

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

AGENDA DATE: July 19, 2022
PUBLIC HEARING DATE: August 16, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Nina Rodriguez, (915) 212-1561

DISTRICT(S) AFFECTED: District 7

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance changing the zoning of a portion of Tracts 3 & 4, Block 6, Christy Tract, in Block 31, Ysleta Grant, 541 Schwabe Street, City of El Paso, El Paso County, Texas from R-3 (Residential) and 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.

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with *Plan El Paso*, the City's Comprehensive Plan.

Subject Property: 541 Schwabe Street
Applicant: John Sayen and Rosa Isela Sayen, PZRZ22-00010

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone to allow for single-family dwellings and/or duplexes. The City Plan Commission recommended 5-0 to approve the proposed request on June 2, 2022. This case was reconsidered on July 28, 2022 to address a public notice issue, on that date the City Plan Commission voted 7-0 to approve. As of August 2, 2022, the Planning Division has received one (1) phone call and three (3) people expressing their opposition to the request, with one of those persons having spoken in opposition of the request at the July 28, 2022 City Plan Commission meeting. See attached staff report for additional information.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 3 & 4, BLOCK 6, CHRISTY TRACT, IN BLOCK 31, YSLETA GRANT, 541 SCHWABE STREET, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) AND 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:

Pursuant to Section 20.04.360 of the El Paso City Code, the zoning of **a portion of Tracts 3 & 4, Block 6, Christy Tract, in Block 31, Ysleta Grant, 541 Schwabe Street**, located in the City of El Paso, El Paso County, Texas, be changed from **R-3 (Residential) and R-F (Ranch and Farm)** to **R-5 (Residential)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

ADOPTED this _____ day of _____, 2022.


THE CITY OF EL PASO:

Oscar Leeser, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Wendi N. Vineyard
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

PROPERTY DESCRIPTION

541 SCHWABE

Description of a parcel of land being a portion of Tracts 3 & 4, Block 6, Christy Tract, in Block 31, Ysleta Grant, City of El Paso, El Paso County, Texas, map of said Christy Tract, recorded in volume 6, page 48, El Paso County plat records, El Paso County, Texas, and also being that parcel described in volume 1893, page 721, and described as follows;

Commencing at a city monument found at the intersection of Schwabe Street (40' wide) with Valley View Drive (40' wide), from which a city monument found at the intersection with S. Yarbrough Drive bears North 71°10'45" West a distance of 693.23' along the centerline of Valley View Drive; thence, along the centerline of said Valley View Drive North 71°10'45" West a distance of 20.00'; thence leaving said centerline of Valley View Drive, North 18°49'15" East a distance of 20.00' to a chiseled "V" in concrete at the intersection of the northern ROW of Valley View Drive with the western ROW of Schwabe Street; also being the southeastern most corner of Said Tract 3, Block 6, Christy Tract, and being the "Point Of Beginning";

Thence, along the northern ROW of Valley View Drive, North 71°10'00" West a distance of 153.30' to a chiseled "V" in concrete set for the southwestern most corner of this parcel;

Thence, leaving said northern ROW of Valley View Drive, North 18°47'00" East a distance of 152.13' to a rebar found for the northernmost corner of this parcel;

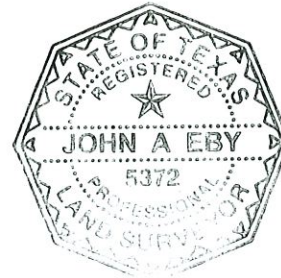
Thence, South 71°10'00" East a distance of 153.30' to a 1/2" rebar found for the northeastern most corner of this parcel, also being a point on the western ROW of Schwabe Street;

Thence, along the western ROW of Schwabe Street, South 18°47'00" West a distance of 152.13' to the "Point Of Beginning" and containing 23,322 sq. ft. or 0.5354 acres.

Based on a field survey performed under my supervision and dated 11/01/2021.


John A. Eby, Texas R.P.L.S. 5372 NM PLS 17779

Paso Del Norte Surveying Inc.
13998 Bradley Road
El Paso, TX. 79938
915-241-1841
TBPEPS FIRM #10001200



541 Schwabe Street

City Plan Commission — July 28, 2022 **REVISED**

REZONING



CASE NUMBER: PZRZ22-00010
CASE MANAGER: Nina Rodriguez, (915) 212-1561, RodriguezNA@elpasotexas.gov
PROPERTY OWNER: John Sayen and Rosa Isela Sayen
REPRESENTATIVE: Del Rio Engineering, Inc.
LOCATION: 541 Schwabe Street (District 7)
PROPERTY AREA: 0.5354 acres
REQUEST: Rezone from R-3 (Residential) and R-F (Ranch and Farm) to R-5 (Residential)
RELATED APPLICATIONS: None
PUBLIC INPUT: One (1) call and three (3) people expressing opposition as of July 28, 2022

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from R-3 (Residential) and R-F (Ranch and Farm) to R-5 (Residential) to allow for single-family dwellings and/or duplexes. There are no changes from the previous request.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the request. The proposed zoning district is consistent with residential uses in the surrounding area and consistent with *Plan El Paso*, the City's Comprehensive Plan and the G-3, Post-War future land use designation.

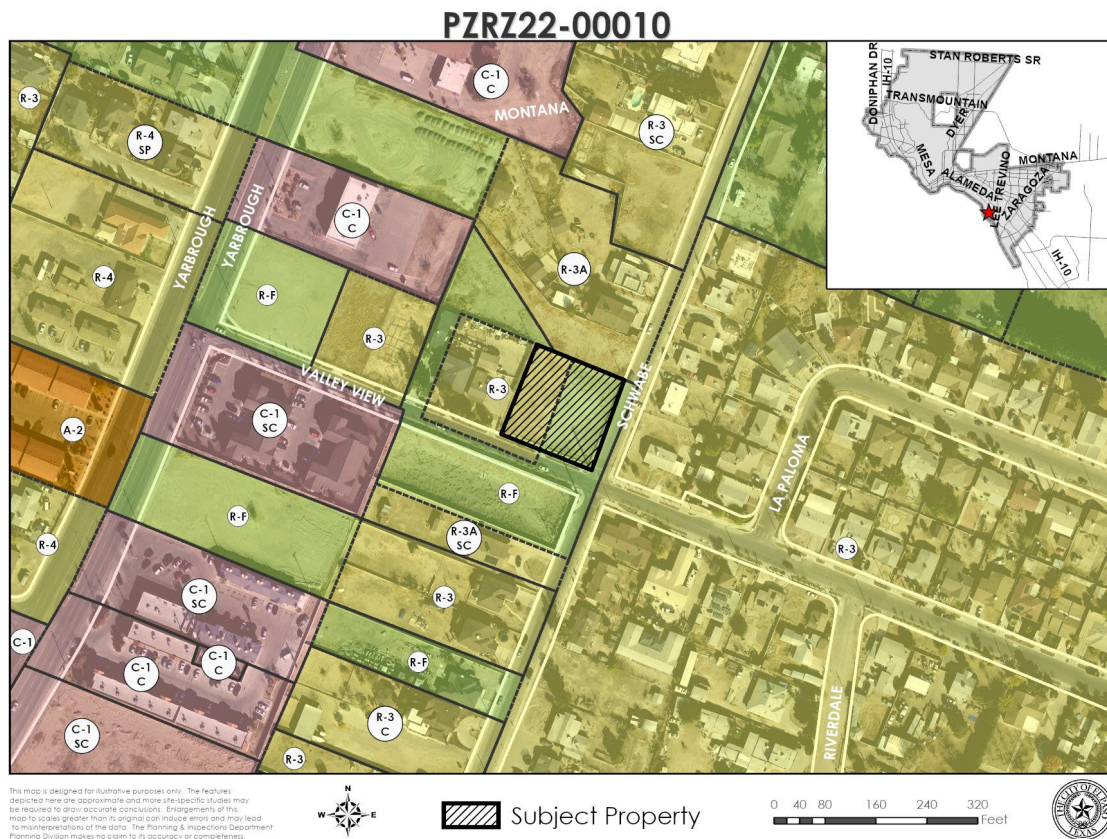


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: This is a reconsideration of a previously reviewed rezoning request to address an incorrect public notice. The applicant is requesting to rezone a 0.5354-acre property from R-3 (Residential) and R-F (Ranch and Farm) to R-5 (Residential) to allow for single-family dwellings. The conceptual plan shows three (3) proposed lots with single-family dwellings to be developed. The proposed R-5 zoning district would also allow duplexes. Access to the subject property is provided from Valley View Drive and Schwabe Street. There are no changes from previous request.

PREVIOUS CASE HISTORY: On June 2, 2022, City Plan Commission (CPC) recommended approval of rezoning request for subject property from R-3 (Residential) and R-F (Ranch and Farm) to R-5 (Residential) to allow for single-family dwellings.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:

The proposed single-family dwelling use and R-5 (Residential) district is consistent with the residential districts in the immediate area, and is in character with the areas surrounding the subject property. Adjacent properties to the east and west are single-family dwelling uses in R-3 (Residential) zoning districts, and the properties to the north are also single-family dwelling uses zoned R-3A (Residential) and R-F (Ranch and Farm). The property immediately south of the subject property and across Valley View Drive is a ponding site zoned R-F (Ranch and Farm). By rezoning the subject property to an R-5 (Residential) district, the owner will provide more housing and single family or duplex options. The distance to the nearest school, Rio Bravo Middle School, is 0.31 miles and the distance to the nearest park, J.P. Shawver Park is 0.44 miles.

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-3, Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. 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.</p>	<p>Yes. The proposed development is compatible with the future land use designation. The proposed development would increase the available housing stock in an area facing limited housing stock.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>R-5 (Residential) District: The purpose of the 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 district will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.</p>	<p>Yes. The Adjacent properties to the east and west are zoned R-3 (Residential) with single-family dwelling units, and the property to the north is zoned R-3A (Residential) and also includes single-family dwelling units. The property to the south of the subject property is a ponding site in a R-F (Ranch and Farm) zone. The proposed R-5 (Residential) zoning district is compatible with the other zoning districts surrounding the subject property. Changing the current zoning designation of the subject property to an R-5 (Residential) district allows for more density and single family or duplex uses, thereby serving the community with a more housing options.</p>

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.	Yes. Access to the subject property is provided by Schwabe Street and Valley View Drive which leads to Yarbrough Drive, a major arterial as classified under the city's Major Thoroughfare Plan. The classification of this road is appropriate for the proposed development. While the subject property will be the only zoned R-5 (Residential) and surrounded by R-3 (Residential) zoning districts, changing the zoning designation of the subject property allows for an increase in density and more types of residential uses than allowed in R-3 (Residential) districts. This has the potential to provide the area with more housing units and flexible uses to meet a wider range of needs for the community.
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	This property does not fall within any historic districts, special designations, or study plan areas.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	There are no anticipated adverse impacts.
Natural Environment: Anticipated effects on the natural environment.	The subject property does not involve green field or environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	The area is stable with no rezoning cases within the last 10 years.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	There has been changes in the character as most of the surrounding area is developed as single-family dwelling units, making the R-F (Ranch and Farm) zoning designation no longer appropriate.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access to the subject property is proposed from Valley View Drive and Schwabe Street which are classified as local roads per the City of El Paso's Major Thoroughfare Plan (MTP) and are adequate to support the proposed single-family dwellings. Sidewalks are already present along Valley View Drive and Schwabe Street.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments were received for the rezoning request from the reviewing departments.

PUBLIC COMMENT: The subject property lies within the boundaries of Save the Valley 21, Corridor 20 Civic Association, and Mission Valley Civic Association. Property owners within 300 feet of the subject property were notified of the rezone request on May 19, 2022 by the City of El Paso Planning and Inspections Department. On July 6, 2022 corrected notices were mailed out to property owners within 300 feet of the subject property. As of July 28, 2022, the Planning Division has received one (1) call of inquiry, one (1) call of opposition, and three (3) people expressing opposition to the request, with one of those persons having spoken in opposition of the request at the July 28, 2022 City Plan Commission meeting.

RELATED APPLICATIONS: None.

CITY PLAN COMMISSION OPTIONS:

The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Recommend Approval of the rezoning request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

1. Future Land Use Map
2. Generalized Plot Plan
3. Department Comments
4. Neighborhood Notification Boundary Map

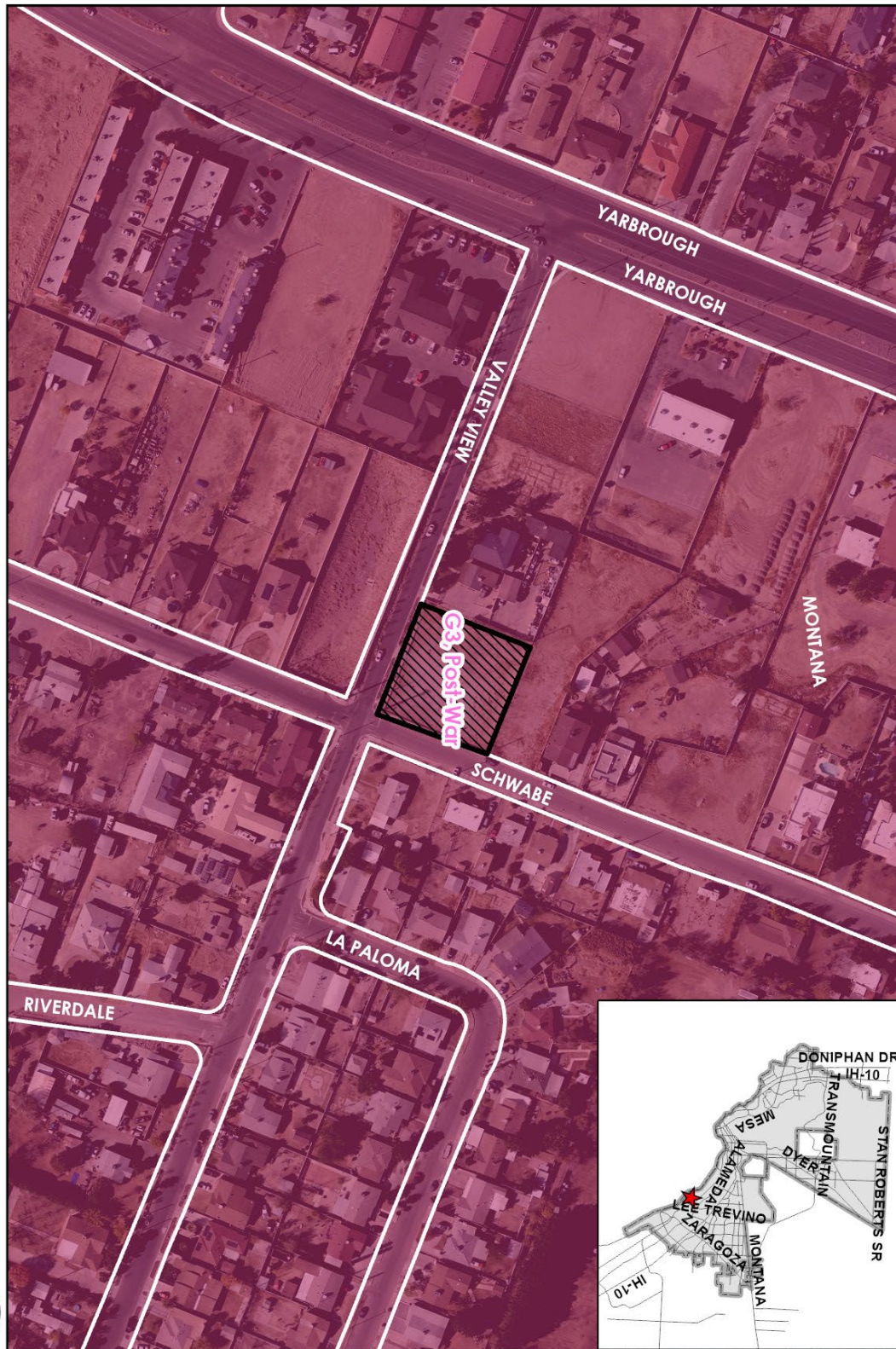
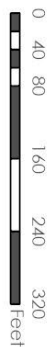
ATTACHMENT 1

PZR22-00010

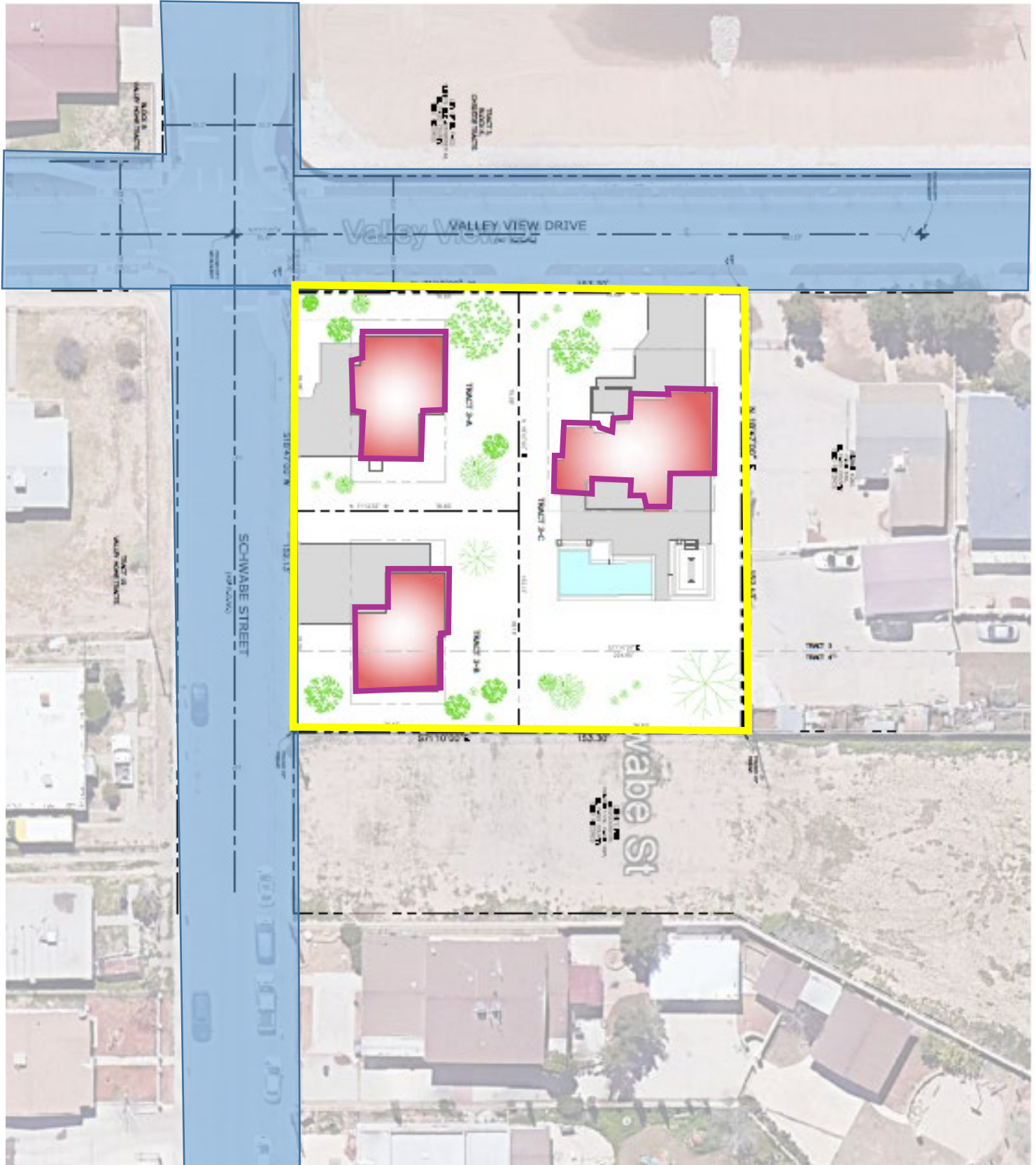
This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretation of the information presented. The Planning Division makes no claim to its accuracy or completeness.



Subject Property



ATTACHMENT 2



ATTACHMENT 3

Planning and Inspections Department – Planning Division

Recommend approval of rezoning request.

Planning and Inspections Department – Plan Review & Landscaping Division

The generalized site plan is not being reviewed for conformance due to conceptual nature. No objections to proposed rezoning. At the time of submittal for building permit, the project will need to comply with all applicable provisions of the ICC, TAS and Municipal Code

Planning and Inspections Department – Land Development

No objections to proposed rezoning.

Fire Department

No adverse comments.

Police Department

No comments received.

Environmental Services

No comments received.

Streets and Maintenance Department

TIA not required for this application.

Sun Metro

No comments received.

El Paso Water

EPWater-PSB does not object to this request.

Water

There is an existing 8-inch diameter water main that extends along Schwabe St., located approximately 30-feet east of the west right-of-way line. This main is available for service.

There is an existing 8-inch diameter water main that extends along Valley View Dr., located approximately 11-feet south of the north right-of-way line. This main is available for service.

Previous water pressure from fire hydrant #2241, located on the east corner of Schwabe St. and Valley View Dr., has yielded a static pressure of 100 (psi), a residual pressure of 94 (psi), and a discharge of 1,342 (gpm). The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer

There is an existing 8-inch diameter sanitary sewer main that extends along Schwabe St., located approximately 16-feet east of the west right-of-way line. This main is available for service.

There is an existing 8-inch diameter sanitary sewer main that extends along Valley View Dr., located approximately 20-feet south of the north right-of-way line. This main is available for service.

General

Each lot shall have a separate water and sewer connection fronting the limits of each lot.

EPWater requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The applicant 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.

Stormwater

EPW-Stormwater provided comments to this site under Schwabe Subdivision.

The Street & Drainage Improvements for Valley View Dr. (City #235534) did not include this vacant lot on their drainage calculations; developed runoff must stay within each tract (see note below).

The proposed ponding area shown, shall have enough capacity to hold the developed runoff for a designated 100-yr. storm event. Label the pond as “Private”.

El Paso County Water Improvement District 1

No comments received.

ATTACHMENT 4

PZR22-00010

