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

DEPARTMENT: **Development Services Department, Planning Division**

AGENDA DATE: **Introduction: June 26, 2007**
Public Hearing: July 17, 2007

CONTACT PERSON/PHONE: **Esther Guerrero, 541-4720**

DISTRICT(S) AFFECTED: **8**

SUBJECT:

An ordinance changing the zoning of Lots 27 to 29, Block 22, Cotton Addition, City of El Paso, El Paso County, Texas from R-4 (Residential) District to C-3 (Commercial) District. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 2108 Grant Avenue. Applicant: Alfonso and Laura Villagrana, ZON07-00021 (District 8) **THIS IS AN APPEAL CASE**

BACKGROUND / DISCUSSION:
See attached report.

PRIOR COUNCIL ACTION:
N/A

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – **Denial** Recommendation
City Plan Commission (CPC) – **Denial** Recommendation (7-0)

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

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

DEPARTMENT HEAD: Kelly Carpenter

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOTS 27 TO 29, BLOCK 22, COTTON ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) DISTRICT TO C-3 (COMMERCIAL) DISTRICT. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 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 27 to 29, Block 22, Cotton Addition, 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 **R-4 (Residential) District** to **C-3 (Commercial) District**, 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 _____, 2007.

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:

_____
Kimberly Forsyth, Senior Planner
Development Services Department

CITY CLERK DEPT.
07 JUN 15 PM 4:00

Doc #31028/Planning/ZON070-00021 (Rezoning Application)/LCUE

ORDINANCE NO._____ **Zoning Case No: ZON07-00021**

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT
DIRECTOR, DEVELOPMENT SERVICES

KELLY CARPENTER, AICP
DEPUTY DIRECTOR, PLANNING

CITY COUNCIL

ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES
PLANNING DIVISION
M E M O R A N D U M

DATE: June 15, 2007

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

FROM: Esther Guerrero, Planner

SUBJECT: **ZON07-00021**

The City Plan Commission (CPC), on May 3, 2007, voted **7-0** to recommend **denial** of rezoning the subject property from R-4 (Residential) to C-3 (Commercial).

The CPC found that this rezoning is not in conformance with The Plan for El Paso and the proposed use is **not** in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning will 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 effects of the rezoning 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 letter of opposition from the Five Points Development Association to this request.

Attachments: Staff Report

ZON07-00021

Application Type:	Rezoning
Property Owner(s):	Alfonso and Laura Villagrana
Representative(s):	Brock & Bustillos, Inc.
Legal Description:	Lots 27 to 29, Block 22, Cotton Addition, City of El Paso, El Paso County, Texas
Location:	2108 Grant Avenue
Representative District:	8 ***Area:*** 0.2066 Acres
Present Zoning:	R-4 (Residential)
Present Use:	Storage Room
Proposed Zoning:	C-3 (Commercial)
Recognized Neighborhood Associations Contacted:	Five Points Neighborhood Association Five Points Development Association Presidential Neighborhood Association
Public Response:	One letter (attached) and one call in opposition
Surrounding Land Uses:	**North:** R-4 / Single-family Residential; **South:** C-4 / Commercial; **East:** A-O/sc / Office; **West:** R-4 / Single-family Residential
Year 2025 Designation:	**Residential and Commercial** (Central Planning Area)

General Information
The request is for rezoning from R-4 (Residential) to C-3 (Commercial) in order to permit a plumbing service company. The property is 0.2066 acres in size and includes a 1,017 square foot structure to the rear of the property. The site plan proposes an additional 1,800 square foot building to the front of the property with the existing structure to remain, and includes 5 parking spaces. Access is proposed via Grant Avenue. There are no zoning conditions on this property.

Staff Recommendation
The Development Coordinating Committee (DCC) recommends **DENIAL** of this request for rezoning from R-4 (Residential) to C-3 (Commercial).

The recommendation is based on the following:

- **The Plan for El Paso** City-Wide Land Use Goals recommends that El Paso "preserve, protect, and enhance the integrity, economic vitality and livability of the City's neighborhoods".
- **The Year 2025 Projected General Land Use Map** for the **Central** Planning Area designates this property for Residential and Commercial land uses.
- **C-3 (Commercial)** zoning **is not compatible** with adjacent development.

Findings
The Commission must determine the following:

A. Will the C-3 (Commercial) zoning protect the best interest, health, safety and welfare of the public in general?
B. Will this rezoning be compatible with adjacent land uses?
C. What is the relation of the proposed change to the Comprehensive Plan?
D. What effect will the rezoning have upon the natural environment, social and economic conditions and property values in the vicinity and in the City as a whole?

Development Services Department - Building Permits Division
No comments received.

Development Services Department - Planning Division
C-3 (Commercial) zoning is **not** compatible with adjacent and surrounding development.

Engineering Department - Traffic Division
No traffic concerns.

Fire Department
No comments received.

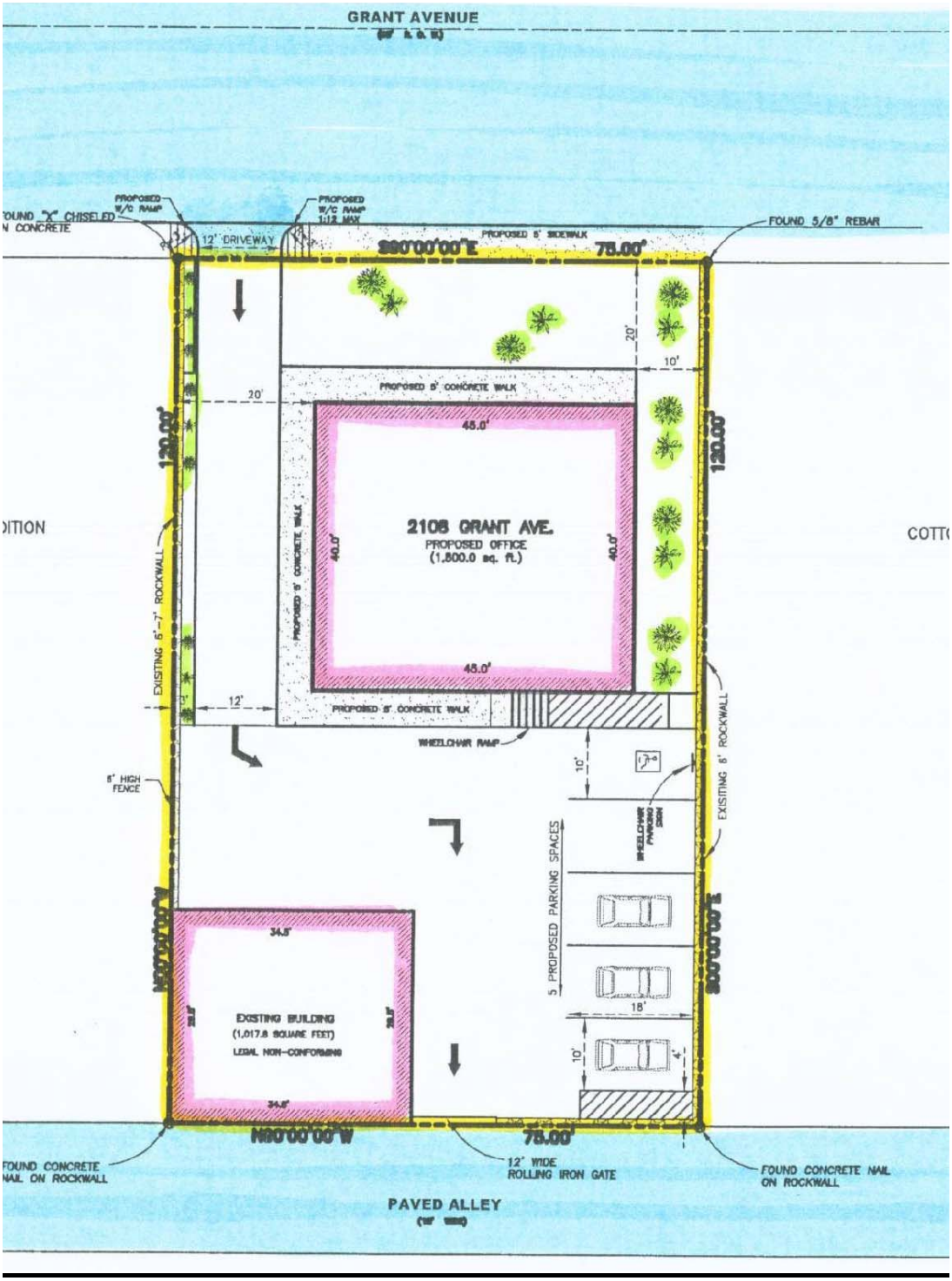
Sun Metro
Recommends denial based on incompatibility with adjacent properties.

El Paso Water Utilities
EPWU does not object to this request.

List of Attachments

Attachment 1: Conceptual Site Plan
Attachment 2: Letter of Opposition
Attachment 3: Application

Attachment 1: Conceptual Site Plan



Attachment 2: Letter of Opposition

FIVE POINTS DEVELOPMENT ASSOCIATION, INC.
P.O. Box 3612 ★ El Paso, Texas 79923
Phone: (915) 778-5929 ★ Fax: (915) 772-4080

Tuesday,
March 13, 2007

City of El Paso
ATTN: Planning Department (Ms. Esther Guerrero)
2 Civic Center Plaza
El Paso, Texas 79901

SUBJECT: Request to Rezone 2108 Grant Ave. from R-4 to C-3:
Lots 27 - 29, Block 22, Cotton Addition

Dear Ms. Guerrero:

We have received a letter from Brock & Bustillos, Inc. outlining the plans of their clients, Mr. and Mrs. Alfonso Villagrana, to construct an office/service facility and operate a plumbing service company at 2108 Grant Avenue, after rezoning the land from R-4 to C-3.

On Tuesday, March 6, at its regularly scheduled monthly board meeting, the Board of Directors unanimously agreed to oppose the proposed rezoning and use of the subject land for several reasons. First, the Land Use Plan to the Plan for the City of El Paso - 2025 calls for this area to remain residential. Second, in past years, far too many nearby parcels were rezoned to heavy commercial (C-3 and C-4), which threatens the residential character of the neighborhood. Finally, too much heavy-commercial use tends to stifle retail and other mixed uses (S-D, Special Development) in the neighborhood business areas.

We believe that there are sufficient properties available in Central El Paso already zoned for the heavy commercial use proposed by the Villagranas, without encroaching on this established residential neighborhood. Please suggest that they look for another property; and, in the meantime, ask that they please discontinue and refrain from parking their Perfect Plumbing service vehicles at 2108 Grant, in violation of existing city codes.

If you have any questions concerning our position on this matter, please feel free to contact Jim Erickson at 565-0237. Thank you.

Sincerely,

Manny Duran

Manny Duran
President

CF: Mr. Oscar V. Perez, Brock & Bustillos, Inc.

Shop Five Points First!

Attachment 3: Application

REZONING APPLICATION
PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT
CITY OF EL PASO, TEXAS

PAID
MAR 07 2007

1. CONTACT INFORMATION

PROPERTY OWNER(S): Alfonso Villagrana & Laura Villagrana

ZIP CODE:

REPRESENTATIVE(S): BROCK & BUSTILLOS INC.

ADDRESS:

E-MAIL ADDRESS:

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: C 849-999-0220-7100

LEGAL DESCRIPTION: Lots 27 to 29, Block 22, Cotton Addition, City of El Paso

STREET ADDRESS OR LOCATION: 2108 Grant REP DISTRICT: 8

ACREAGE: 0.2066 PRESENT ZONING: R-4 PRESENT LAND USE: One Small Storage Room

PROPOSED ZONING: C-3 PROPOSED LAND USE: Plumbing Office

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER:

LEGAL DESCRIPTION:

STREET ADDRESS OR LOCATION: REP DISTRICT:

ACREAGE: PRESENT ZONING: PRESENT LAND USE:

PROPOSED ZONING: PROPOSED LAND USE:

4. PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER:

LEGAL DESCRIPTION:

STREET ADDRESS OR LOCATION: REP DISTRICT:

ACREAGE: PRESENT ZONING: PRESENT LAND USE:

PROPOSED ZONING: PROPOSED LAND USE:

5. ADDITIONAL INFORMATION

OWNER(S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):

Printed Name: Alfonso Villagrana Signature: [signature]

Printed Name: Laura Villagrana Signature: Laura Villagrana

Printed Name: Signature:

Note: Signatures are required for all owners of record for the property proposed for rezoning. Attach additional signatures on a separate sheet of paper.

OFFICE USE ONLY

ZON 07-00021 RECEIVED DATE: 3/7/07 APPLICATION FEE: $ ~~650.00~~ 715.00

DCC REVIEW DATE: 3/28/07 (8:30 am, Planning Department Conference Room, 2nd Floor, City Hall Building)

CPC REVIEW DATE: 4/19/07 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)

ACCEPTED BY: [signature] FUND - 01101, DEPT ID - 99010335, ACCOUNT - 404126

1

CITY CLERK DEPT.
07MAY-9 PM 2:55

APPEAL TO THE CITY COUNCIL

DATE: May 3, 2007

HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on May 3, **200**7, **the**

City Plan Commission **denied my request for**

A change of zoning on my property from an R-4 to C-3

legally described as:

Lots -27 thru 29, Block 22, Cotton Addition, City of El Paso, El Paso County, Texas (2108 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 (Alfonso Villagrana)

Laura Villagrana
APPLICANT (Laura Villagrana)

One (1) copy
Two (2) copies filed in City Clerk's Office on: 5-9-07

CITY CLERK DEPT.
JUN 15 PM 4:50

CITY CLERK DEPT.
07 MAY -9 PM 2:55

May 8, 2007

Honorable Mayor and City Council
2 Civic Center Plaza, 10th Floor
El Paso, Texas 79901

Re: Zoning Case #ZON07-00021
Lots 27, 28, & 29, Block 22 Cotton Addition
City of El Paso
AKA- 2108 Grant Ave.

Dear Gentlemen:

My request of changing the zoning from R-4 to C-3 before the City Plan Commission was turned down on their meeting on May 3, 2007.

I believe that my case was not evaluated to the full extend of my proposed land use and that their decision was only based on the change of zoning to C-3, I also believe that their decision was influenced by the presentation of a member of the 5 Points Neighborhood Association.

My point of view is as follows:

1. My business consists of a small plumbing repair company.
2. My proposed office building will resemble a normal residence, without signs, advertising, traffic problems, etc.
3. My business consists of going to the clients home to repair or install sinks, lavatories, water heaters, etc. (no new home plumbing construction).
4. My vehicles (3 closed vans) carry all tools, materials necessary on the repair business. No storage on staging of materials on the property is necessary.
5. This vacant lot which is bordered by residential, (west and north) A-O on the east and C-3 on the south.
6. The paved, alley behind this property, which will be my access for my vans is zoned C-3 (Commercial).
7. I firmly believe that my proposed use will rid of a vacant lot, will be in-fill use, provide employment to 3 plumbers, increase the tax base and will not create a negative effect on the neighborhood.

I respectfully ask that my case be considered by the Mayor and City Council.

Sincerely,

Alfonso Villagrana

Laura Villagrana

Laura Villagrana

CITY CLERK DEPT.
07 JUN 15 PM 4:50