

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

DEPARTMENT: DEVELOPMENT SERVICES DEPARTMENT, PLANNING DIVISION

AGENDA DATE: Introduction: October 23, 2007
Public Hearing: November 13, 2007

CONTACT PERSON/PHONE: Frank Delgado, 541-4238

DISTRICT(S) AFFECTED: 5

SUBJECT:

An Ordinance changing the zoning of a 70-foot strip of Tract 1A, Section 39, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City Of El Paso, El Paso County, Texas from R-3 (Residential) to C-1 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City. Subject Property: Edgemere Blvd. Applicant: Land Barons of El Paso del Norte, LLC. ZON07-00096 (District 5)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) –Approval Recommendation (5-4)
City Plan Commission (CPC) – Approval Recommendation (6-0)

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

LEGAL: (if required) _____

FINANCE: (if required) _____

DEPARTMENT HEAD: _____

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A 70-FOOT STRIP OF TRACT 1A, SECTION 39, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (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 70-foot strip of Tract 1A, Section 39, 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-3 (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 _____, 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 -9 PM 4:53

EXHIBIT A

A 70' strip out of Tract 1A,
Section 39, Block 79, Township 2,
Texas and Pacific Railway Company Surveys,
City Of El Paso, El Paso County, Texas.
January 18, 2007;

METES AND BOUNDS DESCRIPTION

A Portion of Tract 1A Section 39, 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 a city monument disk found at the centerline intersection of Tierra Fertil Drive and Edgemere Boulevard as referenced in Tierra Del Este Unit Thirty Five, recorded in Volume 80, Page 104, recorded with the El Paso County Deed Records, from which a city monument disk found for the centerline intersection of Rich Beem Boulevard and Edgemere Boulevard bears North 59°43'52" East a distance of 935.03 feet; Thence South 60°54'52" West a distance of 760.99 feet to a "X" on concrete sidewalk at the southeasterly right of way line of Edgemere Boulevard and the "TRUE POINT OF BEGINNING".

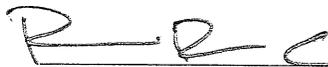
Thence with the common boundary line of Tierra Del Este Unit Forty Eight as referenced by document number 20060056866, recorded with the El Paso County Plat Records and that El Paso Electric Right of Way referenced in Volume 900, Page 1176, South 00°33'06" East a distance of 290.37 feet to a found ½" rebar at the northwesterly corner of Tierra Del Este Unit Forty as referenced by document number 20060060114, recorded with the El Paso County Plat Records;

Thence leaving said boundary line, South 70°43'08" West a distance of 73.91 feet to a set ½" rebar with cap "5152";

Thence parallel to and 70' from the westerly line of Tierra Del Este Unit Forty Eight, North 00°33'06" West a distance of 290.37 feet to a set "X" on concrete sidewalk at the southeasterly right of way line of Edgemere Boulevard;

Thence along said right of way, North 70°43'08" East a distance of 73.91 feet to "TRUE POINT OF BEGINNING" and containing in all 20,326.17 square feet or 0.467 acres of land more or less.




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

7-17-07

job #107-23
OCT -9 PM 4:53
CITY CLERK DEPT.

CONDE, INC.

ENGINEERING / LAND SURVEYING / PLANNING

1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

JOHN COOK
MAYOR
JOYCE WILSON
CITY MANAGER



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

KELLY CARPENTER, AICP
DEPUTY DIRECTOR, PLANNING

**DEVELOPMENT SERVICES
PLANNING DIVISION**

DATE: October 9, 2007

TO: Honorable Mayor and Council
Joyce Wilson, City Manager

FROM: Frank Delgado, Planner

THROUGH: Kelly Carpenter, Deputy Director

SUBJECT: ZON07-00096

The City Plan Commission (CPC), on September 20, 2007, voted **6-0** to recommend **APPROVAL** of rezoning from R-3 (Residential) to C-1 (Commercial).

The CPC found that the proposed rezoning was in conformance with *The Plan for El Paso's* Citywide Land-use Goals that recommend 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."

List of Attachments:

Attachment 1: Conceptual Site Plan

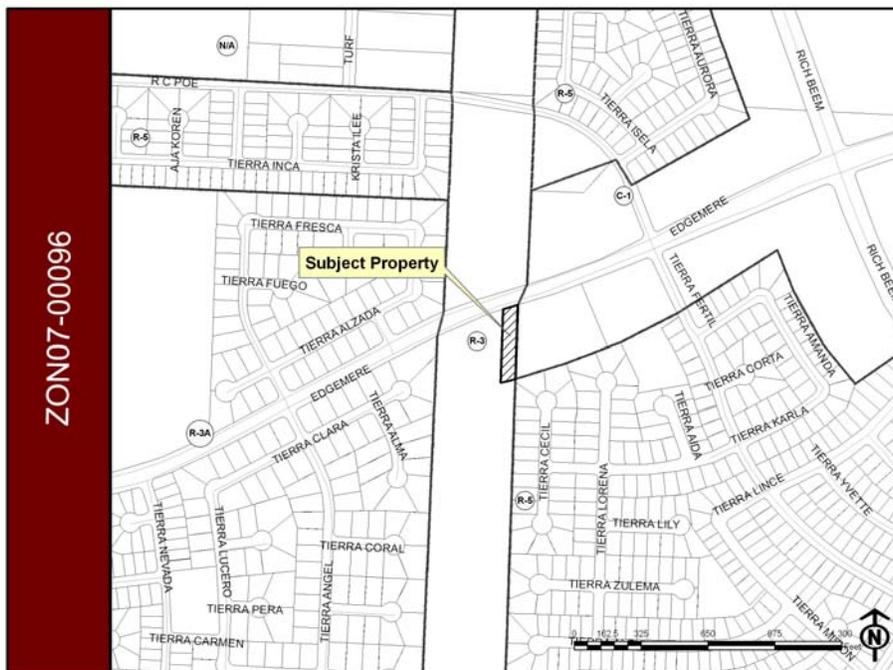
Attachment 2: Application



ZON07-00096

STAFF REPORT

Application Type: Rezoning
Property Owner(s): Land Barons of El Paso Del Norte, LLC.
Representative(s): Conde, Inc.
Legal Description: A 70' strip of Tract 1A, Section 39, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas
Location: Edgemere Boulevard.
Representative District: 5
Area: 0.4670 acres
Present Zoning: R-3 (Residential)
Present Use: Vacant-El Paso Electric Co.(EPEC) easement
Proposed Zoning: C-1 (Commercial)
Proposed Use: Parking lot
Recognized Neighborhood Associations Contacted: Eastside Civic Assn and Las Tierras Neighborhood Assn
Surrounding Land Uses: North – R-3(Residential) Edgemere Boulevard Right-of-Way and Vacant [El Paso Electric Company easement]; South – R-3 (Residential) Vacant-[EPEC easement]; East – C-1 (Commercial) Vacant; West - R-3 (Residential) Vacant [EPEC easement]
Year 2025 Designation: **Open Space** (Eastside Planning Area)



General Information:

The applicant is requesting a rezoning from R-3 (Residential) to C-1 (Commercial) in order to permit a parking lot. The property is 0.4670 acres in size, and is currently vacant [It is part of an El Paso Electric Company easement]. The conceptual site plan shows a parking lot to be located on the site. Access is proposed via Edgemere Boulevard. There are no zoning conditions imposed on this property.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **APPROVAL** of this request for rezoning from R-3 to C-1.

The recommendation is based on the following:

The Plan for El Paso's Citywide Land-use Goals recommend 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.”

The Year 2025 Projected General Land-use Map for the Eastside Planning Area designates this property as **Open Space**.

The *Open Space Master Plan* designates this property as **Open Space**.

C-1 (Commercial) zoning permits a parking lot and **is compatible** with adjacent development.

Findings:

The Commission must determine the following:

1. Will the zoning protect the best interest, health, safety and welfare of the public in general?
2. Will parking lot be compatible with adjacent land uses?
3. What is the relation of the proposed change to the city's Comprehensive Plan?
4. What effect will the rezoning have upon the natural environment social and economic conditions and property values in the vicinity and in the City as a whole?

Development Services Department - Building Permits and Inspections Division:

Parking lot permitted on C-1 (Commercial) district as an accessory use only. Shall need to re-calculate number of A.D.A. VAN-ACCESSIBLE parking spaces required. Shall need to provide a six-foot high masonry screening wall along property lines abutting R-3 Residential District.

Development Services Department - Planning Division:

Current Planning:

Planning recommends **DENIAL** of the request, as both the *Open Space Master Plan* and the *2025 Projected General Land-Use Plan* designate this area as **Open Space**.

Engineering Department - Traffic Division:

Traffic has no concerns about this request.

El Paso Water Utilities:

EPWU does not object to this request.

Comments from the Public:

Planning received one phone call in support of the rezoning; the caller said that he would also like to purchase part of the easement to increase the size of his property. We received no phone calls or letters in opposition to this request.



Attachment 2: Application



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

1. CONTACT INFORMATION

PROPERTY OWNER(S): Land Barons of El Paso del Norte, LLC
 ADDRESS: 601 N. Mesa, Ste. 100 El Paso, TX ZIP CODE: 79901 PHONE: 545-2222
 APPLICANT(S): Land Barons of El Paso del Norte, LLC
 ADDRESS: 601 N. Mesa, Ste. 100 El Paso, TX ZIP CODE: 79901 PHONE: 545-2222
 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: X579-999-2390-0480
 LEGAL DESCRIPTION: Being a 70' Strip out of Tract 1A, Section 39, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas.
 STREET ADDRESS OR LOCATION: Edgemere Blvd.
 ACREAGE: 0.467 ac. PRESENT ZONING: R-3 PRESENT LAND USE: Vacant
 PROPOSED ZONING: C-1 PROPOSED LAND USE: Parking Lot
 ADDRESS: _____ ZIP CODE: _____ PHONE: District - 5
 E-MAIL ADDRESS: cconrad@elp.rr.com

3. PARCEL TWO INFORMATION

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

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: LAND BARONS OF EL PASO DEL NORTE Signature: John C. Martin, MAR.
 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 ****

ZONING: 01-00094 RECEIVED DATE: 7/24/07 APPLICATION FEE: \$ ~~750.00~~ 715.00
 DCC REVIEW DATE: 8/22/07 (8:30 am, Planning Department Conference Room, 2nd Floor, City Hall Building)
 CPC REVIEW DATE: 9/20/07 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
 ACCEPTED BY: [Signature] FUND -01101, DEPT ID -99010335, ACCOUNT -404126