

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: November 4, 2008
Public Hearing: December 2, 2008

CONTACT PERSON/PHONE: Arturo Rubio, 541-4633

DISTRICT(S) AFFECTED: 6

SUBJECT:

An Ordinance changing the zoning of a portion of a replat of Ysleta Industrial District, City of El Paso, El Paso County, Texas from M-1 (Manufacturing) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of The El Paso City Code. Subject Property: 336 N. Zaragoza Road. Applicant: E.P Summit Investments, L.P., ZON08-00066 (District 6).

BACKGROUND / DISCUSSION:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Unanimous Approval Recommendation
City Plan Commission (CPC) – Approval recommendation (5-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: *for* Victor Q. Torres
Director, Development Services

M. Ainsworth

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

CITY CLERK DEPT.
08 OCT 27 PM 4:16

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF A REPLAT OF YSLETA INDUSTRIAL DISTRICT, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM M-1 (MANUFACTURING) TO C-1 (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 a Replat of Ysleta Industrial District, 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 **M-1 (Manufacturing)** to **C-1 (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 _____, 2008.

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

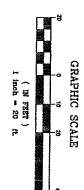
Mathew S. McElroy
Deputy Director – Planning
Development Services Department

CITY CLERK DEPT.
08 OCT 27 PM 3:00

ORDINANCE NO. _____

ZON08-00066

CITY CLERK DEPT
08 OCT 27 PM 3:00

[illegible]

SCHEDULE "B" EXCEPTIONS:
104. ANY AND ALL EASEMENTS, BUILDING LINES, AND CONDITIONS, COVENANTS, AND RESTRICTIONS AS SET FORTH IN PLAT RECORDED UNDER VOLUME 35, PAGE 20 OF THE MAP RECORDS OF EL PASO COUNTY, TEXAS (THIS DOCUMENT MAY APPLY AND AFFECT SUBJECT PROPERTY BUT CANNOT BE DEPICTED GRAPHICALLY.)

101. EASEMENT TO, FROM, STATES TELEPHONE AND TELEGRAPH CO. RECORDED: VOLUME 1171, PAGE 243, OF THE DEED RECORDS, OF EL PASO COUNTY, TEXAS. (THIS DOCUMENT DOES APPLY AND AFFECT PROPERTY AND IS SHOWN ON THE DRAWING.)

109. TERMS, CONDITIONS, AND SPECIFICATIONS IN LEASE AGREEMENT, BETWEEN THE UNITED STATES TELEPHONE AND TELEGRAPH CO. AND LESSEE, NORTH DAKOTA MINERAL LANDS COMPANY, INC., RECORDED: OCTOBER 27, 1987 IN VOLUME 1849, PAGE 148, OF THE DEED RECORDS, OF EL PASO COUNTY, TEXAS. (THIS DOCUMENT MAY APPLY AND AFFECT SUBJECT PROPERTY BUT CANNOT BE DERIVED THEREFROM.)

¹ Steve Donofrio, *Regulated Professional* (New Haven, CT, 2004), 40. I hereby certify that the data on persons not prepared from an actual survey exist on the Internet, in the files and documents to the Texas Board of Professional Land Surveying minimum standards adopted September 1, 1992, the size, location and type of improvements are shown with without dimensions where applicable. There are no opposite view measurements, conflicts or priorities except as shown. All easements shown are per the reference plat unless noted otherwise. This plat is not to be used for the transaction referenced below. The undersigned assumes no responsibility for any other data.

Steve Donaldson, Registered Professional Land Surveyor No. 4004

Steve Donaldson

02/5/08

Date

UNDERGROUND SITE NOTE

ALL INFORMATION SHOWN HEREON WITH RESPECT TO UNDERGROUND CONDITIONS WAS DETERMINED BY DATA COLLECTED THROUGH SURVEY CREW OBSERVATION AND OTHER INFORMATION FROM LOCAL EXISTING PLANS AND MAPS OF RECORD. NO UNDERGROUND UTILITIES EXISTING OR ABANDONED ARE EXPRESSED OR LOCATED.

UNLESS SPECIFICALLY ACCEPTED BY KISTENMACHER ENGINEERING COMPANY, INC. IN WRITING, KISTENMACHER ENGINEERING COMPANY, INC. MAKES NO CLAIM, EXPRESSED OR IMPLIED, AS TO THE UNDERGROUND SITE CONDITIONS.

PARKING NOTE

PARKING SPACES 23

HANDICAPPED SPACES
TOTAL 24

FLOOD ZONE

THIS PROPERTY IS LOCATED
IN ZONE C AS SHOWN ON
FIRM FLOOD INSURANCE RATE
MAPS DATED 1971 AND 1976.

ZONING DATA

15
10



DATE	DESCRIPTION
BY	

BOUNDARY & IMPROVEMENT SURVEY

A PORTION OF VISTELA INDUSTRIAL DISTRICT, PART 1

AREA: 0.331 ACRES OR 14,400 SQUARE FEET
 FIRST AMERICAN TITLE INSURANCE COMPANY, G.P. # NCS-347864-H011, EFFECTIVE DATE: MARCH 28, 2008

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

CITY OF EL PASO
EL PASO COUNTY
TEXAS

DATE	04-15-08	SCALE	1" = 20'	PLT NUMBER	335240A	DATA FILE	
KISTENMACHER		ENGINEERING		COMPANY, INC.		SHEET 87	
						FIELD BOOK	



JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

VICTOR Q. TORRES
DIRECTOR, DEVELOPMENT SERVICES

MATHEW S. McELROY
DEPUTY DIRECTOR, PLANNING

CITY COUNCIL

ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES
PLANNING DIVISION**

MEMORANDUM

DATE: October 27, 2008

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

FROM: Arturo Rubio, Planner

SUBJECT: ZON08-00066

The City Plan Commission (CPC), on October 9, 2008, voted 5-0 to recommend **Approval** of the rezoning of subject property from M-1 (Manufacturing) to C-1 (Commercial).

The CPC determined that the rezoning is in conformance with The Plan for El Paso and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that the rezoning protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the rezoning will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

The applicant changed the rezoning request prior to the CPC hearing on October 8, 2008. The request was changed as follows: from M-1 (Light Manufacturing) to C-1 (Commercial), the original request was to rezone from M-1 (Light Manufacturing) to C-3 (Commercial).

There were no letters or phone calls in support or opposition to the rezoning request.

Attachment: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: ZON08-00066
Application Type: Rezoning
CPC Hearing Date: October 9, 2008
Staff Planner: Arturo Rubio, 915-541-4633, rubioax@elpasotexas.gov

Location: 336 N. Zaragoza Road
Legal Description: A portion of a Replat of Ysleta Industrial, City of El Paso, El Paso County, Texas
Acreage: 0.331 acres
Rep District: 6
Existing Use: Vacant building
Proposed Use: Retail/Commercial
Existing Zoning: M-1 (Light Manufacturing)
Proposed Zoning: C-1 (Commercial)

Property Owner: E.P. Summit Investments, L.P.
Applicant: E.P. Summit Investments, L.P.
Representative: David Etzold

SURROUNDING ZONING AND LAND USE:

North: R-3 (Residential), Single-Family dwellings, R-F (Ranch and Farm) Farmland
South: M-1 (Light Manufacturing), Warehouses
East: C-1 (Commercial), Convenience store, M-1 (Light Manufacturing), Self-storage
West: C-1 (Commercial), Fast food restaurants, WIC store, M-1 (Light Manufacturing), Warehouse, Railroad crossing

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

NEIGHBORHOOD ASSOCIATIONS: No neighborhood associations are registered in the area.

APPLICATION DESCRIPTION: The applicant is requesting to rezone the subject property from M-1 (Light Manufacturing) to C-3 (Commercial). The property is approximately 0.331 acres in size and there is a vacant retail building on the property. The applicant is requesting to rezone the property to C-3 in order to allow retail commercial development. Access is proposed via Zaragoza Road. There are no zoning conditions on the subject property.

The applicant changed the rezoning request prior to the CPC hearing on October 8, 2008. The request was changed as follows: from M-1 (Manufacturing) to C-1 (Commercial). The original request was from M-1 (Light Manufacturing) to C-3 (Commercial).

NEIGHBORHOOD INPUT: Notice of a Public Hearing was mailed out to all property owners within 300 feet of subject property on September 10, 2008. Planning Division did not receive any letters or phone calls in support or opposition of the rezoning request.

DEVELOPMENT COORDINATING COMMITTEE COMMENTS:

The Development Coordinating Committee provides the following comments:

Development Services Department - Building Permits and Inspections Division:

Zoning Review: Type of commercial activity (use) not specified on proposed C-3 (Commercial) Zone. Meets proposed district's minimum yard (setback) standards. Compliance with off-street parking and loading standards are determined with the type of use.

Landscape Review: No comments received.

Development Services Department - Planning Division:

Current Planning: The proposed C-3 district is not compatible with the abutting zoning districts and the projected land use map which designates the area as residential. The subject property is abutting C-1 to the North, South, and West. Retail development, car wash, and commercial fueling stations (special permit) are permitted uses on C-1 and M-1 districts. The area is transitioning towards neighborhood commercial suggesting C-OP (Commercial Office Park) and C-1 (Commercial) as the most appropriate uses, not Community Commercial that includes C-2 (Commercial) and C-3 (Commercial) zone districts. The C-3 (Commercial) may be considered a down zoning from manufacturing uses; however, the C-3 would be a commercial up zone from the predominantly C-1 districts abutting the subject property to the North, South and West.

The more intense uses on the C-3 (Commercial) district not permitted in C-1 district include:

Automotive

Ambulance Service
Automobile Sales Service Storage and Repair
Automotive Repair Garage
Boat, Boat-Trailer Sales Service storage and Rental
Bus Sales, Service, Repair and Rental
Light Truck Sales, Service, Storage, Repair & Rent
Mobile Homes, Sales, Display and Repair
Motor Vehicle Repair Major
Recreational Vehicle Park

Commercial/Manufacturing

Small Contractors Yard
Brewery (SP)
Commercial & Serv. Ind. Mf
Dairy Product Processing

Land Development: No comments Received

Engineering Department - Traffic Division:

No objection to proposed zoning change.

NOTE: Sidewalks are required at side of the building, and wheel stops on parking stalls adjacent to building.

Fire Department:

No comments received.

El Paso Water Utilities:

EPWU-PSB does not object to this request.

Parks:

No comments received.

Sun Metro:

No comments received.

School Districts:

No comments received.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION:

The DCC (Development Coordinating Committee) recommends **denial** of C-3 (Commercial) and recommends approval of a C-1 (Commercial)

PLANNING DIVISION RECOMMENDATION:

The Planning Division recommends C-1 (Commercial), but would not be opposed to C-3 (Commercial) as the rezoning request is a downzone from the M-1. The C-3 (Commercial) however, is not compatible with existing C-1 land uses and the projected land use map which designates the property for residential land use. The area in which the property is located is transitioning to a predominantly neighborhood commercial character that includes C-1 (Commercial) district uses that include fast food restaurants to the North and South, and WIC store to the South, light automotive uses to the North, and residential uses to the West.

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

Community Commercial:

- 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 community commercial services which are compatible with a communities' residential character.

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 proposed C-3 (Commercial) district would allow more intense commercial uses that are compatible to areas that are transitioning to regional commercial districts that include C-4 (Commercial) and (if downtown) C-5 (Commercial) districts. The C-3 (Commercial) district permits more intense uses such as small contractors yard and automobile service, storage and repair.

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 from the Plan by the CPC.

Attachments:

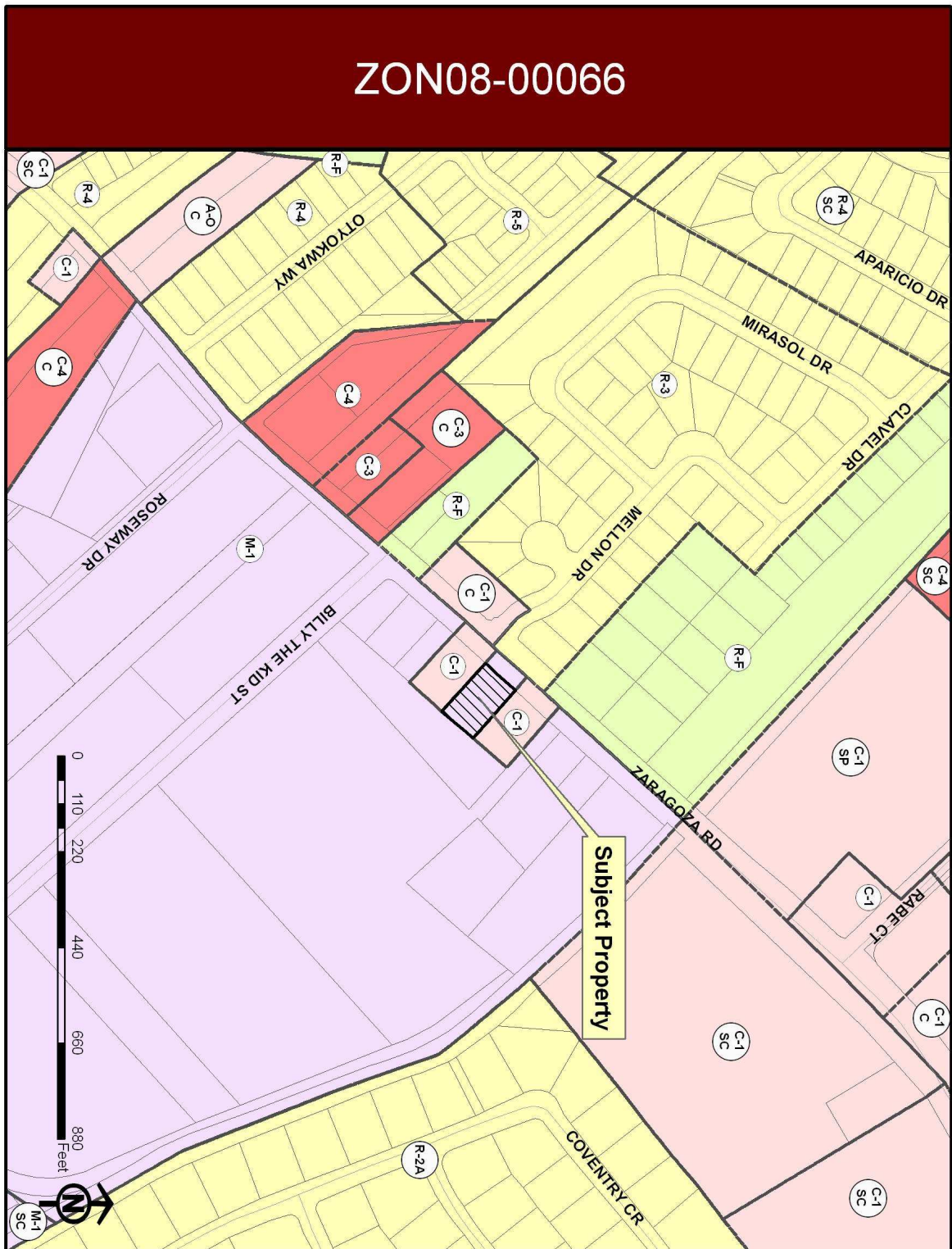
Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Site Plan/Side Elevations

Attachment 4: Applicant Response Letter

Attachment 1: Zoning Map

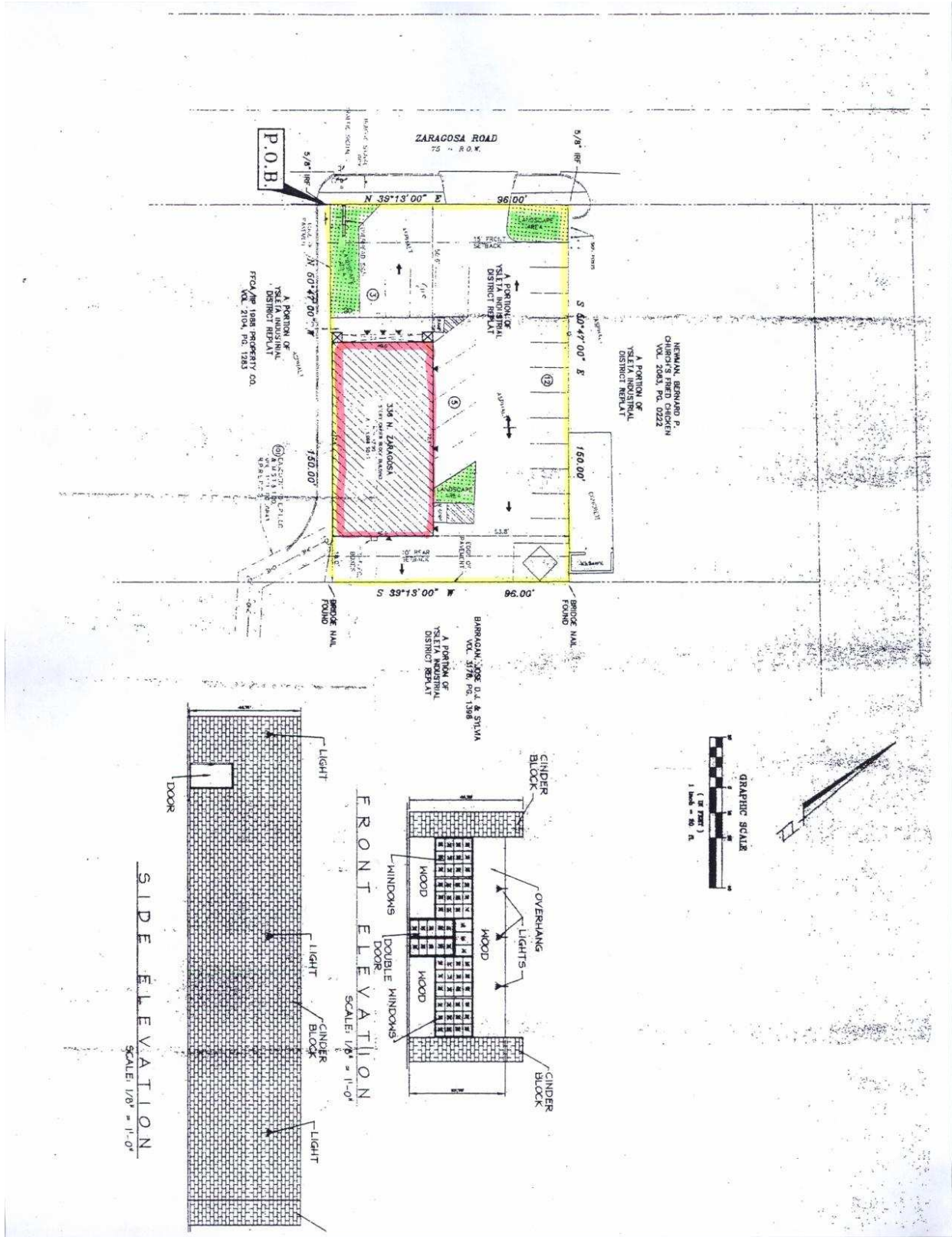


Attachment 2: Aerial

ZON08-00066



Attachment 3: Conceptual Site Plan/Side Elevations



Attachment 4: Applicant Response Letter

ETZOLD & CO.

C O M M E R C I A L R E A L E S T A T E / C O N S U L T A N T S

August 25, 2008

Art Rubio, Planner
Development Services/Planning
2 Civic Center Plaza, 5th Floor
El Paso, TX 79901

Re: **Case ZON08-00066** 336 North Zaragoza

Dear Mr. Rubio,

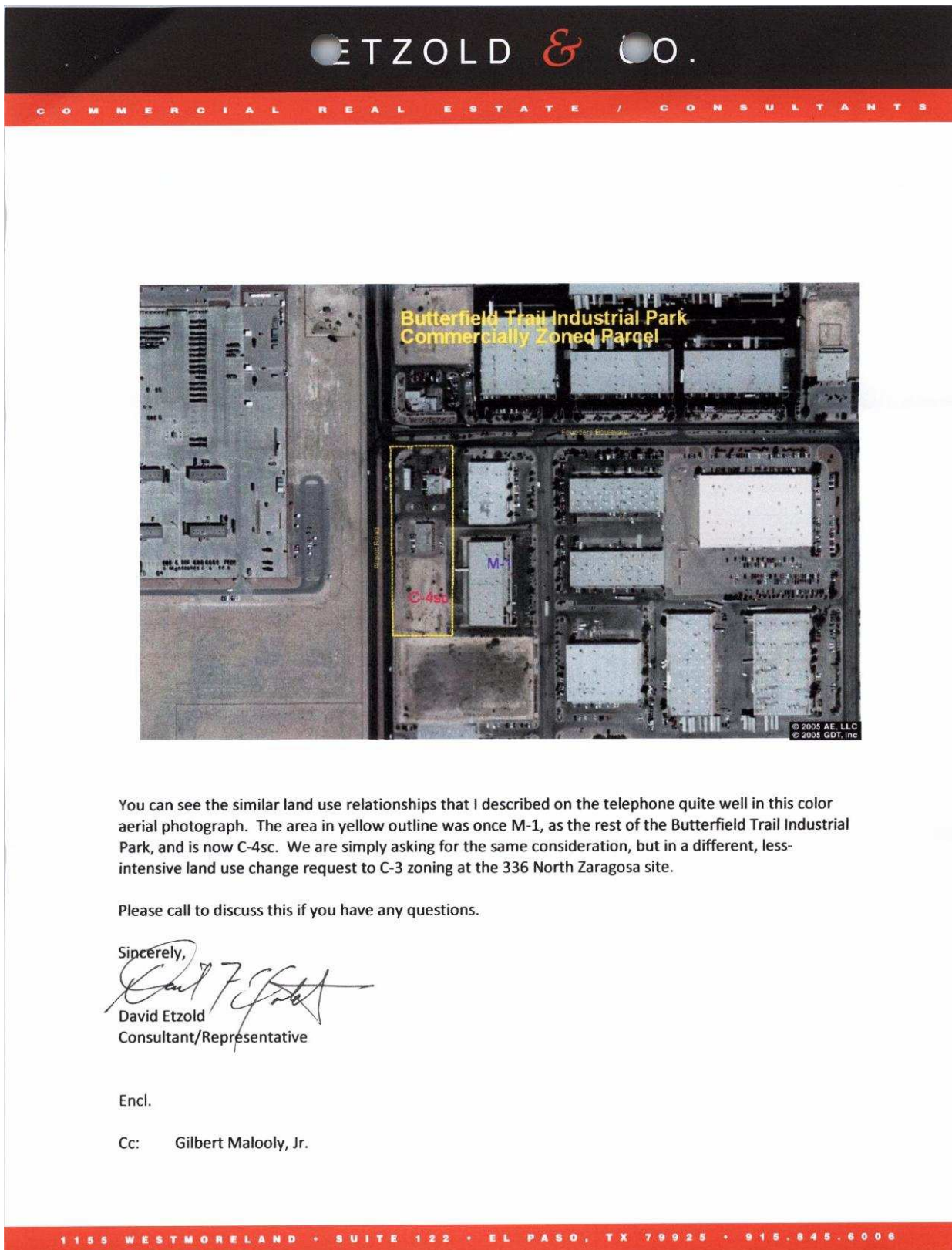
We are undertaking to make the modifications you requested to the legal description (and the attendant forms and exhibits bearing that description), and will have those to you shortly. Thank you for pointing out the omission of the unit number of the Ysleta Industrial District subdivision name.

As to the discussion we had concerning the request for a "C-3" designation for this site in our "down-zoning" application, please accept the following points of argument:

1. This land is part of the original *Ysleta Industrial Park* development from the early 1970's, a large (99.7 acre) M-1 zoned Industrial Park with its "first lot" abutting North Zaragoza Road at Billy the Kid Drive.
2. The request is to **downzone** the subject property significantly, from an industrial category to a commercial category, respecting the impact of the high volumes of traffic at this location and the attendant retail/commercial sector which has developed in this corridor over the years since the original industrial park was platted and zoned.
3. Previous requests to downzone adjoining pad sites to C-1 zoning were approved, but are frankly too lightly zoned for such an intensely heavy-commercial traffic corridor. We are simply recognizing that there are some permitted uses within C-3, not allowed in C-1, which we would like to be able to place within this site (*carwash, commercial fueling station, ambulance service, testing laboratory, courier and messenger service, etc.*).
4. We would respectfully point out an analogous re-zoning of arterial-fronting industrial park land to an even more intensive commercial zoning category, and in this case the City of El Paso participated in the application and processing of the case as the fee land owner: *The re-zoning of the frontage of the Butterfield Trail Industrial Park on Airport Road at Founders Boulevard from M-1 zoning to C-4sc zoning to allow a mixture of retail service uses (fast food, gas/convenience store, offices and strip retail).* The same elements related to our case today also applied in that case several years ago. That, being the impact of retail-supporting, heavy traffic load on Airport Road as well as the demand for retail services from the companies and employees within the industrial park. I have inserted an aerial photograph of the area to illustrate this comparison situation, on the next page:

1155 WESTMORELAND • SUITE 122 • EL PASO, TX 79925 • 915.845.6006

Attachment 4: Applicant Response Letter



You can see the similar land use relationships that I described on the telephone quite well in this color aerial photograph. The area in yellow outline was once M-1, as the rest of the Butterfield Trail Industrial Park, and is now C-4sc. We are simply asking for the same consideration, but in a different, less-intensive land use change request to C-3 zoning at the 336 North Zaragosa site.

Please call to discuss this if you have any questions.

Sincerely,


David Etzold
Consultant/Representative

Encl.

Cc: Gilbert Malooly, Jr.

Attachment 4: Applicant Response Letter

