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

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

AGENDA DATE: **Introduction: November 11, 2008**
Public Hearing: December 2, 2008

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

DISTRICT(S) AFFECTED: **5**

SUBJECT:
An Ordinance changing the zoning of a portion of Lot 11, Block 5, Hueco View Acres, City of El Paso, El Paso County, Texas from C-1 (Commercial) to R-4 (Residential) and imposing a condition. The penalty is as provided for in Chapter 20.24 of The El Paso City Code. Subject Property: North of Ardelle Avenue and East of George Dieter Drive. Applicant: J&L Unique Homes/Joe Lozano, ZON08-00067 (District 5).

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 (5-0)

********************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 LOT 11, BLOCK 5, HUECO VIEW ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-1/SC (COMMERCIAL/SPECIAL CONTRACT) TO R-4 (RESIDENTIAL) AND IMPOSING A CONDITION. 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 Lot 11, Block 5, Hueco View 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 **C-1/sc (Commercial/special contract)** to **R-4 (Residential)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following condition which is necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

1. *That a detailed site development plan be reviewed and approved per the El Paso City Code prior to the issuance of any building permits.*

PASSED AND APPROVED this _____ day of _____, 2008.

THE CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

CITY CLERK DEPT.
08 NOV -3 PM 3:05

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

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

ORDINANCE NO. _____ **ZON08-00067**

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION
PARCEL "C"

THE PARCEL OF LAND HEREOF DESCRIBED IS A PORTION OF LOT 11, BLOCK 5, HUECO VIEW ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS AND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A CITY MONUMENT LOCATED ON THE CENTERLINE INTERSECTION OF GEORGE DIETER DRIVE (120' R.O.W.) AND ARDELLE STREET (60' R.O.W.); THENCE ALONG THE CENTERLINE OF GEORGE DIETER DRIVE, NORTH 00°33'00" WEST, A DISTANCE OF 46.31 FEET TO A POINT; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 60.02 FEET TO A POINT; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 280.93 FEET TO A SET IRON FOR A CORNER, LYING ON THE NORTHERLY RIGHT-OF-WAY LINE OF ARDELLE STREET, SAID POINT BEING ALSO THE "TRUE POINT OF BEGINNING" OF THIS DESCRIPTION;

THENCE, NORTH 00°00'00" WEST, A DISTANCE OF 106.50 FEET TO A SET IRON FOR A CORNER POINT;

THENCE, NORTH 90°00'00" EAST, A DISTANCE OF 66.00 FEET TO A SET IRON FOR A CORNER POINT;

THENCE, SOUTH 00°00'00" EAST, A DISTANCE OF 106.50 FEET TO A SET IRON FOR A CORNER POINT;

THENCE, SOUTH 90°00'00" WEST, A DISTANCE OF 66.00 FEET TO THE "TRUE POINT OF BEGINNING" OF THIS DESCRIPTION

SAID PARCEL OF LAND CONTAINS 0.1614 ACRES (7,029.00 SQUARE FEET) MORE OF LESS.

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.

DATE 19 June 08

STATE OF TEXAS REGISTERED ENRIQUE A. REY 3505 PROFESSIONAL LAND SURVEYOR

Enrique Rey

ENRIQUE A. REY
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE No. 3505
11348 BOB MITCHELL DR.
EL PASO, TEXAS 79936
TEL (915) 591-6424 / (915) 309-1889

SURVEY WAS BASED ON INFORMATION FROM SIERRA TITLE COMMITMENT GF. No. 191994 ISSUE APRIL 20, 2006.

DATE OF SURVEY JUNE 6, 2008

EXHIBIT "A

METES AND BOUNDS DESCRIPTION
PARCEL "D"

THE PARCEL OF LAND HEREOF DESCRIBED IS A PORTION OF LOT 11, BLOCK 5, HUECO VIEW ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS AND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A CITY MONUMENT LOCATED ON THE CENTERLINE INTERSECTION OF GEORGE DIETER DRIVE (120' R.O.W.) AND ARDELLE STREET (60' R.O.W.); THENCE ALONG THE CENTERLINE OF GEORGE DIETER DRIVE, NORTH 00°33'00" WEST, A DISTANCE OF 46.31 FEET TO A POINT; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 60.02 FEET TO A POINT; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 346.93 FEET TO A SET IRON FOR A CORNER, LYING ON THE NORTHERLY RIGHT-OF-WAY LINE OF ARDELLE STREET, SAID POINT BEING ALSO THE "TRUE POINT OF BEGINNING" OF THIS DESCRIPTION;

THENCE, NORTH 00°00'00" WEST, A DISTANCE OF 106.50 FEET TO A SET IRON FOR A CORNER POINT;

THENCE, NORTH 90°00'00" EAST, A DISTANCE OF 66.00 FEET TO A SET IRON FOR A CORNER POINT;

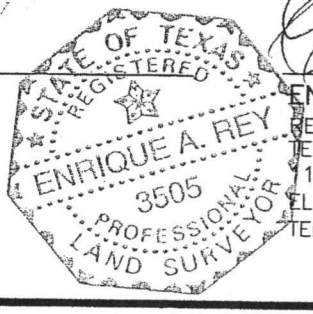
THENCE, SOUTH 00°00'00" EAST, A DISTANCE OF 106.50 FEET TO A SET IRON FOR A CORNER POINT;

THENCE, SOUTH 90°00'00" WEST, A DISTANCE OF 66.00 FEET TO THE "TRUE POINT OF BEGINNING" OF THIS DESCRIPTION

SAID PARCEL OF LAND CONTAINS 0.1614 ACRES (7,029.00 SQUARE FEET) MORE OF LESS.

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.

DATE 19 June 08



ENRIQUE A. REY
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE No. 3505
1348 BOB MITCHELL DR.
EL PASO, TEXAS 79936
TEL (915) 591-6424 / (915) 309-1889

SURVEY WAS BASED ON INFORMATION FROM SIERRA TITLE COMMITMENT GF. No. 191994 ISSUE APRIL 20, 2006.

DATE OF SURVEY JUNE 6, 2008

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION
PARCEL "E"

THE PARCEL OF LAND HEREOF DESCRIBED IS A PORTION OF LOT 11, BLOCK 5, HUECO VIEW ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS AND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A CITY MONUMENT LOCATED ON THE CENTERLINE INTERSECTION OF GEORGE DIETER DRIVE (120' R.O.W.) AND ARDELLE STREET (60' R.O.W.); THENCE ALONG THE CENTERLINE OF GEORGE DIETER DRIVE, NORTH 00°33'00" WEST, A DISTANCE OF 46.31 FEET TO A POINT; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 60.02 FEET TO A POINT; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 412.93 FEET TO A SET IRON FOR A CORNER, LYING ON THE NORTHERLY RIGHT-OF-WAY LINE OF ARDELLE STREET, SAID POINT BEING ALSO THE "TRUE POINT OF BEGINNING" OF THIS DESCRIPTION;

THENCE, NORTH 00°00'00" WEST, A DISTANCE OF 340.29 FEET TO A SET IRON FOR A CORNER POINT;

THENCE, NORTH 90°00'00" EAST, A DISTANCE OF 164.00 FEET TO A SET IRON FOR A CORNER POINT;

THENCE, SOUTH 00°33'12" EAST, A DISTANCE OF 340.31 FEET TO A SET IRON FOR A CORNER POINT;

THENCE, SOUTH 90°00'00" WEST, A DISTANCE OF 167.29 FEET TO THE "TRUE POINT OF BEGINNING" OF THIS DESCRIPTION

SAID PARCEL OF LAND CONTAINS 1.2940 ACRES (56,367.424 SQUARE FEET) MORE OF LESS.

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.

DATE 19 June 08

STATE OF TEXAS
REGISTERED
ENRIQUE A. REY
3505
PROFESSIONAL
LAND SURVEYOR

ENRIQUE A. REY
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE No. 3505
11348 BOB MITCHELL DR.
EL PASO, TEXAS 79936
TEL (915) 591-6424 / (915) 309-1889

SURVEY WAS BASED ON INFORMATION FROM SIERRA TITLE COMMITMENT GF. No. 191994 ISSUE APRIL 20, 2006.

DATE OF SURVEY JUNE 6, 2008

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: November 3, 2008

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

FROM: Arturo Rubio, Planner

SUBJECT: **ZON08-00067**

The City Plan Commission (CPC), on October 9, 2008, voted **5-0** to recommend **APPROVAL** of rezoning subject property from C-1/sc (Commercial/special contract) to R-4 (Residential).

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 were five letters in opposition to the rezoning request. Letters were received after CPC hearing.

.

Attachment: Staff Report

City of El Paso – City Plan Commission Staff Report

Case No:	ZON08-00067
Application Type:	Rezoning
CPC Hearing Date:	October 9, 2008
Staff Planner:	Arturo Rubio, 915-541-4633, *rubioax@elpasotexas.gov*
Location:	North of Ardelle Avenue and East of George Dieter Drive
Legal Description:	A portion of Lot 11, Block 5, Hueco View Acres, City of El Paso, El Paso County, Texas
Acreage:	1.6168 acres
Rep District:	5
Existing Use:	Vacant
Proposed Use:	Residential Development
Existing Zoning:	C-1/sc (Commercial/special contract)
Proposed Zoning:	R-4 (Residential)
Request:	Related Case ZON08-00068 (To remove 10 conditions placed by Special Contract on Zoning Ordinance No. 009146 dated September 1, 1987)
Property Owner:	J & L Unique Homes
Applicant:	J & L Unique Homes
Representative:	UBCI

SURROUNDING ZONING AND LAND USE
North: C-1/sc (Commercial/special contract), C-2/sc (Commercial/special contract)
South: R-3 (Residential), Single-Family dwellings
East: R-3 (Residential), Vacant and Single-Family dwellings
West: R-3 (Residential), Single-Family dwellings

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

NEIGHBORHOOD ASSOCIATIONS: East Side Civic Association

APPLICATION DESCRIPTION:
The applicant is requesting to rezone property from C-1/sc (Commercial/special contract) to R-4 (Residential) to allow for residential development. The property consists of a total of 1.6168 acres of land and is currently vacant. The proposed access is from Ardelle Avenue, and the applicant is proposing to remove conditions on concurrent contract release case ZON08-00068 since one of the conditions prohibits access from Ardelle Drive.

CASE HISTORY: On September 1, 1987, the subject property composed of a total of 4.432161 acres was rezoned from R-3 (Residential) to C-1 (Commercial). The subject property was rezoned with the incorporation of a special contract that placed 10 zoning conditions primarily addressing possible impacts on residential to the East and South of subject property.

NEIGHBORHOOD INPUT: Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on September 10, 2008. Planning Division did not receive any letters or phone calls in support or opposition of rezoning request.

DEVELOPMENT COORDIANTING COMMITTEE COMMENTS:
The Development Coordinating Committee provides the following comments:

Development Services Department - Building Permits and Inspections Division:
Zoning Review: Duplexes permitted on proposed R-4 (Residential) District. Parcels "C" and "D" complies with proposed district's yard standards but requires minimum seventy average lot width for two-family dwelling units. Condominium units as shown on Parcel "E" are not permitted on proposed R-4 (Residential) District as per Appendix "A" (13.30) and Appendix "B" (I.2).

Landscape Review: No Comments received.

Development Services Department - Planning Division:
Current Planning: Recommends **approval** of rezoning property from C-1/sc (Commercial/special contract to R-4 (Residential). The proposed rezoning is compatible To surrounding R-3 districts to the West, South and East and the projected land use map designates the property for residential and commercial land use.

Land Development: No comments Received

Engineering Department - Traffic Division:
No objections to proposed zoning change.
NOTE: Street width shall comply with Subdivision Regulations.

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.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION:

The DCC (Development Coordinating Committee) recommends **approval** of request to rezone property from C-1/sc (Commercial/special contract) to R-4 (Residential)

PLANNING DIVISION RECOMMENDATION:

The Planning Division recommends **approval**. The rezoning request is compatible to the surrounding land uses and the 2025 projected land use. The predominant land use is single-family residential and R-3 (Residential) district.

The Plan for El Paso-City-Wide Land Use Goals:

Medium Density Residential Districts:

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 purpose of the R-4 (Residential) district is to promote and preserve residential development within the City to create basic neighborhood units. The surrounding properties to the East, South and West are in an R-3 (Residential) district and are comprised primarily of single family dwellings.

CITY PLAN COMMISSION OPTIONS

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

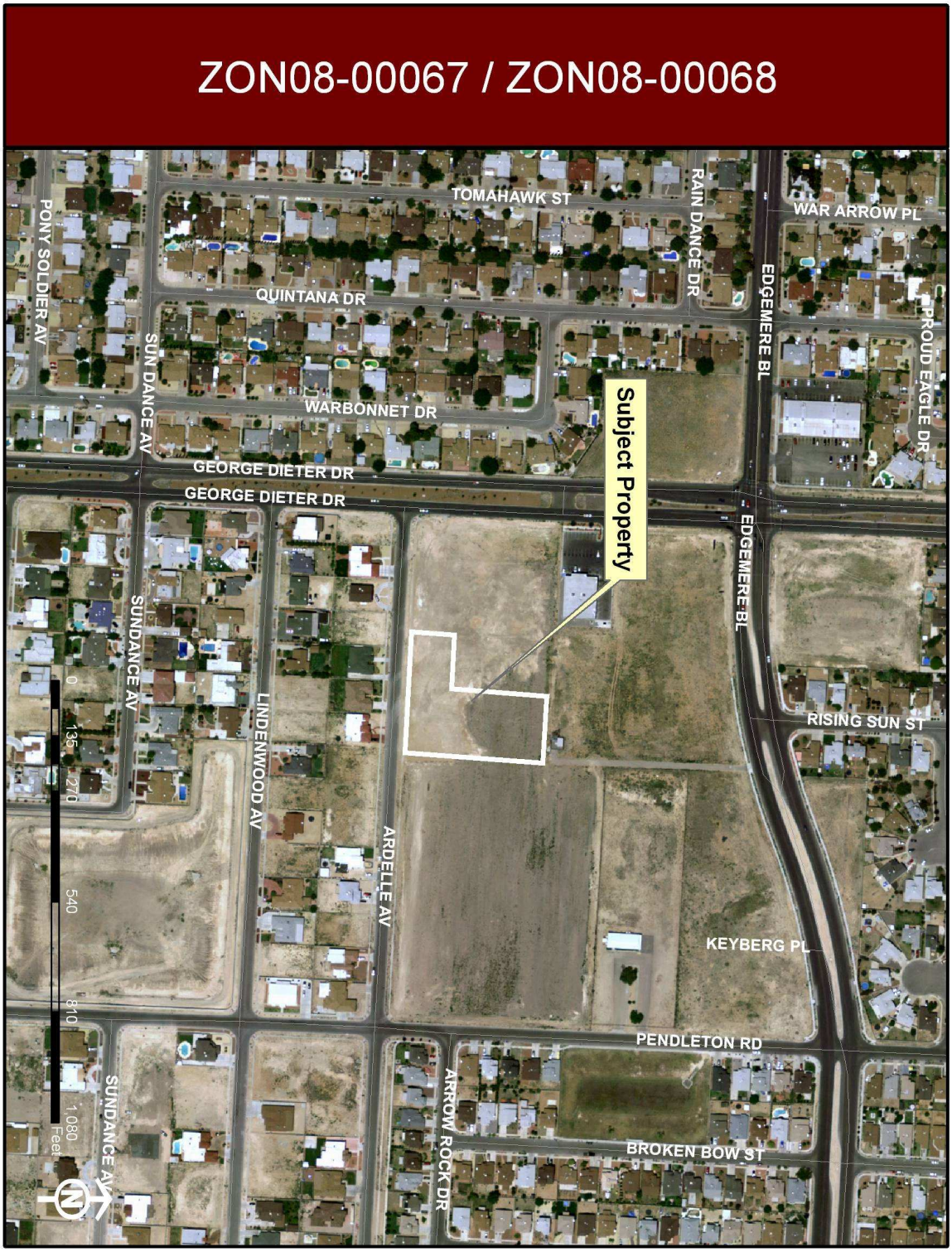
1 Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan
2 Recommend approval of the application with modifications to bring the rezoning into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

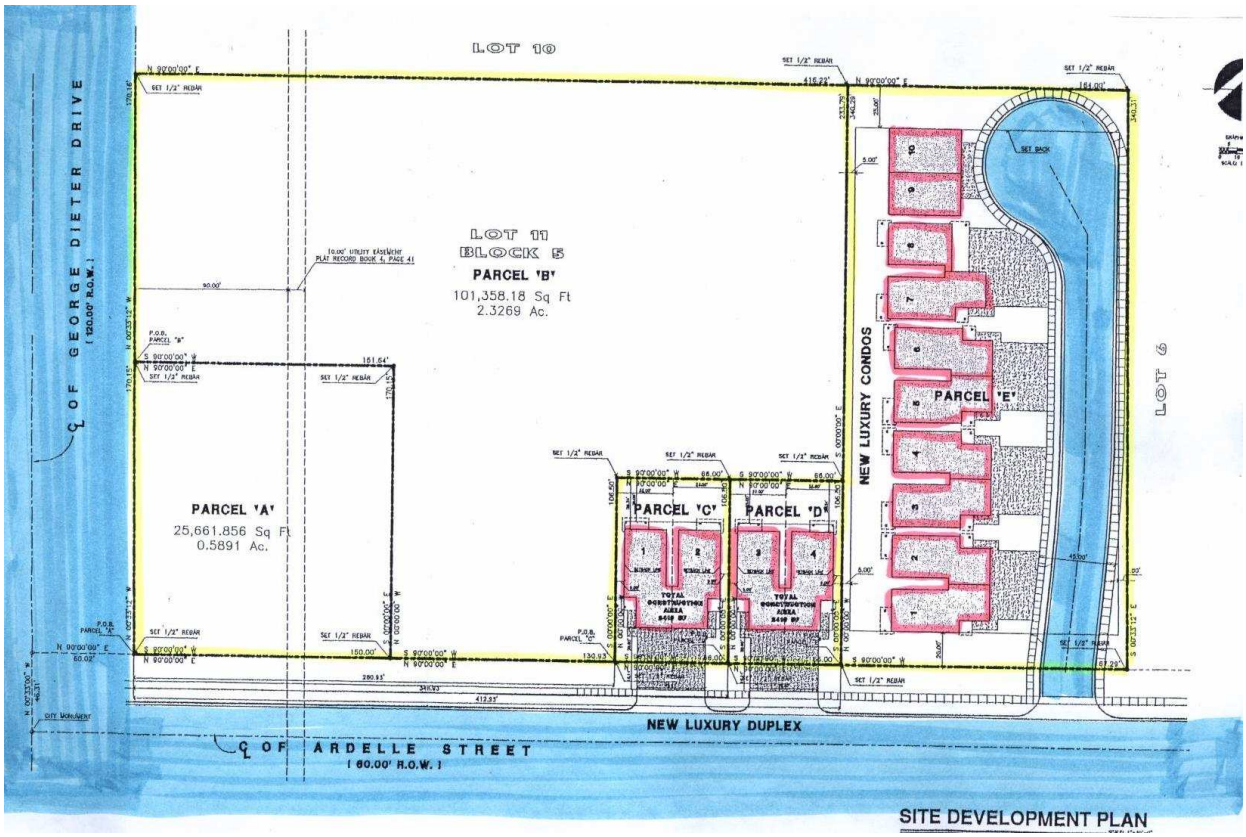
Attachment 1: Zoning Map
Attachment 2: Aerial Map
Attachment 3: Conceptual Site Plan
Attachment 4: Letters of Opposition

Attachment 1: Zoning Map

Attachment 2: Aerial Map



Attachment 3: Conceptual Site Plan



Attachment 4: Letter of Opposition

To: City Hall Development Services
Attn: Art Rubio-Case Manager
Planning Division
2 Civic Center Plaza
El Paso, Tx. 79901

From: Mario Jacquez
11344 Ardelle Ave.
El Paso, TX 79936

Date: October 20, 2008

Dear Mr. Rubio

I am writing this letter in concern to a proposal zoning change on some vacant lots at the corner of George Dieter and Ardelle Ave. I inquired about the proposed zoning change from commercial zoning to R4. I am specifically referring to Zoning Case: ZON08-00067. I am totally opposed to this change as this entire block of homes west of Pendleton Ave. are bigger and nicer homes, as are most homes in the Kimberly Heights Subdivision.
Specifically, most completed homes on this street and in this subdivision are valued over $200,000.00 according to El Paso Central Appraisal district website. My concern is that the proposed duplexes that are to be built by J and L Unique Homes will de-valuate my property values. I am opposed to this zoning change. If you should have any questions, please feel free to contact me, at (915)309-9022.

Thank you, for your attention to this very important matter.

Sincerely,

Mario Jacquez

Attachment 4: Letter of Opposition

RECEIVED

OCT 22 2008

CITY OF EL PASO
DEVELOPMENT SERVICES
DEPARTMENT

Johnny Zuniga
11356 Ardelle Ave
El Paso, Tx 79936

Attn: Art Rubio-Case Manager
City Hall Development Services
Planning Division
2 Civic Center Plaza
El Paso, Tx 79901

Dear Mr. Rubio,

I am writing in concern to a proposed zoning change on some vacant lots at the corner of George Dieter and Ardelle Ave. I inquired about the proposed zoning change from commercial zoning to R4. I am specifically referring to Zoning Case: ZON08-00067. I am adamantly opposed to this change as this entire block of homes west of Pendleton Ave are bigger nicer homes, as are most homes in the Kimberly Heights Subdivision. Specifically, most completed homes on this street and in this subdivision are valued over well over $200,000. (According to the El Paso Central Appraisal district website). My concern is that the proposed duplexes that are to be built by J and L Unique Homes will de- valuate my (our) property values. I am opposed to this zoning change. If you should have any questions please feel free to call me at my home at 915 857-0177. Thank you for your attention to this important matter.

Sincerely,

Johnny Zuniga

Attachment 4: Letter of Opposition

RECEIVED

OCT 22 2008

CITY OF EL PASO
DEVELOPMENT SERVICES
DEPARTMENT

Ricardo Chavez
11304 Ardelle Ave
El Paso, Tx. 79936

Attn: Art Rubio-Case Manager
City Hall Development Services
Planning Division
2 Civic Center Plaza
El Paso, Tx. 79901

Dear Mr. Rubio,

I am writing in concern to a proposed zoning change on some vacant lots at the corner of George Dieter and Ardelle Ave. I inquired about the proposed zoning change from commercial zoning to R4. I am specifically referring to Zoning Case: ZON08-00067. I am adamantly opposed to this change as this entire block of homes west of Pendleton Ave are bigger nicer homes, as are most homes in the Kimberly Heights Subdivision. Specifically, most completed homes on this street and in this subdivision are valued over well over $200,000. (According to the El Paso Central Appraisal district website). My concern is that the proposed duplexes that are to be built by J and L Unique Homes will de-valuate my (our) property values. I am opposed to this zoning change. If you should have any questions please feel free to call me at my home at 915 849-7118. Thank You for your attention to this important matter.

Sincerely,

Ricardo Chavez

Attachment 4: Letter of Opposition

Mr & Mrs Gabino Rodriguez Jr
11328 Ardelle Ave
El Paso, Tx 79936
915-630-7589 - Cell

ATTN: Art Rubio - Case Manager
City Hall Development Services
Planning Division
2 Civic Center Plaza
El Paso, Tx 79901

RECEIVED

Dear Mr. Rubio

In Reference to the Proposed Zoning Change on some Vacant lots on George Dieter and Ardelle Ave: Zoning Case ZON08-00067. I am Greatly Opposed As I have just had A House built on Ardelle and I fear that the Proposed Duplexes that are to be built by J&L Unique Homes will de-valuate My Home. All the Homes in this area are all well over $200,000 and, with the Economy the way it is, I feel we do not need another Obstacle to further Devaluate our Properties. We are Opposed to the Zoning Change. Thank You for your attention on this matter

Thanking You
Gabino Rodriguez Jr.

Attachment 4: Letter of Opposition

Vennis T. Manson
Donna S. Manson
11320 Ardelle Ave.
El Paso, TX 79936

City Development Services Department
Attn: Art Rubio, Case Manager
Planning Division
2 Civic Center Plaza
El Paso, TX 79901

Dear Mr. Rubio,

I am writing concerning a proposed zoning change on some vacant lots at the corner of George Dieter and Ardelle Avenue. I understand there is a proposed zoning change from commercial zoning to R4. Specifically, concerning zoning case # **ZON08-00067**, I have been informed that there is a proposal to build duplex or multi-family housing on the vacant lots between Ardelle Ave. and Edgemere Blvd. We are adamantly opposed to approval of that proposal. The entire block of homes on Ardelle west of Pendleton and east of George Dieter are bigger, nicer homes, as are most homes in the Kimberly Heights Subdivision. Most completed homes on this street and in this subdivision are valued over $200,000. We are concerned that the proposed duplexes to be built by J and L Unique Homes (or any duplexes/ quadplexes to be built at this site) will de-value our property values.

We are equally opposed to allowing approval of any commercial businesses at the site. We do not want businesses or duplexes directly across the street from the homes on Ardelle Avenue, as these structures will not only de-value our home, but will also have an adverse effect on our quality of life and quiet enjoyment of the neighborhood.

We strongly recommend that the zoning for the lots in question be changed to allow for their most suitable use, which would be for single family homes or open space. You may call us at 915 759-9355 should you need to discuss this further.
Thanks you for your attention to this important matter.

Sincerely,

Vennis T. and Donna S. Manson