

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: May 6, 2008
Public Hearing: May 27, 2008

CONTACT PERSON/PHONE: Arturo Rubio, 541-4633

DISTRICT(S) AFFECTED: 5

SUBJECT:

An Ordinance changing the zoning of all of Lot 1, Block 54, East Glen Addition, Unit 4, City of El Paso, El Paso County, Texas, from A-O/sc (Apartment Office/special contract to C-1/sc (Commercial/special contract). The penalty is as provided for in Chapter 20.24 of The El Paso City Code. Subject Property: North of Long John Drive and East of George Dieter Drive. Applicants: J & E Properties, ZON08-00006 (District 5)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Unanimous Denial Recommendation
City Plan Commission (CPC) – Approval Recommendation (5-1)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Patricia D. Adatao, Deputy City Manager
Development & Infrastructure Services



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

CITY CLERK DEPT.

ORDINANCE NO. _____

08 APR 28 PM 2:05

AN ORDINANCE CHANGING THE ZONING OF ALL OF LOT 1, BLOCK 54, EAST GLEN ADDITION, UNIT 4, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-O/SC (APARTMENT OFFICE/SPECIAL CONTRACT) TO C-1/SC (COMMERCIAL/SPECIAL CONTRACT). 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 *all of Lot 1, Block 54, East Glen Addition, Unit 4, City of El Paso, El Paso County, Texas*, be changed from **A-O/SC (Apartment Office/Special Contract)** to **C-1/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.

PASSED AND APPROVED this _____ day of _____, **2008.**

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

Patricia D. Adauto

Patricia D. Adauto, Deputy City Manager
Development & Infrastructure Services



JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

PAT D. ADAUTO
DEPUTY CITY MANAGER
DEVELOPMENT AND INFRASTRUCTURE SERVICES

VACANT
DEPUTY DIRECTOR, PLANNING

**DEVELOPMENT SERVICES
PLANNING DIVISION**

MEMORANDUM

CITY COUNCIL

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

DATE: April 23, 2008
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Arturo Rubio, Planner
SUBJECT: ZON08-00006

The City Plan Commission (CPC), on April 10, 2008, voted **5-1** to recommend **APPROVAL** of rezoning the subject property from A-O (Apartment Office) to C-1/sc (Commercial/special contract).

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 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 two phone calls in support and one letter in opposition.

Attachment: Staff Report

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ZON08-00006

Application Type: Rezoning
Property Owners: J & E Properties
Representatives: CDA / Hugo Saldana
Legal Description: Lot 1 Block 54, East Glen Addition Unit 4, City of El Paso, El Paso County, Texas
Location: North of Long John Drive and East of George Dieter Drive
Representative District: 5 **Area:** 5.4035
Present Zoning: A-O/sc (Apartment Office/special contract) **Present Use:** Vacant
Proposed Zoning: C-1/sc (Commercial/special contract)
Recognized Neighborhood:
Associations Contacted: East Side Civic Association
Public Response: There were 2 phone calls in support and one letter in opposition
Surrounding Land Uses: **North:** R-5/sc single family residential; **South:** A-O/sc/sp
East: S-D **West:** R-3A, single family residential
Year 2025 Designation: **Residential** (East Planning Area)



General Information:

The applicant is requesting a rezoning from A-O/sc (Apartment Office/special contract) to C-1/sc (Commercial/special contract). The property is subject to conditions placed by a special contract imposed by Ordinance No. 6344 approved October 24, 1978.

The conditions include:

1. No development of any kind shall be done on the property and no building permits shall be issued for construction thereon until complete and detailed site development and architectural plans of the proposed development have been approved by the City Plan Commission.
2. No certificates of occupancy and compliance shall be issued by the City for any building constructed on property until the following conditions have been met: (a) a final subdivision plat (b) First parties shall, at no cost to the city, construct a six foot high rock wall along the southerly boundary.
3. No bar, private club or other establishment where alcoholic beverages are sold for consumption on the premises shall be permitted on the property other than a restaurant that serves alcoholic beverages as an accompaniment to meals.
4. No billiard hall or skill or pleasure coin-operated machine establishment shall be permitted on the property.
5. No adult bookstore, adult motion picture theater or nude live entertainment club shall be permitted on the property.

No Release of conditions is proposed. The property is 5.4035 acres in size and is currently vacant. Access is proposed via George Dieter Drive.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **Denial** of this request for rezoning from A-O/sc (Apartment Office/special contract) to C-1/sc (Commercial/special contract).

The recommendation is based on the following:

- **The Plan for El Paso** City-Wide Land Use Goals recommends that El Paso “Provide a wide range of housing types that respond to the needs of all economic segments of the community.”
- **The Plan for El Paso** City-Wide Land Use Goals recommends that El Paso “provide designated locations for commercial development that do not adversely affect the health, safety and welfare of the community and where essential infrastructure is available to serve the development.”

The Plan for El Paso includes four study areas that encourage mixed use, infill development and industrial land use. The study areas include: 1) Loop 375 corridor south of Zaragoza Road, 2) Loop 375 Corridor north of Zaragoza Road, 3) The frontage along the south side of Montana Avenue from Airway Boulevard to Loop 375 and 4) The area surrounding the existing Robert E. Lee Industrial Park on north side of Edgemere Boulevard., east of George Dieter Drive.

The subject property is not located in any of the following study areas that encourage commercial, infill and industrial development.

- **The Year 2025 Projected General Land Use Map** for the East Planning Area designates this property for **Residential land** uses.
- **C-1/sc** permits commercial development and **is not compatible** with adjacent residential uses.

Findings:

The Commission must determine the following:

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

Development Services Department - Building Permits and Inspections Division:

Zoning Review: Retail Shopping Center permitted on proposed C-1 (Commercial) District. Insufficient information (sq.ft., site dimensions etc.) to determine compliance with Districts yard and parking standards. Shall require a six foot high masonry screening wall along property lines abutting the residential district(s).

Landscape Review: No comments received.

Development Services Department - Planning Division:

Current Planning: Recommends **denial** of request to rezone from A-O/sc (Apartment Office/special contract) as the request is not compatible with general land use map comprehensive map and residential use to the north, east and south of property.

Land Development: No Comments Received

Engineering Department - Traffic Division:

As a note to applicant: Proposed zoning change to commercial for a proposed shopping center, shall require a left turn bay constructed at median cut, southbound on George Dieter, at intersection with Anise Drive. Access to George Dieter shall be coordinated with the Traffic Engineering Division.

Fire Department

No comments received.

El Paso Water Utilities:

EPWU does not object to this request.

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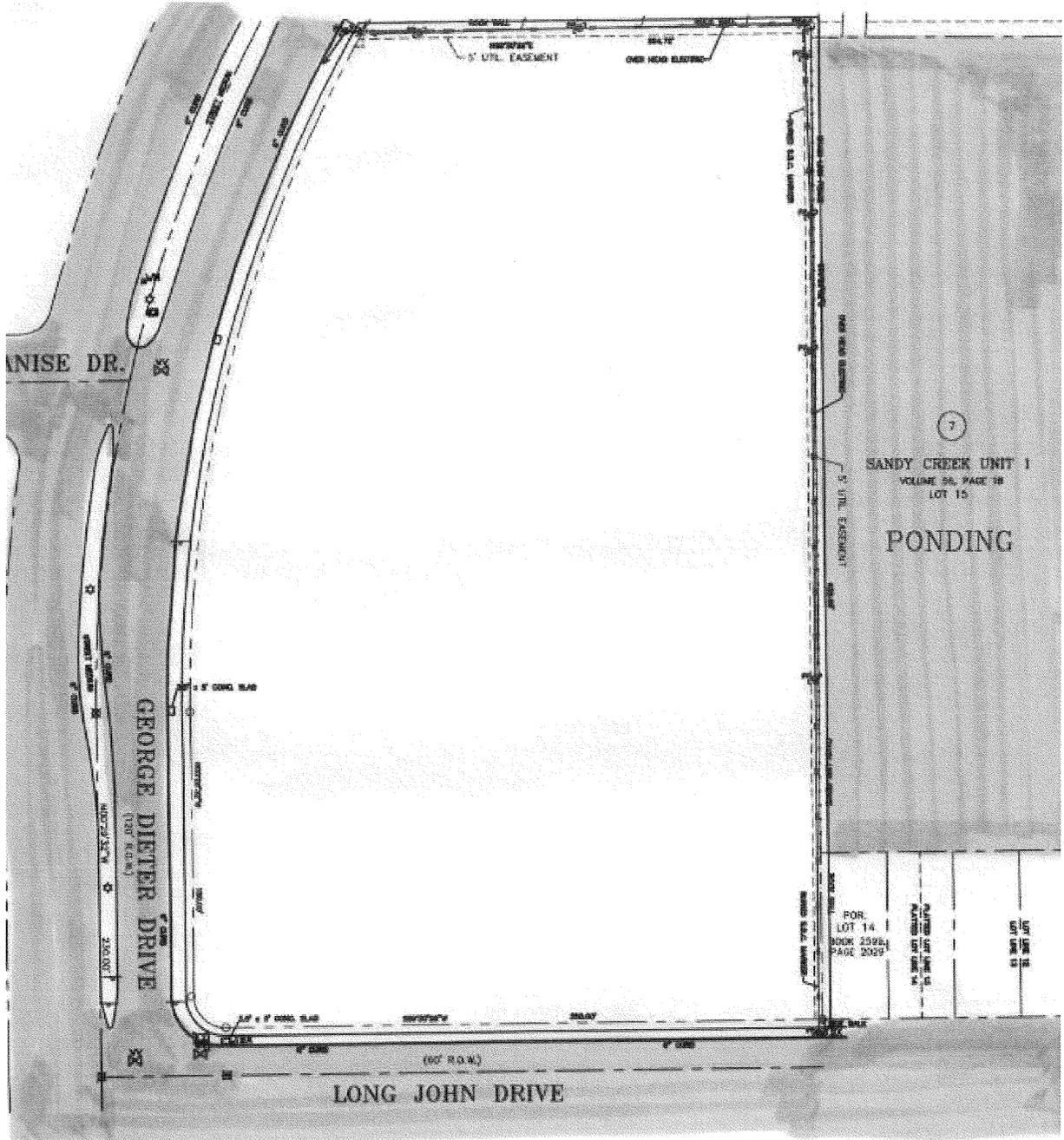
ZON08-00006

Attachments:

- Attachment 1: Boundary Site Survey
- Attachment 2; Opposition Letter
- Attachment 3: Application

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Attachment 1: Boundary Site Survey



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Attachment 2: Opposition Letter

03/24/2008 MON 10:08 FAX 318 683 6638 Gaelic Management

003/003

U STOR OF AMERICA, LLC
8100 E. 22ND ST. NORTH
BUILDING 1900
WICHITA, KANSAS 67226
OFFICE: (316) 682-0000 FAX: (316) 683-6638

Arturo Rubio
Planner
The City of El Paso Texas

March 24, 2008

Via Fax# 915-541-4028

RE: Case # ZON08-00006 April 10th, 2008 1:30pm

Dear Mr. Rubio,

I am in receipt of the change of zoning request from A-O to C-1s for the 5.4 acres legally described as Lot 1 block 54, East Glen Addition, Unit 4, City of El Paso, El Paso County, Texas.

As a adjacent property owner located at 11290 Pebble Hills Drive. I am opposed to this zoning change.

We have been a property owner for over 4 years in this area. We are working hard to make our facility work and pay our taxes at the same time. Another mini storage within such a close proximity would prove to be very difficult for us.

Mr. Rubio, I would ask that you deny the special use permit on the above case. With other already properly zoned property in the area I would ask that you tell the group requesting special use to look for a properly zoned property.

Thank you for your consideration.

My Best,



Morrie Sheets

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08 APR 28 PM 3:56

Attachment 2: Opposition Letter

DAVID J. ELLIS
ATTORNEY AT LAW
4115 TROWBRIDGE DRIVE
EL PASO, TEXAS 79903

OFFICE (915) 566-7000

FAX (915) 566-0111

VIA FACSIMILE 915-541-4028
AND REGULAR MAIL

April 8, 2007

City of El Paso
#2 Civic Center Plaza, 5th floor
El Paso, Texas 79901
Attn: Arturo Rubio
Development Services Dept, Planning Division

Re: Case No. ZON08-00006

Dear Mr. Rubio:

Please be advised this office represents the interests of U Stor of America LLC, the owner of the property located at 11290 Pebble Hills and Fuel Depot LLC, the owner of the property at 2815 George Dieter, who have referred your letter regarding the above-referenced zoning request to this office for response in opposition.

The applicant wishes to have the zoning changed from A-0/sc to C-1/sc, and for many reasons, my clients believe this request should be denied.

1. The property as it was initially platted was and is appropriate for multi family dwellings; the need for affordable apartments in the City of El Paso, was rightly addressed by the zoning, at that time and the need has not changed.
2. The balance between commercial zoned areas and areas for dwellings are considered at the time of approval and should not lightly be modified without an extreme change of conditions in the area and this is not present.
3. Existing owners in deciding at the time the property is purchased and construction decided upon rely upon the zoning of adjacent properties, the balance of various uses, as shown by the master plan and this reliance should be considered and honored before approving a change.
4. The current owner of the property knew of the existing zoning when he purchased the property and bought it subject to such zoning, if the zoning does not fit his needs he should not have bought the property.



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Attachment 2: Opposition Letter

Letter to Arturo Rubio
April 8, 2008
Page 2

5. The change in zoning, should it be granted, would detrimentally affect the value of my clients' property in that the businesses my clients currently own rely upon the proximity of people living in the area and to diminish the number of people in the proximity, diminishes the amount of business they can expect to be generated from the surrounding properties.

In summary, there is no good reason to change the existing zoning and many reasons to not change the existing zoning, my clients intend to oppose any such zoning change administratively and in the courts.

Thanking you for your attention, herein, I remain,

Very truly yours,



David J. Ellis

DJE:mm

cc: clients

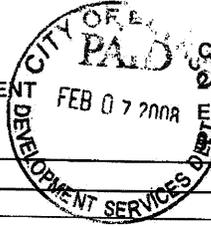


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Attachment 3: Application



REZONING APPLICATION
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



City of El Paso, Texas
Civic Center Plaza
El Paso, TX 79901-1196
5-541-4024

1. CONTACT INFORMATION

PROPERTY OWNER(S): JEE PROPERTIES
ADDRESS: 3500 GEORGE DIETER STE. G ZIP CODE: 79936 PHONE: 957-7801
APPLICANT(S): JOSE GONZALEZ
ADDRESS: 3500 GEORGE DIETER STE. G ZIP CODE: 79936 PHONE: 957-7801
REPRESENTATIVE(S): CDA - HUGO SALDANA
ADDRESS: 1100 N. STANTON STE. 500 ZIP CODE: 79902 PHONE: 533-2700
E-MAIL ADDRESS: HSALDANACDA@AOL.COM FAX: 533-2799

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: E0549905400100
LEGAL DESCRIPTION: EXST GLEN ADDITION UNIT FOUR LOT 1, BLOCK 54 CITY OF EL PASO
STREET ADDRESS OR LOCATION: GEORGE DIETER DRIVE & LONG JOHN REP DISTRICT: 5
ACREAGE: 5.4035 PRESENT ZONING: A0/sc PRESENT LAND USE: VACANT
PROPOSED ZONING: C-1/sc PROPOSED LAND USE: SHOPPING CENTER/ STORAGE UNITS

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):
Printed Name: JOSE GONZALEZ Signature: _____
Printed Name: _____ Signature: _____
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.

****OFFICE USE ONLY****
ZON 08-00006 RECEIVED DATE: 02/07/08 APPLICATION FEE: \$ 810.00
DCC REVIEW DATE: 03/12/08 (8:30 am, Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 04/10/08 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: [Signature]

Revised 4/23/07

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08 APR 28 PM 3:55