

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

CITY CLERK DEPT.  
08 JUN 16 AM 9:01

**DEPARTMENT:** Development Services Department

**AGENDA DATE:** Introduction: June 24, 2008  
Public Hearing: July 15, 2008

**CONTACT PERSON/PHONE:** Mirian Spencer, (915) 541-4192, spencermd2@elpasotexas.gov

**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

An Ordinance changing the zoning of Lots 17 to 20, Block 3, Mirafior Addition, City of El Paso, El Paso County, Texas from A-3 (Apartment) to A-O (Apartment/Office) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 503½ South Estrella Street Applicant: J&L Unique Homes, Inc. ZON08-00010 (District 8)

**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 (6-0)

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

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

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

**DEPARTMENT HEAD:** *Mirian Spencer for Victor Torres*

\*\*\*\*\*

**APPROVED FOR AGENDA:**

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

**DATE:** \_\_\_\_\_

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

AN ORDINANCE CHANGING THE ZONING OF LOTS 17 TO 20, BLOCK 3, MIRAFLOR ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM A-3 (APARTMENT) TO A-O (APARTMENT/OFFICE), AND IMPOSING CONDITIONS. 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 17 to 20, Block 3, Miraflor Addition, City of El Paso, El Paso County, Texas*, be changed from **A-3 (Apartment)** 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.

Further, that the property described above be subject to the following conditions which are 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:

1. *No vehicular access will be granted from the property onto Paisano Drive and Cypress Avenue.*
2. *A detailed site development plan shall be approved per the El Paso City code prior to the issuance of building permits.*

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 JUN 16 AM 9:01

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

*for* \_\_\_\_\_  
Patricia D. Adauto, Deputy City Manager  
Development & Infrastructure Services



**DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION**

**MEMORANDUM**

**DATE:** May 28, 2008  
**TO:** The Honorable Mayor and City Council  
Joyce Wilson, City Manager  
**FROM:** Mirian Spencer, Planner  
**SUBJECT:** ZON08-00010

The City Plan Commission (CPC), on May 22, 2008, voted (6-0) to recommend **Approval** of rezoning the subject property from A-3 (Apartment) to A-O (Apartment/Office) and imposing conditions, in agreement with the recommendation from staff. The City Plan Commission imposed the conditions that no vehicular access will be granted from the property adjacent to Cypress Avenue and Paisano Drive, and that a detailed site development plan be approved as per the El Paso City Code. The condition limiting vehicular access was imposed as a mechanism for addressing the traffic safety concerns at the intersection of Cypress Avenue, Paisano Drive, and Estrella Street. The detailed site development plan was imposed to ensure compliance with the prohibited vehicular access and to review any proposed vehicular access.

The applicants are requesting a rezoning from A-3 (Apartment) to A-O (Apartment/Office) in order to permit an office development. The property is 0.1857 acres in size and is vacant. There are no zoning conditions imposed on the property.

The CPC found that this rezoning is in conformance with The Plan for El Paso City-wide Land Use Goals. The 2025 Projected General Land Use Map for the **Central** planning area designates the property for **Residential** uses. The proposed A-O (Apartment/Office) zoning is in conformance with The 2025 Projected General Land Use Map because the proposed A-O (Apartment/Office) district permits residential uses as well as offices and light, mixed-use development. The CPC determined that although the proposed use is not in conformance with the Year 2025 Projected General Land Use Map, the proposed A-O (Apartment/Office) zoning district will serve as a buffer between the existing residential neighborhood and the existing commercial properties located along Paisano. The CPC also determined that this rezoning protects the best interest, health, safety, and welfare of the public in general; and that the proposed use is compatible with adjacent land uses.

There were **two letters in support** and **two letters, two in-person contacts, and one call in opposition** to the original request to change the zoning from A-3 (Apartment) to C-1 (Commercial); however, the applicants amended the application and have requested A-O (Apartment/Office) and the neighborhood association has expressed support for the revised request. There were **Four speakers in Support** of the request at the May 22, 2008 CPC meeting. There was **no opposition** to the revised request.

**Attachment:** Staff Report, Aerial Photo, Conceptual Site Plan, Support Letters, Opposition Letters, Application



**ZON08-00010**

**Application Type:** Rezoning

**Property Owner(s):** J&L Unique Homes, Inc.

**Representative(s):** J&L Unique Homes, Inc.

**Legal Description:** Lots 17 through 20, Block 3, Mirafior Addition, City of El Paso, El Paso County, Texas

**Location:** 503½ South Estrella Street

**Representative District:** 8

**Area:** 0.1857 acres

**Present Zoning:** A-3 (Apartment)

**Present Use:** Vacant

**Proposed Zoning:** A-O (Apartment/Office)

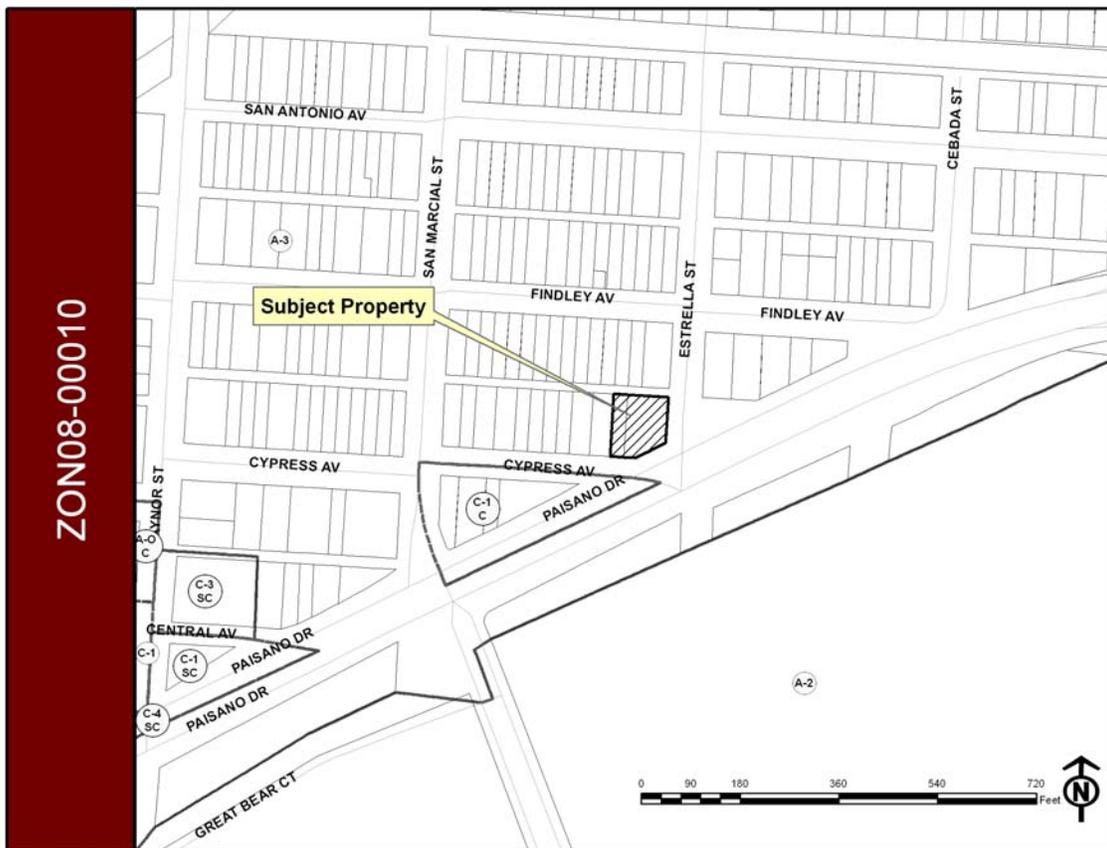
**Proposed Use:** Office Development

**Recognized Neighborhood Associations Contacted:** Chamizal Neighborhood Association; A Presidential Neighborhood Association

**Public Response:** Four Speakers, Two letters of support; one call, two in-person letters in opposition

**Surrounding Land Uses:** **North – A-3** / multifamily dwelling; **South – A-2** / Chamizal National Memorial Park; **East – A-3** /single-family residential; **West- A-3** / single-family residential

**Year 2025 Designation:** Residential (Central)



**General Information:**

The applicant is requesting a rezoning from A-3 (Apartment) to A-O (Apartment/Office) to permit office development. The property is 0.1857 acres in size and is vacant. Access is proposed via **Estrella Street**. There are no zoning conditions imposed on this property. The applicants originally requested C-1 (Commercial) zoning. After unfavorable recommendations from staff and opposition from the surrounding Chamizal Neighborhood Association, the applicants amended the request to A-O (Apartment/Office).

**Staff Recommendation:**

The Development Coordinating Committee (DCC) recommends **Approval** of the request for rezoning from A-3 (Apartment) to A-O (Apartment/Office) with the following conditions:

- No vehicular access will be granted from the property on to Paisano Drive or Cypress Avenue.
- A detailed site development plan shall be approved per the El Paso City Code prior to the issuance of building permits.

The recommendation is based on the following:

The property is located within an established residential area. The proposed A-O (Apartment/Office) zoning district will serve as a buffer between the existing residential neighborhood and the commercial properties along Paisano Drive. The property is designated for residential uses in the 2025 projected general land use map, and the A-O (Apartment/Office) zoning district permits residential uses, as well as office and light mixed-use development. The Engineering – Traffic Division and TxDOT have concerns that the increased traffic from the non-residential uses would adversely affect the safety at the intersection of Cypress Avenue, Estrella Street, and Paisano Drive and have restricted access from the property to Cypress Avenue and Paisano Drive. The detailed site development plan is to ensure compliance with the prohibited vehicular access, and to review the proposed access points.

**The Plan for El Paso City-Wide Land Use Goals** recommend that El Paso:

- “Provide a pattern of commercial and office development which best serves the community needs and which complement and serve all other land uses.”
- “Protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.”
- “Preserve, protect, and enhance the integrity, economic vitality, economic vitality, and livability of the city’s neighborhoods.”

**The Year 2025 Projected General Land Use Map** for the Central Planning Area designates this property for **Residential** land uses.

**A-O (Apartment/Office) zoning** permits neighborhood commercial and is **compatible** with adjacent residential and commercial development.

**Findings:**

The Commission must determine the following:

1. Will the A-O (Apartment/Office) zoning protect the best interest, health, safety, and welfare of the public in general?
2. Will office development 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: Insufficient data to determine compliance with proposed A-O (Apartment/Office) District permitted uses, yard, off-street parking, loading, and development standards. Shall be required to provide a masonry screening wall along property lines abutting apartment districts when the property is developed for non-residential uses.

Landscape Review: No comments received

**Development Services Department - Planning Division:**

Current Planning: Recommends **Approval** of the request to change the zoning from A-3 (Apartment) to A-O (Apartment/Office) with the following conditions:

- No vehicular access will be granted from the property on to Paisano Drive and Cypress Avenue.
- A detailed site development plan approved per the El Paso City Code.

The Year 2025 Projected General Land Use Map for the **Central** Planning Area designates this property for **Residential** land uses. A-O (Apartment/Office) zoning permits office development and **is** compatible with adjacent development.

Land Development:

1. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.\*
  2. Grading plan and permit shall/may be required.\*
  3. Storm Water Pollution Prevention plan and/or permit shall/may be required.\*
  4. Drainage plans must be approved by the City Engineer.\*
  5. Coordination with TXDOT.\*
  6. Site location is **not** located within a Special Flood Hazard Area, Flood Zone **C**, Panel **480214 0040 B**.
- \* This requirement will be applied at the time of development.

**Engineering Department - Traffic Division:**

No objections to the proposed rezoning request. Traffic must review and approve proposed ingress and egress to the site. No vehicular access will be granted on to Paisano Drive and Cypress Avenue from the property. Alleys must be paved to city standards if used for vehicular access.

**TxDOT**

No driveways or curb cuts will be permitted adjacent to Paisano Drive.

**Fire Department:**

No comments received.

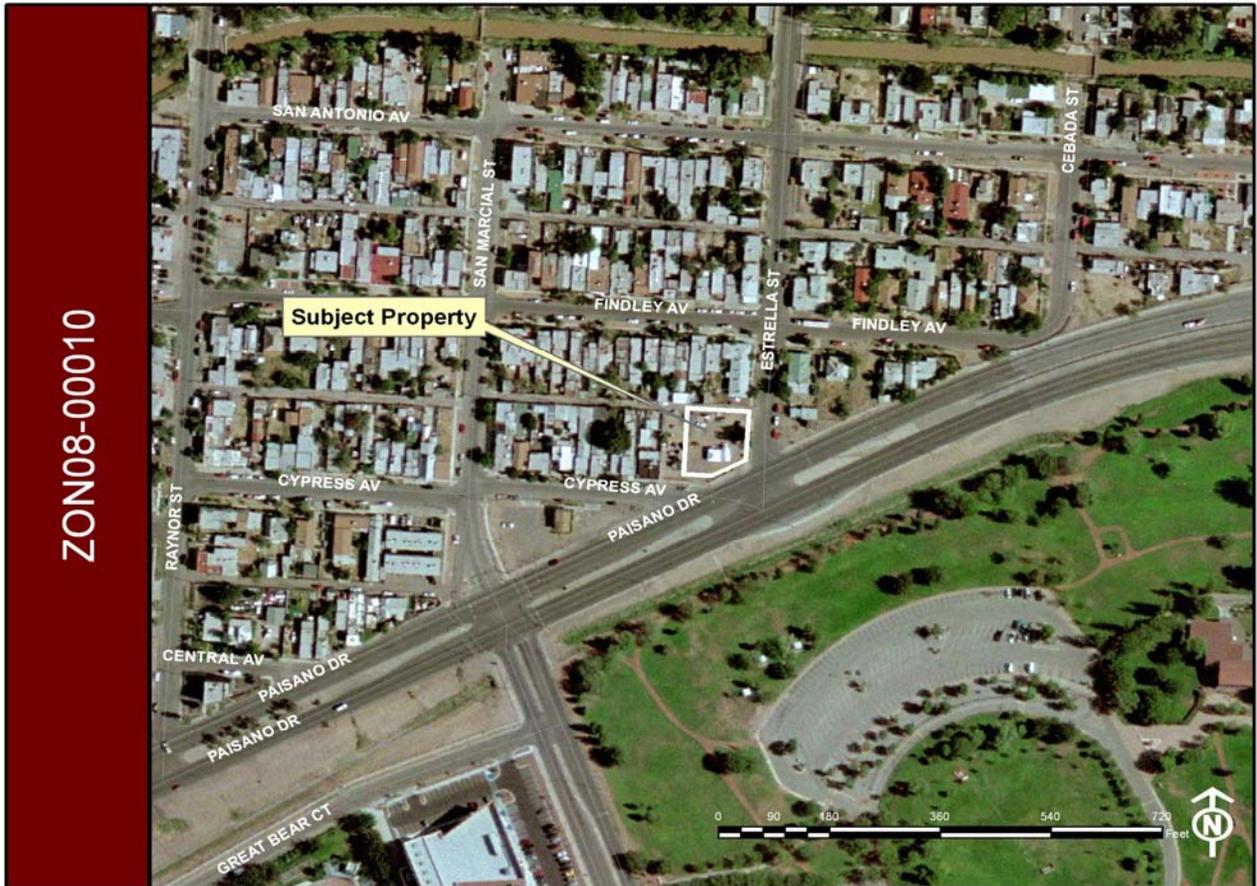
**El Paso Water Utilities:**

EPWU does not object to this request.

**Attachments:**

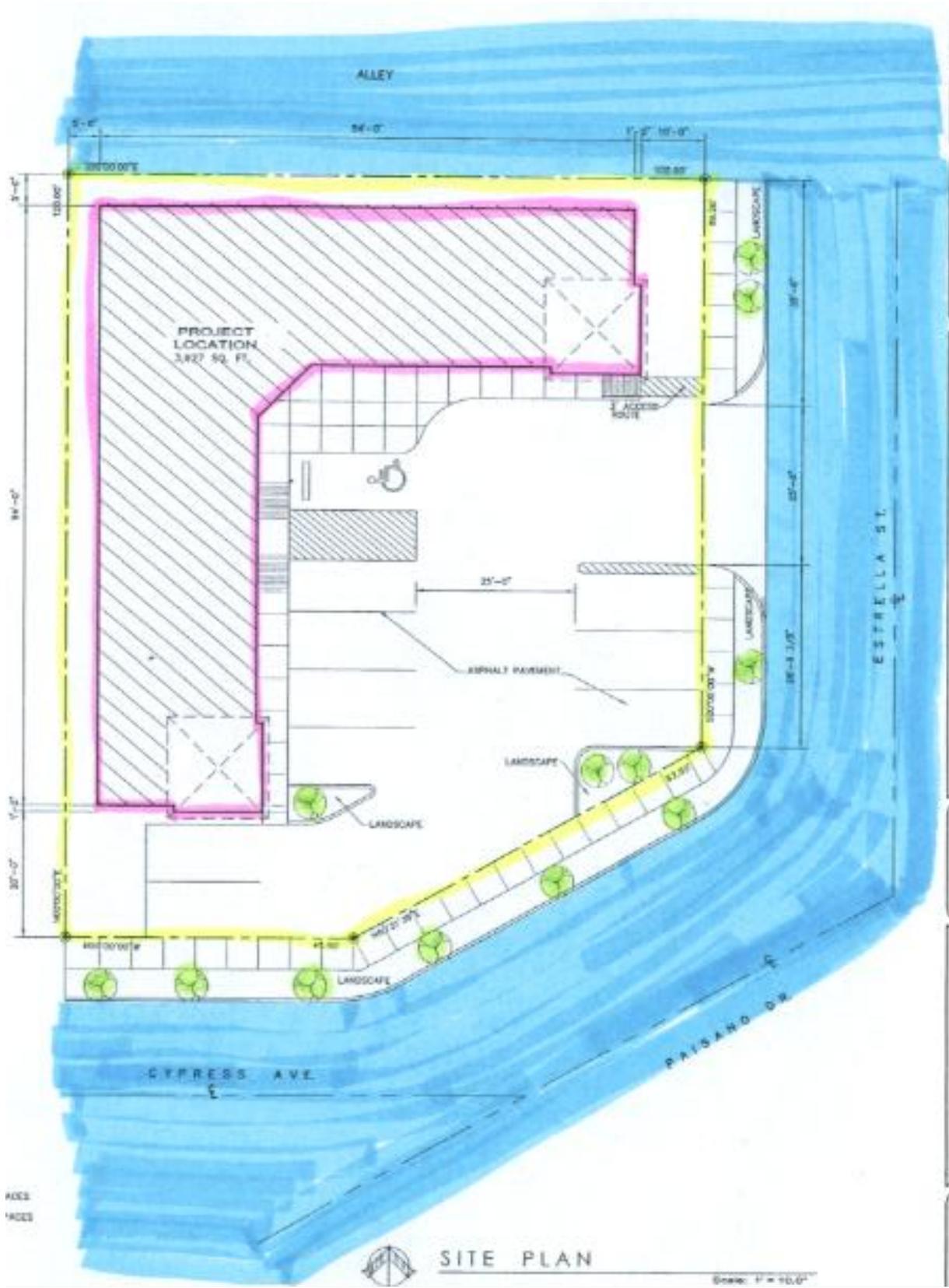
- Attachment 1: Aerial
- Attachment 2: Conceptual Site Plan
- Attachment 3: Support Letters
- Attachment 4: Opposition Letters
- Attachment 5: Application

ATTACHMENT 1: AERIAL



ZON08-00010

ATTACHMENT 2: CONCEPTUAL SITE PLAN



ATTACHMENT 3: SUPPORT LETTERS

Edward J. Solis  
3001 Central  
El Paso, Texas 79905-4102

Friday, March 28, 2008

**RE: ZON08-00010**

City of El Paso  
City Plan Commission & Staff  
@ Planning Division 5th Floor City Hall  
2 Civic Center Plaza  
El Paso, Texas 79901-1196

The City Plan Commission, for The City of El Paso Texas

Dear Sirs,

I wish to express in the strongest, most empathic language support for the above referenced requested zoning change, from A-3 to C-1. I live a mere two city blocks away from this site and have done so for more than 50 years.

I have no connection or association whatsoever with the applicant and in fact learned of this request only yesterday and met the applicant for the first time yesterday.

Some years ago I was misled by an occupant of this property into believing that it was a commercial property, that tenant operated a fleet of ice cream trucks from that location. That individual operated there for some years and to the apparent detriment of no one.

This property is situated along a very heavily used traffic corridor - Paisano. As such this property is not conducive to pleasant, peaceful or safe residential or apartment use. The proposed commercial use by its very nature would be limited in total daily hours of use as opposed to residential, apartment dwellers.

Further, this is an area that is poorly served by businesses, we are lacking the services and goods more readily available to residents in other areas of the city.

I viewed the plan the applicant hopes to bring to reality at this location and think it is wonderful, I urge you to approve it.

Most sincerely,



Edward J. Solis

Belen O. Solis  
3007 Central  
El Paso, Texas 79905-4102

April 2, 2008

**RE: ZON08-00010**

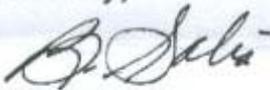
City of El Paso  
City Plan Commission & Staff  
@ Planning Division 5th Floor City Hall  
2 Civic Center Plaza  
El Paso, Texas 79901-1196

The City Plan Commission, for The City of El Paso Texas

Dear Sirs,

I support the above requested zoning change from A-3 to C-1. As I long time resident of the area and being as familiar as I am with this site, a commercial use would be very appropriate.

Sincerely,



Belen O. Solis

ATTACHMENT 4: OPPOSITION LETTERS

To: City Plan Commission

From: Chamizal Neighbors Association

Topic: Zoning 08-00010

We were here to oppose the rezoning from A-3, Apartment to C1, Commercial. It was an inconvenience to attend the scheduled meeting today, March 27 since many of us had other commitments and changed our commitments to attend the scheduled meeting. Some of us missed work, doctor's appointments, or made other arrangements to attend the scheduled meeting. Others left when the postponement was announced. There are many concerns which include safety and traffic congestion. Revitalizing this area to keep a historical aspect has been important to our neighborhood. No benefit has been presented to our community as a result of the proposed change for rezoning.

Sincerely,

*Kattha A. Maldonado, President*

*Leri Colago VICEPRESIDENT*

*Chelice D Riva 3017 Lindley St -*

*Carolina Dence 3012 Lindley St -*

*Jesúsita Fonseca 3111 Cypress av. 79905*

*Margarita E. Padua 3008 Kiowa Ave 79905*

*Lourdes Velazquez 3101 Cypress*

*Michelle Crawford 3117 Cypress*

*Richard Daly Jr. 405 N. Estrella*

March 27, 2008

To: City Planning Committee

From: Elsa Velazquez

Re: ZON 08-00010

In regards to allowing a commercial zone to exist in this residential Chamizal area, I am in support of the Chamizal Neighbors Association to oppose the rezoning. I side with the Chamizal Neighbors Association to oppose the rezoning because of ~~already present~~ problems with traffic, congestion, safety, truck damage, no immediate or known benefit to our community and <sup>rezoning</sup> is counterproductive to our efforts to revitalize the Chamizal area as a historical landmark.

I grew up in the area, have family there and a living estate. Though I do not live there, I have valid reasons for being interested in the area.

Elsa Velazquez Elsa Velázquez

ATTACHMENT 5: APPLICATION

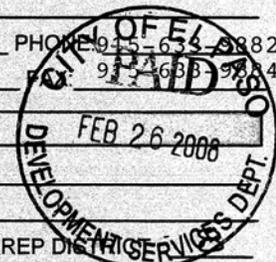


**REZONING APPLICATION  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION**

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

**1. CONTACT INFORMATION**

PROPERTY OWNER(S): J&L Unique Homes, Inc.  
ADDRESS: 11395 James Watt A-14 El Paso ZIP CODE: 79936 PHONE: 915-633-9882  
APPLICANT(S): J&L Unique Homes, Inc.  
ADDRESS: 11395 James Watt A-14 El Paso ZIP CODE: 79936 PHONE: 915-633-9882  
REPRESENTATIVE(S): Joe Lozano  
ADDRESS: 11395 James Watt A-14 El Paso ZIP CODE: 79936 PHONE: 915-633-9882  
E-MAIL ADDRESS: \_\_\_\_\_



**2. PARCEL ONE INFORMATION**

PROPERTY IDENTIFICATION NUMBER: M488-999-0030-4600  
LEGAL DESCRIPTION: 3 Miraflor N PT of 17 to 19 (see attached)  
STREET ADDRESS OR LOCATION: 503 1/2 Estrella REP DISTRICT: \_\_\_\_\_  
ACREAGE: 0.1857 PRESENT ZONING: A-3 PRESENT LAND USE: Empty land  
PROPOSED ZONING: AO 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: Joe Lozano 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 08-00010 RECEIVED DATE: 02/26/08 APPLICATION FEE: \$ 750.00  
DCC REVIEW DATE: 2/27/08 (8:30 am, Conference Room, 2nd Floor, City Hall Building)  
CPC REVIEW DATE: 03/27/08 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)  
ACCEPTED BY: [Signature]

Revised 4/2007