

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

DEPARTMENT: Development Services - Planning Division
AGENDA DATE: Introduction 11/28/06; Public Hearing 12/19/06
CONTACT PERSON/PHONE: Esther Guerrero, Planner – 541-4720
DISTRICT(S) AFFECTED: # 3

SUBJECT:

An Ordinance changing the zoning of the West 76 feet of Tract 16, all of Tract 17 and 1/2 of the adjacent closed Maryland Road of Griems Subdivision of Block B of the Collingsworth Subdivision, and addition to the City of El Paso, El Paso County, Texas from A-2 (Apartment) to C-4 (Commercial). The penalty is a provided for in Chapter 20.68 of the El Paso City Code.
THIS IS AN APPEAL CASE

Subject Property: 6001 Griems Court. Applicant: Ruben and Carmen Perea, ZON06-00103 (District 3)

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

*****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 THE WEST 76 FEET OF TRACT 16, ALL OF TRACT 17 AND 1/2 OF THE ADJACENT CLOSED MARYLAND ROAD OF GRIEMS SUBDIVISION OF BLOCK B OF THE COLLINGSWORTH SUBDIVISION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO C-4 (COMMERCIAL). 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 West 76 feet of Tract 16, all of Tract 17 and 1/2 of the adjacent closed Maryland Road of Griems Subdivision of Block B of the Collingsworth Subdivision, an addition to the City of El Paso, 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 **A-2 (Apartment) District to C-4 (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 _____, 2006.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Hillary S. McGinnes
Assistant City Attorney



For: Rodolfo Valdez, Chief Urban Planner
Development Services Department

Luis H De La Cruz

Metes and Bonds
6001 Grimes Ct.

A parcel of land being the west 76.00 Ft of tract 16 all of tract 17 and $\frac{1}{2}$ of the adjacent closed Maryland Road of Grimes subd. Of block B of the Collingsworth subd. and addition to the City of El Paso, El Paso County, Texas

From a point at is the center-line of Maryland St. and Grimes Ct. Thence S 89 18' a distance of 108 feet to a point, thence N 0 42' W a distance of 20 feet to the T.P.O.B.

Thence N 0 42' W a distance of 317.82 Ft:

Thence S 64 17' E a distance of 107.19 Ft:

Thence S 0 42' E a distance of 270.13:

Thence S 89 98' W a distance of 96.00 Ft. to the T.P.O.B., containing ~~28,320~~ Sq. Ft. or *0.65* acres more or less



Christina De La Cruz
11-29-05

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER



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 DEPARTMENT
PLANNING DIVISION**

November 17, 2006

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

FROM: Esther Guerrero, Planner

SUBJECT: ZON06-00103

The City Plan Commission (CPC), on September 21, 2006, voted **(6-0)** to recommend **denial** of the rezoning from A-2 (Apartment) to C-4 (Commercial) in order to permit heavy truck parking on the subject property, concurring with staff's recommendation.

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, which designates the subject property for residential land uses. The CPC also determined that the 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 the rezoning will have significant effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was opposition to this application at the meeting and a petition was submitted. However, the opposition was not sufficient to trigger the provision of the 211.006 (d).

STAFF REPORT

Rezoning Case: ZON06-00103

Property Owner(s): Ruben and Carmen Perea

Applicant(s): Same

Representative(s): Luis and Rene De la Cruz

Legal Description: The West 760 feet of Tract 16, all of Tract 17 & 1/2 of the adjacent closed Maryland Road of Griemes Subdivision of Block B of the Collingsworth Subdivision and addition to the City of El Paso, El Paso County, Texas

Location: 6001 Griems Court

Representative District: # 3

Area: 0.65 Acres

Present Zoning: A-2 (Apartment)

Present Use: Parking

Proposed Zoning: C-4 (Commercial)

Proposed Use: Truck Parking

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

Surrounding Land Uses:

North -	M-1 (Light Manufacturing) / Canal, Railroad R-O-W
South -	A-2 (Apartment) / Single-family Residential
East -	A-2 (Apartment) / Southwestern Bell Facility
West-	A-3 (Apartment) / Single-family Residential

Year 2025 Designation: Residential (Central Planning Area)

**CITY PLAN COMMISSION HEARING, 9/21/2006,
12:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

REZONING APPLICATION: ZON06-00103

GENERAL INFORMATION:

The applicant is requesting a rezoning from A-2 (Apartment) to C-4 (Commercial) in order to permit heavy truck parking. The property is 0.65 acres in size and consists of a single-family residential structure on site. The site plan proposes the existing structure to be used as an office and the parking area will facilitate truck parking. Access is proposed via Griems Court with 10 parking spaces for heavy trucks and 6 parking spaces for automobiles. There are no zoning conditions currently imposed on this property.

INFORMATION TO THE COMMISSION:

The Development Services Department- Planning Division has received 2 petitions with a total of 36 signatures in opposition to this application.

STAFF RECOMMENDATION:

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

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** land uses.

C-4 (Commercial) zoning permits parking for trucks but **is not compatible** with adjacent development.

The Commission must determine the following:

- A. Will the C-4 (Commercial) zoning protect the best interest, health, safety and welfare of the public in general?
- B. Will parking for heavy trucks be compatible with adjacent land uses?
- C. What is the relation of the proposed rezoning to the City’s Comprehensive Plan?
- D. What effects will the C-4 (Commercial) 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 / Planning Division Notes:

- A. The Year 2025 Projected General Land Use Map for the Central Planning Area designates this property as Residential.
- B. C-4 (Commercial) zoning will permit an office and heavy truck parking but is **not** compatible with surrounding land uses.

Development Services Department / Building Permits Division Notes:

Zoning Review:

Proposed truck parking permitted on C-4 Commercial District proposed project does not comply with Section 20.08.203 (3.) Perimeter Treatment which requires a minimum setback along the property lines abutting an existing Residential/Apartment Zoning Districts to minimize potential negative impact by any activity within the site. Insufficient data submitted to determine existing building compliance with Title 18 (Occupancy and ADA) of this code. Project will require a 6 ft. high masonry screening wall along property lines abutting apartment districts.

Development Services Department / Subdivision Plan Review Notes:

No objections.

Engineering Department / Traffic Division Notes:

Traffic Division recommends **denial** of the proposed rezoning C-4 (Commercial) to have a truck parking based on the following:

- A. Cooley Elementary School is 400 ft from proposed truck parking.
- B. There are no sidewalks, curb or gutter on Griems to protect pedestrians.
- C. Trucks would use Collingsworth, where elementary school is to access major arterials compromising children's safety.

Fire Department Notes:

No comments received.

El Paso Water Utilities Notes:

Water

There is an existing 6-inch diameter water main located along Griems Street fronting the subject property.

Sanitary Sewer

There is an existing 6-inch diameter sanitary sewer main located along Griems Court. This sewer main dead-ends approximately at the westernmost property line of Tract 17. There are no sanitary sewer mains fronting the subject property.

General

- A. EPWU-PSB records indicate that the property at 6001 Griems has existing water and sanitary sewer service connections.
- B. A backflow prevention assembly and a water pressure regulating device are required at 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.
- C. Application for additional water and sanitary sewer services 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.

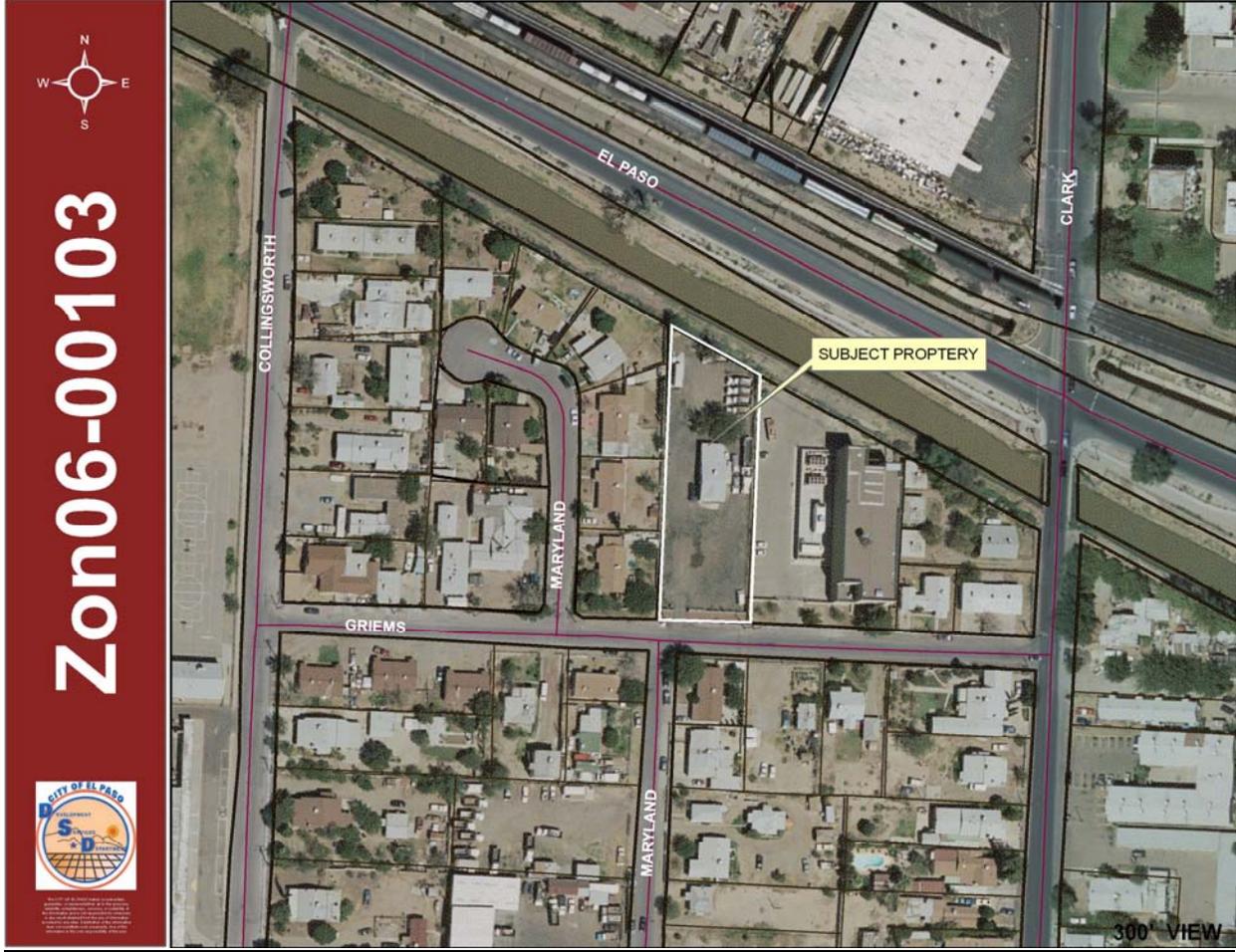
EPWU does not object to this request.

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 DEVELOPMENT SERVICES DEPARTMENT / PLANNING DIVISION (915) 541-4056.

LOCATION MAP



AERIAL



Petition of Opposition for Zoning Case ZON06-00103 -- Request: From A-2 to C-4
Location: 6001 Grimes Court

We strongly oppose the rezoning request from A-2 to C-4. This property is located near an elementary school, and we are concerned for our children's safety. C-4 zoning is not an appropriate zoning. This location is surrounded by residential zoning. Please deny this request.

Name		
Sandra moro		
Eva Hernandez		
Concepcion Perez		
Victoria S. Hernandez		
Margie Dixon		
J.C.A. REVERO		
Maricela gusman		
RAM RAMIREZ		
Rosa Vicencia		
CRISTINA DE GONZALEZ		
María Jacquez		
Gloria Treviño		
Francisca C.		
VICTOR DALY		
Cecilia Otey		

Received 9-20-06
by

FAX

To: El Paso City Plan Commission/ Planning Division

Fax Number: (915) 541-4028

Date: September 20, 2006

From: Patricia Estrada

Message:

I am sending in a petition for the opposition of rezoning for case number: ZON06-00103.
Signatures on the petition are homeowners and renters who reside within Collingsworth and Griems
street.

(on pages)
Signatures attached!



El Paso ACORN
6000 Welch, Suite 15
El Paso, TX 79905
915-633-5412

www.acorn.org
txacornep@acorn.org

September 18, 2006

City Planning Commission
c/o Development Services Department
Planning Division
City Hall 5th Floor
2 Civic Center Plaza
El Paso, TX 79901

RE: CASE NO ZON06-00103

Dear Commissioners,

We are aware that the property at 6001 Griems Court is under consideration for a zoning change that would allow Perea Trucking to legally park his trucks there.

Our neighborhood organization consists of just under 100 members and we work together to create a safe and healthy community. I have lived at my property on Maryland Street for over 25 years and I can speak first hand to this issue.

We are strongly against this zoning change for the following reasons:

- It would create more heavy traffic in an area next to Cooley School
- It would contribute to a condition of air pollution in the middle of an area that is already exposed by the railroads and refinery
- A Heavy Truck Lot's operation would add to the seepage already coming from that property into the Franklin Canal that takes water to our farms
- Due to the accumulation of debris from their operation, pests and rodents thrive there and come into our property
- Their noise and fumes are an all day nuisance that often begins at 5 AM
- Perea Trucking has already been operating there for three years without a permit and we need business neighbors that respect the law consistently

For these reasons we ask that you deny the request for a zoning change.

Sincerely,

Jose Escobedo, Jr.
Leader
ACORN in Ascarate
212 N. Maryland St.

We the undersigned oppose the re-zoning of the property legally described as the West 760 feet of Tract 16, Tract 17, and half of the adjacent closed Maryland Road of Grimes Subdivision of Block B of the Collingsworth Subdivision, in the city of El Paso, El Paso County, Texas from a currently zoned as A-2 (apartment) to C-4 (Commercial). This is known as case No: ZON06-00103.

This letter is generated and distributed for signatures by:

Patricia Estrada
 160 N. Collingsworth
 El Paso, Tx, 79905

Name	Address	Telephone number	Do you agree with the rezoning? Yes or No
Patricia Estrada			NO
Julian Juarez			NO
Leonora Juarez			NO
Medina Juarez			NO
Rosa Juarez			NO
Augusta Vasquez			NO
Jose L. Juarez			NO
Rosario Labrada			NO
Rita Garcia			NO
Rosario Juarez			NO
Francisco Juarez			NO
Victor Juarez			NO
Maria Juarez			NO
Carolina Juarez			NO
Amelia Juarez			NO
Martha Juarez			NO