

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: June 19, 2007
Public Hearing: July 10, 2007

CONTACT PERSON/PHONE: Natalie Nevarez-Straight, 541-4904

DISTRICT(S) AFFECTED: 2

SUBJECT:

An Ordinance changing the zoning of the South 60 feet of Tract 187, Sunrise Acres, City of El Paso, El Paso County, Texas from R-4 (Residential) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 8641 Gateway Boulevard South. Applicant: Carlos Nuñez and Teresa Nuñez. ZON07-00035 (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) –Denial Recommendation of C-4
City Plan Commission (CPC) –Approval Recommendation of C-3 (4-0)

*****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 THE SOUTH 60 FEET OF TRACT 187, SUNRISE ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO C-3 (COMMERCIAL). 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 *the South 60 feet of Tract 187, Sunrise Acres, 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 **R-4 (Residential)** to **C-3 (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 _____, 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
Kimberly Forsyth, Senior Planner
Development Services Department

EXHIBIT "A"

BARRAGAN & ASSOCIATES

Land Planning & Land Surveying

1450 Pendale Road, Suite "B" El Paso, Texas 79936 Ph.(915) 591-5709 Fax(915) 591-5706

**METES AND BOUNDS DESCRIPTION
(8641 GATEWAY SOUTH BOULEVARD)**

DESCRIPTION OF A PARCEL OF LAND BEING THE SOUTH 60 FEET OF TRACT 187, SUNRISE ACRES (FILED IN VIOLUME 16, PAGE 19, PLAT RECORDS OF EL PASO COUNTY, TEXAS), AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT MARKING THE MOST SOUTHEASTERLY CORNER FOR TRACT 187, SUNRISE ACRES, ON THE WESTERLY RIGHT-OF-WAY LINE OF GATEWAY SOUTH BOULEVARD (JUPITER DRIVE), SAID POINT ALSO BEING THE **POINT OF BEGINNING** OF THE PARCEL BEING DESCRIBED:

THENCE, S 88°51'00" W, ALONG THE COMMON LINE FOR TRACTS 181, 182, 187 AND 188, SUNRISE ACRES A DISTANCE OF 200.00 FEET TO A POINT FOR A CORNER OF THIS PARCEL;

THENCE, N 01°09'00" W, LEAVING SAID COMMON LINE, A DISTANCE OF 60.00 FEET TO A POINT FOR A CORNER OF THIS PARCEL;

THENCE, N 88°51'00" E, A DISTANCE OF 200.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF GATEWAY SOUTH BOULEVARD (JUPITER DRIVE), FOR A CORNER OF THIS PARCEL;

THENCE, S 01°09'00" E, ALONG THE SAID RIGHT-OF-WAY LINE, A DISTANCE OF 60.00 FEET TO THE **POINT OF BEGINNING** OF THE HEREIN PARCEL BEING DESCRIBED, CONTAINING 0.28 ACRES OF LAND MORE OR LESS,

NOTES:

1. NOT A GROUND SURVEY.
2. BEARINGS ARE BASED ON THE FILED PLAT FOR SUNRISE ACRES.
3. A PLOT PLAN WITH THE SAME DATE ACCOMPANIES THIS DESCRIPTION.

Benito Barragan TX R.P.L.S. 5615, JANUARY 25, 2007 (REVISED 3/20/07)
8641 GATEWAY SOUTH

07 JUN 11 PM 2:48
CITY CLERK DEPT.



CITY COUNCIL

ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA., DISTRICT 5
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CITY MANAGER

R. ALAN SHUBERT
DIRECTOR, DEVELOPMENT SERVICES

KELLY CARPENTER, AICP
DEPUTY DIRECTOR, PLANNING

DEVELOPMENT SERVICES
PLANNING DIVISION

MEMORANDUM

DATE: June 11, 2007
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Natalie Nevarez-Straight, Planner
SUBJECT: ZON07-00035

The City Plan Commission (CPC), on May 17, 2007, voted **4-0** to recommend **APPROVAL** of rezoning the subject property from R-4 (Residential) to C-3 (Commercial). The applicant's original request was to rezone from R-4 (Residential) to C-4 (Commercial), against staff's and the Development Coordinating Committee's recommendations.

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 effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

One (1) letter of support and two (2) letters of opposition were received prior to the CPC hearing. Three (3) letters of opposition were received after the CPC hearing, for a total of one (1) letter of support and five (5) letters of opposition.

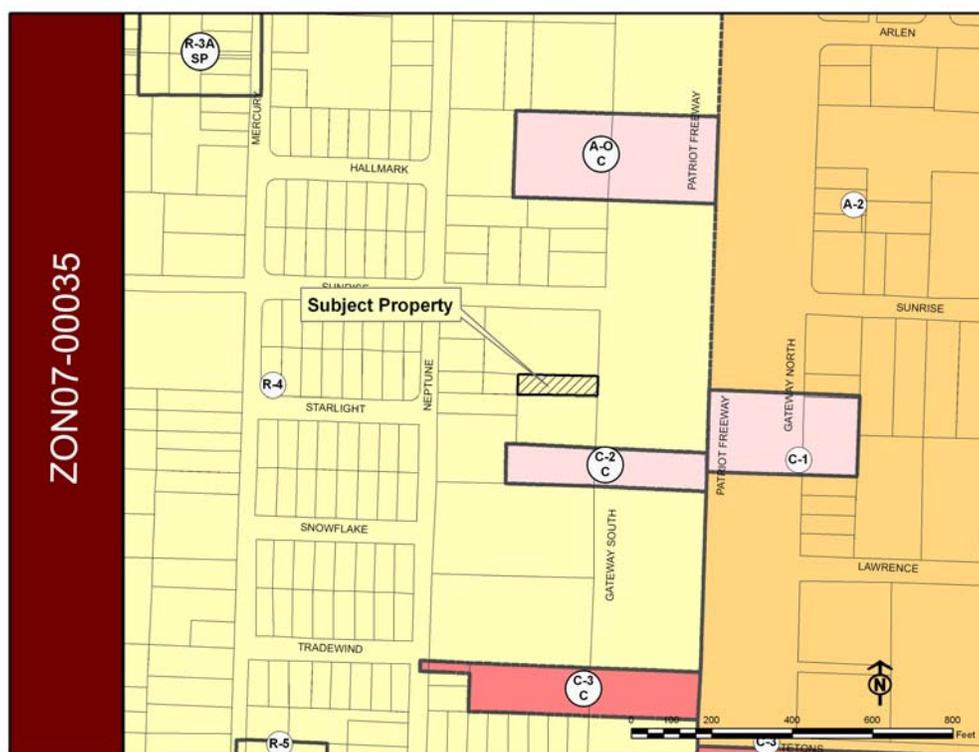
Attachment: Staff Report, Aerial, Conceptual Site Plan, Application, Letters of Support and Letters of Opposition.

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CITY CLERK DEPT.



ZON07-00035

Application Type: Rezoning
Property Owner(s): Carlos Nuñez and Teresa Nuñez
Representative(s): Carlos Nuñez and Teresa Nuñez
Legal Description: The South 60 Feet of Tract 187, Sunrise Acres, City of El Paso, El Paso County, Texas
Location: 8641 Gateway South Boulevard
Representative District: 2
Area: 0.28 acres
Present Zoning: R-4 (Residential)
Present Use: Vacant
Proposed Zoning: C-4 (Commercial)
Recognized Neighborhood
Associations Contacted: Northeast El Paso Civic Association; Northeast Healthy Communities; Sunrise Neighborhood Association
Public Response: One (1) letter of support and one (1) letter of opposition
Surrounding Land Uses: **North:** R-4, Single-family, **South:** R-4, Single-family, **East:** R-4, Single-family, **West:** R-4, Single-family
Year 2025 Designation: Residential (Northeast Planning Area)



General Information:

The applicant requests a rezoning from R-4 (Residential) to C-4 (Commercial) in order to permit an electrical contractor’s yard. The conceptual (non binding) plan shows a 1,200 square foot building and six (6) parking spaces. The property is 0.28 acres in size and is currently vacant. Access is proposed via Gateway Boulevard South. There are no zoning conditions currently on this property.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **DENIAL** of this request for rezoning from R-4 (Residential) to C-4 (Commercial).

The recommendation is based on the following:

- **The Plan for El Paso City-Wide Land Use Goals** recommends that El Paso “protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment”.
- **The Year 2025 Projected General Land Use Map** for the Northeast Planning Area designates this property for **Residential** land uses.
- **C-4 (Commercial)** zoning is **not compatible** with adjacent and surrounding development.

Findings:

The Commission must determine the following:

1. Will C-4 (Commercial) zoning protect the best interest, health, safety and welfare of the public in general?
2. Will this rezoning be compatible with adjacent land uses?
3. What is the relation of the proposed change to the City’s Comprehensive Plan?
4. What effects will the rezoning have on the natural environment, social and economic conditions and property values in the vicinity and the city as a whole?

Development Services - Building Permits and Inspections Division Notes:

Proposed Building meets C-4 Commercial District’s Minimum Lot Development ,Yard Standards and Parking Requirements. Will need to provide a six (6) foot screening wall along property line(s) abutting R-4 Residential District.

Development Services - Planning Division Notes:

Current Planning: Recommends denial. C-4 (Commercial) zoning is **not** compatible with adjacent and surrounding development.

Land Development: No comments received.

Engineering Department, Traffic Division Notes:

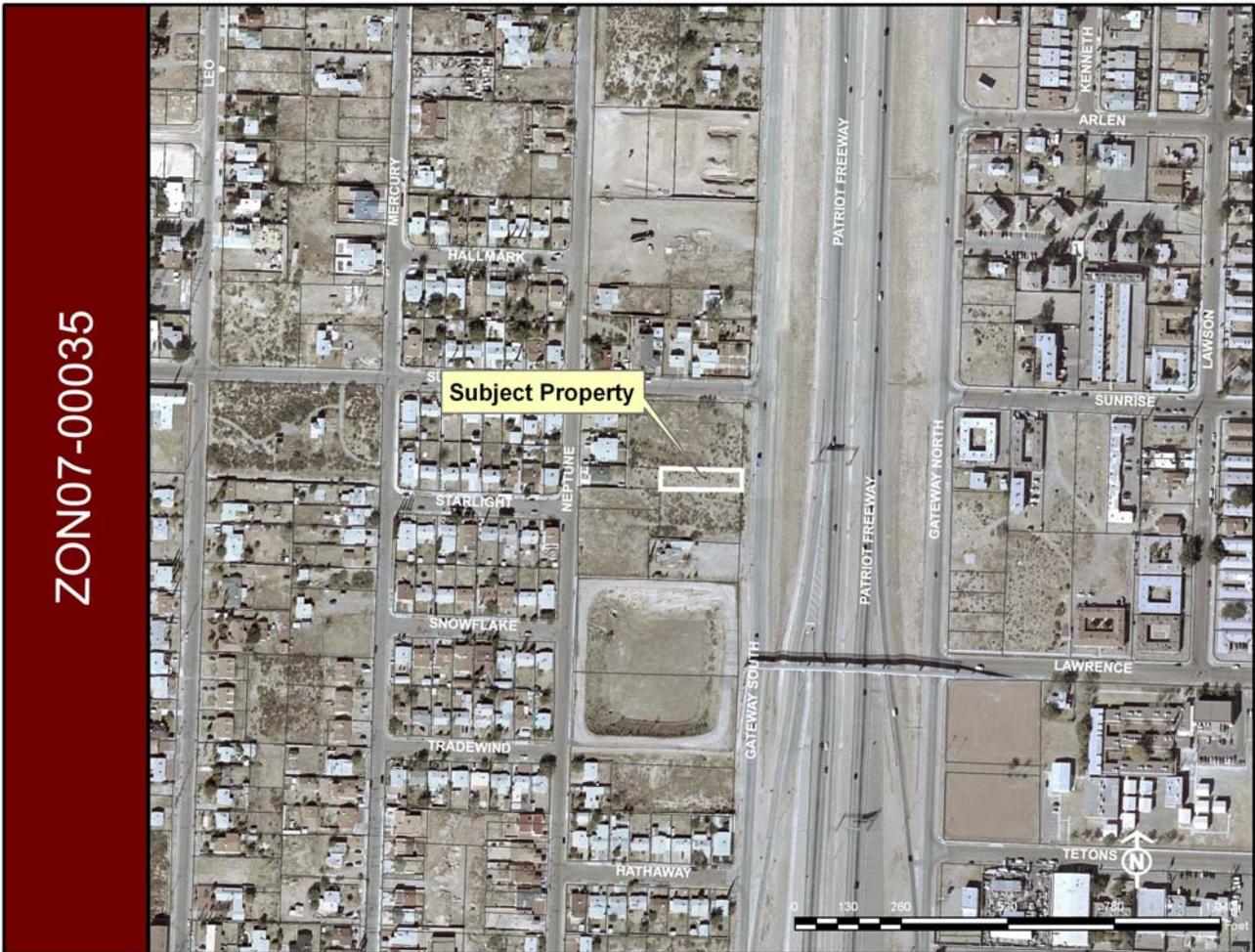
No traffic concerns with proposed zoning change.

Fire Department Notes

No comments received.

El Paso Water Utilities Notes:

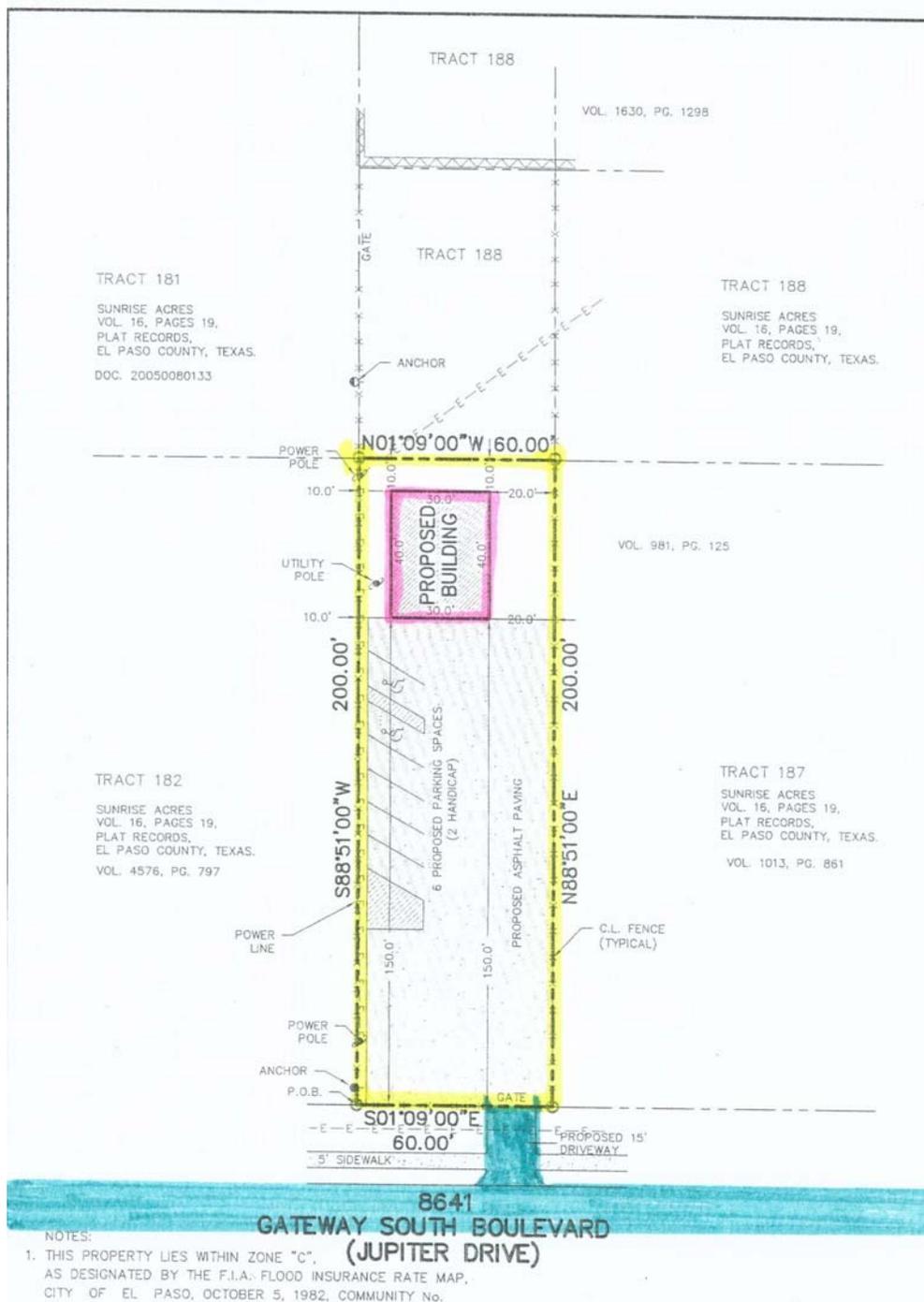
1. EPWU does not object to this request.



List of Attachments

- Attachment 1: Site Plan
- Attachment 2: Application
- Attachment 3: Letter of Support
- Attachment 4: Letter of Opposition

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): Carlos + Teresa Nuñez
ADDRESS: _____ ZIP CODE: 79936 PHONE: _____
E-MAIL ADDRESS: _____ FAX: _____

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

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: 5912994001 H100
LEGAL DESCRIPTION: Sunrise Acres #1 500 ft x 100 ft Parcel 187
STREET ADDRESS OR LOCATION: 8641 Gateway South REP DISTRICT: #2 Sunrise Byrd
ACREAGE: 0.29 Ac PRESENT ZONING: R-4 PRESENT LAND USE: Vacant
PROPOSED ZONING: C-4 PROPOSED LAND USE: Electrical Contractor's yard

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: Carlos Nuñez Signature: Carlos Nuñez
Printed Name: Teresa Nuñez Signature: Teresa Nuñez
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****
ZONING: C-4 RECEIVED DATE: 03/26/07 APPLICATION FEE: \$ 715.00
DCC REVIEW DATE: 04/25/07 (8:30 am, Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 05/17/07 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: [Signature]

Revised 9/2006

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CITY CLERK DEPT.

Attachment 3: Letter of Support

City Plan Commission
RE: Case # ZON07-00035

May 6, 2007

Thank you for your notification of the pending rezoning of the land parcel located at 8641 Gateway South. This land is directly adjacent to the parcel I have owned for 28 years and I fully support the proposed change in zoning from R-4 to C-4. Anyone who is familiar with this area, the location, the proximity to the Patriot Freeway and the rapidly expanding commercial interest, can truly understand why the commercial zoning is the only logical land use. The additional lanes currently being added to the Patriot Freeway along with the projected growth of Northeast El Paso continue to necessitate commercial expansion in this area.

As a resident of this neighborhood for 54 years, I have seen this area change and grow. I realize some residents do not want change and choose to cling to the past. However, change is here and must be embraced. The introduction of commercial interests in this area means potentially not having to cross the freeway for services, stores, restaurants and related business for those living in the 79904 area. I am in favor of this rezoning.

Thank you,



Curtis Hammock
3300 Sands Ave.
El Paso, TX.
79904

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CITY CLERK DEPT.

May 17, 2007

Attachment 4: Letter of Opposition

MAY-9-2007 02:09P FROM: VELOZ TAX SERVICE

9155443231

TO: 5414028

P.1/1

May 9, 2007

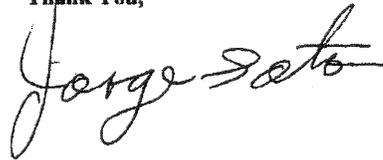
City Plan Commission
Development Services Department, Planning Division:

CASE NO. ZON07-00035

Jorge Soto
8630 Neptune
El Paso, Texas 79904

**I do not agree with the change , I want to remain as R-4 (Residencial) , not as
C-4 (Commercial)**

Thank You,



ZON07-00035

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CITY CLERK DEPT.

May 17, 2007

5/10/07

*Ms. Natalie Straight
Case # Z0N07-00035*

I am not in favor of the zoning request by Carlos Nuniz for this property located on the Gateway South for two major reasons:

- 1) The property is located on the freeway and is prime location for small business or business offices. The equipment storage yard for an electrical contractor is not only unpleasant to view, but will bring down the property value.*
- 2) Family residents homes located across from and in back of this location does not want a storage facility located next to a family area. The reason is child safety, cleanliness from rodents, and property values.*

Thank you for hearing my views on the zoning request , and please consider this issues strongly before making a judgment.

Worried resident

5/27/07

Ms. Natalie Straight
Case # ZON07-00035

I am not in favor of the zoning request by Carlos Nuniz for this property located on the Gateway South for two major reasons:

- 1) The property is located on the freeway and is prime location for small business or business offices. The equipment storage yard for an electrical contractor is not only unpleasant to view, but will bring down the property value.*
- 2) Family residents homes located across from and in back of this location does not want a storage facility located next to a family area. The reason is child safety, cleanliness from rodents, and property values.*

Thank you for hearing my views on the zoning request , and please consider this issues strongly before making a judgment.

This letter is a copy of the one I wrote on 5/10/07. I am still not in favor of any zoning above C-1.

I am a conserved resident living in the 8600 block of Neptune , Thank You for reading my letter.

Ms Straight

I am writing is referents to a rezoning of the property located at 8641 Gateway South. His case number is ZON07-00035. What are the future plans of building a on this property , I am not in favor or a warehouse including parked trailers and tucks. This action of rezoning would bring down the value and therefore the city would lose money from Tax revenue . Rezoning itself is not the problem the construction of a warehouse with trailers and trucks is a problem. I am not in favor. At the present time there are pallets of construction block and a company trailer parked on the land and this permission has not been given to Mr. Nunez.

Thanks

There are attachment of Photos

CITY CLERK DEPT.
07 JUN 11 PM 2:49

Ms. Natalie N. Straight

You currently have a case # ZON07-00035 . I know that this case has gone to the review more than once
And I would like to state my opposition to the rezoning of this property . I live in the area , I also own
Rental property close to Neptune . this rezoning would not be a good move for the surrounding community .
I am a active realtor and my knowledge of the area tells me that this zoning will reduce the property values
Of the surrounding area . Reduced property values for the area is not good for the community , for the city
, or for myself. Please consider is zoning carefully before allowing this to happen. Mr. Nuniz is all ready
Prepare for a decision in his favor . His company trailer is parked on the land , alone with several pallets of
Bricks to build this warehouse . Please stop this activity before the area is effected in the negative way .

Thank You
John Green

8700 block of Dolomite

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CITY CLERK DEPT.

