

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

DEPARTMENT: **Development Services Department**

AGENDA DATE: **Introduction: December 15, 2009**
 Public Hearing: January 5, 2010

CONTACT PERSON/PHONE: **Fred Lopez, (915) 541-4322**

DISTRICT(S) AFFECTED: **4**

SUBJECT:

An Ordinance changing the zoning of a portion of Section 30, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) 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: Southeast corner of US Highway 54 and McCombs Street. Property Owner: E P Plaza Partners, L.P. ZON09-00028 (**District 4**)

BACKGROUND / DISCUSSION:

See attached ordinance.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Planning & Development Legislative Review Committee – Approval on 12/2/09
Development Coordinating Committee - Pending
City Plan Commission - Pending

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

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

DEPARTMENT HEAD: Victor Torres, Development Services Director

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF SECTION 30, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) 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 *a portion of Section 30, Block 80, Township 1, 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 **R-F (Ranch and Farm)** to **C-3/c (Commercial/Conditions)**, 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 residents of this City:

1. *detailed site development plan be approved per El Paso City Code requirements prior to issuance of building permits;*
2. *a total of one (1) driveway access to the site from Rick Husband Drive shall be allowed; and,*
3. *a twenty foot (20') wide landscaped buffer with high-profile native trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at fifteen feet (15') on center along the property lines adjacent to any residential or apartment zoning districts. The landscaped buffer 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 _____ of _____ **2010**

(Signatures continue on following page)

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

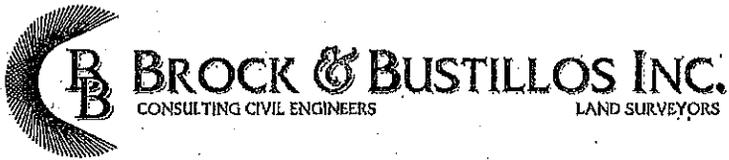
APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew McElroy Deputy Director
Development Services Department -
Planning Division

Exhibit "A"



ROMAN BUSTILLOS, P.E.
President
RANDY P. BROCK, P.E.
Executive Vice President
SERGIO J. ADAME, P.E.
Vice President - Engineering
OSCAR V. PEREZ
Vice President - Operations
ISAAC CAMACHO, R.P.L.S.
Survey Manager

METES AND BOUNDS DESCRIPTION "35 ACRE PARCEL"

A 35.00 acre parcel being a portion of Section 30, 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 an existing Brass Cap found at the intersection of the lines common to Sections 19 and 30, Block 80 and Sections 20 and 21, Block 81, Township 1, Texas and Pacific Railway Company; **THENCE**, following the line common to said Section 21, Block 81 and said Section 30, Block 80, also being the center line of F.M. 2529 (McCombs Avenue, 150 feet wide right-of-way), South $01^{\circ}04'44''$ East, a distance of 1,361.32 feet to a point; **THENCE**, leaving the center line of said F.M. 2529, North $88^{\circ}55'16''$ East, a distance of 75.02 feet to a $\frac{1}{2}$ " rebar with survey cap stamped "TX6032" set on the easterly right-of-way line of said F.M. 2529 and the southerly right-of-way line of U.S. 54 (Patriot Freeway, 400 feet wide right-of-way), for the northwest corner and the **POINT OF BEGINNING** of the parcel herein described;

THENCE, leaving the easterly right-of-way line of said F.M. 2529 and following the southerly right-of-way line of said U.S. 54, North $23^{\circ}42'47''$ East, a distance of 178.35 feet to a $\frac{1}{2}$ " rebar with survey cap stamped "TX6032" set on the southerly right-of-way line of said U.S. 54 and an angle point;

THENCE, continuing along the southerly right-of-way of said U.S. 54, North $48^{\circ}29'49''$ East, a distance of 1,646.15 feet to a $\frac{1}{2}$ " rebar with survey cap stamped "TX6032" set on the southerly right-of-way of said U.S. 54 for the northeast corner of the parcel herein described;

THENCE, leaving the southerly right-of-way line of said U.S. 54, South $16^{\circ}27'59''$ East, a distance of 850.66 feet to a $\frac{1}{2}$ " rebar with survey cap stamped "TX6032" set for the most easterly corner of the parcel herein described;

THENCE, South $49^{\circ}13'35''$ West, a distance of 265.44 feet to a $\frac{1}{2}$ " rebar with survey cap stamped "TX6032" set for an angle point;

THENCE, South $49^{\circ}10'42''$ West, a distance of 849.22 feet to a $\frac{1}{2}$ " rebar with survey cap stamped "TX6032" set for an angle point;

THENCE, South $17^{\circ}30'33''$ East, a distance of 410.32 feet to a $\frac{1}{2}$ " rebar found on the northerly right-of-way line of Rick Husband Drive (120 feet wide) and the southeasterly corner of the parcel herein described;

THENCE, following the northerly right-of-way line of said Rick Husband Drive, South 89°03'29" West, a distance of 812.49 feet to a ½" rebar with survey cap stamped "TX6032" set on the intersection of the northerly right-of-way line of said Rick Husband Drive and the easterly right-of-way line of said F.M. 2529 for the southwesterly corner of the parcel herein described;

THENCE, leaving the northerly right-of-way line of said Rick Husband Drive and following the easterly right-of-way line of said F.M. 2529, North 01°04'44" West, a distance of 694.92 feet to the *TRUE POINT OF BEGINNING*.

Said Parcel contains 35.0000 acres (1,524,600.8 square feet) more or less.


Avelardo Ponce, Tx. R.P.L.S. No.6032
Date: December 11, 2008
Job No. 05896-039



**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

MEMORANDUM

DATE: December 7, 2009

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

SUBJECT: ZON09-00028

The City Plan Commission (CPC), on November 19, 2009, voted **3 - 1** to recommend **APPROVAL** of rezoning the subject properties from R-F (Ranch and Farm) to C-3 (Commercial) with the following conditions:

1. Detailed site development plan be approved per El Paso City Code requirements prior to issuance of building permits;
2. A total of one (1) driveway access to the site from Rick Husband Drive shall be allowed; and,
3. A twenty foot (20') wide landscaped buffer with high-profile native trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at fifteen feet (15') on center along the property lines adjacent to any residential or apartment zoning districts. The landscaped buffer 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 CPC found that this rezoning is in conformance with The Plan for El Paso. The CPC also determined that this rezoning protects the best interest, health, safety, and welfare of the public, and that the proposed use is compatible with adjacent land uses. The recommendation by the CPC was against staff's recommendation of rezoning of C-2 (Commercial) with conditions.

Attachments: Staff Report, Zoning Map, Aerial Map, Detailed Site Development Plan



City of El Paso – City Plan Commission Staff Report

Case No: ZON09-00028
Application Type Rezoning
CPC Hearing Date November 19, 2009

Location Southeast corner of US Highway 54 and McCombs Street
Legal Description A portion of Section 30, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas
Acreage 35.00 acres
Rep District 4
Request From R-F (Ranch and Farm) to C-3 (Commercial)
Proposed Use Commercial Development

Property Owner E P Plaza Partners, L.P. (formerly City of El Paso - Public Service Board)
Representative Conde, Inc.

SURROUNDING ZONING AND LAND USE

North: R-F (Ranch and Farm) / Vacant
South: R-3A/c (Residential/conditions) / Single-family Residential
East: R-F (Ranch and Farm) / Northeast Regional Park
West: C-2/c (Commercial/conditions) / Convenience Store

THE PLAN FOR EL PASO DESIGNATION: Open Space and Commercial (Northeast Planning Area)
NEAREST PARK: Northeast Regional Park (Adjacent)
NEAREST SCHOOL: Barron Elementary School (1,865 Feet)

NEIGHBORHOOD ASSOCIATIONS

Northeast Civic Association

NEIGHBORHOOD INPUT

Notices of the November 19, 2009 City Plan Commission meeting were mailed out to property owners within 300 feet of the subject property on November 6, 2009. The Planning Division has received no responses to the rezoning application.

CASE HISTORY

The case was postponed at the July 2, 2009 CPC hearing after meetings with staff and the applicants regarding possibly amending the request to a G-MU (General Mixed Use) zoning designation. The case was subsequently postponed at the July 16, 2009 CPC hearing at the request of the applicant and deleted at the 8-27-09 CPC hearing.

APPLICATION DESCRIPTION

The applicant is requesting to rezone the property from R-F (Ranch and Farm) to C-3 (Commercial) in order to permit commercial development. The property is located adjacent to the Northeast Regional Park and single-family residential development to the south. Access is proposed via McCombs Street, Rick Husband Drive, and US Highway 54 (Patriot Freeway).

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

The Development Coordinating Committee provides the following comments:

The DCC recommends **DENIAL** of rezoning the property from R-F (Ranch and Farm) to C-3 (Commercial) and instead recommends **APPROVAL** of rezoning the property from R-F (Ranch and Farm) to C-2 (Commercial) with the following conditions:

- A detailed site development plan be reviewed and approved per the El Paso City Code prior to the issuance of building permits.
- A 20' landscaped buffer with high-profile native trees of at least two-inch (2") caliper and ten (10') in height be placed at fifteen (15') on center along the property lines adjacent to any residential or apartment zoning districts and the Northeast Regional Park. The landscaped buffer 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.
- A maximum of two points of access onto Rick Husband Drive be permitted from the development, with no additional median cuts permitted to the site.
- A traffic impact analysis be completed for the site prior to the issuance of building permits or the preliminary subdivision plat approval, whichever is processed first.

PLANNING DIVISION RECOMMENDATION

Planning recommends **DENIAL** of rezoning the property from R-F (Ranch and Farm) to C-3 (Commercial) and instead recommends **APPROVAL** of rezoning the property from R-F (Ranch and Farm) to C-2 (Commercial) with the following conditions:

- A detailed site development plan be reviewed and approved per the El Paso City Code prior to the issuance of building permits.
- A 20' landscaped buffer with high-profile native trees of at least two-inch (2") caliper and ten (10') in height be placed at fifteen (15') on center along the property lines adjacent to any residential or apartment zoning districts and the Northeast Regional Park. The landscaped buffer 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.
- A maximum of two points of access onto Rick Husband Drive be permitted from the development, with no additional median cuts permitted to the site.
- A traffic impact analysis be completed for the site prior to the issuance of building permits or the preliminary subdivision plat approval, whichever is processed first.

The Plan for El Paso –City-wide Land Use Goals

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

- a. Goal: develop 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.
- c. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the City's neighborhoods.
- d. Goal: protect residential areas from incompatible land uses and encroachments which may have a negative impact on the residential living environment.

The subject property is directly adjacent to the Northeast Regional Park and existing single-family residential development. The character of the commercial development in this area is predominately C-1 (Commercial) and C-2 (Commercial) which permits a mix of neighborhood commercial services that serve existing single-family residential development. Allowing C-3 (Commercial) and C-4 (Commercial) uses in this area would introduce automotive and intense commercial uses which are incompatible with the adjacent single-family residential and Northeast Regional Park.

Development Services Department - Building Permits and Inspections Division

Landscaping: Landscaping is required for the proposed commercial development. No landscaping calculations provided.

Engineering Department - Traffic Division

The Engineering Department – Traffic Division recommends a Traffic Impact Analysis (TIA) shall be required as per Section 19.18. Commercial developments shall provide a TIA when it is expected to generate more than 500 adjusted average daily trips (ADT). Access to McCombs Street and Patriot Freeway shall be coordinated with the Texas Department of Transportation (TxDOT).

Fire Department

No opposition to the request at this time.

El Paso Water Utilities

EPWU does not object to this request.

CITY PLAN COMMISSION OPTIONS

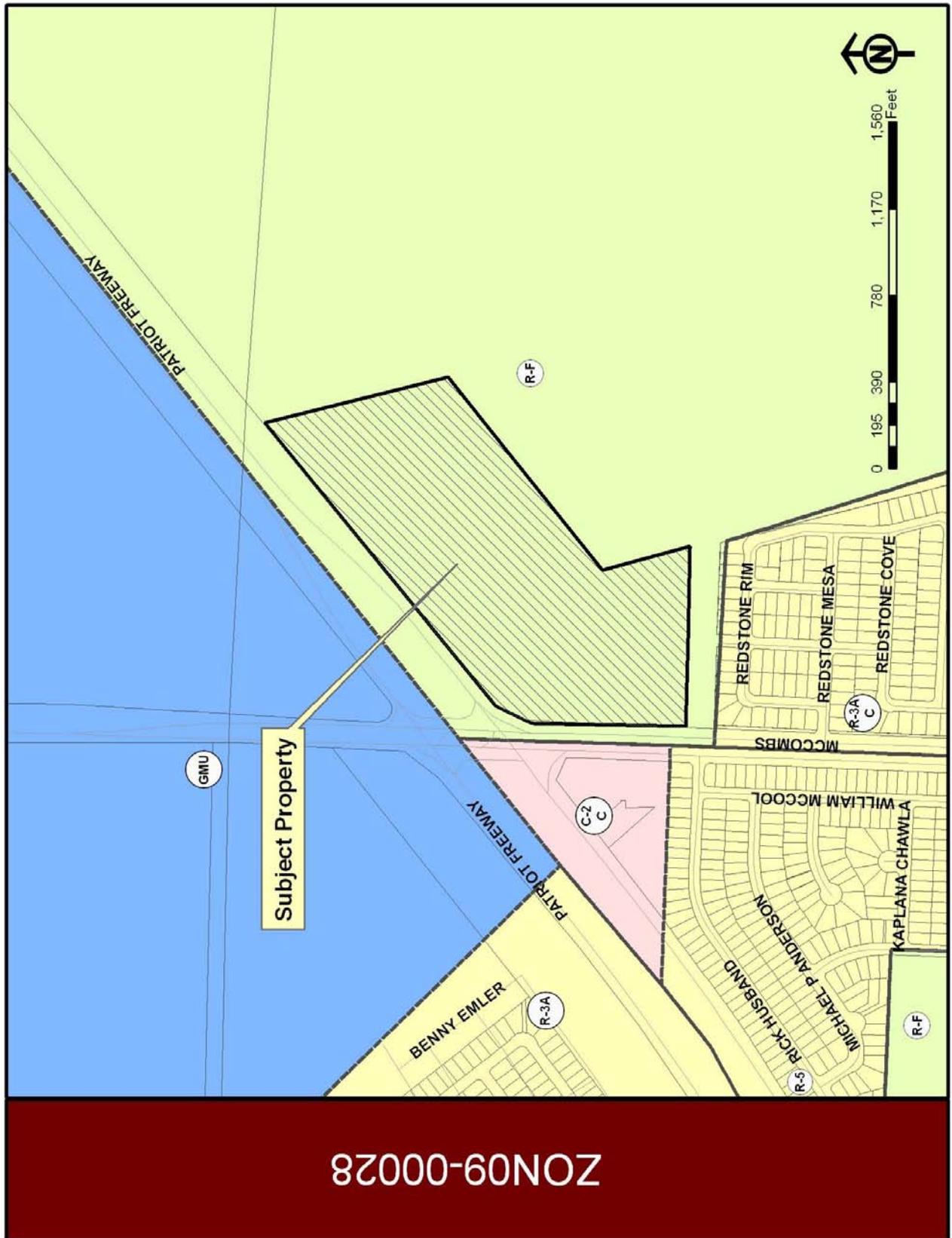
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application:

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 from the Plan by the CPC.

Attachments

1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

