

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

DEPARTMENT: Planning and Economic Development Department

AGENDA DATE: Introduction: January 17, 2012
Public Hearing: February 7, 2012

CONTACT PERSON/PHONE: Esther Guerrero, (915) 541-4720

DISTRICT(S) AFFECTED: 1

SUBJECT:

An ordinance granting Special Permit No. PZST11-00015, to allow for infill development with reduced cumulative setbacks on the property described as Lot 5, Block 3, Emerald Valley Estates Replat A, 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: 5520 Milray Drive. Property Owner: Luis Villareal. PZST11-00015 (**District 1**)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (4-1)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director-Planning and Economic Development

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST11-00015, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED CUMULATIVE SETBACKS ON THE PROPERTY DESCRIBED AS LOT 5, BLOCK 3, EMERALD VALLEY ESTATES REPLAT A, 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, Luis Villareal, has applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for a Single-family Residence with reduced cumulative setbacks; 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-1 (RESIDENTIAL)** Zone District:

Lot 5, Block 3, Emerald Valley Estates Replat A, 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 Single-family Residence with reduced cumulative setbacks; and,
3. That this Special Permit is issued subject to the development standards in the R-1 (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,

ORDINANCE NO. _____

PZST11-00015

4. That if at any time the Owner fails to comply with any of the requirements of this Ordinance, Special Permit No. PZST11-00015 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.

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

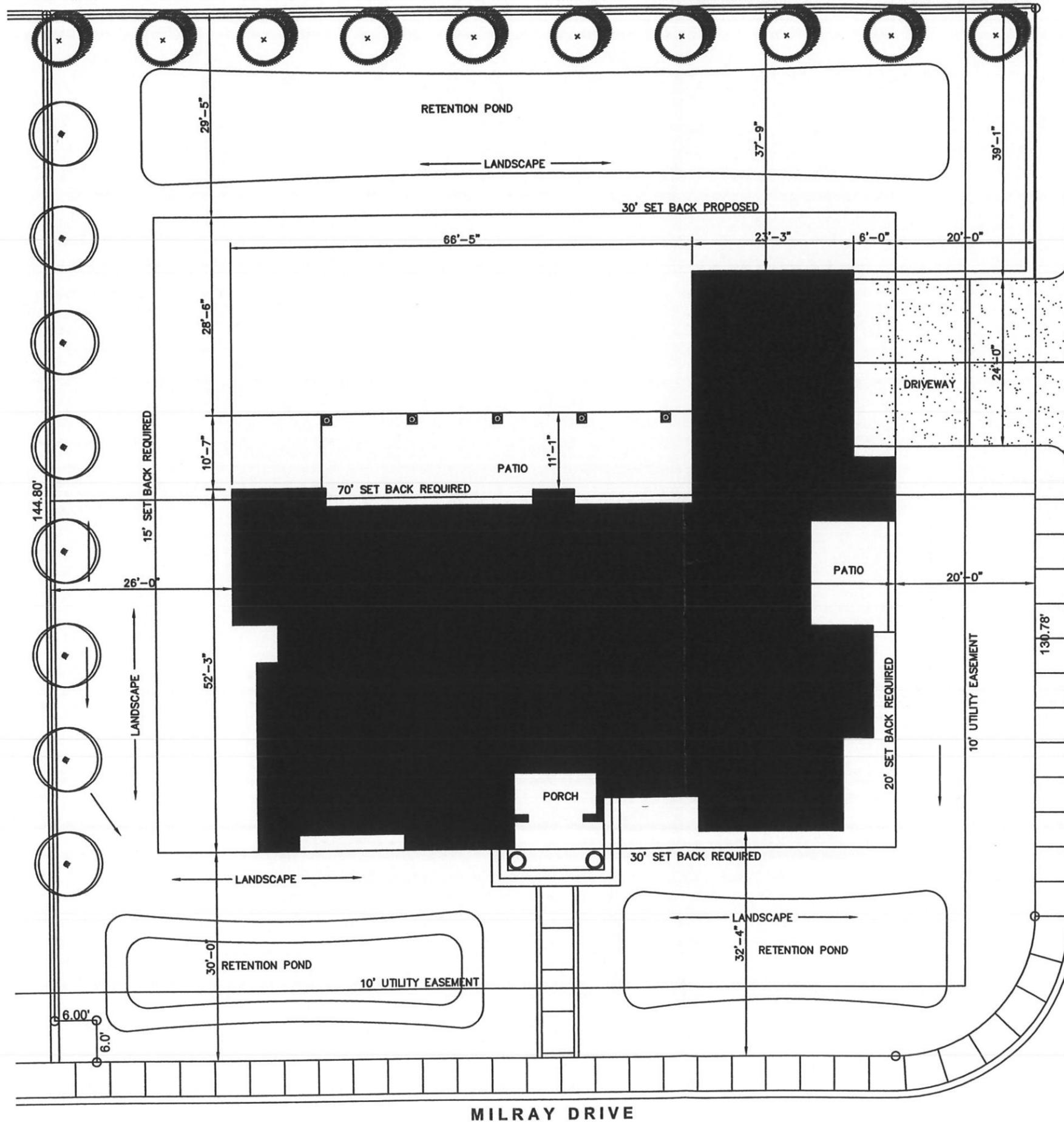
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy
Deputy Director – Planning and
Economic Development Department

ORDINANCE NO. _____

PZST11-00015



CONSTRUCTION NOTES:

HEATED LIVING AREA:	4,190 S.F.
GARAGE:	628 S.F.
ENTRANCE PORCH:	88 S.F.
PATIO:	702 S.F.

Exhibit "A"
(1 of 2)

LEGAL DESCRIPTION

5520 MILRAY DRIVE
LOT 5, BLOCK 3, EMERALD VALLEY ESTATES, REPLAT A
CITY OF EL PASO, EL PASO COUNTY, TEXAS

EMERALD STAR DRIVE



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

DATE

APPLICANT

EXECUTIVE SECRETARY
CITY PLAN COMMISSION

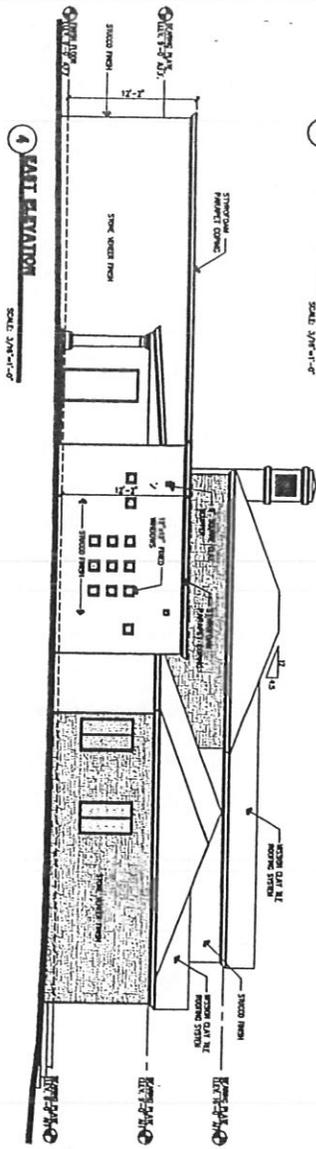
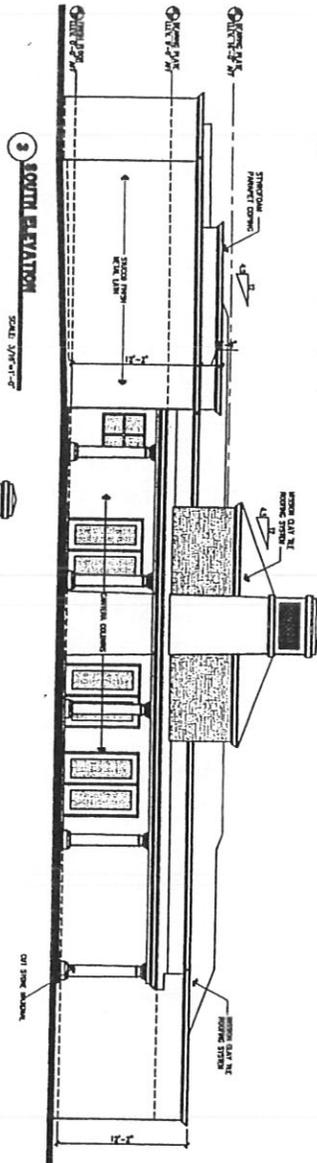
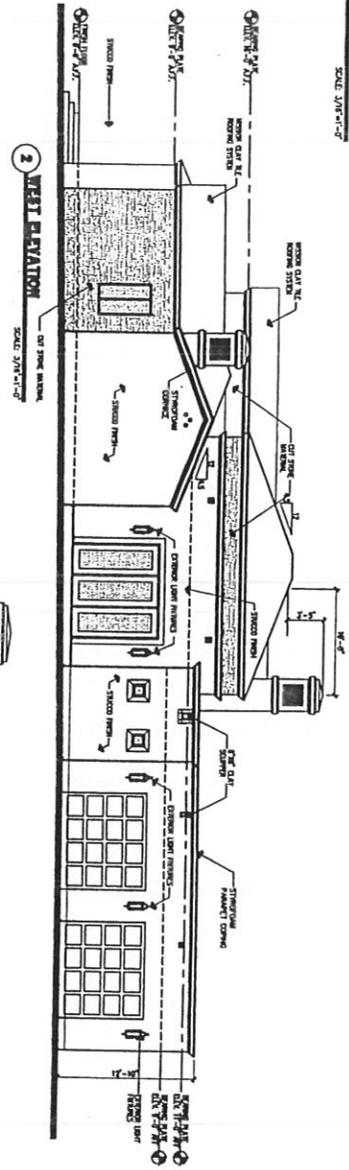
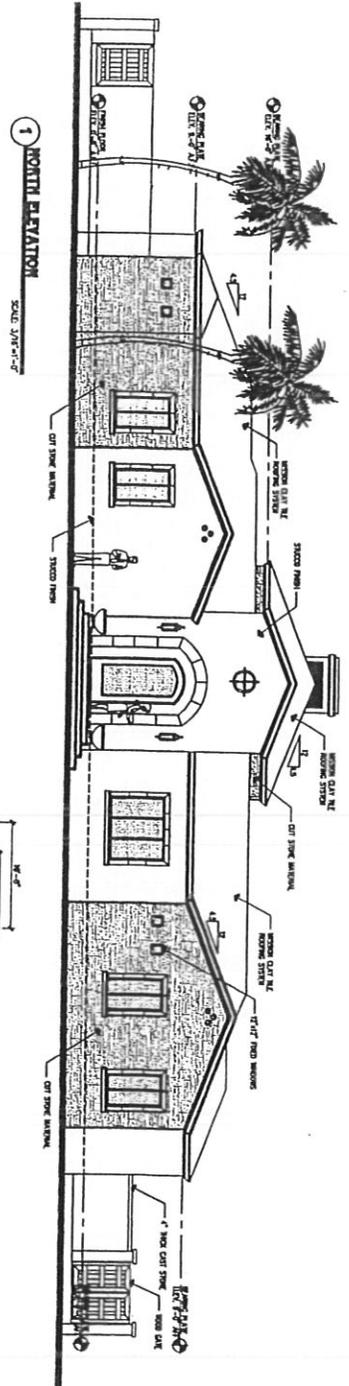
CITY MANAGER



PROPOSED SITE PLAN

SCALE: 1/16"=1'-0"





A-5
 10
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 ARCHITECT
 DATE
 PROJECT NO.
 SHEET NO.

VILLARREAL RESIDENCE
EMERALD VALLEY ESTATES
 5520 Millray Drive El Paso, Texas 79932

Smart
 CONSTRUCTION MANAGERS
 2742 North Mesa
 El Paso, Texas 79912
 (915) 837-8700
 www.smartcm.com





Date: January 9, 2012
To: Honorable Mayor and City Council
Joyce Wilson, City Manager
From: Esther Guerrero, Planner
Subject: **PZST11-00015 Special Permit for Infill Development**

The City Plan Commission (CPC) on December 15, 2011, voted **4-1** to recommend **approval** of the special permit, with Commissioner Nance voting against and requested a minority report (see attached minority report). The special permit for infill development request is to allow the reduced cumulative yard setback from the required total front and rear of 100 ft. to 67.9 ft. The property is zoned R-1 (Residential) and is 0.5 acre in size.

The applicant is proposing a 4,200 sq. ft. single-family home, with a front yard setback of 30 ft., rear yard setback of 37.9 ft. for a total cumulative of 67.9 ft.

History

-On November 1, 2011, the City Council approved a waiver of the requirement that an application for infill development meet two location factors as stated in Section 20.18.280 when only one factor is met, prior to the submission of a special use permit application.

-On May 17, 2007, the City Plan Commission approved a modification to waive sidewalk requirements for Emerald Valley Estates.

-Prior to May 2008, the Zoning Board of Adjustment (ZBA) was authorized to grant exceptions for reductions of yard setbacks with no restrictions regarding new home construction. The ZBA approved approximately 43 applications for reduced yard setbacks for new residences within the Emerald Valley Estates Subdivision. The ZBA now requires that a residence be owner occupied for one year before a special exception for reduction of front and rear yard setback can be granted.

Staff and Development Coordinating Committee (DCC) recommended approval of the special permit for infill development.

The CPC found that the special permit is in conformance with The Plan for El Paso. The CPC found that the proposed use is in conformance with the 2025 Projected General Land Use Map for the Northwest Planning Area. The CPC also determined that the special permit protects the best interest, health, safety, and welfare of the public in general; and will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

Attachment: Minority Report, Staff Report

Mayor

John F. Cook

City Council

District 1

Ann Morgan Lilly

District 2

Susie Byrd

District 3

Emma Acosta

District 4

Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Eddie Holguin Jr.

District 7

Steve Ortega

District 8

Cortney Carlisle Niland

City Manager

Joyce A. Wilson



Minority Report request by Commission Larry Nance

Considerations

Request: Special Permit for Infill Development to allow the reduced cumulative yard setback.
Case No.: PZST11-00015
Location: 5520 Milray Drive
Zoning: R-1 (Residential)

History: On December 15, 2011, the City Plan Commission (CPC) recommended approval of special permit PZST11-00015, this recommendation is in agreement with the recommendation from staff and the Development Coordinating Committee (DCC).

The CPC voted four (4) votes to one (1) vote, to approve the special permit for infill development. The CPC's recommendation for approval was based on existing compatibility with surrounding lots and yard setbacks, which include approximately 43 out of 77 single-family lots located within the subdivision (Emerald Valley Estates) that were previously granted exceptions for reductions of yard setbacks by the Zoning Board of Adjustment (ZBA)

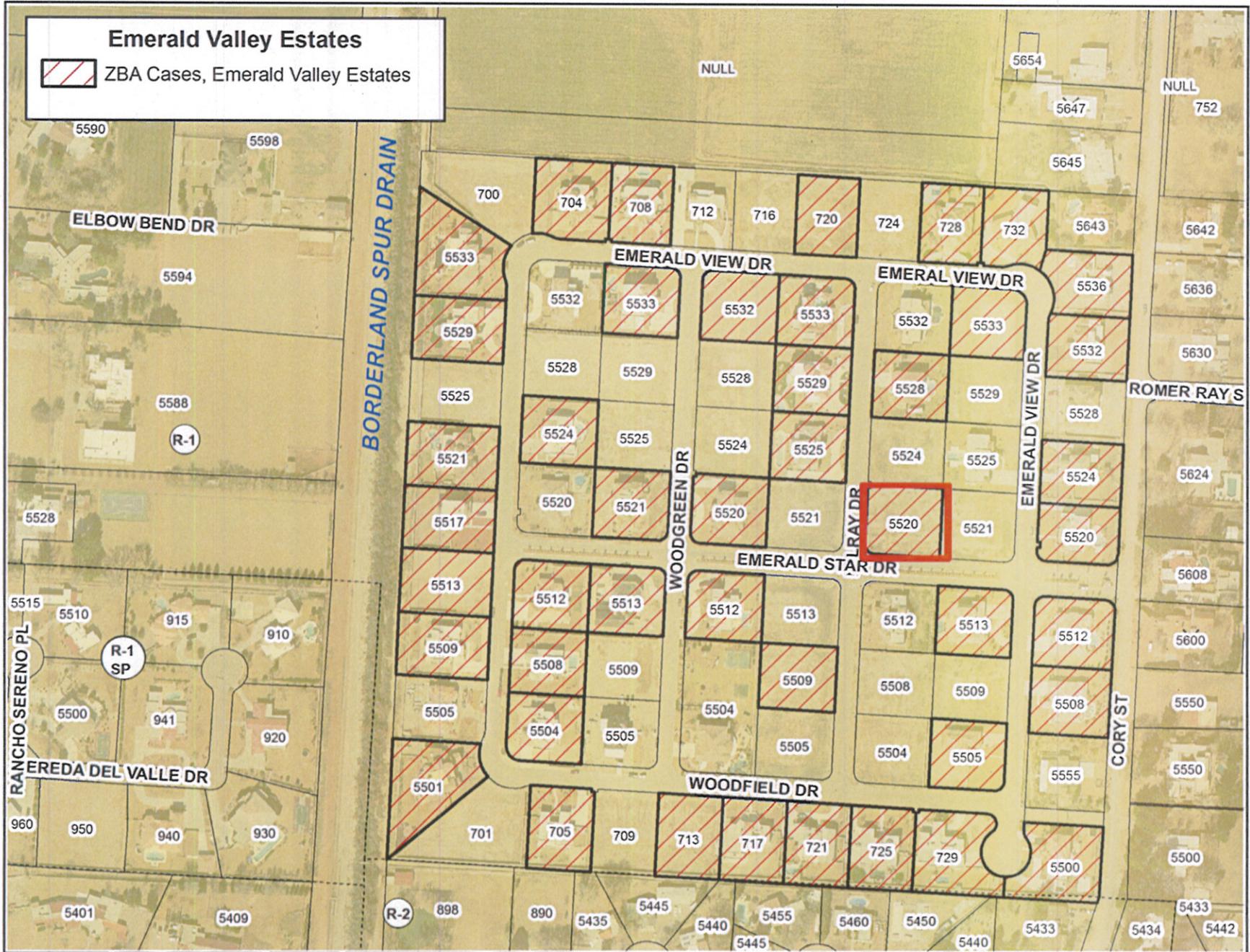
The R-1 (Residential) District requires minimum 30 ft. front and rear yard setbacks, and a minimum 100 ft. front and rear yard cumulative. The applicant proposes a total front and rear yard cumulative setback of 67.9 ft., with 30 ft. front and 37.9 ft. rear yard setbacks.

Current Minority Opinion: Four CPC members voted for approval with the one member voting for denial of the special permit request for infill development.

The denial recommendation by Commissioner Nance was based on the reason that this is a relatively new subdivision and in his opinion does not meet the infill criteria, and that there are guidelines for the Zoning Board of Adjustment (ZBA) that will allow for reduced setbacks. Additionally, approval by the City Council would set a precedent to enable new subdivisions to use this "Special Permit for Infill" option to circumvent the City Zoning Regulations and the ZBA.

Emerald Valley Estates

 ZBA Cases, Emerald Valley Estates





City of El Paso – City Plan Commission Staff Report

Case No: PZST11-00015
Application Type: Special Permit
CPC Hearing Date: December 15, 2011
Staff Planner: Esther Guerrero, 915-541-4720, guerreroex@elpasotexas.gov

Location: 5520 Milray Drive
Legal Description: Lot 5, Block 3, Emerald Valley Estates Replat A, City of El Paso, El Paso County, Texas
Acreage: 0.5 acre
Rep District: 1
Zoning: R-1 (Residential)
Existing Use: Vacant
Request: Infill Development to allow reduced cumulative setbacks
Proposed Use: Single-family home
Property Owner: Luis Villareal
Representative: Sergio Martinez-Smart Construction

SURROUNDING ZONING AND LAND USE

North: R-1 (Residential) / vacant, single-family home
South: R-1 (Residential) / single-family home
East: R-1 (Residential) / single-family home
West: R-1 (Residential) / vacant, single-family home

THE PLAN FOR EL PASO DESIGNATION: Residential (Northwest Planning Area)
NEAREST PARK: Valley Creek Park (4,704 feet)
NEAREST SCHOOL: Jose H. Damiam Elementary (13,752 feet)

NEIGHBORHOOD ASSOCIATIONS

Upper Valley Neighborhood Association, Save the Valley, Coronado Neighborhood Association, Upper Mesa Hills Neighborhood Association, Upper Valley Improvement Association

NEIGHBORHOOD INPUT

Notices of the December 15, 2011 public hearing were mailed to all property owners within 300 feet of the subject property on November 30, 2011. The Planning Division has not received any phone calls or letters in support of opposition of the rezoning request.

APPLICATION DESCRIPTION

The site plan shows a proposed 4,200 sq. ft. single-family home, with a swimming pool, cabana and required on-site ponding. Access is proposed via a driveway from Emerald Star Drive.

The R-1 (Residential) district requires a front and rear yard cumulative setback total of 100 ft., with 30 ft. minimum required, front or rear. The applicant is requesting the reduction of the front and rear yard cumulative setback to 67.9 ft., from the required 100 ft.

History

-On November 1, 2011, the City Council approved to waive the requirement that an application for infill development meet two location factors as stated in Section 20.18.280 when only one factor is met, prior to the submission of a special use permit application.

-On May 17, 2007, the City Plan Commission approved a modification to waive sidewalk requirements for Emerald Valley Estates.

-Prior to May 2008, the Zoning Board of Adjustment (ZBA) was authorized to grant exceptions for reductions of yard setbacks with no restrictions regarding new home construction. The ZBA approved approximately 43 applications for reduced yard setbacks for new residences within the Emerald Valley Estates Subdivision. The ZBA now requires that a residence be owner occupied for one year before a special exception for reduction of front and rear yard setback can be granted.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the special permit and detailed site development plan review request for Infill Development.

Note:

The applicant must ensure that maximum lot coverage, including all buildings and impervious surfaces, do not exceed 50 percent of lot area, in order to meet on-site ponding requirements.

The Plan for El Paso-City-Wide Land Use Goals

All applications for special permit shall demonstrate compliance with the following criteria:

- a. Goal: establish a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities and outlets for social and cultural expression.
- b. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.
- c. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.

The purpose of the R-1 (Light Density Residential) 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.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for special permit and offered no objections to Planning Staff's recommendation for approval.

Engineering – Construction Management Division

Plan Review

Caution note that this lot requires on site ponding.

Land Development

Applicant shall comply with the City requirements of residential on-site ponding.

Department of Transportation

Department of Transportation does not object to the proposed special permit and detailed site development plan.

Notes:

-Sidewalks shall comply with Section 19.21 of the El Paso City Code. Sidewalks shall be continuous across driveway and shall comply with ADA standards.

-All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

Fire Department

No objections.

Police Department

This zoning adjustment does not present a problem for the police.

Sun Metro

Sun Metro does not oppose this request. Recommends the construction of sidewalk to permit pedestrian access to mass transit opportunities.

El Paso Water Utilities

1. EPWU-PSB does not object to this request.

Water:

2. There is an existing 6-inch diameter water main extending along Milray Drive that is available for service. The water main is located approximately 8 east from the center right-of-way line.

3. EPWU records indicate a vacant water service connection (inactive meter) serving the subject property. The address for this service is 5520 Milray Drive.

Sewer:

4. There is an existing 8-inch diameter sanitary sewer main extending along Milray Drive that is available for service, the sewer main is located approximately 5-feet west from the center right-of-way line.

5. There is an existing 12-inch diameter sanitary sewer main extending along Emerald Drive that is available for service, the sewer main is located approximately 5-feet south from the center right-of-way line.

6. EPWU records indicate an existing sanitary sewer service available for the subject property. The address for this service is 5520 Milray Drive.

General:

7. Application for water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit and detailed site development plan application:

1. Recommend approval of the application finding that the special permit and detailed site development plan is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan
2. Recommend approval of the application with modifications to bring the special permit and detailed site development plan into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the special permit and detailed site development plan does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

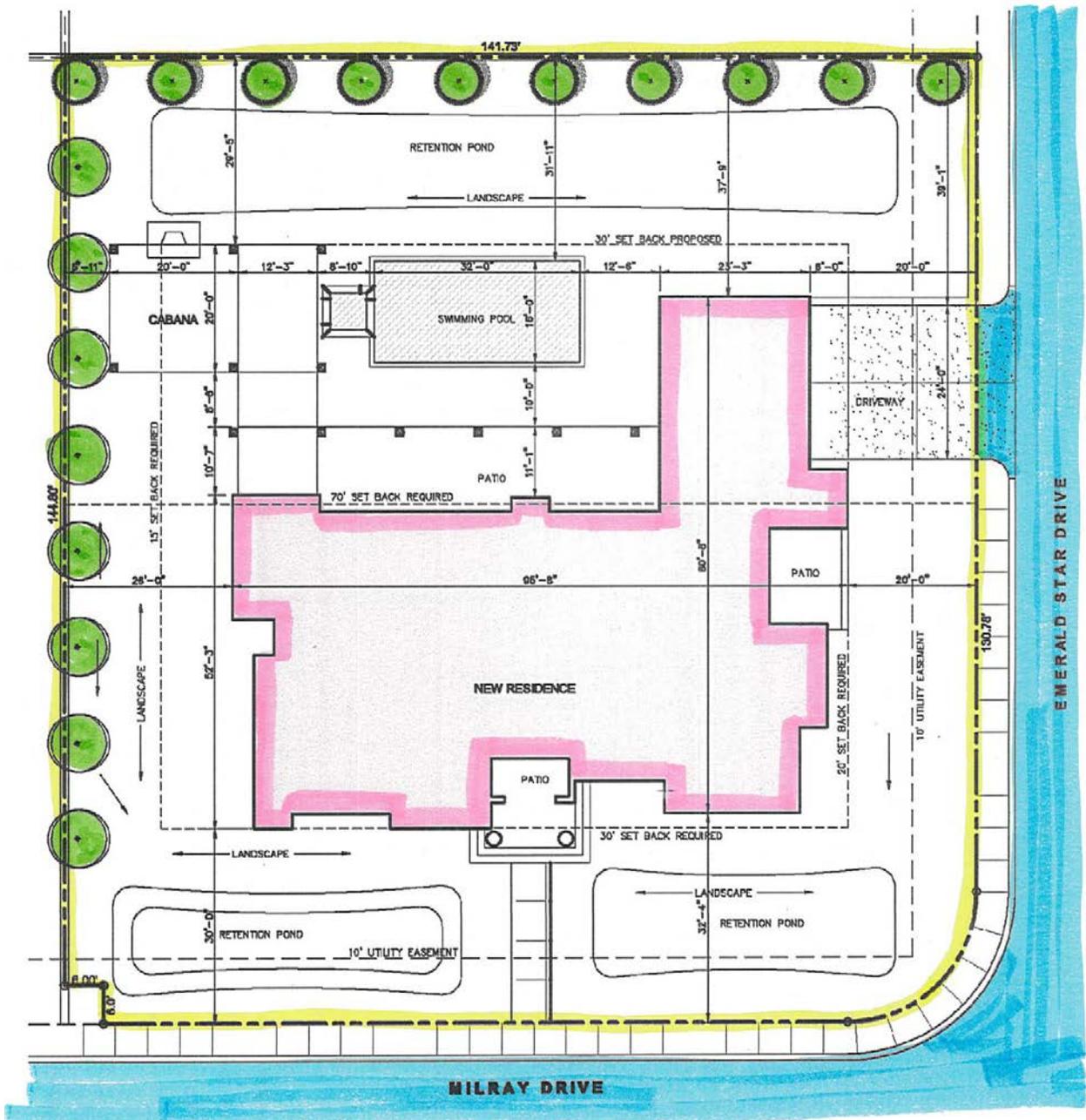
Attachments

1. Location Map
2. Aerial Map
3. Detailed Site Development Plan
4. Elevations

PZST11-00015



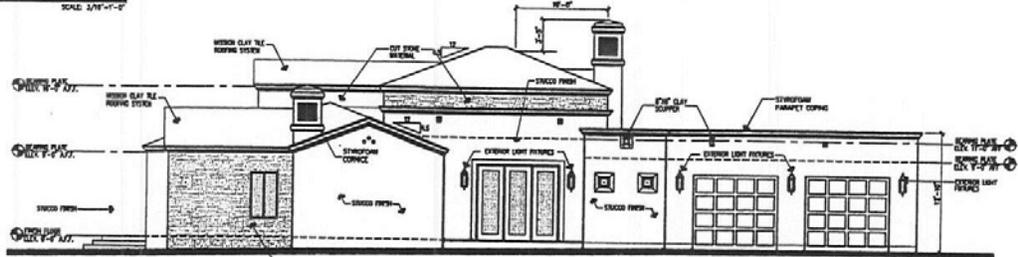
ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



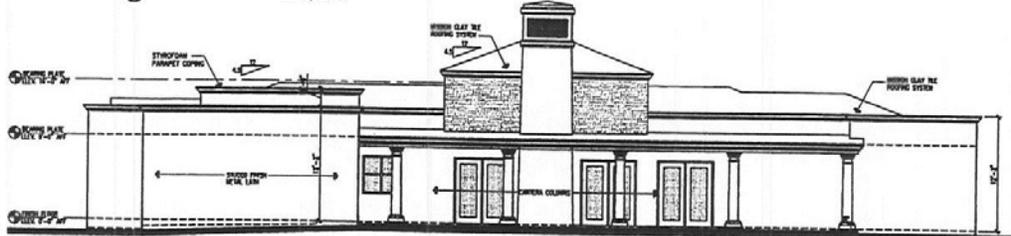
ATTACHMENT 4: ELEVATION



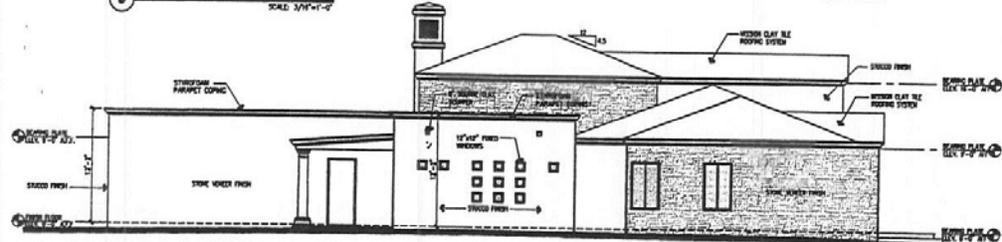
1 NORTH ELEVATION
SCALE: 3/8"=1'-0"



2 WEST ELEVATION
SCALE: 3/8"=1'-0"



3 SOUTH ELEVATION
SCALE: 3/8"=1'-0"



4 EAST ELEVATION
SCALE: 3/8"=1'-0"