

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: August 14, 2007
Public Hearing: September 4, 2007

CONTACT PERSON/PHONE: Melissa Granado, 541-4730

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance changing the zoning of a portion of Lot 2, Block 8, Mesa Del Castillo Unit 3, City of El Paso, El Paso County, Texas from C-1/sc (Commercial/special contract) District to S-D/sc (Special Development/special contract) District. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 344 Bartlett Drive. Applicant: Socorro Dozal. ZON07-00059 (District 8)

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 (8-0)

*****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 LOT 2, BLOCK 8, MESA DEL CASTILLO UNIT 3, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-1/SC (COMMERCIAL/SPECIAL CONTRACT) DISTRICT TO S-D/SC (SPECIAL DEVELOPMENT/SPECIAL CONTRACT) 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 Lot 2, Block 8, Mesa Del Castillo Unit 3, 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-1/sc (Commercial/special contract) District** to **S-D/sc (Special Development/special contract) 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

ATTEST:

John F. Cook
Mayor

CITY CLERK DEPT.
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Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Kimberly Forsyth, Senior Planner
Development Services Department



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: August 2, 2007

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

FROM: Melissa Granado, Planner

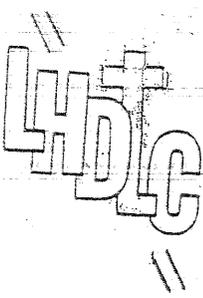
SUBJECT: **ZON07-00059**

The City Plan Commission (CPC), on July 12, 2007, voted **8-0** to recommend **APPROVAL** of rezoning the subject property from C-1/sc (Commercial/special contract) to S-D/sc (Special Development/special contract), 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, Special Contract



LUIS H. DE LA CRUZ
LAND-USE CONSULTANT &
DRAFTING - DESIGN SERVICES
9013 LAIT ST. EL PASO, TX
915-590-9320

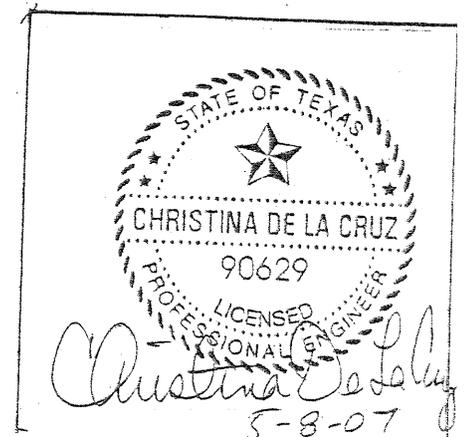
METES AND BOUNDS
344 BARTLET DRIVE

Legal description of a parcel of land being a portion of Lot 2 Block 8, Mesa Del Castillo Unit 3 city of El Paso, County of El Paso, Texas being more particularly described by metes and bounds as follows:

From a point that is existing City Monument on the center-line of Le Conte Drive and Monument line of Bartlett Drive;
Thence along the center-line of Bartlett Drive on a curve whose bearing is $S25^{\circ}46'24''E$, whose chord is 135.33 feet to a point;
Thence $N68^{\circ}14'36''$ east a distance of 35.00 feet to the True Point of Beginning;
Thence $N68^{\circ}14'36''$ S a distance of 296.09 feet to a point;
Thence $S21^{\circ}45'24''$ E a distance of 65.00 feet to a point;
Thence $S68^{\circ}14'36''$ W a distance of 299.98 feet to a point;
Thence a curve to the left which bearing is $N18^{\circ}20'0''$ W and Long chord is 65.12 feet, delta $4^{\circ}42'50''$;
Radius is 791.70 feet; to The True Point of Beginning and said parcel containing 19,167.0 sq. feet or 0.44 acres of land more or less

EXHIBIT "A"

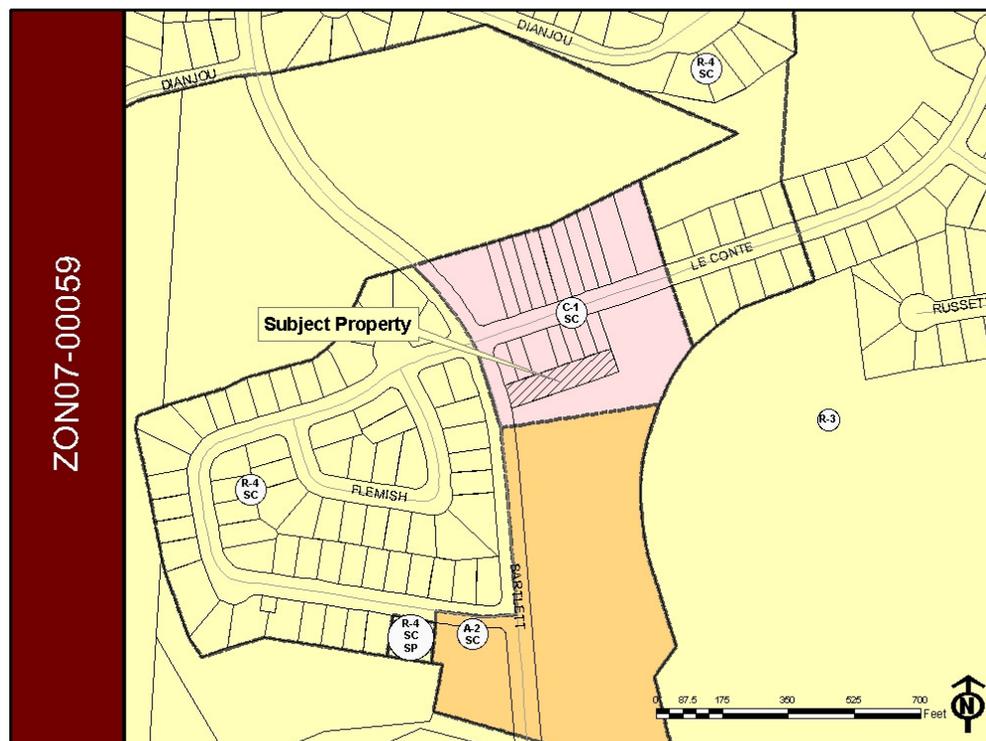
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ZON07-00059

Application Type:	Rezoning
Property Owner(s):	Socorro Dozal
Representative(s):	Luis H. De La Cruz
Legal Description:	A portion of Lot 2, Block 8, Mesa Del Castillo, Unit 3, City of El Paso, El Paso County, Texas
Location:	344 Bartlett Drive
Representative District:	8
Area:	0.44 acres
Present Zoning:	C-1/sc (Commercial/special contract)
Present Use:	Residential
Proposed Zoning:	S-D/sc (Special Development/special contract)
Recognized Neighborhood	
Associations Contacted:	Texas Apache Nations; Save the Valley; Coronado Neighborhood Association; Upper Mesa Hills Neighborhood Association
Public Response:	None
Surrounding Land Uses:	North: C-1/sc, Single- and Multi-family; South: A-2/sc, Multi-family and Office; East: C-1/sc, Single- and Multi-family; West: R-4/sc, Single-family
Year 2025 Designation:	Residential (Northwest Planning Area)



General Information:

The applicant requests a rezoning from C-1/sc (Commercial/special contract) to S-D (Special Development/special contract) in order to sell the individual duplexes, which is not permitted in a C-1 zone. The site plan shows three (3) existing duplex buildings and a storage unit. The property is 0.44 acres in size. Access is proposed via Bartlett Drive. There is currently a special contract on this property.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **APPROVAL** of this request for rezoning from C-1/sc (Commercial/special contract) to S-D (Special Development/special contract).

The recommendation is based on the following:

- **The Plan for El Paso** City-Wide Land Use Goals recommends that El Paso “provide a wide range of housing types that respond to the needs of all economic segments of the community”.
- **The Year 2025 Projected General Land Use Map** for the Northwest Planning Area designates this property for **Residential** land uses.
- **S-D (Special Development) zoning** permits residential development and **is compatible** with surrounding development.

Findings:

The Commission must determine the following:

1. Will S-D (Special Development) zoning protect the best interest, health, safety and welfare of the public in general?
2. Will residential development 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:

Multi-family units are permitted on the proposed S-D Special Development District. Meets minimum yard standards. Need to identify number of bedrooms per unit to determine amount of parking spaces required. At least one unit must be A.D.A Accessible.

Development Services - Planning Division:

Current Planning: Recommends approval. Proposed zoning is compatible with projected land use and surrounding development.

Land Development: No comments received.

Engineering Department, Traffic Division:

No apparent traffic concerns with proposed zoning change.

Fire Department:

No comments received.

El Paso Water Utilities:

EPWU does not object to this rezoning request.

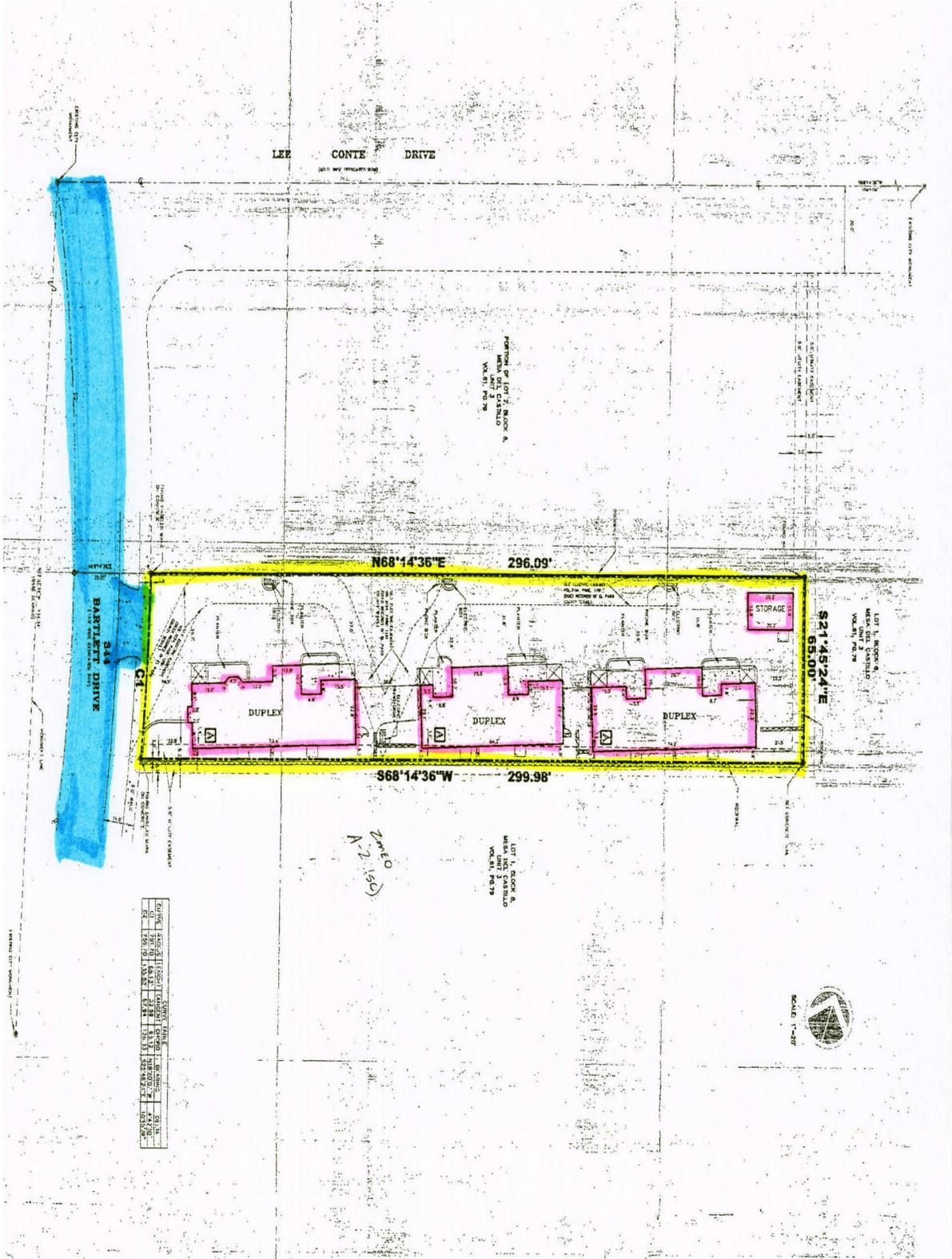


ZON07-00059

List of Attachments:

- Attachment 1: Site Plan
- Attachment 2: Application
- Attachment 3: Special Contract

Attachment 1: 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): Socorro Dozal

REPRESENTATIVE(S): Luis H. Delo Cruz

ADDRESS:

E-MAIL AT:

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: M-327-999-0090-0200

LEGAL DESCRIPTION: A portion of lot 2, Block 2, Mesa del Corral No Unit 3

STREET ADDRESS OR LOCATION: 324 Bartlett Drive REP DISTRICT: 8

ACREAGE: 0.44 to 19,344.35 PRESENT ZONING: C-1 PRESENT LAND USE: Residential

PROPOSED ZONING: S.O. PROPOSED LAND USE: Religious, cultural, and use.

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: Socorro Dozal

Signature: Socorro Dozal

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 07-00059

RECEIVED DATE: 05 13 07

APPLICATION FEE: \$ 715⁰⁰

DCC REVIEW DATE: 7/12/07 (8:30 am, Conference Room, 2nd Floor, City Hall Building)

CPC REVIEW DATE: 6/16/07 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)

ACCEPTED BY: Luisa Castle → 7-12-07

Revised 9/2006

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CITY CLERK DEPT.

Attachment 3: Special Contract

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

CONTRACT

THIS CONTRACT, made this 4th day of March, 1986, by and between PAUL AND KATHERINE HARVEY TRUST ESTATE, First Party, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning a portion of Tract 14A, A.F. Miller Survey 210, and a portion of Tract 3B, John Whittaker Survey 134, City and County of El Paso, Texas, which are more particularly described by metes and bounds in the attached Exhibits "A" through "E," which are made a part hereof by reference.

To remove certain objections to such rezoning, First Party covenants that if the property is rezoned in the following manner:

- A-2 (Apartment) - (Parcel 1 - 8.378 acres)
- A-2 (Parcel 2 - 1.515 acres)
- C-1 (Commercial) - (Parcel 3 - 6.137 acres)
- R-4 (Parcel 4 - 17.234 acres)
- R-4 (Parcel 5 - 21.953 acres)

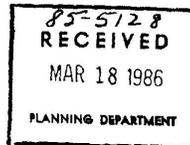
within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

Prior to the issuance of any building permits, a subdivision plat must be filed of record, and additional drainage easements must be dedicated, if required by the City and U.S. Army Corps of Engineers.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity, or necessitating the amendment of, the ordinance passed

Ord # 8605 (2/25/86)

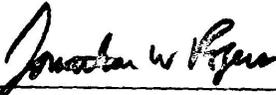


RESOLUTION

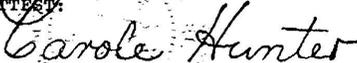
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with PAUL AND KATHERINE HARVEY TRUST ESTATE placing certain restrictions, conditions, and covenants on the property being rezoned by Ordinance No. 8605, and more particularly described as a portion of Tract 14A, A.F. Miller Survey 210, and a portion of Tract 3B, John Whittaker Survey 134 (east of IH-10 between Thorn Drive and Mesa Street).

ADOPTED this 4th day of March, 1986.



Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

