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 fron 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)

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07 OCT 26 PM 12:01

**********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 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 20.24 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:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Kimberly Forsyth, Senior Planner
Development Services Department

Doc #33881/Planning/ZON07-00091 (Rezoning)/LCUE

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
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.

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
PROFESSIONAL
LAND SURVEYOR

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

7-17-07

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07 OCT 26 PM 12:00

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

Exhibit "B"

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

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
PROFESSIONAL
LAND SURVEYOR

7-17-07

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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

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**

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

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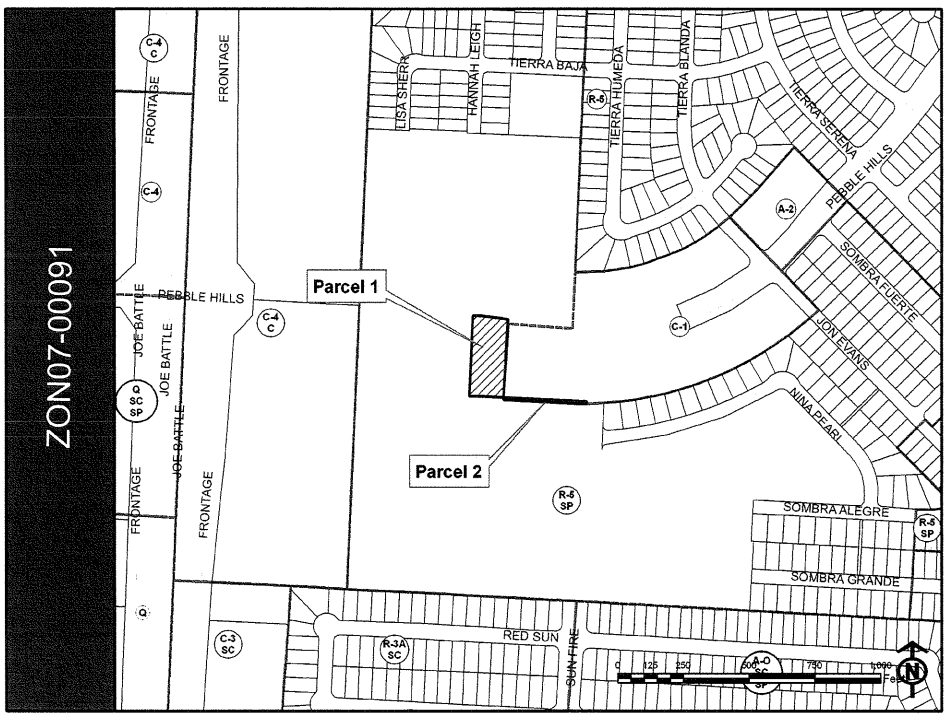
ZON07-00091

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)



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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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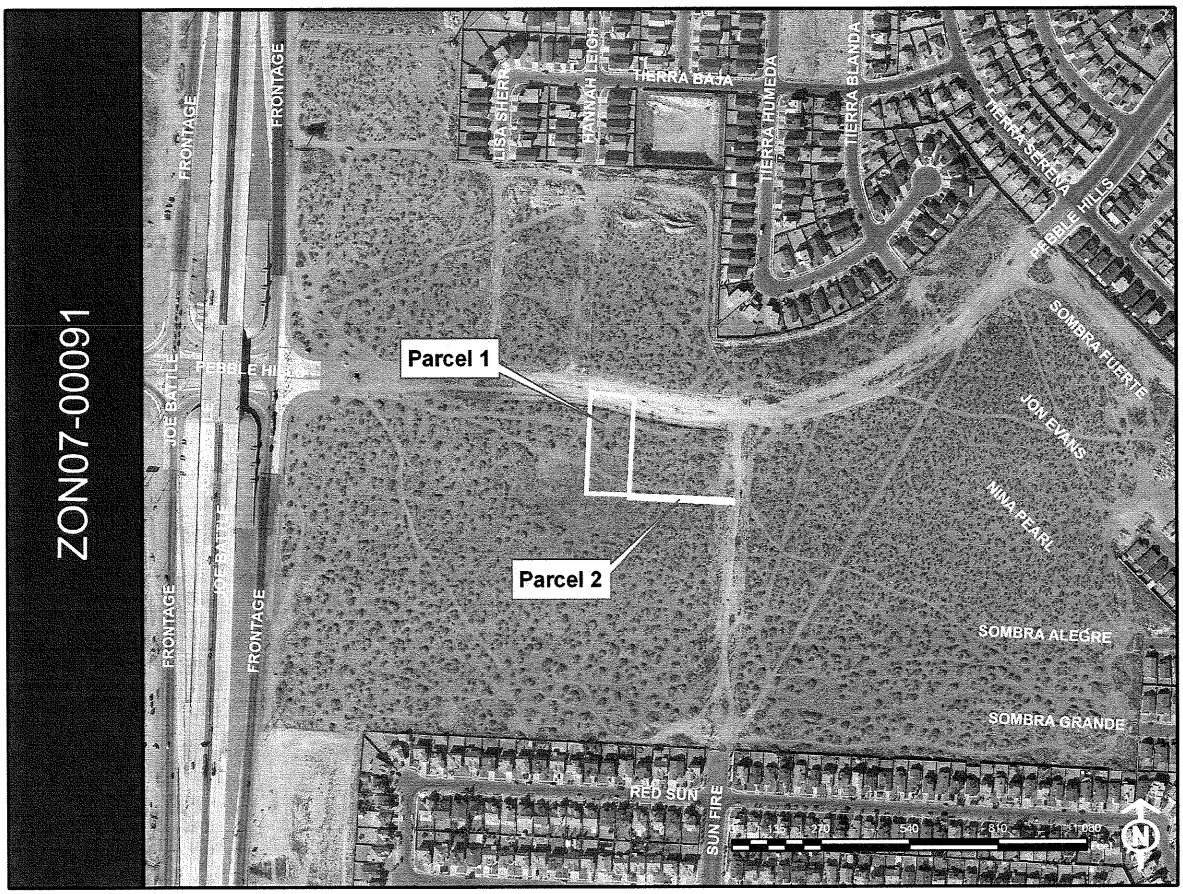
Attachment 1: Aerial



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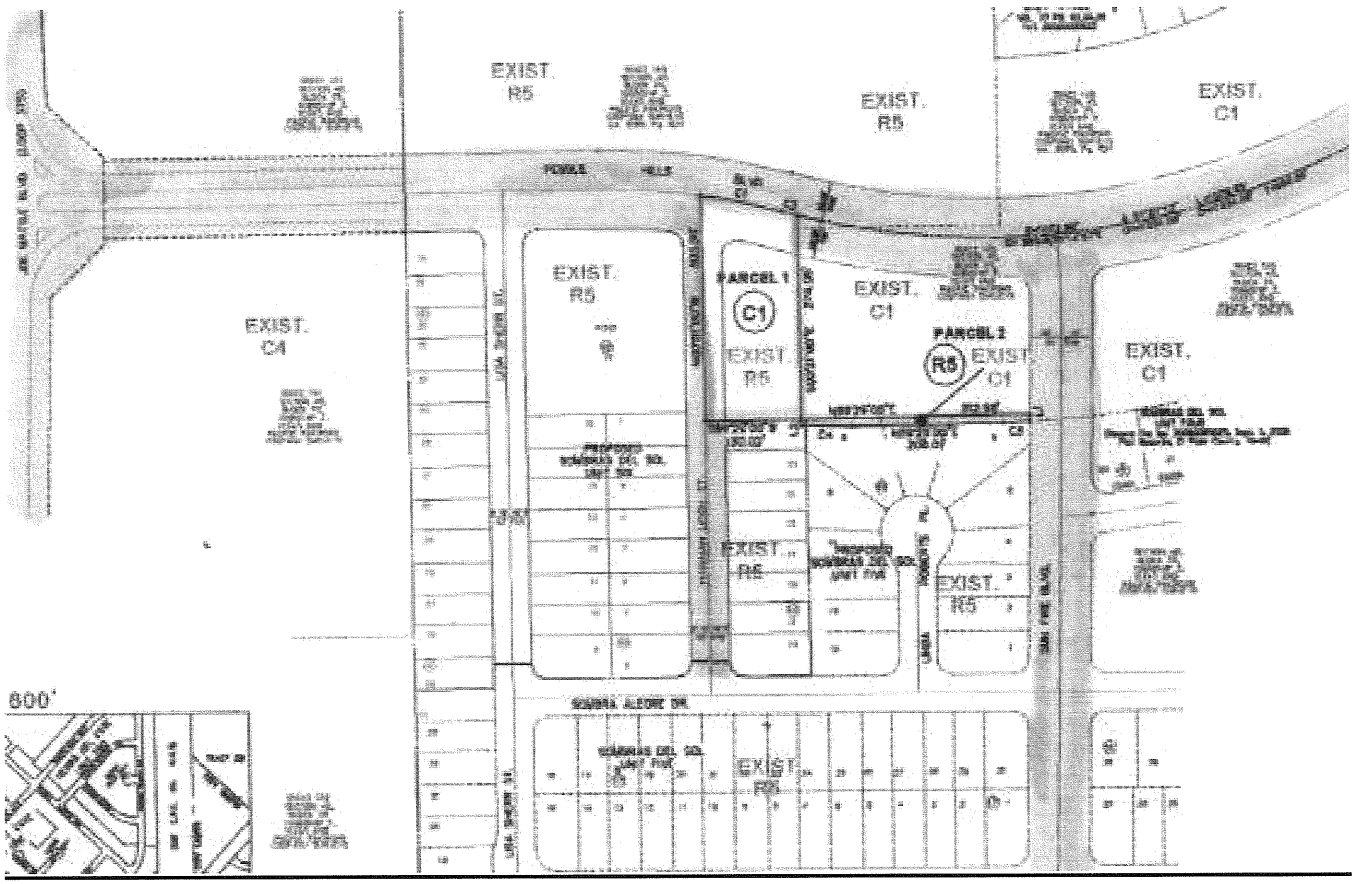
Attachment 2: Conceptual Site Plan



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Attachment 3: Application

07/06/2007 16:28 FAX 915 592 0286 CONDE INC 003

REZONIN PPLICATION
PLANNING, RESEARCH & DEVELOPMENT EPARTMENT
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. Bombach 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:$ 750.00 715.00
DCC REVIEW DATE: 8/8/07 (8:30 am, Planning Department Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 9/6/07 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: KLF FUND -01101, DEPT ID -99010335, ACCOUNT -404126

Revised 6/2004

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