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

DEPARTMENT: **Planning and Economic Development Department, Planning Division**

AGENDA DATE: **Introduction: December 20, 2011**
Public Hearing: January 17, 2012

CONTACT PERSON/PHONE: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov

DISTRICT(S) AFFECTED: 6

SUBJECT:
An Ordinance changing the zoning of Lots 15 and 16, Richard Lee Subdivision, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-MU (Residential –Mixed Use). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: South of Americas Avenue and East of Kathy Road. Property owner: Mary Stillinger & Enriqueta Godinez. PZRZ11-00031 **(District 6)**

BACKGROUND / DISCUSSION:
This item was heard by City Plan Commission on November 3, 2011, however was reconsidered by CPC on December 1, 2011 to verify the sign posting requirements were satisfied. Staff Report is attached.

PRIOR COUNCIL ACTION:
N/A

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
Development Coordinating Committee (DCC) – Reviewed
City Plan Commission (CPC) – Approval Recommendation 5-0, 1 Abstained

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

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

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director, Planning and Economic Development Department

_____

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOTS 15 AND 16, RICHARD LEE SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO R-MU (RESIDENTIAL-MIXED USE). 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 *Lots 15 and 16, Richard Lee Subdivision, City of El Paso, El Paso County, Texas,* be changed from **R-F (RANCH AND FARM) to R-MU (RESIDENTIAL-MIXED USE)**, such land uses allowed as being reflected in the Master Zoning Plan attached as Exhibit "A" and the Master Zoning Report attached as Exhibit "B" incorporated herein for all purposes, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this _____ day of _____, 2012.

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 and Economic Development
Department

EXHIBIT "A"

MASTER ZONING PLAN

BEING LOTS 15 AND 16,
RICHARD LEE SUBDIVISION,
CITY OF EL PASO, EL PASO COUNTY, TEXAS
CONTAINING: 2.3832 ACRES

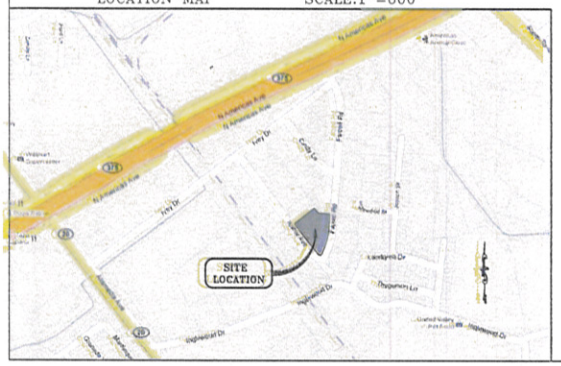
Barn Front Elevation

Playhouse Front Elevation
NTS

Playhouse Front Elevation
NTS

Playhouse Front Elevation
NTS

GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.



LOCATION MAP SCALE:1"=600'

PERCENTAGE OF USES

OPEN SPACE/ LANDSCAPE =	69%
ANIMAL SHELTER =	30%
RESIDENTIAL =	1%
BLD = KID PLAY HOUSES =	736.00± s.f.
CANOPY =	4,175.00± s.f.
BARN =	5,406.00± s.f.
EXISTING LANDSCAPING =	5,962.00± s.f.
EXISTING DECIDUOUS OR CANOPY TREES =	41±
EXISTING SHRUBS =	35±
FUTURE HOUSE =	1,426± s.f.

EXISTING DECIDUOUS OR CANOPY TREES

EXISTING SHRUBS

EXIST. LANDSCAPING

HOUSE & PLAY HOUSE/BARNS/SHEDS

WATER AREA

LANDSCAPE AREAS

PROPOSED RMU
FOR PRIVATE RECREATIONAL FACILITIES

CONDE INC.
ENGINEERING / PLANNING
SITE / SURVEYING / CADD
EL PASO, TEXAS 79925
PHONE: (915) 592-0283
FAX: (915) 592-0286

EXHIBIT "B"

MASTER ZONING PLAN

9680 Farrell Master Zoning Plan for a Residential Mixed Use District

SECTION I

PURPOSE AND INTENT

The purpose of this Master Zoning Plan is to provide detail on the compatibility between land use and structures within and adjacent to this district. The district is intended to provide a unified community as described within the City of El Paso Comprehensive Plan and Smart Growth Objectives as follows:

- To accommodate, encourage and promote innovatively designed development involving neighborhood-serving residential and commercial land uses - This district is designed in a manner that not only improves the aesthetics of the abutting neighborhood, but also compliments the rural valley characteristics.
- To permit uses that are compatible to the existing neighborhoods abutting this district - This district provides for public gathering places and for shelter and training of farm animals not only for this district, but for the abutting existing neighborhood.

SECTION II

CHARACTERISTICS AND COMPONENTS OF THIS DISTRICT

1. General Design Principles as per Title 20.10.360G are design principles to serve as guidelines that are met by this district.
    a. Development Perspective:
    (1).The natural infrastructure and visual character of the development area be retained as derived from existing topography, riparian corridors and other environmentally sensitive areas.
    (2).That the development strategy utilized encourages infill and redevelopment in parity with new and existing neighborhoods.
    (11). That the ordinary activity of daily living occurs within walking distance of most dwellings.
    (17). That a development have sufficient size to accommodate the mixed-use concentration of uses.

b. Building Perspective:
(1). That buildings and landscaping contribute to the physical definition of streets and civic places.
(3). That architecture and landscape design grow from local climate, topography, history and building practice.
(6). That principal buildings and facades, where possible, be located parallel to the frontage line to encourage a community-friendly environment.

2. General Design Elements as per Title 20.10.360G are design elements to serve as guidelines that are met by this District.
   a. Neighborhoods limited in size and orientated toward pedestrian activity.
   e. Natural features and undisturbed areas that are incorporated into the open space of the neighborhood.
   h. Buildings, spaces, and other features that act as landmarks, symbols, and focal points for community identity.
   i. Compatibility of buildings and other improvements as determined by their arrangement, bulk, form, character, and landscaping to establish a livable and harmonious environment.

3. Architectural objectives as per Title 20.10.360G
   a. Architectural compatibility
   b. Human scale design
   c. Integration of uses
   d. Encouragement of pedestrian activity
   e. Buildings that relate to and are orientated toward the street and surrounding buildings
   f. Residential scale buildings in any mixed residential area
   g. Buildings that contain special architectural features to signify entrances to the mixed-use development, and
   h. Buildings that focus activity on neighborhood open space, square or plaza.

4. Roadway design as per Title 20.10.360G – this District does not have a roadway design element within the district, but compliments and adheres to the roadway design abutting the district as a rural roadway.

5. Parking – off-street parking within the district is provided for the residents of the district; however, sufficient on street parking, if needed, is provided within the existing roadway section abutting the district.

6. Setbacks – this district will have zero (0) setbacks.

7. Density – this district will contain a maximum of 1 residential unit (FAR=.02:1)

8. Landscaping – this district will contain landscaping that will meet and exceed requirements per Title 18 (Building and Construction) of the El Paso City Code.

9. Sub districts – this district will not have any sub districts.

SECTION III

PHASING

The District is already built. However, development of the single family detached unit will be built within a two year timeframe.

SECTION IV

RELATIONSHIP TO THE PLAN FOR EL PASO

The Plan for El Paso states the Goals and Policies that define the form and function of the City. This Master Zoning Plan is in accordance with the goals and policies as per the following points:

A. City-Wide Land Use Goals and Policies:
   1. Goal: Develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.
      Policy: Develop land use patterns that protect neighborhoods while supporting the economic viability of the City.
      Action: Maintain development standards that protect residential neighborhoods from uses that increase traffic, noise, reduce privacy, and adversely affect the health, safety and welfare of residents.

B. Residential Land Use Goals and Policies:
   1. Goal: Provide a wide range of housing types that respond to the needs of all economic segments of the community.
      Policy: Encourage innovative home design and development to promote housing opportunities
      Action: Provide adequate open space, either in private yards or common areas, in all residential developments
   2. Goal: Protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
      Action: Employ development standards to protect residential environments.

C. Neighborhoods Land Use Goals and Policies:
   1. Preserve, protect, and enhance the integrity, economic vitality and livability of the City's neighborhoods.
      Policy: Community facilities should be equitably distributed to the extent feasible throughout the City.

Action: Encourage neighborhood amenities that include places for interaction among residents such as parks, community centers, schools, commercial areas, churches, and other gathering points throughout the City.
Action: Public and private development should be designed to improve the character of the existing neighborhoods.

9680 FARRELL

GENERAL DATA REQUIRED

FOR THE MIXED USE DISTRICT

	Land Use Type	Minimum Lot Area	LOT COVERAGE Minimum	Maximum	Minimum Lot Width	Minimum Lot Dept	MAX BLDG HEIGHT (1) Primary Structure	Accessory Structure
1.00								
	Animal Kennel	n/a	n/a	n/a	n/a	n/a	15'	15'
	Animal Training Facility	n/a	n/a	n/a	n/a	n/a	15'	15'
	Barn	n/a	n/a	n/a	n/a	n/a	35'	35'
	Composting Facility	n/a	n/a	n/a	n/a	n/a	15'	15'
	Farm	n/a	n/a	n/a	n/a	n/a	35'	35'
	Farmers Market	n/a	n/a	n/a	n/a	n/a	15'	15'
	Feed yard	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Harvesting	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Livestock Grazing	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Raising (Field, tree, bush crops)	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Raising (small, large animals)	n/a	n/a	n/a	n/a	n/a	15'	15'
	Stable	n/a	n/a	n/a	n/a	n/a	35'	35'
	Riding Academy	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Veterinary Treatment (small)	n/a	n/a	n/a	n/a	n/a	35'	35'
	Pasturage (small of large)	n/a	n/a	n/a	n/a	n/a	15'	15'
	Poultry Hatchery	n/a	n/a	n/a	n/a	n/a	15'	15'
	Produce Stand	n/a	n/a	n/a	n/a	n/a	15'	15'
11.00	*Recreational*	n/a	n/a	n/a	n/a	n/a		
	Open Space	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Park/Playground	n/a	n/a	n/a	n/a	n/a	n/a	n/a
13.00	*Residential*	n/a	n/a	n/a	n/a	n/a		
	Single Family (Attached/Detached)	n/a	n/a	n/a	n/a	n/a	35'	35'
	Animal, keeping for enjoyment	n/a	n/a	n/a	n/a	n/a	35'	35'
	Domestic Garden, tool and play house	n/a	n/a	n/a	n/a	n/a	35'	35'
	Swimming Pool, Game Court	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Domestic Storage	n/a	n/a	n/a	n/a	n/a	15'	15'
	Dwelling, resident watchman	n/a	n/a	n/a	n/a	n/a	35'	35'
	Family Home	n/a	n/a	n/a	n/a	n/a	35'	35'
	Home Occupation Use	n/a	n/a	n/a	n/a	n/a	35'	35'
	Ranchette	n/a	n/a	n/a	n/a	n/a	35'	35'

OPPOSITION
EXHIBIT "C"

13 opposition

Maria Guadalupe Dempsey
9650 Farrell Drive
El Paso, TX 79927

October 25, 2011

City of El Paso Plan Commission
c/o Planning Division
5th Floor, City Hall
2 Civic Center Plaza
El Paso, Texas 79901

ATTN: Arturo Rubio, Senior Planner

LETTER OF PROTEST

Dear Mr. Rubio:

This Letter of Protest is in response to your public notification for a Rezoning request from R-F (Ranch and Farm) to RMU (Residential Mixed Use) and a Master Zoning Plan for the property located at 9860 Farrell Drive, El Paso, Texas 79927, legally described as Lots 15 and 16 Richard Lee Subdivision, City of El Paso, El Paso County, Texas, 2.38 acres in size. The owner of record is Enriqueta Godinez and the true owners are Attorney Mary Stillinger and her husband John Godinez.

I, along with other property owners in the Richard Lee Subdivision, am protesting this application for rezoning of the above property for various reasons; the main reason being that all buildings constructed on that property, since 2006 to the present, were built illegally, without building permits, which is in violation of numerous city codes, and may have been built in a substandard manner, causing them to be unsafe.

Attorney Mary Stillinger, her husband John Godinez, and Enriqueta Godinez have already been charged by the City of El Paso Development Services Department, Code Enforcement Division, for numerous violations of municipal codes and zoning ordinances. The setting of a Court date for these charges has been pending for over two years. These charges include construction without required permits, structures of service systems without required permits, not meeting front and rear yard setbacks of 50' or side yard setbacks of 25', and other non-permitted work on the property, such as a meeting room and the installation of one electrical meter for four apartments. This property also has a 12' tall fence, about 200' in length, adjacent to my property. I understand a well was also built without a permit and is covered by a shack. I am enclosing an aerial photograph of the property taken in 2008, a Notice of Violation dated June 2009, and a Case Activity Listing dated January 2009 referencing the four apartments.

On or about June 2011, the charges against the owners of 9680 Farrell were re-filed by the El Paso Development Services Department, Code Enforcement Division. As of last week, the Notice of Violation had still not been presented for a Municipal Court Docket. My concern is that numerous other cases of less magnitude are scheduled before Municipal Court often where property owners are fined hundreds or thousands of dollars for their violations.

As a tax payer, I am concerned if you approve this rezoning request, the Plan Commission will be setting precedence and will allow other property owners and builders to ignore city ordinances and codes and build whatever they please in a substandard and unsafe manner with impunity. Subsequently, when they are investigated and caught, all they have to do is submit a rezoning application to your department, requesting you rezone their property to "fit" their buildings. This would create a new way of circumventing established building and zoning requirements.

An additional concern is that the Central Appraisal District may not show structures or buildings at 9680 Farrell Drive, and therefore, no appropriate property taxes have been paid on that property since at least 2006. The current tax value for the 2.38 acres of land is approximately $67,000.

I am requesting the Rezoning application for 9680 Farrell Drive, El Paso, Texas 79927, legally described as Lots 15 and 16 Richard Lee Subdivision, City of El Paso, El Paso County, Texas, 2.38 acres in size, be **DENIED**. I am also requesting a State of Texas Code and Building Inspector be assigned to conduct a complete and thorough inspection of the above property, as I believe some of the structures may have been built in a substandard manner and may pose a danger to persons if they were to collapse.

Your consideration and attention to this matter is greatly appreciated. I will submit a follow-up letter with additional signatures from other property owners to your office.

Should you require additional information, I may be reached at (915) 227-4497.

Sincerely,

Maria Guadalupe Dempsey

Additional Attachment Item #2

SIGNATURE	PRINTED NAME	ADDRESS
Abelardo Olivas	Abelardo Olivas	9609 Kathy
Patricia Olivas	Patricia Olivas	9654 Kathy
	MARIA G. DEMPSEY (DE LA O)	9650 Farrell Dr. TR LOTS 13, 14, 17
	WILLIAM E. DEMPSEY	9629 Kathy Ave
	TERESA D PAZ	9630 FARRELL Rd. TR 24
	EDGAR R. PAZ.	9630 FARRELL RD.
	T. BURCIO GARCIA	9620 CINDY LANE
	MARTA GARCIA	9620 CINDY LANE
	Elvira Zamora	9606 Cindy lane
	Ben Arenales	9628 KATHY
	PEDRO CORTEZ	9600 Farrell
	David Guardado	9652 Farrell
	Rosa Escalante	355 Ivey

Maria Guadalupe Dempsey
9650 Farrell Drive
El Paso, TX 79927

November 23, 2011

City of El Paso Plan Commission
c/o Planning Division
5th Floor, City Hall
2 Civic Center Plaza
El Paso, Texas 79901

ATTN: Arturo Rubio, Senior Planner
Case No: PZRZ11-00031

FOLLOW-UP LETTER OF PROTEST

Dear Mr. Rubio:

This **Letter of Protest** is in response to your public notification for a Rezoning request from R-F (Ranch and Farm) to RMU (Residential Mixed Use) and a Master Zoning Plan for the property located at 9860 Farrell Drive, El Paso, Texas 79927, legally described as Lots 15 and 16 Richard Lee Subdivision, City of El Paso, El Paso County, Texas. A new hearing is scheduled for December 1, 2011.

I, along with other property owners in the Richard Lee Subdivision, am still protesting this application for rezoning of the above property for the same reasons as stated in the original Letter of Protest.

Attorney Mary Stillinger, her husband John Godinez, and Enriqueta Godinez have been confirmed to be facing criminal charges filed by the City of El Paso Development Services Department, Code Enforcement Division, for numerous violations of municipal codes and zoning ordinances. Attorney Mary Stillinger and her husband John Godinez had been receiving, at the very least, preferential treatment by the City Attorney's Office for over two and a half years.

Last week, I again spoke to Central Appraisal District Appraiser Christal Pickett (915) 780-2111. Appraiser Pickett informed me the invoice for the past-due property taxes reference the above property had not yet been completed. A CAD appraiser went to the property and again was not allowed access. The appraiser took photos and with the aid of those photos and aerial photos, was still in the process of calculating and estimating the amount owed for the correct value of that property, dating back to 2006.

As a tax payer, I am again requesting the City of El Paso DENY this rezoning request as the City will be setting precedence and will be allowing property

owners and builders to circumvent established requirements and city codes and build in a substandard and unsafe manner with impunity, while enjoying their property without paying the appropriate taxes to the City, County and School Districts.

Your consideration and attention to this matter is greatly appreciated. I have obtained additional signatures from concerned neighbors and taxpayers, but I will reserve such submission to City Council.

Should you require additional information, I may be reached at (915) 227-4497.

Sincerely,

Maria Guadalupe Dempsey

OPPOSITION
EXHIBIT "D"

4th attachment
Item # 2
Signatures in support

Planning & Economic Development Dept.
Two Civic Center Plaza
El Paso, TX 79901
(915) 541-0000

We, the undersigned residents of the Richard Lee subdivision, are familiar with the property at 9680 Farrell, and have been on the property several times.

We understand that the owners are seeking a zoning change, and we have had an opportunity to review the proposed change.

We have no objection to the change they are requesting. We appreciate the improvements they have made to their property. We believe that their property adds to the quality of the neighborhood and is in keeping with the rural atmosphere we seek to preserve.

LOT	NAME	ADDRESS	CONTACT NUMBER
9-8	Celia Morales	9612 Kathy	
12	GEORGE C STOLTZ	9621 KATHY	S
18	Smith, Roger	9616 ~~[illegible]~~ CINDY LANE.	
3.	Mark Wickenhauser	9668 KATHY AVE.	
	Orlando Olivas LOT #6, 11	9609 Kathy 9654 Kathy	
	Wendy Dennis Lot #36	9683 Farrell Dr.	
	[illegible] Lot #36	9683 Farrell Dr	
	[illegible]	9628 Kathy	

11 Lots 11-1-11

Planning & Economic Development Dept.
Two Civic Center Plaza
El Paso, TX 79901
(915) 541-0000

We, the undersigned residents of the Richard Lee subdivision, are familiar with the property at 9680 Farrell, and have been on the property several times.

We understand that the owners are seeking a zoning change, and we have had an opportunity to review the proposed change.

We have no objection to the change they are requesting. We appreciate the improvements they have made to their property. We believe that their property adds to the quality of the neighborhood and is in keeping with the rural atmosphere we seek to preserve.

LOT	NAME	ADDRESS	CONTACT NUMBER
34	John J. Severns	9671 Farrell Dr	92
34	Alla Severns	9671 Farrell El Paso Tx 79927	
35	Stanley R. [illegible]	R.S. 9675 Farrell Dr 435	
1-2	Martin E. Lopez	9670 Kathy El Paso, Tx 799	
22	Dennise Neck	9601 Cindy El Paso	6
20	Jose R. Soria	Cindy El Paso	1
31	Dale M Manning	9647 Farrell El Paso	
	Dale M Manning		
31	Kenny G. Manning	"	
32	Chris Batista	9617 Farrell El Paso, Tx 79927	2

By thier presence before me and proof of identification via picture ID, the names are true and correct. 10/29/11 Sharon Stains

SHARON STAINS
Notary Public, State of Texas
My Commission Expires
September 03, 2012

Planning & Economic Development Dept.
Two Civic Center Plaza
El Paso, TX 79901
(915) 541-0000

We, the undersigned residents of the Richard Lee subdivision, are familiar with the property at 9680 Farrell, and have been on the property several times.

We understand that the owners are seeking a zoning change, and we have had an opportunity to review the proposed change.

We have no objection to the change they are requesting. We appreciate the improvements they have made to their property. We believe that their property adds to the quality of the neighborhood and is in keeping with the rural atmosphere we seek to preserve.

NAME	ADDRESS	CONTACT NUMBER
LOT		
33	David Guardado	9657 Farrell

We, the undersigned residents of the Richard Lee subdivision, are familiar the property at 9680 Farrell, and have been on the property several times.

We understand that the owners are seeking a zoning change, and we have had an opportunity to review the proposed change.

We have no objection to the change they are requesting. We appreciate the improvements they have made to their property. We believe that their property adds to the quality of the neighborhood, and is keeping with the rural atmosphere we seek to preserve.

If anyone has any questions regarding this matter, we list our addresses and contact numbers below.

LOT	NAME	ADDRESS	CONTACT NUMBER
32	Michelle Batista	9651 Farrell	( ) -

MEMORANDUM

DATE: December 20, 2011

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

FROM: Arturo Rubio, Senior Planner

SUBJECT: PZRZ11-00031

The City Plan Commission (CPC), on December 1, 2011 voted 5-0 & 1 abstained to recommend **Approval** of rezoning subject property from R-F (Ranch and Farm) to R-MU (Residential-Mixed Use) and a Master Zoning Plan.

The CPC found that the rezoning and Master Zoning Plan is in conformance with the Plan for El Paso. The CPC also determined that the rezoning and Master Zoning Plan 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 and Master Zoning Plan will have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

Planning Division received a petition in opposition and a petition in support of this request.

Attachment: Staff Report

City of El Paso – City Plan Commission Staff Report

Case No:	PZRZ11-00031 (Reconsideration)
Application Type:	Rezoning
CPC Hearing Date:	December 1, 2011
Staff Planner:	Arturo Rubio, 915-541-4633, *rubioax@elpasotexas.gov*
Location:	South of Americas Avenue and East of Kathy Road
Legal Description:	Lots 15 and 16 , Richard Lee Subdivision, City of El Paso, El Paso County, Texas
Acreage:	2.3832 acres
Rep District:	6
Zoning:	R-F (Ranch and Farm)
Existing Use:	Family Private Recreational Facility
Request:	From R-F (Ranch and Farm) to R-MU (Residential-Mixed Use)
Proposed Use:	Family Private Recreational Facility
Property Owner:	Mary Stillinger & Enriqueta Godinez
Representative:	Conde, Inc.

SURROUNDING ZONING AND LAND USE

North:	R-F (Ranch and Farm)/Single-family/Ranch
South:	R-F (Ranch and Farm)/Single-family/Ranch
East:	R-F (Ranch and Farm)/Single-family/Ranch M-1/sc (Light Manufacturing/special contract)
West:	R-F (Ranch and Farm)/Single-family/Ranch/ RMH (Residential Mobile Home) Mobile Homes/Single-family dwellings

Plan for El Paso Designation: Residential (Mission Valley Planning Area)
Nearest Park: Feather Lake (5,088 Feet)
Nearest School: Del Valle High School (6,636 Feet)

NEIGHBORHOOD ASSOCIATIONS

No neighborhood associations are located in this area.

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on October 18. Re-notification notices were sent out on November 17, 2011. The Planning Division has received 1 letter with a petition in opposition and 1 in support of the rezoning request (Opposition Petition, Exhibit A and petition in support Exhibit B).

APPLICATION DESCRIPTION

This item was reviewed and approved by CPC on November 3, 2011. However, this item is being presented for CPC reconsideration to verify compliance of public hearing sign posting requirements. The applicant has submitted pictures of the sign posting. The applicant is requesting to rezone the subject property from R-F (Ranch and Farm) to R-MU (Residential Mixed Use). The Master Zoning Plan shows a mixed use development consisting of a private recreational facility that includes stables, small scale farming, play houses and a guest house. A summary of the Master Zoning Plan is attached (attachment 4, pg.7). The proposed access is from Farrell Road and Kathy Road. The applicant has applied for a special privilege license to address existing encroachments on Farrell Road and Kathy Road (NESV11-00040) which will be heard concurrently with this request.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends approval of rezoning the subject property from R-F (Ranch and Farm) to R-MU (Residential Mixed Use) and the Master Zoning Plan based on the compatibility with the comprehensive plan, and the adjacent properties in the area. This development complies with the purpose, objectives, and guidelines of the R-MU District, and furthers the City Council direction to promote smart growth.

The Plan for El Paso-City-Wide Land Use Goals

All applications for rezoning shall demonstrate compliance with the following criteria:

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.
d. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.

The purpose of the R-MU (Residential Mixed Use) district to accommodate, encourage and promote innovatively designed developments involving neighborhood-serving residential and commercial land uses, which together form an attractive and harmonious unit of the city. The regulations of this district are intended to allow for developments that are intended by their size and nature of operation to provide service to a neighborhood. It is intended that the district regulations permit uses that are compatible with the residential areas that the uses serve, and allow flexibility and encourage more creative, efficient and aesthetically desirable design and placement of land uses.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for rezoning and offered no objections to Planning Staff's recommendation for **approval.**

Engineering & Construction Management Services Department – Plan Review

No comments received.

Engineering & Construction Management Service Department - Land Development

Land development has no objection to the rezoning subject request. Civil engineering plan is required for grading and drainage approval. Grading permit is required.

Department of Transportation

No objection to rezoning. Proposed change in zoning will not create a substantial increase in traffic. 2. Existing encroachments on Kathy Drive and Ferrell Drive have been addressed through a special privilege license request (NESV11-00040) which is running concurrently with the proposed rezoning. 3. Sidewalks, curb, gutter and any necessary ramps will be required around the property. Note: All existing / proposed paths of travel, accessible sidewalks, and wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

El Paso Water Utilities

1. EPWU does not object to this request.

Water:

2. There is an existing 8-inch diameter water main extending along Titanic Drive that is available for service, the water main is located approximately 12-ft north from the center right-of-way line.

3. There is an existing 6-inch diameter water main extending along Atlas Drive that is available for service, the water main is located about 10-ft north from the center right-of-way line.

4. Along Mitzie Ram from Titanic and Atlas Drive, there is an existing 6-inch diameter water main that is available for service. Said main changes in diameter to an 8-inch water main approximately 265-ft north from the southern property line. The water main is located about 7-ft east from the center right-of-way line
5. Previous water pressure reading from fire hydrant # 204 located at the northeast intersection of Mount Latona and Atlas Drive, have yielded a static pressure of 114 (psi) pounds per square inch, a residual pressure of 110 (psi) pounds per square inch and a discharge of 1248 (gpm) gallons per minute
6. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.
7. EPWU records indicate a vacant water service connection (inactive meter) serving the subject property. The address for this service is 4805 Atlas Drive.

Sewer:

8. There is an existing 8-inch diameter sanitary sewer main extending along Titanic Drive that is available for service, the sewer main is located approximately 12-ft south from the center right-of-way line.
9. There is an existing 12-inch diameter sanitary sewer main extending along Atlas Drive that is available for service, the sewer main is located approximately 5-ft south from the center right-of-way line.
10. There is an existing 8-inch diameter sanitary sewer main extending along Mitzie Ram Place that is available for service, the sewer main is located approximately 4-ft west from the center right-of-way line.

General:

11. EPWU requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances

Fire Department

Recommend approval

CITY PLAN COMMISSION OPTIONS

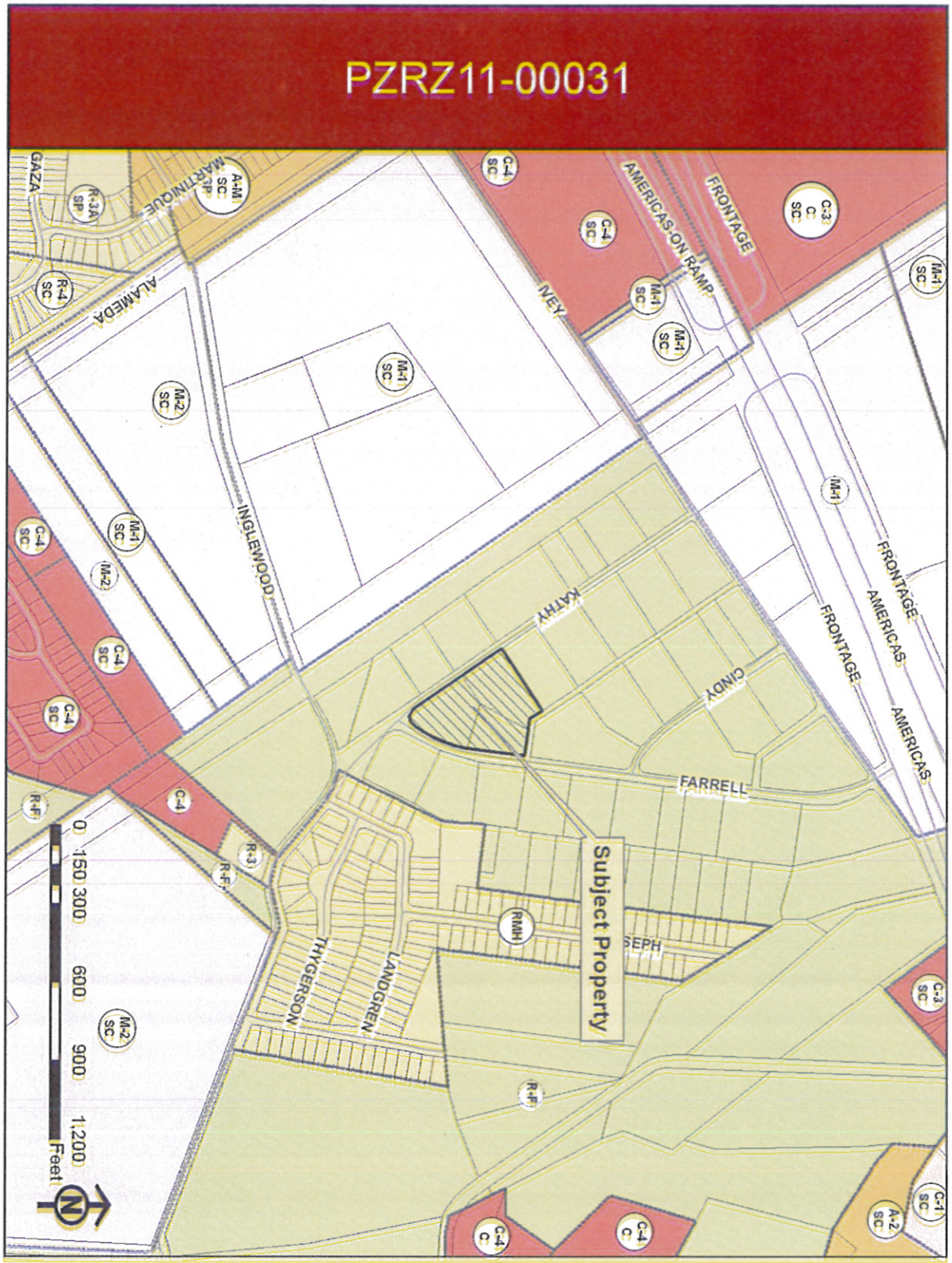
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application

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 in the Plan by the CPC.

Attachments:

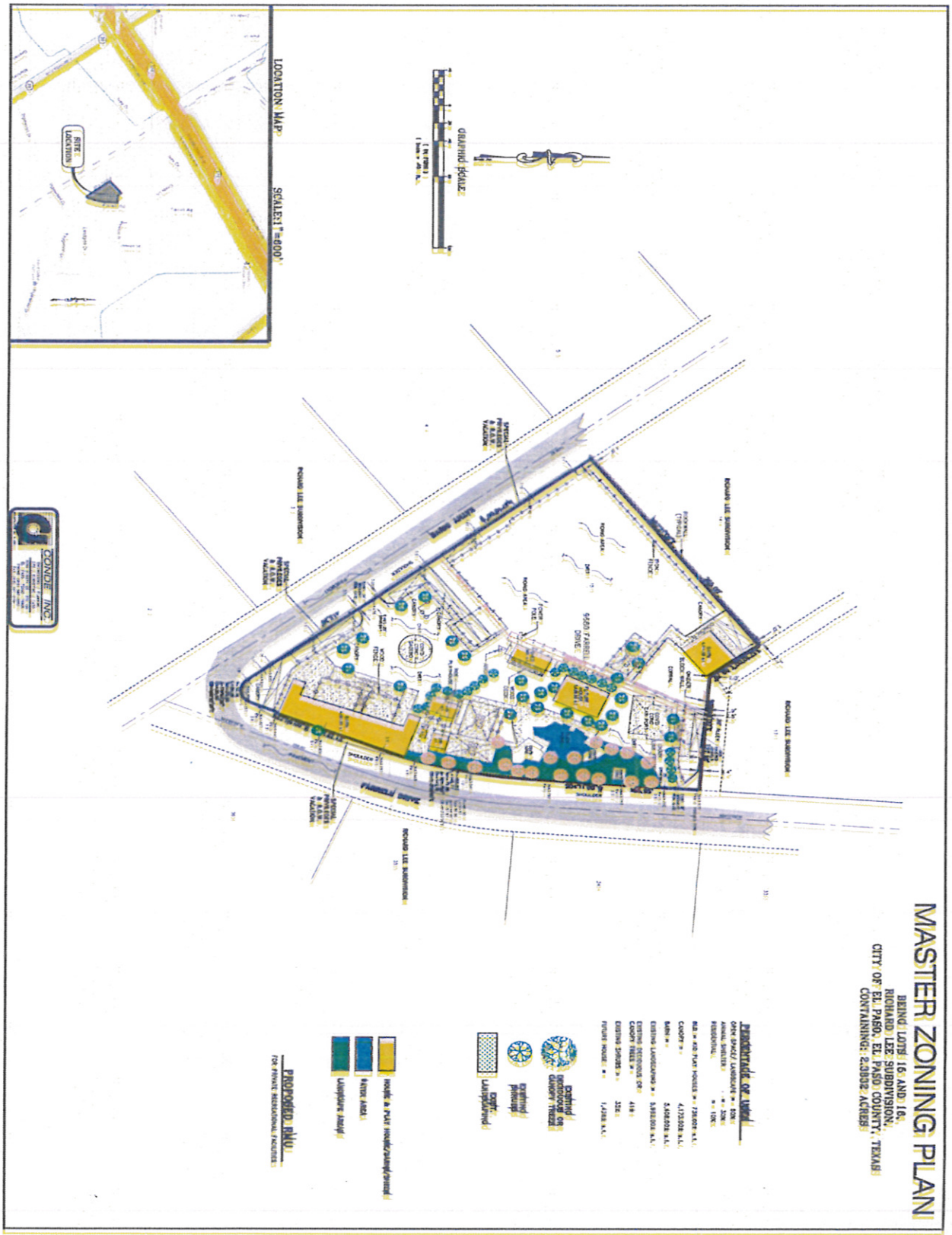
Attachment 1: Zoning Map
Attachment 2: Aerial Map
Attachment 3: Master Zoning Plan
Attachment 4: Master Zoning Plan Report
Exhibit A: Opposition Petition
Exhibit B: Support Petition

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: MASTER ZONING PLAN



MASTER ZONING PLAN

9680 Farrell Master Zoning Plan for a Residential Mixed Use District

SECTION I

PURPOSE AND INTENT

The purpose of this Master Zoning Plan is to provide detail on the compatibility between land use and structures within and adjacent to this district. The district is intended to provide a unified community as described within the City of El Paso Comprehensive Plan and Smart Growth Objectives as follows:

- To accommodate, encourage and promote innovatively designed development involving neighborhood-serving residential and commercial land uses - This district is designed in a manner that not only improves the aesthetics of the abutting neighborhood, but also compliments the rural valley characteristics.
- To permit uses that are compatible to the existing neighborhoods abutting this district - This district provides for public gathering places and for shelter and training of farm animals not only for this district, but for the abutting existing neighborhood.

SECTION II

CHARACTERISTICS AND COMPONENTS OF THIS DISTRICT

1. General Design Principles as per Title 20.10.360G are design principles to serve as guidelines that are met by this district.
   a. Development Perspective:
   (1).The natural infrastructure and visual character of the development area be retained as derived from existing topography, riparian corridors and other environmentally sensitive areas.
   (2).That the development strategy utilized encourages infill and redevelopment in parity with new and existing neighborhoods.
   (11). That the ordinary activity of daily living occurs within walking distance of most dwellings.
   (17). That a development have sufficient size to accommodate the mixed-use concentration of uses.

b. Building Perspective:
(1). That buildings and landscaping contribute to the physical definition of streets and civic places.
(3). That architecture and landscape design grow from local climate, topography, history and building practice.
(6). That principal buildings and facades, where possible, be located parallel to the frontage line to encourage a community-friendly environment.

2. General Design Elements as per Title 20.10.360G are design elements to serve as guidelines that are met by this District.
   a. Neighborhoods limited in size and orientated toward pedestrian activity.
   e. Natural features and undisturbed areas that are incorporated into the open space of the neighborhood.
   h. Buildings, spaces, and other features that act as landmarks, symbols, and focal points for community identity.
   i. Compatibility of buildings and other improvements as determined by their arrangement, bulk, form, character, and landscaping to establish a livable and harmonious environment.

3. Architectural objectives as per Title 20.10.360G
   a. Architectural compatibility
   b. Human scale design
   c. Integration of uses
   d. Encouragement of pedestrian activity
   e. Buildings that relate to and are orientated toward the street and surrounding buildings
   f. Residential scale buildings in any mixed residential area
   g. Buildings that contain special architectural features to signify entrances to the mixed-use development, and
   h. Buildings that focus activity on neighborhood open space, square or plaza.

4. Roadway design as per Title 20.10.360G – this District does not have a roadway design element within the district, but compliments and adheres to the roadway design abutting the district as a rural roadway.

5. Parking – off-street parking within the district is provided for the residents of the district; however, sufficient on street parking, if needed, is provided within the existing roadway section abutting the district.

6. Setbacks – this district will have zero (0) setbacks.

7. Density – this district will contain a maximum of 1 residential unit (FAR=.02:1)

8. Landscaping – this district will contain landscaping that will meet and exceed requirements per Title 18 (Building and Construction) of the El Paso City Code.

9. Sub districts – this district will not have any sub districts.

SECTION III

PHASING

The District is already built. However, development of the single family detached unit will be built within a two year timeframe.

SECTION IV

RELATIONSHIP TO THE PLAN FOR EL PASO

The Plan for El Paso states the Goals and Policies that define the form and function of the City. This Master Zoning Plan is in accordance with the goals and policies as per the following points:

A. City-Wide Land Use Goals and Policies:
   1. Goal: Develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.
      Policy: Develop land use patterns that protect neighborhoods while supporting the economic viability of the City.
      Action: Maintain development standards that protect residential neighborhoods from uses that increase traffic, noise, reduce privacy, and adversely affect the health, safety and welfare of residents.

B. Residential Land Use Goals and Policies:
   1. Goal: Provide a wide range of housing types that respond to the needs of all economic segments of the community.
      Policy: Encourage innovative home design and development to promote housing opportunities
      Action: Provide adequate open space, either in private yards or common areas, in all residential developments
   2. Goal: Protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
      Action: Employ development standards to protect residential environments.

C. Neighborhoods Land Use Goals and Policies:
   1. Preserve, protect, and enhance the integrity, economic vitality and livability of the City's neighborhoods.
      Policy: Community facilities should be equitably distributed to the extent feasible throughout the City.

Action: Encourage neighborhood amenities that include places for interaction among residents such as parks, community centers, schools, commercial areas, churches, and other gathering points throughout the City.
Action: Public and private development should be designed to improve the character of the existing neighborhoods.

9680 FARRELL

GENERAL DATA REQUIRED

FOR THE MIXED USE DISTRICT

	Land Use Type	Minimum Lot Area	LOT COVERAGE Minimum	LOT COVERAGE Maximum	Minimum Lot Width	Minimum Lot Dept	MAX BLDG HEIGHT (1) Primary Structure	MAX BLDG HEIGHT (1) Accessory Structure
1.00								
	Animal Kennel	n/a	n/a	n/a	n/a	n/a	15'	15'
	Animal Training Facility	n/a	n/a	n/a	n/a	n/a	15'	15'
	Barn	n/a	n/a	n/a	n/a	n/a	35'	35'
	Composting Facility	n/a	n/a	n/a	n/a	n/a	15'	15'
	Farm	n/a	n/a	n/a	n/a	n/a	35'	35'
	Farmers Market	n/a	n/a	n/a	n/a	n/a	15'	15'
	Feed yard	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Harvesting	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Livestock Grazing	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Raising (Field, tree, bush crops)	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Raising (small, large animals)	n/a	n/a	n/a	n/a	n/a	15'	15'
	Stable	n/a	n/a	n/a	n/a	n/a	35'	35'
	Riding Academy	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Veterinary Treatment (small)	n/a	n/a	n/a	n/a	n/a	35'	35'
	Pasturage (small or large)	n/a	n/a	n/a	n/a	n/a	15'	15'
	Poultry Hatchery	n/a	n/a	n/a	n/a	n/a	15'	15'
	Produce Stand	n/a	n/a	n/a	n/a	n/a	15'	15'
11.00	*Recreational*	n/a	n/a	n/a	n/a	n/a		
	Open Space	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Park/Playground	n/a	n/a	n/a	n/a	n/a	n/a	n/a
13.00	*Residential*	n/a	n/a	n/a	n/a	n/a		
	Single Family (Attached/Detached)	n/a	n/a	n/a	n/a	n/a	35'	35'
	Animal, keeping for enjoyment	n/a	n/a	n/a	n/a	n/a	35'	35'
	Domestic Garden, tool and play house	n/a	n/a	n/a	n/a	n/a	35'	35'
	Swimming Pool, Game Court	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Domestic Storage	n/a	n/a	n/a	n/a	n/a	15'	15'
	Dwelling, resident watchman	n/a	n/a	n/a	n/a	n/a	35'	35'
	Family Home	n/a	n/a	n/a	n/a	n/a	35'	35'
	Home Occupation Use	n/a	n/a	n/a	n/a	n/a	35'	35'
	Ranchette	n/a	n/a	n/a	n/a	n/a	35'	35'

EXHIBIT A

13 opposition

Maria Guadalupe Dempsey
9650 Farrell Drive
El Paso, TX 79927

October 25, 2011

City of El Paso Plan Commission
c/o Planning Division
5th Floor, City Hall
2 Civic Center Plaza
El Paso, Texas 79901

ATTN: Arturo Rubio, Senior Planner

LETTER OF PROTEST

Dear Mr. Rubio:

This Letter of Protest is in response to your public notification for a Rezoning request from R-F (Ranch and Farm) to RMU (Residential Mixed Use) and a Master Zoning Plan for the property located at 9860 Farrell Drive,, El Paso, Texas 79927, legally described as Lots 15 and 16 Richard Lee Subdivision, City of El Paso, El Paso County, Texas, 2.38 acres in size. The owner of record is Enriqueta Godinez and the true owners are Attorney Mary Stillinger and her husband John Godinez.

I, along with other property owners in the Richard Lee Subdivision, am protesting this application for rezoning of the above property for various reasons; the main reason being that all buildings constructed on that property, since 2006 to the present, were built illegally, without building permits, which is in violation of numerous city codes, and may have been built in a substandard manner, causing them to be unsafe.

Attorney Mary Stillinger, her husband John Godinez, and Enriqueta Godinez have already been charged by the City of El Paso Development Services Department, Code Enforcement Division, for numerous violations of municipal codes and zoning ordinances. The setting of a Court date for these charges has been pending for over two years. These charges include construction without required permits, structures of service systems without required permits, not meeting front and rear yard setbacks of 50' or side yard setbacks of 25', and other non-permitted work on the property, such as a meeting room and the installation of one electrical meter for four apartments. This property also has a 12' tall fence, about 200' in length, adjacent to my property. I understand a well was also built without a permit and is covered by a shack. I am enclosing an aerial photograph of the property taken in 2008, a Notice of Violation dated June 2009, and a Case Activity Listing dated January 2009 referencing the four apartments.

On or about June 2011, the charges against the owners of 9680 Farrell were re-filed by the El Paso Development Services Department, Code Enforcement Division. As of last week, the Notice of Violation had still not been presented for a Municipal Court Docket. My concern is that numerous other cases of less magnitude are scheduled before Municipal Court often where property owners are fined hundreds or thousands of dollars for their violations.

As a tax payer, I am concerned if you approve this rezoning request, the Plan Commission will be setting precedence and will allow other property owners and builders to ignore city ordinances and codes and build whatever they please in a substandard and unsafe manner with impunity. Subsequently, when they are investigated and caught, all they have to do is submit a rezoning application to your department, requesting you rezone their property to "fit" their buildings. This would create a new way of circumventing established building and zoning requirements.

An additional concern is that the Central Appraisal District may not show structures or buildings at 9680 Farrell Drive, and therefore, no appropriate property taxes have been paid on that property since at least 2006. The current tax value for the 2.38 acres of land is approximately $67,000.

I am requesting the Rezoning application for 9680 Farrell Drive, El Paso, Texas 79927, legally described as Lots 15 and 16 Richard Lee Subdivision, City of El Paso, El Paso County, Texas, 2.38 acres in size, be DENIED. I am also requesting a State of Texas Code and Building Inspector be assigned to conduct a complete and thorough inspection of the above property, as I believe some of the structures may have been built in a substandard manner and may pose a danger to persons if they were to collapse.

Your consideration and attention to this matter is greatly appreciated. I will submit a follow-up letter with additional signatures from other property owners to your office.

Should you require additional information, I may be reached at (915) 227-4497.

Sincerely,

Maria Guadalupe Dempsey

10-25-01

City Plan Commission Letter

Additional Attachment Item #2

SIGNATURE	PRINTED NAME	ADDRESS
Abelardo Olivas	Abelardo Olivas	9609 Kathy
Patricia Olivas	Patricia Olivas	9654 Kathy
	MARIA G. DEMPSEY (DE LA O)	9650 Farrell Dr. TR LOTS 13, 14, 17
	WILLIAM E. DEMPSEY	9629 Kathy Ave.
	TERESA D PAZ	9630 FARRELL Rd. TR 24
	EDGAR R. PAZ.	9630 FARRELL RD.
	T/BURCIO GARCIA	9620 CINDY LANE
	MARIA GARCIA	9620 CINDY LANE
	Elvira Zamora	9600 Cindy Lane
	Ben Arenales	9628 Kathy
	PEDRO CORTEZ	9600 Farrell
	David Escalante	9652 Farrell
	Rosa Escalante	355 Trey

EXHIBIT B

17

4th attachment
Item #2
Signatures in support

Planning & Economic Development Dept.
Two Civic Center Plaza
El Paso, TX 79901
(915) 541-0000

We, the undersigned residents of the Richard Lee subdivision, are familiar with the property at 9680 Farrell, and have been on the property several times.

We understand that the owners are seeking a zoning change, and we have had an opportunity to review the proposed change.

We have no objection to the change they are requesting. We appreciate the improvements they have made to their property. We believe that their property adds to the quality of the neighborhood and is in keeping with the rural atmosphere we seek to preserve.

LOT	NAME	ADDRESS	CONTACT NUMBER
9-8	Celia Morales	9612 Kathy	
12	GEORGE C STOLTZ	9621 KATHY	
18	Smith, Roger	9616 ~~[illegible]~~ CINDY LANE.	
3.	Mark Wickenhauser	9668 KATHY AVE.	
	Orlando Olivas LOT #6, 11	9609 Kathy 9654 Kathy	
	Wendy Dennis Lot #36	9683 Farrell Dr.	
	[illegible] Lot #36	9683 Farrell Dr	
	[illegible]	9628 Kathy	

7 Lots 11-1-11

Planning & Economic Development Dept.
Two Civic Center Plaza
El Paso, TX 79901
(915) 541-0000

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LOT	NAME	ADDRESS	CONTACT NUMBER
34	John J. Severns	9671 Farrell Dr	
34	Alla Severns	9671 Farrell El Paso Tx 79927	
35	Stanley R. [illegible]	P.S. 9645 Farrell Dr 435-	
1-2	Martin E. [illegible]	9670 Kathy El Paso, Tx 7992	
22	Dennise Neck	9601 Cindy El Paso T	
20	Jose R. Soria	Cindy El Paso	
31	Dale M Manning	9647 FARRELL El Paso	
	DALE M MANNING		
31	Kenny G. Manning	KENNY G. MANNING	" "
32	Chris Batista	9617 Farrell El Paso, Tx 79927	

By thier presence before me and proof of identification via picture ID, the names are true and correct. 10/29/11 Sharon Stains

SHARON STAINS
Notary Public, State of Texas
My Commission Expires
September 03, 2012

Planning & Economic Development Dept.
Two Civic Center Plaza
El Paso, TX 79901
(915) 541-0000

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NAME	ADDRESS	CONTACT NUMBER
LOT 33 David Quevedo	9657 Farrell	

We, the undersigned residents of the Richard Lee subdivision, are familiar the property at 9680 Farrell, and have been on the property several times.

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We have no objection to the change they are requesting. We appreciate the improvements they have made to their property. We believe that their property adds to the quality of the neighborhood, and is keeping with the rural atmosphere we seek to preserve.

If anyone has any questions regarding this matter, we list our addresses and contact numbers below.

LOT	NAME	ADDRESS	CONTACT NUMBER
32	Michelle Batista	9651 Farrell Ct.	
	MB		

October 27, 2011

Eddie Garcia
City Planning Department
2 Civic Center Plaza
El Paso, Texas 79901

RE: Vacation Public Easements and Right-of-Way for a portion of Farrell Drive and Kathy Drive out of Richard Lee Subdivision.

TO WHOM IT MAY CONCERN:

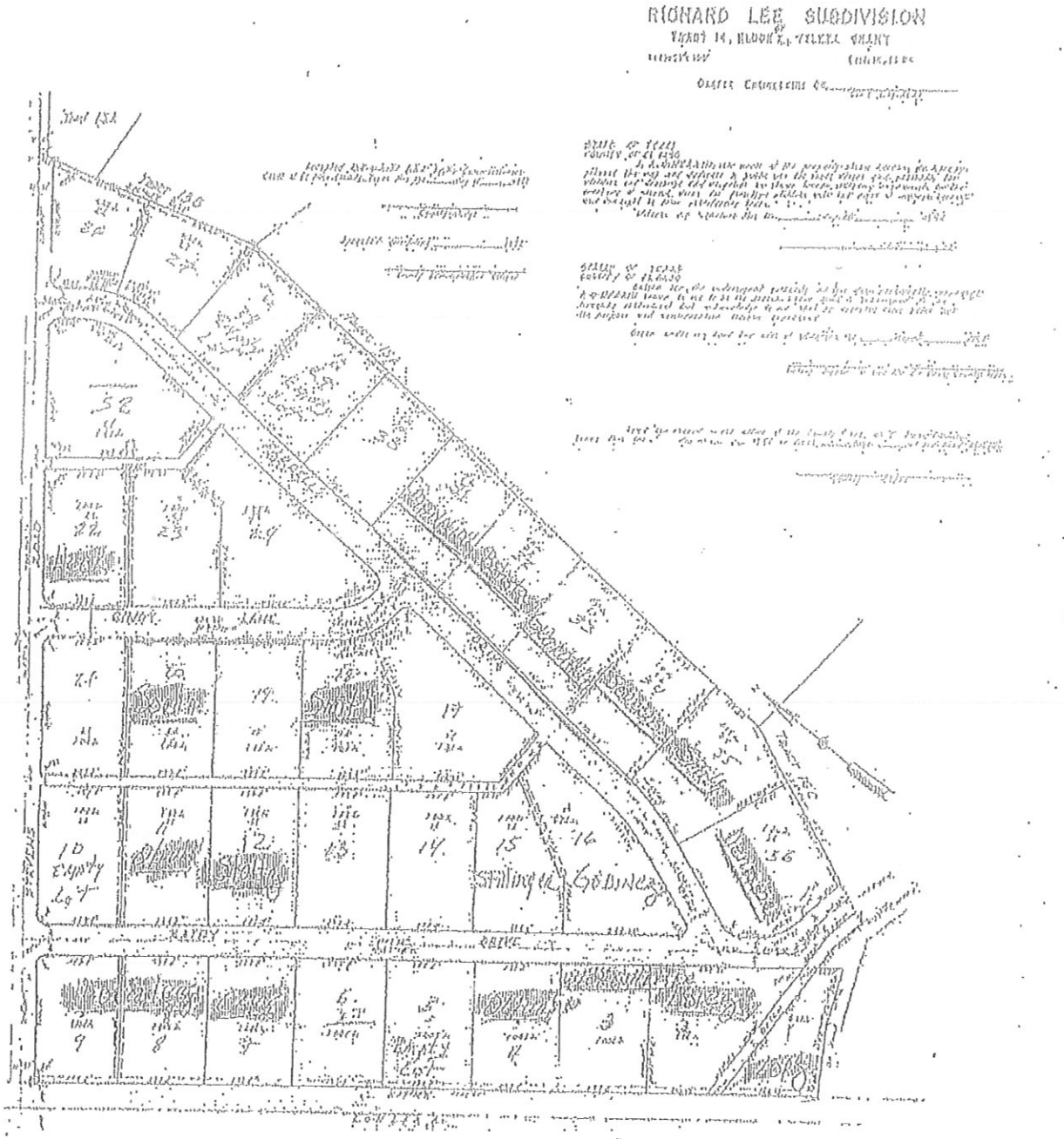
This letter is to inform you that we, Mary Stillinger and Enriqueta Godinez, being the owners of the property, being Lots 15 and 16 Richard Lee Subdivision, an addition to the City of El Paso, El Paso County, Texas, are in agreement with the Right of Way Vacation application of the above-referenced property.

If you have any questions or comments on this matter please let me know. Thank you for your time and consideration in this matter.

Sincerely,

Mary Stillinger

Enriqueta Godinez


RIONARD LEE SUBDIVISION