

**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: Arturo Rubio, 541-4633

DISTRICT(S) AFFECTED: 5

SUBJECT:

An Ordinance changing the zoning of a portion of Tract 12B Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-4 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: South of Montana Avenue and West of Rich Beem Boulevard. Applicant: Camino Real Properties I, LTD, ZON07-00098 (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: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 12B, SECTION 34, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL), AND IMPOSING CONDITIONS. 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 12B, Section 34, 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-4 (Commercial), within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

1. That a 10 foot landscape buffer with evergreen trees placed at 15 feet on center with a 2 inch caliper be placed along the property line where abutting residential zoning districts and uses; and,
2. That parking for cars shall be situated in a landscaped courtyard and screened from view; and,
3. That air conditioning units, trash containers, and utility boxes shall be screened from the street view by low walls, fences and/or landscaping.

PASSED AND APPROVED this _____ day of _____, 2007.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

CITY CLERK DEPT.
07 OCT 11 AM 10:00

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



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 11, 2007

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

FROM: Arturo Rubio, Planner

SUBJECT: ZON07-00098

The City Plan Commission (CPC), on September 20, 2007, voted 6-0 to recommend APPROVAL of rezoning the subject property from R-3 (Residential) to C-4 (Commercial) and imposing conditions.

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.

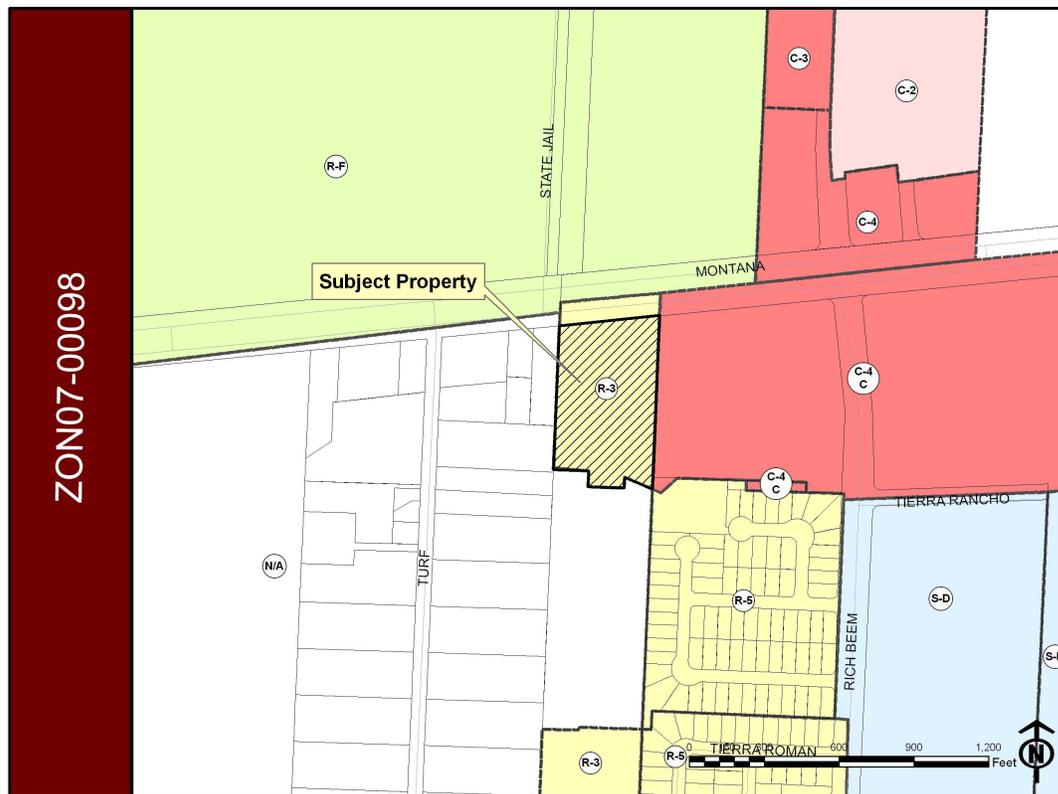
There were no letters of support or opposition to this request.

Attachment: Staff Report



ZON07-00098

Application Type: Rezoning
Property Owner(s): Camino Real Properties I, LTD
Applicant(s): Same
Representative(s): Conde, Inc.
Legal Description: A Portion of Tract 12B, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas
Location: South of Montana Avenue and West of Rich Beem Boulevard
Representative District: 5 **Area:** 5.84
Present Zoning: R-3 (Residential) **Present Use:** vacant
Proposed Zoning: C-4 (Commercial)
Proposed Use: Commercial Development
Recognized Neighborhood Associations Contacted: East Side Civic Association, Las Tierras Neighborhood Association
Surrounding Land Uses: **North:** R-F **South:** ETJ/ Vacant **East:** C-4/c **West:** ETJ
Year 2025 Designation: Commercial (East Planning Area)



General Information:

The applicant is requesting a rezoning from R-3 (Residential) to C-4 (Commercial) in order to permit commercial development. The property is 5.84 acres and is currently vacant. The conceptual site plan shows one structure to be located on the site. Access is proposed via Montana Avenue. There are no zoning conditions on this property.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **Approval** of this request for rezoning from R-3 (Residential) to C-4 (Commercial) with four conditions.

1. That a 10 foot landscape buffer with evergreen trees placed at 15 feet on center with a 2 inch caliper be placed along the property line where abutting residential zoning districts and uses; and
2. That platting be required prior to issuance of any building permits; and
3. That parking for cars shall be situated in a landscaped courtyard and screened from view; and
4. That air conditioning units, trash containers, and utility boxes shall be screened from the street view by low walls, fences and/or landscaping.

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.”
- **The Year 2025 Projected General Land Use Map** for the East Planning Area designates this property for **Commercial** land uses.
- **C-4 zoning** allows for commercial development and **is compatible** with adjacent development.

Findings:

The Commission must determine the following:

1. Will C-4 (Commercial) zoning protect the best interest, health, safety and welfare of the public in general?
2. Will commercial development 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:

Zoning Review: Need to identify type of commercial use in order to determine compliance with proposed C-4 Commercial District development standards.

Landscape Review: No comments received

Development Services Department - Planning Division:

Current Planning: Recommends approval with four conditions:

1. That a 10 foot landscape buffer with evergreen trees placed at 15 feet on center with a 2 inch caliper be placed along the property line where abutting residential zoning districts and uses; and
2. That platting be required prior to issuance of any building permits; and
3. That parking for cars shall be situated in a landscaped courtyard and screened from view; and
4. That air conditioning units, trash containers, and utility boxes shall be screened from the street view by low walls, fences and/or landscaping.

C-4 zoning allows for commercial development and is compatible with adjacent development.

Land Development: No comments received.

Engineering Department - Traffic Division:

Access shall be coordinated with the Texas Department of Transportation and the Traffic Division.

Fire Department:

No comments received.

El Paso Water Utilities:

EPWU does not object to this request.

List of Attachments:

Attachment 1: Aerial

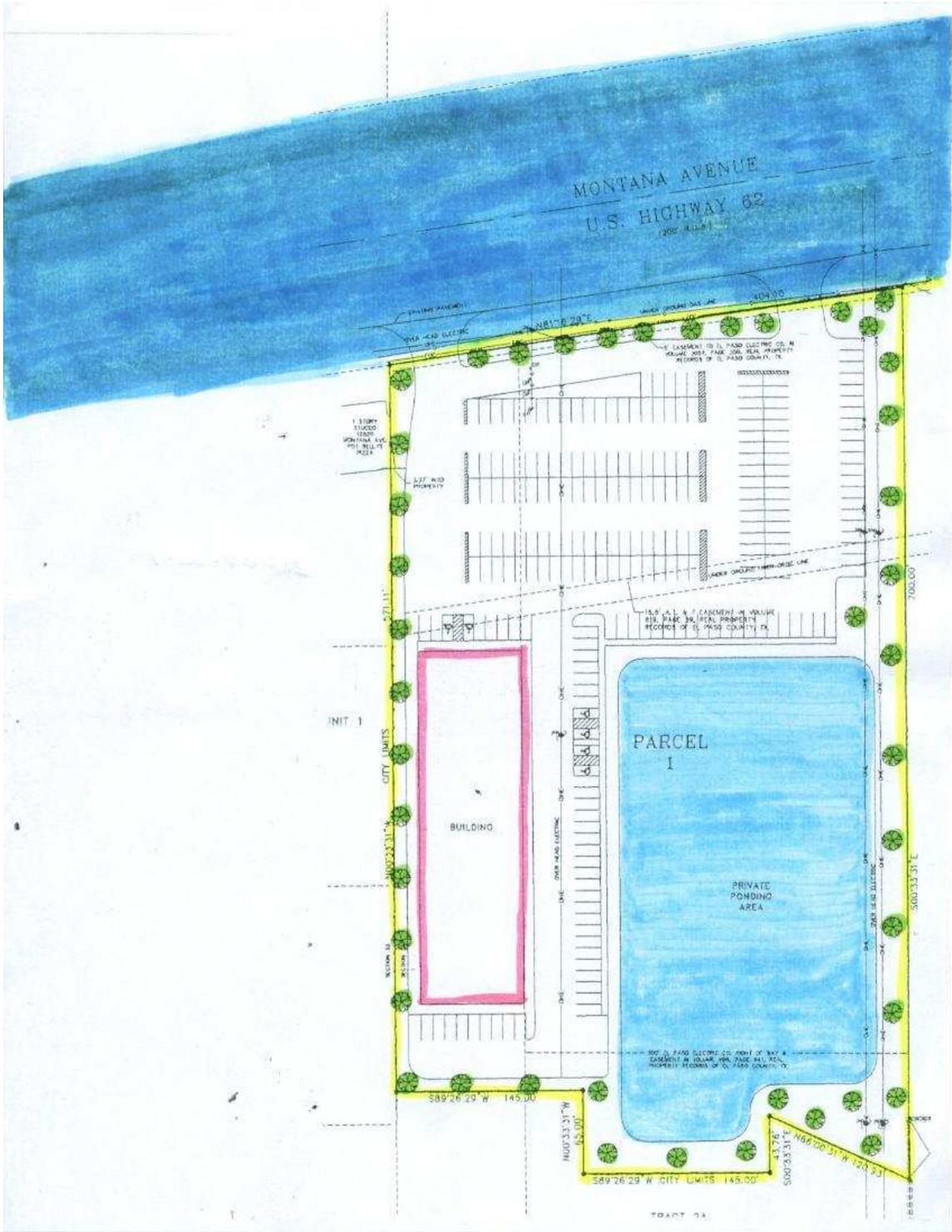
Attachment 2: Conceptual Site Development Plan

Attachment 3: Application

Attachment 1: Aerial



Attachment 2: Conceptual Site Plan



Attachment 3: Application



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

1. CONTACT INFORMATION

PROPERTY OWNER(S): Camino Real Properties I, LTD
 ADDRESS: 1790 Lee Trevino, Suite 601 ZIP CODE: 79936 PHONE: 592-0290
 APPLICANT(S): Camino Real Properties I, LTD
 ADDRESS: 1790 Lee Trevino, Suite 601 ZIP CODE: 79936 PHONE: 592-0290
 REPRESENTATIVE(S): Conde, Inc.
 ADDRESS: 1790 Lee Trevino, Suite 400 ZIP CODE: 79936 PHONE: 592-0283
 E-MAIL ADDRESS: cconde@elp.rr.com

PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: X579-999-2340-0070
 LEGAL DESCRIPTION: Being a Portion Tract 12B, Section 34, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas
 STREET ADDRESS OR LOCATION: Montana Ave. & U. S. Highway 62
 ACREAGE: 5.8413 ac. PRESENT ZONING: R-3 PRESENT LAND USE: Vacant
 PROPOSED ZONING: C-4 PROPOSED LAND USE: To Allow for Regional Commercial Development
 ADDRESS: _____ ZIP CODE: _____ PHONE: _____
 E-MAIL ADDRESS: _____

2. 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: _____

PARCEL THREE 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: _____

ADDITIONAL INFORMATION

OWNER (S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):
 Printed Name: Camino Real Properties I, LTD Signature: _____
 Printed Name: B. Camino Real Properties, Inc. Signature: _____
 Printed Name: By Douglas A. Schwartz, President 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 <u>07-00098</u>	RECEIVED DATE: <u>07/27/07</u>	APPLICATION FEE: \$ <u>770.00</u>
DCC REVIEW DATE: <u>8/22/07</u> (8:30 am, Planning Department Conference Room, 2 nd Floor, City Hall Building)		
CPC REVIEW DATE: <u>9/20/07</u> (1:30 pm, City Council Chambers, 2 nd Floor, City Hall Building)		
ACCEPTED BY: <u>[Signature]</u>	FUND -01101, DEPT ID -99010335, ACCOUNT -404126	

Revised 6/2004

Being a portion of Tract 12B, Section 34, Block 79,
Township 2, Texas and Pacific Railway Company Surveys,
City of El Paso, El Paso County, Texas
Prepared for: Southwest Land Development Services Inc.
July 12, 2007

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 12B, Section 34, 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 point of curve centerline Rich Beem Blvd., from which an existing city monument at the centerline intersection of Rich Beem Blvd. and Tierra Rancho St. bears South 03°44'55" East a distance of 364.49 feet as per Tierra Del Este Subdivision Unit Twenty Eight referenced in Volume 79, Page 55; Thence along the centerline of Rich Beem Blvd. North 08°43'31" West a distance of 467.58 feet to a point on the northerly right of way line of Montana Avenue (U.S. Highway 62); Thence long said right of way line South 81°16'29" West a distance of 743.51 feet to a found 1/2" rebar with cap marked TX 5152 for THE "TRUE POINT OF BEGINNING"

Thence leaving said right of way line South 00°33'31" East a distance of 700.00 feet to a nail set on rock wall on the southerly line of Tract 12B, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys;

Thence along said line North 66°00'31" West a distance of 120.93 feet to a set 1/2" rebar with cap marked TX 5152

Thence along said line South 00°33'31" East a distance of 43.76 feet to a set 1/2" rebar with cap marked TX 5152

Thence along said line South 89°26'29" West a distance of 145.00 feet to a set 1/2" rebar with cap marked TX 5152

Thence along said line North 00°33'31" West a distance of 65.00 feet to a set 1/2" rebar with cap marked TX 5152

Thence along said line South 89°26'29" West a distance of 145.00 feet to a point on the westerly line of said Tract 12B;

Thence along said line North 00°33'31" West a distance of 571.11 feet to a set 1/2" rebar with cap marked TX 5152 on the northerly right of way line of Montana Avenue (U.S. Highway 62);

Thence along said right of way line North 81°16'29" East a distance of 404.10 feet to the "TRUE POINT OF BEGINNING" and containing 5.8413 Acres of land more or less.

Bearing basis is per found city monuments at the P.C. along the centerline of Rich Beem Boulevard and at the centerline intersection of Rich Beem Boulevard and Tierra Rancho Street as shown on plat of Tierra Del Este Unit Twenty Eight recorded in volume 79, Page 55, Plat records of El Paso County, Texas.

Description based on ground survey performed on June 15, 2007.


Ron R. Conde
R.P.L.S. No. 5152
Job# 607-22 R.C.



CITY CLERK DEPT.
07 OCT 11 AM 10:00

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283