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

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

AGENDA DATE: **Introduction: October 14, 2008**
Public Hearing: November 4, 2008

CONTACT PERSON/PHONE: **Arturo Rubio, 541-4633**

DISTRICT(S) AFFECTED:

SUBJECT:
An Ordinance changing the zoning of a portion of Tract 10A, 11A, 12A and 13A, Block 54, Ysleta Grant, City of El Paso, El Paso County, Texas from A-M/sc (Apartment-Mobile Home Park/special contract) to R-5/sc (Residential/special contract). The penalty is as provided for in Chapter 20.24 of The El Paso City Code. Subject Property: North of Highland Avenue and South of Yermoland Drive. Applicant: Nadia T. Saab., ZON08-00047 (District 7).

BACKGROUND / DISCUSSION:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
Development Coordinating Committee (DCC) – Unanimous 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
Director, Development Services

_____

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 10A, 11A, 12A AND 13A, BLOCK 54, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-M/SC (APARTMENT-MOBILE HOME PARK/SPECIAL CONTRACT) TO R-5/SC (RESIDENTIAL/SPECIAL CONTRACT). 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 Tract 10A, 11A, 12A and 13A, Block 54, Ysleta Grant, 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 **A-M/sc (Apartment-Mobile Home Park/special contract)** to **R-5/sc (Residential/special contract)**, 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:

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

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 10A, 11A, 12A and 13A, Block 54, Ysleta Grant, City Of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at an existing city monument at the centerline intersection of Yermoland Dr. and Kastrin St., Thence along the centerline of Kastrin St. South 15°57°00" West a distance of 51.80 feet to a point, Thence leaving said centerline North 74°03'00" West a distance of 30.00 feet to a point on the westerly right of way line of Kastrin St. for the "TRUE POINT OF BEGINNING".

Thence along said right of way line South 15°57'00" West a distance of 623.94 feet to a point of curve;

Thence 31.42 feet along the arc of a curve to the right which has a radius of 20.00 feet a central angle of 90°00'00" and a chord which bears South 60°57'00" West a distance of 28.28 feet to a point;

Thence North 74°03'00" West a distance of 83.98 feet to a point of curve;

Thence 227.67 feet along the arc of a curve to the right which has a radius of 678.12 feet a central angle of 19°14'11" and a chord which bears North 64°25'54" West a distance of 226.60 feet to a point;

Thence North 54°48'49" West a distance of 598.81 feet to a point of curve;

Thence 24.70 feet along the arc of a curve to the right which has a radius of 20.00 feet a central angle of 70°45'49" and a chord which bears North 19°25'54" West a distance of 23.16 feet to a point;

Thence North 15°57'00" East a distance of 488.73 feet to a point;

Thence 288.27 feet along the arc of a curve to the right which has a radius of 491.99 feet a central angle of 33°34'18" and a chord which bears North 32°44'09" East a distance of 284.17 feet to a point;

Thence North 49°31'18" East a distance of 7.22 feet to a point of curve;

Thence 30.66 feet along the arc of a curve to the right which has a radius of 20.00 feet a central angle of 87°49'56" and a chord which bears South 86°33'44" East a distance of 27.74 feet to a point;

Thence South 42°38'46" East a distance of 501.47 feet to a point;

Thence 364.30 feet along the arc of a curve to the left which has a radius of 695.02 feet a central angle of 30°01'55" and a chord which bears South 57°39'43" East a distance of 360.14 feet to a point of reverse curve;

Thence 30.94 feet along the arc of a curve to the right which has a radius of 20.00 feet a central angle of 88°37'41" and a chord which bears South 28°21'50" East a distance of 27.94 feet to a point for the "TRUE POINT OF BEGINNING" and containing 15.21 acres of land more or less.

Note: Not a ground survey

Bearing based on plat of El Dorado Subdivision as recorded in volume 55, page 19, Plat records of El Paso County, Texas.

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

STATE OF TEXAS
REGISTERED
RONALD ROBERT CONDE
5152
PROFESSIONAL
LAND SURVEYOR

4-17-08

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

VICTOR Q. TORRES
DIRECTOR , DEVELOPMENT SERVICES

MATHEW S. MCELROY
DEPUTY DIRECTOR, PLANNING

CITY COUNCIL

ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES
PLANNING DIVISION

M E M O R A N D U M

DATE: October 6, 2008

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

FROM: Arturo Rubio, Planner

SUBJECT: **ZON08-00047**

The City Plan Commission (CPC), on August 14, 2008, voted **7-0** to recommend **APPROVAL** of rezoning subject property from A-M/sc (Apartment Mobile Home Park/special contract) to R-5 (Residential/special contract).

The CPC found that the 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 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 effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was one letter in opposition to the rezoning request.

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Attachment: Staff Report

City of El Paso – City Plan Commission Staff Report

Case No: ZON08-00047
Application Type: Rezoning
CPC Hearing Date: August 14, 2008
Staff Planner: Arturo Rubio, 915-541-4633, *rubioax@elpasotexas.gov*

Location: North of Highland Avenue and West of Kastrin Street
Legal Description: A portion of Tract 10A, 11A, 12A and 13A, Block 54, Ysleta Grant, City of El Paso, El Paso County, Texas

Acreage: 15.21 acres
Rep District: 7
Existing Use: Vacant
Existing Zoning: A-M/sc (Apartment Mobile Home Park/special contract)
Proposed Zoning: R-5/sc (Residential/special contract)

Property Owner: Nadia T. Saab
Applicant: Nadia T. Saab
Representative: Conde, Inc.

SURROUNDING ZONING AND LAND USE
North: C-4/sp (Commercial/special permit) Warehouse, vacant, Loma Terrace Elementary School
South: A-M/sc (Apartment Mobile Home Park/special contract), S-D (Special Development) Mobile Home park, Single-Family residential dwelling
East: P-I (Planned Industrial), C-4/sc (Commercial/special contract), Warehouse
West: A-O/sc (Apartment Office/special contract) C-3 (Commercial), Vacant, Lomaland Park

THE PLAN FOR EL PASO DESIGNATION: Residential/Commercial (Mission Valley Planning Area)

NEIGHORHOOD ASSOCIATIONS: None

APPLICATION DESCRIPTION
The applicant is proposing a rezoning from A-M/sc (Apartment Mobile Home Park/special contract) to R-5/sc (Residential/special contract) in order to allow for residential development. In a separate application the applicant has submitted a special permit request to allow for reduced lot width from minimum of 45' to not less than 41' and side set-backs to 3' and alternating to 7' from 5' and 10' abutting side street under special permit case (ZON08-00042). The A-M (Apartment Mobile Home Park) zoning district does not allow for a special permit to reduce set- backs and average lot width; therefore, the applicant is requesting rezoning and special permit to reduce average lot width and side set-backs. The subject property has a special contract that imposes the following condition: "A subdivision plat must be filed of record for each parcel before a building permit is issued for said parcel" (Ordinance No. 008700 dated June 10, 1986). A subdivison plat, Gran Vista Estates Unit One,

was approved on a preliminary basis on May 8, 2008 by the CPC. As a note to the applicant: if the rezoning, special permit and deteiled site development plan are approved then a revised preliminary or combination plat is required.

Density and Dimensional Standards:
The proposed R-5/sc requirements for single-family development are as follows: Minimum lot area 4,500 squared feet, minimum lot width 45', minimum lot depth 90'. Minimum front yard set back 10' with a 20' driveway, minimum rear yard set back 10', cumulative front and rear 45', side yard set bask 5' and side street yard set back 10'. The existing A-M/sc density and dimensional standards are the same as the R-5/sc being proposed.

NEIGHBORHOOD INPUT
Notice of the public hearing was mailed to all property owners within 300 feet of this proposed rezoning on July 18, 2008. Planning Division received one letter in opposition. The concerns include, why R-5 and not R-4, why not include a small park, and a misunderstanding as person in opposition is under the belief that applicant is proposing 400 new homes as opposed to the 95 proposed and traffic generated questions i.e. if Yermoland will be extended.

The Plan for El Paso –City-wide Land Use Goals:
All applications for light density residential district 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 encroachment which may have a negative impact on the residential living environment.

The Light Residential district promotes and preserves residential development within the City to create basic neighborhood units.
District regulations intent is to maintain 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 residential development.
The R-5/sc district regulations will provide a recreational area for the neighborhood and provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments.

DEVELOPMENT COORDINATING COMMITTEE
The Development Coordinating Committee provides the following comments:

The DCC recommends approval of this request for rezoning from A-M/sc (Apartment Mobile Home Park/special contract) to R-5/sc (Residential/special contract) the request is compatible to surrounding land uses.

Development Services - Building Permits and Inspections Division:
Zoning Review: No objection to the re-zoning request.

Landscaping: Landscaping not required for residential development. If rezoned landscape not required under 18.46 of the building code.

Development Services - Planning Division:
Current Planning: Recommends approval, rezoning request is compatible to surrounding land uses.

Land Development: No comments received.

Engineering Department, Traffic Division:
No objection to proposed zoning change.

Fire Department:
No comments received.

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

Parks:
No comments received.

Sun Metro:
No comments received.

School Districts:
No comments received.

CITY PLAN COMMISSION OPTIONS

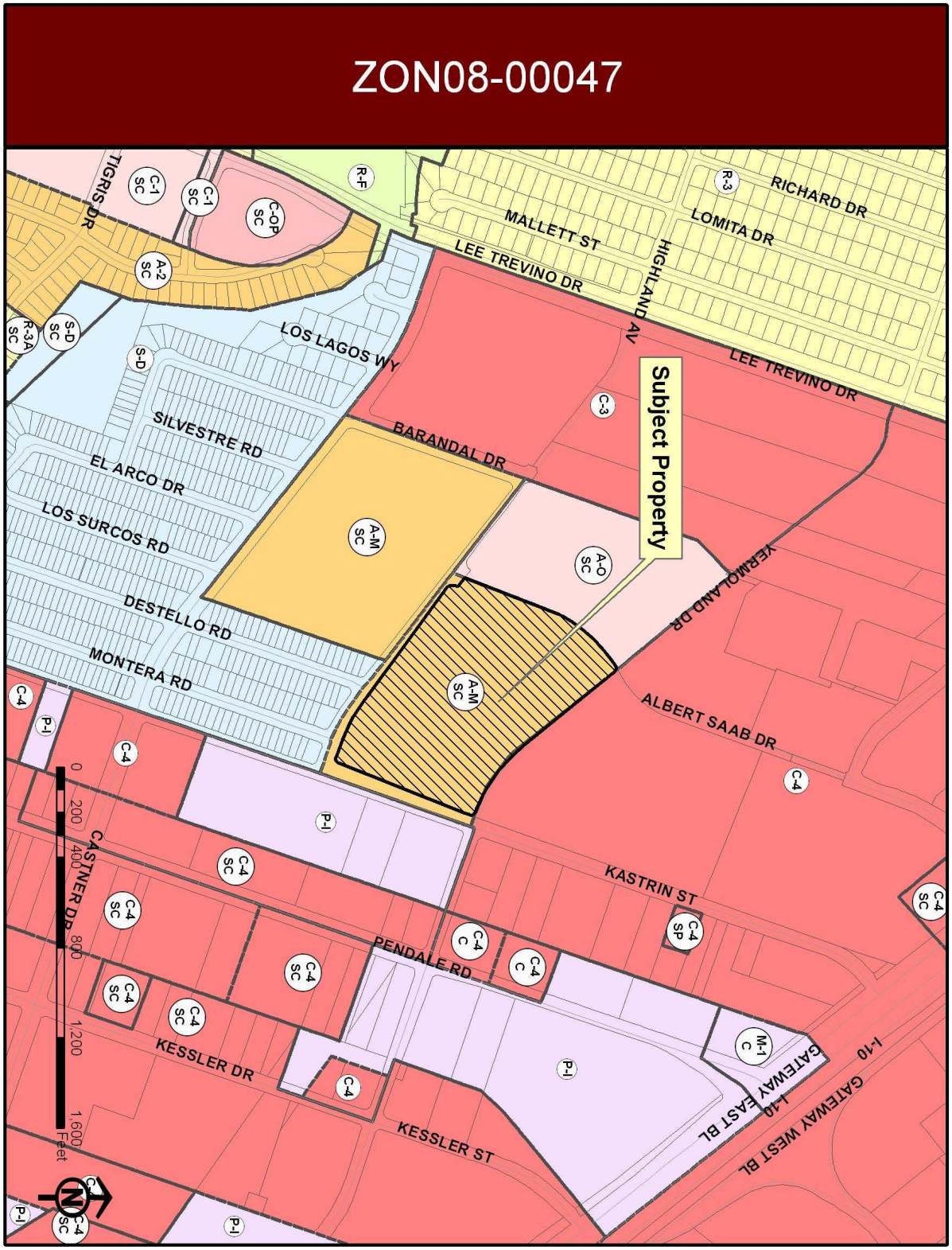
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application

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:

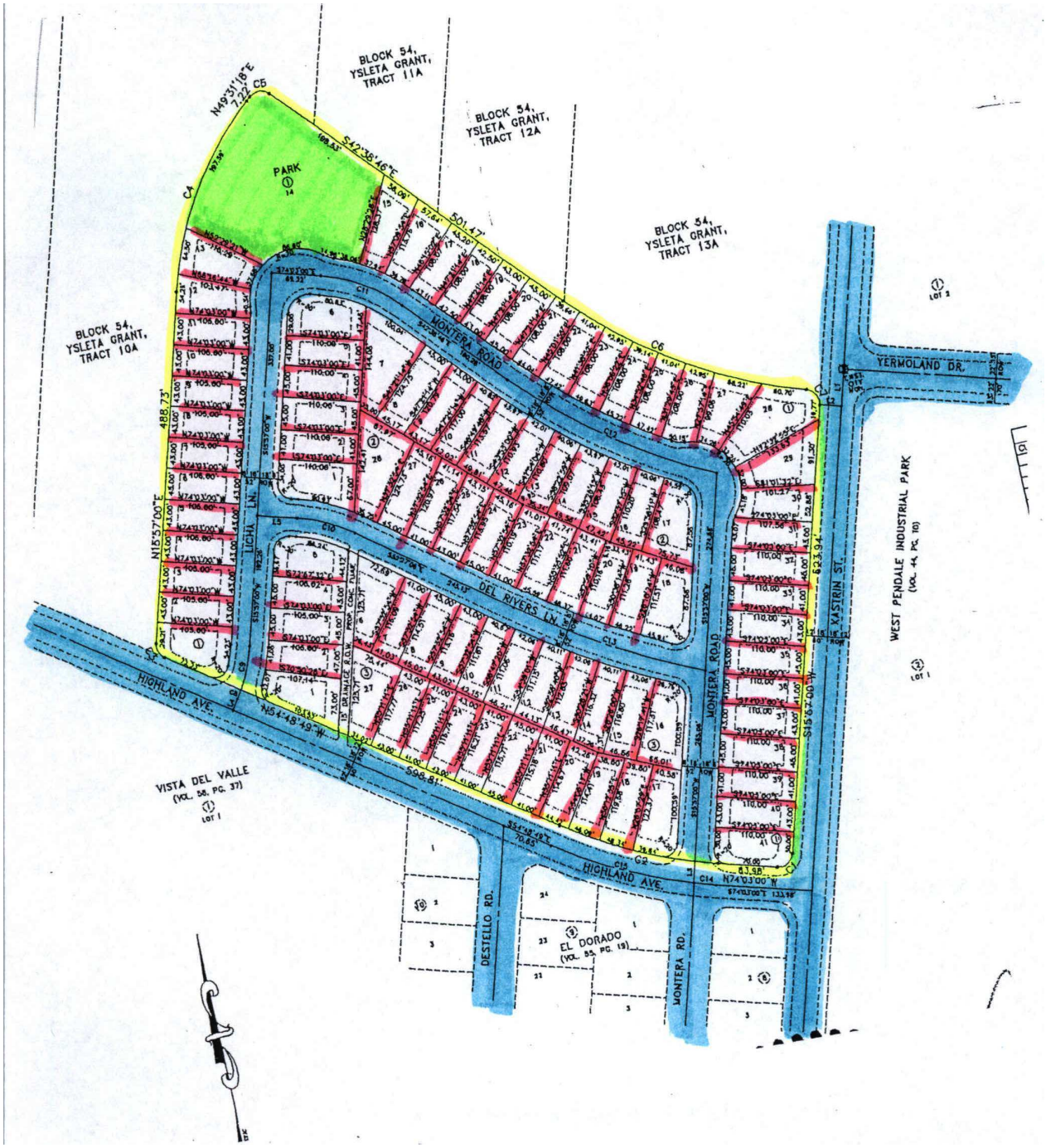
Attachment 1: Zoning Map
Attachment 2: Aerial Map
Attachment 3: Detailed Site Development Plan
Attachment 4: Letter of Opposition

Attachment 1: Zoning Map



Attachment 2: Aerial Map

Attachment 3: Detailed Site Development Plan



Attachment 4: Letter of Opposition

August 7, 2008

CITY PLAN COMMISION
C/O PLANNING DIVISION
5th FLOOR CITY HALL
2 CIVIC CENTER PLAZA
EL PASO, TEXAS 79901-1196

SUBJECT: CASE NO. ZON08-00047 (REZONING) / ZON08-00042 (SPECIAL PERMIT.
ESQUIPILAS D. MONTANEZ / OWNER
8555 YERMOLAND DR.
EL PASO, TEXAS 79907

Dear City Planners,

Let me congratulate and thank Ms. Nadia T. Saab for finally allowing the people of the Lower Valley enjoy this choice property. I not only own the above commercial property, but in less than (60) days my family and I will be moving into a new home on 804 Los Lagos just southwest of subject case property

In reference to Ms. Saab zoning request, I have (3) questions. First, why R-5/sc? Why not R-4 without the reduced lot widths? This would create a much better neighborhood and reduce the traffic congestion. Second, why not plan a small park in this community? This will raise the quality of life that El Paso so much needs and no public official seems to commit to. Finally the most important question. Will Yermoland be opened from Kastrin to Lee Trevino??? If not, then you better prepare yourselves for a bottle neck at the traffic light at Lee Trevino and Castner.

It is my understanding that there will be close to (400) new homes in this tract of land. That means that with each family owning a minimum of (2) vehicles, we will see an increase of traffic at the Lee Trevino light of more than double. If Yermoland Dr. is not opened to Lee Trevino, **THIS DEVELOPMENT SHOULD NOT BE GRANTED ABOVE CHANGES IN ZONING!!!**

Thank you for your consideration and we pray to God that you all decide in the best interest of the public and not only the developer.

Best regards,

E. D. Montanez

E. Dave Montanez