

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

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

**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 amending Ordinance 14596, which changed the zoning of Tract 13A, S. A. & M. G. Survey No. 266, City Of El Paso, El Paso County, Texas (5900 block of North Desert Boulevard) from R-3 (Residential) To C-3/c (Commercial/Conditions), and imposing certain conditions, in order to partially release such conditions and impose an additional condition. The penalty being as provided in section 20.68.010 of the El Paso City Code. Subject Property: Medano Drive and Interstate 10. Applicant: The Housing Authority of the City of El Paso. ZON06-00033 (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 AMENDING ORDINANCE 14596, WHICH CHANGED THE ZONING OF TRACT 13A, S. A. & M. G. SURVEY NO. 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS (5900 BLOCK OF NORTH DESERT BOULEVARD) FROM R-3 (RESIDENTIAL) TO C-3/C (COMMERCIAL/CONDITIONS), AND IMPOSING CERTAIN CONDITIONS, IN ORDER TO PARTIALLY RELEASE SUCH CONDITIONS AND IMPOSE AN ADDITIONAL CONDITION. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO CITY CODE.**

**WHEREAS**, Ordinance Number 14596 was approved by City Council on August 22, 2000, changing the zoning of *Tract 13A, S. A. & M. G. SURVEY NO. 266, City of El Paso, El Paso County, Texas*, from R-3 (Residential) to C-3/c (Commercial/conditions) and imposed several conditions as to use and setbacks on the property; and,

**WHEREAS**, the owners of said property have requested that the conditions be released as the proposed use of the property has changed, and a rezoning application has been submitted and scheduled to be acted upon concurrently with this release to accomplish the change in use; and,

**WHEREAS**, the City Plan Commission and City Council have reviewed the condition once made necessary by the rezoning and is now of the determination that, due to the proposed change in use of the property, such condition may be amended in full to protect the public health, safety and welfare of adjacent property owners and the residents of this City.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**Section 1.** That the following condition imposed on Parcel 1, described as a portion of *Tract 13A, S. A. & M. G. SURVEY NO. 266, City of El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", be released in full:

"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."

**Section 2.** That the following condition, Number 8., imposed on Parcel 1, described as a portion of *Tract 13A, S. A. & M. G. SURVEY NO. 266, City of El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", be amended to read as follows:

“8. The use of the subject property for: 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, tavern or cocktail lounge shall be prohibited. Provided, however, that 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.”

**Section 3.** That the following condition be imposed on Parcel 1, described as a portion of *Tract 13A, S. A. & M. G. SURVEY NO. 266, City of El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit “A”, which is necessitated by and attributable to the increased intensity of use generated due to the release of the conditions in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

“That a twenty foot (20’) landscape buffer with high profile native trees placed at ten feet (10’) on center be installed along the easterly property line abutting any residential zone, prior to the issuance of a certificate of occupancy.”

**Section 4.** That the following conditions imposed on Parcel 2, described as a portion of *Tract 13A, S. A. & M. G. SURVEY NO. 266, City of El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit “B”, be released in full:

“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 that property line.

5. The maximum height of any building or structure within the subject property shall not exceed one (1) story.

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: Automobile, 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, tavern or cocktail lounge shall be prohibited. Provided, however, that 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."

**Section 5.** Except as herein amended, Ordinance Number 14596, shall remain in full force and effect.

**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:**

**APPROVED AS TO CONTENT:**

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

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

Property Description: All of Tract 13A, S. A. and M. G. Railroad Company Survey No. 266, EL Paso, EL Paso County, Texas.

### **METES AND BOUNDS DESCRIPTION**

The parcel of land herein described is all of Tract 13A, S. A. and M. G. Railroad Company 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  $89^{\circ} 54' 54''$  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 to a point; Thence, South  $00^{\circ} 05' 06''$  West, along said boundary line, a distance of 514.19 feet to a found 5/8-inch iron with SLI cap stamped "TX 2998" lying on the northerly right-of-way line of Medano Drive; Thence, 550.07 feet along said right-of-way line and along the arc of a curve to the left, having a radius of 1,060.00 feet, a central angle of  $29^{\circ} 43' 58''$  and a chord which bears South  $86^{\circ} 06' 46''$  West, a distance of 543.92 feet to a point for a curve, said point being a set 1/2-inch iron with SLI plastic cap stamped "TX 2998/NM6698", also being the TRUE POINT OF BEGINNING of this description;

THENCE, along said right-of-way line the following courses:

80.28 feet along the arc of a curve to the left, having a radius of 1,060.00 feet, a central angle of  $04^{\circ} 20' 22''$  and a chord which bears South  $69^{\circ} 04' 36''$  West, a distance of 80.26 feet to a found 5/8-inch iron with SLI cap stamped "TX 2998";

South  $64^{\circ} 40' 06''$  West, a distance of 292.45 feet to a point for a curve, said point being a found 5/8-inch iron with SLI cap stamped "TX 2998";

35.28 feet along the arc of a curve to the left, having a radius of 954.77 feet, a central angle of  $02^{\circ} 07' 02''$  and a chord which bears South  $63^{\circ} 36' 35''$  West, a distance of 35.28 feet to a point lying on the easterly right-of-way line of Interstate Highway No. 10, said point being a found 5/8-inch iron with SLI cap stamped "TX 2998";

THENCE, along said right-of-way line the following courses:

North  $11^{\circ} 44' 42''$  West, a distance of 471.65 feet to a found 5/8-inch iron with SLI cap stamped "TX 2998";

North  $04^{\circ} 37' 12''$  West, a distance of 201.56 feet to a found 5/8-inch iron with SLI cap Stamped "TX 2998";

North  $11^{\circ} 44' 42''$  West, a distance of 474.46 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. Railroad Company Survey No. 266, said point being a found 5/8-inch iron with SLI cap stamped "TX 2998";

THENCE, South  $89^{\circ} 54' 54''$  East, along said boundary line, a distance of 380.72 feet to a found 5/8-inch iron with SLI cap stamped "TX2998";

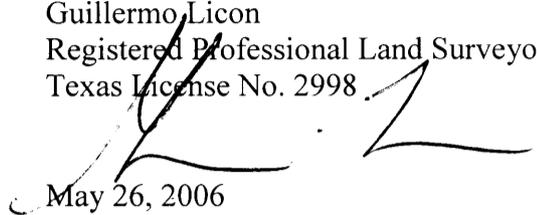
THENCE, South  $11^{\circ} 44' 42''$  East, along said boundary line, a distance of 977.64 feet to the TRUE POINT OF BEGINNING OF this description.

Said parcel of land contains 9.359 acres (407,674 sq. ft.) of land more or less.

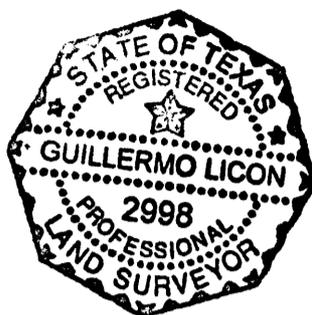
A PLAT OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

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

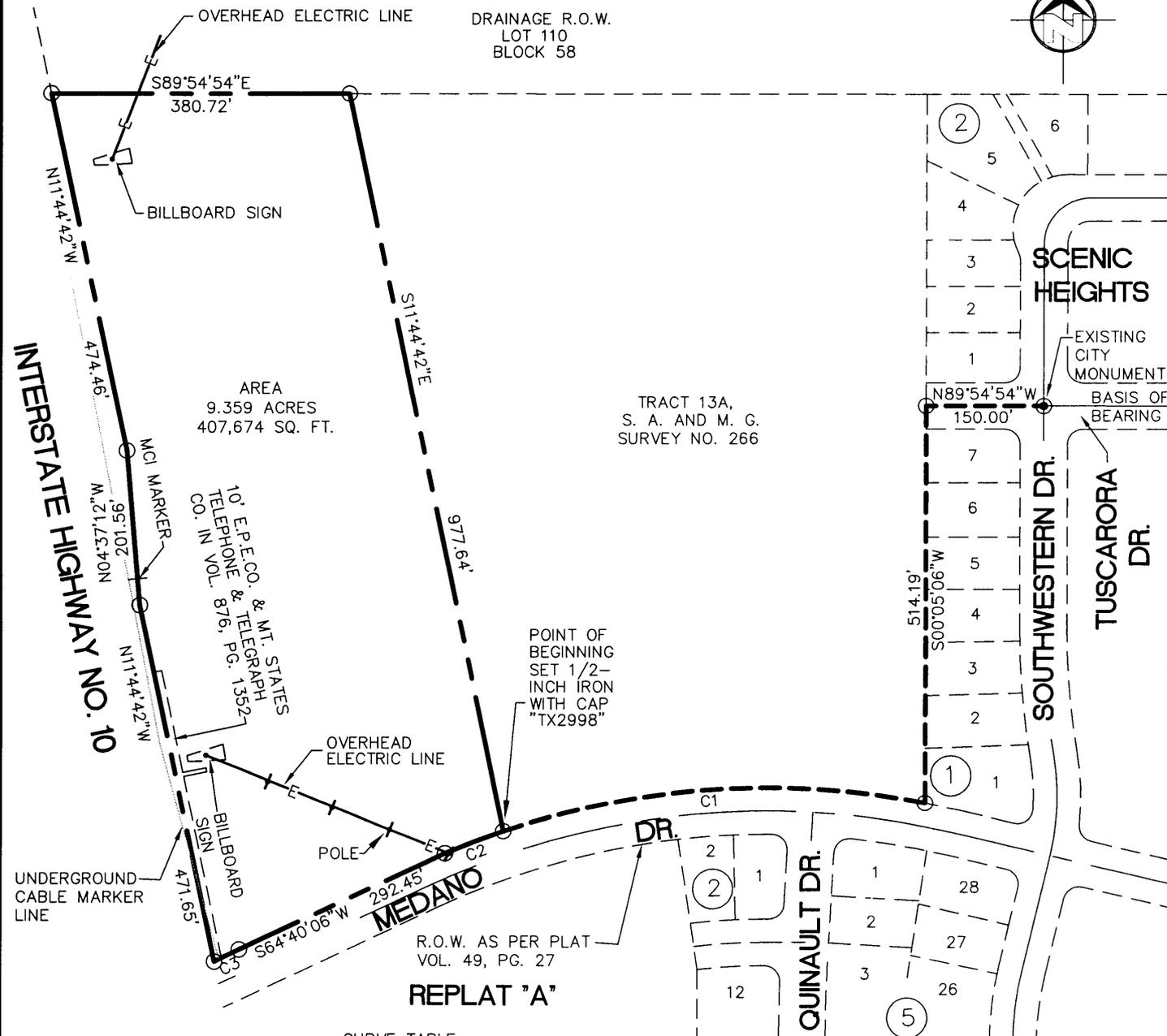
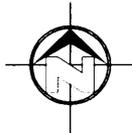


Page 2 of 3  
M&B/1300

**EXHIBIT "A"**

# WEST HILLS UNIT TWENTY TWO

DRAINAGE R.O.W.  
LOT 110  
BLOCK 58



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"
C2	1060.00'	80.28'	40.16'	80.26'	S69°04'36"W	4°20'22"
C3	954.77'	35.28'	17.64'	35.28'	S63°36'35"W	2°07'02"

## 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. SET 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.

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This map and survey are being provided solely for the use of Housing Authority of EL Paso 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

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

A PORTION OF TRACT 13A,  
S.A. AND M.G. RAILROAD  
COMPANY 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

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";

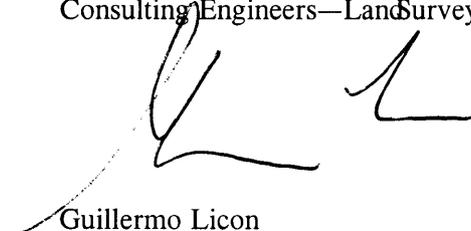
THENCE, South 89° 54' 54" East, along said boundary line, a distance of 743.04 feet to a point lying on the common boundary line between Scenic Heights and Tract 13A, S. A. and M. G. Survey No. 266, said point being a found 5/8-inch iron with SLI cap stamped "TX 2998";

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.

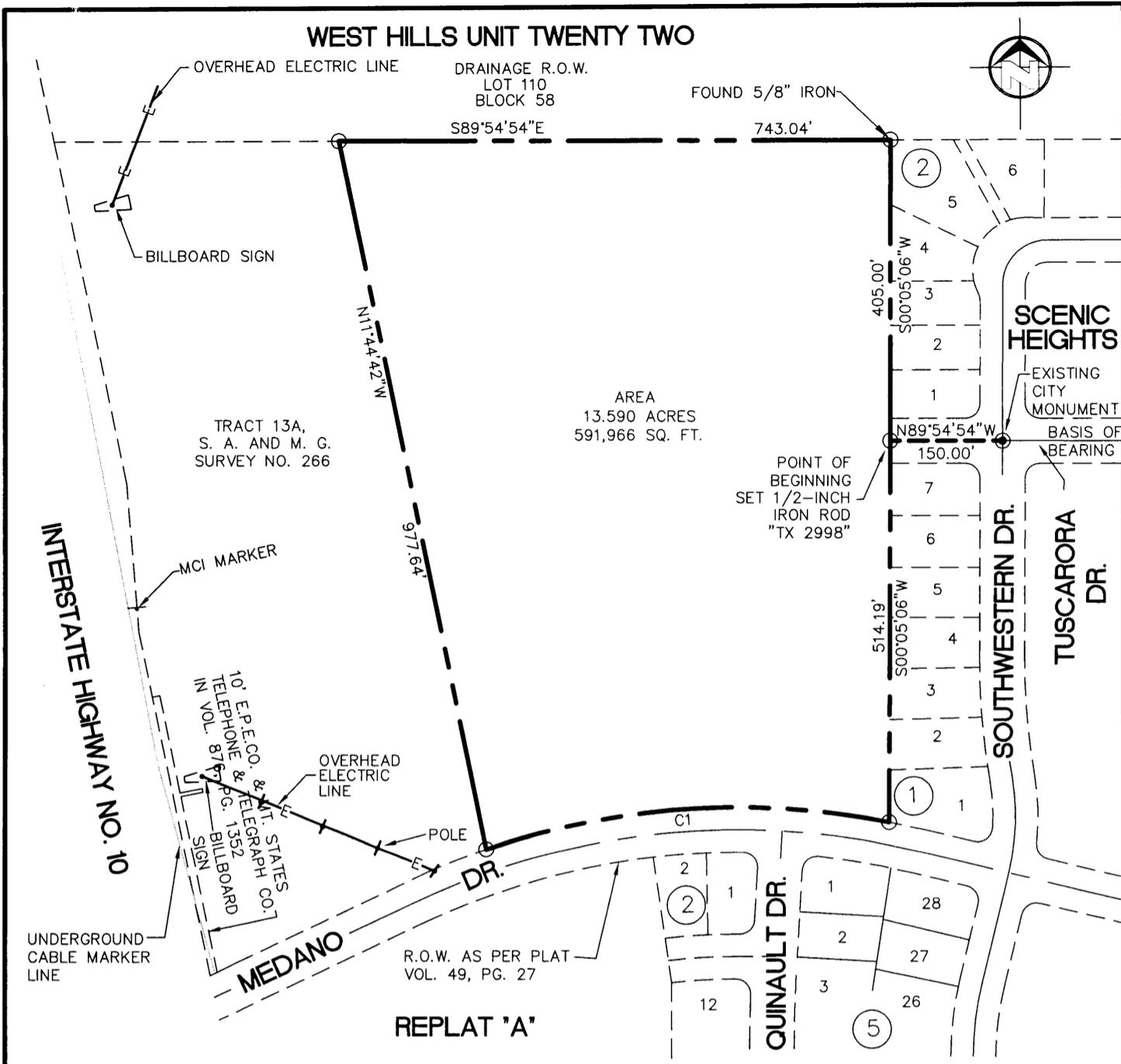
SLI ENGINEERING, INC,  
Consulting Engineers—Land Surveyors

  
Guillermo Licon  
Registered Professional Land Surveyor  
Texas License No. 2998



May 26, 2006  
Job Number 09-05-2379

# WEST HILLS UNIT TWENTY TWO



CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
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## 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.

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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: ZON06-00033**  
Parcel 1: Portion of Tract 13A, S.A. and M.G. Survey No. 266  
Parcel 2: Portion of Tract 13A, S.A. and M.G. Survey No. 266

**LOCATION:** Medano Drive and Interstate 10

**REQUEST:** Condition release/amendment

---

The City Plan Commission (CPC), on May 4, 2006, voted **5-0** to recommend **Approval** of releasing/amending the zoning conditions imposed by Ordinance No. 014596, dated August 22, 2000, which rezoned the subject property to C-3/c (Commercial/conditions). The CPC recommends the following, concurring with staff's recommendation, with modifications:

Parcel 1: That condition no. 7 be released in full and that condition no. 8 be amended to allow automobile sales, and that a 20' landscape buffer be imposed where the property line abuts proposed residential.

Parcel 2: That all conditions, with the exception of condition no. 6, be released in full.

There is a related application in process to rezone Parcel 2 from C-3/c (Commercial/ conditions) to R-5/c (Residential/conditions), ZON06-00034.

The CPC found that the condition release/amendment is in conformance with *The Plan for El Paso* Citywide land uses 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;" and "Provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses." The proposed uses are 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 proposed landscape buffer will mitigate the potential impact of the commercial uses on the proposed residential. The CPC also determined the zoning condition release 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**

**Zoning Condition Amendment/Release:** ZON06-00033

**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:** Parcel 1: Portion of Tract 13A, S.A. and M.G. Survey No. 266  
Parcel 2: Portion of Tract 13A, S.A. and M.G. Survey No. 266

**Location:** Medano Drive and Interstate 10

**Representative District:** # 1

**Area:** 10.735 Acres

**Present Zoning:** Parcel 1: C-3/c (Commerical/conditions)  
Parcel 2: C-3/c (Commerical/conditions)

**Present Use:** Vacant

**Proposed Request:** Zoning condition release

**Proposed Use:** Parcel 1: Commercial Park  
Parcel 2: 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>	R-3 (Residential) / Vacant, I-10

**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**

## **Zoning Condition**

**Amendment/Release: ZON06-00033**

### **General Information:**

Ordinance No. 014596, dated August 22, 2000, rezoned the subject property to C-3/c (Commercial/conditions) and imposed the following conditions:

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, that 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.*

The applicant is requesting the following:

Parcel 1: That item 7 be released in full and that item 8 be amended to allow automobile sales.

Parcel 2: That all conditions be released.

The property is currently zoned C-3/c (Commercial/conditions). There is an application in process for the rezoning of Parcel 2 to R-5 (Residential). The site is currently vacant and Parcel 1 is 10.735 acres, Parcel 2 is 11.909 acres in size. The proposed site plan shows a proposed commercial park on Parcel 1 and a proposed single-family residential development on Parcel 2. Access is proposed via Medano Drive and Interstate Highway 10.

### **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 **DENIAL** of this request to amend condition No. 8 to allow automobile sales on Parcel 1, and **APPROVAL** of this request to release condition No. 7 from Parcel 1, and all conditions from Parcel 2. In addition the DCC unanimously recommends that the following condition be imposed in Parcel 1:

“That a 20' landscape buffer with high profile native trees placed at 10' on center be required along the easterly property line abutting any residential zone, prior to the issuance of a certificate of occupancy.”

Its recommendation is based on the following:

The applicant is proposing to rezone Parcel 2 to R-5 (Residential). The proposed rezoning permits single-family residential and is compatible with existing adjacent development.

Parcel 1 is currently zoned C-3/c (Commercial/condition) and a landscape buffer is appropriate in order to mitigate the potential impact on the proposed R-5 (Residential) on Parcel 2.

The proposed uses are in accordance with and in furtherance of *The Plan for El Paso*.

The Commission must determine the following:

- A. Will the release/amendment of zoning conditions No. 7 and 8 on Parcel 1, and the release of all zoning conditions on Parcel 2 protect the best interest, health, safety and welfare of the public in general?
- B. Will a commercial park and single-family residential be compatible with adjacent land uses?
- C. What effects will the condition amendment and release have on the natural environment, social and economic conditions, and property values in the vicinity and the city as a whole?
- D. What is the relation of the proposed change to the City's Comprehensive Plan?

### **Information To The Applicant:**

#### **Development Services Department - Building Permits and Inspections Division Notes:**

*Zoning:* Need to specify individual uses to determine compliance with district permitted use and parking requirements. Also, not showing setbacks on overall site plan. Shall need to provide a 6ft. high masonry screening wall abutting residentially zoned districts.

*Landscaping:* Parcel 1 will not meet the landscape ordinance as submitted, no landscape calcs or canopy coverage for parking area. Parcel 2 does not apply to the landscape ordinance for

residential use.

**Development Services Department – Land Development Division Notes:**

*Current Planning:* Recommend denial of the amendment of condition No. 8 on Parcel 1. Recommend imposing a condition on Parcel 1 to require a 20' landscape buffer along the property line abutting the proposed residential. Recommend approval of the release of all conditions from Parcel 2.

*Subdivision Review:* No comments received.

**Engineering Department - Traffic Division Notes:**

- A. Traffic Division recommends denial of the proposed release of clauses 1, 2, 3, 4, 6, 7 and 8 for the following reasons:
  - a. Tuscarora Drive shall continue and align with the proposed new street.
  - b. There shall be no access through the shopping center to the proposed new subdivision
  - c. All proposed buffers, rock wall and landscape shall be located between the commercial property and proposed new subdivision.
- B. Traffic Division has no concerns with the release of clauses 5 and 8.
- C. Access and deceleration lane, along Desert Blue North, shall be coordinated with the Texas Department of Transportation.
- D. Detailed Site Plan Development approval, by the Traffic Division, shall be required.

**El Paso Water Utilities Notes:**

*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.

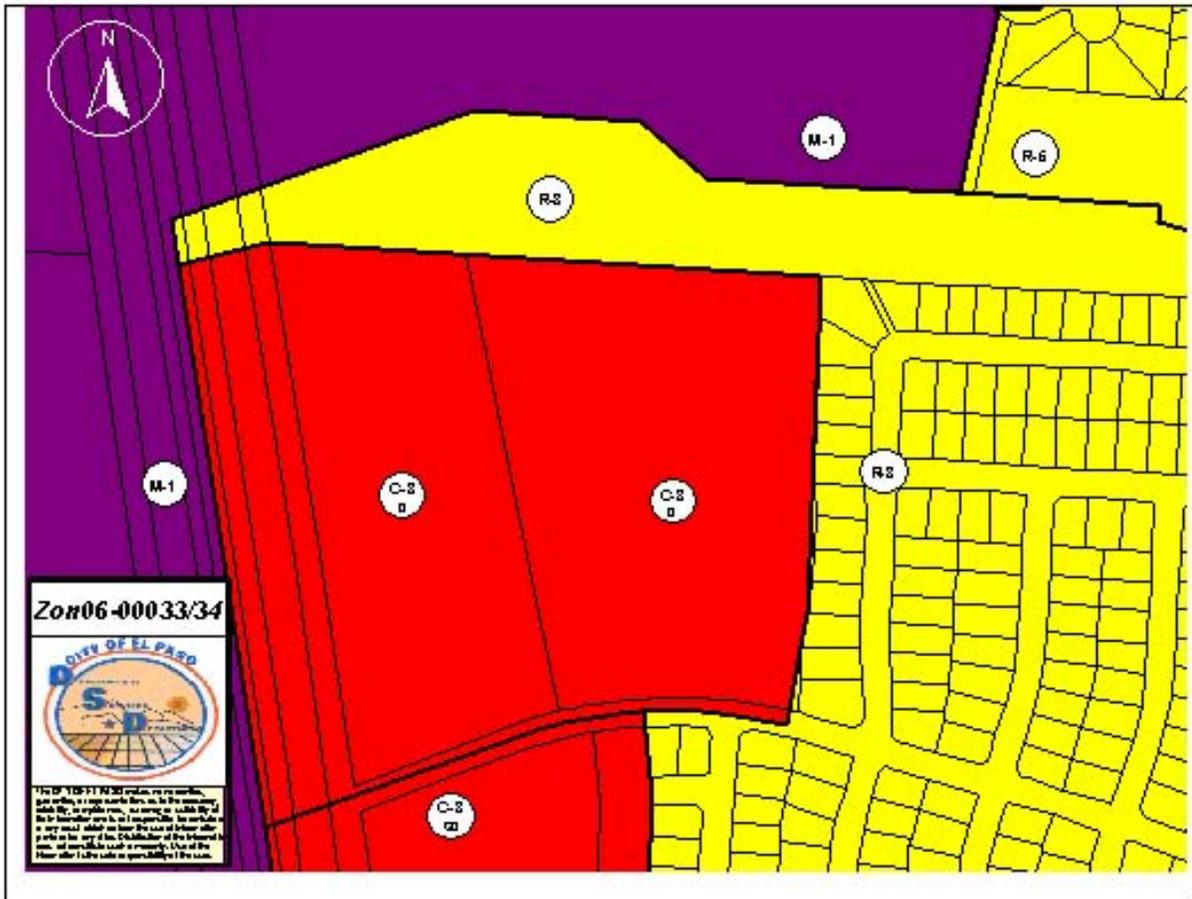
*General:* Private water pressure regulating devices will be required at the discharge side of each water meter. The Developer shall include in the sale of contract documents that the lot/home buyer shall acquire ownership of the above-described water pressure regulating devices to be located at the 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.

ATTACHMENT: Site Plan; Location Map; Letter.

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) 541-4024.

# LOCATION MAP



# AERIAL MAP

