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

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

AGENDA DATE: **Introduction: April 24, 2007**
Public Hearing: May 15, 2007

CONTACT PERSON/PHONE: **Esther Guerrero, Planner, 541-4720**

DISTRICT(S) AFFECTED: **2**

SUBJECT:

An Ordinance changing the zoning of a portion of Tract 2A, Block 1, Morehead Block, City of El Paso, El Paso County, Texas, from R-4 (Residential) to C-3 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: West of Casa Drive and North of Montana Avenue. Applicant: Casa Ford Lincoln Mercury. ZON06-00006 (District 2)

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 **Denial** Recommendation
City Plan Commission (CPC) – Unanimous **Approval** Recommendation with conditions (6-0)

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

LEGAL: (if required) N/A **FINANCE:** (if required) N/A

DEPARTMENT HEAD: Kelly Carpenter

APPROVED FOR AGENDA:

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 2A, BLOCK 1, MOREHEAD BLOCK, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-4 (RESIDENTIAL) TO C-3 (COMMERCIAL), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 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 *a portion of Tract 2A, Block 1, Morehead Block, City of El Paso, El Paso County, Texas,* and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **R-4 (Residential)** to **C-3 (Commercial)**, 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 be subject to the following 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:

> *"retail uses, automotive repair garage, fueling stations, and ground-mounted personal wireless service facilities are prohibited."*

PASSED AND APPROVED this _____ day of _____, 2007.

THE CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

CITY CLERK DEPT.
07 APR 16 PM 3:19

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Kimberly Forsyth, Senior Planner
Development Services Department

Doc #29253 v2/Revised/Planning/Ord/ZON07-00006/Rezoning Application w/condition/LCUE

Exhibit "A"

PROPERTY DESCRIPTION

Being a parcel of land consisting of a portion of Tract 2A, Block 1, Morehead Block, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at the Nail found for the center of the cul-de-sac at the end of Casa Street; THENCE South 11°01'37" West a distance of 270.70 feet to the POINT OF BEGINNING of the parcel being described;

THENCE South 00°23'00" West a distance of 22.88 feet to a point;

THENCE North 89°37.00" West a distance of 108.78 feet to a point;

THENCE North 00°23'00" East a distance of 326.66 feet to a point;

THENCE South 89°37'00" East a distance of 86.78 feet to a point;

THENCE South 00°23'00" West a distance of 303.78 feet to a point;

THENCE South 89°37.00" East a distance of 22.00 feet to the POINT OF BEGINNING and containing 28,851 square feet or 0.6623 acres of land, more or less.

STATE OF TEXAS
REGISTERED
BASIL SMITH JR.
4707
PROFESSIONAL
LAND SURVEYOR

CITY CLERK DEPT.
07 APR 16 PM 3:19

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT
DIRECTOR, DEVELOPMENT SERVICES

KELLY CARPENTER, AICP
DEPUTY DIRECTOR, PLANNING

CITY COUNCIL

ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES
PLANNING DIVISION

CITY MANAGER: _____ **DATE:** _____

M E M O R A N D U M

DATE: April 16, 2007

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

FROM: Esther Guerrero, Planner

SUBJECT: **ZON07-00006**

The City Plan Commission (CPC), on March 15, 2007, voted **6-0** to recommend **APPROVAL** of rezoning the subject property from R-4 (Residential) to C-3 (Commercial), and imposing the following conditions: "retail uses, automotive repair garage, fueling stations, and ground mounted personal wireless service facilities are prohibited."

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.

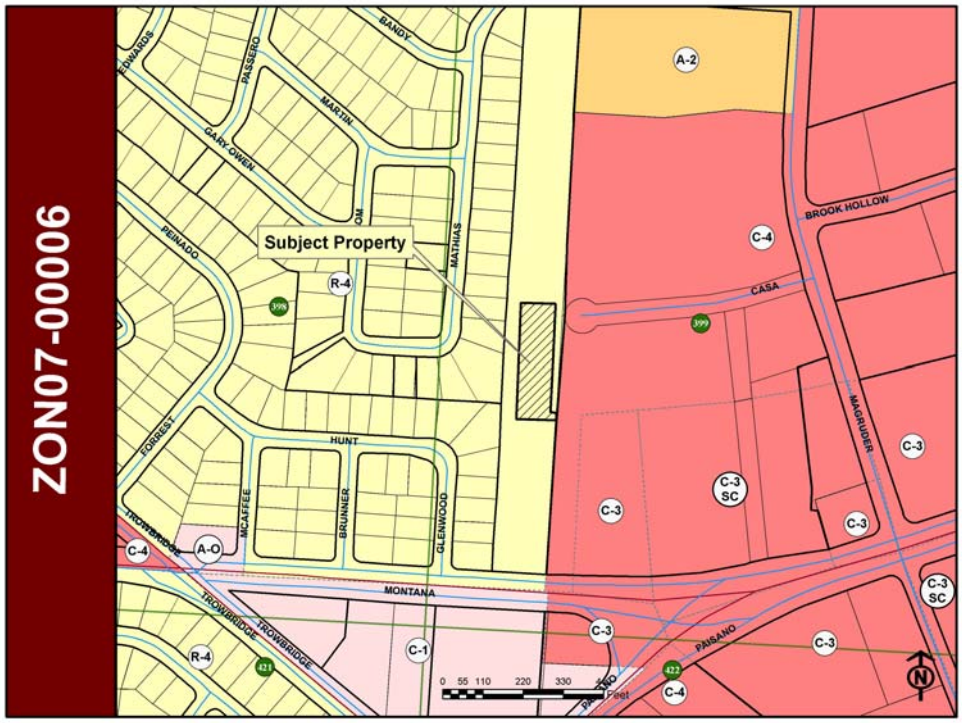
Thirty letters in opposition have been received to date.

Attachment: Staff Report, Aerial, Conceptual Site Plan, Application

ZON07-00006

Application Type:	Rezoning
Property Owner(s):	El Paso Electric Company
Representative(s):	Stuart D. Silva & William Wautlet
Legal Description:	A portion of Tract 2A, Block 1, Morehead Block, City of El Paso, El Paso County, Texas
Location:	West of Casa Drive and North of Montana Avenue
Representative District:	2 ***Area:*** 0.67 acres
Present Zoning:	R-4 (Residential) ***Present Use:*** Vacant
Proposed Zoning:	C-3 (Commercial)
Recognized Neighborhood Associations Contacted:	United Neighborhood Association, A Presidential Neighborhood Association
Public Response:	Thirty (30) letters received in opposition
Surrounding Land Uses:	***North:*** R-4 (Residential) / electric easement, ***South:*** R-4 (Residential) / electric easement ***East:*** C-4 (Commercial) / car dealership, ***West:*** R-4 (Residential) / single-family residential
Year 2025 Designation:	**Residential** (Central Planning Area)

Location Map



General Information:
The applicant is requesting a rezoning from R-4 (Residential) to C-3 (Commercial) in order to permit a parking lot. The conceptual site plan proposes a 48 space parking lot. Access proposed via the existing parking lot located at Casa Ford on Montana Avenue. There are no current zoning conditions on this property.

Staff Recommendation:
The Development Coordinating Committee (DCC) recommended **DENIAL** of the request. The proposed use is not compatible with surrounding development and may have an adverse impact on the neighborhoods. Also, there is an open space plan underway that addresses the easements for future planning and to help develop infrastructures such as these areas.

The recommendation is based on the following:

- **The Plan for El Paso** City-Wide Land Use Goals recommends that El Paso "Maintain development standards that protect residential neighborhoods from uses that increase traffic and noise, reduce privacy, and adversely affect the health, safety and welfare of residents."

- **The Year 2025 Projected General Land Use Map** for the Central Planning Area designates this property for **Residential** land uses.

Findings:
The Commission must determine the following:

1. Will the rezoning protect the best interest, health, safety and welfare of the public in general?
2. Will the parking lot be compatible with adjacent land uses?
3. What is the relation of the proposed rezoning to the City's Comprehensive Plan?
4. What effects will the proposed rezoning have on the natural environment, social and economic conditions and property values in the vicinity and the city as a whole?

Development Services - Building Permits and Inspections Division Notes:
Zoning: Parking lot permitted on proposed C-3 Commercial District. Parking lot as submitted does not meet minimum A.D.A. requirements. A 6 ft. high masonry screening wall along properties lines abutting R-4 Residential District will be required.
Landscaping: No comments received.

Development Services - Planning Division Notes:
Current Planning: Recommends denial based on incompatibility with abutting residential neighborhoods. The Year 2025 Projected General Land Use Map designates this property for residential land uses.

Engineering Department, Traffic Division Notes:
No comments received.

Fire Department Notes:
No comments received.

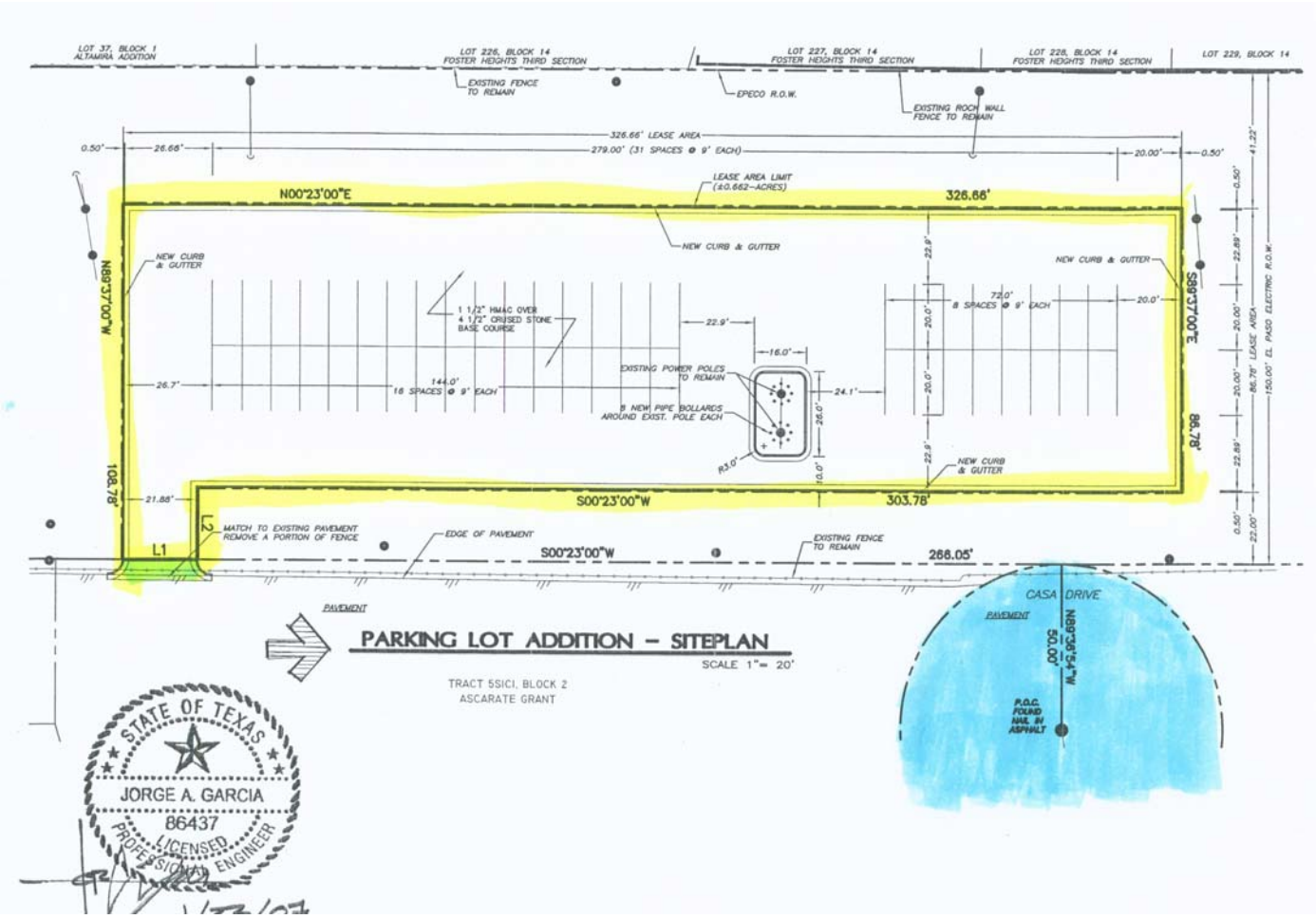
El Paso Water Utilities Notes:

No comments received.

List of Attachments:
Attachment 1: Conceptual Site Plan
Attachment 2: Application

Aerial

Attachment 1: Conceptual Site Plan



Attachment 2: Application

REZONING APPLICATION
PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT
CITY OF EL PASO, TEXAS

JAN 2 2007

1. CONTACT INFORMATION

PROPERTY OWNER(S): El Paso Electric Company
ADDRESS: PO Box 982, El Paso, TX ZIP CODE: 79960 PHONE: 543-4176
APPLICANT(S): CASA FORD LINCOLN MERCURY
ADDRESS: 5815 MONTANA AVE ZIP CODE: 79925 PHONE: (915) 779-2272
REPRESENTATIVE(S): STUART D. SILIVA AND WILLIAM WAUTLET
ADDRESS: SAME AS ABOVE / FERNANDO VILLALVA ZIP CODE: PHONE:
E-MAIL ADDRESS: SSLIVA@casaford.com / CF JORDAN L.P 877-3333 FAX: (915) 779-2203

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: X001999M00A0400
LEGAL DESCRIPTION: Tract 2A, Morehead Block 4 PORTION OF
STREET ADDRESS OR LOCATION: 5707 N. Montana REP DISTRICT: 2
ACREAGE: 0.67 acres PRESENT ZONING: R-4 PRESENT LAND USE: Electric ROW
PROPOSED ZONING: C-3 PROPOSED LAND USE: NEW PARKING LOT

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): William C Eggleston
Printed Name: El Paso Electric Company Signature: William C. Eggleston
Printed Name: Signature: Senior R-O-W Specialist
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.

PENDING 2ND CONTACT NOTIFICATION

****OFFICE USE ONLY****

ZON07-00006 RECEIVED DATE: 1/24/07 APPLICATION FEE: $715-
DCC REVIEW DATE: 2/14/07 (8:30 am, Planning Department Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 3/1/07 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: LF FUND - 01101, DEPT ID - 99010335, ACCOUNT - 404126

Revised 06/2004 1