

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: June 26, 2007
Public Hearing: July 17, 2007

CONTACT PERSON/PHONE: Natalie Nevarez-Straight, 541-4904

DISTRICT(S) AFFECTED: 7

SUBJECT:

An Ordinance changing the zoning of a portion of Lot 1, Block 5, and a portion of Lot 1, Block 6, Christy Tract, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) District to R-3/c (Residential/condition) District, and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: West of Schwabe Street and North of Cooley Avenue. Applicant: Michael Truax and Ruby Truax. ZON07-00042 (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) –Approval Recommendation
City Plan Commission (CPC) –Approval Recommendation of (4-0)

*****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 LOT 1, BLOCK 5, AND A PORTION OF LOT 1, BLOCK 6, CHRISTY TRACT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) DISTRICT TO R-3/C (RESIDENTIAL/CONDITION) DISTRICT, AND IMPOSING A CONDITION. 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 1, Block 5, and a portion of Lot 1, Block 6, Christy Tract, 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) District** to **R-3/c (Residential/condition) District**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following condition which is necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City: "That density be limited to two (2) dwelling units on the property."

PASSED AND APPROVED this _____ day of _____, 2007.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Kimberly Forsyth, Senior Planner
Development Services Department

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EXHIBIT "A"

Being a Portion of Lot 1, Block 5,
and a Portion of Lot 1, Block 6,
Christy Tract,
City of El Paso, El Paso County, Texas

April 02, 2007

METES AND BOUNDS DESCRIPTION

Exhibit "A"

FIELD NOTE DESCRIPTION of a parcel of land being a Portion of Lot 1, Block 5, and Portion of Lot 1, Block 6, Christy Tract, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found iron rod at the point of intersection of the Southwesterly right-of-way line of Valley View Drive and the Northwesterly right-of-way line of Schwabe Road; **THENCE**, leaving said point of right-of-way intersection and along said Northwesterly right-of-way line of Schwabe Road, South 18°47' 00" West, a distance of 661.19 feet to the **POINT OF BEGINNING** of the herein described parcel;

THENCE, continuing along said Northwesterly right-of-way line, South 18°47' 00" West, a distance of 140.68 feet to a found iron rod for corner;

THENCE, leaving said Northwesterly right-of-way line, North 71°10' 00" West, a distance of 309.66 feet to a found iron rod for corner;

THENCE, North 18°47' 00" East, a distance of 140.68 feet to a set iron rod for corner;

THENCE, South 71°10' 00" East, a distance of 309.66 to the **POINT OF BEGINNING** of the herein described lot and containing 43,562.95 square feet or 1.0000 Acres of land more or less.



Carlos M. Jimenez
Registered Professional Land Surveyor
Texas No. 3950

CAD CONSULTING COMPANY.
1790 Lee Trevino Suite # 503
El Paso, Texas 79936
(915) 633-6422
70369A.wpd

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CITY COUNCIL

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT
DIRECTOR, DEVELOPMENT SERVICES

KELLY CARPENTER, AICP
DEPUTY DIRECTOR, PLANNING

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
PLANNING DIVISION

MEMORANDUM

DATE: June 18, 2007

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

FROM: Natalie Nevarez-Straight, Planner

SUBJECT: **ZON07-00042**

The City Plan Commission (CPC), on June 7, 2007, voted **4-0** to recommend **APPROVAL** of rezoning the subject property from R-F (Ranch and Farm) to R-3/c (Residential/condition), with the condition that the density be limited to two (2) dwelling units on the property, concurring with Staff's recommendation.

The CPC found that this 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; that the proposed use is compatible with adjacent land uses; and the rezoning will have no effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

A petition with ninety-four (94) signatures was received requesting that only two single-family dwellings be built on the property.

Attachment: Staff Report, Aerial, Conceptual Site Plan, Application, Petition



ZON07-00042

Application Type: Rezoning

Property Owner(s): Michael and Ruby Truax

Representative(s): Michael and Ruby Truax

Legal Description: A portion of Lot 1, Block 5, and a portion of Lot 1, Block 6, Christy Tract, City of El Paso, El Paso County, Texas

Location: West of Schwabe Street and North of Cooley Avenue

Representative District: 7 **Area:** 1.00 acre

Present Zoning: R-F (Ranch and Farm) **Present Use:** Vacant

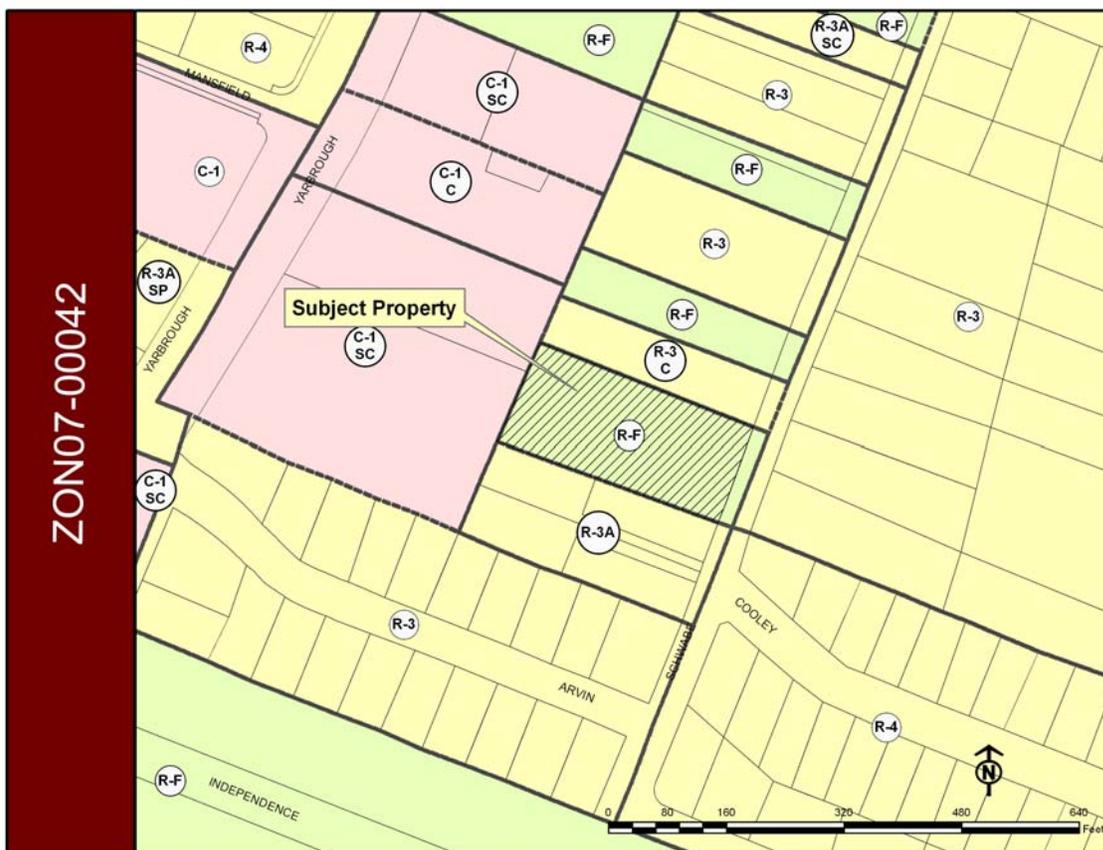
Proposed Zoning: R-3 (Residential)

Recognized Neighborhood Associations Contacted: Save the Valley 21; Teens in Action for a Healthy Community

Public Response: One petition with ninety-four (94) signatures requesting a condition to limit the density

Surrounding Land Uses: **North:** R-3/c, Vacant; **South:** R-3A, Single-family and Vacant; **East:** R-3, Single-family; **West:** C-1/sc, Vacant

Year 2025 Designation: Residential (Mission Valley Planning Area)



General Information:

The applicant requests a rezoning from R-F (Ranch and Farm) to R-3 (Residential). The conceptual (non-binding) plan shows two (2) residential lots. Access is proposed via Schwabe Street. There are no zoning conditions currently on this property.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **APPROVAL** of this request for rezoning from R-F (Ranch and Farm) to R-3 (Residential) with the following condition:

No more than two (2) dwelling units may be built on the site (proposed as two (2) lots of not less than 21,000 square feet each).

The recommendation is based on the following:

- **The Plan for El Paso** City-Wide Land Use Goals recommends 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 Mission Valley Planning Area designates this property for **Residential** land uses.
- **R-3 (Residential) zoning** permits residential development and **is compatible** with surrounding development.

Findings:

The Commission must determine the following:

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

Development Services - Building Permits and Inspections Division Notes:

Proposed parcels meet minimum R-3 Residential District’s General Lot Size Standards.

Development Services - Planning Division Notes:

Current Planning: Recommends approval. Proposed zoning is compatible with projected land use and surrounding development.

Land Development: No comments received.

Engineering Department, Traffic Division Notes:

No comments received.

Fire Department Notes:

No comments received.

El Paso Water Utilities Notes:

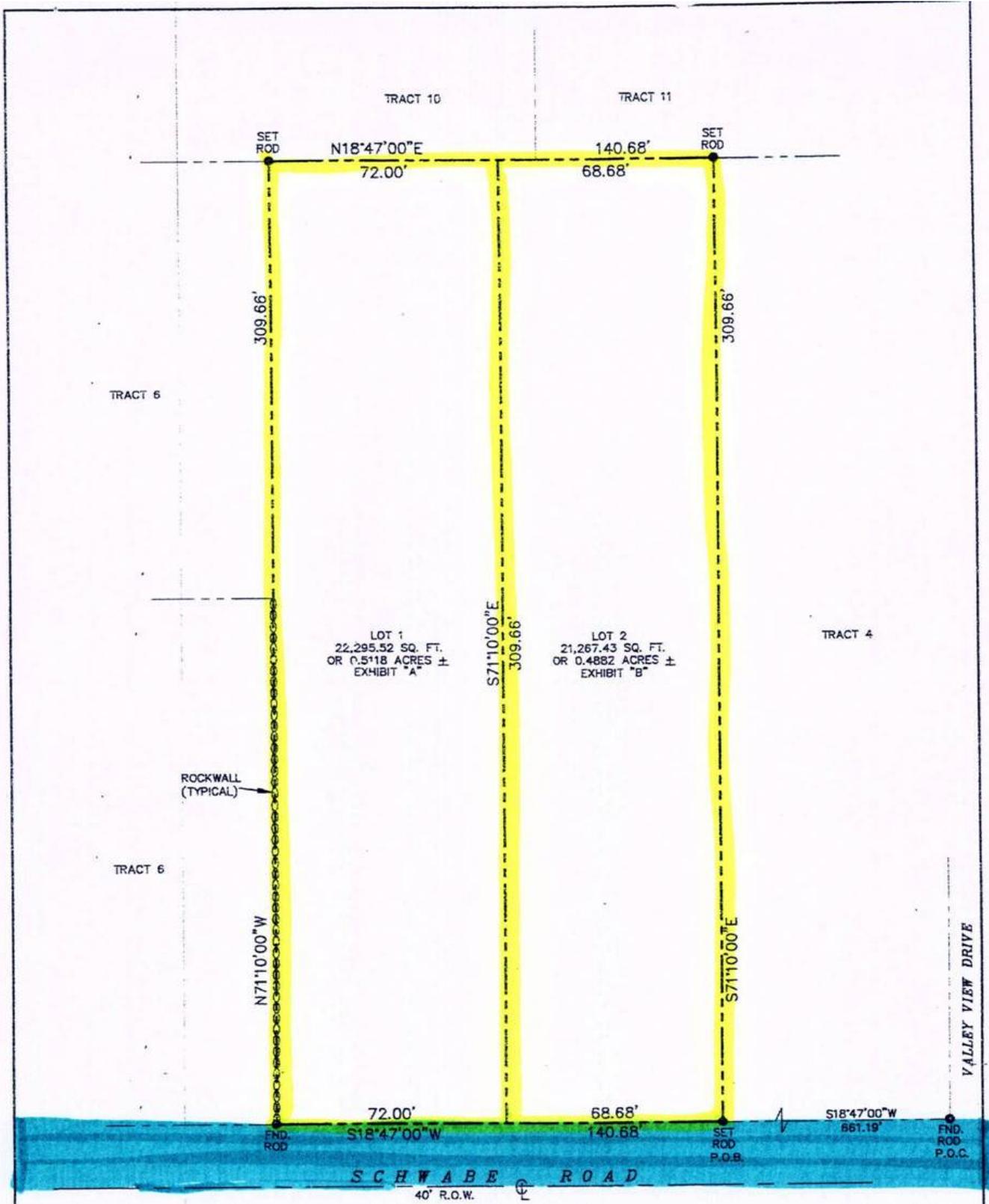
EPWU does not object to this rezoning request.

List of Attachments:

- Attachment 1: Aerial
- Attachment 2: Conceptual Site Plan
- Attachment 3: Application
- Attachment 4: Petition



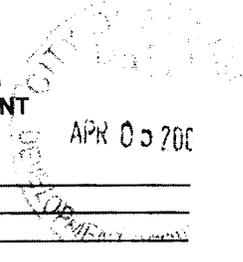
Attachment 2: Conceptual Site Plan



Attachment 3: Application



REZONING APPLICATION
PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT
CITY OF EL PASO, TEXAS



1. CONTACT INFORMATION

PROPERTY OWNER(S): MICHAEL & RUBY TRUAX

APPLICANT(S): MICHAEL & RUBY TRUAX

REPRESENTATIVE(S): WILLIAM TRUAX

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: C45499900600500

LEGAL DESCRIPTION: 6 CHASTY SELY PT OF 1 & NELY 5 FT OF 1 BLK 5 (1.00 ACRE) LOT 6 UNRECORDED MAP

STREET ADDRESS OR LOCATION: 8 SCHWABE ST REP DISTRICT: 7

ACREAGE: 2.00 PRESENT ZONING: R-F PRESENT LAND USE: VACANT

PROPOSED ZONING: R-3 PROPOSED LAND USE: RESIDENTIAL, SINGLE-FAMILY DETACHED

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER: N/A

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: N/A

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: MICHAEL J. TRUAX Signature: _____

Printed Name: RUBY TRUAX Signature: _____

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 07-00042 RECEIVED DATE: 04/05/07 APPLICATION FEE: \$ 75.00

DCC REVIEW DATE: 05/09/07 (8:30 am, Planning Department Conference Room, 2nd Floor, City Hall Building)

CPC REVIEW DATE: 06/07/07 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)

ACCEPTED BY: [Signature] FUND - 01101, DEPT ID - 99010335, ACCOUNT - 404126

Revised 06/2004

ZON07-00042

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June 7, 2007

Attachment 4: Petition

Ruben G. Santillan
588 Schwabe St.
El Paso, Texas 79907

May 21, 2007

Natalie Nevarez-Straight
City Plan Commission
Development Services Department,
Planning Division

Case Number: ZON07-00042

Ms. Straight:

Thank you for providing the community with an opportunity to comment on the requested zoning case that is to be heard June 7, 2007. The ninety- plus signatures, of people that live within a one to four block distance from the propose zoning change, is representative of how the community feels about the zoning change requested by Michael and Ruby Truax. We are not opposed to the zoning change if a special condition or restriction is place on this property. The special condition that we are requesting is that this property not be divided into less than two half-acre lots and that only one single-family dwelling house is built on each lot, now and in the future. This special condition already exists on properties on Schwabe Street, furthermore, dividing the property to only two half-acre lots will conform to the existing lots in the neighborhood. Thank you for honoring our request when this all important matter comes before your committee.

Respectfully yours,



Ruben G. Santillan

cc: Mr. Steve Ortega
District 7 Representative
El Paso, Texas 79901

attachments

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We the undersigned residents of this community are not opposed to the requested zoning change from Ranch-Farm to R-3 for property located in the 500 block of Schwabe St, zoning case number ZON 07-00042, provided that this one-acre lot not be divided to less than two-half-acre lots to conform to existing lots in the community. We, therefore, request that the following restriction be place on this property: This property shall not be divided to less than two half-acre lots now or in the future.

Name Address

1. JESUS RAMIREZ 595 Schwabe
2. Laura Ramirez 595 Schwabe
3. JAMON CIRIZA 8109 Cooley
4. LULIA CIRIZA 8109 Cooley Ave
5. Refreido Mendez 8104 Cooley Av
6. Gerardo Moreno 8104 Cooley
7. Frank Barbera 8112 Cooley Ave
8. Zolanda Barbera 8112 Cooley Ave
9. Jan A. Figue 8116 Cooley Ave
10. Beatriz Figue 8116 Cooley Ave
11. Luis E. Hernandez 8121 Cooley Ave
12. José M. Cuajre 8124 Cooley Ave
13. Julio E. Cuajre 8124 Cooley Ave
14. Luz E. Cuajre 8129 Cooley
15. Carlos A. Cuajre 8132 Cooley
16. Luz E. Cuajre 8132 Cooley

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	Name	Address
17.	Angel Rendiz	8136 Cooley Ave
18.	Alfonso	8144 Cooley
19.	Samona Atercal	8148 Cooley
20.	Corey Bueno	8156 Cooley Avenue
21.	Hector Bueno	8156 Cooley Avenue
22.	Francisco Hernandez	8156 Cooley Ave
23.	Cecilia Hernandez	8156 Cooley
24.	Luis Valle	521 SCHWABE
25.	Claudia Magdaleno	521 Schwabe
26.	Quelata Garcia	517 Schwabe
27.	Gavin Garcia	517 Schwabe
28.	Emmanuel	8048 Starke
29.	Ch Riquero	8048 Starke
30.	Ferran F. Jimin	527 Schwabe
31.	Robert Regal	532 SCHWABE
32.	Carmen A. Reed	532 SCHWABE

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Name	Address
33. CARLOS CARRILLO	527 Schwabe
34. Maria E. Coarlb	527 So. Huebs
35. John Hogan	564 Schwabe
36. Miguel Srijaba	558 Schwabe St
37. Shira	8050 Valley View
38. JOSE AIMAIAZA	7600
39. Homero LICON	555 Schwabe
40. Victoria U LO	555 Schwabe
41. Setho Guzman	562 Schwabe
42. Upenne Barraza	8101 Cooley
43. Joyce Ward	8056 Valley View
44. Paula Richard	8064 Valley View
45. Mike Hill	8068 Valley View
46. Josh Hill	" "
47. Jerry Coles	8105 Valley View E
48. Scott Derrac	8105 Valley View D

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Name

Address

49. Jane & Children 8109 Valley View
50. Lucy Juado 8113 Valley View
51. Manuel Zamora 8117 Valley View
52. Dina Zamora 8117 Valley View
53. John Clark 8108 Valley View
54. Margita Cordova 8108 Valley View
55. Eric Jose Garcia 8145 Valley View
56. Jane Rodriguez 8149 Valley View
57. Patricia Luna 8070 Valley View
58. Eduardo Luna 8072-B Valley View
59. Manuel Luna 577 Riverdale St
60. Willie Barraga 8101 COOLEY AVE
61. Emedina C Barraga 8101 Cooley Ave.
62. Isidro P Soria 6245 Portogrogn

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Name Address

- 63. Claudia Nireles 8010 Arvin
- 64. Mary Estrada 8018 Arvin
- 65. Mamea Wedge 8020 Arvin
- 66. Diana Guana 8034 Arvin
- 67. Johana Dixon 8034 Arvin
- 68. Luis M. Melgoza 8017 Arvin
- 69. Margarita Melgoza 8017 Arvin
- 70. Adriana Olvera 8021 Arvin
- 57. Jose Olvera 8021 Arvin
- 71. Mani S. Pineda 8030 Arvin
- 72. Gerardo Chaves 8030 Arvin
- 73. Conrado Chaves 8033 Arvin
- 74. Gerardo P. Pineda - - -
- 75. Heriberto Pacheco 8042 Arvin

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We the undersigned residents of this community are not opposed to the requested zoning change from Ranch-Farm to R-3 for property located in the 500 block of Schwabe St, zoning case number ZON 07-00042, provided that this one-acre lot not be divided to less than two half-acre lots to conform to existing lots in the community. We, therefore, request that the following restriction be place on this property: This property shall not be divided to less than two half-acre lots for single-dwelling homes, now or in the future.

	Name	Address
76.	Jesus Daniel Hernandez	582 FRESNO
	Jesusa F. Hernandez	
77.	Maria Juarez	582 FRESNO
78.	[Signature]	566 FRESNO
79.	Maria Osuna	566 FRESNO
80.	Esther Hernandez	554 FRESNO
81.	Albert Hernandez	554 FRESNO
82.	Josephine R. Gomez	554 FRESNO
83.	Secero E. Ruiz Avila	8145 Valley View
84.	Emma Lopez	8157 Valley View
85.	[Signature]	587 Fresno Dr
86.	Rochelle Rangel	558 586 FRESNO DR
87.	Maria Rangel	586 FRESNO DR
88.	[Signature]	8041 ARVINO ROAD
89.	Patricia Lopez	563 SCHWABE ST

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	Name	Address
90.	Carmen Solis	503 Schwabe Street
91.	Wayne Ford	577 Fresno
92.	Debbie Ford	577 Fresno
93.	Markus J. Jantunen	588 Schwabe
94.	Sam Jantunen	588 Schwabe
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