

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

**DEPARTMENT:** Planning and Economic Development Department, Planning Division

**AGENDA DATE:** Introduction: August 9, 2011  
Public Hearing: August 30, 2011

**CONTACT PERSON/PHONE:** Arturo Rubio, (915) 541-4633, [rubioax@elpasotexas.gov](mailto:rubioax@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** All Districts

**SUBJECT:**

An Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article III (Detailed Site Development Plan Approval Process), Section 20.04.150 (Procedure) of the El Paso City Code to allow administrative approval of certain detailed site development plans. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

**BACKGROUND / DISCUSSION:**

The proposed amendment encourages development and reduces processing time for non-complex sites. The amendment would allow for administrative approvals on certain types of detailed site plans that do not require City Council approval. Detailed Site Development Plans meeting the following conditions shall be reviewed by the Development Coordinating Committee and approved by the Zoning Administrator: 1. The site is two acres or less in size, 2. The site plan contains no more than two buildings, and 3. The site plan complies with any zoning conditions and all city code provisions, to include the tables for uses and density and dimensional standards and 4. The city's department of transportation has no concerns with access or restriction of access to the site; and, 5. The site plan complies with staff recommendations concerning the location of stormwater drainage structures and easements to include onsite ponding areas; the location and arrangement of structures, vehicular and pedestrian ways; open space and landscape planted areas. Staff recommendations shall not require that the site plan have landscaping in excess of what is required under the City code or any zoning condition.

If the Zoning administrator does not approve an applicant's detailed site development plan, the applicant may appeal the decision to the City Plan Commission. The applicant must file the appeal with the Zoning Administrator within fifteen business days from the date of the Zoning Administrator's decision. The Zoning Administrator shall place the appeal on the City Plan Commission agenda to be heard by the Commission within 30 business days from the date the appeal was received. The Zoning Administrator shall include the detail site plan, the appeal, and a summary of the Zoning Administrator's reasons for disapproving the detailed site plan. The proposed Ordinance is attached.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Reviewed  
City Plan Commission (CPC) – Approval Recommendation 5-0

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

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

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

**DEPARTMENT HEAD:**

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

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**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.04 (ADMINISTRATIVE PROVISIONS), ARTICLE III (DETAILED SITE DEVELOPMENT PLAN APPROVAL PROCESS), SECTION 20.04.150 (PROCEDURE) OF THE EL PASO CITY CODE TO ALLOW ADMINISTRATIVE APPROVAL OF CERTAIN DETAILED SITE DEVELOPMENT PLANS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

WHEREAS, Title 20 (Zoning) of the El Paso City Code currently requires that all detailed site development plans be approved by the City Plan Commission unless a zoning condition or contract provision requires city council approval; and,

WHEREAS, this requirement is reasonable and necessary for complex sites but also delays the processing and permitting of simple site development plans that comply with all other provisions of the City Codes and staff recommendations; and,

WHEREAS, to encourage development and reduce processing time, the City Council desires to amend the City Code to allow for administrative approvals of certain types of detailed site development plans; and,

WHEREAS, a public hearing regarding the proposed amendment was held before the City Plan Commission, and the Commission recommended approval of the amendment; and,

WHEREAS, the El Paso City Council has determined that administrative approval of certain detailed site development plans is in the best interest of the public and will promote the public health, safety and welfare of the City.

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

**SECTION 1.** That Title 20, Zoning, Chapter 20.04, Administrative Provisions, Article III, Detailed Site Development Plan Approval Process, Section 20.04.150, Procedure, shall be amended as follows:

20.04.150 - Procedure.

A. An application for detailed site development plan shall be prepared in accordance with the specifications outlined in Section 20.04.160

B. The application shall be reviewed by the planning division for completeness and shall not be processed until any missing information is supplied by the applicant and the fee has been received.

C. Administrative Approval. Detailed site development plans meeting the following conditions shall be reviewed by the Development Coordinating Committee and approved administratively by the Zoning Administrator:

1. The site is two acre or less in size, and
2. The site plan contains no more than two buildings, and
3. The site plan complies with any zoning conditions and all city code provisions, to include the tables for uses and density and dimensional standards and;
4. The city's department of transportation has no concerns with access or restriction of access to the site; and,
5. The site plan complies with staff recommendations concerning the location of stormwater drainage structures and easements to include onsite ponding areas; the location and arrangement of structures, vehicular and pedestrian ways; open spaces and landscape planted areas. Staff recommendations shall not require that the site plan have landscaping in excess of what is required under the city code or any zoning condition.

If the Zoning Administrator does not approve an applicant's detailed sited development plan, the applicant may appeal the decision to the City Plan Commission. The applicant must file the appeal with the zoning administrator within fifteen business days from the date of the Zoning Administrator's decision. The Zoning Administrator shall place the appeal on the City Plan Commission agenda to be heard by the Commission within 30 business days from the date the appeal was received. The Zoning Administrator shall include the detailed site plan, the appeal, and a summary of the Zoning Administrator's reasons for disapproving the detailed site plan.

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.

E. In the event of approval, applicant shall sign an agreement to develop the area in accordance with the approved detailed site development plan.

F. The approved detailed site development plan and agreement shall be filed with the zoning administrator and the executive secretary to the city plan commission.

G. Building permits may be issued in conformance with the approved detailed site development plan.

H. Detailed site development plan approval shall expire if construction is not started within four years from the date of approval.

SECTION 2. Except as herein amended Title 20, Zoning, of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_ 2011.

CITY OF EL PASO

ATTEST:

\_\_\_\_\_  
John F. Cook, Mayor

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

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Mathew S. McElroy, Deputy Director  
Planning and Economic Development  
Dept.

## MEMORANDUM

**DATE:** August 1, 2011

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

**FROM:** Arturo Rubio, Senior Planner

**SUBJECT: Title 20 (Zoning) Amendment**

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The City Plan Commission (CPC), July 14, 2011, voted 5-0 to recommend **Approval** of proposed Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article III (Detailed Site Development Plan Approval Process) Section 20.04.150 (Procedure) to allow for administrative approval of certain detailed site development plans. The proposed amendment encourages development and reduces processing time for non-complex sites. The amendment would allow for administrative approvals on certain types of detailed site plans that do not require City Council approval. Detailed Site Development Plans meeting the following conditions shall be reviewed by the Development Coordinating Committee and approved by the Zoning Administrator: 1. The site is two acres or less in size, 2. The site plan contains no more than two buildings, and 3. The site plan complies with any zoning conditions and all city code provisions, to include the tables for uses and density and dimensional standards and 4. The city's department of transportation has no concerns with access or restriction of access to the site; and, 5. The site plan complies with staff recommendations concerning the location of stormwater drainage structures and easements to include onsite ponding areas; the location and arrangement of structures, vehicular and pedestrian ways; open space and landscape planted areas. Staff recommendations shall not require that the site plan have landscaping in excess of what is required under the City code or any zoning condition.

If the Zoning administrator does not approve an applicant's detailed site development plan, the applicant may appeal the decision to the City Plan Commission. The applicant must file the appeal with the Zoning Administrator within fifteen business days from the date of the Zoning Administrator's decision. The Zoning Administrator shall place the appeal on the City Plan Commission agenda to be heard by the Commission within 30 business days from the date the appeal was received. The Zoning Administrator shall include the detail site plan, the appeal, and a summary of the Zoning Administrator's reasons for disapproving the detailed site plan.

The CPC determined that the Title 20 (Zoning) Amendment protects the best interest, health, safety and welfare of the public in general; and that the amendment will have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was no **OPPOSITION** to this request.

**Attachment:** Ordinance

**20.04.150 - Procedure.**

**A.** The application for site approval shall be prepared in accordance with the specifications outlined in Section 20.04.160

**B.** The application shall be reviewed by the planning division for completeness and shall not be processed until any missing information is supplied by the applicant and the fee has been received.

~~**C.** The planning division shall make its recommendations to the city plan commission within thirty days after a complete application is submitted.~~

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**C. Administrative Approval.** Detailed site development plans meeting the following conditions shall be reviewed by the Development Coordinating Committee and approved administratively by the Zoning Administrator:

1. The site is two acre or less in size, and
2. The site plan contains no more than two buildings, and
3. The site plan complies with any zoning conditions and all city code provisions, to include the tables for uses and density and dimensional standards and;
4. The city's department of transportation has no concerns with access or restriction of access to the site; and ,
5. The site plan complies with staff recommendations concerning the location of stormwater drainage structures and easements to include onsite ponding areas; the location and arrangement of structures, vehicular and pedestrian ways; open spaces and landscape planted areas. Staff recommendations shall not require that the site plan have landscape planted areas. Staff recommendations shall not require that the site plan have landscaping in excess of what is required under the city code or any zoning condition.

If the Zoning Administrator does not approve an applicant's detailed site development plan, the applicant may appeal the decision to the City Plan Commission, The applicant must file the appeal with the Zoning Administrator within fifteen business days from the date of the Zoning Administrator's decision. The Zoning Administrator shall place the appeal on the City Plan Commission agenda to be heard by the Commission within 30 business days from the date the appeal was received. The Zoning Administrator shall include the detailed site plan, the appeal, and a summary of the Zoning Administrator's reason for disapproving the detailed site plan.

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~~**D.** The city plan commission shall hold a public hearing at its regular meeting that is within thirty days from receipt of department recommendations.~~

**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 council.

1. The planning division shall make its recommendation 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 right-of way and easements and stormwater drainage; vehicular and pedestrian ways; on-site parking areas; location of open space and landscape planted areas.
4. In no instance shall the city plan commission have authority to vary the yards standards applicable to the district.
5. The city plan commission shall approve the plan if it complies with all applicable code provisions.

~~E. Pursuant to this code, the city plan commission, in addition to the powers and duties identified in this subsection, shall have final authority on approval of detailed site development plans, unless a zoning condition or contract provision requires city council approval.~~

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~~1. 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, landscape planted areas, and size and design of exterior signs.~~

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~~2. In no instance shall the city plan commission have authority to vary the yard standards applicable to the district.~~

~~3. The city plan commission shall approve the plan if it complies with all applicable code provisions.~~

E. In the event of approval, applicant shall sign an agreement to develop the area in accordance with the approved detailed site development plan.

~~F. In the event of approval, applicant shall sign an agreement to develop the area in accordance with the approved detailed site development plan.~~

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F. The approved detailed site development plan and agreement shall be filed with the zoning administrator and the executive secretary to the city plan commission.

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G. Building permits may be issued in conformance with the approved detailed site development plan.

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H. Detailed site development plan approval shall expire if construction is not started within four years from the date of approval.

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*(Ord. 16653 § 2 (part), 2007)*