

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

DEPARTMENT: Development Services Department

AGENDA DATE: Introduction: December 12, 2006
Public Hearing: January 3, 2007

CONTACT PERSON/PHONE: Stephen Schlett, 541-4935

DISTRICT(S) AFFECTED: #5

SUBJECT:

An Ordinance changing the zoning of Parcel 1: A portion of Tract 1A3, Section 38, Block 79, Township 2, Texas & Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-2 (Commercial); and Parcel 2: A portion of Tract 1-A, Section 38, Block 79, Township 2, Texas & Pacific Railway Company. Surveys, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-3 (Commercial) The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Zaragoza Road & Edgemere Blvd.. Applicant: Camino Real Properties I, Limited. ZON06-00122 (District 5).

BACKGROUND / DISCUSSION:

See attached report.

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation (unanimous)
City Plan Commission (CPC) – Approval Recommendation (unanimous)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Alan Shubert

APPROVED FOR AGENDA:

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF TRACT 1A3, SECTION 38, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) TO C-2 (COMMERCIAL); AND PARCEL 2: A PORTION OF TRACT 1A, SECTION 38, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) TO C-3 (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 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 1A3, Section 38, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **R-3 (Residential)** to **C-2 (Commercial)**; and,

Parcel 2: A portion of Tract 1A, Section 38, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, as more particularly described by metes and bounds on the attached Exhibit "B", incorporated by reference, be changed from **R-3 (Residential)** to **C-3 (Commercial)**.

PASSED AND APPROVED this _____ day of _____, 2006.

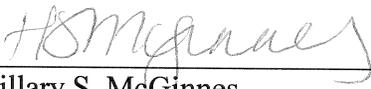
THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

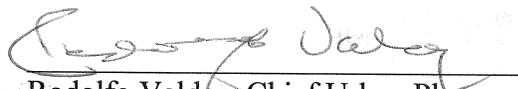
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Hillary S. McGinnes
Assistant City Attorney

APPROVED AS TO CONTENT:



Rodolfo Valdez, Chief Urban Planner
Development Services Department

Doc#26251/planning/ord/zon06-00122/HMCG

ORDINANCE NO. _____

Zoning Case No. ZON06-00122

Being a portion of Tract 1A, Section 38, 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.
October 26, 2006

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 1A, Section 38, 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 intersection of the centerline of Edgemere Boulevard with the northwesterly right of way line of Zaragoza Road; Thence along the centerline of Edgemere Boulevard, North $47^{\circ}28'26''$ West a distance of 31.05, Thence leaving said centerline South $52^{\circ}34'20''$ West a distance of 55.93 feet to a point on the southerly right of way line of Edgemere Boulevard for THE "TRUE POINT OF BEGINNING"

Thence 39.65 feet along the arc of a curve to the right which has a radius of 25.00 feet a central angle of $90^{\circ}52'00''$ a chord which bears South $02^{\circ}54'26''$ East a distance of 35.62 feet to a point on the northwesterly right of way line of Zaragoza Road;

Thence along said right of way line South $42^{\circ}31'34''$ West a distance of 430.44 feet to a point;

Thence leaving said right of way line North $47^{\circ}28'26''$ West a distance of 400.06 feet to a point;

Thence North $42^{\circ}31'34''$ East a distance of 305.89 feet to a point;

Thence South $89^{\circ}59'07''$ West a distance of 911.10 feet to a point;

Thence North $40^{\circ}40'09''$ West a distance of 26.04 feet to a point on the southerly right of way line of Edgemere Boulevard;

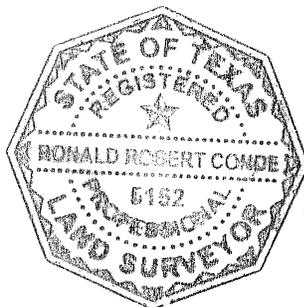
Thence along said right of way line North $89^{\circ}59'07''$ East a distance of 896.77 feet to a point of curve;

Thence along said right of way line 448.75 feet along the arc of a curve to the right which has a radius of 645.00 feet a central angle of $39^{\circ}51'46''$ a chord which bears South $68^{\circ}16'19''$ East a distance of 439.75 feet to the "TRUE POINT OF BEGINNING" and containing 4.478 Acres of land more or less.

NOTE: Bearing basis in per plat of Tierra Del Este Unit Thirty One Amending Subdivision recorded in Clerk's file No. 20060048641, Plat Records of El Paso County, Texas.

Exhibit "A"


Ron R. Conde
R.P.L.S. No. 5152
Job# 806-68 R.C.



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

A PORTION OF

Being Tract 1A , Section 38, 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.
June 8, 2006

METES AND BOUNDS DESCRIPTION

A PORTION OF

Description of a parcel of land being Tract 1A , Section 38, 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:

The "TRUE POINT OF BEGINNING" being a point on the intersection of the northwesterly right of way line of Zaragosa Road with the common line of sections 35 and 38, Block 79, Township 2, Texas and Pacific Railway Company Surveys;

Thence along the northwesterly right of way line of Zaragosa Road South 42°31'34" West a distance of 109.37 feet to a point of curve;

Thence 38.97 feet along the arc of a curve to the right which has a radius of 25.00 feet a central angle of 89°18'40" and a chord which bears South 87°10'54" West a distance of 35.14 feet to a point on the northerly right of way line of Edgemere Blvd.;

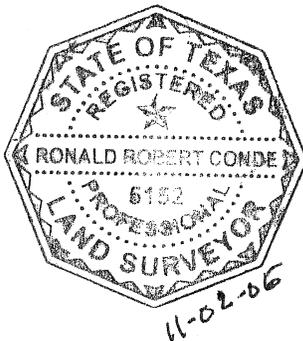
Thence 138.20 feet along the arc of a curve to the left which has a radius of 755.00 feet a central angle of 10°29'16" a chord which bears North 53°24'24" West a distance of 138.01 feet to a point on the line between sections 35 and 38, block 79, Township 2, Texas and Pacific Railway Company Surveys;

Thence along said line North 89°59'07" East a distance of 219.83 feet to the "TRUE POINT OF BEGINNING" and containing 0.2360 Acres of land more or less.

NOTE: Bearings basis is True North for a Transverse Mercator surface projection as determined by GPS methods centered near this site.

Exhibit "B"


Ron R. Conde
R.P.L.S. No. 5152
Job#506-78 R.C.



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

CITY COUNCIL

ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES
PLANNING DIVISION**

November 14, 2006

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

FROM: Stephen Schlett, Planner

SUBJECT: ZON06-00122

The City Plan Commission (CPC), on November 2, 2006, voted **unanimously** to recommend **APPROVAL** of rezoning the subject property as follows: Parcel 1 from R-3 (Residential) to C-2 (Commercial), and Parcel 2 from R-3 (Residential) to C-3 (Commercial) zoning.

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 that 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 was no **opposition** to this request.

Attachment: Location Map, Aerial Map, Site Plan

STAFF REPORT

Rezoning Case: ZON06-00122

Property Owner(s): Camino Real Investments I, Ltd.

Applicant(s): Same

Representative(s): Conde, Inc.

Legal Description: A portion of Tract 1-A, Section 38, Block 79, Township 2, Texas & Pacific Railroad Co. Surveys, City of El Paso, El Paso County, Texas

Location: Zaragoza & Edgemere

Representative District: #5

Area: Parcel 1 4.24 Acres
Parcel 2 0.24 Acres

Present Zoning: R-3 (Residential)

Present Use: Vacant

Proposed Zoning: Parcel 1 C-2 (Commercial)
Parcel 2 C-3 (Commercial)

Proposed Use: Parcel 1 Retail & Minor Automotive Repair facilities
Parcel 2 Regional Commercial Uses

Recognized Neighborhood Associations Contacted: Stoneridge Property Owners Association, The Friends of Karl Wyler, Las Palmas Neighborhood Association, East Side Civic Association

Surrounding Land Uses:

North -	R-3A (Residential) / Vacant
South -	R-3A (Residential) / Vacant
East -	C-1 (Commercial) / Vacant
West-	C-1 (Commercial) / Vacant

Year 2025 Designation: Residential (East Planning Area)

**CITY PLAN COMMISSION HEARING, 11/02/06,
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

REZONING APPLICATION: ZON06-00122

GENERAL INFORMATION:

The applicant is requesting a rezoning for Parcel 1 from R-3 (Residential) to C-2 (Commercial) in order to permit retail and minor automotive repair facilities and for Parcel 2 from R-3 (Residential) to C-3 (Commercial) in order to permit regional commercial uses. Parcel 1 is 4.24 acres. Both Parcels are currently vacant. The proposed site plan shows a retail and automotive repair facility to be located on Parcel 1. Access is proposed via Edgemere Blvd. and Zaragoza Road with 204 parking spaces provided. There are no zoning conditions currently imposed on this property.

INFORMATION TO THE COMMISSION:

The Development Services Department – Planning Division has received no calls or letters in support or opposition to this application.

STAFF RECOMMENDATION:

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL** of this request for rezoning from R-3 (Residential) to C-2 (Commercial) for Parcel 1 and from R-3 (Residential) to C-3 (Commercial) for Parcel 2.

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 residential land uses.

In Parcel 1 the C-2 (Commercial) zoning permits Retail & Minor Automotive Repair facilities and is compatible with adjacent development.

In Parcel 2 the C-3 (Commercial) zoning permits regional commercial development and is compatible with adjacent development.

The Commission must determine the following:

1. Will the C-2 and C-3 (Commercial) zoning protect the best interest, health, safety and welfare of the public in general?
2. Will Retail & Minor Automotive Repair facilities be compatible with adjacent land uses? Will regional commercial use 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?

Information To The Applicant:

**Development Services Department - Building Permits and Inspections Division
Comments:**

Zoning Review

Proposed retail building permitted on C-2 Commercial District and automotive facilities for passenger / light truck repairs permitted on C-3 Commercial District. Parcel 1 retail facility as submitted would require 228 parking spaces and 2 off street loading berths. No loading berths and only 204 parking spaces shown. Parcel 1 meets setback requirements. Parcel 2 lacks sufficient data to determine compliance with development standards, setback and parking requirements.

Landscape Review

No comments received

Development Services Department - Planning Division Comments:

Current Planning:

Recommend approval of the zoning changes on Parcel 1 from R-3 (Residential) to C-2 (Commercial) and on Parcel 2 from R-3 (Residential) to C-3 (Commercial)

1. The Year 2025 Projected General Land Use Map for the East Planning Area designates this property for residential land uses.
2. In Parcel 1 the C-2 (Commercial) zoning permits Retail & Minor Automotive Repair facilities and is compatible with adjacent development.
3. In Parcel 2 the C-3 (Commercial) zoning permits regional commercial development and is compatible with adjacent development.

Subdivision Review:

No comments received

Engineering Department - Traffic Division Comments:

No apparent traffic concerns with the proposed zoning change.

- NOTE: Access to Zaragoza shall be coordinated with the Texas Department of Transportation and with Traffic Division as there is a proposed Traffic Signal Fiber Installation Plan.

Fire Department Comments:

No comments received.

El Paso Water Utilities Comments:

Water

Along Zaragoza Road there are no existing water mains. Along Edgemere Boulevard between Tierra Dorada Drive and Zaragoza Road there is an existing twenty (20) inch diameter water transmission main. Immediately west of the intersection of Edgemere Boulevard and Zaragoza Road there are two (2) stub-outs originating from the described twenty (20) inch diameter water transmission main. The described stub-outs are located west of Zaragoza Road and are aligned parallel to Zaragoza Road. The size of the described stub-outs is 20 inches in diameter. The described stub-outs dead-end at the northernmost and southernmost right-of-way lines of Edgemere Boulevard respectively.

Sanitary Sewer

Along Zaragoza Road there are no existing sanitary sewer mains. Along Edgemere Boulevard between Tierra Dorada Drive and Zaragoza Road there is an existing eighteen (18) inch diameter sanitary sewer main. Immediately west of the intersection of Edgemere Boulevard and Zaragoza Road there are two (2) stub-outs originating from the described eighteen (18) inch diameter sanitary sewer main. The described stub-outs are located west of Zaragoza Road and are aligned parallel to Zaragoza Road. The size of the described stub-outs is 18 inches in diameter. The described sanitary sewer stub-outs dead-end at the northernmost and southernmost right-of-way lines of Edgemere Boulevard respectively.

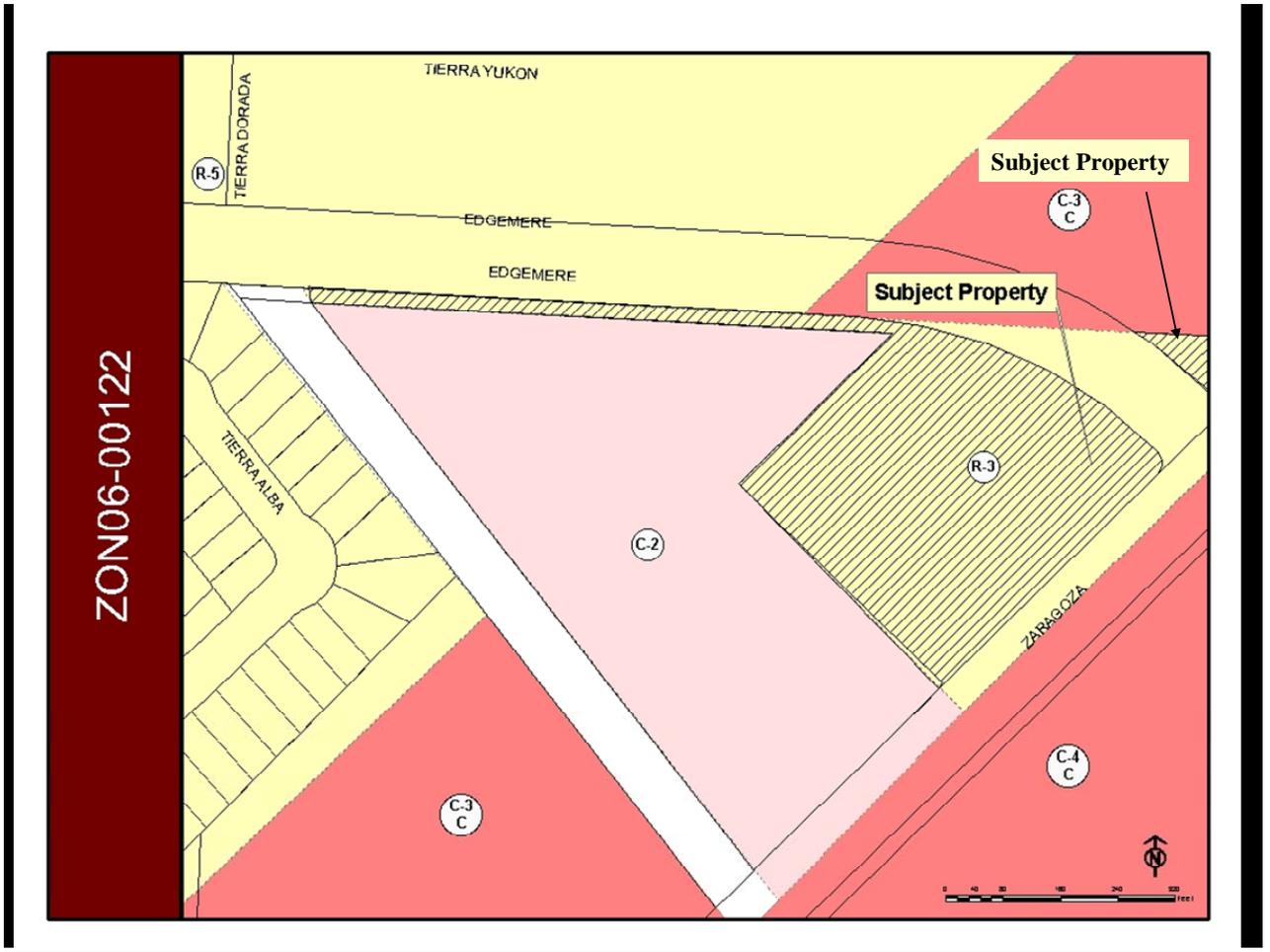
General

Easements will be required west of Zaragoza, for proposed water and sanitary sewer mains. The width of the proposed easements will be at the discretion of EPWU-PSB. All easements dedicated for public water and/or sanitary sewer facilities are to comply with EPWU-PSB Easement Policy. Easement grantor shall indemnify, defend, and hold harmless the El Paso Water Utilities ? Public Service Board from and against any and all claims, liability, actions, and damages for bodily injury and property damage to third parties or to the El Paso Water Utilities ? Public Service Board which may be caused by or arise out of the maintenance and existence of said water and sanitary sewer mains in the easement area. The alignment and location of the proposed EPWU-PSB easement shall enable the placement of water meters outside of the parking areas and minimize the length of services. No vehicular traffic is allowed over the water meters. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB. The PSB easement shall be improved to allow the operation of EPWU maintenance vehicles. In the event that the City of El Paso Fire Department requires

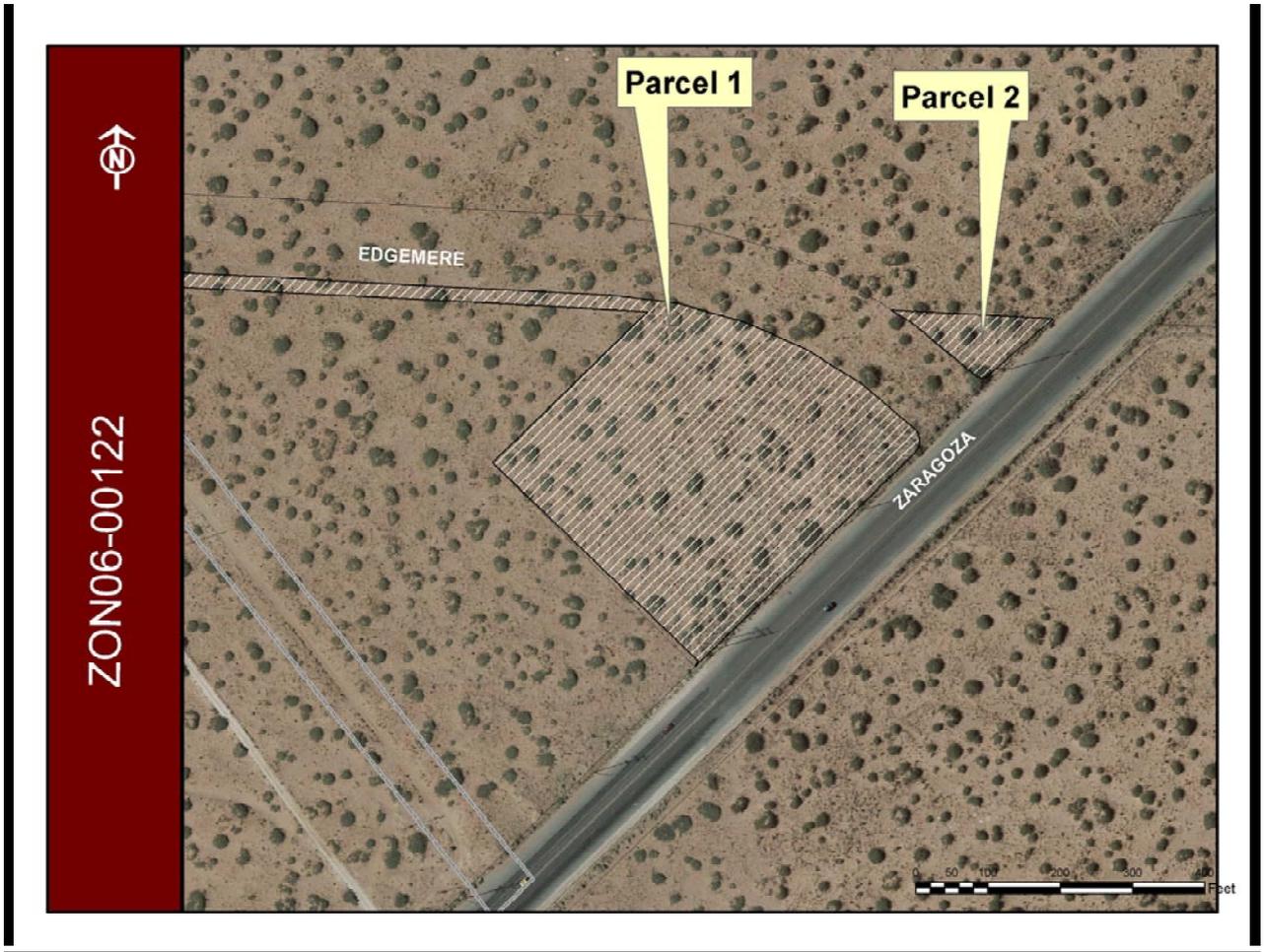
additional fire hydrants on Public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances. The El Paso Water Utilities requires a finalized set of improvement plans including drainage and grading plans to initialize the design of the water and sanitary sewer main extensions to serve subject subdivision. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances. Furthermore, application for services for subject subdivision must be made in conjunction with the request for water and sanitary sewer main extensions. The improvement plans should include a site plan, a utility plan, grading & drainage plans, landscaping plan (if applicable), the legal description of the property

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING DIVISION AT (915) 541-4056.

LOCATION MAP



AERIAL



SITE PLAN

