

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: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance granting Special Permit No. PZST13-00017, to allow for Infill Development with reduced lot width on the property described as a portion of Tract "C" of the Country Club Place Southside, 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: 918 & 920 W. Sunset Road. Property Owner: VIA Mirada I, L.P. PZST13-00017 (District 8)

BACKGROUND / DISCUSSION:

Staff report attached.

PRIOR COUNCIL ACTION:

N/A

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

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST13-00017, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED LOT WIDTH ON THE PROPERTY DESCRIBED AS A PORTION OF TRACT "C" OF THE COUNTRY CLUB PLACE SOUTHSIDE, 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, VIA Mirada I, L.P., (Property Owner), has applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for two (2) single-family dwellings with reduced lot width; 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-1 (Residential) Zone District:

A portion of Tract "C" of the Country Club Place Southside, City of El Paso, El Paso County, Texas; and as more particularly described by metes and bounds on the attached Exhibit "A", which is attached hereto and made a part hereof for all purposes; 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 two (2) single-family dwellings with reduced lot width; and,
3. That this Special Permit is issued subject to the development standards in the R-1 (Residential) District regulations and is subject to the approved Detailed Site Development Plan, signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; and,

ORDINANCE NO. _____

PZST13-00017

4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST13-00017 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.

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF EL PASO

ATTEST:

Oscar Leeser
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Karla M. Nieman
Assistant City Attorney

Mathew S. McElroy, Director
City Development Department

ORDINANCE NO. _____

PZST13-00017

AGREEMENT

VIA Mirada I, L.P. (Property Owner), 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-1 (Residential) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 2013.

VIA Mirada I, L.P.:

By: _____
(name/title)

(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2013, for **VIA Mirada I, L.P.**, as Owner.

My Commission Expires:

Notary Public, State of Texas

Notary's Printed or Typed Name:

ORDINANCE NO. _____

PZST13-00017

EXHIBIT "A"

Prepared For: VIA Miradad LLP/ Dr. Lyle Weeks
Being a portion of Tract "C", of the Country Club Place Southside,
City of El Paso, El Paso County, Texas
June 11, 2013
W.O. 03062013-01

METES AND BOUNDS DESCRIPTION (PARCEL 1)

Description of a 0.52 acre parcel of land being a portion of Tract "C" of the Country Club Place Southside, an addition to the City of El Paso, El Paso County, Texas according to the map and plat thereof on file in plat book 8, page 25, plat records, El Paso County, and being more particularly described by metes and bounds as follows:

Beginning at a found iron marking the intersection of the southerly right of way line of Sunset Road with the easterly right of way line of Newmexas Drain; said iron being also the most westerly corner of tract "C", COUNTRY CLUB PLACE SOUTHSIDE, El Paso County, Texas;

Thence North 89°55'00" East along the southerly right of way line of Sunset Road, a distance of 12.00 feet to a point for corner, said point also being the "TRUE POINT OF BEGINNING";

Thence North 89°55'00" East, a distance of 113.00 feet to a found unmarked rebar;

Thence, South 00°05'00" East, a distance of 200.00 feet to a point for corner;

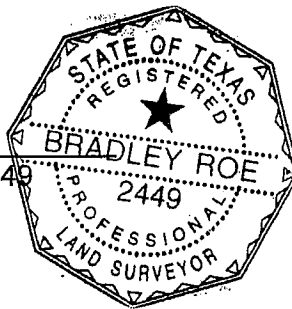
Thence South 89°55'00" West a distance of 113.23 feet to a point for corner;

Thence North 00°01'00" West a distance of 200.00 feet back to the "TRUE POINT OF BEGINNING" and said parcel containing 22,623 square feet or 0.52 acres of land more or less.



Bradley Roe, R.P.L.S. 2449
Roe Engineering, L.C.

FILE: Additional.wpd



NOTE: Boundary and Improvement survey performed without the benefit of a current title commitment.

Prepared For: VIA Miradad LLP/ Dr. Lyle Weeks
Being a portion of Tract "C", of the Country Club Place Southside,
City of El Paso, El Paso County, Texas
June 11, 2013
W.O. 03062013-01

METES AND BOUNDS DESCRIPTION
(PARCEL 2)

Description of a 0.65 acre parcel of land being a portion of Tract "C" of the Country Club Place Southside; an addition to the City of El Paso, El Paso County, Texas according to the map and plat thereof on file in plat book 8, page 25, plat records, El Paso County, and being more particularly described by metes and bounds as follows:

Beginning at a found iron marking the intersection of the southerly right of way line of Sunset Road with the easterly right of way line of Newmexas Drain; said iron being also the most westerly corner of tract "C", COUNTRY CLUB PLACE SOUTHSIDE, El Paso County, Texas, said point also being the "TRUE POINT OF BEGINNING";

Thence North 89°55'00" East along the southerly right of way line of Sunset Road, a distance of 12.00 feet to a point for corner;

Thence South 00°01'00" East, a distance of 200.00 feet to a point for corner.;

Thence North 89°55'00" East, a distance of 113.23 feet to a point for corner;

Thence, South 00°05'00" East, a distance of 290.67 feet to a point for corner;

Thence North 44°27'00" West, a distance of 103.91 feet to a point for corner;

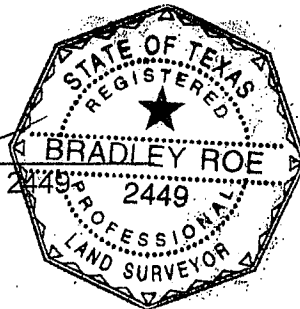
Thence North 19°30'00" West, a distance of 158.38 feet to a found unmarked rebar;

Thence North 00°01'00" West a distance of 267.03 feet back to the "TRUE POINT OF BEGINNING" and said parcel containing 28,278 square feet or 0.65 acres of land more or less.



Bradley Roe, R.P.L.S. 2449
Roe Engineering, L.C.

FILE: Additional.wpd



NOTE: Boundary and Improvement survey performed without the benefit of a current title commitment.

MEMORANDUM

DATE: September 12, 2013

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

FROM: Andrew Salloum, Planner

SUBJECT: PZST13-00017

The City Plan Commission (CPC) on August 22, 2103, voted **7-0** to recommend **APPROVAL** of the special permit application to allow for infill development.

The CPC found that the special permit is in conformance with Plan El Paso and that the proposed use is in conformance with the Plan El Paso-Future Land Use Map Designation. The proposed development is compatible with adjacent land uses. The CPC also determined that the special permit protects the best interest, health, safety, and welfare of the public in general; and the special permit 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 was one opposition to this request, see attachment 4 on page 7 of the staff report.

Attachments: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZST13-00017
Application Type: Special Permit
CPC Hearing Date: August 22, 2013
Staff Planner: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

Location: 918 & 920 W. Sunset Road
Legal Description: A portion of Tract "C" of the Country Club Place Southside, City of El Paso, El Paso County, Texas
Acreage: 1.17 acres
Rep District: 8
Zoning: R-1 (Residential)
Existing Use: Single-family dwelling
Request: Infill Development - request for reduced lot width
Proposed Use: Single-family dwellings

Property Owner: VIA Mirada I, L.P.
Representative: Roe Engineering

SURROUNDING ZONING AND LAND USE

North: R-1 (Residential) / Single-family dwellings
South: R-2 (Residential) / Single-family dwellings
East: R-1 (Residential) / Single-family dwellings
West: R-1 (Residential) / Single-family dwellings

PLAN EL PASO DESIGNATION: G-3, Post-War
NEAREST PARK: White Spur Park (7,243 feet)
NEAREST SCHOOL: Lincoln Middle (9,669 feet)

NEIGHBORHOOD ASSOCIATIONS

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

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on August 7, 2013. The Planning Division received a letter in opposition of the special permit request, (see attachment #4 on page 7).

APPLICATION DESCRIPTION

The applicant is requesting a special permit and detailed site development plan review for infill development to allow for two (2) single-family dwellings. The applicant is requesting the following reduction: lot width from required 125 feet to 113 feet. The detailed site development plan shows an existing 1,793 sq. ft. single-family dwelling to the front of the subject property and an existing 873 sq. ft. accessory dwelling unit as well as a proposed 2,000 sq. ft. single-family dwelling. The applicant will need to subdivide the existing single lot into two separate lots to allow for a single-family dwelling on each lot as required by City Code. Access to the subject property is proposed from Sunset Road.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the special permit and detailed site development plan review request for Infill Development, as it complies with 20.04.320 special permit and 20.04.150 detailed site development plan.

Plan El Paso-Future Land Use Map Designation

All applications for special permit 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.

The purpose of the R-1 (Residential) zone 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:

City Development Department – Planning Division - Transportation

No objections.

City Development Department – Plan Review

No objections.

City Development Department - Land Development

No objections.

Fire Department

Recommend approval of "Detailed Site Plan Application" as presented.

Note: PZST13-00017

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.

Police Department

No issues.

Sun Metro

Sun Metro does not oppose this request.

El Paso Water Utilities

We have reviewed the special permit request reference above and provide the following comments:

1. EPWU does not object to this request.

EPWU-PSB Comments

Water

2. There is an existing 8-inch diameter water main that extends along Sunset Dr. The main is located approximately 12 feet north of the street centerline. This main is available for service.
3. EPWU records indicate active ¾-inch water meters serving the subject properties. The service addresses for these meters are 918 & 920 W. Sunset Dr.

Sanitary Sewer:

4. There is an existing 12-inch diameter sanitary sewer main that extends along Sunset Dr. The main is located approximately 1-foot north of the street centerline. This sewer main is available for service.
5. There is an existing 8-inch diameter sanitary sewer main that extends along Sunset Dr. The main is located approximately 1-foot north of the street centerline. This sewer main is available for service.
6. EPWU records indicate active sewer services to the subject properties. The service addresses for these services are 918 & 920 W. Sunset Dr.

General:

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

CITY PLAN COMMISSION OPTIONS

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

1. Recommend approval of the application finding that the special permit and 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 special permit and 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 special permit and 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 Development Plan
4. Opposition Letter

ATTACHMENT 1: ZONING MAP

PZST13-00017

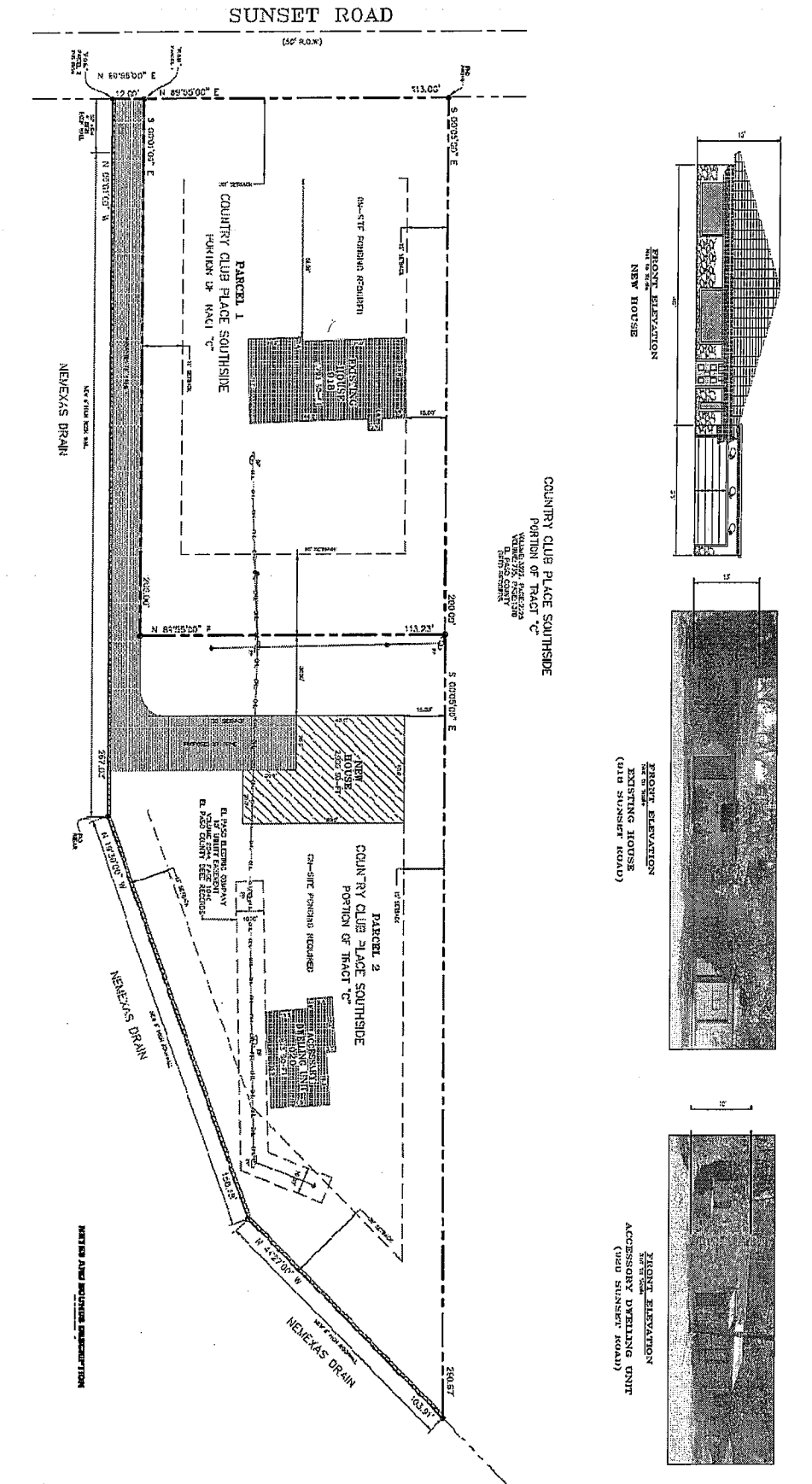


ATTACHMENT 2: AERIAL MAP

PZST13-00017



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: OPPOSITION LETTER

Salloum, Andrew M.

From: Rubio, Arturo
Sent: Wednesday, August 21, 2013 1:33 PM
To: Salloum, Andrew M.
Subject: FW: CASE NO: PZST13-00017

Follow Up Flag: Follow up
Flag Status: Flagged

Andy,

Please add the opposition letter below to the back up for CPC tomorrow.

Art Rubio, Senior Planner
City Development | City of El Paso
222 S. Campbell Street
El Paso, TX 79901
O: 915.541.4433



Click on the links for more information about City Development:



From: rogers@mexicomanufacturersinc.com [mailto:rogers@mexicomanufacturersinc.com]
Sent: Wednesday, August 21, 2013 12:51 PM
To: Rubio, Arturo
Subject: CASE NO: PZST13-00017

Mr. Rubio:

Please confirm receipt of this email and let me know if there is more that I need to do.

Thank you very much for assistance

From: Roger Silverstein
Address: 914 West Sunset
El Paso, Tx 79922

August 21, 2013

To: City Plan Commission

Address: 222 S. Campbell Street
El Paso, Tx 79901

Dear City Planning Commission members:

My wife and I have lived at the property that immediately abuts 918 and 920 West Sunset for over sixteen years and spend considerable time and effort in caring for our grounds and structures. We are opposed to granting VIA Mirada a special permit in order to allow for infill development because:

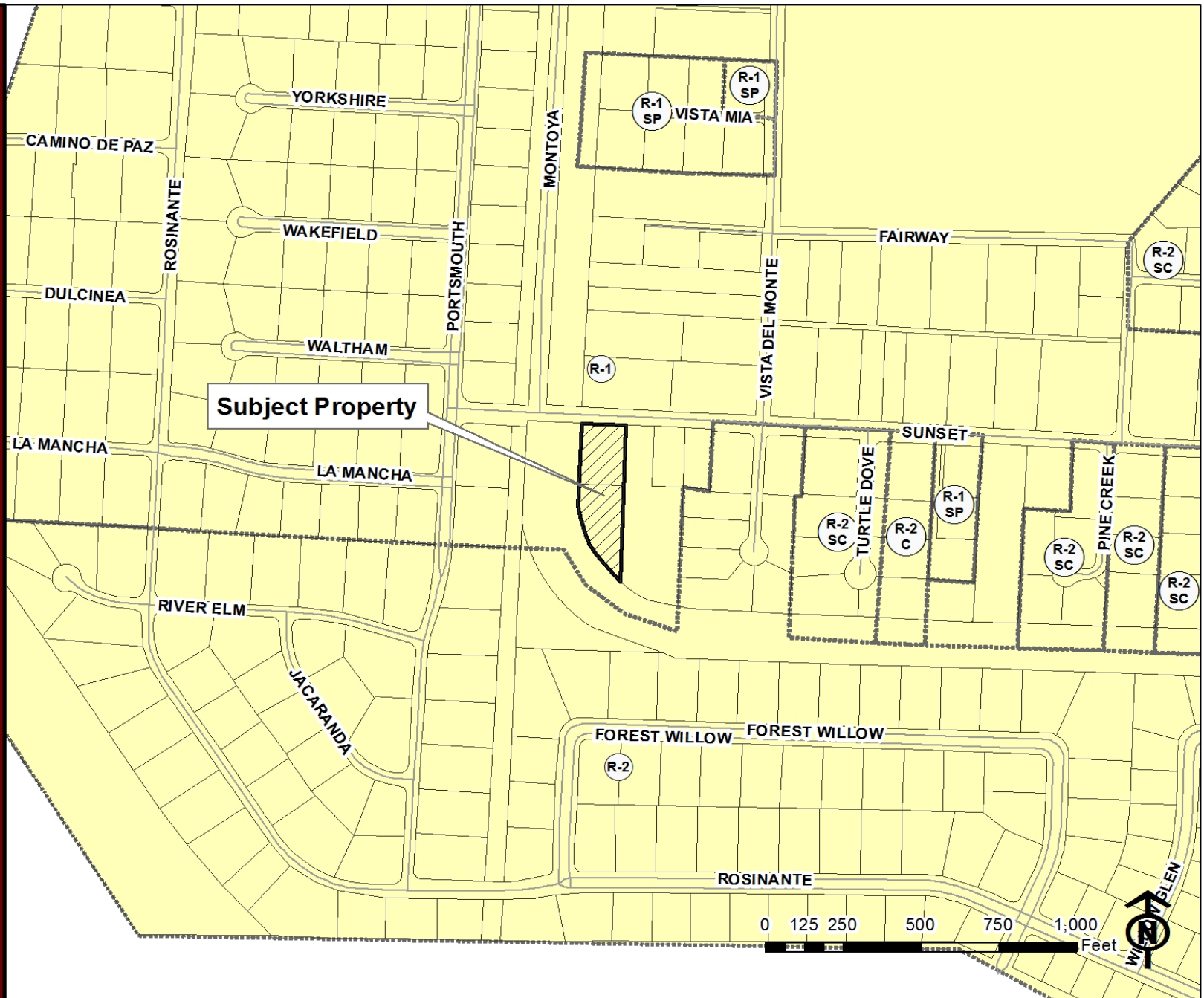
1. Via Mirada has not kept up the grounds of the property other than those facing the street.
2. The 920 West Sunset property has long been an eyesore, and we have no reason to believe that an additional property hidden from the main road will be any better.
3. The special permit request should have been made prior to the sale of the property.
 - We briefly considered buying this property, and it was very clear that no additional dwellings could be added without receiving a special permit and other considerations from the city.
 - Due to the condition of the existing structures and the cost of the property, almost anyone truly interested in buying it would have considered development possibilities to justify the monetary investment. Requesting this permit now seems like the cliché of moving near to an existing airport and then filing a complaint about the noise.

I want to emphasize that we have nothing personal against VIA Mirada and are 100% in favor of any constructive improvements they care to bring to their properties that are within the law.

Sincerely,

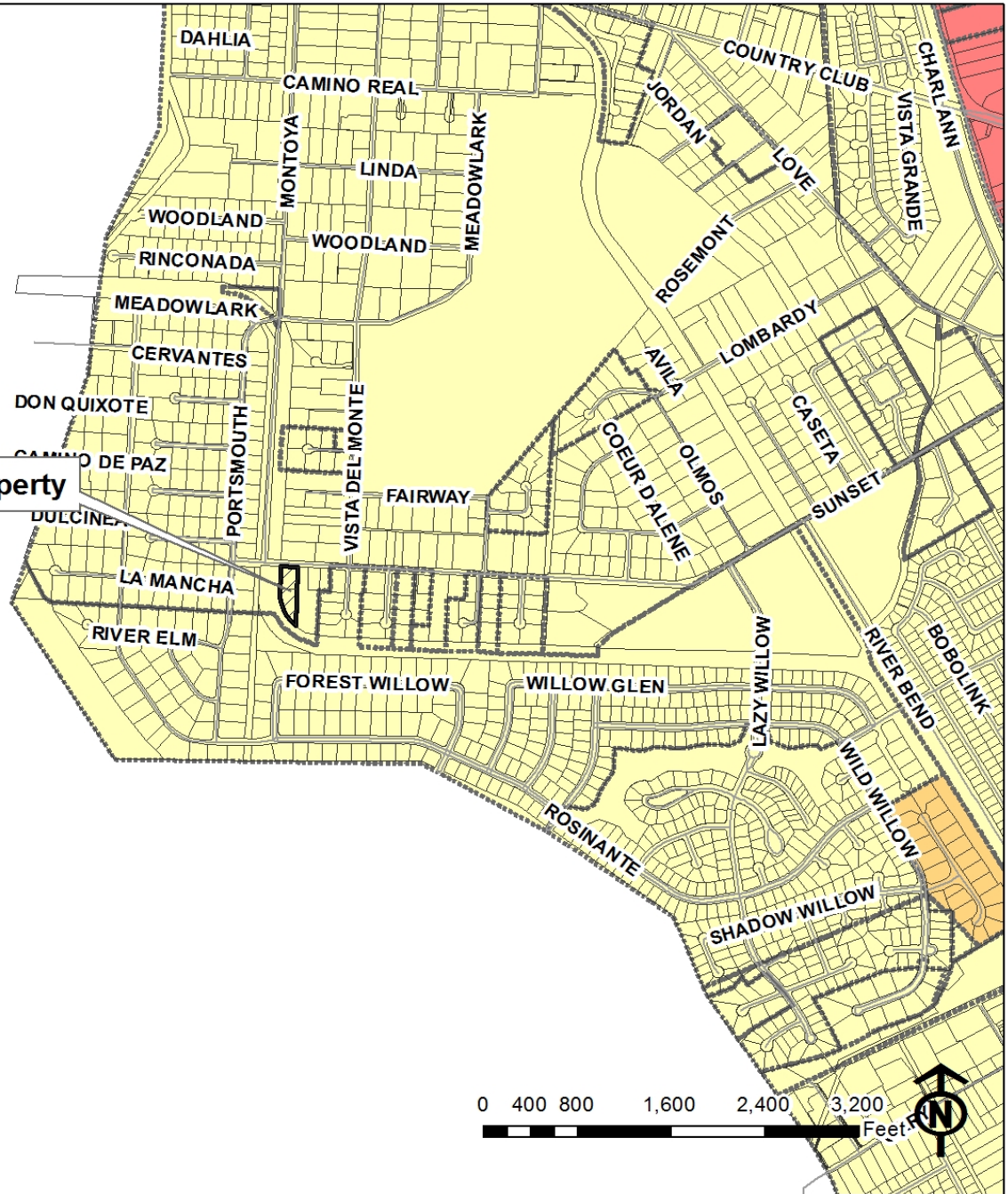
Roger S Silverstein

PZST13-00017



PZST13-00017

Subject Property



PZST13-00017



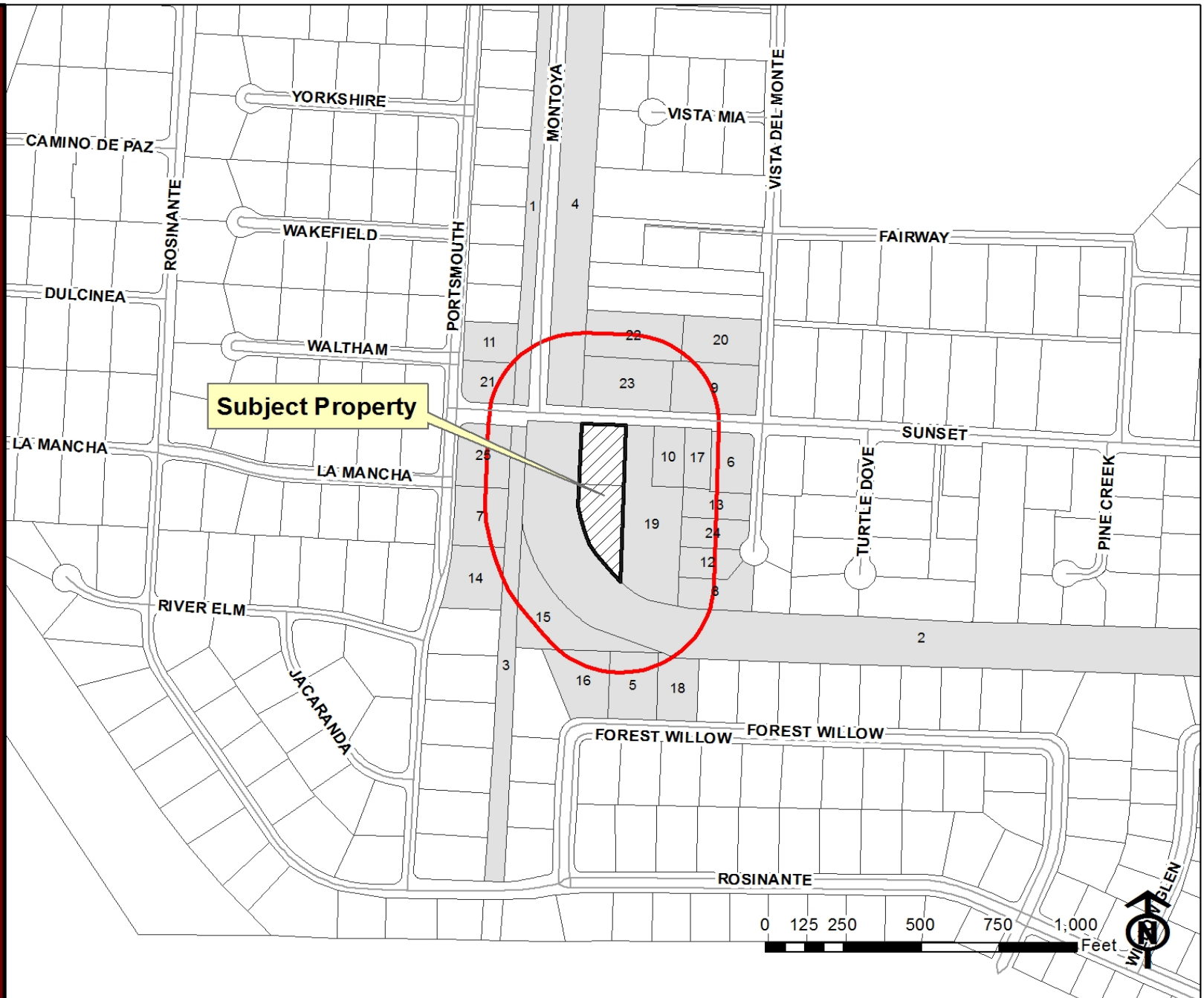
PZST13-00017



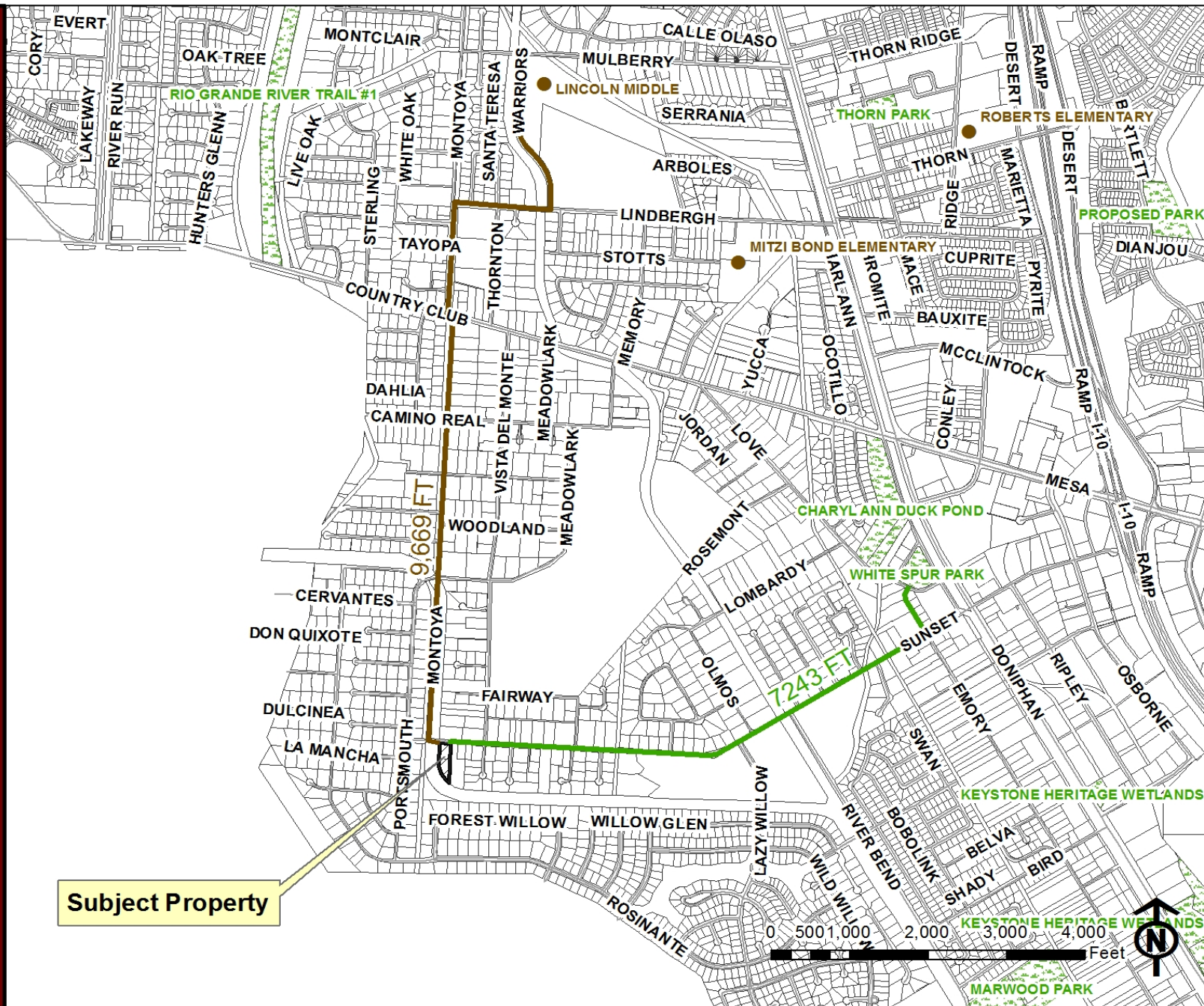
PZST13-00017



PZST13-00017



PZST13-00017



SUNSET ROAD

COUNTRY CLUB PLACE SOUTHSIDE PORTION OF TRACT "C"

VOLUME 3222, PAGE 2225
VOLUME 735, PAGE 1370
EL PASO COUNTY
DEED RECORDS

ON-SITE PONDING REQUIRED

EXISTING HOUSE
018

PARCEL 1
COUNTRY CLUB PLACE SOUTHSIDE
PORTION OF TRACT "C"

NEW HOUSE
2,000 SQ-FT

PARCEL 2
COUNTRY CLUB PLACE SOUTHSIDE
PORTION OF TRACT "C"

ON-SITE PONDING REQUIRED

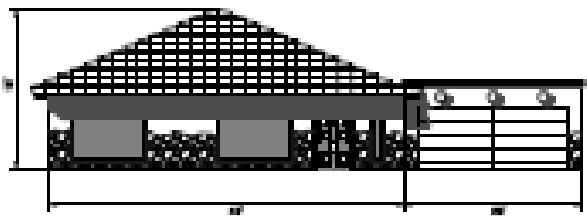
ACCESSORY
DWELLING UNIT
020

EL PASO ELECTRIC COMPANY
10' UTILITY EASEMENT
VOLUME 2044, PAGE 1046
EL PASO COUNTY DEED RECORDS

METES AND BOUNDS DESCRIPTION PARCEL 1

Description of a 0.52 acre parcel of land being a portion of land out of tract "C", COUNTRY CLUB PLACE SOUTHSIDE, are addition to the City of El Paso, El Paso County, Texas according to the map and plat thereof on file in plat book 8, page 26, plat records, El Paso County, and being more particularly described by metes and bounds as follows:

Beginning at a found iron marking the intersection of the southerly right of way line of Sunset Road with the



**FRONT ELEVATION
NEW GARAGE**



**FRONT ELEVATION
EXISTING HOUSE
(OLD STORNEY ROAD)**



**FRONT ELEVATION
EXISTING
ACCESSORY BUILDING (OLD
(OLD STORNEY ROAD)**



Subject Property



Subject Property -
Front



Subject Property
- Rear



Subject Property
– proposed new
house



North



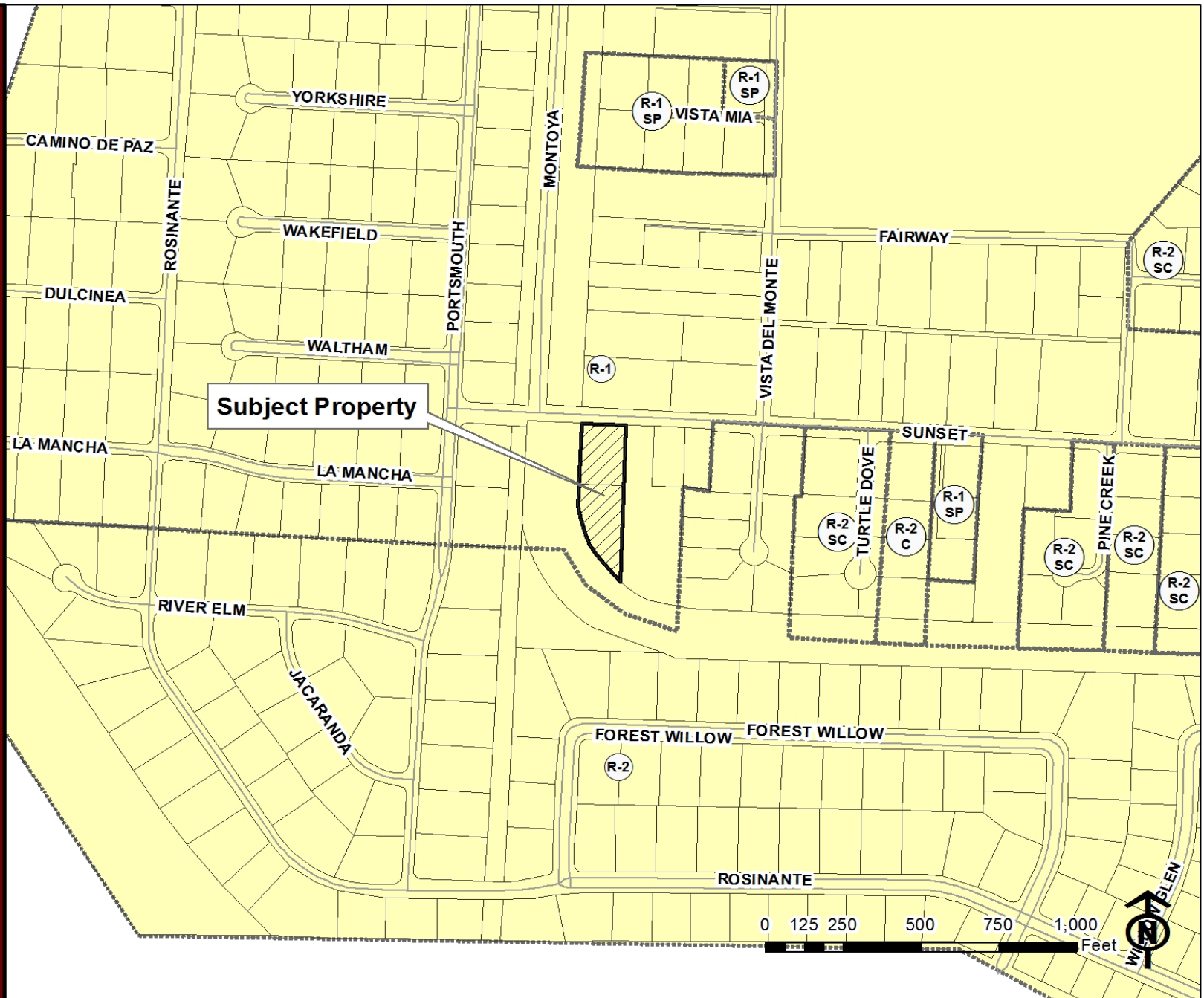
East



LOCATION OF PROPOSED
SPECIAL PERMIT
PUBLIC HEARINGS ARE
SCHEDULED
PLEASE CALL 541-4058

West

PZST13-00017



PZST13-00017



SUNSET ROAD

COUNTRY CLUB PLACE SOUTHSIDE PORTION OF TRACT "C"

VOLUME 3222, PAGE 2225
VOLUME 735, PAGE 1370
EL PASO COUNTY
DEED RECORDS

ON-SITE PONDING REQUIRED

EXISTING HOUSE
018

PARCEL 1
COUNTRY CLUB PLACE SOUTHSIDE
PORTION OF TRACT "C"

NEW HOUSE
2,000 SQ-FT

PARCEL 2
COUNTRY CLUB PLACE SOUTHSIDE
PORTION OF TRACT "C"

ON-SITE PONDING REQUIRED

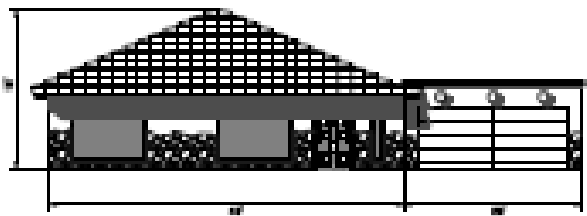
ACCESSORY
DWELLING UNIT
020

EL PASO ELECTRIC COMPANY
10' UTILITY EASEMENT
VOLUME 2044, PAGE 1046
EL PASO COUNTY DEED RECORDS

METES AND BOUNDS DESCRIPTION PARCEL 1

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**FRONT ELEVATION
NEW GARAGE**



**FRONT ELEVATION
EXISTING
EXISTING HOUSE
(418 HUNNET ROAD)**



**FRONT ELEVATION
EXISTING
ACCESSORY BUILDING (2002)
(400 HUNNET ROAD)**