

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

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

**AGENDA DATE:** Introduction: October 22, 2013  
Public Hearing: November 19, 2013

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

**DISTRICT(S) AFFECTED:** 2

**SUBJECT:**

An Ordinance granting Special Permit No. PZST13-00016, to allow for Infill Development with reduced rear, side, and side street setbacks, as well as a 60 percent parking reduction, on the property described as Lots 12 to 16, Block 21, Map #2 of French Addition, 4301 E. Missouri, 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: 4301 E. Missouri. Property Owner: Armando & Irma Araiza. PZST13-00016 (**District 2**)

**BACKGROUND / DISCUSSION:**

N/A

**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

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**APPROVED FOR AGENDA:**

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

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

**AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST13-00016, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED REAR, SIDE, AND SIDE STREET SETBACKS, AS WELL AS A 60 PERCENT PARKING REDUCTION, ON THE PROPERTY DESCRIBED AS LOTS 12 TO 16, BLOCK 21, MAP #2 OF FRENCH ADDITION, 4301 E. MISSOURI, 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**, Armando & Irma Araiza have applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for an apartment complex with reduced rear, side, and side street setbacks, as well as a 60 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 Section 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:

*Lots 12 to 16, Block 21, Map #2 of French Addition, 4301 E. Missouri, City of El Paso, El Paso County, Texas; and,*

2. That the City Council hereby grants a Special Permit under Section 20.04.320 of the El Paso City Code, to allow infill development for an apartment complex with reduced rear, side, and side street setbacks, as well as a 60 percent 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 "A" and incorporated herein by reference for all purposes; and,

4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST13-00016 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.

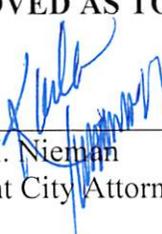
**THE CITY OF EL PASO**

\_\_\_\_\_  
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

**AGREEMENT**

Armando & Irma Araiza, referred to in the above Ordinance, hereby agree 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 C-1 (Commercial) District regulations, and subject to all other requirements set forth in this Ordinance.

**EXECUTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Armando & Irma Araiza:

By: \_\_\_\_\_  
(name/title)

\_\_\_\_\_  
(signature)

**ACKNOWLEDGMENT**

**THE STATE OF TEXAS )**  
**)**  
**COUNTY OF EL PASO )**

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by Armando & Irma Araiza, as Owner.

My Commission Expires:

\_\_\_\_\_  
Notary Public, State of Texas

Notary's Printed or Typed Name:

\_\_\_\_\_

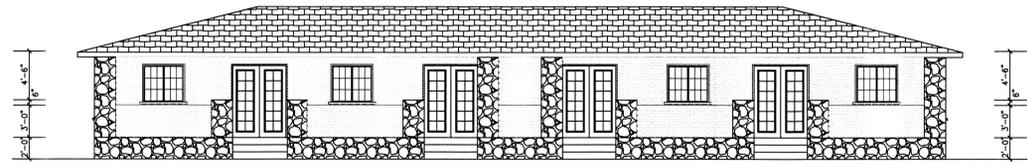
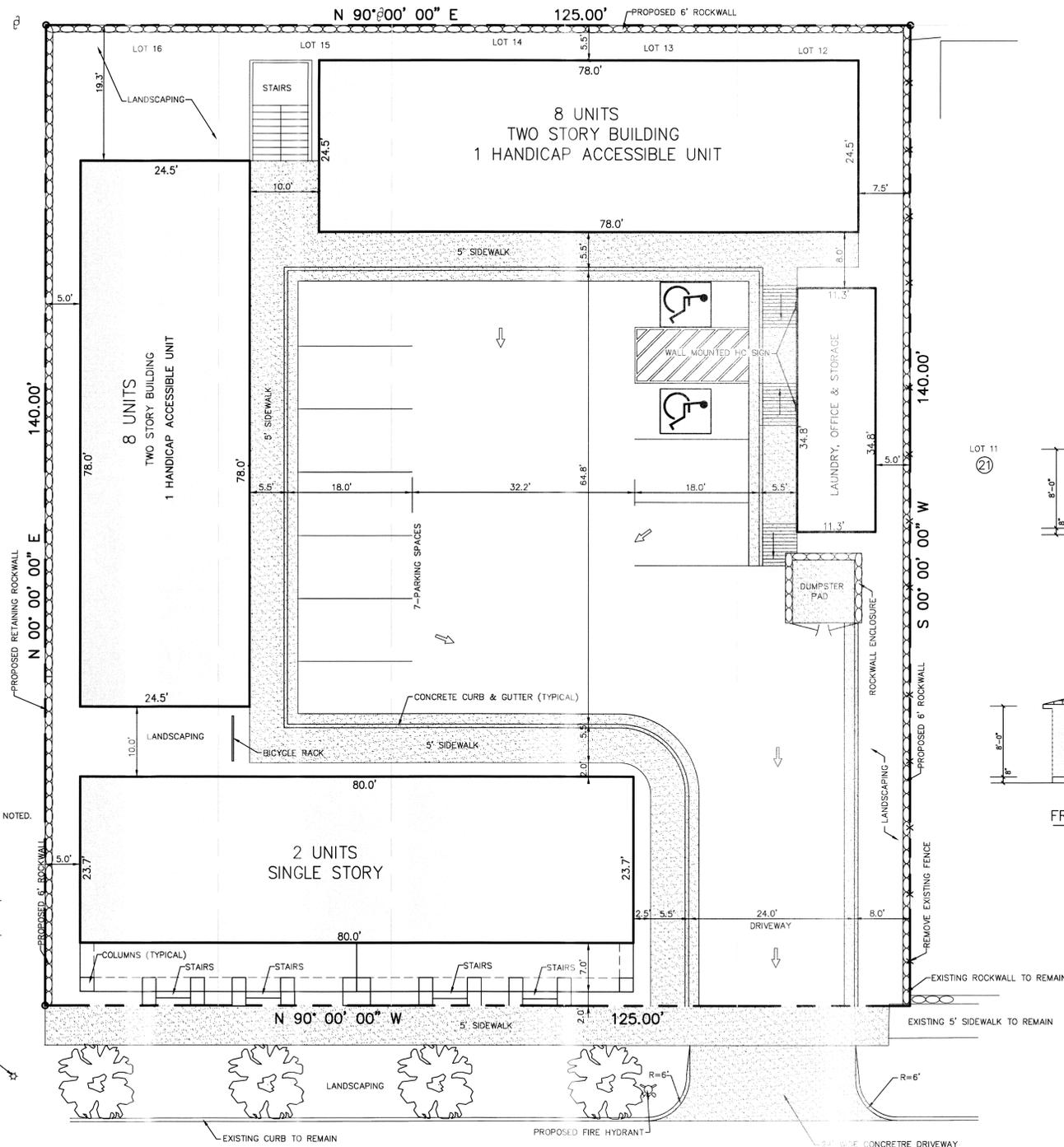
Exhibit "A"



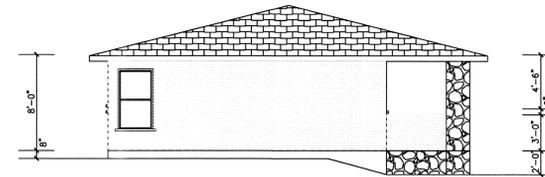
SCALE: 1"=10'

US HIGHWAY 54

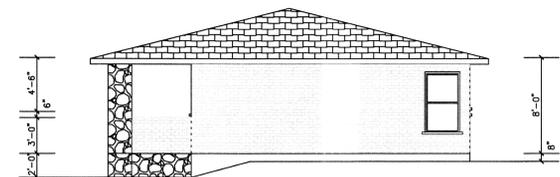
EXISTING CURB TO REMAIN



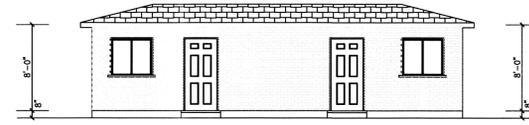
FRONT ELEVATION, SINGLE STORY



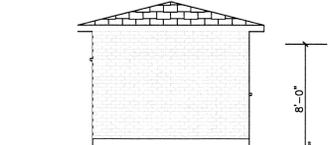
LEFT ELEVATION, SINGLE STORY ELEVATION



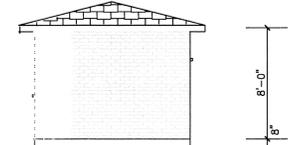
RIGHT ELEVATION, SINGLE STORY ELEVATION



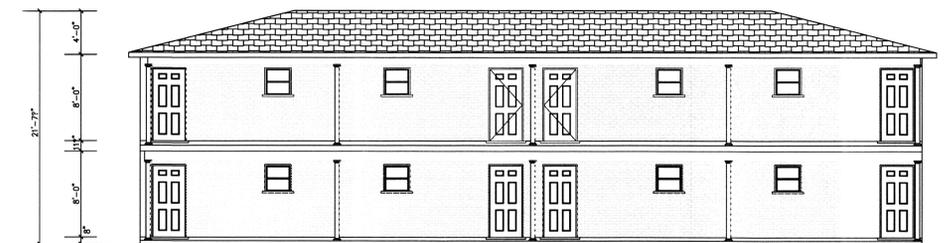
FRONT ELEVATION, LAUNDRY/OFFICE/STORAGE



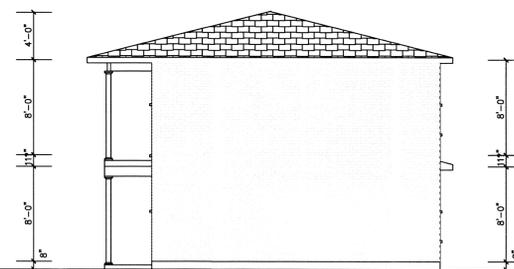
LEFT ELEVATION, LAUNDRY/OFFICE/STORAGE



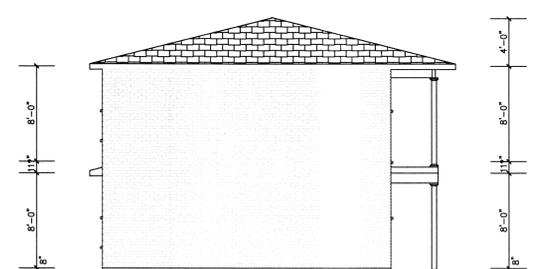
RIGHT ELEVATION, LAUNDRY/OFFICE/STORAGE



FRONT ELEVATION, DOUBLE STORY



RIGHT ELEVATION, DOUBLE STORY



LEFT ELEVATION, DOUBLE STORY

LEGEND

- DENOTES SET 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED TX 2449, ROE ENGR., L.C. UNLESS OTHERWISE NOTED.
- PROPOSED ROCKWALL
- EXISTING SANITARY SEWER
- EXISTING OVERHEAD ELECTRIC
- EXISTING CURB & GUTTER
- EXISTING CHAIN LINK FENCE
- DRAINAGE FLOW
- PROPOSED CONCRETE
- STREET LIGHT

EXISTING ZONING INFORMATION

EXISTING ZONING:	C-1, & R-5
YARD SETBACK REQUIREMENTS:	
	C-1      R-5
FRONT (MIN.)	- 20 FEET    - 10 FEET
REAR (MIN.)	- 25 FEET    - 10 FEET
SIDE (STREET)	- N/A        - 10 FEET
SIDE (INTERIOR)	- 10 FEET    - 5 FEET
HEIGHT	- 5 FEET     - 35 FEET

PROPOSED ZONING INFORMATION

PROPOSED ZONING:	LOT 12, BLOCK 21, R-5 TO C-1
YARD SETBACK REQUIREMENTS:	
	R-5
FRONT (MIN.)	- 20 FEET
REAR (MIN.)	- 25 FEET
CUMULATIVE FRONT / REAR	- N/A
SIDE (STREET)	- 10 FEET
SIDE (INTERIOR)	- 5 FEET
PROPOSED SETBACKS:	
FRONT (MIN.)	- 0-2.0 FEET
REAR (MIN.)	- 5.5 FEET

HEIGHT - MAX HEIGHT EQUAL TO THE DISTANCE BETWEEN THE CENTERLINE OF ADJUTING STREET AND FACE OF THE BUILDING ADJUTING THAT STREET.

2-8'X18' HANDICAP PARKING SPACES WITH 8' ISLE  
 9-8'X18' SPACES SHOWN  
 11 TOTAL SPACES 18 REQUIRED PER SPECIAL PERMIT  
 REQUEST WAIVER OF 7 PARKING SPACES

LOT=17,500 sq.ft. - BUILDINGS(6,111.24 sq.ft.)=11,388.76 sq.ft.  
 15% x 11,390.23 = 1,708.31 sq.ft. LANDSCAPING REQUIRED  
 PROVIDED LANDSCAPING AREA = 2,753 sq.ft.

ROE ENGINEERING, L.C.  
 TEXAS REGISTERED ENGINEERING  
 FIRM F-2103



CERTIFICATION  
 I hereby certify that this plan, specification, and survey was made by me or under my supervision and that I am a duly Licensed Professional Engineer in the State of Texas.  
 BRADLEY ROE, R.P.L.S. TX2449

DETAIL SITE PLAN  
**4301 EAST MISSOURI AVENUE**  
 ALL OF LOTS 12,13,14,15,16, BLOCK 21,  
 MAP #2 of FRENCH ADDITION  
 CITY OF EL PASO, EL PASO COUNTY, TEXAS  
 CONTAINING IN ALL 17,500.00 SQ.FT. OR 0.4017 ACRES OF LAND MORE OR LESS  
 PREPARED FOR:  
 SAM GUIDO

**brhp** Roe Engineering, L.C.  
 601 N. Cotton St. Suite No.6 El Paso, Tx. 79902  
 (915) 533-1418 - FAX (915) 533-4972  
 e-mail: roeeng@swbell.net  
 ENGINEERING/LAND DEVELOPMENT/PLANNING/SURVEYING  
 SHEET 1 OF 1

DATE	REVISIONS	BY	SCALE
08/15/13	REVISED PLAN	J.Z.	HQR: N/A VER: N/A FILE NAME: GUIDO.dwg W.O. 040113-1 DATE: APRIL 17, 2013 DESIGN BY: H.P. DRAWN BY: J.Z. CHKD. BY: H.P. APPD. BY: BR

**MEMORANDUM**

**DATE:** October 2, 2013

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

**FROM:** Michael McElroy, Planner

**SUBJECT: PZST13-00016 (Related to PZRZ13-00022)**

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The City Plan Commission (CPC), on August 22, 2013, voted 7-0 to recommend **approval** of a special permit for infill development, to include rear, side & side street setback reductions as well as a 60% parking reduction.

The CPC found that the special permit is in conformance with Plan El Paso. 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 negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There is no opposition to this request.

**Attachment:**  
Staff Report



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

**Case No:** PZST13-00016  
**Application Type** Special Permit  
**CPC Hearing Date** August 22, 2013  
**Staff Planner** Michael McElroy, (915) 541-4238, mcelroyms@elpasotexas.gov  
**Location** 4301 East Missouri  
**Legal Description** Lots 12-16, Block 21, Map #2 of French Addition, City of El Paso, El Paso County, Texas  
**Acreage** 0.401 acres  
**Rep District** 2  
**Current Zoning** C-1 (Commercial) & R-5 (Residential)  
**Existing Use** Vacant  
**C/SC/SP/ZBA/LNC** No  
**Request** Infill Development (Section 20.10.280) / Rear & Side Street Setback (Section 20.10.280 C) / 60% Parking Reduction (Section 20.10.280 D) / 50% Density Bonus (20.10.280 G)  
**Proposed Use** Apartments (Related to PZRZ13-00022, requesting R-5 [Residential] to C-1 [Commercial])  
**Property Owner** Armando & Irma Araiza  
**Representative** Sam Guido III

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

**North:** R-5 (Residential) / Single Family Homes  
**South:** R-5 (Residential) & C-1 (Commercial) / Single Family Homes  
**East:** R-5 (Residential) / Single Family Homes  
**West:** R-5 (Residential) & C-1 (Commercial) / Patriot Freeway

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

**NEAREST PARK:** Loretto-Lincoln Park (970 feet)

**NEAREST SCHOOL:** Hillside Elementary (3,101 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

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 August 5, 2013. Four (4) persons spoke in **OPPOSITION** to the request at the City Plan Commission hearing.

### **APPLICATION DESCRIPTION**

The property owner is requesting a special permit for infill development, to include rear & side street setback reductions, a 60% parking reduction, and a 50% density bonus as permitted in Section 20.10.280. The site plan shows 18 efficiency apartment dwelling units and a laundry, office, and storage building totaling 6,111 sq. ft. Access to the subject property is proposed from Missouri Street. This project has applied for Infill Development incentives pending City Council approval.

In addition to the parking provided on-site, five offset angled parking spaces on City right-of-way immediately in front of the subject property were authorized by City Council on October 8, 2013. These spaces will contribute to the parking proposed by the applicant, but will not count towards the off-street parking requirements.

## 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 the two required criteria (located within a state enterprise zone and in a recorded subdivision of at least thirty years [Map #2 of French Addition recorded in 1907]).

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.

C. Setback Provisions. The side, front and rear setback requirements of the base-zoning district on which it is located may be reduced up to one hundred percent for an infill development as approved by city council. Buildings should be designed to relate to and take advantage of any existing site attributes, and shall be a consideration for reduction of the setback requirements.

Dimension	Need	Propose
Lot Area	N/A	N/A
Lot Width	N/A	N/A
Lot Depth	N/A	N/A
Cumulative	N/A	N/A
Front	0'	9'
Rear	25'	5'
Side	5'	5'
Side-Street	10'	5'

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.

Calculated at the efficiency apartment ratio of 1 parking space per unit, the development requires 18 parking spaces. With the requested 60% parking reduction, the project is required to provide 11 spaces on-site, which is reflected in the site plan.

A parking study shows 115 available on-street parking spaces within a 600' radius of the subject property. For a 12 hour period between 7 AM and 7 PM, the parking study shows a minimum of 89 spaces (77%) and a maximum of 99 spaces (86%) of these spaces were consistently available.

Note also the granting of 5 angled parking within the ROW immediately in front of the subject property at the October 8, 2013 City Council meeting.

E. Design. Unless otherwise approved by city council, any construction permitted pursuant to this section shall be designed to consistently relate to the massing and character of the surrounding properties. Consistency of massing and character shall be determined as shown on the site plan with typical elevations and proposed construction materials, that the proposed construction is compatible with the overall design features and building development of the neighborhood within which the proposed infill development is located. Design features include, but shall not be limited to, building height, architectural style, building materials, landscape and setbacks.

The surrounding neighborhood is primarily composed of single family homes. One legally non-conforming triplex built prior to 1955 exists immediately to the east of the subject property. The neighborhood is identifiably a traditional-walkable neighborhood, as suggested in its Plan El Paso designation. The massing of the surrounding buildings is shallow to zero-lot line. The proposed development is both consistent with the existing massing and in keeping with the mixed density character of traditional neighborhoods.

G. Density. The maximum number of dwelling units per gross acre permitted in the base-zoning district may be increased up to fifty percent for an infill development as approved by city council.

The applicant is requesting a 50% density bonus. The base zoning permits 12 dwelling units. With the density bonus permitted through infill development, the applicant has requested an additional 6 units, totaling the proposed 18 units.

### **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of the special permit for infill development, to include rear & side street setback reductions, a 60% parking reduction, a 50% density bonus, and the approval of the detailed site development plan review request as the applicant proposes the best use of underutilized land, and meets 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 a 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 C-1 (Neighborhood Commercial District) is to provide compatible neighborhood convenience goods and services that serve day-to-day needs and permit locations for business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

### **COMMENTS:**

#### **Planning Division - Transportation**

No objection. Note: 1. All proposed paths of travel (accessible sidewalks, wheelchair access curb ramps And driveways) located within public rights-of-way shall be constructed in compliance with the current ADA/TAS regulations and City Design Standards for construction.

**City Development Department – Plan Review**

No objections.

**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 “Special Permit Application” as presented. \*\*\*\*\*NOTE \*\*\*\*\* PZST 13-00016 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 4-inch diameter water main that extends along the alley between Missouri St. and Wyoming St. This main is available for service. If the water demand of the proposed development is greater than the capacity of the 4-inch main, an upgrade of the main may be required. All cost associated with the upgrade are the responsibility of the developer.

3. There is an existing 16-inch diameter water main that extends along Missouri St. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

4. There is an existing 24-inch diameter water main that extends along Gateway North. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

5. EPWU records indicate a vacant water meter serving the subject property. The service address for this meter is 4301 East Montana St.

**Sanitary Sewer:**

6. There is an existing 8-inch diameter sanitary sewer main that extends along Gateway North and then east along the alley between Missouri St. and Wyoming St. This sewer main is available for service.

7. There is an existing 10-inch diameter sanitary sewer main that extends along Missouri St. This sewer main is available for service.

**General:**

8. Application for new water and sanitary sewer 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 and sanitary sewer lines and appurtenances.

### **CITY PLAN COMMISSION OPTIONS**

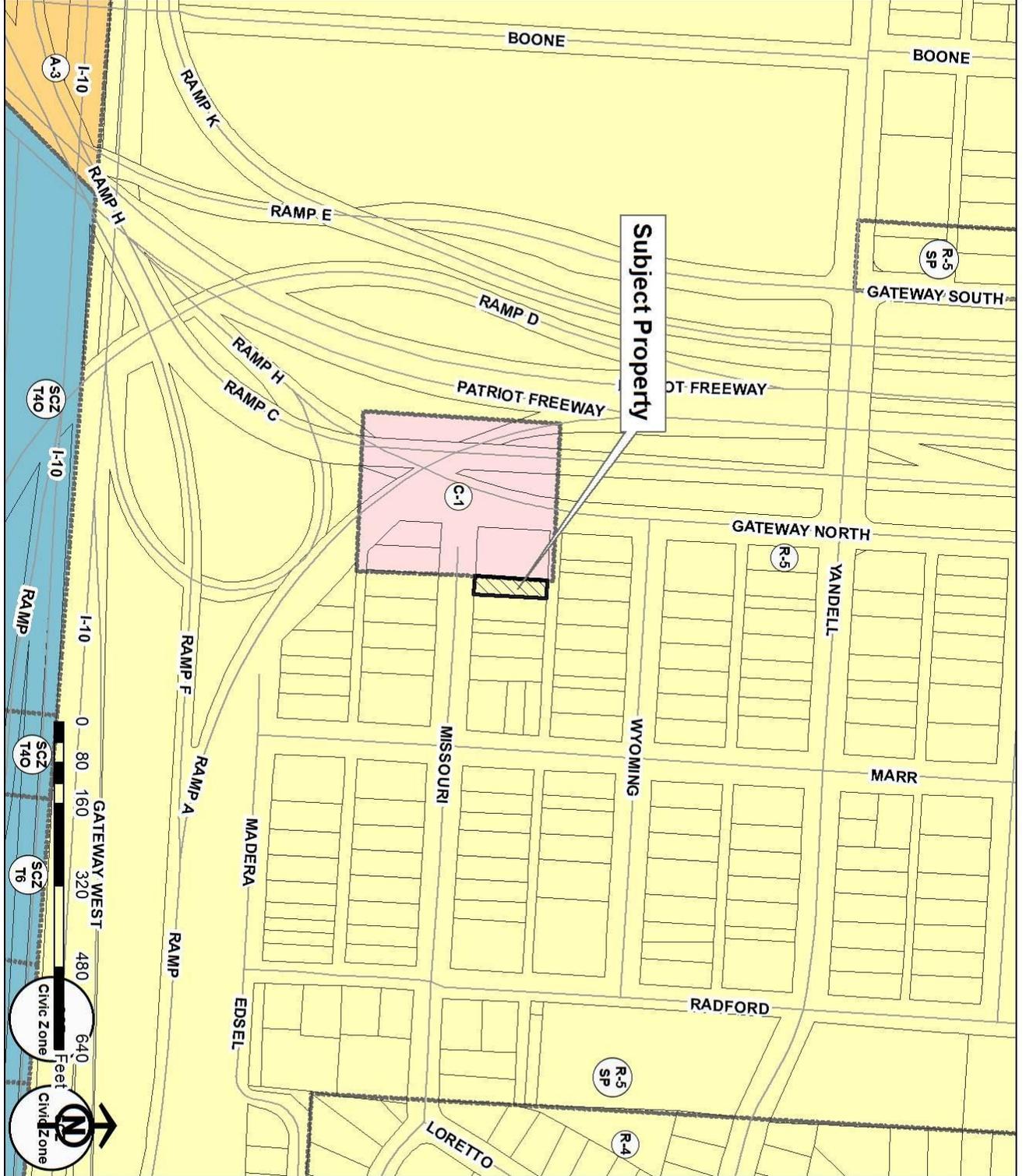
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit application:

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

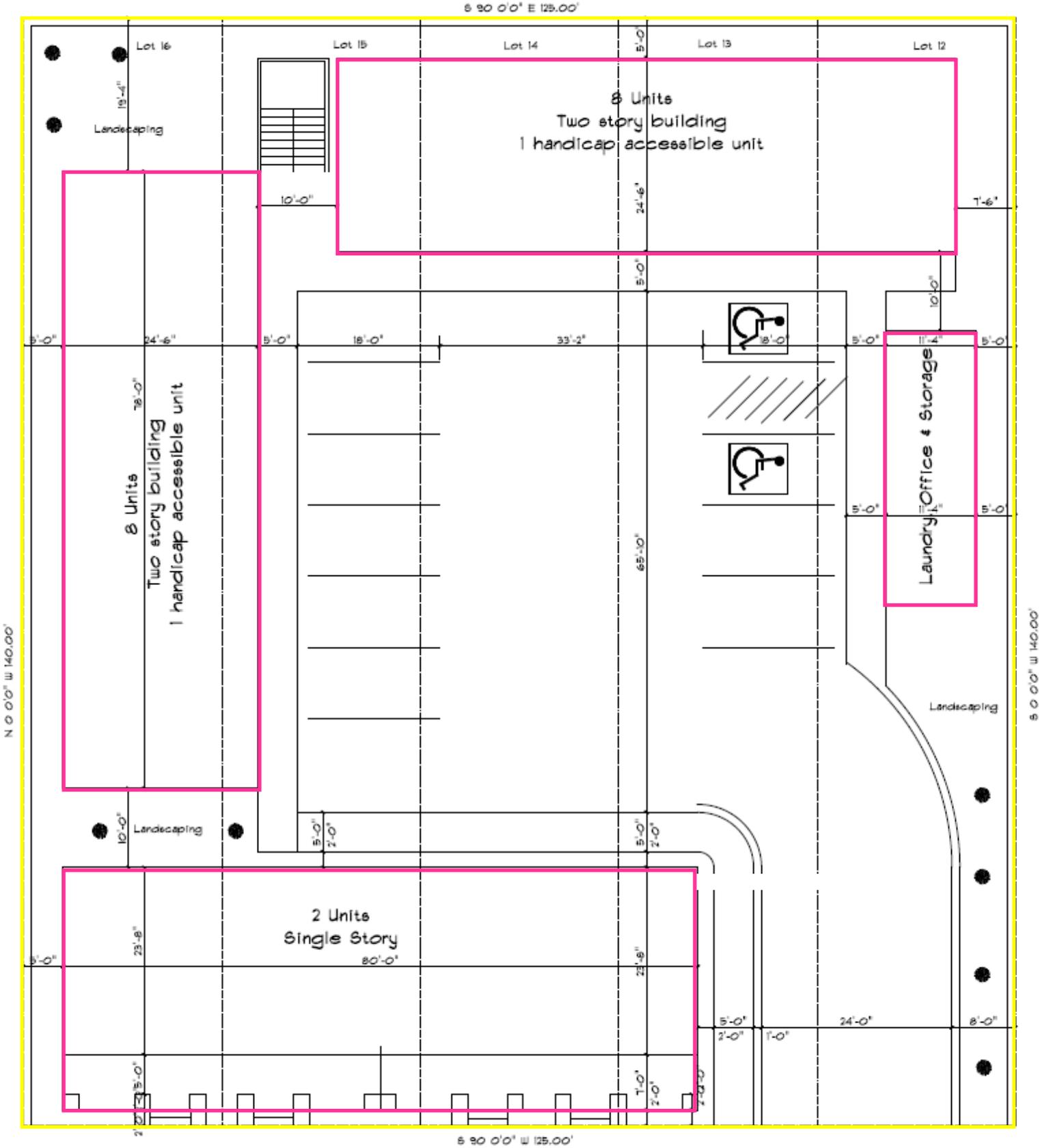
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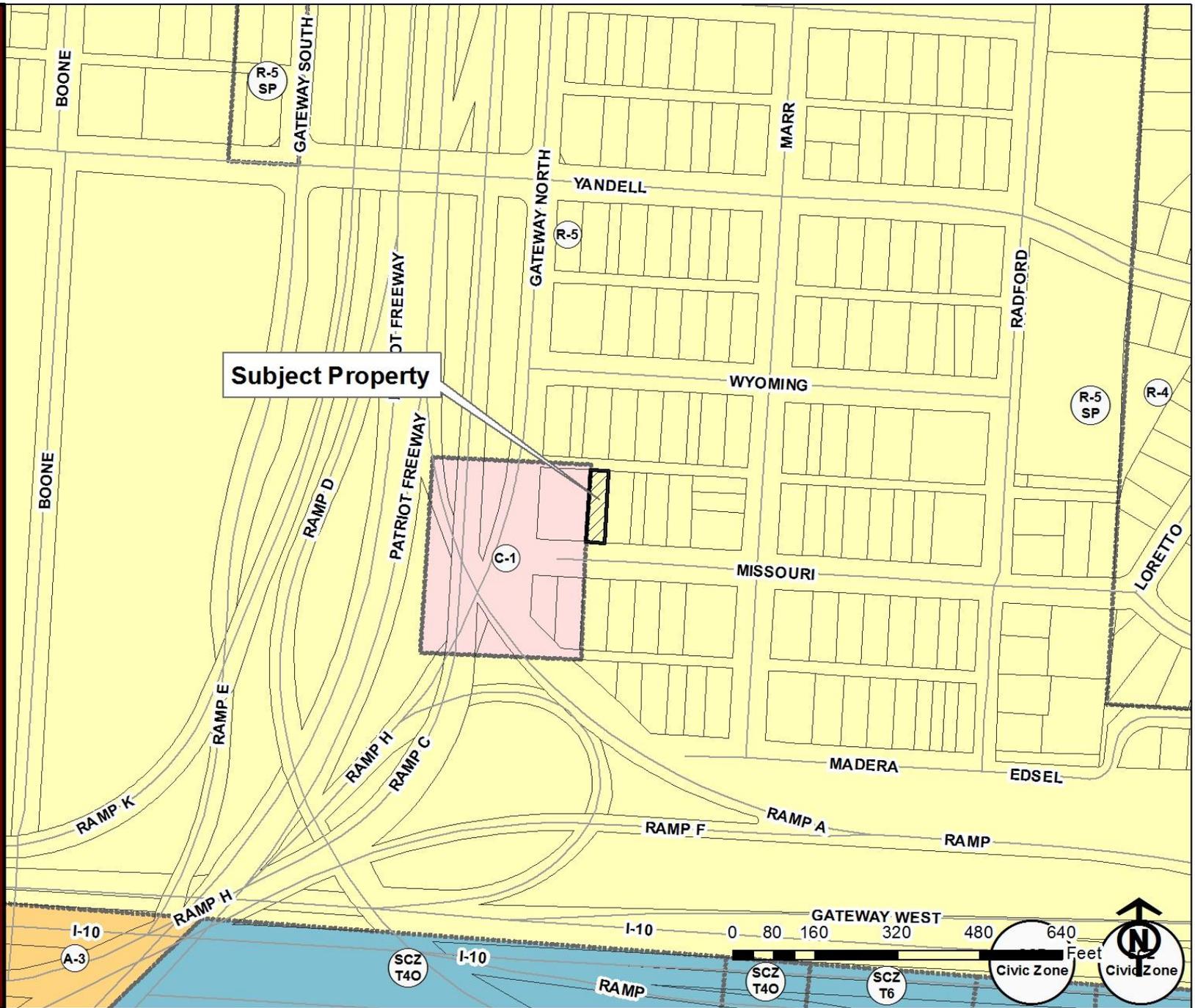
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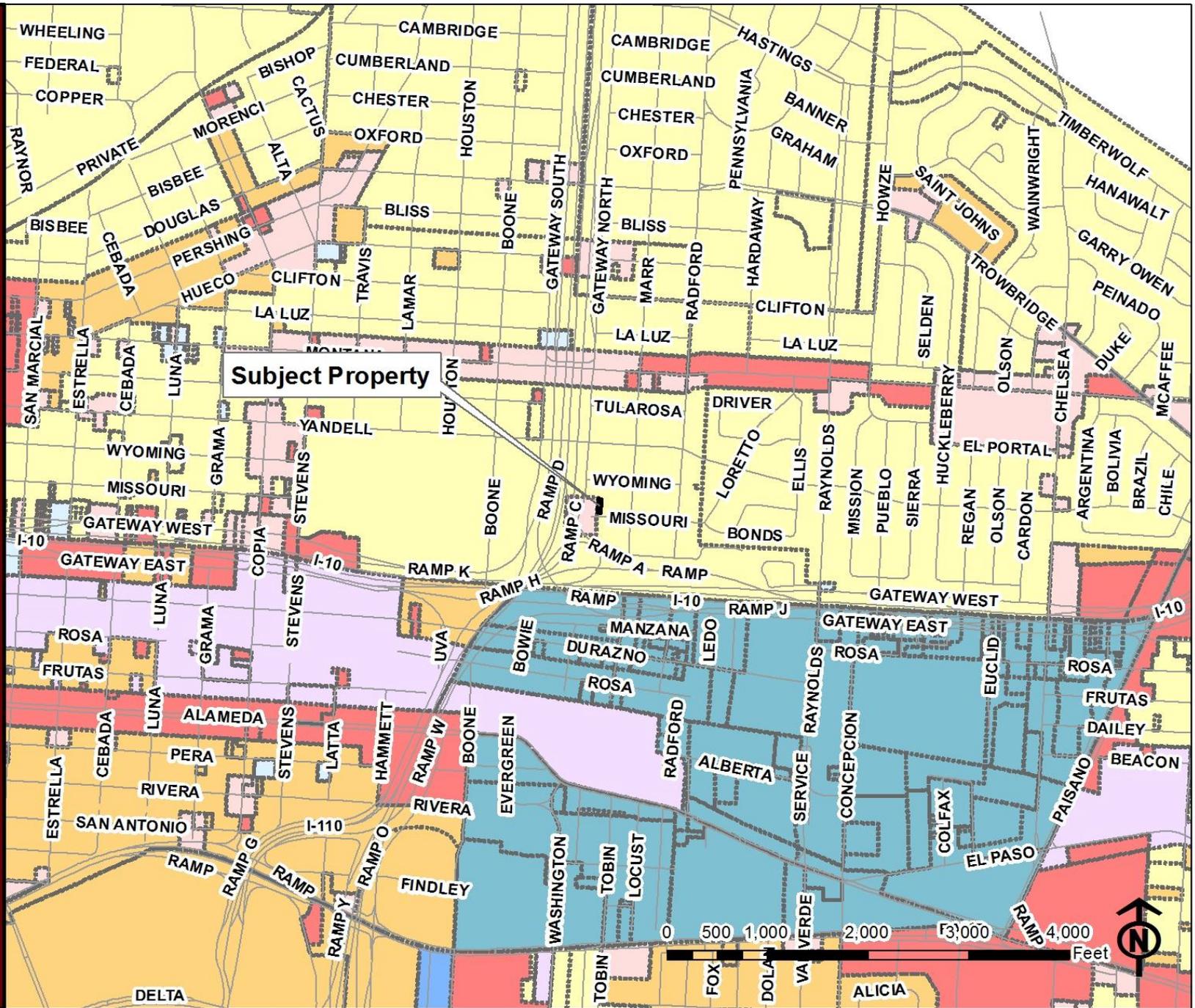
**ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN**  
 Alleyway



PZST13-00016



PZST13-00016

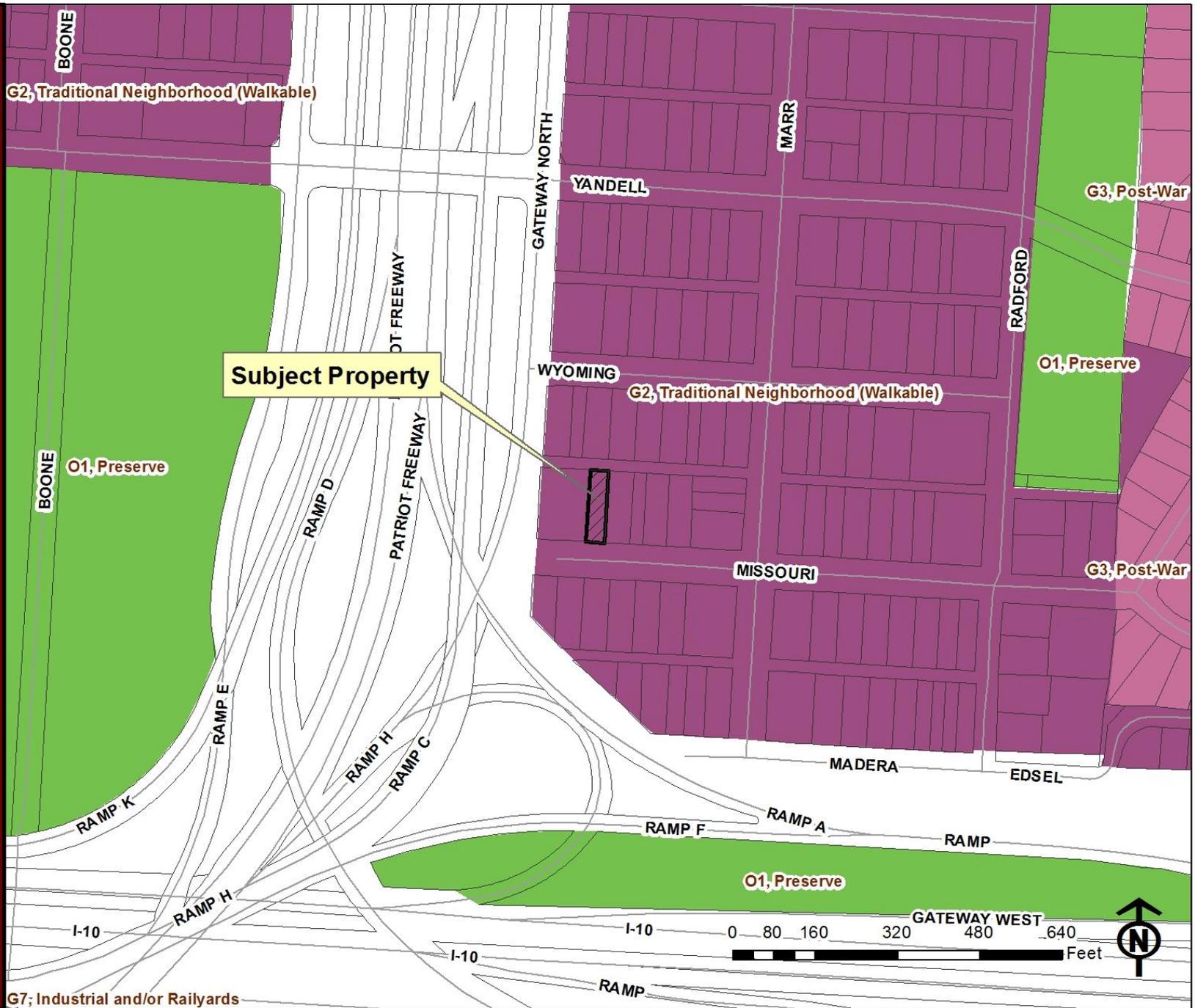


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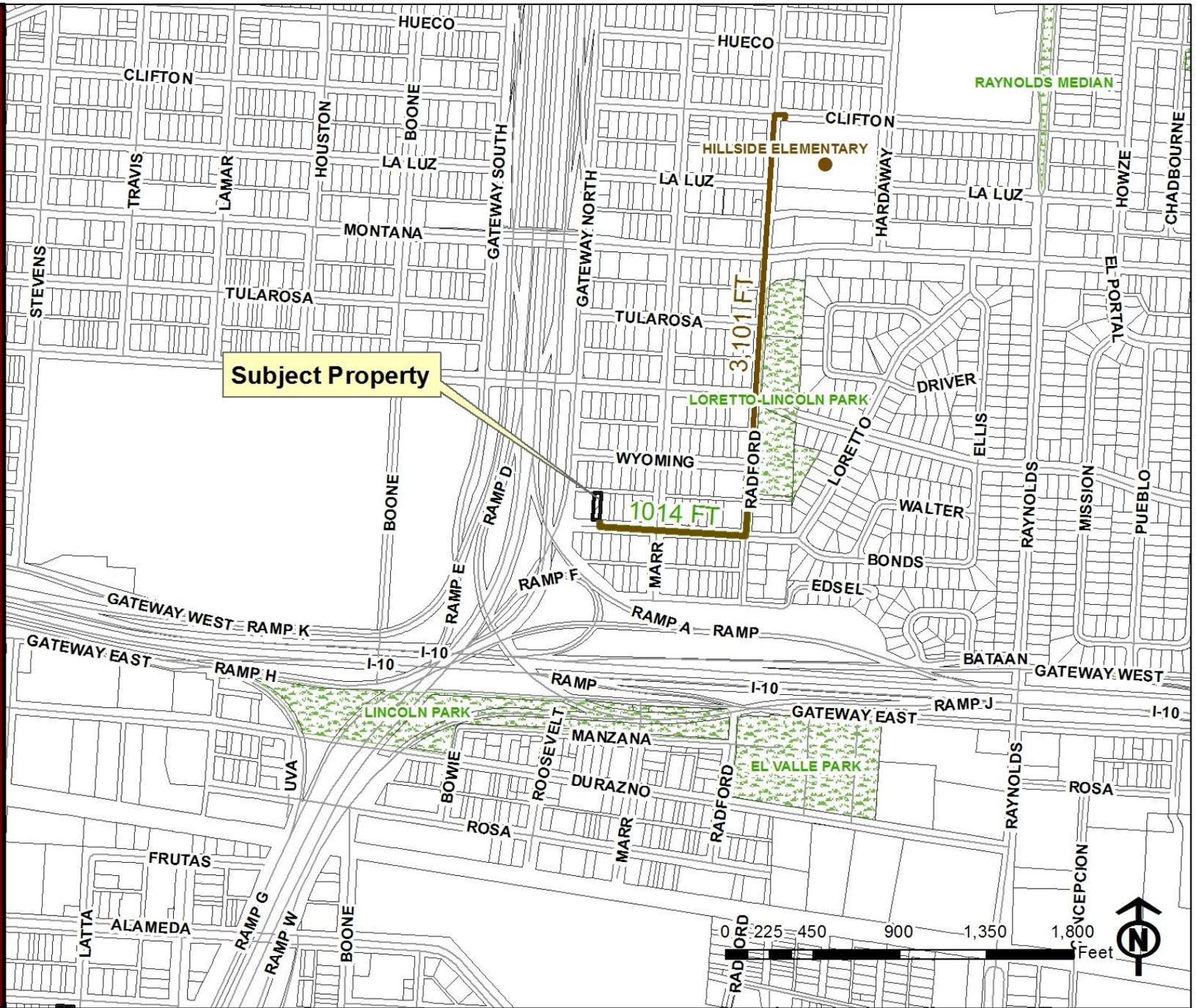




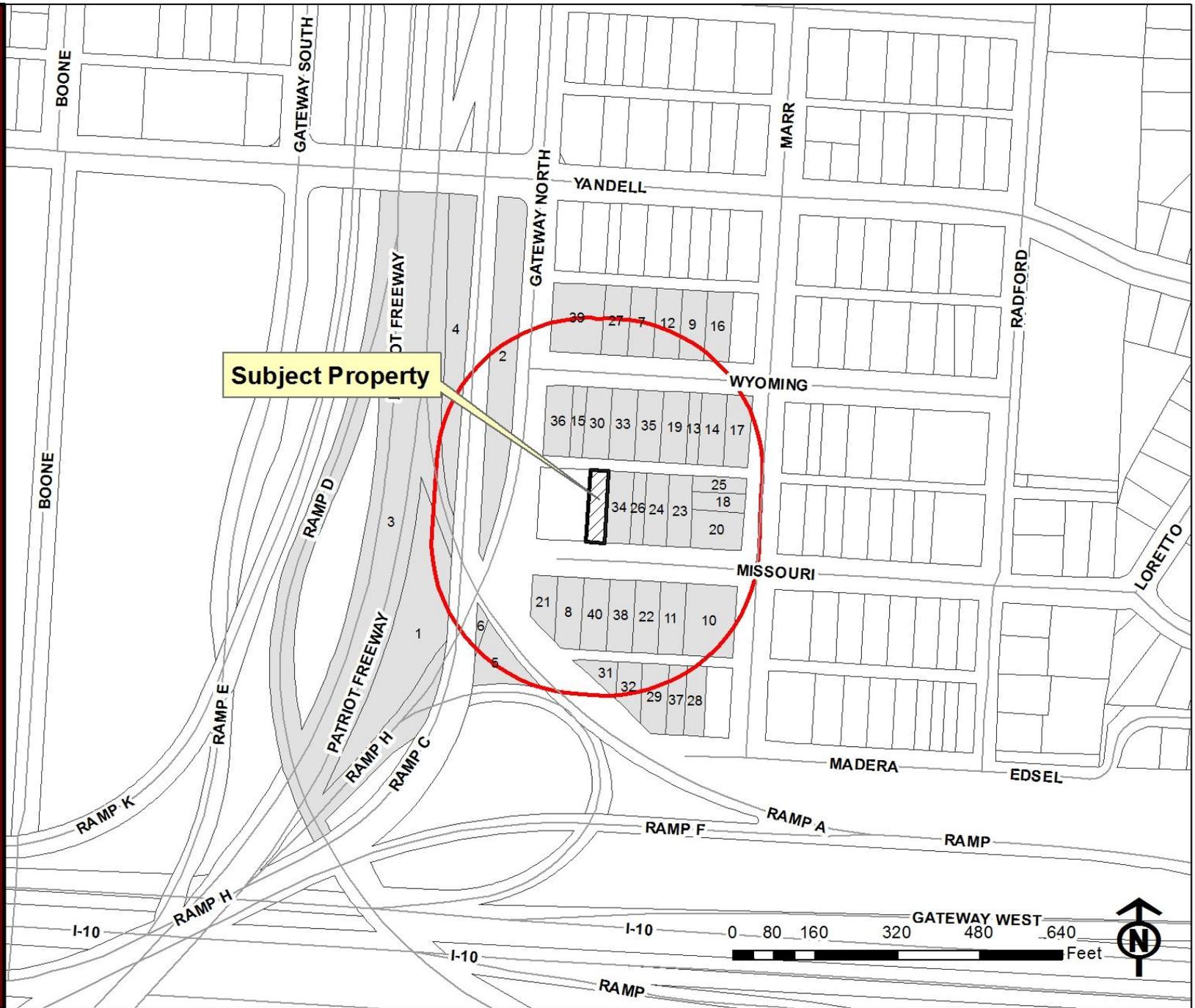
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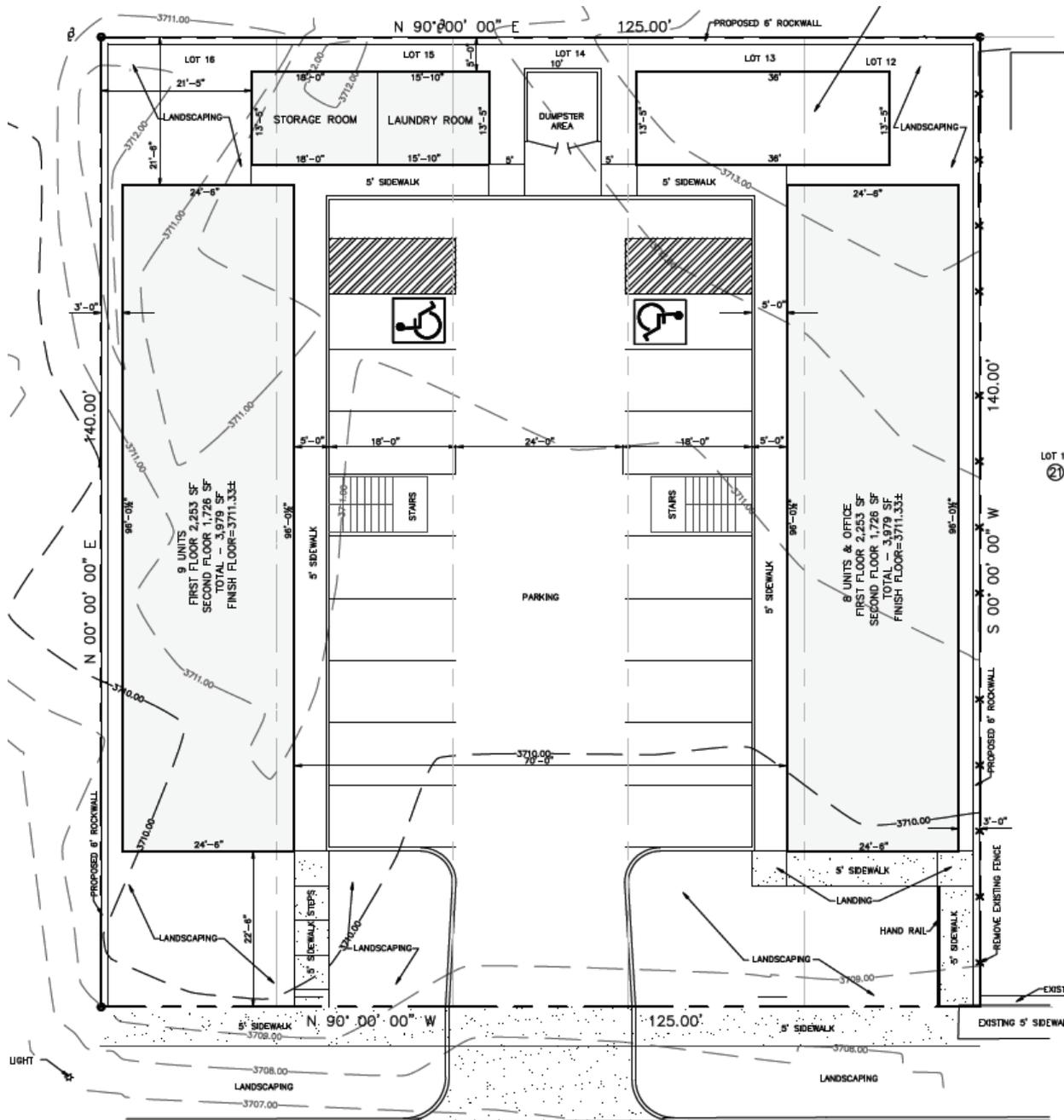
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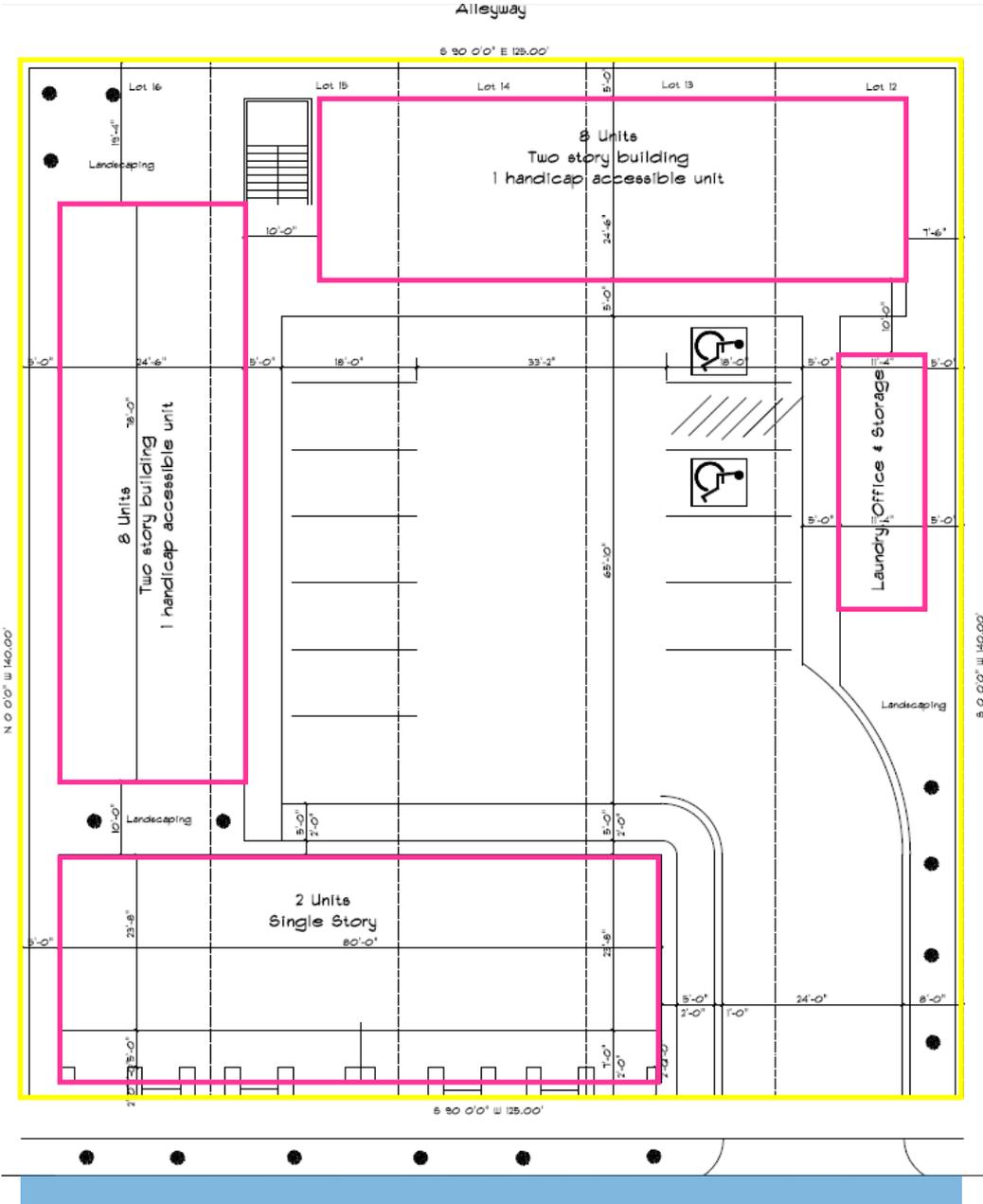
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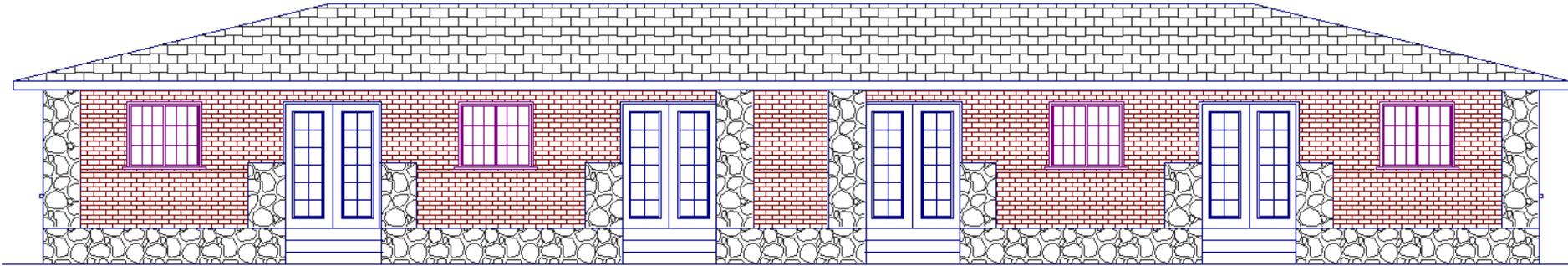
# Detailed Site Development Plan – Original Proposal



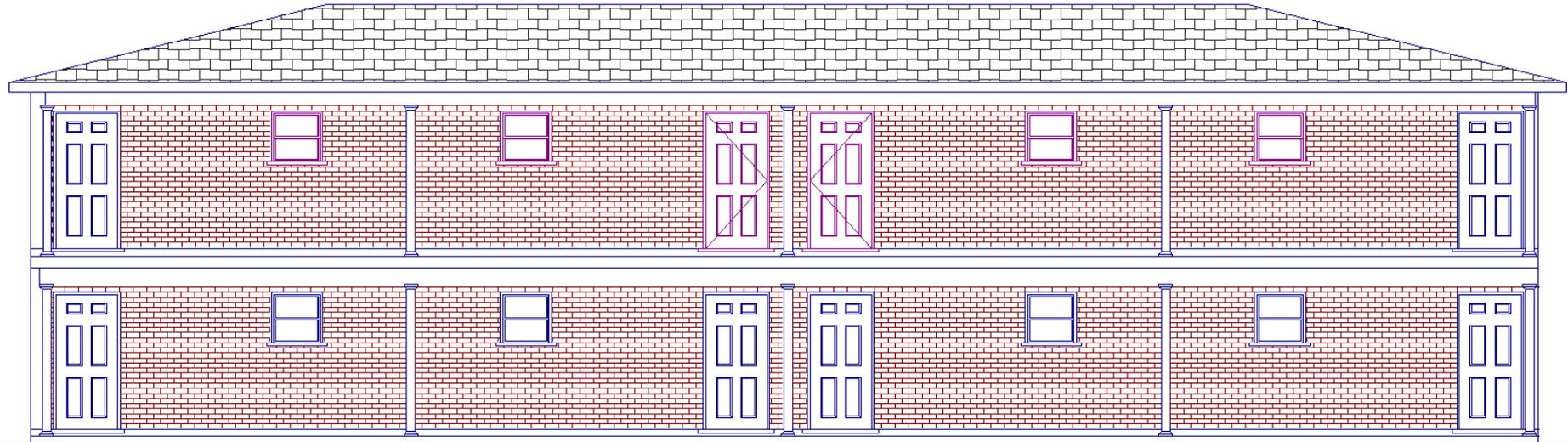
# Detailed Site Development Plan – Final Proposal



# Detailed Site Development Plan – Final Proposal



**One Story**



**Two Story**

## Special Permit Request

Dimension	Need	Propose
Lot Area	N/A	N/A
Lot Width	N/A	N/A
Lot Depth	N/A	N/A
Cumulative	N/A	N/A
Front	0'	0'
Rear	25'	5'
Side	5'	5'
Side-Street	10'	5'



Subject Property & North



East



South



West

PZST13-00016

