

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

**DEPARTMENT:** Planning, Research & Development

**AGENDA DATE:** Introduction: April 18, 2006  
Public Hearing: May 9, 2006

**CONTACT PERSON/PHONE:** Christina Valles, 541-4930

**DISTRICT(S) AFFECTED:** 2

**SUBJECT:**

An Ordinance changing the zoning of A portion of Tracts 181 and 182, Sunrise Acres, El Paso, El Paso County, Texas from R-4 (Residential) to C-2/c (Commercial/condition) and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 8625 Gateway South. Applicant: Robert L. Martinez. ZON05-00139 (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) – Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

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

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

**DEPARTMENT HEAD:** George Sarmiento, AICP

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 181 AND 182, SUNRISE ACRES, EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO C-2/C (COMMERCIAL/CONDITION) AND IMPOSING A CONDITION. 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 Tracts 181 and 182, Sunrise Acres, El Paso, El Paso County, Texas, and more particularly described by metes and bounds in the attached Exhibit "A", be changed from R-4 (Residential) to C-2/c (Commercial/condition), 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 intensity 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:

*A ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the property line parallel to Neptune Street where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso City Code and shall be required prior to the issuance of any building permits.*

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

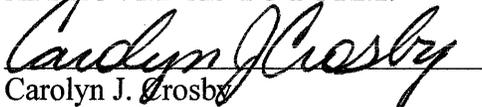
**THE CITY OF EL PASO**

**ATTEST:**

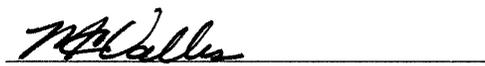
\_\_\_\_\_  
John F. Cook  
Mayor

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

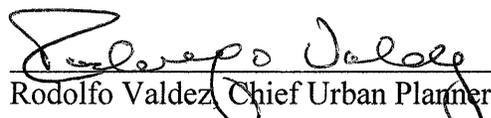
**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Carolyn J. Crosby  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Christina Valles, Planner II  
Development Services Department

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Rodolfo Valdez, Chief Urban Planner  
Development Services Department

**DORADO ENGINEERING INC.**

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

**LEGAL DESCRIPTION OF A PORTION OF TRACT 181 & TRACT 182 SUNRISE  
ACRES**

Metes and Bound description of a parcel of land out of Sunrise Acres, Tract 181 and Tract 182, City of El Paso, El Paso County, Texas and being more particularly described as follows;

From a rebar found on the West Right-of-Way line of Gateway South and the common tract line of Tract 182 and Tract 187; Thence along the West Right-of-Way line of Gateway South, a distance of one hundred twenty and eighty five hundredths (120.85) feet, a bearing of South 01° 09' 00" East to the Point of Beginning for this parcel of land;

Thence continuing along said Right-of-Way line of Gateway South 01° 09' 00" East a distance of ninety seven and fifteen hundredths (97.15) feet to a point said point also being on the common tract line of Tracts 182 and 141;

Thence South 88° 51' 00" West along common tract line of Tracts 182 and 141 a distance of two hundred twenty five and no hundredths (225.00) feet to a point, said point lying within Tract 181;

Thence North 01° 09' 00" West a distance of ninety seven and fifteen hundredths (97.15) feet to a point;

Thence North 88° 51' 00" East a distance of two hundred twenty five and no hundredths (225.00) feet to a point lying on the West Right-of-Way line of Gateway South and also being the Point of Beginning.

Said parcel contains 21,858.75 Square Feet or 0.50 acres of land more or less.



Fermin Dorado R.P.L.S.



November 8, 2005

JOHN COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER

GEORGE G. SARMIENTO, AICP  
DEPUTY DIRECTOR



**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 DEPARTMENT  
PLANNING DIVISION**

April 10, 2006

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

**FROM:** Christina Valles, Urban Planner

**SUBJECT: ZON05-00139**

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The City Plan Commission (CPC), on April 6, 2006, voted **4-0** to recommend **Approval** of rezoning the subject property from R-4 (Residential) to C-2 (Commercial), concurring with Staff's recommendation, with the following conditions:

- 1. A ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the property line parallel to Neptune Street where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso City Code and shall be required prior to the issuance of any building permits.*

The CPC found that the C-2 (Commercial) zoning protects the best interest, health, safety and welfare of the public in general; that the proposed commercial use is compatible with adjacent land uses; and that the proposed commercial use will not have an adverse impact on the natural environment, social and economic conditions, and property values in the vicinity and in the city as a whole. The Commission also determined that although the proposed change is not in conformance with the City's Comprehensive Plan that designates the property for residential use, that commercial uses along an interstate corridor are appropriate.

There was **NO OPPOSITION** to this request.

**Attachment:** Location Map, Site Plan.

**STAFF REPORT**

**Rezoning Case:** ZON05-00139

**Property Owner(s):** Robert L. Martinez

**Applicant(s):** Robert L. Martinez

**Representative(s):** Dorado Engineering

**Legal Description:** A portion of Tracts 181 and 182, Sunrise Acres #1

**Location:** 8625 Gateway Boulevard South

**Representative District:** # 2

**Area:** 0.502 Acres

**Present Zoning:** R-4 (Residential)

**Present Use:** Residential

**Proposed Zoning:** C-2 (Commercial)

**Proposed Use:** Commercial

**Recognized Neighborhood Associations Contacted:** Northeast Healthy Communities, Northeast Civic Association, North Hills Neighborhood Pride Association;

**Surrounding Land Uses:**

<b>North -</b>	R-4 (Residential) / Vacant
<b>South -</b>	R-4 (Residential) / Retention Pond
<b>East -</b>	R-4 (Residential) / US Highway 54
<b>West-</b>	R-4 (Residential) / Vacant, Residential

**Year 2025 Designation:** **Residential** (Northeast Planning Area)

**CITY PLAN COMMISSION HEARING, APRIL 6, 2006,  
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

**Zoning Case: ZON05-00139**

**General Information:**

This application was previously heard and approved by the City Council, however the ordinance was approved with an incorrect legal description. The Meets and Bounds in Exhibit A to the ordinance has the correct legal description. The application must be heard and approved again by the CPC and City Council, with the correct legal description, in order to correct the error. In addition a motion must be made to recommend the repeal of the previous ordinance.

The applicant is requesting a rezoning from R-4 (Residential) to C-2 (Commercial) in order to permit commercial. The property is 0.502 acres in size and is currently residential. The proposed site plan shows an existing building and proposed parking to be located on the site. Access is proposed via Gateway South; 9 parking spaces will be provided. There are no zoning conditions currently imposed on this property.

The original request for this application was a rezoning from R-4 (Residential) to C-4 (Commercial). The DCC had recommended denial of that request. The application was heard by the CPC on January 5, 2006. The CPC recommended approval of the proposed request with the following conditions:

“A ten-foot (10’) wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the property line parallel to Neptune Street where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso City Code and shall be required prior to the issuance of any building permits.”

“That a detailed site development plan shall be reviewed and approved per the City of El Paso Municipal Code prior to the issuance of any building permits.”

The City Council heard this application on February 14, 2006 and denied the rezoning to C-4 (Commercial), and approved a rezoning to C-2 (Commercial) with the following conditions:

“A ten-foot (10’) wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the property line parallel to Neptune Street where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso City Code and shall be required prior to the issuance of any building permits.”

**Information to the Commission:**

The Planning Department has received no calls or letters in support or opposition to this application.

**Staff Recommendation:**

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL** of this request for rezoning from R-4 (Residential) to C-2 (Commercial) with the following condition:

“A ten-foot (10’) wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the property line parallel to Neptune Street where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso City Code and shall be required prior to the issuance of any building permits.”

The recommendation is based on the following:

**The Plan for El Paso City-Wide Land Use Goals** recommend 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 Year 2025 Projected General Land Use Map** for the Northeast Planning Area designates this property for **Residential** land uses.

**C-2 (Commercial) zoning** permits commercial uses and **is compatible** with adjacent development.

The Commission must determine the following:

- A. Will the C-2 (Commercial) zoning protect the best interest, health, safety and welfare of the public in general?
- B. Will commercial uses be compatible with adjacent land uses?
- C. What is the relation of the proposed change to the city’s comprehensive plan?
- D. What effects will the C-2 (Commercial) have upon the natural environment, social and economic conditions, and property values in the vicinity and in the city as a whole?

**Information To The Applicant:**

**Development Services Department - Building Permits and Inspections Division Notes:**

- A. Landscaping: This project has the potential to meet the landscape ordinance as submitted.
- B. Zoning: Meets proposed C-2 (Commercial) district developmental standards and parking requirements. Shall require 6ft. high masonry screening wall abutting R-4 (Residential) district.

**Development Services Department - Land Development Division Notes:**

- A. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.\*
- B. Grading plan and permit required.\*
- C. Storm Water Pollution Prevention plan and/or permit required.\*
- D. Drainage plans must be approved by the City Engineer.\*
- E. Coordination with TXDOT.\*

F. Additional Comments: Site location is not located within a Special Flood Hazard Area, Flood Zone(s) ) C Panel(s) 480214 0024 B.

\* This requirement will be applied at the time of development.

**Engineering Department - Traffic Division Notes:**

No apparent traffic concerns.

**Fire Department Notes:**

No comments.

**El Paso Water Utilities Notes:**

EPWU does not object to this request.

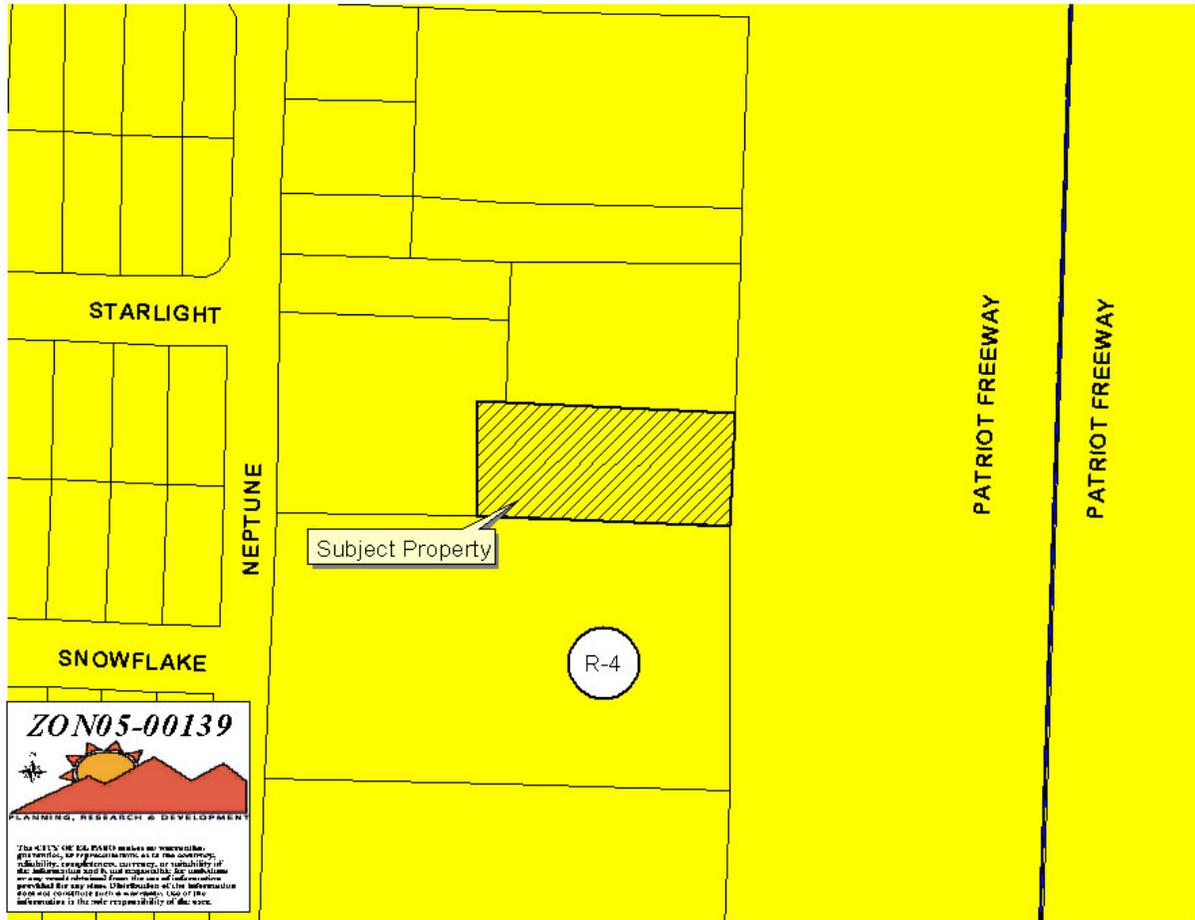
**Development Services Department - Planning Division Notes:**

Recommend approval of the proposed zone change with the proposed condition.

**ATTACHMENT:** Site Plan; Location Map.

**NOTE TO THE PROPERTY OWNER:** CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING DIVISION AT (915) 541-4024.

# LOCATION MAP



**AERIAL MAP**



# SITE PLAN

