

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

AGENDA DATE: April 11, 2023
PUBLIC HEARING DATE: May 9, 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 granting Special Permit No. PZST23-00001, to allow for Infill Development with a reduction in lot area, average lot width, rear yard setback, and cumulative front and rear yard setback on the property described as Lot 33, Howell Subdivision, 5833 Macias Street, 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 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: 5833 Macias Street
Applicant: Enrique Ayala, PZST23-00001

BACKGROUND / DISCUSSION:

The applicant is requesting a special permit to allow for an infill development with a reduction in lot area, average lot width, rear yard setback, and cumulative front and rear yard setback for a duplex in the R-5 (Residential) zone district in accordance with the El Paso City Code Section 20.04.320 Special Permit. The City Plan Commission recommended 5-0 to approve the proposed special permit on February 23, 2023. As of April 3, 2023, the Planning Division has not received any communication in support or opposition to the request from the public.

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:

Kevin Smith for Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST23-00001, TO ALLOW FOR INFILL DEVELOPMENT WITH A REDUCTION IN LOT AREA, AVERAGE LOT WIDTH, REAR YARD SETBACK, AND CUMULATIVE FRONT AND REAR YARD SETBACK ON THE PROPERTY DESCRIBED AS LOT 33, HOWELL SUBDIVISION, 5833 MACIAS STREET, 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 IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Enrique Ayala, has applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for a reduction in lot area, average lot width, rear yard setback, and cumulative front and rear yard setback; 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-5 (Residential) Zone District:

Lot 33, Howell Subdivision, 5833 Macias Street, City of El Paso, El Paso County, Texas; 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 reduction in lot area, average lot width, rear yard setback, and cumulative front and rear yard setback; and
3. That this Special Permit is issued subject to the development standards in the R-5 (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 "A" and incorporated herein by reference for all purposes; and

ORDINANCE NO. _____

PZST23-00001

HQ 23-454 | Tran #488091 | Planning & Inspections Dept.

5833 Macias Street

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4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST23-00001 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 Leoser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Joyce Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:

 for

Philip F. Etiwe, Director
Planning & Inspections Department

AGREEMENT

Enrique Ayala, referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to the same Ordinance, and in accordance with the standards identified in the R-5 (Residential) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 30 day of MARCH, 2023.

Enrique Ayala:

By: ENRIQUE AYALA, OWNER
(name/title)

[Signature]
(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

EXHIBIT "A"

This instrument is acknowledged before me on this 30th day of March, 2023, by Danielle M. Carbajal for [Enrique Ayala], as Owner.

My Commission Expires: 12/09/2026 [Signature]
Notary Public, State of Texas



Notary's Printed or Typed Name:
Danielle M. Carbajal

(Exhibit "A" on the following page)

5833 Macias Street



City Plan Commission — February 23, 2023 **(REVISED)**

CASE NUMBER:	PZST23-00001
CASE MANAGER:	Andrew Salloum, (915) 212-1603, SalloumAM@elpasotexas.gov
PROPERTY OWNER:	Enrique Ayala
REPRESENTATIVE:	Enrique Ayala
LOCATION:	5833 Macias (District 2)
PROPERTY AREA:	0.12 acres
EXISTING ZONING:	R-5 (Residential)
REQUEST:	Special Permit and Detailed Site Development Plan approval to allow for an infill development with reduction of lot area, average lot width, rear yard setback, and cumulative front and rear yard setback for a duplex in R-5 (Residential) zone district
RELATED APPLICATIONS:	None
PUBLIC INPUT:	None received as of February 16, 2023

SUMMARY OF REQUEST: The applicant is requesting a special permit and a detailed site development plan approval for an infill development with reduction of lot area, average lot width, rear yard setback, and cumulative front and rear yard setback for duplexes in the R-5 (Residential) zone district.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the special permit for infill development and reduction of lot size, average lot width, rear yard setback, and cumulative front and rear yard setback in R-5 (Residential) zone district. The proposal meets all the requirements of El Paso City Code Sections 20.04.320 – Special Permit, 20.04.150 – Detailed Site Development Plan, and 20.10.280 – Infill Development. The proposed development is consistent with *Plan El Paso*, the City’s adopted Comprehensive Plan.

PZST23-00001



Figure A. Detailed Site Development Plan Superimposed on Aerial Imagery

DESCRIPTION OF REQUEST: The applicant is requesting a special permit and a detailed site development plan approval for an infill development with reduction to the required lot area, average lot width, rear yard setback, and cumulative front and rear yard setback in the R-5 (Residential) district. The subject property is vacant. The detailed site development plan shows the property with a proposed one-story duplex with a total area of 1,908 square feet and 15 feet in height. The applicant is requesting the following reductions for the property: from the required lot area of 6,000 square feet to 3,964.25 square feet, from the required average lot width of 50 feet to 39.25 feet, from the required rear yard setback of 10 feet to **9 feet**, and from the required cumulative front and rear yard setback of 45 feet to 29 feet. The detailed site development plan demonstrates compliance with all other applicable standards. Vehicular access to the subject property is proposed from Macias Street.

Density/Setback - R-5 zone district	Required	Proposed
Lot area	6,000 sq. ft.	3,964.25 sq. ft.
Lot width (average)	50 ft.	39.25 ft.
Lot depth	90 ft.	No Change
Front yard setback	10 ft.	No Change
Rear yard setback	10 ft.	9 ft.
Side yard setback	5 ft.	No Change
Side street yard setback	10 ft.	N/A
Cumulative front & rear yard setback	45 ft.	29 ft.

Note: bold indicated requested reductions

COMPLIANCE WITH SPECIAL PERMIT FOR INFILL DEVELOPMENT STANDARDS (El Paso City Code 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 is part of the Howell Subdivision, which was platted in 1950. This satisfies Mandatory Requirement 20.10.280.B.3 of the El Paso City Code - "Any parcel of land annexed prior to 1955."
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 of the El Paso City Code.	Yes. The applicant has been granted an exception to Section 20.10.280 (C)(1.i.1.d) as the alley right-of-way is unimproved or unpaved.
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 Macias Street (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 18.88 feet for all lots within the same block. The proposed development has a 20-foot front setback and is within the deviation of 15% of the average setback requirement.
Selective Design Requirement 2.6: The project shall demonstrate compliance with one of the architectural styles defined in the Community Design Manual of <i>Plan El Paso</i> .	Yes. The proposed architectural style is that of a pueblo style house, as defined in the Community Design Manual of <i>Plan El Paso</i> .

COMPLIANCE WITH SPECIAL PERMIT FOR INFILL DEVELOPMENT STANDARDS (El Paso City Code 20.10.280)	
Selective Design Requirement 2.8: The project includes low impact storm water management including, but not limited to depressed landscaped areas, bioswales, vegetated roofs, previous 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 rear and side slopes shall not exceed 3:1 and ponding depth shall not exceed 12-inches.
Selective Design Requirement 2.10: For projects in residential districts the applicant shall demonstrate that the parcel has been vacant or underdeveloped for no less than 15 years. For purposes of this guideline only, underdeveloped shall be defined as parcels which do not meet the maximum density permitted in the base zoning district.	Yes. The property has been undeveloped for no less than 15 years with the previous single-family home never been built to its maximum buildable area before it was demolished in 2014.

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 applicant is requesting the following reductions: from the required lot area of 6,000 sq. ft. to 3,964.25 sq. ft., from the required average lot width of 50 ft. to 39.25 ft., from the required rear yard setback of 10 ft. to 9 ft. and from the required cumulative front and rear yard setback of 45 ft. to 29 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-2 future land use designation. The proposed development will provide a variety of residential options to the area.
3. Adequately served by and will not impose an undue burden upon public improvements.	Yes. The subject property directly abuts Macias Street, a local street. No reviewing departments had adverse comments, and the existing infrastructure is deemed appropriate to support the proposed use.
4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development.	No environmental problems currently existing 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 SPECIAL PERMIT REQUIREMENTS (El Paso City Code 20.04.320.D)	
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?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-2, Traditional Neighborhood: This sector includes the remainder of Central El Paso as it existing 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 the Comprehensive Plan.</p>	<p>Yes. The subject property and the proposed developments meet the intent of the G-2 Traditional Neighborhood (Walkable) Future Land Use designation. The proposed development will provide a variety of residential options to the area.</p>
<p>Compatibility with Surroundings: The proposed use is compatible with those surrounding the site:</p> <p>R-5 (Residential) District: The purpose of this 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 districts will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.</p>	<p>Yes. The subject property and its surrounding areas are zoned R-5 (Residential). The surrounding uses include single-family and two-family dwellings. The proposed development is compatible with surrounding uses within its proximity.</p>
THE PROPOSED PROJECT’S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
<p>Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plan, including land-use maps in those plans.</p>	<p>The proposed development is not within any historic districts or study area plan boundaries.</p>
<p>Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.</p>	<p>The proposed development is not anticipated to pose any adverse effects on the community.</p>
<p>Natural Environment: Anticipated effects on the natural environment.</p>	<p>Subject property does not involve greenfield/environmentally sensitive land or arroyo disturbance.</p>
<p>Stability: Whether the area is stable or in transition.</p>	<p>The area is stable and the proposed development is compatible with the existing residential zoning and uses of the surrounding properties.</p>
<p>Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.</p>	<p>The proposed development is within an older, stable area of the city. The established neighborhood is comprised of single-family and two-family dwellings.</p>

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The subject property borders Macias Street which is designated as a local street 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 consistently present near the subject property. The closest bus stop is on Paisano Drive located 0.28 miles.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No objections to proposed special permit. There were no adverse comments received from the reviewing departments. Applicant is responsible for obtaining all applicable permits and approvals prior to construction.

PUBLIC COMMENT: The subject property lies within the boundaries of El Paso Central Business Association, San Juan Neighborhood Improvement Association, and Sunrise Civic Group which were notified of the special permit application. Public notices were mailed to property owners within 300 feet of the subject property on February 9, 2023. As of February 16, 2023, 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:

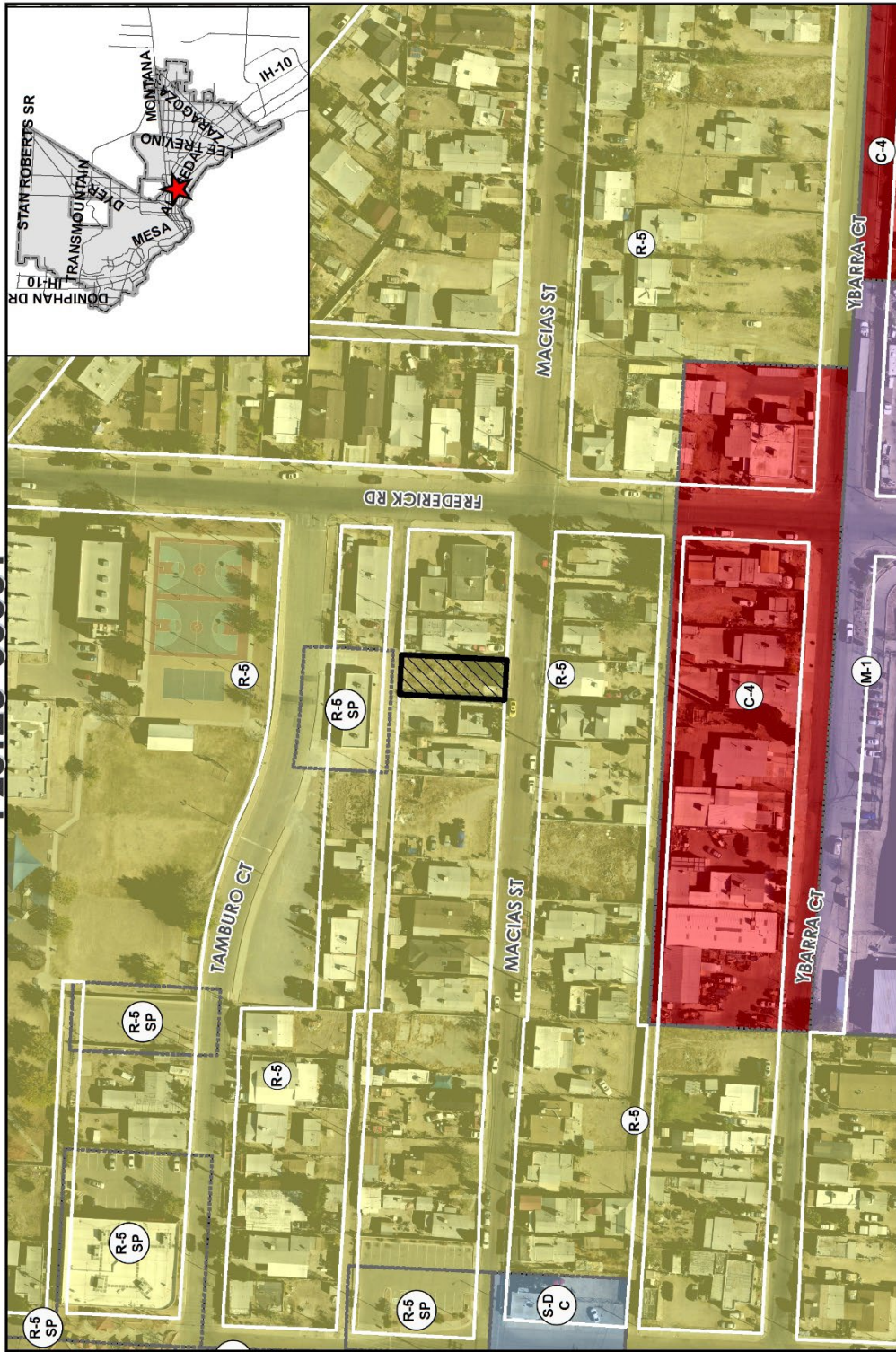
1. **Recommend Approval** of the special permit request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
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 Plan
2. Zoning Map
3. Department Comments
4. Neighborhood Notification Boundary Map

ATTACHMENT 2

PZST23-00001



Subject Property



This map is designed for illustrative purposes only. The features shown on this map are based on the best available information and may be required to draw accurate conclusions. Enhancements of this map to scales greater than its original can indicate errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

ATTACHMENT 3

Planning and Inspections Department – Planning Division

Staff recommends **APPROVAL** of the special permit for infill development and reduction of lot size, average lot width, front yard setback, and cumulative front and rear yard setback in R-5 (Residential) zone district. The proposal meets all the requirements of El Paso City Code Sections 20.04.320 – Special Permit, 20.04.150 – Detailed Site Development Plan, and 20.10.28 – Infill Development. The proposed development is consistent with *Plan El Paso*, the City's adopted Comprehensive Plan.

Planning and Inspections Department – Plan Review

No objections to the special permit and detailed site development plan.

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

Planning and Inspections Department – Land Development

No objections to proposed special permit.

Fire

No adverse comments.

Sun Metro

No issues or comments.

Streets and Maintenance Department

No objections to the application.

Texas Department of Transportation

No comments received.

Environmental Services Department

No comments received.

El Paso County Water Improvement District #1

The item is not within the boundaries of EPCWID1.

El Paso Water

Stormwater Engineering

EPWater-SW recommends using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavement) to reduce the amount of developed stormwater runoff.

ATTACHMENT 4

PZST23-00001



 **Subject Property**
 **300 Feet Buffer**



This map is designed for illustrative purposes only. The features shown on this map are not intended to be used for any other purpose. The map is not a survey and should not be used to establish boundaries. The map is not a warranty of title and should not be used to establish title. The map is not a warranty of accuracy and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.