

**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: 5

SUBJECT:

An Ordinance changing the zoning of a portion of Lot 9, Block 4, Hueco View Acres, City of El Paso, El Paso County, Texas, from C-1/sc (Commercial/special contract) District to C-3/sc/c (Commercial/special contract/conditions) District, and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: East of George Dieter Drive and South of Turner Road. Applicants: John Trien. ZON07-00039 (District 5)

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 (3-2)

*****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 9, BLOCK 4, HUECO VIEW ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-1/SC (COMMERCIAL/SPECIAL CONTRACT) DISTRICT TO C-3/SC/C (COMMERCIAL/SPECIAL CONTRACT/CONDITIONS) DISTRICT, AND IMPOSING CONDITIONS. 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 9, Block 4, Hueco View 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 **C-1/sc (Commercial/special contract) District** to **C-3/sc/c (Commercial/special contract/conditions) District**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the increased density 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:

The following uses are strictly prohibited:

1. *Automobiles, light trucks, buses, motorcycles and boats, sales, storage, rental and service;*
2. *Hotel, motel or motor lodge;*
3. *Transportation terminal;*
4. *Trailer, mobile home, travel trailer and recreational vehicle sales, display and repair;*
5. *Travel trailer or mobile home park;*
6. *Self-storage warehouse;*
7. *Outdoor flea market.*

PASSED AND APPROVED this _____ day of _____, 2007.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

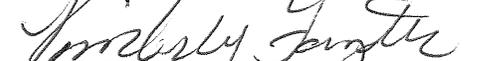
SIGNATURES CONTINUE ON FOLLOWING PAGE

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:



Kimberly Forsyth, Senior Planner
Development Services Department

Being a Portion of Lot 9, Block 4,
Hueco View Acres,
City of El Paso, El Paso County, Texas

April 02, 2007

METES AND BOUNDS DESCRIPTION

Exhibit "A"

FIELD NOTE DESCRIPTION of a parcel of land being a Portion of Lot 9, Block 4, Hueco View Acres, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

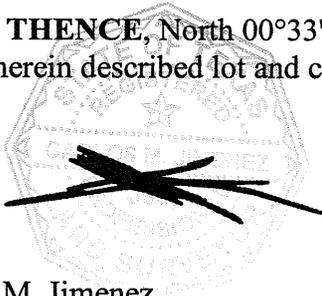
COMMENCING FOR REFERENCE at a set iron rod at the common boundary line of Lots 8 and 9, same being the easterly right-of-way line of George Dieter Drive (120' R.O.W.) and the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said easterly right-of-way line and along said common boundary line, North 90°00' 00" East, a distance of 579.73 feet to a found iron rod for corner;

THENCE, leaving said common boundary line, South 00°33' 46" East, a distance of 340.31 feet to a set iron rod for corner;

THENCE, North 90°00' 00" West, a distance of 579.79 feet to a set nail for corner;

THENCE, North 00°33' 12" West, a distance of 340.31 to the **POINT OF BEGINNING** of the herein described lot and containing 197,289.43 square feet or 4.5291 Acres of land more or less.



Carlos M. Jimenez
Registered Professional Land Surveyor
Texas No. 3950

CAD CONSULTING COMPANY.
1790 Lee Trevino Suite # 503
El Paso, Texas 79936
(915) 633-6422
70412.wpd

EXHIBIT "A"

CITY CLERK DEPT.
07 JUN 26 AM 9:03



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: June 25, 2007

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

FROM: Melissa Granado, Planner

SUBJECT: **ZON07-00039**

The City Plan Commission (CPC), on June 7, 2007, voted **3-2** to recommend **APPROVAL** of rezoning the subject property from C-1/sc (Commercial/special contract) to C-3/sc/c (Commercial/special contract/conditions), contrary to 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.

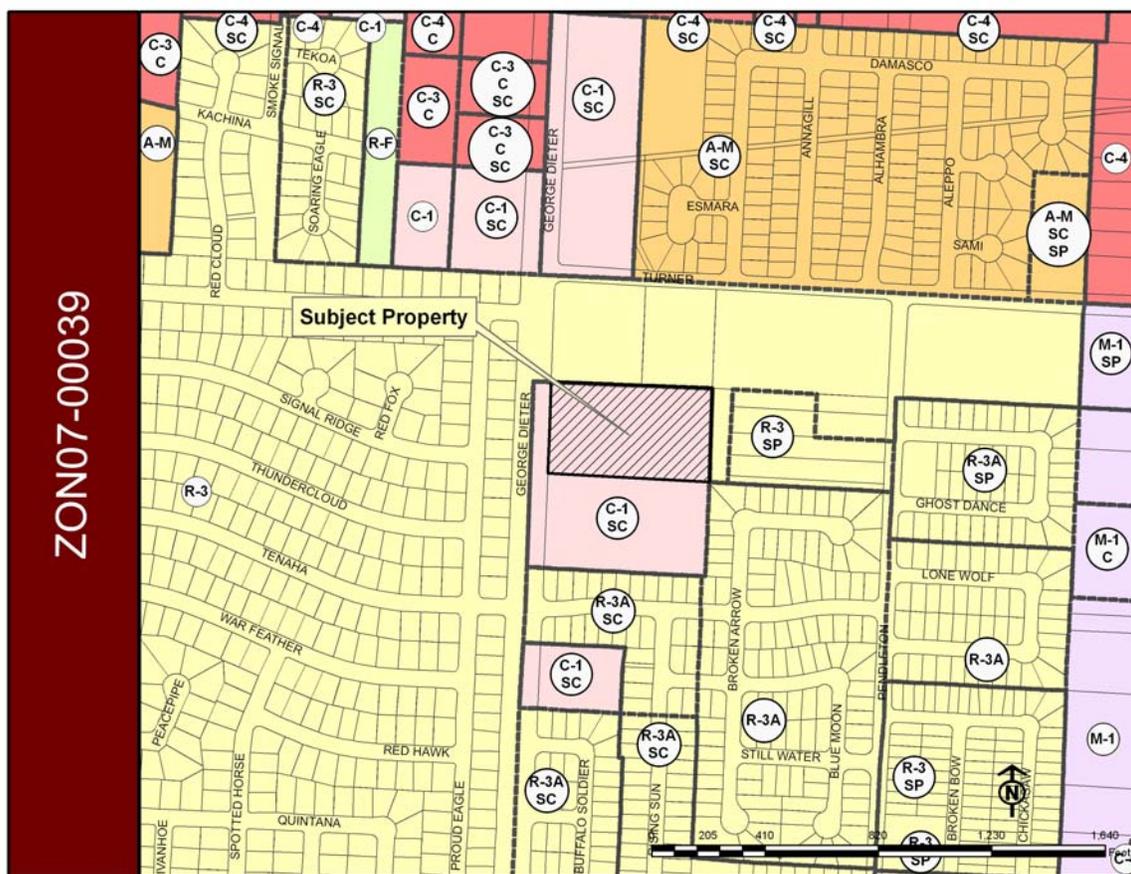
There was no support or opposition to this request.

Attachment: Staff Report, Conceptual Site Plan, Ordinance 009126, Application



ZON07-00039

Application Type: Rezoning
Property Owner(s): John Trien
Representative(s): CAD Consulting Co
Legal Description: A portion of Lot 9, Block 4, Hueco View Acres, City of El Paso, El Paso County, Texas
Location: East of George Dieter Drive and South of Turner Road
Representative District: 5 **Area:** 4.5291 acres
Present Zoning: C-1/sc (Commercial/special contract) **Present Use:** Vacant
Proposed Zoning: C-3/sc (Commercial/special contract)
Recognized Neighborhood Associations Contacted: East Side Civic Association
Public Response: None
Surrounding Land Uses: **North:** R-3 / Church, **South:** C-1/sc / Church, **East:** R-3, R-3/sp / Vacant, Residential, **West:** R-3, Residential Residential (East Planning Area)
Year 2025 Designation:



General Information:

The applicant requests a rezoning from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract). The conceptual site plan proposes a new building with a ponding area on site and approximately 160 parking spaces. Access is proposed via George Dieter Drive. A contract dated August 11, 1987 (Ordinance 009126) imposed various conditions on this property (see Attachment 2).

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **DENIAL** of this rezoning request.

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 East Planning Area designates this property for **Residential** land uses.
- **C-1 (Commercial) zoning** permits neighborhood commercial uses and **is compatible** with adjacent zoning.
- **C-3 (Commercial) zoning** permits a wide variety of commercial uses that are **not compatible** with adjacent zoning.

Findings:

The Commission must determine the following:

1. Will C-3 (Commercial) zoning protect the best interest, health, safety and welfare of the public in general?
2. Will C-3 (Commercial) zoning 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:

Zoning Review: Parcel Boundary Survey submitted meets C-3 (Commercial) District Yard and Lot Area Standards. Need to identify proposed use(s) in order to determine compliance with parking requirements. Shall need to provide a 6 ft. high screening wall along property line abutting R-3 (Residential) District.

Landscaping: No comments received.

Development Services - Planning Division:

Current Planning: Recommends denial of the rezoning request. The existing C-1 (Commercial) zoning allows various commercial uses compatible with the area. C-3 (Commercial) zoning is too intense and would allow uses incompatible with the area and surrounding development.

Land Development: No comments received.

Engineering Department, Traffic Division:

No apparent traffic concerns with proposed zoning change.

Sidewalks on George Dieter shall be provided.

Fire Department:

No comments received.

EI Paso Water Utilities:

EPWU does not object to this request.



List of Attachments:

- Attachment 1: Conceptual Site Plan
- Attachment 2: Ordinance 009126
- Attachment 3: Application

Attachment 2: Ordinance 009126

009126

AN ORDINANCE CHANGING THE ZONING OF LOTS 9 AND 10, BLOCK 4, HUECO VIEW ACRES SUBDIVISION, THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO CITY CODE.

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

That the zoning of Lots 9 and 10, Block 4, Hueco View Acres Subdivision, be changed from R-3 (Residential) to C-1 (Commercial) within the meaning of the zoning ordinance, subject to a special contract placing certain restrictions, conditions and covenants on the property, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this 11th day of August, 1987.

Jonathan W. Rojas
Mayor

ATTEST:
Carole Hunter
City Clerk

APPROVED AS TO FORM:

John R. ...
Assistant City Attorney

APPROVED AS TO CONTENT:

Ray ...
Department of Planning,
Research and Development

ZNG245281.87

reflect the amendment of ordinance #9126
By *Carl ...* Date 9-17-87

NOTE: DEED FOR
30 FT. ADDITIONAL
R.O.W. FOR GEORGE
DIETER PR. IS NOT
ATTACHED TO THIS
ORD. R. LEWIS

9-17-87 #L.D.
9-17-87
9-17-87 Bldg. Inspector
9-17-87 CONTROL *Carl ...*

Contract 8-11-87
009126

RECEIVED
SEP 4 - 1987
PLANNING DEPARTMENT

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 by the City Council embodying this change of zoning and subject to this contract.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

FIRST PARTY:
MICHAEL SHEARN

Michael Shearn

SECOND PARTY:
THE CITY OF EL PASO

By [Signature]
Mayor

ATTEST:

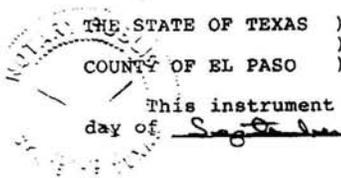
[Signature]
City Clerk

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

APPROVED AS TO CONTENT:

[Signature]
Department of Planning,
Research and Development



THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 1st day of September, 1987, by MICHAEL SHEARN.

[Signature]
Notary Public, State of Texas

My Commission Expires:

9-23-89

SIGNATURES CONTINUED ON NEXT PAGE

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): JOHN TUEN

E

REPRESENTATIVE(S): CAD CONSULTING CO. APR 0

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____

LEGAL DESCRIPTION: A PORTION OF LOT 9, BLOCK 4, HUECO VIEW ACRES

STREET ADDRESS OR LOCATION: GEORGE DIETEN & TURNER REP DISTRICT: 5

ACREAGE: 4.5291 PRESENT ZONING: C1 PRESENT LAND USE: VACANT

PROPOSED ZONING: C3 PROPOSED LAND USE: SHOPPING CENTER

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: JOHN TUEN

Signature: John Tuen

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.

CITY CLERK DEPT.
07 JUN 26 AM 9:04

****OFFICE USE ONLY**** 4/5/07

ZON 07-00039 RECEIVED DATE: 4/5/07 APPLICATION FEE: \$ 770.00

DCC REVIEW DATE: 5/9/07 (8:30 am, Conference Room, 2nd Floor, City Hall Building)

CPC REVIEW DATE: 6/7/07 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)

ACCEPTED BY: [Signature]

Revised 9/2006

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