

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

DEPARTMENT: Development Services Department

AGENDA DATE: Introduction: August 5, 2008
Public Hearing: August 26, 2008

CONTACT PERSON/PHONE: Mirian Spencer, (915) 541-4192, spencermd2@elpasotexas.gov

DISTRICT(S) AFFECTED: 5

SUBJECT:

An Ordinance changing the zoning of a portion of Section 39, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas from R-5 (Residential) 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: East of Zaragoza Road and North of the Hueco Water Wells. Applicant: Ranchos Real IV, LTD. ZON08-00039 (District 5)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – 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 _____

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF SECTION 39, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) 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 a portion of Section 39, Block 79, Township 2, Texas and Pacific Railroad 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-5 (Residential) to C-2 (Commercial), 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 the residents of this City:

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 to include high profile native trees of at least a 2" caliper placed at fifteen (15') feet on center be required along the property line abutting any residential and apartment uses and zoning prior to the issuance of any certificates of occupancy.

PASSED AND APPROVED this _____ day of _____, 2008.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

08 JUL 28 PM 2:56
(Signatures continue on following page)
CITY CLERK DEPT

ORDINANCE NO. _____

ZON08-00039

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:



Mathew S. McElroy
Deputy Director – Planning
Development Services Department

08 JUL 28 PM 2:54
CITY CLERK DEPT.

ORDINANCE NO. _____

ZON08-00039

Exhibit "A"

Being a Portion of Section 39,
Block 79, Township 2,
Texas and Pacific Railroad Company Surveys,
City Of El Paso, El Paso County, Texas
April 17, 2008

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a Portion of Section 39, Block 79, Township 2,
Texas and Pacific Railroad Company Surveys, City Of El Paso, El Paso County, Texas,
and being more particularly described by metes and bounds as follows:

Commencing for reference a found 1/2" rebar with cap "5152" set for the common corner of Sections 39, 38, 46, and 47, from which a found 2" pipe set in concrete for the common corner of Sections 37, 38, 47, and 48 bears North 89°59'49" East a distance of 5315.81; Thence along the southerly boundary line of Section 39, South 89°57'37" West a distance of 1644.75 feet to a set 1/2" rebar with cap "5152" from which a found 1" rebar bears North 47°14'53" East a distance of 0.66 feet for the "TRUE POINT OF BEGINNING".

Thence with said southerly line, South 89°57'37" West a distance of 898.09 feet to a set 1/2" rebar with cap marked TX 5152;

Thence leaving said line North 42°31'34" East a distance of 692.55 feet to a set 1/2" rebar with cap marked TX 5152;

Thence South 00°10'48" West a distance of 202.23 feet to a set 1/2" rebar with cap marked TX 5152;

Thence South 89°49'12" East a distance of 427.53 feet to a set 1/2" rebar with cap marked TX 5152;

Thence South 00°34'37" East a distance of 306.21 feet to a point for the "TRUE POINT OF BEGINNING" and containing in all 250,853.75 square feet or 5.758 acres of land more or less.

Note: A plat of even date accompanies this description.



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

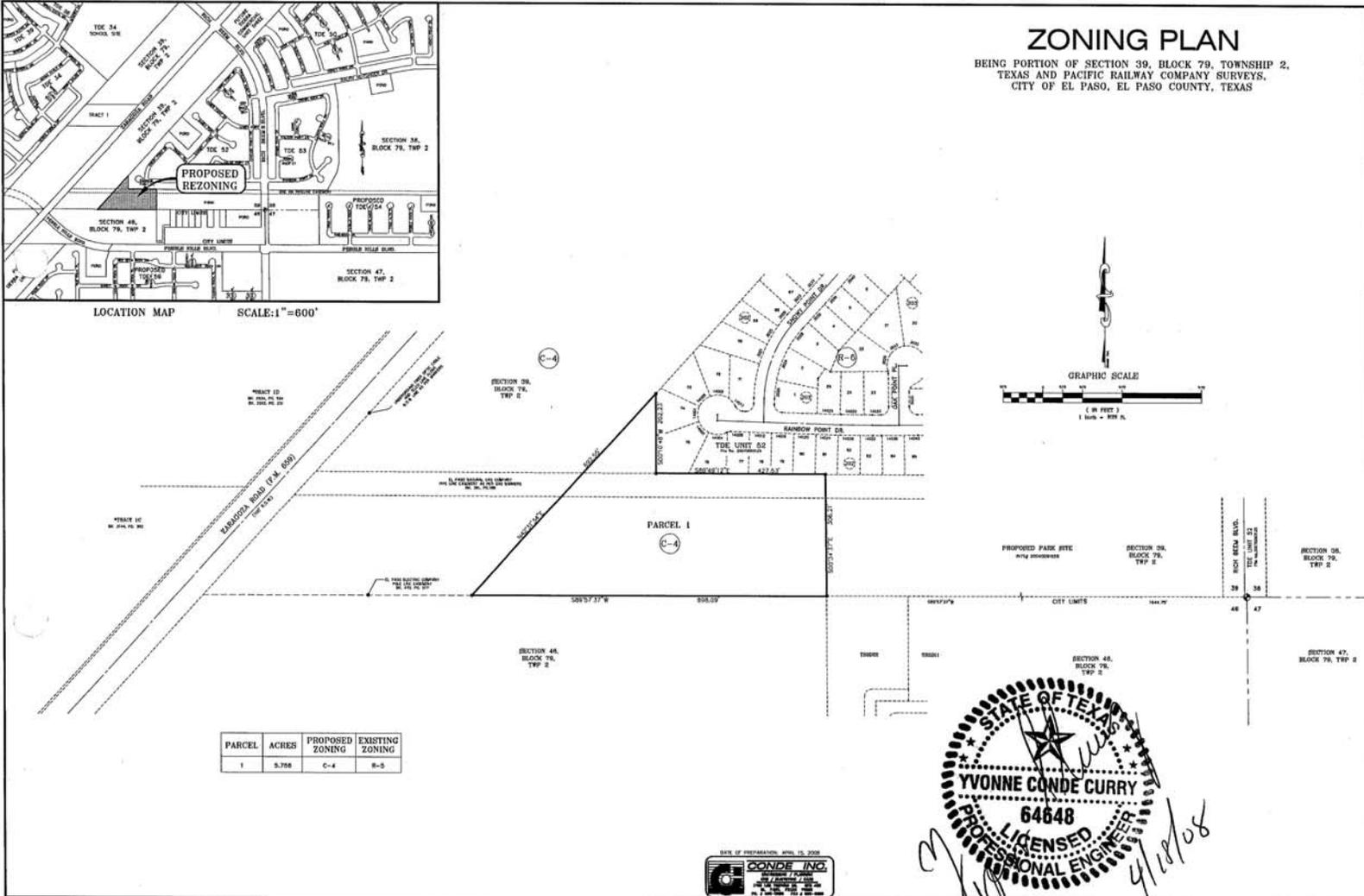


job #_408-39

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

ORDINANCE NO. _____

ZON08-00039



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ZON08-00039

ORDINANCE NO.

Doc #40868/Planning/Ord/ZON08-00039 (Rezoning)



**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

MEMORANDUM

DATE: July 7, 2008

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

FROM: Mirian Spencer, Planner

SUBJECT: ZON08-00039

The City Plan Commission (CPC), on July 1, 2008, voted (6-0) to recommend **Approval** of rezoning the subject property from R-5 (Residential) to C-2 (Commercial) with conditions concurring with Staff's recommendation. The CPC imposed two conditions on the property:

1. That a detailed site development plan be reviewed and approved per the El Paso Municipal Code prior to the issuance of a building permit.
2. That a 20' wide landscaped buffer to include high profile native trees of at least 2" caliper placed 15' on center be required along the property lines abutting residential and apartment uses and zoning prior to the issuance of a certificate of occupancy.

The applicant is requesting a rezoning from R-5 (Residential) to C-2 (Commercial) in order to permit a commercial development. The property is 5.758 acres in size and is vacant. The conceptual site plan shows one building proposed on the property. The property is to be developed as part of a commercial development, which will include the annexed property located to the south as well as the commercially zoned property to the west of the subject property. The annexation and C-2/c (Commercial/conditions) was approved by City Council on July 17 2008 (AN07006 and ZON08-00009). The entire development is proposing access via Zaragoza Road and the future extension of Pebble Hills Boulevard. There are no zoning conditions imposed on the property.

The CPC found that the property is located within an area that has changed in character since the proposed residential designation in the 2025 Projected General Land Use Map for the East Planning Area. The changing conditions have included commercial developments along Zaragoza Road and along major arterials that connect to Zaragoza Road. City-wide land use policies state that the city should encourage new development as cluster corridor concepts in place of strip commercial development and locate community and regional commercial centers at major arterial intersections and ensure their compatibility with adjacent land uses. The proposed development is appropriate in the proposed location due to the extension of Pebble Hills Boulevard as a 110' major arterial which will be located south of the proposed commercial development. The CPC also determined that this rezoning protects the best interest, health, safety, and welfare of the public in general; and that the proposed use is compatible with adjacent land uses.

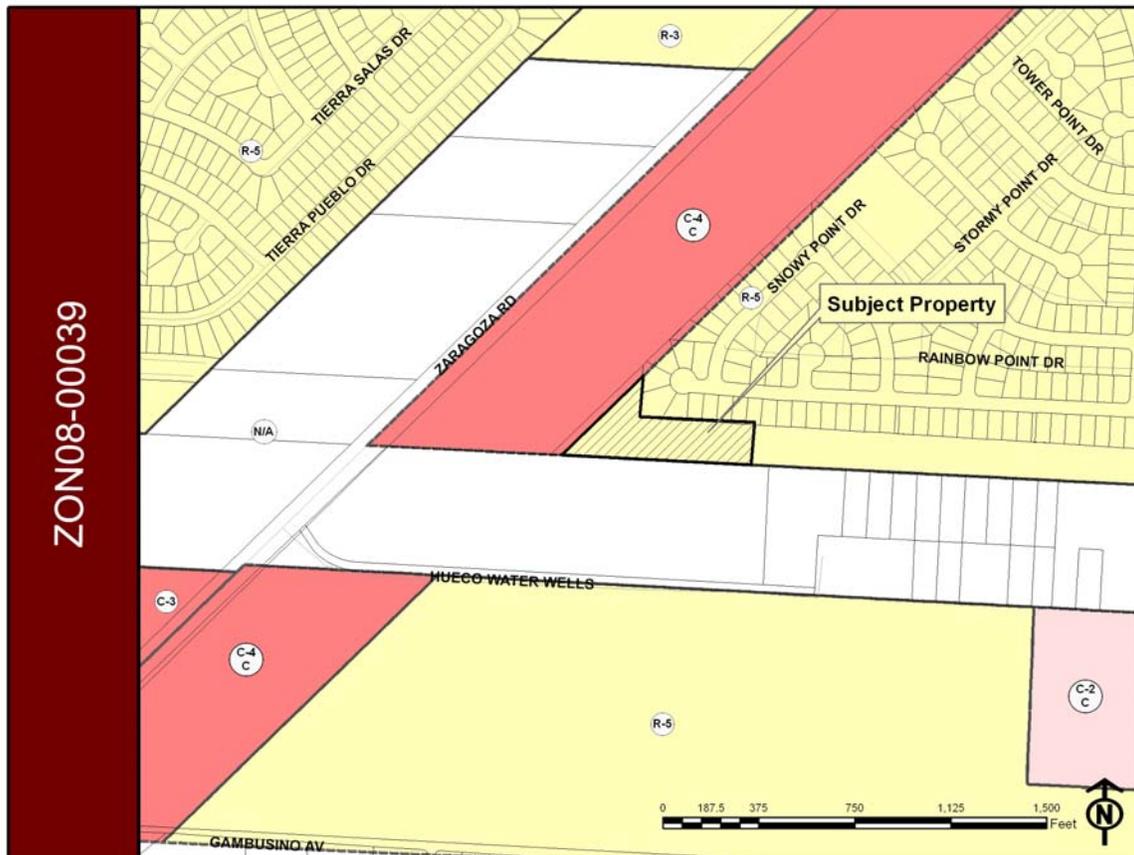
There was **NO PUBLIC RESPONSE** to this request.

Attachment: Staff Report, Conceptual Site Plan, Application



ZON08-00039

Application Type: Rezoning
Property Owner(s): Ranchos Real IV, LTD
Representative(s): Conde, Inc.
Legal Description: A portion of Section 39, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas
Location: East of Zaragoza Road and North of Hueco Water Wells
Representative District: 5
Area: 5.758 acres
Present Zoning: R-5 (Residential)
Present Use: Vacant
Proposed Zoning: C-2 (Commercial)
Proposed Use: Commercial Development
Recognized Neighborhood Associations Contacted: East Side Civic Association
Public Response: None
Surrounding Land Uses: North – C-4/c (Commercial/conditions) / Vacant and R-5 (Residential) / vacant; South – C-4/c (Commercial/conditions) / Vacant and N/A / Vacant; East – R-5 (Residential) / Vacant; West– C-4/c (Commercial/conditions) / Vacant
Year 2025 Designation: Residential (East Planning Area)



General Information:

The applicant is requesting a rezoning from R-5 (Residential) to C-2 (Commercial) in order to permit a commercial development. The property is 5.758 acres in size and is vacant. The conceptual site plan shows one building proposed on the property. The property is to be developed as part of a commercial development, which will include the annexed property located to the south as well as the commercially zoned property to the west of the subject property. The annexation and C-2/c (Commercial/conditions) was approved by City Council on July 17 2008 (AN07006 and ZON08-00009). The entire development is proposing access via **Zaragoza Road** and the future extension of **Pebble Hills Boulevard**. There are no zoning conditions imposed on the property.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **Approval** of this request for rezoning from R-5 (Residential) to C-2 (Commercial) with the following conditions which have also been imposed on the adjacent commercial development to the West and South of the property:

1. That a detailed site development plan be reviewed and approved per the El Paso Municipal Code prior to the issuance of a building permit.
2. That a 20' wide landscaped buffer to include high profile native trees of at least a 2" caliper placed 15' on center be required along the property line abutting residential and apartment uses and zoning prior to the issuance of a certificate of occupancy.

The recommendation is based on the following:

The property is located within an area that has changed in character since the proposed residential designation in the 2025 Projected General Land Use Map for the East Planning Area. The changing conditions have included commercial developments along Zaragoza Road and along major arterials that connect to Zaragoza Road. City-wide land use policies state that the city should encourage new development as cluster corridor concepts in place of strip commercial development and locate community and regional commercial centers at major arterial intersections and ensure their compatibility with adjacent land uses. The proposed development is appropriate in the proposed location due to the extension of Pebble Hills Boulevard as a 110' major arterial which will be located South of the proposed commercial development.

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.”

“Preserve, protect, and enhance the integrity, economic vitality, and livability of the city’s neighborhoods.”

The Year 2025 Projected General Land Use Map for the **East Planning Area** designates this property for **Residential** land uses. However, the proposed commercial property is in conformance with the approved commercial zoning along Zaragoza Road and the proposed Pebble Hills Boulevard extension.

C-2 zoning permits commercial development and **is compatible** with adjacent development.

Findings:

The Commission must determine the following:

1. Will the C-2 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 objections to the proposed rezoning. The parcel as submitted is land locked to the City of

El Paso immediate access. The building as shown shall create conflict with International Building Code and Zoning Ordinance.

Landscape Review: No comments received

Development Services Department – Planning Division:

Current Planning: The 2025 Projected General Land Use Map for the East planning area designates the property for **Residential** uses. The proposed C-2 (Commercial) is compatible with adjacent development. Recommends approval of the rezoning request from R-5 (Residential) to C-2 (Commercial with the following conditions:

1. That a detailed site development plan be reviewed and approved per the El Paso Municipal Code prior to the issuance of a building permit.
2. That a 20' wide landscaped buffer to include high profile native trees of at least a 2' caliper placed 15' on center be required along the property line abutting residential and apartment uses and zoning prior to the issuance of a certificate of occupancy.

Subdivision Review: No comments received

Engineering Department - Traffic Division:

No objections to the proposed rezoning request.

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 2: APPLICATION



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

1. CONTACT INFORMATION

PROPERTY OWNER(S): Ranchos Real IV, LTD
ADDRESS: 1790 Lee Trevino, Ste. 601 ZIP CODE: 79936 PHONE: 915-592-0290
APPLICANT(S): Ranchos Real IV, LTD
ADDRESS: 1790 Lee Trevino, Ste. 601 ZIP CODE: 79936 PHONE: 915-592-0290
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: X579-999-2390-2010
LEGAL DESCRIPTION: Being a portion of Section 39, Block 79, Township 2, Texas and Pacific Railway, Company Surveys, City of El Paso, El Paso County, Texas
STREET ADDRESS OR LOCATION: Zaragoza Road (State Highway -FM659) REP DISTRICT: 6
ACREAGE: 5.758 ac PRESENT ZONING: R-5 PRESENT LAND USE: vacant
PROPOSED ZONING C-2 PROPOSED LAND USE: To Allow for Commercial Development
ADDRESS: _____ ZIP CODE: _____ PHONE: _____
E-MAIL ADDRESS: cconrad@elp.rr.com

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
LEGAL DESCRIPTION: _____
STREET ADDRESS OR LOCATION: _____
ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
PROPOSED ZONING _____ PROPOSED LAND USE: _____
ADDRESS: _____ ZIP CODE: _____ PHONE: _____
E-MAIL ADDRESS: _____

4. PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
LEGAL DESCRIPTION: _____
STREET ADDRESS OR LOCATION: _____
ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
PROPOSED ZONING _____ PROPOSED LAND USE: _____
ADDRESS: _____ ZIP CODE: _____ PHONE: _____
E-MAIL ADDRESS: _____

5. ADDITIONAL INFORMATION

OWNER (S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):
Printed Name: Ranchos Real IV, LTD Signature: 
Printed Name: By: Ranchos Real Developers, Inc. Signature: _____
Printed Name: Its General Partner Signature: _____
Douglas A. Schwartz - Vice President

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 08-00039 RECEIVED DATE: 05/02/08 APPLICATION FEE: \$ 810.00
DCC REVIEW DATE 06/04/08 (8:30 am, Planning Department Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 07/03/08 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)