

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

DEPARTMENT: Planning and Economic Development Department, Planning Division

AGENDA DATE: Introduction: May 24, 2011
Public Hearing: June 14, 2011

CONTACT PERSON/PHONE: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 7

SUBJECT:

An ordinance changing the zoning of a portion of Tract 2C1, Block 35, Ysleta Grant, City of El Paso, El Paso County, Texas from C-3 (Commercial) and A-M (Apartment/Mobile Home Park) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8482 Alameda Avenue. Applicant: NCJ Development, Inc. and Cash Investments, Inc. ZON10-00093 **THIS IS AN APPEAL CASE (District 7)**

BACKGROUND / DISCUSSION:

On January 6, 2011, the CPC recommended **denial** of the rezoning request from C-3 (Commercial) and A-M (Apartment/Mobile Home Park) to C-4 (Commercial) to allow for trailer and heavy equipment sales based on the incompatibility with existing adjacent residential uses and the comprehensive plan.

On August 25, 2011, The City Plan Commission (CPC) voted 5-0 to recommended **denial** of the new rezoning request from A-M (Apartment/Mobile Home Park) to C-3 (Commercial) and instead recommended C-2 (Commercial).

PRIOR COUNCIL ACTION:

On June 14, 2011, City Council directed Planning to take this item back to CPC for reconsideration and have staff work with the applicant on alternative zoning. The City Council postponed item 11 weeks to allow staff to place item on CPC agenda and coordinate with applicant.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Reviewed
City Plan Commission (CPC) – Denial Recommendation (6-0)
City Plan Commission (CPC) – Denial Recommendation (5-0) Reconsideration

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Mathew S. McElroy
Deputy Director, Planning and Economic Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 2C1, BLOCK 35, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-3 (COMMERCIAL) AND A-M (APARTMENT/MOBILE HOME PARK) 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:

That the zoning of a *Portion of Tract 2C1, Block 35, Ysleta Grant, City of El Paso, El Paso County, Texas*, as further described by metes and bounds in the attached Exhibit A, be changed from **C-3 (Commercial) and A-M (Apartment/Mobile Home Park) to C-4 (Commercial)**, 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 _____, 2011.

THE CITY OF EL PASO


ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy, Deputy Director
Planning & Economic Development

Being a portion of Tract 2C1, Block 35,
Ysleta Grant, City of El Paso,
El Paso County, Texas

METES AND BOUNDS DESCRIPTION

8482 ALAMEDA AVENUE

FIELDNOTE DESCRIPTION of a parcel of land being a portion of Tract 2C1, Block 35, Ysleta Grant, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at a found iron rod marking the Southeasterly corner of said Tract 2C1, the same being on the Westerly right-of-way line of Alameda Avenue, **THENCE**, leaving said right-of-way line and along the Southerly boundary line of said Tract 2C1, South $74^{\circ} 53' 00''$ West, a distance of 20.71 feet to a found $\frac{1}{8}$ " rebar being the **POINT OF BEGINNING** of the herein described parcel;

THENCE, continuing along said boundary line, South $74^{\circ} 53' 00''$ West, a distance of 1029.29 feet to a found W' rebar marking the Southwestly corner of said Tract 2C1;

THENCE, along the Westerly boundary line of said Tract 2C1, North $30^{\circ} 11' 00''$ West, a distance of 128.10 feet to a found W' rebar marking the Northwestly corner of said Tract 2C1;

THENCE, along the Northerly boundary line of said Tract 2C1, North $74^{\circ} 53' 00''$ East, a distance of 1029.29 feet to a found W' rebar;

THENCE, 128.10 feet along the arc of a curve to the left, whose radius is 11419.20 feet, whose interior angle is $00^{\circ} 38' 34''$, whose chord bears South $30^{\circ} 11' 00''$ East, a distance of 128.10 feet to the **POINT OF BEGINNING** of the herein described tract and containing 127,304.17 square feet or 2.923 acres of land more or less.

Enrique A. Rey 21 Oct 2011

ENRIQUE A. REY
R.P.L.S TX. 3505
P.E. TX 35606



REY ENGINEERING, INC.
2267 TRAWOOD DRIVE, SUITE B-3
EL PASO, TEXAS 79935

MEMORANDUM

DATE: August 29, 2011

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

FROM: Andrew Salloum, Planner

SUBJECT: ZON10-00093

On January 6, 2011, the CPC recommended **denial** of the rezoning request from C-3 (Commercial) and A-M (Apartment/Mobile Home Park) to C-4 (Commercial) to allow for trailer and heavy equipment sales based on the incompatibility with existing adjacent residential uses and the comprehensive plan.

On June 14, 2011, City Council directed Planning to take this item back to CPC for reconsideration and have staff work with applicant on alternative zoning. The City Council postponed item 11 weeks to allow staff to place item on CPC agenda and coordinate with applicant.

On August 25, 2011, The City Plan Commission (CPC) voted 5-0 to recommended **denial** of the new rezoning request from A-M (Apartment/Mobile Home Park) to C-3 (Commercial) and instead recommended C-2 (Commercial).

The Planning Division recommends **denial** of rezoning the subject property from A-M (Apartment/Mobile Home Park) to C-3 (Commercial) based on incompatibility with the comprehensive plan and the abutting residential, A-O (Apartment-Office) properties to the North, West, and R-F (Ranch and Farm) properties to the South and West. The Planning Division instead recommends a G-MU (General Mixed Use) zone district. G-MU (General Mixed Use) zone district is compatible with the comprehensive plan which calls for mixed-use and residential land use. The G-MU (General Mixed Use) district serves to incorporate both residential and commercial uses.

The CPC found that the new rezoning request is still not in conformance with the Plan for El Paso. The CPC also determined that the rezoning does not protect the best interest, health, safety and welfare of the public in general; that the proposed use is not compatible with adjacent land uses; and the rezoning will have a negative effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

Attachment:
Staff Report

APPEAL TO THE CITY COUNCIL

DATE: January 6, 2011

HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on January 6, 2011, the City Plan Commission denied our request for a change of zoning from A-M and C-3 to C-4 for a property located at 8482 Alameda, (ZON10-00093) and legally described as:

Tract 2C1, Block 35, Ysleta Grant, El Paso, El Paso County (2.9232 Acres)

I hereby request the City Council to review the decision of the City Plan Commission AND CONSIDER MY REQUEST SET OUT ABOVE. I AM ATTACHING A LETTER SETTING FORTH MY REASONS FOR BELIEVING THEIR DECISION TO BE IN ERROR.

APPLICANT: NCJ Development, Inc. and Cash Investments, Inc.
Address: 8201 Lockheed, Suite 235
El Paso, TX 79925
(915) 779-5740

Representative Ray Mancera
Address 6044 Gateway Blvd East, Suite 900
El Paso, TX 79905
(915) 532-24444
Ray@ManceraGroup.com

Sincerely,



Two (2) copies filed in City Clerk's Office on: _____

RAY MANCERA

6044 Gateway Blvd East
Suite 900
El Paso, TX 79905

915-532-2444
ray@manceraagroup.com
www.ManceraGroup.com

January 6, 2011

The Honorable Mayor and City Council,

On behalf of NCJ Development, Inc. and Cash Investments, Inc., owners of 8482 Alameda, I am respectfully appealing the decision of the City Plan Commission (CPC).

On January 6, 2011 the CPC denied our request for a change of zoning from A-M and C-3 to C-4 in order to permit the sale of Trailers and Heavy Equipment. The zoning case number is ZON10-00093.

We believe the CPC erred in recognizing there are already C-3 and C-4 land uses near or adjacent to our property which makes our request compatible with the surrounding land uses. It also erred in not recognizing Alameda Street has been in transition from Residential to Commercial for a several decades. The request for change of zonings from residential or light Commercial to heavy commercial along Alameda Street has been the norm and not the exception. Finally, the CPC erred in not recognizing Alameda Street, a State Highway, continues to be a major corridor for east/west vehicular traffic.

We have a client who has found C-4 zoned land on Alameda Street but the size is too small for the sale of heavy equipment. Our property is 2.9232 acres making it ideal for this type of land use. We are willing to exclude certain obnoxious land uses found in C-4 such as Adult Entertainment. In addition my client is willing to landscape with trees any area abutting homes and apartments.

We look forward to appearing before Mayor and Council to better explain our request.

Sincerely,



Ray Mancera, Representative



City of El Paso – City Plan Commission Staff

Report Case No: ZON10-00093 (**Reconsideration**)
Application Type: Rezoning
CPC Hearing Date: August 25, 2011
Staff Planner: Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

Location: 8482 Alameda Avenue
Legal Description: A portion of Tract 2C1, Block 35, Ysleta Grant, City of El Paso, El Paso County, Texas
Acreage: 1.92 acres
Rep District: 7
Zoning: A-M (Apartment/Mobile Home Park)
Existing Use: Vacant
Request: From A-M (Apartment/Mobile Home Park) to C-3 (Commercial)
Proposed Use: General Business

Property Owner: NCJ Development, Inc. and Cash Investments
Applicant: NCJ Development, Inc. and Cash Investments
Representative: Ray Mancera

SURROUNDING ZONING AND LAND USE

North: C-3 (Commercial) / Vacant; A-O (Apartment-Office) / Multi-family dwellings; and R-3 (Residential) / Single-family dwellings
South: C-3/c (Commercial/condition) / Automobile Sales and R-F (Ranch-Farm) / Mobile Home Park and Vacant
East: C-3/sc (Commercial/special contract) / Automobile Sales; and C-3 (Commercial) / Vacant
West: R-F (Ranch-Farm) / Vacant

THE PLAN FOR EL PASO DESIGNATION: Residential & Mixed Use (Mission Valley Planning Area)

Nearest Park: Pueblo Viejo Park (5,130 feet)

Nearest School: Plato Academy Special Campus (307 feet)

NEIGHBORHOOD ASSOCIATIONS

Save the Valley 21

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on August 4, 2011. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

HISTORY CASE

On July 3, 1984, City Council approved a rezoning of the subject property from R-F (Ranch and Farm) to C-1 (Commercial) and A-M (Apartment/Mobile Home Park).

On September 7, 2000, the CPC recommended denial of the rezoning from C-1(Commercial) to C-4 (Commercial) and instead recommends approval of C-3 (Commercial) on the front parcel (Parcel 1); and denial of the request for rezoning on the rear parcel (Parcel 2) from A-M (Apartment-Mobile Home) to C-4 (Commercial). On October 17, 2000, City Council approved a rezoning for the front parcel (Parcel 1) from C-1 (Commercial) to C-3 (Commercial); and denial a rezoning for the rear parcel from A-M (Apartment-

Mobile Home) to C-4 (Commercial).

On January 6, 2011, the CPC recommended denial of the rezoning request from C-3 (Commercial) and A-M (Apartment/Mobile Home Park) to C-4 (Commercial) to allow for trailer and heavy equipment sales based on the incompatibility with existing adjacent residential uses and the comprehensive plan. On June 14, 2011, City Council remanded this rezoning request to CPC for reconsideration for a compatible zone within the residential zone and uses existing.

APPLICATION DESCRIPTION

The applicant is now requesting to rezone the property from A-M (Apartment/Mobile Home Park) to C-3 (Commercial) to allow for general commercial and does not have a proposed use at this time. The proposed access is from Alameda Avenue.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **denial** of rezoning the subject property from A-M (Apartment/Mobile Home Park) to C-3 (Commercial) based on incompatibility with the comprehensive plan and the abutting A-O (Apartment-Office) properties to the North, West, and R-F (Ranch and Farm) properties to the South and West. The Planning Division instead recommends a G-MU (General Mixed Use) zone district. G-MU (General Mixed Use) zone district is compatible with the comprehensive plan which calls for mixed-use and residential land use. The Planning Division is willing to work with the applicant on selecting a set of proposal uses.

The Plan for El Paso-City-Wide Land Use Goals

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

- a. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.
- b. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.
- c. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character.
- d. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.

The purpose of the C-3 (Commercial) district is 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.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for rezoning and offered no objections to Planning Staff's recommendation for **denial**.

Engineering & Construction Management Services Department – Plan Review

Plan Review has no objections to the request for rezoning this parcel.

Engineering & Construction Management Service Department - Land Development

General comments:

1. Provide rock wall (6') from high side abutting residential zone.
2. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
3. Grading plan and permit shall be required.*
4. Storm Water Pollution Prevention Plan and/or permit required.*
5. Drainage plans must be approved by the Development Services Department, Engineering Section.*
6. Coordination with TXDOT

7. No water runoff allowed outside the proposed development boundaries, (On-site ponding required).
8. The Subdivision is within Flood Zone X, "Areas of minimal flooding"- Panel # 480214 0048C, date February 16, 2006.

* This requirement will be applied at the time of development.

Department of Transportation

- All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.
- All existing / proposed driveways shall be in compliance with current City of El Paso Standards and ADA /TAS rules.
- Access to Alameda shall be coordinated through TxDOT.

Fire Department

El Paso Fire Department has no objections.

CITY PLAN COMMISSION OPTIONS

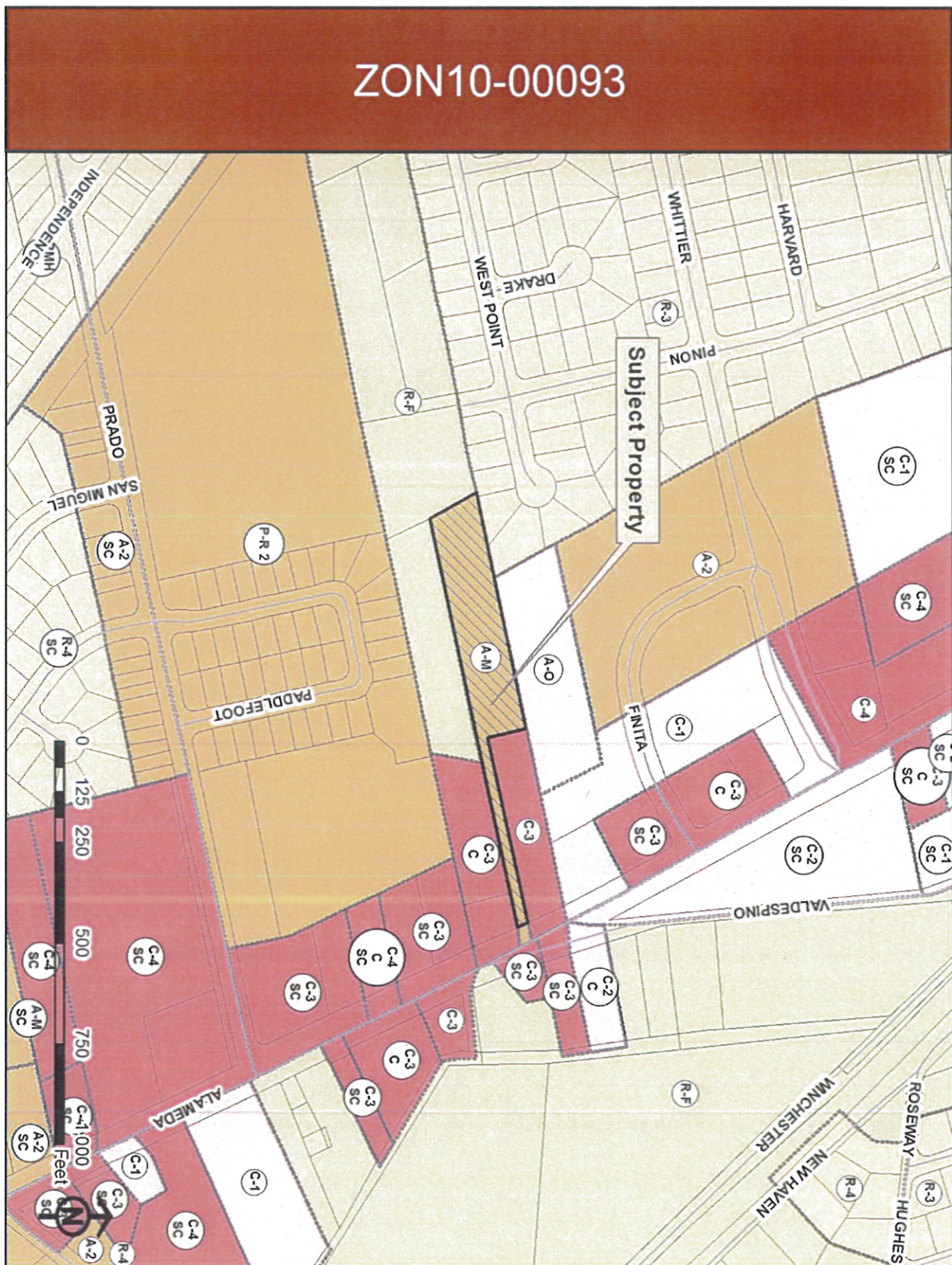
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application

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 in the Plan by the CPC.

Attachments:

- Attachment 1: Zoning Map
Attachment 2: Aerial Map
Attachment 3: Conceptual Site Plan

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

ZON10-00093



ATTACHMENT 3: CONCEPTUAL SITE PLAN

To: City of El Paso

Case: ZON10-00093

The undersigned DO NOT object to the rezoning of the back portion of 8482 Alameda from A-M to C-3. Call City at 541-4633 for more information.

Date 8/24/11

Name MARTIN ARMENDARIZ Phone 860-7931

Address 8450 Alameda Zip 79907

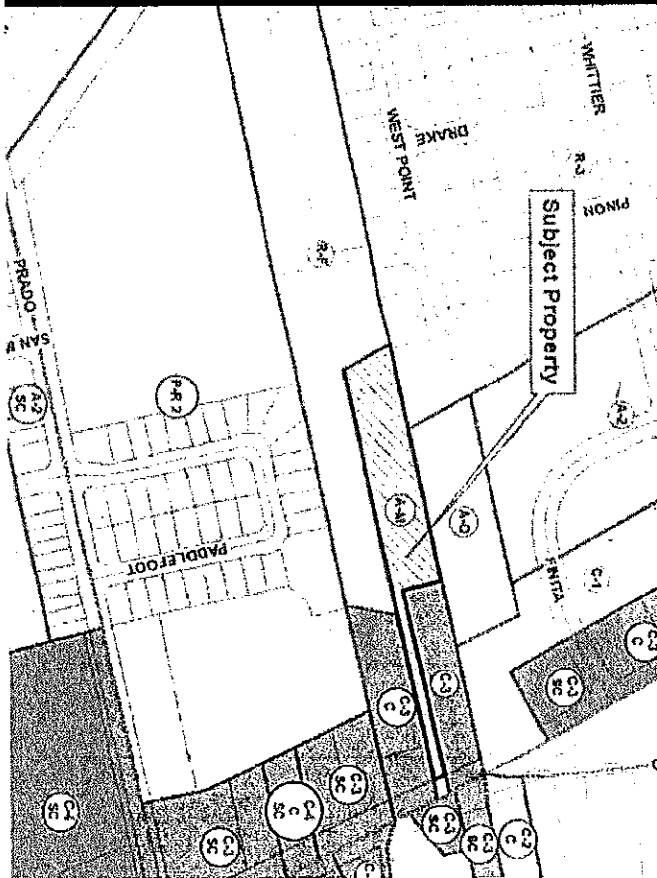
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ATTACHMENT 1: ZONING MAP

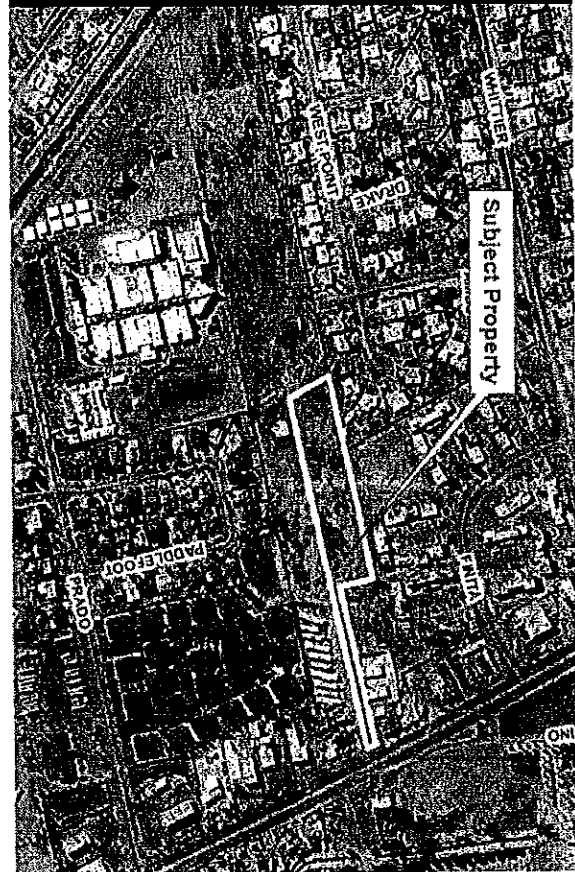
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ATTACHMENT 2: AERIAL MAP

ZON10-00093



ZON10-00093



To: City of El Paso

Case: ZON10-00093

The undersigned DO NOT object to the rezoning of the back portion of 8482 Alameda from A-M to C-3. Call City at 541-4633 for more information.

Date 8-24-11

Name IGNACIO ONTIVERZ Phone 858-4997

Address 8485 Alameda Zip _____

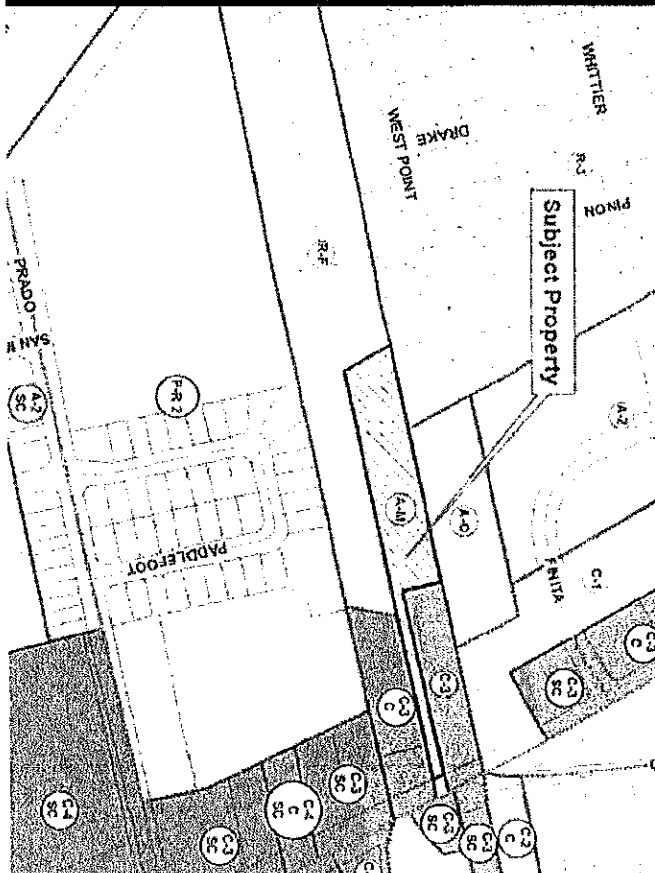
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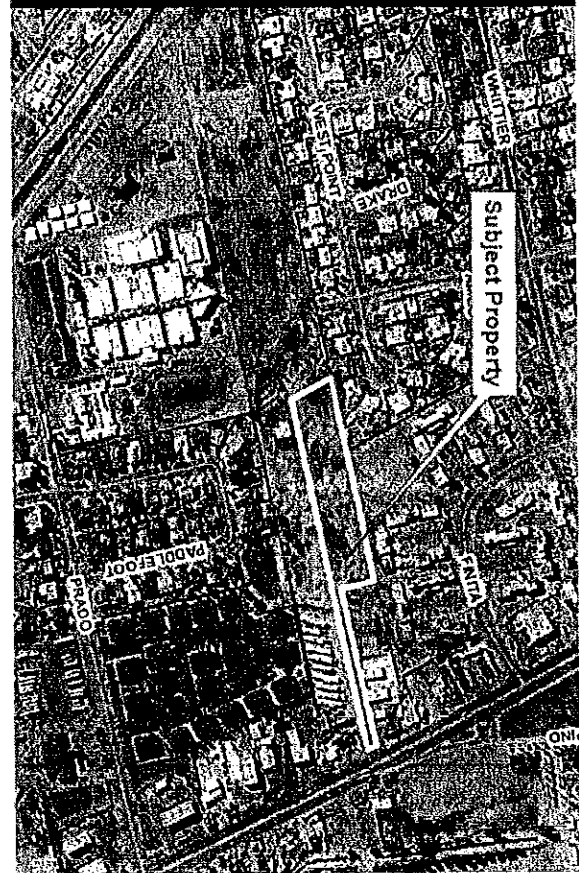
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ZON10-00093



ZON10-00093



To: City of El Paso

Case: ZON10-00093

The undersigned DO NOT object to the rezoning of the back portion of 8482 Alameda from A-M to C-3. Call City at 541-4633 for more information.

Date

8/22/11

Name

ALFREDO HIDALGO

Phone

779-2081

Address

224 ORN OFF (79915)

Zip

PID# 115116

Signature

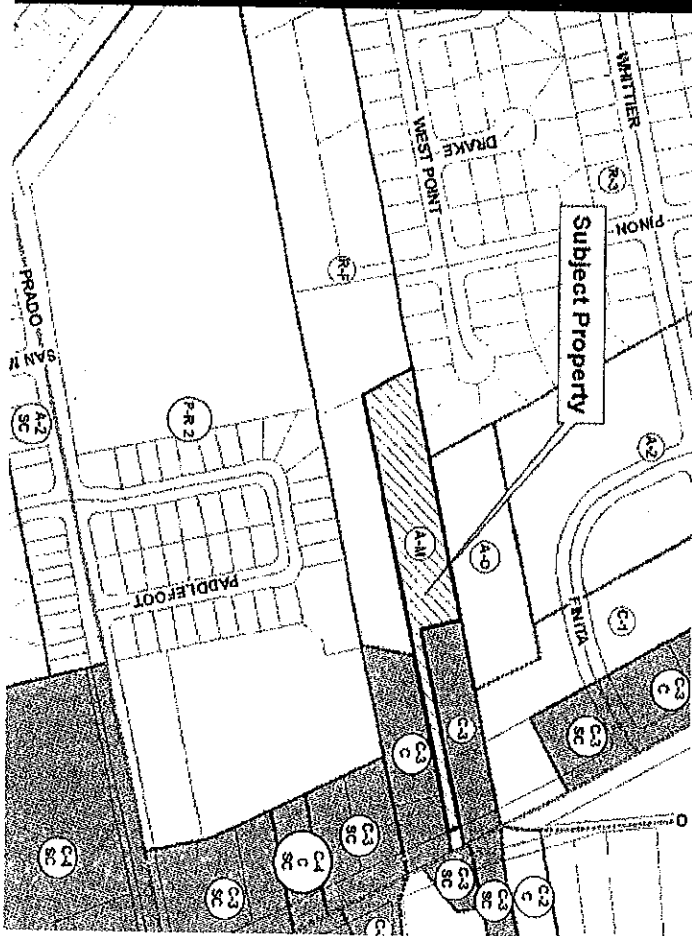
Alfredo Hidalgo

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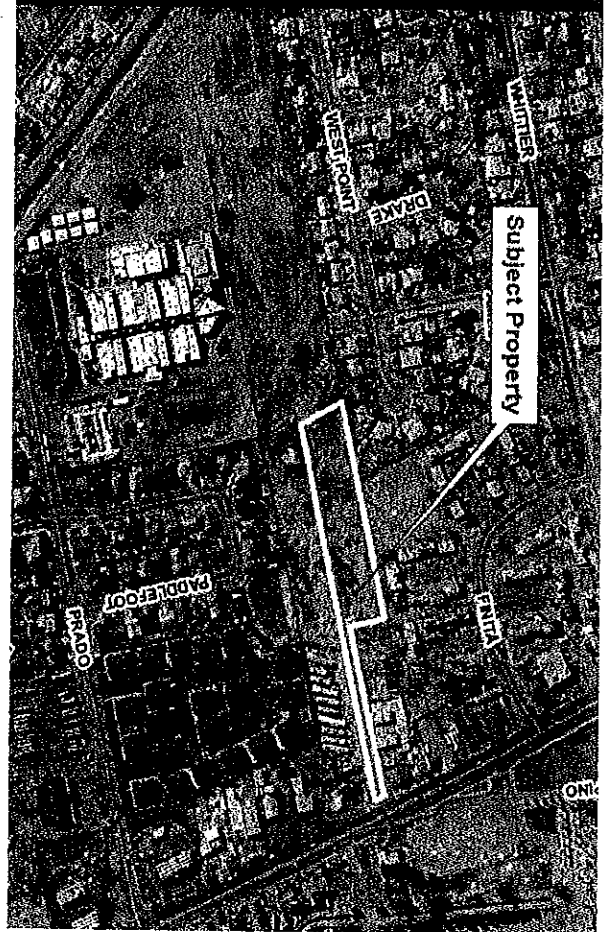
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ZON10-00093



To: City of El Paso

Case: ZON10-00093

The undersigned DO NOT object to the rezoning of the back portion of 8482 Alameda from A-M to C-3. Call City at 541-4633 for more information.

Date

8/24/11

Name

SONIA ARREDONDO

Phone

772-4501

Address

8460 ALAMEDA

Zip

79907

Sonia Arredondo

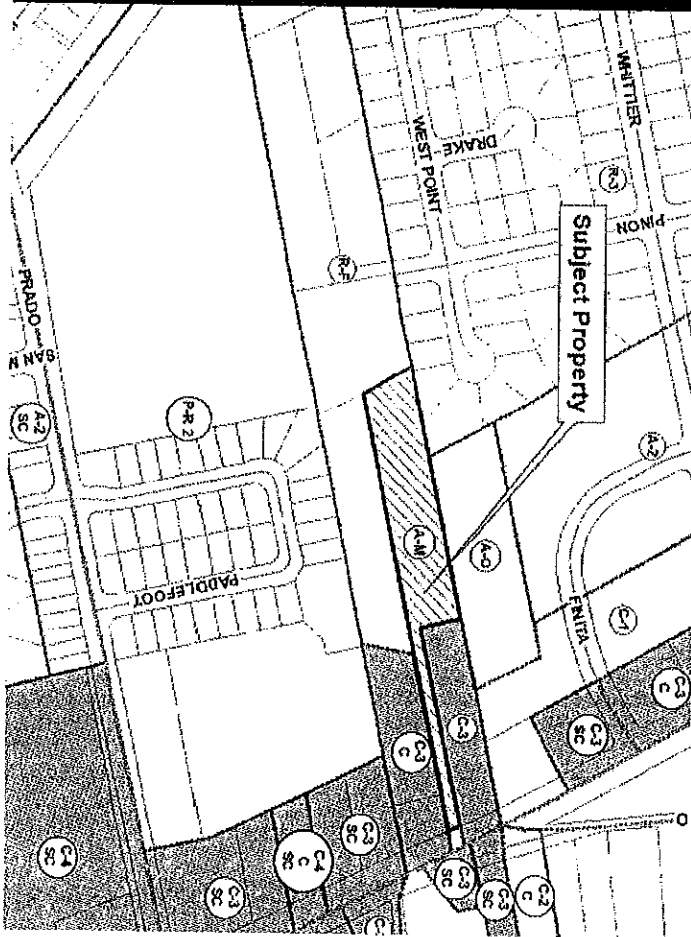
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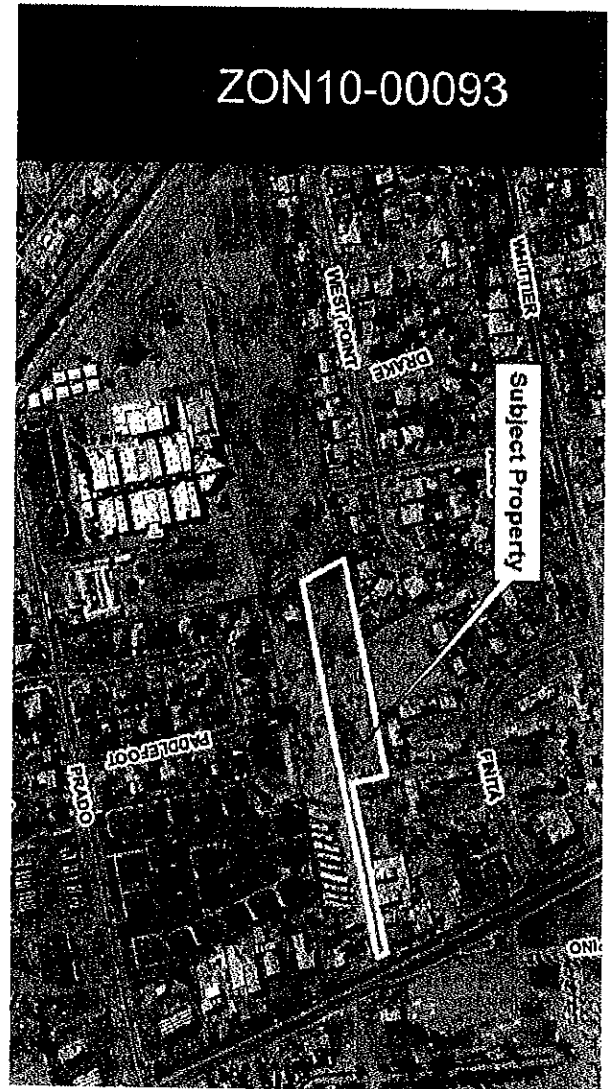
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ZON10-00093



ZON10-00093



To: City of El Paso

Case: ZON10-00093

The undersigned DO NOT object to the rezoning of the back portion of 8482 Alameda from A-M to C-3. Call City at 541-4633 for more information.

Date

8/25/11

Name

ROBEN G. CANDELARIA

Phone

252-5700

Address

8480 Alameda

Zip

79907

Roben G. Candelaria

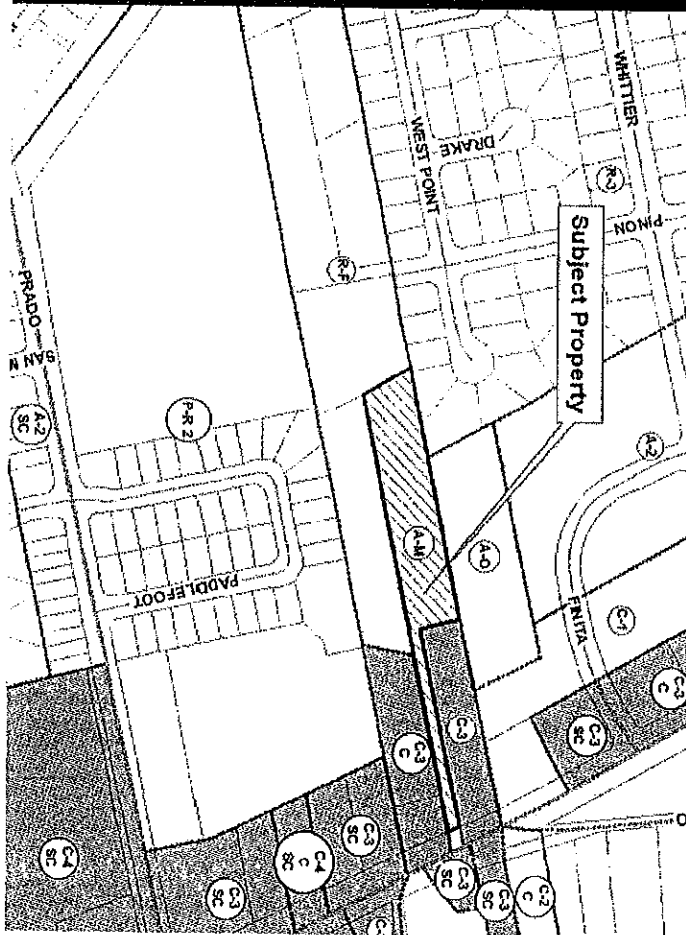
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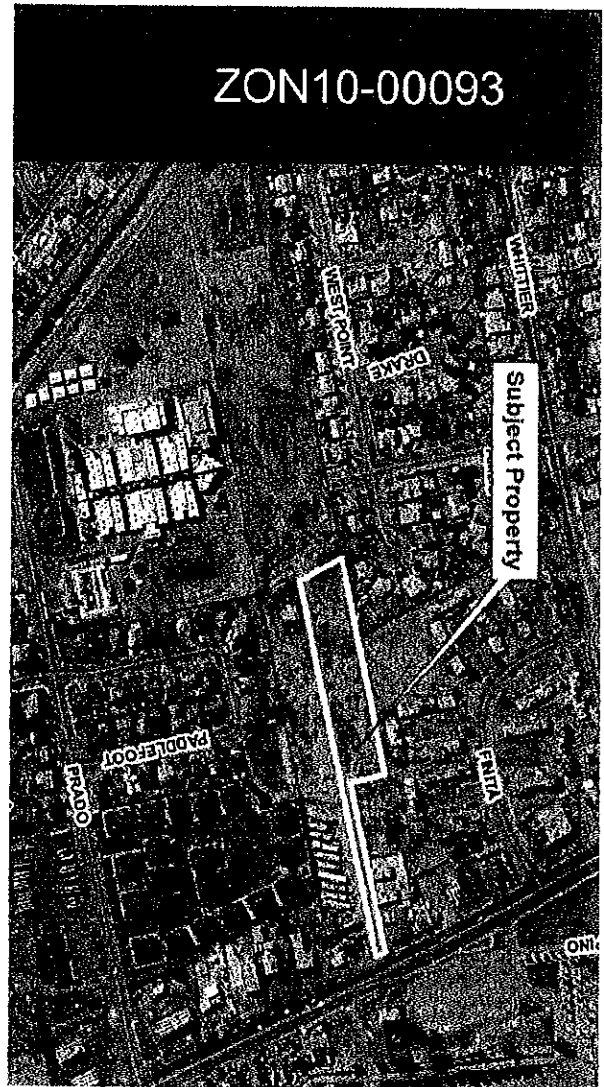
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ZON10-00093



ZON10-00093



To: City of El Paso

Case: ZON10-00093

The undersigned DO NOT object to the rezoning of the back portion of 8482 Alameda from A-M to C-3. Call City at 541-4633 for more information.

Date

8-23-2011

Name

Jorge A. Naranjo

Phone

915 858-0778

Address

8490 Alameda Ave.

Zip

79907

Signature

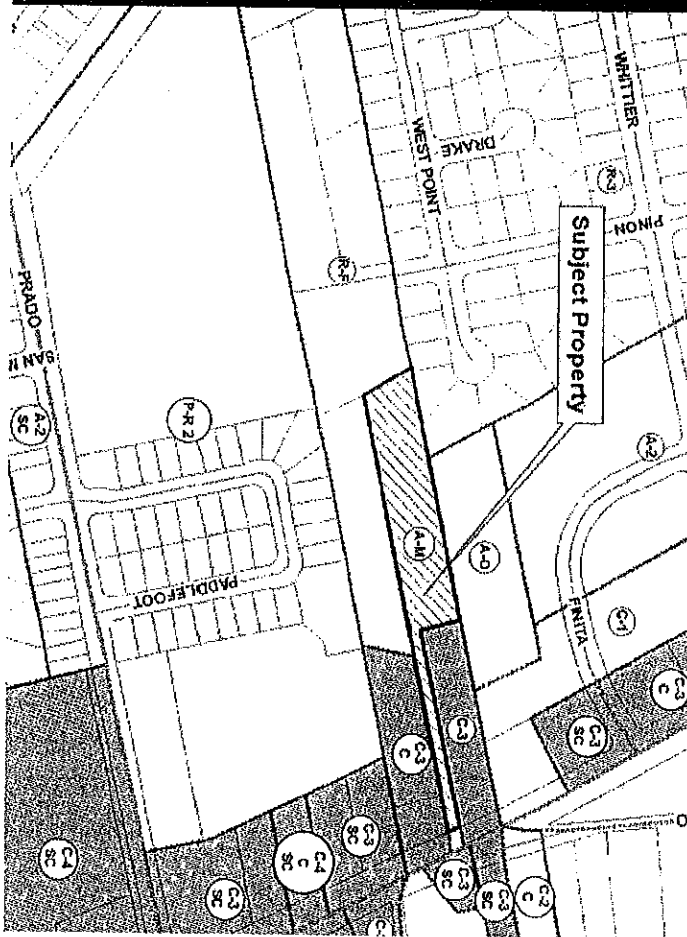
Jorge A. Naranjo

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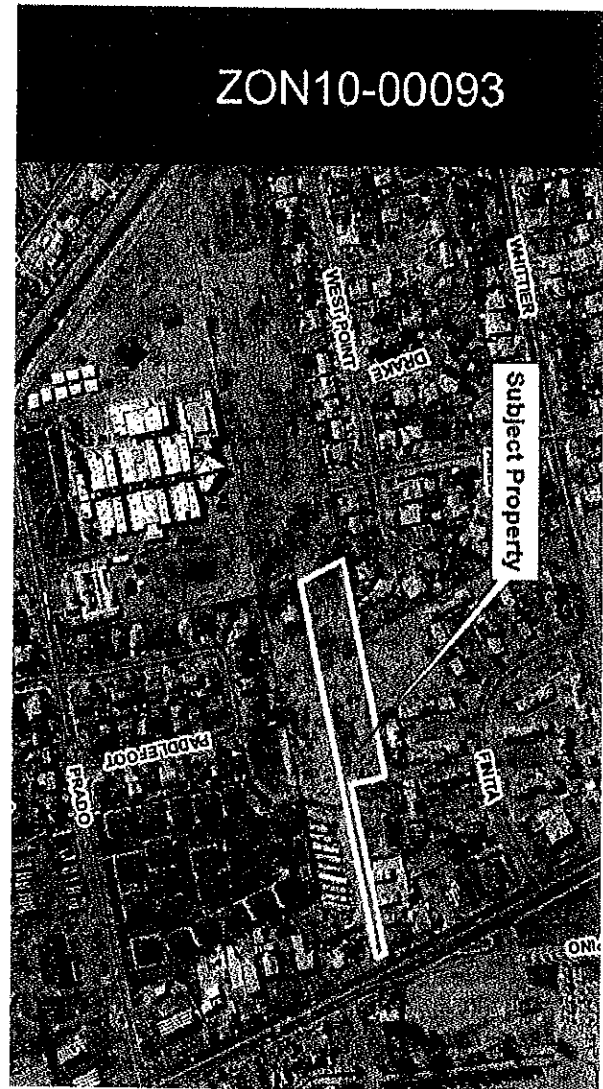
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ZON10-00093



ZON10-00093



To: City of El Paso

Case: ZON10-00093

The undersigned DO NOT object to the rezoning of the back portion of 8482 Alameda from A-M to C-3. Call City at 541-4633 for more information.

Date

8/23/11

Name

Joe IBARRA

Phone

772-6775

Address

8477 ALAMEDA

Zip

79907

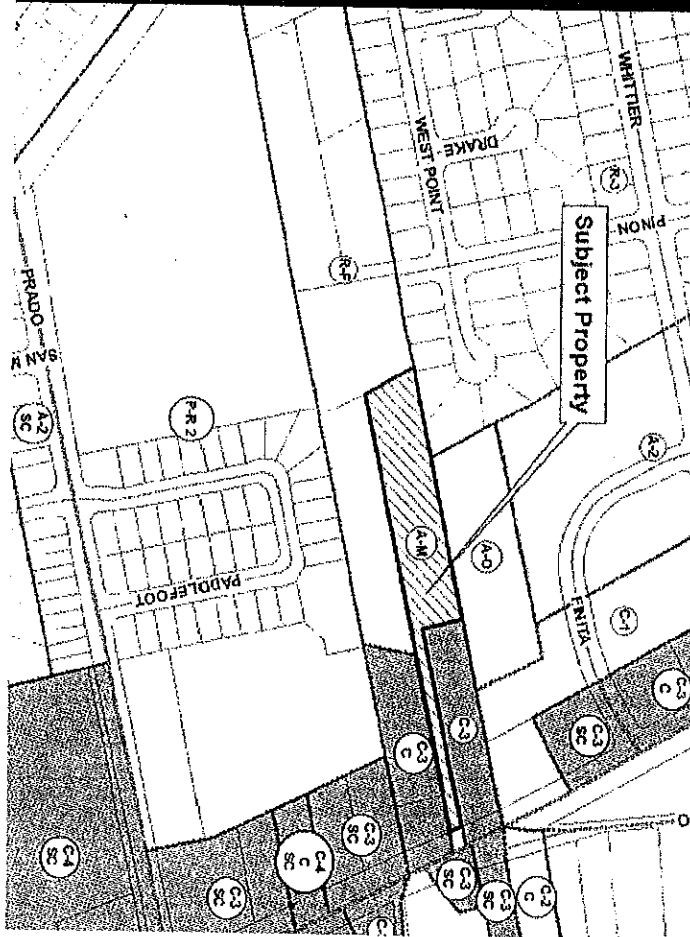
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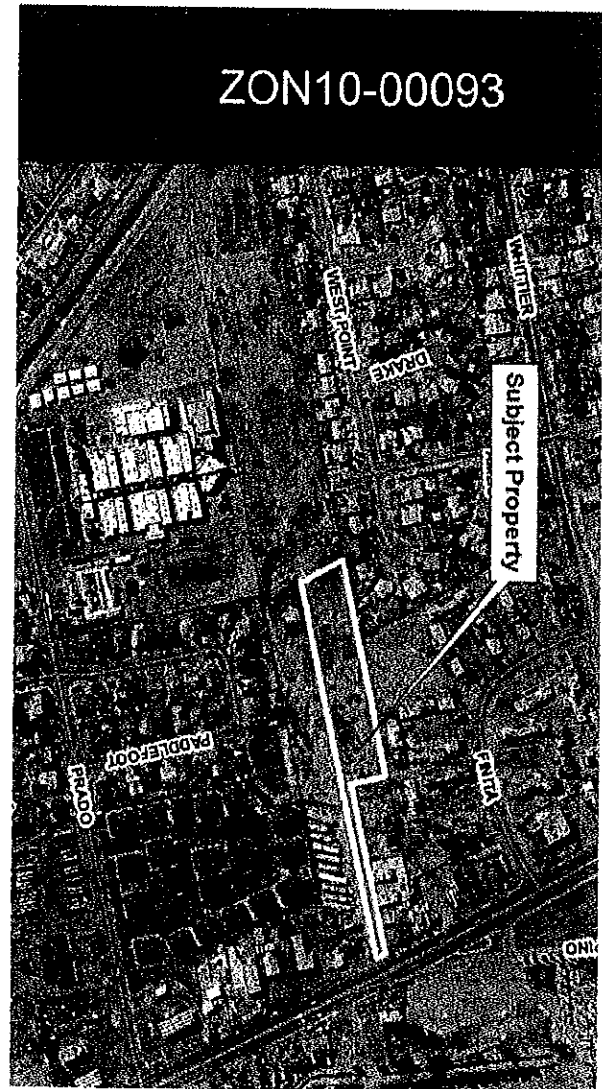
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ATTACHMENT 2: AERIAL MAP

ZON10-00093



ZON10-00093



Salloum, Andrew M.

From: tony pedregon [tony_pdrgn@yahoo.com]

Sent: Saturday, August 27, 2011 10:44 PM

To: Salloum, Andrew M.

Subject: Case ZON10-00093

Mr. Andrew Salloum (salloumam@elpasotexas.gov)
City of El Paso

RE: 8482 Alameda - Change of Zoning (Case No. ZON10-00093)

Dear Mr. Sallaum,

I own the property, 8470 Alameda, which is immediately behind the property being rezoned from A-M to C-3.

I am in favor of the request. Call if you have any questions regarding this email.

Sincerely,

Antonio Pedregon
(915)333-4612

8/29/2011

Case: ZON10-00093

Date 8.29.11

Name TVP NON PROFIT/ PRADO APT Phone 915-887-0899

Address 157 S. PRADO, EL PASO TX **Zip** _____

Signature *[Handwritten Signature]* Ex. Director

Signature

ATTACHMENT 1: ZONING MAP

ATTACHMENT 2: AERIAL MAP

