

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

DEPARTMENT: Planning and Economic Development Department, Planning Division

AGENDA DATE: Introduction: November 1, 2011
Public Hearing: October 29, 2011

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

DISTRICT(S) AFFECTED: 7

SUBJECT:

An Ordinance to correct a clerical error in Ordinance No. 017018 approved on November 4, 2008, which granted a special permit to allow for a planned residential development on a portion of Tract 10A, 11A, 12A, and 13A, Block 54, Ysleta Grant, City of El Paso, El Paso County, Texas.

BACKGROUND / DISCUSSION:

On August 14, 2008 the City Plan Commission recommended approval of special permit (ZON08-00042) to reduce lot width and setbacks. On November 4, 2008, City Council approved a special permit and detailed site development plan (ZON08-00042) to permit the reduction of lot depth and setbacks. The applicant's request was for reduced lot width and setbacks. This is a correction Ordinance to reflect reduction in lot width and setbacks and correct an error on previously approved Ordinance No. 017018 that included lot depth and setbacks.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – N/A
City Plan Commission (CPC) – N/A

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

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

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE TO CORRECT A CLERICAL ERROR IN ORDINANCE NO. 017018 APPROVED ON NOVEMBER 4, 2008, WHICH GRANTED A SPECIAL PERMIT TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON A PORTION OF TRACT 10A, 11A, 12A, AND 13A, BLOCK 54, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, City Council passed and approved Ordinance No.017018 on November 4, 2008; and,

WHEREAS, Ordinance No.017018 granted a special permit to allow for a planned residential development on *a portion of Tract 10A, 11A, 12A and 13A, Block 54, Ysleta Grant, City of El Paso, El Paso County, Texas*, and contained a clerical error; and,

WHEREAS, the main caption and body of Ordinance No.017018 correctly reflected the zoning district for *a portion of Tract 10A, 11A, 12A and 13A, Block 54, Ysleta Grant, City of El Paso, El Paso County, Texas*, as **R-5/sc (Residential/special contract)**; and,

WHEREAS, the body of the ordinance incorrectly reflected the proposed reduced lot depth for the above property;

WHEREAS, as a public hearing was conducted on the special permit to allow for a planned residential development and City Council and the public were provided back up documentation and received a presentation; and,

WHEREAS, the back up and presentation reflected the correct zoning;

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

THAT the main caption and body of Ordinance No.017018 for *a portion of Tract 10A, 11A, 12A and 13A, Block 54, Ysleta Grant, City of El Paso, El Paso County, Texas* is hereby corrected to read as follows:

An Ordinance granting Special Permit No. ZON08-00042 to allow for a planned residential development with reduced side setbacks and reduced lot widths.

THAT all other provisions of Ordinance No.017018 passed and approved on November 4, 2008, remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2011.

SIGNATURES CONTINUE ON NEXT PAGE

THE CITY OF EL PASO

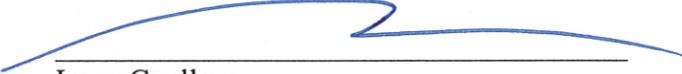
ATTEST:

John F. Cook, Mayor

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Lupe Cuellar
Assistant City Attorney

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

ORDINANCE NO. _____

7B

ORDINANCE NO. 017018

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,

CITY CLERK DEPT.
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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 4th day of November, 2008.

THE CITY OF EL PASO

John F. Cook
John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
Richarda Duffy Momsen
City Clerk

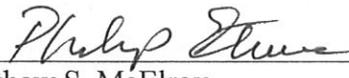
(Signatures continue on following page)

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CLERK DEPT.

APPROVED AS TO FORM:


Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:


Mathew S. McElroy
Deputy Director – Planning
Development Services Department

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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 18th day of September, 2008.

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

Nadia T Saab
(signature)

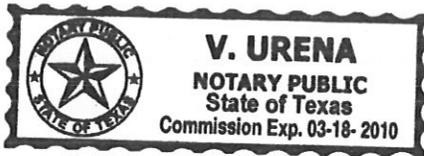
ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

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

My Commission Expires: 1

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



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MEMORANDUM

DATE: October 25, 2011

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

FROM: Arturo Rubio, Senior Planner

SUBJECT: Correction Ordinance

On August 14, 2008 the City Plan Commission recommended approval of special permit (ZON08-00042) to reduce lot width and setbacks. On November 4, 2008, City Council approved a special permit and detailed site development plan (ZON08-00042) to permit the reduction of lot depth and setbacks. The applicant's request was for reduced lot width and setbacks. This is a correction Ordinance to reflect reduction in lot width and setbacks and correct an error on previously approved Ordinance No. 017018 that included lot depth and setbacks.

Attachment: Ordinance No. 017018, August 14, 2008 CPC 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

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 setbacks as follows: minimum average lot width not less than 41' (but a lot area not less than 4,500 square feet smallest lot area 4,500' and largest 8,517'. Reduced side yard setbacks minimum of 3 feet, alternating to within 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 setbacks.

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 6: Application

Attachment 2: Aerial Map

ZON08-00047



Attachment 4: Typical Side Elevations



Typical Front Elevation

Attachment 5: Opposition Letter

August 7, 2008

CITY PLAN COMMISSION
C/O PLANNING DIVISION
5th 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,

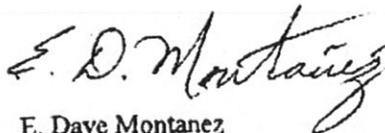
Let me congratulate and thank Ms. Nadia T. Saab for finally allowing the people of the Lower Valley enjoy this choice property. I not only own the above commercial property, but in less than (60) days my family and I will be moving into a new home on 804 Los Lagos just southwest of subject case property

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

Attachment 6: Application



REZONING APPLICATION PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT CITY OF EL PASO

1. CONTACT INFORMATION

PROPERTY OWNER(S): Nadia T. Saab
 ADDRESS: 2903 Silver Ave ZIP CODE: 79930 PHONE: 494-0444
 APPLICANT(S): Nadia T. Saab
 ADDRESS: 2903 Silver Ave ZIP CODE: 79930 PHONE: 494-0444
 REPRESENTATIVE(S): Conde, Inc.
 ADDRESS: 1790 Lee Trevino, Suite 400 ZIP CODE: 79936 PHONE: 592-0283
 E-MAIL ADDRESS: conrad@elp.rr.com

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: Y805-999-054C-1101
 LEGAL DESCRIPTION: A 15.21 acre portion of Tracts 10A, 11A, 12A and 13A, Block 54, Ysleta Grant, City of El Paso, El Paso County, Texas, a preliminary subdivision plat of which has been filed as Gran Vista Estates Unit One.
 STREET ADDRESS OR LOCATION: Highland and Kastrin REP DISTRICT: 7
 ACREAGE: 15.21 ac PRESENT ZONING: A-M sc PRESENT LAND USE: vacant
 PROPOSED ZONING R-5/sp PROPOSED LAND USE: To allow for Residential development

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
 LEGAL DESCRIPTION: _____
 STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
 ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
 PROPOSED ZONING _____ PROPOSED LAND USE: _____

4. PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
 LEGAL DESCRIPTION: _____
 STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
 ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
 PROPOSED ZONING _____ PROPOSED LAND USE: _____

5. ADDITIONAL INFORMATION

OWNER (S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):
 Printed Name: Nadia T. Saab Signature: Nadia T Saab
 Printed Name: _____ Signature: _____
 Printed Name: _____ Signature: _____

Note: Signatures are required for all owners of record for the property proposed for rezoning. Attach additional signatures on a separate sheet of paper.

**** OFFICE USE ONLY ****

ZON 08-00042 RECEIVED DATE: 6/16/2008 APPLICATION FEE: \$ 270
 DCC REVIEW DATE: 6/16/2008 (8:30 am, Planning Department Conference Room, 2nd Floor, City Hall Building)
 CPC REVIEW DATE: 8/14/2008 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
 ACCEPTED BY: [Signature] FUND -01101, DEPT ID -99010335, ACCOUNT -126

