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

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

AGENDA DATE: **Introduction: May 1, 2007**
Public Hearing: May 22, 2007

CONTACT PERSON/PHONE: **Esther Guerrero, Planner, 541-4720**

DISTRICT(S) AFFECTED: **6**

SUBJECT:

An Ordinance granting Special Permit No. ZON06-00146, to allow for a Planned Residential Development on the following real property described as: Parcel 1: Tract 3A, Section 4, Block 79, Township 3, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.040 of the El Paso City Code; and, Parcel 2: Tract 2A, Section 4, Block 79, Township 3, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, pursuant to Section 20.12.040 of the El Paso City Code. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: South and North of Montwood Drive, East of Zaragoza Road. Applicant: JNC Development LP and Public Service Board. ZON06-00146 (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) – Unanimous **Approval** Recommendation with conditions (6-0)

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

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

DEPARTMENT HEAD: Kelly Carpenter

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

CITY CLERK DEPT.
07 APR 23 AM 8:58

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON06-00146, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON THE FOLLOWING REAL PROPERTY DESCRIBED AS:

PARCEL 1: TRACT 3A, SECTION 4, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.040 OF THE EL PASO CITY CODE; AND,

PARCEL 2: TRACT 2A, SECTION 4, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.12.040 OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

WHEREAS, JNC Development L.P. and the Public Service Board have applied for a Special Permit under Sections 20.12.040 and 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 Parcel 1 described as *Tract 3A, Section 4, Block 79, Township 3, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County Texas;* is in an R-5 (Residential) District; and,

2. That Parcel 2 described as *Tract 2A, Section 4, Block 79, Township 3, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County Texas;* is in a R-3A (Residential) District; and,

3. That a planned residential development is authorized by Special Permit in an R-5 (Residential) and R-3A (Residential) districts under Section 20.12.040 and Section 20.14.040 of the El Paso City Code; and,

4. That the requirements for a planned residential development under Section 20.12.040 and Section 20.14.040 have been satisfied; and,

5. That the City Council hereby grants a Special Permit under Section 20.12.040 and Section 20.14.040 of the El Paso City Code, in order to allow a planned residential development on the above-described property; and,

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

7. That the Applicants 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 of the City Plan Commission before building permits are issued; and,

8. That if the Applicants fail to comply with any of the requirements of this Ordinance, **Special Permit No. ZON06-00146** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

PASSED AND APPROVED 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

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07 APR 23 AM 8:58

AGREEMENT

JNC Development, L.P. and the Public Service Board, collectively the Applicants referred to in the above Ordinance, hereby agree to develop the above-described property in accordance with the approved Site Development Plan and in accordance with the standards identified in the R-5 (Residential) and R-3A (Residential) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 2007.

JNC DEVELOPMENT LP

By: _____
(name/title)

_____
(signature)

PUBLIC SERVICE BOARD

By: _____ 04/19/07
(name/title)

General Manager
(signature)

ACKNOWLEDGMENTS

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

DANIEL ARROYO
NOTARY PUBLIC
State of Texas
My Comm. Exp. 01-28-2009

This instrument is acknowledged before me on this _____ day of _____, 2007, by **JNC Development LP,** as Applicant.

My Commission Expires:

1-28-09

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

ACKNOWLEDGEMENTS CONTINUE ON FOLLOWING PAGE

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07 APR 23 AM 8:58

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 19th day of April, 2007, by **Public Service Board,** as Applicant.

My Commission Expires:

02/17/2008

Nancy E. Gutierrez
Notary Public, State of Texas
Notary's Printed or Typed Name:
Nancy E. Gutierrez

NANCY E. GUTIERREZ
NOTARY PUBLIC STATE OF TEXAS
COMMISSION EXPIRES:
FEBRUARY 17, 2008

CITY CLERK DEPT.
07 APR 23 AM 8:58

DocZON06-00146 Ord.rev/LCUE

MAYOR
JOHN COOK

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

M E M O R A N D U M

DATE: April 20, 2007

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

FROM: Esther Guerrero, Planner

SUBJECT: **ZON06-00146**

The City Plan Commission (CPC), on April 5, 2007, voted **5-0** to recommend **APPROVAL** of this special permit request on the subject property to allow for a planned residential development with reduced lot sizes and reduced yard setbacks for the proposed development of 193 single-family residential lots.

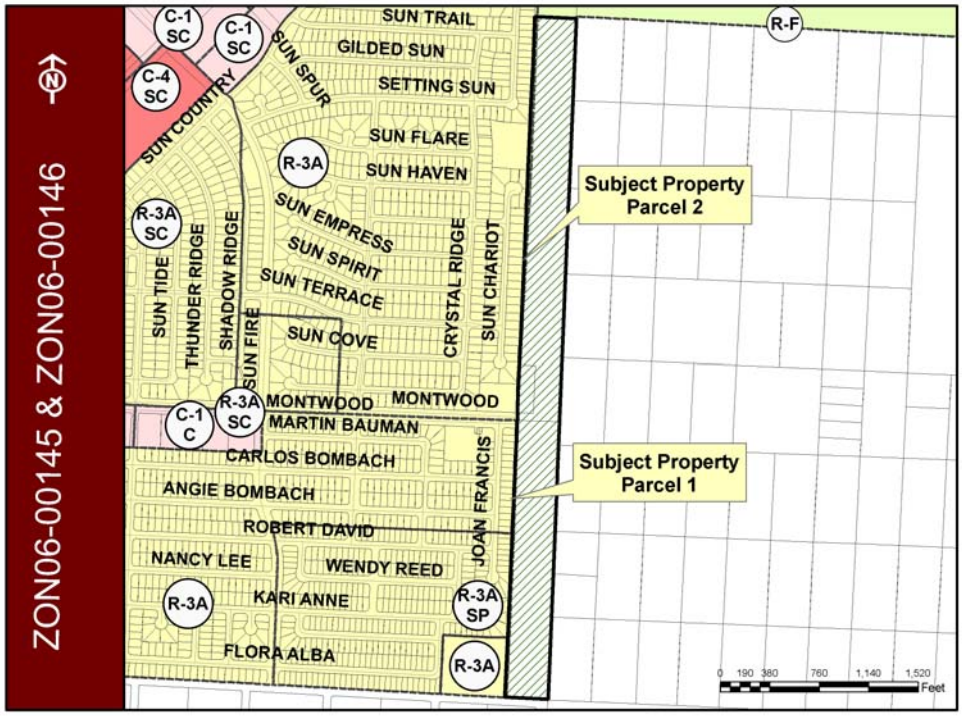
There is a related annexation application and rezoning application that will run concurrent with this rezoning request.

The CPC found that this special permit request 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 special permit 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 effects of the special permit will have no effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

Attachment: Staff Report, Aerial, Site Plan, Application

ZON06-00146

Application Type:	Special Permit
Property Owner(s):	JNC Development L.P, El Paso Electric Company, PSB
Representative(s):	Conde, Inc
Legal Description:	Parcel 1: Tract 3A, Section 4, Block 79, Township 3, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas Parcel 2: Tract 2A, Section 4, Block 79, Township 3, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas
Location:	Parcel 1:South of Montwood Drive, East of Zaragoza Road Parcel 2: North of Montwood Drive, East ofZaragoza Road
Representative District:	ETJ
Area:	Parcel 1: 14.63 Acres; Parcel 2: 21.28 Acres
Present Zoning:	R-F (Ranch and Farm)
Present Use:	Vacant
Proposed Zoning:	Parcel 1: R-5 (Residential; Parcel 2: R-3A (Residential)
Request:	Planned Residential Development
Recognized Neighborhood Associations Contacted:	Las Palmas Neighborhood Association, Stoneridge Property Owners Association Inc., Eastside Civic Association, The Friends of Karl Wyler
Public Response:	None
Surrounding Land Uses:	**North:** City Limit / Vacant; **South:** City Limit / Vacant **East:** City Limit / Vacant**; West:** R-3A, R3A/sp / Residential
Year 2025 Designation:	**Residential** (ETJ)



General Information

The applicant requests a special permit for a planned residential development with reduced lot sizes and reduced yard setbacks. Proposed minimum lots on Parcel 1 to be no less than 4,100 square feet and no less than 42 feet wide; rear yard setbacks of 15 and 20 feet; with side yard setbacks varying from 3 to 7 feet. Parcel 2 proposes reduced rear yard setbacks of 20 feet with side yard setbacks varying from 3 to 7 feet. The site plan proposes 193 single-family residential lots with access to this subdivision via Montwood Drive. An annexation application is currently in process. A Development Agreement was previously approved by City Council for this property.

The City Plan Commission (CPC) approved a rezoning request from R-F (Ranch and Farm) to R-5 (Residential) on Parcel 1 and R-3A (Residential) on Parcel 2 along with a special permit request for a planned residential development on January 18, 2007 however; the applicant has submitted a revised site plan showing a 10 foot decrease in the width of a portion of the linear park and an increase in the depths of approximately 34 lots in Parcel 1. The rezoning application is pending City Council action upon the approval of the annexation.

Staff Recommendation

The Development Coordinating Committee (DCC) after reconsideration unanimously recommends **approval** of this request for a special permit.

Findings
The recommendation is based on the following:

- **The Plan for El Paso** City-Wide Land Use Goals recommends that El Paso "develop a balanced and complete community which contains a mix of land uses and densities, a wide range of housing types and styles that respond to the needs of all economic segments of the community."
- **The Year 2025 Projected General Land Use Map** for the **East ETJ** Planning Area designates this property for Residential land uses.
- **R-5 and R-3A zoning** permit special permits for planned residential development with reduced lot size and setbacks and **are compatible** with adjacent 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 single-family residential development with reduced lot sizes 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 special permit have upon the natural environment social and economic conditions and property values in the vicinity and in the City as a whole?

Development Services Department - Building Permits and Inspections Division
Zoning Review: Parcel 2 meets minimum R-3A minimum general lot size standards.

Development Services Department - Planning Division
Current Planning: A special permit for a planned residential development for Parcel 1 with reduced lot size and setbacks and for Parcel 2 a planned residential development with reduced setbacks is compatible with adjacent development and conforms to the Plan for El Paso.

Engineering Department - Traffic Division
No traffic concerns.

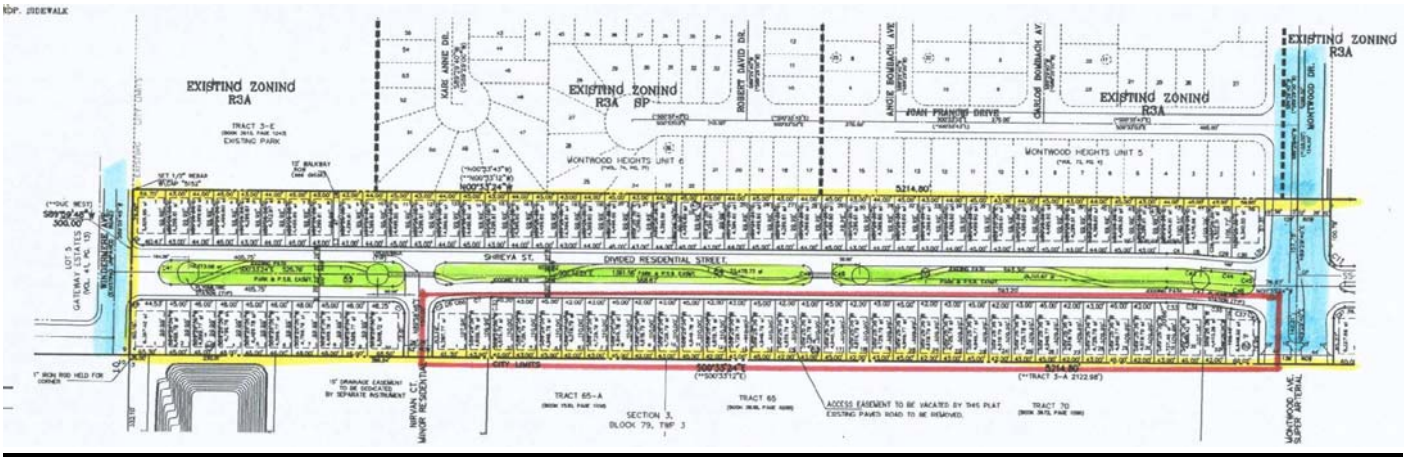
Fire Department
No comments received.

El Paso Water Utilities
EPWU does not object to this request.

List of Attachments
Attachment 1: Site Plan
Attachment 2: Application

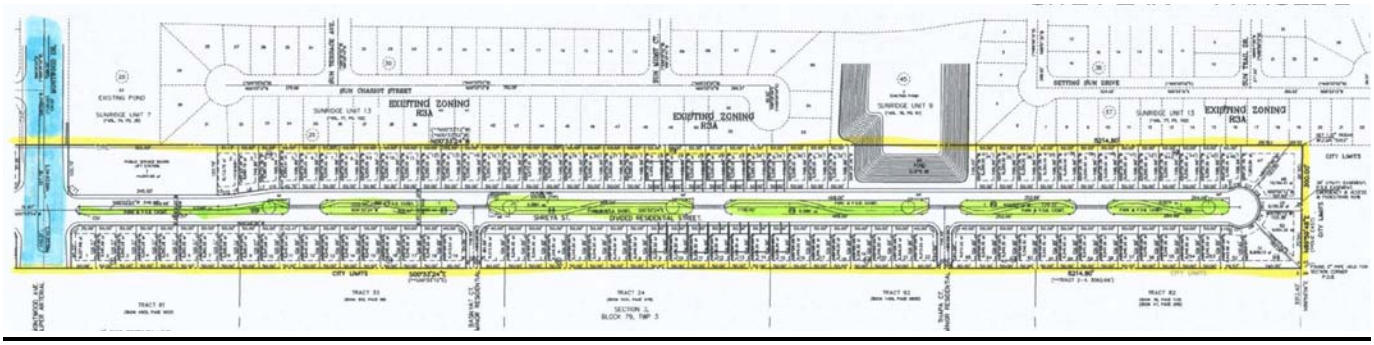
Attachment 1: SITE PLAN

Parcel 1



SITE PLAN

Parcel 2



Attachment 2: Application

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

1. CONTACT INFORMATION

PROPERTY OWNER(S): JNC Development, LP /El Paso Electric Company/Public Service Board
ADDRESS: 12300 Montwood/123 Mills/1154 Hawkins ZIP CODE: 79928/79925/79901 PHONE: 855-1005
APPLICANT(S): JNC Development, LP
ADDRESS: 12300 Montwood ZIP CODE: 79928 PHONE: 855-1005
REPRESENTATIVE(S): Conde, Inc.
ADDRESS: 1790 Lee Trevino, Suite 400 ZIP CODE: 79936 PHONE: 592-0283
E-MAIL ADDRESS: cconrad@elp.rr.com

2. PARCEL ONE INFORMATION District 6

PROPERTY IDENTIFICATION NUMBER: X579-000-3040-1000 / X579-000-3040-0800 X 579 008 3040082S
LEGAL DESCRIPTION: Being Tract 3-A, Section 4, Block 79, Township 3, Texas and Pacific Railroad Co. Surveys, City of El Paso, El Paso County, Texas
STREET ADDRESS OR LOCATION: Montwood Drive
ACREAGE: 14.63 ac PRESENT ZONING: n/a PRESENT LAND USE: vacant
PROPOSED ZONING R-5 PROPOSED LAND USE: To allow for residential development
SPECIAL PERMIT REQUEST: To allow side Yards of 3'and 7' –Lot width not less than 40' and not less than 4,000 sf and 15' Rear set back

CITY OF EL PASO PAID NOV 02 2006 DEVELOPMENT SERVICES DEPT.

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER: X579-000-3040-1000 / X579-000-3040-0800 X 579 008 3040082S
LEGAL DESCRIPTION: Being Tract 2-A Section 4, Block 79, Township 3, Texas and Pacific Railroad Co. Surveys, City of El Paso, El Paso County, Texas
STREET ADDRESS OR LOCATION: Montwood Drive
ACREAGE: 21.28 ac PRESENT ZONING: n/a PRESENT LAND USE: vacant
PROPOSED ZONING R-3A PROPOSED LAND USE: To allow for mixed single family residential development
SPECIAL PERMIT REQUEST: To allow side Yards of 3'and 7' & 7' and 20' Rear Setback

4. PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER:
LEGAL DESCRIPTION:
STREET ADDRESS OR LOCATION:
ACREAGE: PRESENT ZONING: PRESENT LAND USE:
PROPOSED ZONING PROPOSED LAND USE:
SPECIAL PERMIT REQUEST:

5. ADDITIONAL INFORMATION

OWNER (S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):
Printed Name: Carlos Bombach/JNC Dev. LP Signature: 9/20/06
Printed Name: Ed Archuleta/PSB /General Mgr. Signature:
Printed Name: Hector R. Puente/EPECO/ VP Transm. & Distr. 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 D6-00146 RECEIVED DATE: 10/31/06 APPLICATION FEE: $ 2 checks # 825.00
DCC REVIEW DATE: 11/22/06 (8:30 am, Planning Department Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 12/7/06 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: LDS FUND -01101, DEPT ID -99010335, ACCOUNT -404126

Revised 6/2004