

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

DEPARTMENT: City Development Department, Planning Division

AGENDA DATE: Introduction: April 29, 2014
Public Hearing: May 20, 2014

CONTACT PERSON/PHONE: Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov

DISTRICT(S) AFFECTED: 4

SUBJECT:

An Ordinance changing the zoning the following parcels: Parcel 1: a portion of Section 30, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch-Farm) to C-2 (Commercial); and, Parcel 2: a portion of Section 30, Block 80, Township 1, Texas and Pacific Railways Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch-Farm) to C-3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: South of Patriot Freeway and East of McCombs Street. Property Owner: EP Plaza Partners, LP. PZRZ13-00026 (District 4)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval Recommendation (5-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Director, City Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING PARCELS: PARCEL 1: A PORTION OF SECTION 30, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH-FARM) TO C-2 (COMMERCIAL); AND, PARCEL 2: A PORTION OF SECTION 30, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH-FARM) TO C-3 (COMMERCIAL). 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:

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of *Parcel 1: a portion of Section 30, Block 80, Township 1, Texas and Pacific Railways Company Surveys*, located in the 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; *and, Parcel 2: a portion of Section 30, Block 80, Township 1, Texas and Pacific Railways Company Surveys*, located in the 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 as listed for **PARCEL 1: FROM R-F (RANCH-FARM) TO C-2 (COMMERCIAL); AND, PARCEL 2: FROM R-F (RANCH-FARM) TO C-3 (COMMERCIAL)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

PASSED AND APPROVED this _____ day of _____, 2014

ORDINANCE NO. _____

Zoning Case No: PZRZ13-00026

THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy, Director
City Development Department

ORDINANCE NO. _____

Zoning Case No: PZRZ13-00026

Exhibit "A"

Prepared for: Mimco Inc.
February 20, 2014
(Parcel 1)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land, being a portion of Section 30, Block 80, Township 1, 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 a TX D.O.T. Brass cap for the common corner of Sections 19 and 30, Block 80 and Sections 20 and 21, Block 81, Township 1, Texas and Pacific Railway Company Surveys, Thence along the common line of said Section 21, Block 81 and said Section 30, Block 80, South $01^{\circ}04'44''$ East a distance of 1286.35 feet to a point; Thence leaving said line, North $88^{\circ}55'16''$ East a distance of 75.02 feet to a point on the easterly right of way line of F.M. 2529 (McCombs Street) for the **"TRUE POINT OF BEGINNING"**

Thence, North $23^{\circ}42'47''$ East a distance of 178.35 feet to a point on the southerly right of way line of Patriot Freeway (U.S. Highway No. 54);


Thence Leaving said right of way line, South $54^{\circ}16'08''$ East a distance of 776.45 feet to a found nail with shiner;

Thence, South $17^{\circ}30'33''$ East a distance of 410.32 feet to a found $\frac{1}{2}$ " rebar with cap marked TX 6032 on the northerly right of way line of Rick Husband Drive;

Thence along said right of way line, South $89^{\circ}03'29''$ West a distance of 812.49 feet to a found $\frac{1}{2}$ " rebar with cap marked TX 6032 on the easterly right of way line of McCombs Street (F.M. 2529);

Thence along said right of way line, North $01^{\circ}04'44''$ West a distance of 694.92 feet to the **TRUE POINT OF BEGINNING** and containing 10.78 acres of land more or less.

Note: Bearings based on General Warranty Deed recorded in clerks file no. 20090082179, Real property records of El Paso County, Texas



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



Exhibit "A"

Prepared for: Mimco Inc.
February 20, 2014
(Parcel 2)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land, being a portion of Section 30, Block 80, Township 1, 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 a TX D.O.T. Brass cap for the common corner of sections 19 and 30, Block 80 and sections 20 and 21, Block 81, Township 1, Texas and Pacific Railway Company Surveys, Thence along the common line of said Section 21, Block 81 and said Section 30, Block 80, South $01^{\circ}04'44''$ East a distance of 1286.35 feet to a point; Thence leaving said line, North $88^{\circ}55'16''$ East a distance of 75.02 feet to a point on the easterly right of way line of F.M. 2529 (McCombs Street) Thence, North $23^{\circ}42'47''$ East a distance of 178.35 feet to a point on the southerly right of way line of Patriot Freeway (U.S. Highway No. 54); for the **"TRUE POINT OF BEGINNING"**

Thence along said right of way line, North $48^{\circ}31'20''$ East a distance of 1647.35 feet to a found $\frac{1}{2}$ " rebar with cap marked TX 5152;

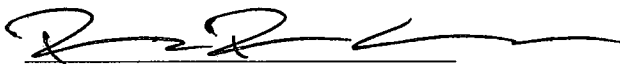
Thence leaving said right of way line, South $16^{\circ}22'21''$ East a distance of 850.52 feet to a point;

Thence, South $49^{\circ}13'35''$ West a distance of 265.44 feet to a found $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence, South $49^{\circ}10'42''$ West a distance of 849.22 feet to a found nail with shiner;

Thence, North $54^{\circ}16'08''$ West a distance of 776.45 feet to the **"TRUE POINT OF BEGINNING"** and containing 24.22 acres of land more or less.

Note: Bearings based on General Warranty Deed recorded in clerks file no. 20090082179, Real property records of El Paso County, Texas



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



MEMORANDUM

DATE: April 17, 2014

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

FROM: Michael McElroy, Planner

SUBJECT: PZRZ13-00026

The City Plan Commission (CPC), on March 27, 2014, voted 5-0 to recommend **approval** of rezoning the subject property from R-F (Ranch-Farm) to C-2 (Commercial) and C-3 (Commercial).

The CPC found that the rezoning is in conformance with Plan 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 was one letter received in opposition to this request.

Attachment:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZRZ13-00026
Application Type: Rezoning
CPC Hearing Date: March 27, 2014
Staff Planner: Michael McElroy, 915-212-1612, mcelroyms@elpasotexas.gov
Location: South of Patriot Freeway and East of McCombs Street
Legal Description: Parcel 1- A portion of Section 30, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas
Parcel 2- A portion of Section 30, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas
Acreage: Parcel 1- 10.78 acres
Parcel 2- 24.22 acres
Rep District: 4
Existing Zoning: R-F (Ranch and Farm)
Existing Use: Vacant
Request: Parcel 1- From R-F (Ranch-Farm) to C-2 (Commercial)
Parcel 2- From R-F (Ranch-Farm) to C-3 (Commercial)
Proposed Use: Retail and Office
Property Owner: EP Plaza Partners, LP
Representative: Conde Inc.

SURROUNDING ZONING AND LAND USE

North: G-MU (General Mixed Use) / Vacant
South: R-3A/c (Residential/condition) / Single-family dwellings
East: R-F (Ranch and Farm) / Northeast Regional Park
West: C-2/c (Commercial/condition) / Retail

PLAN EL PASO DESIGNATION: G-4 Suburban Walkable (Northeast Plan Area)

NEAREST PARK: Northeast Regional Park (440 feet)

NEAREST SCHOOL: Barron Elementary (2,471 feet)

NEIGHBORHOOD ASSOCIATIONS

There are no registered neighborhood associations in the area. This was verified through Community Development Department data on recognized neighborhood associations.

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on March 11, 2014. The Planning Division received one letter in opposition of the rezoning request.

APPLICATION DESCRIPTION

The applicant is requesting a rezoning from R-F (Ranch-Farm) to C-2 (Commercial) and C-3 (Commercial) to permit a retail and office complex. The conceptual site plan proposes a large development of retail and office buildings of varying sizes. The applicant has proposed to split the parcel by metes and bounds, as depicted in the conceptual plan, so to not result in a split-zoned property. Furthermore, the proposed C-2 zoning for Parcel 1 is more compatible with the residential properties directly south of the subject property. Access to the subject property is proposed from US-54, McCombs Street, and Rick Husband Drive.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the rezoning from R-F (Ranch-Farm) to C-2 (Commercial) and C-3 (Commercial). Located at the convergence of an interstate highway and a major arterial, and in proximity to high density districts, the proposed commercial districts are appropriate for the expected needs of northeast El Paso, in addition to serving the existing residential properties to the west and south.

Plan El Paso - Future Land Use Map Designation

All applications for a rezoning shall demonstrate compliance with the following criteria:

G-4 – Suburban (Walkable). This sector applies to modern single use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the C-2 and C-3 (Community Commercial) district is to provide goods or render services which are used in support of the community’s trade and service establishments and serving multi-neighborhoods. Permits intensities designed to be compatible with each other and provides for a wide range commercial activities, including light automobile related uses.

COMMENTS:

Planning Division - Transportation

A TIA is required.

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

City Development Department – Plan Review

No objections. Submitted site plan was not reviewed for conformance with any building codes or ADA regulations due to it been a conceptual plan.

City Development Department - Land Development

No objection

El Paso Department of Transportation

Per the TIA, the developer is responsible for the proportionate share of traffic signals at the following intersections:

	Development Proportionate Share
• McCombs & Rick Husband	\$46,796
• Sean Haggerty & Rushing	\$16,030

El Paso Fire Department

The fire dept. has no adverse comments therefore recommends approval of this case.

El Paso Water Utilities

1. EPWU-PSB does not object to this request.

2. The subject property is located within the City of El Paso Northeast Impact Fee Service Area. Impact fees will be assessed at the time of plat and collected by the El Paso Water Utilities prior to the issuance of a Building Permit by the City of El Paso.

3. Gateway North and McCombs Street are Texas Department of Transportation (TxDOT) right-of-ways. All

proposed water and sanitary sewer work to be performed within Gateway North and McCombs Street right-of-ways requires written permission from TxDOT.

4. Water and sanitary sewer main extensions are required to provide service to the proposed development.

5. To accommodate the proposed on-site water and sewer mains to serve the development, easements will be required to be dedicated parallel (east and west) of the common boundary line between Lot 4 and Lots 1-3. Also, easements will be required parallel (north and south) of the common boundary line of Lot 1 and Lot 2.

Water:

1. Within the 30-foot wide PSB easement, there is an existing 42-inch diameter water transmission main located approximately 15-feet east of the eastern right-of-way line of McCombs Street. Also, there is an existing 16-inch diameter water main located approximately 6.5-feet east of the eastern right-of-way line of McCombs Street. These water mains continue east along the Patriot Freeway frontage. No direct service connections are allowed to these mains as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

2. There is an existing 8-inch diameter water main along Rick Husband Drive.

3. Water service to the subject property requires the extension of the 16-inch diameter water main along the entire subject property Patriot Freeway frontage. Also, extensions of lesser diameter water mains from the 16-inch diameter water mains to the 8-inch diameter water main along Rick Husband Drive are required to create a looped system. The proposed water main extensions will be located along the proposed easements described and requested on Item 4.

Sanitary Sewer:

1. There is an existing 8-inch diameter sanitary sewer main along Redstone Peak Place. This sewer main dead-ends at the southern right-of-way line of Rick Husband Drive. This sewer main is available for service.

2. Sewer service to the subject property requires the extension of sewer mains within the easements described and requested on Item 4.

General

1. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWU-PSB easements without the written consent of EPWU-PSB. The Developer shall refrain from constructing rock walls, signs, buildings, or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any sign or structure.

2. EPWU requires a new service application to serve 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.

Attachments:

Attachment 1: Zoning Map

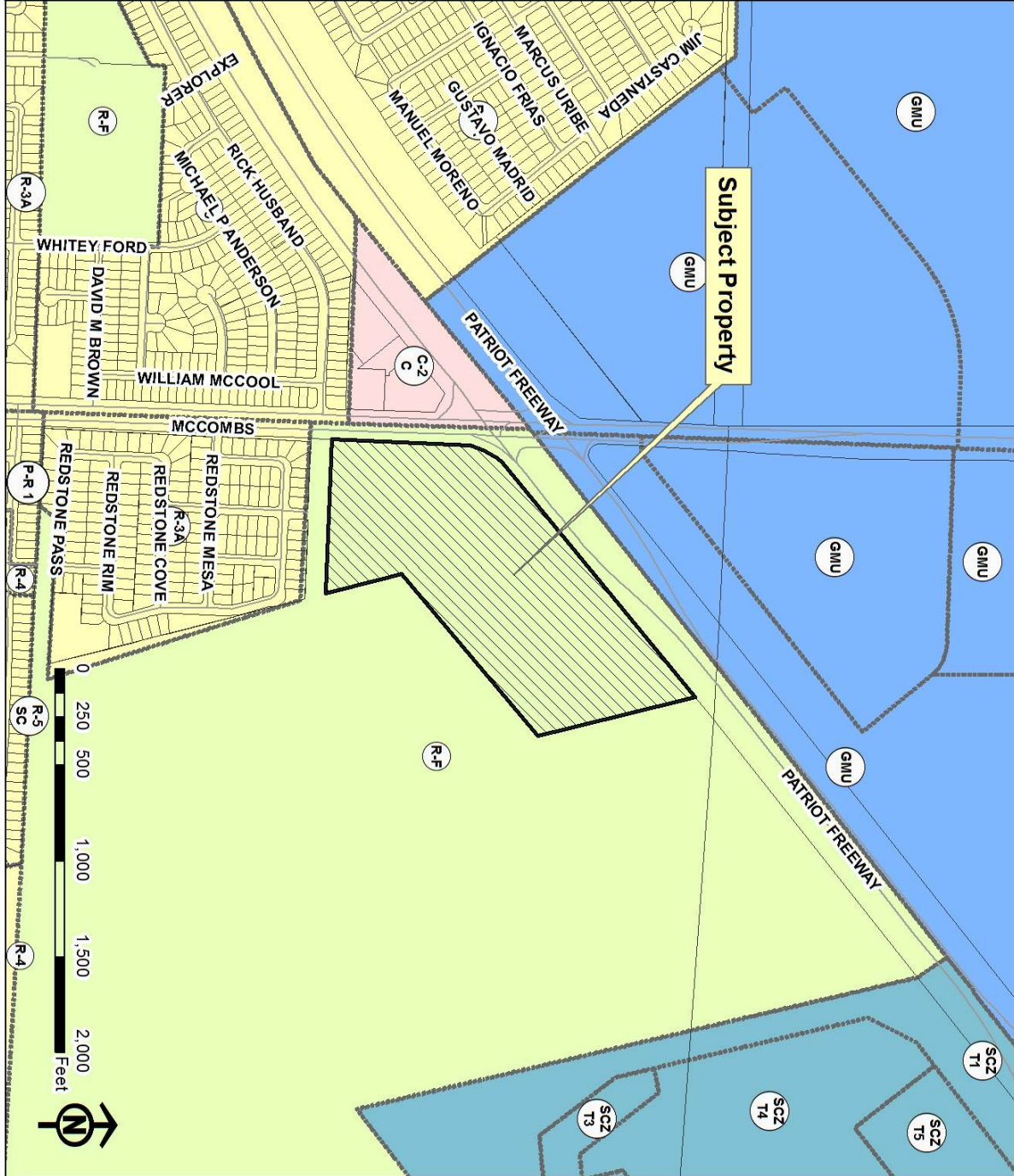
Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan

Attachment 4: Opposition Letter

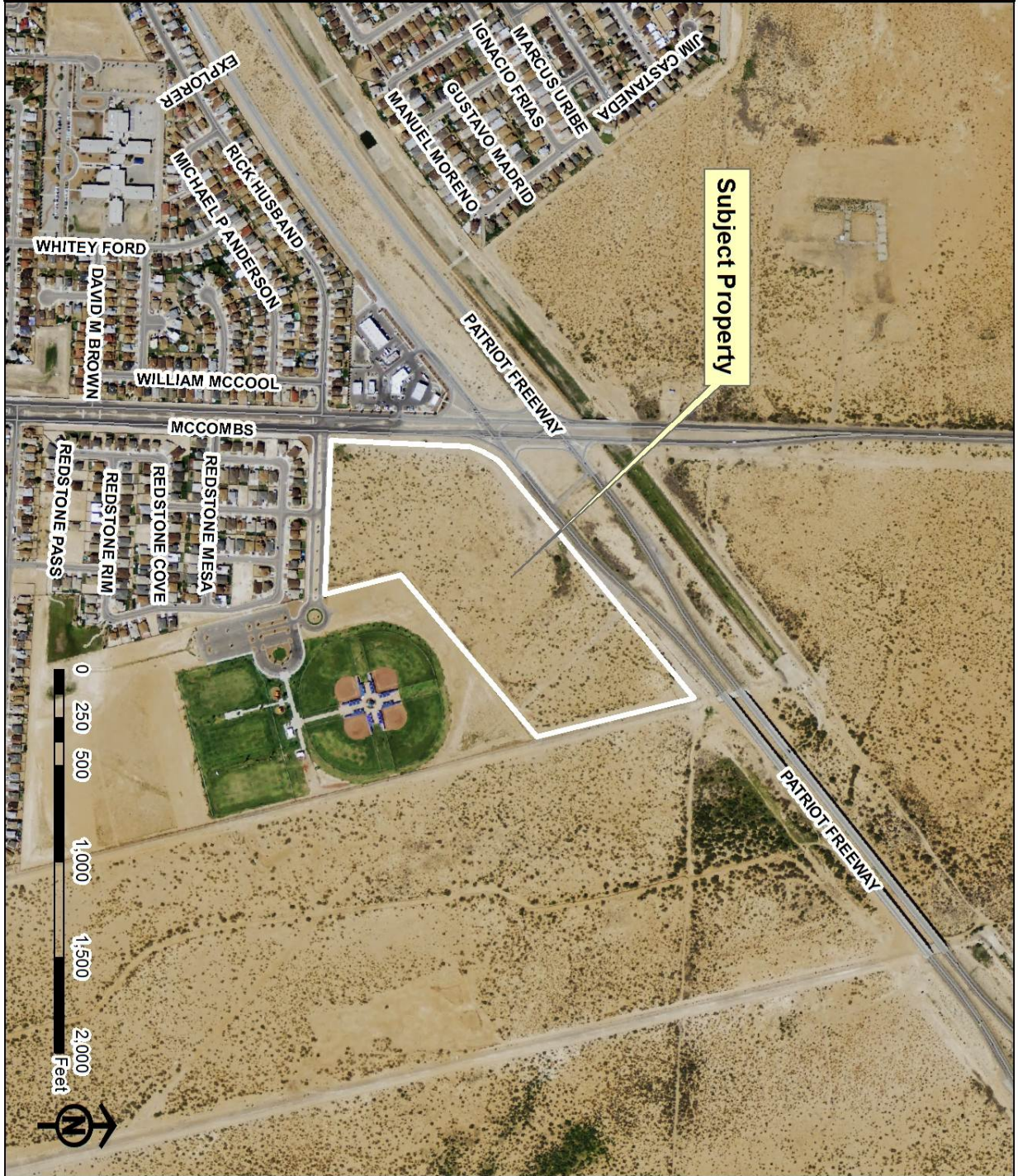
ATTACHMENT 1: ZONING MAP

PZRZ13-00026



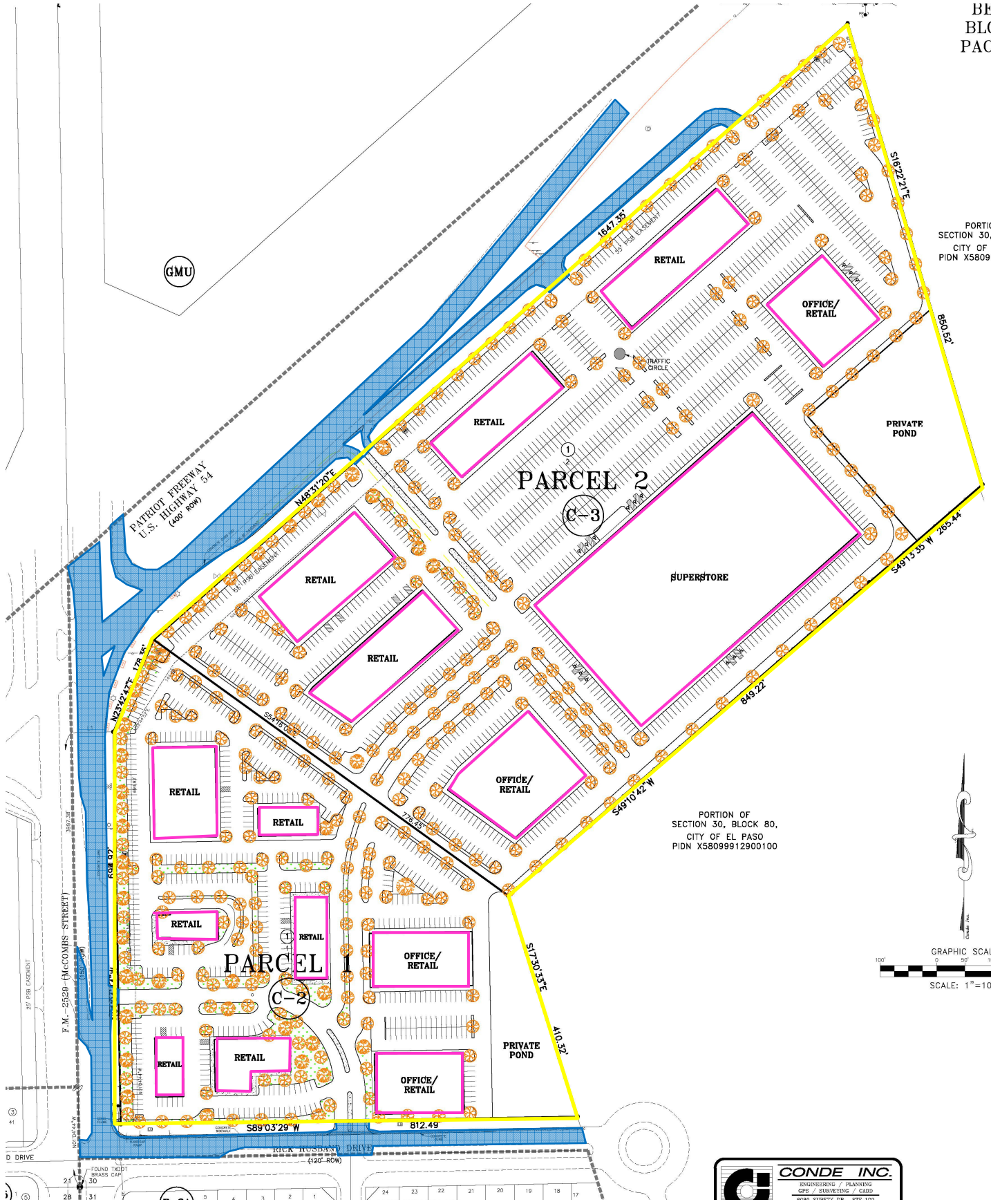
ATTACHMENT 2: AERIAL MAP

PZRZ13-00026



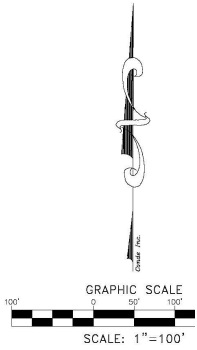
ATTACHMENT 3: CONCEPTUAL SITE PLAN

BEI
BLOC
PACIF



PORTION OF SECTION 30, BLOCK 80, CITY OF EL PASO PIDN X5809991

PORTION OF SECTION 30, BLOCK 80, CITY OF EL PASO PIDN X58099912900100



ATTACHMENT 4: OPPOSITION LETTER

McElroy, Michael

Subject: Opposition of Rezoning of Section 30, Block 80, Township 1 to C-2, and C-3

From: Glenn Parker [<mailto:glenn.w.parker@gmail.com>]

Sent: Wednesday, March 26, 2014 7:05 PM

To: McElroy, Michael

Cc: Amanda Parker

Subject: Opposition of Rezoning of Section 30, Block 80, Township 1 to C-2, and C-3

SUBJECT: Rezoning of Section 30, Block 80, Township 1 to C-2, and C-3

To whom it may concern,

This letter is regards to:

Case No: PZRZ13-00026

Glenn and Amanda Parker

5971 Redstone Rim Dr

El Paso, TX 79934

253-230-3674

The purpose of this email is to voice my opposition to the rezoning of the property located south of the Patriot Freeway and East of McCombs Street from Ranch-Farm to Commercial C-2, and C-3.

Currently with the Baseball Park, and soon to be completed Skate Park, which is located to the east of Redstone HOA, our neighborhood receives an excessive amount of unnecessary traffic. Frequently throughout the day non-resident's speed through our neighborhood using it as a short-cut to get to the park.

Several items have also been stolen from and broken in our front yard; I can only assume that people from outside of our neighborhood are to blame.

Finally, my wife and I strongly oppose this as we have concerns that our property values will lower once that area turns into commercial property.

Please feel free to contact me if you have any questions.

Respectfully,

Glenn and Amanda Parker