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

**DEPARTMENT:** City Development Department

**AGENDA DATE:** Introduction: April 16, 2013
Public Hearing: May 7, 2013

**CONTACT PERSON/PHONE:** Michael McElroy, (915) 541-4238, mcelroyms@elpasotexas.gov

**DISTRICT(S) AFFECTED:** 2

**SUBJECT:**
An Ordinance granting Special Permit No. PZST12-00015, to allow for infill development with reduced front setback, reduced rear setback, reduced side setback, a parking reduction and to allow for a 50% increase in density on the property described as Lots 9 through 14, Block 25, Third Amended Map of Highland Park Addition, 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: 2413 Tremont. Property Owner: Hector F. Barraza. PZST12-00015 **(District 2)**

**BACKGROUND / DISCUSSION:**
Staff report attached.

**PRIOR COUNCIL ACTION:**
Originally heard before City Council on April 2, 2013. No action was taken.

**AMOUNT AND SOURCE OF FUNDING:**
N/A

**BOARD / COMMISSION ACTION:**
Pending City Plan Commission on April 18, 2013

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

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

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

**DEPARTMENT HEAD:** Mathew S. McElroy
Director, City Development Department

**APPROVED FOR AGENDA:**

**CITY MANAGER:** _____ **DATE:** _____

CITY CLERK DEPT.
2013 FEB 28 PM 4:45

**ORDINANCE NO. _____**

**AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST12-00015, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED FRONT SETBACK, REDUCED REAR SETBACK, REDUCED SIDE SETBACK, A PARKING REDUCTION AND TO ALLOW FOR A 50% INCREASE IN DENSITY ON THE PROPERTY DESCRIBED AS LOTS 9 THROUGH 14, BLOCK 25, THIRD AMENDED MAP OF HIGHLAND PARK ADDITION, 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, Hector Barraza, Owner**, has applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for an apartment complex with reduced front setback, reduced rear setback, reduced side setback, a parking reduction and to allow for a 50% increase in density; 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 **S-D (SPECIAL DEVELOPMENT)** Zone District:

   *Lots 9 through 14, Block 25, Third Amended Map of Highland Park Addition, 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 an apartment complex with reduced front setback, reduced rear setback, reduced side setback, a parking reduction, and to allow for a 50% increase in density; and,

3. That this Special Permit is issued subject to the development standards in the **S-D (SPECIAL DEVELOPMENT)** District regulations and is subject to the approved Detailed Site Development Plan, signed by the Applicant, the City

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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. PZST12-00015 shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; and,

5. That the Owners 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 _____, 2013.**

**THE CITY OF EL PASO**

_____
John F. Cook
Mayor

**ATTEST:**

_____
Richarda Duffy Momsen
City Clerk

**APPROVED AS TO FORM:**

_____
Karla M. Nieman
Assistant City Attorney

**APPROVED AS TO CONTENT:**

_____
Mathew S. McElroy, Director
City Development Department

**ORDINANCE NO. _____**

**PZST12-00015**

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## AGREEMENT

**Hector Barraza, Owner,** 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 **S-D (SPECIAL DEVELOPMENT)** District regulations, and subject to all other requirements set forth in this Ordinance.

**EXECUTED** this 6 day of December, 2012.

Hector Barraza, Owner:

By: Hector Barraza (owner)
(name/title)

Hector Barraza
(signature)

## ACKNOWLEDGMENT

**THE STATE OF TEXAS** )
)
**COUNTY OF ~~EL PASO~~** )
HARRIS JBR

This instrument is acknowledged before me on this 6 day of December, 2012, by Hector Barraza, for Hector Barraza, as Owner.

My Commission Expires:
July 28, 2016

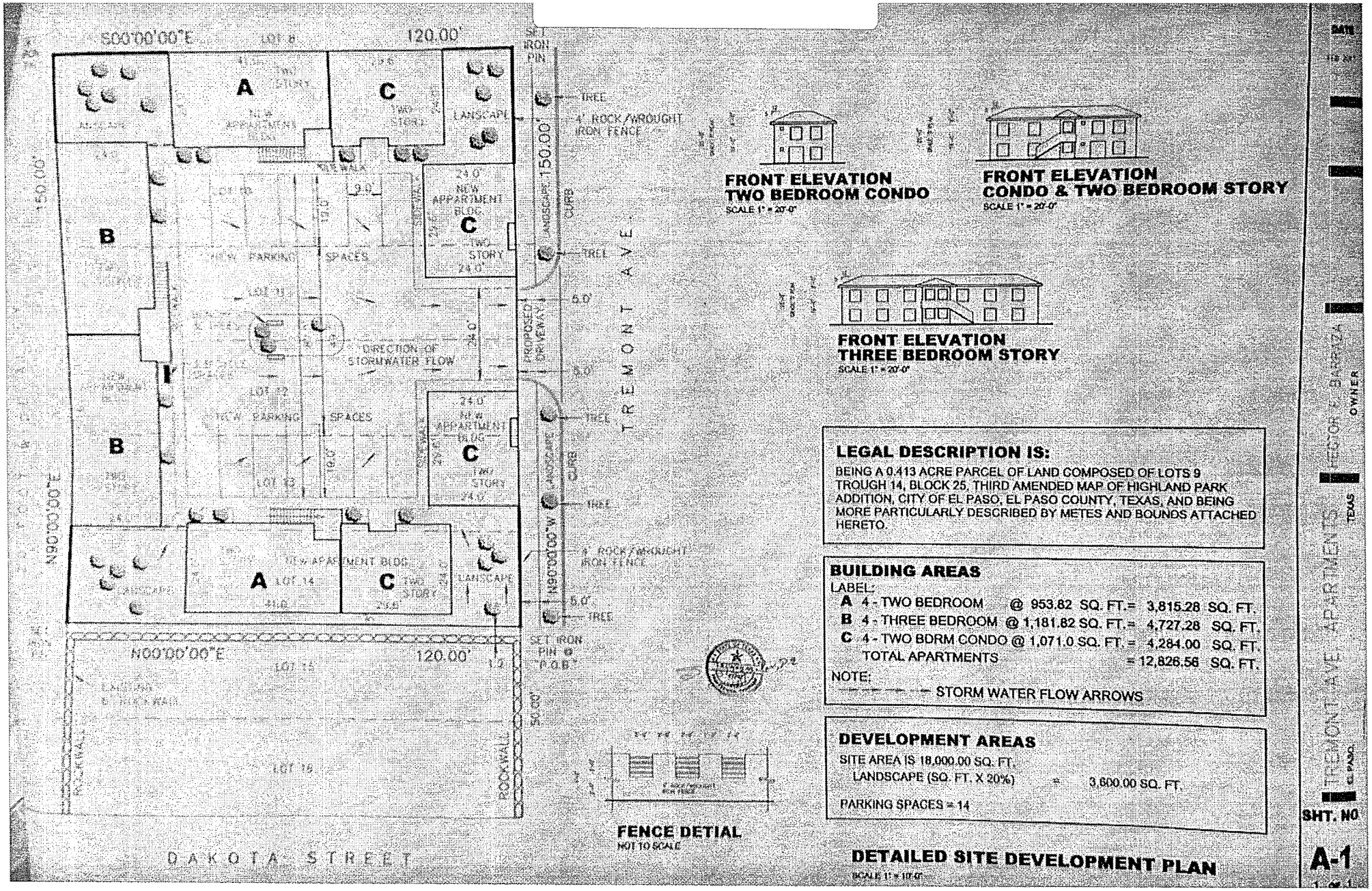
John Robert Burns
Notary Public, State of Texas

Notary's Printed or Typed Name:
John Robert Burns

JOHN ROBERT BURNS
Notary Public, State of Texas
My Commission Expires
July 28, 2016

**ORDINANCE NO.** _____ **PZST12-00015**

EXHIBIT "A"






**FRONT ELEVATION**
**TWO BEDROOM CONDO**
SCALE 1" = 20'-0"



**FRONT ELEVATION**
**CONDO & TWO BEDROOM STORY**
SCALE 1" = 20'-0"



**FRONT ELEVATION**
**THREE BEDROOM STORY**
SCALE 1" = 20'-0"

**LEGAL DESCRIPTION IS:**

BEING A 0.413 ACRE PARCEL OF LAND COMPOSED OF LOTS 9 TROUGH 14, BLOCK 25, THIRD AMENDED MAP OF HIGHLAND PARK ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ATTACHED HERETO.

**BUILDING AREAS**

LABEL:

| | | | |
|---|---|---|---|
| **A** | 4 - TWO BEDROOM | @ 953.82 SQ. FT.= | 3,815.28 SQ. FT. |
| **B** | 4 - THREE BEDROOM | @ 1,181.82 SQ. FT.= | 4,727.28 SQ. FT. |
| **C** | 4 - TWO BDRM CONDO | @ 1,071.0 SQ. FT. = | 4,284.00 SQ. FT. |
| | TOTAL APARTMENTS | | = 12,826.56 SQ. FT. |

NOTE:
- - - - - - - - = STORM WATER FLOW ARROWS

**DEVELOPMENT AREAS**

SITE AREA IS 18,000.00 SQ. FT.
LANDSCAPE (SQ. FT. X 20%) = 3,600.00 SQ. FT.

PARKING SPACES = 14



**FENCE DETIAL**
NOT TO SCALE

**DETAILED SITE DEVELOPMENT PLAN**
SCALE 1" = 10'-0"

TREMONT APARTMENTS
HECTOR E. BARRAZA
OWNER
EL PASO TEXAS

SHT. NO
A-1

# MEMORANDUM

**DATE:** April 3, 2013

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

**FROM:** Michael McElroy, Planner

**SUBJECT:** **PZST12-00015**

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This special permit application is to allow for infill development with reduced front setbacks, reduced rear setback, reduced side setback, a parking reduction and a 50% increase in density in the R-5 (Residential) zoning district.

The case originally appeared before the City Plan Commission on November 15, 2012 where it was approved 6-0, and was heard but not acted upon by the City Council on April 2, 2013. The case is pending before the CPC, where it has been returned due to a notification discrepancy, for their further review and action.

There were four (4) letters in **OPPOSITION** to this request.

**Attachments:** Staff Report

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

| | |
|---|---|
| **Case No:** | PZST12-00015 |
| **Application Type:** | Special Permit |
| **CPC Hearing Date:** | April 18, 2013 |
| **Staff Planner:** | Michael McElroy, 915-541-4238, *mcelroyms@elpasotexas.gov* |
| **Location:** | 2413 Tremont |
| **Legal Description:** | Lots 9 through 14, Block 25, Third Amended Map of Highland Park Addition, City of El Paso, El Paso County, Texas |
| **Acreage:** | 0.413 acres |
| **Rep District:** | 2 |
| **Zoning:** | R-5 (Residential) |
| **Existing Use:** | Vacant |
| **Request:** | Infill development / Reduction in front, rear, and side setback / 50% parking reduction / 50% density bonus (Related to PZRZ12-00022) |
| **Proposed Use:** | Apartments |
| **Property Owner:** | Hector Barraza |
| **Representative:** | Jorge Avila |

**SURROUNDING ZONING AND LAND USE**

**North:** R-5 (Residential) / Single family homes
**South:** R-5 (Residential) & A-2 (Apartments) / Single family homes & Vacant
**East:** A-2/sc (Apartments/Special contract) / Parking structure
**West:** R-5 (Residential) / Single family homes

**Plan El Paso Designation:** G2, Traditional Neighborhood (Central)
**Nearest Park:** Scenic Drive Park (2,197 ft.)
**Nearest School:** Moreno Annex Elementary (573 ft.)

**NEIGHBORHOOD ASSOCIATIONS**

El Paso Central Business Association

**NEIGHBORHOOD INPUT**

Notices of the April 18, 2013 public hearing were mailed to all property owners within 300 feet of the subject property on April 8, 2013. The Planning Division received three letters in opposition to the request.

**APPLICATION BACKGROUND**

The property was rezoned in October 2012 from R-5 to S-D with the condition that no development may exceed 35' in height.

This case originally appeared before the City Plan Commission on November 15, 2012 where it was approved 6-0, and was heard but not acted upon by the City Council on April 2, 2013. The case is has been returned due to a notification discrepancy, for further public review and action.

**APPLICATION DESCRIPTION**

The applicant is requesting an infill development special permit to allow reductions in rear setback from 10' to 0', front setback from 20' to 0', side setback from 10' to 3', as well as a 50-percent parking reduction and a 50% density bonus, to permit the construction of an apartment complex.

**PLANNING DIVISION RECOMMENDATION**
The Planning Division recommends **approval** of the special permit and detailed site development plan review request for infill development as the applicant meets the requirements of Section 20.04.320, Special Permit Approvals and 20.04.150 Detailed Site Development Plan.

**Plan El Paso- Future Land Use Map Designation**
All applications for special permits shall demonstrate compliance with the following criteria:

G-2 – Traditional Neighborhood: 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 this Comprehensive Plan.

The purpose of the R-5 (Residential) district is to provide a 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.

The purpose of the S-D (Special Development) district is to provide mixed-use projects, integrated in design, in certain older residential areas where there is a desire to permit a variety of nonresidential uses while maintaining the established residential appearance and landscaping of the area. Designed to ensure compatibility with existing uses in the district; to permit the production, exhibit or sale of goods and the providing of services to the public in such older residential areas; to protect the traffic capacity of streets serving such older residential areas; to encourage flexibility by prescribing general performance standards for such older residential areas; and to protect the environment of adjacent areas. Older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.

**COMMENTS:**

**City Development Department - Planning Division - Transportation**
1. The location does not comply with Section 20.10.010.C (legal access required). Tremont Avenue is not constructed adjacent to the proposed development.
2. Improvements to Tremont are required to provide access to the site.
3. The proposed new sidewalk shall continue across the proposed driveway.

Note:
1. All proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall be constructed in compliance with the current ADA/TAS regulations and City Design Standards for construction.

**City Development Department – Planning Division - Land Development**
**Approved** No Objection.

**City Development Department – Building Permits & Inspections Division**
Recommend approval

**El Paso Fire Department**
D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. Ensure prior to any construction that IFC 2009, section 503.1.1 Access shall allow the extension within 150 feet of all portions of any facility or building. Section 503.2 Fire apparatus access roads shall be installed and arranged in accordance with section 503.2.1 Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, all weather surface. ** Note, A more detailed reviewed will be done by fire plan review during the permitting process.

**Sun Metro**
Sun Metro does not oppose this request.

**El Paso Water Utilities**
1. EPWU does not object to this request.

**Water:**
2. There is an existing 4-inch diameter water main that is available for service along the alley between Dakota and Kentucky Streets. The water main is located approximately 16-ft north from the northern property line.

3 Previous water pressure reading from fire hydrant # 1965 located at the northeast intersection of Pittsburg Avenue and Indiana Street, have yielded a static pressure of 90 (psi) pounds per square inch, a residual pressure of 30 (psi) pounds per square inch and a discharge of 667 (gpm) gallons per minute.

4. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

**Sanitary Sewer:**
5. There is an existing 8-inch diameter sanitary sewer main along Tremont Avenue that is available for service, the sewer main is located approximately 1-ft south from the center line of the right-of-way.

6. The El Paso Water Utilities – Public Service Board (EPWU-PSB) requires a complete set of improvement plans, and grading plans for review and approval prior to any work along Tremont Avenue East of Dakota Street fronting the subject property. This is required in order to ascertain that the proposed improvement and/or grading will not adversely affect the existing eight inch diameter sanitary sewer main.

**General:**
7. EPWU requires a new service application to provide service 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 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 Plan 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 Plan 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 Plan El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

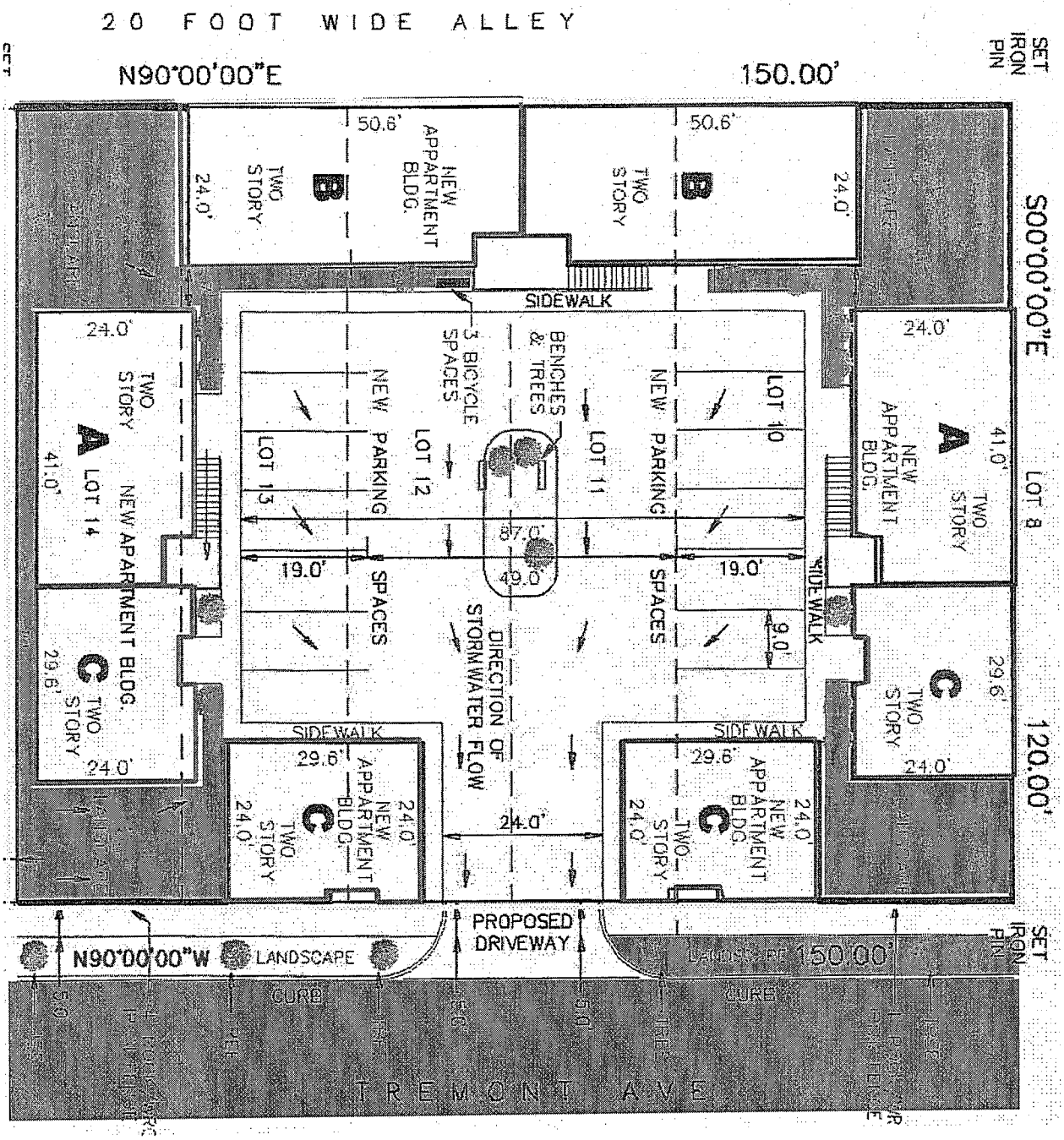
**Attachments:**

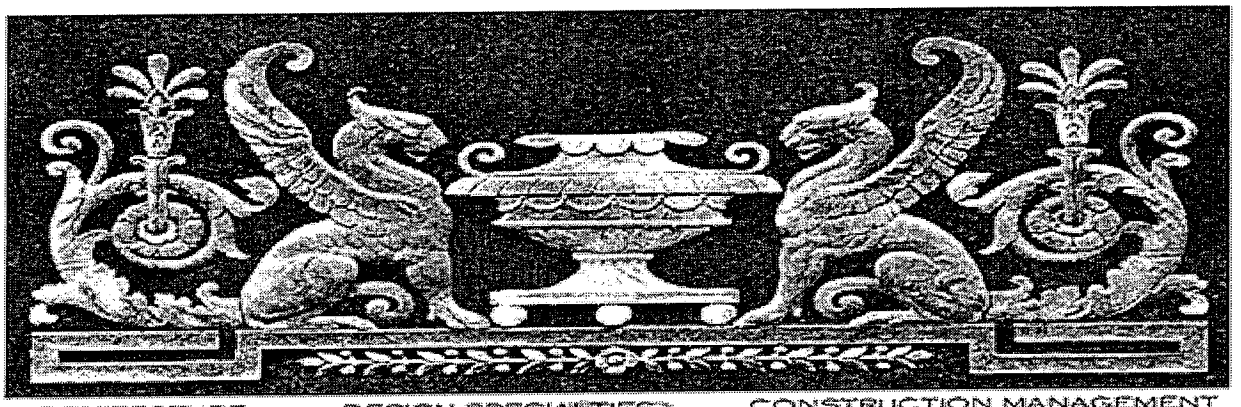
Attachment 1: Zoning Map
Attachment 2: Aerial Map
Attachment 3: Detailed Site Development Plan
Attachment 4: Opposition Letters

ATTACHMENT 1: LOCATION MAP

ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN





ARCHITECTURE DESIGN SPECIALTIES CONSTRUCTION MANAGEMENT


# HARRY M. FARAH & ASSOCIATES, INC.

MEMBER OF THE AMERICAN INSTITUTE OF ARCHITECTS

2500 Scenic Crest Circle, Suite 5 El Paso, Texas 79930-2732
Telephone 915-565-2255 Facsimile 915-565-7111 hfarah1@elp.rr.com


21 March 2013

To: City of El Paso
City Council

Re: Special Permit No. PZST12-00015
hearing , Tuesday, April 2, 2013 @ 8:30 AM

Message: Since I will be out of the City on 2April, Mr. Ed Hamlyn will represent me at the hearing to express my questions and protest to the continuing requests for variances to this parcel of property.

Thank you for your consideration of this request.

Harry M Farah,

AIA, NCARB

cc: Michael McElroy

Mayor John Cook and Members of the El Paso City Council
c/o Richarda Duffy Momsen, Municipal Clerk via cityclerk@elpasotexas.gov

I, Hector Serrano, hereby express my/our opposition to **Special Permit No. PZST12-00015**, pending before the El Paso City Council during its meeting of 2 April 2013.

The property at issue (Lots 9 through 14, Blk. 25, 3rd Amended Map of Highland Park Addition) was rezoned from R-5 Residential to S-D Special Development on 16 October 2012. This rezoning increased the maximum allowable density from 7.26 to 20 dwelling units/acre. At that time, the 18 parking spaces were to be provided on the site.

The applicant is now requesting additional flexibility, including the elimination of setbacks on the front, rear, and sides of the property, a 50% increase in density, and a 50% *reduction* in the required parking.

The responsible development of the subject property would be in everyone's best interest. What is proposed, however, is irresponsible and will have a deleterious impact on the value of adjoining and other nearby properties.

I respectfully request the City Council to **DENY** the proposed Special Permit.

Respectfully submitted,

Hector Serrano
Name

2500 Scenic Crest Circle, Unit 6, El Paso, TX 79930
address

Mayor John Cook and Members of the El Paso City Council
c/o Richarda Duffy Momsen, Municipal Clerk via cityclerk@elpasotexas.gov

I, David D. Mills, hereby express my/our opposition to **Special Permit No. PZST12-00015**, pending before the El Paso City Council during its meeting of 2 April 2013.

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I respectfully request the City Council to **DENY** the proposed Special Permit.

Respectfully submitted,

David D. Mills
Name

2500 Scenic Crest Circle, Unit 1, El Paso, TX 79930
address

Mayor John Cook and Members of the El Paso City Council
c/o Richarda Duffy Momsen, Municipal Clerk via cityclerk@elpasotexas.gov

I/we William J. Ellis hereby express my/our opposition to **Special Permit No. PZST12-00015,** pending before the El Paso City Council during its meeting of 2 April 2013.

The property at issue (Lots 9 through 14, Blk. 25, 3rd Amended Map of Highland Park Addition) was rezoned from R-5 Residential to S-D Special Development on 16 October 2012. This rezoning increased the maximum allowable density from 7.26 to 20 dwelling units/acre. At that time, the 18 parking spaces were to be provided on the site.

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I/we respectfully request the City Council to **DENY** the proposed Special Permit.

Respectfully submitted,

William J. Ellis
Name

2500 Scenic Crest Cir., No. 8 79930
address

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