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

DEPARTMENT: **Development Services Department**

AGENDA DATE: **Introduction: August 19, 2008**
Public Hearing: September 9, 2008

CONTACT PERSON/PHONE: **Mirian Spencer, (915) 541-4192, spencermd2@elpasotexas.gov**

DISTRICT(S) AFFECTED: 8

SUBJECT:
An Ordinance changing the zoning of Tract 22-A-3, A.F. Miller Survey No. 214, City of El Paso, El Paso County, Texas from C-3 (Commercial) to R-5 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property De Leon Drive South of Mesa Street and North of Fiesta Drive. Applicant: Albert Gomez Builders, Inc. ZON08-00014 (District 8)

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 (7-0)

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

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

DEPARTMENT HEAD: Victor Q. Torres Victor Q. Torres

****

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

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ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF TRACT 23-A-3 A.F. MILLER SURVEY NO. 214, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-3 (COMMERCIAL) TO R-5 (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 23-A-3, A.F. Miller Survey No. 214, City of El Paso, El Paso County, Texas,* be changed from **C-3 (Commercial)** to **R-5 (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 _____, 2008.

THE CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Philip Etiwe
_____
Mathew S. McElroy
Deputy Director – Planning
Development Services Department

Doc #39291/Planning/Ord/ZON08-00014 (Rezoning)/LCUE

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Being **Tract 23-A-3**,
A.F. Miller Survey No. 214,
City of El Paso, El Paso County, Texas.
March 3, 2008

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being **Tract 23-A-3**, A.F. Miller Survey No. 214, 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 City monument disk at the centerline of DeLeon Drive opposite the northwest corner of Block 25, Coronado Hills Section No. 2 recorded in Volume 8, Page 40 with the El Paso County Plat Records; Thence, South 84°03'00" East a distance of 30.16 feet to a set ½" rebar with cap "5152" and the "**TRUE POINT OF BEGINNING**"; Whence a 5/8" rebar bears South 25°30'44" West a distance of 0.36 feet.

Thence along the east right of way line of said DeLeon Drive, **North 16°15'15" East** a distance of **122.54** feet to a found 5/8" rebar with cap "5085" at the most northerly corner of this parcel;

Thence leaving the east right of way line of said DeLeon Drive, **South 70°15'59" East** a distance of **190.57** feet to a set ½" rebar with cap "5152" at the most easterly corner of this parcel, whence a ½" rebar bears North 08°45'51" East a distance of 0.26 feet;

Thence with the east line of parent Tract 23A, **South 20°00'00" West**, a distance of **133.06** feet to a set ½" rebar with cap "5152" at the most southerly corner of parent Tract 23A and the north line of said Block 25, Coronado Hills Section No. 2;

Thence along north line of said Block 25, Coronado Hills Section No. 2, **North 66°53'50" West** a distance of **182.83** feet to "**TRUE POINT OF BEGINNING**" and containing in all 23,801 square feet or **0.5464** acres of land more or less.

Zoning Plan of dated February 14, 2008 accompanies this metes and bounds description.

STATE OF TEXAS REGISTERED RONALD ROBERT CONDE 5152 PROFESSIONAL LAND SURVEYOR 3-4-08

job # 208-63

Ron R. Conde
R.P.L.S. No. 5152

EXHIBIT A
PG. 1 OF 2

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

Doc #39291/Planning/Ord/ZON08-00014 (Rezoning)/LCUE

ORDINANCE NO._____

Zoning Case No: ZON08-00014

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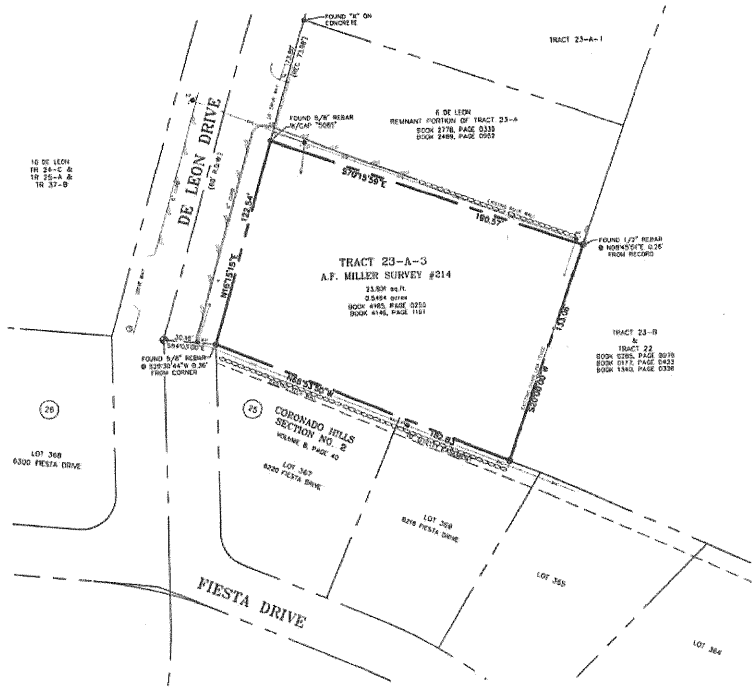
PLAT OF SURVEY

TRACT 23-A-3,
A. F. MILLER SURVEY No. 214,
CITY OF EL PASO, EL PASO COUNTY, TEXAS
CONTAINING 0.5464 ACRES



SCALE: 1"=30'

SYMBOL LEGEND

- FOUND CONTROL POINT
- FOUND CITY MONUMENT
- SET 1/2" REBAR W/CAP 5152
- CALCULATED POINT (NOT SET)
- SANITARY SEWER
- POWER POLE
- GUY WIRE
- GUARD POST

BASIS IS RECORD FOR PLAT OF CORONADO HILLS SECTION 2
A VOLUME 8, PAGE 40, WITH THE EL PASO COUNTY PLAT
S LOCATED BY FOUND CONTROL MONUMENTS SHOWN HEREIN.

ND TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE
COMMUNITY PANEL NO 480214-0020D, DATED JANUARY 03, 1997, THIS
S IN FLOOD HAZARD ZONE B "AREAS BETWEEN LIMITS OF THE 100-YEAR
500-YEAR FLOOD, OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING
GE DEPTHS LESS THAN ONE (1) FOOT OR WHERE THE CONTRIBUTING
S LESS THAN ONE SQUARE MILE, OR AREAS PROTECTED BY LEVEES FROM
LOOD".

OM OUR REPUBLIC NATIONAL TITLE INSURANCE COMPANY FOR TITLE
OF NO. 0137407, DATED FEBRUARY 15, 2002.

SETBACKS PER C-3 ZONING
D 15 FEET
D 10 FEET
D 10 FEET

CONDE, INC.
ENGINEERING/PLANNING/SURVEYING CADD
7380 SOUTH TRANSMOUNTAIN ROAD, EL PASO, TEXAS 79928
PHONE (915) 591-0255 FAX (915) 592-0286

Copyright 2008/CONDE INC.
ALL RIGHTS RESERVED

CERTIFICATION
THIS PLAT REPRESENTS A SURVEY MADE ON THE GROUND BY
SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF M
SURVEY MADE ON THE DATE EXISTING AT THE TIME THE

JOHN E. CONDE
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 5152

EXHIBIT A

PG. 2 OF 2

CITY CLERK DEPT.

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DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

MEMORANDUM

DATE: **July 23, 2008**

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

FROM: Mirian Spencer, Planner

SUBJECT: ZON08-00014

The City Plan Commission (CPC), on July 17, 2008 voted (7 to 0) to recommend **APPROVAL** of rezoning the subject property from C-3 (Commercial) to R-5 (Residential), in agreement with the recommendation from staff and the Development Coordinating Committee.

The property owners are requesting the change of zoning from C-3 (Commercial) to R-5 (Residential) in order to permit residential duplex development. The applicants are proposing three residential duplexes on the 0.5464 acre parcel of vacant land. Access to the lots is proposed vial De Leon Drive. The applicants have also submitted a Special Permit application in order to permit a planned residential development with reduced lot depths and reduced setbacks (ZON08-00048).

The proposed R-5 (Residential) zoning is compatible with the 2025 Projected General Land Use Map for the Northwest Planning area which designates the property for mixed-use development. The surrounding area is composed of single-family and multi-family residential, mobile home and commercial development.

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; and that the proposed use is compatible with adjacent land uses.

There was **ONE CALL IN OPPOSITION** to this request. The nature of the opposition was due to the area being heavily affected by Storm 2006. The caller was concerned that the request would add additional residences to an area that was damaged by the flooding.

Attachment: Staff Report, Zoning Plan, Rezoning Application

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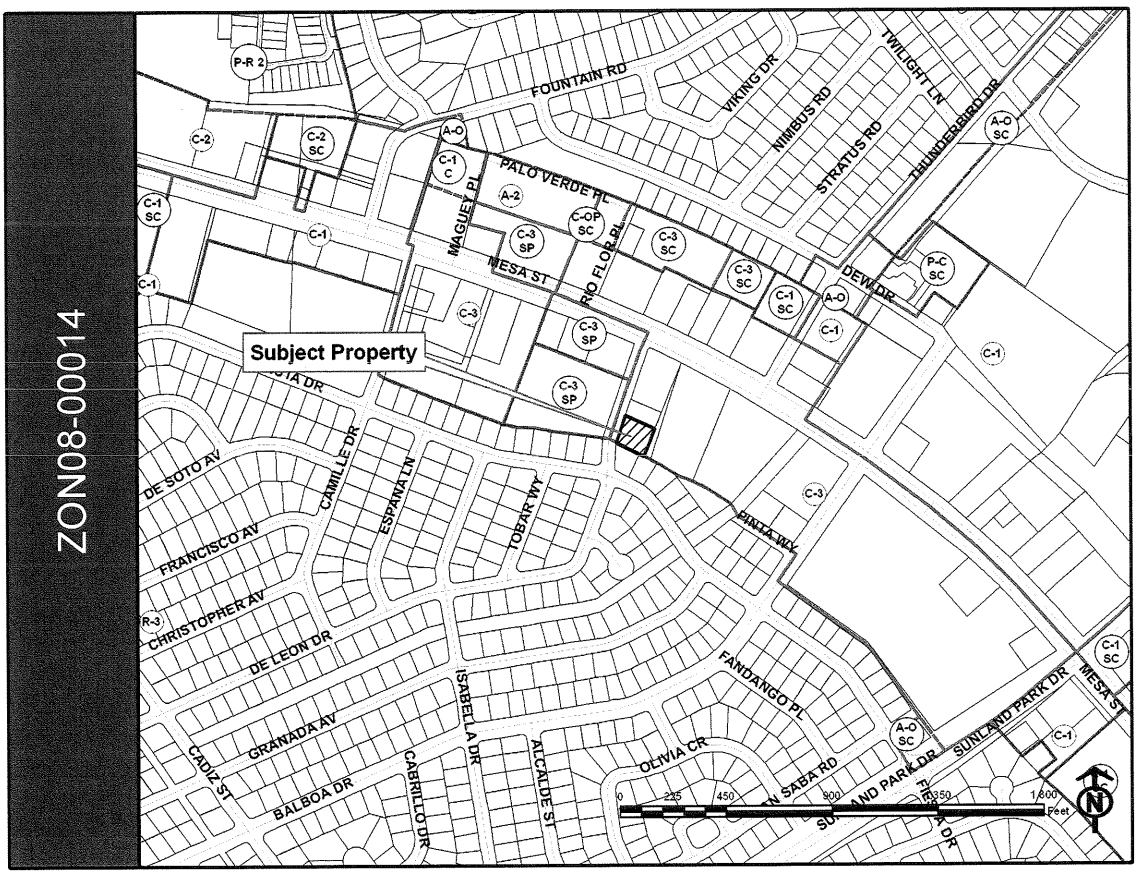
ZON08-00014

Application Type:	Rezoning
Property Owner(s):	Albert Gomez Builders, Inc.
Representative(s):	Conde, Inc.
Legal Description:	Tract 23-A-3, A.F. Miller Survey No. 214, City of El Paso, El Paso County, Texas
Location:	De Leon Drive South of Mesa Street and North of Fiesta Drive
Representative District:	8
Area:	0.5464 acres
Present Zoning:	C-3 (Commercial)
Present Use:	Vacant
Proposed Zoning:	R-5 (Residential)
Recognized Neighborhood Associations Contacted:	Coronado Neighborhood Association; Save the Valley; Upper Mesa Hills Neighborhood Association
Public Response:	***None***
Surrounding Land Uses:	**North:** C-3 / Commercial; **South:** R-3 / Single-family Residential; **East:** C-3 / Mobile Home Park; **West:** C-3/sp / Multi-family Residential
Year 2025 Designation:	**Mixed-Use** (Northwest Planning Area)



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General Information

The applicant requests a rezoning from C-3 (Commercial) to R-5 (Residential) in order to permit residential duplex development. The property is vacant and 0.5464 acres in size. Access is proposed via De Leon Drive. There are no conditions imposed on the property. The applicants have submitted a special permit request for the subject property for planned residential development in order to permit variable setbacks and lot sizes (ZON08-00048). The variable lot depths include: lot depth of 75.76' for the first lot which is a 15% reduction in lot depth from 90' required. The applicants are also proposing the following set backs, Lot 1: 10' Front Yard Setback, 5' Rear Yard Setback, 10' Side Yard Setbacks and Lot 2 and 3: 20' Front Yard Setback, 15' Rear Yard Setback and 5' Side Yard Setbacks. The R-5 density and dimensional standards for R-5 district, Two-Family dwelling are as follows: Lot width 50', depth 90' and set backs: Front: a minimum of 10' with a 20' driveway, Rear: a minimum of 10' cumulative 45, Side: 5' and Side & Side Street: 10'.

Staff Recommendation

The Development Coordinating Committee (DCC) recommends **APPROVAL** of the rezoning request.

The recommendation is based on the following:

The proposed R-5 zoning is compatible with the mixed use designation of the area (single-family and multi-family residential, mobile home development, and commercial development). The property is designated for **mixed use** in the 2025 Projected General Land Use Map for the **Northwest** Planning area.

- **The Plan for El Paso** City-Wide Land Use Goals recommends that El Paso
  - "Protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment".
  - "Provide a wide range of housing types that respond to the needs of all economic segments of the community."
- **R-5 (Residential)** zoning **is compatible** with adjacent development and land uses.

Findings

The Commission must determine the following:

1. Will R-5 (Residential) zoning protect the best interest, health, safety and welfare of the public in general?
1. Will duplex development be compatible with adjacent land uses?
2. What is the relation of the proposed change to the City's Comprehensive Plan?
3. 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

Zoning: Two-family dwelling units is permitted in proposed R-5 (Residential) district. The minimum width of panhandle lot needs to be 12 feet to serve one dwelling unit. Panhandle length does not exceed 200 foot maximum length. Need to show individual site dimensions to determine compliance with lot size and yard standards.

Landscaping: No comments received

Development Services-Planning

Current Planning: The 2025 General Land Use designation for the property is **Mixed Use** in the **Northwest** Planning area. The proposed R-5 (Residential) zone is compatible with adjacent land uses. Planning recommends approval of the proposed rezoning from C-3 to R-5.

Land Development: Site is not located within a Special Flood Hazard Area, Flood Zone (s) **B, "Areas**

between 100-year and 500-year flood or certain areas subject to 100-year flooding with average depths less than one foot or where the contributing drainage area is less than one square mile, or areas protected by levees from the base flood. Panel **480241 0027 D.** The following will be required at the time of development:

- ADA accessible sidewalks, wheel chair ramp(s), and driveways
- Grading plan and permit
- Drainage plans must be approved by the Development Services, Engineering Division
- Storm Water Pollution Plan and/or permit.

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Engineering Department-Traffic
No traffic concerns with proposed zoning change.

Fire Department
No comments received.

El Paso Water Utilities
EPWU does not object to this rezoning request.

List of Attachments
Attachment 1: Zoning Plan
Attachment 2: Application

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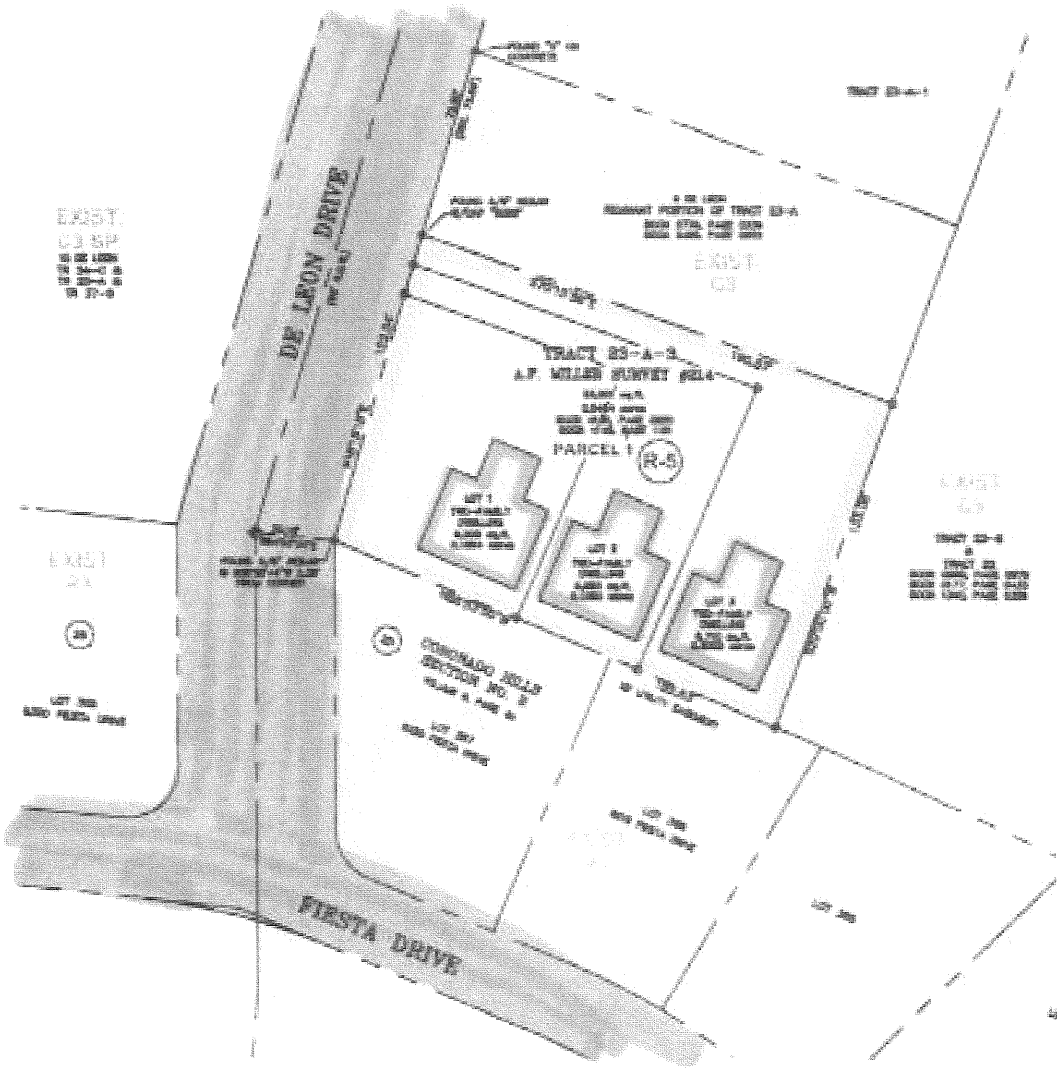
ATTACHMENT 1: ZONING PLAN



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ATTACHMENT 2: APPLICATION

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

CITY OF EL PASO PAID MAR 04 2008 DEVELOPMENT SERVICES DEPT.

CONTACT INFORMATION

PROPERTY OWNER(S): Albert Gomez Builders Inc.
ADDRESS: 550 South Mesa Hills, Ste. B2 ZIP CODE: 79912 PHONE: 915-588-1519
APPLICANT(S): Alberto E. Gomez
ADDRESS: 550 South Mesa Hills, Ste. B2 ZIP CODE: 79915 PHONE: 915-588-1519
REPRESENTATIVE(S): Conde, Inc.
ADDRESS: 1790 Lee Trevino, Suite 400 ZIP CODE: 79936 PHONE: 592-0283
E-MAIL ADDRESS: cconrad@elp.rr.com

PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER X214-999-000B-1755
LEGAL DESCRIPTION: Tract 23-A-3, A. F. Miller Survey No. 214, City of El Paso, El Paso County, Texas
STREET ADDRESS OR LOCATION: De Leon Drive Rep Dist: 8
ACREAGE: 0.5464 ac PRESENT ZONING: C-3 PRESENT LAND USE: vacant
PROPOSED ZONING R-5 PROPOSED LAND USE: To allow for Multiple Family Development
ADDRESS: ZIP CODE: PHONE:
E-MAIL ADDRESS: cconrad@elp.rr.com

PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER:
LEGAL DESCRIPTION:
STREET ADDRESS OR LOCATION:
ACREAGE: PRESENT ZONING: PRESENT LAND USE:
PROPOSED ZONING PROPOSED LAND USE:
ADDRESS: ZIP CODE: PHONE:
E-MAIL ADDRESS:

PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER:
LEGAL DESCRIPTION:
STREET ADDRESS OR LOCATION:
ACREAGE: PRESENT ZONING: PRESENT LAND USE:
PROPOSED ZONING PROPOSED LAND USE:
ADDRESS: ZIP CODE: PHONE:
E-MAIL ADDRESS:

ADDITIONAL INFORMATION

OWNER (S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):
Printed Name: Alberto E. Gomez Signature:
Printed Name: 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 08-00014 RECEIVED DATE: 03/04/2008 APPLICATION FEE:$ 750.00
CC REVIEW DATE: 4/09/08 (8:30 am, Planning Department Conference Room, 2nd Floor, City Hall Building)
PC REVIEW DATE: 05/08/08 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
CCEPTED BY: Scott Reed FUND -01101, DEPT ID -99010335, ACCOUNT -404126

Revised 6/2004