

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOTS 9 AND 10, BLOCK 63, EAST EL PASO ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO C-1 (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 *Lots 9 and 10, Block 63, East El Paso Addition, City of El Paso, El Paso County, Texas*, be changed from **R-5 (Residential)** to **C-1 (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 _____, 2009.

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

Mathew S. McElroy, Deputy Director
Development Services Department
Planning Division

MEMORANDUM



DATE: March 19, 2009
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Mirian Spencer, Planner
SUBJECT: ZON08-00098

The City Plan Commission (CPC), on February 26, 2009, voted **5-0** to recommend **APPROVAL** of rezoning the subject property from R-5 (Residential) to C-1 (Commercial) in agreement with the recommendation from staff.

The property owners are requesting to change the zoning on the subject property from R-5 (Residential) to C-1 (Commercial) in order to permit an office. The property is an existing single-family residence. Access is proposed via **Gateway Boulevard West**. The structure will have to be modified to meet the minimum 10' side yard setback requirement adjacent to the R-5 (Residential) property to the east of the subject property. Also, a six-foot masonry screening wall will be required for the property along the easterly property line and to the rear of the property.

The request is in conformance with The Plan for El Paso – City-wide Land Use Goals. The proposed C-1 (Commercial) zoning district is compatible with the 2025 General Land Use Map for the area as well as the adjacent development. Within the area, there is a mix of single-family residences and light commercial development. The proposed C-1 (Commercial) district permits uses that will serve the existing single-family residential development that is adjacent to the subject property. The C-1 (Commercial) zoning district permits neighborhood commercial development that is compatible with the adjacent residential development without permitting uses that are incompatible with the surrounding residential neighborhood. There have been changes in the area with recent rezoning cases along Gateway Boulevard West that are similar to this request.

The CPC found that the rezoning is in conformance with The Plan for El Paso. The CPC also found that the proposed use is compatible with adjacent land uses. 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 public response to this rezoning application.

Attachment: Staff Report, Zoning Map, Aerial Map, Detailed Site Plan, Elevations

Development Services Department

Victor Q. Torres - Director

2 Civic Center Plaza - 5th Floor • El Paso, Texas 79901 • (915) 541-4622 • Fax
(915) 541-4799

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Melina Castro

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: ZON08-00098
Application Type Rezoning
CPC Hearing Date February 26, 2009
Staff Planner Mirian Spencer, (915) 541-4192, spencermd2@elpasotexas.gov

Location 3015 Gateway Boulevard West
Legal Description Lots 9 and 10, Block 63, East El Paso Addition, City of El Paso, El Paso County, Texas
Acreage 0.1610 acres
Rep District 8
Existing Use Single-family Residence
Request From: R-5 (Residential) to C-1 (Commercial)
Proposed Use Office

Property Owners Miguel A. Garcia
Representative Dorado Engineering, Inc.

SURROUNDING ZONING AND LAND USE

North: R-5 (Residential)/ Single-family residential
South: M-1 (Light Manufacturing)/ Single-family residential
East: R-5 (Residential)/ Single-family residential
West: C-1 (Commercial)/ Office

THE PLAN FOR EL PASO DESIGNATION: Commercial (Central Planning Area)

NEAREST PARK: Mary Webb Park (1,634 Feet)

NEAREST SCHOOL: Alta Vista Elementary School (2,864 Feet)

NEIGHBORHOOD ASSOCIATIONS:

Five Points Development Association
Five Points Neighborhood Association

NEIGHBORHOOD INPUT

Notices of the public meeting were mailed out to all property owners within 300 feet of the subject property on December 23, 2008. The Planning Division has received no public response to the rezoning request.

CASE HISTORY

The case was heard at the January 8, 2009 CPC meeting. The item was postponed to allow the property owner and staff to explore alternative zoning districts or special permits for the subject property. The representative and staff met on January 15, 2009 and the property owner agreed to amend the application to request C-1 (Commercial) instead of the C-3 (Commercial) in concurrence with the recommendation of staff. The case was subsequently postponed at the January 29, 2009 and the February 12, 2009 City Plan Commission meetings.

APPLICATION DESCRIPTION

The property owners are requesting to change the zoning on the subject property from R-5 (Residential) to C-1 (Commercial) in order to permit an office. The property is an existing single-family residence. Access is proposed via **Gateway Boulevard West**. The structure will have to be modified to meet the minimum 10' side yard setback requirement adjacent to the R-5 (Residential) property to the east of the subject property. Also, a six-foot masonry screening wall will be required for the property along the easterly property line and to the rear of the property.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

The Development Coordinating Committee provides the following comments:

DCC recommends **Approval** of rezoning the property from R-5 (Residential) to C-1 (Commercial) in order to permit an office.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of rezoning the property from R-5 (Residential) to C-1 (Commercial).

The Plan for El Paso –City-wide Land Use Goals:

All applications for rezoning shall demonstrate compliance with the following criteria:

- a. Goal: develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.
- b. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses
- c. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- d. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the city’s neighborhoods.
- e. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood’s residential character

The request is in conformance with The Plan for El Paso – City-wide Land Use Goals. The proposed C-1 (Commercial) zoning district is compatible with the 2025 General Land Use Map for the area as well as the adjacent development. Within the area, there is a mix of single-family residences and light commercial development. The proposed C-1 (Commercial) district permits uses that will serve the existing single-family residential development that is adjacent to the subject property. The C-1 (Commercial) zoning district permits neighborhood commercial development that is compatible with the adjacent residential development without permitting uses that are incompatible with the surrounding residential neighborhood. There have been changes in the area with recent rezoning cases along Gateway Boulevard West that are similar to this request.

Development Services Department - Building Permits and Inspections Division:

Offices are permitted in proposed C-1 (Commercial) District. Site plan submitted not addressing required parking and does not meet the required east ten foot side set back when abutting a residential district. Shall need to submit required architectural drawing for change of occupancy and provide a six foot high screening wall along the property line(s) abutting the residential district.

Landscaping: Landscape required for commercial development. No calculations provided.

Development Services Department - Planning Division:

Current Planning: Recommends **APPROVAL** of rezoning the property from R-5 (Residential) to C-1 (Commercial).

Engineering: Site is not located within a Special Flood Hazard Area, Flood Zone **X**, Panel **480214 0048 C**, Effective Date: February 16, 2006. The following will be required at the time of development:

- 1. ADA accessible sidewalks, wheel-chair ramp(s), and driveway(s).
- 2. Grading plan and permit will be required at the time of development.

3. Storm water pollution prevention plan and/or permit required at the time of development.
4. Drainage plans must be approved by the Development Services Department, Engineering section at the time of development.
5. Coordinate grading and drainage with TxDOT.

Engineering Department - Traffic Division:

Traffic has no objections to proposed rezoning request. Alley should be paved to city standards if used for access.

Fire Department:

No opposition to the request at this time.

El Paso Water Utilities:

EPWU does not object to this request.

CITY PLAN COMMISSION OPTIONS

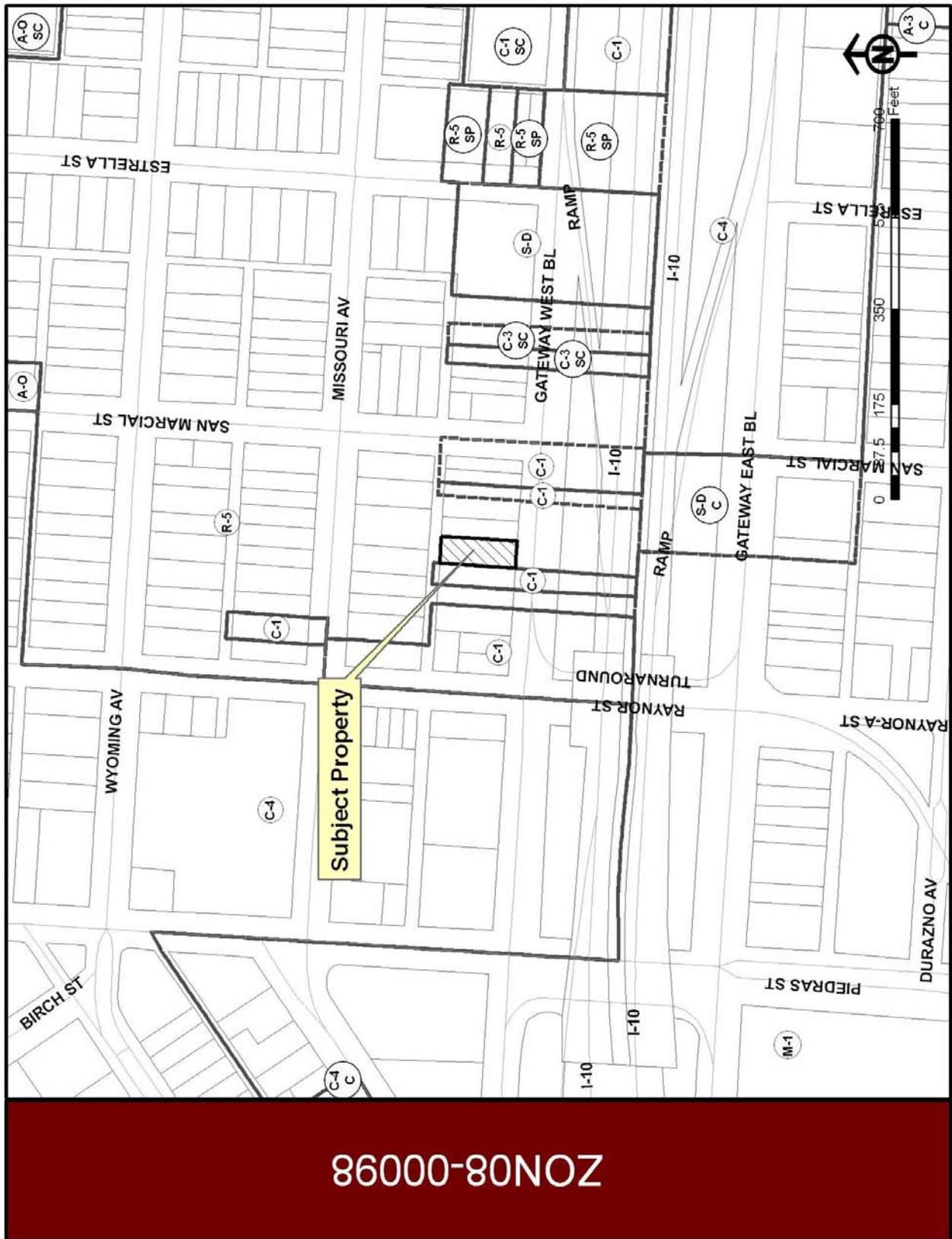
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application:

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 from the Plan by the CPC.

Attachments

1. Location Map
2. Aerial Map
3. Detailed Site Plan
4. Elevations

ATTACHMENT 1: LOCATION MAP



ATTACHMENT 2: AERIAL MAP

