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

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

AGENDA DATE: **Introduction: April 17, 2007**
Public Hearing: May 8, 2007

CONTACT PERSON/PHONE: **Melissa Granado, 541-4730**

DISTRICT(S) AFFECTED: **4**

SUBJECT:
An Ordinance changing the zoning of the following real property described as: Parcel 1: Tract 3F, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential); Parcel 2: A portion of Tract 3A, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-4 (Commercial); Parcel 3: A portion of Tracts 1A, 2 and 3A, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential); and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: West of Dyer Street and North of Ashley Road. Applicant: MIMA Properties, LLC and Newman Ranch Partners, LP. ZON07-00016 (District 4)

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

DEPARTMENT HEAD: Kelly Carpenter

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

CITY CLERK DEPT.
07 APR -6 AM 10: 17

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS:

PARCEL 1: TRACT 3F, SECTION 21, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS , CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO R-5 (RESIDENTIAL);

PARCEL 2: A PORTION OF TRACT 3A, SECTION 21, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL);

PARCEL 3: A PORTION OF TRACTS 1A, 2 AND 3A, SECTION 21, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO R-5 (RESIDENTIAL); AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 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 the following property be changed as described below within the meaning of the zoning ordinance and that the zoning map of the City of El Paso be revised accordingly:

Parcel 1: *Tract 3F, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, 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 **R-5 (Residential)**; and,

Parcel 2: *A portion of Tract 3A, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas*, and as more particularly described by metes and bounds on the attached Exhibit "B", incorporated by reference, be changed from **R-F (Ranch and Farm)** to **C-4 (Commercial)**; and,

Parcel 3: *A portion of Tracts 1A, 2 and 3A, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas*, and as more particularly described by metes and bounds on the attached Exhibit "C", incorporated by reference, be changed from **R-F (Ranch and Farm)** to **R-5 (Residential)**; and,

Further, that the property described as Parcel 2, be subject to the following conditions, which is necessitated by and attributable to the increased intensity 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:

A. A twenty-foot (20') wide landscaped buffer to include, but not limited to, high profile native trees placed at twelve (12) feet on center shall be required along the property line abutting any residential zoning district. The landscape buffer may be placed within the required setback. This shall be in addition to the landscaping requirements of the El Paso City Code and shall be required prior to the issuance of a certificate of occupancy.

B. The following enumerated uses are prohibited on the property:

1. *Light manufacturing uses; and,*
2. *Contractor's yard; and,*
3. *Sales, storage, repair and rental of tractors, heavy trucks, farm equipment, contractor's equipment and heavy vehicles and equipment, including boats.*

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

CITY CLERK DEPT.
07 APR -6 AM 10: 17

Being Tract 3F, Section 21,
Block 80, Township 1, Texas and
Pacific Railway Company Surveys,
City of El Paso, El Paso County, Texas
December 6, 2006
(Parcel 1 R-5 Zoning)

CITY CLERK DEPT.
07 APR -6 AM 10: 17

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being Tract 3F, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 2" iron pipe in concrete found for the common corner of Sections 16, 17, 20 and 21, whence a 5/8" iron rebar found for the common corner of Sections 15, 16, 21, and 22, bears North 89°53'47" East a distance of 5,285.17 feet; thence South 30°16'53" East a distance of 3861.99 feet to a point on the northwesterly right of way line of Dyer Street for the "TRUE POINT OF BEGINNING".

Thence along said right of way line South 43°16'32" West a distance of 458.00 feet to a point;

Thence leaving said right of way line North 47°11'46" West a distance of 660.02 feet to a point;

Thence North 43°16'32" East a distance of 405.00 feet to a point;

Thence South 51°00'29" East a distance of 13.49 feet to a point;

Thence South 52°00'29" East a distance of 623.67 feet to a point;

Thence, South 46°42°29" East a distance of 25.52 feet to "TRUE POINT OF BEGINNING" and containing 6.553 acres of land more or less.

Bearing basis is true north for a Transverse Mercator Surface Projection as determined by GPS methods centered near this site.

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
PROFESSIONAL
LAND SURVEYOR

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

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

Being a portion of Tract 3A, Section 21,
Block 80, Township 1, Texas and
Pacific Railway Company Surveys,
City of El Paso, El Paso County, Texas
December 6, 2006
(Parcel 2 C-4 Zoning)

CITY CLERK DEPT.

07 APR -6 AM 10: 17

EXHIBIT "B"

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 3A, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 2" iron pipe in concrete found for the common corner of Sections 16, 17, 20 and 21, whence a 5/8" iron rebar found for the common corner of Sections 15, 16, 21, and 22, bears North 89°53'47" East a distance of 5,285.17 feet; thence South 49°22'04" East a distance of 3309.56 feet to a point for the "TRUE POINT OF BEGINNING".

Thence South 46°42'14" East a distance of 373.01 feet to a point of curve;

Thence 39.26 feet along the arc of a curve to the right which has a radius of 25.00 feet a central angle of 89°58'46" a chord which bears South 01°42'51" East a distance of 35.35 feet to a point on the northwesterly right of way line of Dyer Street;

Thence along said right of way line South 43°16'32" West a distance of 1080.68 feet to a point;

Thence leaving said right of way line North 46°42'29" West a distance of 31.96 feet to a point;

Thence North 52°00'29" West a distance of 367.60 feet to a point;

Thence, North 43°16°32" East a distance of 1139.66 feet to "TRUE POINT OF BEGINNING" and containing 10.242 acres of land more or less.

Bearing basis is true north for a Transverse Mercator Surface Projection as determined by GPS methods centered near this site.

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
PROFESSIONAL
LAND SURVEYOR

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

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

Being a portion of Tract 1A, 2 and 3A,
Section 21, Block 80, Township 1,
Texas and Pacific Railway Company Surveys,
City of El Paso, El Paso County, Texas
December 6, 2006
(Parcel 3 R-5 Zoning)

CITY CLERK DEPT.
07 APR -6 AM 10: 17

EXHIBIT "C"
1 OF 2

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tracts 1A, 2 and 3A, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 2" iron pipe in concrete found for the common corner of Sections 16, 17, 20 and 21, whence a 5/8" iron rebar found for the common corner of Sections 15, 16, 21, and 22, bears North 89°53'47" East a distance of 5,285.17 feet; thence South 30°16'53" East a distance of 3861.99 feet to a point for the "TRUE POINT OF BEGINNING".

Thence South 46°42'14" East a distance of 2322.17 feet to a point;

Thence South 43°13'24" West a distance of 300.03 feet to a point;

Thence South 46°42'24" East a distance of 300.00 feet to a point;

Thence North 43°16'14" East a distance of 300.01 feet to a point;

Thence South 46°42'14" East a distance of 285.45 feet to a point;

Thence South 43°16'32" West a distance of 1139.66 feet to a point;

Thence North 52°00'29" West a distance of 261.33 feet to a point;

Thence North 51°00'29" West a distance of 25.22 feet to a point;

Thence South 43°16'14" West a distance of 1208.80 feet to a point;

Thence South 88°49'19" West a distance of 507.48 feet to a point;

Thence North 01°11'45" West a distance of 1928.11 feet to a point;

Thence South 50°22'45" East a distance of 396.71 feet to a point;

Thence North 01°12'14" West a distance of 477.99 feet to a point;

Thence South 88°47'42" West a distance of 299.98 feet to a point;

Thence North 01°11'51" West a distance of 1095.09 feet to a point;

Thence North 89°51'44" East a distance of 300.12 feet to a point;

Thence, North 01°13°02" West a distance of 295.96 feet to "TRUE POINT OF BEGINNING" and containing 105.282 acres of land more or less.

Bearing basis is true north for a Transverse Mercator Surface Projection as determined by GPS methods centered near this site.

EXHIBIT "C"
2 OF 2

CITY CLERK DEPT.
07APR -6 AM10:17

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
PROFESSIONAL
LAND SURVEYOR
12-15-06

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

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

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
M E M O R A N D U M

DATE: April 6, 2007

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

FROM: Melissa Granado, Planner

SUBJECT: **ZON07-00016**

The City Plan Commission (CPC), on April 5, 2007, voted **5-0** to recommend **APPROVAL** of rezoning the subject property from R-F (Ranch and Farm) to the following: Parcel 1 and Parcel 3 – R-5 (Residential); Parcel 2 – C-4 (Commercial), concurring with Staff's recommendation, and imposing conditions.

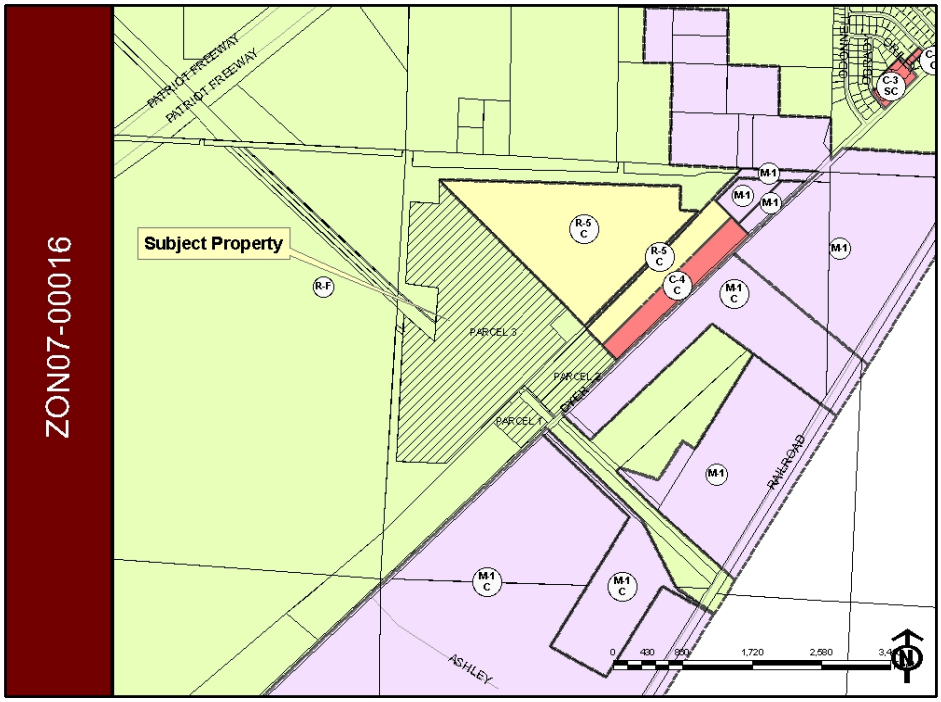
The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the effects of the rezoning will have no effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was one letter of opposition to this request.

Attachment: Staff Report, Site Plan, Application, Opposition Letter

ZON07-00016

Application Type:	Rezoning
Property Owner(s):	MIMA Properties, LLC and Newman Ranch Partners, LP
Representative(s):	Conde, Inc.
Legal Description:	Parcel 1*:* Tract 3F, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas Parcel 2: A portion of Tract 3A, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas Parcel 3: A portion of Tracts 1A, 2 and 3A, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas
Location:	West of Dyer Street and North of Ashley Road
Area:	Parcel 1: 6.55 acres Parcel 2: 10.24 acres Parcel 3: 105.28 acres
	Representative District: 4
Present Zoning:	R-F (Ranch and Farm)
Present Use:	Vacant
Proposed Zoning:	Parcel 1: R-5 (Residential) Parcel 2: C-4 (Commercial) Parcel 3: R-5 (Residential)
Recognized Neighborhood Associations Contacted:	Northeast Civic Association, Northeast Healthy Communities
Public Response:	One (1) letter of opposition.
Surrounding Land Uses:	***North:*** R-5/c, R-F / Vacant ***South:*** M-1/c, Bruce Foods, Kinder Morgan pipeline ***East:*** M-1/c, C-4/c, R-5/c / Vacant ***West:*** R-F, Vacant
Year 2025 Designation:	**Industrial** (Northeast Planning Area)



General Information:
The applicant requests a rezoning for Parcel 1 and Parcel 3 from R-F (Ranch and Farm) to R-5 (Residential) in order to permit mixed residential development and a rezoning on Parcel 2 from R-F (Ranch and Farm) to C-4 (Commercial) in order to permit regional commercial development. The site plan proposes residential development on Parcel 1 and Parcel 3 and a commercial building on Parcel 2. Access is proposed via Dyer Street. There are no zoning conditions currently on this property.

Staff Recommendation:
The Development Coordinating Committee (DCC) recommends **APPROVAL** of this request for rezoning Parcel 1 and Parcel 3 from R-F (Ranch and Farm) to R-5 (Residential). The DCC recommends **APPROVAL** of the request for rezoning Parcel 2 from R-F (Ranch and Farm) to C-4 (Commercial) with the following conditions:

A twenty-foot (20') wide landscaped buffer to include, but not be limited to, high profile native trees placed at twelve (12) feet on center shall be required along the property line abutting any residential zoning district. The landscaped buffer may be placed within the required setback. This shall be in addition to the landscaping requirement of the Chapter 20.65 of the El Paso City code and shall be required prior to the issuance of a certificate of occupancy.

The following enumerated uses are to be prohibited from use on the property:
Light manufacturing uses;
Contractor's yard;
Sales, storage, repair and rental of tractors, heavy trucks, farm equipment, contractor's equipment and heavy vehicles and equipment, including boats.

The recommendation is based on the following:

- **The Plan for El Paso** City-Wide Land Use Goals recommends that El Paso "provide a wide range of housing types that respond to the needs of all economic segments of the community" and 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 Northeast Planning Area designates this area for **Industrial** uses.

- **R-5 (Residential) zoning** permits mixed residential development and **is compatible** with adjacent zoning and future development.

- **C-4 (Commercial) zoning** permits regional commercial development and **is compatible** with adjacent zoning and future development.

Findings:
The Commission must determine the following:

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

Development Services - Building Permits and Inspections Division:
Zoning: No comments received.
Landscaping: No comments received.

Development Services - Planning Division:
Current Planning: Planning Division recommends approval of the request with the same conditions imposed on abutting C-4 (Commercial) zoning to the northeast.
Subdivision Review: No comments received.

Engineering Department, Traffic Division:
No major traffic issues.

Fire Department:
No comments received.

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

EPWU-PSB requests a 30-foot wide easement along the entire frontage of Parcels 1 and 2. The location of this easement will be at the discretion of EPWU-PSB.

Water
Within Tract 1A, at the north westernmost corner of Section 21, Block 80, Township One (1), Texas and Pacific Railroad Company Surveys, there is an existing potable water production well.

Within Tract 1A, at the north eastern portion of Section 21, Block 80, Township One (1), Texas and Pacific Railroad Company Surveys, there is an existing potable water production well.

Within Tract 1A, along the northernmost portion of Section 21, Block 80, Township One (1), Texas and Pacific Railroad Company Surveys, there is an existing eight (8) inch diameter raw, un-chlorinated, water main (flow line). This flow line connects the above described wells. No service connections are allowed to this flow line.

Along Dyer Street between Angora Loop North Street and Lynn Field Road there is an existing twelve (12) inch diameter water main. This main is dedicated to serve the U.S. Army Mc Gregor Range exclusively. This main is not available to serve the subject Property.

Along Dyer Street between Angora Loop North and Lynn Field Street there is an existing sixteen (16) inch diameter water main. This main dead-ends at approximately 1,400 feet south of Lynn Field Road.

Reclaimed Water
Along Ashley Road, between Railroad Drive and Dyer Street, there is an existing thirty (30) inch diameter reclaimed water main. This 30-inch diameter main transects Dyer Street and the alignment continues in a northwesterly direction within Section 21, Block 80, Township One (1), Texas and Pacific Railroad Company Surveys.

Sanitary Sewer
Along Dyer Street between Ashley Road and Lynn Field Road, there are no existing sanitary sewer mains.

Within the vicinity of Railroad Drive and the property owned by the Dal-Tile company, there is an existing sanitary sewer pumping facility (lift station) within an easement. Also within an easement, there is an existing twenty four (24) inch diameter sanitary sewer main that discharges unto this lift station. This 24-inch diameter sanitary sewer main dead-ends at approximately 250 feet west from the lift station.

General
EPWU-PSB requires access at all times to EPWU-PSB property.

Extension of the 24-inch sanitary sewer main will be required.

Upgrading of the lift station will be required.

Additionally, the Northeast Master Plan (NEMP) recommends an eighteen (18) inch diameter sanitary sewer main through the subject Property to convey the Master Planned area flow at built-out. Also, the NEMP recommends the lift station to be upgraded from the present capacity of 0.5 million gallons per day (MGD) to the ultimate capacity of 18 MGD. Immediate upgrade of the lift station to 10.0 MGD is required prior to EPWU-PSB commitment to provide service.

Dyer Street is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Dyer Street right-of-way requires permits from TxDOT.

Easements within the Property are anticipated for the proposed extension of public water and sanitary sewer mains.

EPWU-PSB requires access to the easements 24 hours a day, seven (7) days a week.

All easements dedicated for public water and/or sanitary sewer facilities are to comply with EPWU-PSB Easement Policy.

Easement grantor shall indemnify, defend, and hold harmless the El Paso Water Utilities – Public Service Board from and against any and all claims, liability, actions, and damages for bodily injury and property damage to third parties or to the El Paso Water Utilities – Public Service Board which may be caused by or arise out of the maintenance and existence of said water and sanitary sewer mains in the easement area.

The alignment and location of the proposed EPWU-PSB easement shall enable the placement of water meters outside of the parking areas and minimize the length of services. No vehicular traffic is allowed over the water meters. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.

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

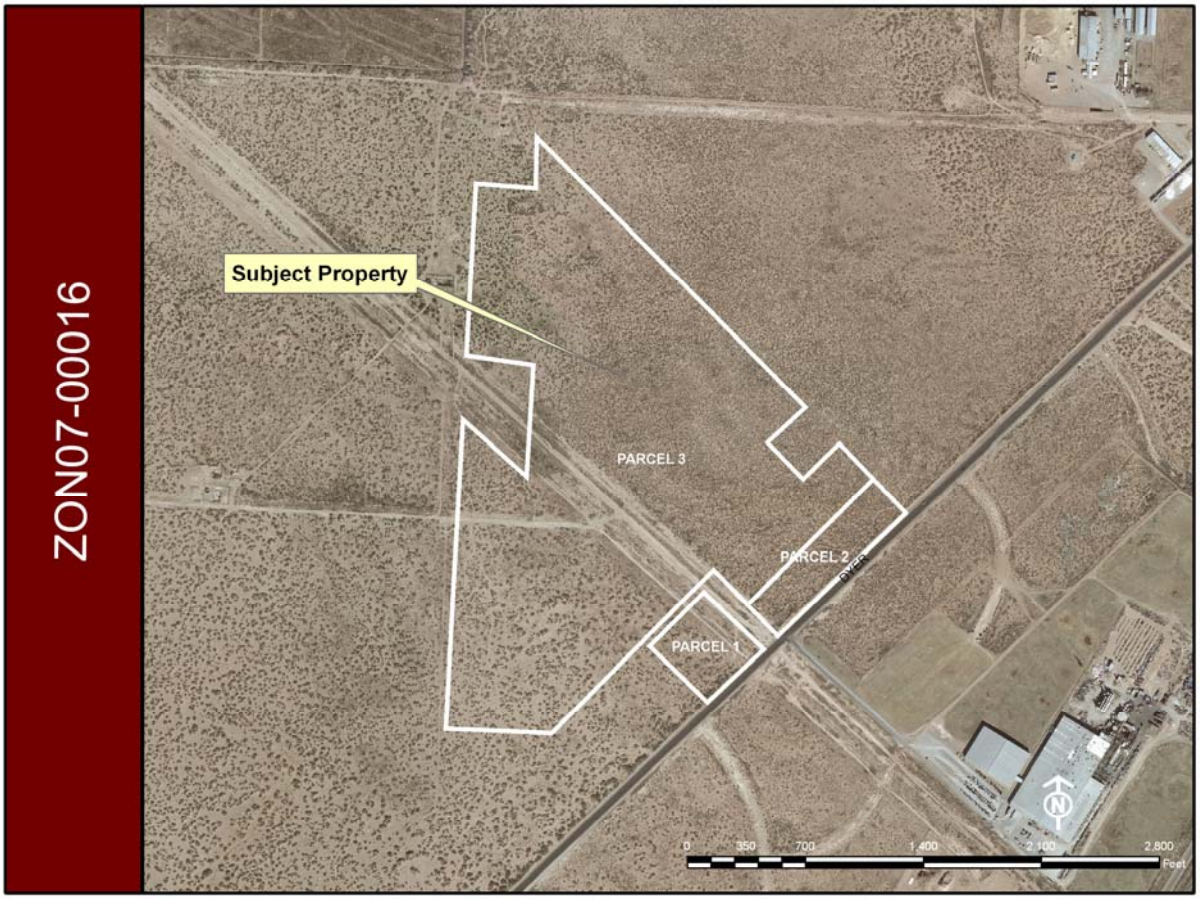
The PSB easement shall be improved to allow the operation of EPWU maintenance vehicles.

Proposed surface improvements such as paving, landscaping, other types of low maintenance surfacing shall be reviewed for approval by EPWU-PSB.

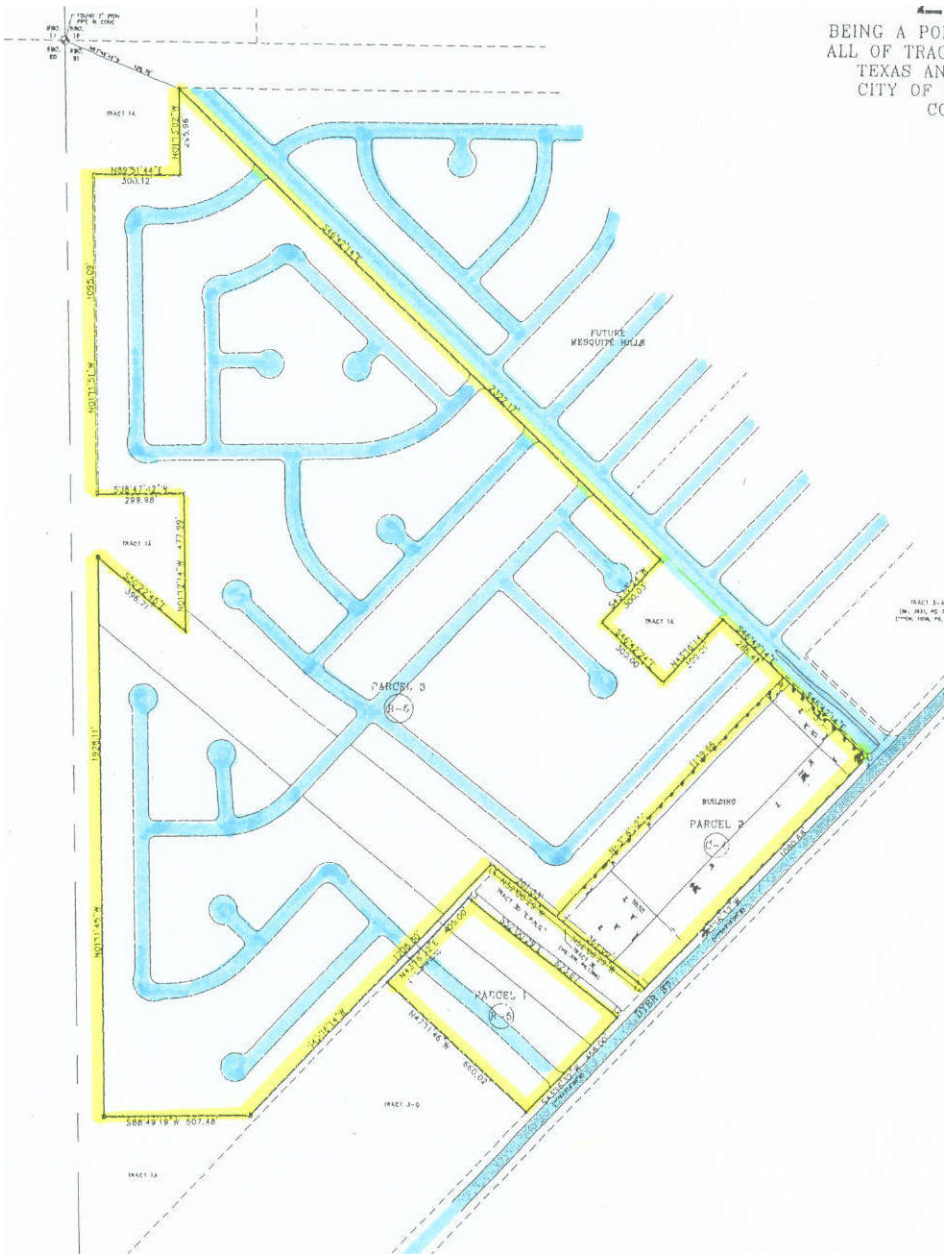
Use of low maintenance easement surface improvements is required. The Owner of the property is responsible for maintenance of the easement surface.

EPWU requires a new service application to initialize design of the water and sanitary sewer main extensions to serve the subject property. 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; (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.

List of Attachments:
Attachment 1: Site Plan
Attachment 2: Application
Attachment 3: Opposition Letter



Attachment 1: Site Plan



Attachment 2: Application

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

1. CONTACT INFORMATION

PROPERTY OWNER(S): MIMA PROPERTIES, LLC / Newman Ranch Partners, L.P.
ADDRESS: 201 E. Main, Ste. 1521 ZIP CODE: 79901 PHONE: 592-0290
APPLICANT(S): MIMA PROPERTIES, LLC
ADDRESS: 201 E. Main, Ste. 1521 ZIP CODE: 79901 PHONE: 592-0290
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

PROPERTY IDENTIFICATION NUMBER: X580-999-1210-3992
LEGAL DESCRIPTION: Being Tract 3F, Section 21 21, Block 80, TSP 1, Texas & Pacific Railroad Co. Surveys, City of El Paso, El Paso County
STREET ADDRESS OR LOCATION: Dyer Street
ACREAGE: 6.553 ac PRESENT ZONING: R-F PRESENT LAND USE: Vacant
PROPOSED ZONING R-5 PROPOSED LAND USE: To allow for Mixed Residential Development
ADDRESS: ZIP CODE: PHONE:
E-MAIL ADDRESS: cconrad@elp.rr.com

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER: X580-999-1210- 2740
LEGAL DESCRIPTION: Being a portion of Tract 3A, Section 21, Block 80, TSP1, Texas & Pacific Railroad Co. Surveys, City of El Paso, El Paso County
STREET ADDRESS OR LOCATION: Dyer Street
ACREAGE: 10.242 ac PRESENT ZONING: R-F PRESENT LAND USE: Vacant
PROPOSED ZONING: C-4 PROPOSED LAND USE: To allow for Regional Commercial (office warehouse)
ADDRESS: ZIP CODE: PHONE:
E-MAIL ADDRESS:

4. PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER: X580-999-1210-0620 / X580-999-1210-2740
LEGAL DESCRIPTION: Being a portion of Tract 1A, 2 and 3A, Section 21, Block 80, TSP 1, Texas & Pacific Railroad Co. Surveys, City of El Paso, El Paso County
STREET ADDRESS OR LOCATION: Dyer Street
ACREAGE: 105.282 ac PRESENT ZONING: R-F PRESENT LAND USE: Vacant
PROPOSED ZONING: R-5 PROPOSED LAND USE: To allow for Mixed Residential Development
ADDRESS: ZIP CODE: PHONE:
E-MAIL ADDRESS:

5. ADDITIONAL INFORMATION

OWNER (S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):
Printed Name: Tom C. Curlin, Manager Signature: 12-12-06
Printed Name: Newman Ranch Partners, LP Signature:
Printed Name: By: Newman Ranch, LLC Signature:
Its General Partner Douglas A. Schwartz /Manager

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

CITY OF EL PASO PLANNING DEVELOPMENT FEB 0 8 2007

**** OFFICE USE ONLY****

ZON07-00016 RECEIVED DATE: 2/7/07 APPLICATION FEE: $1320.00
DCC REVIEW DATE: 2/28/07 (8:30 am, Planning Department Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 3/15/07 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: M. Spencer FUND -01101, DEPT ID -99010335, ACCOUNT -404126

Attachment 3: Opposition Letter

BRUCE FOODS CORPORATION
8000 Ashley Road • El Paso, Texas 79934 USA
Phone (915) 821-2500 • Fax (915) 821-1744

March 14, 2007

Members of the City Plan Commission,

We respectfully ask that the request for the rezoning of the property in question (Case No. ZON07-00016) be rejected and that the zoning of said property remain as is. The development of housing in such close proximity to the existing industries would cause undue hardship for all parties involved. The mixture of this much housing so close to the established businesses (Dal Tile International, Bruce Foods Corp., Kinder Morgan Energy Partners, the new proposed Fats and Oils recovery site, and the City Sewage Treatment plant) is asking for trouble, the families living in the rezoned property would not be happy and would be looking to the City for assistance in curtailing the industrial activities nearby. Some of these businesses run around the clock, so there would be complaints about noise, odor, potential fire, and numerous other items that might be mentioned.

Dyer Street would be sorely taxed to handle the vehicle traffic that this development would cause. We currently have a number of large trucks that pick up or deliver to our facility, as many as 30 in a day, in addition during our Fresh Pack Season we provide an additional 600 to 800jobs, can you visualize the traffic? This would surely cause unrest with people trying to get to and &omhome. This would also mean that there would be more pedestrian traffic, both adult and children along a major street School bus traffic would now enter into the equation along with children waiting for either their parents or the School bus.

In the map provided it seems as though the residential area would be built all around and above a IDGH PRESSURE NATURAL GAS LINE, and a number of High Pressure Pipe Lines for Petroleum products, in our mind this does not seem to be a very SAFE location. Our payroll each year is over 6 million dollars plus what we spend with local vendors; this is money that goes directly into the El Paso economy. We would much rather see the property rezoned as industrial rather than residential. The idea of having a residential neighborhood virtually next door to us would cause a severe burden on us because of the reasons listed, and our alternatives would be limited, one, which would be the last resort, would be to relocate.

Thank You for your time.

Pat Rocha
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