

**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:** 4

**SUBJECT:**

An Ordinance changing the zoning of Lots 13 and 14, Block 2, Sahara Subdivision, City of El Paso, El Paso County, Texas from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 9435 Dyer Street. Property Owner: Juan Gandara. ZON09-00087 (**District 4**)

**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) – Approval Recommendation of (4-0)

\*\*\*\*\*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 LOTS 13 AND 14, BLOCK 2, SAHARA SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-1/SC (COMMERCIAL/SPECIAL CONTRACT) TO C-3/SC (COMMERCIAL/SPECIAL CONTRACT), AND IMPOSING A 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 *Lots 13 and 14, Block 2, Sahara Subdivision, City of El Paso, El Paso County, Texas*, be changed from **C-1/sc (Commercial/special contract)** to **C-3/sc (Commercial/special contract)**, 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 condition which is 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:

*If the alley is used for access, it shall be paved to city standards.*

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



**MEMORANDUM**

**DATE:** April 5, 2010  
**TO:** Honorable Mayor and City Council  
Joyce Wilson, City Manager  
**FROM:** Esther Guerrero, Planner  
**SUBJECT:** ZON09-00087

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The City Plan Commission (CPC) on February 25, 2010, voted **4-0** to recommend **approval** of rezoning the subject property from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract) and imposing a condition, in agreement with the recommendation from the DCC and staff. A related special contract amendment (ZON09-00092) will also be considered by the Mayor and City Council.

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:** ZON09-00087  
**Application Type:** Rezoning  
**CPC Hearing Date:** February 25, 2010  
**Staff Planner:** Esther Guerrero, 915-541-4720, [guerreroex@elpasotexas.gov](mailto:guerreroex@elpasotexas.gov)

**Location:** 9950 Dyer Street  
**Legal Description:** Lots 13 and 14, Block 2, Sahara Subdivision, City of El Paso, El Paso County, Texas  
**Acreage:** 0.2755 acres  
**Rep District:** 4  
**Existing Use:** Vacant

**Request:** C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract)  
**Proposed Use:** Automotive Repair Garage  
**Property Owner:** Juan Gandara  
**Representative:** Andres Lopez

### **SURROUNDING ZONING AND LAND USE**

**North:** C-3 (Commercial) / automotive body shop  
**South:** C-1/sc (Commercial/special contract) / vacant  
**East:** C-1/sc (Commercial/special contract) / vacant lot  
**West:** C-1/c/sc (Commercial/condition/special contract); C-3 (Commercial) / Dental office / commercial building

**Plan for El Paso Designation:** Commercial (Northeast Planning Area)

**Nearest Park:** Milagro (2,460 Feet)

**Nearest School:** Parkland Elementary (2,215 Feet)

### **NEIGHBORHOOD ASSOCIATIONS**

N/A

### **NEIGHBORHOOD INPUT**

Notices of the February 11, 2010 City Plan Commission hearing were mailed out to property owners within 300 feet of the subject property on January 27, 2010.

### **APPLICATION DESCRIPTION**

The request is to change the zoning from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract) for an automotive repair garage. The property is 0.2755 acres in size and is currently vacant. Access is proposed via Dyer Street.

A related Zoning Condition Release application is in process and will be considered by the City Plan Commission (ZON09-00092).

### **DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION**

Recommend **approval** of C-3 (Commercial) with the following condition:

*“If the alley is used for access, it shall be paved to city standards.”*

### **DEVELOPMENT SERVICES DEPARTMENT-PLANNING DIVISION RECOMMENDATION**

Recommend **approval** of C-3 (Commercial) with the following condition:

*“If the alley is used for access, it shall be paved to city standards.”*

### **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: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character.

The purpose of the C-3 (Commercial) district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the City. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

### **Engineering Department - Traffic Division**

- Traffic has no objection to zoning change.
- Applicant shall provide curb, gutter, and sidewalk in line with city standards
- Access to Dyer shall be coordinated with TXDOT.

### **Street Department**

No objections to rezoning request.

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.

### **Development Services-Building Permits and Inspections**

No objections.

### **Fire Department**

No objections.

### **Sun Metro:**

No comments received.

### **NE Regional Command Center**

No objections.

### **El Paso Water Utilities**

No objections. Coordinate with EPWU for future service.

### **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
4. Elevations

ATTACHMENT 1: ZONING MAP

ZON09-00087

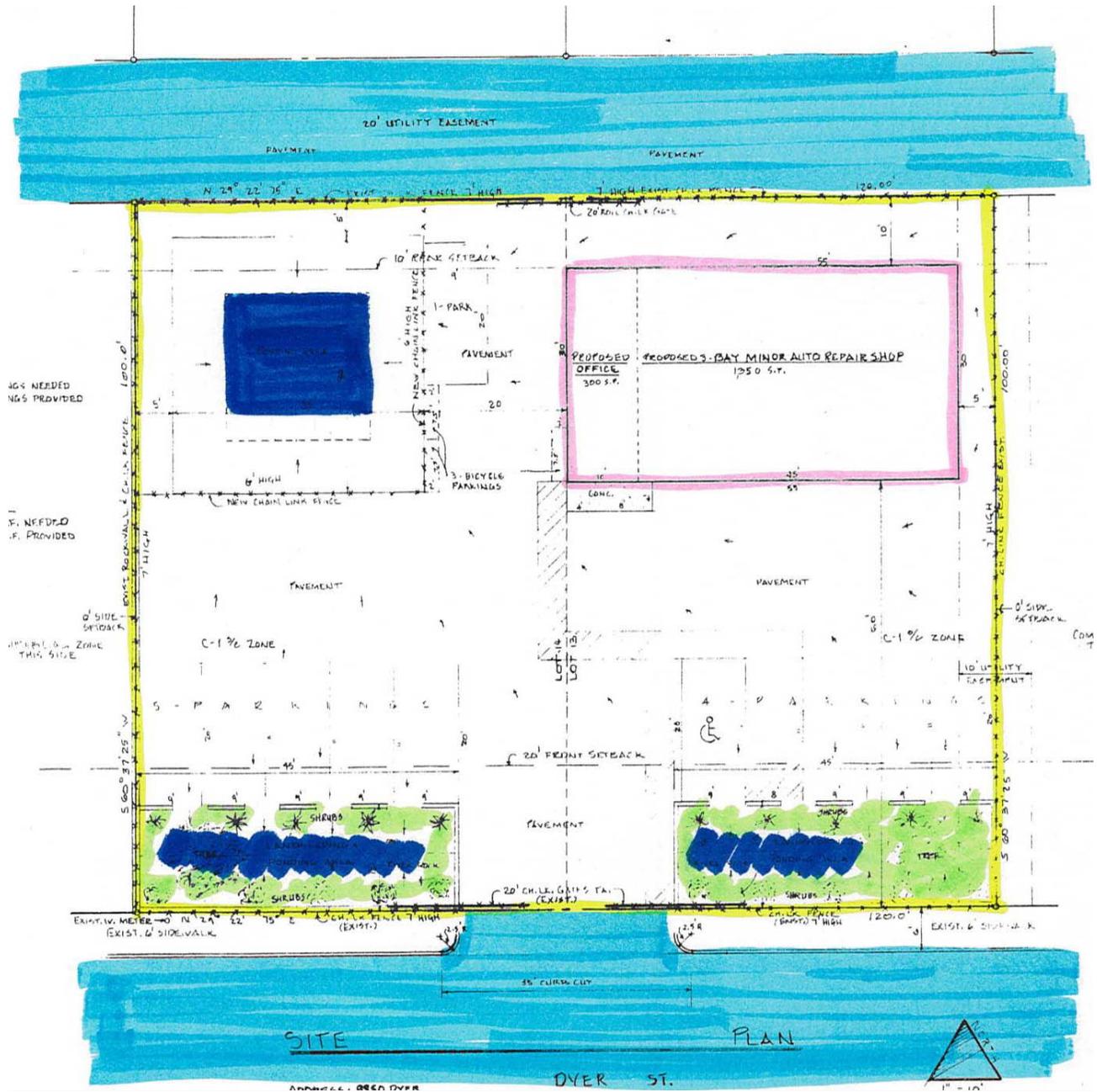


ATTACHMENT 2: AERIAL MAP

ZON09-00087



# ATTACHMENT 3: CONCEPTUAL SITE PLAN



ATTACHMENT 4: ELEVATIONS

