

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

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

**AGENDA DATE:** Introduction: November 6, 2007  
Public Hearing: November 27, 2007

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

**DISTRICT(S) AFFECTED:** 5

**SUBJECT:**

An ordinance changing the zoning of the following real property described as: Parcel 1: a Portion of Tract 1A5, Section 45, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County Texas, be changed from R-5/sp (Residential/special permit) to C-1 (Commercial); and Parcel 2: a Portion of Tract 1A5, Section 45, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County Texas, be changed from C-1 (Commercial) to R-5 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: South of Pebble Hills Boulevard, East of Joe Battle Boulevard. Applicant: JNC Land, Inc., ZON07-00091, (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) – Unanimous Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation (6-0)

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

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

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

**DEPARTMENT HEAD:** Kelly Carpenter

**APPROVED FOR AGENDA:**

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

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

CITY CLERK DEPT.  
07 OCT 26 PM 12:01

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

**AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS:**

**PARCEL 1: A PORTION OF TRACT 1A5, SECTION 45, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY TEXAS, BE CHANGED FROM R-5/SP (RESIDENTIAL/SPECIAL PERMIT) TO C-1 (COMMERCIAL); AND,**

**PARCEL 2: A PORTION OF TRACT 1A5, SECTION 45, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY TEXAS, BE CHANGED FROM C-1 (COMMERCIAL) TO R-5 (RESIDENTIAL). 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 the following property be changed as described below within the meaning of the zoning ordinance and that the zoning map of the City of El Paso be revised accordingly:

**Parcel 1:** *A portion of Tract 1A5, Section 45, 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 R-5/sp (Residential/special permit) to C-1 (Commercial); and,*

**Parcel 2:** *A portion of Tract 1A5, Section 45, 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 "B", incorporated by reference, be changed from C-1 (Commercial) to R-5 (Residential).*

**PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.**

**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

\_\_\_\_\_  
Kimberly Forsyth, Senior Planner  
Development Services Department

CITY CLERK DEPT.  
07 OCT 26 AM 11:52

Being a portion of Tract 1A5, Section 45,  
Block 79, Township 2,  
Texas and Pacific Railway Company Surveys,  
City Of El Paso, El Paso County, Texas  
Prepared For: JNC Land  
July 17, 2007  
(Sombras Del Sol Unit Six-Parcel 1)  
(R-5 To C-1)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 1A5, Section 45, 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  
Jon Evans Dr. and Pebbles Hills Blvd., Thence along the proposed centerline of Pebble  
Hills Blvd, 1084.10 feet along the arc of a curve to the right which has a radius of  
1072.88 feet a central angle of 57°53'42" a chord which bears South 75°23'11" West a  
distance of 1038.56 feet to a point for the "TRUE POINT OF BEGINNING".

Thence leaving said centerline South 00°31'00" East a distance of 274.05 feet to a  
point;

Thence South 89°29'00" West a distance of 130.02 feet to a point on the proposed  
centerline of Hannah Leigh St.;

Thence along said centerline North 00°31'00" West a distance of 303.90 feet to a  
point on the proposed centerline of Pebble Hills Blvd.;

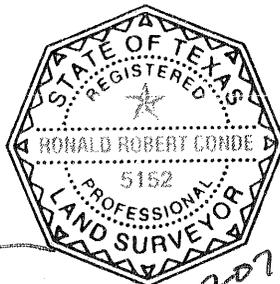
Thence 111.84 feet along the arc of a curve to the right which has a radius of  
900.00 feet a central angle of 07°07'11" and a chord which bears South  
78°04'08" East a distance of 111.77 feet to a point of reverse curve;

Thence 21.66 feet along the arc of a curve to the left which has a radius of 1072.88 feet a  
central angle of 01°09'25" and a chord which bears South 75°05'15" East a distance of  
21.66 feet to a point for the "TRUE POINT OF BEGINNING" and containing 0.8670  
acres of land more or less.

Note: Not a ground survey

Bearing basis is True North for a Transverse Mercator Surface Projection as determined  
by RTK GPS methods based near this site.

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



CITY CLERK DEPT.  
07 OCT 25 PM 12:00

Being a portion of Tract 1A5, Section 45,  
Block 79, Township 2,  
Texas and Pacific Railway Company Surveys,  
City Of El Paso, El Paso County, Texas  
Prepared For: JNC Land  
July 17, 2007  
(Sombras Del Sol Unit Six-Parcel 2)  
(C-1 To R-5)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 1A5, Section 45, 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  
Jon Evans Dr. and Pebbles Hills Blvd., Thence along the proposed centerline of Pebble  
Hills Blvd, 1084.10 feet along the arc of a curve to the right which has a radius of  
1072.88 feet a central angle of 57°53'42" a chord which bears South 75°23'11" West a  
distance of 1038.56 feet to a point; Thence leaving said centerline South 00°31'00" East  
a distance of 274.05 feet to a point for the "TRUE POINT OF BEGINNING".

Thence North 89°29'00" East a distance of 312.98 feet to a point on the proposed  
westerly right of way line of Sun Fire Blvd.;

Thence along said right of way line South 00°57'58" West a distance of 10.39 feet  
to a point;

Thence 36.71 feet along the arc of a curve to the right which has a radius of  
1321.38 feet a central angle of 01°35'31" and a chord which bears South  
88°41'15" West a distance of 36.71 feet to a point;

Thence South 89°29'00" West a distance of 208.01 feet to a point;

Thence 68.04 feet along the arc of a curve to the right which has a radius of  
1015.00 feet a central angle of 03°50'27" and a chord which bears North  
88°35'46" West a distance of 68.03 feet to a point;

Thence North 00°31'00" West a distance of 8.61 feet to a point for the "TRUE POINT  
OF BEGINNING" and containing 0.0769 acres of land more or less.

Note: Not a ground survey

Bearing basis is True North for a Transverse Mercator Surface Projection as determined  
by RTK GPS methods based near this site.

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



CITY CLERK DEPT.  
07 OCT 26 PM 12:00



**JOHN COOK**  
MAYOR

**JOYCE WILSON**  
CITY MANAGER

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

**KELLY CARPENTER, AICP**  
DEPUTY DIRECTOR, PLANNING

**CITY COUNCIL**

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

**DEVELOPMENT SERVICES**  
**PLANNING DIVISION**  
**MEMORANDUM**

**DATE:** October 26, 2007

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

**FROM:** Esther Guerrero, Planner

**SUBJECT:** **ZON07-00091**

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The City Plan Commission (CPC), on September 20, 2007, voted 6-0 to recommend APPROVAL of rezoning the subject property from R-5/sp (Residential/special permit) to C-1 (Commercial) on Parcel 1 and from C-1 (Commercial) to R-5 (Residential) on Parcel 2, concurring with staff recommendation.

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 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.

**Attachment:** Staff Report

07 OCT 26 PM 12:01  
CITY CLERK DEPT.

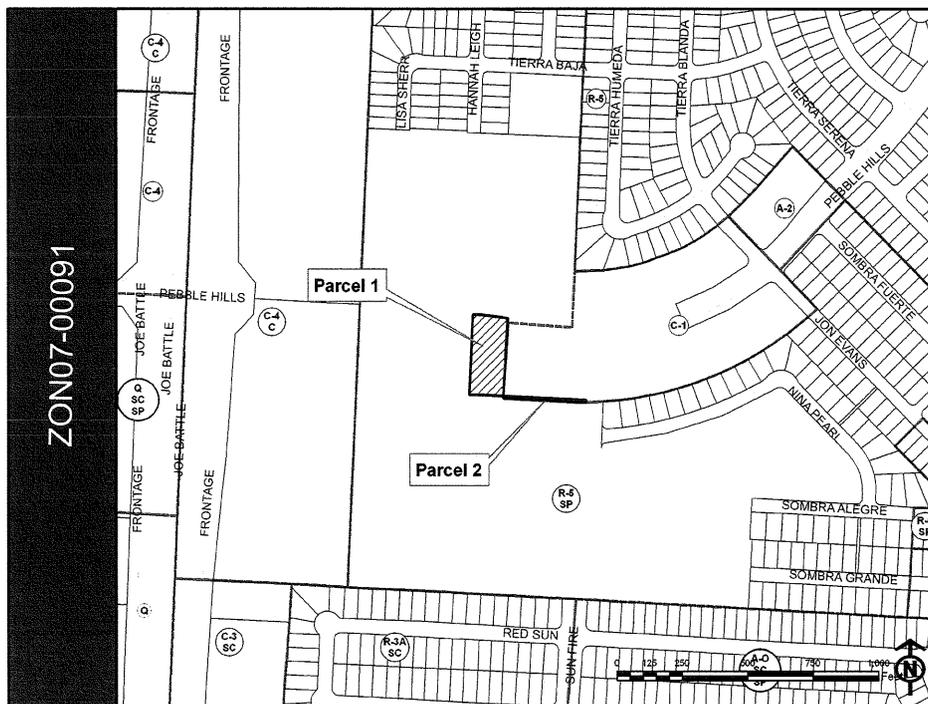


## ZON07-00091

**Application Type:** Rezoning  
**Property Owner(s):** JNC Land, Inc.  
**Representative(s):** Conde, Inc.  
**Legal Description:** Parcel 1: A portion of Tract 1A5, Section 45, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas  
Parcel 2: A portion of Tract 1A5, Section 45, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas

**Location:** South of Pebble Hills Boulevard, East of Joe Battle Boulevard  
**Representative District:** 5  
**Area:** Parcel 1: 0.8670 acres Parcel 2: 0.0769 acres  
**Present Zoning:** Parcel 1: R-5/sp (Residential/special permit)  
Parcel 2: C-1 (Commercial)  
**Present Use:** Parcels 1 & 2: Vacant  
**Proposed Zoning:** Parcel 1: C-1 (Commercial)  
Parcel 2: R-5 (Residential)

**Recognized Neighborhood**  
**Associations Contacted:** Las Tierras Neighborhood Association, East Side Civic Association  
**Public Response:** None  
**Surrounding Land Uses:** **North:** R-5/sp **South:** R-5/sp **East:** C-1 **West:** R-5/sp  
**Year 2025 Designation:** Commercial, Residential (East Planning Area)



CITY CLERK DEPT.  
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**General Information**

The applicant requests a rezoning from R-5/sp (Residential/special permit) to C-1 (Commercial) on Parcel 1 to permit neighborhood commercial development at the proposed intersection of Pebble Hills Boulevard and Hannah Leigh Street and the adjacent C-1 (Commercial) zone to the east. And from C-1 (Commercial) to R-5 (Residential) on Parcel 2 will allow the alignment of the residential zoning district boundary and the lots abutting to the south.

**Staff Recommendation**

The Development Coordinating Committee (DCC) recommends **approval** of this rezoning request.

**Findings**

The Commission must determine the following:

- 1. Will R-5 (Residential) and C-1 (Commercial) zoning protect the best interest, health, safety and welfare of the public in general?
- 1. Will a commercial and residential development be compatible with adjacent land uses?
- 2. What is the relation of the proposed change to the City’s Comprehensive Plan?
- 3. What effects will the rezoning have on the natural environment, social and economic conditions and property values in the vicinity and the city as a whole?

**Development Services-Building Permits**

Insufficient data submitted to determine compliance with C-1 Commercial District's lot size, yard standards and parking requirements. A six foot high masonry screening wall along property lines abutting residential district will be required.

**Landscaping**

This parcel will require landscaping when developed if changed to a C-1.

**Development Services-Planning**

No objections, recommend approval.

**Engineering Department-Traffic**

No traffic concerns with proposed zoning change.

**Fire Department**

No comments received.

**El Paso Water Utilities**

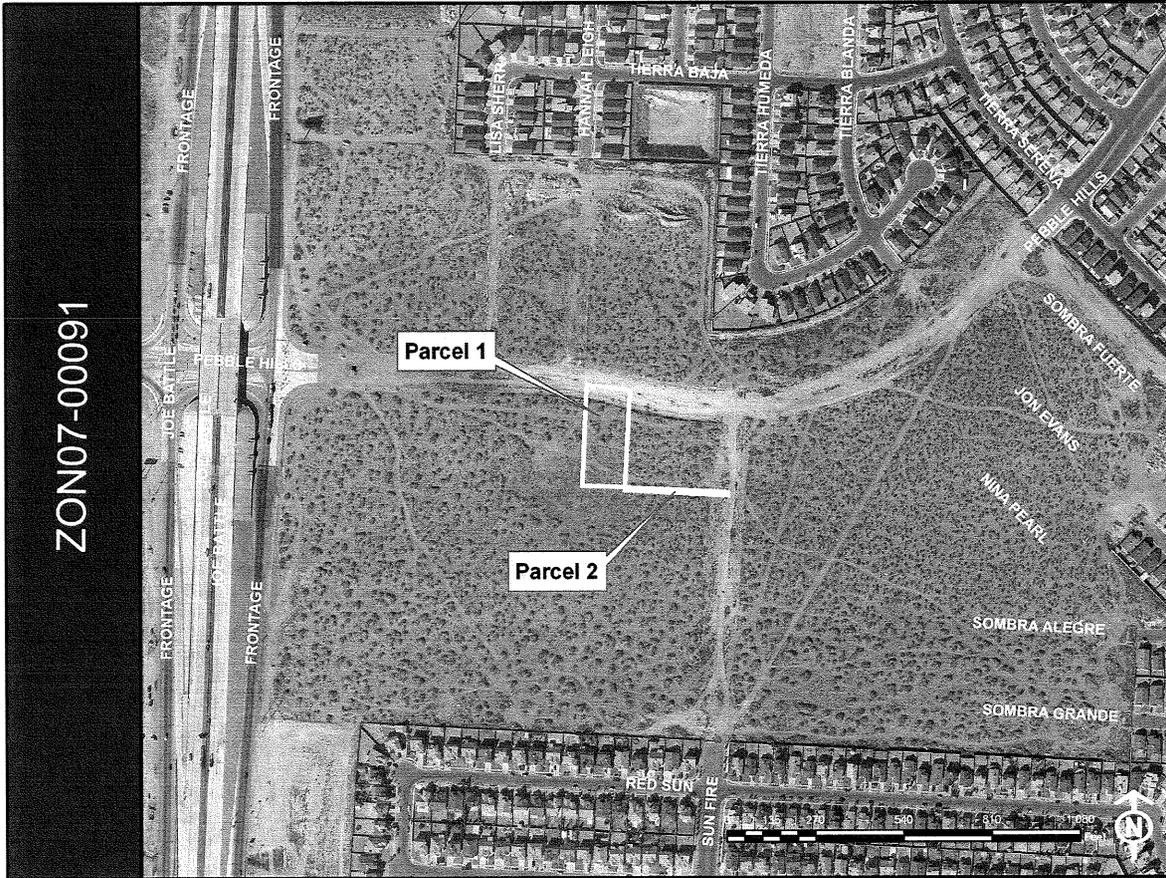
EPWU does not object to this rezoning request.

**List of Attachments**

- Attachment 1: Aerial
- Attachment 2: Conceptual Site Plan
- Attachment 3: Application

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CITY CLERK DEPT.

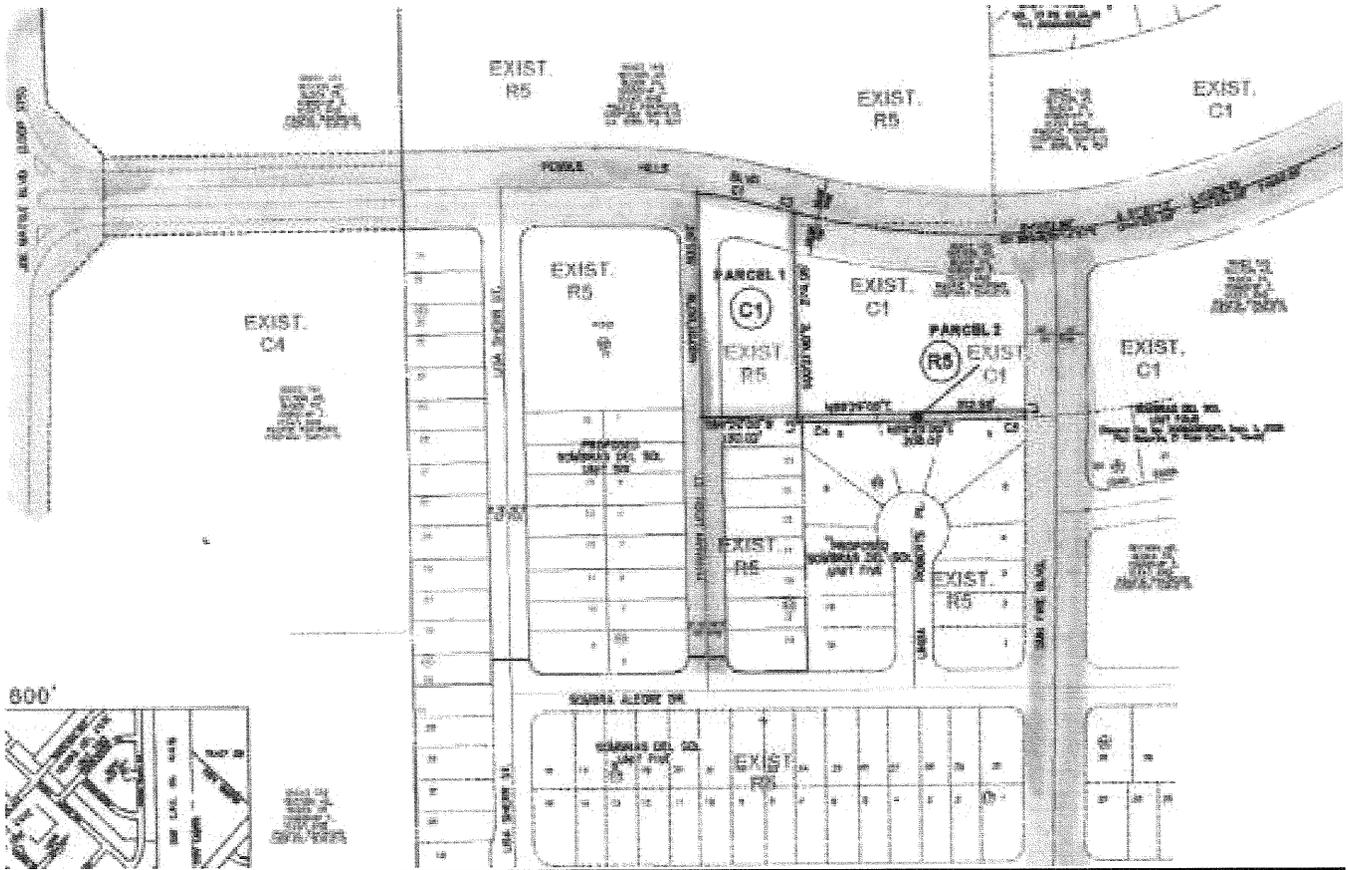
**Attachment 1: Aerial**



ZON07-00091

CITY CLERK DEPT.  
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**Attachment 2: Conceptual Site Plan**



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**Attachment 3: Application**

07/06/2007 16:28 FAX 915 592 0256

CONDE INC

003



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

**1. CONTACT INFORMATION**

PROPERTY OWNER(S): JNC Land, Inc.  
 ADDRESS: 12300 Montwood El Paso Texas ZIP CODE: 79928 PHONE: (915) 855-1005  
 APPLICANT(S): JNC Land, Inc.  
 ADDRESS: 12300 Montwood El Paso Texas ZIP CODE: 79928 PHONE: (915) 855-1005  
 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: X579-999-2450-0180  
 LEGAL DESCRIPTION: Being a Portion of Tract 1A5, Section 45, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas.  
 STREET ADDRESS OR LOCATION: Pebble Hills  
 ACREAGE: 0.8670 PRESENT ZONING: R-5/SP PRESENT LAND USE: Vacant  
 PROPOSED ZONING: C-1 PROPOSED LAND USE: To allow for Commercial Development  
 ADDRESS: ZIP CODE: PHONE:  
 E-MAIL ADDRESS: cconrad@elp.rr.com

*Detail-5*

**3. PARCEL TWO INFORMATION**

PROPERTY IDENTIFICATION NUMBER: X579-999-2450-0180  
 LEGAL DESCRIPTION: Being a Portion of Tract 1A5, Section 45, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas.  
 STREET ADDRESS OR LOCATION: Pebble Hills  
 ACREAGE: 0.0769 PRESENT ZONING: C-1 PRESENT LAND USE: Vacant  
 PROPOSED ZONING: R-5 PROPOSED LAND USE: To align and clean up the residential zoning  
 ADDRESS: ZIP CODE: PHONE:  
 E-MAIL ADDRESS: cconrad@elp.rr.com

**4. PARCEL THREE INFORMATION**

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

**5. ADDITIONAL INFORMATION**

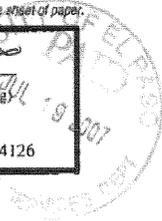
OWNER (S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):  
 Printed Name: Carlos D. Dambach Signature: *[Signature]*  
 Printed Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Printed Name: \_\_\_\_\_ Signature: \_\_\_\_\_

*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 07-00091 RECEIVED DATE: 7/18/07 APPLICATION FEE: \$ 750.00  
 DCC REVIEW DATE: 8/8/07 (8:30 am, Planning Department Conference Room, 2<sup>nd</sup> Floor, City Hall Building)  
 CPC REVIEW DATE: 9/6/07 (1:30 pm, City Council Chambers, 2<sup>nd</sup> Floor, City Hall Building)  
 ACCEPTED BY: *[Signature]* FUND-01101, DEPT ID -99010335, ACCOUNT -404126

Revised 8/2004



07 OCT 26 PM 12:01  
CITY CLERK DEPT.