

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

**DEPARTMENT:** Development Services Department, Planning Division

**AGENDA DATE:** Introduction: August 17, 2010  
Public Hearing: September 7, 2010

**CONTACT PERSON/PHONE:** Esther Guerrero, (915) 541-4720

**DISTRICT(S) AFFECTED:** 7

**SUBJECT:**

An ordinance changing the zoning of Tract 5, McElroy Acres, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-2 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8225 McElroy Avenue. Property Owner: Michael and Lorena Fernandez. ZON10-00037 (**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 with conditions  
City Plan Commission (CPC) – Approval recommendation with conditions (5-0)

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

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

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

**DEPARTMENT HEAD:** Mathew S. McElroy  
Deputy Director-Planning, Development Services Department

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**APPROVED FOR AGENDA:**

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

**DATE:** \_\_\_\_\_

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

**AN ORDINANCE CHANGING THE ZONING OF TRACT 5, MCELROY ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO R-2 (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 *Tract 5, McElroy Acres, 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 & Farm)** to **R-2 (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 \_\_\_\_\_, 2010.**

**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

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

**Zoning Case No: ZON10-00037**



**MEMORANDUM**

**DATE:** August 9, 2010  
**TO:** Honorable Mayor and City Council  
Joyce Wilson, City Manager  
**FROM:** Esther Guerrero, Planner  
**SUBJECT:** ZON10-00037

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The City Plan Commission (CPC) on July 1, 2010, voted **5-0** to recommend **APPROVAL** of rezoning the subject property from R-F (Ranch & Farm) to R-2 (Residential), in agreement with the recommendation from the DCC and staff.

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 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 no one present to speak in favor or in opposition to this request.

**Attachment:** Staff Report

Mayor  
John F. Cook

**City Council**

*District 1*  
Ann Morgan Lilly

*District 2*  
Susie Byrd

*District 3*  
Emma Acosta

*District 4*  
Carl L. Robinson

*District 5*  
Rachel Quintana

*District 6*  
Eddie Holguin Jr.

*District 7*  
Steve Ortega

*District 8*  
Beto O'Rourke

City Manager  
Joyce A. Wilson



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

**Case No:** ZON10-00037  
**Application Type:** Rezoning  
**CPC Hearing Date:** July 1, 2010  
**Staff Planner:** Esther Guerrero, 915-541-4720, [guerreroex@elpasotexas.gov](mailto:guerreroex@elpasotexas.gov)

**Location:** 8225 McElroy Avenue  
**Legal Description:** Tract 5, McElroy Acres, City of El Paso, El Paso County, Texas  
**Acreage:** 1.4290 acres  
**Rep District:** 7  
**Existing Use:** Single-family residence

**Request:** R-F (Ranch & Farm) to R-2 (Residential)  
**Proposed Use:** Addition to existing single-family residence  
**Property Owner:** Michael & Lorena Fernandez  
**Representative:** Antonio Balderrama

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

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

**Plan for El Paso Designation:** Residential (Mission Valley Planning Area)  
**Nearest Park:** Shawver Park (2,340 feet)  
**Nearest School:** Rio Bravo Middle (700 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Save the Valley 21

### **NEIGHBORHOOD INPUT**

Notices of the July 1, 2010 City Plan Commission hearing were mailed out to property owners within 300 feet of the subject property on June 17, 2010.

### **APPLICATION DESCRIPTION**

The request is to change the zoning from R-F (Ranch & Farm) to R-2 (Residential) in order to permit an expansion to the existing structure and comply with the required side yard setbacks of the R-2 (Residential) district. The site plan shows an existing 1,524 sq. ft. single-family with an attached 880 sq. ft. structure and slab. The proposed site plan shows the demolition of the 880 sq. ft. attached structure and slab with an expansion to the existing structure by an additional 2,237 sq. ft. on the east side, the addition of a porch to the existing structure, and a carport with a circular driveway. The R-F (Ranch & Farm) district requires minimum side yard setbacks of 20 feet, minimum front and rear yard setbacks of 50 feet, and a minimum lot size of one acre. The R-2 (Residential) district requires minimum side yard setbacks of eight feet, minimum front and rear yard setbacks of 25 feet with a cumulative front and rear yard setback of 60 feet, and a minimum lot size of 10,000 sq. ft. The site plan for the proposed expansion to the structure on the east side of the property shows a side yard setback of 13.25 feet that does not meet the required 20 foot side yard setback of the R-F (Ranch & Farm) district. Access to the property is via McElroy Avenue.

## **DEVELOPMENT SERVICES DEPARTMENT-PLANNING DIVISION RECOMMENDATION**

Recommend **approval** of rezoning the subject property from R-F (Ranch & Farm) to R-2 (Residential). The proposed R-2 (Residential) is compatible with surrounding R-2 (Residential) and 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: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.

The purpose of the R-2 (Residential) district is to promote and preserve residential development within the City to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the districts will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

### **Development Coordinating Committee Review**

The DCC reviewed and discussed the application for rezoning and offered no objections to Planning Staff's recommendation for approval.

### **Engineering Department - Traffic Division**

No objections.

### **Street Department**

-No objection to rezoning request

-Sidewalks at driveways will not be ADA /TAS compliant as shown.

-All existing/proposed paths of travel, accessible sidewalks, and wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

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

#### **Plan Review**

No objections.

### **Development Services Department – Land Development**

-ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.\*

-Grading plan and permit shall be required.\*

-Storm Water Pollution Prevention Plan and/or permit required.\*

-Drainage plans must be approved by the Development Services Department, Engineering Section.\*

-No water runoff allowed outside the proposed development boundaries, (On-site ponding required)

-The Subdivision is within Flood Zone C – “Areas of minimal flooding. (No shading)” – Panel # 480214 0047B, dated October 15, 1982.

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

### **Fire Department**

No comments received.

### **El Paso Water Utilities**

No objections.

## **CITY PLAN COMMISSION OPTIONS**

The City Plan Commission may consider the following options and additional options that it identifies

when reviewing the change of zoning application:

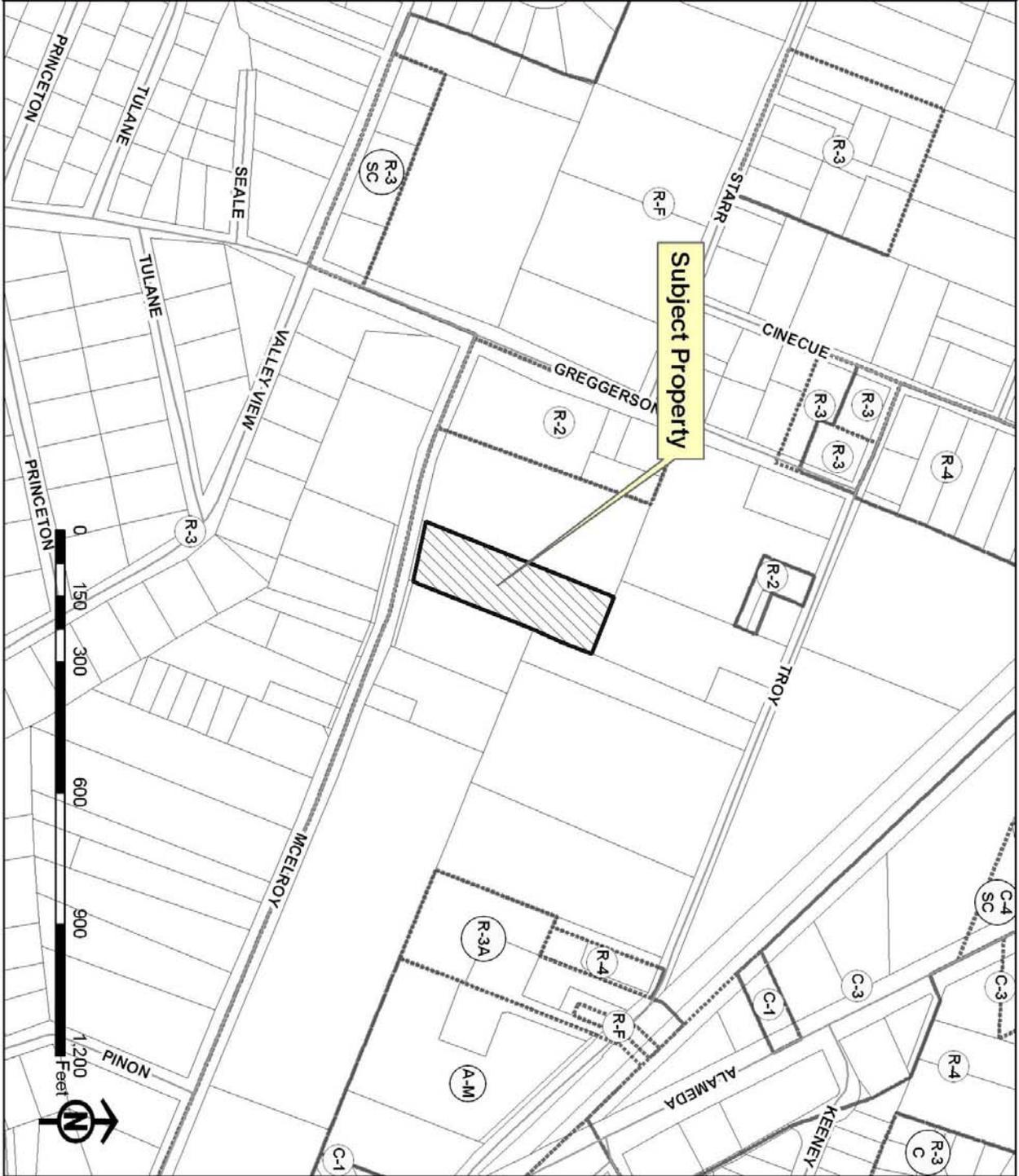
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into 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. Existing Site Plan
4. Proposed Site Plan

ATTACHMENT 1: ZONING MAP

ZON10-00037



ATTACHMENT 2: AERIAL MAP

ZON10-00037



ATTACHMENT 3: EXISTING SITE PLAN

