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

DEPARTMENT: **Development Services Department**

AGENDA DATE: **Introduction: December 11, 2007**
Public Hearing: January 2, 2008

CONTACT PERSON/PHONE: **Mirian Spencer, 541-4192**

DISTRICT(S) AFFECTED: **2**

SUBJECT:
An Ordinance changing the zoning of Lot 22, Block 16, Del Norte Acres, City of El Paso, El Paso County, Texas from A-2 (Apartment) to S-D (Special Development) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 8964 Gateway North Boulevard. Applicants: John W. and Judith A. Palmer ZON07-00120 (District 2)

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 Approval Recommendation
City Plan Commission (CPC) – Unanimous Approval Recommendation (4-0)

********************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 LOT 22, BLOCK 16, DEL NORTE ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO S-D (SPECIAL DEVELOPMENT), 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 *Lot 22, Block 16, Del Norte Acres, City of El Paso, El Paso County, Texas,* be changed from **A-2 (Apartment)** to **S-D (Special Development)**, 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 a 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:

The following uses are prohibited: 1) Garage, community parking lot; 2) Automotive tune-up services; 3) Automotive and light lubrication services; 4) Self-service carwash; 5) Outdoor flea market; and 6) Retail shopping center.

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:

for _____
Kelly Carpenter, AICP, Deputy Director
Development Services Department - Planning Division

ORDINANCE NO. _____

Zoning Case No: ZON07-00120

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

M E M O R A N D U M

DATE: November 2, 2007

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

FROM: Mirian Spencer, Planner

SUBJECT: ZON07-00120

The City Plan Commission (CPC), on November 1, 2007, voted **4-0** to recommend **APPROVAL** of rezoning the subject property from A-2 (Apartment) to S-D (Special Development) and imposing a condition, concurring with Staff's recommendation.

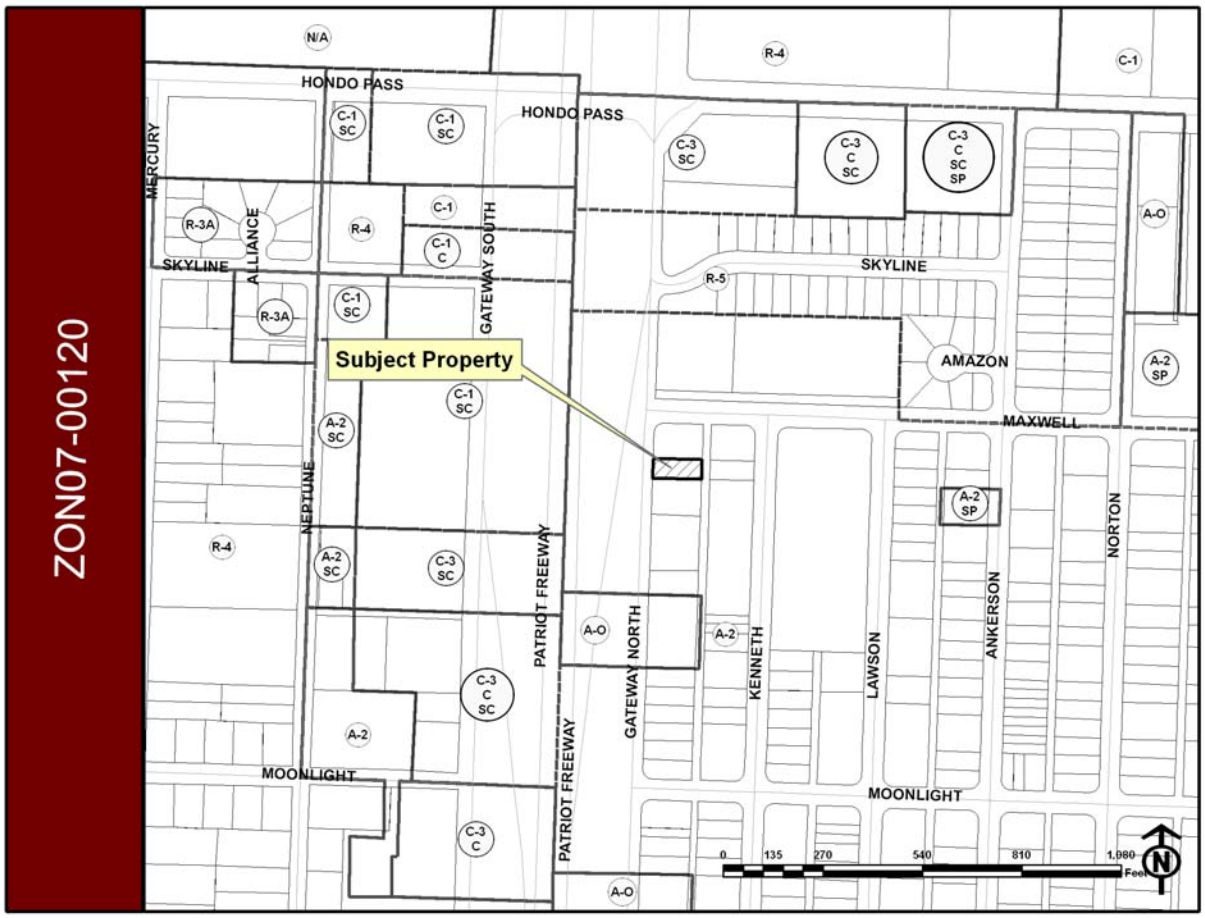
The CPC imposed the condition that the following uses be prohibited: garage, community parking lot, automotive tune-up services, automotive and light lubrication service, self-service carwash, outdoor flea market, and retail shopping centers.

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; and the effects of 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.

There was one letter of opposition to this request.

Attachment: Staff Report, Location Map, Site Plan

Application Type:	Rezoning
Property Owner(s):	John W. Palmer and Judith A. Palmer
Representative(s):	same
Legal Description:	Lot 22, Block 16, Del Norte Acres, City of El Paso, El Paso County, Texas
Location:	8964 Gateway North Boulevard
Representative District:	2 ***Area:*** 0.13 Acres
Present Zoning:	A-2 (Apartment) ***Present Use:*** Single-family Residential
Proposed Zoning:	S-D (Special Development)
Recognized Neighborhood Associations Contacted:	Northeast Civic Association
Public Response:	One Letter of Opposition
Surrounding Land Uses:	**North –** A-2 / Apartments**; South –** A-2 / Vacant**; East –** A-2 / Apartments**; West-** A-2 / US Highway 54
Year 2025 Designation:	Mixed-Use **(Northeast Planning Area)**



General Information:
The applicant is requesting a rezoning from A-2 (Apartment) to S-D (Special Development) in order to permit a retail business. The property is 0.13 acres in size and is currently single-family residential. The site plan shows a 1,336 square foot building and seven parking spaces. Access is proposed via Gateway North Boulevard. There are no zoning conditions on this property.

Staff Recommendation:
The Development Coordinating Committee (DCC) recommends **APPROVAL** this request for rezoning from A-2 (Apartment) to S-D (Special Development) with the condition that the following uses be prohibited:

- Garage, community parking lot
- Automotive tune-up services
- Automotive and light lubrication service
- Self-service carwash
- Outdoor flea market
- Retail shopping center

The Development Coordinating Committee (DCC) also recommends **APPROVAL** of the site plan being accepted to meet the requirements for a detailed site plan review within the S-D (Special Development) zoning District.

The CPC, at the November 15, 2007 meeting voted to approve the detailed site development plan. City Council approval is not required for the Detailed Site Development Plan Review.

The recommendation is based on the following:

> **The Plan for El Paso** City-Wide Land Use Goals recommend that El Paso "provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses;" and " 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 Northeast Planning Area designates this property for **Mixed-Use** land uses.
>
> **S-D (Special Development) zoning** permits retail business and **is compatible** with adjacent development.

Findings:
The Commission must determine the following:

1. Will the S-D (Special Development) zoning protect the best interest, health, safety, and welfare of the public in general?
2. Will retail business uses 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: Retail use is permitted on proposed S-D (Special Development) District. Meets minimum district area, yard standards, and parking requirements. Shall need to submit building and grading (parking area) plans for change of occupancy (residential to retail). Shall need to provide a six foot high masonry screening wall along property lines abutting apartment district.
Landscape Review: No comments received

Development Services Department - Planning Division:
Current Planning: Proposed zoning is compatible with adjacent uses and development, and does meet the 2025 Projected Land Use for the area which is mixed use. Recommends approval with the condition that the following uses be prohibited:

- Garage, community parking lot
- Advertising sign
- Automotive tune-up services
- Automotive and light truck lubrication services
- Self-service carwash
- Outdoor flea market
- Retail shopping center

Land Development: Grading and drainage plans will be required.

Engineering Department - Traffic Division:
No apparent traffic concerns, but notes that access shall be coordinated with the Texas Department of Transportation (TxDOT).

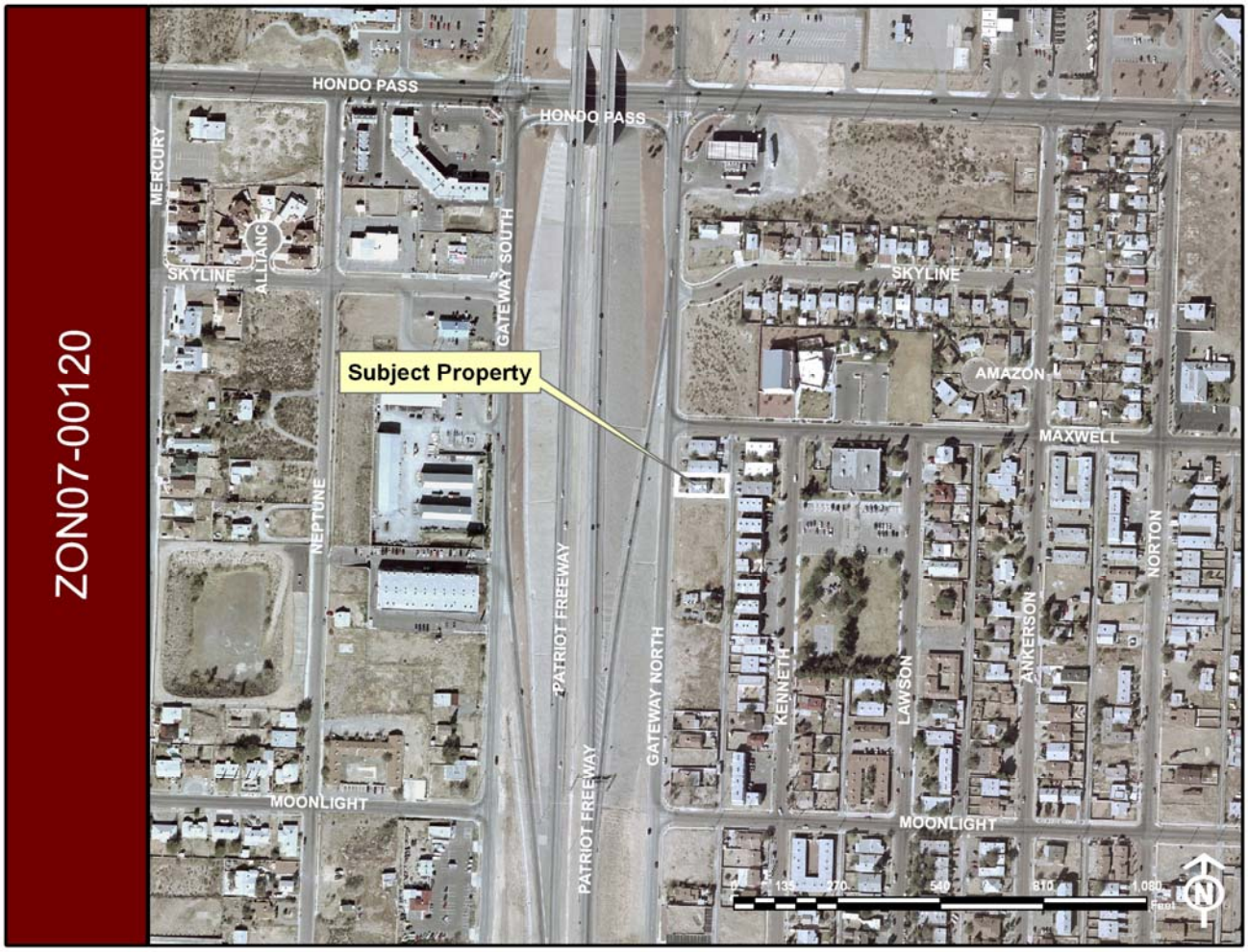
Fire Department:
No comments received.

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

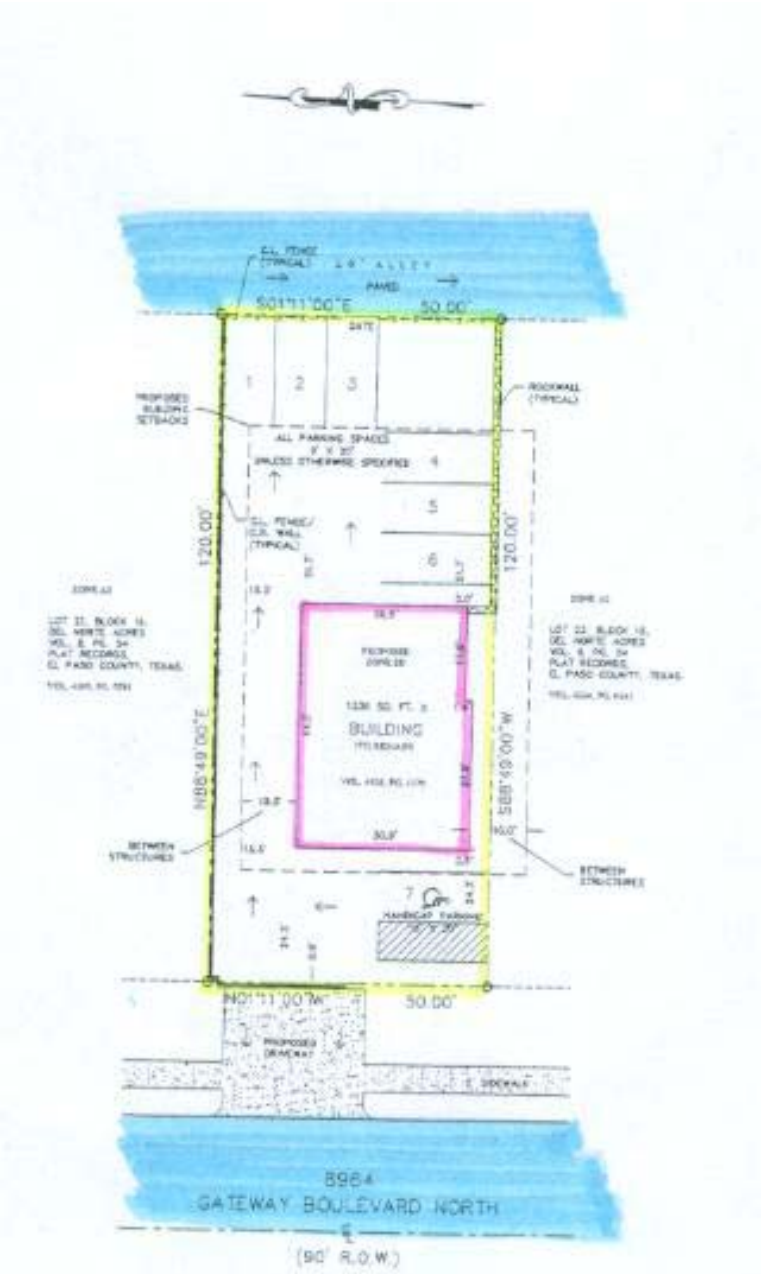
TxDOT:
Applicant shall submit an access plan, grading and drainage plan to TxDOT for approval before any access is granted to a State highway.

List of Attachments:
Attachment 1: Aerial Map
Attachment 2: Conceptual Site Plan
Attachment 3: Application
Attachment 4: Opposition Letter

Attachment 1: Aerial Map



Attachment 2: Site Plan



CITY CLERK DEPT.

Attachment 4: 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 W. PALMER JUDITH A. PALMER
ADDRESS: [redacted] ZIP CODE: [redacted] PHONE: [redacted]
E-MAIL ADDRESS: [redacted] FAX:

REPRESENTATIVE(S):
ADDRESS: ZIP CODE: PHONE:
E-MAIL ADDRESS: FAX:

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: D361-999-0160-4400
LEGAL DESCRIPTION: LOT TWENTY-TWO (22) BLOCK SIXTEEN (16) DEL NORTE ACRES
STREET ADDRESS OR LOCATION: 8964 GATEWAY N. EL PASO TX 79904 REP DISTRICT: 2
ACREAGE: 0.13 PRESENT ZONING: A2 PRESENT LAND USE: RESIDENTIAL
PROPOSED ZONING: SD PROPOSED LAND USE: RETAIL business ART & hobby supplies

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 W. PALMER Signature: [signature]
Printed Name: Judith A. Palmer Signature: [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"

ZON07-00120 RECEIVED DATE: 9/11/2007 APPLICATION FEE: $ 715.00
DCC REVIEW DATE: 10/05/2007 (8:30 am, Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 11/01/2007 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: [signature]

Revised 9/2006 1

Attachment 3: Opposition Letter

SpringRiver HOMES

October 24, 2007

To: Mirian Spencer
Planner
Development Services Department-Planning Division
City of El Paso

Re: Proposed rezoning for 8964 Gateway North Boulevard Case Z0N07-00120

This is in response to the letter you sent to us in reference to the proposed rezoning change for the property listed above. Our company owns two properties located at 8960 and 8956 Gateway North Boulevard which are just next to the property for which there is a proposed zoning change. Our company has plans for multifamily units in our two lots and we believe that having a retail business next to us will affect our property values and we may have problems finding buyers once the units are completed.
Our position on this matter is that we strongly object the proposed rezoning for the reasons stated above. The purpose of having a zoning ordinance in our City is to have an orderly growth and avoid affecting owners who have already invested in properties for which may not have a good use because of a last minute rezoning.

Please do not hesitate to contact me with any question.

Respectfully,

Raul Corrales
President
Spring River Homes, Inc.
Office 915-5848240
Mobile 915-4722147

663 Nenna Court, El Paso, TX 79932
Tel: 915-4722147 • Fax: 915-5848240