

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

DEPARTMENT: City Development Department
AGENDA DATE: Introduction: August 28 2012
Public Hearing: September 18, 2012
CONTACT PERSON/PHONE: Michael McElroy, 541-4238
DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance granting Special Permit No. PZST12-00006, to allow for infill development with reduced lot area, reduced lot width, cumulative setback, and a parking reduction on the property described as Lot 10, and the north half of Lot 9, Block 11, Mundy Heights 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. Property Owner: Maria L Yee & Robert Concha. Subject Property: 1316 Missouri. PZST12-00006 (District 8)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

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

DIRECTOR: Mathew McElroy



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST12-00006, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED LOT AREA, REDUCED LOT WIDTH, CUMULATIVE SETBACK, AND A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOT 10, AND THE NORTH HALF OF LOT 9, BLOCK 11, MUNDY HEIGHTS 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, Maria L. Yee and Robert Concha have applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for a Duplex-Family Dwelling with reduced lot area, reduced lot width, cumulative setback, and a parking reduction; 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 an **C-2/H (COMMERCIAL/HISTORIC)** Zone District:

Lot 10, and the north half of Lot 9, Block 11, Mundy Heights Addition, City of El Paso, El Paso County, Texas; and as more particularly described by metes and bounds on the attached Exhibit "A"; 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 Duplex-Family Dwelling with reduced lot area, reduced lot width, cumulative setback, and a parking reduction; and,
3. That this Special Permit is issued subject to the development standards in the **C-2/H (COMMERCIAL/HISTORIC)** District regulations and is subject to the approved Detailed Site Development Plan, signed by the Applicant, the City

ORDINANCE NO. _____

PZST12-00006

Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" 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. PZST12-00006 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 _____, 2012.

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, Director
City Development Department

ORDINANCE NO. _____

PZST12-00006

AGREEMENT

Maria L. Yee and Robert Concha, referred to in the above Ordinance, hereby agree 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 C-2/H (COMMERCIAL/HISTORIC) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 16 day of August, 2012.

Maria L. Yee and Robert Concha:

By: MARIA LYEE
(name/title)

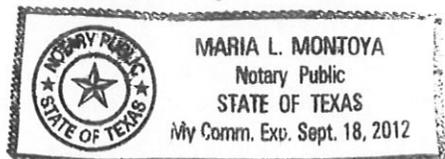
[Signature]
(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 16 day of August, 2012, by Maria L Montoya for Maria L. Yee and Robert Concha, as Owner.

My Commission Expires:



[Signature]
Notary Public, State of Texas

Notary's Printed or Typed Name:

Maria L Montoya

ORDINANCE NO. _____

PZST12-00006

Calderon Engineering

3031 Trawood Drive
El Paso, Texas 79936
(915) 855-7552
Fax: 855-8350
CalderonEngineering@elpbizclass.com

November 22, 2011

METES & BOUNDS DESCRIPTION

Description of a parcel of land being Lot 10, and the north half of Lot 9, Block 11, Mundy Heights Addition, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows;

Commencing at a city monument located at the centerline intersection of Missouri Avenue and West Yandell Drive, in Mundy Heights Addition; Thence South 37°54'00" East, along the centerline of Missouri Avenue a distance of 138.43 feet to a set concrete nail; Thence South 52°06'00" West, a distance of 35.00 feet a set chiseled cross marking the "Point of Beginning";

Thence South 37°54'00" East, along the west right-of-way line of Missouri Avenue, a distance of 37.50 feet to a set chiseled cross;

Thence South 52°06'00" West, a distance of 120.00 feet to a set iron pin;

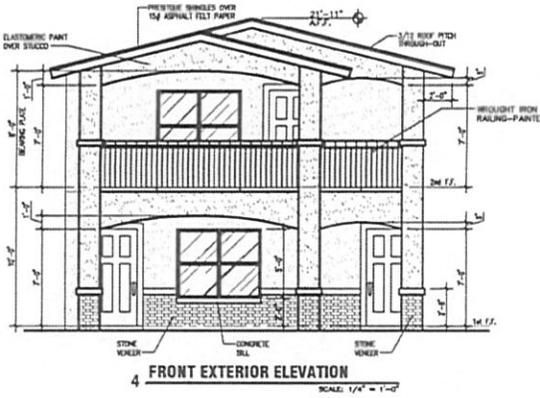
Thence North 37°54'00" West, along the west boundary of Lots 9 and 10, a distance of 37.50 feet to a set iron pin;

Thence North 52°06'00" East, along the common lot line between Lots 10 and 11, a distance of 120.00 to the "Point of Beginning", and containing in all, 4,500.00 square feet, or 0.103 acres of land more or less. A plat of survey dated July 31, 2008, is a part of this description and is attached hereto.

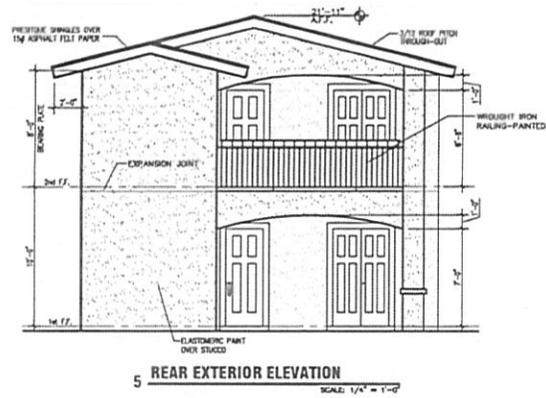


SH C6
1320 MISSOURI

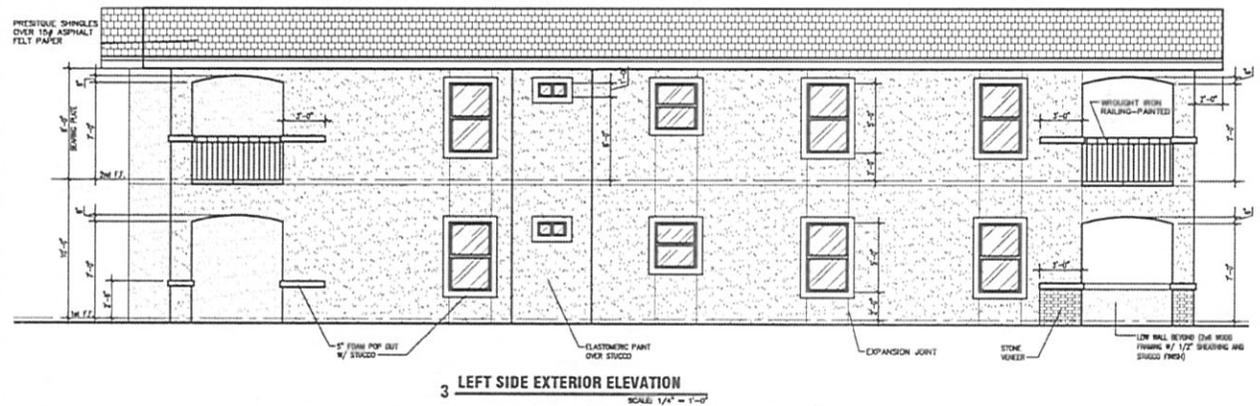
Manuel Calderon
Registered Professional Land Surveyor No. 2564
Calderon Engineering
Reg. No. F-3788
Reg. No. 100200-00



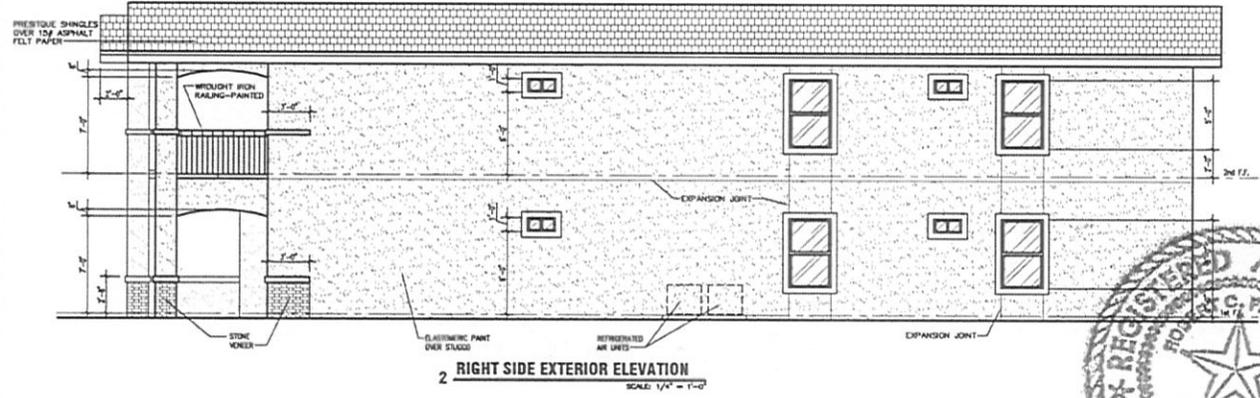
4 FRONT EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"



5 REAR EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

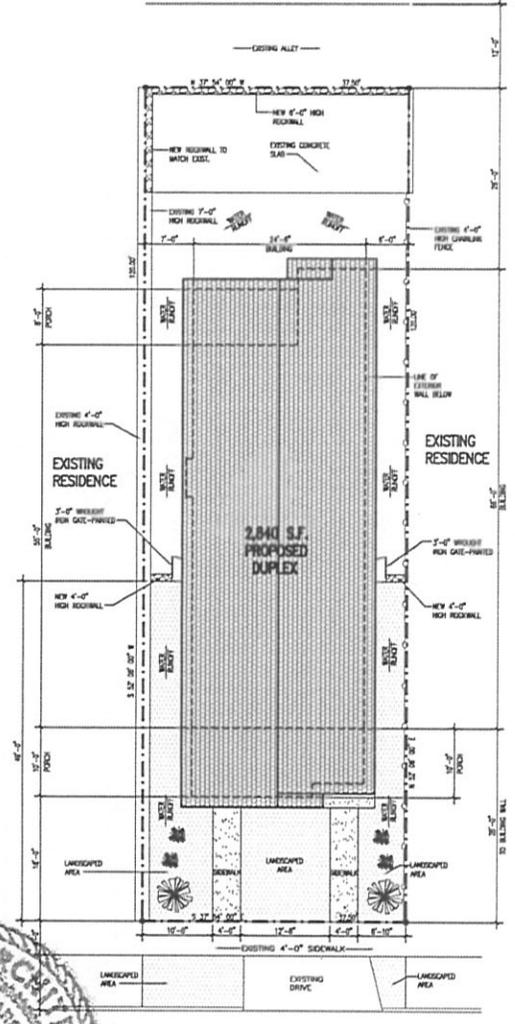


3 LEFT SIDE EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"



2 RIGHT SIDE EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

GENERAL NOTE	LEGAL DESCRIPTION
1. STORM WATER FLOWS INTO STREET.	LOT 10 AND THE NORTH 1/2 OF LOT 9, BLOCK 11 HUNTER HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS
SITE DATA TABLE	BUILDING AREAS
1. ZONING: R-4	FIRST FLOOR UNIT "A" - 1,200 S.F. LIVING AREA
2. LOT AREA = 4,500 S.F. (1.10 ACRES)	SECOND FLOOR UNIT "B" - 1,400 S.F. LIVING AREA
3. DUPLEX AREAS: FIRST FLOOR UNIT "A" - 1,300 S.F.	TOTAL - 2,600 S.F. LIVING AREAS
SECOND FLOOR UNIT "B" - 1,400 S.F.	



SITE PLAN MISSOURI DRIVE
SCALE: 1/4" = 1'-0"



7-9-12

GQ DESIGN
CONSULTANTS
3112 HERRERA DRIVE, SUITE 1701A
EL PASO, TEXAS 79904

PROJECT NAME:
TWO FAMILY DUPLEX
1316 W. MISSOURI AVE. EL PASO, TEXAS

DATE: 07/12
SCALE: 1/4" = 1'-0"

PROJECT NO: 010-01
DATE: 07/12
SCALE: **A-1**



CITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

MEMORANDUM

DATE: 8/16/12

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

FROM: Michael McElroy, Planner

SUBJECT: SPECIAL PERMIT PZST12-00004

The City Plan Commission (CPC), on **August 9, 2012** voted **7-0** to recommend **APPROVAL**, concurring with Staff's recommendation.

The CPC found that this special permit request is in conformance with Plan El Paso; and the proposed use is in conformance with the Future Land Use Map. The CPC also determined that this special permit request is in the best interest, health, safety and welfare of the public in general; and that Apartments are compatible with adjacent land uses.

There was **ONE LETTER IN OPPOSITION** to this request.

Attachment: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZST12-00006
Application Type: Special Permit
CPC Hearing Date: August 9, 2012
Staff Planner: Michael McElroy, 915-541-4238, mcelroyms@elpasotexas.gov
Location: 1316 Missouri Avenue
Legal Description: Lot 10, and the north half of Lot 9, Block 11, Mundy Heights Addition, City of El Paso, El Paso County, Texas
Acreage: 0.10 acre
Rep District: 8
Zoning: C-2/H (Commercial/Historic)
Existing Use: Vacant
Request: Infill development / Reduction in lot width, lot area, and cumulative setback / 100-percent parking reduction (Related to rezoning case PZRZ12-00015)
Proposed Use: Duplex
Property Owner: Maria L. Yee & Robert Concha
Representative: Gerardo Quinones

SURROUNDING ZONING AND LAND USE

North: C-2/H (Commercial/Historic) / Single family dwelling
South: R-4/H (Residential/Historic) / Single family dwellings
East: R-4/H (Residential/Historic) / Single family dwellings
West: C-4/sc (Commercial/special contract) / bus depot

Plan El Paso Designation: G2, Traditional Neighborhood - Walkable (Central)
Nearest Park: Mundy Park (669 ft.)
Nearest School: Vilas Elementary (724 ft.)

NEIGHBORHOOD ASSOCIATIONS

Sunset Heights Neighborhood Improvement Association, Sunset Heights Association of Community Friends, El Paso Central Business Association

NEIGHBORHOOD INPUT

Notices of the August 9, 2012 public hearing were mailed to all property owners within 300 feet of the subject property on July 26, 2012. The Planning Division received one letter in opposition to the request.

APPLICATION DESCRIPTION

The applicant is requesting an infill development special permit to allow reductions in lot width from 70' to 37.5', lot area from 7,000 sq. ft. to 4,500 sq. ft., and cumulative setback from 45' to 44', as well as a 100-percent parking reduction, to permit the construction of an approximately 2,800 sq. ft. duplex. This special permit is related to rezoning application PZRZ12-00015.

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.

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-4 (Light Density Residential District) 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 C-2 (Community Commercial District) district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods. Permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

COMMENTS:

City Development Department - Planning Division - Transportation

No objection to the special permit.

Note:

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.

City Development Department – Planning Division - Land Development

Grading plan and permit shall be required.* Storm Water Pollution Prevention Plan and/or permit required.* Drainage plans must be approved by the City Development Department, Land Development Section.* * This requirement will be applied at the time of development.

Fire Department

Recommend approval of “site plan” as presented. Does not adversely affect fire department. ** 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 12-inch diameter water main along the alley between Yandell Drive and Fern Street. The water main is located approximately 1.5-feet east from the center line of the right-of-way.

Sanitary Sewer:

3. There is an existing 8-inch diameter sanitary sewer main extending along Missouri Avenue that is available for service, the sewer main is located approximately 3-feet west from the center line of the right-of-way.

General:

4. 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

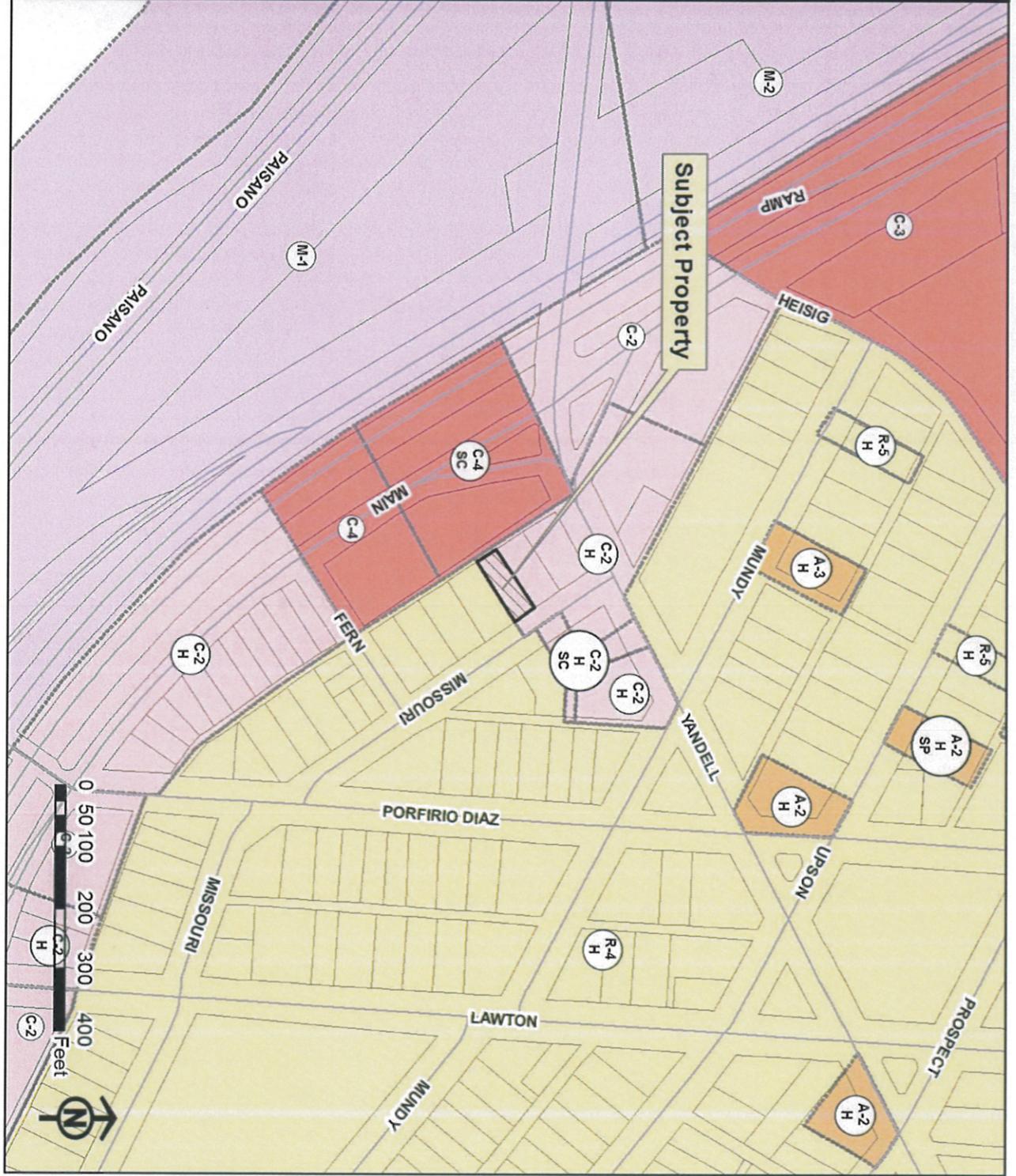
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit and detailed site development plan application:

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: Sun Metro Director's Letter
- Attachment 5: Parking Reduction Study
- Attachment 6: Opposition Letter

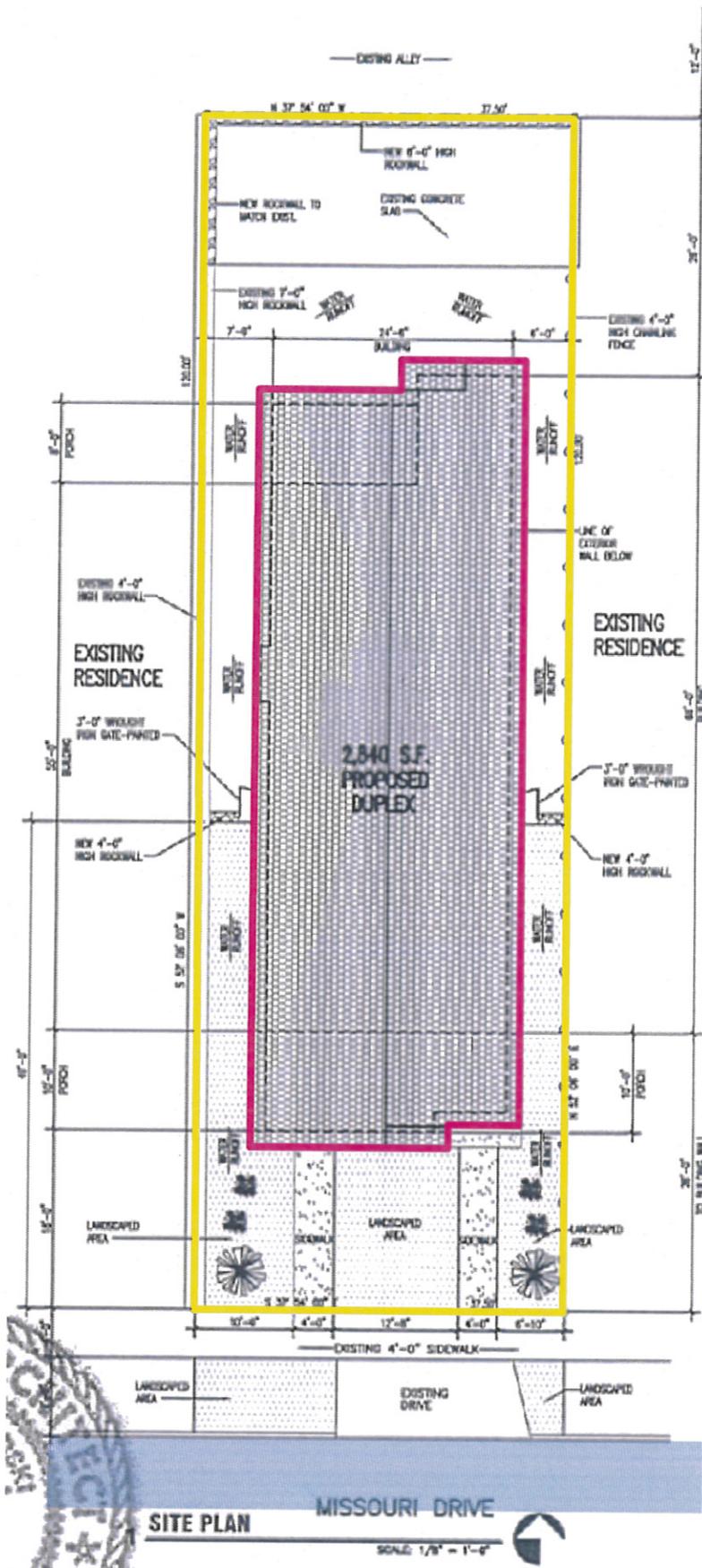
PZST12-00006



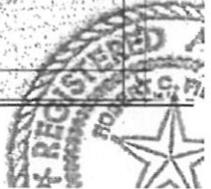
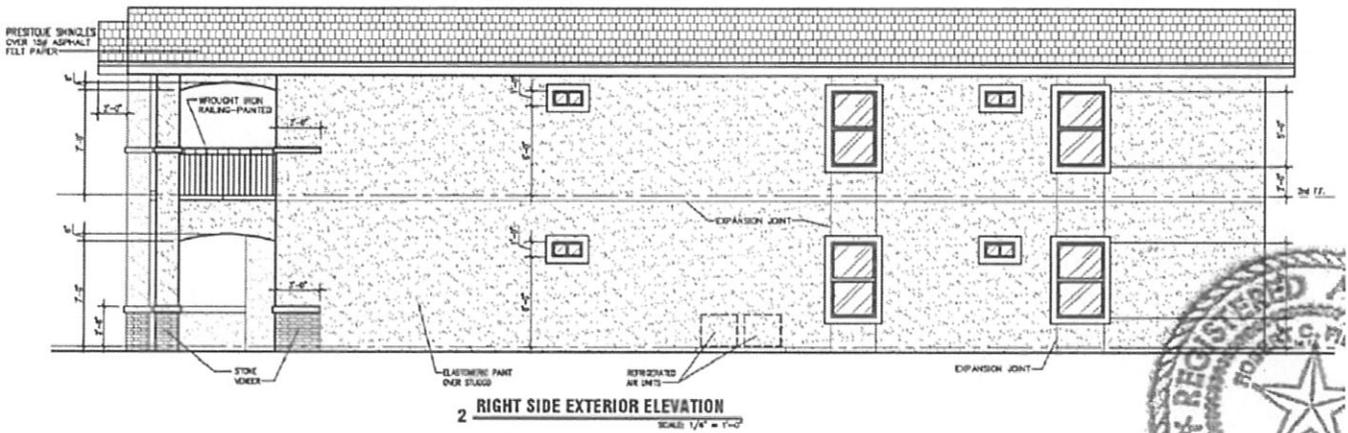
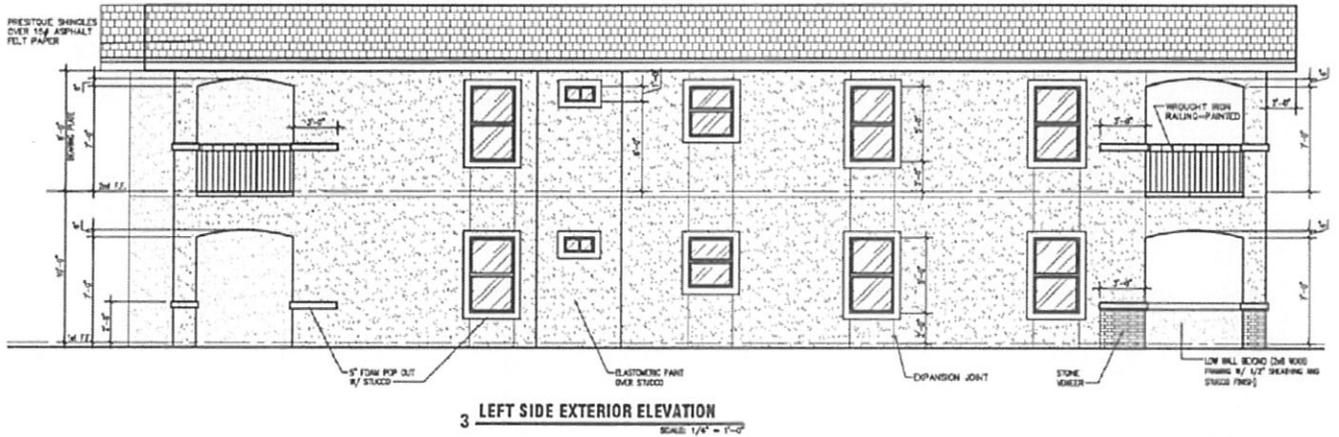
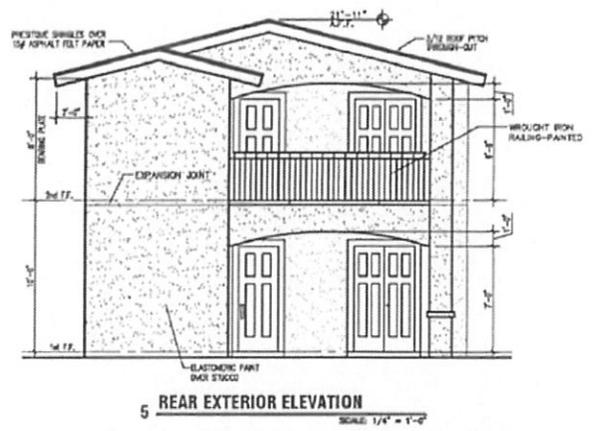
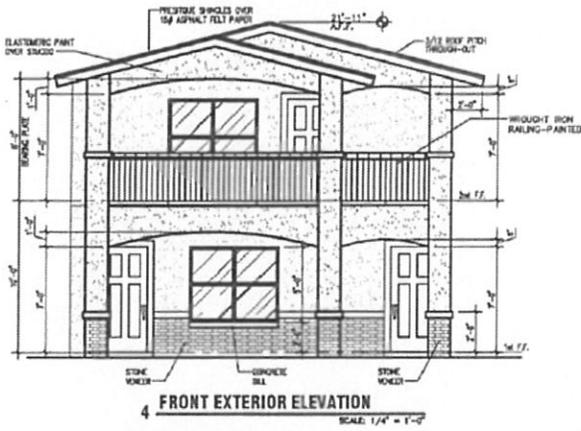
PZST12-00006



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN (CONTINUED)



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SERVICE SOLUTIONS SUCCESS



April 11, 2012

GQ Design
3312 Tierra Fertil
El Paso, Texas 79938

Attn: Gerardo Quinones

Dear Mr. Quinones:

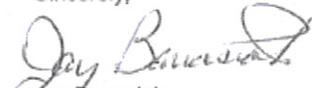
Please be advised that your project for the Infill Development of a two unit apartment complex is situated within 1000 feet of a mass transit system route. Sun Metro's Route 10 travels on Porfirio Diaz Street near this property's main entrance.

A recommendation to approve this parking reduction request is based on the Ordinance 20.14.070 of the El Paso Municipal Code, Parking Reduction section B:

B. New Development in Redevelopment Areas. Up to a one hundred percent reduction for a use involving the new construction of a structure(s) that is proposed as a redevelopment project located within a redevelopment area or transit oriented development corridor of the city. The applicant shall satisfactorily demonstrate compliance with all of the following conditions...etc.

Please call Ismael B. Segovia at (915) 534-5838, if you have any questions regarding this matter.

Sincerely,


Jay Banasiak
Director

cc: Ismael B. Segovia, Senior Service Planner

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
Corney Carlisle Niland

City Manager
Joyce A. Wilson



Jay Banasiak, Director

700-A San Francisco • El Paso, Texas 79901 • 915.534.5810 • 915.541.6405 Fax • www.elpasotexas.gov

II. Executive summary

City Ordinance No. 20.14.070 - Parking Reductions of the El Paso Municipal Code states the following:

The amount of off-street parking required for a specific use may be reduced below the minimum required in Section 20.14.050 C., if a special permit is approved by city council, as provided in this section:

New Development in Redevelopment Areas. Up to a one hundred percent reduction for a use involving the new construction of a structure(s) that is proposed as a redevelopment project located within a redevelopment area or transit oriented development corridor of the city. The applicant shall satisfactorily demonstrate compliance with all of the following conditions:

1. That the structure(s) is located within one of the following redevelopment areas: the downtown area (defined as the area between the Union Depot, Paisano Drive, St. Vrain Street, Olive Street, St. Vrain Street, the southern boundary of the Southern Pacific RR Reservation, Campbell Street and Interstate 10), the South El Paso area (defined as the area south of Paisano Drive, and lying between Santa Fe Street and Cotton Street), and any other redevelopment area or transit oriented development corridor as may be recommended by the city plan commission and approved by the city council;

This item does not apply to the site

2. That the proposed building coverage on the lot is necessary for the proposed use, both in design and function necessitating the reduction; and

The dimensions and the shape of the lot are limited and place a restriction on the design for the proposed use. The zoning set-backs combined with the limited width of the lot prohibit the developer from designing additional parking spaces.

3. That no vacant areas exist within three hundred feet of the property where the proposed use is to be located that can be reasonably developed to accommodate the off-street parking requirements.

There is a vacant area located north of the subject property. The vacant area is approximately 2 times the size of the subject lot. It is not economically feasible to purchase the lot twice the size of the subject property to accommodate 2 parking spaces. The price per square foot for this lot is valued and appraised for commercial uses and not for residential.

Considering that the site meets the criteria required under section 20.14.070 of the City of El Paso municipal code and that there is an average of 41 parking spaces available at the most critical times of the day, we cordially request that you approve this report as is and recommend a 100% parking reduction to the City Planning Commission and City Council.

McElroy, Michael

From: McElroy, Mathew
Sent: Friday, July 20, 2012 6:40 PM
To: McElroy, Michael
Subject: Fwd: Planning agenda items 2 and 3

Mathew S. McElroy, AICP, CNU-A
Director
City Development Department
City of El Paso
(915) 541-4193 (office)
(915) 873-6310 (mobile)

Begin forwarded message:

From: Sunset Heights Neighborhood Improvement Assoc <sunset_heights_assoc@yahoo.com>
Date: July 20, 2012 5:03:18 PM MDT
To: "McElroy, Mathew" <McelroyMX@elpasotexas.gov>
Subject: Planning agenda items 2 and 3
Reply-To: Sunset Heights Neighborhood Improvement Assoc
<sunset_heights_assoc@yahoo.com>

Michael,
Just to let you know that we are in favor of the change of zoning to residential for 1316 Missouri Ave but we are opposed to any reduction in lot for setbacks and/or parking. Please feel free to contact me if you have any questions.

Thanks!
Leah Osborne
President
SHNIA