

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: July 15, 2008
Public Hearing: August 5, 2008

CONTACT PERSON/PHONE: Arturo Rubio, 541-4633

DISTRICT(S) AFFECTED: 5

SUBJECT:

An Ordinance changing the zoning of the following real property described as: Parcel 1: A portion of Section 27, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, be changed from P-R I (Planned Residential I) to C-2 (Commercial) and imposing conditions; and, Parcel 2: A portion of Section 27, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, be changed from P-R I (Planned Residential I) to C-2 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of The El Paso City Code. Subject Property: North of Montana and West of Rich Beem Boulevard. Applicants: JNC Land Development, LP, ZON08-00034 (District 5).

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 (6-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Victor Q. Torres
Director, Development Services



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

CITY CLERK DEPT.
08 JUL -7 AM 9:02

ORDINANCE NO. _____

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

PARCEL 1: A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM P-R I (PLANNED RESIDENTIAL I) TO C-2 (COMMERCIAL) AND IMPOSING CONDITIONS; AND,

PARCEL 2: A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM P-R I (PLANNED RESIDENTIAL I) TO C-2 (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 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 27, Block 79, Township 2, Texas and Pacific Railway 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 P-R I (Planned Residential I) to C-2 (Commercial) and imposing conditions; and,*

Parcel 2: *A portion of Section 27, Block 79, Township 2, Texas and Pacific Railway 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 P-R I (Planned Residential I) to C-2 (Commercial) and imposing conditions; 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:

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 twenty-five foot (25') wide landscape buffer with high profile native trees placed at ten feet (10') on center, except that Mondale pine trees may be placed at fifteen (15') feet on center, be required along the property line abutting any residential zone prior to the issuance of any certificate of occupancy for the two parcels.

PASSED AND APPROVED this _____ day of _____, 2008.

THE CITY OF EL PASO

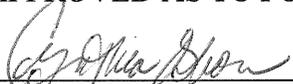
ATTEST:

John F. Cook
Mayor

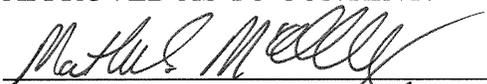
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

for 

Lupe Cuellar
Assistant City Attorney



Victor Q. Torres, Director
Development Services Department

CITY CLERK DEPT.
08 JUL -7 AM 9:02

Being a portion of Section 27, Block 79,
Township 2, Texas and Pacific Railway Company Surveys,
City of El Paso, El Paso County, Texas
Prepared for: J.N.C Land Co.
April 21, 2008
(Parcel 1)

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Section 27, Block 79, Township 2, 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 an existing city monument at the centerline intersection of Lorenzo Frias Ct. and Lorenzo Ponce Dr., from which an existing city monument at the centerline intersection of Lorenzo Frias Ct. and Michael Torres Dr. bears North $89^{\circ}59'27''$ East a distance of 370.07'; Thence North $38^{\circ}03'27''$ East a distance of 1601.70 feet to a point for THE "TRUE POINT OF BEGINNING"

Thence South $89^{\circ}19'09''$ West a distance of 258.80 feet to a point;

Thence North $00^{\circ}40'51''$ West a distance of 375.00 feet to a point;

Thence 39.27 feet along the arc of a curve to the right which has a radius of 25.00 feet a central angle of $90^{\circ}00'00''$ a chord which bears North $44^{\circ}19'09''$ East a distance 35.36 feet to a point;

Thence North $89^{\circ}19'09''$ East a distance of 67.38 feet to a point;

Thence South $00^{\circ}40'51''$ East a distance of 250.00 feet to a point;

Thence North $89^{\circ}19'09''$ East a distance of 225.00 feet to a point;

Thence 161.12 feet along the arc of a curve to the right which has a radius of 1440.00 feet a central angle of $06^{\circ}24'38''$ a chord which bears South $20^{\circ}39'02''$ West a distance of 161.03 feet to the "TRUE POINT OF BEGINNING" and containing 1.525 acres of land more or less.

Notes: Not a ground survey.


Ron R. Conde
R.P.L.S. No. 5152
Job# 108-73
R.C.



Being a portion of Section 27, Block 79,
Township 2, Texas and Pacific Railway Company Surveys,
City of El Paso, El Paso County, Texas
Prepared for: J.N.C Land Co.
April 21, 2008
(Parcel 2)

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Section 27, Block 79, Township 2, 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 an existing city monument at the centerline intersection of Lorenzo Frias Ct. and Lorenzo Ponce Dr., from which an existing city monument at the centerline intersection of Lorenzo Frias Ct. and Michael Torres Dr. bears North $89^{\circ}59'27''$ East a distance of 370.07'; Thence North $25^{\circ}19'30''$ East a distance of 1906.37 feet to a point for THE "TRUE POINT OF BEGINNING"

Thence South $89^{\circ}19'09''$ West a distance of 30.09 feet to a point;

Thence North $00^{\circ}40'51''$ West a distance of 400.00 feet to a point;

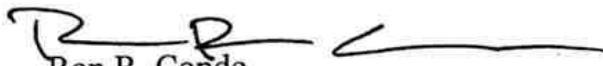
Thence North $89^{\circ}19'09''$ East a distance 329.82 feet to a point;

Thence South $00^{\circ}00'11''$ West a distance of 150.01 feet to a point;

Thence South $89^{\circ}19'09''$ West a distance of 297.95 feet to a point;

Thence South $00^{\circ}40'51''$ East a distance of 250.00 feet to the "TRUE POINT OF BEGINNING" and containing 1.30525 acres of land more or less.

Notes: Not a ground survey.


Ron R. Conde
R.P.L.S. No. 5152
Job# 108-73
R.C.





JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

VICTOR Q. TORRES
DIRECTOR, DEVELOPMENT SERVICES

MATHEW S. McELROY
DEPUTY DIRECTOR, PLANNING

CITY COUNCIL

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

DEVELOPMENT SERVICES
PLANNING DIVISION

MEMORANDUM

DATE: July 7, 2008

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

FROM: Arturo Rubio, Planner

SUBJECT: ZON08-00034

The City Plan Commission (CPC), on June 19, 2008, voted **6-0** to recommend **APPROVAL** of rezoning the subject property as follows, Parcel 1: From P-R I (Planned Residential I) to C-2 (Commercial) and Parcel 2: From P-R I (Planned Residential I) to C-2 (Commercial) and imposing conditions.

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

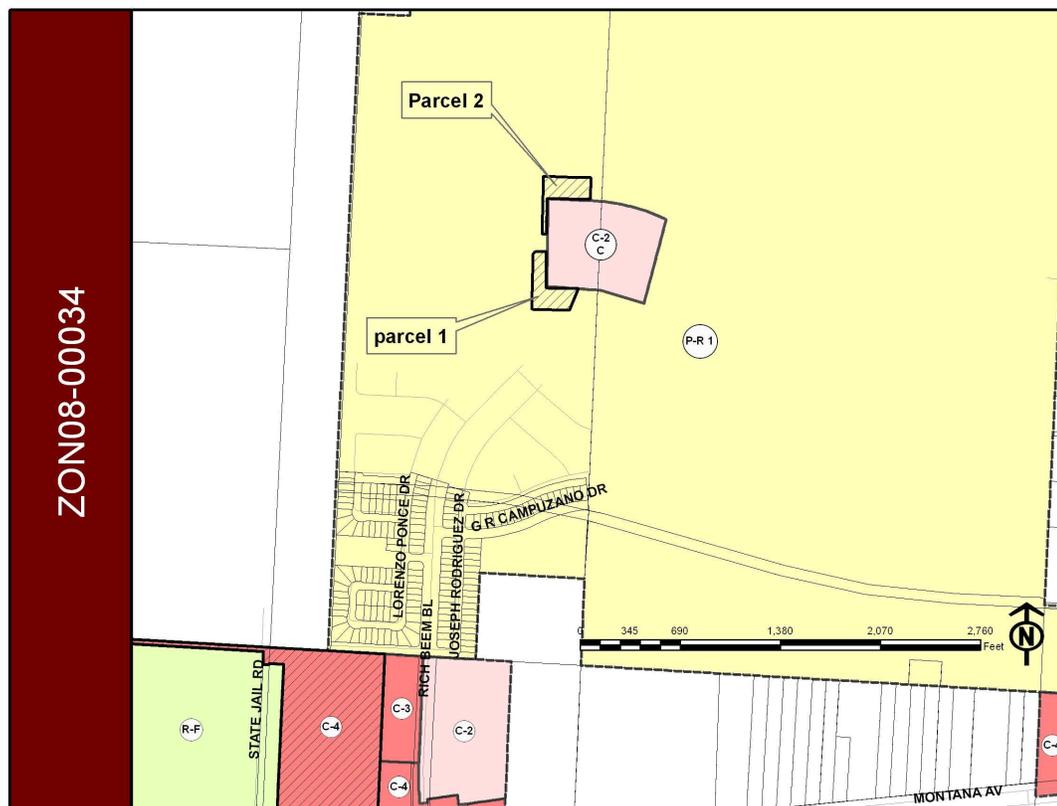


ZON08-00034

Application Type: Rezoning
Property Owner: JNC Land Development, LP
Representatives: Conde, Inc.
Legal Description: A portion of Section 27, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas

Location: North of Montana Avenue and West of Rich Beem Boulevard
Representative District: 5 **Area:** 2.830 **Present Use:** Vacant
Present Zoning: Parcel 1: From P-R I (Planned Residential I) to C-2 (Commercial)
Proposed Zoning: Parcel 2: From P-R I (Planned Residential I) to C-2 (Commercial)

Recognized Neighborhood
Associations Contacted: None
Public Response: None
Surrounding Land Uses: **North:** P-R I, C-2/c, vacant; **South:** P-R I, C-2/c, vacant
East: P-R I, vacant; **West:** P-R I, vacant
Year 2025 Designation: **Area Not Designated** (East Planning Area)



General Information:

The applicant is requesting a rezoning from P-R I (Planned Residential I) to C-2 (Commercial). Access is proposed via proposed Eastbrook Drive and Rich Beem extensions. There are no conditions on this property and it is currently vacant.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **approval** of this request for rezoning from P-R I (Planned Residential I) to C-2 (Commercial) with the following conditions as recommended by the Planning Division:

1. That a detailed site development plan be reviewed and approved per the El Paso City Code in effect at the time of submittal of the application for detailed site development plan review, prior to the issuance of any building permits; and,
2. That a twenty-five foot (25') wide landscape buffer with high profile native trees placed at ten feet (10') on center, except that Mondale pine trees may be placed at fifteen (15') feet on center be required along the property line abutting any residential zone prior to the issuance of any certificate of occupancy for the two parcels.

The recommendation is based on the following:

- **The Plan for El Paso** City-Wide Land Use Goals recommends 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.”
- **The Year 2025 Projected General Land Use Map** for the East Planning Area currently does not include this property for designated land uses.
- **C-2 (Commercial)** permits commercial development and **is compatible** with adjacent commercial zoned districts.

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 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:

Zoning Review: No objection to the proposed rezoning request. Shall need to provide a six foot high masonry screening wall along the property lines abutting the P-R I (Planned Residential I).

Landscape Review: No comments received.

Development Services Department - Planning Division:

Current Planning: Recommends approval of this rezoning request from P-R I (Planned Residential I) to C-2 (Commercial) with conditions. The recommendation to impose these conditions is based on the

same conditions imposed on the abutting C-2/c (Commercial/conditions) property.

Land Development: No Comments Received
Engineering Department - Traffic Division:

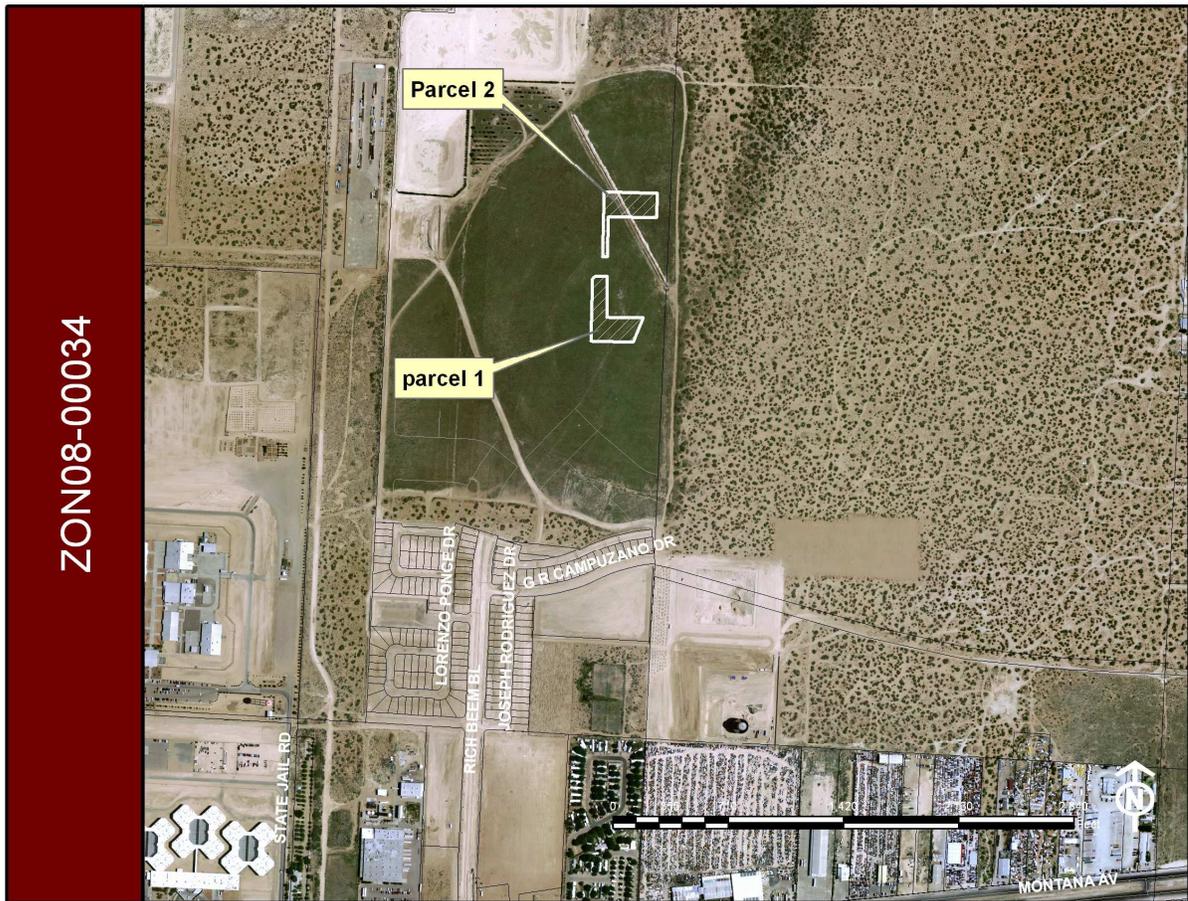
No objection to proposed rezoning.

Fire Department

No comments received.

El Paso Water Utilities:

No comments received.

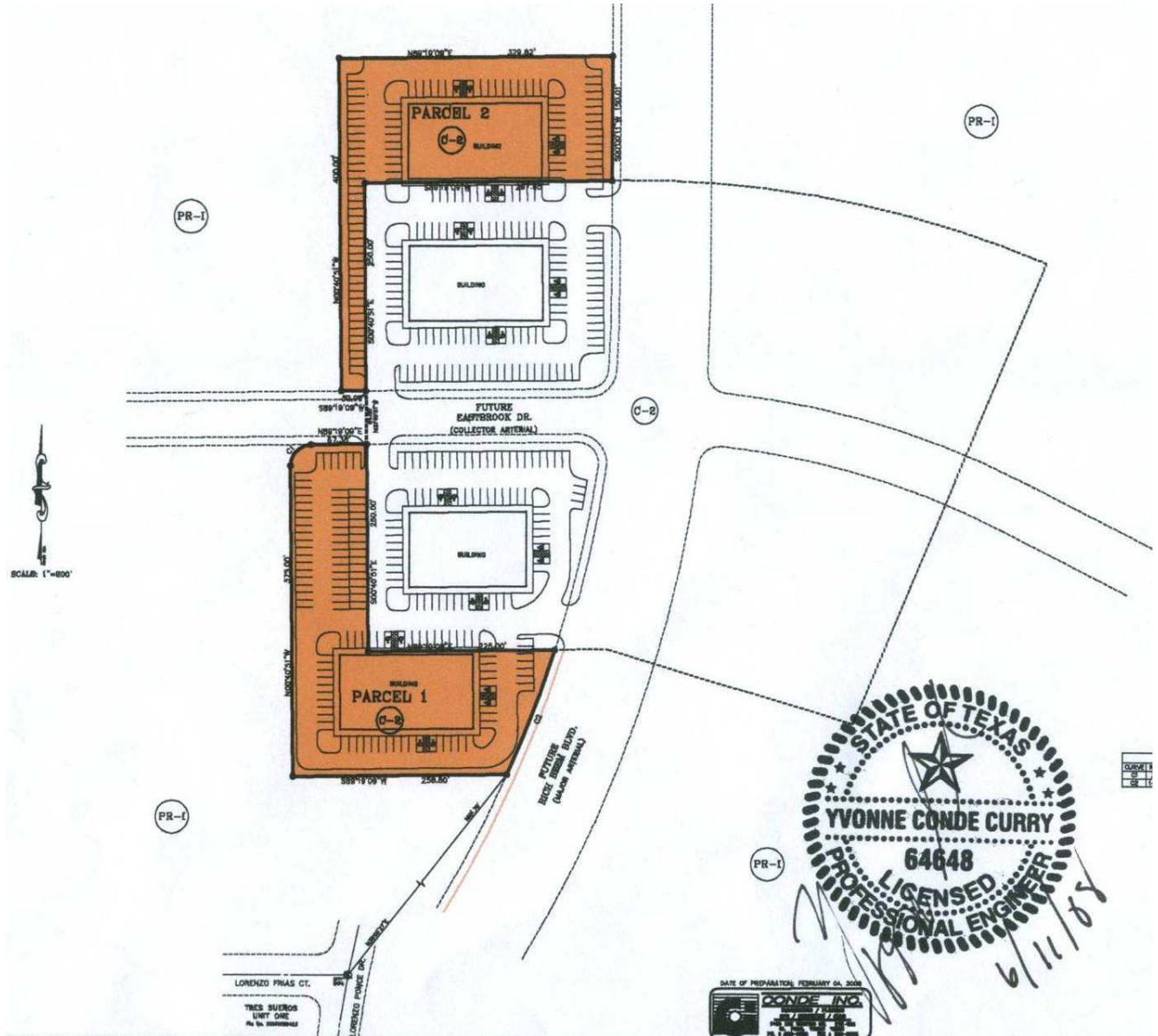


Attachments:

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): JNC Land Development, LP
 ADDRESS: 12300 Montwood ZIP CODE: 79928 PHONE: 855-1005
 APPLICANT(S): JNC Land Development, LP
 ADDRESS: 12300 Montwood ZIP CODE: 79928 PHONE: 855-1005
 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: X579-000-2270-0050
 LEGAL DESCRIPTION: Being a portion of Section 27, Block 79, Township 2, Texas and Pacific Co. Surveys,
El Paso County, Texas
 STREET ADDRESS OR LOCATION: Rich Beem Blvd. and Eastbrook Dr. REP DISTRICT: 8 5
 ACREAGE: 1.525 ac PRESENT ZONING: PR-1 PRESENT LAND USE: vacant
 PROPOSED ZONING C-2 PROPOSED LAND USE: To allow for an extension of a commercial development

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER: X579-000-2270-0050
 LEGAL DESCRIPTION: Being a portion of Section 27, Block 79, Township 2, Texas and Pacific Co. Surveys,
El Paso County, Texas
 STREET ADDRESS OR LOCATION: Rich Beem Blvd. and Eastbrook Dr.
 ACREAGE: 1.305 ac PRESENT ZONING: PR-1 PRESENT LAND USE: vacant
 PROPOSED ZONING C-2 PROPOSED LAND USE: To allow for an extension of a commercial development

4. PARCEL THREE INFORMATION

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

5. ADDITIONAL INFORMATION

OWNER (S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S): PARCEL ONE / PARCEL TWO
 Printed Name: CARLOS D. BOMACH Signature: _____
 Printed Name: [Signature] Signature: _____
 Printed Name: _____ Signature: _____
 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 08-00034 RECEIVED DATE: 4/21/08 APPLICATION FEE: \$ 810.00
 DCC REVIEW DATE: 05/21/08 (8:30 am, Planning Department Conference Room, 2nd Floor, City Hall Building)
 CPC REVIEW DATE: 06/19/08 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
 ACCEPTED BY: [Signature] FUND-01101, DEPT ID -99010335, ACCOUNT -404126

Revised 6/2004

