

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

**DEPARTMENT:** Development Services Department

**AGENDA DATE:** Introduction: June 20, 2006  
Public Hearing: July 11, 2006

**CONTACT PERSON/PHONE:** Christina Valles, 541-4930

**DISTRICT(S) AFFECTED:** 1

**SUBJECT:**

An Ordinance changing the zoning of a portion of Tract 13A, S.A. and M.G. Survey No. 266, El Paso, El Paso County, Texas from C-3/c (Commercial/conditions) to R-5/c (Residential/conditions). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Applicant: Housing Authority of the City of El Paso. ZON06-00034 (District 1)

**BACKGROUND / DISCUSSION: /**

See attached report.

**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 (5-0)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

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

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

**DEPARTMENT HEAD:** George Sarmiento, AICP

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 13A, S.A. AND M.G. SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM C-3/C (COMMERCIAL/CONDITIONS) TO R-5/C (RESIDENTIAL/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 a *Portion of Tract 13A, S.A. and M.G. Survey No. 266, El Paso, El Paso County, Texas*, and as more particularly described by metes and bounds on Exhibit "A", attached and incorporated by reference, be changed from **C-3/c (Commercial/conditions)** to **R-5/c (Residential/conditions)**, 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 \_\_\_\_\_, 2006.

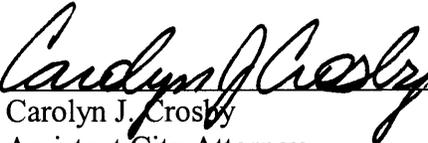
THE CITY OF EL PASO

ATTEST:

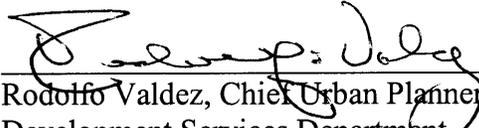
\_\_\_\_\_  
John F. Cook  
Mayor

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Carolyn J. Crosby  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Rodolfo Valdez, Chief Urban Planner  
Development Services Department

Property Description: A portion of Tract 13A, S. A. and M. G. Survey No. 266, El Paso, El Paso County, Texas

**METES AND BOUNDS DESCRIPTION**

The parcel of land herein described is a portion of Tract 13A, S. A. and M. G. Survey No. 266, El Paso, El Paso County, Texas and is more particularly described by metes and bounds as follows:

Commencing at an existing city monument lying on the centerline intersection of Southwestern Drive (60' right-of-way) and Tuscarora Drive (60' right-of-way); Thence, North 89° 54' 54" West, along the centerline of Tuscarora Drive, a distance of 150.00 feet to a point lying on the common boundary line between Scenic Heights and Tract 13A, S. A. and M. G. Survey No. 266, said point being a set 1/2-inch iron rod with SLI plastic cap stamped "TX 2998", also being the TRUE POINT OF BEGINNING of this description;

THENCE, South 00° 05' 06" West, along said boundary line, a distance of 514.19 feet to a point lying on the northerly right-of-way line of Medano Drive, said point being a found 5/8-inch iron with SLI cap stamped "TX 2998";

THENCE, 550.07 feet along said right-of-way and along the arc of a curve to the left, having a radius of 1060.00 feet, a central angle of 29° 43' 58" and a chord which bears South 86° 06' 46" West, a distance of 543.92 feet to a found 5/8-inch iron with SLI cap stamped "TX 2998";

THENCE, North 11° 44' 42" West, a distance of 977.64 feet to a point lying on the common boundary line between Lot 110, Block 58, West Hills Unit Twenty Two and Tract 13A, S. A. and M. G. Survey No. 266, said point being a found 5/8-inch iron with SLI cap stamped "TX 2998";

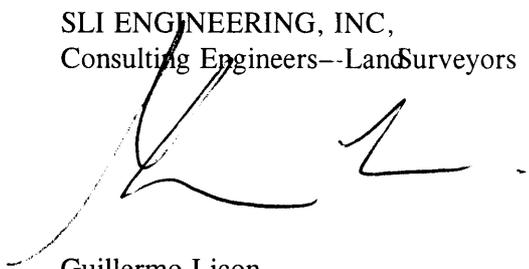
THENCE, South 89° 54' 54" East, along said boundary line, a distance of 743.04 feet to a point lying on the common boundary line between Scenic Heights and Tract 13A, S. A. and M. G. Survey No. 266, said point being a found 5/8-inch iron with SLI cap stamped "TX 2998";

THENCE, South 00° 05' 06" West, along said boundary line, a distance of 405.00 feet to the TRUE POINT OF BEGINNING OF this description.

Said parcel of land contains 13.590 acres (591,966 sq. ft.) of land more or less.

A PLAT OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

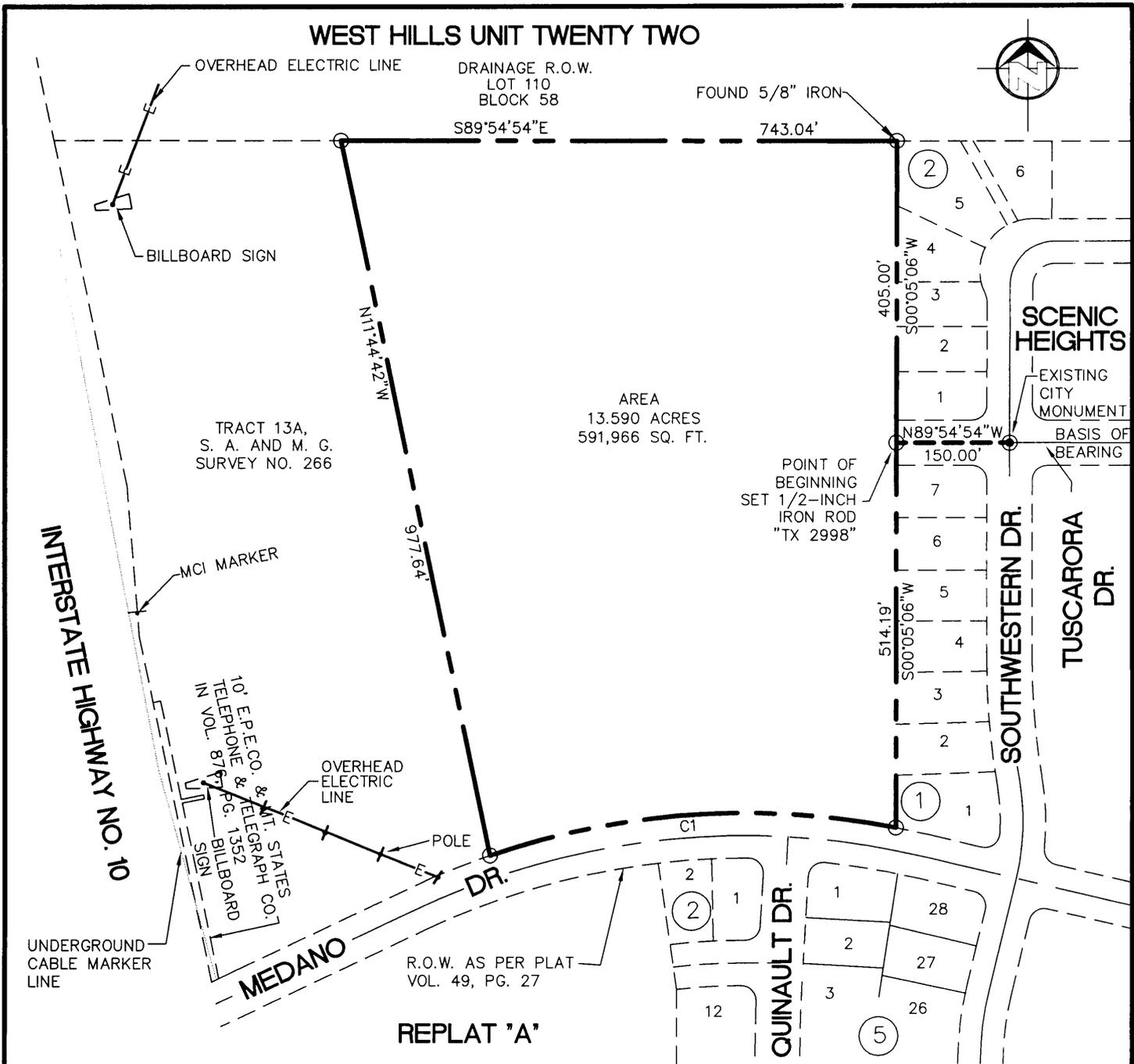
SLI ENGINEERING, INC,  
Consulting Engineers--Land Surveyors



Guillermo Licon  
Registered Professional Land Surveyor  
Texas License No. 2998



May 26, 2006  
Job Number 09-05-2379



CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	1060.00'	550.07'	281.38'	543.92'	S86°06'46"W	29°43'58"

**THREE HILLS ADDITION**

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 480214 0021 D, DATED JANUARY 3 5, 1997, THIS PROPERTY LIES IN FLOOD ZONE C.  
ZONE C AREAS OF MINIMAL FLOODING.

DUE TO INHERENT INACCURACIES OF FEMA OR FLOOD INSURANCE RATE MAPS THIS SURVEYOR DOES NOT CERTIFY TO THE ACCURACY OF LOCATIONS BASED ON SUCH MAPS. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

NOTE: UNABLE TO SHOW LOCATION OF EL PASO ELECTRIC CO. EASEMENTS RECORDED IN VOL. 440, PG. 349 AND VOL. 447, PG. 173. EASEMENT ARE GENERALLY DESCRIBED AS BEING IN S.A. & M.G. SURVEY NO. 266.

FOUND 5/8" IRON WITH SLI CAP ON ALL PROPERTY CORNERS UNLESS OTHERWISE INDICATED.

A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT OF SURVEY.

Copyright 2006 SLI Engineering, Inc.

This map and survey are being provided solely for the use of El Paso Housing Authority and no license has been created, expressed or implied, to copy the surveys and/or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon May 26, 2006.

NOTE:  
ALL INFORMATION SHOWN HEREON WITH RESPECT TO UNDERGROUND CONDITIONS, WAS DETERMINED BY DATA COLLECTED THROUGH SURVEY CREW OBSERVATION AND OTHER INFORMATION TAKEN FROM EXISTING PLANS AND MAPS OF RECORD. NO UNDERGROUND UTILITIES EXISTING OR ABANDONED WERE EXPOSED OR LOCATED.

UNLESS SPECIFICALLY ACCEPTED BY SLI ENGINEERING, INC. IN WRITING, SLI ENGINEERING, INC. MAKES NO CLAIM, EXPRESSED OR IMPLIED, AS TO THE UNDERGROUND SITE CONDITIONS.



**PLAT OF SURVEY**



**SLI ENGINEERING, INC.**  
CIVIL ENGINEERS  
LAND SURVEYORS  
LAND PLANNERS  
6600 WESTWIND DRIVE  
EL PASO, TEXAS 79912  
915-584-4457

A PORTION OF TRACT 13A,  
S.A. AND M.G. SURVEY NO. 266,  
EL PASO, EL PASO COUNTY,  
TEXAS

CERTIFICATION  
I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

GUILLERMO LICON, R.P.L.S.  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS LICENSE NO. 2998

JOB #: 09-05-2379 DR. BY: AFV  
SCALE: 1"=200' F.B. #: 1028  
DATE: 05/26/2006 DWG.: 13-29AC.DWG

JOHN COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER

GEORGE G. SARMIENTO, AICP  
DEPUTY DIRECTOR



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 DEPARTMENT  
PLANNING DIVISION**

May 5, 2006

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

**FROM:** Christina Valles, Senior Planner

**SUBJECT: ZON06-00034**  
Portion of Tract 13A, S.A. and M.G. Survey No. 266

**LOCATION:** Medano and Interstate 10

**REQUEST:** From: C-3/c (Commercial/conditions); To: R-5/condition (Residential/condition)

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The City Plan Commission (CPC), on May 4, 2006, voted **(5-0)** to recommend **Approval** of rezoning the subject property to R-5/c (Residential/condition), concurring with Staff's recommendation.

There is a related zoning condition release/amendment case in progress, ZON06-00033.

The CPC found that this zone change is in conformance with *The Plan for El Paso* Citywide land use goals: "That El Paso provide a wide range of housing types that respond to the needs of all economic segments of the community; and preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods." The proposed use is in conformance with the Year 2025 Projected General Land Use Map, which designates the subject property for commercial and residential uses. The proposed R-5/c (Residential/conditions) zone and the proposed single-family residential development are compatible with adjacent zoning and land uses. The CPC also determined the zone change protects the best interest, health, safety, and welfare of the public in general.

There was no opposition to this request.

**Attachment:** Location Map; Aerial Map; Site Plan.

**STAFF REPORT**

**Rezoning Case:** ZON06-00034

**Property Owner(s):** Housing Authority of the City of El Paso

**Applicant(s):** Housing Authority of the City of El Paso

**Representative(s):** SLI Engineering, Inc.

**Legal Description:** Portion of Tract 13A, S.A. and M.G. Survey No. 266

**Location:** Medano Drive and Interstate 10

**Representative District:** 1

**Area:** 11.909 Acres

**Present Zoning:** C-3/c (Commercial/conditions)

**Present Use:** Vacant

**Proposed Zoning:** R-5 (Residential)

**Proposed Use:** Single-family Residential

**Recognized Neighborhood Associations Contacted:** Save the Valley, Coronado Neighborhood Association, Upper Mesa Hills Neighborhood Association, Texas Apache Nations, Inc.

**Surrounding Land Uses:**

<b>North -</b>	R-3 (Residential) / Vacant
<b>South -</b>	R-3 (Residential), C-3/sc (Commercial/special contract / Single-family Residential, Retail
<b>East -</b>	R-3 (Residential) / Single-family Residential
<b>West-</b>	C-3/c (Commercial/condition) / Vacant

**Year 2025 Designation:** **Residential, Commercial** (Northwest Planning Area)

**CITY PLAN COMMISSION HEARING, MAY 4, 2006,  
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

## **REZONING APPLICATION: ZON06-00034**

### **GENERAL INFORMATION:**

The applicant is requesting a rezoning from C-3/c (Commercial/condition) to R-5 (Residential) in order to permit single-family residential. The property is 11.909 acres in size and is currently vacant. The proposed site plan shows sixty-nine (69) residential lots to be located on the site. Access is proposed via Medano Drive. Ordinance No. 014596, dated August 22, 2000, rezoned and conditioned the property as C-3/c (Commercial/conditions). The following conditions were imposed:

1. *Submittal of a detailed site development plan for approval by the City Plan Commission and City Council prior to the issuance of a building permit or certificate of occupancy.*
2. *Construction of an eight-foot (8') high masonry screening wall along the easterly property line of Tract 13-A, S.A. & M.G. Railway Company Survey No. 266, shall be required prior to the issuance of certificates of occupancy; the vertical surface of the screening wall, above six feet (6'), must not be less than 75% open.*
3. *A minimum of twenty-foot (20') building setback along the easterly property line of Tract 13-A, S.A. & M.G. Railway Company Survey No. 266, shall be required prior to the issuance of a building permit or certificate of occupancy.*
4. *Landscaping within the entire length and width of a minimum ten-foot (10') wide buffer strip along the easterly property line of Tract 13-A, S.A. & M.G. Railway Company Survey No. 266, shall be required prior to the issuance of certificates of occupancy and shall be in addition to landscaping required per El Paso Municipal Code Chapter 20.65. The landscaping shall be included within the required twenty-foot (20') building setback along the property line.*
5. *The maximum height of any building or structure within the subject property shall not exceed one (1) story.*
6. *Access to Tract 13-A, S.A. & M.G. Railway Company Survey No. 266, from and onto Tuscarora Avenue, shall be prohibited.*
7. *Construction of a six-foot (6') high masonry screening wall along the southerly property line of Tract 13-A, S.A. & M.G. Railway Company Survey No. 266 along that portion of Medano Drive immediately to the north of the R-3 (Residential) zoned portion of Three Hills Addition, shall be required prior to the issuance of certificates of occupancy.*
8. *The use of the subject property for: Automotive, light truck, bus, motorcycle and boat, sales, storage, rental and service, billiard halls, bowling alleys, amusement game complex or park, garages, parking or community, parking lot, miniature golf courses, private club, lodge or meeting hall, transportation terminal, theaters, trailer, mobile home, travel trailer and recreational vehicle sales, display and repair, skating rink, outdoor flea market, dance hall, heliport, helistop or airpad, massage parlor, or bar, taver or cocktail lounge shall be prohibited. Provided, however, tat the sale of alcoholic beverages shall be permitted within the subject property in conjunction with the operation of a restaurant, or retail sales for off-premise consumption.*

There is an application (ZON06-00033) in process to release all conditions from the subject property.

### **INFORMATION TO THE COMMISSION:**

The Development Services - Planning Division has received no opposition to this application.

### **STAFF RECOMMENDATION:**

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL** of this request for rezoning from C-3/c (Commercial/condition) to R-5 (Residential).

The recommendation is based on the following:

**The Plan for El Paso** City-Wide Land Use Goals recommend that El Paso “provide a wide range of housing types that respond to the needs of all economic segments of the community.”

**The Year 2025 Projected General Land Use Map** for the **Northwest** Planning Area designates this property for **Residential and Commercial** land uses.

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

The Commission must determine the following:

- A. Will the R-5 (Residential) zoning protect the best interest, health, safety and welfare of the public in general?
- B. Will single-family residential be compatible with adjacent land uses?
- C. What is the relation of the proposed change to the City’s Comprehensive Plan?
- D. What effects will the R-5 (Residential) zoning have upon the natural environment, social and economic conditions, and property values in the vicinity and in the city as a whole?

**Information To The Applicant:**

**Development Services Department - Building Permits and Inspections Division Comments:**

*Zoning Review:* Compliance with yard and lot development standards could not be determined with plans submitted.

*Landscape Review:* Landscape not required for residential use.

**Development Services Department - Planning Division Comments:**

*Current Planning:* Recommend approval of the proposed zone change.

*Subdivision Review:* No comments received.

**Engineering Department - Traffic Division Comments:**

No apparent traffic concerns with the proposed zoning change.

**Fire Department Comments:**

No comments received.

**El Paso Water Utilities Comments:**

*Water:* Along Interstate Highway No. 10 (IH-10) between Helen of Troy Drive and Medano Drive, there is an existing sixteen (16) inch diameter water main fronting Tract 13A, S. A. and M. G. Survey No 266. Along Medano Drive between IH-10 and Quinault Drive there is an existing sixteen (16) inch diameter water main. Along Medano Drive between IH-10 and Quinault Drive there is an existing twenty-four (24) inch diameter water transmission main. No service connections are allowed to this main as per the El Paso Water Utilities - Public Service Board Rules & Regulations. From the intersection of Tuscarora Drive and Southwestern Drive along Tuscarora Drive toward the west, there

is an existing eight (8) inch diameter water main. This main dead-ends at approximately 118 feet west of Southwestern Drive. Previous water pressure readings conducted on a fire hydrant located at the corner of Quinault Drive and Chinook Street, south of Medano Drive have yielded a static pressure of 134 pounds per square inch (psi), residual pressure of 120 psi, discharge of 919 gallons per minute (gpm).

*Sanitary Sewer:* From the intersection of Interstate Highway No. 10 (IH-10) and Medano Drive, along IH-10 towards the north, fronting Tract 13A, S. A. and M. G. Survey No 266, there is an existing eight (8) inch diameter pressurized sanitary sewer main (force main). No service connections are allowed to this main. Along Medano Drive between IH-10 and Quinault Drive, there is an existing eight (8) inch diameter pressurized sanitary sewer main (force main). No service connections are allowed to this main. This force main discharges into an existing manhole located at the intersection of Quinault Drive and Medano Drive. Along Quinault Drive between Medano Drive and Inca Avenue, there is an existing twelve (12) inch diameter gravity sanitary sewer main. This main flows from Medano Drive to Inca Avenue. Along Southwestern Drive from Tuscarora Avenue to Medano Drive there is an existing eight (8) inch diameter gravity sanitary sewer main. This main flows from Tuscarora Drive to Medano Drive. From the intersection of IH-10 and Medano Drive, along IH-10 towards the south, there is an existing fifteen (15) inch diameter sanitary sewer main. This main initiates south of Medano Drive, and flows towards the south.

*General:* Private water pressure regulating devices will be required at the discharge side of each water meter. The Developer shall include in the sale of contract documents that the lot/home buyer shall acquire ownership of the above-described water pressure regulating devices to be located at the discharge side of the water meters. Additionally, the lot/home buyer shall be responsible for the operation and maintenance of the above-described privately-owned water pressure regulating devices. Should the proposed streets within this Property be private right-of-ways, they are to be designated full-width utility easements in order to enable the construction, operation, maintenance, and, repair of the proposed public water and sanitary sewer mains. 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. The Developer shall provide ADA minimum width requirements at all fire hydrant locations. If required, the proposed private right-of-way shall be adjusted to accommodate the proposed fire hydrants. The adjustments to the right-of-way shall include areas with dimensions of ten (10) linear feet by ten (10) linear feet and shall be located at the discretion of EPWU-PSB. Interstate Highway No. 10 (IH-10) is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within IH-10 right-of-way requires written permission from TxDOT. The El Paso Water Utilities requires a finalized set of improvement plans including drainage and grading plans to initialize the design of the water and sanitary sewer main extensions to serve subject subdivision. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances. Furthermore, application for services for subject subdivision must be made in conjunction with the request for water and sanitary sewer main extensions. The improvement plans should include a site plan, a utility plan, grading & drainage plans, landscaping plan (if applicable), the legal description of the property, and a certificate-of-

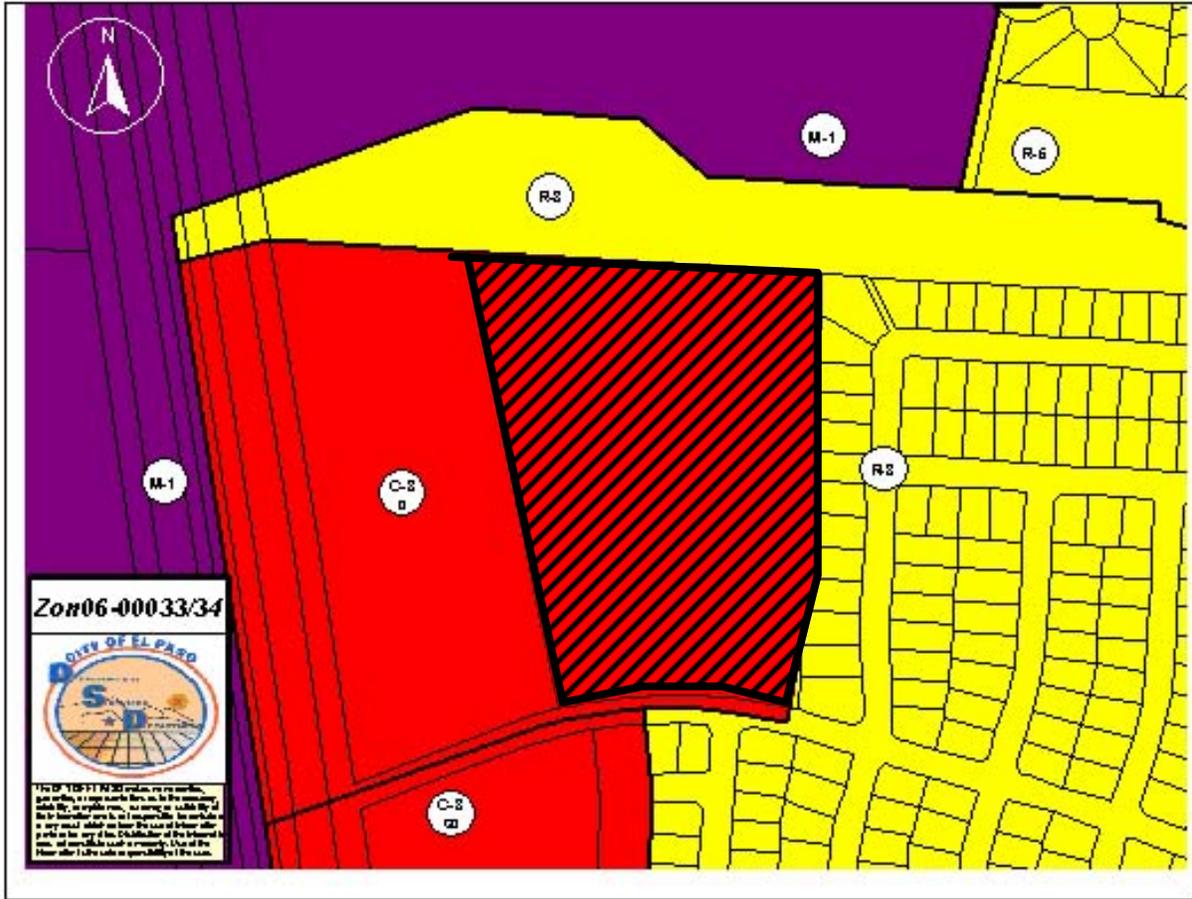
compliance which are required at the time of application. The certificate-of-compliance can be obtained at City Hall.

EPWU does not object to this request.

Enclosures: Location Map, Site Plan.

**NOTE TO THE PROPERTY OWNER:** CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING DEPARTMENT AT (915) 541-4056.

# LOCATION MAP



# AERIAL MAP



# SITE PLAN

