

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

**DEPARTMENT:** Development Services Department, Planning Division

**AGENDA DATE:** Introduction: October 14, 2008  
Public Hearing: November 4, 2008

**CONTACT PERSON/PHONE:** Arturo Rubio, 541-4633

**DISTRICT(S) AFFECTED:** 7

**SUBJECT:**

An Ordinance granting special permit No. ZON08-00042, to allow for a planned residential development with reduced side setbacks and reduced lot depths on a portion of Tract 10A, 11A, 12A and 13A, Block 54, Ysleta Grant, City of El Paso, El Paso County, Texas, pursuant to section 20.04.270 (zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of The El Paso City Code. Subject Property: North of Highland Avenue and South of Yermoland Drive. Applicant: Nadia T. Saab., ZON08-00042 (District 7).

**BACKGROUND / DISCUSSION:**

**PRIOR COUNCIL ACTION:**

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Unanimous Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation (7-0)

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

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

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

**DEPARTMENT HEAD:** Victor Q. Torres  
Director, Development Services

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**APPROVED FOR AGENDA:**

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

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

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

**AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON08-00042, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT WITH REDUCED SIDE SETBACKS AND REDUCED LOT DEPTHS ON A PORTION OF TRACT 10A, 11A, 12A AND 13A, BLOCK 54, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.270 (ZONING) OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS, Nadia T. Saab,** has applied for a Special Permit under Section 20.04.270 of the El Paso City Code, to allow for a planned residential development to permit reduced setbacks and reduced lot depths; 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, except to the extent waived by City Council, the application conforms to all requirements of Section 20.04.320.D 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 **R-5/sc (Residential/special contract)** District:

*A portion of Tract 10-A, 11A, 12A and 13A, Block 54, Ysleta Grant, City of El Paso, El Paso County, Texas; and,*

2. That a planned residential development is authorized by Special Permit in **R-5/sc (Residential/special contract)** district under Section 20.08.030 of the El Paso City Code; and,

3. That the requirements for a planned residential development under Section 20.04.270 have been satisfied; that the request meets the minimum requirements of special permit section 20.10.470 for planned residential development and detailed site development plan section 20.04.150 of the City of El Paso Ordinance and,

4. That the City Council hereby grants a Special Permit under Section 20.04.270 of the El Paso City Code, in order to allow a planned residential development on the above-described property with reduced setbacks, and reduced lot depths; and,

5. That this Special Permit is issued subject to the development standards in the **R-5/sc (Residential/special contract)** district regulations and subject to the approved 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 "A" and incorporated herein by reference for all purposes; and,

6. Further, that the property described herein be subject to the following condition which is necessitated by and attributable to the increased intensity of use generated due to the reduced setbacks and reduced lot depths in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

“The Applicant, and subsequent property owners, shall be prohibited from submitting an application and requesting further reductions in setbacks by the Zoning Board of Adjustment”; and,

7. That the Applicant 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; and,

8. That if the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON08-00042** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

**PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.**

**THE CITY OF EL PASO**

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

**ATTEST:**

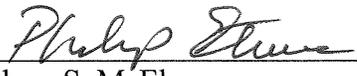
\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

*(Signatures continue on following page)*

**APPROVED AS TO FORM:**

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

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
for Mathew S. McElroy  
Deputy Director – Planning  
Development Services Department

CITY CLERK DEPT.  
08 OCT -6 PM 2:13

**AGREEMENT**

Nadia T. Saab, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Site Development Plan and in accordance with the standards identified in the R-5/sc (Residential/special contract) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 18<sup>th</sup> day of September, 2008.

By: NADIA T. SAAB - OWNER  
(name/title)

Nadia T Saab  
(signature)

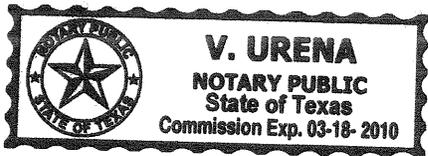
**ACKNOWLEDGMENT**

THE STATE OF TEXAS )  
  )  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 18<sup>th</sup> day of September, 2008, by Nadia T. Saab, as Applicant.

My Commission Expires:

V. Urena  
Notary Public, State of Texas  
Notary's Printed or Typed Name:  
V. URENA



CITY CLERK DEPT.  
08 OCT -6 PM 2:13



**JOHN COOK**  
MAYOR

**JOYCE WILSON**  
CITY MANAGER

**VICTOR Q. TORRES**  
DIRECTOR, DEVELOPMENT SERVICES

**MATHEW S. McELROY**  
DEPUTY DIRECTOR, PLANNING

**CITY COUNCIL**

ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
RACHEL QUINTANA, DISTRICT 5  
EDDIE HOLGUIN, JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES  
PLANNING DIVISION**

**MEMORANDUM**

**DATE:** October 6, 2008  
**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager  
**FROM:** Arturo Rubio, Planner  
**SUBJECT: ZON08-00042**

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The City Plan Commission (CPC), on August 14, 2008, voted **7-0** to recommend **APPROVAL** of special permit ZON08-00042 to allow for planed residential development with reduced side setbacks and reduced lot depths.

The CPC found that the special permit is in conformance with The Plan for El Paso and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that the special permit protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; 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 one letter in opposition to the special permit request.

**Attachment:** Staff Report



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

**Case No:** ZON08-00042  
**Application Type:** Special Permit  
**CPC Hearing Date:** August 14, 2008  
**Staff Planner:** Arturo Rubio, 915-541-4633, [rubioax@elpasotexas.gov](mailto:rubioax@elpasotexas.gov)

**Location:** North of Highland Avenue and West of Kastrin Street  
**Legal Description:** A portion of Tract 10A, 11A, 12A and 13A, Block 54, Ysleta Grant, City of El Paso, El Paso County, Texas

**Acreage:** 15.21 acres  
**Rep District:** 7  
**Existing Use:** Vacant  
**Existing Zoning:** A-M/sc (Apartment Mobile Home Park/ special contract)  
**Proposed Zoning:** R-5/sc (Residential/special contract)

**Property Owner:** Nadia T. Saab  
**Applicant:** Nadia T. Saab  
**Representative:** Conde, Inc.

### **SURROUNDING ZONING AND LAND USE**

**North:** C-4/sp (Commercial/special permit) Warehouse, vacant, Loma Terrace Elementary  
**South:** A-M/sc (Apartment Mobile Home Park/special contract), S-D (Special Development) Mobile Home park, Single-Family residential dwelling  
**East:** P-I (Planned Industrial), C-4/sc (Commercial/special contract), Warehouse  
**West:** A-O/sc (Apartment Office/special contract) C-3 (Commercial), Vacant, Lomaland Park

**THE PLAN FOR EL PASO DESIGNATION:** Residential/Commercial (Mission Valley Planning Area)

**NEIGHBORHOOD ASSOCIATIONS:** None registered in the area.

### **APPLICATION DESCRIPTION**

The applicant requests a special permit to allow for reduced lot widths and set backs as follows: minimum average lot width not less than 41' (but a lot area not less than 4,500 squared feet smallest lot area 4,500' and largest 8,517'. Reduced side yard set backs minimum of 3 feet, altering with 7 feet). The applicant is proposing 95 residential units and a one acre park. There is a concurrent request for rezoning of subject property from A-M/sc (Apartment Mobile Home Park/special contract) to R-5/sc (Residential/special contract) ZON08-00047. The applicant is requesting the rezoning as the A-M/sc district does not permit the requested special permit for reduction of lot size and set-back requirements for residential development. The subject property has a special contract with the following condition: "A subdivision plat must be filed of record for each parcel before a building permit is issued for said parcel" (Ordinance No. 008700 dated June 10, 1986). Gran Vista Estates Unit One preliminary subdivision on subject property was approved May 8, 2008.

As a note to the applicant: If the rezoning, special permit and detailed site plan are approved the

applicant would be required to submit a revised preliminary or combo plat to reflect the changes in dimensional standards.

**Density and Dimensional Standards:**

The proposed R-5/sc requirements for single-family development are as follows: Minimum lot area 4,500 squared feet, minimum lot width 45', minimum lot depth 90'. Minimum front yard set back 10' with a 20' driveway, minimum rear yard set back 10', cumulative front and rear 45', side yard set back 5' and side street yard set back 10'. The existing A-M/sc requirements for single-family development are the same as the R-5/sc district.

Proposed Density and Dimensional Standards are as follows: Cumulative front and rear yard set backs 45', side yard set backs 3' feet, and alternating to 7' feet. Minimum average lot width not less than 41'.

**NEIGHBORHOOD INPUT**

Notice of the public hearing was mailed to all property owners within 300 feet of this proposed rezoning on July 18, 2008. Planning Division received one letter in opposition to the request. The concerns include, why R-5 and not R-4, why not include a small park, and a misunderstanding as person in opposition is under the belief that applicant is proposing 400 new homes as opposed to the 95 proposed and traffic generated questions i.e. if Yermoland will be extended.

**The Plan for El Paso –City-wide Land Use Goals:  
Special Permit For Light Residential District**

- a. Goal: develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.
- b. Goal: provide and enforce standards for providing decent, safe and sanitary housing for all El Pasoans in accordance with federal, state and local regulations.
- c. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.
- d. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.

The detailed site plan on a proposed light residential district would allow for site diversification for the Light Residential district which promotes and preserves residential development within the City.

The R-5 district regulations intent is to maintain low density of varying lot configuration. R-5 district regulations will permit primarily single-family residential development.

The special permit request meets the requirements of section 20.10.470

for special permit to allow reduction in average lot widths and side set-backs and section 20.04.150 for detailed site development plan of the El Paso City Code.

The minimum distance between buildings is ten (10) feet and the design, location and arrangement of

driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments.

**DEVELOPMENT COORDINATING COMMITTEE**

The Development Coordinating Committee provides the following comments:

The DCC recommends approval of the special permit request for reduced lot width and side set backs.

**Development Services - Building Permits and Inspections Division:**

Zoning Review: No objection to the proposed Special Permit/Detailed Site Development Plan request.

Landscaping: No comments received.

**Development Services - Planning Division:**

Current Planning: Recommends approval; request meets the minimum requirements of special permit section 20.10.470 for planned residential development and detailed site development plan section 20.04.150 of the City of El Paso Ordinance.

Land Development: No comments received.

**Engineering Department, Traffic Division:**

No objection to proposed set backs

**Fire Department:**

No objection to request.

**El Paso Water Utilities:**

EPWU does not object to this request.

**Parks:**

No comments received.

**Sun Metro:**

No comments received.

**School Districts:**

No comments received.

## **CITY PLAN COMMISSION OPTIONS**

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application

1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for 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 rezoning into conformance with the review criteria in The Plan for 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 rezoning does not conform to the review criteria in The Plan for 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

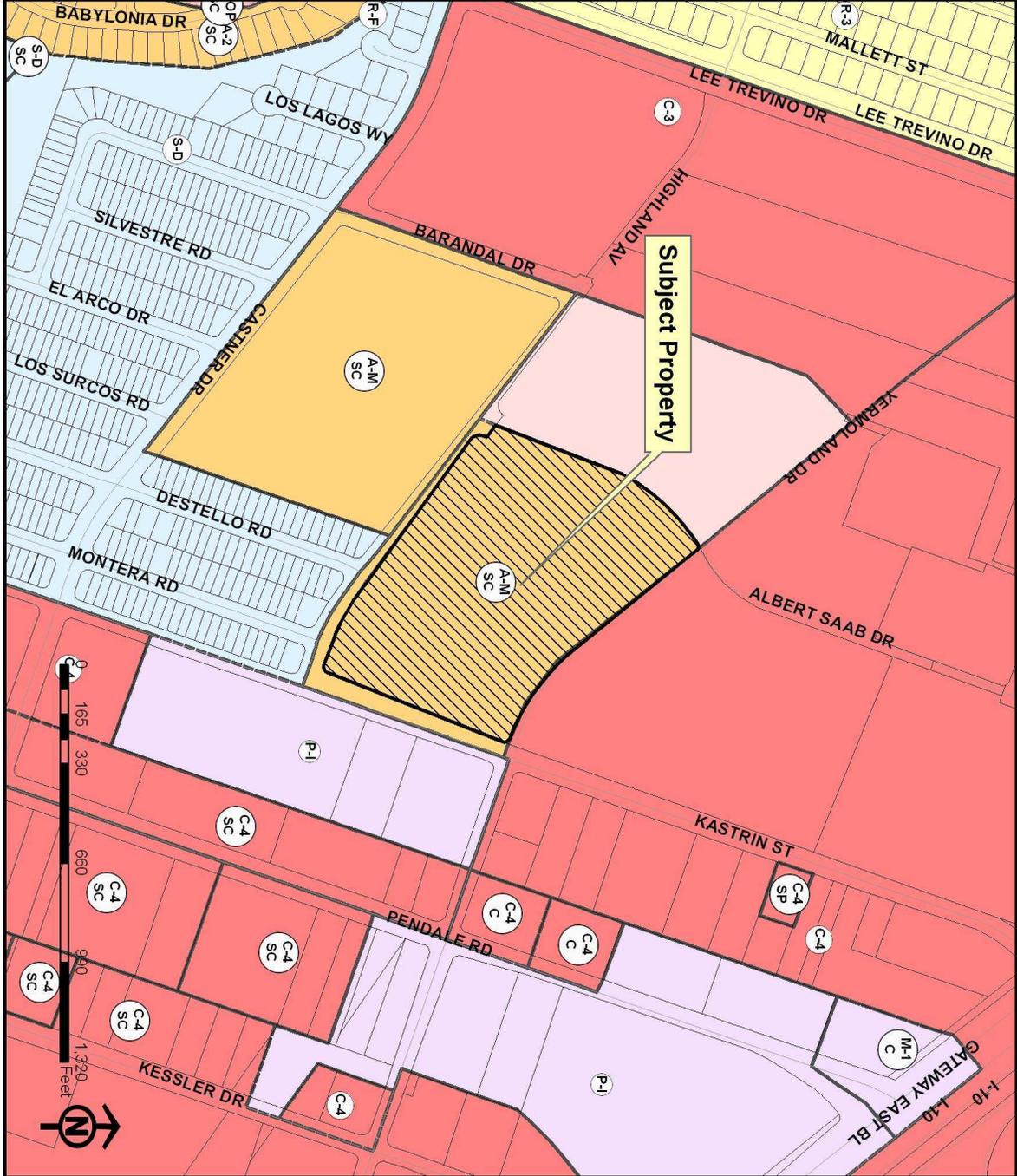
Attachment 3: Detailed Site Development Plan

Attachment 4: Typical Side Elevations

Attachment 5: Opposition Letter

Attachment 1: Zoning Map

ZON08-00042

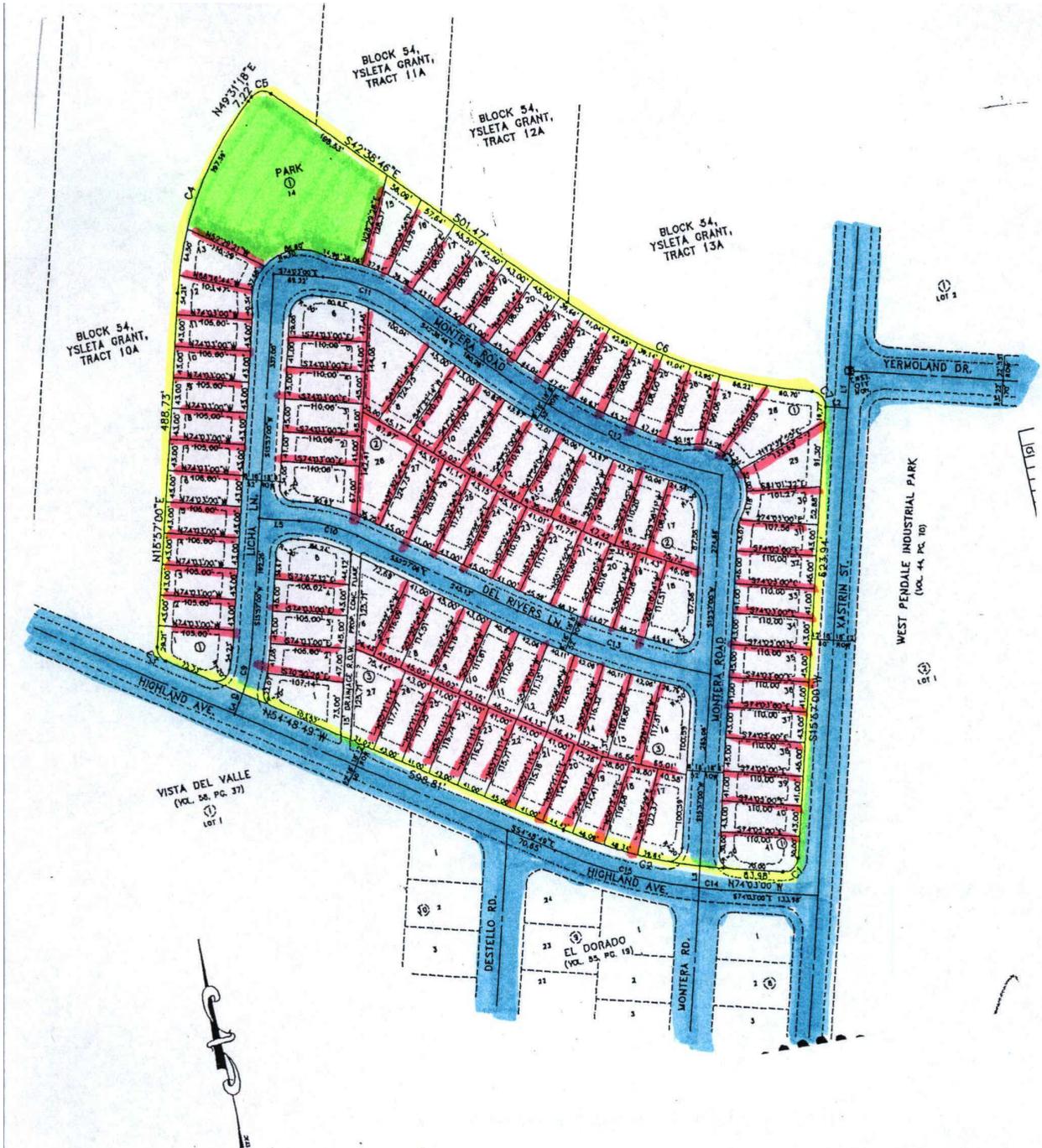


Attachment 2: Aerial Map

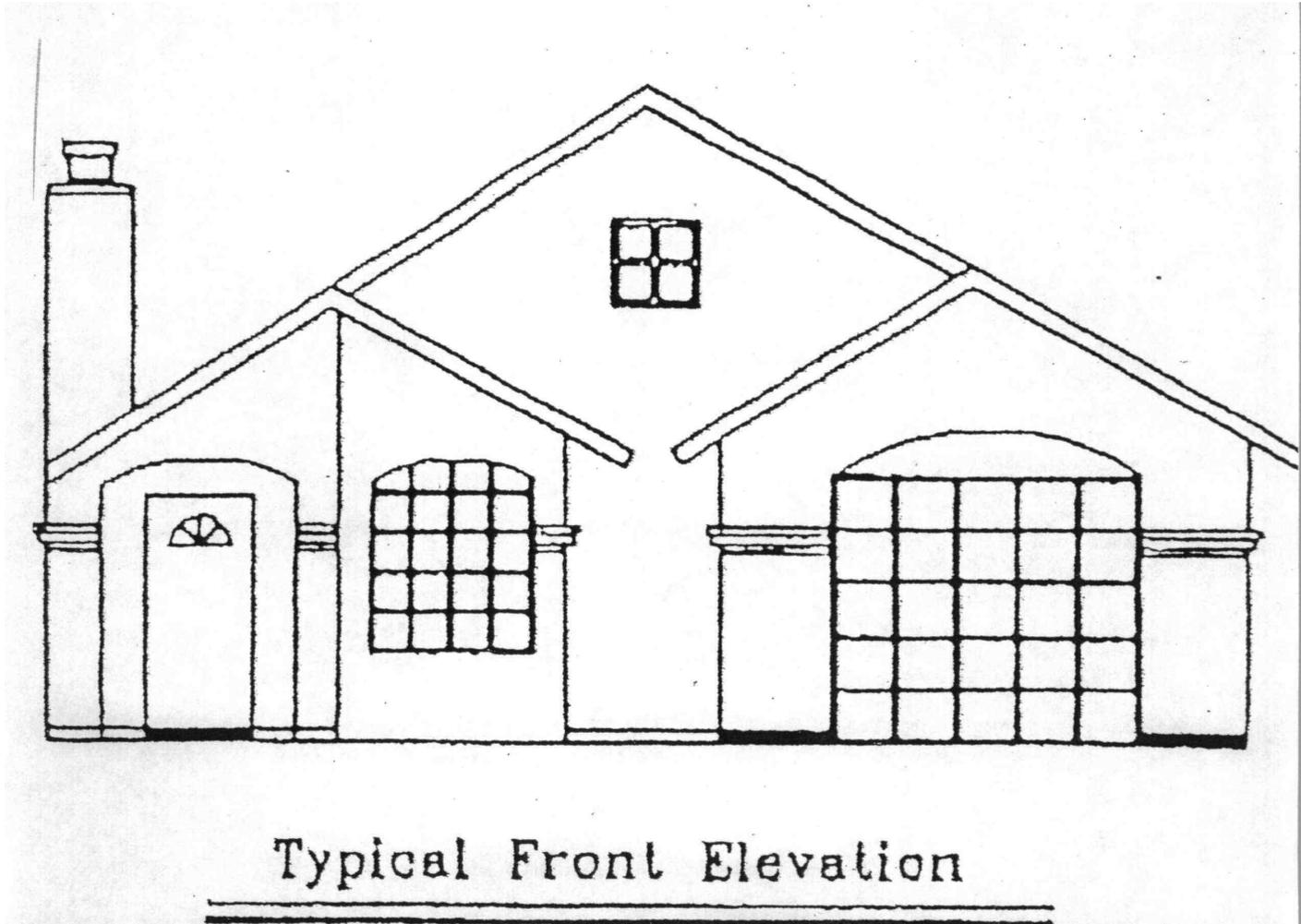
ZON08-00042



# Attachment 3: Detailed Site Development Plan



Attachment 4: Typical Side Elevations



## Attachment 5: Opposition Letter

August 7, 2008

CITY PLAN COMMISSION  
C/O PLANNING DIVISION  
5<sup>th</sup> FLOOR CITY HALL  
2 CIVIC CENTER PLAZA  
EL PASO, TEXAS 79901-1196

SUBJECT: CASE NO. ZON08-00047 (REZONING) / ZON08-00042 (SPECIAL PERMIT).  
ESQUIPILAS D. MONTANEZ / OWNER  
8555 YERMOLAND DR.  
EL PASO, TEXAS 79907

Dear City Planners,

Let me congratulate and thank Ms. Nadia T. Saab for finally allowing the people of the Lower Valley enjoy this choice property. I not only own the above commercial property, but in less than (60) days my family and I will be moving into a new home on 804 Los Lagos just southwest of subject case property

In reference to Ms. Saab zoning request, I have (3) questions. First, why R-5/sc? Why not R-4 without the reduced lot widths? This would create a much better neighborhood and reduce the traffic congestion. Second, why not plan a small park in this community? This will raise the quality of life that El Paso so much needs and no public official seems to commit to. Finally the most important question. Will Yermoland be opened from Kastrin to Lee Trevino??? If not, then you better prepare yourselves for a bottle neck at the traffic light at Lee Trevino and Castner.

It is my understanding that there will be close to (400) new homes in this tract of land. That means that with each family owning a minimum of (2) vehicles, we will see an increase of traffic at the Lee Trevino light of more than double. If Yermoland Dr. is not opened to Lee Trevino, **THIS DEVELOPMENT SHOULD NOT BE GRANTED ABOVE CHANGES IN ZONING!!!**

Thank you for your consideration and we pray to God that you all decide in the best interest of the public and not only the developer.

Best regards,

  
E. Dave Montanez