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

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

AGENDA DATE: **Introduction: August 26, 2008**
Public Hearing: September 16, 2008

CONTACT PERSON/PHONE: **Arturo Rubio, 541-4633**

DISTRICT(S) AFFECTED: **6**

SUBJECT:
An Ordinance changing the zoning of a portion of Tract 9, Picnic Grove Subdivision, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of The El Paso City Code. Subject Property: Alameda Avenue, North of Nevarez Road and South of Loop 375. Applicants: Antonio and Laura Mendoza., ZON08-00046 (District 6).

BACKGROUND / DISCUSSION:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
Development Coordinating Committee (DCC) – Unanimous Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (6-0)

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

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

DEPARTMENT HEAD: Victor Q. Torres
Director, Development Services

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 9, PICNIC GROVE SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM R-F (RANCH AND FARM) TO C-1 (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 9, Picnic Grove 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 **R-F (Ranch and Farm)** to **C-1 (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 _____, 2008.

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
Development Services Department

BARRAGAN & ASSOCIATES

Land Planning & Land Surveying

1450 Pendale Road, Suite "B" El Paso, Texas 79936 Ph. (915) 591-5709 Fax (915) 591-5706

DESCRIPTION

DESCRIPTION of a portion of Tract 9, Picnic Grove Subdivision, (Volume 7, Page 58, Plat Records of El Paso County, Texas) City of El Paso County, Texas, and being more particularly described as follows:

COMMENCING for reference at County monument #4 found on the centerline of Alameda Avenue (U.S. Highway 20); **THENCE,** S 36°38'00"E, a distance of 1591.98 along said centerline to a point; **THENCE,** N 52°50'00" E, a distance of 50.00 feet to a point on the easterly right-of-way line of Alameda Avenue, said point also being the **POINT OF BEGINNING** of this parcel of land:

THENCE, N 52°50'00" E, along the common southerly right-of-way line of YSLA Lateral, a distance of 318.38 feet to a point for a corner of this parcel;

THENCE, S 76°27'00" E, along said southerly right-of-way, a distance of 235.12 feet to a point for a corner of this parcel;

THENCE, S 52°50'00" W, along the line in deed in Volume 712, Page 411, a distance of 468.95 feet to a point for a corner of this parcel on easterly right-of-way of said centerline;

THENCE, N 36°38'00" W, along the easterly right-of-way of Alameda Avenue (U.S. Highway 20), a distance of 182.00 feet to the **POINT OF BEGINNING** of the herein parcel being described said parcel containing 1.64 acres of land more or less;

NOTES:

1. A Plat of Survey of even date accompanies this plat.
2. Bearings recited herein are based on the County plat for Picnic Grove Subdivision (Volume 7, Page 58, Plat Records of El Paso County, Texas).

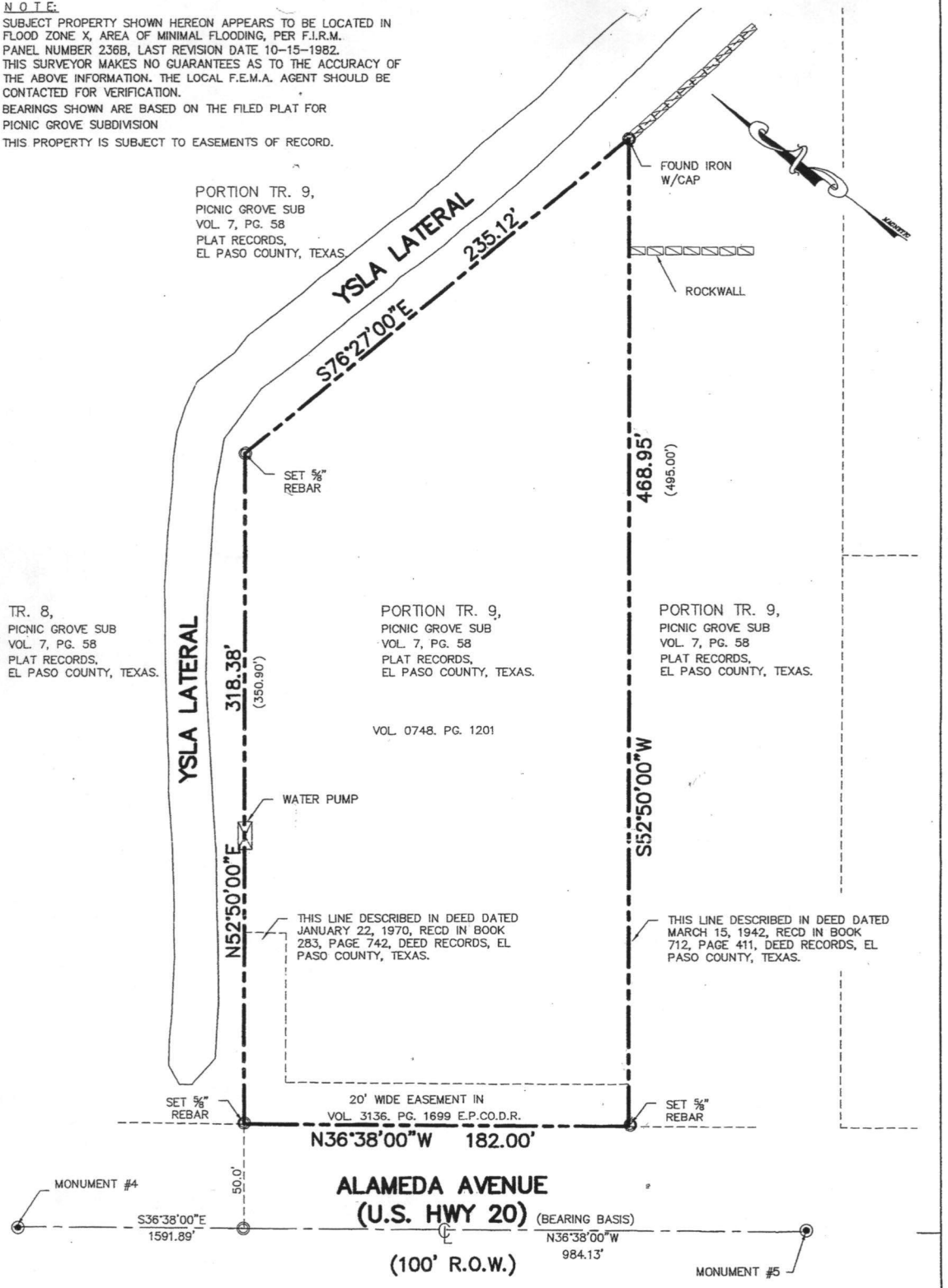
Benito Barragan TX R.P.L.S. 5615 , AUGUST 13, 2004
Picnic Grove 070319-02
Revised Date 08-20-07

STATE OF TEXAS REGISTERED BENITO BARRAGAN 5615 PROFESSIONAL LAND SURVEYOR

EXHIBIT A

NOTE:

1. SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE X, AREA OF MINIMAL FLOODING, PER F.I.R.M. PANEL NUMBER 236B, LAST REVISION DATE 10-15-1982. 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 PICNIC GROVE SUBDIVISION
3. THIS PROPERTY IS SUBJECT TO EASEMENTS OF RECORD.



Barragan & Associates

LAND PLANNING & SURVEYING
1450 Pendale Drive Suite B —El Paso Tx 79936
Phone (915) 591-5709 Fax (915) 591-5706
E-mail barramor@sbcglobal.net

Plat of Survey

A PORTION OF TRACT 9,
PICNIC GROVE SUBDIVISION,
AN ADDITION TO THE
CITY OF EL PASO,
EL PASO COUNTY, TEXAS.
AREA 1.64 ACRES ±

Plat reference vol/bk 7 *pages* 58

Scale 1"=60' *Date* 08-20-07 *Drawn by* RT

I Hereby certify that the foregoing Boundary was made by Me or under my supervision and that there are no encroachments except as shown. Only platted easements are shown.

STATE OF TEXAS REGISTERED BENITO BARRAGAN 5615 LAND SURVEYOR

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

Job No. 070319-02 Copy Rights ©

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

VICTOR Q. TORRES
DIRECTOR , DEVELOPMENT SERVICES

MATHEW S. MCELROY
DEPUTY DIRECTOR, PLANNING

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

M E M O R A N D U M

DATE: August 18, 2008

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

FROM: Arturo Rubio, Planner

SUBJECT: **ZON08-00046**

The City Plan Commission (CPC), on July 31, 2008, voted **6-0** to recommend **APPROVAL** of rezoning the subject property from R-F (Ranch and Farm) to C-1 (Commercial).

The CPC found that this rezoning is in conformance with The Plan for El Paso and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; 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.

There was no opposition or support of the rezoning request.

Attachment: Staff Report

City of El Paso – City Plan Commission Staff Report

Case No: ZON08-00046
Application Type: Rezoning
CPC Hearing Date: July 31, 2008
Staff Planner: Arturo Rubio, 915-541-4633, *rubioax@elpasotexas.gov*

Location: Alameda Avenue, North of Nevarez Road and South of Loop 375
Legal Description: A portion of Tract 9, Picnic Grove Subdivision, City of El Paso, El Paso County, Texas
Acreage: 1.64
Rep District: 6
Existing Use: Vacant
Existing Zoning: R-F (Ranch and Farm)
Proposed Zoning: C-1 (Commercial)

Property Owner: Antonio and Laura Mendoza
Applicant: Antonio and Laura Mendoza
Representative: Master Plan Designs

SURROUNDING ZONING AND LAND USE
North: R-F (Ranch and Farm); Farm Land, Ysla Lateral
South: R-3 (Residential, R-3/sc (Residential/special contract); Single-Family residential dwelling
East: R-5/sc (Residential/special contract); Single-Family residential dwelling
West: A-M/c (Apartment Mobile Home Park/conditions) Mobile Home Park

THE PLAN FOR EL PASO DESIGNATION: Industrial (Mission Valley Planning Area)

NEIGHORHOOD ASSOCIATIONS: None

APPLICATION DESCRIPTION
The applicant is proposing a rezoning from R-F (Ranch and Farm) to C-1 (Commercial) in order to allow for retail development. Access is proposed via Alameda Avenue. There are no conditions on this property and it is currently vacant.

NEIGHBORHOOD INPUT
Notice of the public hearing was mailed to all property owners within 300 feet of this proposed rezoning on July 9, 2008. Planning did not receive any calls or letters in support of or opposition to this request.

The Plan for El Paso –City-wide Land Use Goals:
For Neighborhood Commercial Rezoning
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 C-1 (Commercial) district requested meet goals a, b, and c of the Plan for El Paso based on the following:

> The neighborhood commercial zoning C-1 would provide the surrounding neighborhood convenience goods and services that would serve day-to-day needs.
> The Neighborhood Commercial zoning regulations for C-1 (Commercial) district requested will permit location of business and professional offices and retail category uses within adjacent areas of medium and high densities.
> The Neighborhood Commercial zoning district requested allows for the integration of compatible business and office developments that will compliment the density and character of the surrounding neighborhood.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee provides the following comments:
The DCC recommends approval of this request for rezoning from R-F (Ranch and Farm) to C-1 (Commercial).

Development Services Department - Building Permits and Inspections Division:
Zoning Review*:* Warehouse/storage and retail facility permitted on proposed C-4 (Commercial) District. Meets front, rear, and south side setback. North side setback requires ten feet when abutting residential (R-F) district. Meets minimum parking requirements. Shall need to meet separate minimum International Building Code buildable area requirements for storage and mercantile occupancies. Shall require a six foot high masonry screening wall along property lines abutting the residential district.

Landscape Review*:* No comments received.

Development Services Department - Planning Division:
Current Planning: Recommends **Approval** of rezoning request from R-F (Ranch and Farm) to C-1 (Commercial). Request is compatible to surrounding land uses.

Land Development: No comments Received

Engineering Department - Traffic Division:
No objection to proposed zoning change. Access shall require approval by the Texas Department of Transportation.

Fire Department
No comments received.

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

Parks:
No comments received.

Sun Metro:
No comments received.

School Districts:
No comments received.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application

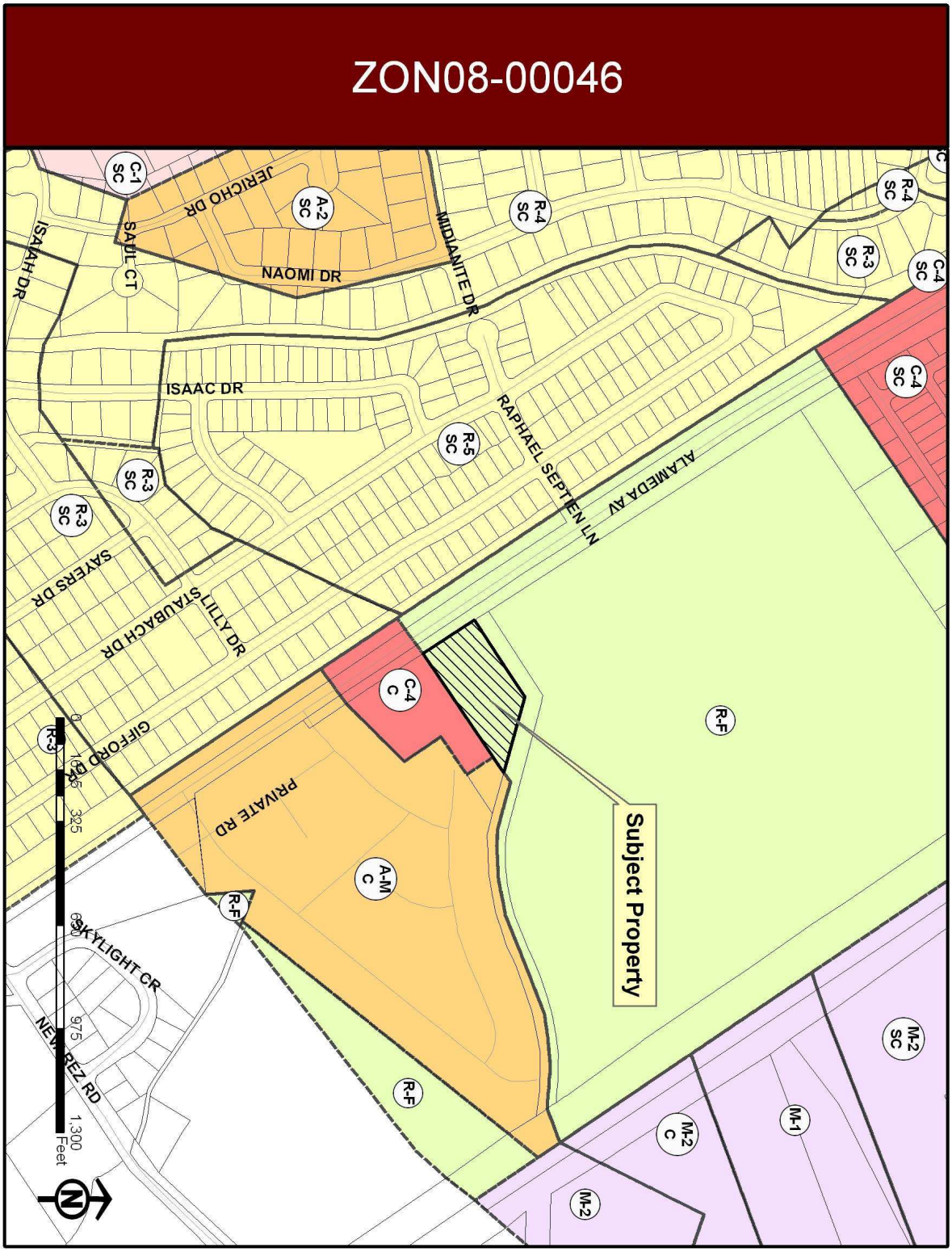
1 Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan

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 from the Plan by the CPC.

Attachments:
Attachment 1: Zoning Map
Attachment 2: Aerial Map
Attachment 3: Conceptual Site Development Plan
Attachment 4: Application

Attachment 1: Zoning Map



Attachment 2: Aerial Map

Attachment 3: Conceptual Site Development Plan

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

CITY OF EL PASO PAID JUN 04 2008 PLANNING DEPT

1. CONTACT INFORMATION

PROPERTY OWNER(S): ANTONIO MENDOZA AND LAURA MENDOZA
ADDRESS: [redacted]
APPLICANT(S): _____
ADDRESS: _____ ZIP CODE: _____ PHONE: _____
REPRESENTATIVE(S): MASTER PLAN DESIGNS
ADDRESS: 1490 SIERRA BONITA ZIP CODE: 79936 PHONE: 3285578
E-MAIL ADDRESS: MAPLDESIGN@AOL.COM FAX: 849-9014

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: P731999001057 00
LEGAL DESCRIPTION: PORTION OF TRACT 9, PICNIC GROVE SUBDIVISION CITY OF EL PASO, EL PASO COUNTY, TEXAS
STREET ADDRESS OR LOCATION: ALAMEDA AVENUE REP DISTRICT: 6
ACREAGE: 1.64 ACRES PRESENT ZONING: R-F PRESENT LAND USE: RAW LAND
PROPOSED ZONING: C-1 PROPOSED LAND USE: STRIP CENTER/LEASE SPACE
JM 06/02/08

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: Antonio Mendoza Signature: Antonio Mendoza
Printed Name: LAURA Mendoza Signature: [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 08-00046 RECEIVED DATE: 06/04/08 APPLICATION FEE: $ 810.00
DCC REVIEW DATE: 07/02/08 (8:30 am, Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 07/31/08 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: [signature]

Revised 4/2007 1

08 AUG 15 PM 2:18 CITY CLERK DEPT.