

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

DEPARTMENT: Planning and Economic Development, Planning Division

AGENDA DATE: Introduction: April 5, 2011
Public Hearing: April 12, 2011

CONTACT PERSON/PHONE: Ernesto Arriola, (915) 541-4723

DISTRICT(S) AFFECTED: District 1

SUBJECT:

An Ordinance modifying the Rim-University Neighborhood Plan, to amend the design standards to allow certain types of solar panels to be placed on rooftops and that the City's Comprehensive Plan, "The Plan for El Paso," be amended to incorporate the modification.
Staff Contact: Ernesto Arriola, (915) 541-4723, arriolaea@elpasotexas.gov. PLRG11-00007 (**District 1**)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Unanimous approval recommendation

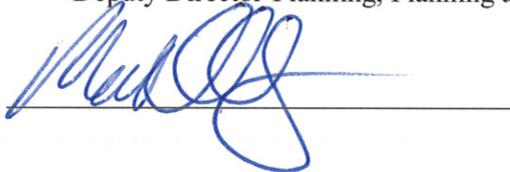
*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy

Deputy Director-Planning, Planning and Economic Development



DATE: 3/30/11

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE MODIFYING THE RIM-UNIVERSITY NEIGHBORHOOD PLAN, TO AMEND THE DESIGN STANDARDS TO ALLOW CERTAIN TYPES OF SOLAR PANELS TO BE PLACED ON ROOFTOPS AND THAT THE CITY'S COMPREHENSIVE PLAN, "THE PLAN FOR EL PASO," BE AMENDED TO INCORPORATE THE MODIFICATION. THE PENALTY IS AS PROVIDED IN CHAPTER 20.24 OF THE CITY CODE.

WHEREAS, The Plan for El Paso was adopted by the El Paso City Council on April 27, 1999 pursuant to the provisions of Section 213.002 of the Texas Local Government Code as the comprehensive plan for the City; and

WHEREAS, the comprehensive plan serves as a general guide for the future of growth and development of the City to promote public health, safety, and welfare; and

WHEREAS, a specific recommendation of The Plan for El Paso is the creation of study area plans that will serve as separate policy documents that give general support to the objectives of the City's comprehensive plan; and

WHEREAS, on May 22, 2001, the Plan for El Paso was amended to adopt the Rim University Neighborhood Plan ("Plan") as a Study Plan and established design standards and guidelines for property covered by the Plan; and,

WHEREAS, it was intended that the Plan be amended, as necessary, to address changes in technology and designs that would address community needs and concerns, while still protecting the existing characteristics of the neighborhood; and,

WHEREAS, it has been recommended that the changes herein proposed should be adopted on the basis that they will not have a significant impact on the existing characteristics of the neighborhood; and,

WHEREAS, the El Paso City Plan Commission and the El Paso City Council finds that the amendments as herein provided will have no negative impact upon the public health, safety, morals, and general welfare of the City, and that the zoning regulations as amended will carry out the purpose and spirit of the policies expressed in *The Plan for El Paso*,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the section titled "Roofs" of the Design Standards for Residential Uses, of the Rim-University Neighborhood Plan, be amended as follows:

Design Standards

Residential Uses

3. Roofs.

(a) Mechanical equipment and utility hardware shall be screened from public view; except as provided under subsection (c) below.

(b) The following roof forms may not be used on new construction: Mansard, Gambrel and dome.

(c) Solar panels are allowed on rooftops provided that the following criteria are met:

(1) The solar panels must be installed so that the solar panels remain permanently paralleled and flushed with the roof and are incapable of movement.

(2) The solar panels may be installed no higher than ten inches above the roof.

(3) The solar panels may not contain any mechanical equipment mounted or installed on the rooftop.

(4) Electrical or hydraulic lines extending from the panels into the dwelling may not exceed two feet.

(5) Any appurtenances necessary to support the solar panels must not be higher than twelve inches.

2. Except as expressly herein amended, the Rim University Neighborhood Plan shall remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2011.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

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

ORDINANCE NO. _____



PLANNING AND ECONOMIC DEVELOPMENT

MEMORANDUM

DATE: March 30, 2011

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Ernesto Arriola, Planner

SUBJECT: Amendment to the City's Comprehensive Plan

The City Plan Commission (CPC) on March 24, 2011 unanimously **recommended that the Rim-University Neighborhood Plan and the City's Comprehensive Plan be amended to allow for solar panels in the Rim Neighborhood Conservancy Overlay (NCO) zone.**

The CPC determined that the proposed amendments protects the best interest, health, safety and welfare of the public in general; and will have no negative effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There has been **no opposition** to this request.

Attachments: Staff Report

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson





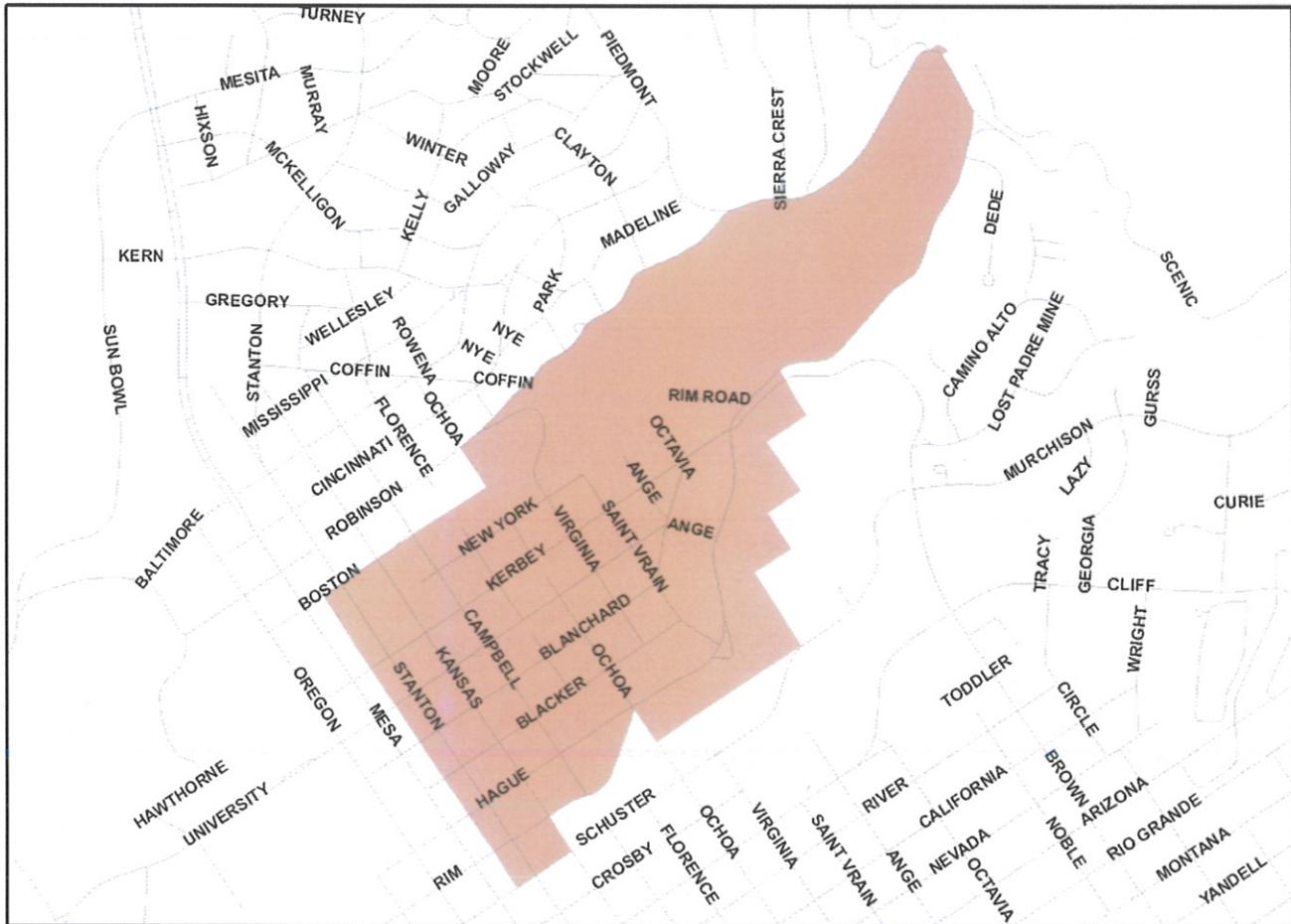
City of El Paso – City Council

Case No: PLRG11-00007
Application Type: Rim-University Neighborhood Plan and Comprehensive Plan amendment
CRC Hearing Date: March 24, 2011
Staff Planner: Ernesto Arriola, 915-541-4723, arriolae@elpasotexas.gov

Location: Northeast of Mesa Street, north of Schuster Avenue, south of Robinson Avenue, and east of Scenic Drive and Brown Street.

Affected District: 1

Rim-University Neighborhood



PLRG11-00007



APPLICATION DESCRIPTION

On March 10, 2011, the City Review Committee (CRC) heard a request by a Rim area resident to review and authorize the release of permits. The applicant proposed to install solar panels on the rooftop of the home. The CRC determined that the request did not meet the standards set forth in the Rim-University Neighborhood Plan and denied the request.

On March 10, 2011, an appeal request was submitted by the applicant regarding the decision rendered by the City Review Committee and a formal letter was submitted on March 15, 2011.

On March 24, 2011, the City Plan Commission (CPC) heard the appeal. After deliberation and public comment the CPC made a motion to grant the appeal subject to City Council approval of revising the Rim-University Neighborhood Plan design standards to allow solar panels as discussed at the hearing.

NEIGHBORHOOD ASSOCIATIONS

A representative from the Rim Area Neighborhood Association was present at the CPC hearing and stated that the association was in favor of the proposed type of solar panels. The association representative explained that the Rim Area Neighborhood Association board met on March 1, 2011 and discussed the placement of solar panels. The representative further noted that 12 of the 15 board members were present and the 12 present members voted unanimously in favor to allow the solar panels.

PLANNING DIVISION RECOMMENDATION

The Rim-University Neighborhood Plan requires that any additions to a structure meet the Plan's design standards. As currently laid out, the Rim-University Neighborhood Plan does not allow new utility equipment that is visible to the public and not consistent with the character of the neighborhood.

The El Paso City Council has made recommendations and set initiatives in place to promote a "green" El Paso such as the City's Sustainability Plan. Planning has also been asked to find ways to promote Smart Growth principals and other efforts that will support El Paso's sustainability and improve the quality of life. Staff recommends **approval** of proposed changes to the Rim-University Neighborhood Plan and therefore, the Comprehensive Plan.

CURRENT DESIGN STANDARDS

Design Standards are mandatory requirements, which must be met by persons who are proposing new construction, reconstruction, or renovation of the exterior of existing buildings, or structures within the Neighborhood that have a Neighborhood Conservancy Overlay (NCO) designation approved by the El Paso City Council. These Design Standards are considered in the context of surrounding properties, and with an emphasis on promoting visual harmony and maintaining the unique character of the Neighborhood (page 14).

The following **Rim-University Neighborhood Plan Design Standards** apply:

DESIGN STANDARDS (page 27)

Residential Uses

3. Roofs

- (a) Mechanical equipment and utility hardware on new construction shall be screened from public view.
- (b) The following roof forms may not be used on new construction: Mansard, Gambrel and Dome.

Aerial map

Rim-University Neighborhood



PLRG11-00007

0 360 720 1,440 2,160 2,880 Feet



Attachments:

Attachment 1: City Plan Commission appeal letter

Attachment 2: Letters from the public



Letter of Appeal

Solar Smart Living

El Paso's Premier Solar Company

DATE: MARCH 15, 2011

5510 N. Desert Blvd Suite B
Phone 915-581-6209
info@solarsmartliving.com

Concerning: PUBLIC HEARING Appeal of City Review Committee Action:

PLRG11-00005: East 1/2 of Lot 1 to Lot 5, Block 170,
Alexander Addition, City of El Paso, El Paso County, Texas
Location: 2201 Saint Vrain Street
Property Owner: Robert Ardivino and Jennifer Barr
Representative: Javier Perea, Solar Smart Living LLC
District: 1
Staff Contact: Ernesto Arriola, (915) 541-4723, arriolaea@elpasotexas.gov

Members of the City Planning Commission,

Solar Smart Living, LLC is requesting an appeal of the decision to deny the permit on a project involving the placement of solar electric panels on the south side of the home of Robert Ardivino and Jennifer Barr. The panels would be installed professionally and aesthetically, parallel to the roof. A graphic representation can be seen in figure 1 below.



Figure 1 Placement of Solar Panels

The sun's daily path from east to west across the southern sky changes elevation, measured in degrees up from the horizon, from 30 degrees during the winter solstice (Dec 21st) to 74 degrees in the summer. This limits the placement of the panels to the unshaded south facing roof areas. Placing the panels facing south ensures a maximum energy yield, and therefore a maximum return on investment. Figure 1 shows the highest yielding location of the panels, any other location on the home would be ineffective and make the investment a loss.

When the Neighborhood Conservancy Overlay (NCO) was formed less than 10 years ago, it was formed to preserve the character of the neighborhood, not to prevent projects that would improve sustainability and decrease energy dependency. The NCO met in the first week of March of 2011 and discussed this issue at length with no objections from any member or neighbor. The neighborhood and NCO has shown full support of the solar project. The NCO wishes to amend the guidelines to allow projects such as the Ardovino solar project that are approved by the NCO and permitted by the city.

Thank you,

Javier Perea
Business Line Manager
Solar Electric/Solar Thermal
NABCEP Certified Solar PV Installer™
Solar Smart Living LLC
5510 N. Desert Blvd Suite B
El Paso, Texas 79912
work: 915-581-6209
cell: 915-474-5824

22 March, 2011

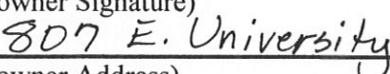
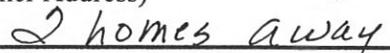
To:
Planning Department
City of El Paso
2 Civic Center Plaza
El Paso, Texas 79901

Reference: Application for Solar Panel Permit for 2201 N. St. Vrain (northwest corner of St. Vrain & University)

We, the undersigned, have been informed of the permit application for the addition of solar panels to the home of Robert Ardovino and Jennifer Barr, at 2201 N. St. Vrain, El Paso, Texas. We understand that their application was initially denied by the planning department based on the Rim Neighborhood Conservancy Overlay, and that the decision is being appealed to the City Plan Commission.

We have no objections to the proposed addition of solar panels to the south-facing rooftop of this home.

Thank you

	
_____ (Homeowner Signature)	_____ (Homeowner name, printed)
	
_____ (Homeowner Address)	
	
_____ (Location of home with relation to applicant home)	

22 March, 2011

To:

Planning Department
City of El Paso
2 Civic Center Plaza
El Paso, Texas 79901

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We have no objections to the proposed addition of solar panels to the south-facing rooftop of this home.

Thank you,

Victoria L. Corvelli

(Homeowner Signature)

victoria L. Corvelli

(Homeowner name, printed)

900 Kerbey

(Homeowner Address)

My home is on the corner of Kerbey + St. Vrain

(Location of home with relation to applicant home)

22 March, 2011

To:
Planning Department
City of El Paso
2 Civic Center Plaza
El Paso, Texas 79901

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We have no objections to the proposed addition of solar panels to the south-facing rooftop of this home.

Thank you,

Patricia B Ruiz, Robert D Ruiz Patricia B Ruiz & Robert D Ruiz
(Homeowner Signature) (Homeowner name, printed)
817 E University Ave El Paso, TX 79902
(Homeowner Address)
Next door neighbors
(Location of home with relation to applicant home)

22 March, 2011

To:

Planning Department
City of El Paso
2 Civic Center Plaza
El Paso, Texas 79901

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We have no objections to the proposed addition of solar panels to the south-facing rooftop of this home.

Thank you,



(Homeowner Signature)

PATRICIA ARREOLA

(Homeowner name, printed)

808 E. University

(Homeowner Address)

across the street

(Location of home with relation to applicant home)

22 March, 2011

To:
Planning Department
City of El Paso
2 Civic Center Plaza
El Paso, Texas 79901

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We have no objections to the proposed addition of solar panels to the south-facing rooftop of this home.

Thank you



(Homeowner Signature)
2221 N St Vrain



(Homeowner name, printed)

(Homeowner Address)
across the street

(Location of home with relation to applicant home)

22 March, 2011

To:

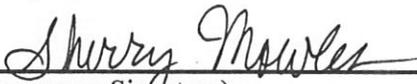
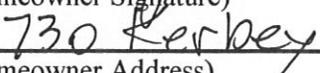
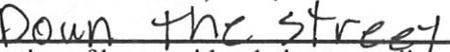
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We have no objections to the proposed addition of solar panels to the south-facing rooftop of this home.

Thank you,

	
_____ (Homeowner Signature)	_____ (Homeowner name, printed)
	
_____ (Homeowner Address)	
	
_____ (Location of home with relation to applicant home)	

22 March, 2011

To:
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City of El Paso
2 Civic Center Plaza
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We have no objections to the proposed addition of solar panels to the south-facing rooftop of this home.

Thank you,



JORGE GUZMAN

(Homeowner Signature)

(Homeowner name, printed)

2118 N. SAINT VRAIN ST 79902

(Homeowner Address)

DIAGONAL ACROSS CORNER

(Location of home with relation to applicant home)

22 March, 2011

To:
Planning Department
City of El Paso
2 Civic Center Plaza
El Paso, Texas 79901

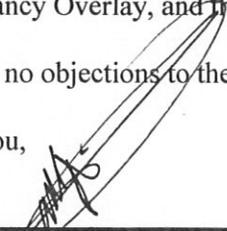
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We have no objections to the proposed addition of solar panels to the south-facing rooftop of this home.

Thank you,

(Homeowner Signature)


901 University

(Homeowner name, printed)

Armando Oviedo

(Homeowner Address)

across the street to EAST

(Location of home with relation to applicant home)