

CITY CLERK DEPT.

08 AUG -4 AM 10:58

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: August 12, 2008
Public Hearing: September 2, 2008

CONTACT PERSON/PHONE: Ismael B. Segovia, 541-4027

DISTRICT(S) AFFECTED: 4

SUBJECT:

An Ordinance changing the zoning of a portion of Lots 20 and 23, Block B, Pioneer Subdivision, City of El Paso, El Paso County, Texas, from C-4/sc (Commercial/special contract) to M-2 (Manufacturing). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 6540 Mohair. Applicant: Eduardo Guzman, ZON07-00125 (District 4)

BACKGROUND / DISCUSSION:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) –Denial Recommendation
City Plan Commission (CPC) – Unanimous Denial Recommendation

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: _____

Victor Q. Torres
Victor Q. Torres
Director, Development Services

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

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ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 20 AND 23, BLOCK B, PIONEER SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-4/SC (COMMERCIAL SPECIAL CONTRACT) TO M-2 (MANUFACTURING). 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 Lots 20 and 23, Block B, Pioneer Subdivision, 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 **C-4/sc (Commercial/special contract)** to **M-2 (Manufacturing)**, 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 _____, 2008.

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

Philip Elmer

for Mathew S. McElroy
Deputy Director - Planning
Development Services Department

ORDINANCE NO. _____

ZON07-00125

Exhibit "A"

BARRAGAN & ASSOCIATES

Land Planning & Land Surveying

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10950 Pellicano Drive, Building "F" El Paso, Texas 79935 Ph.(915) 591-5709 Fax (915) 591-5706

DESCRIPTION

DESCRIPTION of the west 85.93 feet of Lot 23, and the east 97.50 feet of Lot 20, Block B, Pioneer Subdivision, a subdivision in El Paso County Texas, and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a point on the northeasterly corner of Lot 23, and the northwesterly corner of Lot 20, Block B, of said subdivision; **THENCE**, East, along the southerly right-of-way of Mohair Drive, a distance of 85.93 feet to the **POINT OF BEGINNING** of this parcel of land;

THENCE, South, a distance of 223.81 feet to a point marking the southeast corner for this parcel;

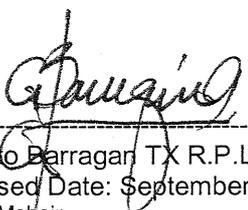
THENCE, West, along the common line of Lots 25 and 23, in Block B, of said subdivision, a distance of 183.43 feet to a point marking the southwest corner for this parcel;

THENCE, North, a distance of 223.81 feet to a point lying on the southerly right-of-way of Mohair Drive and marking the northwest corner for this parcel;

THENCE, East, along said southerly right-of-way of Mohair Drive, a distance of 183.43 feet to the **POINT OF BEGINNING** of the herein parcel being described said parcel containing 0.94 acres of land more or less;

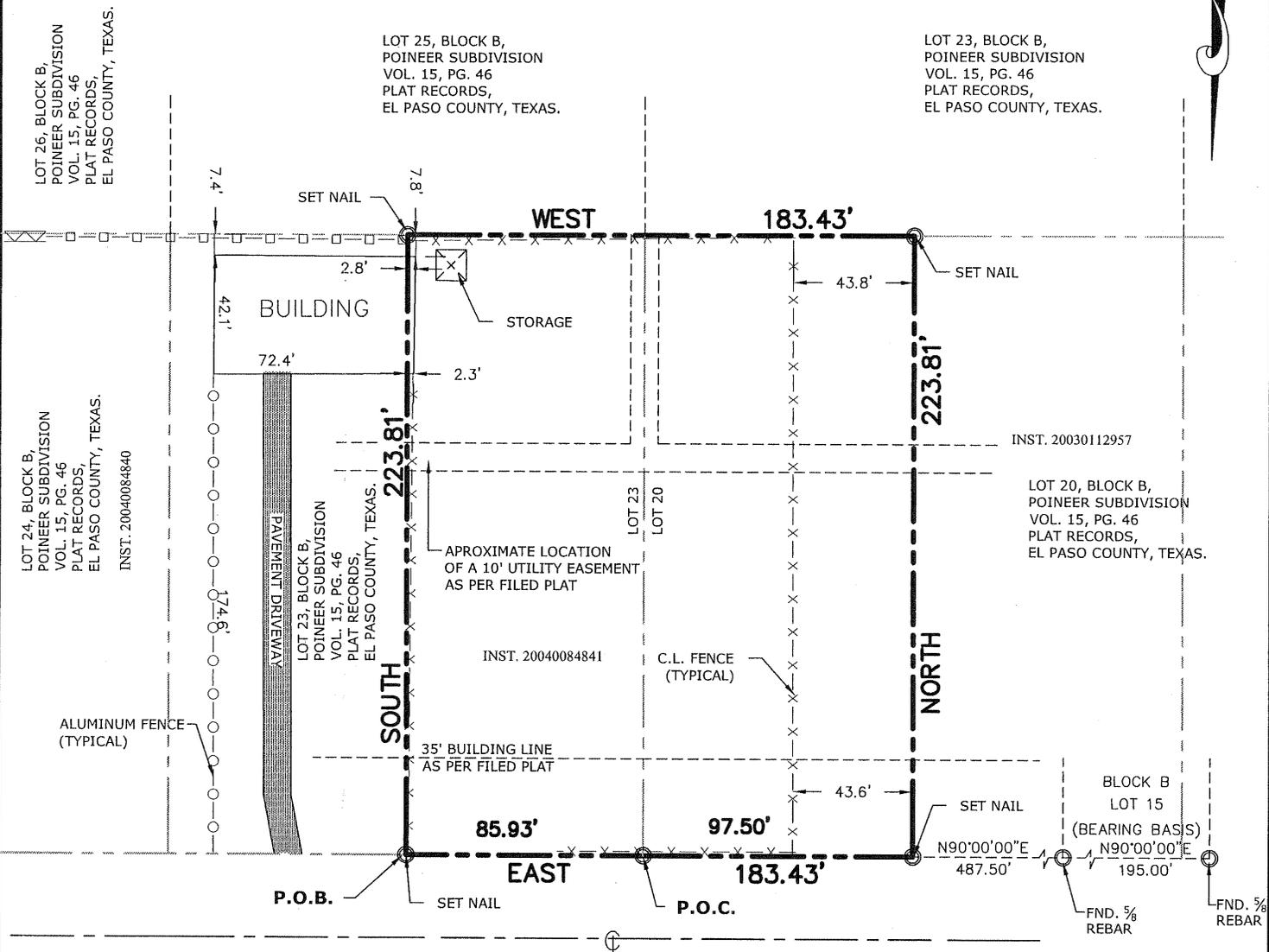
NOTES:

1. A parcel plan of even date accompanies this description.
2. Bearings recited herein are based on the filed County plat for Pioneer Subdivision (Vol. 15 Pg. 46)



Benito Barragan TX R.P.L.S. 5615, August 29, 2007
Revised Date: September 25, 2007
6540 Mohair





**6540
MOHAIR DRIVE
(60' R.O.W.)**

NOTES:

1. SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE "C", AREA OF MINIMAL FLOODING, PER F.I.R.M. PANEL NUMBER 15 D, LAST REVISION DATE 01-03-97. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.
2. BEARINGS SHOWN ARE BASED ON THE FILED PLAT FOR PIONEER SUBDIVISION.
3. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS WHETHER RECORDED OR NOT (NOT SHOWN).
4. A WRITTEN DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAN.

REVISED DATE: 09-25-07

Barragan & Associates

LAND PLANNING & SURVEYING
1450 Pendale Drive Suite B - El Paso Tx 79936
Phone (915) 591-5709 Fax (915) 591-5706

Plat of Survey

WEST 85.93 FEET OF LOT 23, AND THE EAST 97.50 FEET OF LOT 20, BLOCK B, PIONEER SUBDIVISION AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS. AREA 0.94 ACRES ±

Plat reference vol/bk 15 pages 46

Scale 1"=60' Date 08-29-07 Drawn by OM/RV

STATE OF TEXAS REGISTERED SURVEYOR

Benito Barragan R.P.L.S. - Tex. No. 5615

Job No. 070730-07 Copy Rights ©

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

VICTOR Q. TORRES
DIRECTOR, DEVELOPMENT SERVICES

MATHEW S. MCELROY
DEPUTY DIRECTOR, PLANNING

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CITY COUNCIL

ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES
PLANNING DIVISION

MEMORANDUM

DATE: July 28, 2008
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Ismael B. Segovia, Senior Planner
SUBJECT: ZON07-00125

The City Plan Commission (CPC), on June 18, 2008, voted unanimously to recommend **DENIAL** of rezoning the subject property from C-4/sc (Commercial/special contract) to M-2 (Manufacturing).

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 determined that this rezoning does not protect the best interest, health, safety, and welfare of the public in general and the rezoning will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

Applicant is seeking to appeal the denial recommendation made by CPC on June 18, 2008.

There were two letters in opposition to the request.

Attachment: Staff Report; Conceptual Site Plan, Ordinance No.8527 containing Special Contract dated April 22, 1986; 2 Letters in Opposition

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ZON07-00125

Application Type: Rezoning
Property Owner(s): Eduardo Guzman
Representative(s): Eduardo Guzman
Legal Description: A portion of Lot 20 and 23, Block B, Pioneer Subdivision, City of El Paso, El Paso County, Texas
Location: 6540 Mohair Drive
Representative District: 4
Area: 0.94 acres
Present Zoning: C-4/sc (Commercial/special contract)
Present Use: Vacant
Proposed Zoning: M-2 (Manufacturing)
Recognized Neighborhood
Associations Contacted: Northeast El Paso Civic Association
Public Response: 2 letters in opposition
Surrounding Land Uses: **North:** M-1 / vacant; **South:** C-3/sc / vacant; **East:** C-4/sc / automotive repair shop; **West:** C-4/sc / storage yard
Year 2025 Designation: **Mixed-Use, Industrial, Residential** (Northeast Planning Area)



General Information

The applicant requests a rezoning from C-4/sc (Commercial/special contract) to M-2 (Manufacturing) to permit a scrap metal salvage yard. A condition currently on the property restricts the use to only warehouses or the storage of recreational vehicles. A zoning condition release is also being considered (ZON07-00154), see attached zoning condition.

Staff Recommendation

The Development Coordinating Committee (DCC) recommends **denial** of this rezoning request.

The recommendation is based on the following:

M-2 (Manufacturing) is not compatible with adjacent land uses. Higher intensity manufacturing and industrial uses would have an adverse impact on the residential districts to the east and south of the subject property.

- **The Plan for El Paso** City-Wide Land Use Goals recommends that El Paso “protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment”.
- **M-2 (Manufacturing)** zoning **is not compatible** with adjacent development and land uses.

Findings

The Commission must determine the following:

1. Will M-2 (Manufacturing) zoning protect the best interest, health, safety and welfare of the public in general?
1. Will manufacturing development be compatible with adjacent land uses?
2. What is the relation of the proposed change to the City’s Comprehensive Plan?
3. What effects will the rezoning have on the natural environment, social and economic conditions and property values in the vicinity and the city as a whole?

Development Services-Building Permits

Proposed portable office building shall need to meet the regulations of the Texas Department of Licensing and Regulation for Manufactured Housing and be A.D.A compliant.

Development Services-Planning

Recommend denial, incompatible use.

Engineering Department-Traffic

No traffic concerns with proposed zoning change.

Fire Department

No comments received.

El Paso Water Utilities

EPWU does not object to this rezoning request.

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ZON07-00125

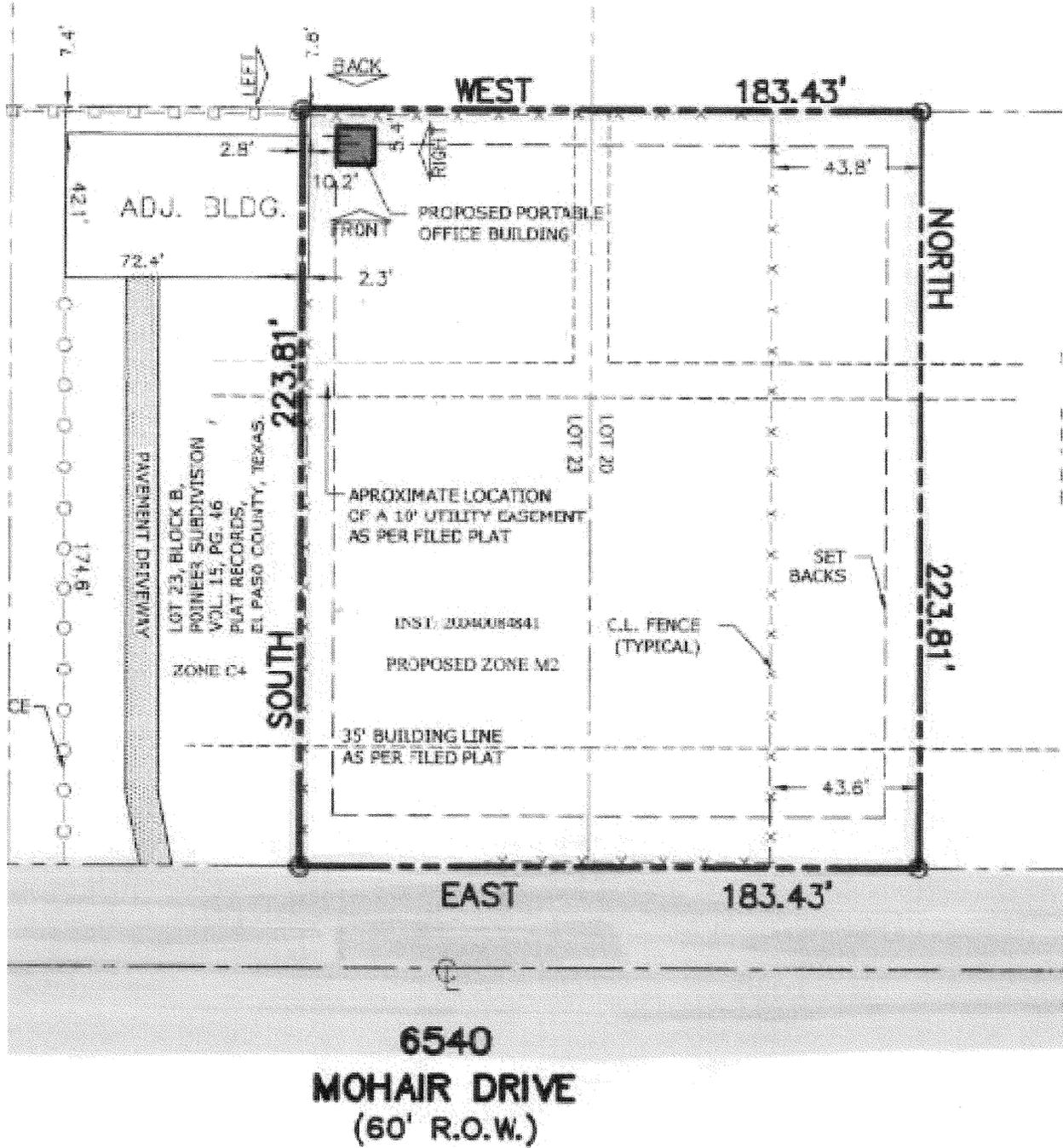


List of Attachments

- Attachment 1: Conceptual Site Plan
- Attachment 2: Contract dated April 22, 1986 by Ordinance No.8527
- Attachment 3: Letter of opposition
- Attachment 4: Application

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Attachment 1: Conceptual Site Plan



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Attachment 2: Contract dated April 22, 1986

8527

AN ORDINANCE CHANGING THE ZONING
OF LOTS 20, 23 AND 24, BLOCK B,
PIONEER SUBDIVISION,
THE PENALTY BEING AS PROVIDED IN
SECTION 25-96 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of Lots 20, 23 and 24, Block B, Pioneer Sub-
division be changed from R-4 (Residential) to C-4 (Commercial)
within the meaning of the zoning ordinance, subject to a special
contract placing certain restrictions, conditions and covenants
on the property, and that the zoning map of the City of El Paso
be revised accordingly.

PASSED AND APPROVED this 3rd day of December, 1985.

James W. Rogers
Mayor

ATTEST:
Conrad Hunter
City Clerk

APPROVED AS TO FORM:

Walter B. Baker
Assistant City Attorney

APPROVED AS TO CONTENT:

Ray S. Gilman
Planning Department

I certify that the zoning map has been revised to
reflect the amendment of ordinance #8527
Ray S. Gilman Date 5-12-86

I CERTIFY THAT THE FOLLOWING ZONING MAPS
HAVE BEEN REVISED: L.D.
5-12-86 COUNTER
5-12-86 ORIGINAL
5-12-86 Body Inspection
5-12-86 CONTROL Ray S. Gilman

85106

RECEIVED
APR 29 1986
PLANNING DEPARTMENT

1. 8527
Contract dated 4/22/86

CITY CLERK DEPT.

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Attachment 2: Contract dated April 22, 1986

THE STATE OF TEXAS)
COUNTY OF EL PASO)

CONTRACT

THIS CONTRACT, made this 22 day of April, 1986, by and between CONSOLIDATED INDUSTRIAL DEVELOPMENT OF EL PASO, INC., First Party, INTERFIRST BANK CHELMONT, NATIONAL ASSOCIATION, Second Party, and the CITY OF EL PASO, Third Party, witnesseth:

Application has been made to the City of El Paso for rezoning Lots 20, 23, and 24, Block B, Pioneer Subdivision, City and County of El Paso, Texas.

To remove certain objections to such rezoning, First Party covenants that if the property is rezoned from R-4 (Residential) to C-4 (Commercial) District within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

The property can only be used for warehouses or the storage of recreational vehicles.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity, or necessitating the amendment of, the ordinance passed by the City Council embodying this change of zoning and subject to this contract.

*Ord. 8527
dated 12/3/85*

85-5106
RECEIVED
APR 23 1986
PLANNING DEPARTMENT

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Attachment 3: Letters of opposition

CITY PLAN COMMISSION
C/O DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION, 5TH FLOOR, CITY HALL
2 CIVIC CENTER PLAZA
EL PASO, TEXAS 79901-1196
JANUARY 28, 2008

RE: CASE NO. ZON07-00125 & ZON07-00154

DEAR PLANNING COMMISSION:

I OWN THE PROPERTY LOCATED AT 6515 ANGORA LOOP SO. WHICH IS ADJACENT TO SAID PROPERTY. I AM AGAINST CHANGING THE ZONING TO M-2 BECAUSE I BELIEVE MR. GUZMAN OWNS THE PROPERTY ADJACENT TO THIS PROPERTY ON MOHAIR AND HE WILL NOT BE THE ONE WHO OPERATES THE RECYCLING BUSINESS. I HAVE A LAW SUIT AGAINST A PREVIOUS OPERATOR ON THE SAME PROPERTY. THEIR LOTS HAVE NOT BEEN MAINTAINED IN AN ENVIRONMENT HEALTHY CONDITION.

I BELIEVE THAT AN INSPECTION BY THE PLANNING COMMISSION OF SAID PROPERTY AND ADJACENT PROPERTIES SHOULD BE MADE BEFORE A RULING IS MADE.

THANK YOU FOR YOUR CONSIDERATION,



HENRY A. MATTINGLY, CPA
6515 ANGORA LOOP SO.
EL PASO, TEXAS 79934

ENCLOSURES: PICTURES

RECEIVED
FEB 11 10 2008
CITY CLERK DEPT.
DEVELOPMENT SERVICES DEPARTMENT

CITY CLERK DEPT.

08 AUG -4 AM 10:59

Attachment 3: Letters of opposition

CITY PLAN COMMISSION
C/O DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION, 5TH FLOOR, CITY HALL
2 CIVIC CENTER PLAZA
EL PASO, TEXAS 79901-1196
JANUARY 28, 2008

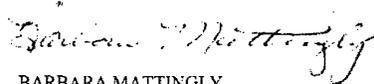
RE: CASE NO. ZONO7-00125 & ZONO7-00154

DEAR PLANNING COMMISSION:

I AM OPPOSED TO CHANGING THE ZONING ON THE PROPERTY LOCATED AT 6540 MOHAIR DRIVE TO M-2. I LIVE IN THE MOBILE HOME SUBDIVISION CLOSE BY AND WE HAVE ENOUGH PROBLEMS OUT HERE THAT DRAGS DOWN THE PROPERTY VALUES, WE DON'T NEED ANY MORE. THE PLACE LOOKS VERY TRASHY AND THE WALL AROUND IT LOOKS AWFUL. THE METAL PART HAS GRAFFITI ON IT MOST OF THE TIME. THE MOHAIR STREET IS ALL TRASHED OUT FROM THE BUSINESSES THAT WERE OPERATING IN THAT AREA. WHEN THE BUSINESSES WERE OPEN SOMETIMES YOU COULD NOT DRIVE DOWN TO DYER STREET, IT WOULD BE BLOCKED WITH ALL THE TRASH THEY WERE BRINGING IN AND WOULD LET SIT ON THE SIDE OF THE ROAD OR OUT IN THE ROAD. AS STATED ABOVE I AM STRONGLY OPPOSED TO CHANGING THE ZONING.

I AM SENDING THIS BECAUSE THE NOTIFICATION LETTER STATED THE MEETING WOULD BE HELD ON JANUARY 31, 2008. REVISED TO FEBRUARY 14, 2008

THANK YOU FOR YOUR CONSIDERATION,



BARBARA MATTINGLY
12432 DESERT VIEW DR.
EL PASO, TEXAS 79934

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Attachment 4: Application



REZONING APPLICATION
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

City of El Paso, Texas
2 Civic Center Plaza
El Paso, TX 79901-1196
915-541-4024

1. CONTACT INFORMATION

PROPERTY OWNER(S): Eduardo Guzman
ADDRESS: _____ ZIP CODE: _____ PHONE: _____
E-MAIL ADDRESS: _____ FAX: _____

REPRESENTATIVE(S): SAME
ADDRESS: _____ ZIP CODE: _____ PHONE: _____
E-MAIL ADDRESS: _____ FAX: _____

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: 9850-999-0080-2025
LEGAL DESCRIPTION: B Pioneer ~~1495.93~~ E portion of Lot 20 + 23
STREET ADDRESS OR LOCATION: 6540 Monjar REP DISTRICT: 4
ACREAGE: .94 PRESENT ZONING: M2 PRESENT LAND USE: VACANT
PROPOSED ZONING: M2 PROPOSED LAND USE: RECYCLING CENTER

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: Eduardo Guzman Signature: Eduardo Guzman
Printed Name: _____ Signature: _____
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 ZON07-00125 RECEIVED DATE: 09/28/07 APPLICATION FEE: \$ 750.00
DCC REVIEW DATE: 10/31/07 (8:30 am, Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 12/06/07 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: KIA P.

Revised 9/2006

elevator

CITY CLERK DEPT.

08 AUG -4 AM 10:57 APPEAL TO THE CITY COUNCIL

DATE: 7/7/08

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08 JUL -7 PM 2:37

HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on 19th of June, 2008, the
city council denied my request for
rezoning current C4 to M2 for collecting
recycling materials and scrap metal
legally described as: B Pioneer w 85.93 feet of Lot 23 and
East 97.50 of Lot 20, Block B.

I hereby request the City Council to review the decision of the petition
I placed of rezoning AND CONSIDER MY REQUEST

SET OUT ABOVE. I AM ATTACHING A LETTER SETTING FORTH MY
REASONS FOR BELIEVING THEIR DECISION TO BE IN ERROR.

Eduardo Guzman Jr.
APPLICANT

ADDRESS

TELEPHONE NUMBER

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

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3 pioneer

Lot west 85.93 of Lot 23 East 97.56 of Lot 20
To whom it may concern.

Hello my name is Eduardo Longman Jr im writing
to you in regards to a rezoning application
I had made, its been about eight months
or so since the initial application has been
made. I had been denied to continue to
operate my business due to the current zoning.
I would like to continue my business
and follow all rules and regulations that
come with it. I am saddened with my
current status, I have not been working
in my yard for the past year
due to waiting for a decision. Some
people oppose to the rezoning saying
that its an eyesore because of the junk
vehicles, but in reality everyone in
my block have junked cars stored
have tires lying around have saw
building materials in property. Thank
you for taking the time to read my
letter and appreciate ~~of~~ the opportunity to
be express my thoughts.

08 JUL -7 PM 2:37

CITY CLERK DEPT.

Sincerely, Eduardo Longman Jr