

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

**DEPARTMENT:** Development Services Department - Planning Division

**AGENDA DATE:** Introduction: July 5, 2006  
Public Hearing: July 25, 2006

**CONTACT PERSON/PHONE:** Fred Lopez, AICP, 541-4925

**DISTRICT(S) AFFECTED:** 4

**SUBJECT:**

An Ordinance changing the zoning of a portion of Section 3, Block 81, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to Q (Quarry). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: West of Martin Luther King Blvd, South of the Texas – New Mexico Stateline, and East of the Franklin Mountains State Park. Applicant: El Paso Water Utilities – Public Service Board. ZON06-00043 **(District 4) THIS IS AN APPEAL CASE**

**BACKGROUND / DISCUSSION:**

See attached report

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Approval Recommendation  
City Plan Commission (CPC) – Denial Recommendation (4 – 1)

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

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

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

**DEPARTMENT HEAD:** George Sarmiento, AICP

**APPROVED FOR AGENDA:** \_\_\_\_\_

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

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF SECTION 3, BLOCK 81, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY TEXAS FROM R-F (RANCH AND FARM) TO Q (QUARRY). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 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 3, Block 81, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County Texas, and as more particularly described by metes and bounds on Exhibit "A", attached and incorporated by reference, be changed from R-F (Ranch and Farm) to Q (Quarry) 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 \_\_\_\_\_, 2006.

THE CITY OF EL PASO

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

ATTEST:

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Carolyn J. Crosby  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Rodolfo Valdez, Chief Urban Planner  
Development Services Department

Being a portion of Section 3, Block 81, Township 1,  
Texas and Pacific Railway Company Surveys,  
City of El Paso, El Paso County, Texas  
Prepared for: Jobe Concrete  
May 10, 2006

## Exhibit "A"

### METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Section 3, Block 81, 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:

The "TRUE POINT OF BEGINNING" being a point for the corner common to Sections 3, 4, 9 and 10, Block 81, Township 1, Texas and Pacific Railway Company Surveys,

Thence along the line between sections 3 and 4, North 00°55'00" West a distance of 3583.01 feet to a point;

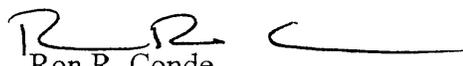
Thence leaving said line North 89°43'00" East a distance of 2708.64 feet to a point;

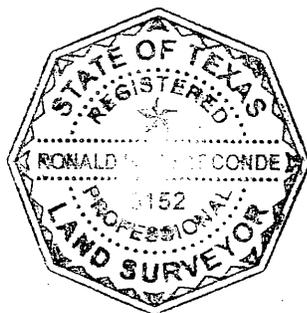
Thence South 00°55'00" East a distance of 3587.73 feet to a point on the line between sections 3 and 10, block 81, Township 1, Texas and Pacific Railway Company Surveys;

Thence along said line South 89°49'00" West a distance of 2708.70 feet to the "TRUE POINT OF BEGINNING" and containing 222.93 Acres of land more or less.

NOTE: Not a ground survey

Description prepared from corrected field notes of survey prepared by Paul McCombs, dated July 7, 1916 on file at the General Land Office, file no. S-29347, certificate no. 6992, abstract no. 2380.

  
Ron R. Conde  
R.P.L.S. No. 5152  
Job# 406-35



CONDE, INC.  
ENGINEERING / LAND SURVEYING / PLANNING  
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

JOHN COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER

GEORGE G. SARMIENTO, AICP  
DEPUTY DIRECTOR



CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
PRESI ORTEGA, JR., DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION**

June 23, 2006

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

**FROM:** Fred Lopez, AICP

**SUBJECT:** ZON06-00049

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The City Plan Commission (CPC), on June 1, 2006, voted (**4 - 1**) to recommend **DENIAL** of rezoning the subject property from R-F (Ranch and Farm) to Q (Quarry).

The CPC found that this rezoning is in not in conformance with The Plan for El Paso; and the proposed use is not in conformance with the Year 2025 Projected General Land Use Map or the Northeast Master Plan. The CPC also determined that this rezoning does not protect the best interest, health, safety, and welfare of the public in general; that the proposed use is not compatible with adjacent land uses; and the effects of the rezoning will have an effect on the natural environment, social economic conditions, and property values in the vicinity and the City as a whole.

There was opposition to this request. As of June 23, 2006, the Development Services Department – Planning Division has received 212 letters in opposition to this request and 3 letters in support of this request.

**Attachment:** City Plan Commission Report

**STAFF REPORT**

**Rezoning Case:** ZON06-00043

**Property Owner(s):** City of El Paso

**Applicant(s):** Public Service Board

**Representative(s):** Public Service Board

**Legal Description:** A portion of Section 3, Block 81, Township 1, Texas and Pacific Railway Company Surveys

**Location:** West of Martin Luther King Blvd, South of the Texas – New Mexico Stateline, East of the Franklin Mountains State Park

**Representative District:** 4

**Area:** 222.93 Acres

**Present Zoning:** R-F (Ranch and Farm)

**Present Use:** Vacant

**Proposed Zoning:** Q (Quarry)

**Proposed Use:** Quarry

**Recognized Neighborhood Associations Contacted:** Northeast Civic Association, Northeast Healthy Communities, North Hills Neighborhood Pride

**Surrounding Land Uses:**

<b>North -</b>	Texas – New Mexico Stateline / Undeveloped
<b>South -</b>	R-F (Ranch and Farm) / Undeveloped
<b>East -</b>	R-F (Ranch and Farm) / Undeveloped
<b>West-</b>	PMD (Planned Mountain Development) / Undeveloped

**Year 2025 Designation:** Residential, Parks and Open Space (Northeast Planning Area)

**CITY PLAN COMMISSION HEARING, JUNE 1, 2006,  
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

**REZONING APPLICATION: ZON06-00043**

**GENERAL INFORMATION:**

The Public Service Board is requesting a rezoning from R-F (Ranch and Farm) to Q (Quarry) in order to permit a quarry. The property is 222.93 acres in size and is currently vacant. The proposed site plan shows a proposed 70-acre excavation site and quarry uses to be located on the site. Access is proposed via a private driveway from Martin Luther King Boulevard. There are no zoning conditions currently imposed on this property.

**INFORMATION TO THE COMMISSION:**

The Development Services Department – Planning Division has received 212 letters in opposition and 3 letters in support of this request.

**STAFF RECOMMENDATION:**

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL** of this request for rezoning from R-F (Ranch and Farm) to Q (Quarry).

The recommendation is based on the following:

**The Plan for El Paso** Citywide Land Use Goals recommend that El Paso “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.”

**The Year 2025 Projected General Land Use Map** for the **Northeast** Planning Area designates this property Residential, Parks and Open Space land uses.

**The Northeast Master Plan Land Use Map** designates this property for for Low-Density Residential, Natural Transition Buffer, and Park uses.

**Q (Quarry) zoning** permits a quarry and **is compatible** with adjacent development.

The Commission must determine the following:

1. Will the Q (Quarry) zoning protect the best interest, health, safety and welfare of the public in general?
2. Will a quarry be compatible with adjacent land uses?

**Information To The Applicant:**

**Development Services Department - Building Permits and Inspections Division Comments:**

No adverse comments with the proposed rezoning request.

**Development Services Department - Planning Division Comments:**

1. Grading and drainage plans shall be submitted for review at the time permit application(s); all comments shall be addressed.
  - Show approximate location of areas subject to inundation of storm water overflow and the location, widths, existing watercourses, drainage flows, patterns, improvements, conditions, natural drainage channels, and site of their relocation, type, material and the size of any proposed storm water drainage system(s).
  - Provide dimensions and identifications of parcel boundaries, adjacent or abutting easements, canal, drains and subdivisions. Legal description, i, e., lot, block and subdivision or tract name or section, township or other proper identification shall identify all adjoining property.
2. If platting is required, applicant shall comply with section 19.16.050 H – Preservation of Natural Arroyos, prior to beginning any grading operations.
3. Due to the quarry being within an area in a Special Flood Hazard Area, the flood zone plain and zone designation and limits shall be illustrated on the proposed contours drawing. Provide flood zone designation, flood plain boundaries and base flood elevations as applicable and existing and proposed drainage flows, patterns, improvements, conditions, etc.
4. Applicant shall coordinate with FEMA for the requirements for the disturbance of the Special Flood Hazard Area; all applicable information shall be submitted prior to beginning any grading operations.
5. Applicant shall coordinate with the U.S. Army Corps of Engineers for the requirements of the 401 and 404 Permits in conformance with the Clean Water Act. As may be applicable, at the minimum, copies of the provisional permit, plans and applications shall be submitted to Planning Land Development Engineering Division prior to beginning any grading operations. Final permit shall be submitted promptly upon U.S. Army Corps of Engineer approval.
6. A note to the Owner/Developer: A portion of the proposed quarry is within Special Flood Hazard Area, Flood Zone A and Flood Zone C, Panel 480214 0003 B.

**Engineering Department - Traffic Division Comments:**

No apparent traffic concerns.

**Fire Department Comments:**

No comments received.

**El Paso Water Utilities Comments:**

No comments received.

**NOTE TO THE PROPERTY OWNER:** CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING DEPARTMENT AT (915) 541-4056.

**APPEAL TO THE CITY COUNCIL**

DATE: June 7, 2006

HONORABLE MAYOR AND CITY COUNCIL  
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on June 1, 2006, the  
City Plan Commission denied my request for  
Rezoning 223 Acres from R-F (Ranch-Farm) to Q (Quarry)

legally described as: A portion of Section 3, Block 81, Township 1, Texas &  
Pacific Railway Surveys, City of El Paso, El Paso County, Texas and more  
particularly described by attached metes and bounds.

I hereby request the City Council to review the decision of the City  
Plan Commission AND CONSIDER MY REQUEST

SET OUT ABOVE. I AM ATTACHING A LETTER SETTING FORTH MY  
REASONS FOR BELIEVING THEIR DECISION TO BE IN ERROR.



APPLICANT  
Edmund G. Archuleta, P.E.  
General Manager  
El Paso Water Utilities  
Public Service Board  
1154 Hawkins Blvd

ADDRESS  
594-5501

TELEPHONE NUMBER

Two (2) copies filed in City Clerk's Office on: \_\_\_\_\_



EDMUND G. ARCHULETA, P.E.

June 7, 2006

Honorable Mayor Cook and City Council  
City of El Paso  
Two Civic Center Plaza  
El Paso, Texas 79901

Dear Honorable Mayor Cook and City Council Representatives:

This letter, on behalf of the El Paso Water Utilities Public Service Board, is to appeal the decision of the El Paso City Plan Commission to deny the request to rezone 223 acres of property in Northeast El Paso. On June 1, 2006, the City Plan Commission denied the rezoning request for a 223 acre portion of land in Northeast El Paso from R-F (Farm- Ranch) to Q (Quarry). The property is located over three miles north of North Hills Subdivision, one-third mile (1/3) south of the New Mexico/Texas state line and seven-tenths (0.7) of a mile west of Martin Luther King Jr. (MLK) Drive. This land is in a remote portion of the City and is well below the Franklin Mountain foothills and east of Planned Mountain Development (PMD) zoned land.

The PSB has entered into a lease for this property with Jobe Materials, L.P. for twenty years with an option to renew for an additional twenty years. The rezoning is required to implement the lease. The original lease for 320 acres was signed on December 13, 2005, and amended by the Public Service Board on April 25, 2006, to reduce the size to 240 acres and again on May 24, 2006, to reduce the lease size to 223 acres. This was done as a result of input I received at City Representatives O'Rourke and Castro's breakfast meetings to assure preservation of a buffer zone identified in the Northeast Masterplan. I have also committed to certain environmental groups to preserve the adjacent buffer area through a conservation easement.

The City Planning Department and the Development Coordinating Committee (DCC) recommended approval of the rezoning request recognizing that this lease will comply with the long-term planning of the Northeast Masterplan.

The City Plan Commission denied the request on the grounds that the Northeast Master Plan which was completed in May 2005 showed that the subject land where the proposed quarry site is located was designated for residential use. The site where the actual quarry excavation site will be located is 70 acres in size out of the 223 acres of the proposed lease land and its location is situated in a site reserved for a future ponding area as per the approved PSB Northeast Master Drainage Study. The potential quarry site, when the lease terminates, will provide the

The Honorable Mayor Cook & City Council Representatives  
June 7, 2006  
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necessary volume for downstream relief by reducing the size of the drainage infrastructure and will save the City from having to excavate the site in the future for a ponding or retention dam.

Thus, the quarry excavation will not compromise at all the residential use designation. There are mainly outstanding examples in this country where former quarries were developed into golf courses, residential and other beautiful areas.

The PSB has committed, along with the City, to fully support Fort Bliss and provide for economic development and growth. Implementation of the Northeast Masterplan to provide smart growth communities requires the basic raw materials for roads, houses, schools, highways, police and fire stations, libraries, etc. We believe providing for raw materials recently close to new development areas provides for economies and efficiencies that allow for lower cost of construction and ultimately benefits all El Pasoans. We also believe competition will help stabilize pricing in our region. The location of this quarry is as far north as could possibly be sited within the city limits. We do not anticipate development to reach this area for at least 50 years simply because it will take time and hundreds of millions of dollars in infrastructure to serve this remote area.

I will be at the City Council meeting when this item is scheduled and respectfully request your consideration in approving the rezoning request.

Sincerely,

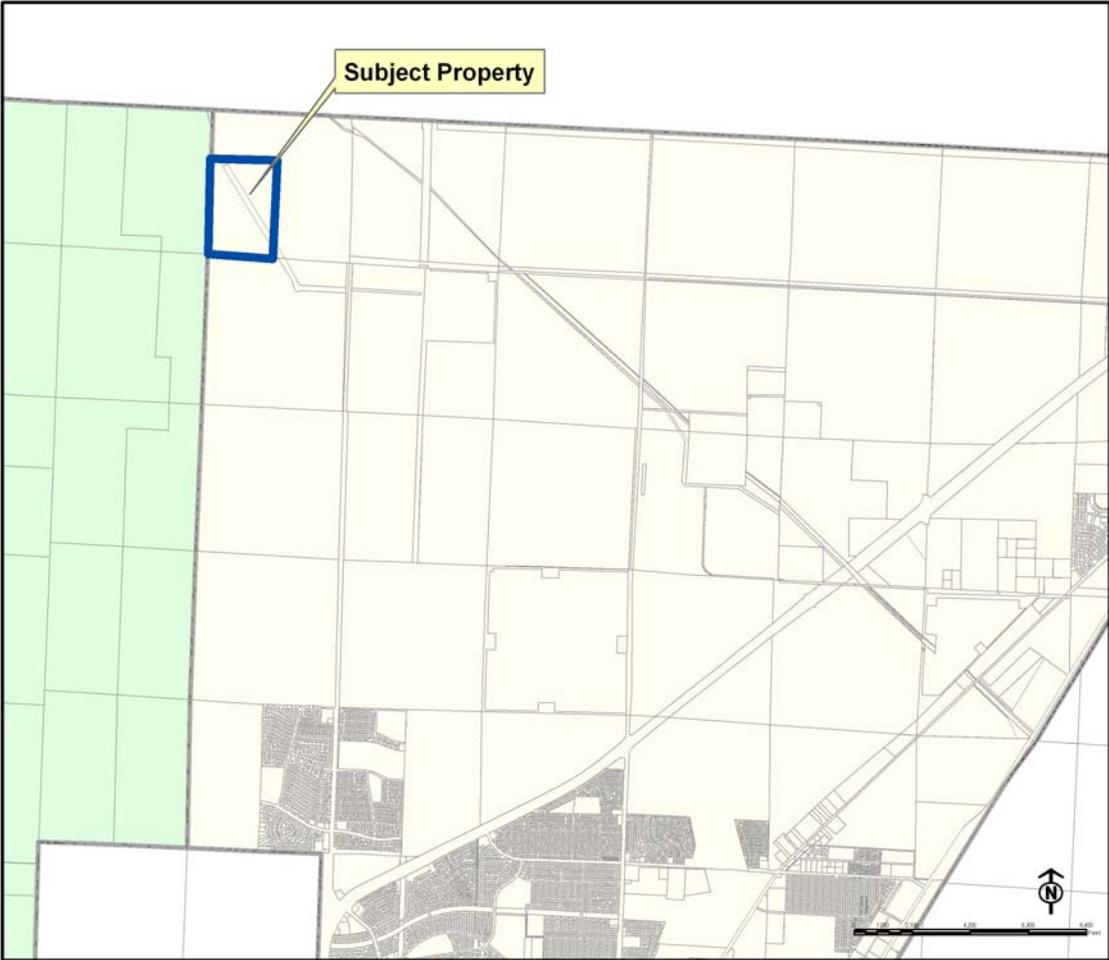


Edmund G. Archuleta, P.E.  
General Manager

CC: The Honorable Mayor John Cook (email) and Public Service Board Members (email)  
City Council Representatives (email)  
Joyce Wilson, City Manager (email)  
Pat Adatao, Deputy City Manager for Building & Planning Services (email)  
Charlie McNabb, City Attorney (email)  
Theresa Cullen-Garney, Deputy City Attorney (email)  
Richarda Duffy-Momsen, City Clerk (Hand-Delivered Original Letter and Appeal Form)  
Nicholas J. Costanzo, Assistant General Manager (email)  
Marcela Navarrete, Chief Finance Officer, PSB (email)  
Jim Shelton, Land Administration, PSB (email)

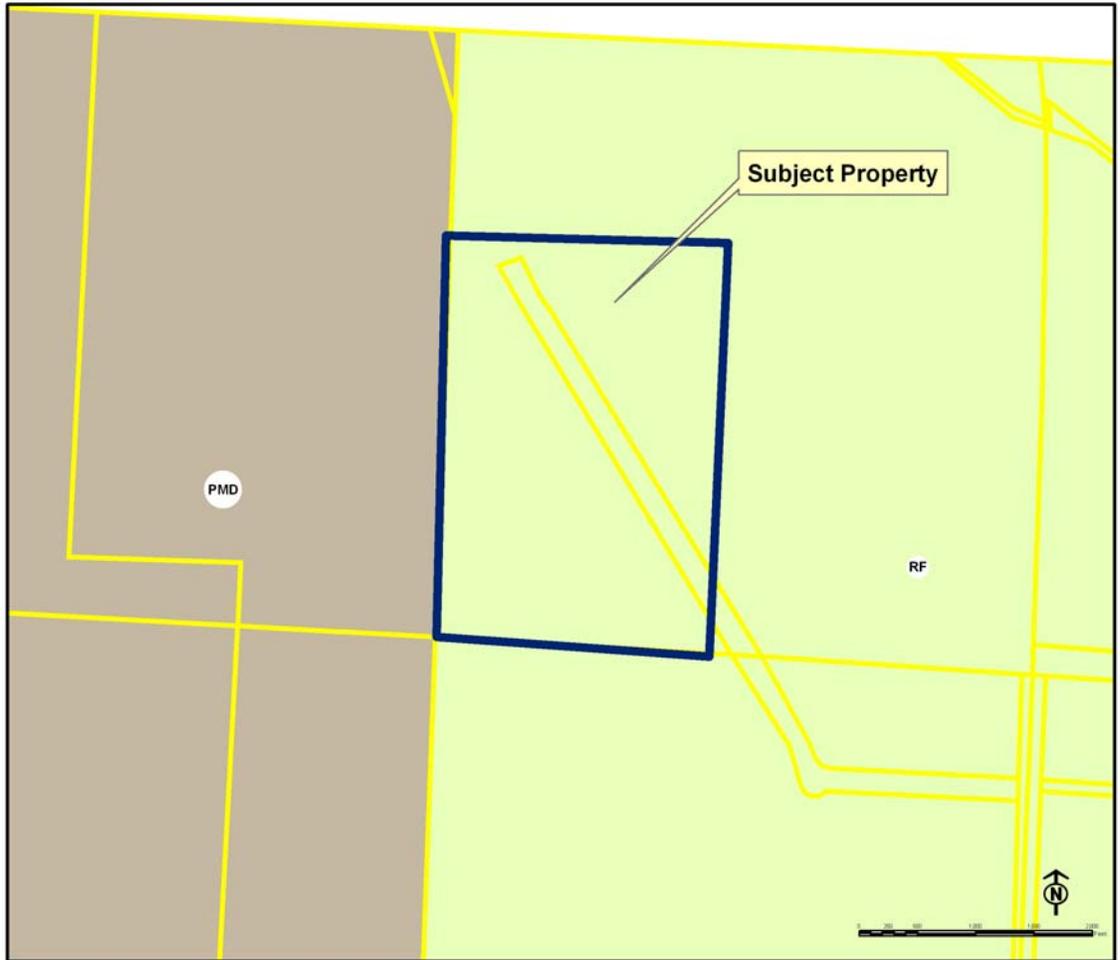
**LOCATION MAP**

ZON06-00043



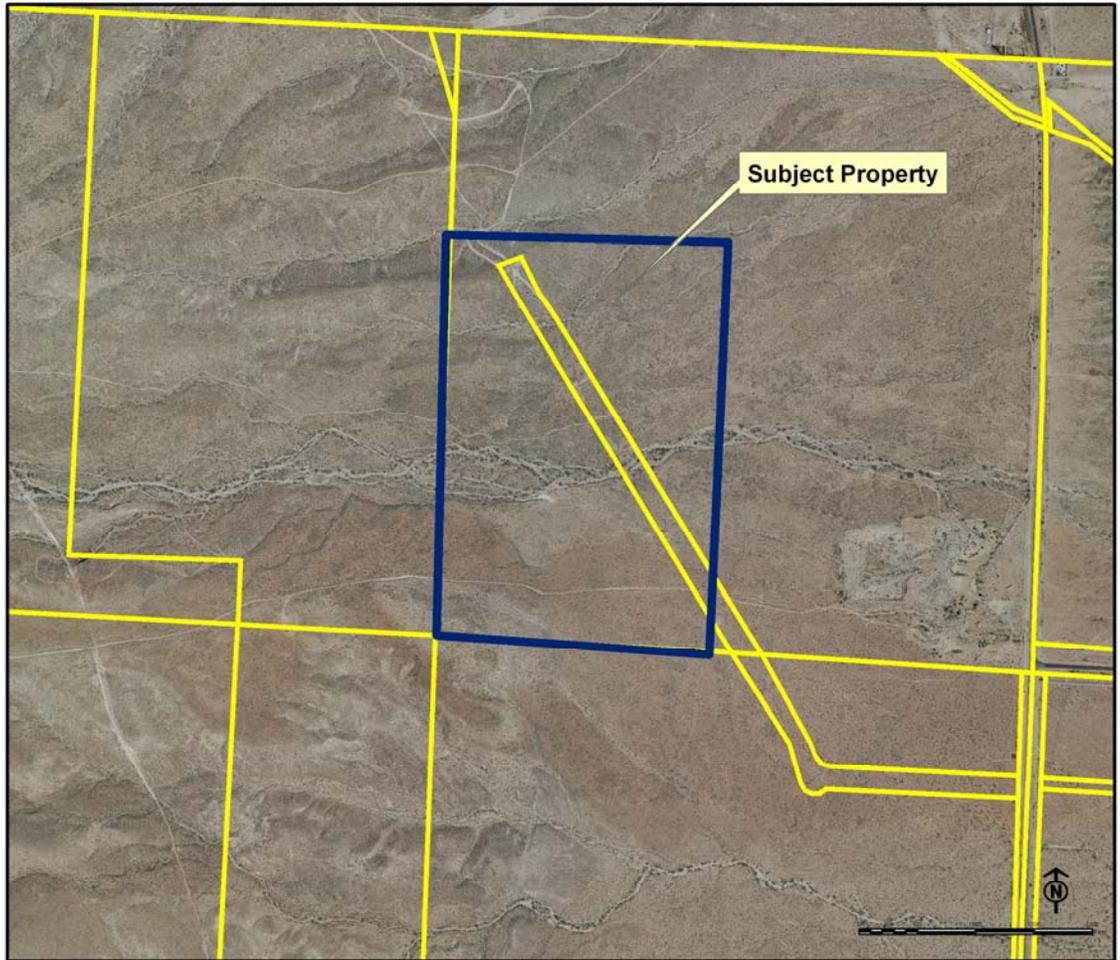
ZONING MAP

ZON06-00043



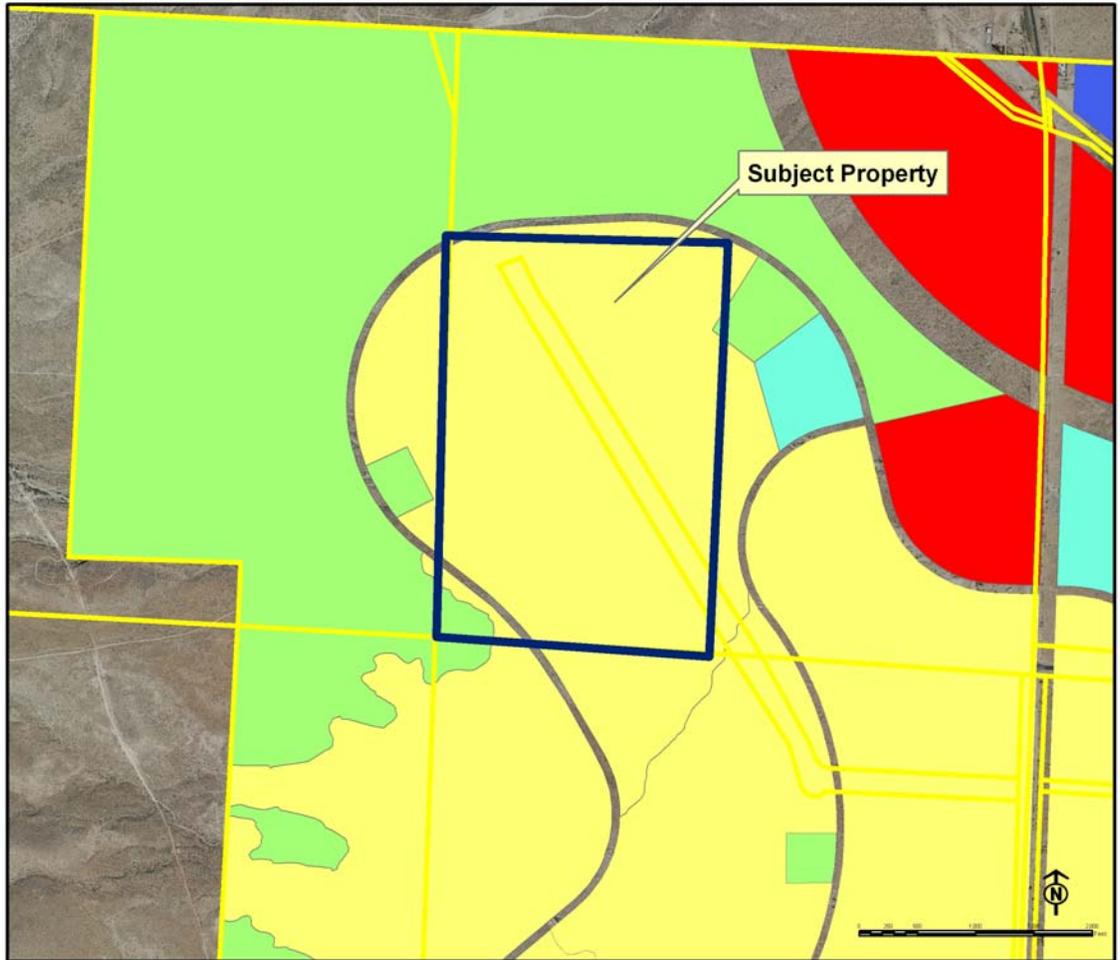
AERIAL MAP

ZON06-00043



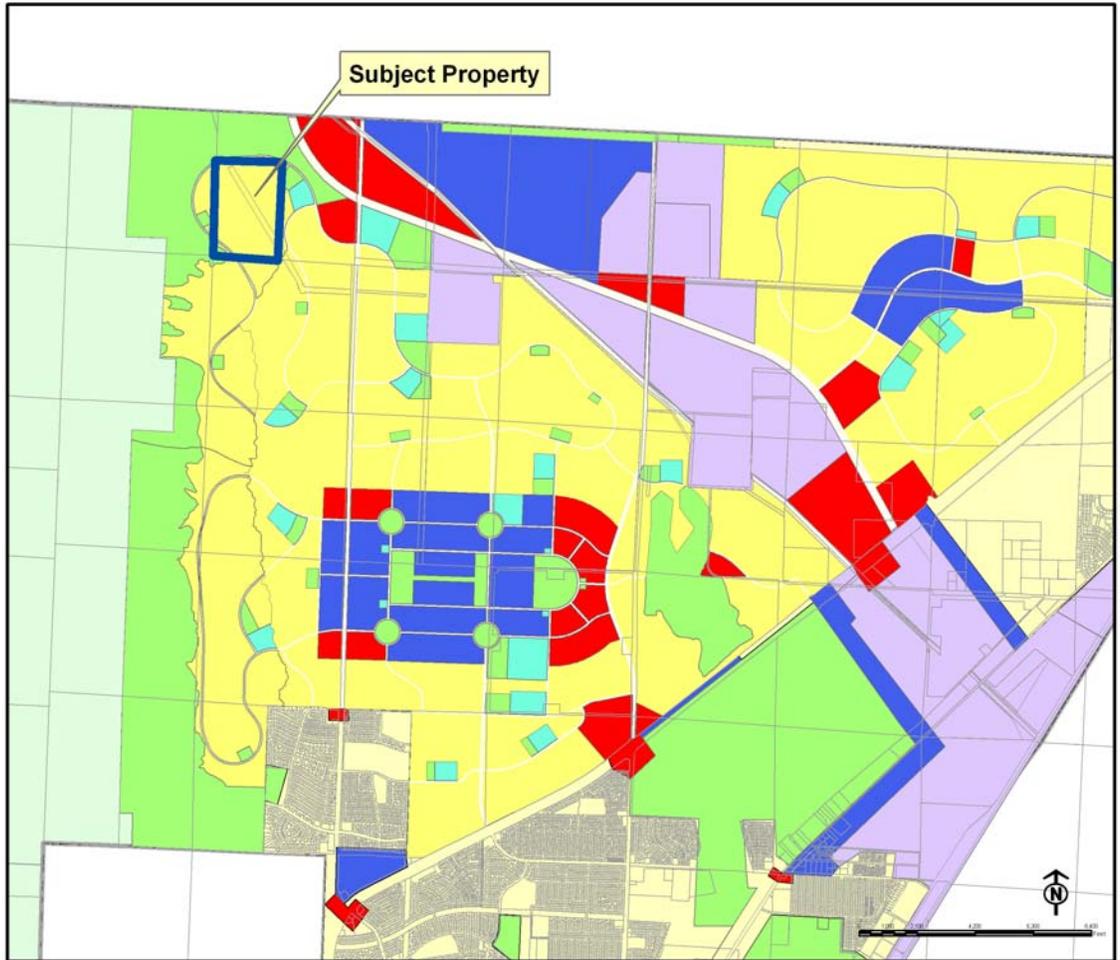
2025 PROJECTED LAND USE MAP

ZON06-00043

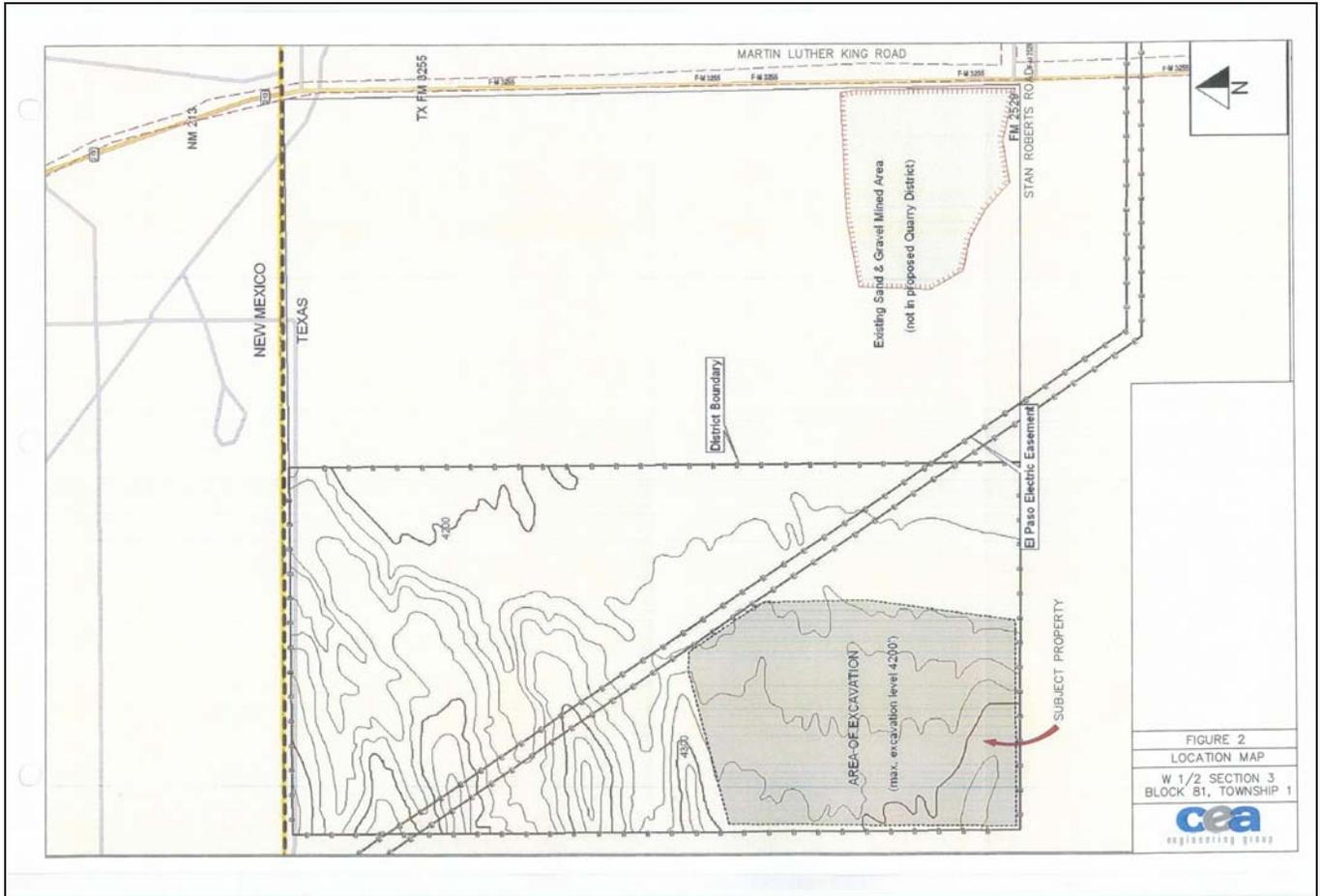


**2025 PROJECTED LAND USE MAP**

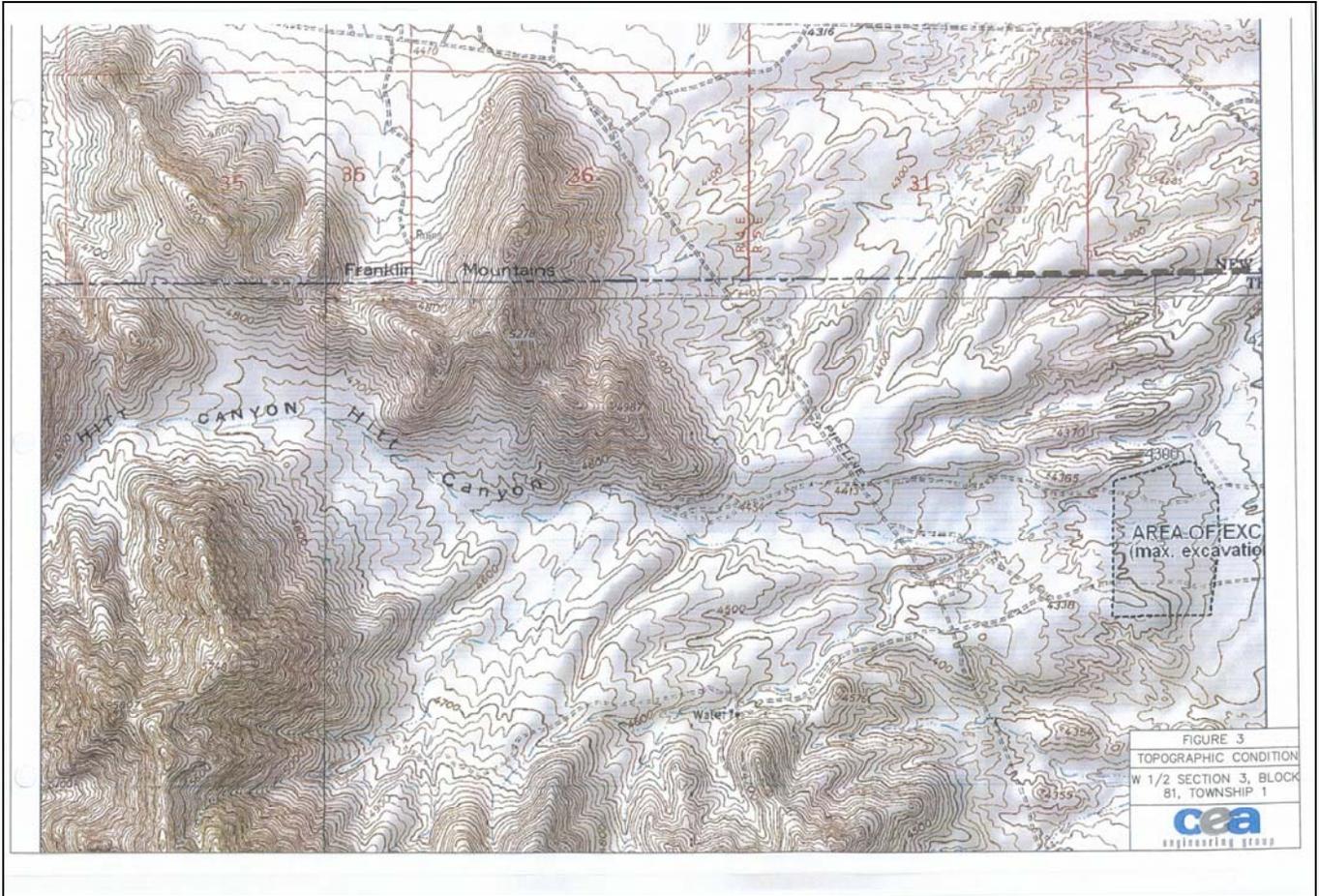
ZON06-00043



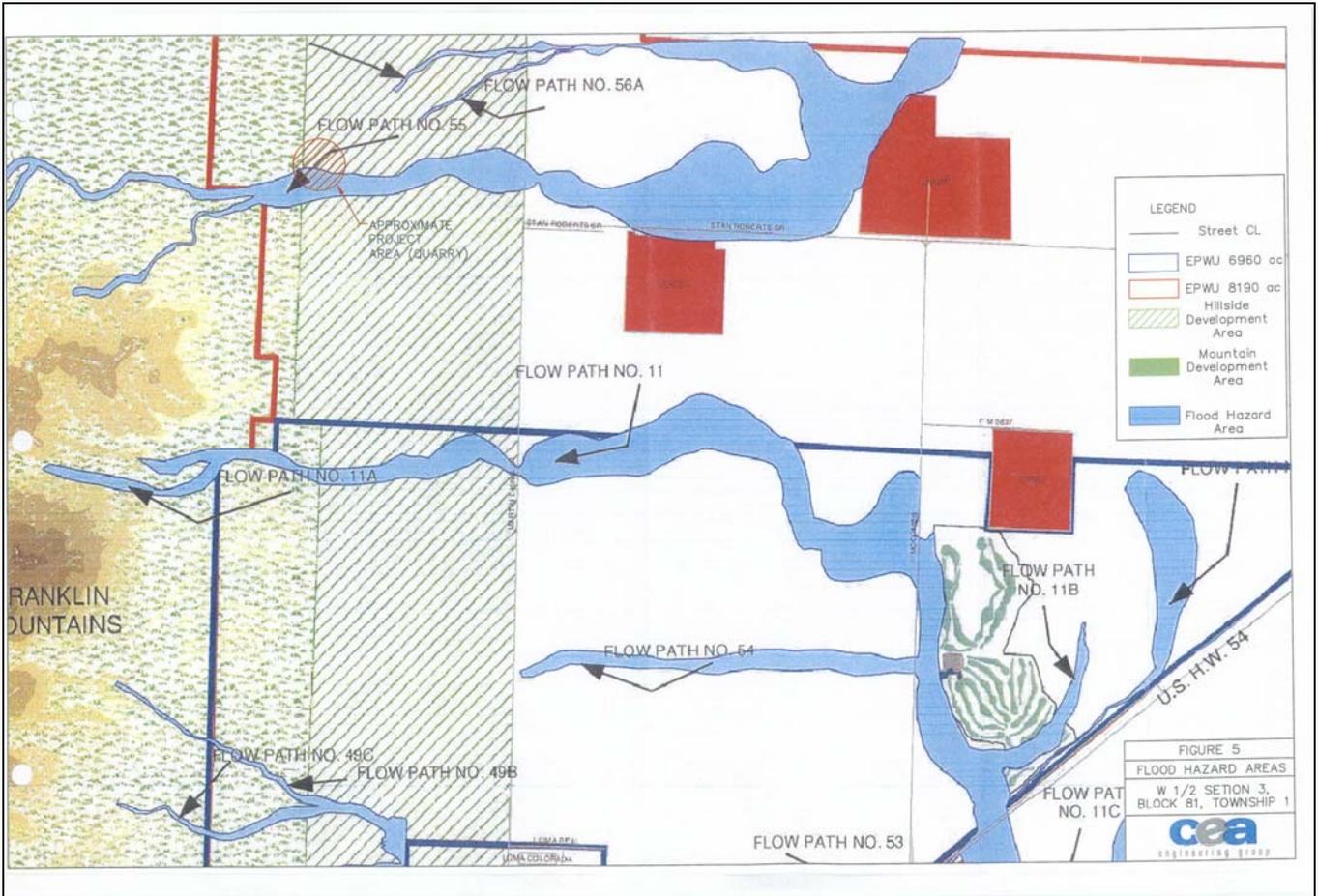
# SITE PLAN



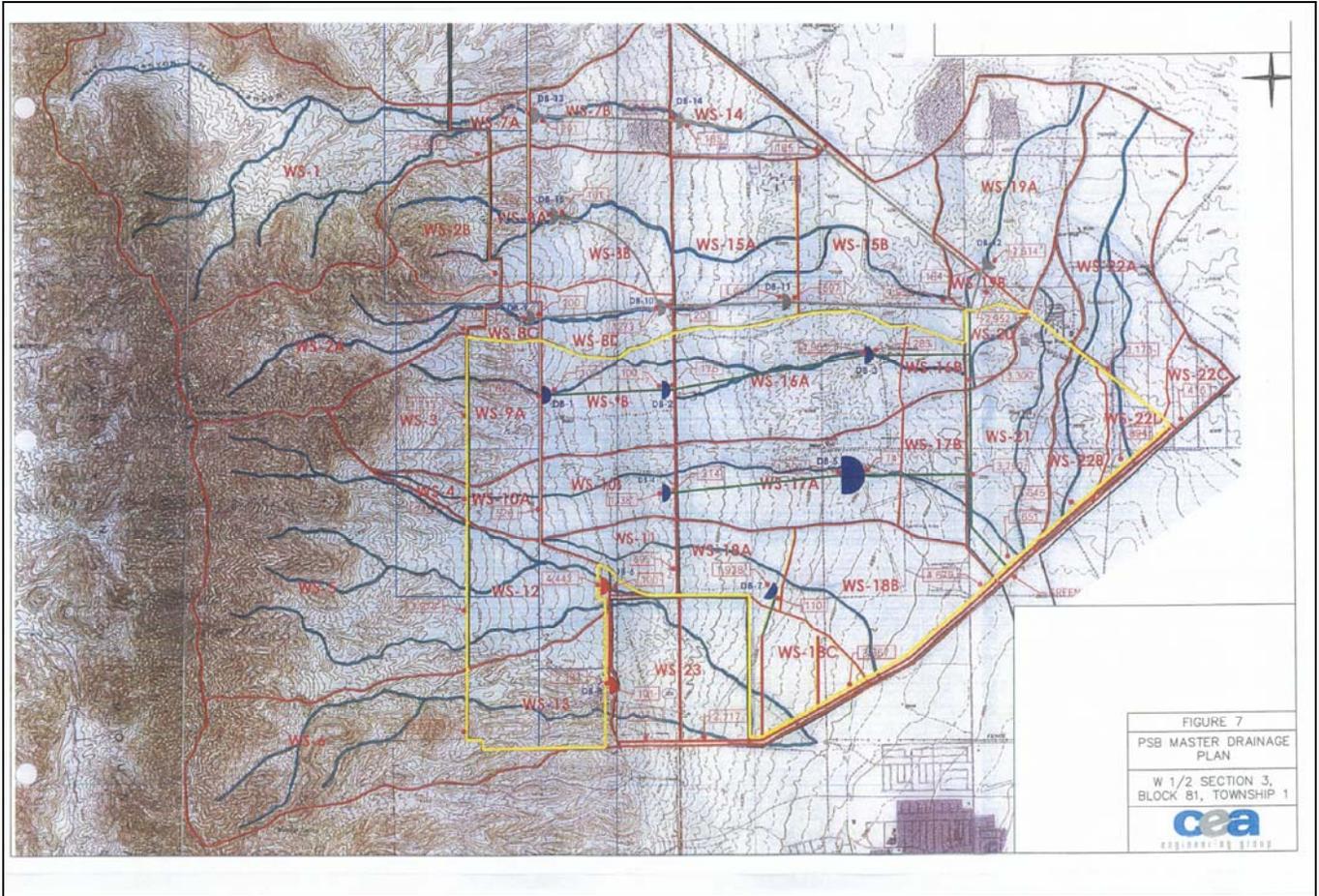
# TOPOGRAPHIC CONDITIONS MAP



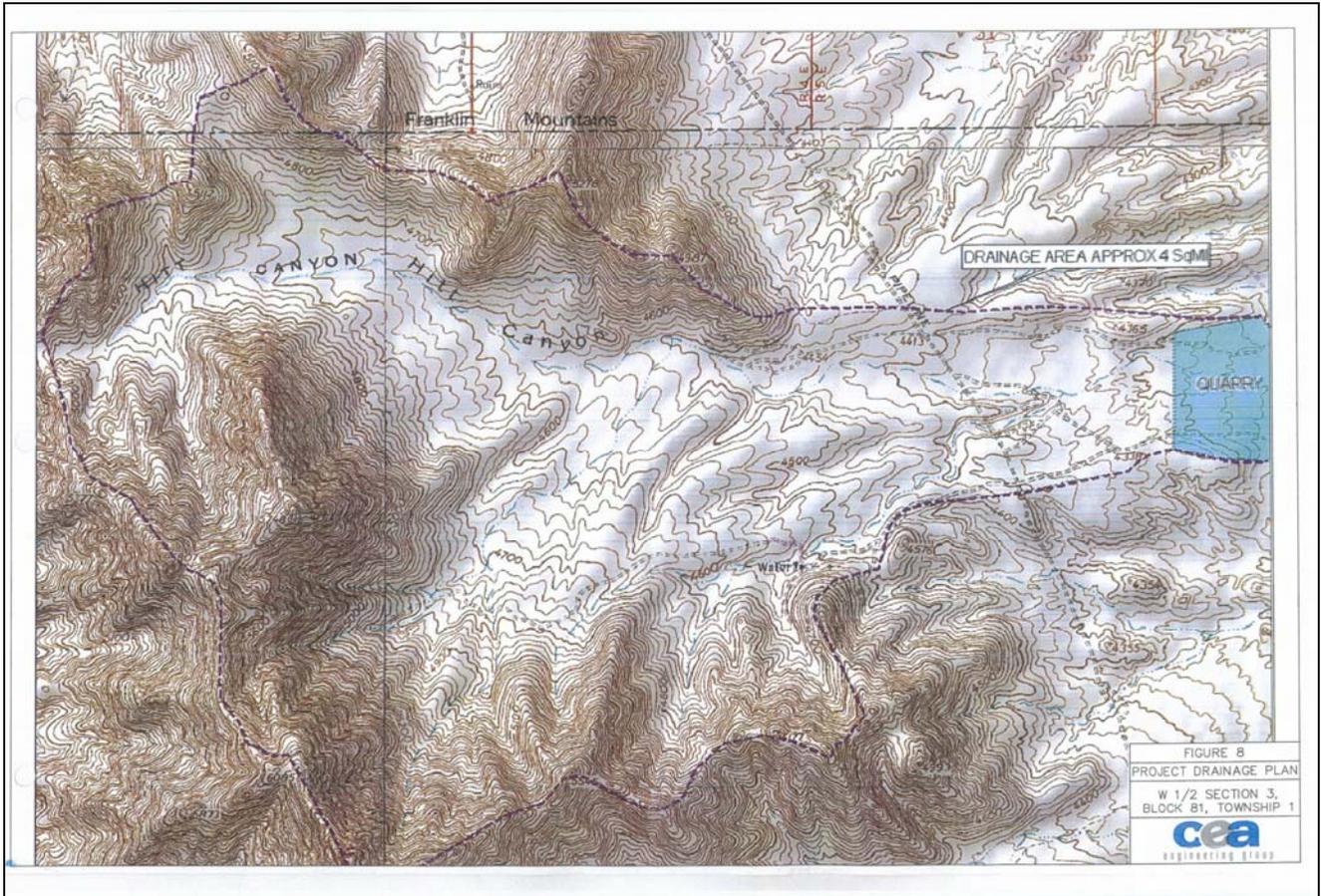
# FLOOD HAZARD AREAS MAP



# PSB MASTER DRAINAGE PLAN



# PROJECT DRAINAGE PLAN



# PROPOSED CONTOURS OF EXCAVATION AREA



**EROSION AND SOIL STABILIZATION PLAN**

