

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

DEPARTMENT: Planning and Economic Development Department

AGENDA DATE: Introduction: May 31, 2011
Public Hearing: June 21, 2011

CONTACT PERSON/PHONE: Esther Guerrero, (915) 541-4720

DISTRICT(S) AFFECTED: 2

SUBJECT:

An ordinance changing the zoning of Tract 10, Section 9, Block 81, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from C-2 (Commercial) to C-3 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4716 Hondo Pass Drive. Property Owner: EP Hillcrest Real Estate, LP. PZRZ11-00010 (**District 2**)

BACKGROUND / DISCUSSION:

N/A

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 (8-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director-Planning and Economic Development

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF TRACT 10, SECTION 9, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-2 (COMMERCIAL) TO C-3 (COMMERCIAL) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

That the zoning of *Tract 10, Section 9, Block 81, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas*, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference be changed from **C-2 (Commercial) to C-3 (Commercial)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

1. *That a ten foot (10') wide landscape buffer with high profile native trees of at least two inch (2") caliper and ten feet (10') in height placed at fifteen feet (15') on center shall be required along the property lines adjacent to any residential or apartment zoning districts. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, shall be irrigated and maintained by the property owner at all times, and shall be installed prior to the issuance of any certificates of occupancy.*

PASSED AND APPROVED this _____ day of _____, 2011.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

Signatures continued on following page.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy, Deputy Director
Planning & Economic Development



METES AND BOUNDS DESCRIPTION

"Tract 10"

A parcel of land situate within the corporate limits of the City of El Paso, El Paso County, Texas as Tract 10, Section 9, Block 81, Township 2, Texas and Pacific Railway Company Surveys, as conveyed to the Housing Authority of the City of El Paso in Volume 4671, Page 958, Real Property Records of, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a city monument found at the intersection of Norton Street (60 feet wide right-of-way) and Hondo Pass Drive (right-of-way varies), **WHENCE**, a nail with shiner found at the intersection of the centerline of Stahala Drive (70 feet wide right-of-way) and the monument line of Hondo Pass Drive bears North 88°49'00" East (South 88°06'53" East ~ measured), a distance of 385.00 feet (388.18 feet ~ measured); **THENCE**, leaving said monument, South 01°11'00" East (South 01°57'15" West ~ measured), a distance of 8.00 feet (7.71 feet ~ measured) to the boundary line common to Sections 2 and 9, Block 81, Township 2, Texas and Pacific Railway Company Surveys, **WHENCE**, a Texas Department of Transportation (TXDOT) brass cap monument found for the corner common to Sections 2, 3, 8 and 9, Block 81, Township 2, Texas and Pacific Railway Company Surveys bears South 88°49'00" West (North 88°02'45" West ~ measured), a distance of 1,295.00 feet (1,291.77 feet ~ measured); **THENCE**, following the boundary line common to said Sections 2 and 9, North 88°49'00" East (South 88°02'45" East ~ measured), a distance of 3.23 feet (3.23 feet ~ measured) to a nail with shiner found on the centerline of Norton Street; **THENCE**, leaving the centerline of Norton Street and continuing along the boundary line common to said Sections 2 and 9, North 88°49'00" East (South 88°02'45" East ~ measured), at a distance of 385.00 feet (384.95 feet ~ measured) pass the centerline of Stahala Drive and at a total distance of 900.72 feet (898.53 feet ~ measured); **THENCE**, leaving the boundary line common to said Sections 2 and 9, South 01°11'00" East (South 01°57'15" West ~ measured), a distance of 35.00 feet (33.62 feet ~ measured) to a 1/2 inch rebar found on the south right-of-way line of Hondo Pass Drive for the **POINT OF BEGINNING** of the parcel herein described;

THENCE, following the south right-of-way line of Hondo Pass Drive, North 88°49'00" East (South 87°58'44" East ~ measured), a distance of 487.43 feet (487.20 feet ~ measured) to a 5/8 inch rebar with survey cap no. TX 5337 set for the northeast corner of the parcel herein described;

THENCE, leaving the south right-of-way line of Hondo Pass Drive and following the east boundary line of said Tract 10 and continuing along the west boundary line of Single Jack Center, as filed in Volume 68, Page 14 of the Plat Records of El Paso County, South 01°11'00" East (South 01°56'57" West ~ measured), at a distance of 5.00 feet pass the northwest corner of Lot 1, Block 1, Single Jack Center, and at a total distance of 368.50 feet to a 1-1/2 inch pipe found on the north boundary line of Tract 13A, Section 9, Block 81, Township 2, Texas and Pacific Railway Company Surveys for the southeast corner of the parcel herein described, identical to the southwest corner of Lot 1, Block 1, Single Jack Center and **WHENCE**, a chiseled "X" found on a sidewalk for the southeast corner of Lot 3, Block 1, Single Jack Center bears North 88°49'00" East (South 88°02'45" East ~ measured), 720.16 feet (720.23 ~ measured);

THENCE, leaving the west boundary line of Single Jack Center and following the north boundary line of said Tract 13A and continuing along the north boundary line of Franklin D. Roosevelt Memorial Subdivision, South 88°49'00" West (North 88°00'13" West ~ measured), at a distance of 118.70 feet pass the northerly corner common to Franklin D. Roosevelt Memorial Subdivision and said Tract 13A, and at a total distance of 487.43 feet (487.45 feet ~ measured) to a 1/2 inch rebar found on the east boundary line of said Franklin D. Roosevelt Memorial Subdivision for the southwest corner of the parcel herein described;

THENCE, leaving the north boundary line of said Franklin D. Roosevelt Memorial Subdivision and following the east boundary line of said Franklin D. Roosevelt Memorial Subdivision, North 01°11'00" West (North 01°59'13" East ~ measured), a distance of 368.50 feet (368.71 feet ~ measured) to the *POINT OF BEGINNING* of the parcel herein described,

Said parcel containing 4.1234 acres (4.1238 acres ~ measured) or 179,618.0 square feet (179,630.9 square feet ~ measured), more or less, and being subject to easements of record.

Isaac Camacho

Isaac Camacho, TX R.P.L.S. No. 5337

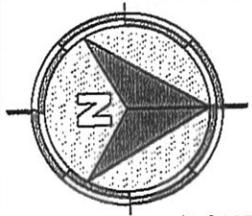
Date: February 24, 2011

Job No. 06743-007

06743-007-Tract 10 Desc REV.doc



Exhibit "A"



LOT 1
FRANKLIN D. ROOSEVELT
MEMORIAL SUBDIVISION
EL PASO HOUSING AUTHORITY
P.I.D. NO. F59899900100100
E.P.C.D.R.

81

N 01°59'13" E
N 01°11'00" W

368.71' (M)
368.50' (R)

N 88°00'13" W
S 88°49'00" W

P.O.B.

EL PASO HILLCREST REAL ESTATE, LP
DOC. NO. 20080087884
E.P.C.D.R.
TRACT 10
SECTION 9, BLOCK 81, TOWNSHIP 2,
TEXAS & PACIFIC RAILWAY COMPANY SURVEYS
179,630.9 Sq. Ft. (M)
4.1238 Acres (M)
179,618.0 Sq. Ft. (R)
4.1234 Acres (R)
ZONED "C-2"

81

LOT 1
F.D.R. MEMORIAL SUBDIVISION
EL PASO HOUSING AUTHORITY

LOT 1

487.45' (M)
487.43' (R)

118.70'

S 01°56'57" W
S 01°11'00" E

368.50' (M)
368.50' (R)

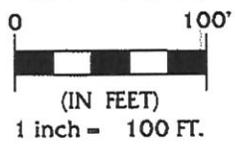
10' UTILITY EASEMENT

PORTION OF LOT 1
B & B MERRITT
REAL ESTATE, LLC,
DOC. NO. 20100050818
E.P.C.D.R.
PORTION OF LOT 1,
SINGLE JACK CENTER

SINGLE JACK
CENTER

SONIC
DRIVE-IN

GRAPHIC SCALE



LINE	BEARING	LENGTH
L1 (M)	S 01°57'15" W	33.62'
L1 (R)	S 01°11'00" E	35.00'

DYER STREET
(100' R.O.W.)



SHEET 1 OF 2
FILE NO: 06743-007

BOUNDARY SURVEY

DRAWN BY: J.M. CHECKED BY: I.C. DATE: 02-24-2011 SCALE: 1" = 100'

TRACT 10, SECTION 9, BLOCK 81, TOWNSHIP 2,
TEXAS & PACIFIC RAILWAY COMPANY SURVEYS,
CITY OF EL PASO, EL PASO COUNTY, TEXAS.

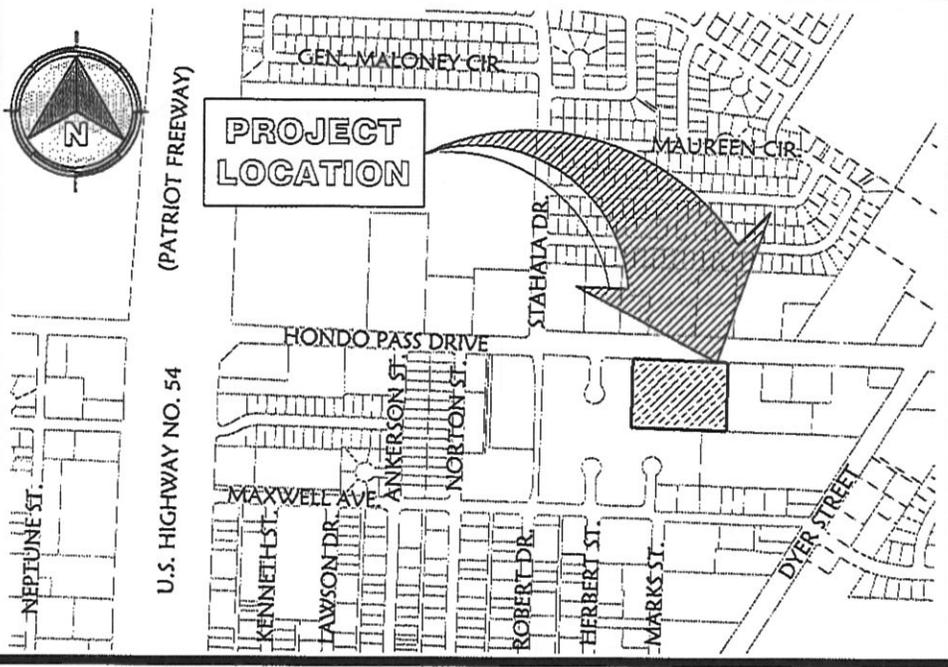
BROCK & BUSTILLOS INC.
CONSULTING CIVIL ENGINEERS
LAND SURVEYORS
TBPE REG. NO. F-737

417 EXECUTIVE CENTER—EL PASO, TX 79902—PH (915) 542-4900
FAX (915) 542-2867—WWW.BROCKBUSTILLOS.COM

FILE PATH: U:\06743-007-HONDO DYER ALTA06743-007-LDD\p\06743-007-DYER-HONDO PASS-TRACT 10 REZONING.dwg

VICINITY MAP SCALE: 1"=1,000'

Exhibit "A"



LEGEND

PROJECT BOUNDARY	—————
SUBDIVISION BOUNDARY LINE	—————
SECTION LINE	—————
RIGHT-OF-WAY LINE	—————
TRACT/LOT LINE	—————
CENTERLINE OF ROW	—————
EASEMENT LINE	—————
MONUMENT LINE	—————
FOUND CHISELED "X"	⊕
FOUND 1/2" REBAR	⊙
FOUND 1-1/2" PIPE	⊠
SET 5/8" REBAR WITH SURVEY CAP NO. TX 5337	⊙

SUPPLEMENTAL NOTES

- BASIS OF BEARING IS THE SOUTH BOUNDARY LINE OF SINGLE JACK CENTER BETWEEN A 1-1/2 INCH PIPE FOUND FOR THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, SINGLE JACK CENTER AND THE SOUTHEAST CORNER OF LOT 3, BLOCK 1, SINGLE JACK CENTER. SHOWN MEASURED BEARINGS ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, ZONE NO. 4203, NORTH AMERICAN DATUM OF 1983. (AS SHOWN HEREON)
- SUBJECT PROPERTY IS LOCATED IN ZONE "C" (AREAS DETERMINED TO BE OUTSIDE OF 500-YEAR FLOOD-PLAIN) AS DETAILED ON CITY OF EL PASO, EL PASO COUNTY, TEXAS FLOOD INSURANCE RATE MAP PANEL NO. 480214 0024B, DATED OCTOBER 15, 1982.
- TRACT 10 IS ZONED "C-2" (COMMERCIAL DISTRICT) AS DESIGNATED AT THE CITY OF EL PASO G.I.S. WEBSITE www.pdrmapa.com. THE MAXIMUM BUILDING HEIGHT ALLOWED IN A "C-2" ZONE IS 35 FEET.
SETBACKS FOR ZONE "C-2":
FRONT: 15'
REAR: 20'
SIDE: 10' WHEN ABUTTING A RESIDENTIAL OR APARTMENT DISTRICT.
SIDE STREET: 10'

REFERENCE DOCUMENTS

- FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO. FT0000023917, EFFECTIVE DATE MAY 19, 2010 FOR TRACT 10, SECTION 9, BLOCK 81, TOWNSHIP 2, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS WAS USED FOR THIS SURVEY. SHOWN RECORD BEARINGS AND DISTANCES FOR TRACT 10 ARE REFERENCED TO THE LEGAL DESCRIPTION IN THIS COMMITMENT.
- SINGLE JACK CENTER SUBDIVISION FILED IN BOOK 68, PAGE 14 OF THE EL PASO COUNTY PLAT RECORDS.
- FRANKLIN D. ROOSEVELT MEMORIAL SUBDIVISION FILED IN BOOK 44, PAGE 4 OF THE EL PASO COUNTY PLAT RECORDS.
- CITY OF EL PASO TAX MAP OF SECTION 9, BLOCK 81, TOWNSHIP 2, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS FILED AT THE EL PASO CENTRAL APPRAISAL DISTRICT.
- BOUNDARY & IMPROVEMENT SURVEY PLAT FOR TRACT 10, SECTION 9, BLOCK 81, TOWNSHIP 2, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS PREPARED BY BROCK & BUSTILLOS, INC. JOB NO. S-6736-01, DATED 06/18/07.

CERTIFICATION

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS BASED ON AN ACTUAL SURVEY PERFORMED ON THE GROUND BY ME OR UNDER MY SUPERVISION AND THAT THE INFORMATION CONTAINED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Isaac Camacho 02/24/11
ISAAC CAMACHO, TX. R.P.L.S. NO. 5337



BOUNDARY SURVEY

DRAWN BY: J.M. CHECKED BY: I.C. DATE: 02-24-2011 SCALE: 1" = 100'

TRACT 10, SECTION 9, BLOCK 81, TOWNSHIP 2,
TEXAS & PACIFIC RAILWAY COMPANY SURVEYS,
CITY OF EL PASO, EL PASO COUNTY, TEXAS.

BROCK & BUSTILLOS INC.
CONSULTING CIVIL ENGINEERS
LAND SURVEYORS
TBPE REG. NO. F-737

FILE PATH: U:\06743-007-HONDO DYER ALTA06743-007-LDD\dwg\06743-007-DYER-HONDO PASS-TRACT 10 REZONING.dwg



Date: May 23, 2011
To: Honorable Mayor and City Council
Joyce Wilson, City Manager
From: Esther Guerrero, Planner
Subject: **PZRZ11-00010**

The City Plan Commission (CPC) on May 5, 2011, voted **8-0** to recommend **approval** of this rezoning request with conditions. The request is to change the zoning on from C-2 (Commercial) to C-3 (Commercial) to permit a supermarket (Walmart Neighborhood Market).

The following is the recommended condition to be imposed:

"That a ten (10) foot landscaped buffer with high-profile native trees of at least two (2) inch caliper and ten (10) feet in height shall be placed at fifteen (15) feet on center along the property lines adjacent to any residential or apartment zoning districts. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, shall be irrigated and maintained by the property owner at all times, and shall be installed prior to the issuance of any certificates of occupancy."

This recommendation is in agreement with the recommendation from staff and the Development Coordinating Committee (DCC).

The CPC found that the rezoning is in conformance with The Plan for El Paso. The CPC found that the proposed use is in conformance with the 2025 Projected General Land Use Map for the Northeast Planning Area. The CPC also determined that the rezoning protects the best interest, health, safety, and welfare of the public in general; and will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was no one present at the meeting to speak in favor or in opposition to this request.

Attachment: Staff Report

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson





City of El Paso – City Plan Commission Staff Report

Case No: PZRZ11-00010
Application Type: Rezoning
CPC Hearing Date: May 5, 2011
Staff Planner: Esther Guerrero, 915-541-4720, guerreroex@elpasotexas.gov

Location: 4716 Hondo Pass Drive
Legal Description: Tract 10, Section 9, Block 81, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas

Acreage: 4.1234 acres
Rep District: 2
Zoning: C-2 (Commercial)
Existing Use: Vacant
Request: C-3 (Commercial)
Proposed Use: Supermarket (Walmart Neighborhood Market)
Property Owner: EP Hillcrest Real Estate, LP
Representative: Carlson Consulting Engineers, Inc.

SURROUNDING ZONING AND LAND USE

North: C-1 (Commercial) / Bank, retail shopping strip
South: A-2 (Apartment) / Apartments
East: C-3 (Commercial) / Vacant, Restaurant
West: A-M (Apartment/Mobile Home) / Apartments

The Plan for El Paso Designation: Commercial (Northeast Planning Area)

Nearest Park: Todd Ware Park (2,446 feet)

Nearest School: Moye Elementary (2,545 feet)

NEIGHBORHOOD ASSOCIATIONS

North Hills Neighborhood Pride Association

NEIGHBORHOOD INPUT

Notices of the May 5, 2011 public hearing were mailed to all property owners within 300 feet of the subject property on April 25, 2011.

APPLICATION DESCRIPTION

The request is to change the zoning from C-2 (Commercial) to C-3 (Commercial) to permit a supermarket. A supermarket is not permitted in a C-2 (Commercial) district. The conceptual site plan shows a 39,098 sq. ft. building with access via three (3) driveways from Hondo Pass Drive and an access easement (driveway) from Dyer Street.

CASE HISTORY

The subject property was rezoned in August of 2007 from A-M (Apartment/Mobile Home Park) to C-2 (Commercial) to permit a funeral home. Walmart is in the process of purchasing this property from EP Hillcrest Real Estate, LP.

PLANNING AND ECONOMIC DEVELOPMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the rezoning request with the following condition:

"That a ten (10) foot landscaped buffer with high-profile native trees of at least two (2) inch caliper and ten (10) feet in height shall be placed at fifteen (15) feet on center along the property lines adjacent to any residential or apartment zoning districts. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, shall be irrigated and maintained by the property owner at all times, and shall be installed prior to the issuance of any certificates of occupancy."

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

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

- a. Goal: establish a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities and outlets for social and cultural expression.
- b. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.

The purpose of Community Commercial C-3 (Commercial) District is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the City. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for rezoning and offered no objections to Planning Staff's recommendation for approval.

Department of Transportation

No objection to rezoning

Notes:

- All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.
- No additional median cuts will be allowed on Dyer.
- Recommend that safe pedestrian access be provided across access road in areas where pedestrian activity is expected.

Engineering – Construction Management Division-Plan Review

No objections.

Engineering – Land Development

No objections.

Fire Department

No objections to rezoning.

El Paso Water Utilities

1. EPWU does not object to this request.

Water

2 There is an existing 8-inch diameter water main that extends along Hondo Pass Drive fronting the northern boundary of the subject property (4716 Hondo Pass Drive). This water main is available for service.

3. Previous water pressure tests from fire hydrant # 3102 located along Hondo Pass Drive at the northeast corner of the subject property (4716 Hondo Pass) have yielded a static pressure of 110 (psi) pounds per square inch, a residual pressure of 100 (psi) and a discharge of 1210 gallons per minute (gpm).

4. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot Owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer

5. There is an existing 8-inch diameter sanitary sewer main that extends along Hondo Pass Drive fronting the northern boundary of the subject property (4716 Hondo Pass Drive). This sanitary sewer main is available for service.

General

6. Application for new water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. A site plan, 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. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant 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.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the change of zoning application:

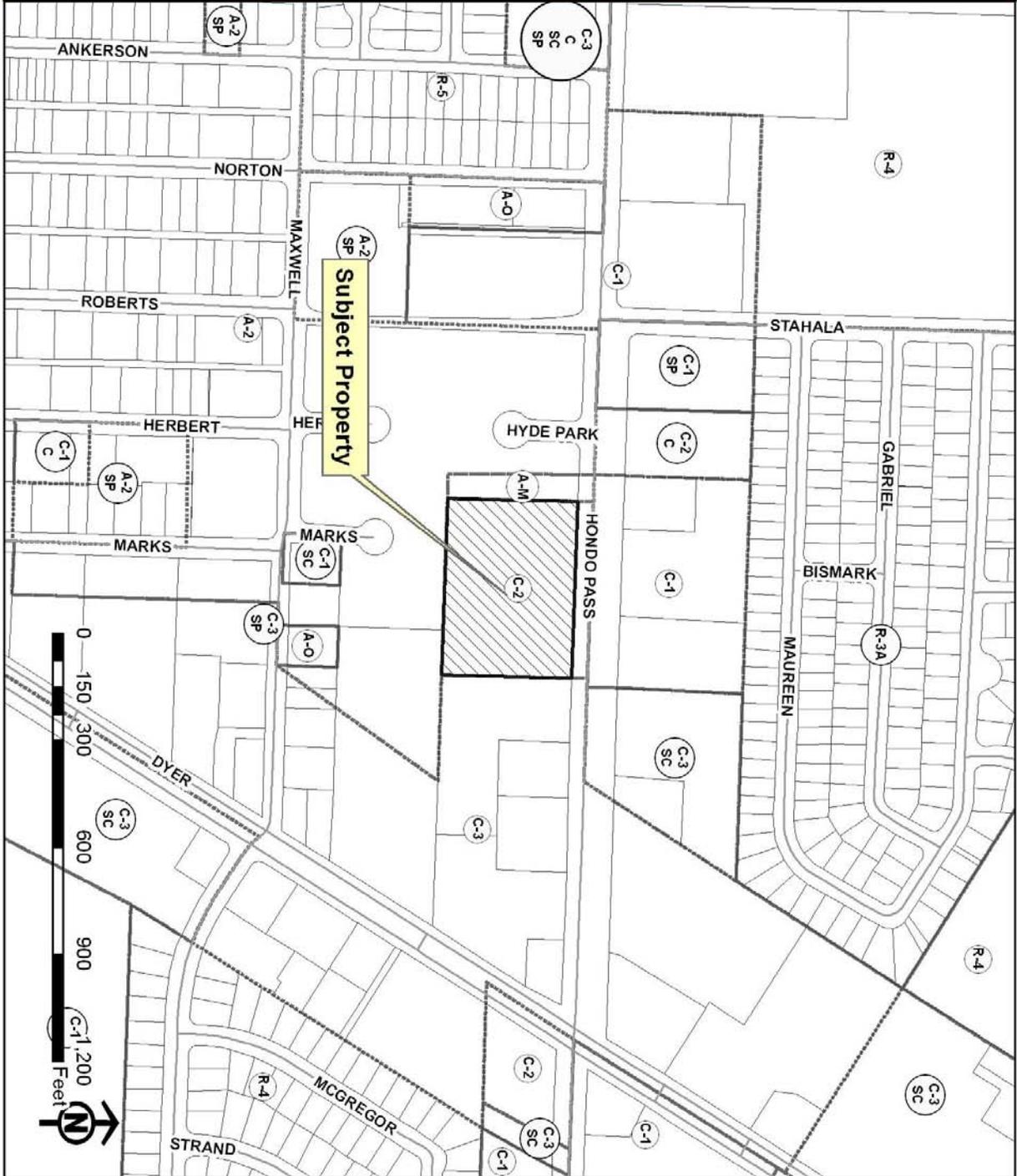
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the rezoning does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

Attachments

1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan
4. Conceptual Site Plan (Overall)

ATTACHMENT 1: ZONING MAP

PZRZ11-00010



ATTACHMENT 2: AERIAL MAP

PZRZ11-00010



**ATTACHMENT 4: CONCEPTUAL SITE PLAN
(Overall)**

