

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

DEPARTMENT: Planning and Economic Development Department

AGENDA DATE: Introduction: June 7, 2011
Public Hearing: June 28, 2011

CONTACT PERSON/PHONE: Esther Guerrero, (915) 541-4720

DISTRICT(S) AFFECTED: 1

SUBJECT:

An ordinance changing the zoning of Lots 4 and 5, Block 1, El Paso West Unit Two, Replat A, City of El Paso, El Paso County, Texas; and a portion of Lot 3, Block 1, El Paso West Unit Two, City of El Paso, El Paso County, Texas from M-1 (Manufacturing) to C-2 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1345 New Harvest Place. Property Owner: Helen of Troy, LP. PZRZ11-00004 (District 1) **THIS IS AN APPEAL CASE**

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Denial Recommendation (6-2)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

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

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOTS 4 AND 5, BLOCK 1, EL PASO WEST UNIT TWO, REPLAT A, CITY OF EL PASO, EL PASO COUNTY, TEXAS; AND A PORTION OF LOT 3, BLOCK 1, EL PASO WEST UNIT TWO, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (MANUFACTURING) TO C-2 (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 *Lots 4 and 5, Block 1, El Paso West Unit Two, Replat A, City of El Paso, El Paso County, Texas; and a portion of Lot 3, Block 1, El Paso West Unit Two, 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 from **M-1 (Manufacturing) to C-2 (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: PZRZ11-00004

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is Lots 4 and 5, Block 1, El Paso West Unit Two, Replat "A", an addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof recorded in Volume 65, Page 19, Plat Records of El Paso County, Texas and a portion of Lot 3, Block 1, El Paso West Unit Two, an addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof recorded in Volume 60, Page 7, Plat Records of El Paso County, Texas and is more particularly described by metes and bounds as follows:

Commencing at an existing city monument lying on the centerline intersection of Helen of Troy Drive (90' public right-of-way) and Northwestern Drive (90' public right-of-way); Thence, North $11^{\circ} 14' 26''$ West, along the centerline of Northwestern Drive, a distance of 297.89 feet to a set nail with shiner; Thence, North $87^{\circ} 24' 47''$ West, abandoning said centerline, a distance of 46.34 feet to a set $1/2''$ iron pin with cap "TX2998" for a corner lying on the westerly right-of-way line of Northwestern Drive, said point being the TRUE POINT OF BEGINNING of this description;

THENCE, North $87^{\circ} 24' 47''$ West, a distance of 858.45 feet to a found $5/8''$ iron pin with cap "TX2449" for a corner lying on the common boundary line between a portion of Lot 3, Block 1, El Paso West Unit Two and Lot 4, Block 1, El Paso West Unit Two, Replat "A", on the westerly right-of-way line of Export Place (70' public right-of-way);

THENCE, North $02^{\circ} 33' 34''$ East, with the right-of-way of Export Place, a distance of 16.82 feet to a found $5/8''$ iron pin for a corner and a curve;

THENCE, 206.32 feet, along said right-of-way line and along the arc of a curve to the left, having a radius of 1,034.11 feet, a central angle of $11^{\circ} 25' 54''$ and a chord which bears North $03^{\circ} 09' 23''$ West, a distance of 205.98 feet to a found $5/8''$ iron pin with cap "TX4178" for a corner;

THENCE, North $08^{\circ} 52' 48''$ West, continuing along said right-of-way line, a distance of 113.36 feet to a found $1/2''$ iron pin with cap "TX2998" for a corner and a point for a curve;

THENCE, 18.67 feet, along the arc of a curve to the right, having a radius of 30.00 feet, a central angle of $35^{\circ} 39' 56''$, and a chord which bears North $08^{\circ} 57' 47''$ East, a distance of 18.37 feet to a found $1/2''$ iron pin for a corner and a point for a curve;

THENCE, 6.64 feet, along the arc of a curve to the left, having a radius of 50.00 feet, a central angle of $07^{\circ} 36' 50''$ and a chord which bears North $22^{\circ} 55' 00''$ East, a distance of 6.64 feet to a found nail on rockwall for a corner lying on the common boundary line between Lot 5, Block 1, El Paso West Unit Two, Replat "A" and a 15' Drainage right-of-way;

THENCE, North $81^{\circ} 07' 12''$ East, along said boundary line, a distance of 329.33 feet to a set $1/2''$ iron pin with cap "TX2998" for a corner lying on the common boundary line between Lot 2, Block 1, El Paso West Unit Two and Lot 5, Block 1, El Paso West Unit Two, Replat "A";

THENCE, South $09^{\circ} 30' 40''$ East, along said boundary line, a distance of 62.00 feet to a found $5/8''$ iron pin for a corner lying on the common boundary line between Lots 2 and 3, Block 1, El Paso West Unit Two;

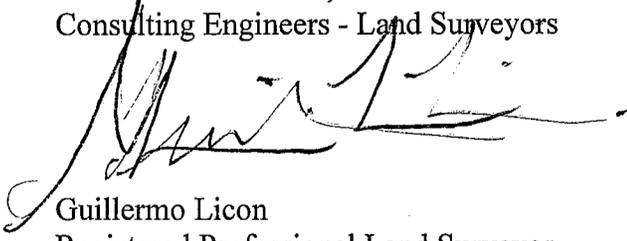
THENCE, North $80^{\circ} 29' 31''$ East, along said boundary line, a distance of 451.51 feet to a set $1/2''$ iron pin with cap "TX2998" for a corner and a point for a curve lying on the westerly right-of-way line of Northwestern Drive;

THENCE, 206.32 feet, along said right-of-way and along the arc of a curve to the right, having a radius of 2,798.30 feet, a central angle of $04^{\circ} 13' 28''$ and a chord which bears South $13^{\circ} 17' 10''$ East, a distance of 206.27 feet to a set $1/2''$ iron pin with cap "TX2998" for a corner;

THENCE, South $11^{\circ} 14' 26''$ East, continuing along said right-of-way line, a distance of 266.12 feet to the TRUE POINT OF BEGINNING OF this description.

The parcel herein described contains 7.635 ACRES (332,568 Sq. Ft.) of land, more or less.

SLI ENGINEERING, INC.
Consulting Engineers - Land Surveyors



Guillermo Licon
Registered Professional Land Surveyor
Texas License No. 2998



February 11, 2011
Job# 06-11-3017
M&B/1708

CITY CLERK DEPT.
2011 MAY 25 AM 7:28



Date: May 24, 2011
To: Honorable Mayor and City Council
Joyce Wilson, City Manager
From: Esther Guerrero, Planner
Subject: **PZRZ11-00004**

The City Plan Commission (CPC) on May 5, 2011, voted **6-2** to recommend **denial** of this rezoning request. The request is to change the zoning on from M-1 (Commercial) to C-2 (Commercial) to allow the development of an apartment complex. Apartments are not permitted in manufacturing zoning districts.

This recommendation is **not** in agreement with the recommendation from staff and the Development Coordinating Committee (DCC).

Staff's recommendation for approval is based on changing land use conditions in the area and although the projected land use calls for industrial uses there is abutting commercial zoning including a middle school (Hut Brown Middle School) immediately to the east of the subject property and a church/school (New Harvest Christian Center) to the north.

The CPC found that the rezoning is not in conformance with The Plan for El Paso. The CPC found that the proposed use is in not conformance with the 2025 Projected General Land Use Map for the Northwest Planning Area. The CPC also determined that the rezoning would not protect the best interest, health, safety, and welfare of the public in general; and will have an adverse effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was one person present at the meeting to speak in opposition and two letters were received in opposition to this request.

Attachments: Appeal Letter
City Plan Commission Staff Report

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson



CITY CLERK DEPT.

2011 MAY 12 PM 3:35

APPEAL TO THE CITY COUNCIL

DATE: May 12, 2011

HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on May 5, 2011, the
City Plan Commission denied my request for

An amendment to the Zoning Map from M-1 to C-2; Case No. PZRZ11-00004

legally described as:

Lots 4 & 5, Block 1, El Paso West Unit Two, Replat A,
City of El Paso, El Paso County, Texas and a portion of Lot 3,
Block 1, El Paso West Unit Two, an addition to the City of El Paso
El Paso County, Texas and described by metes and bounds on the Exhibit
A attached.

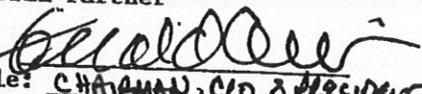
I hereby request the City Council to review the decision of the _____

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: Helen of Troy, L.P.
By: Helen of Troy Nevada Corporation
Its: General Partner

By: 
Title: CHAIRMAN, CEO & PRESIDENT

c/o Gordon Davis Johnson & Shane P.C.

4695 N. Mesa

El Paso, TX 79912

Telephone#: (915) 545-1133

Attention: Yolanda Giner

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

CITY CLERK DEPT.

2011 MAY 12 PM 3:35

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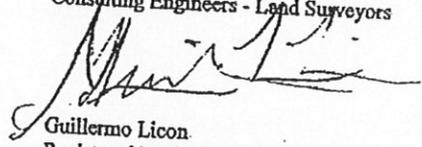
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CITY CLERK DEPT.
2011 MAY 12 PM 3:35

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SLENGINEERING, INC.
Consulting Engineers - Land Surveyors



Guillermo Licon
Registered Professional Land Surveyor
Texas License No. 2998



February 11, 2011
Job# 06-11-3017
M&B/1708

CITY CLERK DEPT.

Helen of Troy
1 Helen of Troy Plaza
El Paso, Texas 79912

2011 MAY 12 PM 3:35

May 12, 2011

Honorable Mayor; and
City Council of El Paso, Texas
2 Civic Center Plaza
El Paso, Texas 79901

Attention: City Clerk

**Re: Appeal to the City Council;
PZRZ11-00004**

Honorable Mayor and City Council of El Paso, Texas:

This letter is submitted in support of the Appeal to the City Council of an application to rezone Lots 4 & 5, Block 1, El Paso West Unit Two, Replat A, City of El Paso, El Paso County, Texas (the "Property"). The projected use of the Property, subject to the proposed rezoning, is multi-family (apartments).

The City of El Paso is currently experiencing a shortage of apartments. Further, though the Property is currently zoned M-1, the Property is surrounded by other property with C and R zoning designations, indicating that the area is trending more toward uses more in line with a C zoning designation.

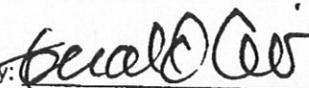
According to the enclosed Zoning Map, property to the North is zoned C-3 and M-1. Property to the East is zoned C-4/sc, is owned by the El Paso Independent School District and used for Hut Brown Middle School. This is only eighty-nine (89) feet away from the Property, which tends to indicate that the Property is better suited for multi-family, than for manufacturing uses. Properties located to the south and west are presently zoned M-1. The property to the West is vacant.

The proposed rezoning and use are more suited to the area and surrounding uses than a manufacturing use. We ask that the City Council grant the proposed rezoning, despite the determination of the City Plan Commission, which, for the reasons set forth above, we believe to be in error.

Very Truly Yours

Helen of Troy, L.P.

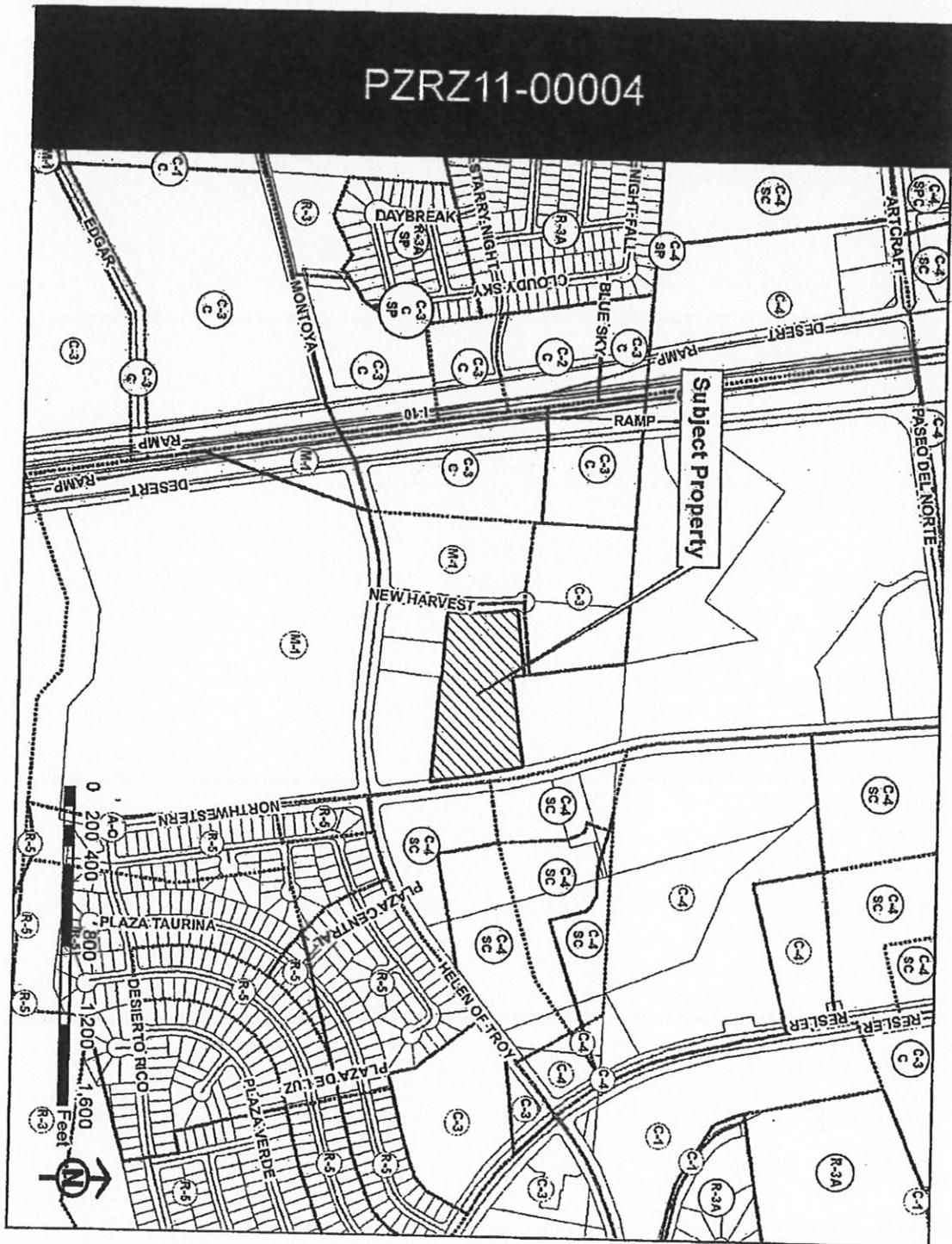
By: Helen of Troy Nevada Corporation
Its: General Partner

By: 

Title: CHAIRMAN, CEO & PRESIDENT

ATTACHMENT 1: ZONING MAP

PZRZ11-00004





City of El Paso – City Plan Commission Staff Report

Case No: PZRZ11-00004
Application Type: Rezoning
CPC Meeting Date: May 5, 2011
Staff Planner: Esther Guerrero, 915-541-4720, guerreroex@elpasotexas.gov

Location: 1345 New Harvest Place
Legal Description: Lots 4 and 5, Block 1, El Paso West Unit Two, Replat A, City of El Paso, El Paso County, Texas; and a portion Lot 3, Block 1, El Paso West Unit Two, City of El Paso, El Paso County, Texas

Acreage: 7.635 acres
Rep District: 1
Zoning: M-1 (Manufacturing)
Existing Use: Vacant
Request: C-2 (Commercial)

Proposed Use: Multi-family (Apartments)
Property Owner: Helen of Troy LP
Representative: George Halloul, SLI Engineering

SURROUNDING ZONING AND LAND USE

North: C-3 (Commercial), M-1 (Manufacturing) / Manufacturing
South: M-1 (Manufacturing) / Manufacturing
East: C-4/sc (Commercial/special contract) / Middle School
West: M-1 (Manufacturing) / Vacant

The Plan for El Paso Designation: Industrial (Northwest Planning Area)

Nearest Park: Proposed Park (unnamed) (6,286 feet)

Nearest School: Hut Brown Middle (89 feet)

NEIGHBORHOOD ASSOCIATIONS

Save the Valley, Coronado Neighborhood Association, Upper Mesa Hills Neighborhood Association, Upper Valley Improvement Association

NEIGHBORHOOD INPUT

Notices of a Public Hearing will be mailed to all property owners within 300 feet of the subject property on April 20, 2010.

One letter in opposition was received on April 27, 2011. (See Attachment 4)

APPLICATION DESCRIPTION

The request is to change the zoning from M-1 (Manufacturing) to C-2 (Commercial) to allow an apartment complex. Apartments are not permitted in manufacturing zoning districts. The conceptual site plan shows seven (7) apartment buildings with approximately 156 units, playground with gazebo, club house with pool, and access via New Harvest Place and Northwestern Drive.

PLANNING AND ECONOMIC DEVELOPMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the rezoning request.

Planning's recommendation for approval is based on changing land use conditions in the area. Although the projected land use calls for industrial uses there is abutting commercial zoning including a middle

school (Hut Brown Middle School) immediately to the east of the subject property and a church/school (New Harvest Christian Center) to the north.

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

All applications for rezoning shall demonstrate compliance with the following criteria:

- a. Goal: establish 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 wide range of housing types that respond to the needs of all economic segments of the community.
- c. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.

The purpose of the Community Commercial District C-2 (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.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for rezoning and offered no objections to Planning Staff's recommendation for approval.

Transportation Department

No objections.

Engineering – Construction Management Division-Plan Review

No objections.

Engineering – Land Development

No objections.

The property is within Flood Zone C, "Areas of minimal flooding"- Panel # 480214 0016C, date February 5, 1986.

Fire Department

No objections.

Sun Metro

Sun Metro does not oppose this request. Sun Metro does recommend the placement of sidewalks to provide accessibility to public transit services.

El Paso Water Utilities

We have reviewed the zoning change request reference above and provide the following comments:

1. EPWU does not object to this request.

Water:

2. There is an existing 8-inch diameter water main extending along New Harvest that is available for service, the water main is located approximately 10-feet east from the center right of way line.
3. There is an existing 12-inch diameter water main extending along Northwest Drive that is available for service, the water main is located approximately 10-feet east from the center right of way line.
4. Previous water pressure from fire hydrant #6403 located approximately 348-ft north from the southwest property line has yield a static pressure of 120 (psi), a residual pressure of 118 (psi), and a discharge of 1,592 (gpm).
5. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sewer:

6. There is an existing 8-inch diameter sanitary sewer main extending along New Harvest that is available for service, the sewer main is located approximately 5-feet west from the center right of way line.
7. There is an existing 12-inch diameter sanitary sewer main extending along Northwest Drive, the sewer main is located approximately 5-feet west from the center right of way line.

General:

8. EPWU requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. 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.

OSAB RECOMMENDATION

On April 13, 2011, the Open Space Advisory Board unanimously recommended approval of this rezoning request.

CITY PLAN COMMISSION OPTIONS

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

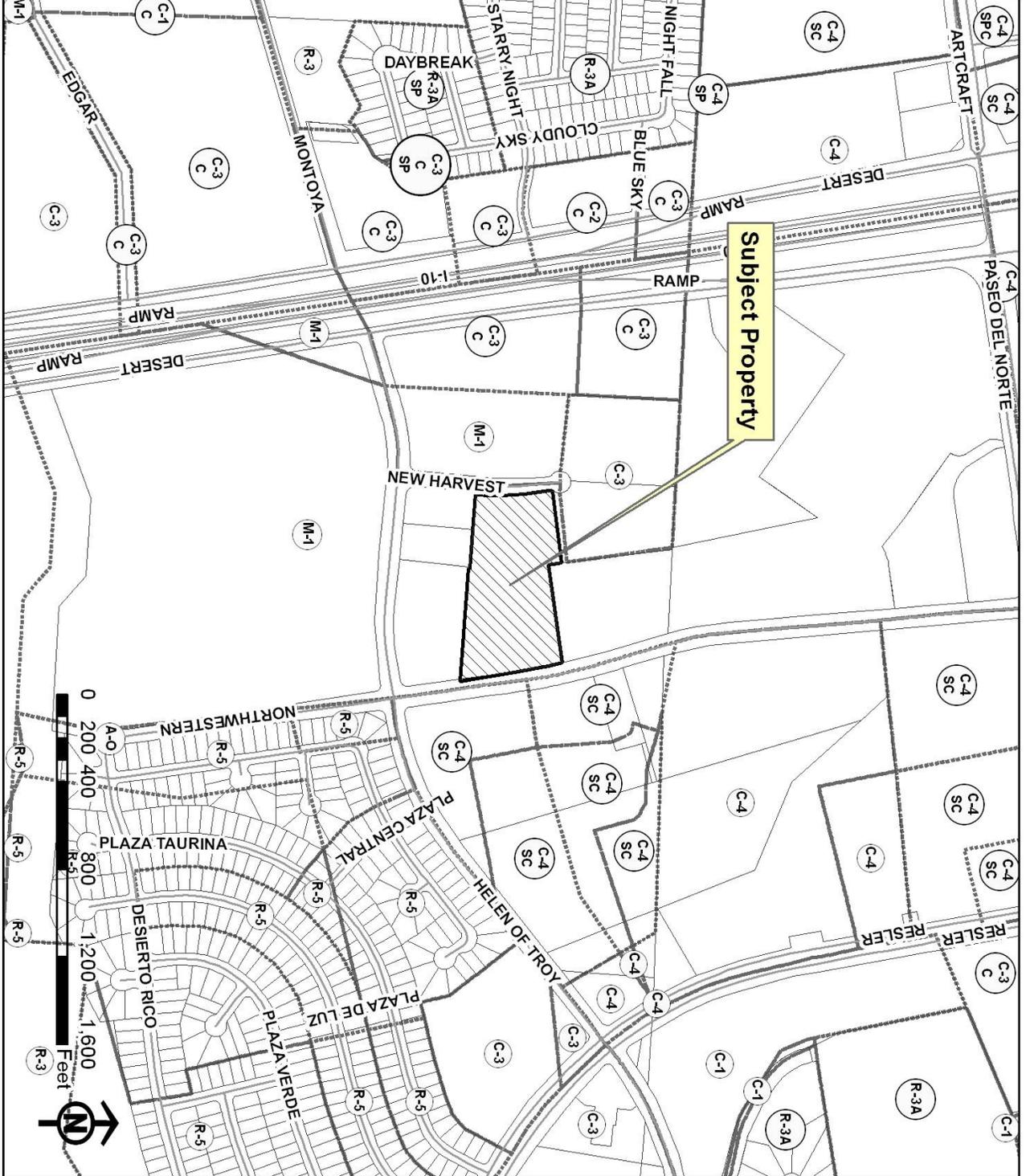
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into 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. Zoning Map
2. Aerial Map
3. Conceptual Site Plan
4. Opposition Letter

ATTACHMENT 1: ZONING MAP

PZRZ11-00004



ATTACHMENT 2: AERIAL MAP

PZRZ11-00004



ATTACHMENT 4: OPPOSITION LETTER

Action Systems Holding Company LLC

7825 Helen of Troy Drive

El Paso, TX 76912

25 April 2011

Planning and Economic Development
Matthew McElroy Deputy Director Planning Division
2 Civic Center Plaza 5th floor
El Paso, Texas 79901

Dear Mr. Matthew McElroy:

Subject: Objection to Change to Zoning on Property Located at 1345 Harvest Place

Case Number: PZRZ11-00004

This memo is to register our objections to the proposed rezoning defined in your letter dated April 25, 2011 to the proposed change to the zoning on the property located at 1345 Harvest Place. Legally described as Lots 4 and 5, Block 1, El Paso West Unit Two, Replat A, City of El Paso, El Paso County, Texas and a portion of Lot 3, Block 1, El Paso West Unit Two, City of El Paso, El Paso County, Texas.

We purchased our adjoining property in the fall of 2005 based in a large part to the fact that the real estate is located in an n M-1 zoned area with the regulations and planning done for light manufacturing.

As I understand the planning and use restrictions for M-1 areas zoned for light manufacturing it anticipates a moderate level of employees and the need for both company and delivery vehicles up to and including large 16 wheeled vehicles in the normal course of business.

Ensuring that the proposed change does not exceed the capabilities of the current infrastructure in the area is of concern. My concern is based on adding the current proposed zoning to allow apartments in addition to the already allowed changes to the M-1 zoning for the school, churches and the new apartment complex now under construction at Helen of Troy and Resler.

The El Paso Floods of 2006 caused over \$250 million dollars in damage (attachment 1) with the area between Redd Road and Resler specifically cited as an area damaged by flooding (page 8 of this memo).

The requested zoning change application and the clear reduction of drainage areas that would result needs to be accessed with the experience of the floods of 2006 taken into account. The

Phone: 915 845-6606

e-mail: Theresa@T2C3.com

Page 1

failure to do would be catastrophic to small businesses located in this M-1 area if it resulted in flooding due to in part or in whole to the reduced drainage in this area.

Given the reduced drainage areas with the addition of schools, churches and apartments not normally planned for in an M-1 zoned area how will the current drainage system handle the increased drainage resulting from the proposed change taking into account the lessons learned from the 2006 floods?

The following pictures show traffic on Sunday 24 April 2011 with the church on the end of New Harvest, cars are backed up past our building on Helen of Troy trying to enter onto the I-10 access road and many cars are backed up on Harvest Drive in front of our building.

This is without the impact of the new apartments currently under constructions which will only add to the current level of congestion.



Cars backed up on Helen of Troy Drive from I-10 to near Northwester Drive



Cars backed up on New Harvest Drive entering Helen of Troy Drive

At the present time the traffic level in front of our building on Helen of Troy is difficult to even go from our parking lot at certain times of the day and deliveries are made more difficult given the increased traffic flow from the school that is located at the corner of Helen of Troy and Northwestern and will only get worse when the apartments currently under construction are completed.

The current difficult situation will only be made worse by what has already been approved and worsening that situation even more by approving added traffic absent a significant investment by the City in El Paso for traffic control providing safe access to the M-1 businesses located on Helen of Troy Drive is clearly not acceptable to us.

Given the increased traffic with the addition of schools, churches and apartments not normally planned for in an M-1 zoned area how will the current roads handle the increased traffic flow?

Another part of the concern is over management of and the adherence to the rules for M-1 zoned areas and the prohibition of commercial sales within those areas. Was Helen of Troy granted a variance for their Outlet store located in the M-1 zoned area? If it was, when was the hearing for that variance held and what is allowed? As an affected business why we were not notified?



Helen of Troy Outlet Store with Commercial Sales in an M-1 Zoned Area

Given the increased traffic with the addition of schools, churches and apartments not normally planned for in an M-1 zoned area how will the current M-1 zoned area be controlled with respect to retail sales and handle the increased traffic flow?

In addition I would like to know what security enhancements that the City of El Paso proposes based on the damage that was repeatedly done to the (recently demolished) building that was located on Paseo Del Norte and incurred significant vandalism.

In my opinion the proposed changes will not only make it more difficult to perform our work and increase the possibility of traffic accidents but decrease the desirability of our property and hence result in a diminution of the market value of our property.

For the reasons stated above we strongly object to the proposed zoning change.

An alternative solution does exist for the M-1 zoned area (I believe owned by the same parties requesting this variance) on Northwestern and Helen of Troy behind the Helen of Troy facility that would have better access to multiple access roads and could take advantage of the drainage facilities within the Helen of Troy facility minimizing or eliminating the impact to small business in the area.

If you have any further questions please call Theresa Valdez-Harvey phone 915-845-6606.

Respectfully,

Theresa Valdez-Harvey and Stephen Harvey

Owners and Managers

Storm 2006-Report to the Community

Message from the City Manager



The major rain storms of last summer, referred to as Storm 2006, left behind significant personal and public property damage. This *"Report to the Community"* is intended as an update to make citizens aware of the work that has been started, completed and on-going, and the schedule of future repair and reconstruction work throughout the City. We ask for the community's patience and to be assured that our number one priority is to address and execute the construction of the critical infrastructure that is necessary. The City, in coordination with many local, state and federal agencies, has been working to address these priorities since the Presidential Disaster Declaration was issued on August 15, 2006.

Given the need to keep costs low so that a citywide tax increase would not be necessitated, emergency funding has been set aside to these priorities so that immediate work could begin. This was achieved through the reprogramming of existing capital bond funding from projects where delays would have the least impact to the overall program. These projects will be made whole upon the timely issuance of new bond allocations. The El Paso City Council has also authorized issuance of Certificates of Obligation up to an amount of \$100 million for infrastructure work. In total, \$115 million of bond funding has been earmarked for the critical repair and reconstruction work needed within the City's road and storm water drainage system that is a direct result of Storm 2006.

Every opportunity for state and federal funding assistance and reimbursement is being tapped to help the City with this massive undertaking and every effort is being made to have the work substantively completed within an eighteen-month period (by February 2008) in order to meet federal reimbursement guidelines.

We will continue to update the community as work and progress continues.

Joyce A. Wilson
City Manager
El Paso, Texas

Street Department

- 7 pothole-patching crews worked citywide throughout the week and some weekends from September 1 to December 7, 2006.
 - Approximately 989.29 tons of cold mix asphalt used, 85% increase from the amount used during the same period the previous year.
 - Approximately 1,438.35 tons of hot mix asphalt used, 25% increase from the same period of the previous year.
- Approximately 56,415.58 tons of debris removed from city streets from September 1 to December 7, 2006.
 - 74% increase from the amount of debris removed during the same period the previous year
- Contract initiated in December for the cleaning/clearing of debris and re-shaping of agricultural drains

- Mesa Drain interceptor and the Franklin Drain cleaned; work ongoing for several months
- 3 herbicide-spraying companies hired in October to spray the perimeters of all City ponding basins, drainage channels, and other designated City right of way
- Crews continue to clear debris and silt within the Rio Grande river apron along the concrete lined channel since early November

For more information or to report a pothole, please call 621-6750

Environmental Services

- Removed storm-related debris from 700 curbside locations.
- Cleared storm-related debris from 78 Street blocks.
- Environmental Services delivered 1,918 tons of storm-related debris to the Clint landfill.
- Fixed Clint landfill retention pond that was breached by the July 27th rainfall.
- Developed a new detention pond at the Clint landfill. The pond is 90% completed
- Fixed all major erosion at the Clint and McCombs landfill cells.
- Repaired damaged shoulders of Clint entrance road and stabilized unpaved access and circulation in Clint and McCombs landfills.
- Six 6-inch water pumps purchased

For more information or to schedule a debris pick-up, please call 621-6700

Development Services

Progress continues underway in the City initiative to acquire property and relocate families in the Mowad, Fiesta and Saipan areas within our community. The City Council has authorized the property acquisition and replacement of housing within these subdivisions as a long-term resolution and the most practical and technically responsible manner to preserve public health and safety for residents of these neighborhoods.

The following is the current status of the program in each of the targeted areas:

Mowad Subdivision

- 36 buy-outs accepted
- 25 relocation homes in escrow
- 17 residents relocated
- Project 75% complete

Saipan

- 54 assessment inspections completed
- 44 appraisals completed
- 30 Buy Out meetings scheduled
- Project 35% complete

Fiesta

- 3 properties appraised
- 3 buy-outs accepted

- 3 relocations completed
- Project 95% complete

For more information on the Buy Out Program please call 541-4556

FEMA Coordination

The FEMA discovery period for identifying public infrastructure damaged by the storm event is 60 days from the date of the disaster declaration. During this period, City personnel worked extensively with FEMA Teams to make field assessments. A total of 28 projects have been closed with FEMA. At this time there are still 127 projects pending completion. FEMA has provided grant funding for Storm 2006 in the following categories:

Total amount eligible by category:	Eligible amount	75% anticipated reimbursement from FEMA	FEMA funds received to date	FEMA funds pending to City	# Of projects finalized with FEMA
Debris Clearance	3,199,687	2,399,765	161,687	2,238,079	2
Emergency Protective Measures	1,434,981	1,076,236	816,492	259,744	4
Road Systems	2,233,031	1,674,773	600,339	1,074,434	14
Water Facilities	1,348,819	1,011,614	181,451	830,163	0
Public Buildings and Equip	85,819	64,364	64,976	(612)	7
Other	1,182,529	886,897	39,048	847,848	1
Total	9,484,866	7,113,650	1,863,992	5,249,657	28

Capital Repair/Reconstruction Priorities

The City is doing everything in its capacity to meet the needs of citizens and address the repair and reconstruction of the critical infrastructure projects in the listing below. A huge challenge remains ahead as progress continues with factors that include:

- Project design work that involves an extensive process to find solutions and not just reconstruction to pre-flood standards
- Scopes that are still being developed and modified to provide for quality projects
- Approximately 30 additional projects that have been identified and will continue to be addressed as funding becomes available
- Construction and design costs that are continuing to rise

Project	Design Status	Repair/Reconstruction Status (Tentative Start Dates)
601 Sunland Park Drive @ Buena Vista Channel - Repair damaged chain link and rock wall fences	Complete	Complete
624 De Leon - Repairs to roadway damage including curb and gutter	Complete	Complete
Bessemer Road - Repairs to damaged roadway	Complete	Complete
Bluff Canyon - Repair damaged roadway to include curb, gutter, sidewalks, pavement	Complete	Complete
Crestmont Channel along Sunland Park Drive - Repair damaged drainage crossing	Complete	Complete
Don Haskins and Rojas - Repairs to damaged roadway structure	Complete	Complete
Henry Brennan - Repair damaged roadway	Complete	Complete
Mountain Walk - Repairs to roadway damage	Complete	Complete
Pellicano from Lee Trevino to Lionel and Pendale @ Rojas - Repair roadway damage including curb, gutter, pavement	Complete	Complete
Pine Springs from South View to Loop 375 - Repair roadway damage	Complete	Complete
Stoney Hill - Repair roadway damage	Complete	Complete
Agricultural Drains - Desilt and Repair		In Progress
Bandolero Channel - Debris removal		In Progress
Cedar Oak at Pendale - Repair spillway damage		In Progress
Edgemere and Robert E Lee - Repair damaged flume in median triangle		In Progress
Helen of Troy from Resler to Redd Roadway damage to include curb, gutter, sidewalk and pavement		In Progress
Isabella and Cabrillo - Repair damaged box culvert grates, rock wall and clean-up debris		In Progress
James Watt @ Lee Trevino - Reconstruction of street and drainage damage		In Progress
Luna from La Luz to Hueco - Repair erosion damage		In Progress
Montoya Drain - Clean up erosion		In Progress
O'Keefe - Repairs to damaged spillway		In Progress
Playa Drain - Clean and restore to original		In Progress

grade		
Pollard Veterans Memorial Park - Repair erosion damage		In Progress
Pullman Basin - Repair spillway, erosion and desilt		In Progress
Resler Extension north of Helen of Troy - Repair to drainage channel damage and debris removal		In Progress
Whirlaway Street - Repair erosion damage		In Progress
Nemexas Drain - Clean erosion		In Progress
Pump Station Assessment and Repair		In Progress
Master Drainage Study	Study Ongoing	Mid 2008
Glory Road - Reconstruction of street and drainage structure to Oregon St.	Complete	Winter 2007
Belvidere Channel - Repair erosion damage and remove debris	Underway	Spring 2007
Cebada Pump Station - Repairs to electrical system and installation of automated grate cleaning system	Underway	Spring 2007
High Ridge and Bear Ridge Channels - Repair damage culverts, headwalls, maintenance road, rock walls, channel	Underway	Spring 2007
McKelligon Canyon Road - Repair roadway damage and install new culverts	Underway	Spring 2007
North South Freeway Channel - Repair damaged concrete structures and line remaining channel	Complete	Spring 2007
Thunderbird Valley Channel - Reconstruct damaged channel	Complete	Spring 2007
Wallenberg and Mesa Hills - Reconstruction of roadway and underground drainage system	Complete	Spring 2007
Clardy Fox Pump Station - Upgrade electrical control panel and install automated grate cleaning system	Underway	Spring 2007
Copper Queen - Reconstruct damaged spillways	Underway	Spring 2007
Fairbanks from NS Freeway to Electric - Repair roadway damage including curb, gutter, sidewalk and pavement	Underway	Spring 2007
Los Siglos Court and Lucas Marcelo Court - Reconstruction retaining structure along channel including fences	Complete	Spring 2007

Northgate Diversion Channel - Repair erosion damage	Complete	Spring 2007
Ojo de Agua Channel and Thorn Inlet Structure - Reconstruction of channel and inlet structure	Underway	Spring 2007
Paragon/Santa Fe/Festival Channels - Reconstruction of concrete channels	Underway	Spring 2007
Robinson Street - Repair roadway damage	Underway	Spring 2007
Thorton Street - Repair street and drainage system damage	Underway	Spring 2007
Westside Drainage Improvements - Improvements to Shadow Mountain, Silver Springs and the Coronado Ditch	Underway	Spring 2007
Canterbury Channel between Ridge Crest and Stanton - Reconstruction of damaged channel	Underway	Summer 2007
Colonia Escondida - New pump station to ensure drainage	Underway	Summer 2007
Lindberg, Redd, Mulberry, Warrior Roads - Street and drainage system reconstruction	Underway	Summer 2007
Modesto Channel River outfall - Improve drainage by replacing existing gravity flow system	Underway	Summer 2007
Ocotillo/Charl Ann - Repair street and drainage damage	Underway	Summer 2007
Ramona Addition - Repair street and drainage system damage	Complete	Summer 2007

CLAUSEN REALTY, LLC

May 3, 2011

City Plan Commission
C/O Planning Division
5th Floor, City Hall
El Paso, TX 79901-1196

RE: Case Number PZRZ11-00004

Dear City Plan Commission,

We are in receipt of your letter dated April 25, 2011 regarding a request to a zoning change from M-1 to C-2.

We are opposed to a change in zoning for the following reasons:

- Your letter states that the change in zoning is for the purpose of building apartments on the vacant land. The letter does not provide any information on the proposed number of apartments to be built (density).
- The current City of El Paso infrastructure does not support the additional traffic created by several churches in the area, and allowing apartments to be constructed would further create conflict with our national tenants' business operations.
- It is my understanding that the current water drainage systems would be inadequate for this type of zoning.

Also, our company records indicate that this property could be part of the Northwestern Corporate Center, an Industrial Park created July 21, 1992, which is situated within a "Foreign Trade Zone". If so, there are 99 year restrictions on these properties.

Finally, ten days notice of a meeting is insufficient and un-reasonable time for us to conduct a full review of the City of El Paso records, and other pertinent information.

Should you have any questions or comments, please let me know.

Sincerely,

Frank V. Clausen
President
Clausen Realty, LLC

FVC:jc

3700 Gateway Blvd. East
El Paso, Texas 79905