

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: February 6, 2018
Public Hearing: March 6, 2018

CONTACT PERSON/PHONE: Victor Morrison-Vega, (915) 212-1553, Morrison-VegaVX@elpasotexas.gov
Adriana Martinez, (915) 212-1611, MartinezAD@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance changing the zoning of the property described as Lots 32, 33, and the West one-half of Lot 34, Block 67, Second Supplemental Map of Franklin Heights Addition, 1115 Montana Ave., City of El Paso, El Paso County, Texas from A-2 (Apartment) to S-D (Special Development), pursuant to Section 20.04.360, approving a Detailed Site Development Plan pursuant to Section 20.04.150 and 20.10.360 of the El Paso City Code to allow for Office, professional as permitted in the S-D (Special Development) zone district. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. 1115 Montana Ave. Owner: Miguel & Julio Villanueva; PZRZ17-00020 (related to Case # PZST17-00027) (District 8) **THIS IS AN APPEAL.**

BACKGROUND / DISCUSSION:

On December 14, 2017. The City Plan Commission recommended Denial.

PRIOR COUNCIL ACTION:

There is no prior City Council action on this rezoning application.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Recommended Denial on a 5-1 vote.

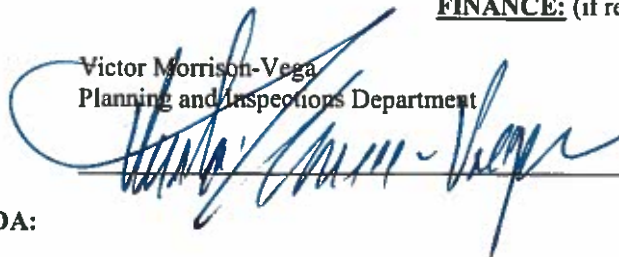
*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Victor Morrison-Vega
Planning and Inspections Department



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF THE PROPERTY DESCRIBED AS LOTS 32, 33, AND THE WEST ONE-HALF OF LOT 34, BLOCK 67, SECOND SUPPLEMENTAL MAP OF FRANKLIN HEIGHTS ADDITION, 1115 MONTANA AVE., CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO S-D (SPECIAL DEVELOPMENT), PURSUANT TO SECTION 20.04.360, APPROVING A DETAILED SITE DEVELOPMENT PLAN PURSUANT TO SECTION 20.04.150 AND 20.10.360 OF THE EL PASO CITY CODE TO ALLOW FOR OFFICE, PROFESSIONAL AS PERMITTED IN THE S-D (SPECIAL DEVELOPMENT) ZONE DISTRICT. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Miguel & Julio Villanueva, (Owner) has applied for a rezoning of property from **A-2 (Apartment)** to **S-D (Special Development)** per Section 20.04.360 of the El Paso City Code; and,

WHEREAS, Owner has also applied for approval of a detailed site development plan pursuant to Sections 20.04.150 and 20.10.360 of the El Paso City Code for an Office, professional, which requires approval from both City Plan Commission and City Council; and,

WHEREAS, a public hearing was held for the rezoning and detailed site plan requests at a City Plan Commission meeting; and,

WHEREAS, City Plan Commission has recommended approval of the subject rezoning and detailed site development plan; and,

WHEREAS, the rezoning and detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval; and,

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of the El Paso City Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of *Lots 32, 33, and the West one-half of Lot 34, Block 67, Second Supplemental map of Franklin Heights Addition, 1115 Montana Ave., City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A"*, be changed from **A-2 (Apartment)** to **S-D (Special Development)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.
2. Pursuant to the requirements of the El Paso City Code, the City Council hereby approves the detailed site development plan submitted by the Owner, to allow for an Office, professional as permitted under the **S-D (Special Development)** district regulations of 20.04.150 and 20.10.360.

3. A copy of the approved detailed site development plan, signed by the Owner, the City Manager, and the Secretary of the City Plan Commission, is attached hereto, as **Exhibit "B"** and incorporated herein by reference for all purposes.

4. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **S-D (Special Development)** District regulations.

5. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **S-D (Special Development)** district. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

6. The approval of this detailed site development plan shall automatically be void if construction on the property is not started in accordance with the attached plan Exhibit "B" within four (4) years from the date hereof.

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

ADOPTED this _____ day of _____, 2018.

THE CITY OF EL PASO

ATTEST:

Dee Margo
Mayor

Laura D. Prine
Interim City Clerk

APPROVED AS TO FORM:

Karla M. Niemi
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Victor Morrison-Vega, Interim Director
Planning & Inspections Department

EXHIBIT "A"

Barragan And Associates Inc.

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

PROPERTY DESCRIPTION

(1115 MONTANA AVENUE)

Description of a parcel of land being Lots 32, 33 and the West one-half of Lot 34, Block 67, Second Supplemental map of Franklin Heights Addition, an addition to the City of El Paso, El Paso County, Texas, according to the map and plat thereof, recorded in Volume 9, Page 63, Plat Records of El Paso County, Texas; and being more particularly described as follows:

COMMENCING for reference at a found old city monument located on the intersection of the monument line of Arizona Avenue and Octavia Street; from WHENCE, a found old city monument located at the monument line intersection of Arizona Avenue and Brown Street, bears N 56°11'48" E, a distance of 940.00 feet; THENCE, S 33°48'12" E, along the monument line of Octavia Avenue, a distance of 670.00 feet to a point on the intersection of the centerline of Montana Avenue and the monument line of Octavia Street, THENCE, N 56°11'48" E, along the centerline of Montana Avenue, a distance of 200.00 feet to a point, THENCE, N 33°48'12" W, leaving said centerline a distance of 36.00 feet to a found "X" mark on the northerly right-of-way line of Montana Avenue located on the common boundary line of Lots 31 and 32, Block 67, Second Supplemental map of Franklin Heights Addition, and also being the POINT OF BEGINNING of this description:

THENCE, N 33°48'12" W, leaving said right-of-way line along the common boundary line of Lots 31 and 32, Block 67, Second Supplemental map of Franklin Heights Addition, a distance of 120.00 feet to a found "X" mark on the southerly line of an 18 foot alley, for the most northwesterly corner of this parcel;

THENCE, N 56°11'48" E, along the southerly line of said alley a distance of 62.50 feet to a found nail for the northeasterly corner of this parcel;

THENCE, S 33°48'12" E, a distance of 120.00 feet to a found "X" mark on the northerly right-of-way line of Montana Avenue for the southeasterly corner of this parcel;

THENCE, S 56°11'48" W, along said right-of-way line a distance of 62.50 feet to the POINT OF BEGINNING of this description, and containing in all 0.17 acres more or less.

NOTES:

1. A Plat of Survey dated 6/22/2017 accompanies this description.
2. This property may be subject to easements whether of record or not. No Additional Research was performed by B&A Inc. for any reservations, restrictions, building lines, and or encumbrances which may or may not affect this parcel.
3. Bearings shown are based on grid bearings derived from RTK observations to the Texas CO-OP Network. Referred to the Texas coordinate system (NAD 83) central zone.
4. This Description does not intend to be part of a subdivision process which may be required by The City/County of El Paso ordinance, and it is the client's /owner's responsibility to comply with this ordinance if required.


Benito Barragan, Texas R.P.L.S. No. 5615
Barragan and Associates Inc.
TBPLS Film # 10151200
1115 Montana Avenue
June 22, 2017



MEMORANDUM

DATE: December 11, 2017

TO: The Honorable Mayor and City Council
Tommy Gonzalez, City Manager

FROM: Adriana Martinez, Planner

SUBJECT: PZRZ17-00020 (related to Case # PZST17-00027)

The City Plan Commission (CPC), on December 14, 2017 voted 5-1 to recommend **Denial** to the rezoning of the property described as Lots 32, 33, and the West one-half of Lot 34, Block 67, Second Supplemental Map of Franklin Heights Addition, 1115 Montana Ave., City of El Paso, El Paso County, Texas from A-2 (Apartment) to S-D (Special Development). The proposed development is to accommodate an Office, professional. **THIS IS AN APPEAL.**

The CPC found that the rezoning is not in conformance with Plan El Paso. The CPC also determined that the rezoning does not protect the best interest, health, safety and welfare of the public in general; that the proposed use is not compatible with adjacent land uses; and the rezoning will have negative effects on the natural environment, social economic conditions, property values in the vicinity, and the city as a whole.

One concerned citizen expressed his opposition to this request at the City Plan Commission public hearing held on December 14, 2017.

Property Owner: Miguel & Julio Villanueva
Applicant: Miguel & Julio Villanueva
Representative: Sergio Castillo, PE

Attachments:
Staff Report

1115 Montana Ave.

City of El Paso — Plan Commission — 12/14/2017

PZRZ17-00020 — Rezoning



STAFF CONTACT: Adriana Martinez, 915-212-1611, Martinezad@elpasotexas.gov **OWNER:** Miguel & Julio Villanueva
REPRESENTATIVE: Sergio Castillo, PE **LOCATION:** 1115 Montana Ave
LEGAL DESCRIPTION: Lots 32, 33, and the West one-half of Lot 34, Block 67, an addition to the City of El Paso, El Paso County, Texas
REQUEST: From A-2 (Apartment) to S-D (Special-Development) to allow an Office, professional **EXISTING ZONING:** A-2 (Apartment)
RELATED APPLICATIONS: PZST17-00027 (100% Parking Reduction)

PUBLIC INPUT Notices sent to property owners within 300 feet on November 29, 2017; Planning has received six calls of inquiry but no opposition to the special permit request.

RECOMMENDATION: Approval (see pages 2—4 for basis for recommendation)

SUMMARY OF REQUEST: The property owner is requesting a rezoning from A-2 (Apartment) to S-D (Special-Development) to allow an Office, professional for the property located at 1115 Montana Ave. The current use of the property is a Single-family Dwelling.

SUMMARY OF RECOMMENDATION: The Planning Division recommends **APPROVAL** of rezoning the property from A-2 (Apartment) to S-D (Special-Development) to allow an Office, professional. The proposed zoning district is consistent with other commercial districts in the immediate area along Montana Ave., and meets the established character of its surrounding neighborhood. Further, the proposed development meets the intent of the G-2, Traditional Neighborhood (Walkable) land use designation of Plan El Paso, the City's Comprehensive Plan.



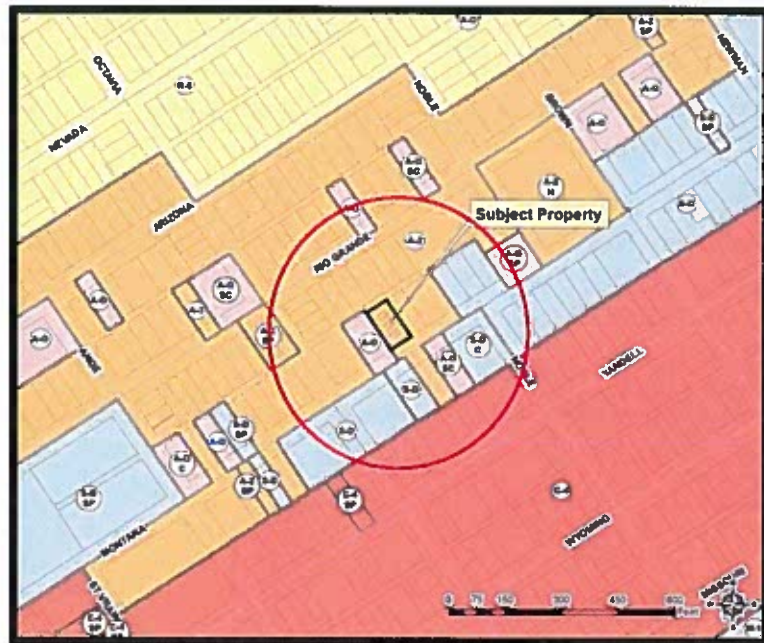
DESCRIPTION OF REQUEST

The applicant has submitted a Rezoning application for the property at 1115 Montana Ave. through the Zoning Section of the Planning and Inspections Department. The property owner is requesting a rezoning from A-2 (Apartment) to S-D (Special-Development) to allow an Office, professional to accommodate an Office, Professional. The area of the rezoning request is 0.17 acres in size. The development proposes to renovate an existing a two story 5,208 sq. ft. Single-family Dwelling and convert it into an Office, professional. The two existing structures totaling 742 sq. ft. in the rear portion of the property will also remain and will be used an accessory to the Office, professional to be used as storage. The development requires a minimum of ten (10) parking spaces and a Special Permit application No. PZST17-00027 has been submitted for a Parking 100% Reduction request. The development is also in compliance with Title 18 of the landscaping Ordinance, the existing 1,388 sq. ft. of landscaping is to remain. The applicant is also requesting a setback reduction in the side and rear from the required 10' to 0'. Access to the subject property is from Montana Ave.

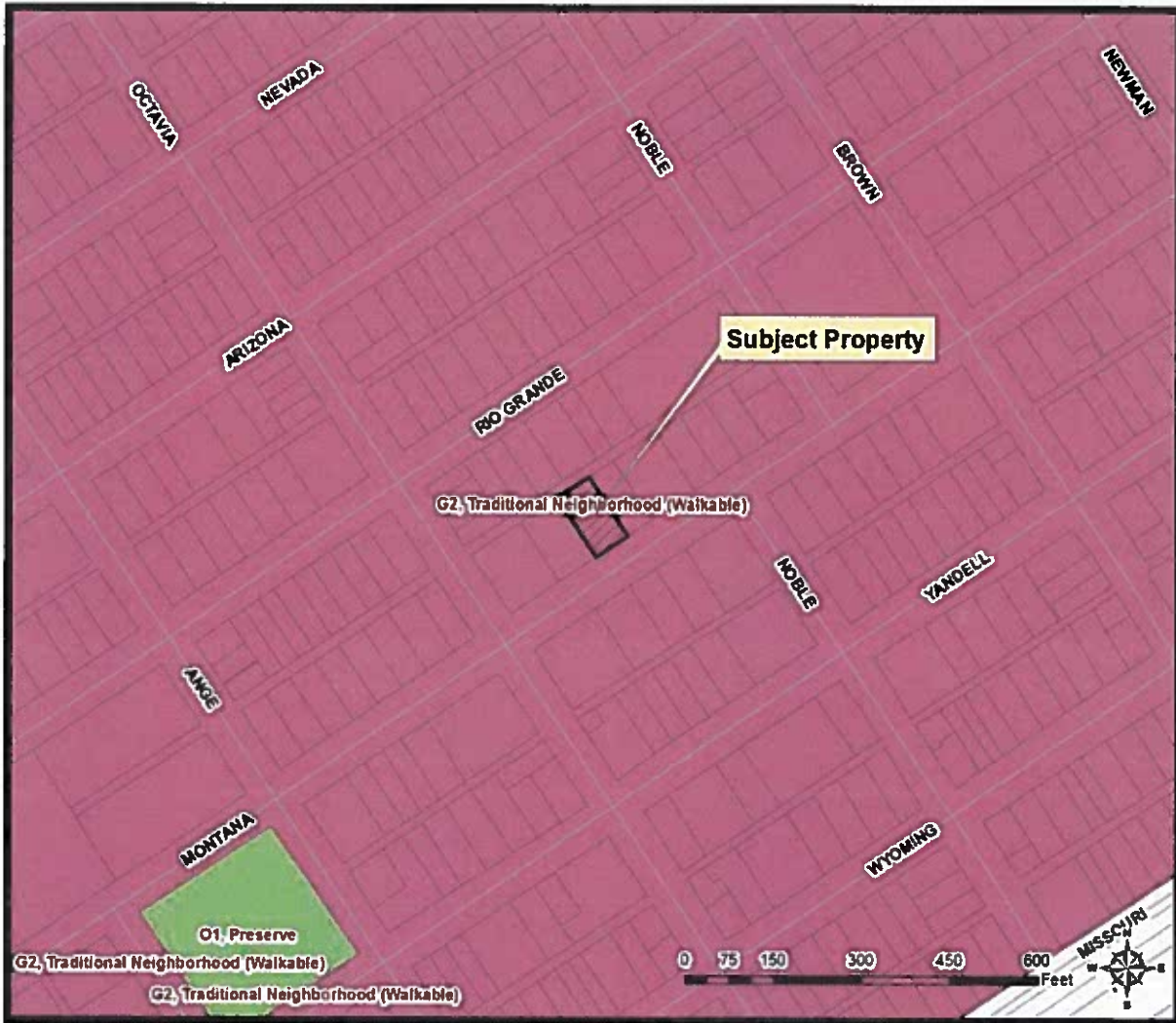
REZONING POLICY

POLICY	DOES IT COMPLY?
<p>Compatibility Proposed zone change matches existing land use map or matches existing land use designation within 300 ft. of the subject property.</p>	<p>Yes, properties adjacent to the subject property are zoned A-2 (Apartment), S-D (Special Development), and A-O (Apartment- Office).</p>
<p>Plan El Paso Are ideal for a balance of housing, jobs, shopping, recreation, and civic uses (Policy 2.2.5).</p>	<p>Yes, the property is designated G-2, Traditional Neighborhood (Walkable) land use designation of Plan El Paso it will introduce a balanced mix of uses, which in turn will reduce distances between the workplaces, housing and new amenities.</p>

NEIGHBORHOOD CHARACTER AND COMPATIBILITY: The subject property is located in the Franklin Heights subdivision, recorded in 1901. The site is currently zoned A-2 (Apartment) which is currently being used, as a Single-family Dwelling. Properties adjacent to the subject property are zoned A-2 (Apartment), S-D (Special Development), and A-O (Apartment- Office). Surrounding land uses include apartments and Professional, offices. The nearest park is Houston Park (758 feet) and the nearest school is El Paso High School (2,720 feet). There is more than four different uses within a 300 ft. radius.



COMPLIANCE WITH PLAN EL PASO: The proposed project is currently developed and is being used as a Single-family Dwelling. The purpose of the application is to introduce balance of housing, jobs, shopping, recreation, and civic uses to a property within a G-2, Traditional Neighborhood (Walkable) land use designation of Plan El Paso, it will introduce a balanced mix of uses, which in turn will reduce distances between the workplaces, housing and new amenities.



RELATION OF PROPOSED CHANGE TO THE CITY'S COMP. PLAN

CONSISTENCY WITH PLAN EL PASO	DOES IT COMPLY?
<p>G-2 – Traditional Neighborhood: This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly faced streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.</p>	<p>Yes, the lot sits within the central El Paso. The purpose of this project is to integrate different uses to the subject property, which is currently adjacent to existing commercial & residential district.</p>

ZONING DISTRICT	DOES IT COMPLY?
<p>S-D (special Development) district is intended for mixed-use projects, integrated in design, in certain older residential areas where there is a desire to permit a variety of nonresidential uses while maintaining the established residential appearance and landscaping of the area. Designed to ensure compatibility with existing uses in the district; to permit the production, exhibit or sale of goods and the providing of services to the public in such older residential areas; to protect the traffic capacity of streets serving such older residential areas; to encourage flexibility by prescribing general performance standards for such older residential areas; and to protect the environment of adjacent areas. Older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.</p>	<p>Yes, Office, professional is a permitted uses in the proposed zone district.</p>
POLICY	DOES IT COMPLY?
<p>1.2.3 "Vacant and underutilized parcels in and around the City's traditional neighborhoods can be excellent locations for redevelopment that adds housing, shopping, employment, entertainment, and recreational options for nearby residents and transit patrons. Redevelopment of such sites should mesh with the scale and character of these existing neighborhoods rather than imposing a suburban or high-rise model on traditional neighborhoods. The City's zoning and development regulations should be modified accordingly. Additional infill incentives should be considered by the City".</p>	<p>Yes, the applicant is proposing the redevelopment of an existing parcel, adding additional uses, and the potential for new employment.</p>

SUITABILITY OF SITE FOR USES UNDER PROPOSED ZONING: The subject site is 0.17 acres in size and allows the proposed use under the proposed S-D (Special Development) zone district.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent of the Zoning Ordinance is to protect the public health, safety, and general welfare; to regulate the use of land and buildings within zoning districts to ensure compatibility, and to protect property values. The intent of the S-D (Special Development) zone district is for mixed-use projects, integrated in design, in certain older residential areas where there is a desire to permit a variety of nonresidential uses while maintaining the established residential appearance and landscaping of the area. The proposed development will keep the residential appearance and landscaping of the property and redesign the interior of the existing structure while introducing a new permitted use.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: There are existing water and sewer mains along the north side of Montana Ave. which is available for service. The applicant will need to coordinate with EPWater to continue providing services to the property.

EFFECT UPON THE NATURAL ENVIRONMENT: Subject property does not involve greenfield/ environmentally sensitive land or arroyo disturbance.

COMMENT FROM THE PUBLIC: The subject property falls within the boundary of the **Eastside Civic Association**, **Houston Park Neighborhood Association**, **Central El Paso Community Organization**, and the **El Paso Central Business Association** all contacted as required by 20.04.520. Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on November 29, 2017. Planning has received six calls of inquiry but no opposition to the rezoning request.

STAFF COMMENTS: No objections to proposed rezoning. No reviewing departments had any negative comments. Applicant is responsible for obtaining all applicable permits and approvals prior to any construction or change in occupancy.

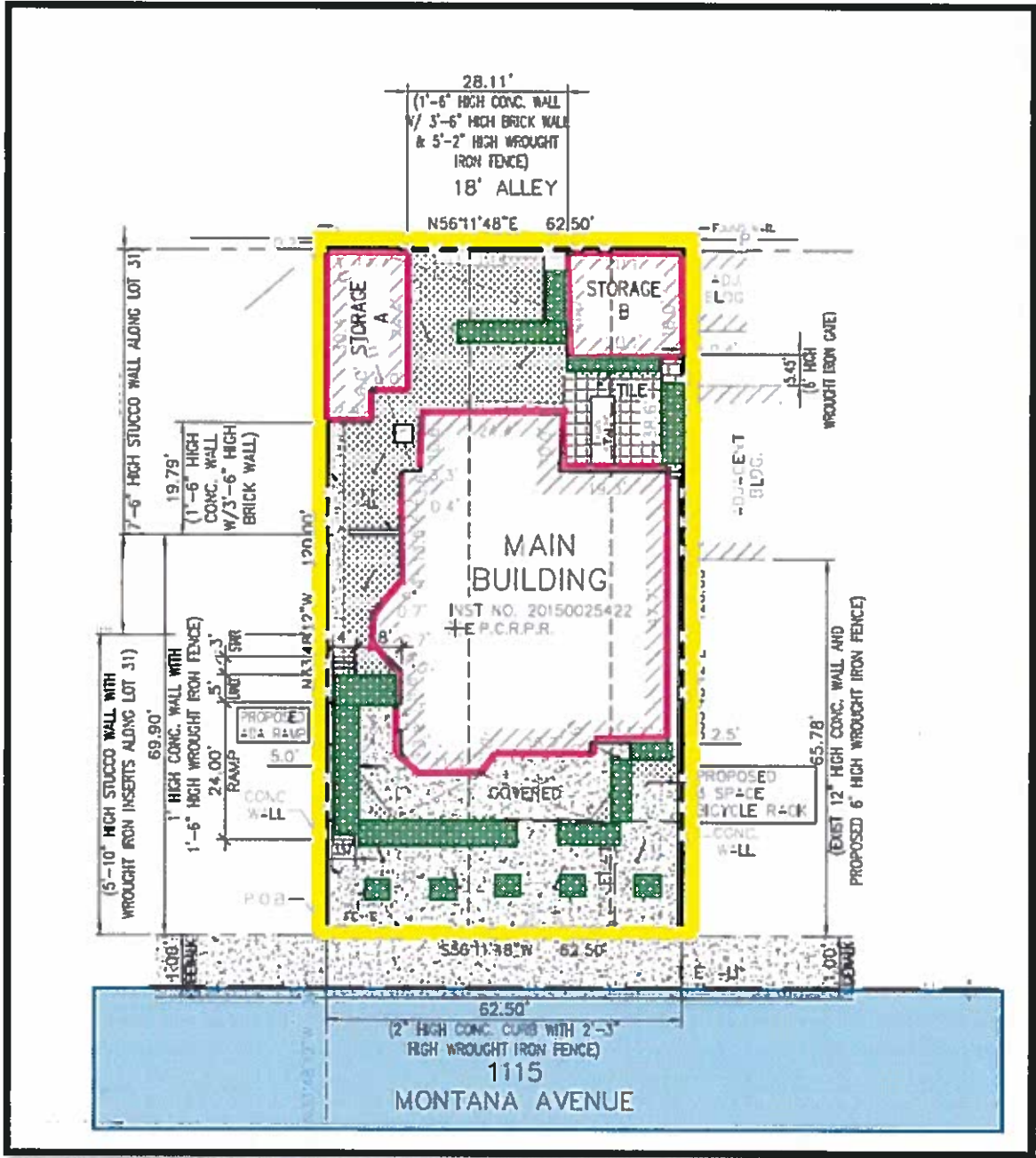
OTHER APPLICABLE FACTORS: Approval of the detailed site plan by the City Plan Commission constitutes a determination that the applicant is in compliance with the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that stormwater is in compliance with ordinances, codes, DSC, and DDM. Failure to comply may require the applicant to seek re-approval of the site plans from CPC.

ATTACHMENTS:

1. Detailed Site Development Plan
2. Elevations
3. Zoning Map
4. Future Land Use Map
5. Department Comments
6. Subdivision Plat
7. Public Notification Boundary Map

ATTACHMENT 1

Detailed Site Development Plan



ATTACHMENT 2

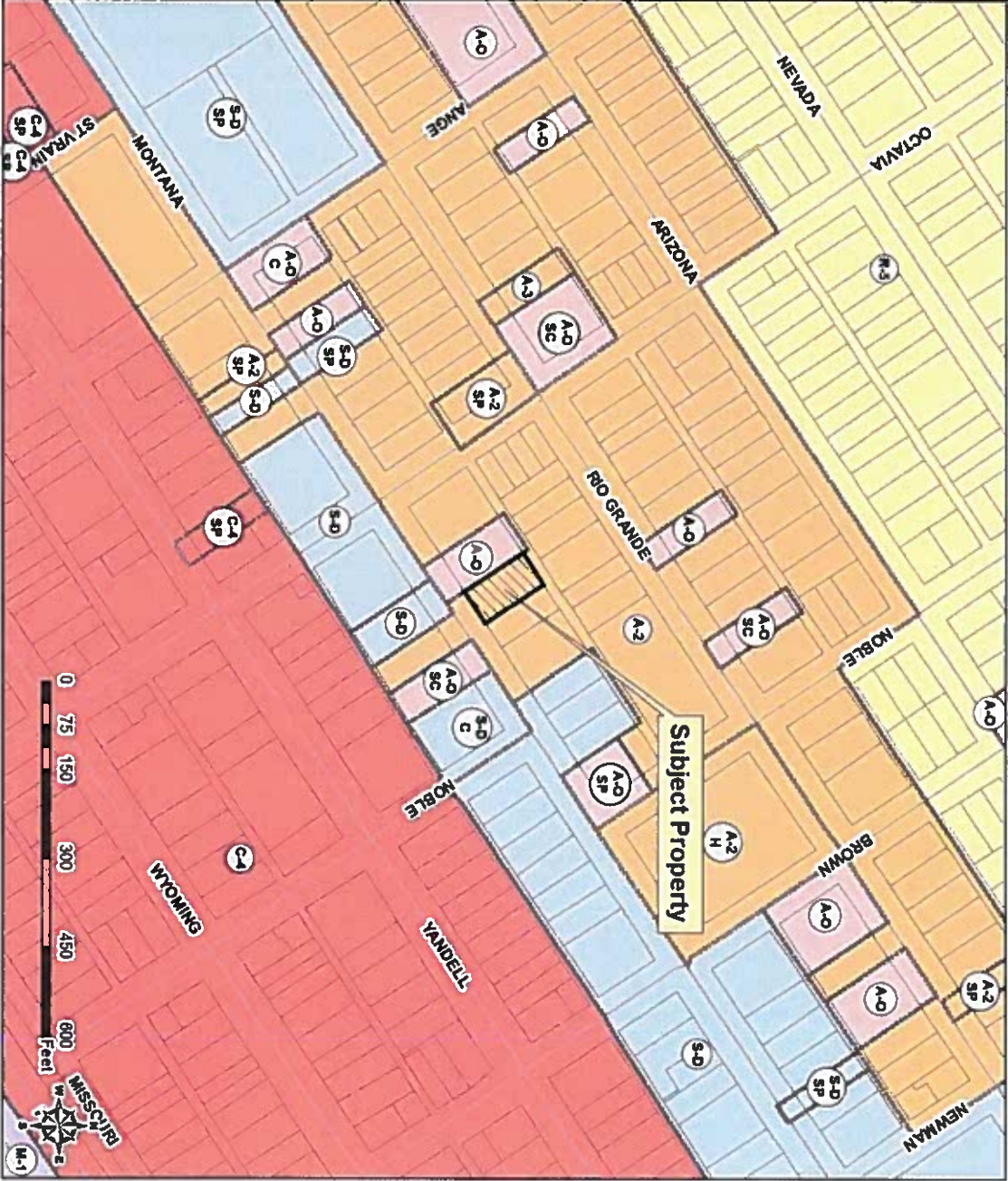
Elevations



ATTACHMENT 3

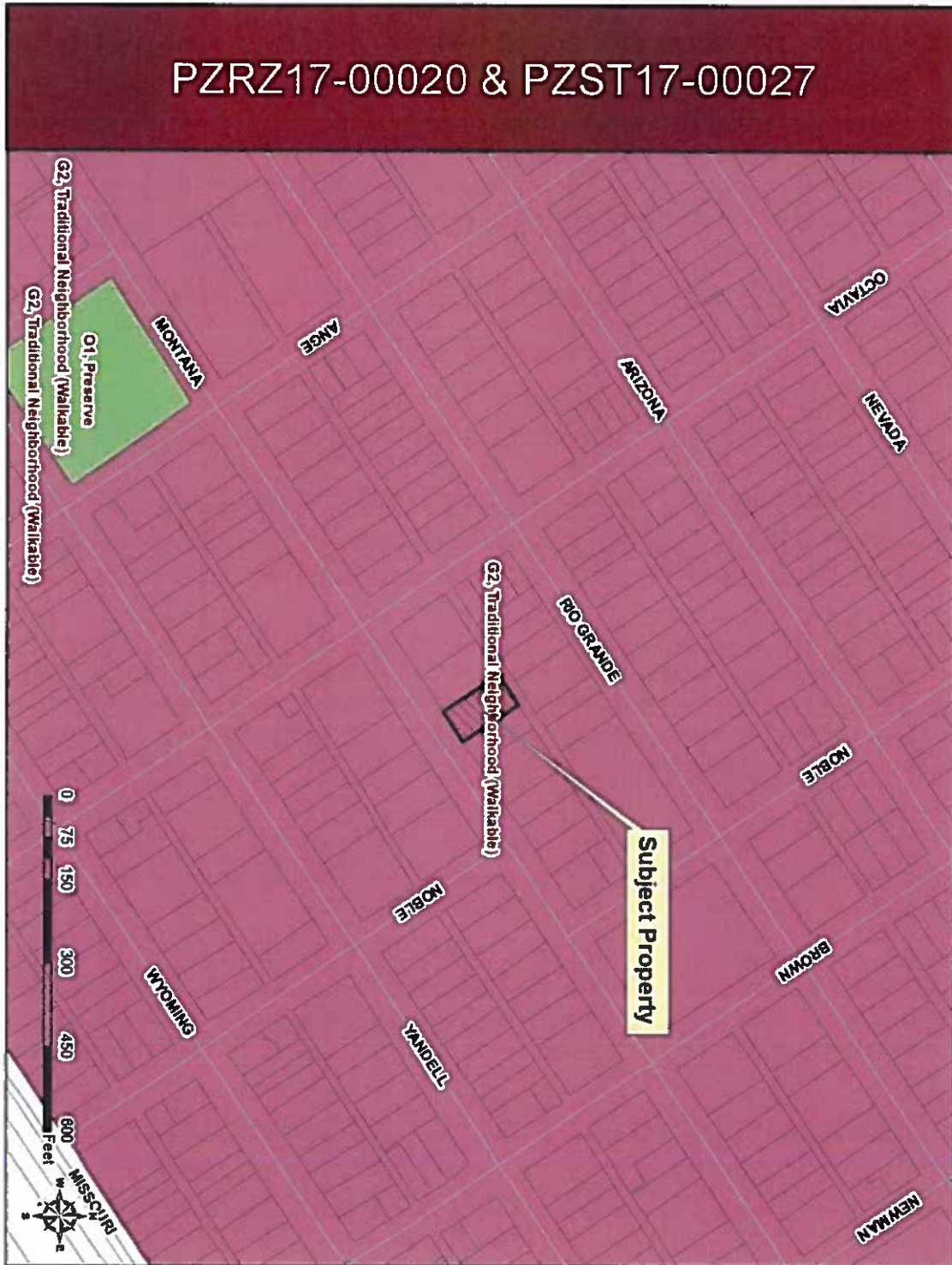
Zoning Map

PZRZ17-00020 & PZST17-00027



ATTACHMENT 4

Future Land Use Map



ATTACHMENT 5

Department Comments

Planning and Inspections Department- Planning Division

No objections to rezoning.

Note: All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

Planning and Inspections Department - City Development & Permitting- Landscape

No objections to proposed site plan.

Note: Recommend that a requirement be placed to install street trees at the parkway at a rate of 1 per 30 feet of street frontage. If the structure is changing occupancy then permit will be required prior to occupancy

Planning and Inspections Department - Land Development

No objections to rezoning.

Note: Approval of the site plans by CPC constitutes a determination that the applicant is in compliance with the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that storm-water is in compliance with ordinances, codes, DSC, and DDM. Failure to comply may require the applicant to seek re-approval of the site plans from CPC.

Sun Metro:

Sun Metro does not oppose this request.

Note: Dyer Brio will be providing service along Montana in late 2018. Two Brio stations (Inbound/Outbound) are located approximately 885 feet SW of the subject property.

Sun Metro routes 35 and 50 provide service along Montana with a stop approximately 329 feet walking distance SW of the subject property.

Recommend close coordination with Sun Metro with regards to traffic control/lane closures during the construction phase.

Fire Department

No objections to rezoning.

Police Department

No comments received.

TxDot

Roadway Not under State Jurisdiction.

El Paso Water Utilities

We have reviewed the property described above and provide the following comments:

1. EPWater does not object to this request

Water

2. There is an existing 6-inch diameter water main extending along the north side of Montana St., approximately 20-feet south of and parallel to the northern right-of-way line of Montana St. This water main is available for service.
3. EPWater records indicate a vacant water service connection (vacant) serving the subject property. The address for this service is 1115 Montana St.
4. Previous water pressure from fire hydrant #1650 located at northeast corner of Montana St. and Octavia St., has yielded a static pressure of 78 psi, a residual pressure of 70 psi, and a discharge of 949 gallons per minute.

Sanitary Sewer:

5. There is an existing 6-inch diameter sanitary sewer main extending along the center line of the alley, north of Montana St., This main ends approximately 400-feet east of Octavia St. This sanitary sewer main is available for service.
6. 6. There is an existing 15-inch diameter sanitary sewer main extending along the north side of Montana St., approximately 16-feet south of and parallel to the northern right-of-way line of Montana St.

General:

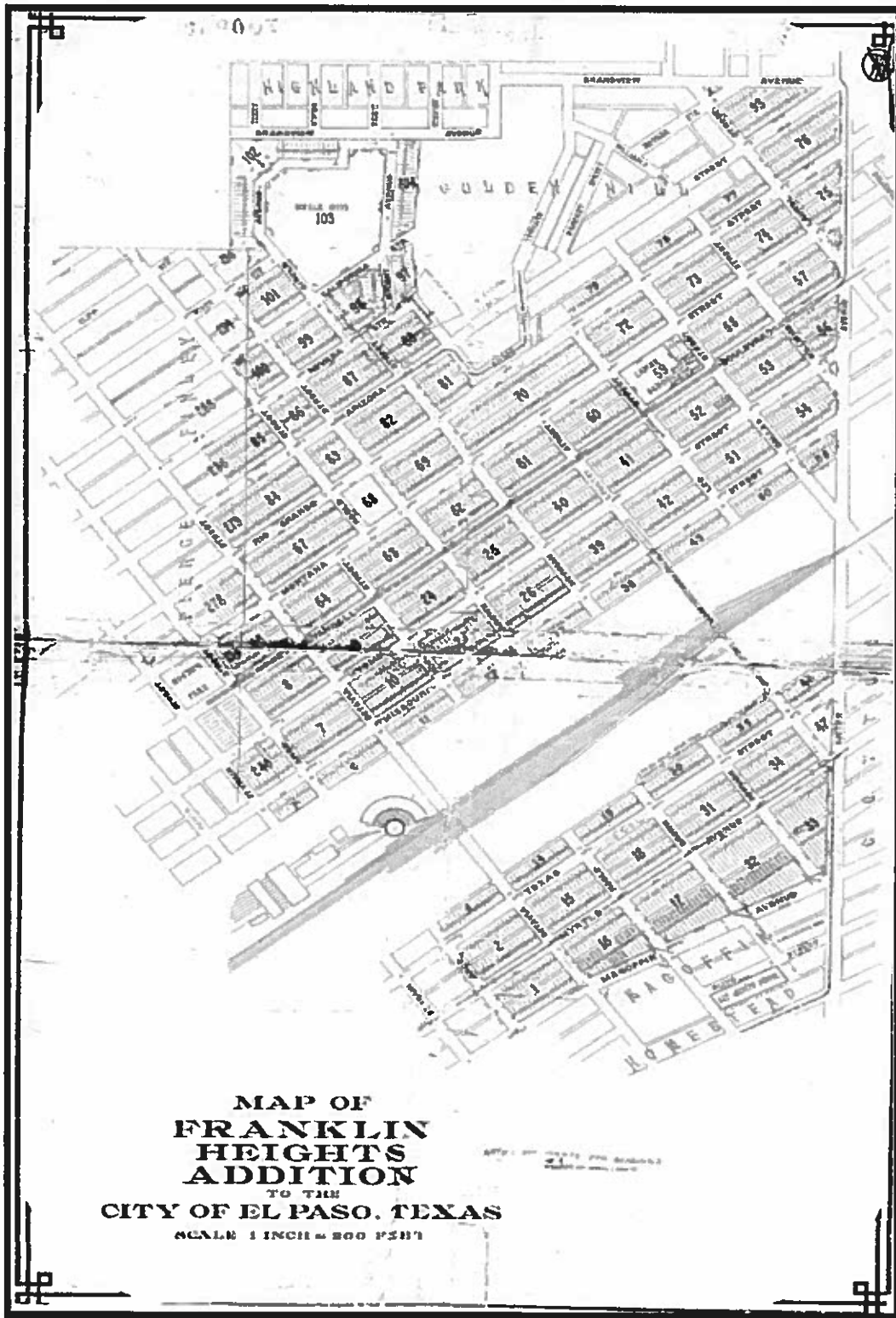
7. EPWater requires a new service application to provide additional services to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage 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 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:

We have reviewed the property described above and provide the following comments:

8. EPW-Stormwater Engineering reviewed the property described above and has no objections to the request; however, we recommend using principles of low impact & green infrastructure development (such as recessed landscaping, rainwater harvesting, and porous pavements) to reduce the amount of developed stormwater runoff.

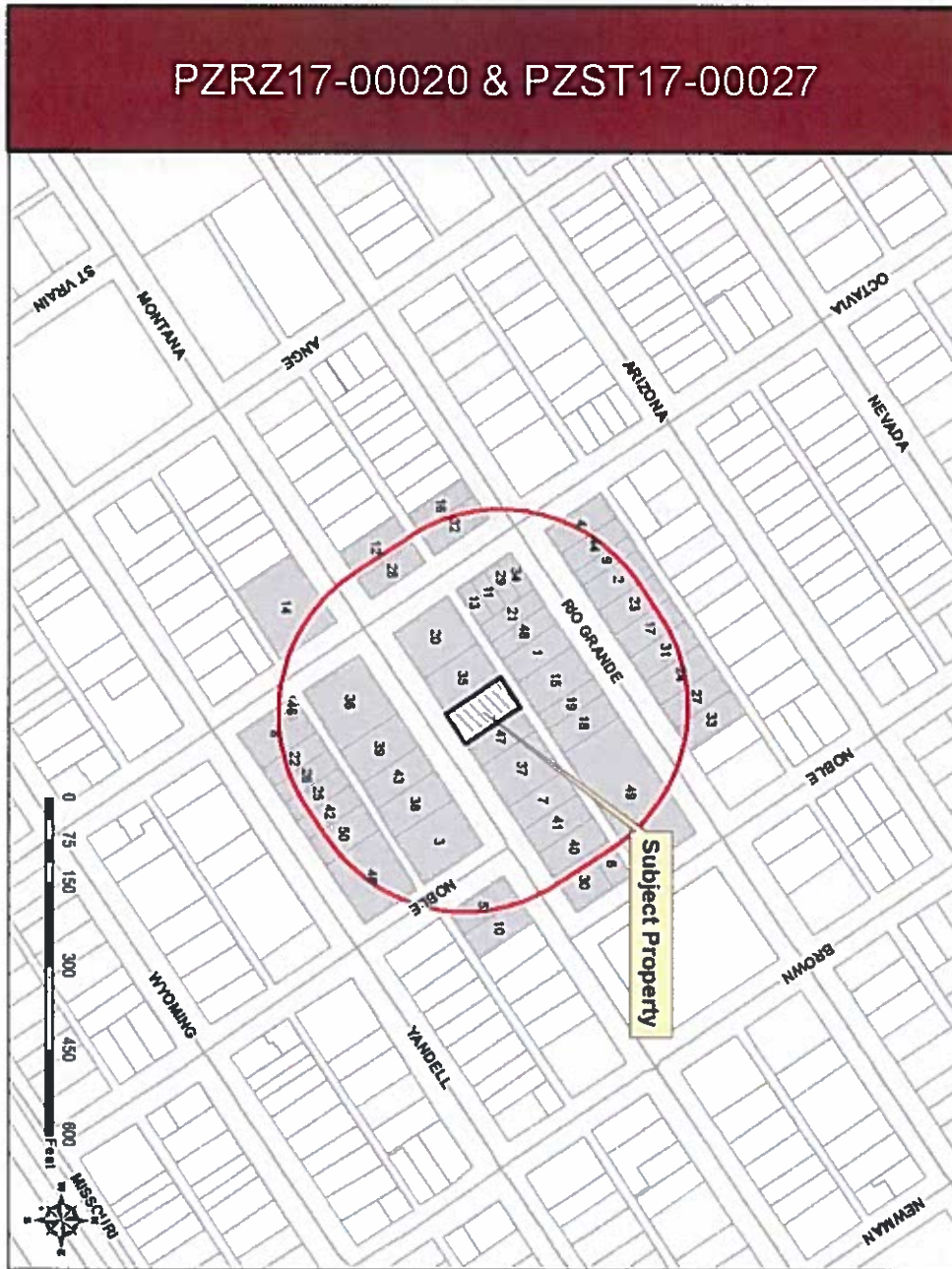
ATTACHMENT 6 Subdivisions Plat



ATTACHMENT 7

Notification Map

PZRZ17-00020 & PZST17-00027





Recommendation/Public Input

- **Planning Division recommendation:** Approval
- **CPC Vote:** Denial Recommendation on a 5-1 vote.

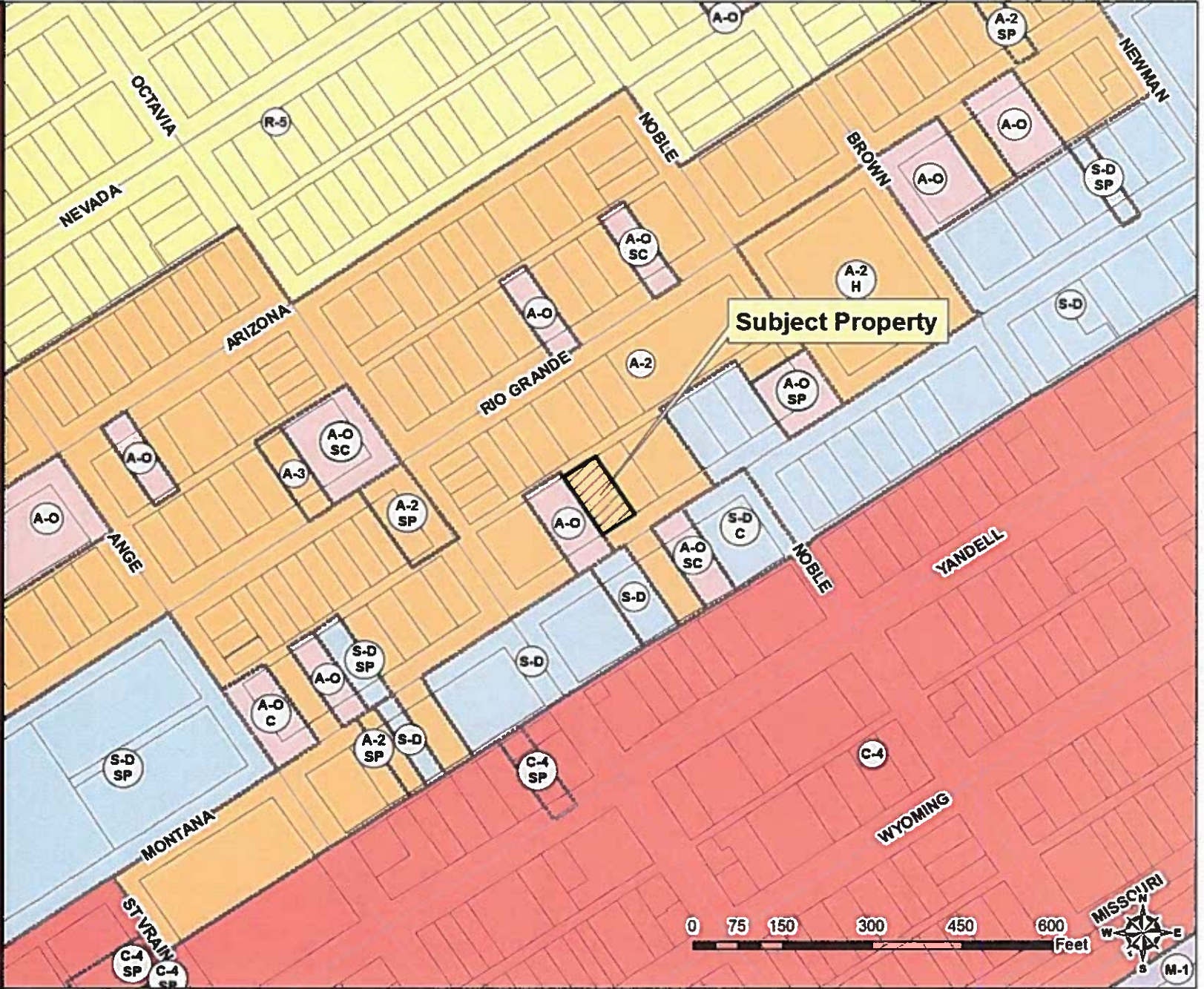
Public Input: One concerned citizen expressed his opposition to this request at the City Plan Commission public hearing held on December 14, 2017.

Strategic Goal #3 Promote the Visual Image of El Paso

- 3.1 Provide business friendly permitting and inspection processes
- 3.2 Improve the visual impression of the community

"Delivering Outstanding Services"

PZRZ17-00020 & PZST17-00027

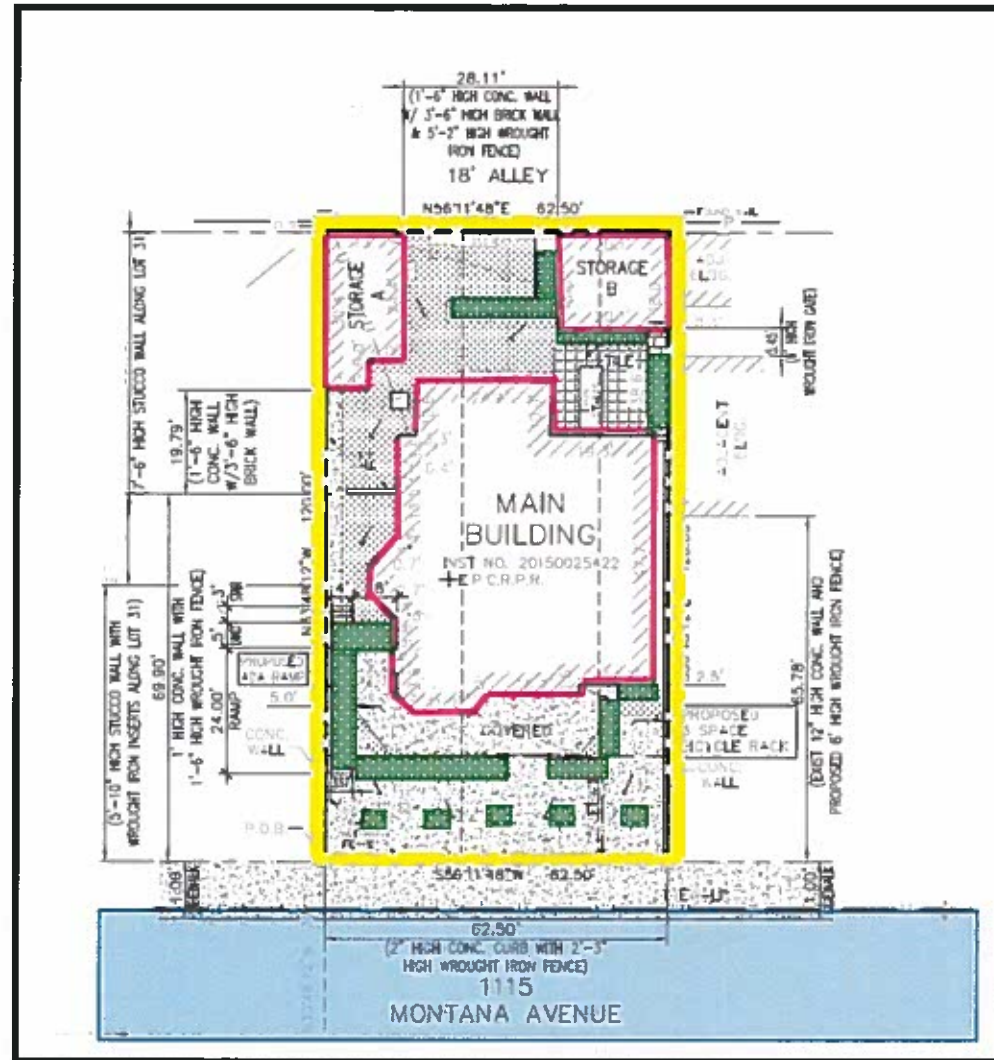


PZRZ17-00020 & PZST17-00027





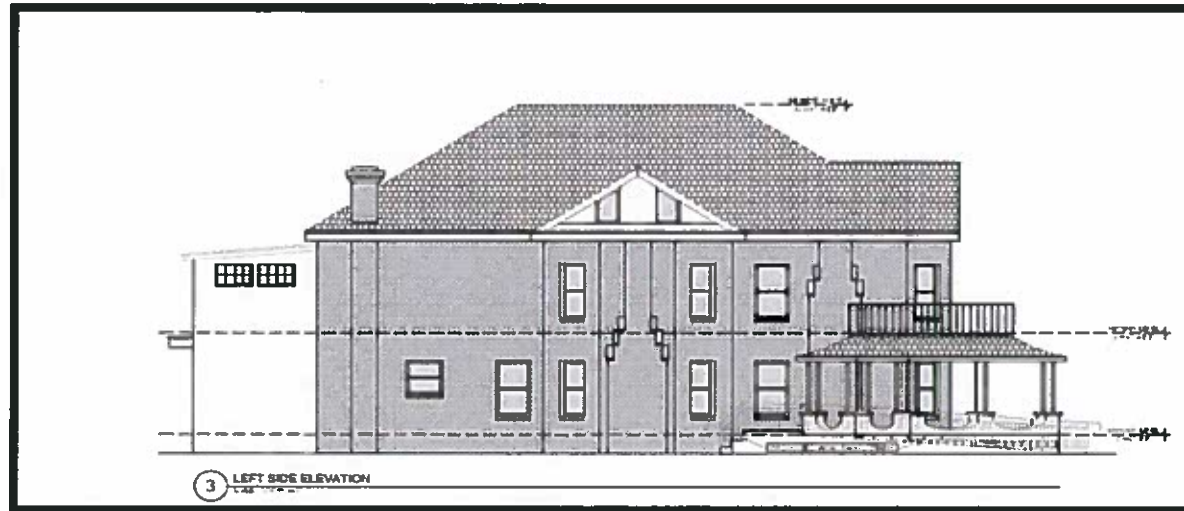
Detailed Site Plan



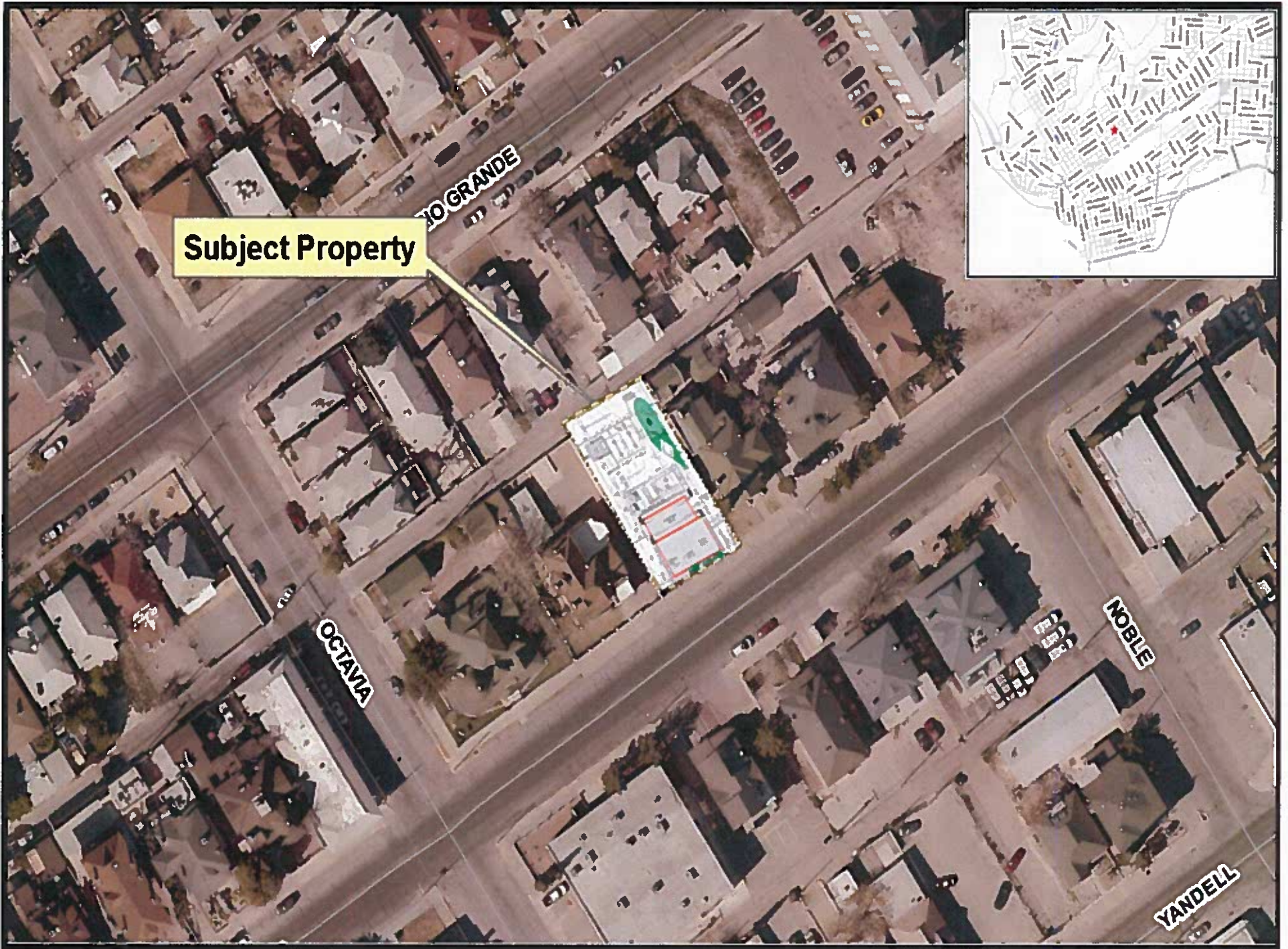
"Delivering Outstanding Services"



Elevations



"Delivering Outstanding Services"



Subject Property

NO GRANDE

OCTAVIA

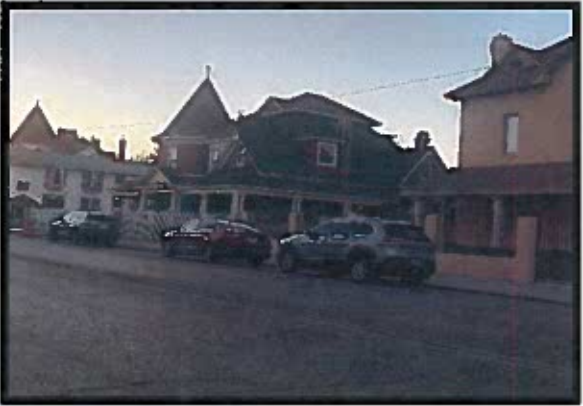
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PZRZ17-00020 & PZST17-00027

