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

DEPARTMENT: **Development Services Department, Planning Division**

AGENDA DATE: **Introduction: July 17, 2007**
Public Hearing: August 7, 2007

CONTACT PERSON/PHONE: **Melissa Granado, 541-4730**

DISTRICT(S) AFFECTED: **2**

SUBJECT:
An Ordinance changing the zoning of a portion of Section 17, Block 81, Township 2, Texas and Pacific Railway Surveys, City of El Paso, El Paso County, Texas from M-1 (Light Manufacturing) District to C-4 (Commercial) District. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 4991 Fred Wilson Avenue. Applicant: Humane Society of El Paso, Inc. ZON07-00050 (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) – Unanimous Approval Recommendation
City Plan Commission (CPC) –Approval Recommendation (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 A PORTION OF SECTION 17, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (LIGHT MANUFACTURING) DISTRICT TO C-4 (COMMERCIAL) DISTRICT. 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 *a portion of Section 17, Block 81, Township 2, Texas and Pacific Railway Surveys, 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 **M-1 (Light Manufacturing) District** to **C-4 (Commercial) District**, 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

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Kimberly Forsyth, Senior Planner
Development Services Department

CITY CLERK DEPT.
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BROCK & BUSTILLOS INC.
CONSULTING ENGINEERS
LAND SURVEYORS
(Formerly Faught & Associates)

ROMAN BUSTILLOS, P.E.
President
RANDY P. BROCK, P.E.
Executive Vice President
OSCAR V. PEREZ
Vice President
ISAAC CAMACHO, P.E., R.P.L.S.
Survey Manager

AUGUST 13, 2003

LEGAL DESCRIPTION OF A 4.0000 ACRE TRACT

A TRACT OF LAND SITUATE WITHIN THE CORPORATE LIMITS OF THE CITY OF EL PASO, EL PASO COUNTY, TEXAS AS A PORTION OF SECTION 17, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS AND BEING MORE PARTICULARLY DESCRIBED A S FOLLOWS, TO WIT:

BEGINNING AT A 1/2 INCH REBAR WITH SURVEY CAP NO. TX 5337 SET FOR THE SOUTHEAST CORNER OF THE TRACT HEREIN DESCRIBED, WHENCE A SQUARE BOLT FOUND FOR THE SECTION CORNER COMMON TO SECTIONS 17, 18, 19, AND 20, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS BEARS THE FOLLOWING TWO COURSES AND DISTANCES:

S.00°52'35"E., 50.05 FEET;
S.89°04'23"E., 1,486.00 FEET;

THENCE, S.86°33'33"W., 341.25 FEET TO A 1/2 INCH REBAR WITH SURVEY CAP NO. TX 5337 SET FOR THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE, N.00°52'35"W., 517.73 FEET TO A 1/2 INCH REBAR WITH SURVEY CAP NO. TX 5337 SET ON THE SOUTH BOUNDARY LINE OF THE FORT BLISS MILITARY RESERVATION FOR THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE, FOLLOWING THE SOUTH BOUNDARY LINE OF THE FORT BLISS MILITARY RESERVATION, N.88°47'10"E., 340.91 FEET TO A 5/8 INCH REBAR WITH SURVEY CAP NO. TX 2998 FOUND FOR THE NORTHEAST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE, LEAVING THE SOUTH BOUNDARY LINE OF THE FORT BLISS MILITARY RESERVATION, S.00°52'35"E., 504.47 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 4.0000 ACRES, MORE OR LESS, AND BEING SUBJECT TO EASEMENTS OF RECORD.

I HEREBY CERTIFY THAT THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY SUPERVISION.

Isaac Camacho
ISAAC CAMACHO, TX RPLS NO. 5337

STATE OF TEXAS
REGISTERED
ISAAC CAMACHO
5337
PROFESSIONAL
LAND SURVEYOR

5896-18A-2

EXHIBIT "A"

CITY CLERK DEPT.
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BROCK & BUSTILLOS INC.
CONSULTING ENGINEERS
LAND SURVEYORS
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ISAAC CAMACHO, P.E., R.P.L.S.
Survey Manager

AUGUST 13, 2003

LEGAL DESCRIPTION OF A 0.3917 ACRE TRACT

A TRACT OF LAND SITUATE WITHIN THE CORPORATE LIMITS OF THE CITY OF EL PASO, EL PASO COUNTY, TEXAS AS A PORTION OF SECTION 17, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS AND BEING MORE PARTICULARLY DESCRIBED A S FOLLOWS, TO WIT:

BEGINNING AT A 1/2 INCH REBAR WITH SURVEY CAP NO. TX 5337 SET ON THE NORTH RIGHT-OF-WAY LINE OF FRED WILSON ROAD FOR THE SOUTHEAST CORNER OF THE TRACT HEREIN DESCRIBED, WHENCE A SQUARE BOLT FOUND FOR THE SECTION CORNER COMMON TO SECTIONS 17, 18, 19, AND 20, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS BEARS S.89°04'23"E., 1,486.00 FEET;

THENCE, FOLLOWING THE NORTH RIGHT-OF-WAY LINE OF FRED WILSON ROAD, S.86°33'33"W., 341.25 FEET TO A 1/2 INCH REBAR WITH SURVEY CAP NO. TX 5337 SET FOR THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE, LEAVING FRED WILSON ROAD, N.00°52'35"W., 50.05 FEET TO A 1/2 INCH REBAR WITH SURVEY CAP NO. TX 5337 SET FOR THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE, N.86°33'33"E., 341.25 FEET TO A 1/2 INCH REBAR WITH SURVEY CAP NO. TX 5337 SET FOR THE NORTHEAST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE, S.00°52'35"E., 50.05 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 0.3917 ACRES, MORE OR LESS, AND BEING SUBJECT TO EASEMENTS OF RECORD.

I HEREBY CERTIFY THAT THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY SUPERVISION.

Isaac Camacho

ISAAC CAMACHO, TX RPLS NO. 5337

5896-18A-1

POOR QUALITY ORIGINAL
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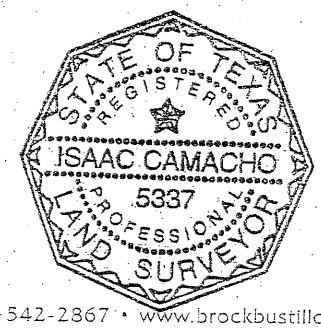

CITY CLERK DEPT.
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JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT
DIRECTOR, DEVELOPMENT SERVICES

KELLY CARPENTER, AICP
DEPUTY DIRECTOR, PLANNING

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
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES
PLANNING DIVISION

MEMORANDUM

DATE: July 9, 2007

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

FROM: Melissa Granado, Planner

SUBJECT: **ZON07-00050**

The City Plan Commission (CPC), on June 21, 2007, voted **4-0** to recommend **APPROVAL** of rezoning the subject property from M-1 (Light Manufacturing) to C-4 (Commercial), concurring with Staff's recommendation.

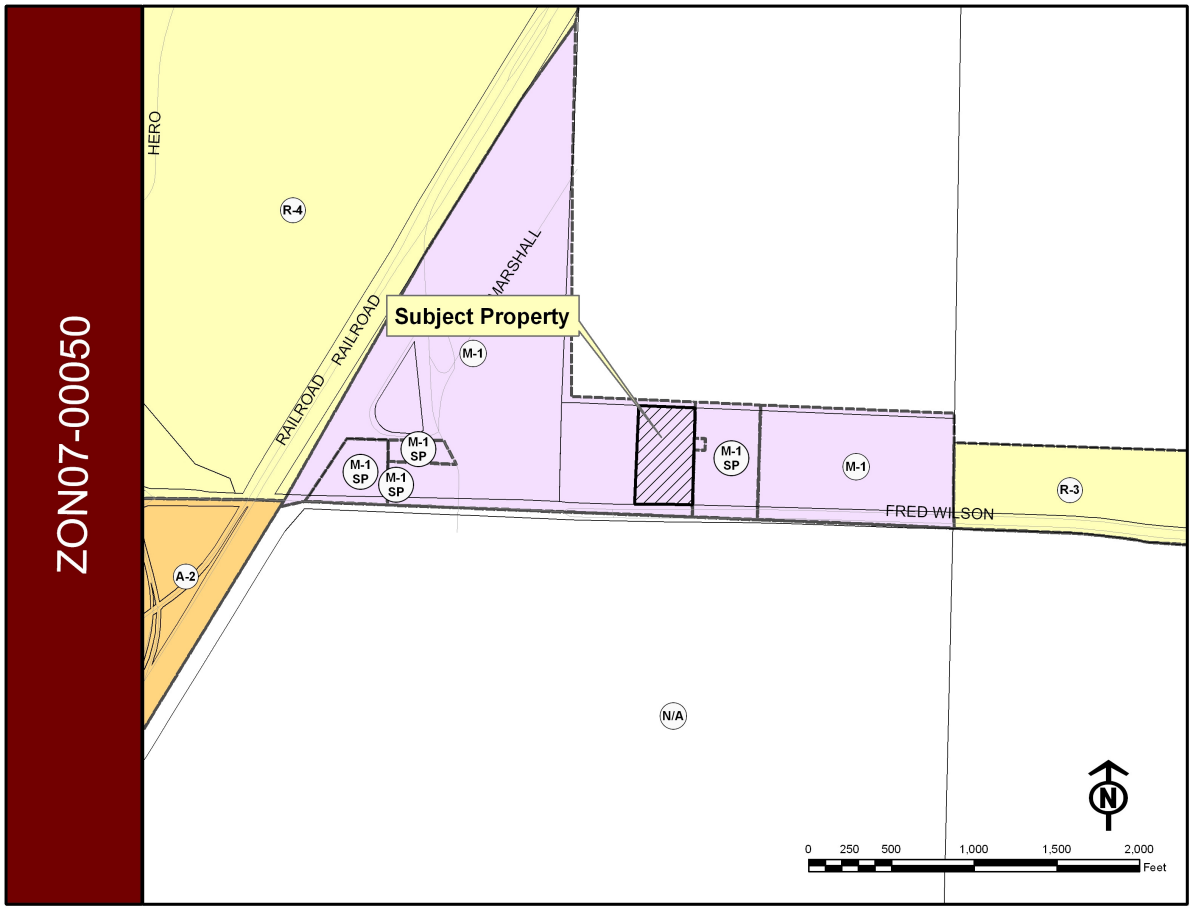
The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the effects of 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.

There were no letters of support or opposition to this request.

Attachment: Staff Report, Site Plan, Application

ZON07-00050

Application Type:	Rezoning
Property Owner(s):	Humane Society of El Paso, Inc.
Representative(s):	Luis H. De La Cruz
Legal Description:	A portion of Section 17, Block 81, Township 2, Texas and Pacific Railway Surveys, City of El Paso, El Paso County, Texas
Location:	4991 Fred Wilson Avenue
Representative District:	2 ***Area:*** 4.39 acres
Present Zoning:	M-1 (Light Manufacturing) ***Present Use:*** Vacant
Proposed Zoning:	C-4 (Commercial)
Recognized Neighborhood Associations Contacted:	A Presidential Neighborhood Association
Public Response:	None
Surrounding Land Uses:	***North:*** Fort Bliss, ***South:*** Fort Bliss, ***East:*** M-1 / Animal Control Center, ***West:*** M-1 / Fort Bliss
Year 2025 Designation:	**Industrial** (Central Planning Area)



General Information:
The applicant requests a rezoning from M-1 (Light Manufacturing) to C-4 (Commercial). The site plan proposes an animal shelter with a ponding area located in the rear of the lot. Fifty parking spaces are provided. Access is proposed via Fred Wilson Avenue. There are no zoning conditions currently on this property.

Staff Recommendation:
The Development Coordinating Committee (DCC) recommends **APPROVAL** of this rezoning request from M-1 (Light Manufacturing) 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 "provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses."

- **The Year 2025 Projected General Land Use Map** for the Central Planning Area designates this property for **Industrial** land uses, however, there are existing governmental uses that are similar in nature adjacent to this property.

- **C-4 (Commercial) zoning** permits an animal shelter and commercial office and **is compatible** with surrounding development, in particular, the animal control center immediately to the east.

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 an animal shelter and commercial office 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:
Zoning Review: C-4 (Commercial) District specifically addresses an Animal Shelter as a permitted use. Small or large veterinary hospital or clinic is allowed under conditions and special permit. Such use is regulated under Title 7 of the El Paso City Code. Meets minimum yard and lot area standards. Meets minimum parking requirements (one per four hundred square feet of floor area).
Landscaping: No comments received.

Development Services - Planning Division Notes:
Current Planning: Recommends approval. Proposed zoning is compatible with adjacent uses and development.
Land Development: No comments received.

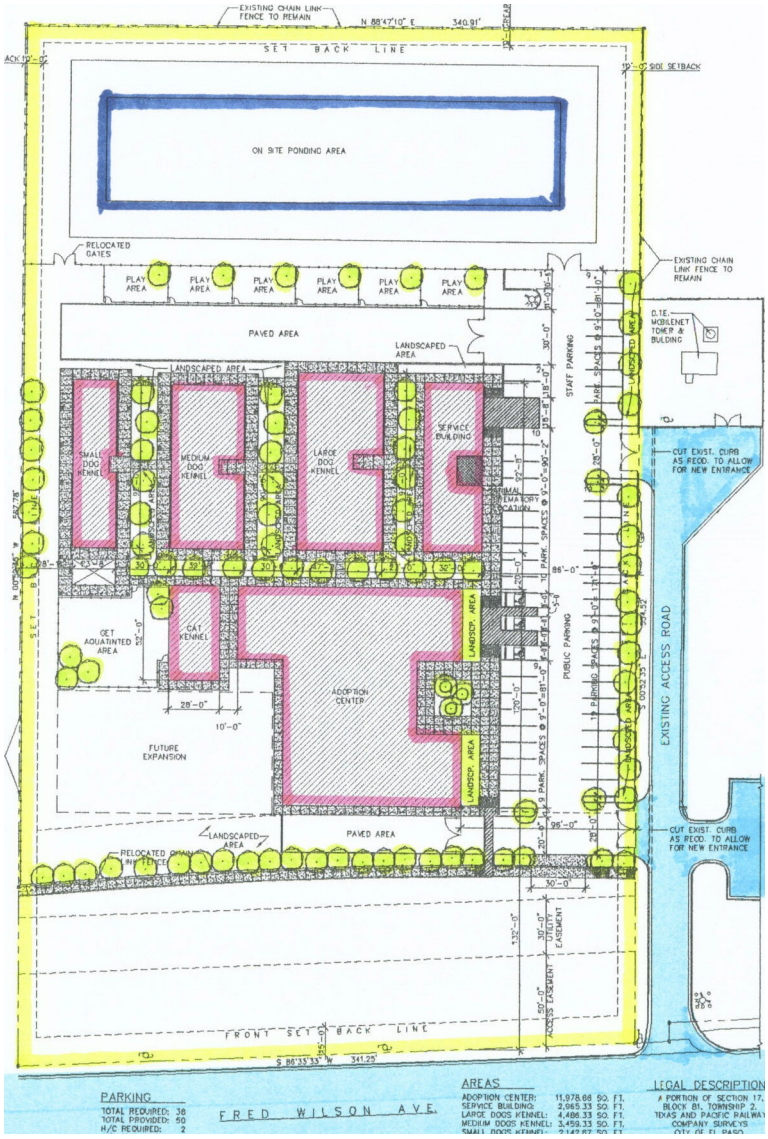
Engineering Department, Traffic Division Notes:
No apparent traffic concerns with proposed zoning change.

Fire Department Notes:
No comments received.

El Paso Water Utilities Notes:
EPWU does not object to this request.

List of Attachments
Attachment 1: Site Plan
Attachment 2: Application

Attachment 1: Site Plan



Attachment 2: Application

CITY CLERK DEPT.
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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): Humane Society of El Paso
ADDRESS: 325 Shelter Place ZIP CODE: 79905 PHONE: 532-6971
E-MAIL ADDRESS: info@humanesocietyelpaso.org FAX: 532-0155
REPRESENTATIVE(S): Luis H. De La Cruz

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: X-581-999-2170-0180
LEGAL DESCRIPTION: Portion of Section 17, Block 81, Township 2, Texas & Pacific
STREET ADDRESS OR LOCATION: 4991 Fred Wilson REP DISTRICT: 2
ACREAGE: 4 PRESENT ZONING: M-1 PRESENT LAND USE: Vacant
PROPOSED ZONING: C-4 PROPOSED LAND USE: commercial office w/ animal shelter

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: DALE K. DENNEY Signature: Dale K. Denney
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****

ZON07-00050 RECEIVED DATE: 04/23/07 APPLICATION FEE: $ 770.00
DCC REVIEW DATE: 05/23/07 (8:30 am, Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 06/21/07 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY:

Revised 9/2006

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