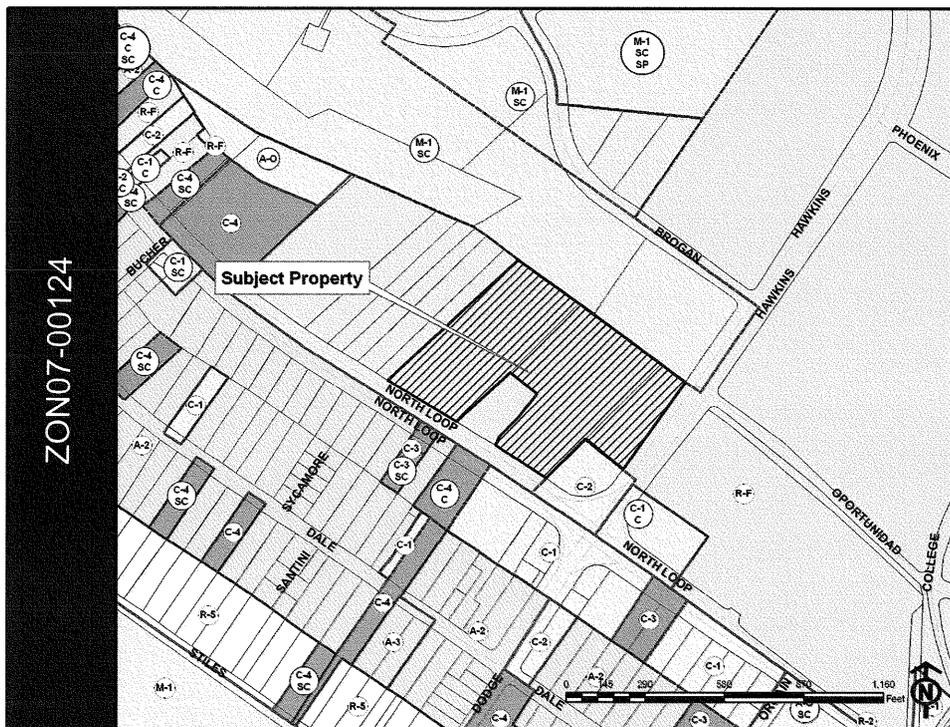
ZON07-00124

Application Type: Rezoning
Property Owner: Farmers Select, LLC
Representative: Conde, Inc.
Legal Description: A portion of Tracts 18, 19, 20, 21, 22, 23, 24 and all of Tracts 25, 26, 27 and 28 Palmdale Acres, City of El Paso, El Paso County, Texas

Location: North of North Loop Drive and West of Hawkins Boulevard

Representative District: 3 **Area:** 9.36 acres
Present Zoning: R-F (Ranch and Farm) **Present Use:** Dairy
Proposed Zoning: C-4 (Commercial)
Recognized Neighborhood:
Associations Contacted: None
Public Response: One letter in opposition
Surrounding Land Uses: **North:** M-1/sc Vacant, Cooper Field Industrial Center; **South:** C-3/sc, C-4/sc, A2, C-1, C-2, Restaurants, Vacant, Retail; **East:** C-1/c, Gas Station, Dairy **West:** R-F Dairy, Residential

Year 2025 Designation: **Industrial** (Mission Valley Planning Area)



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General Information:

The applicant is requesting a rezoning from R-F (Ranch and Farm) to C-4 (Commercial). Access is proposed via North Loop Drive and Hawkins Boulevard. There are no zoning conditions on this property.

Case History:

This case was heard by the CPC on November 15, 2007 and postponed in order for the applicant to coordinate with an abutting property owner on access. The applicant and property owner in opposition have not come to any final agreement on access issue as demonstrated in the attached letters.

Planning Department received opposition from one adjacent property owner in regard to the original request for C-4 and Planning Department recommendation to M-1. Property owner is opposed to the proposed truck terminal allowed in both C-4 and M-1 due to an access issue. On February 14, 2008 opposing property owner notified planning staff that an agreement been reached with the applicant on access issue. Opposing property owner dropped opposition to the request. Applicant has agreed to Planning recommendation of M-1 and has made revision to the application to reflect the change.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **Denial** of this request from R-F (Ranch and Farm) to C-4 (Commercial) and recommends **Approval** to M-1 (Light Manufacturing).

The recommendation is based on the following:

- The **M-1 (Light Manufacturing) zoning** is more compatible with surrounding manufacturing uses.
- **The Plan for El Paso City-Wide Land Use Goals** recommend that El Paso “provide designated locations for commercial development that do not adversely affect the health, safety and welfare of the community and where essential infrastructure is available to serve the development.”
- **The Year 2025 Projected General Land Use Map** for the Mission Valley Planning Area designates this property for **industrial** land use.
- **M-1 (Light Manufacturing) zoning** permits a truck terminal and is compatible with adjacent development.

Findings:

The Commission must determine the following:

1. Will the zoning protect the best interest, health, safety and welfare of the public in general?
2. Will a truck terminal be compatible with adjacent land uses?
3. What is the relation of the proposed change to the city’s Comprehensive Plan?
4. What effect will the rezoning have upon the natural environment social and economic conditions and property values in the vicinity and in the City as a whole?

CITY CLERK DEPT. OF PLANNING
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Development Services Department - Building Permits and Inspections Division:

Zoning Review: Truck terminal is permitted on rezoning request. Insufficient data provided to determine compliance with Title 20.08.203 B (1), development standards (perimeter treatment). Applicant will be required to construct a 6 foot high screening wall abutting residential districts.

Landscape Review: No comments received.

Development Services Department - Planning Division:

Current Planning: Recommends approval of rezoning from R-F (Ranch and Farm) to M-1 (Light Manufacturing). A landscape buffer and other conditions may be necessary to mitigate the impact on existing residential.

Land Development: No comments received.

Engineering Department - Traffic Division:

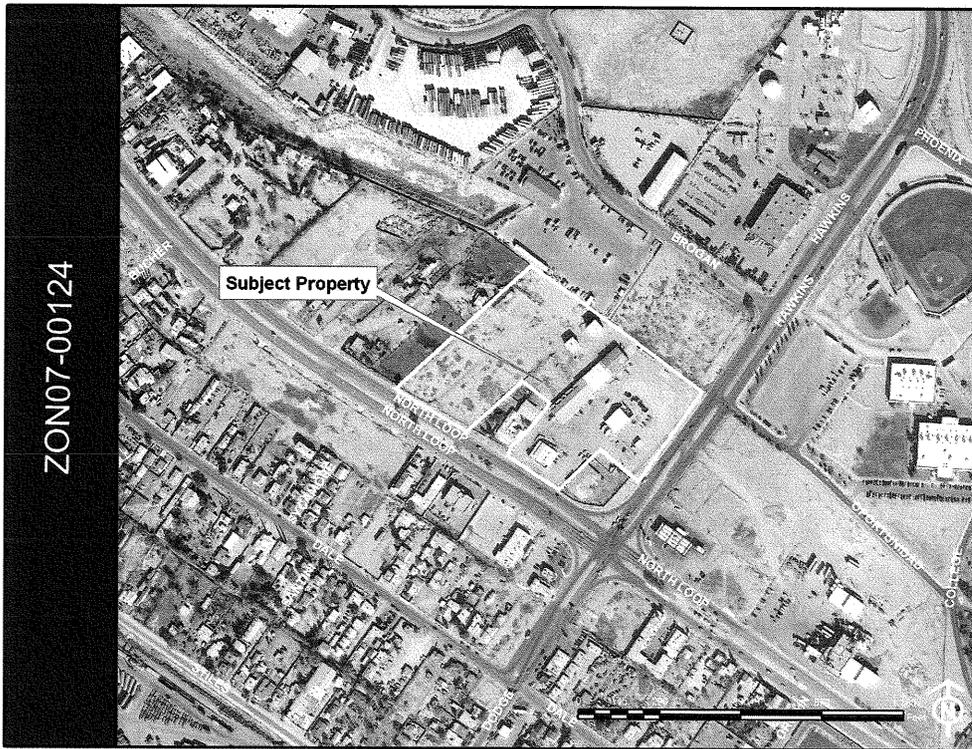
No apparent traffic concerns.

Fire Department:

No comments received.

El Paso Water Utilities:

EPWU does not object to this request.

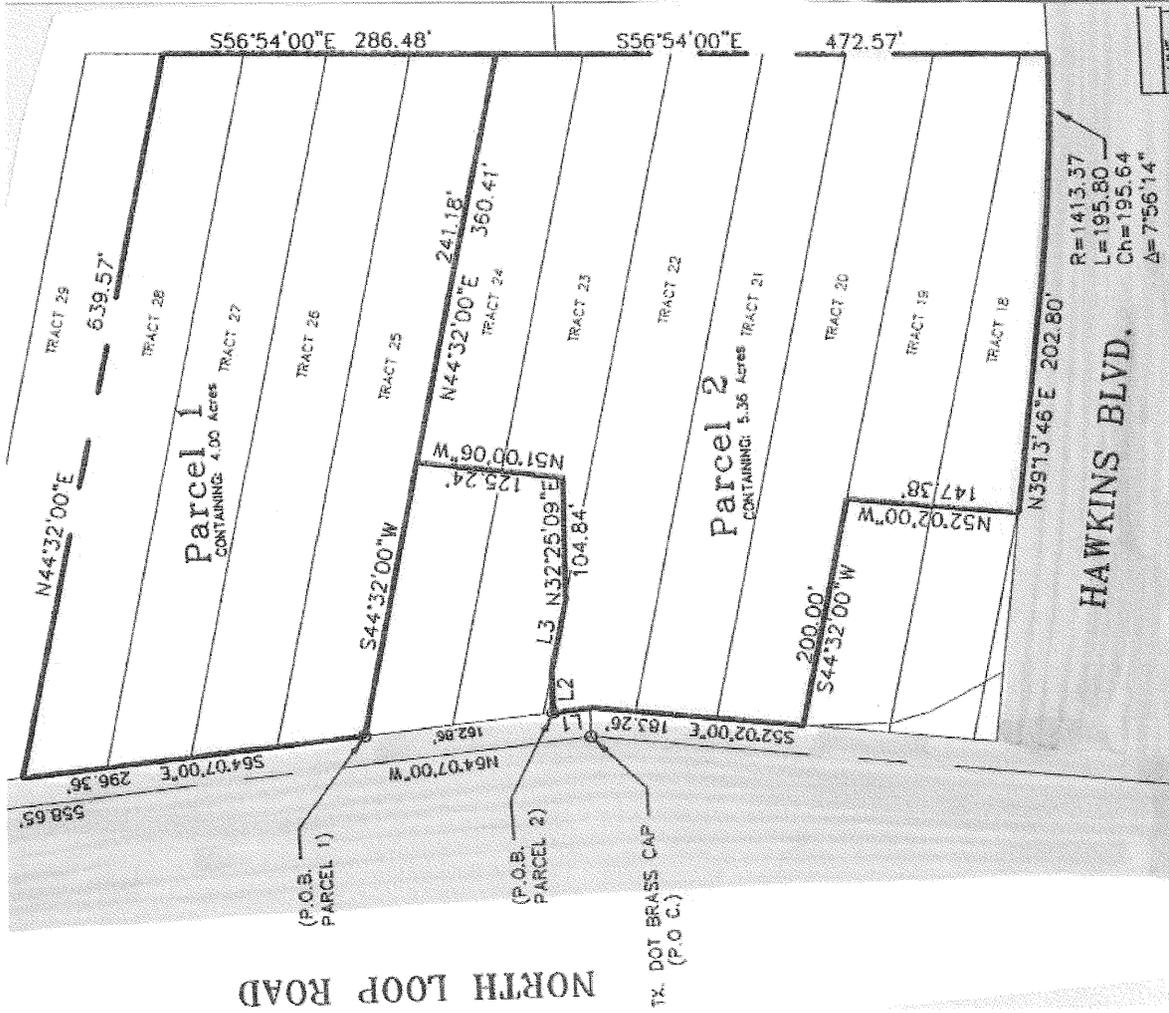


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List of Attachments:

- Attachment 1: Boundary Site Plan
- Attachment 2: Opposition Letters
- Attachment 3: Application

Attachment 1: Boundary Site Plan



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Attachment 2: Opposition Letter

NOV-05-2007 11:09 AM ASEO

P. 01

Arturo Rubio, Planner
DSD - Planning Division
#2 Civic Center Plaza, 5th Floor
El Paso, TX 79901

Re: ZONO7-00124

Dear Mr. Rubio:

I have no objections on the request for the zoning change. However, I do have a concern as to how the establishment of a truck terminal will affect the property boundaries, the easements and the accessibility to our garage which faces the north side of my property. The entrance to the garage is only by a driveway on the east side of my property. As per your map, our property will be surrounded by the truck terminal and presently we share the same driveway entrance.

My question also is will I lose our rights to the "easement"?

Thank you.



CITY CLERK DEPT.
08 APR 14 PM 12:49

Attachment 2: Opposition Letter Continued

NOV-05-2007 04:28 PM ASED
1234 567890
El Paso, TX 79915

P. 01

November 5, 2007

Arturo Rubio, Planner
DSD - Planning Division
#2 Civic Center Plaza, 5th Floor
El Paso, TX 79901

Re: ZON07-00124

Retracting Previous Statement

Dear Mr. Rubio:

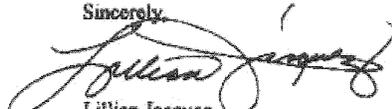
I am hereby retracting the previous statement sent. I was not fully aware of the possible damage the truck terminal could cause on our property; this was brought to my attention by my husband. I do plan to attend the public hearing.

I tried calling you on the number listed on your letter dated November 1st, but had some difficulties in doing so.

Please call me to confirm receipt of this letter.

Thank you.

Sincerely,



Lillian Jacquez

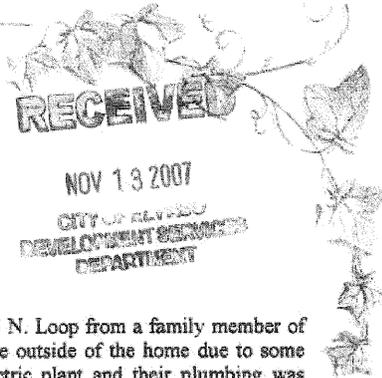
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Attachment 2: Opposition Letter Continued

November 12, 2007

John Cook, Mayor
City of El Paso
#2 Civic Center Plaza, 5th Floor
El Paso, TX 79915

Re: ZON07-00124



Dear Mayor Cook:

Back in September 2004, we purchased a 5,500+ sq.ft. home at 7235 N. Loop from a family member of Farmers Dairy. We could not afford to do any cosmetic work on the outside of the home due to some expensive changes in the home. Farmers Dairy had their own electric plant and their plumbing was connected to one main line; these utilities were also used for their personal homes. We had to hire license contractors to make the necessary changes on these services. We have made quite some improvements inside the house as it was vacated for a long time and showed signs of it.

On Thursday, November 15th, the Farmers Dairy family and/or their representatives will be asking City Council to approve a rezoning change for a truck terminal on their property. Notice was mailed to us early this month. The usual process to protest is to obtain support from the neighbors. Unfortunately, we do not have any neighbors; we are surrounded by Farmers' Dairy farm land and many acres of it. Across the six lanes traffic on N. Loop, we have a few businesses and more undeveloped tracts of land.

It sadden us that no one from Farmers Dairy or Farmers Select, LLC called us, or asked to meet with us to advise us, or offer to purchase the property. We would have not hesitated for a fair market value of the property and the expense of relocating. We would not want to be on anyone's way on their business growth. Farmers does not have any obstacles on their business plan and they do have the financial resources we do not have; but they completely overlooked the health and safety issues along with possible property damage a truck terminal can cause with the constant noise, heavy trucks, and diesel pollution that will affect one family, us.

We hereby respectfully request that you and our City Council Representatives postpone your decision on the 15th and that you kindly request that Farmers make a good faith effort to assure me that all necessary precautions will be taken to protect my family and my property, or to purchase the property at a fair market price, and reimburse us for any and all necessary legal or professional expenses incurred by this transaction. It is my firm opinion that granting the rezoning to Farmers Select, LLC will decrease the value of our home and inhibit us from enjoying the comfort and safety of our home.

Respectfully,

Lillian Jacquez

- cc: Ann Morgan Lilly, District 1
- Susannah M. Byrd, District 2
- J. Alexandro Lozano, District 3
- Melina Castro, District 4

- Rachael Quintana, District 5
- Eddie Holguin, Jr., District 6
- Steve Ortega, District 7
- Beto O'Rourke, District 8

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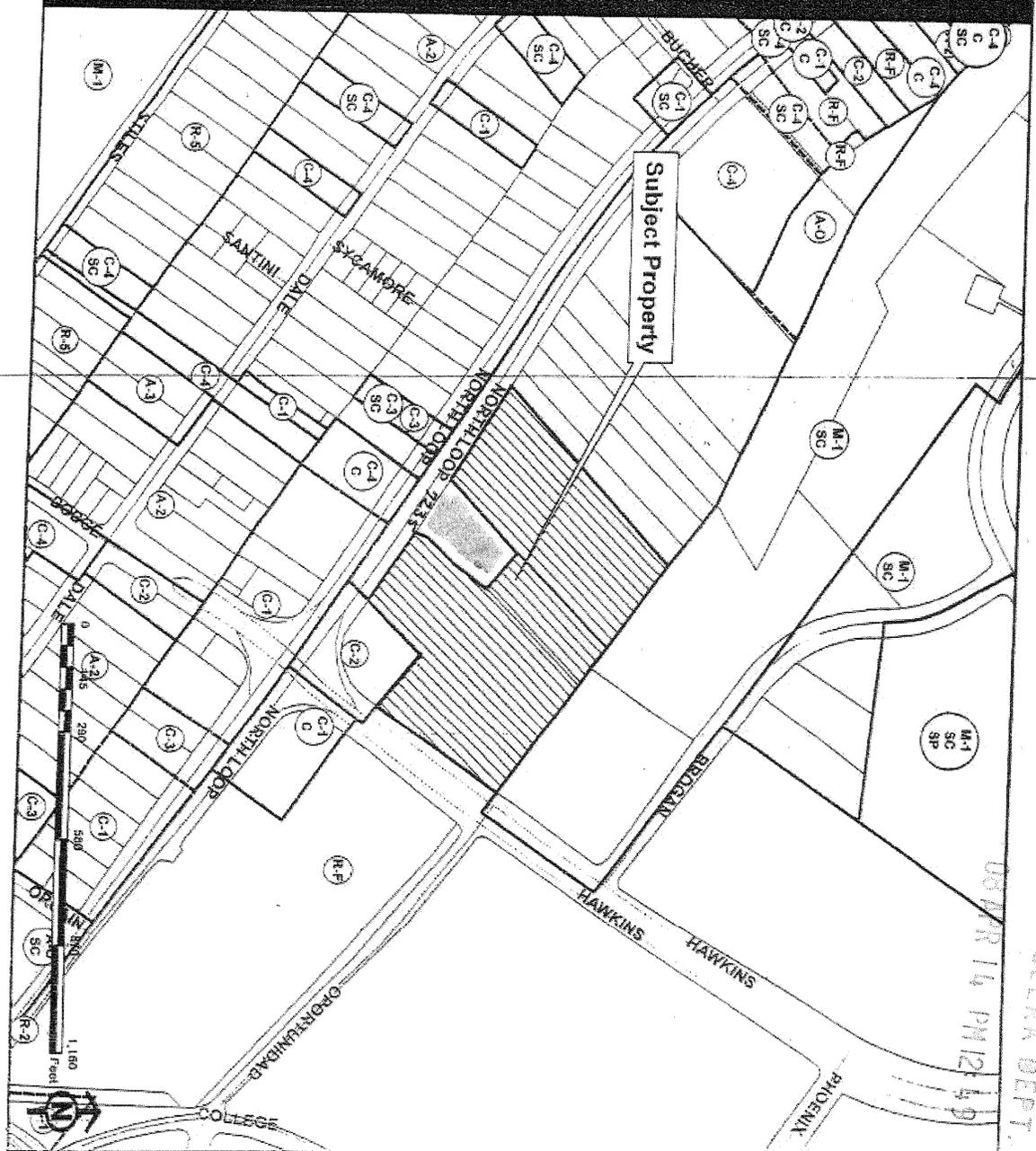
cc: Kelly Carpenter



Attachment 2: Opposition Letter Attachment

PUBLIC NOTICE: Sign Language Interpreters will be provided for this hearing upon request. Requests must be made to the Development Services Department, Planning Division, a minimum of 24 hours prior to the date and time of this hearing. Copies of this agenda will be provided in Braille, large print or audio tape upon request. Requests must be made a minimum of 48 hours prior to the date and time of this hearing at either of the following numbers 541-4055 or 4024.

ZON07-00124



Attachment 2: Opposition Letter Continued

DEC-01-2007 01:33 PM ASEO

P.01

Southwest Commercial
Real Estate Group

From: Lillian Jacquez
Date: November 26, 2007
Subject: 7235 N. Loop



Though, I do appreciate Scott's suggestion that the trucks would not enter or exit on the driveway where I have access to the back garage, I am sure there are other issues that need to be agreed upon. It has been somewhat difficult for me to make any request for consideration on changes regarding the truck terminal plans since none exist.

We truly prefer to keep the home and not sell it as we have invested too much into it.

We would like to know how many feet from the wall of our home are going to be made available for us to drive to the back? It was stated during the hearing that a 10-foot wall would be erected around the home. According to my records, there is an easement between both properties. Also, how many feet from each side of the home, including the back, will the trucks be having access to drive by? The purpose for the information is to provide the same to an engineer and to obtain a professional opinion on structure damage.

Your courtesies during our meeting were very much appreciated.

Thank you.

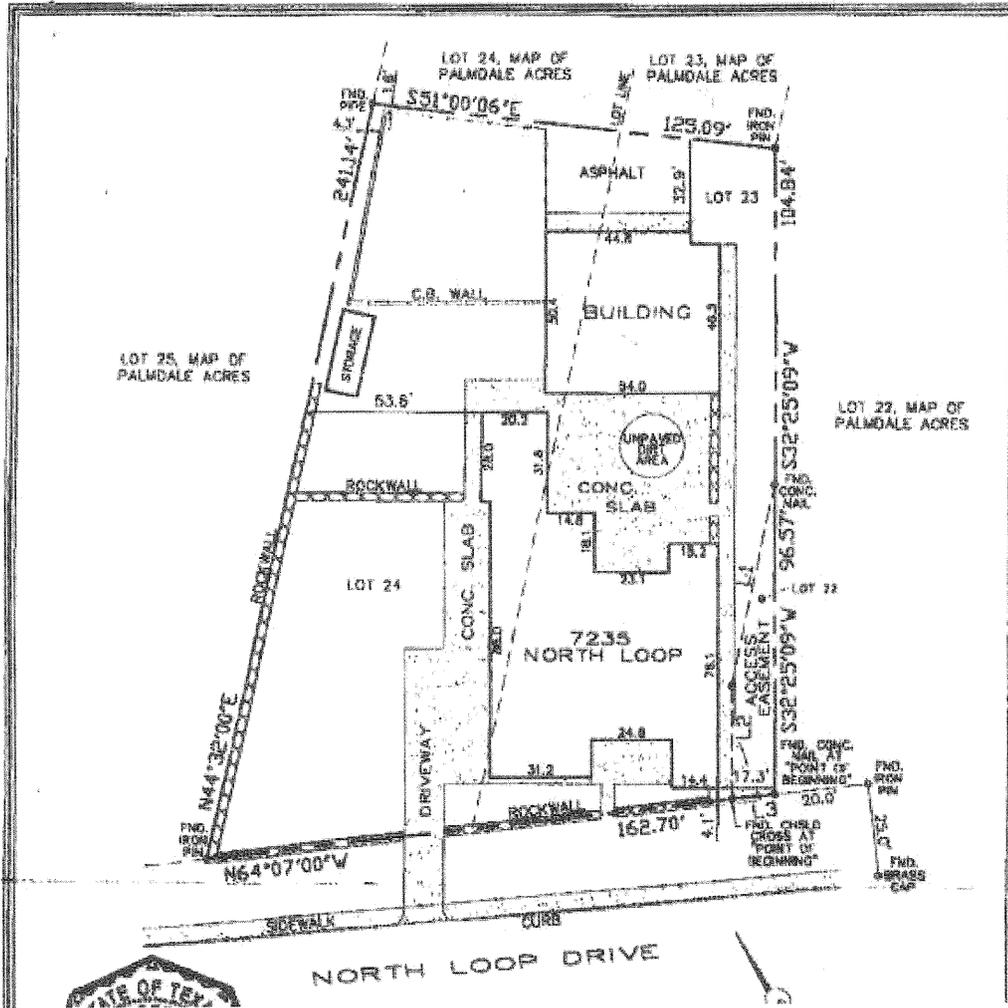
cc: Mr. Rubio
City Planning

CITY CLERK DEPT.
08 APR 14 11:2:49

Attachment 2: Opposition Letter Attachment

DEC-03-2007 09:17 AM ASEO

P. 81



CITY CLERK DEPT.
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Attachment 3: Application



**REZONING APPLICATION
PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT
CITY OF EL PASO**

1. CONTACT INFORMATION

PROPERTY OWNER(S): Farmers Select, LLC
 ADDRESS: 7321 North Loop Road ZIP CODE: 79915 PHONE: 915-771-7273
 APPLICANT(S): Farmers Select, LLC
 ADDRESS: 7321 North Loop Road ZIP CODE: 79915 PHONE: 915-771-7273
 REPRESENTATIVE(S): Conde, Inc.
 ADDRESS: 1790 Lee Trevino, Suite 400 ZIP CODE: 79936 PHONE: 592-0283
 E-MAIL ADDRESS: cconrad@elp.tx.gov

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: P174-999-0010-3100
 LEGAL DESCRIPTION: Being Tracts 25, 26, 27, and 28, Palmdale Acres, City of El Paso, El Paso County, Texas
 STREET ADDRESS OR LOCATION: North Loop Road and Hawkins Blvd.
 ACREAGE: 4.00 ac PRESENT ZONING: R-F PRESENT LAND USE: Dairy
 PROPOSED ZONING: G-4-M-1 PROPOSED LAND USE: Truck Terminal
 ADDRESS: _____ ZIP CODE: _____ PHONE: _____
 E-MAIL ADDRESS: cconrad@elp.tx.gov

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER: P174-999-0010-1600 / P174-999-0010-2100
 LEGAL DESCRIPTION: Being a portion of Tracts 18, Through 24, Palmdale Acres, City of El Paso El Paso County, TX
 STREET ADDRESS OR LOCATION: North Loop Road and Hawkins Blvd
 ACREAGE: 5.36 ac PRESENT ZONING: R-F PRESENT LAND USE: Dairy
 PROPOSED ZONING: G-4-M-1 PROPOSED LAND USE: Truck Terminal
 ADDRESS: _____ ZIP CODE: _____ PHONE: _____
 E-MAIL ADDRESS: cconrad@elp.tx.gov

4. PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
 LEGAL DESCRIPTION: _____
 STREET ADDRESS OR LOCATION: _____
 ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
 PROPOSED ZONING: _____ PROPOSED LAND USE: _____
 ADDRESS: _____ ZIP CODE: _____ PHONE: _____
 E-MAIL ADDRESS: _____

5. ADDITIONAL INFORMATION

OWNER (S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):
 Printed Name: Farmers Select, LLC Signature: _____
 Printed Name: By: Ron Fields - Manager Signature: [Signature]
 Printed Name: _____ Signature: _____

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

**** OFFICE USE ONLY ****

ZON 07-00124 RECEIVED DATE: 9/26/07 APPLICATION FEE: \$ 810.00
 DCC REVIEW DATE: 10/17/07 (8:30 am, Planning Department Conference Room, 2nd Floor, City Hall Building)
 CPC REVIEW DATE: 11/15/07 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
 ACCEPTED BY: [Signature] FUND -01101, DEPT ID -99010335, ACCOUNT -404126

Revised 6/2004

CITY CLERK DEPT
09 APR 14 PM 12:49