

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: August 8, 2017
Public Hearing: September 5, 2017

CONTACT PERSON/PHONE: Larry Nichols, (915) 212-1550, nicholslf@elpasotexas.gov
Andrew Salloum, (915) 212-1603, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 5

SUBJECT:

An Ordinance granting Special Permit No. PZST17-00011, to allow for Infill Development with rear, side, and cumulative front & rear yard setback reductions on the property described as being Lot 27, Block 110, Vista Hills Unit Thirty-Nine, 1950 Paseo Arena 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. Subject Property: 1950 Paseo Arena Place. Property Owner: Michiel R. & Elizabeth N. Noe. PZST17-00011 (**District 5**)

BACKGROUND / DISCUSSION:

On July 27, 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 (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. PZST17-00011, TO ALLOW FOR INFILL DEVELOPMENT WITH REAR, SIDE, AND CUMULATIVE FRONT & REAR YARD SETBACK REDUCTIONS ON THE PROPERTY DESCRIBED AS LOT 27, BLOCK 110, VISTA HILLS UNIT THIRTY-NINE, 1950 PASEO ARENA 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, Michiel R. & Elizabeth N. Noe, have applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for rear, side, and cumulative front & rear yard setback reductions; 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-3A/sc (Residential/special contract) Zone District:

Lot 27, Block 110, Vista Hills Unit Thirty-Nine, 1950 Paseo Arena Place, *City of El Paso, El Paso County, Texas; 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 rear, side, and cumulative front & rear yard setback reductions; and,
3. That this Special Permit is issued subject to the development standards in the R-3A/sc (Residential/special contract) 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,

ORDINANCE NO. _____

17-1007-1993.001 | 702881
1950 Paseo Arena Place
KMN

PZST17-00011

4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST17-00011 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 D. Prine
Interim City Clerk

APPROVED AS TO FORM:



Karla M. Nreman
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Larry F. Nichols, Director
Planning and Inspections Department

AGREEMENT

Michiel R. & Elizabeth N. Noe, 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-3A/sc (Residential/special contract) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 28th day of July, 2017.

Michiel R. Noe:

By: Michiel R Noe / Owner
(name/title)
[Signature]
(signature)

Elizabeth N. Noe:

By: ELIZABETH NOE / OWNER
(name/title)
[Signature]
(signature)

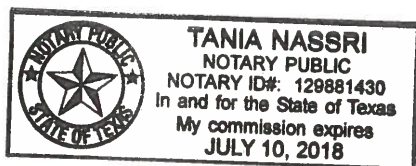
ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 28th day of July, 2017, by Michiel R. & Elizabeth N. Noe as Owners.

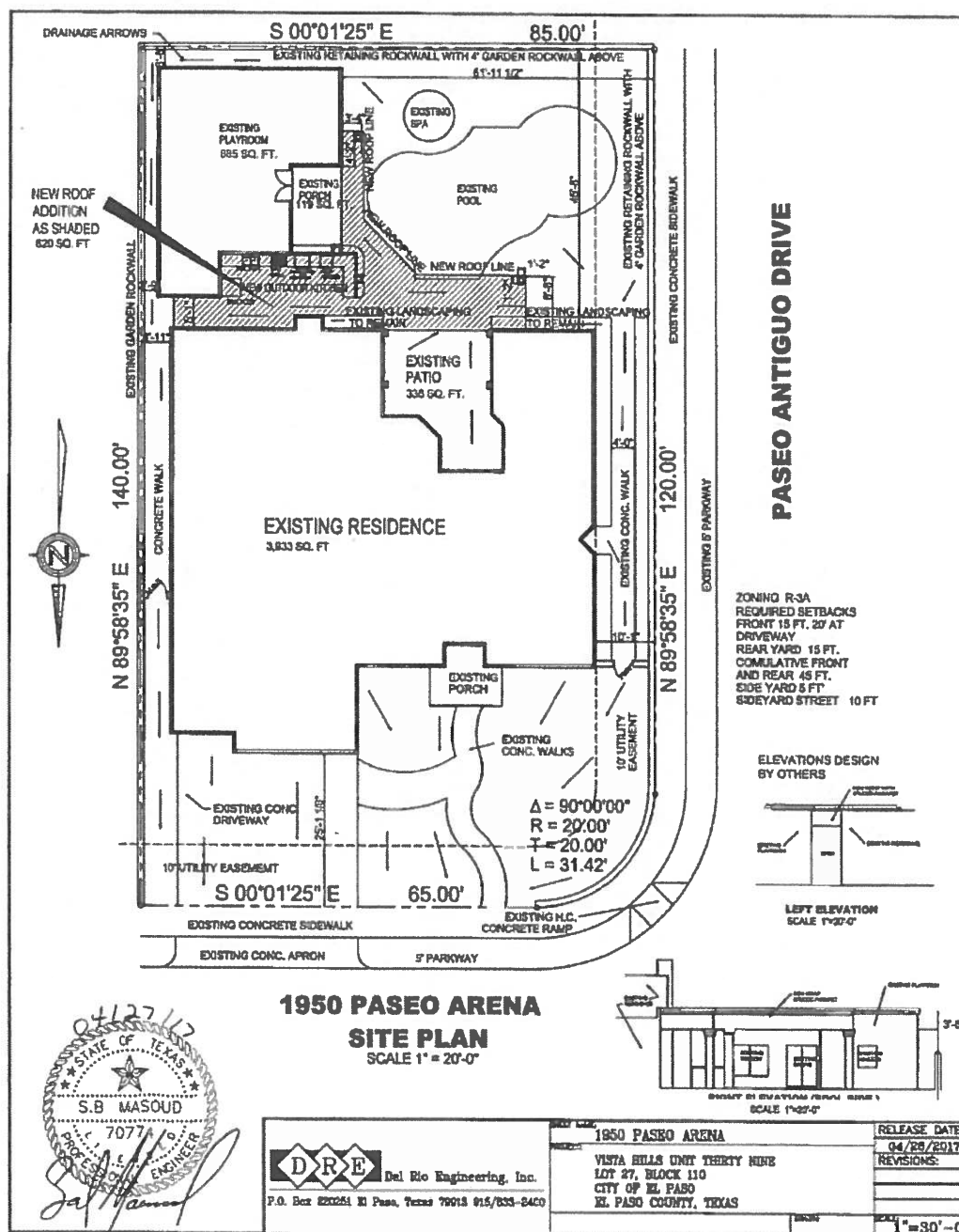
My Commission Expires:

[Signature]
Notary Public, State of Texas



Notary's Printed or Typed Name:

Tania Nassri



MEMORANDUM

DATE: August 1, 2017

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

FROM: Andrew Salloum, Senior Planner

SUBJECT: PZST17-00011

The City Plan Commission (CPC), on July 27, 2017, voted 6-0 to recommend **approval** of the special permit for infill development and detailed site development plan review to reduce rear yard setback, side yard setback and cumulative front & rear yard setbacks for a new addition to the existing single-family dwelling.

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 letters or phone calls in support or opposition of the special permit request.

Property Owner: Michiel R. & Elizabeth N. Noe
Representative: R.C. Baeza & Assoc. Inc.

Attachments:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZST17-00011
Application Type: Special Permit and Detailed Site Development Plan
CPC Hearing Date: July 27, 2017
Staff Planner: Andrew Salloum, (915) 212-1603, salloumam@elpasotexas.gov

Location: 1950 Paseo Arena Place
Legal Description: Lot 27, Block 110, Vista Hills Unit Thirty Nine, City of El Paso, El Paso County, Texas
Acreage: 0.27 acres
Rep District: 5
Zoning: R-3A/sc (Residential/special contract)
Existing Use: Single-family dwelling
C/SC/SP/ZBA/LNC: Special Contract - Ordinance No. 09162, dated September 8, 1987
Request: Infill Development - request reduced rear, side, and cumulative front & rear yard setbacks
Proposed Use: Expansion of single-family dwelling

Property Owner: Michiel R. & Elizabeth N. Noe
Representative: R.C. Baeza & Assoc. Inc.

SURROUNDING ZONING AND LAND USE

North: R-3A (Residential) / Single-family dwelling
South: R-3A (Residential) / Single-family dwelling
East: R-3A (Residential) / Single-family dwelling
West: R-3A (Residential) / Single-family dwelling

PLAN EL PASO DESIGNATION: G-4, Suburban (Walkable) (East Planning Area)

NEAREST PARK: Dick Shinaut (6,097 feet)

NEAREST SCHOOL: Montwood High School (1,863 feet)

NEIGHBORHOOD ASSOCIATION

Eastside Civic Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on July 13, 2017. The Planning Division has not received any letters or phone calls in support or opposition of the special permit request.

CASE HISTORY

On September 8, 1987, the subject property was rezoned from R-3 (Residential) to R-3A/special contract with the following conditions imposed by Ordinance No. 09162 (Attachment 6) summarized as follows:

- 1. Prior to a building permit being issued, a subdivision plat must be filed of record with the County Clerk for that property on which the building permit is being issued.*
- 2. Prior to the issuance of a building permit for Parcel 14, or upon demand by the City, the property owners must dedicate to the City a fire station site at the intersection of Montwood and Francis Scobee Drive.*

3. *The property owners shall reserve for acquisition by the City a 30-acre park site within Parcel 1, the exact location of which shall be determined by the City and the property owners. The park site shall be acquired by the City within 5 years from the date of this contract, or this covenant shall no longer be in force and the property owner may develop the property for other uses.*

All of conditions above have been satisfied.

APPLICATION DESCRIPTION

The applicant is requesting a special permit for infill development and detailed site development plan review to reduce rear yard setback, side yard setback and cumulative front & rear yard setbacks for a new addition to the existing single-family dwelling. The detailed site development plan shows new 620 sq. ft. roof addition as shade to the existing 3,933 sq. ft. single-family dwelling and 885 sq. ft. accessory structure. The applicant is requesting the following reductions: from the required 15 ft. rear yard setback to 3.5 ft., the required 5 ft. side yard setback to 2.9 ft., and from the required 45 feet cumulative front and rear yard setback to 28.6 ft. The request does not meet any of the requirements of the special exceptions to qualify for the Zoning Board of Adjustment (ZBA) and is larger than the ZBA can authorize. The owner needs a special permit to comply with the requirements regarding encroachment into required yard setbacks. Access to the subject property is proposed from Paseo Arena Place. 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 2, 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-4, Suburban (Walkable) land use designation in the Plan El Paso East 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.

On July 25, 2017, City Council approved a waiver of the two location requirements to designate an infill development overlay for a property.

- 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 dwelling 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
Rear Yard Setback	15 ft.	3.5 ft.
Side Yard Setback	5 ft.	2.9 ft.
Cumulative Front & Rear Yard Setback	45 ft.	28.6 ft.

The applicant is requesting rear yard, side yard, and cumulative front & rear yard setback reduction 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 applicant is not requesting any density reduction.

20.04.320 Special permit approvals.

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

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

The application meets the requirements for special permit.

20.04.140 When required.

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

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

20.04.150 Procedure.

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

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

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

Plan El Paso - 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:

Planning and Inspections Department - Planning Division - Transportation

No objections to the special permit 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 development is not a State Right of Way.

Planning and Inspections Department – Plan Review and Landscaping Division

No objections to special permit and detailed site development plan.

Note: At the time of submittal for building permits the project will need to comply with all applicable provisions of the IRC and local municipal code.

Planning and Inspections Department – Land Development

1. No objections to special permit 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

No issues with this plan.

Sun Metro

Sun Metro does not oppose this request.

El Paso Water Utilities

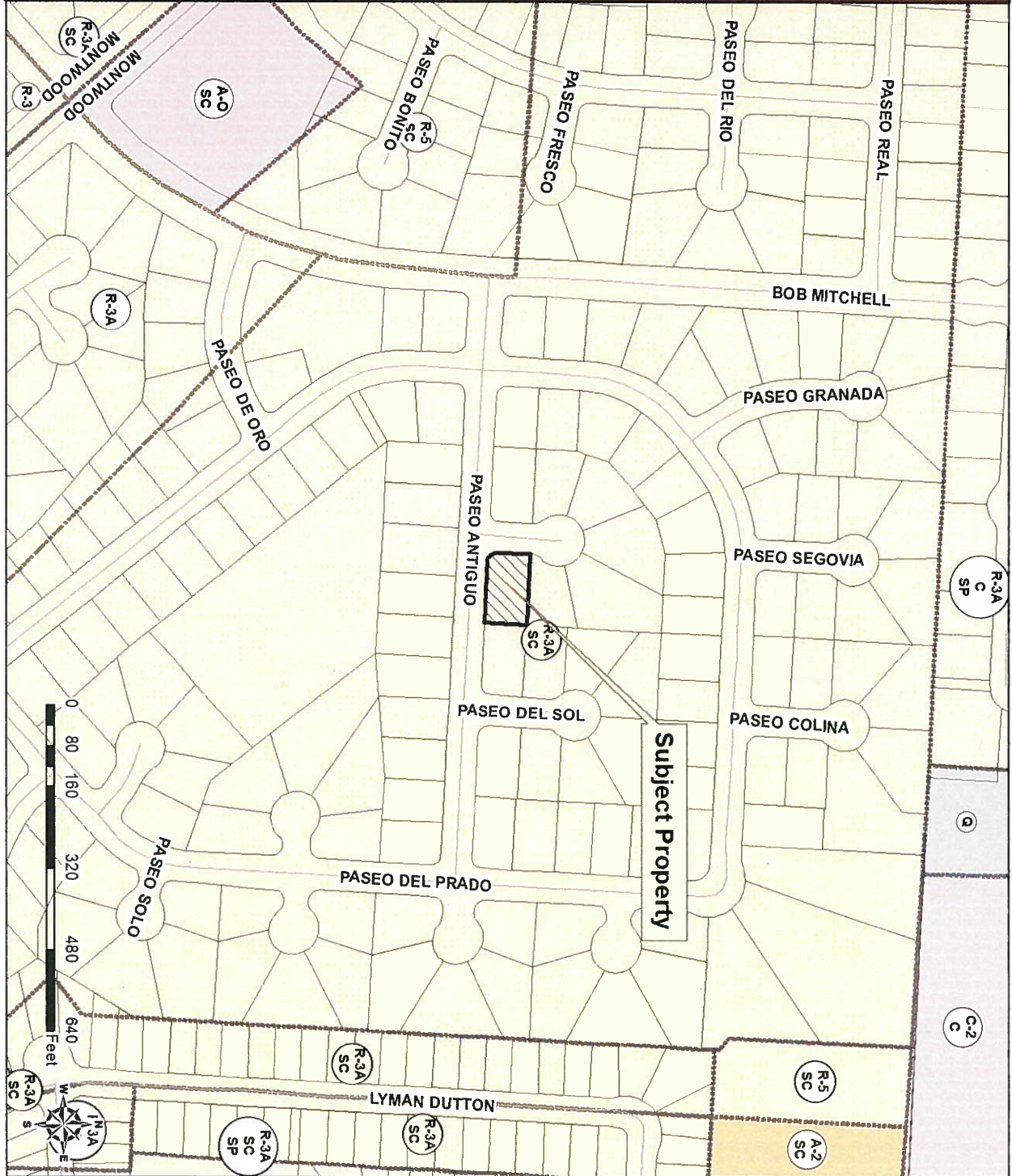
No objections.

Attachments

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

ATTACHMENT 1: ZONING MAP

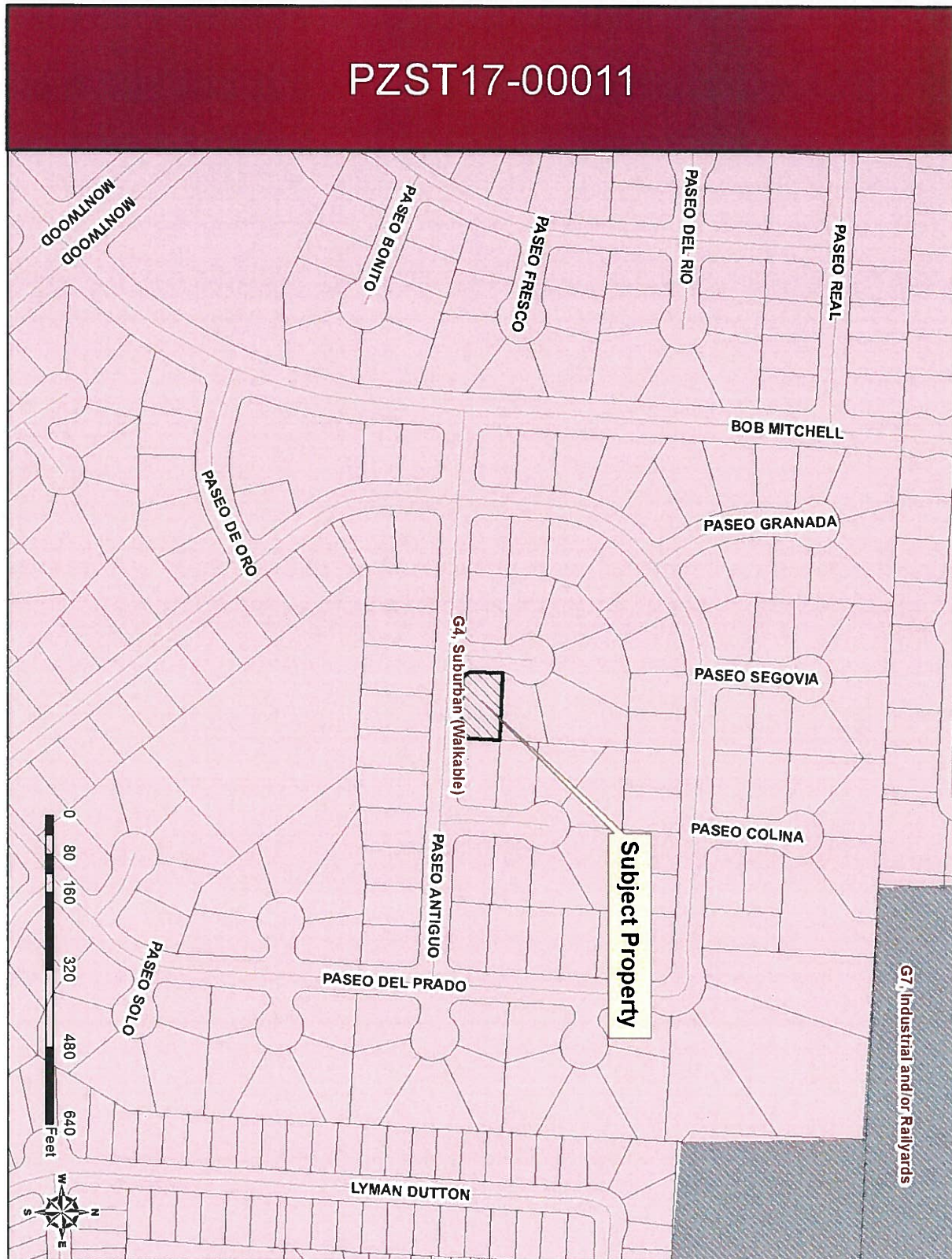
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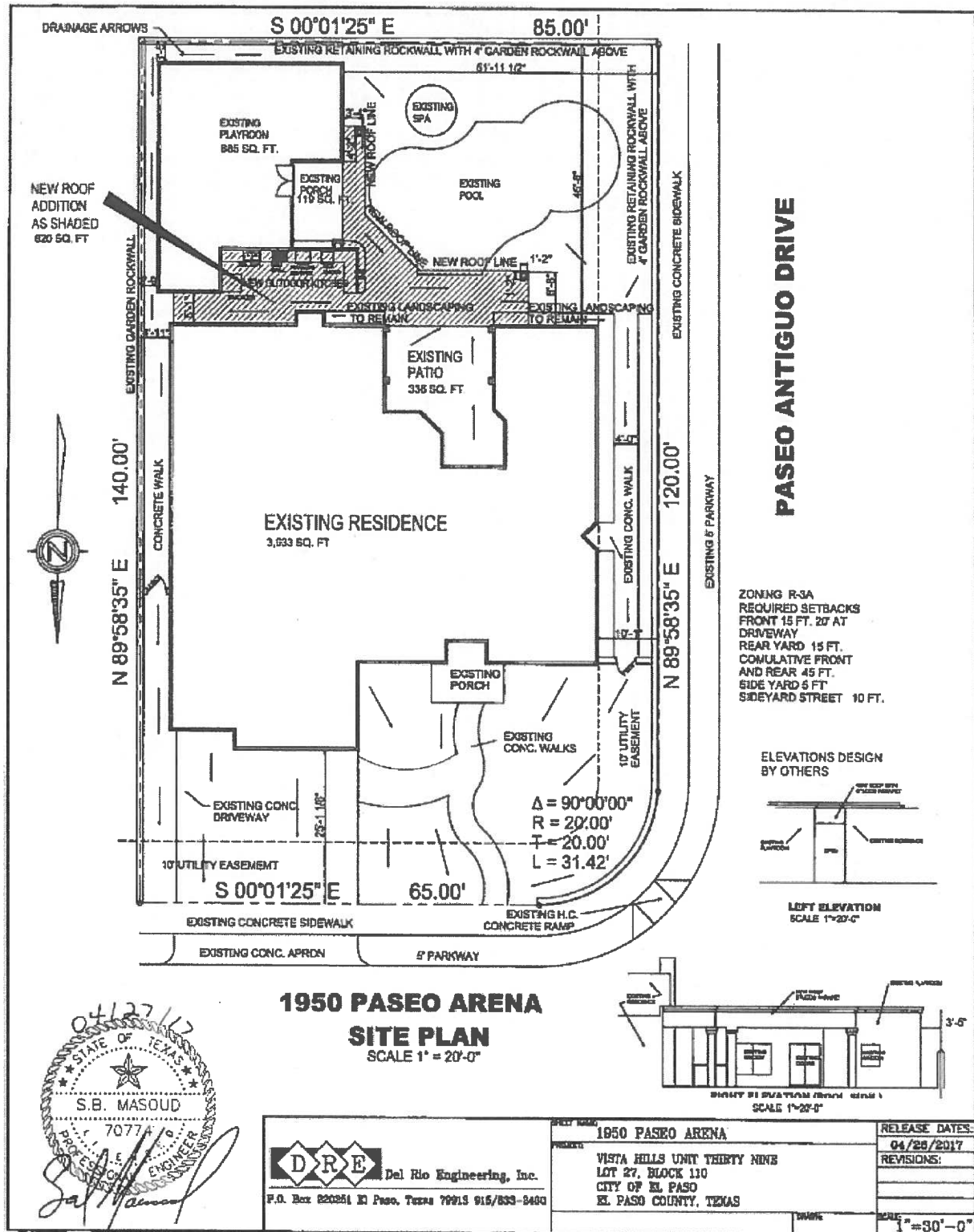
ATTACHMENT 2: AERIAL MAP



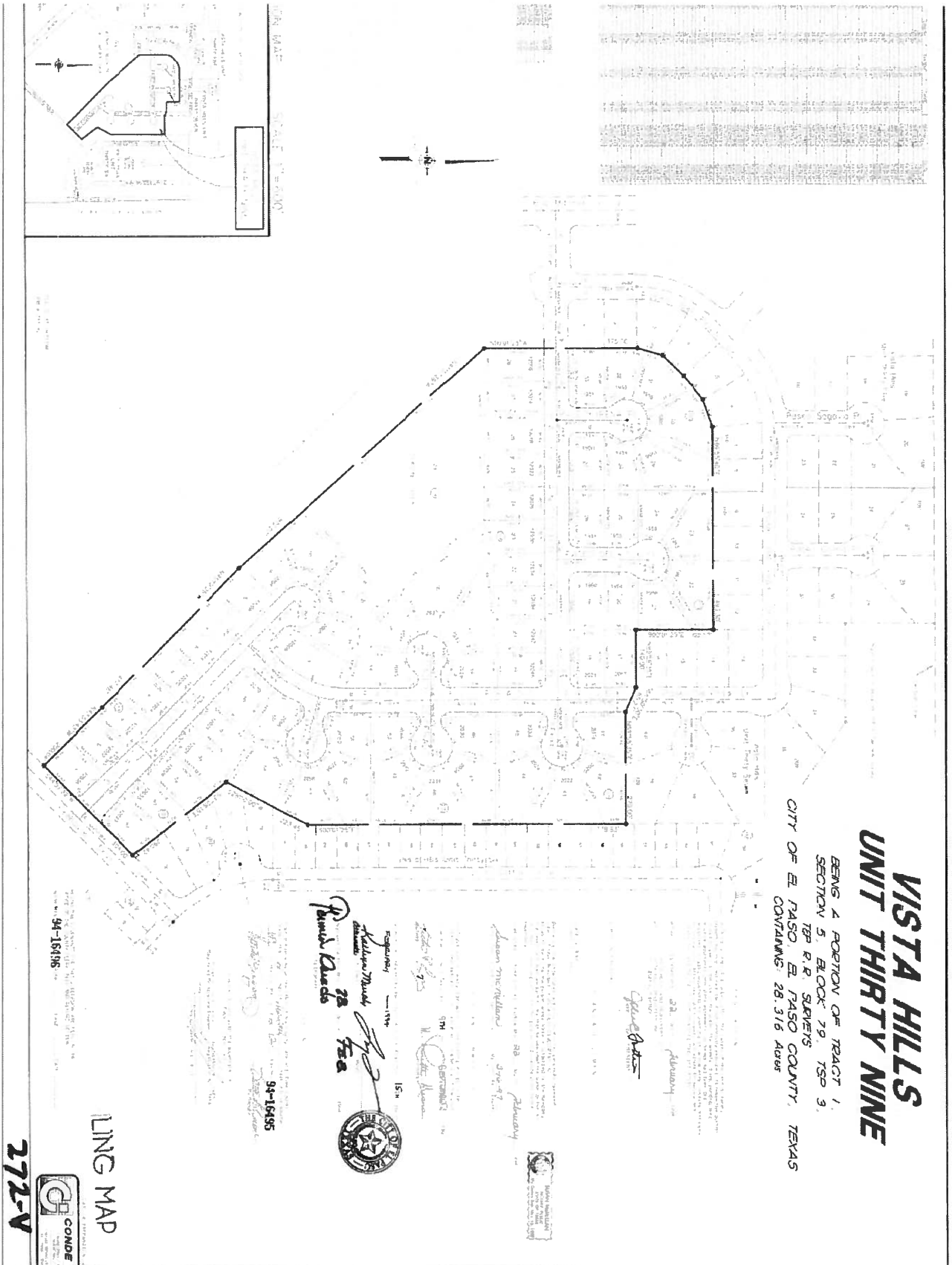
ATTACHMENT 3: FUTURE LAND USE MAP



ATTACHMENT 4: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 5: SUBDIVISION PLAT





Recommendation/Public Input

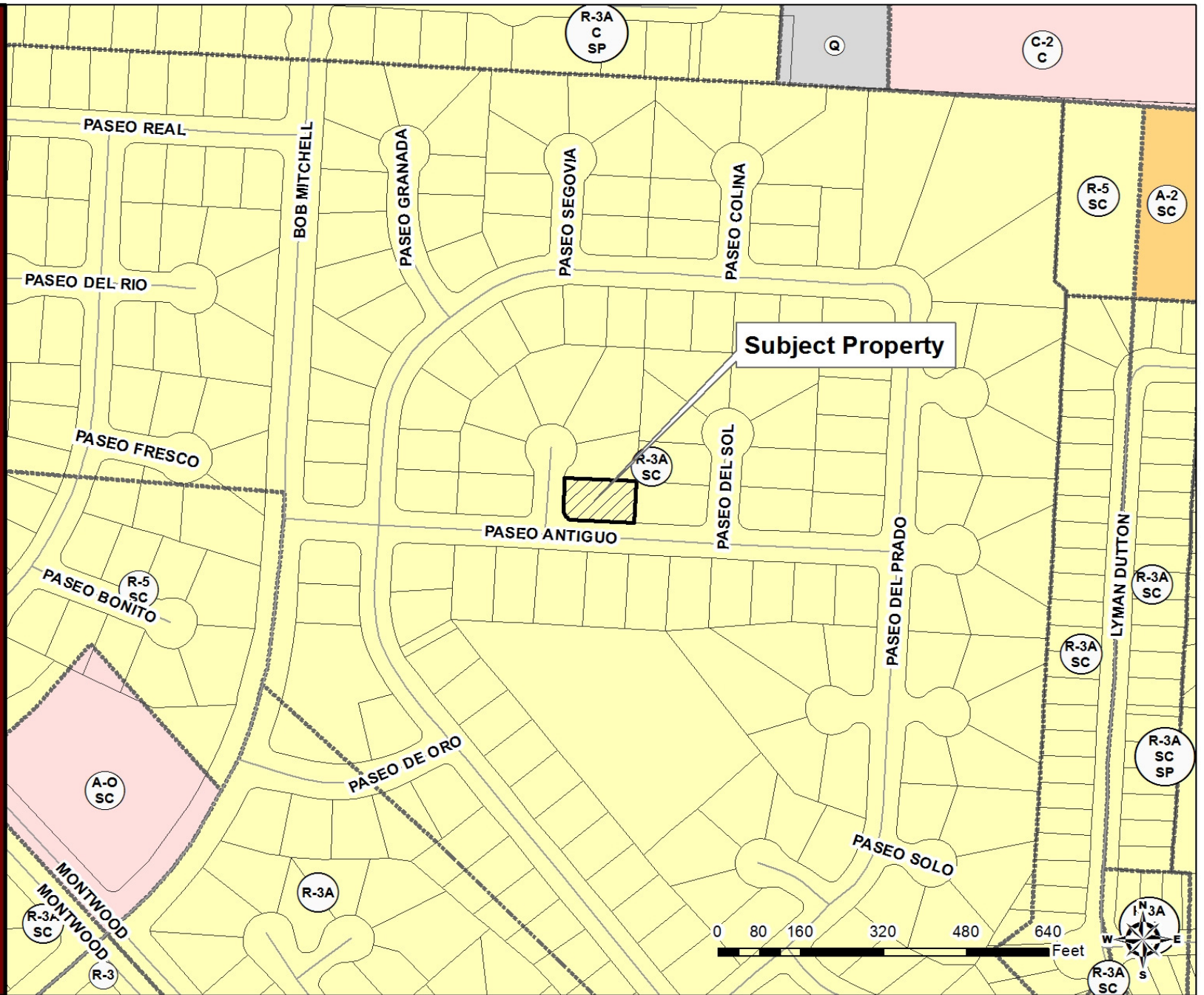
- **Planning Division recommendation:** Approval
- **CPC Vote:** Approval Recommendation (6-0)
- **Public Input:** The Planning Division has not received any phone calls or letters in support or opposition to the special permit request.

Strategic Goal #3 Promote the Visual Image of El Paso

3.1 Provide business friendly permitting and inspection processes

3.2 Improve the visual impression of the community

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PZST17-00011

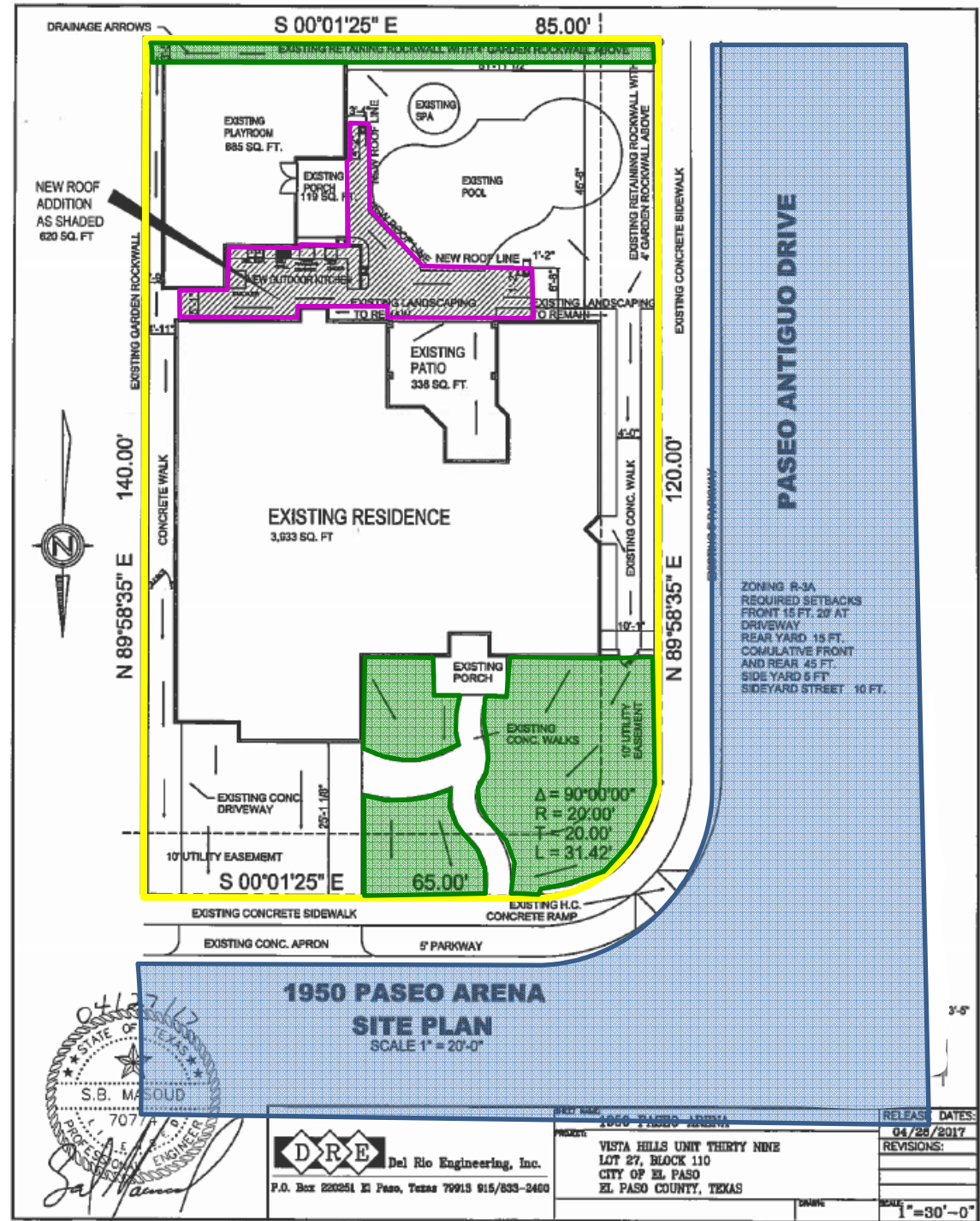
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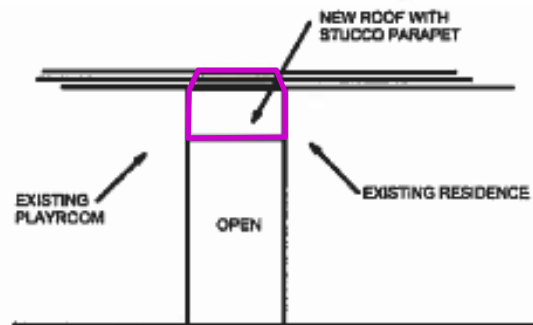


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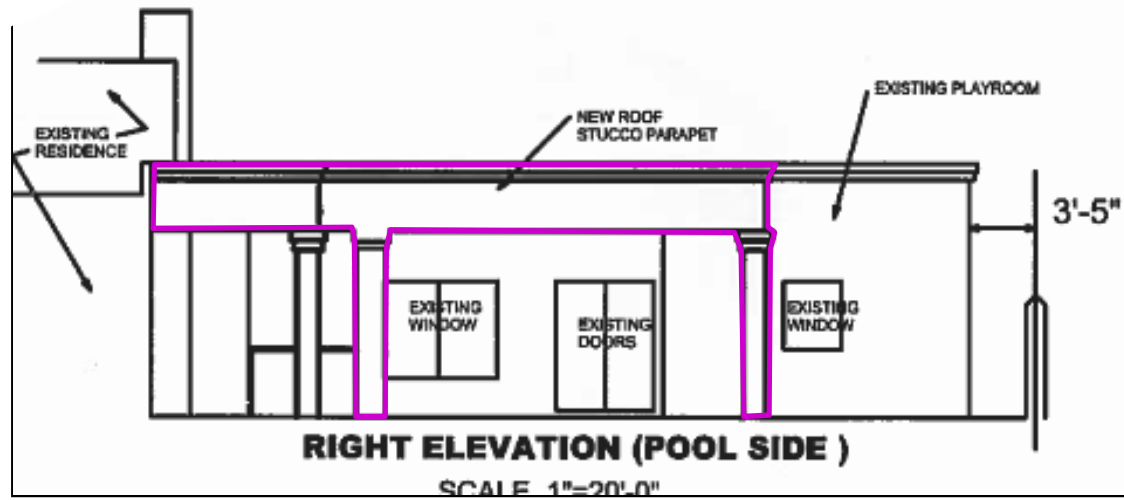
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ELEVATIONS DESIGN
BY OTHERS



LEFT ELEVATION
SCALE 1"=20'-0"



RIGHT ELEVATION (POOL SIDE)
SCALE 1"=20'-0"



6



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Paseo Antiquo





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