

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

DEPARTMENT: City Development Department, Planning Division

AGENDA DATE: Introduction: May 27, 2014
Public Hearing: June 17, 2014

CONTACT PERSON/PHONE: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance granting special permit no. PZST14-00017, to allow for infill development with reduced lot size and cumulative setbacks, on the property described as a portion of Tract 1, Country Club South Side, 610 Meadowlark Drive, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development and 20.04.320 of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of The El Paso City Code. Property owner: Paul and Beverly Dudley, Location: 610 Meadowlark Drive, PZST14-00017 (District 8)

BACKGROUND / DISCUSSION:

Staff report attached.

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Pending recommendation, scheduled for CPC hearing June 5, 2014.

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Director, City Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST14-00017, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED LOT SIZE AND CUMULATIVE SETBACKS, ON THE PROPERTY DESCRIBED AS A PORTION OF TRACT 1, COUNTRY CLUB SOUTH SIDE, 610 MEADOWLARK DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 INFILL DEVELOPMENT AND 20.04.320 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Paul and Beverly Dudley have applied for a Special Permit to allow for Infill Development with reduced lot size and cumulative setbacks under Section 20.10.280 of the El Paso City for a single-family dwelling; 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 20.10.280 and 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 a R-1 (Residential) Zone District:
A portion of Tract 1, Country Club South Side, 610 Meadowlark Drive, City of El Paso, El Paso County, Texas, and more particularly described by metes and bounds on the attached Exhibit "A" incorporated by reference; and,
2. That the City Council hereby grants a Special Permit under Section 20.10.280 Infill Development and 20.04.320 of the El Paso City Code, to allow a reduction in lot size and cumulative setbacks: and,
3. That this Special Permit is issued subject to the development standards in the R-1 (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 "B" and incorporated herein by reference for all purposes; and,

ORDINANCE NO. _____

PZST14-00017

4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST14-00017 shall automatically terminate, and 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.

PASSED AND APPROVED this _____ day of _____, 2014.

THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy, Director
City Development Department

ORDINANCE NO. _____

PZST14-00017

AGREEMENT

Paul and Beverly Dudley, 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 R-1 (Residential) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 2014.

Paul and Beverly Dudley:

By: _____
(name/title)

(signature)

By: _____
(name/title)

(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2014,
by Paul and Beverly Dudley, as Owners.

My Commission Expires:

Notary Public, State of Texas

Notary's Printed or Typed Name:

ORDINANCE NO. _____

PZST14-00017

EXHIBIT "A"

Calderon Engineering

3031 Trawood Drive
El Paso, Texas 79936
(915) 855-7552
Fax: 855-8350
CalderonEngineering@elpbizclass.com

June 10, 2013

METES AND BOUNDS DESCRIPTION

Description of 0.445 acre parcel of land out of Tract 1, Country Club Place South Side, City of El Paso, El Paso County, Texas, as filed and recorded in Book 8, Page 25, Deed Records of El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing at a found iron pin marking the northwest corner of Tract 1, and the intersection of the east right-of-way line of the Nemexas Drain and the southerly right-of-way line of Meadowlark Drive in Country Club Place South Side, City of El Paso, El Paso County, Texas;

Thence North 89°55'00" East, along the south right-of-way line of Meadowlark Drive, a distance of 200.50 feet to a set iron pin marking the "Point of Beginning";

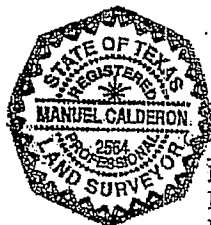
Thence North 89°55'00" East, continuing along the south right-of-way line of Meadowlark Drive, a distance of 125.00 feet to a found iron pin at the intersection of the centerline of an irrigation ditch and the south right-of-way line of Meadowlark Drive;

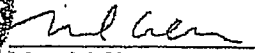
Thence, South 02°11'00" East, along the centerline of an irrigation ditch, a distance of 155.30 feet to a set chiseled cross;

Thence South 89°55'00" West, along the south boundary of Tract 1, a distance of 125.00 feet to a set iron pin;

Thence North 02°11'00" West, a distance of 155.30 feet to the "Point of Beginning", and containing in all, 19,399.46 square feet or 0.445 acres of land more or less. A plat of survey dated June 10, 2013 is a part of this description and is attached hereto.

Note: This division and parcel of land out of tract 1 needs to be submitted to the City of El Paso for approval. The City of El Paso will determine if a subdivision plat is required.




Manuel Calderon
Registered Professional Engineer No. 42333
Registered Professional Land Surveyor No. 2564
Texas Registered Engineering Firm No. E-3788
Texas Licensed Surveying Firm No. 100200-00

MEMORANDUM

DATE: May 20, 2014

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Arturo Rubio, Senior Planner

SUBJECT: PZST14-00017

The City Plan Commission (CPC) is pending review of the rezoning request scheduled for CPC hearing on June 5, 2014.

There was no opposition to this request.

Attachments: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZST14-00017
Application Type: Special Permit
CPC Hearing Date: June 5, 2014
Staff Planner: Arturo Rubio, (915) 212-1613, rubioax@elpasotexas.gov

Location: 610 Meadowlark Drive
Legal Description: A portion of Tract 1, Country Club Place South Side, City of El Paso, El Paso County, Texas
Acreage: 0.445-acre
Rep District: 8
Zoning: R-1 (Residential)
Existing Use: Vacant
C/SC/SP/ZBA/LNC: No
Request: Infill Development – cumulative setbacks and lot size
Proposed Use: Single-family dwelling

Property Owner: Paul and Beverly Dudley
Representative: VCI/Kelly Sorenson/Ryan Harding

SURROUNDING ZONING AND LAND USE

North: R-1 (Residential) / Single-family dwellings
South: R-1 (Residential) / Single-family dwellings
East: R-1 (Residential) / Single-family dwellings
West: R-1 (Residential) / Single-family dwellings

PLAN EL PASO DESIGNATION: G-3, Post-War (Northwest Plan Area)
NEAREST PARK: Rio Grande River Trail #1 (6,014 feet)
NEAREST SCHOOL: Mitzie Bond Elementary School (7,516 feet)

NEIGHBORHOOD ASSOCIATIONS

Upper Valley Improvement Association
Upper Mesa Hills Neighborhood Association
Coronado Neighborhood Association
Upper Valley Neighborhood Association
Save the Valley

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on May 14, 2014. The Planning Division has not received any phone calls or letters in support or opposition to the special permit request.

APPLICATION DESCRIPTION

The property owner is requesting a special permit and detailed site development plan review for infill development. The site plan shows a new 5,001 sq. ft. single family dwelling and a 570 ft. garage. The applicant is requesting a reduction in cumulative setbacks from the required 100 feet to 74 feet and lot size from the required 20,000 square feet to 19,162.5 square feet (see Table pg.3). The Detailed Site Development Plan complies with all other density and dimensional standards. Access to the subject property is proposed from Meadowlark Drive.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the special permit and detailed site development plan review as it complies with Sections 20.10.280, infill development, 20.04.320, special permit, 20.04.140 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 with a legally recorded subdivision of at least thirty years and 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 in this area. Single-family dwelling uses are permitted in the R-1 (Residential) zone 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 reductions in dimensional standards on table below:

Dimension	Require	Propose
Cumulative Setback	100'	74'
Lot Size	20,000 sq	19,162.5 sq

- 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 not requesting any parking reduction as part of the special permit application.

- 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 the 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.

The applicant complies with the density requirements for the proposed base zone.

- 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 requesting reduction in lot size and cumulative setbacks only.

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.

Note: Special permit application meets all requirements of detailed site development plan.

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.

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

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 reviewed the detailed site development plan and special permit and determined that all the requirements are met and are recommending approval.

Plan El Paso-Future Land Use Map Designation

All applications for special permit 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 stale but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of R-1 (Residential) district is to promote and preserve residential development within the city to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the districts will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

COMMENTS:

City Development Department – Planning Division - Transportation

TIA is not required.

General Note:

All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall follow the City of El Paso Design Standards for Construction and be ADA/TAS compliant.

City Development Department – Building & Development Permitting

City Development Department – Landscaping Division

No comments received

City Development Department - Land Development

No comments received

Fire Department

Recommend "APPROVAL" of "Application" as presented.

Police Department

No issues

Sun Metro

Sun Metro does not oppose this request; Recommends the construction of sidewalks.

El Paso Water Utilities

EPWU does not object to this request.

EPWU-PSB Comments

Water

1. There is an existing 8-inch diameter water main that extends along Meadowlark Rd. The main is located approximately 10 feet north of the street centerline. This main is available for service.
2. EPWU records indicate a vacant service at the subject property. The service address for this vacant service is 610 Meadowlark Rd.

Sanitary Sewer:

There is an existing 8-inch diameter sanitary sewer main that extends along Meadowlark Rd. The main is located approximately 5 feet south of the street centerline. This sewer main is available for service.

General:

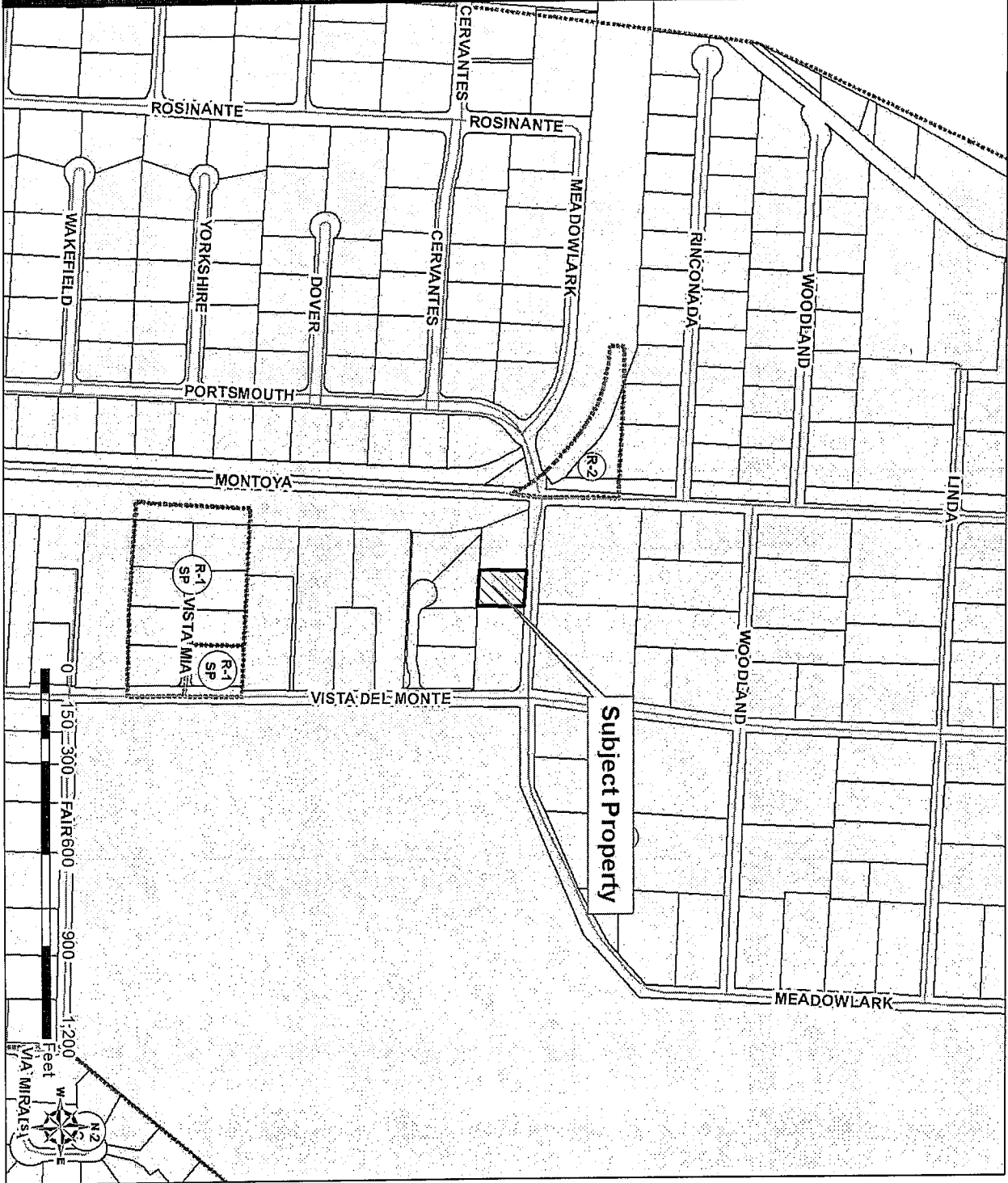
Application for new water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description 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
4. Elevations

ATTACHMENT 1: ZONING MAP

PZST14-00017

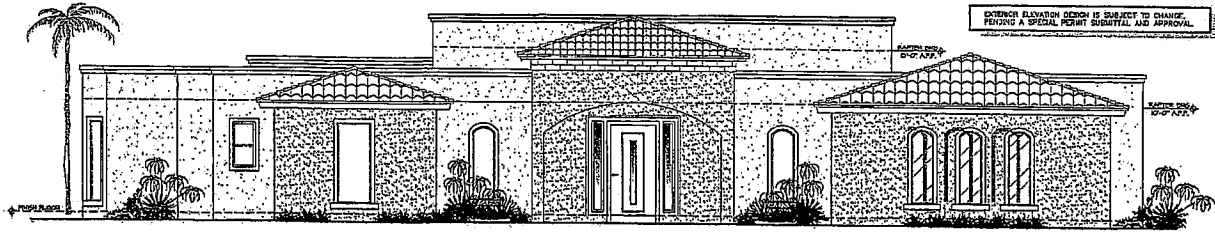


ATTACHMENT 2: AERIAL MAP

PZST14-00017



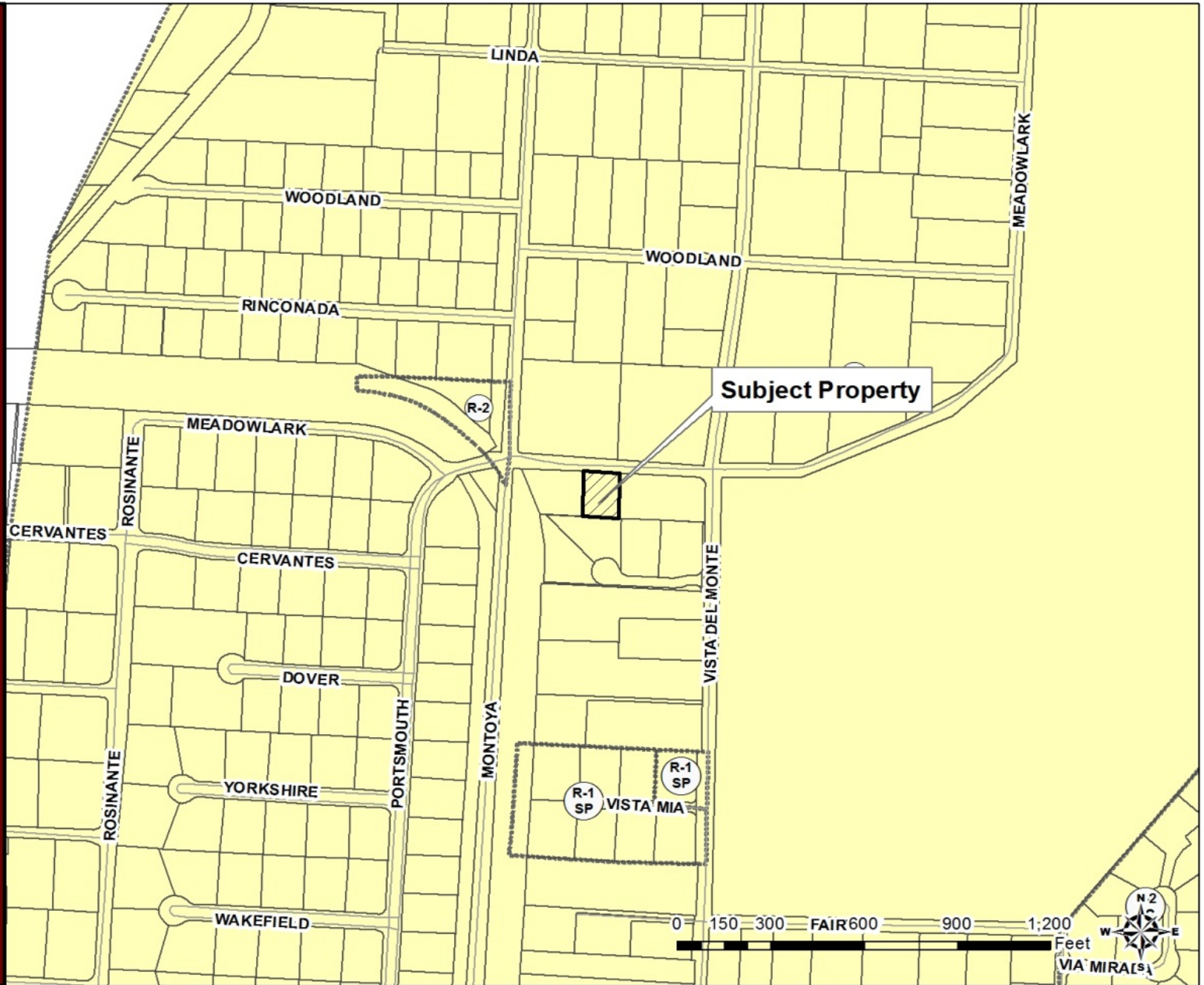
ATTACHMENT 4: ELEVATIONS



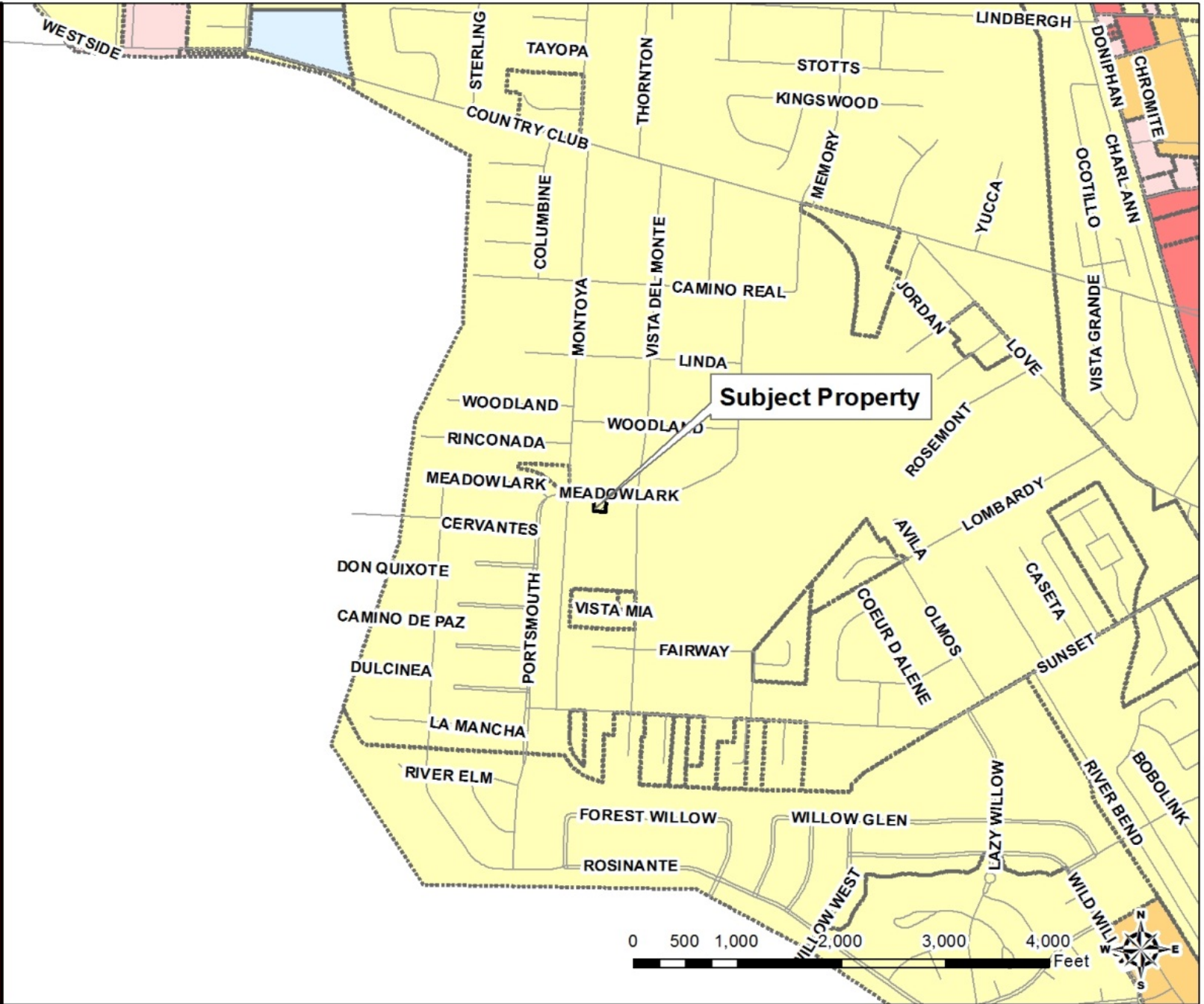
OTHER ELEVATION DESIGN IS SUBJECT TO CHANGE.
REQUIRING A SPECIAL PERMIT SUBMITTAL AND APPROVAL.

FRONT ELEVATION
SCALE: 3/16"=1'-0"

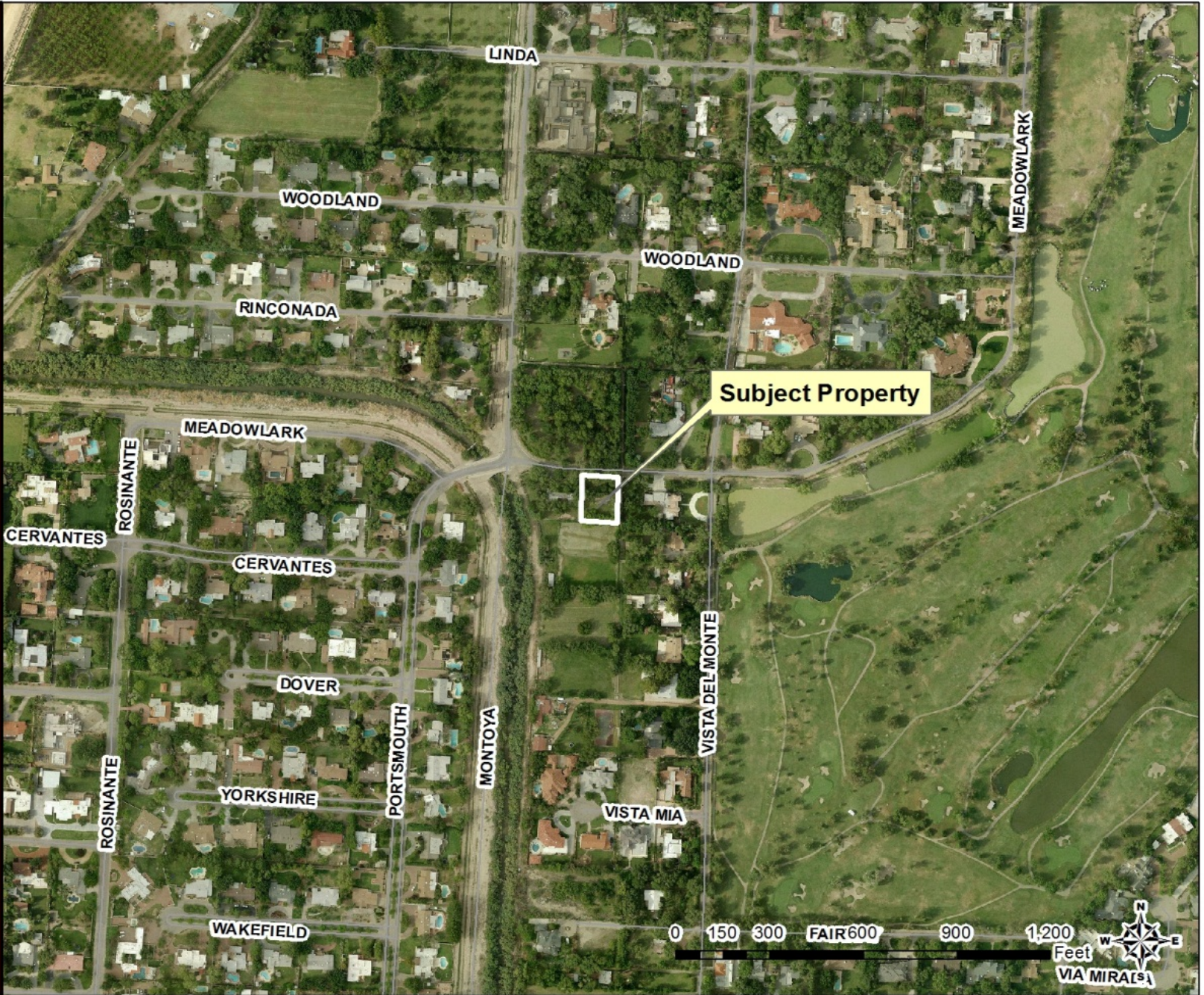
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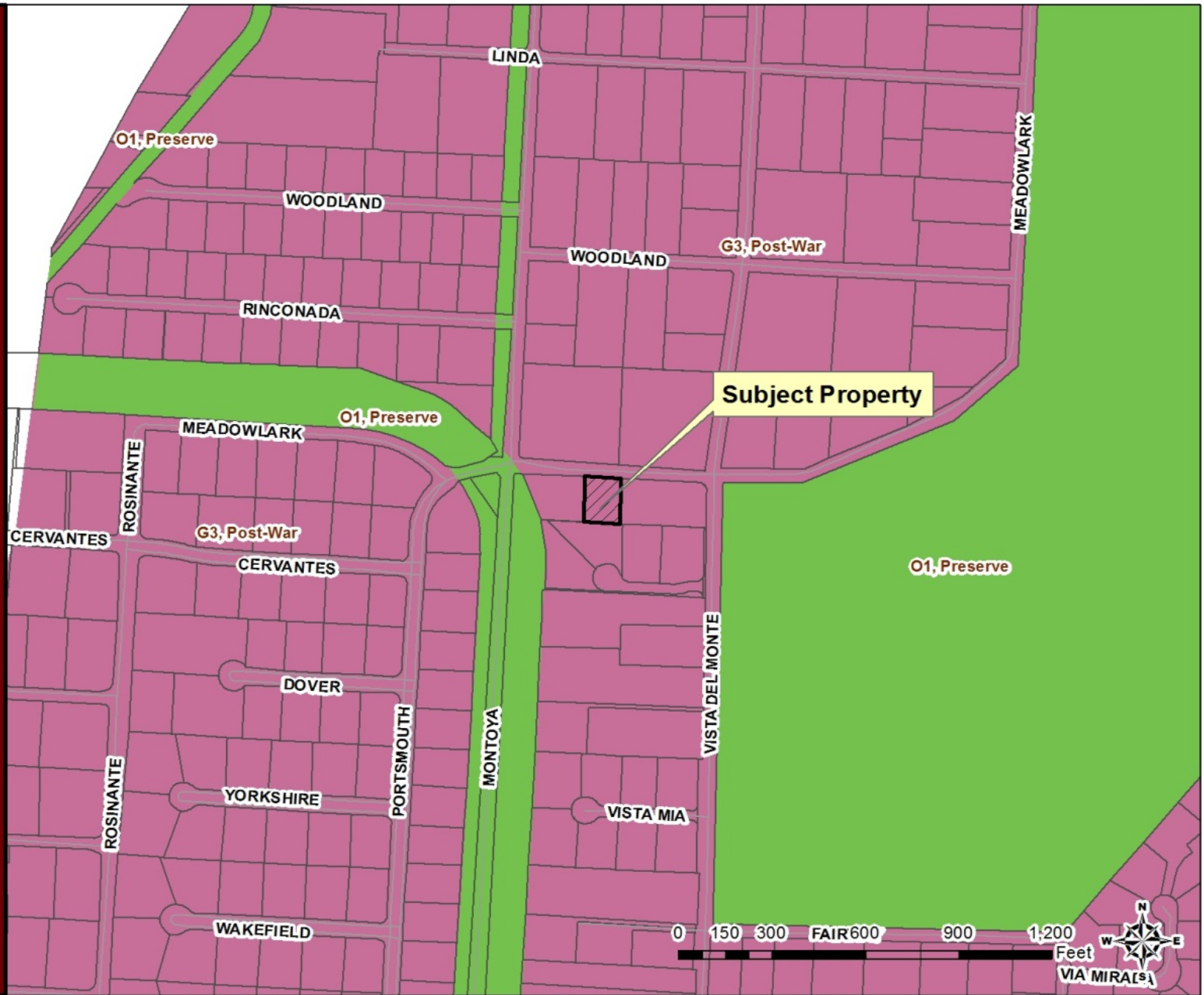
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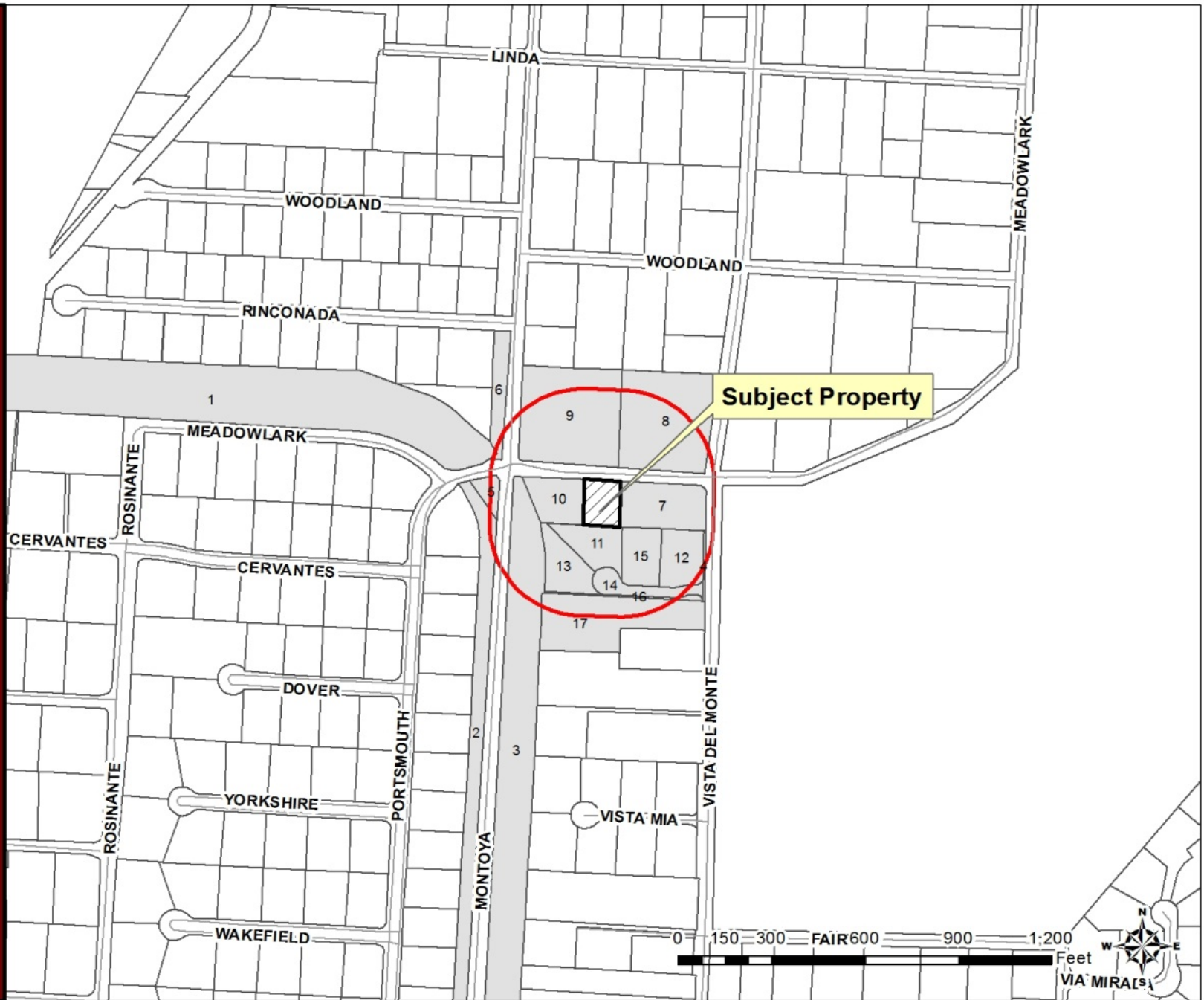
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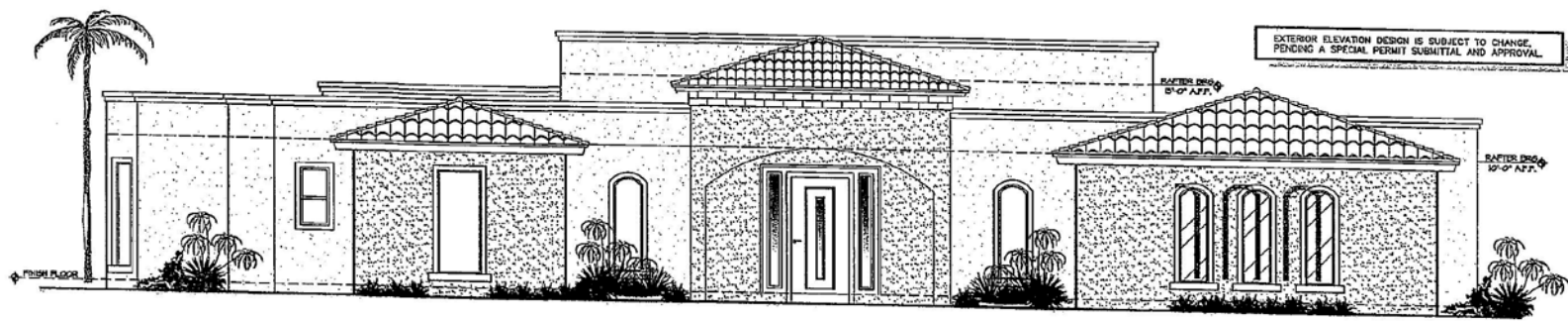
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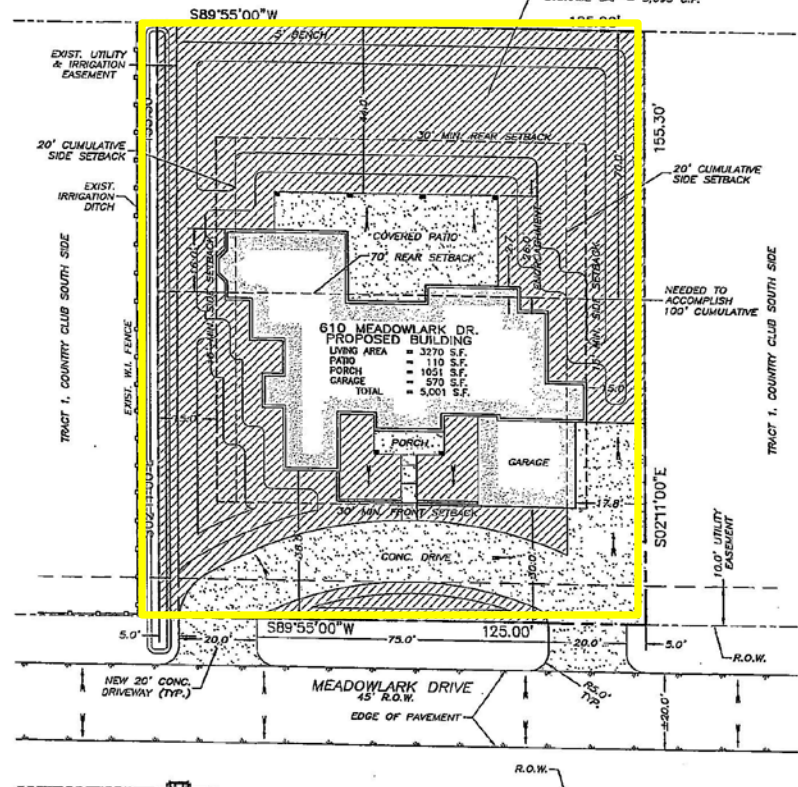
PZST 14-00017



EXTERIOR ELEVATION DESIGN IS SUBJECT TO CHANGE, PENDING A SPECIAL PERMIT SUBMITTAL AND APPROVAL.

FRONT ELEVATION
SCALE: 3/16"=1'-0"

LOT 3, BLOCK 1, COUNTRY CLUB VIEW
ON-SITE LOT PONDING
12" WATER DEPTH MAX.
STORAGE CAP = 5,093 C.F.



DETAIL SITE DEVELOPMENT PLAN
SCALE 1" = 20'-0"

GENERAL LOT INFORMATION:

CURRENT ZONING : R-1

BUILDING FOOTPRINT:	5,001 S.F. (25.8%)
OPEN SPACE AREA:	14,411 S.F. (74.2%)
TOTAL LOT AREA:	19,412 S.F. (100.0%)
PREVIOUS SURFACES	11,598 S.F. (59.8%)
IMPERVIOUS SURFACES	7,813 S.F. (40.2%)



- GENERAL NOTES:**
- THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT BOUNDARY, IMPROVEMENT AND TOPOGRAPHIC SURVEY. ACTUAL EXISTING CONDITIONS MAY DIFFER WITH THIS PLAN.
 - THIS PLAN WAS PREPARED FOR PLANNING DEPARTMENT APPROVAL ONLY. FINAL CONSTRUCTION DOCUMENTS WILL BE REQUIRED AT LOT TIME OF DEVELOPMENT.

LEGAL DESCRIPTION
A PORTION OF TRACT 1, COUNTRY CLUB SOUTH SIDE, CITY OF EL PASO, EL PASO COUNTY, TEXAS (8.0-445-ACRES) FID No. C9759900100200.

FLOOD ZONE DESIGNATION:
THIS PROPERTY LIES IN ZONE C, AS DESIGNATED BY THE F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO.480214 00260 DATED, 1/03/1997.

PONDING CALCULATIONS:
CITY OF EL PASO STANDARD DESIGN / 4" RAINFALL

DRAINAGE AREA	ACRES	COEF.	Q _{max} (AC-FT)	CAP. (CF)	DEPTH (FT)
1	0.510	0.50	0.685	5,093	40.73'
			3,703 CF		

PREPARED BY:

SITework
ENGINEERING L.L.C.
TX REG. # F-5697

444 EXECUTIVE CENTER BLDG., SUITE 134 - EL PASO, TX - 79906
PHONE (915) 331-8033 - FAX (915) 331-8033

PZST14-00017

