

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: July 28, 2009
Public Hearing: August 18, 2009

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 Lots 51, 52, and 53, Cinecue Park Subdivision, 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. Subject Property: 432 Cinecue Way. Property Owner: David Estrada. ZON09-00021 (District 7)

BACKGROUND / DISCUSSION:

N/A

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 (6-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Victor Q. Torres _____
Director, Development Services

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 51, 52 AND 53, CINECUE PARK SUBDIVISION, 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 Lots 51, 52 and 53, Cinecue Park Subdivision, 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 _____, 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

Barragan & Associates

Land Planning & Land Surveying

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

DESCRIPTION

PROPERTY DESCRIPTION of a parcel of land being a portion of Lots 51, 52 and 53, Cinecue Park Subdivision, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in volume 6, page 60, Plat Records of El Paso Count Texas, and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a found 1/2" rebar at the centerline intersection of Troy Boulevard and Cinecue Way; **THENCE**, S 71°00'00" E, along the centerline of Troy Boulevard, a distance of 251.93 feet to a point; **THENCE**, S 19°00'00" W, a distance of 143.70 feet to a set 5/8" rebar on the Westerly right-of-way line of Greggerson Drive for the Northeasterly corner of said Lot 52, Cinecue Park Subdivision, said rebar also being the **POINT OF BEGINNING** of this parcel;

THENCE, S 19°00'00" W, along said Westerly right-of-way line of Greggerson Drive, a distance of 55.15 feet to a set 5/8" rebar for a corner of this parcel;

THENCE, N 71°00'00" W, a distance of 236.93 feet to a set 5/8" rebar on the Easterly right-of-way line of Cinecue Way for a corner of this parcel;

THENCE, N 19°00'00" E, along said Easterly rihgt-of-way line of Cinecue Way, a distance of 91.00 feet to a set 5/8" rebar for a corner of this parcel;

THENCE, S 71°00'00" E, a distance of 132.93 feet to a set 5/8" rebar for a corner of this parcel;

THENCE, S 19°00'00" W, a distance of 35.85 feet to a set 5/8" rebar on the common line of Lots 52 and 53 for a corner of this parcel;

THENCE, S 71°00'00" E, along said common line of Lots 52 and 53 a distance of 104.00 feet to the **POINT OF BEGINNING** of this parcel and containing in all 17,832 sq. ft. or 0.41 acres of land more or less.

Notes:

1. Bearings recited herein are based on the filed plat for Cinecue Park Subdivision.
2. This property may be subject to easements whether of record or not.
3. This description does not intent to be a subdivision process and it may be required. (For client purposes only)



Benito Barragan TX R.P.L.S. 5615, February 25, 2009
MICHAEL ESTRADA SUB



EXHIBIT A

MEMORANDUM

DATE: July 8, 2009

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

FROM: Mirian Spencer, Planner

SUBJECT: ZON09-00021

The City Plan Commission (CPC) on June 4, 2009 voted **6-0** to recommend to **DENY** the rezoning request from R-F (Ranch and Farm) to R-5 (Residential) and **APPROVAL** of the rezoning the property from R-F (Ranch and Farm) to R-3 (Residential) in agreement with the recommendation from the DCC and staff. The proposed R-3 (Residential) zoning district is in conformance with the 2025 Projected General Land Use Map for the area which designates the property for residential land uses. The proposed R-3 (Residential) is compatible with the adjacent zoning and land uses.

The property owner is requesting to change the zoning from R-F (Ranch and Farm) to R-3 (Residential) to permit single-family residential development. The property does not meet the density and dimensional standards for single-family residential development in an R-F (Ranch and Farm) zone. Access is proposed via Cinecue Way and Greggerson Drive. There are no zoning conditions on the property.

The recommendation for R-3 (Residential) was intended to maintain the rural character of the Cinecue Park area. The R-3 (Residential) district is in conformance with the 2025 Projected General Land Use Map for the Mission Valley Planning Area which designates the property for residential land uses.

The CPC found that the rezoning is in conformance with The Plan for El Paso. The CPC found that the proposed use is in conformance with the 2025 Projected General Land Use Map for the Mission Valley Planning Area. The proposed development 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 were no public comments in support or in opposition to this request.

Attachment: Staff Report, Zoning Map, Aerial Map, Conceptual Site Plan



City of El Paso – City Plan Commission Staff Report

Case No: ZON09-00021
Application Type: Rezoning
CPC Hearing Date: June 4, 2009
Staff Planner: Mirian Spencer, (915) 541-4192, spencermd2@elpasotexas.gov

Location: 432 Cinecue Way
Legal Description: A portion of Lots 51, 52, and 53, Cinecue Park Subdivision, City of El Paso, El Paso County, Texas
Acreage: 0.4094 acres
Rep District: 7
Existing Use: Vacant
Request: From R-F (Ranch and Farm) to R-5 (Residential)
Proposed Use: Single-family Residential Development

Property Owners: David Estrada
Representative: Barragan and Associates

SURROUNDING ZONING AND LAND USE

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

THE PLAN FOR EL PASO DESIGNATION: Residential (Mission Valley Planning Area)
NEAREST PARK: J.P. Shawver Park (2,830 Feet)
NEAREST SCHOOL: Rio Bravo Middle School (877 Feet)

NEIGHBORHOOD ASSOCIATIONS

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

NEIGHBORHOOD INPUT

Notices of the June 4, 2009 public meeting were mailed out to property owners within 300 feet of the subject property on May 21, 2009. The Planning Division has received no public response to the rezoning application.

APPLICATION DESCRIPTION

The property owner is requesting to rezone the property from R-F (Ranch and Farm) to R-5 (Residential) to construct three single-family residences. Access is proposed via Greggerson Drive and Cinecue Way. There are no zoning conditions on the property.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

The Development Coordinating Committee provides the following comments:
The DCC recommends **DENIAL** of the rezoning request from R-F (Ranch and Farm) to R-5 (Residential) and **APPROVAL** of rezoning the property from R-F (Ranch and Farm) to R-3 (Residential).

PLANNING DIVISION RECOMMENDATION

Planning recommends **DENIAL** of the rezoning request from R-F (Ranch and Farm) to R-5 (Residential) and **APPROVAL** of rezoning the property from R-F (Ranch and Farm) to R-3 (Residential).

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 application is not compatible with the adjacent R-3 and R-4 (Residential) and R-F (Ranch and Farm) development. The property is located within a rural area, and the proposed R-5 (Residential) lots are not in character with area development. The recommended R-3 (Residential) lots will be comparable to the adjacent development and previous recommendations from staff. A previous rezoning request for R-5 (Residential) within the area staff recommended denial based on the potential increase in density and the incompatibility of the lot sizes with adjacent development. The recommendation was intended to maintain the rural character of the Cinecue Park area. The R-3 (Residential) district is 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: The proposed residential development is permitted in R-5 (Residential) district. There are no violations of yard, off-street parking, and loading standards.

Landscaping: Landscaping is not required for residential development.

Development Services Department - Planning Division

Current Planning: recommends **DENIAL** of the rezoning request from R-F (Ranch and Farm) to R-5 (Residential) and **APPROVAL** of rezoning the property from R-F (Ranch and Farm) to R-3 (Residential).

Engineering: 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.

CITY PLAN COMMISSION OPTIONS

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

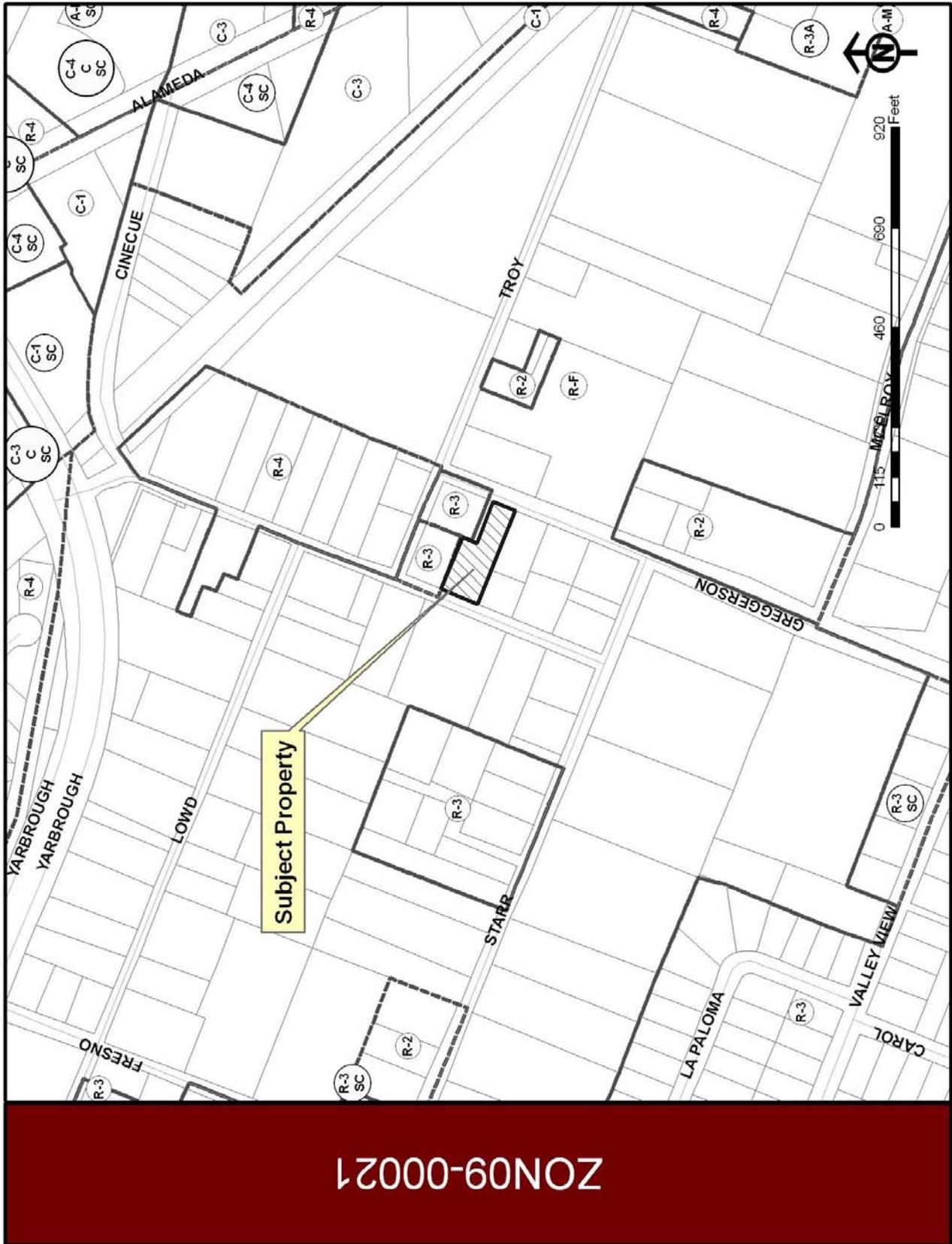
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan

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

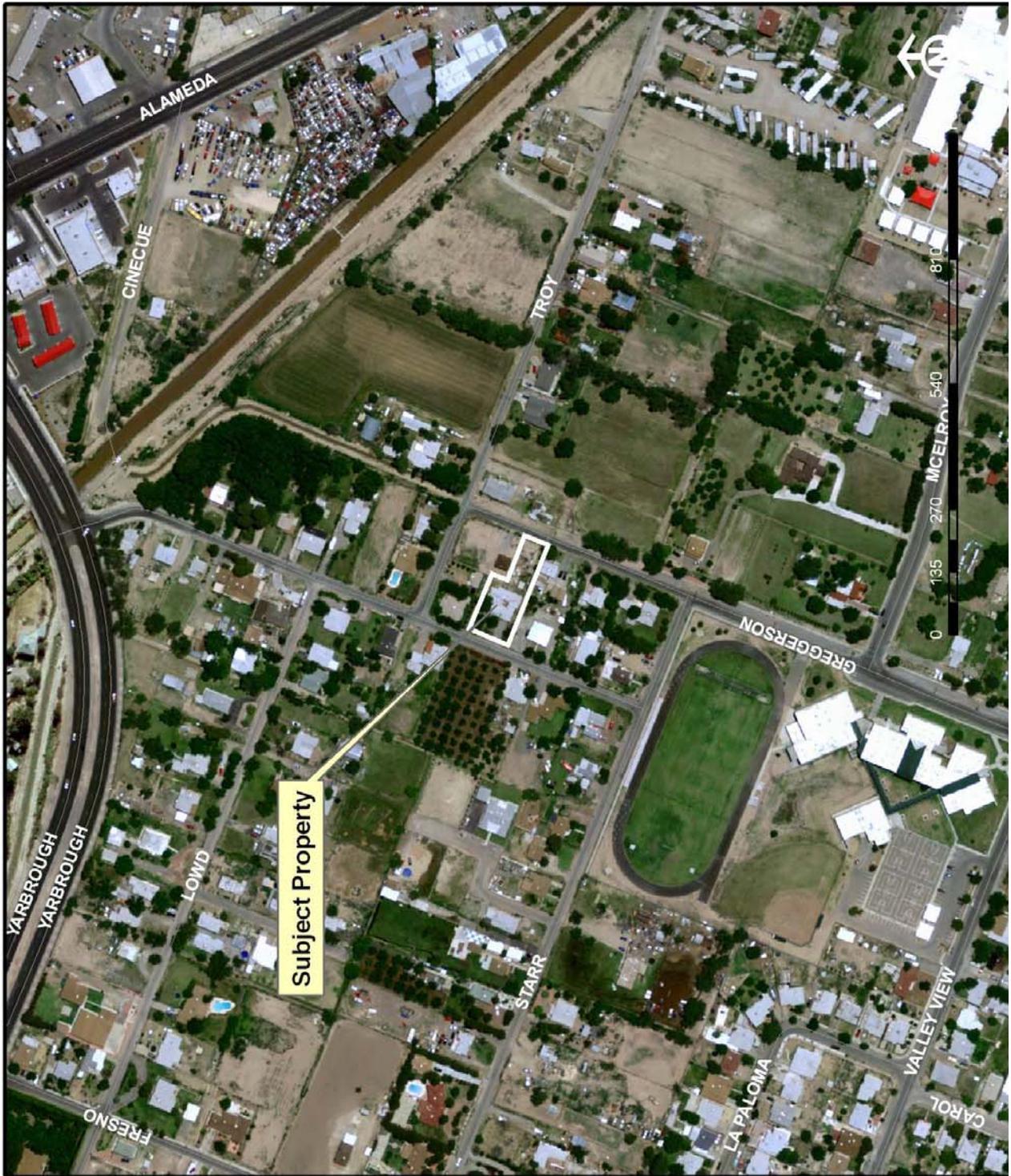
1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan

ATTACHMENT 1: ZONING MAP



ZON09-00021

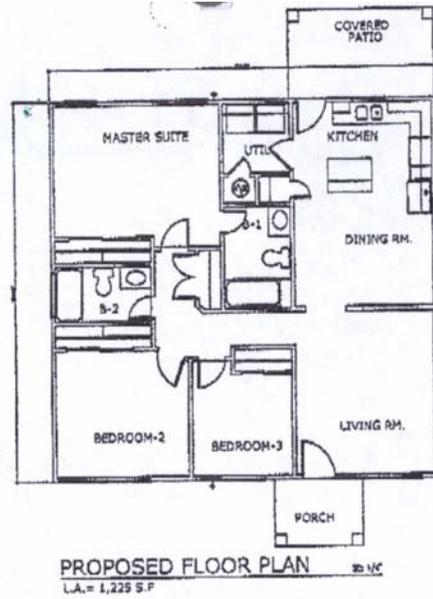
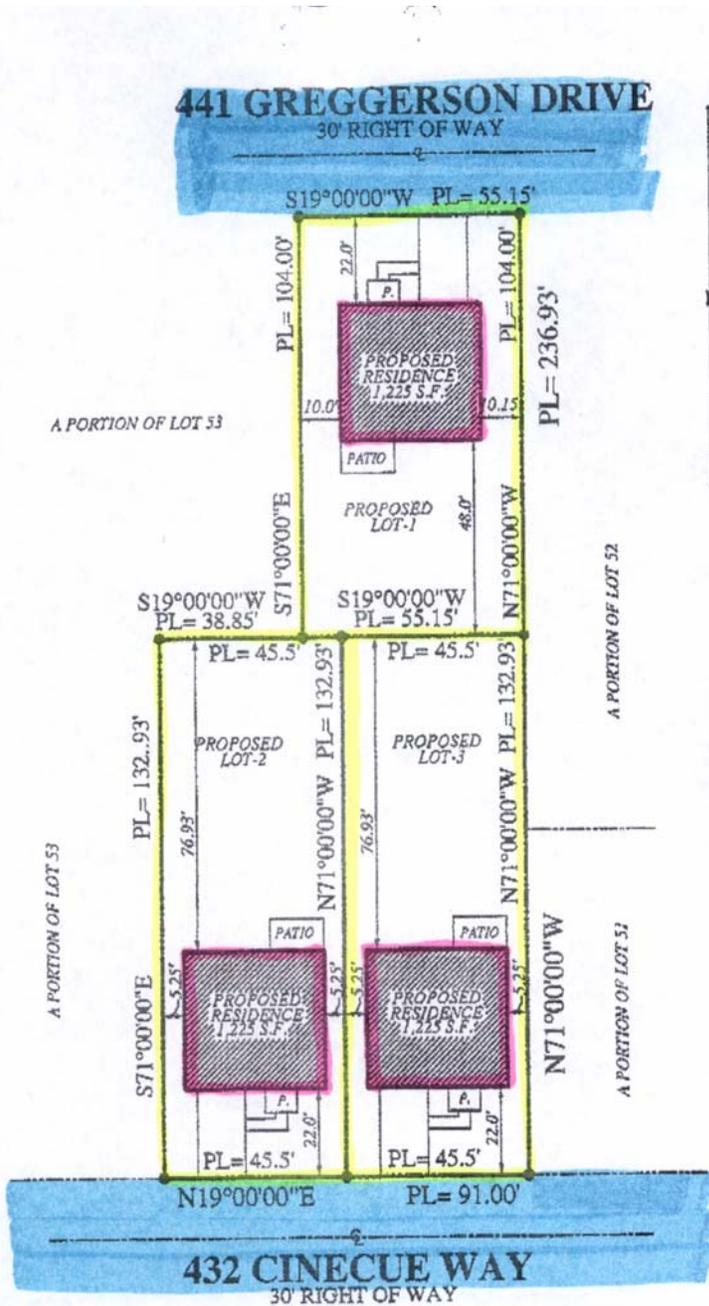
ATTACHMENT 2: AERIAL MAP



Subject Property

ZON09-00021

ATTACHMENT 3: CONCEPTUAL SITE PLAN



PROPOSED HOUSE LAYOUT