

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF TRACT 6A2, BLOCK 1, UPPER VALLEY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-O (APARTMENT/OFFICE) TO C-1 (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:

That the zoning of *Tract 6A2, Block 1, Upper Valley Surveys, City of El Paso, El Paso County, Texas*, be changed from **A-O (Apartment/Office)** 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 _____, 2009.

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

Mathew S. McElroy, Deputy Director
Development Services Department
Planning Division

BEING ALL OF TRACT 6A2, BLOCK 1, UPPER VALLEY SURVEYS, IN THE CITY OF EL PASO, EL PASO COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FOR REFERENCE AT BOUNDARY MARKER NO. 97 LYING ON THE TEXAS AND NEW MEXICO STATE LINE AND BEING SOUTH 79°36'56" EAST A DISTANCE OF 1.10 FEET FROM THE SOUTHWESTERLY RIGHT OF WAY LINE OF EMORY WAY; **THENCE**, ALONG SAID STATE LINE AND DEPARTING SAID SOUTHWESTERLY RIGHT OF WAY LINE OF EMORY WAY NORTH 79°36'56" WEST A DISTANCE OF 237.74 FEET TO A 5/8" IRON ROD SET ON THE SOUTHEAST CORNER OF TRACT 6A2, BLOCK 1, UPPER VALLEY SURVEYS AND BEING THE **POINT OF BEGINNING**;

THENCE, ALONG SAID STATE LINE AND THE SOUTHWESTERLY LINE OF SAID TRACT 6A2, BLOCK 1, UPPER VALLEY SURVEYS NORTH 79°36'56" WEST A DISTANCE OF 88.44 FEET TO A CROWS FOOT SET;

THENCE, DEPARTING SAID STATE LINE AND THE SOUTHWESTERLY LINE OF SAID TRACT 6A2, BLOCK 1, UPPER VALLEY SURVEYS NORTH 50°08'00" EAST A DISTANCE OF 211.48 FEET TO A 5/8" IRON ROD SET ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF EMORY WAY;

THENCE, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE OF EMORY WAY SOUTH 39°12'00" EAST A DISTANCE OF 68.00 FEET TO A 5/8" IRON ROD SET;

THENCE, DEPARTING SAID SOUTHWESTERLY RIGHT OF WAY LINE OF EMORY WAY SOUTH 50°08'00" WEST A DISTANCE OF 154.14 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 0.285 ACRE OR 12,430 SQUARE FEET.


STEVE DONALDSON RPLS 4004



EXHIBIT A

PG. 1 of 1

ORDINANCE NO. _____

Zoning Case No: ZON08-00111

MEMORANDUM



DATE: March 4, 2009
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Mirian Spencer, Planner
SUBJECT: ZON08-00111

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 29, 2009, voted **5-0** to recommend **APPROVAL** of rezoning subject property from A-O (Apartment/Office) to C-1 (Commercial).

The property owners are requesting to change the zoning from A-O (Apartment/Office) to C-1 (Commercial) in order to permit a parking lot. Access is proposed via **Emory Road**. There are no conditions imposed on the property.

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 application is in conformance with The Plan for El Paso because the proposed C-1 (Commercial) zoning district is compatible 2025 General Land Use plan for the Northwest Planning Area which designates the property for Commercial land uses.

The CPC also found that the proposed use is compatible with adjacent land use. Adjacent to the subject property there is C-3 (Commercial) to the north, the C-1 (Commercial) zoning to the west, and the A-O (Apartment/Office) zoning to the east of the property. The C-1 (Commercial) zoning district is a neighborhood commercial district that will serve the R-3 (Residential) and the R-F/sc (Ranch and Farm/special contract) zoning districts to the west of Sunland Park Drive.

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 was one phone call in **OPPOSITION** received in support or opposition to the rezoning request. The opposition was to existing problems between the adjacent property owners and the subject property owners.

Attachment: Staff Report, Zoning Map, Aerial Map, Conceptual Site Plan

Development Services Department

Victor Q. Torres - Director



City of El Paso – City Plan Commission Staff Report

Case No: ZON08-00111
Application Type Rezoning
CPC Hearing Date January 29, 2009
Staff Planner Mirian Spencer, (915) 541-4192, spencermd2@elpasotexas.gov

Location 3865 Emory Way
Legal Description Tract 6A2, Block 1, Upper Valley Surveys, City of El Paso, El Paso County, Texas
Acreage 0.285 acres
Rep District 8
Existing Use Parking Lot
Request From A-O (Apartment/Office) to C-1 (Commercial)
Proposed Use Parking lot

Property Owners AVE, Inc.
Applicant AVE, Inc.
Representative Etzold & Co.

SURROUNDING ZONING AND LAND USE

North: C-3/c (Commercial/conditions) / Vacant
South: New Mexico State Line
East: A-O (Apartment/Office) / Single-family Residence
West: C-1 (Commercial) / Parking Lot

THE PLAN FOR EL PASO DESIGNATION: Commercial (Northwest Planning Area)
NEAREST PARK: Pacific Park (2,540 Feet)
NEAREST SCHOOL: Zach White Elementary School (5,320 Feet)

NEIGHBORHOOD ASSOCIATIONS

Coronado Neighborhood Association; Save the Valley; Upper Valley Neighborhood Improvement Association; Upper Mesa Hills Neighborhood Association; Upper Valley Neighborhood Association

NEIGHBORHOOD INPUT

Notices of the public meeting were mailed out to all property owners within 300 feet of the subject property on January 14, 2009. The Planning Division has received one call in opposition to the rezoning request.

APPLICATION DESCRIPTION

The property owners are requesting to change the zoning from A-O (Apartment/Office) to C-1 (Commercial) in order to permit a parking lot. Access is proposed via **Emory Road**. There are no conditions imposed on the property.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

The Development Coordinating Committee provides the following comments:
DCC recommends **APPROVAL** of rezoning the property from A-O (Apartment/Office) to C-1 (Commercial).

PLANNING DIVISION RECOMMENDATION

Planning recommends **APPROVAL** of the rezoning request from A-O (Apartment/Office) to C-1 (Commercial).

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

All applications for rezoning 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 a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses
- c. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- d. Goal: preserve, protect, and enhance the integrity, economic vitality, and livability of the city’s neighborhoods.
- e. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood’s residential character

The application is in conformance with The Plan for El Paso because the proposed C-1 (Commercial) zoning district is compatible 2025 General Land Use plan for the Northwest Planning Area and with the C-3 (Commercial) to the north, the C-1 (Commercial) zoning to the west, and the A-O (Apartment/Office) zoning to the east of the property. The C-1 (Commercial) zoning district is a neighborhood commercial district that will serve the R-3 (Residential) and the R-F/sc (Ranch and Farm/special contract) zoning districts to the west of Sunland Park Drive.

Development Services Department - Building Permits and Inspections Division:

No objections to the rezoning request parking lot permitted on the proposed C-1 (Commercial) zoning district. Shall need to provide a six-foot masonry screening wall along the property line adjacent to the A-O (Apartment/Office) zoning district.

Landscaping: Landscaping will not meet code as submitted. Not enough landscape area. The site is required 937 square feet of landscaping from back of building to the street.

Development Services Department - Planning Division:

Current Planning: recommends **APPROVAL** of rezoning the property from A-O (Apartment/Office) to C-1 (Commercial).

Engineering: Site is located within a Special Flood Hazard Area, Flood Zone **A8**, Panel **480214 0027 D**, Effective Date: February 16, 2006. The following will be required at the time of development:

- 1. ADA accessible sidewalks, wheel-chair ramp(s), and driveway(s).
- 2. Grading plan and permit will be required at the time of development.
- 3. Storm water pollution prevention plan and/or permit required at the time of development.
- 4. Drainage plans must be approved by the Development Services Department, Engineering section at the time of development.

5. No water runoff allowed outside the proposed development boundaries, (on-site ponding required).

Engineering Department - Traffic Division:

Traffic has no objections to the proposed rezoning. Sidewalks shall be provided.

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 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

1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan

ATTACHMENT 2: AERIAL MAP



