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

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

AGENDA DATE: **Introduction: April 22, 2008**
Public Hearing: May 13, 2008

CONTACT PERSON/PHONE: **Arturo Rubio, 541-4633**

DISTRICT(S) AFFECTED: **3**

SUBJECT:
An Ordinance changing the zoning of a portion of Tracts , 18, 19, 20, 21, 22, 23, 24 and all of Tracts 25, 26, 27, and 28 Palmdale Acres, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to M-1 (Light Manufacturing). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North of North Loop Drive and West of Hawkins Boulevard. Applicants: Farmers Select, LLC, ZON07-00124 (District 3)

CITY CLERK DEPT.
08 APR 14 PM 12:48

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 Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (5-0)

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

LEGAL: ___N/A_____ **FINANCE:** ___N/A_____

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

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 18, 19, 20, 21, 22, 23, 24 AND ALL OF TRACTS 25, 26, 27, AND 28, PALMDALE ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO M-1 (LIGHT MANUFACTURING). 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 *a portion of Tracts 18, 19, 20, 21, 22, 23, 24 and all of Tracts 25, 26, 27, and 28, Palmdale Acres, 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-F (Ranch and Farm) to M-1 (Light Manufacturing)**, 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

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen, City Clerk

CITY CLERK DEPT.
08 MAY 13 AM 7:58

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

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

Being Tracts 25, 26, 27, and 28,
Palmdale Acres,
City of El Paso, El Paso County, Texas
March 19, 2008
(Parcel 1)

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being Tracts 25, 26, 27 and 28, Palmdale Acres, City of El Paso El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a Texas Department of Transportation Brass Disk at the point of intersection of the monument line of North Loop Drive in front of Tract 22, Palmdale Acres, from which a Texas Department of Transportation Brass Disk bears North 64°07'00' West a distance of 558.65'; Thence leaving said monument line North 31°55'30" East a distance of 25.14 feet to a point on the northerly right of way line of North Loop Dr.; Thence along said right of way line North 64°07'00" West a distance of 195.25 feet to a point on the line between Tracts 24 and 25, Palmdale Acres for the "TRUE POINT OF BEGINNING",

Thence continuing along the right of way line of North Loop Dr., North 64°07'00" West a distance of 296.36 feet to a point on the line between Tracts 28 and 29, Palmdale Acres;

Thence along said line North 44°32'00" East a distance of 639.57 feet to a point on the northerly line of Palmdale Acres;

Thence along said line South 56°54'00" East a distance of 286.48 feet to a point on the line between Tracts 24 and 25, Palmdale Acres;

Thence along said line South 44°32'00" West a distance of 601.59 feet to the "TRUE POINT OF BEGINNING" and containing 4.00 Acres of land more or less.

NOTE: Not a ground survey, Bearings and description based on Texas department of Transportation Right of way map Project no. 67-4-01-06 Account no. 6024-00-01

Reference: Survey prepared by Fermin Dorado on 5-2-06

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08 APR 14 PM 12:49

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
PROFESSIONAL
LAND SURVEYOR

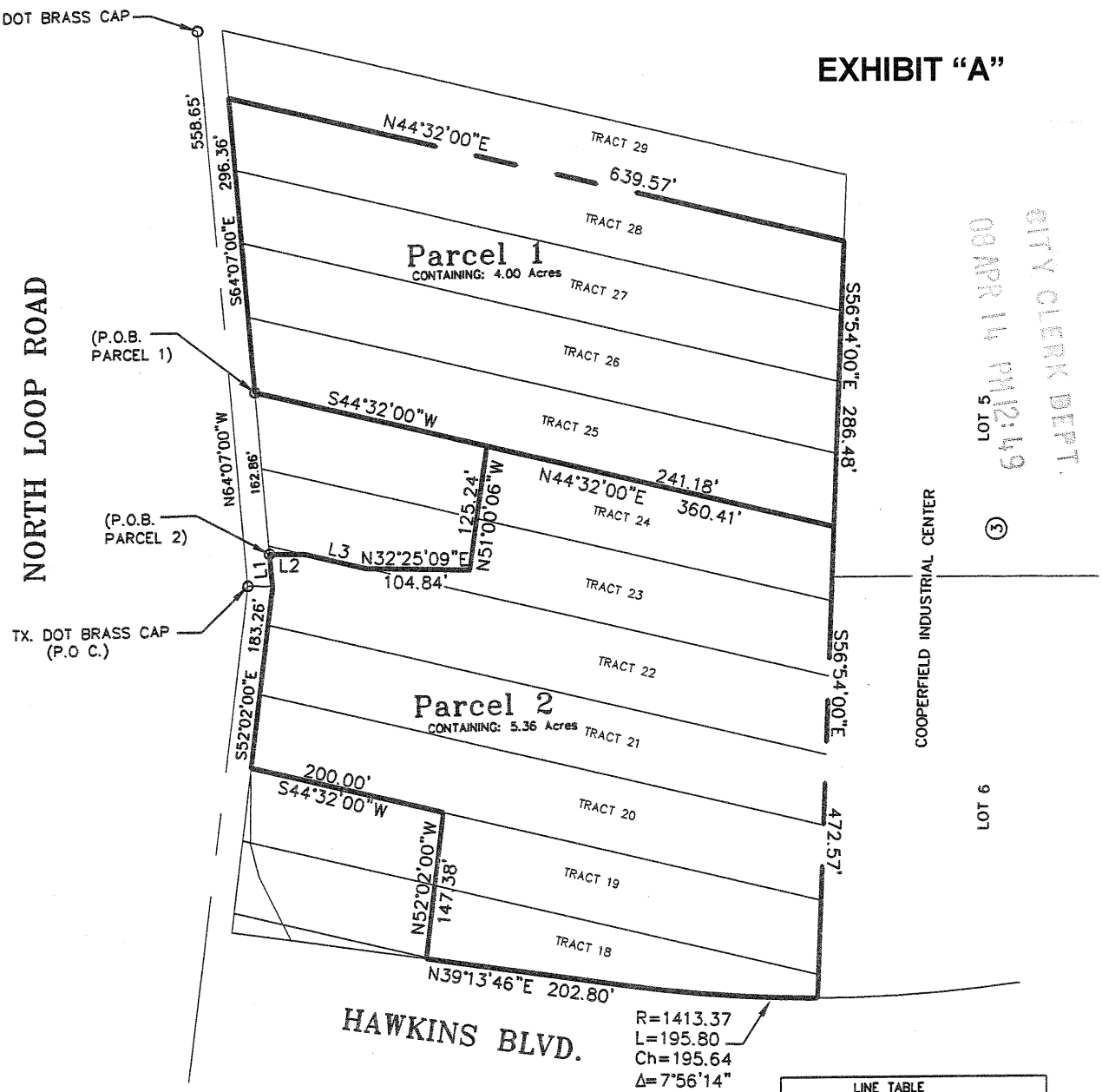
4-4-08

Ron R. Conde
R.P.L.S. No. 5152

job# 907-65

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

EXHIBIT "A"



LINE TABLE		
LINE	LENGTH	BEARING
L1	32.39	N64°07'00"W
L2	35.70	N32°07'00"E
L3	63.81	N44°33'26"E

NOTE: METES AND BOUNDS DESCRIPTIONS OF EVEN DATE ACCOMPANY THIS SKETCH.
NOT A GROUND SURVEY BEARINGS BASED ON TEXAS DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS PROJECT NO. 67-4-01-06 ACCOUNT NO. 6024-00-01.

CONDE INC.

SCALE: 1"=150'

JOB # 907-65 DATE: APRIL 4, 2008 OFFICE: F.R.

STATE OF TEXAS REGISTERED RONALD ROBERT CONDE 5152 PROFESSIONAL LAND SURVEYOR 4-7-08

BEING TRACT 25 THROUGH 28 AND PORTION OF TRACTS 18 THROUGH 24, PALMDALE ACRES
CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONDE ENGINEERING INC. CADD FILE: C:\SU\4\LDD HAWKINS
1790 LEE TREVINO SUITE 400
EL PASO, TEXAS 79936

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Being a portion of Tracts 18, Through 24,
Palmdale Acres,
City of El Paso, El Paso County, Texas
March 19, 2008
(Parcel 2)

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tracts 18 through 24, Palmdale Acres, City of El Paso El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a Texas Department of Transportation Brass Disk at the point of intersection of the monument line of North Loop Road in front of Tract 22, Palmdale Acres, from which a Texas Department of Transportation Brass Disk bears North 64°07'00' West a distance of 558.65'; Thence leaving said monument line North 31°55'30" East a distance of 25.14 feet to a point on the northerly right of way line of North Loop Road for the "TRUE POINT OF BEGINNING",

Thence continuing along the right of way line of North Loop Road, North 64°07'00" West a distance of 32.39 feet to a point;

Thence leaving said right of way line North 32°07'00" East a distance of 35.70 feet to a point;

Thence North 44°33'26" East a distance of 63.81 feet to a point;

Thence North 32°25'09" East a distance of 104.84 feet to a point;

Thence North 51°00'06" West a distance of 125.24 feet to a point on the line between Tracts 24 and 25, Palmdale Acres;

Thence along said line North 44°32'00" East a distance of 360.41 feet to a point;

Thence South 56°54'00" East a distance of 472.57 feet to a point on the westerly right of way line of Hawkins Blvd.;

Thence along said right of way line 195.80 feet along the arc of a curve to the right which has a radius of 1413.37 feet a central angle of 07°56'14" a chord which bears South 35°15'39" West a distance of 195.64 feet to a point;

Thence along said right of way line South 39°13'46" West a distance of 202.80 feet to a point;

Thence leaving said right of way line North 52°02'00" West a distance of 147.38 feet to a point;

Thence South 44°32'00" West a distance of 200.00 feet to a point on the northerly right of way line of North Loop Road;

Thence along said right of way line North 52°02'00" West a distance of 183.26 feet to the "TRUE POINT OF BEGINNING" and containing 5.36 Acres of land more or less.

NOTE: Not a ground survey, bearings and description based on Texas department of Transportation Right of way map Project no. 67-4-01-06 Account no. 6024-00-01

Reference: Survey prepared by Fermin Dorado on 5-2-06

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
PROFESSIONAL
LAND SURVEYOR

4-4-08

Ron R. Conde
R.P.L.S. No. 5152

job# 907-65

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08 APR 14 PM 12:49

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

PAT D. ADAUTO
DEPUTY CITY MANAGER
DEVELOPMENT AND INFRASTRUCTURE SERVICES

VACANT
DEPUTY DIRECTOR, PLANNING

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

DEVELOPMENT SERVICES
PLANNING DIVISION

MEMORANDUM

CITY CLERK DEPT
08 APR 14 PM 12:49

DATE: April 14, 2008

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

FROM: Arturo Rubio, Planner

SUBJECT: **ZON07-00124**

The City Plan Commission (CPC), on February 14, 2008, voted **5-0** to recommend **APPROVAL** of rezoning the subject property from R-F (Ranch and Farm) to M-1 (Light Manufacturing).

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.

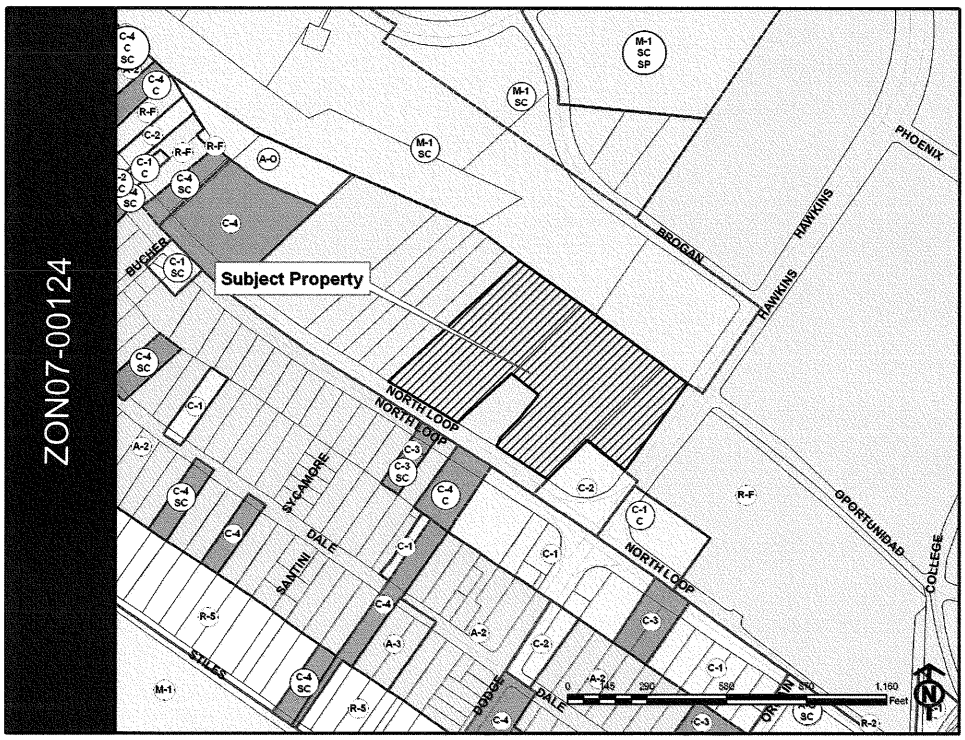
This item was postponed at the November 15, 2007 CPC hearing to allow the applicant and abutting property owner to discus access issues. The abutting property owner notified planning staff that the applicant had reached an agreement regarding access east of the abutting property owners' property. The abutting property owner dropped her opposition and the CPC and staff recommended approval of the request for rezoning. The applicant amended the application to reflect acceptance of an M-1 rezoning recommended by staff and the CPC.

There was no opposition to this request.

Attachment: Staff Report

ZON07-00124

Application Type:	Rezoning
Property Owner:	Farmers Select, LLC
Representative:	Conde, Inc.
Legal Description:	A portion of Tracts 18, 19, 20, 21, 22, 23, 24 and all of Tracts 25, 26, 27 and 28 Palmdale Acres, City of El Paso, El Paso County, Texas
Location:	North of North Loop Drive and West of Hawkins Boulevard
Representative District:	3 ***Area:*** 9.36 acres
Present Zoning:	R-F (Ranch and Farm) ***Present Use:*** Dairy
Proposed Zoning:	C-4 (Commercial)
Recognized Neighborhood Associations Contacted:	None
Public Response:	One letter in opposition
Surrounding Land Uses:	***North:*** M-1/sc Vacant, Cooper Field Industrial Center; ***South:*** C-3/sc, C-4/sc, A2, C-1, C-2, Restaurants, Vacant, Retail; ***East:*** C-1/c, Gas Station, Dairy ***West:*** R-F Dairy, Residential
Year 2025 Designation:	***Industrial*** (Mission Valley Planning Area)



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General Information:
The applicant is requesting a rezoning from R-F (Ranch and Farm) to C-4 (Commercial). Access is proposed via North Loop Drive and Hawkins Boulevard. There are no zoning conditions on this property.

Case History:
This case was heard by the CPC on November 15, 2007 and postponed in order for the applicant to coordinate with an abutting property owner on access. The applicant and property owner in opposition have not come to any final agreement on access issue as demonstrated in the attached letters.

Planning Department received opposition from one adjacent property owner in regard to the original request for C-4 and Planning Department recommendation to M-1. Property owner is opposed to the proposed truck terminal allowed in both C-4 and M-1 due to an access issue. On February 14, 2008 opposing property owner notified planning staff that an agreement been reached with the applicant on access issue. Opposing property owner dropped opposition to the request. Applicant has agreed to Planning recommendation of M-1 and has made revision to the application to reflect the change.

Staff Recommendation:
The Development Coordinating Committee (DCC) recommends **Denial** of this request from R-F (Ranch and Farm) to C-4 (Commercial) and recommends **Approval** to M-1 (Light Manufacturing).

The recommendation is based on the following:

- The **M-1 (Light Manufacturing) zoning** is more compatible with surrounding manufacturing uses.
- **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 Mission Valley Planning Area designates this property for **industrial** land use.
- **M-1 (Light Manufacturng) zoning** permits a truck terminal and is compatible with adjacent development.

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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 a truck terminal be compatible with adjacent 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: Truck terminal is permitted on rezoning request. Insufficient data provided to determine compliance with Title 20.08.203 B (1), development standards (perimeter treatment). Applicant will be required to construct a 6 foot high screening wall abutting residential districts.
Landscape Review: No comments received.

Development Services Department - Planning Division:
Current Planning: Recommends approval of rezoning from R-F (Ranch and Farm) to M-1 (Light Manufacturing). A landscape buffer and other conditions may be necessary to mitigate the impact on existing residential.
Land Development: No comments received.
Engineering Department - Traffic Division:
No apparent traffic concerns.

Fire Department:
No comments received.

El Paso Water Utilities:
EPWU does not object to this request.

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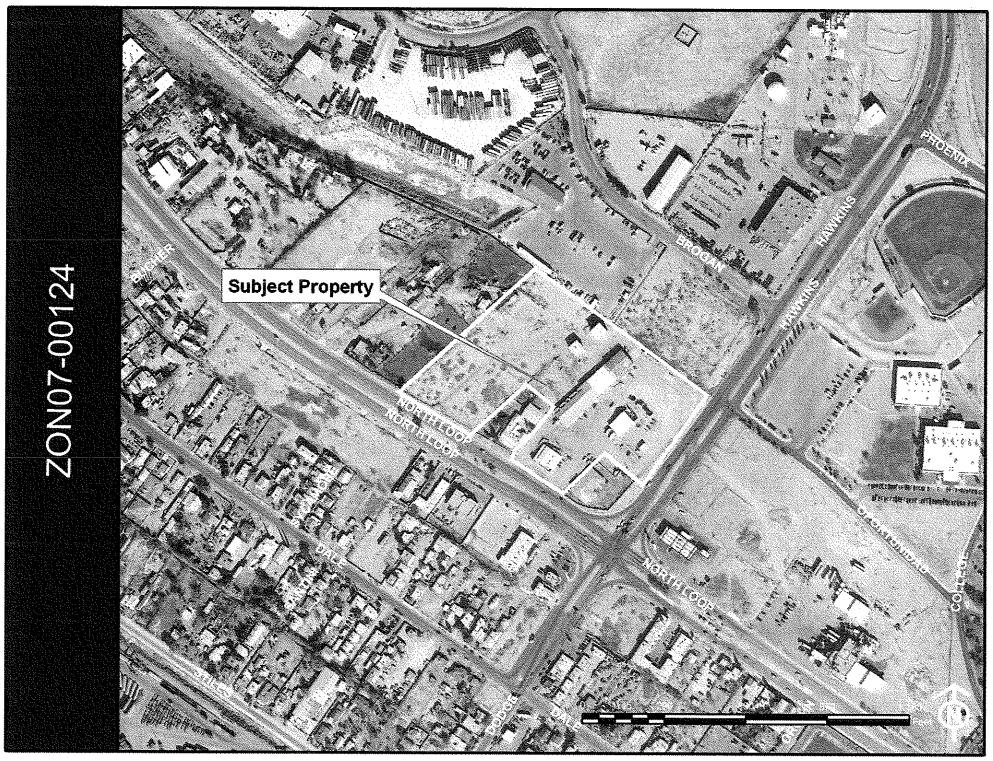
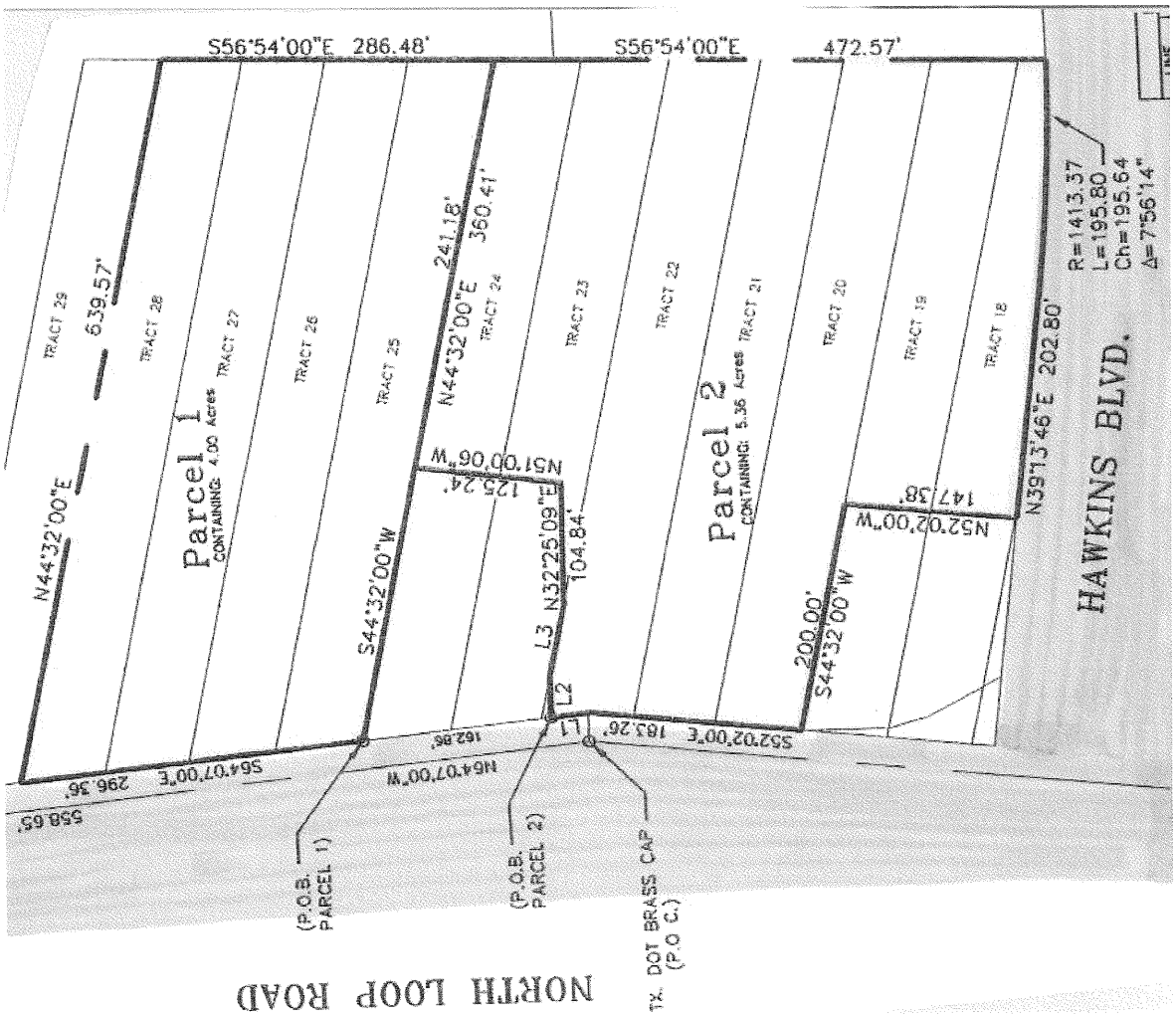


List of Attachments:
Attachment 1: Boundary Site Plan
Attachment 2: Opposition Letters
Attachment 3: Application

Attachment 1: Boundary Site Plan



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Attachment 2: Opposition Letter

Arturo Rubio, Planner
DSD – Planning Division
#2 Civic Center Plaza, 5th Floor
El Paso, TX 79901

Re: ZONO7-00124

Dear Mr. Rubio:

I have no objections on the request for the zoning change. However, I do have a concern as to how the establishment of a truck terminal will affect the property boundaries; the easements and the accessibility to our garage which faces the north side of my property. The entrance to the garage is only by a driveway on the east side of my property. As per your map, our property will be surrounded by the truck terminal and presently we share the same driveway entrance.

My question also is will I lose our rights to the "easement"?

Thank you.

CITY CLERK DEPT.
08 APR 14 PM 12:49

El Paso, TX 79915

November 5, 2007

Arturo Rubio, Planner
DSD – Planning Division
#2 Civic Center Plaza, 5th Floor
El Paso, TX 79901

Re: ZONO7-00124 **Retracting Previous Statement**

Dear Mr. Rubio:

I am hereby retracting the precious statement sent. I was not fully aware of the possible damage the truck terminal could cause on our property; this was brought to my attention by my husband. I do plan to attend the public hearing.

I tried calling you on the number listed on your letter dated November 1st, but had some difficulties in doing so.

Please call me to confirm receipt of this letter.

Thank you.

Sincerely,

Lillian Jacquez

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08 APR 14 PM 12:49

RECEIVED
NOV 13 2007
CITY OF EL PASO
DEVELOPMENT SERVICES
DEPARTMENT

November 12, 2007

John Cook, Mayor
City of El Paso
#2 Civic Center Plaza, 5th Floor
El Paso, TX 79915

Re: ZONO7-00124

Dear Mayor Cook:

Back in September 2004, we purchased a 5,500+ sq.ft. home at 7235 N. Loop from a family member of Farmers Dairy. We could not afford to do any cosmetic work on the outside of the home due to some expensive changes in the home. Farmers Dairy had their own electric plant and their plumbing was connected to one main line; these utilities were also used for their personal homes. We had to hire license contractors to make the necessary changes on these services. We have made quite some improvements inside the house as it was vacated for a long time and showed signs of it.

On Thursday, November 15th, the Farmers Diary family and/or their representatives will be asking City Council to approve a rezoning change for a truck terminal on their property. Notice was mailed to us early this month. The usual process to protest is to obtain support from the neighbors. Unfortunately, we do not have any neighbors; we are surrounded by Farmers' Dairy farm land and many acres of it. Across the six lanes traffic on N. Loop, we have a few businesses and more undeveloped tracts of land.

It sadden us that no one from Farmers Diary or Farmers Select, LLC called us, or asked to meet with us to advise us, or offer to purchase the property. We would have not hesitated for a fair market value of the property and the expense of relocating. We would not want to be on anyone's way on their business growth. Farmers does not have any obstacles on their business plan and they do have the financial resources we do not have; but they completely overlooked the health and safety issues along with possible property damage a truck terminal can cause with the constant noise, heavy trucks, and diesel pollution that will affect one family, us.

We hereby respectfully request that you and our City Council Representatives postpone your decision on the 15th and that you kindly request that Farmers make a good faith effort to assure me that all necessary precautions will be taken to protect my family and my property, or to purchase the property at a fair market price, and reimburse us for any and all necessary legal or professional expenses incurred by this transaction. It is my firm opinion that granting the rezoning to Farmers Select, LLC will decrease the value of our home and inhibit us from enjoying the comfort and safety of our home.

Respectfully,

Lillian Jacquez

CITY CLERK DEPT.
08 APR 14 PM 12:49

cc: Ann Morgan Lilly, District 1
Susannah M. Byrd, District 2
J. Alexandro Lozano, District 3
Melina Castro, District 4
Rachael Quintana, District 5
Eddie Holguin, Jr., District 6
Steve Ortega, District 7
Beto O'Rourke, District 8

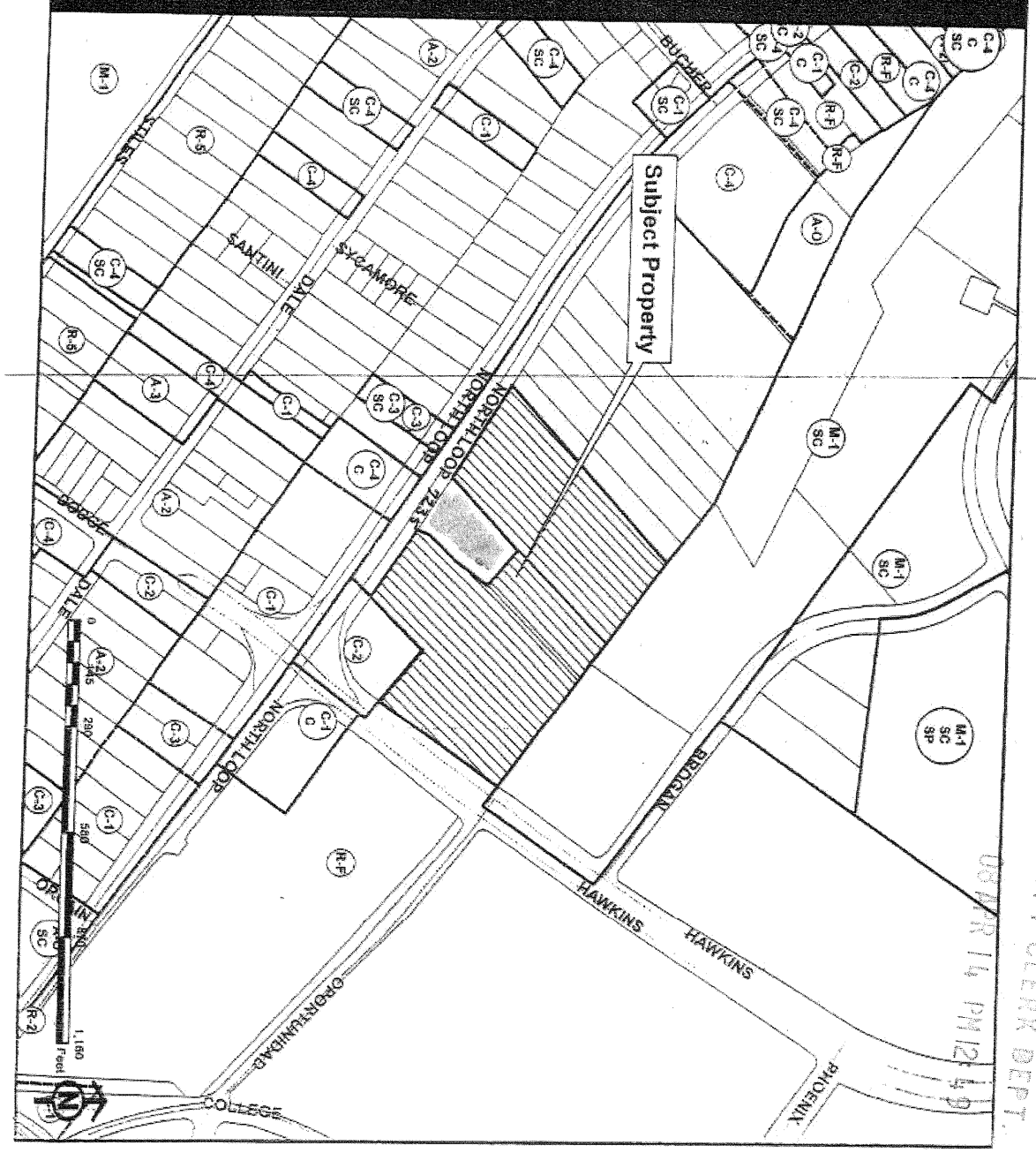
RECEIVED
NOV 13 2007

cc: Kelly Carpenter

Attachment 2: Opposition Letter Attachment

PUBLIC NOTICE: Sign Language Interpreters will be provided for this hearing upon request. Requests must be made to the Development Services Department, Planning Division, a minimum of 24 hours prior to the date and time of this hearing. Copies of this agenda will be provided in Braille, large print or audio tape upon request. Requests must be made a minimum of 48 hours prior to the date and time of this hearing at either of the following numbers 541-4056 or 4024.

ZON07-00124



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Southwest Commercial
Real Estate Group

From: Lillian Jacquez

Date: November 26, 2007

Subject: 7235 N.Loop

Though, I do appreciate Scott's suggestion that the trucks would not enter or exit on the driveway where I have access to the back garage, I am sure there are other issues that need to be agreed upon. It has been somewhat difficult for me to make any request for consideration on changes regarding the truck terminal plans since none exist.

We truly prefer to keep the home and not sell it as we have invested too much into it.

We would like to know how many feet from the wall of our home are going to be made available for us to drive to the back? It was stated during the hearing that a 10-foot wall would be erected around the home. According to my records, there is an easement between both properties. Also, how many feet from each side of the home, including the back, will the trucks be having access to drive by? The purpose for the information is to provide the same to an engineer and to obtain a professional opinion on structure damage.

Your courtesies during our meeting were very much appreciated.

Thank you.

cc: Mr. Rubio
City Planning

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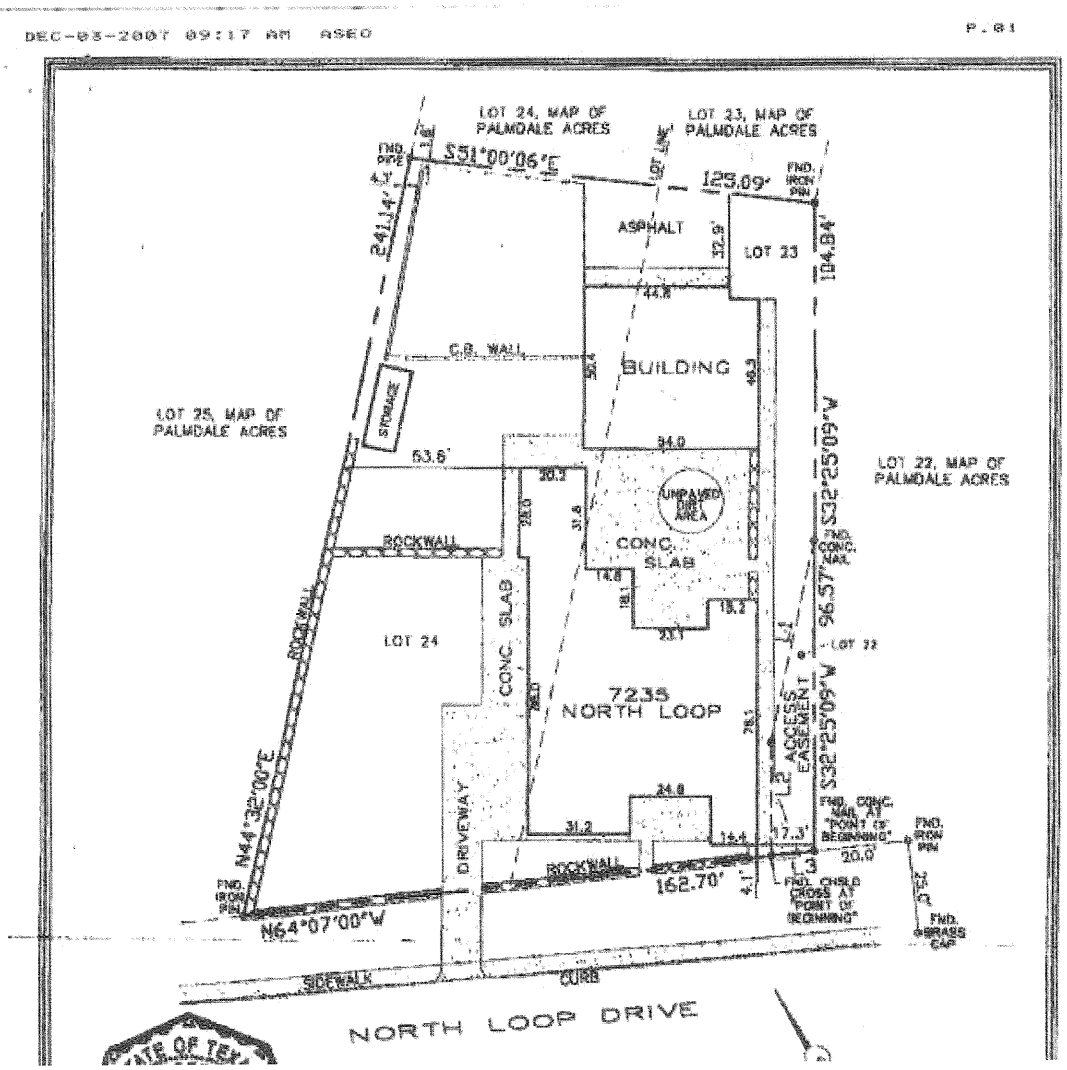
Attachment 2: Opposition Letter Attachment



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Attachment 3: Application

REZONIN APPLICATION
PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT
CITY OF EL PASO

1. CONTACT INFORMATION

PROPERTY OWNER(S): Farmers Select, LLC
ADDRESS: 7321 North Loop Road ZIP CODE: 79915 PHONE: 915-771-7273
APPLICANT(S): Farmers Select, LLC
ADDRESS: 7321 North Loop Road ZIP CODE: 79915 PHONE: 915-771-7273
REPRESENTATIVE(S): Conde, Inc.
ADDRESS: 1790 Lee Trevino, Suite 400 ZIP CODE: 79936 PHONE: 592-0283
E-MAIL ADDRESS: cconrad@elp.rr.com

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER P174-999-0010-3100
LEGAL DESCRIPTION: Being Tracts 25, 26, 27, and 28, Palmdale Acres, City of El Paso, El Paso County, Texas
STREET ADDRESS OR LOCATION: North Loop Road and Hawkins Blvd.
ACREAGE: 4.00 ac PRESENT ZONING: R-F PRESENT LAND USE: Dairy
PROPOSED ZONING ~~C-4~~ M-1 PROPOSED LAND USE: Truck Terminal
CC 3-5-08
ADDRESS: ZIP CODE: PHONE:
E-MAIL ADDRESS: cconrad@elp.rr.com

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER: P174-999-0010-1600 / P174-999-0010-2100
LEGAL DESCRIPTION: Being a portion of Tracts 18, Through 24, Palmadale Acres, City of El Paso
STREET ADDRESS OR LOCATION: North Loop Road and Hawkins Blvd El Paso County, TX
ACREAGE: 5.36 ac PRESENT ZONING: R-F PRESENT LAND USE: Dairy
PROPOSED ZONING ~~C-4~~ M-1 PROPOSED LAND USE: Truck Terminal
ADDRESS: CC 3-5-08 ZIP CODE: PHONE:
E-MAIL ADDRESS: cconrad@elp.rr.com

4. PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER:
LEGAL DESCRIPTION:
STREET ADDRESS OR LOCATION:
ACREAGE: PRESENT ZONING: PRESENT LAND USE:
PROPOSED ZONING PROPOSED LAND USE:
ADDRESS: ZIP CODE: PHONE:
E-MAIL ADDRESS:

5. ADDITIONAL INFORMATION

OWNER (S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):
Printed Name: Farmers Select, LLC Signature:
Printed Name: By: Ron Fields – Manager Signature: R. Fields G.M.
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 07- 00124 RECEIVED DATE: 9/26/07 APPLICATION FEE:$ 810.00
DCC REVIEW DATE: 10/17/07 (8:30 am, Planning Department Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 11/15/07 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: FUND -01101, DEPT ID -99010335, ACCOUNT -404126

Revised 6/2004

CITY CLERK DEPT.
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