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

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

AGENDA DATE: **Introduction: May 17, 2011**
Public Hearing: June 7, 2011

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

DISTRICT(S) AFFECTED: 5

SUBJECT:
An ordinance changing the zoning of Lot 1, Block 4, Hueco Mountain Village, City of El Paso, El Paso County, Texas from C-3/sp (Commercial/special permit) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 11890 Montana Avenue. Applicant: SGARS, L.P. ZON11-00007 **THIS IS AN APPEAL CASE (District 5)**

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 (5-1)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

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

_____

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOT 1, BLOCK 4, HUECO MOUNTAIN VILLAGE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-3/SP (COMMERCIAL/SPECIAL PERMIT) 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 *Lot 1, Block 4, Hueco Mountain Village, City of El Paso, El Paso County, Texas,* be changed from **C-3/sp (COMMERCIAL/special permit) 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, and that the special permit designation be removed.

PASSED AND APPROVED this _____ day of _____, 2011.

THE CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

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

#63268 v1 – Planning/ZON11-00007/ORD/Rezoning
Document Author: LCUE

MEMORANDUM

DATE: May 9, 2011

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

FROM: Andrew Salloum, Planner

SUBJECT: **ZON11-00007**

The City Plan Commission (CPC), on March 24, 2011, voted 5-1 to recommend **denial** of rezoning the subject property from C-3/sp (Commercial/special permit) to C-4 (Commercial).

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.

The applicant filed an appeal of the CPC decision to City Clerk on March 24, 2011.

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

Attachment:
Appeal
Staff Report

CONSULTING
COMPANY
LAND SURVEYORS

CITY CLERK DEPT.
2011 MAR 24 PM 4:06

March 24, 2011

To: City of El Paso Development Services Department
Att: Andrew Salloum

This is a request to appeal to City Council the zoning case # 11-00007 for the property on 11890 Montana Avenue, legally described as Lot 1, Block 4, Hueco Mountain Village.

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 of El Paso – City Plan Commission Staff Report

Case No:	ZON11-00007
Application Type:	Rezoning
CPC Hearing Date:	March 24, 2011
Staff Planner:	Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov
Location:	11890 Montana Avenue
Legal Description:	Lot 1, Block 4, Hueco Mountain Village, City of El Paso, El Paso County, Texas
Acreage:	1.508 acres
Rep District:	5
Zoning:	C-3/sp (Commercial/special permit)
Existing Use:	Nursery (Industrial Scale)
Request:	From C-3/sp (Commercial/special permit) to C-4 (Commercial)
Proposed Use:	Nursery (Industrial Scale)
Property Owner:	SGARS, L.P.
Applicant:	SGARS, L.P.
Representative:	CAD Consulting Company

SURROUNDING ZONING AND LAND USE

North: C-3/sp (Commercial/special permit) / Montana Avenue
South: RMH/sp (Residential Mobile Home/special permit) / Single-family residential
East: R-3 (Residential) / Security Detection Equipment Sale
West: RMH/sp (Residential Mobile Home/special permit) / Single-family residential

THE PLAN FOR EL PASO DESIGNATION: Mixed use (East Planning Area)
Nearest Park: Hueco Mountain Park (2,672 feet)
Nearest School: Jane A. Hambric Elementary (3,933 feet)

NEIGHBORHOOD ASSOCIATIONS

East Side Civic Neighborhood

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on March 8, 2011. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

HISTORY CASE

On February 11, 1997, City Council approved the rezoning of the subject property from R-3/sp (Residential/special permit) to C-3/sp (Commercial/special permit).

APPLICATION DESCRIPTION

The applicant is requesting to rezone property from C-3/sp (Commercial/special permit) to C-4 (Commercial) to allow for a nursery (industrial scale). The industrial scale nursery proposed is a use only permitted in C-4 (Commercial), R-F (Ranch and Farm), or M-1 (Light Manufacturing) zone districts. Access is proposed from Montana Avenue.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **denial** of rezoning the subject property from C-3/sp (Commercial/special permit) to C-4 (Commercial) based on the incompatibility with the comprehensive plan, which calls for mixed use type development. Also, the surrounding uses to the South, East, and West are single-family residential.

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-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. Within the central business district, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.

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.

Engineering & Construction Management Service Department - Land Development

General Comments:

1. Verify legal description.
2. Grading plan and permit shall be required.*
3. Storm Water Pollution Prevention Plan and/or permit required.*
4. Drainage plans must be approved by the Engineering and Construction Management Department, Land Development Section.*
5. Coordination with TXDOT.
6. The property is within Flood Zone C, "Areas of minimal flooding"- Panel # 480214 0037B, date October 15, 1982.

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

Department of Transportation

1. No objection to rezoning.
2. Perpendicular parking spaces on southwest corner of parking lot in conceptual plan may pose a blocking or collision hazard. Recommend that one of the spaces be relocated or deleted on final plan.
3. 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.

El Paso Water Utilities

1. EPWU does not object to this request.

EPWU-PSB Comments
Water
2 There is an existing 24-inch diameter water transmission main along Montana Avenue. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations. Also, there is an existing 12-inch diameter water main along Montana Avenue.

Sanitary Sewer:
3. Sanitary sewer service for this property discharges into a private sanitary sewer system located along Texas Star Street within Hueco Mountain Village subdivision. The entire subdivision is served by a private lift station and force main that discharges into EPWU public sewer system at Turner Road and Prairie Rose Street.

General:
4. EPWU records indicate that the subject property has an existing water meter connection (3/4" meter) with 11890 Montana Avenue as the service address.

5. Application for additional water 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.

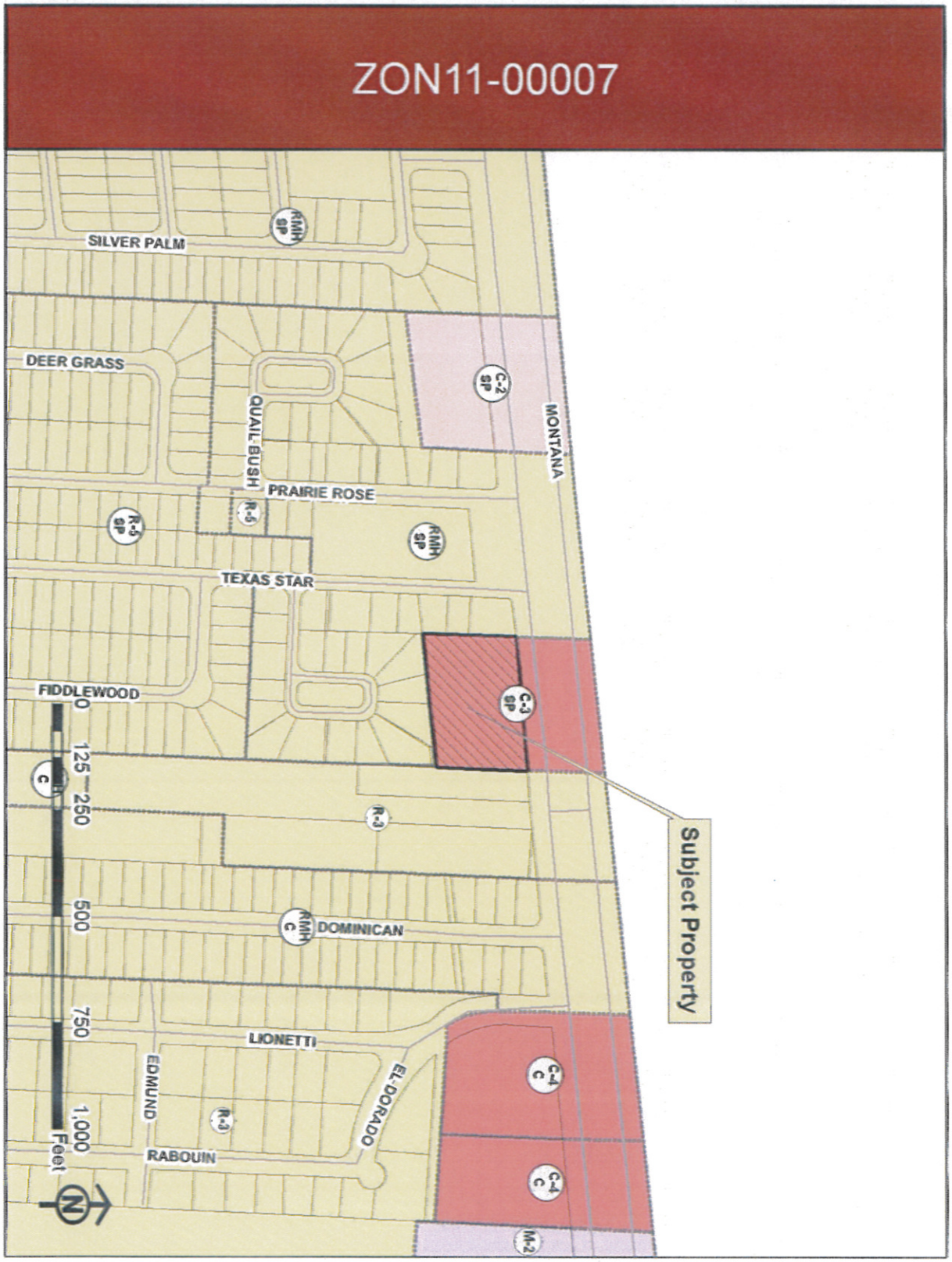
Fire Department
El Paso Fire Department has no objections to the zoning change request.

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 in the Plan by the CPC.

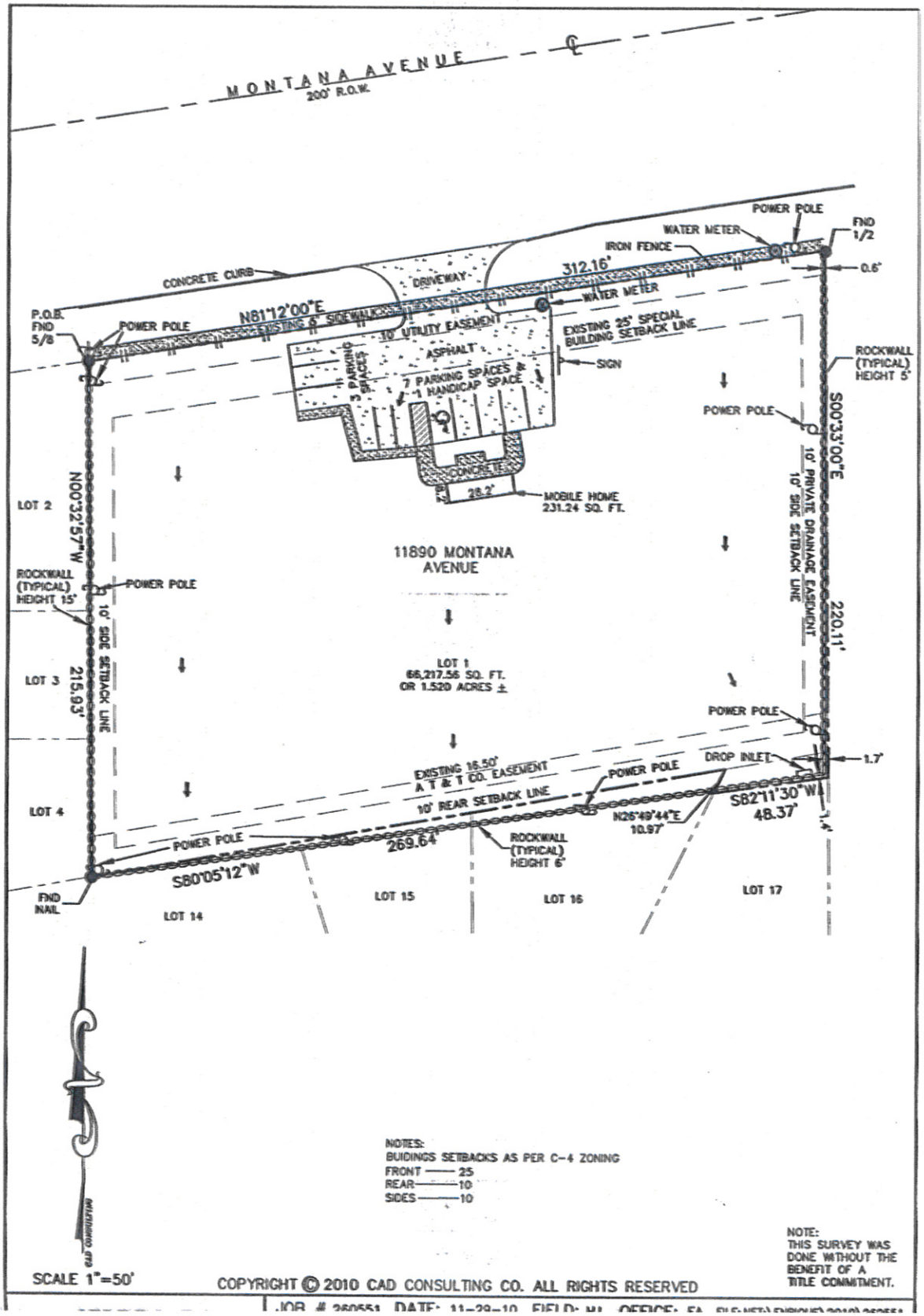
Attachments:
Attachment 1: Zoning Map
Attachment 2: Aerial Map
Attachment 3: Conceptual Site Plan

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: CONCEPTUAL SITE PLAN



To City Clerk,

Planning Division received a phone call on May 26, 2011 in opposition to ZON11-00007, rezoning at 11890 Montana Avenue, appeal scheduled for June 7th City Council. The Lady that called in did not want to provide her name and address only that she is a property owner of property directly behind subject property and her concern is the intensity of use close to residential and the noise from trucks dumping rock at 3:00 a.m.

Andrew M. Salloum
Zoning Planner
Planning and Economic Development
City of El Paso
(915) 541-4633