

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

DEPARTMENT: Planning and Economic Development Department, Planning Division

AGENDA DATE: Introduction: May 15, 2012
Public Hearing: June 5, 2012

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

DISTRICT(S) AFFECTED: 3

SUBJECT:

An ordinance changing the zoning of the following real property known as: Parcel 1: a portion of Lot 2, Mediterranean Place, City of El Paso, El Paso County, Texas from C-3 (Commercial) to C-4 (Commercial); and, Parcel 2: All of Tract 1-C-14-A, Block 5, Ascarate Grant, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to C-4 (Commercial). The Penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 7642 and 7636 Gateway East Boulevard. Property Owner: EP Summit Investments, L.P. PZRZ12-00003 **THIS IS AN APPEAL CASE (District 3)**

BACKGROUND / DISCUSSION:

N/A

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 (5-0)

*****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 THE FOLLOWING REAL PROPERTY KNOWN AS:

PARCEL 1: A PORTION OF LOT 2, MEDITERRANEAN PLACE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-3 (COMMERCIAL) TO C-4 (COMMERCIAL); AND,

PARCEL 2: ALL OF TRACT 1-C-14-A, BLOCK 5, ASCARATE GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-1 (COMMERCIAL) 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 *Parcel 1: a portion of Lot 2, Mediterranean Place, 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; *and, Parcel 2: All of Tract 1-C-14-A, Block 5, Ascarate Grant, 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 as listed for **PARCEL 1: FROM C-3 (COMMERCIAL) TO C-4 (COMMERCIAL); AND, PARCEL 2: FROM C-1 (COMMERCIAL) 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 _____, 2012.

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

APPEAL TO THE CITY COUNCIL

DATE: May 1, 2012

HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on April 19, 2012, the City Plan Commission denied my client's request for a change of zoning from C-3 to C-4 for parcel one and from C-1 to C-4 for parcel two. Both properties, situated next to each, are located at 7642 and 7636 Gateway East Boulevard. The rezoning case number is PZRZ12-00003 and legally described as:

Parcel One: Mediterranean Place, a Portion of Lot 2
Parcel Two: TR 1-c-14-A, Block 5, Ascarate Grant

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: EP Summit Investments, LP
3737 Gateway West Blvd
El Paso, TX 79903

Representative Address Ray Mancera
6044 Gateway Blvd East, Suite 802
El Paso, TX 79905
(915) 532-24444
Ray@ManceraGroup.com

Sincerely,



RAY MANCERA

6044 Gateway Blvd East
Suite 802
El Paso, TX 79905

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

May 1, 2012

RE: Appeal CPC Decision for Rezoning Case PZRZ12-00003

The Honorable Mayor and City Council,

On behalf of EP Summit Investments, LP, owners of 7642 and 7636 Gateway East Boulevard, I am respectfully appealing the decision of the City Plan Commission (CPC).

On April 19, 2012 the CPC denied our request for a change of zoning from C-3 to C-4 for Parcel One and from C-1 to C-4 for Parcel Two in order to permit the construction and operation of a leather product manufacturing facility.

We believe the CPC erred in acknowledging the existence of C-4 and M-1 zoning along United States Interstate Highway 10. As you know, I-10 is El Paso's major highway connecting California to Florida and carries the largest traffic count of anywhere in the whole County of El Paso. We believe this is precisely the best place for properties that require C-4 zoning. I have previously requested C-4 zoning on North Loop, Alameda, Dyer and Montana and Planning has also recommended denial along these streets. Where then are C-4 land uses being permitted to exist other than where a C-4 already exists. Our C-4 request is compatible and in conformance with the City's Long Range Comprehensive Plan.

There were no calls or letters received in opposition at the City Plan Commission hearing. We kindly request your favorable approval of our request.

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

Sincerely,



Ray Mancera, Representative

MEMORANDUM

DATE: May 1, 2012

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

FROM: Andrew Salloum, Planner

SUBJECT: PZRZ12-00003

The City Plan Commission (CPC), on April 19, 2012, voted 6-0 to recommend **denial** of rezoning request to C-4 (Commercial) and instead recommended G-MU (General Mixed Use).

The CPC found that the rezoning is not in conformance with the Plan 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.

The applicant filed an appeal of the CPC decision to City Clerk on May 1, 2012.

There is no opposition to this request.

Attachment:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZRZ12-00003
Application Type: Rezoning
CPC Hearing Date: April 19, 2012
Staff Planner: Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

Location: Parcel 1: 7642 Gateway East Boulevard
Parcel 2: 7636 Gateway East Boulevard

Legal Description: Parcel 1: A portion of Lot 2, Mediterranean Place, City of El Paso, El Paso County, Texas
Parcel 2: All of Tract 1-C-14-A, Block 5, Ascarate Grant, City of El Paso, El Paso County, Texas

Acreage: Parcel 1: 0.1446-acre
Parcel 2: 0.4308-acre

Rep District: 3

Existing Zoning: Parcel 1: C-3 (Commercial)
Parcel 2: C-1 (Commercial)

Existing Use: Vacant

Request: Parcel 1: from C-3 (Commercial) to C-4 (Commercial)
Parcel 2: from C-1 (Commercial) to C-4 (Commercial)

Proposed Use: Leather Product Manufacturing Facility

Property Owner: EP Summit Investments, L.P.
Representative: Ray Mancera

SURROUNDING ZONING AND LAND USE

North: C-3/ (Commercial) / Interstate 10 Highway and Shopping Center
South: C-3/ (Commercial) / Apartment and C-1 (Commercial) / Apartment
East: C-1/ (Commercial) / Apartment
West: C-3/ (Commercial) / Apartment

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

PLAN EL PASO DESIGNATION: G-4 – Suburban (Mission Valley Planning Area)

NEAREST PARK: Lionel Forti Park (3,259 feet)

NEAREST SCHOOL: Del Norte Heights Elementary (2,151 feet)

NEIGHBORHOOD ASSOCIATIONS

Planning Division verified that 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 April 4, 2012. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

CASE HISTORY

On May 5, 1960, City Council approved a rezoning of Parcel 1 from R-F (Ranch and Farm) to C-3 (Commercial) and Parcel 2 from R-F (Ranch and Farm) to C-1 (Commercial).

APPLICATION DESCRIPTION

The applicant is requesting to rezone Parcel 1: from C-3 (Commercial) to C-4 (Commercial) and Parcel 2:

from C-1 (Commercial) to C-4 (Commercial) to allow for a leather product manufacturing facility. A product manufacturing facility is not permitted in C-3 zone district. Access to the subject property is proposed from Gateway East Boulevard.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **denial** of rezoning request to C-4 (Commercial) based on incompatibility with the surrounding apartment uses in the area to the south, east, and west of the subject property. The Planning Division instead recommends C-3 (Commercial) for C-1 (Commercial) zone property which is compatible with the existing C-3 zoned properties to the north and west.

The Plan for El Paso-City-Wide Land Use Goals

All applications for rezoning submitted before adoption of Plan El Paso 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 2025 projected land use map for the Mission Valley Planning area designates the property for commercial use.

Plan El Paso-Future Land Use Map Designation

All applications for rezoning submitted on or after adoption of Plan El Paso shall demonstrate compliance with the following criteria:

G-4 – Suburban: This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

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.

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.

COMMENTS:

Planning Division

Transportation does not object to the proposed rezoning request, but has the following comments to be addressed at the time of permitting:

1. Driveways shall comply with the commercial and industrial standards.
2. Parking aisles shall comply with minimum standards.
3. All existing and proposed sidewalks on Gateway Boulevard East and Kingman Drive shall comply with City standard and be continuous across drive.

Note: 1. All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps

and driveways) within public rights-of-way shall be in accordance with the current City of El Paso Design Standards for Construction and shall be ADA/TAS compliant.

Engineering & Construction Management Services Department – Plan Review

No comments received.

Engineering & Construction Management Service Department - Land Development

- ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
- Grading plan and permit shall be required.*
- Storm Water Pollution Prevention Plan and/or permit required.*
- Drainage plans must be approved by the Engineering and Construction Management Department, Land Development Section.*
- The Applicant shall coordinate with TxDOT for access and drainage on Gateway East.
- The Subdivision is within Flood Zone X-“Areas of minimal flooding” – Panel # 480214 0041C, dated February 16, 2006.

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

Fire Department

Zoning request does not adversely affect the fire department.

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 thirty (30) inch diameter transmission main that extends along Gateway Boulevard East fronting the northern boundary of the subject property. No direct service connections are allowed to this transmission main as per the El Paso Water Utilities Public Service Board Rules and Regulations.
3. There is an existing twelve (12) inch diameter water main that extends along Gateway Boulevard East fronting the northern boundary of the subject property.
4. There are two (2) existing six (6) inch diameter water mains that extend along Kingman Drive fronting the eastern boundary of the subject property.
5. EPWU records indicate there is an existing 2-inch water meter serving the western Parcel and an inactive meter at the eastern Parcel.

Sanitary Sewer:

6. There is an existing eight (8) inch diameter sanitary sewer main that extends along Gateway Boulevard East fronting the northern boundary of the subject property.
7. There is an existing eight (8) inch diameter sanitary sewer main that extends along Kingman Drive fronting the eastern boundary of the subject property.

General:

8. Application for new 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.

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:

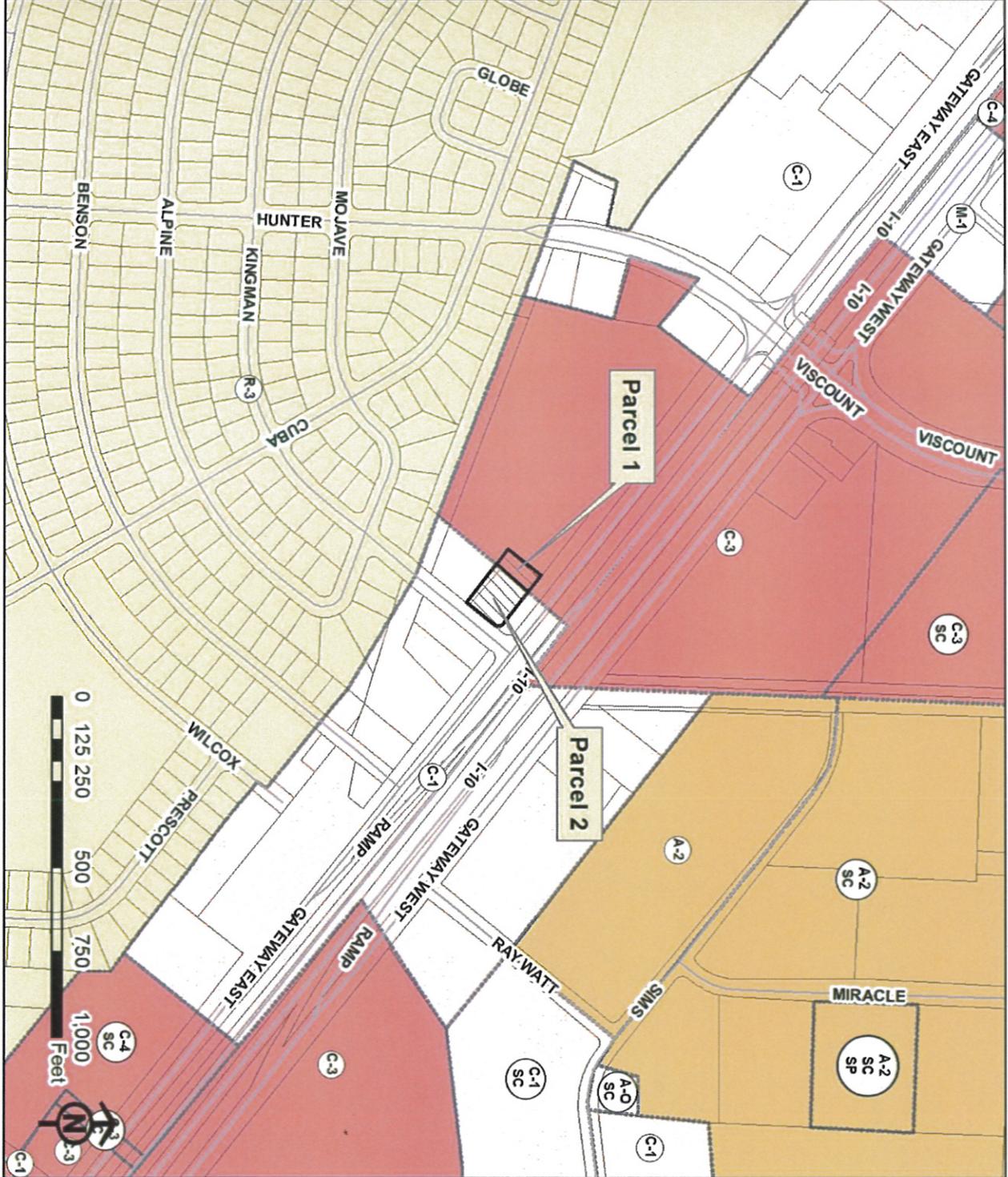
Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan

ATTACHMENT 1: ZONING MAP

PZRZ12-00003



ATTACHMENT 2: AERIAL MAP

PZRZ12-00003

