

2012 DEC 13 PM 3:10

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

DEPARTMENT: City Development Department

AGENDA DATE: Introduction: December 18, 2012
Public Hearing: January 15, 2012

CONTACT PERSON/PHONE: Michael McElroy, 915-541-4238, mcelroyms@elpasotexas.gov

DISTRICT(S) AFFECTED: 7

SUBJECT:

An Ordinance granting Special Permit No. PZST12-00017, to allow for infill development with reduced lot depth, reduced side setback, reduced rear setback and a parking reduction on the property described as a portion of Lot 32, Richland Gardens, 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: 400-404 Grace. Property Owner: Dorine R. Brown. PZST12-00017 (District 7) **THIS IS AN APPEAL CASE.**

BACKGROUND / DISCUSSION:

Staff report attached.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Denial 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: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST12-00017, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED LOT DEPTH, REDUCED SIDE SETBACK, REDUCED REAR SETBACK AND A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS A PORTION OF LOT 32, RICHLAND GARDENS, 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, Dorine R. Brown, Owner, has applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for an apartment complex with reduced lot depth, reduced side setback, reduced rear setback and a 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 **A-O (APARTMENT-OFFICE)** Zone District:

Portion of Lot 32, Richland Gardens, 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 an apartment complex with reduced lot depth, reduced side setback, reduced rear setback and a parking reduction; and,
3. That this Special Permit is issued subject to the development standards in the **A-O (APARTMENT-OFFICE)** 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

ORDINANCE NO. _____

PZST12-00017

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. **PZST12-00017** 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.

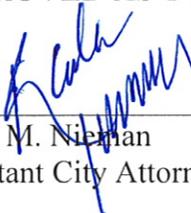
THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

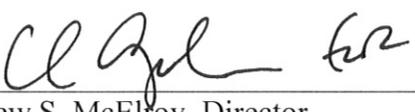
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:



Mathew S. McElroy, Director
City Development Department

ORDINANCE NO. _____

PZST12-00017

Prepared For: Dorine R. Brown.
A Portion of Lot 32, Block 18, Richland Gardens,
City of El Paso, El Paso County, Texas
July 31, 201
W.O. 061912-5

METES AND BOUNDS DESCRIPTION

DESCRIPTION OF A 0.220 ACRE PARCEL OF LAND BEING A PORTION OF LOT 32 BLOCK 18, RICHLAND GARDENS, CITY OF EL PASO, EL PASO COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW WIT:

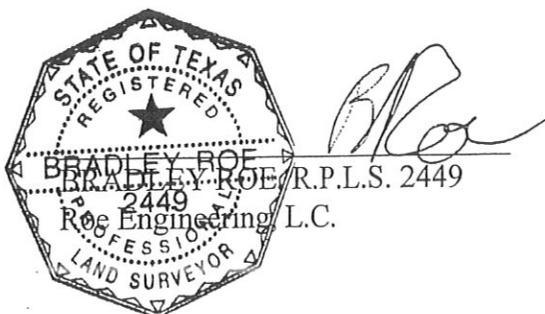
COMMENCING AT A FOUND TXDOT BRASS CAP LOCATED AT THE WESTERLY RIGHT OF WAY PROPERTY LINE OF GRACE PLACE, WHICH IS ON THE BOUNDARY LINE OF RICHLAND GARDENS, THENCE NORTH 66° 02' 06" EAST A DISTANCE OF 44.08 FEET TO A FOUND TXDOT BRASS CAP POINT BEING THE "TRUE POINT OF BEGINNING";

THENCE NORTH 89° 47' 00" WEST A DISTANCE OF 96.49 FEET TO A SET "X" MARK ON CONCRETE MASONRY UNIT WALL;

THENCE SOUTH 00° 03' 00" EAST A DISTANCE OF 99.98 FEET, UNABLE TO SET;

THENCE SOUTH 89° 47' 08" WEST A DISTANCE OF 91.42 FEET TO FOUND TXDOT BRASS CAP;

THENCE NORTH 02° 57' 03" WEST A DISTANCE OF 100.09 FEET, BACK TO THE FOUND TXDOT BRASS CAP BEING THE " TRUE POINT OF BEGINNING" AND SAID PARCEL CONTAINING IN ALL 9,394 SQUARE FEET OR 0.220 ACRES OF LAND MORE OR LESS.



LOT 31, BLOCK 18
RICHLAND GARDENS

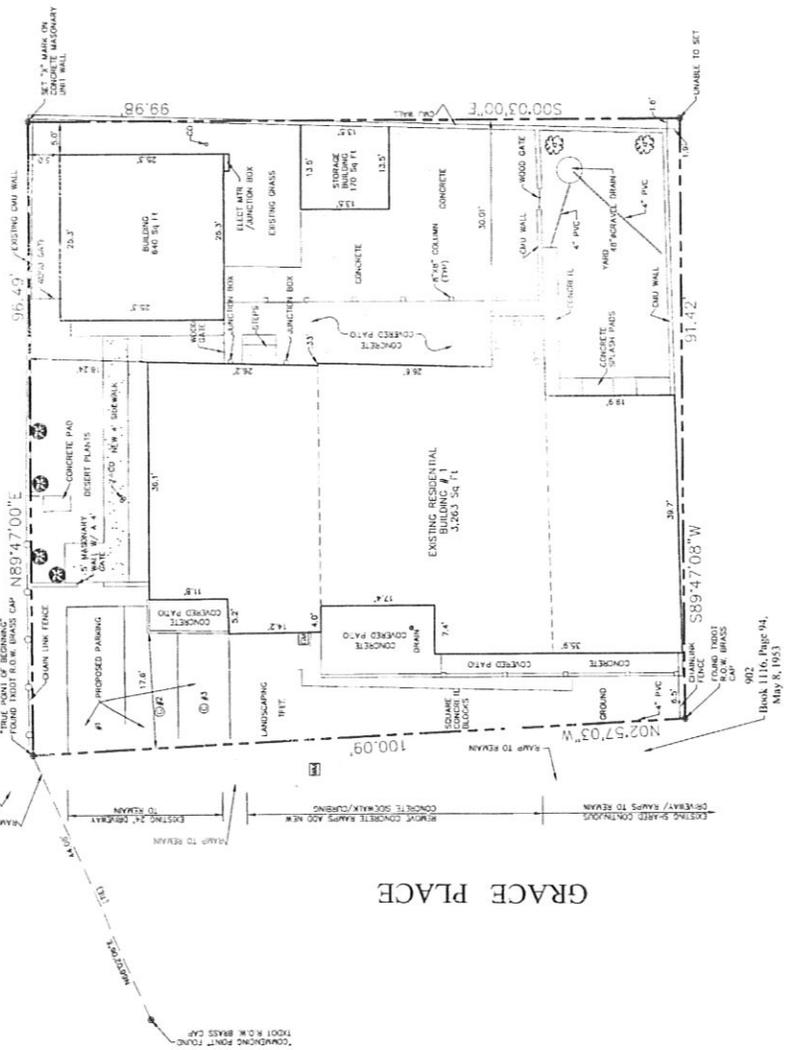
LOT 32, BLOCK 18
RICHLAND GARDENS

GRACE PLACE

LOT 17, BLOCK 18
RICHLAND GARDENS



SCALE: 1" = 10'



METES AND BOUNDS DESCRIPTION

DESCRIPTION OF A 0.220 ACRE PARCEL OF LAND BEING A PORTION OF LOT 32, BLOCK 18, RICHLAND GARDENS, CITY OF EL PASO COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: WIT:
 COMMENCING AT A FOUND TIE-BRASS CAP LOCATED AT THE ACCESSION POINT OF GRACE PLACE, WHICH IS ON THE BOUNDARY LINE OF RICHLAND GARDENS, THENCE NORTH 00° 00' 00" EAST 100.00 FEET TO A 1/4\"/>

LEGEND

- ⊙ DENOTES SET 3/8\"/>

PROPOSED ZONING RECREATION

- FRONT SETBACK - 20 FEET
- REAR SETBACK - 20 FEET
- SIDE SETBACK - 10 FEET
- HEIGHT - 10 FEET

EXISTING ZONING INFORMATION

- FRONT SETBACK - 20 FEET
- REAR SETBACK - 20 FEET
- SIDE SETBACK - 10 FEET
- HEIGHT - 10 FEET

<p>NOTICE: The above plat and property are subject to the provisions of the Flood Control Act of 1936 (44 U.S.C. 1601-1606) and the Flood Control Act of 1940 (44 U.S.C. 1601-1606). The above plat and property are subject to the provisions of the Flood Control Act of 1936 (44 U.S.C. 1601-1606) and the Flood Control Act of 1940 (44 U.S.C. 1601-1606). The above plat and property are subject to the provisions of the Flood Control Act of 1936 (44 U.S.C. 1601-1606) and the Flood Control Act of 1940 (44 U.S.C. 1601-1606).</p>	<p>DATE: 10/17/12</p> <p>REVISIONS:</p> <p>BY: J.L.</p>	<p>SCALE:</p> <p>BY: J.L.</p>	<p>CERTIFICATION:</p> <p>BRADLEY ROBERTS, P.L.S. 192449</p>	<p>IMPROVEMENT BOUNDARY SURVEY AND SITE DEVELOPMENT SITE:</p> <p>400-404 GRACE PLACE</p> <p>ENGINEERING/LAND DEVELOPMENT SHEET 1</p>
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NORTH LOOP DRIVE

CITY CLERK DEPT.

2012 DEC 13 PM 3:10

MEMORANDUM

DATE: December 3, 2012
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Michael McElroy, Planner
SUBJECT: PZST12-00017

The City Plan Commission (CPC) on November 15, 2012, voted 6-0 to recommend denial of the special permit application to allow for infill development.

The CPC found that the special permit is not in conformance with the Plan for El Paso and that the proposed use is not 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 does not protect the best interest, health, safety, and welfare of the public in general; and the special permit will have negative effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was one (1) letter in **OPPOSITION** to this request.

Attachments:
Appeal Letter
Opposition Letter
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZST12-00017
Application Type: Special Permit
CPC Hearing Date: November 15, 2012
Staff Planner: Michael McElroy, 915-541-4238, mcelroyms@elpasotexas.gov
Location: 400 – 404 Grace
Legal Description: Being a Portion of Lot 32, Richland Gardens, City of El Paso, El Paso County, Texas
Acreage: 0.2157 acres
Rep District: 7
Zoning: R-3 (Residential)
Existing Use: Apartments
Request: Infill development / Reduction in lot depth, side, and rear setback / 50% parking reduction (Related to PZRZ12-00029).
Proposed Use: Apartments
Property Owner: Dorine R. Brown
Representative: Roe Engineering, L.C.

SURROUNDING ZONING AND LAND USE

North: R-4/sc (Residential/special contract) / Single family home
South: C-4/sc (Commercial / special contract) / Retail
East: R-3 (Residential) / Single family home
West: R-3 (Residential) / Vacant

Plan El Paso Designation: G3, Post-War (Mission Valley)

Nearest Park: Green Lilac Park (2,287 ft.)

Nearest School: North Loop Elementary (644 ft.)

NEIGHBORHOOD ASSOCIATIONS

Santa Lucia Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on October 29, 2012. The Planning Division received one (1) letter in opposition of the special permit request.

APPLICATION DESCRIPTION

The applicant is requesting infill development to reduce the side setback from 5' to 0', rear setback from 25' to 0', reduction in lot depth from 100' to 94', and a 50% parking reduction, to permit the existing approximately 4,000 square foot apartment building. The detailed site plan shows a development consisting of 3 buildings, one of which serves as a storage building. Access is proposed from Grace.

CITY DEVELOPMENT DEPARTMENT -PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the special permit and detailed site plan for a reduction in side and rear building setbacks as the applicant meets the requirements of Section 20.04.320, Special Permit Approvals and 20.04.150 Detailed Site Development Plans.

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 A-O (Apartment-Office) district is to provide 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. Permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain non-residential uses and support.

COMMENTS:

City Development Department – Planning Division - Transportation

No objections to the special permit request. Note: All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

City Development Department - Land Development

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.

El Paso Fire Department

Recommend approval.

The current proposed 12 foot driveways "Do Not" meet the intent of the code; 503.2.1 Fire apparatus access roads shall have an unobstructed width of not less than 20 feet. D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. ** Note, A more detailed reviewed will be done by fire plan review during the permitting process. All conditions shall be met in accordance with the appropriate codes.

El Paso Water Utilities

1. EPWU-PSB Planning & Development section does not object to this request.

Water:

2. There is an existing 6-inch diameter water main along Grace Place fronting the subject property.

3. Previous water pressure readings from fire hydrant 1794 located at the northeast intersection of North Loop Drive and Grace Place have yield a static pressure of 94 pounds per square inch (psi), a residual pressure of 82 psi, and a discharge of 919 gallons per minute. The Owner should, for his own protection and at his own expense, install at the discharge side of the water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

4. There is an existing 8-inch diameter sanitary sewer main along Grace Place fronting the subject property.

General:

5. EPWU records indicate an existing 3/4-inch meter serving the subject property.

6. EPWU requires a new service application to serve the site. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The owner 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. Opposition Letter

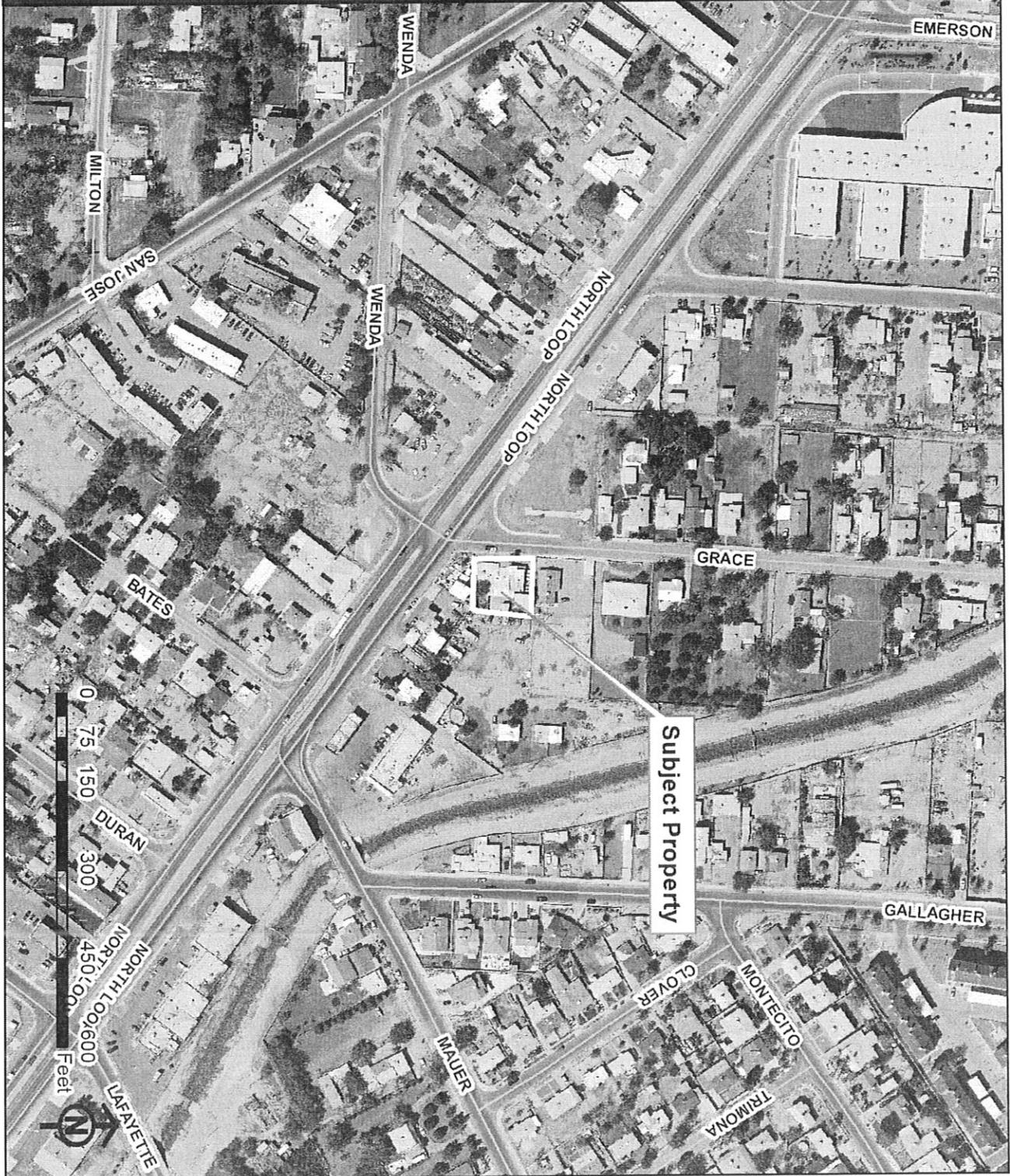
ATTACHMENT 1: ZONING MAP

PZST12-00017

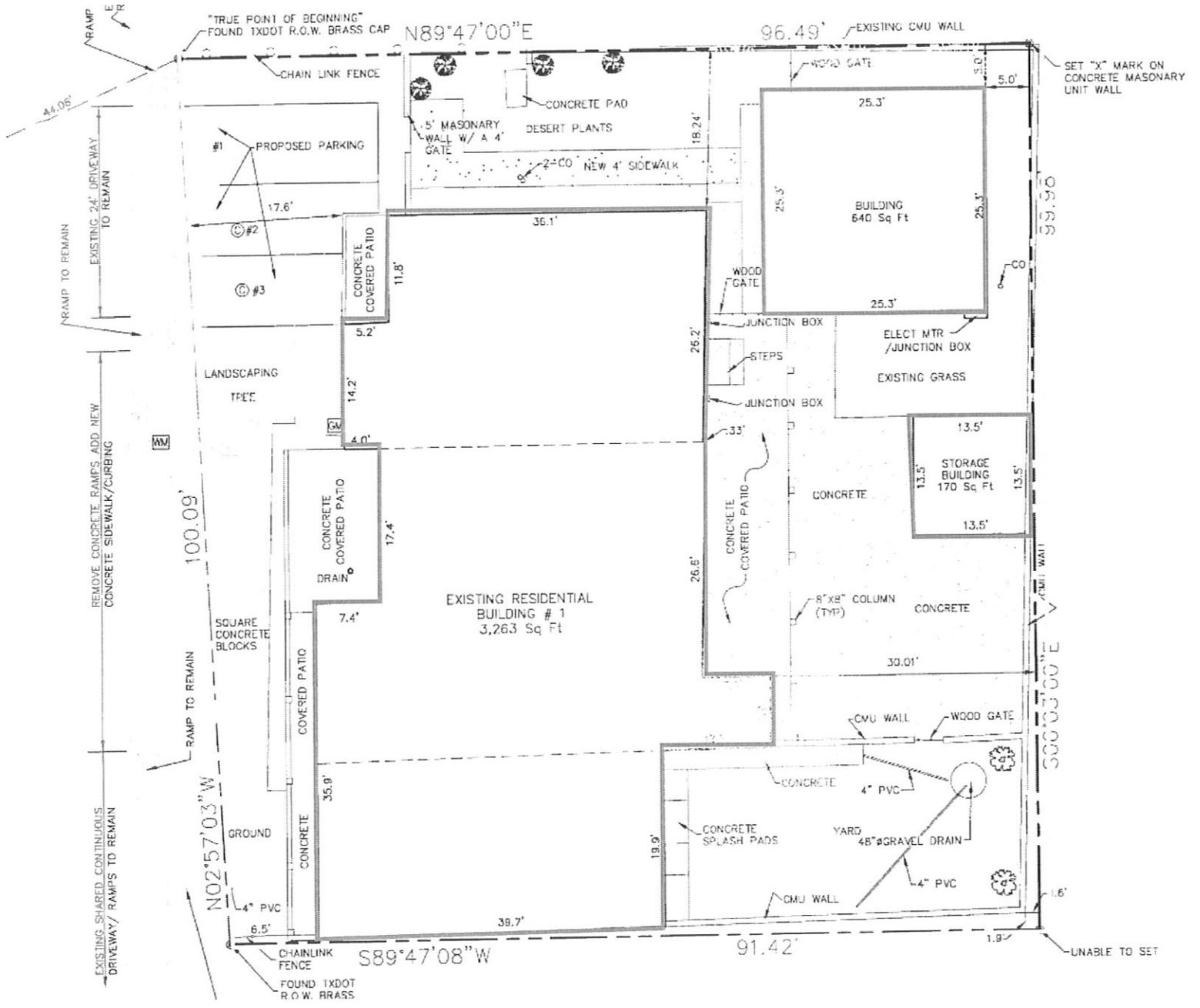


ATTACHMENT 2: AERIAL MAP

PZST12-00017



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: OPPOSITION LETTER

11-13-'12 10:01 TO-

65414725

FROM-

P0002

T-757

November 12, 2012

M Vasquez

417 Grace Pl

El Paso, TX 79915

RE Case No: PZST12-00017 & PZRZ12-00029

Dear Mr. Michael McElroy

I am against any changes such as rezoning the property from R-3 (Residential) to A-O (Apartment-Office) and a special permit to reduce rear and side building setbacks, as well as a 50% parking reduction.

We already have a hard time driving out of our street with the business in the corner because their customers block our view for us when we want to make a left turn.

Sincerely,

M. Vasquez

Roe Engineering, L.C.

Civil Engineering • Land Development • Planning • Surveying

December 5, 2012

City of El Paso
El Paso Department of Planning
Attn: Nathaniel Baker

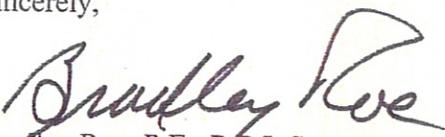
Re: Enchanted Hills Unit Two

Dear Mr. Baker:

The filing of referenced subdivision is December 17, 2012. We respectfully request an extension of 30 days due to the unforeseen additional coordination that is required by the Parks Department.

Please schedule the requested extension for City Plan Commission. If you have any questions please do not hesitate to call me.

Sincerely,



Bradley Roe, P.E., R.P.L.S.