

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

DEPARTMENT: Development Services Department

AGENDA DATE: Introduction: November 8, 2005
Public Hearing: November 22, 2005

CONTACT PERSON/PHONE: Christina Valles, 541-4930

DISTRICT(S) AFFECTED: 6

SUBJECT:

An Ordinance amending Ordinance No. 011446 which changed the zoning of a portion of Tract 3, section 4, Block 79, TSP 3, T&P Railway Co. Surveys, El Paso, El Paso County, Texas, and which imposed certain conditions, by deleting Condition Number 2, applicable to Parcels 1&2, thereof. The penalty is as provided for in Chapter 20.68 of The El Paso Municipal Code. Subject Property: 1800 Block of Joe Battle Blvd. Applicant: River Oaks Properties, Ltd. ZON05-00113 (District 6)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approved Recommendation
City Plan Commission (CPC) – Recommendation Pending

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: George Sarmiento, AICP

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 011446 WHICH CHANGED THE ZONING OF A PORTION OF TRACT 3, SECTION 4, BLOCK 79, TSP 3, T&P RAILWAY CO. SURVEYS, EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED CERTAIN CONDITIONS, BY DELETING CONDITION NUMBER 2, APPLICABLE TO PARCELS 1&2, THEREOF. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, the zoning of property described as *a portion of Tract 3, Section 4, Block 79, TSP 3, T&P Railway Co. Surveys, El Paso, El Paso County, Texas*, was changed by Ordinance No. 011446, approved on June 22, 1993, a copy of which is attached and marked as Exhibit "A"; and

WHEREAS, the rezoning from R-3 (Residential) to C-4 (Commercial), for Parcels 1 & 2, was subject to various zoning conditions which were necessitated by and attributable to the increased intensity of use generated by the change of zoning; and

WHEREAS, application for deletion of the zoning condition Number 2, applicable to Parcels 1 & 2, on that portion of the property described as *a portion of Tract 3, Section 4, Block 79, TSP 3, T&P Railway Co. Surveys, El Paso, El Paso County, Texas*, as more particularly described by the metes and bounds in the attached Exhibit "B", has been made by the **City of El Paso**; and

WHEREAS, a public hearing regarding deletion of the condition was held before the City Plan Commission, which has recommended approving the deletion of the condition; and

WHEREAS, the City Plan Commission recommendation is based on a determination that the condition is no longer applicable and that the proposed deletion of the condition will protect the best interest, health, safety and welfare of the public in general; and

WHEREAS, the City Council of the City of El Paso has determined that the zoning condition should be deleted and finds that the conditions no longer applicable and that the proposed deletion of the condition will protect the best interest, health, safety and welfare of the public in general.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS that zoning condition Number 2, applicable to Parcels 1 & 2, imposed by Ordinance No. 011446 shall be deleted on the property described as *a portion of Tract 3, Section 4, Block 79, TSP 3, T & P Railway Co. Surveys, El Paso, El Paso County, Texas*, as more particularly described by the metes and bounds in the attached Exhibit "B".

Except as herein amended, all other conditions listed in Ordinance 011446 shall remain in full force and effect.

PASSED AND APPROVED this ____ day of _____, 2005.

THE CITY OF EL PASO

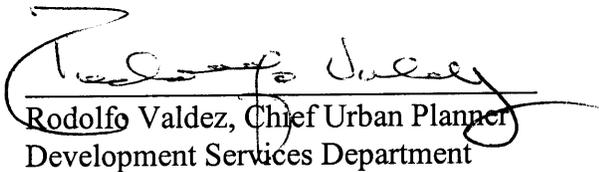
John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

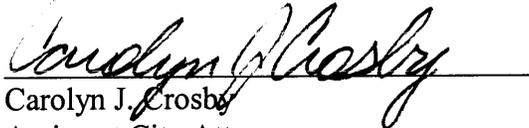
APPROVED AS TO CONTENT:

Christina Valles, Planner II
Development Services Department



Rodolfo Valdez, Chief Urban Planner
Development Services Department

APPROVED AS TO FORM:



Carolyn J. Crosby
Assistant City Attorney

ORDINANCE NO. 011446

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 3, SECTION 4, BLOCK 79, TSP 3, T&P RAILWAY CO. SURVEYS, AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of A PORTION OF TRACT 3, SECTION 4, BLOCK 79, TSP 3, T&P RAILWAY CO. SURVEYS, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from R-3 (Residential), to R-3A (Residential-Parcel 5), C-4 (Commercial-Parcels 1&2), A-O (Apartment/Office-Parcel 4) and C-1 (Commercial-Parcel 3) within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-3 (Residential) to R-3A (Residential), C-4 (Commercial), A-O (Apartment/Office) and C-1 (Commercial) in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

Parcels 1 & 2

1. Prior to issuance of building permits, the applicants must submit for review and approval by the City Plan Commission and the Mayor and City Council a detailed site development plan of the property. Such site plans should also include a landscaping plan, to show how the area adjacent to the residential uses can be buffered.

2. Provide a 15' strip of landscaping adjacent to Joe Battle Blvd. (Loop 375) and Montwood Dr.

Parcels 2,3&4

1. Prior to issuance of any building permits the applicants must submit for review and approval by the City Plan Commission and the Mayor and City Council, a detailed site development plan of the property.
2. Limiting the height of any structure to not more than 2½ stories or 35' whichever is greater.
3. Provide a 10' wide strip of landscaping along Montwood Dr.

These conditions run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefitted thereby, and without affecting the validity of this ordinance.

PASSED AND APPROVED this 22nd day of June, 1993.

THE CITY OF EL PASO



Mayor

ATTEST:



City Clerk

FIELD NOTE DESCRIPTION

STATE OF TEXAS
COUNTY OF EL PASO

BEING all that certain lot, tract or parcel of land in the City of El Paso, El Paso County, Texas and being a portion of Section 4, Block 79, Township 3, Texas & Pacific Railway Company Surveys, in the City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a Texas Highway Department of Transportation brass cap found in the center line of intersection of Loop 375 and Montwood Drive (120-foot right-of-way) from which a Texas Highway Department of Transportation brass cap found in the centerline of Montwood Drive bears South 89° 29' 00" West at a distance of 600.00 feet;

THENCE North 89° 29' 00" East along the centerline of Montwood Drive for a distance of 271.03 feet to a point;

THENCE South 00° 00' 31" East for a distance of 60.00 feet to a 1/2" iron rod found for the intersection of the Easterly right-of-way of Loop 375 (December 18, 1972, Book 433, Page 1409, Deed Records, El Paso County, Texas) and the Southerly right-of-way of Montwood Drive (July 6, 1993, Book 2638, Page 1530, Deed Records, El Paso County, Texas) for the POINT OF BEGINNING of this description;

THENCE North 89° 29' 00" East along the South right of way line of said Montwood Drive for a distance of 927.25 feet to a nail and shiner found on the Westerly boundary of those certain parcels of land described May 13, 1993, in Book 2565, Page 408 and 413, and May 12, 1994, in Book 2736, Page 2175, Deed Records, El Paso County, Texas, same being the Northwest corner of Unit Four Addition;

THENCE South 01° 22' 30" West along said Westerly boundary and passing the Southwest corner of said Lot 27 in Block 1 of Montwood Heights Unit For Addition, same being the Northwest corner of Lot 11 in Block 1 of Montwood Heights Unit One Addition, and continuing along the West line of Montwood Heights Unit One and Unit Two Addition for a distance of 2026.94 feet to an "x" mark found on a rock wall for the Southwest corner of Lot 19 in Block 9 of Montwood Heights Unit Two Addition and being on the South line of Section 4, Block 79, Township 3, Texas & Pacific Railway Company Surveys (March 4, 1954, Book 1159, Page 186, Deed Records, El Paso County, Texas), same being the North right of way line of Windemere Avenue;

THENCE North 89° 57' 20" West along said South line for a distance of 981.34 feet to a chiseled "x" found on the Easterly right-of-way of Loop 375 (variable width right of way);

THENCE North 00° 31' 21" West along said East right-of-way line of Loop 375 for a distance of 569.21 feet to a 5/8" iron rod found for an angle point;

THENCE North 01° 23' 00" East and continuing along said East right-of-way line of said Loop 375 for a distance of 1372.98 feet to a 5/8" iron rod found for corner;

THENCE North 44° 44' 46" East along a cut-off line for Montwood Drive for a distance of 106.27 feet to the POINT OF BEGINNING and CONTAINING 46.2269 ACRES OF LAND, more or less.

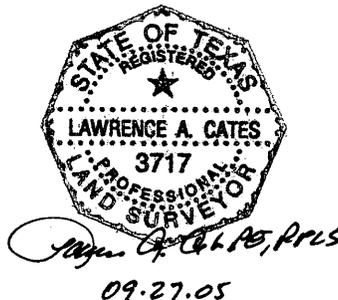


EXHIBIT "B"

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

GEORGE G. SARMIENTO, AICP
DEPUTY DIRECTOR



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 DEPARTMENT
PLANNING DIVISION**

October 17, 2005

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

FROM: Christina Valles, Planner II

SUBJECT: ZON05-00113

The City Plan Commission (CPC), on November 3, 2005, will consider this request to release a condition currently imposed on the property that requires a 15' landscape buffer along Joe Battle Blvd. and Montwood Dr.

The Development Coordinating Committee has unanimously recommended approval of this request based on the following: the intent of this condition will be met by compliance with the landscaping ordinance (20.65); that the detailed site development plan submitted concurrently is in conformance with The Plan for El Paso; the proposed use is in conformance with the Year 2025 Projected General Land Use Map; and the proposed site plan complies with all ordained development standards of the C-4/c (Commercial/condition) zoning district.

There is **one letter in SUPPORT** to this request.

STAFF REPORT

Zoning Condition Amendment/Release: ZON05-00113

Property Owner(s): River Oaks Properties Ltd.

Applicant(s): Adam Frank

Representative(s): Michael L. Clark

Legal Description: A portion of Tract 3, Section 4, Block 79, Township 3, T & P RR Surveys

Location: S.E. Corner Loop 375 @ Montwood

Representative District: # 6

Area: 46.23 Acres

Present Zoning: C-4/c (Commercial/condition)

Present Use: vacant

Proposed Request: Retail Shopping Center

Proposed Use: Release condition that requires 15' landscape buffer along Loop 375 and Montwood

Recognized Neighborhood Associations Contacted: Northeast Healthy Communities, Northeast Civic Association

Surrounding Land Uses:

North -	C-4/sc (Commercial/special contract) / Vacant
South -	City Limits
East -	R-3A (Residential) / Single-family
West-	C-4/sc (Commercial/special contract) / Commercial

Year 2025 Designation: East (Commercial Planning Area)

**CITY PLAN COMMISSION HEARING, NOVEMBER 3, 2005,
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

Zoning Condition

Amendment/Release: ZON05-00113

General Information:

Ordinance No. 011446, dated June 22, 1993, rezoned and conditioned the property as C-4/c (Commercial Condition). The following conditions were imposed by in order to protect the health, safety and welfare of adjacent property owners:

Parcels 1&2

1. *Prior to issuance of building permits, the applicant must submit for review and approval by the City Plan Commission and the Mayor and City Council a detailed site development plan of the property. Such site plans should also include a landscaping plan, to show how the area adjacent to the residential uses can be buffered.*
2. *Provide a 15' strip of landscaping adjacent to Joe Battle Blvd. and Montwood Dr.*

The applicant is requesting that condition No. 2 be released and has submitted a detailed site development plan to be approved simultaneously to permit a retail shopping center. The property is currently zoned C-4/c (Commercial/condition). The site is currently vacant and is 46.23 acres in size. The proposed site plan shows a retail shopping center to be located on the site. Access is proposed via Windermere Ave., Loop 375 Frontage Road, and Montwood Dr.; 2,013 parking spaces are provided.

Information to the Commission:

One letter of **support** has been received.

Staff Recommendation:

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL** of this request for condition **amendment**. Its recommendation is based on the following:

The condition is no longer necessitated since landscaping is required by another provision.

The C-4/c (Commercial/condition) zoning district permits retail development, and is compatible with adjacent development.

The proposed use is in accordance with and in furtherance of *The Plan for El Paso*.

The Commission must determine the following:

Will the **release** of zoning condition No. 2 on the subject property protect the best interest, health, safety and welfare of the public in general?

Information To The Applicant:

Building Permits and Inspections Division Notes:

No comments.

Land Development Division Notes:

No comments.

Engineering, Traffic Division Notes:

No comments.

Fire Department Notes:

No comments.

El Paso Water Utilities Notes:

No comments.

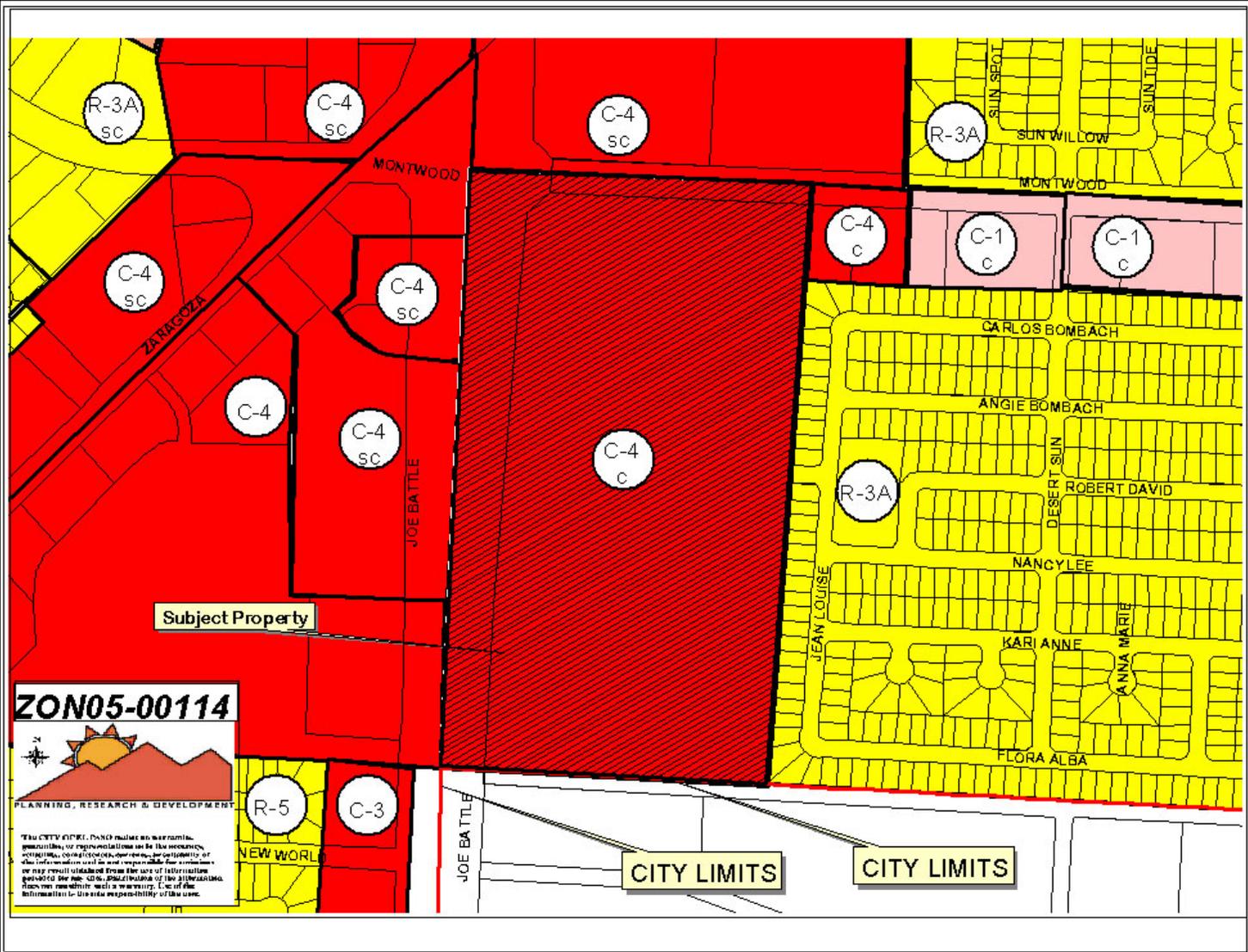
Planning Division Notes:

Recommend approval of this request for condition release.

ATTACHMENT: Site Plan; Location Map.

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 DEPARTMENT AT (915) 541-4024.

LOCATION MAP



R-3A
SC

C-4
SC

C-4
SC

R-3A

C-4
SC

C-4
SC

C-4
c

C-1
c

C-1
c

C-4

C-4
SC

C-4
c

R-3A

Subject Property

ZON05-00114



PLANNING, RESEARCH & DEVELOPMENT

The CITY OF PEACOCK makes no warranty, guarantee, or representation as to the accuracy, reliability, or completeness of the information used in and responsible for any errors or omissions that may result from the use of information provided by the City. The City of Peacock makes no warranty, guarantee, or representation as to the accuracy, reliability, or completeness of the information provided by the City of Peacock.

R-5

C-3

NEW WORLD

JOE BATTLE

CITY LIMITS

CITY LIMITS

ZARAGOZA

MONTWOOD

JOE BATTLE

SUN SECT

SUN WILLOW

SUN TIDE

MONTWOOD

CARLOS BOMBACH

ANGIE BOMBACH

ROBERT DAVID

NANCY LEE

KARI ANNE

FLORA ALBA

JEAN LOUISE

DESERT SUN

ANNA MARIE

AERIAL MAP

