

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

DEPARTMENT: Planning and Economic Development Department, Planning Division

AGENDA DATE: Introduction: November 9, 2010
Public Hearing: November 30, 2010

CONTACT PERSON/PHONE: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 5

SUBJECT:

An ordinance changing the zoning of 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 from R-5/sp (Residential/special permit) to C-1 (Commercial); and repealing Ordinance No. 15601. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North of Pebble Hills Boulevard at Hanna Leigh Drive. Applicant: JNC Land, Inc. ZON10-00071 (**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) – 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 1A5, SECTION 45, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5/SP (RESIDENTIAL/SPECIAL PERMIT) TO C-1 (COMMERCIAL); AND REPEALING ORDINANCE NO. 15601. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, on January 16, 2001, City Council approved the rezoning from R-3 (Residential) to R-5 (Residential) and on November 11, 2003, City Council adopted Ordinance No. 15601 which granted Special Permit No. ZON03-00029 to allow for a planned residential development on a portion of Tract 1A5, Section 45, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, and,

WHEREAS, JNC Land, Inc., Property Owner, is requesting to rezone property from R-5/sp (Residential/special permit) to C-1 (Commercial) to allow for a neighborhood commercial development;

WHEREAS, the Ordinance granting Special Permit No. ZON03-00029 to allow for a planned residential development should be repealed because the Special Permit is no longer needed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

1. That the zoning of 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), within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and,

2. That Ordinance No. 15601 granting Special Permit No. ZON03-00029 to allow for a planned residential development on a portion of Tract 1A5, Section 45, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, is hereby repealed.

PASSED AND APPROVED this _____ day of _____, 2010.

THE CITY OF EL PASO

John F. Cook
Mayor

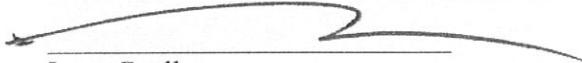
(Signatures continued on Page 2)

ORDINANCE NO. _____ 1 ZONING CASE NO. ZON10-00071

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

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

ORDINANCE NO. _____

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ZONING CASE NO. ZON10-00071

EXHIBIT "A"

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.
August 9, 2010
Prepared for: JNC Land Development

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 Sun Fire Blvd. and Pebble Hills Blvd. within Sombras Del Sol Unit Five recorded by instrument #20070099073 with the El Paso County Real Property Records, from which an existing city monument at the centerline intersection of Sun Fire Blvd. and Sombras Alegre Dr. bears South $00^{\circ}14'14''$ West a distance of 616.86 feet; Thence North $76^{\circ}40'23''$ West a distance of 454.40 feet to a point on the northerly right of way line of Pebble Hills Blvd. Fire Blvd. for the "**TRUE POINT OF BEGINNING**".

Thence along said right of way line 182.36 feet along the arc of a curve to the left which has a radius of 952.50 feet a central angle of $10^{\circ}58'10''$ a chord which bears North $85^{\circ}01'55''$ West a distance of 182.08 feet to a point;

Thence with said right of way line, South $89^{\circ}29'00''$ West a distance of 264.94 feet to a point;

Thence leaving said right of way line, North $00^{\circ}31'03''$ West a distance of 200.00 feet to a point;

Thence North $89^{\circ}29'00''$ East a distance of 237.02 feet to a point;

Thence North $89^{\circ}13'41''$ East a distance of 43.00 feet to a point;

Thence South $88^{\circ}38'55''$ East a distance of 45.02 feet to a point;

Thence South $86^{\circ}12'32''$ East a distance of 53.15 feet to a point;

Thence South $83^{\circ}16'06''$ East a distance of 52.42 feet to a point;

Thence South $81^{\circ}19'47''$ East a distance of 101.30 feet to a point;

Thence South $72^{\circ}27'10''$ East a distance of 42.22 feet to a point;

Thence South $78^{\circ}37'52''$ East a distance of 142.02 feet to a point;

Thence South 80°34'43" East a distance of 101.67 feet to a point;

Thence North 87°14'25" West a distance of 379.88 feet to a point;

Thence South 00°30'47" East a distance of 131.54 feet to a point;

Thence 27.59 feet along the arc of a curve to the left which has a radius of 20.00 feet a central angle of 79°02'03" a chord which bears South 40°01'48" East a distance of 25.45 feet to "TRUE POINT OF BEGINNING" and containing 2.213 acres of land more or less.

A drawing of even date accompanies this description.

Not a ground survey.



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



Job #610-42

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE, SUITE 100 / EL PASO, TEXAS 79905 / (915) 592-0283

MEMORANDUM

DATE: November 1, 2010

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

FROM: Andrew Salloum, Planner

SUBJECT: ZON10-00071

The City Plan Commission (CPC), on October 7, 2010, voted 5-0 to recommend **APPROVAL** of rezoning the subject property from R-5/sp (Residential/special permit) to C-1 (Commercial).

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 effect 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: ZON10-00071
Application Type: Rezoning
CPC Hearing Date: October 7, 2010
Staff Planner: Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

Location: North of Pebble Hills Boulevard at Hanna Leigh Drive
Legal Description: Portion of Tract 1A5, Section 45, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas
Acreage: 2.21 acres
Rep District: 5
Existing Use: Vacant
Zoning: R-5/sp (Residential/special permit)
Existing Use: Vacant
Request: From R-5/sp (Residential/special permit) to C-1/sp (Commercial/special permit)
Proposed Use: Commercial Development

Property Owner: JNC Land, Inc.
Applicant: JNC Land, Inc.
Representative: Conde, Inc.

SURROUNDING ZONING AND LAND USE

North: R-5/sp (Residential/special permit) / Vacant
South: R-5/sp (Residential/special permit) / Single-family residential, Ponding, and Vacant
East: C-1/sp (Commercial/special permit) / Vacant
West: C-4/sp (Commercial/special permit) / Vacant

THE PLAN FOR EL PASO DESIGNATION: Commercial (East Planning Area)
Nearest Park: Carlos David Bombach Park (939 feet)
Nearest School: Sunset High (4,216 feet)

NEIGHBORHOOD ASSOCIATIONS

Eastside Civic Association
Las Tierras Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on September 21, 2010. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

HISTORY CASE

On January 16, 2001, City Council approved the rezoning from R-3 (Residential) to R-5 (Residential) and on November 11, 2003, City Council approved a special permit request to allow for a planned residential development in an R-5 (Residential) district.

APPLICATION DESCRIPTION

The applicant is requesting to rezone property from R-5/sp (Residential/special permit) to C-1/sp (Commercial/special permit) to allow for neighborhood commercial development. The proposed access is

from Pebble Hills Boulevard.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of rezoning the subject property from R-5/sp (Residential/special permit) to C-1/sp (Commercial/special permit).

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 C-1 (Commercial) district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood conveniences 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**.

Engineering & Construction Management Services Department

Construction Management Division

Zoning Review: Plan Review has no objections to the rezoning

Land Development Division

- 1. Provide drainage flow.
- 2. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
- 3. Grading plan and permit shall be required.*
- 4. Storm Water Pollution Prevention Plan and/or permit required.*
- 5. Drainage plans must be approved by the Development Services Department, Engineering Section.*
- 6. The Subdivision is within Flood Zone C - "Areas of minimal flooding, (No shading)." - Panel # 480214 0043B, dated October 15, 1982.

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

Department of Transportation

No objections to rezoning.

El Paso Water Utilities

EPWU does not object to this request.

Fire Department

El Paso Fire Department has no objections or adverse comments.

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



ATTACHMENT 2: AERIAL MAP



ATTACHMENT 3: CONCEPTUAL SITE PLAN

