

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

**DEPARTMENT:** Planning and Economic Development Department, Planning Division

**AGENDA DATE:** Introduction: June 21, 2011  
Public Hearing: July 12, 2011

**CONTACT PERSON/PHONE:** Arturo Rubio, (915) 541-4633, [rubioax@elpasotexas.gov](mailto:rubioax@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** 5

**SUBJECT:**

An Ordinance zoning Parcel 1: A portion of Section 37, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas, to C-2 (Commercial), Parcel 2: A portion of Section 37, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas to R-5 (Residential) and Parcel 3: A portion of Section 48, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas to C-2 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North of Pebble Hills Boulevard and East of John Hayes Boulevard. Applicant: Ranchos Real IV, LTD. ZON10-00106 (District 5)

**BACKGROUND / DISCUSSION:**

This item is scheduled for public hearing concurrently with the related annexation request AN10-003.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

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

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:**

Mathew S. McElroy  
Deputy Director, Planning and Economic Development Department

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ZONING PARCEL 1: A PORTION OF SECTION 37, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO COUNTY, TEXAS, TO C-2 (COMMERCIAL), PARCEL 2: A PORTION OF SECTION 37, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO COUNTY, TEXAS TO R-5 (RESIDENTIAL) AND PARCEL 3: A PORTION OF SECTION 48, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO COUNTY, TEXAS TO C-2 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**Whereas**, the property owner of the property described as Parcel 1: A portion of Section 37, block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas, Parcel 2: A portion of Section 37, block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas and A portion of Section 48, Block 79, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas has requested that the City of El Paso annex the property into the City of El Paso; and,

**Whereas**, Section 20.06.070A of the El Paso City Code allows the city council and city plan commission to jointly consider, recommend and act, to designate the zoning classification for the proposed annexed parcels, at the same time of the public hearings required for annexation; provided, that all procedures required for amendments pursuant to Chapter 20.04 of the City Code and state law are complied with; and,

**Whereas**, the procedures of Chapter 20.04 of the City Code and state law have been complied with;

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

That the zoning of *Parcel 1: A portion of Section 37, block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas, Parcel 2: A portion of Section 37, block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas and Parcel 3: A portion of Section 48, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas and as more particularly described by metes and bounds on the attached Exhibit "A" and survey map on the attached Exhibit "B", incorporated by reference*, be zoned as follows: Parcel 1: **C-2 (Commercial)**, Parcel 2: **R-5 (Residential)** and Parcel 3: **C-2 (Commercial)** within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**SIGNATURES ON FOLLOWING PAGE**

**THE CITY OF EL PASO**

\_\_\_\_\_  
John F. Cook, Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Mathew S. McElroy  
Deputy Director – Planning and  
Economic Development Department

Being a portion of Section 37, Block 79,  
Township 2, Texas and Pacific Railway Company Surveys  
El Paso County, Texas  
Prepared for: Southwest Land Development Services Inc.  
January 27, 2011  
(Parcel 1- C-2 ZONING)

**EXHIBIT "A"**

**METES AND BOUNDS DESCRIPTION**

Description of a parcel of land being a portion of Section 37, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a found 2" pipe for the common corners of sections 35, 36, 37 and 38, Block 79, Township 2, Texas and Pacific Railway Company Surveys from this point the common corner of sections 37, 38, 47 and 48, Block 79, Township 2, Texas and Pacific Railway Company Surveys bears South 00°35'06" East a distance of 5536.86 feet; Thence along the line between section 36 and 37 North 89°58'06" East a distance of 55.00 feet to a point for The "TRUE POINT OF BEGINNING"

Thence along said line, North 89°58'06" East a distance of 1403.08 feet to a point;

Thence leaving said South 13°21'25" East a distance of 50.00 feet to a point

Thence 547.39 feet along the arc of a curve to the left which has a radius of 1250.00 feet a central angle of 25°05'25" a chord which bears South 64°05'52" West a distance of 543.02 feet to a point;

Thence 151.96 feet along the arc of a curve to the right which has a radius of 1250.00 feet a central angle of 06°57'55" a chord which bears South 55°02'07" West a distance of 151.87 feet to a point;

Thence South 31°28'55" East a distance of 355.00 feet to a point;

Thence 721.30 feet along the arc of a curve to the right which has a radius of 1605.00 feet a central angle of 25°44'57" a chord which bears South 71°23'33" West a distance of 715.25 feet to a point;

Thence South 00°35'06" East a distance of 508.07 feet to a point;

Thence North 89°59'39" West a distance of 295.02 feet to a point;

Thence North 00°35'06" West a distance of 934.77 feet to a point;

Thence North 89°43'33" West a distance of 5.00 feet to a point;

Thence North 00°35'06" West a distance of 476.38 feet to the "TRUE POINT OF BEGINNING" and containing 22.77 acres of land more or less.

NOTE: Not a ground survey, a drawing of even date accompanies this description.



Ron R. Conde  
R.P.L.S. No. 5152  
Job#1010-19.



CONDE, INC.  
ENGINEERING / LAND SURVEYING / PLANNING  
6080 SURETY DRIVE SUITE 100 / EL PASO, TEXAS 79905 / (915) 592-0283

Being a Portion of Sections 37 & 48, Block 79,  
And Sections 7 & 18, Block 78, Township 2,  
Texas and Pacific Railway Company Surveys,  
El Paso County, Texas  
January 27, 2011  
(Parcel 2-R5 Zoning)

**EXHIBIT "A"**

**METES AND BOUNDS DESCRIPTION**

Description of a parcel of land being a Portion of Section 37, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a found 2" pipe for the common corners of sections 35, 36, 37 and 38, Block 79, Township 2, Texas and Pacific Railway Company Surveys from this point the common corner of sections 37, 38, 47 and 48, Block 79, Township 2, Texas and Pacific Railway Company Surveys bears South 00°35'06" East a distance of 5536.86 feet; Thence from said 2" pipe and along the common line of sections 36 and 37, North 89°58'06" East a distance of 1458.09 feet to a point for The "TRUE POINT OF BEGINNING"

Thence along said common line, North 89°58'06" East a distance of 3855.80 feet to a point for the northeast corner of section 37, block 79, Township 2, Texas and Pacific Railway Company surveys;

Thence along the line between section 36 and 7, North 00°35'35" West a distance of 56.76 feet to a point;

Thence leaving said line North 87°24'29" East a distance of 65.04 feet to a point;

Thence 39.00 feet along the arc of a curve to the left which has a radius of 25.00 feet a central angle of 89°22'53" a chord which bears South 45°17'01" East a distance of 35.16 feet to a point;

Thence South 00°54'04" East a distance of 100.01 feet to a point;

Thence 39.54 feet along the arc of a curve to the left which has a radius of 25.00 feet a central angle of 90°37'02" a chord which bears South 44°43'01" West a distance of 35.55 feet to a point;

Thence South 00°35'30" East a distance of 74.19 feet to a point of curve;

Thence 177.59 feet along the arc of a curve to the right which has a radius of 2050.00 feet a central angle of 04°57'49" a chord which bears South 01°53'25" West a distance of 177.54 feet to a point of reverse curve;

Thence 168.93 feet along the arc of a curve to the left which has a radius of 1950.00 feet a central angle of 04°57'49" a chord which bears South 01°53'25" West a distance of 168.88 feet to a point;

Thence South 00°35'30" East a distance of 4651.49 feet to a point of curve;

Thence 39.00 feet along the arc of a curve to the left which has a radius of 25.00 feet a central angle of 89°23'00" a chord which bears South 45°17'00" East a distance of 35.16 feet to a point;

Thence South 03°26'40" East a distance of 50.09 feet to a point;

**EXHIBIT "A"**

Thence North 89°58'30" West a distance of 77.23 feet to a point;

Thence South 00°35'30" East a distance of 77.27 feet to a point;

Thence North 87°09'36" West a distance of 50.09 feet to a point;

Thence 39.03 feet along the arc of a curve to the left which has a radius of 25.00 feet a central angle of 89°26'21" a chord which bears North 45°18'40" West a distance of 35.18 feet to a point;

Thence South 89°58'09" West a distance of 3256.47 feet to a point of curve;

Thence 333.90 feet along the arc of a curve to the left which has a radius of 1200.00 feet a central angle of 15°56'33" a chord which bears South 81°59'53" West a distance of 332.82 feet to a point;

Thence North 15°58'24" West a distance of 100.00 feet to a point;

Thence South 89°58'09" West a distance of 1566.67 feet to a point;

Thence North 00°35'06" West a distance of 3825.69 feet to a point;

Thence South 89°59'39" East a distance of 295.02 feet to a point;

Thence North 00°35'06" West a distance of 508.07 feet to a point;

Thence 721.30 feet along the arc of a curve to the left which has a radius of 1605.00 feet a central angle of 25°44'57" a chord which bears North 71°23'33" East a distance of 715.25 feet to a point;

Thence North 31°28'55" West a distance of 355.00 feet to a point;

Thence 151.96 feet along the arc of a curve to the left which has a radius of 1250.00 feet a central angle of 06°57'56" a chord which bears North 55°02'07" East a distance of 151.87 feet to a point;

Thence 547.39 feet along the arc of a curve to the right which has a radius of 1250.00 feet a central angle of 25°05'26" a chord which bears North 64°05'52" East a distance of 543.02 feet to a point;

Thence North 13°21'25" West a distance of 50.00 feet to a point for the "TRUE POINT OF BEGINNING" and containing 619.62 acres of land more or less.

Note: Not a ground survey, Bearing basis is true north for a transverse mercator surface projection as determined by GPS methods based near the center of this site.

Ron R. Conde  
R.P.L.S. No. 5152



job #\_510-88

**CONDE, INC.**  
**ENGINEERING / LAND SURVEYING / PLANNING**  
**6080 SURETY DRIVE, SUITE 100 / EL PASO, TEXAS 79905 / (915) 592-0283**

Being a Portion of Section 48, Block 79, Township 2,  
Texas and Pacific Railway Company Surveys,  
El Paso County, Texas  
January 27, 2011  
(Parcel 3-C-2 Zoning)

**EXHIBIT "A"**

**METES AND BOUNDS DESCRIPTION**

Description of a parcel of land being a Portion of Section 48, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a the common corners of sections 37, 38, 47 and 48, Block 79, Township 2, Texas and Pacific Railway Company Surveys from this point the common corner of sections 35, 36, 37 and 38, Block 79, Township 2, Texas and Pacific Railway Company Surveys bears North  $00^{\circ}35'06''$  West a distance of 5236.86 feet; Thence along the line between sections 37 and 48, North  $89^{\circ}58'09''$  East a distance of 60.00 feet to a point for The "TRUE POINT OF BEGINNING"

Thence along said line, North  $89^{\circ}58'09''$  East a distance of 1566.67 feet to a point;

Thence leaving said line South  $15^{\circ}58'24''$  East a distance of 100.00 feet to a point;

Thence 224.51 feet along the arc of a curve to the left which has a radius of 1200.00 feet a central angle of  $10^{\circ}43'10''$  a chord which bears South  $68^{\circ}40'01''$  West a distance of 224.18 feet to a point;

Thence South  $63^{\circ}18'26''$  West a distance of 716.44 feet to a point;

Thence 585.55 feet along the arc of a curve to the right which has a radius of 1258.00 feet a central angle of  $26^{\circ}40'09''$  a chord which bears South  $76^{\circ}38'30''$  West a distance of 580.28 feet to a point;

Thence South  $89^{\circ}58'35''$  West a distance of 149.03 feet to a point;

Thence North  $00^{\circ}50'04''$  West a distance of 110.01 feet to a point;

Thence 39.03 feet along the arc of a curve to the right which has a radius of 25.00 feet a central angle of  $89^{\circ}26'33''$  a chord which bears North  $45^{\circ}18'08''$  West a distance of 35.18 feet to a point;

Thence North  $00^{\circ}34'52''$  West a distance of 498.09 feet to a point for the "TRUE POINT OF BEGINNING" and containing 15.73 acres of land more or less.

Note: Not a ground survey, Bearing basis is true north for a transverse mercator surface projection as determined by GPS methods based near the center of this site.



Ron R. Conde  
R.P.L.S. No. 5152

job #\_510-88

**CONDE, INC.**  
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**6080 SURETY DRIVE, SUITE 100 / EL PASO, TEXAS 79905 / (915) 592-0283**



**MEMORANDUM**

**DATE:** June 13, 2011

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

**FROM:** Arturo Rubio, Senior Planner

**SUBJECT:** ZON10-00106

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The City Plan Commission (CPC), June 2, 2011, voted 5-0 to recommend **Approval** of rezoning the subject property Parcel 1: To C-2 (Commercial), Parcel 2: To R-5 (Residential) and Parcel 3: To C-2 (Commercial). The subject property is currently located in the ETJ and is scheduled to be heard concurrently with the related annexation request AN10-003.

The CPC found that the rezoning is in conformance with the Plan for El Paso. The CPC also determined that the 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 negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was no **OPPOSITION** to this request.

**Attachment:** Staff Report



## City of El Paso – City Plan Commission Staff Report

**Case No:** ZON10-00106  
**Application Type:** Rezoning  
**CPC Hearing Date:** June 2, 2011  
**Staff Planner:** Arturo Rubio, 915-541-4633, [rubioax@elpasotexas.gov](mailto:rubioax@elpasotexas.gov)  
**Location:** North of Pebble Hills Boulevard and East of John Hayes Boulevard  
**Legal Description:** Parcel 1: Portion of Section 37, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas  
Parcel 2: A portion of Section 37, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas  
Parcel 3: A portion of Section 48, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas  
**Acreage:** 631.696 acres  
**Rep District:** ETJ/Adjacent to District No. 5  
**Zoning:** R-F (Annexation in Process)  
**Existing Use:** Vacant  
**Request:** Parcel 1: From R-F (Ranch and Farm) to C-2 (Commercial)  
Parcel 2: From R-F (Ranch and Farm) to R-5 (Residential)  
Parcel 3: From R-F (Ranch and Farm) to C-2 (Commercial)  
**Proposed Use:** Retail and Multi-family (Apartments)  
**Property Owner:** Ranchos Real IV, LTD  
**Representative:** Conde, Inc.

### **SURROUNDING ZONING AND LAND USE**

**North:** ETJ/Vacant  
**South:** ETJ/Vacant  
**East:** ETJ/Vacant  
**West:** C-2/c (Commercial condition)/R-5 (Residential)/Single-family

**Plan for El Paso Designation:** ETJ (Not Designated)  
**Nearest Park:** Tim Foster Park (425 Feet)  
**Nearest School:** El Dorado 9<sup>th</sup> Grade Academy (1,410 Feet)

### **NEIGHBORHOOD ASSOCIATIONS**

No neighborhood associations are present in the area.

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on May 11, 2011. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

### **APPLICATION DESCRIPTION**

The applicant is requesting to rezone property as follows, Parcel 1: From R-F (Ranch and Farm) to C-2 (Commercial), Parcel 2: From R-F (Ranch and Farm) to R-5 (Residential) and Parcel 3: From R-F (Ranch and Farm) to C-2 (Commercial) to allow for single-family dwellings and general commercial uses. This rezoning application is related to an annexation AN10-003 (recommended for approval by the CPC on May 19, 2011) a request for all 631.696 acres all located within the ETJ. Also the development agreement was

previously heard by the CPC and a recommendation of approval was granted. This property is also part of the previously approved Tierra Del Este Phase III Land Study. Access to the subject property is proposed from John Hayes Boulevard, Edgemere Boulevard and Pebble Hills Boulevard.

### **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of rezoning the subject property from R-F (Ranch and Farm) to R-5 (Residential) and from R-F (Ranch and Farm) to C-2 (Commercial) based on the compatibility with the surrounding R-5 (Residential) and C-2 (Commercial) zoned areas to the west and existing residential uses to the north and south of the property. The zoning complies with the approved development agreement and land study.

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

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

- a. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.
- b. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.
- c. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character.
- d. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.

The purpose of the R-5 (Residential) district is to promote and preserve residential development within the city to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the districts will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

The purpose of the C-2 (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**.

### **Engineering & Construction Management Services Department – Plan Review**

No comments received.

### **Engineering & Construction Management Service Department - Land Development**

No objections.

### **Department of Transportation**

No objections to the rezoning as the proposed zoning is in conformance with the approved TIA and land study.

Note:

The developer is responsible for their proportionate share of mitigation at all intersections identified in the approved TIA, to be coordinated at the platting stage.

### **Fire Department**

No comments received.

**CITY PLAN COMMISSION OPTIONS**

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning 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 in the Plan by the CPC.

**Attachments:**

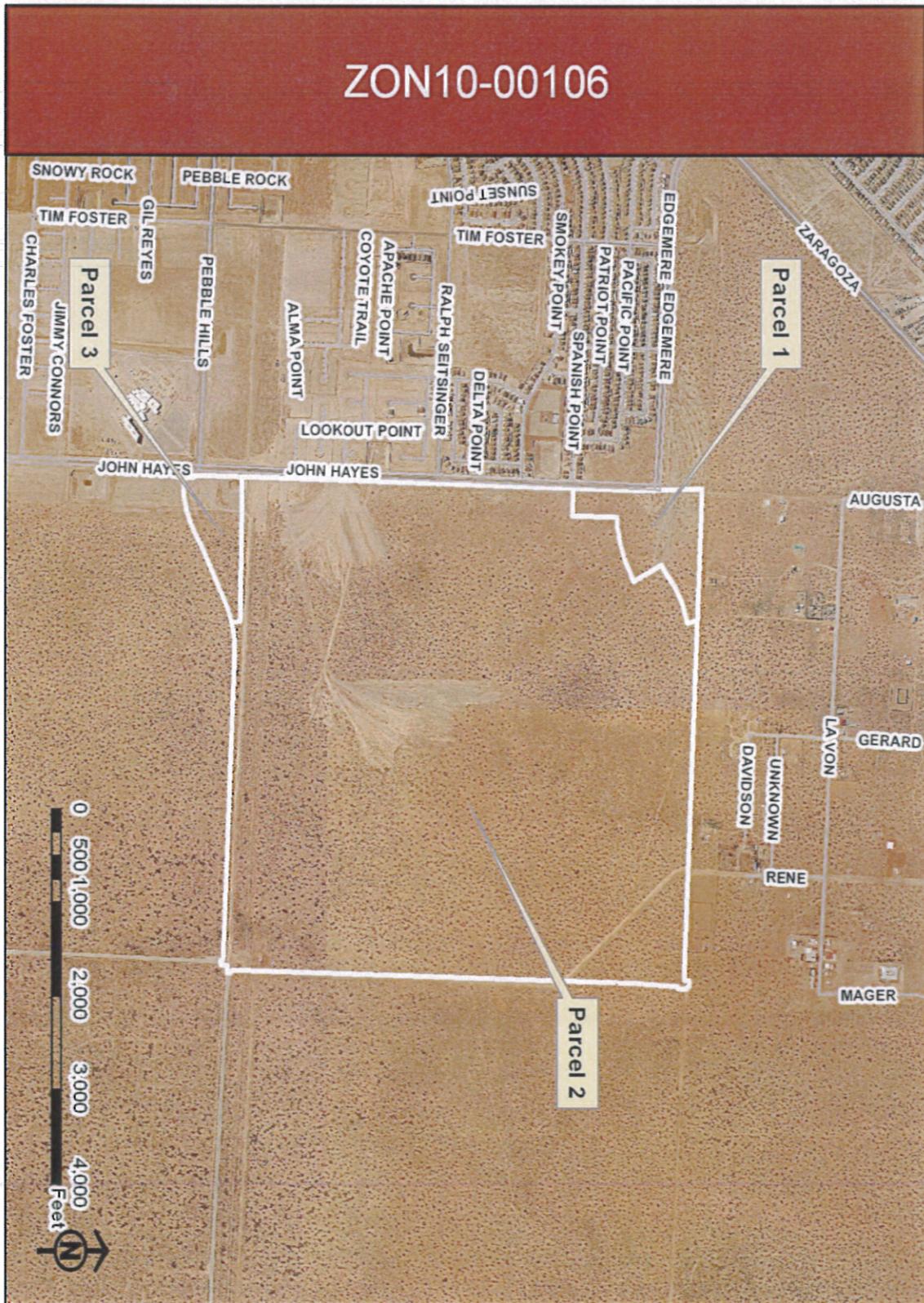
Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan



ATTACHMENT 2: AERIAL MAP



**ATTACHMENT 3: CONCEPTUAL SITE PLAN**

