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

DEPARTMENT: Planning and Inspections, Planning Division
AGENDA DATE: Introduction: August 8, 2017
Public Hearing: September 5, 2017

CONTACT PERSON/PHONE: Larry Nichols, (915) 212-1550, nicholslf@elpasotexas.gov
Anne Antonini, (915) 212-1814, antoniniam@elpasotexas.gov

DISTRICT(S) AFFECTED: 2

SUBJECT:

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST17-00012, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCTIONS IN THE REQUIRED REAR AND SIDE YARD SETBACKS ON THE PROPERTY DESCRIBED AS LOTS 23, 24, AND THE WEST 20 FEET OF LOT 25, BLOCK 38, SUMMIT PLACE, 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.

BACKGROUND / DISCUSSION:

On June 29, 2017, the CPC reviewed and recommended approval of the proposed amendment.

PRIOR COUNCIL ACTION:

There is no prior City Council action on this proposed amendment.

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: Larry F. Nichols
Director, Planning and Inspections Department



APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST17-00012, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCTIONS IN THE REQUIRED REAR, SIDE YARD AND CUMULATIVE FRONT AND REAR YARD SETBACKS ON THE PROPERTY DESCRIBED AS LOTS 23, 24, AND THE WEST 20 FEET OF LOT 25, BLOCK 38, SUMMIT PLACE, 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, Berg Horst, has applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for a reduction in required rear, side yard and cumulative front and rear yard setbacks; 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 Sections 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-4 (Residential) Zone District:

Lots 23, 24, and the West 20 Feet of Lot 25, Block 38, Summit Place, City of El Paso, El Paso County, Texas and as more particularly described by metes and bounds on the attached Exhibit "A"; and,
2. That the City Council hereby grants a Special Permit under Sections 20.04.320 of the El Paso City Code, to allow an infill development for a reduction in required rear, side yard and cumulative front and rear yard setbacks; 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 "B" and incorporated herein by reference for all purposes; and,

ORDINANCE NO. _____

17-1007-1994 | 699285
2912 Pierce Ave.
KMN

PZST17-00012

4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST17-00012 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.

ADOPTED this _____ day of _____, 2017.

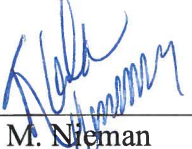
THE CITY OF EL PASO

ATTEST:

Dee Margo
Mayor

Laura Prine
Interim City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Larry F. Nichols, Director
City Development Department

EXHIBIT "A"

2912 Pierce4 Ave. METES AND BOUNDS

Description of a parcel of land being Lots 23 and 24 and the West 20 feet of Lot 25, Block 38, Summit Place Addition, City of El Paso, El Paso County, Texas. Such parcel of land is more particularly described by metes and bounds as follows;

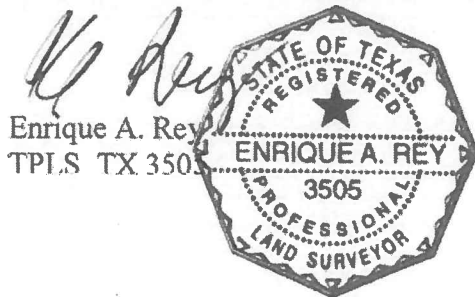
Commencing at the Northwest corner of the parcel of land being herein described, such point being the point of intersection of the East ROW line of an existing 16 feet alley and the South ROW line of Pierce Ave. (60.00 feet ROW) said point being the **point of beginning of this description**;

Thence S 90° 00' 00" E along said South ROW line of Pierce Ave. a distance of 70.00 feet to a point;

Thence S 01° 05' 00" E a distance of 120.00 feet to a point that lies on the North ROW line of an existing 16 feet alley;

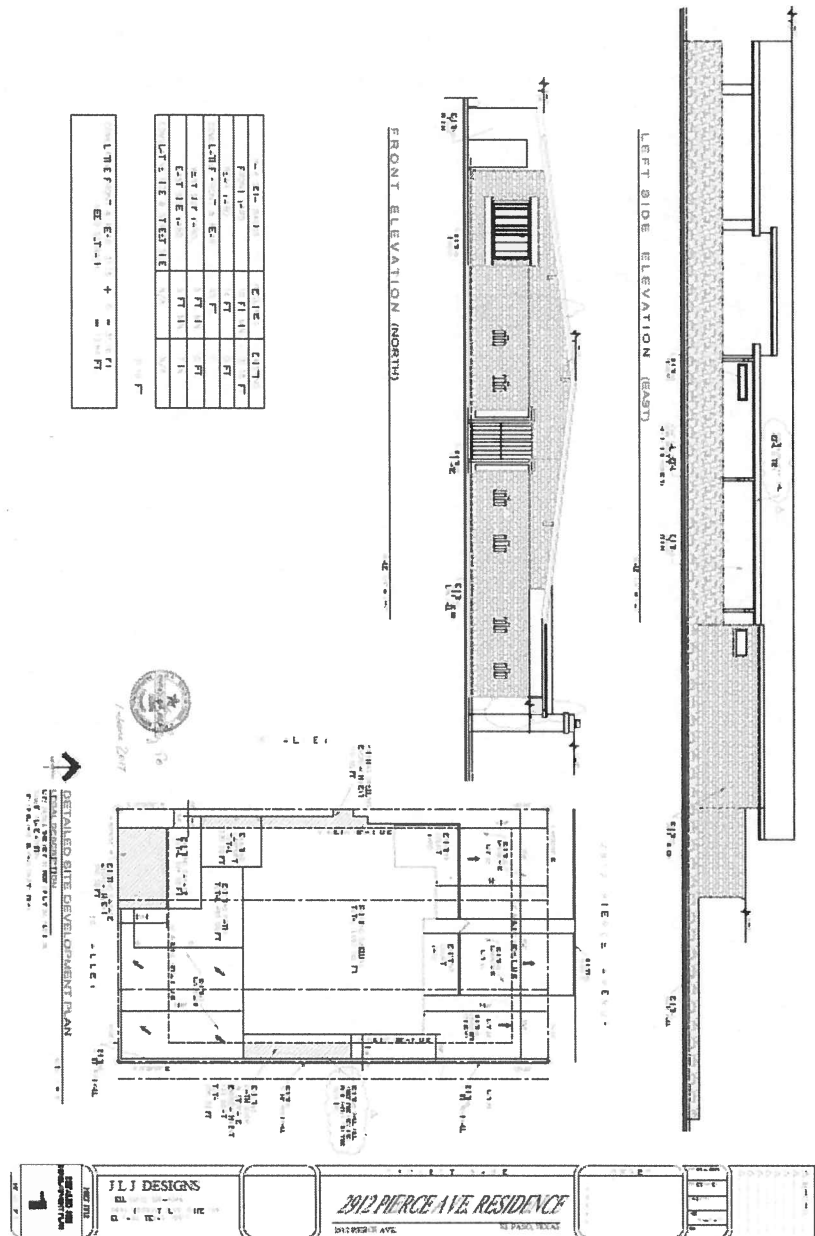
Thence N 90° 00' 00" W along said 16 feet alley ROW line a distance of 70.00 feet to a point that lies on the East ROW line of the same existing 16 feet alley;

Thence along said 16 feet alley East ROW line N 01° 05' 00" W a distance of 120.00 feet to the point of beginning of this description. Said parcel of land contains 8,398 square feet or 0.1928 acres of land more or less.



El Paso, Texas – Tuesday, May 02, 2017

EXHIBIT "B"



ORDINANCE NO. _____

17-1007-1994 | 699285

2912 Pierce Ave.

KMN

PZST17-00012

MEMORANDUM

DATE: July 12, 2017

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

FROM: Larry F. Nichols, Director - Planning & Inspections
Anne Antonini, Planner

SUBJECT: Infill Special Permit Request for Reduction in Rear and Side Yard Setbacks for Proposed Duplex in the R-4 (Residential) for a property located at 2912 Pierce Ave.

The City Plan Commission unanimously recommended approval (6-0) of the proposed special permit at its May 18, 2017 meeting.

As of July 12, 2017, Planning staff has not received any opposition to the proposed amendment.

Applicant: City of El Paso

Attachments: Proposed Ordinance



City of El Paso – City Plan Commission Staff Report

Case No: PZST17-00012
Application Type: Special Permit and Detailed Site Development Plan Review
CPC Hearing Date: June 29, 2017
Staff Planner: Anne Antonini, 915-212-1814, antoniniam@elpasotexas.gov

Location: 2912 Pierce Ave
Legal Description: Lots 23, 24, and the West 20 Feet of Lot 25, Block 38, Summit Place, City of El Paso, El Paso County
Acreage: 0.185 acres
Rep District: 2
Existing Zoning: R-4 (Residential)
Existing Use: Single Family Residence
Request: Infill Development - to allow for reductions in minimum side, rear and cumulative setbacks
Proposed Use: Single Family Residence

Property Owner: Berg Horst
Applicant: Jesus Jaime
Representative: Jesus Jaime

SURROUNDING ZONING AND LAND USE

North: A-2 (Apartment) / Hospital, Single family residences, two family residences
South: R-4 (Residential) / Single family residences
East: R-4 (Residential) / Single family residences
West: R-4 (Residential) / Single family residences

PLAN EL PASO DESIGNATION: G-2, Traditional Neighborhood

NEAREST PARK: Summit Fillmore (588 feet)

NEAREST SCHOOL: Bassett Elementary (1,512 feet)

NEIGHBORHOOD ASSOCIATIONS

El Paso Central Business Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on June 14, 2017. The Planning Division has not received any phone calls or letters in support or opposition to the special permit request.

APPLICATION DESCRIPTION

The applicant is requesting a special permit for infill development and detailed site development plan review to reduce the rear yard, side yard and cumulative front & rear yard setbacks for an existing single family home. The detailed site development plan shows a 3,007 square foot house with encroachments to 0 feet to each side property line. There is a garage touching the rear lot line that has been connected to the house via a carport and is therefore considered attached. The applicant is requesting the following reductions: required side yard setbacks to 0 feet, required rear yard setback to 0 feet, and required cumulative front and rear yard setback to 24.58 feet. Access is from Pierce. There are alleys along the west (side) and south (rear) property lines. This application was submitted prior to the adoption of the new Infill Standards on May 30, 2017 and is being considered against the standards in effect at the time of its submittal on May 9, 2017.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the request, and acceptance of the detailed site development plan, as the proposed development is consistent with the surrounding residential zoning. Additionally, the proposed development is compliant with the G-3 Post-War land use designation in the Plan El Paso 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.

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 within a State Enterprise Zone (2) it is located in a legally recorded subdivision of at least 30 years, having been platted in 1915, (Attachment 6), and the existing home was constructed in 1963, with the carports and garages being added sometime subsequently.

- 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. Single Family is permitted in the R-4 (Residential) 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.

DIMENSION	REQUIRED	PROPOSED
Cumulative Front & Rear Yard Setback	45 ft.	24.58 ft.
Side Yard Setback (west)	5 ft.	0 ft.
Side Yard Setback (east)	5 ft.	0 ft.
Rear Yard Setback	10 ft.	0 ft.

The applicant is requesting cumulative front & rear yard setback reduction, rear yard setback reduction, side yard setback reductions and complies with all other dimensional standards.

- 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.

- 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 lot is of sufficient dimensions to meet the requirements of the R-4 (Residential) District

DIMENSION	REQUIRED	PROPOSED
Lot Depth	90 ft.	120 ft.
Lot Area	6,000 sq. ft.	8,400 sq. ft.

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. The applicant will subsequently need to submit a building permit application for the improvements constructed within the setbacks and will need to ensure that all applicable codes are met.

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 2.2.2. “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 the proposed residential supplementing the mix of housing types in the area while providing the potential for a balance of housing and jobs.

COMMENTS:

Texas Department of Transportation

Development is not abutting State Right of Way.

Planning and Inspections Department – Plan Review & Landscaping Division

1. Provide a note on the east addition of the home indicating that the existing wall will meet the required fire rating per the 2015 IRC. *(Note has been added)*
2. Indicate the direction of the roof slope along the east addition. flow from the roof may not go into the adjacent property. *(Gutter shown on elevation)*

Planning and Inspections Department – Land Development

We have reviewed subject plans and recommend that the applicant addresses the following comments.

1. No objections to special permit and detailed site 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 storm-water is in compliance with ordinances, codes, DSC, and DDM. Failure to comply may require the applicant to seek re-approval of the site plans from CPC.

Fire Department

No comments submitted.

Police Department

No comments received.

Sun Metro

No comments received.

El Paso Water Utilities

We have reviewed the zoning change request described above and provide the following comments:

EPWU does not object to this request.

EPWU-PSB Comments

Water and sanitary sewer mains exist along Pierce Avenue fronting the subject Property. The

existing six (6) inch diameter water main is located along the north portion of Pierce Avenue. The existing eight (8) inch diameter sanitary sewer main is located at approximately 25 feet north of the south right-of-way line of Pierce Avenue. Both of the described mains are available to provide additional service(s) to 2912 Pierce Avenue.

Application for additional 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.

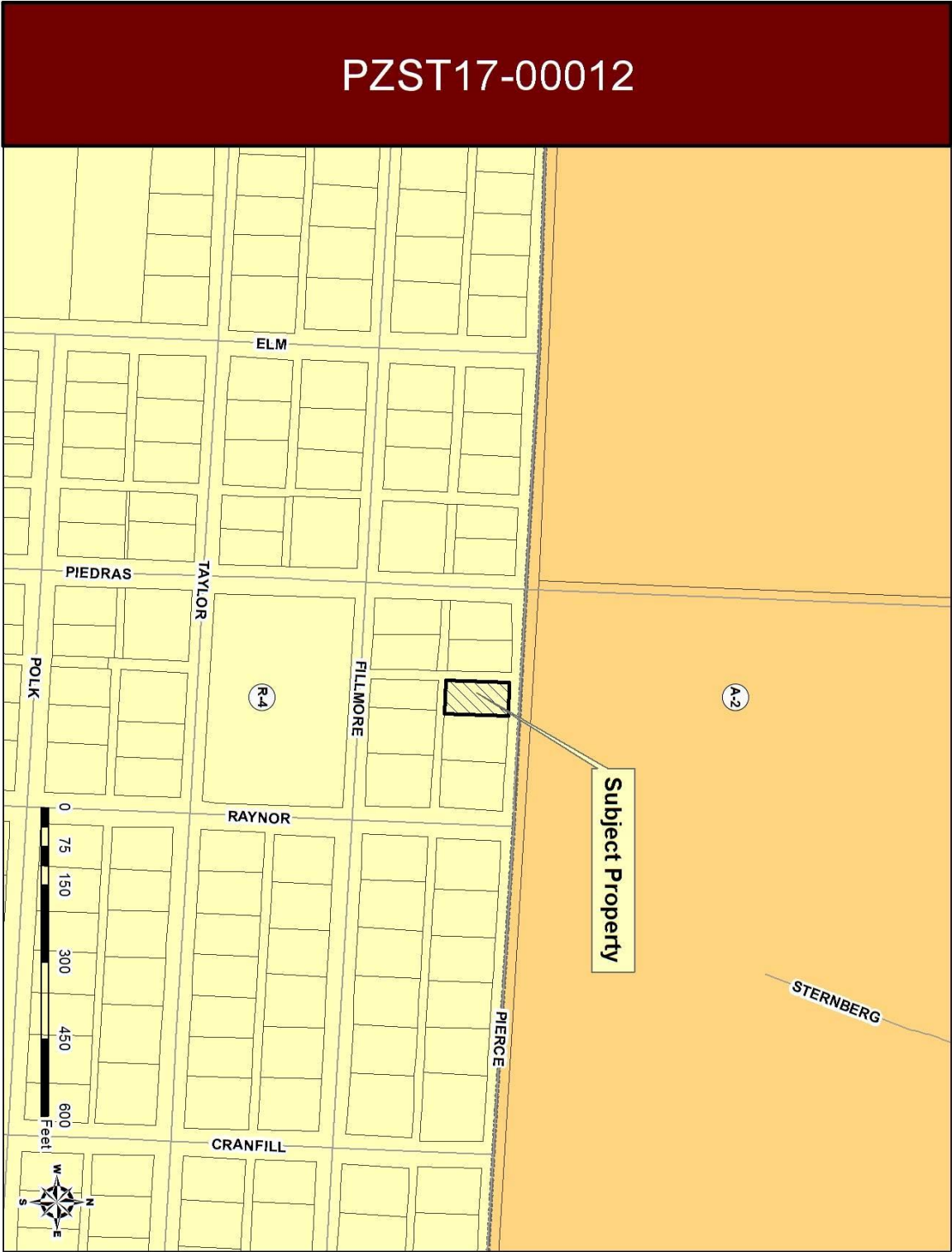
Stormwater:

1. EPW-Stormwater Engineering reviewed the property described above and has no objections to the request.

Attachments

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

ATTACHMENT 1: ZONING MAP

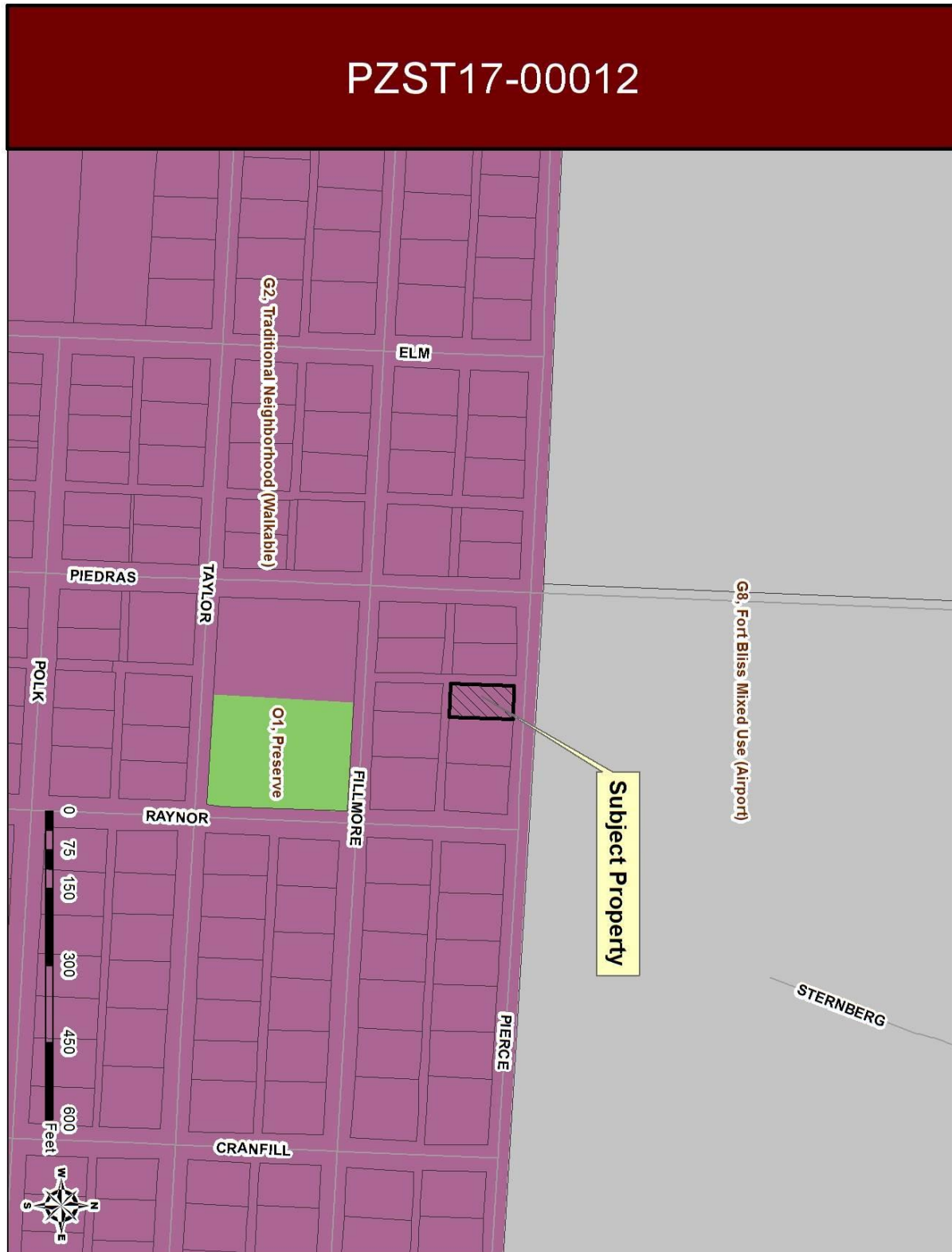


ATTACHMENT 2: AERIAL MAP

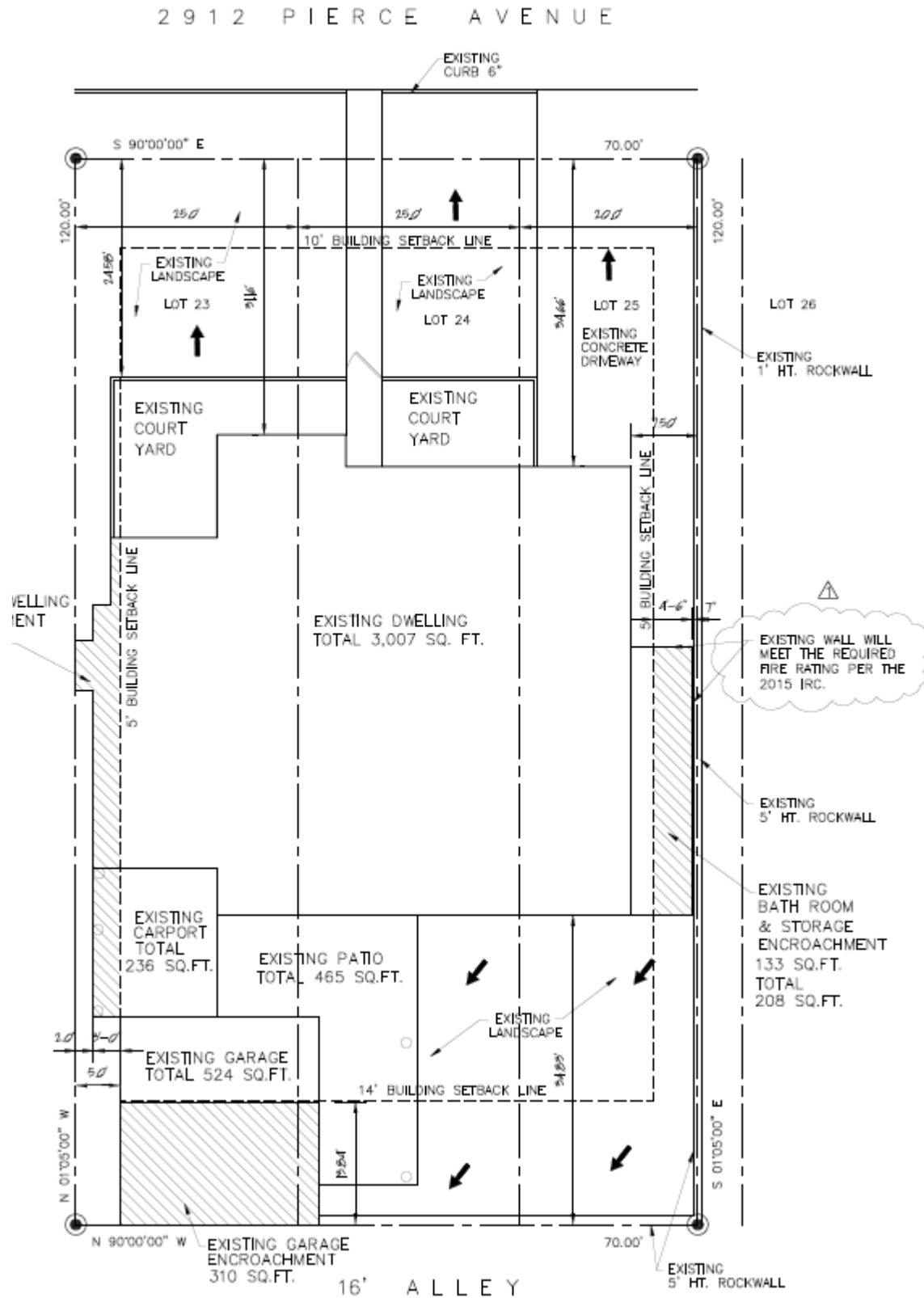
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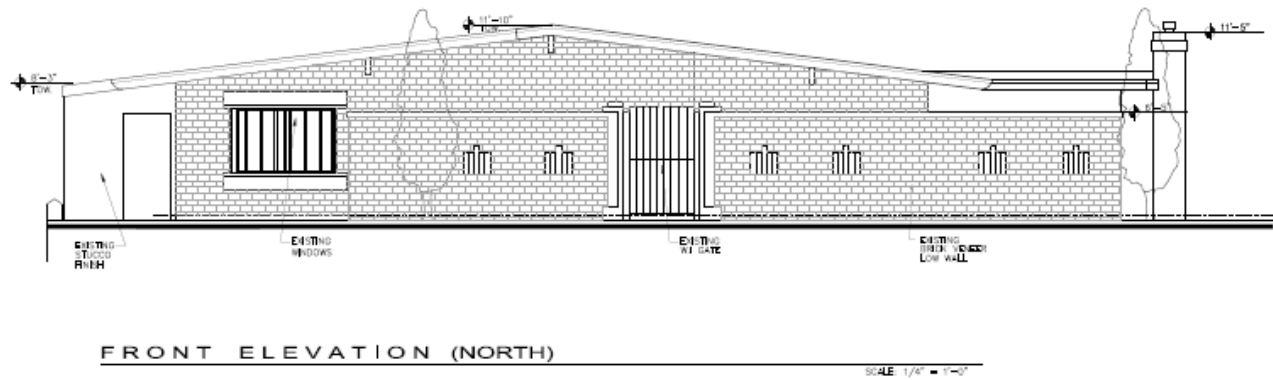
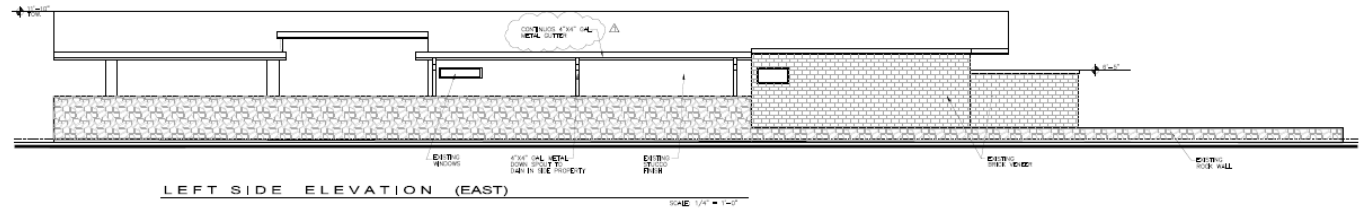
ATTACHMENT 3: FUTURE LAND USE MAP



ATTACHMENT 4: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 5: ELEVATIONS

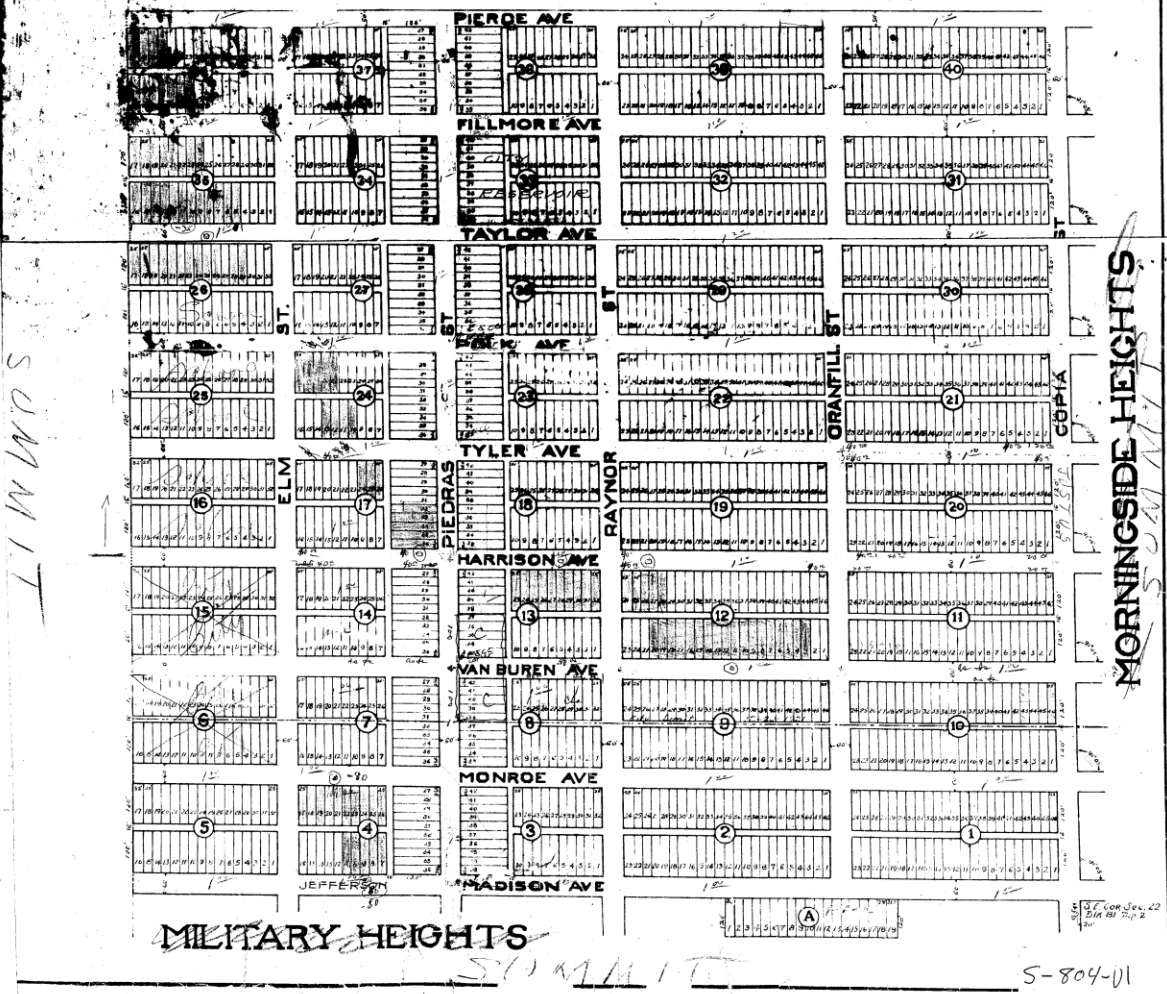


ATTACHMENT 6: SUBDIVISION PLAT

SUMMIT PLACE ADDITION

TO THE CITY OF
EL PASO TEXAS

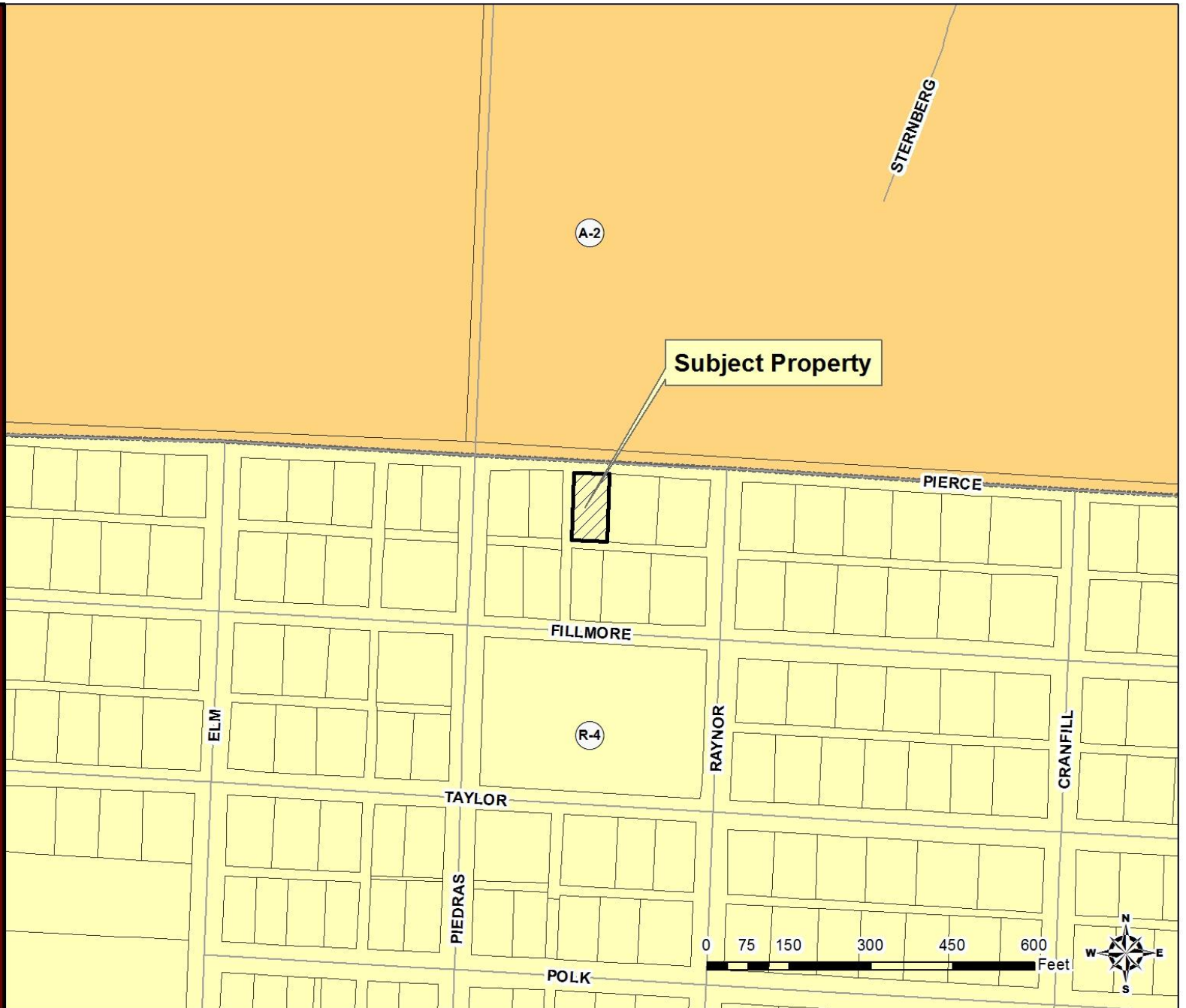
Surveyed May 14-24, 1913
by David M. White, Ch. Eng.
Scale 150 ft = 1 in. El Paso, Tex.

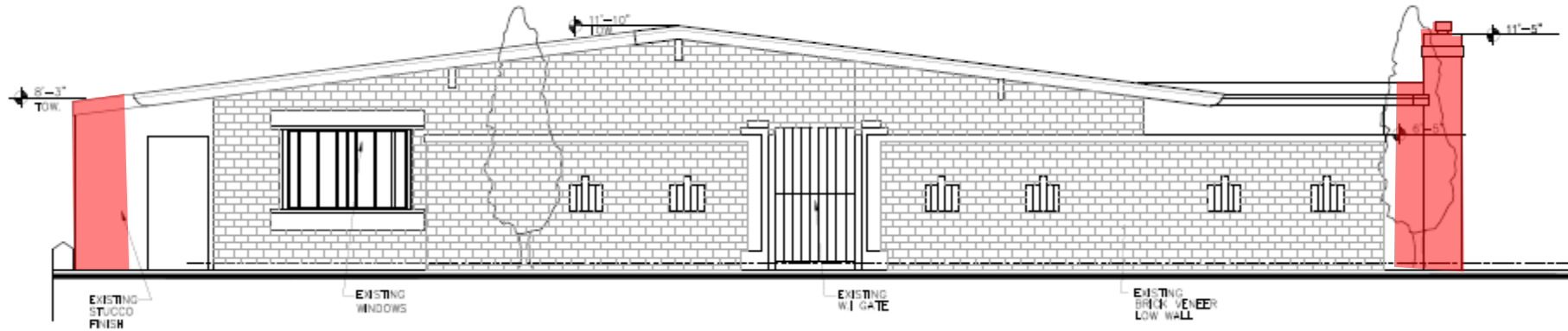


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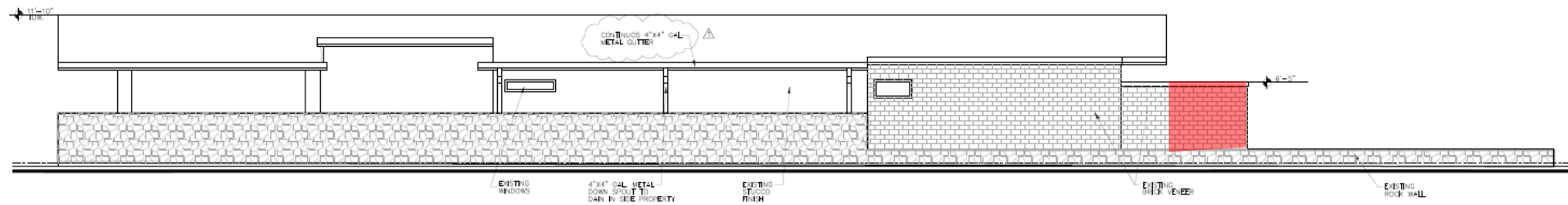


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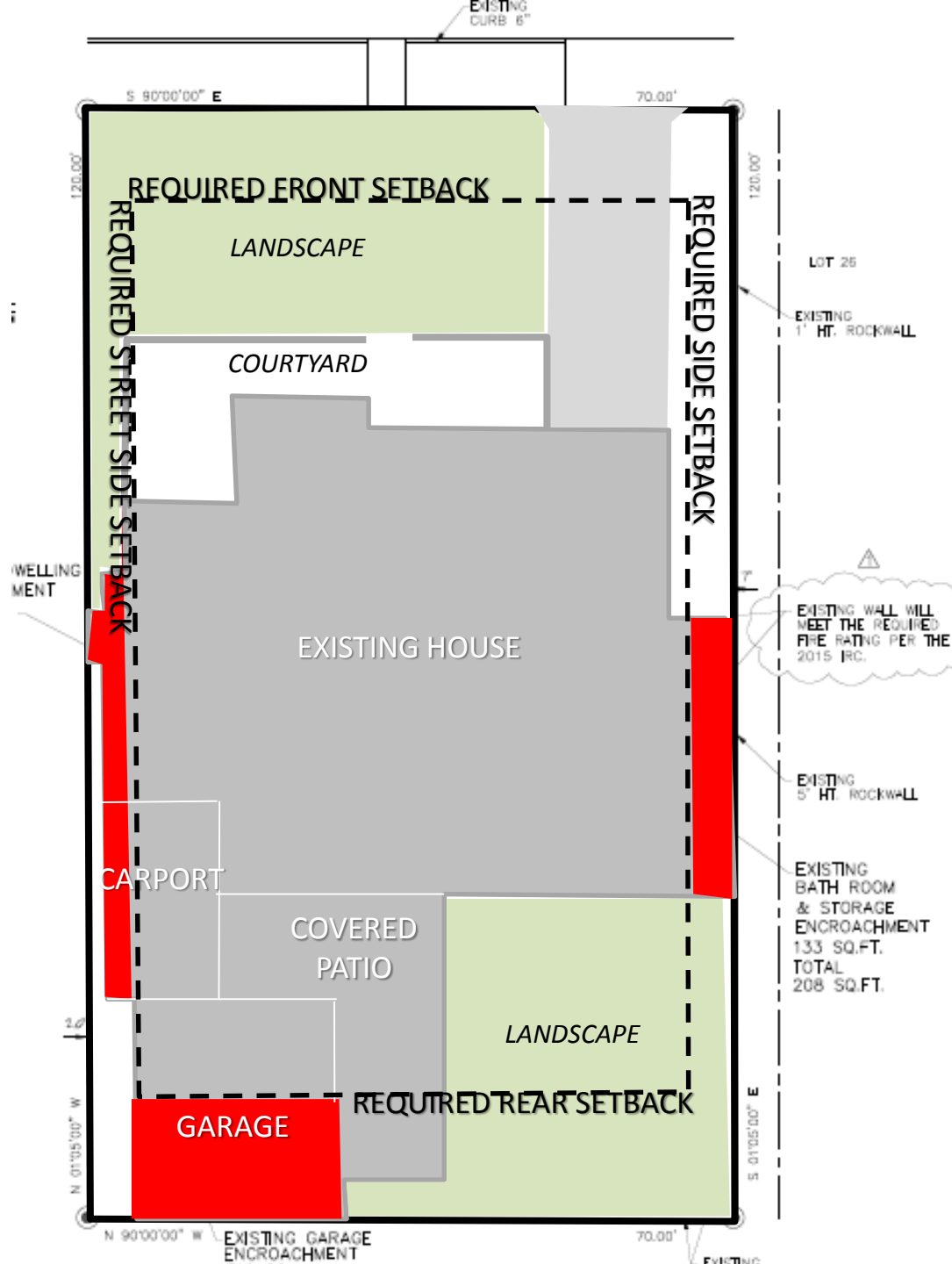


FRONT ELEVATION



LEFT SIDE ELEVATION (EAST)

SCALE: 1/4" = 1'-0"





KNOCK REAL LOUD!
We're Loud
We're Proud

2912

2912

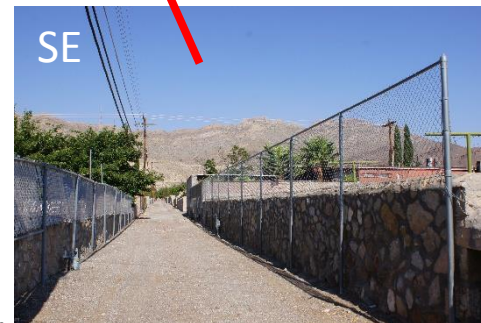
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"Delivering Outstanding Services"