

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

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)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Larry F. Nichols
Director, Planning and Inspection Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

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.

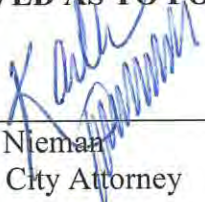
THE CITY OF EL PASO

ATTEST:

Oscar Leeser
Mayor


Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:



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;

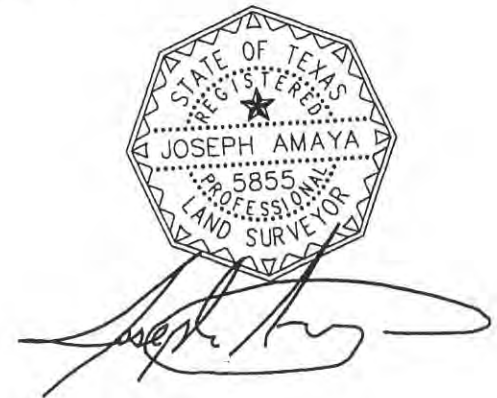
THENCE NORTH 67°59'25" WEST A DISTANCE OF 187.56 FEET TO A 5/8" IRON ROD SET;

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.

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 (Updated November 30, 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
Petition in opposition (received 11/2/2015)
211 Map (Updated 11/2/2015 - Not a 211)
Three letters in support (Updated 11/30/2015)
One e-mail from neighborhood association (Updated 11/30/2015)
Staff Report

City Council of El Paso, TX

October 27, 2015

18.2 of the Agenda PZRZ11-00055

I am Sylvia Carreon, president of the Mission Valley Civic Association and here to request that the proposal to rezone property at 8020 Alameda from a C-1 status to a C-3 status be DENIED. I submitted a letter to the City Planning Commission June 22, 2015 explaining that this action would give Mr. Finn availability to sell cars & trucks. This location is next to Cadwallader Elementary School and this business presents a danger to the children and parents.

He is currently selling cars with a permit that was erroneously given to him by City staff. This permit needs be recalled by order of this council. The City Code Enforcement Office found numerous violations on the property being conducted by Mr. Finn and his employees.

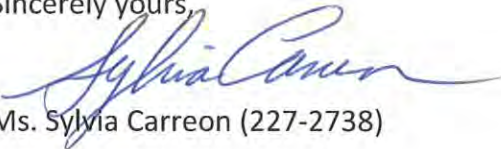
The most important reason for denial of this request is that once this property is given the C-3 zone status, we are opening ourselves to many other businesses that will qualify under C-3. The following is a short list of businesses that will qualify a Permit. NEXT TO A SCHOOL

Auto sales, rental & repair	Auto Service Station	Billiard & Pool Hall
Bus-sales, service, rental	Borrow Pit (construction)	Commercial Equip repair
Commercial Fueling station	Concrete Mixing	Correctional Facility!
General Warehouse	Manufactured home sales	Package Liquor Store
Paint & Body Shop	Industrial Equipment Repair	

I showed pictures to Planning Commission that cars are being moved from fenced area to front for sale and this poses a danger to the kids. He has a car lot at 8032 Gateway East and up until a few weeks ago, he had a lot at 8068 Alameda, but has since moved the commercial sign to the location at 8020 Alameda, which is not at C-3 Zone for car sales. He stated that since he has a permit for car sales, he will continue to sell regardless of the decision of this government body.

I cordially request that this City Council follow the ruling of the Planning Commission and DENY this rezoning request.

Sincerely yours,



Ms. Sylvia Carreon (227-2738)

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 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 Department | City of El Paso
City 3 - 801 Texas Avenue
El Paso, TX 79901
Cell: (915) 329-4258
Fax: (915) 212-0068



Salloum, Andrew M.

To: City Clerk
Cc: Forsyth, Kimberly; Rubio, Arturo
Subject: FW: Letter for PZRZ11-00055-Finn project

From: Sylvia Carreon [mailto:longhorn_1989@hotmail.com]
Sent: Monday, November 30, 2015 4:29 PM
To: District #7; District #6; District #8; District #1; District #2; District #3; District #4; District #5; Rubio, Arturo; Gallinar, Carlos
Subject: Letter for PZRZ11-00055-Finn project

November 30, 2015
Lily Limon, City Representative District 7, El Paso, TX

Ms. Limon, we are aware of the letters that Mr. Ray Mancera produced from business owners in reference to the 8020 Alameda rezone case PZRZ11-00055 from a C-1 to C-3 which show they support the change. I went and spoke to each one of these individuals and all that was asked of them is a signature to support the change. When I explained the situation to them about the fact that Mr. Finn has been denied the request not only by City Planning, but also by City Planning Commission, they were surprised. I also explained to them that Mr. Finn has failed to comply with City Code violations currently at hand and has not even requested a permit to began correcting the problems.

Marcella Carrillo and I have had several meeting with Ray Mancera where he stated that Mr. Finn was going to build the required six foot wall and correct all other issue, however, other than a little bit of cleaning, nothing has been done to correct any of the already in existence City Violations.

Please submit my letter to this case file for the record. Thank you, Sylvia Carreon, president of Mission Valley Civic Association.

**LETTER IN SUPPORT OF
REZONING OF 8020 ALAMEDA**

November 27, 2015

The Honorable Lily Limon
City Representative
300 N Campbell
El Paso, Texas 79901

REF: Rezoning Case No PZRZ11-00055

Dear Representative Limon,

This is to inform you that I am in favor of rezoning 8020 Alameda from C-1 to C-3.

The property is already **surrounded by C-3 AND C-4 districts**. Please call me if you have any questions. Thank you for your service as our Representative.

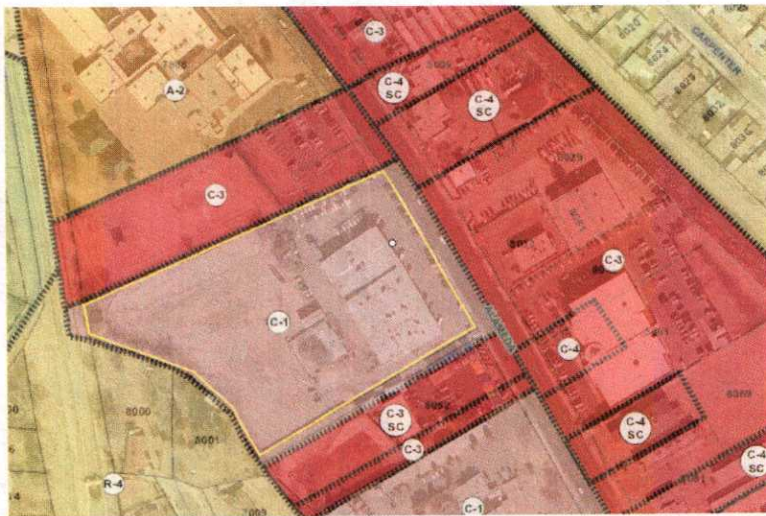
Sincerely,

Ignacio V. Rivas
Signature

Ignacio V. Rivas
Name

8009 Alameda
El Paso, Texas 79915

422-2013
Phone



**LETTER IN SUPPORT OF
REZONING OF 8020 ALAMEDA**

November 27, 2015

The Honorable Lily Limon
City Representative
300 N Campbell
El Paso, Texas 79901

REF: Rezoning Case No PZRZ11-00055

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The property is already **surrounded by C-3 AND C-4 districts**. Please call me if you have any questions. Thank you for your service as our Representative.

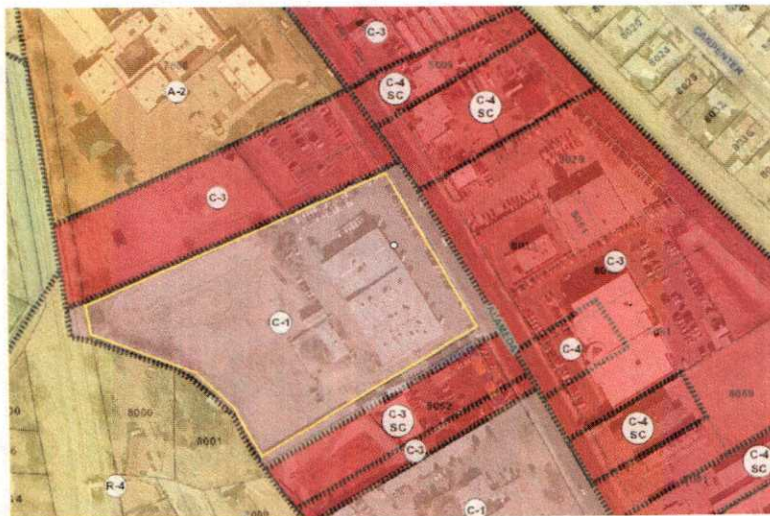
Sincerely,


Signature

Jose W. Gallegos
Name

8033 Alameda
El Paso, Texas 79915

(915) 626-5398
Phone



LETTER IN SUPPORT OF
REZONING OF 8020 ALAMEDA

November 27, 2015

The Honorable Lily Limon
City Representative
300 N Campbell
El Paso, Texas 79901

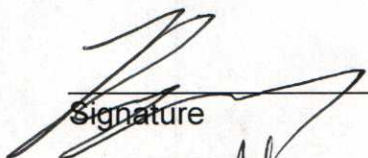
REF: Rezoning Case No PZRZ11-00055

Dear Representative Limon,

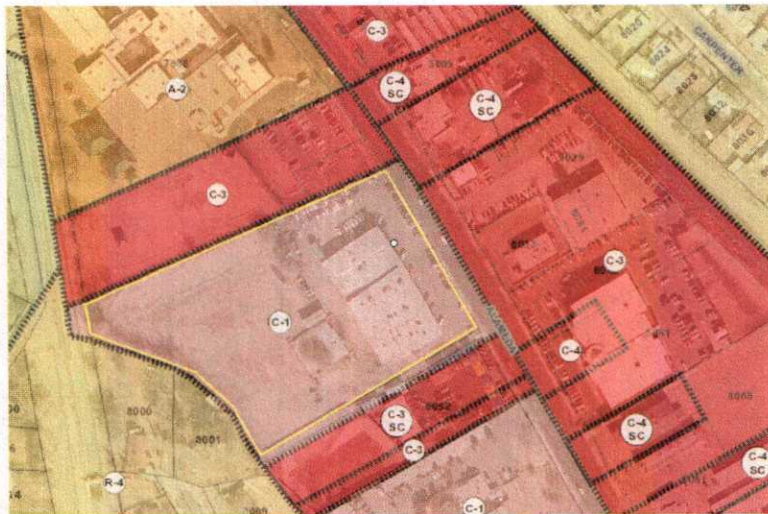
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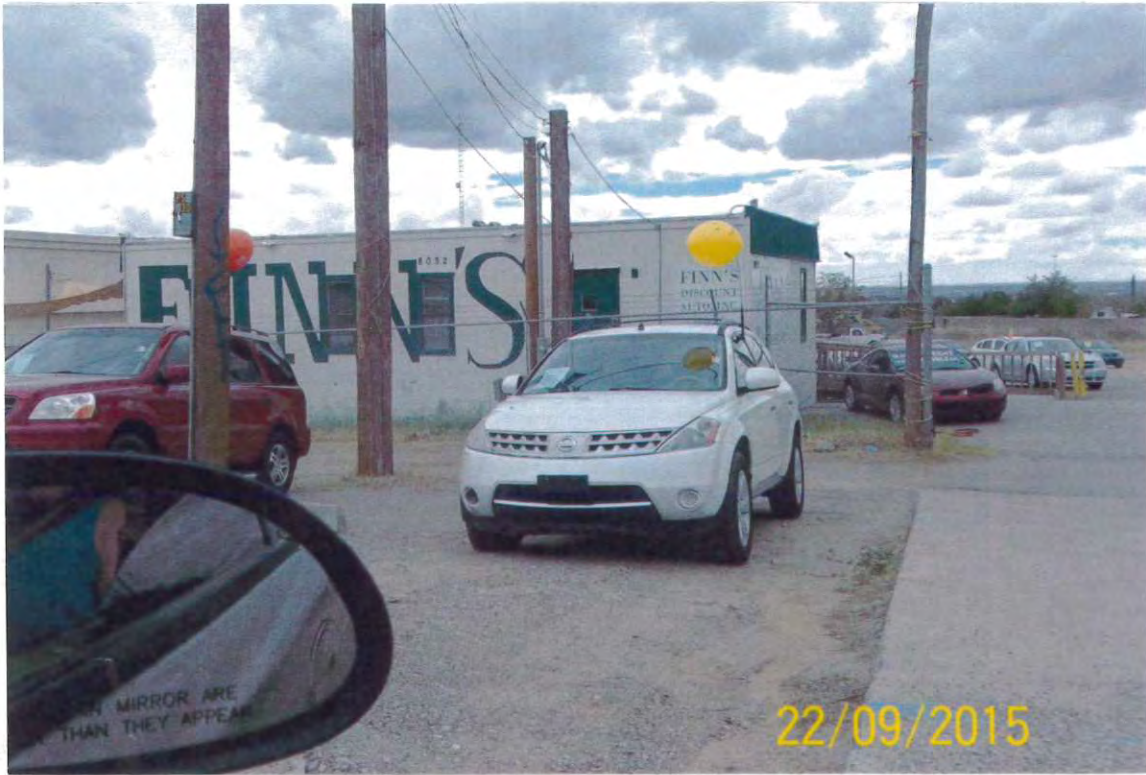
The property is already **surrounded by C-3 AND C-4 districts**. Please call me if you have any questions. Thank you for your service as our Representative.

Sincerely,


Signature
8052 Alameda
El Paso, Texas 79915

Hector Enriquez
Name
915 349 4845
Phone





8032 Gateway East

7:30 AM



12:30 pm







October 27, 2015

We, the residents in the Mission Valley Planning Area support the cause to DENY the application to rezone 8020 Alameda from a C-1 to C-3 zone due not only because it is next to an elementary school, but because the C-3 zone will bring other qualifying businesses to the area that would also not be appropriate for this location.

Name	Address	zip	Phone	
PRINT MARIA D. REYES SIGN Maria D. Reyes	8113 Hickory Lane	79915	915-859-6531	X
JULIAN Reyes	8113 Hickory Lane	79905	915-859-6531	X
ELVIA HERRERA Elvira Herrera	8105 Hickory	79915	731-5842	X
Lily AGUIRRE			915)	
Lily Aguirre	8101 Hickory hwy	79915	491-9510	X
LEO ACOSTA	8104 Midg	79915	(915) 920-3863	
Yolanda A Aluidrez				
Yolanda A Aluidrez	8131 Algerita	79915	(915) 859-5477	X
ENCARNACION Aluidrez				
Encarnacion Aluidrez	8131 Algerita	79915	(915) 859-5477	X
VICTOR Rene RUEDAS				
Victor Rene Ruedas	8123 ALGERITA	79915	(915) 329-4595	X
MOM M Ruedas				
MOM M Ruedas	8123 ALGERITA	79915	(915) 859-6067	X
MONIQUE BELTRAN				
Monique Beltran	8123 ALGERITA	79915	915-859-6067	X
	8109 Algerita	79915	915-474-7017	X
JOSÉ R MARTÍNEZ				
José R Martínez	8108 Algerita	79915	859-0176	X
JAMES COUTERAS				
James Coutras	8101 Algerita	79915	833-0239	X

October 27, 2015

City Council of El Paso, TX

PZRZ11-00055

We, the residents in the Mission Valley Planning Area support the cause to DENY the application request to rezone 8020 Alameda from a C-1 to a C-3 Commercial zone due not only because it is next to an Elementary school, but because the C-3 zone will bring other qualifying businesses to the area that would also not be appropriate for this location. My support in this petition.


Print Name	Address	Zip	Phone	Signature	
/ Marius Jaime	8060 Algerita	79915	915-6308657		X
/ Sergio Jaime	✓ ✓	2	915-540-6797		X
/ Andres De La Hija	8056 Algerita	79915	(915) 922-7200		X
/ Jose Ruiz	8044 Algerita Ct.	79915	915-799-6763		X
/ Jo Anna Soto	8044 Algerita Ct	79915	915-799-6763		X
Jasmin Soto	8044 Algerita	79915	915-222-9919		X
/ Brenda Ortega	8044 Algerita	79915	915-873-1109		X
/ Rodolfo Soto	8044, Algerita Ct.	79915	915-873-1109		X
/ Gemeth Castorena	8055 Algerita Ct	79915	915.5269010		X
/ Jose Fuentes	8059 Algerita	79915	915 858 7115		X

October 27, 2015

City Council of El Paso, TX

PZRZ11-00055

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Print Name	Address	Zip	Phone	Signature	
✓ Matthew Cesares	8113 Hickory	79915	701-1654		X
✓ ALBERT BUSTAMANTE	8121 Hickory LN	79915	881-4018	Albert Bustamante	X
✓ MARINA ROJAS	8125 HICKORY LN	79915	859-6283	Marina Rojas	X
✓ ^{MILARINA DE AQUILA} MILARINA DE AQUILA	8129 HICKORY	79915	859-8653	Milarna De Aquila	X
✓ ^{JEANES AVILA} JEANES AVILA	8129 HICKORY	79915	859-8653	Jeanes Avila	X
✓ MARIA LUISA GRANADOS	8133 Hickory	79915	859-6804	Maria Luisa Granados	X
✓ Edmundo Peregrino	8137 Hickory	79915	859-9644	Edmundo Peregrino	X
✓ Nora Morrales	8141 Hickory	79915	858-6460	Nora Morrales	X
✓ April Beales	8112 Algerita Lt	79915	301-9801	April Beales	X
✓ RAUL MORALES	8100 ALGERITA	79915	540-8552	Raul Morales	X

October 27, 2015

City Council of El Paso, TX

PZRZ11-00055

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Print Name	Address	Zip	Phone	Signature	
✓ MARIANO Carrillo	8001 Bowen Rd	79915	(915) 309-1787	<i>Mariano Carrillo</i>	✓
✓ MARELLA Carrillo	" "	79915	(915) 309-1787	<i>Marella Carrillo</i>	✓
✓ JOSE MELENDEZ	8049 BOWEN RD	79915	859-6442	<i>Jose Melendez</i>	x
ANA M. MELENDEZ	8049 Bowen Rd	79915	859-6442	<i>Ana M Melendez</i>	x
Dolores A. Gross	8044 Bowen Rd.	79915	478-8787	<i>Dolores A. Gross</i>	x
Patricia Duran	8017 Bowen Rd	79915	929-2431	<i>Patricia Duran</i>	✓
Daniel V. Duran	8017 Bowen Rd	79915	256-9971	<i>D.V. Duran</i>	✓
Charlie Miller	8008 Bowen Rd	79915	(915) 887-9252	<i>Charlie Miller</i>	✓
Ricky Tinajero	8008 Bowen Rd.	79915	(915) 248-8780	<i>Ricky Tinajero</i>	x
Noah Carrillo	8001 Bowen Rd	79915	(915) 256-5231	<i>Noah Carrillo</i>	✓

October 27, 2015

City Council of El Paso, TX

PZRZ11-00055

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Print Name	Address	Zip	Phone	Signature
Raquel Villanueva	8028 Carpenter	79915	N/A	Raquel Villanueva
JAMES V. BYLER JR	8032 CARPENTER DR.	79915	N/A	James V. Byler Jr.
GERALDINE KIENLE	8052 CARPENTER	79915		Geraldine Kienle
REBECA	8056 Carpenter	79915	(915) 244-3167 N/A 3167	Rebecca Ponce
Olivia Moreno	8025 Carpenter	79915	(915) 471-8883	Olivia Moreno
Ponce Martin	320 Nuna CT	79915	(915) 922-8572	Ponce Martin
Hugo Dominguez	312 ALMOND CT.	79915	(915) 858-3522	Hugo Dominguez
Manuel Ramirez	304 Almond Ct	79915	(915) 888-9998	Manuel Ramirez
Jacqueline Ramirez	7978 Nabhan Dr.	79915	(915) 443-9159	J. Ramirez
Irma Lopez	408 Fresno	79915	915-356-9407	Irma Lopez

X
X
X
X
X
X
X
X
not owner
X

October 27, 2015

City Council of El Paso, TX

PZRZ11-00055

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Print Name	Address	Zip	Phone	Signature	
Maria T Perez	9200 Vellicas	79907	408-1758	Maria T Perez	X
Virginia Saenz	158 Polla pl. A	79907	256-7719	Virginia Saenz	X
Soledad Pichardo	8185 Beatrix Ln	79907	433-9784	Soledad Pichardo	X
ZULEMA MUÑOZ	129 presa	79907	858-5720	Zulema Muñoz	X
Inedia Vella	434 Carmelita Ln.	79907	313-5240	Inedia Vella	X
ADELAIDA LEDESMA	948 BURGESS DR.	79907	591-5520	Adelaida Ledesma	X
SAMUEL MEDINA	8008 CARPERTE	79913	5935863	Samuel Medina	X
Luis E. Tejete	8016 Carpentero	79915	591-5992	Luis E. Tejete	X
MARIA RODARTE	8020 Carpentero	79915	598-9768	Maria Rodarte	X
Maria Isabel Torres	8021 carpentov DR	79915	258-6175	Maria Isabel Torres	X

October 27, 2015

City Council of El Paso, TX

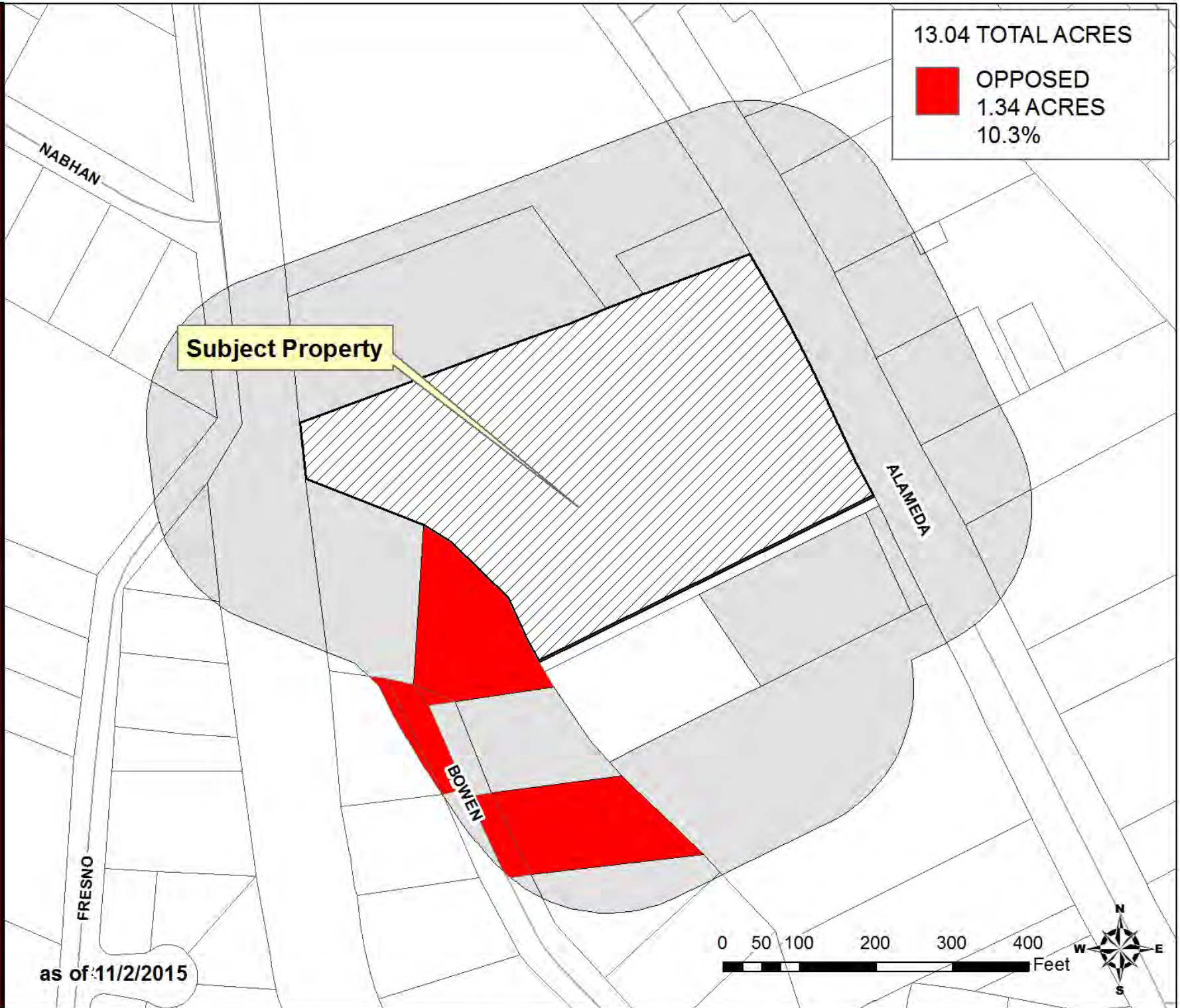
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Print Name	Address	Zip	Phone	Signature
Sylvia Carrereon	925 Richard Dr	79907	(915) 227-2738	Sylvia Carrereon
Rocio Elias	227 Gonzales	79907	915) 781 6057	Rocio Elias
Veronica Portillo	8804 Alameda	79907	915) 216-8650	Veronica Portillo
Concepcion Cabrera	213 Link Dr	79907	858-6418	Concepcion Cabrera
Andres Cabrera	213 LINK DR	79907	858-6418	Andres Cabrera
Gloria Chavarria	29 Blinkey	79907	8581436	GLORIA CHAVARRIA
Ramon Chavarria	225 Blinkey	79907	858-1456	Ramon Chavarria
Lorenza L Midgagh	913 Wier Ln	79907	216-5265	Lorenza L Midgagh
Jesus Leza	9128 Morelia Rd.	79907	859-0341	Jesus M. Leza
Olga Casariego	8020 OLD COUNTRY	79907	859-2113	Olga Casariego

X
X
X
X
X
X
X
X
X
X

PZRZ11-00055
211 MAP



DAVID J. ELLIS

ATTORNEY AT LAW
4115 TROWBRIDGE DRIVE
EL PASO, TEXAS 79903

OFFICE (915) 566-7000

FAX (915) 566-0111

September 16, 2015

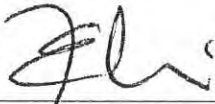
City Planner
Planning and Economic Development
300 N. Campbell
El Paso, Texas 79901
Attn: Andrew Salloum - Zoning Planner

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: N/A
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 Casey 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 than 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:

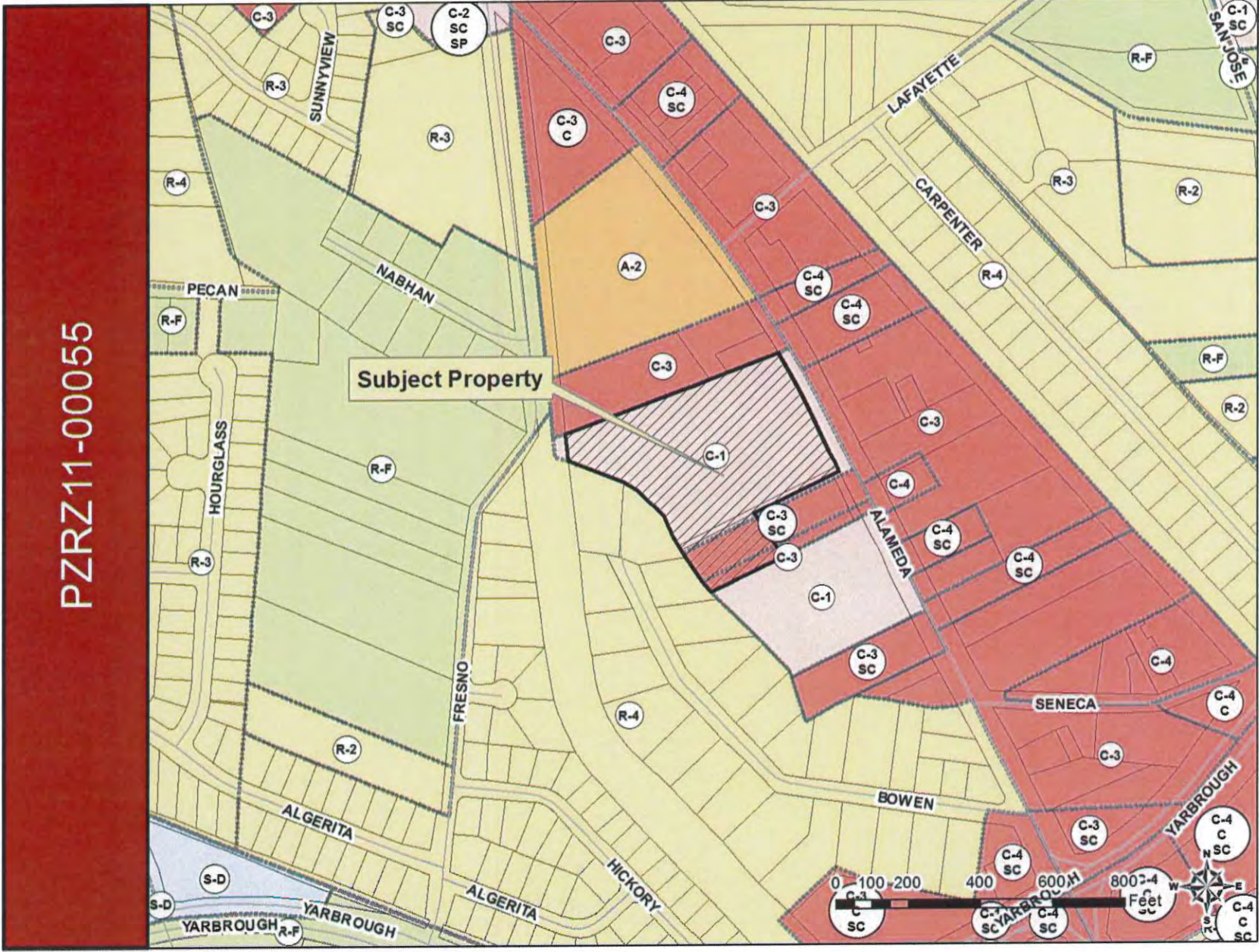
9. Application for new water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description 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 1: ZONING MAP

PZRZ11-00055



PZRZ11-00055



ATTACHMENT 4: LETTER IN OPPOSITION

June 22, 2015

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

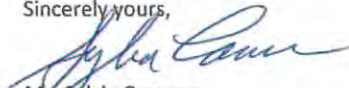
Attn: Rezoning request: 8020 Alameda Ave-Finn's Discount Autos, Inc

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-1 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 ALREADY
selling cars in
violation!

Salloum, Andrew M.

From: M Carr <mmcarr008@gmail.com>
Sent: Tuesday, August 25, 2015 12:51 PM
To: Salloum, Andrew M.
Subject: Fwd: 8020 Alameda Proposed Zoning (08/27/15)

Follow Up Flag: Follow up
Flag Status: 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](tel:9153091787)

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 today's inspection photos. If you have any questions you can contact me.

Respectfully,

Cesar Ortiz
Code Enforcement Officer (Zoning) | Building Safety Division
Planning & Inspections Department | City of El Paso
City 3 - 801 Texas Avenue
El Paso, TX 79901
Cell: (915) 329-4258
Fax: (915) 212-0068



CITY DEVELOPMENT



ATTACHMENT 6: CORRECTION NOTICE

pg 1 of 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:

Car sales lot business being conducted in a C1 zone. Owner provided City dealers license LCDL15-00010. Currently in the process of getting property rezoned to C3. A mandatory wall must be erected in the rear abutting the residential district. If zoning is approved requirements will need to be addressed:

1. Approved surface paving for the parked vehicles at the rear.
2. Permits must be obtained for the mobile office and car lifts, 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: Cesar Ortiz PHONE: 329-4258

DO NOT REMOVE THIS NOTICE

pg 1 of 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

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CONSTRUCTION- MAY MAY NOT PROCEED PRIOR TO CORRECTION OF ABOVE.

RE-INSPECTION- IS NOT REQUIRED IS REQUIRED RE-INSPECTION FEE

REC'D BY: [Signature] DATE/TIME: 9/1/15

INSPECTOR: Cesar Ortiz PHONE: 329-4258

DO NOT REMOVE THIS NOTICE









Recommendation/Public Input

- **Planning Division recommendation:** Denial
- **CPC Vote:** Denial Recommendation (4-2)
- **Public Input:** Planning Division received two phone calls and two letters in opposition to the rezoning request. Also received petition with 73 signatures in opposition (updated 11/2/15)
- Planning Division also received 3 letters in support to the rezoning request (updated 11/30/15)

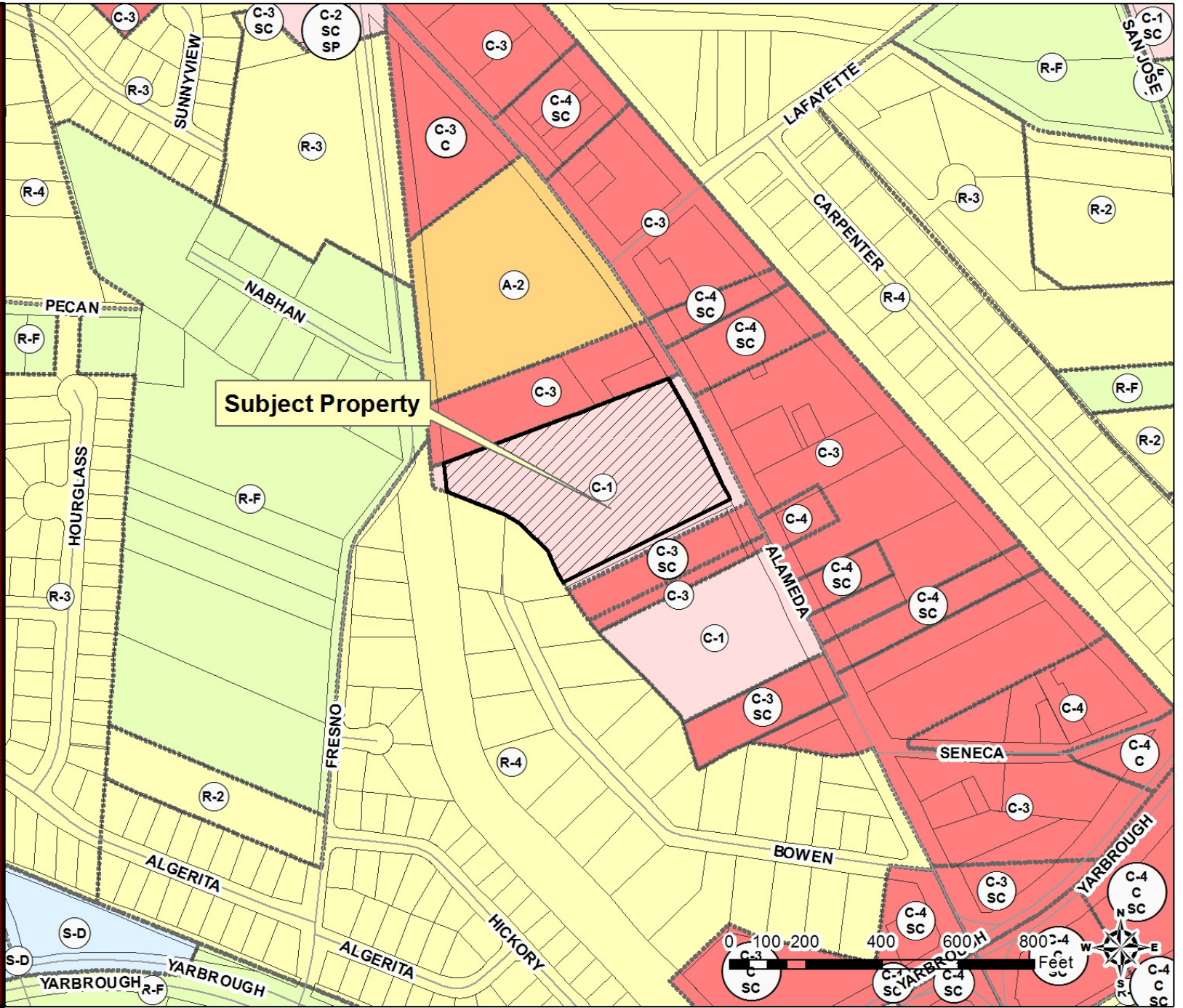
Strategic Goal #3 Promote the Visual Image of El Paso

3.1 Provide business friendly permitting and inspection processes

3.2 Improve the visual impression of the community

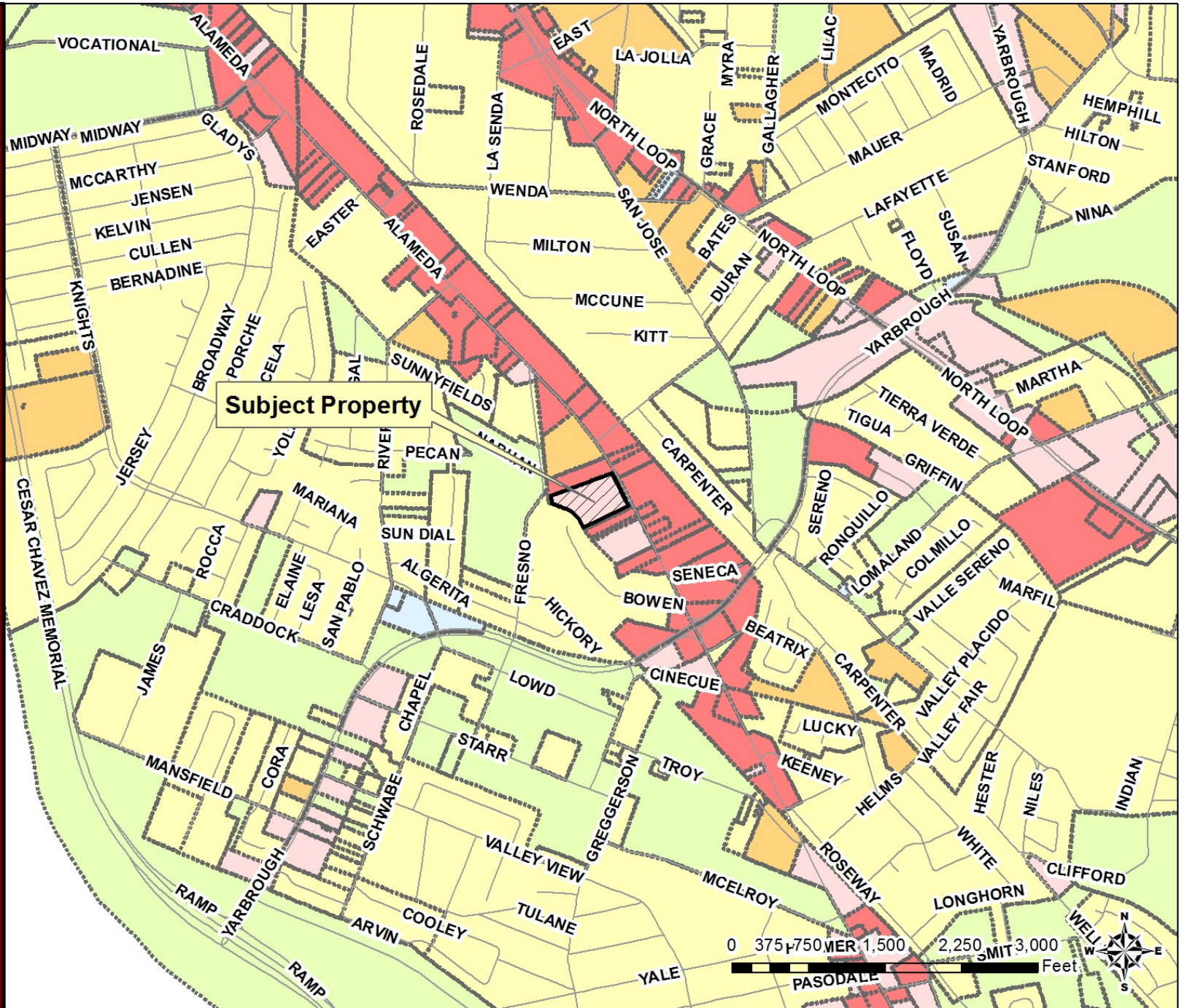
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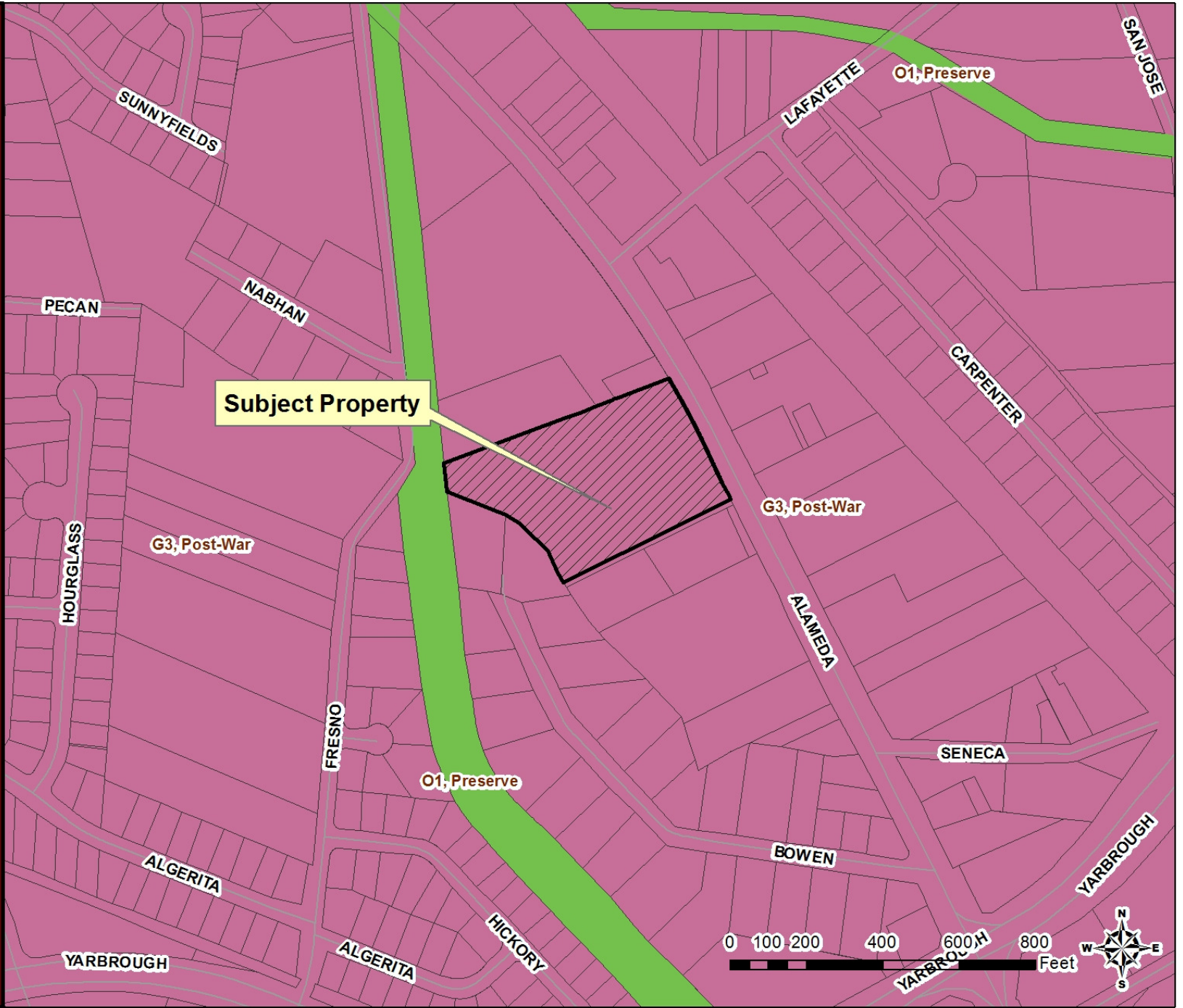


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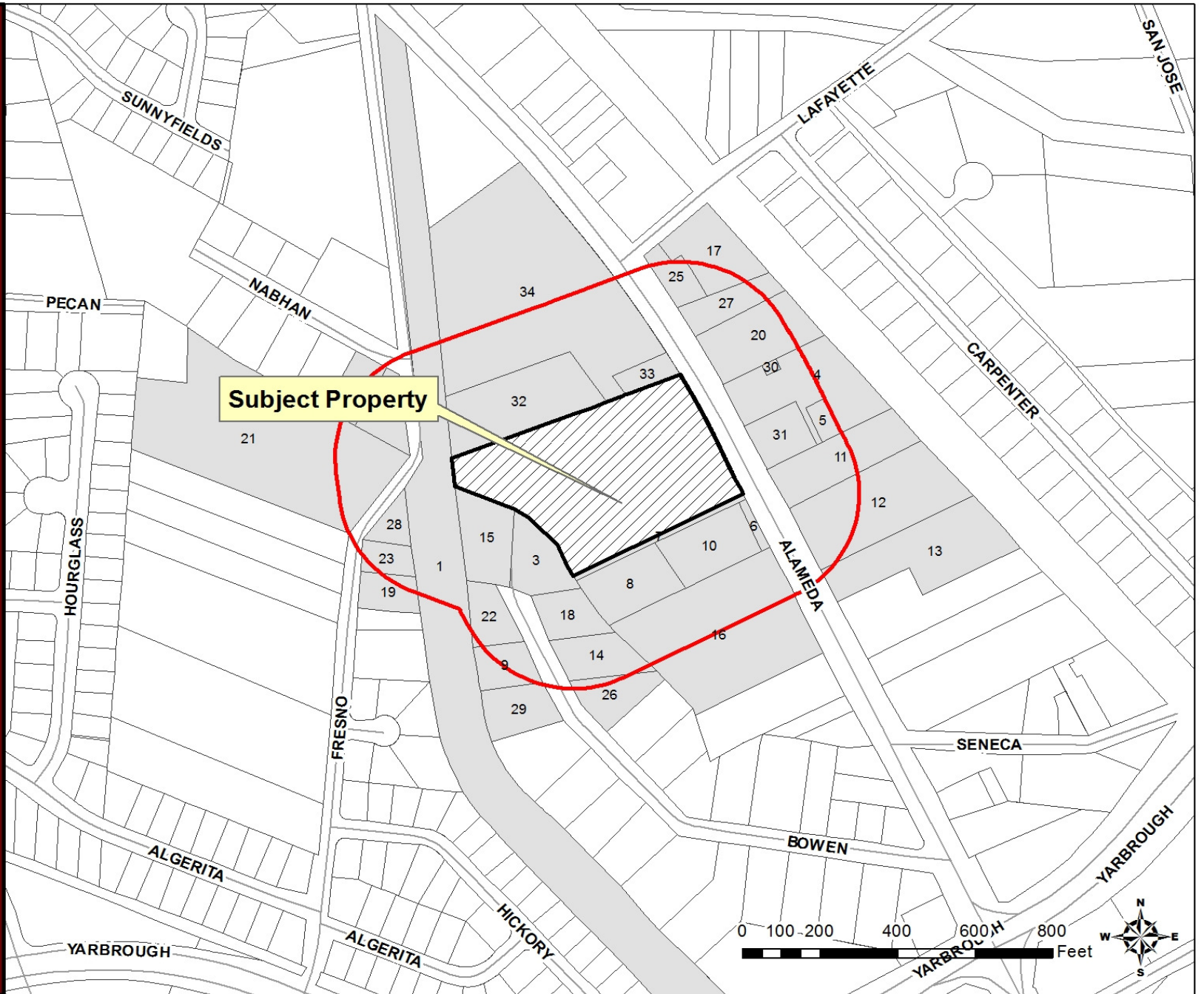
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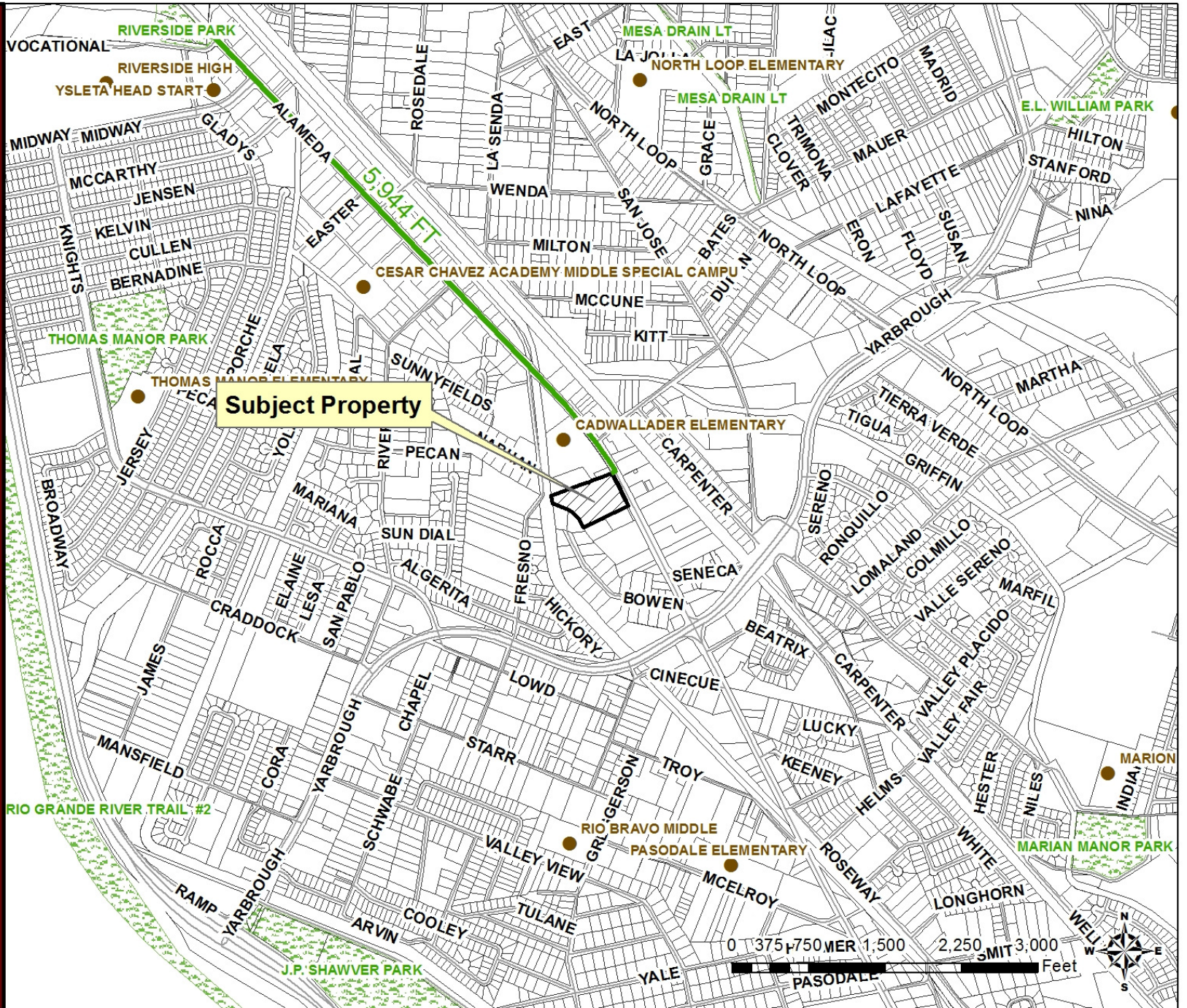
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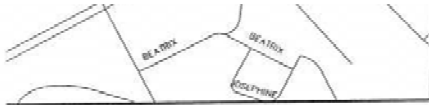
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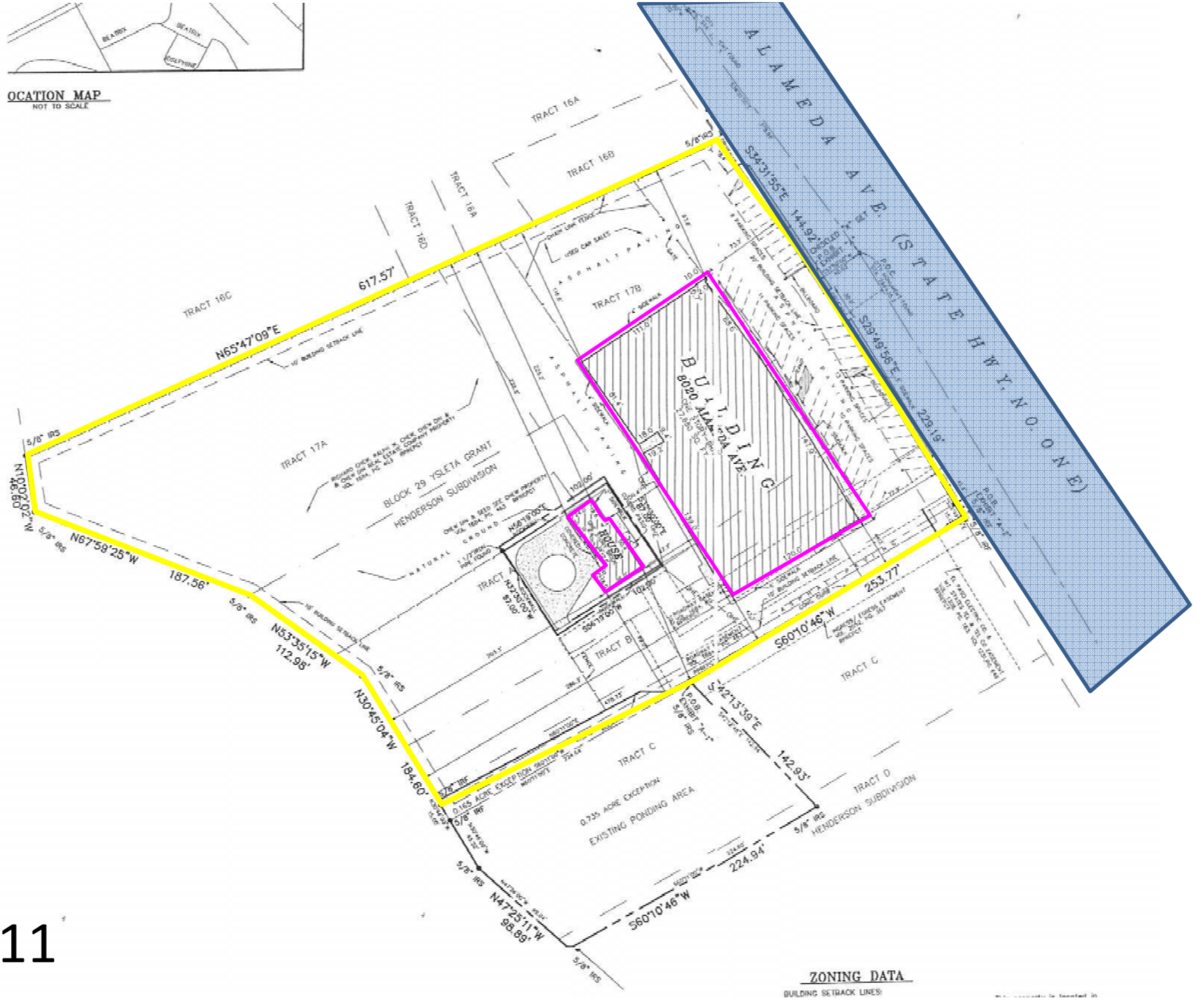
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10





LOCATION MAP
NOT TO SCALE



11

ZONING DATA
BUILDING SETBACK LINES:

NOT NECESSARILY TO BE SHOWN ON



Subject Property



Subject Property



Subject Property



North

15

"Delivering Outstanding Services"



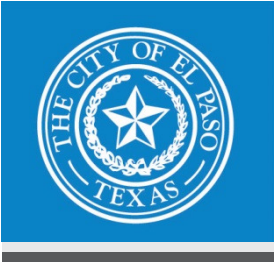
East

16

"Delivering Outstanding Services"



South



South

18

"Delivering Outstanding Services"

18



West

19

“Delivering Outstanding Services”



Code Violation History



8020 Alameda Avenue - History

- 11/03/2008: Business license issued.
- 11/11/2009 Complaint received for fixing cars and changing oil in the alley behind the Laundromat (Corrected).
- 08/12/2010: Complaint received for overgrown weeds/tires/debris on the subject property (Corrected).
- 11/03/2011: Complaint received for an illegal business, not proper zoning for a car lot.
- 06/19/2012: Complaint received for junk vehicles accumulation and overgrown weed and grass in the subject property's rear (Corrected).
- 07/31/2013: Patrol case license check - No motor vehicle dealership license.



8020 Alameda Avenue – History (Continued)

- 12/09/2013: Patrol case created for prohibited feather signs (Corrected).
- 03/10/2014: Patrol case created for prohibited feather signs (Corrected).
- 03/25/2014: Complaint received for remodeling without permits at shopping center.
- 08/15/2014: Complaint received for overgrown weeds and debris, dumping of oil on the lot (Corrected).
- 08/18/2014: Complaint received for storage of vehicles and a possible salvage yard, counting over 60 vehicles on unimproved surface and at least 15 of those 60 wrecked and/or dismantled (Corrected).
- 08/26/2014: Complaint received for motor vehicle dealership operating without a city license (Citation issued).



8020 Alameda Avenue – History (Continued)

- 02/09/2015: Renewal of business license issued. *(On 10/01/2015 – License was revoked. The applicant was notified on 10/01/2015.)*
- 09/01/2015: Complaints received for land use, zoning supplemental automotive uses, existing residential house without legal non-conforming, and mandatory masonry wall violations, (Notified of violations, pending re-zoning outcome and will process case accordingly).
- 09/01/2015: Complaint received for - building without permit: metal carport, building alteration, mobile home office, car lifts with electrical all without permits. (Notified of violations, pending re-zoning outcome and will process case accordingly)

PZRZ11-00055

24

