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

DEPARTMENT: **Development Services Department**

AGENDA DATE: **Introduction: August 19, 2008**
Public Hearing: September 9, 2008

CONTACT PERSON/PHONE: **Mirian Spencer, (915) 541-4192, spencermd2@elpasotexas.gov**

DISTRICT(S) AFFECTED: 5

SUBJECT:
An Ordinance changing the zoning of a portion of Section 39, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-3 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property North Zaragoza Road at Rich Beem Drive. Applicant: River Oaks Properties, LTD. ZON08-00015 (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) – Denial Recommendation of C-3 (Commercial) and Approval Recommendation of C-2 (Commercial) with conditions
City Plan Commission (CPC) – Approval Recommendation (6-1)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Victor Q. Torres Victor Q Torres

****

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

CITY CLERK DEPT. **ORDINANCE NO. _____**

08 AUG 11 PM 2:08

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF SECTION 39, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 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 39, Block 79, Township 2, Texas and Pacific Railroad Company 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 **R-3 (Residential)** to **C-3 (Commercial)**, 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:

1. *That a detailed site development plan be approved as per the El Paso City Code prior to the issuance of building permits.*
2. *That a 10' wide landscape buffer to include high profile native trees of at least 2" caliper placed 15' on center adjacent to residential and apartment uses and zoning*
3. *Restrict the following uses:*
    a. *Ambulance service*
    b. *Automobile, boat, bus, light truck, sales, service, storage, rental*
    c. *Automotive repair garage*
    d. *Commercial equipment repair*
    e. *Commercial dry-cleaners*
    f. *Heliport*
    g. *Industrial equipment repair*
    h. *Manufactured homes sales, display, and repair*
    i. *Building and construction material sales*
    j. *Mobile home sales, display, and repair*
    k. *Major automotive repair*
    l. *Recreation vehicle park*
    m. *Transportation terminal type B*
    n. *Tattoo parlor*
    o. *Paintball centers*
    p. Shooting ranges

PASSED AND APPROVED this _____ day of _____, 2008.

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:

_____
Mathew S. McElroy
Deputy Director – Planning
Development Services Department

CITY CLERK DEPT.
08 AUG 11 PM 2:00

ORDINANCE NO. _____

ZON08-00015

CITY CLERK DEPT.
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EXHIBIT A (1 of 2)

Parcel 1 (R-3 to C-3)
Being a portion of Section 39,
Block 79, Township 2,
Texas and Pacific Railway Company Surveys,
City of El Paso, El Paso County, Texas
June 11, 2008

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Section 39, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at an existing city monument for the centerline intersection of Rich Beem Blvd. and Tierra Bahia Dr. Thence **South 78°38'36" East** a distance of **150.68** feet to a point on the northeasterly right of way line of line of Rich Beem Blvd. for the **"TRUE POINT OF BEGINNING"**.

Thence **North 42°31'49" East** a distance of **1073.15** feet to a point;

Thence **South 47°28'11" East** a distance of **588.31** feet to a point

Thence **South 00°33'11" East** a distance of **0.98** feet to a point on the northwesterly right of way line of Zaragoza Road;

Thence along said right of way line **South 42°31'34" West** a distance of **1028.38** feet to a point of curve;

Thence, **39.27** feet along the arc of a curve to the right which has a radius of **25.00** feet, a central angle of **89°59'34"**, a chord which bears **South 87°31'21" West** a distance of **35.35** feet to a point on the northeasterly right of way line of Rich Beem

Thence along said line, **North 47°28'52" West** a distance of **285.72** feet to a point of curve;

Thence **279.21** feet along the arc of a curve to the left which has a radius of **2055.00** feet a central angle of **07°47'05"** a chord which bears **North 51°22'24" West** a distance of **278.99** feet to **"TRUE POINT OF BEGINNING"** and containing in all **14.29** acres of land more or less.

Not a ground survey.

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
PROFESSIONAL
LAND SURVEYOR

6-15-08

job # 308-11

Ron R. Conde
R.P.L.S. No. 5152

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

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EXHIBIT A (2 of 2)

Parcel 2 (R-3 to C-3)
Being a portion of Section 39,
Block 79, Township 2,
Texas and Pacific Railway Company Surveys,
City of El Paso, El Paso County, Texas
June 11, 2008

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Section 39, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at an existing city monument for the centerline intersection of Rich Beem Blvd. and Tierra Bahia Dr. Thence **South 33°04'31" East** a distance of **133.10** feet to a point on the southeasterly right of way line of line of Rich Beem Blvd. for the **"TRUE POINT OF BEGINNING"**.

Thence, **279.33** feet along the arc of a curve to the right which has a radius of **1945.00** feet, a central angle of **8°13'43"**, a chord which bears **South 51°35'43" East** a distance of **279.09** feet to a point;

Thence **South 47°28'52" East** a distance of **285.70** feet to a point of curve;

Thence, **39.27** feet along the arc of a curve to the right which has a radius of **25.00** feet, a central angle of **90°00'26"**, a chord which bears **South 02°28'39" East** a distance of **35.36** feet to a point on the northwesterly right of way line of Zaragoza Road;

Thence along said right of way line **South 42°31'34" West** a distance of **1583.03** feet to a point;

Thence leaving said right of way line **South 89°57'21" West** a distance of **800.10** feet to a point on the easterly line of Tierra Del Este Unit Thirty Four;

Thence along said line **North 42°31'49" East** a distance of **2129.20** feet to **"TRUE POINT OF BEGINNING"** and containing in all **25.36** acres of land more or less.

Not a ground survey.

STATE OF TEXAS REGISTERED RONALD ROBERT CONDE 5152 PROFESSIONAL LAND SURVEYOR
6-13-08

job # 308-11

Ron R. Conde
R.P.L.S. No. 5152

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

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08 AUG 11 PM 2:01

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

MEMORANDUM

DATE: **July 23, 2008**

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

FROM: Mirian Spencer, Planner

SUBJECT: ZON08-00015

The City Plan Commission (CPC), on July 17, 2008 voted (6 to 1) to recommend **APPROVAL** of rezoning the subject property from R-3 (Residential) to C-3 (Commercial) and imposed conditions, against the recommendation from staff and the Development Coordinating Committee. The CPC imposed the following conditions on the property:

1. A Detailed Site Development Plan be approved as per the El Paso Municipal Code.
2. That a 10' landscaped buffer to include high profile native trees of at least 2" caliper be placed at 15' on center along property lines adjacent to residential and apartment uses and zoning.
3. The following uses be prohibited on the site:
    a. Ambulance services
    b. Automobile, light truck, bus, boat and motorcycle sales, service, storage, rental and repair
    c. Commercial and industrial equipment repair
    d. Commercial dry-cleaners
    e. Heliport
    f. Manufactured home sales, display and repair
    g. Paintball centers
    h. Recreational vehicle park
    i. Tattoo parlors
    j. Transportation Terminal Type B

The applicant is requesting a rezoning from R-3 (Residential) to C-3 (Commercial) in order to permit commercial development. The property is 39.65 acres in size and is vacant. Access is proposed via North Zaragoza Road and Rich Beem Drive. There are no zoning conditions imposed on the property.

The DCC and staff recommended denial of the C-3 (Commercial) zoning and approval of C-2 (Commercial) with additional conditions due to the proximity to a combination elementary and middle school as well as the location along Zaragoza Road. The recommendation from the DCC and staff was to deny the C-3 (Commercial) and approve C-2 (Commercial) with the following conditions:

1. A detailed site development plan be approved as per the El Paso City Code.
2. A 10' landscaped buffer to include high profile native trees of at least 2" caliper be placed 15' on center along property lines adjacent to residential and apartment zoning and uses.
3. An 8' masonry screening wall be provided along property lines adjacent to residential and apartment zoning and uses.

The recommendation was based on the subject property is directly adjacent to an existing combination Elementary and Middle School and single-family residential development. The property is located at the entrance of an existing residential neighborhood and is conducive to Neighborhood and Community commercial uses. The character of the Zaragoza corridor is more conducive to Community Commercial rather than Regional Commercial and Industrial uses being proposed by the applicant. While commercial development is appropriate along major arterials intersections such as Rich Beem and Zaragoza Road, they must be compatible with the adjacent land uses. C-3 (Commercial) permits uses that are incompatible with the adjacent residential and school developments due to noise levels, traffic, and potential safety concerns. Restricting the number of uses that are incompatible with the adjacent development, would allow primarily C-2 (Commercial) uses with a few additional C-3 (Commercial) uses.

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; and that the proposed use is compatible with adjacent land uses. The dissenting vote at CPC felt that duties of the CPC is to look the content of the requests from applicants and do what is in the best interest of the surrounding neighborhoods and uses, not make recommendations to fit what the applicants want.

There were **TWO PETITIONS, ONE LETTER, THREE EMAILS, and ONE CALL IN OPPOSITION** to this request. The nature of the opposition is the intensity of the potential uses within the C-3 (Commercial) zoning district and their proximity to both the residential neighborhood and the elementary and middle school directly adjacent to the site. The opposition is primarily from the Las Tierras Neighborhood Association. The opposition will not require a supermajority vote of City Council for approval. The total land area against the application is 2.4% of the 41.113 acres within 200 feet of the subject property.

Attachment: Staff Report, Conceptual Site Plan, Opposition Map, Opposition Petitions, Opposition Letter, Opposition Emails, Rezoning Application

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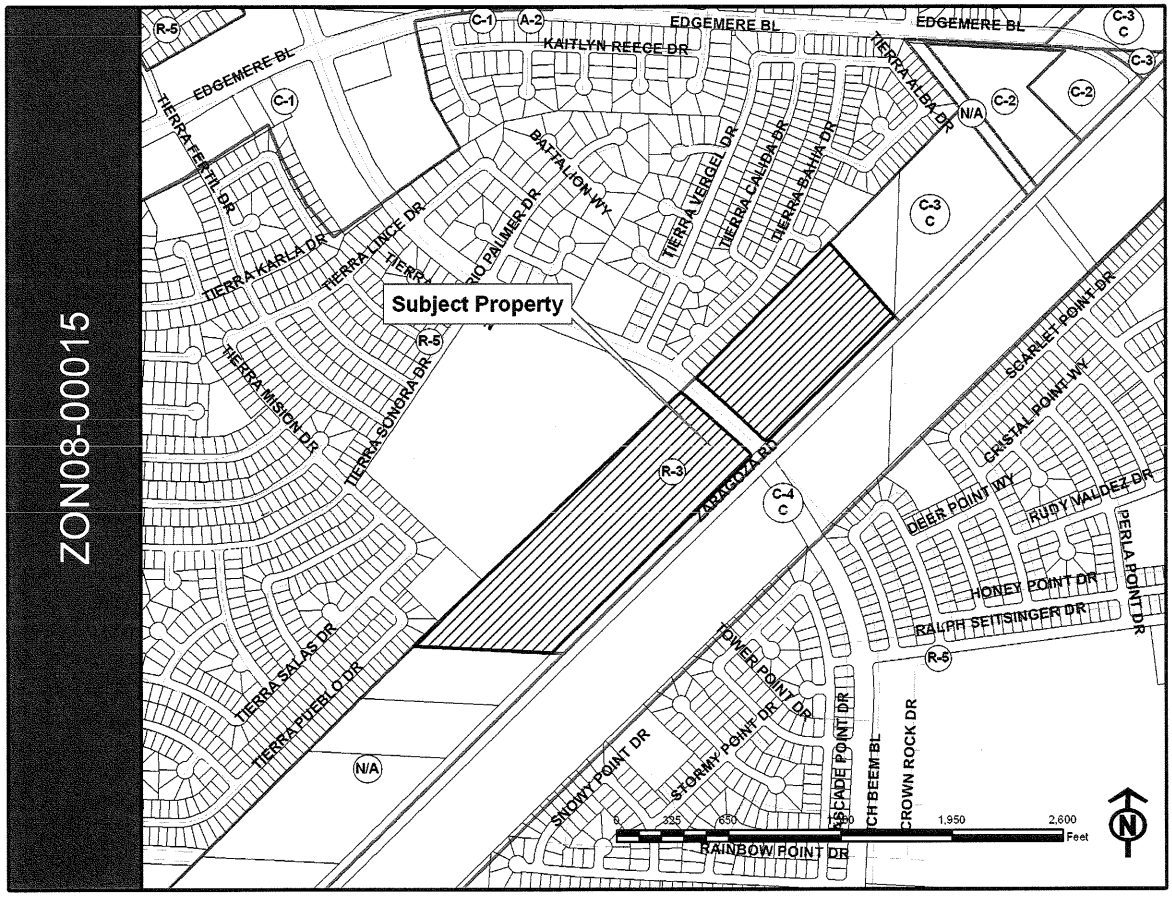
ZON08-00015

Application Type:	Rezoning
Property Owner(s):	River Oaks Properties, LTD
Representative(s):	Conde, Inc.
Legal Description:	A portion of Section 39, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas
Location:	North Zaragoza Road at Rich Beem Drive
Representative District:	5
Area:	39.65 acres
Present Zoning:	R-3 (Residential)
Present Use:	Vacant
Proposed Zoning:	C-3 (Commercial)
Proposed Use:	Commercial development
Recognized Neighborhood Associations Contacted:	Las Tierras Neighborhood Association; Eastside Civic Association
Public Response:	Two petitions, one letter, three emails, and one call in Opposition
Surrounding Land Uses:	**North – R-5 /** Single-family Residential**; South – C-4/c /** Vacant**; East – C-3/c /** Vacant; **West- N/A /** Motor vehicle storage
Year 2025 Designation:	**Residential and Commercial (East) Planning Area**



General Information:
The applicant is requesting a rezoning from R-3 (Residential) to C-3 (Commercial) in order to permit commercial development. The property is 39.65 acres in size and is vacant. Access is proposed via **North Zaragoza Road and Rich Beem Drive.** There are no zoning conditions imposed on the property.

Staff Recommendation:
The Development Coordinating Committee (DCC) recommends **Denial** of rezoning the property from R-3 (Residential) to C-3 (Commercial) and **APPROVAL** of C-2 (Commercial) with the following conditions:

1. That a detailed site development plan be approved as per the El Paso City Code prior to the issuance of building permits.
2. That a 10' wide landscaped buffer with evergreen trees placed 15' on center be provided along property lines that are adjacent to Residential or Apartment zoning districts.
3. That an 8' masonry screening wall be provided along property lines that are adjacent to the Residential or Apartment zoning districts.

The recommendation is based on the following:
The subject property is directly adjacent to an existing combination Elementary and Middle School and single-family residential development. The property is located at the entrance of an existing residential neighborhood and is conducive to Neighborhood and Community commercial uses. The character of the Zaragoza corridor is more conducive to Community Commercial rather than Regional Commercial and Industrial uses being proposed by the applicant. While commercial development is appropriate along major arterials intersections such as Rich Beem and Zaragoza Road, they must be compatible with the adjacent land uses. C-3 (Commercial) permits uses that are incompatible with the adjacent residential and school developments due to noise levels, traffic, and potential safety concerns. Restricting the number of uses that are incompatible with the adjacent development, would allow primarily C-2 (Commercial) uses with a few additional C-3 (Commercial) uses.

The Plan for El Paso City-Wide Land Use Goals and Policies 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."
- "Preserve, protect, and enhance the integrity, economic vitality, and livability of the city's neighborhoods."
- "Maintain development standards that protect residential neighborhoods from uses that increase traffic, and noise, reduce privacy, and adversely affect the health, safety, and welfare of residents."
- "Encourage new development as cluster and corridor concepts in place of strip commercial development."

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The Year 2025 Projected General Land Use Map for the **East** Planning Area designates this property for **Commercial** and **Residential** land uses.

C-3 (Commercial) zoning district permits Commercial development and **is not compatible** with adjacent development as the C-3 (Commercial) zoning district permits uses that could potentially adversely affect the health, safety, and welfare of the adjacent residential and school development.

C-2 (Commercial) zoning district permits Commercial development and **is compatible** with adjacent development.

Findings:
The Commission must determine the following:

1. Will the C-3 (Commercial) zoning protect the best interest, health, safety, and welfare of the public in general?
2. Will commercial development be compatible with adjacent land uses?
3. What is the relation of the proposed change to the city's Comprehensive Plan?
4. What effect will the rezoning have upon the natural environment social and economic conditions and property values in the vicinity and in the City as a whole?

Development Services Department - Building Permits and Inspections Division:
Zoning Review: No objection to the request. Shall be required to provide a 6' masonry screening wall where adjacent to residential zoning districts.

Landscape Review No comments received

Development Services Department - Planning Division:
Current Planning: The 2025 Projected General Land Use Map for the **East** planning area designates the property for **Commercial** and **Residential** uses. The proposed **C-3** (Commercial) zoning district **is not** compatible with adjacent development. Recommend approval of **C-2** (Commercial) zoning with the following conditions:

- That a detailed site development plan be approved as per the El Paso City Code prior to the issuance of building permits.
- That a 10' wide landscaped buffer with evergreen trees placed 15' on center be provided along property lines that are adjacent to Residential or Apartment zoning districts.
- That an 8' high masonry screening wall be provided along property lines that are adjacent to Residential or Apartment zoning districts.

Subdivision Review: Site location is not located within a Special Flood Hazard Area, Flood Zone(s) **X**, **"Areas determined to be outside 500-year flood plain"** Panel **480212 0175 B.** The following will be required at the time of development:

- ADA accessible sidewalk(s), wheelchair ramp(s), and driveway(s)
- Coordination with TxDOT
- Grading plan and permit approved by the Development Services – Engineering Division
- Drainage plans must be approved by the Development Services – Engineering Division
- Storm Water Pollution Prevention Plan and/or permit required
- On-site Ponding

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Engineering Department - Traffic Division:
No objections to the proposed rezoning request.

Fire Department:
No comments received.

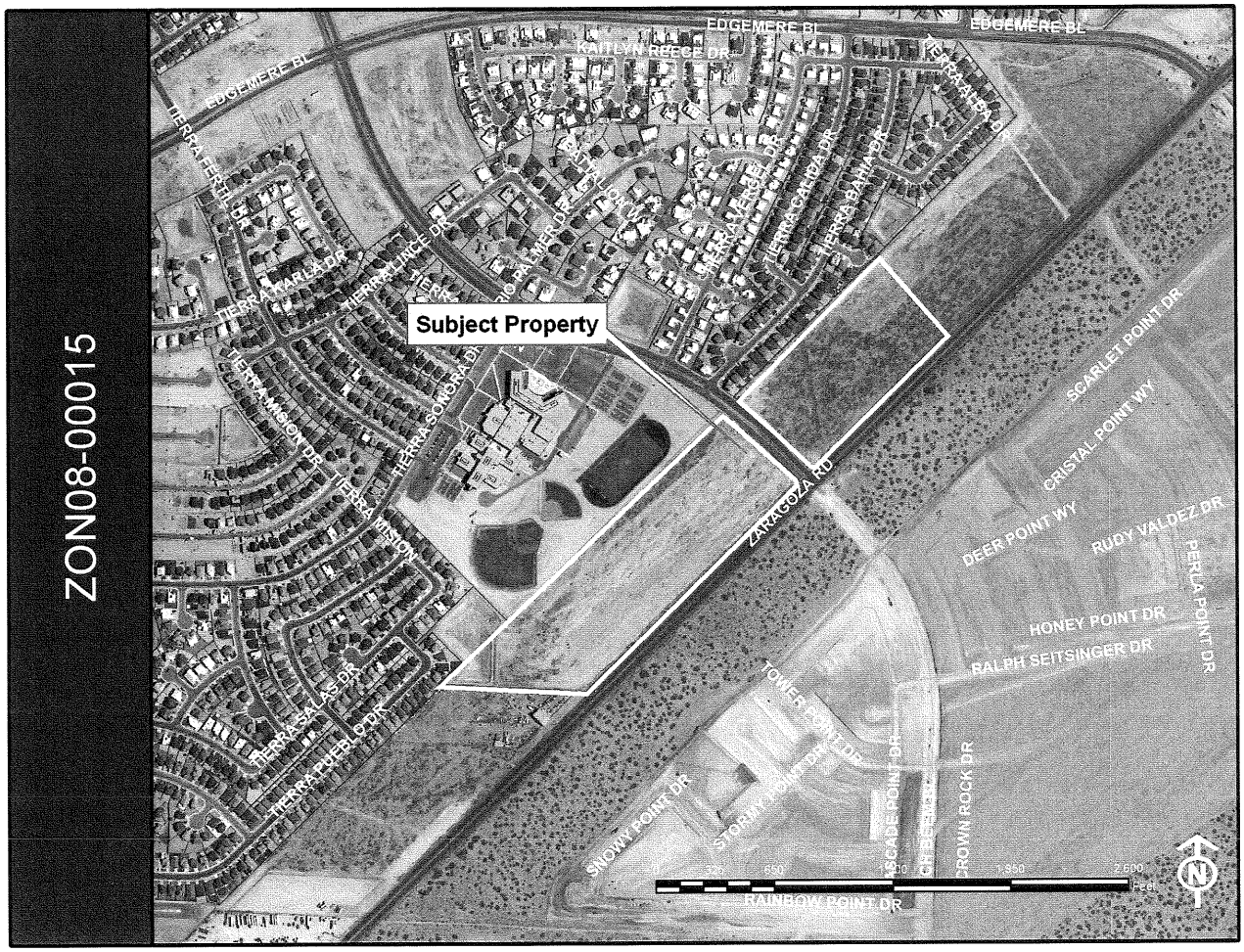
El Paso Water Utilities:
EPWU does not object to this request.

Socorro Independent School District:
The Socorro Independent School District's Roberto Ituarte Elementary and Rafael Hernando Middle Schools are adjacent to this site. The safety of our students and staff is of utmost importance therefore the following comments are submitted:

- Prohibit the establishment of sexually oriented businesses
- Prohibit the establishment of body painting/piercing parlors
- Prohibit the sale and consumption of alcoholic beverages
- Prohibit the establishment of paintball businesses or indoor firing ranges
- Erect an eight foot masonry wall with 20 foot landscaping buffer

List of Attachments
Attachment 1: Aerial Map
Attachment 2: Conceptual Site Plan
Attachment 3: C-2 (Commercial) and C-3 (Commercial) Uses
Attachment 4: Opposition Map
Attachment 5: Opposition Petitions
Attachment 6: Opposition Letter
Attachment 7: Opposition Emails
Attachment 8: Application

ATTACHMENT 1: AERIAL MAP



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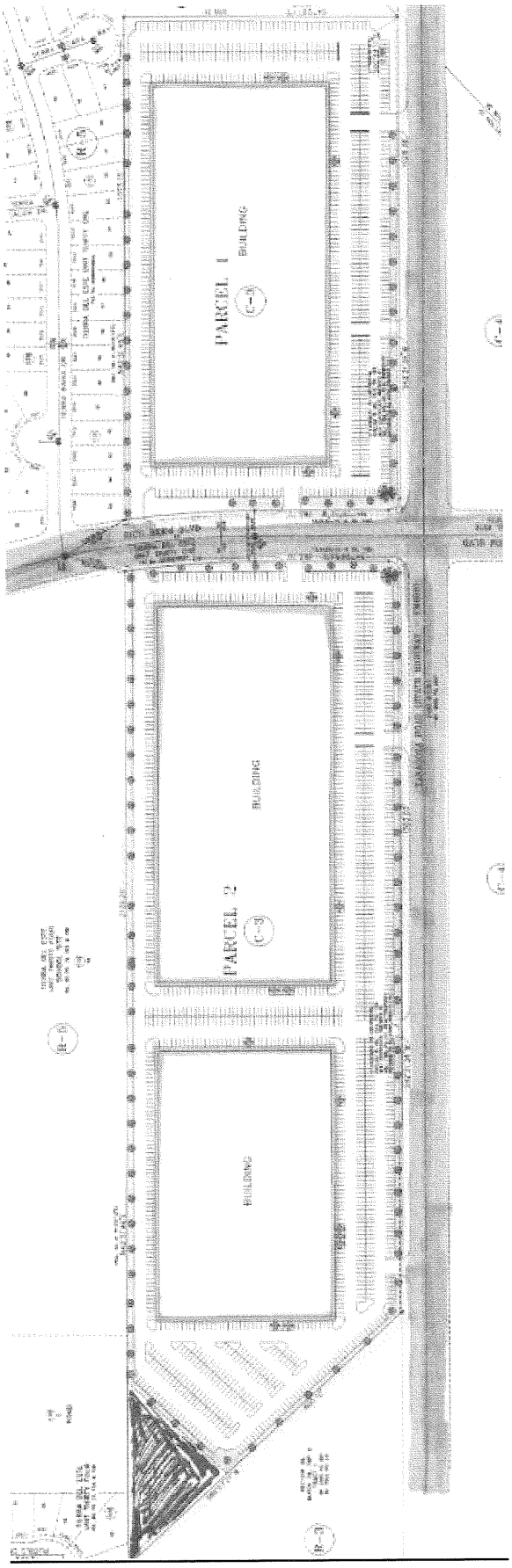
ATTACHMENT 2: Conceptual Site Plan



ATTACHMENT 3: C-3 uses not permitted in C-2

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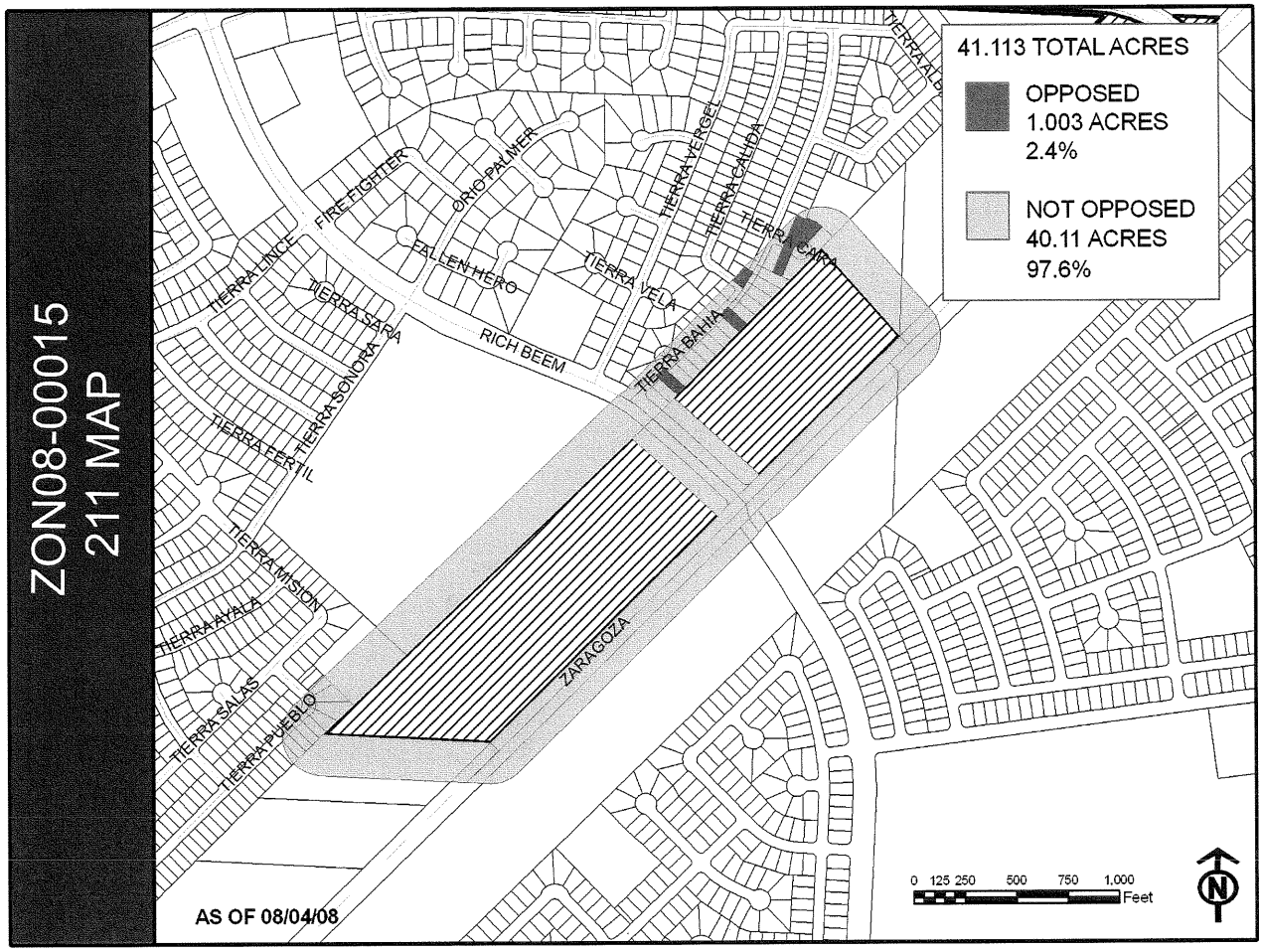
The bolded/highlighted uses were restricted by the City Plan Commission.

- **Ambulance Service**
- **Automobile, boat, bus, light truck, sales, service, storage, rental**
- **Automotive repair garage**
- Brewery
- Coliseum
- **Commercial equipment repair**
- **Commercial dry-cleaners**
- Extermination services
- Go-kart track
- **Heliport**
- Home improvement center
- **Industrial equipment repair**
- Commercial Laundry
- **Manufactured home sales, display and repair**
- **Building and Construction material sales**
- Miniature golf course
- **Mobile Home sales, display and repair**
- **Major Automotive repair**
- Newspaper printing facility
- High-volume retail establishment
- Low-volume wholesale establishment
- Outdoor paintball center
- **Recreational vehicle park**
- Regional shopping center
- Sports arena
- Stadium
- Supermarket
- Superstore
- **Transportation terminal type B**
- Warehouse club

ATTACHMENT 4: OPPOSITION MAP



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ATTACHMENT 5: OPPOSITION PETITIONS

CITY CLERK DEPT.

08 AUG 11 PM 2:02

To: Mirian Spencer
Case No.: Z0N08-00015

PETITION

My signature below affirms my opposition to the proposed rezoning. We propose that the rezoning of the area specified should be changed to no higher than C-2. Rezoning the area specified would create an unhealthy environment for children and families and would attract businesses that would draw customers who threaten our children's well being. It would also allow unsightly structures that could devalue our homes.

Name (printed)	Signature	Address
Rosie Alexander	Rosie Alexander	14025 Tierra Cara Way
TITO MARTINEZ	Tito Martinez	3604 Tierra Bahia
Liborio Roacho	Liborio Roacho	3544 Tierra Bahia
Jose A. Fraire	[illegible]	3540 Tierra Bahia
Edgar Quintanilla	[illegible]	3521 Tierra Bahia
Lorena Ramirez	Lorena Ramirez	3504 Tierra Bahia
Jose Sierra	[illegible]	3533 Tierra Bahia
Floy Juarez	[illegible]	3541 Tierra Bahia
IVAN ARMENDARIZ	[illegible]	3545 TIERRA BAHIA
Francisco J. Maldonado	[illegible]	3613 Tierra Bahia
Patricia Ortiz	[illegible]	14029 Tierra Cara Way
SON HOANG	[illegible]	14024 Tierra Cara Way
JAI HUNEZ	[illegible]	14033 TIERRA CARA WAY
[illegible]	[illegible]	14028 TIERRA CARA
David Gerli	[illegible]	3548 tierra bahia
TED PORTER	Ted Porter	3524 Tierra Bahia Dr.
Victor Romero	Victor Romero	3508 Tierra Bahia Dr.
SANDRA NIDO	[illegible]	3517 Tierra Bahia Dr.
Mariscela Alvarado		3601 tierra Bahia
Omar C. Alvarado		3552 Tierra Bahia Dr.

"We, the undersigned, are opposed to the rezoning request, from R-3 to C-3 at the intersection of Rich Beem Blvd and Zaragoza, case number ZON08-00015, as it is contrary to the preservation of the quality of life and safety of our neighborhood. We support a C-2 rezoning as recommended by Development Coordinating Committee.

PRINTED NAME	Address	SIGNATURE
1. KEN GEZELIUS	3659 TIERRA VERGEL	[illegible]
2. Connie Madrid	12345 Tierra Arena	Connie Madrid
3. Mike Armstead	3105 Tierra Boules	[illegible]
4. Ernie Garcia	3017 Tierra Cuervo	[illegible]
5. [illegible]	12355 Tierra Bahia	[illegible]
6. Richard I. Falvo	3592 Tierra Calida Drive	Richard I. Falvo
7. Laura Duncan	3629 Tierra Calida	[illegible] Duncan
8. Sandy Nelson	3653 Tierra Calida	[illegible]
9. Ron Nelson	3653 Tierra Calida	[illegible]
10. [illegible]	3668 Tierra Calida	[illegible]
11. Laura Hernandez	3672 Tierra Calida	[illegible]
12. Kertrenia Wright	3697 Tierra Bahia	Kertrenia Wright
13. Yvonne G. Tetas	3696 Tierra Bahia	[illegible]
14. [illegible]	3685 TIERRA BAHIA	[illegible]
15. David Robertson	3680 Tierra Bahia	[illegible]
16. Antonio Molina	3681 Tierra Bahia	[illegible]
17. Agustina Molina	3681 TIERRA BAHIA	Agustina Molina
18. Victor Rodriguez	3676 Tierra Bahia	[illegible]
19. Ine Miron	3677 Tierra Bahia	[illegible]
20. Jennifer Moikovsky	3673 Tierra Bahia	[illegible]
21. [illegible]	3664 " "	M. MONTOY
22. [illegible]	3660 " "	KENNETH E. FORTUNATO SR.
23. Maria Menendez	3656 Tierra Bahia Drive	[illegible]
24. Elizabeth Munloz	3692 Tierra Alba	[illegible]
25. Roberto Castaneda	3640 TIERRA BAHIA	[illegible]
26. Efren Aguirre	3688 Tierra Calida	[illegible]
27. Armando Luna	3677 Tierra Calida	[illegible]
28. Michael and Ilva Ferrell	3665 Tierra Calida	[illegible]
29. Manuel Padilla-Morales	3664 Tierra Calida	[illegible]
30.		

Petition gatherer's name: _____

CITY CLERK DEPT.
08 AUG 11 PM 2:02

ATTACHMENT 6: OPPOSITION LETTER

CITY CLERK DEPT.
'08 AUG 11 PM 2:02

B. C. "Pete" Hollen
12353 Tierra Bella Dr.
El Paso, Texas 79938

June 10, 2008

M"s Mirian Spencer
Planner
Development Services Department
Planning Division
City of El Paso
El Paso, Texas 79901

RE: Rezoning Application, River Oaks Properties
Las Tierras Community, Rich Beam & Zaragosa

Dear M's Spencer,

Please reference my previous correspondence dated May 2 and May 15, 2008 regarding Case No. ZON08-00015 for the rezoning of R-3 properties located at the subject intersection. As I understand the intentions of River Oaks Properties, what started out to be the rezoning of the Northeast corner only will be brought back as a new application to include the R-3 zoned property on the Southwest corner of this same intersection. I also understand their application will be for C-3.

My previous correspondence also states that the original C-4 and the possibility of C-3 is also unacceptable. However, C-3 with conditions as stated in my letter of May 15, 2008 would be acceptable. I also understand the C-3 with conditions would look a lot like C-2 and that your position is to deny their C-3 request and recommend approval of C-2.

Your recommendation is acceptable with one small condition to be added. That is that the Special Permit provisions of the zoning code, in this case, be prohibited. We would then have a property zoned that meets the idea of commercial property in a residential community and conforms with the zoning of the property at the Southwest corner of Edgemere and Zaragosa and is also adjacent to the property in question.

One other point is the fact that this property has not been subdivided at this point in time and that the conditions for development contained in the new Subdivision Code will apply like a TIA analysis, the referred to drainage manual, and etc.

Very truly yours,

B. C. Pete Hollen,
Past President of the Las Tierras Neighborhood Association and Current Member..

CITY CLERK DEPT.
08 AUG 11 PM 2:02

Spencer, Mirian D.

From: Connie Madrid [cmadrid14@sbcglobal.net]
Sent: Monday, June 16, 2008 11:07 AM
To: Spencer, Mirian D.
Subject: Regarding case ZON08-00015

June 16, 2008

Dear Ms. Mirian Spencer:

As a member of the Las Tierras Neighborhood Association and resident of Tierra del Este, I want to express my opposition to River Oaks' request to rezone the parcels of land on the corner of Zaragoza and Rich Beem from R-3 to C-3.

Although we are supportive of commerical businesses in our community, I consider that some of the potential businesses allowed under C-3 are contradictory and icompatible with a residential community and the two nearby schools. Some of those uses would negatively impact our quality of life, disrupt the tranquil family environment we seek and potentially undermine the safety of our children.
area.

Therefore, I will only support a **C-2 zoning as this is more compatible with our residential area.**

Thank you for helping us to make our community a great place of live.

Sincerely,

Connie Madrid
12345 Tierra Arena Dr.
El Paso, TX 79938

Case #ZON08-00015

7/3/2008

CITY CLERK DEPT.
08 AUG 11 PM 2:02

Spencer, Mirian D.

From: V Gonzalez [vascar@att.net]
Sent: Tuesday, July 08, 2008 12:42 AM
To: Spencer, Mirian D.
Subject: Las Tierras Neighborhood Assoc.
Attachments: From the Las Tierras Neighborhood Assoc.

As a resident of the Tierras neighborhood, I would like to voice my concern with Red Oaks obtaining a C3 zoning permit near the Sgt Roberto Ituarte and Rafael Hernando schools. I do not have any concerns with a C2 zoning although a C3 zoning brings concerns towards the future safety and certainty of our children in the area.

If you have any questions, you may contact me at

Fernando Azcarate
13057 Tierra David Ct
El Paso, TX 79938

7/8/2008

CITY CLERK DEPT.
08 AUG 11 PM 2:02

Spencer, Mirian D.

From: Manuel Padilla Morales [manuelykim@yahoo.es]
Sent: Sunday, July 13, 2008 10:19 PM
To: Spencer, Mirian D.
Cc: Richard I. Falvo; Dawna Duncan; Nicki Deal
Subject: Case ZON08-00015 From Las Tierras Neigh. Assoc.

July 13, 2008

Dear Ms. Mirian Spencer,

As President of the Las Tierras Neighborhood Association and resident of Tierra del Este, I want to express my personal opposition, as well as LTNA's opposition, to River Oaks' request to rezone the parcels of land on the corner of Zaragoza and Rich Beem from R-3 to C-3.

Although we are supportive of commercial businesses in our community, we consider that some of the potential businesses allowed under C-3 usage are contradictory and incompatible with a residential community and particularly the nearby schools. Some of those uses would negatively impact our quality of life, disrupt the tranquil family environment we seek and potentially undermine the safety of our children.

Therefore, we will only support **a C-2 zoning as this is more compatible with our residential area.**

Thank you for helping us to make our community a great place to live.

Sincerely,

Manuel Padilla, President LTNA
3664 Tierra Calida Dr.

Case ZON08-00015

¿No te gusta tu dirección de correo?
Consigue una que te guste de verdad - Millones de direcciones de correo disponibles en Yahoo!

7/14/2008

CITY CLERK DEPT.

08 AUG 11 PM 2:02

REZONING APPLICATION
PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT
CITY OF EL PASO

1. CONTACT INFORMATION

PROPERTY OWNER(S): River Oaks Properties I, LTD
ADDRESS: _____ ZIP CODE: 79912 PHONE: _____
APPLICANT(S): River Oaks Properties I, LTD
ADDRESS: _____ ZIP CODE: 79912 PHONE: _____
REPRESENTATIVE(S): Conde, Inc.
ADDRESS: _____ ZIP CODE: 79936 PHONE: _____
E-MAIL ADDRESS: _____

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: X579-999-2390-1000
LEGAL DESCRIPTION: Being a portion of Section 39, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas
STREET ADDRESS OR LOCATION: Rich Beem Blvd. and Zaragoza Road (State Highway -FM659)
ACREAGE: 14.29 PRESENT ZONING: R-3 PRESENT LAND USE: vacant
PROPOSED ZONING C-3 PROPOSED LAND USE: To Allow for Commercial Development
ADDRESS: _____ ZIP CODE: _____ PHONE: _____
E-MAIL ADDRESS: cconrad@elp.rr.com

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER: X579-999-2390- 1200
LEGAL DESCRIPTION: Being a portion of Section 39, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas
STREET ADDRESS OR LOCATION: Rich Beem Blvd. and Zaragoza Rd(State Highway-FM659)
ACREAGE: 25.36 PRESENT ZONING: R-3 PRESENT LAND USE: Vacant
PROPOSED ZONING C-3 PROPOSED LAND USE: To allow for Commercial Development
ADDRESS: _____ ZIP CODE: _____ PHONE: _____
E-MAIL ADDRESS: _____

4. PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
LEGAL DESCRIPTION: _____
STREET ADDRESS OR LOCATION: _____
ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
PROPOSED ZONING _____ PROPOSED LAND USE: _____
ADDRESS: _____ ZIP CODE: _____ PHONE: _____
E-MAIL ADDRESS: _____

5. ADDITIONAL INFORMATION

OWNER (S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S): _____
Printed Name: River Oaks Properties I, LTD Signature: _____
Printed Name: By: James T. Payne 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 _____ RECEIVED DATE: ___/___/___ APPLICATION FEE:$_____
DCC REVIEW DATE: ___/___/___ (8:30 am. Planning Department Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: ___/___/___ (1:30 pm. City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: _____ FUND -01101. DEPT ID -99010335. ACCOUNT -404126

Revised 6/2004