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

**DEPARTMENT:** **Development Services Department**

**AGENDA DATE:** **Introduction: September 26, 2006**
**Public Hearing: October 17, 2006**

**CONTACT PERSON/PHONE:** **Stephen Schlett, 541-4935**

**DISTRICT(S) AFFECTED:** **1**

**SUBJECT:**

An Ordinance changing the zoning of A portion of Tract 1B5B, S.J. Larkin Survey 266, El Paso, El Paso County, Texas from R-3A (Residential) to C-1 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Northeast corner of Resler and Helen of Troy Drive. Applicant: Hunt Communities, Holding, L.P. Zon06-00090 (District 1)

**BACKGROUND / DISCUSSION:**
See attached report.

**BOARD / COMMISSION ACTION:**
Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (voted 5-0)

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

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

**DEPARTMENT HEAD:** Alan Shubert

**APPROVED FOR AGENDA:**

**ORDINANCE NO. _____**

**AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1B5B, S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3A (RESIDENTIAL) TO C-1 (COMMERCIAL). 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 Tract 1B5B, S.J. Larkin Survey No. 266, 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-3A (Residential) 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.

**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:**

_____
Hillary S. McGinnes
Assistant City Attorney

**APPROVED AS TO CONTENT:**

_____
Christina Valles, Planner II
Development Services Department

**APPROVED AS TO CONTENT:**

_____
Rodolfo Valdez, Chief Urban Planner
Development Services Department

'06 SEP 20 A9:24

DOC #24501/Planning/Ord/ZON06-00090/HMCG

Property description: A 0.947-acre portion of Tract 1B5B, S.J. Larkin Survey 266, El Paso, El Paso County, Texas

## METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a 0.947-acre portion of Tract 1B5B, S.J. Larkin Survey 266 (September 10, 1949, Book 945, Page 405, Deed Records, El Paso County, Texas), El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

**COMMENCING** at a city monument at the monument line P.T. of Resler Drive (130-foot right-of-way, January 8, 2002, Book 4158, Page 910, Deed Records, El Paso County, Texas) from which a city monument at the intersection of the monument line of Resler Drive and the centerline of Northern Pass Drive bears North 13°33'03" West, a distance of 2531.48 feet; Thence, 889.94 feet along said monument line and along the arc of a curve to the left, having a radius of 1925.00 feet, a central angle of 26°29'17", and a chord which bears South 26°47'42" East, a distance of 882.03 feet; Thence, 880.92 feet along the arc of a curve to the right, having a radius of 1642.00 feet, a central angle of 30°44'20", and a chord which bears North 62°30'28" East, a distance of 870.39 feet to a 5/8" rebar with cap marked "RPLS 4178" set at the intersection of the northerly right-of-way of Helen Of Troy Drive (90-foot right-of-way, West Hills Unit Twenty Three, Book 78, Pages 11 and 11A, Plat Records, El Paso County, Texas) and the westerly boundary of that certain parcel of land described December 15, 2000, in Book 3902, Page 2012, Deed Records, El Paso County, Texas, for the **POINT OF BEGINNING** of this description;

**THENCE**, along said westerly boundary, the following courses:

North 12°07'28" West, a distance of 65.46 feet to a set 5/8" rebar with cap marked "RPLS 4178";

North 77°25'24" West, a distance of 438.46 feet to a set 5/8" rebar with cap marked "RPLS 4178";

North 59°19'52" West, a distance of 356.14 feet to a set 5/8" rebar with cap marked "RPLS 4178";

North 27°58'20" West, a distance of 135.65 feet to a set 5/8" rebar with cap marked "RPLS 4178";

North 13°10'01" West, a distance of 91.89 feet to a set 5/8" rebar with cap marked "RPLS 4178";

**THENCE**, North 76°47'35" East, a distance of 31.79 feet to a set 5/8" rebar with cap marked "RPLS 4178";

**THENCE**, South 22°15'54" East, a distance of 60.36 feet to a set 5/8" rebar with cap marked "RPLS 4178";

**THENCE**, 257.40 feet along the arc of a curve to the left, having a radius of 347.00 feet, a central angle of 42°30'03", and a chord which bears South 36°08'10" East, a distance of 251.54 feet to a set 5/8" rebar with cap marked "RPLS 4178";

**THENCE**, South 57°23'11" East, a distance of 76.05 feet to a set 5/8" rebar with cap marked "RPLS 4178";

**THENCE**, 63.79 feet along the arc of a curve to the left, having a radius of 331.99 feet, a central angle of 11°00'33", and a chord which bears South 62°39'08" East, a distance of 63.69 fee to a set 5/8" rebar with cap marked "RPLS 4178"t;

**THENCE**, South 68°09'24" East, a distance of 104.29 feet to a set 5/8" rebar with cap marked "RPLS 4178";

**THENCE**, 68.97 feet along the arc of a curve to the left, having a radius of 320.05 feet, a central angle of 12°20'52", and a chord which bears South 73°14'43" East, a distance of 68.84 feet to a set 5/8" rebar with cap marked "RPLS 4178";

**THENCE**, South 79°25'08" East, a distance of 143.18 feet to a set 5/8" rebar with cap marked "RPLS 4178";

**THENCE**, 22.61 feet along the arc of a curve to the right, having a radius of 357.26 feet, a central angle of 03°37'35",and a chord which bears South 75°59'27" East, a distance of 22.61 feet to a set 5/8" rebar with cap marked "RPLS 4178";



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**THENCE**, South 74°10'39" East, a distance of 307.65 feet to a set 5/8" rebar with cap marked "RPLS 4178";

**THENCE**, South 78°18'36" East, a distance of 110.05 feet to a marked "X" set on the northerly right-of-way of Helen Of Troy Drive;

**THENCE**, 221.84 feet along said right-of-way and along the arc of a curve to the left, having a radius of 1642.00 feet, a central angle of 07°44'27", and a chord which bears South 81°44'52" West, a distance of 221.67 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 0.947 acres (41,266 square feet) of land more or less.

NOTE: A PLAT OF EVEN DATE HEREWITH ACCOMPANIES THIS DESCRIPTION.

ROBERT SEIPEL ASSOCIATES, INC.
Professional Land Surveyors

Robert R. Seipel, R.P.L.S.
President
Texas License No. 4178

Job Number 06-0023A
June 15, 2006



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**JOHN COOK**
MAYOR

**JOYCE WILSON**
CITY MANAGER

**R. ALAN SHUBERT**
DIRECTOR, DEVELOPMENT SERVICES

**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
# PLANNING DIVISION

September 19, 2006

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

**FROM:** Stephen Schlett, Planner

**SUBJECT:** **ZON06-00090**

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The City Plan Commission (CPC), on August 17, 2006, voted **(5-0)** to recommend **APPROVAL** of rezoning the subject property from R-3A (Residential) to C-1 (Commercial) zoning.

The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this 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 that the effects of the rezoning will have no effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

The Planning Division received 9 letters and a petition with 83 names attached in **opposition** to this request.

**Attachment:** Location Map, Aerial Map, Site Plan

***STAFF REPORT***

| | |
|---|---|
| ***Rezoning Case:*** | ZON06-00090 |
| ***Property Owner(s):*** | Hunt Communities, Holding, L.P. |
| ***Applicant(s):*** | Hunt Communities, Holding, L.P. |
| ***Representative(s):*** | CSA Consulting Engineers |
| ***Legal Description:*** | A portion of Tract 1B5B, S.J. Larkin Survey 266 |
| ***Location:*** | East of Resler Drive and North of Helen of Troy |
| ***Representative District:*** | # 1 |
| ***Area:*** | 0.947 acres |
| ***Present Zoning:*** | R-3A (Residential) |
| ***Present Use:*** | Vacant |
| ***Proposed Zoning:*** | C-1 (Commercial) |
| ***Proposed Use:*** | Multi-family Residential |
| ***Recognized Neighborhood Associations Contacted:*** | Texas Apache Nations, Inc., Save the Valley, Coronado Neighborhood Association, Upper Mesa Hills Neighborhood Association |

***Surrounding Land Uses:***

| | |
|---|---|
| **North -** | R-3A (Residential) / Residential |
| **South -** | C-1 (Commercial) / Shopping Center & Credit Union |
| **East -** | R-3A (Residential) / Residential |
| **West-** | C-1 (Commercial) / Vacant |

***Year 2025 Designation:*** **Residential** (Northwest Planning Area)

## CITY PLAN COMMISSION HEARING, AUGUST 17, 2006, 1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL

**REZONING APPLICATION: ZON06-00090**

**GENERAL INFORMATION:**

The applicant is requesting a rezoning from R-3A (Residential) to C-1 (Commercial) in order to permit multi-family development. The property is .947 acres in size and is currently vacant. The generalized plot plan shows no structures to be located on the site. There are no zoning conditions currently imposed on this property.

**INFORMATION TO THE COMMISSION:**

The Development Services Department – Planning Division has received eight (9) letters in opposition to this application and a petition containing 83 names.

**STAFF RECOMMENDATION:**

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL** of this request for rezoning from R-3A (Residential) to C-1 (Commercial):

The recommendation is based on the following:

> **The Plan for El Paso** City-Wide Land Use Goals recommends 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."
> "provide a wide range of housing types that respond to the needs of all economic segments of the community."
>
> **The Year 2025 Projected General Land Use Map** for the **Northwest** Planning Area designates this property for **residential** land uses.
>
> **C-1 (Commercial) zoning** permits multi-family development and **is compatible** with adjacent development.

The Commission must determine the following:

1. Will the C-1 (Commercial) zoning protect the best interest, health, safety and welfare of the public in general?

2. Will multi-family development be compatible with adjacent land uses?

3. What is the relation of the proposed change to the City's Comprehensive Plan?

4. What effects will the C-1 (Commercial) zoning have upon the natural environment, social and economic conditions, and property values in the vicinity and in the city as a whole?

**Information To The Applicant:**

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

*Zoning Review*

Proposed multi-family residential usage permitted on C-1 (commercial) District. Insufficient data to determine compliance with lot, yard development standards, setback and parking requirements shall require a six foot high masonry screening wall along the property line abutting the residential district.

*Landscape Review*

This project does not meet the landscape ordinance pending the size of the multi- family unit. Apartment complex will require landscaping.

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

*Current Planning:*

Recommend approval of the proposed rezoning.

*Subdivision Review:*

1. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*****
2. Grading plan and permit shall/may be required.*****
3. Storm Water Pollution Prevention plan and/or permit shall/may be required.*
4. Drainage plans must be approved by the City Engineer.*
5. Coordination with TXDOT.*
6. No water runoff allowed outside the proposed development boundaries.*
7. Additional Comments: Site location is located within a Special Flood Hazard Area, Flood Zone(s) A2 & C, Panel(s) 480214 0017 D. Coordination w/ FEMA and the USACoE will be required for the appropriate permits.

* This requirement will be applied at the time of development.

**Engineering Department - Traffic Division Comments**:

No apparent traffic concerns.

**Fire Department Comments**:

No comments received.

**El Paso Water Utilities Comments**:

**Water**
Along Resler Drive between Helen of Troy Drive and Paseo Del Norte Drive there is an existing thirty-six (36) inch diameter water transmission main. No service connections are allowed to this main as per the El Paso Water Utilities - Public Service Board Rules & Regulations. Along Helen of Troy Drive between Resler Drive and Villa Del Sol Street there is an existing twenty-

four (24) inch diameter water transmission main. No service connections are allowed to this main as per the El Paso Water Utilities Public Service Board Rules & Regulations.

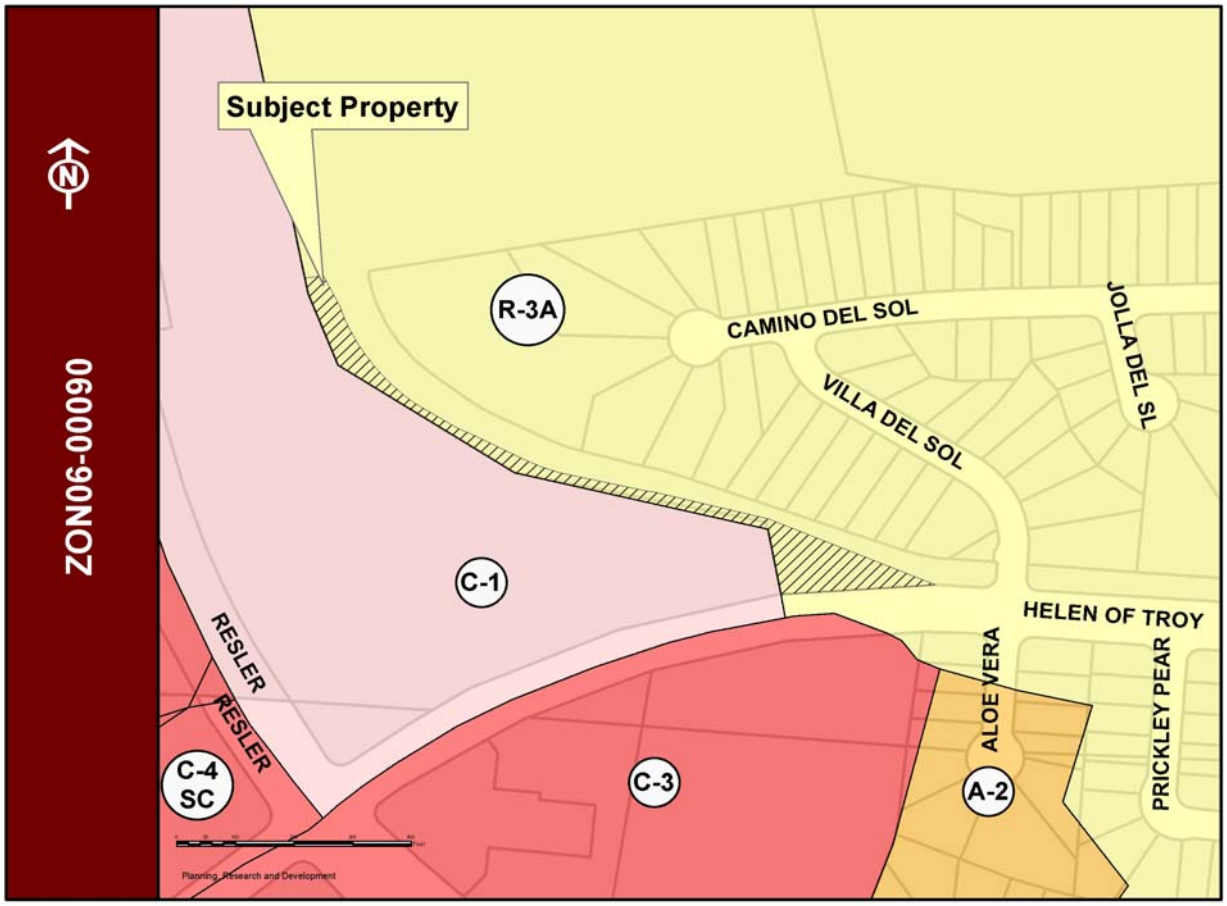
**Sanitary Sewer**
Along Resler Drive between Helen of Troy Drive and Paseo Del Norte Drive there are no existing sanitary sewer mains. Along Helen of Troy Drive between Resler Drive and Villa Del Sol Street there is an existing twelve (12) inch diameter sanitary sewer main. General Easements will be required in order to enable the construction, operation, maintenance, repair of the proposed water and sanitary sewer mains to serve this development.

**General**
Easement grantor shall indemnify, defend, and hold harmless the El Paso Water Utilities? Public Service Board from and against any and all claims, liability, actions, and damages for bodily injury and property damage to third parties or to the El Paso Water Utilities? Public Service Board which may be caused by or arise out of the maintenance and existence of said water and sanitary sewer mains in the easement area. The alignment and location of the proposed EPWU-PSB easement shall enable the placement of water meters outside of the parking areas and minimize the length of services. No vehicular traffic is allowed over the water meters. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week. No building, reservoir, structure or other improvement, other than asphalt paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB. The PSB easement shall be improved to allow the operation of EPWU maintenance vehicles. In the event that the City of El Paso Fire Department requires additional fire hydrants on Public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances. The El Paso Water Utilities requires a finalized set of improvement plans including drainage and grading plans to initialize the design of the water and sanitary sewer main extensions to serve subject subdivision. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances. Furthermore, application for services for subject subdivision must be made in conjunction with the request for water and sanitary sewer main extensions. The improvement plans should include a site plan, a utility plan, grading & drainage plans, landscaping plan (if applicable), the legal description of the property, and a certificate-of-compliance which are required at the time of application. The certificate-of-compliance can be obtained at City Hall.

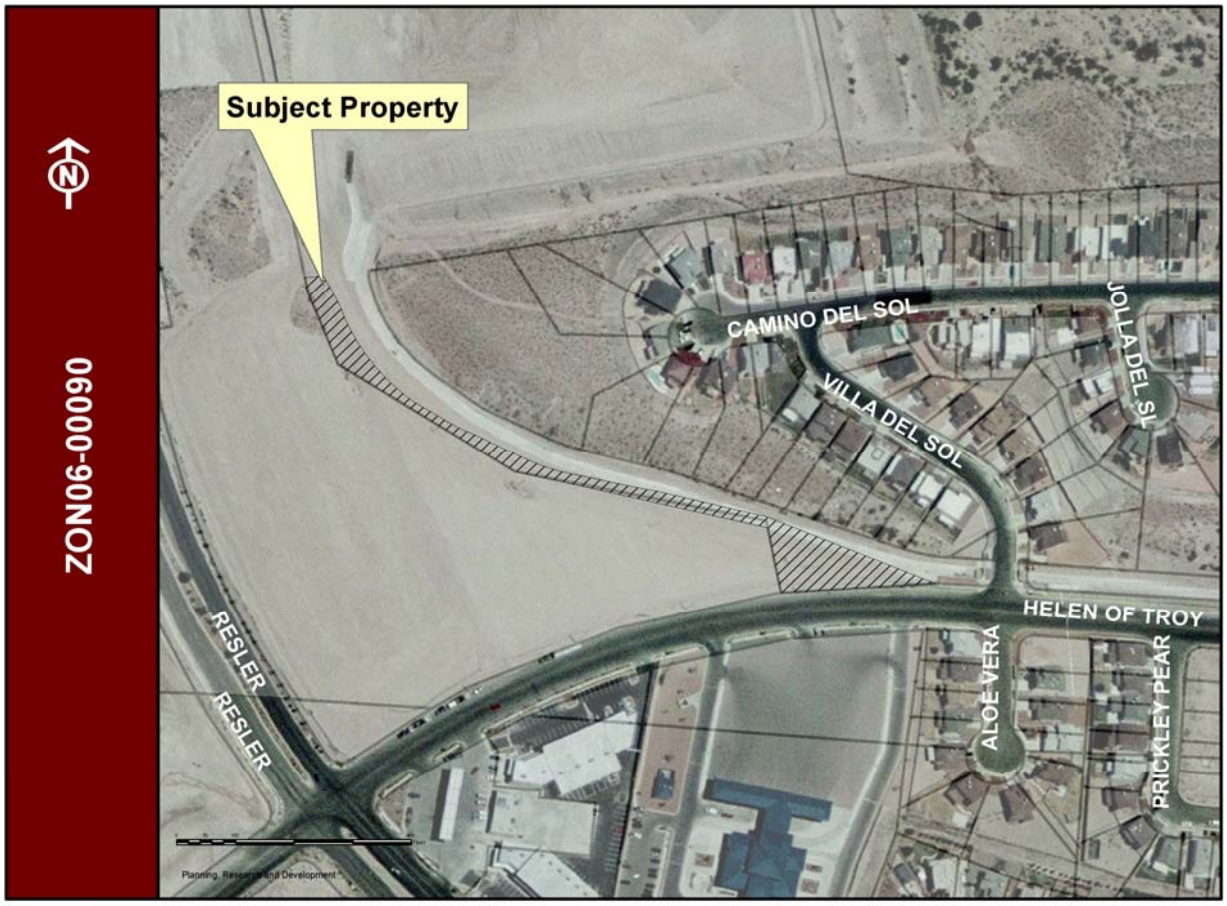
EPWU does not object to this request.

**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 DIVISION AT (915) 541-4925.

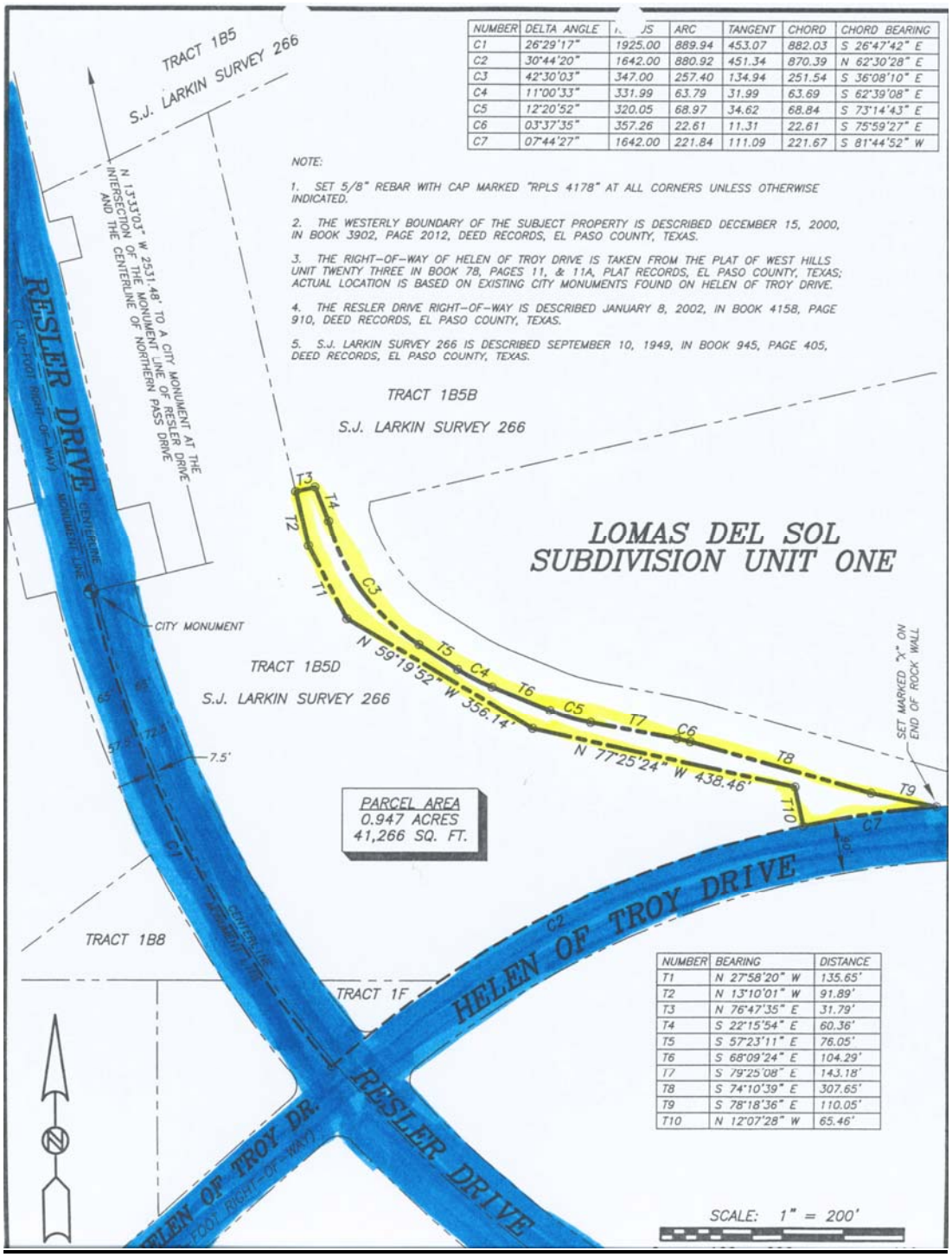
# LOCATION MAP



# AERIAL


ZON06-00090
Subject Property
CAMINO DEL SOL
VILLA DEL SOL
JOLLA DEL SL
HELEN OF TROY
ALOE VERA
PRICKLEY PEAR
RESLER
RESLER
Planning, Research and Development

# SITE PLAN




| NUMBER | DELTA ANGLE | RADIUS | ARC | TANGENT | CHORD | CHORD BEARING |
|---|---|---|---|---|---|---|
| C1 | 26°29'17" | 1925.00 | 889.94 | 453.07 | 882.03 | S 26°47'42" E |
| C2 | 30°44'20" | 1642.00 | 880.92 | 451.34 | 870.39 | N 62°30'28" E |
| C3 | 42°30'03" | 347.00 | 257.40 | 134.94 | 251.54 | S 36°08'10" E |
| C4 | 11°00'33" | 331.99 | 63.79 | 31.99 | 63.69 | S 62°39'08" E |
| C5 | 12°20'52" | 320.05 | 68.97 | 34.62 | 68.84 | S 73°14'43" E |
| C6 | 03°37'35" | 357.26 | 22.61 | 11.31 | 22.61 | S 75°59'27" E |
| C7 | 07°44'27" | 1642.00 | 221.84 | 111.09 | 221.67 | S 81°44'52" W |

NOTE:

1. SET 5/8" REBAR WITH CAP MARKED "RPLS 4178" AT ALL CORNERS UNLESS OTHERWISE INDICATED.

2. THE WESTERLY BOUNDARY OF THE SUBJECT PROPERTY IS DESCRIBED DECEMBER 15, 2000, IN BOOK 3902, PAGE 2012, DEED RECORDS, EL PASO COUNTY, TEXAS.

3. THE RIGHT-OF-WAY OF HELEN OF TROY DRIVE IS TAKEN FROM THE PLAT OF WEST HILLS UNIT TWENTY THREE IN BOOK 78, PAGES 11, & 11A, PLAT RECORDS, EL PASO COUNTY, TEXAS; ACTUAL LOCATION IS BASED ON EXISTING CITY MONUMENTS FOUND ON HELEN OF TROY DRIVE.

4. THE RESLER DRIVE RIGHT-OF-WAY IS DESCRIBED JANUARY 8, 2002, IN BOOK 4158, PAGE 910, DEED RECORDS, EL PASO COUNTY, TEXAS.

5. S.J. LARKIN SURVEY 266 IS DESCRIBED SEPTEMBER 10, 1949, IN BOOK 945, PAGE 405, DEED RECORDS, EL PASO COUNTY, TEXAS.

| NUMBER | BEARING | DISTANCE |
|---|---|---|
| T1 | N 27°58'20" W | 135.65' |
| T2 | N 13°10'01" W | 91.89' |
| T3 | N 76°47'35" E | 31.79' |
| T4 | S 22°15'54" E | 60.36' |
| T5 | S 57°23'11" E | 76.05' |
| T6 | S 68°09'24" E | 104.29' |
| T7 | S 79°25'08" E | 143.18' |
| T8 | S 74°10'39" E | 307.65' |
| T9 | S 78°18'36" E | 110.05' |
| T10 | N 12°07'28" W | 65.46' |