

CITY OF EL PASO, TEXAS

2011 NOV -8 AM 7:48

AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Planning and Economic Development Department, Planning Division

AGENDA DATE: Introduction: November 15, 2011  
Public Hearing: December 6, 2011

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

DISTRICT(S) AFFECTED: ETJ/Adjacent to District 5

**SUBJECT:**

An ordinance changing the zoning of all of Tract 2F, being a portion of Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas and a portion of the rights-of-way of Zaragoza Road, Gambusino Avenue and Azogue Avenue from R-F (Ranch and Farm) to C-4 (Commercial), and imposing conditions. The penalty is as provided for in chapter 20.24 of the El Paso City Code. Subject Property: East of Zaragoza Road and South of Gambusino Avenue. Applicant: River Oaks Properties, Ltd. PZRZ11-00037 (ETJ/Adjacent to 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 (4-0)

\*\*\*\*\*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 ALL OF TRACT 2F, BEING A PORTION OF SECTION 46, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO COUNTY, TEXAS, AND A PORTION OF THE RIGHTS-OF-WAY OF ZARAGOZA ROAD, GAMBUSINO AVENUE AND AZOGUE AVENUE, FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL), AND IMPOSING CONDITIONS. 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 *all of Tract 2F, being a portion of Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas, and a portion of the rights-of-way of Zaragoza Road, Gambusino Avenue and Azogue Avenue*, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **R-F (Ranch and Farm)** 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 prior to the issuance of any building permits, a detailed site development plan shall be reviewed and approved in accordance with the requirements of the El Paso City Code, and;*
- 2) *That A 20 -foot wide landscaped buffer with high-profile native trees of at least two (2) inch caliper and fifteen (15) feet in height shall be placed at ten (10) feet on center along the property lines adjacent to any residential or apartment zoning districts or use. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, shall be irrigated and maintained by the property owner at all times, and shall be installed prior to the issuance of any certificates of occupancy.*

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

THE CITY OF EL PASO

ATTEST:

\_\_\_\_\_  
John F. Cook  
Mayor

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

*(Signatures continue on following page.)*

89038/11-1007-031.024 v1 – Planning/PZRZ11-00037/ORD/Rezoning  
Document Author: LCUE

ORDINANCE NO. \_\_\_\_\_

Zoning Case No: **PZRZ11-00037**

**APPROVED AS TO FORM:**



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Lupe Cuellar  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

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

Property Description: All of Tract 2F, being a portion of Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, EL Paso County, Texas and a portion of the rights-of-way of Zaragosa Road, Gambusino Avenue and Azogue Avenue.

#### METES AND BOUNDS DESCRIPTION

The parcel of land herein described is all of Tract 2F, being a portion of Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, EL Paso County, Texas, and also a portion of the rights-of-way of Zaragosa Road, Gambusino Avenue and Azogue Avenue, and is more particularly described by metes and bounds as follows:

Commencing at an existing city monument lying on the southeasterly right-of-way line of Zaragosa Road (a 100-foot right-of-way public road); Thence, North  $42^{\circ} 31' 30''$  East, (recorded), along said right-of-way line, a distance of 1359.95 feet to a point at the intersection of the center line of Azogue Avenue and the Easterly right-of-way line of Zaragosa Road, said point also being THE TRUE POINT OF BEGINNING of this description;

THENCE, North  $47^{\circ} 28' 30''$  West, along the center line of Azogue Avenue, a distance of 50.00 feet to a point at the intersection of the center lines of Azogue Avenue and Zaragosa Road;

THENCE, North  $42^{\circ} 31' 30''$  East, along said center line of Zaragosa Road, a distance of 566.98 feet to a point at the center line intersection of Zaragosa Road and Gambusino Avenue;

THENCE, South  $47^{\circ} 28' 30''$  East, along said center line of Gambusino Avenue, a distance of 70.25 feet to a point;

THENCE, 186.84 feet along said center line and along the arc of a curve to the left, having a radius of 250.00 feet, a central angle of  $42^{\circ} 49' 16''$  and a chord which bears South  $68^{\circ} 35' 58''$  East, a distance of 182.52 feet to a point;

THENCE North  $89^{\circ} 59' 30''$  East, continuing along said center line, a distance of 392.71 feet to a point;

THENCE, South  $00^{\circ} 00' 30''$  East, a distance of 30.00 feet to a set nail on a rockwall on the southerly right-of-way line of Gambusino Avenue, said point lies on the common boundary line of said Tract 2F and Lot 34, Block Three, Tierra de Oro Addition;

THENCE, South  $42^{\circ} 31' 30''$  West, along the easterly boundary line of said Tract 2F, a distance of 485.56 feet to a point lying on the northerly right-of-way line of Azogue Avenue (a 60-foot right-of-way public street), said point being a found 1/2-inch iron with plastic cap stamped "TX5586";

THENCE, South  $00^{\circ} 00' 30''$  East, a distance of 30.00 feet to a point lying on the center line of Azogue Avenue;

THENCE, South  $89^{\circ} 59' 30''$  West, along said center line, a distance of 447.76 feet to a point for a curve;

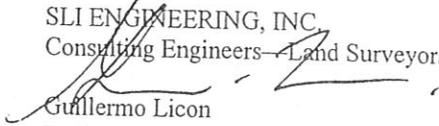
THENCE, 187.46 feet continuing along said center line and along the arc of a curve to the right, having a radius of 250.00 feet, a central angle of  $42^{\circ} 57' 47''$  and a chord which bears North  $68^{\circ} 31' 37''$  West, a distance of 183.10 feet to a point;

THENCE, North  $47^{\circ} 28' 30''$  West, a distance of 19.63 feet to THE TRUE POINT OF BEGINNING of this description;

Said parcel of land contains 7.161 acres (311,937 sq. ft.), and contained within said parcel are 1.519 acres (66,156 sq. ft.) of land for said portions of the rights-of-way of Zaragosa Road, Azogue Avenue and Gambusino Avenue, leaving a net of 5.642 acres (245,781 Sq. Ft.) of land more or less for said Tract 2F.

A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC.  
Consulting Engineers—Land Surveyors

  
Guillermo Licon  
Registered Professional Land Surveyor  
Texas License No. 2998



July 9, 2008  
Job Number 06-06-2454  
M&B1489  
Page 2 of 3

MEMORANDUM

**DATE:** October 27, 2011

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

**FROM:** Andrew Salloum, Planner

**SUBJECT:** PZRZ11-00037

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The City Plan Commission (CPC), on October 20, 2011, voted 4-0 to recommend **approval** of rezoning the subject property from R-F (Ranch and Farm) to C-4 (Commercial) with 2 conditions. The zoning complies with the conditions of the annexation agreement.

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 negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There is no opposition to this request.

**Attachment:**  
Staff Report



## City of El Paso – City Plan Commission Staff Report

**Case No:** PZRZ11-00037  
**Application Type:** Rezoning  
**CPC Hearing Date:** October 20, 2011  
**Staff Planner:** Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

**Location:** East of Zaragoza Road and South of Gambusino Avenue  
**Legal Description:** All of Tract 2F, being a portion of Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas and a portion of the rights-of-way of Zaragoza Road, Gambusino Avenue and Azogue Avenue  
**Acreeage:** 5.642 acres  
**Rep District:** ETJ/Adjacent to District 5  
**Zoning:** R-F (Annexation in Process: Case No. AN08-002)  
**Existing Use:** Vacant  
**Request:** From R-F (Ranch and Farm) to C-4 (Commercial)  
**Proposed Use:** Commercial Development

**Property Owner:** River Oaks Properties, Ltd.  
**Applicant:** River Oaks Properties, Ltd.  
**Representative:** Yolander Giner

### **SURROUNDING ZONING AND LAND USE**

**North:** C-3 (Commercial) / Vacant and C-4/c (Commercial/condition) / Vacant  
**South:** ETJ/ Vacant  
**East:** ETJ/ Large-contractor yard  
**West:** C-3 (Commercial) / Vacant

**THE PLAN FOR EL PASO DESIGNATION:** N/A  
**NEAREST PARK:** Tierra Del Este #1 Park (5,462 feet)  
**NEAREST SCHOOL:** Lujan Chavez Elementary (3,647 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

No neighborhood associations are present in the area.

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on October 5, 2011. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

### **APPLICATION DESCRIPTION**

The applicant is requesting to rezone the subject property from R-F (Ranch and Farm) to C-4 (Commercial) to allow for commercial uses. This rezoning application is related to annexation AN08-002. Annexed properties are automatically zoned R-F (Ranch and Farm). Access to the subject property is proposed from Zaragoza Road and Gambusino Avenue. The rezoning request meets all annexation requirements.

### **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of rezoning the subject property from R-F (Ranch and Farm) to C-4 (Commercial) with the following conditions:

- 1) *That prior to the issuance of any building permits, a detailed site development plan shall be reviewed and approved in accordance with the requirements of the El Paso City Code, and;*
- 2) *That A 20 -foot wide landscaped buffer with high-profile native trees of at least two (2) inch caliper and fifteen (15 ) feet in height shall be placed at ten (10) feet on center along the property lines adjacent to any residential or apartment zoning districts or use. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, shall be irrigated and maintained by the property owner at all times, and shall be installed prior to the issuance of any certificates of occupancy.*

The approval recommendation is based on the compatibility with the surrounding commercial zoning to the north and west of the subject property. The zoning complies with the conditions of the annexation agreement.

### **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.
- d. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.

The purpose of the C-4 (Commercial) district is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the central business district, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.

### **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 – Plan Review**

No comments received.

### **Engineering & Construction Management Service Department - Land Development**

No objections.

### **Department of Transportation**

Transportation recommends approval subject to the following being addressed with the subdivision process. Transportation requires the following in accordance with the Annexation agreement approved by Resolution on June 7, 2011 at the time a subdivision plat application is submitted for the property in accordance with Section 3 of the agreement:

1. The dedication of an additional 24 feet of right-of-way along Gambusino Road per Section 2 Paragraph 4.
2. The check for fifteen thousand and sixty nine and 90/100 dollars (\$15,069.90) in project contribution funds for the widening of Zaragoza Road per Section 2 Paragraph 5.
3. Improvements to Gambusino and Azogue in accordance with Section 19.10.050 (Roadway Participation Policies) per Section 2 Paragraph 6.

4. A TIA is required per Section 2 Paragraph 7. Owner shall be responsible for contribution of costs for traffic signalization and traffic calming devices with the TIA indicates are necessary, attributable and proportional to the development of the property.

5. Sidewalks shall be provided on Zaragoza, Gambusino and Azogue.

Notes:

1. Access to Zaragoza Road. shall be coordinated with TXDOT.

2. All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in accordance with the current City of El Paso Design Standards for Construction and shall be ADA/TAS compliant.

### **Fire Department**

El Paso Fire Department has no objections to this rezoning request. The case remains subject to further review at later stages of the process including, but not limited to, Fire Department Plan review

### **El Paso Water Utilities**

We have reviewed the zoning change request reference above and provide the following comments:

1. EPWU-PSB supports and encourages voluntary annexation to the City of El Paso. Annexation fees are due at the time of new service application for individual water meters within the subject property.

EPWU Comments

Water:

2. There is an existing 24-inch diameter water transmission main located along Pebble Hills Boulevard. Service to the property requires the extension of a 16-inch diameter water main from Pebble Hills to Azogue Avenue and the extension of a water main along the Azogue Avenue frontage. All Costs associated with the extension of the mains is the responsibility of the Owner/Developer. On-site easements will be required to accommodate the proposed water main extensions.

3. A backflow prevention assembly will be required at the discharge side of each water meter within the development. The property Owner is responsible for the operation and maintenance of the backflow prevention devices.

Sanitary Sewer:

4. There is an existing 36-inch sanitary sewer interceptor along Orofres Street. Sewer main extension along Gambusino Avenue and Azogue Avenue to Orofres Street is required.

General:

5. EPWU requires a new service application to provide services to the subject property. New service applications are available at 1154 Hawkins, 3<sup>rd</sup> Floor. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

### **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.

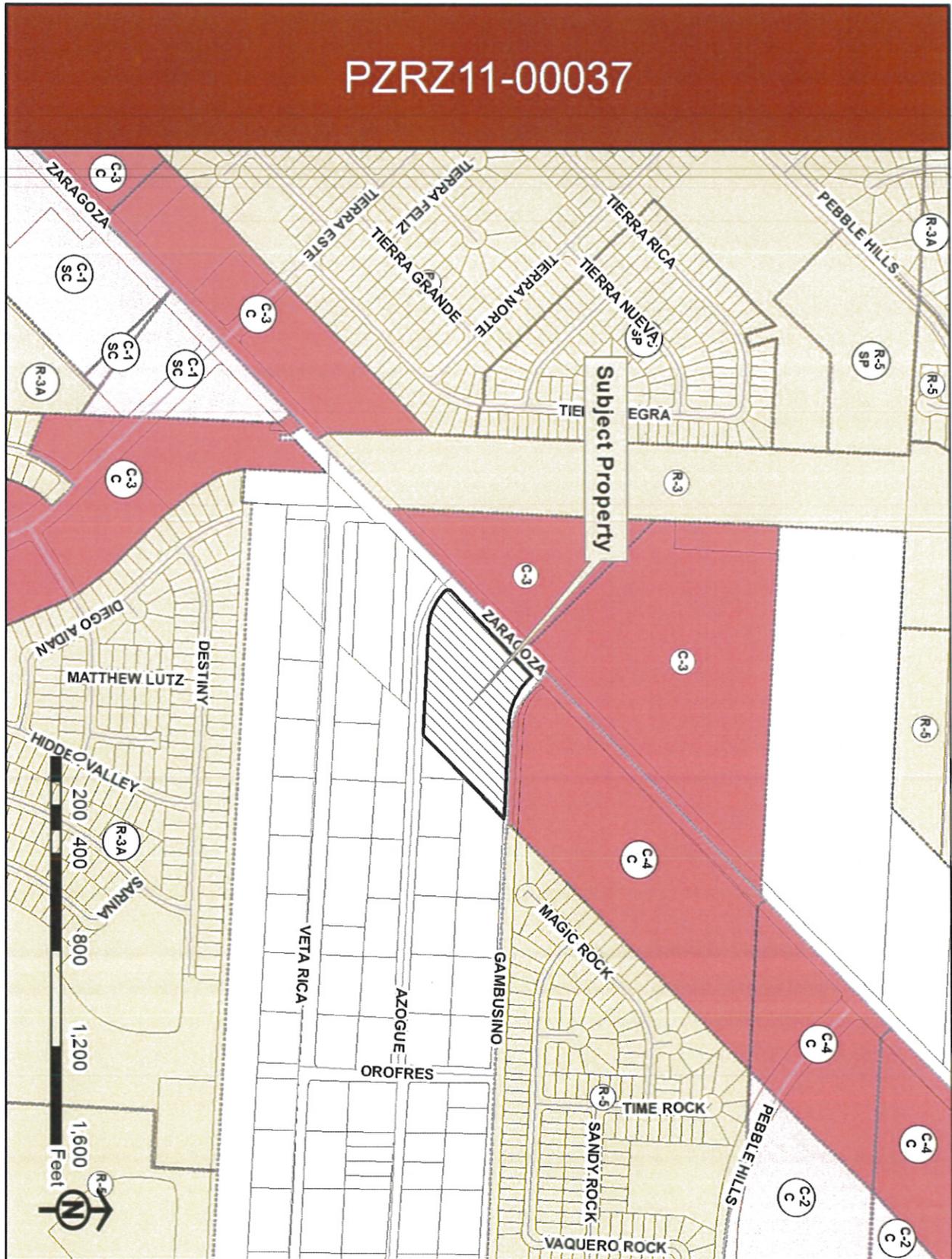
**Attachments:**

Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

PZRZ11-00037



