

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

**DEPARTMENT:** City Development Department, Planning Division

**AGENDA DATE:** Introduction: September 24, 2013  
Public Hearing: October 15, 2013

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

**DISTRICT(S) AFFECTED:** 1

**SUBJECT:**

An Ordinance approving an amendment to a detailed site development plan on planned residential development special permit no. SU-00005 approved June 27, 2000, to reduce side and cumulative (side and side street) setbacks for Lot 11, Block 1, Montoya Oaks Estates, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.150 and 20.10.470. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property owner: Adriana Elena Del Valle Garcia, Location: 700 Montoya Oak Lane, **PZDS13-00015 (District 1)**

**BACKGROUND / DISCUSSION:**

Staff report attached.

**PRIOR COUNCIL ACTION:**

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

City Plan Commission (CPC) – Approval Recommendation (7-0)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:**

Mathew S. McElroy  
Director, City Development Department

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**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING AN AMENDMENT TO A DETAILED SITE DEVELOPMENT PLAN ON PLANNED RESIDENTIAL DEVELOPMENT SPECIAL PERMIT NO. SU-00005 APPROVED JUNE 27, 2000, TO REDUCE SIDE AND CUMULATIVE (SIDE AND SIDE STREET) SETBACKS FOR LOT 11, BLOCK 1, MONTOYA OAKS ESTATES, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.150 AND 20.10.470. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS, Adriana Elena Del Valle Garcia**, (the "Owner") has applied for approval of an amended Detailed Site Development on Planned Residential Development Special Permit SU-00005 approved June 27, 2000, which requires City Plan Commission and City Council approval, to reduce side and cumulative (side and side street) setbacks as required pursuant to Section 20.10.470 Planned Residential Development of the El Paso City Code.

**WHEREAS**, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

**WHEREAS**, the City Plan Commission has approved and herein recommends Council Approval of the amended Detailed Site Development Plan; and

**WHEREAS**, the City Council finds that the amended Detailed Site Development Plan meets all applicable requirements of Section 20.04.320 and 20.10.470 of the El Paso City Code;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council hereby approves the amended Detailed Site Development Plan submitted by the owner, to reduce side and cumulative (side and side street) setbacks as permitted under the Section 20.10.470 and 20.04.320, of the El Paso City Code; on the following described property which is located in a R-1 (Residential) District:

*Lot 11, Block 1, Montoya Oaks Estates, City of El Paso, El Paso County, Texas.*

2. A copy of the amended Detailed Site Development Plan, signed by the owner, the City Manager and the Secretary of the City Plan Commission, attached hereto, as Exhibit "A" and incorporated herein by reference.
3. All construction and development on said property shall be done in accordance with

the amended Detailed Site Development Plan and the development standards applicable in the **R-1 (Residential) District** regulations.

4. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the existing approved special permit and amended Detailed Site Development Plan and the standards applicable in the R-1 (Residential) 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.
5. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2013.

**THE CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leeser, Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Duffy  
Momsen, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Karla M. Nieman  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Mathew S. McElroy, Director  
City Development Department

(Development Agreement and Acknowledgment on following page)

## DEVELOPMENT AGREEMENT

By execution hereof, **Adriana Elena Del Valle Garcia, (“Owner”)**, identified in the Ordinance to which this Development Agreement is attached, hereby covenants and agrees, to develop the above-described property in accordance with the approved Amended Detailed Site Development Plan, and in accordance with the standards applicable to the R-1 (Residential) District located within the City of El Paso.

**EXECUTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**Adriana Elena Del Valle Garcia**

Owner

## ACKNOWLEDGMENT

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2013,  
by \_\_\_\_\_

Notary Public, State of Texas

My Commission Expires:

## MEMORANDUM

**DATE:** September 10, 2013

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

**FROM:** Arturo Rubio, Senior Planner

**SUBJECT:** PZDS13-00015

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The City Plan Commission (CPC), on August 22, 2013, voted 7-0 to recommend **approval** of the amended detailed site development plan on Special Permit SU-00005 approved June 27, 2000.

The CPC found that the amended detailed site development plan is in conformance with Plan El Paso Comprehensive Plan and Future Land Use Map. The CPC also determined that the amended detailed site development plan 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 amended detailed site development plan will have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There were no phone calls or letters in support or opposition to this request.

**Attachment:**  
Staff Report



## *City of El Paso – City Plan Commission Staff Report*

**Case No:** PZDS13-00015  
**Application Type** Detailed Site Development Plan Review  
**CPC Hearing Date** August 22, 2013  
**Staff Planner** Arturo Rubio, 915-541-4633, rubioax@elpasotexas.gov

**Location** 700 Montoya Oak Lane  
**Legal Description** Lot 11, Block 1, Montoya Oaks Estates Amending, City of El Paso, El Paso County, Texas  
**Acreage** 0.5972-acre  
**Rep District** 1  
**Existing Use** Vacant  
**Existing Zoning** R-1/sp (Residential/special permit)  
**Request** Side setback and cumulative (side and side street) setback reduction amending approved special permit no. SU-00005 detailed site development plan dated June 27, 2000  
**Proposed Use** Single-family dwelling

**Property Owner** Adriana Elena Del Valle Garcia  
**Applicant** Arath Garcia  
**Representative** Arath Garcia

### **SURROUNDING ZONING AND LAND USE**

**North:** R-1/sp (Residential/special permit)/Single-family dwellings  
**South:** R-1 (Residential)/Single-family dwellings  
**East:** R-1 (Residential)/Single-family dwellings  
**West:** R-1 (Residential)/Single-family dwellings

**THE PLAN FOR EL PASO DESIGNATION:** G-3, Post-War (Northwest Plan Area)

**Nearest Park:** Rio Grande River Trail #1 (2,134 ft.)

**Nearest School:** Lincoln Middle (3,586 ft.)

### **NEIGHBORHOOD ASSOCIATIONS**

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

### **NEIGHBORHOOD INPUT**

Detailed Site Development Plan Review does not require public notification as per Section 20.04.520, *Notice of the El Paso City Code*.

### **CASE HISTORY**

On June 27, 2000 the City Council approved a planned residential development special permit for an 11 lot gated community to allow reduction of lot size, lot width and lot depth on an R-1 (Residential) zone district area (see attachment 5 pg. 8-10).

### **APPLICATION DESCRIPTION**

The request is for a Detailed Site Development Plan Review to reduce: 1) westerly side setback from the required 15 feet to 10 feet and 2) the cumulative (side and side street) setback from the required 40 feet to 30 feet on an R-1 (Residential) zone district. The request is to amend the previously approved site plan that is part of special permit SU-00005 and requires City Plan Commission review and City Council approval for any additional changes in dimensional standards.

#### **DEVELOPMENT SERVICES DEPARTMENT-PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **APPROVAL** of the detailed site development plan request as it meets all the requirements of Section 20.04.150, Detailed Site Development Plan and 20.04.270 Planned Residential Development Special Permit.

#### **The Plan for El Paso-City-Wide Land Use Goals**

All applications for rezoning shall demonstrate compliance with the following criteria:

G-3, Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

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

#### **COMMENTS:**

##### **Planning Division - Transportation**

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

##### **City Development Department – Plan Review**

No comments received

##### **City Development Department - Land Development**

We have reviewed subject plan and recommend that the

The Developer/Engineer needs to address the following comments.

1. Property located on SFHA Zone “AH” comply with FEMA requirements.

##### **Fire Department**

Recommend “APPROVAL” of “Detailed Site Plan Application” as presented.

\*\*\*\*\*NOTE \*\*\*\*\* PZDS13-00015

In accordance with the requirements of the Zoning Code Section 20.04.160 Content of application the Fire Planning Division has reviewed the submitted “Detailed Site Plan for the following: **Elevations, Perspective of the building, Dimensions, square footage and height of all structures, Number of dwelling units in Multi- family structures, and Driveways** as applicable to following sections of the fire code; *Sections 503 and Appendix D Fire Apparatus Access Roads, Section 903 Automatic Sprinkler Systems, Section 905 Standpipe Systems.*

“When required as per section 905.3.1, 905.4 and 905.5 all fire protections system plans shall be submitted separately to Fire Plan Review for further requirements and comments”.

The Fire Planning Division has reviewed the submitted "Detailed Site Plan Application" as per requirements of the Zoning Code Section 20.04.160 Content of application and has determined that the submission DOES comply within the zoning regulations.

**Sun Metro**

Sun Metro does not oppose this request.

**El Paso Water Utilities**

No comments received

**CITY PLAN COMMISSION OPTIONS**

The City Plan Commission may consider the following options and additional options that it identifies when reviewing a detailed site development plan application:

1. Recommend approval of the application finding that the detailed site development plan is in conformance with the review criteria of Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the detailed site development plan into conformance with the review criteria in Plan El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the detailed site development plan does not conform to the review criteria in Plan El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

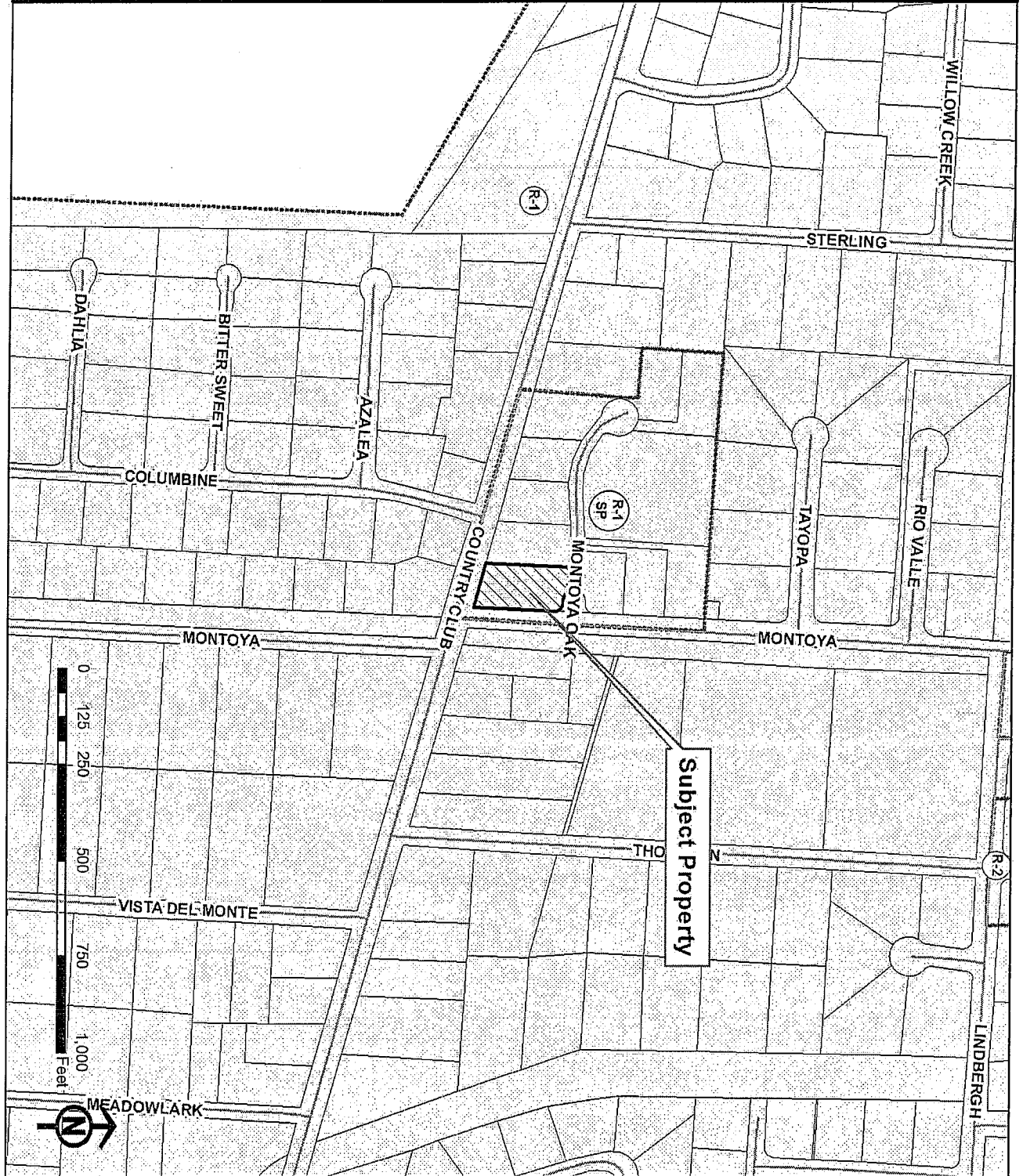
**Attachments**

1. Zoning Map
2. Aerial Map
3. Detailed Site Plan
4. Elevations
5. Special Permit Ordinance No. 014527



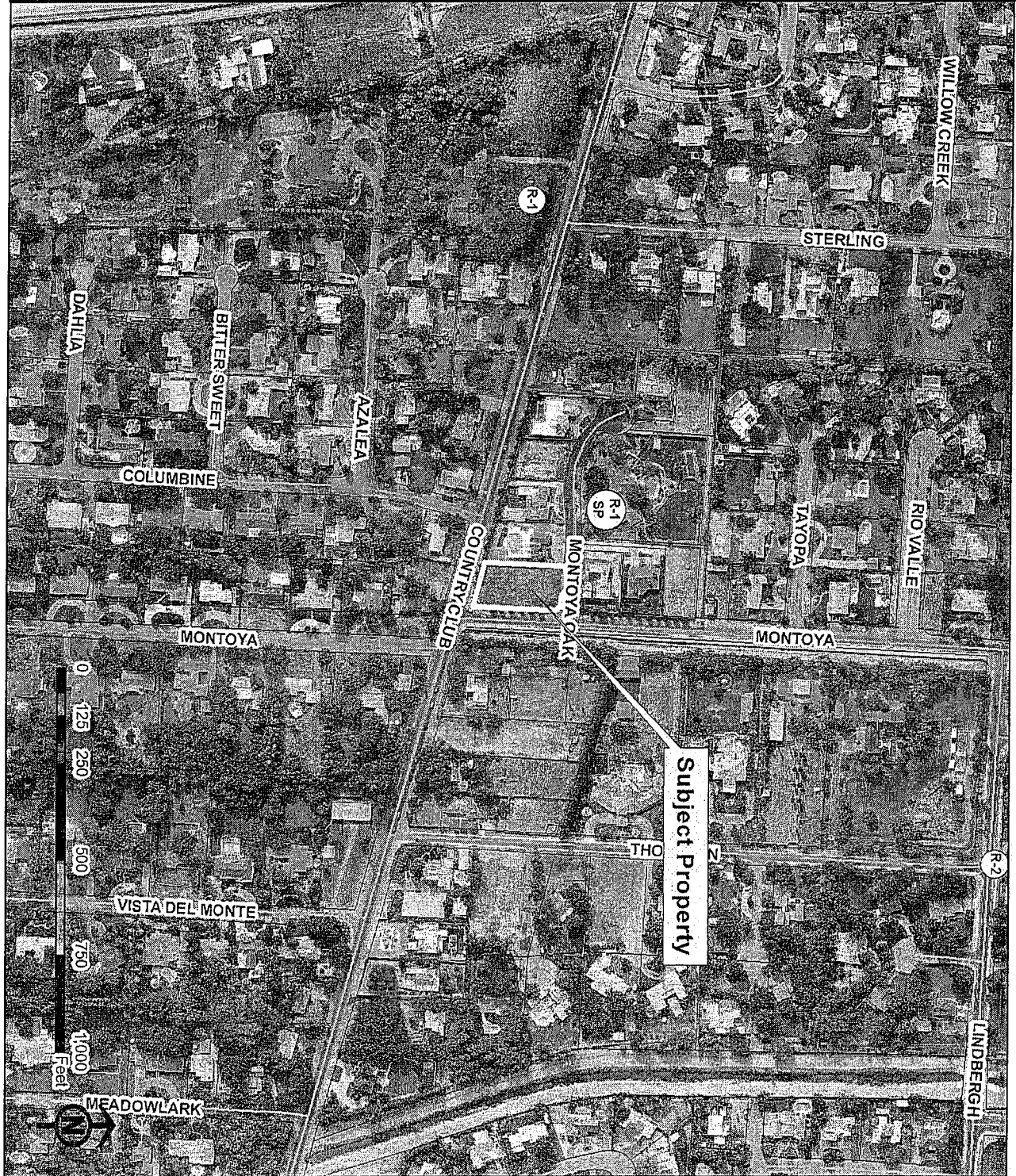
ATTACHMENT 1: ZONING MAP

PZDS13-00015

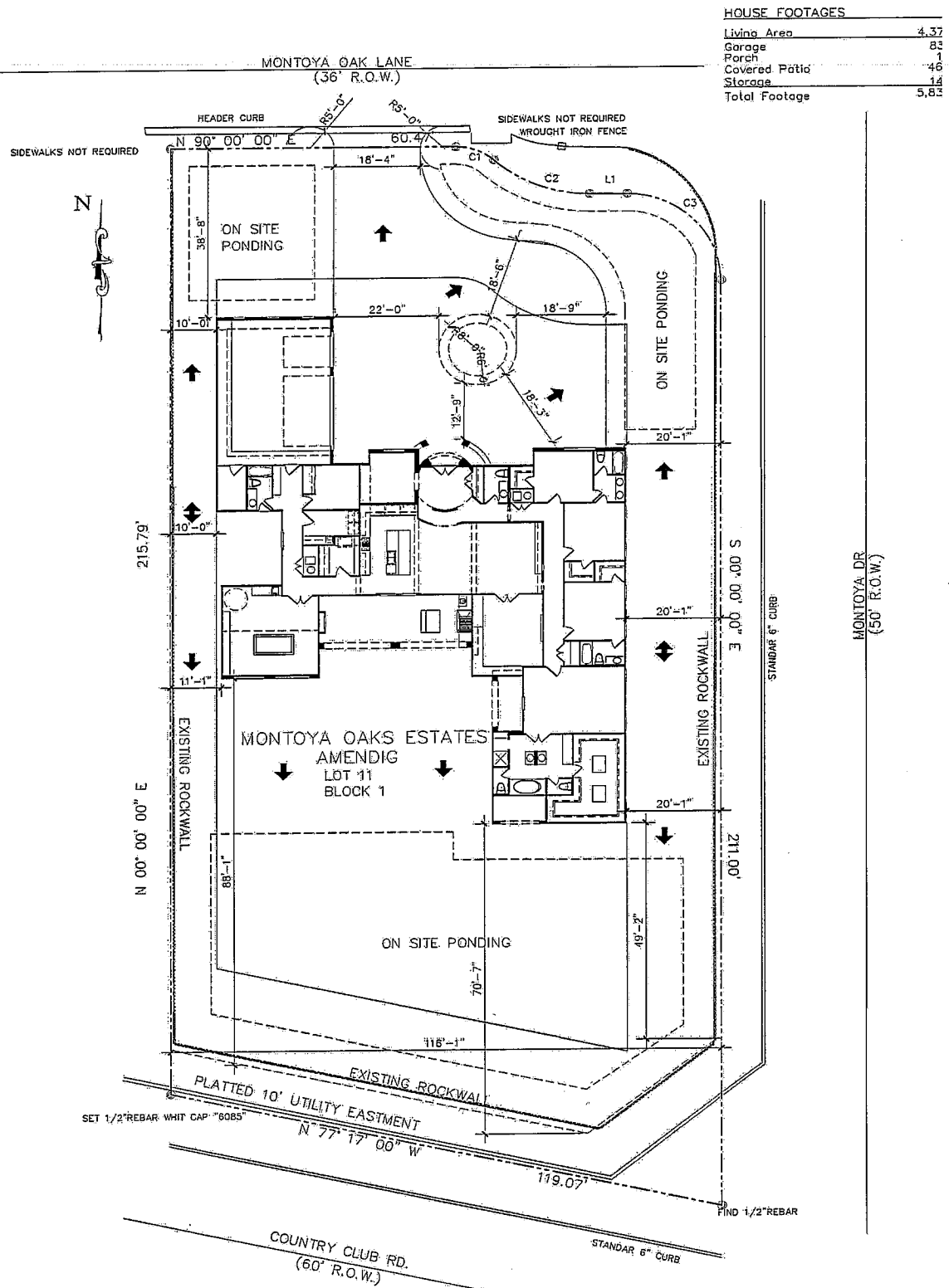


ATTACHMENT 2: AERIAL MAP

PZDS13-00015



# ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN

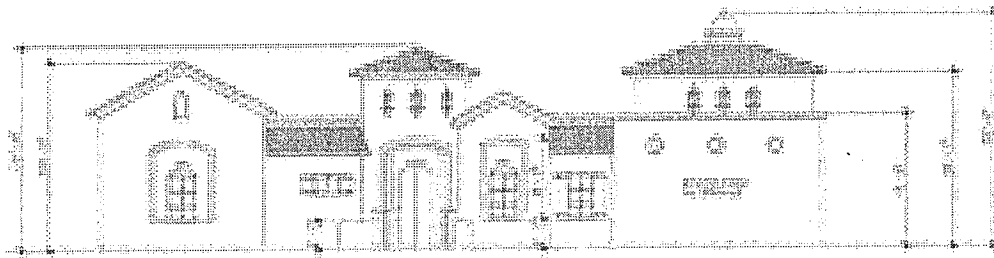


## DETAILED SITE DEVELOPMENT PLAN

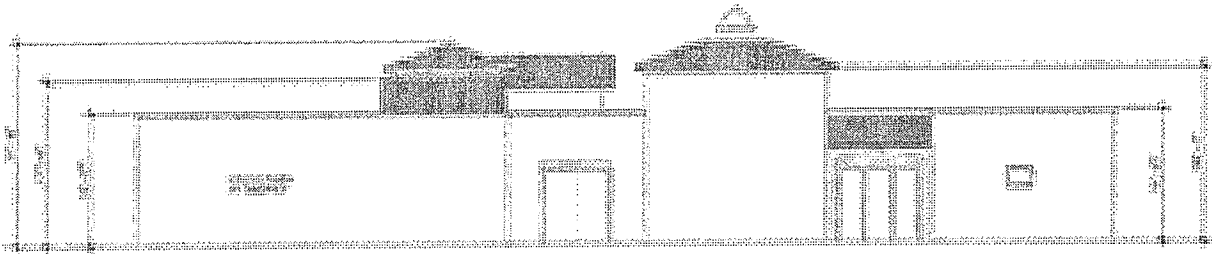
SCALE: 1/16" = 1'-0"

PROPERTY LOCATED ON SFHA ZONE "AH"  
FEMA REQUIREMENTS TO COMPLY AT THE  
TIME OF SUBMITTING FOR CONSTRUCTION PERMIT

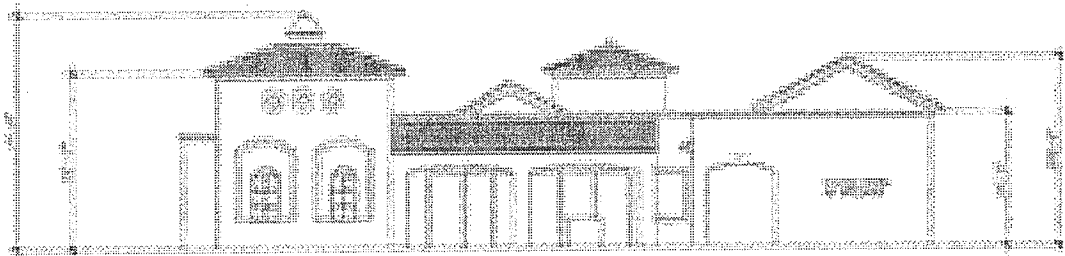
## ATTACHMENT 4: ELEVATIONS



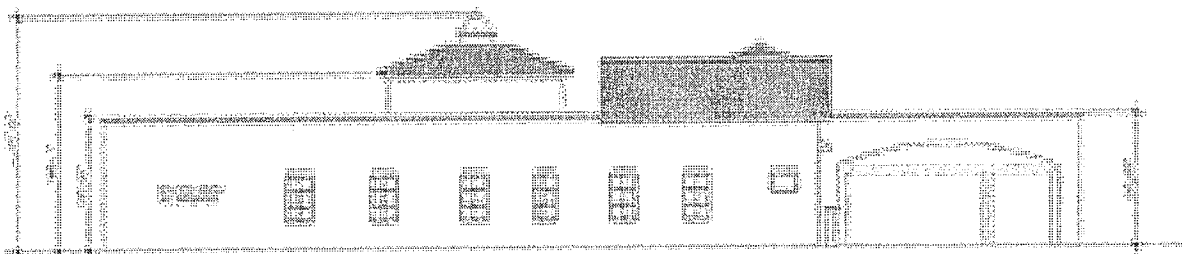
NORTH SIDE



WEST SIDE



SOUTH SIDE



EAST SIDE

**ATTACHMENT 5: SPECIAL PERMIT ORDINANCE NO. 014527**

ORDINANCE NO. 014527

ORDINANCE GRANTING SPECIAL PERMIT NO. SU-00005, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON TRACTS 22A AND 22H, BLOCK 5, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (725 COUNTRY CLUB ROAD) PURSUANT TO SECTION 20.12.040A (ZONING) OF THE EL PASO MUNICIPAL CODE.

WHEREAS, Montoya Oaks Estates, L.P. has applied for a Special Permit under Section 20.12.040A of the El Paso Municipal Code, to allow for a planned residential development;

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application;

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;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the property described as follows is in an R-1 (Residential) District:

*Tracts 22A and 22H, Block 5, UPPER VALLEY SURVEYS, El Paso, El Paso County, Texas, as more particularly described in the attached and incorporated Exhibit "A", and municipally known and numbered as 725 Country Club Road; and*

2. That a planned residential development is authorized by Special Permit in R-1 (Residential) districts under Section 20.12.040A of the El Paso Municipal Code; and

3. That the requirements for a planned residential development under Section 20.12.040A have been satisfied; and

4. That the City Council hereby grants a Special Permit under Section 20.12.040A of the El Paso Municipal Code, to allow a planned residential development on the above-described property; and

CUELLAR:pme#70692ZON/PLAY7

ORDINANCE NO. 014527

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5/19/00

Special Permit #SU-00005

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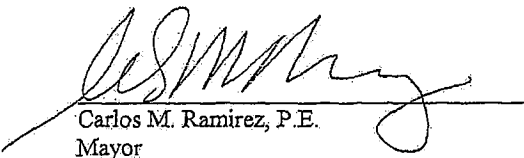
5. That this Special Permit is issued subject to the development standards in the R-1 (Residential) district regulations and subject to the approved Site Development Plan, signed by the Applicant, the Mayor and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; and

6. That the Applicant 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; and

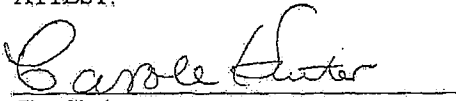
7. That if the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. SU-00005 shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

PASSED AND APPROVED this 27<sup>th</sup> day of June, 2000.

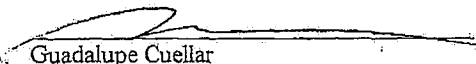
THE CITY OF EL PASO

  
Carlos M. Ramirez, P.E.  
Mayor

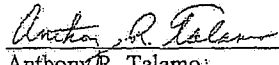
ATTEST:

  
Carole Hunter  
City Clerk

APPROVED AS TO FORM:

  
Guadalupe Cuellar  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
Anthony R. Talamo  
Dept. of Planning, Research & Development

CUELLAR.pmc#70692/ZON/PLA/7

ORDINANCE NO. 014527

2

5/19/00

Special Permit #SU-00005

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AGREEMENT

MONTOYA OAKS ESTATES, L.P., the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Site Development Plan and in accordance with the standards identified in the R-1 (Residential) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 23 day of May, 2000.

MONTOYA OAKS ESTATES, L.P.

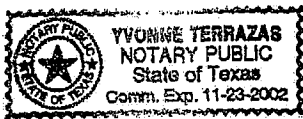
By: John R. Schatzman  
AUTHORIZED AGENT  
(name & title)  
John R. Schatzman.

Acknowledgment

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 23 day of May, 2000, by John R. Schatzman as Authorized Agent on behalf of MONTOYA OAKS ESTATES, L.P., as Applicant.

My Commission Expires:



Yvonne Terrazas  
Notary Public, State of Texas  
Notary's Printed or Typed Name:  
Yvonne Terrazas

CUELLAR:pmc#70692ZON/PLA/Y7

ORDINANCE NO. 114527

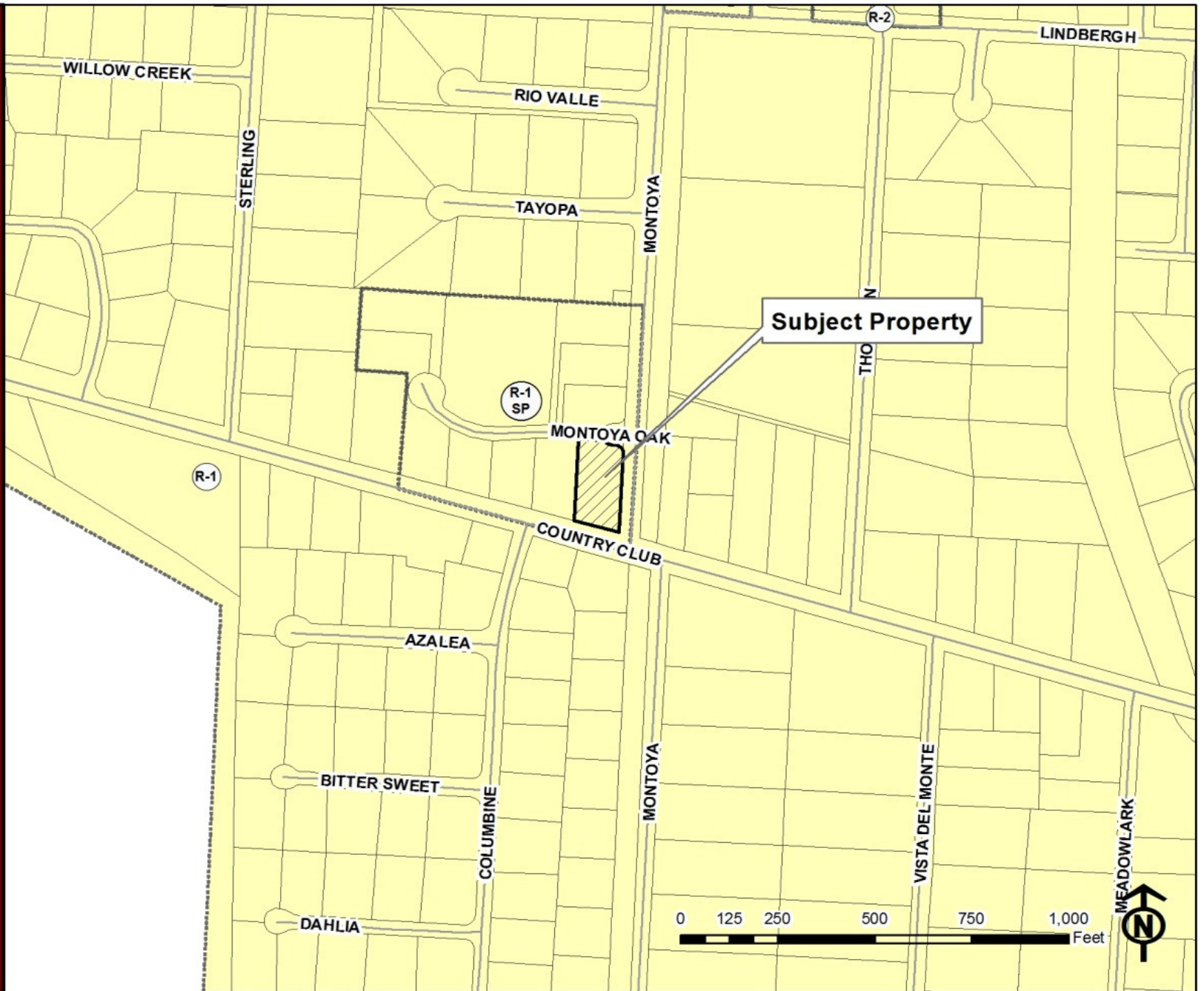
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5/19/00

Special Permit #SU-00005

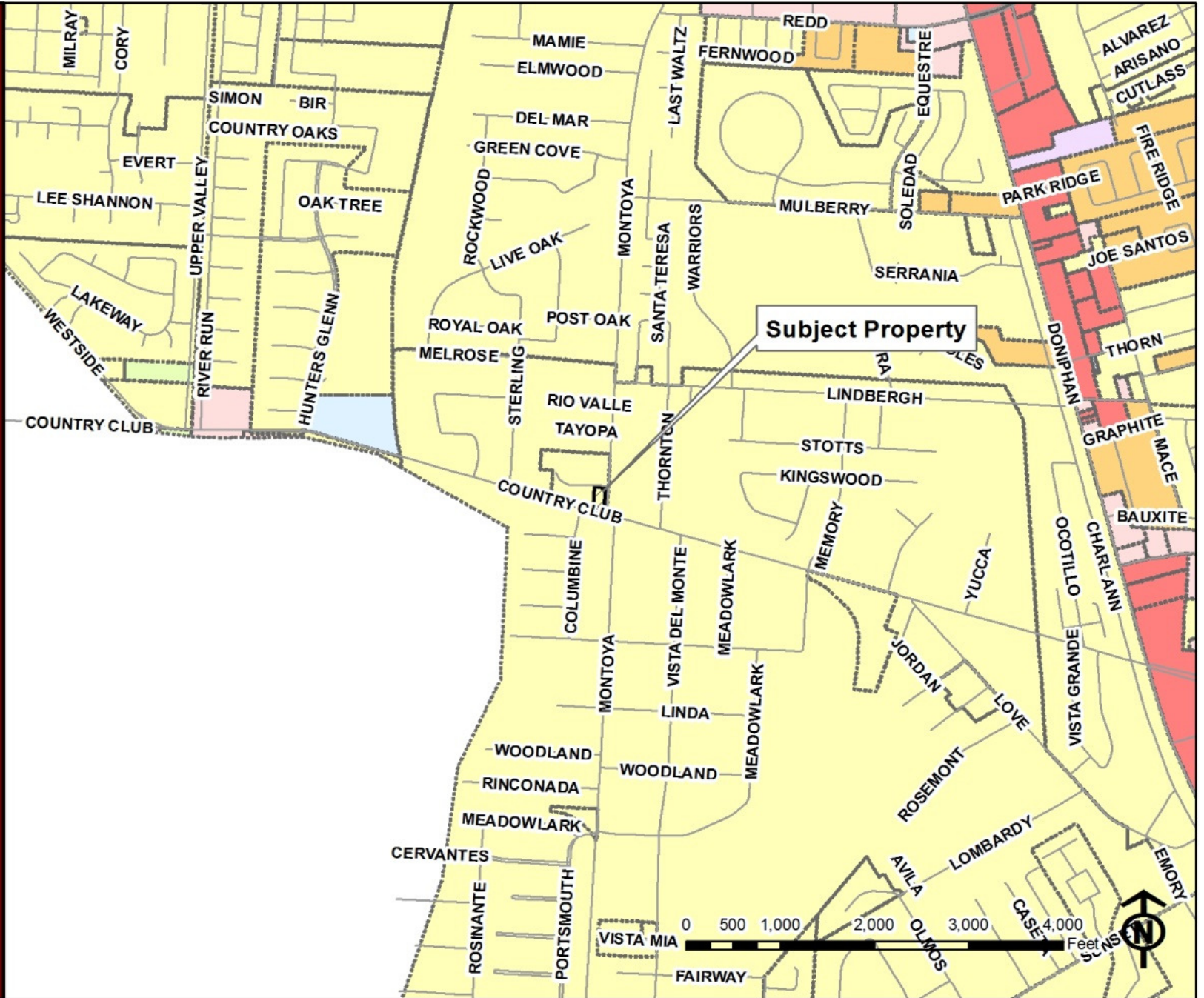


PZDS13-00015



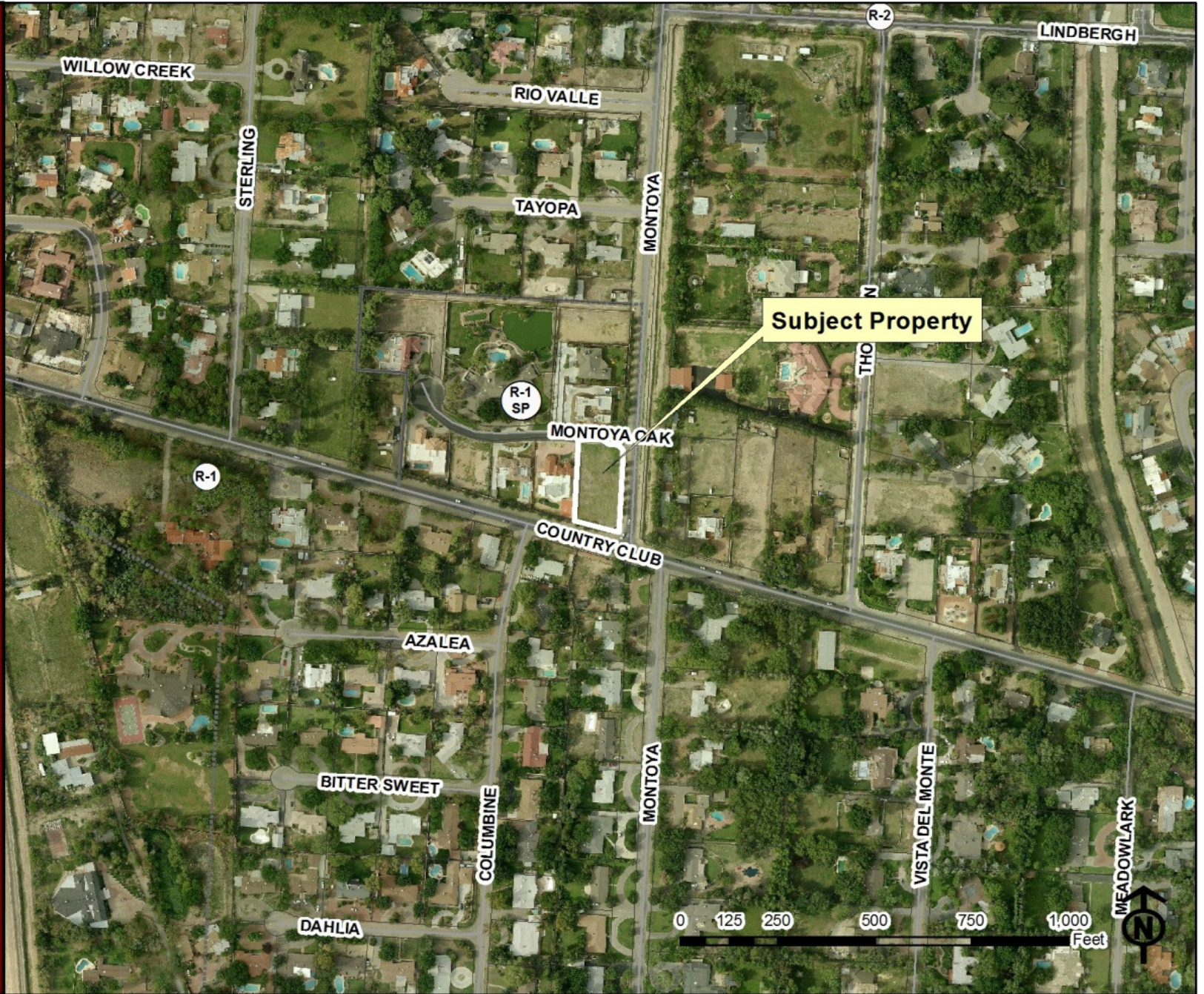


PZDS13-00015





PZDS13-00015



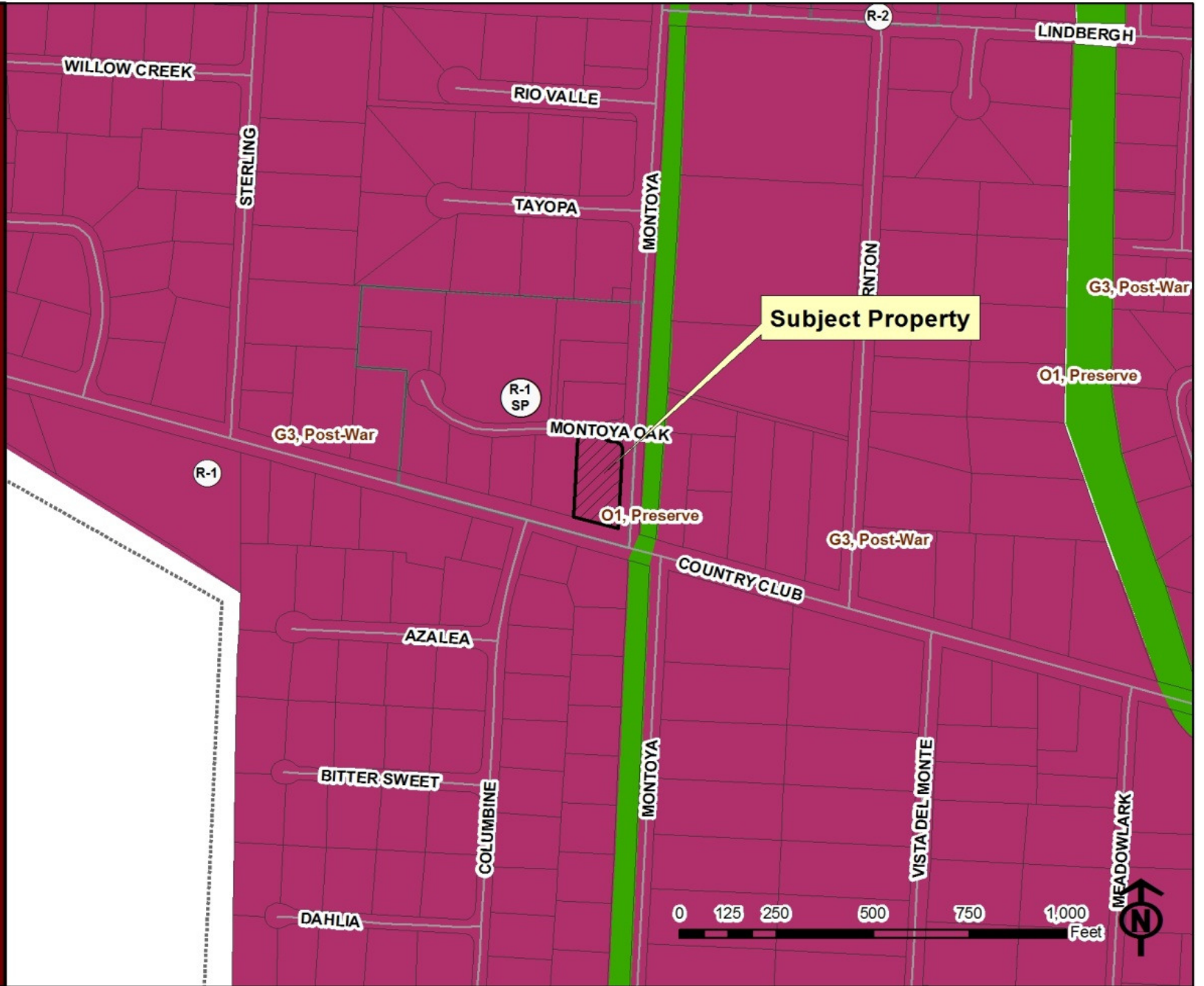


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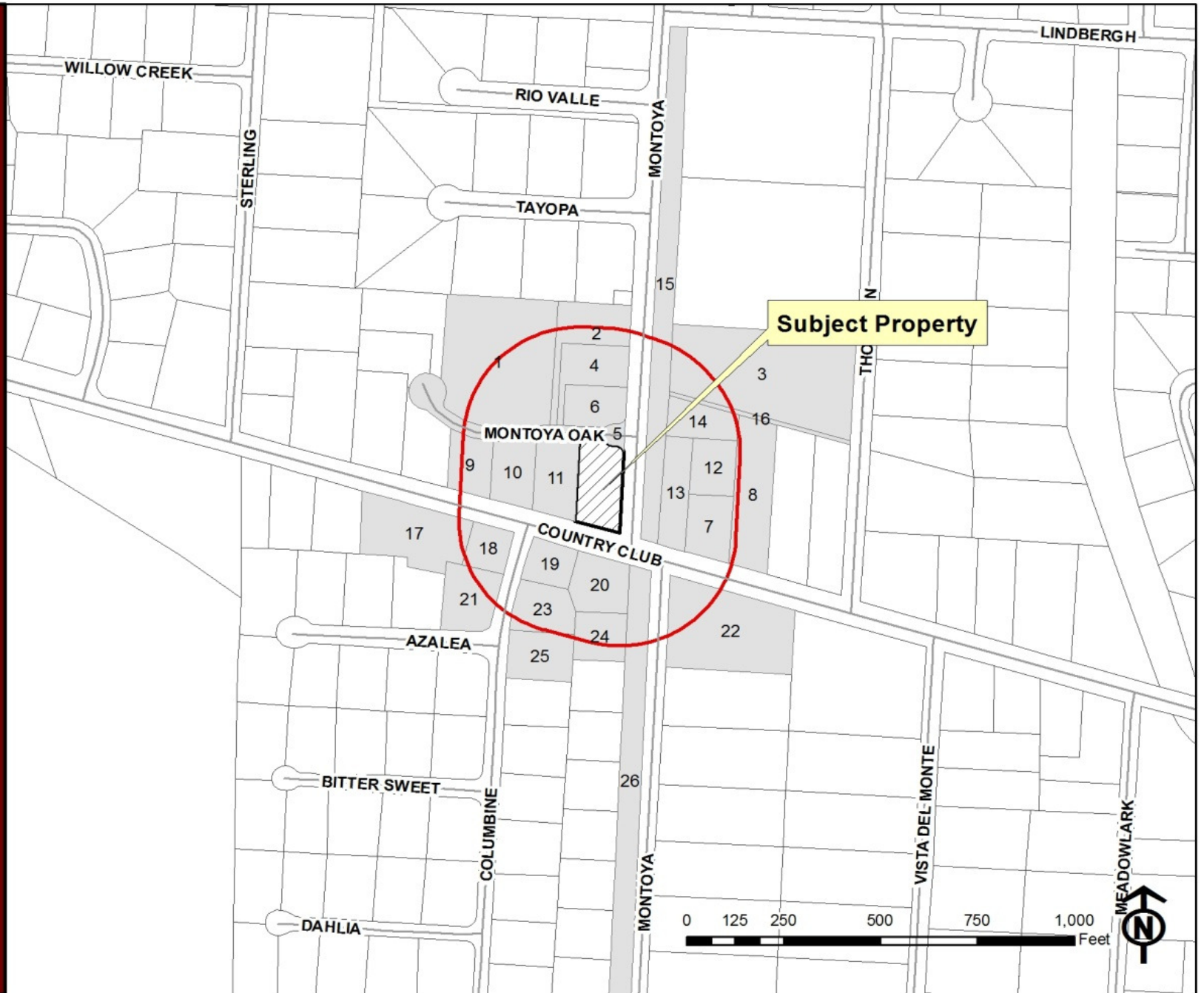




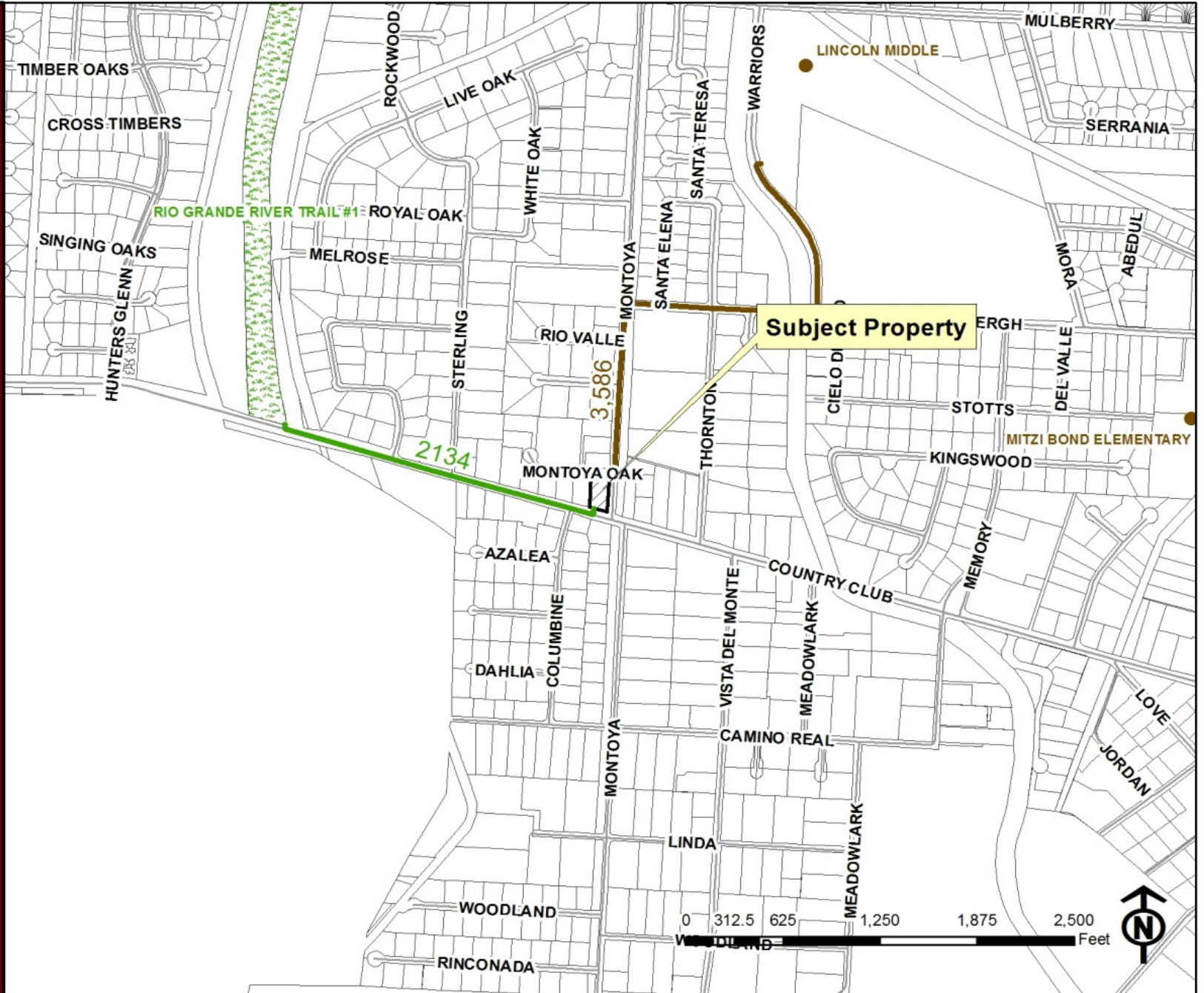
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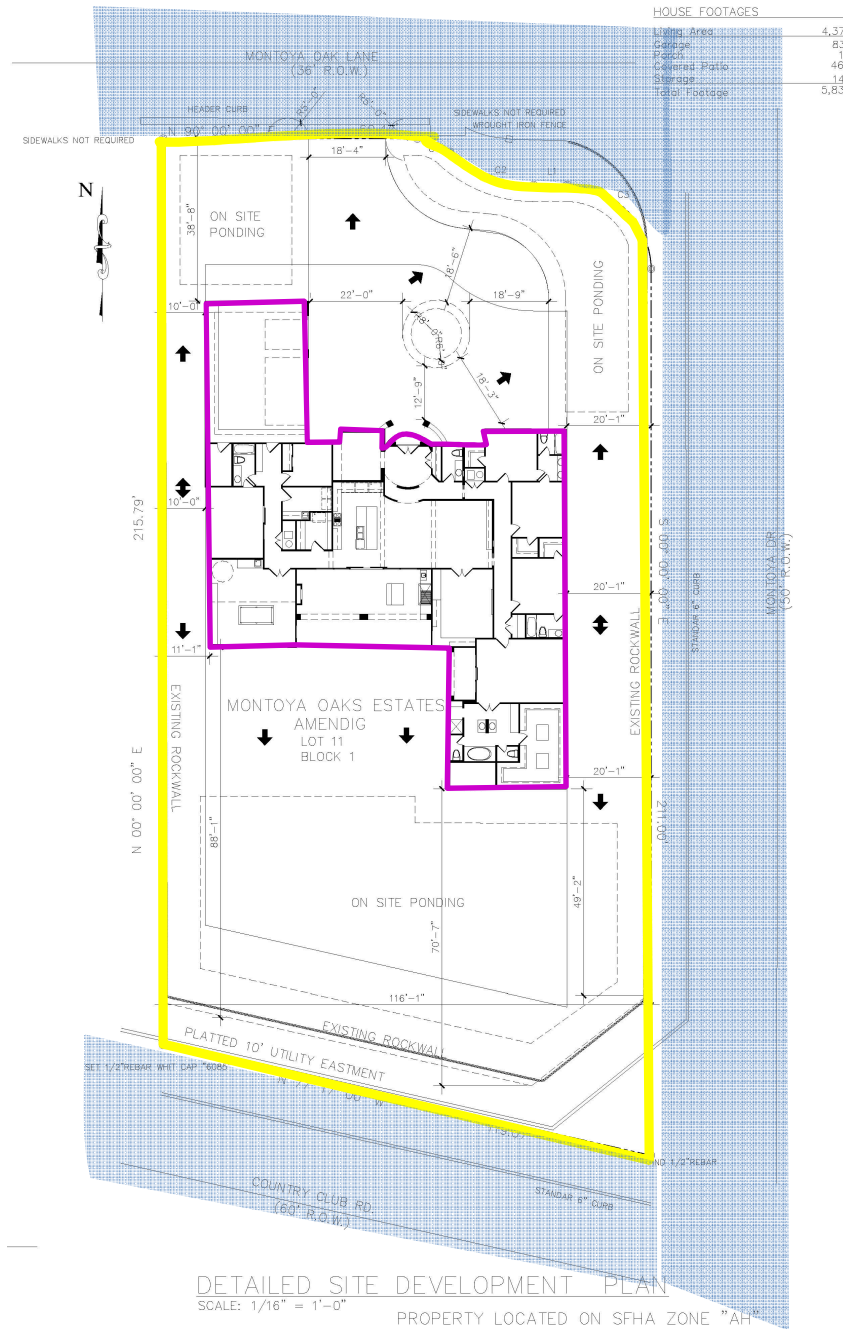
PZDS13-00015



PZDS13-00015







## Reduction Request

Dimension	Need	Propose
Lot Area	20,000 (sp)	17,860.5 (sp)
Lot Width	125 (sp)	119.07 (sp)
Lot Depth	150	211
Cumulative	100'	109'5"
Front	30'	70'7"
Rear	30'	60'6"
Side	15' (dsp)	10' (dsp)
Side-Street	20'	20'
Cumulative Side & Side-Street	40' (dsp)	30' (dsp)





**SUBJECT PROPERTY**



**NORTH**





**WEST**



**SOUTH COUNTRY CLUB ROAD**



**EAST ACCESS TO MONTOYA**