

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: April 4, 2017
Public Hearing: May 2, 2017

CONTACT PERSON/PHONE: Larry Nichols, (915) 212-1550, nicholslf@elpasotexas.gov
Jeff Howell, (915) 212-1607, howelljb@elpasotexas.gov

DISTRICT(S) AFFECTED: 4

SUBJECT:

An Ordinance granting Special Permit No. PZST16-00033, to allow for infill development with reduced rear yard setback and cumulative front and rear yard setback on the property described as Lot 18, Block 2, Dolphin Terrace Unit 2, 5901 Dolphin Drive, 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. Property Owner: Reynaldo & Sylvia Garcia. PZST16-00033 (**District 4**)

BACKGROUND / DISCUSSION:

On March 9, 2017, the CPC reviewed and recommended approval of the special permit request.

PRIOR COUNCIL ACTION:

There is no prior City Council action on this special permit application.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval Recommendation (7-0).


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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Larry F. Nichols
Director, Planning and Inspection Department



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST16-00033, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED REAR YARD SETBACK AND CUMULATIVE FRONT AND REAR YARD SETBACK ON THE PROPERTY DESCRIBED AS LOT 18, BLOCK 2, DOLPHIN TERRACE UNIT 2, 5901 DOLPHIN DRIVE, 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, Reynaldo & Sylvia Garcia, has applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City Code for reduced rear yard setback, and cumulative front and rear yard setback.

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 **R-4 (Residential)** Zone District:

Lot 18, Block 2, Dolphin Terrace Unit 2, 5901 Dolphin Drive, 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 rear yard setback and cumulative front and rear yard setback; and,
3. That this Special Permit is issued subject to the development standards in the **R-4 (Residential)** 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. PZST16-00033 shall automatically terminate, and

ORDINANCE NO. _____

17-1007-1932 / 647994

5901 Donophin Drive-Special Permit

OAR

PZST16-00033

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

5. That the Owner 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 _____, 2017.


THE CITY OF EL PASO

ATTEST:

Oscar Leaser
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Omar A. De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:



Larry F. Nichols, Director
Planning and Inspections Department

AGREEMENT

Reynaldo & Sylvia Garcia, referred to in the above Ordinance, hereby agrees 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 R-4 (Residential) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 23 day of March, 2017.

Reynaldo Garcia:

By: Reynaldo Garcia
(name/title)

[Signature]
(signature)

Sylvia Garcia:

By: Sylvia Garcia
(name/title)

[Signature]
(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

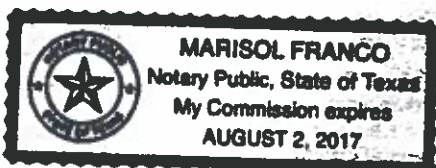
This instrument is acknowledged before me on this 23 day of March, 2017, by Reynaldo Garcia, as Owner.

My Commission Expires:

[Signature]
Notary Public, State of Texas

Notary's Printed or Typed Name:

Marisol Franco



ORDINANCE NO. _____

17-1007-1932 / 647994
5901 Donophin Drive-Special Permit
OAR

PZST16-00033

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 23 day of March,

2017, by Sylvia Garcia, as Owner.

My Commission Expires:

Marisol Franco
Notary Public, State of Texas

Notary's Printed or Typed Name:

Marisol Franco

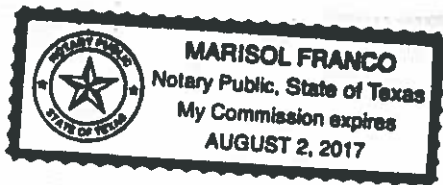
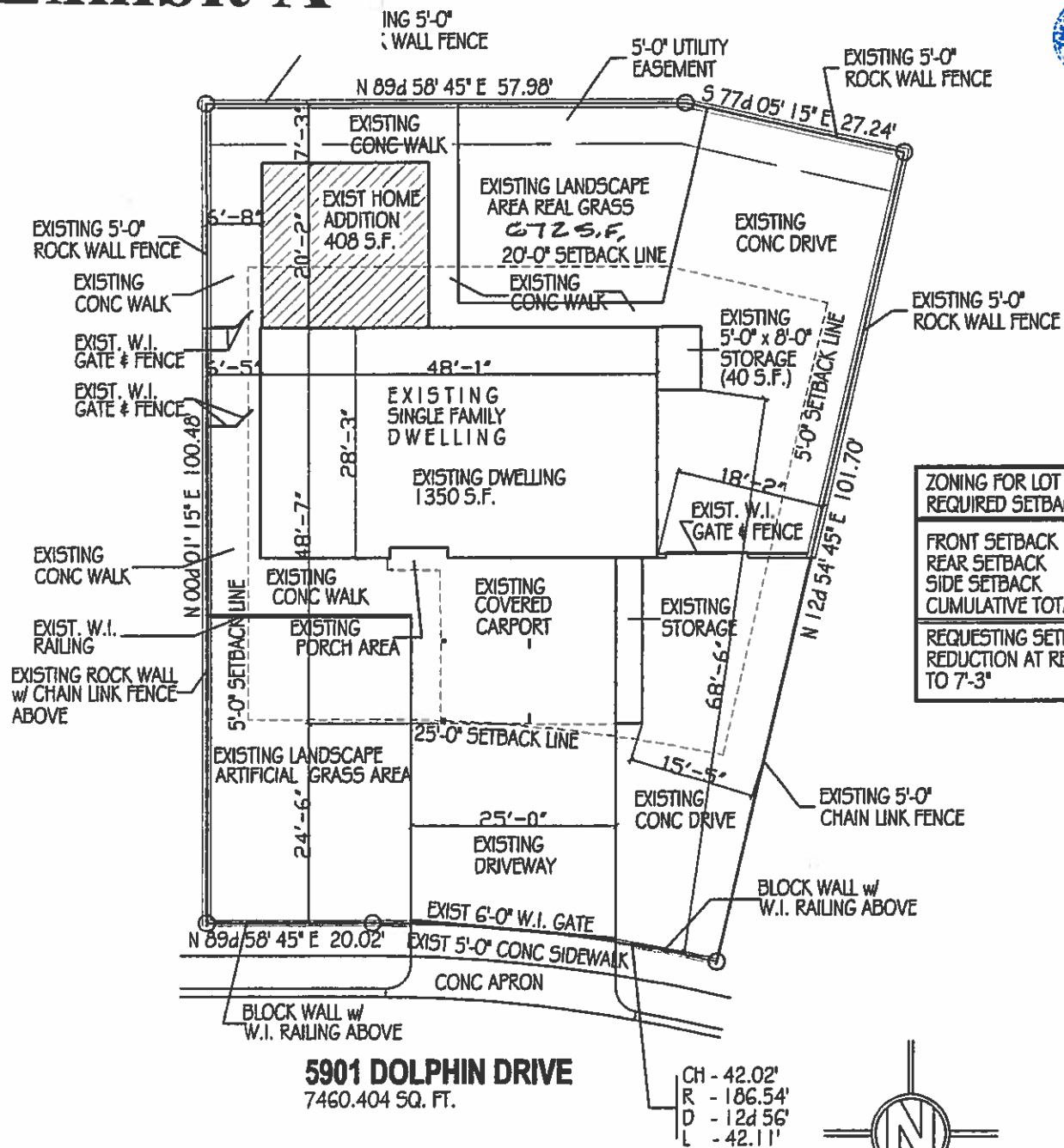


Exhibit A



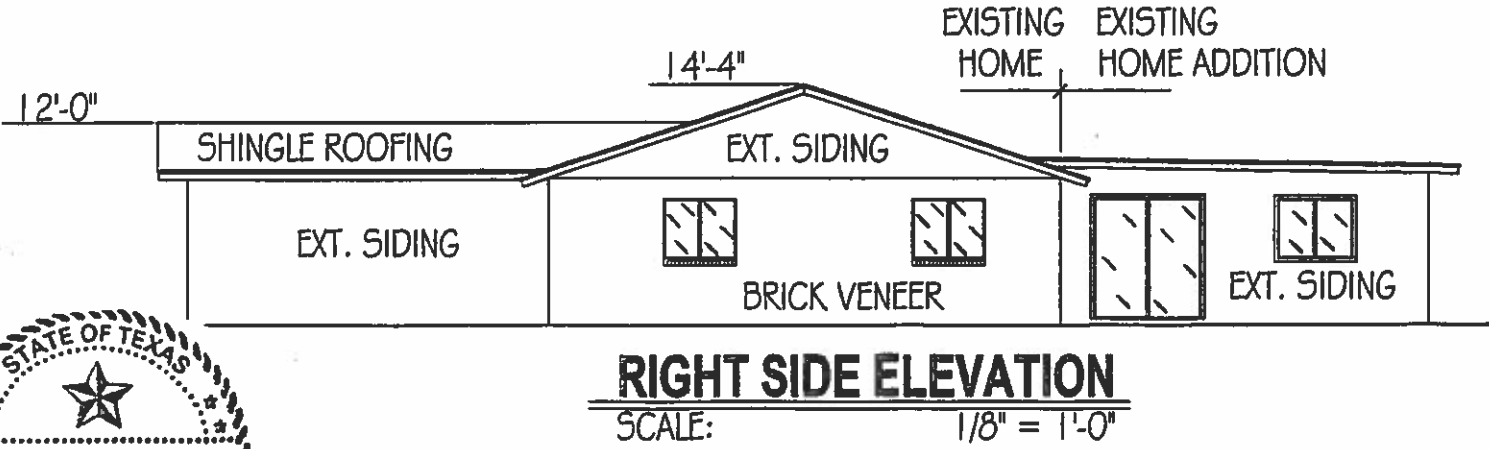
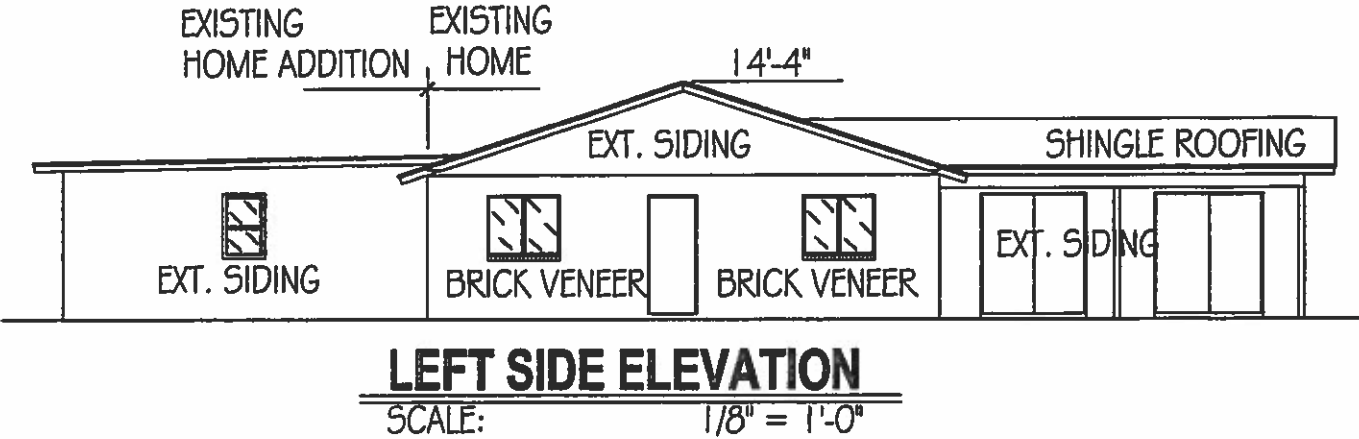
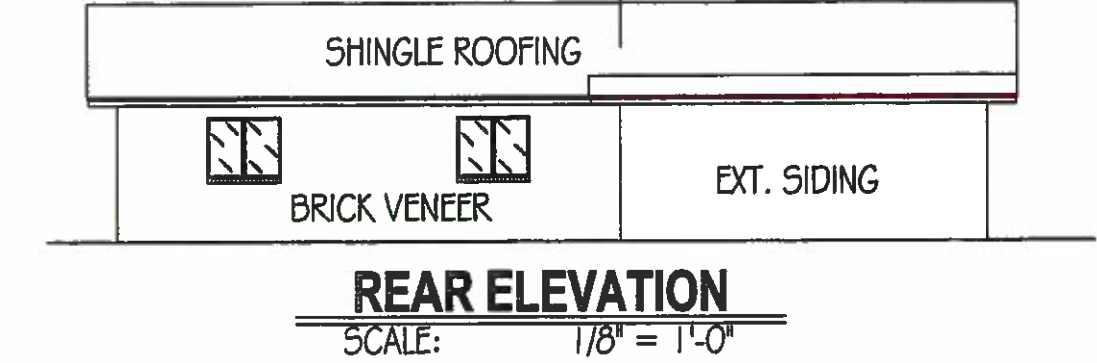
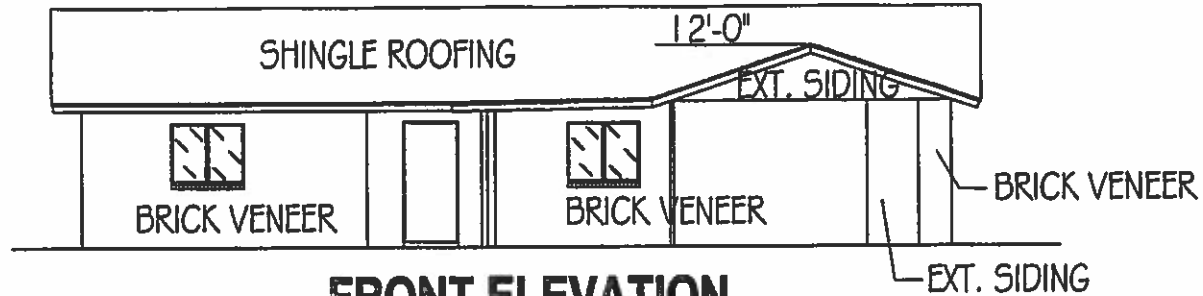
CITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
DETAILED SITE DEVELOPMENT PLAN
APPROVED BY THE CITY COUNCIL

DATE: 7 Nov 2016

APPLICANT: Rey Fe

EXECUTIVE SECRETARY CITY PLAN COMMISSION

CITY MANAGER



STATE OF TEXAS

ENRIQUE A. REY

35606

PROFESSIONAL ENGINEER

Rey Fe

7 Nov 2016

MEMORANDUM

DATE: March 28, 2017

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

FROM: Jeff Howell, Senior Planner

SUBJECT: PZST16-00033

The City Plan Commission (CPC), on March 9, 2017, voted 7-0 to recommend **approval** of the special permit to allow for infill development with reduced rear yard setback and cumulative front and rear yard setback.

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 to the special permit request, but did receive two phone calls of inquiry.

Property Owner: Reynaldo & Sylvia Garcia
Applicant: Reynaldo Garcia
Representative: Reynaldo Garcia

Attachments:
Staff Report



City of El Paso – City Plan Commission Staff Report

REVISED

Case No: PZST16-00033
Application Type: Special Permit
CPC Hearing Date: March 9, 2017
Staff Planner: Jeff Howell, 915-212-1607, howelljb@elpasotexas.gov
Location: 5901 Dolphin Drive
Legal Description: Lot 18, Block 2, Dolphin Terrace Unit 2, City of El Paso, El Paso County, Texas
Acreage: 0.17-acre
Rep District: 4
Existing Zoning: R-4 (Residential)
Existing Use: Single-family dwelling
C/SC/SP/ZBA/LNC: N/A
Request: Infill Development –to allow for a reduction in rear yard setback and cumulative front and rear yard setbacks
Proposed Use: Single-family dwelling
Property Owner: Reynaldo & Sylvia Garcia
Representative: Reynaldo Garcia

SURROUNDING ZONING AND LAND USE

North: R-4 (Residential) / Single-family dwellings
South: R-4 (Residential) / Single-family dwellings
East: R-4 (Residential) / Single-family dwellings
West: R-4 (Residential) / Single-family dwellings

PLAN EL PASO DESIGNATION: G-3, Post-War (Northeast Planning Area)

NEAREST PARK: Dolphin Park (2,460 feet)

NEAREST SCHOOL: Schuster Elementary School (2,662 feet)

NEIGHBORHOOD ASSOCIATIONS

There is no registered Neighborhood Association in the area.

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on February 22, 2017. The Planning Division has not received any communication in support or opposition to the special permit request, but did receive two phone calls of inquiry.

APPLICATION DESCRIPTION

The request is for a special permit and detailed site development plan approval to allow for infill development to permit a reduction in the rear yard setback from 10' to 7'-3", as well as a reduction in cumulative front and rear yard setbacks from 45' to 32'-3". The detailed site development plan shows an existing 408 sq. ft. rear yard addition to an existing 1,350 sq. ft. single-family dwelling. The existing 408 sq. ft. addition in the rear yard was built without permits. The request does not meet the requirements for rear yard setback adjustment through the Zoning Board of Adjustment (ZBA). The owner needs a special permit to comply with the requirements regarding encroachment into the required yard setbacks. Access to the subject property is proposed from Dolphin Drive.

Planning and Inspections Department – Planning Division Recommendation

The Planning Division recommends **approval** of the special permit request, and acceptance of the detailed site development plan, as the proposed development is consistent with the surrounding single-family residential development. The proposed development is compliant with the G-3, Post-War land use designation in the Northeast Planning Area. Further, the property meets the requirements of Sections 20.04.320, Special Permit Approvals, 20.10.280, Infill Development, and 20.04.150 Detailed Site Development Plan.

Plan El Paso-Future Land Use Map Designation

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

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.

The purpose of the R-4 (Residential) district is to provide low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations, permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

The proposal includes redevelopment of an existing single-family property which utilizes the current configuration of the existing lot.

Plan El Paso - Goals & Policies

Goal 2.2: The City of El Paso should change its growth pattern away from homogeneous land uses and return to a pattern of compact well-connected mixed-use neighborhoods.

This application addresses policy 2.2.2. “The design of new neighborhoods and additions to existing neighborhoods should strive for a mix of housing types to create neighborhoods that accommodate diverse ages and incomes and allow residents to trade up, downsize, or create multi-generational households without being forced to leave the neighborhood. Housing types include both small and large single-family detached homes, duplexes, townhouses, multi-family buildings, live-work units, and accessory dwelling units, and include both rental apartments and units that can be owned by their occupants.”

The Planning Division recommendation is based on redevelopment of an existing single-family property which utilizes the current configuration of the existing lot.

ANALYSIS

To grant the special permit to allow for infill development, the applicant must comply with the following standards, per Section 20.10.280, Infill Development:

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.

The property meets two criteria, residing within a state enterprise zone and is part of an older neighborhood of the city defined as a legally recorded and developed subdivision for at least thirty years. Dolphin Terrace Unit 2 subdivision was platted in 1958 (Attachment #6).

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.

Single-family dwellings are a permissible use in the R-4 (Residential) zone district.

C. Setback Provisions. The 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.

Dimensional Standards Required and Proposed		
Dimension	Required	Proposed
Rear Yard Setback	10'	7'-3"
Cumulative Front and Rear Yard Setback	45'	32'-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 proposed development requires 2 parking spaces, and provides 2.

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 consistent with the G-3, Post-War (Northeast Planning Area) growth sector.

COMMENTS:

Planning and Inspections Department - Land Development

1. No objections to setback reductions.
2. 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 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.

Planning and Inspections Department – Plan Review

No objections proposed special permit request. If the case is approved by City Council, the applicant will

need to submit construction documents to obtain a building permit for the addition.

Planning and Inspections Department - Landscaping

No objections to proposed special permit. At the time of submittal for building permits the project will need comply with all applicable provisions of the IBC, TAS and local municipal code.

El Paso Fire Department

Recommend approval.

El Paso Water Utilities

1. EPWater does not object to this request.

Water:

2. There is an existing 6-inch diameter water main along Dolphin Drive. This water main is available for service.
3. EPWater records indicate (1) 3/4" service meter (Active) on the property with 5901 Dolphin Drive as the service address.
4. Previous water pressure from fire hydrant #2370 located at the NW Corner of Tarpon Drive and Blue Wing Drive, has yielded a static pressure of 100 psi, a residual pressure of 98 psi, and a discharge of 1,186 gallons per minute.
5. The owner should, for his own protection and at his own expense shall 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 water pressure regulator device.

Sanitary Sewer:

6. There is an existing 8-inch diameter sanitary sewer main along Dolphin Drive. This main is available for service.

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.

El Paso Water Utilities-Stormwater Division

We have reviewed the property described above and we have no objections.

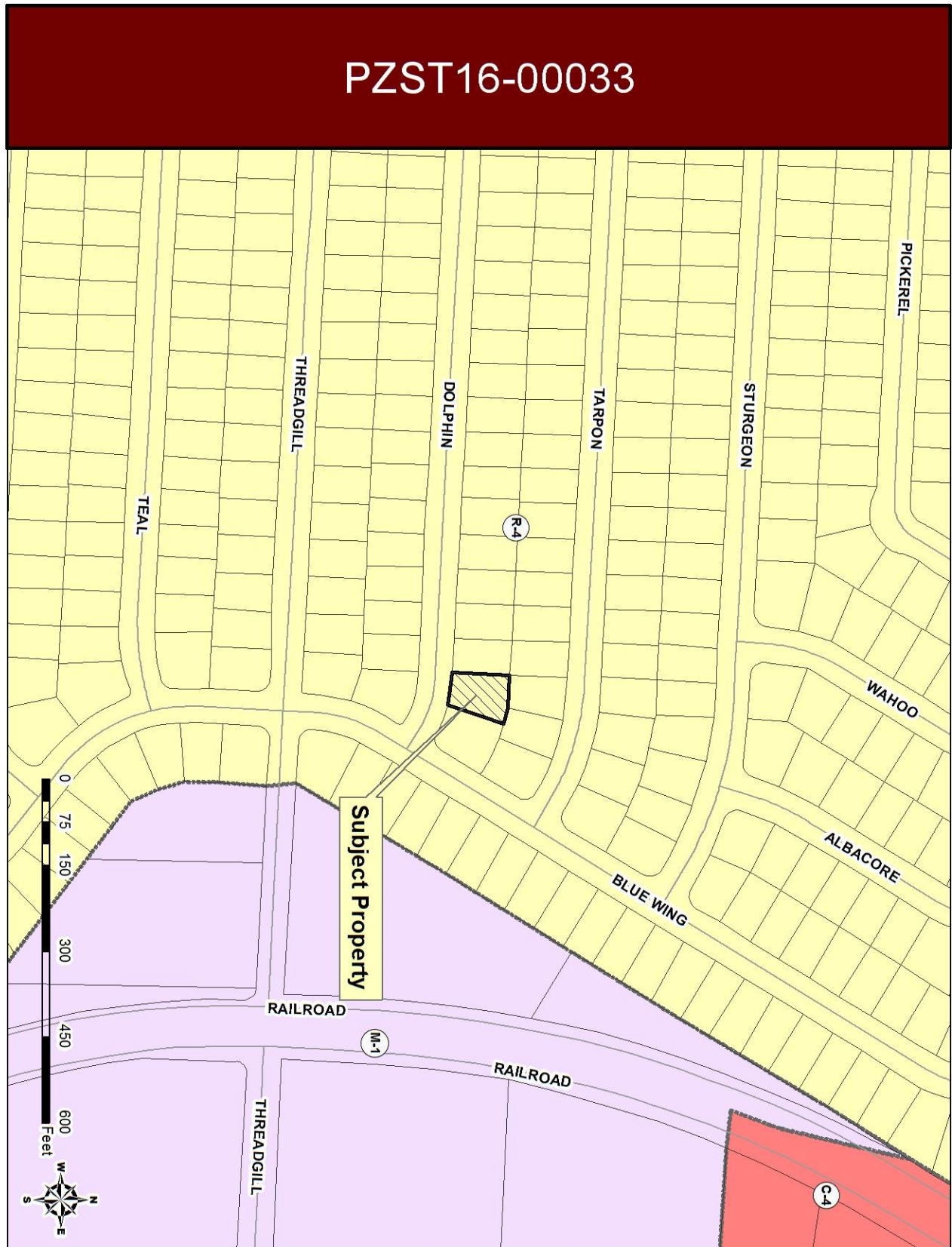
Sun Metro

Sun Metro does not oppose this request.

Attachments

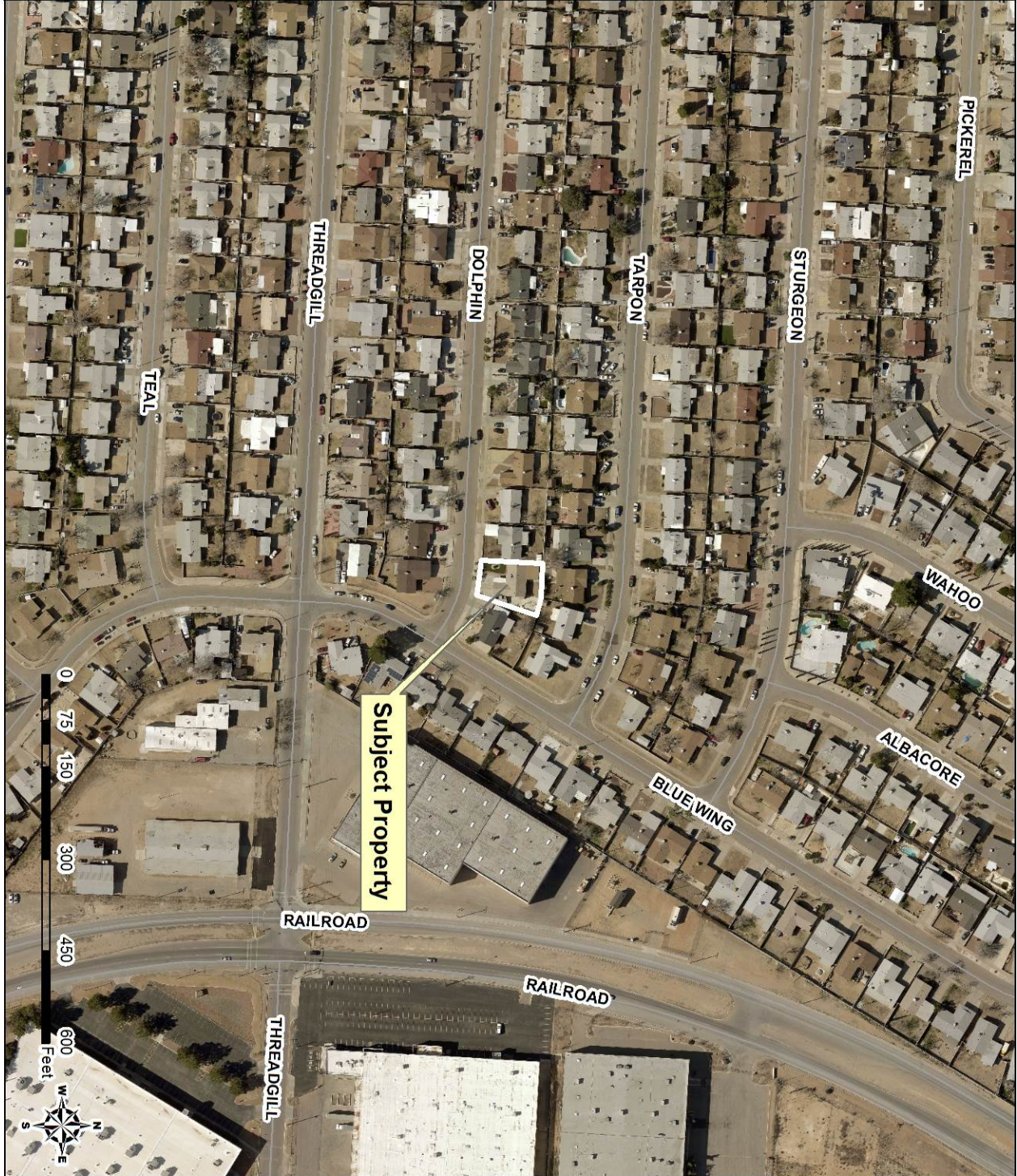
1. Zoning Map
2. Aerial Map
3. Future Land Use Map
4. Detailed Site Development Plan
5. Elevations
6. Subdivision Map

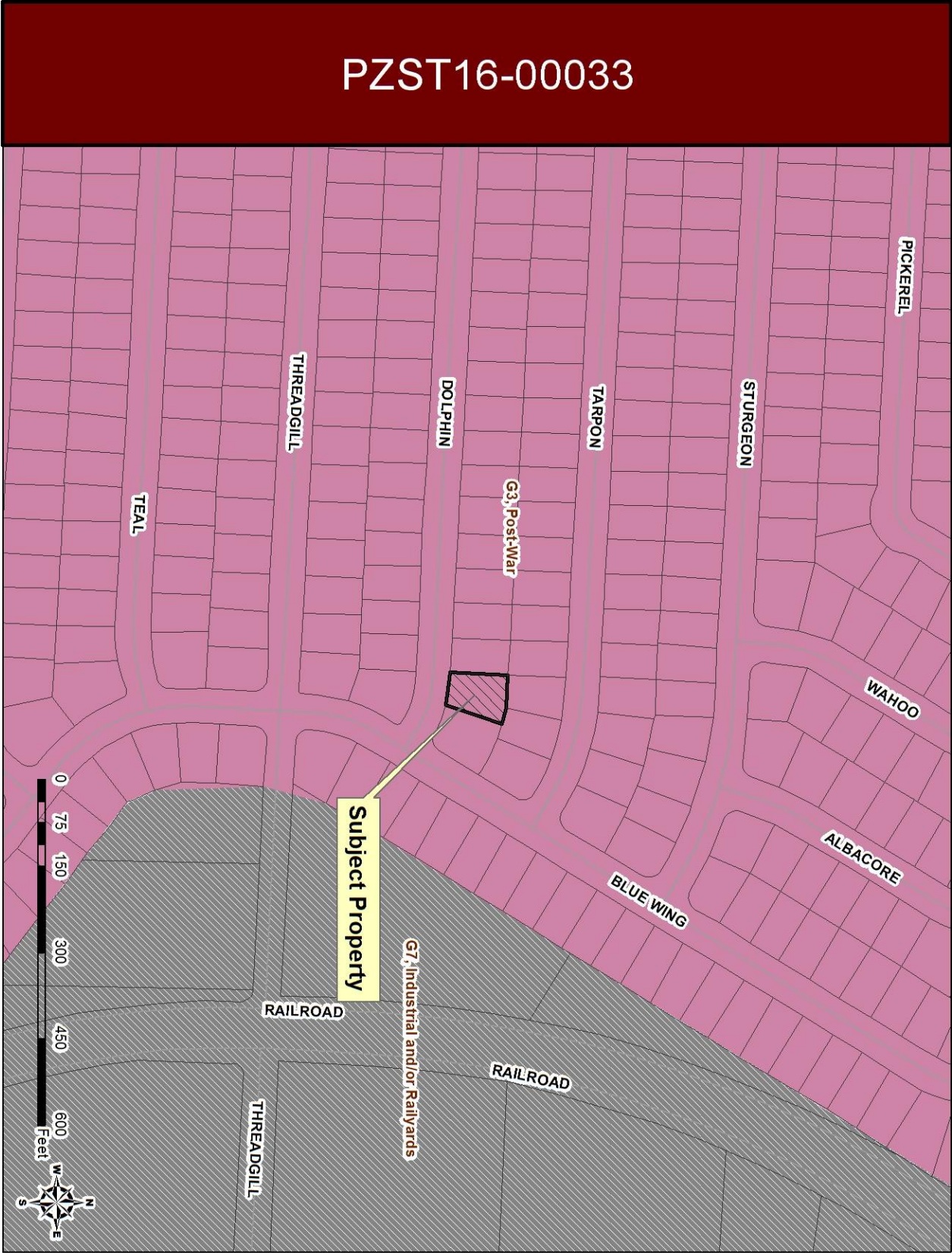
ATTACHMENT 1: LOCATION MAP



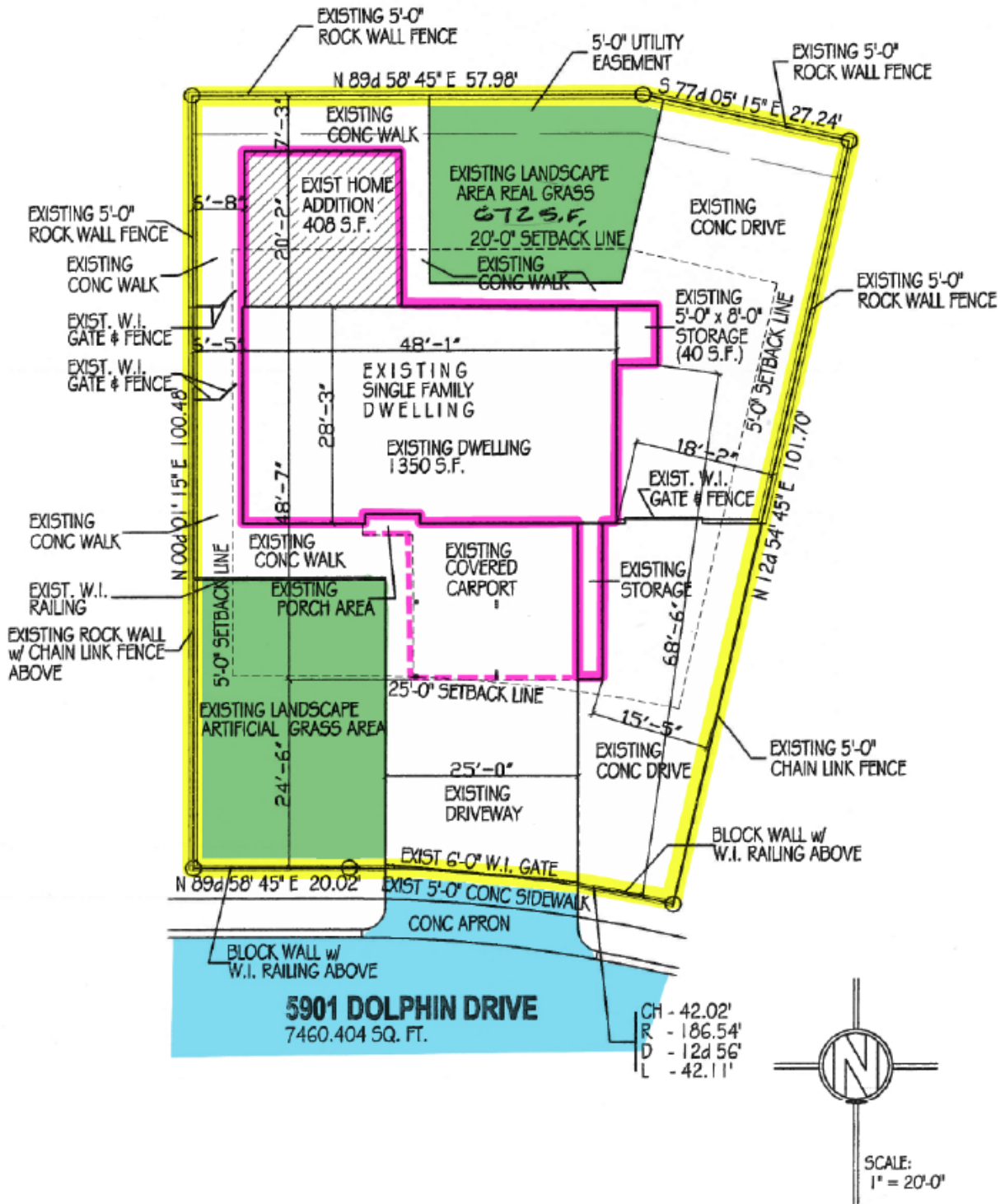
ATTACHMENT 2: AERIAL MAP

PZST16-00033

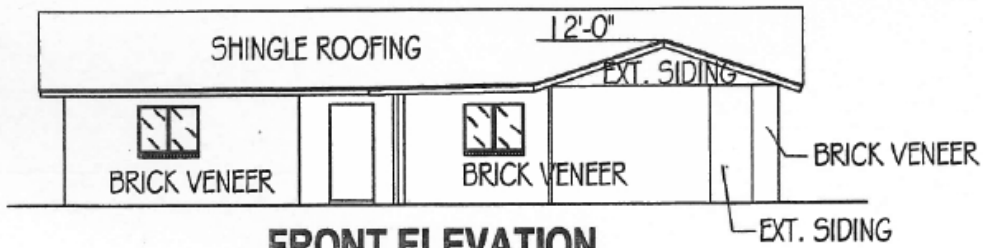




ATTACHMENT 4: DETAILED SITE DEVELOPMENT PLAN

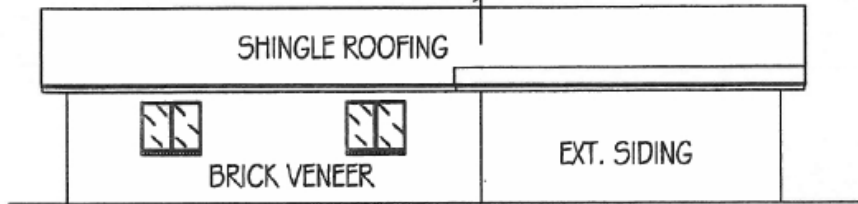


ATTACHMENT 5: ELEVATIONS



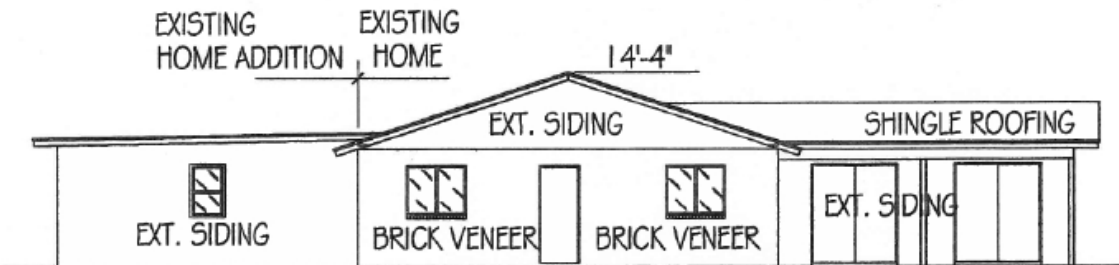
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EXISTING HOME
EXISTING HOME ADDITION



REAR ELEVATION

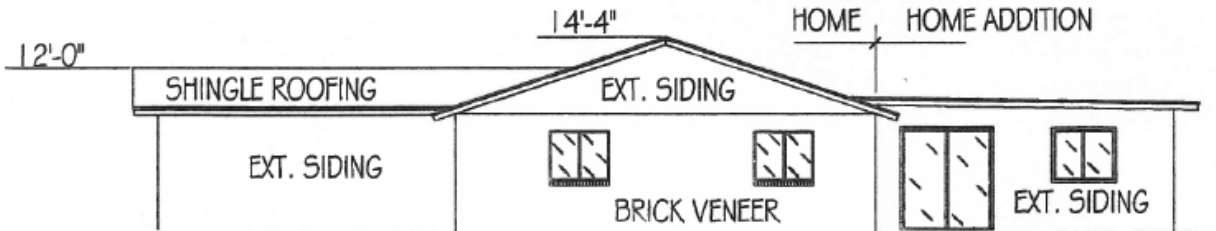
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LEFT SIDE ELEVATION

SCALE: $\frac{1}{8}" = 1'-0"$

EXISTING HOME
EXISTING HOME ADDITION



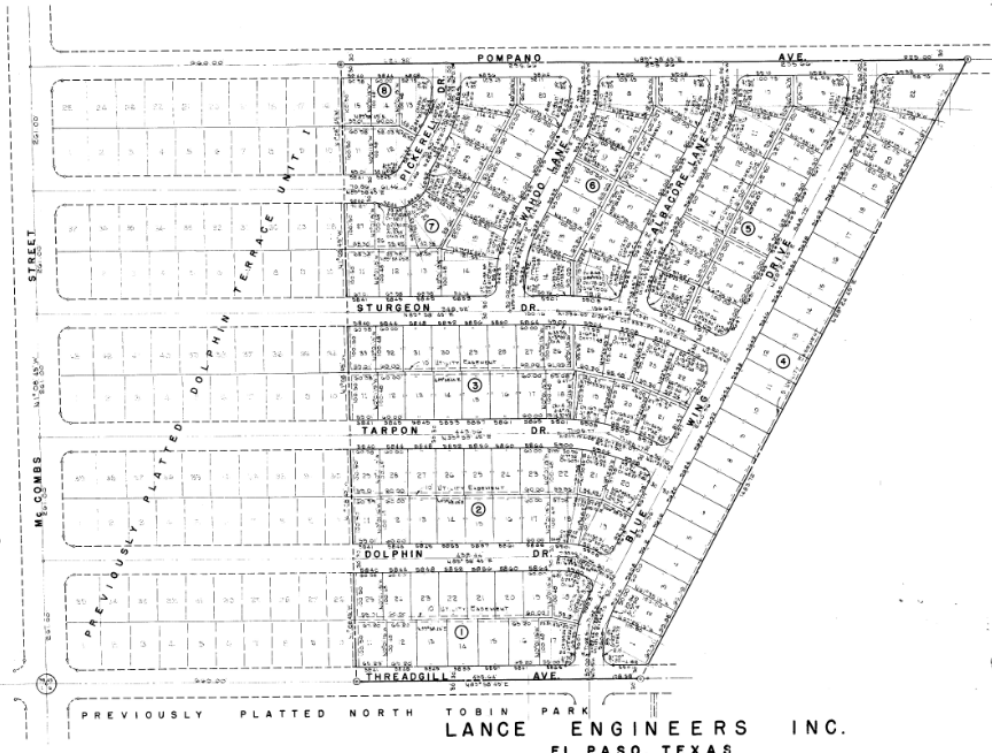
RIGHT SIDE ELEVATION

SCALE: $\frac{1}{8}" = 1'-0"$

DOLPHIN TERRACE

UNIT 2
BEING A REPLAT OF ALL LOTS 229, 230, AND 231 SOUTH
PARKLAND ADDITION AS FILED IN THE DEED RECORDS
OF EL PASO COUNTY, TEXAS IN THE BACK OF BOOK
604 IN THE OFFICE OF THE COUNTY CLERK, EL PASO
COUNTY, TEXAS.

BEING A REPLAT OF ALL LOTS 229, 230, AND 231 SOUTH
PARKLAND ADDITION AS FILED IN THE DEED RECORDS
OF EL PASO COUNTY, TEXAS IN THE BACK OF BOOK
604 IN THE OFFICE OF THE COUNTY CLERK, EL PASO
COUNTY, TEXAS.



DEDICATION

STATE OF TEXAS:
COUNTY OF EL PASO:

Bo Development Co., a Texas Corporation, acting through its President, Dennis M. Field and Burrus Acres Co., Inc. acting through its President, Funniss Deal Griffin, owners of streets 230, and 231 South Parkland Addition, Section 43 Block 60, Township 1, T&R&E. Surveys El Paso County, Texas, do hereby present this map and dedicate to the use of the public the streets, roads, drives, and the utility easements as hereon laid down and designated, including the right of way and grades and water to the interfering trees and shrubs. Witness our signatures this 8th day of July 1958

Bio Development Co.

Affiant Ellis G. Mayfield (Signed) By J. Davis Mayfield (Signed) Sec.
Ellis G. Mayfield, Sec'y. J. Davis Mayfield, President

Sunrise Acres Co., Inc.

Attest Mary Louise Griffin (Signed) By Furniss Deel Griffin (Signed)
Mary Louise Griffin, Secy Furniss Deel Griffin, President

ACKNOWLEDGMENTS

STATE OF TEXAS:
COUNTY OF EL PASO:

Before me, the undersigned authority, on this day personally appeared J. David Mayfield, President of the Bio Development Co., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the free act and deed of the Bio Development Co., and that the same purpose and considerations therein stated are true and correct, whereupon the same were signed.

Given under my hand and Material Seal of Office this 10th day of July, 1950

George H. Mangel (Signed) Seal
Notary Public in and for El Paso County
My Commission expires June 1st 1999

State of Texas:
County of El Paso:

Before me the undersigned authority, on this day personally appeared Alvin C. C. Griffin, President of Summit Acres Co., Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the free act and deed of Summit Acres Co., Inc. and that he signed the same for the purposes therein stated and in the capacity therein stated.

Given under my hand and Notarial Seal of Office this 10th day of July, 1958

George H. Mengel (Signed) Seal
Notary Public in and for El Paso County
My Commission expires June 1st 1990

CITY PLAN COMMISSION

This addition is hereby approved as to the printing in accordance with Chapter 231, page 432, of the General and Special Laws of the Fortieth Legislature of Texas, known as Senate Bill No 277, this 10th day of July 1958.

J.R. Cunningham (Signed) Dale Reaser (Signed)
Secretary Chairman
Approved for filing this 21st day of July 1958
Gerald Turner (Signed)

CITY COUNCIL

Approved and adopted by the City Council of El Paso, this 17th
day of July 1988

J. M. Herrera (Signed) Deane E. Seitzinger (Signed) Sec.

Filed and recorded in the office of the County Clerk of El Paso County, Texas, this 20th day of August, 1958. In Volume 26 of San Antonio, Brown and File No. 42477

U. W. Finkbeiner (Stamp) W. T. Dancy (Stamp)
Canada, Alaska Deputy

Prepared by and under the supervision of C. Paul Lence,
Registered Professional Engineer No. 10,000, State of California

0-672-02



Recommendation/Public Input

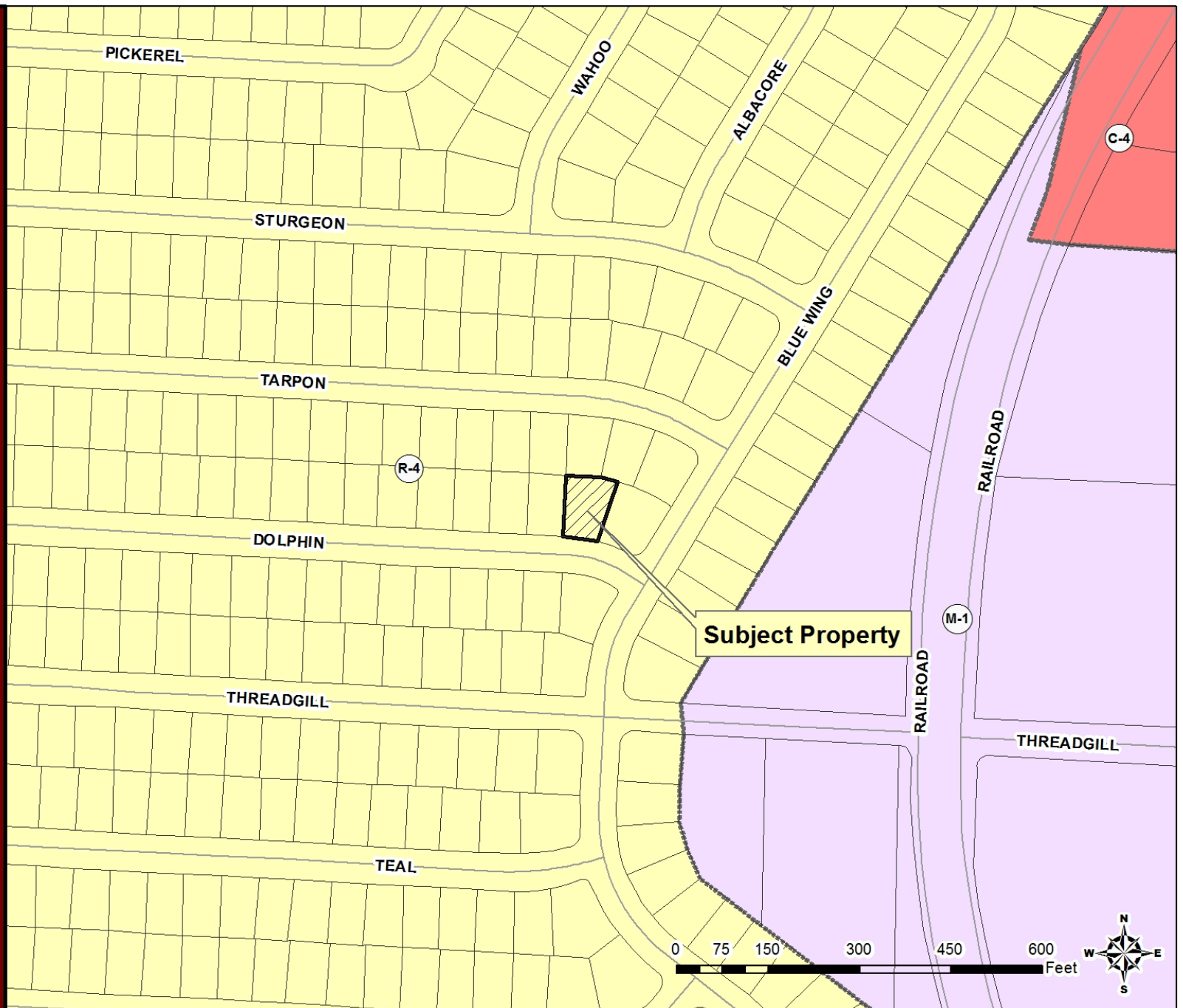
- Planning Division recommendation: Approval
- CPC Vote: Approval Recommendation (7-0)
- Public Input: No communication in support or opposition to the Special Permit request.
Planning did receive two phone calls of inquiry.

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

PZST16-00033

2



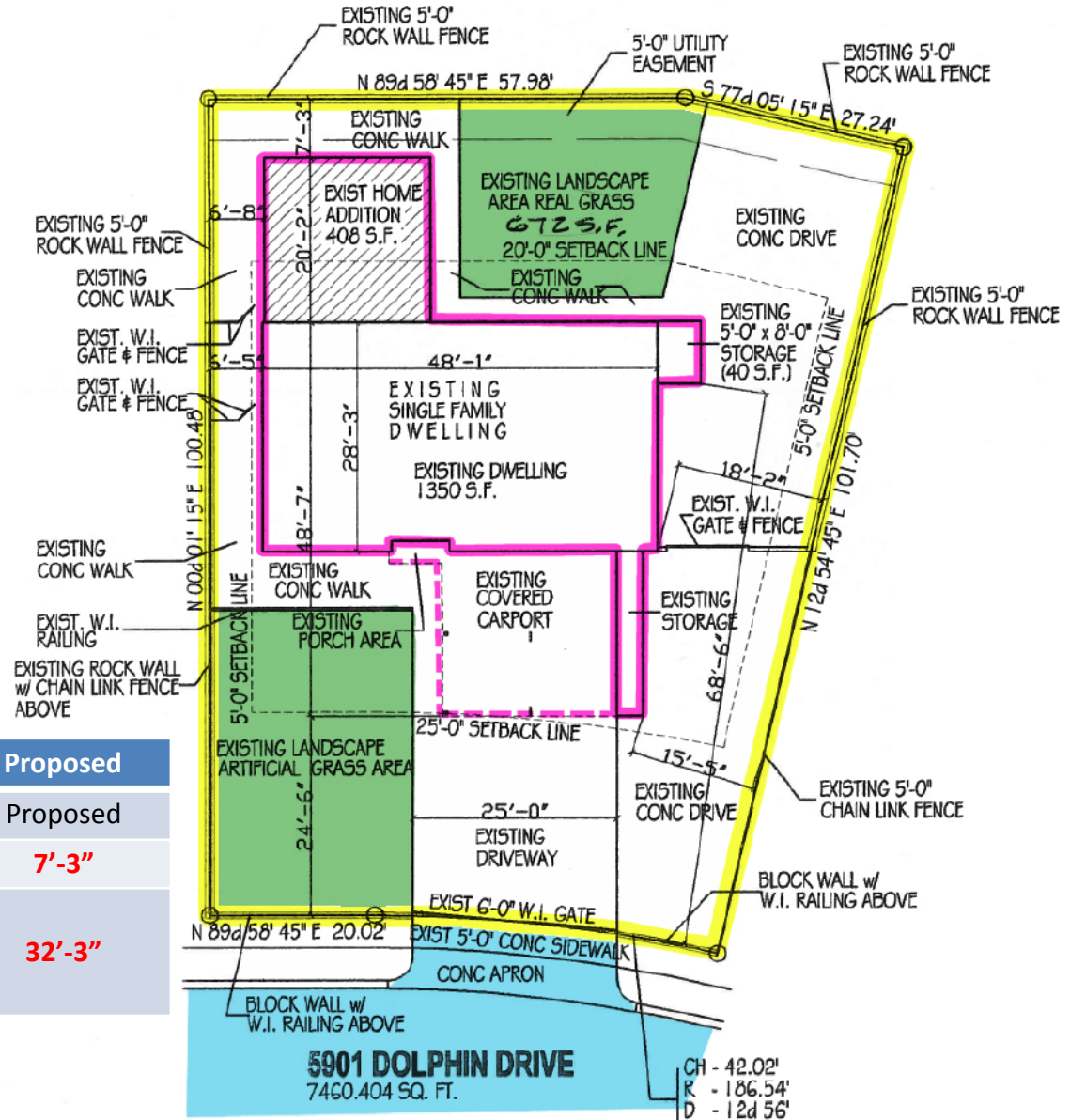
PZST16-000033

3





Detailed Site Development Plan

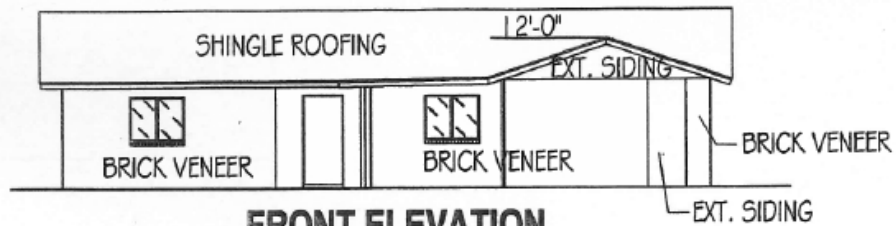


Dimensional Standards Required and Proposed

Dimension	Required	Proposed
Rear Yard Setback	10'	7'-3"
Cumulative Front and Rear Yard Setback	45'	32'-3"



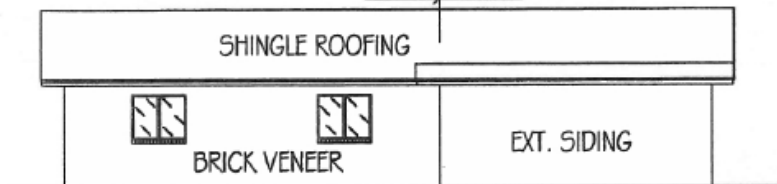
Elevations



FRONT ELEVATION

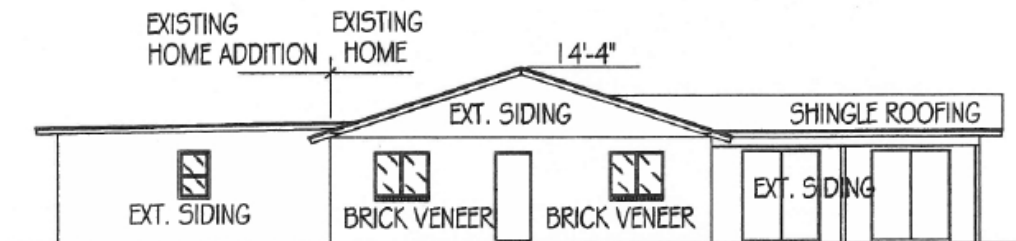
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EXISTING HOME
EXISTING HOME ADDITION



REAR ELEVATION

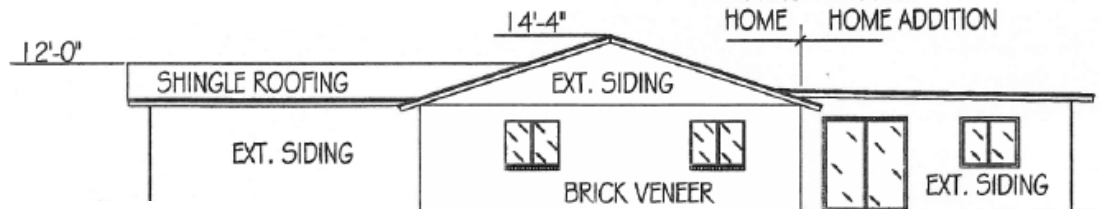
SCALE: $\frac{1}{8}'' = 1'-0''$



LEFT SIDE ELEVATION

SCALE: $\frac{1}{8}'' = 1'-0''$

EXISTING HOME
EXISTING HOME ADDITION



RIGHT SIDE ELEVATION

SCALE: $\frac{1}{8}'' = 1'-0''$



Services"

PZST16-00033

7

