

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

AGENDA DATE: January 31, 2023
PUBLIC HEARING DATE: February 28, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Andrew Salloum, (915) 212-1603

DISTRICT(S) AFFECTED: District 2

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance approving a special permit to allow for infill development with reduced average lot width for a duplex on the property described as Being all of Lot 4, Block 1, Sunrise Acres No. 2 Replat D, 7833 Mount Latona Drive, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed special permit meets the intent of the Future Land Use designation for the property and is in accordance with *Plan El Paso*, the City's Comprehensive Plan.

Subject Property: 7833 Mount Latona Dr.

Applicant: Pedro and Francisca Morales, PZST21-00014 – 7833 Mount Latona Dr.

BACKGROUND / DISCUSSION:

The applicant is requesting a special permit to allow for infill development with reduced average lot width for a duplex in an R-4 (Residential) zone district. The City Plan Commission recommended 6-0 to approve the special permit on December 15, 2022. As of January 23, 2023, the Planning Division has not received any communication in support or opposition to the special permit request. See attached staff report for additional information.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Philip Etiwe

Philip E. Etiwe – Planning and Inspections Director

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST21-00014, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED AVERAGE LOT WIDTH FOR A DUPLEX ON THE PROPERTY DESCRIBED AS BEING ALL OF LOT 4, BLOCK 1, SUNRISE ACRES NO. 2 REPLAT D, 7833 MOUNT LATONA DRIVE, 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, Pedro and Francisca Morales, have applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for a duplex with a reduced average lot width; 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 R-4 (Residential) Zone District:

Being all of Lot 4, Block 1 Sunrise Acres No. 2 Replat D, 7833 Mount Latona Drive, 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 duplex with a reduced average lot width; and,
3. That this Special Permit is issued subject to the development standards in the R-4 (Residential) 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. _____

PZST21-00014

22-1007-3009 | 1219702

7833 Mount Latona | Special Permit Infill Dev w/Infill reduced setbacks

JG

4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST21-00014 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.

ADOPTED this _____ day of _____, 2023.


THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

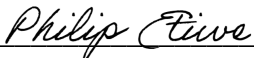
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Joyce Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

PZST21-00014

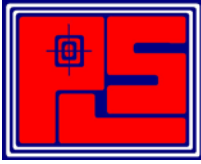


Exhibit "A"
PRECISION LAND SURVEYORS

10441 VALLE DE ORO DR.

El Paso, Texas 79927

Ph# (915) 222-5227

Being all of Lot 4, Block 1,
Sunrise Acres No.2 Replat D,
City of El Paso, El Paso County, Texas
August 5, 2021;

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being all of Lot 4, Block 1, Sunrise acres of land more or less. No.2 Replat D, 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 iron rod at the centerline intersection of Atlas Avenue (60' right of way) and Mount Latona Drive (60' right of way), from which a found iron rod at the centerline intersection of Atlas Avenue and Howard Drive (60' right of way) bears North 88°01'28" West a distance of 986.40 feet, thence along Atlas Avenue centerline, North 88°01'28" West a distance of 50.00 feet to a point, thence leaving said centerline, South 01°58'32" West a distance of 30.00 feet to a found "X" at the southerly right of way and the **"TRUE POINT OF BEGINNING"**.

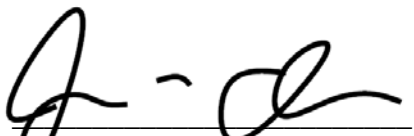
Thence, 31.42 feet along the arc of a curve to the right which has a **radius of 20.00 feet**, a **central angle of 90°00'00"**, a tangent of 20.00 feet, and a **chord** which bears **South 43°01'28" East** a distance of **28.28 feet** to a found "X" at the westerly right of way of Mount Latona Drive;

Thence along said right of way, **South 01°58'32" West** a distance of **45.12 feet** to a found nail on rock wall;

Thence leaving said right of way, **North 88°01'28" West** a distance of **157.80 feet** to a found 1/2" rebar with cap "6085";

Thence, **North 01°58'32" East** a distance of **65.12 feet** to a found "x" at the westerly right of way of Atlas Avenue;

Thence along said right of way, **South 88°01'28" East** a distance of **137.80 feet** to **"TRUE POINT OF BEGINNING"** and containing in all **10,191 square feet** or **0.23 acres** of land more or less.


Jesus D. Ibarra, RPLS No.6085
August 5, 2021



7833 Mount Latona Drive



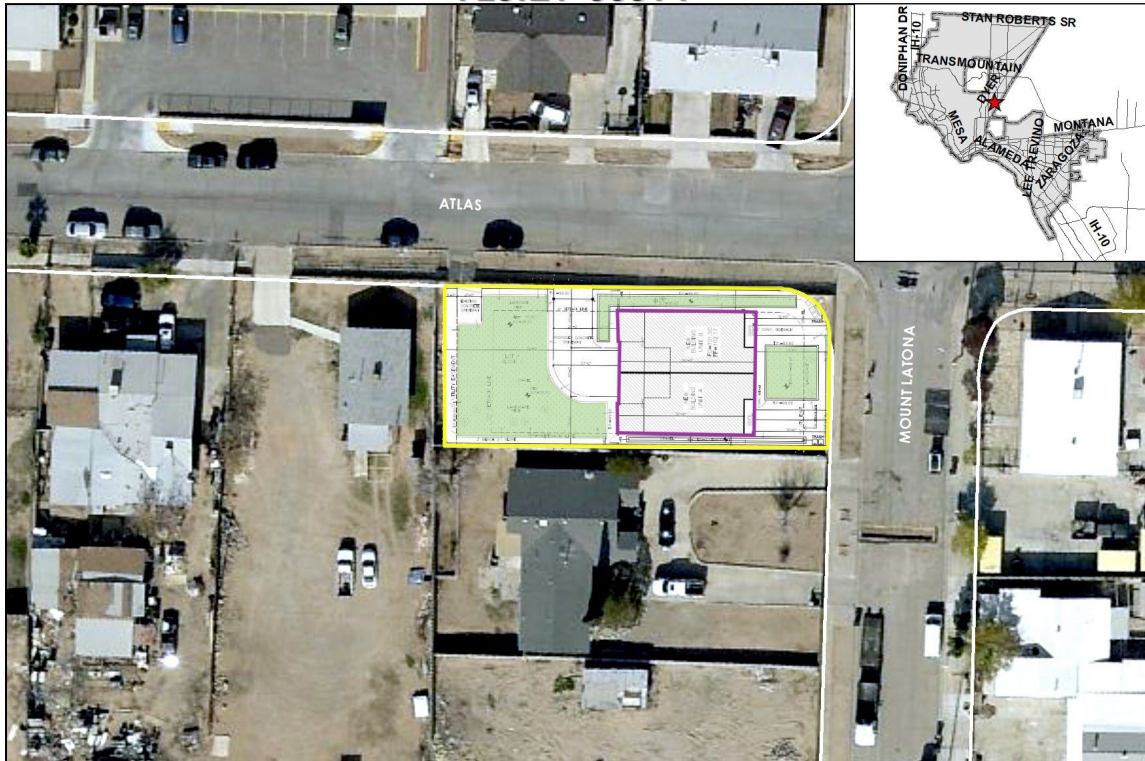
City Plan Commission — December 15, 2022

CASE NUMBER:	PZST21-00014
CASE MANAGER:	David Samaniego, (915) 212-1608, SamaniegoDC@elpasotexas.gov
PROPERTY OWNER:	Pedro and Francisca Morales
REPRESENTATIVE:	Luis Javier Lopez
LOCATION:	7833 Mount Latona Dr. (District 2)
PROPERTY AREA:	0.23 acres
EXISTING ZONING:	R-4(Residential)
REQUEST:	Special Permit for Infill Development for a reduced lot width for a duplex
RELATED APPLICATIONS:	None
PUBLIC INPUT:	None received as of December 8, 2022

SUMMARY OF REQUEST: The applicant is requesting a special permit to allow for infill development for a reduced lot width for a duplex in an R-4 (Residential) zone district in accordance with the El Paso City Code Section 20.04.320 Special Permit.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the special permit for an infill development with reduction of average lot width in an R-4 (Residential) zone district. The proposal meets all the requirements of El Paso City Code 20.04.320 – Special Permit, 20.04.150 – Detailed Site Development Plan, and 20.10.28 – Infill Development. The proposed development is also consistent with *Plan El Paso*, the City's adopted Comprehensive Plan.

PZST21-00014



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



0 12.5 25 50 75 100 Feet



Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting approval of a special permit for infill development and approval of a detailed site development plan to allow for a duplex with a reduction of the required lot width in the R-4 (Residential) district. The subject property is a 0.23-acre vacant lot. The detailed site development plan shows a proposed duplex with a total area of 2,200 square feet (1,100 square feet per unit) and 15 feet in height. The applicant is requesting a reduction from the required average lot width for a duplex of 70 feet to 65 feet. The detailed site development plan demonstrates compliance with all other applicable standards. Vehicular access to the subject property is from Atlas Avenue via a driveway to the rear of the proposed duplex.

Density/Setback - R-4 zone district	Required	Proposed
Lot area	7,000 sq. ft.	No change
Lot width	70 ft.	65 ft.
Lot depth	90 ft.	No change
Front yard setback	10 ft.	No change
Rear yard setback	10 ft.	No change
Side yard setback	5 ft.	No change
Side street yard setback	10 ft.	No change
Cumulative front & rear yard setback	45 ft.	No change

Note: bold indicated requested reductions

COMPLIANCE WITH SPECIAL PERMIT FOR INFILL DEVELOPMENT STANDARDS (EL PASO CITY CODE SECTION 20.10.280)	
Criteria	Does the Request Comply?
Location Criteria: An infill development may be located on any parcel of land which meets at least one of the location criteria.	Yes. The subject property shares a common property line with a parcel within the Sunrise Acres No. 2 Subdivision, which was platted in 1930. This satisfies Mandatory Requirement 20.10.280.B.4 of the El Paso City Code - "Parcels of land within or that share a common property line to an existing subdivision platted for no less than twenty-five years."
Mandatory Design Requirement 1.1: Where on-site surface parking is proposed, it shall be located at the rear of the property and when possible accessed via alleyway; or at the side of the property and screened in accordance with Section 21.50.070.F5.	Yes. Parking is provided at the rear of the property with access proposed from the side street off Atlas Avenue in accordance with Section 20.10.280(C) (1.i.) of the El Paso City Code.
Mandatory Design Requirement 1.2: Buildings shall be placed on the parcels such that the principal orientation is toward the main street and the principal entrance is from the sidewalk.	Yes. The proposed development shows a building where the principal orientation and the principal entrance with access is from the sidewalk along Mount Latona Drive (main street).
Mandatory Design Requirement 1.3: For proposals abutting existing residential development the front setback shall not deviate from the average front setback of lots within the same block as the proposed development by more than 15%.	Yes. The property is located in a residential zone district where most of the lots have been developed with an average setback of 35 feet for all lots within the same block. The proposed development has a 30-foot front setback and is within the deviation of 15% of the average setback requirement.
Selective Design Requirement 2.5: The total width of the primary structure shall be greater than or equal to 80% of the total lot width along the main street. For the purposes of this calculation, any necessary vehicular access driveway shall be subtracted from the total lot width.	Yes. The total width of the duplex (52 feet, 1 inch) is at least 80% of the average width of 65 feet.

COMPLIANCE WITH SPECIAL PERMIT FOR INFILL DEVELOPMENT STANDARDS (EL PASO CITY CODE SECTION 20.10.280)	
Selective Design Requirement 2.6: The project shall demonstrate compliance with one of the architectural styles defined in the Community Design Manual of Plan El Paso.	Yes. The proposed architectural style is that of a large prairie style house, as defined in the Community Design Manual of El Paso.
Selective Design Requirement 2.8: The project includes low impact storm water management including, but not limited to, depressed landscaped areas, bioswales, vegetated roofs, pervious pavements, capture and reuse systems.	Yes. The project proposes to utilize depressed landscaped areas in such a manner as to promote the collection and storage of rainwater. Landscaped side slopes shall not exceed 3:1 and ponding depth shall not exceed 12-inches.

COMPLIANCE WITH SPECIAL PERMIT REQUIREMENTS (El Paso City Code 20.04.320.D)	
Criteria	Does the Request Comply?
1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located.	Yes. The subject property has been vacant since it was officially platted in 1930 as a part of the Sunrise Acres No. 2 Subdivision. The applicant is requesting the following reduction: from the required lot width of 70 ft. to 60 ft.
2. Furthers <i>Plan El Paso</i> and applicable neighborhood plans or policies.	Yes. The request complies with the recommendations of <i>Plan El Paso</i> and the G-3, Post-War future land use designation. The proposed development would increase the available housing stock in an area facing limited housing stock.
3. Adequately served by and will not impose an undue burden upon public improvements.	Yes. The subject property directly abuts Mount Latona Drive and Atlas Avenue - both local streets. No reviewing departments had adverse comments, and the existing infrastructure is deemed appropriate to support the proposed use of a duplex.
4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development.	Yes. No environmental problems currently exist or are anticipated from the approval of the proposed special permit and detailed site development plan. Adequate stormwater management is demonstrated, and no departments had adverse comments.
5. The design of the proposed development mitigates substantial environmental problems.	Yes. Subject property does not involve greenfield/ environmentally sensitive land or arroyo disturbance.
6. The proposed development provides adequate landscaping and/or screening where needed.	Yes. The development will comply with landscaping ordinance requirements.
7. The proposed development is compatible with adjacent structures and uses.	Yes. The existing uses and building configurations are similar to other properties in the immediate area.
8. The proposed development is not materially detrimental to the property adjacent to the site.	Yes. The proposed redevelopment is similar in intensity and scale to surrounding development.

COMPLIANCE WITH PLAN EL PASO GOALS & POLICIES – When evaluating whether a proposed special permit is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:	Yes, the subject property and the proposed developments meet the intent of the G-3, Post-War Future Land Use designation. The proposed

COMPLIANCE WITH PLAN EL PASO GOALS & POLICIES – When evaluating whether a proposed special permit is in accordance with <i>Plan El Paso</i>, consider the following factors:	
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.	development is adjacent to other residential development.
Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site: R-5 (Residential) District: The purpose of the district is to promote and preserve residential development within the City to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the district will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.	Yes. The subject property is zoned R-4 (Residential) – with surrounding properties also zoned R-4 and A-2/c (Apartment/condition). The surrounding uses are single-family dwellings, duplexes, and apartments. The proposed development is compatible with the surrounding uses within its proximity.
THE PROPOSED PROJECT’S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	The proposed development is not within any historic districts or study area plan boundaries.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	The proposed development is not anticipated to pose any adverse effects on the community.
Natural Environment: Anticipated effects on the natural environment.	Subject property does not involve greenfield/environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	The area is stable and the proposed development is compatible with the existing residential zoning and uses of the surrounding properties.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	The proposed development is within an older, stable area of the city. The established neighborhood is comprised of single-family, duplexes, and multi-family dwellings.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The subject property borders Mount Latona Drive and Atlas Avenue which are both designated as local streets as per the City of El Paso’s Major Thoroughfare Plan (MTP) and is adequate to serve the proposed development. The existing infrastructure and services are adequate to serve the proposed development. Sidewalks are present along the majority of the

developed properties along Mount Latona Drive and along most properties that front Atlas Avenue. The closet bus stop is on Hercules Avenue located 0.26 miles away.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: There were no adverse comments received from the reviewing departments. The applicant is responsible for obtaining all applicable permits and approvals prior to construction.

PUBLIC COMMENT: The subject property lies within the boundaries of the Logan Sunrise Neighborhood Association which were notified of the special permit application. Public notices were mailed to property owners within 300 feet of the subject property on November 29, 2022. As of December 8, 2022, the Planning Division has not received any communication in support or opposition to the request from the public

RELATED APPLICATIONS: N/A

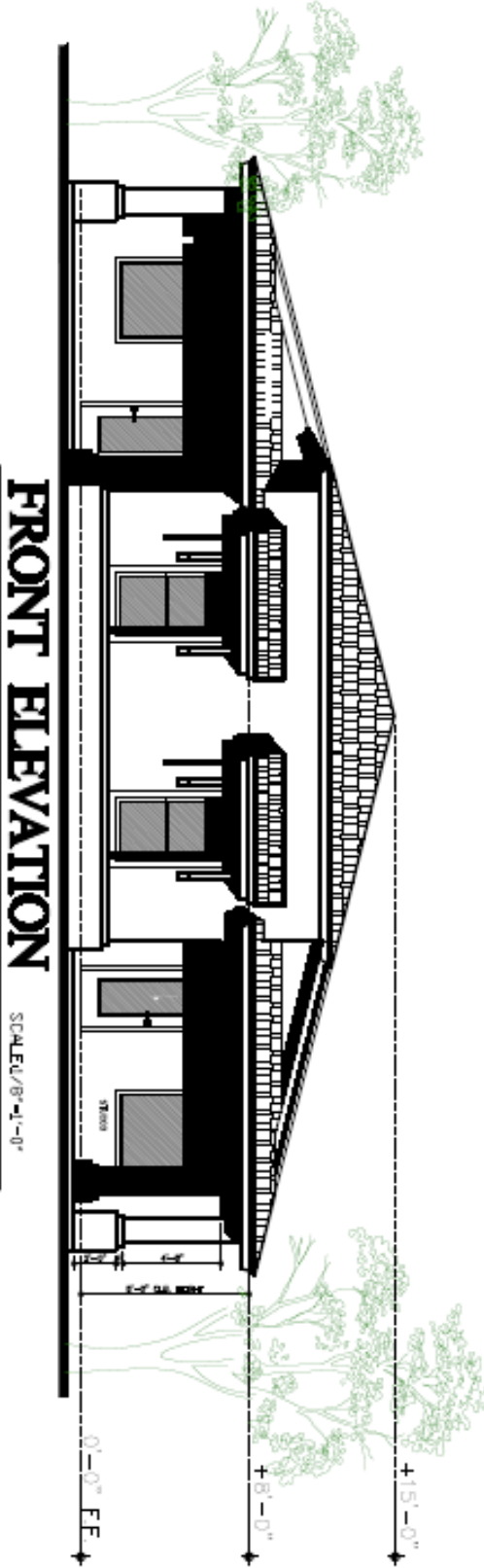
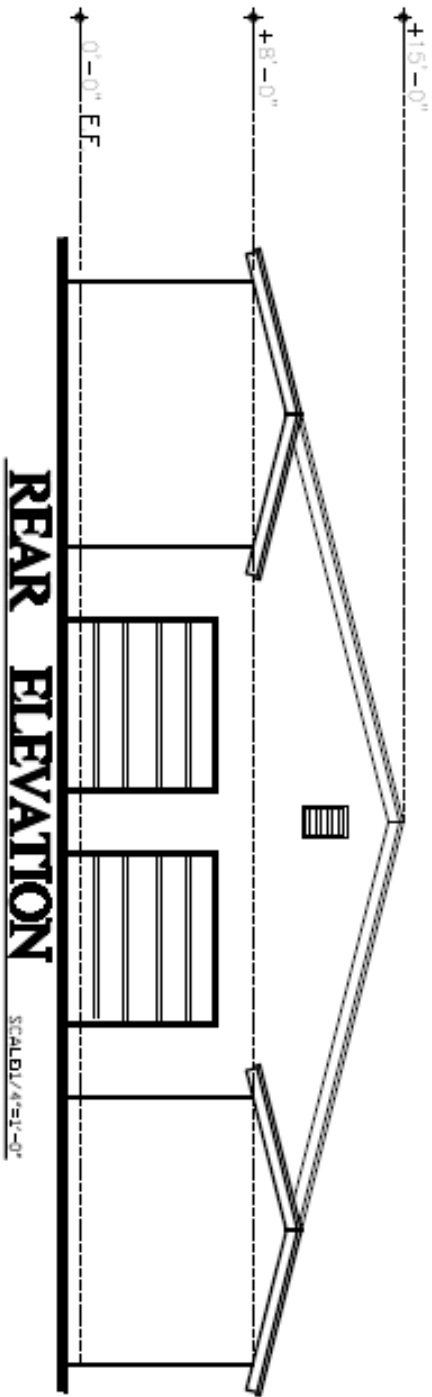
CITY PLAN COMMISSION OPTIONS:

The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

1. **Recommend Approval** of the special permit request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Recommend Approval of the special permit request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Recommend Denial** of the special permit request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

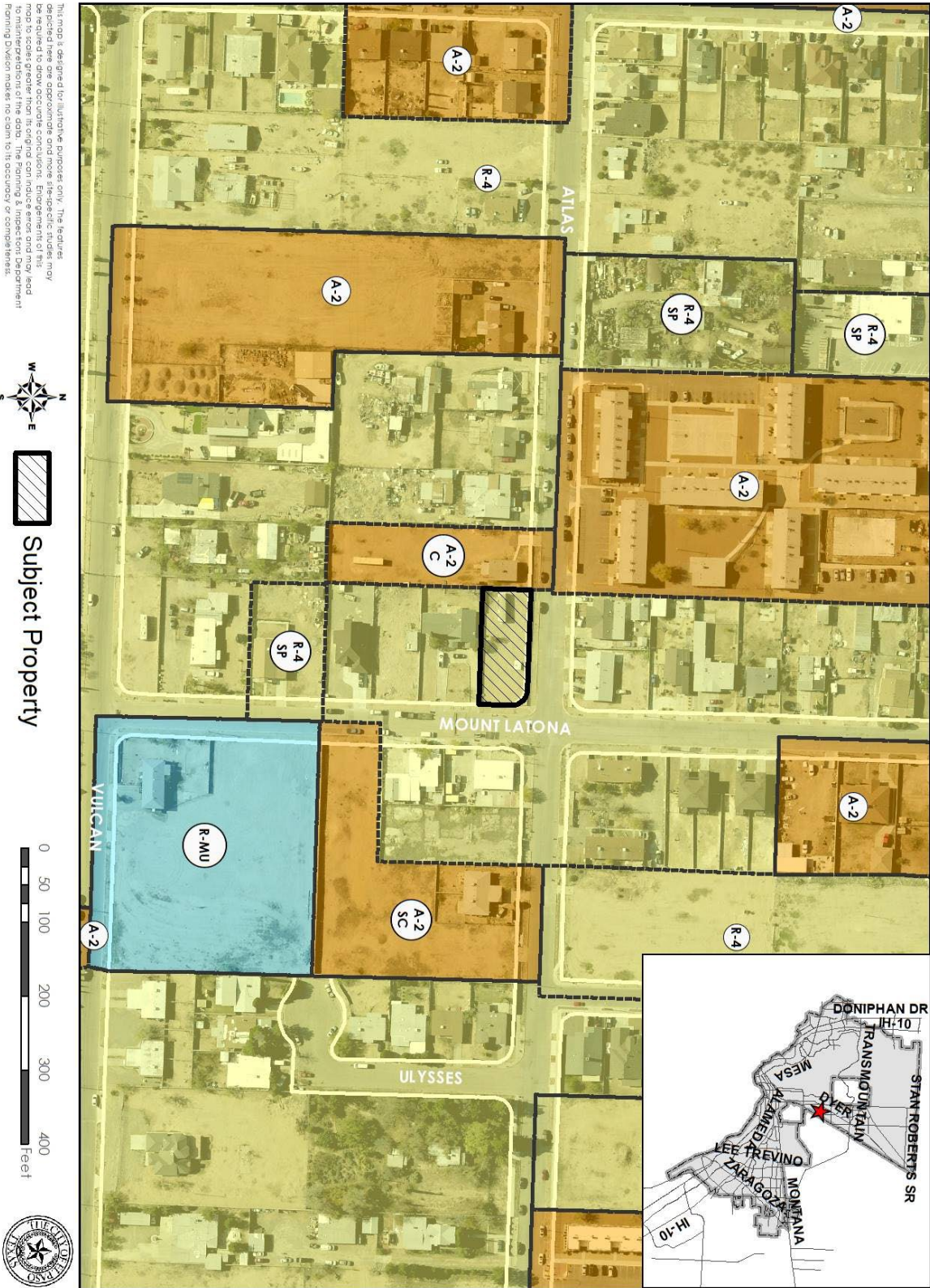
ATTACHMENTS:

1. Detailed Site Development Plan
2. Detailed Site Plan, Enlarged
3. Zoning Map
4. Department Comments
5. Neighborhood Notification Boundary Map



ATTACHMENT 3

PZST21-00014



ATTACHMENT 4

Planning and Inspections Department - Planning Division

Staff recommends approval of the special permit for an infill development in R-5 (Residential) zone district. The proposal meets all the requirements of 20.04.320 – Special Permit, 20.04.150 – Detailed Site Development Plan, and 20.10.2800 – Infill Development. Note the following staff comments:

- The restrictive covenants for the subject property currently restrict the permitted uses to single-family. The applicant will need to amend the restrictive covenants to allow for a duplex use prior to adding to the City Council agenda.

Planning and Inspections Department – Plan Review & Landscaping Division

No objections to proposed special permit. At the time of submittal for building permits, the project will need to comply with all applicable municipal code and building code requirements.

Planning and Inspections Department – Land Development

Show proposed storm-water runoff direction arrows on site plan.

Fire Department

Recommend approval - no adverse comments.

Sun Metro

Recommend approval - no objections.

Streets and Maintenance Department

No objections to site plan.

El Paso Water

We have reviewed the subdivision and provide the following comments:

EPWater does not object to this request.

Water:

There is an existing 6-inch diameter water main that extends along Atlas Ave., located approximately 20-feet south of the north right-of-way line. This main is available for service.

There is an existing 6-inch diameter water main that extends along Mount Latona Dr., located approximately 20-feet west of the east right-of-way line. This main is available for service.

EPWater records indicate an active ¾-inch domestic water meter serving the subject property. The service address for this meter is 7831 Mount Latona Dr.

Previous water pressure readings conducted on fire hydrant number 204 located on the northeast corner of Atlas Ave. and Mount Latona Dr. have yielded a static pressure of 100 pounds per square inch (psi), residual pressure of 90 psi, and a discharge of 1,353 gallons per minute (gpm). 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 Owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

There is an existing 8-inch diameter sanitary sewer main that extends along Atlas Ave., located approximately 18-feet north of the south right-of-way line. This main is available for service.

There is an existing 8-inch sanitary sewer main that extends along Mount Latona Dr., located approximately 25-feet east of the west right-of-way line property. This main dead-ends approximately 510-feet north of Vulcan Dr. This main is available for extension.

General:

EPWater requires a new service application to provide services 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 EPWater 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.

Stormwater:

EPW-Stormwater recommends using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavement) to reduce the amount of developed stormwater runoff. Otherwise, we have no objections to the building proposal.

El Paso County Water Improvement District 1

Not within the boundaries of EPCWID1.

El Paso County 911 District

No comments received.

Texas Department of Transportation

No comments received.

Police Department

No comments received.

Environment Services

No comments received.

ATTACHMENT 5

PZST21-00014

