

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

DEPARTMENT: City Development Department, Planning Division

AGENDA DATE: Introduction: May 27, 2014
Public Hearing: June 17, 2014

CONTACT PERSON/PHONE: Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov

DISTRICT(S) AFFECTED: 2

SUBJECT:

An Ordinance changing the zoning of Lots 22 & 23, Block 127, Highland Park, 2814-2816 Mobile Avenue, City of El Paso, El Paso County, Texas from R-5 (Residential) to C-2 (Commercial); and, Lots 24 & 25, Block 127, Highland Park, 2812 Mobile Avenue, City of El Paso, El Paso County, Texas from R-5 (Residential) to C-2 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2812, 2814 & 2816 Mobile Avenue. Property Owner: Stanton 2800, LLC. PZRZ13-00045 (District 2)

BACKGROUND / DISCUSSION:

Staff report attached.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) approval recommendation (6-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Mathew S. McElroy
Director, City Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOTS 22 & 23, BLOCK 127, HIGHLAND PARK, 2814-2816 MOBILE AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-5 (RESIDENTIAL) TO C-2 (COMMERCIAL); AND, LOTS 24 & 25, BLOCK 127, HIGHLAND PARK, 2812 MOBILE AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-5 (RESIDENTIAL) TO C-2 (COMMERCIAL). 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:

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of *Lots 22 & 23, Block 127, Highland Park, 2814-2816 Mobile Avenue*, located in the City of El Paso, El Paso County, Texas; be changed: **from R-5 (Residential) to C-2 (Commercial)**; and, *Lots 24 & 25, Block 127, Highland Park, 2812 Mobile Avenue*, located in the City of El Paso, El Paso County, Texas, be changed: **from R-5 (Residential) to C-2 (Commercial)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

PASSED AND APPROVED this _____ day of _____, 2014

THE CITY OF EL PASO

Oscar Leaser
Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy, Director
City Development Department

ORDINANCE NO. _____

Zoning Case No: PZRZ13-00045

MEMORANDUM

DATE: May 9, 2014

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

FROM: Michael McElroy, Planner

SUBJECT: PZRZ13-00045

The City Plan Commission (CPC), on April 24, 2014, voted 6-0 to recommend **approval** of rezoning the subject properties from R-5 (Residential) to C-2 (Commercial).

The CPC found that the rezoning is in conformance with Plan El Paso. 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 negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was one letter in in opposition to the request. Additionally, two persons spoke against the request at the City Plan Commission hearing.

Attachment:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZRZ13-00045
Application Type: Rezoning
CPC Hearing Date: April 24, 2014
Staff Planner: Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov
Location: Parcel 1: 2814-2816 Mobile Avenue
Parcel 2: 2812 Mobile Avenue
Legal Description: Parcel 1: Lots 22 & 23, Block 127, Highland Park, City of El Paso, El Paso County, Texas
Parcel 2: Lots 24 & 25, Block 127, Highland Park, City of El Paso, El Paso County, Texas
Acreage: Parcel 1: 0.1377 acres
Parcel 2: 0.1377 acres
Rep District: 2
Current Zoning: R-5 (Residential)
C/SC/SP/ZBA/LNC: No
Existing Use: Duplex and Single Family Home
Request: R-5 (Residential) to C-2 (Commercial)
Proposed Use: Commercial / Retail
Property Owner: Stanton 2800, LLC
Representative: Bearing Development, LLC

SURROUNDING ZONING AND LAND USE

North: R-5 (Residential) / Single Family Homes
South: R-5 (Residential) / Single Family Homes
East: C-2 (Commercial) / Single Family Homes / Restaurant
West: R-5 (Residential) / Single Family Homes

PLAN EL PASO DESIGNATION: G-2, Traditional Neighborhood (Walkable) (Central Planning Area)

NEAREST PARK: Newman Park (2,423 feet)

NEAREST SCHOOL: Austin High School (4,037 feet)

NEIGHBORHOOD ASSOCIATIONS

El Paso Central Business Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on April 3, 2014. Two persons spoke against the request at the City Plan Commission hearing. Planning also received one letter in opposition to the rezoning request.

APPLICATION BACKGROUND

On April 22, 2014 City Council approved a resolution granting eleven angled parking spaces on a portion of ROW along Mobile Avenue, adjacent to the subject property, to serve the general public as well as existing and future commercial development.

Portions of the subject property currently serve as parking for the adjacent restaurant located at 2719 Piedras. The restaurant is registered as legally non-conforming for its setbacks and off-street parking.

APPLICATION DESCRIPTION

The property owner is requesting to rezone the subject properties from R-5 (Residential) to C-2 (Commercial). The properties currently feature a duplex and a single-family home. The applicant proposes to redevelop the properties for commercial and retail use and to complement the adjacent restaurant. Access to the subject properties is from Mobile Avenue and via the rear alley.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of rezoning the subject property from R-5 (Residential) to C-2 (Commercial). The property is situated in proximity to the Piedras Street minor arterial, a traditional El Paso commercial corridor. The properties and the parking area in the rear yards have for many years served as an extension of the established commercial property immediately to the east. As such, the rezoning brings the properties into conformance with their long-standing use, and provides for the redevelopment of the properties into retail establishments.

Plan El Paso-Future Land Use Map Designation

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

G-2 – Traditional Neighborhood (Walkable): This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly faced streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.

The purpose of the C-2 (Community Commercial) district is to provide goods or render services which are used in support of the community's trade and service establishments and serving multi-neighborhoods. This district permits 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.

COMMENTS:

Planning Division - Transportation

No objections. A TIA is not required.

Note: All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

City Development Department – Plan Review

Recommend approval.

City Development Department - Land Development

No objection.

El Paso Fire Department

No objection to the rezoning case at this time.

El Paso Water Utilities

EPWU does not object to this request.

EPWU-PSB Comments

Water:

1. There is an existing 8-inch diameter water main that extends along Mobile Ave. located approximately 18 feet north of the street centerline. This main is available for service.

2. EPWU-PSB records indicate two active ¾-inch water meter services. The services address for these meters are 2812 and 2814 Mobile Ave.
3. Previous water pressure readings from fire hydrant number 1619 located at the south west intersection of Mobile Ave. and Piedras St. have yielded a static pressure of 60 pounds per square inch (psi), residual pressure of 50 psi and a discharge of 949 gallons per minute (gpm).

Sewer:

1. There is an existing 8-inch diameter sewer main along the alley between Mobile Ave. and Nashville Ave. located along the centerline of the alley. This main is available for service.

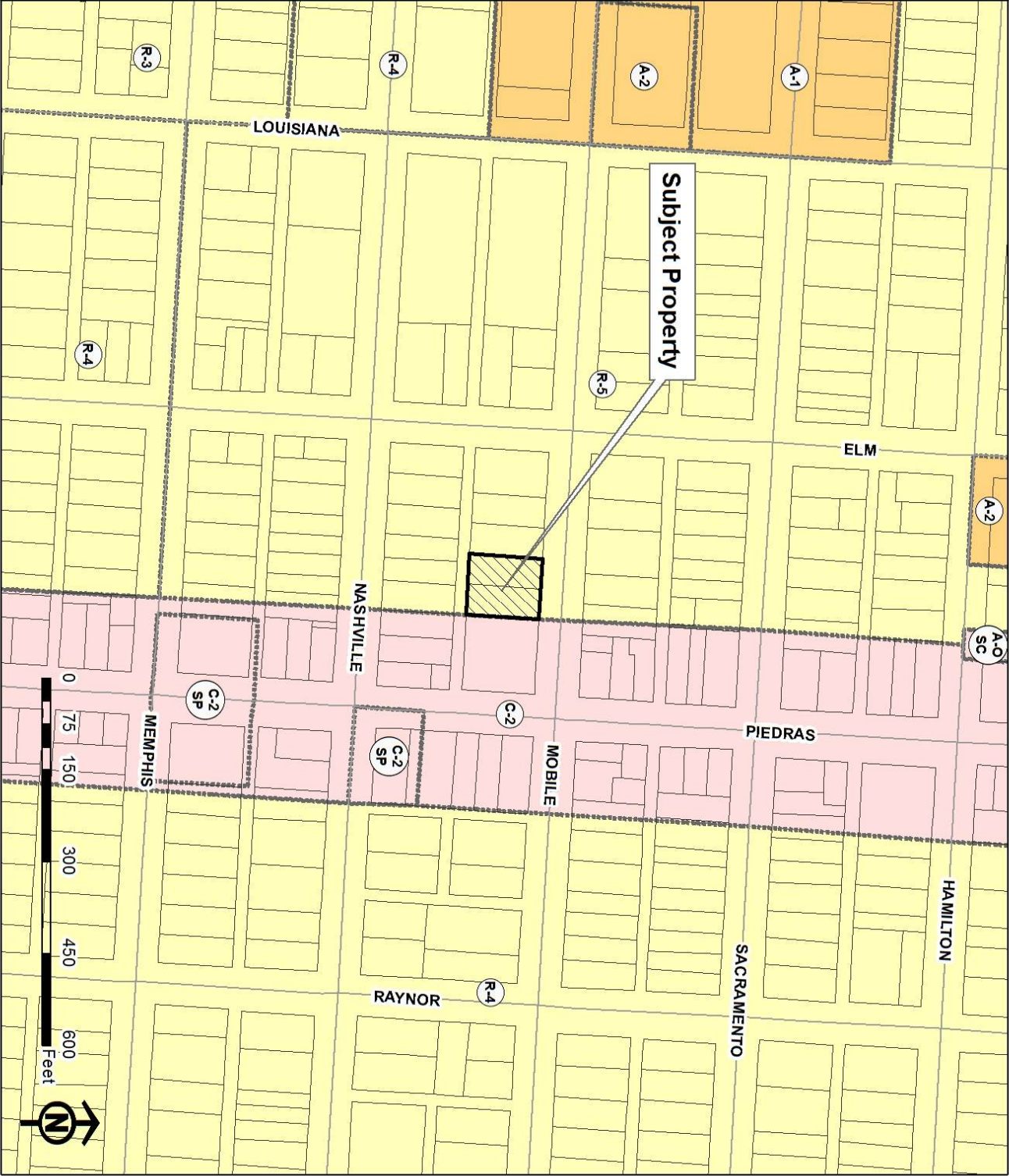
General

1. EPWU requires a new service application to serve the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Attachments:

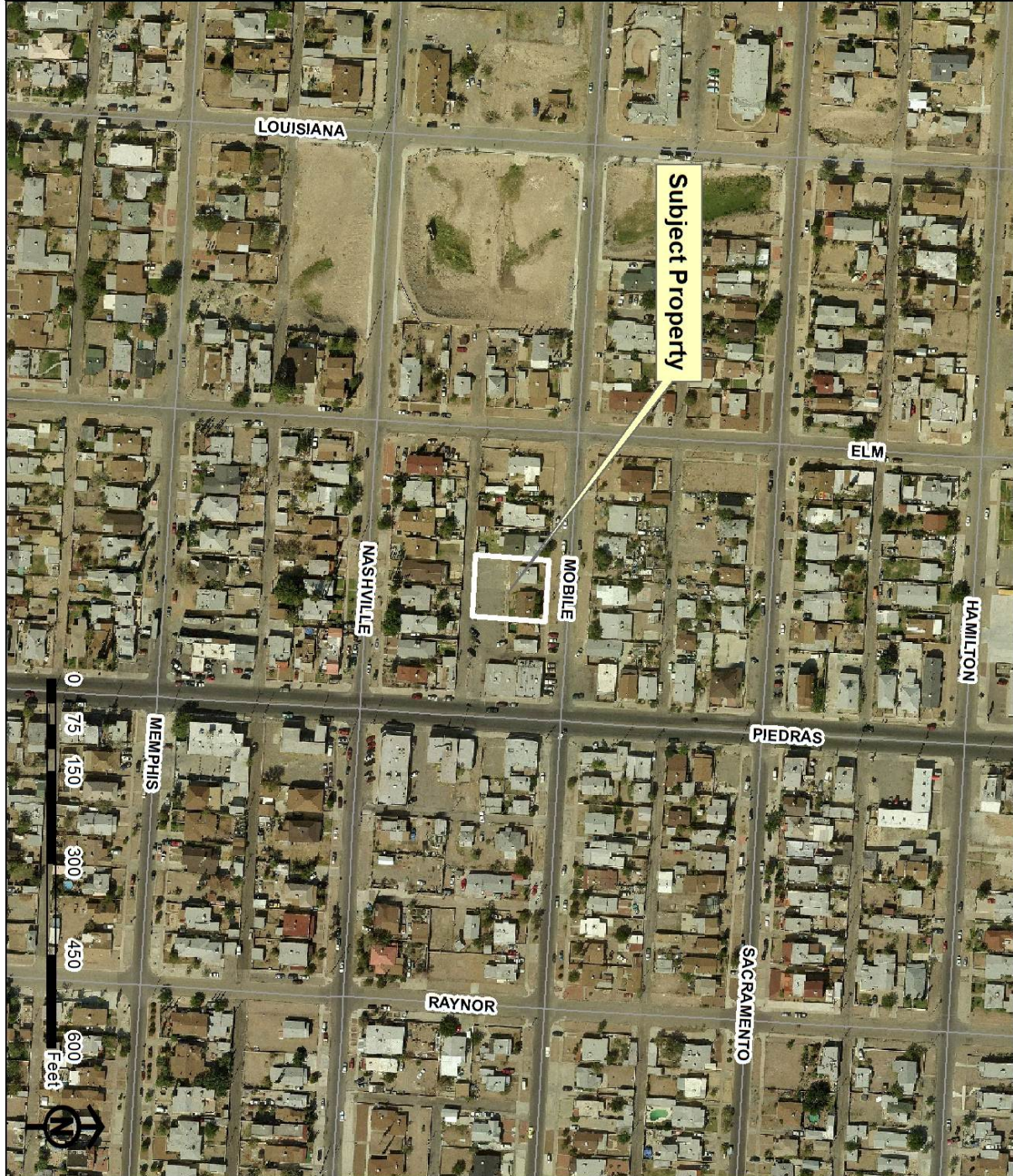
- Attachment 1: Zoning Map
- Attachment 2: Aerial Map
- Attachment 3: Detailed Site Development Plan
- Attachment 4: Opposition Letter

PZRZ13-00045

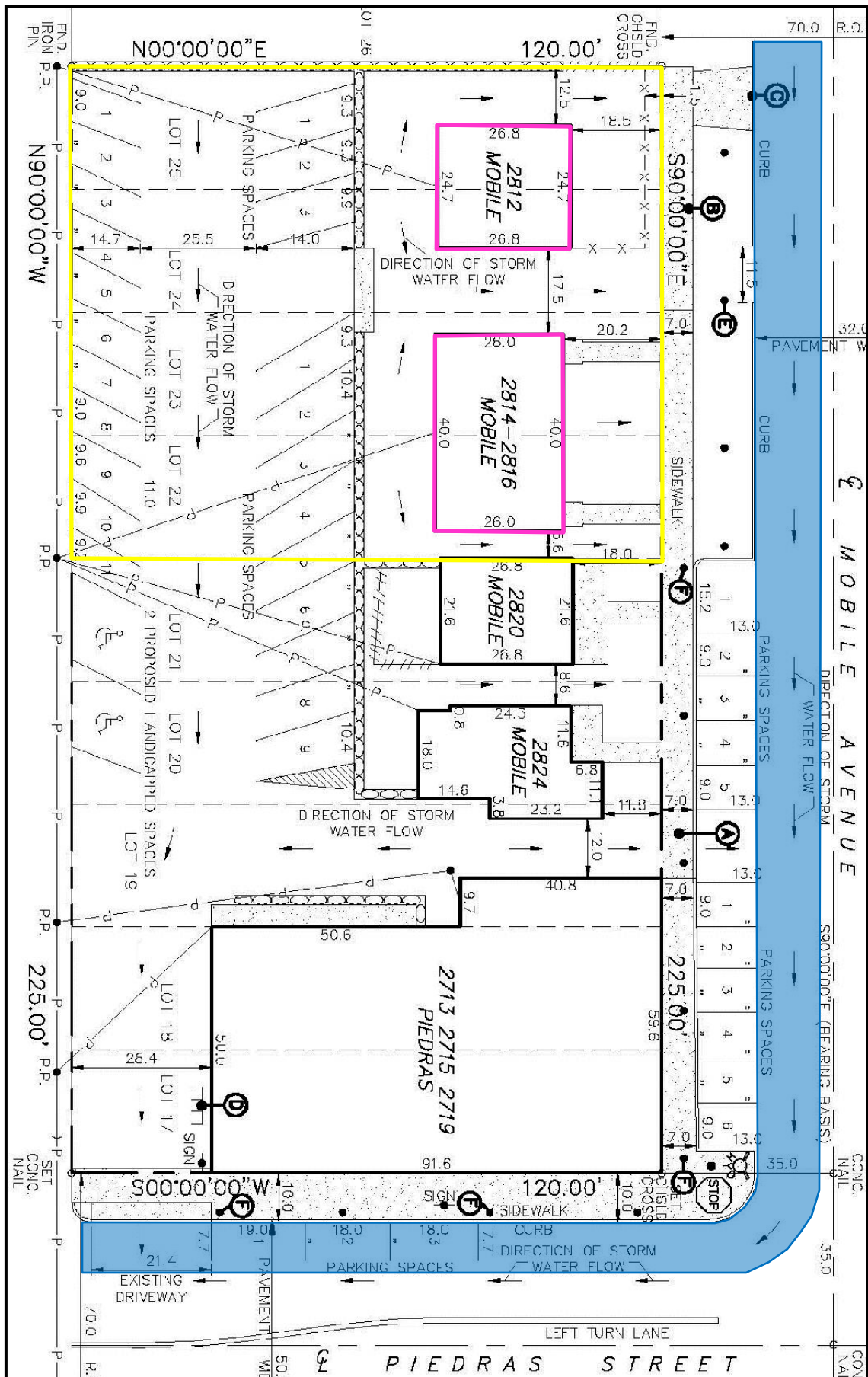


ATTACHMENT 2: AERIAL MAP

PZRZ13-00045



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: OPPOSITION LETTER

McElroy, Michael

From: Patricia Osmond <patricia_osmond@yahoo.com>
Sent: Monday, April 21, 2014 3:47 PM
To: McElroy, Michael
Subject: Opposed to Proposed zoning change from Residential to Commercial
Attachments: image003 (1).jpg

Dear, Dear Mr. McElroy, AICP, CNU-A, City of El Paso

I am Patricia Osmond a resident at 2807 Mobile Ave. and recently received a letter in regards to a requested change in zoning status from Residential to Commercial for properties located at 2812, 2814, and 2816 Mobile Ave. which is in the District 2 area. I am greatly opposed to any change to the status from residential zoning as I live on the same block but not the only property owner opposed but perhaps the only one who knows to speak out. I am greatly afraid of the adverse effects any change will have on this block and the area. There have been numerous issues steaming from current parking issues along with violent incidences such as two (2) shooting within this last year that the El Paso Police department had to close off the entire block due to investigation as well as a robbery that occurred on the next block at a business and the suspects were found on the 2800 block of Mobile. Through the years there have been numerous problems steaming from the businesses located on the 2700 and 2800 blocks of Piedras that have brought danger to the residence of 2800 block of Mobile Ave. I would strongly suggest an incident report of the 2800 block of Mobile Ave. and 2700 and 2800 blocks of Piedras streets be requested and reviewed in order that council members can be full aware of the impact any actions to change zoning statue on this matter would have to the people who live and own homes in this area and not just businesses. I was outside just minutes before the last shooting. I have had to witness drug transactions occurring on the parking areas at the locations suggested which have currently illegal parking lots in the back of the homes of the three suggested zoning change addresses. I have contacted DEA, El Paso Police Departments due to one business currently selling drugs out of their location, in the past I have had to be a witness in court against a former business owner on the Piedras block when he ran down the street with a gun chasing another person onto my property. That business owner was convicted but this is still no comfort after having found out that the gun he had run onto my property had a bullet in the chamber as I was told by the officer who confiscated the weapon. My family has been on the same property for nearly 100 years and I have a great love for this area of town, as should the City of El Paso this area has the Tramway, McKelligon Canyon, Scenic Drive as well as other attractions which visitors to El Paso are shown so to allow such a change in the zoning of the proposed properties 2812, 2814, 2816 Mobile Street would only hurt and perhaps physically injure in the future a resident of this area if allowed to be changed to a commercial zoning area. I am Greatly opposed to any change from Residential for these properties and would hope that Mayor an council members would deny any change to the zoning. If such dangers had happened just down the street from your home to endanger your loved ones would you want them to be allowed to be brought to your front door? As with areas such as Kern Place or those by what was the Three Legged Monkey we in this area should be given the same respect and consideration. This is what would occur if any change is allowed. Thank you for your time and consideration to my concerns and hope that you will request more information but most importantly deny this request for change in zoning status. Attached please find a areial photo which shows that these properties have illegal parking lots in the land behind the homes that are used by the businesses on the 2700 block of Piedras which still produces larges parking issues during heavy business for the restuarant Kiki's that have patrons parking up on along

ATTACHMENT 4: OPPOSITION LETTER (CONTINUED)

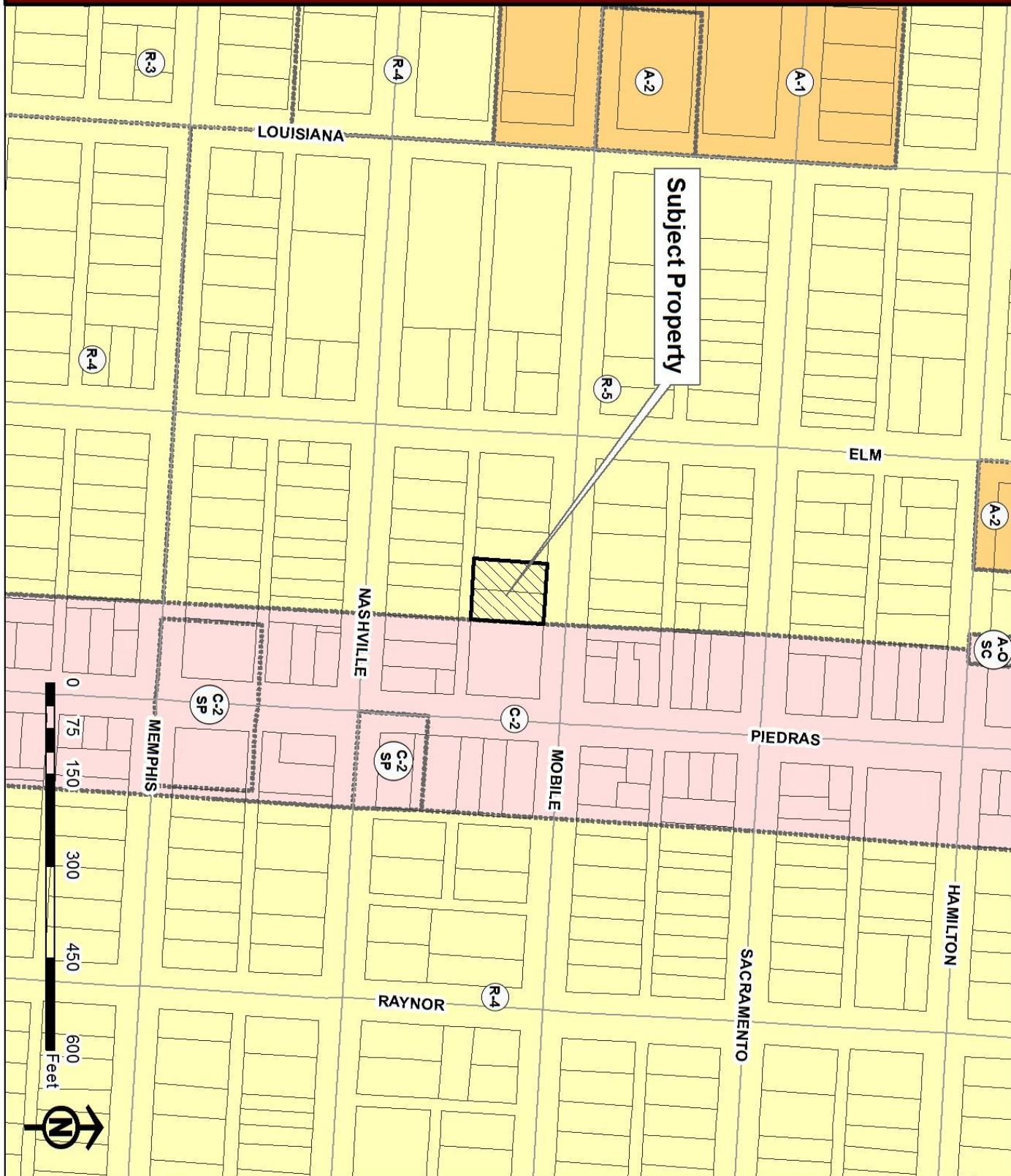
the street at times blocking drive ways and any further changeing would do nothing more than to adversely affect the residences of the area NOT improve any status.

Case No. PZRZ13-00045

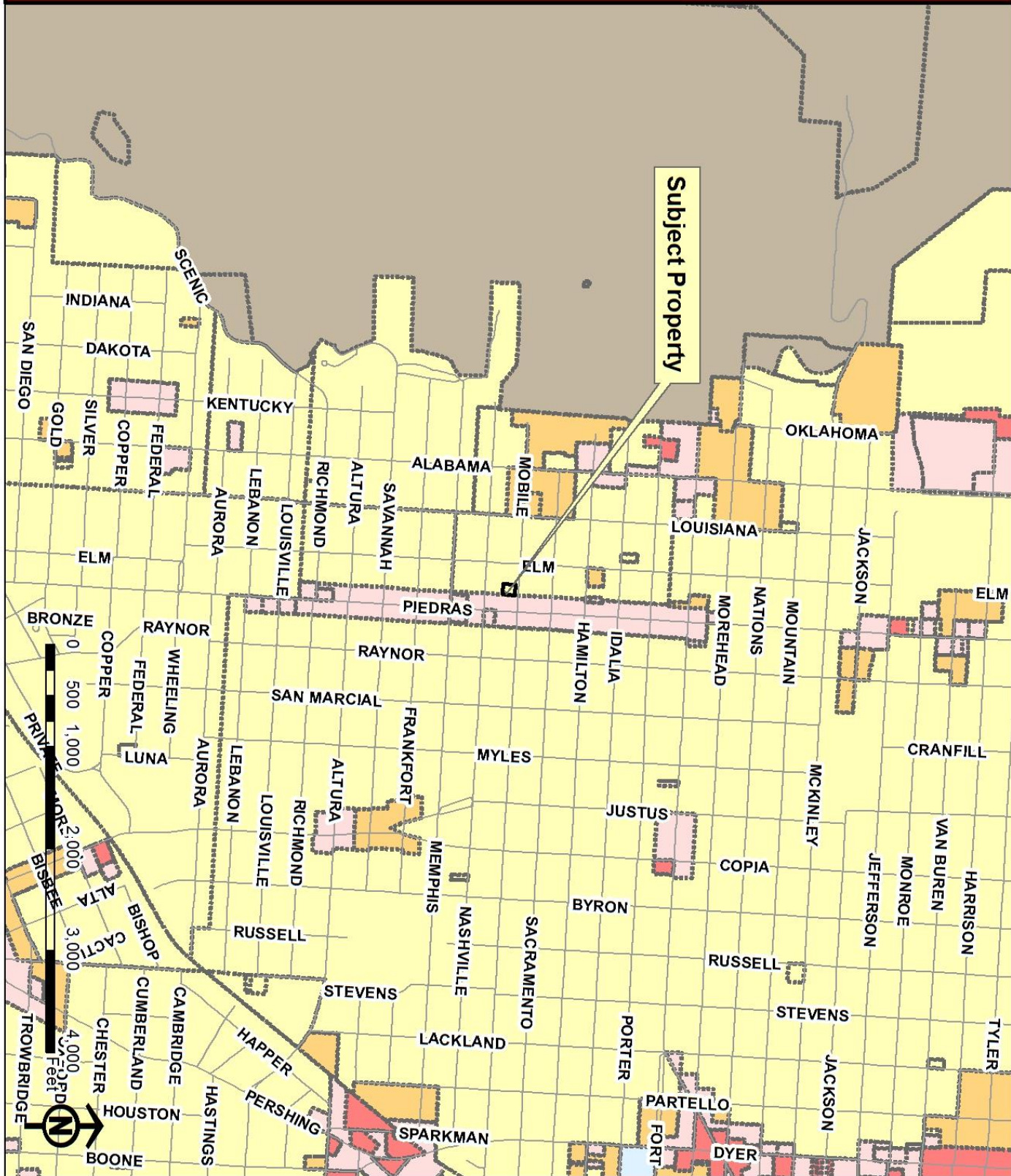
Scheduled for April 24, 2014 @ 1:30pm

Patricia Osmond
2807 Mobile Ave
El Paso, Texas 79930
(915) 408-2113

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PZRZ13-00045



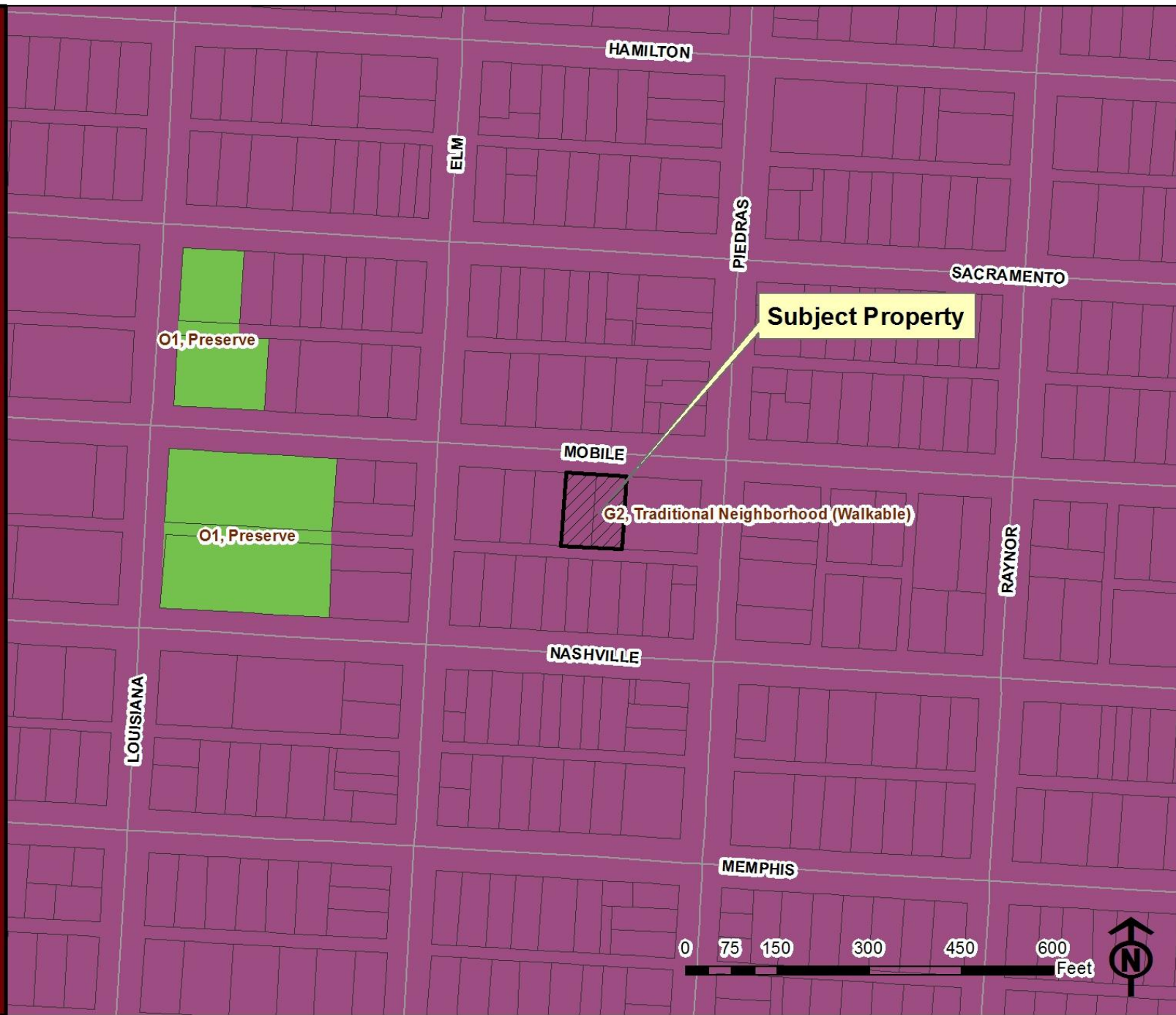
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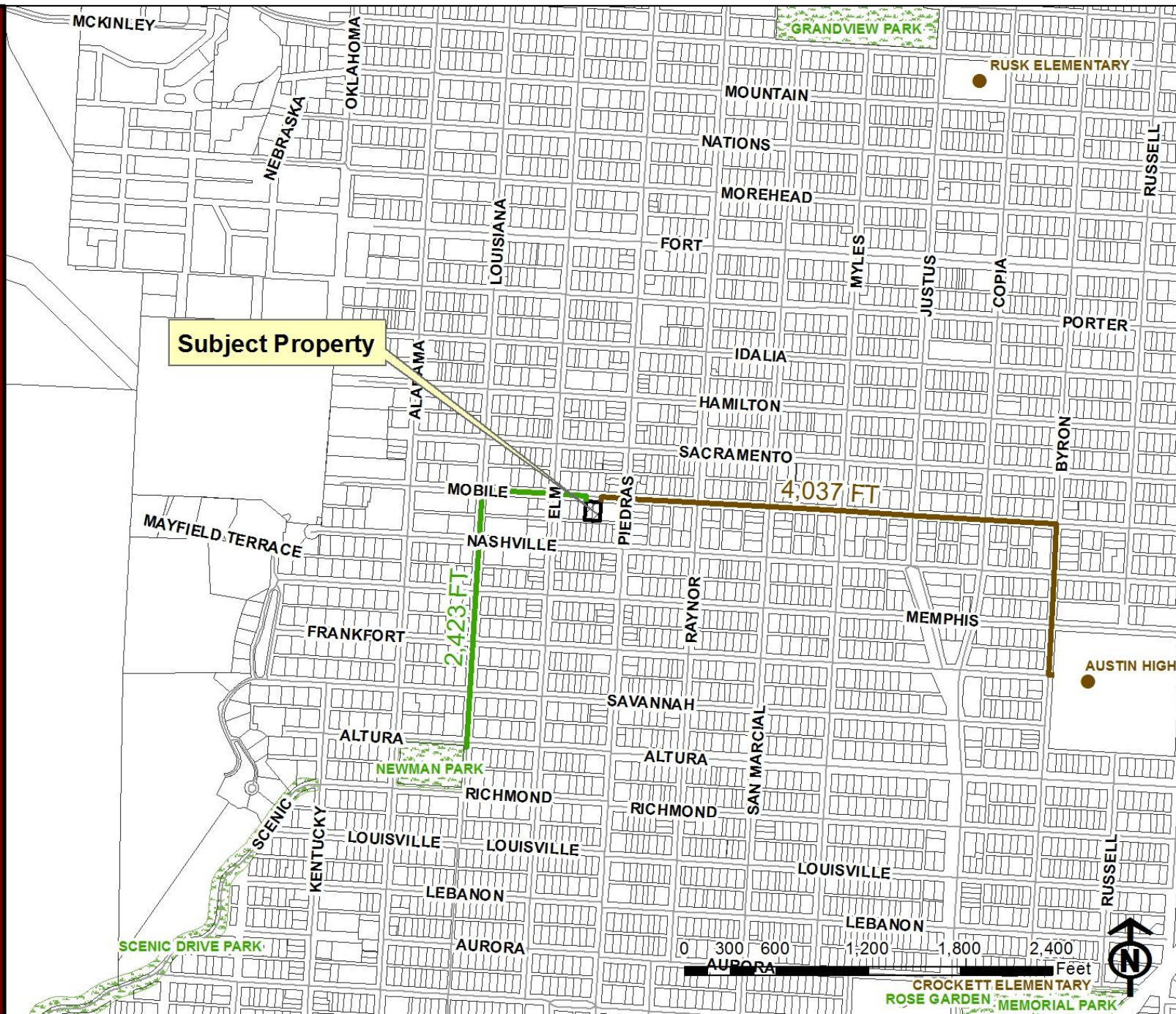
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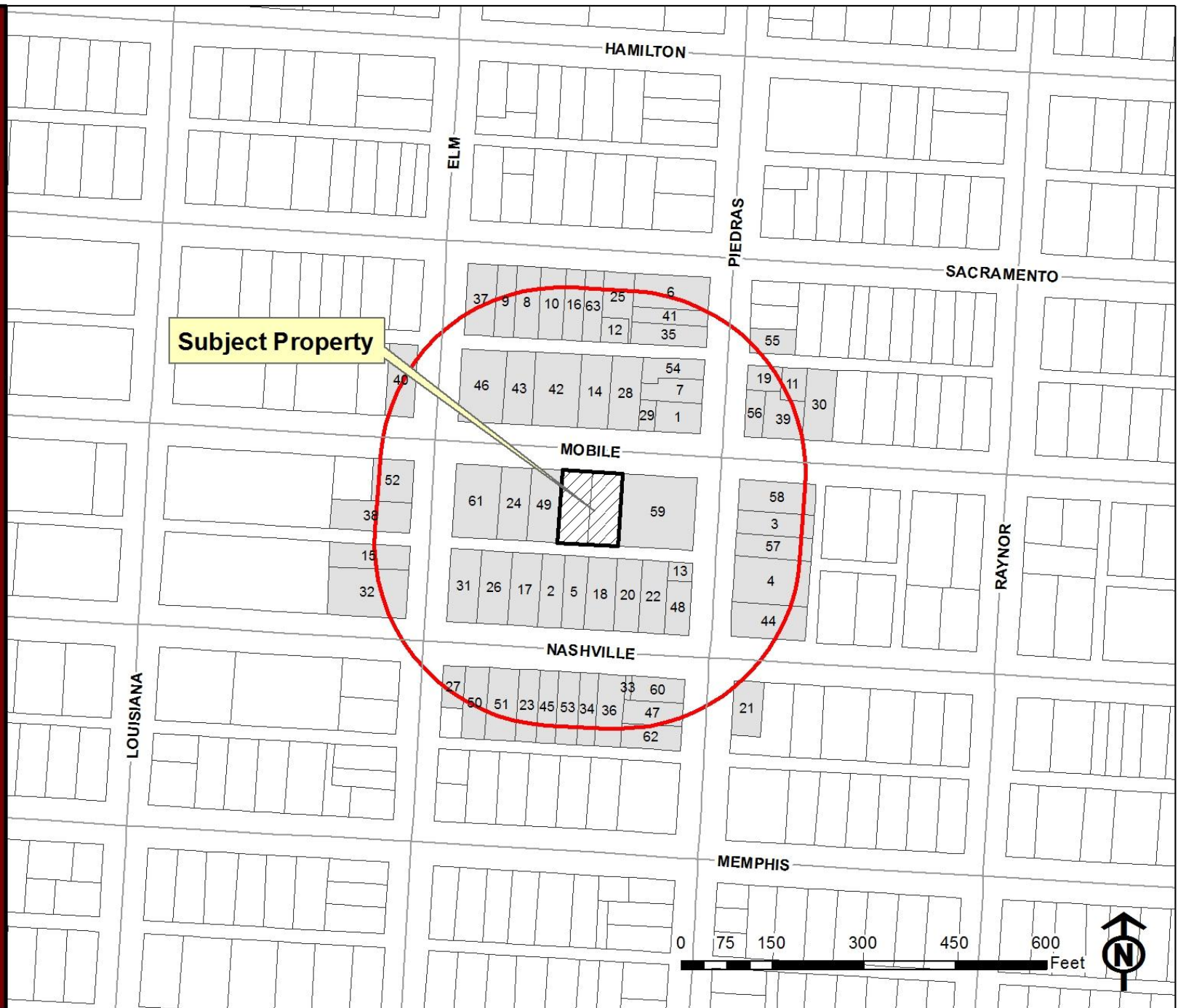
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Subject Property & South



MILITARY
DISCOUNT 4
UNIFORM PERSONEL

Kiki's
MEXICAN RESTAURANT

FOR SALE
3 BLDGS ON PIEDRAS
4+ RESIDENCES ON MOBILE
CALL: PET O'BRIEN
920-6501

Mobile
Piedras

BUSINESS
COME WATCH

Subject Property Area

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© 2014 Google

North



FRI-SAT LIVE BAND 9-1 AM
HYPNOSIS
Private Parties Call 564-5450

AN UNCE

East



West

PZRZ13-000045

