

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

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

**AGENDA DATE:** Introduction: July 10, 2007  
Public Hearing: July 31, 2007

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

**DISTRICT(S) AFFECTED:** 7

**SUBJECT:**

An Ordinance changing the zoning of a portion of Tract 6, Bootheville Subdivision, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm), C-1 (Commercial), and C-1/c (Commercial/condition) to C-2/c (Commercial/condition). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 8610 North Loop Drive. Applicants: Juan R. and Rosa I. Garibay. ZON07-00013 (District 7)

**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 Denial Recommendation  
City Plan Commission (CPC) – Approval Recommendation of a C-2 (Commercial) zoning (7-0)

\*\*\*\*\*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 TRACT 6, BOOTHEVILLE SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM), C-1 (COMMERCIAL), AND C-1/C (COMMERCIAL/CONDITION) TO C-2/C (COMMERCIAL/CONDITION). 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 Tract 6, Bootheville Subdivision, 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-F (Ranch and Farm), C-1 (Commercial) and C-1/c (Commercial/condition) to C-2/c (Commercial/condition), within the meaning of the zoning ordinance, that the zoning map of the City of El Paso be revised accordingly; and

Further, that the property be subject to the following condition, which is necessitated by and attributable to the increased intensity 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:

*"That a detailed site development plan be approved per the El Paso City Code prior to the issuance of building permits."*

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

THE CITY OF EL PASO

\_\_\_\_\_  
John F. Cook  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

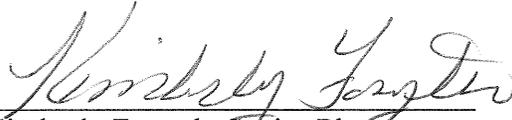
CITY CLERK DEPT.  
07 JUN 25 PM 3:14

*(Signatures continue on following page)*

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Theresa Cullen-Garney  
Deputy City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Kimberly Forsyth, Senior Planner  
Development Services Department

CITY CLERK DEPT.  
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**EXHIBIT "A"**

Metes & Bounds  
8610 North Loop Road

Legal Description of a portion our of Tract 6, Boothville Subdivision, City of El Paso, El Paso County, Texas, and being more particularly described by Metes and Bounds as follows:

Commencing at a point in the eastern right-of-way line of Pendale Road, set point being in the western common point of Tracks 6 and 9 and the **TRUE POINT OF BEGINNING**;

**THENCE**, along said right-of-way line, North 33° 22' East, a distance of 179.40 feet to a point;

**THENCE**, South 35° 29' East, a distance of 32.12 feet to a point;

**THENCE**, North 33° 22' East, a distance of 74.13 feet to a point;

**THENCE**, South 35° 29' East, a distance of 50.61 feet to a point;

**THENCE**, North 54° 31' East, a distance of 145.29 feet to a point on South right-of-way of North Loop Road;

**THENCE**, along said right-of-way line South 35° 17' 27" East, a distance of 100.00 feet to a point;

**THENCE**, South 37° 05' East, a distance of 270.29 feet to a point;

**THENCE**, South 68° 02' West, a distance of 91.00 feet to a point;

**THENCE**, South 53° 34' West, a distance of 200.00 feet to a point;

**THENCE**, North 58° 10' West, a distance of 262.62 feet to a point;

**THENCE**, North 56° 45' West, a distance of 98.83 feet to a point;

Said point is the **TRUE POINT OF BEGINNING** containing 124,594.39 Sq. Ft. or 2.86 Acres of land, more or less.

CITY CLERK DE  
07 JUN 25 PM 3:

**LHDLC** LAND USE CONSULTANT - DRAFTING & DESIGN SERVICES  
9013 LAIT ST. EL PASO, TEXAS 79925 915-590-9320

 CHRISTINA DE LA CRUZ 90629 LICENSED PROFESSIONAL ENGINEER <i>Christina De La Cruz</i> 12/14/06	LOT: A PORTION OF TRACT 6	DATE: 11.20.06	
	ADDRESS: 8610 NORTH LOOP ROAD	BLOCK:	SCALE: 1" = 50'
	SUBDIVISION: BOOTHVILLE	TRACT: 6	DRAWN BY: LRD
	CITY: EL PASO	STATE: TEXAS	CHECKED BY: LHE
	OWNER: JUAN R. & ROSA GARIBAY		



**CITY COUNCIL**

**JOHN COOK**  
MAYOR

**JOYCE WILSON**  
CITY MANAGER

**R. ALAN SHUBERT**  
DIRECTOR, DEVELOPMENT SERVICES

**KELLY CARPENTER, AICP**  
DEPUTY DIRECTOR, PLANNING

ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
PRESI ORTEGA, JR., DISTRICT 5  
EDDIE HOLGUIN, JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES**  
**PLANNING DIVISION**

**MEMORANDUM**

**DATE:** August 10, 2007

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

**FROM:** Melissa Granado, Planner

**SUBJECT:** **ZON07-00013**

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The City Plan Commission (CPC), on May 3, 2007, voted **7-0** to recommend **DENIAL** of rezoning the subject property from R-F (Ranch and Farm), C-1 (Commercial), and C-1/c (Commercial/condition) to C-3 (Commercial), and **APPROVAL** of rezoning the subject property from R-F (Ranch and Farm), C-1 (Commercial), and C-1/c (Commercial/condition) to C-2/c (Commercial/condition), contrary to Staff's recommendation.

This case was remanded to the Development Coordinating Committee who, on August 8, 2007, voted to recommend **DENIAL** of rezoning the subject property to C-2 (Commercial) with one dissenting vote from Fire, in concurrence 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 two letters in support and one letter of opposition to this request.

**Attachment:** Staff Report, Site Plan, Ordinance 014647, Application, Support Letters, Opposition Letter



**General Information:**

The applicant requests a rezoning from R-F (Ranch and Farm), C-1 (Commercial), and C-1/c (Commercial/conditions) to C-2 (Commercial) in order to permit retail business. The conceptual site plan proposes six existing buildings, three new buildings for retail and office use, and 42 parking spaces. Access is proposed via North Loop Drive. Ordinance 014647, dated October 10, 2000, imposed detailed site plan review on the portion of the subject property zoned C-1/c (Commercial/conditions). The conceptual site plan is not binding.

**Staff Recommendation:**

The Development Coordinating Committee (DCC) recommends **DENIAL** of this rezoning request. The proposed zoning is not compatible with surrounding development and uses.

The recommendation is based on the following:

- **The Plan for El Paso** City-Wide Land Use Goals recommends that El Paso “encourage the provision of neighborhood commercial services which are compatible with a neighborhood’s residential character.”
- **The Year 2025 Projected General Land Use Map** for the Lower Valley Planning Area designates this property for **Mixed Use** and **Commercial** land uses.
- **C-1 (Commercial) zoning** permits retail business uses that are more compatible with the residential areas abutting the property.
- **C-2 (Commercial) zoning** permits uses such as biliard halls, bowling alleys, data processing centers, amusement game complexes, self-storage warehouses, and other uses that are too intense and that are **not compatible** with the surrounding uses and adjacent zoning.

**Findings:**

The Commission must determine the following:

1. Will rezoning to C-2 (Commercial) protect the best interest, health, safety and welfare of the public in general?
2. Will the rezoning be compatible with adjacent land uses?
3. What is the relation of the proposed rezoning to the City’s Comprehensive Plan?
4. What effects will the proposed 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:**

Zoning: Multiple unidentified uses and land parcels shown. Need to identify existing uses to determine C-3 (Commercial) District permitted use and parking compliance. Retail shopping center(s) permitted on proposed zoning district. Center(s), as proposed, do not meet minimum parking requirements. Shall need to show all setback dimensions and provide a 6 ft. high masonry screening wall along property lines abutting R-F zoning district.

Landscaping: No comments received.

**Development Services - Planning Division:**

Current Planning: Recommends denial. The proposed zoning is not compatible with surrounding residential and neighborhood commercial development. At the request of the CPC, the Planning Division met with the Representative and discussed restricting uses should C-3 (Commercial) zoning be

approved. Planning staff also recommends extending the condition for site plan review that currently exists on the C-1/c portion, to the entire property, and requiring a ten foot landscape buffer along property lines abutting residential districts and uses.  
Land Development: No comments received.

**Engineering Department, Traffic Division:**

No comments received.

**Fire Department:**

No comments received.

**El Paso Water Utilities:**

No comments received.



**List of Attachments:**

- Attachment 1: Site Plan
- Attachment 2: Ordinance 014647
- Attachment 3: Application
- Attachment 4: Support Letters
- Attachment 5: Opposition Letter



Attachment 2: Ordinance 014647

ORDINANCE NO. 014647

AN ORDINANCE CHANGING THE ZONING OF THE SOUTHEASTERLY PORTION OF TRACT 6, BOOTHEVILLE SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS (8616 NORTH LOOP DRIVE) FROM R-F (RANCH-FARM) TO C-1 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the zoning of the Southeasterly portion of Tract 6, *BOOTHEVILLE SUBDIVISION, City of El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from **R-F (Ranch-Farm)** 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; and

That the property be subject to the following condition which is necessitated by and attributable to the increased intensity of use generated by the change of zoning from **R-F (Ranch-Farm)** to **C-1 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

Submittal of a Detailed Site Development Plan, pursuant to the notice and approval requirements of Article III of Title 20 (Zoning) of the El Paso Municipal Code, to be approved by the City Plan Commission and City Council prior to the issuance of building permits and certificates of occupancy.

This condition 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, by rescission of the zoning which is made appropriate as a result of this condition, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release

CJC:pmc#73043\ZON\PLA\Y6

014647

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8/31/00

ORDINANCE NO. \_\_\_\_\_

Zoning Case No. ZC-00049

the above condition in its discretion without the consent of any third person who may be benefitted thereby, and without affecting the validity of this ordinance.

PASSED AND APPROVED this 10<sup>th</sup> day of October, 2000.

THE CITY OF EL PASO

[Signature]  
Carlos M. Ramirez, P.E.  
Mayor

ATTEST:

[Signature]  
City Clerk

APPROVED AS TO FORM:

[Signature]  
Carolyn J. Culum  
Assistant City Attorney

APPROVED AS TO CONTENT:

[Signature]  
Patricia D. Adauto, Interim Director  
Dept. of Planning, Research & Development

Acknowledgment

THE STATE OF TEXAS )  
                                  )  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 10<sup>th</sup> day of October, 2000, by CARLOS M. RAMIREZ, P.E. as Mayor of THE CITY OF EL PASO.

My Commission Expires



[Signature]  
Notary Public, State of Texas  
Notary's Printed or Typed Name:  
Rose G. Aguilar

CJC:pmc/#73043VZON/PLA\Y6

ORDINANCE NO. 014647

Zoning Case No. ZC-00049

Attachment 3: 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): Juan R. & Rosa I. Garibay

REPRESENTATIVE(S): Luis H. & Rene De La Cruz

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: B-680-999-0010-2950-13680-999-0010-2800

LEGAL DESCRIPTION: A portion of tract C, Bootheville Subdivision

STREET ADDRESS OR LOCATION: 8616 North Loop Dr. El Paso, TX 79907 REP DISTRICT: 7

ACREAGE: 124,593 ± 2.800 Ac ± PRESENT ZONING: C-1, R-F PRESENT LAND USE: apex & locate

PROPOSED ZONING: C-3 PROPOSED LAND USE: shops for retail business property

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: Juan Rodolfo Garibay Signature: [Signature]

Printed Name: ROSA ISABEL GARIBAY Signature: [Signature]

Printed Name: \_\_\_\_\_ Signature: \_\_\_\_\_

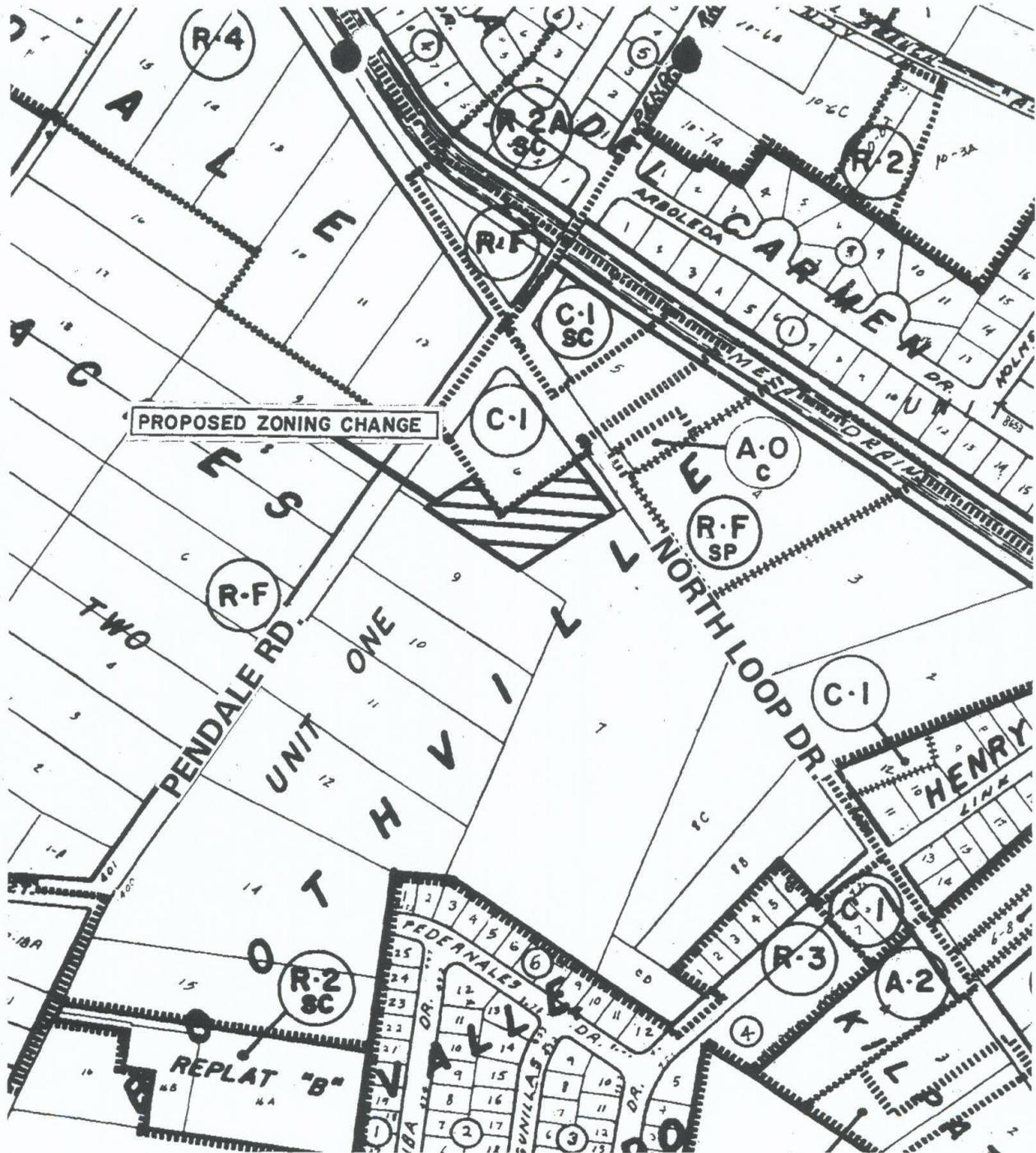
Note: Signatures are required for all owners of record for the property proposed for rezoning. Attach additional signatures on a separate sheet of paper.

\*\*OFFICE USE ONLY\*\*

ZON 07-00013 RECEIVED DATE: 02/06/07 APPLICATION FEE: \$ 770.00  
DCC REVIEW DATE: 02/28/07 (8:30 am, Conference Room, 2<sup>nd</sup> Floor, City Hall Building)  
CPC REVIEW DATE: 03/15/07 (1:30 pm, City Council Chambers, 2<sup>nd</sup> Floor, City Hall Building)  
ACCEPTED BY: [Signature]

Revised 9/2006

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 NORTH	SCALE	GENERAL LOCATION MAP	CASE NUMBER
	NOT TO SCALE		ZC-00049

014647

Attachment 4: Support Letters

FAX-541-4028

3-3-07

CITY PLAN COMMISSION  
PLANNING DIVISION, 5TH FLOOR, CITY HALL  
& CIVIC CENTER PLAZA, EL PASO, TX-79901-1196

RE: ZON07-00013

WE HAVE NO OBJECTIONS TO THE REZONING  
OF THE PROPERTY AT 8610 N. LOOP DR.  
TO C-3.

JAMES M. & CHARLENE GUNN OWNERS OF  
PROPERTY LOCATED AT 8620 N. LOOP DRIVE,  
EL PASO, TX. 79907

James M. Gunn }  
Charlene Gunn } 3-03-07

City Planning Commission (c/o Planning Division 5<sup>th</sup> Floor, City Hall, 2 Civic Center Plaza, El Paso, Texas 79901-1196)

I am responding to your letter ref: Juan R. & Rosa Garibay requesting a change in the zoning on the property located at 8610 North Loop Dr. from R-F (Ranch and Farm) to C-3 (Commercial). I have no objection to this change and approve their request.

CASE: ZON07-00013  
DATE: 3/15/07

My Name Is Richard L. & Hermina G. Ratliff,  
Our residence address is 396 Hollydale Dr. El Paso Texas 79912.  
We are the owners of the property located at 8622, 8624 & 8626 North Loop Dr. El Paso Texas.

Att: Arlan Greer, Planner  
Planning Division

Attachment 5: Opposition Letter

March 14, 2007

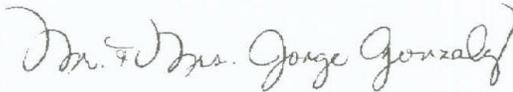
Re: Rezoning – Property: 8610 North Loop

To Whom It May Concern:

We reside at 447 Pendale and are opposing the rezoning of this location. We are deeply concerned about the negative impact this would have on our neighborhood. Not only would this add to the existing excessive traffic flow on Pendale, but it would also have a detrimental effect that so often accompanies other businesses such as illegal skateboarding after hours, loitering, vandalism, and other negative behavior. This would invite traffic hazards for pedestrians and residents residing within the immediate vicinity. We would like to continue to preserve the rural lifestyle that attracted us to this neighborhood. In discussing these issues, the consensus among our fellow neighbors is consistent.

We would deeply appreciate that our concerns be considered regarding this issue.

Sincerely,



Mr. & Mrs. Jorge Gonzalez

City Planning Commission (c/o Planning Division 5<sup>th</sup> Floor, City Hall, 2 Civic Center Plaza, El Paso, Texas 79901-1196)

I am responding to your letter ref: Juan R. & Rosa Garibay requesting a change in the zoning on the property located at 8610 North Loop Dr. from R-F (Ranch and Farm) to C-3 (Commercial). I have no objection to this change and approve their request.

CASE: ZON07-00013  
DATE: 3/15/07

My Name Is Richard L. & Hermina G. Ratliff.

We are the owners of the property located at 8622, 8624 & 8626 North Loop Dr. El Paso Texas.

Att: Arlan Greer, Planner  
Planning Division

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CITY CLERK DEPT.  
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Attachment 5: Opposition Letter

March 14, 2007

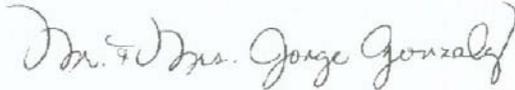
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Sincerely,



Mr. & Mrs. Jorge Gonzalez