

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: February 26, 2008
Public Hearing: March 18, 2008

CONTACT PERSON/PHONE: Ernesto Arriola, 541-4723

DISTRICT(S) AFFECTED: # 1

SUBJECT:

An Ordinance changing the zoning of a Tract 3-B, S.A. & M.G. Survey No. 266, City of El Paso, El Paso County, Texas from C-1/c (Commercial/condition) to C-3/c (Commercial/condition). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Intersection of North Desert Boulevard and Helen of Troy Drive. Applicant: Dick Poe Family Limited Partnership/ Richard C. Poe, ZON07-00163 (District 1)

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 Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (5-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Patricia Adatao, Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF TRACT 3-B, S.A. & M. G. SURVEY NO 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-1/C (COMMERCIAL/CONDITION) TO C-3/C (COMMERCIAL/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 *Tract 3-B, S.A. & M.G. Survey No. 266, City of El Paso, El Paso County, Texas*, be changed from **C-1/c (Commercial/condition)** to **C-3/c (Commercial/condition)**, 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 _____, 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

for 

Kelly Carpenter, AICP, Deputy Director
Development Services Department

CITY CLERK DEPT.
08 FEB 18 AM 9:19

ORDINANCE NO. _____

Zoning Case No: ZON07-00163

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

PATRICIA D. ADAUTO
DEPUTY CITY MANAGER
DEVELOPMENT & INFRASTRUCTURE SERVICES

R. ALAN SHUBERT
DIRECTOR, DEVELOPMENT SERVICES



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
VACANT, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES
PLANNING DIVISION

MEMORANDUM

DATE: February 18, 2008

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

FROM: Ernesto Arriola, Planner

SUBJECT: ZON07-00163

The City Plan Commission (CPC), on January 31, 2008, voted 5-0 to recommend **APPROVAL** of rezoning the subject property from C-1/c (Commercial/condition) to C-3/c (Commercial/condition).

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.

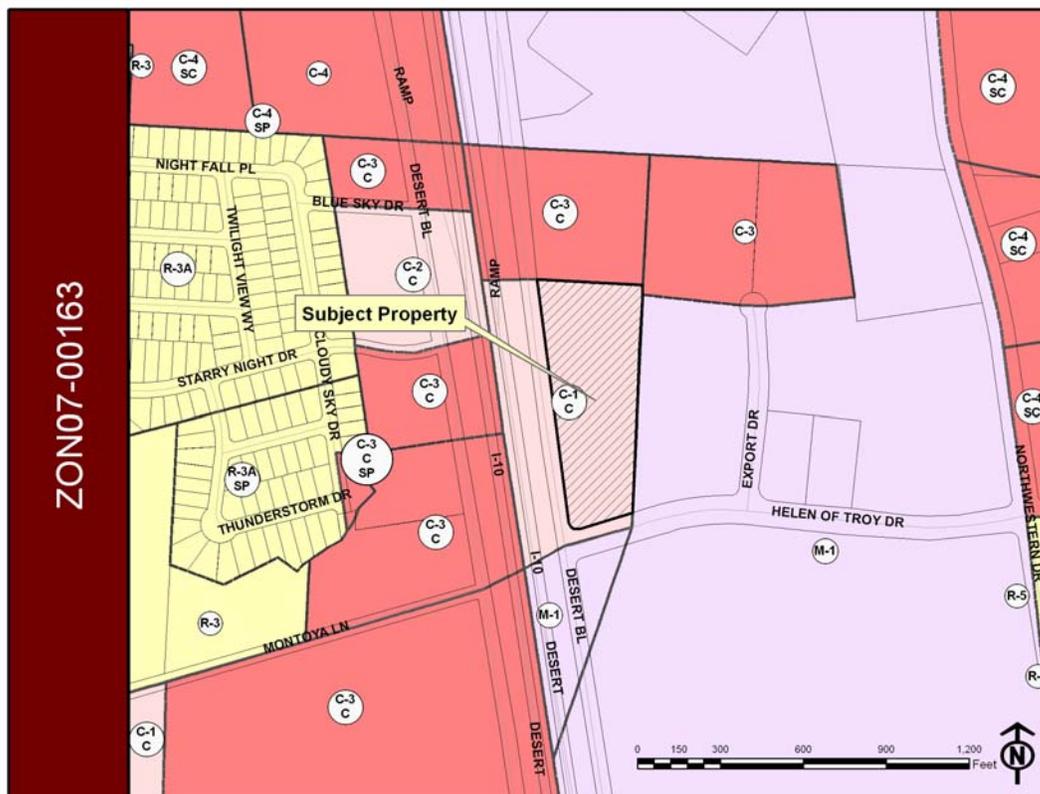
There were no letters of support or opposition to this request.

Attachment: Staff Report



ZON07-00163

Application Type: Rezoning
Property Owner(s): Dick Poe Family Limited Partnership
Applicant(s): Richard C. Poe
Representative(s): Alvidrez Architecture/David Alvidrez, AIA
Legal Description: Tract 3-B, S.A. & M.G. Survey No. 266, City of El Paso, El Paso County, Texas
Location: Intersection of North Desert Boulevard and Helen of Troy Drive
Representative District: 1
Area: 5.251 Acres
Present Use: vacant
Present Zoning: C-1/c (Commercial/condition)
Proposed Zoning: C-3/c (Commercial/condition)
Proposed Use: Automotive Dealership
Recognized Neighborhood Associations Contacted: Save the Valley, Coronado Neighborhood Association, Upper Mesa Hills Neighborhood Association
Surrounding Land Uses: **North:** C-3/c (Vacant) **South:** M-1 (Helen of Troy)
East: M-1 (vacant) **West:** C-1/c (Interstate 10)
Year 2025 Designation: **Light Industrial** (North West Planning Area)



General Information:

The applicant is requesting a rezoning from C-1/c (Commercial/condition) to C-3/c (Commercial/condition) in order to permit an automotive dealership. The conceptual site plan shows part of a structure to be located on the site. The remainder of the structure is proposed on the adjacent lot that is zoned M-1 (Industrial) and allows the dealership use. Access is proposed via North Desert Boulevard. A condition exists through ordinance # 15719, dated March 23, 2004 requiring that a detailed site development plan be reviewed and approved by the City Plan Commission prior to the issuance of any building permits.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **Approval** of this request for rezoning from C-1/c (Commercial/condition) to C-3/c (Commercial/condition)

The recommendation is based on the following:

- **The Plan for El Paso** City-Wide Land Use Goals recommends that El Paso “provide designated locations for commercial development that do not adversely affect the health, safety and welfare of the community and where essential infrastructure is available to serve the development.”
- **The Year 2025 Projected General Land Use Map** for the North West Planning Area designates this property for **Light Industrial** land uses.
- **C-3 zoning** allows for commercial development and **is compatible** with adjacent development.

Findings:

The Commission must determine the following:

1. Will C-3 (Commercial) zoning protect the best interest, health, safety and welfare of the public in general?
2. Will commercial development 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: No objection to proposed re-zoning and Car Dealership expansion.

Development Services Department - Planning Division:

Current Planning: Recommends approval with no objections

Land Development: No comments received.

Engineering Department - Traffic Division:

No objection to proposed zoning change. Access to North Desert Boulevard shall be coordinated with the Texas Department of Transportation.

Fire Department:

No comments received.

El Paso Water Utilities:

EPWU-PSB does not object to this request.

Aerial



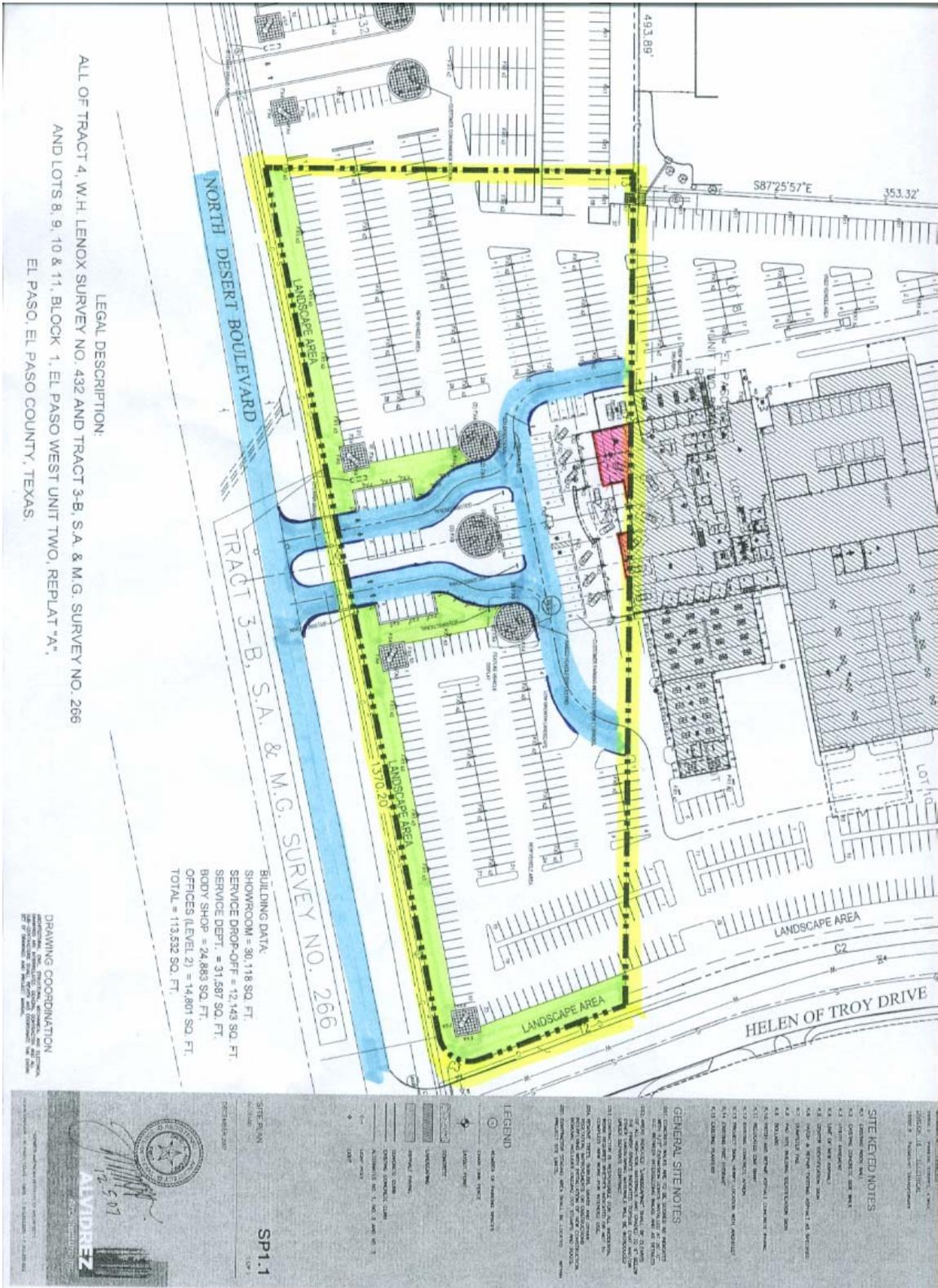
List of Attachments:

Attachment 1: Conceptual Site Development Plan

Attachment 2: Application

Attachment 3: Ordinance # 15719

Attachment 1: Conceptual Site Development 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): Dick Poe Family Limited Partnership
ADDRESS: 0501 Montana St. El Paso, Texas ZIP CODE: 79925 PHONE: (915) 533-2000
APPLICANT(S): Richard C. Poe
ADDRESS: [Redacted] El Paso, Texas ZIP CODE: 79936 PHONE: (915) 533-2000
REPRESENTATIVE(S): Alvidrez Architecture (David A. Alvidrez) - AIA
ADDRESS: 1414 North Oregon St. El Paso, Texas ZIP CODE: 79902 PHONE: (915) 533-8200
E-MAIL ADDRESS: daida@alvidrez.com FAX: (915) 533-8202

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: X200999800A1300
LEGAL DESCRIPTION: Tract 3-B, S.A. and M.G. Survey No. 266, El Paso West Unit Two, Replat "A" El Paso, El Paso County, Texas
STREET ADDRESS OR LOCATION: Intersection of N. Desert Blvd. / Helen & Tray Dr. REP DISTRICT: 1
ACREAGE: 5.20 A PRESENT ZONING: C-1 PRESENT LAND USE: Vacant
PROPOSED ZONING: C-3 PROPOSED LAND USE: Automobile Dealership (Dick Poe Toyota)

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: Richard C. Poe Signature: [Signature]
Printed Name: _____ 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 07-00163 RECEIVED DATE: 12/5/07 APPLICATION FEE: \$ 810.00
DCC REVIEW DATE: 1/2/08 (8:30 am, Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 1/31/08 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: [Signature]

Revised 4/2007

CITY CLERK DEPT.
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Attachment 3: Ordinance # 15719

ORDINANCE NO. 15719

AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: TRACT 3A, S.A. & M.G. RAILROAD SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 2: TRACT 4, W.H. LENOX SURVEY NO. 432, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of *Parcels 1 and 2*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; as follows:

- Parcel 1: From R-3 (Residential) to C-1/c (Commercial/conditions)
- Parcel 2: From R-3 (Residential) to C-3/c (Commercial/conditions)

That the properties described as **Parcels 1 and 2** 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 adjacent property owners and the residents of this City:

Prior to the issuance of any building permits, a detailed site development plan shall be reviewed and approved by the City Plan Commission.

These conditions shall run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity of this Ordinance.

ORDINANCE NO. 15719

Zoning Case No: ZON03-00088

3/19/2004