

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

DEPARTMENT: Planning and Economic Development Department, Planning Division

AGENDA DATE: Introduction: August 9, 2011
Public Hearing: August 30, 2011

CONTACT PERSON/PHONE: Justin Bass, (915) 541-4930, bassjd@elpasotexas.gov

DISTRICT(S) AFFECTED: 1

SUBJECT:

An ordinance changing the zoning of a portion of Tract 3A, Nellie D. Mundy Survey No. 240, City of El Paso, El Paso County, Texas from A-2 (Apartment) to A-O (Apartment-Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: West of Desert South Boulevard and Southwest of Trade Center Way, Applicant: Canutillo Palms Ltd. PZRZ11-00022 (**District 1**)

BACKGROUND / DISCUSSION:

Staff Report Attached

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 CHANGING THE ZONING OF A PORTION OF TRACT 3A, NELLIE D. MUNDY, SURVEY NO. 240, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO A-O (APARTMENT-OFFICE). 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 Tract 3A, Nellie D. Mundy, Survey No. 240, 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 **A-2 (APARTMENT)** to **A-O (APARTMENT-OFFICE)**, 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.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

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

Barragan & Associates, Inc.

Land Planning & Land Surveying

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

**METES AND BOUNDS DESCRIPTION
PARCEL 1**

DESCRIPTION of a parcel of land being an 11.94 acre Tract out of an 80.806 acre Tract in Document No. 20070072034, Real Property Records of El Paso County, Texas, and also being a portion of Tract 3A, Nellie D. Mundy Survey No. 240, in the City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a found 1/2" rebar with cap on the Westerly right-of-way line of Interstate Highway 10 marking the common line of Nellie D. Mundy Survey No. 240 and Nellie D. Mundy Survey No. 241 from **WHENCE**, a found pipe in concrete marked "240-241" bears N 89°59'19" W, a distance of 3380.08 feet (Bearing Basis); **THENCE**, N 00°04'30" E, along the said Westerly right-of-way line of Interstate Highway No. 10, a distance of 900.82 feet to a point for the Easterly common corner of Tracts 3A and 3A1, Nellie D. Mundy Survey No. 240; **THENCE**, N 89°59'04" W, along the common line of said Tracts 3A and 3A1, a distance of 300.00 feet to a found 1/2" rebar for the Northeasterly corner of said 80.806 acre Tract, said rebar also being the **POINT OF BEGINNING** of this description;

THENCE, S 00°04'30" W, a distance of 327.34 feet to a set 1/2" rebar with cap stamped "B&A INC";

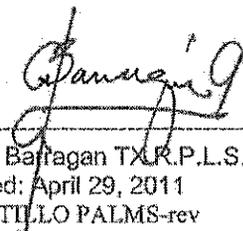
THENCE, N 89°59'20" W, a distance of 1588.85 feet to a set 1/2" rebar with cap stamped "B&A INC";

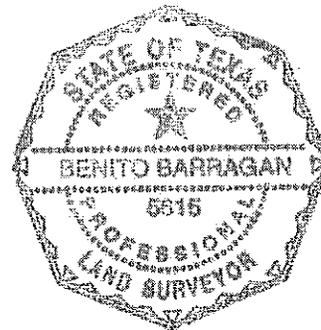
THENCE, N 00°04'30" E, a distance of 327.46 feet to a set 1/2" rebar with cap stamped "B&A INC" from **WHENCE** a found 1/2" rebar with cap stamped "TX 2027" marking the common Southerly corner of said Tracts 3A and 3A1 bears S 89°59'04" E, a distance of 8.00 feet;

THENCE, S 89°59'04" E, along the common line of said Tracts 3A and 3A1, a distance of 1588.85 feet to the **POINT OF BEGINNING** of this parcel, and containing in all 520,189 sq. ft. or 11.94 acres of land more or less.

Notes:

1. Bearings recited herein are based on the Warranty Deed filed in Document No. 20070072034, Real Property Records of El Paso County, Texas.
2. This property may be subject to easements whether of record or not.
3. This description does not intent to be a subdivision process and it may be required. (For client purposes only)
4. A plat of survey of even date accompanies this description.


 Benito Barragan TXLR.P.L.S. 5615, May 5, 2009
 Revised: April 29, 2011
 CANUTILLO PALMS-rev



MEMORANDUM

DATE: August 1, 2011

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

FROM: Justin Bass, Planner

SUBJECT: PZRZ11-00022

The City Plan Commission (CPC), on July 14, 2011, voted 5-0 to recommend **APPROVAL** of rezoning the subject property from A-2 (Apartment) to A-O (Apartment-Office).

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: PZRZ11-00022
Application Type: Rezoning
CPC Hearing Date: July 14, 2011
Staff Planner: Justin Bass, 915-541-4930, bassjd@elpasotexas.gov

Location: West of Desert South Boulevard and Southwest of Trade Center Way
Legal Description: Portion of Tract 3A, Nellie D. Mundy, Survey No. 240, City of El Paso, El Paso County, Texas

Acreage: 11.94 acres
Rep District: 1
Zoning: A-2 (Apartments)
Existing Use: Vacant
Request: From A-2 (Apartment) to A-O (Apartment-Office)
Proposed Use: Apartment Complex

Property Owner: Canutillo Palms, Ltd.
Applicant: CEA Group
Representative: CEA Group

SURROUNDING ZONING AND LAND USE

North: R-3A/sp (Residential/ special contract) / School facility
South: R-3A (Residential) / Vacant
East: C-3 (Commercial) / Vacant
West: A-2 (Residential) / Vacant

THE PLAN FOR EL PASO DESIGNATION: Industrial (Northwest Planning Area)

Nearest Park: Unnamed Dedicated Park (3,918 Feet)

Nearest School: Canutillo High School (Adjacent to North)

NEIGHBORHOOD ASSOCIATIONS

Upper Valley Neighborhood Association
Save the Valley
Coronado Neighborhood Association
Upper Mesa Hills Neighborhood Association
Upper Valley Improvement Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on June 20, 2011. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

CASE HISTORY

On May 12, 1987, City Council approved an annexation agreement which incorporated subject property into the city with a base zone of R-3 (Residential).

APPLICATION DESCRIPTION

The applicant is requesting to rezone the subject property from A-2 (Apartment) to A-O (Apartment-Office) in order to allow for a proposed 172-unit multifamily apartment complex. The subject property is 11.94 acres in size and is currently vacant. Access is proposed from La Puesta Drive.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of rezoning the subject property from A-2 (Apartment) to A-O (Apartment-Office). The recommendation is based on a transition from industrial to residential need over the years and compatible residential uses adjacent to the subject property.

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.

The purpose of the A-O (Apartment-Office) district is to promote and preserve residential development within the city associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain nonresidential uses and support facilities.

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

Notes:

1. No objection to rezoning. Proposed use does not indicate a substantial increase from existing zoning conditions.
2. Recommend a third access point to property be provided on conceptual site plan to improve connectivity within property.
3. Driveways, aisles and parking shall comply to city standards on conceptual plan and must be up to code by permitting phase.
4. All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

El Paso Water Utilities

We have reviewed the zoning change request reference above and provide the following comments:

1. The subject property is located within the City of El Paso Westside Impact Fee Service Area. Impact fees will be assessed by the City of El Paso at the time of platting and collected by EPWU prior to the issuance of a Building Permit.

Water:

2. There is an existing 60-inch diameter water transmission main located along Desert South Boulevard. No direct service meter connections are allowed to this 60-inch water main as per the El Paso Water Utilities-Public Service Board Rules and Regulations.

3. There is an existing 12-inch diameter water main along a 20-foot PSB easement located west of and parallel to Desert South Boulevard (CISD property). This main dead ends at the northern property line of the subject property. Also, there is an existing 12-inch diameter water main along a 20-foot PSB easement within Artcraft Commercial Unit 3. This water main dead-ends just north of the south property line of Artcraft Commercial Unit 3.

4. The property will be located within an intermediate pressure zone. Pressure reducing and pressure relief valves will be required within the water distribution system. In addition, private water pressure regulating devices will be required at the discharge side of each water meter. Additionally, the property owner shall be responsible for the operation and maintenance of the above-described privately-owned water pressure regulating devices.

5. A 12-inch diameter water main extension along the entire Desert Boulevard frontage along a 20' EPWU easement within the proposed La Puesta Del So Unit 1 will be required. The on-site water mains will connect to a future water main extension along the proposed La Puesta Drive.

Sanitary Sewer:

6. Sanitary sewer flows from the property need to be conveyed to a 36-inch diameter sewer main (Mowad interceptor). The portion of the Mowad interceptor required to serve the subdivision will extend north of Easy Way Drive for approximately 2,500 feet along the western boundary of Tract 3A, Nellie D. Mundy Survey 240, along a 20-foot PSB easement, and along a 35-foot drainage ROW and PSB easement. This portion of the interceptor required to serve the property is operational.

7. Extensions of off-site sewer mains are required from the property to the Mowad Interceptor. The off-site extensions shall be done within a dedicated easement following the alignment of a proposed paved roadway and improved to final subgrade.

General:

8. The dedication of PSB easements within the subject property are required to accommodate the proposed on-site water and sewer main extensions.

9. All easements dedicated for public sanitary sewer facilities shall comply with the EPWU-PSB Easement Policy. The PSB easements shall be improved to allow the operation of EPWU maintenance vehicles. EPWU-PSB requires access to the proposed sanitary sewer facilities within the easement 24 hours a day, seven (7) days a week.

10. EPWU requires a new service application to serve the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Fire Department

El Paso Fire Department has no objections to the rezoning 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 in the Plan by the CPC.

Attachments:

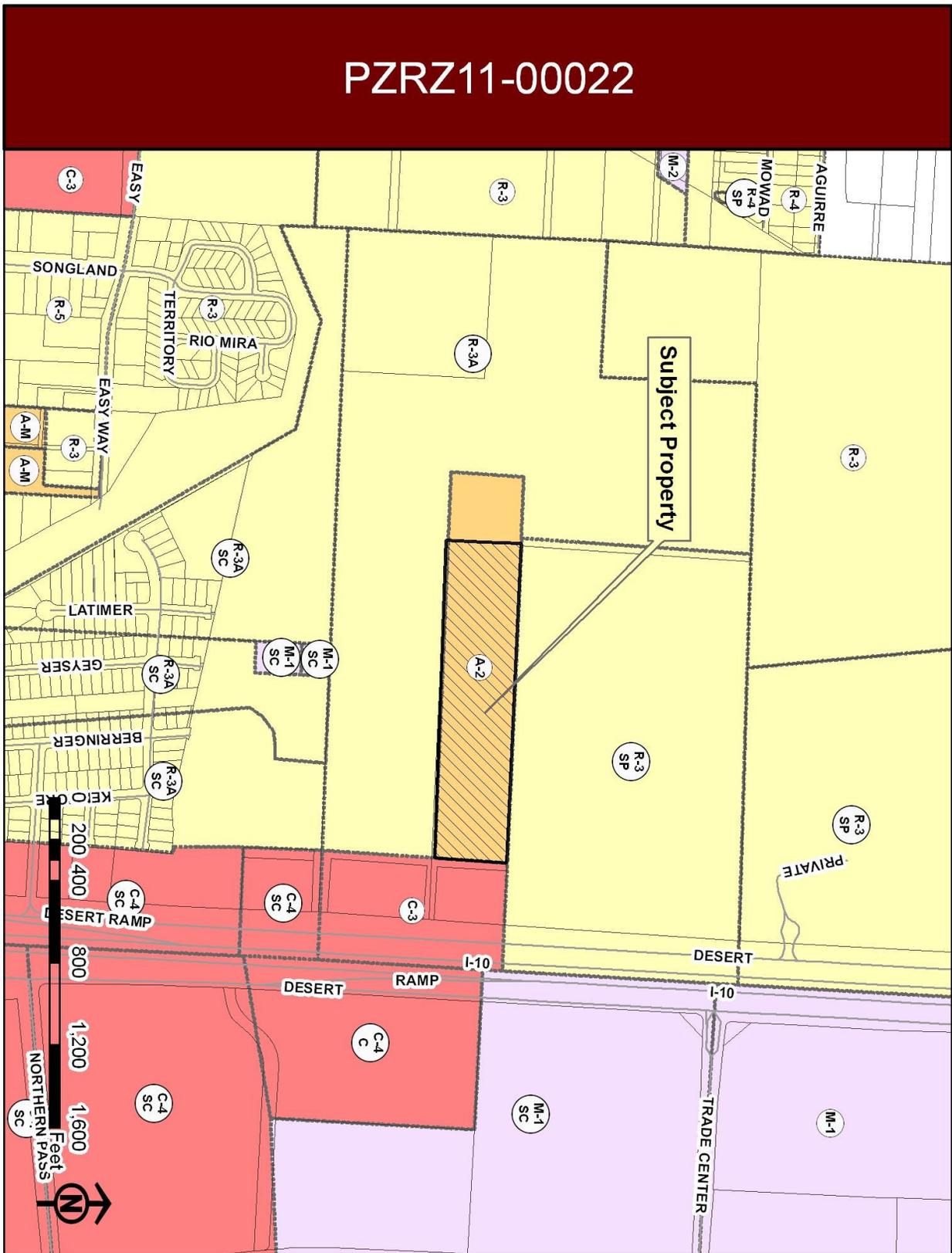
Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan

ATTACHMENT 1: ZONING MAP

PZRZ11-00022



ATTACHMENT 2: AERIAL MAP

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CITY CLERK DEPT.

2011 AUG 25 PM 5:01



Canutillo Independent School District

7965 Artcraft Rd.
El Paso, Texas 79932

Mailing Address: PO Box 100
Canutillo, Texas 79835

Damon Murphy Ed.D.
Superintendent of Schools

(915) 877-7444
FAX (915) 877-7414
murphy@canutillo-isd.org

August 24, 2011

Mayor & City Council
City of El Paso
2 Civic Center Plaza
El Paso, Texas 79901

RE: Canutillo ISD Objection to An Ordinance Changing the Zoning of Tract 3-A, Nelly D. Mundy, Survey 240, City of El Paso, El Paso County, Texas from A-2 (apartment) to A-0 (apartment/office)

Ladies and Gentlemen:

It has recently come to the attention of the Canutillo Independent School District Board of Trustees that the captioned ordinance is on your agenda for a public hearing on 30 August 2011. Unfortunately the notice of the presentation of this matter to the El Paso Plan Commission did not make it to my desk, and therefore, CISD did not have an opportunity to present its objections and concerns at any hearing before the Plan Commission.

Canutillo ISD has considered this proposed rezoning and the development plan for the property in view of the potential impact of this development upon the Canutillo High School located immediately north of and adjoining this property. Canutillo ISD has determined that this rezoning will have a significant impact upon the Canutillo Independent School District both from the standpoint of the nature of the development (high density), the traffic impact of the development in general, and the traffic congestion at the access point from the South Desert frontage road in particular. Canutillo ISD's concerns are related both to land uses and the access issues proposed by this rezoning, as well as the conflicts that will occur if the development attempts to utilize the gated and restricted south high school driveway to access this high density development.

Canutillo ISD makes the following objections related to this rezoning:

1. There does not appear to be adequate access for the high density development proposed. The City Plan Commission Staff Report indicates that access will be along

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La Puesta Drive. However, Canutillo ISD has not been able to locate this street. The only access point for the property at the present time appears to be the Canutillo High School south access drive located on the south side of the High School campus. This is a gated driveway, which is closed on occasion to manage traffic and provide security on the High School campus. It is Canutillo ISD's belief that this south driveway is not a public street. Regardless this access is totally inadequate for the proposed high density development.

2. The traffic impact from such a development would be significant. Canutillo ISD has experienced a high number of automobile accidents on the roadway along its northern boundary. Although this northern access is a boulevard type street with landscaped median, during school hours the traffic congestion and volume of accidents has been significant. Canutillo ISD is concerned that it will have the same experience should a high density development be permitted along its southern boundary. During a typical school day there is approximately 1,600 students and 125 faculty and staff on the Canutillo High School campus. The volume of automobile traffic and pedestrian travel is significant. The heavy volume of traffic is compounded by the fact that most of the drivers are high school students, which along with the high volume of pedestrians increases the potential for accidents. A similar situation will occur if this high density development is permitted along the south side of the Canutillo High School campus.
3. Canutillo ISD also objects to a high density mixed use property located adjacent to its High School because of the potential, indeed likely, conflicts between its student population and the residents and business owners in the property. The conflicts that can and do occur between high schools and adjoining commercial and residential properties, especially those immediately adjacent to the school, are significant. These range from trespass to property damage. Such circumstances compounds the burden on the School Administrators who attempt to maintain order and prevent trespass on, and damage to, adjoining properties. An example is readily apparent in enclosed photo of graffiti on the sign posted on the subject property. A substantial buffer should be maintained between such properties and high schools to limit these conflicts.
4. The noise and activities generated by the high school, including evening sports events, is simply not compatible to residential land uses immediately adjacent to the school property. This is another reason for requiring a substantial buffer or transition use between the High School and residential property.
5. Because of the significant access issues related to this property and resulting from the location of the high school, and consistent with the Plan Commission Report from the Department of Transportation, Canutillo ISD objects to the proposal to provide only a single access point along the south Canutillo High school access drive. Canutillo ISD

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requests that additional access points from Doniphan Street be provided in order to ease the congestion in the immediate vicinity of the school, lessen traffic congestion and improve safety.

The Canutillo Independent School District is the owner of property immediately to the north of the subject property and all along its north boundary. The Canutillo High School is located on this property and can be viewed on Attachment 2: Aerial Map. Canutillo ISD is filing its protest pursuant to Section 211.006 of the *Texas Local Government Code* to require a super majority vote to approve the proposed rezoning. The Canutillo ISD is the owner of at least 20% of the area of lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area. The basis for Canutillo ISD's objection and protest is set forth in this objection letter.

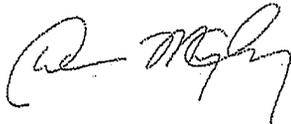
Canutillo ISD is certainly not opposed to development of vacant lands within its boundaries. However, when development adversely impacts the District, its parents and the safety of its students, as is the case here, the Board of Trustees is compelled to express its concerns and objections. The Board of Trustees and the District's Staff are available to meet with the members of the City Council, the City Manager and the City Planning Staff to discuss their objections and potential solutions or accommodations at any convenient time.

Canutillo ISD requests that it be provided with notice and opportunity to meet with City Planning Staff regarding submission and approval of any future site plan for the property.

Please do not hesitate to contact the undersigned if you have questions or need additional information.

Sincerely,

CANUTILLO INDEPENDENT SCHOOL DISTRICT



Damon Murphy, Ed.D.
Superintendent of Schools

ATTACHMENT 2: AERIAL MAP

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