

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

DEPARTMENT: City Development Department

AGENDA DATE: Introduction: September 10, 2013
Public Hearing: October 1, 2013

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

DISTRICT(S) AFFECTED: 2

SUBJECT:

An Ordinance granting Special Permit No. PZST13-00014, to allow for Infill Development with reduced side and cumulative setbacks and reduced lot area and depth and imposing a condition on the property described as Lots 1 & 2, Block 42, Morningside Heights Addition Amended Map, 4103 Lackland, 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: 4103 Lackland. Property Owner: Elguea Properties, LLC. PZST13-00014 (**District 2**)

BACKGROUND / DISCUSSION:

Staff report attached.
Staff presentation attached.

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

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

APPROVED FOR AGENDA: _____

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST13-00014, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED SIDE AND CUMULATIVE SETBACKS AND REDUCED LOT AREA AND DEPTH AND IMPOSING A CONDITION ON THE PROPERTY DESCRIBED AS LOTS 1 & 2, BLOCK 42, MORNINGSIDE HEIGHTS ADDITION AMENDED MAP, 4103 LACKLAND, 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, Elguea Properties, LLC, has applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for a duplex housing unit; 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-4 (Residential)** Zone District:

Lots 1 & 2, Block 42, Morningside Heights Addition Amended Map, 4103 Lackland, 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 housing unit; and,
3. That this Special Permit is issued subject to the development standards in the **R-4 (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 "B" and incorporated herein by reference for all purposes; and,

4. Further, that the property described herein be subject to the following condition which is necessitated and attributable to the increase in density created by this development and to safeguard the traditional neighborhood characteristics of the surrounding area, such condition will protect the health, safety and welfare of adjacent property owners and the residents of this City:

“That the front and side street yards shall remain permanently landscaped and that no hardscape or impervious surface be permitted in excess of the approved driveways”

5. That if at any time the Owner fails to comply with any of the requirements of this Ordinance, Special Permit No. PZST13-00014 shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; and,
6. 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 _____, 2013.

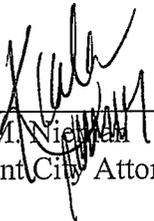
THE CITY OF EL PASO

Oscar Leaser
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Karla M. Nielsen
Assistant City Attorney

APPROVED AS TO CONTENT:



Mathew S. McElroy, Director
City Development Department

AGREEMENT

Elguea Properties, LLC, applicant in the above referred 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 R-4 (Residential) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 13th day of August, 2013.

Elguea Properties, LLC:

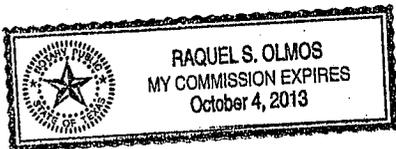
By: Chris Elguea President
(name/title)
[Signature]
(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 13th day of August, 2013, by Chris Elguea, for Elguea Properties, LLC, as Owner.

My Commission Expires:



[Signature]
Notary Public, State of Texas

Notary's Printed or Typed Name:
Raquel Olmos

EXHIBIT "A"

4103 Lackland St., El Paso,

METES AND BOUNDS

Description of a parcel of land that covers Lots 1 and 2, Block 42, Morningside Heights Addition Amended Map, City of El Paso, El Paso County, Texas and more particularly described by metes and bounds as follows;

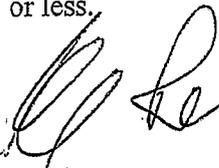
Commencing at the center line intersection of Lackland St. (60 feet ROW) and Van Buren Dr. (60 feet ROW), Thence S 90° 00' 00" W along the center line of Van Buren Dr., a distance of 30.00 feet to a point; Thence N 00° 00' 00" E a distance of 30.00 feet to the point of beginning of this description;

Thence S 90° 00' 00" W along the Northerly ROW line of Van Buren Dr., a distance of 55.00 feet to a point;

Thence N 00° 00' 00" E a distance of 120.00 feet to a point;

Thence N 90° 00' 00" E a distance of 55.00 feet to a point;

Thence S 00° 00' 00" W a distance of 120.00 feet to the point of beginning of this description. Said parcel of land contains 6,600 square feet or 0.1515 acres of land more or less.

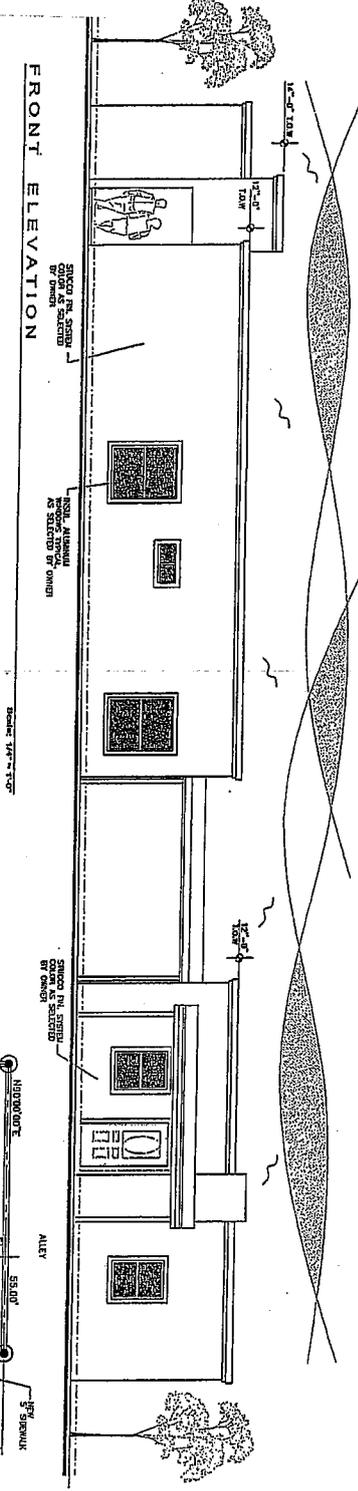

Enrique A. Rey
TPLS TX 3505



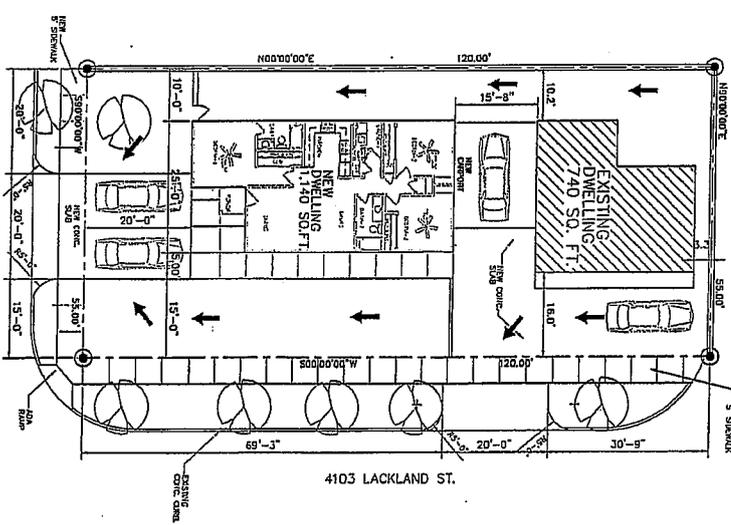
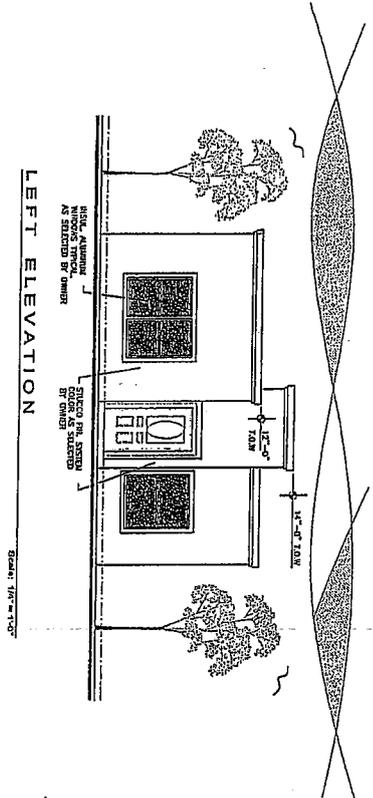
El Paso, Texas Monday, May 13, 2013

EXHIBIT "B"

FRONT ELEVATION



LEFT ELEVATION



Enrique Rey
 July 2013

SITE PLAN
 LEGAL DESCRIPTION:
 VAN BUREN DR.
 SCALE: 1" = 30'

<p>A-1 SHEET TITLE SITE PLAN SHEET 01 OF 01</p>	<p>J. L. J. DESIGNS CELL (915) 329-4346 FAX (915) 633-8060 9434 VISCOUNT BLVD. STE. 148 EL PASO, TEXAS, 79925</p>	<p>PROJECT NAME ADDITION TO 4103 LACKLAND ST. EL PASO, TEXAS</p>		<p>REVISIONS</p> <table border="1"> <tr><td> </td><td> </td><td> </td></tr> </table>																		
<p>DATE: 07-08-13</p>																						

MEMORANDUM

DATE: August 26, 2013

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

FROM: Michael McElroy, Planner

SUBJECT: **PZST13-00014**

The City Plan Commission (CPC) on July 25, 2013, voted unanimously **7-0** to recommend **APPROVAL** with a condition of the special permit application to allow for infill development.

The CPC found that the special permit is in conformance with the Plan El Paso and that the proposed use is in conformance with the Plan El Paso-Future Land Use Map Designation. The proposed development is compatible with adjacent land uses. The CPC also determined that the special permit protects the best interest, health, safety, and welfare of the public in general; and the special permit will have no effect 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.

Attachments: Staff Report, Staff Presentation



City of El Paso – City Plan Commission Staff Report

Case No: PZST13-00014
Application Type Special Permit
CPC Hearing Date July 25, 2013
Staff Planner Michael McElroy, (915) 541-4238, mcelroyms@elpasotexas.gov
Location 4103 Lackland
Legal Description Lots 1 & 2, Block 42, Morningside Heights Addition Amended Map, City of El Paso, El Paso County, Texas
Acreage 0.15 acres
Rep District 2
Zoning R-4 (Residential)
Existing Use Single Family Home
Request Infill Development / Reduced side and cumulative setbacks / Reduced lot area and depth
Proposed Use Duplex
Property Owner Elguea Properties, LLC
Representative Jesus Jaime

SURROUNDING ZONING AND LAND USE

North: R-4 (Residential) / Single-Family Home
South: R-4 (Residential) / Single-Family Home
East: R-4 (Residential) / Single-Family Home
West: R-4 (Residential) / Single-Family Home

PLAN EL PASO DESIGNATION: G-2, Traditional Neighborhood (Walkable) (Central Planning Area)

NEAREST PARK: Pollard Park (1,881 feet)

NEAREST SCHOOL: Rusk Elementary (3,571 feet)

NEIGHBORHOOD ASSOCIATIONS

Central Neighborhood Association, El Paso Central Business Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on July 9, 2013. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

APPLICATION DESCRIPTION

The property owner is requesting an infill special permit for reduced side and cumulative setbacks as well as reduced lot depth and area. A two-family (duplex) house is proposed. The site plan shows an existing 740 sq. ft. single family home. A 1,140 sq. ft. dwelling unit is proposed to be attached to the existing single-family dwelling by a 15'8" carport. The applicant is requesting a lot area reduction from 7,000 sq. ft. to 6,534 sq. ft. and a lot depth reduction from 90' to 55'. Additionally, a cumulative setback reduction from 45' to 26' and a side setback reduction from 5' to 3'3" is requested. Access to the subject property is proposed from both Lackland Street and Van Buren Drive.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the special permit and detailed site development plan

review request for Infill Development. The recommendation is based on the compliance with the comprehensive plan, compatibility with surrounding land uses, 20.10.320 Special Permit and 20.10.150 Detailed Site Development Plan requirements.

Plan El Paso-Future Land Use Map Designation

All applications for special permit 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 (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.

COMMENTS:

Planning Division - Transportation

No objections to the proposed special permit. Site Plan Comment: The driveway located on Van Buren shall be located a minimum of five feet from the end of the curve tangent at the intersection of Lackland and Van Buren. Note: All existing proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

City Development Department – Plan Review

Approved as submitted.

City Development Department - Land Development

No Objection.

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 Dept. Land Development Section.*

* This requirement will be applied at the time of development.

Fire Department

Recommend “APPROVAL” of “Detailed Site Plan Application” as presented. *****NOTE ***** PZST 13-00014 In accordance with the requirements of the Zoning Code Section 20.04.160 Content of application the Fire Planning Division has reviewed the submitted “Detailed Site Plan for the following: Elevations, Perspective of the building, Dimensions, square footage and height of all structures, Number of dwelling units in Multi- family structures, and Driveways as applicable to following sections of the fire code; Sections 503 and Appendix D Fire Apparatus Access Roads, Section 903 Automatic Sprinkler Systems, Section 905 Standpipe Systems. “When required as per section 905.3.1, 905.4 and 905.5 all fire protections system plans shall be submitted separately to Fire Plan Review for further requirements and comments”. The Fire Planning Division has reviewed the submitted “Detailed Site Plan Application” as per requirements of the Zoning Code Section 20.04.160 Content of application and has determined that the submission DOES Comply within the zoning regulations.

El Paso Water Utilities

1. EPWU does not object to this request.

EPWU-PSB Comments

Water:

2. There is an existing six (6) inch diameter water main that extends along the alley between Van Buren Ave and Harrison Ave. fronting the northern boundary of the subject property. This water main is available for service.
3. There is an existing thirty (30) inch diameter water main that extends along Lackland St. on the eastern boundary of the subject property. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.
4. EPWU records indicate an active water service meter at the subject property. The service address for this meter is 4103 Lackland St.

Sanitary Sewer:

7. There is an existing eight (8) inch diameter sanitary sewer main that extends along Van Buren Ave. fronting the southern boundary of the subject property. This sanitary sewer mains are available for service.
8. Application for additional water 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 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 application:

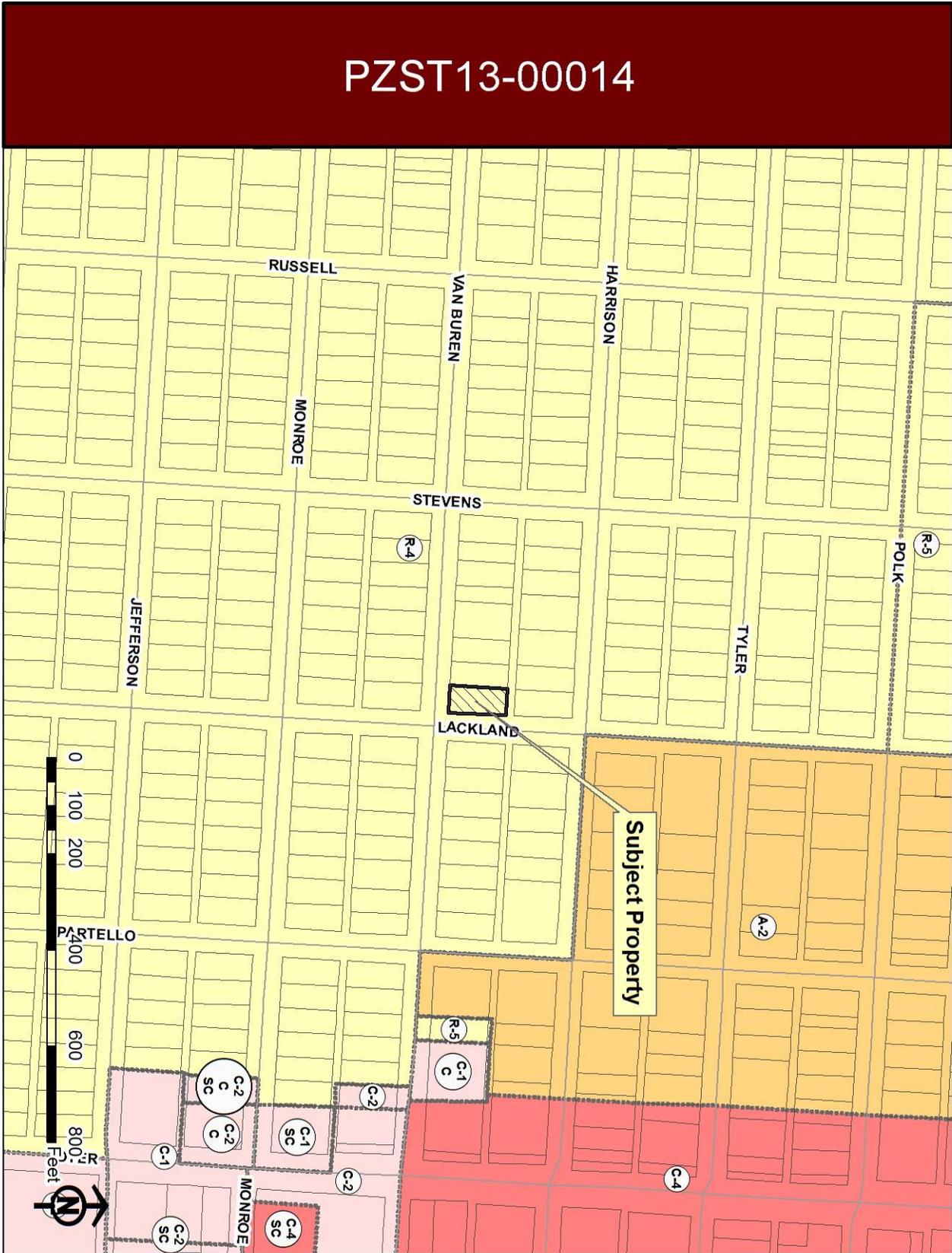
1. Recommend approval of the application finding that the special permit is in conformance with the review criteria of Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan
2. Recommend approval of the application with modifications to bring the special permit 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 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

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan

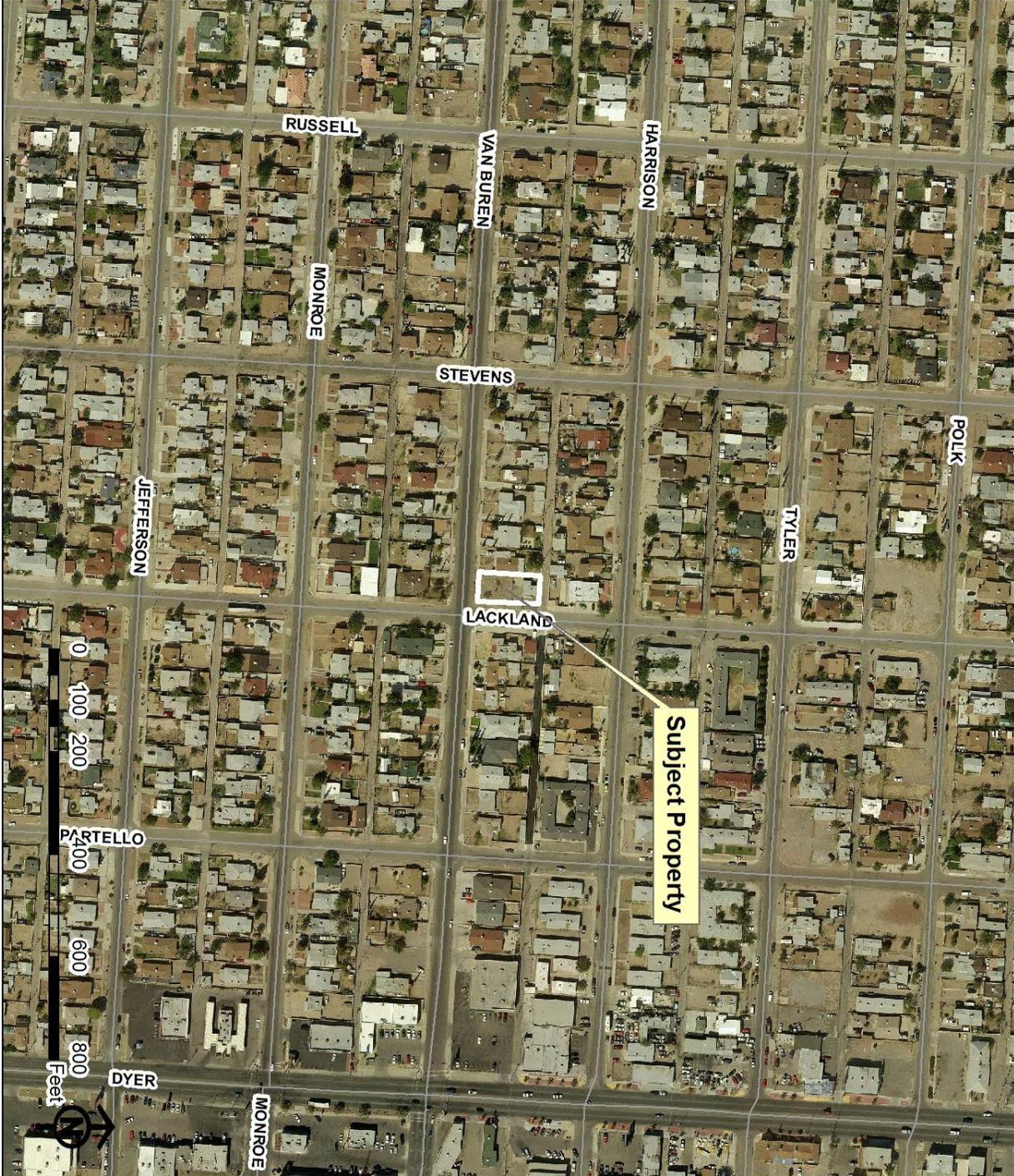
ATTACHMENT 1: ZONING MAP

PZST13-00014

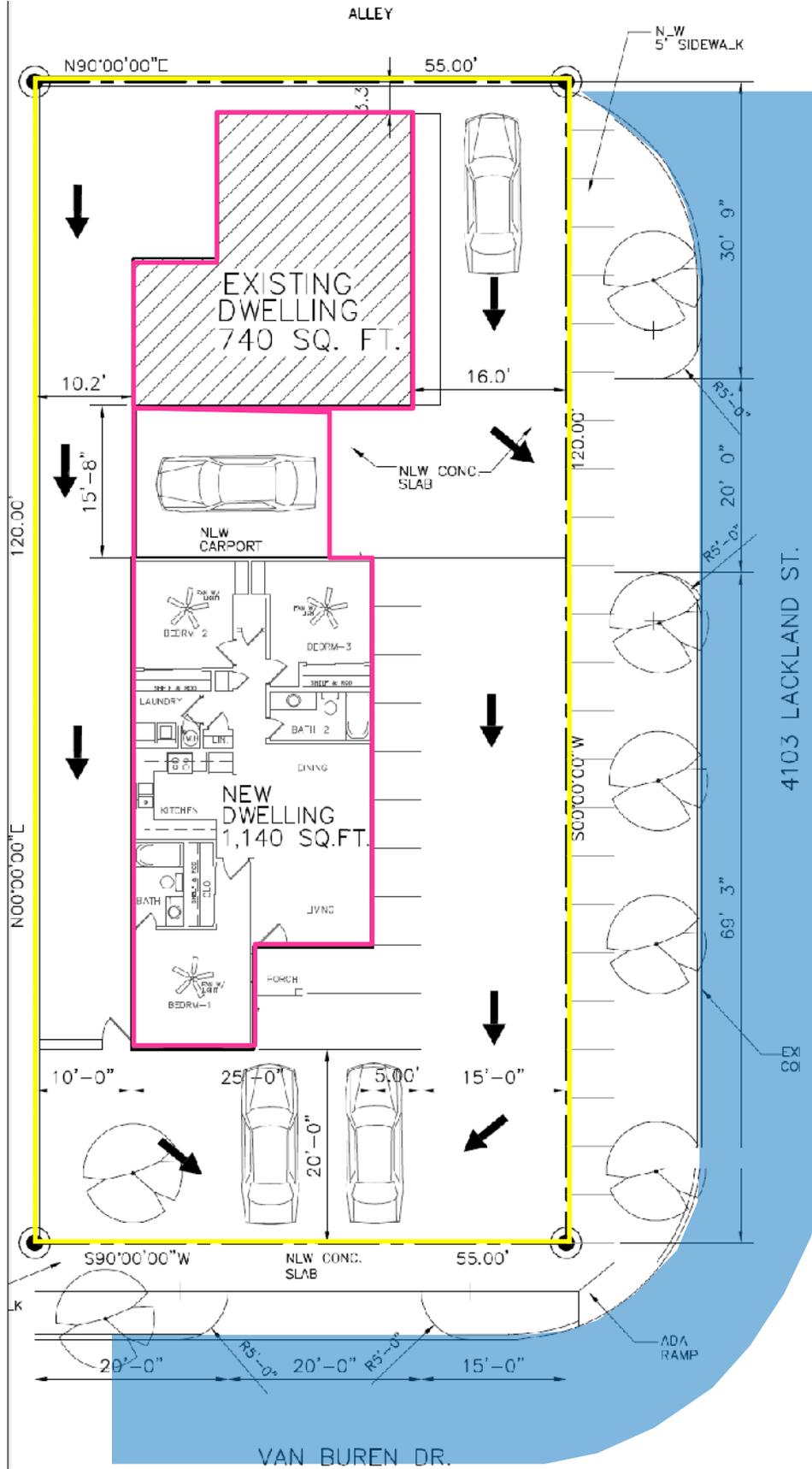


ATTACHMENT 2: AERIAL MAP

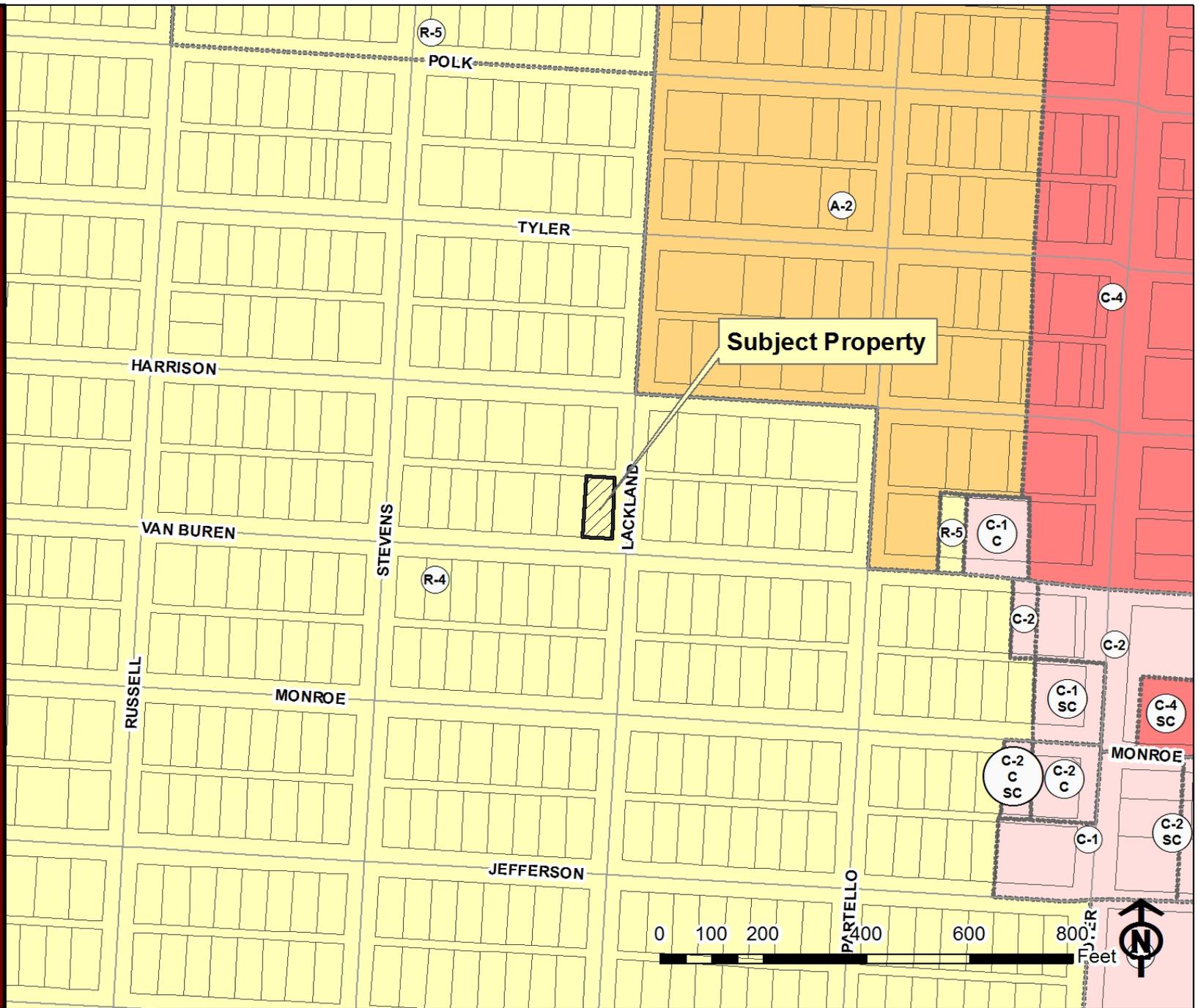
PZST13-00014



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



PZST13-00014



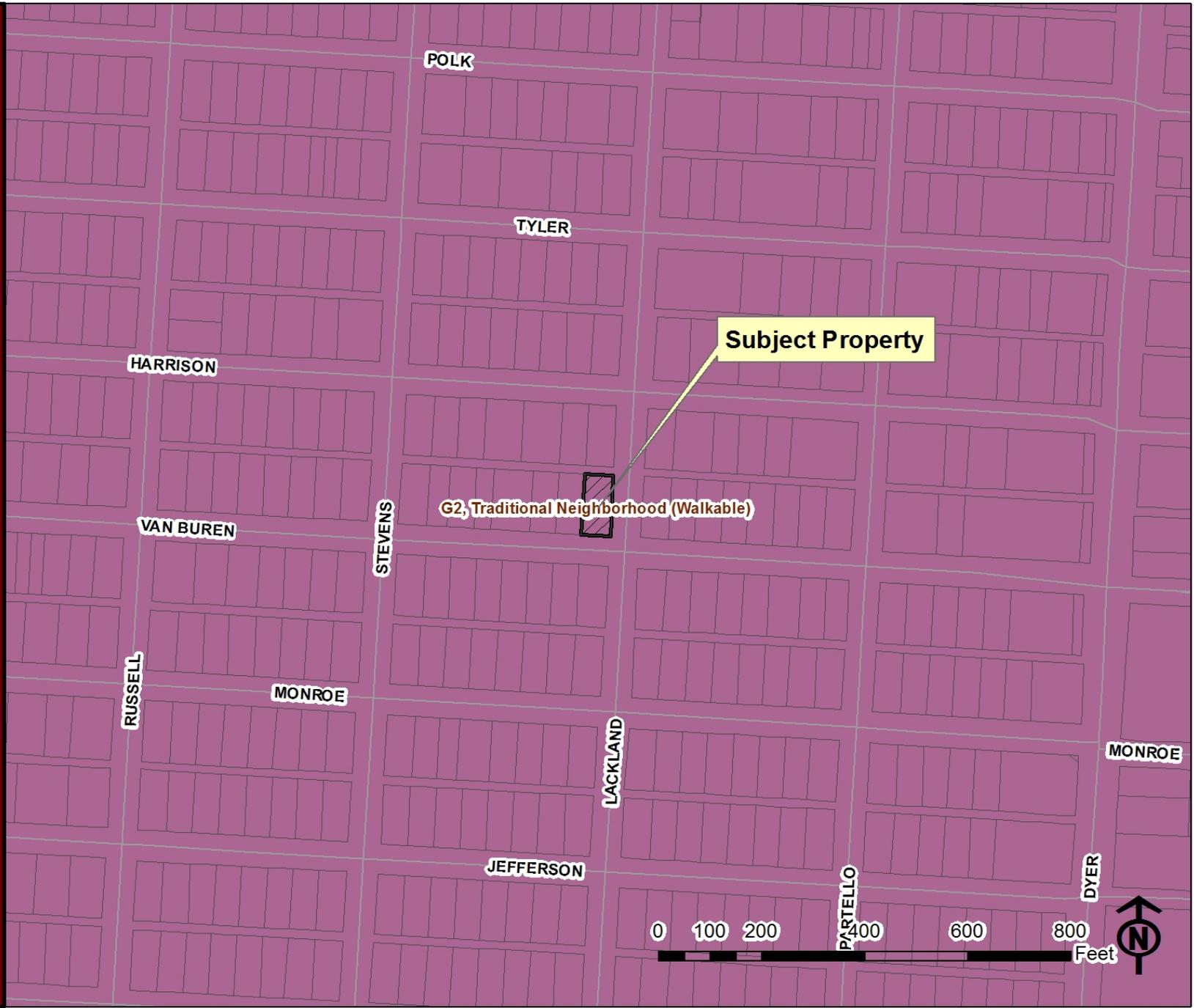
PZST13-00014



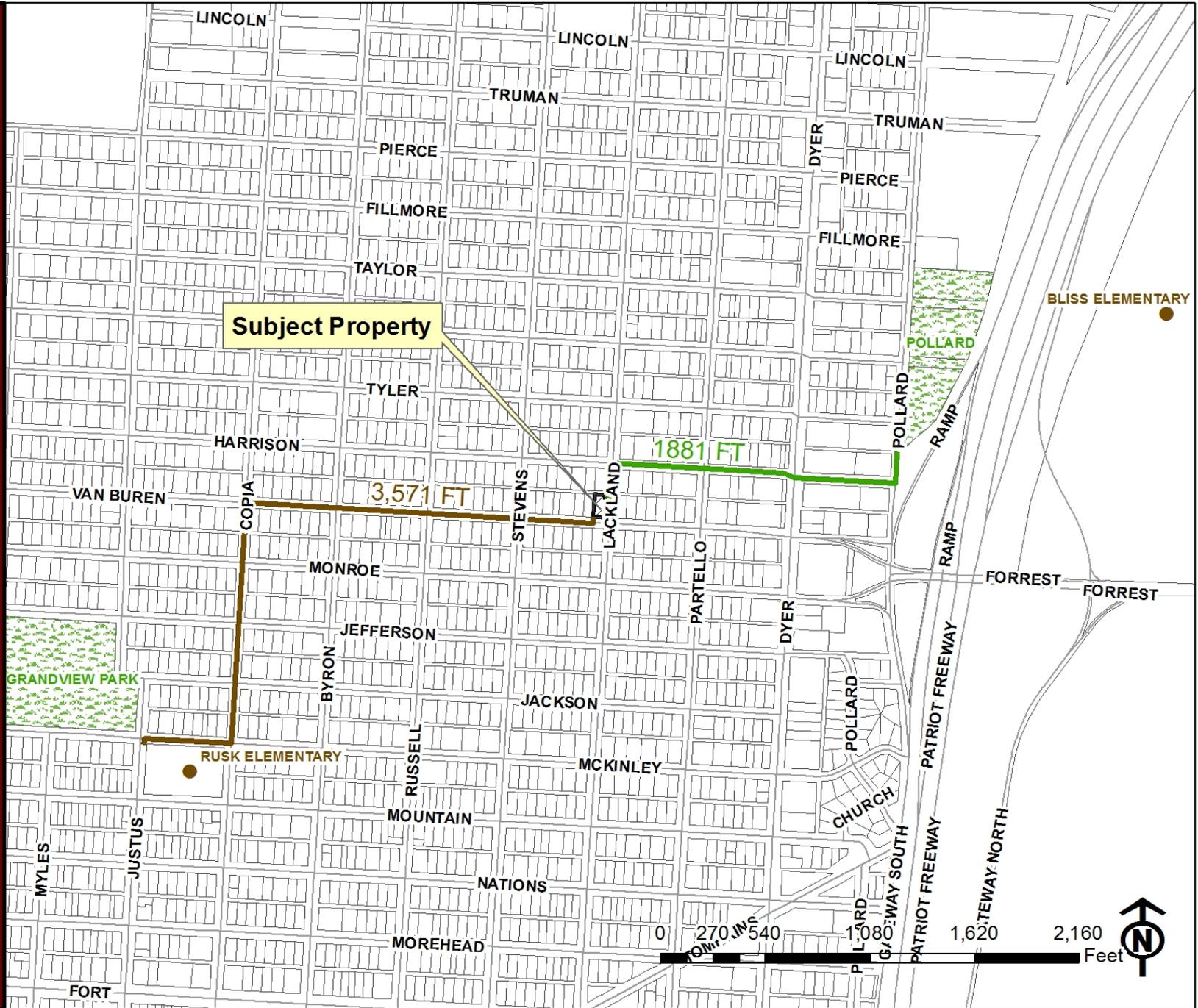
PZST13-00014



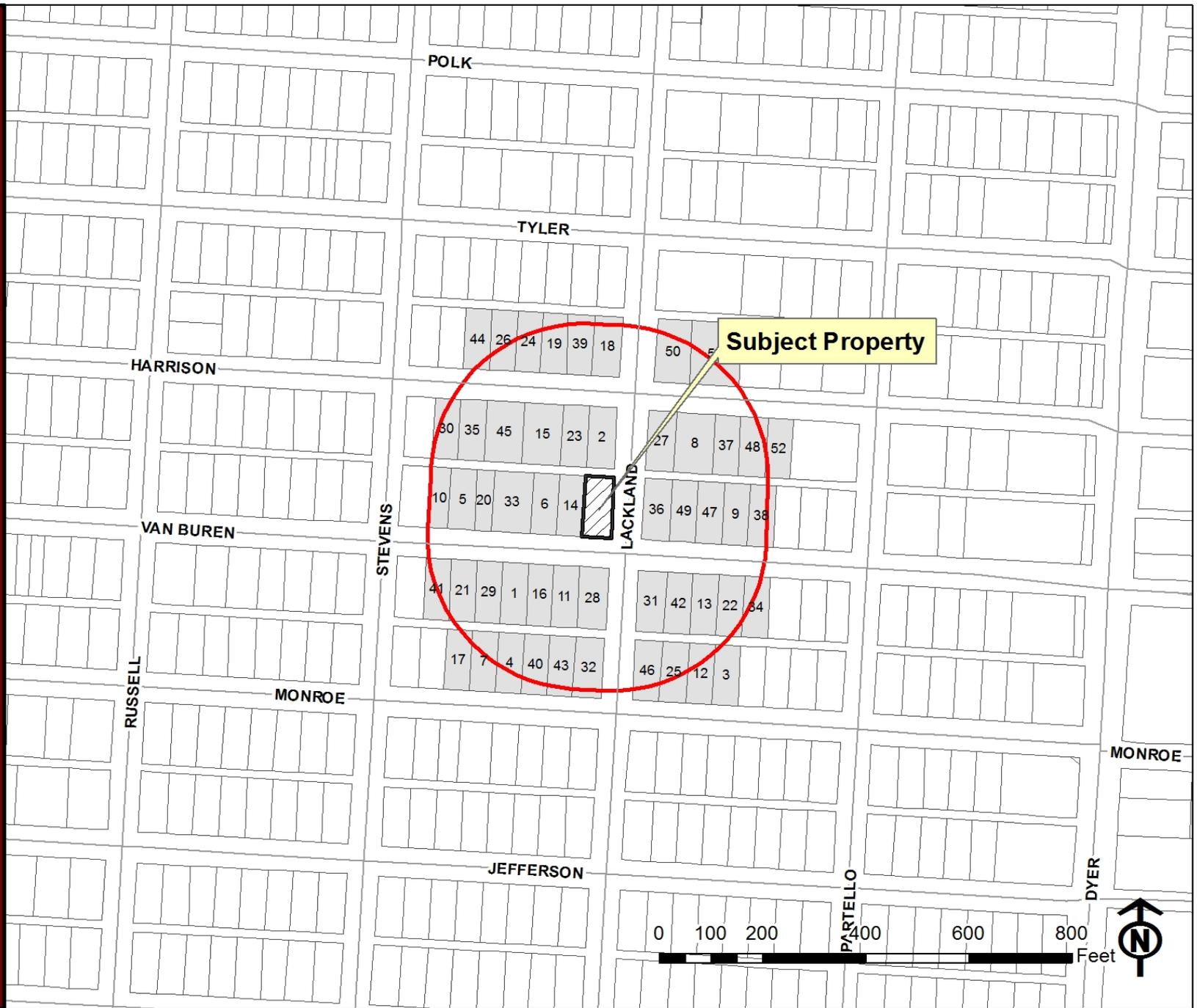
PZST13-00014



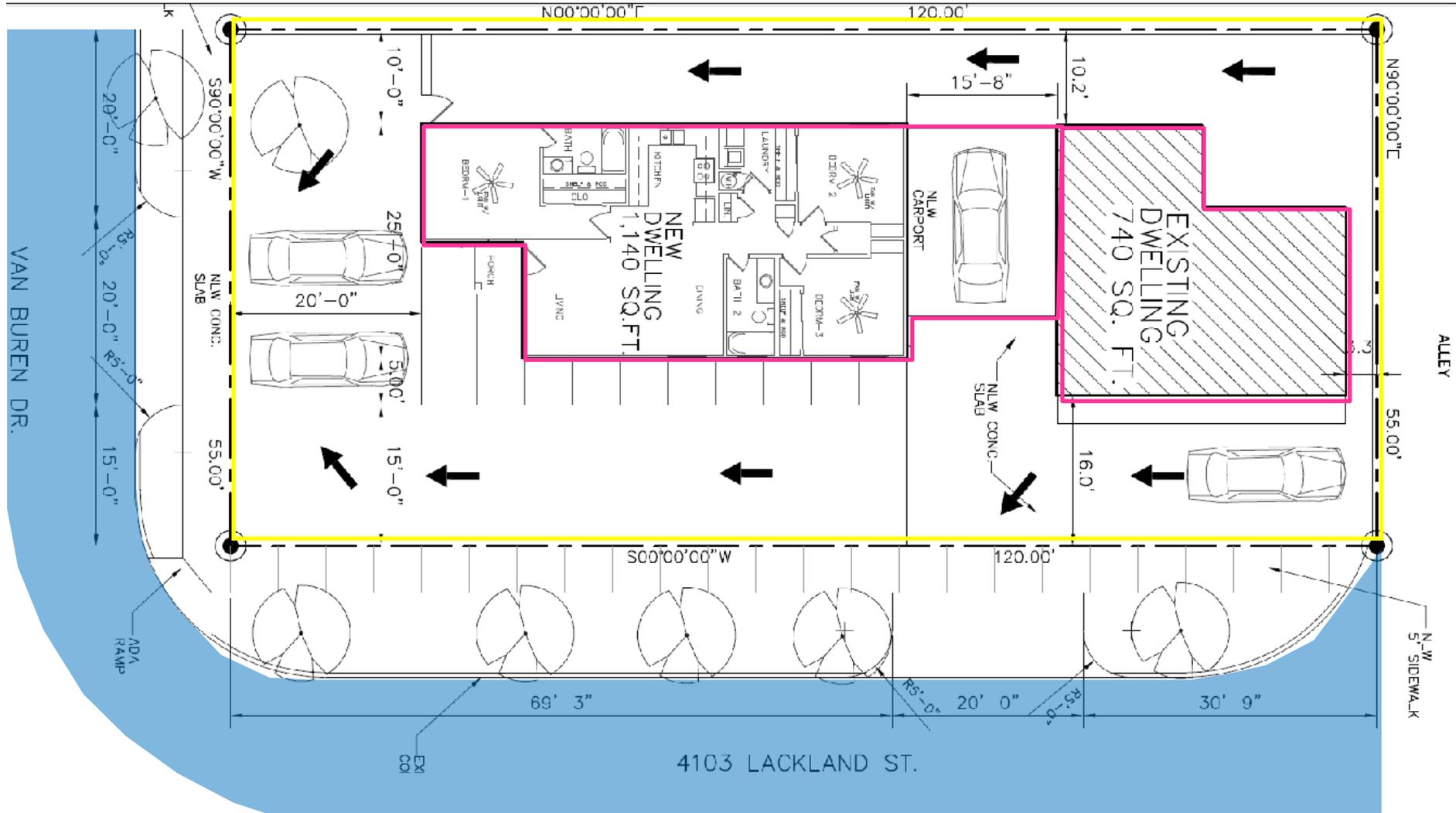
PZST13-00014



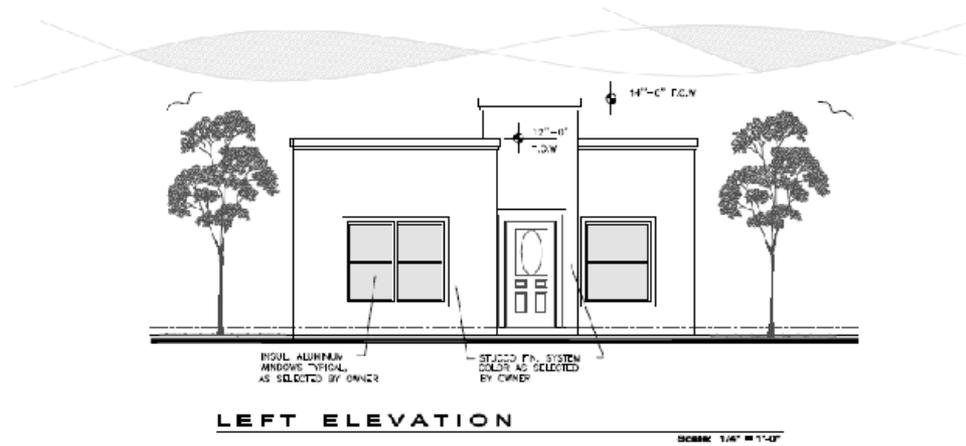
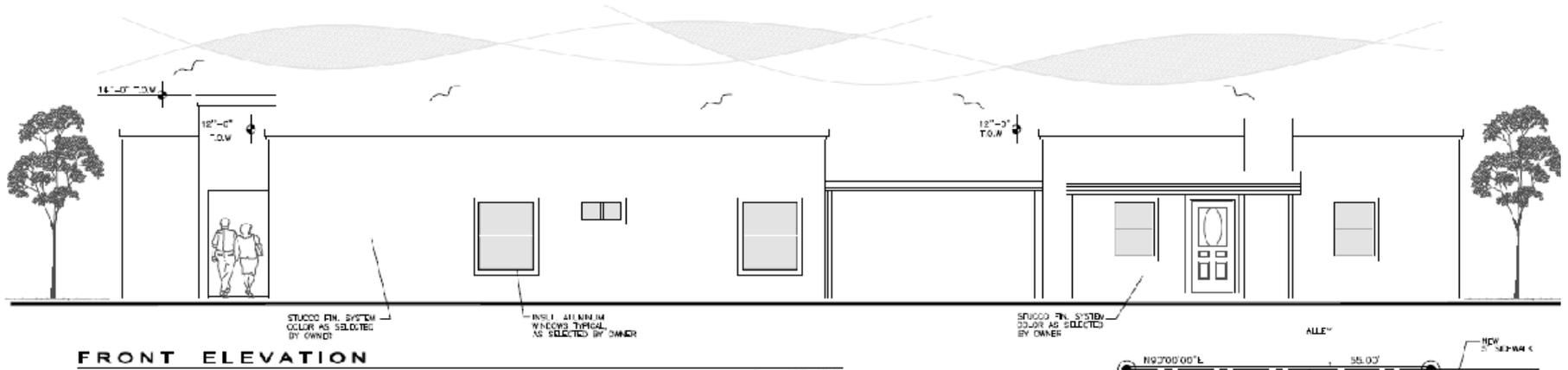
PZST13-00014



Detailed Site Development Plan



Detailed Site Development Plan



Special Permit Request

Dimension	Need	Propose
Lot Area	7,000	6,534
Lot Width	N/A	N/A
Lot Depth	90'	55'
Cumulative	45'	26'
Front	10'	16'
Rear	10'	10'
Side	5'	3'3"
Side-Street	10'	20'



Subject Property & West



North



ONE
WAY
→

South



East

PZST13-00014

