

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

**DEPARTMENT:** Development Services Department

**AGENDA DATE:** Introduction: February 26, 2008  
Public Hearing: March 18, 2008

**CONTACT PERSON/PHONE:** Mirian Spencer, (915) 541-4192, spencermd2@elpasotexas.gov

**DISTRICT(S) AFFECTED:** 7

**SUBJECT:**

An Ordinance changing the zoning of a portion of Tracts 1 and 2, Bootheville Unit Two, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-3 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Applicants: Stephen J. Cohen and Erika S. Cohen, ZON07-00149 (District 7)

**BACKGROUND / DISCUSSION:**

See attached report.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Unanimous Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation (5-1)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

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

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

**DEPARTMENT HEAD:** Kelly Carpenter

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 1 AND 2, BOOTHEVILLE UNIT TWO, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO R-3 (RESIDENTIAL). 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 Tracts 1 and 2, Bootheville Unit Two, 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 R-3 (Residential), within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

THE CITY OF EL PASO

ATTEST:

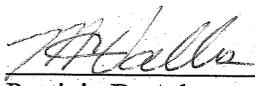
\_\_\_\_\_  
John F. Cook  
Mayor

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

*for*   
\_\_\_\_\_  
Patricia D. Adauto, Deputy City Manager  
Development & Infrastructure Services

CITY CLERK DEPT.  
18 FEB 21 PM 5:18

ORDINANCE NO. \_\_\_\_\_

Zoning Case No: ZONO7-00149



DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

MEMORANDUM

CITY CLERK DEPT.  
08 FEB 20 AM 11:55

**DATE:** January 31, 2008  
**TO:** The Honorable Mayor and City Council  
Joyce Wilson, City Manager  
**FROM:** Planner  
**SUBJECT:** ZON07-00149

The City Plan Commission (CPC), on January 17, 2008, voted 5-1 to recommend **Approval** of rezoning the subject property from R-F (Ranch and Farm) to R-3 (Residential).

The applicants are requesting a change of zoning from R-F (Ranch and Farm) to R-3 (Residential) in order to permit three single-family residential lots. The property is 2.0712 acres in size and has a single-family residence being constructed on the site. The proposed R-3 (Residential) zoning is compatible with adjacent R-3/sc (Residential/special contract), R-F (Ranch and Farm), R-2/sc (Residential/special contract) zoning, and single-family residential development. The 2025 projected general land use map for the mission valley planning area designates the property for residential uses.

The CPC found that the 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; and that the proposed use is compatible with adjacent land uses.

There was **one call and one person spoke** at the CPC hearing in opposition to this request. The opposition was to the comments made by El Paso Water Utilities that the property has three water services and a single sanitary sewer service. Additionally, two of the three lots are smaller than opposer's one acre lot. At this time, there is only one active water and sewer line serving the home under construction pursuant to testimony of the EPWU staff at the CPC meeting.

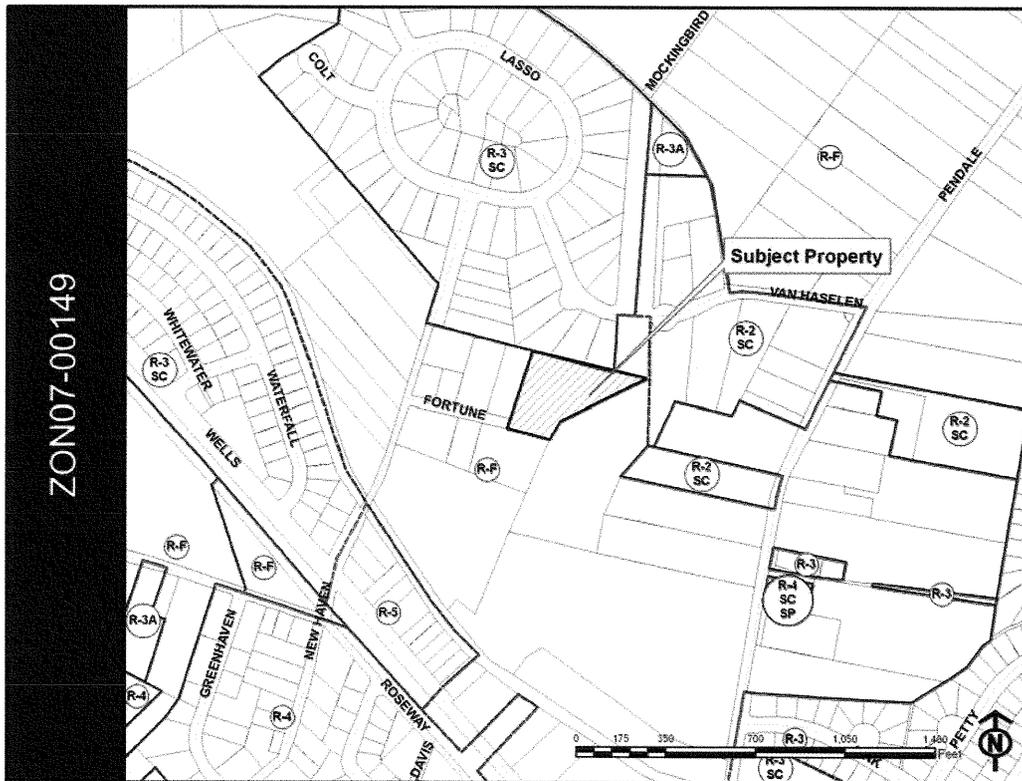
**Attachment:** Staff Report, Location Map, Site Plan



**ZON07-00149**

**Application Type:** Rezoning  
**Property Owner(s):** Stephen J. Cohen and Erika S. Cohen  
**Representative(s):** CAD Consulting Co.  
**Legal Description:** A portion of Tracts 1 and 2, Bootheville Unit Two, City of El Paso, El Paso County, Texas  
**Location:** 8517 Fortune Court  
**Representative District:** 7  
**Area:** 2.0712 acres  
**Present Zoning:** R-F (Ranch and Farm)  
**Present Use:** Single-family Residential  
**Proposed Zoning:** R-3 (Residential)  
**Proposed Use:** Single-family Residential  
**Recognized Neighborhood Associations Contacted:** Save the Valley 21, Teens in action for a healthy community  
**Public Response:** One call in opposition  
**Surrounding Land Uses:** **North – R-3/sc/Single-family Residential; South – R-F/Single-family Residential; East – R-2/sc/Single-family Residential; West- R-F/Single-family Residential**  
**Year 2025 Designation:** Residential (Mission Valley)

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ZON07-00149

**General Information:**

The applicant is requesting a rezoning from R-F (Ranch and Farm) to R-3 (Residential) in order to permit single-family residential development. The property is 2.0712 acres in size and has a single-family residence being constructed on the site. The conceptual plot plan shows three residential lots to be located on the site with access being provided via Fortune Court. The property owners were granted a Special Exception from the Zoning Board of Adjustment to permit construction of a single-family dwelling in an R-F (Ranch and Farm) zoned property with a lot area of less than three acres. There are no zoning conditions currently imposed on this property.

**Staff Recommendation:**

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL** of this request for rezoning from R-F (Ranch and Farm) to R-3 (Residential).

Note: The R-3 (Residential) zone permits 7.3 dwelling units per acre.

The recommendation is based on the following:

The property is located in an area of R-F (Ranch and Farm), R-2 (Residential), and R-3 (Residential) lots that are of a similar size to the proposed lots. The area is mostly residential with some areas of ranch and farm land.

**The Plan for El Paso City-Wide Land Use Goals** recommend that El Paso “provide a wide range of housing types that respond to the needs of all economic segments of the community.”

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

**R-3 zoning** permits Residential and **is compatible** with adjacent development.

**Findings:**

The Commission must determine the following:

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

**Development Services Department - Building Permits and Inspections Division:**

Zoning Review: Single-family residential dwellings permitted in an R-3 district. Proposed lots meet district lot size and building setbacks. Site requires a permit for the existing chain link fence.

Landscape Review: No comments received

**Development Services Department – Planning Division:**

Current Planning: Property will require a subdivision replat due to proposed panhandle lots and private access driveways. The Year 2025 Projected General Land Use Map for the Planning Area designates this property for Residential land uses. The R-3 zoning permits single-family residential and is compatible with adjacent development.

Land Development: No comments received.

**Engineering Department - Traffic Division:**

No objections to the proposed rezoning.

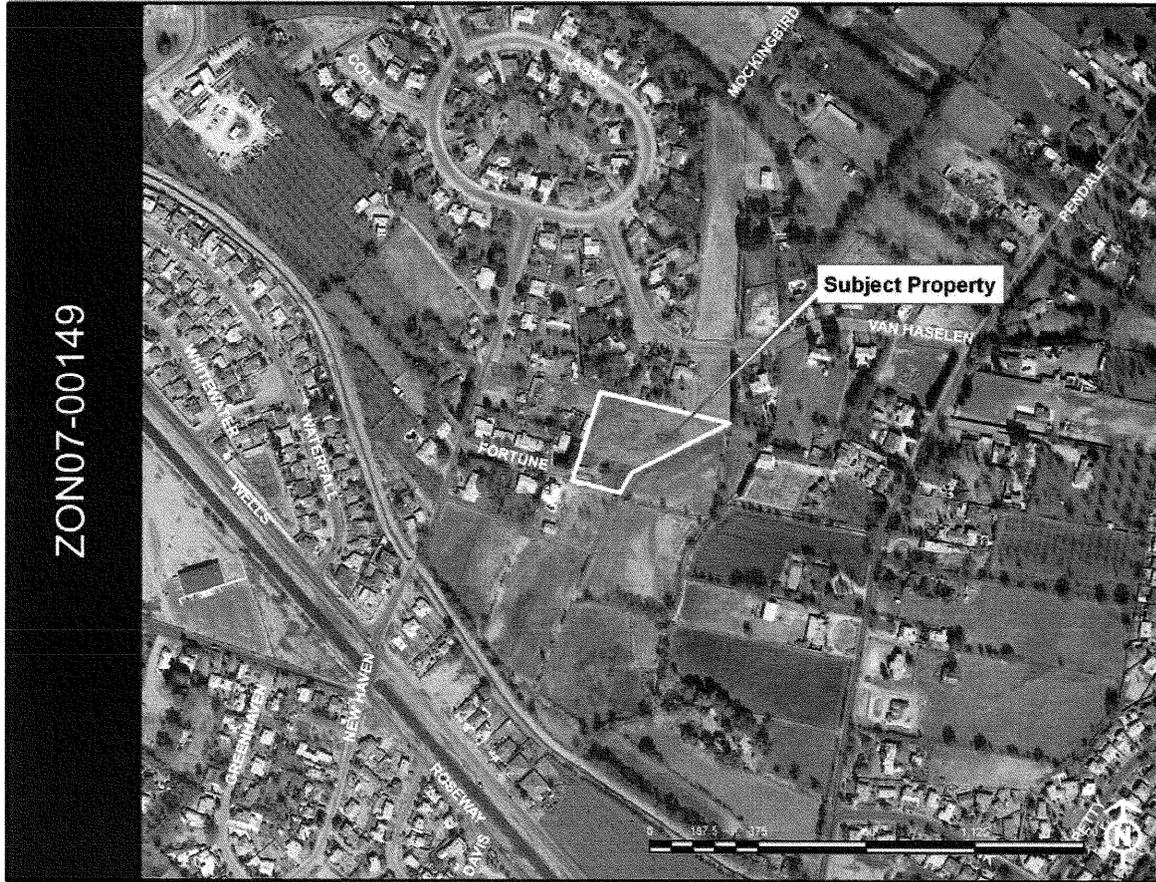
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**Fire Department:**

No comments received.

**El Paso Water Utilities:**

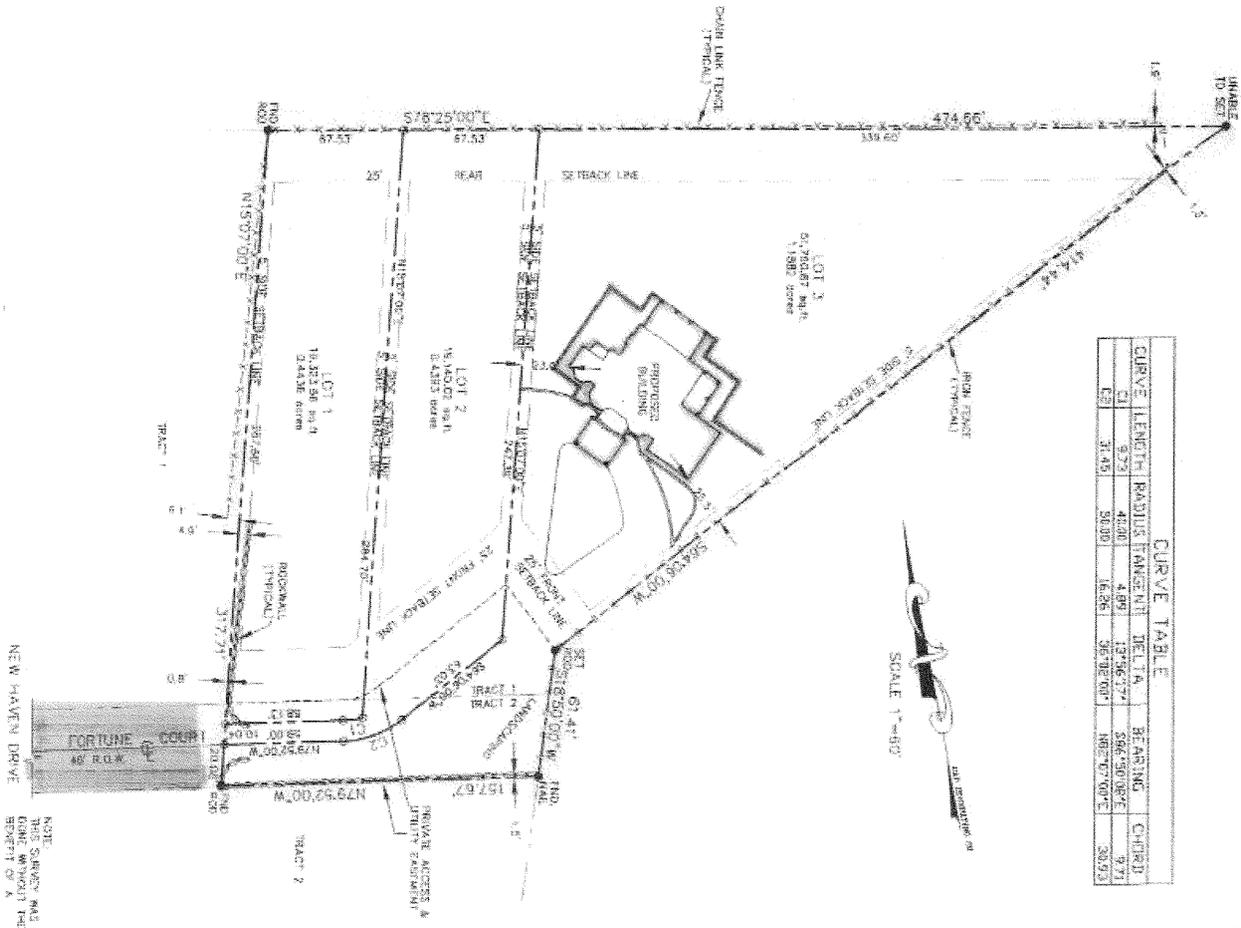
EPWU does not object to this request. Each property or developable unit shall have a separate water meter and a separate sewer service connection. In no instance shall two properties owned by different individuals or entities and/or properties separated by a street or alley be served by one water meter or by one sewer connection.



**List of Attachments**

- Attachment 1: Conceptual Plot Plan
- Attachment 2: Zoning Board of Adjustment approval letter
- Attachment 3: Application

# Attachment 1: Conceptual Plot Plan



CITY CLERK DEPT.

08 FEB 20 AM 11:56

Attachment 2: Zoning Board of Adjustment Decision Letter

JOHN COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER

R. ALAN SHUBERT, P.E., CBO  
DIRECTOR, DEVELOPMENT SERVICES

KELLY CARPENTER, AICP  
DEPUTY DIRECTOR, PLANNING



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  
ZONING BOARD OF ADJUSTMENT  
FORMAL DECISION  
April 23, 2007

Stephen and Erika Cohen  
8517 Fortune Court  
Legal Description: A portion of Tracts 1 and 2, Boothville Unit Two

Case #ZBA07-00061: A Special Exception under Section 2.16.050 C (Lot Area) in an R-F zone of the City of El Paso Zoning Ordinance. This would permit the construction of a single-family dwelling on a 2.07 acre lot. A lot of 3 acres is required in an R-F zone.

The Zoning Board of Adjustment acting under the authority vested in it by Article 211.008 of the Local Government Code of the State of Texas and by Chapter 2.16 of the Zoning Code of the City of El Paso, Texas, after due public notice, heard the above described request for relief from provisions of the Zoning Ordinance at an Open Public Meeting on April 23, 2007. After due consideration of the facts presented, the Board GRANTED the Special Exception under Section 2.16.050 C (Lot Area) in an R-F zone of the City of El Paso Zoning Ordinance.

The Board determined that this request QUALIFIED under the criteria of Section 2.16.050 C of the ordinance for the following reasons:

- There are two or more properties within the block that do not conform to the regulations that are in the same nature as the proposed modification.
- The proposed construction is not less conforming than the least conforming of the nonconforming lots.
- The exception is in harmony with the spirit and purposes of Titles 2 and 20.
- The public convenience and welfare will be substantially served and the use of neighboring property will not be substantially injured.

Filed for permanent record the 23rd day of April 2007, in the office of the Zoning Board of Adjustment.

  
Roberto R. Peña  
Zoning Board of Adjustment Secretary

PLEASE NOTE: Any privilege granted by this decision must be exercised within 12 Months of the date of this decision after obtaining the necessary building permits for the proposed construction at the Development Services Department - Building Permits and Inspection Division.

Inspections will be made by the Building Permits and Inspections Division of the Development Services Department, and compliance with Board action will be noted in official Board records. This order may be revoked by the Board after notice and opportunity to be heard for violation of any of the conditions imposed.

The decision of the Zoning Board of Adjustment may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action with the District Court for this county within 10 Days after the date of the hearing.

cc: Joel Guzman, Chief Plans Examiner, Building Permits and Inspections Division  
Environmental Services  
File

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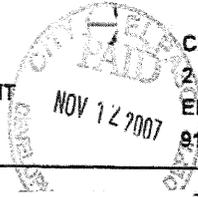
#2 Civic Center Plaza, 5<sup>th</sup> Floor, El Paso, Texas 79901  
915.541.4024 Telephone • 915.541.4725 Fax • www.elpasotexas.gov

Attachment 3: Application

Aug 31 07 09:05a PLANNING-CITY OF EL PASO 915-541-4028 p. 1



REZONING APPLICATION  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION



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

1. CONTACT INFORMATION

PROPERTY OWNER(S): \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_ PHONE: \_\_\_\_\_  
E-MAIL ADDRESS: \_\_\_\_\_ FAX: 633-6424

REPRESENTATIVE(S): CAD CONSULTING CO. CARLOS M. SIMENEAZ  
ADDRESS: 1790 N. LEE TRIVINO STE. 503 ZIP CODE: 79936 PHONE: 633-6424  
E-MAIL ADDRESS: CADCONSULTING@aol.com FAX: 633-6424

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: B68599900100100  
LEGAL DESCRIPTION: A PORTION OF TRACTS 1 AND 2, BOOTHVILLE NO. 2  
STREET ADDRESS OR LOCATION: 8517 FORTUNE COURT REP DISTRICT: 7  
ACREAGE: 2.0712 PRESENT ZONING: RF PRESENT LAND USE: VACANT  
PROPOSED ZONING: R3 PROPOSED LAND USE: RESIDENTIAL

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: STEPHEN J. COHEN Signature: Stephen J. Cohen  
Printed Name: ERIKA S. COHEN Signature: Erika Cohen  
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 07-00149 RECEIVED DATE: 11/12/07 APPLICATION FEE: \$ 810.00  
DCC REVIEW DATE: 12/19/07 (8:30 am, Conference Room, 2<sup>nd</sup> Floor, City Hall Building)  
CPC REVIEW DATE: 1/17/08 (1:30 pm, City Council Chambers, 2<sup>nd</sup> Floor, City Hall Building)  
ACCEPTED BY: W. Spence

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08 FEB 20 AM 11:56