

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: June 1, 2010
Public Hearing: June 22, 2010

CONTACT PERSON/PHONE: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 6

SUBJECT:

An Ordinance changing the zoning of a portion of Lots 2 and 3, Block 2, Pan American Center for Industry Unit One, City of El Paso, El Paso County, Texas from M-1/sc/sp (Light Manufacturing/special contract/special permit) to C-3/sc/sp (Commercial/special contract/special permit). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 9585 Plaza Circle. Applicant: Scott Kubitz. ZON10-00015 (District 6)

BACKGROUND / DISCUSSION:

N/A

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 (7-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Victor Q. Torres
Director, Development Services

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 2 AND 3, BLOCK 2, PAN AMERICAN CENTER FOR INDUSTRY UNIT ONE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM M-1/SC/SP (LIGHT MANUFACTURING/SPECIAL CONTRACT/SPECIAL PERMIT) TO C-3/SC/SP (COMMERCIAL/SPECIAL CONTRACT/SPECIAL PERMIT). 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 Lots 2 and 3, Block 2, Pan American Center for Industry Unit One, 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 **M-1/sc/sp (Light Manufacturing/special contract/special permit)** to **C-3/sc/sp (Commercial/special contract/special permit)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the conditions not otherwise previously released imposed by Ordinance No. 4768 on the above property remain in full force and effect and that the special permit granted on October 3, 1989, shall remain.

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

#56205 v1 - Planning/ZON10-00015/Rezoning/SKRH, LLC

ORDINANCE NO. _____

APPROVED AS TO CONTENT:

Mathew McElroy, Deputy Director-Planning
Development Services Department

Document Author: LCUE

Zoning Case No: ZON10-00015

PROPERTY DESCRIPTION

9585 Plaza Circle

Description of a parcel of land being a portion of Lots 2 and 3, Block 2, Pan American Center For Industry Unit One, City of El Paso, El Paso County, Texas, plat of said Pan American Center For Industry Unit One recorded in book 42, pages 2 and 2A, Plat Records, El Paso County, Texas and also being that same parcel recorded in Doc#20090084005, El Paso County Clerks Records, and described as follows;

Commencing for reference at a city monument found at the centerline intersection of Plaza Circle (90' wide) and Pan American Drive (120' wide), said monument lying North 55°23'15" East a distance of 820.99' from an existing city monument located at the centerline PC of said Plaza Circle lying in front of Lot 5 of said Block 2; Thence, with said centerline of Plaza Circle, South 72°10'50" West a distance of 320.00' to a nail found; Thence, North 17°49'10" West a distance of 45.00' to a rebar with cap stamped "2998" found on the northerly ROW line of said Plaza Circle and located at the common southerly corner of this parcel and that parcel described in Doc#20040100272, and being the "Point Of Beginning";

Thence, with said ROW line, South 72°10'50" West a distance of 200.00' to a an "X" chiseled on concrete found at the PC;

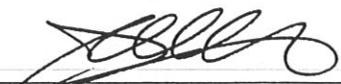
Thence, continuing with said ROW line, 31.27' along a curve to the right, having an interior angle of 17°54'53", a radius of 100.00' and a chord which bears South 81°08'16" West a distance of 31.14' to a 5/8" rebar found at the common southerly corner of this parcel and that parcel described in Doc#20040092333;

Thence, with the common boundary line of this parcel and said parcel described in Doc#20040092333, North 47°13'52" West a distance of 488.06' to a rebar with cap stamped "2998" found at the common westerly corner of this parcel and said parcel described in Doc#20040100272;

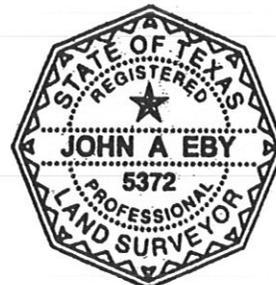
Thence, with the common boundary line of this parcel and said parcel described in Doc#20040100272, North 72°10'50" East at a distance of 239.67' passing a rebar with cap stamped "2998" found at the intersection with the common lot line of said Lots 2 and 3, and continuing an additional distance of 230.76' for a total distance of 470.43' to a 5/8" rebar found;

Thence, continuing with said common boundary line of this parcel and said parcel described in Doc#20040100272, and along the common lot line of Lots 1 and 2 of said Block 2, South 17°49'10" East a distance of 430.00' to the "Point Of Beginning" and containing 150,127 sq. ft. or 3.4464 acres.

Based on a field survey performed under my supervision and dated February 10, 2010.


John A Eby, Texas R.P.L.S. 5372 NM PLS 17779

Paso Del Norte Surveying Inc.
13998 Bradley Road
El Paso, TX. 79938
915-241-1841



MEMORANDUM

DATE: May 24, 2010

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

FROM: Andrew Salloum, Planner

SUBJECT: ZON10-00015

The City Plan Commission (CPC), on May 6, 2010, voted **7-0** to recommend **APPROVAL** of rezoning subject property from M-1/sc/sp (Light Manufacturing/special contract/special permit) to C-3/sc/sp to (Commercial/special contract/special permit).

The CPC found that the rezoning is in conformance with The Plan for El Paso and that the proposed use is in conformance with the 2025 Projected General Land Use Map for the Mission Valley Planning Area. The CPC also determined that the 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.

There was **NO OPPOSITION** to this request.

Attachment: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: ZON10-00015
Application Type: Rezoning
CPC Hearing Date: May 6, 2010
Staff Planner: Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

Location: 9585 Plaza Circle
Legal Description: A portion of Lots 2 and 3, Block 2, Pan American Center for Industry Unit One, City of El Paso, El Paso County, Texas

Acreage: 3.45 acres
Rep District: 6
Existing Use: Warehouse and Office
Existing Zoning: M-1/sc/sp (Light Manufacturing/special contract/special permit)
Request: M-1/sc/sp (Light Manufacturing/special contract/special permit) to C-3/sc/sp (Commercial/special contract/special permit)
Proposed Use: Warehouse, Office, Fitness Center, and Private Community Recreational Facility

Property Owners: SKRH, LLC
Applicant: Scott Kubitz
Representative: Rey Engineering

SURROUNDING ZONING AND LAND USE

North: M-1/sc (Light Manufacturing/special contract) / Vacant
South: M-1/sc (Light Manufacturing/special contract) / Warehouse
East: M-1/sc (Light Manufacturing/special contract) / Vacant
West: M-1/sc (Light Manufacturing/special contract) / Vacant

THE PLAN FOR EL PASO DESIGNATION: Industrial Use (Mission Valley Planning Area)

Nearest Park: Rio Grande River Trail #2 Park (3830 Feet)

Nearest School: South Loop Elementary (2600 Feet)

NEIGHBORHOOD ASSOCIATIONS

There are no registered neighborhood associations in the area.

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on April 21, 2010. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

CASE HISTORY

On March 18, 1980, the subject property was zoned M-1 (Light Manufacturing) to permit development of a warehouse. The following conditions were imposed on the property by Ordinance No. 4768 (See Attachment 4):

1. *No driveways, curb cuts or other vehicular access, including access by trucks, shall be permitted between the easterly boundary of the Property and Carl Longuemare Road until all of the requirements of Paragraph 2 hereof have been met.*
2. *In the event Britannia shall at its sole cost and expense:*
 - a. *Dedicate or cause to be dedicated the easterly 20 feet of the Property, adjacent and parallel*

to Carl Longuemare Road, as a public street, by executing and delivering to the City an appropriate deed of dedication in recordable form, or cause such deed of dedication to be executed and delivered by the owner of the Property; and

- b. Within ninety days after the delivery of such deed of dedication to the City, improve the entire width of Carl Longuemore Road between Americas Avenue and the southerly lot line (extended) of the Property by installing paving, curbs and gutters thereon, all in accordance with plans and specifications to be approved by the City Engineer of the City of El Paso, which improvements shall be subject to inspection and approval by the City Engineer upon completion.
3. The City agrees that a building permit and occupancy permit for construction on the Property will not be withheld because of any City requirements relating to the dedication or improvement by Britannia of the part of Carl Longuemare Road adjacent to the Property.

On July 5, 1983, the following condition was released from special contract:

1. No dwelling, duplex, apartment, house, boarding or lodging house, hotel, motel, motel, tourist court, mobile home park or other place of human habitation shall be constructed or maintained on the property. This restriction shall not apply, however, to the existing dwelling at 9600 Carl Longuemare Road.

On October 3, 1989, a special permit was approved under Section 20.46.040.H of the El Paso City Code to allow the installation of a telephone microwave broadcasting and receiving facility (See Attachment 5).

APPLICATION DESCRIPTION

The property owner is requesting to rezone the subject property from M-1/sc/sp (Light Manufacturing/special contract/special permit) to C-3/sc/sp (Commercial/special contract/special permit) in order to permit a warehouse, office, fitness center, and private community recreational facility. The property is 3.45 acres in size and is currently vacant. The conceptual site plan proposes a 5,549 square-foot warehouse, 3,995 square-foot office, 13,835 square-foot fitness facility, and 11,675 square-foot community center buildings with 200 parking spaces and 10 bicycle spaces provided. Primary access to the subject property is from Plaza Circle.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

The DCC recommends **APPROVAL** of rezoning the property from M-1/sc/sp (Light Manufacturing/special contract/special permit) to C-3/sc/sp (Commercial/special contract/special permit).

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of rezoning the property from M-1/sc/sp (Light Manufacturing/special contract/special permit) to C-3/sc/sp (Commercial/special contract/special permit).

The Plan for El Paso-City-Wide Land Use Goals

All applications for rezoning shall demonstrate compliance with the following criteria:

- a. Goal: develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.
- 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 C-3 (Commercial) districts is accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

Development Services Department - Building Permits and Inspections Division

Zoning Review: Plan Review has no objections to the request of rezoning this parcel.

Landscape Review: Landscape calculations are not correct but project will meet code as submitted. (Applicant will address issue at the time landscape plan is submitted for approval.)

Engineering Department - Traffic Division

Traffic has no objections to proposed zoning change.

Street Department:

- We offer no objections to the request for change of zoning.
- All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps, and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

Fire Department

No objections.

El Paso Water Utilities

EPWU does not object to this request.

CITY PLAN COMMISSION OPTIONS

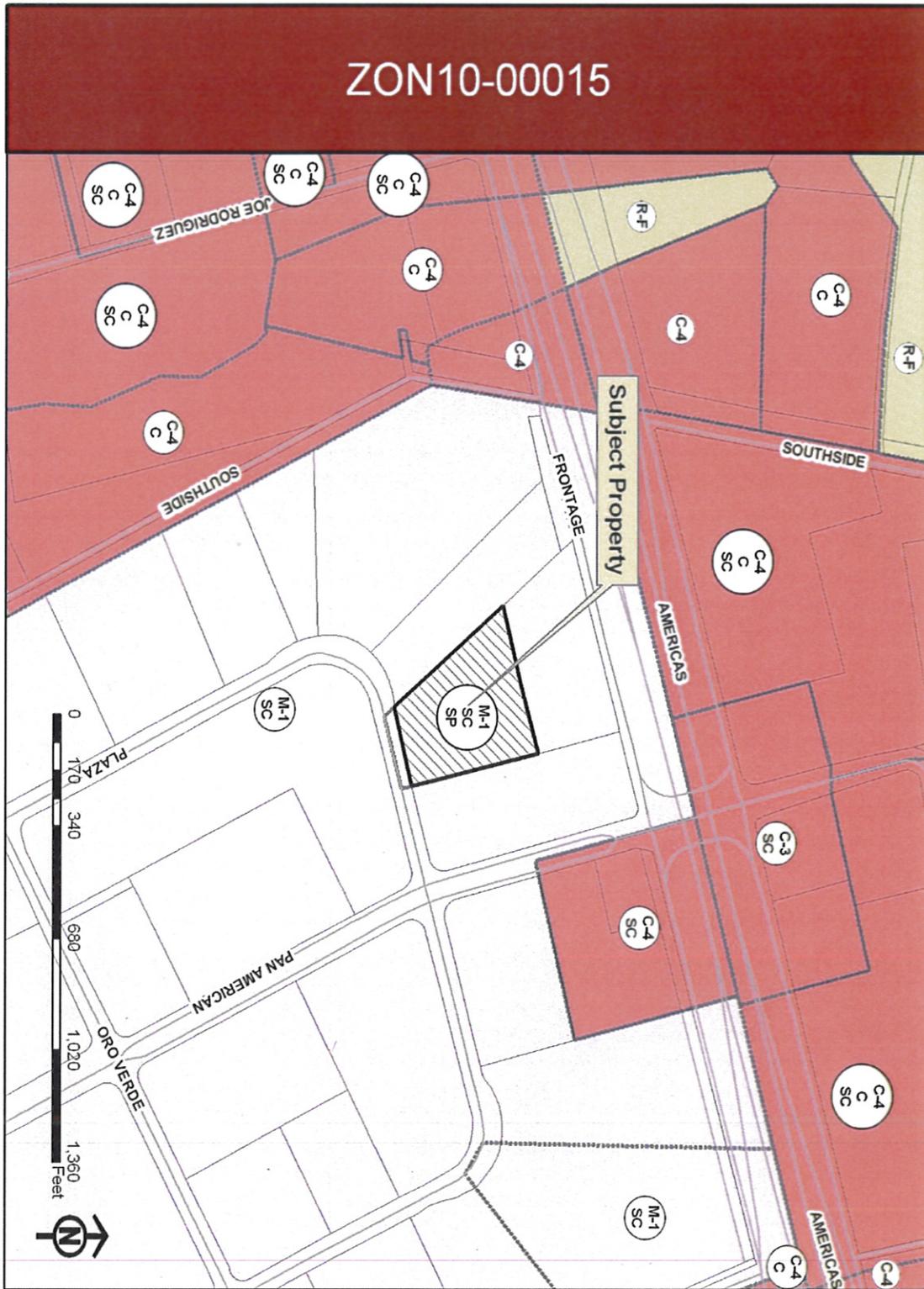
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application

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 in the Plan by the CPC.

Attachments:

- Attachment 1: Zoning Map
- Attachment 2: Aerial Map
- Attachment 3: Conceptual Site Plan
- Attachment 4: Special Contract Ordinance No. 4768
- Attachment 5: Special Permit No. 89-37

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

ZON10-00015



ATTACHMENT 3: CONCEPTUAL SITE PLAN



LEGAL DESCRIPTION
 BEING A PORTION OF LOTS 2 AND 3, BLOCK 2,
 FUTURE COMMUNITY CENTER FOR BUSINESS AND THE
 CITY OF S. PARK, S. PARK COUNTY, TRACT
 COMMENS 181.128 ST. OR 2.448 AC.

SITE PLAN

SCALE 1" = 20'

ATTACHMENT 4: SPECIAL CONTRACT ORDINANCE NO. 4768

22921

CONTRACT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

THIS CONTRACT, made this 18th day of March, 1980, by and between KENN CARLSON, Trustee of the Irrevocable Trusts for the Benefit of JEFFERY MAX SCHOENFELD, LEA ANNE SCHOENFELD and GARY HERMAN SCHOENFELD, hereinafter called "Trustee"; BRITANNIA MANUFACTURING, INC., a Texas corporation, hereinafter called "Brittania"; and THE CITY OF EL PASO, hereinafter called the "City",

W I T N E S S E T H:

Trustee is the owner of the following described property in the City of El Paso, El Paso County, Texas (the "Property"):

Lot 4, Block 1, PAN AMERICAN CENTER FOR INDUSTRY, UNIT ONE, a subdivision in the City of El Paso, El Paso County, Texas, according to the map and plat thereof recorded in Volume 42, Page 2, of the Plat Records of El Paso County, Texas.

Brittania is the lessee of a portion of the Property.

Application has been made to the City Plan Commission of the City of El Paso for approval of a site plan for construction of permanent improvements on the Property. In order to remove certain objections to the approval of the site plan, Trustee and Brittania covenant that if the site plan for the Property is approved, the Property shall be subject to the following restrictions, conditions and covenants:

1. No driveways, curb cuts or other vehicular access, including access by trucks, shall be permitted between the easterly boundary of the Property and Carl Longuemare Road until all of the requirements of Paragraph 2 hereof have been met.

2. In the event Brittania shall at its sole cost and expense:

RECEIVED
JUN 6 1983
PLANNING DEPARTMENT

1080-1658

ATTACHMENT 4: SPECIAL CONTRACT ORDINANCE NO. 4768

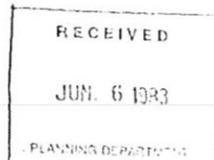
(a) Dedicate or cause to be dedicated the easterly 20 feet of the Property, adjacent and parallel to Carl Longuemare Road, as a public street, by executing and delivering to the City an appropriate deed of dedication in recordable form, or cause such deed of dedication to be executed and delivered by the owner of the Property; and

(b) Within ninety days after the delivery of such deed of dedication to the City, improve the entire width of Carl Longuemare Road between Americas Avenue and the southerly lot line (extended) of the Property by installing paving, curbs and gutters thereon, all in accordance with plans and specifications to be approved by the City Engineer of the City of El Paso, which improvements shall be subject to inspection and approval by the City Engineer upon completion.

3. The City agrees that a building permit and occupancy permit for construction on the Property will not be withheld because of any City requirements relating to the dedication or improvement by Britannia of the part of Carl Longuemare Road adjacent to the Property.

This Contract is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind the City, Trustee and Britannia and their successors in interest. Unless and until all of the requirements of Paragraph 2 hereof have been fully satisfied, any future conveyance of the Property shall contain this restriction, condition and covenant and shall embody this Contract by express reference.

The parties hereto may enforce this Contract by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.



1983

- 2 -

ATTACHMENT 4: SPECIAL CONTRACT ORDINANCE NO. 4768

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with Britannia Manufacturing, Inc., placing certain restrictions, conditions and covenants on Lot 4, Block 1, Pan American Center for Industry, Unit One, El Paso County, Texas.

ADOPTED this *18th* day of *March*, 1960.

Thomas D. Woolf

Mayor

ATTEST:

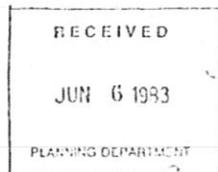
W. H. Reger
City Clerk

City Clerk



met.

2. In the event Britannia shall at its sole cost and expense:



*REF ORD. 4768
1-13-72
122.3503*

1086-1658

ATTACHMENT 4: SPECIAL CONTRACT ORDINANCE NO. 4768

RESOLUTION GRANTING SPECIAL PERMIT NO. SP 89-37
FOR PORTION OF LOTS 2 & 3, BLOCK 2, PAN AMERICAN CENTER, UNIT ONE
PURSUANT TO SECTION 20.46.040.H (ZONING)
OF THE EL PASO CITY CODE.

WHEREAS, GOULD, Inc. has applied for a Special Permit under Section 20.46.040.H (Zoning) of the El Paso City Code, to allow the installation of a telephone microwave broadcasting & receiving facility; and

WHEREAS, a report was made by the City Plan Commission and a public hearing was held regarding such application;

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

1. That said property is in an M-1 District; and
2. That telephone microwave broadcasting & receiving facilities are uses authorized by Special Permit in M-1 districts under Section 20.46.040.H of the El Paso City Code; and
3. That the City Council hereby grants a Special Permit under Section 20.46.040.H of the El Paso City Code, to allow the installation of a telephone microwave broadcasting & receiving facility on the property located at 9538 Plaza Circle, and which is described as Portion of Lots 2 & 3, Block 2, Pan American Center, Unit One, City of El Paso, El Paso County, Texas, more particularly described in the attached Exhibit "A"

ATTACHMENT 5: SPECIAL PERMIT NO. 89-37

which is made a part hereof for all intents and purposes; and

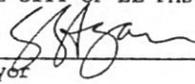
4. That this Special Permit is issued subject to the development standards in the M-1 District regulations and subject to the approved Site Development Plan, dated 10-3-89, and signed by the Applicant, the Mayor and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; and

5. That the Applicant shall sign an Agreement incorporating the requirements of this Resolution. 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

6. That if the Applicant fails to comply with any of the requirements of this Resolution, Special Permit No. SP 89-37 shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any violation ceases.

ADOPTED THIS 3rd DAY OF Oct, 1989.

THE CITY OF EL PASO



Mayor

ATTACHMENT 5: SPECIAL PERMIT NO. 89-37

