

**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 Hoffman, (915)212-1566, Hoffmanap@elpasotexas.gov
Adriana Martinez, (915) 212-1611, MartinezAD@elpasotexas.gov

DISTRICT(S) AFFECTED: 5

SUBJECT:

An Ordinance changing the zoning of Tract 4A, Section 36, Block 80, Township 2, Texas and Pacific Railway Company Surveys, 11090 Montana Ave., City of El Paso, El Paso County, Texas from C-3 (Commercial) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 11090 Montana Ave. Owner: Efrain Sanchez Gonzalez. PZRZ18-00019 (**District 5**)

BACKGROUND / DISCUSSION:

The City Plan Commission is scheduled to vote on this item at the August 9, 2018 CPC meeting.

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) – Pending.

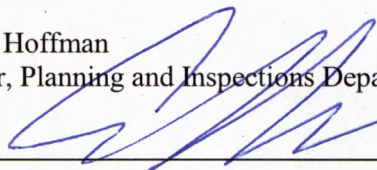
*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Alex P. Hoffman
Director, Planning and Inspections Department



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF TRACT 4A, SECTION 36, BLOCK 80, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, 11090 MONTANA AVE., CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-3 (COMMERCIAL) 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 **Tract 4A, Section 36, Block 80, Township 2, Texas and Pacific Railway Company Surveys, 11090 Montana Ave.**, located in the City of El Paso, El Paso County, Texas, be changed from **C-3 (Commercial)** 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. _____
18-1007-2240 | 806910
1109 Montana Ave.
RTA

PZRZ18-00019

Tract 4A, Section 36, Block 80, Township 2,
Texas and Pacific Railway Company Surveys
City of El Paso, El Paso County, Texas

May 9, 2018

METES AND BOUNDS DESCRIPTION

Exhibit "A"

FIELD NOTE DESCRIPTION of Tract 4A, Section 36, Block 80, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

The **"TRUE POINT OF BEGINNING"** at a found iron rod located at the common boundary corner of Tract 4A and Tract 4B, same being the southerly right-of-way line of Montana Avenue and **THE POINT OF BEGINNING** of herein described parcel;

THENCE, leaving said common boundary corner and south right-of-way line of Montana Avenue and along the common boundary line of Tracts 4A and 4B, South $02^{\circ} 36' 53''$ East, a distance of 796.39 feet to a point;

THENCE, leaving said common boundary line, North $90^{\circ} 00' 00''$ East, a distance of 184.57 feet to a point;

THENCE, North $00^{\circ} 00' 00''$ West, a distance of 772.61 feet to a set iron rod for corner;

THENCE, North $81^{\circ} 12' 00''$ East, a distance of 150.00 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 130,679.77 square feet or 2.9999 Acres of land more or less.

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

CAD CONSULTING COMPANY.
1790 Lee Trevino Suite #503
El Paso, Texas 79936
(915) 633-6422
J:\M&B\2018\18-0973Z .wpd



MEMORANDUM

DATE: July 31, 2018
TO: The Honorable Mayor and City Council
Tommy Gonzalez, City Manager
FROM: Adriana Martinez, Planner
SUBJECT: PZRZ18-00019

The City Plan Commission (CPC) on August 9, 2018 will vote on the proposed rezoning of the subject property from C-3 (Commercial) to C-4 (Commercial) in order to allow for a Vocational school and Trailer, 18-wheeler (sales, display & repair)

The CPC will have to find that the rezoning is in conformance with Plan El Paso. The CPC will also have to determine if 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, that 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.

The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

Property Owner: Efrain Sanchez Gonzalez
Representative: Ray Mancera

Attachments:
Staff Report

11909 Montana Ave.

City of El Paso — Plan Commission — 08/09/18

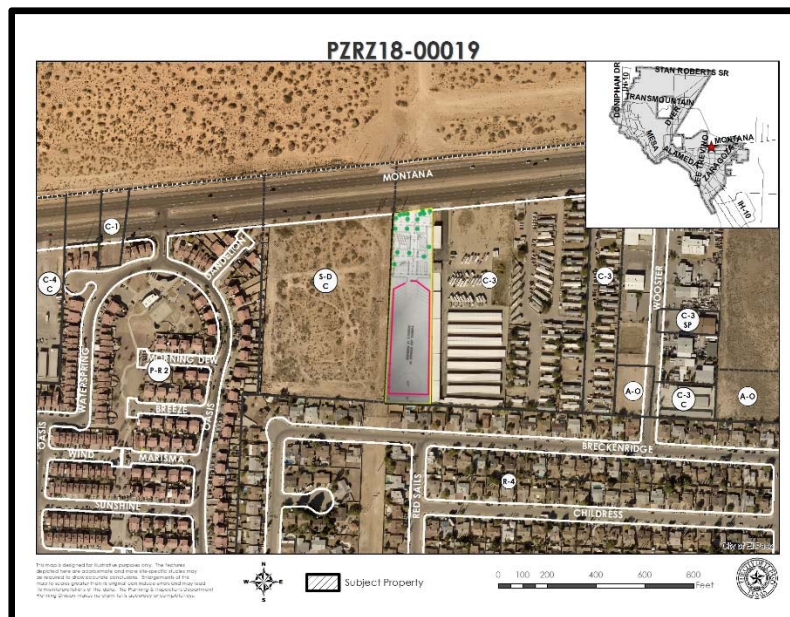
PZRZ18-00019 — Rezoning



STAFF CONTACT:	Adriana Martinez, (915) 212-1611, martinezad@elpasotexas.gov
OWNER:	Efrain Sanchez Gonzalez
REPRESENTATIVE:	Ray Mancera
LOCATION:	11090 Montana Ave. DISTRICT: 5
LEGAL DESCRIPTION:	Tract 4A, Section 36, Block 80, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas
EXISTING ZONING:	C-3 (Commercial)
REQUEST:	From C-3 (Commercial) to C-4 (Commercial) to allow for Vocational school & Trailer, 18-wheeler (sales, display & repair)
RELATED APPLICATIONS:	N/A
PUBLIC INPUT	Notices sent to property owners within 300 feet on July 11, 2018; Planning has not received any calls in support or opposition to the special permit request.
STAFF RECOMMENDATION:	Approval (see pages 2—4 for basis for recommendation)

SUMMARY OF REQUEST: The property owner is requesting a rezoning from C-3 (Commercial) to C-4 (Commercial) to allow for Vocational school & Trailer, 18-wheeler (sales, display & repair) on the property located at 11090 Montana Ave. The property is currently vacant.

SUMMARY OF RECOMMENDATION: The Planning Division recommends **DENIAL** of rezoning the property from C-3 (Commercial) to C-4 (Commercial) to allow for Vocational school & Trailer, 18-wheeler (sales, display & repair). The proposed zoning district is not consistent with other residential and commercial districts in the immediate area along Montana Ave. and does not meet the established character of its surrounding neighborhood. Further, the proposed development does not meet the intent of the G-4, Suburban (Walkable) land use designation of Plan El Paso, the City's Comprehensive Plan.



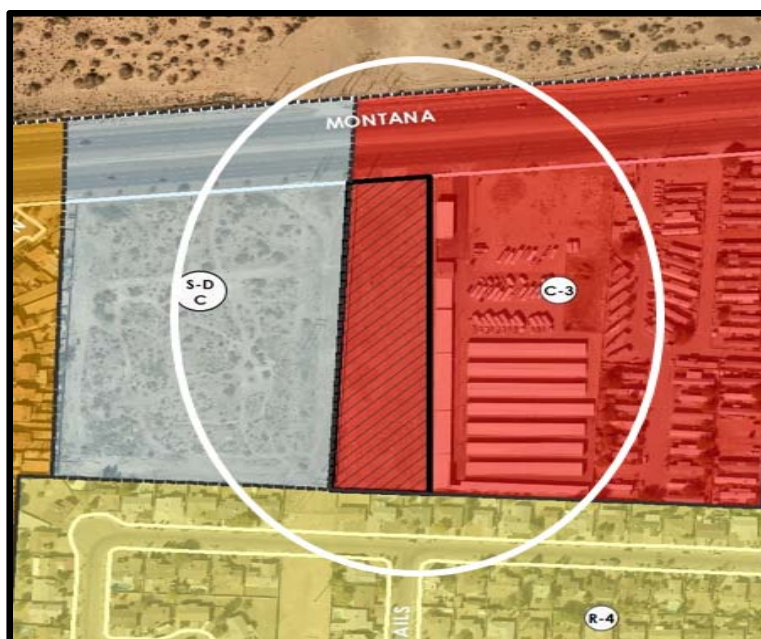
DESCRIPTION OF REQUEST

The property owner is requesting a rezoning from C-3 (Commercial) to C-4 (Commercial) to allow for Vocational school & Trailer, 18-wheeler (sales, display & repair). The area of the rezoning request is 2.99 acres in size. The conceptual site plan proposes a Vocational school & Trailer, 18-wheeler (sales, display & repair). Access to the subject property is from Montana Ave. The property is currently vacant.

REZONING POLICY

POLICY	DOES IT COMPLY?
Compatibility The proposed zone change does not match the existing land use map nor matches existing land use designation within 300 ft. of the subject property.	No, properties adjacent to the subject property are zoned R-4 (Residential), S-D/c (Special Development/condition), & C-3 (Commercial).
Plan El Paso 1.2.3 "Vacant and underutilized parcels in and around the City's traditional neighborhoods can be excellent locations for redevelopment that adds housing, shopping, employment, entertainment, and recreational options for nearby residents and transit patrons. Redevelopment of such sites should mesh with the scale and character of these existing neighborhoods rather than imposing a suburban or high-rise model on traditional neighborhoods. The City's zoning and development regulations should be modified accordingly. Additional infill incentives should be considered by the City".	No, the property is designated G-4, Suburban (Walkable) land use designation of Plan El Paso. The proposed development is adjacent to light commercial, mobile home park & residential lots. This property lies within a pocket of residential and low intensity commercial uses resulting in a C-4 (Commercial) being non-compatible with the surrounding area.

NEIGHBORHOOD CHARACTER AND COMPATIBILITY: The site is currently zoned C-3 (Commercial) and is currently vacant. Properties adjacent to the subject property are zoned R-4 (Residential), S-D/c (Special Development/condition), & C-3 (Commercial). Surrounding land uses include a mobile home park, single-family dwellings & self-storage warehouse. The nearest park is Indian Ridge 9 (7,943 feet) and the nearest school Rel Washington Elementary (5,525 feet). There is more than three different uses within a 300 ft. radius.



COMPLIANCE WITH PLAN ELPASO: The proposed parcel is currently vacant. The property is designated G-4, Suburban (Walkable) land use designation of Plan El Paso. The proposed development is adjacent to light commercial, mobile home park & residential lots. This property lies within a pocket of residential and low intensity commercial uses resulting in a C-4 (Commercial) being non-compatible with the surrounding area.



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

CONSISTENCY WITH PLAN EL PASO	DOES IT COMPLY?
<p><u>G-4, Suburban (Walkable):</u> This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>No, the lot sits within the East Planning Area of Plan El Paso. The proposed development is adjacent to light commercial, mobile home park & residential lots. This property lies within a pocket of residential and low intensity commercial uses resulting in a C-4 (Commercial) being non-compatible with the surrounding area.</p>
ZONING DISTRICT	DOES IT COMPLY?
<p><u>C-4 (Commercial) :</u> 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</p>	<p>Yes, Vocational school & Trailer, 18-wheeler (sales, display & repair) is a permitted use in the C-4 (Commercial) zone district.</p>

District, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.	
POLICY	DOES IT COMPLY?
<u>1.2.3</u> "Vacant and underutilized parcels in and around the City's traditional neighborhoods can be excellent locations for redevelopment that adds housing, shopping, employment, entertainment, and recreational options for nearby residents and transit patrons. Redevelopment of such sites should mesh with the scale and character of these existing neighborhoods rather than imposing a suburban or high-rise model on traditional neighborhoods. The City's zoning and development regulations should be modified accordingly. Additional infill incentives should be considered by the City".	No, the applicant is proposing the redevelopment of an existing parcel, adding additional uses, and the potential for new employment; however, the parcel lies within a pocket of residential and low intensity commercial uses resulting in a C-4 (Commercial) being non-compatible with the surrounding area.

SUITABILITY OF SITE FOR USES UNDER PROPOSED ZONING: The subject site is 2.99 acres in size and allows the proposed use under the proposed C-4 (Commercial) zone district.

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. C-4 (Commercial) 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.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES:

Pending

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 Eastside Civic Association and has been notified 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 July 11, 2018. Planning has not received 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.

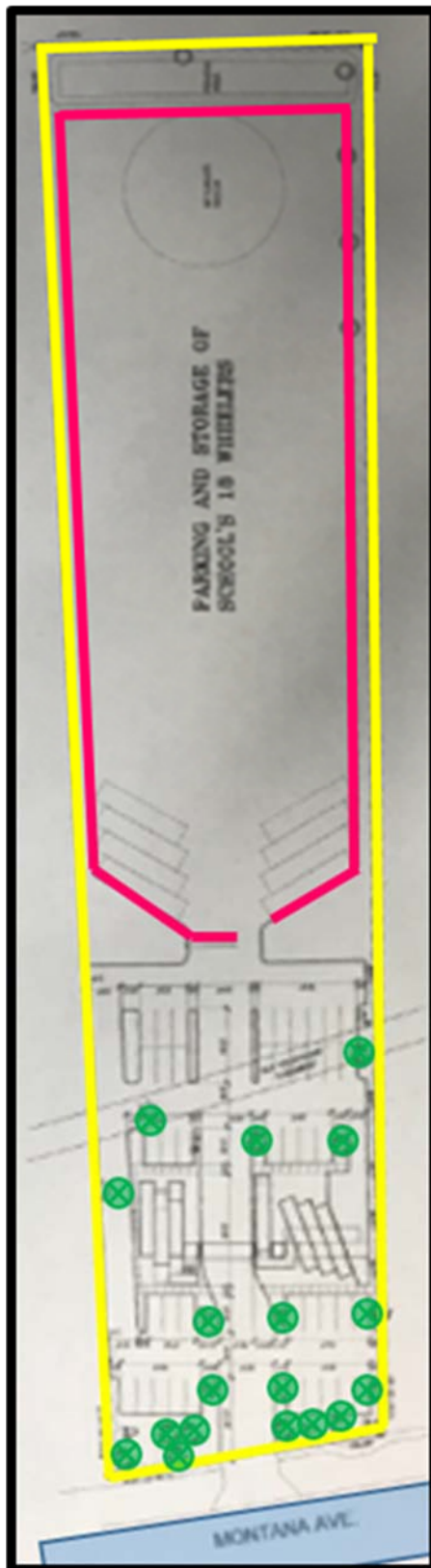
OTHER APPLICABLE FACTORS: Approval of the detailed site plan by the City Plan Commission constitutes a determination that the applicant is in compliance with the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that stormwater is in compliance with ordinances, codes,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

ATTACHMENTS:

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

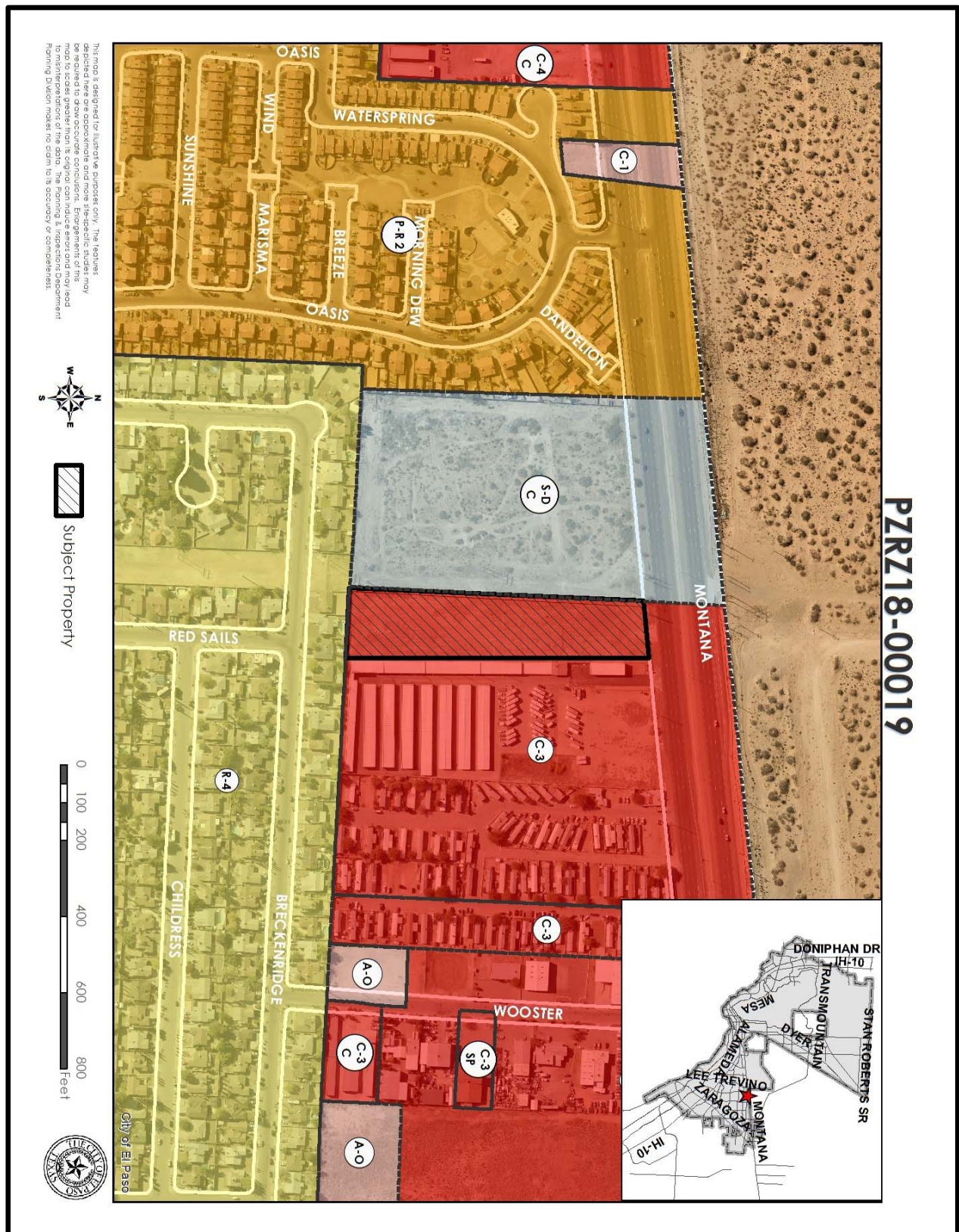
ATTACHMENT 1

Generalized Site Plan



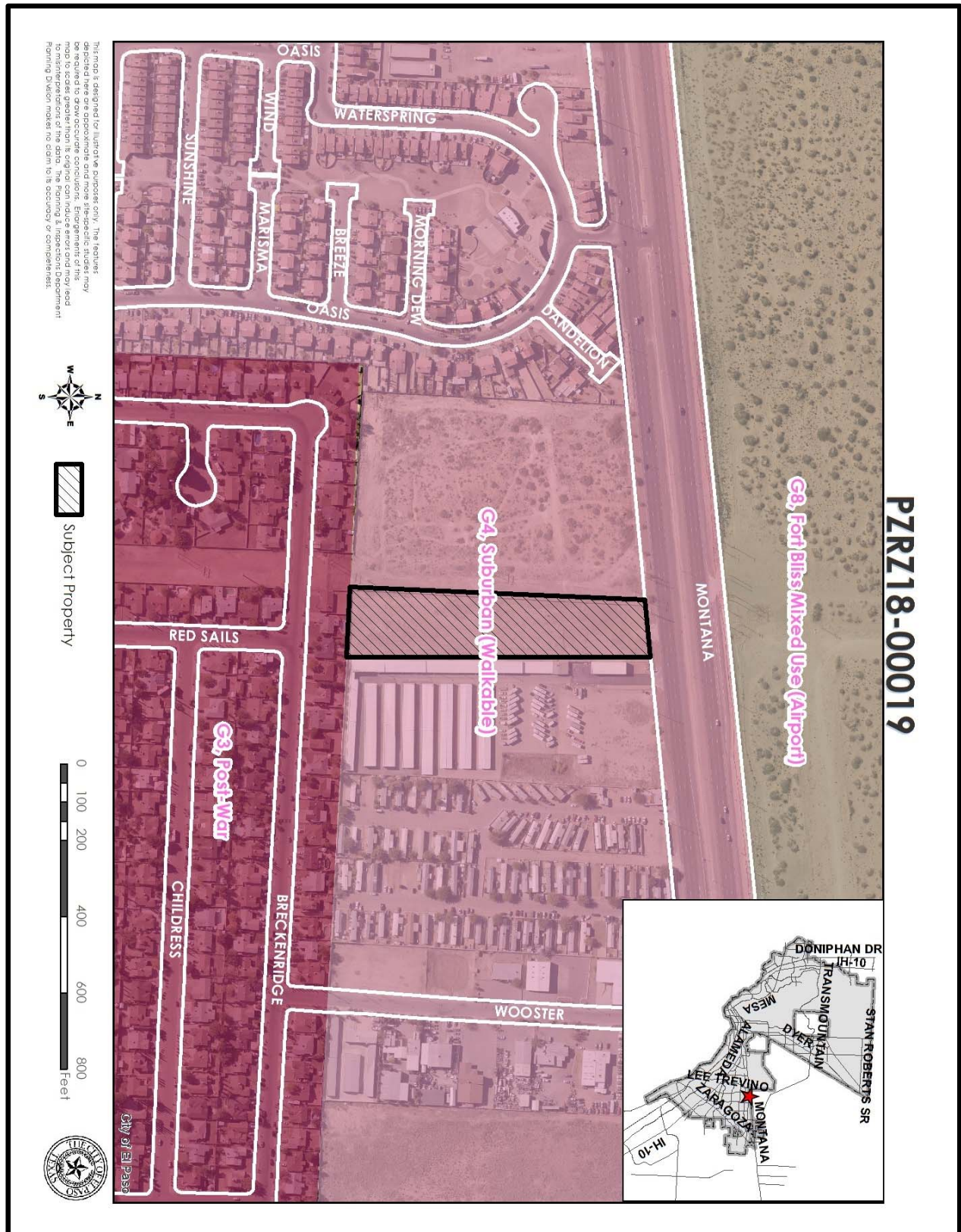
ATTACHMENT 2

Zoning Map



ATTACHMENT 3

Future Land Use Map



ATTACHMENT 4

Department Comments

Planning and Inspections Department- Planning Division

Planning division recommends **denial**. Recommendation is based on non-compatibility of the C-4 zoning district and proposed Trailer,18-wheeler (sales, display & repair) use with existing residential and light commercial uses in the surrounding area.

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

Recommends approval.

Planning and Inspections Department - Land Development

Approval w/condition

Note:

1. Show proposed drainage flow patterns arrows on site plan.
2. Add note: "The difference between Historic and Developed Storm-water runoff discharge volumes shall be retained within this lot's limits (as per approved Hueco Commercial Unit 6) (DSC, 19.19.010A and DDM, 11.1."

Sun Metro:

Recommends approval.

Fire Department

Recommends approval.

Environmental Services

1. Please ensure that waste storage area is identified on the plan and that vehicular access for the trash collection truck is considered.
2. Please consider placement of the waste storage area to minimize noise nuisance conditions to neighboring R-4 residents.

Police Department

Recommends approval.

Subdivisions Department

A subdivision plat is required. This determination is based on the subject property remaining in tract form. Additionally, the subject property does not meet any of the platting exemptions listed in the Subdivision Code.

TxDot

Please have requestor contact TxDOT to submit their paperwork for access permit if they are planning to request a driveway on Montana and to submit the Grading and Drainage plan for review and approval.

El Paso Water Utilities

Pending

Water

Sanitary Sewer:

General:

Stormwater:

1. Storm sewer cannot flow into Montana Ave.; TXDOT (state) roads are not designed to carry outside storm sewer flow.
2. The site plan shows what seems to be a drainage pond; any proposed ponding area shall have enough capacity to hold the developed runoff for a designed 100-yr. storm event.
3. EPW - Stormwater Engineering recommends using principles of low impact & green infrastructure development (such as recessed landscaping, rainwater harvesting, and porous pavements) to reduce the amount of developed stormwater runoff.

ATTACHMENT 5

Notification Map

