

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

DEPARTMENT: Planning and Economic Development Department, Planning Division

AGENDA DATE: Introduction: March 29, 2011
Public Hearing: April 19, 2011

CONTACT PERSON/PHONE: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 3

SUBJECT:

An ordinance changing the zoning of a portion of Lot 6, Block 5, Stiles Gardens, City of El Paso, El Paso County, Texas from A-2 (Apartment) to C-3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 7122 North Loop Drive. Applicant: Fidel and Isabel Guerrero. ZON10-00114 (District 3) **THIS IS AN APPEAL REQUEST.**

BACKGROUND / DISCUSSION:

On February 24, 2011 the City Plan Commission reviewed the rezoning request and voted 3-2 to recommend denial of the request. The applicant submitted an appeal request on March 1, 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 (3-2)

*****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 A PORTION OF LOT 6, BLOCK 5, STILES GARDENS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) 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:

That the zoning of *a portion of Lot 6, Block 5, Stiles Gardens, 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 **A-2 (Apartment)** to **C-3 (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

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 and Economic Development
Department

ORDINANCE NO. _____

ZONING CASE NO: ZON10-00114

BEING A PORTION OF LOT 6, BLOCK 5,
STILES GARDENS
CITY OF EL PASO, EL PASO COUNTY, TEXAS
DECEMBER 6, 2010

**EXHIBIT A
METES AND BOUNDS DESCRIPTION**

Metes and Bounds description of a parcel of land that is a portion of Lot 6, Block 5, Stiles Gardens, City Of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing at an existing City Monument located on the intersection of Dale Road (60' R.O.W.) and Nichols Road.(50' R.O.W.); Thence, along the centerline of Nichols Road, North 44° 51' 00" East, a distance of 362.63 feet to a point lying on the centerline intersection of North Loop Drive and Nichols Road; Thence, along the centerline of North Loop Drive, South 64° 40' 00" East, a distance of 408.43 feet to a point; Thence, leaving said centerline of North Loop Drive, South 25° 20' 06" West, a distance of 45.00 feet to set rebar lying on the right-of-way line of North Loop Drive and being the **POINT OF BEGINNING** of the herein described parcel of land;

THENCE, along the right-of-way line of North Loop Drive, South 56° 53' 36" East, a distance of 71.50 feet to a set X on the concrete ;

THENCE, leaving said right-of-way line North Loop Drive, South 44° 51' 05" West, a distance of 191.23 feet to a set rebar;

THENCE, North 45° 08' 35" West, a distance of 70.00 feet to a set rebar being the common property corner of Lots 5 and 6, Stiles Gardens, City of El Paso, El Paso County Texas;

THENCE, along the common boundary line of Lots 5 and 6, Stiles Gardens, North 44° 51' 00" East, a distance of 176.67 feet to the **POINT OF BEGINNING** of the herein described parcel of land and containing 12,876 square feet or 0.2956 acres of land more or less.


ENRIQUE A. REY
R.P.L.S.
TX. 3505



MEMORANDUM

DATE: March 14, 2011

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

FROM: Andrew Salloum, Planner

SUBJECT: ZON10-00114

The City Plan Commission (CPC), on February 24, 2011, voted 3-2 to recommend **DENIAL** of rezoning the subject property from A-2 (Apartment) to C-3 (Commercial). The applicant submitted an appeal request on March 1, 2011.

The CPC found that the rezoning is in conformance with the Plan for El Paso. 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.

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

Attachment:
Appeal
Staff Report

APPEAL TO THE CITY COUNCIL

DATE: March 1, 2011

HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on February 24, 2011, the City Plan Commission my client's request for a change of zoning from A-2 and C-3 for a property located at 7122 North Loop, (ZON10-00014) and legally described as:

A Portion of TR 1, Blk 1, Ascarate Grant, City of El Paso, El Paso County, Texas (0.3294 Acres)

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 IN ERROR.

APPLICANT: Fidel and Isabel Guerrero
7131 N. Loop
El Paso, TX 79915
(915) 772-4143

Representative Address Ray Mancera
6044 Gateway Blvd East, Suite 900
El Paso, TX 79905
(915) 532-2444
Ray@ManceraGroup.com

Sincerely,



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

RAY MANCERA

6044 Gateway Blvd East
Suite 900
El Paso, TX 79905

915-532-2444
ray@manceragroup.com
www.ManceraGroup.com

March 1, 2011

The Honorable Mayor and City Council,

On behalf of Fidel Guerrero and Isabel Guerrero, owners of 7122 N. Loop, I am respectfully appealing the decision of the City Plan Commission (CPC).

On February 24, 2011 the CPC denied our request for a change of zoning from A-2 to C-3 in order to permit an Automotive Repair Garage. The zoning case number is ZON10-00014.

My client operates his automotive repair garage from 7131 N. Loop (zoned C-3) which is just across the street from the property being rezoned. He has run out of space and purchased the subject property because it is 77.42 % bigger than the existing location.

We believe the CPC erred in acknowledging there is an existing C-4 zoned property adjacent to the subject property and several C-3 zoned properties across the street. There are several A-2 zoned properties adjacent or near the Guerrero's property. In addition there are no "R" (Residentially) zoned properties in the vicinity until you reach Ramona School.

To the near North and South there exists the largest M-3 and M-1 zoning districts in El Paso. Sandwiched in between these two zonings you have only three streets, Stiles, Dale and North Loop, and all have C-1 to C-4 zonings. Finally, the CPC erred in not recognizing North Loop, a State Highway, is a major east/west corridor with heavy vehicular traffic that makes our C-3 request proper and logical. We are willing to buffer with landscaping the two A-2 zoned properties adjacent to our property.

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

Sincerely,



Ray Mancera, Representative



City of El Paso – City Plan Commission Staff Report

Case No: ZON10-00114
Application Type: Rezoning
CPC Hearing Date: February 24, 2011
Staff Planner: Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

Location: 7122 North Loop Drive
Legal Description: A portion of Lot 6, Block 5, Stiles Gardens, City of El Paso, El Paso County, Texas
Acreage: 0.296 acres
Rep District: 3
Zoning: A-2 (Apartment)
Existing Use: Automobile use lot
Request: From A-2 (Apartment) to C-3 (Commercial)
Proposed Use: Automobile Repair Garage

Property Owner: Fidel and Isabel Guerrero
Applicant: Fidel and Isabel Guerrero
Representative: Ray Mancera

SURROUNDING ZONING AND LAND USE

North: C-3/sc (Commercial/special contract) / Automotive repair
South: A-2 (Apartment) / Multi-family dwellings
East: A-2 (Apartment) / Multi-family dwellings
West: C-4/sc (Commercial/special contract) / Storage facility

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

Nearest Park: Stiles Park (4,682 feet)

Nearest School: Ramona Elementary (1,546 feet)

NEIGHBORHOOD ASSOCIATIONS

Stiles Garden Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on February 8, 2011. The Planning Division received one letter in opposition to the rezoning request. (See Attachment #4, page 8)

APPLICATION DESCRIPTION

The applicant is requesting to rezone property from A-2 (Apartment) to C-3 (Commercial) to allow for an automotive repair garage. The proposed access is from North Loop Drive.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **DENIAL** of rezoning the subject property from A-2 (Apartment) to C-3 (Commercial) based on incompatibility with the abutting A-2 zoned properties to the South and East and the encroachment of the proposed zoning into an established residential area.

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: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.

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.

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.

Engineering & Construction Management Service Department - Land Development

General Comments:

1. Provide 6' Rockwall from high side abutting zone A-2 (20.16.020).
2. Grading plan and permit shall be required.*
3. Storm Water Pollution Prevention Plan and/or permit required.*
4. Drainage plans must be approved by Engineering and Construction Management Department, Land Development Section.*
5. Coordination with TXDOT (For drainage & driveway)
6. No water runoff allowed outside the proposed development boundaries, (On-site ponding required).
7. The Subdivision is within Flood Zone X, "Areas of minimal flooding"- Panel # 480214 0041C, date February 16, 2006.

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

Department of Transportation

- 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.
- Parking area and driving surfaces must be paved.
- Provide driveway width.
- Proposed parking aisle is too narrow.

El Paso Water Utilities

We have reviewed the zoning change request described above and provide the following comments:

The El Paso Water Utilities – Public Service Board (EPWU) does not object to this request.

Water

Along North Loop Drive fronting the subject Property there is an existing twelve (12) inch diameter water main located along the northernmost portion of North Loop Drive.

Along North Loop Drive fronting the subject Property there is an existing six (6) inch diameter water main located along the southernmost portion of North Loop Drive.

As per EPWU-PSB records 7122 North Loop Drive has a single three-quarter (3/4) inch diameter water service originating from the described 6-inch diameter water main.

Previous water pressure readings conducted on fire hydrant number 1800 located at the corner of Nichols Road and North Loop Drive have yielded a static pressure of 110 pounds per square inch (psi), residual pressure of 100 psi, discharge of 1,424 gallons per minute (gpm).

Private water pressure regulating devices will be required at the discharge side of each water meter. The Developer shall include in the sale of contract documents that the lot buyer shall acquire ownership of the above-described water pressure regulating devices to be located at the discharge side of the water meters. Additionally, the lot buyer shall be responsible for the operation and maintenance of the above-described water pressure regulating devices.

Sanitary Sewer

From the intersection of North Loop Drive and Copper Queen Drive along North Loop Drive towards the west (towards Nichols Road) there is an existing eight (8) inch diameter sanitary sewer main. This main is located along the southernmost portion of North Loop Drive. This main dead-ends approximately at 7124 North Loop Drive; this main does not front the subject Property.

Along North Loop Drive fronting the subject Property there is an existing twelve (12) inch diameter sanitary sewer main. This main is located along the northernmost portion of North Loop Drive.

As per EPWU-PSB records, the sanitary sewer service line pertaining to 7122 North Loop Drive discharges into the described 12-inch diameter sanitary sewer main.

General

North Loop Drive is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within North Loop Drive right-of-way requires written permission from TxDOT.

If the City of El Paso Fire Department requires additional fire hydrants on public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service.

Application for 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.

Fire Department

El Paso Fire Department has no objections to the rezoning request.

Sun Metro

Sun Metro does not oppose this request. Routes 65 and 66 travel along North Loop in front of property.

CITY PLAN COMMISSION OPTIONS

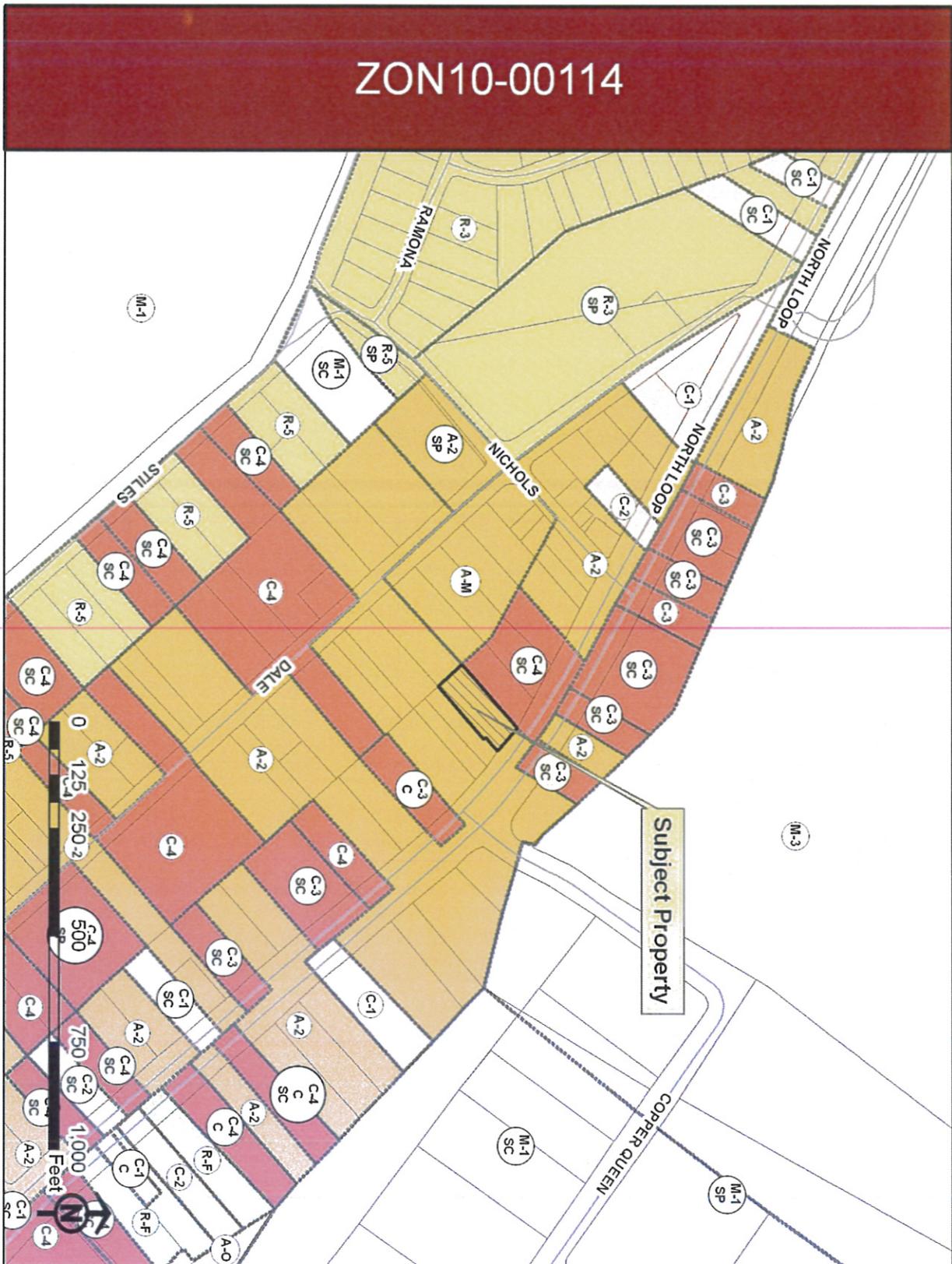
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application

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:

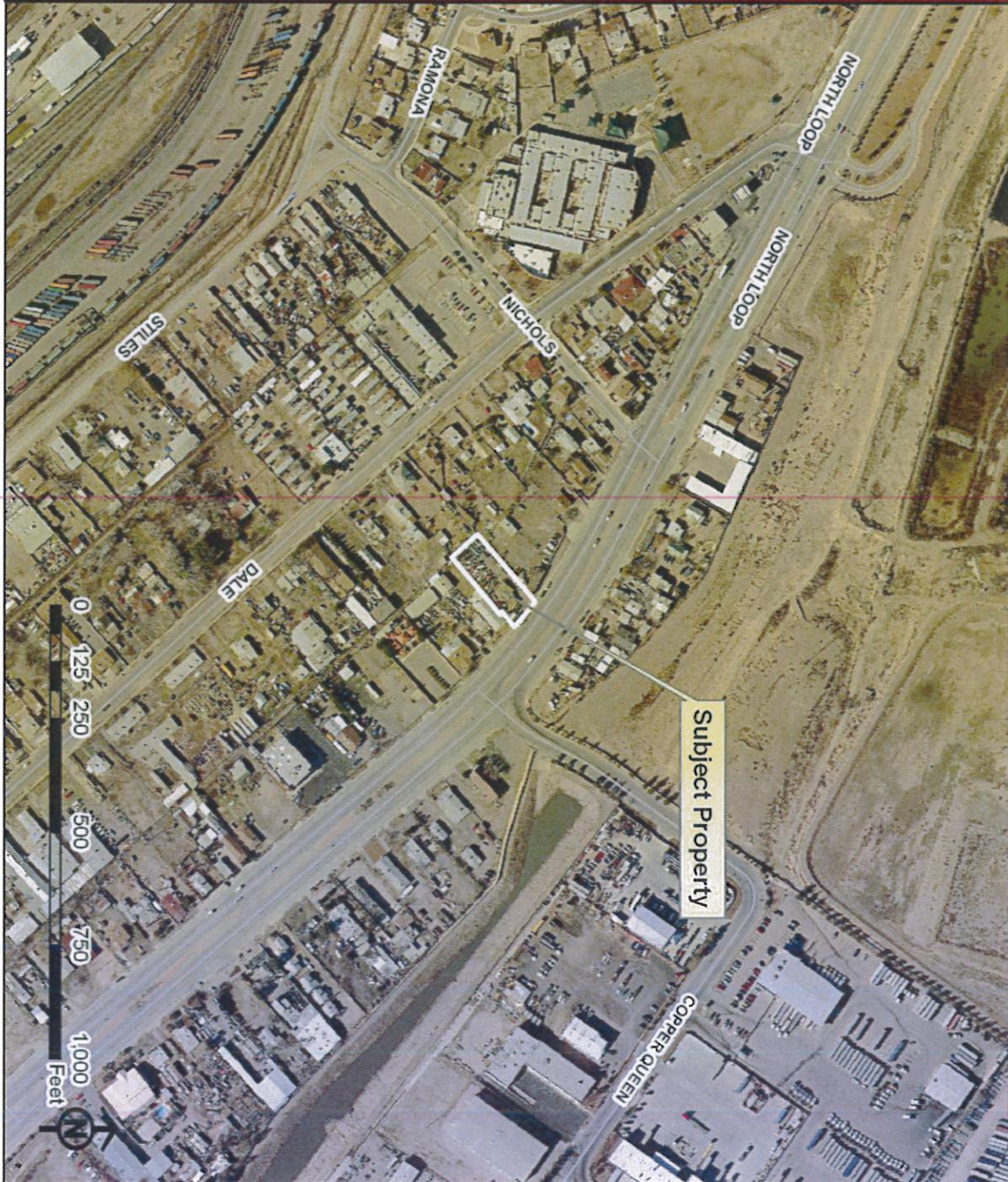
- Attachment 1: Zoning Map
- Attachment 2: Aerial Map
- Attachment 3: Conceptual Site Plan
- Attachment 4: Opposition Letter

ATTACHMENT 1: ZONING MAP

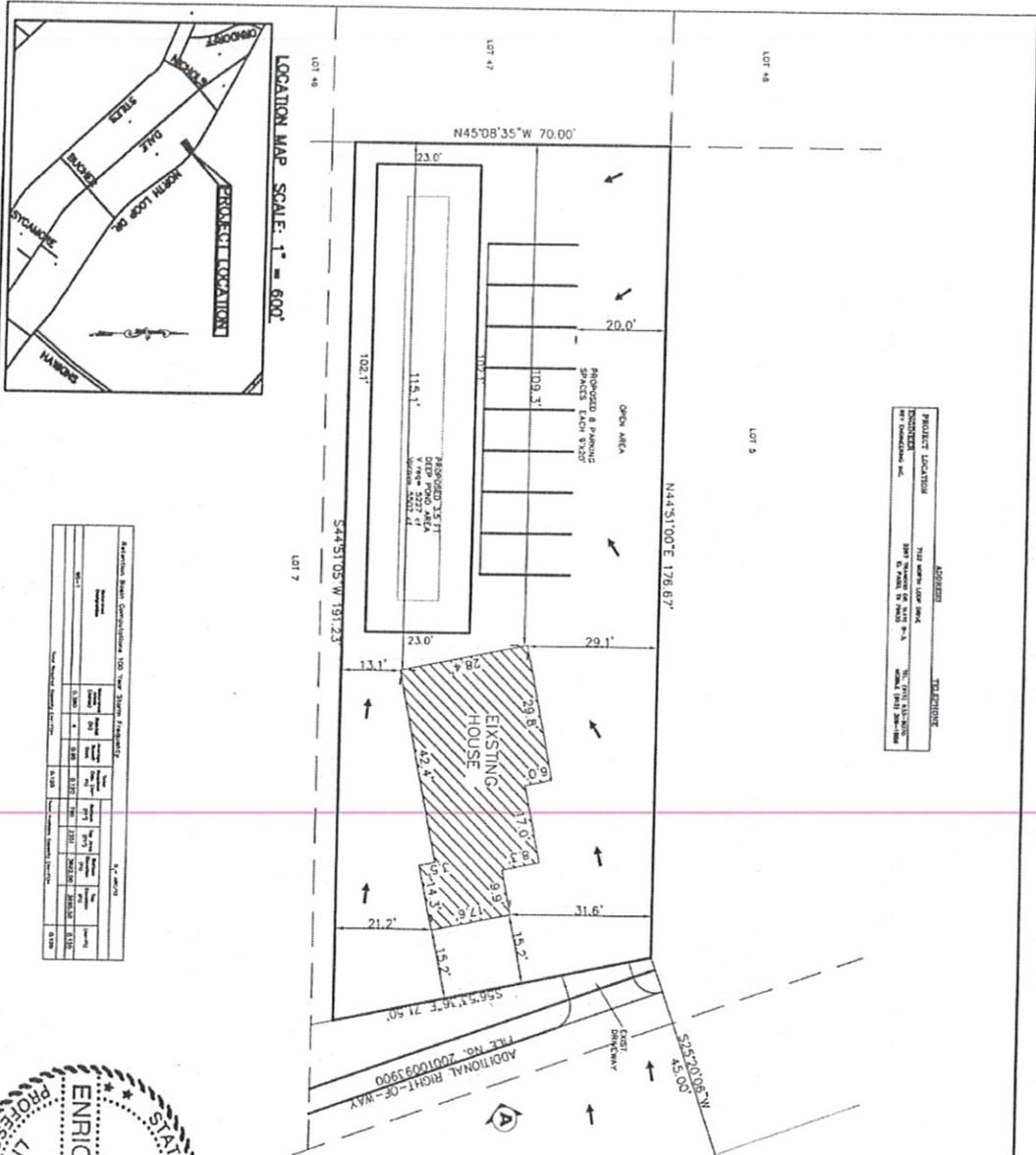


ATTACHMENT 2: AERIAL MAP

ZON10-00114



ATTACHMENT 3: CONCEPTUAL SITE PLAN



ADDRESS

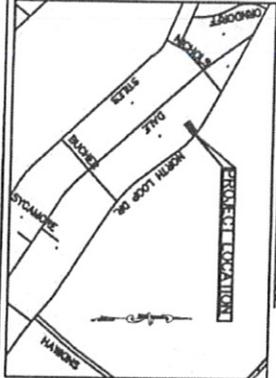
PROJECT LOCATION 700 WEST LOOP WEST

TRACT 2891' SQUARE TRACT 5-A

OWNER THE CITY OF EL PASO

PREPARED BY REY ENGINEERING

DATE FEBRUARY 24, 2011



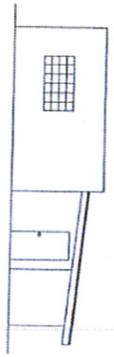
PROPOSED 8 PARKING SPACES 8'x20' 8'x20'

NO.	TYPE	AREA (SQ. FT.)	PERCENTAGE
1	PARKING	160	100%
2	DRIVEWAY	10	6.25%
3	WALKWAY	10	6.25%
4	LANDSCAPING	10	6.25%
5	UTILITIES	10	6.25%
6	STAIRS	10	6.25%
7	SCREENING	10	6.25%
8	WALLS	10	6.25%
9	OTHER	10	6.25%
10	TOTAL	160	100%



REY ENGINEERING
 CONSULTING ENGINEERING, ARCHITECTURE, PLANNING
 1501 N. LOOP WEST, SUITE 1000, EL PASO, TEXAS 79902
 (940) 755-1888 FAX (940) 755-1889

Enrique A. Rey
 February 24, 2011



EXISTING HOUSE NORTH ELEVATION NTS

SITE PLAN
 BEING ALL OF TRACT 5, BLOCK 5,
 STILES GARDENS,
 CITY OF EL PASO, EL PASO COUNTY, TEXAS
 CONTAINING 12,876 SF. OR 0.296 AC.

ATTACHMENT 4: OPPOSITION LETTER

02/15/2011 15:27

9155918975

HOUSEHOLD FURNITURE

PAGE 03

Irene Martin
7124 North Loop Dr.
El Paso, TX 79915
February 14, 2011

City Plan Commission
c/o Planning Division, 5th Floor, City Hall
2 Civic Center Plaza
El Paso, TX 79901-1196

RE: Case No. ZON10-00114 (Rezoning)

Dear City Plan Commission:

I am a long-time resident of our city, and I am writing to express my concern about recent discussion and the pending decision to change the zoning on property located at 7122 North Loop Drive. I understand that the decision is being considered to change zoning from A-2 (Apartment) to C-3 (Commercial) to allow for automobile repair garage.

However, I am very much against this decision. This property has always been a residential property; it is more or less 0.296 acres in size but long not wide. The following are my reasons:

1. I am a senior citizen who lives alone and there are always men and strange people there at all different hours of the day and night.
2. I have small grandchildren who visit me often and like to play outside and now I am afraid for them to get run over.
3. I have lived there for 47 years and had never fear for my life.
4. Cars are always parked all over in front of my home.

Furthermore, the value of my house has decrease in value due to their filthy trash and junk cars all over. I am seeing an infestation of rats, roaches, cats and all different types of bugs.

Thank you for your consideration. I am looking forward to your response.

Sincerely,

Irene R. Martin

Irene Martin

Subscribed and sworn before me, this 15th
day of February, 2011, a Notary Public
in and for El Paso County,
State of Texas

Bernarda V. Obregon

(Signature)
NOTARY PUBLIC

My Commission expires

