

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: November 17, 2009
Public Hearing: December 8, 2009

CONTACT PERSON/PHONE: Fred Lopez, (915) 541-4322

DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance changing the zoning of a portion of Lot 27, Block 123, Chaparral Park Unit 33, City of El Paso, El Paso County, Texas from A-O/c (Apartment-Office/conditions) to C-1/c (Commercial/conditions). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 820 Redd Road. Property Owner: Gary Porras. ZON09-00056 (District 1) **THIS IS AN APPEAL CASE**

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Denial Recommendation
City Plan Commission (CPC) – Denial Recommendation (3-1)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Victor Q. Torres
Director, Development Services

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 27, BLOCK 123, CHAPARRAL PARK UNIT 33, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-O/c (APARTMENT-OFFICE/CONDITIONS) TO C-1/c (COMMERCIAL/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 Lot 27, Block 123, Chaparral Park Unit 33, City of El Paso, El Paso County, Texas*, be changed from **A-O/c (Apartment-Office/conditions)** to **C-1/c (Commercial/conditions)**, 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 _____ of _____ 2009

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 McElroy Deputy Director
Development Services Department -
Planning Division

MEMORANDUM

DATE: November 10, 2009

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

SUBJECT: ZON09-00056

The City Plan Commission (CPC), on October 22, 2009, voted **3-1** to recommend **DENIAL** of rezoning the property from A-O/c (Apartment-Office/conditions) to C-1/c (Commercial/conditions).

The CPC found that this rezoning is not in conformance with The Plan for El Paso. The CPC also determined that this rezoning does not protect the best interest, health, safety, and welfare of the public in general and that the proposed use is not compatible with adjacent land uses.

The applicant has submitted an appeal to the City Council of the City Plan Commission's denial in accordance with the El Paso City Code.

Attachment: Staff report



City of El Paso – City Plan Commission Staff Report

Case No: ZON09-00056
Application Type: Rezoning
CPC Hearing Date: October 22, 2009

Location: 820 Redd Road
Legal Description: A portion of Lot 27, Block 123, Chaparral Park Unit 33, City of El Paso, El Paso County, Texas
Acreage: 3.5 acres

Rep District: 1
Existing Use: Church
Request: A-O/c (Apartment-Office/conditions) to C-1/c (Commercial/conditions)
Proposed Use: Existing Church/Commercial Business Park

Property Owner: Gary Porras
Representative: Dorado Engineering, Inc.

SURROUNDING ZONING AND LAND USE

North: R-3 (Residential) / Hornedo Middle School and Franklin High
South: R-3 (Residential) / 60' Drainage Right-of-Way and Single-Family Residential
East: C-1/c (Commercial/conditions) / Commercial
West: R-3A (Residential) / Single-Family Residential

Plan for El Paso Designation: Commercial and Residential-Unspecified Density (Northwest Planning Area)

Nearest Park: Francisco Delgado Park (1,175 Feet)

Nearest School: Hornedo Middle School (605 Feet)

NEIGHBORHOOD ASSOCIATIONS

Save the Valley Neighborhood Association
Coronado Neighborhood Association
Upper Mesa Hills Neighborhood Association

NEIGHBORHOOD INPUT

Notices of the October 22, 2009 City Plan Commission hearing were mailed out to property owners within 300 feet of the subject property on October 7, 2009. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

APPLICATION DESCRIPTION

The property is 3.5 acres in size and is currently occupied by a church. The request is to change the zoning from A-O/c (Apartment-Office/conditions) to C-1/c (Commercial/conditions) to allow for a commercial business park.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

The Development Coordinating Committee recommends DENIAL of rezoning the property from A-0/c (Apartment/Office/conditions) to C-1/c (Commercial/conditions). The Development Coordinating Committee provides the following comments:

- The existing zoning A-O serves as a buffer between commercial and residential parcels.
- The proposed commercial zoning will not be compatible with existing residential to the west and the school to the north.
- The traffic generated by commercial use in the area will have a negative impact on the adjacent residential development.

DEVELOPMENT SERVICES DEPARTMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends DENIAL of rezoning the property from A-0/c (Apartment/Office/conditions) to C-1/c (Commercial/conditions)

The Plan for El Paso-City-Wide Land Use Goals

All applications for rezoning shall demonstrate compliance with the following criteria:

- a. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses
- b. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- c. Goal: preserve, protect, and enhance the integrity, economic vitality, and livability of the city's neighborhoods.
- d. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character

The purpose of A-O (Apartment/Office) district is to promote and preserve residential development within the City associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain non-residential uses and support facilities.

Engineering Department - Traffic Division

The Engineering Department- Traffic Division does not object to this request

Fire Department

The El Paso Fire Department does not object to this request

Sun Metro:

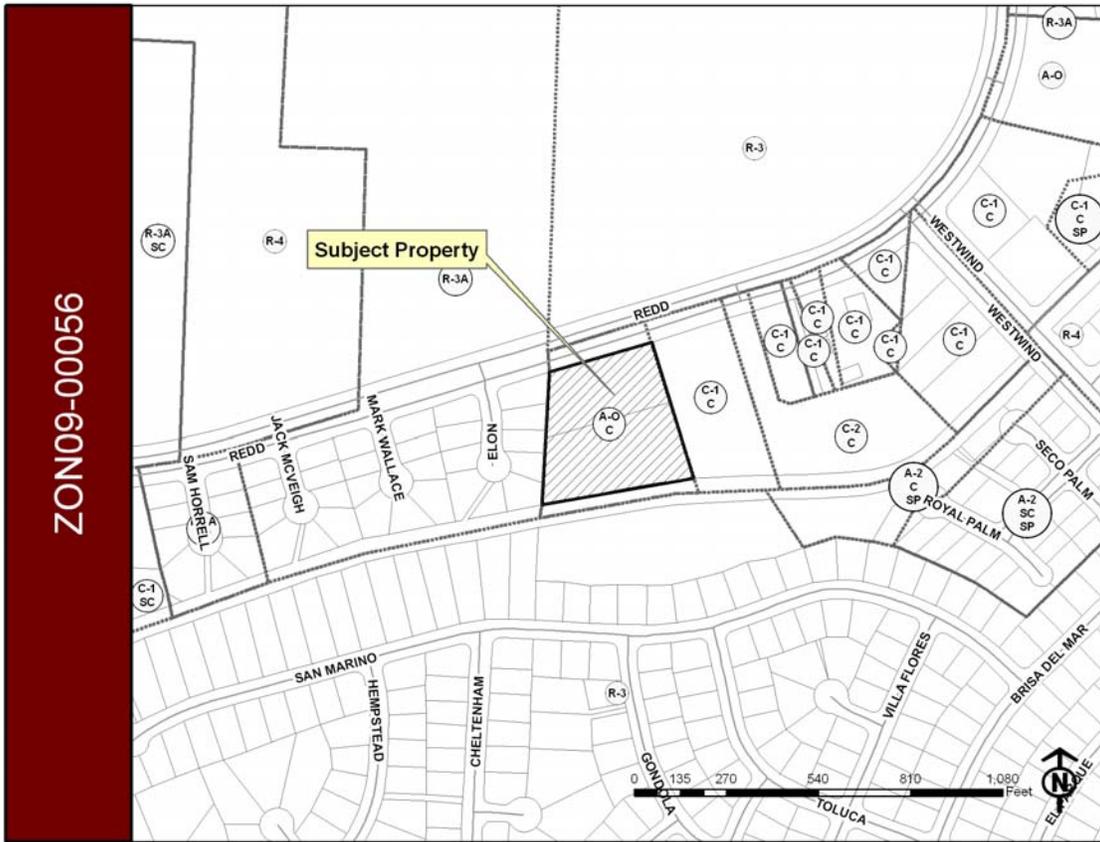
Sun Metro does not object to this request.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the zoning condition release application:

1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan
2. Recommend approval of the application with modifications to bring the rezoning into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the rezoning does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

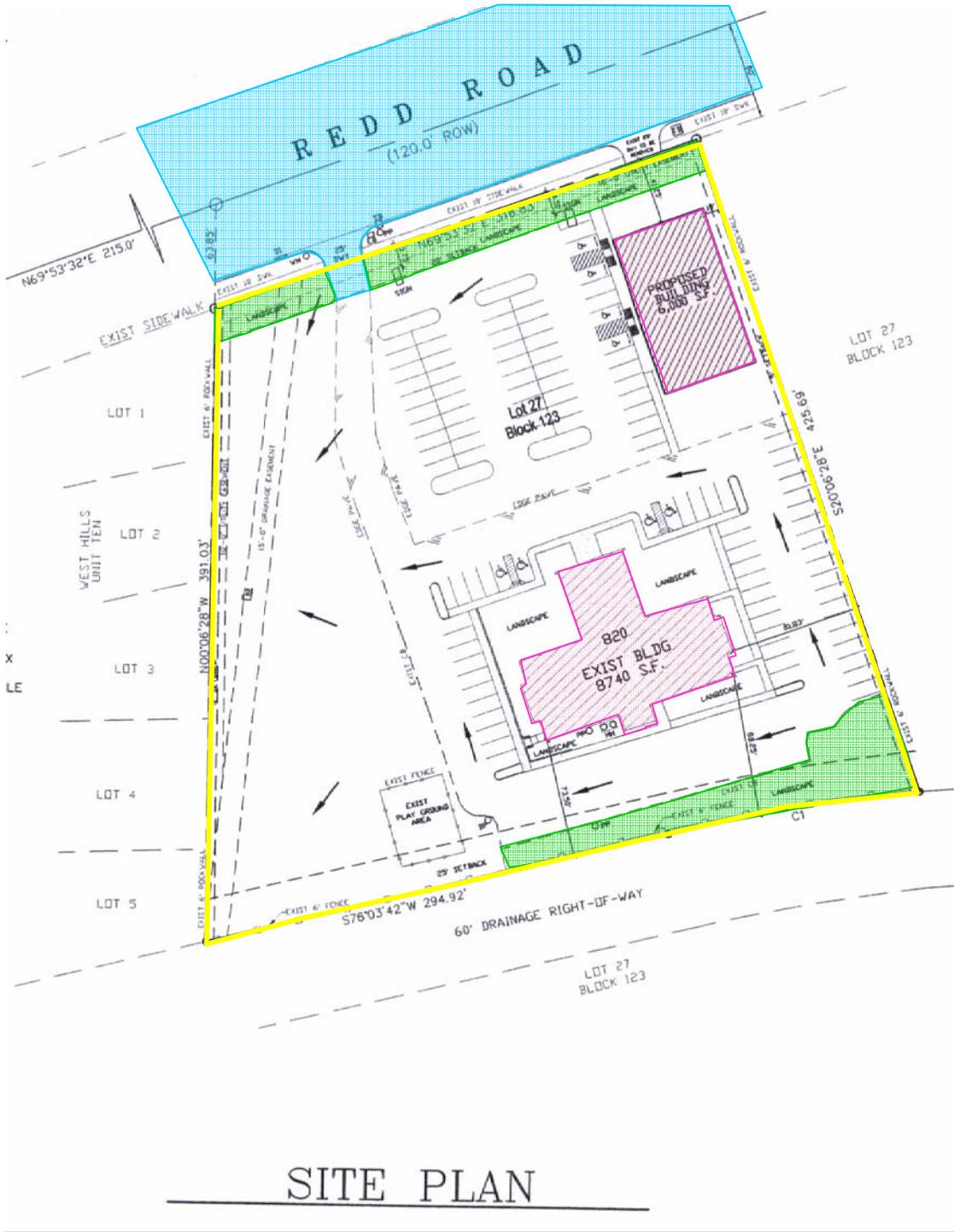
ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP



ATTACHMENT 3: CONCEPTUAL SITE PLAN



SITE PLAN

DORADO ENGINEERING, INC.
2717 E. Yandell El Paso, Texas 79925 (915) 562-0002, Fax (915) 562-7743

November 4, 2009

Honorable Mayor and City Council
City of El Paso, Texas
2 Civic Center Plaza
El Paso, Texas 79901

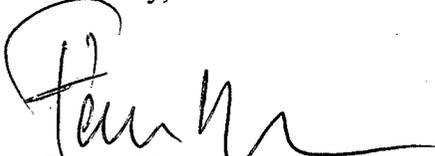
This letter is to appeal the City Planning Commission's decision to deny the request for a change of zoning at 820 Redd Road from A-O (residential) to C-1 (commercial).

Our request is based on the fact that the City Planning Commission made an error in denying our request. Redd Road is a heavily traffic street that is mostly all commercial street with several businesses already in existence and adding a commercial strip shopping center to this area will not be detrimental to the area.

Changing the zoning of 820 Redd Road from A-0 to C-1 will not adversely affect the health, safety, and welfare of the community. In addition, the necessary infrastructure is already in place to support the proposed development.

Your support for our request is greatly appreciated.

Sincerely,



Fermin Dorado, P.E.
Owner Representative

CITY CLERK DEPT.
09 NOV -4 PM 12:02