

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: May 29, 2007
Public Hearing: June 19, 2007

CONTACT PERSON/PHONE: Esther Guerrero, 541-4720

DISTRICT(S) AFFECTED: 6

SUBJECT:

An ordinance changing the zoning of a portion of Lot 2, Block 46, Sun Ridge Unit 12, City of El Paso, El Paso County, Texas from A-O/sc (Apartment/Office/special contract) to C-3/sc (Commercial/special contract), and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Zaragoza Road, West of Sun Country Drive. Applicant: Michael and Elizabeth Noe. ZON07-00018 (District 6)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Denial Recommendation
City Plan Commission (CPC) – Approval Recommendation (5-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Kelly Carpenter

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 2, BLOCK 46, SUN RIDGE UNIT 12, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-O/SC (APARTMENT/OFFICE/SPECIAL CONTRACT) TO C-3/SC (COMMERCIAL/SPECIAL CONTRACT), 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 Lot 2, Block 46, Sun Ridge Unit 12, *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 **A-O/sc (Apartment/Office/special contract)** to **C-3/sc/c (Commercial/special contract/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 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:

"Restrict access from Sun Country Drive."

PASSED AND APPROVED this _____ day of _____, 2007.

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

Kimberly Forsyth, Senior Planner
Development Services Department

CITY CLERK DEPT.
07 MAY 21 PM 3:05

Being a portion of Lot 2, Block 46,
Sun Ridge Subdivision Unit 12,
City of El Paso, El Paso County, Texas

July 05, 2002

METES AND BOUNDS DESCRIPTION

Exhibit "A"

FIELD NOTE DESCRIPTION of a parcel of land being a portion of Lot 2, Block 46, Sun Ridge Subdivision Unit 12, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found iron rod for corner on the common boundary line of Lot 1 and Lot 2, Block 46, said iron rod lying on the northerly right-of-way line of Sun Country Drive (64' R.O.W.); **THENCE**, leaving said common boundary line and along the northerly right-of-way line of Sun Country Drive, South 42° 31' 00" West, a distance of 286.59 feet to a set iron rod for corner and the **POINT OF BEGINNING** of the herein described parcel;

THENCE, continuing along said northerly right-of-way line, South 42° 31' 00" West, a distance of 95.53 feet to a set iron rod for corner;

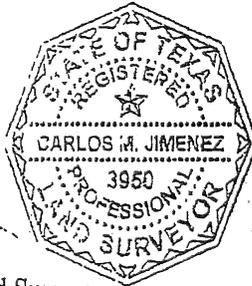
THENCE, leaving said right-of-way line, North 47° 29' 00" West, a distance of 456.00 feet to a set iron rod for corner;

THENCE, North 42° 31' 00" East, a distance of 95.53 feet to a set iron rod for corner;

THENCE, South 47° 29' 00" East, a distance of 456.00 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 43,561.68 square feet or 1.00 Acres of land more or less.



Carlos M. Jimenez
Registered Professional Land Surveyor
Texas No. 3950



CAD CONSULTING COMPANY.
1840 Lee Trevino Suite #106
El Paso, Texas 79936
(915) 633-6422
222002B.WPD

CITY CLERK DEPT.
07 MAY 21 PM 3:06



CITY COUNCIL

ANN MORGAN LILLY, DISTRICT 1
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STEVE ORTEGA, DISTRICT 7
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CITY MANAGER

R. ALAN SHUBERT
DIRECTOR, DEVELOPMENT SERVICES

KELLY CARPENTER, AICP
DEPUTY DIRECTOR, PLANNING

**DEVELOPMENT SERVICES
PLANNING DIVISION**

MEMORANDUM

CITY CLERK DEPT.
07 MAY 21 PM 3:05

DATE: May 21, 2007
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Esther Guerrero, Planner
SUBJECT: ZON07-00018

The City Plan Commission (CPC), on April 19, 2007, voted **5-0** to recommend **APPROVAL** of rezoning the subject property from A-O/sc (Apartment/Office/special contract) to C-3/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 effects of the rezoning will have no effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

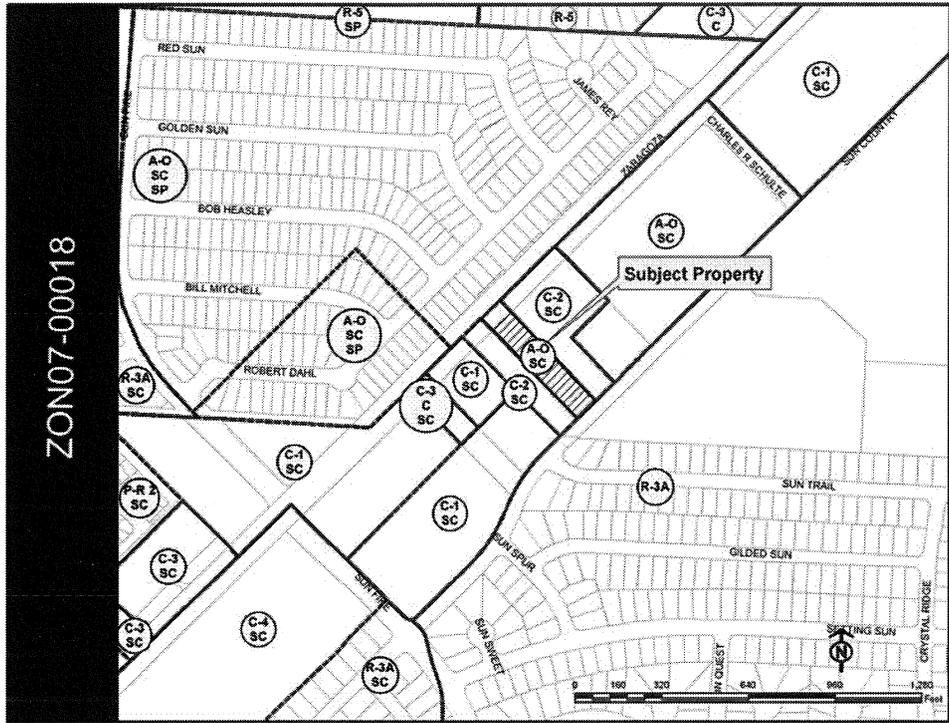
There was no opposition to this request.

Attachments: Staff Report



ZON07-00018

Application Type: Rezoning
Property Owner(s): Michael and Elizabeth Noe
Representative(s): same
Legal Description: A portion of Lot 2, Block 46, Sun Ridge Subdivision Unit 12, City of El Paso, El Paso County, Texas
Location: Zaragoza Road, West of Sun Country Drive
Representative District: 6
Area: 0.989 Acres
Present Zoning: A-O/sc (Apartment Office/special contract)
Present Use: Vacant
Proposed Zoning: C-3/sc (Commercial/special contract)
Recognized Neighborhood
Associations Contacted: East Side Civic Association
Public Response: None
Surrounding Land Uses: **North:** C-2/sc / Vacant; **South:** C-2 / Vacant; **East:** R-3A / Residential; **West:** A-O/sc/sp / Residential
Year 2025 Designation: **Parks and Open Space and Residential** (East Planning Area)



General Information

The request is for rezoning from A-O/sc (Apartment/Office/special contract) to C-3/sc (Commercial/special contract) in order to permit an automotive tire sale and service shop. The property is 0.2066 acres in size and is currently vacant. The site plan proposes an office with an automotive tire sale and service shop to include 26 parking spaces. Access is proposed via Zaragoza Road and Sun Country Drive. Zoning conditions currently imposed do not apply to this parcel of land.

Staff Recommendation

The Development Coordinating Committee (DCC) recommends **DENIAL** of this request for rezoning from A-O/sc (Apartment/Office/special contract) to C-3/sc (Commercial/special contract) and instead recommends approval C-2/sc (Commercial/special contract) zoning with a condition restricting access from Sun Country Drive.

The denial recommendation is based on incompatibility with abutting C-2 (Commercial) and existing single-family residential development to the east and west of this property.

The recommendation is based on the following:

- **The Plan for El Paso City-Wide Land Use Goals** recommends that El Paso “provide a pattern of commercial and office development which best serves community needs”.
- **The Year 2025 Projected General Land Use Map** for the **East** Planning Area designates this property for Residential and Parks and Open Space.
- **C-3 (Commercial) zoning** permits commercial development permits a tire sale and service shop but **is not compatible** with adjacent development.
- **C-2 (Commercial) zoning** allows retail and personal service uses with some commercial recreational uses, generally serving an area of several neighborhoods.

Findings

The Commission must determine the following:

- A. Will the C-3/sc (Commercial/special contract) zoning protect the best interest, health, safety and welfare of the public in general?
- B. Will a tire sale and service shop be compatible with adjacent land uses?
- C. What is the relation of the proposed change to the Comprehensive Plan?
- D. 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 Division

Office, store/warehouse and tire shop permitted on proposed C-3 Commercial District. Proposal meets minimum Lot Development and Yard Standards and complies with minimum parking requirements.

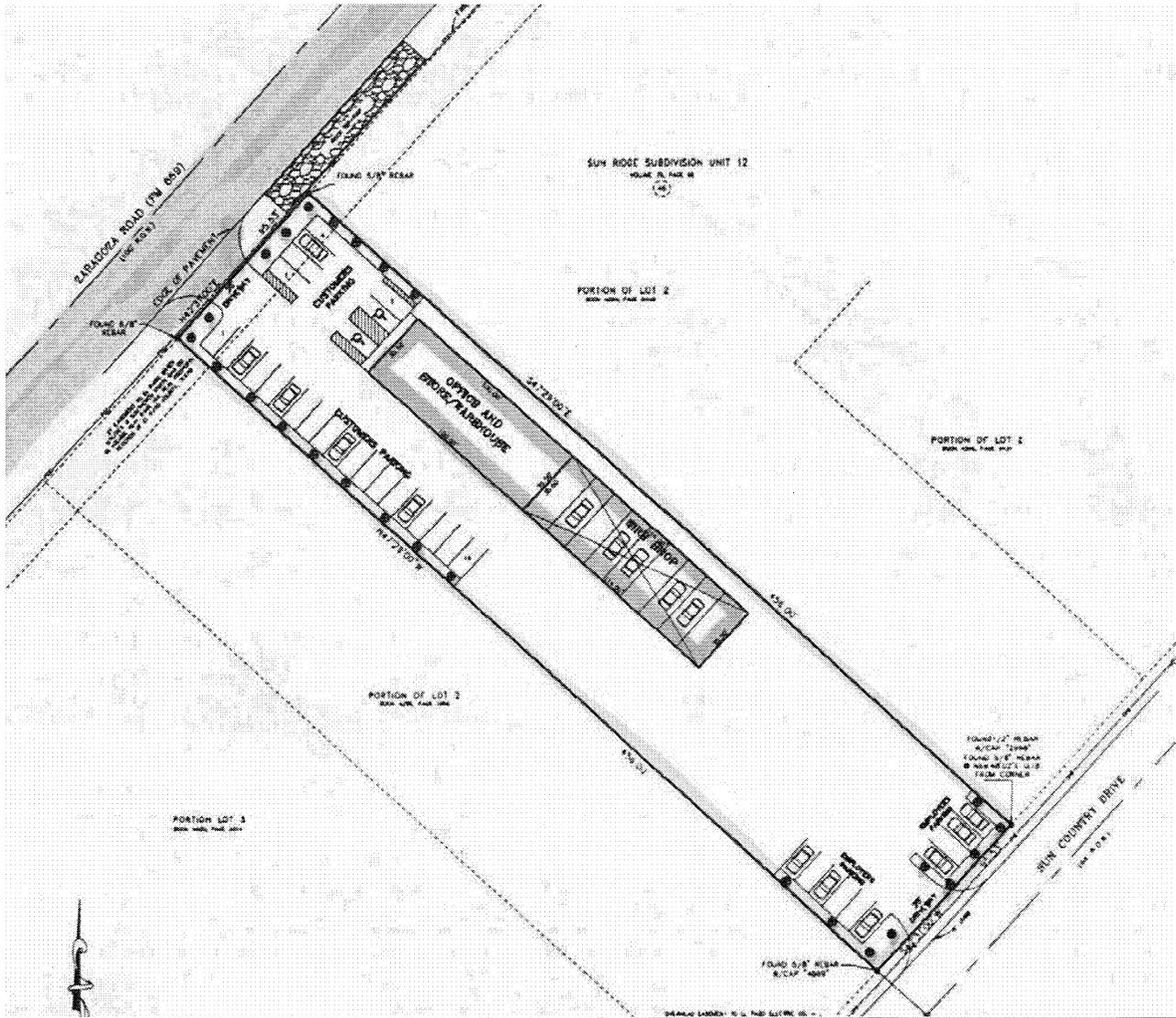
Development Services Department - Planning Division

C-3 (Commercial) zoning permits a tire sale and service shop but is **not** compatible with adjacent development.

Engineering Department - Traffic Division

Coordinate with Texas Department of Transportation (TxDOT). No traffic concerns.

Attachment 1: Site Plan



Attachment 2: Application



**REZONING APPLICATION
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

**City of El Paso, Texas
2 Civic Center Plaza
El Paso, TX 79901-1196
915-541-4024**

1. CONTACT INFORMATION

PROPERTY OWNER(S): Michael & Elizabeth Noe
 ADDRESS: _____ ZIP CODE: _____ PHONE: _____
 E-MAIL ADDRESS: _____ FAX: _____

REPRESENTATIVE(S): _____
 ADDRESS: _____ ZIP CODE: _____ PHONE: _____
 E-MAIL ADDRESS: _____ FAX: _____

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: 9812-999-0460-0240
 LEGAL DESCRIPTION: A parcel of land Lot 2, Block 46, SunRidge #12
 STREET ADDRESS OR LOCATION: PROP East of ZARAGOZA & West of Sun County REP DISTRICT: 10
 ACREAGE: .9897 PRESENT ZONING: A-0B PRESENT LAND USE: vacant land
 PROPOSED ZONING: C-216 PROPOSED LAND USE: Commercial

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: Michael R Noe Signature: _____
 Printed Name: Elizabeth Noe Signature: _____
 Printed Name: _____ Signature: _____

Note: Signatures are required for all owners of record for the property proposed for rezoning. Attach additional signatures on separate paper.

****OFFICE USE ONLY****

ZON 07-00018 RECEIVED DATE: 2/19/07 APPLICATION FEE: \$ 750.00
 DCC REVIEW DATE: 3/14/07 (8:30 am, Conference Room, 2nd Floor, City Hall Building)
 CPC REVIEW DATE: 4/5/07 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
 ACCEPTED BY: [Signature]