

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

DEPARTMENT: Planning, Research & Development

AGENDA DATE: Introduction: August 2, 2005
Public Hearing: August 23, 2005

CONTACT PERSON/PHONE: Christina Valles, 541-4930

DISTRICT(S) AFFECTED: 4

SUBJECT:

An Ordinance changing the zoning of Lot 10, Block 23, Cooperstown Subdivision Unit 2, El Paso, El Paso County, Texas from A-O/sc (Apartment-Office/special Contract) to C-1/sc/c (Commercial/special contract/conditions). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: David Scepanski. Location: 5270 Sean Haggerty. ZON05-00051 (District 4)

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

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: George Sarmiento, AICP

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOT 10, BLOCK 23, COOPERSTOWN SUBDIVISION UNIT 2, EL PASO, EL PASO COUNTY, TEXAS FROM A-O/SC (APARTMENT-OFFICE/SPECIAL CONTRACT) TO C-1/SC/C (COMMERCIAL/SPECIAL CONTRACT/CONDITIONS). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, upon full review of the record, to include citizen input and recommending body reports, City Council has reasonably determined that the proposed change in zoning will not be a detriment to or incompatible with adjacent land uses or adverse to the public welfare, and should be approved as provided for herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of *Lot 10, Block 23, Cooperstown Subdivision Unit 2, El Paso, El Paso County, Texas* be changed from A-O/sc (Apartment-Office/special contract) to C-1/sc/c (Commercial/special contract/conditions), within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly. Further that the following uses shall be prohibited, as a condition placed on the rezoning, in order to ensure compatibility with adjacent lands:

1. Shops for the conduct of retail business;
2. Automotive tune-up service that does minor engine or tune-ups of to automobiles or light trucks, involving replacement or repair;
3. Automotive and light truck lubrication service.

The prohibition of the above uses is a condition of the rezoning that runs with the land, is a charge and servitude thereon, and binds the current property owner and any successors in title. The City may enforce this condition by injunction or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above condition in its discretion

without the consent of any third person who may be benefited thereby, and without affecting the validity of this ordinance.

PASSED AND APPROVED this _____ day of _____, 2005.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



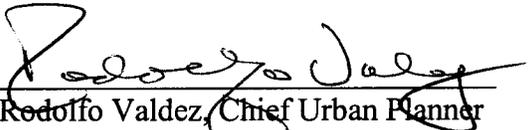
Matt Watson
Assistant City Attorney
Doc No. 14844

APPROVED AS TO CONTENT:



Christina Valles, Planner II
Planning, Research & Development
Department

APPROVED AS TO CONTENT:



Redolfo Valdez, Chief Urban Planner
Planning, Research & Development
Department

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

GEORGE G. SARMIENTO, AICP
DIRECTOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
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EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**PLANNING, RESEARCH &
DEVELOPMENT DEPARTMENT**

July 25, 2005

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Christina Valles, Planner II

SUBJECT: ZON05-00051

The City Plan Commission (CPC), on July 14, 2005, voted **4-2** to recommend **APPROVAL** of this rezoning request, concurring with Staff's recommendation.

The CPC found that this rezoning request 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 request is in the best interest, health, safety and welfare of the public in general.

A letter of **SUPPORT** was received and a survey of the neighborhood conducted by the applicant.

Attachment: Location Map

STAFF REPORT

Rezoning Case: ZON05-00051

Property Owner(s): David Scepanski

Applicant(s): SAA

Representative(s): Kathleen Haggerty-Burds

Legal Description: Lot 10, Block 23, Cooperstown Subdivision Unit 2

Location: 5270 Sean Haggerty

Representative District: # 4

Area: 0.589 Acres

Present Zoning: A-O/sc (Apartment-Office / special contract)

Present Use: Vacant

Proposed Zoning: C-1 (Commercial)

Proposed Use: Daycare Center

Recognized Neighborhood Associations Contacted: Northeast Civic Association, Northeast Healthy Communities

Surrounding Land Uses:

North -	R-5/sc (Residential/special contract) / Single-family
South -	R-3 (Residential) / Single-family
East -	R-5 (Residential) / Single-family
West-	R-3/sc (Residential/special contract) / Single-family

Year 2025 Designation: Residential (Northeast Planning Area)

**CITY PLAN COMMISSION HEARING, JULY 14, 2005
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

ITEM #

Zoning Case: ZON05-00051

General Information:

The applicant is requesting a rezoning from A-O/sc (Apartment/Office) to C-1 (Commercial) in order to permit a daycare center. The property is 0.589 acres in size and is currently vacant. The proposed site plan shows a 6,250 s.f. structure to be located on the site. Two points of access are proposed via Sean Haggerty with 16 parking spaces (1 handicap) provided. There are zoning conditions currently imposed on this property.

The special contracts on the C-2 and C-3 zoned properties to the northwest of the subject property include the language: shall not be used for any of the following uses: used car lot, automotive repair garage, or adult oriented business.

Currently imposed special contract on the subject property is:

- A. no building shall exceed one-story in height,
- B. no building shall be located closer than 20 feet to the southerly property line, and
- C. no apartments shall be allowed on the property.

And, Prior to issuance of any certificates of occupancy for [this parcel], First Party must increase the height of the existing rock wall where it abuts the subject parcel to six feet.

Information to the Commission:

The Planning Department has received **one letter in support of** this application and a survey of the neighborhood conducted by the applicant.

Staff Recommendation:

The Development Coordinating Committee (DCC) voted 6-3 (Planning, Streets & EPWU dissent) to recommend **Approval** of this request for rezoning from A-O/sc (Apartment/Office) to C-1 (Commercial) with the following condition.

“That the following uses be prohibited:

1. (17) Shops for the conduct of retail business, including sale of accessories, antiques, appliances, art or art supplies, beverages (alcoholic, as regulated in Section 20.08.090, or other beverages), carpets, clothing, drugs, fabrics, food, furniture, garden supplies, groceries, hardware, hobby supplies, jewelry, office supplies and stationery, paint, wallpaper, sporting goods and similar stores and shops, with or without gasoline or diesel fueling pumps for refueling motor vehicles;
2. (31) An automotive tune-up service that does minor engine or motor tune-ups to automobiles or light trucks, involving replacement or repair of the following:
 - a. Spark plugs,
 - b. Points,

- c. Condensers,
- d. Distributor cap,
- e. Distributor rotor,
- f. Spark plug wires,
- g. Complete distributor assembly,
- h. Air filter,
- i. Fuel filter,
- j. Pollution control valve,
- k. Pollution control valve filter,
- l. Oil filter,
- m. Fuel pump,
- n. Necessary wiring and tubing related to proper functioning of automatic and turbo shift systems,
- o. Generators or alternators,
- p. Electronic ignition systems,
- q. Voltage regulators,
- r. Fan and accessory belts;

3. (32) Automobile and light truck lubrication service that does the following:
- a. Complete lubrication of automobile and light trucks as required by factory specifications,
 - b. Change motor oil,
 - c. Grease and oil,
 - d. Check and fill power steering well (reservoir),
 - e. Check and fill brake master cylinder,
 - f. Fill or replace transmission fluid,
 - g. Replace or clean air filter,
 - h. Replace oil filter,
 - i. Replace pollution control valve or filter;

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 Northeast Planning Area designates this property for **residential** land uses.

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

The Commission must determine the following:

- A. Will the C-1 (Commercial) zoning protect the best interest, health, safety and welfare of the public in general?
- B. Will a Daycare Center be compatible with adjacent land uses?

Information To The Applicant:

Building Permits and Inspections Department Notes:

No comments.

Engineering Department, Development Division Notes:

No objections.

Engineering Department, Traffic Division Notes:

No apparent traffic concerns with the proposed zoning change.

NOTE: Zone for drop off and pick up shall be provided.

Fire Department Notes:

No Comments.

El Paso Water Utilities Notes:

No objections.

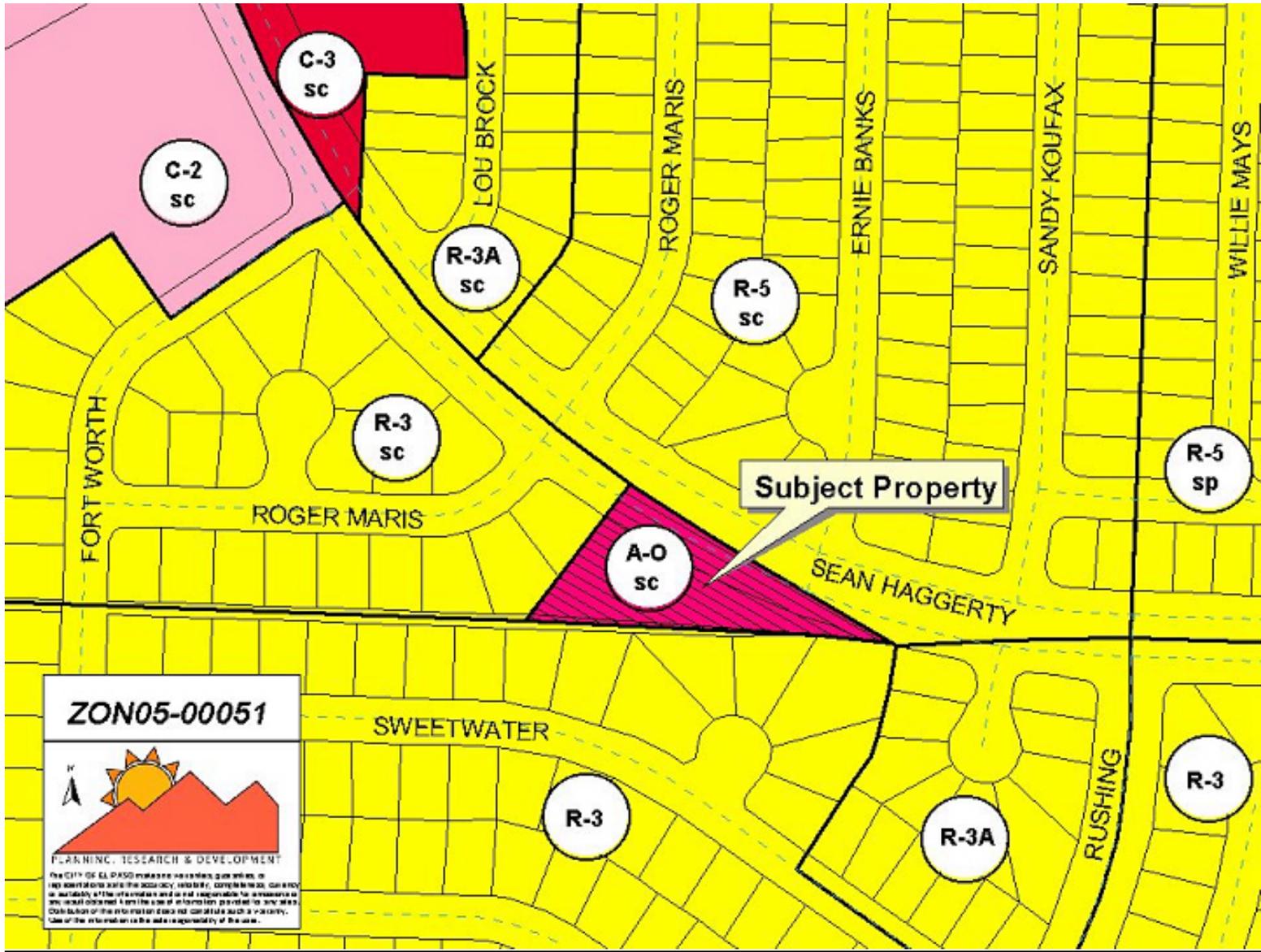
Planning, Research & Development Department Notes:

Recommend denial of this request for rezoning to C-1, as A-O is adequate zoning for this parcel.

ATTACHMENT: Site Plan; Location Map, Letter.

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING DEPARTMENT AT (915) 541-4056.

LOCATION MAP



AERIAL MAP



GENERALIZED PLOT PLAN

PROJECT DATA

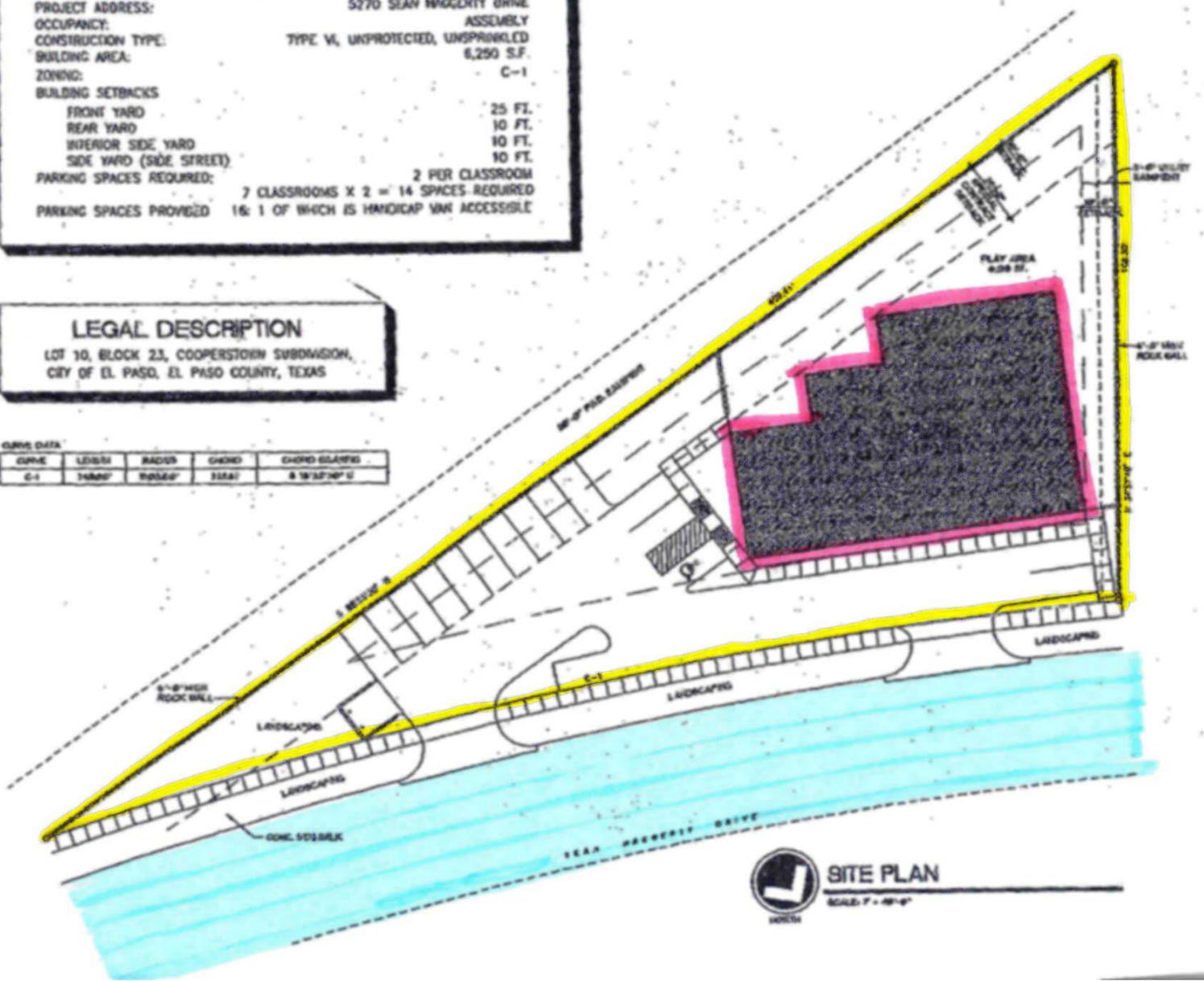
PROJECT ADDRESS:	5270 SEAN MAGGERTY DRNE
OCCUPANCY:	ASSEMBLY
CONSTRUCTION TYPE:	TYPE VI, UNPROTECTED, UNSPRINKLED
BUILDING AREA:	6,250 S.F.
ZONING:	C-1
BUILDING SETBACKS	
FRONT YARD	25 FT.
REAR YARD	10 FT.
INTERIOR SIDE YARD	10 FT.
SIDE YARD (SIDE STREET)	10 FT.
PARKING SPACES REQUIRED:	2 PER CLASSROOM
	7 CLASSROOMS X 2 = 14 SPACES REQUIRED
PARKING SPACES PROVIDED	16; 1 OF WHICH IS HANDICAP VAN ACCESSIBLE

LEGAL DESCRIPTION

LOT 10, BLOCK 23, COOPERSTOWN SUBDIVISION,
CITY OF EL PASO, EL PASO COUNTY, TEXAS

CURVE DATA

CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING
C-1	144.00'	1000.00'	132.00'	S 8° 32' 10" W



SITE PLAN

SCALE: 1" = 40'-0"

PROPOSAL FOR ZONING CHANGE FOR 5270 SEAN HAGGERTY DRIVE.

PLEASE REVIEW THE FOLLOWING:

1. Presently the zoning for the above piece of property is A-O, however apartments are restricted. With present zoning and restrictions, only an office building can be constructed.
2. Purchaser of this property plans to construct a child day care center at this site.
3. Present restrictions are a 25 foot easement from Sean Haggerty Drive and a 20 foot easement from the rear wall of the property.
4. Because of the irregularity of this property, uses are very limited.
5. Day Care Centers require C-1 zoning.
6. This zoning is being requested with restrictions to include, no automotive services, ie: gas stations, pumps, repair, body shops, car washes.
7. Because this is a very young family neighborhood, this property is ideal for a Day Care Center. Parking will be limited and will have to enter and exit on Sean Haggerty, a main artery.
8. During the course of this listing, the collection of debris and weeds has been a continual issue. The construction of a new child care center would certainly address this concern.
9. Zoning processes or policies will not place Day Care Centers in A-O zoning any time in the near future.

IN SUMMARY:

Construction of a Child Day Care center on this property at 5720 Sean Haggerty would only enhance the environment and potential for this area of growth in Northeast El Paso. We are asking for C1 zoning for just a Day Care Center, and no other services under that guideline.

Thank you for your consideration in this matter.

**Kathleen Burds
Dave Scepanski
Mike Yardini**