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

DEPARTMENT: **City Development Department**

AGENDA DATE: **Introduction: December 11, 2012**
Public Hearing: January 2, 2013

CONTACT PERSON/PHONE: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:
An Ordinance granting Special Permit No. PZST12-00014, to allow for infill development with reduced rear yard setbacks on the property described as being the East 90 feet of Lots 7 - 12 and the West 45 feet of the South 10 feet of Lot 7, Block 93, East El Paso Addition, 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: 3204 Montana Avenue. Property Owner: Enrique and Norma Garcia, PZST12-00014 **(District 8)**

BACKGROUND / DISCUSSION:
Staff report attached.

PRIOR COUNCIL ACTION:
N/A

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
City Plan Commission (CPC) – Approval Recommendation (6-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

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

_____

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

CITY CLERK DEPT.
2012 DEC -5 AM 8:02

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST12-00014, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED REAR YARD SETBACKS, ON THE PROPERTY DESCRIBED AS BEING THE EAST 90 FEET OF LOTS 7 TO 12 AND THE WEST 45 FEET OF THE SOUTH 10 FEET OF LOT 7, BLOCK 93, EAST EL PASO ADDITION, 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, Enrique and Norma Garcia, have applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City Code, for a professional office and apartment units with reduced rear yard setbacks; 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 **A-O/sc (Apartment/ Office/special contract)** District:

   Being the East 90 feet of Lots 7 to 12 and the West 45 feet of the South 10 feet of Lot 7, Block 93, East El Paso Addition, 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 for infill development with reduced rear yard setbacks; and,

3. That this Special Permit is issued subject to the development standards in the A-O/sc (Apartment/Office/special contract) District regulations and is subject to the approved Detailed Site Development Plan, signed by the Applicant, the

City Manager and the Executive Secretary of the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; and

4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. **PZST12-00014** 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

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

CITY CLERK DEPT.
2012 DEC -5 AM 8:02

APPROVED AS TO FORM:

_____
Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Mathew S. McElroy, Director
City Development

AGREEMENT

Enrique and Norma Garcia, 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 **A-O/sc (Apartment/Office/special contract)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 2012.

Enrique and Norma Garcia:

By: _____
(name/title)

_____
(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of

_____, 2012, by _____, for Enrique and Norma Garcia, as Owner.

My Commission Expires:

_____
Notary Public, State of Texas

Notary's Printed or Typed Name:

_____

EXHIBIT "A"

Being the East 90 feet of Lots 7 to 12 and the West
45 feet of the South 10 feet of Lot 7, Block 93,
East El Paso Addition,
City of El Paso, El Paso County, Texas

September 06, 2012

METES AND BOUNDS DESCRIPTION

3204 Montana Avenue
Exhibit "A"

FIELD NOTE DESCRIPTION of the East 90 feet of Lots 7 to 12 and the West 45 feet of the South 10 feet of Lot 7, Block 93, East El Paso Addition, City of El Paso El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found chiseled "x" at the northeast boundary corner of Lot 12, Block 93, East El Paso Addition, same being the southerly right-of-way line of Montana Avenue (70' R.O.W.) and the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said northeast boundary corner and southerly right-of-way line, South 00°00' 00" West, a distance of 150.00 feet to a found iron rod for corner;

THENCE, North 90°00'00" West, a distance 135.00 feet to a found chiseled "x" for corner;

THENCE, North 00°00' 00" West, a distance of 10.00 feet to a found chiseled "x" for corner;

THENCE, North 90°00'00" East, a distance 45.00 feet to a found iron rod for corner;

THENCE, North 00°00' 00" West, a distance of 140.00 feet to a found chiseled "x" for corner;

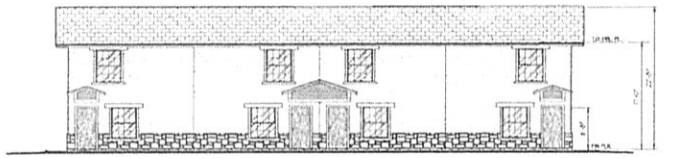
THENCE, North 90°00'00" East, a distance of 90.00 feet to the **POINT OF BEGINNING** of the herein described lot and containing 13;950.00 square feet or 0.3202 Acres of land more or less.

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

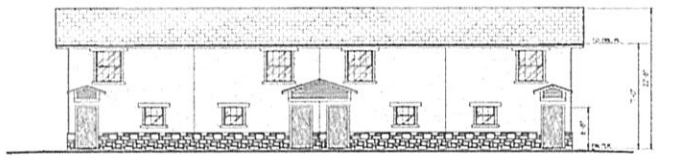
CAD CONSULTING COMPANY.
1790 Lee Trevino Suite # 503
El Paso, Texas 79936
(915) 633-6422
12-1727.wpd

EXHIBIT "B"

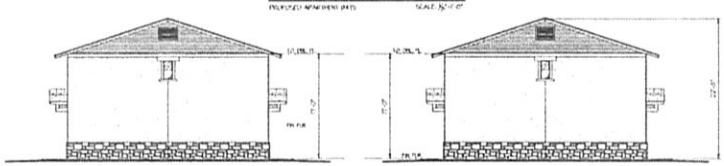
DETAILED SITE DEVELOPMENT PLAN



FRONT ELEVATION

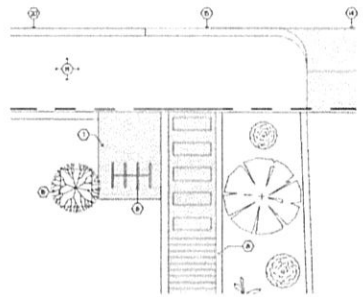


REAR ELEVATION

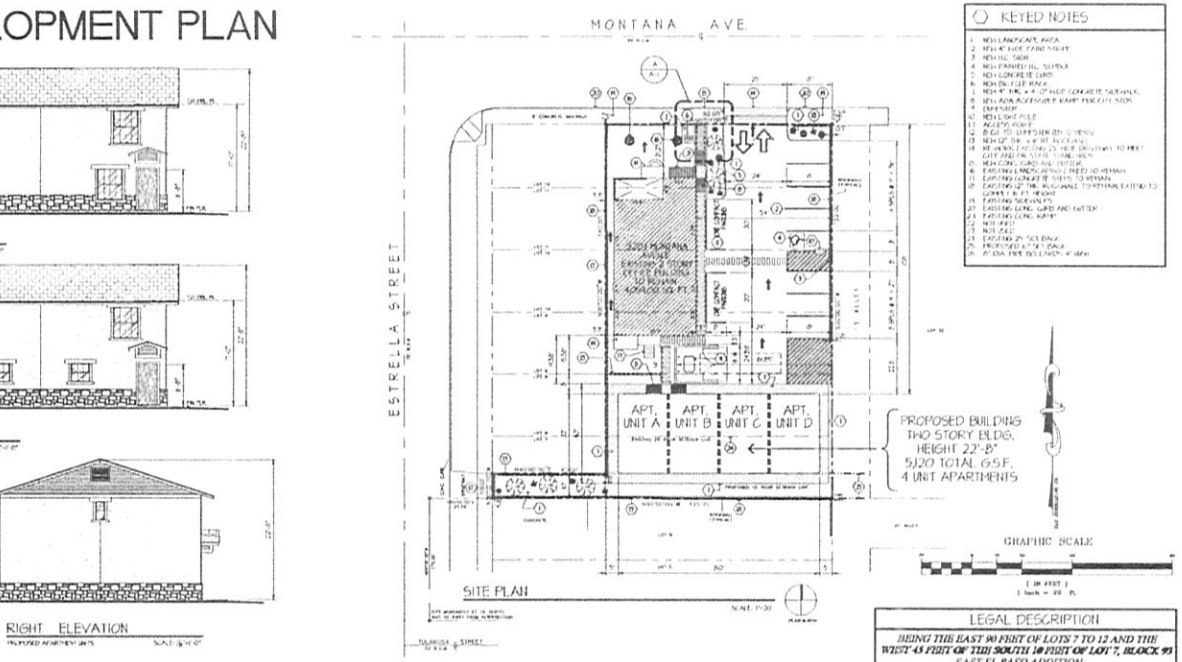


LEFT ELEVATION

RIGHT ELEVATION



A/A-1 PARTIAL ENLARGED SITE PLAN



SITE PLAN

KEYED NOTES

LEGEND

INFILL DEVELOPMENT - REQUEST REDUCED			
	REQUIRED	PROVIDED	REQUESTED
Front :	10'	23.5.8'	N/A
Rear :	25'	10'	10'
Side :	5'	5'	N/A
Side Street :	N/A	N/A	N/A

LEGAL DESCRIPTION

BEING THE EAST 90 FEET OF LOTS 7 TO 12 AND THE WEST 45 FEET OF THE SOUTH 30 FEET OF LOT 7, BLOCK 93 EAST EL PASO ADDITION CITY OF EL PASO, EL PASO COUNTY, TEXAS 13,950.00 SQ. FT. OR 0.3202 ACRES +

PARKING CALCULATIONS

LANDSCAPING REQUIRED

PROJECT DATA

SITE LOCATION

PROPERTY DETAILED SITE DEVELOPMENT PLAN FOR :

Mr. Enrique Garcia

SHEET TITLE: SITE DEVELOPMENT PLAN

SHEET A-1

MEMORANDUM

DATE: December 3, 2012

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

FROM: Andrew Salloum, Planner

SUBJECT: **PZST12-00014**

The City Plan Commission (CPC) on October 18, 2012, voted **6-0** to recommend **APPROVAL** of the special permit application to allow for infill development.

The CPC found that the special permit is in conformance with the Plan for El Paso and that the proposed use is in conformance with the Plan El Paso-Future Land Use Map Designation for the Central Planning Area. The proposed development is compatible with adjacent land uses. The CPC also determined that the special permit protects the best interest, health, safety, and welfare of the public in general; and the special permit will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was no opposition to this request.

Attachments: Staff Report

City of El Paso – City Plan Commission Staff Report

Case No:	PZST12-00014
Application Type:	Special Permit
CPC Hearing Date:	October 18, 2012
Staff Planner:	Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov
Location:	3204 Montana Avenue
Legal Description:	Being the East 90 feet of Lots 7 to 12 and the West 45 feet of the South10 feet of Lot 7, Block 93, East El Paso Addition, City of El Paso, El Paso County, Texas
Acreage:	0.32-acre
Rep District:	8
Zoning:	A-O/sc (Apartment/Office/special contract)
Existing Use:	Office
Request:	Infill Development/request reduced rear setback
Proposed Use:	Office and Apartment
Property Owner:	Enrique and Norma Garcia
Representative:	CAD Consulting Company

SURROUNDING ZONING AND LAND USE
North: A-2 (Apartment) / Single-family dwellings
South: R-5 (Residential) / Single-family dwellings
East: R-5 (Residential) / Single-family dwellings
West: R-5 (Residential) / Single-family dwellings

The Plan for El Paso Designation: G-2, Traditional neighborhood (Walkable) (Central Planning Area)
NEAREST PARK: Mary Webb Park (2,141 feet)
NEAREST SCHOOL: Alta Vista Elementary (1,954 feet)

NEIGHBORHOOD ASSOCIATIONS
El Paso Central Business Association
Five Points Development Association
Leona Ford Washington Neighborhood Association

NEIGHBORHOOD INPUT
Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on October 3, 2012. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

APPLICATION DESCRIPTION
The applicant is requesting a special permit for infill development and a detailed site development plan. The detailed site development plan shows a new 5,120 sq. ft. two-story apartment complex with 4 units and an existing 4,059 sq. ft., 2-story office building. The applicant is requesting the following reductions in yard setback: from 25-foot required rear yard setback to 10-foot. The development requires 18 parking spaces and the applicant is providing 9 parking spaces and 3 bicycle spaces. The infill development includes an automatic 50% parking reduction. The development complies with the Special Contract Ordinance No. 7962, dated February 28, 1984, see attachment 4, page 9. Access to the subject property is proposed from Montana Avenue.

PLANNING DIVISION RECOMMENDATION
The Planning Division recommends **approval** of the special permit and detailed site development plan review request for infill development as the development meets all guidelines for infill development, special permit 20.04.320 and detailed site development plan 20.04.150.

Plan El Paso-Future Land Use Map Designation
All applications for special permit shall demonstrate compliance with the following criteria:

G-2 – Traditional Neighborhood: This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly faced streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the Smart Code as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.

The purpose of the A-O (Apartment/Office) district is to promote and preserve residential development within the city associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain nonresidential uses and support facilities.

COMMENTS:

City Development Department - Planning Division - Transportation
No objections to the special permit request. There is adequate, available on-street parking to accommodate the nine spaces.

Notes:
1. The property is located along the Montana Rapid Transit System (RTS) Corridor. Location and arrangement of bus stops and/or bus turn in bays shall be coordinated with Sun Metro.
2. All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

City Development Department – Plan Review
No objections.

City Development Department - Landscaping Division
No comments received.

City Development Department - Land Development
General Comments:
Coordinate with TxDOT for grading, drainage and driveway access.
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 Department, Land Development Section.*

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

Fire Department
Recommend approval of "site plan" as presented. It does not adversely affect fire department at this time.
** Note, A more detailed reviewed will be done by fire plan review during the permitting process.

/Police Department
Based on the information provided the El Paso Police Department has no issues on this request.

Sun Metro
Sun Metro does not oppose this request.

El Paso Water Utilities

We have reviewed the zoning change request described above and provide the following comments:
EPWU does not object to this request.
EPWU-PSB Comments
Water:
Along Estrella Street between Montana Avenue and Tularosa Street there is an existing twenty-four (24) inch diameter water transmission main. No direct service connections are allowed to this main as per the El Paso Water Utilities - Public Service Board (EPWUPSB) Rules and Regulations.
Along Montana Avenue between Estrella Street and Cebada Street there are no existing water mains.
Along the alley located between Estrella Street and Cebada Street, south of Montana Street there is an existing four (4) inch diameter water main.
As per EPWU-PSB Records, 3204 Montana Avenue Spaces A, B, C, D and E each have a three-quarter (3/4) inch diameter water service. Records indicate a single three-quarter (3/4) inch diameter irrigation water service (yard meter) for 3204 Montana Avenue.
Sanitary Sewer:
Along Estrella Street between Montana Avenue and Tularosa Street there are no existing sanitary sewer mains.
Along Montana Avenue between Estrella Street and Cebada Street there is an existing twenty-four (24) inch diameter sanitary sewer main. No direct service connections are allowed to this main as per the El Paso Water Utilities - Public Service Board (EPWUPSB) Rules and Regulations.
Along the alley located between Estrella Street and Cebada Street, south of Montana Street there is an existing ten (10) inch diameter sanitary sewer main.
Records indicate a single four (4) inch diameter sanitary sewer service for 3204 Montana Avenue.
General:
Water and sanitary sewer service is available from the above described mains.
If the City of El Paso Fire Department requires additional fire hydrants on public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service.
Application for 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

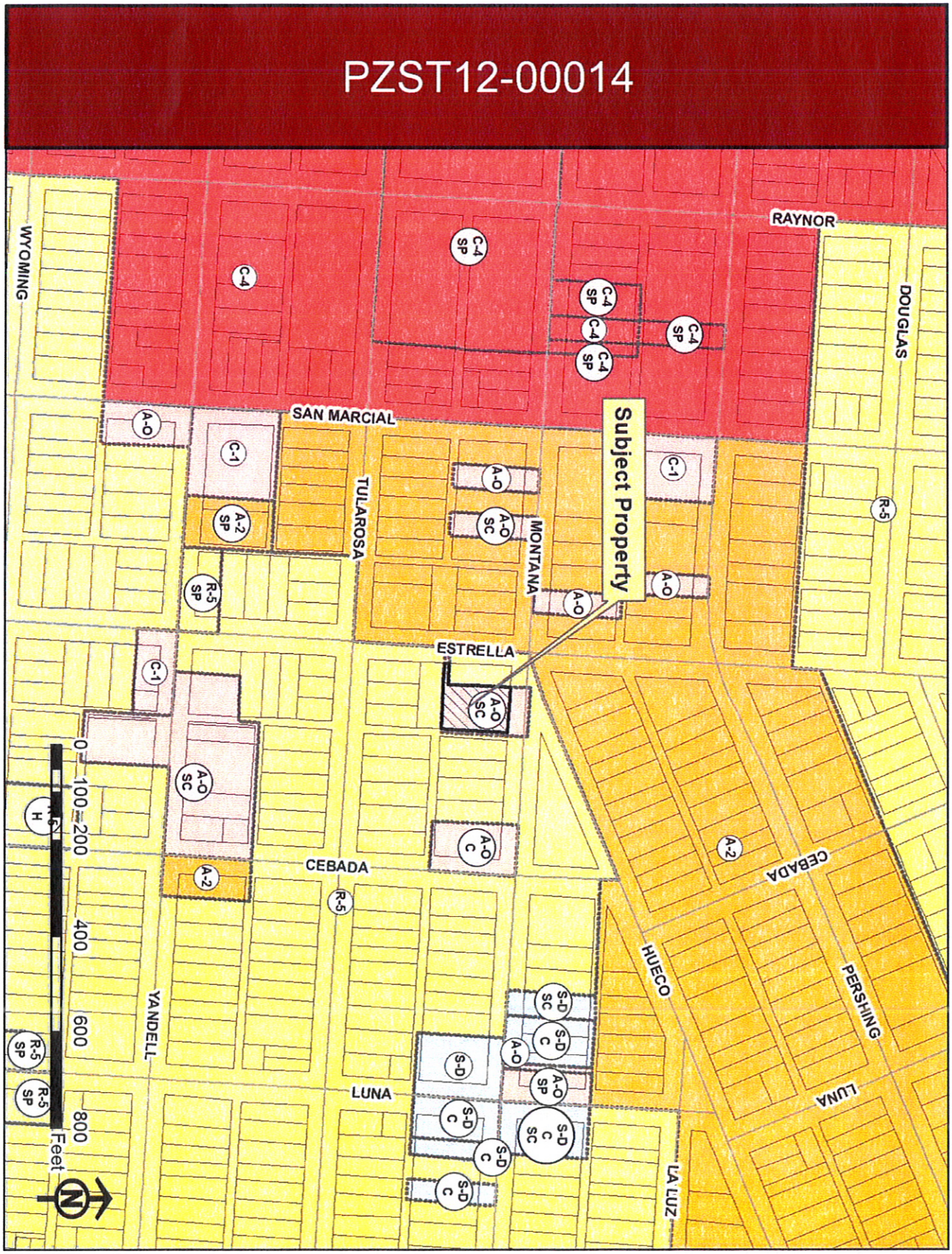
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit and detailed site development plan application:

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

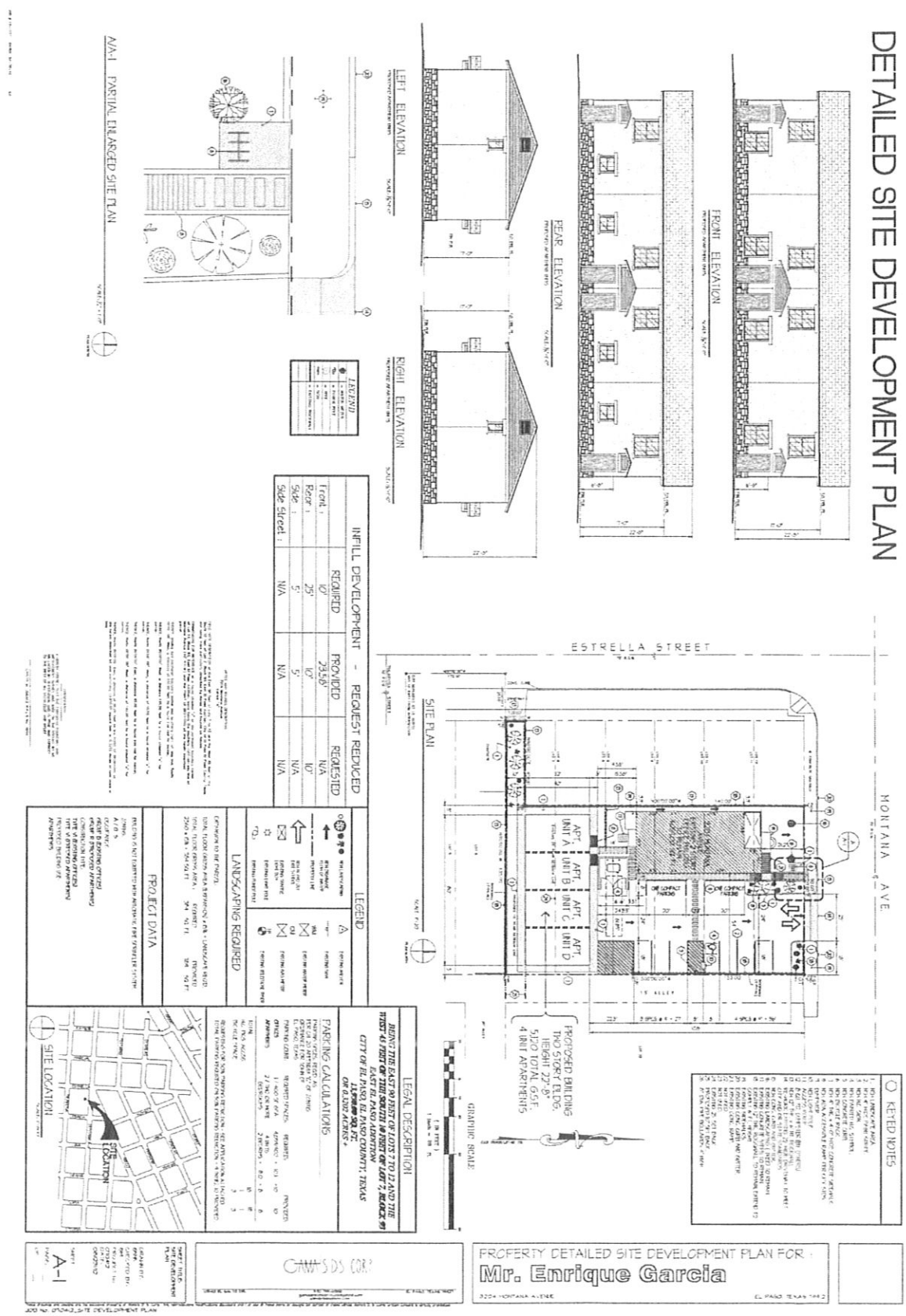
1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Ordinance No. 7962

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



7962
5652

AN ORDINANCE CHANGING THE ZONING
OF THE EASTERLY 90' OF LOTS 7 - 12 (INCLUSIVE),
AND SOUTHERLY 10' OF THE WESTERLY 45' OF
LOT 7, BLOCK 93, EAST EL PASO ADDITION,
THE PENALTY BEING AS PROVIDED IN
SECTION 25-96 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of the easterly 90' of Lots 7 - 12 (inclusive), and southerly 10' of the westerly 45' of Lot 7, Block 93, East El Paso Addition, as more particularly described in the attached Exhibit "A" made a part hereof by reference, be changed from R-5 (Residential) to A-O (Apartment/Office) District within the meaning of the zoning ordinance and the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this 28th day of February, 1984.

Mayor Jonathan W. Rogers

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

APPROVED AS TO CONTENT:

Planning, Research and Development

I certify that the zoning map has been revised to reflect the amendment of ordinance #7962

By ..... Date 3-9-84

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED: 4D.,

3-9-84 COUNTER
3-9-84 ORIGINAL
3-9-84 Bldg. Inspection
3-9-84 CONTROL

83-4905
MAR 2 - 1984
DEPARTMENT OF PLANNING

7962
5652
Contract dated 2/28/84

CONTRACT

THIS CONTRACT, made this 28th day of February, 1984, by and between ROSEMARY E. MCCLELLAN and AMERICAN BANK OF COMMERCE, administrator for the Estate of Charlie Watkins, First Parties, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning the easterly 90' of Lots 7 -12 (inclusive), and southerly 10' of the westerly 45' of Lot 7, Block 93, East El Paso Addition, City and County of El Paso, Texas, which are more particularly described by metes and bounds in the attached Exhibit "A" which is made a part hereof by reference. To remove certain objections to such rezoning, First Parties covenants that if the property is rezoned to A-O (Apartment/Office) District within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. A detailed site development plan must be approved by the Plan Commission and the City Council prior to the issuance of any building permits.

2. Off-street parking will not be permitted in the required front yard.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

WITNESS THE FOLLOWING SIGNATURES AND SEALS.

83-4905
MAR 2 - 1984
DEPARTMENT OF PLANNING

FIRST PARTIES

Rosemary E. McClellan
Rosemary E. McClellan

American Bank of Commerce

By Scott Flower
Title Vice President, Trust Officer and Manager

ATTEST:

Secretary

Ord. #7962 (2/25/84)