

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOTS 25 THROUGH 28, BLOCK 22, SECOND ADDITION TO WOMBLE ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE). 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 25 through 28, Block 22, Second Addition to Womble Addition, City of El Paso, El Paso County, Texas*, be changed from **R-5 (Residential)** to **A-O (Apartment/Office)**, 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: May 4, 2009
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Mirian Spencer, Planner
SUBJECT: **ZON08-00096**

The City Plan Commission (CPC) on April 23, 2009 voted **8-0** to recommend **APPROVAL** of the rezoning request from R-4 (Residential) to A-O (Apartment/Office) in agreement with the recommendation of staff and the Development Coordinating Committee (DCC).

The property owners are requesting to change the zoning on the subject property from R-5 (Residential) to A-O (Apartment/Office) to permit an office. The property is vacant and the applicants are proposing primary access from North Clark Drive. There are no conditions imposed on the property.

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 one letter of support and one letter in opposition to the request. The nature of the opposition was not outlined in the letter.

Attachment: Staff Report, Zoning Map, Aerial Map, Conceptual Site Plan, Support Letter, Opposition Letter

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

Development Services Department

Victor Q. Torres - Director

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



City of El Paso – City Plan Commission Staff Report

Case No: ZON08-00096
Application Type: Rezoning
CPC Hearing Date: April 23, 2009
Staff Planner: Mirian Spencer, (915) 541-4192, spencermd2@elpasotexas.gov

Location: 332 N. Clark Drive
Legal Description: Lots 25 through 28, Block 22, Second Addition to Womble Addition, City of El Paso, El Paso County, Texas
Acreage: 0.1377 acres
Rep District: 3
Existing Use: Vacant
Request: From R-5 (Residential) to A-O (Apartment/Office)
Proposed Use: Office

Property Owners: E.B. Silva Management L.L.C.
Representative: Jaime Reyes

SURROUNDING ZONING AND LAND USE

North: R-5 (Residential) / Single-family residential
South: M-1/sc (Light Manufacturing/special contract) / Warehouse and Distribution Center
East: R-5 (Residential) / Single-family residential
West: C-4 (Commercial) / Warehouse, Tractor-Trailer Storage Facility

THE PLAN FOR EL PASO DESIGNATION: Residential (Central Planning Area)
NEAREST PARK: San Juan Placita (1,920 Feet)
NEAREST SCHOOL: Hawkins Elementary School (1,890 Feet)

NEIGHBORHOOD ASSOCIATIONS:

The property is not located within the boundaries of any recognized neighborhood associations.

NEIGHBORHOOD INPUT

Notices of the public meeting were mailed to property owners within 300 feet of the subject property on December 23, 2008. Notices of the April 23, 2009 public meeting were mailed out to property owners within 300 feet of the subject property on April 8, 2009. The Planning Division has received one letter in support and one letter in opposition to the request.

CASE HISTORY

The item was previously scheduled for the January 8, 2009 meeting as a request to change the zoning from R-5 (Residential) to C-3 (Commercial) to permit an office and a small contractor yard. The item was postponed at the request of the applicant and deleted at the January 29, 2009 meeting. After consideration, the property owners have revised the rezoning request to A-O (Apartment/Office) and no longer wish to pursue the contractor yard.

APPLICATION DESCRIPTION

The property owners are requesting to change the zoning on the subject property from R-5 (Residential) to A-O (Apartment/Office) to permit an office. The property is vacant and the applicants are proposing primary access from North Clark Road. There are no conditions imposed on 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 A-O (Apartment/Office).

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of rezoning the property from R-5 (Residential) to A-O (Apartment/Office).

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 application is in conformance with the Plan for El Paso – City-wide Land Use Goals. The recommended A-O (Apartment/Office) zoning district is compatible with the 2025 General Land Use plan for the Central Planning area which designates the property and surrounding area for Residential development. The A-O (Apartment/Office) zoning district will permit a mixture of housing types, and permit medium densities of dwelling units as well as permit a transition from the single-family residential development to the north of the property to the C-4 (Commercial) and M-1 (Light Manufacturing) districts to the west and south of the development. The C-4 (Commercial) and M-1 (Light Manufacturing) districts and uses have existed for many years. The area is not in transition, and no applications for rezoning have been approved in the area since 1985.

Development Services Department - Building Permits and Inspections Division:

Offices are permitted on proposed A-O (Apartment/Office) District. Meets yard, off-street parking, and loading standards. The applicants shall need to provide a six-foot high masonry screening wall along the property lines abutting the residential districts.

Landscaping: This project will not meet the landscape ordinance 18.46 as submitted. No calculations provided.

Development Services Department - Planning Division:

Current Planning: Recommends **APPROVAL** of rezoning the property from R-5 (Residential) to A-O (Apartment/Office).

Engineering: Site location is **not** located within a Special Flood Hazard Area, Flood Zone **C**, Panel **480214 0040 B**, Effective Date: Oct. 15, 1982. 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.

Engineering Department - Traffic Division:

Traffic has no objections to proposed rezoning request.

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. Conceptual Site Plan
4. Support Letter
5. Opposition Letter

ATTACHMENT 1: LOCATION MAP



ATTACHMENT 2: AERIAL MAP



ZON08-0096

ATTACHMENT 4: SUPPORT LETTER

December 8, 2008

I, Hector Sambrano, am familiar with Vistacon Inc's zoning change application to change from R-5 to C-3 and do not have any objection to this change. I am also aware of their plans to build a construction office and small construction yard. I do not have any objection to these plans either.


740 9632

ATTACHMENT 5: OPPOSITION LETTER

ATTN:

**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

CASE # ZON08-00096

**ROSIE I. SAENZ
6126 TAMPA
EL PASO, TEXAS 79905**

“NO”