

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

**DEPARTMENT:** Planning and Economic Development Department

**AGENDA DATE:** Introduction: August 23, 2011  
Public Hearing: September 20, 2011

**CONTACT PERSON/PHONE:** Esther Guerrero, (915) 541-4720

**DISTRICT(S) AFFECTED:** 5

**SUBJECT:**

An ordinance changing the zoning of a portion of Tract 4B, Section 38, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from A-2 (Apartment) to C-1 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 14200 Block of Edgemere Boulevard at Tim Foster Street. Property Owner: Camino Real Properties I, LTD. PZRZ11-00027 (**District 5**)

**BACKGROUND / DISCUSSION:**

N/A

**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 (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

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

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

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 4B, SECTION 38, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO C-1 (COMMERCIAL), AND IMPOSING A CONDITION. 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 4B, Section 38, Block 79, Township 2, 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 A-2 (Apartment) to C-1 (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 condition which is 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:

*"Prior to issuance of building permits, a detailed site development plan review will be done in accordance with the El Paso City Code."*

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

Being a portion of Tract 4B, Section 38,  
Block 79, Township 2, Texas and  
Pacific Railway Company Surveys,  
City of El Paso, El Paso County, Texas  
Prepared For: Southwest Land Development Services Inc.  
May 19, 2011  
(Parcel 1/ A-2 TO C-1)

**METES AND BOUNDS DESCRIPTION**

Description of a parcel of land being a portion of Tract 4B, Section 38, 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 Edgemere Blvd. and Tim Foster St. as referenced in plat of Tierra Del Este Unit Forty Nine recorded in clerks file no. 20070084456, Real property records of El Paso County, Texas. Thence along the centerline of Edgemere Blvd., South 89°59'39" East a distance of 72.70 feet to a point; Thence leaving said centerline North 00°00'21" East a distance of 55.00 feet to a point on the Northerly right of way line of Edgemere Blvd. For The "TRUE POINT OF BEGINNING";

Thence along said right of way line North 89°59'39" West a distance of 88.50 feet to a point;

Thence leaving said right of way line North 00°35'06" West a distance of 250.01 feet to a point;

Thence South 89°59'39" East a distance of 88.50 feet to a point;

Thence South 00°35'06" East a distance of 250.01 feet to the "TRUE POINT OF BEGINNING" and containing 0.5079 acres of land more or less.

Not a ground survey, bearings based on plat of Tierra Del Este Unit Forty Nine recorded in clerks file No. 200700084456, Real property records of El Paso County, Texas.

A Plat of even date accompanies this description.



Ron R. Conde  
R.P.L.S. No. 5152  
Job no: 511-32



# PLAT OF SURVEY

BEING A PORTION OF TRACT 4B, SECTION 38, BLOCK 79,  
TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS,  
CITY OF EL PASO, EL PASO COUNTY, TEXAS  
CONTAINING: 0.5079± ACRES

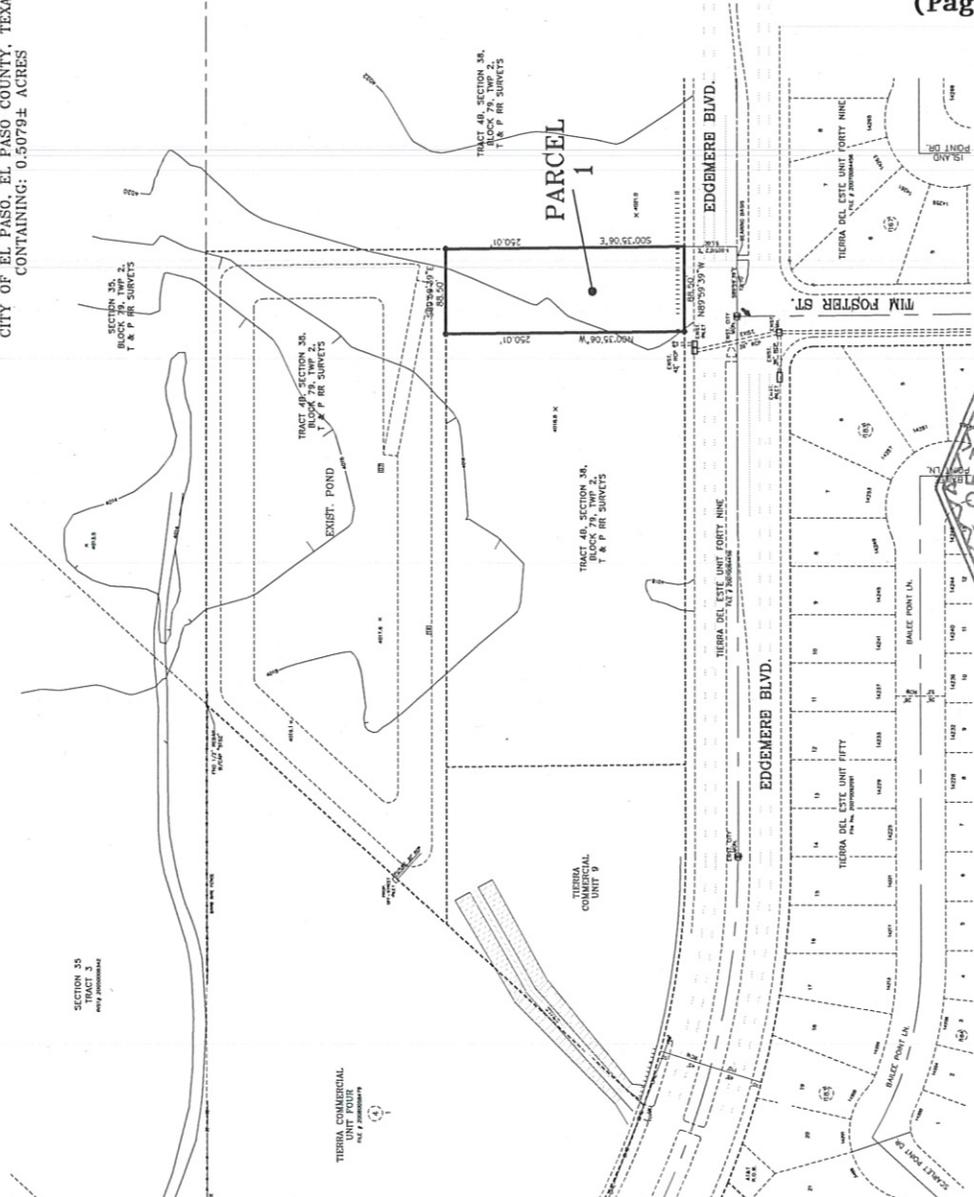


Exhibit "A"  
(Page 2 of 2)

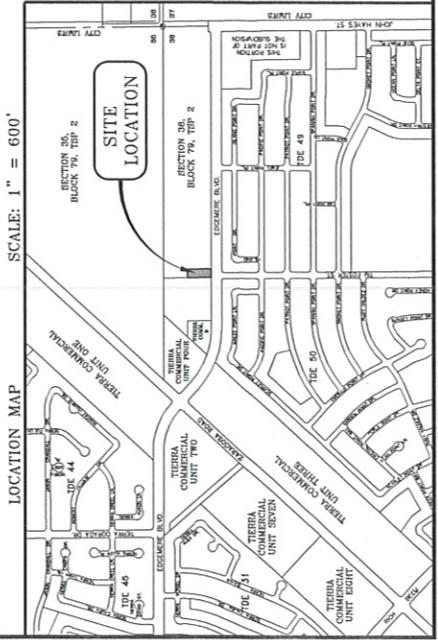
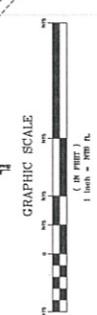


CERTIFICATION  
I, RONALD ROBERT CONDE, LICENSE NO. 5152, A REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I AM THE SURVEYOR OF THE ABOVE DESCRIBED SURVEY AND THAT THE FACTS EXHIBITED ON THE FACE OF THIS SURVEY AND BELIEVED TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

- NOTES:
1. THIS SURVEY IS BASED ON THE GPS METHOD FOR A TRANSVERSE MERCATOR SURFACE PROJECTION AS DETERMINED BY GPS METHODS BASED NEAR THE CENTER OF THE SURVEY.
  2. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD HAZARD MAP, THE SURVEYED AREA IS NOT IN A FLOOD HAZARD ZONE.
  3. A NOTES AND BOUNDARY DESCRIPTION OF EXIST. POND IS ACCOMPANIED BY THIS SURVEY.
  4. NOT A GROUND SURVEY.



SYMBOL LEGEND	
●	FOUND CONTROL POINT
○	FOUND SECTION MONUMENT
○	SET 1/2" REBAR W/ COP BISE
○	CALCULATED POINT (NOT SET)
○	SMART SURVEY
○	POWER POLE
○	POUT MARK
○	TRIP MARK (NOT SET)
○	OVER ROAD ELECTRIC





**Date:** August 15, 2011  
**To:** Honorable Mayor and City Council  
Joyce Wilson, City Manager  
**From:** Esther Guerrero, Planner  
**Subject:** **PZRZ11-00027 Rezoning**

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The City Plan Commission (CPC) on July 28, 2011, voted **5-0** to recommend **approval** of this rezoning. The request is to change the zoning from A-2 (Apartment) to C-1 (Commercial) to allow neighborhood commercial uses.

This recommendation is in agreement with the recommendation from staff and the Development Coordinating Committee (DCC).

The CPC found that the rezoning is in conformance with The Plan for El Paso. The CPC found that the proposed use is in conformance with the 2025 Projected General Land Use Map for the East Planning Area. The CPC also determined that the rezoning protects the best interest, health, safety, and welfare of the public in general; and 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 one present at the meeting to speak in favor or in opposition to this request.

**Attachment:** Staff Report

**Mayor**  
John F. Cook

**City Council**

*District 1*  
Ann Morgan Lilly

*District 2*  
Susie Byrd

*District 3*  
Emma Acosta

*District 4*  
Carl L. Robinson

*District 5*  
Dr. Michiel R. Noe

*District 6*  
Eddie Holguin Jr.

*District 7*  
Steve Ortega

*District 8*  
Cortney Carlisle Niland

**City Manager**  
Joyce A. Wilson





## *City of El Paso – City Plan Commission Staff Report*

**Case No:** PZRZ11-00027  
**Application Type:** Rezoning  
**CPC Hearing Date:** July 28, 2011  
**Staff Planner:** Esther Guerrero, 915-541-4720, [guerreroex@elpasotexas.gov](mailto:guerreroex@elpasotexas.gov)

**Location:** 14200 Block of Edgemere Boulevard at Tim Foster Street  
**Legal Description:** Portion of Tract 4B, Section 38, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas  
**Acreage:** 0.5079 acres  
**Rep District:** 5  
**Zoning:** A-2 (Apartment)  
**Existing Use:** Vacant  
**Request:** C-1 (Commercial)  
**Proposed Use:** Neighborhood Commercial  
**Property Owner:** Camino Real Properties I, LTD  
**Representative:** Conde, Inc.

### **SURROUNDING ZONING AND LAND USE**

**North:** A-2 (Apartment) / vacant/pond  
**South:** R-5 (Residential) / single-family residential  
**East:** A-2 (Apartment) / vacant  
**West:** C-1/c (Commercial/condition) / vacant

**The Plan for El Paso Designation:** No designation on 2025 Projected Land Use for East Planning Area  
**Nearest Park:** Tierra Del Este 50A Park (1,596 feet)  
**Nearest School:** Chester E. Jordan Elementary (4,544 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Eastside Civic Association

### **NEIGHBORHOOD INPUT**

Notices of the July 28, 2011 public hearing were mailed to all property owners within 300 feet of the subject property on July 12, 2011. The Planning Division has not received any phone calls or letters in support or opposition of this rezoning request.

### **APPLICATION DESCRIPTION**

The request is to change the zoning from A-2 (Apartment) to C-1 (Commercial) to permit neighborhood commercial uses. The conceptual site plan shows the continuation of neighborhood commercial services along Edgemere Boulevard with a proposed retail store on the subject property and access via Edgemere Boulevard.

### **PLANNING AND ECONOMIC DEVELOPMENT-PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of the rezoning request with the following condition:

*“Prior to issuance of building permits, a detailed site development plan review will be done in accordance with the El Paso City Code”*

This same condition was imposed on the abutting C-1 (Commercial) parcel located immediately to the west of the subject property when the property was rezoned on March 9, 2011, from A-2 (Apartment) to C-1 (Commercial).

### **The Plan for El Paso-City-Wide Land Use Goals**

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

- a. Goal: establish 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: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- c. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.

The purpose of the C-1 (Commercial) district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

### **Development Coordinating Committee Review**

The DCC reviewed and discussed the application for rezoning and offered no objections to Planning Staff's recommendation for approval.

### **Department of Transportation**

No objection to rezoning. Proposed size & use does not indicate a substantial increase from existing zoning conditions.

#### Notes:

-Driveway on conceptual plan is hazardously aligned with median cut and may pose public safety issues if constructed in that area. Location of driveway shall be coordinated with city traffic engineer at permitting phase.

-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.

### **Sun Metro**

Sun Metro does not oppose this request. Sun Metro recommends the construction of sidewalks to provide pedestrian access to nearby public transit.

### **Engineering – Construction Management Division-Plan Review**

#### Plan Review

No comments received.

#### Land Development

No objections.

### **Fire Department**

No objections to rezoning.

### **El Paso Water Utilities**

#### EPWU-PSB Comments

*Annexation fees are due at the time of new service application for individual water meters within the subject property.*

EPWU does not object to this request.

#### EPWU-PSB Comments

Water:

Along Edgemere Boulevard between Zaragoza Road and John Hayes Street there is an existing twenty-four (24) inch diameter water transmission main. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

**CITY PLAN COMMISSION OPTIONS**

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the change of zoning 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

PZRZ11-00027



ATTACHMENT 2: AERIAL MAP

PZRZ11-00027



# ATTACHMENT 3: SITE PLAN

