City of El Paso – City Plan Commission Staff Report
(REVISED)

Case No:	PZDS13-00021
Application Type:	Detailed Site Development Plan Review
CPC Hearing Date:	September 25, 2014
Staff Planner:	Andrew Salloum, 915-212-1613, salloumam@elpasotexas.gov
Location:	12253 Costa Brava
Legal Description:	Lots 52 thru 57, Block 1, Barcelona Estates, City of El Paso, El Paso County, Texas
Acreage:	0.282 acres
Rep District:	5
Existing Use:	Single-family dwelling and canopy
Existing Zoning:	P-R II/sc (Planned Residential II/special contract)
C/SC/SP/ZBA/LNC:	Special Contract: Ordinance No. 8848 dated November 11, 1986, (see Attachment 5)
Request:	Detailed Site Development Plan Review per Planned Residential II District
Proposed Use:	Single-family dwelling and canopy
Property Owner:	Omar & Adriana Galache
Representative:	Juan Mendez

SURROUNDING ZONING AND LAND USE
North: P-R II/sc (Planned Residential II/special contract) / single-family dwellings
South: P-R II/sc (Planned Residential II/special contract) / single-family dwellings
East: P-R II/sc (Planned Residential II/special contract) / single-family dwellings
West: P-R II/sc (Planned Residential II/special contract) / single-family dwellings

THE PLAN FOR EL PASO DESIGNATION: G-4, Suburban (Walkable) (East Planning Area)
Nearest Park: Sal Berroteran Park (3,131 feet)
Nearest School: Lujan Chavez Elementary (4,143 feet)

NEIGHBORHOOD ASSOCIATIONS
Eastside Civic Association
Las Tierras Neighborhood Association

NEIGHBORHOOD INPUT
Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on September 10, 2014. The Planning Division has not received any phone calls or letters in support or opposition to the detailed site development request.

CASE HISTORY
On November 11, 1986, City Council approved the rezoning request for the subject property from R-3 (Residential) to C-3 (Commercial) and imposed conditions by Ordinance No. 8848 (see Attachment 5). In summary, the conditions imposed by the special contract were: dedicated right-of-way for Pebble Hills Boulevard and Loop 375; Montwood extension development requirements; that land be annexed for park usage purposes; a subdivision plat be submitted; and, 20 feet of landscaping along Pebble Hills Boulevard. All of the conditions have been satisfied.

On March 2, 2004, City Council approved the rezoning for the subject property from C-3 (Commercial) to P-R II/sc (Planned Residential II). On April 8, 2004, City Plan Commission approved a detailed site

development plan for P-R II (Planned Residential II) as per section 20.10.360 C.4. in order to permit single-family dwellings.

On January 9, 2014, the CPC voted to recommend approval of the detailed site development plan for the subject property. This item is coming back to CPC for additional reductions in the required front, rear, and side yard setbacks. The CPC had previously approved a reduction in the side street yard setback to zero feet.

APPLICATION DESCRIPTION

The request is for a Detailed Site Development Plan Review as required by the special purpose district P-R II (Planned Residential II), which allows for reductions in dimensional standards through the submittal of a detailed site development plan to be reviewed by CPC and City Council per Section 20.10.360C Planned Residential P-R II. The detailed site development plan shows a 637 square-foot, 12 foot high, permanent canopy structure used as a shade area in the back yard, a 3,999 square-foot single-family dwelling, and swimming pool. The applicant is proposing the following reductions: from the required 10 feet front yard setback to 6 feet, from the required 20 feet rear yard setback to zero feet, and from the required 10 feet side street yard setback to zero feet, from the required 10 feet side yard setback to 3.5 feet. The P-R II (Planned Residential II) allows for flexibility in dimensional standards with the submittal of a detailed site development plan for CPC and City Council review. Access to the subject property is proposed from Costa Brava.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of the detailed site development plan meets all the requirements of Section 20.04.150, Detailed Site Development Plan.

ANALYSIS

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.

Note: Detailed Site Development Plan review is required because of special purpose district on the subject property.

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 stormwater 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, which meets all requirements of 20.04.150, Detailed Site Development Plan, and is recommending approval.

Plan El Paso- Future Land Use Map Designation
All applications for detailed site plan review shall demonstrate compliance with the following criteria:

G-4 – Suburban (Walkable): This sector applies to modern single use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. 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 P-R II (Planned Residential II) district is to encourage planned developments as a means of creating a superior living environment through unified planning and building operations at higher residential densities. The regulations of the district are designed to encourage variety in housing needed to meet changing housing demands and to provide adequate community facilities well-located with respect to needs; to protect the natural beauty of the landscape; to encourage preservation and more efficient use of open space; to offer an opportunity for design flexibility; and encourage innovations which may result in improved relationships between uses of different types and between land uses and transportation facilities.

COMMENTS:

Planning Division – Transportation
TIA is not required.

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

City Development Department – Plan Review
No objections.

City Development Department - Landscaping Review
Landscape plan is not required for the residential uses.

City Development Department - Land Development
No objections.

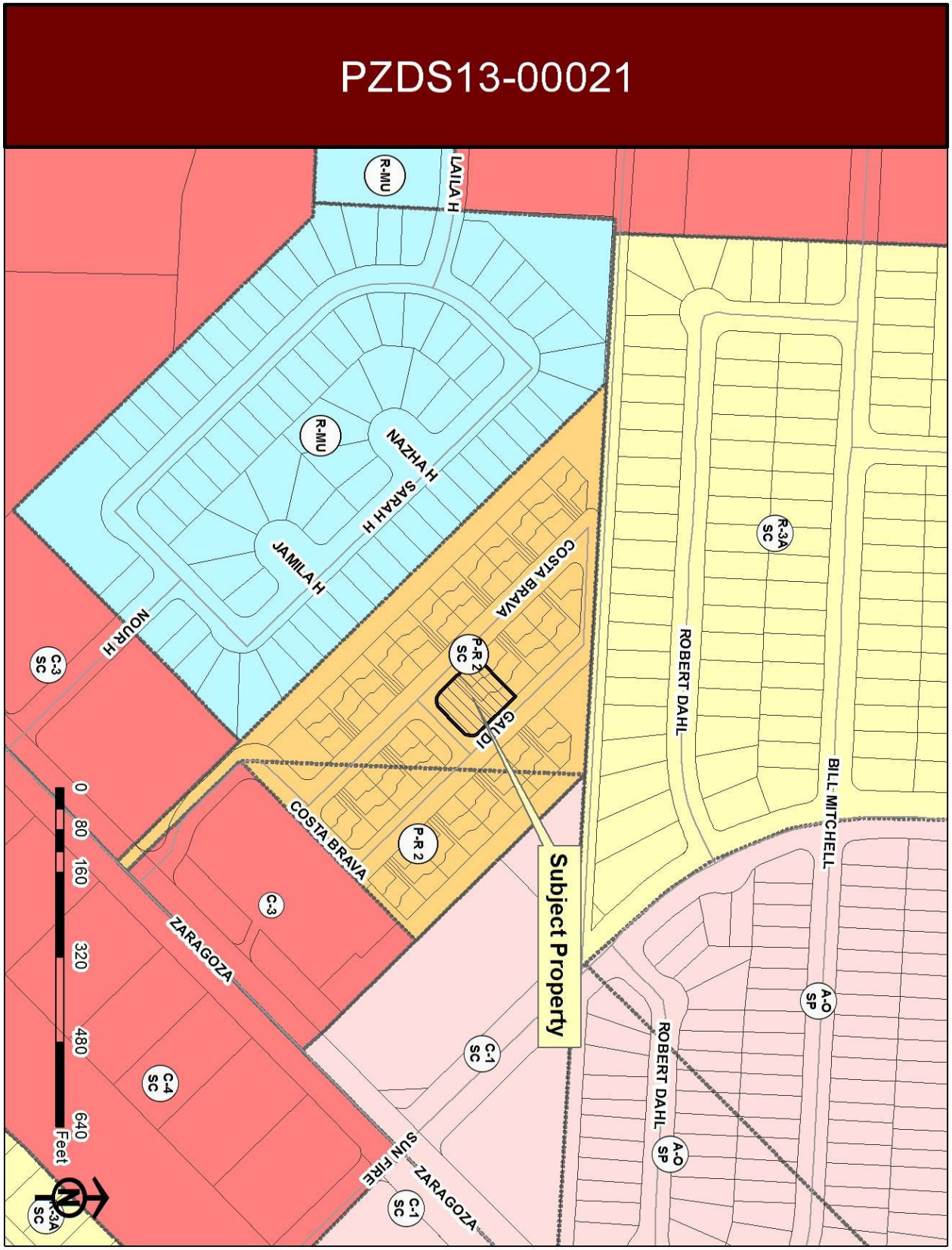
Fire Department
The fire department has no adverse comments therefore recommends approval of this case.

El Paso Water Utilities
EPWU-PSB does not object to this request.
Water:
There is an existing 6-inch diameter water main that extends along Gaudi Way approximately 8 feet north of the street center line. This water main is available for service.
There is an existing 8-inch diameter water main that extends along Costa Brava approximately 8 feet north of the street right of way line. This main is available for service.
EPWU records indicate an active ¾-inch water service. The service address for this meter is 12253 Costa

Brava.
Sanitary Sewer:
There is an existing 8-inch diameter sanitary sewer main that extends along Gaudi Way approximately 5-feet south of the street center line. This main is available for service.
There is an existing 8-inch diameter sanitary sewer main that extends along Gaudi Way approximately 5-feet south of the street center line. This main is available for service.
General:
EPWU-PSB requires a new service application to serve the subdivision. New service applications should be made 6-8 weeks in advance of construction to ensure water for construction work. The following items, if applicable, are required at the time of application: (1) hard copy of site plan with street names and addresses; (2) finalized set of improvement plans, including grading & drainage plans; (3) digital copy of site plan; (4) benchmark check; (5) construction schedule; and (6) a certificate of compliance. Service will be provided in accordance with the current El Paso Water Utilities – Public Service Board (EPWU-PSB) Rules and Regulations. The owner 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.

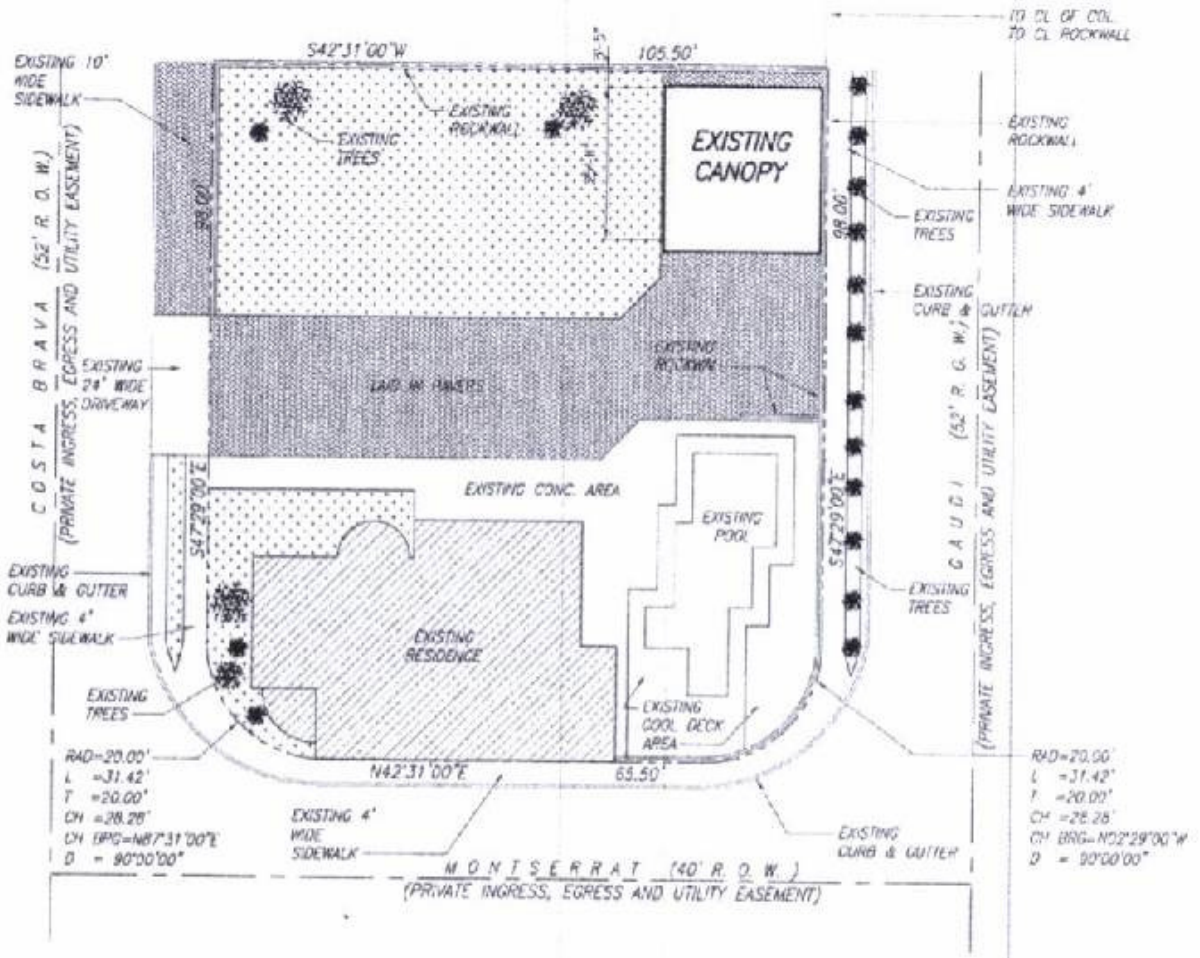
Attachments
1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Elevations
5. Ordinance No. 8848

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



SITE PLAN

SCALE : 1" = 20'

NORTH

LEGAL DESCRIPTION:

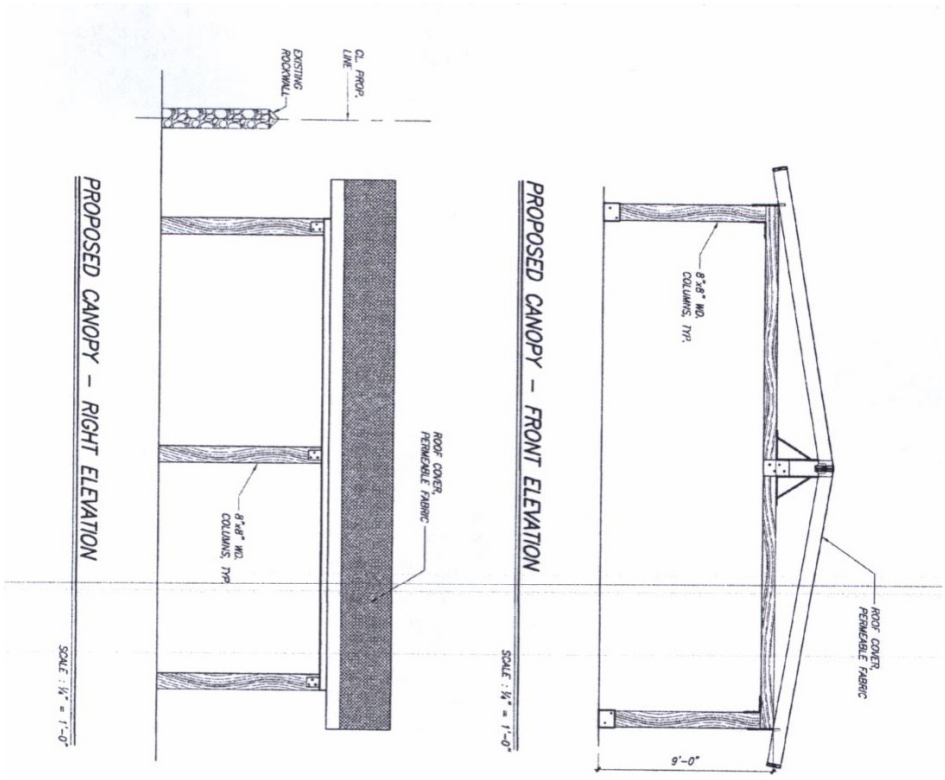
BARCELONA ESTATES
BLOCK 1, LOTS 52-57
CITY OF EL PASO,
EL PASO COUNTY, TEXAS

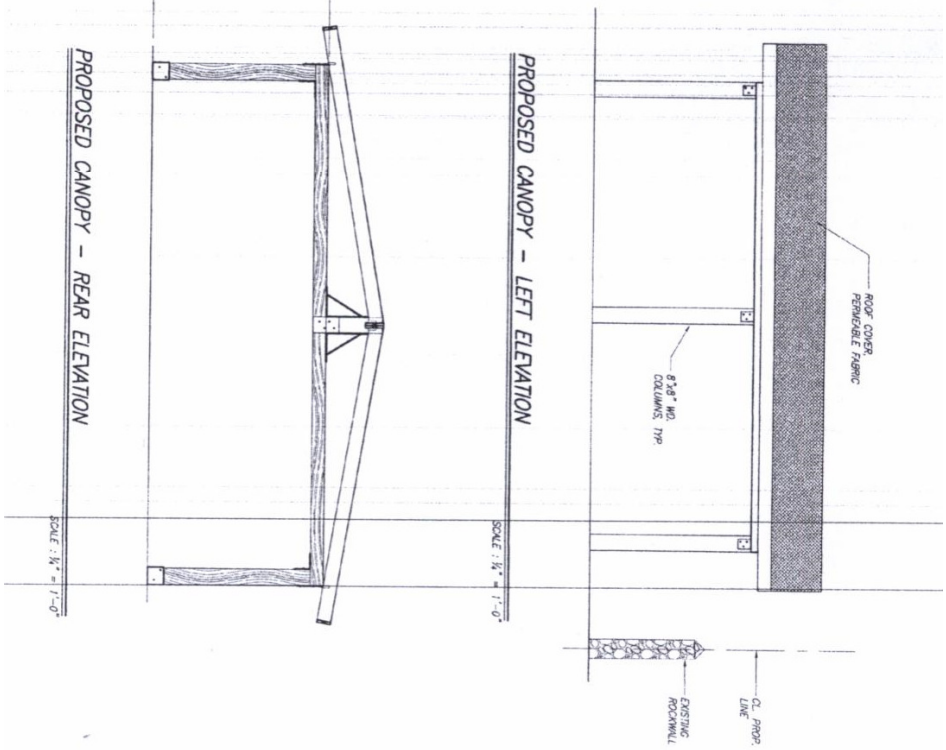
ZONING: PR-2 SC
ADDRESS: 12253 COSTA BRAVA

REDUCE : FRONT
REDUCE : SIDE ST.
REDUCE : REAR

SET BACKS	
REQUIRED	PROPOSED
FRONT 10'	FRONT 0'
REAR 20'	REAR 3'-5"
SIDE ST. 10'	SIDE ST. 0'
SIDE 10'	SIDE 10'

ATTACHMENT 4: ELEVATIONS





ATTACHMENT 6: ORDINANCE NO. 8848

008848

AN ORDINANCE CHANGING THE ZONING
OF A PORTION OF SECTION 4, BLOCK 79,
TSP 3, AND A PORTION OF SECTION 45, BLOCK 79,
TSP 2, T&PRR CO. SURVEYS,
THE PENALTY BEING AS PROVIDED IN
SECTION 20.68.010 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of a portion of Section 4, Block 79, Tsp. 3, and a portion of Section 45, Block 79, Tsp. 2, T&PRR Co. Surveys, as more particularly described by metes and bounds in the attached Exhibits "A" through "K," be changed from R-3 (Residential) to the following:

C-3 (Commercial) - Parcel 1 (48.832 acres)
A-O (Apartment/Office) - Parcel 2 (45.405 acres)
C-1 (Commercial) - Parcel 3 (8.781 acres)
C-1 - Parcel 4 (9.167 acres)
C-3 - Parcel 5 (37.130 acres)
C-4 - Parcel 6 (14.733 acres)
A-O - Parcel 7 (25.815 acres)
C-1 - Parcel 8 (8.781 acres)
C-1 - Parcel 9 (5.316 acres)
C-1 - Parcel 10 (12.801 acres)
C-4 - Parcel 11 (108.974 acres)

within the meaning of the zoning ordinance, subject to a special contract placing certain restrictions, conditions and covenants on the property, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this 11th day of NOVEMBER, 1986.

Jonathan W. Rogers
Mayor

ATTEST:
Carole Hunter
City Clerk

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED: L.D.
6-5-87 COUNTER
6-5-87 ORIGINAL
6-8-87 Bldg. Inspection
6-5-87 CONTROL
R. Gonzalez

APPROVED AS TO FORM:
Assistant City Attorney

APPROVED AS TO CONTENT:
Roy Gilyard
Planning Department

86-5213
RECEIVED
JUN 3 - 1987
PLANNING DEPARTMENT

Contract (11/11/86)

008848

I certify that the zoning map has been revised to reflect the amendment of ordinance #8848
R. Gonzalez Date 6-5-87

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

CONTRACT

THIS CONTRACT, made this 11th day of November, 1986, by and between PEBBLE HILLS PARTNERSHIP and TIERRA DE MI PADRE PARTNERSHIP, First Parties, MAURICE WALLS, General Agent for T. & P. Land Trust, MERTON D. GOLDMAN, TRUSTEE, DONALD A. MALOOLY, ET AL, and GILBERT MALOOLY, Second Parties, and the CITY OF EL PASO, Third Party, witnesseth:

Application has been made to the City of El Paso for rezoning of a portion of Section 4, Block 79, Tsp. 3, and a portion of Section 45, Block 79, Tsp. 2, T&PRR Co. Surveys, City and County of El Paso, Texas, which is more particularly described by metes and bounds in the attached Exhibits "A" through "K", which are made a part hereof by reference.

To remove certain objections to such rezoning, First Parties covenant that if the property is rezoned from R-3 (Residential) to the following:

C-3 (Commercial) - Parcel 1 (48.832 acres)
A-O (Apartment/Office) - Parcel 2 (45.405 acres)
C-1 (Commercial) - Parcel 3 (8.781 acres)
C-1 (Commercial) - Parcel 4 (9.167 acres)
C-3 (Commercial) - Parcel 5 (37.130 acres)
C-4 (Commercial) - Parcel 6 (14.733 acres)
A-O (Apartment/Office) - Parcel 7 (25.815 acres)
C-1 (Commercial) - Parcel 8 (8.781 acres)
C-1 (Commercial) - Parcel 9 (5.316 acres)
C-1 (Commercial) - Parcel 10 (12.801 acres)
C-4 (Commercial) - Parcel 11 (108.974 acres)

within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. Pebble Hills or its successors in interest, shall dedicate the required right-of-way and shall improve the entire 120-foot width of Montwood extension from its property line east of Loop 375 to the western boundary of El Paso Electric Company right-of-way and shall pay the cost of construction of the installation of public utilities within the Montwood Drive right-of-way whenever development of Pebble Hills' property, where it abuts Montwood or its proposed extension, takes place. Pebble Hills or its successors in interest shall dedicate and build the entire width of Montwood where it abuts its property, as required by the subdivision ordinance unless the property described as Tract 3, Section 4, Block 79, T&PRR Co. Survey, El Paso County, to the south of the proposed Montwood extension be annexed or platted prior to platting of its property by Pebble Hills. In such event, both Parties shall be required to provide right-of-way and improvements as required by ordinance.

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Ord. 8848
(11-11-86)

2. City agrees that it shall enforce existing ordinances regarding denial of access to owners of property abutting Montwood Extension in Tract 3, Section 7, Block 79, Tsp. 3, T&PRR Co. Surveys, El Paso County, unless and until Pebble Hills and the City consent to the release of such access restriction, based on those property owners providing their proportionate share, based on frontage to Montwood extension, of the right-of-way and the cost of construction and improvements as required by ordinance.

3. Pebble Hills agrees to donate to the City a ten-acre parcel of land within the land to be annexed for park usage purposes. The exact location of the parcel shall be determined at the subdivision platting stage of development.

4. Pebble Hills also agrees to donate to the City a 150' x 150' parcel of property within the land to be annexed for a future fire station site. The exact location of the parcel shall be determined at the subdivision platting stage of development.

5. Pebble Hills agrees to provide twenty (20) feet of landscaping along the entire length of the easterly property line of Parcel 11, between Parcel 8 and Parcel 10 of the subject property.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity, or necessitating the amendment of, the ordinance passed by the City Council embodying this change of zoning and subject to this contract.

Second Parties are the owners and holders of recorded liens on the property and consent to this contract.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

PEBBLE HILLS PARTNERSHIP
FIRST PARTY
By SANDIA PEAK TRAM COMPANY

By _____
Robert H. Murphy
Title _____
President & Chairman, Sandia Peak Tram Company

ATTEST:

_____
Secretary
86-5213

TIERRA DE MI PADRE PARTNERSHIP
FIRST PARTY

By _____

Title _____

ATTEST:

_____
Secretary

SECOND PARTIES

_____
MAURICE A. WILSON

_____
GEORGE C. FRASER, III

_____
GEORGE A. WILSON

_____
MERTON D. GOLDMAN, TRUSTEE

_____
DONALD A. MALOOLY, ET AL

_____
GILBERT MALOOLY

THE CITY OF EL PASO
THIRD PARTY

By _____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO CONTENT:

_____
Planning Department

APPROVED AS TO FORM:

_____
Assistant City Attorney

THE STATE OF ~~TEXAS~~ NEW MEXICO)
COUNTY OF ~~EL PASO~~ BERNALILLO)

This instrument was acknowledged before me on this 14th day of November, 1986, by Robert M. Murphy, on behalf of PEBBLE HILLS PARTNERSHIP.

Lisa K. Cornwell
Notary Public, State of Texas

My Commission Expires:
10-11-88

OFFICIAL SEAL
LISA K. CORNWELL
NOTARY PUBLIC STATE OF NEW MEXICO
Notary Bond Filed with Secretary of State
My Commission Expires 10-11-88

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 11th day of December, 1986, by Gilbert Macias Sr., on behalf of TIERRA DE MI PADRE PARTNERSHIP.

NATALIE GOMEZ, Notary Public
In and for the State of Texas
My Commission Expires July 31, 1989

Natalie Gomez
Notary Public, State of Texas

My Commission Expires:
7/31/89

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this _____ day of _____, 1986, by MAURICE A. WILSON.

Notary Public, State of Texas

My Commission Expires:

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this _____ day of _____, 1986, by GEORGE C. FRASER, III.

Notary Public, State of Texas

My Commission Expires: