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

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

AGENDA DATE: **Introduction: December 9, 2008**
Public Hearing: January 6, 2009

CONTACT PERSON/PHONE: **Arturo Rubio, 541-4633**

DISTRICT(S) AFFECTED: **4**

SUBJECT:
An Ordinance changing the zoning of a portion of Tract 23A (N/K/A 23A1), Tracts 23B1, 24G, and 26D, Section 38, Block 81, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas from C-1 (Commercial) to C-3 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of The El Paso City Code. Subject Property: 9660 Dyer. Applicant: Rick L. Paul-Peterson, ZON08-00079 (District 4).

BACKGROUND / DISCUSSION:
Applicant changed the rezoning request from C-1 (Commercial) to C-3 (Commercial) at CPC hearing.
PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
Development Coordinating Committee (DCC) – Unanimous Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (6-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Victor Q. Torres
Director, Development Services

for Philip Etiwe

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

CITY CLERK DEPT.

08 NOV 26 PM 4:37 **ORDINANCE NO. _____**

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 23A (N/K/A 23A1), TRACTS 23B1, 24G, AND 26D, SECTION 38, BLOCK 81, TOWNSHIP 1, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-1 (COMMERCIAL) TO C-3 (COMMERCIAL) AND IMPOSING A CONDITION. 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 Tract 23A (N/K/A 23A1), Tracts 23B1, 24G, and 26D, Section 38, Block 81, Township 1, 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 **C-1 (Commercial)** 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 condition which is 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. *Remove the barbed wire fencing and replace with an eighteen inch (18") or equivalent height wooden fence.*

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:

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

ORDINANCE NO. _____

ZON08-00079

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

VICTOR Q. TORRES
DIRECTOR , DEVELOPMENT SERVICES

MATHEW S. MCELROY
DEPUTY DIRECTOR, PLANNING

CITY COUNCIL

ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES
PLANNING DIVISION

M E M O R A N D U M

DATE: November 24, 2008

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

FROM: Arturo Rubio, Planner

SUBJECT: **ZON08-00079**

The City Plan Commission (CPC), on November 6, 2008, voted **6-0** to recommend **APPROVAL** of rezoning subject property from C-1 (Commercial) to C-3 (Commercial).

The CPC found that the 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 the 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 rezoning will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

The applicant changed the rezoning request from C-1 (Commercial) to C-3 (Commercial) from the original request, C-1 Commercial to C-4 Commercial at the CPC hearing.

There were no letters or phone calls received in support or opposition to the rezoning request.

Attachment: Staff Report

City of El Paso – City Plan Commission Staff Report

Case No:	ZON08-00079
Application Type:	Rezoning
CPC Hearing Date:	November 6, 2008
Staff Planner:	Arturo Rubio, 915-541-4633, *rubioax@elpasotexas.gov*
Location:	9660 Dyer Street
Legal Description:	A portion of Tract 23A (N/K/A 23A1), Tracts 23B1, 24G and 26D, Section 38, Block 81, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas
Acreage:	1.3167
Rep District:	4
Existing Use:	Body Shop
Existing Zoning:	C-1 (Commercial)
Proposed Zoning:	C-4 (Commercial)
Property Owner:	Rick L. Paul-Peterson
Applicant:	Rick L. Paul-Peterson
Representative:	Ray Mancera

SURROUNDING ZONING AND LAND USE

North: C-1 (Commercial), Light Automotive repair and automotive part sales
South: C-1/sp (Commercial/special permit) Northeast Police Station, YMCA Northeast Family Branch Park, Shuster Elementary School
East: A-M (Apartment-Mobile Home Park) Robin Hood Senior Retirement Community
West: C-3 (Commercial) Church, C-1 (Commercial) Restaurant, C-2 (Commercial) Church

THE PLAN FOR EL PASO DESIGNATION: Mixed Use (Northeast Planning Area)

NEIGHORHOOD ASSOCIATIONS: Northeast El Paso Civic Association

APPLICATION DESCRIPTION

The applicant is requesting to rezone the subject property from C-1 (Commercial) to C-4 (Commercial) to allow for a body shop. Access is proposed via Dyer Street. There are no conditions on this property and it is currently used as a body shop.

NEIGHBORHOOD INPUT

Notice of the public hearing was mailed to all property owners within 300 feet of this proposed rezoning on October 15, 2008. Planning did not receive any calls or letters in support of or opposition to this request.

The Plan for El Paso –City-wide Land Use Goals:
For Regional Commercial Rezoning

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: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.

c. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character.

The C-4 (Commercial) district requested does not meet goals a, b, and c of the Plan for El Paso. The purpose of the regional commercial district is to provide for locations for the most intensive commercial uses intended to serve the entire city. The most intense permitted uses on the C-4 Regional Commercial district include:

Motor Vehicle & Service Operations
Ambulance Service Station
Automobile (sales, service, storage & rental)
Automotive Repair Garage
Boat, boat-trailer (sales, service, storage & rental)
Bus (sales, service, storage & rental)
Contractor equipment (sales, storage, repair & rental0
Farm Equipment (sales, storage, repair & rental)
Heavy Equipment (sales, storage, repair & rental)
Heavy Truck (sales, storage, repair & rental)
Manufactured home (sales, display & repair)
Mobile home (sales display repair)
Motor vehicle repair major
Recreation Vehicle Park
Trailer, 18-wheeler (sales, display & repair)
Truck Stop

Light Manufacturing Uses
Apparel Manufacturing
Beverage Product Mfg.
Bread & bakery product Mfg.
Brewery (S)
Comm. & Serv. Ind. Mfg.
Comp. product Mfg.
Dairy Product Processing
Elect.Product Assembly/Mfg.
Fab. Metal Product Mfg.
Grain & Oil seed Milling

The regulations of the C-4 (Commercial) district are intended to permit heavy commercial uses characterized by automotive and light warehousing. The regulations are therefore intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. The current zoning is not appropriate or compatible to the Plan for El Paso, the 2025 Projected Land Use Map, the surrounding land use (a mobile home park that houses a retirement community to the East of subject property, single family housing, churches and restaurants to the West, the Northeast Police Station to the South, and light automotive to the North).

DEVELOPMENT COORDINATING COMMITTEE
The Development Coordinating Committee provides the following comments:
The DCC recommends **Denial** of this request for rezoning from C-1 (Commercial) to C-4 (Commercial).

Development Services Department - Building Permits and Inspections Division:
Zoning Review*:* Automotive repair garage permitted on proposed C-4 (Commercial) District. Meets district's minimum yard standards. Insufficient data submitted to determine compliance with off-street parking and loading standards. Shall need to provide six foot high masonry screening wall along the property line abutting the Apartment-Mobile Home District.
Landscape Review*:*

Development Services Department - Planning Division:
Current Planning: Recommends **Denial** of rezoning request from C-1 (Commercial) to C-4 (Commercial). Request is not compatible to the surrounding land uses, the projected land use map and the Plan for El Paso. The C-4 district permissible uses are too intense for the abutting residential developments to the West and East.

Land Development: No comments Received

Engineering Department - Traffic Division:
No objections to proposed change of zoning.

Fire Department
No comments received.

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

Parks:
No comments received.

Sun Metro:
No comments received.

School Districts:
No comments received.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning 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.

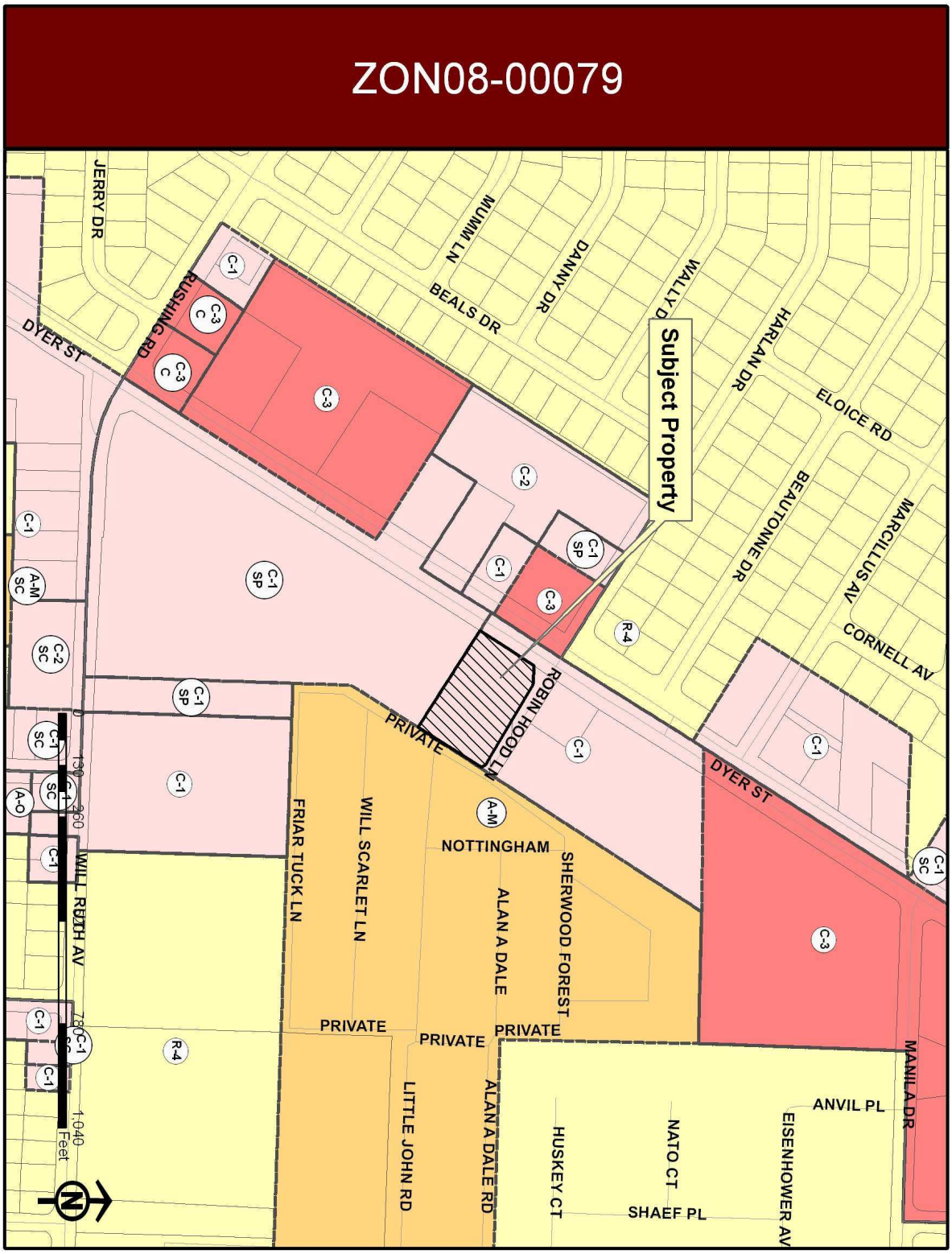
2 Recommend approval of the application with modifications to bring the rezoning into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.

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.

Attachments:

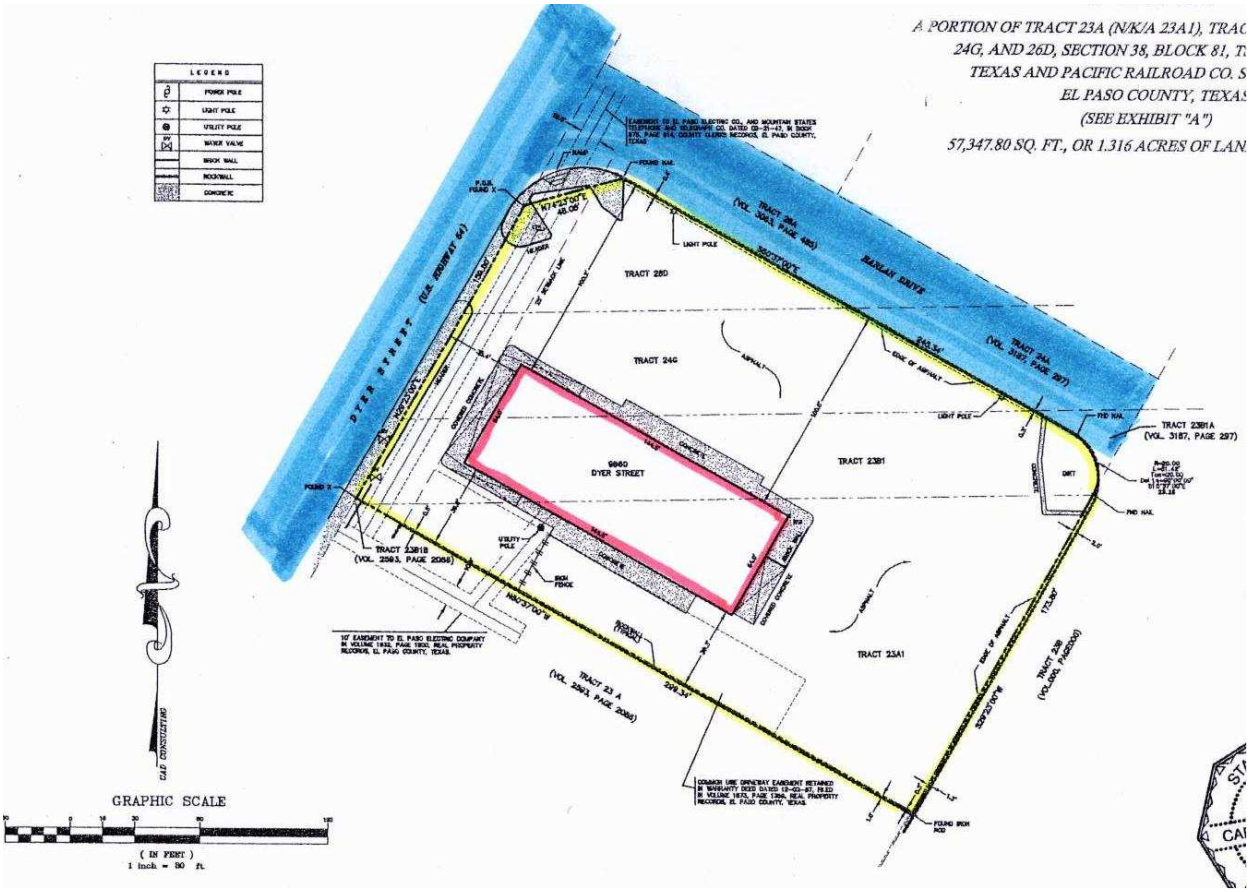
Attachment 1: Zoning Map
Attachment 2: Aerial Map
Attachment 3: Survey Map

Attachment 1: Zoning Map



Attachment 2: Aerial Map

Attachment 3: Survey Map



A portion of Tract 23A (N/K/A 23A1), Tracts 23B1, 24G, and 26D,
Section 38, Block 81, Township 1,
Texas and Pacific Railroad Company Surveys
City of El Paso, El Paso County, Texas,
September 02, 2008

METES AND BOUNDS DESCRIPTION

9660 Dyer Street
Exhibit "A"

FIELD NOTE DESCRIPTION of a portion of Tract 23A (N/K/A 23A1), Tracts 23B1, 24G, and 26D, Section 38, Block 81, Township 1, Texas and Pacific Railroad 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 a found chiseled cross located at the common boundary line of Tracts 26A and 26D, same being the easterly right-of-way line of Dyer Street, and being the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said easterly right-of-way line, and along said common boundary line, North 74°23'00" East, a distance of 48.08 feet to a found nail for corner;

THENCE, along said common boundary line, South 60°37'00" East, a distance of 245.34 feet to a found nail for corner;

THENCE, 31.42 feet along the arc of a curve to the right, whose radius is 20.00 feet, whose interior angle is 90°00'00", whose chord bears South 15°37'00" East, a distance of 28.28 feet to a found nail for corner;

THENCE, South 29°23' 00" West, a distance of 173.80 feet to a found iron rod for corner;

THENCE, North 60°37' 00" West, a distance of 299.34 feet to a found chiseled cross for corner;

THENCE, North 29°23'00" East, a distance of 159.80 feet to a chiseled cross and the **POINT OF BEGINNING** of the herein described lot and containing 57,347.80 square feet or 1.316 Acres of land more or less.

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

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