

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: July 12, 2016
Public Hearing: August 9, 2016

CONTACT PERSON/PHONE: Larry Nichols, (915) 212-1550, NicholsLF@elpasotexas.gov
Adriana Martinez, (915) 212-1611, MartinezAD@elpasotexas.gov

DISTRICT(S) AFFECTED: 2

SUBJECT:

An Ordinance changing the zoning of the property describes as Lot 23 and the West ½ of Lot 22 and the East 6.5 feet of Lot 24, Block 92, of East El Paso Addition, 3320 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 providing a Detailed Site Development Plan Pursuant to Section 20.04.150 and 20.10.360 of the El Paso City Code, and approving a set-back reduction, and waiving the one acre requirement. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code to allow for an office building. Subject Property: 2230 Montana Ave. Owner: Westmount Assets Inc. PZRZ16-00008 (District 2)

BACKGROUND / DISCUSSION:

On May 19, 2016 The City Plan Commission recommended Approval on an 8-0 vote.

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) – Recommended Approval 8-0.

*****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 CHANGING THE ZONING OF THE PROPERTY DESCRIBED AS LOT 23 AND THE WEST ½ OF LOT 22 AND THE EAST 6.5 FEET OF LOT 24, BLOCK 92, OF EAST EL PASO ADDITION, 3320 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, AND APPROVING A SET-BACK REDUCTION, AND WAIVING THE ONE ACRE REQUIREMENT. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Westmount Assets 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 set-back reduction to accommodate a 1,959.90 sq. ft. office building, 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 *Lot 23 and the West ½ of Lot 22 and the East 6.5 feet of Lot 24, Block 92, of East El Paso Addition, 3320 Montana Avenue, City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A"*, 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.

2. 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 allow for a set-back reduction to accommodate a 1,959.90 sq. ft. office building as permitted under the **S-D (Special Development)** district regulations of 20.04.150 and 20.10.360.

ORDINANCE NO. _____

PZRZ16-00008

16-1007-1754 / 551276

3320 Montana

OAR

3. 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 "B" and incorporated herein by reference for all purposes.
4. 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.
5. 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.
6. 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 "B" within four (4) years from the date hereof.
7. The one acre minimum district area for **S-D (Special Development)** is waived.
8. The penalties for violating the standards imposed through this ordinance are found in Section 20.24 of the El Paso City Code.

ADOPTED this _____ day of _____, 2016.

THE CITY OF EL PASO

ATTEST:

Oscar Leaser
Mayor

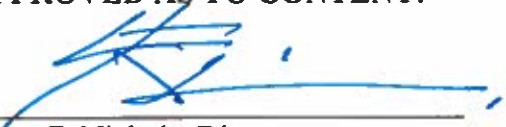
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Omar A. De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:



Larry F. Nichols, Director
Planning & Inspections Department

ORDINANCE NO. _____
16-1007-1754 / 551276
3320 Montana
OAR

PZRZ16-00008

AGREEMENT

By execution hereof, Westmount Assets 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 29TH day of JUNE, 2016

OWNER: Westmount Assets Inc.

By: [Signature]

Keyvan Paria

(Print name & Title)

ACKNOWLEDGEMENT

THE STATE OF TEXAS)

)

COUNTY OF EL PASO)

This instrument is acknowledged before me on this 29TH day of JUNE, 2016, by KEYVAN PARIA in his legal capacity on behalf of Westmount Assets Inc.

My Commission Expires:

APRIL 17 2018

[Signature]
Notary Public, State of Texas



ORDINANCE NO. _____

16-1007-1754 / 551276

3320 Montana

OAR

PZRZ16-00008

Calderon Engineering

3031 Trawood Drive
El Paso, Texas 79936

(915) 855-7552

Fax: 855-8350

CalderonEngineering@elpbizclass.com

April 7, 2016

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being Lot 23 and the West 1/2 of Lot 22 and the East 6.5 feet of Lot 24, Block 92, East El Paso Addition, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a found chiseled cross marking the Northwest corner of Lot 22, the Northeast corner of Lot 23 and on the South right-of-way line of Montana Avenue, Block 92, East El Paso Addition;

Thence North 90°00'00" East along the South right-of-way line of Montana Avenue, a distance of 12.5 feet to a found chiseled cross;

Thence South 00°00'00" East a distance of 140.0 feet to a found iron pin;

Thence South 90°00'00" West a distance of 44.0 feet to a found iron pin;

Thence North 00°00'00" West, a distance of 140.00 feet to a found chiseled cross;

Thence North 90°00'00" East, along the South right-of-way line of Montana Avenue, a distance of 31.50 feet to the "Point of Beginning", and containing in all 6,160.00 square feet or 0.141 acres of land more or less. A plat of survey dated April 7, 2016 is a part of this description and is attached hereto.



Manuel Calderon

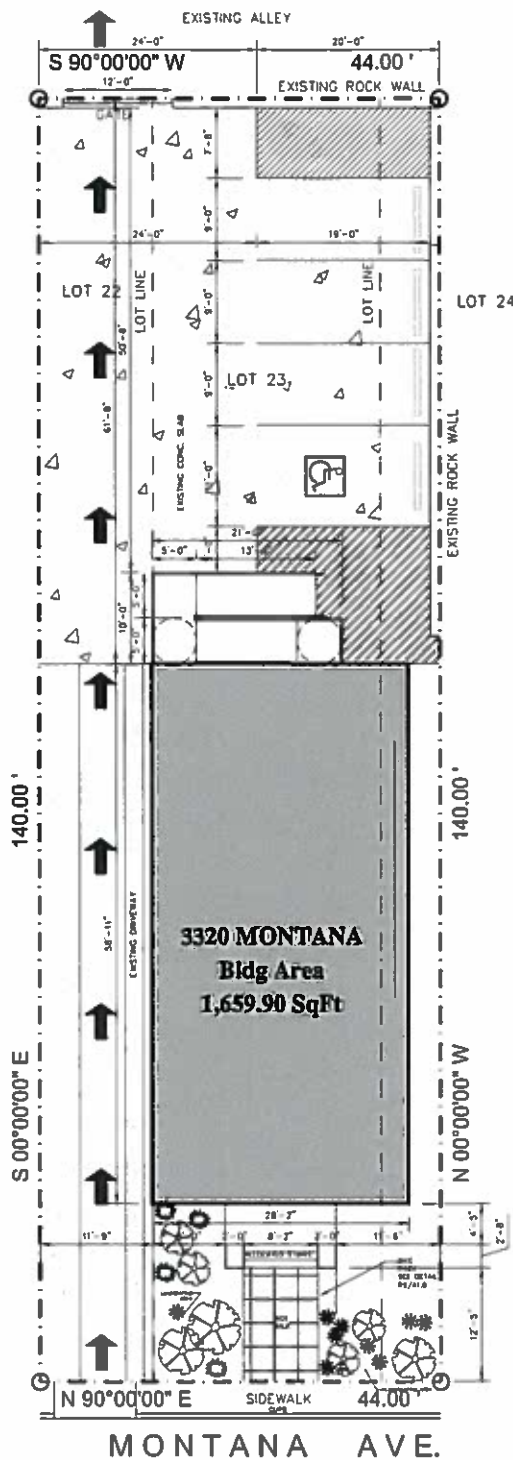
Registered Professional Engineer No. 42333

Registered Professional Land Surveyor No. 2564

Texas Registered Engineering Firm No. F-3788

Texas Licensed Surveying Firm No. 100200-00

EXHIBIT B



PROJECT DATA

APPLICABLE CODES

INTERNATIONAL BUILDING CODE

ZONING

P-3

BUILDING SETBACKS WILL BE DETERMINED WHEN ZONING CHANGES

OCCUPANCY

MAX OCCUPANCY = 12 PEOPLE

CONSTRUCTION

BUSINESS

TYPE III B, NOT SPRINKLED

AREAS

LOT AREA=6,160.50 SQ. FT. (14 ACRES)

BUILDING AREA=1,659.9 SQ. FT.

FIRE PROTECTION

NOT SPRINKLED

LEGAL DESCRIPTION

92 EAST EL PASO 23 & W 1/2 OF 22 & E 6.5 FT OF 24 (6160 SQ. FT.)

LEGAL ADDRESS

3320 MONTANA
EL PASO, TEXAS 79903

PARKING REQUIRED

OFFICE/BUSINESS : 1,657.9 SQ. FT./480 GFA=3.45(4)

4 PARKING SPACES REQUIRED

4 PARKING SPACES PROVIDED + OFF STREET PARKING

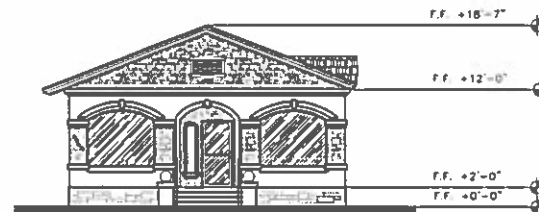
ONE OF WHICH IS H.C. ACCESSIBLE

EXISTING LANDSCAPING

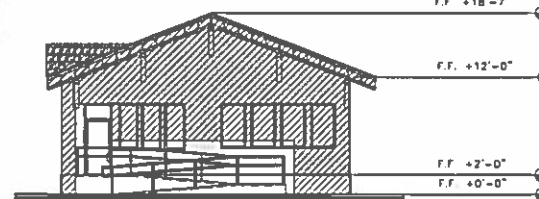
FRONT YARD 426 SQ. FT.

S-D SETBACKS & DENSITY SIZE

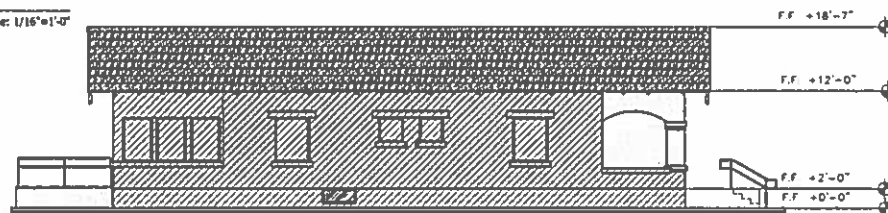
| YARD | REQUIRE | PROPOSED |
|----------------|---------|----------|
| FRONT | 20'-0" | 18'-5" |
| REAR | 10'-0" | 10'-0" |
| SIDE | 5'-0" | 3'-6" |
| SIDE ST | 10'-0" | 10'-0" |
| CUMULATIVE F/R | 45'-0" | 45'-0" |



FRONT ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION

1 SITE PLAN

Scale: 1/16"=1'-0"

DESIGN & DRAFTING
CARLOS A. VILLANUEVA

810 TEXAS
EL PASO TEXAS 79901

109 ARGONAUT DR.
EL PASO TEXAS 79901

915 630-4682 / 915 777-3058

PROJECT: BUSINESS OFFICE

SHEET TITLE: SITE PLAN

PROJECT No. 072215

SCALE: 1"=0"=20'

DATE: 5 03 2016

NOTES: XXXXXX

MEMORANDUM

DATE: June 29, 2016
TO: The Honorable Mayor and City Council
Tommy Gonzalez, City Manager
FROM: Adriana Martinez, Planner
SUBJECT: PZRZ16-00008

The City Plan Commission (CPC), on May 19th voted 8-0 to recommend **Approval** of rezoning the subject property from R-5 (Residential) to S-D (Special Development), Pursuant to Section 20.04.360, and providing a Detailed Site Development Plan Pursuant to Section 20.04.150 and 20.10.360 of the El Paso City Code, and approving a set-back reduction, and waiving the one acre requirement. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code to allow for an office building.

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 department did not receive any calls in opposition or in support of the proposed development.

Property Owner: Westmount Assets Inc.
Applicant: Keyvan Parsa
Representative: Randy Lucero

Attachments:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZRZ16-00008
Application Type: Rezoning and Detail Site Development Plan
CPC Hearing Date: May 19, 2016
Staff Planner: Adriana Martinez, 915-212-1611, MartinezAD@elpasotexas.gov
Location: 3320 Montana Ave.
Legal Description: Lot 23 and the West ½ of Lot 22 and the East 6.5 feet of Lot 24, Block 92, of East El Paso Addition, City of El Paso, El Paso County, Texas
Acreage: 0.141 acres
Rep District: 2
Existing Zoning: R-5 (Residential)
Existing Use: Vacant
C/SC/SP/ZBA/LNC: N/A
Request: From R-5 (Residential) to S-D (Special Development)
Proposed Use: Commercial / Office
Property Owner: Westmount Assets Inc.
Applicant: Keyvan Parsa
Representative: Randy Lucero

SURROUNDING ZONING AND LAND USE

North: S-D/sc (Special Development) / Single-family dwellings / Commercial; Business Office

South: R-5 (Residential) / Single-family dwellings

East: S-D (Special Development) / Single-family dwellings

West: R-5 (Residential) / Single-family dwellings

PLAN EL PASO DESIGNATION: G2, Traditional Neighborhood (Walkable)

NEAREST PARK: Mary Webb Park (1,088 ft.)

NEAREST SCHOOL: Alta Vista School (824 ft.)

NEIGHBORHOOD ASSOCIATIONS

Five Points Development Association

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 May 5, 2016.

APPLICATION DESCRIPTION

The property owner is requesting a rezoning from R-5 (Residential) to S-D (Special Development) and setback reduction to allow for an office building. The property proposes the conversion of the existing single family home for a 1,959.90 sq. ft. office building. Setbacks reductions are proposed for 19.5' to the front, from the required 20' and 3.6' on the side, from the required 10'. The rear yard setback of 10' requires no reduction. Three parking spaces are being provided to include ADA and bicycle parking. Four-hundred and twenty-eight sq. ft. of existing landscaping is to remain. Access is proposed off Montana Ave.

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 the surrounding residentially zoned properties and in compliance with the proposed G-2, Traditional Neighborhood (Walkable) use designation in the 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: 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 plan identified in this Comprehensive Plan.

The purpose of the S-D (Special Development) district is to provide 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. 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. Older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.

COMMENTS:

Planning and Inspections Department- Planning Division - Transportation

No objections to rezoning.

Note: All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

Planning and Inspections Department - City Development & Permitting- Landscape

No objections to rezoning.

Note: Due to proposed change of use from residential to commercial, building permits will be required to be submitted for the change of occupancy and the project will need to comply with all applicable provisions of the IBC, TAS and local municipal code.

Planning and Inspections Department - Land Development

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

1. Show proposed stormwater runoff direction arrows.
2. No objections to proposed rezoning.
3. 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.

Sun Metro

No objections to rezoning.

Fire Department

No objections to rezoning.

Police Department

No objections to rezoning.

Streets & Maintenance Department

The alley behind this address is paved; the applicants are permitted to access the alley as is.

TxDot

Not on state roadway:

Note: This portion of Montana is not under State Jurisdiction. (It's a City Street)

Texas Gas Service

No objections to proposed project limits.

Note:

1. Texas Gas Service requires that all street be public right-of-way and have dedicated utility easements.
2. It is the consultant and/or surveyors to illustrate the lines on the plans and to notify Texas Gas Service of the improvements will be in conflict with our existing facilities.
3. It is the contractor's responsibility to call for line spots before digging.
4. Mainline extensions, retirements, relocations or new service line requests would need to be directed to our Customer Service Department at elpasonewbusiness@txgas.com.
5. The actual cost and points of service will be determined upon review of the final site plan and required gas capacity.
6. The developer and/or customer will be responsible for any fees, cost of construction, permitting, etc. that will be incurred to extend and provide gas service.

El Paso Water Utilities

Stormwater Divison

Does not object to this request.

Water:

EPWU does not object to this request.

1. 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. EPWU records indicate one (1) 3/4" service meter (Active) on the property with 3320 Montana Avenue as the service address.
2. Previous water pressure from fire hydrant #1645 located approximately Luna Street and NE Montana Avenue, has yield a static pressure of 90 (psi), a residual pressure of 88 (psi), and a discharge of 531 gallons per minute.
3. 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:

1. 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.

2. 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 Utilities-Public Service Board rules and regulations.

General:

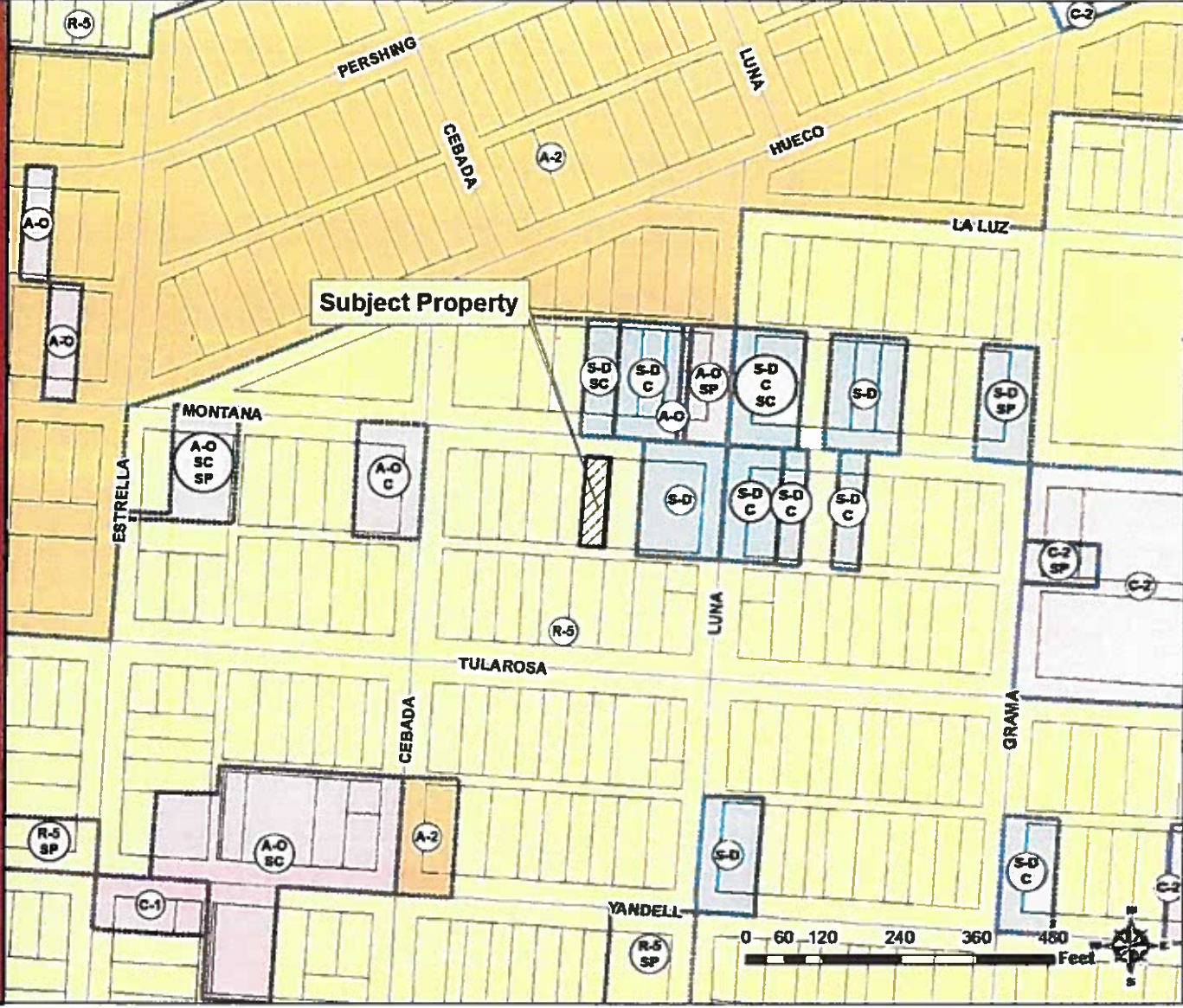
1. EPWU requires a new service application to provide additional services to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage 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 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:

- Attachment 1: Zoning Map
- Attachment 2: Aerial Map
- Attachment 3: Detail Site Development Plan
- Attachment 4: Elevations

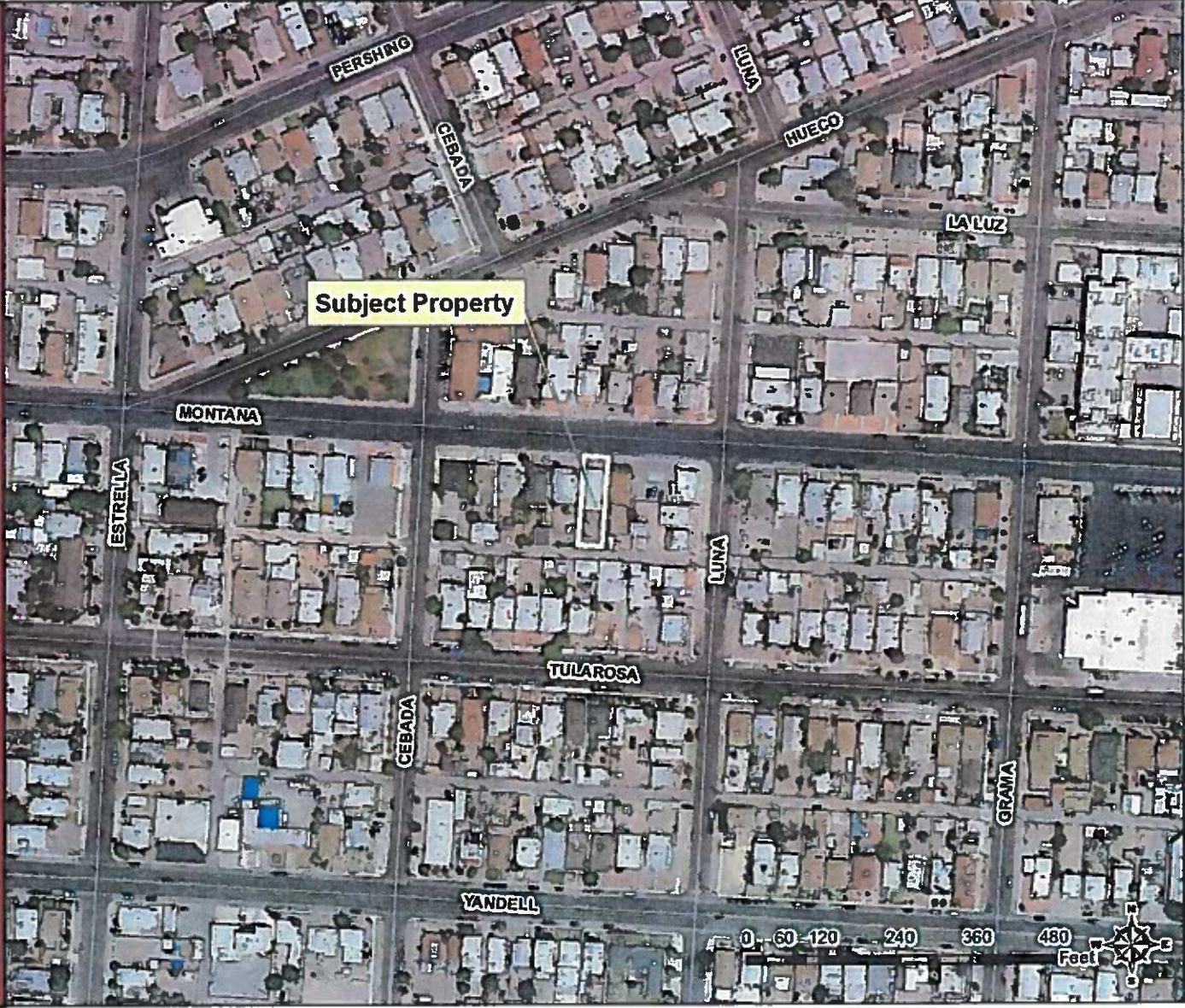
ATTACHMENT 1: ZONING MAP

PZRZ16-000008



ATTACHMENT 2: AERIAL MAP

PZRZ16-000008



EXISTING ALLEY

S 90°00'00" W 44.00'

EXISTING ROCK WALL

LOT 23

LOT 24

EXISTING ROCK WALL

140.00'

3320 MONTANA
Bldg Area
1,659.90 Sq Ft

N 00°00'00" W

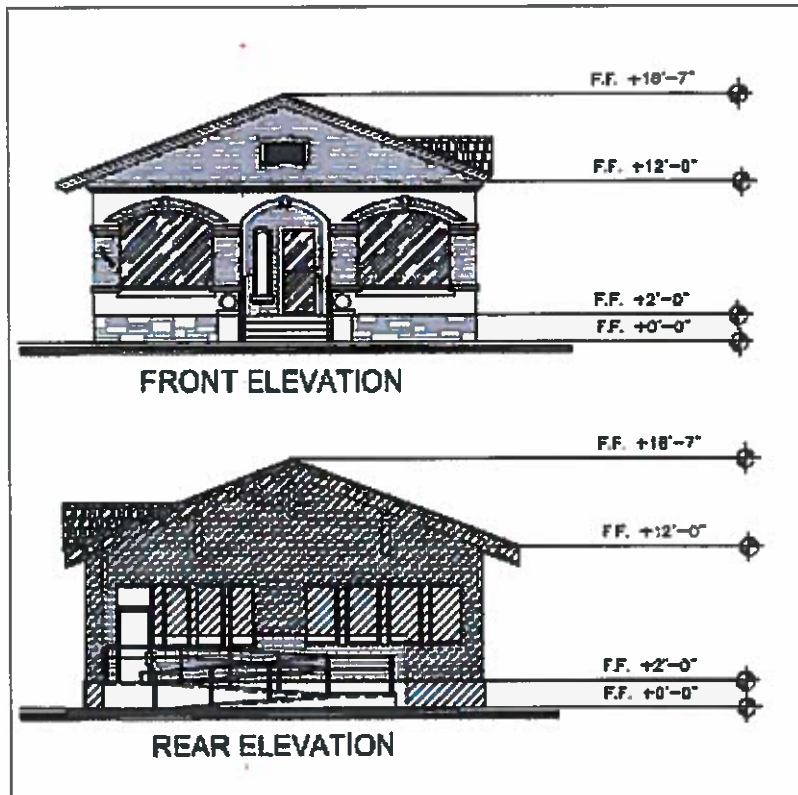
140.00'

S 00°00'00" E

MONTANA AVE.

CITY PLAN

ATTACHMENT 4: ELEVATIONS



| Elevations | | |
|------------|--|----------|
| R-5 | SD | Proposed |
| 35' | 45' or < or as approved by City Council (20.12.020 / Subpart D) | 18.7' |



Recommendation/Public Input

- Planning Division recommendation: Approval
- CPC Vote: 8-0

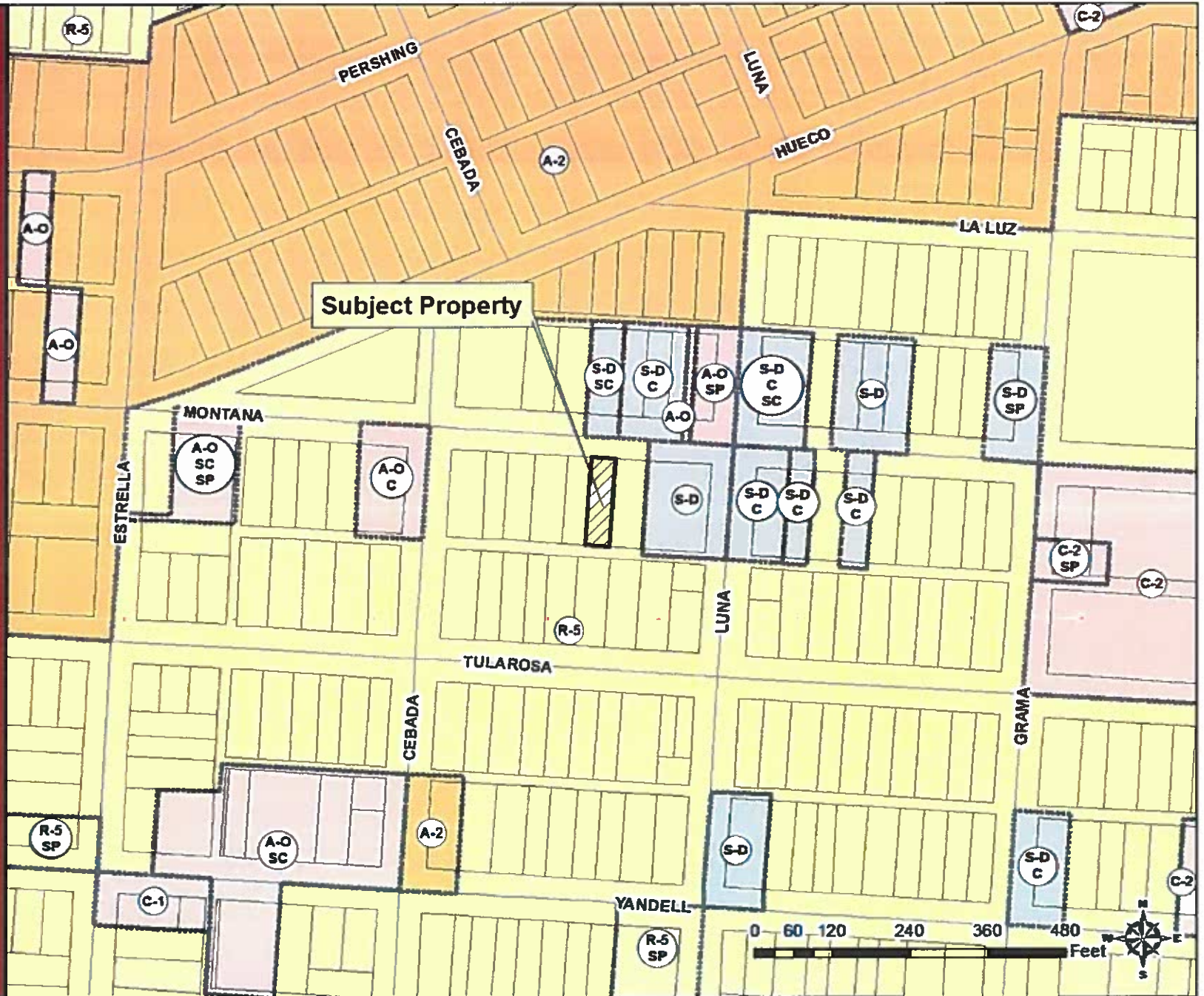
Public Input:

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

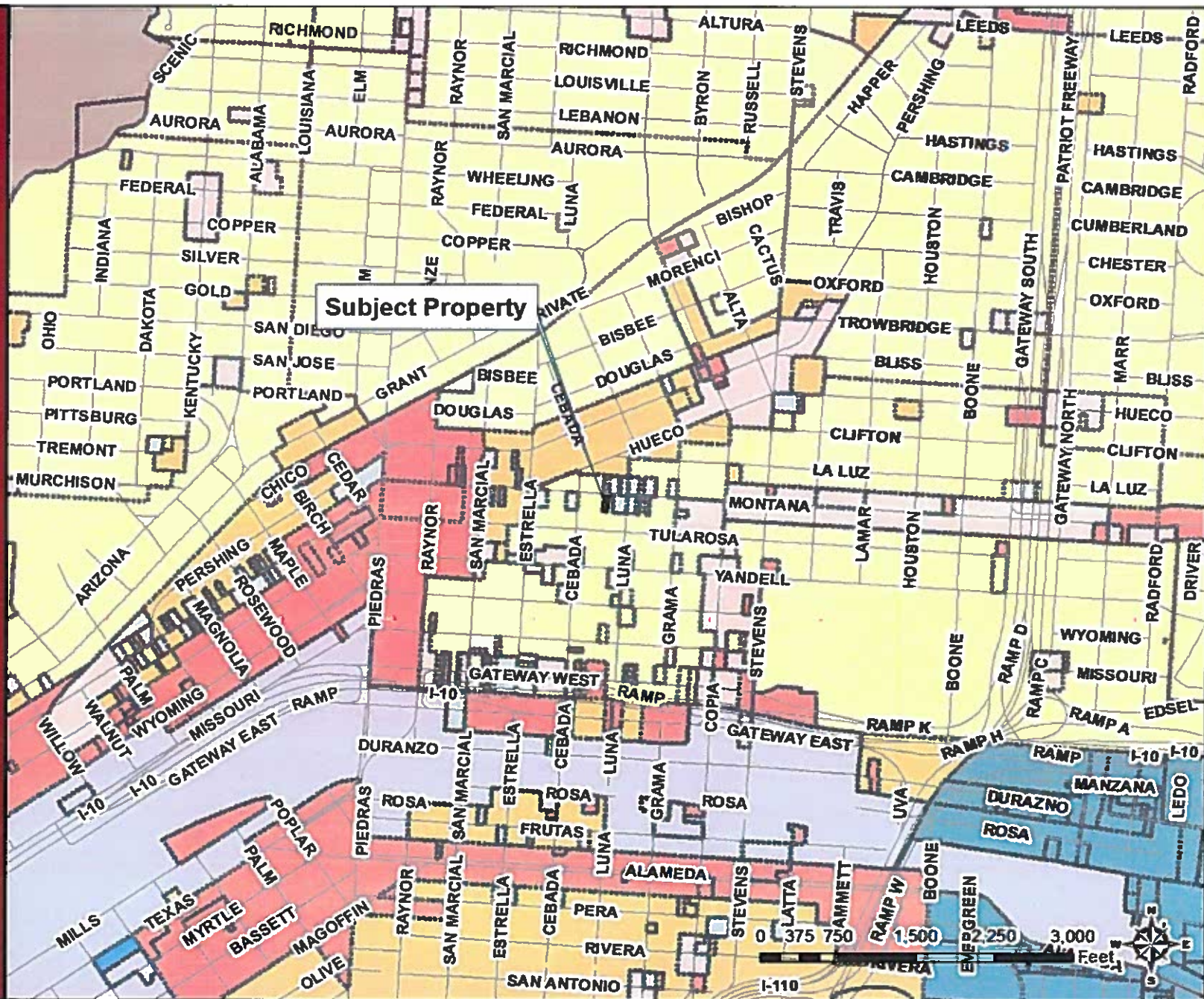
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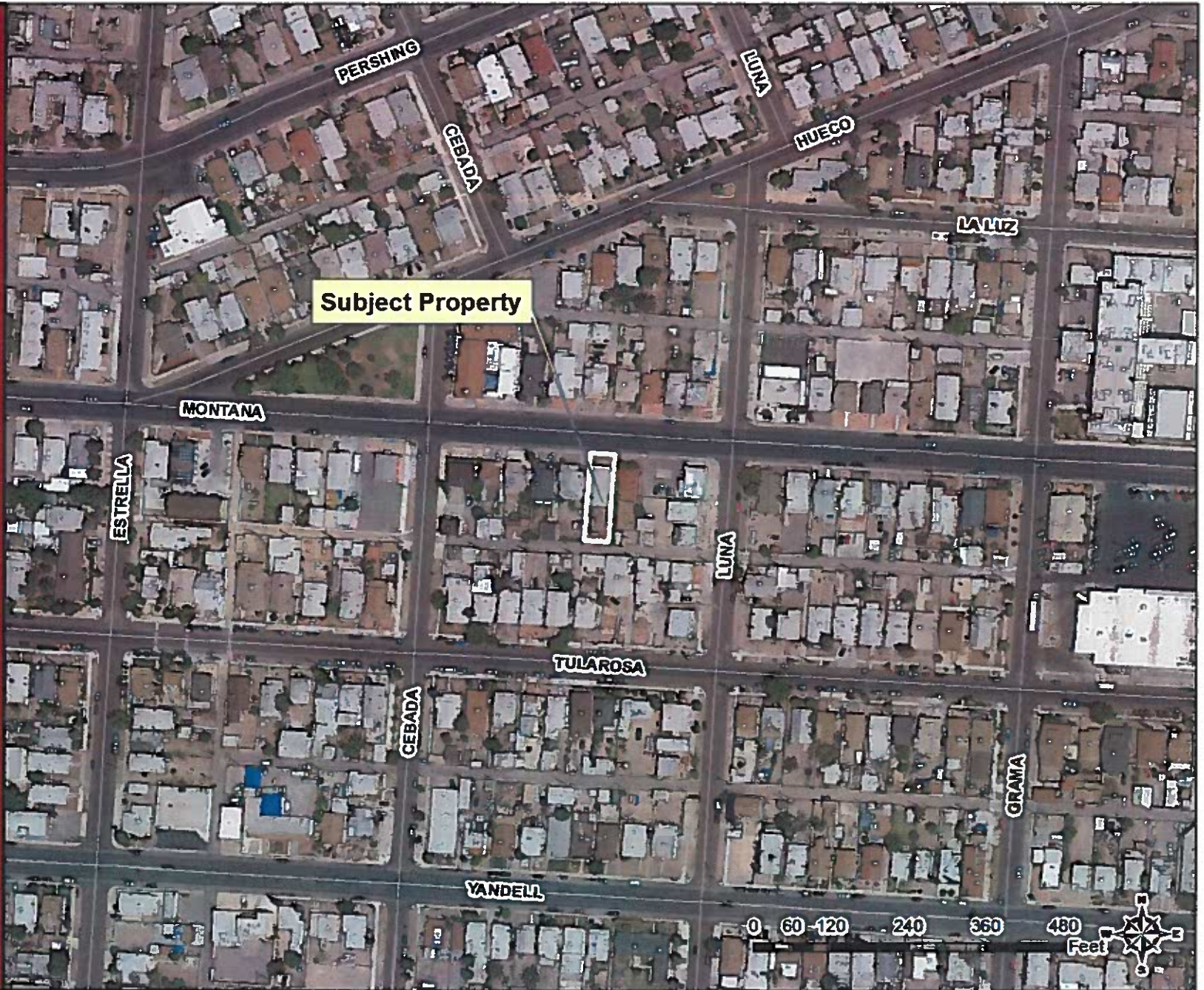
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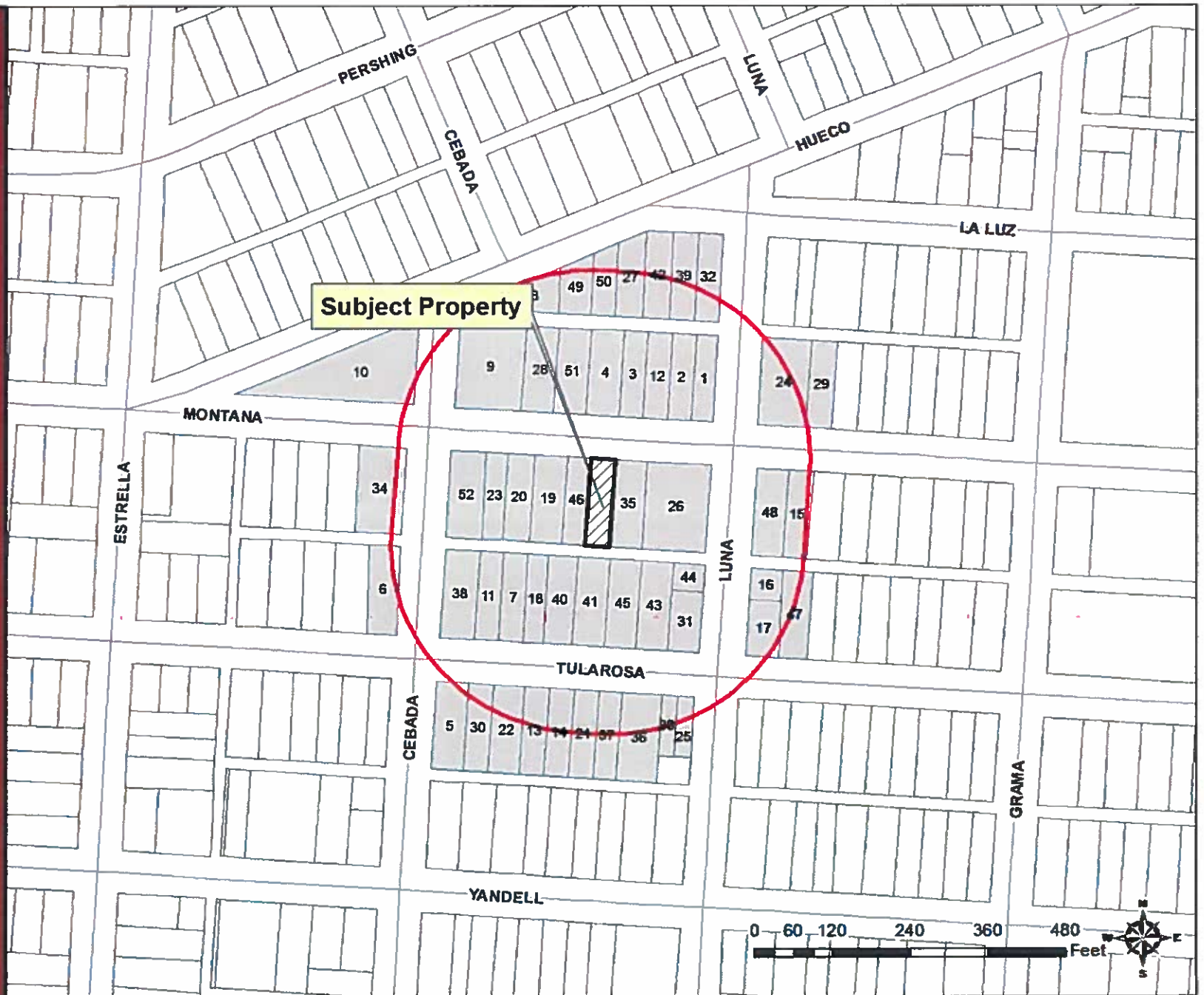
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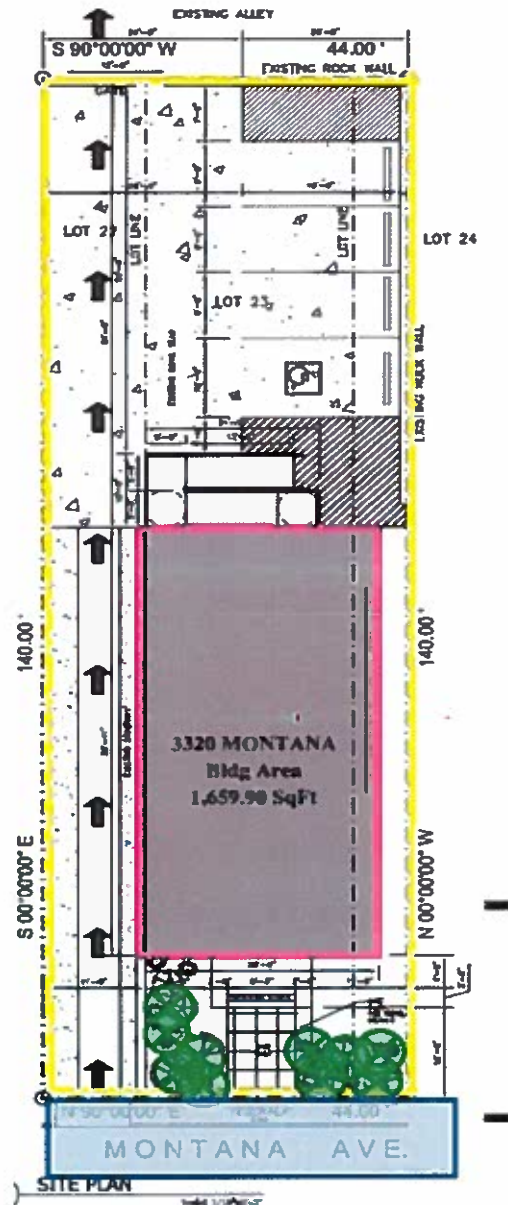
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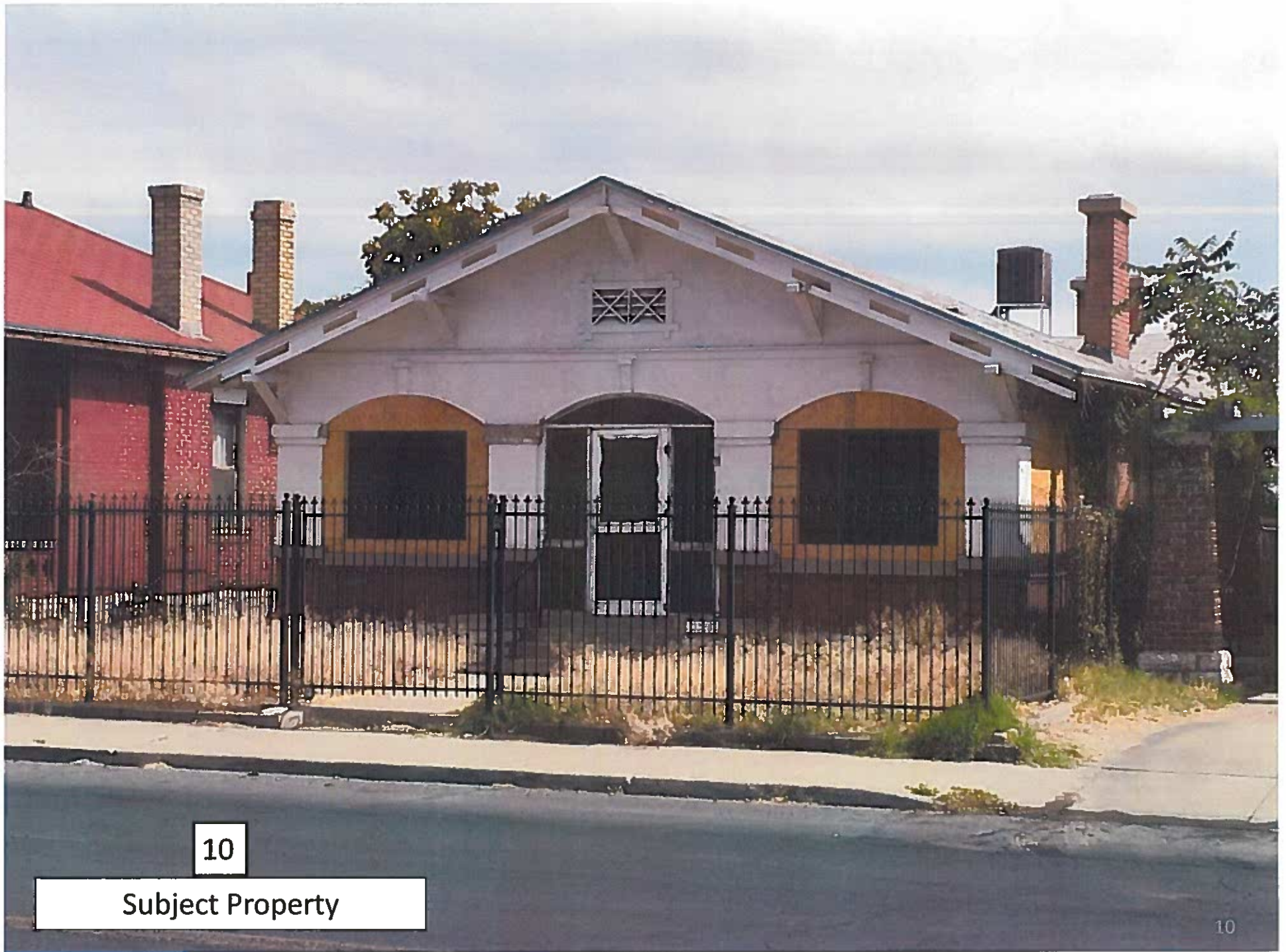


Detailed Site Development Plan



Setback Requirements (S-D)

| Front | | Side | |
|----------|----------|----------|----------|
| Required | Provided | Required | Provided |
| 20' | 19.5' | 10' | 3.6' |



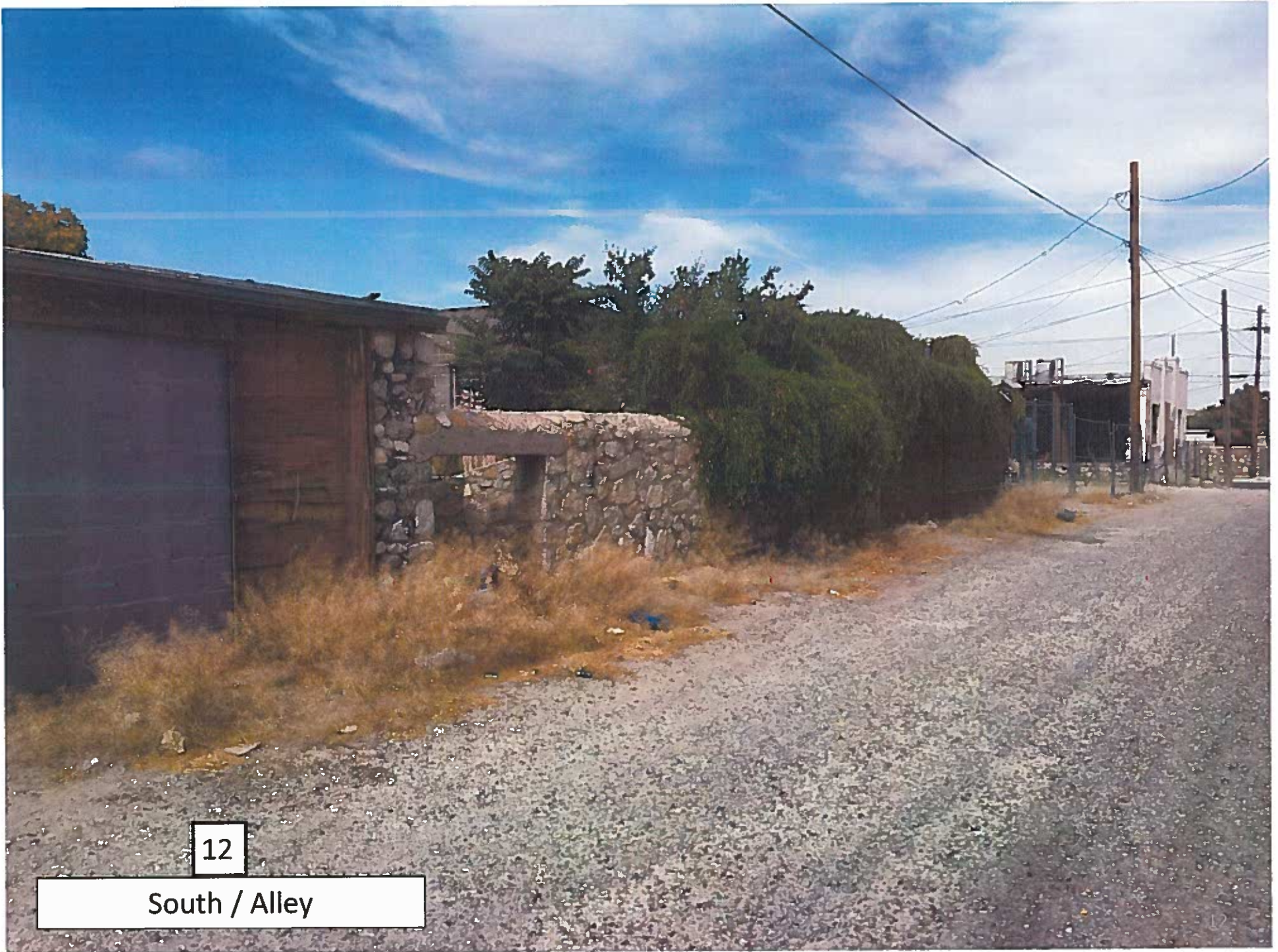
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Subject Property



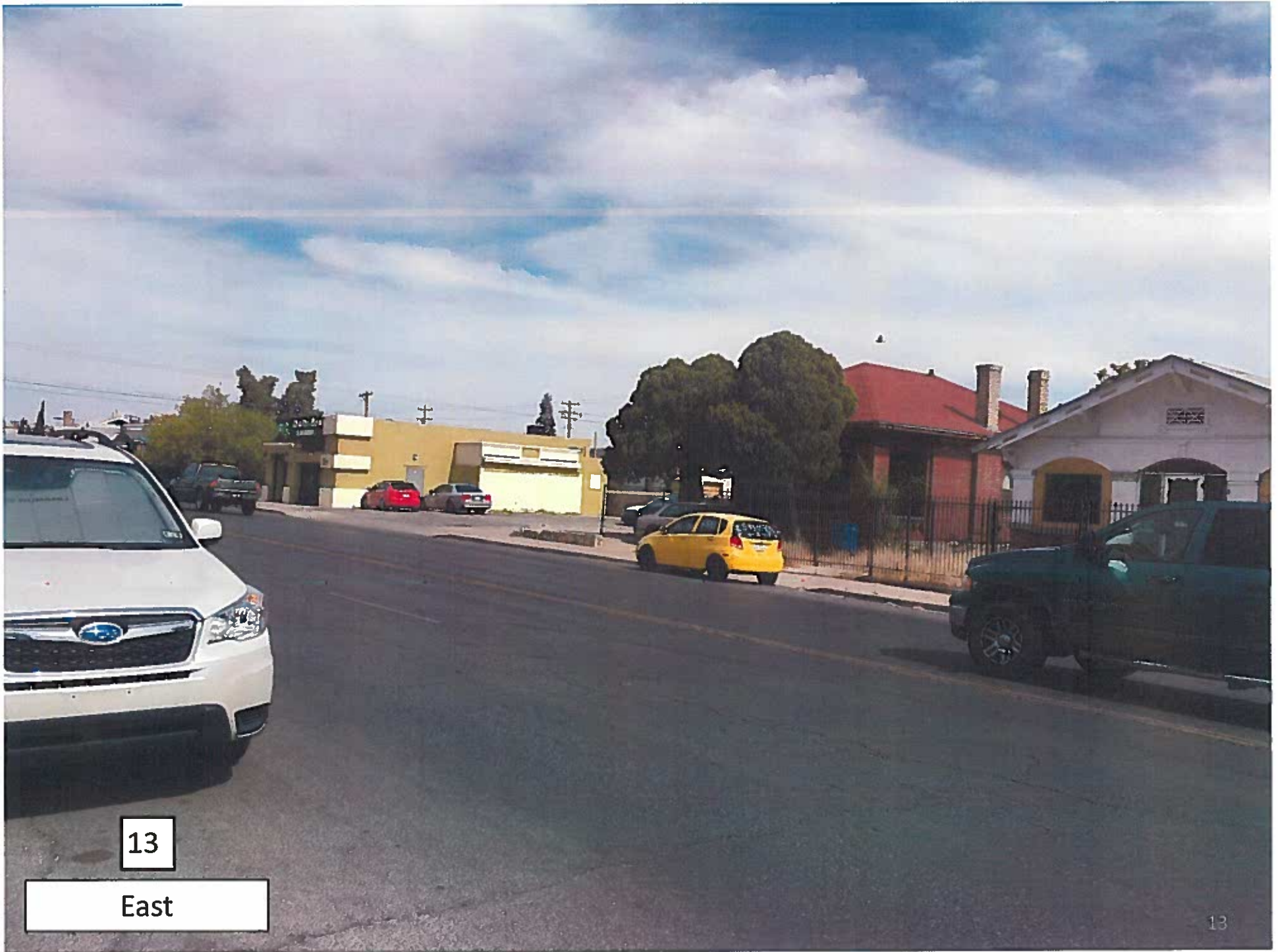
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North



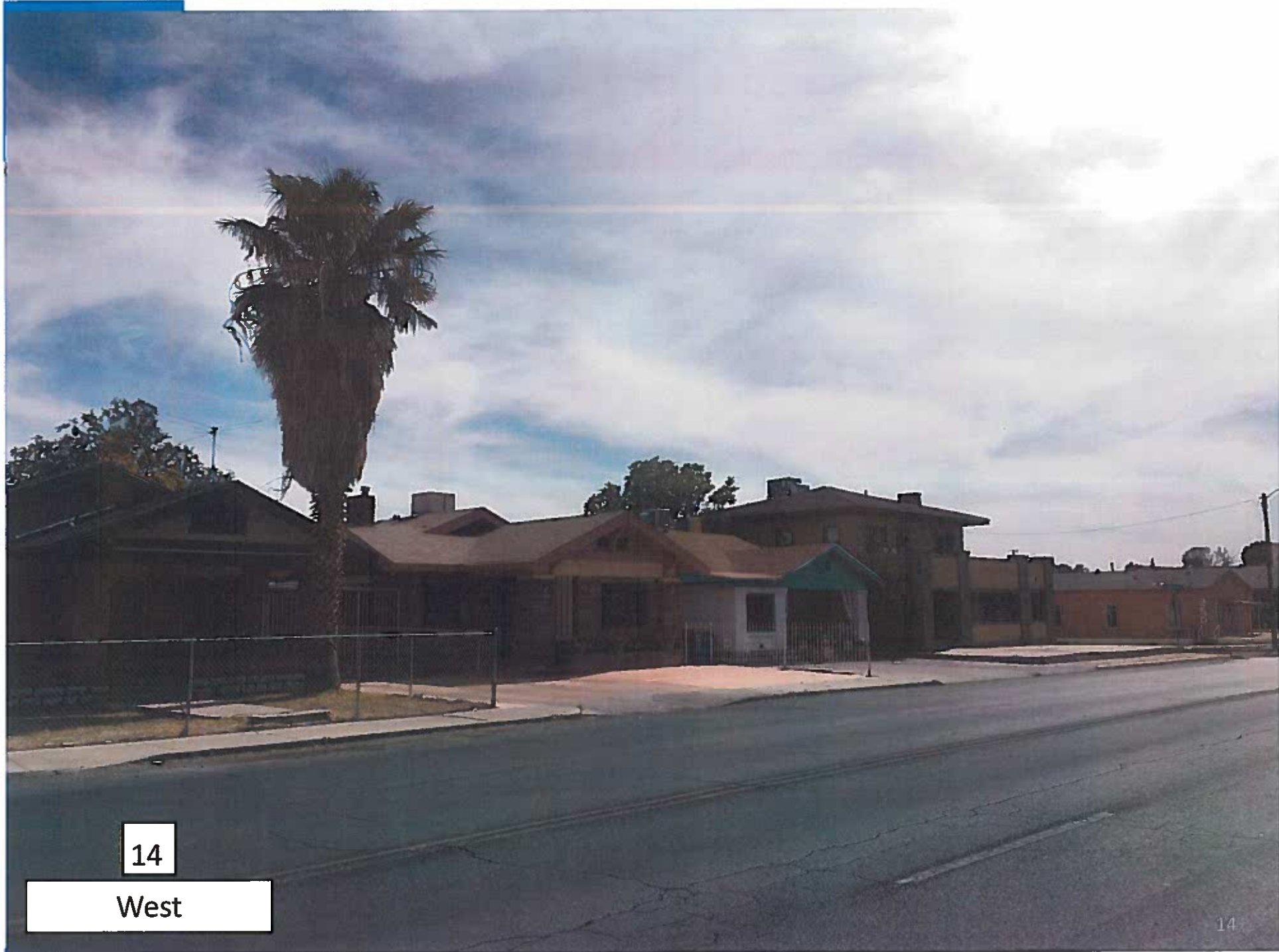
12

South / Alley



13

East



14

West

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15

