

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: July 8, 2008
Public Hearing: July 29, 2008

CONTACT PERSON/PHONE: Ismael B. Segovia, 541-4027

DISTRICT(S) AFFECTED: 4

SUBJECT:

An Ordinance changing the zoning of the following real property described as:

Parcel 1: A portion of Section 16, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, be changed from R-F (Ranch and Farm) to C-3/c (Commercial/condition) and imposing conditions; and

Parcel 2: A portion of Section 16, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, be changed to R-F (Ranch and Farm) to R-5 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Southeast of U.S. Highway 54 and Northwest of Dyer Street. Applicants: Newman Ranch Partners, LP., ZON08-00033 (District 4).

BACKGROUND / DISCUSSION:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

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

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: _____

for 
Victor Q. Torres
Director, Development Services

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

CITY CLERK DEPT.
08 JUN 30 PM 12:09

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS:

PARCEL 1: A PORTION OF SECTION 16, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM R-F (RANCH AND FARM) TO C-3/C (COMMERCIAL/CONDITION) AND IMPOSING CONDITIONS; AND,

PARCEL 2: A PORTION OF SECTION 16, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM R-F (RANCH AND FARM) TO R-5 (RESIDENTIAL). 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 the following property be changed as described below within the meaning of the zoning ordinance and that the zoning map of the City of El Paso be revised accordingly:

Parcel 1: *A portion of Section 16, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, City of El Paso, El Paso County, Texas, be changed from R-F (Ranch and Farm) to C-3/c (Commercial/condition) and imposing conditions; and,*

Parcel 2: *A portion of Section 16, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, City of El Paso, El Paso County, Texas, be changed from R-F (Ranch and Farm) to R-5 (Residential); and,*

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:

Parcel 1

1. That a detailed site development plan be reviewed and approved per the El Paso City Code prior to the issuance of any building permits; and,

2. That a ten foot (10') wide landscape buffer be required along the property line abutting all residential uses.

(Signatures on following page)

PASSED AND APPROVED this _____ day of _____, 2008.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

for 

Victor Q. Torres, Director
Development Services Department

CITY CLERK DEPT.
08 JUN 30 PM 12:09

Exhibit "A"

Being a portion of Section 16, Block 80, Township 1,
Texas and Pacific Railway Company Surveys,
City of El Paso, El Paso County, Texas
Prepared for: Southwest Land Development Services Inc.
April 14, 2008
(Parcel 1)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 6, Section 16, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a 2" iron pipe in concrete found for the southwest corner of Section 16, whence a 1.5" iron pipe in concrete found for the northwest corner of Section 16 bears North $00^{\circ}59'42''$ West a distance of 5290.86 feet, thence North $00^{\circ}56'22''$ West a distance of 840.36 feet to a point for the "TRUE POINT OF BEGINNING".

Thence North $00^{\circ}59'42''$ West a distance of 99.98 feet to a point;

Thence leaving said line North $88^{\circ}58'02''$ East a distance of 59.54 feet to a point;

Thence North $01^{\circ}01'58''$ West a distance of 134.17 feet to a point;

Thence North $23^{\circ}44'59''$ East a distance of 72.18 feet to a point;

Thence North $89^{\circ}58'08''$ East a distance of 734.37 feet to a point;

Thence South $48^{\circ}31'57''$ West a distance of 236.32 feet to a point of curve

Thence 395.57 feet along the arc of a curve to the right which has a radius of 560.00 feet a central angle of $40^{\circ}28'21''$ a chord which bears South $68^{\circ}46'08''$ West a distance of 387.40 feet to a point;

Thence South $89^{\circ}00'18''$ West a distance of 280.68 feet to "TRUE POINT OF BEGINNING" and containing in all 4.048 acres of land more or less.

Bearing basis is true north for a Transverse Mercator Surface Projection as determined by GPS methods based at center of this site.



Ron R. Conde
R.P.L.S. No. 5152
Job No. 108-92



Exhibit "A"

Being a portion of Section 16, Block 80, Township 1,
Texas and Pacific Railway Company Surveys,
City of El Paso, El Paso County, Texas
Prepared for: Southwest Land Development Services Inc.
April 14, 2008
(Parcel 2)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 6, Section 16, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a 2" iron pipe in concrete found for the southwest corner of Section 16, whence a 1.5" iron pipe in concrete found for the northwest corner of Section 16 bears North 00°59'42" West a distance of 5290.86 feet, thence North 00°50'25" West a distance of 840.36 feet to a point for the "TRUE POINT OF BEGINNING".

Thence North 00°59'42" West a distance of 1503.78 feet to a point;

Thence leaving said line North 89°00'18" East a distance of 280.68 feet to a point of curve;

Thence 395.57 feet along the arc of a curve to the left which has a radius of 560.00 feet a central angle of 40°28'21" a chord which bears North 68°46'08" East a distance of 387.40 feet to a point;

Thence North 48°31'57" East a distance of 236.32 feet to a point;

Thence North 89°58'08" East a distance of 1814.83 feet to a point;

Thence South 01°01'38" East a distance of 2642.10 feet to a point on the southerly line of Section 16, Block 80, Township 1, Texas and Pacific Railway company Surveys;

Thence along said line, South 89°53'47" West a distance of 1651.61 feet to a point;

Thence leaving said line North 01°00'25" West a distance of 661.05 feet to a point;

Thence South 89°54'52" West a distance of 330.28 feet to a point;

Thence South 01°00'11" East a distance of 661.15 feet to a point on the southerly line of Section 16, Block 80, Township 1, Texas and Pacific Railway company Surveys;

Thence along said line, South 89°53'47" West a distance of 361.17 feet to a point;

Thence leaving said line 913.05 feet along the arc of a curve to the right which has a radius of 1350.00 feet a central angle of 38°45'04" a chord which bears North 20°22'14" West a distance of 895.75 feet to "TRUE POINT OF BEGINNING" and containing in all 149.01 acres of land more or less.

Bearing basis is true north for a Transverse Mercator Surface Projection as determined by GPS methods based at center of this site.


Ron R. Conde
R.P.L.S. No. 5152
Job No. 108-92



JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8



VICTOR Q. TORRES
DIRECTOR, DEVELOPMENT SERVICES

MATHEW S. McELROY
DEPUTY DIRECTOR, PLANNING

**DEVELOPMENT SERVICES
PLANNING DIVISION**

MEMORANDUM

DATE: June 26, 2008

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

FROM: Ismael B. Segovia, Senior Planner

SUBJECT: ZON08-00033

The City Plan Commission (CPC), on June 19, 2008, voted **5-0** to recommend **APPROVAL** of rezoning the subject property as follows:

Parcel 1: A portion of Section 16, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, be changed from R-F (Ranch and Farm) to C-3/c (Commercial/condition) and imposing conditions; and

Parcel 2: A portion of Section 16, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, be changed to R-F (Ranch and Farm) to R-5 (Residential).

The CPC found that this rezoning is in conformance with The Plan for El Paso and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the rezoning 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 opposition to the rezoning request.

Attachment: Staff Report



ZON08-00033

Application Type: Rezoning

Property Owner(s): Newman Ranch Partners, L.P.

Representative(s): Conde, Inc.

Legal Description: Parcel 1: A portion of Section 16, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas
Parcel 2: A portion of Section 16, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas

Location: Southeast of U. S. Highway 54 and Northwest of Dyer Street

Representative District: 4

Area: Parcel 1: 4.048 acres
Parcel 2: 149.01 acres

Present Zoning: Parcel 1: R-F (Ranch and Farm)
Parcel 2: R-F (Ranch and Farm)

Present Use: Vacant

Proposed Zoning: Parcel 1: C-3/c (Commercial)
Parcel 2: R-5 (Residential)

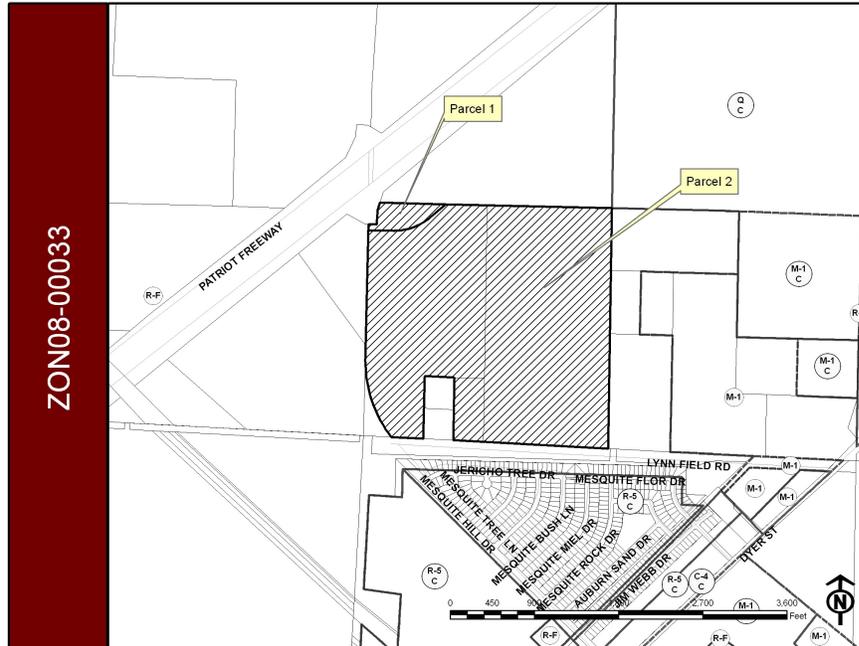
Proposed Use: Parcel 1: Commercial development
Parcel 2: Single-family residential development

Recognized Neighborhood Associations Contacted: Northeast Civic Association

Public Response: None

Surrounding Land Uses: **North** – R-F (Ranch and Farm); **South** – R-5 (Residential); **East** – R-F (Ranch and Farm); **West** R-F (Ranch and Farm)

Year 2025 Designation: Residential / Mixed-Use / Industrial (**Northeast**)



General Information:

The applicant is requesting a rezoning for Parcel 1 from R-F (Ranch and Farm) to C-3 (Commercial) in order to permit commercial development; and Parcel 2 from R-F (Ranch and Farm) to R-5 (Residential) in order to permit single-family residential development. Parcel 1 is 4.048 acres in size and Parcel 2 is 149.01 acres in size and both are currently vacant. The R-5 (Residential) would permit 1,153 single-family residential lots. Access is proposed via Mesquite Hill Drive. There are no zoning conditions imposed on this property.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **Approval** of this request for rezoning from R-F (Ranch and Farm) to C-3 (Commercial) and R-F (Ranch and Farm) to R-5 (Residential).

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommend that El Paso “provide designated locations for commercial development that do not adversely affect the health, safety, and welfare of the community and where essential infrastructure is available to serve the development.”

“Provide a wide range of housing types that respond to the needs of all economic segments of the community.”

The Year 2025 Projected General Land Use Map for the **Northeast** Planning Area designates this property for residential, mixed-use, and industrial land uses.

C-3 (Commercial) zoning permits to allow commercial development and **is compatible** with adjacent development.

R-5 (Residential) zoning permits to allow residential development and **is compatible** with

adjacent development.

Findings:

The Commission must determine the following:

1. Will the zoning protect the best interest, health, safety and welfare of the public in general?
2. Will to allow commercial development be compatible with adjacent land uses?
3. What is the relation of the proposed change to the city's Comprehensive Plan?
4. What effect will the rezoning have upon the natural environment social and economic conditions and property values in the vicinity and in the City as a whole?

Development Services Department - Building Permits and Inspections Division:

No objections to the proposed rezoning request

Development Services Department - Planning Division:

Current Planning:

1. The Year 2025 Projected General Land Use Map for the Northeast Planning Area designates this property for Residential, Mixed-use, Industrial land uses.
2. **C-3 (Commercial) zoning** permits to allow commercial development and **is compatible** with adjacent development. **R-5 (Residential) zoning** residential development and **is compatible** with adjacent development.
3. Staff recommends approval of C-3 (Commercial) with the following conditions:
 - a. That a detailed site development plan be reviewed and approved per the El Paso City Code prior to the issuance of any building permits; and,
 - b. That a ten foot (10') wide landscape buffer be required along the property line abutting all residential uses.

Land Development:

ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required. *

Grading plan and permit shall be required. *

Storm Water Pollution Prevention Plan and/or permit be required. *

Drainage plans must be approved by the Development Services Department, Engineering Section. *

Coordination with TXDOT. (Parcel 1)

No water runoff allowed outside the proposed development boundaries, (On-site ponding required)

Additional Comments: Site location is **not** located within a Special Flood Hazard Area, Flood Zone **C**, Panel **480214 0009D**, Effective Date: January 3, 1997.

*** This requirement will be applied at the time of development.**

Engineering Department - Traffic Division:

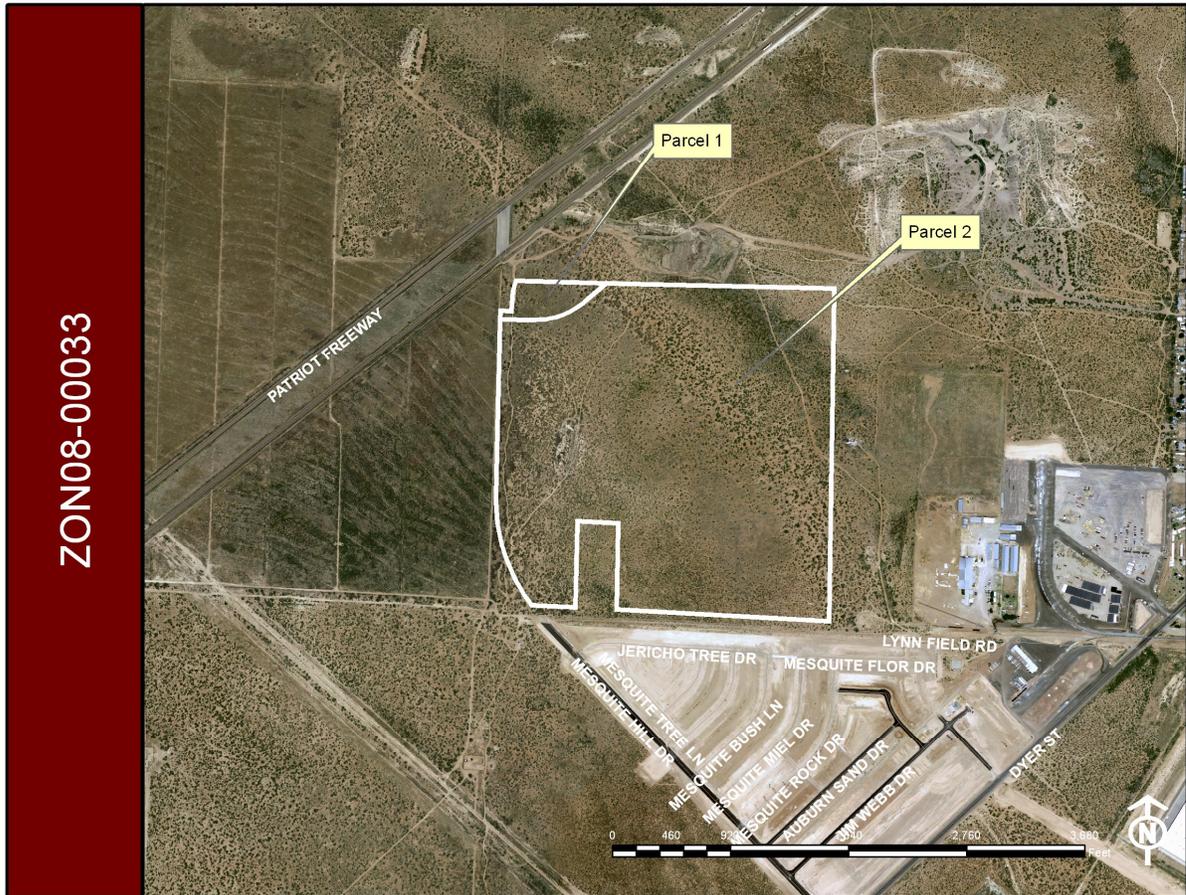
No objections to proposed zoning.

Fire Department:

No comments received.

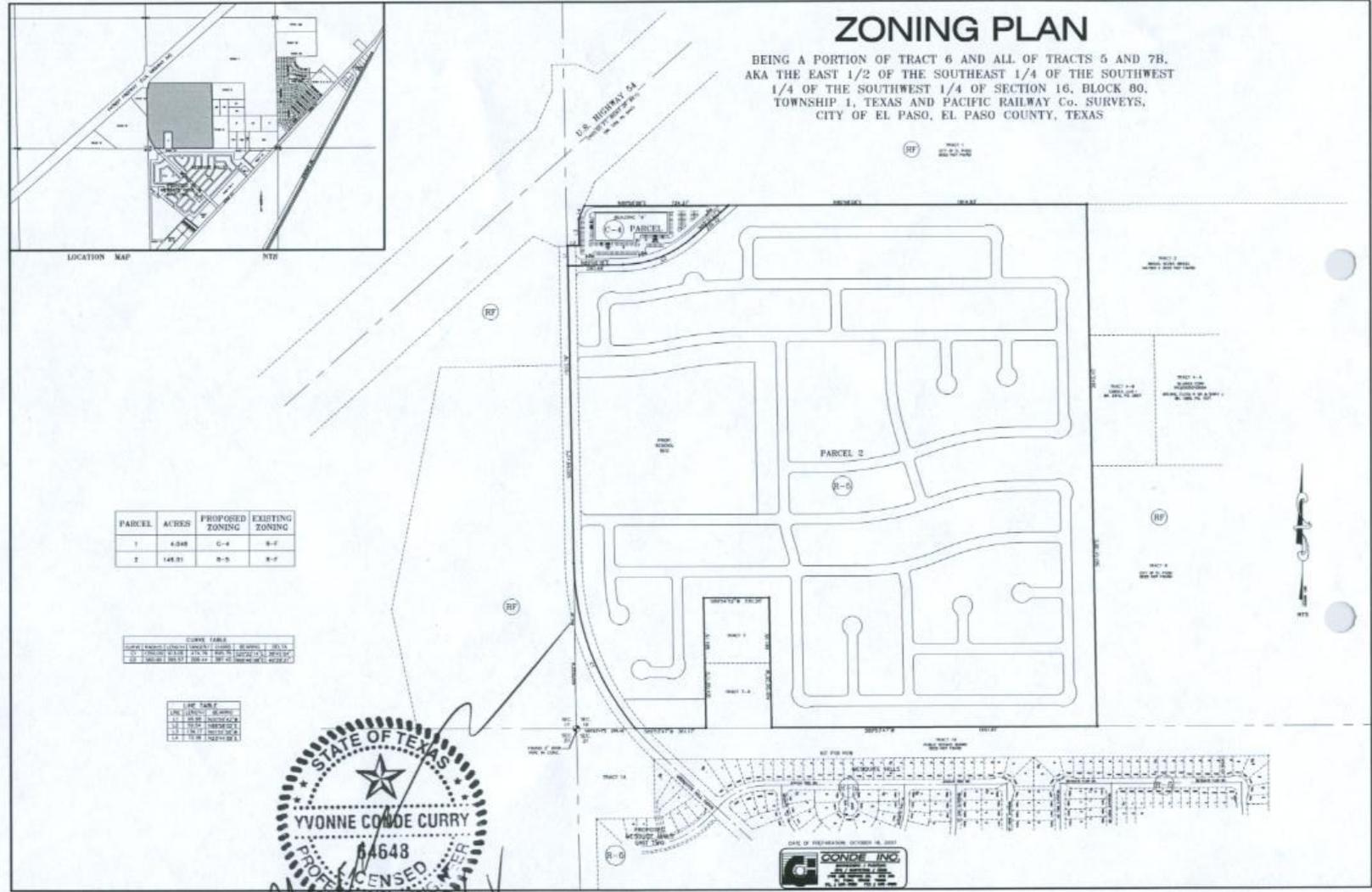
El Paso Water Utilities:

EPWU does not object to this request.



List of Attachments

- Attachment 1: Conceptual Site Plan
- Attachment 2: Application



Attachment 1: Conceptual Site Plan

Attachment 2: Application



**REZONING APPLICATION
PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT
CITY OF EL PASO**

1. CONTACT INFORMATION

PROPERTY OWNER(S): Newman Ranch Partners, LP
ADDRESS: 1790 Lee Trevino, Ste. 601 ZIP CODE: 79936 PHONE: 592-0290
APPLICANT(S): Newman Ranch Partners, LP
ADDRESS: 1790 Lee Trevino, Ste. 601 ZIP CODE: 79936 PHONE: 592-0290
REPRESENTATIVE(S): Conde, Inc.
ADDRESS: 1790 Lee Trevino, Suite 400 ZIP CODE: 79936 PHONE: 592-0283
E-MAIL ADDRESS: cconrad@elp.rr.com

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: X580-999-1160-70 00
LEGAL DESCRIPTION: Being a Portion of Section of 16, Block 80, Township 1, Texas and Pacific Railroad Co.,
Surveys, City of El Paso, El Paso County, Texas
STREET ADDRESS OR LOCATION: U. S. Highway 54 REP DISTRICT: 4
ACREAGE: 4.048 ac PRESENT ZONING: R-F PRESENT LAND USE: Vacant
PROPOSED ZONING C-4 PROPOSED LAND USE: To allow for Commercial Development

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER: X580-999-1160-5100 / X580-999-1160-6100
LEGAL DESCRIPTION: Being a Portion of Section of 16, Block 80, Township 1, Texas and Pacific Railroad Co.,
Surveys, City of El Paso, El Paso County, Texas
STREET ADDRESS OR LOCATION: U. S. Highway 54 REP DISTRICT: 4
ACREAGE: 149.01 ac PRESENT ZONING: R-F PRESENT LAND USE: Vacant
PROPOSED ZONING R-5 PROPOSED LAND USE: To allow for Residential Development

4. PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
LEGAL DESCRIPTION: _____
STREET ADDRESS OR LOCATION: _____
ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
PROPOSED ZONING _____ PROPOSED LAND USE: _____

5. ADDITIONAL INFORMATION

OWNER (S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):
Printed Name: Newman Ranch Partners, L. P. Signature: _____
Printed Name: By: Newman Ranch, LLC Signature: _____
Printed Name: Its General Partners Signature: 
Douglas A. Schwartz, Manager

Note: Signatures are required for all owners of record for the property proposed for rezoning. Attach additional signatures on a separate sheet of paper.

**** OFFICE USE ONLY ****

ZON _____ RECEIVED DATE: ____ / ____ / ____ APPLICATION FEE: \$ _____
DCC REVIEW DATE: ____ / ____ / ____ (8:30 am, Planning Department Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: ____ / ____ / ____ (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: _____ FUND -01101, DEPT ID -99010335, ACCOUNT -404126

Revised 6/2004