

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 7, Section 25, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas and being a portion of the rights-of-way of Montana Avenue and Zaragoza from R-F (Ranch and Farm) to C-4 (Commercial), and imposing a condition. The penalty is as provided for in chapter 20.24 of the El Paso City Code. Subject Property: South of Montana Avenue and West of Zaragoza Road. Applicant: River Oaks Properties, Ltd. PZRZ11-00038 (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 7, SECTION 25, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, EL PASO COUNTY, TEXAS, AND BEING A PORTION OF THE RIGHTS-OF-WAY OF MONTANA AVENUE AND ZARAGOZA ROAD, FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL), AND IMPOSING A CONDITION. 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 7, Section 25, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas, and being a portion of the rights-of-way of Montana Avenue and Zaragoza Road*, 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 condition which is 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 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:

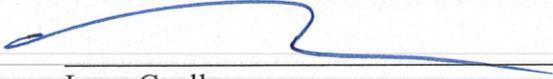
John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

(Signatures continue on following page.)

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Lupe Cuellar
Assistant City Attorney

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

Property Description: All of Tract 7, Section ^{C.H.}25, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas, and being a portion of the rights-of-way of Montana Avenue and Zaragosa Road.

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is all of Tract 7, Section 25, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas, and being a portion of the rights-of-way of Montana Avenue and Zaragosa Road. and is more particularly described by metes and bounds as follows:

Commencing at a found 2" pipe, said point being the northeasterly corner of Section 35, also being the common corner between Sections 25, 26, 35 and 36, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas; Thence, North 89° 59' 29" East, along the common boundary line between Sections 25 and 35, a distance of 51.94 feet to a point lying on the southerly right-of-way line of Montana Avenue (US Highway No. 62-180), said point being a set 1/2" iron pin with SLI plastic cap stamped "TX 2998", said point being the TRUE POINT OF BEGINNING of this description;

THENCE, North 08° 42' 00" East, a distance of 150.00 feet to a point in the center line of Montana Avenue;

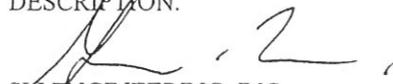
THENCE, North 81° 18' 00" East, along said center line, a distance of 1588.47 feet to a point at the center line intersection of Montana Avenue and Zaragosa Road;

THENCE, South 42° 33' 00" West, along said center line of Zaragosa Road, a distance of 573.46 feet to a point lying on the southerly boundary line of section 25, said point being a set 1/2-inch iron with SLI plastic cap stamped "TX 2998";

THENCE, South 89° 59' 29" West (North 89° 54' 18" West as per deed), along said boundary line, a distance of 1122.58 feet (1122.20' as per deed) to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 8.070 acres (351,542 sq. ft.), of which 6.103 acres (265,841 sq. ft.) are contained within said portion of the rights-of-way of Montana Avenue and Zaragosa Road, leaving a net of 1.967 acres (85,701 sq. ft.) of land more or less for said Tract 7.

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 06-05-2286
M&B\1489
Page 1 of 2

MEMORANDUM

DATE: October 27, 2011

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

FROM: Andrew Salloum, Planner

SUBJECT: PZRZ11-00038

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 a condition. 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: PZRZ11-00038
Application Type: Rezoning
CPC Hearing Date: October 20, 2011
Staff Planner: Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

Location: South of Montana Avenue and West of Zaragoza Road
Legal Description: All of Tract 7, Section 25, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas and being a portion of the rights-of-way of Montana Avenue and Zaragoza Road

Acreage: 1.967 acres
Rep District: ETJ/Adjacent to District 5
Zoning: R-F (Annexation in Process: Case No. AN08-005)
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: ETJ / Vacant
South: C-4/c (Commercial/conditions) / Vacant
East: ETJ / Vacant
West: C-4/c (Commercial/conditions) / Vacant

THE PLAN FOR EL PASO DESIGNATION: Industrial (East Planning Area)

NEAREST PARK: Eastside Regional Park (8,487 feet)

NEAREST SCHOOL: Chester E. Jordan Elementary (10,596 feet)

NEIGHBORHOOD ASSOCIATIONS

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 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 AN08-005. Annexed properties are automatically zoned R-F (Ranch and Farm). Access to the subject property is proposed from Montana 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 condition:

- 1) *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 south 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

Department of Transportation does not object to the proposed rezoning request.

1. Sidewalks shall be provided on Zaragoza Road and Montana Avenue.

Notes:

1. Access to Zaragoza Road and Montana Avenue 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 the north side of Montana Avenue. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations. Service to the property requires the extension of a water main of lesser diameter with horizontal tunneling across Montana Avenue west of the East Montana Booster Station from the above described 24-inch diameter water main and the extension of a water main along the south right-of-way line of Montana Avenue to the subject property. 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 18-inch sanitary sewer interceptor along Edgemere Boulevard. Sewer main extension along Zaragoza Road to Edgemere Boulevard 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, 3rd 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:

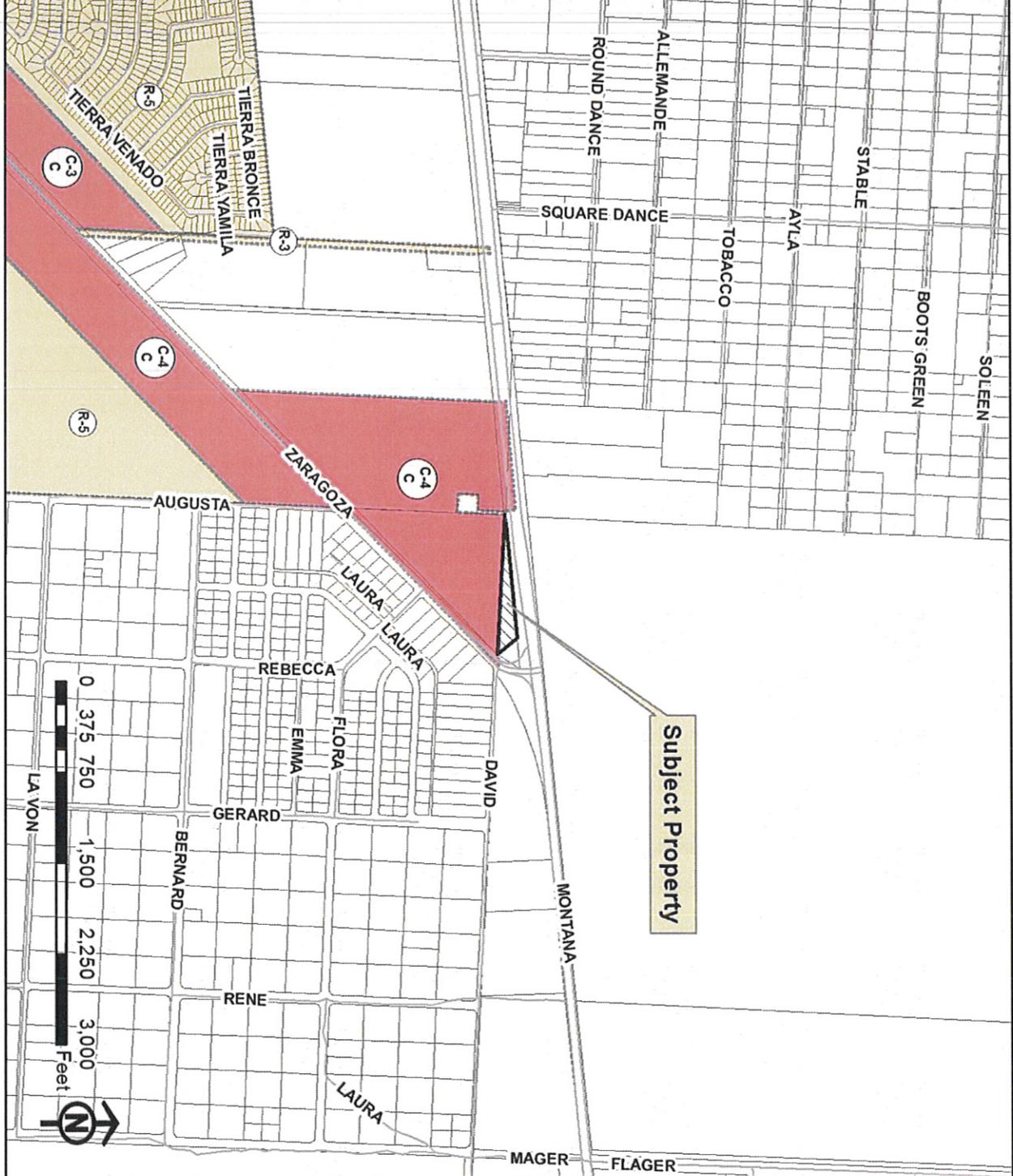
Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan

ATTACHMENT 1: ZONING MAP

PZRZ11-00038

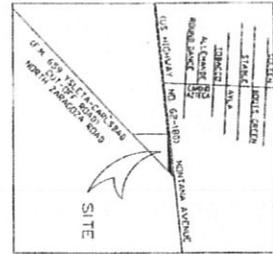


ATTACHMENT 2: AERIAL MAP

PZRZ11-00038



ATTACHMENT 3: CONCEPTUAL SITE PLAN



NOTES CORRESPONDING TO SCHEDULE B

1. THE SITE IS TO BE DEVELOPED AS A RESIDENTIAL DEVELOPMENT CONSISTING OF SINGLE-FAMILY DETACHED HOMES.

2. THE DEVELOPMENT SHALL BE LIMITED TO A MAXIMUM OF 10 UNITS PER LOT.

3. THE DEVELOPMENT SHALL BE LIMITED TO A MAXIMUM OF 10 UNITS PER LOT.

4. THE DEVELOPMENT SHALL BE LIMITED TO A MAXIMUM OF 10 UNITS PER LOT.

5. THE DEVELOPMENT SHALL BE LIMITED TO A MAXIMUM OF 10 UNITS PER LOT.

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8. THE DEVELOPMENT SHALL BE LIMITED TO A MAXIMUM OF 10 UNITS PER LOT.

9. THE DEVELOPMENT SHALL BE LIMITED TO A MAXIMUM OF 10 UNITS PER LOT.

10. THE DEVELOPMENT SHALL BE LIMITED TO A MAXIMUM OF 10 UNITS PER LOT.

EXHIBIT A

CONCEPTUAL SITE PLAN

DATE: 10/20/2011

PROJECT: ALTIACHAM LAND TITLE BARNEY

PREPARED BY: [Firm Name]



NOTES CORRESPONDING TO ZONING

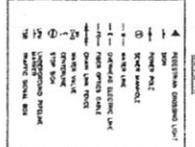
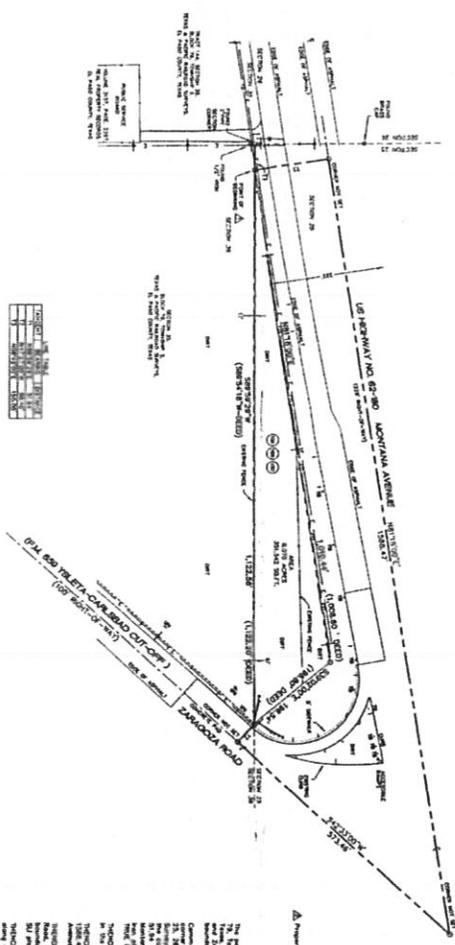
1. THE SITE IS ZONED [Zoning Code].

2. THE DEVELOPMENT SHALL BE LIMITED TO A MAXIMUM OF 10 UNITS PER LOT.

3. THE DEVELOPMENT SHALL BE LIMITED TO A MAXIMUM OF 10 UNITS PER LOT.

4. THE DEVELOPMENT SHALL BE LIMITED TO A MAXIMUM OF 10 UNITS PER LOT.

5. THE DEVELOPMENT SHALL BE LIMITED TO A MAXIMUM OF 10 UNITS PER LOT.



NOTES

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PROPERTY DESCRIPTION

THE PROPERTY IS DESCRIBED AS FOLLOWS: [Detailed description of the property boundaries and area]

UTILITIES AND SERVICES DESCRIPTION

THE PROPERTY IS SERVED BY THE FOLLOWING UTILITIES AND SERVICES: [List of utilities and services]

DATE	REVISION	DESCRIPTION
10/20/2011	1	INITIAL CONCEPTUAL SITE PLAN
10/20/2011	2	REVISION TO LOT DIMENSIONS
10/20/2011	3	REVISION TO EASEMENT WIDTHS
10/20/2011	4	REVISION TO PROPOSED STRUCTURE FOOTPRINTS
10/20/2011	5	REVISION TO UTILITY EASEMENT LOCATIONS
10/20/2011	6	REVISION TO ACCESS EASEMENT LOCATIONS
10/20/2011	7	REVISION TO DRIVEWAY LOCATIONS
10/20/2011	8	REVISION TO DRIVEWAY WIDTHS
10/20/2011	9	REVISION TO DRIVEWAY LOCATIONS
10/20/2011	10	REVISION TO DRIVEWAY WIDTHS
10/20/2011	11	REVISION TO DRIVEWAY LOCATIONS
10/20/2011	12	REVISION TO DRIVEWAY WIDTHS
10/20/2011	13	REVISION TO DRIVEWAY LOCATIONS
10/20/2011	14	REVISION TO DRIVEWAY WIDTHS
10/20/2011	15	REVISION TO DRIVEWAY LOCATIONS
10/20/2011	16	REVISION TO DRIVEWAY WIDTHS
10/20/2011	17	REVISION TO DRIVEWAY LOCATIONS
10/20/2011	18	REVISION TO DRIVEWAY WIDTHS
10/20/2011	19	REVISION TO DRIVEWAY LOCATIONS
10/20/2011	20	REVISION TO DRIVEWAY WIDTHS