

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: May 4, 2010
Public Hearing: May 25, 2010

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

DISTRICT(S) AFFECTED: 1

SUBJECT:

An ordinance changing the zoning of a portion of Tract 1B, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas from R-3 (Residential) to R-3A (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North of Trans Mountain Road, East of Interstate Highway 10. Property Owner: DVEP Land, LLC. ZON10-00006 (**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 TRACT 1B, NELLIE D. MUNDY SURVEY NO. 243, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL). 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 Tract 1B, Nellie D, Mundy Survey No. 243, 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-3 (Residential) to R-3A (Residential)**, 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 _____, 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 McElroy, Deputy Director-Planning
Development Services Department

METES AND BOUNDS DESCRIPTION

Being a 18.69 acre parcel of land out of a portion of Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas, also known as Tract 1B, of Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas, being a portion of a property described as "Tract 1", recorded in Volume 431, Page 617, of the Deed Records of El Paso, El Paso County, Texas, and being more particularly described by Metes and Bounds as follows:

Beginning at a found 3" iron pipe and rock mound, marking the northwesterly corner of Nellie D. Mundy Survey No. 243, and the northwesterly corner for said Tract 1B, of Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas, said pipe also being **POINT OF BEGINNING** of this description;

THENCE, North 90°00'00" East (basis of bearing) (North 89°56'00" East), along the northerly line of said Survey 243, at 2371.11 feet pass a found 1" iron bar at the southeast corner of Nellie D. Mundy Survey No. 244, in all a distance of 3581.35 feet, to a set 5/8" rebar with cap stamped "B&A", from whence a found 3" iron pipe with E.P.N.G. CO. brass cap and rock mound for the northeasterly corner for said Nellie D. Mundy Survey No. 243, bears North 90°00'00" East, a distance of 1695.09 feet (1695.04');

THENCE, South 00°00'00" East, a distance of 274.77 feet, to a set 5/8" rebar with cap stamped "B&A" on the common boundary between Tracts 1A1 and said Tract 1B;

THENCE, North 87°19'16" West (North 87°22'53" West) , along the common line of Tracts 1A, 1A1 and 1B, of Nellie D. Mundy Survey No. 243 , a distance of 1984.99 feet, to a found 5/8" rebar with cap stamped "RPLS 4178";

THENCE, South 86°52'23" West (South 86°49'07" West), along the common line of Tracts 1A, 1A1 and 1B, of Nellie D. Mundy Survey No. 243 , a distance of 1171.33 feet (1171.10'), to a found 5/8" rebar with cap stamped "RPLS 4178";

THENCE, South 85°54'56" West (South 85°46'07" West), along the common line of Tracts 1A, 1A1 and 1B, of Nellie D. Mundy Survey No. 243 , a distance of 324.03 feet (324.27'), to a found 5/8" rebar with cap stamped "RPLS 4178";

THENCE, North 85°43'33" West (North 85°48'38" West), along the common line of Tracts 1A1 and 1B, of Nellie D. Mundy Survey No. 243, a distance of 106.02 feet (105.79'), to a found 5/8" rebar with cap stamped "RPLS 4178" for the most southwesterly corner of Tract 1B, on the common boundary line of Nellie D. Mundy Survey 243 and Nellie D. Mundy Survey 238;

THENCE, North 00°00'00" East (North 00°03'43" West), along said common boundary line, a distance of 261.07 feet (261.57') to the **POINT OF BEGINNING** and containing *18.69 acres of land more or less.*

Notes:

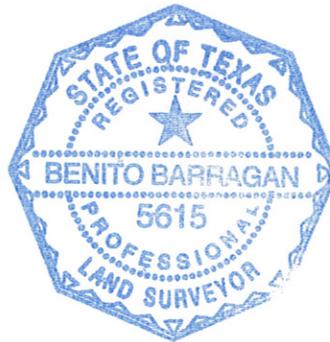
This metes and Bounds description is accompanied by a plat of survey of even date.

Client and or owner information: This description is not intended to be part of a Subdivision process, a Subdivision is required as per City of El Paso Subdivision Ordinance and subject to approval by the City of El Paso. It is the responsibility of the client/owner to comply with this ordinance.

Bearing shown are based on "North 90°00'00" East" (East) for the northerly line of Nellie D Mundy Survey No. 243, as shown on the county plat for Nellie Mundy Survey No. 243.

Record information as per adjoining plats or deed and referenced in (parenthesis) to correspond to the record calls.

I, Benito Barragan a Registered Professional Land Surveyor, do hereby certify that to the best of my knowledge and belief, this property description is a true and correct representation of a survey made on the ground, under my direction and supervision.





Benito Barragan, TX. R.P.L.S. No.5615
Date: November 20, 2009
Revised: December 18, 2009



MEMORANDUM

DATE: April 26, 2010
TO: Honorable Mayor and City Council
Joyce Wilson, City Manager
FROM: Esther Guerrero, Planner
SUBJECT: ZON10-00006

The City Plan Commission (CPC) on March 25, 2010, voted **4-0** to recommend **APPROVAL** of rezoning the subject property from R-3 (Residential) to R3-A (Residential), in agreement with the recommendation from the DCC and staff.

The CPC found that the rezoning is in conformance with The Plan for El Paso. The CPC found that the proposed use is in conformance with the 2025 Projected General Land Use Map for the Northwest Planning Area. 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: ZON10-00006
Application Type: Rezoning
CPC Hearing Date: March 25, 2010
Staff Planner: Esther Guerrero, 915-541-4720, guerreroex@elpasotexas.gov

Location: North of Trans Mountain Road, East of Interstate 10
Legal Description: A portion of Tract 1B, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas
Acreage: 18.69 acres
Rep District: 1
Existing Use: Vacant

Request: R-3 (Residential) to R-3A (Residential)
Proposed Use: Single-family Residential
Property Owner: DVEP Land, LLC
Representative: CEA Group

SURROUNDING ZONING AND LAND USE

North: R-3A (Residential), R-3 (Residential) / vacant
South: R-3 (Residential) / closed landfill
East: R-3A (Residential) / vacant
West: R-3A (Residential) / vacant

Plan for El Paso Designation: Mixed-Use (Northwest Planning Area)
Nearest Park: Westside Park (6,775 Feet)
Nearest School: Canutillo Middle School (6,770 Feet)

NEIGHBORHOOD ASSOCIATIONS

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

NEIGHBORHOOD INPUT

Notices of the March 25, 2010 City Plan Commission hearing were mailed out to property owners within 300 feet of the subject property on March 10, 2010.

APPLICATION DESCRIPTION

The request is to change the zoning from R-3 (Residential) to R-3A (Residential) in order to allow 66 single-family residential lots. The property is 18.69 acres in size and is currently vacant. R-3 (Residential) requires a minimum of 6,000 sq. ft. per lot and would permit approximately 135 single-family residential lots. R-3A (Residential) requires a minimum of 5,000 sq. ft. per lot and would permit approximately 162 single-family residential lots. The smallest lot is approximately 5,384 sq. ft. and the largest lot is approximately 13,992 sq. ft. The proposed development is currently under subdivision review and has been submitted as Desert Springs Unit Two, which is located just outside the boundary of the Desert Springs Land Study. Desert Springs Unit Two will be a continuation of single-family residential lots to the south of Desert Springs Unit One which is currently zoned R-3A (Residential) and is within the land study boundary. The subject property was not included in the land study because the applicant did not have ownership of the parcel at the time of the land study.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

Recommend **approval** of the rezoning from R-3 (Residential) to R-3A (Residential).

DEVELOPMENT SERVICES DEPARTMENT-PLANNING DIVISION RECOMMENDATION

Recommend **approval** of the rezoning from R-3 (Residential) to R-3A (Residential). R-3A (Residential) is compatible with abutting R-3A (Residential) to the north and east.

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 wide range of housing types that respond to the needs of all economic segments of the community
- 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 R-3 and R-3A (Residential) district is to promote and preserve residential development within the City to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the districts will permit primarily single-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

Engineering Department - Traffic Division

No objections.

Street Department

No comments received.

Development Services-Building Permits and Inspections

No comments received.

Fire Department

No objections.

Sun Metro:

No comments received.

Westside Regional Command Center

Recommendation is additional traffic signal lights at intersections across Trans Mt. and re-stripping of lanes for mandatory left/right turn lanes.

El Paso Water Utilities

- 1. The subject property is located within the City of El Paso Westside Impact Fee Service Area. Impact fees will be assessed at the time of the plat and collected by EPWU prior to the issuance of a Building Permit.
- 2. EPWU records indicate that the subject property is not within the boundaries of the Desert Springs Land Study.
- 3. Water and sanitary sewer service is not available to land located higher than elevation 4060 ft (PSB Datum).

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

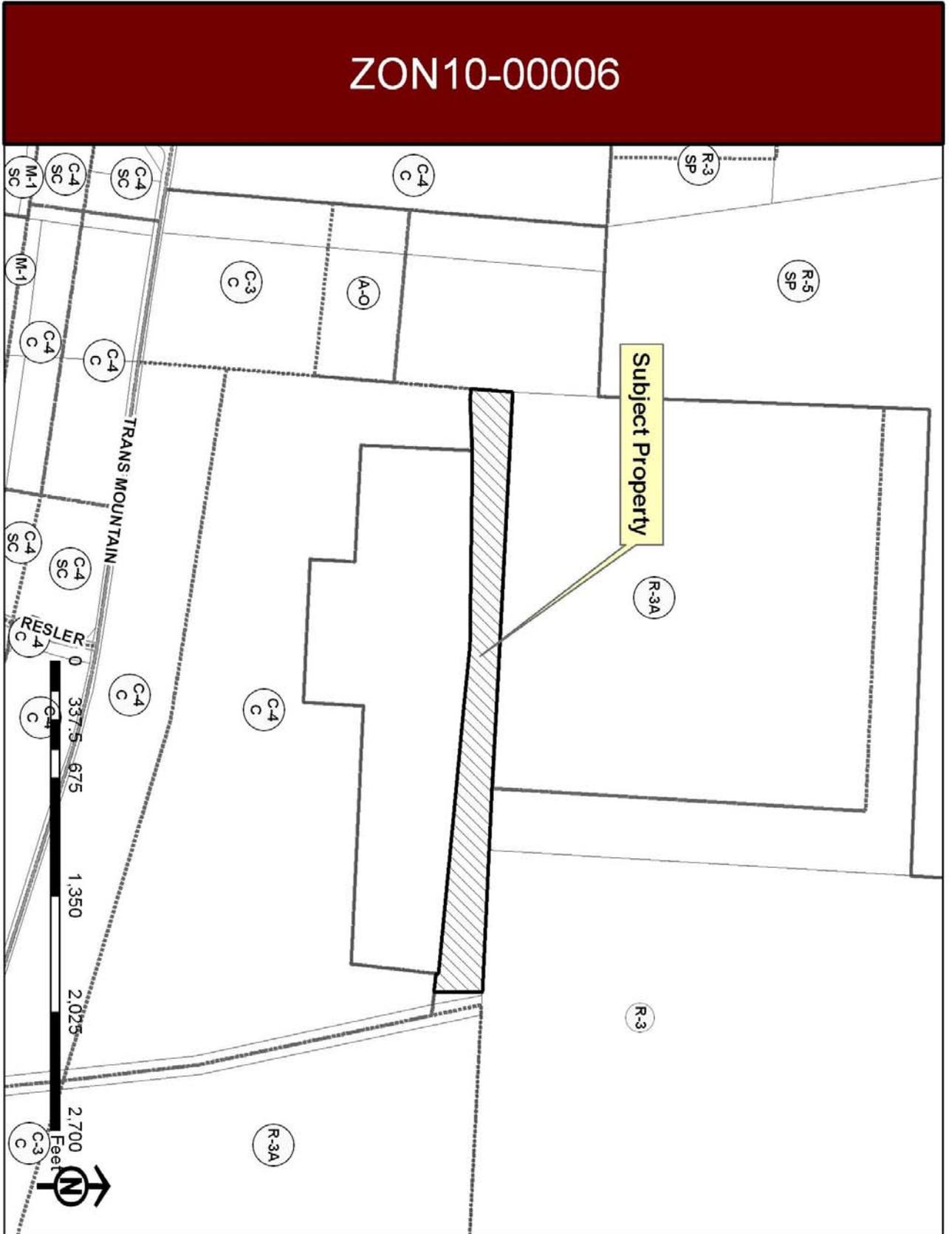
with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.

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 (Subdivision Plat)

ATTACHMENT 1: ZONING MAP



ZON10-00006

