

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

DEPARTMENT: Development Services Department

AGENDA DATE: **Introduction:** November 13, 2007
Public Hearing: December 4, 2007

CONTACT PERSON/PHONE: Frank Delgado, 541-4238

DISTRICT(S) AFFECTED: District 7

SUBJECT:

An ordinance changing the zoning of all of Tracts 32 and 33 and portions of Tracts 30 and 31, Cinecue Park Subdivision, City of El Paso, El Paso County, Texas, from R-F/SP (Ranch and Farm/Special Permit) to C-1/SP (Commercial/Special Permit), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Applicant: ZON07-00055 (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) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (7-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Kelly Carpenter, Deputy Director of Planning

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF ALL OF TRACTS 32 AND 33 AND PORTIONS OF TRACTS 30 AND 31, CINECUE PARK SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F/SP (RANCH AND FARM/SPECIAL PERMIT) TO C-1/SP (COMMERCIAL/SPECIAL PERMIT), 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 *all of Tracts 32 and 33 and portions of Tracts 30 and 31, Cinecue Park 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/sp (Ranch and Farm/Special Permit)** to **C-1/sp (Commerical/Special Permit)**, 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 the property not be used for an automotive tune-up service;*
2. *That the property not be used for an automotive and light truck lubrication service;*
and
3. *That a ten foot (10') landscaped buffer with native trees be placed 15' on center along the easterly property line where it abuts residentially-zoned property.*

PASSED AND APPROVED this _____ day of _____, 2007.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

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

CITY CLERK DEPT.
07 NOV -5 AM 11:11

ORDINANCE NO. _____

Zoning Case No: ZON07-00055

PROPERTY DESCRIPTION

Description of a 2.7059 acre parcel of land being all of tracts 32 and 33 and a portion of tracts 30 and 31, CINECUE PARK SUBDIVISION, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at the Northeast corner of parcel being described also being the corner common to tracts 33 and 69 and 70 Cinecue Park Subdivision and said corner being the Northwest corner of Orchard Acres, City of El Paso, El Paso County, Texas.

THENCE South 18°47'00" West a distance of 363.80 feet along the west line of Orchard Acres to a point on the North right-of-way line of Starr Avenue for the Southeast corner of parcel being described.

THENCE North 71°10'00" West a distance of 355.76 feet along said North right-of-way line to a point for a corner;

THENCE North 42°16'23" East a distance of 3.25 feet to a point;

THENCE North 18°50'00" East a distance of 12.00 feet to a point;

THENCE 14.22 feet along an arc of a curve to the right whose interior angle is 40°43'42" whose radius is 20.00 feet and whose chord bears North 50°48'09" West a distance of 13.92 feet to a point on the Easterly right-of-way line of Yarbrough Drive;

THENCE 269.30 feet along an arc of a curve to the right on said Easterly right-of-way line of Yarbrough (130 feet wide right-of-way) whose interior angle is 11°49'19" whose radius is 1305.18 feet and whose chord bears North 35°05'27" East a distance of 268.62 feet to a point;

THENCE North 48°59'53" West a distance of 18.00 feet to a point on the Easterly right-of-way line of Yarbrough Drive (120 feet wide right-of-way);

THENCE 64.97 feet along an arc of a curve to the right of said Easterly right-of-way line whose interior angle is 2°49'50" whose radius is 1315.18 feet and whose chord bears North 42°25'06" East a distance of 64.97 feet to a point;

THENCE 25.06 feet along an arc of a curve to the right on said Easterly right-of-way line whose interior angle is 1°18'55", whose radius is 1091.44 feet and whose chord bears North 44°29'53" East a distance of 25.06 feet to a point;

THENCE South 71°10'00" East a distance of 264.67 feet to the "True Point of Beginning" and said parcel containing 117,870.93 square feet or 2.7059 acres of land more or less.

EXHIBIT "A"

EXHIBIT "A"

THE REPRODUCTION OF THIS DOCUMENT
SHOULD BE IMPROVED, DUE TO THE

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BEST AVAILABLE FILM

CITY CLERK DEPT.
07 NOV -5 AM 11:22



**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

MEMORANDUM

DATE: November 2, 2007

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

FROM: Frank Delgado, Planner

SUBJECT: ZON07-00055

The City Plan Commission (CPC), on October 4, 2007, voted 7-0 to recommend **APPROVAL** of rezoning the subject property to C-1, subject to a condition, restricting some uses (listed below).

Exclude:

1. Automotive tune-up service that does minor engine or motor tune-ups to automobiles or light truck, involving replacement or repair of the following: spark plugs; points; condensers; distributor cap; distributor rotor; spark plug wires; complete distributor assembly; air filter; fuel filter; pollution control valve; pollution control valve filter; oil filter; fuel pump; necessary wiring and tubing related to proper functioning of automatic and turbo shift systems; generators or alternators; electronic ignition systems; voltage regulators; fan and accessory belts.
2. Automobile and light truck lubrication service that does the following: complete lubrication of automobile and light trucks, as required by factory specifications; change motor oil, grease and oil; check and fill power steering well (reservoir); check and fill brake master cylinder; fill or replace transmission fluid; replace or clean air filter; replace oil filter; replace pollution control valve or filter.
3. Require a 10-foot landscape buffer on the east side of the property that would have large trees native to that region with an off-center of 15 inches.

The request was to change the zoning of all of Tracts 32 and 33 and portions of Tracts 30 and 31, Cinecue Park Subdivision, City of El Paso, El Paso County, Texas, from R-F/SP (Ranch and Farm/Special Permit) to C-1/SP (Commercial/Special Permit), and imposing a condition that restricts specific 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.

There was **OPPOSITION** to this request. The Development Services Department – Planning Division received one phone call and one letter **in opposition to the amended request for C-1/sp (Commercial/special permit) zoning**. We have received one phone call and two e-mails **in opposition to the original request for C-4/sp (Commercial/special permit) zoning**. At the CPC meeting of October 4, 2007, Raul Luna, representing seven of the residents that live around that area, Mr. Frances, Mr. Soto, Mr. Holguin, Mr. Olgarde, Mr. Barraza, Mr. Felix, and Mr. Molina, spoke in opposition to this zoning request.

Attachment: Conceptual Site Plan, Application, E-mails



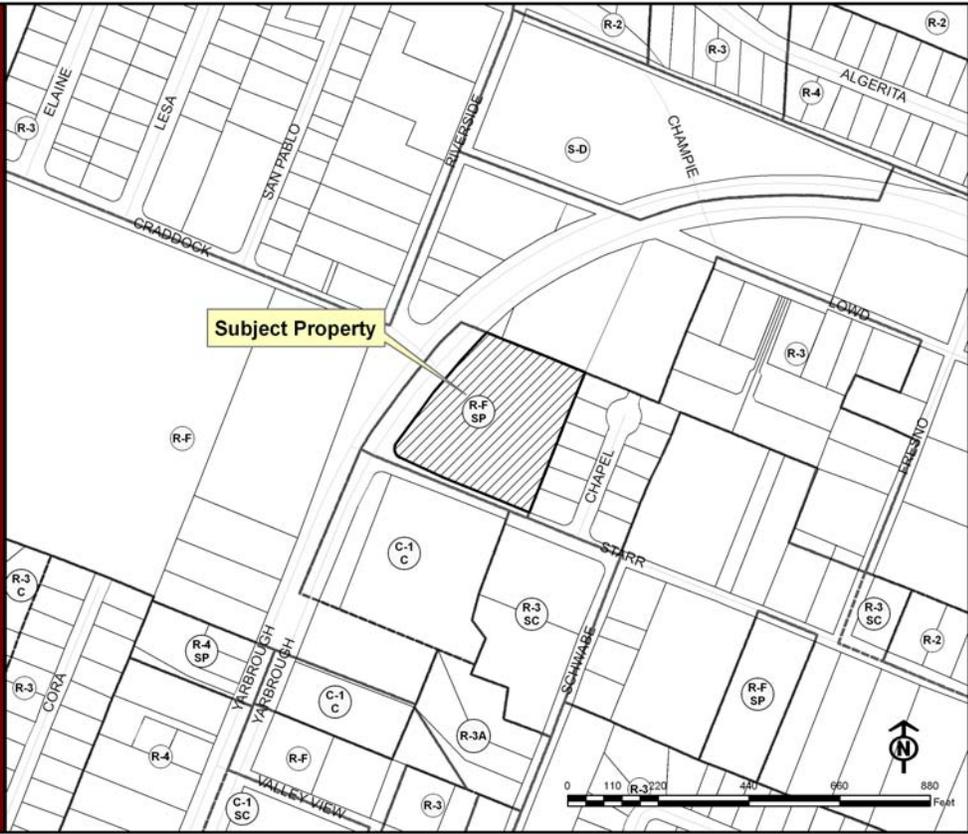
ZON07-00055

Application Type: Rezoning
Property Owner(s) Housing Authority of the City of El Paso
Representative(s): SLI Engineering, Inc.
Legal Description: All of Tracts 32 and 33 and portions of Tracts 30 and 31, Cinecue Park Subdivision, City of El Paso, El Paso County, Texas
Location: Yarbrough Drive and Starr Avenue
Representative District: 7
Area: 2.7050 acres
Present Zoning: R-F/sp (Ranch and Farm/special permit)
Present Use: Office warehouse
Proposed Zoning: C-1/sp (Commercial/special permit)
Proposed Use: Office warehouse

Recognized Neighborhood

Associations Contacted: Save the Valley 21; Teens in Action for a Healthy Community
Surrounding Land Uses: **North** – R-F (Ranch and Farm) Vacant;
South – C-1/c (Commercial/condition) Church;
East – R-F (Ranch and Farm) Single-Family Residences; **West**
– R-F (Ranch and Farm) Farm
Year 2025 Designation: Residential (Mission Valley Planning Area)

ZON07-00055



General Information:

The applicant is requesting a rezoning from R-F/sp (Ranch and Farm/special permit) to C-1/sp (Commercial/special permit) in order to permit an office-warehouse. The property is 2.705 acres in size and is currently used as an office-warehouse. The proposed site plan shows an existing office-warehouse located on the site. Access is proposed via Starr Avenue with 50 parking spaces provided. There are no zoning conditions currently imposed on this property.

Information To The Commission:

The Development Services Department – Planning Division received one phone call and one letter in opposition to the **amended request for C-1/sp (Commercial/special permit)** zoning. We have received one phone call and two e-mails in opposition **to the original request for C-4/sp (Commercial/special permit)** zoning.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **APPROVAL** of this request for rezoning from R-F/sp (Ranch and Farm/special permit) to C-1/sp (Commercial/special permit).

The recommendation is based on the following:

- **The Plan for El Paso** Citywide Land-use Goals 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.”
- **The Year 2025 Projected General Land-Use Map** for the Mission Valley Planning Area designates this property for **Residential** land uses.
- **C-1 zoning** permits an office-warehouse in the adopted Title 20, effective November 1, 2007, and **is compatible** with adjacent development.

Findings:

The Commission must determine the following:

1. Will the zoning protect the best interest, health, safety and welfare of the public in general?
2. Will an office-warehouse 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:

Office Warehouse permitted on C-4 Commercial District. Meets minimum yard, lot area standards and parking requirements. Shall need to provide a six foot high masonry screening wall along property lines abutting residential district.

Development Services Department – Planning Division:

Planning recommends approval of this request. While the current code does not permit an office-warehouse in C-1 zoning, the Title 20 revisions will be effective November 1, 2007.

Subdivision Review:

No comments received.

Engineering Department – Traffic Division:

No apparent traffic concerns.

El Paso Water Utilities:

EPWU does not object to this request.

Public Comments:

Planning received on e-mail in opposition to this request. Planning received no phone calls or letters in support of this request.

List of Attachments:

Attachment 1: Conceptual Site Plan

Attachment 2: Application

Attachment 3: E-mails in Opposition to Request to Rezone to C-1

Attachment 4: E-mails in Opposition to Request to Rezone to C-4



Attachment 2: Application



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

1. CONTACT INFORMATION

PROPERTY OWNER(S): Housing Authority of the City of El Paso
 ADDRESS: 5300 E. Paisano ZIP CODE: 79905 PHONE: 849-3806
 APPLICANT(S): same
 ADDRESS: _____ ZIP CODE: _____ PHONE: _____
 REPRESENTATIVE(S): SLI Engineering, Inc.
 ADDRESS: 6600 Westwind Dr. ZIP CODE: 79912 PHONE: 584-4457
 E-MAIL ADDRESS: ghalloul@sl-engineering.com FAX: 581-7756

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: C57299900|00362
 LEGAL DESCRIPTION: All of tracts 32 and 33 and portions of tracts 30 and 31, Cinecue Park Subdivision, an addition to the City of El Paso, El Paso County, Texas
 STREET ADDRESS OR LOCATION: Yarbrough Dr. and Starr Ave. REP DISTRICT: 7
 ACREAGE: 2.705 PRESENT ZONING: R.F. PRESENT LAND USE: Office Warehouse
 PROPOSED ZONING: C1 PROPOSED LAND USE: Same

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):
 By: Printed Name: VINCE DONDS Signature: [Signature]
 Printed Name: _____ Signature: INTERIM RESIDENT, CEO
 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		
ZONING: <u>00055</u>	RECEIVED DATE: <u>04/26/07</u>	APPLICATION FEE: \$ <u>770.00</u>
DCC REVIEW DATE: <u>05/23/07</u> (8:30 am, Planning Department Conference Room, 2 nd Floor, City Hall Building)		
CPC REVIEW DATE: <u>06/21/07</u> (1:30 pm, City Council Chambers, 2 nd Floor, City Hall Building)		
ACCEPTED BY: <u>[Signature]</u>	FUND - 01101, DEPT ID - 99010335, ACCOUNT - 404126	

Attachment 3: E-mail in Opposition to Request to Rezone to C-1

From: Mikeday2@aol.com
Sent: Wednesday, September 05, 2007 9:29 AM
To: Delgado, Frank
Subject: Case No. ZON07-00055

September 5, 2007

Raoul Luna
467 Chapel Pl.
El Paso, Texas 79907

Reference: Case No. ZON07-00055

Dear Sirs,

We oppose the changing of zoning of subject property R-F SP (Ranch Farm) to C-1 (Commercial). This area is a highly populated residential area with heavy residential traffic at the intersection of Yarbrough and Starr. With the high number of accidents that occur at this intersection now, we strongly feel that this intersection could not handle any additional traffic that this zoning change would bring, and the resulting addition of noise and pollution and congestion in the area.

Strongly opposed of zoning change

Raoul Luna
37 year Property Owner/Tax Payer

Attachment 4: E-mails in Opposition to Request to Rezone to C-4

From: Caroline Carrera [czcarrera@elp.rr.com]
Sent: Thursday, August 23, 2007 12:07 PM
To: Delgado, Frank
Subject: Case #ZON07-00055

Mr. Delgado,

Our parents have lived on Riverside Drive between Lowd and Craddock for almost 50 years. Which was once a tranquil and picturesque area to live has now become a haven for traffic, pollution from car exhaust and noise.

Their home is still the cornerstone and heart of their eight children, thirteen grandchildren and seven great-grandchildren. We know, without a doubt, that the traffic, accidents, pollution and noise will rise considerably and we vehemently oppose the re-zoning of any tracts, or portions thereof, in that area.

We trust that this will be a fair process and that our opinion will be seriously and ACTUALLY considered.

Respectfully,

Caroline Zavala-Carrera,
daughter of,
Adolfo and Natalia Zavala

From: Mikeday2@aol.com
Sent: Tuesday, August 21, 2007 2:18 PM
To: Delgado, Frank
Subject: Case No. ZON07-00055

August 21, 2007

Raoul Luna
467 Chapel Pl.
El Paso, Texas 79907

Reference: Case No. ZON07-00055

Dear Sirs,

We oppose the changing of zoning of subject property R-F SP (Ranch Farm) to C-4 (Commercial). This area is a highly populated residential area with heavy residential traffic at the intersection of Yarbrough and Starr. With the high number of accidents that occur at this intersection now, we strongly feel that this intersection could not handle any additional traffic that this zoning change would bring.

Strongly opposed of zoning change

Raoul Luna
37 year Property Owner/Tax Payer