Dedicated to Outstanding Customer Service for a Better Community

S E R V I C E S O L U T I O N S S U C C E S S

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

DEPARTMENT: **Development Services Department, Planning Division**

AGENDA DATE: **Introduction: March 24, 2009**
Public Hearing: April 14, 2009

CONTACT PERSON/PHONE: **Ismael B. Segovia, 541-4027**

DISTRICT(S) AFFECTED:

SUBJECT:
An Ordinance changing the zoning of Lots 15 through 26 and East 15.48 feet of Lot 14, Block 4, Hughes Subdivision of Block 2 of Alameda Acres, City of El Paso, El Paso County, Texas from R-5 (Residential) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 5713 and 5717 Welch Street. Applicant: Jorge Valenzuela, ZON08-00120 (District 3). **THIS IS AN APPEAL CASE.**

BACKGROUND / DISCUSSION:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
Development Coordinating Committee (DCC) – Unanimous Denial Recommendation
City Plan Commission (CPC) –Denial Recommendation (5-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Victor Q. Torres
Director, Development Services

_____

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Melina Castro

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOTS 15 THROUGH 26 AND EAST 15.48 FEET OF LOT 14, BLOCK 4, HUGHES SUBDIVISION OF BLOCK 2 OF ALAMEDA ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (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 *Lots 15 through 26 and East 15.48 feet of Lot 14, Block 4, Hughes Subdivision of Block 2 of Alameda Acres, 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 **R-5 (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 _____, 2009.

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
Development Services Department
Planning Division

Doc #46579/Planning/Ord/ZON08-00120-Appeal (Rezoning)/LCUE

Exhibit "A"

LUIS H. DE LA CRUZ
ZONING CONSULTANT
9013 Lait Drive
El Paso, Texas 79925
(915) 590-9320

5713-5717 Welch Avenue
Parcel I

Property (including any improvements):

A portion of Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26, Block 4, HUGHES SUBDIVISION, El Paso, El Paso County, Texas,* more particularly described by metes and bounds as follows, to-wit:

COMMENCING at a point, said point being a city monument lying on the centerline intersection of Beacon Street and Glenwood Street; Thence, South 00° 03' 00" West, along the centerline of Glenwood Street, a distance of 478.52 feet to a point; Thence, South 86° 22' 12" East, a distance of 35.07 feet to a point, said point being the TRUE POINT OF BEGINNING of this description;

THENCE, South 86° 22' 12" East, along the southerly right-of-way line of a 10 foot alley, a distance of 292.81 feet to a point for a corner, said point lying on the westerly boundary line of Tract 8B1, Block 2, ASCARATE GRANT;

THENCE, South 00° 01' 00" East, a distance of 3.01 feet to a point for a curve;

THENCE, 104.24 feet along the arc of a curve to the right having a radius of 294.50 feet, a central angle of 20° 16' 47" and a chord which bears South 52° 18' 25" West, a distance of 103.69 feet to a point for a curve;

THENCE, 65.95 feet along the arc of a curve to the right having a radius of 293.13 feet, a central angle of 12° 53' 25", and a chord which bears South 86° 55' 09" West, a distance of 65.81 feet to a point for a tangent;

THENCE, North 86° 38' 09" West, a distance of 144.78 feet to a point for a corner;

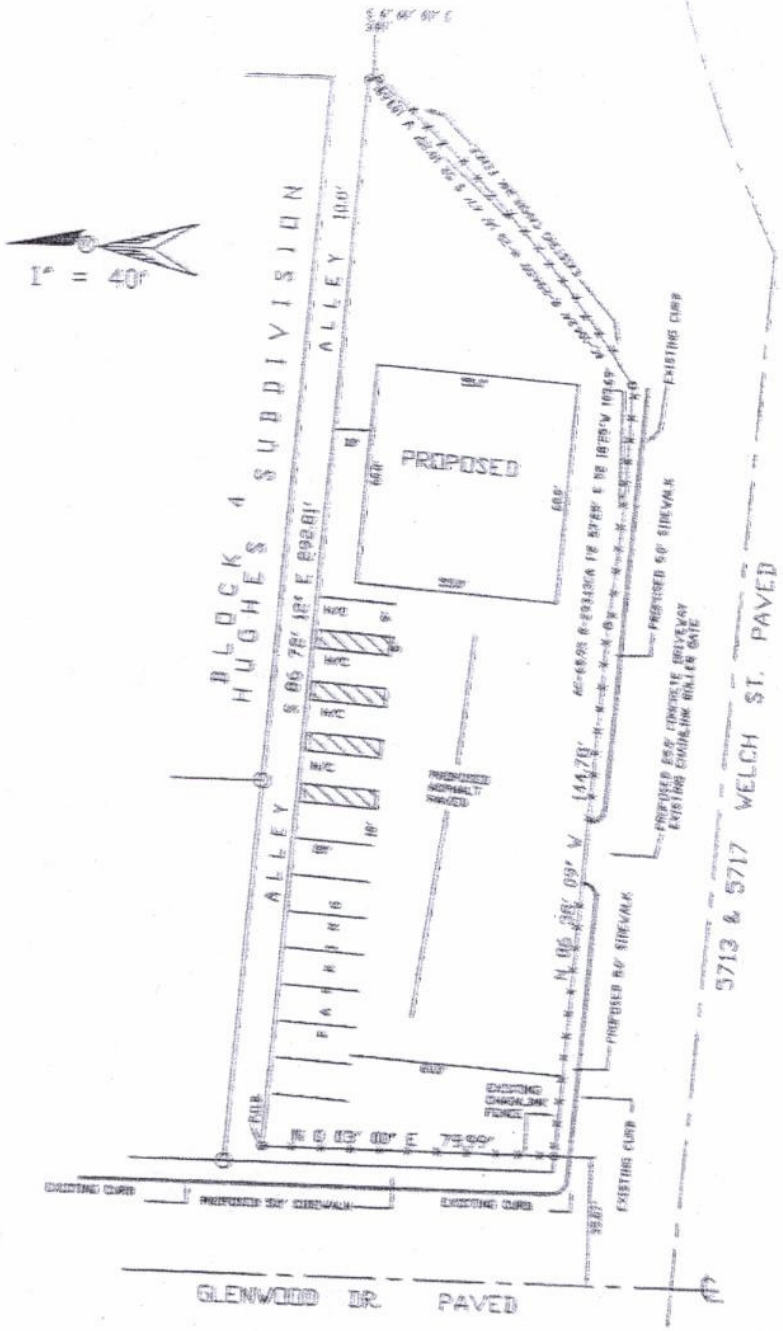
THENCE, North 00° 03' 00" East East, a distance of 79.99 feet to the TRUE POINT OF BEGINNING of this description;

Said parcel of land contains 0.45757 acres (19,931.83 sq. ft.) of land more or less.

STATE OF TEXAS
RICHARD LUIS DE LA CRUZ
88124
LICENSED
PROFESSIONAL ENGINEER

12-3-08

Exhibit "A"



LHDLG LAND USE CONSULTANT - DRAFTING & DESIGN SERVICES
9013 LAIT ST. EL PASO, TEXAS 79925 915-590-9320

STATE OF TEXAS
RICHARD LUIS DE LA CRUZ
88124
LICENSED
PROFESSIONAL ENGINEER
12-3-08

LOT: A PORTION OF LOTS 14,15,16,17,18,19,20,21,22,23,24,25,& 26		DATE: 11.20.08
		SCALE: 1"=40'
ADDRESS: 5713 & 5717 WELCH AVE	BLOCK: 4	DRAWN BY: LRD
		CHECKED BY: LHD
SUBDIVISION: HUGHES SUBDIVISION	ACERS: 0.457 AC	CITY: EL PASO
	19,931.83 SQ. FT.	STATE: TEXAS
	PARKING: 4-H/C 8- REGULAR	
	OWNER: GEORGE VALENZUELA	

ZON08-00120

CITY CLERK DEPT.
09 FEB 19 PM 1:59

APPEAL TO THE CITY COUNCIL

DATE 2-17-2009

HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on February 12, 2009, the City Plan Commission denied my request for Re-Zoning from R-5 to C-4 on 5713 Welch Ave

legally described as: 5713 Welch Ave
Lots 15 to 26 and the east 15.48 of 14
4 Hughes S/D Block 2 Alameda Acres

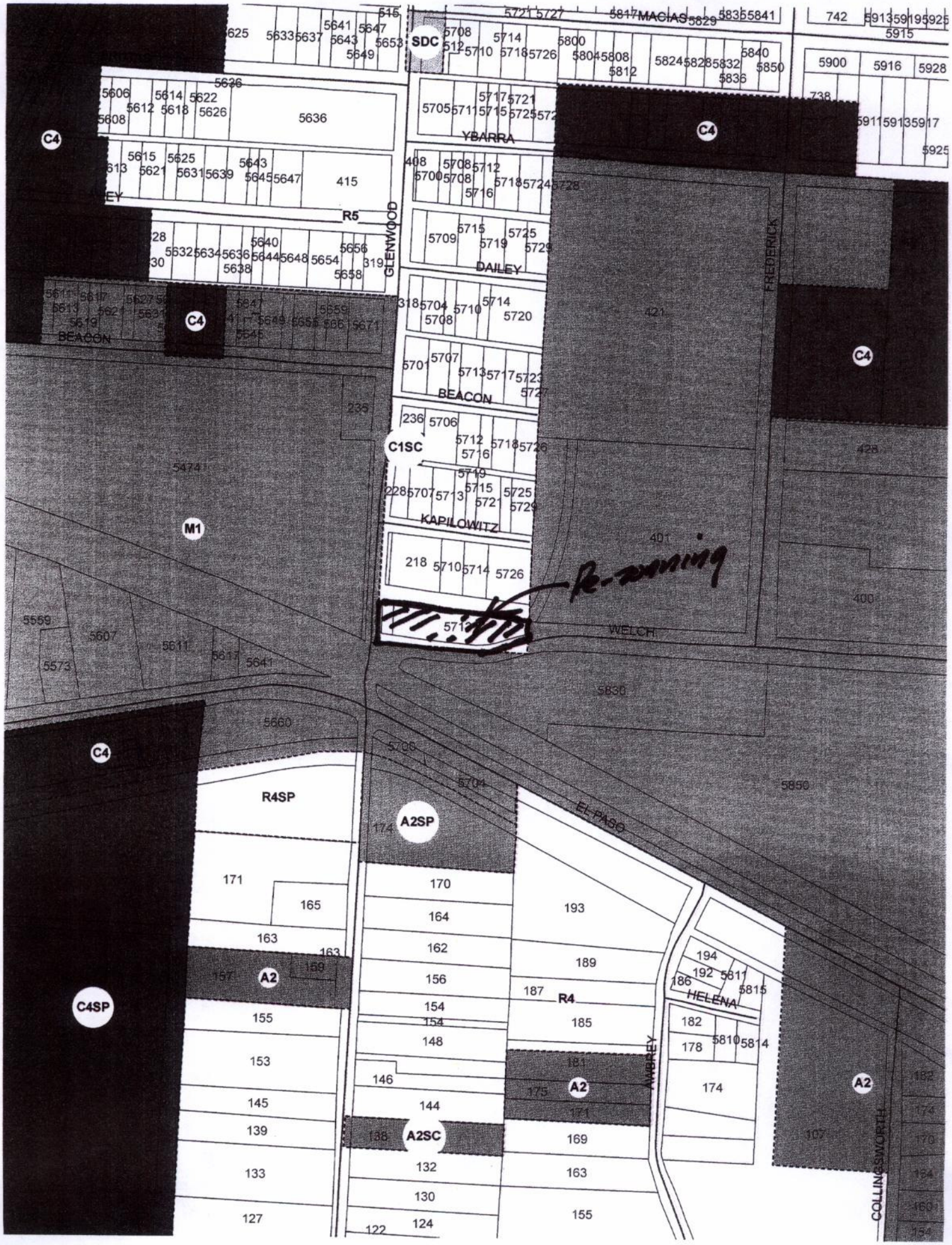
I hereby request the City Council to review the decision of the City Plan Commission on 2/12/09 AND CONSIDER MY REQUEST SET OUT ABOVE. I AM ATTACHING A LETTER SETTING FORTH MY REASONS FOR BELIEVING THEIR DECISION TO BE IN ERROR.

Luis A. De [illegible]
APPLICANT

9013 Fort Dr. E.P.T. 79925
ADDRESS

915-590-9320
TELEPHONE NUMBER

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


SDC
C4
YBARRA
R5
GLENWOOD
DAILEY
FREDERICK
BEACON
C1SC
M1
KAPILOWITZ
Re-zoning
WELCH
EL PASO
R4SP
A2SP
A2
C4SP
R4
HELENA
AMBREY
A2SC
COLLINSWORTH

LUIS H. DE LA CRUZ
ZONING CONSULTANT
9013 Lait Drive
El Paso, Texas 79925
(915) 590-9320

CITY CLERK DEPT.
09FEB 19 PM 1:59

February 16, 2009

Ms. Emma Acosta
City Representative, District 3
Two Civic Center Plaza
El Paso, TX 79901

Subject: Denial of Zoning Case, ZON 08-00120 from R-5 to C-4, 5713-5707 Welch Ave. (Vacant Lot)

Dear Representative Acosta,

On February 12, 2009, Mr. Jorge Venezuela requested a change of zoning from R-5 to C-4 at 5713 to 5717 Welch for a small warehouse. This request was denied based on the determination that C-4 zoning was not compatible with the existing residential neighborhoods; even though there are many existing heavy manufacturing uses (M-1 and C-4) in the adjacent and surrounding areas of the proposed zoning site. The Commission failed to recognize that the proposed use for this site is the most suitable, and will not in any way be detrimental to the neighborhood. This area of Welch Ave. is comprised of very heavy manufacturing businesses (see attached zoning map).

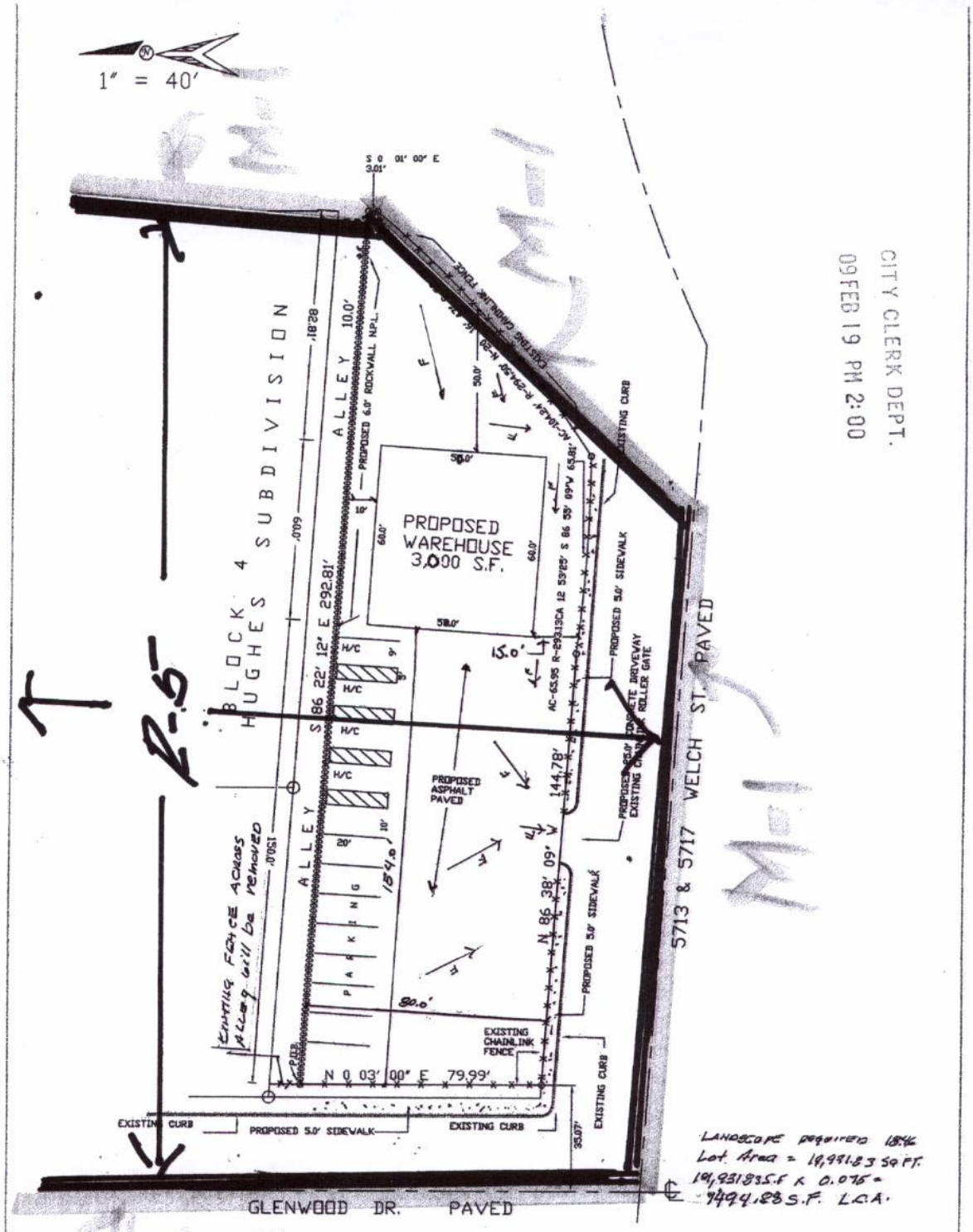
It is my professional opinion that a reclassification to C-4 or C-3 would not have an adverse affect on the best interest, safety or welfare of the general public or the surrounding area. In addition, this site will have paving, landscaping, sidewalks, lighting, and a 6.0 ft. rock-wall adjacent to the N.P.L. Consequently, we believe this rezoning request will bring added value to the neighborhood and to the City of El Paso.

Your favorable consideration is respectfully requested.

Respectfully Submitted,

Luis H. De La Cruz

Cc: Ismael B. Segovia Zoning Division
Planning & Zoning Director
Honorable Mayor and City Council



CITY CLERK DEPT.
09FEB 19 PM 2:00

ZON-08-00120

LHDLC LAND USE CONSULTANT - DRAFTING & DESIGN SERVICES
9013 LAIT ST. EL PASO, TEXAS 79925 915-590-9320

STATE OF TEXAS
RICHARD LUIS DE LA CRUZ
88124
LICENSED PROFESSIONAL ENGINEER
12-3-08

LOT: A PORTION OF LOTS: 14,15,16,17,18,19,20,21,22,23,24,25,& 26		DATE: 11.20.08
		SCALE: 1"=40'
ADDRESS: 5713 & 5717 WELCH AVE	BLOCK: 4	DRAWN BY: LRD
		CHECKED BY: LHD
SUBDIVISION: HUGHES SUBDIVISION	ACERS: 0.457 AC 19.931.83 SQ. FT.	CITY: EL PASO STATE: TEXAS
	PARKING: 4-H/C 8- REGULAR	PSD 1-20-09 REV. 1-13-09
	OWNER: GEORGE VALENZUELA	

Dedicated to Outstanding Customer Service for a Better Community

S E R V I C E S O L U T I O N S S U C C E S S

M E M O R A N D U M

DATE: March 23, 2009

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

FROM: Ismael B. Segovia, Senior Planner

SUBJECT: **ZON08-00120**

The City Plan Commission (CPC), on February 12, 2009, voted **5-0** to recommend **DENIAL** of rezoning subject property from R-5 (Residential) to C-4 (Commercial).

The CPC found that the rezoning is not in conformance with The Plan for El Paso and the proposed rezoning is not in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that the rezoning will 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 an effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

Applicant is seeking to appeal the denial recommendation made by CPC on February 12, 2009.

There was **one letter in opposition and three citizens did speak at the CPC hearing in opposition** to this request.

Attachment: Appeal to City Council Form, staff report, zoning map, aerial map, conceptual site plan, and letter in opposition.

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Melina Castro

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

City of El Paso – City Plan Commission Staff Report

Case No:	ZON08-00120
Application Type	Rezoning
CPC Hearing Date	February 12, 2009
Staff Planner	Ismael B. Segovia, 915-541-4027, segoviaib@elpasotexas.gov
Location	5713 and 5717 Welch Street
Legal Description	Lots 15 through 26 and East 15.48 feet of Lot 14, Block 4, Hughes Subdivision of Block 2 of Alameda Acres, City of El Paso, El Paso County, Texas
Acreage	0.4570 acres
Rep District	3
Existing Use	Vacant
Request	From R-5 (Residential) to C-4 (Commercial)
Proposed Use	Small Contractor Yard and Warehouse
Property Owner	Jorge Valenzuela
Representative	Luis and Rene De La Cruz
Distance to Park	San Juan Placita (1,555 feet)
Distance to School	Cooley Elementary (1,760 feet)

SURROUNDING ZONING AND LAND USE
North: R-5 (Residential); Single-family Residential
South: M-1 (Light Manufacturing); Warehouse
East: M-1 (Light Manufacturing); Warehouse
West: M-1 (Light Manufacturing); Warehouse

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

NEIGHORHOOD ASSOCIATIONS: San Juan Neighborhood Improvement Association

NEIGHBORHOOD INPUT
Notice of the public hearing was mailed to all property owners within 300 feet of this proposed rezoning. Planning did receive one letter in opposition to the request.

APPLICATION DESCRIPTION
The applicant is requesting a rezoning from R-5 (Residential) to C-4 (Commercial) in order to permit a contractor's yard and warehouse. The property is 0.457 acres in size. Access is proposed via Welch Street. There are no zoning conditions currently imposed on this property.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION
The Development Coordinating Committee (DCC) provides the following comments:
DCC recommends **Denial** of the C-4 (Commercial) rezoning request based on the incompatibility of the use to the adjacent residential development.

PLANNING DIVISION RECOMMENDATION
The Planning Division recommends **Denial** of the rezoning request from R-5 (Residential) to C-4 (Commercial) based on the incompatibility of the uses to the adjacent residential development.

The Plan for El Paso –City-wide Land Use Goals:

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

a. Goal: develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.

b. Goal: Provide and enforce standards for providing decent, safe and sanitary housing for all El Pasoans in accordance with Federal, State and Local regulations.

The proposed rezoning is for a proposed contractor's yard or warehouse development. The request is not in conformance with the goals set forth within The Plan for El Paso and the 2025 General Land Use Map which designates the area for residential development. The properties abutting the subject property are all single-family residences.

Development Services Department - Building Permits and Inspections Division:
Landscaping:
This project will not meet code as submitted. Landscape required under 18.46. No calculations provided and project lacks landscape area.

BP&I:
Proposed Contractor Yard permitted on C-4 district. Insufficient data provided to determine yard, off-street parking, and loading standards. Shall need to provide six foot high masonry screening wall along the property line abutting the residential districts.

Development Services Department - Planning Division:
Current Planning:
1. The Year 2025 Projected General Land Use Map for the **Central Planning Area** designates this property for **Residential** land uses.

2. Planning recommends **Denial** based on the designation of residential development per the 2025 General Land Use Map and incompatibility of the use to the adjacent residential development.

Engineering Department - Traffic Division:
No objections to proposed rezoning.

TxDOT:
No comments

Fire Department:
No comments received.

El Paso Water Utilities:
EPWU does not object to this request.

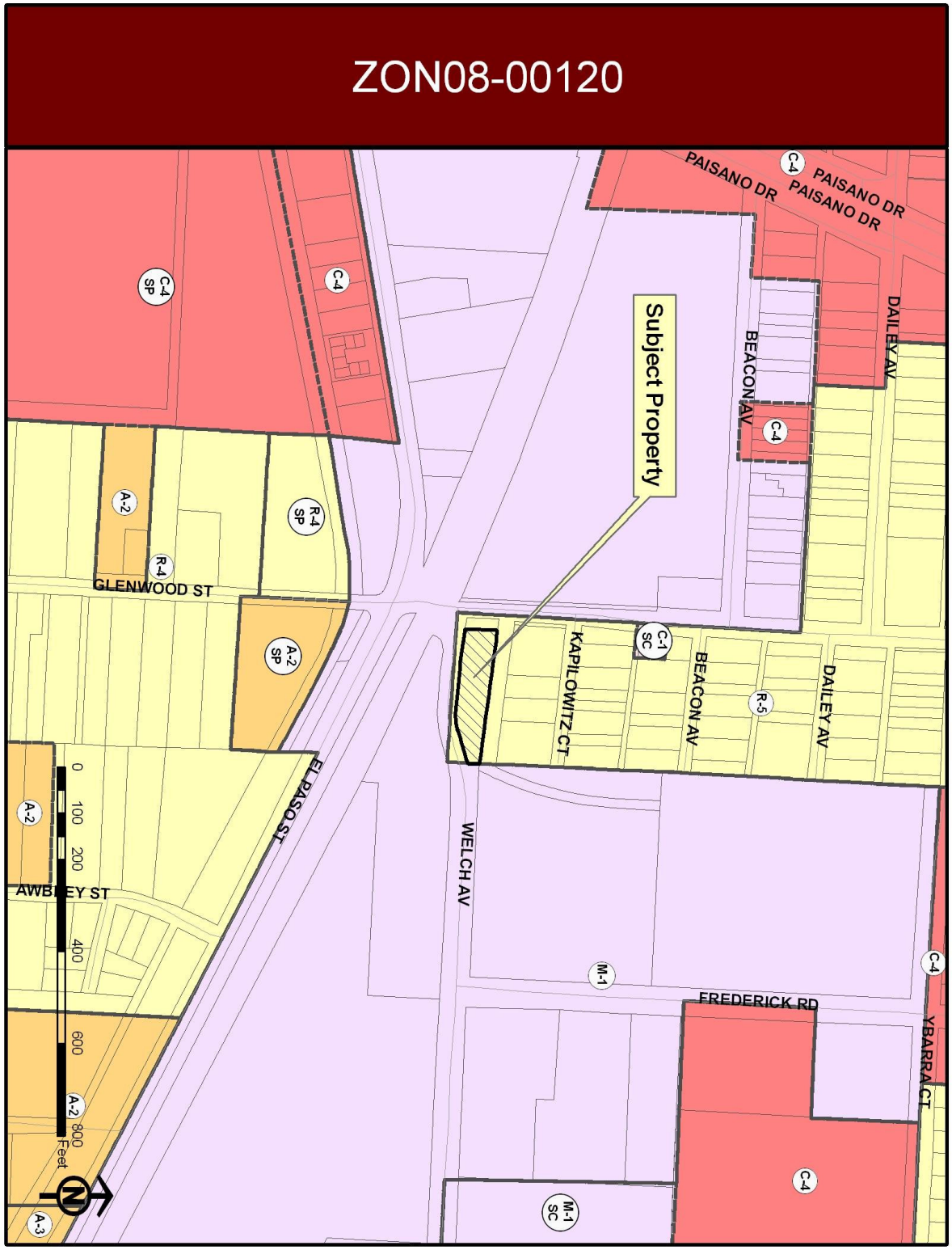
CITY PLAN COMMISSION OPTIONS

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.

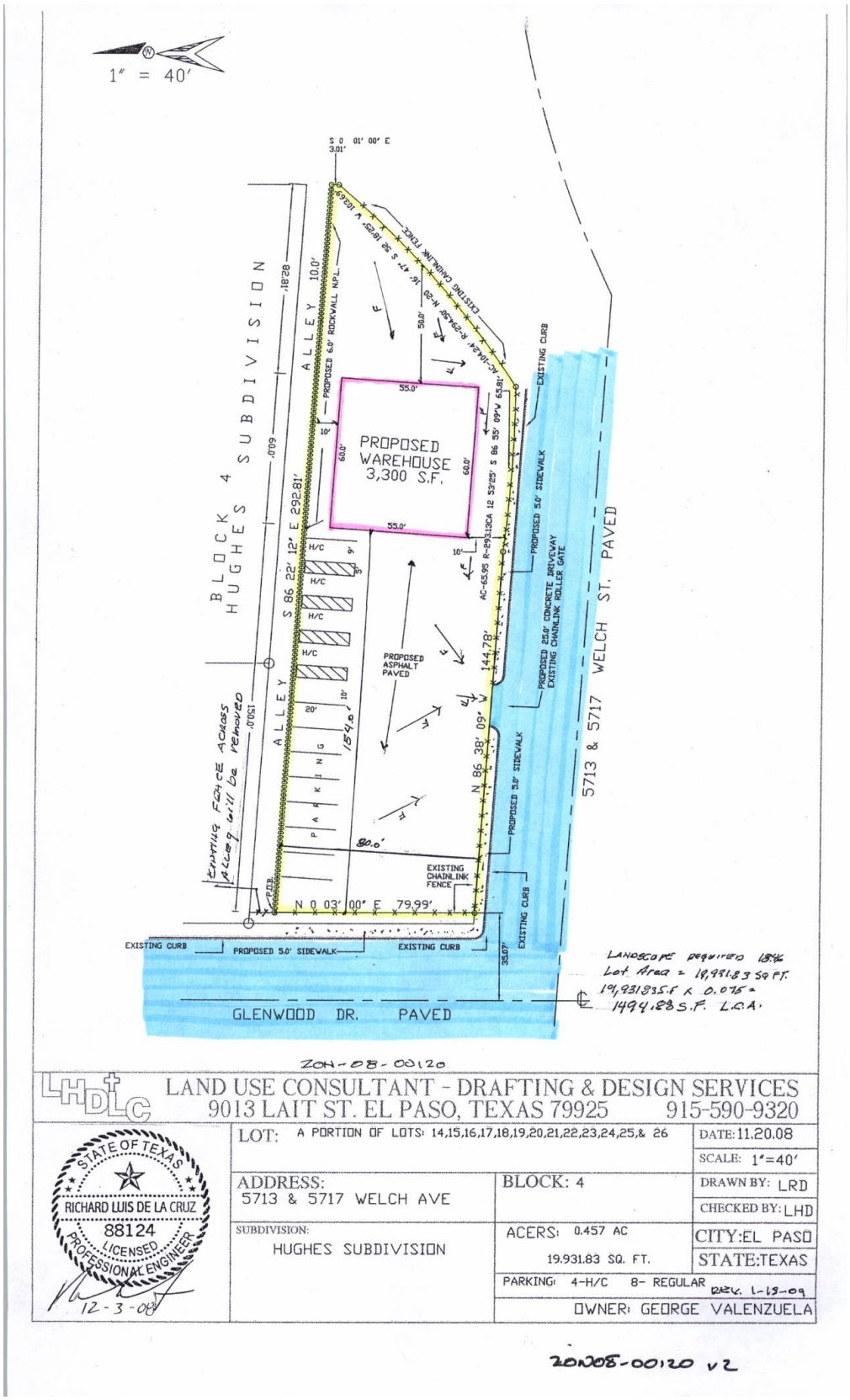
Attachments
1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan
4. Letter in Opposition

Attachment 1: Zoning Map



Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan



Attachment 4: Letter in Opposition

To whom it may concern:

case # ZON08-00120

Name: Maria O. Alcala

Address: 5710 Kapilowitz Ct.
El Paso TX 79905

Position: I Do Not agree on Changing the zoning property to Commercial. I want to keep my zone residential due to young children and elderly within the zone:

Thanks Maria O Alcalá