

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

DEPARTMENT: City Development Department, Planning Division

AGENDA DATE: Introduction: Introduction July 30, 2013
Public Hearing: August 20, 2013

CONTACT PERSON/PHONE: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov

DISTRICT(S) AFFECTED: 4

SUBJECT:

An Ordinance changing the zoning of Tracts 7 and 7A, Section 16, Block 80, Township 1 Texas and Pacific Railway Surveys, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-5 (Residential). The penalty is as provided for in Chapter 20.24 of The El Paso City Code. Property owner: Direct Home Sales Inc., Location: South of Patriot Freeway and East of Mesquite Hill Drive, **PZRZ13-00019 (District 4)**

BACKGROUND / DISCUSSION:

Staff report attached.

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval Recommendation (8-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Mathew S. McElroy
Director, City Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF TRACTS 7 AND 7A, SECTION 16, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) 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 Tracts 7 and 7A, Section 16, Block 80, Township 1, Texas and Pacific Railway Surveys, *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-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 _____, 2013.

THE CITY OF EL PASO

ATTEST:

Oscar Lesser
Mayor

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Karla M. Nieman
Assistant City Attorney

Mathew S. McElroy, Director
City Development Department

EXHIBIT "A"

TRACTS 7 AND 7A, SECTION 16, BLOCK 80
TOWNSHIP 1, TEXAS & PACIFIC RAILWAY SURVEYS
CITY OF EL PASO, EL PASO COUNTY, TEXAS
MAY 01, 2013

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being Tracts 7 and 7A, Section 16, Block 80, Township 1, Texas and Pacific Railway Surveys, City Of El Paso, El Paso County Texas, and being more particularly described by metes and bounds as follows:

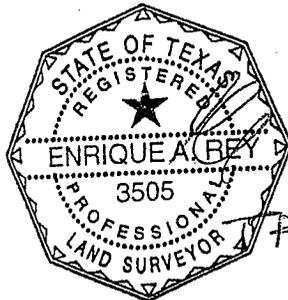
The "POINT OF BEGINNING" being the Southeasterly Corner of Lot 39, Block 28 of Mesquite Hills Unit 4 as Recorded in File No. 20110022249 City of El Paso, El Paso County, Texas

THENCE, Leaving said said corner South 01°00'11" East, a distance of 661.15 feet to a point;

THENCE, South 89°54'52" West a distance of 330.28 feet to a point;

THENCE, North 01°00'25" West a distance of 661.05 feet to a point;

THENCE, North 89°53'47" East a distance of 333.32 feet to the **POINT OF BEGINNING** of the herein described parcel of land and containing 220,317 square feet or 5.058 acres of land more or less.



Enrique A. Rey
PLS #3505

28 May 2013

MEMORANDUM

DATE: July 17, 2013

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

FROM: Arturo Rubio, Senior Planner

SUBJECT: PZRZ13-00019

The City Plan Commission (CPC), on July 11, 2013, voted 8-0 to recommend **approval** of rezoning the subject property from R-F (Ranch Farm) to R-5 (Residential).

The CPC found that the rezoning is in conformance with the Plan El Paso. The CPC also determined that the 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 negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was one phone call in opposition to this request.

Attachment:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZRZ13-00019
Application Type: Rezoning
CPC Hearing Date: July 11, 2013
Staff Planner: Arturo Rubio, 915-541-4633, rubioax@elpasotexas.gov
Location: South of Patriot Freeway and East of Mesquite Hill Drive
Legal Description: Tracts 7 and 7A, Section 16, Block 80, Township 1, Texas and Pacific Railway Surveys, City of El Paso, El Paso County, Texas
Acreage: 5.058 acres
Rep District: 4
Zoning: R-F (Ranch and Farm)
Existing Use: Vacant
Request: From R-F (Ranch and Farm) to R-5 (Residential)
Proposed Use: Single-family Dwellings
Property Owner: Direct Homes Sales Inc.
Representative: Bashar Abugalyon

SURROUNDING ZONING AND LAND USE

North: R-5 (Residential) Vacant
South: R-5/c (Residential/condition)
East: R-5 (Residential)
West: R-5 (Residential)

Plan for El Paso Designation: G-4 Suburban Walkable (Northeast Planning Area)
Nearest Park: Mesquite Hills #1 Park (4,111 feet)
Nearest School: Desertaire Elementary School (17,035 feet)

NEIGHBORHOOD ASSOCIATIONS

No neighborhood associations registered in this area.

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on June 24, 2013. The Planning Division has not received any phone calls or letters in support or opposition of the rezoning request.

APPLICATION DESCRIPTION

The applicant is requesting to rezone the subject property from R-F (Ranch and Farm) to R-5 (Residential). The applicant is requesting the rezoning for a proposed 26 single-family dwelling residential subdivision. The proposed access is from **Copper** Hill Place.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends approval of rezoning the subject property from R-F (Ranch and Farm) to R-5 (Residential). The recommendation is based on the compatibility with the surrounding properties and Plan El Paso.

Plan El Paso-Future Land Use Map Designation

All applications for special permit shall demonstrate compliance with the following criteria:

G-4 – Suburban Walkable: This sector applies to modern single-use residential subdivisions and office parks,

large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the R-5 (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.

COMMENTS:

Planning Division –Transportation

No objections

City Development Department – Plan Review

No comments received

City Development Department - Land Development

No Objection.

Grading plan and permit shall be required.*

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

Drainage plans must be approved by the City Development Dept. Land Development Section.*

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

Fire Department

At this time the fire department has no objection to the Re-Zoning case.

Sun Metro

Sun Metro does not oppose this request. Recommends the construction of sidewalks to permit pedestrian accessibility to surrounding neighborhood.

El Paso Water Utilities (EPWU)

1. EPWU-PSB does not object to this request.
2. The subject property is located within the City of El Paso Northeast Impact Fee Service Area. Impact fees will be assessed at the time of plat and collected by the El Paso Water Utilities prior to the issuance of a Building Permit by the City of El Paso.
3. Water and sewer service for the subject subdivision requires the extension of water and sewer mains from the existing mains within Copper Hill Place.
4. Sanitary sewer is critical for the southern portion of the subdivision. The Owner must grade the property to allow sewer service by gravity to the existing sewer main along Copper Hill Place.
5. EPWU requires for the access easement (Lot 69, Mesquite Hills Unit 4, Block 28) to be dedicated as a public right-of-way to allow for the installation of public water and sewer main extensions to serve the subject subdivision. Water and sanitary sewer mains will not be allowed to be constructed within the access easement.

EPWU-PSB Comments

Water:

6. There is an existing 8-inch diameter water main extending along Copper Hills Place that is available for service, the water main is located approximately 8-ft east from the center line of the right-of-way.

Sewer:

7. There is an existing 8-inch diameter sanitary sewer main extending along Copper Hills Place that is available for service, the sewer main is located approximately 5-ft west from the center line of the right-of-way.

General

8. EPWU requires a new service application to serve the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. 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.

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 in the Plan by the CPC.

Attachments:

- Attachment 1: Zoning Map
- Attachment 2: Aerial Map
- Attachment 3: Conceptual Plan

Attachment 1: Zoning Map

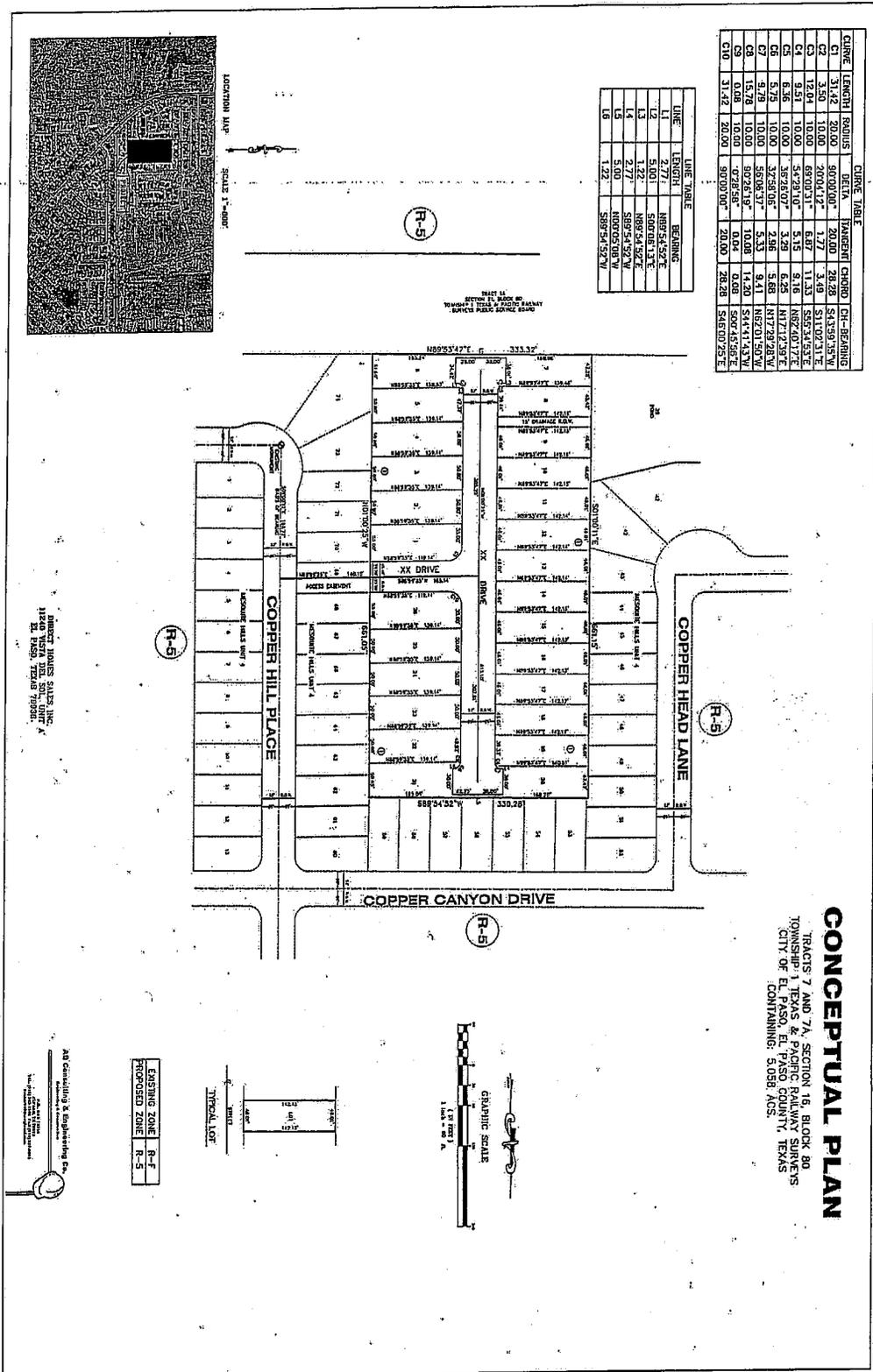
PZRZ13-00019



PZRZ13-00019



Attachment 3: Conceptual Plan



Phone Call in Opposition

On July 11, 2013 at approximately 12:45 Ms. Deborah Castaneda, currently residing at 12025 Copper Hill phone number 915-922-7710 called to state her opposition to the rezoning request. Ms. Castaneda's opposition is that the rezoning and development of single-family homes in the rear would make her home a corner lot and corner lots according to her typically devalue or keep same value. Also she is concerned for her children's safety as now they will be directly next to a street.