

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

**DEPARTMENT:** Planning and Inspections Department, Planning Division

**AGENDA DATE:** Introduction: March 7, 2017  
Public Hearing: April 4, 2017

**CONTACT PERSON/PHONE:** Larry Nichols, (915) 212-1550, nicholslf@elpasotexas.gov  
Andrew Salloum, (915) 212-1643, salloumam@elpasotexas.gov

**DISTRICT(S) AFFECTED:** 2

**SUBJECT:**

An Ordinance changing the zoning of the property described as Lots 31 & 32, Block 92, Supplemental Map No. 1 of East El Paso, 3300 Montana Avenue, City of El Paso, El Paso County, Texas from R-5 (Residential) to S-D (Special Development), pursuant to Section 20.04.360 and 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 a side street setback reduction for mixed use of office, retail, and residential 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. Subject Property: 3300 Montana Avenue. Property Owner: Will Dylan Investments, Inc. PZRZ16-00043 (District 2)

**BACKGROUND / DISCUSSION:**

On January 26, 2017, the CPC reviewed and recommended approval of the rezoning request.

**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) – Approval Recommendation (5-0)

\*\*\*\*\*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 CHANGING THE ZONING OF THE PROPERTY DESCRIBED AS LOTS 31 & 32, BLOCK 92, SUPPLEMENTAL MAP NO.1 OF EAST EL PASO, 3300 MONTANA AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO S-D (SPECIAL DEVELOPMENT), PURSUANT TO SECTION 20.04.360, AND 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 A SIDE STREET SETBACK REDUCTION FOR MIXED USE OF OFFICE, RETAIL, AND RESIDENTIAL 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, Will Dylan Investments, Inc., (Owner) has applied for a rezoning of property from R-5 (RESIDENTIAL) 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 a side street setback reduction for mixed use of office, retail, and residential, 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 31 & 32, BLOCK 92, SUPPLEMENTAL MAP NO. 1 OF EAST EL PASO, 3300 MONTANA AVENUE, City of El Paso, El Paso County, Texas*, be changed from R-5 (RESIDENTIAL) 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.

ORDINANCE NO. \_\_\_\_\_

Zoning Case No: PZRZ16-00043

3. 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 for a side street setback reduction for mixed use of office, retail, and residential as permitted under the **S-D (Special Development)** district regulations of 20.04.150 and 20.10.360.
4. 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 “A” and incorporated herein by reference for all purposes.
5. 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.
6. 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.
7. 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 “A” within four (4) years from the date hereof.
8. The 1 acre district area requirement for Special Development districts is waived.
9. The penalties for violating the standards imposed through this ordinance are found in Section 20.24 of the El Paso City Code.

**(SIGNATURES ON THE FOLLOWING PAGE)**

**ORDINANCE NO.** \_\_\_\_\_

**Zoning Case No: PZRZ16-00043**

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

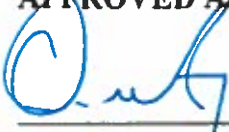
**THE CITY OF EL PASO**

**ATTEST:**

\_\_\_\_\_  
Oscar Leaser  
Mayor

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Omar De La Rosa  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Larry F. Nichols, Director  
Planning & Inspections Department

**ORDINANCE NO.** \_\_\_\_\_

**Zoning Case No: PZRZ16-00043**

## AGREEMENT

By execution hereof, Will Dylan Investments, Inc. ("Owner"), 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 S-D (Special Development) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 22<sup>nd</sup> day of February, 2017

OWNER: Will Dylan Investments, Inc.

By: [Signature]

Robert Veliz, President  
(Print name & Title)

## ACKNOWLEDGEMENT

THE STATE OF TEXAS )

)

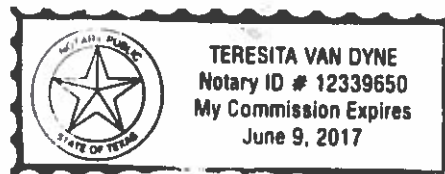
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 22<sup>nd</sup> day of February, 2017, by Robert Veliz, in his legal capacity on behalf of Will Dylan Investments, Inc.

My Commission Expires:

June 9, 2017

[Signature]  
Notary Public, State of Texas



ORDINANCE NO. \_\_\_\_\_

Zoning Case No: PZRZ16-00043



## **MEMORANDUM**

**DATE:** February 23, 2017

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

**FROM:** Andrew Salloum, Planner

**SUBJECT:** PZRZ16-00043

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The City Plan Commission (CPC) on January 26, 2017, voted 5-0 to recommend **approval** of rezoning the subject property from R-5 (Residential) to S-D (Special Development) and approving a detailed site development plan to allow for a side street reduction for mixed use of office, retail, and residential.

The CPC found that the rezoning is in conformance with Plan El Paso. The CPC also determined that the rezoning protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and, that the rezoning will have no negative effects 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 phone calls or letters in support or opposition to the rezoning request.

**Property Owner:** Will Dylan Investments, Inc.  
**Representative:** Ray Mancera

**Attachments:**  
Staff Report



## ***City of El Paso – City Plan Commission Staff Report***

**Case No:** PZRZ16-00043  
**Application Type:** Rezoning and Detailed Site Development Plan Review  
**CPC Hearing Date:** January 26, 2017  
**Staff Planner:** Andrew Salloum, 915-212-1643, salloumam@elpasotexas.gov

**Location:** 3300 Montana Avenue  
**Legal Description:** Lots 31 & 32, Block 92, East El Paso, City of El Paso, El Paso County, Texas  
**Acreage:** 0.16-acre  
**Rep District:** 2  
**Current Zoning:** R-5 (Residential)  
**Existing Use:** Single-family dwelling  
**C/SC/SP/ZBA/LNC:** No  
**Request:** From R-5 (Residential) to S-D (Special Development)  
**Proposed Use:** Mixed use of office, retail, and residential

**Property Owner:** Will Dylan Investments, Inc  
**Representative:** Ray Mancera

### **SURROUNDING ZONING AND LAND USE**

**North:** R-5 (Residential) / Daycare  
**South:** R-5 (Residential) / Single-family dwelling  
**East:** R-5 (Residential) / Single-family dwelling  
**West:** A-O/c (Apartment/Office/conditions) / Office

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

**NEAREST PARK:** Mary Webb Park (1,759 feet)

**NEAREST SCHOOL:** Alta Vista Elementary (1,035 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

El Paso Central Business Association  
Five Points Development Association

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on January 12, 2017. The Planning Division has not received any phone calls or letters in support or opposition to the rezoning request.

### **APPLICATION DESCRIPTION**

The applicant is requesting to rezone the subject property from R-5 (Residential) to S-D (Special Development) in order to allow for a mixed use of office, retail, and residential. Office and retail uses are not permitted in the R-5 (Residential) district. The subject property is 0.16-acre in size. The detailed site development plan shows an unoccupied 2,800 sq. ft., two-story, single-family dwelling, which is proposed to be converted to a professional office and a 1,056 sq. ft. retail and residential use. The applicant is also requesting for reduced side street setback from the required 10 feet to 1.8 feet as permitted in the S-D (Special Development) district with the approval of a detailed site development plan by City Council. The existing accessory structure's overhangs are encroaching into the City's right-of-way; the applicant had applied for a special privilege permitting/licensing and the encroachment is exempt from the special privilege permitting/licensing requirements in accordance with Section 15.08.120(H)(8) of the City Code and Section 3202.3.3 of International Building Code, (see Attachment 6). The proposed uses require a minimum of 8 parking spaces and the applicant is providing 9 parking spaces and 3 bicycle spaces. Access to the



subject property is provided from the alley via Cebada Street.

### **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of rezoning the subject property from R-5 (Residential) to S-D (Special Development). The recommendation is based on the compatibility with surrounding S-D (Special Development) districts and uses within the area of the subject property and the compliance with Plan El Paso Land Use designation, G-2, Traditional Neighborhood (Walkable) and Central Planning Area.

### **Plan El Paso- Future Land Use Map Designation**

All applications for rezoning 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 Planning Division recommendation is based on the compatibility with the G-2, Traditional Neighborhood (Walkable) land use designation through the addition of missing commercial uses provided to surrounding neighborhoods within the area of the existing residential and reducing travel and infrastructure needs.*

The purpose of the S-D (Special Development) district is to provide an opportunity 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 regulations of this district are 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. For the purpose of this district, older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.

*The Planning Division recommendation is based on the compliance with the definition for mixed use in which the existing commercial uses provided through the rezoning supports the existing commercial and residential uses in the area reducing travel and infrastructure needs and provides goods and services to the neighborhoods in the area.*

### **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.

**Policy 2.2.5:** The design of new neighborhoods and additions to existing neighborhoods should strive for a balance of housing, jobs, shopping, recreation, and civic uses to avoid unnecessary travel and reduce infrastructure and public services costs.

*The Planning Division recommendation is based on the addition of commercial uses and employment opportunities provided to surrounding neighborhoods within the area which is zoned for residential and commercial uses, while also reducing travel and infrastructure needs through the mix of uses proposed.*

### **COMMENTS:**

#### **Planning and Inspections Department - Planning Division - Transportation**

No objections to the rezoning and detailed site development plan.

Note:

All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and

driveways) located within public rights-of-way shall follow the City of El Paso Design Standards for Construction and be ADA/TAS compliant.

### **TXDOT**

This portion of Montana is not under TxDOT jurisdiction

### **Street and Maintenance Department**

The Streets and Maintenance Department has reviewed the request for a reduction in parking aisle width. The required aisle width is 24 ft; however, the developer is proposing an aisle width of 21.1 ft. Based on our evaluation, as well as Title 20.14.040 Design and construction of the City Code of the City of El Paso, the traffic engineer does not foresee any traffic safety issues with the proposed aisle width reduction.

### **Planning and Inspections Department – Building and Development Permitting**

No objections to rezoning and detailed site plan.

Note: At the time of submittal for permits each phase will be required to comply with all applicable provisions of the IBC, TAS and local municipal code.

### **Planning and Inspections Department - Land Development**

1. No objections to the rezoning and detailed site development plan.

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.

### **Fire Department**

Recommend approval.

### **Police Department**

There are no objections, no comments to add, or no police-related concerns to report.

### **Sun Metro**

Sun Metro does not oppose this request.

### **El Paso Water**

1. EPWater does not object to this request.

Water:

2. There is an existing 4-inch diameter water main extending along the Alley between Montana Avenue and Tularosa Street. This water main is available for service.

3. There are no water mains along Cebada Street.

4. EPWater records indicate one (1) 3/4" service meter (Active) on the property with 3300 Montana Avenue as the service address.

5. Previous water pressure from fire hydrant #1645 located approximately Luna Street and NE Montana Avenue, has yielded a static pressure of 90 psi, a residual pressure of 88 psi, and a discharge of 531 gallons per minute.

6. 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:

7. There is an existing 8-inch diameter sanitary sewer main extending along the Alley between Montana Avenue and Tularosa Street. This main is available for service.

8. There is an existing 24-inch diameter sanitary sewer main along Montana Avenue. No service connections are allowed to this main as per the El Paso Water -Public Service Board rules and regulations.

General:

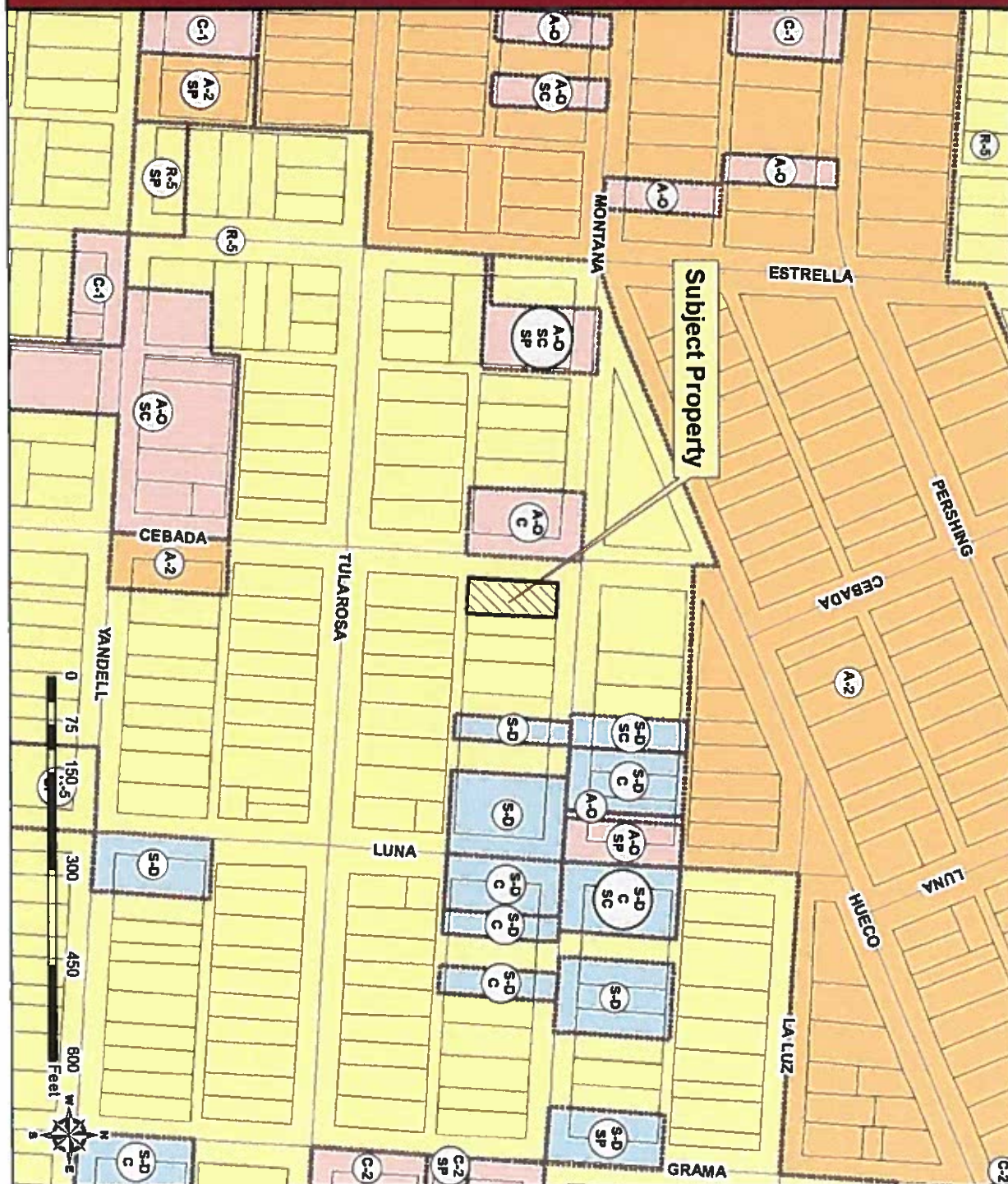
9. EPWater requires a new service application to provide additional services to the property. New service

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.

**Attachments:**

1. Zoning Map
2. Aerial Map
3. Future Land Use Map
4. Detailed Site Development Plan
5. Elevations
6. Exempt from Special Privilege Permitting/Licensing Requirements

PZRZ16-00043





ATTACHMENT 2: AERIAL MAP

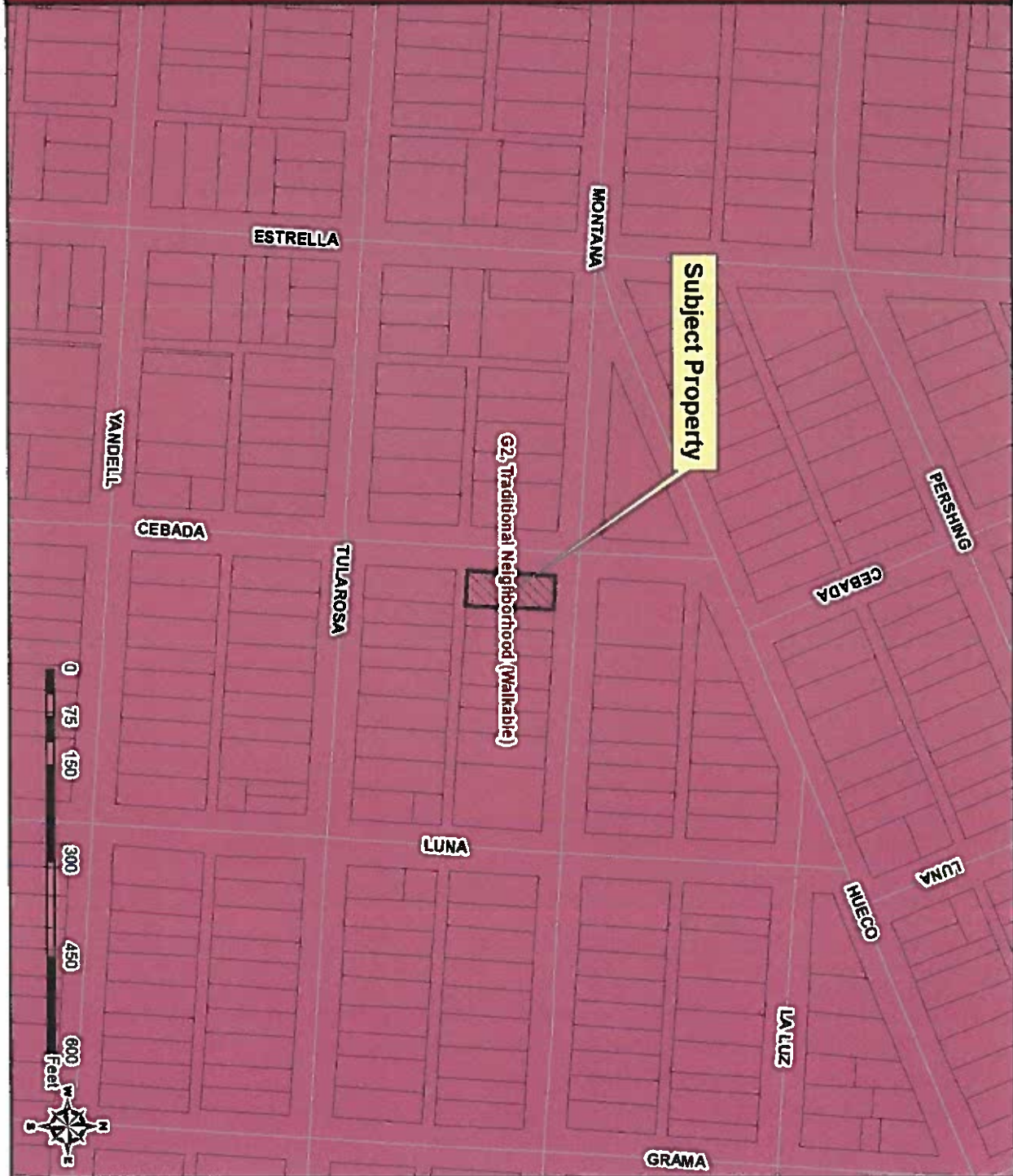
PZRZ16-00043



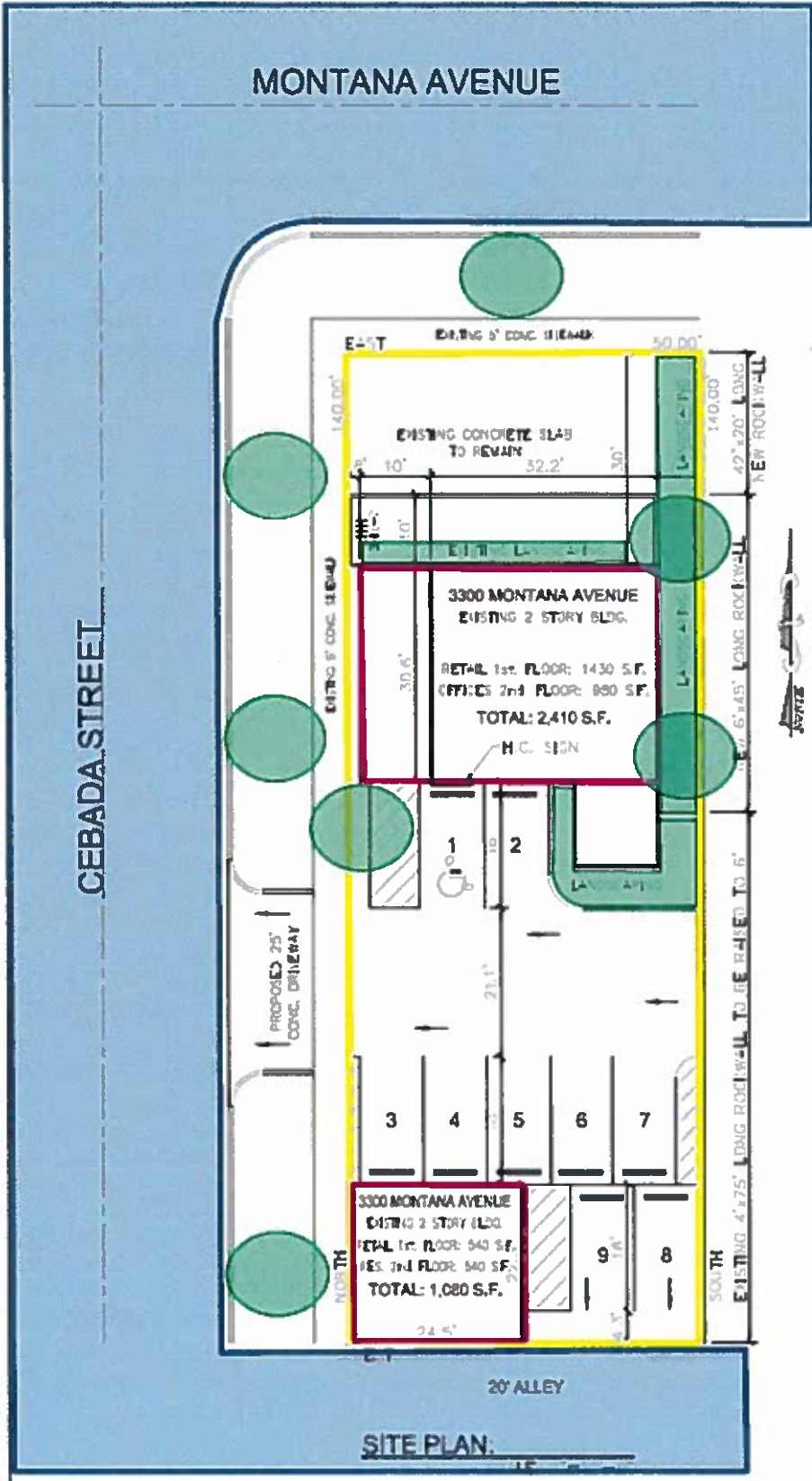


ATTACHMENT 3: FUTURE LAND USE MAP

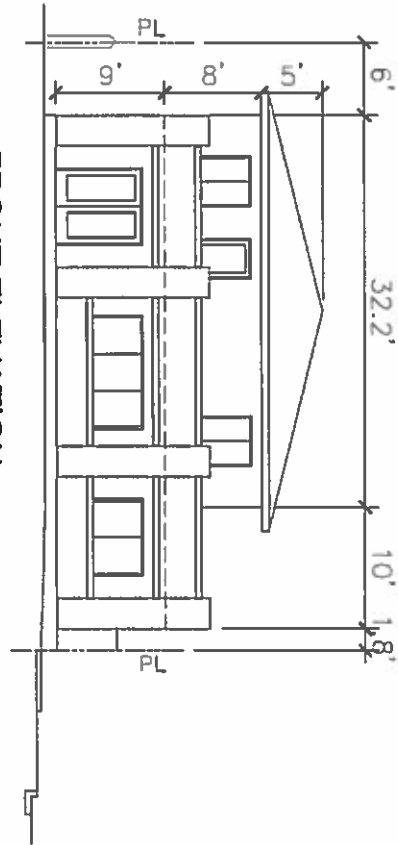
PZRZ16-00043



## **ATTACHMENT 4: DETAILED SITE DEVELOPMENT PLAN**

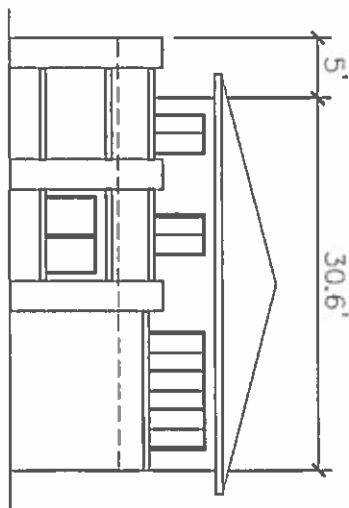


# ATTACHMENT 5: ELEVATIONS



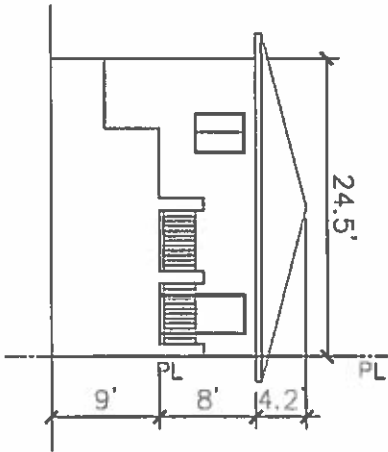
**FRONT ELEVATION:**

MAIN BLDG. SCALE: 1"=10'-0"



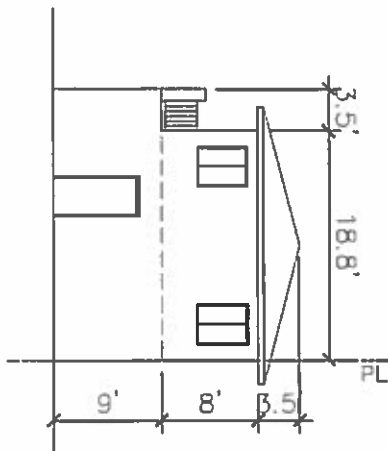
**SIDE ELEVATION:**

MAIN BLDG. SCALE: 1"=10'-0"



**SIDE ELEVATION:**

SMALL BLDG. SCALE: 1"=10'-0"



**FRONT ELEVATION:**

SMALL BLDG. SCALE: 1"=10'-0"



**ATTACHMENT 6: EXEMPT FROM SPECIAL PRIVILEGE PERMITTING/LICENSING  
REQUIREMENTS**



**Planning & Inspections Department**

**Mayor  
Oscar Leeser**

**City Council**

*District 1*  
**Peter Svarzbein**

*District 2*  
**Jim Toibert**

*District 3*  
**Emma Acosta**

*District 4*  
**Carl L. Robinson**

*District 5*  
**Dr. Michael R. Noe**

*District 6*  
**Claudia Ordaz**

*District 7*  
**Lily Limón**

*District 8*  
**Courtney C. Noland**

**City Manager  
Tommy Gonzalez**

**TO:** Ray Mancera, Representative  
**FROM:** Elizabeth Triggs, Program Manager  
One-Stop-Shop  
**CC:** Tony de la Cruz, Chief Plans Examiner  
Joaquin Rodriguez, Senior Planner  
**DATE:** January 23, 2017  
**RE:** Encroachment of Existing Eaves at 3300 Montana – Exempt from  
Special Privilege Permitting/Licensing Requirements

With respect to the existing encroachment at 3300 Montana, more specifically described as the encroachment of the building's eaves two (2) feet into public right-of-way 17 feet above grade, we find that this encroachment is exempt from the special privilege permitting/licensing requirement based on the following findings:

1. Per Section 15.08.120(H)(8), encroachments such as, but not limited to bay windows, fire escapes, and cornices that comply with Chapter 18.08 of the City Code are exempt from special privilege permitting/licensing; and
2. Per Section 3202.3.3 of the International Building Code, ed. 2015 as adopted into Chapter 18.08 of the City Code, encroachments or the projection of any structure into the public right-of-way 15 feet or more above grade shall not be limited.

Should you have questions or concerns regarding this determination, please do not hesitate to contact the One-Stop-Shop using the information below.

Sincerely,

A handwritten signature in blue ink, appearing to read "Elizabeth Triggs".

Elizabeth Triggs  
Program Manager, One-Stop-Shop

Attachment (1) – Detailed Site Plan

One-Stop-Shop  
City 4 | 811 Texas Ave | El Paso, Texas 79901 | (915) 212-0104 |  
OSSHelp@elpasotexas.gov

*"Delivering Outstanding Services"*



# Recommendation/Public Input

- **Planning Division recommendation:** Approval
- **CPC Vote:** Approval Recommendation (5-0)
- **Public Input:** The Planning Division has not received any phone calls or letters in support or opposition to the rezoning request.

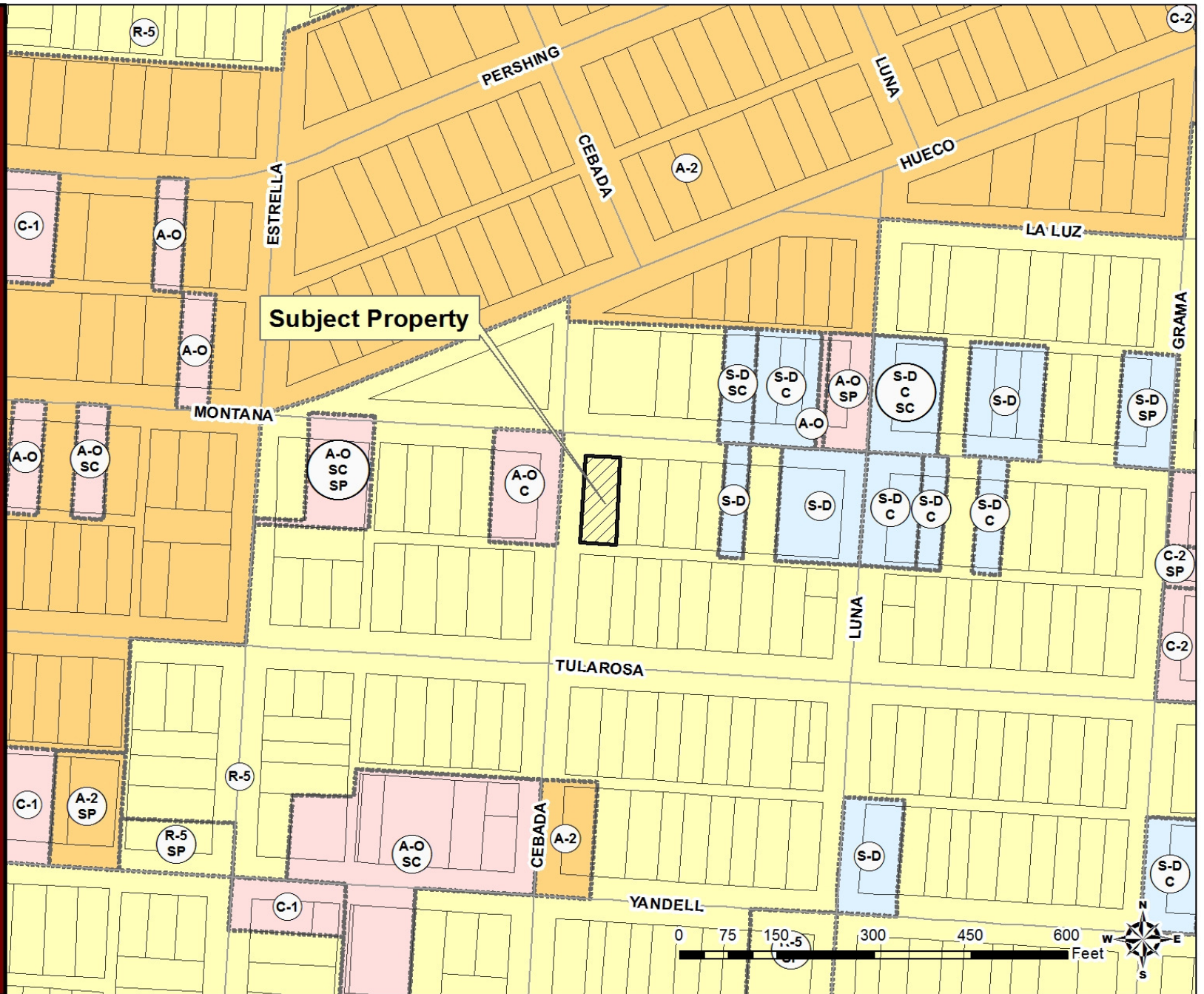
Strategic Goal #3 Promote the Visual Image of El Paso

3.1 Provide business friendly permitting and inspection processes

3.2 Improve the visual impression of the community

PZRZ16-00043

2





PZRZ16-00043

3

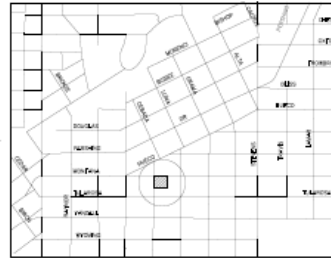




MONTANA AVENUE

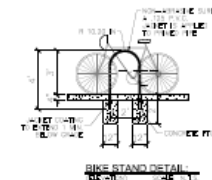
CEBADA STREET

# DETAILED SITE PLAN ALL OF LOTS 31 AND 32, BLOCK 92 EAST EL PASO ADDITION EL PASO COUNTY, TEXAS



LOCATION PLAN:

SCALE: 1"=500'



## DRAINAGE CALCULATIONS:

$$Q = A \times R \times C$$

$$0.161 \times 4 \times 0.95 = 0.612 \text{ cfs}$$

$$Q = 0.612 \text{ cfs}$$

$$C.I.A. = \text{Comp.}$$

$$C = 0.95$$

$$A = 1.61 \text{ Acres}$$

$$T_c = 15 \text{ MIN.}$$

$$I_N = 100 \text{ ins.}$$

$$Q_{\text{exp}} = 0.612 \text{ CFS}$$

## PARKING CALCULATIONS:

PARKING SPACES REQUIRED:

$$\text{RETAIL} = 1970 \text{ S.F.} \div 1 \text{ PER } 360 \text{ S.F.} = 5.5 \text{ SPACES}$$

$$\text{OFFICE} = 980 \text{ S.F.} \div 1 \text{ PER } 376 \text{ S.F.} = 2.6 \text{ SPACES}$$

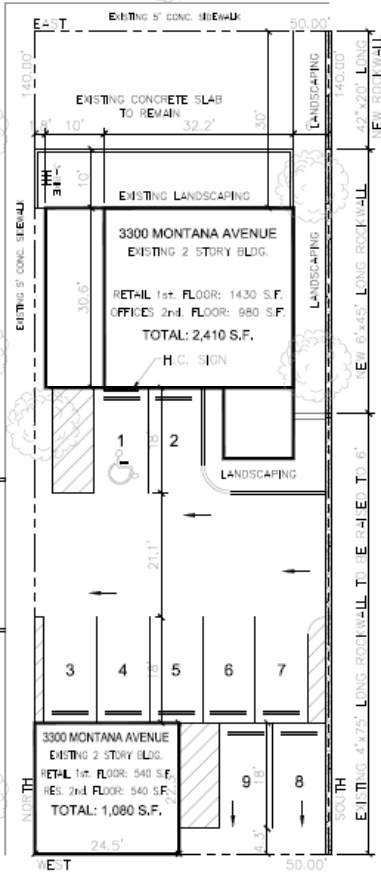
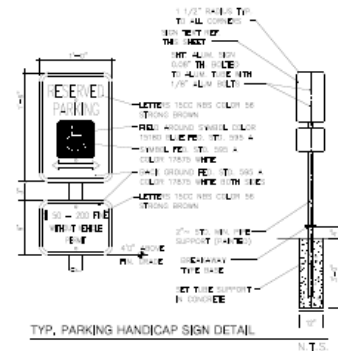
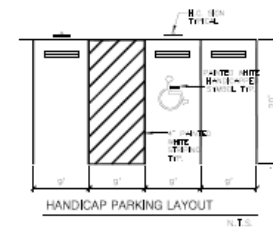
$$\text{REVENUE} = 540 \text{ S.F.} \div 1 \text{ PER } 360 \text{ S.F.} = 1.5 \text{ SPACES}$$

$$1970/360 = 5.5, 980/376 = 2.6, 540/360 = 1.5$$

PARKING PROVIDED: 8 RES + 1 HC

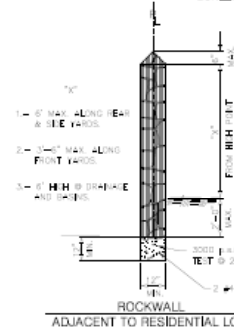
PARKING PROVIDED: 8 RES + 1 HC

1 - 3.0% RAIN



SITE PLAN:

SCALE: 1"=10'-0"



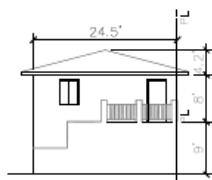
ROCKWALL

ADJACENT TO RESIDENTIAL LOTS



FRONT ELEVATION:

MAIN BLDG. SCALE: 1"=10'-0"



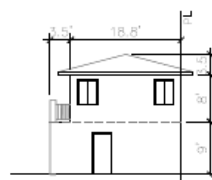
SIDE ELEVATION:

SMALL BLDG. SCALE: 1"=10'-0"



SIDE ELEVATION:

MAIN BLDG. SCALE: 1"=10'-0"



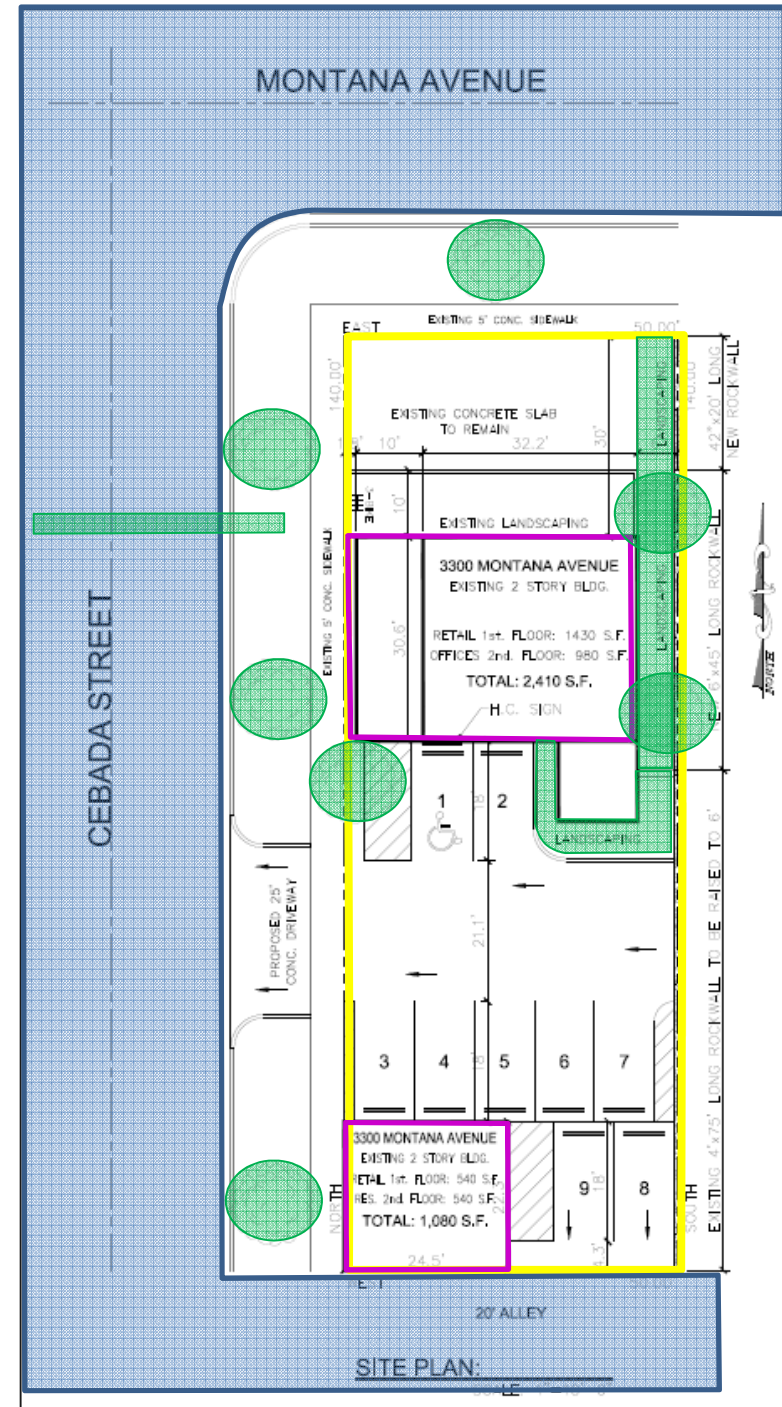
FRONT ELEVATION:

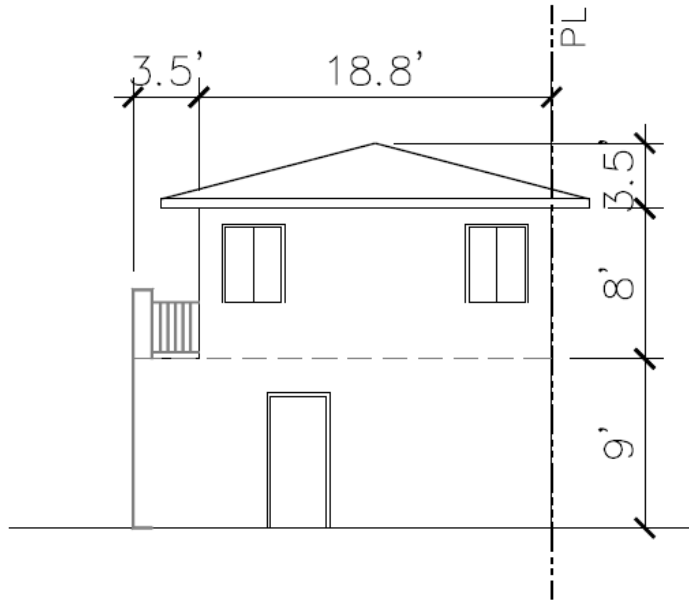
SMALL BLDG. SCALE: 1"=10'-0"



	Required	Requested
Side Street Setback	10 ft.	1.8 ft.

5

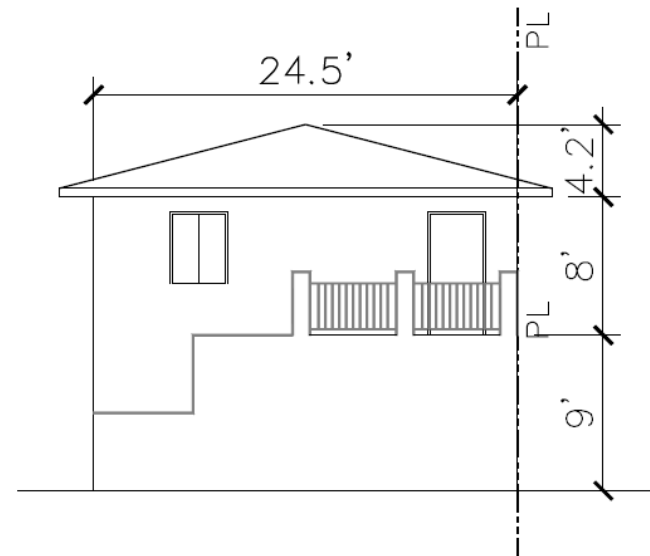




### **FRONT ELEVATION:**

SMALL BLDG.

SCALE: 1"=10'-0"



### **SIDE ELEVATION:**

SMALL BLDG.

SCALE: 1"=10'-0"





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10

