

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: April 13, 2010
Public Hearing: May 4, 2010

CONTACT PERSON/PHONE: Esther Guerrero, (915) 541-4720

DISTRICT(S) AFFECTED: 7

SUBJECT:

An Ordinance changing the zoning of Lot 14 and the East 6 feet of Lot 13, Block 7, North Loop Gardens, City of El Paso, El Paso County, Texas from A-2 (Apartment) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 7821 North Loop Drive. Property Owner: Eutimio Barrio. ZON09-00095 (District 7) (THIS IS AN APPEAL CASE)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation

City Plan Commission (CPC) – **Denial** Recommendation of C-4; **Approval** Recommendation of C-1 (3-2)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy

Deputy Director-Planning, Development Services Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOT 14 AND THE EAST 6 FEET OF LOT 13, BLOCK 7, NORTH LOOP GARDENS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO C-4 (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 *Lot 14 and the East 6 feet of Lot 13, Block 7, North Loop Gardens, City of El Paso, El Paso County, Texas*, be changed from **A-2 (Apartment) to C-4 (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 _____, 2010.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy
Deputy Director – Planning
Development Services Department

DORADO ENGINEERING, INC.

2717 E. Yandell El Paso, Texas 79903 (915) 562-0002 Fax (915) 562-7743

7821 NORTH LOOP ROAD

Metes and Bound description of a parcel of land being all of Lot 14 and the east six (6) feet of Lot 13, Block 7, North Loop Gardens Subdivision No. 1, County of El Paso, City of El Paso, Texas and being more particularly described as follows;

From an existing Right-of-Way maker located at the common Southerly corner of Lots 14 and 15, Block 7, North Loop Gardens Subdivision No. 1, said corner lying on the Northerly Right-of-Way line of North Loop Road; Thence North 54° 00' 00" East along the common line of said mentioned Lots 14 and 15 a distance of one hundred seven and forty five hundredths (107.45) feet to the Point of Beginning for this description;

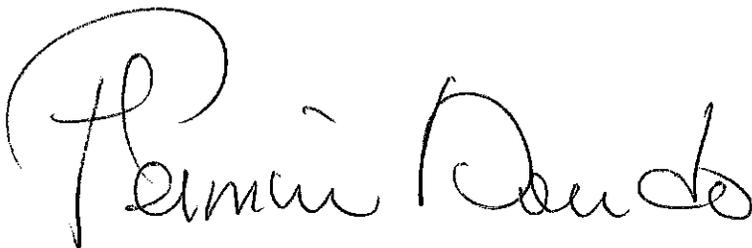
Thence North 56° 00' 00" West across Lot 14 and portion of Lot 13, Block 7, North Loop Gardens Subdivision No.1 a distance of seventy six no hundredths (76.00) feet to a point on the Westerly line of the property being described;

Thence North 54° 00' 00" East along the Westerly line of the parcel being described a distance of one hundred five and no hundredths (105.00) feet for a corner on the common line of Lots 8 and 13, Block 7, North Loop Gardens Subdivision No. 1;

Thence South 56° 00' 00" East along the common line of Lots 8, 13, 14 and 21, Block 7, North Loop Gardens Subdivision No. 1 a distance of seventy six and no hundredths (76.00) feet to the common Northerly corner of Lots 14 and 15, Block 7, North Loop Gardens Subdivision No. 1;

Thence South 56° 00' 00" West along the common line of said mentioned Lots 14 and 15 a distance of one hundred five and no hundredths (105.00) feet to the Point of Beginning for this description;

Said parcel of land contains 7,980.00 square feet or 0.183 acres more or less.



Fermin Dorado, R.P.L.S.



December 22, 2009



SCALE: 1"=10'

NORTH LOOP ROAD

FD R.O.W. MARKER

EXISTING ZONING C-4

SS4°00'00"W 107.45'
NS6°00'00"W 76.0'
EXIST ZONING LINE

PDB

A2
C4

LOT 15

SS4°00'00"W 105.0'

BLOCK 7
LOT 14
AREA
0.183 AC.

LOT LINE 13
LOT LINE 14

NS4°00'00"E 105.0'

LOT 13

SS6°00'00"E 76.0'

PL

SET NATL

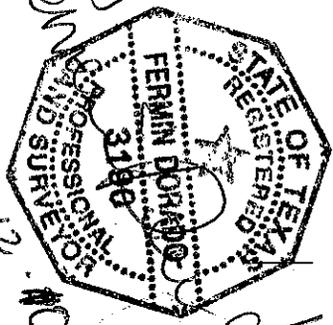
SET NATL

LOT 21

LOT 8

NORTH LOOP GARDENS #1

LOT 22



12/28/08

SHEET TITLE SURVEY MAP	PROJECT NAME 7821 NORTH LOOP	 DORADO ENGINEERING, INC. ENGINEERS SURVEYORS PLANNERS 2717 E VANDER EL PASO, TEXAS 79002 (817)562-0002	ENGINEERS SEAL FERMIN DORADO 37512	REFERENCES -- BENCHMARKS S; /DRAWINGS/BARRIO/7821LOOP	SCALE:
	LOT 14 AND EAST 6 FEET OF LOT 13, BLOCK 7, NORTH LOOP GARDENS NO. 1		DATE: 12/10/08 DESIGN BY: ED DRAWN BY: ED CHG. BY: ED APP. BY: ED		



MEMORANDUM

DATE: April 5, 2010
TO: Honorable Mayor and City Council
Joyce Wilson, City Manager
FROM: Esther Guerrero, Planner
SUBJECT: **ZON09-00095 (THIS IS AN APPEAL CASE)**

The City Plan Commission (CPC) on February 25, 2010, voted **3-2** to recommend **DENIAL** of rezoning the subject property from A-2 (Apartment) to C-4 (Commercial) and instead recommended **APPROVAL** of rezoning the property from A-2 (Apartment) to C-1 (Commercial), in agreement with the recommendation from the DCC and staff.

The CPC found that the rezoning is in conformance with The Plan for El Paso. 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 no one present in support or opposition to this request.

Attachment: Staff Report

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson



City of El Paso – City Plan Commission Staff Report

Case No: ZON09-00095
Application Type: Rezoning
CPC Hearing Date: February 25, 2010
Staff Planner: Esther Guerrero, 915-541-4720, guerreroex@elpasotexas.gov

Location: 7821 North Loop Drive
Legal Description: Lot 14 and the East 6 feet of Lot 13, Block 7, North Loop Gardens, City of El Paso, El Paso County, Texas
Acreage: 0.183 acres
Rep District: 7
Zoning: A-2 (Apartment)
Existing Use: Vacant
Request: C-4 (Commercial)
Proposed Use: Automobile sales
Property Owner: Eutimio Barrio
Representative: Dorado Engineering

SURROUNDING ZONING AND LAND USE

North: A-2 (Apartment) / Single-family Residential, Salvation Army Facility
South: C-4 (Commercial) / Retail, Restaurant
East: C-1 (Commercial) / Contractors Yard
West: C-3 (Commercial) / Automobile Sales

Plan for El Paso Designation: Mixed-Use (Mission Valley Planning Area)
Nearest Park: Tigua Library Park (1,565 Feet)
Nearest School: North Loop Elementary (490 Feet)

NEIGHBORHOOD ASSOCIATIONS

Santa Lucia Neighborhood Association

NEIGHBORHOOD INPUT

Notices of the February 25, 2010 City Plan Commission hearing were mailed out to property owners within 300 feet of the subject property on February 5, 2010.

APPLICATION DESCRIPTION

The request is to change the zoning from A-2 (Apartment) to C-4 (Commercial) to allow for automobile sales. The property is 0.183 acres in size and is currently vacant. Access is proposed via North Loop Drive.

The front portion of this parcel that abuts North Loop Drive is zoned C-4 (Commercial). Our records indicate that this portion of the parcel was rezoned to C-4 (Commercial) in 1965 and the A-2 (Apartment) zoning was rezoned in 1971.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

Recommend **denial** of C-4 (Commercial) and recommend **approval** of C-1 (Commercial).

DEVELOPMENT SERVICES DEPARTMENT-PLANNING DIVISION RECOMMENDATION

Recommend **denial** of C-4 (Commercial) and instead recommend **approval** of C-1 (Commercial).

C-1 (Commercial) will serve as a buffer to the adjacent A-2 (Apartment) and C-1 (Commercial) districts.

C-4 (Commercial) is incompatible with adjacent single-family residential homes and with abutting A-2 (Apartment) district. The Plan for El Paso designates this area as mixed-use.

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.

Engineering Department - Traffic Division

Heavy commercial vehicles may not be compatible with adjacent residential uses.

Street Department

No comments received.

Development Services-Building Permits and Inspections

No objections.

Fire Department

No objections

Sun Metro:

No comments received.

NE Regional Command Center

No comments received.

El Paso Water Utilities

No objections.

CITY PLAN COMMISSION OPTIONS

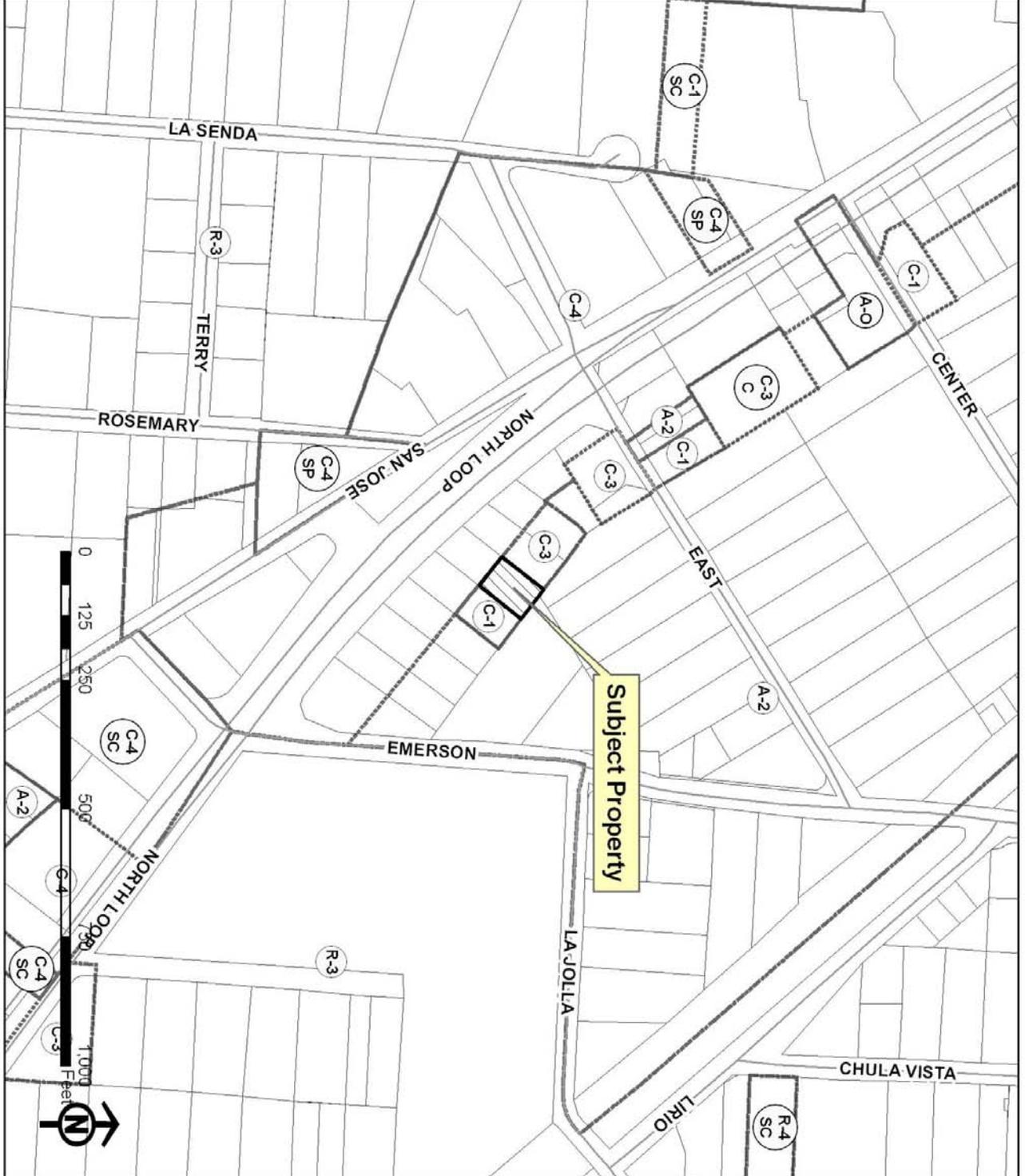
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the change of zoning application:

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

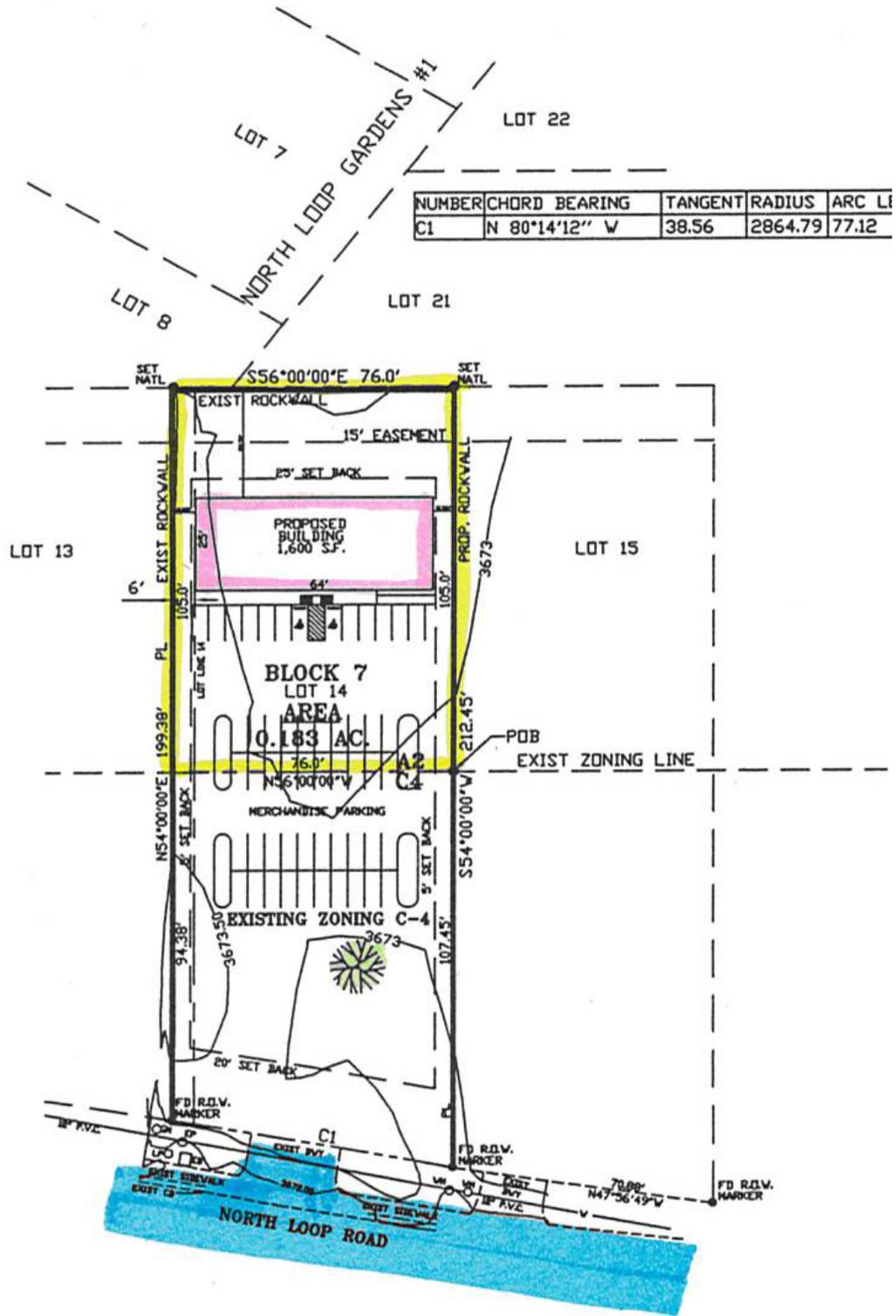
ZON09-00095



ZON09-00095



ATTACHMENT 3: CONCEPTUAL SITE PLAN



SITE PLAN