

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

**DEPARTMENT:** City Development Department

**AGENDA DATE:** Introduction: November 12, 2013  
Public Hearing: December 3, 2013

**CONTACT PERSON/PHONE:** Michael McElroy, (915) 541-4239, mcelroyms@elpasotexas.gov

**DISTRICT(S) AFFECTED:** 2

**SUBJECT:**

An Ordinance granting Special Permit No. PZST13-00008, to allow for infill development with a 50 percent parking reduction on the property described as Tract 4-C, Section 11, Block 81, Township 2, Texas and Pacific Railway Company Surveys, 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: 5000 Riley. Property Owner: RNR Properties. PZST13-00008 (**District 2**)

**BACKGROUND / DISCUSSION:**

Staff report attached.

**PRIOR COUNCIL ACTION:**

Postponed two weeks on October 15, 2013  
Deleted October 29, 2013

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

City Plan Commission (CPC) – Pending November 14, 2013 CPC hearing.

\*\*\*\*\*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. PZST13-00008, TO ALLOW FOR INFILL DEVELOPMENT WITH A 50 PERCENT PARKING REDUCTION ON THE PROPERTY DESCRIBED AS TRACT 4-C, SECTION 11, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, 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**, RNR Properties, has applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for a 50 percent 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 a C-1 (Commercial) Zone District:

*Tract 4-C, Section 11, Block 81, Township 2, Texas and Pacific Railway Company Surveys, 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 50% parking reduction; and,
3. That this Special Permit is issued subject to the development standards in the C-1 (Commercial) 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,

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

**PZST13-00008**

4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST13-00008 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 \_\_\_\_\_, 2013.**

**THE CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leeser  
Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Karla M. Nieman  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Mathew S. McElroy, Director  
City Development Department

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

**PZST13-00008**



# Exhibit "A"

Tract 4-C, Section 11, Block 81, Township 2,  
Texas and Pacific Railway Company Surveys,  
City of El Paso, El Paso County, Texas

March 28, 2013

## METES AND BOUNDS DESCRIPTION

Exhibit "A"

**FIELD NOTE DESCRIPTION** of a Tract 4-C, Section 11, Block 81, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

**COMMENCING FOR REFERENCE** at the common boundary line of Tract 4-A and Tract 4-C, same being the southerly right-of-way line of Riley Court (60' R.O.W.), and the **POINT OF BEGINNING** of the herein described parcel;

**THENCE**, leaving said southerly right-of-way line, along said common boundary line, South  $01^{\circ}11'00''$  East, a distance of 179.00 feet to a point;

**THENCE**, leaving said common boundary line, South  $88^{\circ}49'00''$  West, a distance of 90.96 feet to a point;

**THENCE**, North  $01^{\circ}11'00''$  West, a distance of 1.89 feet to a point;

**THENCE**, North  $88^{\circ}49'00''$  East, a distance of 90.96 feet to the **POINT OF BEGINNING** of the herein described lot and containing 16,281.84 square feet or 0.3738 Acres of land more or less.

Carlos M. Jimenez  
Registered Professional Land Surveyor  
Texas No. 3950



CAD CONSULTING COMPANY.  
1790 Lee Trevino Suite # 503  
El Paso, Texas 79936  
(915) 633-6422  
.wpd

A handwritten signature in black ink, appearing to be "Carlos M. Jimenez", written over a horizontal line.



## MEMORANDUM

**DATE:** November 4, 2013

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

**FROM:** Michael McElroy, Planner

**SUBJECT: PZST13-00008**

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The City Plan Commission (CPC) on November 14, 2013 will consider a special permit application to allow for infill development and a 50% parking reduction in the C-1 (Commercial) zoning district.

This item originally was approved 5-0 at the May 16, 2013 CPC Hearing. It was subsequently postponed for two weeks at the October 15, 2013 City Council meeting and deleted from the agenda at the October 29, 2013 City Council meeting. It is being reintroduced so as to comply with a platting waiver for infill development.

There was one (1) phone call and one (1) speaker in **OPPOSITION** to this request. Additionally a petition was received containing 22 signatures in opposition to the request. The Planning staff has verified that this case constitutes a 211.

**Attachments:** Staff Report



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

**Case No:** PZST13-00008  
**Application Type** Special Permit  
**CPC Hearing Date** November 14, 2013  
**Staff Planner** Michael McElroy, (915) 541-4238, mcelroyms@elpasotexas.gov  
**Location** 5000 Riley  
**Legal Description** Tract 4-C, Section 11, Block 81, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas  
**Acreage** 0.374 acres  
**Rep District** 2  
**Current Zoning** C-1 (Commercial)  
**Existing Use** Vacant  
**C/SC/SP/ZBA/LNC** No  
**Request** Infill Development (Section 20.10.280) / 50% parking reduction (Section 20.10.280 D)  
**Proposed Use** Apartments  
**Property Owner** RNR Properties  
**Representative** Angel Ramos

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

**North:** R-4 (Residential) / Single Family Homes  
**South:** C-4/sc (Commercial/Special contract) / Retail-Manufacturing  
**East:** A-2 (Apartment) / Apartments  
**West:** R-4 (Residential) / Single Family Homes

**PLAN EL PASO DESIGNATION:** G-3, Post-War (Northeast)

**NEAREST PARK:** Mountain View Park (2,759 feet)

**NEAREST SCHOOL:** Lee Elementary (1,425 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Mountainview Neighborhood Association

### **NEIGHBORHOOD INPUT**

Notices of the November 14, 2013 public hearing were mailed to all property owners within 300 feet of the subject property on November 1, 2013.

The Planning Division received one phone call in opposition to the request for the May 16, 2013 CPC hearing. Hector Chapparo, property owner of the adjacent apartment complex, who registered his opposition via telephone, additionally spoke in opposition to the request at the original City Plan Commission hearing. Furthermore, at the October 15, 2013 City Council meeting, a petition was delivered containing 22 signatures in opposition. Planning staff verified that this case constituted a 211 (see attachment 4).

### **CASE HISTORY**

This case was originally heard and approved by the CPC on May 16, 2013. The application requires the reconsideration of the CPC as it did not comply with a platting waiver when it was originally considered.

### **APPLICATION DESCRIPTION**

The applicant is requesting a special permit for infill development to allow for the construction of an apartment complex and a parking reduction from 20 spaces to 10 spaces, as permitted in Section 20.10.280 D. Access is from Diana Drive. This project is receiving funding through the Community Development Block Grant to provide affordable housing to low and moderate income residents.

The detailed site development plan depicts ten 3-bedroom apartments totaling nearly 1,000 s.f each. Each structure is two stories, containing two units per structure with 5 total structures. The entire development consists of approximately 10,000 sq. ft.

The special permit is being requested so as to best utilize the property's buildable area. The reduced parking as requested occupies a quarter of the usable lot space. To provide the amount of parking necessary without the reduction would necessitate the use of at least half of the property and thereby reduce the developer's yield.

## ANALYSIS

To grant the special permit to allow for infill development, the applicant must comply with the following applicable standards, per Section 20.10.280, Infill Development:

A. Location Criteria. An infill development may be designated for any property on which at least two of the following factors are present: the property is wholly or partially located within a designated tax increment financing district, or the property is wholly or partially located within a designated state or federal enterprise zone, or the property is wholly or partially located within an empowerment zone, or the property is wholly or partially located within a designated redevelopment area pursuant to Chapter 20.14 of this title, or the property is located within a designated historic district, or the property is within an older neighborhood of the city. An older neighborhood of the city defined as a legally recorded and developed subdivision for at least thirty years. Where an infill development is able to satisfy only one of the preceding factors, an applicant shall be allowed to make a formal request to city council to waive the two factor requirement prior to the submission of a special use permit application for the property. In all instances where a waiver is requested and authorized by city council, at least one location factor shall be met. For purposes of this section, any property with a historic designation shall be subject to the requirements and review provisions of Chapter 20.20 (Historic Designations) of this title, and shall not be waived by any provision of this section.

*The applicant meets only one of the two required criteria (location within a state enterprise zone). A waiver has been requested by City Council for the criteria requiring a legally recorded and developed subdivision of at least thirty years.*

B. Use Regulations. Unless the ordinance designating the infill development provides otherwise, a proposed infill development may be approved for any use permitted in the base-zoning district in which it is located. However, the ordinance designating an infill development overlay may provide a list of principal uses, accessory uses and prohibited uses pursuant to a specific area plan adopted by the city council.

*Apartments are permitted in the C-1 zoning district. The applicant complies with this requirement.*

D. Parking. The minimum parking requirements enumerated in Chapter 20.14 (Off-Street Parking and Loading Requirements) of this title shall be automatically reduced by fifty percent for any use within a designated infill development.

*Two parking spaces are required per dwelling unit using the standard apartment parking calculation. The proposed development features ten dwelling units, resulting in twenty required spaces. Infill development automatically reduces the required parking by 50%. As such, the applicant is proposing ten on-site parking spaces. The project exceeds the required bicycle parking, providing five bicycle parking spaces instead of the minimum of three. The project complies with all requirements for handicapped parking.*

*The project proposes both on and off-site parking consistent with the adjacent apartment complex. Parking for nearby single family homes is provided on-site. Both Diana Drive and Riley Court permit on-street parking. A field survey suggests that ample on-street parking exists to accommodate this request.*

*The ROW length abutting the property along Diana is measured at approximately 156 feet. The ROW length along both sides of Riley is 1,086 feet. The ROW along Diana and Riley available for parking totals approximately 1,240 feet. Averaging each parking space at 20 feet, the immediate neighborhood is estimated to accommodate a maximum of 62 vehicles, and adjusted for maximum potential existing use, a minimum of 23*

vehicles. This minimum figure is derived primarily from the 323 feet of vacant land immediately to the east of the subject property, as well as the 156 feet of ROW adjacent to the subject property along Diana.

### **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 proposes the best use of an underutilized parcel of land and complies with the requirements of 20.04.150 Detailed Site Development Plan and 20.10.280 Infill Development.

### **Plan El Paso- Future Land Use Map Designation**

All applications for special permits shall demonstrate compliance with the following criteria:

G-3 – Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the C-1 (Neighborhood Commercial District) district is to provide compatible neighborhood convenience goods and services that serve day-to-day needs. Permit locations for business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

### **COMMENTS:**

#### **City Development Department - Planning Division - Transportation**

No objections

#### **City Development Department – Planning Division - Land Development**

Recommend approval

We have reviewed revised detail site development plan and recommend the Developer/Engineer address the following comments.

1. Due to the property being within an area in a Special Flood Hazard Area (A3), applicant shall coordinate with Floodplain Coordinator for the requirements and compliance of Special Flood Hazard Area.

#### **City Development Department – Building Permits & Inspections Division**

Recommend approval

#### **El Paso Fire Department**

Recommend “APPROVAL” of “Detailed Site Plan” as presented. \*\*\*\*\*NOTE \*\*\*\*\* PZST 13-00008 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” 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. El Paso Water Utilities (EPWU) does not object to this request.

#### **Water:**

2. There is an existing 4-inch diameter water main that is available for service along Riley Ct. The water main is located approximately 40-ft north from the northern property line.

3. There is an existing 12-inch diameter water main that is available for service along Diana Dr. The main is located approximately 14 feet west of west property line.

4. There is an existing 24-inch diameter low flow water main along Diana Dr. This main is located approximately 11 east of the right of way center line. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

5 Previous water pressures reading from fire hydrant # 8292 located at the northwest corner of the intersection of Diana Dr. and Apollo, have yielded a static pressure of 116 (psi) pounds per square inch, a residual pressure of 102 (psi) pounds per square inch and a discharge of 1321 (gpm) gallons per minute.

6. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

**Sanitary Sewer:**

7. There is an existing 8-inch diameter sanitary sewer main along Riley Ct. that is sewer main is available for service, the sewer main is located approximately 25-ft north of the northern property line.

**General:**

8. 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**

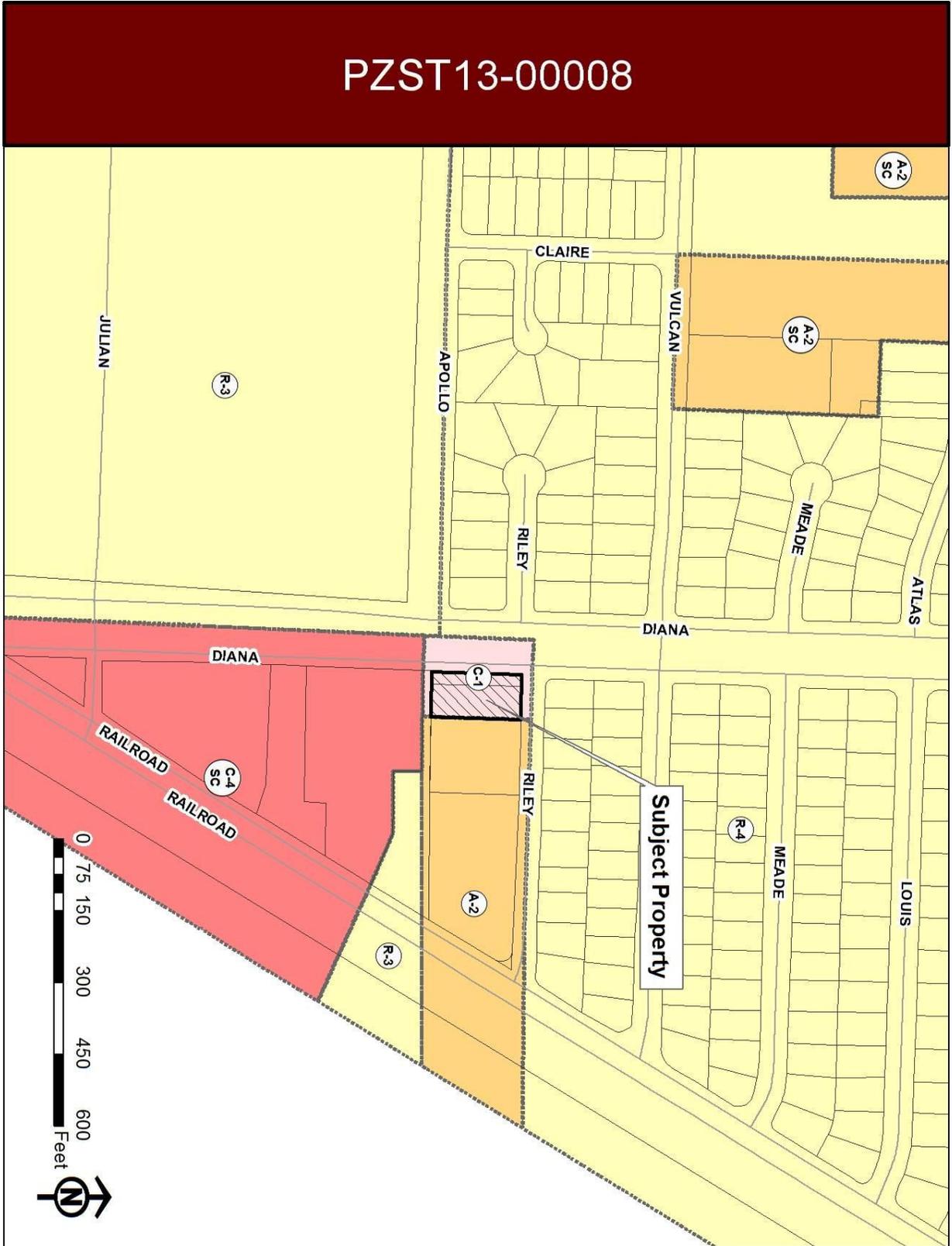
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit and detailed site development plan application:

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: 211 Map
- Attachment 5: Petition
- Attachment 6: Parking Study

ATTACHMENT 1: LOCATION MAP



PZST13-00008

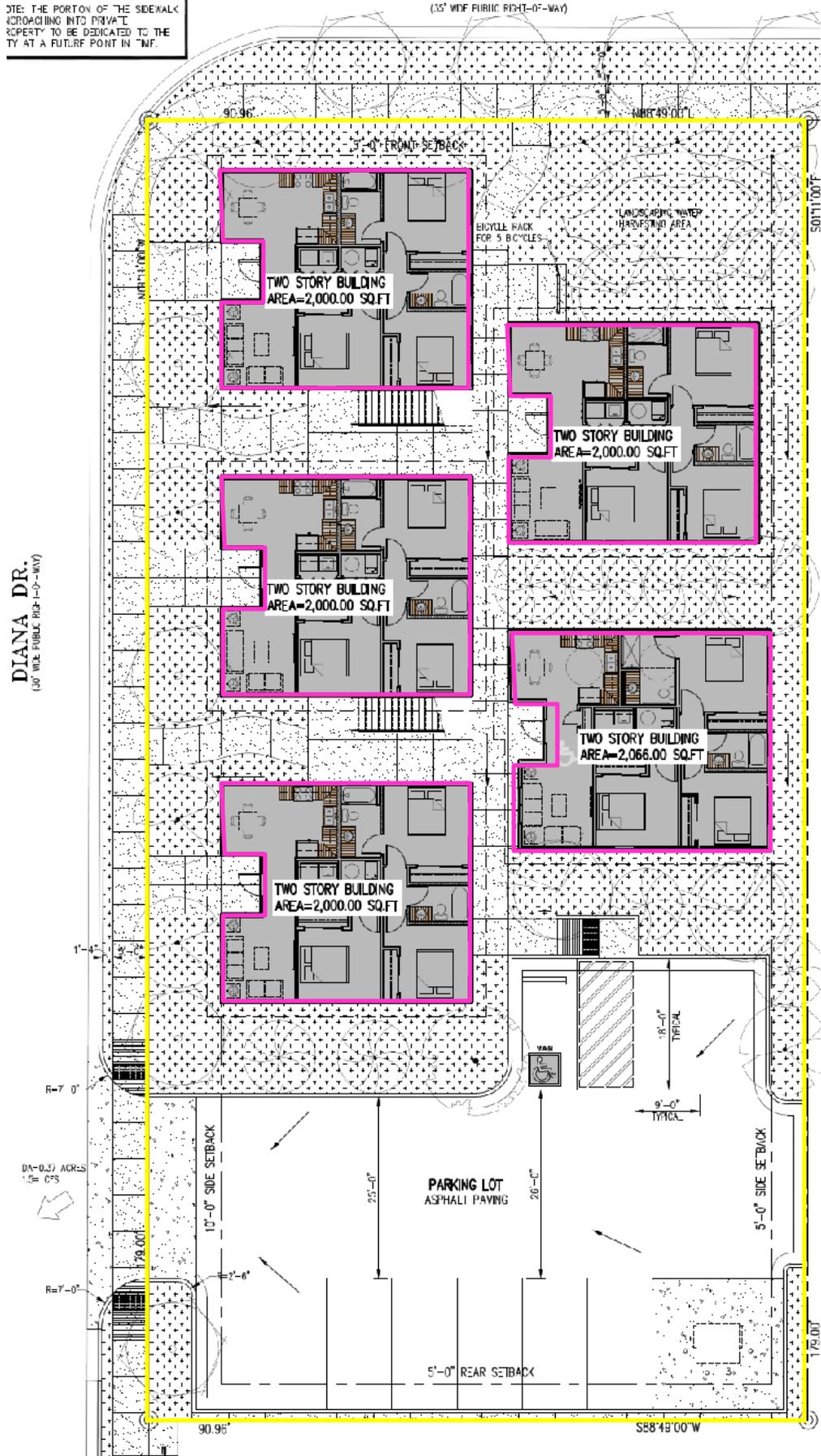


# ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN

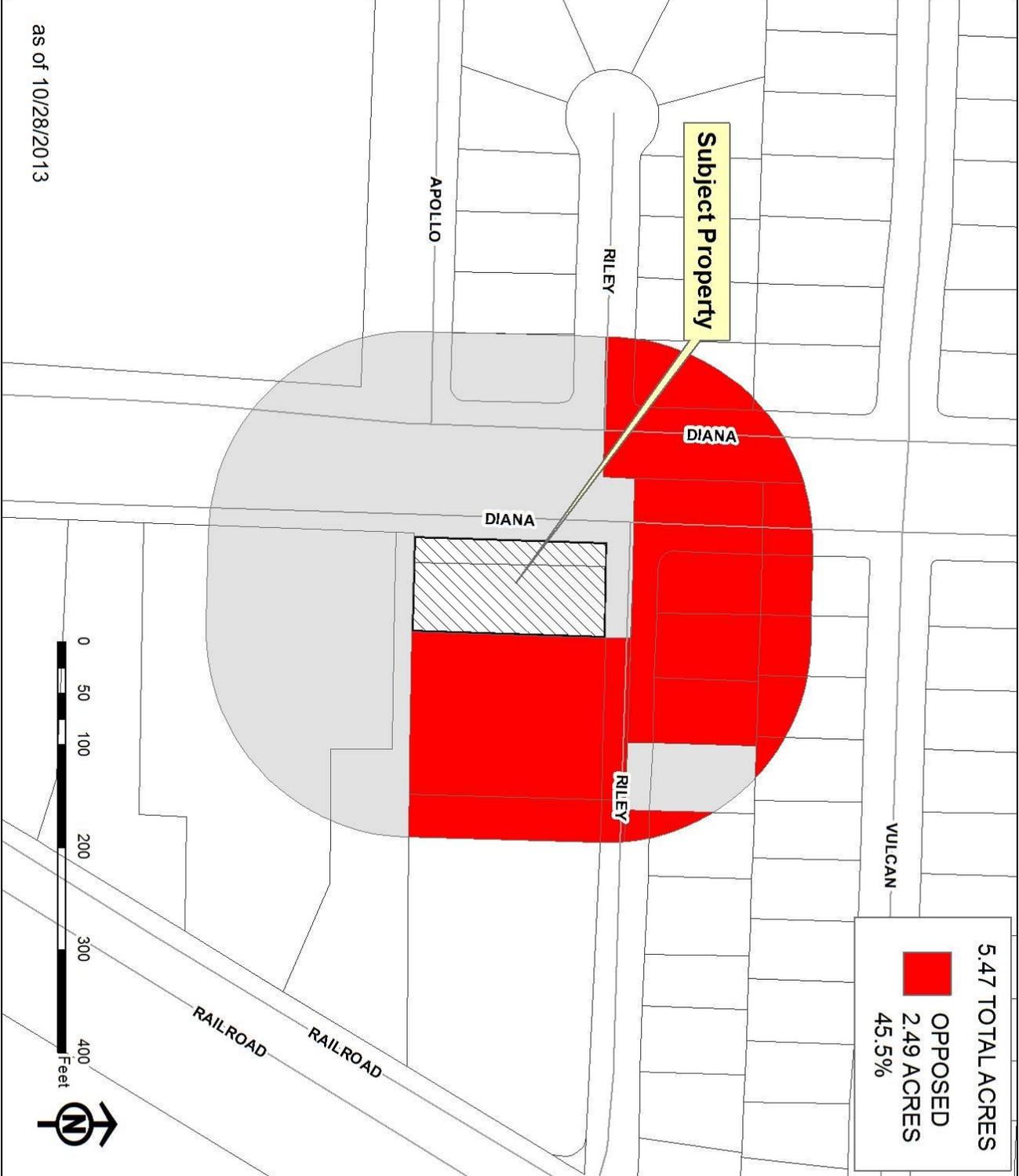
RILEY CT.  
(35' WIDE PUBLIC RIGHT-OF-WAY)

NOTE: THE PORTION OF THE SIDEWALK APPROACHING INTO PRIVATE PROPERTY TO BE DEDICATED TO THE CITY AT A FUTURE POINT IN TIME.

DIANA DR.  
(30' WIDE PUBLIC RIGHT-OF-WAY)



# PZST13-00008 211 MAP





# PETITION

On Tuesday, October 15, 2013, at 8:30a.m. in the City Council Chambers, 300 N. Campbell St. 1<sup>st</sup> Floor, El Paso, Texas, a public hearing will be held regarding an Ordinance granting Special Permit No. PZST13-00008, to allow for infill development with a 50 percent parking reduction on the property described as Tract 4-C, Section 11, Block 81, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. This hearing is to allow a development of New Apartment Development on the corner of Riley Ct. and Diana. The development company is asking for a special permit to allow them to reduce their parking spaces by 50%. This means that if the tenants have extra vehicles and/or visitors over, these vehicles will without a doubt be finding spaces to park. The problem is that they will most likely be parking in front of our properties. I am asking you that if you are against this special permit to please sign this form to let City Council know that we do not agree for this special permit to go through.

| NAME              | ADDRESS       | PHONE NUMBER   |
|-------------------|---------------|----------------|
| Alonso Arreola    | 4948 Vulcan   | 915-633-4282   |
| Albino Barrera    | 4947 Riley Ct | (915) 757-1026 |
| Elvira M. Ramirez | 5000 Vulcan   | (915) 731-3383 |
| Miguel A. Alvarez | 5016 Vulcan   | 915-549-4831   |
| Hector Chupacalu  | 5012 Riley    | 915-433-9679   |
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ATTACHMENT 6: PARKING STUDY

