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

DEPARTMENT: **Development Services Department, Planning Division**

AGENDA DATE: **Introduction: January 23, 2007**
Public Hearing: February 13, 2007

CONTACT PERSON/PHONE: **Melissa Granado, 541-4730**

DISTRICT(S) AFFECTED: **7**

SUBJECT:
An Ordinance changing the zoning of Lots 27 and 28, and a portion of Lots 25, 26, and 29, Cinecue Park Subdivision, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to C-1 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 480 Yarbrough Drive. Applicant: Apostolic Assembly of the Faith in Christ Jesus, Inc. ZON06-00121 (District 7)

BACKGROUND / DISCUSSION:
See attached report.

PRIOR COUNCIL ACTION:
N/A

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
Development Coordinating Committee (DCC) – Unanimous Denial Recommendation
City Plan Commission (CPC) –Approval Recommendation (4-1)

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

LEGAL: (if required) N/A **FINANCE:** (if required) N/A

DEPARTMENT HEAD: R. Alan Schubert

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT
DIRECTOR, DEVELOPMENT SERVICES

KELLY CARPENTER, AICP
DEPUTY DIRECTOR, PLANNING

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

M E M O R A N D U M

DATE: January 12, 2007

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

FROM: Melissa Granado, Planner

SUBJECT: **ZON06-00121**

The City Plan Commission (CPC), on December 21, 2006, voted **4-1** to recommend **APPROVAL** of rezoning the subject property from R-F (Ranch and Farm) to C-1 (Commercial), contrary to Staff's recommendation.

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 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 were three phone calls in opposition to this request.

Attachment: Staff Report, Location Map, Aerial Map, Site Plan

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOTS 27 AND 28, AND A PORTION OF LOTS 25, 26, AND 29, CINECUE PARK SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-1 (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 *Lots 27 and 28, and a portion of Lots 25, 26, and 29, Cinecue Park Subdivision, 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) to C-1 (Commercial)**, 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 _____ day of _____, 2007.

CITY CLERK DEPT.
07 JAN 12 AM 8:57

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:

Kimberly Forsyth
_____
Kimberly Forsyth, Senior Planner
Development Services Department

Being all of Lots 27 and 28 and a Portion
of Lots 25, 26 and 29, Block 5,
Cinecue Park Subdivision,
City of El Paso, El Paso County, Texas
July 17, 2006

CITY CLERK DEPT.
07 JAN 12 AM 8:57

METES AND BOUNDS DESCRIPTION
Exhibit "A"

FIELD NOTE DESCRIPTION of all of Lots 27 and 28 and a Portion of Lots 25, 26 and 29, Block 5, Cinecue Park Subdivision, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a point located at the common boundary line of Lot 25 and Lot 26, same being the southerly right-of-way line of Starr Avenue (40' R.O.W.); **THENCE,** leaving said common boundary line and along said southerly right-of-way line, North 71°10'00" West, a distance of 48.98 feet the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said southerly right-of-way line, South 15°53'02" West, a distance of 255.07 feet to a point;

THENCE, South 55°02'00" East, a distance of 55.20 feet to a point;

THENCE, South 18°13'00" West, a distance of 93.70 feet to a point;

THENCE, North 71°10'00" West, a distance of 404.84 feet to a point;

THENCE, North 18°47'00" East, a distance of 178.76 feet to a point;

THENCE, 153.68 feet along the arc of a curve to the right whose radius is 1315.18 feet, whose interior angle is 06°41'42", whose chord bears North 22°07'28" East, a distance of 153.59 feet to a point;

THENCE, 27.12 feet along the arc of a curve to the right whose radius is 20.00 feet, whose interior angle is 77°42'05", whose chord bears North 67°08'57" East, a distance of 25.09 feet to a point;

THENCE, North 18°50'00" East, a distance of 12.00 feet to a point;

THENCE, North 42°16'23" East, a distance of 3.29 feet to a point;

THENCE, South 71°10'00" East, a distance of 308.84 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 130,293.13 square feet or 2.9911 acres of land more or less.

Exhibit "A"

Carlos M. Jiménez
Registered Professional Land Surveyor
Texas No. 3950

CAD Consulting Co.
1790 Lee Trevino Drive. Suite 503
El Paso, Texas 79936
(915) 633-6422
I:\M&B\2006\262054.wpd

ZON06-00121

STAFF REPORT

Rezoning Case:	ZON06-00121
Property Owner(s):	Apostolic Assembly of the Faith in Christ Jesus, Inc.
Representative(s):	Esteban Avila
Legal Description:	Lots 27 and 28, and a portion of Lots 25, 26, and 29, Cinecue Park Subdivision, City of El Paso, El Paso County, Texas
Location:	480 Yarbrough Drive
Representative District:	7
Area:	3.02 acres
Present Zoning:	R-F (Ranch and Farm)
Present Use:	Church
Proposed Zoning:	C-1 (Commercial)
Proposed Use:	Church and daycare
Recognized Neighborhood Associations Contacted:	Save the Valley 21, Teens in Action for a Healthy Community

Surrounding Land Uses:

North -	R-F/sp (Ranch and Farm/special permit) / Vacant Distribution Facility
South -	R-3A (Residential), R-F (Ranch and Farm) / Vacant
East -	R-3/sc (Residential/special contract) / Single-family Residential
West-	R-F (Ranch and Farm) / Single-family Residential

Year 2025 Designation: **Residential** (Mission Valley Planning Area)

CITY PLAN COMMISSION HEARING, DECEMBER 21, 2006, 1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL

REZONING APPLICATION: ZON06-00121

GENERAL INFORMATION:

The applicant is requesting a rezoning from R-F (Ranch and Farm) to C-1 (Commercial) in order to permit a church and daycare. The property is 3.02 acres in size and is currently an existing church. The proposed site plan shows the church and a 2,068 sq. ft. existing building that will serve as the daycare. A proposed play ground area is also shown on the site plan. Access is proposed via Starr Avenue; 89 parking spaces are provided. There are no zoning conditions currently imposed on this property.

INFORMATION TO THE COMMISSION:

The Development Services Department – Planning Division has received three calls in opposition to this request.

STAFF RECOMMENDATION:

The Development Coordinating Committee (DCC) unanimously recommends **DENIAL** of this request for rezoning from R-F (Ranch and Farm) to C-1 (Commercial).

The recommendation is based on the following:

> **The Plan for El Paso** City-Wide Land Use Goals recommends that El Paso "protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment."
>
> **The Year 2025 Projected General Land Use Map** for the Mission Valley Planning Area designates this property for **Residential** land uses.
>
> **C-1 (Commercial) zoning** permits a church and daycare and **is not compatible** with adjacent development.

The Commission must determine the following:

1. Will the C-1 (Commercial) zoning protect the best interest, health, safety and welfare of the public in general?
2. Will a church and daycare 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: Church and daycare permitted on proposed C-1 Commercial District. Proposal meets districts minimum development standards, parking and setback requirements.

Landscape Review: No comments received.

Development Services Department - Planning Division Comments:

Current Planning: Recommends denial of the rezoning request. The proposed zone is incompatible with surrounding development and not in conformance with the 2025 Projected General Land Use Map that designates the property for residential uses.

Subdivision Review: No comments received.

Engineering Department - Traffic Division Comments:

No apparent traffic concerns with the proposed zoning change.

Fire Department Comments:

No comments received.

El Paso Water Utilities Comments:

General:
Water and sanitary sewer mains exist along Starr Place and Yarbrough Drive fronting the subject property.

EPWU-PSB records indicate that the subject property has existing water and sanitary sewer service.

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.

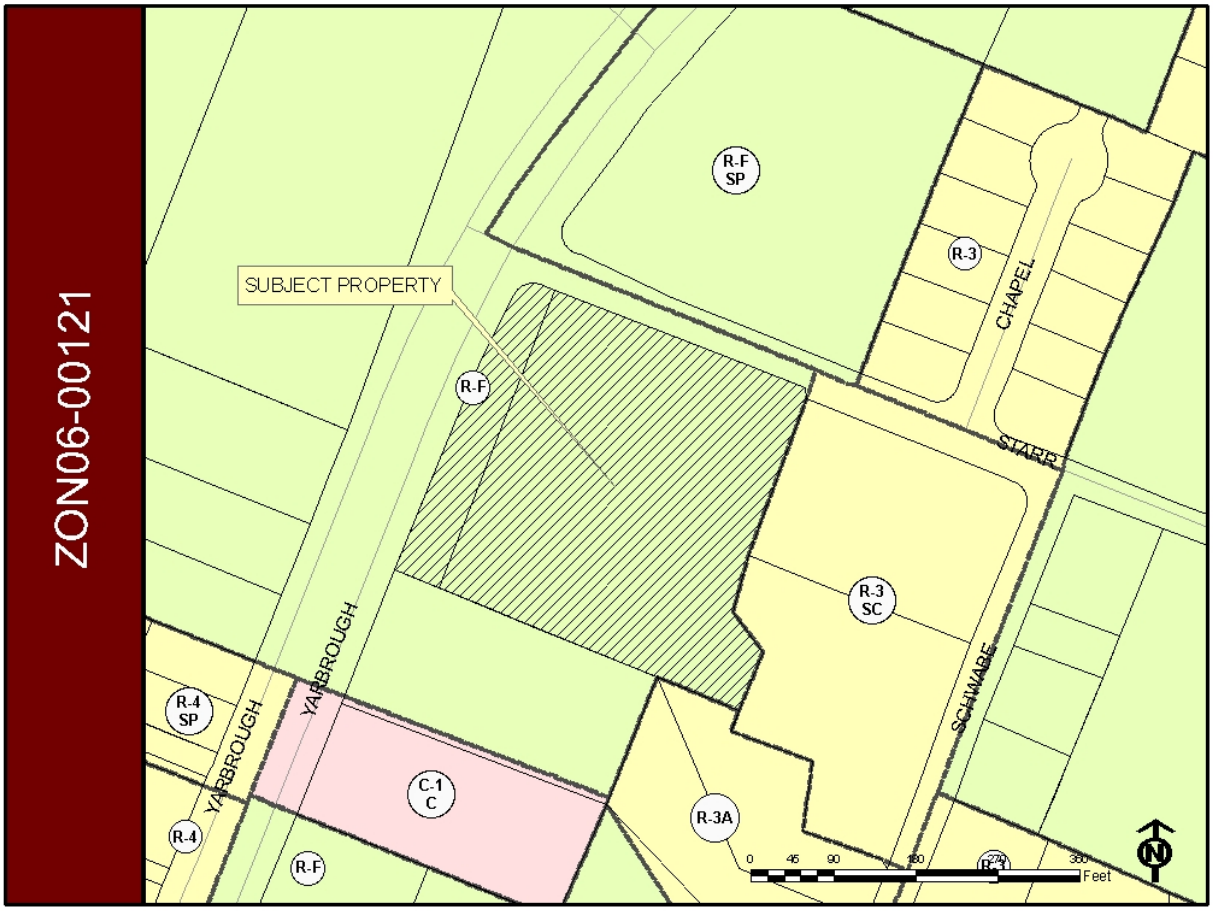
Application for additional water and sanitary sewer services should be made 6-8 weeks prior to any construction to ensure water for construction work. A site plan, a utility plan, grading & drainage plans, landscaping plan (if applicable), the legal description of the property, and a certificate-of-compliance are required at the time of application. 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.

EPWU does not object to this request.

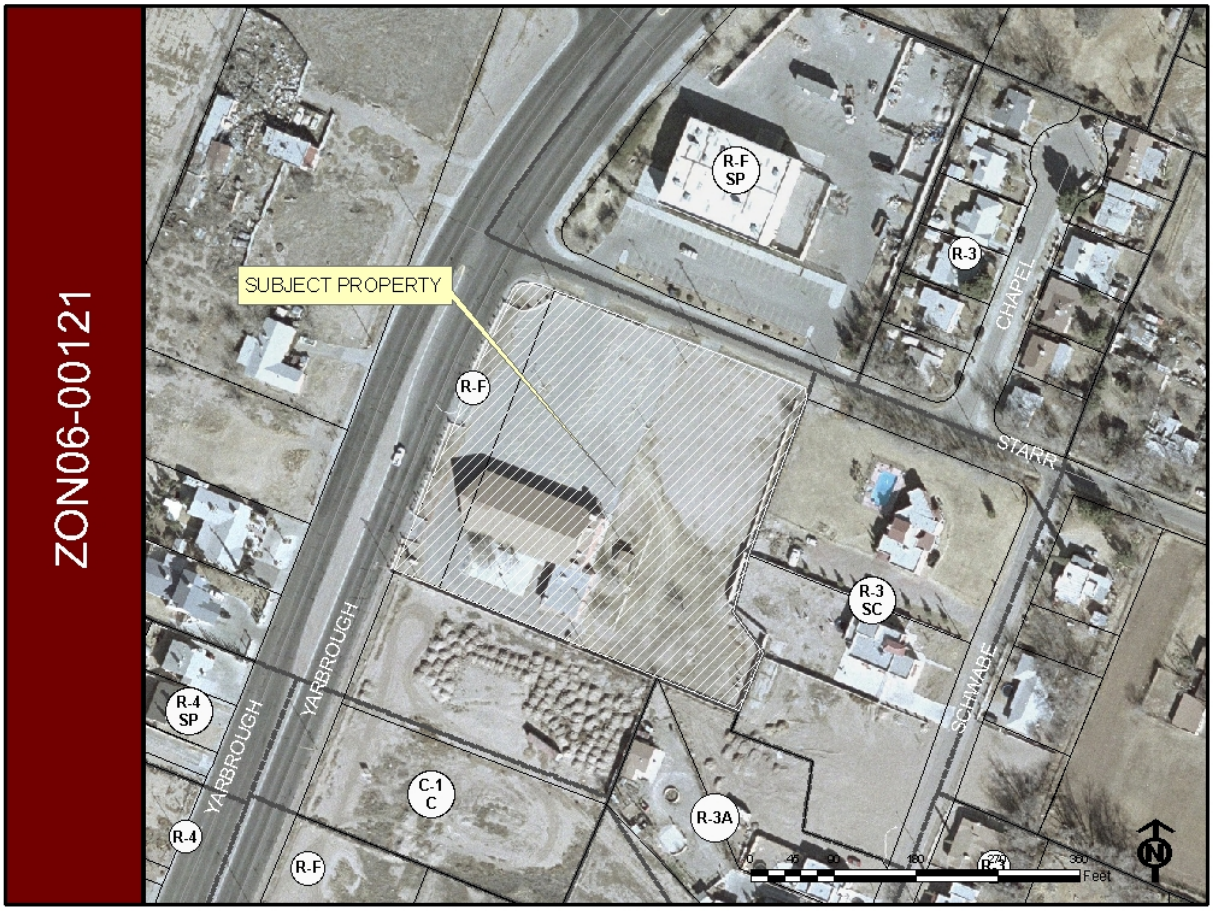
ATTACHMENT: Location Map, Aerial Map, Site Plan

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.

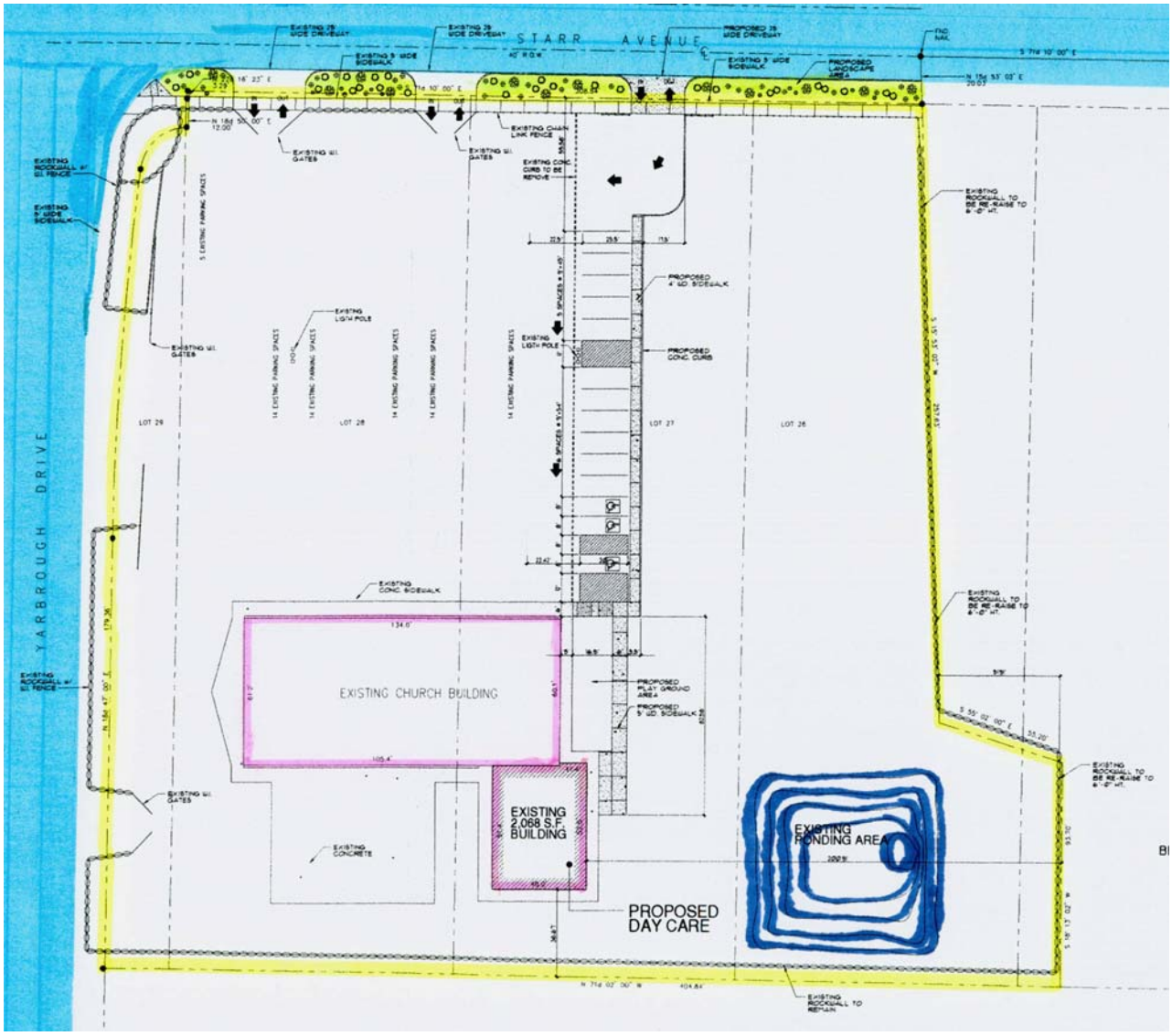
LOCATION MAP



AERIAL MAP


ZON06-00121
SUBJECT PROPERTY
R-F
R-4
SP
R-4
R-F
YARBROUGH
YARBROUGH
C-1
C
R-3A
R-3
SC
R-F
SP
R-3
STARR
CHAPEL
SCHWABE
0
45
90
180
270
360
Feet
N

SITE PLAN


STARR AVENUE
YARBROUGH DRIVE
EXISTING CHURCH BUILDING
EXISTING 2,068 S.F. BUILDING
PROPOSED DAY CARE
EXISTING PONDING AREA
LOT 29
LOT 28
LOT 27
LOT 26