

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

DEPARTMENT: Development Services Department

AGENDA DATE: Introduction: June 17, 2008
Public Hearing: July 8, 2008

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

DISTRICT(S) AFFECTED: 2

SUBJECT:

An Ordinance changing the zoning on Lot 5, Block 11, Beaumont Addition, City of El Paso, El Paso County, Texas, from R-4 (Residential) to C-1 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 5400 Saint Charles Street Applicant: Luis H. De La Cruz ZON08-00024 (District 2)

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: *M. Walker for Victor Torres*

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

CITY OF EL PASO
08 JUN -9 PM 1:46

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOT 5, BLOCK 11, BEAUMONT ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-4 (RESIDENTIAL) TO C-1 (COMMERCIAL), AND IMPOSING A CONDITION. 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 *Lot 5, Block 11, Beaumont Addition, City of El Paso, El Paso County, Texas*, be changed from **R-4 (Residential)** 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.

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:

- 1. *No vehicular access will be granted from the property onto Fred Wilson Avenue.*

PASSED AND APPROVED this _____ day of _____, 2008.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

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

CITY CLERK DEPT.
08 APR -9 PM 1:16



**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: ZON08-00024

The City Plan Commission (CPC), on May 22, 2008, voted (6-0) to recommend **Approval** of rezoning the subject property from R-4 (Residential) to C-1 (Commercial) imposing a condition, concurring with Staff's recommendation. The City Plan Commission imposed the condition restricting vehicular access on to Fred Wilson Drive. The condition was imposed because there is a median cut on Fred Wilson Drive at the intersection of Saint Charles Street.

The applicant is requesting the change of zoning from R-4 (Residential) to C-1 (Commercial) in order to permit a retail development. The property is 0.179 acres in size and is a single-family residence. There are no zoning conditions imposed on the property.

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; and that the proposed use is compatible with adjacent land uses.

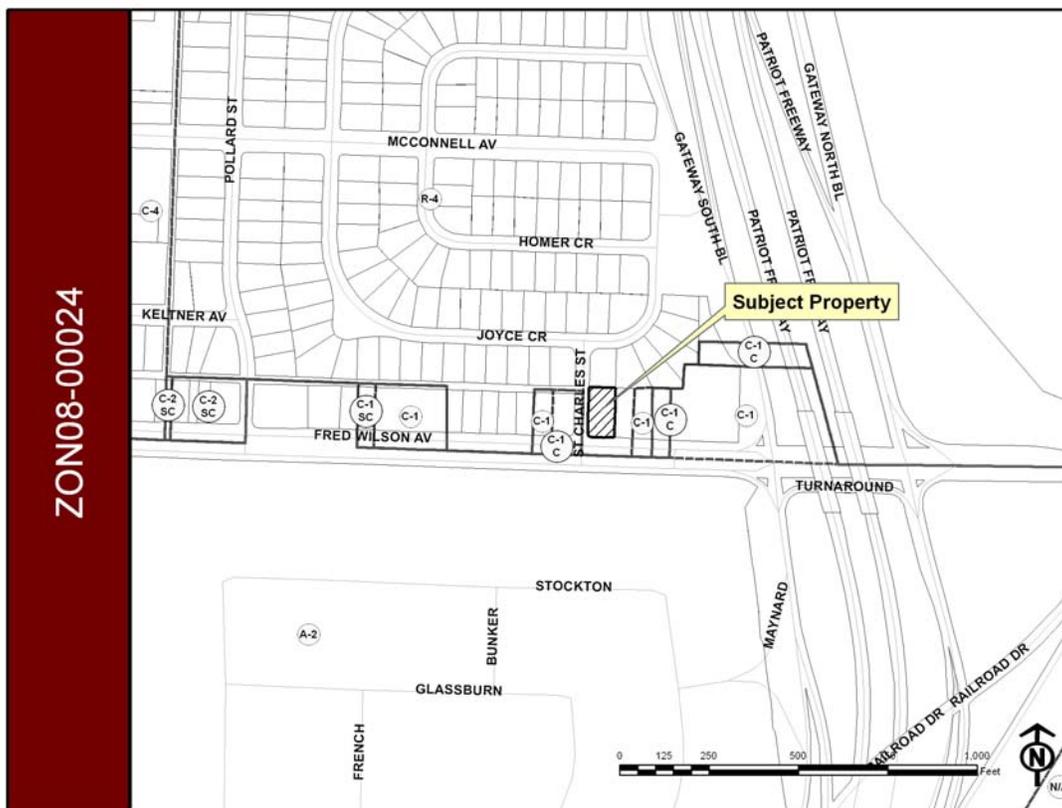
There was **NO OPPOSITION** to this request.

Attachment: Staff Report, Conceptual Site Plan, Application



ZON08-00024

Application Type: Rezoning
Property Owner(s): Luis H. De La Cruz
Representative(s): same
Legal Description: Lot 5, Block 11, Beaumont Addition, City of El Paso, El Paso County, Texas
Location: 5400 Saint Charles Street
Representative District: 2
Area: 0.1789 acres
Present Zoning: R-4 (Residential)
Present Use: Single-family Residence
Proposed Zoning: C-1 (Commercial)
Proposed Use: Commercial Development
Recognized Neighborhood Associations Contacted: N/A
Public Response: None
Surrounding Land Uses: **North – R-4 (Residential)** / Single-family residential; **South – A-2 (Apartment)** / Military Housing; **East – R-4 (Residential) and C-1 (Commercial)** / Single-family residential and Commercial; **West- C-1/c (Commercial/conditions)** / Commercial
Year 2025 Designation: Mixed-Use (**Central**)



General Information:

The applicant is requesting a rezoning from R-4 (Residential) to C-1 (Commercial) in order to permit commercial development. The property is 0.179 acres in size and is a single-family residence. Access is proposed via **Saint Charles Street** with **Seven** parking spaces to be provided. There are no zoning conditions imposed on this property.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **APPROVAL** of the request for rezoning from R-4 (Residential) to C-1 (Commercial) with the condition that there be no vehicular access onto Fred Wilson Avenue.

The recommendation is based on the following:

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 **Central** Planning Area designates this property for **Mixed-use** land uses.

C-1 (Commercial) zoning permits commercial development and **is compatible** with adjacent development.

Findings:

The Commission must determine the following:

1. Will the C-1 (Commercial) 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. A six-foot masonry screening wall will be required along the property lines abutting the R-4 (Residential) zoning district.

Landscape Review: No comments received

Development Services Department - Planning Division:

Current Planning: Recommends approval of the request to change the zoning from R-4 (Residential) to C-1 (Commercial). The Year 2025 Projected General Land Use Map for the **Central** Planning Area designates this property for **Mixed-use** land uses. C-1 (Commercial) zoning permits commercial development and is compatible with adjacent development.

Subdivision Review: No comments received

Engineering Department - Traffic Division:

No objections to the proposed rezoning request.

Fire Department:

No comments received.

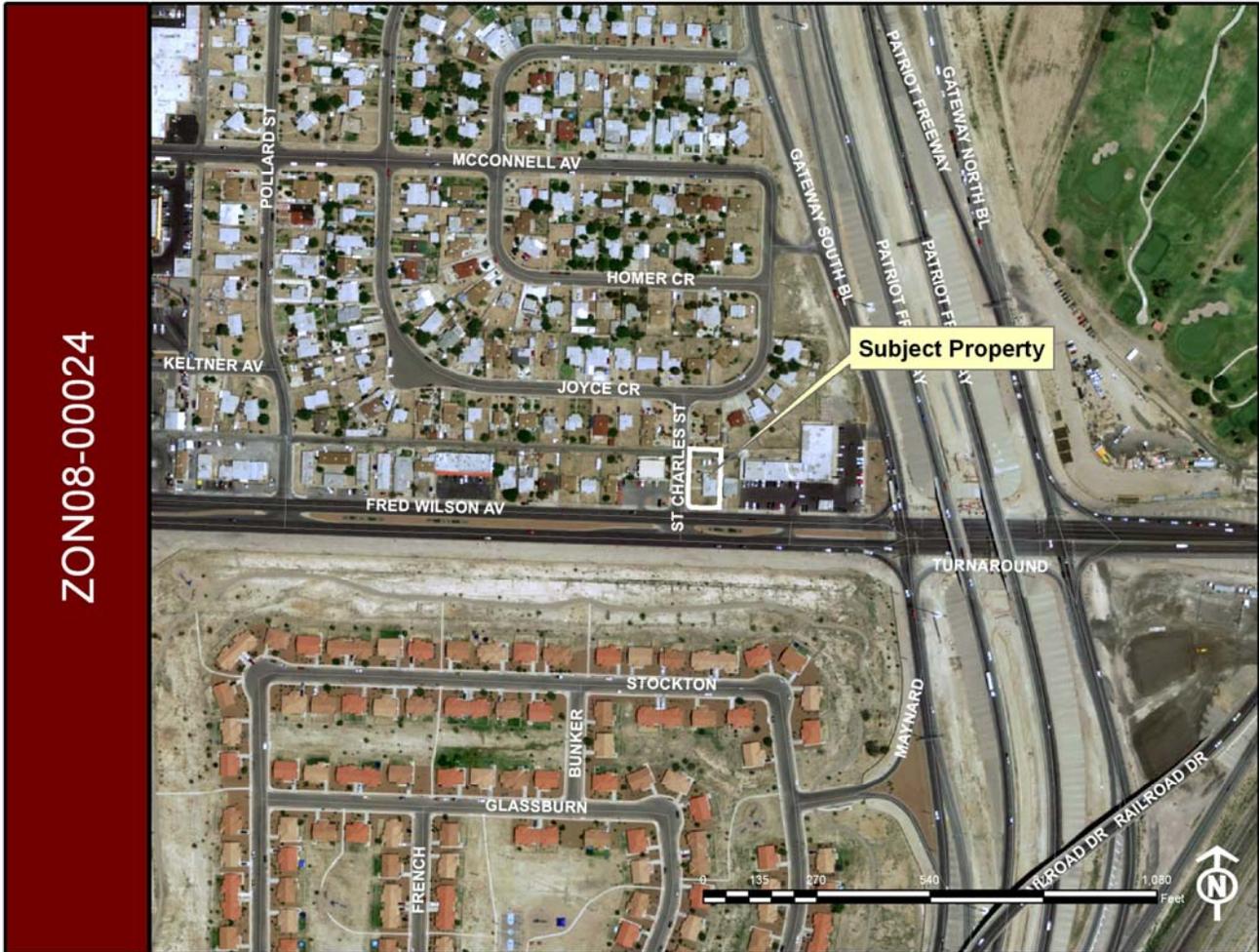
El Paso Water Utilities:

EPWU does not object to this request.

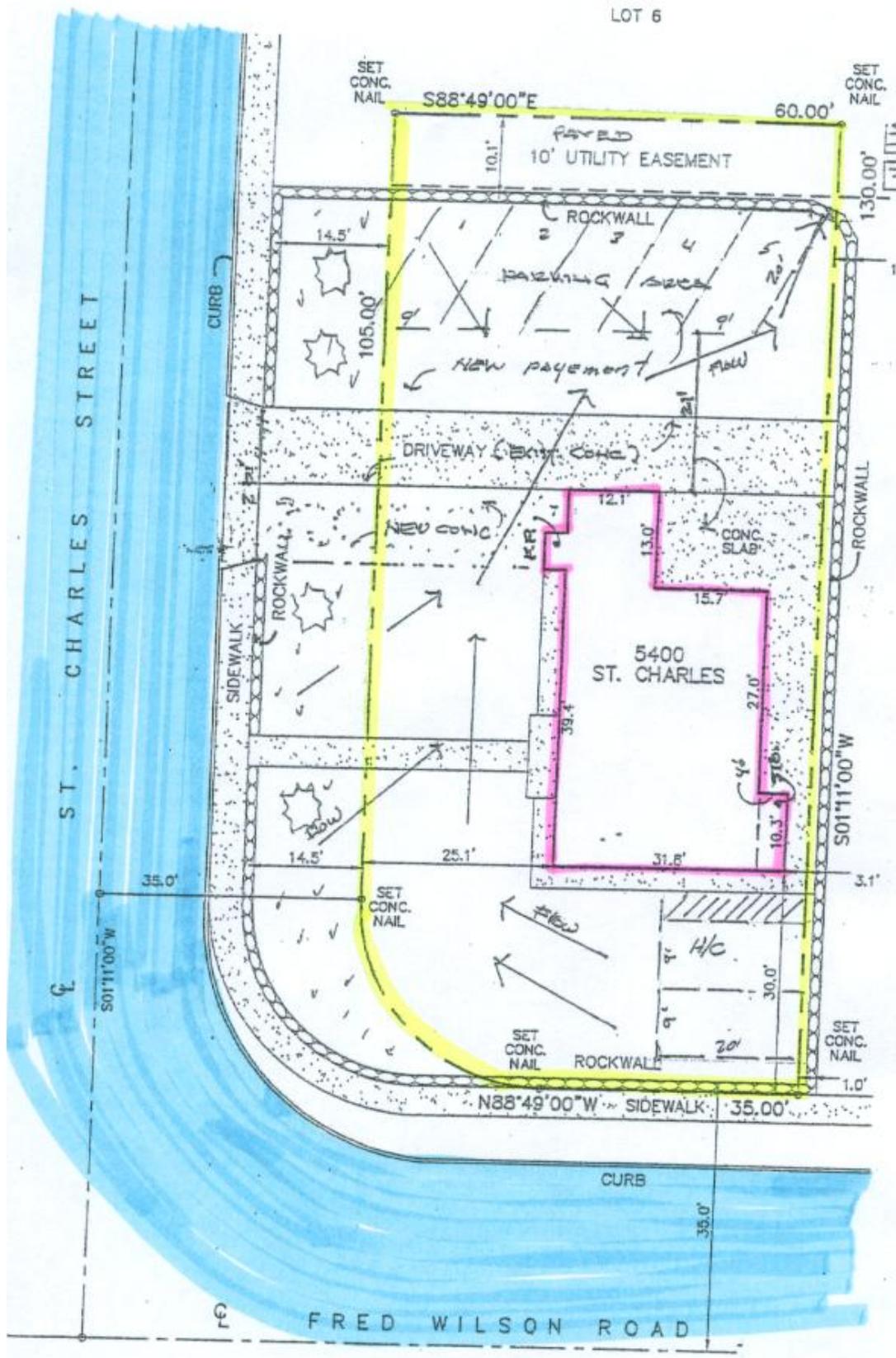
List of Attachments

Attachment 1: Conceptual Site Plan

Attachment 2: Application



ATTACHMENT 1: CONCEPTUAL 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) Luis H. De la Cruz
 ADDRESS _____ ZIP CODE: 79925 PHONE: _____
 APPLICANT(S) Luis H. De la Cruz
 ADDRESS _____ ZIP CODE: 79925 PHONE: _____
 REPRESENTATIVE(S) Luis H. De la Cruz
 ADDRESS _____ ZIP CODE: 79925 PHONE: _____
 E-MAIL ADDRESS _____ FAX: 592-9320

2 PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: B-300-999-0110-2100
 LEGAL DESCRIPTION: Lot 5, Block 11 Beadmont Addition
 STREET ADDRESS OR LOCATION: 5400 Smith Charles REP DISTRICT: # 2, Byrd
 ACREAGE: 7800 ± 0.179 PRESENT ZONING: B-4 PRESENT LAND USE: Residential
 PROPOSED ZONING: C-1 PROPOSED LAND USE: Retail Business - Small shops

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: _____

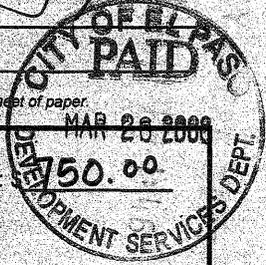
5 ADDITIONAL INFORMATION

OWNER(S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):
 Printed Name: Luis H. De la Cruz Signature: [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 08-00024 RECEIVED DATE 3/25/08 APPLICATION FEE: 150.00
 DCC REVIEW DATE _____ (8:30 am, Conference Room, 2nd Floor, City Hall Building)
 CPC REVIEW DATE 5/22/08 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
 ACCEPTED BY Melissa Helium



Revised 4/2007