

**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: 3

SUBJECT:

An Ordinance granting Special Permit No. PZST16-00020, to allow for infill development with reduced side street yard setback, rear yard setback and cumulative front and rear yard setback on the property described as Lot 1, Block 1, Scotsdale Unit Two, 9958 Lockerbie 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: Richard and Ingrid Moreno. PZST16-00020 (District 3)

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 (7-0).

*****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. PZST16-00020, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED SIDE STREET YARD SETBACK, REAR YARD SETBACK AND CUMULATIVE FRONT AND REAR YARD SETBACK ON THE PROPERTY DESCRIBED AS LOT 1, BLOCK 1, SCOTSDALE UNIT TWO, 9958 LOCKERBIE 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, Richard and Ingrid Moreno, have 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, rear yard setback, and cumulative front and rear 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-3 (Residential) Zone District:
Lot 1, Block 1, Scotsdale Unit Two, 9958 Lockerbie 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, rear yard setback, and cumulative front and rear yard setback; and,
3. That this Special Permit is issued subject to the development standards in the R-3 (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. PZST16-00020 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.

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

AGREEMENT

Richard and Ingrid Moreno, referred to in the above Ordinance, hereby agrees 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-3 (Residential) District regulations, and subject to all other requirements set forth in this Ordinance.

ADOPTED this 15th day of September, 2016.

Richard Moreno:

By: RICHARD MORENO
(name/title)

Richard Moreno
(signature)

Ingrid Moreno:

By: Ingrid Moreno
(name/title)

Ingrid Moreno
(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 15 day of September,

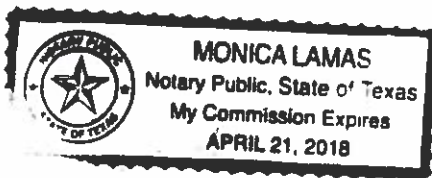
2016, by Richard Moreno, as Owner.

My Commission Expires:

Monice Lamas
Notary Public, State of Texas

Notary's Printed or Typed Name:

Monice Lamas



ORDINANCE NO. _____
16-1007-1811 / 580561
9958 Lockerbie Avenue
OAR

PZST16-00020

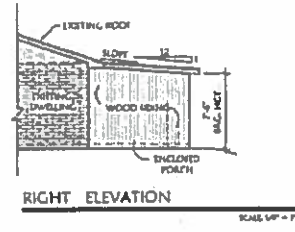
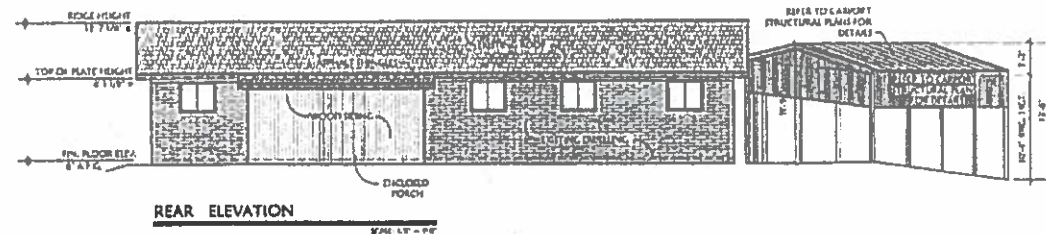
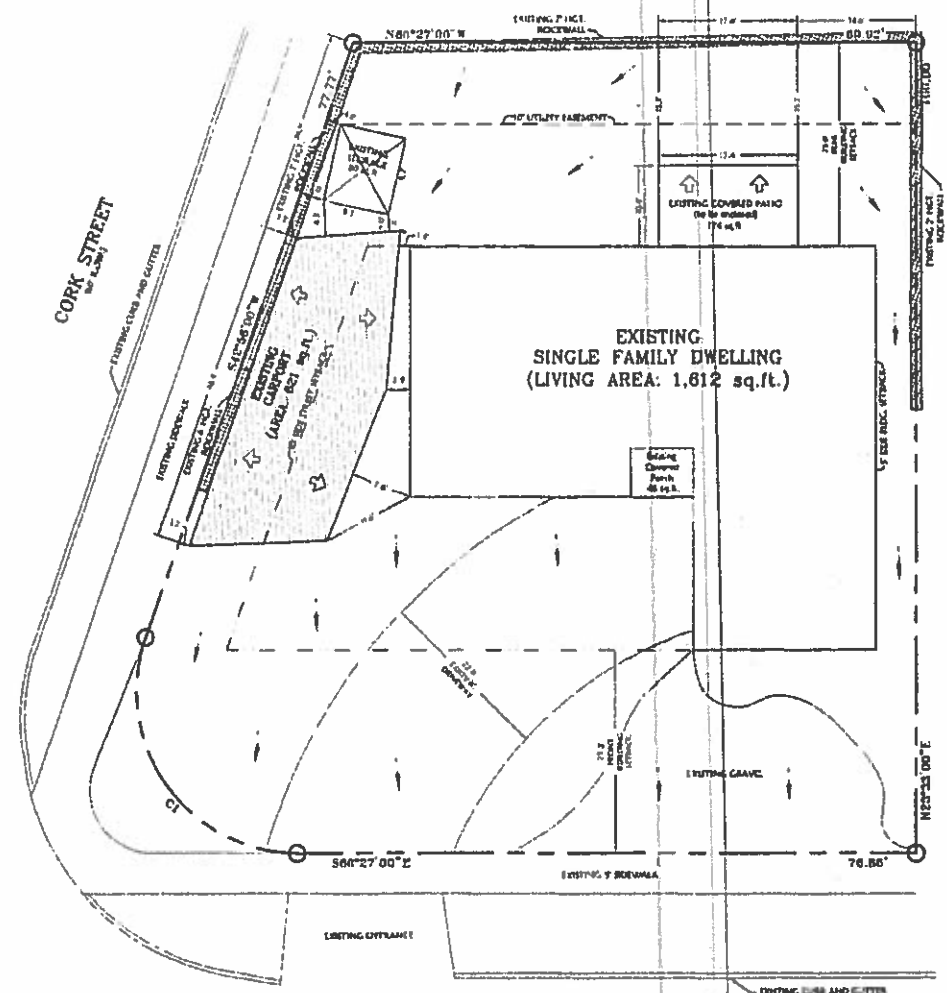
Detailed Site Development Plan

Scale: 1" = 10' July, 2016

Exhibit A

Description

Subdivision: Scotsdale Subdivision Unit 2
 Lot: 1
 Block: 1
 Zone: R-3
 Address: 9958 Lockerbie Avenue



CURVE LABEL					
LABEL	LENGTH	RADIUS	DELTA	CHORD	TANGENT
C1	86.10'	29.00'	109°25'06"	81.14'±	22.84'

DETAILED SITE DEVELOPMENT PLAN

SCALE: 1" = 10'

LEGEND

- EASEMENT, ROCK WALL
- PROPERTY LINE
- SETBACKS
- UTILITY EASEMENT
- DRAINAGE DIRECTION ARROW
- DRAINAGE RUNWAY

**CITY DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 DETAILED SITE DEVELOPMENT PLAN
 APPROVED BY THE CITY COUNCIL**

DATE: August 11, 2016
 APPLICANT: Robert Manno
 EXECUTIVE SECRETARY CITY PLAN COMMISSION: [Signature]
 CITY MANAGER

G&M Associates LLC
 Architectural & Civil
 Drawing Plan Production
 Phone: 915-232-1742
 Email: gman@getatd.com

PROFESSIONAL ENGINEER:
RB Engineering LLC.
 (575) 526-4058
 (575) 526-8582 FAX
 ROBERT T. BLANTON, P.E.
 CIVIL/STRUCTURAL ENGINEER
 Consulting Services
 1752 Aspen Ave.
 Los Cruces, N.M. 88005 Reg # F-3124

MEMORANDUM

DATE: September 22, 2016

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

FROM: Jeff Howell, Senior Planner

SUBJECT: PZST16-00020

The City Plan Commission (CPC), on September 8, 2016, voted 7-0 to recommend **approval** of the special permit to allow for infill development with reduced side street yard setback, rear yard setback and cumulative front and rear 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: Richard and Ingrid Moreno
Applicant: Richard and Ingrid Moreno
Representative: Adrian Manriquez

Attachments:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZST16-00020
Application Type: Special Permit
CPC Hearing Date: September 8, 2016
Staff Planner: Jeff Howell, 915-212-1607, howelljb@elpasotexas.gov
Location: 9958 Lockerbie Avenue
Legal Description: Lot 1, Block 1, Scotsdale Unit Two, City of El Paso, El Paso County, Texas
Acreage: 0.19-acre
Rep District: 3
Existing Zoning: R-3 (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, rear yard setback and cumulative front and rear yard setback
Proposed Use: Single-family dwelling
Property Owner: Richard and Ingrid Moreno
Representative: Adrian Manriquez

SURROUNDING ZONING AND LAND USE

North: R-3 (Residential) / Parking lot
South: R-3 (Residential) / Single-family dwellings
East: R-3 (Residential) / Single-family dwellings
West: R-3 (Residential) / Single-family dwellings

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

NEAREST PARK: Eastwood Park (1,076 feet)

NEAREST SCHOOL: Scotsdale Elementary School (2,849 feet)

NEIGHBORHOOD ASSOCIATIONS

Eastside Civic 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 has not received any communication in support or opposition to the special permit request.

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 1.3', reduction in the rear yard setback from 20' to 10', as well as a reduction in cumulative front and rear yard setbacks from 50' to 35'. The detailed site development plan shows an existing 621 sq. ft. side street yard addition to an existing 1,612 sq. ft. single-family dwelling. The existing 621 sq. ft. addition on the side street yard was built without permits and no citations have been issued. The applicant is also proposing to enclose an existing porch at the back of the property. The request does not meet the requirements for side yard setback adjustment through the Zoning Board of Adjustment (ZBA). The owner needs a special permit to comply with the requirements regarding encroachment into required yard setbacks. Access to the subject property is proposed from Lockerbie 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-3, Post-War land use designation in the East 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-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-3 (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. Scotsdale Unit Two subdivision was platted in 1958 (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-3 (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.

Dimensional Standards Required and Proposed		
Dimension	Required	Proposed
Side Street Setback	10'	1.3'
Rear Yard Setback	20'	10'
Cumulative Front and Rear Yard Setback	50'	35'

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-3, Post-War (East 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. Applicant will need to apply for building permits to legalize carport as well as proposed patio enclosure at rear due to location of carport a gutter will need to be installed were carport abuts city ROW engineered sealed drawings will be required for metal carport at the time of submittal for building permits

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 8-inch diameter water main along Lockerbie Avenue. This water main is available for service.
3. There is an existing 8-inch diameter water main along Cork Street. This water main is available for service.
4. EPWater records indicate (1) ¾" service meter (Active) on the property with 9958 Lockerbie Avenue as the service address.
5. Previous water pressure readings from fire hydrant #1392 located at Lockerbie Avenue and Kilkenny Street, has yielded a static pressure of 74 psi, a residual pressure of 68 psi, and a discharge of 1,113 gallons per minute.

Sanitary Sewer:

6. There is an existing 8-inch diameter sanitary sewer main along Lockerbie Avenue. This main is available for service.

General:

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 – Public Service Board 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

We have reviewed the property described above and we have no objections.

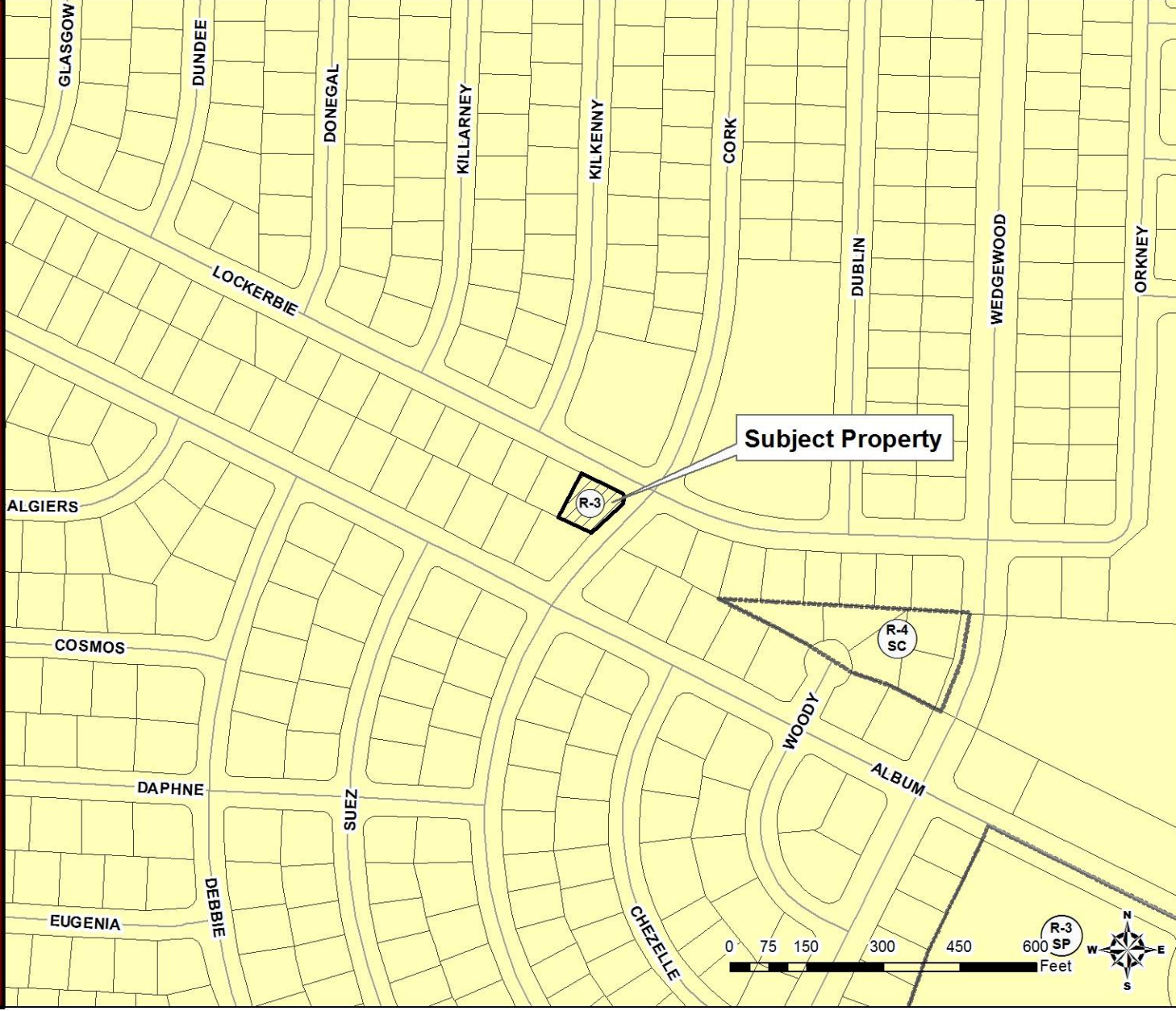
Sun Metro

Sun Metro does not oppose this request.

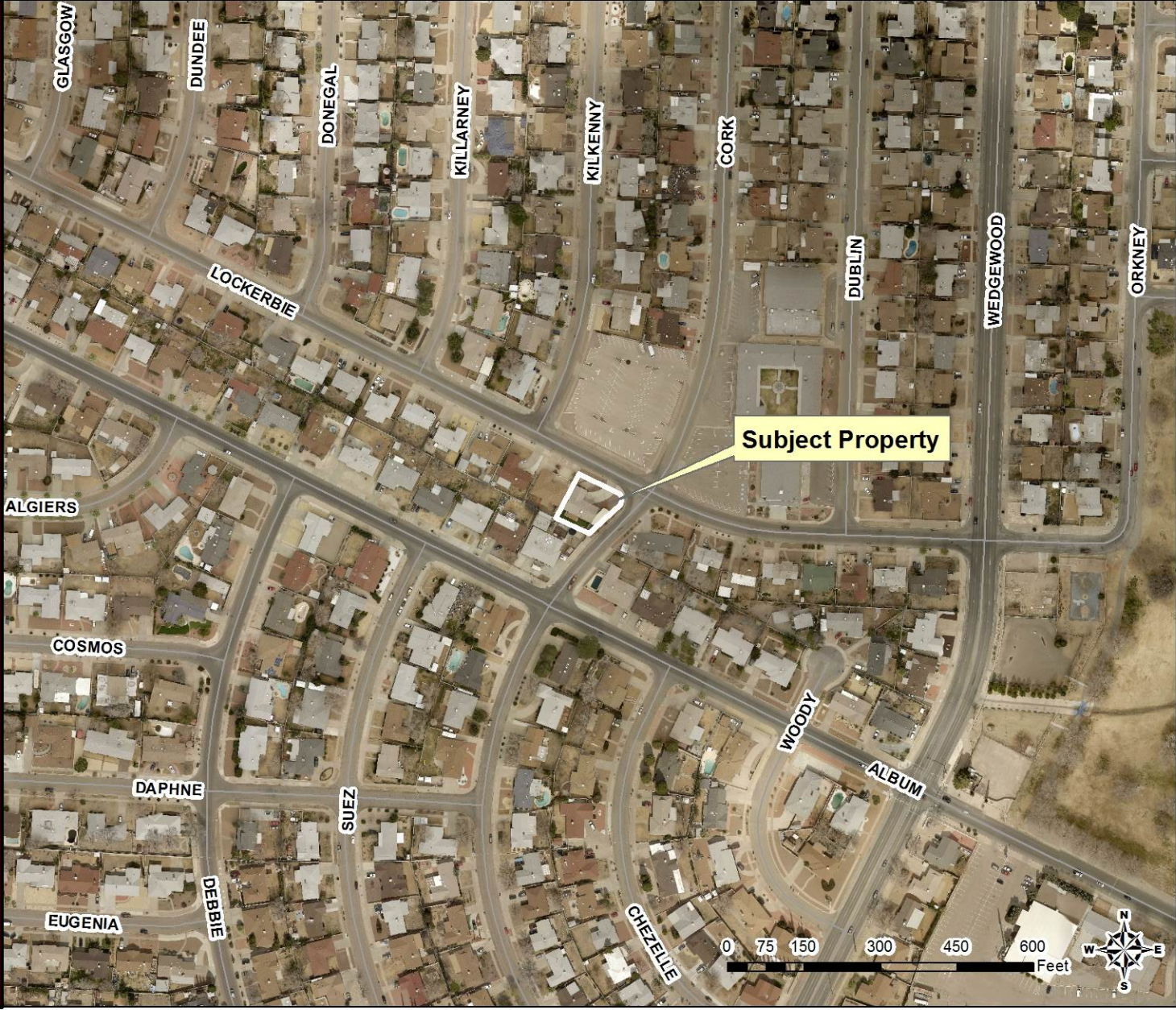
Attachments

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

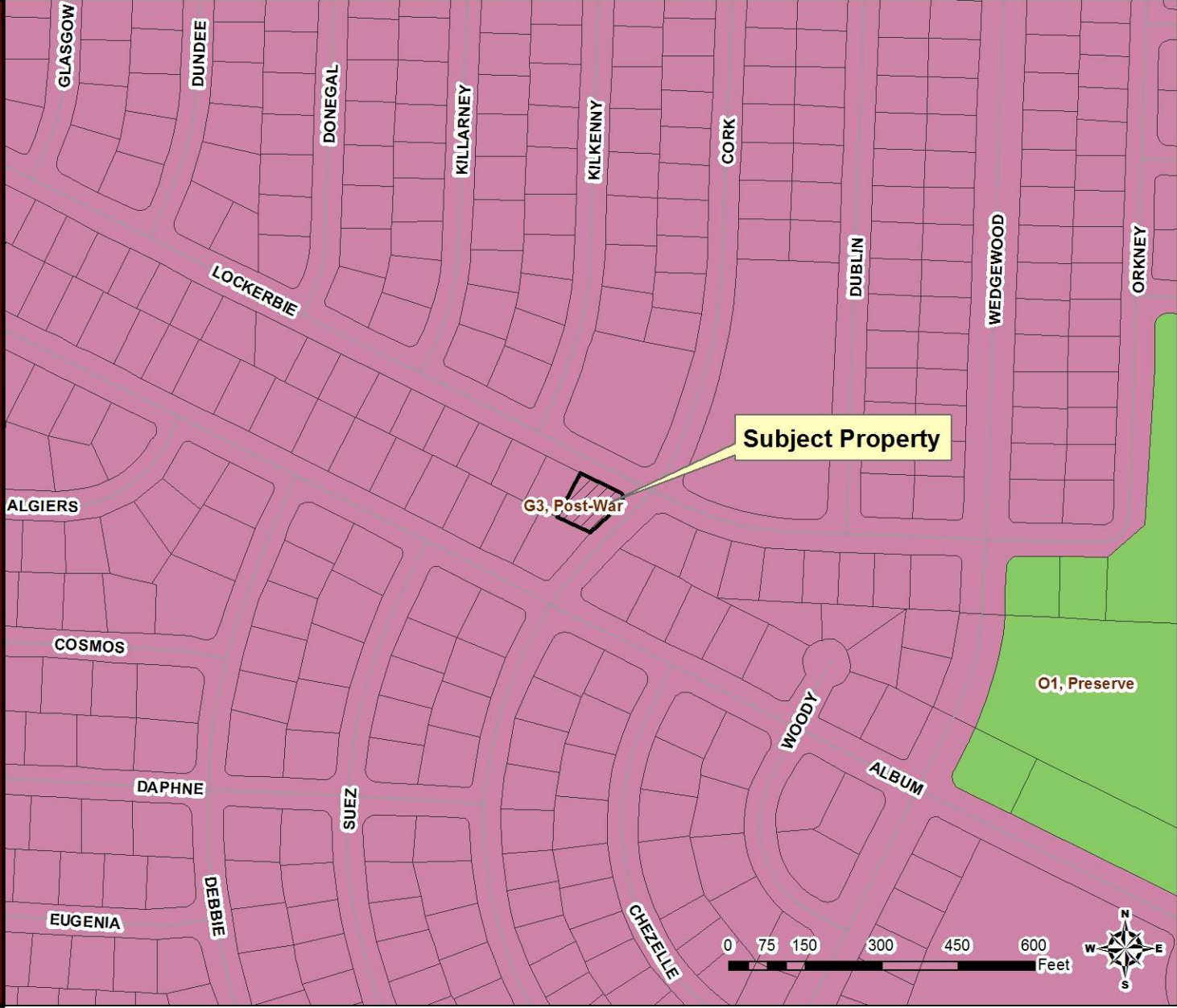
PZST16-00020



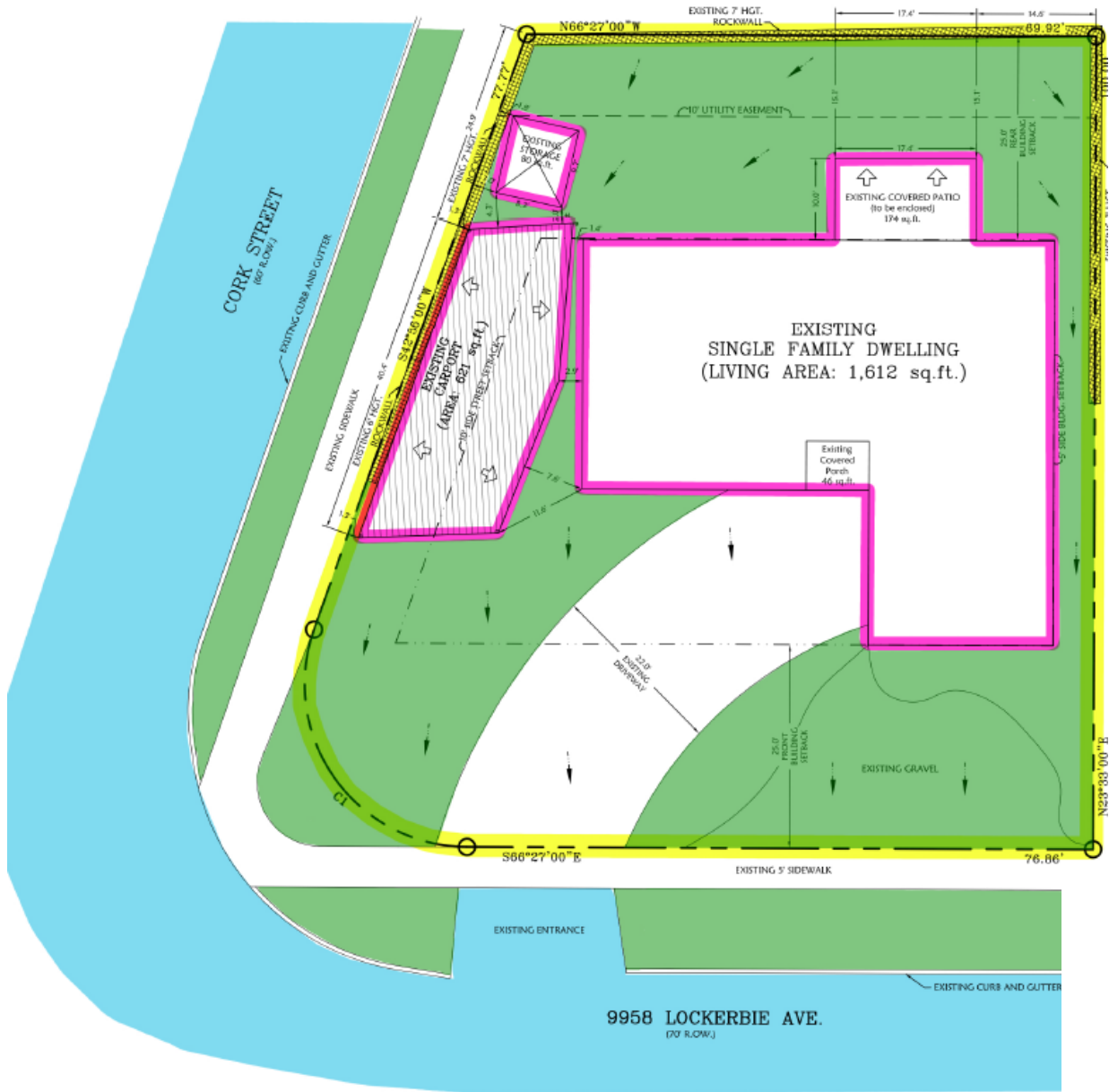
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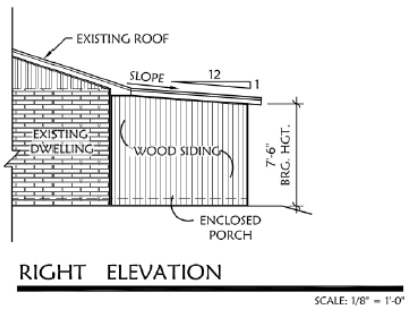
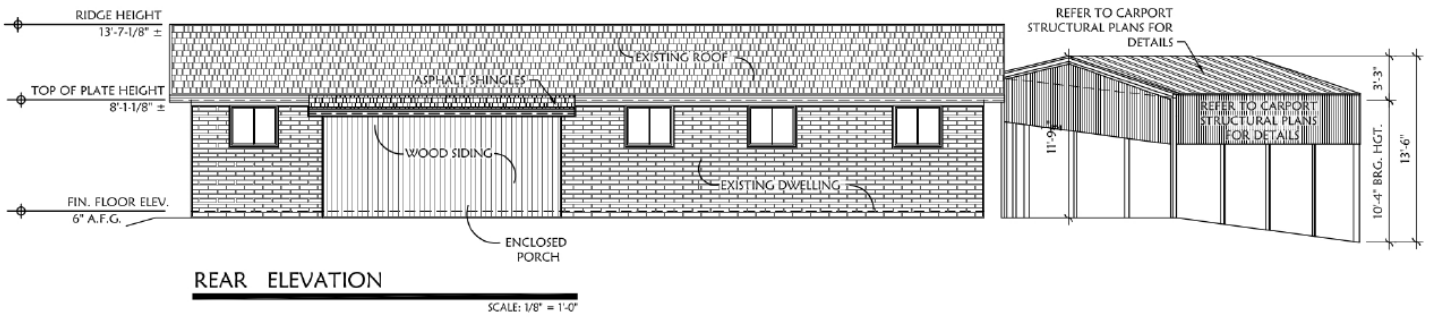
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ATTACHMENT 4: DETAILED SITE DEVELOPMENT PLAN



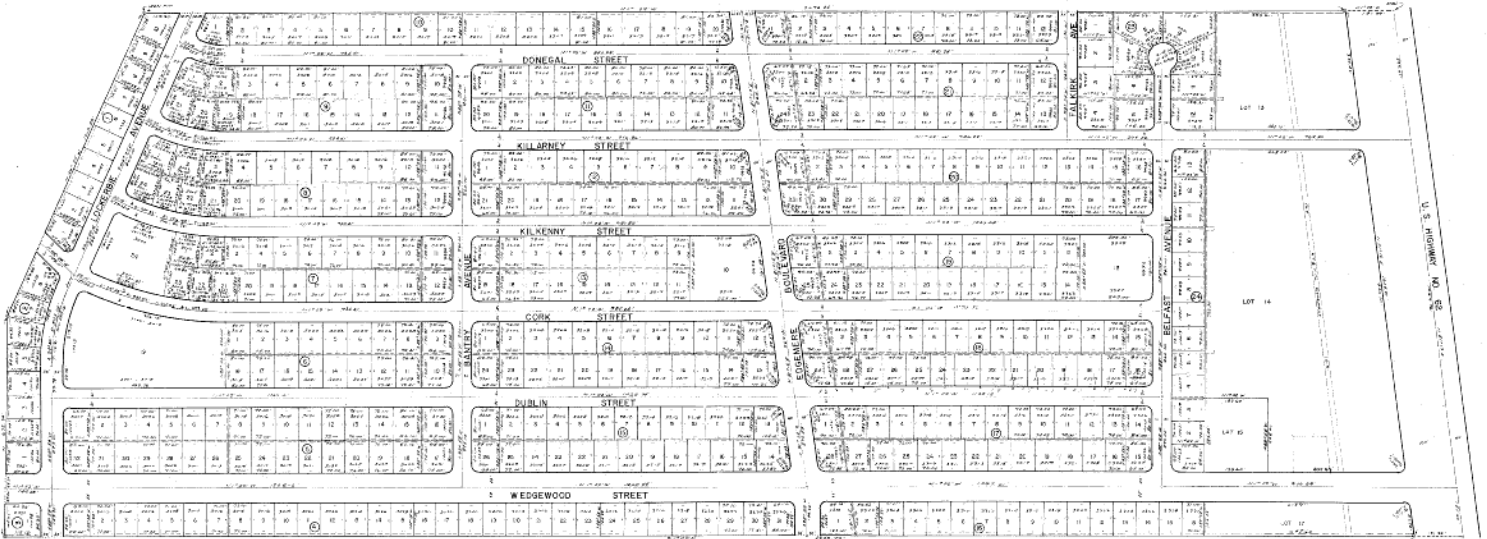
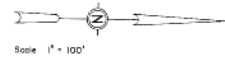
ATTACHMENT 5: ELEVATIONS



ATTACHMENT 6: SUBDIVISION MAP

SCOTSDALE UNIT TWO

BEING A SUBDIVISION OF A PORTION OF SECTION 39, BLOCK 80, TSP 2, TEXAS AND PACIFIC SURVEY, EL PASO COUNTY, TEXAS



STATE OF TEXAS
COUNTY OF EL PASO

I, George W. Marshall, President of K&M Cooperative, a Texas Corporation, do hereby certify that this map and plat are in full compliance with the public law passed March 1909, and that the plat is a true and correct copy of the original as shown to me by the engineer and architect, and that the plat is a true and correct copy of the original as shown to me by the engineer and architect, and that the plat is a true and correct copy of the original as shown to me by the engineer and architect.

George W. Marshall
President of K&M Cooperative

STATE OF TEXAS
COUNTY OF EL PASO

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George W. Marshall
President of K&M Cooperative

STATE OF TEXAS
COUNTY OF EL PASO

I, W. W. Perkins, President of K&M Cooperative, a Texas Corporation, do hereby certify that this map and plat are in full compliance with the public law passed March 1909, and that the plat is a true and correct copy of the original as shown to me by the engineer and architect, and that the plat is a true and correct copy of the original as shown to me by the engineer and architect, and that the plat is a true and correct copy of the original as shown to me by the engineer and architect.

W. W. Perkins
President of K&M Cooperative

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W. W. Perkins
President of K&M Cooperative

CITY PLAN COMMISSION

John J. ...
City Engineer

John J. ...
City Engineer

John J. ...
City Engineer

John J. ...
City Engineer

John J. ...
City Engineer

KISTENMACHER ENGINEERING CO. INC.
CONSULTING ENGINEERS
2102 HUNTER ROAD
EL PASO, TEXAS



Recommendation/Public Input

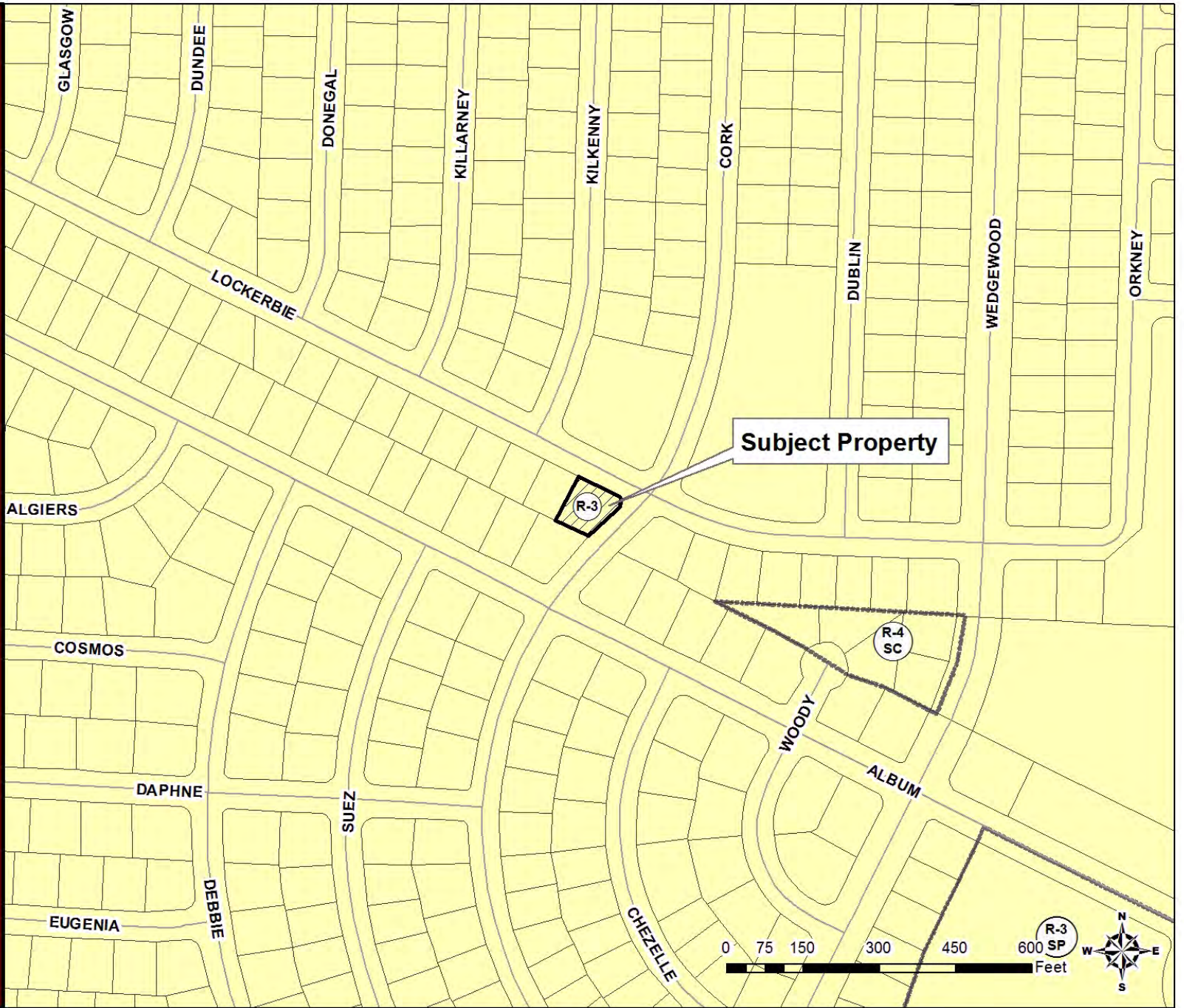
- Planning Division recommendation: Approval
- CPC Vote: Approval Recommendation (7-0)
- Public Input: No communication in support or opposition to the Special Permit request.

Strategic Goal #3 Promote the Visual Image of El Paso

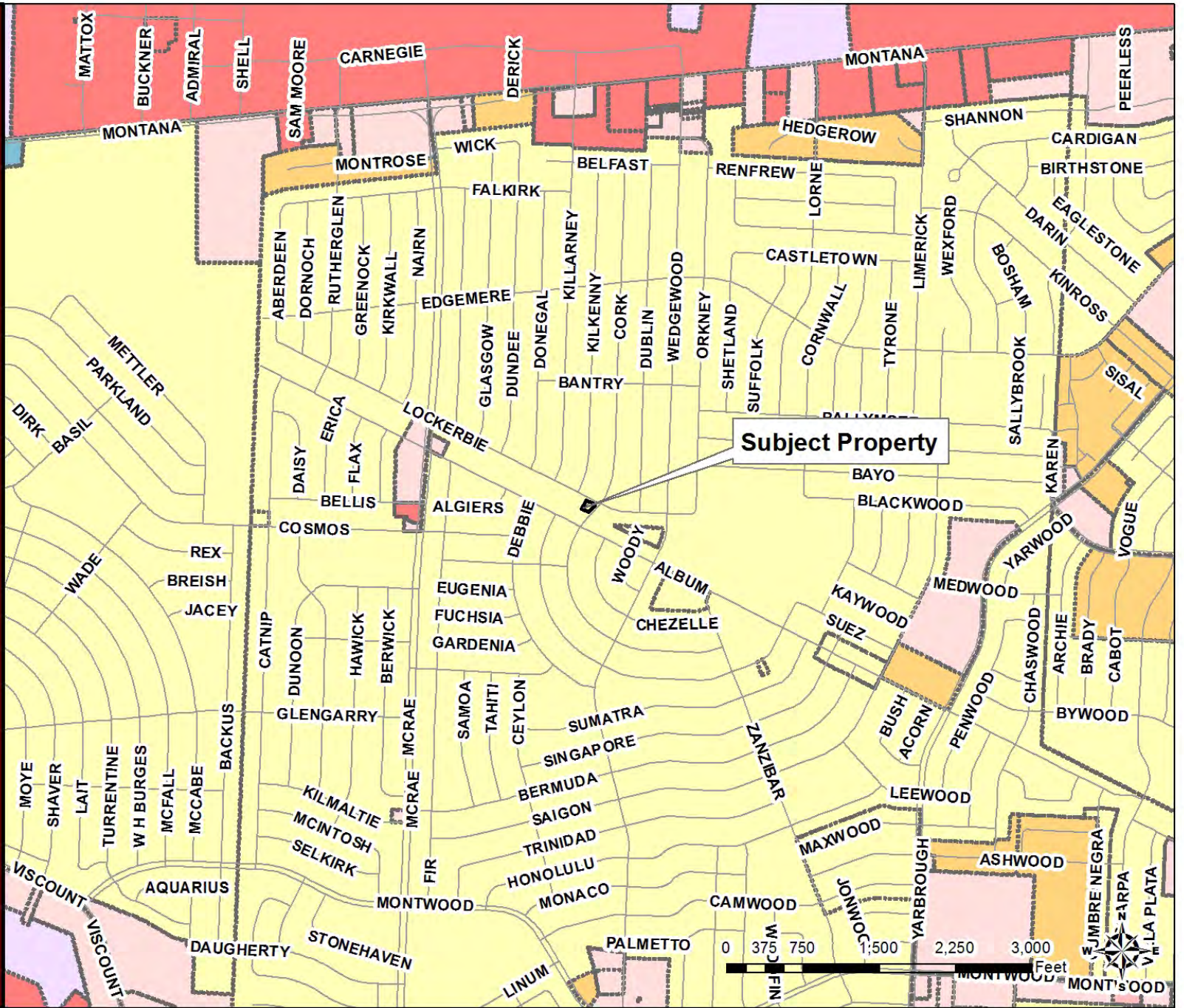
- 3.1 Provide business friendly permitting and inspection processes
- 3.2 Improve the visual impression of the community

PZST16-00020

2



PZST16-00020



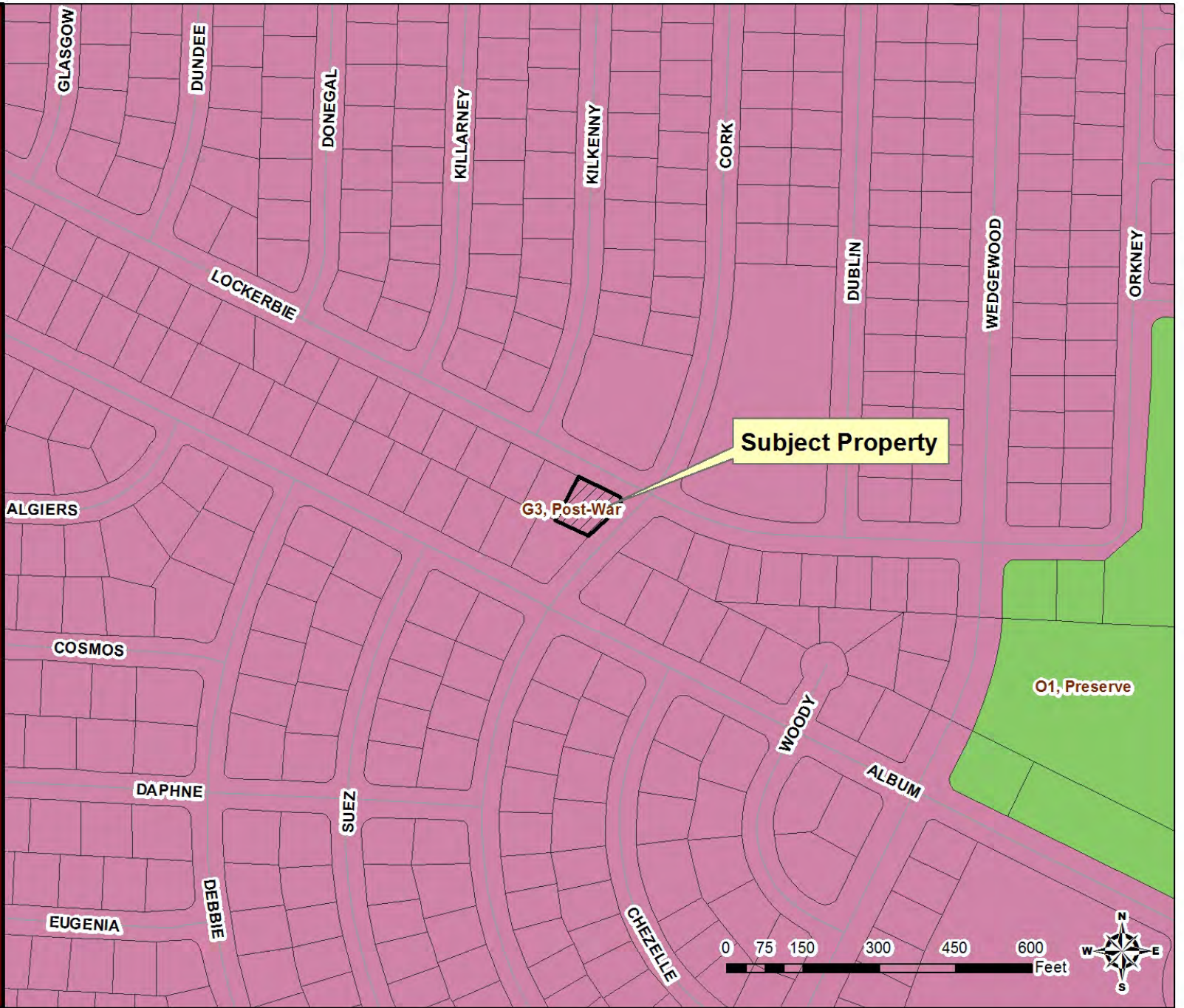
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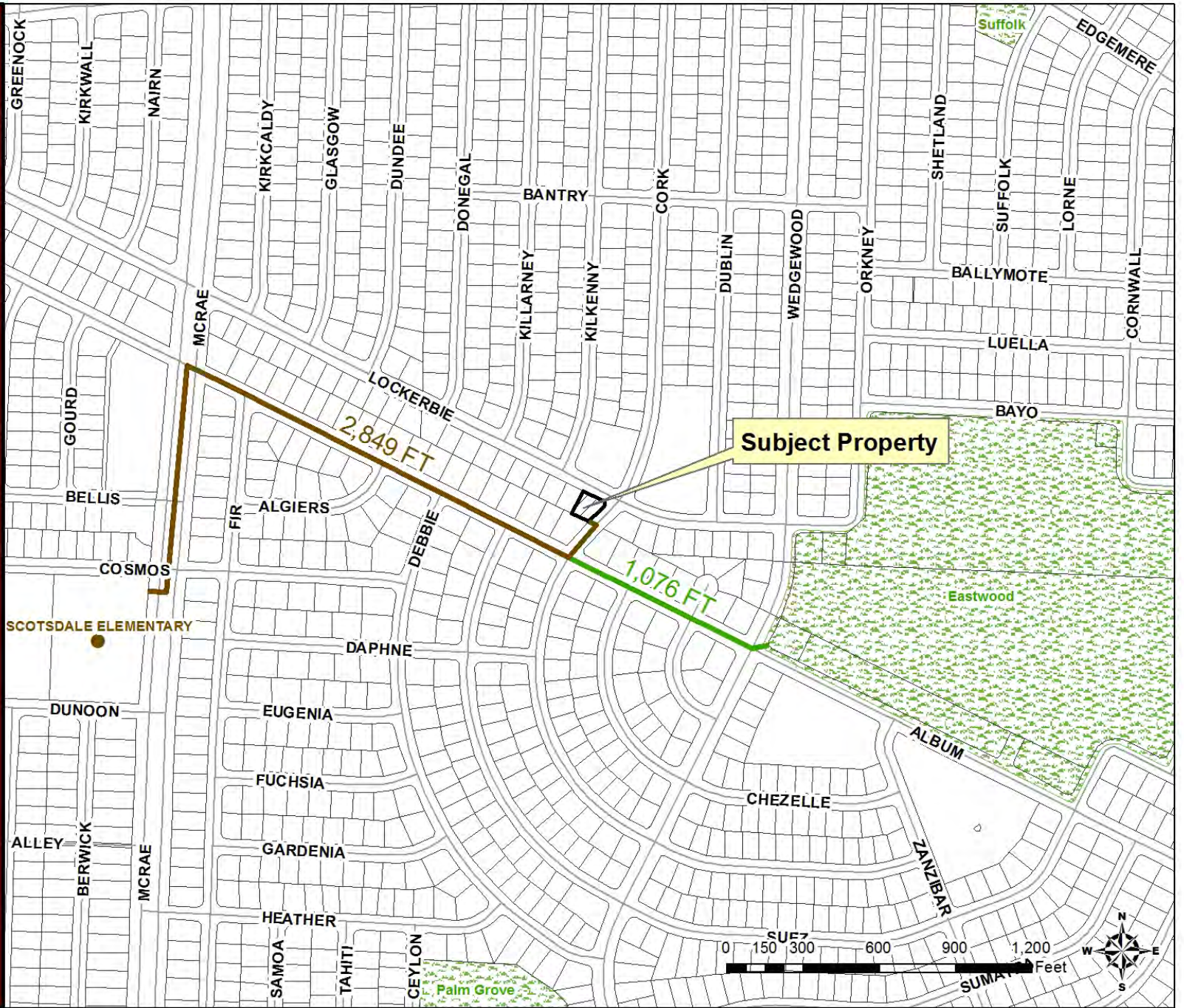
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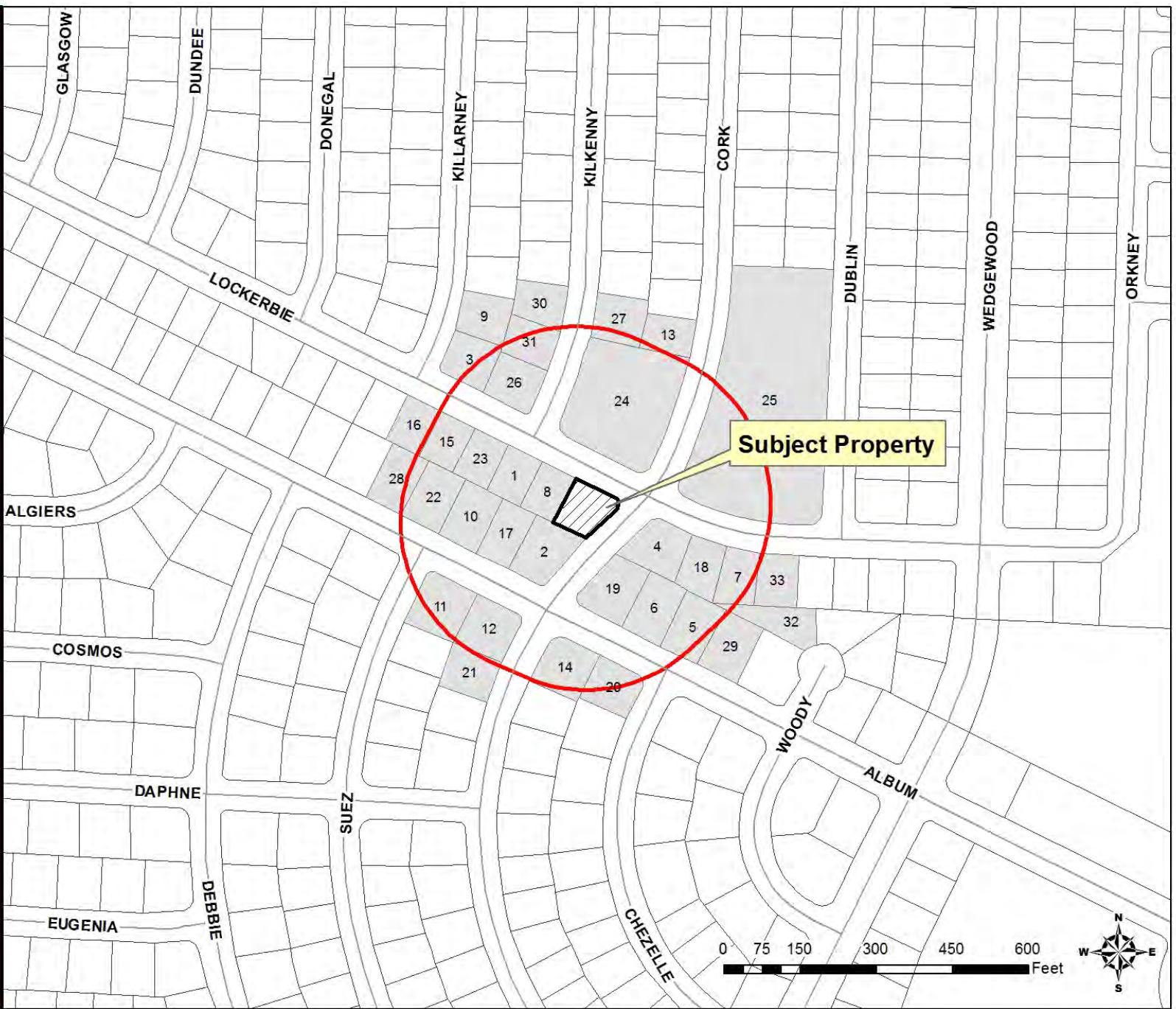


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PZST16-00020





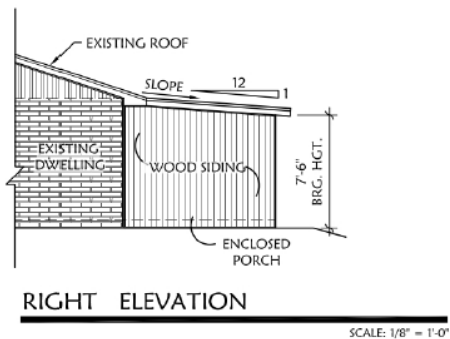
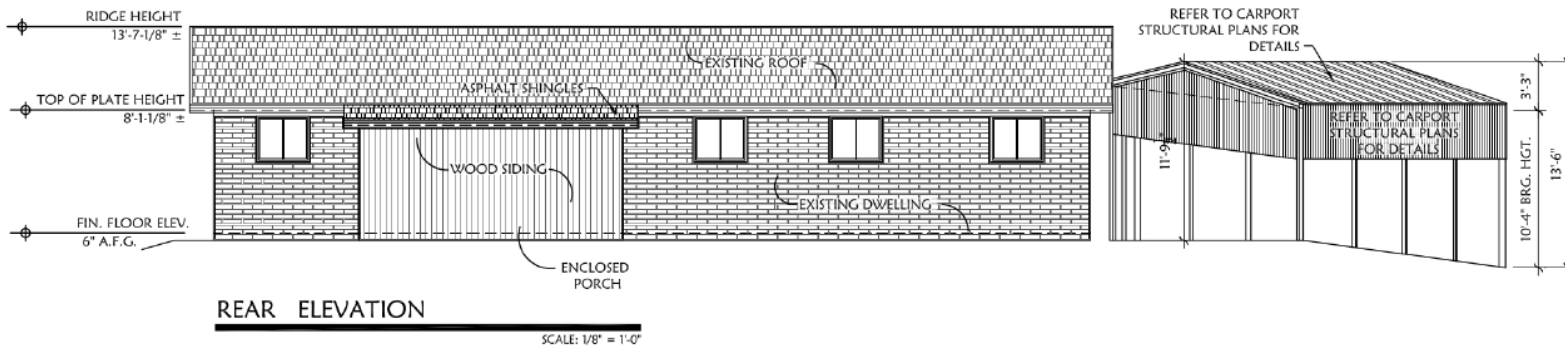
Detailed Site Development Plan



Dimensional Standards Required and Proposed		
Dimension	Required	Proposed
Side Street Setback	10'	1.3'
Rear Yard Setback	20'	10'
Cumulative Front and Rear Yard Setback	50'	35'



Elevations





Subject Property



North



South



East

14

"Delivering Outstanding Services"



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.”

PZST16-00020

17

