CITY OF EL PASO, TEXAS AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM CITY CLERK DEPT. 2018 AUG 14 PM2:3

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: August 21, 2018

Public Hearing: September 18, 2018

CONTACT PERSON/PHONE: Alex P. Hoffman, (915) 212-1566, HoffmanAP@elpasotexas.gov

Adriana Martinez, (915) 212-1611, MartinezAD@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance changing the zoning of the property described as Lot 1 and the West 15 feet of Lot 2, Block 81, Franklin Heights, 1400 Arizona Ave., 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 to Section 20.01.150 and 20.10.360 of the El Paso City Code to allow for a Triplex with a side and side street set-back reduction as permitted in the S-D (Special Development) zone district. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code. 1400 Arizona Ave. Owner: Mario A. Silva PZRZ18-00008 (District 8)

BACKGROUND / DISCUSSION:

On June 28, 2018. The City Plan Commission recommended Approval.

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 on a 5-0 vote.

LEGAL: (if required) N/A		FINANCE: (if required) N/A
DEPARTMENT HEAD:	Alex P. Hoffman Planning and Inspections Der	partment
APPROVED FOR AGENDA:	09/2/19/2	
CITY MANAGER:		DATE:

ORDINANCE	NO.	

AN ORDINANCE CHANGING THE ZONING OF THE PROPERTY DESCRIBED AS LOT 1 AND THE WEST 15 FEET OF LOT 2, BLOCK 81, FRANKLIN HEIGHTS, 1400 ARIZONA AVE., CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO S-D (SPECIAL DEVELOPMENT), PURSUANT TO SECTION 20.04.360, AND APPROVING A DETAILED SITE DEVELOPMENT PLAN PURSUANT TO SECTION 20.04.150 AND 20.10.360 OF THE EL PASO CITY CODE TO ALLOW FOR TRIPLEX WITH A SIDE AND SIDE STREET SET-BACK REDUCTION AS PERMITTED IN THE S-D (SPECIAL DEVELOPMENT) ZONE DISTRICT. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Mario A. Silva, (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 Triplex with a side and side street set-back reduction, 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,

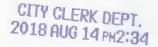
WHEREAS, the rezoning and detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval; and,

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 1 and the West 15 feet of Lot 2, Block 81, Franklin Heights, 1400 Arizona Ave., 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 tripelx with a side and side street set-back reduction as permitted under the S-D (Special Development) district regulations of 20.04.150 and 20.10.360.

ORDINANCE NO.



- 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 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	, 2018.
	THE CITY OF EL PASO
ATTEST:	Dee Margo Mayor
Laura D. Prine City Clerk	
APPROVED AS TO FORM:	APPROVED AS TO CONTENT:
Russell T. Abeln	Alex P. Hoffman
Assistant City Attorney	Planning & Inspections Department

AGREEMENT

By execution hereof, Mario A. Silva ("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 oq day of August, 2018r

OWNER: Mario A. Silva

By: MACIO SILVA
OWNEL (PROPERTY)

(Print name & Title)

ACKNOWLEDGEMENT

THE STATE OF TEXAS)

COUNTY OF EL PASO)

My Commission Expires:

in 31,2022

Notary Public, State of Texas



KLARISSA MIJARES
NOTARY PUBLIC
NOTARY ID# 13143163-6
in and for the State of Texas
My commission expires
JANUARY 31, 2022

(Exhibits A & B on the following pages)

ORDINANCE NO.

PZRZ18-00008

18-1007-2238 | 806692 1400 Arizona Ave. RTA

Calderon Engineering

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

February 21, 2018

METES & BOUNDS DESCRIPTION

Description of a parcel of land being Lot 1 and the West 15 feet of Lot 2, Block 81, First Supplemental Map of Franklin Heights Addition, City of El Paso, El Paso County, Texas, As filed and recorded in Book 9, Page 62 Deed Records of El Paso County, Texas and being more particularly described by metes and bounds as:follows;

Beginning at a found chiseled cross marking the intersection of the East right-of-way line of Newman Street and the South right-of-way line of Arizona Avenue, in Block 81, First Supplemental Map of Franklin Heights Addition, City of El Paso, El Paso County, Texas;

Thence North 52°25'00" East, along the South right-of-way line of Arizona Avenue a distance of 40.00 feet to a found chiseled cross;

Thence South 37°35'00" East, a distance of 120.00 feet to a set chiseled cross;

Thence South 52°25'00" West, along the South boundary of Lots 1 and 2, a distance of 40.00 feet to a set chiseled cross;

Thence North 37°35'00" West, along the East right-of-way line of Newman Street a distance of 120.00 feet to the "Point of Beginning" and containing in all 4,800.00 square feet or 0.110 acres of land more or less. A plat of survey dated February 21, 2018 is a part of this description and is attached hereto.

WANUEL CALDERON

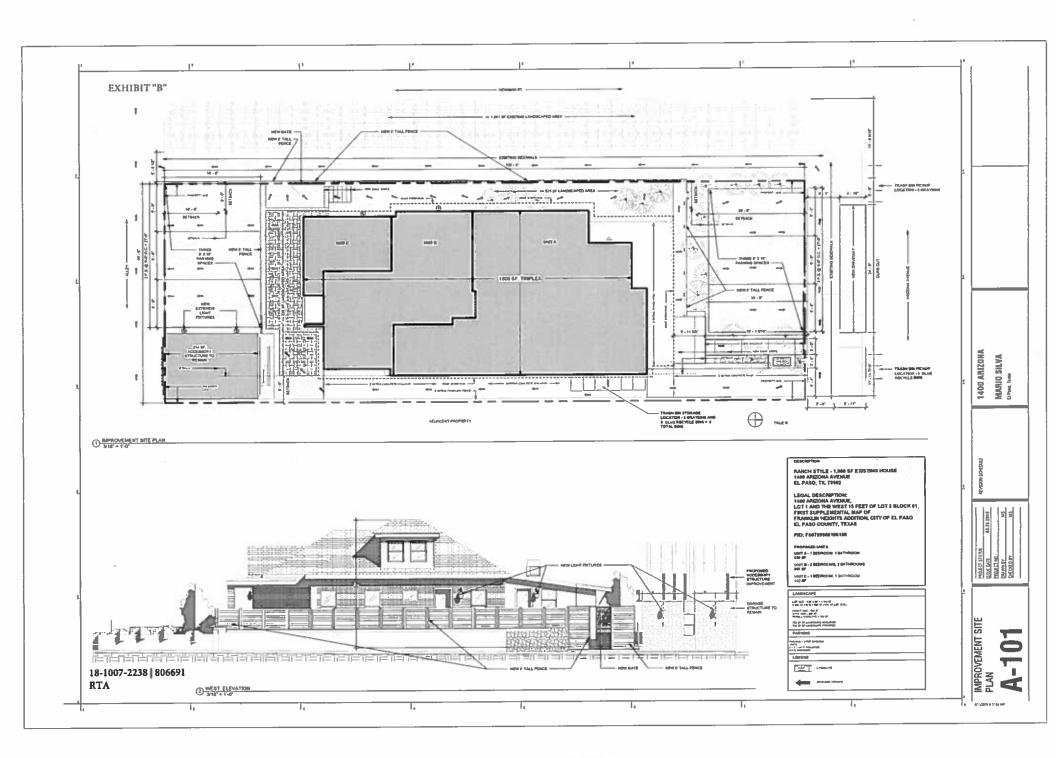
2584
SURVE

BL-C6 1400 Arizona Manuel Calderon

Calderon Engineering

ml alm

Registered Professional Land Surveyor No. 2564
Texas Registered Engineering Firm No. F-3788
Texas Licensed Surveying Firm No. 100200-00



MEMORANDUM

DATE:

July 25, 2018

TO:

The Honorable Mayor and City Council

Tommy Gonzalez, City Manager

FROM:

Adriana Martinez, Planner

SUBJECT:

PZRZ18-00008

The City Plan Commission (CPC), on June 28, 2018 voted 5-0 to recommend Approval to the rezoning of the property described as Lot 1 and the West 15 feet of Lot 2, Block 81, Franklin Heights, 1400 Arizona Ave., City of El Paso, El Paso County, Texas from R-5 (Residential) to S-D (Special Development) & side and side street set-back reduction to allow for a triplex.

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 the rezoning will not have negative effects on the natural environment, social economic conditions, property values in the vicinity, and the city as a whole.

Planning received one email in opposition to the rezoning request; Notices sent to property owners within 300 feet on June 13, 2018.

Property Owner:

Mario A. Silva

Applicant:

Mario A. Silva

Representative:

Mario A. Silva

Attachments: Staff Report

1400 Arizona Ave.

City of El Paso — Plan Commission — 06/28/18

PZRZ18-00008 — Rezoning



STAFF CONTACT:

Adriana Martinez, 915-212-1611, Martinezad@elpasotexas.gov

OWNER:

Mario A. Silva

REPRESENTATIVE:

Mario A. Silva

LOCATION:

1400 Arizona Ave.

District: 8

LEGAL DESCRIPTION:

Lot 1 and the West 15 feet of Lot 2, Block 81, Franklin Heights,

City of El Paso, El Paso County, Texas

EXISTING ZONING:

R-5 (Residential)

REQUEST:

From R-5 (Residential) to S-D (Special Development) & side and

side street set-back reduction

RELATED

APPLICATIONS:

N/A

PUBLIC INPUT

Notices sent to property owners within 300 feet on June 13, 2018; Planning received one letter in opposition (attachment #7) to the

rezoning request.

RECOMMENDATION:

Approval (see pages 2—4 for basis for recommendation)

SUMMARY OF REQUEST: The property owner is requesting a rezoning from R-5 (Residential) to S-D (Special-Development) and a side and side street setback reduction to allow a triplex on the property located at 1400 Arizona Ave. The current use of the property is a single-family dwelling.

SUMMARY OF RECOMMENDATION: The Planning Division recommends APPROVAL of rezoning the property from R-5 (Residential) to S-D (Special-Development) & a side and side street setback reduction to allow a triplex. The Planning Division does NOT recommend approval of the detailed site plan. The proposed zoning district is consistent with other commercial districts in the immediate area along Arizona Ave. and meets the established character of its surrounding neighborhood. The proposed development reflected on the detailed site plan does not meet the intent of the G-2, Traditional Neighborhood (Walkable) land use designation of Plan El Paso.



DESCRIPTION OF REQUEST

The applicant has submitted a Rezoning application for the property at 1400 Arizona Ave. Through the Zoning Section of the Planning and Inspections Department. The owner is requesting to rezone the subject property from R-5 (Residential) to S-D (Special-Development) & a side and side street setback reduction to allow for a triplex. The area of the rezoning request is 0.11 acres in size. The development proposes a side setback reduction from the required 10 ft. to 5ft. and a side street setback reduction from the required 10 ft. to 5ft. to renovate an existing 1,800 sq. ft. single-family dwelling and convert it into a triplex. The development requires a minimum of six (6) parking spaces of which the proposed development has accommodated, however locating parking spaces in front of the building is not in character with the surrounding neighborhood. The development proposes 744 sq. ft. of landscaping which is compliant with with Title 18 of the Landscaping Ordinance. Access to the subject property is from Arizona Ave. and from Newman St. via the alley.

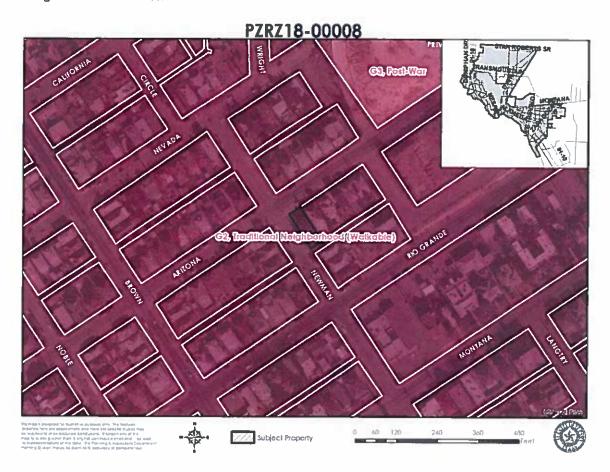
REZONING POLICY

POLICY	DOES IT COMPLY?
Compatibility Proposed zone change matches existing land use map or matches existing land use designation within 300 ft. of the subject property.	Yes, properties adjacent to the subject property are zoned A-2 (Apartment), A-4 (Apartment), S-D (Special Development) and R-5 (Residential).
Plan El Paso Are ideal for a balance of housing, jobs, shopping, recreation, and civic uses (Policy 2.2.5).	Yes, the property is designated G-2, Traditional Neighborhood (Walkable) land use designation of Plan El Paso it will introduce a balanced mix of uses, which in turn will reduce distances between the workplaces, housing and new amenities.

NEIGHBORHOOD CHARACTER AND COMPATIBILITY: The subject property is located in the Franklin Heights subdivision, recorded in 1901. The site is currently zoned R-5 (Residential) which is currently being used, as a single-family dwelling. Properties adjacent to the subject property are zoned A-2 (Apartment), A-4 (Apartment), S-D (Special Development) and R-5 (Residential). Surrounding land uses include single-family dwellings and apartments. The nearest park is Houston Park (1,139 feet) and the nearest school is Wiggs Middle School (1,193 feet). There is more than three different uses within a 300 ft. radius, to include apartments, single-family dwellings, and apartment-office. A predominant aspect of the character of this neighborhood is reflected by the majority of the existing parking being located either to the side of the structure or in the rear accessed through an alley.



COMPLIANCE WITH PLAN ELPASO: The proposed project is currently developed and is being used as a single-family dwelling. The purpose of the application is to introduce balance of housing, jobs, shopping, recreation, and civic uses to a property within a G-2, Traditional Neighborhood (Walkable) land use designation of Plan El Paso, it will introduce a balanced mix of uses, which in turn will reduce distances between workplaces, housing and new amenities.



RELATION OF PROPOSED CHANGE TO THE CITY'S COMP. PLAN

CONSISTENCY WITH PLAN EL PASO DOES IT COMPLY? G-2 - Traditional Neighborhood: This sector No, placing parking area directly in front of includes the remainder of central El Paso as it buildings is not in character with the surrounding existed through World War II. Blocks are small and neighborhood nor the G-2 Traditional usually have rear alleys; buildings directly faced Neighborhood sector. The predominant parking streets; schools, parks, and small shops are design in this neighborhood is having parking to the integrated with residential areas. This sector is side of the buildings or in the rear of the property well-suited for use of the SmartCode as a behind the buildings, accessed through existing replacement for current zoning when planned in alleys. conjunction with specific neighborhood plans or identified in this Comprehensive Plan. **ZONING DISTRICT** DOES IT COMPLY? S-D (special Development) district is intended for Yes, a triplex is a permitted uses in the proposed mixed-use projects, integrated in design, in certain zone district. older residential areas where there is a desire to permit a variety of nonresidential uses while maintaining established the 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.	
POLICY	DOES IT COMPLY?
1.2.3 "Vacant and underutilized parcels in and around the City's traditional neighborhoods can be excellent locations for redevelopment that adds housing, shopping, employment, entertainment, and recreational options for nearby residents and transit patrons. Redevelopment of such sites should mesh with the scale and character of these existing neighborhoods rather than imposing a suburban or high-rise model on traditional neighborhoods. The City's zoning and development regulations should be modified accordingly. Additional infill	Yes, the applicant is proposing the redevelopment of an existing parcel, adding additional uses, and the potential for new employment.

SUITABILITY OF SITE FOR USES UNDER PROPOSED ZONING: The subject site is 0.11 acres in size and the use is permitted under the proposed S-D (Special Development) zone district.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent of the Zoning Ordinance is to protect the public health, safety, and general welfare, to regulate the use of land and buildings within zoning districts to ensure compatibility, and to protect property values. The intent of the S-D (Special Development) zone district is for mixed-use projects, integrated in design, in certain older residential areas where there is a desire to permit a variety of nonresidential uses while maintaining the established residential appearance and landscaping of the area. The proposed development will keep the residential appearance and landscaping of the property and redesign the interior of the existing structure while introducing a new permitted use.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES:

incentives should be considered by the City".

There is an existing 6-inch diameter water main extending along Arizona Avenue located approximately 18-feet south of the northern property line and an existing 6-inch diameter water main extending along Newman Street located approximately 19.5-feet west of the western property line which are available for service. The applicant will need to coordinate with EPWater to continue providing services to the property.

EFFECT UPON THE NATURAL ENVIRONMENT: Subject property does not involve greenfield/ environmentally sensitive land or arroyo disturbance.

COMMENT FROM THE PUBLIC: The subject property falls within the boundary of the Central El Paso Community Organization, El Paso Central Business Association, and Golden Hills Neighborhood Association and have been notified as required by 20.04.520. Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on June 13, 2018. Planning has not received in support or opposition to the rezoning request.

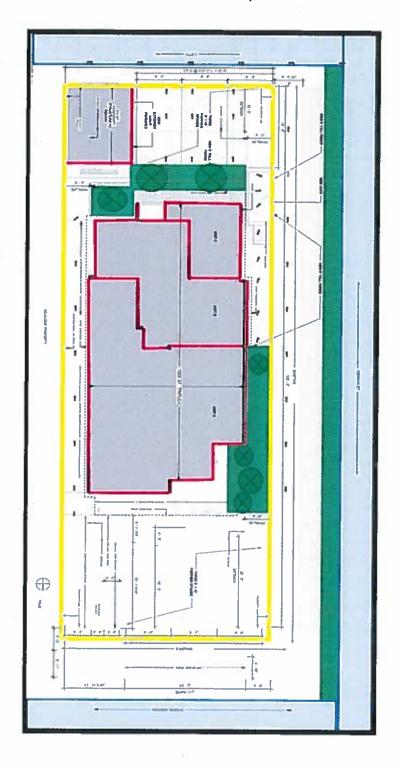
STAFF COMMENTS: No objections to proposed rezoning. No reviewing departments had any negative comments. Applicant is responsible for obtaining all applicable permits and approvals prior to any construction or change in occupancy.

OTHER APPLICABLE FACTORS: Approval of the detailed site plan by the City Plan Commission 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.

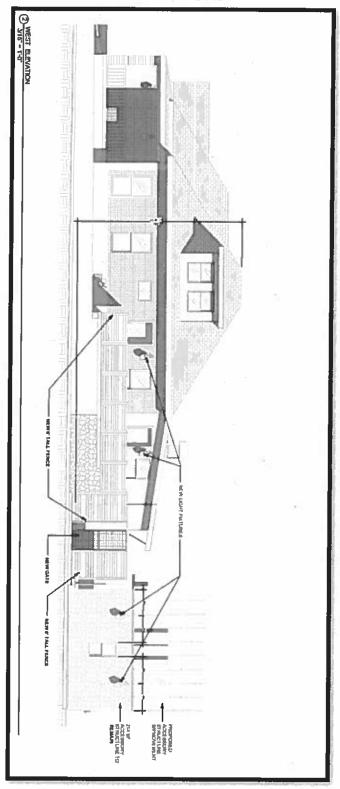
ATTACHMENTS:

- 1. Detailed Site Development Plan
- 2. Elevations
- 3. Zoning Map
- 4. Future Land Use Map
- 5. Department Comments
- 6. Public Notification Boundary Map
- 7. Opposition Letter

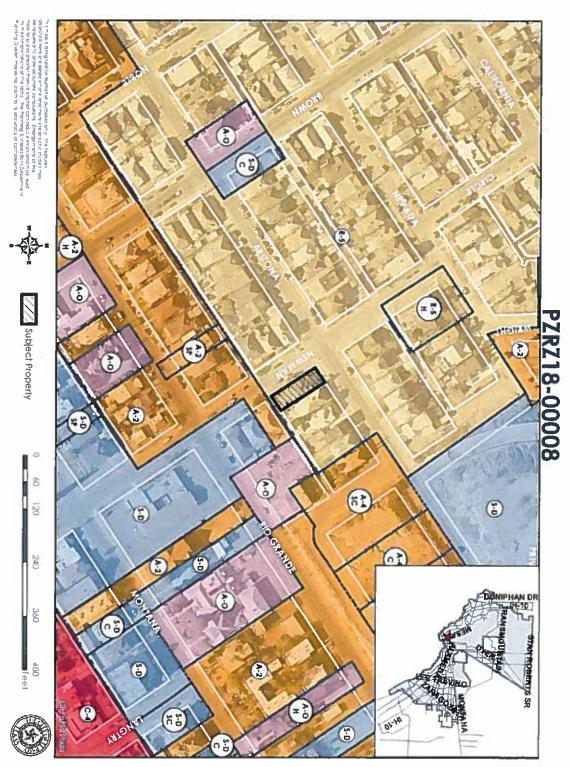
ATTACHMENT 1
Detailed Site Development Plan



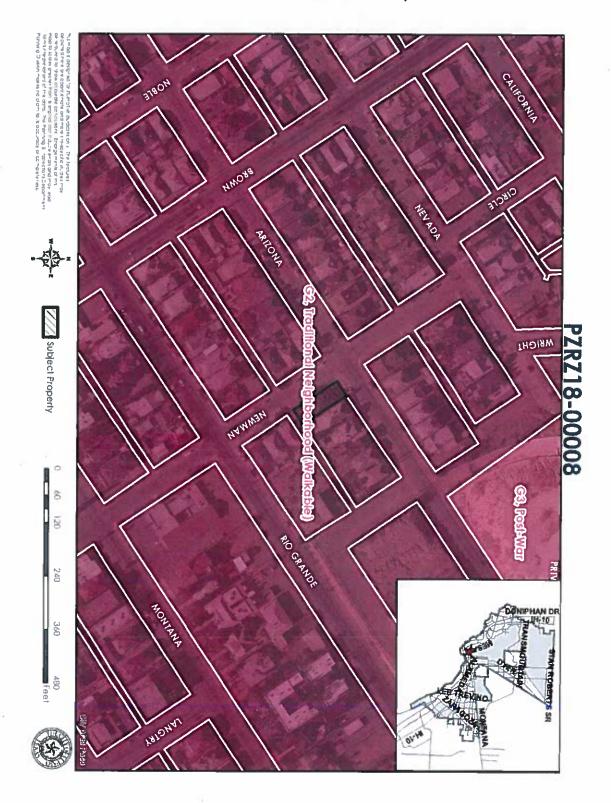
ATTACHMENT 2 Elevations



Zoning Map



Future Land Use Map



Department Comments

<u>Planning and Inspections Department-Planning Division</u>

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

Recommends approval

Planning and Inspections Department - Land Development

No objections to proposed rezoning & detailed site plans

Sun Metro:

Sun Metro does not oppose this request.

Note: Sun Metro Route 36 provides service along Arizona. A bus stop is located abutting the subject property. Coordination with

Sun Metro is required if construction interferes with bus stop.

Fire Department

Recommends approval.

Police Department

No comments received.

Environmental Services

Recommends approval.

TxDot

Not required.

El Paso Water Utilities

We have reviewed the property described above and provide the following comments:

Note: EPWater does not object to this request

<u>Water</u>

- There is an existing 6-inch diameter water main extending along Arizona Avenue located approximately 18-feet south of the northern property line. This water main is available for service.
- There is an existing 6-inch diameter water main extending along Newman Street located approximately 19.5-feet west of the western property line. This water main is available for service.
- 3. There is an existing 4-inch diameter water main extending along the alley between Arizona Avenue and Rio Grande Avenue. This water main is available for service.
- 4. EPWater records indicate there is one (1) %" water service connection serving the subject property. The address for this service is 1400 Arizona Avenue.
- 5. Previous water pressure from fire hydrant #170 located at northwest corner intersection of Golden Hill Terrace Street and Arizona Avenue, has yielded a static pressure of 70 psi, a

residual pressure of 66 psi, and a discharge of 822 gallons per minute.

Sanitary Sewer:

- 6. There is an existing 8-inch diameter sewer main extending along Newman Street located approximately 31-feet west of the western the property line. This sanitary sewer main is available for service.
- 7. There is an existing 8-inch diameter sanitary sewer main extending along the alley between Arizona Avenue and Rio Grande located approximately 6.5-feet south of the southern the property line. This sanitary sewer main is available for service.

General:

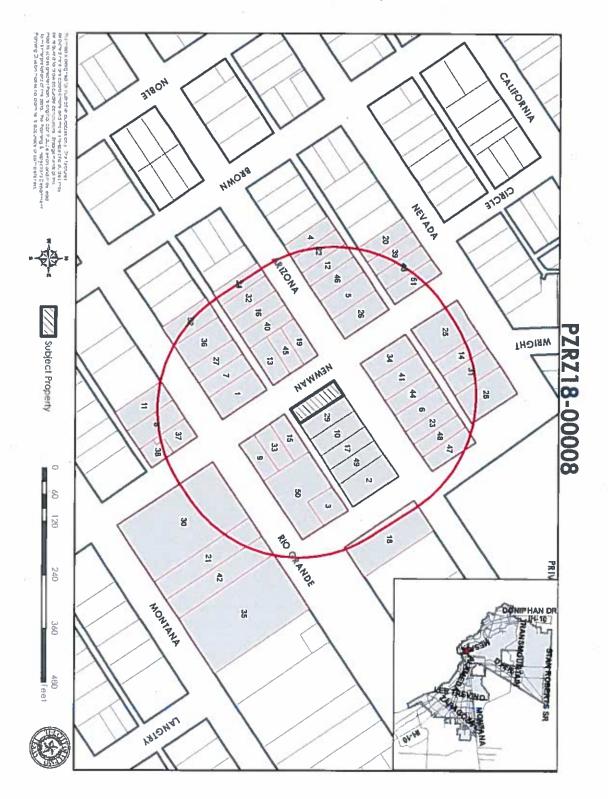
8. EPWater requires a new service application to provide additional services to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Stormwater:

EPW-Stormwater Engineering has reviewed the property described above and provide the following comments:

9. EPW - Stormwater Engineering has no objections on the rezoning of the proposed property, however, we recommend the use of principles of low impact & green infrastructure development (such as recessed landscaping, rainwater harvesting, and porous pavements) to reduce the amount of developed stormwater runoff and to mitigate adverse downstream drainage conditions.

Notification Map



Opposition Letter

7808 US Hwy 87 S Victoria, Texas 77905 May 25, 2018

Adriana Martinez, City Planner City Plan Commission C/O Planning Division P. O. Box 1890 El Paso, TX 79950-1890

Dear Ms. Martinez:

I recently received a letter from your office concerning the property at 1400 Arizona Street described as Lot 1, Block81 Franklin Heights, City of El Paso, El Paso County, Texas regarding a request to rezone this property from R-S (residential) to S-D (Special Development) enabling the new owner to create a triplex where as many as three families could live where previously this house was a single family dwelling. My objection and concern is that the streets of Arizona, Newman, and Nevada are already experiencing a problem with parking for the current residents of those streets. My question is whether a traffic study has been conducted on those streets with particular regard to the morning and afternoon hours when school drop-off and pick-up occurs for both the elementary school (Lamar) and the middle school (Wiggs) that are within 3 blocks of the Arizona property? This property was previously owned by the Bertolli family for many, many years and has only recently been purchased by Mr. Silva. Did this new owner investigate or seek this change in zoning before the property was purchased or is he just now asking for the change?

Franklin Heights has long been a single family dwelling neighborhood, with few, if any multiple family residences. As the owner of the property at 1322 E. Nevada (directly adjacent to the Arizona property in question) I believe a zoning change has the potential to change the character and possible safety of the neighborhood and these factors should be considered when the decision on zoning change is made. Because of the concerns I have stated I am opposed to the change in zoning and hope the City Plan Commission will concur and deny the zoning change.

Cordially.

Harry A. Wagner



Recommendation/Public Input

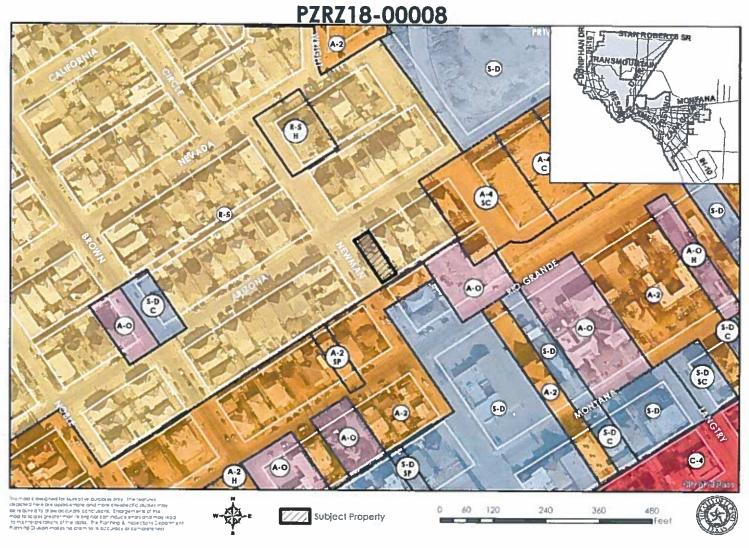
- Planning Division recommendation: Approval
- **CPC Vote:** Approval Recommendation 5-0
- Public Input: The Planning Division received one letter in opposition to the rezoning request.

Strategic Goal #3 Promote the Visual Image of El Paso

3.1 Provide business friendly permitting and inspection processes 3.2 Improve the visual impression of the community

"Delivering Outstanding Services"







PZRZ18-00008 Tis made opegrant for Bushalter purposes one il the feature is additionable here are approximate one more illevance for studied may be maured to draw bocarde of Cardisons. Tonger ents of my made to care greater whom is one and car mature event and may read mature are studied on assessment of the days. The Promining a function of approximation of the days. The Promining a function of approximation of the days. 60 120 240 360 480 Subject Property





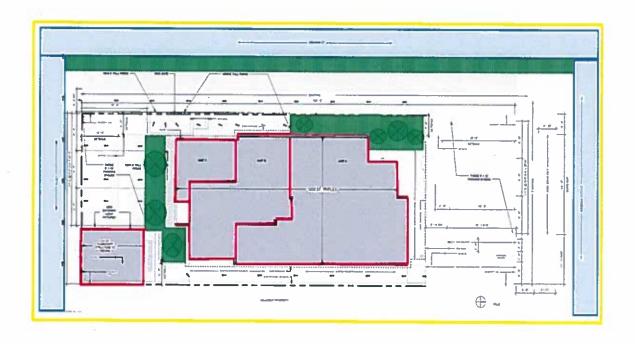
PZRZ18-00008



"Delivering Outstanding Services"



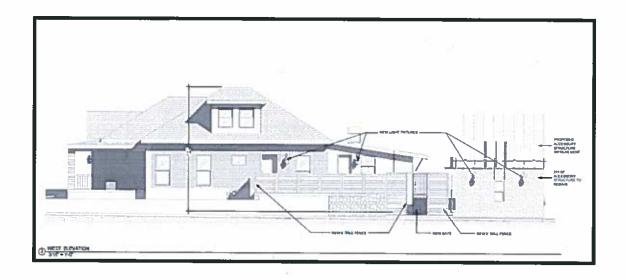
Detailed Site Plan



"Delivering Outstanding Services"



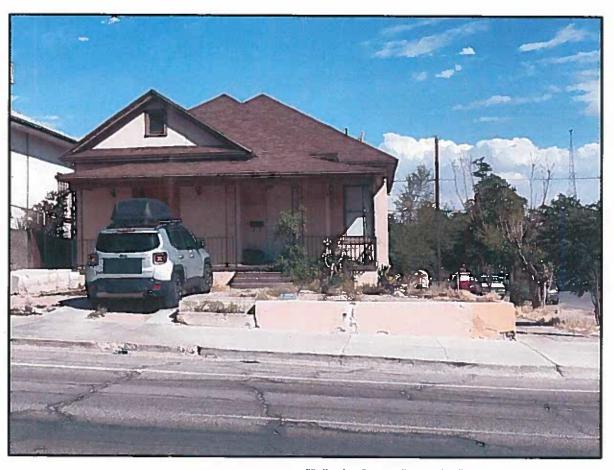
Elevations



"Delivering Outstanding Services"



Subject Property



"Delivering Outstanding Services"



Surrounding Areas











"Delivering Outstanding Services"



Established Neighborhood









"Delivering Outstanding Services"



