

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: August 7, 2018
Public Hearing: September 4, 2018

CONTACT PERSON/PHONE: Alex P. Hoffman, (915) 212-1566, HoffmanAP@elpasotexas.gov
Adriana Martinez, (915) 212-1611, MartinezAD@elpasotexas.gov

DISTRICT(S) AFFECTED: 3

SUBJECT:

An Ordinance changing the zoning of A Portion of Tract 5C6, Block 2, Ascarate Grant, 6369 Montana Ave., City of El Paso, El Paso County, Texas from A-1 (Apartment) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. 6369 Montana Avenue. Owner: Raymond Loustaunau. PZRZ18-00013 (District 3)

BACKGROUND / DISCUSSION:

On July 12, 2018. The City Plan Commission recommended Approval.

PRIOR COUNCIL ACTION:

There is no prior City Council action on this rezoning application.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Recommended Approval on a 5-0 vote.

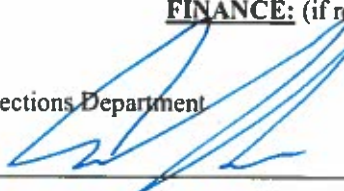
*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Alex P. Hoffman
Planning and Inspections Department



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 5C6, BLOCK 2, ASCARATE GRANT, 6369 MONTANA AVE., CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-1 (APARTMENT) TO C-4 (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, the zoning of **A Portion of Tract 5C6, Block 2, Ascarate Grant, 6369 Montana Ave.**, located in the City of El Paso, El Paso County, Texas, be changed from **A-1 (Apartment)** to **C-4 (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.

ADOPTED this _____ day of _____, 2018.

THE CITY OF EL PASO

Dee Margo, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:

Alex P. Hoffman
Planning & Inspections Department

(Exhibit "A" on the following page)

ORDINANCE NO. _____
18-1007-2241 | 806969
6369 Montana Ave.
RTA

PZRZ18-00013

EXHIBIT "A"

Calderon Engineering

3031 Trawood Drive
El Paso, Texas 79936
(915) 855-7552
Fax: 855-8350

CalderonEngineering@elpbizclass.com

November 14, 2017

METES & BOUNDS DESCRIPTION

Description of a parcel of land being a 0.761 acre parcel of land out of Tract SC6, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows;

Commencing at a found concrete nail located on the intersection of Isha Way and Airport Road. In Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas;

Thence South 25°24'56" East along the centerline of Isha Way a distance of 69.19 feet to a found concrete nail;

Thence South 64°35'04" West, a distance of 30.00 feet to a found iron pin marking a point of beginning;

Thence South 25°24'56" East, along the West right-of-way line of Isha Way a distance of 135.00 feet to a set iron pin;


Thence South 60°40'10" West, leaving the South right-of-way line of Isha Way a distance of 232.65 feet to a set iron pin;

Thence North 25°24'56" West, along the common Tract Line of Tract SC6 and Tract SC4 a distance of 127.00 feet to a found iron pin;

Thence North 52°47'00" East, along the South right-of-way line of Airport Road a distance of 212.51 feet to a found iron pin;

Thence 35.53 feet along the arc of a curve to the right whose interior angle is 101°48'04" whose radius is 20.00 feet, and whose chord bears South 76°18'58" East a distance of 31.04 feet to the "Point of Beginning", and containing in all, 33,125.52 square feet or 0.761 acres of land more or less. A plat of a survey dated November 14, 2017, is a part of this description and is attached hereto;




Manuel Calderon
Calderon Engineering
Registered Professional Land Surveyor No. 2564
Texas Registered Engineering Firm No. E-3788
Texas Licensed Surveying Firm No. 100200-00

MEMORANDUM

DATE: July 25, 2018

TO: The Honorable Mayor and City Council
Tommy Gonzalez, City Manager

FROM: Adriana Martinez, Planner

SUBJECT: PZRZ18-00013

The City Plan Commission (CPC), on July 12, 2018 voted 5-0 to recommend **Approval** to the rezoning of the property described as A Portion of Tract 5C6, Block 2, Ascarate Grant, 6369 Montana Ave., City of El Paso, El Paso County, Texas from A-1 (Apartment) to C-4 (Commercial). The proposed development is to allow for Automobile (sales, service, storage and rental), restaurant, & retail.

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 not have negative effects on the natural environment, social economic conditions, property values in the vicinity, and the city as a whole.

Planning has not received any communication in support or opposition to the rezoning request; Notices sent to property owners within 300 feet on June 27, 2018.

Property Owner: Raymond Loustaunau
Applicant: Raymond Loustaunau
Representative: Ray Mancera

Attachments:
Staff Report

6369 Montana Ave.

City of El Paso — Plan Commission — 07/12/2018

PZRZ18-00013

Rezoning



STAFF CONTACT: Adriana Martinez, 915-212-1611, Martinezad@elpasotexas.gov

OWNER: Raymond Lousstaunau

REPRESENTATIVE: Ray Mancera

LOCATION: 6369 Montana Ave., District 3

LEGAL DESCRIPTION: A Portion of Tract 5C6, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas

EXISTING ZONING: A-1 (Apartment)

REQUEST: To rezone from A-1 (Apartment) to C-4 (Commercial) to allow for Automobile (sales, service, storage and rental), restaurant, & retail

RELATED APPLICATIONS: ZBA Case No. PZBA18-00024

PUBLIC INPUT Planning has not received any communication in support or opposition to the rezoning request; Notices sent to property owners within 300 feet on June 27, 2018.

STAFF RECOMMENDATION: Approval (see pages 2—4 for basis for recommendation)

SUMMARY OF REQUEST: The property owner is requesting a rezone from A-1 (Apartment) to C-4 (Commercial) to allow continued use of Automobile (sales, service, storage and rental), restaurant, & retail for the property located at 6369 Montana Ave. This request proposes to clean-up for a split-zoned parcel zoned A-1 (Apartment) & C-4 (Commercial). The property owner is requesting to rezone the A-1 (Apartment) portion into C-4(Commercial). The property is 0.761 acres in size, which features an existing 20,340 sq. ft. building. The current use of the property is an Automobile (sales, service, storage and rental), restaurant & retail.

SUMMARY OF RECOMMENDATION: The Planning Division recommends **APPROVAL** of rezoning the property from rezone from A-1 (Apartment) to C-4 (Commercial). The proposed zoning district is consistent with other commercial districts in the immediate area along Montana Ave., and meets the established character of its surrounding neighborhood. Further, the proposed development meets the intent of the G-7, (Industrial and/or railyards) land use designation of Plan El Paso, the City's Comprehensive Plan.



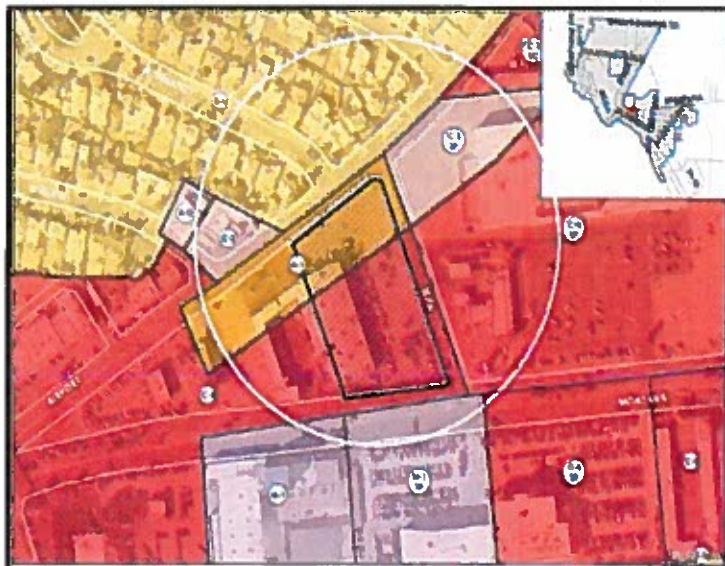
DESCRIPTION OF REQUEST

The property owner is requesting a rezone from A-1 (Apartment) to C-4 (Commercial) to allow continued use of Automobile (sales, service, storage and rental), restaurant, & retail for the property located at 6369 Montana Ave. This request proposes to clean-up for a split-zoned parcel zoned A-1 (Apartment) & C-4 (Commercial). The property owner is requesting to rezone the A-1 (Apartment) portion into C-4(Commercial). The property is 0.761 acres in size, which features an existing 20,340 sq. ft. building. The current use of the property is an Automobile (sales, service, storage and rental), restaurant & retail. Access to the subject property is from Montana Avenue.

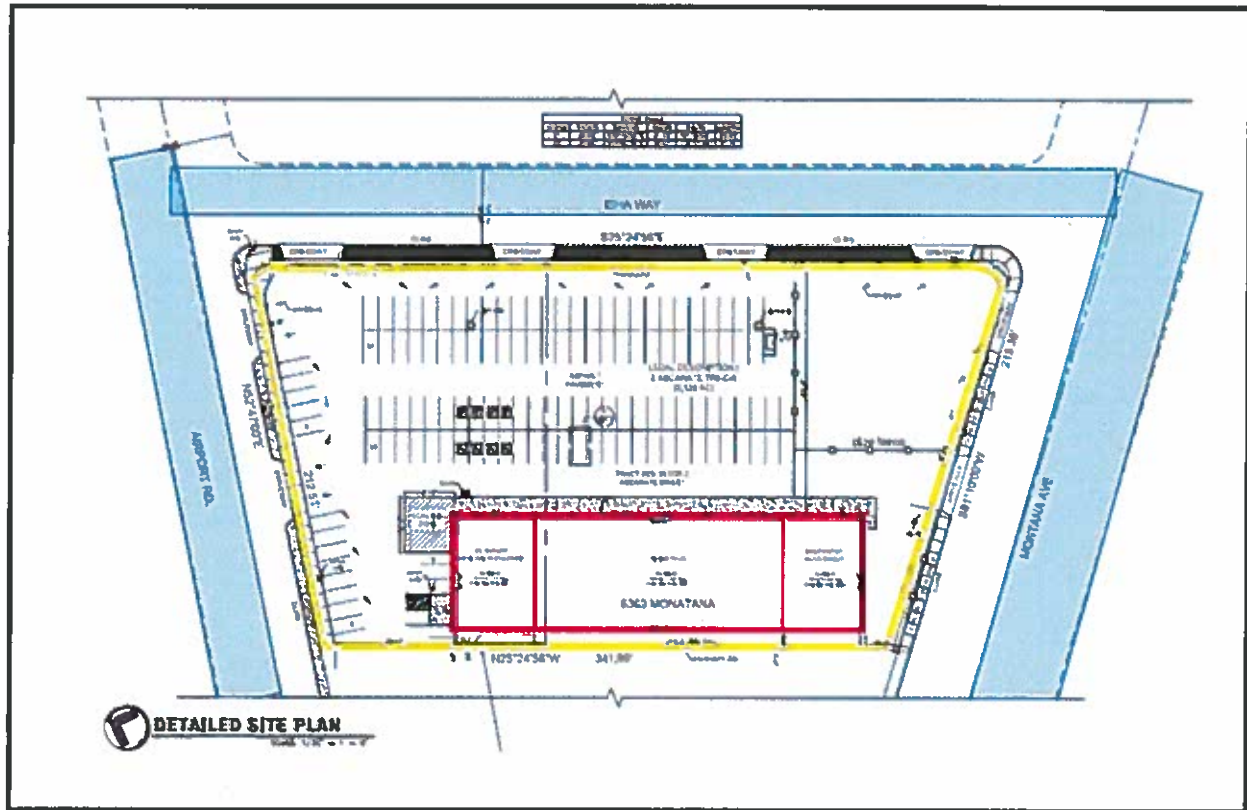
REZONING POLICY

POLICY	DOES IT COMPLY?
Compatibility Proposed zone change matches existing land use map or matches existing land use designation within 300 ft. of the subject property.	Yes, the property is designated G-7, (Industrial and/or railyards) and meets the intent of similar zoning districts. The rezone is to clean up a split zone parcel into a full commercial lot.
Plan El Paso Properties located within 300 feet of the subject property have the same or similar zoning. The zoning district opens the opportunity for new commercial uses.	Yes, properties adjacent to the subject property are zoned R-4 (Residential), (Manufacturing/special permit), C-2/sp (Commercial/special permit), C-4/sp (Commercial/special permit), A-1 (Apartment) & C-4 (Commercial).

NEIGHBORHOOD CHARACTER AND COMPATIBILITY: The site is currently split zoned A-1 (Apartment) & C-4 (Commercial) and is currently being used, as an automobile (sales, service, storage and rental), restaurant & retail. Properties adjacent to the subject property are zoned R-4 (Residential), M-1/sp (Manufacturing/special permit), C-2/sp (Commercial/special permit), C-4/sp (Commercial/special permit) & A-1 (Apartment) & C-4 (Commercial). Surrounding land uses include dwellings, single-family, automobile (sales, service, storage and rental), car wash, full service, & a hotel/motel. The nearest park is Normandy Park (726 feet) and the nearest school is Hughey Elementary (1,030 feet).



COMPLIANCE WITH PLAN ELPASO: The proposed project is currently developed and is being used as an automobile (sales, service, storage and rental), restaurant & retail. The purpose of the application is to clean up the split-zoned parcel within the G-7, (Industrial and/or railyards) land use designation. Being a split-zoned parcel between an A-1 (Apartment) and a C-4 (Commercial) zone districts limits the uses and potential of the subject property, which is the main purpose for the rezoning request.



RELATION OF PROPOSED CHANGE TO THE CITY'S COMP. PLAN

CONSISTENCY WITH PLAN EL PASO	DOES IT COMPLY?
<p>G-7, (Industrial and/or railyards) G-7 – Industrial: This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso's economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing railyards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.</p>	<p>Yes, the purpose of this project is to maximize the potential of the subject property, which is currently adjacent to existing heavy commercial developments.</p>

ZONING DISTRICT	DOES IT COMPLY?
C-4 (Commercial) Commercial uses intended to serve the entire City to permit heavy commercial uses characterized by automotive and light warehousing. Provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the Central Business District, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.	Yes, automobile (sales, service, storage and rental) & retail are permitted uses in the C-4 (Commercial) district.
POLICY	DOES IT COMPLY?
1.9.1: Designate locations for industrial development in each planning area to reduce travel time for employees.	Yes, the applicant is proposing to rezone the parcel to a full commercial lot that is well-suited for light industrial facilities. The C-4 (Commercial) zone district has the potential to introduce new uses, new employment, and a variety of activities.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The lot is 212.51 ft. by 341.89 ft. (2.128 acres). The proposed development has a side encroachment that has been addressed by ZBA (Case # PZBA18-00024) all other dimensional standards are being met as required under the C-4 (Commercial) zoning.

SUITABILITY OF SITE FOR USES UNDER PROPOSED ZONING: The subject site is 2.128 acres in size and allows the proposed uses under the proposed C-4 (Commercial) zoning.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent of the Zoning Ordinance is to protect the public health, safety, and general welfare; to regulate the use of land and buildings within zoning districts to ensure compatibility, and to protect property values. The intent of the C-4 (Commercial) district is to serve the entire City to permit heavy commercial uses characterized by automotive and light warehousing. Provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. The regional economy depends heavily on manufacturing. The City of El Paso will designate ample land that is well-suited for industrial facilities that are best located north of the border and will ensure that industrial facilities do not adversely affect the health, safety, or welfare of the community. These policies apply to land in the G-7 "Industrial" growth sector on the Future Land Use Map.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: There is an existing 18-inch diameter sewer main extending along Airport Road, this main is located approximately 55-feet west of the western property line. No direct service connections are allowed to this water main as per the EPWU-PSB Rules and Regulations. This sanitary sewer main is available for main extensions.

EFFECT UPON THE NATURAL ENVIRONMENT: Subject property does not involve greenfield/ environmentally sensitive land or arroyo disturbance.

COMMENT FROM THE PUBLIC: The subject property falls within the boundary of the Cielo Vista

Neighborhood Association and the El Paso Central Business Association both have been contacted as required by 20.04.520. Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on June 27, 2018. Planning has not received any communication in support or opposition to the rezoning request.

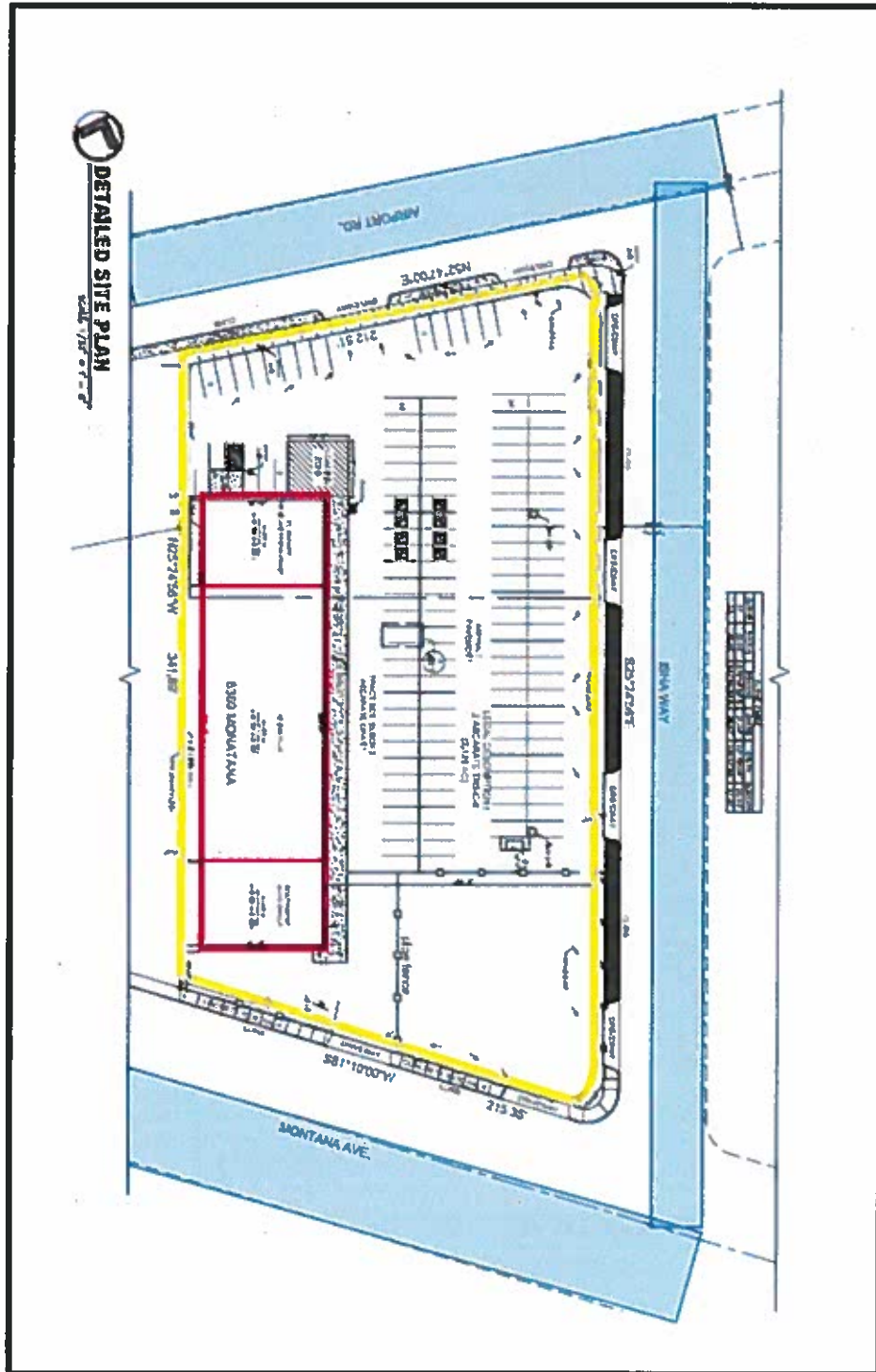
STAFF COMMENTS: No objections to proposed rezoning. No reviewing departments had any negative comments. Applicant is responsible for obtaining all applicable permits and approvals prior to any construction or change in occupancy.

OTHER APPLICABLE FACTORS: Approval of the detailed site plan by the City Plan Commission constitutes a determination that the applicant is in compliance with the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that stormwater is in compliance with ordinances, codes, DSC, and DDM. Failure to comply may require the applicant to seek re-approval of the site plans from CPC.

ATTACHMENTS:

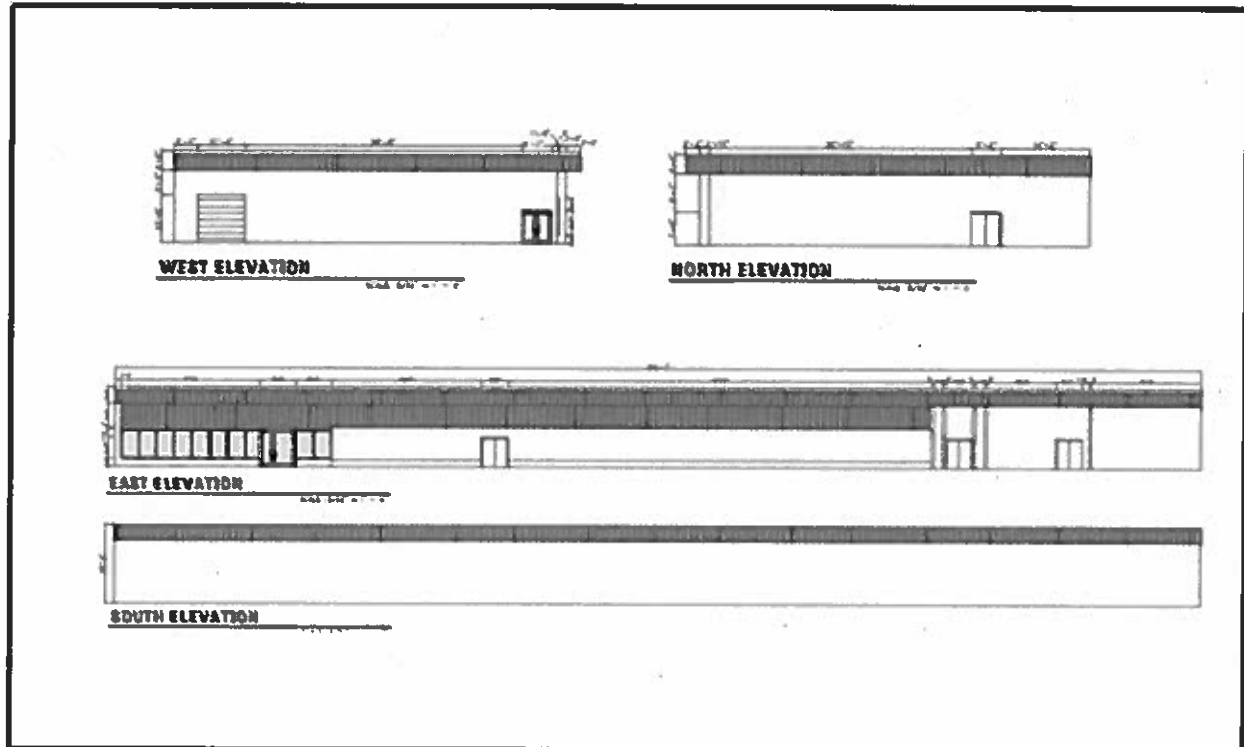
1. Detailed Site Plan
2. Elevations
3. Zoning Map
4. Future Land Use Map
5. Department Comments
6. Public Notification Boundary Map

ATTACHMENT 1 Detailed Site Development Plan

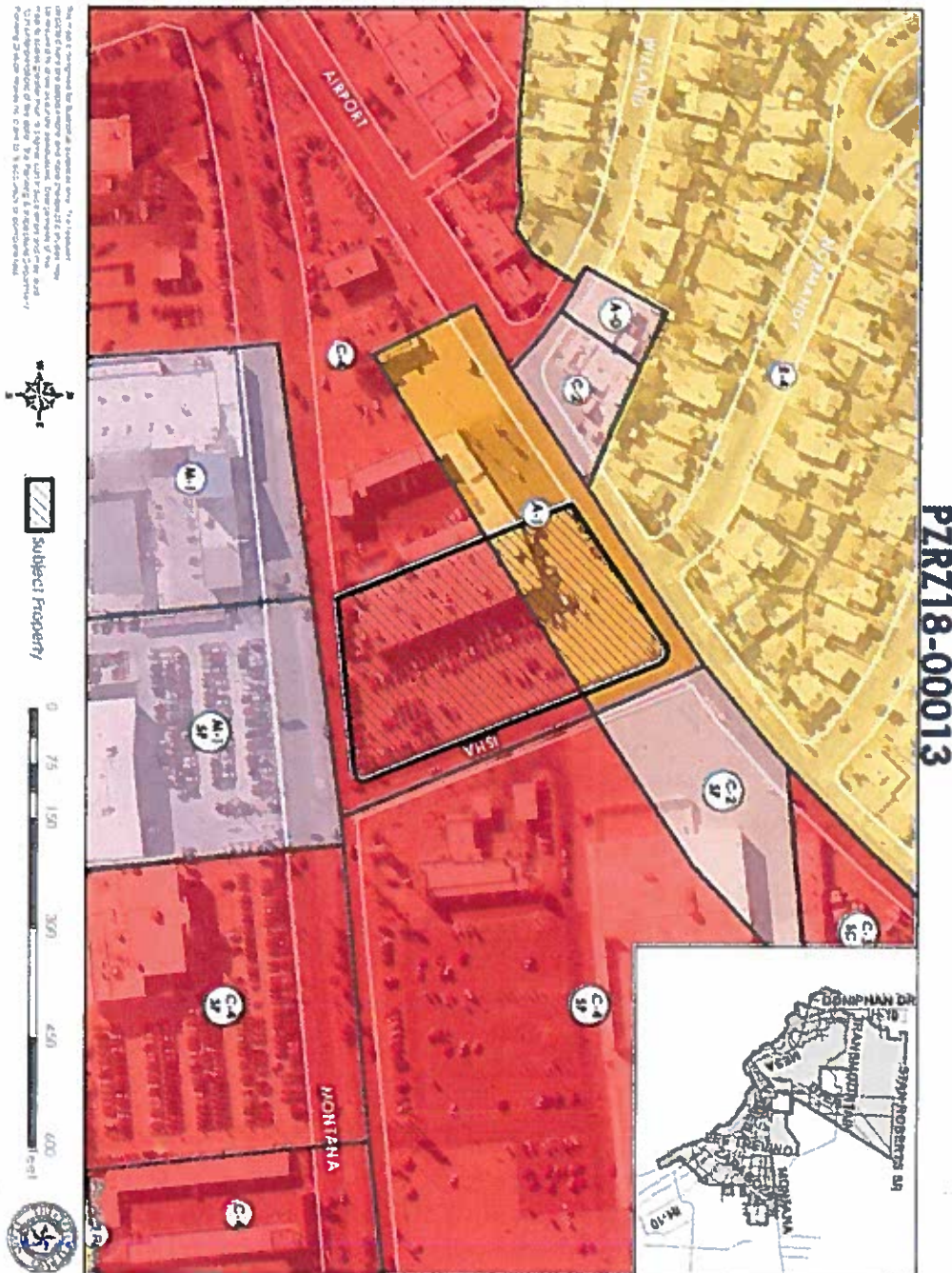


ATTACHMENT 2

Elevations

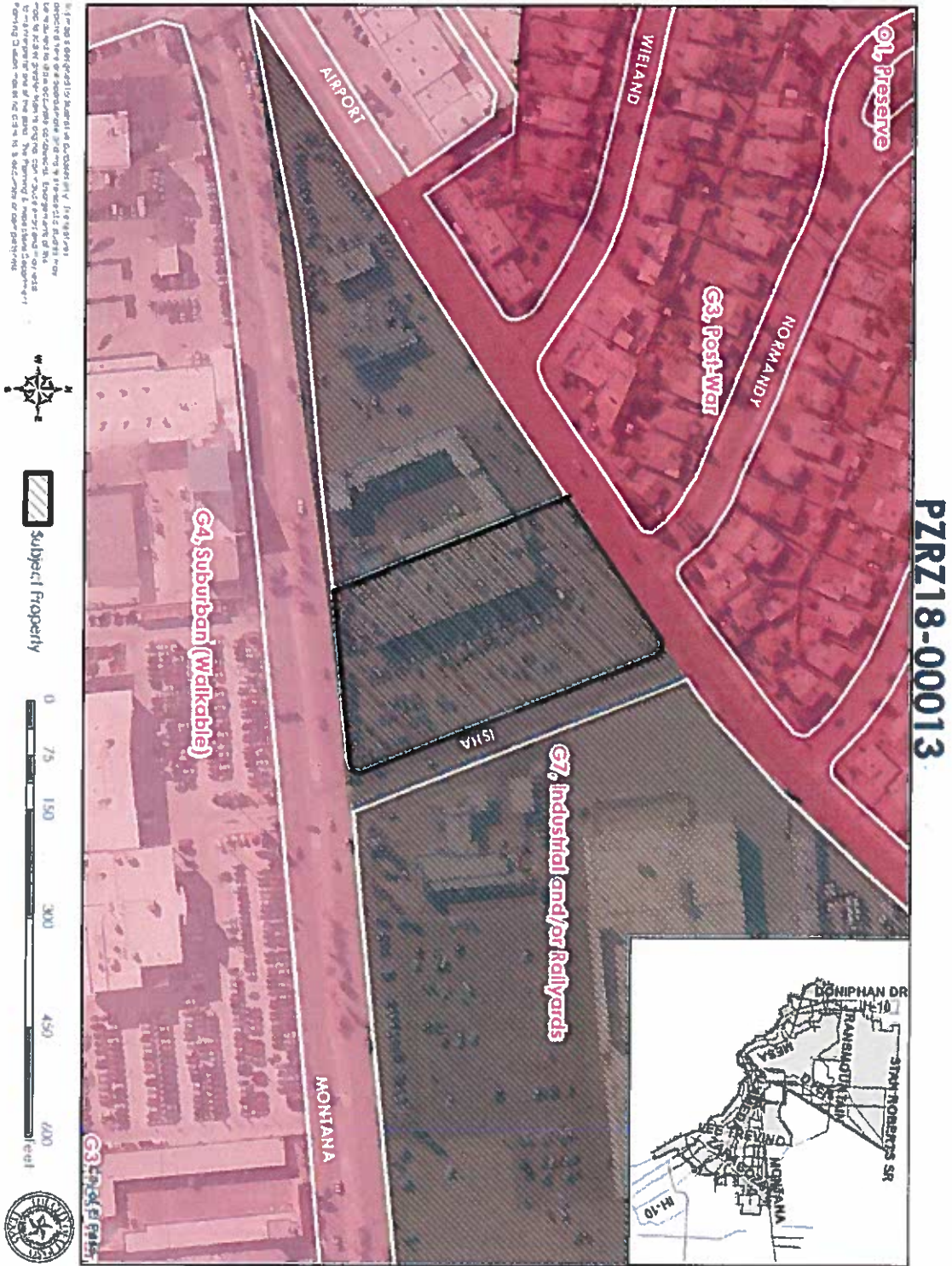


ATTACHMENT 3 Zoning Map



PZRZ18-00013

ATTACHMENT 4 Future Land Use Map



ATTACHMENT 5

Department Comments

Planning and Inspections Department- Planning Division

No objections to rezoning.

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.

Planning and Inspections Department - City Development & Permitting- Landscape

No objections to proposed rezoning

Note: Based on aeriels of site, all improvements already exist and proposed rezoning is to clean up the split zoning.

Planning and Inspections Department - Land Development

Recommends approval

Note:

1. Show existing stormwater runoff arrows on detailed site plan.
2. Clarify if redeveloping or removing any existing buildings or structures

Sun Metro:

Sun Metro does not oppose this request.

Fire Department

Recommends approval

Police Department

No comments submitted

TxDot

No comments submitted

Streets & Maintenance

A TIA is not required since we do not anticipate a change of more than one hundred trips from the proposed rezoning of this property.

El Paso Water Utilities

We have reviewed the property described above and provide the following comments:

1. EPWater does not object to this request

Water

2. There is an existing 8-inch diameter water main extending along Airport Road, this main is located approximately 50-feet north of the northern property line. This water main is available for service.
3. There is an existing 20-inch diameter water main extending along airport Road, this main is located approximately 8-feet north of the northern property line. No direct service connections are allowed to this water main as per the EPWU-PSB Rules and Regulations.
4. EPWater records indicate there is one (1) 1-inch water service and (1) 6-inch fire line connection serving the subject property with 6369 Montana Avenue as the service address.

5. Previous water pressure from fire hydrant #1787 located at northwest corner of Airport Road and Normandy Drive, has yielded a static pressure of 80 psi, a residual pressure of 70 psi, and a discharge of 1,163 gallons per minute. The owner should, for his own protection and at his own expense shall install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the water pressure regulator device.

Sanitary Sewer:

6. There is an existing 18-inch diameter sewer main extending along Airport Road, this main is located approximately 55-feet west of the western property line. No direct service connections are allowed to this water main as per the EPWU-PSB Rules and Regulations.

General:

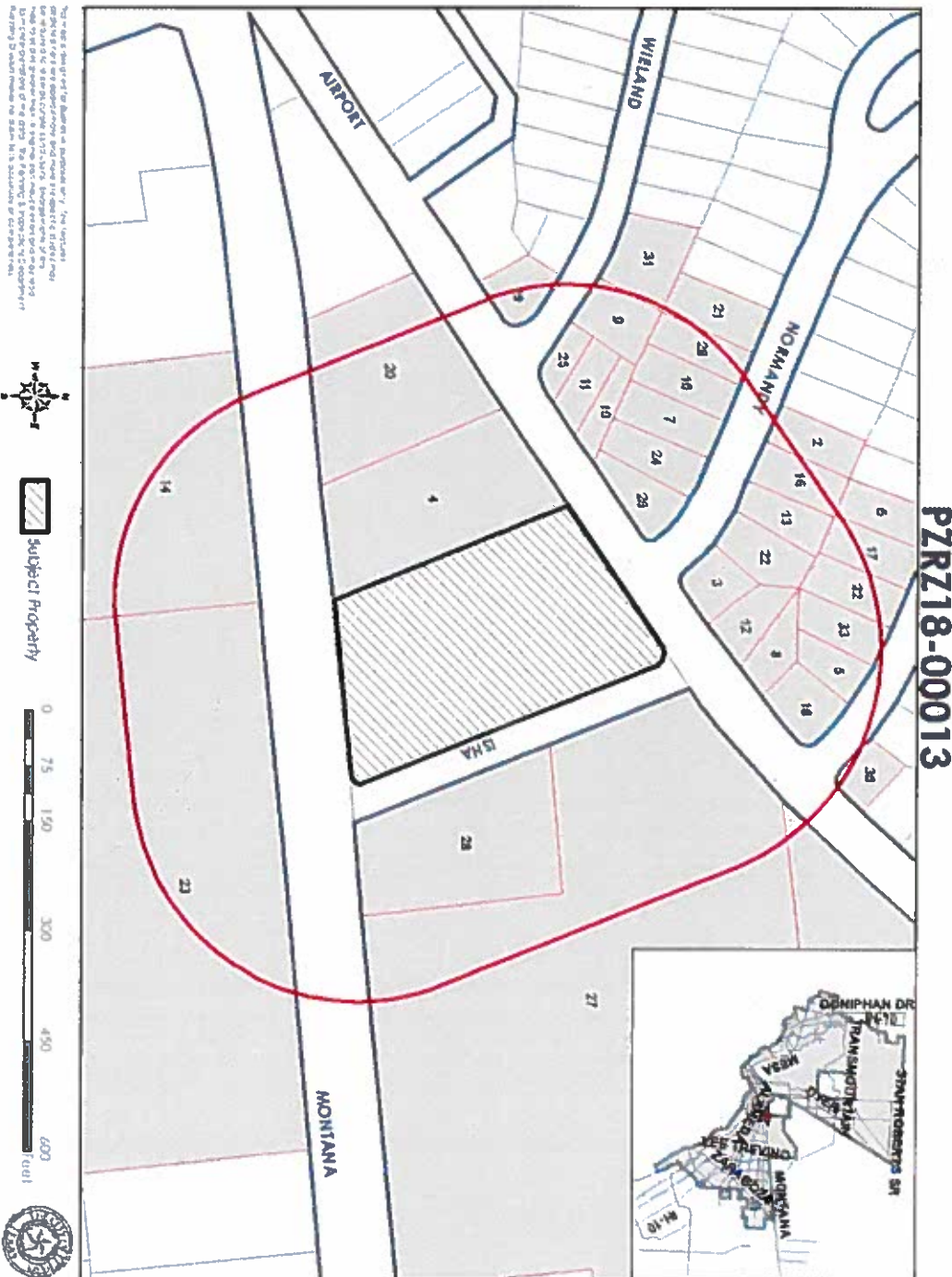
7. EPWater requires application to provide additional services to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 8 to 10 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater Rules and Regulations. The applicant 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.

Stormwater:

We have reviewed the property described above and provide the following comments:

8. There is an existing 18-inch diameter sewer main extending along Airport Road, this main is located approximately 55-feet west of the western property line. No direct service connections are allowed to this water main as per the EPWU-PSB Rules and Regulations. This sanitary sewer main is available for main extensions.

ATTACHMENT 6 Notification Map





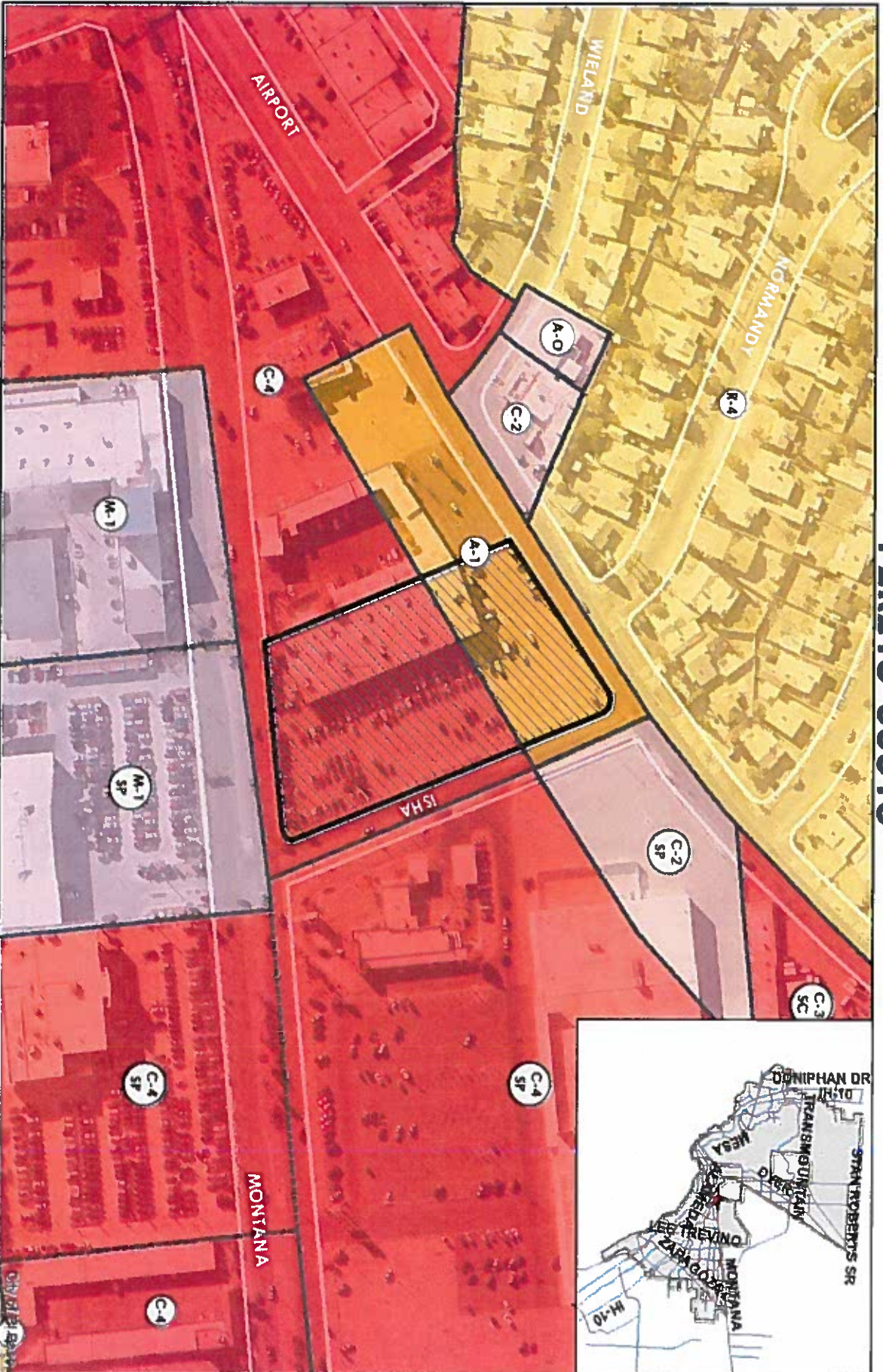
Recommendation/Public Input

- **Planning Division recommendation:** Approval
- **CPC Vote:** Approval Recommendation 5-0
- **Public Input:** The Planning Division did not receive any calls in support or opposition to the rezoning request.

Strategic Goal #3 Promote the Visual Image of El Paso

- 3.1 Provide business friendly permitting and inspection processes
- 3.2 Improve the visual impression of the community

PZR718-00013



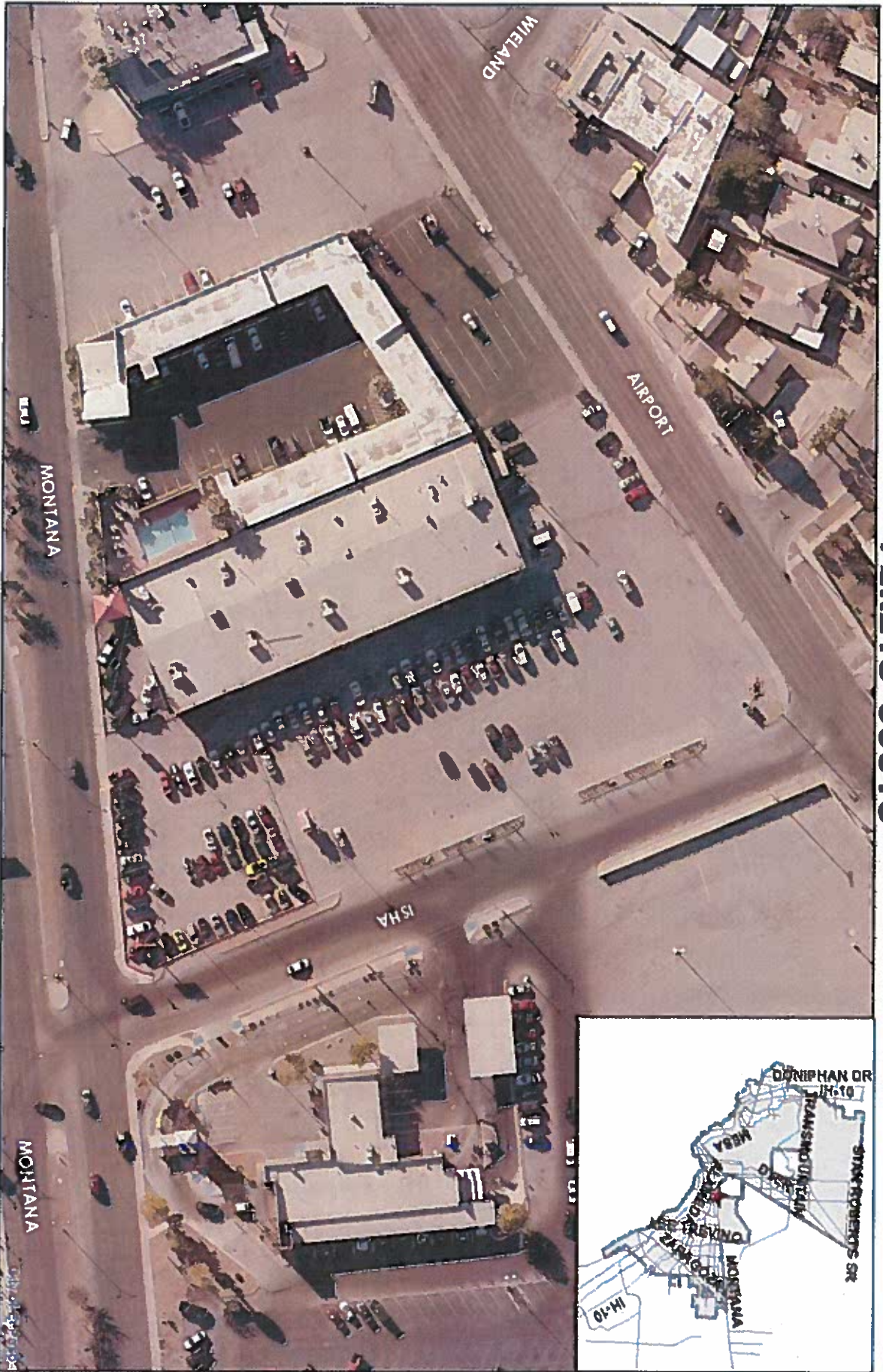
This map is provided for informational purposes only. The features depicted here are approximate and more site-specific details may be required to determine the exact location. The map is not intended to be used as a legal document. The map is not intended to be used as a legal document. The map is not intended to be used as a legal document.



Subject Property



PZR718-00013



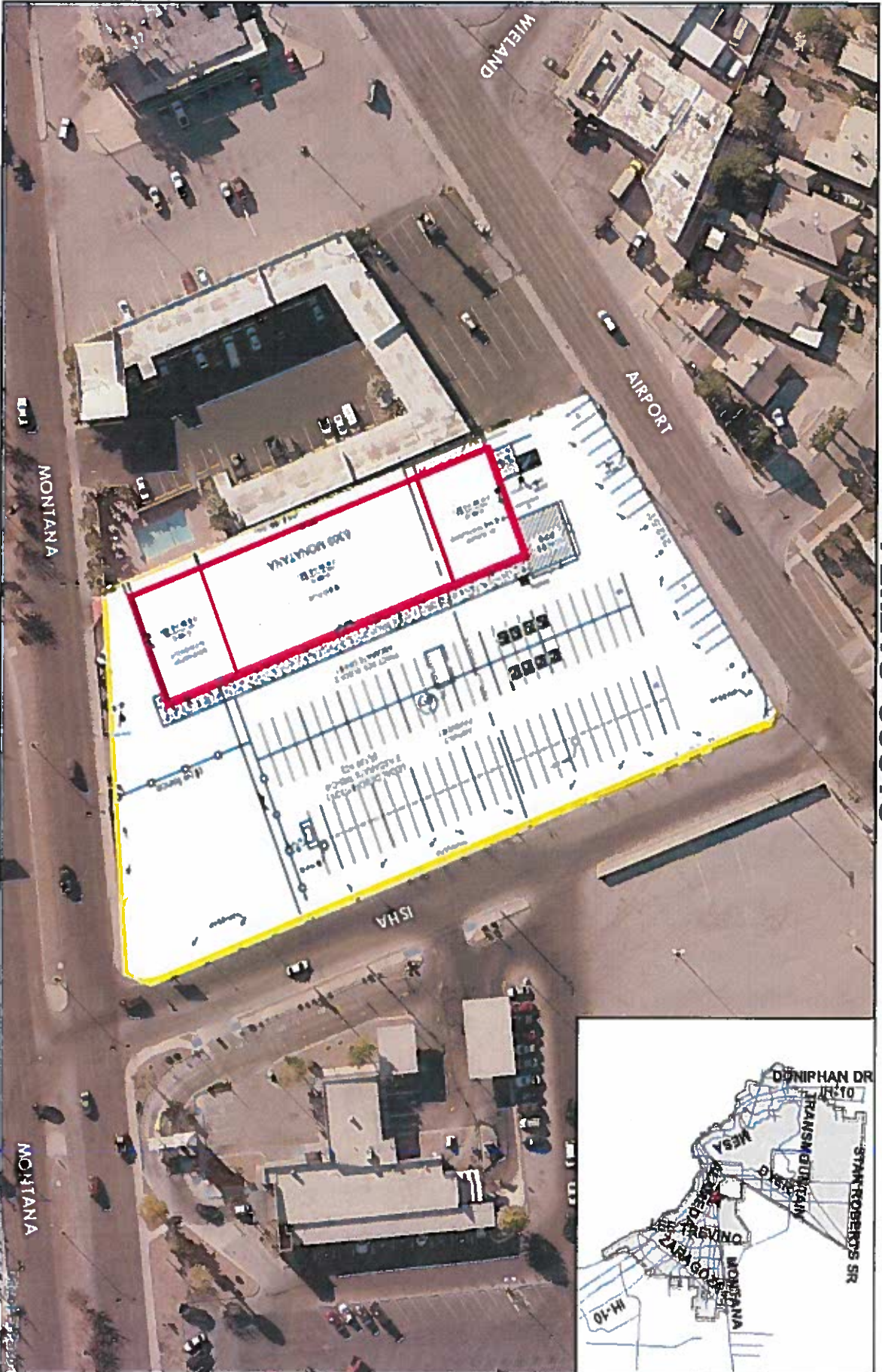
This map is designed for general use only. The location depicted may not be accurate and more detailed maps may be required for more accurate location. The location of the map is not intended to be used for navigation or to provide information on the location of the map. The location of the map is not intended to be used for navigation or to provide information on the location of the map.



0 30 60 120 180 240 feet



PZRZ18-00013



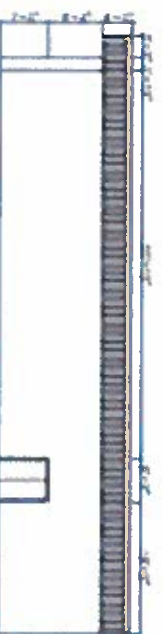
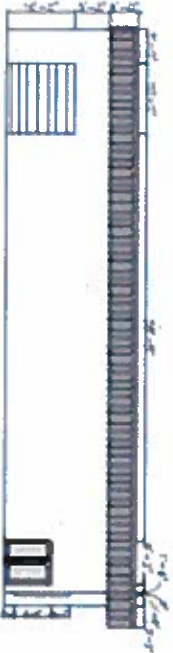
This map is designed for illustrative purposes only. The features depicted are not intended to be used as a legal document. The map is not intended to be used as a legal document. The map is not intended to be used as a legal document.







Elevations

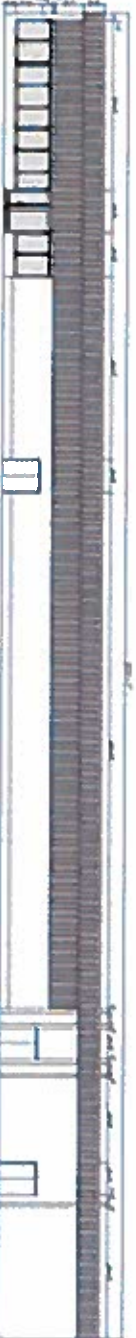


WEST ELEVATION

SCALE 1/8\"/>

NORTH ELEVATION

SCALE 1/8\"/>



EAST ELEVATION

SCALE 1/8\"/>

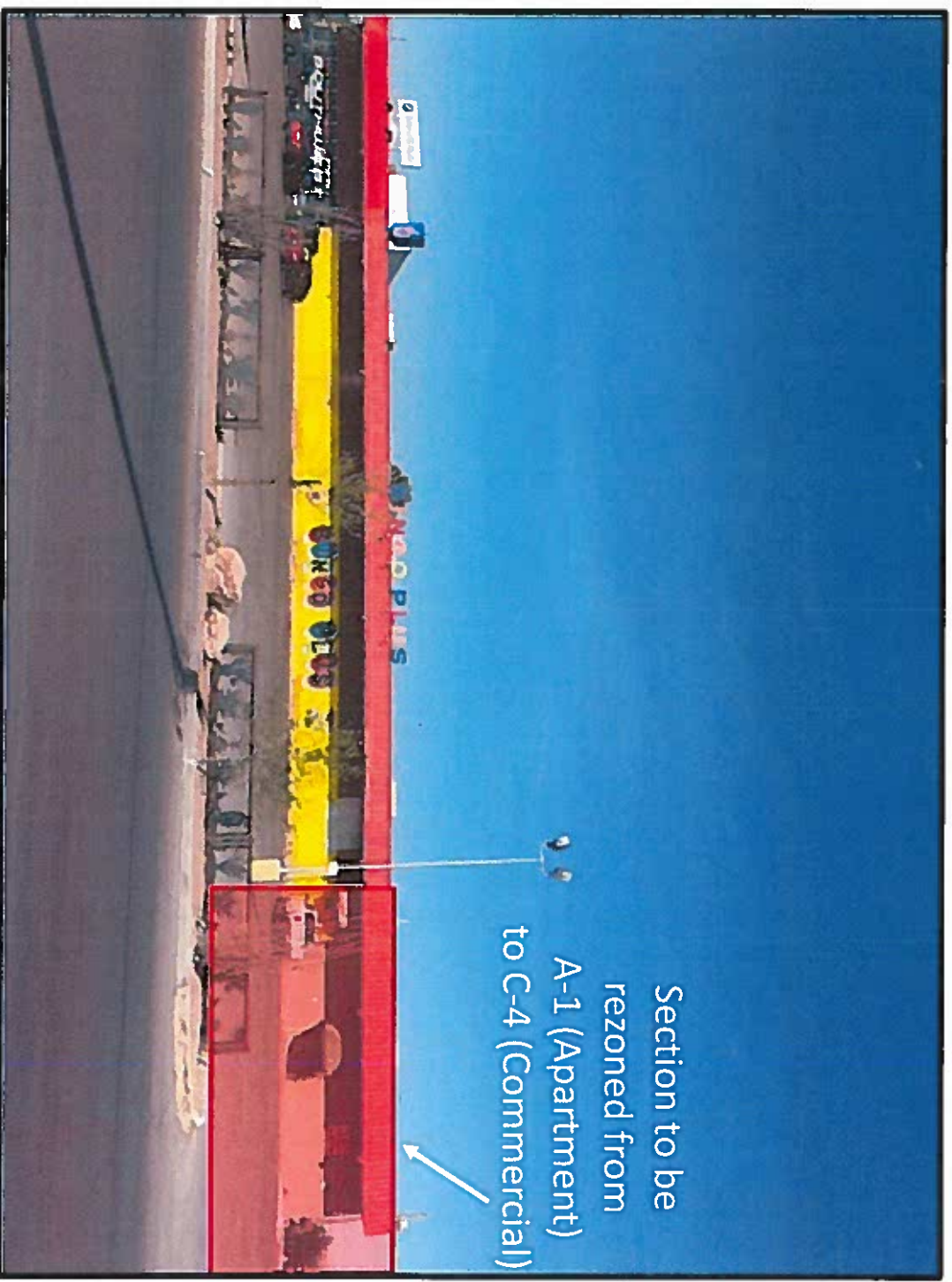


SOUTH ELEVATION

SCALE 1/8\"/>



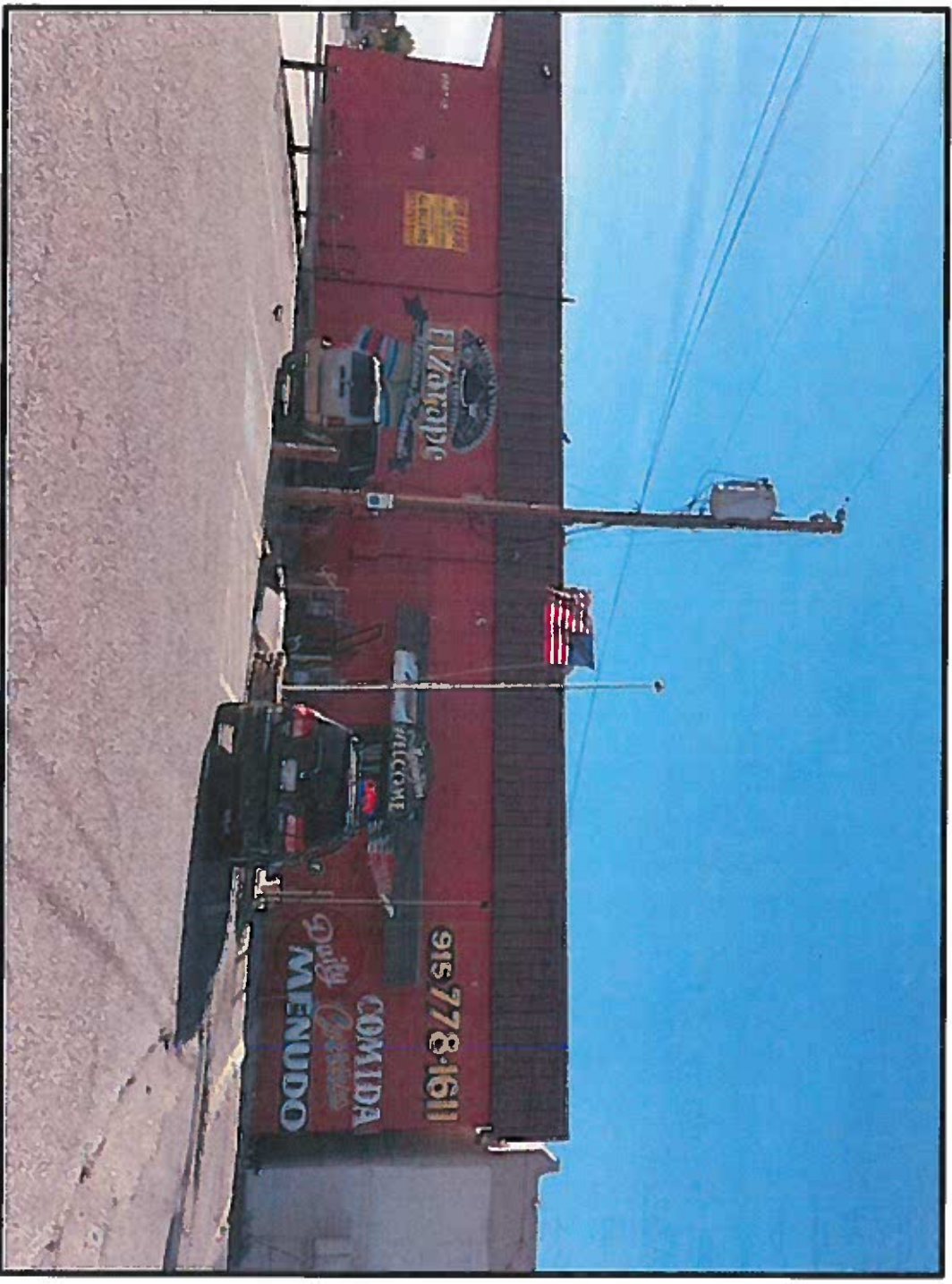
Subject Property



"Delivering Outstanding Services"



Portion to be rezoned



"Delivering Outstanding Services"



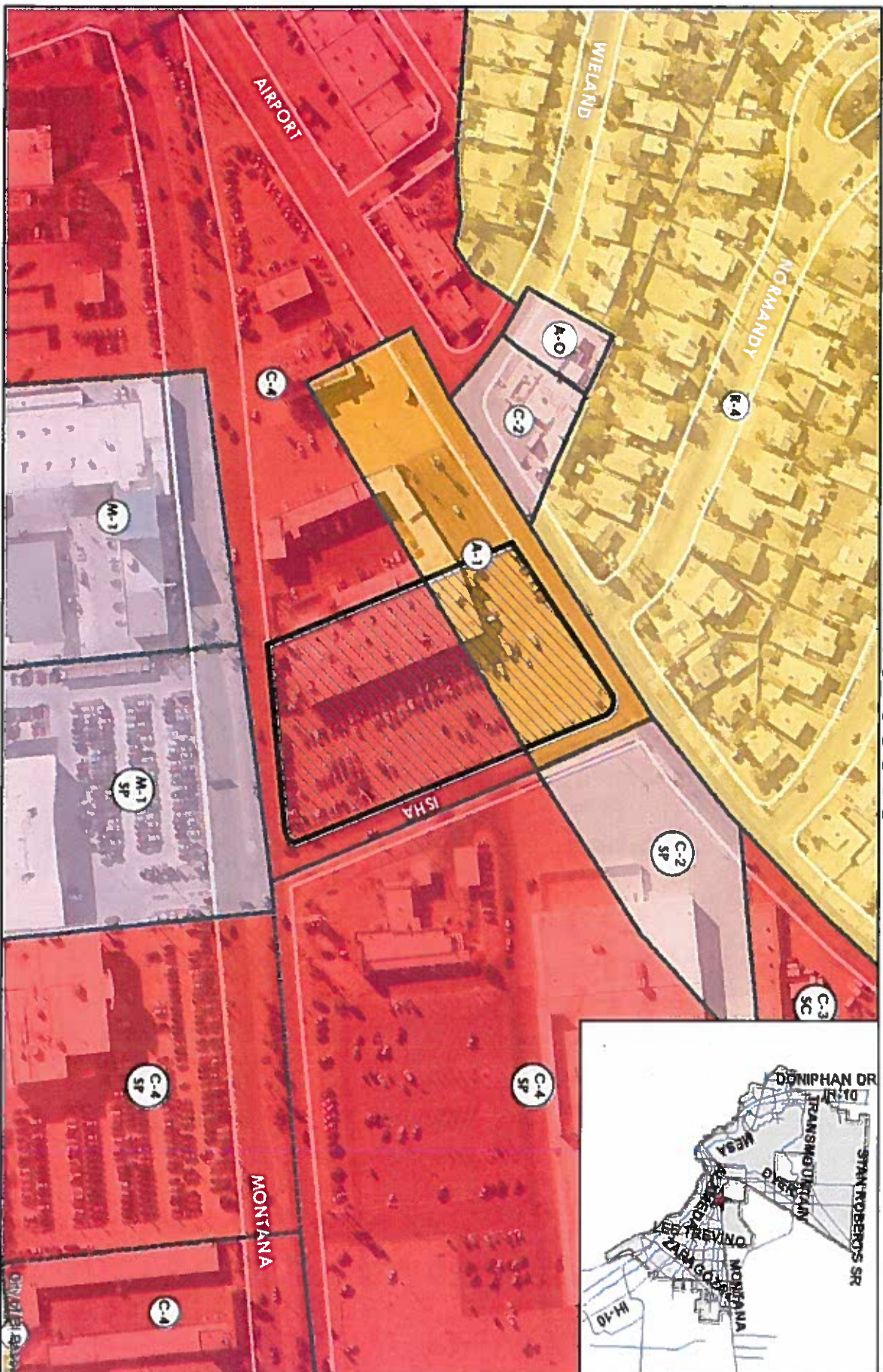
Surrounding Areas



Courtesy of Google Earth

"Delivering Outstanding Services"

PZR718-00013



On 17 June 1997, the *Journal of the American Medical Association* published a study by the Department of Health and Human Services, Food and Drug Administration, and the Centers for Disease Control and Prevention (FDA/CDC) on the safety of the use of the *Salmonella* vaccine in the United States. The study found that the vaccine was safe and effective in preventing *Salmonella* infection in the United States. The study was conducted by the FDA/CDC and the Centers for Disease Control and Prevention (CDC).



Subject Property

