

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

DEPARTMENT: City Development Department, Planning Division

AGENDA DATE: Introduction: March 12, 2013
Public Hearing: April 2, 2013

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

DISTRICT(S) AFFECTED: 3

SUBJECT:

An Ordinance changing the zoning of Real Property known as Lot 45, Block 4, Stiles Gardens, City of El Paso, El Paso County, Texas from R-5 (Residential) to C-2 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 7127 Stiles Drive. Property Owner: Enrique Escobar. PZRZ12-00039 (District 3). **THIS IS AN APPEAL CASE.**

BACKGROUND / DISCUSSION:

Staff report attached.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Denial Recommendation (8-1)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Mathew S. McElroy
Director, City Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF REAL PROPERTY KNOWN AS LOT 45, BLOCK 4, STILES GARDENS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO C-2 (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 *real property known as Lot 45, Block 4, Stiles Gardens, City of El Paso, El Paso County, Texas*, incorporated by reference, be changed from R-5 (Residential) to C-2 (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 _____, 2013.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Karla M. Nieman
Assistant City Attorney

Mathew S. McElroy, Director
City Development Department

MEMORANDUM

DATE: February 28, 2013

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

FROM: Andrew Salloum, Planner

SUBJECT: PZRZ12-00039

The City Plan Commission (CPC), on February 7, 2013, voted 8-1 to recommend **denial** of rezoning the subject property from R-5 (Residential) to C-2 (Commercial).

The Planning Division recommended **approval** of rezoning the subject property from R-5 (Residential) to C-2 (Commercial). The recommendation is based on the existing commercial and industrial uses immediately adjacent to the subject property. The predominant land use in the area is light manufacturing which is compatible with the Plan El Paso land use designation G-7, Industrial and/or Railyards.

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.

Planning Division received a petition with 29 signatures in opposition to the rezoning request.

Attachment:
Appeal Letter
Petition Letter
Staff Report

CITY CLERK DEPT.
2013 FEB 19 PM 4:24

APPEAL TO THE CITY COUNCIL

DATE: February 19, 2013

HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on February 7, 2013 the
City Planning Commission denied my request for
rezoning from R-5 to C-2 with Special Permit.
(Case no: PZRZ12-00039 rezoning; PZST13-00001 Special Permit

legally described as:
Lot 45, Block 4, Stiles Gardens, City of El Paso,
El Paso County, Texas
(7127 Stiles Dr.)

I hereby request the City Council to review the decision of the Rezoning and Special Permit
Case no: PZRZ12-00039 rezoning AND CONSIDER MY REQUEST
PZST13-00001 Special Permit

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

[Signature]
APPLICANT
301 E. Borderland Rd. Sp. 73
ADDRESS

TELEPHONE NUMBER

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

Enrique Escobar
301 E. Borderland Sp. #73
El Paso, Texas 79932

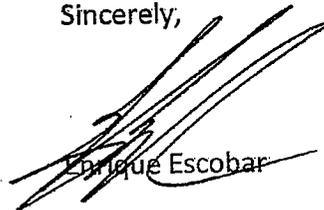
CITY CLERK DEPT.
2013 FEB 19 PM 4:24

February 19, 2013

Re: Rezoning and Special Permit
(Lot 45, Block 4, Stiles Gardens, City of El Paso)

As owner of the property at 7127 Stiles, and Planning Commission having reject to change the zoning from R-5 to C-2 special permit. We are requesting that you file an appeal with City Council to overturn this decision. The Planning Commission's decision was unjust and discriminatory, due to the fact that we are surrounded by C-4 properties. The Cities 2025 comprehensive plan shows this area as Industrial. The majority of the people that spoke against the rezoning are renters and not property owners; they themselves live on a C-4 property. A reversal of this decision by the City Council will ultimately save the City of El Paso time and money and accomplish what is right for the property.

Sincerely,



Enrique Escobar

PETITION

To: City Planning (c/o Planning Division 5th floor, City Hall, 2 Civic Center Plaza, El Paso, TX 79901-1196.

The Stiles Garden Neighborhood Association, and the residents oppose to the re-zoning request of Enrique Escobar, Case No: PZRZ12-00039/PZST13-00001 from R-5 to C-2 to build a contractor yard at 7127 Stiles Dr., Lots 45, Block 4. We oppose due to safety issues; pollution, heavy machinery. This area is residential both children, elderly and disabled people live here. We want safety for the people without accidents. This is inconvenient for the people. Our street was just re-constructed. For safety and health issues we want a better quality of life for our community.

Signature	Address	Phone Number
1 Xarel Chico Dominguez	7229 Stiles Garden	
2 Elva Villagan	712 Dale Rd	
3 Cecilia Ruiz	7127 Dale Rd	
4 Aurelia Roque	7122 Dale Rd sp #17	
5 m. Guadalupe Lopez	7126 DALE ROAD 104	
6 ERASMO CONDRAZ	7126 DALE RD. 102 1/2	
7 Dolia Gonzalez	7126 Dale Rd 107 1/2	
8 No. Garcia	7126 DALE RD SP #104	
9 [Signature]	7126 Dale Rd. sp. 110	
10 Joe Jim	7126 DALE RD. sp. 112	
11 ELOISA SOTO	7126 DALE RD.	
12 Betta Cabo	7126 DALE RD 5 ¹⁰³ SP	
13 Laura Sola	7126 Dale Rd sp 104	
14 Irma Cazano	7126 Dale Rd 111 ^{SP}	
15 Manuel Mares	7202 1/2 Dale Rd	
16 Jorge Rodriguez	7307 Dale Rd	
17 Emma Rodriguez	7307 Dale Rd	
18 Rosa E. Cabral	308 Dodae	
19 Roberto Aguilar	404 Bucher	
20 Concepcion Aguilar	404 Bucher Rd.	

PETITION

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Signature	Address	Phone Number
1. <i>Elma Lopez</i>	7125 Dale Rd	
2. <i>Maria R Lopez</i>	7119 Stiles Rd.	
3. <i>Magdalena Medina</i>	7245 Stiles Rd	
4. <i>Martelo y Doris Grubbs</i>	7243 Stiles Rd	
5. <i>Gerarda Gomez</i>	7027 Stiles Rd.	
6. <i>Carlos Acosta</i>	7209 Stiles	
7. <i>Ruben Garcia</i>	7163 Stiles Dr.	
8. <i>Theresa Bonilla</i>	7135 Stiles	
9. <i>Jose Vega</i>	7121 Stiles	
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City of El Paso – City Plan Commission Staff Report

Case No: PZRZ12-00039 (Related to PZST13-00001)
Application Type: Rezoning
CPC Hearing Date: February 7, 2013
Staff Planner: Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

Location: 7127 Stiles Drive
Legal Description: Lot 45, Block 4, Stiles Gardens, City of El Paso, El Paso County, Texas
Acreage: 0.521-acre
Rep District: 3
Existing Zoning: R-5 (Residential)
Existing Use: Vacant
Request: From R-5 (Residential) to C-2 (Commercial)
Proposed Use: Small contractor yard

Property Owner: Enrique Escobar
Representative: Enrique Escobar

SURROUNDING ZONING AND LAND USE

North: C-4 (Commercial) / Mobile Home Park
South: M-1 (Light Manufacturing) / Railyards
East: R-5 (Residential) / Single-family dwelling
West: C-4 (Commercial) / Contractor yard

PLAN EL PASO DESIGNATION: G-7, Industrial and/or Railyards (Mission Valley Planning)
NEAREST PARK: Stiles Park (3,671 feet)
NEAREST SCHOOL: Ramona Elementary (861 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 January 22, 2013. 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-5 (Residential) to C-2 (Commercial) to allow for a small contractor yard with a Special Permit (PZST13-00001). The site plan shows an existing 557 sq. ft. office building and two (2) storage facilities for a landscaping-construction business. Access is proposed from Stiles Drive.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of rezoning the subject property R-5 (Residential) to C-2 (Commercial). The recommendation is based on the existing commercial and industrial uses immediately adjacent to the subject property. The predominant land use in the area is light manufacturing which is compatible with the Plan El Paso land use designation G-7, Industrial and/or Railyards. The subject property is related to Special Permit, PZST13-00001, which is required for contractor yard use in C-2 (Commercial).

Plan El Paso- Future Land Use Map Designation

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

G-7 – Industrial: This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso's economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.

The purpose of the C-2 (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

COMMENTS:

Planning Division - Transportation

Comments:

1. The proposed improvements being constructed on Stiles between Nichols and Dodge are in conjunction with the Neighborhood Traffic Management Program (NTMP). The proposed commercial zoning and use is in conflict with the intent of the traffic calming measures under construction at this time. The Bulbouts (aka. Curb extensions) are utilized to reduce roadway width midblock and at intersections to reduce vehicle travel speeds and tighten curb radii. The traffic circle is to reduce the speed and impede straight-through movements.
2. There are roadway improvements under construction on Stiles between Nichols and Dodge that include the installation of curb extensions and a traffic circle at the intersection of Nichols and Stiles which narrow the paved right-of-way.

Notes:

1. Sidewalks shall continue across driveways.
2. All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall follow the City of El Paso Design Standards for Construction and be ADA/TAS compliant.

City Development Department – Plan Review

No objections.

City Development Department - Landscaping Division

Landscape shall be required at time of permit as an expansion formula under 18.46.

City Development Department - Land Development

No Objection.

Grading plan and permit shall be required.*

Storm Water Pollution Prevention Plan and/or permit required.*

Drainage plans must be approved by the City Development Department, Land Development Section.*

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

Fire Department

Fire recommends approval with a condition that the locking mechanism must be detailed for the proposed gate. And shall be detailed to where it becomes part of the plans, and the applicant provides in writing to the Fire Department and shall be included in the construction plans that will go to Building Permit and Inspection Division for permitting.

Sun Metro

Sun Metro does not oppose this request.

El Paso Water Utilities

We have reviewed the rezoning referenced above and provide the following comments:

1. EPWU does not object to this request.

EPWU-PSB Comments

Water

2. There is an existing 8-inch diameter water main along Stiles Drive fronting the subject property. This water main is available for service.

3. EPWU records indicate a ¾-inch water meter serving the subject property with 7127 Stiles Drive as the service address.

4. Previous water pressure readings conducted on fire hydrant No. 2323 located on Stiles Drive approximately 989 feet northwest of Bucher Street have yielded a static pressure of 92 pounds per square inch (psi), a residual pressure of 84 psi and a discharge of 1,342 gallons per minute (gpm).

5. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

6. There is an existing 18-inch diameter sanitary sewer interceptor along Stiles Drive fronting the subject property. No direct service connections are allowed to this interceptor as per the El Paso Water Utilities – Public Service Board Rules and Regulations. Also, there is an existing 8-inch diameter sewer main along Stiles Drive fronting the subject property. This sewer main is available for service.

General:

7. A new service application is required for additional water and sanitary sewer services. 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.

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 Plan 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 Plan 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 Plan El Paso as reflected in CPC report or other criteria identified in the Plan by the CPC.

Attachments:

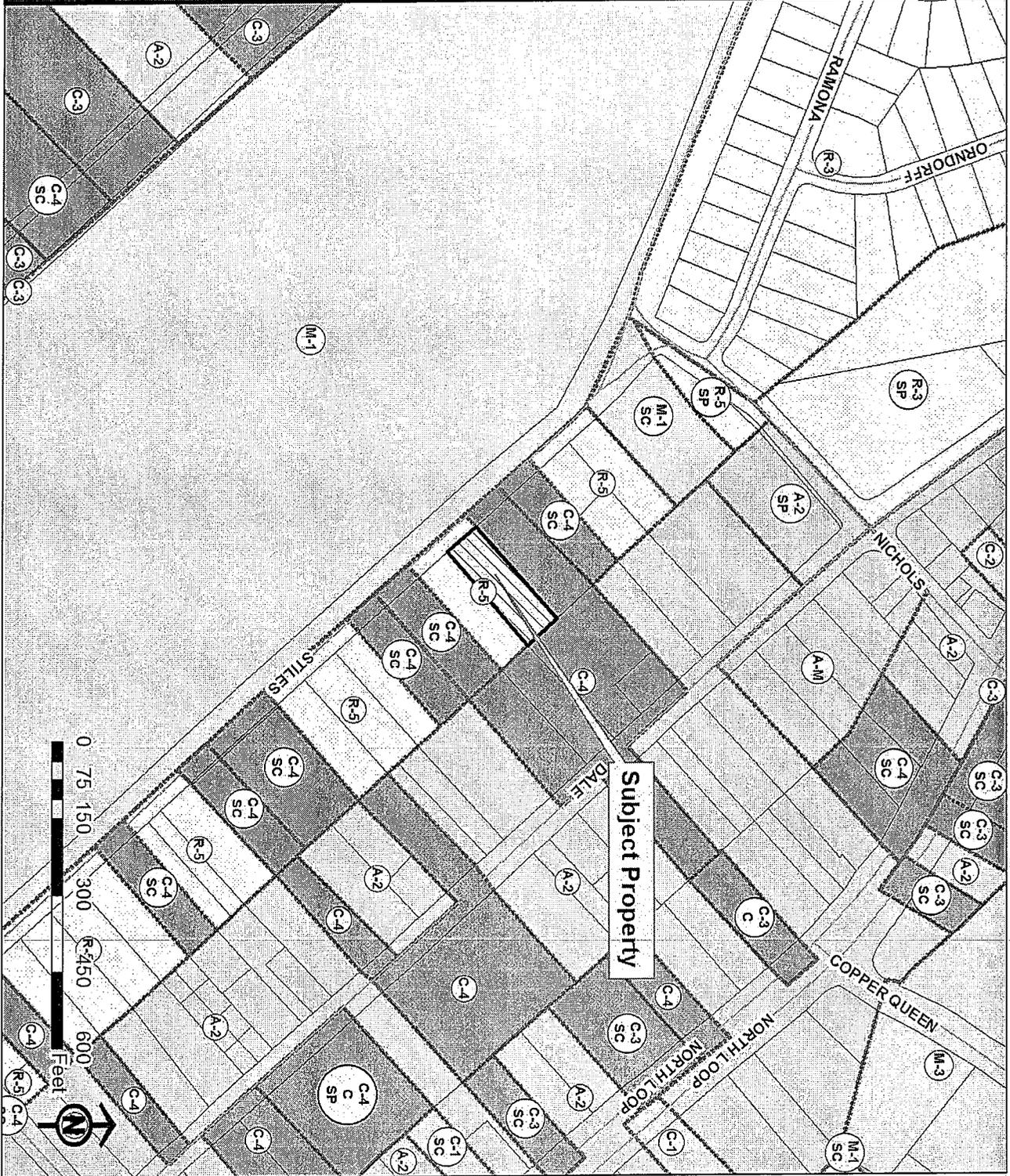
Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan

ATTACHMENT 1: ZONING MAP

PZRZ12-00039



ATTACHMENT 2: AERIAL MAP

PZRZ12-00039

