



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

**AN ORDINANCE CHANGING THE ZONING OF LOTS 1 THROUGH 4, BLOCK 1, PONCE ESTATES, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3/SC (RESIDENTIAL/SPECIAL CONTRACT) TO R-5/SC (RESIDENTIAL/SPECIAL CONTRACT). 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 1 through 4, Block 1, Ponce Estates, City of El Paso, El Paso County, Texas*, be changed from **R-3/sc (Residential/special contract)** to **R-5/sc (Residential/special contract)**, 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 \_\_\_\_\_, 2009.**

**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

\_\_\_\_\_  
Mathew S. McElroy, Deputy Director  
Development Services Department  
Planning Division

Doc #48204/Planning/Ord/ZON09-00006 (Rezoning)/LCUE

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

**Zoning Case No: ZON09-00006**

MEMORANDUM



**DATE:** June 4, 2009  
**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager  
**FROM:** Mirian Spencer, Planner  
**SUBJECT:** **ZON09-00006**

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The City Plan Commission (CPC) on May 7, 2009 voted **8-0** to recommend **APPROVAL** of the rezoning request from R-3/sc (Residential/special contract) to R-5/sc (Residential/special contract) in agreement with the recommendation of staff and the Development Coordinating Committee (DCC).

The property owner is requesting to change the zoning from R-3/sc (Residential/special contract) to R-5/sc (Residential/special contract) in order to permit four residential duplex lots. The property is 1.486 acres in size and is vacant. The smallest residential lot within Ponce Estates is 8,770 square feet with a lot width of 50 feet. Access is proposed via Pendale Road.

The CPC found that the rezoning is in conformance with The Plan for El Paso. The CPC also found that the proposed use is compatible with adjacent land uses. The CPC also determined that the rezoning protects the best interest, health, safety, and welfare of the public in general; and the rezoning will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was one letter in opposition to the rezoning request. The nature of the opposition was not defined in the letter.

**Attachment:** Staff Report, Zoning Map, Aerial Map, Subdivision Plat Map, Opposition Letter

Mayor  
John F. Cook

City Council

*District 1*  
Ann Morgan Lilly

*District 2*  
Susannah M. Byrd

*District 3*  
Emma Acosta

*District 4*  
Melina Castro

*District 5*  
Rachel Quintana

*District 6*  
Eddie Holguin Jr.

*District 7*  
Steve Ortega

*District 8*  
Beto O'Rourke

City Manager  
Joyce A. Wilson

**Development Services Department**

Victor Q. Torres - Director

2 Civic Center Plaza - 5<sup>th</sup> Floor • El Paso, Texas 79901 • (915) 541-4622 • Fax  
(915) 541-4799



## City of El Paso – City Plan Commission Staff Report

**Case No:** ZON09-00006  
**Application Type** Rezoning  
**CPC Hearing Date** May 7, 2009  
**Staff Planner** Mirian Spencer, (915) 541-4192, spencermd2@elpasotexas.gov

**Location** East of Pendale Road and North of Roseway Drive  
**Legal Description** Lots 1 through 4, Block 1, Ponce Estates, City of El Paso, El Paso County, Texas  
**Acreage** 1.486 acres  
**Rep District** 7  
**Request** From R-3/sc (Residential/special contract) to R-5/sc (Residential/special contract)  
**Proposed Use** Duplexes

**Property Owners** Jose Ponce Villanueva  
**Representative** Belinda Sanchez

### **SURROUNDING ZONING AND LAND USE**

**North:** R-3 (Residential) / Single-family Residential  
**South:** R-4/sc (Residential/special contract) / Single-family Residential  
**East:** R-3 (Residential) / Single-family Residential  
**West:** R-F (Ranch and Farm) / Ranch

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

**NEAREST PARK:** Pueblo Viejo Park (747 Feet)

**NEAREST SCHOOL:** Valley View Middle School (1,795 Feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Save the Valley 21, Teens in Action for a Healthy Community

### **NEIGHBORHOOD INPUT**

Notices of the May 7, 2009 public meeting were mailed out to property owners within 300 feet of the subject property on April 22, 2009. The Planning Division has received no public response to the rezoning application.

### **CASE HISTORY**

Ponce Estates subdivision was approved on a Major Combination basis by the City Plan Commission on September 6, 2007 (SUB07-00052) and recorded at the County Clerk's Office on October 22, 2008.

### **APPLICATION DESCRIPTION**

The property owner is requesting to change the zoning from R-3/sc (Residential/special contract) to R-5/sc (Residential/special contract) in order to permit four residential duplex lots. The property is 1.486 acres in size and is vacant. The smallest residential lot within Ponce Estates is 8,770 square feet with a lot width of 50 feet. Access is proposed via Pendale Road. The following condition was imposed by Ordinance No. 9228:

- The property owners must dedicate twenty feet (20') of additional right-of-way for the widening of Pendale Road at the time the rezoning request is approved by the Mayor and City Council.

The condition has been satisfied with the dedication statement on the Ponce Estates subdivision plat.

## **DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION**

The Development Coordinating Committee provides the following comments:

The DCC recommends **APPROVAL** of the rezoning request from R-3/sc (Residential/special contract) to R-5/sc (Residential/special contract).

## **PLANNING DIVISION RECOMMENDATION**

Planning recommends **APPROVAL** of the rezoning request from R-3/sc (Residential/special contract) to R-5/sc (Residential/special contract).

## **The Plan for El Paso –City-wide Land Use Goals**

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

- a. 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.
- b. Goal: provide and enforce standards for providing decent, safe, and sanitary housing for all El Pasoans in accordance with Federal, State, and Local regulations.
- c. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.
- d. Goal: protect residential areas from incompatible land uses and encroachments which may have a negative impact on the residential living environment.

The request is compatible to the adjacent R-3 (Residential), R-4 (Residential), and R-F (Ranch and Farm) development. The four residential lots are comparable in size to the existing single-family residential lots in the area. The proposed duplexes will provide an additional housing type that is compatible with the surrounding residential developments. The proposed R-5 (Residential) district is also in conformance with the 2025 Projected General Land Use Map for the Mission Valley Planning Area which designates the property for residential land uses.

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

Zoning: No comments received.

Landscaping: Landscaping is not required for residential development.

## **Development Services Department - Planning Division**

Current Planning: recommends **APPROVAL** of the rezoning request from R-3/sc (Residential/special contract) to R-5/sc (Residential/special contract).

Land Development: The following will be required at the time of development:

1. ADA accessible sidewalks, wheel-chair ramp(s), and driveway(s).
2. Grading plan and permit will be required at the time of development.
3. Storm water pollution prevention plan and/or permit required at the time of development.
4. Drainage plans must be approved by the Development Services Department, Engineering section at the time of development.
5. No water runoff allowed outside the development boundaries (on-site ponding required).

## **Engineering Department - Traffic Division**

The Engineering Department – Traffic Division has no objections to the rezoning request.

## **Fire Department**

No opposition to the request at this time.

### **El Paso Water Utilities**

EPWU does not object to this request.

The public water and sanitary sewer mains to serve the Property have been designed as per the plans submitted by the Developer. An El Paso Water Utilities – Public Service Board Development Agreement (Subdivision Extensions) with associated design drawings were forwarded on March 09, 2009 to the Developer for signature.

### **CITY PLAN COMMISSION OPTIONS**

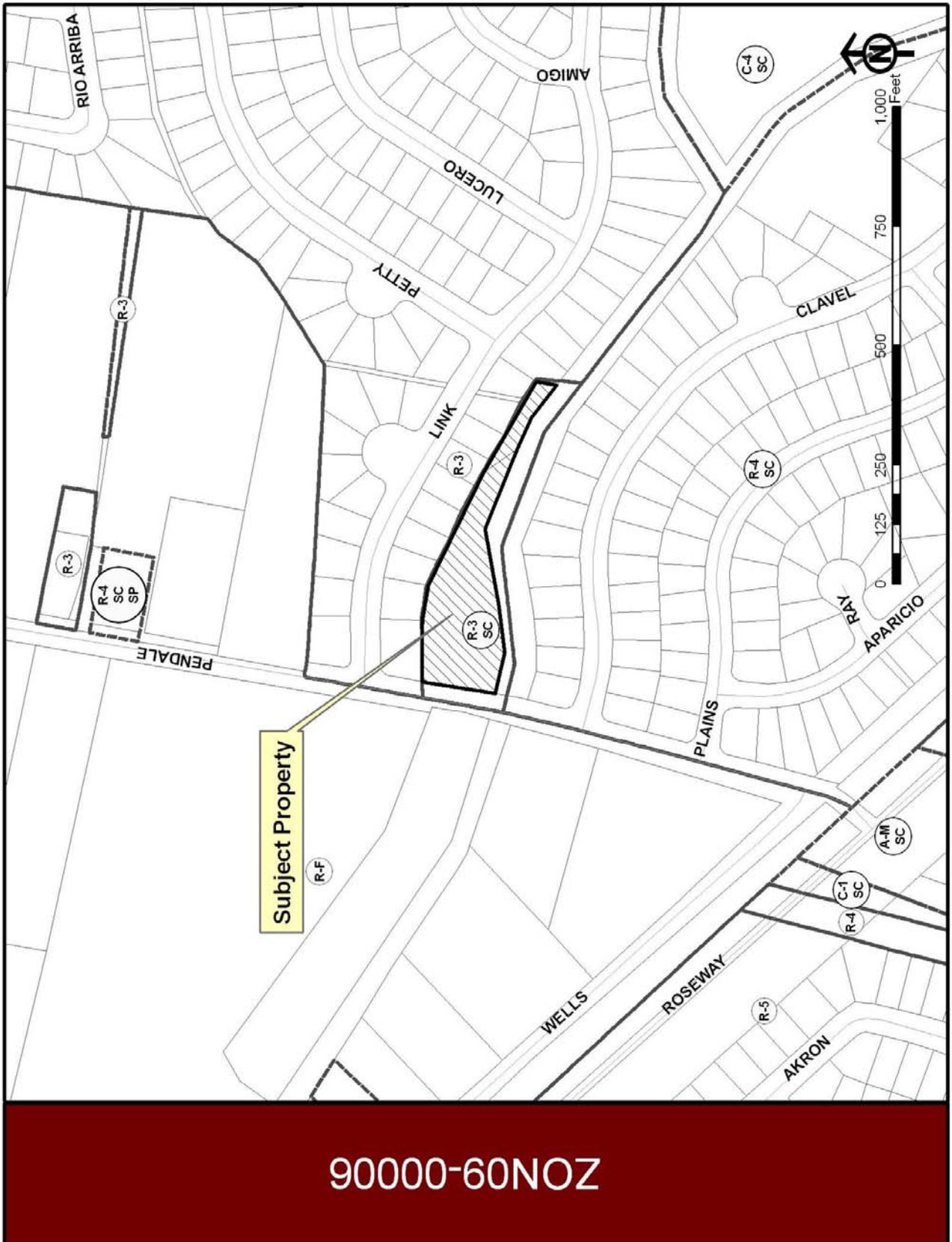
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application:

1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the rezoning does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

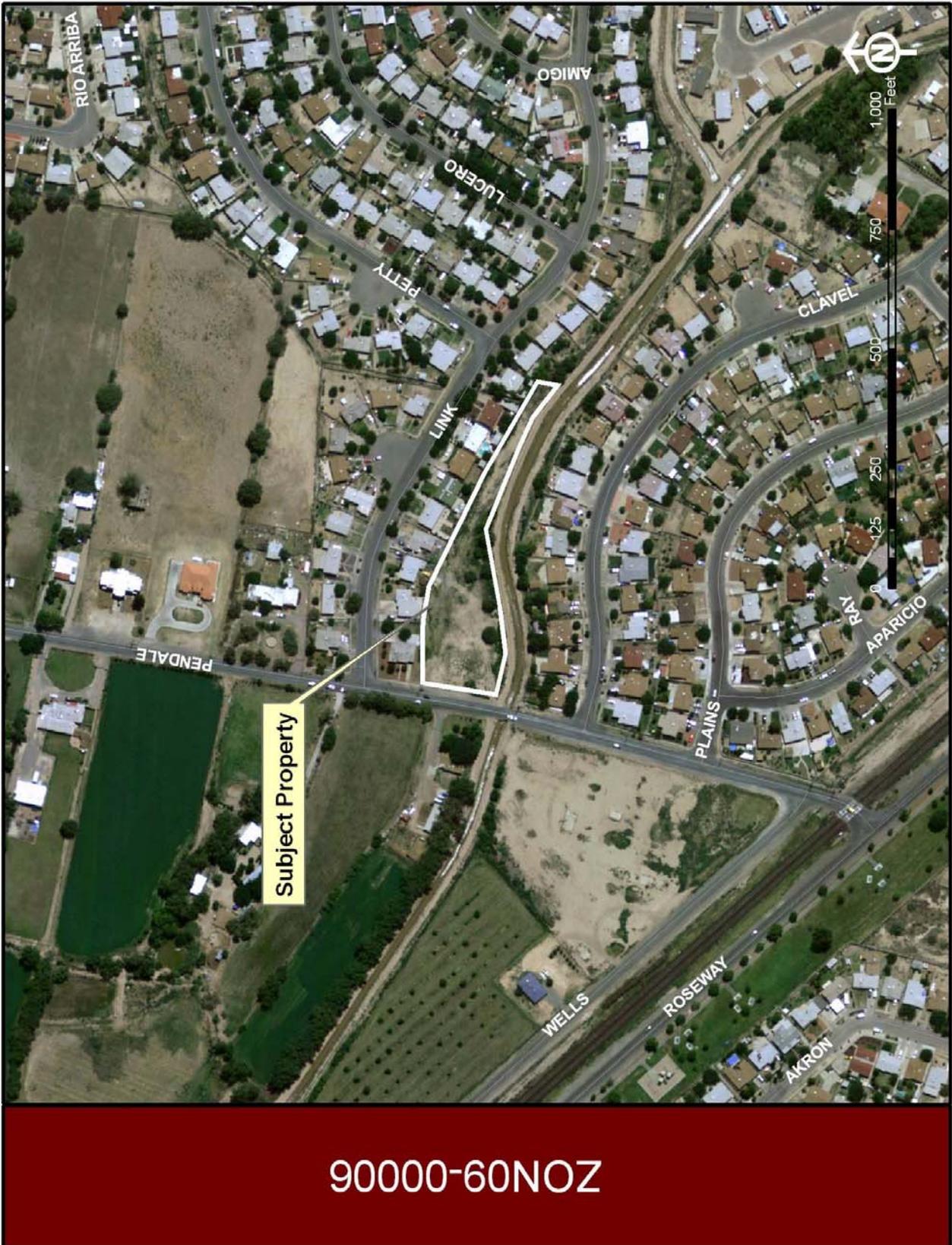
### **Attachments**

1. Zoning Map
2. Aerial Map
3. Special Contract for Ordinance No. 9228
4. Subdivision Plat
5. Opposition Letter

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP





the property and consents to this contract.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

FIRST PARTIES:  
IRMA AVILA

Irma Avila

ANA G. AVILA

Ana G. Avila

SECOND PARTY: ~~JOHN S. MCNAUGHTON~~ <sup>JOHN S. MCNAUGHTON</sup>

John S. McNaughton

THIRD PARTY:  
THE CITY OF EL PASO

By [Signature]  
Mayor

ATTEST:

[Signature]  
City Clerk

APPROVED AS TO FORM:

[Signature]  
Assistant City Attorney

APPROVED AS TO CONTENT:

[Signature]  
Department of Planning,  
Research and Development

THE STATE OF TEXAS )  
                                  )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 5 day  
of January, 1987, by IRMA AVILA.

  
[Signature]  
Notary Public, State of Texas  
PAM ASHWORTH, Notary Public  
In and for the State of Texas  
My commission expires: July 1, 1989

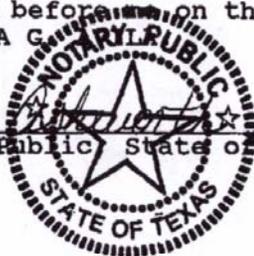
My Commission Expires:  
\_\_\_\_\_

SIGNATURES CONTINUED ON NEXT PAGE

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 5 day  
of January, 1987, by ANA G.

Pam Ashworth  
Notary Public, State of Texas



My Commission Expires:  
\_\_\_\_\_

PAM ASHWORTH, Notary Public  
in and for the State of Texas  
My commission expires: July 1, 1988

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 15th day  
of January, 1987, by JOHN S. MCNAUGHTON. MCNAUGHTON

Catherine Ferreri  
Notary Public, State of Texas

My Commission Expires:  
5/21/88

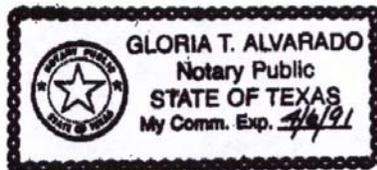
CATHERINE FERRERI, Notary Public  
in and for El Paso County, Texas  
My Commission Expires: \_\_\_\_\_

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 18th  
day of December, 1987, by JONATHAN W. ROGERS, as  
Mayor of THE CITY OF EL PASO.

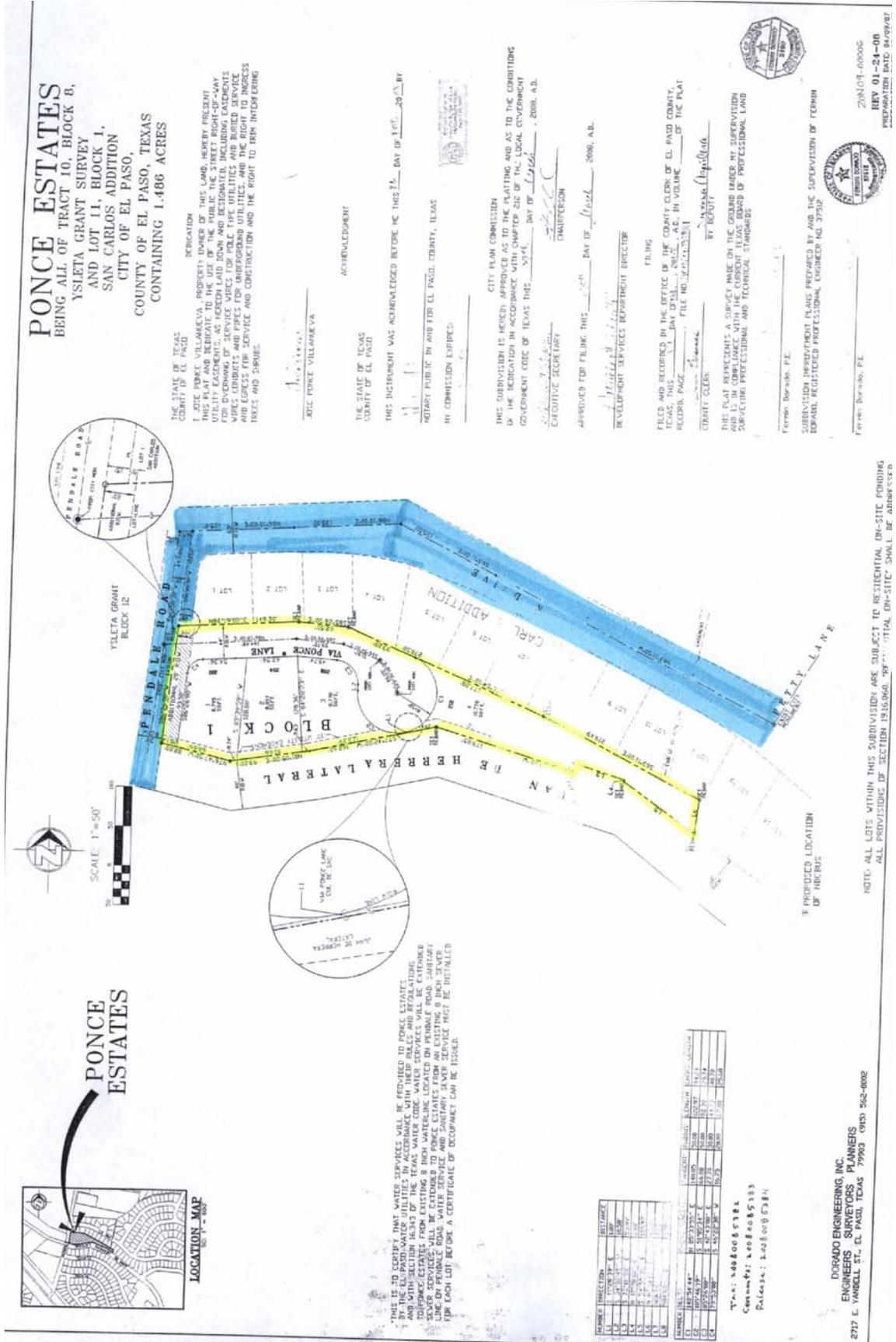
Gloria T. Alvarado  
Notary Public, State of Texas

My Commission Expires:  
\_\_\_\_\_



ZNG5:5322.87

ATTACHMENT 4: SUBDIVISION PLAT



ATTACHMENT 5: OPPOSITION LETTER

May 4, 2009

City of El Paso

Case # ZON09-0006  
City Plan Commission

To whom it may concern,

I Laura Rodriguez, oppose to the re-zoning request for Belinda Sanchez on the property located east of Pendale Road and north of Roseway Drive.

Thank You,  
  
Laura M. Rodriguez-Homeowner

8710 Clavel

El Paso, TX. 79907