

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: May 18, 2010
Public Hearing: June 8, 2010

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

DISTRICT(S) AFFECTED: 1

SUBJECT:

An ordinance changing the zoning of a portion of Lot 1, Block 42, Ridge View Estates Unit Sixteen, City of El Paso, El Paso County, Texas from R-3A/sc (Residential/special contract) to C-1/sc (Commercial/special contract), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1451 Redd Road. Property Owner: MS Property, LLC. ZON10-00010 (**District 1**)

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 (4-0)

*****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 A PORTION OF LOT 1, BLOCK 42, RIDGE VIEW ESTATES UNIT SIXTEEN, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3A/SC (RESIDENTIAL/SPECIAL CONTRACT) TO C-1/SC (COMMERCIAL/SPECIAL CONTRACT), AND IMPOSING A CONDITION. 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 Lot 1, Block 42, Ridge View Estates Unit Sixteen, 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-3A/sc (Residential/special contract) to C-1/sc (Commercial/special contract)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following condition which is 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:

That a ten (10) foot landscaped buffer with high-profile native trees of at least two (2) inch caliper and ten (10) feet in height shall be placed at fifteen (15) feet on center along the southerly property line adjacent to any residential or apartment zoning district. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, 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. The existing slope shall be preserved within the ten (10) feet of the property line in order to accommodate the landscaped buffer.

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

A Portion of Lot 1, Block 42,
Ridgeview Estates Unit Sixteen,
City of El Paso, El Paso County, Texas
March 2, 2010

METES AND BOUNDS DESCRIPTION
Exhibit "A"

FIELD NOTE DESCRIPTION of a Portion of Lot 1, Block 42, Ridgeview Estates Unit Sixteen, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found city monument located at the centerline intersection of Redd Road (120' R.O.W.) and Dakota Ridge Drive (52' R.O.W.), **THENCE**, leaving said centerline intersection, and along the centerline of Redd Road, North 00°00'00" West, a distance of 131.00 feet to a point; **THENCE**, leaving said centerline, North 90°00'00" West, a distance of 60.00 feet to the easterly right-of-way line of Redd Road and being the **POINT OF BEGINNING** of the herein described parcel;

THENCE, along said easterly right-of-way line, North 00°00'00" West, a distance of 55.37 feet to a point;

THENCE, leaving said easterly right-of-way line, South 89°55'15" East, a distance of 312.80 feet to a point;

THENCE, South 00°00'00" West, a distance of 54.93 feet to a point;

THENCE, North 90°00'00" West, a distance of 312.80 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 17,250.87 square feet or 0.3960 acres of land more or less.

Carlos M. Jiménez
Registered Professional Land Surveyor
Texas No. 3950

CAD Consulting Co.
1790 Lee Trevino Drive, Suite 503
El Paso, Texas 79936
(915) 633-6422
I:\M&B\2010\00538.wpd





MEMORANDUM

DATE: May 18, 2010
TO: Honorable Mayor and City Council
Joyce Wilson, City Manager
FROM: Esther Guerrero, Planner
SUBJECT: ZON10-00010

The City Plan Commission (CPC) on April 22, 2010, voted **4-0** to recommend **APPROVAL** of rezoning the subject property from R-3/sc (Residential/special contract) to C-1/sc (Commercial/special contract) and imposing a condition, in agreement with the recommendation from the DCC and staff.

The subject property including the property to the south was previously rezoned from C-3/sc (Commercial/special contract) to R-3A/sc (Residential/special contract). The subject property was not included as part of the subdivision plat which abuts immediately to the south therefore, leaving this 17,250 sq. ft lot undeveloped with the current zoning of R-3A/sc (Residential/special contract). The applicant is also the property owner of the parcel to the north which is currently zoned C-3/sc (Commercial/special contract) and C-1/sc (Commercial/special contract), and intends to use the subject property for additional parking for a proposed commercial development to include retail and multi-family (apartments).

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 no one present to speak in favor or in opposition to this request.

Attachment: Staff Report

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson



City of El Paso – City Plan Commission Staff Report

Case No: ZON10-00010
Application Type: Rezoning
CPC Hearing Date: April 22, 2010
Staff Planner: Esther Guerrero, 915-541-4720, guerreroex@elpasotexas.gov

Location: 1451 Redd Road
Legal Description: A portion of Lot 1, Block 42, Ridge View Estates Unit Sixteen, City of El Paso, El Paso County, Texas
Acreage: 0.3960 acres
Rep District: 1
Existing Use: Vacant

Request: R-3A/sc (Residential/special contract) to C-1/sc (Commercial/special contract)
Proposed Use: Apartments, Retail Center
Property Owner: MS Property, LLC
Representative: Del Rio Engineering, Inc.

SURROUNDING ZONING AND LAND USE

North: C-3/sc (Commercial/special contract) / vacant
South: R-3A/sc (Residential/special contract) / single-family residential
East: R-3A/sc (Residential/special contract) / park
West: R-3A/sc (Residential/special contract) / single-family residential

Plan for El Paso Designation: Residential (Northwest Planning Area)
Nearest Park: South Dakota (abutting property to the east)
Nearest School: Tippin Elementary (2,160 Feet)

NEIGHBORHOOD ASSOCIATIONS

Save the Valley, Coronado Neighborhood Association, Upper Valley Improvement Association, Mountain Arroyos Neighborhood Associations

NEIGHBORHOOD INPUT

Notices of the April 22, 2010 City Plan Commission hearing were mailed out to property owners within 300 feet of the subject property on April 7, 2010.

APPLICATION DESCRIPTION

The request is to change the zoning from R-3A/sc (Residential/special contract) to C-1/sc (Commercial/special contract). The property owner is proposing a retail center and apartment complex with access via two (2) driveways from Redd Road. The property owner owns the property immediately to the north of the subject property which is currently vacant and is zoned C-3/sc (Commercial/special contract) and C-1/sc (Commercial/special contract) (these lots are included in the conceptual site plan provided). All three zoning districts specified contain the same special contract imposed by Ordinance No. 9363 (see Attachment 4). The Ordinance consists of nine (9) conditions; conditions seven (7) and eight (8) apply to this property as well as the abutting property to the north. Condition five (5) was released in its entirety in October 1995, and all other conditions have been complied with or do not apply to this lot.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

Recommend **approval** of the rezoning from R-3A/sc (Residential/special contract) to C-1/sc (Commercial/special contract) with the following condition:

“That a ten (10) foot landscaped buffer with high-profile native trees of at least two(2) inch caliper and ten (10) feet in height shall be placed at fifteen (15) feet on center along the southerly property line adjacent to any residential or apartment zoning district. The Landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, 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. The existing slope shall be preserved with in the ten (10) feet of the property line in order to accommodate the landscaped buffer.

DEVELOPMENT SERVICES DEPARTMENT-PLANNING DIVISION RECOMMENDATION

Recommend **approval** of the rezoning from R-3A/sc (Residential/special contract) to C-1/sc (Commercial/special contract) with the following condition:

“That a ten (10) foot landscaped buffer with high-profile native trees of a t least two(2) inch caliper and ten (10) feet in height shall be placed at fifteen (15) feet on center along the southerly property line adjacent to any residential or apartment zoning district. The Landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, 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. The existing slope shall be preserved with in the ten (10) feet of the property line in order to accommodate the landscaped buffer.

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.

The purpose of the C-1 (Commercial) district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

Engineering Department - Traffic Division

No objections.

Street Department

No comments received.

Westside Regional Command

No objections.

Development Services-Building Permits and Inspections

Permits

No objections.

Landscape

Need full landscape calculations and what is required under 18.46.

Fire Department

No objections.

Sun Metro

No objections.

Development Services Department – Land Development

No objections.

ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*

Grading plan and permit shall be required.*

Storm Water Pollution Prevention Plan and/or permit required.*

Drainage plans must be approved by the Development Services Department, Engineering Section.*

The Subdivision is within the revised Flood Zone C-“Areas of minimal Flooding (No shading), panel #480214-0017C, dated February 5, 1986.

* This requirement will be applied at the time of development.

El Paso Water Utilities

1. EPWU does not object to this request.

Water:

2. There is an existing 24-inch diameter water transmission main on the east side of Redd Road. Also, there is an existing 16-inch diameter water transmission main along the west side of Redd Road. No direct service connections are allowed to these mains as per the El Paso Water Utilities – Public Service Board Rules and Regulations. A water distribution main extension will be required to provide service to the subject property.

Sewer:

3. There is an existing 8-inch diameter sanitary sewer main along Redd Road fronting the subject property.

General:

4. If on-site water and sewer main extensions are anticipated, on-site easements will be required. All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWU-PSB Easement Policy. EPWU-PSB requires access to the proposed water and sanitary sewer facilities and appurtenances within the easements 24 hours a day, seven (7) days a week.

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

6. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The owner 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.

CITY PLAN COMMISSION OPTIONS

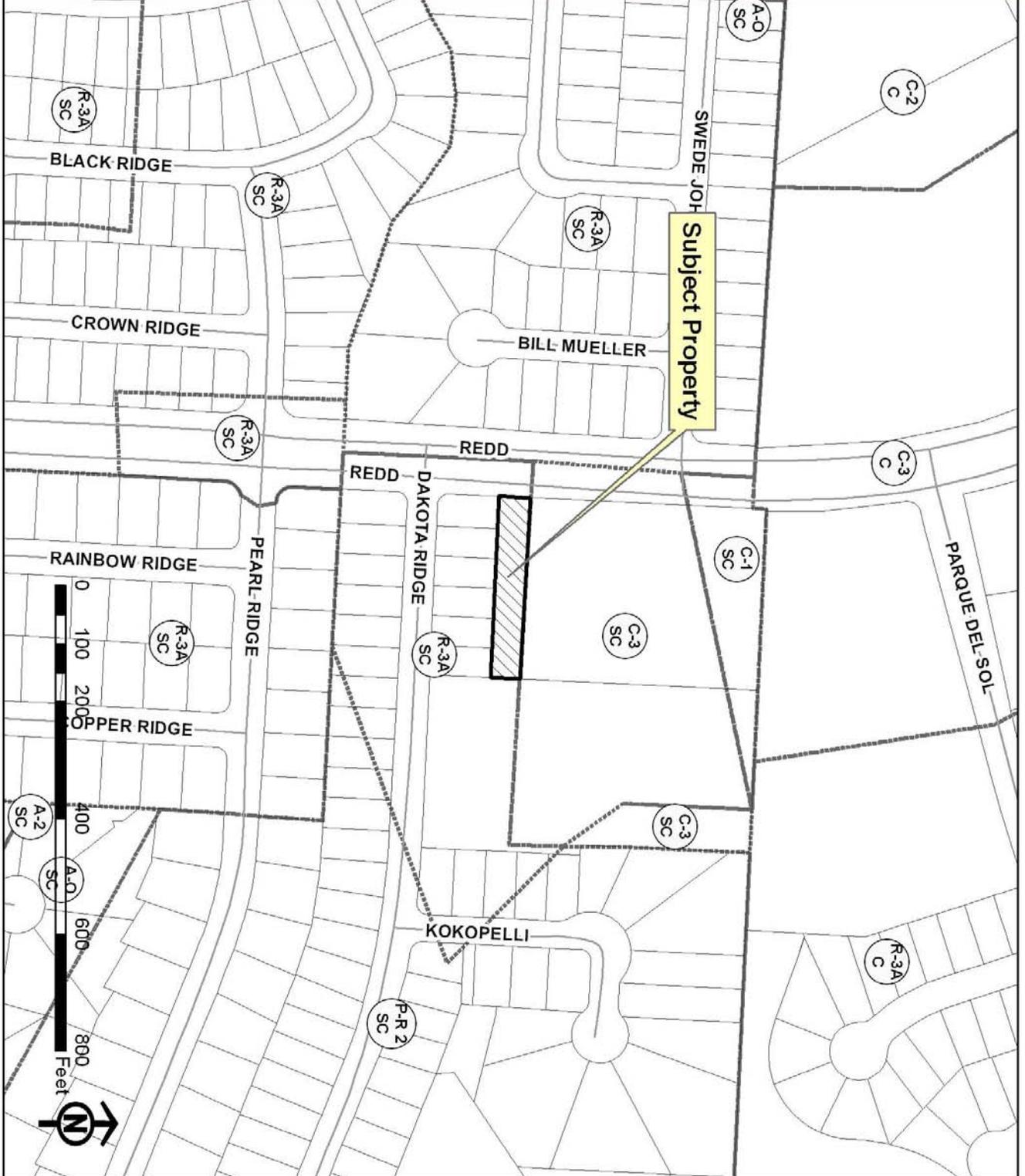
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the change of zoning application:

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. Ordinance No. 9363

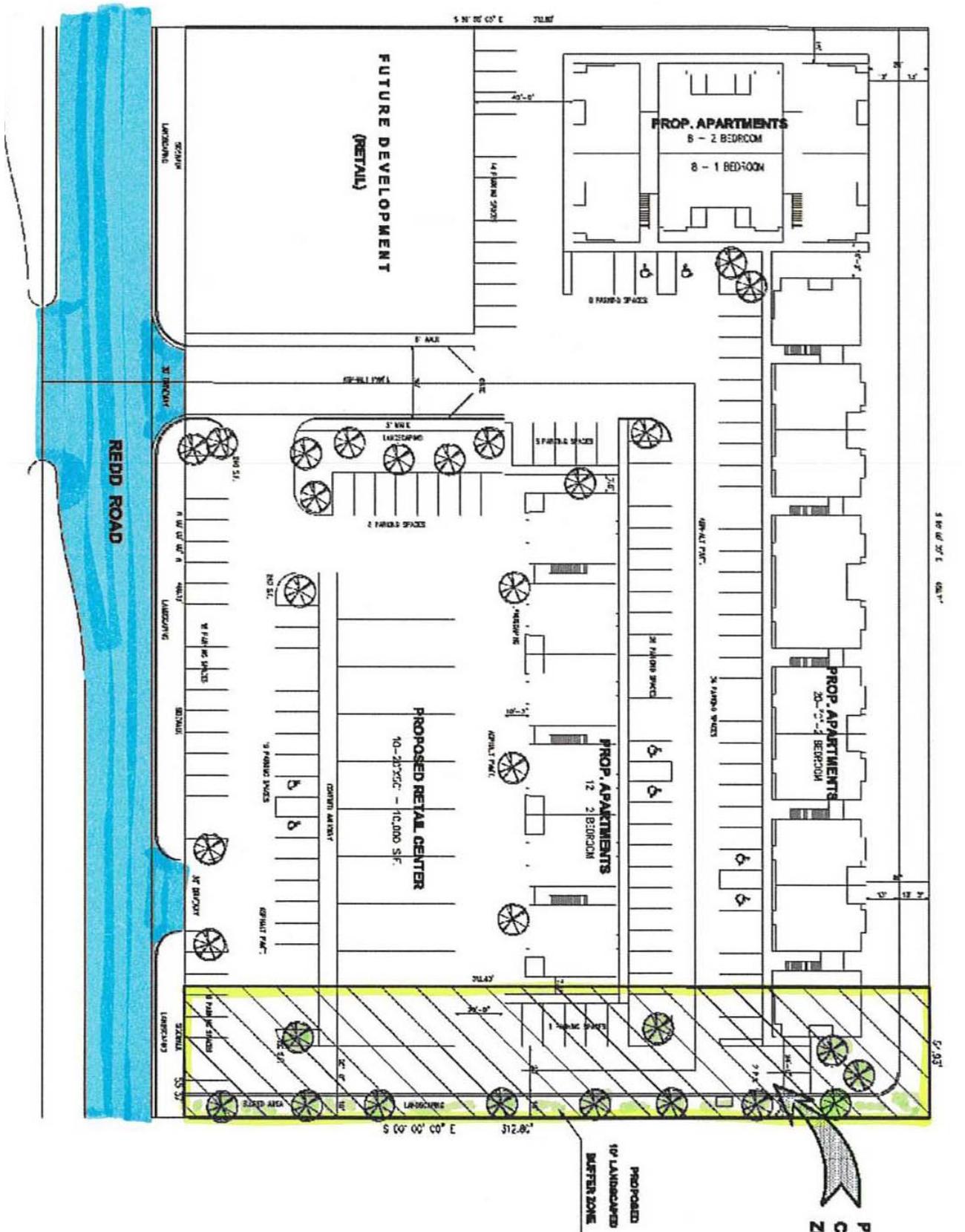
ZON10-00010



ZON10-00010



ATTACHMENT 3: CONCEPTUAL SITE PLAN



9363
009363

AN ORDINANCE CHANGING THE ZONING OF
A PORTION OF TRACT 1A, S.J. LARKIN SURVEY NO. 265.
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 1A, S.J. Larkin Survey No. 265, as more particularly described by metes and bounds in the attached Exhibit "A", be changed as follows:

Parcels 1, 11, 12, 13 and 17: from R-3 (Residential) to A-O (Apartment/Office)

Parcels 2, 3, 6, 9 and 10: from R-3 (Residential) to C-1 (Commercial)

Parcel 4: from R-3 (Residential) to PR-11 (Planned Residential)

Parcel 7: from R-3 (Residential) to C-3 (Commercial)

Parcels 5, 8, 14, 15 and 16: from R-3 (Residential) to A-2 (Apartment)

within the meaning of the zoning ordinance, subject to a special contract placing certain restrictions, conditions and covenants on the property, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this 26th day of April, 1988.

Jonathan W. Rogers
Mayor

SIGNATURES CONTINUED ON NEXT PAGE

Contract (4-26-88)
009363
Ord. 9363

87-5316
RECEIVED
AUG 3 1988
PLANNING DEPT.
LAND DEVELOPMENT

TEST:
Carole Hunter

City Clerk

APPROVED AS TO FORM:

C. Thomas

Assistant City Attorney

APPROVED AS TO CONTENT:

Department of Planning,
Research and Development

ZNG6:5316.87

000300

#9363

1. Any residential uses, including apartments, constructed on Parcels 5, 8, 14, 15 and 16 (A-2, Apartment), or Parcels 1, 11, 12, 13 and 17 (A-O, Apartment), shall be limited to a density of fourteen dwelling units per acre.
2. No single family or duplex uses shall front ~~on~~ a major or minor arterial.
3. ^{WBE} Prior to the issuance of a building permit for any parcel, Redd Road or Westport Drive must be improved and extended through the adjacent properties to give access to the properties being rezoned by this ordinance.
4. Prior to the issuance of a building permit for any parcel, Resler Drive or Westwind Drive must be connected to Redd Road.
5. Prior to the issuance of a building permit for any parcel, the property owners shall dedicate to the City a fire station site (175 feet frontage x 158 feet deep), the exact location of which shall be determined by the City and the property owners.
6. Prior to the issuance of a building permit for any parcel, a subdivision plat must be filed for record for said parcel.
7. Prior to the issuance of a building permit for Parcels 2, 3, 6, 7, 9, 10, 11 and 17, the property owners must obtain a Special Privilege from the City to landscape the parkway adjacent to Redd Road.
8. Prior to the issuance of a building permit for Parcel 4 (PR-II), adequate and useable access must be provided to Tract 2, S.J. Larkin Survey No. 266 (110.64 +/- acres).
9. Prior to the issuance of any building permits for the C-1 (Parcels 2, 3, 6, 9 and 10) and C-3 (Parcel 7) zoned properties, a detailed site development plan must be approved by the Mayor and City Council, upon recommendation by the City Plan Commission.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity or necessitating the amendment of the ordinance passed by the City Council embodying this change of zoning and subject to this contract.

Second party is the owner and holder of a recorded lien on the property and consents to this contract.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

FIRST PARTY:
DERRICK & SCHAEFER, INC.

By 
Title PRESIDENT

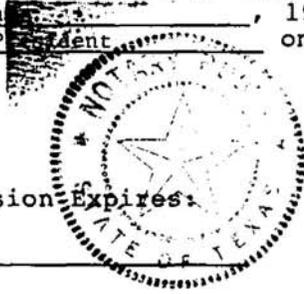
ATTEST:


Secretary (NO SEAL REQUIRED)

SIGNATURES CONTINUED ON NEXT PAGE

THE STATE OF TEXAS)
 HARRIS)
COUNTY OF ~~EL PASO~~)

This instrument is acknowledged before me on this 1st day
of June, 1988, by J. Dickson Rogers as
Sr. Vice President on behalf of MORTGAGE & TRUST, INC.



Tammy L. Woolson
Notary Public, State of Texas

My Commission Expires: _____

TAMMY L. WOOLSON
My Commission Expires 10/14/89

THE STATE OF TEXAS)
))
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 2nd day
of May, 1988, by JONATHAN W. ROGERS, as Mayor
of THE CITY OF EL PASO.

Billie Jean Branham
Notary Public, State of Texas

My Commission Expires: _____



ZNG6:5316.87

