

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

DEPARTMENT: Development Services Department - Planning Division

AGENDA DATE: Introduction: May 30, 2006
Public Hearing: June 20, 2006

CONTACT PERSON/PHONE: Christina Valles, 541-4930

DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance amending Ordinance Number 010764, which changed the zoning of Tracts 1B1 And 1E, Block 10, Upper Valley Surveys, El Paso, El Paso County Texas, in order to amend the condition imposed by Ordinance Number 010764. Subject Property: Via de Los Arboles. Applicant: Sunny View L.L.C. ZON06-00042 (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) – *Denial* Recommendation
City Plan Commission (CPC) – Approval Recommendation (4-0)

*****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 NUMBER 010764, WHICH CHANGED THE ZONING OF TRACTS 1B1 AND 1E, BLOCK 10, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY TEXAS, IN ORDER TO AMEND THE CONDITION IMPOSED BY ORDINANCE NUMBER 010764.

WHEREAS, Ordinance Number 010764 was approved by City Council on November 12, 1991, changing the zoning of Tracts 1B1 and 1E, Block 10, Upper Valley Surveys, from R-1 (Residential) to R-2 (Residential), El Paso, El Paso County Texas, and imposed a condition limiting the density of the development to a total of 204 single-family detached dwelling units; and,

WHEREAS, the owners of said property have requested that the condition requiring the condition cited in Ordinance Number 010764 be amended to allow an increase in density by twenty-five (25) single-family detached dwelling units for a total of 229 single-family detached dwelling units; 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 development in the area, 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.

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

Section 1. That the following condition, described in Ordinance Number 010764, shall be amended as follows on the property described as *a portion of Tracts 1B1 and 1E, Block 10, Upper Valley Surveys El Paso, El Paso County Texas*, and as more particularly described by metes and bounds on Exhibit "A", attached and incorporated by reference:

"That the density of the proposed development as shown on Exhibit "A" shall not exceed twenty-five (25) single-family detached dwelling units, not to exceed a total of 229 single-family detached dwelling units on the property described in Ordinance Number 010764."

Section 2. That Except as herein amended, Ordinance Number 010764, shall remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2006.

THE CITY OF EL PASO

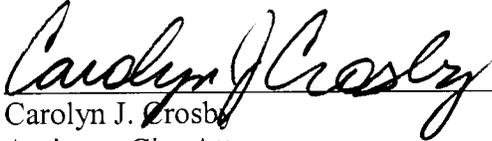
ATTEST:

John F. Cook
Mayor

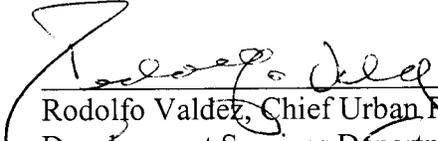
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Carolyn J. Crosby
Assistant City Attorney



Rodolfo Valdez, Chief Urban Planner
Development Services Department



ROMAN BUSTILLOS, P.E.
President
RANDY P BROCK, P.E.
Executive Vice President
SERGIO J ADAME, P.E.
Vice President - Engineering
OSCAR V PEREZ
Vice President - Operations
ISAAC CAMACHO, R.P.L.S.
Survey Manager

March 24, 2006

LEGAL DESCRIPTION OF A 10.950 ACRE TRACT OF LAND

A tract of land situate within the corporate limits of the City of El Paso, El Paso County, Texas, as a portion of Tracts 1B1 and 1E, Block 10, Upper Valley Surveys, City of El Paso, El Paso County, and being more particularly described as follows, to wit:

BEGINNING at the intersection of the common boundary line between the La Union Lateral and Laguna Meadows Unit Three, recorded in Book 70, Page 70, El Paso County Plat Records and the westerly boundary of said Laguna Meadows Unit Three, identical to the southwest corner of a 0.033 acre right-of-way dedicated to the La Union Lateral by the filing of said plat for Laguna Meadows Unit Three;

THENCE, leaving the westerly boundary line of said Laguna Meadows Unit Three and following the northerly right-of-way line of the La Union Lateral, **North 56°03'01" West, 365.89 feet** to the easterly right-of-way line of Ellis Lateral for the southwest corner of the tract herein described;

THENCE, leaving the northerly right-of-way line of the La Union Lateral and following the easterly right-of-way line of the Ellis Lateral, **North 02°55'00" East, 774.22 feet** to the southwesterly boundary line of Laguna Meadows Unit Three for the northwest corner of the tract herein described;

THENCE, leaving the easterly right-of-way line of the Ellis Lateral and following the southwesterly boundary line of Laguna Meadows Unit Three, **South 87°18'53 East, 142.84 feet** to the westerly right-of-way line of Via De Los Arboles for an angle point;

THENCE, following the westerly right-of-way line of Via De Los Arboles, **South 02°41'07" West, 9.96 feet** to a point of curvature;

THENCE, continuing along the westerly right-of-way line of Via De Los Arboles and along the arc of a curve to the left having a radius of **70.00 feet**, a central angle of **147°27'01"**, an arc length of **180.14 feet**, and whose long chord bears **South 71°02'23" East, 134.39 feet** to the southerly right-of-way line of Via De Los Arboles for a point of reverse curvature;

THENCE, following the southerly right-of-way line of Via De Los Arboles along the arc of a curve to the right having a radius of **30.00 feet**, a central angle of **54°44'54"**, an arc length of **28.67 feet**, and whose long chord bears **South 62°36'33" East, 27.59 feet** to a point of tangency;

THENCE, continuing along the southerly right-of-way line of Via De Los Arboles, **North 89°59'00" East, 206.02 feet** to a point of curvature;

THENCE, continuing along the southerly right-of-way line of Via De Los Arboles and along the arc of a curve to the right having a radius of **30.00 feet**, a central angle of **92°42'07"**, an arc length of **48.54 feet**, and whose long chord bears **South 43°39'56" East, 43.41 feet** to the westerly right-of-way line of Via De Los Arboles for a point of tangency;

THENCE, following the westerly right-of-way line of Via De Los Arboles, **South 02°41'07" West, 127.32 feet** to a point of curvature;

THENCE, continuing along the westerly right-of-way line of Via De Los Arboles and along the arc of a curve to the left having a radius of **352.00 feet**, a central angle of **30°40'28"**, an arc length of **188.45 feet**, and whose long chord bears **South 12°39'07" East, 186.21 feet** to a point of tangency;

THENCE, continuing along the westerly right-of-way line of Via De Los Arboles, **South 27°59'21" East, 122.95 feet** to a point of curvature;

THENCE, continuing along the westerly right-of-way line of Via De Los Arboles and along the arc of a curve to the right having a radius of **30.00 feet**, a central angle of **82°08'05"**, an arc length of **43.01 feet**, and whose long chord bears **South 13°04'42" West, 39.42 feet** to a point of tangency;

THENCE, continuing along the westerly right-of-way line of Via De Los Arboles and, **South 54°08'44" West, 81.36 feet** to a point of curvature;

THENCE, continuing along the westerly right-of-way line of Via De Los Arboles and along the arc of a curve to the left having a radius of **837.07 feet**, a central angle of **15°01'35"**, an arc length of **219.53 feet**, and whose long chord bears **South 46°37'57" West, 218.90 feet** to a point of reverse curvature;

THENCE, continuing along the westerly right-of-way line of Via De Los Arboles and along the arc of a curve to the right having a radius of **30.00 feet**, a central angle of **32°43'20"**, an arc length of **17.13 feet**, and whose long chord bears **South 55°28'49" West, 16.90 feet** to a point of reverse curvature;

THENCE, continuing along the westerly right-of-way line of Via De Los Arboles and along the arc of a curve to the left having a radius of **70.00 feet**, a central angle of **116°23'41"**, an arc length of **142.20 feet**, and whose long chord bears **South 13°38'38" West, 118.98 feet** to the westerly boundary line of Laguna Meadows Unit Three for the end of said curve to the left and an angle point;

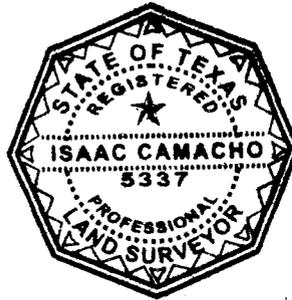
THENCE, leaving the westerly right-of-way line of Via De Los Arboles and following the westerly line of Laguna Meadows Unit Three, **South 34°30'19" West, 145.12 feet** to the **POINT OF BEGINNING**.

Said tract containing **10.0950 acres (439,739.4 square feet)**, more or less, and being subject to easements of record.

I hereby certify that this description was prepared by me or under my supervision.

Isaac Camacho

Isaac Camacho, TX RPLS No. 5337
E6379-20
PLAT.doc



CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C1	142.20	70.00	118.98	S13°38'38"W	116°23'42"
C2	17.13	30.00	16.90	S55°28'49"W	32°43'20"
C3	219.53	837.07	218.90	S46°37'57"W	15°01'35"
C4	43.01	30.00	39.42	S13°04'42"W	82°08'05"
C5	188.45	352.00	186.21	S12°39'07"E	30°40'28"
C6	48.54	30.00	43.41	S43°39'56"E	92°42'07"
C7	28.67	30.00	27.59	S62°36'33"W	54°44'54"
C8	180.14	70.00	134.39	S71°02'23"E	147°27'01"

LINE TABLE		
LINE	LENGTH	BEARING
L1	9.96	S02°41'07"W

PLAT NOTES AND REFERENCES:

1. BASIS OF BEARING: N.56°03'01"W BETWEEN THE SOUTHEASTERLY CORNER AND THE SOUTH-SOUTHWESTERLY CORNER OF LAGUNA MEADOWS UNIT THREE.
2. THIS PROPERTY LIES WITH IN ZONE "X" AS DESIGNATED ON PANEL NO. 480212-0125 B, DATED SEPTEMBER 4, 1991, OF THE FLOOD INSURANCE RATE MAPS, EL PASO COUNTY, TEXAS. ZONE "X" DESIGNATES AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN.
3. PROPOSED LAGUNA MEADOWS UNIT FOUR SUBDIVISION PLAT PREPARED BY BROCK & BUSTILLOS, INC. JOB NO. E6379-20. CURRENTLY UNDER REVIEW BY THE CITY OF EL PASO.

PORTION OF TRACTS 1B1 AND 1E, BLOCK 10, UPPER VALLEY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS
CONTAINING: 10,950 AC. OR 439,739.4 SQ. FT.
OWNER: SUNNY VIEW L.L.C.
BOOK 3926, PAGE 1725

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY TO THE BEST OF KNOWLEDGE.

DATE: 03/24/06
Isaac Camacho
ISAAC CAMACHO, RPLS NO. 5337



BROCK & BUSTILLOS INC.

CONSULTING CIVIL ENGINEERS
LAND SURVEYORS

417 EXECUTIVE CENTER
EL PASO, TEXAS 79902
WWW.BROCKBUSTILLOS.COM

PH (915) 542-4900
FAX (915) 542-2867

Designed:	
Drawn:	A.A.
Checked:	I.C.
Approved:	I.C.
Date:	3-22-06

**PORTION OF TRACTS 1B1 AND 1E,
BLOCK 10, UPPER VALLEY
SURVEYS, CITY OF EL PASO, EL
PASO COUNTY, TEXAS**

PLAT OF SURVEY

Job Number:
E6379-20

Sheet Number:
1
of
1

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: ZON06-00042
A portion of Tracts 1B1 and 1E, Block 10, Upper Valley Surveys

LOCATION: Via de Los Arboles

REQUEST: Condition release/amendment

The City Plan Commission (CPC), on May 4, 2006, voted **5-0** to recommend **Approval** of amending the zoning condition imposed by Ordinance No. 010764, dated November 12, 1991, which rezoned the subject property to R-2/c (Residential/conditions). The CPC recommends the following, *contrary* to staff's recommendation:

That the condition restricting the total units to no more than 204 be amended to allow 25 more units in the subject property, for a total of 229 on the property described in Ordinance No. 010764.

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." The proposed use is in conformance with the Year 2025 Projected General Land Use Map, which designates the subject property for residential land uses. The CPC also determined the zoning condition amendment 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: ZON06-00042

Property Owner(s): Sunny View LLC

Applicant(s): Sunny View LLC

Representative(s): Brock & Bustillos Inc.

Legal Description: A portion of Tracts 1B1 and 1E, Block 10, Upper Valley Surveys

Location: Near Via de Los Arboles

Representative District: # 1

Area: 10.095 Acres

Present Zoning: R-2/c/sp (Residential/condition/special permit)

Present Use: Vacant

Proposed Request: Release condition that restricts the single-family residential to 204 total single-family dwelling units

Proposed Use: Single-family Residential

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

Surrounding Land Uses:

North -	R-2/c/sp (Residential/condition/special permit) / Single-family Residential
South -	R-F (Ranch and Farm) / Farm
East -	R-2/c/sp (Residential/condition/special permit) / Single-family Residential
West-	R-3A (Residential) / Vacant

Year 2025 Designation: Residential (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: ZON06-00042**

General Information:

Ordinance No. 010764, dated November 12, 1991, rezoned the property as R-2 (Residential). The following conditions were imposed by in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

That the density of the proposed development shall not exceed a total of 204 single-family detached dwelling units.

The development has already met the maximum allowable density. The applicant is requesting to release the condition in order to develop the remaining 10.095 acre parcel of vacant land for single-family residential. The property is currently zoned R-2/c/sp (Residential/condition/special permit). The site is currently vacant and is 10.095 acres in size. The proposed site plan shows twenty six (26) residential lots to be located on the site. Access is proposed via Via de Los Arboles. There is a special permit on the property to permit a Planned Residential Development with private streets.

Information to the Commission:

The Development Services Department – Planning Division has received no calls or letters in support or opposition to this application.

Staff Recommendation:

The Development Coordinating Committee (DCC) unanimously recommends **DENIAL** of this request for zoning condition release. Its recommendation is based on the following:

The original intent of the zoning condition was to allow for varied lot sizes and common open space. The proposed development does fulfill that intent.

The Commission must determine the following:

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

Information To The Applicant:

Development Services Department - Building Permits and Inspections Division Comments:

Zoning Review: No objection to the request to release the condition that restricts the single-family residential units to 204 total.

Landscape Review: Landscaping not required for residential development.

Development Services Department - Planning Division Comments:

Current Planning: Recommend denial of the proposed condition release based on the original intent of the condition to allow for diverse lot sizes and common open space.

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 Notes:

Water: Along Via De Los Arboles Street fronting the subject Property there is an existing eight (8) inch diameter water main.

Previous water pressure readings conducted on a fire hydrant located at the corner of Via De Los Arboles Street and Laguna Vista Drive, east of Cinnamon Teal Circle, have yielded a static pressure of 86 pounds per square inch (psi), residual pressure of 64 psi, discharge of 1,186 gallons per minute (gpm).

Sanitary Sewer: Along Via De Los Arboles Street fronting the subject Property there is an existing eight (8) inch diameter sanitary sewer main.

General: Sanitary sewer service to this subject Property will be provided by connecting sanitary sewer mains to be constructed within the subdivision to existing sanitary sewer mains located along Via De Los Arboles Street. Discharge points will be at the northern and southern cul-de-sacs through the proposed 20-foot wide access utility easement. Easements with a minimum width of twenty (20) feet will be required. Six (6) foot high rock walls must be installed, at the owner's expense, along the easement lines to define the easement and to prevent encroachments into the easement.

De-watering may be required to enable the construction of water mains, sanitary sewer mains and related appurtenant structures.

The proposed private streets 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.

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. Water meters will be constructed within the parkway. No vehicular traffic is allowed over the water meters.

No building, reservoir, structure, trees, or other improvements, 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 streets 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.

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.

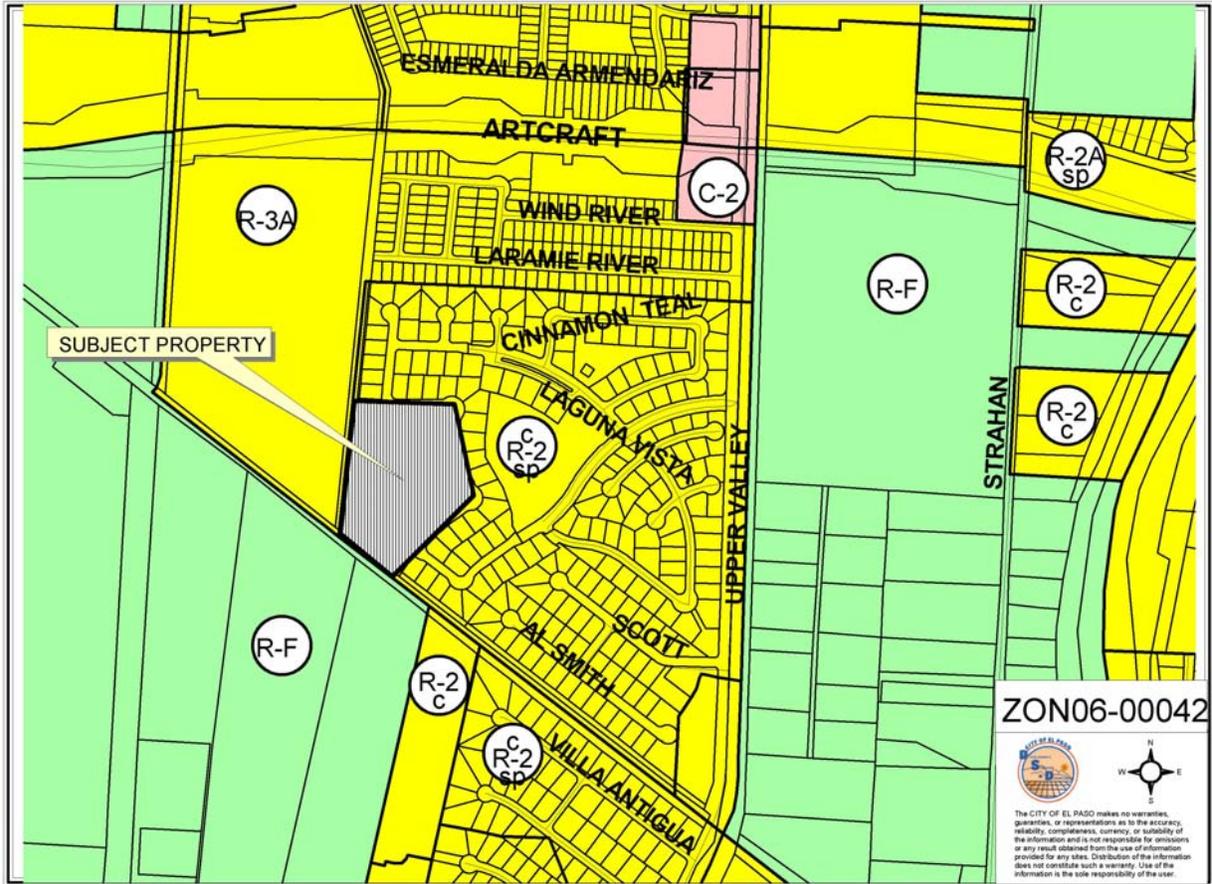
Furthermore, application for services for subject subdivision must be made in conjunction with the request for water and sanitary sewer main extensions. The improvement plans should include a site plan, a utility plan, grading & drainage plans, landscaping plan (if applicable), the legal description 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.

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

