

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: March 10, 2015
Public Hearing: March 31, 2015

CONTACT PERSON/PHONE: Andrew Salloum, (915) 212-1613, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance granting Special Permit No. PZST14-00029, to allow for Infill Development with reduced side yard setback and parking reduction on the property described as Lots 3 and 4, Block 40, Bassett Addition, 2126 Myrtle Avenue, City of El Paso, El Paso County, Texas, Pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 2126 Myrtle Avenue. Property Owner: Miguel A. Perez , Florentino Perez, and Inocencia R. Perez. PZST14-00029 (**District 8**)

BACKGROUND / DISCUSSION:

Staff report attached.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval Recommendation (6-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Mathew S. McElroy
Director, Planning and Inspections Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST14-00029, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED SIDE YARD SETBACK AND PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 3 AND 4, BLOCK 40, BASSETT ADDITION, 2126 MYRTLE AVNEUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 INFILL DEVELOPMENT OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Miguel A. Perez, Florentino Perez, and Inocencia R. Perez, have applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City Code for reduced side yard setback and parking reduction; and,

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and,

WHEREAS, the subject Special Permit 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 Section 20.04.320 of the El Paso City Code.

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

1. That the property described as follows is in an **C-4 (Commercial)** Zone District:

Lots 3 and 4, Block 40, Bassett Addition, 2126 Myrtle Avenue, City of El Paso, El Paso County, Texas; and,

2. That the City Council hereby grants a Special Permit for an infill development under Section 20.10.280 of the El Paso City Code to allow a reduction in the side yard setback and parking reduction; and,
3. That this Special Permit is issued subject to the development standards in the **C-4 (Commercial)** District regulations and is subject to the approved Detailed Site Development Plan, signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "A" and incorporated herein by reference for all purposes; and,
4. That, if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST14-00029 shall automatically terminate, and

ORDINANCE NO. _____

PZST14-00029

construction shall stop or occupancy shall be discontinued, until any such violation ceases; and,

5. That the Owners shall sign an Agreement incorporating the requirements of this Ordinance. 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.

ADOPTED this _____ day of _____, 2015.

THE CITY OF EL PASO

ATTEST:

Oscar Leeser
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Karla M. Nieman
Assistant City Attorney

Mathew S. McElroy, Director
Planning and Inspections Department

ORDINANCE NO. _____

PZST14-00029

AGREEMENT

Miguel A. Perez, Florentino Perez, and Inocencia R. Perez, referred to in the above Ordinance, hereby agree to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the **C-4 (Commercial)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 2015.

Miguel A. Perez

(signature)

Florentino Perez:

(signature)

Inocencia R. Perez:

(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

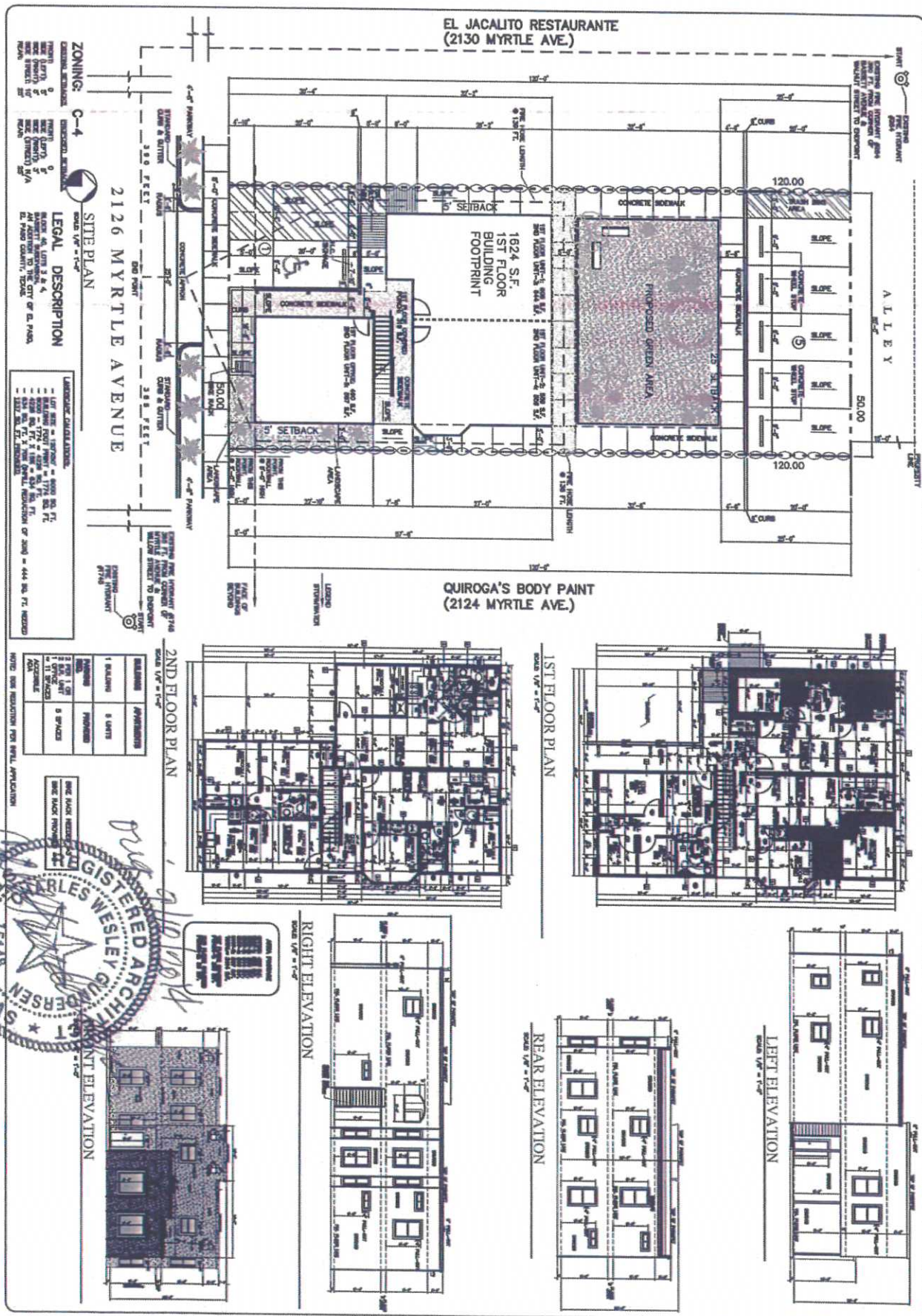
This instrument is acknowledged before me on this _____ day of _____, 2015, by Florentino and Inocencia R. Perez, as Owners.

My Commission Expires:

Notary Public, State of Texas
Notary's Printed or Typed Name:

ORDINANCE NO. _____

PZST14-00029



Rev. 11/22/2014



MEMORANDUM

DATE: March 2, 2015

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

FROM: Andrew Salloum, Planner

SUBJECT: PZST14-00029

The City Plan Commission (CPC), on January 29, 2015, voted 6-0 to recommend **approval** of the special permit application to allow for infill development with reduced side yard setback and a 50% parking reduction. The CPC also recommended that the driveway be reduced to allow for a handicap parking space be located in front to increase off-site parking for the proposed building.

The CPC found that the special permit is in conformance with Plan El Paso. The CPC also determined that the special permit 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 special permit will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

The Planning Division has not received any communication in support or opposition of the special permit request.

Property Owner: Miguel A. Perez, Florentino Perez, and Inocencia R. Perez
Representative: Vista Del Sol Architectural Design

Attachments:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZST14-00029
Application Type: Special Permit and Detailed Site Development Plan
CPC Hearing Date: January 29, 2015
Staff Planner: Andrew Salloum, (915) 212-1613, salloumam@elpasotexas.gov

Location: 2126 Myrtle Avenue
Legal Description: Lots 3 and 4, Block 40, Bassett Addition, City of El Paso, El Paso County, Texas
Acreage: 0.137 acres
Rep District: 8
Zoning: C-4 (Commercial)
Existing Use: Vacant building
C/SC/SP/ZBA/LNC: N/A
Request: Infill Development - side yard setback and parking reduction
Proposed Use: Apartments and office

Property Owner: Miguel A. Perez, Florentino Perez, and Inocencia R. Perez
Representative: Vista Del Sol Architectural Design

SURROUNDING ZONING AND LAND USE

North: C-4/sp (Commercial/special permit) / Retail
South: C-4 (Commercial) / Single-family dwellings
East: C-4 (Commercial) / Restaurant
West: C-4 (Commercial) / Motor vehicle repair, major

PLAN EL PASO DESIGNATION: G-2, Traditional Neighborhood (Walkable) (Central Planning Area)

NEAREST PARK: El Barrio Park (2,767 feet)

NEAREST SCHOOL: Beall Elementary School (1,900 feet)

NEIGHBORHOOD ASSOCIATIONS

El Paso Central Business Association
Familias Unidas Del Chamizal

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on January 14, 2015. The Planning Division has not received any letters or phone calls in support or opposition of the special permit request.

APPLICATION DESCRIPTION

The applicant is requesting a special permit and detailed site development plan review for infill development. The detailed site development plan shows a two-story 2,954 sq. ft. building with five apartment units, 460 sq. ft. of office space, for a total of 3,414 sq. ft. Apartments and offices are permitted in the C-4 (Commercial) zone district. The uses require 11 parking spaces for 5 two-bedroom units and an office; the applicant is providing 6 parking spaces and 3 bicycle spaces. Infill development allows for an automatic 50 percent parking reduction. The applicant is requesting the following reduction in the side yard setback: from the required 5 feet to 3 feet. The Detailed Site Development Plan complies with all other density and dimensional standards. The development complies with the minimum landscape area requirements of Title 18.46. Access to the subject property is proposed from Myrtle Avenue and from Walnut Street via the alley.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends approval of the requests for special permit and detailed site development plan review for infill development, as it complies with Sections 20.10.280, Infill Development; 20.04.320, Special Permit, and 20.04.150, Detailed Site Development Plan.

ANALYSIS

20.10.280 Infill Development

The provisions of this section apply to any property designated with an overlay designation to encourage redevelopment and infill development, the specific purposes of which are to: provide a more flexible approach to design and development of infill projects, encourage infill development by simplifying procedures for plan approval, permit the conversion or adaptive reuse of buildings and properties, encourage planning and design flexibility and innovations, create a community environment that is enhanced by a mix of residential, commercial, recreational, open space, employment and institutional uses, and assure community compatibility and an efficient use of land and public services. In order to provide incentives for private investment in these targeted areas, the following standards shall apply:

- A. Location Criteria. An infill development may be designated for any property on which at least two of the following factors are present: the property is wholly or partially located within a designated tax increment financing district, or the property is wholly or partially located within a designated state or federal enterprise zone, or the property is wholly or partially located within an empowerment zone, or the property is wholly or partially located within a designated redevelopment area pursuant to Chapter 20.14 of this title, or the property is located within a designated historic district, or the property is within an older neighborhood of the city. An older neighborhood of the city defined as a legally recorded and developed subdivision for at least thirty years. Where an infill development is able to satisfy only one of the preceding factors, an applicant shall be allowed to make a formal request to city council to waive the two factor requirement prior to the submission of a special use permit application for the property. In all instances where a waiver is requested and authorized by city council, at least one location factor shall be met. For purposes of this section, any property with a historic designation shall be subject to the requirements and review provisions of Chapter 20.20 (Historic Designations) of this title, and shall not be waived by any provision of this section.

This development meets the two location criteria: (1) it is located in a legally recorded subdivision of at least 30 years and (2) it is within a State Enterprise Zone.

- B. Use Regulations. Unless the ordinance designating the infill development provides otherwise, a proposed infill development may be approved for any use permitted in the base-zoning district in which it is located. However, the ordinance designating an infill development overlay may provide a list of principal uses, accessory uses and prohibited uses pursuant to a specific area plan adopted by the city council.

There is no specific plan area adopted by City Council. Multi-family dwellings are permitted in the C-4 (Commercial) district.

- C. Setback Provisions. The side, front and rear setback requirements of the base-zoning district on which it is located may be reduced up to one hundred percent for an infill development as approved by city council. Buildings should be designed to relate to and take advantage of any existing site attributes, and shall be a consideration for reduction of the setback requirements.

The applicant is requesting the following reduction in dimensional standards:

Dimension	Required for Apartment use	Proposed
Side Yard	5'	3'

- D. Parking. The minimum parking requirements enumerated in Chapter 20.14 (Off-Street Parking and Loading Requirements) of this title shall be automatically reduced by fifty percent for any use within a designated infill development.

The applicant is requesting a 50 percent parking reduction as part of the special permit application.

Building Uses	Required (Spaces)	Proposed (Spaces)
Apartment (5 Units)	10	5
Office	1	1
Total	11	6

- E. Design. Unless otherwise approved by city council, any construction permitted pursuant to this section shall be designed to consistently relate to the massing and character of the surrounding properties. Consistency of massing and character shall be determined as shown on the site plan with typical elevations and proposed construction materials, that the proposed construction is compatible with the overall design features and building development of the neighborhood within which the proposed infill development is located. Design features include, but shall not be limited to, building height, architectural style, building materials, landscape and setbacks.

The proposed development is compatible with existing development.

- F. Landscaping. The landscape standards contained within Title 18 of this Code shall apply to an infill development.

The proposed development complies with the landscape standards.

- G. Density. The maximum number of dwelling units per gross acre permitted in the base-zoning district may be increased up to fifty percent for an infill development as approved by city council.

Eight apartment dwelling units are allowed on this 6,249.76 sq. ft. parcel; the applicant is proposing five units.

- H. Lots. There shall be no minimum area requirement for lots within an infill development unless otherwise provided in the ordinance designating the infill development overlay.

The applicant is only requesting a setback reduction; the request complies with all other density and dimensional standards.

20.04.320 Special permit approvals.

- A. Building and occupancy permits shall not be issued to any building or use identified in this title as requiring a special permit until after approval of such special permit by the city council.
- B. Building and occupancy permits shall not be issued for any building or use identified in this title as requiring an approved detailed site development plan as required by Article III, until such approval has been granted.
- C. No building or occupancy permit may be granted for the erection, rehabilitation, enlargement or demolition of any building in a designated historic area or for any building that is a designated

- historic landmark until prior approval has been granted by the historic landmark commission.
- D. The city council, after hearing and report by the city plan commission, may approve a special permit upon a finding that the proposed development meets the following minimum requirements necessary to protect the public health, safety and general welfare of the community:
1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located; complies with any special standards applicable to the particular type of development being proposed, or to the particular area in which the development is proposed; complies with any special approvals required in connection with such development or area;
 2. The proposed development is in accordance with and in furtherance of the plan for El Paso, any special neighborhood plans or policies adopted by the city regarding the development area, or any approved concept plan;
 3. The proposed development is adequately served by and will not impose an undue burden upon the public improvements and rights-of-way by which it will be served or benefited, or which exist or are planned for installation within its boundaries or their immediate vicinity. A traffic impact study may be required to determine the effects of the proposed development on the public rights-of-way;
 4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development;
 5. The design of the proposed development mitigates substantial environmental problems;
 6. The proposed development provides adequate landscaping and/or screening where needed to reduce visibility to adjacent uses;
 7. The proposed development is compatible with adjacent structures and uses;
 8. The proposed development is not materially detrimental to the enjoyment or valuation of the property adjacent to the site.
- E. The applicant may request that the city plan commission waive one or more of the criteria based on its no applicability to the proposed development. The city plan commission, upon a recommendation of the planning official, shall make a determination on the no applicability of the criteria and shall render a finding based on such determination, and shall forward their recommendation to city council for final review and approval.

The application meets the requirements for special permit.

20.04.140 When required.

Except as stated herein, a detailed site development plan is required prior to development in a special purpose district or with a special permit application and may be required if a zoning condition exists on a particular piece of property. Detailed site development plans are not required for any projects for development in the Mixed Use District (RMU, GMU and IMU) or for any other projects other than those located in special purpose districts or as otherwise required herein.

Detailed Site Development Plan review is required as part of the special permit application.

20.04.150 Procedure.

- D. City plan commission approval. Pursuant to this Code, the city plan commission, in addition to the powers and duties identified in this chapter, shall have final authority on approval of all other detailed site development plans, unless a zoning condition, contract provision, other city code provision or state law require the detailed site development plan to be approved by city council.
1. The planning division shall make its recommendations to the city plan commission within thirty days after a complete application is submitted.
 2. The city plan commission shall hold a public hearing at its regular meeting that is within thirty days from receipt of department recommendations.

3. The commission shall consider the following information when approving a proposed detailed site development plan: the boundaries of the tract proposed for development; location and arrangement of structures; determine if the use conforms to applicable zoning regulations, determine if historic landmark commission approval has been granted for architectural design of all structures if located in a historic district and the design conforms to such approval; location of utility rights-of-way and easements and storm water drainage; vehicular and pedestrian ways; on-site parking areas; location of open spaces and landscape planted areas.
4. In no instance shall the city plan commission have authority to vary the yard standards applicable to the district.
5. The city plan commission shall approve the plan if it complies with all applicable code provisions.

Planning Staff has reviewed the detailed site development plan, and it meets all requirements of Sections 20.04.320, Special Permit, and 20.04.150 Detailed Site Development Plan.

Plan El Paso-Future Land Use Map Designation

All applications for special permit shall demonstrate compliance with the following criteria:

G-2 – Traditional Neighborhood (Walkable): 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.

The purpose of the C-4 (Commercial) district is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the central business district, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.

COMMENTS:

Planning and Inspections Department - Planning Division - Transportation

No objection to parking reduction.

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 – Building and Development Permitting

BP & I Review no objections to special permit. However, per table 705.8 of the IBC windows are not permitted on bay windows when the distance is from three feet to less than 5 feet in unprotected, non-sprinkler buildings. Bay window will need to be removed at the time of building permit application.

Note to applicant: comments from Building and Development Permitting will need to be addressed at the time building permits are requested.

Planning and Inspections Department – Landscaping Division

No objection to special permit. At the time of building permit application the landscape will need to comply with the applicable provisions of section 18.46 of the municipal code.

Planning and Inspections Department - Land Development

No objections.

Fire Department

Recommend approval of Special Permit Application as presented. PZST14-00029 NOTE: In accordance with the requirements of the Zoning Code Section 20.04.160 Content of application the Fire Planning Division has reviewed the submitted "Detailed Site Plan for the following: Elevations, Perspective of the building, Dimensions, square footage and height of all structures, Number of dwelling units in Multi-family structures, and Driveways as applicable to following sections of the fire code; Sections 503 and Appendix D Fire Apparatus Access Roads, Please note: Fire Protection Systems are not being reviewed at this time "When required as per section 905.3.1, 905.4 and 905.5 all fire protections system plans shall be submitted separately to Fire Plan Review for further requirements and comments". The Fire Planning Division has reviewed the submitted "Detailed Site Plan Application" as per requirements of the Zoning Code Section 20.04.160 Content of application and has determined that the submission DOES comply within the zoning regulations.

Police Department

El Paso Police Department has no issues with this request.

Sun Metro

Sun Metro does not oppose this request.

El Paso Water Utilities

EPWU-PSB does not object to this request.

EPWU-PSB Comments

Water:

There is an existing 12-inch diameter water main that extends along Myrtle Ave. located approximately 15 feet north of the street centerline. This main is available for service.

There is an existing 4-inch diameter water main that extends along the alley between Myrtle Ave. and Bassett, located approximately 5 feet north of the alley centerline. This main is available for service

Previous water pressure tests from fire hydrant # 1745 located at the northeast corner of Myrtle Ave. and Willow, have yielded a static pressure of 88 (psi) pounds per square inch, a residual pressure of 76 (psi) pounds per square inch, and a discharge of 1300 (gpm) gallons per minute.

EPWU records indicate a vacant 3/4-inch water meter serving the subject property. The service address for this meter is 2126 Myrtle Ave.

Sewer

There is an existing 8 –inch diameter sanitary sewer main that extends along the alley between Myrtle Ave. and Bassett, located along the alley centerline. This main is available for service.

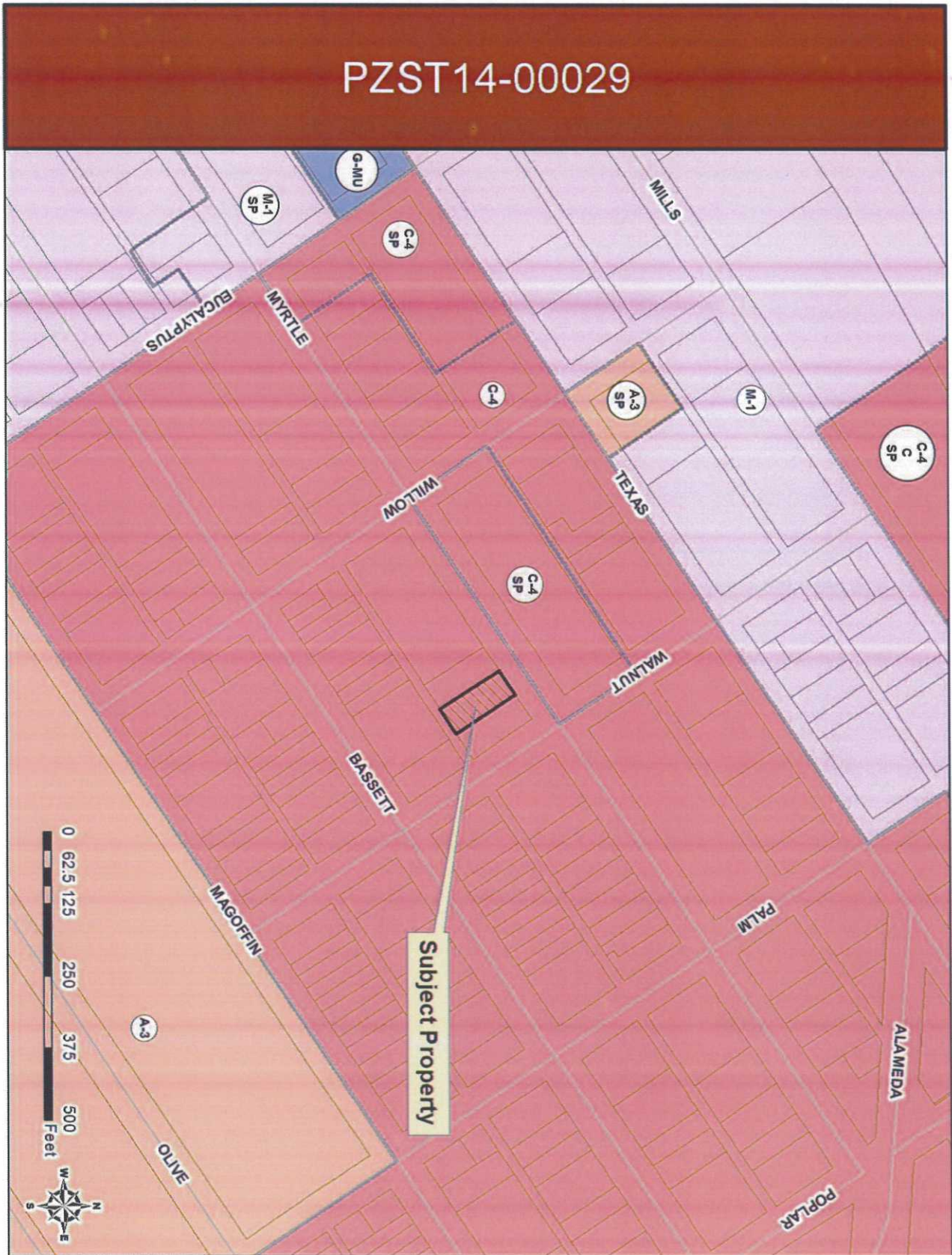
General:

EPWU 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 EPWU – 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.

Attachments

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan

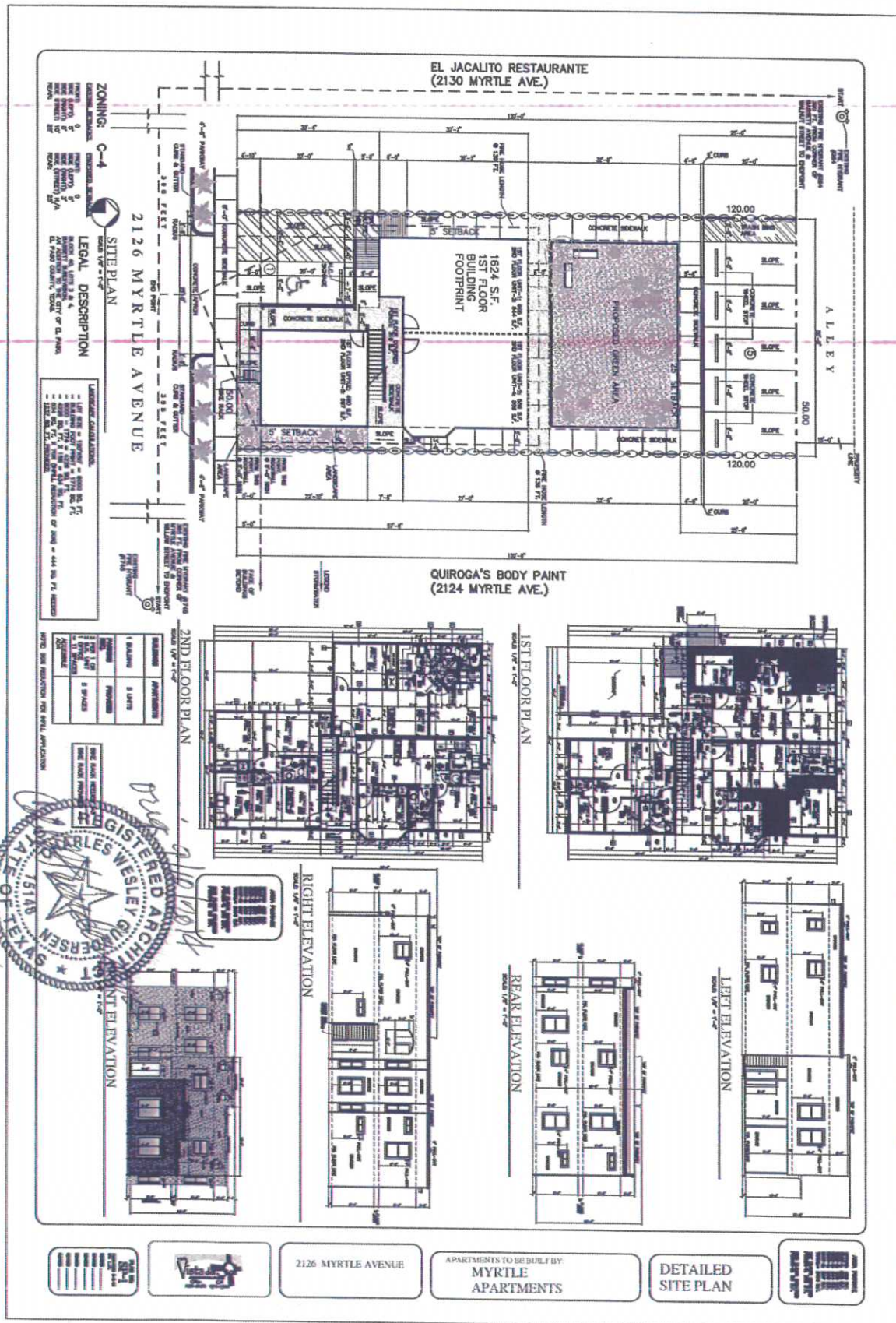
ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN





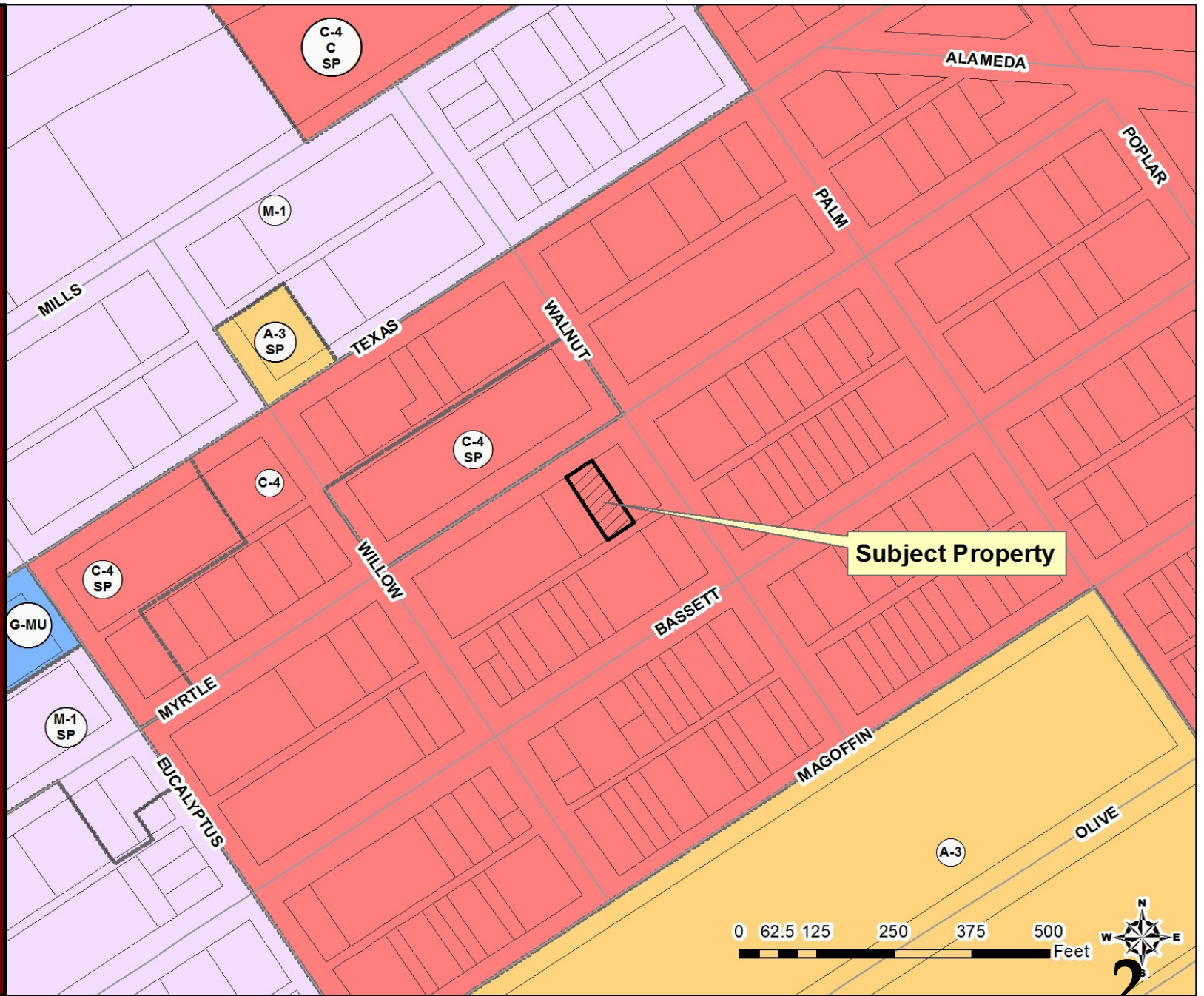
Recommendation/Public Input

- **Planning Division recommendation:** Approval
- **CPC Vote:** Approval Recommendation (6-0)
- **Public Input:** No communication received from the public in support or opposition to the special permit request.

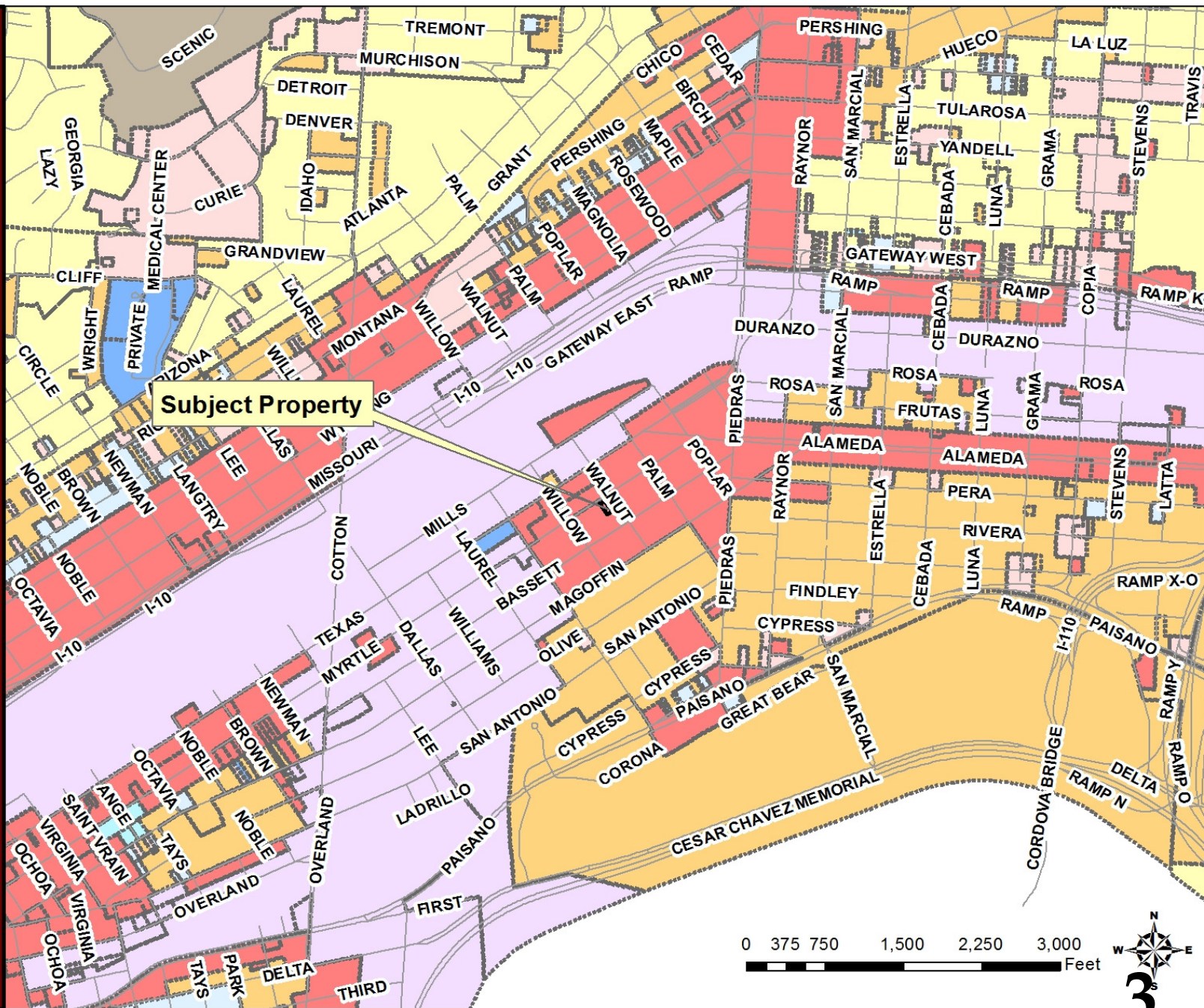
Strategic Goal #3 Promote the Visual Image of El Paso

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

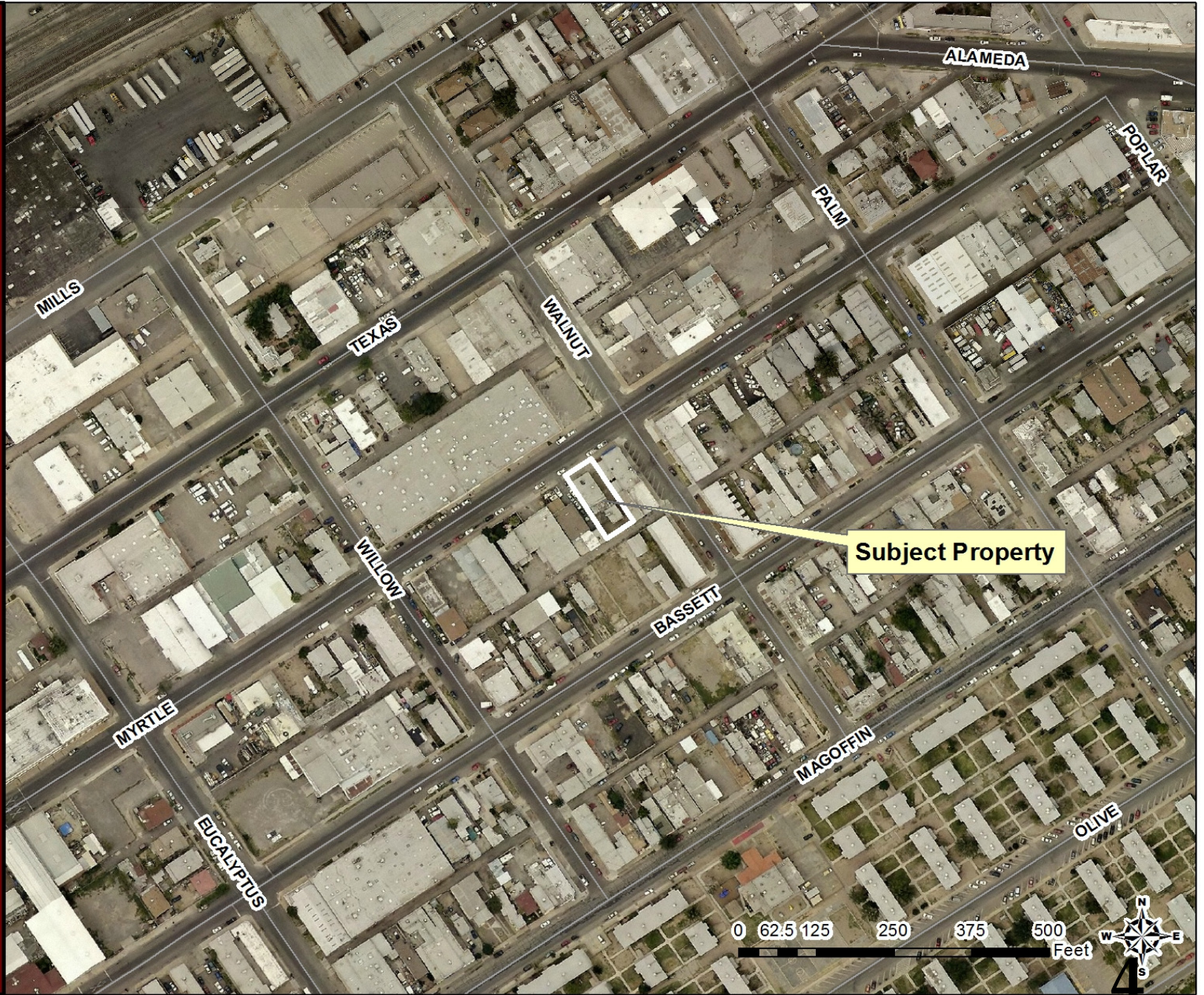
PZST14-00029



PZST14-00029



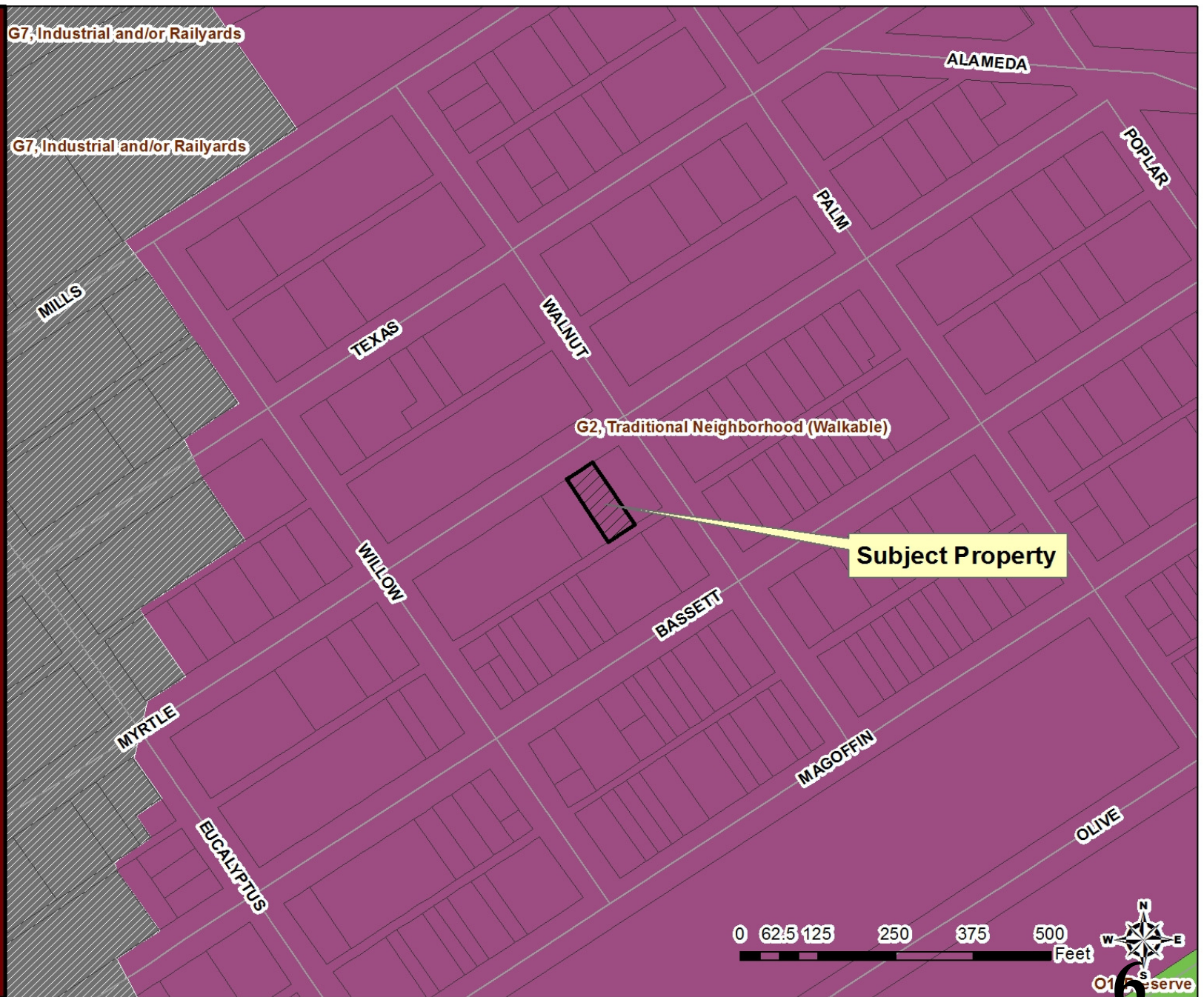
PZST14-00029



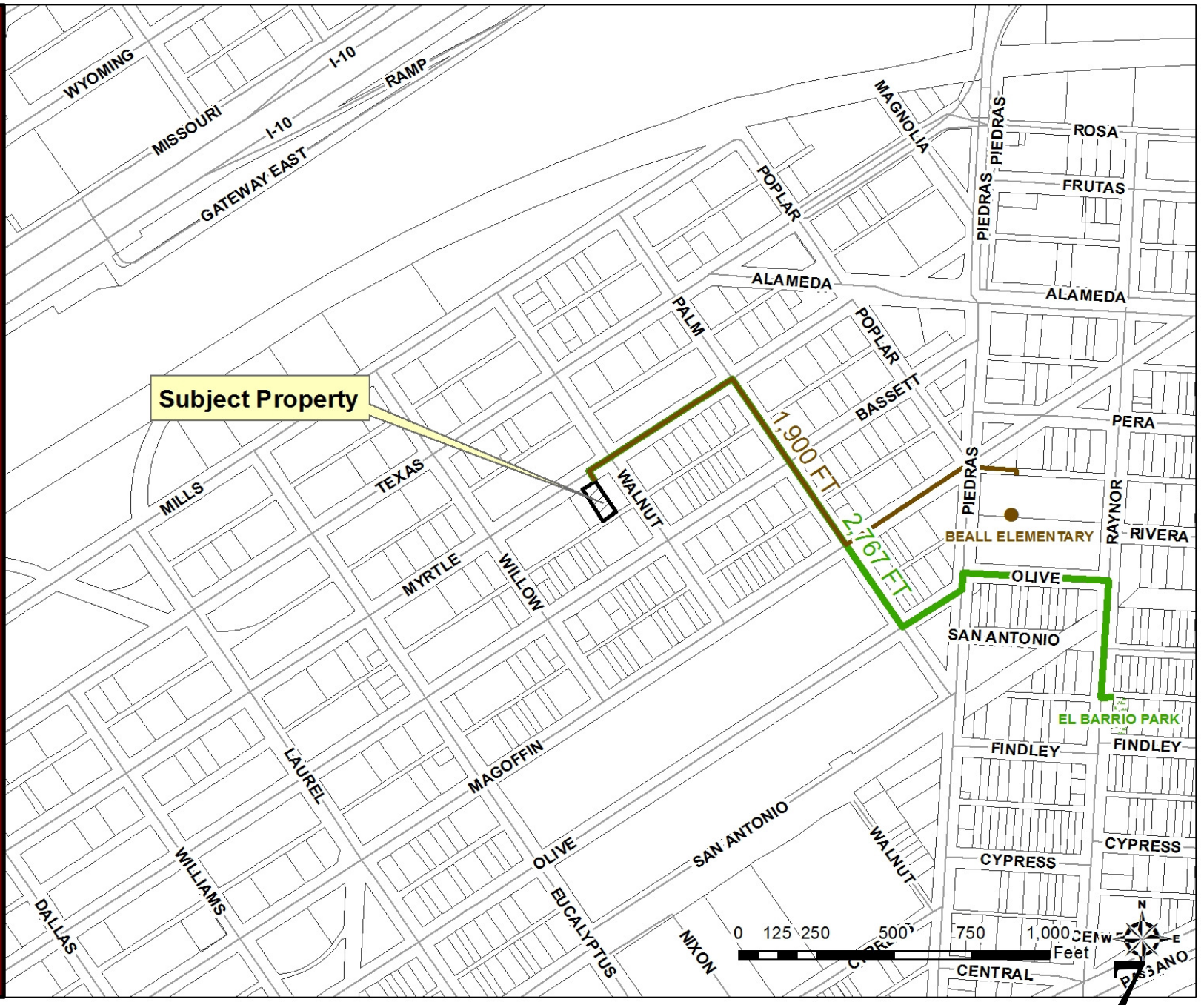
PZST14-00029



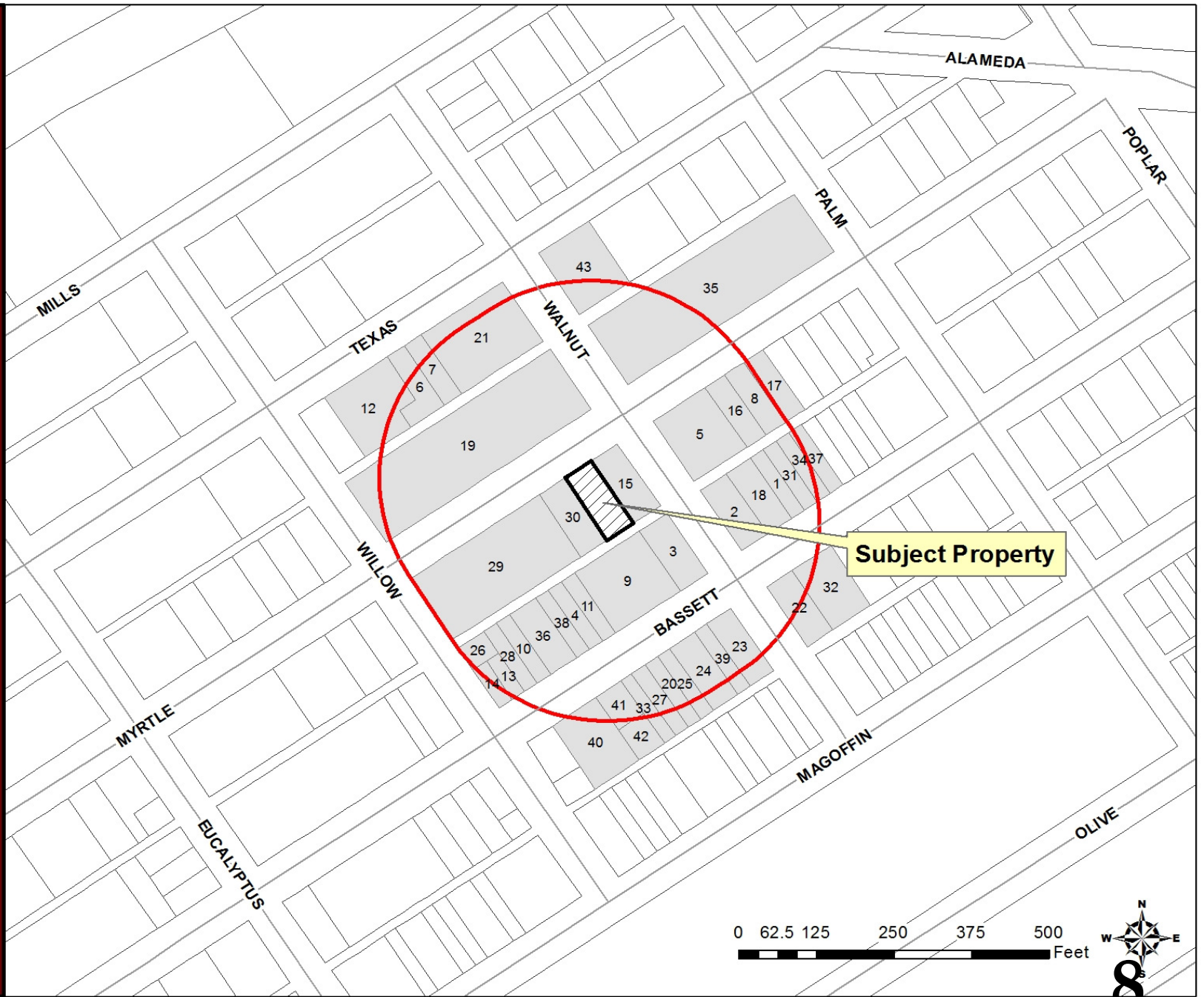
PZST14-00029

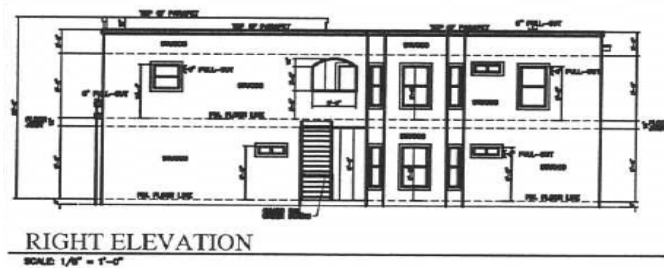
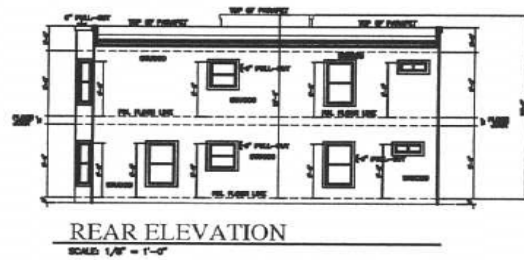
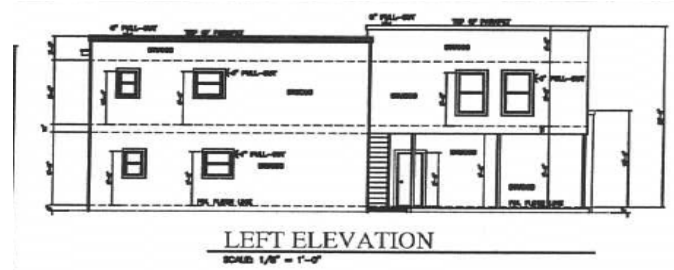


PZST14-00029



PZST14-00029







Subject Property

11



North

12



East

13



South

14



West

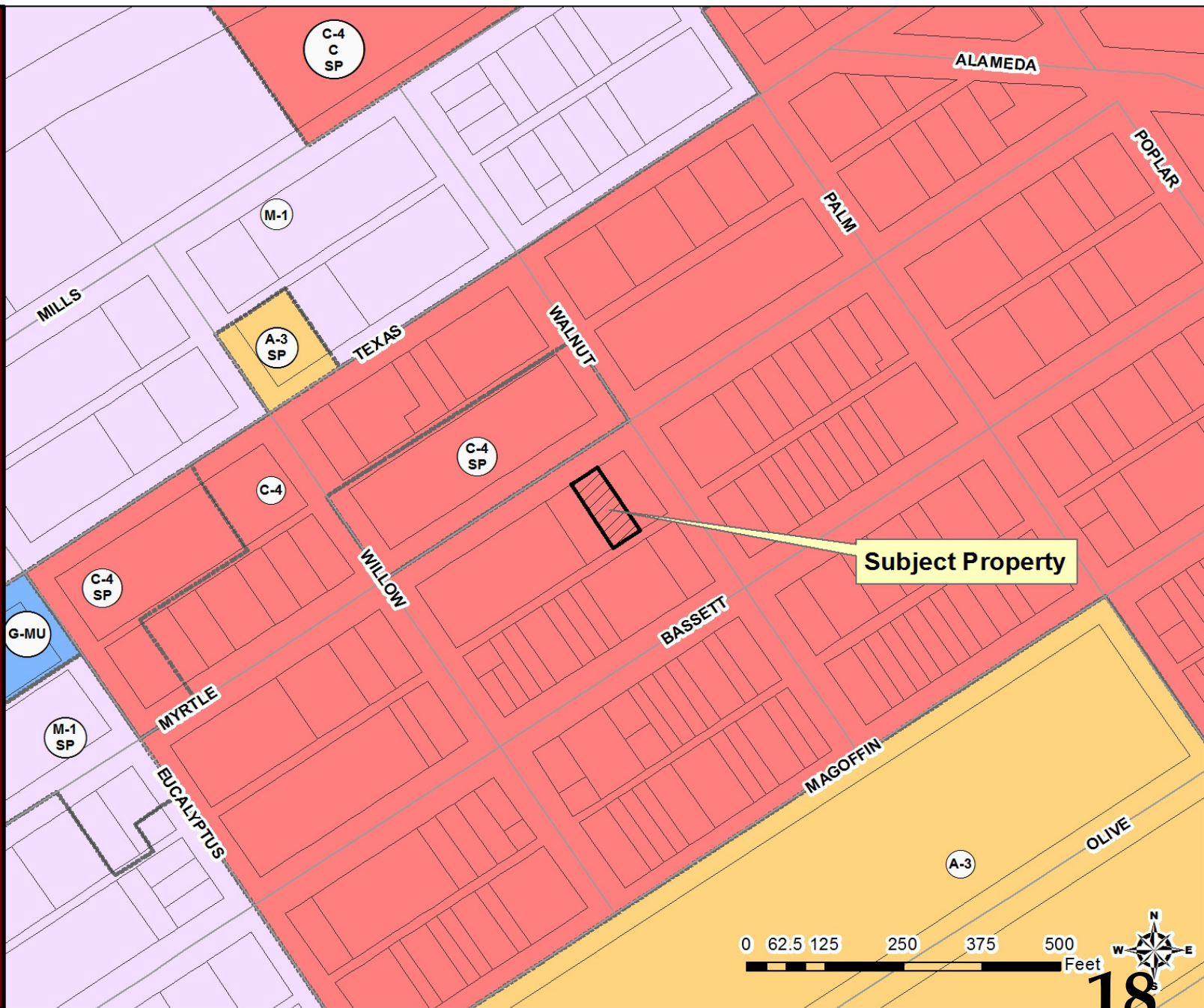
15



Alley

16

PZST14-00029



PZST14-00029

