

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

DEPARTMENT: Development Services Department

AGENDA DATE: Introduction: January 29, 2008
Public Hearing: February 19, 2008

CONTACT PERSON/PHONE: Mirian Spencer, (915) 541-4192, Spencermd2@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance changing the zoning of Lots 9 and 10, Block 28, Cotton Addition, City of El Paso, El Paso County, Texas from R-4 (Residential) to A-O (Apartment/Office) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2419 Grant Avenue. Applicant: Aqua Investments ZON07-00119 (District 8)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Denial Recommendation
City Plan Commission (CPC) – Unanimous Approval Recommendation (4-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Kelly Carpenter

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOTS 9 AND 10, BLOCK 28, COTTON ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE), AND IMPOSING CONDITIONS. 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 *Lots 9 and 10, Block 28, Cotton Addition, City of El Paso, El Paso County, Texas*, be changed from **R-4 (Residential)** to **A-O (Apartment/Office)**, 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 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.

The following uses are restricted: Office/Warehouse, Self-Storage Warehouse, Orphanage/Shelter, Garage Community Parking Lot, Dry Cleaning Shop, and Boarding House/Lodging House.

PASSED AND APPROVED this _____ day of _____, 2008.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

[Signature]

for Kelly Carpenter, AICP, Deputy Director
Development Services Department -
Planning Division

CITY CLERK DEPT.
08 JAN 22 AM 9:51

ORDINANCE NO. _____

Zoning Case No: ZON07-00119



**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

MEMORANDUM

DATE: January 4, 2008

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

FROM: Mirian Spencer, Planner

SUBJECT: ZON07-00119

The City Plan Commission (CPC), on December 20, 2007, voted 4-0 to recommend **Approval** of rezoning the subject property from R-4 (Residential) to A-O (Apartment/Office), against Staff's recommendation of denial. The City Plan Commission imposed a condition that prohibited the following uses at the subject property: office/warehouse, self-storage warehouse, orphanage/shelter, garage community parking lot, dry cleaning shop, boarding house/lodging houses. The condition was imposed to protect the adjacent residential properties from intense, incompatible uses that are permitted within the A-O (Apartment/Office) zoning district.

The CPC found that although the proposed change is not in conformance with The Plan for El Paso; and the proposed use is not in conformance with the Year 2025 Projected General Land Use Map which designates the property for residential uses; the proposed change is in harmony with the transitions occurring within the area. The CPC also determined that this rezoning protects the best interest, health, safety, and welfare of the public in general; and that the proposed use is compatible with adjacent land uses.

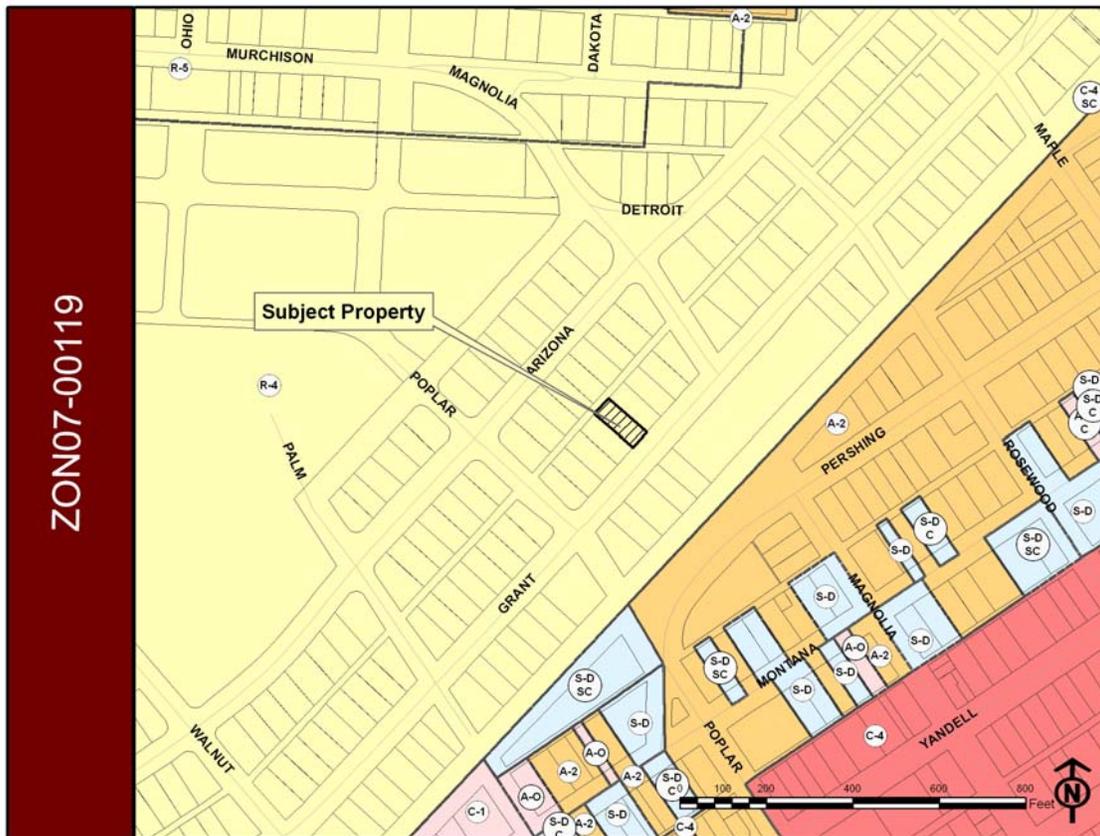
There was **one letter of opposition** to this request.

Attachment: Staff Report, Location Map, Site Plan, Opposition Letter



ZON07-00119

Application Type: Rezoning
Property Owner(s): Aqua Investments
Representative(s): Nori and Gabino Tavera
Legal Description: Lots 9 and 10, Block 28, Cotton Addition, City of El Paso, El Paso County, Texas
Location: 2419 Grant Avenue
Representative District: 8 **Area:** 0.14 Acres
Present Zoning: R-4 (Residential) **Present Use:** Single-family Residential
Proposed Zoning: A-O (Apartment/Office)
Recognized Neighborhood Associations Contacted: A Presidential Neighborhood Association, Five Points Neighborhood Association
Public Response: One Letter of Opposition
Surrounding Land Uses: **North** - R-4 / Single-family Residential; **South** - R-4 / Single-family Residential; **East** - R-4 / Single-family Residential; **West** - R-4 / Single-family Residential
Year 2025 Designation: Residential (**Central Planing Area**)



General Information:

The applicant is requesting a rezoning from R-4 (Residential) to A-O (Apartment/Office). The conceptual site plan proposes a 1,679 square foot building and five parking spaces. Access is proposed via Grant Avenue and from the alley adjacent to the rear of the property. There are no zoning conditions on this property. The property has been registered as legally non-conforming for a side yard setback of 4.7' to 4.8' where a five foot side yard setback is required in R-4 (Residential).

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **DENIAL** of this request for rezoning from R-4 (Residential) to A-O (Apartment/Office).

The recommendation is based on the following:

The subject property is within an established neighborhood that has maintained its residential character. The areas where the neighborhood character is in transition to a mixed-use neighborhood are to the south of the property, separated by the railroad tracks, and adjacent to Montana Avenue.

The Plan for El Paso City-Wide Land Use Goals recommend 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 Central Planning Area designates this property for **Residential** land uses.

A-O (Apartment/Office) zoning permits offices and **is not compatible** with adjacent development.

Findings:

The Commission must determine the following:

1. Will A-O (Apartment/Office) zoning protect the best interest, health, safety, and welfare of the public in general?
2. Will an office 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?

Development Services Department - Building Permits and Inspections Division:

Zoning Review: Office use permitted in A-O (Apartment/Office) district. Meets general lot size standards. Requires five foot side setbacks. Shall need to submit plans for change of occupancy (residential to office) and comply with A.D.A. requirements. Shall need grading plan for rear parking area. Alley must be paved in order to gain access to proposed parking area. Shall need to provide a six foot high masonry screening wall along property lines abutting residential districts.

Landscape Review: No comments received

Development Services Department - Planning Division:

Current Planning: Recommends denial. Proposed zoning is not compatible with adjacent uses and development, and is not compatible with the 2025 Projected Land Use for the area which is residential.

Land Development: No comments received.

Attachment 1: Site Plan



Attachment 2: Application



REZONING APPLICATION
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

City of El Paso, Texas
 2 Civic Center Plaza
 El Paso, TX 79901-1196
 915-541-4024

1. CONTACT INFORMATION

PROPERTY OWNER(S): AQUA INVESTMENTS
 ADDRESS: 5982 NORTH MESA STREET ZIP CODE: 79912 PHONE 549-6979
 E-MAIL ADDRESS: gataza@aol.com FAX: 351-0973

REPRESENTATIVE(S): NORI OR GABINO TAVERA
 ADDRESS: 5982 NORTH MESA ST. ZIP CODE: 79912 PHONE 549-6979
 E-MAIL ADDRESS: gataza@aol.com FAX: 351-0873

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: C84999902802100
 LEGAL DESCRIPTION: LOT 9, AND 10, BLOCK 28, COTTON ADDITION
 STREET ADDRESS OR LOCATION: 2419 GRANT AVENUE REP DISTRICT: _____
 ACREAGE: 0.14 PRESENT ZONING: R4 PRESENT LAND USE: RESIDENTIAL
 PROPOSED ZONING: AO PROPOSED LAND USE: OFFICE

3. PARCEL TWO INFORMATION

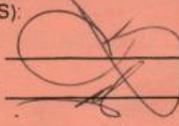
PROPERTY IDENTIFICATION NUMBER: _____
 LEGAL DESCRIPTION: _____
 STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
 ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
 PROPOSED ZONING: _____ PROPOSED LAND USE: _____

4. PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
 LEGAL DESCRIPTION: _____
 STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
 ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
 PROPOSED ZONING: _____ PROPOSED LAND USE: _____

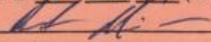


5. ADDITIONAL INFORMATION

OWNER(S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):
 Printed Name: NORI TAVERA Signature: 
 Printed Name: GABINO TAVERA Signature: _____
 Printed Name: _____ Signature: _____

Note: Signatures are required for all owners of record for the property proposed for rezoning. Attach additional signatures on a separate sheet of paper.

****OFFICE USE ONLY****

ZON 07-00119 RECEIVED DATE: 9/11/07 APPLICATION FEE: \$ 715.00
 DCC REVIEW DATE: 10/03/07 (8:30 am, Conference Room, 2nd Floor, City Hall Building)
 CPC REVIEW DATE: 11/01/07 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
 ACCEPTED BY: 

Revised 9/2006 1

Opposition Letter

NOV-13-2007 14:01 From:

To: 915 541 4725

P.2/2

To City Plan Commission (c/o Planning Division, 5th Fl, City Hall):

CASE NO: ZON 07-0 011 9

I am speaking on behalf of the property owner located at 2420 Grant Avenue (Teresa C. Juarez), located right across the street where the case described above is requesting a change of zoning for Aqua Investment from residential to commercial zoning. The position that we have come to as a family for Mrs. Teresa C. Juarez is that it would be a very large inconvenience due to the fact that this individual has several health problems, needs wheelchair assistance (she has a doctor issued Handicap parking permit), and it has been difficult for us as a family to park near her home. Due to her current state of health we are afraid that if she would need medical rescue, she would not be able to receive it as quickly as if there were fewer vehicles in front of her home. There have been many occasions that we have had to park as far as a block due to there not being parking area in front of her home. We understand that there are other businesses that are located on the same street like a church that is located near the intersection of Grant and Poplar but this business or establishment has a parking lot for their guests or people that visit this business location. Aqua Investment has been having their customers, park in front of the homes that are located near their business. We would like the neighborhood that Mrs. Juarez lives in, to continue to remain a residential zone instead of a commercial zone.

Sincerely a concerned property owner's family.