

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

DEPARTMENT: Planning and Economic Development

AGENDA DATE: Introduction: January 25, 2011
Public Hearing: February 15, 2011

CONTACT PERSON/PHONE: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov

DISTRICT(S) AFFECTED: 6

SUBJECT:

An Ordinance granting Special Permit No. ZON10-00043, to permit infill development, on the property described as Tract 33, Pavo Real Subdivision, City of El Paso, El Paso County, Texas, Pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 254 Carnes Road. Property Owner: Elder Ramirez.

BACKGROUND / DISCUSSION:

Staff report is attached.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Reviewed
City Plan Commission (CPC) - Approval Recommendation (5-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Mathew S. McElroy
Deputy Director, Planning and Economic Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON10-00043, TO PERMIT INFILL DEVELOPMENT, ON THE PROPERTY DESCRIBED AS TRACT 33, PAVO REAL SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.320 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Elder Ramirez, Applicant, has applied for a Special Permit under Section 20.04.320 of the El Paso City Code to permit infill development; and,

WHEREAS, a report was made by 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 Section 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 an R-4 (Residential) District:

Tract 33, Pavo Real Subdivision, City of El Paso, El Paso County, Texas.

2. That the City Council hereby grants a Special Permit under Section 20.04.320 of the El Paso City Code to allow for infill development, 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 "A" and is incorporated herein by reference for all purposes; and,

4. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON10-00043** shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.24 and any other legal or equitable remedy; and,

5. That the Applicant 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 to the City Plan Commission before building permits are issued.

PASSED AND APPROVED this _____ day of _____, 2011.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy
Deputy Director – Planning and
Economic Development Department

(Agreement on following page)

AGREEMENT

Elder Ramirez, the Owner 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 same Ordinance, and in accordance with the standards identified in the **R-4 (Residential)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 2011.

By: _____
(name/title)

(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2011, by _____, for **Elder Ramirez**, as Owner.

My Commission Expires:

Notary Public, State of Texas

Notary's Printed or Typed Name:

MEMORANDUM

DATE: January 13, 2011

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

FROM: Arturo Rubio, Senior Planner

SUBJECT: ZON10-00043

The City Plan Commission (CPC) on December 16, 2010, voted **5-0** to recommend **APPROVAL** of the special permit to permit infill development with reduced lot width.

The CPC found that the special permit is in conformance with the Plan for El Paso and that the proposed use is in conformance with the projected 2025 general land use map for the Mission Valley Planning Area. The proposed development is compatible with adjacent land uses. The CPC also determined that the special permit protects the best interest, health, safety, and welfare of the public in general; and the special permit will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There were no letters or phone calls in support or opposition of this request.

Attachments: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: ZON10-00043
Application Type: Special Permit and Detailed Site Development Plan Review
CPC Hearing Date: December 16, 2010
Staff Planner: Arturo Rubio, 915-541-4633, rubioax@elpasotexas.gov
Location: 254 Carnes Road
Legal Description: Tract 33, Pavo Real Subdivision, City of El Paso, El Paso County, Texas
Acreage: 0.1702 acre
Rep District: 6
Zoning: R-4 (Residential)
Existing Use: Vacant
Request: Infill development (Lot width reduction)
Proposed Use: Duplex (two-family dwelling)
Property Owner: Elder Ramirez
Representative: Elder Ramirez

SURROUNDING ZONING AND LAND USE

North: R-4 (Residential) / Single-family residential
South: R-4 (Residential) / Single-family residential
East: R-4 (Residential) / Single-family residential
West: R-4 (Residential) / Single-family residential

Plan for El Paso Designation: Residential (Mission Valley Planning Area)

Nearest Park: Pavo Real Park (1,075 Feet)

Nearest School: Camino Real Middle School (775 Feet)

NEIGHBORHOOD ASSOCIATIONS

No Neighborhood Associations located in the area.

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on November 29, 2010. The Planning Division did not receive any phone calls or letters in support or opposition to the request.

APPLICATION DESCRIPTION

The property owner is requesting a special permit and detailed site development plan review to permit infill development of a new 2,800 square-foot duplex. The proposed use requires a lot width of 70 feet; the applicant proposes to reduce the lot width to 50 feet through the infill development special permit. Access is proposed through Carnes and Zorillo Road.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of the special permit and detailed site development plan request.

The Plan for El Paso –City-wide Land Use Goals

All applications for special permit and detailed site development plan shall demonstrate compliance with the following criteria:

- a. Goal: provide and enforce standards for providing decent, safe and sanitary housing for all El Pasoans in accordance with federal, state, and local regulations.
- b. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.
- c. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.

The purpose of R-4 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 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.

Development Coordinating Committee

The DCC reviewed and discussed the application for special permit and detailed site development plan and offered no objections to Planning Staff's recommendation for **APPROVAL**.

Engineering & Construction Management - Plan Review

Zoning: No objections.

Landscaping: No comments received.

Engineering & Construction Management - Land Development

1. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
2. Grading plan and permit shall be required.*
3. Storm Water Pollution Prevention Plan and/or permit required.*
4. Drainage plans must be approved by Engineering and Construction Management, Land Development Section.*
5. The Subdivision is within Flood Zone X - "Areas determined to be outside the 0.2% annual chance floodplain
(No shading) - Panel # 480214 0048C, dated February 16, 2006.
* This requirement will be applied at the time of development.

Department of Transportation

1. Accessible handicap curb ramp required at the corner of Zorillo and Carnes Road, as shown, not ADA /TAS compliant
2. Existing street traffic sign along Carnes has not been illustrated on site plan, due to driveway location possible relocation will require coordination with Department of Transportation.
3. 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.

Fire Department

El Paso Fire Department has no objections.

El Paso Water Utilities

No comments received.

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 The Plan for 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 The Plan for 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 The Plan for El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

Attachments

1. Location Map
2. Aerial Map
3. Detailed Site Plan

ATTACHMENT 2: AERIAL MAP

ZON10-00043



