

Dedicated to Outstanding Customer Service for a Better Community

S E R V I C E   S O L U T I O N S   S U C C E S S



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

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

**AGENDA DATE:**    **Introduction: March 3, 2009**  
                          **Public Hearing: March 24, 2009**

**CONTACT PERSON/PHONE:**    Andrew Salloum, 541-4027

**DISTRICT(S) AFFECTED:**

**SUBJECT:**

An Ordinance changing the zoning of Tracts 4, 4A, 5A, and 5A1, S.A. & M.G.R.R. Survey No. 265, City of El Paso, El Paso County, Texas From C-1 (Commercial) to C-2 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 5800 Doniphan Drive. Applicant: Cardenas, L.P., ZON08-00109 (District 1).

**BACKGROUND / DISCUSSION:**

**PRIOR COUNCIL ACTION:**

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Unanimous Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation (6-0)

\*\*\*\*\*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:** \_\_\_\_\_

Mayor  
John F. Cook

City Council

*District 1*  
Ann Morgan Lilly

*District 2*  
Susannah M. Byrd

*District 3*  
Emma Acosta

*District 4*  
Melina Castro

*District 5*  
Rachel Quintana

*District 6*  
Eddie Holguin Jr.

*District 7*  
Steve Ortega

*District 8*  
Beto O'Rourke

City Manager  
Joyce A. Wilson

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CHANGING THE ZONING OF TRACTS 4, 4A, 5A, AND 5A1, S.A. & M.G.R.R. SURVEY NO. 265, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-1 (COMMERCIAL) TO C-2 (COMMERCIAL) AND IMPOSING A CONDITION. 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 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:

*Tract 4, 4A, 5A, and 5A1, S.A. & M.G.R.R. Survey No. 265, City of El Paso, El Paso County, Texas*, be changed from **C-1 (Commercial)** to **C-2 (Commercial)**; and,

Further, that the property described above be subject to the following condition which is 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:

- 1. A detailed site development plan shall be reviewed and approved in accordance with the El Paso City Code prior to the issuance of any building or grading permits.*

**PASSED AND APPROVED this \_\_\_\_\_ day 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 S. McElroy, Deputy Director  
Development Services Department  
Planning Division



**MEMORANDUM**

**DATE:** February 16, 2009

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

**FROM:** Andrew Salloum, Planner

**SUBJECT: ZON08-00109**

Mayor  
John F. Cook

City Council

*District 1*  
Ann Morgan Lilly

*District 2*  
Susannah M. Byrd

*District 3*  
Emma Acosta

*District 4*  
Melina Castro

*District 5*  
Rachel Quintana

*District 6*  
Eddie Holguin Jr.

*District 7*  
Steve Ortega

*District 8*  
Beto O'Rourke

City Manager  
Joyce A. Wilson

The City Plan Commission (CPC), on January 8, 2009, voted **6-0** to recommend **APPROVAL** of rezoning subject property from C-1 (Commercial) to C-2 (Commercial) and imposing a condition.

The CPC found that the 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 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 effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

Planning Division received a signed petition in **OPPOSITION** of the rezoning request from Montoya Heights Community.

**Attachment:** Staff report, zoning map, aerial map, conceptual site plan, petition in opposition.



## *City of El Paso – City Plan Commission Staff Report*

**Case No:** ZON08-00109  
**Application Type:** Rezoning  
**CPC Hearing Date:** January 29, 2009  
**Staff Planner:** Andrew Salloum, 915-541-4027, [salloumam@elpasotexas.gov](mailto:salloumam@elpasotexas.gov)

**Location:** 5800 Doniphan  
**Legal Description:** Being Tracts 4, 4A, 5A, and 5A1, S.A. & M.G.R.R. Survey No. 265, City of El Paso, El Paso County, Texas

**Acreage:** 3.446 Acres  
**Rep District:** 1  
**Existing:** Vacant Restaurant  
**Request:** From C-1 (Commercial) to C-2 (Commercial)  
**Proposed Use:** Funeral Home

**Property Owner:** Cardenas, L.P.  
**Applicant:** Cardenas, L.P.  
**Representative:** ETZOLD & CO.

### **SURROUNDING ZONING AND LAND USE**

**North:** R-3 (Residential) Single-Family Residential

**South:** R-3 (Residential) Vacant, City of El Paso Property

**East:** R-3 (Residential) Single-Family Residential

**West:** P-R II/sc (Planned Residential II/special contract) Single-Family Residential, Church

**THE PLAN FOR EL PASO DESIGNATION:** Commercial (Northwest Planning Area)

**NEAREST PARK:** West Green Park (751 Feet)

**NEAREST SCHOOL:** Lincoln Middle (5,114 Feet)

### **NEIGHBORHOOD ASSOCIATIONS:**

Save the Valley

Coronado Neighborhood Association

Upper Mesa Hills Neighborhood Association

Montoya Heights Community Improvement Association

Upper Valley Neighborhood Association

Upper Valley Improvement Association

Mountain Arroyos Neighborhood Association

### **NEIGHBORHOOD INPUT:**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on January 7, 2009. Planning Division received a signed petition in opposition of the rezoning request.

**APPLICATION DESCRIPTION:**

The applicant is requesting to rezone property from C-1 (Commercial) to C-2 (Commercial) to allow for a funeral home. The property consists of a total of 3.446 acres and is currently a closed restaurant. The proposed access is from **Doniphan**.

**DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION:**

The DCC recommends **APPROVAL** of rezoning the subject property from C-1 (Commercial) to C-2 (Commercial).

**PLANNING DIVISION RECOMMENDATION:**

The Planning Division recommends **APPROVAL**. The request is in compliance with the 2025 General Land Use Plan for the Northwest Planning Area that designates this area for commercial development.

**The Plan for El Paso-City-Wide Land Use Goals:**

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

- a. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.
- b. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.
- c. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character.

The request is in compliance with the 2025 General Land Use Plan for the Northwest Planning area that designates this area for commercial development. The purpose of the C-2 (Commercial) district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the City. The regulations of the district will permit intensities designed to be compatible with each other and to provide for a wide range for types of commercial activity, including light automobile related uses.

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

Zoning Review:

Proposed Funeral Home permitted on C-2 district. Meets minimum yard standards. Existing parking does not meet the standards required for the proposed C-2 zoning, required parking for the proposed Funeral Home is 74 total spaces including 3 handicap. Shall need to provide six foot high masonry screening wall along the property line abutting the residential districts.

Landscape Review:

Landscape not required for this project as per 18.46

**Development Services Department - Planning Division:**

Current Planning: Recommends **APPROVAL** of rezoning the subject property from C-1 (Commercial) to C-2 (Commercial). The proposed rezoning is compatible with the projected land use map designation for commercial land use.

Land Development:

- ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.\*
- Grading plan and permit shall be required.\*
- Storm Water Pollution Prevention Plan and/or permit required.\*
- Drainage plans must be approved by the Development Services Department, Engineering Section.\*
- Coordination with TXDOT. \*
- Additional Comments: Site location is not located within a Special Flood Hazard Area, Flood Zone C, Panel 480214 0021 D.

**\* This requirement will be applied at the time of development.**

**Engineering Department - Traffic Division:**

No objection to proposed change of zoning. Sidewalks shall be provided. Access shall be coordinated with the Texas Department of Transportation.

**Fire Department:**

Fire Department has no opposition.

**El Paso Water Utilities:**

EPWU does not object to this request.

**Parks:**

No comments received.

**Sun Metro:**

No comments received.

**School Districts:**

No comments received.

**CITY PLAN COMMISSION OPTIONS**

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

1. Recommend approval of the application finding that the rezoning is 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 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 does 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:**

Attachment 1: Zoning Map

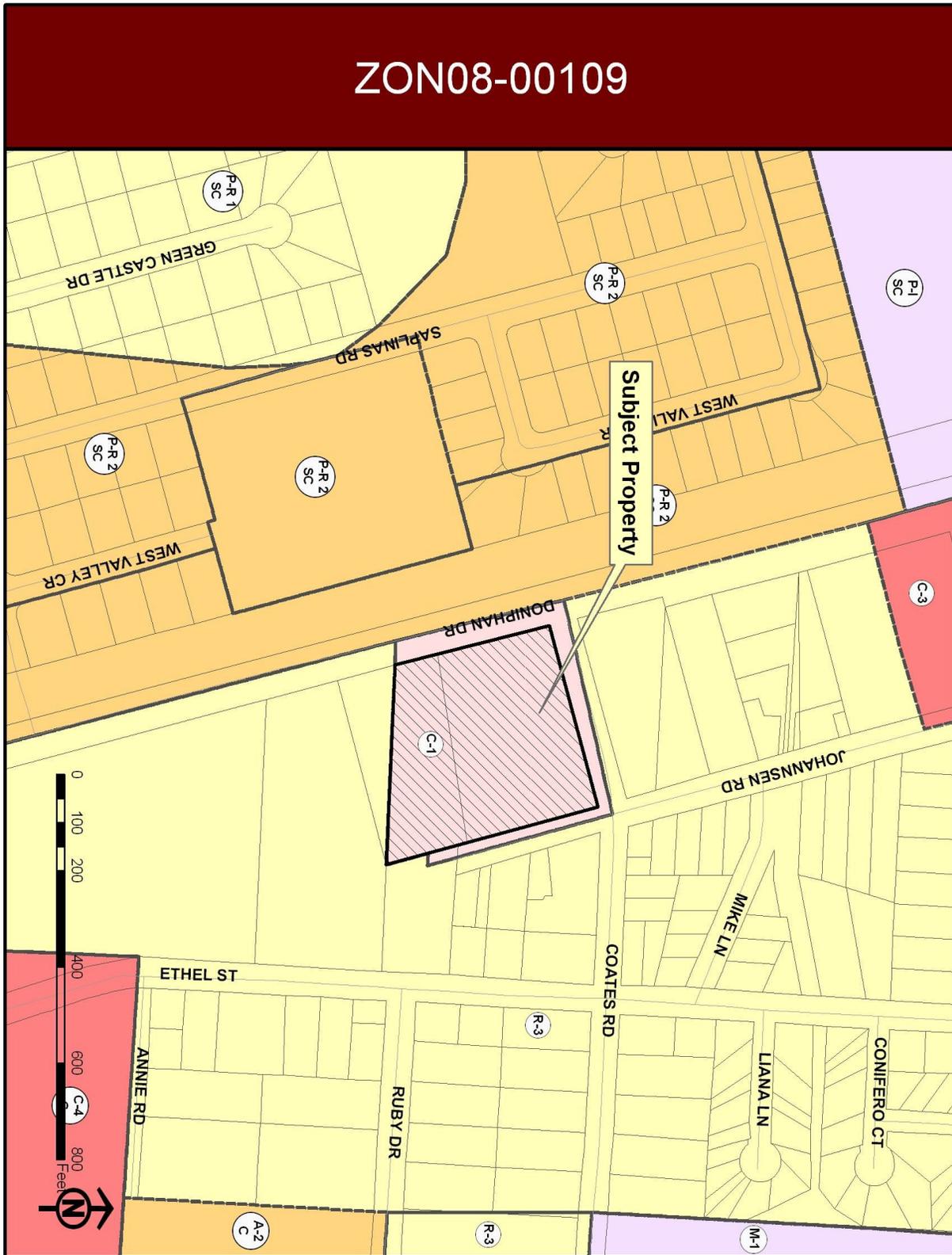
Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan

Attachment 4: Petition In Opposition Letter

ATTACHMENT 1: ZONING MAP

ZON08-00109

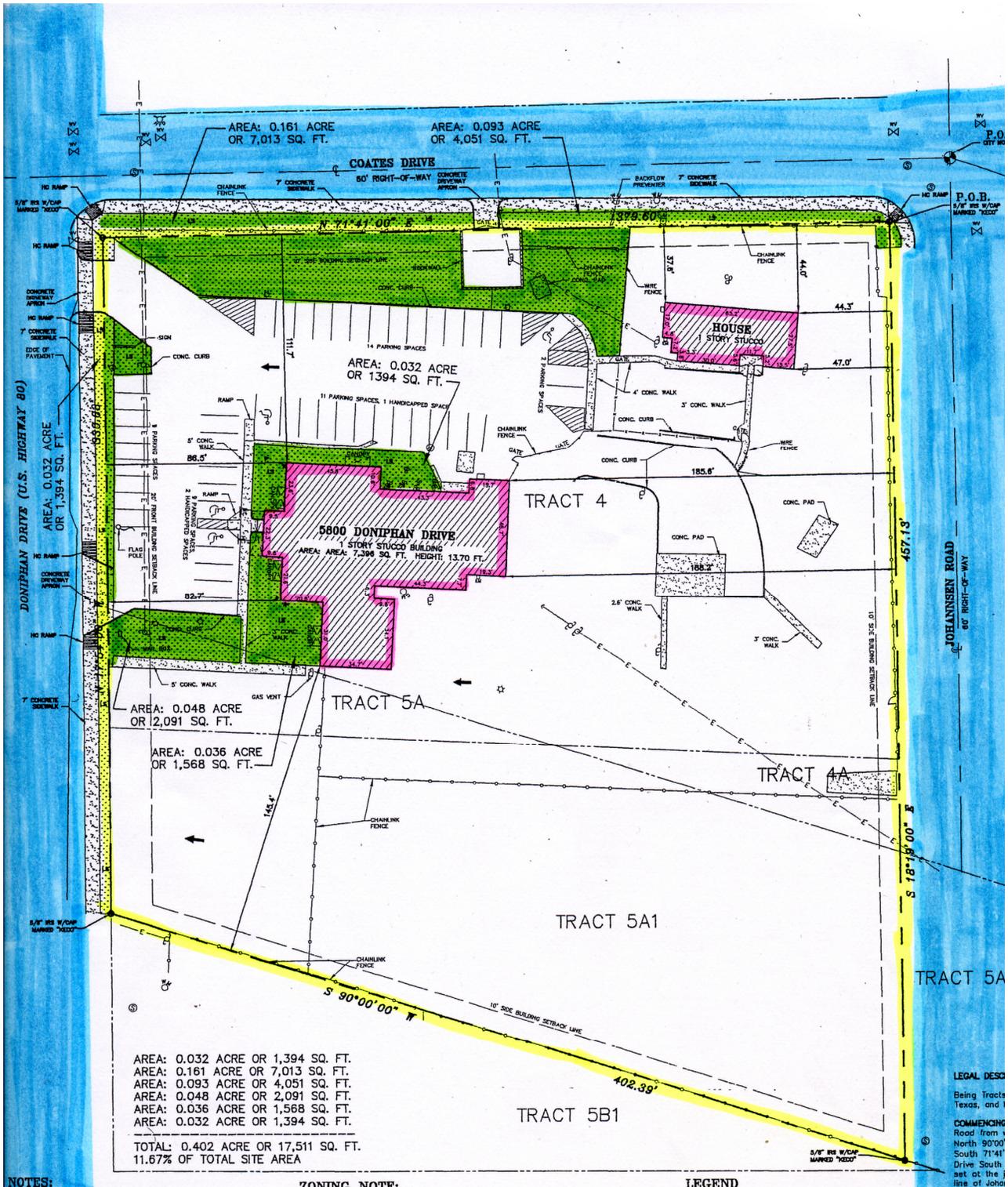


ATTACHMENT 2: AERIAL MAP

ZON08-00109



# ATTACHMENT 3: CONCEPTUAL SITE PLAN



**ATTACHMENT 4: PETITION IN OPPOSITION**

*CPCmk Jan 29, 2009*

Maria Elena Gordon  
Montoya Heights Community  
5835 Label  
El Paso TX 79932  
(915)833-7426

01-19-2009

City Plan Commission C/O Planning Division  
5<sup>th</sup> floor city hall  
Civic Center Plaza  
El Paso TX 79901-1196  
Case Number  
ZON08-00109  
(re-zoning)

It has been brought to our attention that a funeral home wants to open a business in our historic restaurant of our community of Montoya Heights. We as residents and home owners of this community of many years are against this action. Our community is full of many elderly home owners and many families with many children. We are completely against this re-zoning and to the destruction of this Historic restaurant. Furthermore, we want it conserved as a Historic Restaurant. We were consumers of this restaurant for many years and were very pleased with their service. Many residents are worried about their health and their psychological well being in that this funeral home will be extremely close to their homes and to a fairly large elementary school that will open in August 2009. Our streets are not built to sustain all this traffic, we send our apology for not being able to support your endeavor our community and of the destruction of a historic restaurant in the El Paso City limits.

Sincerely

*Maria Elena Gordon*  
Maria Elena Gordon  
And the Montoya Heights Community

*Miguelito Fernandez*  
*01/17/2009*



1/16/09  
We Oppose the Funeral Home from being built  
In the Montoya Heights Area where our Historic  
Restaurant Griggs is located.

Nora Lopez 201 Coates Dr. Nora Lopez

Maria Banuelos 201 Coates Dr. Maria Banuelos

Adriana Barron 221 Coates Dr

JONATHAN BARRON 221 Coates Dr

Michael Barron 221 Coates Dr

Eulalia Montoya 340 Linnac Ct

Marianne Montoya 340 Linnac Ct

Jayne Bradford 221 Coates Dr

Maria L Barron 221 Coates Dr

Ma de Los Angeles Cortez 5835 Ethel

Roberto Cortez 5835 Ethel

Maria Elm Gordon 5835 Ethel

Robert L Gordon 5835 Ethel

Guillermo Cortez 5835 Ethel