

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

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

**AGENDA DATE:** Introduction: May 24, 2011  
Public Hearing: June 14, 2011

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

**DISTRICT(S) AFFECTED:** 7

**SUBJECT:**

An ordinance changing the zoning of a portion of Tract 2C1, Block 35, Ysleta Grant, City of El Paso, El Paso County, Texas from C-3 (Commercial) and A-M (Apartment/Mobile Home Park) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8482 Alameda Avenue. Applicant: NCJ Development, Inc. and Cash Investments, Inc. ZON10-00093 **THIS IS AN APPEAL CASE (District 7)**

**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 (6-0)

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

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

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

**DEPARTMENT HEAD:**

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

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**APPROVED FOR AGENDA:**

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

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

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

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 2C1, BLOCK 35, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-3 (COMMERCIAL) AND A-M (APARTMENT/MOBILE HOME PARK) 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 a *Portion of Tract 2C1, Block 35, Ysleta Grant, City of El Paso, El Paso County, Texas*, as further described by metes and bounds in the attached Exhibit A, be changed from **C-3 (Commercial) and A-M (Apartment/Mobile Home Park)** 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 & Economic Development

Being a portion of Tract 2C1, Block 35,  
Ysleta Grant, City of El Paso,  
El Paso County, Texas

**METES AND BOUNDS DESCRIPTION**

**8482 ALAMEDA AVENUE**

**FIELDNOTE DESCRIPTION** of a parcel of land being a portion of Tract 2C1, Block 35, Ysleta Grant, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

**COMMENCING** at a found iron rod marking the Southeasterly corner of said Tract 2C1, the same being on the Westerly right-of-way line of Alameda Avenue, **THENCE**, leaving said right-of-way line and along the Southerly boundary line of said Tract 2C1, South 74° 53' 00" West, a distance of 20.71 feet to a found 1/2" rebar being the **POINT OF BEGINNING** of the herein described parcel;

**THENCE**, continuing along said boundary line, South 74° 53' 00" West, a distance of 1029.29 feet to a found W' rebar marking the Southwestly corner of said Tract 2C1;

**THENCE**, along the Westerly boundary line of said Tract 2C1, North 30° 11' 00" West, a distance of 128.10 feet to a found W' rebar marking the Northwestly corner of said Tract 2C1;

**THENCE**, along the Northerly boundary line of said Tract 2C1, North 74° 53' 00" East, a distance of 1029.29 feet to a found W' rebar;

**THENCE**, 128.10 feet along the arc of a curve to the left, whose radius is 11419.20 feet, whose interior angle is 00° 38' 34", whose chord bears South 30° 11' 00" East, a distance of 128.10 feet to the **POINT OF BEGINNING** of the herein described tract and containing 127,304.17 square feet or 2.923 acres of land more or less.

*Enrique A. Rey 21 Oct 2011*

ENRIQUE A. REY  
R.P.L.S TX. 3505  
P.E. TX 35606



REY ENGINEERING, INC.  
2267 TRAWOOD DRIVE, SUITE B-3  
EL PASO, TEXAS 79935

## MEMORANDUM

**DATE:** May 16, 2011

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

**FROM:** Andrew Salloum, Planner

**SUBJECT:** ZON10-00093

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The City Plan Commission (CPC), on January 6, 2011, voted 6-0 to recommend **DENIAL** of rezoning the subject property from C-3 (Commercial) and A-M (Apartment/Mobile Home Park) 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 a negative effect 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 January 6, 2011.

There was one resident in opposition to this request.

**Attachment:**  
Appeal  
Staff Report

**APPEAL TO THE CITY COUNCIL**

DATE: January 6, 2011

HONORABLE MAYOR AND CITY COUNCIL  
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on January 6, 2011, the City Plan Commission denied our request for a change of zoning from A-M and C-3 to C-4 for a property located at 8482 Alameda, (ZON10-00093) and legally described as:

Tract 2C1, Block 35, Ysleta Grant, El Paso, El Paso County (2.9232 Acres)

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: NCJ Development, Inc. and Cash Investments, Inc.  
Address: 8201 Lockheed, Suite 235  
El Paso, TX 79925  
(915) 779-5740

Representative Ray Mancera  
Address 6044 Gateway Blvd East, Suite 900  
El Paso, TX 79905  
(915) 532-24444  
[Ray@ManceraGroup.com](mailto:Ray@ManceraGroup.com)

Sincerely,



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

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## RAY MANCERA

6044 Gateway Blvd East  
Suite 900  
El Paso, TX 79905

915-532-2444  
[ray@manceragroup.com](mailto:ray@manceragroup.com)  
[www.ManceraGroup.com](http://www.ManceraGroup.com)

January 6, 2011

The Honorable Mayor and City Council,

On behalf of NCJ Development, Inc. and Cash Investments, Inc., owners of 8482 Alameda, I am respectfully appealing the decision of the City Plan Commission (CPC).

On January 6, 2011 the CPC denied our request for a change of zoning from A-M and C-3 to C-4 in order to permit the sale of Trailers and Heavy Equipment. The zoning case number is ZON10-00093.

We believe the CPC erred in recognizing there are already C-3 and C-4 land uses near or adjacent to our property which makes our request compatible with the surrounding land uses. It also erred in not recognizing Alameda Street has been in transition from Residential to Commercial for a several decades. The request for change of zonings from residential or light Commercial to heavy commercial along Alameda Street has been the norm and not the exception. Finally, the CPC erred in not recognizing Alameda Street, a State Highway, continues to be a major corridor for east/west vehicular traffic.

We have a client who has found C-4 zoned land on Alameda Street but the size is too small for the sale of heavy equipment. Our property is 2.9232 acres making it ideal for this type of land use. We are willing to exclude certain obnoxious land uses found in C-4 such as Adult Entertainment. In addition my client is willing to landscape with trees any area abutting homes and apartments.

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

Sincerely,



Ray Mancera, Representative

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

**Case No:** ZON10-00093  
**Application Type:** Rezoning  
**CPC Hearing Date:** January 6, 2011  
**Staff Planner:** Andrew Salloum, 915-541-4633, [salloumam@elpasotexas.gov](mailto:salloumam@elpasotexas.gov)

**Location:** 8482 Alameda Avenue  
**Legal Description:** A portion of Tract 2C1, Block 35, Ysleta Grant, City of El Paso, El Paso County, Texas  
**Acreage:** 2.92 acres  
**Rep District:** 7  
**Zoning:** C-3 (Commercial) and A-M (Apartment/Mobile Home Park)  
**Existing Use:** Vacant  
**Request:** From C-3 (Commercial) and A-M (Apartment/Mobile Home Park) to C-4 (Commercial)  
**Proposed Use:** Trailer and Heavy Equipment Sales

**Property Owner:** NCJ Development, Inc. and Cash Investments  
**Applicant:** NCJ Development, Inc. and Cash Investments  
**Representative:** Ray Mancera

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

**North:** R-5 (Residential) / Single-family dwellings; A-O (Apartment-Office) / Multi-family dwellings; and C-1 (Commercial) / pawn shop  
**South:** C-3/c (Commercial/condition) / Automobile Sales and R-F (Ranch-Farm) / Mobile Home Park and Vacant  
**East:** C-3/sc (Commercial/special contract) / Automobile Sales and Parking Lot  
**West:** R-F (Ranch-Farm) / Vacant

**THE PLAN FOR EL PASO DESIGNATION:** Residential & Mixed Use (Mission Valley Planning Area)

**Nearest Park:** Pueblo Viejo Park (5,130 feet)

**Nearest School:** Plato Academy Special Campus (307 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Save the Valley 21

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on December 21, 2010. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

### **HISTORY CASE**

On July 3, 1984, City Council approved a rezoning of the subject property from R-F (Ranch and Farm) to C-1 (Commercial) and A-M (Apartment/Mobile Home Park). City Council approved of rezoning for the north parcel from C-1 (Commercial) to C-3 (Commercial) on October 17, 2000.

### **APPLICATION DESCRIPTION**

The applicant is requesting to rezone property from C-3 (Commercial) and A-M (Apartment/Mobile Home Park) to C-4 (Commercial) to allow for trailer and heavy equipment sales. The proposed access is from Alameda Avenue.

## **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **denial** of rezoning the subject property from C-3 (Commercial) and A-M (Apartment/Mobile Home Park) to C-4 (Commercial) based on incompatibility with the comprehensive plan and the abutting A-O (Apartment-Office) properties to the North and West and R-F (Ranch and Farm) properties to the South and West.

## **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. 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 to the request for rezoning this parcel.

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

General comments:

1. Provide rock wall (6') from high side abutting residential zone.
2. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.\*
3. Grading plan and permit shall be required.\*
4. Storm Water Pollution Prevention Plan and/or permit required.\*
5. Drainage plans must be approved by the Development Services Department, Engineering Section.\*
6. Coordination with TXDOT
7. No water runoff allowed outside the proposed development boundaries, (On-site ponding required).
8. The Subdivision is within Flood Zone X, "Areas of minimal flooding"- Panel # 480214 0048C, date February 16, 2006.

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

## **Department of Transportation**

- 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.
- All existing / proposed driveways shall be in compliance with current City of El Paso Standards and ADA /TAS rules.
- Access to Alameda shall be coordinated through TxDoT.

**Fire Department**

El Paso Fire Department has no objections.

**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:**

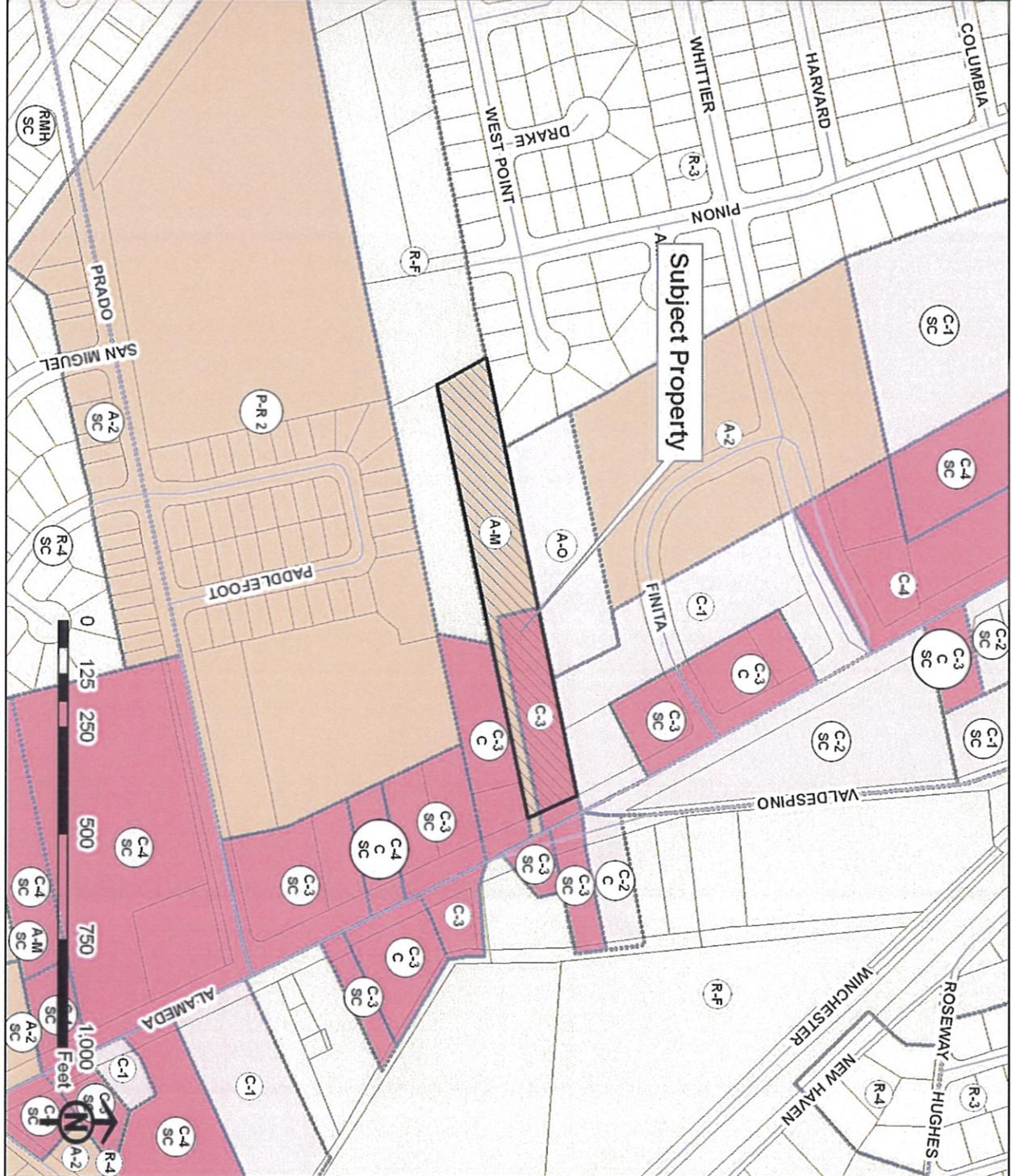
Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan

ATTACHMENT 1: ZONING MAP

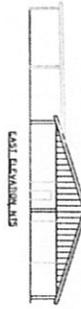
ZON10-00093



ATTACHMENT 2: AERIAL MAP

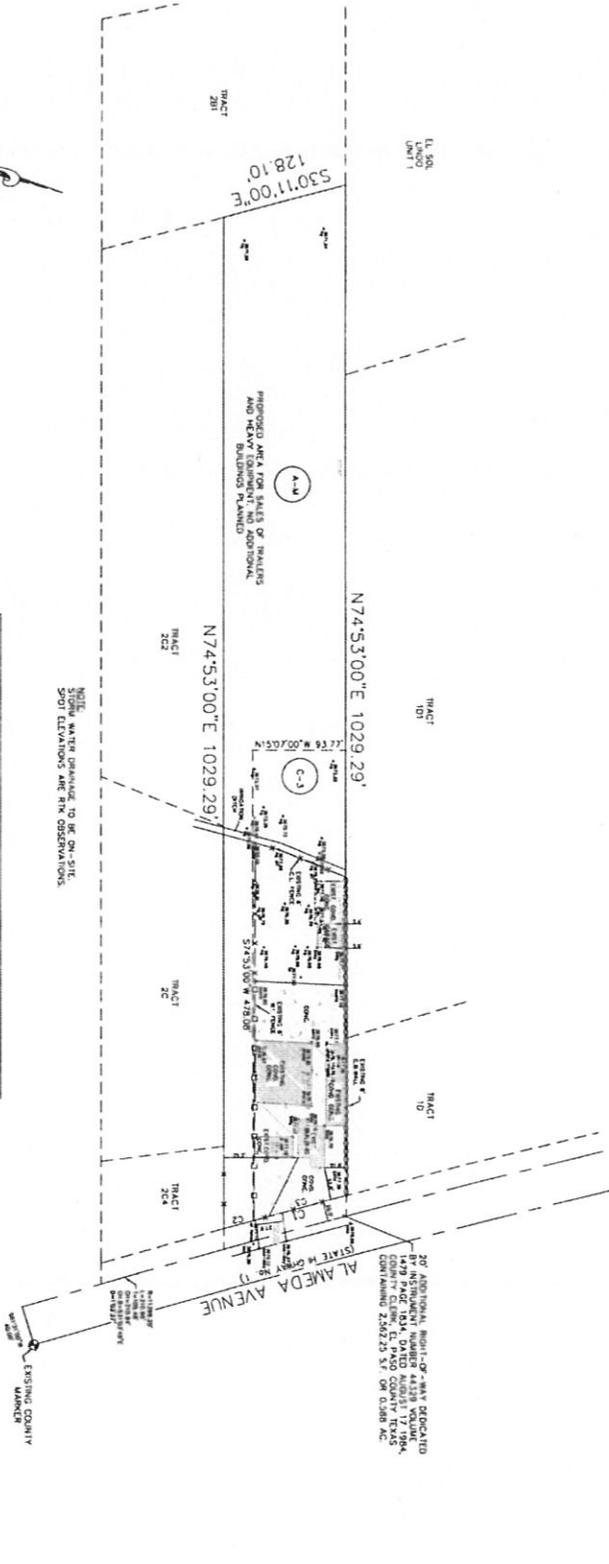


**ATTACHMENT 3: CONCEPTUAL SITE PLAN**



**PROPOSED REZONING SITE PLAN**

BEING ALL OF TRACT 2C1, BLOCK 35,  
YSLETA GRANT, CITY OF EL PASO, EL  
PASO COUNTY, TEXAS CONTAINING:  
127,304 SF. OR 2.9232 AC.



**GRAPHIC SCALE**  
1" = 100' 0"

CHUNK	LENGTH	BEARINGS	ADJACENT	PROPOSED ZONING	EXISTING ZONING	AREA	REMARKS
C1	128.10	S30°11'00"E	TRACT 2B1	C-3	C-3	0.28 AC.	
C2	31.03	N74°53'00"E	TRACT 2C2	C-3	C-3	0.09 AC.	
C3	97.07	N74°53'00"E	TRACT 2C3	C-3	C-3	0.22 AC.	

NOTE: WATER DRAINAGE TO NE ON-SITE  
SPOT ELEVATIONS ARE IN OBSERVATIONS.

OWNER	ADDRESS	TELEPHONE
ENRIQUE A. REY	1204 006 W. 17TH ST. EL PASO, TEXAS 79906	TEL. (910) 332-2883

