



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CHANGING THE ZONING OF TRACTS 1D-2C, 1D-2A1, BLOCK 35, YSLETA GRANT, 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 *Tracts 1D-2C, 1D-2A1, Block 35, Ysleta Grant, 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 \_\_\_\_\_, 2009.

**THE CITY OF EL PASO**

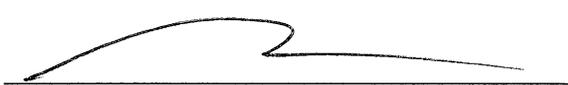
**ATTEST:**

\_\_\_\_\_  
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

Doc #46530/Planning/Ord/ZON08-00094 (Rezoning)/LCUE

ORDINANCE NO. \_\_\_\_\_

**Zoning Case No: ZON08-00094**

**DORADO ENGINEERING, INC.**  
2717 E. Yandell El Paso, Texas 79903 (915) 562-0002 Fax (915) 562-7743

**8450 Alameda Ave.**  
**Tract 1D-2C, 1D-2A1, Block 35, Ysleta Grant**

Metes and Bound description of a parcel of land being Tract 1D-2C and 1D-2A1, Block 35, Ysleta Grant, City of El Paso, El Paso County Texas and being more particularly described as follows;

From an existing city monument located at the centerline of Whittier Drive being approximately one hundred twenty and no hundredths (120.00) feet South of Alameda Ave; Thence South  $32^{\circ} 09' 00''$  East a distance of sixty and no hundredths (60.00) feet to a point located on the Southerly Right-of-Way line of Whittier Dr; Thence North  $57^{\circ} 51' 00''$  East along said Right-of-Way line, a distance of fifty nine and sixteen hundredths (59.16) feet to a corner on a curve to the right, thence along an arc of a curve to the right a distance of thirty one and forty two hundredths (31.42) feet, said curve having a central angle of  $90^{\circ} 00' 00''$  and a radius of twenty and no hundredths (20.00) feet, whose chord bears South  $77^{\circ} 09' 00''$  East a distance of twenty eight and twenty eight hundredths (28.28) feet to a corner on the Southerly Right-of-Way line of Alameda Ave; Thence South  $32^{\circ} 09' 00''$  East along said Right-of-Way line, a distance of fifty two and eighty eight hundredths (52.88) feet to the Point of Beginning for this description;

Thence South  $32^{\circ} 09' 00''$  East, continuing along the Southerly Right-of-Way line of Alameda Ave., a distance of two hundred thirty two and thirty six hundredths (232.36) feet to a corner for a curve to the right;

Thence along an arc of a curve to the right, a distance of thirty and two hundredths (30.02) feet, said curve having a central angle of  $86^{\circ} 00' 00''$  and a radius of twenty and no hundredths (20.00) feet, whose chord bears South  $10^{\circ} 51' 00''$  West, a distance of twenty seven and twenty eight hundredths (27.28) feet for a corner on the Northerly Right-of-Way line of Finita Lane;

Thence South  $53^{\circ} 51' 50''$  West, along said Right-of-Way line, a distance of forty eight and six hundredths (48.06) feet for a corner on a curve to the right;

Thence along an arc of a curve to the right, a distance of eight nine and seventy nine hundredths (89.79) feet, said curve having a central angle of  $08^{\circ} 43' 38''$  and a radius of five hundred eighty nine and forty eight hundredths (589.48) feet, whose chord bears South  $58^{\circ} 12' 49''$  West a distance of eighty nine and seventy hundredths (89.70) feet to a corner on a line common to Lot 2, George Webber Memorial Subdivision and Tract 1D-2C, Block 35 Ysleta Grant;

Thence North 00° 31' 00" West along said common lot line, a distance of two hundred fifty five and nine hundredths (255.09) feet to a point common to Tract 1D2A1 and Tract1D2, Block 35, Ysleta Grant and Lot 2, George Webber Memorial Subdivision;

Thence North 57° 51' 00" East along said common line a distance of one hundred fifty six and twenty six hundredths (156.26) feet to a point, said point being the Point of Beginning for this description;

Said parcel of land contains 39,795 square feet or 0.914 acres more or less.

  
Fermin Dorado, R.P.L.S.



October 7, 2008

MEMORANDUM



**DATE:** March 19, 2009  
**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager  
**FROM:** Mirian Spencer, Planner  
**SUBJECT:** **ZON08-00094**

The City Plan Commission (CPC), on February 26, 2009, voted **4-1** to recommend **APPROVAL** of rezoning the subject property from C-1 (Commercial) to C-3 (Commercial) against the recommendation from the Development Coordinating Committee (DCC), which recommended **DENIAL** of the request.

The property owners are requesting to change the zoning on the subject property from C-1 (Commercial) to C-3 (Commercial). The current use is a restaurant, automobile/light truck sales, and repair center. The property owners are requesting to change the zone in order to permit the existing automotive uses which are not permitted in the C-1 (Commercial) zoning district. The restaurant is 2,500 square feet and the automobile/light truck sales and repair center is 750 square feet. Primary access is from **Alameda Avenue** with secondary access being provided from **Finta Court** with 34 parking spaces provided.

The DCC found the application to not be in conformance with the Plan for El Paso – City-wide Land Use Goals and the 2025 General Land Use Map for the Mission Valley Planning area that is designated for Mixed-Use development. The land use concepts and policies set forth in The Plan for El Paso for the Alameda Avenue Corridor are to encourage development that is safe and attractive for pedestrians. The plan also encourages innovative development that enhances the Alameda Corridor’s image and creates a high-quality environment for the future. The Alameda Avenue Corridor development has primarily been automotive uses. The existing automobile and light truck sales, and repair uses are not permitted in the C-1 (Commercial) zoning district. Automobile and light truck sales, and repair centers are two of the intense uses permitted in the C-3 (Commercial) zoning district which are incompatible with the adjacent multi-family residential and school.

The CPC found that the rezoning is in conformance with The Plan for El Paso. The CPC also found that the proposed use is compatible with adjacent land uses. The CPC also determined that the rezoning protects the best interest, health, safety, and welfare of the public in general; 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 public response to this rezoning application.

**Attachment:** Staff Report, Zoning Map, Aerial Map, Detailed Site Plan, Elevations

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

**Development Services Department**

Victor Q. Torres - Director



## City of El Paso – City Plan Commission Staff Report

**Case No:** ZON08-00094  
**Application Type** Rezoning  
**CPC Hearing Date** February 26, 2009  
**Staff Planner** Mirian Spencer, (915) 541-4192, spencermd2@elpasotexas.gov

**Location** 8450 Alameda Avenue  
**Legal Description** Tracts 1D-2C and 1D-2A1, Block 35, Ysleta Grant, City of El Paso, El Paso County, Texas  
**Acreage** 0.9128 acres  
**Rep District** 7  
**Existing Use** Restaurant, Automobile and Light Truck Sales and Repair Center  
**Request** From C-1 (Commercial) to C-3 (Commercial)  
**Proposed Use** Restaurant, Automobile and Light Truck Sales and Repair Center

**Property Owners** Martin and Maria Isela Armendariz  
**Representative** Dorado Engineering, Inc.

### **SURROUNDING ZONING AND LAND USE**

**North:** C-1 (Commercial)/ Shopping Center  
**South:** C-3/sc (Commercial/special contract)/ Shopping Center  
**East:** C-2/sc (Commercial/special contract)/ Plato Academy Special Campus  
**West:** C-1 (Commercial)/ Multi-family Apartments

**THE PLAN FOR EL PASO DESIGNATION:** Mixed-use (Mission Valley Planning Area)

**NEAREST PARK:** Marian Manor Park (2,472 Feet)

**NEAREST SCHOOL:** Plato Academy Special Campus (483 Feet)

### **NEIGHBORHOOD ASSOCIATIONS:**

Save the Valley 21  
Teens in Action for a Healthy Community

### **NEIGHBORHOOD INPUT**

Notices of the public meeting were mailed out to all property owners within 300 feet of the subject property on December 3, 2008. The Planning Division has received no public response to the rezoning request.

### **CASE HISTORY**

This case was heard at the December 18, 2008 CPC meeting and was postponed at the request of the applicant. The case was heard at the January 8, 2009 CPC meeting where it was requested that the representative meet with staff to consider alternative options regarding the proposed rezoning. Staff met with the representative on January 15, 2008, and the representative stated the property owners intent was to keep the existing automobile sales and repair center that are on the site. The rezoning request is to legitimize the existing land uses. The case was subsequently postponed at the January 29, 2009 and the February 12, 2009 City Plan Commission meetings.

### **APPLICATION DESCRIPTION**

The property owners are requesting to change the zoning on the subject property from C-1 (Commercial) to C-3 (Commercial). The current use is a restaurant, automobile/light truck sales, and repair center. The property owners are requesting to change the zone in order to permit the existing automotive uses which are not permitted in the C-1 (Commercial) zoning district. The restaurant is 2,500 square feet and the

automobile/light truck sales and repair center is 750 square feet. Primary access is from **Alameda Avenue** with secondary access being provided from **Finta Court** with 34 parking spaces provided.

**DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION**

The Development Coordinating Committee provides the following comments:  
DCC recommends **DENIAL** of the rezoning request from C-1 (Commercial) to C-3 (Commercial).

**PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **DENIAL** of the rezoning request from C-1 (Commercial) to C-3 (Commercial).

**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 a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses
- c. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- d. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.
- e. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character

The application is not in conformance with the Plan for El Paso – City-wide Land Use Goals and the 2025 General Land Use Map for the Mission Valley Planning area that is designated for Mixed-Use development. The land use concepts and policies set forth in The Plan for El Paso for the Alameda Avenue Corridor are to encourage development that is safe and attractive for pedestrians. The plan also encourages innovative development that enhances the Alameda Corridor's image and creates a high-quality environment for the future. The Alameda Avenue Corridor development has primarily been automotive uses. The existing automobile and light truck sales and repair are not permitted within the C-1 (Commercial) zoning district. Automobile and light truck sales, and repair centers are two of the intense uses permitted in the C-3 (Commercial) zoning district which are incompatible with the adjacent multi-family residential and school.

**Development Services Department - Building Permits and Inspections Division:**

Automobile and light truck sales and repair are permitted in a C-3 (Commercial) zoning district. Yard standards and setbacks met with the exception of the garage, 10ft. rear yard setback required in a C-3 (Commercial) zoning district. Clarify the use of existing garage, parking calculations do not include area of this structure.

Landscaping: Landscaping calculations are incorrect. Need calculations under 18.40 not 20.65. Need clarification about the site.

**Development Services Department - Planning Division:**

Current Planning: Recommends **DENIAL** of the rezoning request from C-1 (Commercial) to C-3 (Commercial).

Engineering: Site is not located within a Special Flood Hazard Area, Flood Zone **X**, Panel **480214 0048 C**, Effective Date: February 16, 2006. The following will be required at the time of development:

1. ADA accessible sidewalks, wheel-chair ramp(s), and driveway(s).
2. Grading plan and permit will be required at the time of development.
3. Storm water pollution prevention plan and/or permit required at the time of development.
4. Drainage plans must be approved by the Development Services Department, Engineering section at the time of development.
5. Coordinate grading and drainage with TxDOT.

**Engineering Department - Traffic Division:**

Traffic has no objections to proposed rezoning request. Access to Alameda shall be coordinated with the Texas Department of Transportation. Traffic makes the following notes:

1. Driveways on Finta Lane shall comply with the ordinance.
2. Sign on the corner of Finta Land and Alameda Avenue shall comply with the ordinance.

**Fire Department:**

No opposition to the request at this time.

**El Paso Water Utilities:**

EPWU does not object to this request.

**CITY PLAN COMMISSION OPTIONS**

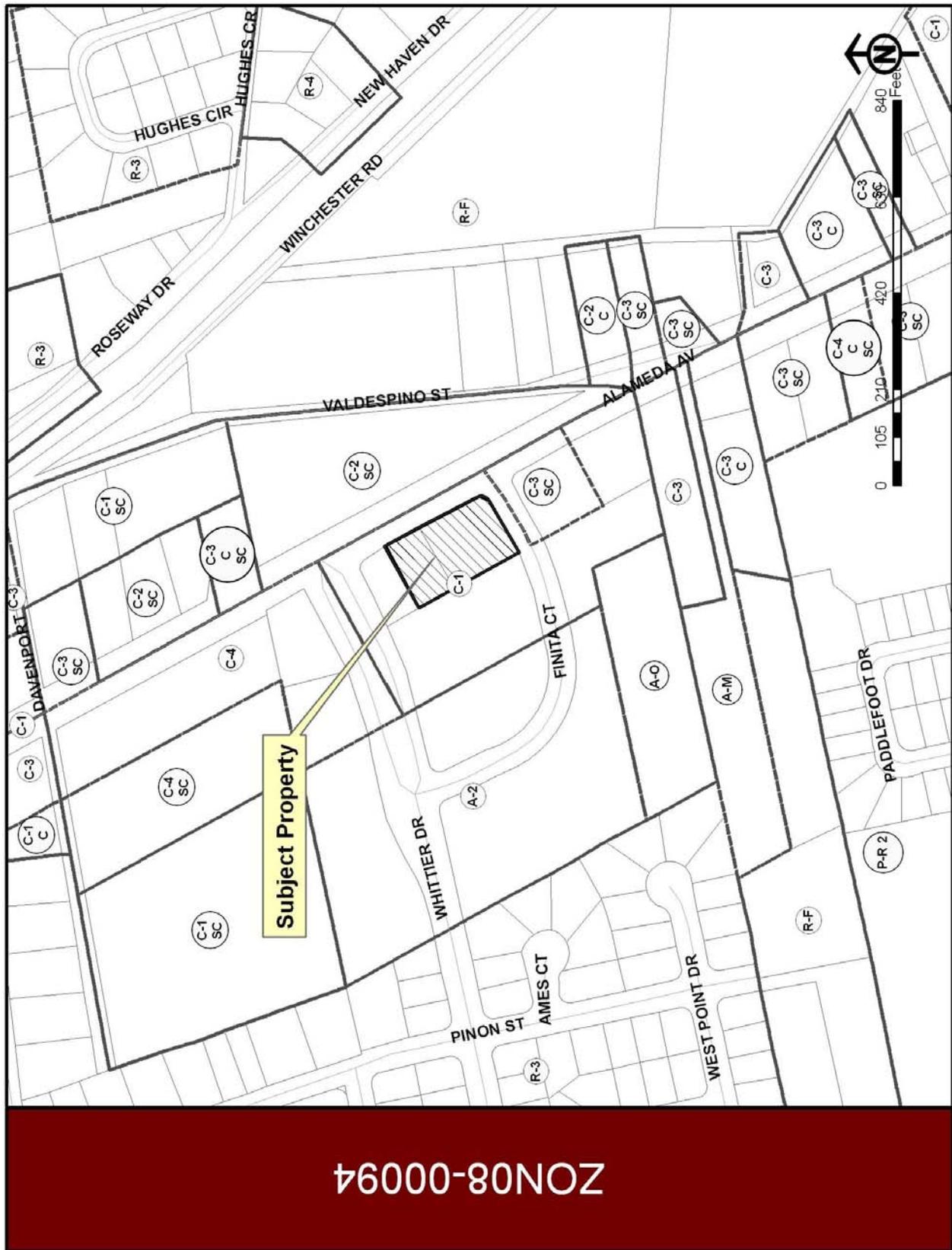
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application:

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**

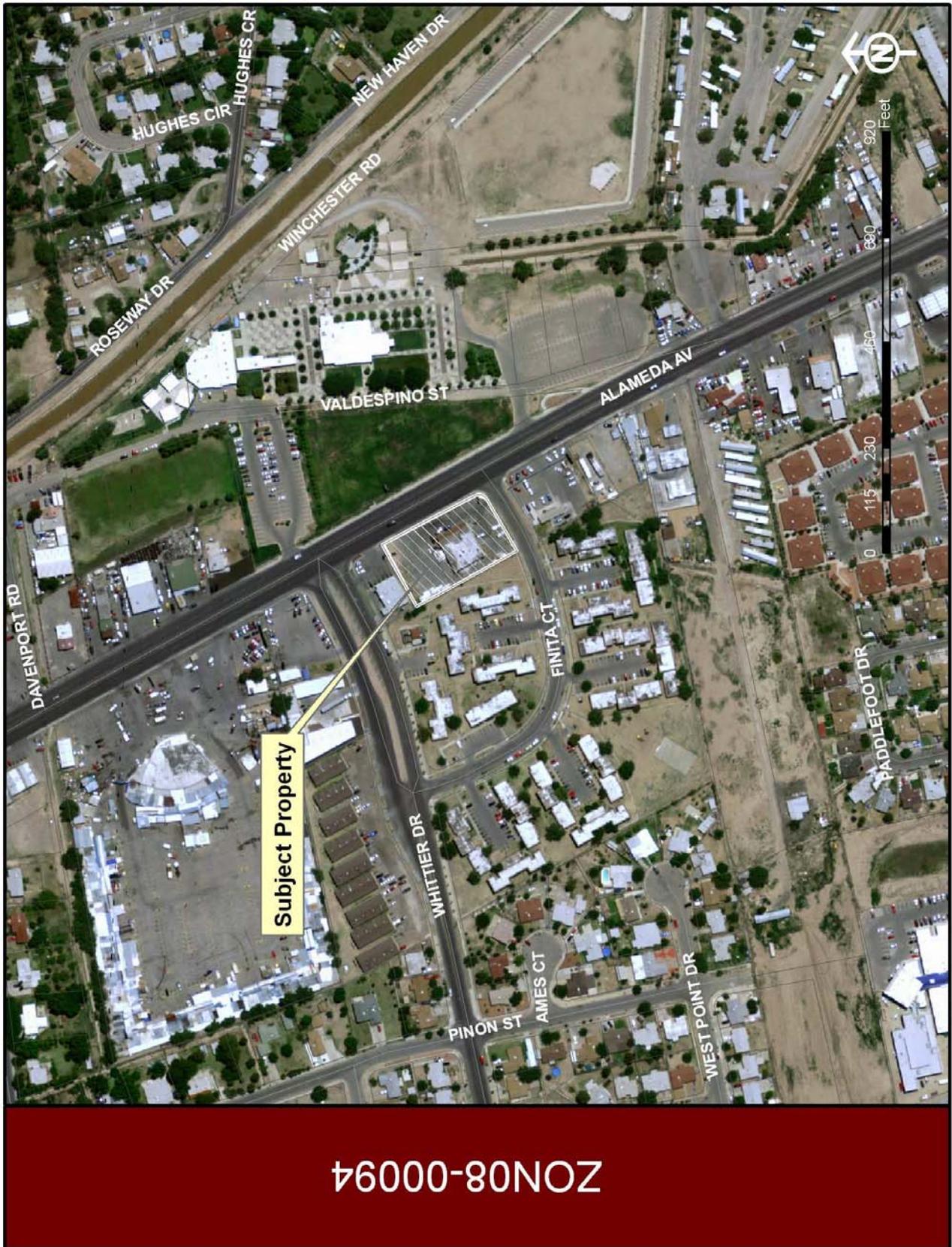
1. Location Map
2. Aerial Map
3. Detailed Site Plan
4. Elevations

ATTACHMENT 1: LOCATION MAP

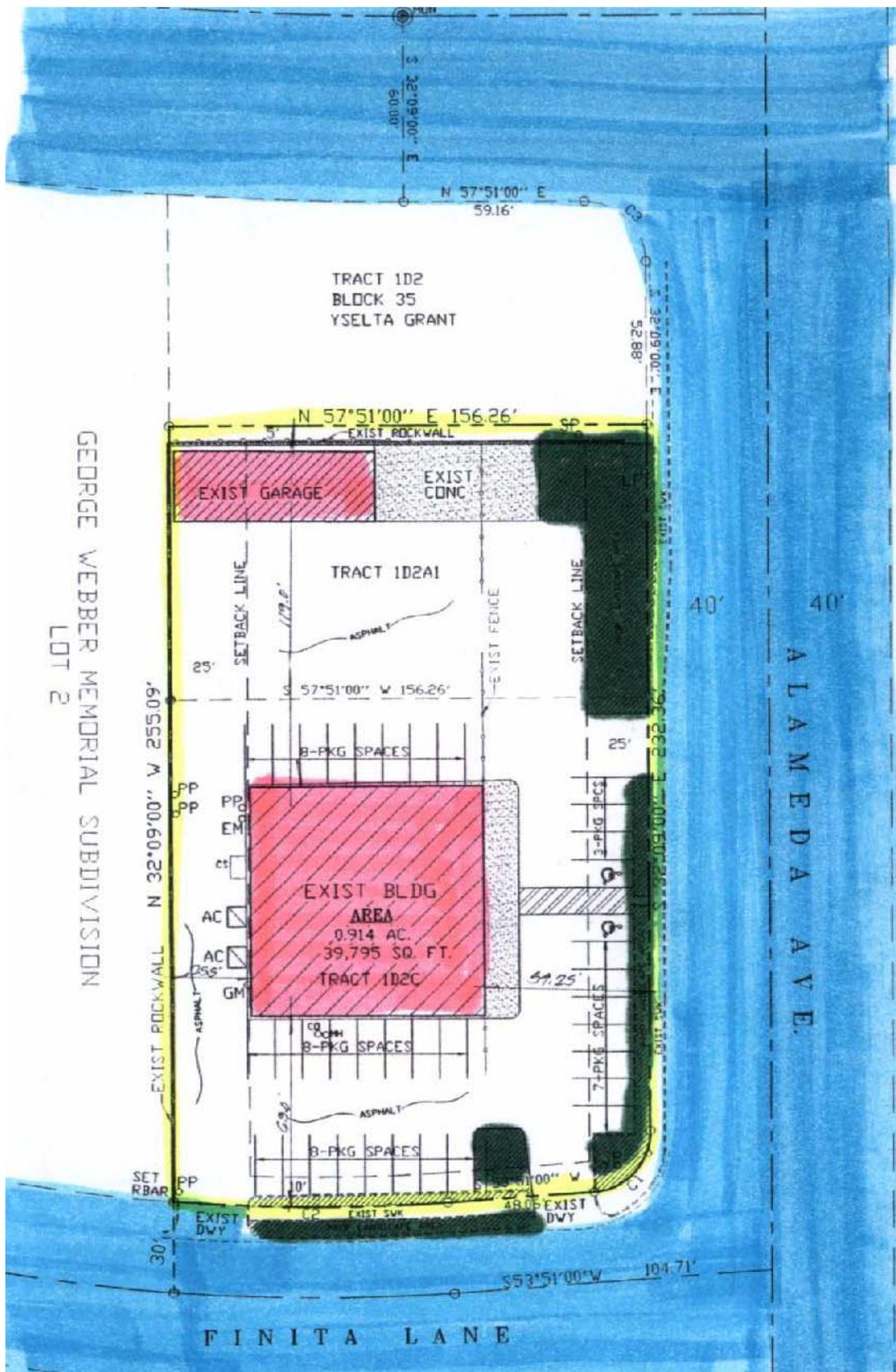


ZON08-00094

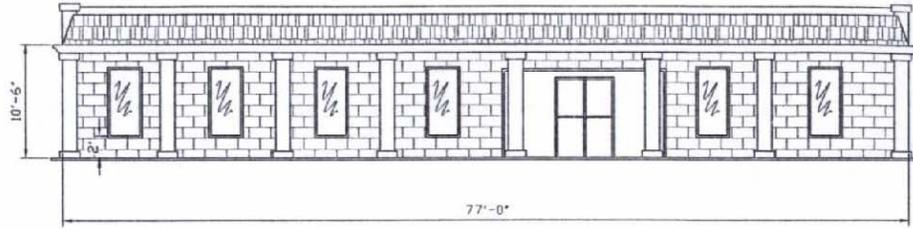
ATTACHMENT 2: AERIAL MAP



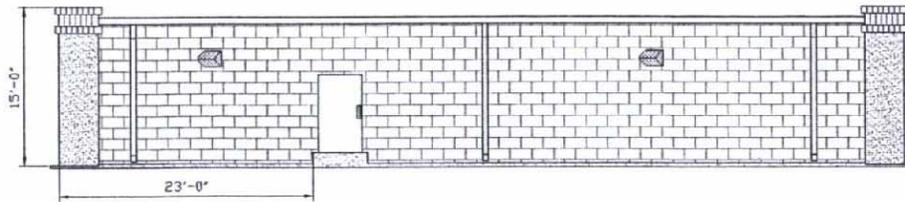
ATTACHMENT 3: DETAILED SITE PLAN



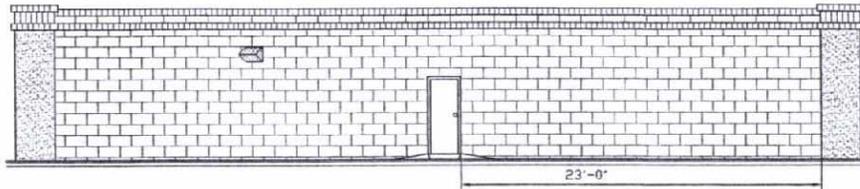
ATTACHMENT 4: ELEVATIONS



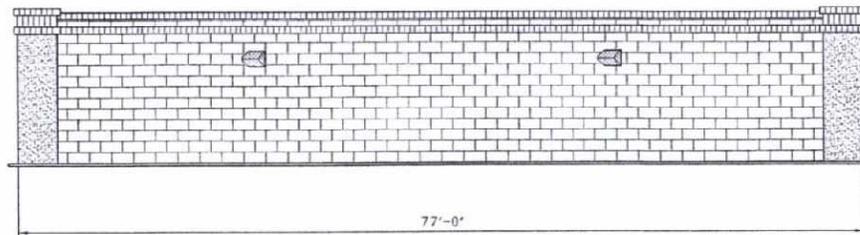
FRONT ELEVATION  
SCALE 1" = 1/4"



REAR ELEVATION  
SCALE 1" = 1/4"



RIGHT SIDE ELEVATION  
SCALE 1" = 1/4"



LEFT SIDE ELEVATION  
SCALE 1" = 1/4"