

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

**DEPARTMENT:**     **Development Services Department**

**AGENDA DATE:**   **Introduction: December 16, 2008**  
                      **Public Hearing: January 6, 2009**

**CONTACT PERSON/PHONE:** Mirian Spencer, (915) 541-4192,  
spencermd2@elpasotexas.gov

**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

An Ordinance changing the zoning of Lot 58 and a portion of Lot 59, Block B Bassett Addition, City of El Paso, El Paso County, Texas from A-3 (Apartment) to S-D (Special Development). The penalty is as provided in Chapter 20.24 of the El Paso City Code. Applicants: Alfredo and Veronica Gutierrez. ZON08-00052 (District 8)

**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 (8-0)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** Victor Q. Torres \_\_\_\_\_

\*\*\*\*\*

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CHANGING THE ZONING OF LOT 58 AND A PORTION OF LOT 59, BLOCK B, BASSETT ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-3 (APARTMENT) TO S-D (SPECIAL DEVELOPMENT). 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 58 and a portion of Lot 59, Block B, Bassett Addition, City of El Paso, El Paso County, Texas*, be changed from **A-3 (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.

**PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.**

**THE CITY OF EL PASO**

**ATTEST:**

\_\_\_\_\_  
John F. Cook  
Mayor

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Mathew S. McElroy, Deputy Director  
Development Services Department  
Planning Division

CITY CLERK DEPT.  
08 DEC -8 PM 2:27

Being all of Lot 58 and the East ½ of Lot 59, Block B,  
Bassett Addition,  
City of El Paso, El Paso County, Texas  
June 10, 2008

### **METES AND BOUNDS DESCRIPTION**

2031 Central Avenue  
Exhibit "A"

**FIELD NOTE DESCRIPTION** of all of Lot 58 and the East ½ of Lot 59, Block B, Bassett Addition, 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 southerly common boundary corner of Lot 58 and a 25 feet alley, same being the northerly right-of-way line of Central Avenue (60' R.O.W) and being the **POINT OF BEGINNING** of the herein described parcel;

**THENCE**, leaving said southerly common boundary corner and along said northerly right-of-way line, South 53°20'48" West, a distance of 37.50 feet to a found chiseled cross for corner;

**THENCE**, leaving said northerly right-of-way line, North 36°39'12" West, a distance of 110.00 feet to a point;

**THENCE**, North 53°20'48" East, a distance of 37.50 feet to a point,

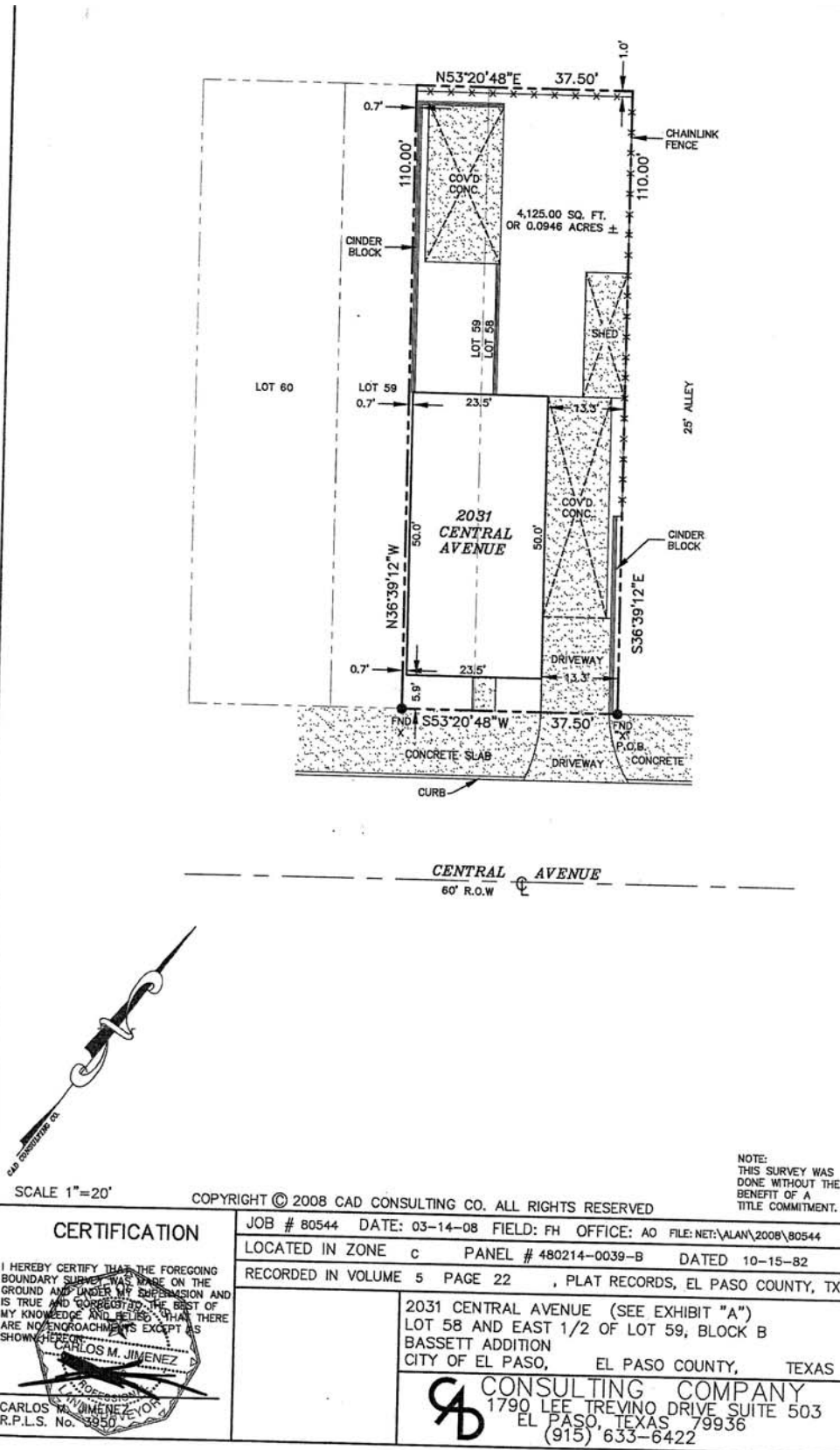
**THENCE**, South 36°39'12" East, a distance of 110.00 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 4,125.00 square feet or 0.0946 acres of land more or less.

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

CAD Consulting Co.  
1790 Lee Trevino Drive, Suite 503  
El Paso, Texas 79936  
(915) 633-6422  
I:\M&B\2008\80544.wpd



**EXHIBIT A**  
**Page 1 of 2**



**EXHIBIT A**  
**Page 2 of 2**

Doc #44296/Planning/Ord/ZON08-00052 (Rezoning)/LCUE

**ORDINANCE NO.** \_\_\_\_\_

**Zoning Case No: ZON08-00052**



**DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION**

**M E M O R A N D U M**

**DATE:** December 4, 2008

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

**FROM:** Mirian Spencer, Planner

**SUBJECT:** ZON08-00052

The City Plan Commission (CPC), on November 20, 2008 voted (8 to 0) to recommend **APPROVAL** of rezoning the subject property from A-3 (Apartment) to S-D (Special Development), concurring with the recommendation from staff.

The applicants are requesting to change the zoning on the subject property from A-3 (Apartment) to S-D (Special Development). The property is vacant. The applicants are requesting to change the zoning in order to permit a restaurant. The applicants are proposing a 509 square-foot walk-up restaurant with a seating area located at the front of the property. The site plan shows five parking spaces being provided with access proposed from the alleys to the east and north of the subject property. The applicants also submitted a detailed site development plan that was approved by the City Plan Commission for the proposed restaurant (Case ZON08-00082).

The application is in conformance with the Plan for El Paso – City-wide Land Use Goals. The proposed S-D (Special Development) zoning district allows for both residential and commercial uses. The zoning district will also comply with the 2025 projected general land use for the **Central** planning area which designates the property for commercial uses. The property is located within the Chamizal Neighborhood Revitalization area, which encourages development of vacant sites within the Revitalization area. The proposed walk-up restaurant will serve the needs of the existing residents within the Chamizal Neighborhood.

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.

Staff received **one letter of support** for this request.

**Attachment:** Staff Report, Location Map, Aerial Map, Detailed Site Plan, Elevations, Support Letter



## ***City of El Paso – City Plan Commission Staff Report***

**Case No:** ZON08-00052  
**Application Type** Rezoning  
**CPC Hearing Date** November 20, 2008  
**Staff Planner** Mirian Spencer, 915-541-4192, [spencermd2@elpasotexas.gov](mailto:spencermd2@elpasotexas.gov)

**Location** 2031 Central Avenue  
**Legal Description** Lot 58 and a portion of Lot 59, Block B, Bassett Addition, City of El Paso, El Paso  
**Acreage** 0.9454 acre  
**Rep District** 8  
**Existing Use** Vacant  
**Existing Zoning** A-3 (Apartment)  
**Request** From A-3 (Apartment) to S-D (Special Development)

**Property Owners** Alfredo and Veronica Gutierrez  
**Applicant** Alfredo and Veronica Gutierrez  
**Representative** CAD Consulting Co.

### **SURROUNDING ZONING AND LAND USE**

**North:** A-3 (Apartment); Single-family residential  
**South:** C-4 (Commercial); Restaurant, Automotive repair  
**East:** A-3 (Apartment); Single-family residential  
**West:** A-3 (Apartment); Vacant

**THE PLAN FOR EL PASO DESIGNATION:** Commercial (Central Planning Area)  
**NEAREST PARK:** El Barrio Park (1,439 Feet)  
**NEAREST SCHOOL:** Douglass Elementary (716 Feet)

### **NEIGHBORHOOD ASSOCIATIONS:**

Magoffin Neighborhood Association

### **NEIGHBORHOOD INPUT**

Notice of the public meeting were mailed out to all property owners within 300 feet of the subject property on October 9, 2008. The Planning Division has received one letter of support for the rezoning request.

### **APPLICATION DESCRIPTION**

The applicants are requesting to change the zoning on the subject property from A-3 (Apartment) to S-D (Special Development). The property is vacant. The applicants are requesting to change the zoning in order to permit a restaurant. The applicants are also requesting that a detailed site development plan be reviewed by the City Plan Commission for the proposed restaurant (Case ZON08-00082). The applicants are proposing a 509 square-foot walk-up restaurant with a seating area located at the front of the property. The site plan shows five parking spaces being provided with access proposed from the alleys to the east and north of the subject property.

### **DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION**

The Development Coordinating Committee provides the following comments:  
DCC recommends **APPROVAL** of the rezoning request from A-3 (Apartment) to S-D (Special Development).

### **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **APPROVAL** of the rezoning request from A-3 (Apartment) to S-D (Special Development).

### **The Plan for El Paso –City-wide Land Use Goals:**

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

- a. Goal: develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.
- b. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses
- c. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- d. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.
- e. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character

The application is in conformance with the Plan for El Paso – City-wide Land Use Goals. The proposed S-D (Special Development) zoning district allows for both residential and commercial uses. The zoning district will also comply with the 2025 projected general land use for the area which designates the property for commercial uses. The property is located within the Chamizal Neighborhood Revitalization area, which encourages development of vacant sites within the Revitalization area. The proposed walk-up restaurant will serve the needs of the existing residents within the Chamizal Neighborhood.

### **Development Services Department - Building Permits and Inspections Division:**

Walk-up restaurant permitted in an S-D (Special Development) zoning district. Meets S-D (Special Development) district minimum yard standards. Requires a minimum of five off-street parking spaces and three bicycle spaces. Shall need to provide a six-foot masonry screening wall along property lines adjacent to A-3 (Apartment) zoning districts).

Landscaping: Project is required 367 square feet of landscape area within the required landscape area. Landscaping behind building does not apply to the required area under 18.46.

### **Development Services Department - Planning Division:**

Current Planning: Recommends **APPROVAL** of the rezoning request from A-3 (Apartment) to S-D (Special Development).

1. The Year 2025 Projected General Land Use Map for the **Central Planning Area** designates this property for **Commercial** land uses.
2. S-D (Special Development) zoning permits walk-up restaurant development and is compatible with adjacent development.

Engineering: Provide conceptual drainage plan. The run-off shall be addressed to Central Avenue. Show and label any proposed drainage structures and handicap ramp locations if proposed. Site is not located

within a Special Flood Hazard Area, Flood Zone C, Panel **480214 0039B**, effective date October 15, 1982. The following will be required at the time of development:

1. ADA accessible sidewalks, wheel-chair ramp(s), and driveway(s).
2. Grading plan and permit will be required at the time of development.
3. Storm water pollution prevention plan and/or permit required at the time of development.
4. Drainage plans must be approved by the Development Services Department, Engineering section at the time of development.

**Engineering Department - Traffic Division:**

Traffic has no objections to proposed rezoning request. Traffic notes that the alleys must be paved to city standards if used for access.

**Fire Department:**

No comment received.

**El Paso Water Utilities:**

EPWU 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 rezoning application:

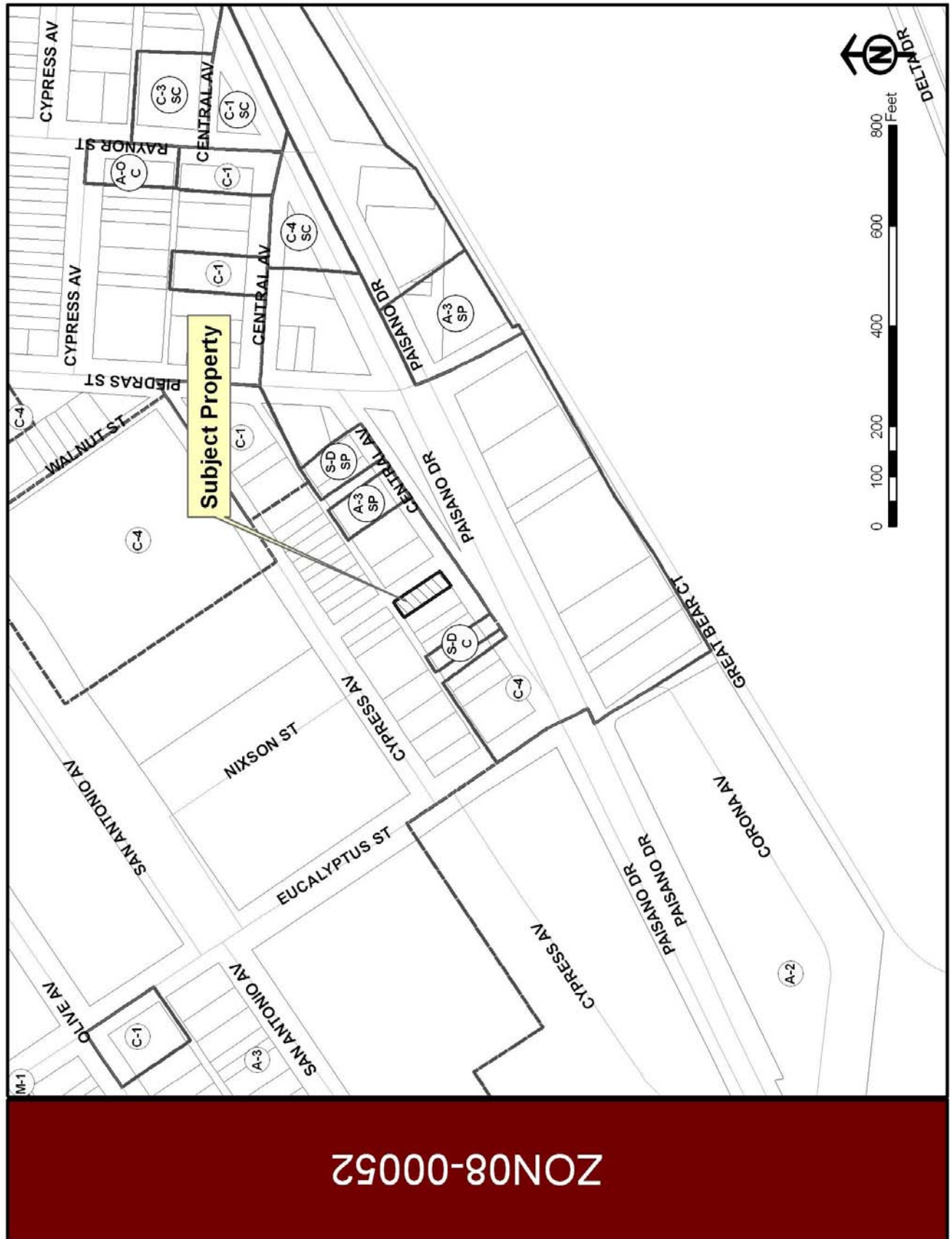
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan
2. Recommend approval of the application with modifications to bring the rezoning into 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**

1. Location Map
2. Aerial Map
3. Detailed Site Plan
4. Elevations
5. Support Letter



# ATTACHMENT 1: LOCATION MAP



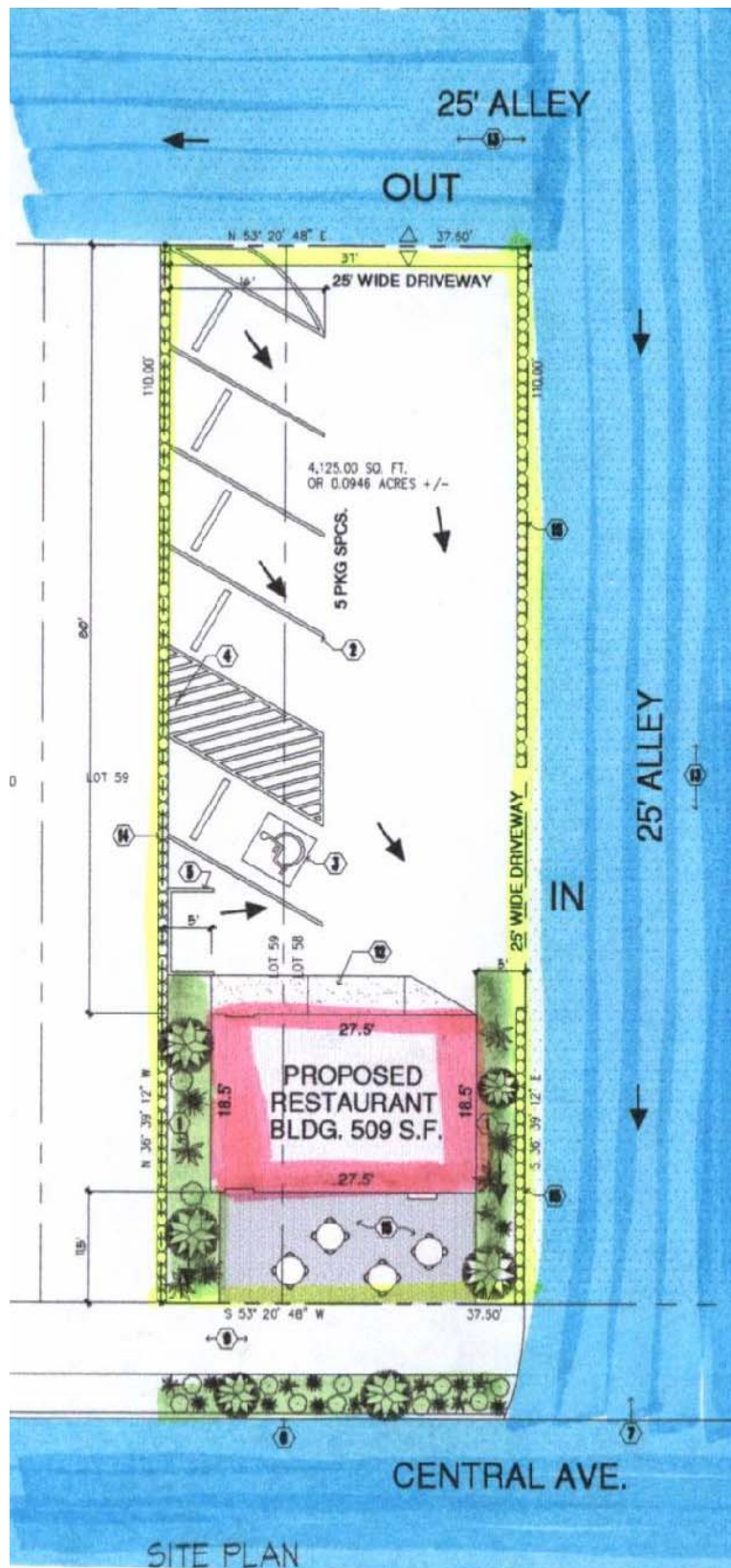


ATTACHMENT 2: AERIAL MAP





ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



## ATTACHMENT 4: ELEVATIONS



ATTACHMENT 5: SUPPORT LETTER



November 18, 2008

City Plan Commission  
Planning Division  
C/o Ms. Mirian Spencer  
5<sup>th</sup> Floor, City Hall  
2 Civic Center Plaza  
El Paso, Texas 79901-1196

RE: ZON08-00052  
ZON08-00082  
Alfredo & Veronica Gutierrez

Dear Ms. Spencer,

We are in receipt of the proposed Zoning Change for property 2031 Central Ave, owned by Mr. & Mrs. Gutierrez. I own three separate properties within a 300 ft. radius and I strongly recommend that the proposed zoning changes be granted.

This will increase our tax base, improve the aesthetics of the general area and help to create new jobs in the construction and retail fields.

I own the Following properties immediately adjacent to Mr. Gutierrez's property;

**Palms Mexico Insurance 2121 E. Paisano, El Paso, Texas 79905**  
100 Ft. Southeast from the proposed Zoning change

**2101 Central – Vacant land immediately East of Mr. Gutierrez's**  
**property that will soon break ground on a small Commercial Strip Center.**

**2125 Central – Vacant land 300 ft. east of Mr. Gutierrez's property,**  
where we will also break ground early next year with an office building.

I thank you for the prompt notification concerning this future zoning change and reiterate our position that the proposed Zoning changes be granted.

If you have any questions please feel free to contact me.

Respectfully Yours,

Martin Beltran

2121 PAISANO DR.  
EL PASO, TX 79905  
PHONE (915) 533-0062  
FAX (915) 532-5358

P.O. BOX 3428  
EL PASO, TX 79923

337-D N. ZARAGOZA RD.  
EL PASO, TX 79907  
PHONE (915) 860-7330  
FAX (915) 860-0778