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

DEPARTMENT: Planning and Inspections Department, Planning Division AGENDA DATE: Introduction: October 6, 2015 Public Hearing: October 27, 2015 CONTACT PERSON/PHONE: Larry Nichols, (915) 212-1550, nicholslf@elpasotexas.gov Andrew Salloum, (915) 212-1613, salloumam@elpasotexas.gov **DISTRICT(S) AFFECTED: 7 SUBJECT:** An Ordinance changing the zoning of Tract 17A & 17B, Block 29, Ysleta Grant & Tracts A & B & a portion of Tracts C & D, Henderson Subdivision, 8020 Alameda Avenue, City of El Paso, El Paso County, Texas from C-1 (Commercial) to C-3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8020 Alameda Avenue. Property Owner: Finn's Real Estate Venture, LLC. PZRZ11-00055 (District 7). THIS IS AN APPEAL CASE. BACKGROUND / DISCUSSION: On September 10, 2015, the CPC reviewed and recommended denial of the rezoning request. 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) – Denial Recommendation (4-2) LEGAL: (if required) N/A FINANCE: (if required) N/A Larry F. Nichols **DEPARTMENT HEAD:** Director, Planning and Inspection Department

DATE:

APPROVED FOR AGENDA:

CITY MANAGER:

ORDINANCE NO	•
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AN ORDINANCE CHANGING THE ZONING OF TRACTS 17A & 17B, BLOCK 29, YSLETA GRANT & TRACTS A & B & A PORTION OF TRACTS C & D, HENDERSON SUBDIVISION, 8020 ALAMEDA AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-1 (COMMERCIAL) TO C-3 (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 *Tracts 17A & 17B, Block 29, Ysleta Grant & Tracts A & B, & a portion of Tracts C & D, Henderson Subdivision, 8020 Alameda Avenue, 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 C-1 (Commercial) to C-3 (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, 2015.
	THE CITY OF EL PASO
ATTEST:	Oscar Leeser Mayor
Richarda Duffy Momsen City Clerk	
APPROVED AS TO FORM: Karla M. Nieman Assistant City Attorney	Larry F. Nichols, Director Planning & Inspections Department
ORDINANCE NO.	Zoning Case No: PZRZ11-00055

EXHIBIT "A"

PROPERTY DESCRIPTION

BEING TRACTS 17A & 17B, BLOCK 29, YSLETA GRANT & TRACTS A & B & A PORTION OF TRACTS C & D; HENDERSON SUBDIVISION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBE AS FOLLOWS:

COMMENCING AT A CITY MONUMENT FOUND ON THE CENTERLINE OF ALAMEDA AVE. (STATE HWY. NO. ONE) APPROXIMATELY 477 FEET SOUTH OF LAFAYETTE DRIVE; THENCE DEPARTING SAID CENTERLINE SOUTH 57°50'00" WEST A DISTANCE OF 40.03 FEET TO A CHISELED "X" SET ON THE SOUTHWEST RIGHT OF WAY LINE OF ALAMEDA AVE. AND BEING THE POINT OF BEGINNING:

THENCE ALONG SAID SOUTHWEST RIGHT OF WAY LINE SOUTH 29°49'56" EAST A DISTANCE OF 229.19 FEET TO A 5/8" IRON ROD FOUND;

THENCE DEPARTING SAID SOUTHWEST RIGHT OF WAY LINE SOUTH 60°10'46" WEST A DISTANCE OF 253.77 FEET TO A 5/8" IRON ROD SET;

THENCE SOUTH 42°13'39" EAST A DISTANCE OF 142.93 FEET TO A 5/8" IRON ROD SET;

THENCE SOUTH 60°10'46" WEST A DISTANCE OF 224.94 FEET TO A 5/8" IRON ROD SET;

THENCE NORTH 47°25'11" WEST A DISTANCE OF 98.89 FEET TO A 5/8" IRON ROD SET;

THENCE NORTH 30°45'04" WEST A DISTANCE OF 184.60 FEET TO A 5/8" IRON ROD SET;

THENCE NORTH 53°35'15" WEST A DISTANCE OF 112.98 FEET TO A 5/8" IRON ROD SET;

THENCE NORTH 67°59'25" WEST A DISTANCE OF 187.56 FEET TO A 5/8" IRON ROD SET;

THENCE NORTH 10°02'02" WEST A DISTANCE OF 46.60 FEET TO A 5/8" IRON ROD SET;

THENCE NORTH 65°47'09" EAST A DISTANCE OF 617.57 FEET TO A 5/8" IRON ROD SET ON THE SOUTHWEST RIGHT OF WAY LINE OF ALAMEDA AVE.;

THENCE ALONG SAID SOUTHWEST RIGHT OF WAY LINE SOUTH 34°31'55" EAST A DISTANCE OF 144.92 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.619 ACRES OR 244,780 SQUARE FEET OF LAND MORE OR LESS. SAVE AND EXCEPT A 0.735 ACRE AND A 0.165 ACRE PARCEL.

JOSEPH AMAYA

AND SURVE

KISTENMACHER ENGINEERING COMPANY 6044 GATEWAY EAST BLVD. SUITE 800, EL PASO, TEXAS 79905 TELE.(915)-778-4476 6336 GREENVILLE AVE., SUITE C, DALLAS, TEXAS 75206 TELE. (214)-234-0011 APRIL 28, 2015

MEMORANDUM

DATE:

September 24, 2015

TO:

The Honorable Mayor and City Council

Tommy Gonzalez, City Manager

FROM:

Andrew Salloum, Planner

SUBJECT:

PZRZ11-00055

The City Plan Commission (CPC) on September 10, 2015, voted 4-2 to recommend **denial** of rezoning the subject property from C-1 (Commercial) to C-3 (Commercial).

Sylvia Carreon, president of the Mission Valley Civic Association, presented her opposition. She noted that her objection to this request is the movement of vehicles in and out of the property. Her main concern is for the safety of children attending the school next to this property. She strongly requested the commission deny the rezoning of this property.

The CPC found that the rezoning is not in conformance with Plan 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 the immediate adjacent land uses (next to a school and houses); and the rezoning will have negative effects on the natural environment, social economic conditions, and property values in the vicinity.

On September 16, 2015, the applicant submitted an appeal request to have City Council reconsider the rezoning application.

The Planning Division received two letters from Mission Valley Civic Association and one resident in opposition to the rezoning request, see Attachment 4. Planning Division also received two phone calls in opposition to the request citing multiple code violations to include the uses such as automobile sales in C-1 zone district, changing oil behind the building, trash, open garage, no rock wall screening adjacent to residential use, painting cars, use of bright lights at night, and parking on an unimproved surface.

Property Owners

Finn's Real Estate Venture, LLC.

Representative

Casey Finn

Attachments: Appeal Letter

Staff Report

ATTORNEY AT LAW
4115 TROWBRIDGE DRIVE
EL PASO, TEXAS 79903

FAX (915) 566-0111

September 16, 2015

City Planner
Planning and Economic Development
300 N. Campbell
El Paso, Texas 79901
Attn: Andrew Salloum - Zoning Planner

NOTICE OF APPEAL

On behalf of Finn Real Estate Ventures, LL., I would give notice of their appeal of the decision of the Planning Commission on 9/10/2015, rejecting my client's request for a zoning change of their property located at 8020 Alameda from C-1 to C-3.

Thanking you for your attention, herein, I remain,

Very truly yours,

David J. Ellis

DJE:mm

cc:

City Clerk

300 N. Campbell El Paso, Texas 79901

cc:

Lily Limon-City Rep. District 7

300 N. Campbell El Paso, Texas 79901





City of El Paso - City Plan Commission Staff Report

Case No:

PZRZ11-00055

Application Type:

Rezoning

CPC Hearing Date:

September 10, 2015

Staff Planner:

Andrew Salloum, 915-212-1613, salloumam@elpasotexas.gov

Location:

8020 Alameda Avenue

Legal Description:

Tracts 17A & 17B, Block 29, Ysleta Grant & Tracts A&B & a portion of Tracts

C&D, Henderson Subdivision, City of El Paso, El Paso County, Texas

Acreage:

5.619 acres (Complied with on-site posting)

Rep District:

7

Existing Zoning:

C-1 (Commercial)

Existing Use:

Automobile sales / Retail / Single-family dwelling

C/SC/SP/ZBA/LNC:

Request:

From C-1 (Commercial) to C-3 (Commercial)

Proposed Use:

Automobile (sales, service, storage, and rental)

Property Owners

Finn's Real Estate Venture, LLC.

Representative

Casev Finn

SURROUNDING ZONING AND LAND USE

North: C-3 (Commercial) & A-2 (Apartment) (split zoned) / Cadwallader Elementary School

South: C-3 (Commercial) / Automobile sales

East:

C-3 (Commercial) / Restaurant and Laundromat; C-4/sc (Commercial/special contract) / Bus Service

West: R-4 (Residential) / Single-family dwellings

THE PLAN FOR EL PASO DESIGNATION: G-3, Post-War (Mission Valley Planning Area)

NEAREST PARK: Riverside Park (5,944 feet)

NEAREST SCHOOL: Cadwallader Elementary (directly adjacent to the north)

NEIGHBORHOOD ASSOCIATIONS

Thomas Manor Neighborhood Association

Mission Valley Civic Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on August 11, 2015. The Planning Division received two letters from Mission Valley Civic Association and one resident in opposition to the rezoning request, see Attachment 4. Planning Division also received two phone calls in opposition to the request citing multiple code violations to include the uses such as automobile sales in C-1 zone district, changing oil behind the building, trash, open garage, no rock wall screening adjacent to residential use, painting cars, use of bright lights at night, and parking on an unimproved surface.

HISTORY CASE

On November 3, 2011, the applicant submitted an application for rezoning. Upon thorough review of the application, it was determined to be incomplete, missing several items required by City Code. The applicant requested to place the application on hold until further notice and has now requested to reactivate the application after submittal of pending items missing.

APPLICATION DESCRIPTION

The applicant is requesting to rezone the subject property from C-1 (Commercial) to C-3 (Commercial) to allow for automobile sales, storage, and repair. Automobile sale and storage uses are not permitted in the C-1 (Commercial) district. The subject property is 5.619 acres in size. The detailed site development plan shows the existing 27,680 sq. ft. building and a 1,448 sq. ft. single-family dwelling. The detailed site development plan is a rezoning application requirement for properties with existing structures and is not subject to CPC review and approval as per Section 20.04.380 Application Requirement. The applicant will be required to register the existing house as legal non-conforming per Section 20.22.030. Access to the subject property is proposed from Alameda Avenue.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **denial** of rezoning the subject property from C-1 (Commercial) to C-3 (Commercial). The recommendation is based on incompatibility with the adjacent R-4 (Residential) properties to the south and west and the encroachment of the proposed zoning into an established residential area and Cadwallader Elementary School to the north of the subject property. There is current code enforcement action on this property, on a correction notice provided to the property owner, see Attachment 5.

Plan El Paso- Future Land Use Map Designation

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

G-3, Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. 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.

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

COMMENTS:

Planning Division - Transportation

No objections to rezoning. TIA is not required.

Note:

All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall follow the City of El Paso Design Standards for Construction and be ADA/TAS compliant.

Planning and Inspections Department – Building and Development Permitting

No objections to proposed rezoning.

Planning and Inspections Department - Land Development

No objections.

TXDOT

Don't anticipate comments for rezoning only other that if the owner is planning to do anything to the building by changing its footprint, or grading, repaving or modifying the access, then the requestor/owner will have to coordinate with TXDOT and submit the site layout and proposed development plans to TxDOT for review and approval.

Fire Department

Rezoning does not adversely affect the Fire Department.

Police Department

No adverse comments.

Sun Metro

Sun Metro does not oppose this request. There are 3 existing bus stops within 0.11 miles of subject property; Bus stops are serviced by Route 61. Sun Metro is proposing to construct two Brio RTS stations within 0.09 miles southeast of the subject property; coordination is requested during construction of street enhancements.

El Paso Water Utilities

- 1. EPWU does not object to this request.
- 2. Alameda Avenue is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Alameda Avenue right-of-way requires written permission from TxDOT.

EPWU-PSB Comments

Water

- 3. There is an existing 12-inch diameter water main extending along Alameda Avenue that is available for service, the water main is located approximately 8-ft east from the eastern property line.
- 4. EPWU records indicate an active 1-inch water meter serving the subject property. The service address for this meter is 8026 Alameda Avenue.
- 5. EPWU records indicate three vacant water services connections (inactive meters) serving the subject property. The addresses for these service are 8018, 8020 and 8028 Alameda Avenue.
- 6. Previous water pressure from fire hydrant #99 located approximately 15-ft south from the southeastern property line has yield a static pressure of 100 (psi), a residual pressure of 80 (psi), and a discharge of 1,363 gallons per minute.
- 7. The owner should, for his own protection and at his own expense, 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 above-described water pressure regulating device.

Sanitary Sewer:

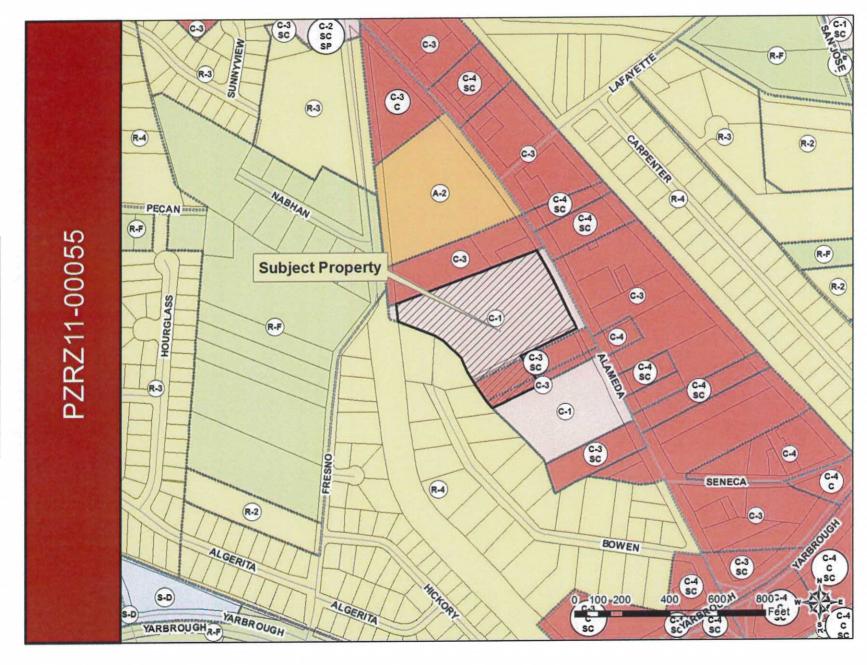
8. There is an existing 8-inch diameter sanitary sewer main extending along Alameda Avenue that is available for service, the existing sewer main is located approximately 26.5-ft east from the center line of the right-of-way.

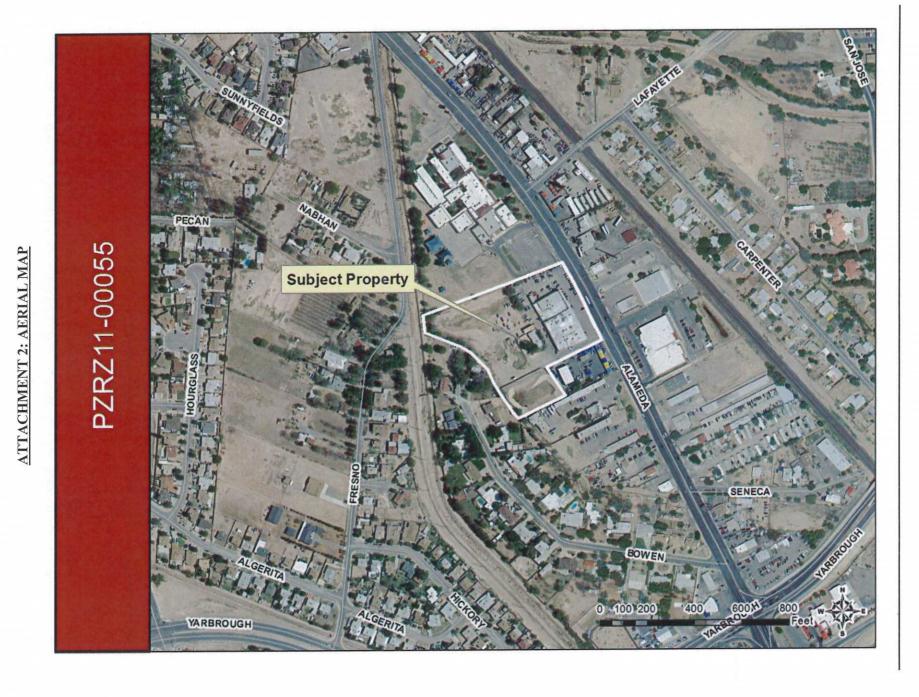
General:

9. Application for new water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. 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 EPWU – PSB 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.

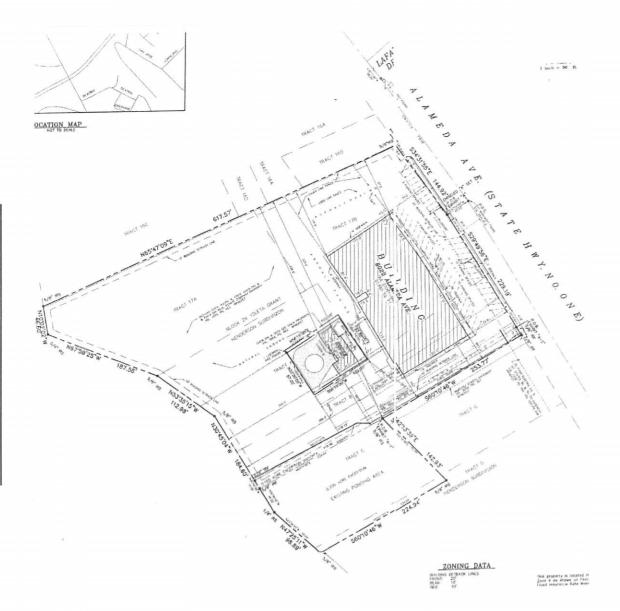
Attachments:

- 1. Zoning Map
- 2. Aerial Map
- 3. Detailed Site Plan
- 4. Letter in Opposition
- 5. Correction Notice E-mail
- 6. Correction Notice





ATTACHMENT 3: DETAILED SITE PLAN



ATTACHMENT 4: LETTER IN OPPOSITION

June 22, 2015

City Plan Commission City Hall 300 N. Campbell El Paso, TX 79901

Attn: Rezoning request: 8020 Alameda Ave-Finn's Discount Autos, Inc

My name is Sylvia Carreon, currently President of the Mission Valley Civic association and I received certified mail from Finn's Discount Autos stating he was requesting zone change on his property from C-! to C-3 in order to be able to sell automobiles from this location.

Please be advised that our association is against any such action be considered since he already has a car lot on that same block for his business. The location of the new request is next to YISD Elementary school and this type of business will not be suitable for children in the area and furthermore, he already has a car lot business on this same block.

I was advised by Mr. Art Rubio that Mr. Finn's request is not being considered at this time, but I URGE the City not allow any more car lots on Alameda Ave. There are over 180 car lots from Fox Plaza all the way to Zaragoza and this practice needs to stop.

Sincerely yours

Ms, Sylvia Carreon 925 Richard Dr.

79907- (915) 227-2738

Cc Representatives from District 6 and 7





He IS ALREADS
Selling CARS in
Violation!

Salloum, Andrew M.

From:

M Carr <mmcarr008@gmail.com> Tuesday, August 25, 2015 12:51 PM

To:

Salloum, Andrew M.

Subject:

Fwd: 8020 Alameda Proposed Zoning (08/27/15)

Follow Up Flag: Flag Status: Follow up Flagged

----- Forwarded message -----

From: "M Carr" <mmcarr008@gmail.com>

Date: Aug 25, 2015 12:49 PM

Subject: 8020 Alameda Proposed Zoning (08/27/15)

To: <sallouman@elpasotexas.gov>

Cc:

To Whom it may Concern,

I am writing this letter to voice my opposition to the proposed zoning change from C-1 to C-3. I reside directly behind and parallel to this property I am located at 8001 Bowen Rd. Unfortunately, these property owners are currently selling, painting, fixing, parking junked cars on the dirt without any pavement, cement, or gravel on the 5 acre premises. The property doesn't have a fence dividing my property and their property the only division is an irrigation ditch and my fence. The property has never been maintained the growth of weeds, trees and fallen trees have just been pushed to edge of the Franklin Canal and the ditch. It is for these reasons I think proposed zoning should be denied, and enforce the present codes that are set out by the City for matters such as the ones that are stated above.

Sincerely, Mariano Carrillo (915)309-1787

ATTACHMENT 5: CORRECTION NOTICE E-MAIL

Salloum, Andrew M.

From: Ortiz, Cesar

Sent: Tuesday, September 01, 2015 3:12 PM
To: Rubio, Arturo; Salloum, Andrew M.
Cc: Cahalan, Sonya M.; Padilla, Anthony A.

Subject: 8020 ALAMEDA

Attachments: CORRECTION NOTICE.pdf; PICS 9-1-15.pdf

Mr. Rubio and Mr. Salloum,

I conducted the inspection today with inspector Anthony Padilla. We did find a mobile home office, metal car port and two car lifts w/electrical. All don't have permits. We also discussed the open service bay door. He advised it has been like that for 50 years. I explained to him that there are no permits for the building alteration, but that he will have to obtain one due to the fact that he would have to enclose that part of the building and create a new service bay door facing away from the residential district. We also found several vehicles parked on an unapproved surface and no mandatory masonry wall separating the listed address and the abutting residential district. As expected, he is conducting an auto sales lot in a C1 zone. He provided a copy of the valid city license for motor vehicle dealer. He did argue that since the city gave him that license, he believes he is legally conducting the business. During our investigation, we did not find any evidence nor did we witness any major auto repair. He stated that he uses those lifts for simple oil change and other minor auto repair. We did find some scattered auto parts, but unfortunately we can't link that to any major auto repair. We also could not find any evidence of any vehicle spray painting or a spray booth. He did not have any vehicle paint, spray gun nor any other tools related to auto body spray painting. The property owner advised that he sub-contracts and sends the vehicles to other locations for any major auto repair and spray painting if needed. The car wash is minor. He has a small pressure washer with buckets full of water. He advised all they do is spray the vehicle with water and wipe them down using the buckets of water and rags. He was advised of registering the existing residential home as legal non-conforming. He did advise that its rented out to a tenant. He did advise that all he wants to do is run a car sales lot. He advised that he does not want to do any spray painting or major auto repair even though he knows he would be able to in a C3 zone and that he will continue to sub-contract any major auto repair. He advised that he has no problem meeting any requirements or having any restrictions with the zoning change. Attached is the correction notice and todays inspection photos. If you have any questions you can contact me.

Respectfully,

Cesar Ortiz

Code Enforcement Officer (Zoning) | Building Safety Division Planning & Inspections Deprtment | City of El Paso

City 3 - 801 Texas Avenue El Paso, TX 79901

Cell: (915) 329-4258



ATTACHMENT 6: CORRECTION NOTICE

Pg 10+2

CITY OF EL PASO



CITY DEVELOPMENT DEPARTMENT

CORRECTION NOTICE 📈
STOP WORK ORDER
DISAPPROVAL NOTICE
Job Address: 8020 Alameda Permit No
BLDG. COMBO C.H.P ELEC HVAC PLBG SIGNS ZONING FIRE
INSPECTION THIS DATE INDICATES THAT THE FOLLOWING ITEMS REQUIRE YOUR IMMEDIATE ATTENTION:
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provided lity dealers license
LCDL15-00010. Corrently in the
process of getting property rezonen
to (3. A mandatory wall must
be exerted in the rew abothing
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will peed to be addressed.
1. Approved sextace paving for the
parked vehicles at the roor.
2. fermits must be obtained Les
the mobile office and cachits, and
metal car port.
CONSTRUCTION- MAY MAY NOT PROCEED PRIOR TO CORRECTION OF ABOVE.
RE-INSPECTION- IS NOT REQUIRED □ IS REQUIRED □ RE-INSPECTION, FEE □
REC'D BY: DATE/TIME: 9/1/15
INSPECTOR: CEARN OV FIT PHONE: 329-4258
D 0 330W D 0 300W D 0

DO NOT REMOVE THIS NOTICE

Pg 10+2

CITY OF EL PASO

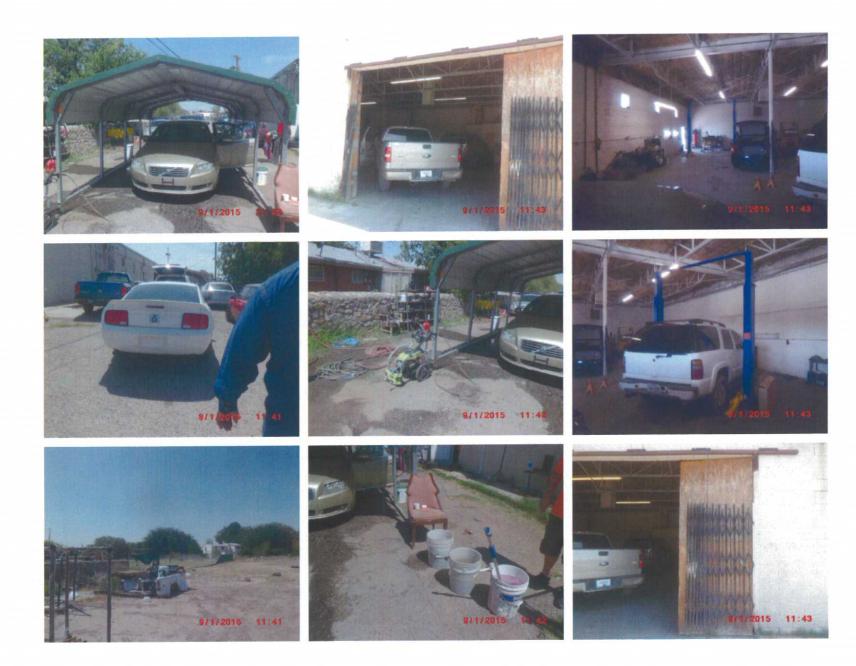


CITY DEVELOPMENT DEPARTMENT

CORRECTION NOTICE 🂢 STOP WORK ORDER 🖂
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RE-INSPECTION- IS NOT REQUIRED ☐ IS REQUIRED ☐ RE-INSPECTION FEE ☐
REC'D BY: DATE/TIME: 9/1/15
INSPECTOR: LEAGA OV 4.7 PHONE: 329-4258

DO NOT REMOVE THIS NOTICE













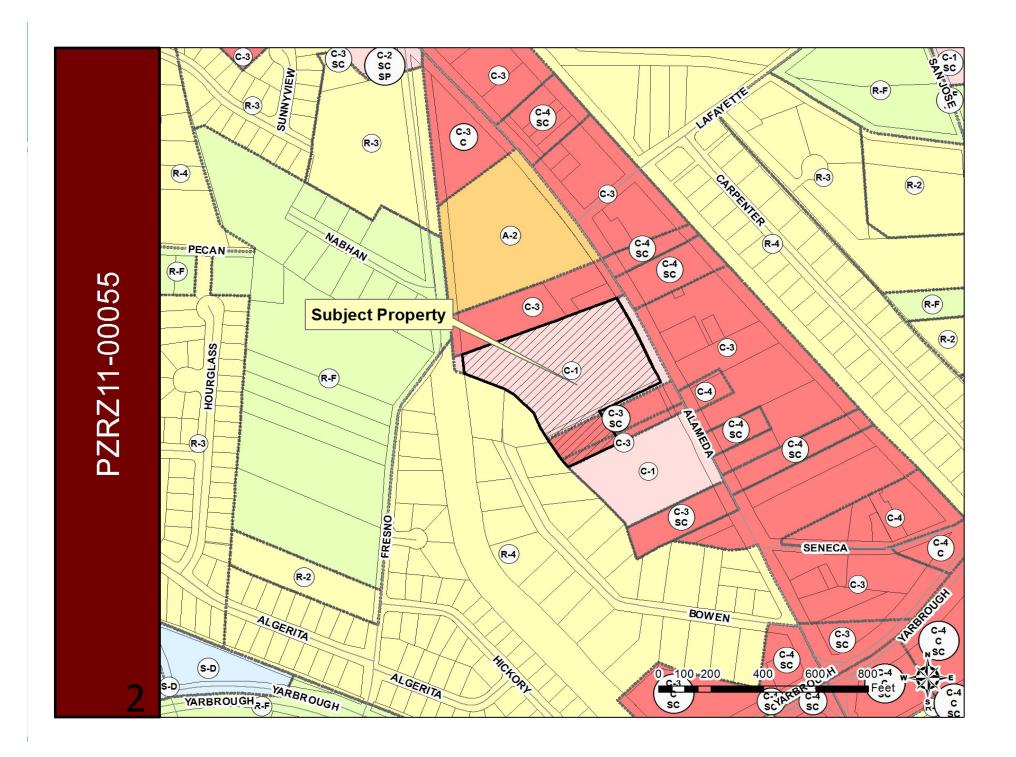


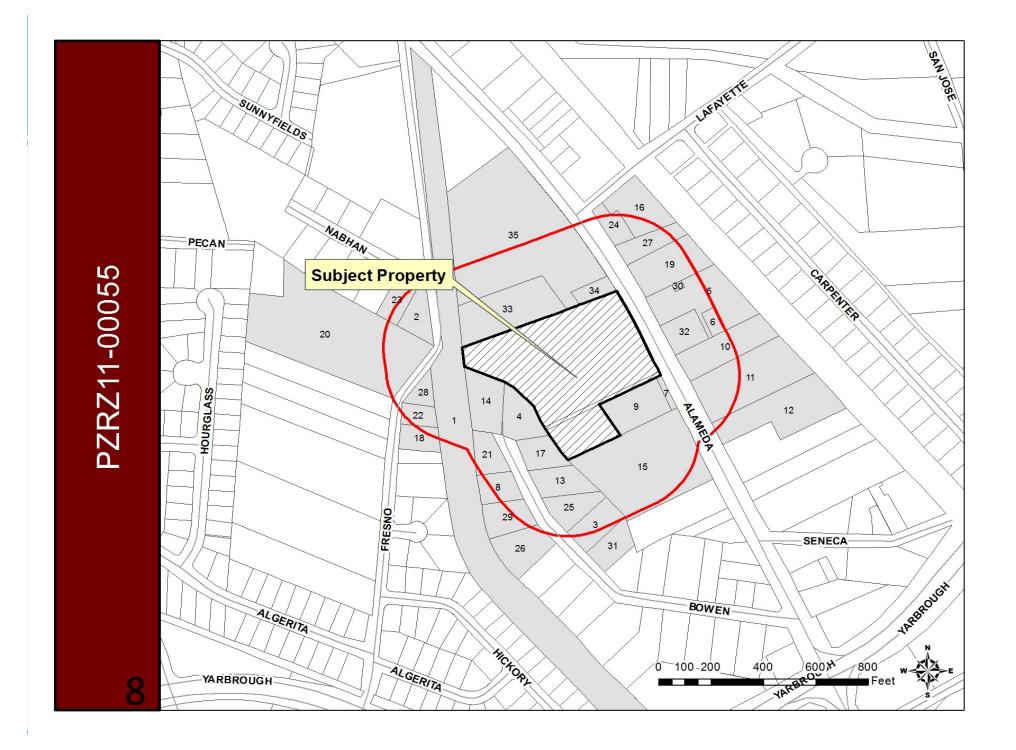
Recommendation/Public Input

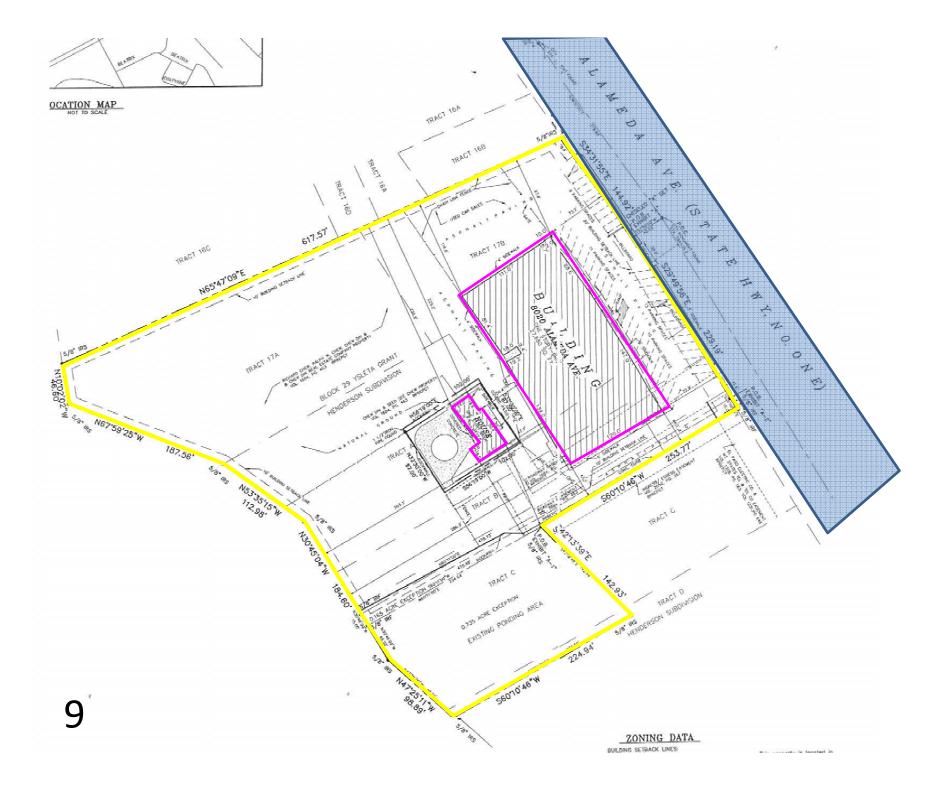
- Planning Division recommendation: Approval
- CPC Vote: Denial Recommendation (4-2)
- **Public Input:** Planning Division received two phone calls and two letters in opposition to the rezoning request.

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















"Delivering Outstanding Services"





"Delivering Outstanding Services"





"Delivering Outstanding Services"





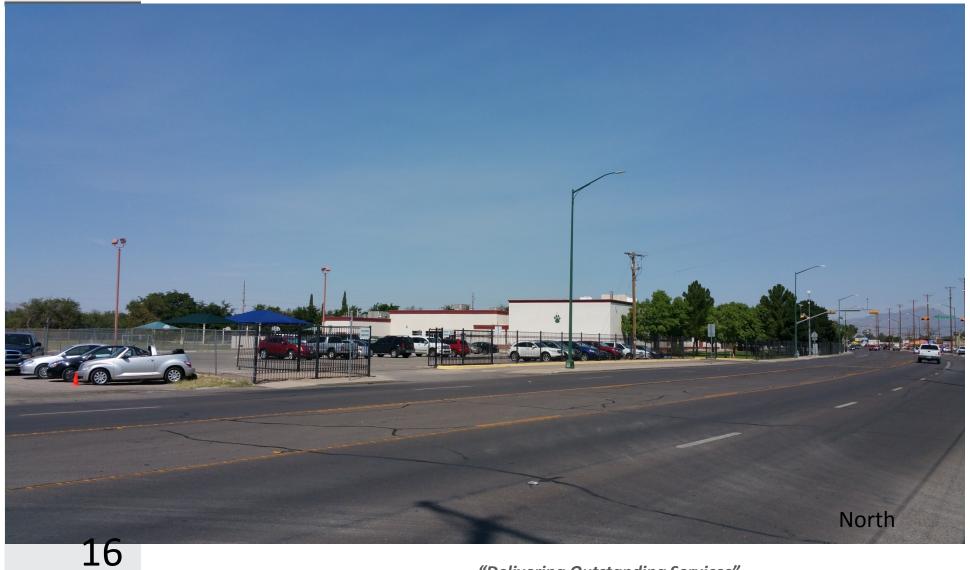
"Delivering Outstanding Services"





"Delivering Outstanding Services"

















"Delivering Outstanding Services"

