

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

DEPARTMENT: Planning and Economic Development Department, Planning Division

AGENDA DATE: Introduction: September 14, 2010
Public Hearing: October 5, 2010

CONTACT PERSON/PHONE: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 6

SUBJECT:

An ordinance changing the zoning of Lot 1, Block 1, BBA Subdivision, City of El Paso, El Paso County, Texas from R-1 (Residential) to R-2 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1365 Loma Verde Drive. Applicant: Mike Pina. ZON10-00022 (District 6) **THIS IS AN APPEAL.**

BACKGROUND / DISCUSSION:

An appeal for rezoning case no. ZON10-00022 was submitted on August 12, 2010.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Reviewed
City Plan Commission (CPC) – Denial Recommendation (3-1)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Mathew S. McElroy
Deputy Director, Planning Division

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOT 1, BLOCK 1, BBA SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-1 (RESIDENTIAL) TO R-2 (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 *Lot 1, Block 1, BBA Subdivision, City of El Paso, El Paso County, Texas*, be changed from **R-1 (Residential)** to **R-2 (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 _____, 2010.

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

Mathew S. McElroy, Deputy Director
Development Services Department
Planning Division

MEMORANDUM

DATE: August 30, 2010

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

FROM: Andrew Salloum, Planner

SUBJECT: ZON10-00022

The City Plan Commission (CPC), on July 29, 2010, voted 3-1 to recommend **DENIAL** of rezoning subject property from R-1 (Residential) to R-2 (Residential).

The City Plan Commission (CPC) recommended **DENIAL** of rezoning the property from R-1 (Residential) to R-2 (Residential) based on incompatibility to the abutting R-1 properties to the North and South. An R-2 zone would be out of character with the surrounding neighborhood.

The CPC found that this rezoning is not in conformance with The Plan for El Paso. The CPC also determined that this rezoning does not protect the best interest, health, safety, and welfare of the public in general; and that the proposed use is not compatible with adjacent land uses.

On August 12, 2010, the applicant submitted an appeal of the CPC denial.

There is no **OPPOSITION** to this request.

Attachment: Appeal

APPEAL TO THE CITY COUNCIL

DATE:

Aug. 12, 2010

CITY CLERK DEPT.
10 AUG 12 PM 5:16

HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on July - 29 -, 2010, the

CPC

denied my request for

Property Re-zoning from R-1 to R-2

ZON 10 - 00022

legally described as:

I hereby request the City Council to review the decision of the CPC

AND CONSIDER MY REQUEST

SET OUT ABOVE. I AM ATTACHING A LETTER SETTING FORTH MY

REASONS FOR BELIEVING THEIR DECISION TO BE IN ERROR.

Angel Ramos
APPLICANT

7100 Westwind Suite 150 El Paso TX
ADDRESS

(915) 585-7080
TELEPHONE NUMBER

Two (2) copies filed in City Clerk's Office on: _____



City of El Paso – City Plan Commission Staff Report

Case No: ZON10-00022
Application Type: Rezoning
CPC Hearing Date: July 29, 2010
Staff Planner: Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

Location: 1365 Loma Verde Drive
Legal Description: Lot 1, Block 1, BBA Subdivision, City of El Paso, El Paso County, Texas
Acreage: 0.7891 acres
Rep District: 6
Existing Use: Vacant
Request: R-1 (Residential) to R-2 (Residential)
Proposed Use: Single-Family Residential

Property Owner: Mike Pina
Representative: New Republic Architects

SURROUNDING ZONING AND LAND USE

North: R-1 (Residential) / Single-Family Residential
South: R-1 (Residential) / Single-Family Residential
East: R-3 (Residential) / Single-Family Residential
West: R-3a (Residential) / Single-Family Residential

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

Nearest Park: McCarthy Park (225 feet)

Nearest School: Americas High (2,890 feet)

NEIGHBORHOOD ASSOCIATIONS

East Side Civic Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on July 13, 2010. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

HISTORY CASE

The subject property was annexed on December 1, 1977 as part of a 9,547.92 acres annexation that was zoned R-3 (Residential). On November 20, 1984, City Council approved the rezoning of the property from R-3 (Residential) to R-1 (Residential) to allow low-density residential development.

APPLICATION DESCRIPTION

The request is to change the zoning from R-1 (Residential) to R-2 (Residential) to allow for a new 8,450 square-foot single-family residential dwelling. The property is 0.789 acres in size and is currently vacant. The R-2 (Residential) district requires a minimum of 10,000 square-foot lot area, 80 feet lot width, and 110 feet lot depth. The R-2 (Residential) district requires building setbacks of 25 feet front yard, 25 feet rear yard, 60 feet cumulative front and rear yard, 8 feet side yard, and 20 feet cumulative side yard setbacks.

The R-1 (Residential) district requires 20,000 square-foot lot area, 125 feet lot width, and 150 feet per lot depth. The R-1 (Residential) district requires building setbacks of 30 feet front yard, 30 feet rear yard, 100 feet cumulative front and rear yard, 15 feet side yard, and 40 feet cumulative side yard setbacks.

PLANNING DIVISION RECOMMENDATION

Planning Division recommends **denial** of the rezoning from R-1 (Residential) to R-2 (Residential) based on incompatibility to the abutting R-1 properties to the North and South. An R-2 zone would be out of character with the surrounding neighborhood.

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

All applications for rezoning shall demonstrate compliance with the following criteria:

- a. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community
- b. 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-1 (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 residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for rezoning and offered no objections to the Planning Staff's recommendation for **denial**.

Development Services Department - Building Permits and Inspections Division

Zoning: Plan Review does not recommend approval for the following reasons;

1. All other houses on this side of the block were built under the Zoning requirements of R-1.
2. A change would result in special treatment to a single lot.
3. Greater density which would detract from the value (both monetarily & intrinsically) of the other properties on the block face.
4. Site plan indicates access at the rear of the property. GIS shows this area as part of a ponding area for the neighborhood & owned by the City of El Paso.
5. Not enough details on intended land use. How tall is the RV Port? How tall are the front garden walls. House appears to exceed the 35' maximum allowable height for Residential Zones.

Landscaping: Landscape is not required for this project. Landscape is not required for residential review.

Development Services Department – Land Development

- ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
- Grading plan and permit shall be required.*
- Storm Water Pollution Prevention Plan and/or permit required.*
- Drainage plans must be approved by the Development Services Department, Engineering Section.*
- The Subdivision is within Flood Zone X – “Areas of 0.2% annual chance flood, areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood. – Panel # 480214 0046C, dated February 16, 2006.

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

Engineering Department - Traffic Division

No objection to zoning change.

Street Department

We offer no objections.

All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

Fire Department

No adverse comments.

El Paso Water Utilities

1. EPWU does not object to this request

2. During the improvement work of the site, the Owner shall safeguard the existing 8-inch diameter sanitary sewer main located within the subject property along the existing 20-foot wide Public Service Board (PSB) easement. If any sanitary sewer facility is damaged during the improvement work, the Owner is responsible for the repair costs. Also, the Owner shall minimize changes in grade above or near the vicinity of the existing 8-inch diameter sanitary sewer main.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the change of zoning 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.

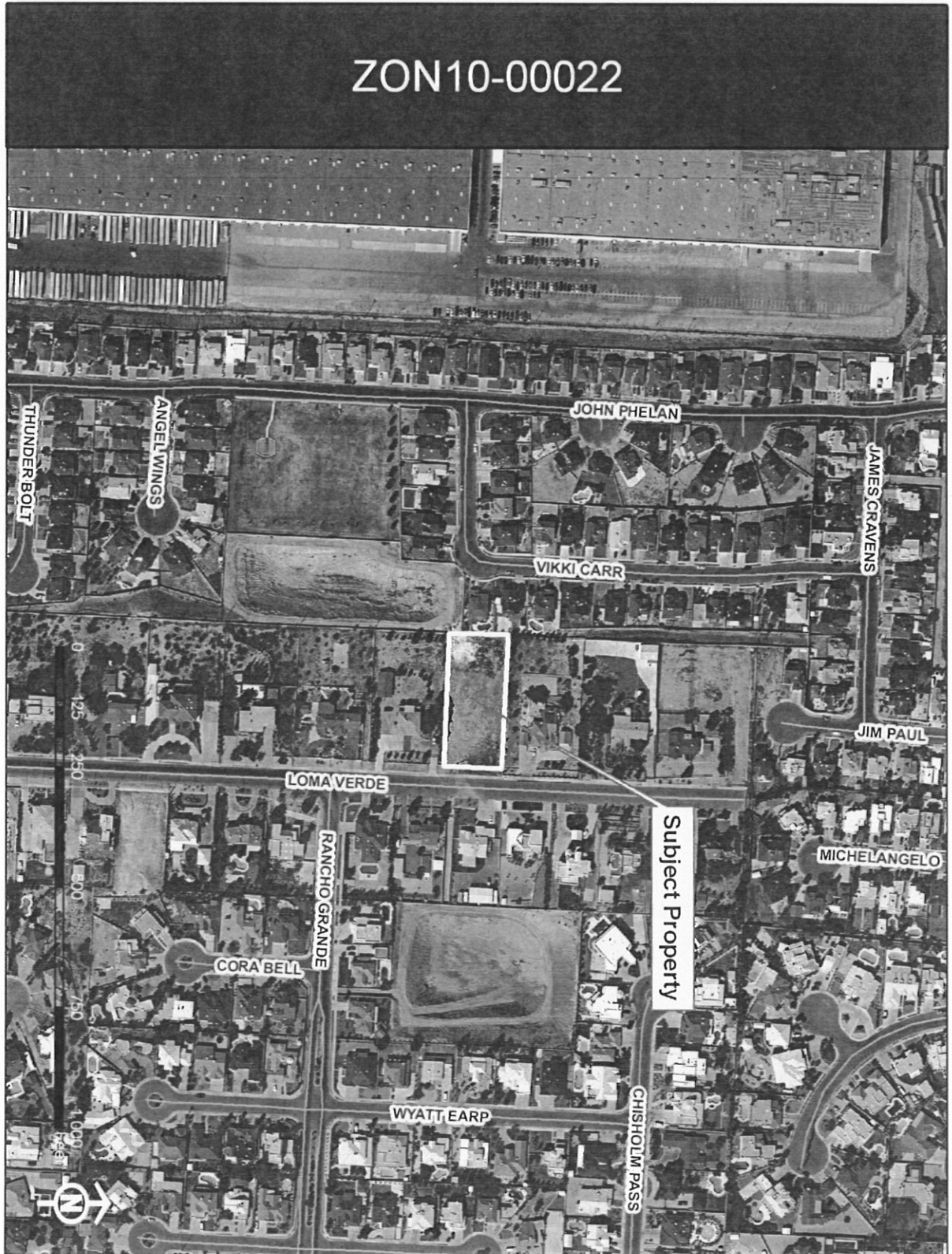
Attachments

1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan

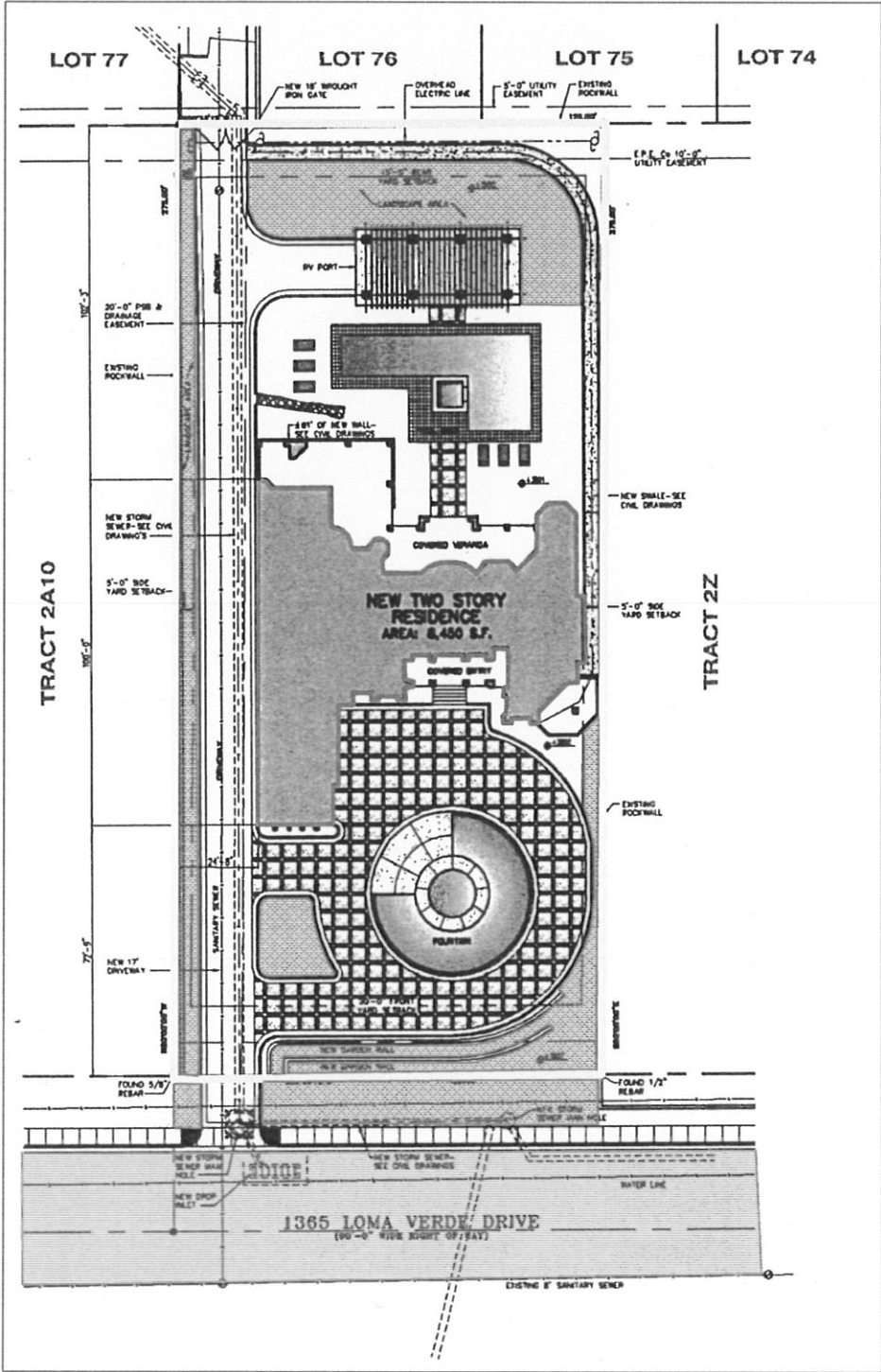
ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP



ATTACHMENT 3: CONCEPTUAL SITE PLAN



**RAY MANCERA
MANCERA GROUP**

6044 Gateway East
Suite 814
El Paso, TX 79905

915.532.2444
ray@manceragroup.com
www.manceragroup.com

September 16, 2010

Andrew Salloum
Development Services Department - Planning Division
City of El Paso
2 Civic Center Plaza, 5th Floor
El Paso, Texas 79901

**RE: Registration of Representative for Mr. Mike Pina for
Rezoning Case ZON10-00022**

Dear Mr. Salloum,

This is to inform you I have been retained to represent Mr. Mike Pina in his request to change the zoning from R-1 to R-2 for his property located at 1365 Loma Verde Drive.

I will join the current representative of record, New Republic Architects, and together we will be appearing before Mayor and Council to present Mr. Pina's position. Below is Mr. Pina's signature confirming said appointment.

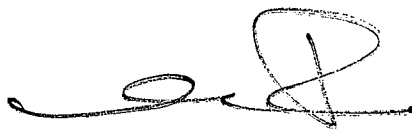
Please contact me if you have any questions regarding the above.

Sincerely,



Ray Mancera
Representative

Agreed:



Mike Pina
Property Owner

CITY CLERK DEPT.
10 OCT -4 PM 5:52

To

City of El Paso

Attention: Andrew Salloum
Planning Department
(915) 541- 4633
salloumam@elpasotexas.gov

Date

10-10-10

Case

ZON10-00022

Request

Rezone from R-1 to R-2

Address

1365 Loma Verde (vacant)

Applicant

Mike Pina, Owner

CITY CLERK DEPT.
10 OCT -4 PM 5:52

We, the undersigned, DO NOT object to the Change of Zoning
from R-1 to R-2 for the property located at 1365 Loma Verde.

Name

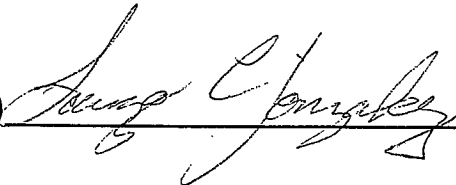
JOSEPHO C. GONZALEZ (Print)

Address

1345 Loma Verde

Phone (Optional)

Signature

(x) 

To City of El Paso
Attention: Andrew Salloum
Planning Department
(915) 541- 4633
salloumam@elpasotexas.gov

Date 10-3-10

Case ZON10-00022

Request Rezone from R-1 to R-2

Address 1365 Loma Verde (vacant)

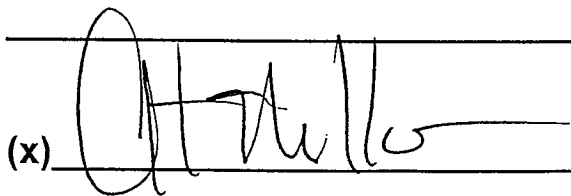
Applicant Mike Pina, Owner

We, the undersigned, DO NOT object to the Change of Zoning
from R-1 to R-2 for the property located at 1365 Loma Verde.

Name ALBERT MURILLO (Print)

Address 1395 LOMA VERDE

Phone (Optional) _____

Signature (x) 

CITY CLERK DEPT.
10 OCT -4 PM 5:52

To

City of El Paso

Attention: Andrew Salloum
Planning Department
(915) 541- 4633
salloumam@elpasotexas.gov

Date

OCTOBER 2, 2010

Case

ZON10-00022

Request

Rezone from R-1 to R-2

Address

1365 Loma Verde (vacant)

Applicant

Mike Pina, Owner

We, the undersigned, DO NOT object to the Change of Zoning
from R-1 to R-2 for the property located at 1365 Loma Verde.

Name

FERMIN ACOSTA SR (Print)

Address

1334 LOMA VERDE

Phone (Optional)

Signature

(x) Fermin Acosta Jr.

CITY CLERK DEPT.
10 OCT -4 PM 5:52

To

City of El Paso

Attention: Andrew Salloum
Planning Department
(915) 541- 4633
salloumam@elpasotexas.gov

CITY CLERK DEPT.
10 OCT -4 PM 5:52

Date

10/3/10

Case

ZON10-00022

Request

Rezone from R-1 to R-2

Address

1365 Loma Verde (vacant)

Applicant

Mike Pina, Owner

We, the undersigned, DO NOT object to the Change of Zoning
from R-1 to R-2 for the property located at 1365 Loma Verde.

Name

JOSE M MORENO

(Print)

Address

1350 LOMA VERDE.

Phone (Optional)

Signature

(x)

Jose M. Moreno

To

City of El Paso

Attention: Andrew Salloum
Planning Department
(915) 541- 4633
salloumam@elpasotexas.gov

CITY CLERK DEPT.
10 OCT -4 PM 5:52

Date

10-2-10

Case

ZON10-00022

Request

Rezone from R-1 to R-2

Address

1365 Loma Verde (vacant)

Applicant

Mike Pina, Owner

We, the undersigned, DO NOT object to the Change of Zoning
from R-1 to R-2 for the property located at 1365 Loma Verde.

Name

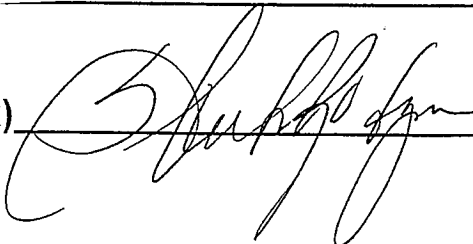
J. Fernando Rodriguez (Print)

Address

1386 Loma Verde

Phone (Optional)

Signature

(x) 

To

City of El Paso

Attention: Andrew Salloum
Planning Department
(915) 541- 4633
salloumam@elpasotexas.gov

Date

10-3-10

Case

ZON10-00022

Request

Rezone from R-1 to R-2

Address

1365 Loma Verde (vacant)

Applicant

Mike Pina, Owner

CITY CLERK DEPT.
10 OCT -4 PM 5:52

We, the undersigned, DO NOT object to the Change of Zoning
from R-1 to R-2 for the property located at 1365 Loma Verde.

Name

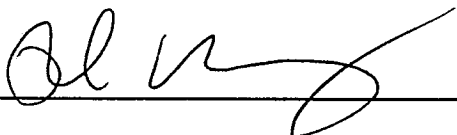
RAWL MARQUEZ (Print)

Address

1376 Loma Verde

Phone (Optional)

Signature

(x) 

To

City of El Paso

Attention: Andrew Salloum
Planning Department
(915) 541-4633
salloumam@elpasotexas.gov

Date

10/3/10

Case

ZON10-00022

Request

Rezone from R-1 to R-2

Address

1365 Loma Verde (vacant)

Applicant

Mike Pina, Owner

We, the undersigned, DO NOT object to the Change of Zoning
from R-1 to R-2 for the property located at 1365 Loma Verde.

Name

Irene & Manuel Chavez (Print)

Address

1340 Loma Verde Dr

Phone (Optional)

915

Signature

(x) Irene Chavez
M. Chavez

CITY CLERK DEPT.
10 OCT -4 PM 5:53

To

City of El Paso

Attention: Andrew Salloum
Planning Department
(915) 541- 4633
salloumam@elpasotexas.gov

Date

10/2/2010

Case

ZON10-00022

Request

Rezone from R-1 to R-2

Address

1365 Loma Verde (vacant)

Applicant

Mike Pina, Owner

CITY CLERK DEPT.
10 OCT -4 PM 5:53

We, the undersigned, DO NOT object to the Change of Zoning
from R-1 to R-2 for the property located at 1365 Loma Verde.

Name

Cheryl Fox (Print)

Address

1390 Loma Verde

Phone (Optional)

Signature

(x) Cheryl Fox