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

DEPARTMENT: **Planning and Economic Development Department, Planning Division**

AGENDA DATE: **Introduction: March 15, 2011**
Public Hearing: April 5, 2011

CONTACT PERSON/PHONE: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov

DISTRICT(S) AFFECTED: 4

SUBJECT:
An ordinance changing the zoning of a portion of all of Tract 8, Section 15, Block 81, TSP 2, T & P R.R. Surveys, City of El Paso, El Paso County, Texas from R-4 (Residential) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 6331 Alabama Street. Applicant: El Maida Shrine Temple. ZON10-00109 **(District 4)**

BACKGROUND / DISCUSSION:
On February 9, 2011 the City Plan Commission reviewed the rezoning request and voted 3-1 to recommend denial of the request. The applicant submitted an appeal request on February 13, 2011.

PRIOR COUNCIL ACTION:
N/A

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
Development Coordinating Committee (DCC) – Reviewed
City Plan Commission (CPC) – Denial Recommendation (3-1)

**********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 ALL OF TRACT 8, SECTION 15, BLOCK 81, TSP 2, T & P R.R. SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) 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 *All of Tract 8, Section 15, Block 81, TSP 2, T & P R.R. Surveys, City of El Paso, El Paso County, Texas,* be changed from **R-4 (RESIDENTIAL) 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

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

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

ORDINANCE NO._____ **ZONING CASE NO: ZON10-00109**

MEMORANDUM

DATE: March 7, 2011

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

FROM: Andrew Salloum, Planner

SUBJECT: **ZON10-00109**

The City Plan Commission (CPC), on February 10, 2011, voted 3-1 to recommend **Denial** of rezoning the subject property from R-4 (Residential) to C-4 (Commercial). The applicant submitted an appeal request on February 13, 2011.

The CPC found that the rezoning is 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 negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was no **OPPOSITION** to this request.

Attachment: Staff Report

City of El Paso – City Plan Commission Staff Report

Case No: ZON10-00109
Application Type: Rezoning
CPC Hearing Date: February 10, 2011
Staff Planner: Arturo Rubio, 915-541-4633, rubioax@elpasotexas.gov

Location: 6331 Alabama Street
Legal Description: All of Tract 8, Section 15, Block 81, TSP 2, T & P R.R. Surveys, City of El Paso, El Paso County, Texas
Acreage: 7.918 acres
Rep District: 4
Zoning: R-4 (Residential)
Existing Use: Social/Fraternal Club
Request: From R-4 (Residential) to C-4 (Commercial)
Proposed Use: Ballroom/Dance Hall

Property Owner: El Maida Shrine Temple
Applicant: El Maida Shrine Temple
Representative: Steve Roberts and Ray Mancera

SURROUNDING ZONING AND LAND USE
North: PMD (Planned Mountain Development)/Vacant
South: PMD (Planned Mountain Development)/Office/R-3 (Residential)/Single-family dwellings
East: R-4 (Residential)/Two-family dwellings
West: PMD (Planned Mountain Development)/Vacant

Plan for El Paso Designation: Residential (Northeast Planning Area)
Nearest Park: North Open Reserve (1,079 Feet)
Nearest School: Burnet Elementary (3,196 Feet)

NEIGHBORHOOD ASSOCIATIONS
North Hills Pride Association

NEIGHBORHOOD INPUT
Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on January 24, 2011. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

APPLICATION DESCRIPTION
The applicant is requesting to rezone the subject property from R-4 (Residential) to C-4 (Commercial) to allow for a commercial ballroom/dance hall use. There is an existing El Maida Shrine Temple on the site which can operate as a social/fraternal club, a permitted use in the R-4 (Residential) zone district. The applicant is requesting a C-4 zoning to allow for commercial ballroom/dance hall use, to include renting the hall for general public use, which is a use not permitted in R-4 (Residential) zone district. The proposed access is from Alabama Street. A ballroom/dancehall use requires either a C-4 (Commercial) or a C-3/sp (Commercial/special permit).

PLANNING DIVISION RECOMMENDATION
The Planning Division recommends **denial** of rezoning the subject property from R-4 (Residential) to C-4

(Commercial) based on the incompatibility with the comprehensive plan, the encroachment to the established residential land uses and zoning, which include PMD (Planned Mountain Development) zone district to the North, South, West and R-3 (Residential) to the East and the high intensity of commercial uses permitted in the C-4 (Regional Commercial) district.

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-4 (Commercial) district is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities.

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 rezoning

Landscaping: Landscape not required for this project under 18.46.

Engineering & Construction Management Service Department - Land Development

1. Verify drainage flow direction.
2. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
3. The Subdivision is within Flood Zone C, "Areas of minimal flooding"- Panel # 480214 0029B, date October 15, 1982.

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

Department of Transportation

Transportation recommends **denial** of the proposed rezoning.

1. A TIA is required in order for Transportation to properly analyze the increase in the volume of traffic generated by the C-4 (Commercial) zoning. To date, no TIA has been submitted for review.

Note:

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.

Fire Department

El Paso Fire Department has no objections to rezoning request.

Open Space Advisory Board

On January 19, 2011 the OSAB reviewed and voted 5-0 to **deny** the rezoning request from R-4 (Residential)

to C-4 (Commercial).

CITY PLAN COMMISSION OPTIONS

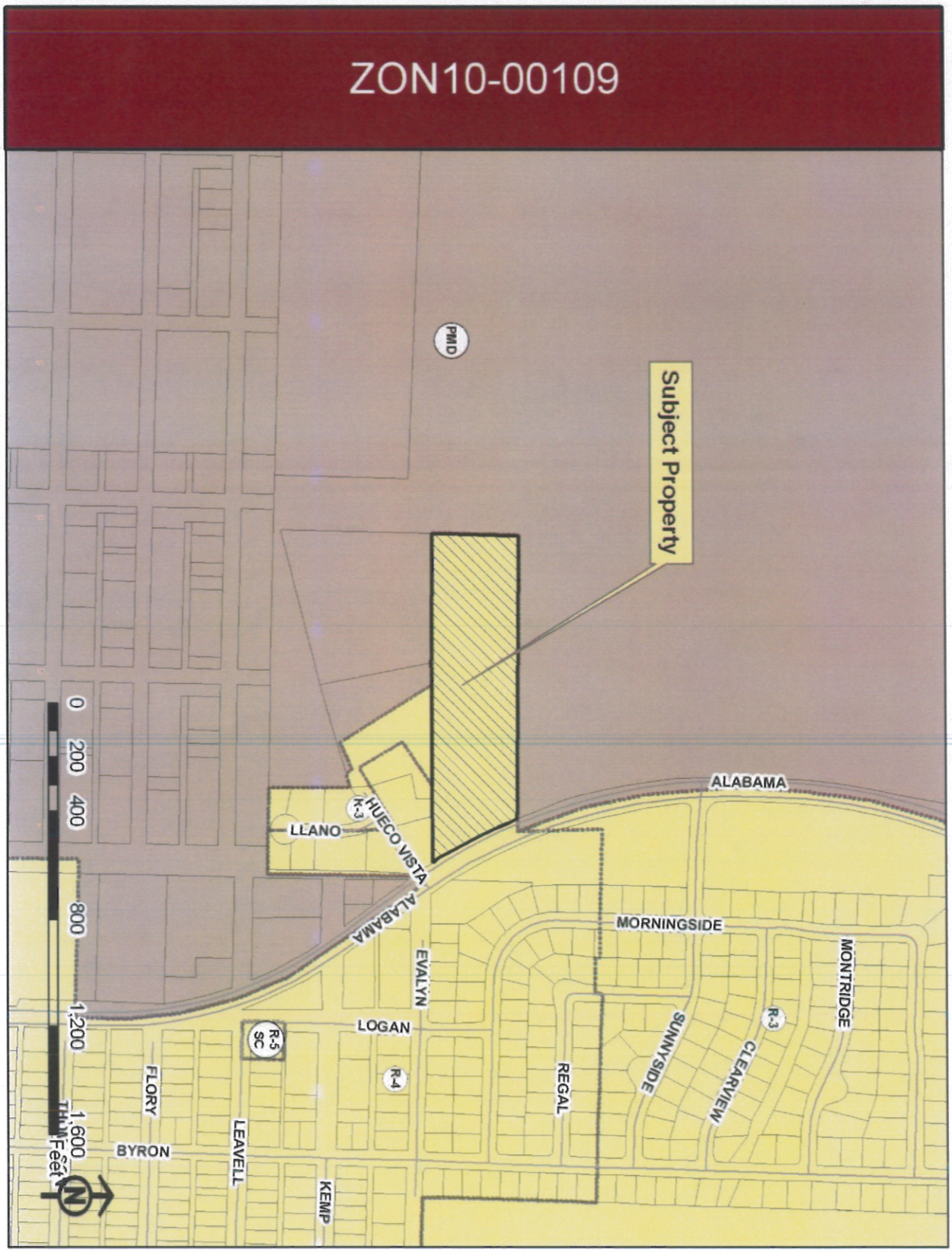
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application

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:

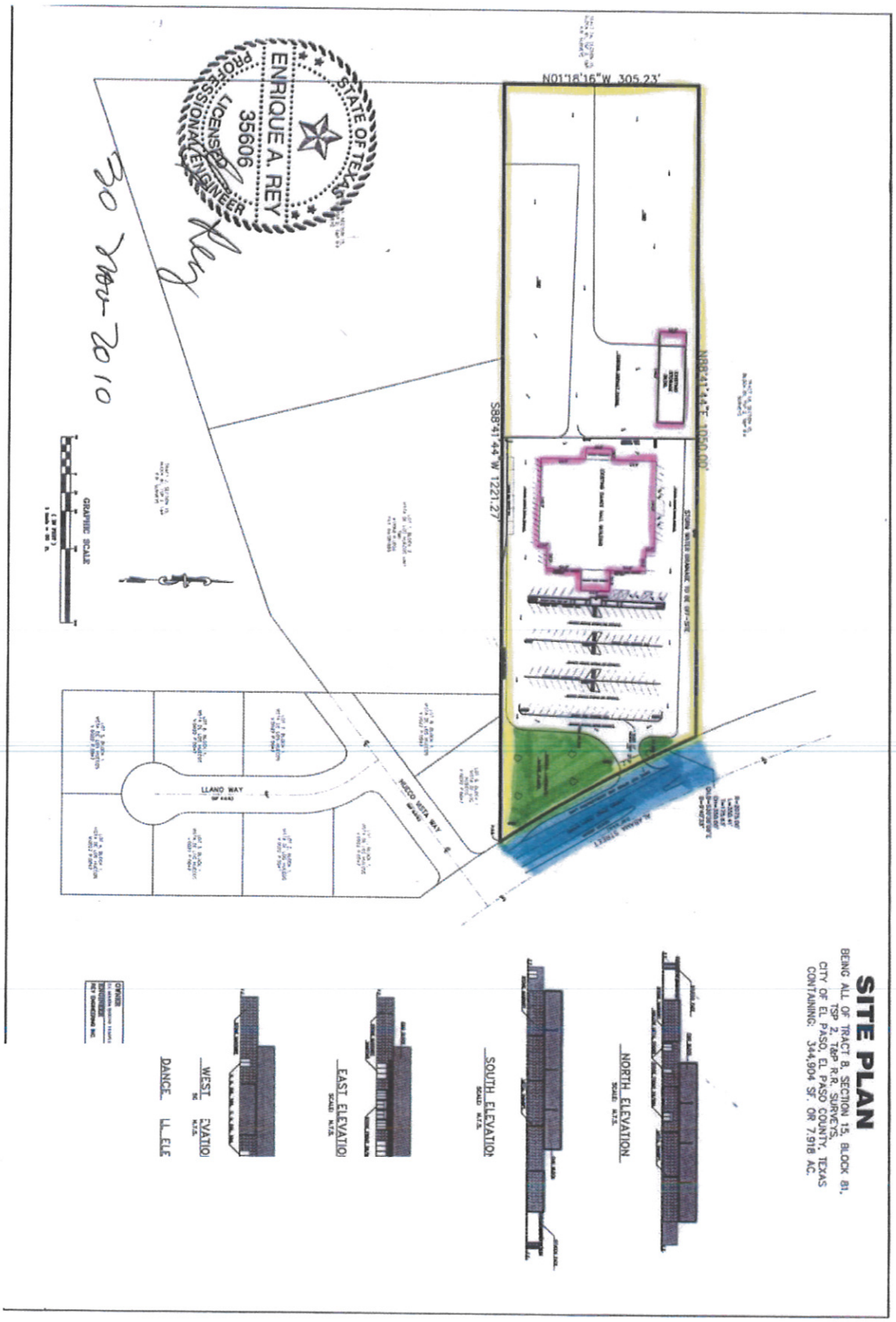
Attachment 1: Zoning Map
Attachment 2: Aerial Map
Attachment 3: Site Plan

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: CONCEPTUAL SITE PLAN



APPEAL TO CITY COUNCIL

DATE: February 13, 2011

HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on February 10, 2011, the City Plan Commission denied our request for a change of zoning from R-4 to C-4 (Case ZON10-00109) for a property located at 6331 Alabama Street and legally described as:

All of Tract 8, Section 15, Block 81, TSP 2, T & P & P R. R. Surveys, City of El Paso, El Paso County, Texas

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 error.

El Maida Shrine Temple
APPLICANT

6331 Alabama Street
El Paso, Texas 79904
ADDRESS

(915) 562-1444
TELEPHONE NUMBER

Steve Roberts
(915) 433-7886
stevenhroberts@sbcglobal.net
REPRESENTATIVE and MEMBER

Ray Mancera
(915) 532-2444
ray@manceragroup.com
REPRESENTATIVE and MEMBER

Appeal sent via email to: City Clerk clerksoffice@elpasotexas.gov on February 13, 2011

EL MAIDA SHRINE TEMPLE
6331 Alabama Street
El Paso, Texas 79904
(915) 562-1444

February 13, 2011

The Honorable Mayor and City Council
City of El Paso

The El Maida Shrine Temple, owners of 6331 Alabama Street, respectfully appeals the decision of the City Plan Commission (CPC). On February 10, 2011 the CPC denied our request for a change of zoning from R-4 to C-4 in order to legitimize our primary land use, Ballroom/ Dance Hall. The zoning case number is ZON10-00109.

The El Maida Shrine, chartered is 1909, is part of Shriners International, a fraternity based on fun and fellowship that supports a health care system of 22 hospitals. In 1967 we built the existing 30,825 square foot facility on the donated 7.918 acre property to not only conduct our fraternal activities but also to rent the hall and generate income for our philanthropic mission. We were very fortunate the ballroom/dance hall was immediately well received by the community as a first class facility for weddings, quinceaneras, parties, etc.

"Social, Fraternal Clubs", such as ours, are permitted in R-4 zoning under Title 20, Appendix "A", Section 3.23, of the Municipal Code. These "Social, Fraternal Clubs" can operate and rent its Ballroom/Dance Hall as long it is not its primary activity or business. The rental of our ballroom/Dance Hall has been and is our primary activity and whose revenues are used to pay the children's transportation costs to one of our 22 hospitals. The CPC erred in not recognizing the land use has been the same for over 40 years. Finally, the City's Comprehensive Plan, a living document, has failed to identify our land use all these years. We just wish to legitimize our land use.

C-4 zoning outright permits the Ballroom/Dance Hall. C-3 also allows this use but with a Special Permit (SP). We are willing to accept C-3 as long as the City accepts the attached Detailed Site Plan and Survey since they are documents customarily required in a SP application. In addition we are willing to exclude any obnoxious uses.

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

Sincerely,

Ray Mancera

Ray Mancera, Representative and Member

Sincerely,

(Signature on File)
Steve Roberts, Representative and Member