

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

DEPARTMENT: Development Services Department - Planning Division

AGENDA DATE: Introduction: May 23, 2006
Public Hearing: June 13, 2006

CONTACT PERSON/PHONE: Mirian Spencer, 541-4723

DISTRICT(S) AFFECTED: 7

SUBJECT:

An Ordinance changing the zoning of a portion of Lot 53, Cineque Park, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-3 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 8214 Troy Avenue. Applicant: CDE Framing and Remodeling, LLC. ZON06-00036 (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) – Unanimous Approval Recommendation

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: George Sarmiento, AICP

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 53, CINECUE PARK, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH-FARM) TO R-3 (RESIDENTIAL). 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 a *Portion of Lot 53, Cinecue Park, El Paso, El Paso County, Texas*, be changed from **R-F (Ranch-Farm)** to **R-3 (Residential)**, and as more particularly described by metes and bounds on Exhibit "A", attached and incorporated by reference, 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

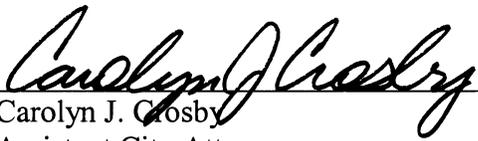
ATTEST:

John F. Cook
Mayor

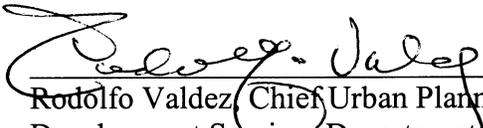
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Carolyn J. Crosby
Assistant City Attorney



Rodolfo Valdez, Chief Urban Planner
Development Services Department

PARCEL NO. 3
0.307 ACRES

PROPERTY DESCRIPTION

May 14, 1998

Being the description of 0.307 acres of land known as a portion of Lot 53, Cinecue Park Subdivision, City of El Paso, El Paso County, Texas, being more particularly described by metes and bounds as follows:

BEGINNING AT THE NORTHEAST CORNER of said Lot 53, at the intersection of the Southerly right-of-way of the Troy Drive and the Westerly right-of-way of Greggerson Road, for the end beginning corner of this parcel;

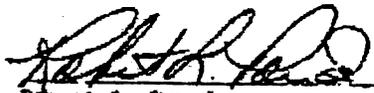
THENCE South 19°00'00" West, with the Westerly right-of-way of Greggerson Road, 128.70 feet to the Easterly common corner of Lots 52 and 53 for the Southeast corner of this parcel;

THENCE North 71°00'00" West, with the common boundary of Lots 52 and 53, 104.00 feet to the Southwest corner of this parcel;

THENCE North 19°00'00" East, 128.70 feet to the Southerly right-of-way of Troy Drive for the Northwest corner of this parcel;

THENCE South 71°00'00" East, with the Southerly right-of-way of Troy Drive, 104.00 feet to the point of beginning.

CONTAINING 13,385 SQUARE FEET OR 0.307 ACRES OF LAND.
A PLAT OF SAME DATE ACCOMPANIES THIS DESCRIPTION.

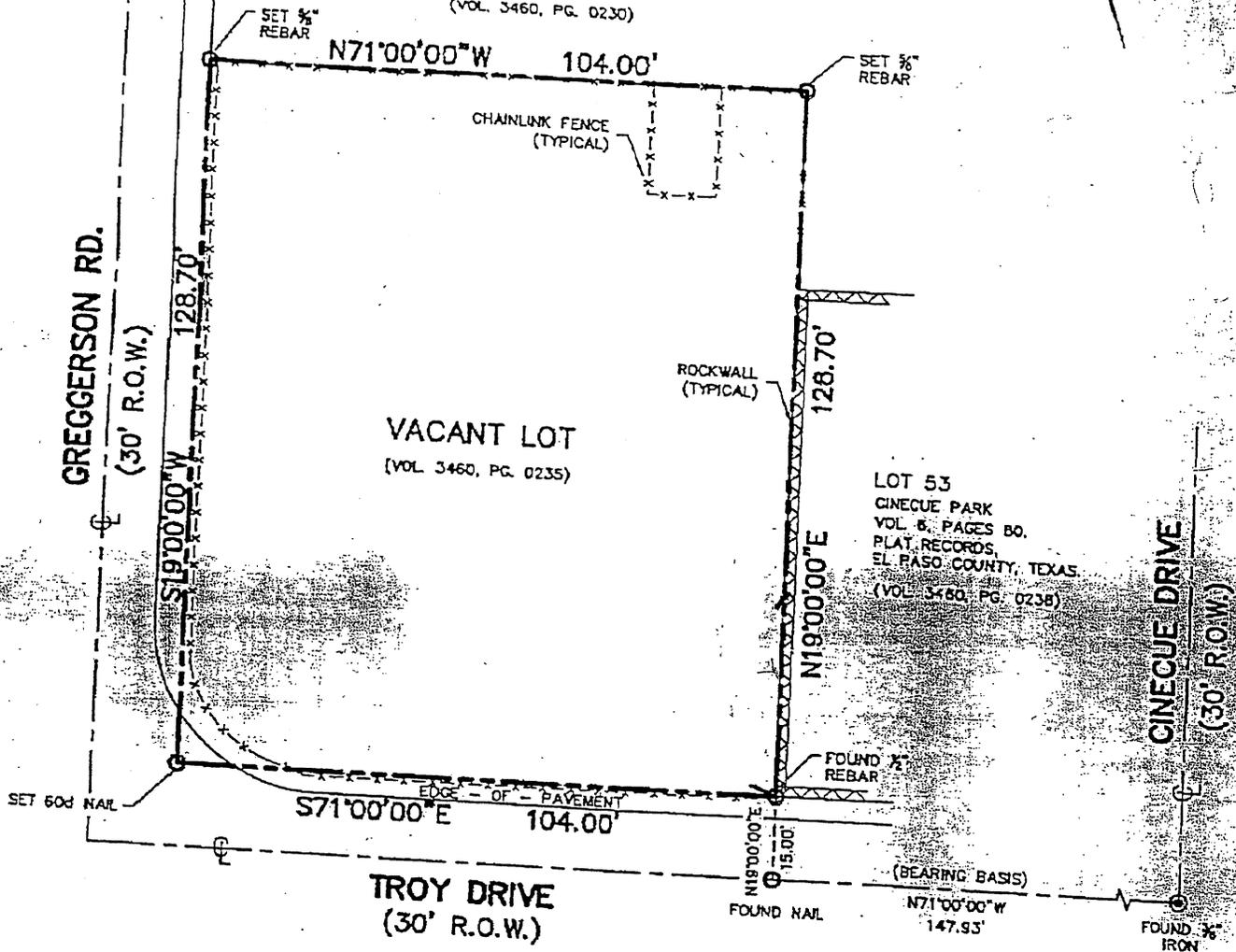

Robert L. Pounds
Registered Professional Land Surveyor



POOR QUALITY ORIGINAL
BEST AVAILABLE FILM

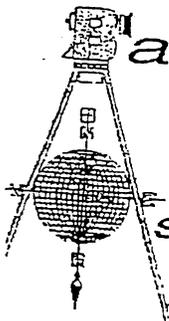
EXHIBIT A

LOT 53
CINECUE PARK
VOL. 6, PAGES 50,
PLAT RECORDS,
EL PASO COUNTY, TEXAS.
(VOL. 3460, PG. 0230)



N.O.T.E.

1. THIS PROPERTY LIES WITHIN ZONE "C", AS DESIGNATED BY THE F.L.A. FLOOD INSURANCE RATE MAP, CITY OF EL PASO, OCTOBER 15, 1982, COMMUNITY No. 480214, PANEL NUMBER 00488
2. BEARINGS SHOWN ARE BASED ON THE FILED PLAT FOR CINECUE PARK SUBDIVISION
3. FOR A MORE PARTICULAR DESCRIPTION OF THIS PROPERTY REFER TO EXHIBIT "A" OF TILE COMMITMENT



Barragan
&
Associates

Plat of Survey

BEING A PORTION LOT 53,
CINECUE PARK SUBDIVISION,
AN ADDITION TO THE
CITY OF EL PASO,
EL PASO COUNTY, TEXAS.
AREA 0.31 ACRES ±

I Hereby certify that the foregoing Boundary and Improvement Survey was made by Me or under my supervision and that there are no encroachments, except as shown. Only platted easements are shown.



432

CINECUE DRIVE

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

GEORGE G. SARMIENTO, AICP
DEPUTY DIRECTOR



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**

May 8, 2006

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

FROM: Mirian Spencer, Urban Planner

SUBJECT: ZON06-00036
A portion of Lot 53, Cineque Park, El Paso, El Paso County, Texas
LOCATION: 8214 Troy Avenue
REQUEST: From R-F (Ranch and Farm) to R-3 (Residential)

The City Plan Commission (CPC), on May 4, 2006, voted **5-0** to unanimously recommend **Approval** of rezoning the subject property to R-3 (Residential) concurring with Staff's recommendation.

The CPC found that this rezoning is in conformance with The Plan for El Paso Citywide land uses goals; that El Paso "provide a wide range of housing types that respond to the needs of all economic segments of the community and preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods. The proposed use is in conformance with the Year 2025 Projected General Land Use Map, which designates the subject property for residential uses. The CPC determined that the R-3 (Residential) zone and proposed single-family residential home is compatible with adjacent zoning and land uses. The CPC also determined the rezoning protects the best interest, health, safety, and welfare of the public in general.

There was one letter of opposition to this request.

Attachment: Location Map, Site Plan, Opposition

STAFF REPORT

Rezoning Case: ZON06-00036

Property Owner(s): CDE Framing and Remodeling, LLC

Applicant(s): Rodolfo Estrada

Representative(s): David Estrada

Legal Description: Portion of Lot 53, Cinecue Park

Location: 8214 Troy Avenue

Representative District: # 7

Area: 0.31 Acres

Present Zoning: R-F (Ranch and Farm)

Present Use: Vacant

Proposed Zoning: R-3 (Residential)

Proposed Use: Single-family Residential

Recognized Neighborhood Associations Contacted: Teens in Action, Save the Valley 21

Surrounding Land Uses:

North -	R-4 (Residential) / Single-family Residential
South -	R-F (Ranch and Farm) / Single-family Residential
East -	R-F (Ranch and Farm) / Single-family Residential
West-	R-3 (Residential) / Single-family Residential

Year 2025 Designation: **Residential** (Mission Valley Planning Area)

**CITY PLAN COMMISSION HEARING, APRIL 20, 2006,
4:00 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

REZONING APPLICATION: ZON06-00036

GENERAL INFORMATION:

The applicant is requesting a rezoning from R-F (Ranch and Farm) to R-3 (Residential) in order to permit the development of a 572.602 square foot, single family residential home. The property is 0.31 acres (13,503.6 square feet) in size and is currently vacant. The proposed site plan shows the single-family residential home on the site with access proposed via Greggerson Rd. There are no zoning conditions currently imposed on this property.

INFORMATION TO THE COMMISSION:

The Development Services Department – Planning Division has received one letter in opposition to the rezoning application.

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).

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommend El Paso “provide a wide range of housing types that respond to the needs of all economic segments of the community and 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 **Mission Valley** Planning Area designates this property for **Residential** land uses.

R-3 (Residential) zoning permits single-family residential and **is compatible** with adjacent development.

The Commission must determine the following:

- A. Will the R-3 (Residential) zoning protect the best interest, health, safety and welfare of the public in general?
- B. Will single-family residential be compatible with adjacent land uses?
- C. What is the relation of the proposed change to the city’s Comprehensive Plan?
- D. What effects will the R-3 (Residential) zoning have upon the natural environment, social and economic conditions, and property values in the vicinity and in the city as a whole?

INFORMATION TO THE APPLICANT:

Development Services Department – Building Permits and Inspections Division Notes:

- A. Zoning – meets yard and lot development standards
- B. Landscaping – landscaping is not required for residential development.

Development Services Department – Planning Division Notes:

The Planning Division recommends approval of the rezoning request from R-F (Ranch and Farm) to R-3 (Residential).

- A. The Year 2025 Projected General Land Use Map for the Mission Valley Planning Area designates this property for Residential land uses.
- B. R-3 (Residential) zoning permits single family residential and is compatible with adjacent development.

Development Services Department – Land Development Notes:

- A. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
- B. Grading plan and permit shall/may be required.*
- C. Storm Water Pollution Prevention plan and/or permit shall/may be required.*
- D. Drainage plans must be approved by the City Engineer.*
- E. No water runoff allowed outside the proposed development boundaries.*
- F. Additional Comments: Site location is not located within a Special Flood Hazard Area, Flood Zone(s) X, Panel: 480214 0044 C.

* This requirement will be applied at the time of development.

Engineering Department - Traffic Division Comments:

- A. No apparent traffic concerns.
- B. Sidewalks shall be provided.

Fire Department Comments:

No comments received.

El Paso Water Utilities Comments:

- A. Water: There are existing water mains along Troy Avenue and Greggerson Drive fronting the subject property. Previous water pressure readings from a fire hydrant located at Troy Avenue, 162-feet east of Greggerson Drive have yielded a static pressure of 92 pounds per square inch, a residual pressure of 82 pounds per square inch, a pitot pressure of 76 pounds per square inch, at a discharge of 1463 gallons per minute. A private water pressure regulating device is required at the discharge side of the water meter. The owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.
- B. Sanitary sewer: There is an existing 8-inch diameter sanitary sewer main along Greggerson Drive fronting the subject property. Also, there is an existing 8-inch diameter

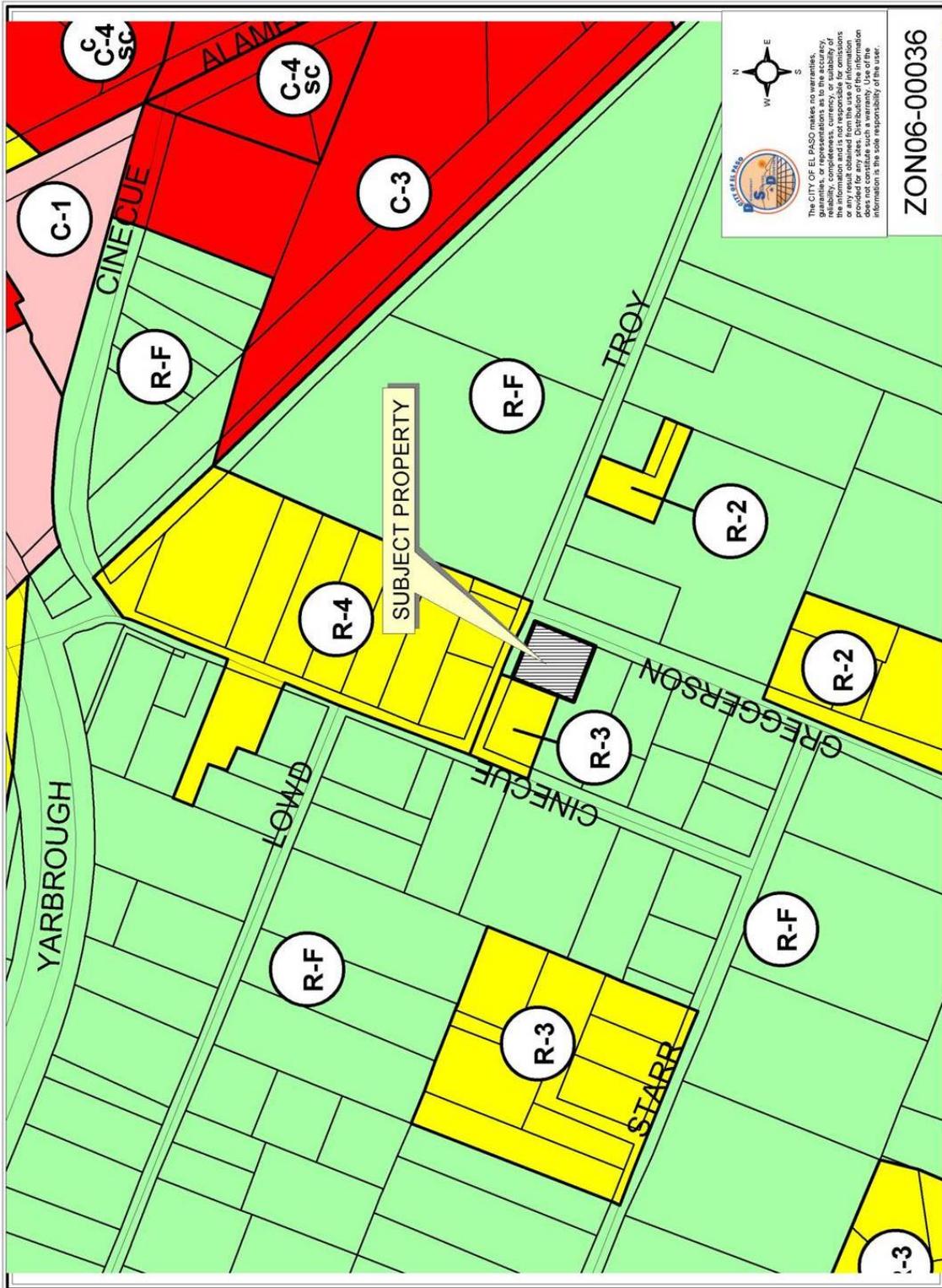
sanitary sewer main along Troy Avenue fronting a portion of the subject property (approximately 40-feet).

- C. General: The above described water and sanitary sewer mains are available to serve the subject property. Application for water and sanitary sewer services should be made 6 to 8 weeks prior to any construction to ensure water for construction work. A site plan, a utility plan, grading and drainage plans, landscaping plan (if required), 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 and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.
- D. EPWU does not object to this request.

ATTACHMENTS: Location Map, Aerial Map, Site Plan, Elevations, Floor Plan, Opposition Letter

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 AT (915) 541-4056.

LOCATION MAP



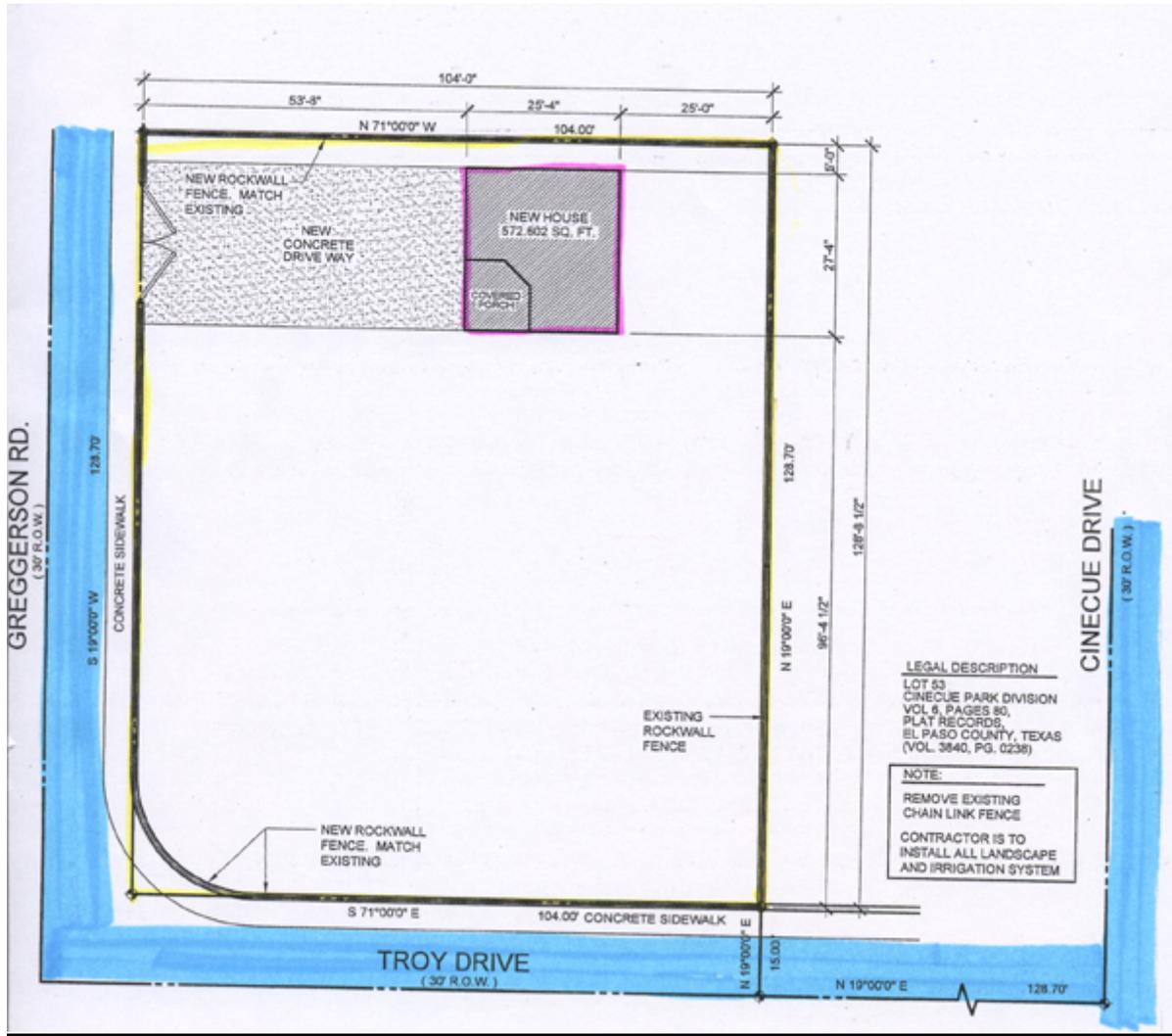
AERIAL MAP



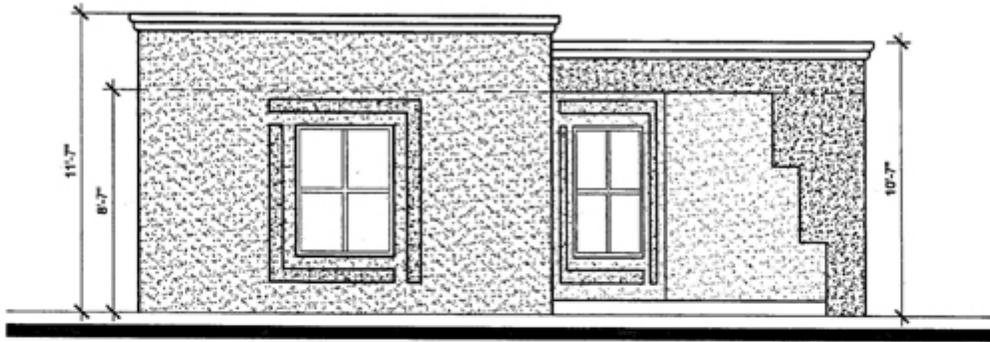
The CITY OF EL PASO makes no warranties, guarantees, or representations as to the accuracy, reliability, or completeness of the information or any result obtained from the use of information provided for any sites. Distribution of the information is the sole responsibility of the user.

ZON06-00036

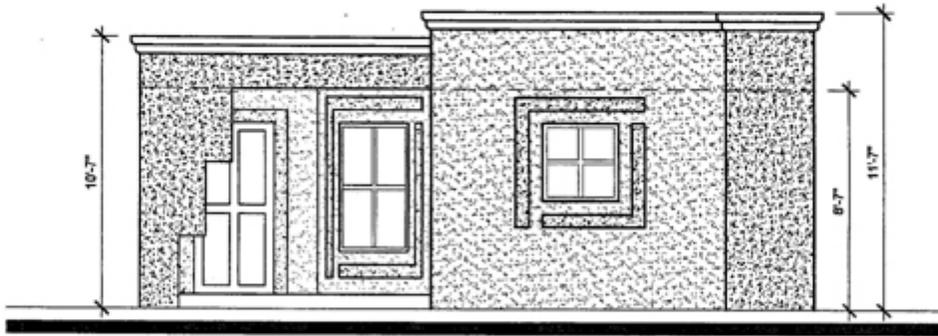
SITE PLAN



ELEVATIONS



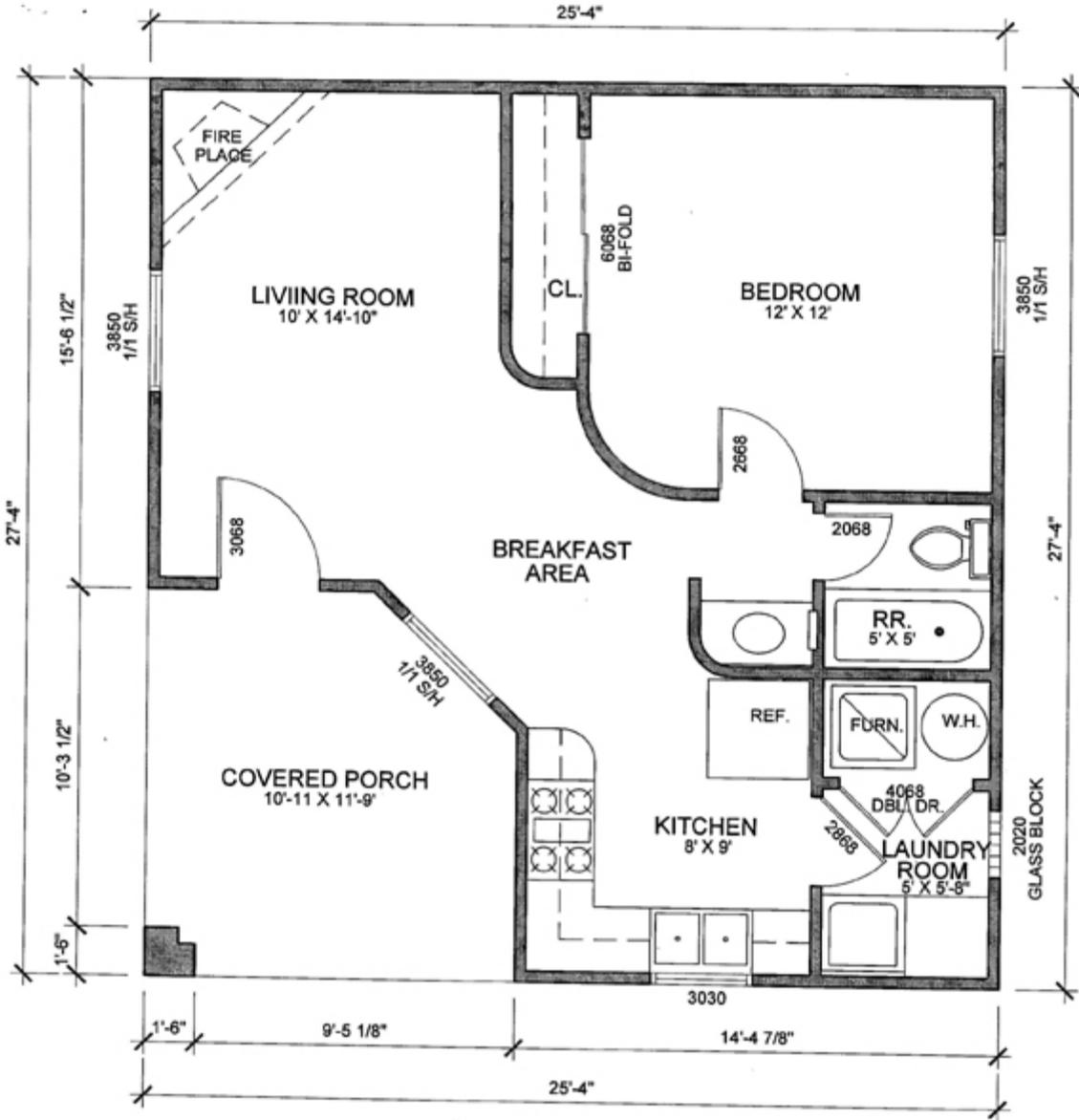
1 FRONT SIDE ELEVATION
SCALE: $3/16" = 1'-0"$



2 LEFT SIDE ELEVATION
SCALE: $3/16" = 1'-0"$

70206-00036

FLOOR PLAN



OPPOSITION LETTER

May 3, 2006

Robin & Patricia Carlson

City Plan Commission
%Planning, Research & Development
2d Floor, City Hall
2 Civic Center Plaza
El Paso, Texas 79901-1196
FAX 915-541-4028

Mayor John Cook, FAX 915-541-4501
Ann Morgan Lilly, District #1 FAX 915-541-4380
Susie Byrd, District #2 FAX 915-541-4348
Jose Alejandro Lozano, District #3 FAX 915-541-4258
Melina Castro, District #4 FAX 915-541-4213
Prest Ortega, Jr., District #5 FAX 915-541-4360
Eddie Holguin, Jr., District #6 FAX 915-541-4262
Steve Ortega, District #7 FAX 915-541-4134
Beto O'Rourke, District #8 FAX 915-5414300

RE: Case No: ZON06-00036 hearing May 4, 2006 at 1:30 PM

Dear Council and City Planning Commission:

We the Carlsons live next the lot proposed for rezoning and were former owners.

This lot has several problems, which need to be fixed, amended, or adjusted before any homes can be built.

The first is the cesspool located approximately where circle is drawn on Exhibit A on the property diagram, which may or may not fall in. We have been aware of this for some time and did not irrigate and in fact leased the water rights to the City of El Paso because of this cesspool. This septic pool was used by the house now located at 8910 Troy and has since been put on the city sewer. However that owner that used the cesspool did nothing about the problem. He just ignored it.

The second problem is that the south west corner of the lot as marked with an X on exhibit A encroaches on the Carlson property. The property was subdivided on paper alone and though the Carlsons took the divisions to the City of El Paso those lines were never checked or approved by the City of El Paso. That corner comes into the Carlson's property within 15 feet of the back door of the house. NONE of the City of El Paso's building code offsets are being met for Farm and Ranch zoning.

This problem may be rectified with a title insurance policy that is held by George Butterworth, attorney in El Paso who liened the property and subsequently foreclosed and sold said lot.

There are further problems with the fences built on the corners of Troy and Cinecue. The City of El Paso allowed the owners of these properties to build stone fences to the point that it obstructs traffic and has left a very narrow corridor down Troy Street. Further building of said type fences on Troy Street will further create a bottleneck. There will be a terrible accident at this intersection with high probability of death. It is not IF but WHEN is the question. The neighbors have already spoken to the Council representative about this problem. We have come so close to being hit by the traffic that I try to avoid that portion of the

OPPOSITION LETTER PAGE 2

street when possible.

David and Rosa Estrada who purchased the property at 8910 Troy Street are responsible for most of this problem. Mr. Estrada is a supposed "Builder" in El Paso who is given special privileges. They lied to the El Paso Water District stating that they owned the irrigation rights to that property when the deed that they signed expressly stated it was subject to the lease of the water to the City of El Paso. The City however gave him the water anyway. The property has no connection to the irrigation ditches and has no borders. Mr. Estrada was allowed to pump water from the canal using his rock wall as borders. These rock walls are cracking and crumbling due to the water saturation. The first irrigation of this year Mr. Estrada was NOT allowed to pump from the canal, which may be progress as it is illegal to do so. Further more Mrs. Estrada used her maiden name of Rosa Barrigan and the address of 430 Cinecuc, which no longer exists, to obtain gas and water to the homes that were built on that lot even though they changed the street address from the very beginning of their ownership. This was done because the tax was paid on the Cinecuc side prior to their purchase of the property and they do not wish to pay the tax on the additional footage on Troy St. How may ways can the City be cheated and it be OK?

Further more the City of El Paso allowed Mr. Estrada to build his fence to obstruct my driveway so that when backing out of my driveway the car is fully in the street before on coming traffic may be viewed. The City stated that he had rights to build his fence and even though I had lived there for over 18 years I had no rights to have my existing driveway safe.

I do believe that David Estrada is part of CDE Framing and Remodeling, LLC because his father told us that they bought the property requesting zoning.

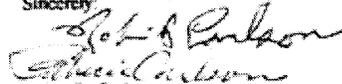
If R-3 zoning is allowed I am sure that they will build at least 2 or more homes on that lot. This will make for a very crowded street (Troy) from Gregorson to Cinecuc and contribute to the serious existing traffic hindrance at the intersection of Cinecuc and Troy.

In Summary:

1. The cess pool, septic pond must be addressed and fixed to health standards.
2. The boundaries must be adjusted to comply with the City of El Paso codes.
3. Proposed building plans MUST be submitted for approval including proposed fences prior to any change of zoning.

I believe that this will be in the best interest of the neighborhood including us. The City of El Paso should also take into consideration that Pasodale School and Rio Bravo Middle school are within a few hundred feet of this traffic problem and that children walk that route everyday. It would be tragic if a school child was killed by an automobile because the clear view of the street is blocked by rock walls that have been weakened by water saturation even a car hitting said rock wall could cause the wall to collapse perhaps falling on a walking school child.

Sincerely,


Robin B. Carlson
Patricia Carlson

OPPOSITION LETTER PAGE 3

May 3, 2006

Robin & Patricia Carlson

City Plan Commission
%Planning, Research & Development
2d Floor, City Hall
2 Civic Center Plaza
El Paso, Texas 79901-1196
FAX 915-541-4028

Mayor John Cook, FAX 915-541-4501
Ann Morgan Lilly, District #1 FAX 915-541-4380
Susie Byrd, District #2 FAX 915-541-4348
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Prest Ortega, Jr., District #5 FAX 915-541-4360
Eddie Holman, Jr., District #6 FAX 915-541-4262
Steve Ortega, District #7 FAX 915-541-4134
Beto O'Rourke, District #8 FAX 915-541-4300

RE: Case No: ZONO6-00036 hearing May 4, 2006 at 1:30 PM

Dear Council and City Planning Commission:

May I also point out to the City of El Paso that CDE Framing and Remodeling, LLC is not listed in the telephone book nor is it listed in the assumed names of the County of El Paso.

One would have to assume that said company is not on the property tax rolls of the City and County of EL Paso either. I have to believe that this is a sham deal from go one.

I am not sending this to all the council members but just to the zoning and to the Mayor.

Very truly yours,



Patricia Carlson

I am enclosing a copy of a Texas Gas Bill addressed to Rosa Barrigan on 430 Cimcose El Paso, TX. This service is located at 8910 Troy St. and this is Mrs. David (Rosa) Estrada. Absolute proof of deception

OPPOSITION LETTER PAGE 4

May 04 06 11:13a

ROBIN CARLSON

915-859-3777

p.2

PRESORT
FIRST CLASS
U.S. POSTAGE
PAID
CSG Mail Services

ADDRESS SERVICE REQUESTED

Return to O

 TEXAS
GAS
SERVICE
40007341
PO BOX 31427 - EL PASO TX 79931-0427

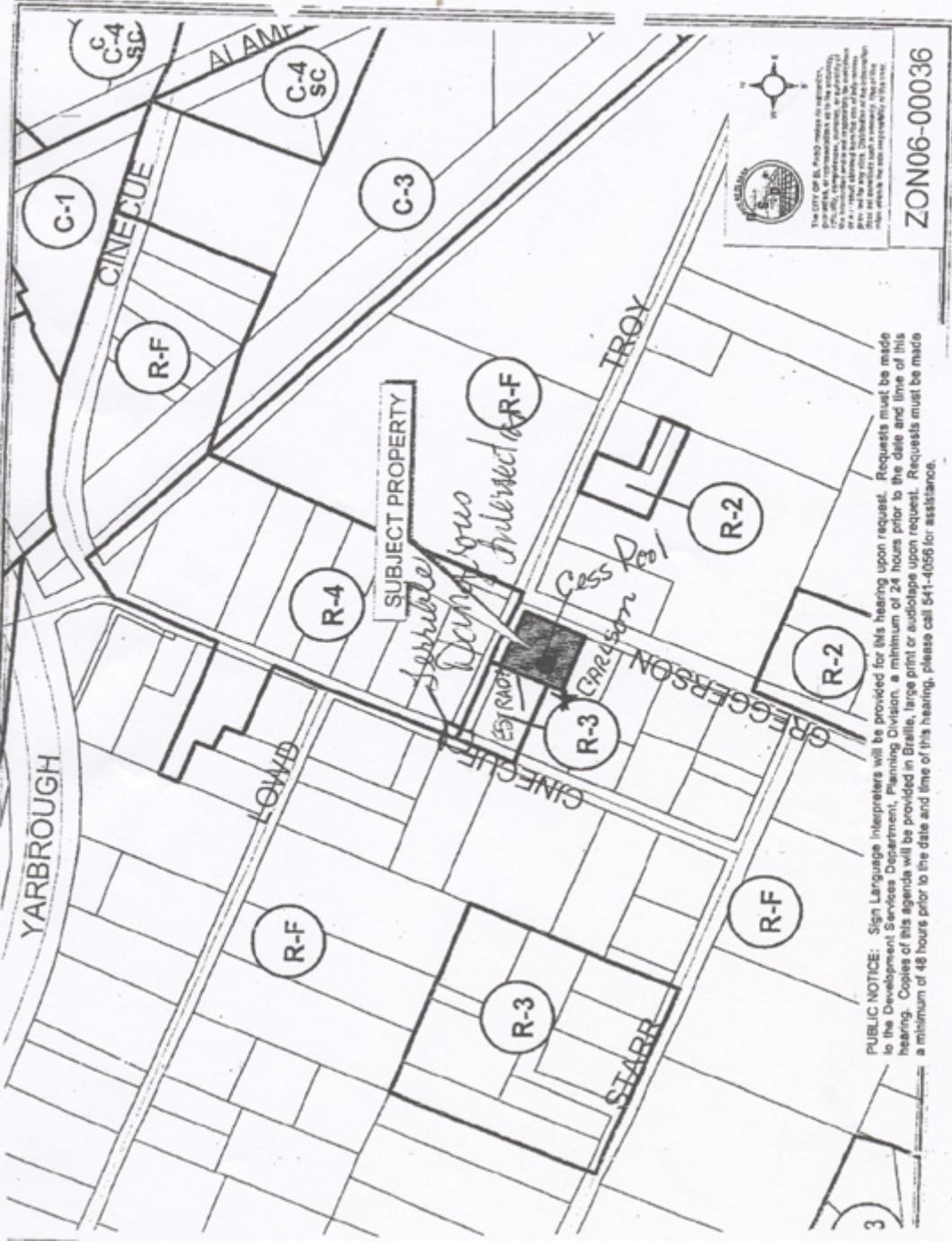
9539 0910 X0 RP 18 04292006 Y001Y0AN 7.

#BWINKPBX
#2088101212393877#



ROSA I. BARRAGAN
430 CINECUE WAY
EL PASO TX 79907-5853

OPPOSITION LETTER PAGE 5



PUBLIC NOTICE: Sign Language Interpreters will be provided for this hearing upon request. Requests must be made to the Development Services Department, Planning Division, a minimum of 24 hours prior to the date and time of this hearing. Copies of this agenda will be provided in Braille, large print or audiocassette upon request. Requests must be made a minimum of 48 hours prior to the date and time of this hearing, please call 541-4056 for assistance.

ZON06-00036