

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

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

**AGENDA DATE:** Introduction: October 4, 2016  
Public Hearing: November 1, 2016

**CONTACT PERSON/PHONE:** Larry Nichols, (915) 212-1550, nicholslf@elpasotexas.gov  
Jeff Howell, (915) 212-1607, howelljb@elpasotexas.gov

**DISTRICT(S) AFFECTED:** 2

**SUBJECT:**

An Ordinance granting Special Permit No. PZST16-00019, to allow for infill development with reduced side street yard setback on the property described as Lot 31 & 32, Block 7, Morningside Heights Addition, 3300 Jackson Avenue, 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. Property Owner: Terry Sanchez. PZST16-00019 (District 2)

**BACKGROUND / DISCUSSION:**

On September 8, 2016, 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 (6-1).

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

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

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

**DEPARTMENT HEAD:** Larry F. Nichols  
Director, Planning and Inspection Department

  
\_\_\_\_\_

**APPROVED FOR AGENDA:**

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

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

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

**AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST16-00019, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED SIDE STREET YARD SETBACK ON THE PROPERTY DESCRIBED AS LOT 31 & 32, BLOCK 7, MORNINGSIDE HEIGHTS ADDITION, 3300 JACKSON AVENUE, 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, Terry Sanchez, has applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City Code for reduced side street yard setback.

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 **R-4 (Residential)** Zone District:  
*Lot 31 & 32, Block 7, Morningside Heights Addition, 3300 Jackson Avenue, City of El Paso, El Paso County, Texas; 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 side street yard setback; and,
3. That this Special Permit is issued subject to the development standards in the **R-4 (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. PZST16-00019 shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; and,

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

16-1007-1810 / 580556  
3300 Jackson Avenue  
OAR

**PZST16-00019**

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.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

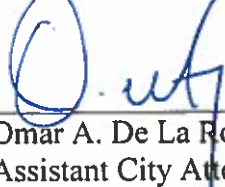
**THE CITY OF EL PASO**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Omar A. De La Rosa  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Larry F. Nichols, Director  
Planning and Inspections Department





**MEMORANDUM**

**DATE:** September 22, 2016

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

**FROM:** Jeff Howell, Senior Planner

**SUBJECT:** PZST16-00019

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The City Plan Commission (CPC), on September 8, 2016, voted 6-1 to recommend **approval** of the special permit to allow for infill development with reduced side street yard setback.

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 did receive one letter in opposition to the special permit request.

**Property Owner:** Terry Sanchez  
**Applicant:** Terry Sanchez  
**Representative:** Terry Sanchez

**Attachments:**  
Staff Report



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

**Case No:** PZST16-00019  
**Application Type:** Special Permit  
**CPC Hearing Date:** September 8, 2016  
**Staff Planner:** Jeff Howell, 915-212-1607, howelljb@elpasotexas.gov  
**Location:** 3300 Jackson Avenue  
**Legal Description:** Lot 31 & 32, Block 7, Morningside Heights Addition, City of El Paso, El Paso County, Texas  
**Acreage:** 0.15-acre  
**Rep District:** 2  
**Existing Zoning:** R-4 (Residential)  
**Existing Use:** Single-family dwelling  
**C/SC/SP/ZBA/LNC:** N/A  
**Request:** Infill Development – to allow for a reduction in side street yard setback  
**Proposed Use:** Single-family dwelling  
**Property Owner:** Terry Sanchez  
**Representative:** Terry Sanchez

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

**North:** R-4 (Residential) / Single-family dwellings  
**South:** R-4 (Residential) / Single-family dwellings  
**East:** R-4 (Residential) / Single-family dwellings  
**West:** R-4 (Residential) / Park

**PLAN EL PASO DESIGNATION:** G-2, Traditional Neighborhood (Walkable) (Central Planning Area)

**NEAREST PARK:** Grandview Park (57 feet)

**NEAREST SCHOOL:** Rusk Elementary School (268 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Central Neighborhood Association  
El Paso Central Business Association

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on August 18, 2016. Planning did receive one phone call in opposition to the special permit request.

### **CASE HISTORY**

A proposed addition of smaller scale was heard and approved by the Zoning Board of Adjustment (ZBA) on November 13, 2006, which proposed to encroach into the side street yard setback 5'. The proposed addition at the time was never constructed; therefore the ZBA application has since expired. The detailed site plan included as part of this special permit application exceeds the criteria for ZBA approval.

### **APPLICATION DESCRIPTION**

The request is for a special permit and detailed site development plan approval to allow for infill development to permit a reduction in the side street yard setback from 10' to 3'-3". The proposed development consists of an addition of 1,552 sq. ft. to an existing single-family dwelling. All other density and dimension standards are being met. The proposed development provides the two parking spaces required of detached single-family dwellings. The detailed site plan shows a proposed 5' sidewalk along Justus Street provide connection to an existing sidewalk, as well as street trees to be added within an

existing 7' landscape parkway. Access is proposed from Jackson Avenue.

### **Planning and Inspections Department – Planning Division Recommendation**

The Planning Division recommends **approval** of the special permit request, and acceptance of the detailed site development plan, as the proposed development is consistent with the surrounding single-family residential development. The proposed development is compliant with the G-2 Traditional Neighborhood (Walkable) land use designation in the Central Planning Area. Further, the property meets the requirements of Sections 20.04.320, Special Permit Approvals, 20.10.280, Infill Development, and 20.04.150 Detailed Site Development Plan.

### **Plan El Paso-Future Land Use Map Designation**

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

G-2 – Traditional Neighborhood (Walkable): 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 face 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 the Comprehensive Plan.

The purpose of the R-4 (Residential) district is to provide low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations, permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

### **Plan El Paso - Goals & Policies**

This application addresses policy 2.2.2. “The design of new neighborhoods and additions to existing neighborhoods should strive for a mix of housing types to create neighborhoods that accommodate diverse ages and incomes and allow residents to trade up, downsize, or create multi-generational households without being forced to leave the neighborhood. Housing types include both small and large single-family detached homes, duplexes, townhouses, multi-family buildings, live-work units, and accessory dwelling units, and include both rental apartments and units that can be owned by their occupants.”

### **ANALYSIS**

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

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.

*The property meets two criteria, residing within a state enterprise zone and is part of an older neighborhood of the city defined as a legally recorded and developed subdivision for at least thirty years. Morningside Heights Addition subdivision was platted in 1921 (Attachment #6).*

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.

*Single-family dwellings are a permissible use in the R-4 (Residential) zone district.*

C. Setback Provisions. The 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.

<b>Dimensional Standards Required and Proposed</b>		
Dimension	Required	Proposed
Side Street Setback	10'	3'-3"

D. Parking. The minimum parking requirements enumerated in Chapter 20.14 (Off-Street Parking and Loading Requirements) of this title shall be automatically reduced by fifty percent for any use within a designated infill development.

*The proposed development requires 2 parking spaces, and provides 2.*

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 consistent with the G-2, Traditional Neighborhood (Walkable) (Central Planning Area) growth sector.*

**COMMENTS:**

**Streets and Maintenance Department**

The Streets and Maintenance Department (SaM) has reviewed the site plan and information provided and do not foresee any traffic safety issues.

**Planning and Inspections Department - Land Development**

1. No objections to setback reductions.
2. 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.

**Planning and Inspections Department – Plan Review**

No objections to proposed special permit. At the time of submittal for building permits the project will need comply with all applicable provisions of the IBC, TAS and local municipal code.

**Planning and Inspections Department - Landscaping**

No objections to proposed special permit. At the time of submittal for building permits the project will need comply with all applicable provisions of the IBC, TAS and local municipal code.

## **El Paso Fire Department**

Recommend approval.

## **El Paso Water Utilities**

1. EPWater does not object to this request.

Water:

2. There is an existing 6-inch diameter water main along the Alley between Jackson Avenue and McKinley Avenue. This water main is available for service.
3. EPWater records indicate (1) ¾" service meter (Active) on the property with 3300 Jackson Avenue as the service address.
4. Previous water pressure from fire hydrant #598 located at Copia Street and NE corner of McKinley Avenue, has yielded a static pressure of 70 psi, a residual pressure of 46 psi, and a discharge of 750 gallons per minute.

Sanitary Sewer:

5. There is an existing 8-inch diameter sanitary sewer main along the Alley between Jackson Avenue and McKinley Avenue. This 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 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

## **El Paso Water Utilities-Stormwater Division**

1. EPW – Stormwater Engineering recommends:
  - Using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavements) to reduce the amount of developed stormwater runoff.

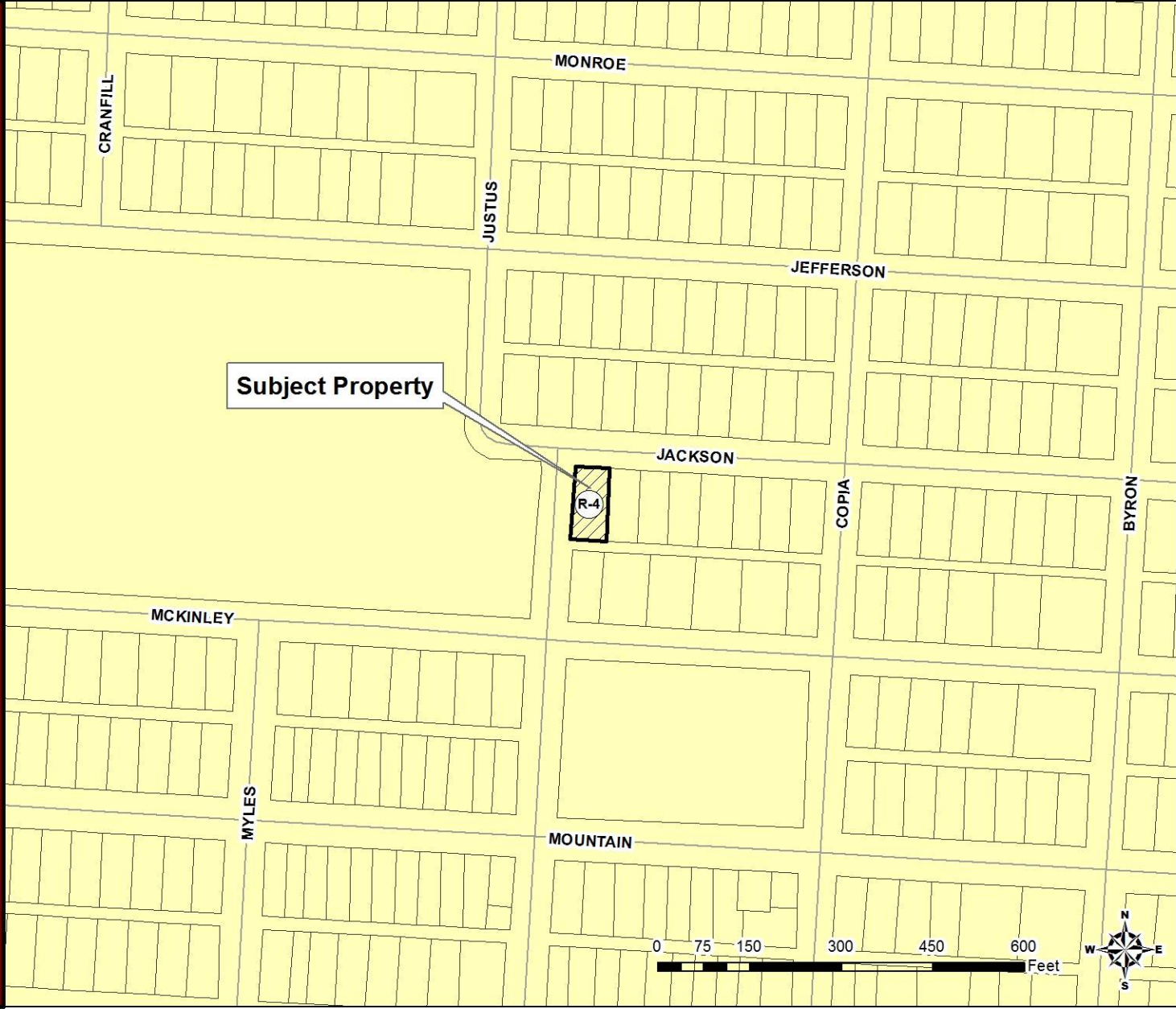
## **Sun Metro**

Sun Metro does not oppose this request.

## **Attachments**

1. Zoning Map
2. Aerial Map
3. Future Land Use Map
4. Detailed Site Development Plan
5. Elevations
6. Subdivision Map

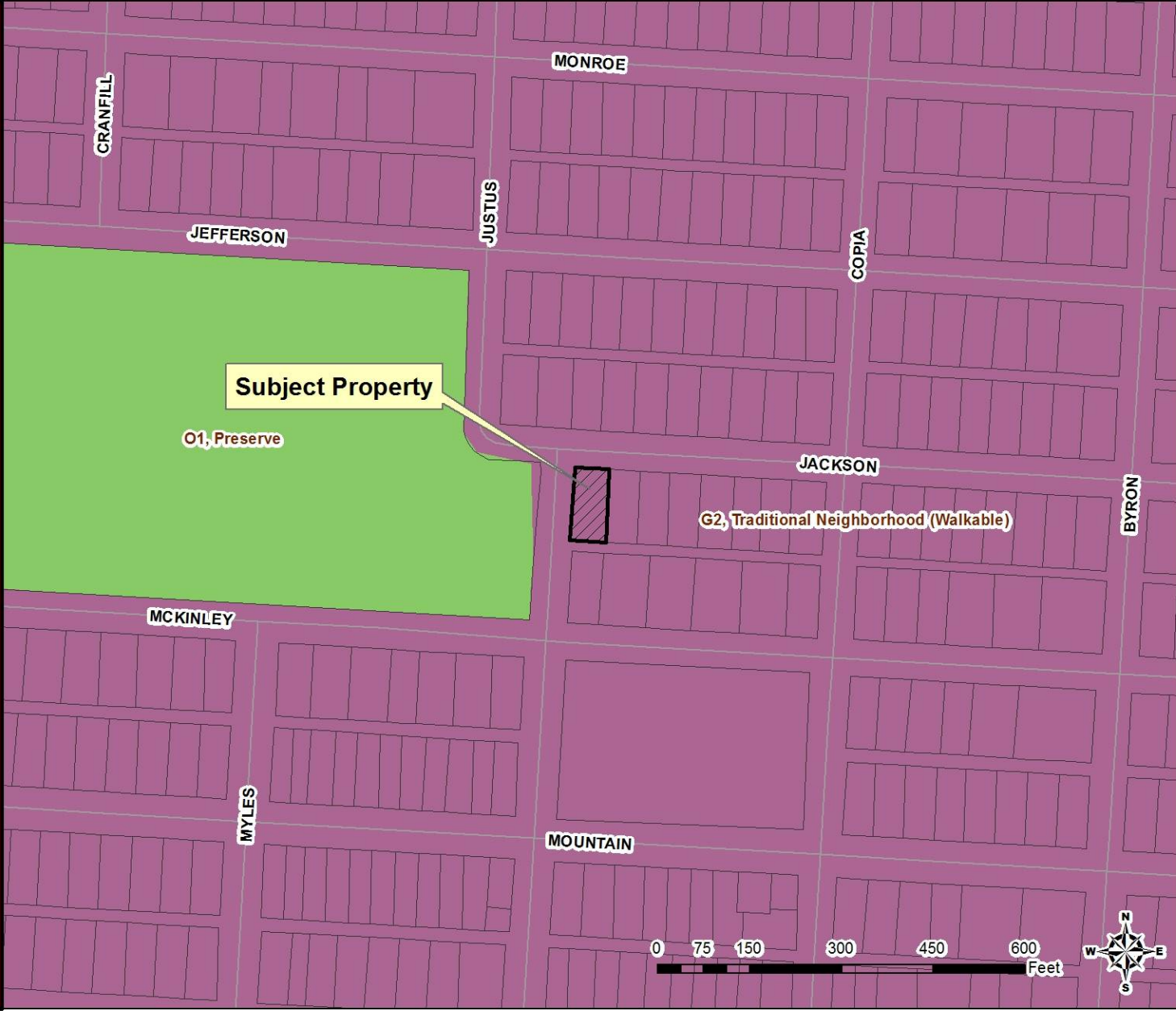
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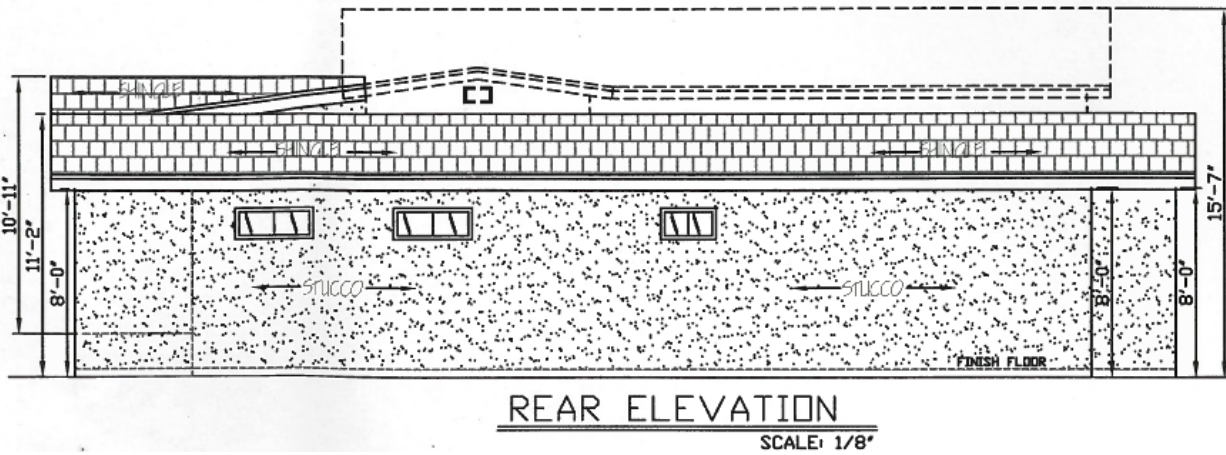
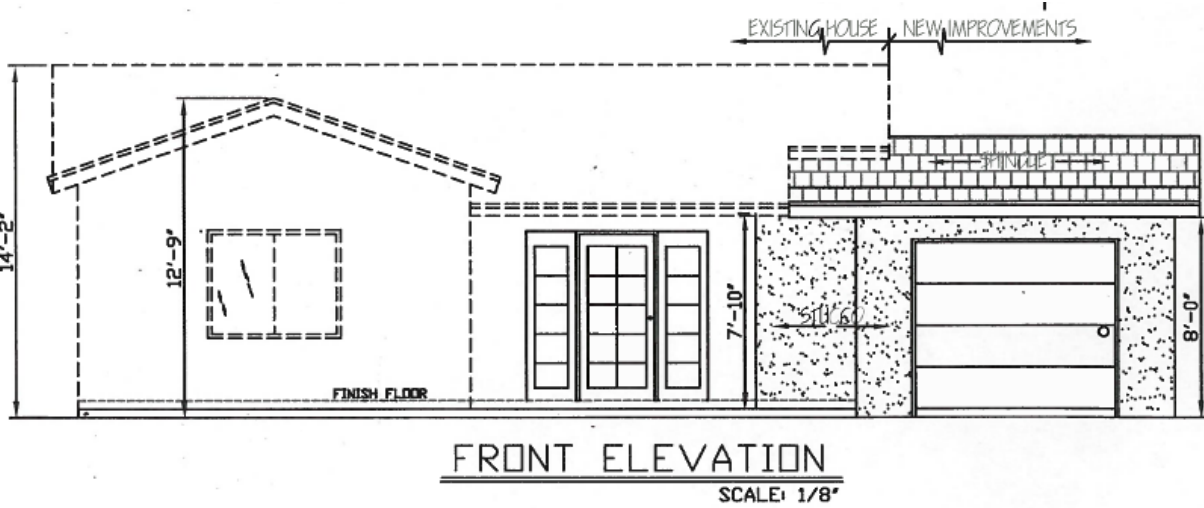
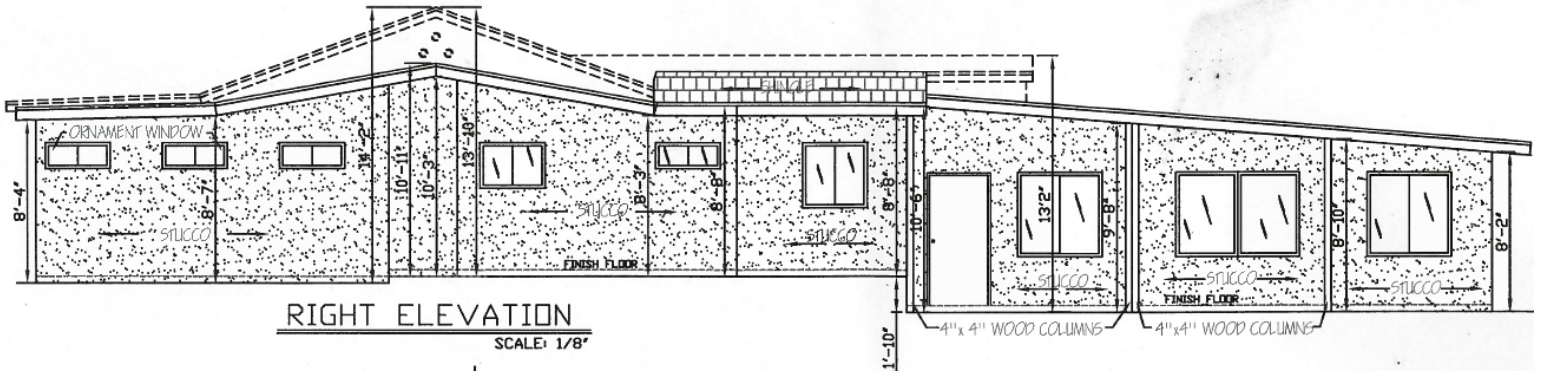


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ATTACHMENT 5: ELEVATIONS







## Recommendation/Public Input

- Planning Division recommendation: Approval
- CPC Vote: Approval Recommendation (6-1)
- Public Input: One phone call in 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

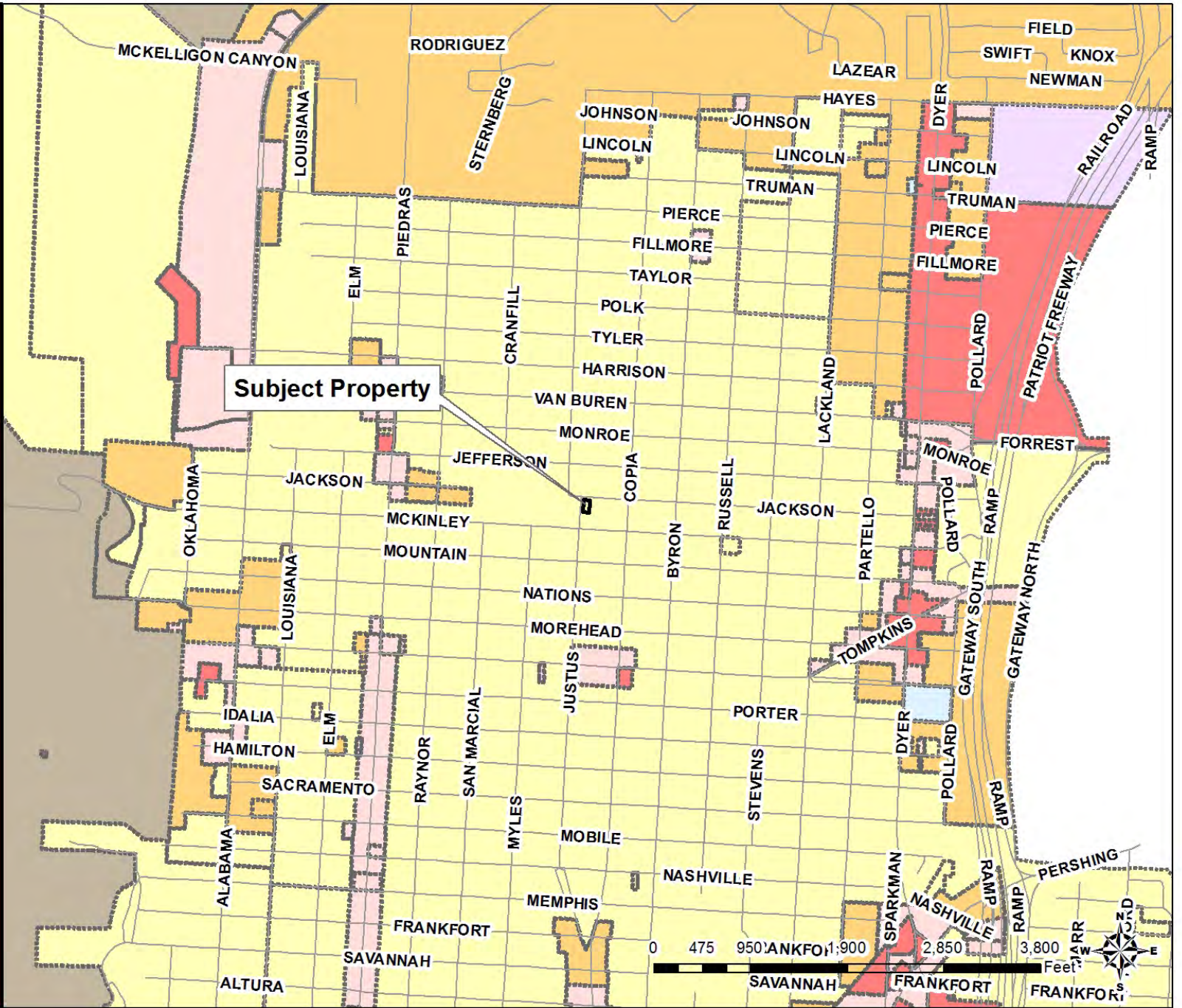
3.2 Improve the visual impression of the community

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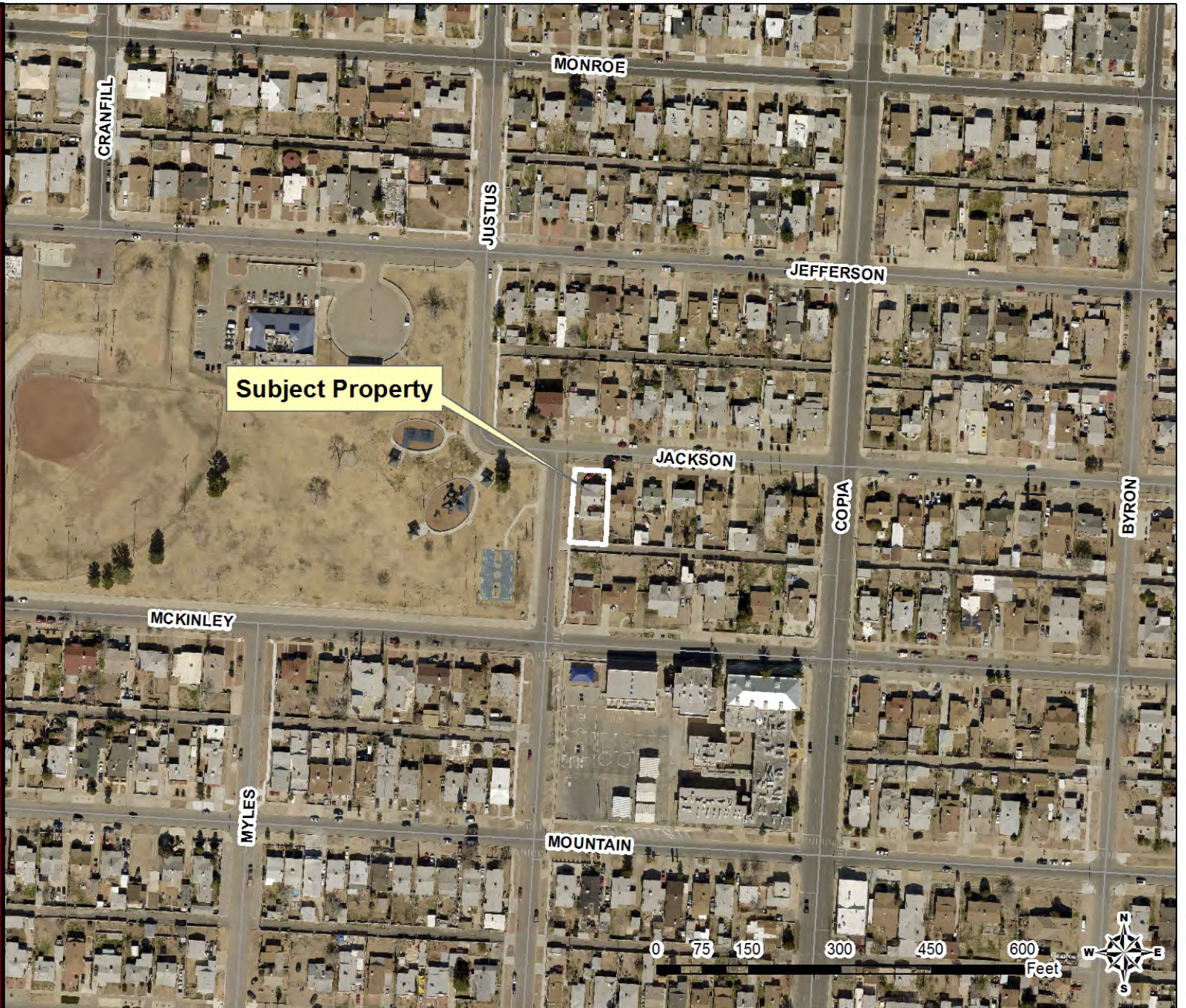


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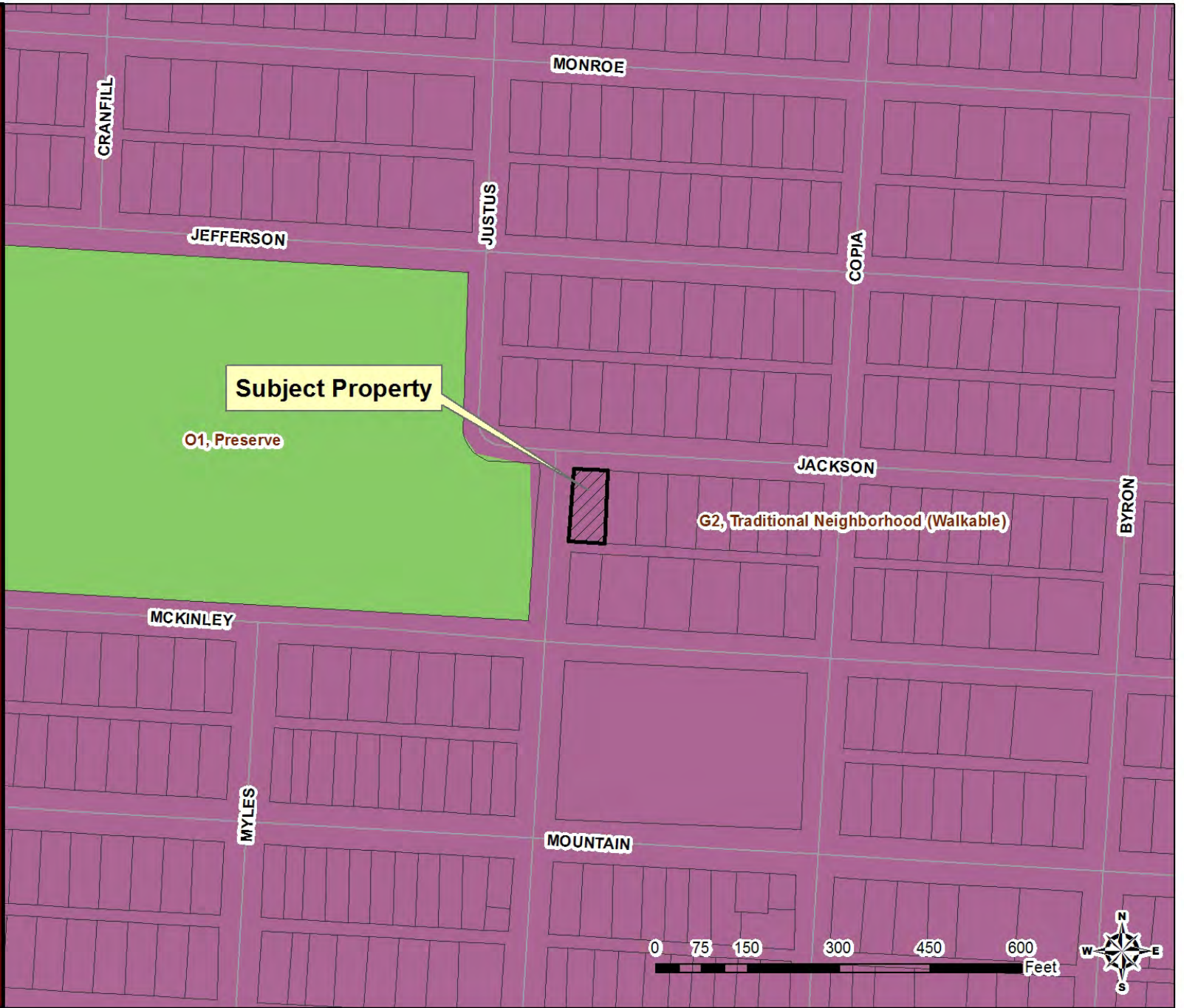
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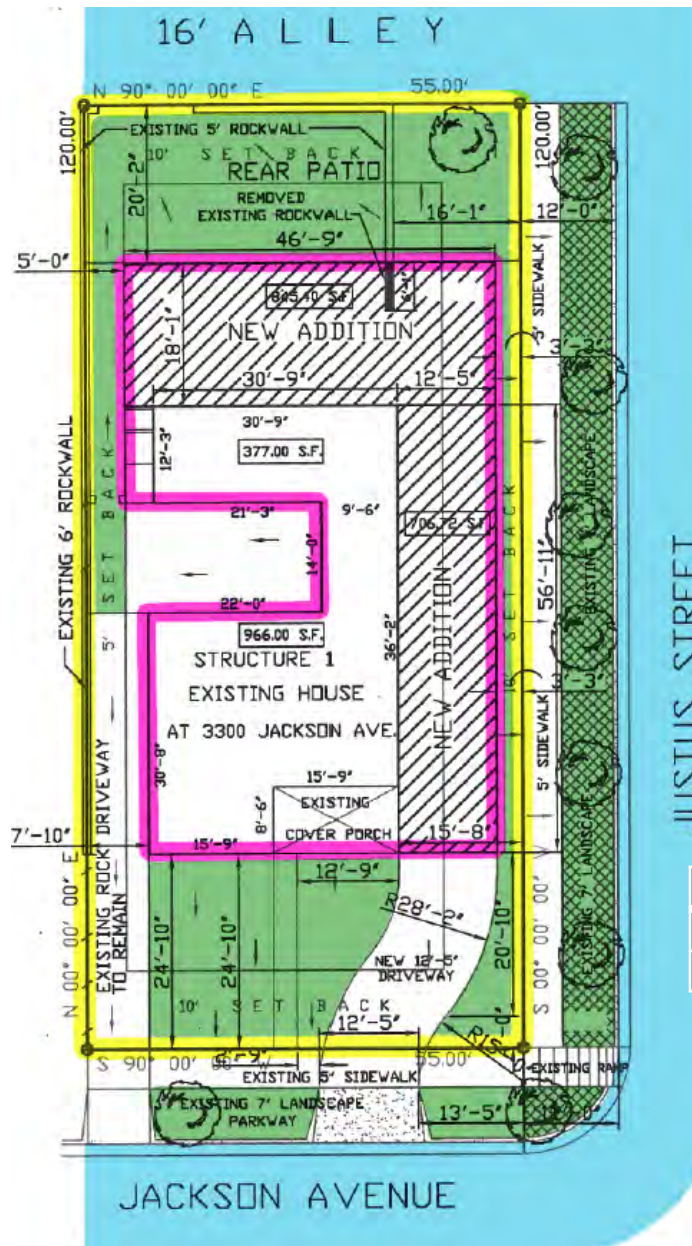
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# Detailed Site Development Plan

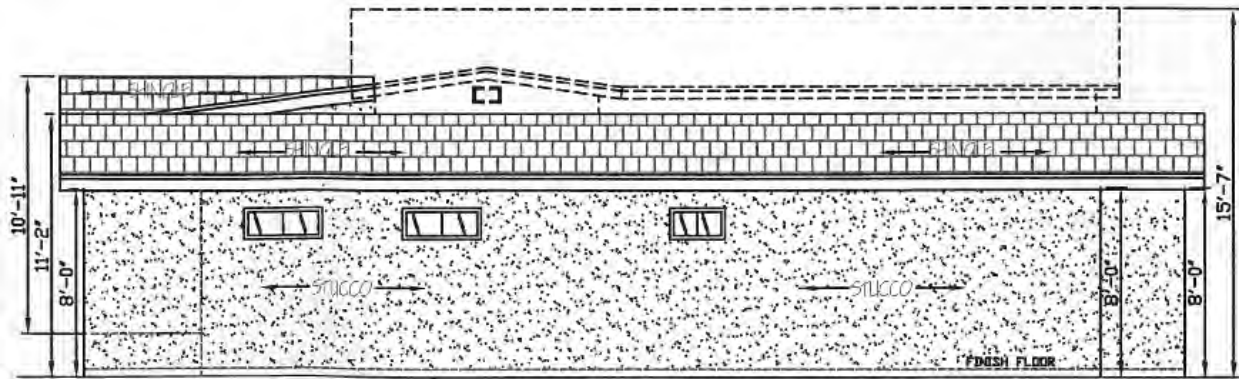
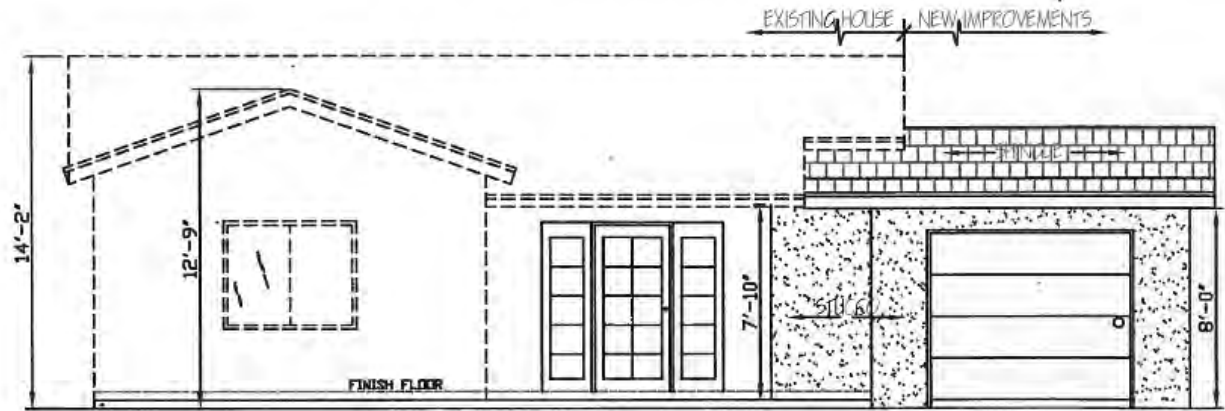
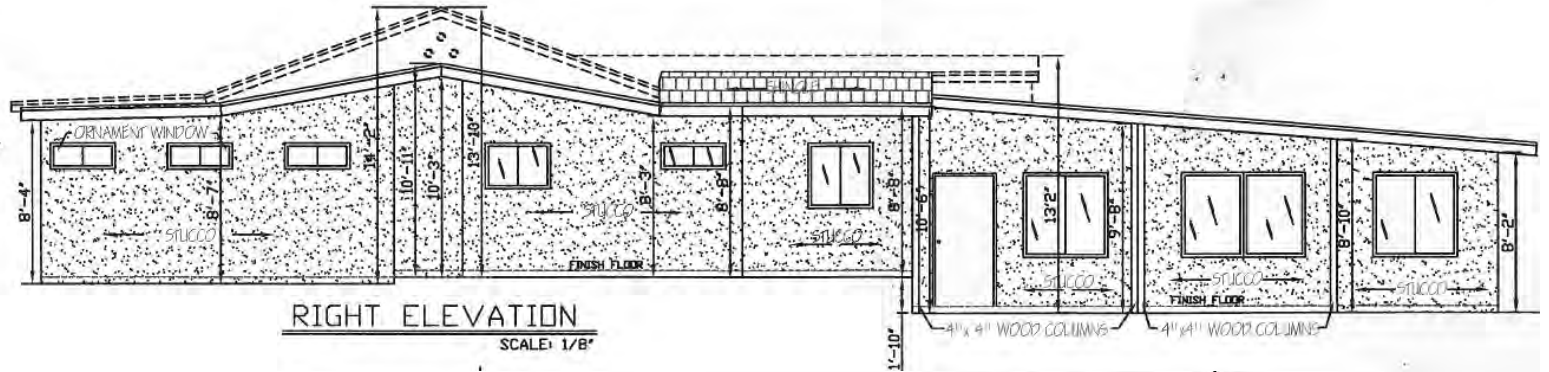


Dimensional Standards Required and Proposed

Dimension	Required	Proposed
Side Street Setback	10'	3'-3"



# Elevations





Subject Property



North

12

*"Delivering Outstanding Services"*



South



East



West



# Plan El Paso - Goals & Policies

**Goal 2.2: The City of El Paso should change its growth pattern away from homogeneous land uses and return to a pattern of compact well-connected mixed-use neighborhoods.**

- Policy 2.2.2 “The design of new neighborhoods and additions to existing neighborhoods should strive for a mix of housing types to create neighborhoods that accommodate diverse ages and incomes and allow residents to trade up, downsize, or create multi-generational households without being forced to leave the neighborhood. Housing types include both small and large single-family detached homes, duplexes, townhouses, multi-family buildings, live-work units, and accessory dwelling units, and include both rental apartments and units that can be owned by their occupants.”

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