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

**DEPARTMENT:** Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: September 15, 2015

Public Hearing: October 6, 2015

CONTACT PERSON/PHONE: Andrew Salloum, (915) 212-1613, salloumam@elpasotexas.gov

**DISTRICT(S) AFFECTED: 1** 

#### SUBJECT:

An Ordinance granting Special Permit No. PZST15-00021, to allow for Infill Development with reduced lot area, lot depth, and front yard setback on the property described as a portion of Lot 9, Block 2, River Valley Estates Replat A, 5905 Montoya Drive, 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 in Chapter 20.24 of the El Paso City Code. Subject Property: 5905 Montoya Drive. Property Owner: Maria C. Saenz Montoya and Jose C. Favela PZST15-00021 (District 1).

#### BACKGROUND / DISCUSSION:

On July 30, 2015, the CPC reviewed and recommended approval of the special permit request.

#### PRIOR COUNCIL ACTION:

There is no prior City Council action on this special permit application.

## **AMOUNT AND SOURCE OF FUNDING:**

N/A

## **BOARD / COMMISSION ACTION:**

City Plan Commission (CPC) – Approval Recommendation (6-0)

LEGAL: (if required) N/A

DEPARTMENT HEAD:

Larry F. Nichols
Director, Planning and Inspection Department

APPROVED FOR AGENDA:

CITY MANAGER:

DATE:

ORDINANCE NO.	
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AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST15-00021, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED LOT AREA, LOT DEPTH, AND FRONT YARD SETBACK ON THE PROPERTY DESCRIBED AS A PORTION OF LOT 9, BLOCK 2, RIVER VALLEY ESTATES REPLAT A, 5905 MONTOYA DRIVE, 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, Maria C. Saenz Montoya and Jose C. Favela, have applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City Code for reduced lot area, lot depth, and front yard setback 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 Section 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 an **RMH** (**Residential Mobile Home**)
Zone District:

A portion of Lot 9, Block 2, River Valley Estates Replat A, 5905 Montoya Drive, City of El Paso, El Paso County, Texas; and as more particularly described by metes and bounds on the attached Exhibit "A" incorporated by reference; and,

- 2. That the City Council hereby grants a Special Permit for an infill development under Section 20.10.280 of the El Paso City Code to allow a reduction in the lot area, lot depth, and front yard setback; and,
- 3. That this Special Permit is issued subject to the development standards in the RMH (Residential Mobile Home) 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,

PZST15-00021

- 4. That, if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST15-00021 shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; and,
- 5. That the Owner 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.

building permits are issued.	
ADOPTED this day of _	, 2015.
	THE CITY OF EL PASO
ATTEST:	Oscar Leeser Mayor
Richarda Duffy Momsen City Clerk	
APPROVED AS TO FORM:	APPROVED AS TO CONTENT:
Lawring n	F.
Karla M. Nieman	Larry F. Nichols, Director
Assistant City Attorney	Planning & Inspections Department

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#### **AGREEMENT**

Maria C. Saenz Montoya and Jose C. Favela, 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 RMH (Residential Mobile Home) District regulations, and subject to all other requirements set forth in this Ordinance.

requirements set forth in this Ordinance.	
<b>EXECUTED</b> this day of _	September, 2015.
	Maria C. Saenz Montoya:
	By: Maria C Saenz (name/title)
	(signature)
	Jose C. Favela: José Grdeno
	By: (name/title) (signature)
ACKNOWLE	DGMENT
THE STATE OF TEXAS	
COUNTY OF EL PASO )	
This instrument is acknowledged before n	ne on this 1st day of September.

My Commission Expires:

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

NANCY M. SPENCER
NOTARY PUBLIC
In and for the State of Texas
My commission expires
11-22-2017

2015, by Maria C. Saenz Montoya and Jose C. Favela, as Owners.

PZST15-00021

ORDINANCE NO.

A portion of Lot 9, Block 2, River Valley Estates Replat A, City of El Paso, El Paso County, Texas May 12, 2015

#### METES AND BOUNDS DESCRIPTION 5905 Montoya Drive Exhibit "A"

FIELD NOTE DESCRIPTION of a portion of Lot 9, Block 2, River Valley Estates Replat A, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found iron rod located at the common boundary corner of Lot 9, Block 2, River Valley Estates Replat A and Lot 1, Block 1, Quinones Subdivision, same being the westerly right-of-way line of Montoya Drive and the POINT OF BEGINNING of the herein described parcel;

THENCE, leaving said westerly right-of-way line of Montoya Drive and along the common boundary line of Lots 1 and 9, North 89°47'09" West, a distance of 85.15 feet to a found iron rod for corner;

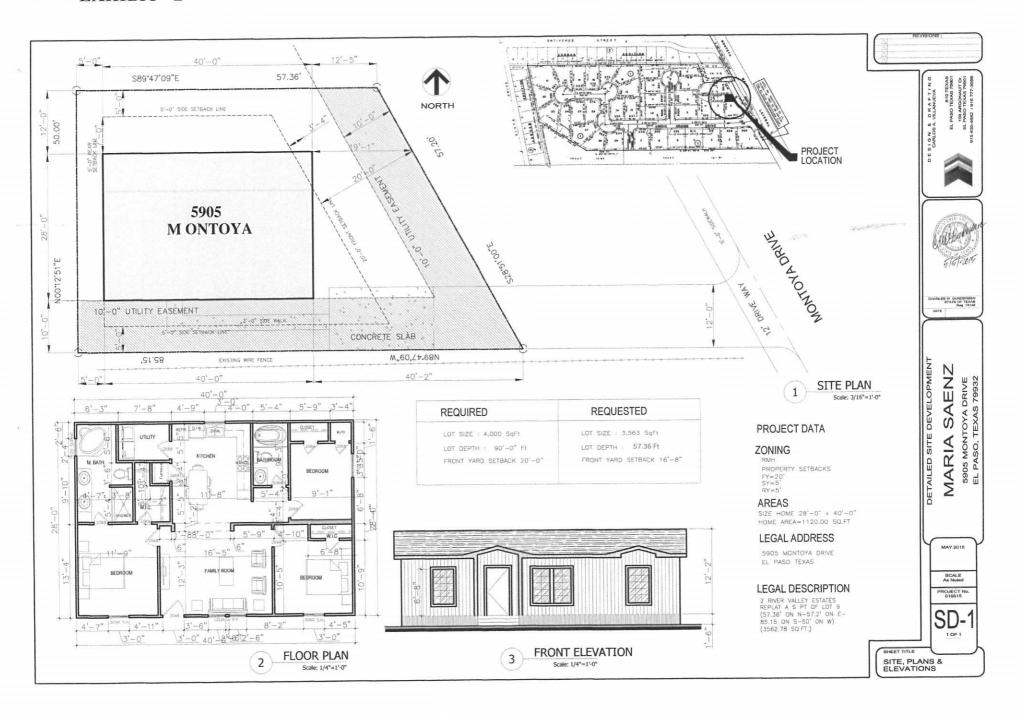
THENCE, leaving said common boundary line of Lots 1 and 9 and along the common boundary line of Lots 8 and 9, North 00°12'51" East, a distance of 50.00 feet to a set iron rod for corner;

THENCE, leaving said common boundary line of Lots 8 and 9, South 89°47'09" East, a distance of 57.36 feet to a set iron rod for corner;

THENCE, South 28°51'00" East, a distance of 57.20 feet to the POINT OF BEGINNING of the herein described parcel and containing 3,562.78 square feet or 0.0818 acres of land more or less.

CAD Consulting Co. 1790 Lee Trevino Drive, Suite 503 El Paso, Texas 79936 (915) 633-6422 I:\M&B\2015\5905 Montoya,wpd





#### MEMORANDUM

DATE: September 3, 2015

TO: The Honorable Mayor and City Council

Tommy Gonzalez, City Manager

FROM: Andrew Salloum, Planner

SUBJECT: PZST15-00021

The City Plan Commission (CPC), on July 30, 2015, voted 6-0 to recommend **approval** of the special permit application to allow for infill development with the lot area, lot depth, and front yard setback for a residential mobile home.

The CPC found that the special permit is in conformance with Plan El Paso. The CPC also determined that the special permit protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the special permit will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

The Planning Division has not received any communications in support or opposition to the special permit request.

**Property Owner:** 

Maria C. Saenz Montoya and Jose C. Favela

Representative:

Maria C. Saenz Montoya and Jose C. Favela

Attachments: Staff Report



## City of El Paso - City Plan Commission Staff Report

Case No: PZST15-00021

**Application Type:** Special Permit and Detailed Site Development Plan

CPC Hearing Date: July 30, 2015

Staff Planner: Andrew Salloum, (§15) 212-1613, salloumam@elpasotexas.gov

**Location:** 5905 Montoya Drive

Legal Description: A portion of Lot 9, Block 2, River Valley Estates Replat A, City of El Paso, El Paso

County, Texas

Acreage: 0.0818 acres

Rep District: 1

**Zoning:** RMH (Residential Mobile Home)

Existing Use: Vacant C/SC/SP/ZBA/LNC: N/A

**Request:** Infill Development - to allow for lot area, lot depth, and front yard setback

reductions.

**Proposed Use:** Residential mobile home

**Property Owner:** Maria C. Saenz Montoya and Jose C. Favela **Representative:** Maria C. Saenz Montoya and Jose C. Favela

#### SURROUNDING ZONING AND LAND USE

North: RMH (Residential Mobile Homes) / Mobile homes

South: R-2 (Residential) / Single-family dwellings

East: P-R1 (Planned Residential I) / Single-family dwellings West: RMH (Residential Mobile Homes) / Mobile homes

PLAN EL PASO DESIGNATION: G-3, Post-War (Northwest Planning Area)

**NEAREST PARK:** Little River Park (1,949 feet)

NEAREST SCHOOL: Lincoln Middle School (6,630 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 July 15, 2015. The Planning Division has not received any communications in support or opposition to the special permit request.

## APPLICATION DESCRIPTION

The applicant is requesting a special permit for infill development and detailed site development plan review for an infill development to reduce the lot size, lot depth, and front yard setback for a residential mobile home. The detailed site development plan shows a new 1,120 sq. ft. residential mobile home. The applicant is requesting the following reductions: from the required 4,000 sq. ft. lot size to 3,563 sq. ft., from the required 90 ft. lot depth to 57.36 ft., and from the required 20 ft. front yard setback to 16 ft. 8 in. (see the table on page 3). The Detailed Site Development Plan complies with all other density and dimensional

PZST15-00021 1 July 30, 2015

standards. Access to the subject property is proposed from Montoya Drive.

## PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the requests for special permit and detailed site development plan review for infill development as it complies with Sections 20.10.280 Infill Development; 20.04.320, Special Permit, 20.04.150, and Detailed Site Development Plan.

#### **ANALYSIS**

20.10.280 Infill Development

The provisions of this section apply to any property designated with an overlay designation to encourage redevelopment and infill development, the specific purposes of which are to: provide a more flexible approach to design and development of infill projects, encourage infill development by simplifying procedures for plan approval, permit the conversion or adaptive reuse of buildings and properties, encourage planning and design flexibility and innovations, create a community environment that is enhanced by a mix of residential, commercial, recreational, open space, employment and institutional uses, and assure community compatibility and an efficient use of land and public services. In order to provide incentives for private investment in these targeted areas, the following standards shall apply:

A. Location Criteria. An infill development may be designated for any property on which at least two of the following factors are present: the property is wholly or partially located within a designated tax increment financing district, or the property is wholly or partially located within a designated state or federal enterprise zone, or the property is wholly or partially located within an empowerment zone, or the property is wholly or partially located within a designated redevelopment area pursuant to Chapter 20.14 of this title, or the property is located within a designated historic district, or the property is within an older neighborhood of the city. An older neighborhood of the city defined as a legally recorded and developed subdivision for at least thirty years. Where an infill development is able to satisfy only one of the preceding factors, an applicant shall be allowed to make a formal request to city council to waive the two factor requirement prior to the submission of a special use permit application for the property. In all instances where a waiver is requested and authorized by city council, at least one location factor shall be met. For purposes of this section, any property with a historic designation shall be subject to the requirements and review provisions of Chapter 20.20 (Historic Designations) of this title, and shall not be waived by any provision of this section.

This development meets the two location criteria: (1) it is within a State Enterprise Zone (2) it is located in a legally recorded subdivision of at least 30 years, having been platted in 1984, (Attachment 4).

B. Use Regulations. Unless the ordinance designating the infill development provides otherwise, a proposed infill development may be approved for any use permitted in the base-zoning district in which it is located. However, the ordinance designating an infill development overlay may provide a list of principal uses, accessory uses and prohibited uses pursuant to a specific area plan adopted by the city council.

There is no specific plan area adopted by City Council. A residential mobile home is permitted in the RMH (Residential Mobile Home) district.

C. Setback Provisions. The side, front and rear setback requirements of the base-zoning district on which it is located may be reduced up to one hundred percent for an infill development as approved by city council. Buildings should be designed to relate to and take advantage of any existing site attributes, and shall be a consideration for reduction of the setback requirements.

DIMENSION	REQUIRED	PROPOSED		
Lot Size	4,000 sq. ft.	3,563 sq. ft.		
Lot Depth	90 ft.	57.36 ft.		
Front Yard Setback	20 ft.	16 ft. 8 in.		

E. Design. Unless otherwise approved by city council, any construction permitted pursuant to this section shall be designed to consistently relate to the massing and character of the surrounding properties. Consistency of massing and character shall be determined as shown on the site plan with typical elevations and proposed construction materials, that the proposed construction is compatible with the overall design features and building development of the neighborhood within which the proposed infill development is located. Design features include, but shall not be limited to, building height, architectural style, building materials, landscape and setbacks.

The proposed development is compatible with existing development.

H. Lots. There shall be no minimum area requirement for lots within an infill development unless otherwise provided in the ordinance designating the infill development overlay.

The applicant is only requesting lot area, lot depth, and front yard setback reductions; the request complies with all other density and dimensional standards.

## 20.04.320 Special permit approvals.

- A. Building and occupancy permits shall not be issued to any building or use identified in this title as requiring a special permit until after approval of such special permit by the city council.
- B. Building and occupancy permits shall not be issued for any building or use identified in this title as requiring an approved detailed site development plan as required by Article III, until such approval has been granted.
- C. No building or occupancy permit may be granted for the erection, rehabilitation, enlargement or demolition of any building in a designated historic area or for any building that is a designated historic landmark until prior approval has been granted by the historic landmark commission.
- D. The city council, after hearing and report by the city plan commission, may approve a special permit upon a finding that the proposed development meets the following minimum requirements necessary to protect the public health, safety and general welfare of the community:
  - 1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located; complies with any special standards applicable to the particular type of development being proposed, or to the particular area in which the development is proposed; complies with any special approvals required in connection with such development or area;
  - 2. The proposed development is in accordance with and in furtherance of the plan for El Paso, any special neighborhood plans or policies adopted by the city regarding the development area, or any approved concept plan;
  - 3. The proposed development is adequately served by and will not impose an undue burden upon the public improvements and rights-of-way by which it will be served or benefited, or which exist or are planned for installation within its boundaries or their immediate vicinity. A traffic impact study may be required to determine the effects of the proposed development on the public rightsof-way;
  - 4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development;
  - 5. The design of the proposed development mitigates substantial environmental problems;
  - 6. The proposed development provides adequate landscaping and/or screening where needed to

- reduce visibility to adjacent uses;
- 7. The proposed development is compatible with adjacent structures and uses;
- 8. The proposed development is not materially detrimental to the enjoyment or valuation of the property adjacent to the site.
- E. The applicant may request that the city plan commission waive one or more of the criteria based on its no applicability to the proposed development. The city plan commission, upon a recommendation of the planning official, shall make a determination on the no applicability of the criteria and shall render a finding based on such determination, and shall forward their recommendation to city council for final review and approval.

The application meets the requirements for special permit.

## 20.04.140 When required.

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

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

#### 20.04.150 Procedure.

- D. City plan commission approval. Pursuant to this Code, the city plan commission, in addition to the powers and duties identified in this chapter, shall have final authority on approval of all other detailed site development plans, unless a zoning condition, contract provision, other city code provision or state law require the detailed site development plan to be approved by city council.
  - 1. The planning division shall make its recommendations to the city plan commission within thirty days after a complete application is submitted.
  - 2. The city plan commission shall hold a public hearing at its regular meeting that is within thirty days from receipt of department recommendations.
  - 3. The commission shall consider the following information when approving a proposed detailed site development plan: the boundaries of the tract proposed for development; location and arrangement of structures; determine if the use conforms to applicable zoning regulations, determine if historic landmark commission approval has been granted for architectural design of all structures if located in a historic district and the design conforms to such approval; location of utility rights-of-way and easements and storm water drainage; vehicular and pedestrian ways; on-site parking areas; location of open spaces and landscape planted areas.
  - 4. In no instance shall the city plan commission have authority to vary the yard standards applicable to the district.
  - 5. The city plan commission shall approve the plan if it complies with all applicable code provisions.

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

## Plan El Paso-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 PZST15-00021

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July 30, 2015

commercial uses.

The purpose of the RMH (Residential Mobile Home) 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 and Inspections Department - Planning Division - Transportation

No objections to the special permit and detailed site development plan.

#### 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.

#### TXDOT

Not on a state roadway.

#### **EPDOT**

We have no objections on the size and location of driveway. Build Driveway to City Standards.

#### Planning and Inspections Department – Building and Development Permitting

No objections to proposed special permit.

## Planning and Inspections Department - Landscaping Division

No objections to proposed special permit.

#### Planning and Inspections Department - Land Development

No objections.

#### Fire Department

No adverse comments.

#### Sun Metro

Sun Metro does not oppose this request.

#### El Paso Water Utilities

1. EPWU does not object to this request.

Water:

- 2. There is an existing 12-inch diameter water main extending along Montoya Dr., located approximately 11 feet east of the right-of-way centerline. This main is available for service.
- 3. EPWU records indicate an active ¾-inch water service meter connection for the subject property. The service address for this meter is 5905 Montoya Dr.

Sanitary Sewer:

- 4. There is an existing 12 inch sanitary sewer main extending along Montoya Dr., located along the centerline of the right-of-way. This main is available for service.
- 5. There is an existing 8-inch diameter sanitary sewer main extending along Montoya Dr., located approximately 11 feet west of the right-of-way centerline. This main ends approximate 10 feet north of the property's southern boundary line. This main is available for service.

  General:

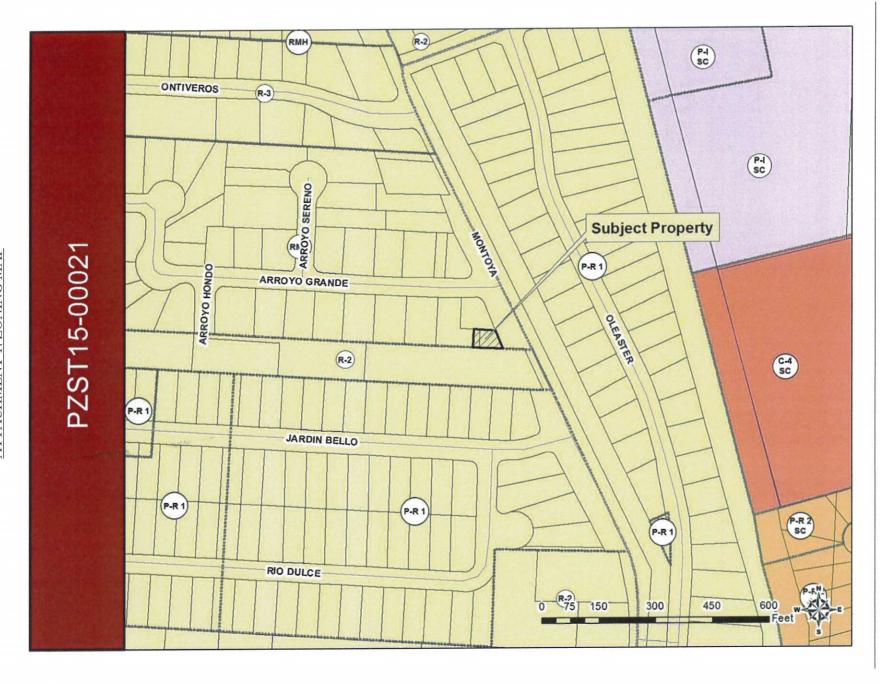
6. EPWU requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping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

## El Paso Water Utilities - Stormwater Division

No comments received.

#### Attachments

- 1. Zoning Map
- 2. Aerial Map
- 3. Detailed Site Development Plan
- 4. Subdivision Plat





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REPLAT A

APPOAL AL DIST.

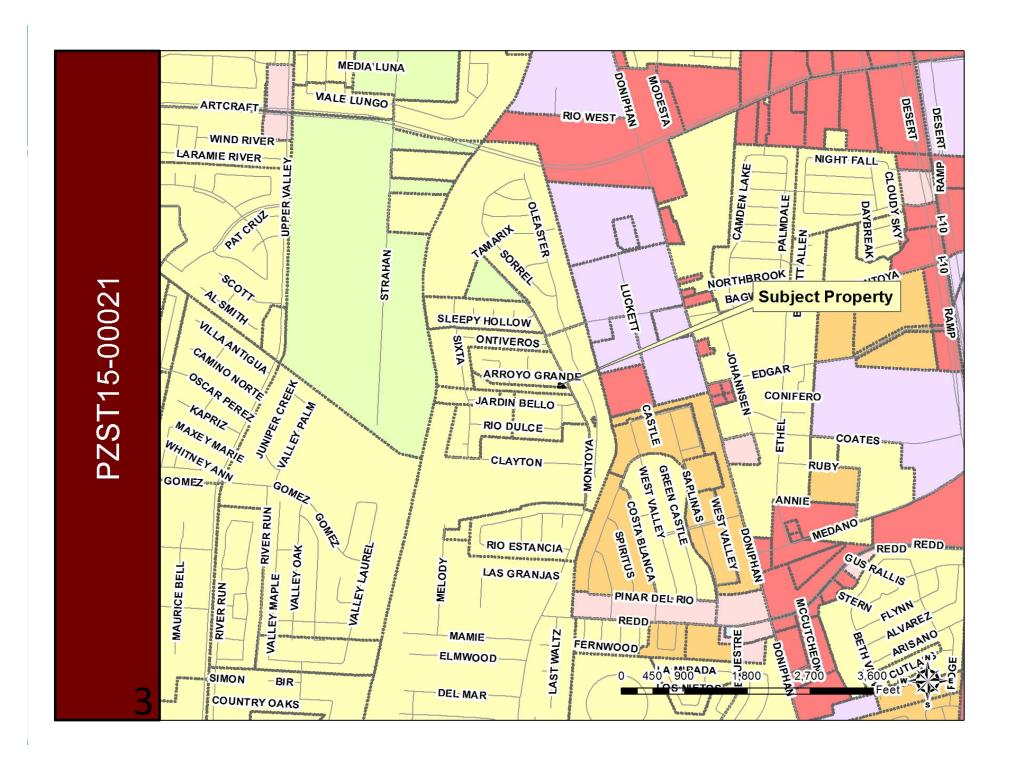


## **Recommendation/Public Input**

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

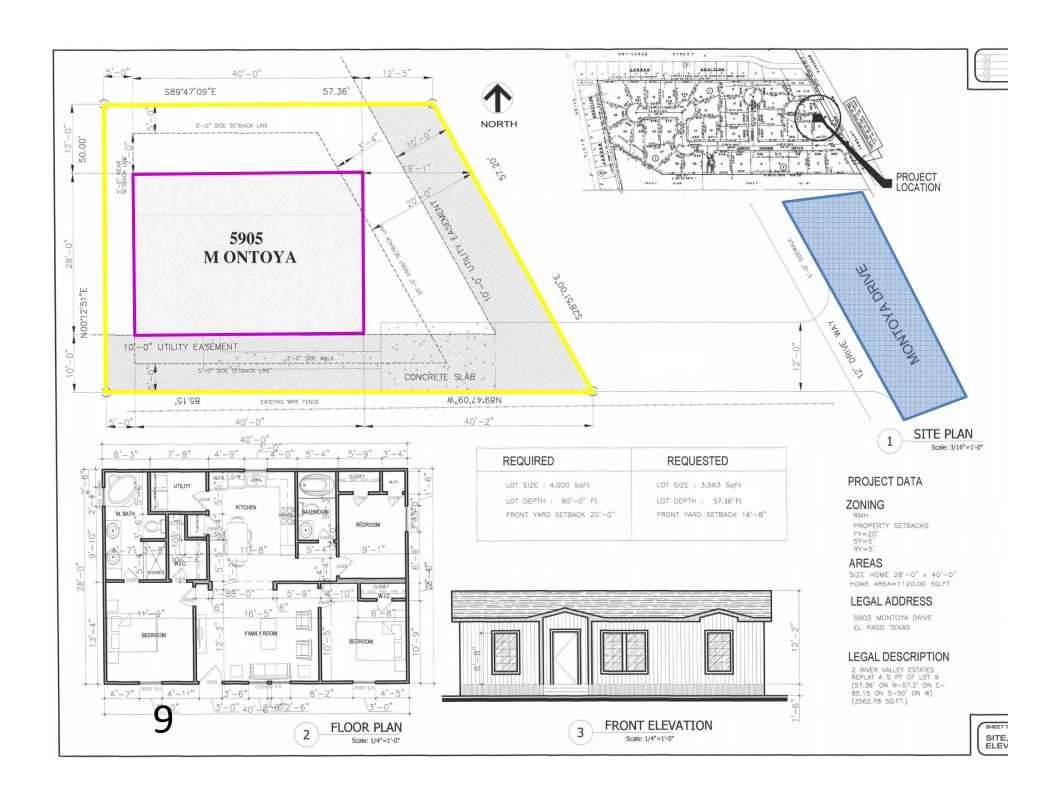
Strategic Goal #3 Promote the Visual Image of El Paso

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











# **Special Permit Request**

DIMENSION	REQUIRED	PROPOSED		
Lot Size	4,000 sq. ft.	3,563 sq. ft.		
Lot Depth	90 ft.	57.36 ft.		
Front Yard Setback	20 ft.	16 ft. 8 in.		

























