

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

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

**AGENDA DATE:** Introduction: March 2, 2010  
Public Hearing: March 23, 2010

**CONTACT PERSON/PHONE:** Andrew Salloum, (915) 541-4029, salloumam@elpasotexas.gov

**DISTRICT(S) AFFECTED:** 5

**SUBJECT:**

An Ordinance changing the zoning of Lot 17, Block 258, Vista Del Sol Unit 45, City of El Paso, El Paso County, Texas from A-O/c (Apartment/Office/conditions) to C-1/c (Commercial/conditions) and modifying Condition No. 1 placed on the property by Ordinance No. 9955, and adding two conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1900 Amy Sue Drive. Applicant: VAA Developing & Construction LP. ZON09-00088 (**District 5**).

**BACKGROUND / DISCUSSION:**

N/A

**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 (4-3)

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

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

**AN ORDINANCE CHANGING THE ZONING OF LOT 17, BLOCK 258, VISTA DEL SOL UNIT 45, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-O/c (APARTMENT/OFFICE/CONDITIONS) TO C-1/ c (COMMERCIAL/CONDITIONS), MODIFYING CONDITION NO. 1 PLACED ON THE PROPERTY BY ORDINANCE NO. 9955, AND ADDING TWO CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS**, the zoning of the property described as *Lot 17, Block 258, Vista Del Sol Unit 45, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 9955 on January 24, 1990; and,

**WHEREAS**, the rezoning was subject to the following zoning conditions:

1. *Prior to the issuance of a certificate of a occupancy, property must be landscaped in the following manner:*
  - a. *A minimum 5-foot wide landscaped strip must be provided along the east and north property lines. This landscaped strip must consist of drought-tolerant evergreen trees, 5 feet tall at the time of planting, and property spaced in accordance with acceptable horticultural standards.*
  - b. *A minimum 5-foot wide landscaped strip must be provided along the Montwood Drive and Amy Sue Drive property lines. This landscaped strip must consist of small drought-tolerant evergreen shrubs and groundcover.*
2. *The maximum height of any building constructed on the property shall not exceed 2 ½ stories or 35 feet.*

**WHEREAS**, placement of such conditions were necessitated by and attributable to the increased intensity of use generated by the change of zoning; and

**WHEREAS**, the property owner submitted an application requesting to rezone the property from A-O/c (Apartment/Office/conditions) to C-1/c (Commercial/conditions); and,

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the zoning of *Lot 17, Block 258, Vista Del Sol Unit 45, City of El Paso, El Paso County, Texas*, be changed from **A-O/c (Apartment/Office/conditions) to C-1/c (Commercial/conditions)** 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 modify Condition #1 regarding landscaping and adding two 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.

1. *That a 10-foot wide landscape buffer be provided along the easterly property lines, to include 2-inch caliper trees placed 15 feet on center; this shall be in addition to the landscape requirements of the City Code and shall be constructed prior to the issuance of any certificates of occupancy;*
2. *Automotive uses and gasoline fueling station are prohibited; and,*
3. *No access is permitted from Amy Sue Drive.*

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**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 – Planning  
Development Services Department

## MEMORANDUM

**DATE:** February 19, 2010

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

**FROM:** Andrew Salloum, Planner

**SUBJECT:** ZON09-00088

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The City Plan Commission (CPC), on January 28, 2010, voted **4-3** to recommend **APPROVAL** of rezoning subject property from A-O/c (Apartment/Office/conditions) to C-1/c (Commercial/conditions), modifying Condition #1 regarding landscaping and adding two conditions:

- 1) *That a 10-foot wide landscape buffer be provided along the easterly property lines, to include 2-inch caliper trees placed 15 feet on center; this shall be in addition to the landscape requirements of the City Code and shall be constructed prior to the issuance of any certificates of occupancy;*
- 2) *Automotive uses and gasoline fueling station are prohibited; and,*
- 3) *No access is permitted from Amy Sue Drive.*

The CPC found that the rezoning, with the proposed conditions, is compatible with adjacent land uses and with the projected land use for the East Planning area. The CPC also determined that the rezoning protects the best interest, health, safety and welfare of the public in general and that 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 were 2 phone calls and 1 email in support to this request.

**Attachment:** Staff report



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

**Case No:** ZON09-00088  
**Application Type:** Rezoning  
**CPC Hearing Date:** January 28, 2010  
**Staff Planner:** Andrew Salloum, 915-541-4029, [salloumam@elpasotexas.gov](mailto:salloumam@elpasotexas.gov)

**Location:** 1900 Amy Sue Drive  
**Legal Description:** Lot 17, Block 258, Vista Del Sol Unit 45, City of El Paso, El Paso County, Texas  
**Acreage:** 0.898-acre  
**Rep District:** 5  
**Existing Use:** Vacant  
**Request:** A-O/c (Apartment/Office/conditions) to C-1/c (Commercial/conditions)  
**Proposed Use:** New Retail Building

**Property Owner:** VAA Developing & Construction LP  
**Applicant:** VAA Developing & Construction LP  
**Representative:** Armando Tellez

### SURROUNDING ZONING AND LAND USE

**North:** A-0/c (Apartment/Office/Conditions) / Vacant  
**South:** C-3 (Commercial) / Shopping Centers and Restaurants  
**East:** R-4 (Residential) / Single-Family Residential  
**West:** A-O/sc (Apartment/special contracts) / Multi-Family Residential

**THE PLAN FOR EL PASO DESIGNATION:** Residential (East Planning Area)

**Nearest Park:** Pico Norte Park (4,145 Feet)

**Nearest School:** Hanks High (1,170 Feet)

### NEIGHBORHOOD ASSOCIATIONS

East Side Civic Neighborhood Association

### NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on January 12, 2010. The Planning Division has received 2 phone calls and an e-mail in support of the rezoning request.

### CASE HISTORY

On January 24, 1990, the subject property was rezoned from A-2 (Apartment) to A-O (Apartment/Office) to permit development of an office. The following conditions were imposed on the property by Ordinance No. 9955:

1. *Prior to the issuance of a certificate of a occupancy, property must be landscaped in the following manner:*
  - a. *A minimum 5-foot wide landscaped strip must be provided along the east and north property lines. This landscaped strip must consist of drought-tolerant evergreen trees, 5 feet tall at the time of planting, and property spaced in accordance with acceptable horticultural standards.*

- b. A minimum 5-foot wide landscaped strip must be provided along the Montwood Drive and Amy Sue Drive property lines. This landscaped strip must consist of small drought-tolerant evergreen shrubs and groundcover.*
2. *The maximum height of any building constructed on the property shall not exceed 2 ½ stories or 35 feet.*

**APPLICATION DESCRIPTION**

The applicant is requesting to rezone the property from A-O/c (Apartment/Office/conditions) to C-1/c (Commercial/conditions) in order to permit retail uses. The property is 0.898-acre in size. The conceptual site plan proposes a 9,000 square-foot building with 41 parking spaces and 3 bicycle spaces required. The applicant is proposing access to the property from Montwood Drive and Amy Sue Drive.

**PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **APPROVAL** of rezoning the property from A-O/c (Apartment/Office/conditions) to C-1/c (Commercial/conditions), modifying Condition #1 regarding landscaping and adding two conditions:

- 1) *That a 10-foot wide landscape buffer be provided along the easterly property lines, to include 2-inch caliper trees placed 15 feet on center; this shall be in addition to the landscape requirements of the City Code and shall be constructed prior to the issuance of any certificates of occupancy;*
- 2) *Automotive uses and gasoline fueling station are prohibited; and,*
- 3) *No access is permitted from Amy Sue Drive.*

**DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION**

The DCC recommends **APPROVAL** with condition of rezoning the property from A-O/c (Apartment/Office/conditions) to C-1/c (Commercial/conditions).

**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: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- c. Goal: preserve, protect, and enhance the integrity, economic vitality, and livability of the city's neighborhoods.
- d. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character

The purpose of the C-1 (Commercial) district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the district will permit the location of business, professional offices, and retail category uses within adjacent residential areas of medium and high densities.

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

Zoning Review: No objections to the rezoning

Landscape Review: Landscaping required under 18.46 for new development. No landscape calculation have been provided.

**Development Services Department - Planning Division**

The Planning Division recommends **APPROVAL** of rezoning the property from A-O/c (Apartment/Office/conditions) to C-1/c (Commercial/conditions), modifying Condition #1 in the prior Ordinance 9955 regarding landscaping and adding two conditions:

1. *That a 10-foot wide landscape buffer be provided along the easterly property lines, to include 2-inch caliper trees placed 15 feet on center; this shall be in addition to the landscape requirements of the City Code and shall be constructed prior to the issuance of any certificates of occupancy;*
2. *Automotive uses and gasoline fueling station are prohibited; and,*
3. *No access is permitted from Amy Sue Drive.*

Land Development: no comments received.

**Engineering Department - Traffic Division**

- Do not recommend zoning change, commercial traffic patterns not consistent with adjacent residential traffic patterns.
- If approved, access to Amy Sue will be prohibited

**Street Department**

- We offer no objections
- Wheel chair accessible curb ramps shall be illustrated and provided at the intersection of Montwood and Amy Sue
- All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

**Fire Department**

No comments received.

**El Paso Water Utilities**

EPWU does not object to this request.

**Sun Metro:**

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 in the Plan by the CPC.

**Attachments:**

- Attachment 1: Zoning Map
- Attachment 2: Aerial Map
- Attachment 3: Conceptual Site Plan
- Attachment 4: Ordinance No. 9955
- Attachment 5: Support Letter

ATTACHMENT 1: ZONING MAP

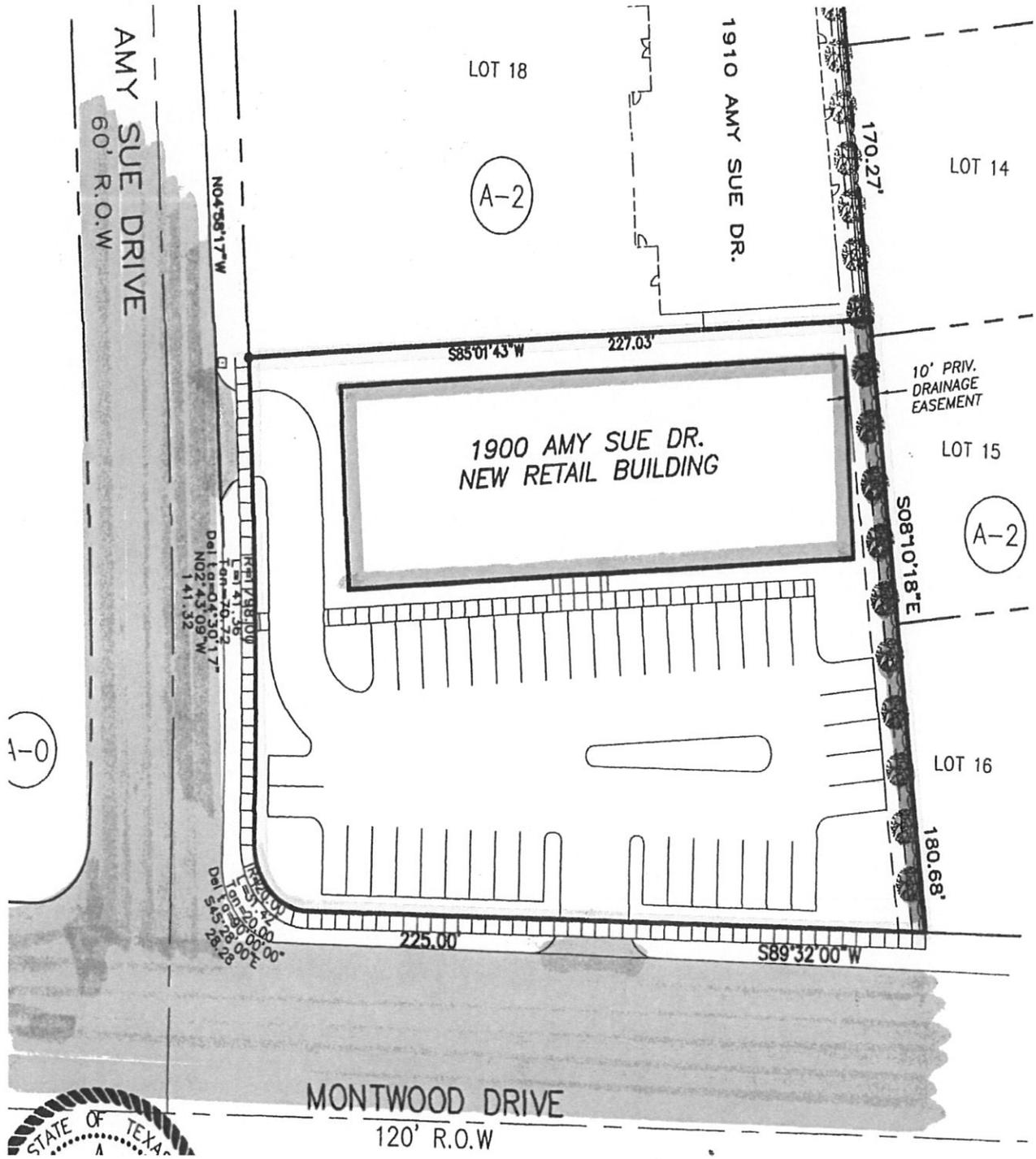
ZON09-00088



ATTACHMENT 2: AERIAL MAP



**ATTACHMENT 3: CONCEPTUAL SITE PLAN**



ATTACHMENT 5: ORDINANCE NO. 9955

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AN ORDINANCE CHANGING THE ZONING OF  
LOT 17, BLOCK 258, VISTA DEL SOL #45  
AND IMPOSING CERTAIN CONDITIONS.  
THE PENALTY BEING AS PROVIDED IN  
SECTION 20.68.010 OF THE EL PASO CITY CODE.

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

That the zoning of Lot 17, Block 258. Vista Del Sol #45,  
be changed from A-2 (Apartment) to A-0 (Apartment/Office)  
within the meaning of the zoning ordinance, and that the zoning  
map of the City of El Paso be revised accordingly; and

That the property be subject to the following conditions  
which are necessitated by and attributable to the increased  
intensity of use generated by the change of zoning from A-2  
(Apartment) to A-0 (Apartment/Office), in order to protect the  
health, safety and welfare of adjacent property owners and the  
residents of the city:

1. Prior to the issuance of a certificate of a occupancy,  
property must be landscaped in the following manner:
  - a. A minimum 5-foot wide landscaped strip must be  
provided along the east and north property lines.  
This landscaped strip must consist of drought-  
tolerant evergreen trees, 5 feet tall at the time  
of planting, and property spaced in accordance  
with acceptable horticultural standards.
  - b. A minimum 5-foot wide landscaped strip must be  
provided along the Montwood Drive and Amy Sue  
Drive property lines. This landscaped strip must  
consist of small drought-tolerant evergreen shrubs  
and groundcover.
2. The maximum height of any building constructed on the  
property shall not exceed 2 1/2 stories or 35 feet.

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ATTACHMENT 5: ORDINANCE NO. 9955

These conditions 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.

PASSED AND APPROVED this 16<sup>th</sup> day of January, 1990.

THE CITY OF EL PASO

I certify that the zoning map has been revised to reflect the amendment of ordinance # 9955 by R. Bouzale Date 5-2-90

Mayor J. Ayza

ATTEST:

Shirley M. Alvarez  
City Clerk

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED: RB  
5-2-90 CONTROL  
5-2-90 Bldg. Inspection  
5-2-90 CONTROL  
5-2-90 CONTROL  
R. Bouzale

APPROVED AS TO FORM:

A. Antonio  
Assistant City Attorney

APPROVED AS TO CONTENT:

Ray B. [Signature]  
Department of Planning,  
Research and Development

(SIGNATURES CONTINUE ON FOLLOWING PAGE)

RECEIVED

FEB 1 - 1990

PLANNING DEPT.  
LAND DEVELOPMENT

001577



**ATTACHMENT 5: SUPPORT LETTER**

Page 1 of 1

**Salloum, Andrew M.**

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**From:** Castle, Linda  
**Sent:** Wednesday, January 20, 2010 2:00 PM  
**To:** Salloum, Andrew M.  
**Subject:** FW: ZON09-00088 - 1900 Amy Sue

**From:** Michael Hamilton [mailto:mohamilton@me.com]  
**Sent:** Friday, January 15, 2010 1:08 PM  
**To:** Castle, Linda  
**Subject:** Re: ZON09-00088 - 1900 Amy Sue

Thanks for the info. We're on board.

Mike

**Mike Hamilton, Pastor**  
**Saint Timothy Lutheran Church (ELCA)**  
**A Reconciling In Christ (RIC) Congregation**  
11050 Montwood Drive  
El Paso TX 79936-4110  
Phone: 915-598-2621 ext 2  
email: mohamilton@me.com

On Jan 15, 2010, at 1:02 PM, Castle, Linda wrote:

The owner assures us that he will only lease to retail and small restaurants. This case will be heard at the City Plan Commission on January 28, 2010. We have received one call from a neighbor supporting the rezoning.

The 1,000 feet is for adult-oriented businesses. New businesses serving alcoholic beverages have to be 300 feet from a church, hospital or daycare or school. Your church is most likely more than 300 feet from the proposed shopping center.

You can contact Sergio Melendez, the inspector for the permits to sell alcoholic beverages, at 541-4805, or Bill Stern, Chief Inspector, at 541-4253, to find out how they would measure the distance.

Linda

**Linda J. Castle**  
Senior Planner  
Development Services Department - Planning Division  
2 Civic Center Plaza - 5th Floor  
El Paso, Texas 79901  
Phone (915) 541-4029 Fax (915) 541-4725  
castlelj@elpasotexas.gov