

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: November 20, 2007
Public Hearing: December 11, 2007

CONTACT PERSON/PHONE: Melissa Granado, 541-4730

DISTRICT(S) AFFECTED: 2

SUBJECT:

An Ordinance changing the zoning of Tract 4C, Morehead Block, City of El Paso, El Paso County, Texas from R-4/sp (Residential/special permit) to C-1/sp/c (Commercial/special permit/condition), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: West of Chelsea Street and South of Trowbridge Drive. Applicant: Immanuel Baptist Church of El Paso. ZON07-00094 (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) – Approval Recommendation (7-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Kelly Carpenter

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

CITY CLERK DEPT.

ORDINANCE NO. _____

07 NOV -7 PM 1:26

AN ORDINANCE CHANGING THE ZONING OF TRACT 4C, MOREHEAD BLOCK, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4/SP (RESIDENTIAL/SPECIAL PERMIT) TO C-1/SP/C (COMMERCIAL/SPECIAL PERMIT/CONDITION), 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 *Tract 4C, Morehead Block, 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-4/sp (Residential/special permit)** to **C-1/sp/c (Commercial/special permit/condition)**, 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 fifteen foot (15') landscape buffer including trees at fifteen foot (15') offsets be placed along the property line adjacent to Cardon Street;*
2. *That access to the property is only permitted from Chelsea Street; and*
3. *That a detailed site development plan be reviewed and approved per the El Paso City Code prior to building permits being issued.*

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

ORDINANCE NO. _____

Zoning Case No: ZON07-00094

Being Tract 4C, Morehead block
City of El Paso, El Paso County, Texas
Prepared for: Odom Investments
September 5, 2007

CITY CLERK DEPT.
07 NOV -7 PM 1:26

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being Tract 4C, Morehead Block, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at the intersection of the monument line of Chelsea Drive and Trowbridge Blvd. Thence along the monument line of Trowbridge Blvd. North $53^{\circ}06'00''$ West a distance of 32.59 feet to a point; Thence leaving said line South $36^{\circ}54'00''$ West a distance of 45.00 feet to a point on the southerly right of way line of Trowbridge Blvd. for The "TRUE POINT OF BEGINNING"

Thence 18.59 feet along the arc of a curve to the right which has a radius of 20.00 feet a central angle of $53^{\circ}16'00''$ a chord which bears South $26^{\circ}28'00''$ East a distance of 17.93 feet to point on the westerly right of way line of Chelsea Dr.;

Thence along said right of way line South $00^{\circ}10'00''$ West a distance of 282.20 feet to a point on the northerly line of a save and except portion as described in clerks file no. 2006004519, Real property records of El Paso County, Texas;

Thence along said line North $89^{\circ}34'00''$ West a distance of 225.72 feet to a point on the easterly right of way line of Olson Place;

Thence along said right of way line North $03^{\circ}51'00''$ East a distance of 269.50 feet to a Point of curve;

Thence along said right of way line 92.51 feet along the arc of a curve to the right which has a radius of 160.38 feet a central angle of $33^{\circ}03'00''$ a chord which bears North $20^{\circ}22'30''$ East a distance of 91.23 feet to point;

Thence along said right of way line North $36^{\circ}54'00''$ East a distance of 35.00 feet to a Point of curve;

Thence 31.42 feet along the arc of a curve to the right which has a radius of 20.00 feet a central angle of $90^{\circ}00'00''$ a chord which bears North $81^{\circ}54'00''$ East a distance of 28.28 feet to point on the southerly right of way line of Trowbridge Blvd.;

Thence along said right of way South $53^{\circ}06'00''$ East a distance of 149.65 feet to a point for the "TRUE POINT OF BEGINNING" and containing 74,630 square feet or 1.7133 acres of land more or less.

Not a ground survey description prepared from record information, Bearings based on Deed in volume 956, page 616, Real property records of El Paso County, Texas

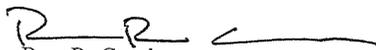

Ron R. Conde
R.P.L.S. No. 5152
907-01 R.C.



Exhibit "A"

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79935 / (915) 592-0283

ZON07-00094



CITY COUNCIL

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

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT
DIRECTOR, DEVELOPMENT SERVICES

KELLY CARPENTER, AICP
DEPUTY DIRECTOR, PLANNING

**DEVELOPMENT SERVICES
PLANNING DIVISION
MEMORANDUM**

CITY CLERK DEPT.
07 NOV -7 PM 1:26

DATE: November 7, 2007
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Melissa Granado, Planner
SUBJECT: ZON07-00094

The City Plan Commission (CPC), on October 4, 2007, voted **7-0** to recommend **APPROVAL** of rezoning the subject property from R-4/sp (Residential/special permit) to C-1/sp/c (Commercial/special permit/condition), concurring with Staff's recommendation, with the following conditions:

1. That a fifteen foot (15') landscape buffer including trees at fifteen foot (15') offsets be placed along the property line adjacent to Cardon Street;
2. That access to the property is only permitted from Chelsea Street; and
3. That a detailed site development plan be reviewed and approved per the El Paso City Code prior to building permits being issued.

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; that the proposed use is compatible with adjacent land uses; and the effects of the rezoning will have no effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

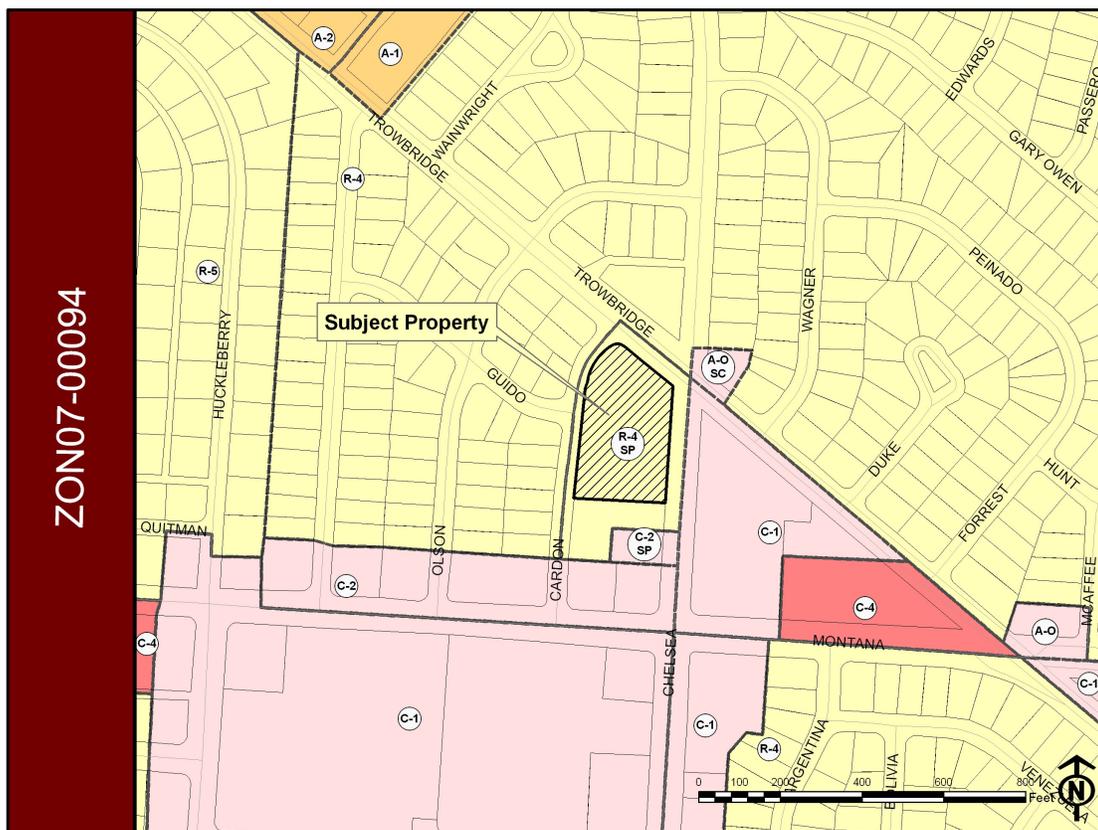
The Planning Division received seven (7) letters and one (1) phone call in opposition to this request.

Attachment: Staff Report, Conceptual Site Plan, Application



ZON07-00094

Application Type: Rezoning
Property Owner(s): Immanuel Baptist Church of El Paso
Representative(s): Gary Lucke
Legal Description: Tract 4C, Morehead Block, City of El Paso, El Paso County, Texas
Location: West of Chelsea Street and South of Trowbridge Drive
Representative District: 2 **Area:** 1.7 acres
Present Zoning: R-4/sp (Residential/special permit) **Present Use:** Church
Proposed Zoning: C-1/sp (Commercial/special permit)
Recognized Neighborhood Associations Contacted: A Presidential Neighborhood Association, United Neighborhood Association
Public Response: Seven (7) letters and one (1) phone call in opposition
Surrounding Land Uses: **North:** R-4 / Fire Station, **South:** R-4/sp, C-2/sp / Single-family Residential, Veterinary Clinic **East:** C-1 / Luby's Cafeteria
West: R-4 / Single-family Residential
Year 2025 Designation: Commercial (Central Planning Area)



General Information:

The applicant requests a rezoning from R-4/sp (Residential/special permit) to C-1/sp (Commercial/special permit). The conceptual site plan proposes two retail buildings totaling 16,400 square feet. The conceptual site plan also proposes eighty two (82) parking spaces. Access is proposed via Cardon Street, Trowbridge Drive, and Chelsea Street. There are no zoning conditions currently on this property. The special permit on the property is to allow a convalescent home.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **APPROVAL** of this rezoning request from R-4/sp (Residential/special permit) to C-1/sp (Commercial/special permit).

The recommendation is based on the following:

- **The Plan for El Paso** City-Wide Land Use Goals recommends 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.”
- **The Year 2025 Projected General Land Use Map** for the Central Planning Area designates this property for **Commercial** land uses.
- **C-1 (Commercial) zoning** permits neighborhood retail and **is compatible** with surrounding development.

Findings:

The Commission must determine the following:

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

Development Services - Building Permits and Inspections Division:

Zoning Review: Retail establishments permitted on proposed C-1 (Commercial) District. Meets general yard and lot standards and parking requirements.

Landscaping: No comments received.

Development Services - Planning Division:

Current Planning: Recommends approval. Proposed zoning is compatible with adjacent uses and development, and meets the 2025 Projected Land Use for the area which is commercial.

Land Development: No comments received.

Engineering Department, Traffic Division:

Proposed driveways shall be relocated. Redesign of driveways shall be coordinated and approved by the Traffic Division.

Fire Department:

No comments received.

El Paso Water Utilities:

EPWU does not object to this request.



List of Attachments:

Attachment 1: Conceptual Site Plan

Attachment 2: Application

Attachment 1: Conceptual Site Plan



Attachment 2: Application



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

1. CONTACT INFORMATION

PROPERTY OWNER(S) CALVARY BAPTIST CHURCH CO IMMANUEL BAPTIST CHURCH
 ADDRESS: 1201 HAWKINS ZIP CODE: 79925 PHONE: 772-7461
 APPLICANT(S): ROGER O'DELL, CO OF TRUSTEES
 ADDRESS: 1201 HAWKINS ZIP CODE: 79925 PHONE: 772-7461
 REPRESENTATIVE(S): JEFF ODOM OR GARY LOCKE

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: X 001999 M 00A 4300
 LEGAL DESCRIPTION: BLOCK 1, TRACT 4-C MOORE HEAD BLOCK
 STREET ADDRESS OR LOCATION: 1020 CARRON REP DISTRICT: 5
 ACREAGE: 1.6987 PRESENT ZONING: R-25P PRESENT LAND USE: CHURCH
 PROPOSED ZONING: C-1 PROPOSED LAND USE: NEIGHBORHOOD RETAIL

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER: N/A
 LEGAL DESCRIPTION: _____
 STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
 ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
 PROPOSED ZONING: _____ PROPOSED LAND USE: _____

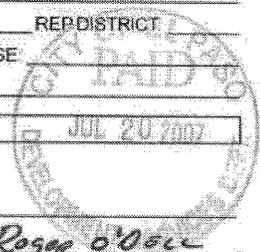
4. PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER: N/A
 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: N/A Signature: _____
 Printed Name: Immanuel Baptist Church Signature: Roger O'Dell
 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 07-00094 RECEIVED DATE 7/19/07 APPLICATION FEE \$ 770.00
 DCC REVIEW DATE: 8/23/07 (8:30 am, Planning Department Conference Room, 2nd Floor, City Hall Building)
 CPC REVIEW DATE: 9/20/07 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
 ACCEPTED BY: [Signature] FUND - 01101, DEPT ID - 99010335, ACCOUNT - 404126