

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: October 16, 2007
Public Hearing: November 6, 2007

CONTACT PERSON/PHONE: Melissa Granado, 541-4730

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance changing the zoning of Lots 28 and 29, and a portion of Lot 30, Block 6, Second Revised Map of Mundy Heights, City of El Paso, El Paso County, Texas from R-4/H (Residential/Historic) to A-2/H (Apartment/Historic). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 1509 Upson Drive. Applicant: Winton Custom Builders, Inc. ZON07-00095 (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) – Unanimous Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (6-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Kelly Carpenter

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

CITY CLERK DEPT.

07 OCT -8 PM 2: 14

AN ORDINANCE CHANGING THE ZONING OF LOTS 28 AND 29, AND A PORTION OF LOT 30, BLOCK 6, SECOND REVISED MAP OF MUNDY HEIGHTS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4/H (RESIDENTIAL/HISTORIC) TO A-2/H (APARTMENT/HISTORIC). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 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 *Lots 28 and 29, and a portion of Lot 30, Block 6, Second Revised Map of Mundy Heights, 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-4/H (Residential/Historic)** to **A-2/H (Apartment/Historic)**, 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 _____, 2007.

THE CITY OF EL PASO

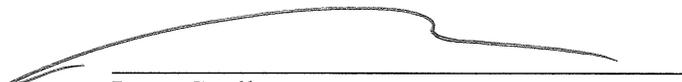
ATTEST:

John F. Cook
Mayor

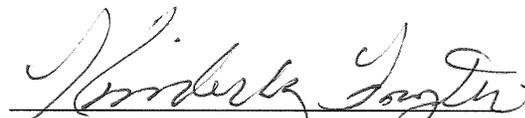
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Lupe Cuellar
Assistant City Attorney



Kimberly Forsyth, Senior Planner
Development Services Department

1509 UPSON DRIVE

Property Description: All of Lots 28 and 29 and a portion of Lot 30, Block 6, Mundy Heights, an addition to the City of EL Paso, EL Paso County, Texas.

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is all of Lots 28 and 29 and a portion of Lot 30, Block 6, Mundy Heights, an addition to the City of EL Paso, El Paso County, Texas and is more particularly described by metes and bounds as follows:

Commencing at an existing city monument lying on the centerline intersection of Upson Drive (70' right-of-way), and Yandell Boulevard (70' right-of-way); Thence, North 61° 34' 00" West, a distance of 321.18 feet to a point; Thence, North 28° 26' 00" East, a distance of 35.00 feet to a point lying on the northerly right-of-way line of Upson Drive, said point being a set nail on wall, also being the TRUE POINT OF BEGINNING of this description;

THENCE, North 61° 34' 00" West, along said right-of-way line, a distance of 71.00 feet to a point lying on the common boundary line between Lots 27 and 28, Block 6, Mundy Heights, said point being a found bolt on wall;

THENCE, North 28° 26' 00" East, along said boundary line, a distance of 120.00 feet to a point lying on the southerly boundary line of a 15-foot alley, said point being a set 1/4-inch iron pin with SLI plastic cap;

THENCE, South 61° 34' 00" East, along said boundary line, a distance of 71.00 feet to a point lying on the common boundary line between Lots 30 and 31, Block 6, Mundy Heights, said point being a set 1/2" with SLI plastic cap stamped "TX2998";

THENCE, South 28° 26' 00" West, along said boundary line, a distance of 120.00 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land containing 0.196 acres (8,520 Sq. Ft.) more or less.

A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC,
Consulting Engineers-Land Surveyors

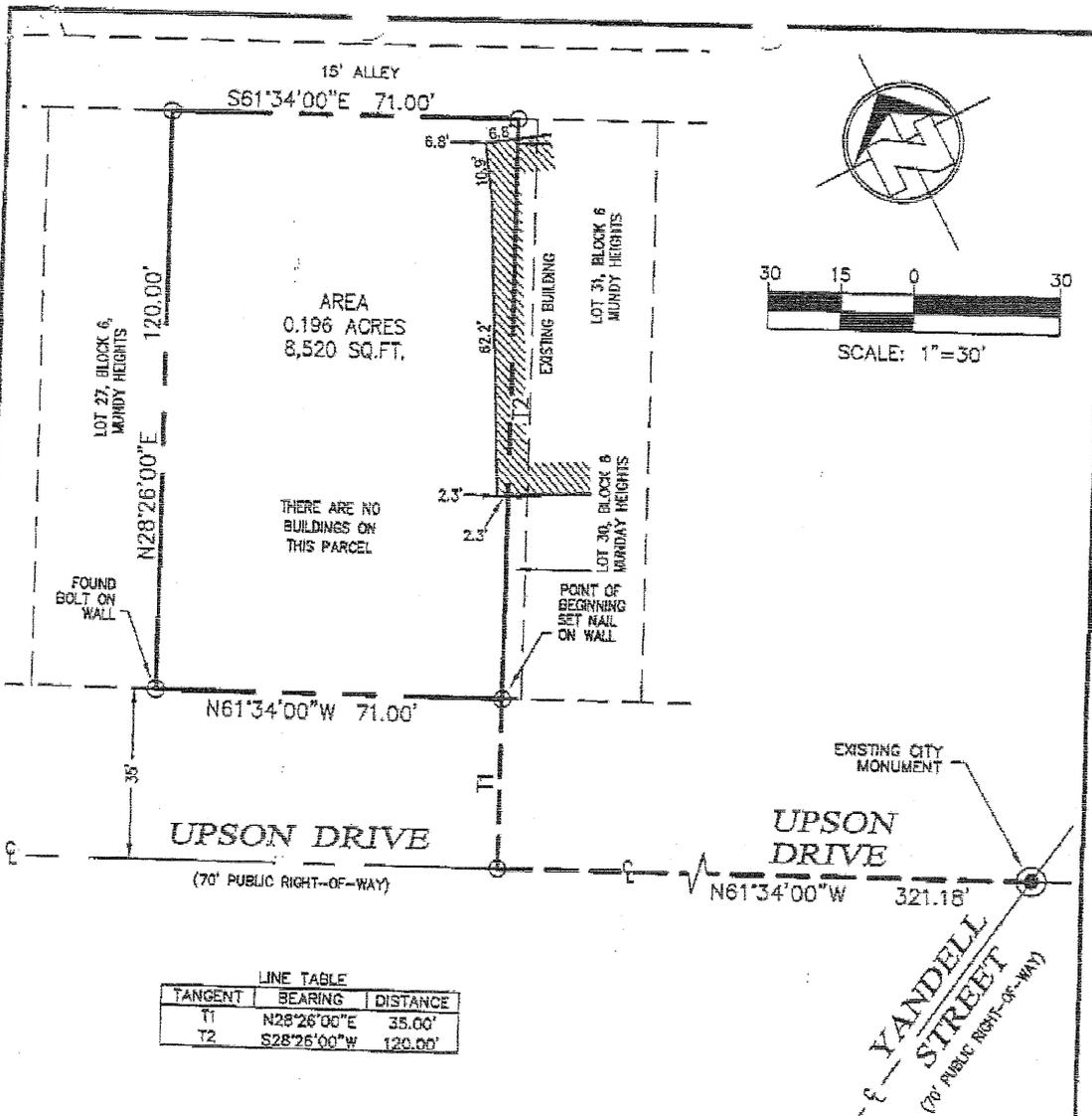
Guillermo Licon
Registered Professional Land Surveyor
Texas License No. 2998



May 14, 2007
Job Number 06-07-2557
M&B/1393

CITY CLERK DEPT.
07 OCT - 8 PM 2:14

Exhibit "A"



LINE TABLE

TANGENT	BEARING	DISTANCE
T1	N28°26'00"E	35.00'
T2	S28°26'00"W	120.00'

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 480214 0039B, DATED OCTOBER 15, 1992, THIS PROPERTY LIES IN FLOOD ZONE C.

ZONE C AREAS OF MINIMAL FLOODING.

DUE TO INHERENT INACCURACIES OF FEMA OR FLOOD INSURANCE RATE MAPS THIS SURVEYOR DOES NOT CERTIFY TO THE ACCURACY OF LOCATIONS BASED ON SUCH MAPS. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

Copyright 2007 SLI Engineering, Inc.

This map and survey are being provided solely for the use of J.L. Anchondo and no license has been created, expressed or implied, to copy the surveys and/or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon May 14, 2007.

NOTE:

ALL INFORMATION SHOWN HEREON WITH RESPECT TO UNDERGROUND CONDITIONS, WAS DETERMINED BY DATA COLLECTED THROUGH SURVEY CREW OBSERVATION AND OTHER INFORMATION TAKEN FROM EXISTING PLANS AND MAPS OF RECORD. NO UNDERGROUND UTILITIES EXISTING OR ABANDONED WERE EXPOSED OR LOCATED.

UNLESS SPECIFICALLY ACCEPTED BY SLI ENGINEERING, INC. IN WRITING, SLI ENGINEERING, INC. MAKES NO CLAIM, EXPRESSED OR IMPLIED, AS TO THE UNDERGROUND SITE CONDITIONS.

LEGEND
 CENTERLINE

NOTE: SET 1/2" IRON WITH SLI CAP ON ALL PROPERTY CORNERS UNLESS OTHERWISE INDICATED. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT OF SURVEY.



PLAT OF SURVEY

SLI ENGINEERING, INC.
 CIVIL ENGINEERS
 LAND SURVEYORS
 LAND PLANNERS
 8800 WESTWIND DRIVE
 EL PASO, TEXAS 79912
 915-584-4457

1509 UPSON DRIVE
 ALL OF LOTS 28, 29 AND
 A PORTION OF LOT 30,
 MUNDY HEIGHTS,
 EL PASO, EL PASO COUNTY,
 TEXAS

CERTIFICATION
 I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

JOB # 09-07-2557DR. BY: MN

SCALE: 1"=30' F.B. # 3000

DATE: 05/14/2007 DWG.: MUNDY-28-30.dwg

PLAT REFERENCE
 VOLUME 1 PAGE 36

GUILLERMO LICON, R.P.L.S.
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS LICENSE NO. 2998

CITY CLERK DEPT.
 07OCT-8 PM 2:14



JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT
DIRECTOR, DEVELOPMENT SERVICES

KELLY CARPENTER, AICP
DEPUTY DIRECTOR, PLANNING

CITY COUNCIL

ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, 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
MEMORANDUM

DATE: October 8, 2007

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

FROM: Melissa Granado, Planner

SUBJECT: **ZON07-00095**

The City Plan Commission (CPC), on September 20, 2007, voted **6-0** to recommend **APPROVAL** of rezoning the subject property from R-4/H (Residential/Historic) to A-2/H (Apartment/Historic), concurring with Staff's recommendation.

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; that the proposed use is compatible with adjacent land uses; and the effects of the rezoning will have no effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

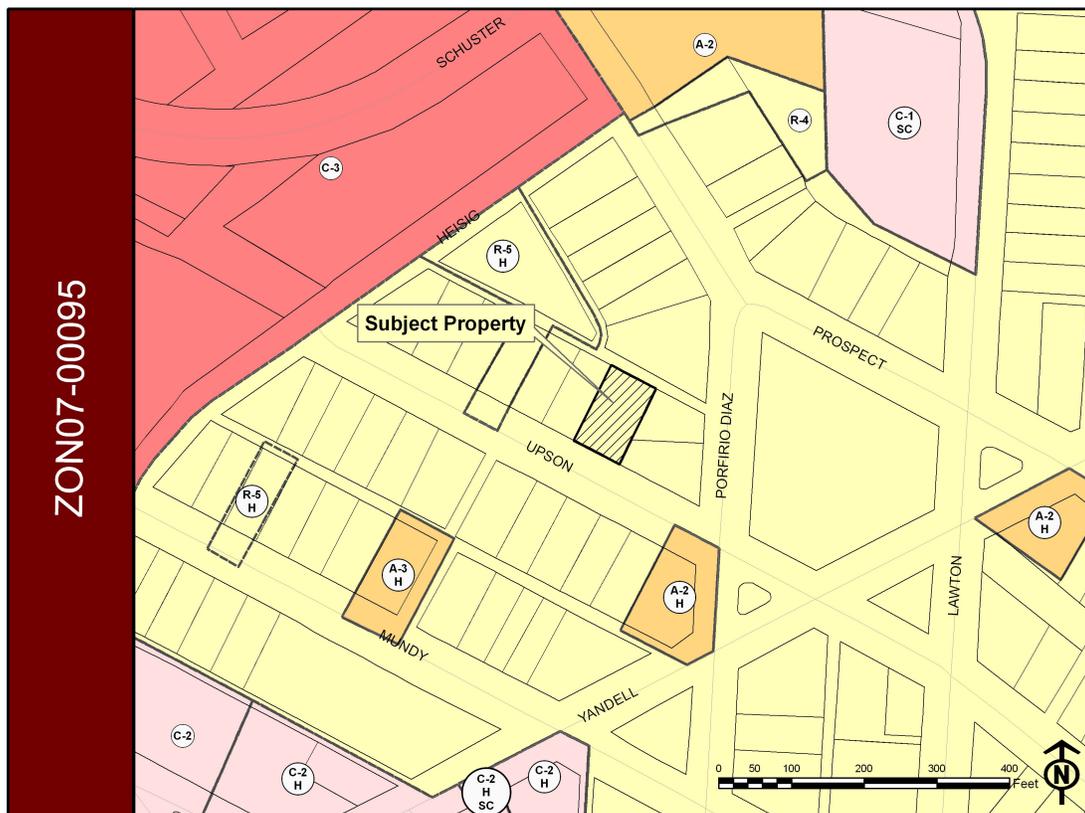
There was no opposition to this rezoning request.

Attachment: Staff Report, Site Plan, Application



ZON07-00095

Application Type: Rezoning
Property Owner(s): Winton Custom Builders, Inc
Representative(s): Scott Winton
Legal Description: Lots 28 and 29, and a portion of Lot 30, Block 6, Second Revised Map of Mundy Heights, City of El Paso, El Paso County, Texas
Location: 1509 Upson Drive
Representative District: 8 **Area:** 0.196 acres
Present Zoning: R-4/H (Residential/Historic) **Present Use:** Vacant
Proposed Zoning: A-2/H (Apartment/Historic)
Recognized Neighborhood Associations Contacted: A Presidential Neighborhood Association, Sunset Heights Neighborhood Improvement Association, Sunset Heights Association of Community Friends
Public Response: None
Surrounding Land Uses: **North:** R-4/H / Residential, **South:** R-4/H / Residential, **East:** R-4/H / Residential, **West:** R-4/H / Residential
Year 2025 Designation: Residential (Central Planning Area)



General Information:

The applicant requests a rezoning from R-4/H (Residential/Historic) to A-2/H (Apartment/Historic). The subject property is located in the Sunset Heights Historic District. The conceptual site plan proposes two two-family buildings on the property with a 20 foot front setback, 20 foot rear setback, and a 4 foot 6 inch side yard setback. Four parking spaces are provided. Access is proposed via the alley to the rear of the property. There are no zoning conditions currently on this property.

A special permit for infill development is being processed concurrent with this rezoning request. This rezoning request has been reviewed and approved by the Historic Landmark Commission (HLC).

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **APPROVAL** of this rezoning request from R-4/H (Residential/Historic) to A-2/H (Apartment/Historic).

The recommendation is based on the following:

- **The Plan for El Paso** City-Wide Land Use Goals recommends that El Paso “provide a wide range of housing types that respond to the needs of all economic segments of the community.”
- **The Year 2025 Projected General Land Use Map** for the Central Planning Area designates this property for **Residential** land uses.
- **A-2/H (Apartment/Historic) zoning** permits two-family dwellings and **is compatible** with surrounding development.

Findings:

The City Plan Commission must determine the following:

1. Will A-2/H (Apartment/Historic) zoning protect the best interest, health, safety and welfare of the public in general?
2. Will two-family dwellings be compatible with adjacent land uses?
3. What is the relation of the proposed change to the City’s Comprehensive Plan?
4. 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 and Inspections Division:

Zoning Review: Quadraplexes permitted in A-2 (Apartment) District. This application meets development standards minimum average width and depth. Development standards require open space of at least fifty percent of the lot area of an interior lot. Requires twenty five feet rear and five feet side set back. Need to review floor plan(s) to determine compliance with parking requirements.

Landscaping: No comments received.

Development Services - Planning Division:

Current Planning: Recommends approval. Proposed zoning is compatible with adjacent uses and development.

Land Development: No comments received.

Engineering Department, Traffic Division:

No apparent traffic concerns with proposed zoning change.

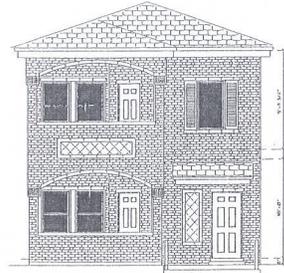
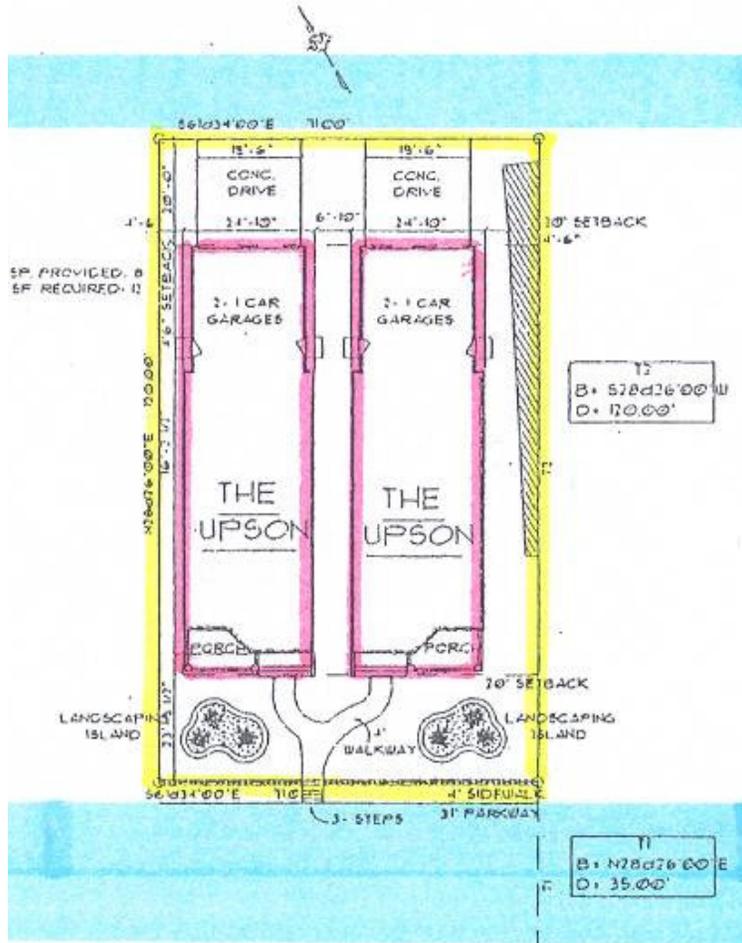
Fire Department:
No comments received.

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



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

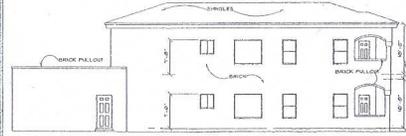
Attachment 1: Site Plan



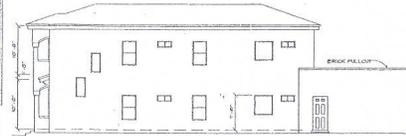
FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



REZONING APPLICATION
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

City of El Paso, Texas
2 Civic Center Plaza
El Paso, TX 79901-1196
915-541-4024

1. CONTACT INFORMATION

PROPERTY OWNER(S) WINTON Custom Builders Inc
ADDRESS 6300 Rescondido - El Paso, TX ZIP CODE 79912 PHONE 584-8629
E-MAIL ADDRESS Scott.Winton@SBC610804.NET FAX 725-087

REPRESENTATIVE(S) Scott Winton

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER M 946-999-0060-7900
LEGAL DESCRIPTION Lots 28, 29 + 21 feet of 30, Block 6, MUNDY HEIGHTS
STREET ADDRESS OR LOCATION 1509 Upton REP DISTRICT B
ACREAGE .2176 PRESENT ZONING R-4H PRESENT LAND USE VACANT
PROPOSED ZONING A-2 PROPOSED LAND USE 4-Living Units in 2 Buildings

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER _____
LEGAL DESCRIPTION _____
STREET ADDRESS OR LOCATION _____ REP DISTRICT _____
ACREAGE _____ PRESENT ZONING _____ PRESENT LAND USE _____
PROPOSED ZONING _____ PROPOSED LAND USE _____

4. PARCEL THREE INFORMATION

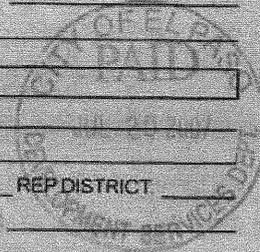
PROPERTY IDENTIFICATION NUMBER _____
LEGAL DESCRIPTION _____
STREET ADDRESS OR LOCATION _____ REP DISTRICT _____
ACREAGE _____ PRESENT ZONING _____ PRESENT LAND USE _____
PROPOSED ZONING _____ PROPOSED LAND USE _____

5. ADDITIONAL INFORMATION

OWNER(S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S)

Printed Name Winton Custom Builders Inc Signature _____
Printed Name Herschel Stangfield, Pres 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 07-00095 RECEIVED DATE 07/20/07 APPLICATION FEE \$ 7.500
DCC REVIEW DATE 08/08/07 (8:30 am, Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE 09/06/07 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY Melissa Granada