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

AGENDA DATE:July 19, 2022PUBLIC HEARING DATE:August 16, 2022

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

Andrew Salloum, (915) 212-1603

DISTRICT(S) AFFECTED: District 3

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. PZST22-00007, to allow for Infill Development with a reduction in lot area, lot depth, rear yard setback, and cumulative front and rear yard setback, and imposing a condition on the property described as a portion of Lot 25 and a portion of Lot 26, Block J, Thomas Manor Unit Six, 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: 7764 & 7768 Hockney Street Applicant: Armando Andres Saldivar, PZST22-00007

BACKGROUND / DISCUSSION:

The applicant is requesting a special permit to allow for an infill development for single family dwellings 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 8-0 to approve the proposed special permit with a condition on June 16, 2022. As of July 11, 2022, the Planning Division received a letter in 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? <u>X</u> YES <u>NO</u>

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division **SECONDARY DEPARTMENT:** N/A

DEPARTMENT HEAD:

Philip Tiwe

ORDINANCE NO.

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST22-00007, TO ALLOW FOR INFILL DEVELOPMENT WITH A REDUCTION IN LOT AREA, LOT DEPTH, REAR YARD SETBACK, AND CUMULATIVE FRONT AND REAR YARD SETBACK, AND IMPOSING A CONDITION ON THE PROPERTY DESCRIBED AS A PORTION OF LOT 25 AND A PORTION OF LOT 26, BLOCK J, THOMAS MANOR UNIT SIX, 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 Andres Saldivar, have applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for a reduction in lot area, lot depth, 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: A portion of Lot 25 and a portion of Lot 26, Block J, Thomas Manor Unit Six, City of El Paso, El Paso County, Texas, *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 reduction in lot area, lot depth, rear yard setback, and cumulative front and rear yard setback, and imposing a condition that:

Prior to issuance of certificates of occupancy, an eight foot (8') masonry wall be erected along the rear property line abutting Cesar Chavez Highway; and

3. That this Special Permit is issued subject to the development standards in the (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,

- 4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST22-00007 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 ______, 2022.

THE CITY OF EL PASO:

Oscar Leeser Mayor

ATTEST:

Laura D. Prine City Clerk

APPROVED AS TO FORM:

Wed N. Vigad

Wendi N. Vineyard Assistant City Attorney

APPROVED AS TO CONTENT:

Philip Etiwe Philip F. Etiwe, Director **Planning and Inspections Department**

AGREEMENT

Armando Andres Saldivar, 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 R-5 (Residential) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this	07	_day of	July	, 2022.
			(·	

Armando Andres Saldivar:

By: Arman L Saldwar owner (name/title) (signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)) COUNTY OF EL PASO)

This instrument is acknowledged before me on this <u>07</u> day of <u>JUly</u>, 2022, by <u>Armando Galdivar</u>, as My Commission Expires: My Commission Expires: <u>BRENDA SARAHIM CHACON</u> Notary Public, State of Texas Comm. Expires 03-21-2023 Notary ID 131941657 Brenda *Obg (cord)*

PZST22-00007

A Portion of Lot 25, Block J, Thomas Manor Unit Six, City of El Paso, El Paso County, Texas March 15, 2022

METES AND BOUNDS DESCRIPTION

7764 Hockney Street Exhibit "A"

FIELD NOTE DESCRIPTION of a portion of Lot 25, Block J, Thomas Manor Unit Six, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a city monument located at the centerline intersection of Hockney Street (60' R.O.W.) and Bernardine Avenue (60' R.O.W.); **THENCE**, leaving said centerline intersection, North 40°36'53" West, a distance of 78.86 feet to a found iron rod for corner at the common boundary corner of Lots 25 and 26, same being the westerly right-of-way line of Hockney Street and the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said westerly right-of-way line of Hockney Street and along the common boundary line of Lots 25 and 26, South 71°16'04" West, a distance of 47.36 feet to a point for corner at the easterly right-of-way line of Highway Loop 375;

THENCE, leaving said common boundary line and along the easterly right-of-way line of Highway Loop 375, North 10°34'43" West, a distance of 56.47 feet to a point for corner at the common boundary line of Lots 24 and 25;

THENCE, leaving said easterly right-of-way line of Highway Loop 375 and along the common boundary line of Lots 24 and 25, North 70°31'47" East, a distance of 39.00 feet to a found nail for corner at the westerly right-of-way line of Hockney Street;

THENCE, leaving said common boundary line and along said westerly right-of-way line of Hockney Street, 56.40 feet along the arc of a curve to the right whose radius is 4384.98 feet, whose interior angle is 00°44'13", whose chord bears South 19°06'00" East, a distance of 56.40 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 2,426.53 square feet or 0.0557 acres of land more or less.

Carlos M. Jimenez R.P.L.S.# 3950

CAD Consulting Co. 1790 Lee Trevino Drive. Suite 309 El Paso, Texas 79936 (915) 633-6422 J:\M&B\2022\7764 Hockney



A Portion of Lot 26, Block J, Thomas Manor Unit Six, City of El Paso, El Paso County, Texas March 15, 2022

METES AND BOUNDS DESCRIPTION

7768 Hockney Street Exhibit "A"

FIELD NOTE DESCRIPTION of a portion of Lot 26, Block J, Thomas Manor Unit Six, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a city monument located at the centerline intersection of Hockney Street (60' R.O.W.) and Bernardine Avenue (60' R.O.W.); **THENCE**, leaving said centerline intersection, North 79°19'29" West, a distance of 34.16 feet to a found iron rod for corner at the common boundary corner of Lots 26 and 27, same being the westerly right-of-way line of Hockney Street and the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said westerly right-of-way line of Hockney Street and along the common boundary line of Lots 26 and 27, South 72°00'21" West, a distance of 54.98 feet to a point for corner at the easterly right-of-way line of Highway Loop 375;

THENCE, leaving said common boundary line and along the easterly right-of-way line of Highway Loop 375, North 10°34'43" West, a distance of 56.27 feet to a point for corner at the common boundary line of Lots 25 and 26;

THENCE, leaving said easterly right-of-way line of Highway Loop 375 and along the common boundary line of Lots 25 and 26, North 71°16'04" East, a distance of 47.36 feet to a found iron rod for corner at the westerly right-of-way line of Hockney Street;

THENCE, leaving said common boundary line and along said westerly right-of-way line of Hockney Street, 56.41 feet along the arc of a curve to the right whose radius is 4384.98 feet, whose interior angle is 00°44'13", whose chord bears South 18°21'46" East, a distance of 56.41 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 2,873.04 square feet or 0.0659 acres of land more or less.

Carlos M. Jimenez R.P.L.S.# 3950

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7764 and 7768 Hockney Street

Ciły Plan Commission — June 16, 2022 <mark>(REVISED)</mark>

CASE NUMBER:	PZST22-00007
CASE NUMBER.	
CASE MANAGER:	Andrew Salloum, (915) 212-1603, <u>SalloumAM@elpasotexas.gov</u>
PROPERTY OWNER:	Armando Andres Saldivar
REPRESENTATIVE:	Enrique Ayala
LOCATION:	7764 and 7768 Hockney (District 3)
PROPERTY AREA:	0.12 acres
EXISTING ZONING:	R-5 (Residential)
REQUEST:	Special Permit to allow for an infill development for single-family dwellings in R-5 (Residential) zone district
RELATED APPLICATIONS:	None
PUBLIC INPUT:	As of June 16, 2022, received a letter in opposition

SUMMARY OF REQUEST: The applicant is requesting a special permit to allow for an infill development for single family dwellings in R-5 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 in R-5 (Residential) zone district. The proposal meets all the requirements of 20.04.320 Special Permit and 20.04.150 Detailed Site Development Plan. It is also based on consistency with *Plan El Paso*, the City's adopted Comprehensive Plan.



Figure A. Detailed Site Development Plan Superimposed on Aerial Imagery

DESCRIPTION OF REQUEST: The applicant is requesting a special permit for infill development and detailed site development plan review to reduce the required lot area, lot depth, rear yard setback, and cumulative front and rear yard setbacks in the R-5 (Residential) district. The subject property is vacant. The detailed site development plan shows new single-family dwellings with a total area of 634.56 square feet for Lot 25, 990.46 square feet for Lot 26, and 12 feet 6 inches in height above the surface at its highest point. The applicant is requesting the following reductions for Lot 25 from the required lot area of 4,500 square feet to 2,426.53 square feet, from the required lot depth of 90 feet to 39 feet, from the required rear yard setback 10 feet to 5.4 feet and from the required cumulative front & rear yard setback 45 feet to 23.6 feet. Also, the applicant is requesting the following reductions for Lot 26: from the required rear yard setback 10 feet to 4.7 feet and from the required lot depth of 90 feet to 22.9 feet. The detailed site development plan demonstrates compliance with all other applicable standards. Access to the subject property is proposed from Hockney Street. The following table summarizes the request:

Density/Setback - R-5 zone district	Required	Lot 25 – Proposed	Lot 26 – Proposed
Lot area	4,500 sq. ft.	2,426.53 sq. ft.	2,873.04 sq. ft.
Lot width	45 ft.	56.47 ft.	56.27 ft.
Lot depth	90 ft.	39 ft.	47.36 ft.
Front yard setback	10 ft.	14.6	14.6
Rear yard setback	10 ft.	5.4 ft.	4.7 ft.
Side yard setback	5 ft.	5 ft.	5 ft.
Side street yard setback	10 ft.	N/A	N/A
Cumulative front & rear yard setback	45 ft.	23.6 ft.	22.9 ft.

Note: bold indicated requested reductions

COMPLIANCE WITH SPECIAL PERMIT FOR INFILL DEVELOPMENT STANDARDS (EI Paso City Code 20.10.280)

Code 20.10.280)	
Criteria	Does the Request Comply?
Location Criteria: An infill development may be located	Yes. The subject property is part of the Thomas Manor
on any parcel of land, which meets at least one of the	Subdivision, which was platted in 1955. This satisfies
location criteria.	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	Yes. The property is located in a residential zone district
surface parking is proposed, it shall be located at the	where most of the lots have been developed and all
rear of the property and when possible accessed via	homes along the block provide parking in the front. As
alleyway; or at the side of the property and screened in	per Section 20.10.280(C) (1.i.1.e) of the El Paso City
accordance with Section 21.50.070.F5 of the El Paso	Code. Parking in the rear would not be consistent with
City Code.	existing development along the block face.
Mandatory Design Requirement 1.2: Buildings shall be	Yes. The proposed development shows a building
placed on the parcels such that the principal	where the principal orientation is towards Hockney
orientation is toward the main street and the principal	Street (main street) and the principal entrance with
entrance is from the sidewalk.	access from the sidewalk.
Mandatory Design Requirement 1.3: For proposals	Yes. The property is located in a residential zone district
abutting existing residential development the front	where most of the lots have been developed with an
setback shall not deviate from the average front	average setback of 20 feet for all lots within the same
setback of lots within the same block as the proposed	block. The proposed development has an 18.2 feet
development by more than 15%.	front setback to within a deviation from the average of
	9%. Of the setback requirement
Selective Design Requirement 2.7: The total width of	Yes. The total width of the primary structure is 86.5%
the primary structure is greater than 80% of the total	of the total lot with along Hockney Street (main street).
lot with along the main street. For the purposes of this	
calculation any necessary vehicular access driveway	
shall be subtracted from the total lot width.	

COMPLIANCE WITH SPECIAL PERMIT FOR INF	ILL DEVELOPMENT STANDARDS (EI Paso City	
Code 20.10.280)		
Coloctive Design Deswinement 210. For projects in	Vec. The subject property has been vecent, since it was	

Selective Design Requirement 2.10: For projects in	Yes. The subject property has been vacant since it was
residential districts, the applicant shall demonstrate	officially platted back in 1953 as a part of Thomas
that the parcel has been vacant or underdeveloped for	Manor Subdivision.
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.	
Selective Design Requirement 2.11: For projects in	Yes. As per The El Paso City Code Section 21.80.100-
residential districts the applicant shall demonstrate	Table 7(a) Common Yard: The proposed development
that a private frontage as described in The El Paso City	has a common yard with a planted frontage. The design
Code 21.80, Table 7a through 7e is proposed.	shows an unfenced yard which is visually continuous
	with adjacent yards, supporting a common landscape.

COMPLIANCE WITH SPECIAL PERMIT REQUIREMENTS (EI 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 4,500 sq. ft. to 2,426.53 sq. ft., from the required lot depth 90 ft. to 39 ft., from the required rear yard setback 10 ft. to 4.7 ft. and from the required cumulative front and rear yard setback 45 ft. to 22.9 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 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 Hockney 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.	Yes. 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 in similar in intensity and scale to surrounding development.	

COMPLIANCE WITH PLAN EL PASO GOALS & P proposed special permit is in accordance with	-
Criteria	Does the Request Comply?
 Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property: <u>G-3, Post-War</u>: 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. 	Yes, the subject property and the proposed developments meet the intent of the G-3 Post-War Future Land Use designation. The proposed development is adjacent to residential neighborhood. The proposed development would increase the available housing stock in an area facing limited housing stock.
Compatibility with Surroundings: The proposed use is compatible with those surrounding the site: <u>R-5 (Residential) District:</u> 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.	Yes. The subject property and its surrounding areas are zoned R-5 (Residential). The surrounding uses are single-family dwellings. The proposed development is compatible with the surrounding uses within its proximity.
THE PROPOSED PROJECT'S EFFECT ON THE PROPERTY A FOLLOWING FACTORS:	ND SURROUNDING PROPERTY, AFTER EVALUATING THE
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 and multi-family dwellings.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The subject property borders Hockney 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. Sidewalks will be required to be constructed as part of the proposed development. Access is proposed from Hockney Street.

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 Mission Valley Association, Corridor 20 Civic Association, and Thomas Manor 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 June 3, 2022. As of June 16, 2022, the Planning Division received a letter in 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.

- 1. Detailed Site Plan
- 2. Zoning Map
- 3. Department Comments
- 4. Neighborhood Notification Boundary Map
- 5. Letter in opposition





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 and 20.04.150 Detailed Site Development 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 comments received.

<u>Fire</u> No adverse comments.

<u>Sun Metro</u> No comments received.

Streets and Maintenance Department

A TIA is not required for this application per Section 19.18.010.B. of the El Paso Code.

Texas Department of Transportation

No runoff is permitted in the direction toward state ROW and grading shall be sloped away from the State ROW.

Note: it complies with TxDOT's comments as shown on detailed site development plan.

Environmental Services Department

No comments received.

El Paso County Water Improvement District #1

No adverse comments.

<u>El Paso Water</u> No comments received.

El Paso Water - Stormwater Engineering

No comments received.





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