

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: Mirian Spencer, 541-4723

DISTRICT(S) AFFECTED: 5

SUBJECT:

An Ordinance releasing the condition cited in ordinance number 012593, which changed the zoning of Lot 2, Block 1, Las Palmas Unit Two, and a portion of Lot 1, Block 1, Las Palmas Unit One, El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 11600 Montana Avenue Applicant: Avenida de Palmas, LTD. ZON06-00022 (District 5)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

There is a concurrent rezoning application for the property requesting the zoning be changed from C-3/c (Commercial/conditions) and C-4 (Commercial) to PR-I (Planned Residential). ZON06-00006.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) –Approval Recommendation (5-1)
City Plan Commission (CPC) – Unanimous Approval Recommendation (6-0)

*****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 RELEASING THE CONDITION CITED IN ORDINANCE NUMBER 012593, WHICH CHANGED THE ZONING OF LOT 2, BLOCK 1, LAS PALMAS UNIT TWO AND A PORTION OF LOT 1, BLOCK 1, LAS PALMAS UNIT ONE, EL PASO, EL PASO COUNTY TEXAS.

WHEREAS, Ordinance Number 012593 was approved by City Council on October 31, 1995, changing the zoning of Portions of Section 31, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, from R-3 to C-3 and C-4, a portion now known as Lot 2, Block 1, Las Palmas Unit Two and a portion of Lot 1, Block 1, Las Palmas Unit One, El Paso, El Paso County Texas; and,

WHEREAS, the owners of said property have requested that the condition requiring the condition cited in Ordinance Number 012593 be released in full, as the current use of the property as a mobile home park is proposed to change to single-family residential; 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 released in full to protect the public health, safety and welfare.

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 012593, shall be released in full on the property described as *Lot 2, Block 1, Las Palmas Unit Two and a portion of Lot 1, Block 1, Las Palmas Unit One, 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 site Plan submitted with the rezoning application, and referenced as Exhibit B to the Application, shall satisfy the requirement for a detailed site development plan under the C-3 zoning for the proposed mobile home park. Provided, however, that any changes to the use or significant changes to the proposed design shall necessitate a resubmittal of a detailed site development plan under the C-3 standards."

Section 2. That Except as herein amended, Ordinance Number 012593, shall remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2006.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

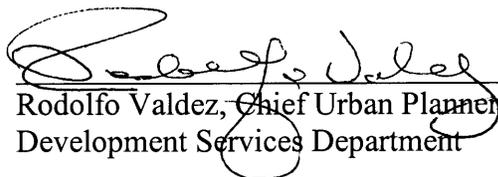
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Carolyn J. Crosby
Assistant City Attorney



Rodolfo Valdez, Chief Urban Planner
Development Services Department

Tract 1, Section 31, Block 79, Township 2
Texas and Pacific Railroad Company Surveys
City of El Paso, El Paso County, Texas

**PARCEL TO BE REZONED C-3
METES AND BOUNDS DESCRIPTION**

Being the description of a parcel of land consisting of a portion of Tract 1, Section 31, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, in the City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 2 inch Iron Pipe and the Southeast corner of Section 31, Block 79, Township 2, Texas and Pacific Railroad Company Surveys;

THENCE, along the South boundary line of Section 31, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, South 90 degrees 00 minutes 00 seconds West, a distance of 1172.40 feet to a 1/2 inch rebar set for corner;

THENCE, leaving the South boundary line of Section 31, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, North 00 degrees 33 minutes 12 seconds West, a distance of 983.43 feet to a 1/2 inch rebar set for corner;

THENCE, South 81 degrees 11 minutes 30 seconds West, a distance of 164.29 feet to a point for corner;

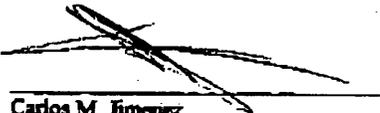
THENCE, North 00 degrees 33 minutes 12 seconds West, a distance of 960.59 feet to a point for corner on the Southerly right-of-way line of Montana Avenue (U.S. Highway No. 62-180);

THENCE, along the Southerly right-of-way line of Montana Avenue (U.S. Highway No. 62-180) North 81 degrees 11 minutes 30 seconds East, a distance of 825.91 feet to a point for corner;

THENCE, leaving the Southerly right-of-way line of Montana Avenue (U.S. Highway No. 62-180), South 00 degrees 33 minutes 12 seconds East, a distance of 473.90 feet to a point for corner;

THENCE, North 81 degrees 11 minutes 30 seconds East, a distance of 523.00 feet to a point for corner on the East Boundary line of Section 31, Block 79, Township 2, Texas and Pacific Railroad Company Surveys;

THENCE, along the East Boundary line of Section 31, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, South 00 degrees 33 minutes 12 seconds East, a distance of 1647.43 feet to the "POINT OF BEGINNING" of the herein described parcel and containing 2,294,181 square feet or 52.667 acres of land more or less.



Carlos M. Jimenez
Registered Professional Land Surveyor
Texas No. 3950

KISTENMACHER ENGINEERING COMPANY, INC.
1420 Geronimo Drive, Suite A2
El Paso, Texas, 79925
(915) 778-4476

30 October, 1995
sec-31a.wpd



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

April 21, 2006

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

FROM: Mirian Spencer, Urban Planner

SUBJECT: ZON06-00022
Lot 1 Block 1, Las Palmas Unit One, and Lot 2, Block 1, Las Palmas Unit Two, El Paso, El Paso County, Texas

LOCATION: 11600 Montana Avenue

REQUEST: From C-3/c (Commercial/conditions) and C-4 (Commercial) to PR-I (Planned Residential)

The City Plan Commission (CPC), on April 20, 2006, voted **6-0** to unanimously recommend **Approval** of releasing the zoning condition attached to ordinance 12593, dated October 31, 1995 which rezoned a portion of the subject property to C-3/c (Commercial/conditions) requiring detailed site development plan review for the mobile home park. The concurrent down zoning of the property to PR-I (Planned Residential) and the required subdivision replat will remove the need for detailed site development plan review.

The Engineering Department – Traffic Division opposed the release of the zoning condition because visibility on the current curved streets is less than the required 325 feet. and the street width is less than the required 52 feet. However, the subdivision replat will address both concerns.

The CPC found that the condition release 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 mixed uses. The proposed PR-I (Planned Residential) zone and the proposed single-family residential development is compatible with adjacent zoning and land uses. The CPC also determined the zoning condition release protects the best interest, health, safety, and welfare of the public in general.

The applicant has concurrently submitted a rezoning application for the subject property (ZON06-00006).

Attachment: Location Map, Aerial, Site Plan

STAFF REPORT

Zoning Condition Release: ZON06-00022

Owner(s)/Applicant(s): Avenida de Palmas, LLC.

Representative(s): Conde, Inc.

Legal Description: Lot 1, Block 1, Las Palmas Unit 1 and Lot 2, Block 1, Las Palmas Unit 2

Location: 11600 Montana Avenue

Representative District: # 5

Area: 61.33 Acres

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

Present Use: Residential Mobile Home Park

Proposed Request: Release of Zoning Condition requiring Detailed Site Development Plan Review

Proposed Use: Single-family Residential

Recognized Neighborhood Associations Contacted: East Side Civic Association, Stone Ridge Property Owners Association Inc.

Surrounding Land Uses:

North -	Fort Bliss Military Reservation
South -	R-3A/c/sp (Residential/conditions/special permit) / Single-family Residential
East -	R-3A/sp (Residential/special permit) / Single-family Residential
West-	C-4 (Commercial) / Residential Mobile Home Park

Year 2025 Designation: **Mixed-Use** (East Planning Area)

**CITY PLAN COMMISSION HEARING, APRIL 20, 2006,
4:00 P.M, CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

ZONING CONDITION RELEASE: ZON06-00022

GENERAL INFORMATION:

Ordinance No. 012593, dated October 31, 1995, rezoned the property from R-3 (Residential) to C-3/c (Commercial/conditions) and imposed the following condition in order to protect the health, safety and welfare of adjacent property owners and the residents of the City:

That the Site Plan submitted with the rezoning application, and referenced as Exhibit B to the Application, shall satisfy the requirement for a detailed site development plan under the C-3 zoning for the proposed mobile home park. Provided, however, that any changes to the use or significant changes to the proposed design shall necessitate a resubmittal of a detailed site development plan under the C-3 standards.

There is a rezoning application in process for the subject property to change the zoning from C-3/c (Commercial Condition) to PR-I (Planned Residential), in order to develop single-family residential homes. The applicant is requesting a release of the condition based on the proposed change to the zoning (ZON06-00006) and the change in use from residential mobile homes to single-family residential homes.

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) recommends **APPROVAL** of this request for contract condition release. Its recommendation is based on the following:

The applicant proposed to change the zoning on the property to PR-I (Planned Residential) in order to develop single-family residential.

PR-I (Planned Residential) requires detailed site development plan under certain circumstances.

The proposed use is in accordance with and in furtherance of *The Plan for El Paso*.

The Engineering Department – Traffic Division dissented to the recommendation of approval for the following reason:

There is a lack of visibility on some street intersections. Plat shall be resubmitted with a new design where streets, sidewalks, and intersections comply with City's Ordinance.

The Commission must determine the following:

- A. Will the condition release protect the best interest, health, safety and welfare of the public in general?

- B. Will single-family residential development 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 condition release 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 Notes:

- A. Landscaping - Landscaping is not required for residential areas at this time.
- B. Zoning - No zoning comments.

Development Services Department - Land Development Division Notes:

- A. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
 - B. Grading plan and permit shall/may be required.*
 - C. Storm Water Pollution Prevention plan and/or permit shall/may be required.*
 - D. Drainage plans must be approved by the City Engineer.*
 - E. Coordination with TXDOT.*
 - F. On-Site ponding will be required.*
 - G. Additional Comments: Site location is located within a Special Flood Hazard Area, Flood Zone(s) C Panel 480214 0037 B. There is a question on the improvements for Turner and Saul Kleinfeld.
- * This requirement will be applied at the time of development..

Development Services Department - Planning Division Notes:

- A. Will the current streets remain private streets?
- B. The lot dimensions, setbacks, and density need to meet PR-1 zoning standards.
- C. The subdivision will need to be re-platted to show single-family residential lot layout.
- D. The Year 2025 Projected General Land Use Map for the East Planning Area designates this property for mixed land uses.
- E. PR-1/c (Planned Residential/conditions) and PR-1 (Planned Residential) zoning permits Single-Family Residential Development and is compatible with adjacent development.
- F. Planning Division Recommends Approval of this request to release the zoning condition requiring detailed site development plan review.

Engineering - Traffic Division Notes:

Traffic Division recommends denial of the proposed zoning condition release requiring detailed site development review, due to the lack of visibility on some street intersections. Plat shall be resubmitted with new design where streets, sidewalks and intersections comply with City's Ordinance.

Fire Department Notes:

No comments submitted.

El Paso Water Utilities Notes:

- A. Currently, there are existing water mains along the streets within Las Palmas Unit 1 and Las Palmas Unit 2 residential developments.
Previous water pressure readings from a fire hydrant located at Street "H", 196-feet south of Street "J" have yielded a static pressure of 40 pounds per square inch, a residual pressure of 34 pounds per square inch, a pitot pressure of 26 pounds per square inch, at a discharge of 856 gallons per minute.
Currently, there are existing sanitary sewer mains along the streets within Las Palmas Unit 1 and Las Palmas Unit 2 residential developments.
- B. Private streets within the subject property are required to be designated as full-width utility easements in order to enable the construction, operation, maintenance, and repair of water and sanitary sewer mains and appurtenances.
In the event that the Developer changes the size/location of the lots within the development, the location of the existing water and sewer services may not coincide with the location of the new lots. EPWU requests that the Developer provide the utility with a plan showing all previously installed water and sewer services. If a new lot contains more than one water/sewer service, the extra service(s) shall be permanently abandoned. The Developer is responsible for all the costs of permanently abandon the services and for all new service connections charges.
- C. Application for additional water and sanitary sewer services should be made 6 to 8 weeks prior to any construction to ensure water for construction work. A site plan, a utility plan, grading and drainage plans, landscaping plan, the legal description of the property, and a certificate-of-compliance are required at the time of application. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.
- D. EPWU does not object to this request.

ATTACHMENT: Ordinance, Location Map, Aerial 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) 541-4024.

ORDINANCE PAGE 1

ORDINANCE NO. 012593

AN ORDINANCE CHANGING THE ZONING OF PORTIONS OF SECTION 31, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO CITY CODE.

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

That the zoning of Portions of Section 31, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from R-3 (Residential) to C-4 (Commercial)(Parcel 1) and R-3 (Residential) to C-3 (Commercial)(Parcel 2) within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following condition which is necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-3 (Residential) to C-4 (Commercial)(Parcel 1) and R-3 (Residential) to C-3 (Commercial)(Parcel 2) in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

That the Site Plan submitted with the rezoning application, and referenced as Exhibit B to the Application, shall satisfy the requirement for a detailed site development plan under the C-3 zoning for the proposed mobile home park. Provided, however, that any changes to the use or significant changes to the proposed design shall necessitate a resubmittal of a detailed site development plan under the C-3 standards.

This condition runs with the land, is a charge and servitude thereon, and binds the current property owner and any successors in title. The City may enforce this condition by injunction, by rescission of the zoning which is made appropriate as a result of this condition,

Ordinance No. 012593

MICKEL30969.1/ZON/PLA/R&

or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above condition in its discretion without the consent of any third persons who may be benefitted thereby, and without affecting the validity of this ordinance.

PASSED AND APPROVED this 31st day of October, 1995.

THE CITY OF EL PASO

Mayor

ATTEST:

Carole Hunter
City Clerk

APPROVED AS TO FORM:

Kimberley Mickelson
Kimberley Mickelson
Assistant City Attorney

APPROVED AS TO CONTENT:

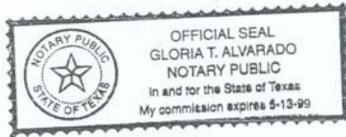
Alfonso Vazquez Jr
Department of Planning

ACKNOWLEDGEMENT

STATE OF TEXAS }

COUNTY OF EL PASO }

This instrument was acknowledged before me on this 6th day of November 1995, by LARRY FRANCIS, as Mayor of the City of El Paso.



Gloria T. Alvarado
NOTARY PUBLIC, State of Texas
Notary's Name Printed:

Gloria T. Alvarado
Notary's Commission Expires:
May 13, 1999

Zoning Case No. ZC-95-5967

Ordinance No. 012593

MICKEL30969.ZON/PLA/R&

SITE PLAN

