

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: September 18, 2018
Public Hearing: October 16, 2018

CONTACT PERSON/PHONE: Philip F. Etiwe, (915) 212-1553, etiwepf@elpasotexas.gov
Andrew Salloum, (915) 212-1603, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 3

SUBJECT:

An Ordinance granting Special Permit No. PZST18-00007, to allow for Infill Development with lot area, lot depth, and cumulative front & rear yard setbacks reductions on the property described as Lot 38, Block 1, Howell, 5820 Tamburo Court, 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: 5820 Tamburo Avenue. Property Owner: Casas Diamantina, LLC. PZST18-00007 (District 3)

BACKGROUND / DISCUSSION:

On June 28, 2018, 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 (5-0).

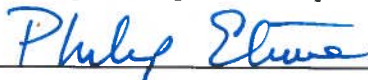
*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Philip F. Etiwe
Planning and Inspections Department



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST18-00007, TO ALLOW FOR INFILL DEVELOPMENT WITH LOT AREA, LOT DEPTH, AND CUMULATIVE FRONT & REAR YARD SETBACKS REDUCTIONS ON THE PROPERTY DESCRIBED AS LOT 38, BLOCK 1, HOWELL, 5820 TAMBURO COURT, 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, Casas Diamantina, LLC, have applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for a lot area, lot depth, and cumulative front & rear yard setbacks reductions; 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-5 (Residential) Zone District:

Lot 38, Block 1, Howell, *City of El Paso, El Paso County, Texas; 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 a lot area, lot depth, and cumulative front & rear yard setbacks reductions; and,
3. That this Special Permit is issued subject to the development standards in the R-5 (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 "A"** and incorporated herein by reference for all purposes; and,
4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST18-00007 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.

ADOPTED this _____ day of _____, 2018.

THE CITY OF EL PASO

Dee Margo
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:



Alex P. Hoffman
Planning & Inspections Department

AGREEMENT

Casas Diamantina, LLC, 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-5 (Residential) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 5th day of September, 2018.

Casa Diamantina, LLC:

By: Daniel Alderete - member
(name/title)

[Signature]
(signature)

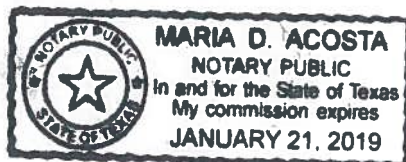
ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 5th day of September, 2018, by Daniel Alderete Jr, for Casas Diamantina, LLC, as Owner.

My Commission Expires:

Maria D. Acosta
Notary Public, State of Texas



Notary's Printed or Typed Name:

MARIA D ACOSTA

(Exhibit "A" on the following page)

MEMORANDUM

DATE: September 7, 2018

TO: The Honorable Mayor and City Council
Tommy Gonzalez, City Manager

FROM: Andrew Salloum, Senior Planner

SUBJECT: PZST18-00007

The City Plan Commission (CPC), on June 28, 2018, voted 5-0 to recommend **approval** of the special permit for infill development and detailed site development plan review to reduce lot area, lot depth, and cumulative front & rear yard setbacks in the R-5 (Residential) district for a duplex.

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 phone calls or letters in support or opposition to the special permit request.

Property Owner: Casas Diamantina, LLC
Representative: Daniel Alderete

Attachments:
Staff Report

5820 Tamburo Court

City of El Paso — Plan Commission — 6/28/2018

PZST18-00007 Special Permit



STAFF CONTACT: Andrew Salloum, (915) 212-1603, salloumam@elpasotexas.gov

OWNER: Casas Diamantina, LLC

REPRESENTATIVE: Daniel Alderete

LOCATION: 5820 Tamburo Court, District 3

LEGAL DESCRIPTION: Lot 38, Block 1, Howell, City of El Paso, El Paso County, Texas

EXISTING ZONING: R-5 (Residential)

REQUEST: Special Permit for Infill Development to reduce required lot area, lot depth, and cumulative front & rear yard setbacks

RELATED APPLICATIONS: N/A

PUBLIC INPUT Planning has not received any communication in support or opposition to the special permit request; Notices sent to property owners within 300 feet on June 13, 2018.

STAFF RECOMMENDATION: Approval (see pages 2—10 for basis of recommendation)

SUMMARY OF REQUEST: The applicant is requesting a special permit for infill development and detailed site development plan review to reduce lot area, lot depth, and cumulative front & rear yard setbacks in the R-5 (Residential) district for a duplex.

SUMMARY OF RECOMMENDATION: The Planning Division recommends **APPROVAL** of the special permit request and acceptance of the detailed site development plan. The proposed development is consistent with its established neighborhood of surrounding single, multi-family dwellings and school. The proposed development is compliant with the G-2 (Traditional Neighborhood) land use designation of Plan El Paso in the Central Planning Area.



DESCRIPTION OF REQUEST

The applicant is requesting a special permit for infill development and detailed site development plan review to reduce lot area, lot depth, and cumulative front & rear yard setbacks in the R-5 (Residential) district for a duplex. The subject property is vacant. The detailed site development plan shows a new total 1,910 sq. ft. duplex, 14 ft. 8 in. in height above the surface at its highest point. The applicant is requesting the following reductions: from the required lot area 6,000 sq. ft. to 5,903 sq. ft., from the required lot depth 90 ft. to 50 ft., and cumulative front & rear yard setback from 45 ft. to 23 ft. 6 in. The development requires a minimum of four (4) parking spaces. The applicant is providing four (4) parking space. Access to the subject property is proposed from Tamburo Court.

SPECIAL PERMIT REQUIREMENTS

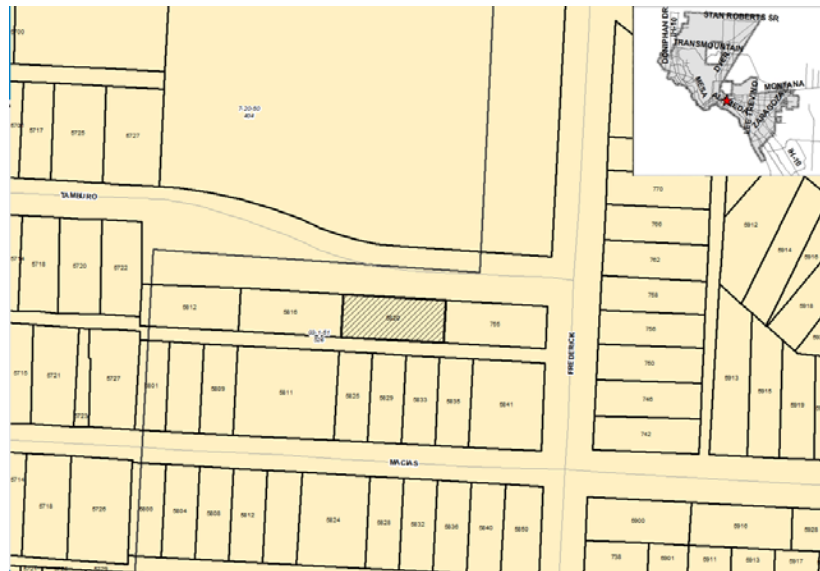
To grant the special permit to allow for infill development, the applicant must comply with the following standards, per 20.10.280:

LOCATION CRITERIA: The subject property meets each of the following locational criteria for an infill special permit (**Note: A minimum of one location criterion from El Paso City Code Section 20.10.280 (B) is required to be met**):

20.10.280 – Infill Development. Section B – Location Criteria:

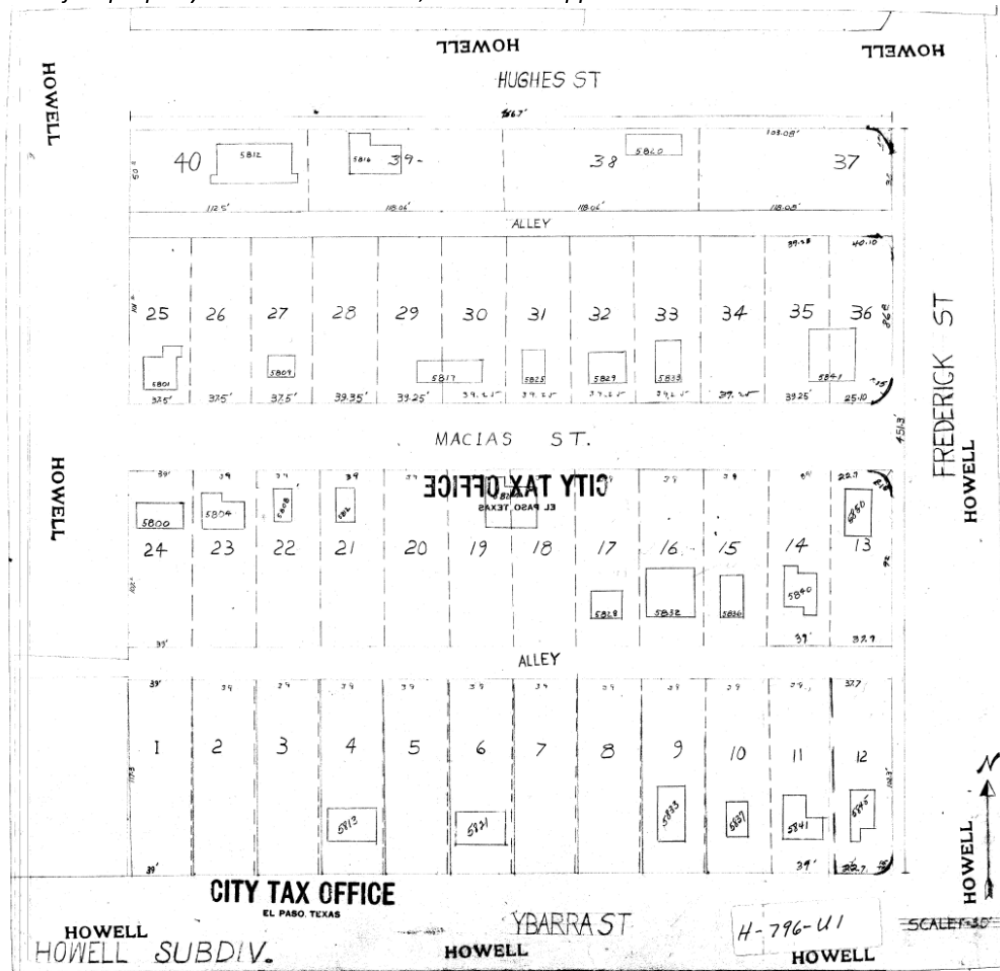
3. Any parcel of land annexed prior to 1955.

According to the City's annexation map, the subject property was annexed in 1951.



4. Parcels of land within or that share a common property line to an existing subdivision platted for no less than twenty-five years.

The subject property is within the Howell, which was approved in 1950.



6. Parcels of land within areas identified by the city's comprehensive plan as G-2 traditional neighborhood and G-7 industrial and/or rail yards.

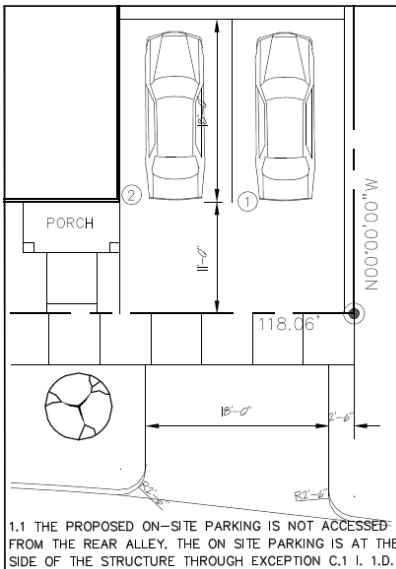
The subject property is within the G-2, Traditional Neighborhood (Walkable) Future Land Use Designation in Plan El Paso, the City's adopted Comprehensive Plan.



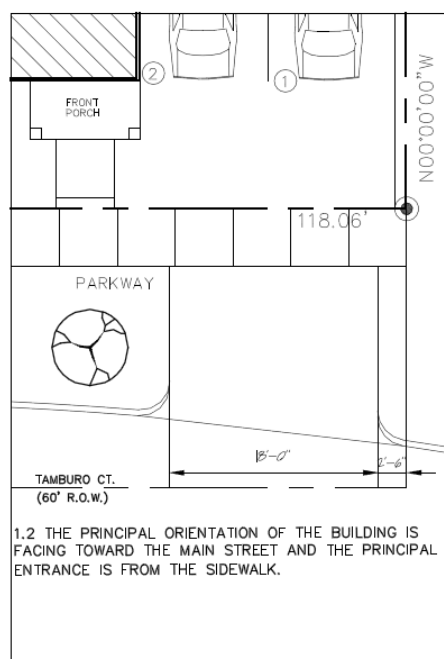
MANDATORY DESIGN REQUIREMENTS: The subject property meets all of the following mandatory design requirements for an infill special permit (**Note: All applicable mandatory design requirements from El Paso City Code Section 20.10.280 (C)(1) are required to be met**):

20.10.280 – Infill Development. Section C.1 – Mandatory Design Criteria:

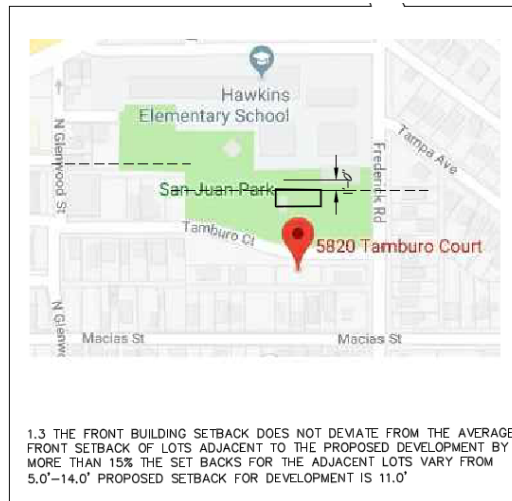
1.1: Where on-site surface parking is proposed, it shall be located at the rear of the property and when possible accessed via alleyway; or at the side of the property and screened in accordance with Section 21.50.070(F)(5). On-site surface parking shall not be located in the front yard. However, the applicant has granted an exception to the Section 20.10.280.C.(1)(i)(1)(d) alley right-of-way is unimproved or unpaved.



1.2: Buildings shall be placed on the parcels such that the principal orientation is toward the main street and the principal entrance is from the sidewalk.



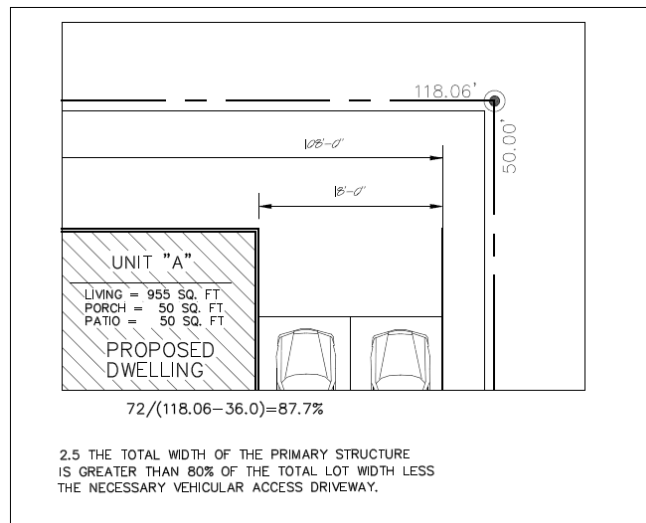
1.3: For proposals abutting existing residential development the front building setback shall not deviate from the average front setback of lots within the same block as the proposed development by more than fifteen percent.



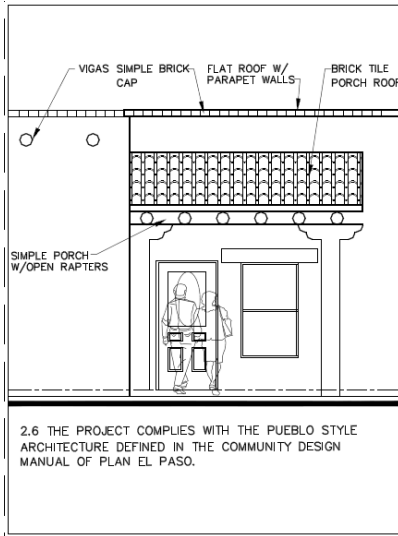
SELECTIVE DESIGN REQUIREMENTS: The subject property meets each of the following three (3) selective design criteria for an infill special permit (**Note: A minimum of three (3) selective design requirements from El Paso City Code Section 20.10.280 (C)(2) are required to be met**):

20.10.280 – Infill Development. Section C.2 – Selective Design Criteria:

2.5: The total width of the primary structure shall be greater than or equal to 80% of the total lot width along the main street. For the purposes of this calculation, any necessary vehicular access driveway shall be subtracted from the total lot width.



2.6: The project shall demonstrate compliance with one of the architectural styles defined in the Community Design Manual of Plan El Paso.

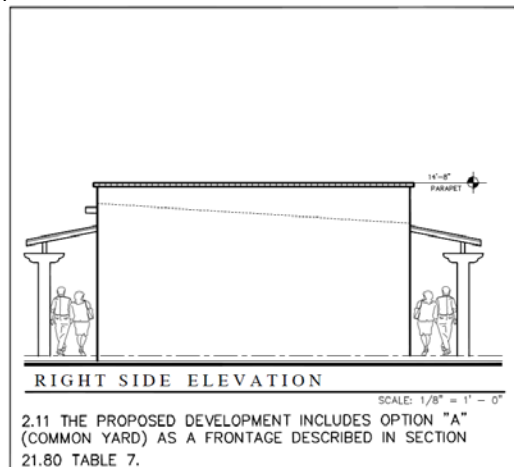


2.10: For projects in residential districts, the applicant shall demonstrate that the parcel has been vacant or underdeveloped for no less than 15 years. For purposes of this guideline only, underdeveloped shall be defined as parcels which do not meet the maximum density permitted in the base zoning district.

Property	Values	Taxing Jurisdiction	Improvements/Building	Land	History +	
Year	Improvements:	Land Market:	Ag Valuation:	Appraised:	HS Cap:	Assessed:
2019	\$0.00	\$0,000.00	\$0.00	\$0,000.00	\$0.00	\$0,000.00
2017	\$0.00	\$0,000.00	\$0.00	\$0,000.00	\$0.00	\$0,000.00
From 2004 through 2018						
2005	\$0.00	\$0,000.00	\$0.00	\$0,000.00	\$0.00	\$0,000.00
2004	\$0.00	\$0,000.00	\$0.00	\$0,000.00	\$0.00	\$0,000.00

2.10 BASED ON CENTRAL APPRAISAL RECORDS, THE PARCEL HAS BEEN VACANT OR UNDERDEVELOPED FOR NO LESS THAN 15 YEARS.

2.11: For projects in residential districts the applicant shall demonstrate that a private frontage as described in 21.80, Table 7a through 7e is proposed.



RELATION OF PROPOSED CHANGE TO THE CITY'S COMPREHENSIVE PLAN

CONSISTENCY WITH PLAN EL PASO	DOES IT COMPLY?
<u>G-2 TRADITIONAL NEIGHBORHOOD (WALKABLE)</u> This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly faced streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.	Yes. The subject property, and the proposed development for it, meet the intent of the G-2, Traditional Neighborhood (Walkable) Future Land Use Map designation. Access is proposed from Tamburo Court since the alley is unimproved or unpaved, and the character of the proposed duplex is substantially similar to that in existence on its block. The proposed building is shown facing the street. The principal entrance to the subject property is proposed from the sidewalk on Tamburo Court.
ZONING DISTRICT	DOES IT COMPLY?
<u>R-5 (Residential)</u> Light Residential Districts. The purpose of these districts 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.	Yes. Duplex is permitted by right in the R-5 District, and the proposal meets all dimensional requirements other than that for which the infill special permit is sought.
POLICY	DOES IT COMPLY?
2.2.5: The design of new neighborhoods and additions to existing neighborhoods should strive for a balance of housing, jobs, shopping, recreation, and civic uses to avoid unnecessary travel and reduce infrastructure and public services costs.	Yes, the applicant is proposing a duplex within walking distance of an established commercial and residential neighborhood.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The parcel is 0.13 acres in size. The proposed development is allowed under the current R-5 (Residential) zoning 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 R-5 (Residential) 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.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Per reviewing departments, the subject property is adequately served by the existing infrastructure to accommodate the proposed use. A new water service permit will be required, which will require coordination with the El Paso Water Utility.

EFFECT UPON THE NATURAL ENVIRONMENT: The subject property is not within any arroyos or identified environmentally sensitive areas.

COMMENT FROM THE PUBLIC: The subject property falls within the boundary of the El Paso Central Business Association and San Juan Neighborhood Improvement Association. It was contacted 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. The Planning Division has not received any public comment regarding this Special Permit request.

STAFF COMMENTS: No objections to proposed special permit and detailed site development plan approval. No reviewing departments had any comments. The applicant will need to coordinate with the El Paso Water Utility to establish service at the subject property. Applicant is responsible for obtaining all applicable permits and approvals prior to any construction or change in occupancy.

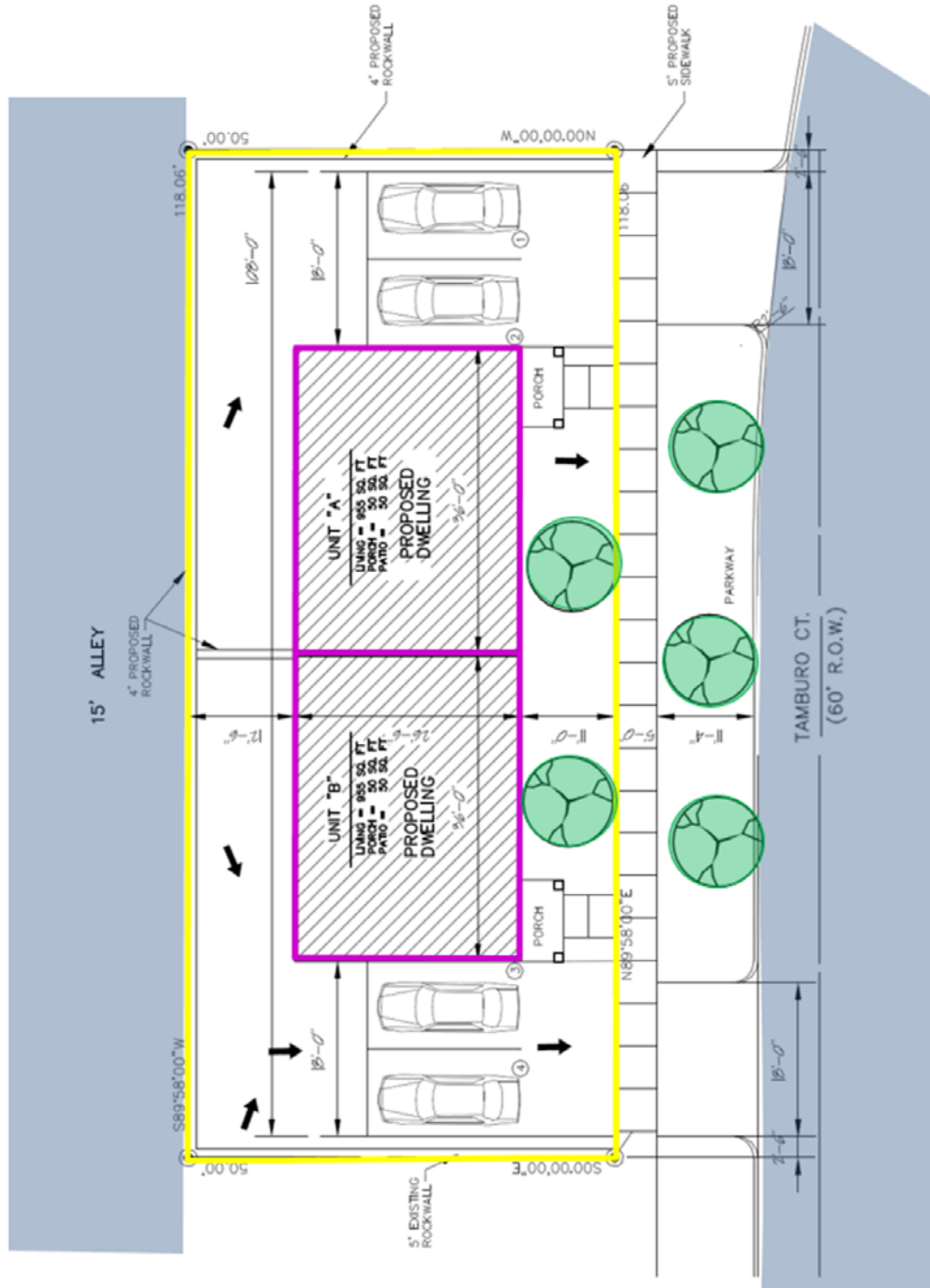
OTHER APPLICABLE FACTORS: Approval of the site plans by CPC constitutes a determination that the applicant is in compliance with the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that stormwater is in compliance with ordinances, codes, DSC, and DDM. Failure to comply may require the applicant to seek re-approval of the site plans from CPC.

ATTACHMENTS:

1. Detailed Site Plan
2. Zoning Map
3. Future Land Use Map
4. Department Comments
5. Neighborhood Notification Boundary Map

ATTACHMENT 1

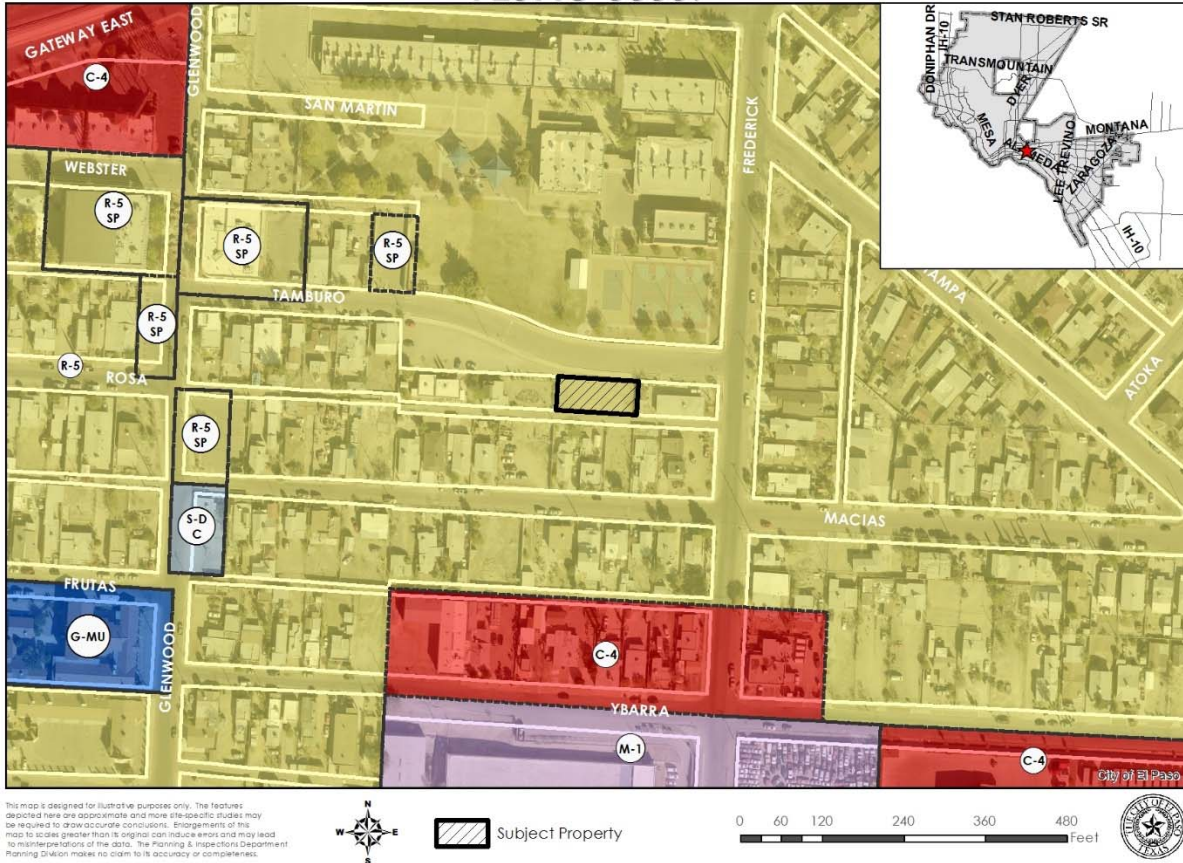
Detailed Site Plan



ATTACHMENT 2

Zoning Map

PZST18-00007



ATTACHMENT 3

Future Land Use Map

PZST18-00007



ATTACHMENT 4

Staff Review Comments

Planning and Inspections Department - Planning Division - Transportation

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

Note:

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

Texas Department of Transportation

Development is not abutting State Right of Way.

Planning and Inspections Department – Plan Review & Landscaping Division

No objections to special permit and detailed site plan.

Note: Proposed project shall meet all adopted building and city codes at time of submittal for construction.

Planning and Inspections Department – Land Development

No objection to proposed special permit and detailed site plan.

Environmental Service

Regarding the proposed duplex, ESD waste and recycling collection will be from Tamburo, not the alley. There needs to be an area, perhaps an enclosure, for the trash bins (2 gray, 2 blue = 4 total). The Code requires that visibility from the street be minimized except when the bins are set out for collection.

Fire Department

No objections.

Sun Metro

No objections.

El Paso Water Utility

1. El Paso Water (EPWater) does not object this request.

Water:

2. There is an existing 4-inch diameter water main that extends along the north side of Tamburo St., approximately 9-feet south of and parallel to the northern right of way line of Tamburo St. This water main is available for service.

3. EPWater records indicate there is no water service serving the subject property.

4. Previous water pressure from fire hydrant #2759 located at northwest corner on Frederick St. and Tamburo Street, has yielded a static pressure of 75 psi, a residual pressure of 70 psi, and a discharge of 1,163 gallons per minute.

Sanitary Sewer:

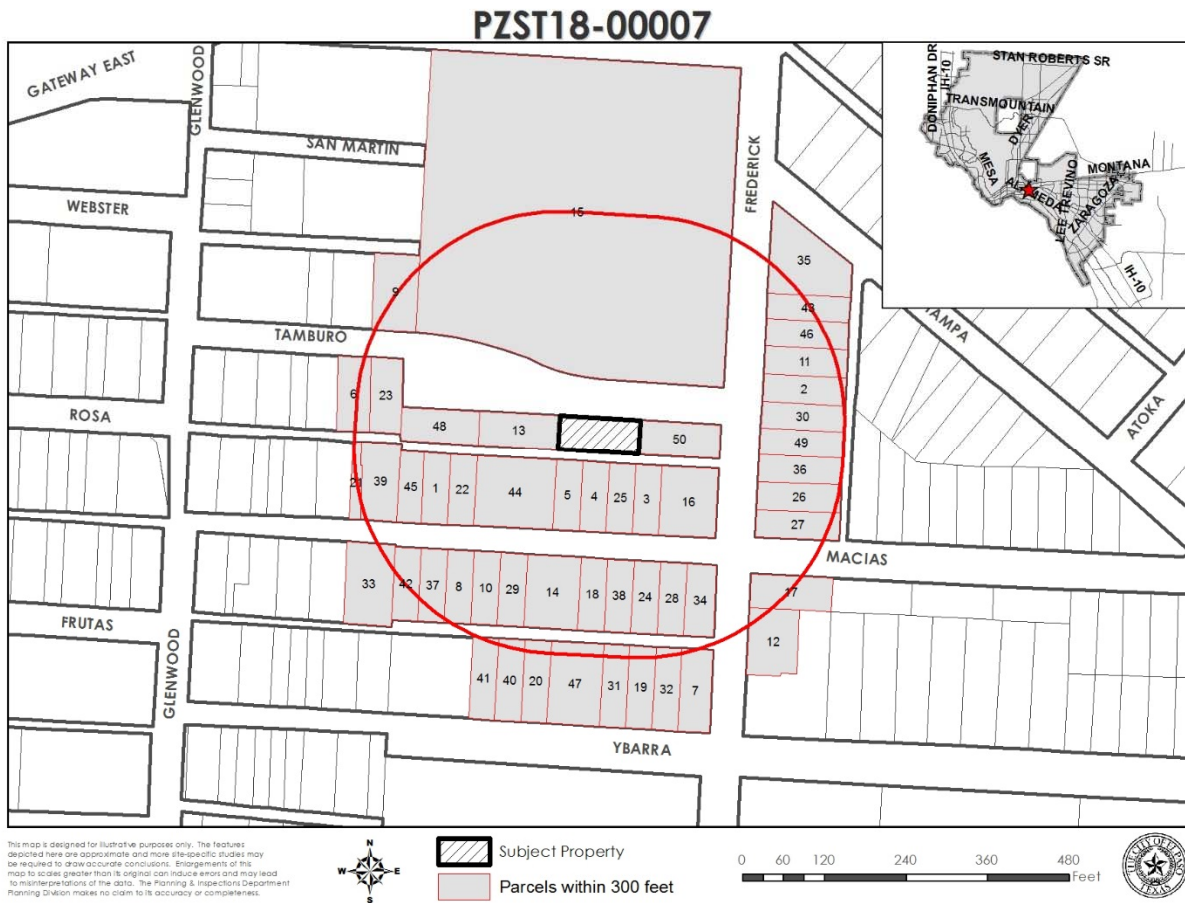
5. There is an existing 8-inch diameter sanitary sewer main that extends along the south side of Tamburo St., approximately 25-feet north of and parallel to the southern right of way line of Tamburo St. This sanitary sewer main is available for service.

General:

6. 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 8 to 10 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.

ATTACHMENT 5

Neighbor Notification Map





Recommendation/Public Input

- **Planning Division recommendation:** Approval
- **CPC Vote:** Approval Recommendation (5-0)
- **Public Input:** Planning did not receive any phone call or letters in support or opposition to the special permit request.

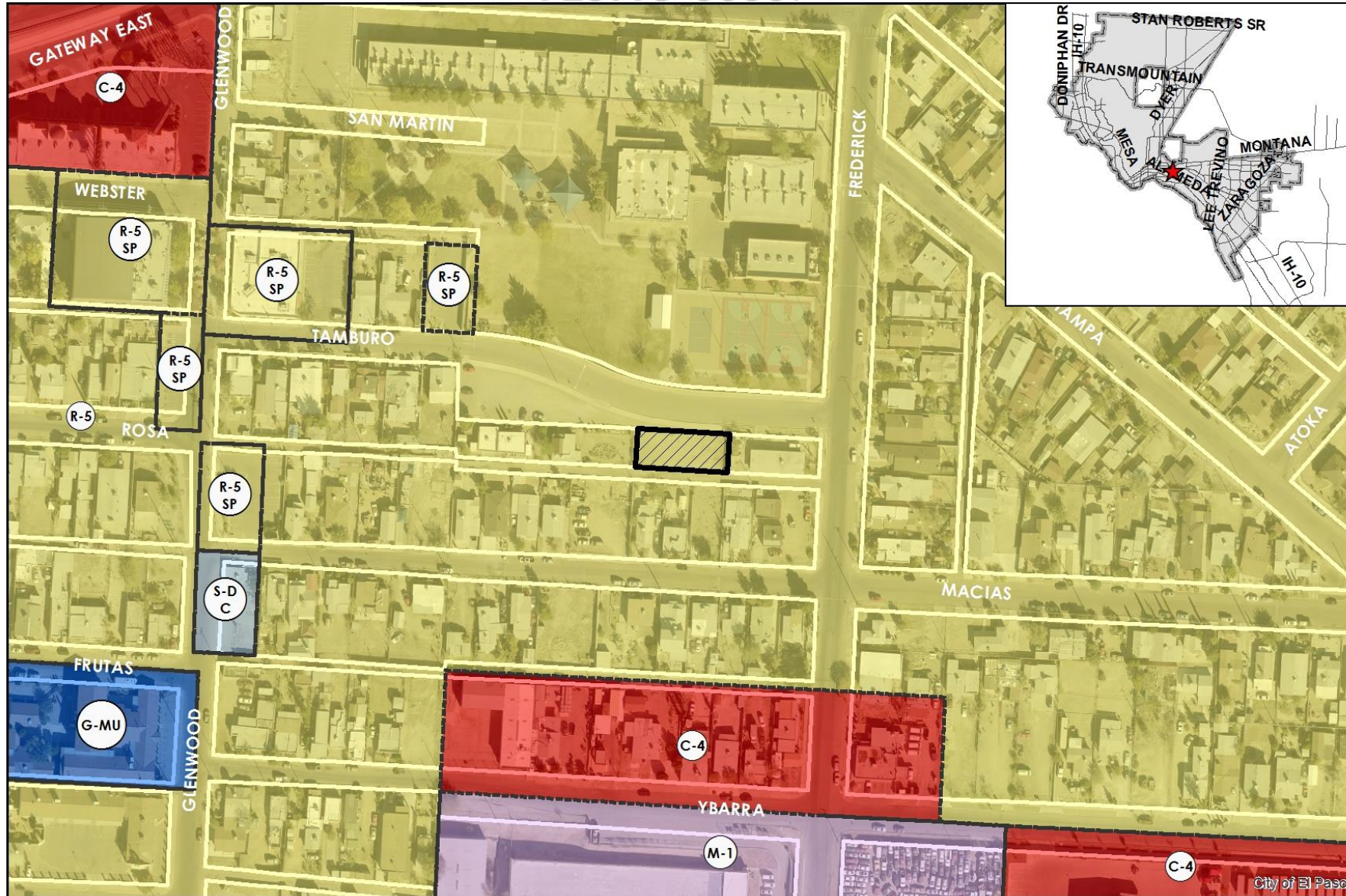
Strategic Goal #3 Promote the Visual Image of El Paso

3.1 Provide business friendly permitting and inspection processes

3.2 Improve the visual impression of the community



PZST18-00007



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

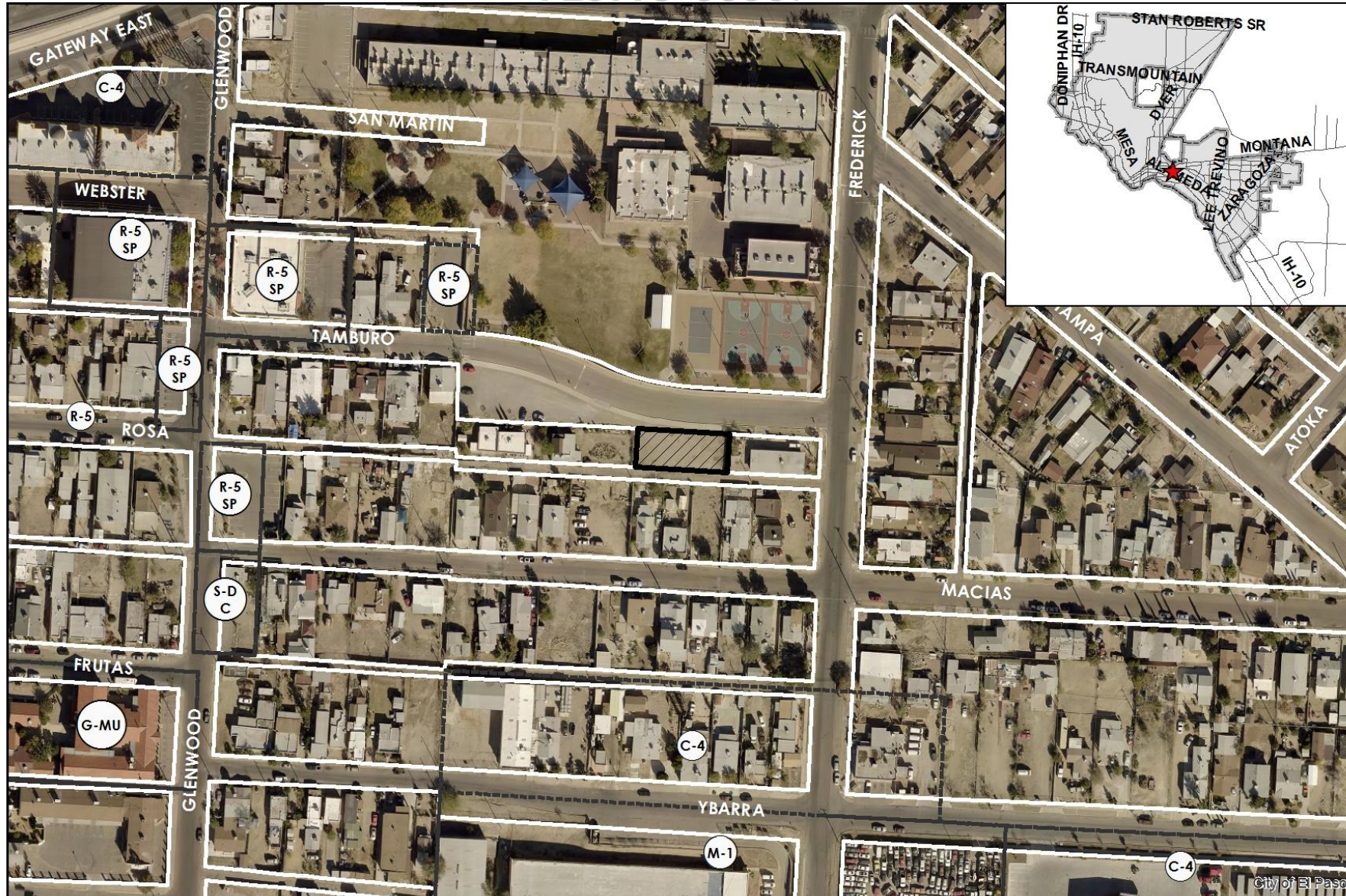


Subject Property





PZST18-00007



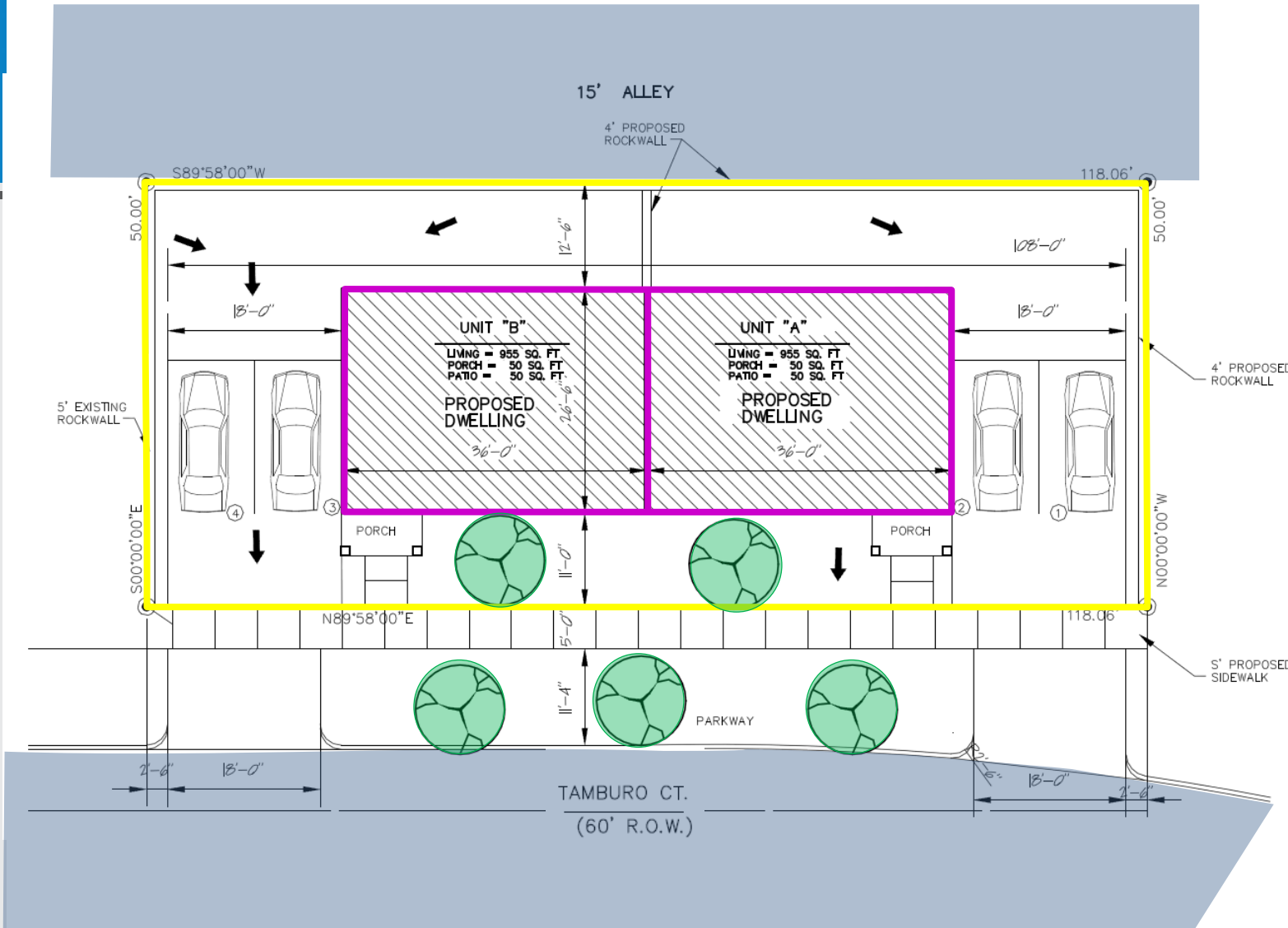
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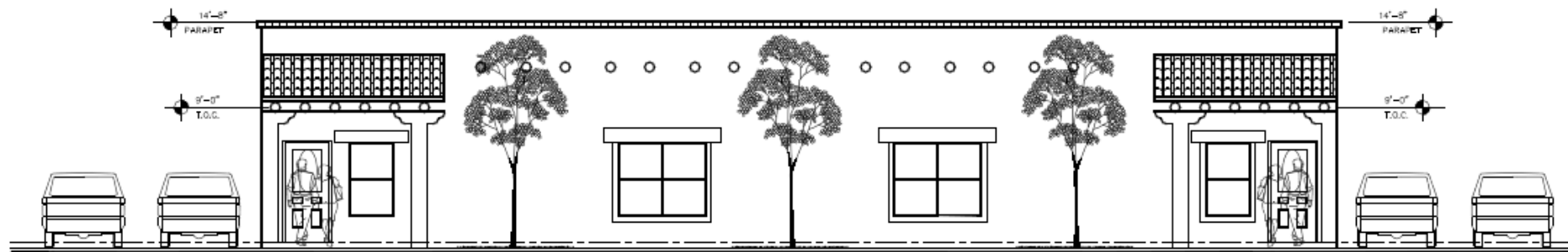
Subject Property

0 60 120 240 360 480 Feet





R-5 District	Required	Request
Lot Area	6,000 sq. ft.	5,903 sq. ft.
Lot Depth	90 ft.	50 ft.
Cumulative Front and Rear Yard Setback	45 ft.	23 ft. 6 in.



FRONT ELEVATION

SCALE: 1/8" = 1' - 0"

"Delivering Outstanding Services"



PZST18-00007



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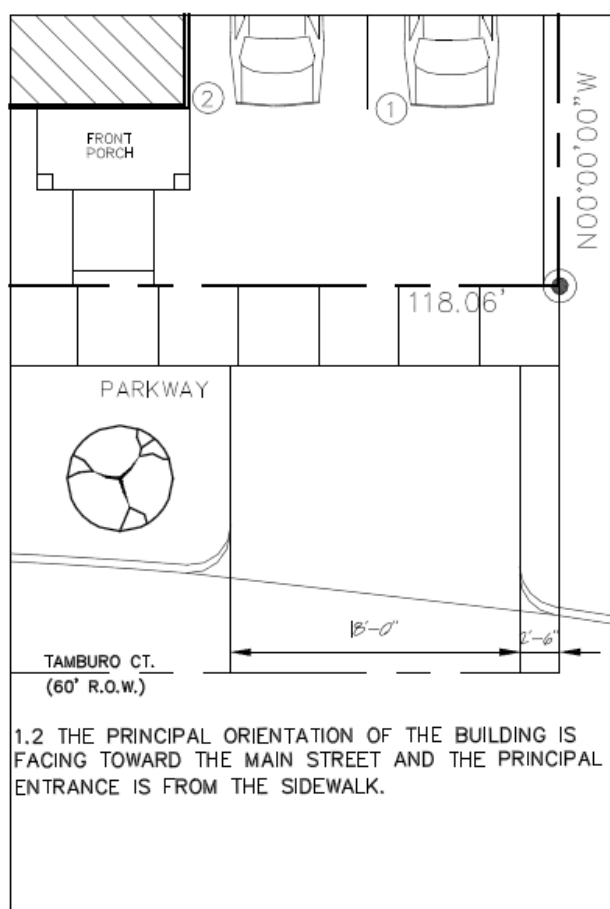
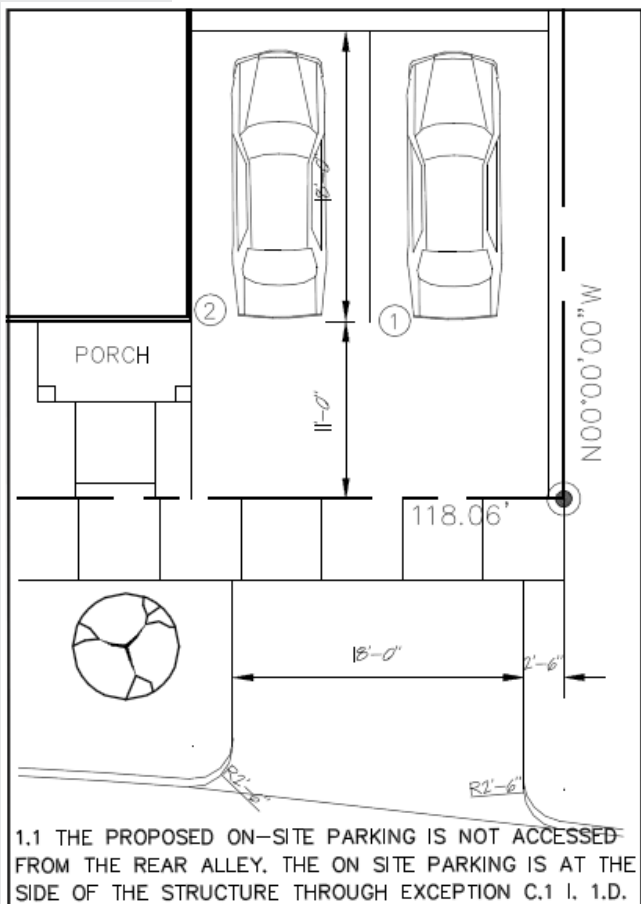


0 15 30 60 90 120 Feet



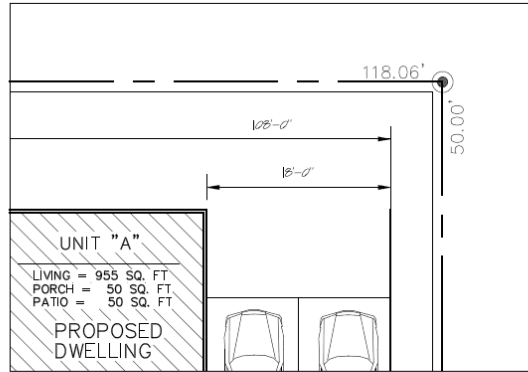


MANDATORY DESIGN REQUIREMENTS

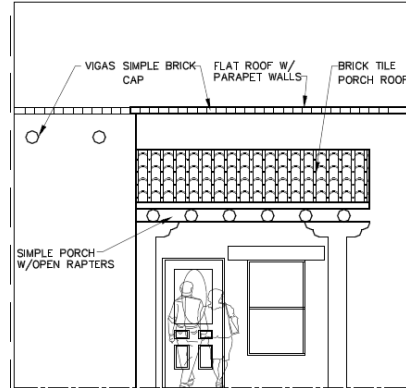




SELECTIVE DESIGN REQUIREMENTS



2.5 THE TOTAL WIDTH OF THE PRIMARY STRUCTURE IS GREATER THAN 80% OF THE TOTAL LOT WIDTH LESS THE NECESSARY VEHICULAR ACCESS DRIVEWAY.

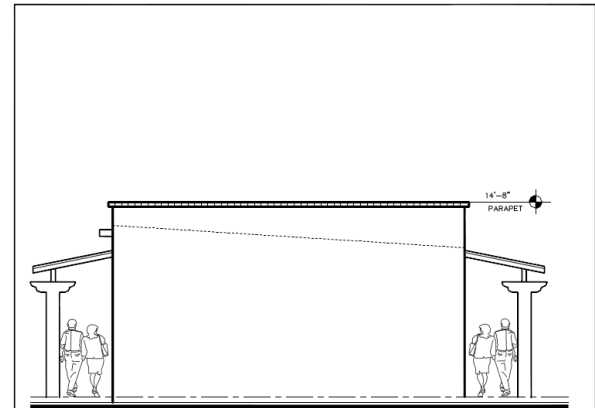


2.6 THE PROJECT COMPLIES WITH THE PUEBLO STYLE ARCHITECTURE DEFINED IN THE COMMUNITY DESIGN MANUAL OF PLAN EL PASO.

Property	Values	Taxing Jurisdiction	Improvements/Building	Land	History	
Year:	Improvements:	Land Market:	Ag Valuation:	Appraised:	HS Cap:	Assessed:
2016	\$0.00	\$5,903.00	\$0.00	\$5,903.00	\$0.00	\$5,903.00
2017	\$0.00	\$5,903.00	\$0.00	\$5,903.00	\$0.00	\$5,903.00
From 2004 through 2018						
2005	\$0.00	\$5,903.00	\$0.00	\$5,903.00	\$0.00	\$5,903.00
2004	\$0.00	\$5,903.00	\$0.00	\$5,903.00	\$0.00	\$5,903.00

2.10 BASED ON CENTRAL APPRAISAL RECORDS, THE PARCEL HAS BEEN VACANT OR UNDERDEVELOPED FOR NO LESS THAN 15 YEARS.

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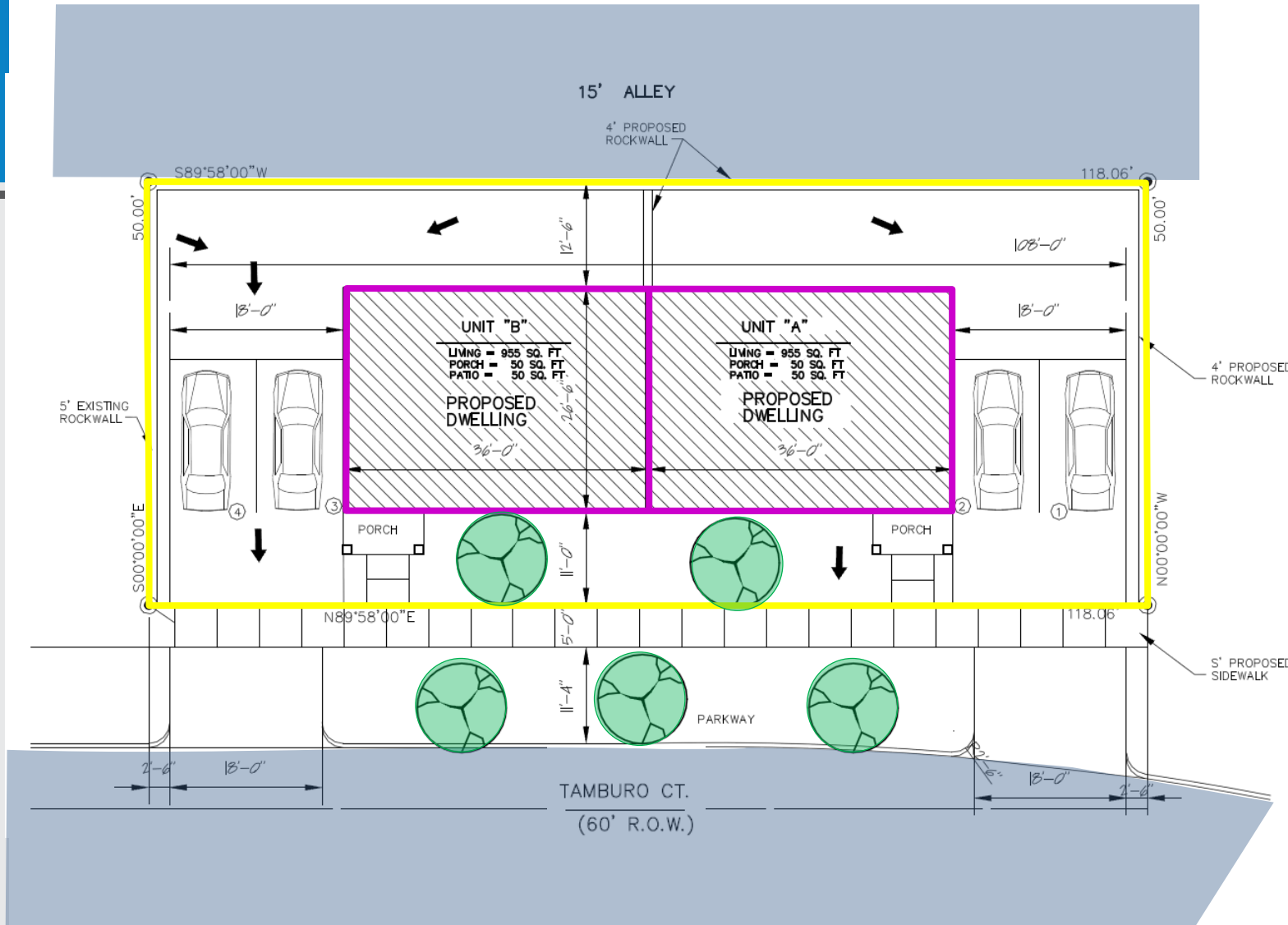
RIGHT SIDE ELEVATION

SCALE: 1/8" = 1' - 0"

2.11 THE PROPOSED DEVELOPMENT INCLUDES OPTION "A" (COMMON YARD) AS A FRONTAGE DESCRIBED IN SECTION 21.80 TABLE 7.







R-5 District	Required	Request
Lot Area	6,000 sq. ft.	5,903 sq. ft.
Lot Depth	90 ft.	50 ft.
Cumulative Front and Rear Yard Setback	45 ft.	23 ft. 6 in.

