

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: March 9, 2010
Public Hearing: March 30, 2010

CONTACT PERSON/PHONE: Andrew Salloum, (915) 541-4029, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 5

SUBJECT:

An Ordinance changing the zoning of a portion of Lot 18, Block 30, Pebble Hills Unit Three, 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: 3377 Lee Trevino Drive. Applicant: Emilio and Olga Corral. ZON09-00078 (District 5) **THIS IS AN APPEAL CASE.**

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Unanimous Denial Recommendation
City Plan Commission (CPC) – Denial Recommendation (6-0)

*****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: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 18, BLOCK 30, PEBBLE HILLS UNIT THREE, 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:

That the zoning of *a portion of Lot 18, Block 30, Pebble Hills Unit Three, City of El Paso, El Paso County, Texas*, be changed from **C-1 (Commercial)** 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 _____, 2010.

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
Development Services Department,
Planning Division

ORDINANCE NO. _____

Zoning Case No: ZON09-00078

MEMORANDUM

DATE: February 26, 2010

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

FROM: Andrew Salloum, Planner

SUBJECT: ZON09-00078

The City Plan Commission (CPC), on February 11, 2010, voted **6-0** to recommend **DENIAL** of rezoning subject property from C-1 (Commercial) to C-3 (Commercial).

The City Plan Commission (CPC) recommended **DENIAL** of rezoning the property from C-1 (Commercial) to C-3 (Commercial) based on incompatibility with the adjacent residential neighborhoods. The C-3 (Commercial) uses permit intense commercial uses such as a large contractor yard, automobile repair, sales, and storage. The existing C-1 (Commercial) zoning district is compatible with the residential neighborhoods by providing convenience goods and services that serve the day to day needs of the neighborhood.

The CPC found that this rezoning is not in conformance with The Plan for El Paso. The CPC also determined that this rezoning does not protect the best interest, health, safety, and welfare of the public in general; and that the proposed use is not compatible with adjacent land uses.

There was one letter in **OPPOSITION** to this rezoning request.

Attachment: Appeal to the City Council
Staff report

CITY CLERK DEPT.

10 FEB 19 AM 8:52

APPEAL TO THE CITY COUNCIL

DATE: 2-19-10

HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on FEBRUARY 11, 2010, the

CITY PLAN COMMISSION denied my request for
REZONING THE PROPERTY AT 3377 LEE TREVINO DR.
CASE # ZON09-00078

legally described as: A PORTION OF LOT 18, BLOCK 30
PEBBLE HILLS UNIT THREE

I hereby request the City Council to review the decision of the _____
DENIED REZONING CASE AND CONSIDER MY REQUEST

SET OUT ABOVE. I AM ATTACHING A LETTER SETTING FORTH MY
REASONS FOR BELIEVING THEIR DECISION TO BE IN ERROR.

CARLOS JIMENEZ
APPLICANT

1790 LEE TREVINO, STE 503
ADDRESS

(915) 633-6422
TELEPHONE NUMBER

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

From: cadconsulting1@aol.com [mailto:cadconsulting1@aol.com]

Sent: Tuesday, February 16, 2010 8:50 AM

To: Castle, Linda

Subject: appeal lee trevino zoning case to city council

February 16, 2010

To: City of El Paso Development Services Department

Att: Linda Castle

This is a request to appeal to City Council the zoning case for the property on 3377 Lee Trevino Drive, legally described as a portion of Lot 18, Block 30, Pebble Hills Unit 3.

If you have any questions, please call me at 633-6422.

Thank You

Carlos M. Jimenez

CAD Consulting Co.

1790 Lee Trevino, Ste 503

El Paso, TX 79936

CITY CLERK DEPT.
10 FEB 17 PM 3:02



City of El Paso – City Plan Commission Staff Report

Case No: ZON09-00078
Application Type: Rezoning
CPC Hearing Date: February 11, 2010
Staff Planner: Andrew Salloum, 915-541-4029, salloumam@elpasotexas.gov

Location: 3377 Lee Trevino Drive
Legal Description: A portion of Lot 18, Block 30, Pebble Hills Unit Three, City of El Paso, El Paso County, Texas
Acreage: 0.3499-acre
Rep District: 5
Existing Use: Tire Repair Center
Request: C-1 (Commercial) to C-3 (Commercial)
Proposed Use: Tire Repair Center and Automobile Uses

Property Owner: Emilio and Olga Corral
Applicant: Emilio and Olga Corral
Representative: CAD Consulting Co

SURROUNDING ZONING AND LAND USE

North: A-2 (Apartment) / Multi-Family Residential
South: R-3 (Residential) / Single-Family Residential
East: R-3 (Residential) / Single-Family Residential
West: C-1 (Commercial) / Convalescent Facility

THE PLAN FOR EL PASO DESIGNATION: Commercial (East Planning Area)

Nearest Park: Pebble Hills Park (1,390 Feet)

Nearest School: R.E.L. Washington Elementary (1,770 Feet)

NEIGHBORHOOD ASSOCIATIONS

There are no registered neighborhood associations in the area.

NEIGHBORHOOD INPUT

Notice of a public hearing was mailed to all property owners within 300 feet of the subject property on January 27, 2010. The Planning Division has received a letter in opposition of the rezoning request.

CASE HISTORY

The proposed rezoning hearing was scheduled for CPC on December 17, 2009. The property owner requested postponement to the January 14, 2010 meeting. The applicant's representative requested another postponement to the February 11, 2010 CPC meeting.

APPLICATION DESCRIPTION

The applicant is requesting to rezone the property from C-1 (Commercial) to C-3 (Commercial) in order to permit automobile sales, service, storage, and rental. The property is 0.3499-acre in size and includes an existing 2,645 square-foot building. Access to the property is from Lee Trevino Drive and Edgemere Boulevard.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

The DCC recommends **DENIAL** of rezoning the property from C-1 (Commercial) to C-3 (Commercial).

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **DENIAL** of rezoning the property from C-1 (Commercial) to C-3 (Commercial) in order to protect the character of the existing neighborhood. The C-3 (Commercial) zoning is incompatible with the surrounding residential neighborhoods.

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.

The purpose of the C-1 (Commercial) district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the district will permit the location of business, professional offices, and retail category uses within adjacent residential areas of medium and high densities.

Development Services Department - Building Permits and Inspections Division

Zoning Review: No objection

Landscape Review: Landscape is not required for this project under 18.46.060.

Engineering Department - Traffic Division

No objection.

Fire Department

No comments received.

El Paso Water Utilities

EPWU does not object to this request.

Sun Metro:

No comments received.

Street Department:

No comments received.

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.

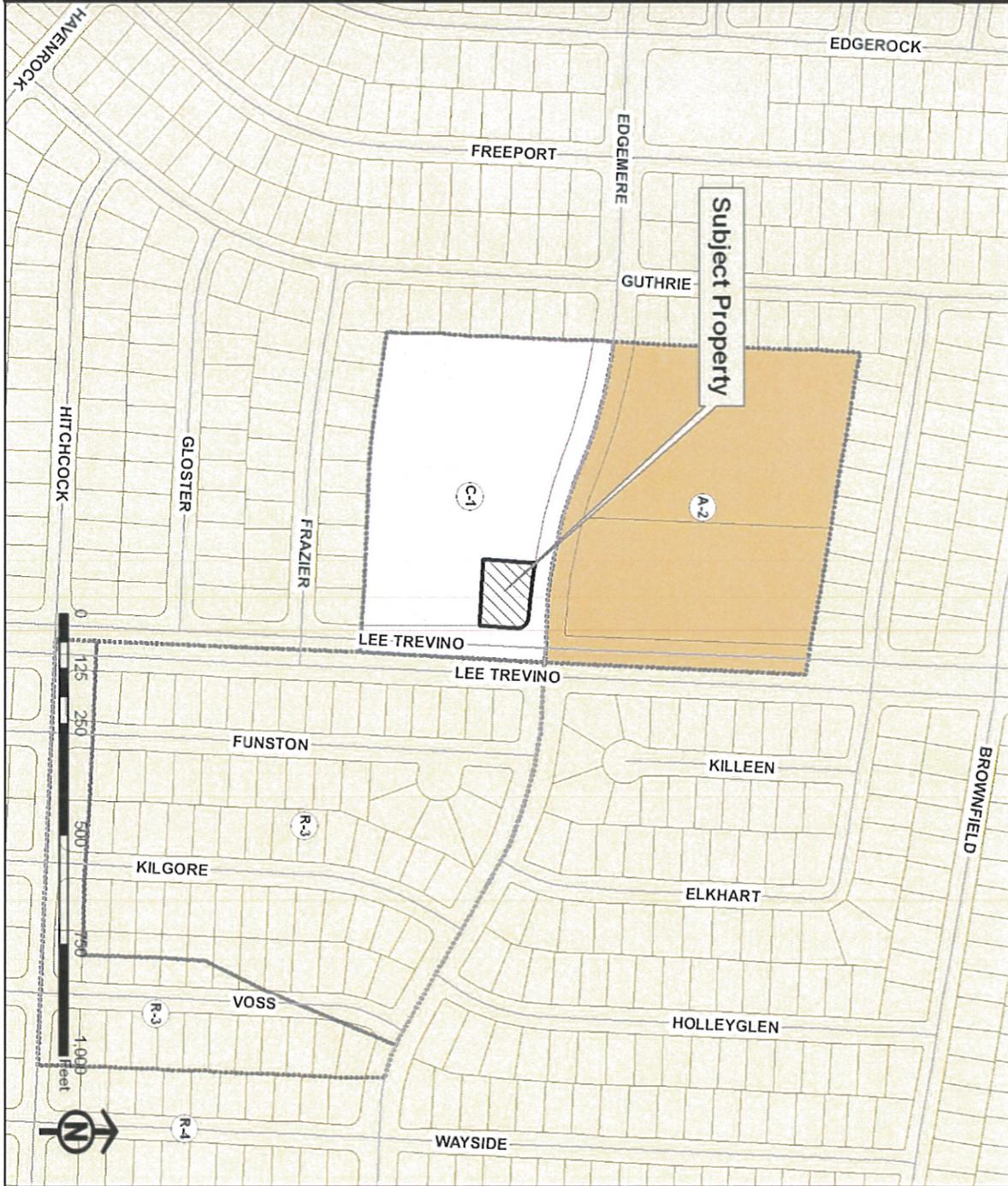
3. Deny the application finding that the rezoning does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified in the Plan by the CPC.

Attachments:

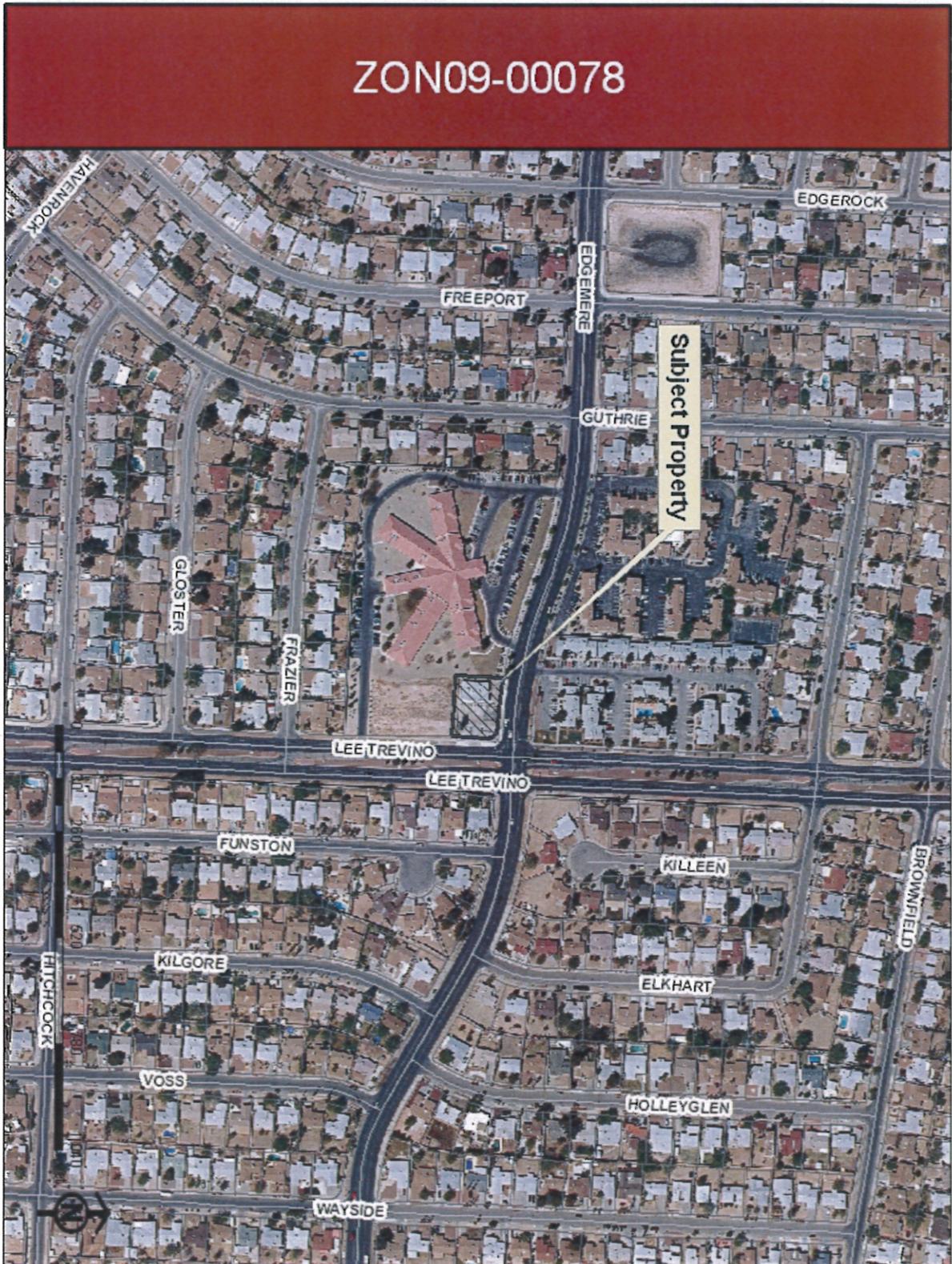
- Attachment 1: Zoning Map
- Attachment 2: Aerial Map
- Attachment 3: Conceptual Site Plan
- Attachment 4: Opposition Letter

ATTACHMENT 1: ZONING MAP

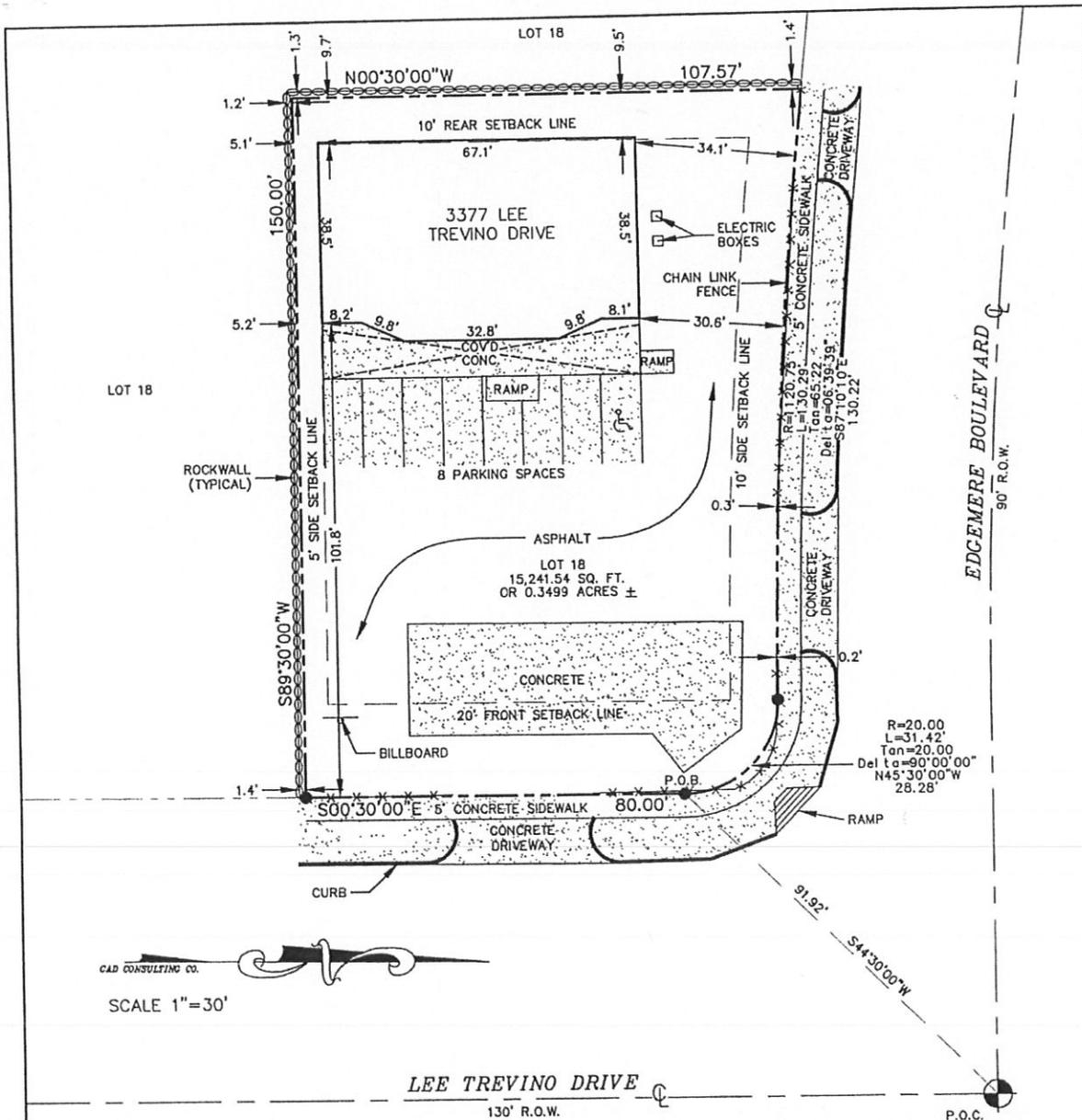
ZON09-00078



ATTACHMENT 2: AERIAL MAP



ATTACHMENT 3: CONCEPTUAL SITE PLAN



CAD CONSULTING CO.

SCALE 1"=30'

LEE TREVINO DRIVE

130' R.O.W.

P.O.C.
CITY MONUMENT

COPYRIGHT © 2009 CAD CONSULTING CO. ALL RIGHTS RESERVED

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN.

CARLOS M. JIMENEZ
PROFESSIONAL SURVEYOR
R.P.L.S. No. 1999

ZON09.00078

JOB # 92290 DATE: 10-12-09 FIELD: AR OFFICE: SM FILE: NET:\SABINO\2009\92290
 LOCATED IN ZONE c PANEL # 480214-0036-B DATED 10-15-82
 RECORDED IN VOLUME 43 PAGE 7, PLAT RECORDS, EL PASO COUNTY, TX

3377 LEE TREVINO DRIVE
 A PORTION OF LOT 18, BLOCK 30 (SEE EXHIBIT "A")
 PEBBLE HILLS UNIT THREE
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

CD CONSULTING COMPANY
 1790 LEE TREVINO DRIVE SUITE 503
 EL PASO, TEXAS 79936
 (915) 633-6422

ATTACHMENT 4: OPPOSITION LETTER

12/03/2009 00:20 FAX 7748844

LA VICTORIA

0200

12-03-09

Development services Dept.
PLANNING Division: 5th Floor City Hall
2 Civic Center Plaza
DEAR MR Andrew SAILOR,

This is to inform you that I am opposed to the changing of zoning from C-1 commercial to C-3 commercial.

I am opposed because of the possibility of increase noise pollution and increase traffic. I will appreciate your consideration to this matter.

Sincerely,

Eva B. Thomas

CASE NO: ZON09-00078 Rezoning
3361 FUNSTON PL.

EL PASO TX 79936

101 Pebble Hills Replat

lot 2 (7067 sq ft)

Legal Acres .1622