

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: July 8, 2008
Public Hearing: July 29, 2008

CONTACT PERSON/PHONE: Arturo Rubio, 541-4633

DISTRICT(S) AFFECTED: 3

SUBJECT:

An Ordinance changing the zoning of a portion of Tract 4A-31A, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas, from C-OP (Commercial Office Park) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of The El Paso City Code. Subject Property: 8929 Viscount Boulevard. Applicants: Harmon Four Star, LLC., ZON08-00029 (District 3).

BACKGROUND / DISCUSSION:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Unanimous Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (6-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: *Ar* Victor Q. Torres
Director, Development Services

[Handwritten Signature]

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

CITY CLERK DEPT.
08 JUL 30 PM 12:04

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 4A-31A, BLOCK 2, ASCARATE GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-OP (COMMERCIAL OFFICE PARK) TO C-1 (COMMERCIAL). 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 Tract 4A-31A, Block 2, Ascarate Grant, 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 C-OP (Commercial Office Park) to C-1 (Commercial), 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

ATTEST:

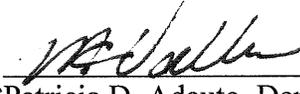
John F. Cook
Mayor

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

for 

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

CITY CLERK DEPT.
08 JUL 30 PM 12:04

ORDINANCE NO. _____

ZON08-00029

EXHIBIT "A"

BARRAGAN & ASSOCIATES

Land Planning & Land Surveying

10950 Pellicano Dr. Building "F", El Paso, Texas 79936

Ph. (915) 591-5709
Fax (915) 591-5706

DESCRIPTION

Description of a parcel of land being the same as described in Deed of Trust recorded in Document No. 20070097003, Deed Records of El Paso County, Texas, and being a portion of Tract 4A-31A, Block 2, Ascarate Grant, City of El Paso, El Paso, County, Texas, and being more particularly described as follows:

Commencing for reference at an existing city monument located at the intersection of Gazelle Drive (60' wide right-of-way), and Golden Key Circle (60' wide right-of-way); Thence, S 19°35'08" W, along the centerline of Golden Key Circle, a distance of 50.00 feet to a point; THENCE, S 70°24'52" E, a distance of 30.00 feet to a found 1/2" iron rod with SLI plastic cap stamped "TX 2998" on the easterly right-of-way line of Golden Key Circle, said iron also being the Point of Beginning of this Description;

THENCE, 31.42 feet along an arc of a curve to the right, having a radius of 20.00 feet, a central angle of 90°00'00", and a chord which bears N 64°35'08" E, a distance of 28.28 feet to a "x" mark for corner on the southerly right-of-way line of Gazelle Drive;

THENCE, S 70°24'52" E, along said right-of-way line, a distance of 267.98 feet to a found "x" mark for corner;

THENCE, 27.64 feet, continuing said right-of-way line, and along an arc of a curve to the left, having a radius of 80.00 feet, a central angle of 19°47'51", and a chord which bears S 80°18'48" E, a distance of 27.51 feet to a found "x" mark for corner;

THENCE, S 19°39'01" W, a distance of 244.73 feet to a found "x" mark for corner on the northerly right-of-way line of Viscount Boulevard (120' wide right-of-way);

THENCE, N 70°24'52" W, along said right-of-way line, a distance of 314.80 feet to a found "x" mark for corner on the easterly right-of-way line of Golden Key Circle;

THENCE, N 19°35'08" E, along said right-of-way line, a distance of 220.00 feet to the POINT OF BEGINNING of this description, containing 1.734 acres of land more less.

NOTES:

- 1. A Plat of Survey of even date accompanies this Description
2. Bearings recited herein are based on the filed plat for Golden Key Plaza.
3. This property may be subject to easements whether of record or not.

Handwritten signature of Benito Barragan
Benito Barragan, TX R.P.L.S. 5615
Viscount golden key





JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

VICTOR Q. TORRES
DIRECTOR, DEVELOPMENT SERVICES

MATHEW S. McELROY
DEPUTY DIRECTOR, PLANNING

CITY COUNCIL

ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, 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

DATE: June 30, 2008
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Arturo Rubio, Planner
SUBJECT: ZON08-00029

The City Plan Commission (CPC), on June 19, 2008, voted **6-0** to recommend **APPROVAL** of rezoning the subject property from C-OP (Commercial Office Park) to C-1 (Commercial).

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.

Attachment: Staff Report

There was no opposition to the rezoning request.



ZON07-00029

Application Type: Rezoning

Property Owner: Harmon Four Star LLC

Representatives: Michael C. Harmon

Legal Description: A portion of Tract 4A-31A, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas

Location: 8929 Viscount Boulevard

Representative District: 3 **Area:** 1.734

Present Zoning: C-OP (Commercial Office Park) **Present Use:** Offices

Proposed Use: Retail/Office

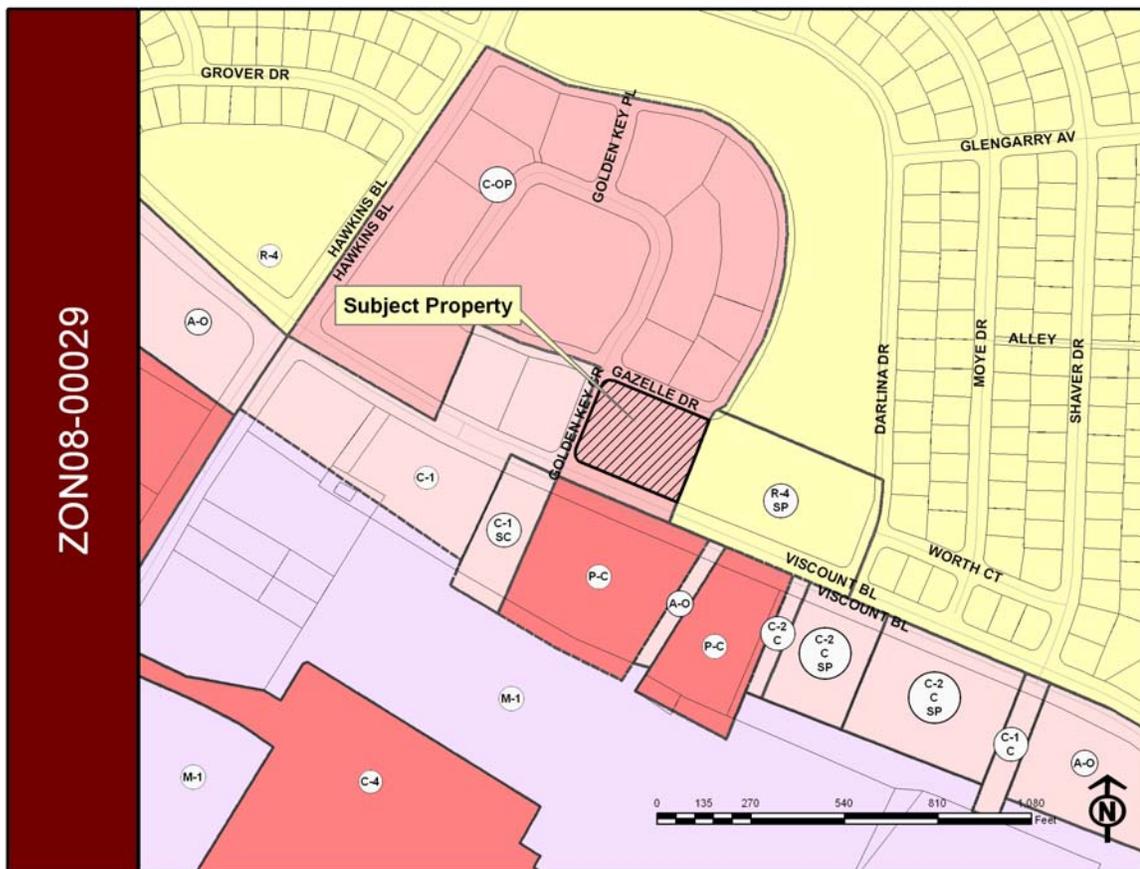
Proposed Zoning: C-1 (Commercial)

Recognized Neighborhood Associations Contacted: East Side Civic Association, Cielo Vista Neighborhood Association

Public Response: None

Surrounding Land Uses: **North:** C-OP, bank, office, R-4 single-family; **South:** C-1, retail, restaurants; **East:** R-4/sp, park; **West:** C-1 bank, retail, office

Year 2025 Designation: **Mixed Use/Open Space and Park** (East Planning Area)



General Information:

The applicant is requesting a rezoning from C-OP (Commercial Office Park) to C-1 (Commercial) in order to permit retail. Access is via Viscount Boulevard, Golden Key Circle and Gazelle Drive. There are no zoning conditions on this property. There is an existing vacant building on the site.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **Approval** of this request for rezoning from C-OP (Commercial Office Park) to C-1 (Commercial).

The recommendation is based on the following:

- **The Plan for El Paso** City-Wide Land Use Goals recommends 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 East Planning Area designates this property for **Mixed Use /Open Space and Park** land uses.
- **C-1 (Commercial)** permits commercial development and is **compatible** with adjacent commercial zoned districts.

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 commercial 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: No objection to the proposed rezoning request. Shall need to identify future use, if not office, to determine compliance with off-street parking and loading standards.

Landscape Review: No comments received.

Development Services Department - Planning Division:

Current Planning: Recommends **Approval** of rezoning request from C-OP (Commercial Office Park) to C-1 (Commercial). Request is compatible to comprehensive plan and surrounding land uses.

Land Development: No Comments Received

Engineering Department - Traffic Division:

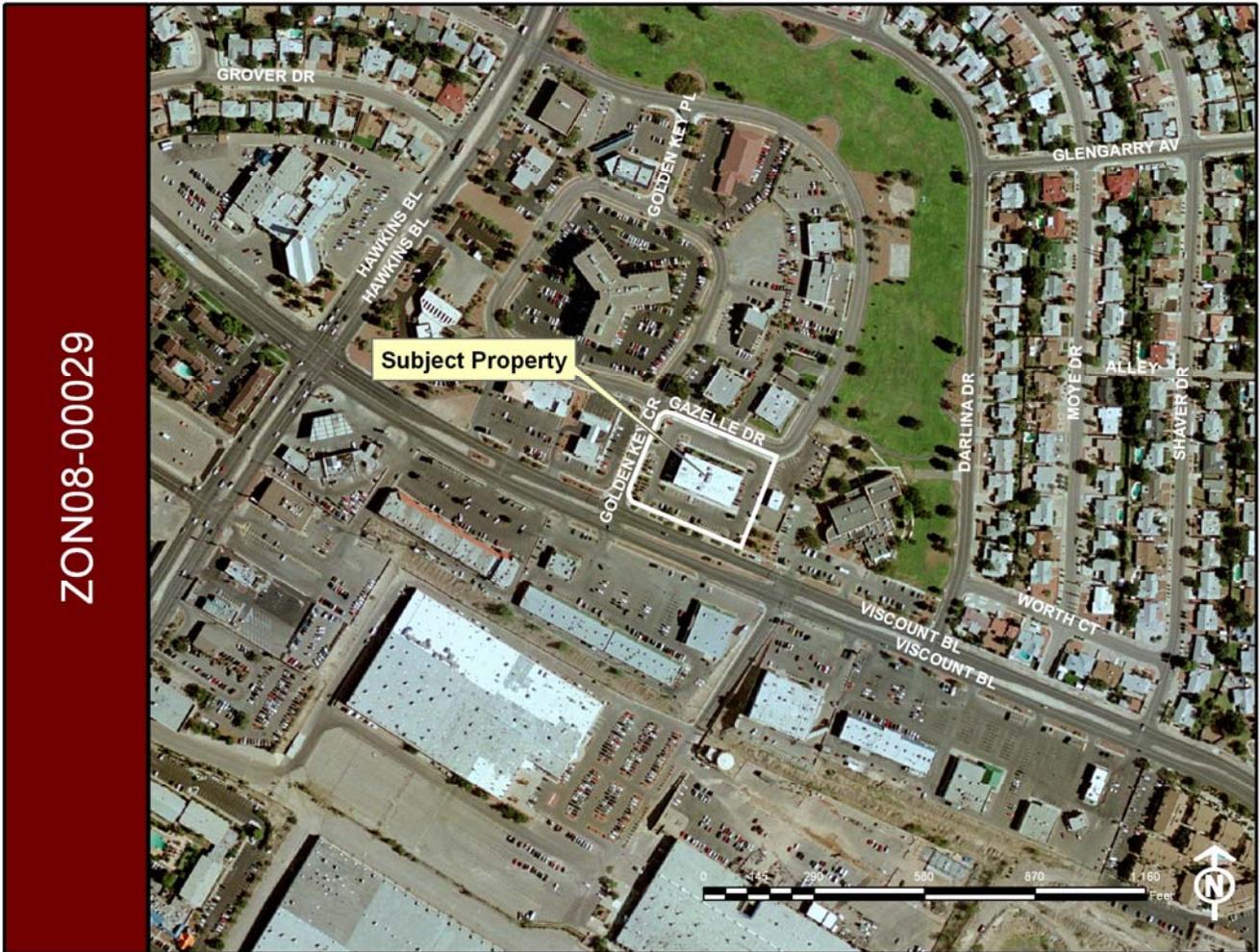
No objection to proposed zoning change.

Fire Department

No comments received.

El Paso Water Utilities:

EPWU does not object to this request.

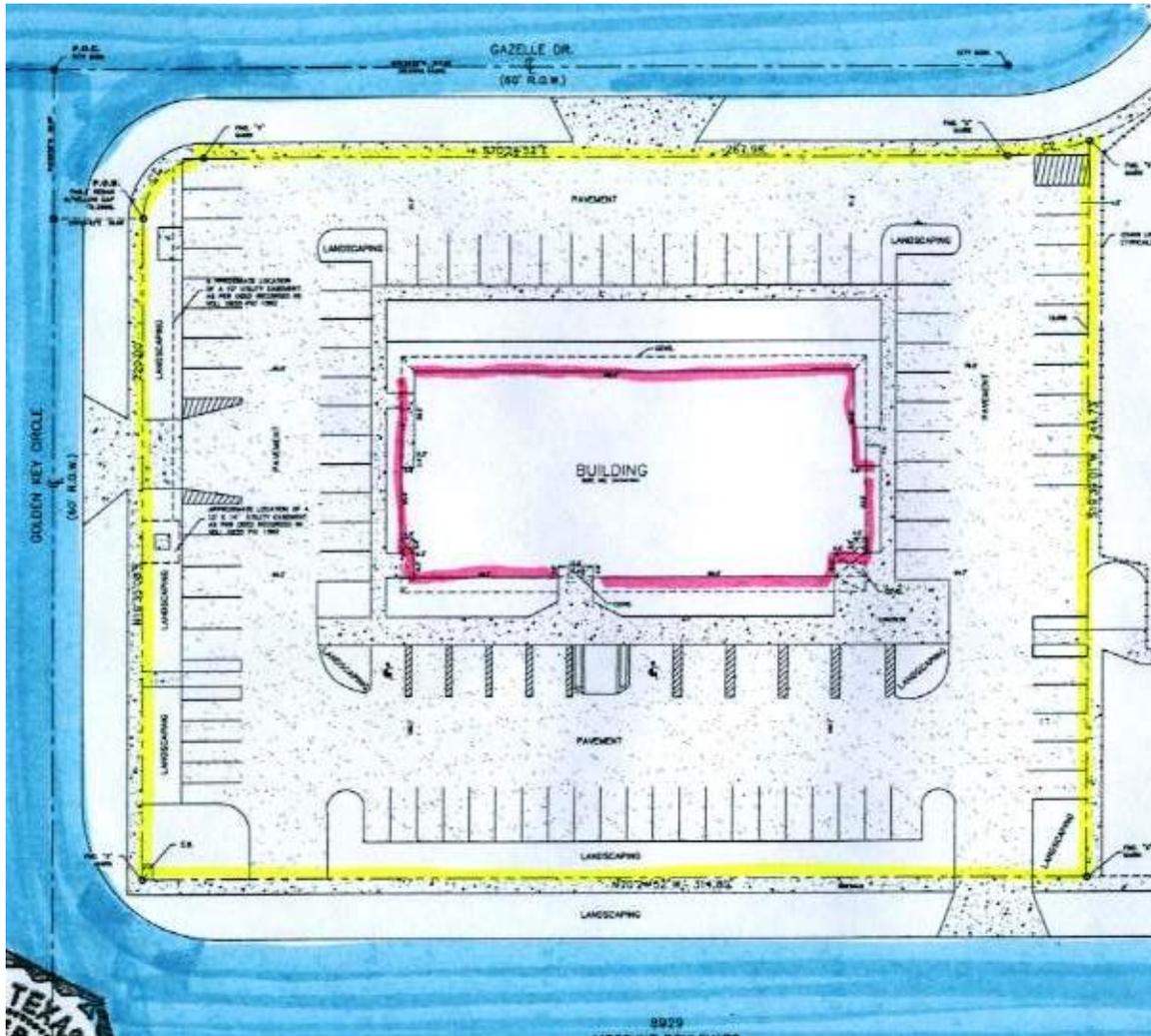


Attachments:

Attachment 1: Site Survey

Attachment 2: Application

Attachment 1: Site Survey



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): HARMON FOUR STAR, LLC
ADDRESS: 6328 CALLE PINO WAY ZIP CODE: 79912 PHONE: 731-7460
E-MAIL ADDRESS: _____ FAX: 581-2679

REPRESENTATIVE(S): MICHAEL C. HARMON (MANAGER/OWNER)
ADDRESS: 6328 CALLE PINO WAY ZIP CODE: 79912 PHONE: 731-7460
E-MAIL ADDRESS: MHHOME1020@AOL.COM FAX: 581-2679

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: PID# A765999002D0472
LEGAL DESCRIPTION: TRACT 4-A-31-A BLOCK 2 ASCARATE GRANT
STREET ADDRESS OR LOCATION: 8929 VISCOUNT BLVD REP DISTRICT: 3
ACREAGE: 1.74 PRESENT ZONING: COP PRESENT LAND USE: OFFICE BUILDING
PROPOSED ZONING: C-1 PROPOSED LAND USE: RETAIL SALES FIRST FLOOR
OFFICE SECOND FLOOR

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: HARMON FOUR STAR, LLC Signature: Michael C. Harmon
Printed Name: _____ Signature: MANAGER
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.

APR - 8 2008

****OFFICE USE ONLY****
ZON 08-00029 RECEIVED DATE: 04/08/08 APPLICATION FEE: \$ 810.00
DCC REVIEW DATE: 05/07/08 (8:30 am, Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 06/05/08 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: Melissa Kellum

Revised 9/2006

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