

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: August 25, 2009
Public Hearing: September 15, 2009

CONTACT PERSON/PHONE: Linda Castle, (915) 541-4029, castlelj@elpasotexas.gov

DISTRICT(S) AFFECTED: 4

SUBJECT:

An Ordinance changing the zoning of a portion of Tract 3F, Section 21, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas from C-4/c (Commercial/conditions) to R-5 (Residential) and releasing conditions placed on the property by Ordinance No. 016745. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North of Dyer Street and West of Mesquite Hill Drive. Property Owners: Newman Ranch Partners L.P. ZON09-00032 and ZON09-00037 (**District 4**).

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

The property was rezoned from R-F (Ranch and Farm) to C-4/c (Commercial/conditions) by Ordinance No. 16745 dated September 25, 2007.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) –Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (5-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Victor Q. Torres _____
Director, Development Services

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 3F, SECTION 21, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-4/C (COMMERCIAL/CONDITIONS) TO R-5 (RESIDENTIAL) AND RELEASING CONDITIONS PLACED ON THE PROPERTY BY ORDINANCE NO. 016745. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, on September 25, 2007, the zoning of the property described as a portion of Tract 3F, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso, County, Texas, was changed by Ordinance 016745; and,

WHEREAS, the rezoning was subject to the following zoning conditions:

- *A twenty-foot (20') wide landscaped buffer, to include, but not limited to, high profile native trees placed at twelve (12) feet on center shall be required along the property line abutting any residential zoning district. The landscape buffer shall be in addition to the landscaping requirements of the El Paso City Code and shall be required prior to the issuance of a certificate of occupancy.*
- *The following enumerated uses are prohibited on the property:*
 - *Light manufacturing uses*
 - *Contractor's Yard*
 - *Sales, storage, repair, and rental of tractors, heavy trucks, farm equipment, contractor's equipment and heavy vehicles and equipment, including boats.*

WHEREAS, placement of such conditions were necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

WHEREAS, the property owner submitted an application requesting the removal of the above two conditions on the above described property and that the property be rezoned to R-5 (Residential); and,

WHEREAS, a public hearing regarding release of the conditions and rezoning was held before the City Plan Commission on July 30, 2009 and the Commission recommended approval of the release and the rezoning; and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

That zoning conditions imposed by Ordinance No. 016745 dated September 25, 2007 requiring that:

- *A twenty-foot (20') wide landscaped buffer, to include, but not limited to, high profile native trees placed at twelve (12) feet on center shall be required along the property line abutting any residential zoning district. The landscape buffer shall be in addition to the landscaping requirements of the El Paso City Code and shall be required prior to the issuance of a certificate of occupancy.*

- *The following enumerated uses are prohibited on the property:*
 - *Light manufacturing uses*
 - *Contractor's Yard*
 - *Sales, storage, repair, and rental of tractors, heavy trucks, farm equipment, contractor's equipment and heavy vehicles and equipment, including boats.*

be released on *A Portion Of Tract 3f, Section 21, Block 80, Township 1, 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, because the conditions are no longer necessary; and,

That the zoning of the above described property be changed from C-4/c (Commercial/conditions) to R-5 (Residential) within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this ____ of _____ 2009

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew McElroy Deputy Director
Development Services Department -
Planning Division

Being Tract 3F, Section 21,
Block 80, Township 1, Texas and
Pacific Railway Company Surveys,
City of El Paso, El Paso County, Texas
December 6, 2006
(Parcel 1A R-5 Zoning)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being Tract 3F, Section 21, 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:

BEGINNING at a 2" iron pipe in concrete found for the common corner of Sections 16, 17, 20 and 21, whence a 5/8" iron rebar found for the common corner of Sections 15, 16, 21, and 22, bears North 89°53'47" East a distance of 5,285.17 feet; thence South 27°53'27" East a distance of 3493.05 feet to a point for the "TRUE POINT OF BEGINNING".

Thence South 43°16'32" West a distance of 426.84 feet to a point;

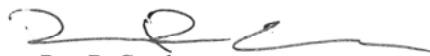
Thence North 47°11'46" West a distance of 262.01 feet to a point;

Thence North 43°16'32" East a distance of 405.00 feet to a point;

Thence South 51°00'29" East a distance of 13.49 feet to a point;

Thence, South 52°00'29" East a distance of 249.60 feet to "TRUE POINT OF BEGINNING" and containing 2.501 acres of land more or less.

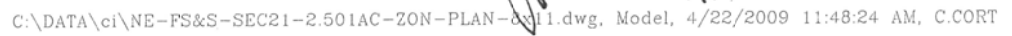
Bearing basis is true north for a Transverse Mercator Surface Projection as determined by GPS methods centered near this site.


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



CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283
ZON09-00032 / ZON09-00037

EXHIBIT A
PG. 2 of 2



MEMORANDUM

DATE: August 13, 2009

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

FROM: Mirian Spencer, Planner

SUBJECT: ZON09-00032 and ZON09-00037

The City Plan Commission (CPC) on July 30, 2009 voted **5-0** to recommend **APPROVAL** of rezoning the property from C-4/c (Commercial/conditions) to R-5 (Residential) and to release the zoning conditions imposed on the property by Ordinance 016745 in agreement with the recommendation from the DCC and staff.

The applicants are requesting to rezone the property from C-4/c (Commercial/conditions) to R-5 (Residential) in order to permit single-family residential development. Access is proposed via **Dyer Street**. The following zoning conditions were imposed on the property by Ordinance 016745, dated September 25, 2007:

- A twenty-foot (20') wide landscaped buffer to include, but not limited to, high profile native trees placed at twelve (12) feet on center shall be required along the property line abutting any residential zoning district. The landscape buffer shall be in addition to the landscaping requirements of the El Paso City Code and shall be required prior to the issuance of a certificate of occupancy.
- The following enumerated uses are prohibited on the property:
 - Light manufacturing uses
 - Contractor's yard
 - Sales, storage, repair, and rental of tractors, heavy trucks, farm equipment, contractor's equipment and heavy vehicles and equipment, including boats.

The CPC found that the rezoning is in conformance with The Plan for El Paso. The CPC found that the proposed use is in conformance with the 2025 Projected General Land Use Map for the Northeast Planning Area. The proposed development is compatible with adjacent land uses. The CPC also determined that the rezoning protects the best interest, health, safety, and welfare of the public in general; and the rezoning will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There were no public comments in support or in opposition to this request.

Attachment: Staff Report, Zoning Map, Aerial Map, Subdivision Plat Map



City of El Paso – City Plan Commission Staff Report

Case No: ZON09-00032 and ZON09-00037
Application Type Rezoning and Zoning Condition Release
CPC Hearing Date July 30, 2009
Staff Planner Mirian Spencer, (915) 541-4192, spencermd2@elpasotexas.gov

Location North of Dyer Street and West of Mesquite Hill Drive
Legal Description A portion of Tract 3F, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas
Acreage 2.501 acres
Rep District 4
Request Rezone the property from C-4/c (Commercial/conditions) to R-5 (Residential) and release all conditions imposed on the property by Ordinance 016745 dated September 25, 2007
Proposed Use Single-family Residential Development

Property Owners Newman Ranch Partners, L.P.
Representative Conde, Inc.

SURROUNDING ZONING AND LAND USE

North: R-5/c (Residential/conditions) / Vacant
South: C-4/c (Commercial/conditions) / Vacant
East: R-5/c (Residential/conditions) / Vacant
West: R-3A/c (Residential/conditions) / Vacant

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

NEAREST PARK: Proposed Park (1,240 Feet)

NEAREST SCHOOL: Desertaire Elementary (10,490 Feet)

NEIGHBORHOOD ASSOCIATIONS

Northeast Civic Association

NEIGHBORHOOD INPUT

Notices of the July 30, 2009 public hearing were mailed out to property owners within 300 feet of the subject property on July 15, 2009. The Planning Division has received no responses to the rezoning application.

APPLICATION DESCRIPTION

The applicants are requesting to rezone the property from C-4/c (Commercial/conditions) to R-5 (Residential) in order to permit single-family residential development. Access is proposed via **Dyer Street**. The applicants are also requesting to release the following zoning conditions imposed on the property by Ordinance 016745, dated September 25, 2007:

- A twenty-foot (20') wide landscaped buffer to include, but not limited to, high profile native trees placed at twelve (12) feet on center shall be required along the property line abutting any residential zoning district. The landscape buffer shall be in addition to the landscaping requirements of the El Paso City Code and shall be required prior to the issuance of a certificate of occupancy.
- The following enumerated uses are prohibited on the property:
 - Light manufacturing uses
 - Contractor's yard
 - Sales, storage, repair, and rental of tractors, heavy trucks, farm equipment, contractor's equipment and heavy vehicles and equipment, including boats.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

The Development Coordinating Committee provides the following comments:

The DCC recommends **APPROVAL** of rezoning the property from C-4/c (Commercial/conditions) to R-5 (Residential) and to release the conditions imposed on the property by Ordinance 016745.

PLANNING DIVISION RECOMMENDATION

Planning recommends **APPROVAL** of rezoning the property from C-4/c (Commercial/conditions) to R-5 (Residential) and to release the conditions imposed on the property by Ordinance 016745.

The Plan for El Paso –City-wide Land Use Goals

All applications for rezoning and zoning condition release shall demonstrate compliance with the following criteria:

- a. Goal: develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.
- b. Goal: provide and enforce standards for providing decent, safe, and sanitary housing for all El Pasoans in accordance with Federal, State, and Local regulations.
- c. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.
- d. Goal: protect residential areas from incompatible land uses and encroachments which may have a negative impact on the residential living environment.

Development Services Department - Building Permits and Inspections Division

Zoning: Has no objections to the rezoning to R-5 (Residential) but recommends some form of buffer be provided the high density residential zone and the heavy commercial zoning districts to reduce the possible complaints due to noise and light.

Landscaping: Landscaping is not required for residential development.

Development Services Department - Planning Division

Current Planning: recommends **APPROVAL** of rezoning the property from C-4/c (Commercial/conditions) to R-5 (Residential) and to release the conditions imposed on the property by Ordinance 016745.

Engineering Department - Traffic Division

The Engineering Department – Traffic Division has no objections to the rezoning and zoning condition release request.

Fire Department

No opposition to the request at this time.

El Paso Water Utilities

EPWU does not object to this request.

CITY PLAN COMMISSION OPTIONS

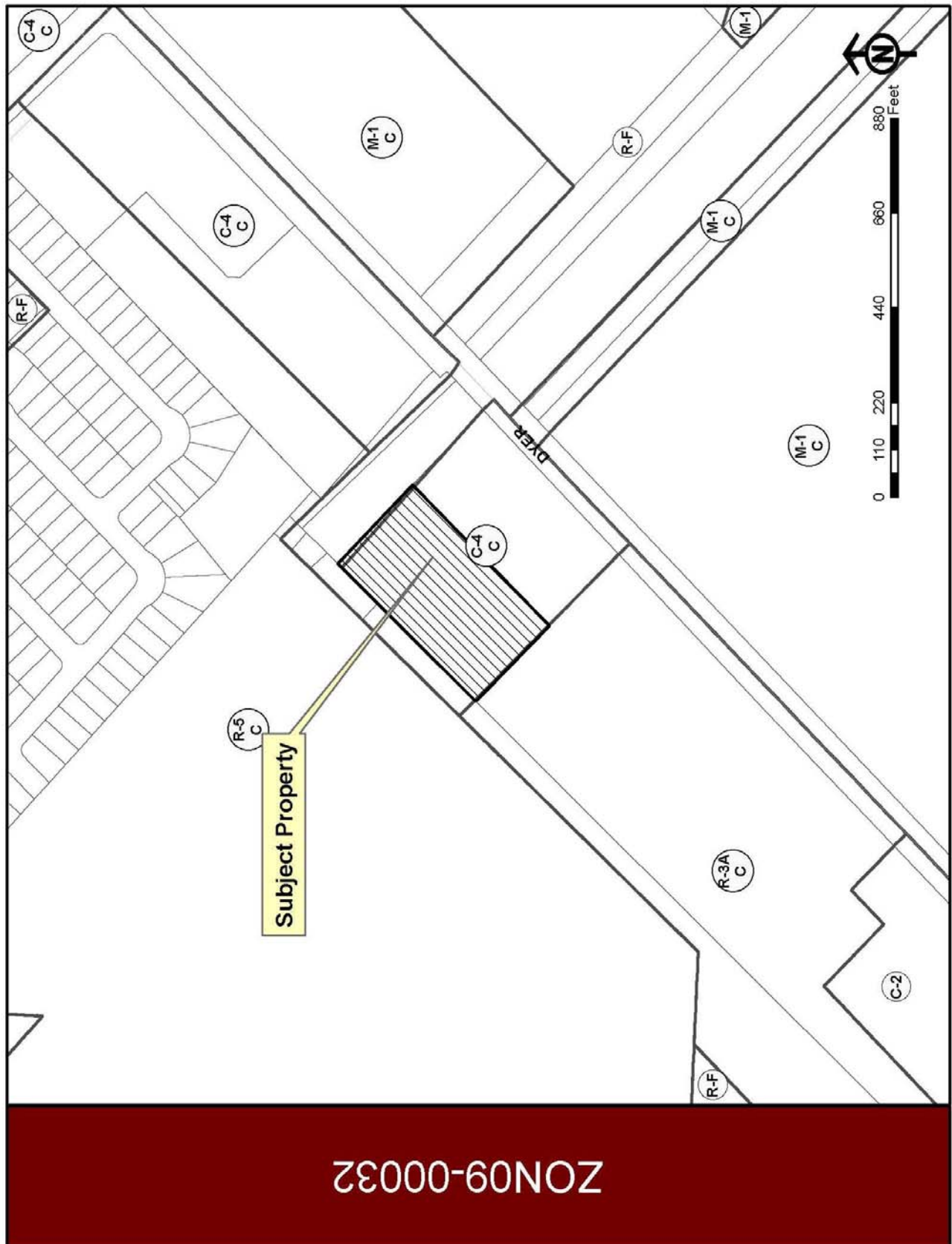
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning and zoning condition release application:

1. Recommend approval of the application finding that the rezoning and zoning condition release are 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 and zoning condition release 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 and zoning condition release do not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

Attachments

1. Zoning Map
2. Aerial Map
3. Ordinance 016745
4. Conceptual Site Plan

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP



ATTACHMENT 3: ORDINANCE 016745

ORDINANCE NO. 016745

AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: TRACT 3F, SECTION 21, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) DISTRICT TO C-4/C (COMMERCIAL/CONDITIONS) DISTRICT, AND IMPOSING CONDITIONS. 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 *Parcel 1, Tract 3F, Section 21, Block 80, Township 1, 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-F (Ranch and Farm) District** to **C-4 (Commercial/conditions) District**, 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 intensity 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:

- A. *A twenty-foot (20') wide landscaped buffer to include, but not limited to, high profile native trees placed at twelve (12) feet on center shall be required along the property line abutting any residential zoning district. The landscape buffer may be placed within the required setback. This shall be in addition to the landscaping requirements of the El Paso City Code and shall be required prior to the issuance of a certificate of occupancy.*
- B. *The following enumerated uses are prohibited on the property:*
 - 1. *Light manufacturing uses; and,*
 - 2. *Contractor's yard; and,*
 - 3. *Sales, storage, repair and rental of tractors, heavy trucks, farm equipment, contractor's equipment and heavy vehicles and equipment, including boats.*

Signatures begin on Page 2

Doc #31292 - Planning/ORD/ZON07-00016/Parcel 1:Only

ORDINANCE NO. _____

Zoning Case No. ZON07-00016

PASSED AND APPROVED this 25th day of September, 2007.

THE CITY OF EL PASO

John F. Cook
John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Kimberly Forsyth
Kimberly Forsyth, Senior Planner
Development Services Department

CITY CLERK DEPT.
07 AUG 27 PM 2:02

Doc #31292 - Planning/ORD/ZON07-00016/Parcel 1 Only

2

ORDINANCE NO. 010743

Zoning Case No. ZON07-00016

ATTACHMENT 3: CONCEPTUAL SITE PLAN

