

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

**DEPARTMENT:** Planning and Economic Development Department, Planning Division

**AGENDA DATE:** Introduction: March 15, 2011  
Public Hearing: April 5, 2011

**CONTACT PERSON/PHONE:** Arturo Rubio, (915) 541-4633, [rubioax@elpasotexas.gov](mailto:rubioax@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** 4

**SUBJECT:**

An ordinance changing the zoning of a portion of all of Tract 8, Section 15, Block 81, TSP 2, T & P R.R. Surveys, City of El Paso, El Paso County, Texas from R-4 (Residential) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 6331 Alabama Street. Applicant: El Maida Shrine Temple. ZON10-00109 (**District 4**)

**BACKGROUND / DISCUSSION:**

On February 9, 2011 the City Plan Commission reviewed the rezoning request and voted 3-1 to recommend denial of the request. The applicant submitted an appeal request on February 13, 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 (3-1)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:**

Mathew S. McElroy  
Deputy Director, Planning and Economic Development Department

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**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

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

AN ORDINANCE CHANGING THE ZONING OF ALL OF TRACT 8, SECTION 15, BLOCK 81, TSP 2, T & P R.R. SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (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 *All of Tract 8, Section 15, Block 81, TSP 2, T & P R.R. Surveys, City of El Paso, El Paso County, Texas*, be changed from **R-4 (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 \_\_\_\_\_, 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: ZON10-00109

## MEMORANDUM

**DATE:** March 7, 2011

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

**FROM:** Andrew Salloum, Planner

**SUBJECT:** ZON10-00109

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The City Plan Commission (CPC), on February 10, 2011, voted 3-1 to recommend **Denial** of rezoning the subject property from R-4 (Residential) to C-4 (Commercial). The applicant submitted an appeal request on February 13, 2011.

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.

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

**Attachment:** Staff Report



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

**Case No:** ZON10-00109  
**Application Type:** Rezoning  
**CPC Hearing Date:** February 10, 2011  
**Staff Planner:** Arturo Rubio, 915-541-4633, [rubioax@elpasotexas.gov](mailto:rubioax@elpasotexas.gov)

**Location:** 6331 Alabama Street  
**Legal Description:** All of Tract 8, Section 15, Block 81, TSP 2, T & P R.R. Surveys, City of El Paso, El Paso County, Texas  
**Acreage:** 7.918 acres  
**Rep District:** 4  
**Zoning:** R-4 (Residential)  
**Existing Use:** Social/Fraternal Club  
**Request:** From R-4 (Residential) to C-4 (Commercial)  
**Proposed Use:** Ballroom/Dance Hall

**Property Owner:** El Maida Shrine Temple  
**Applicant:** El Maida Shrine Temple  
**Representative:** Steve Roberts and Ray Mancera

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

**North:** PMD (Planned Mountain Development)/Vacant  
**South:** PMD (Planned Mountain Development)/Office/R-3 (Residential)/Single-family dwellings  
**East:** R-4 (Residential)/Two-family dwellings  
**West:** PMD (Planned Mountain Development)/Vacant

**Plan for El Paso Designation:** Residential (Northeast Planning Area)

**Nearest Park:** North Open Reserve (1,079 Feet)

**Nearest School:** Burnet Elementary (3,196 Feet)

### **NEIGHBORHOOD ASSOCIATIONS**

North Hills Pride Association

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on January 24, 2011. 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-4 (Residential) to C-4 (Commercial) to allow for a commercial ballroom/dance hall use. There is an existing El Maida Shrine Temple on the site which can operate as a social/fraternal club, a permitted use in the R-4 (Residential) zone district. The applicant is requesting a C-4 zoning to allow for commercial ballroom/dance hall use, to include renting the hall for general public use, which is a use not permitted in R-4 (Residential) zone district. The proposed access is from Alabama Street. A ballroom/dancehall use requires either a C-4 (Commercial) or a C-3/sp (Commercial/special permit).

### **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **denial** of rezoning the subject property from R-4 (Residential) to C-4

(Commercial) based on the incompatibility with the comprehensive plan, the encroachment to the established residential land uses and zoning, which include PMD (Planned Mountain Development) zone district to the North, South, West and R-3 (Residential) to the East and the high intensity of commercial uses permitted in the C-4 (Regional Commercial) district.

#### **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: provide a wide range of housing types that respond to the needs of all economic segments of the community.

The purpose of the C-4 (Commercial) district is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities.

#### **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

Landscaping: Landscape not required for this project under 18.46.

#### **Engineering & Construction Management Service Department - Land Development**

1. Verify drainage flow direction.
2. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.\*
3. The Subdivision is within Flood Zone C, "Areas of minimal flooding"- Panel # 480214 0029B, date October 15, 1982.

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

#### **Department of Transportation**

Transportation recommends **denial** of the proposed rezoning.

1. A TIA is required in order for Transportation to properly analyze the increase in the volume of traffic generated by the C-4 (Commercial) zoning. To date, no TIA has been submitted for review.

Note:

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.

#### **Fire Department**

El Paso Fire Department has no objections to rezoning request.

#### **Open Space Advisory Board**

On January 19, 2011 the OSAB reviewed and voted 5-0 to **deny** the rezoning request from R-4 (Residential)

to C-4 (Commercial).

**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

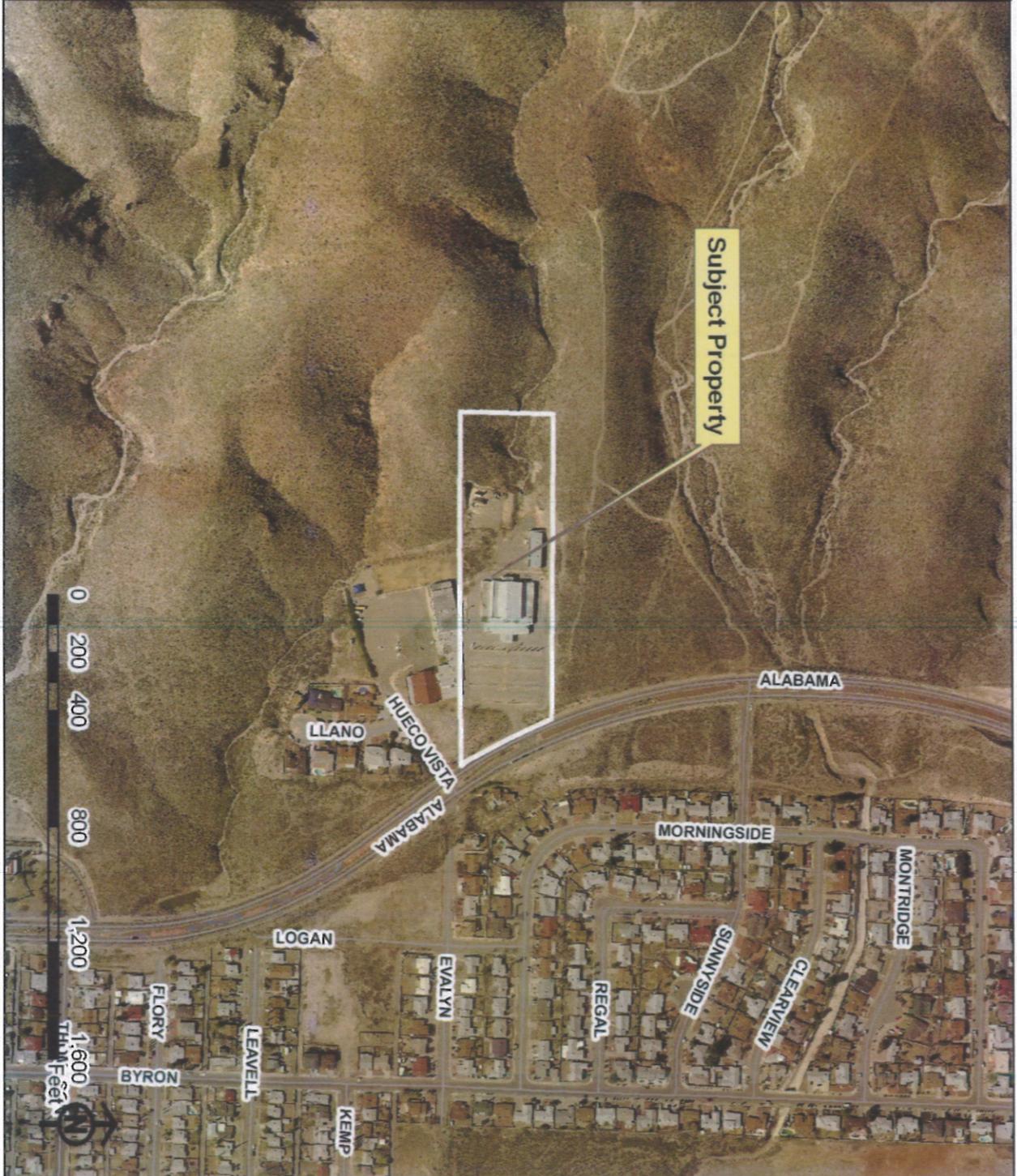
Attachment 3: Site Plan

ATTACHMENT 1: ZONING MAP

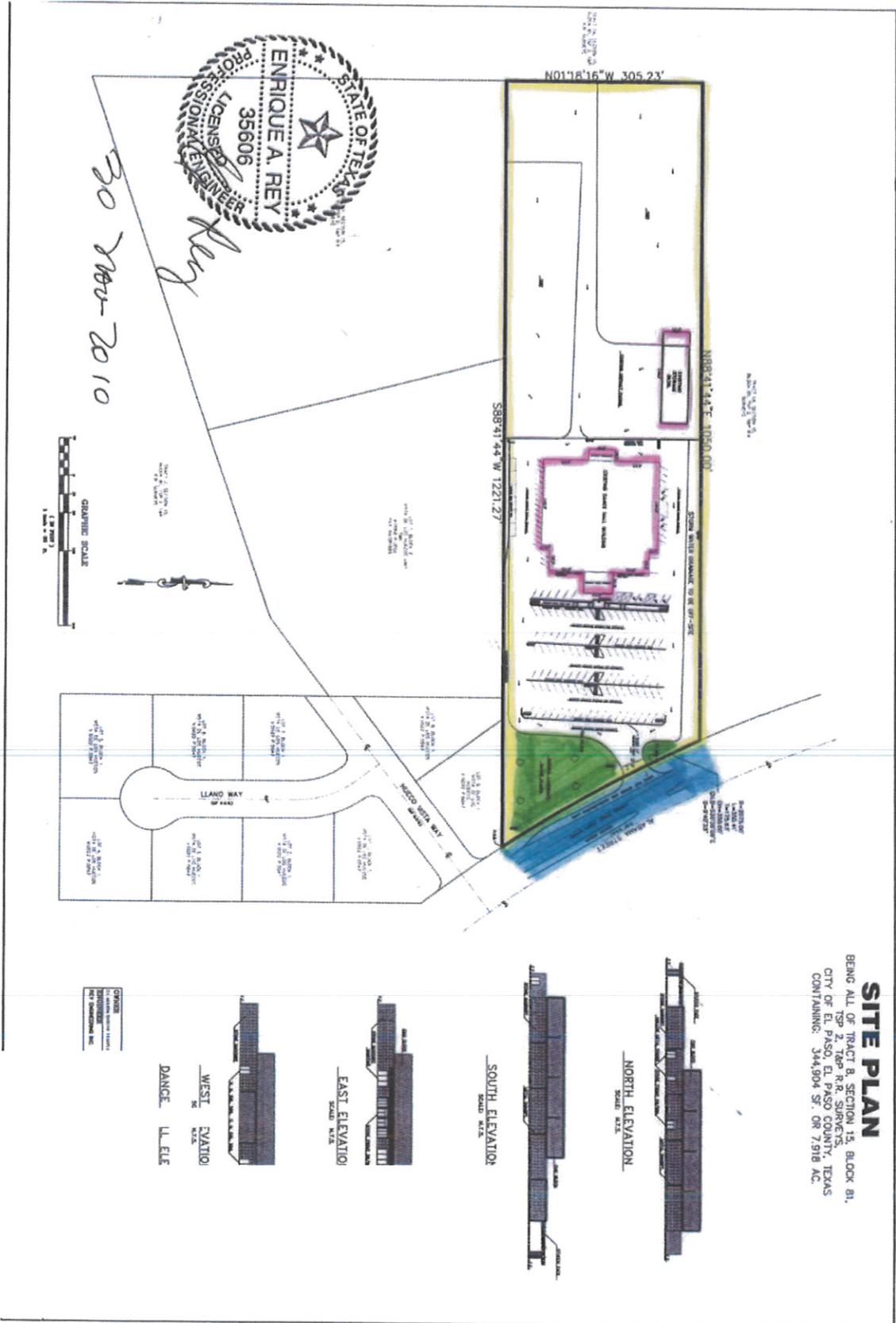


ATTACHMENT 2: AERIAL MAP

ZON10-00109



**ATTACHMENT 3: CONCEPTUAL SITE PLAN**



## APPEAL TO CITY COUNCIL

DATE: February 13, 2011

HONORABLE MAYOR AND CITY COUNCIL  
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on February 10, 2011, the City Plan Commission denied our request for a change of zoning from R-4 to C-4 (Case ZON10-00109) for a property located at 6331 Alabama Street and legally described as:

All of Tract 8, Section 15, Block 81, TSP 2, T & P & P R. R. Surveys, City of El Paso, El Paso County, Texas

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 error.

El Maida Shrine Temple  
APPLICANT

6331 Alabama Street  
El Paso, Texas 79904  
ADDRESS

(915) 562-1444  
TELEPHONE NUMBER

Steve Roberts  
(915) 433-7886  
stevenhroberts@sbcglobal.net  
REPRESENTATIVE and MEMBER

Ray Mancera  
(915) 532-2444  
ray@manceraagroup.com  
REPRESENTATIVE and MEMBER

Appeal sent via email to: City Clerk [clerksoffice@elpasotexas.gov](mailto:clerksoffice@elpasotexas.gov) on February 13, 2011

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**EL MAIDA SHRINE TEMPLE**  
**6331 Alabama Street**  
**El Paso, Texas 79904**  
**(915) 562-1444**

February 13, 2011

The Honorable Mayor and City Council  
City of El Paso

The El Maida Shrine Temple, owners of 6331 Alabama Street, respectfully appeals the decision of the City Plan Commission (CPC). On February 10, 2011 the CPC denied our request for a change of zoning from R-4 to C-4 in order to legitimize our primary land use, Ballroom/Dance Hall. The zoning case number is ZON10-00109.

The El Maida Shrine, chartered in 1909, is part of Shriners International, a fraternity based on fun and fellowship that supports a health care system of 22 hospitals. In 1967 we built the existing 30,825 square foot facility on the donated 7.918 acre property to not only conduct our fraternal activities but also to rent the hall and generate income for our philanthropic mission. We were very fortunate the ballroom/dance hall was immediately well received by the community as a first class facility for weddings, quinceaneras, parties, etc.

"Social, Fraternal Clubs", such as ours, are permitted in R-4 zoning under Title 20, Appendix "A", Section 3.23, of the Municipal Code. These "Social, Fraternal Clubs" can operate and rent its Ballroom/Dance Hall as long it is not its primary activity or business. The rental of our ballroom/Dance Hall has been and is our primary activity and whose revenues are used to pay the children's transportation costs to one of our 22 hospitals. The CPC erred in not recognizing the land use has been the same for over 40 years. Finally, the City's Comprehensive Plan, a living document, has failed to identify our land use all these years. We just wish to legitimize our land use.

C-4 zoning outright permits the Ballroom/Dance Hall. C-3 also allows this use but with a Special Permit (SP). We are willing to accept C-3 as long as the City accepts the attached Detailed Site Plan and Survey since they are documents customarily required in a SP application. In addition we are willing to exclude any obnoxious uses.

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

Sincerely,



Ray Mancera, Representative and Member

Sincerely,

**(Signature on File)**

Steve Roberts, Representative and Member

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**From:** Donnie Smith [mailto:[dsmith3@elp.rr.com](mailto:dsmith3@elp.rr.com)]

**Sent:** Monday, April 04, 2011 10:00 PM

**To:** CityPlanning

**Subject:** El Maida Shrine Rezoning

To whom concerned,

I understand that El Maida Shrine is requesting a rezoning to a C4 or Special District. I wanted to express my support for this rezoning request. I am interested enough in the support for this project that I will be watching how our elected officials vote and this will be a voting issue for me in the up coming elections.

If you have any question, please feel free to contact me at [dsmith3@elp.rr.com](mailto:dsmith3@elp.rr.com) or 915-861-6905.

Sincerely,  
Donald Smith

ZON10-00109 Rezoning from R-4 (Residential) to C-4 (Regional Commercial) Appeal

Phone Call in Opposition: Received 3/17/11 at approximately 3:00 p.m.

From: Mr. Covert Coldwell, 6300 Alabama, lives across the subject property.

Concerns: Mr. Coldwell expressed his opposition to the rezoning request after informing him of what the rezoning request was. Mr. Coldwell is concerned that the existing use of a social fraternal club is fine and has never had a problem with it. The proposed use could in turn affect him should the property be sold and any C-4 use could take the place of the social fraternal club existing.

**Rubio, Arturo**

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**From:** Mayor  
**Sent:** Monday, April 04, 2011 6:32 PM  
**To:** McElroy, Mathew  
**Subject:** FW: Rezoning Agenda Item

Good afternoon, Matt,

Forwarding to you this message sent to Mayor Cook.

Sincerely,

Norma A. Castillo  
**Office of the Mayor**  
2 Civic Center Plaza  
El Paso, TX 79901  
(915) 541-4145  
Fax 541-4501  
[castillona@elpasotexas.gov](mailto:castillona@elpasotexas.gov)

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**From:** Brian Wancho [mailto:[brian@wanchofamily.com](mailto:brian@wanchofamily.com)]  
**Sent:** Monday, April 04, 2011 5:11 PM  
**To:** District #2; District #1; District #4; District #3; District #5; District #6; District #7; [district9@elpasotexas.gov](mailto:district9@elpasotexas.gov); Mayor  
**Cc:** MOUNTAIN PARK  
**Subject:** Rezoning Agenda Item

Good evening Mayor and Representatives,

The residents of Mountain Park Community Association are very concerned about the application for rezoning by the El Maida Shrine Temple. Without exception, every property owner in our neighborhood has expressed opposition to the zoning change that appears on tomorrow's agenda as follows:

1A. An Ordinance changing the Zoning of all of Tract 8, Section 15, Block 81, TSP 2, T & P R.R. Surveys, City of El Paso, El Paso County, Texas From R-4 (Residential) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 6331 Alabama Street, Property Owner: El Maida Shrine Temple ZON10-00109.

THIS IS AN APPEAL CASE (District 4)  
[Planning and Economic Development, Arturo Rubio, (915) 541-4633]

We urge you to vote against this item.

It is our understanding that there have not been significant (if any) complaints about the way the property has been used currently. A change to C4 seems extreme given the type of activity that takes place on the property. Many residents expressed concern that the change to C4 would allow the property to be converted to something much less harmonious.

Thank you.

Brian Wancho  
President  
Mountain Park Community Association

4/5/2011

## Rubio, Arturo

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**From:** Mayor  
**Sent:** Monday, April 04, 2011 6:33 PM  
**To:** McElroy, Mathew  
**Subject:** FW: El Maida Shrine rezoning request on Tuesday April 5, 2011 agenda

Forwarding to you for review.

Norma A. Castillo  
**Office of the Mayor**  
2 Civic Center Plaza  
El Paso, TX 79901  
(915) 541-4145  
Fax 541-4501  
[castillona@elpasotexas.gov](mailto:castillona@elpasotexas.gov)

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**From:** BEVERLY CLEVENGER [mailto:[fastwally@prodigy.net](mailto:fastwally@prodigy.net)]  
**Sent:** Monday, April 04, 2011 3:50 PM  
**To:** District #2; District #1; District #4; District #3; District #5; District #6; District #7;  
district9@elpasotexas.gov; Mayor  
**Subject:** El Maida Shrine rezoning request on Tuesday April 5, 2011 agenda

Dear Representative,

I am a resident of Mountain Park Neighborhood above Alabama Street in the Northeast.  
I am also a member of the Board of Directors for the Mountain Park Homeowners Association.

I am ADAMANTLY OPPOSED to the request to rezone the El Maida property to Commercial.

Alabama Street, North of Fred Wilson, is and has always been a peaceful and serene residential area.  
I do not want to set any precedence for that to change.

Additionally, the El Maida property is just on the other side of the mountain top from our pristine and natural treasure, McKelligan Canyon.

I ask that you " VOTE NO " on this proposal at tomorrow morning's council meeting.

Sincerely,

Beverly Clevenger  
3117 Mesa Verde Lane  
El Paso, TX 79904  
915-751-3868