

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

DEPARTMENT: Development Services Department

AGENDA DATE: Introduction: November 28, 2006
Public Hearing: December 19, 2006

CONTACT PERSON/PHONE: Stephen Schlett, 541-4935

DISTRICT(S) AFFECTED: #3

SUBJECT:

An Ordinance changing the zoning of Parcel 1: A portion of Lots 14-26, Block 4, Hughes Subdivision, City of El Paso, El Paso County, Texas from R-5 (Residential) to M-2 (Manufacturing); and Parcel 2: Lots 9-12, and a portion of Lot 13, Block 4, Hughes Subdivision of Block 2, Alameda Acres, City of El Paso, El Paso County, Texas from R-5 (Residential) to M-2 (Manufacturing) The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Parcel 1: 5713 – 5717 Welch Avenue; and Parcel 2: 218 Glenwood Drive. Applicant: George Valenzuela. ZON06-00097 (District 3). THIS IS AN APPEAL CASE.

BACKGROUND / DISCUSSION:

See attached report.

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Denial Recommendation (unanimous)
City Plan Commission (CPC) – Denial Recommendation: From R-5 (Residential) to M-1 (Vote 4-3) and; from R-5 (Residential) to M-2 (Vote 7-0).

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Alan Shubert

APPROVED FOR AGENDA:

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF LOTS 14-26, BLOCK 4, HUGHES SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-5 (RESIDENTIAL) TO M-2 (MANUFACTURING); AND PARCEL 2: LOTS 9-12, AND A PORTION OF LOT 13, BLOCK 4, HUGHES SUBDIVISION OF BLOCK 2, ALAMEDA ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-5 (RESIDENTIAL) TO M-2 (MANUFACTURING). 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 the following property be changed as described below within the meaning of the zoning ordinance and that the zoning map of the City of El Paso be revised accordingly:

Parcel 1: A portion of Lots 14-26, Block 4, Hughes 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-5 (Residential)** to **M-2 (Manufacturing)**; and,

Parcel 2: A portion of Lots 9-12, and a portion of Lot 13, Block 4, Hughes Subdivision of Block 2, Alameda Acres, City of El Paso, El Paso County Texas, and as more particularly described by metes and bounds on the attached Exhibit "B", incorporated by reference, be changed from **R-5 (Residential)** to **M-2 (Manufacturing)**.

PASSED AND APPROVED this _____ day of _____, 2006.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

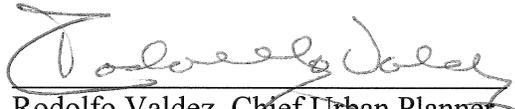
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Hillary S. McGinnes
Assistant City Attorney

APPROVED AS TO CONTENT:



Rodolfo Valdez, Chief Urban Planner
Development Services Department

Exhibit "A"

Property (including any improvements):

A portion of Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26, Block 4, HUGHES SUBDIVISION, El Paso, El Paso County, Texas,* more particularly described by metes and bounds as follows, to-wit:

~~COMMENCING at a point, said point being a city monument lying on the centerline intersection of Beacon Street and Glenwood Street; Thence, South 00° 03' 00" West, along the centerline of Glenwood Street, a distance of 478.52 feet to a point; Thence, South 86° 22' 12" East, a distance of 35.07 feet to a point, said point being the TRUE POINT OF BEGINNING of this description;~~

THENCE, South 86° 22' 12" East, along the southerly right-of-way line of a 10 foot alley, a distance of 292.81 feet to a point for a corner, said point lying on the westerly boundary line of Tract 8B1, Block 2, ASCARATE GRANT;

THENCE, South 00° 01' 00" East, a distance of 3.01 feet to a point for a curve;

THENCE, 104.24 feet along the arc of a curve to the right having a radius of 294.50 feet, a central angle of 20° 16' 47" and a chord which bears South 52° 18' 25" West, a distance of 103.69 feet to a point for a curve;

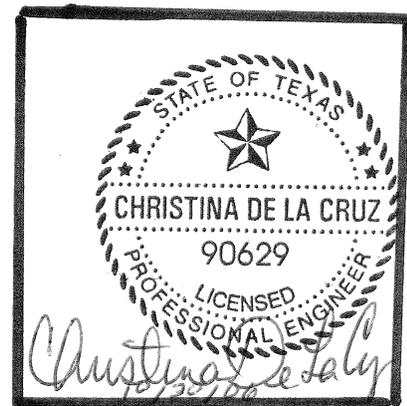
THENCE, 65.95 feet along the arc of a curve to the right having a radius of 293.13 feet, a central angle of 12° 53' 25", and a chord which bears South 86° 55' 09" West, a distance of 65.81 feet to a point for a tangent;

THENCE, North 86° 38' 09" West, a distance of 144.78 feet to a point for a corner;

THENCE, North 00° 03' 00" East East, a distance of 79.99 feet to the TRUE POINT OF BEGINNING of this description;

Said parcel of land contains 0.45757 acres (19,931.83 sq. ft.) of land more or less.

✓ 2/m E
11/10/06



**LUIS H. DE LA CRUZ
ZONING CONSULTANT**

218 Glennwood Drive
Parcel II

Metes and Bounds description of Lots 9-12, and Lot 13 save and except portion there of, Block 4, Hughes Subdivision of Block 2, Alameda Acres, City of El Paso, Texas;

From a point at the East Right-of-Way line of Glennwood Drive and the South westerly corner of Lot 13, said point being the point of beginning for this description;

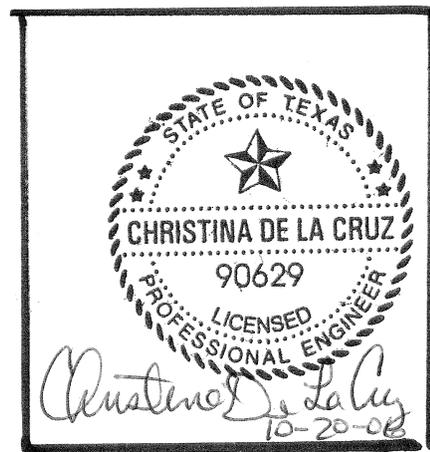
Thence N 00 03' 00" East a distance of 117.40 feet to a point;

Thence S 86 22' 12" E a distance of 111.48 feet to a point;

Thence S 00 03' 00" W a distance of 117.40 feet to a point:

Thence N 86 22' 12" ^W a distance of 111.48 feet to the point of beginning containing 13,088 square feet or .3 000 acres more or less.

Exhibit "B"





JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT
DIRECTOR, DEVELOPMENT SERVICES

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**

November 14, 2006

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

FROM: Stephen Schlett, Planner

SUBJECT: ZON06-00097

The City Plan Commission (CPC), on November 2, 2006, voted **unanimously** to recommend **DENIAL** of rezoning the subject property as follows: Parcel 1 from R-5 (Residential) to M-2 (Manufacturing), and Parcel 2 from R-5 (Residential) to M-2 (Manufacturing) zoning. The CPC also recommended denial (vote 4-3) of rezoning the subject property from R-5 (Residential) to M-1 (Manufacturing) zoning.

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 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 that the effects of the rezoning will have adverse effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

The Applicant submitted an appeal to the denial by the CPC

Planning Division received one letter in **opposition** to this request.

Attachment: Appeal, Location Map, Aerial Map, Site Plan

APPEAL

APPEAL TO THE CITY COUNCIL

DATE 10-2-2006

HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on September 21, 2006, the
City Planning Commission denied my request for re-zoning
from R-5 to M-1 Zoning Case 06-00097

legally described as:

Parcel: A portion of Lot 4, and 15 through 26 Block 4
Hughes Subdivision of Block 2 Alameda Acres
Parcel: Lots 9 through 12 and Lot 13 save a
portion thereof Block 4, Hughes Subd of BK. 2 Alameda Acres

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

ADDRESS

TELEPHONE NUMBER

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

Mr. Luis De la Cruz

September 28, 2006

Mr. J. Alexandro Lozano
City Representative, District 3
Two Civic Center Plaza
El Paso, TX 79901

**RE: Denial on Zoning Case, Zone 06-0097 from R-5 to M-1 5713-5707 Welch Ave.
(Vacant Lot) and R-5 to M-1 218 Glennwood Dr. (Parking Lot)**

Dear Representative Lozano,

On September 21, 2006 Mr. Jorge Venezuela requested a change of zoning from R-5 to M-1 at 5713 to 5717 Welch and 218 N. Glennwood Drive for the use of manufacturing warehouse and parking lot from the City Planning Commission.

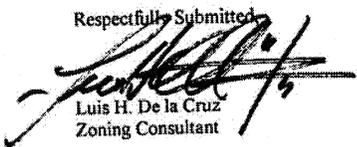
The request was denied based on the determination that M-1 zoning was not compatible with the existing residential neighborhood, even though there are many existing heavy manufacturing uses in the adjacent and surrounding areas of the proposed zoning site.

The Commission failed to recognize that the proposed used for this site is the most suitable and will not in any way be detrimental to the neighborhood. The area of Welch Ave. and Glennwood Drive is very much compatible with heavy manufacturing business.

It is my professional opinion that the above reasons together with the fact that there was no opposition to the rezoning at the Public Hearing held on September 21, 2006 and the vote of the Commission's was 4-3 for denial. Furthermore, a reclassification to M-1 would not have adverse affects on the best interests, safety or welfare of the general public or upon the surrounding area. In addition this site will have paving, landscaped, sidewalks and lighting. We believe this rezoning request will bring added value to the neighborhood and to the City of El Paso,

Your favorable consideration is respectfully requested.

Respectfully Submitted,



Luis H. De la Cruz
Zoning Consultant

Cc: Rudy Vallez, Zoning Planning Division
Honorable Mayor and City Council

STAFF REPORT

Rezoning Case: ZON06-00097

Property Owner(s): George Valenzuela

Applicant(s): George Valenzuela

Representative(s): Luis & Rene de la Cruz

Legal Description: Parcel 1: A portion of Lot 14 and Lots 15 - 26, Block 4, Hughes Subdivision of Block 2, Alameda Acres, City of El Paso, El Paso County, Texas
Parcel 2: Lots 9 - 12, and a portion of Lot 13, Block 4, Hughes Subdivision of Block 2, Alameda Acres, City of El Paso, El Paso County, Texas

Location: 5713-5717 Welch Ave.

Representative District: #3

Area: Parcel 1: 0.514 acres
Parcel 2: 0.30 acres

Present Zoning: R-5 (Residential)

Present Use: Vacant

Proposed Zoning: M-2 (Manufacturing)

Proposed Use: Parcel 1: warehouse
Parcel 2: parking

Recognized Neighborhood Associations Contacted: San Juan Neighborhood Improvement Association, A Presidential Neighborhood Association

Surrounding Land Uses:

North -	R-5 (Residential) / Residential
South -	M-1 (Light Manufacturing) / Vacant / Railroad
East -	M-1 (Light Manufacturing) / R-5 (Residential) Truck Terminal / Residential
West-	M-1 (Light Manufacturing) / Parking Lot

Year 2025 Designation: **Residential** (Central Planning Area)

**CITY PLAN COMMISSION HEARING, SEPTEMBER 21, 2006,
12:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

REZONING APPLICATION: ZON06-00097

GENERAL INFORMATION:

The applicant is requesting a rezoning from R-5 (Residential) to M-2 (Manufacturing) in order to permit a warehouse and parking. The property is 0.814 acres in size. The proposed site plan shows one structure to be located on the site. Access is proposed via Glenwood Drive with 16 truck parking spaces provided. There are no zoning conditions currently imposed on this property.

INFORMATION TO THE COMMISSION:

The Development Services Department – Planning Division has received one letter in support and one letter in opposition to this application.

STAFF RECOMMENDATION:

The Development Coordinating Committee (DCC) unanimously recommends **DENIAL** of this request for rezoning from R-5 (Residential) to M-2 (Manufacturing).

The recommendation is based on the following:

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 of the residential living environment”.

The Year 2025 Projected General Land Use Map for the Central Planning Area designates this property for residential land uses.

M-2 (Manufacturing) zoning permits warehouse and truck parking and **is not** compatible with adjacent development.

The Commission must determine the following:

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

Information To The Applicant:

Development Services Department - Building Permits and Inspections Division
Comments:

Zoning Review

Proposed warehousing permitted on M-2 manufacturing district. Insufficient data submitted to determine compliance with setback and parking requirements. Shall require a 6ft high masonry screening along property line abutting R-5 residential district.

Landscape Review

This project will not meet code as submitted. Landscaping is required but, no calculations were submitted. We need calculations on three frontages. Parkways shall be provided as per code

Development Services Department - Planning Division Comments:

Current Planning:

Recommend denial of the proposed rezoning for the following:

Year 2025 Projected General Land Use Map for the Central Planning Area designates this property for residential land uses.

M-2 zoning (Manufacturing) **is not** compatible with adjacent residential development

Subdivision Review:

No comments received.

Engineering Department - Traffic Division Comments:

No apparent traffic concerns.

Fire Department Comments:

No comments received.

El Paso Water Utilities Comments:

Water

There are existing water mains along Glenwood Drive, Kapilowitz Court, and Welch Avenue.

Sanitary Sewer

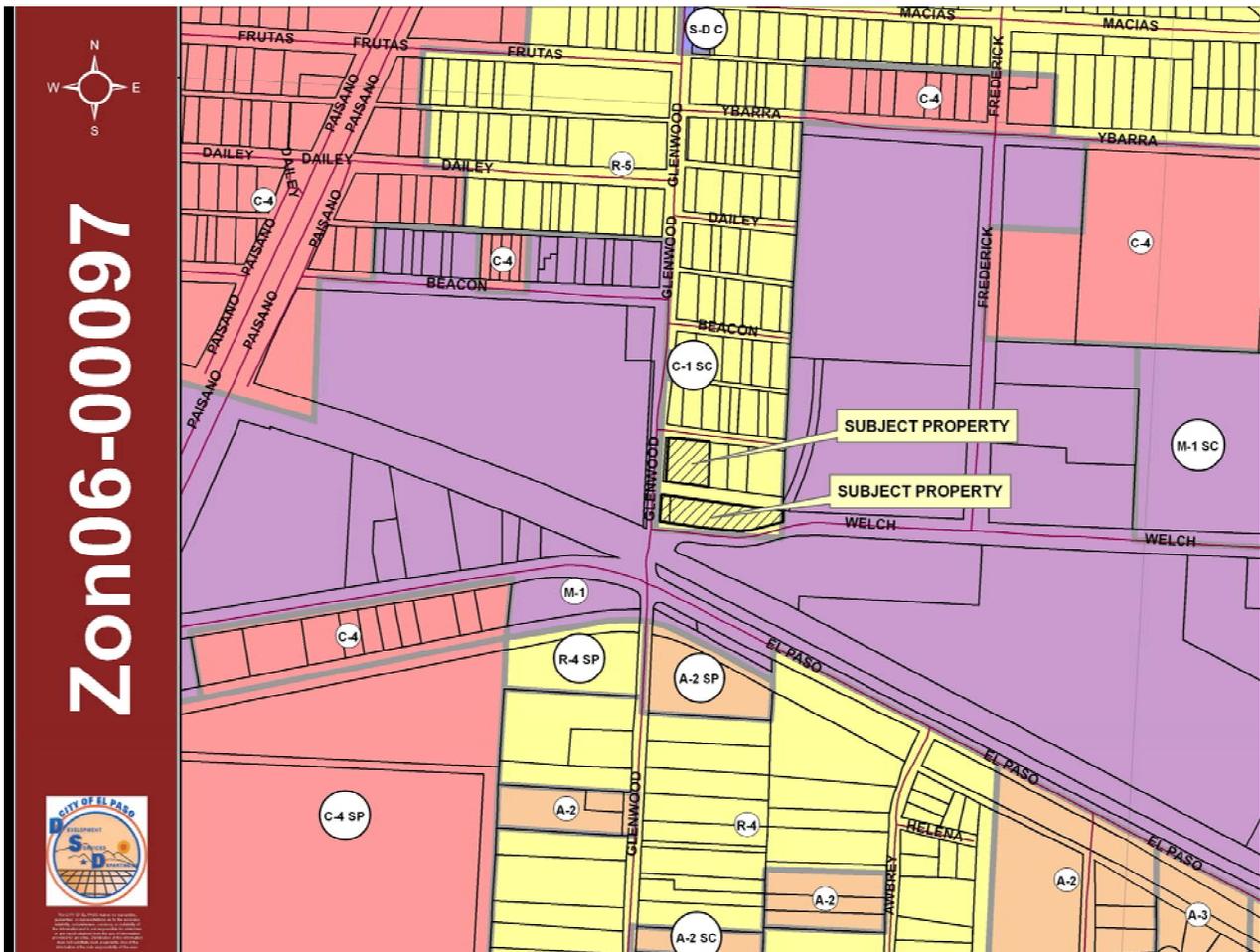
There are existing sanitary sewer mains along Glenwood Drive, Kapilowitz Court, and Welch Avenue.

General

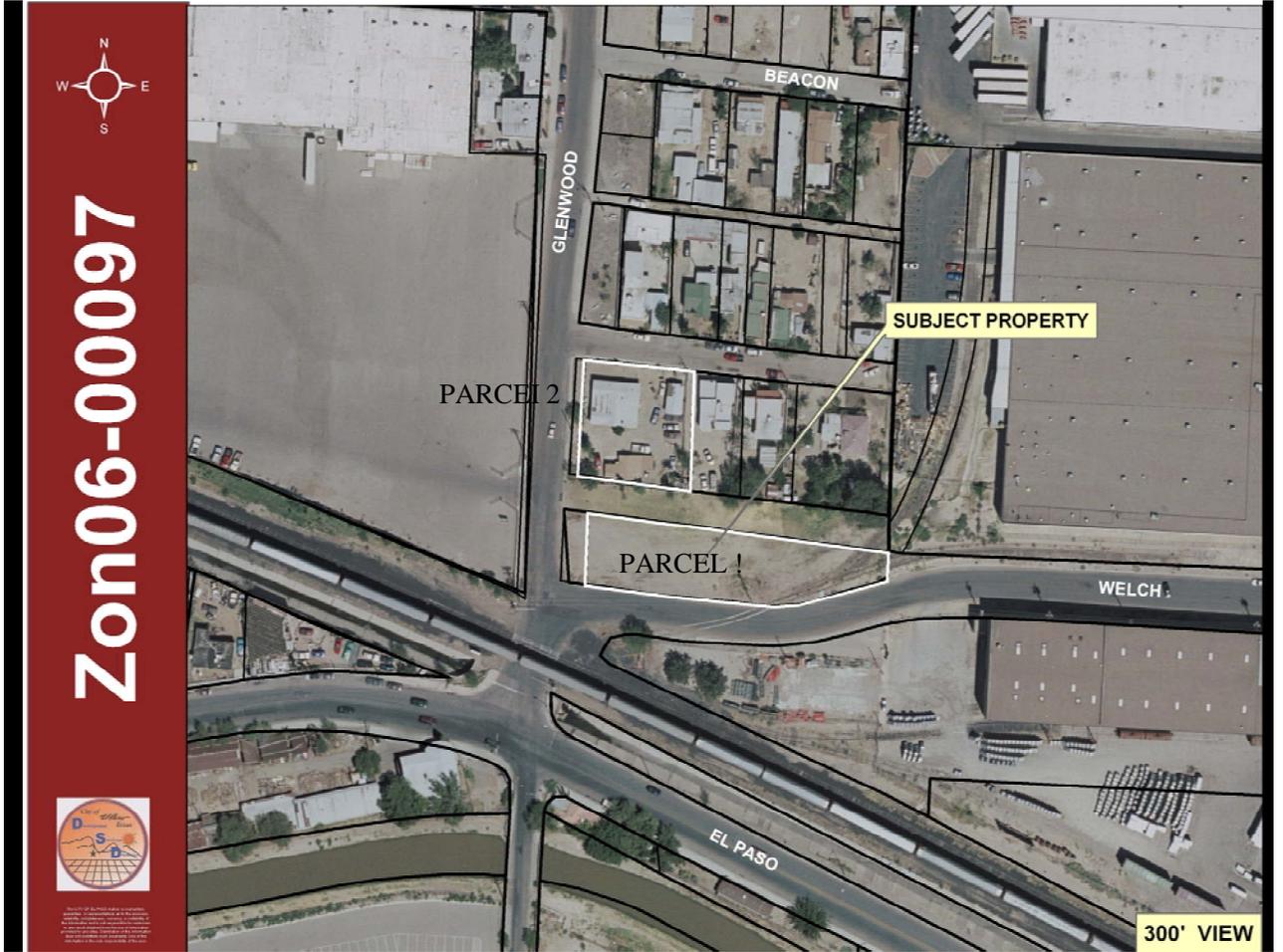
EPWU-PSB records indicate that there is a vacant water meter connection (3/4-inch) within the subject property at 218 N. Glenwood.

A backflow prevention assembly and a water pressure regulating device are required at

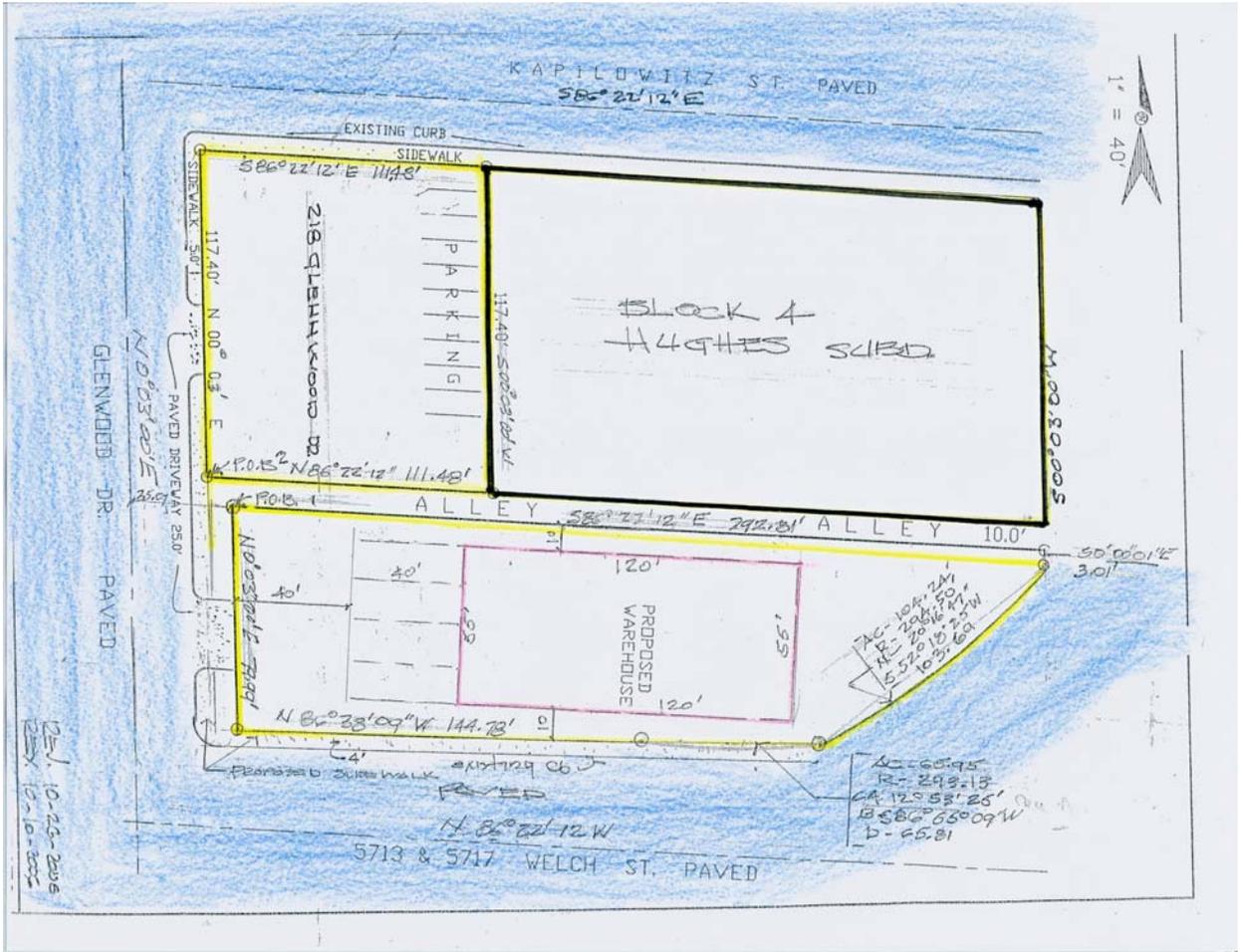
LOCATION MAP



AERIAL MAP



SITE PLAN



the discharge side of each water meter. The Owner shall be responsible for the operation and maintenance of the above-mentioned backflow prevention assembly and water pressure regulating device.

The existing water and sanitary sewer services pertaining to the 218 N. Glenwood will be removed at their respective mains. All costs associated with this work will be the responsibility of the Owner.

Application for water and sanitary sewer services to serve the proposed development should be made 6-8 weeks prior to any construction to ensure water for construction work. A site plan, a utility plan, grading & drainage plans, landscaping plan (if applicable), the legal description of the property, and a certificate-of-compliance are required at the time of application. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

EPWU does not object to this request.

ATTACHMENT: Location Map, Aerial Map, Site Plan

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING DIVISION AT (915) 541-4056.

Wednesday, September 20, 2006

Maria O. Alcalá

Case No: ZON06-00097

To Whom It May Concern:

This letter is to certify that I Maria O. Alcalá, do not want the property zoning area to be considered manufacturing. I would rather keep my zoning area residential.

Thank you.
Maria O. Alcalá