

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: 2

SUBJECT:

An Ordinance changing the zoning of a portion of Tract 182, Sunrise Acres Unit One, City of El Paso, El Paso County, Texas from R-4 (Residential) to C-2 (Commercial) and imposing a condition. The penalty is as provided in Chapter 20.24 of the El Paso City Code. Applicants: Glenn Soll. ZON08-00076 (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) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (7-0)

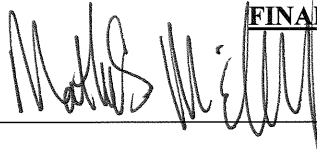
CITY CLERK DEPT.
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*****REQUIRED AUTHORIZATION*****

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 A PORTION OF TRACT 182, SUNRISE ACRES UNIT ONE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO C-2 (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 182, Sunrise Acres Unit One, 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 (Residential)** to **C-2 (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. *Property is subject to a detailed site development plan review prior to the issuance of building permits.*

PASSED AND APPROVED this _____ day of _____, 2009.

THE CITY OF EL PASO

ATTEST:

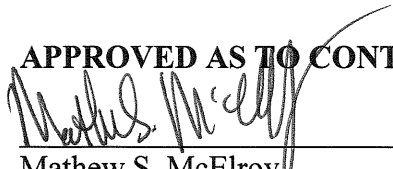
John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:



Mathew S. McElroy
Deputy Director – Planning
Development Services Department

CITY CLERK DEPT.
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ORDINANCE NO. _____

ZON08-00076

Being the North 120.85 feet of Tract 182,
Sunrise Acres No. 1,
City of El Paso, El Paso County, Texas
November 28, 2007

METES AND BOUNDS DESCRIPTION
Exhibit "A"

FIELD NOTE DESCRIPTION of the North 120.85 feet of Tract 182, Sunrise Acres No. 1,
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 iron rod located at the common boundary line
of Tracts 182 and 187, same being the westerly right-of-way line of Jupiter Drive (50' R.O.W.)
and being the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said common boundary line and along said westerly right-of-way line,
South 01°09'00" East, a distance of 120.85 feet to a found iron rod for corner;

THENCE, leaving said westerly right-of-way line, South 88°51'00" West, a distance of
200.00 feet to a set nail for corner;

THENCE, North 01°09'00" West, a distance of 120.85 feet to a found iron rod for
corner;

THENCE, North 88°51'00" East, a distance of 200.00 feet to the **POINT OF**
BEGINNING of the herein described parcel and containing 24,170.00 square feet or 0.5549
acres of land more or less.



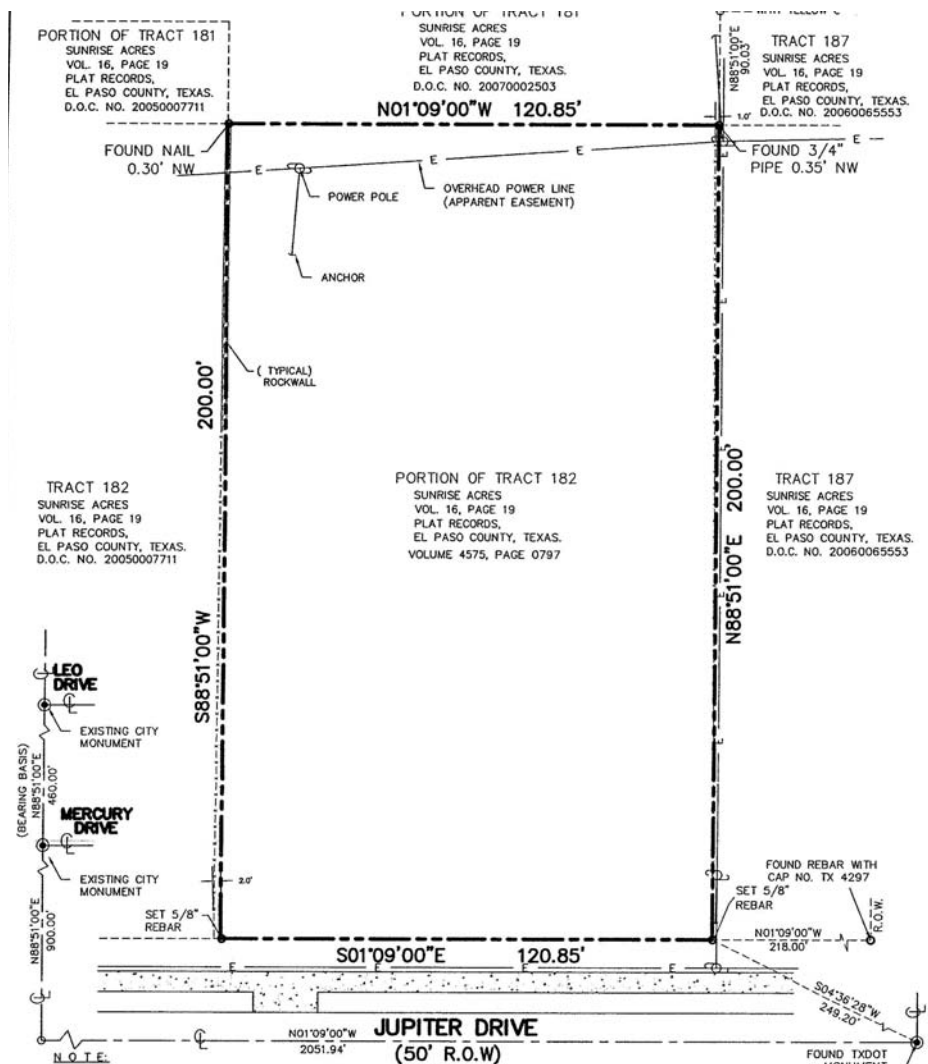
Carlos L. Lirio
Registered Professional Land Surveyor
Texas No. 3950

CAD Consulting Co.
1790 Lee Trevino Drive, Suite 503
El Paso, Texas 79936
(915) 633-6422
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EXHIBIT A
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ORDINANCE NO. _____

ZON08-00076



- NOTE:**
- SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE "C", AREA OF MINIMAL FLOODING, PER F.I.R.M. PANEL NUMBER 248, LAST REVISION DATE 10/15/1982. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.
 - BEARINGS SHOWN ARE BASED ON THE FILED PLAT FOR SUNRISE ACRES.
 - THIS PROPERTY MAY BE SUBJECT TO EASEMENTS WHETHER OF RECORD OR NOT, (NOT SHOWN).
 - THE PROPERTY OWNERS ARE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL TITLE COMMITMENT PROVISIONS AND CONFIRMING THE SIZE AND USE OF ALL RECORDED EASEMENTS PERTAINING TO THIS PROPERTY, IN SPITE OF THE ACCURACY OR DEFECTS OF THIS PLAT.
 - THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF THE TITLE COMMITMENT.

Barragan & Associates
 LAND PLANNING & SURVEYING
 10950 Pellicano Dr. Building-F,
 El Paso, Tx 79935
 Phone (915) 591-5709 Fax (915) 591-5706

PLAT OF SURVEY

A PORTION OF TRACT 182,
 MAP OF SUNRISE ACRES,
 AN ADDITION TO THE
 CITY OF EL PASO,
 EL PASO COUNTY, TEXAS.
 AREA 0.55 ACRES ±

Plat reference vol/bk 16 pages 19
 Scale 1"=30' Date 6/20/08 Drawn by O.B/D.B.

I hereby certify that the foregoing boundary and improvement survey was made on the ground and under my supervision and is true and correct to the best of my knowledge and belief.

STATE OF TEXAS
REGISTERED
BARRAGAN
 2015
 Benito Barragan, Surveyor No. 5615
 Job No. 0613-08 Copy Rights ©

EXHIBIT A
Page 2 of 2

ORDINANCE NO. _____

ZON08-00076



**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

MEMORANDUM

DATE: December 4, 2008

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

FROM: Mirian Spencer, Planner

SUBJECT: ZON08-00076

The City Plan Commission (CPC), on November 6, 2008 voted 7 to 0) to recommend **APPROVAL** of rezoning the subject property from R-4 (Residential) to C-2 (Commercial) with the condition that the property is subject to detailed site development plan review prior to the issuance of building permits.

The applicant is requesting to change the zoning of the property from R-4 (Residential) to C-2 (Commercial) in order to permit a retail tire center. The property is 0.550 acres in size and is vacant. Access is proposed via **Gateway South Boulevard**.

The application is in compliance with the Plan for El Paso – City-wide Land Use Goals. The proposed C-2 (Commercial) zoning district permits Community Commercial development that would be compatible with the adjacent residential development without permitting uses that would be incompatible to the surrounding neighborhood. There have been changes in the area with recent rezoning cases along Gateway South that are similar to this request. The area along Gateway South is suitable for Community Commercial development that can serve as a buffer between the existing residential neighborhood and US 54.

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.

There was **one letter in opposition** to the request.

Attachment: Staff Report, Aerial Map, Zoning Determination Letter, Conceptual Site Plan, Opposition Letter



City of El Paso – City Plan Commission Staff Report

Case No: ZON08-00076
Application Type Rezoning
CPC Hearing Date November 6, 2008
Staff Planner Mirian Spencer, 915-541-4192, spencermd2@elpasotexas.gov

Location 8633 Gateway South Boulevard
Legal Description A portion of Lot 182, Sunrise Acres Unit One, City of El Paso, El Paso County, Texas

Acreage 0.55 acres
Rep District 2
Existing Use Vacant
Request From R-4 (Residential) to C-2 (Commercial)
Proposed Use Retail Tire Center

Property Owners Glenn Soll
Applicant Glenn Soll
Representative Glenn Soll

SURROUNDING ZONING AND LAND USE

North: C-2 (Commercial); Vacant
South: C-2/c (Commercial/conditions); Commercial development
East: R-4 (Residential); Vacant
West: R-4 (Residential); US Highway 54

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

NEAREST PARK: Sunrise Park (1,575 Feet)

NEAREST SCHOOL: Wainwright Elementary (1,105 Feet)

NEIGHBORHOOD ASSOCIATIONS:

Northeast El Paso Civic Association
Sunrise 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 in opposition to the request.

APPLICATION DESCRIPTION

The applicant is requesting to change the zoning of the property from R-4 (Residential) to C-2 (Commercial) in order to permit a retail tire center. The property is 0.550 acres in size and is vacant. Access is proposed via **Gateway South Boulevard**. There are no conditions imposed on the property. The property is located within the Sunrise Acres Neighborhood Plan.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

The Development Coordinating Committee provides the following comments:
DCC recommends **APPROVAL** of the rezoning request from R-4 (Residential) to C-2 (Commercial) with the condition that the property is subject to a detailed site development plan review prior to the issuance of building permits.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of the rezoning request from R-4 (Residential) to C-2 (Commercial) with the condition that the property is subject to detailed site development plan review prior to the issuance of building permits.

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 not in conformance with the 2025 projected general land use, however; it is in compliance with the Plan for El Paso – City-wide Land Use Goals. The proposed C-2 (Commercial) zoning district permits Community Commercial development that would be compatible with the adjacent residential development without permitting uses that would be incompatible to the surrounding neighborhood. There have been changes in the area with recent rezoning cases along Gateway South that are similar to this request. In the previous zoning change requests to commercially zoned property it has been determined by staff, City Plan Commission, and City Council that residential uses are unlikely to occur adjacent to the interstate. The Sunrise Acres Neighborhood Plan, adopted by the City Council, has also established that light commercial uses are appropriate adjacent to the existing residential development, as well as permit commercial uses as a buffer adjacent to US 54.

Development Services Department - Building Permits and Inspections Division:

Meets minimum C-2 (Commercial) zoning district yard standards. Shall need to provide minimum of three bicycle parking spaces. Shall need to provide a six foot high masonry screening wall along the property line abutting the Residential district.

Development Services Department - Planning Division:

Current Planning: Recommends **APPROVAL** of the request from R-4 (Residential) to C-2 (Commercial).

1. The Year 2025 Projected General Land Use Map for the **Northeast Planning Area** designates this property for **Residential** land uses.
2. C-2 (Commercial) zoning permits retail tire center development and is compatible with adjacent development.

Subdivision Review: No comments received

Engineering Department - Traffic Division:

No objections to proposed rezoning request

Fire Department:

No comment received.

El Paso Water Utilities:

EPWU does not object to this request.

CITY PLAN COMMISSION OPTIONS

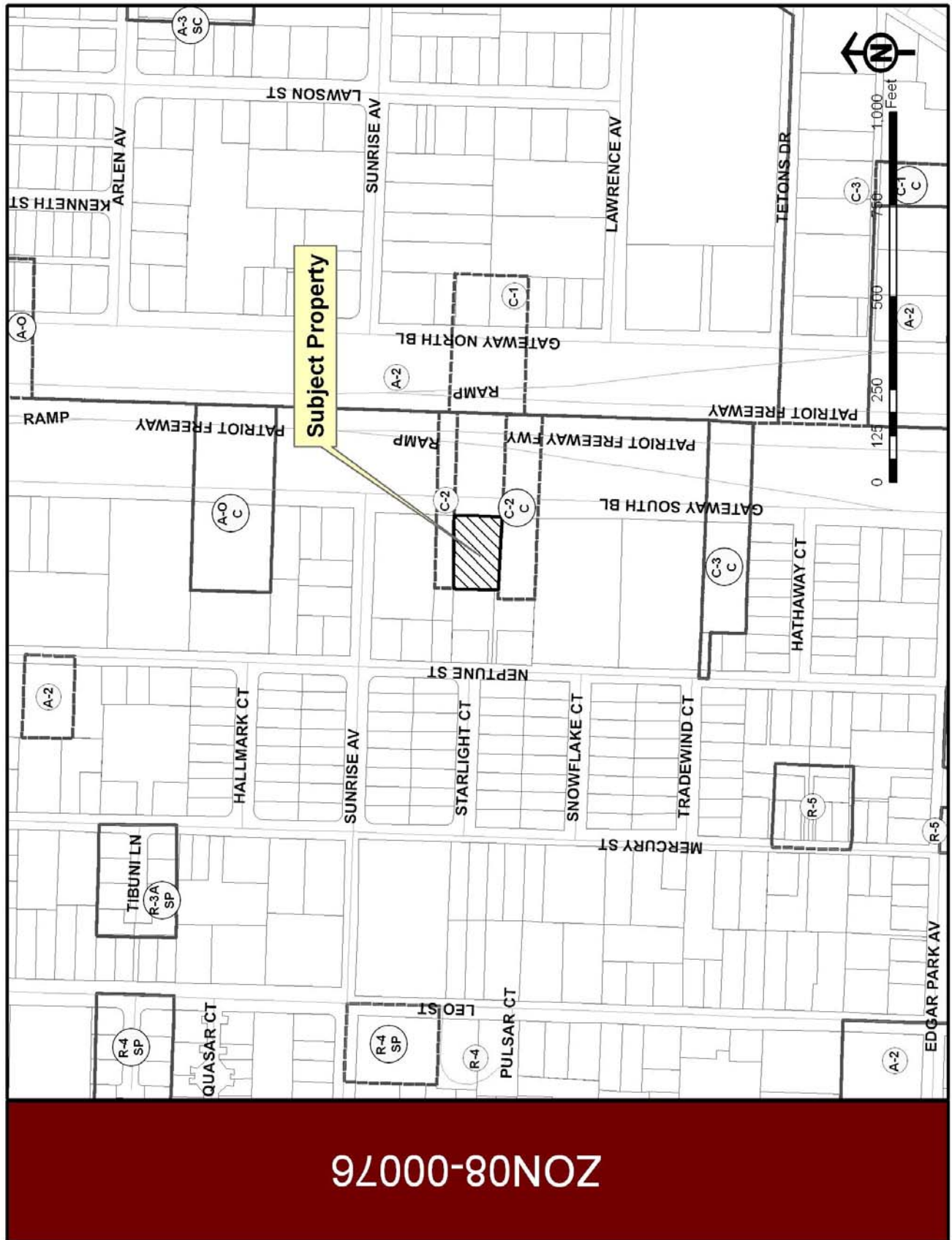
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application:

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.

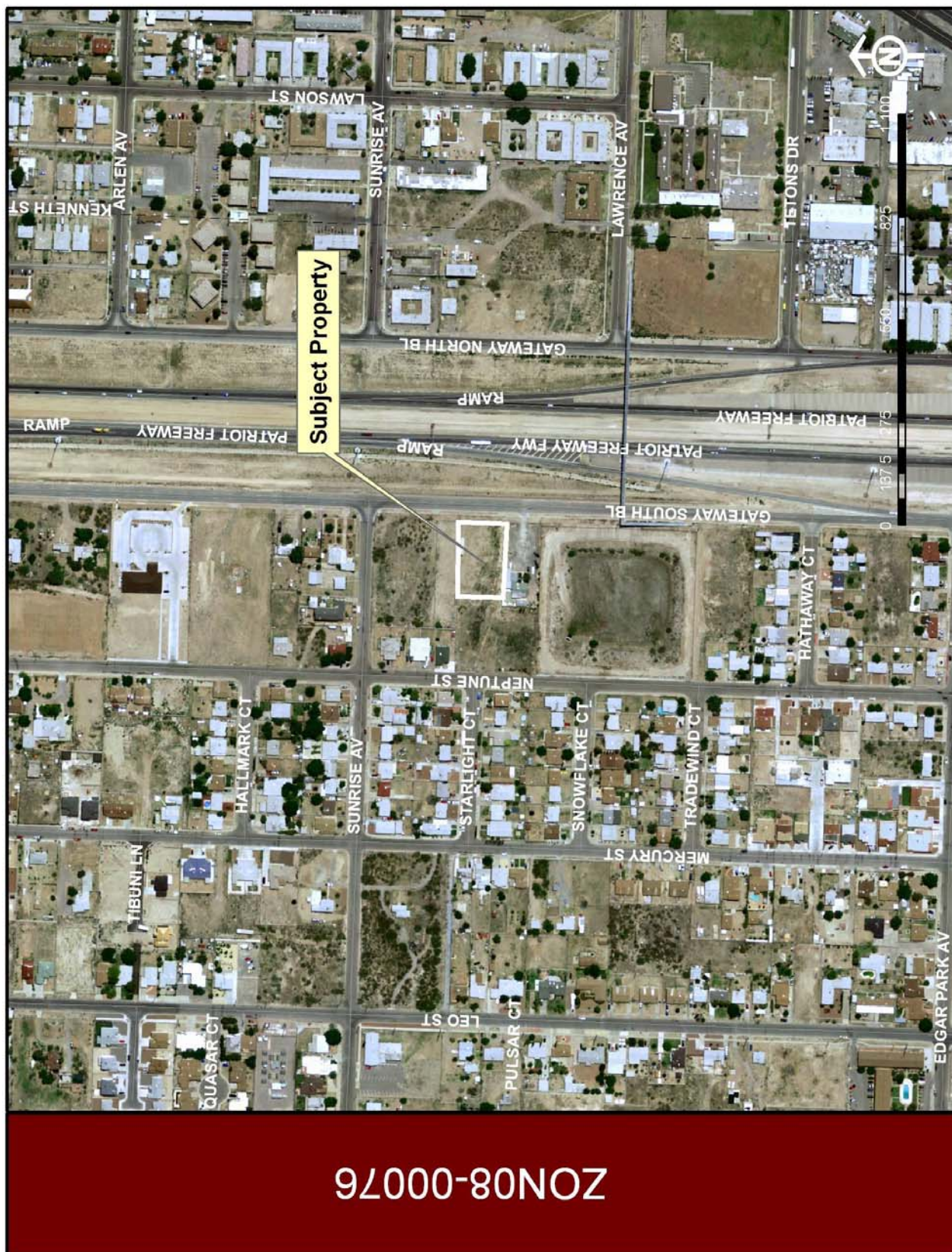
Attachments

1. Location Map
2. Aerial Map
3. Zoning Determination Letter
4. Conceptual Site Plan
5. Opposition Letter

ATTACHMENT 1: LOCATION MAP



ATTACHMENT 2: AERIAL MAP



ATTACHMENT 3: ZONING DETERMINATION LETTER

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

VICTOR Q. TORRES
DIRECTOR

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 DEPARTMENT PLANNING DIVISION

October 24, 2008

Mr. Glenn Soll
3751 Skyline Ave.
El Paso, TX 79904

Re: 8633 Gateway South, El Paso, Texas
A portion of Tract 182, Sunrise Acres Unit 1, El Paso, El Paso County, Texas
Classification of use for Tire Retail and Installation.

Dear Mr. Soll:

In response to your request for classification of a tire retail and installation store, the following are our findings:

The use as described in your request has been classified into the C-2 (Commercial) zoning district, a community commercial district. The purpose of these districts is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

For further information and standards, please refer to the El Paso Municipal Code, Title 20, Zoning, available at <http://ordlink.com/codes/elpaso/index.htm>

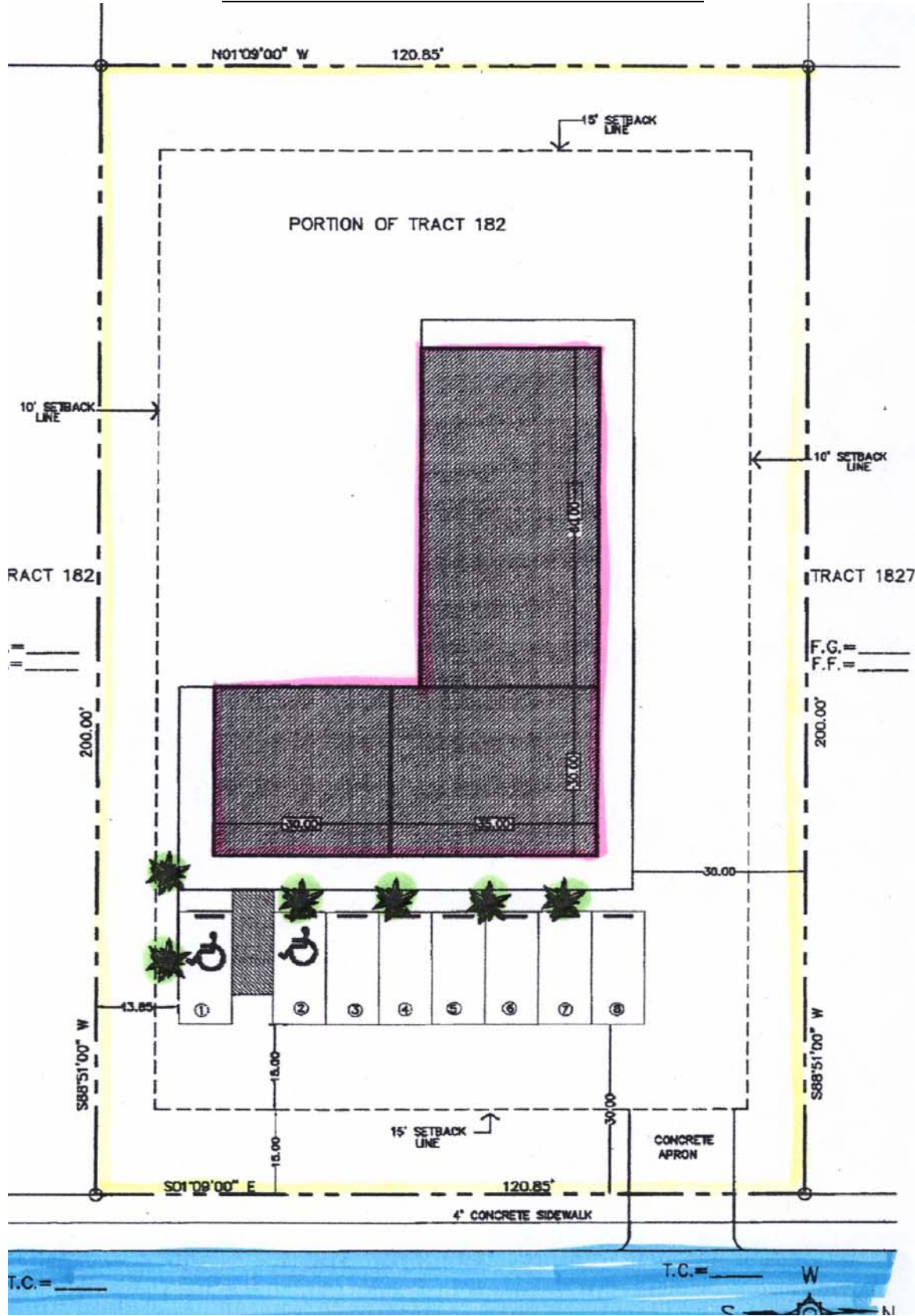
If you have any questions regarding this letter, please call me at (915) 541-4930.

Sincerely,


Christina Ainsworth, AICP
Zoning Administrator

#2 Civic Center Plaza, 5th Floor, El Paso, Texas 79901
915.541.4024 Telephone • 915.541.4725 Fax • www.elpasotexas.gov

ATTACHMENT 4: CONCEPTUAL SITE PLAN



ATTACHMENT 5: OPPOSITION LETTER

Jorge Soto

8630 Neptune St

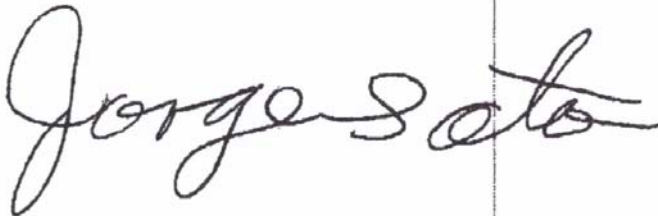
El Paso, Texas 79904

RE: Case No: ZON08-00076

To whom it may concern:

Let it be known to the City Plan Commission that I am against the rezoning of the mentioned property.

Jorge Soto

A handwritten signature in cursive script that reads "Jorge Soto". The signature is written in dark ink and is positioned to the right of the printed name "Jorge Soto".