

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

**DEPARTMENT:** Development Services Department, Planning Division

**AGENDA DATE:** Introduction: February 2, 2010  
Public Hearing: February 23, 2010

**CONTACT PERSON/PHONE:** Andrew Salloum, (915) 541-4029

**DISTRICT(S) AFFECTED:** 2

**SUBJECT:**

An ordinance granting Special Permit No. ZON09-00076, to allow an infill development with reduced side yard setbacks to 4 feet and reduced lot area in order to construct a 2,540 square foot duplex on a 6,000 square foot lot on the property described as Lots 26 and 27, Block 115, Amended Map of Morningside Heights Addition, City of El Paso, El Paso County, Texas, and imposing a condition, pursuant to Section 20.10.280 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 3330 Lincoln Avenue. Property Owners: Xavier Neyra. ZON09-00076 (**District 2**)

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Unanimous Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation (6-0)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** Victor Q. Torres  
Director, Development Services

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**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON09-00076, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED SIDE YARD SETBACKS TO 4 FEET AND REDUCED LOT AREA IN ORDER TO CONSTRUCT A 2,540 SQUARE FOOT DUPLEX ON A 6,000 SQUARE FOOT LOT ON THE PROPERTY DESCRIBED AS LOTS 26 AND 27, BLOCK 115, AMENDED MAP OF MORNINGSIDE HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND IMPOSING A CONDITION PURSUANT TO SECTION 20.10.280 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS, TVP Non-Profit Corporation,** has applied for a Special Permit under Section 20.10.280 of the El Paso City Code to allow for an infill development with reduced side yard setbacks to 4 feet and reduced lot area in order to construct a 2,540 square-foot duplex on a 6,000 square foot lot; and,

**WHEREAS,** the requirements of Section 20.10.280 have been satisfied; 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, except to the extent waived by City Council, the application conforms to all requirements of Section 20.10.280 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:

*Lots 26 and 27, Block 115, Amended Map of Morningside Heights Addition, City of El Paso, El Paso County, Texas;*

Further, that the property described above be subject to the following condition:

*The alley and parking area shall be paved to city standards; and*

2. That the City Council hereby grants a Special Permit under Section 20.10.280 of the El Paso City Code to allow an infill development to reduce setbacks and lot size for new infill project on the property described in Paragraph 1 of this Ordinance; 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(s) fail(s) to comply with any of the requirements of this Ordinance, **Special Permit No. ZON09-00076** 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 \_\_\_\_\_, 2010.**

*(Signatures continue on following page)*

**THE CITY OF EL PASO**

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John F. Cook, Mayor

**ATTEST:**

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Richarda Duffy Momsen, City Clerk

**APPROVED AS TO FORM:**

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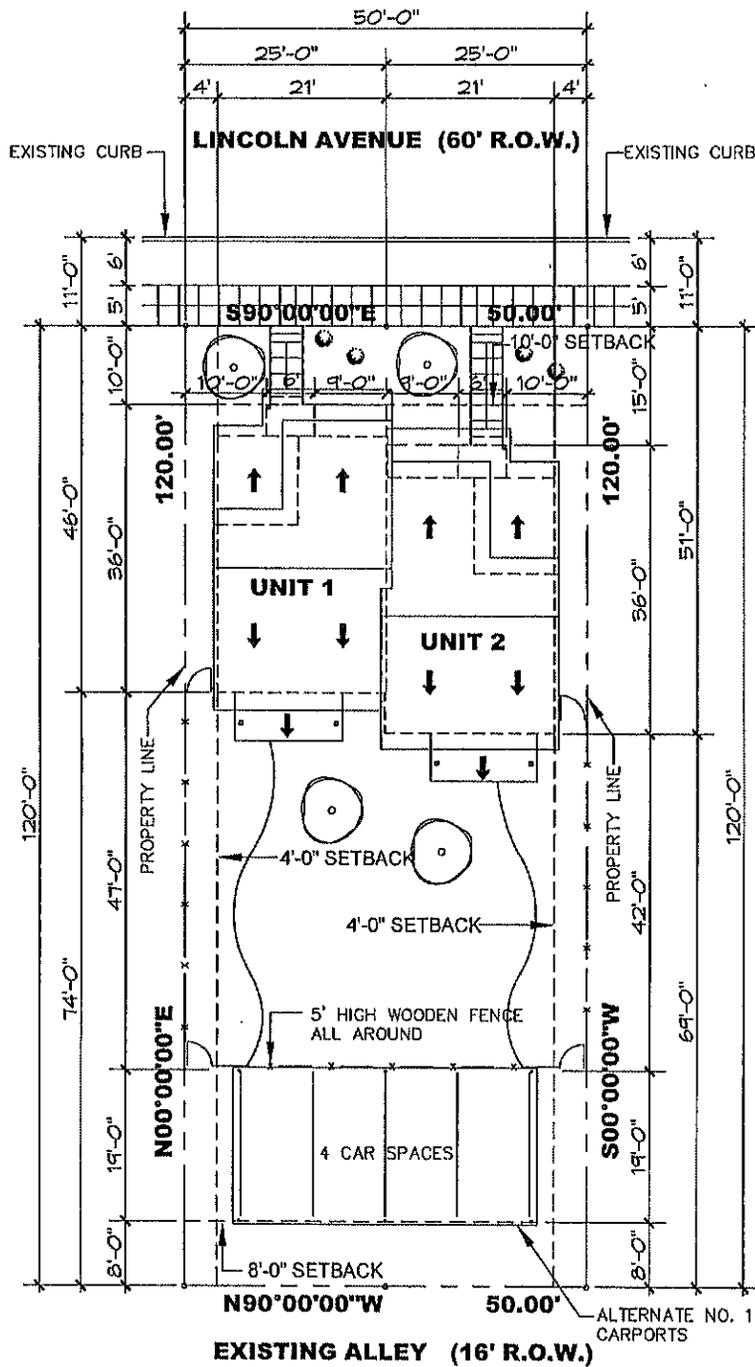
Lupe Cuellar  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

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Mathew S. McElroy,  
Deputy Director – Planning  
Development Services Department





### EXHIBIT "A"

SUMMARY	
3330 LINCOLN AVENUE	
TOTAL LAND AREA: 6000 SF	
LAND AREA OF EACH LOT: 3000 SF	
BLDG	TOTAL SF
UNIT 1: (2 STOREY UNIT)	1270 SF
UNIT 2: (2 STOREY UNIT)	1270 SF
NO LANDSCAPE REQUIREMENT FOR RESIDENTIAL	

## 01 PROPOSED SITE PLAN

SCALE: 1/16" = 1'-0"

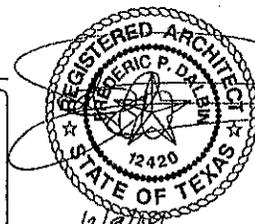
### LEGAL DESCRIPTION

LOTS 26 AND 27, BLOCK 115  
AMENDED MAP OF MORNINGSIDE HEIGHTS ADDITION  
CITY OF EL PASO, EL PASO COUNTY, TEXAS

## LOWER DYER HOUSING

3330 LINCOLN AVENUE

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December 10, 2009 12:55:04 PM  
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01

FRONT ELEVATION

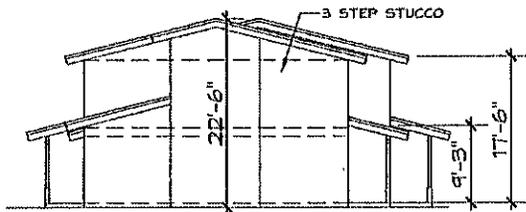
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02

REAR ELEVATION

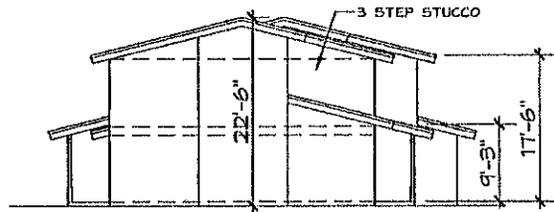
SCALE: 1/8" = 1'-0"



03

SIDE ELEVATION

SCALE: 1/16" = 1'-0"



04

SIDE ELEVATION

SCALE: 1/16" = 1'-0"

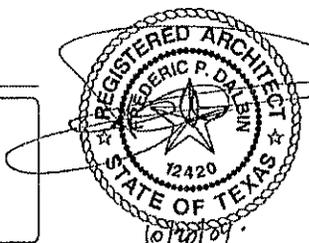
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LOWER DYER HOUSING

3330 LINCOLN AVENUE

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	AS SHOWN

SHEET \_\_\_\_\_ OF \_\_\_\_\_



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## MEMORANDUM

**DATE:** January 25, 2010

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

**FROM:** Andrew Salloum, Planner

**SUBJECT:** ZON09-00076

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The City Plan Commission (CPC) on December 17, 2009, voted **6-0** to recommend **APPROVAL** of the special permit application to an infill development to allow the development of a duplex with reduced side yard setbacks of 4 feet and reduced lot area of 6,000 square feet in the R-4 (Residential) zone district with a condition that the alley and parking area shall be paved to city standards

The CPC found that the special permit is in conformance with The Plan for El Paso. The CPC found that the proposed use is in conformance with the 2025 Projected General Land Use Map for the Central 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 was **NO OPPOSITION** to this request.

**Attachment:** Staff Report



## City of El Paso – City Plan Commission Staff Report

**Case No:** ZON09-00076  
**Application Type:** Special Permit & Detailed Site Development Plan  
**CPC Hearing Date:** December 17, 2009  
**Staff Planner:** Andrew Salloum, 915-541-4029, [salloumam@elpasotexas.gov](mailto:salloumam@elpasotexas.gov)

**Location:** 3330 Lincoln Avenue  
**Legal Description:** Lots 26 and 27, Block 115, Amended Map of Morningside Heights Addition, City of El Paso, El Paso County, Texas

**Acreage:** 0.13-acre  
**Rep District:** 2  
**Existing Use:** Vacant  
**Existing Zoning:** R-4 (Residential)  
**Request:** To reduce setbacks and lot size for new infill project  
**Proposed Zoning:** Infill Development

**Property Owner:** Xavier Neyra  
**Applicant:** David Gillooly, TVP Non-Profit Corporation  
**Representative:** Wright & Dalbin Architects

### **SURROUNDING ZONING AND LAND USE**

**North:** A-2 (Apartment) / Multi-Family Residential  
**South:** R-4 (Residential) / Multi-Family Residential  
**East:** R-4 (Residential) / Vacant  
**West:** R-4 (Residential) / Vacant

**THE PLAN FOR EL PASO DESIGNATION:** Residential (Central Planning Area)

**NEAREST PARK:** Summit-Fillmore Park (2,010 Feet)

**NEAREST SCHOOL:** Travis Elementary (1,725 Feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Central Neighborhood Association

### **NEIGHBORHOOD INPUT**

Notice of the public hearing was mailed to all property owners within 300 feet of this proposed special permit on November 18, 2009. Planning did not receive any calls or letters in support or opposition.

### **APPLICATION DESCRIPTION**

The applicant is requesting a special permit and detailed site development plan approval to allow for infill development with reduced side yard setbacks to 4 feet and reduced lot area in order to construct a 2,540 square-foot duplex on a 6,000 square foot lot. The site is vacant and is 0.13-acre in size. Access to the site will be from the alley.

### **DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION**

DCC recommends **APPROVAL** of the special permit and detailed site development plan request with a condition:

- 1) *The alley and parking area shall be paved to city standards*

## **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **APPROVAL** of the special permit and detailed site development plan request with a condition:

*1) The alley and parking area shall be paved to city standards*

## **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.

## **Development Services Department - Building Permits and Inspections Division**

Zoning: Plan Review has no objections providing any portion of the building which encroaches to within 3 feet of the property line must be one hour fire rated.

Landscaping: Landscape is not required for this project under 18.46.060

## **Development Services Department – Planning Division**

Current Planning: recommends **APPROVAL** of the special permit and detailed site development plan request with a condition:

*1) The alley and parking area shall be paved to city standards*

Land Development: no comments received.

## **Engineering Department - Traffic Division**

Traffic Division recommends denial of the proposed design unless the applicant paves the alley and the proposed parking area to City standards.

## **Fire Department**

No comments received.

## **El Paso Water Utilities**

EPWU does not object to this request.

## **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:

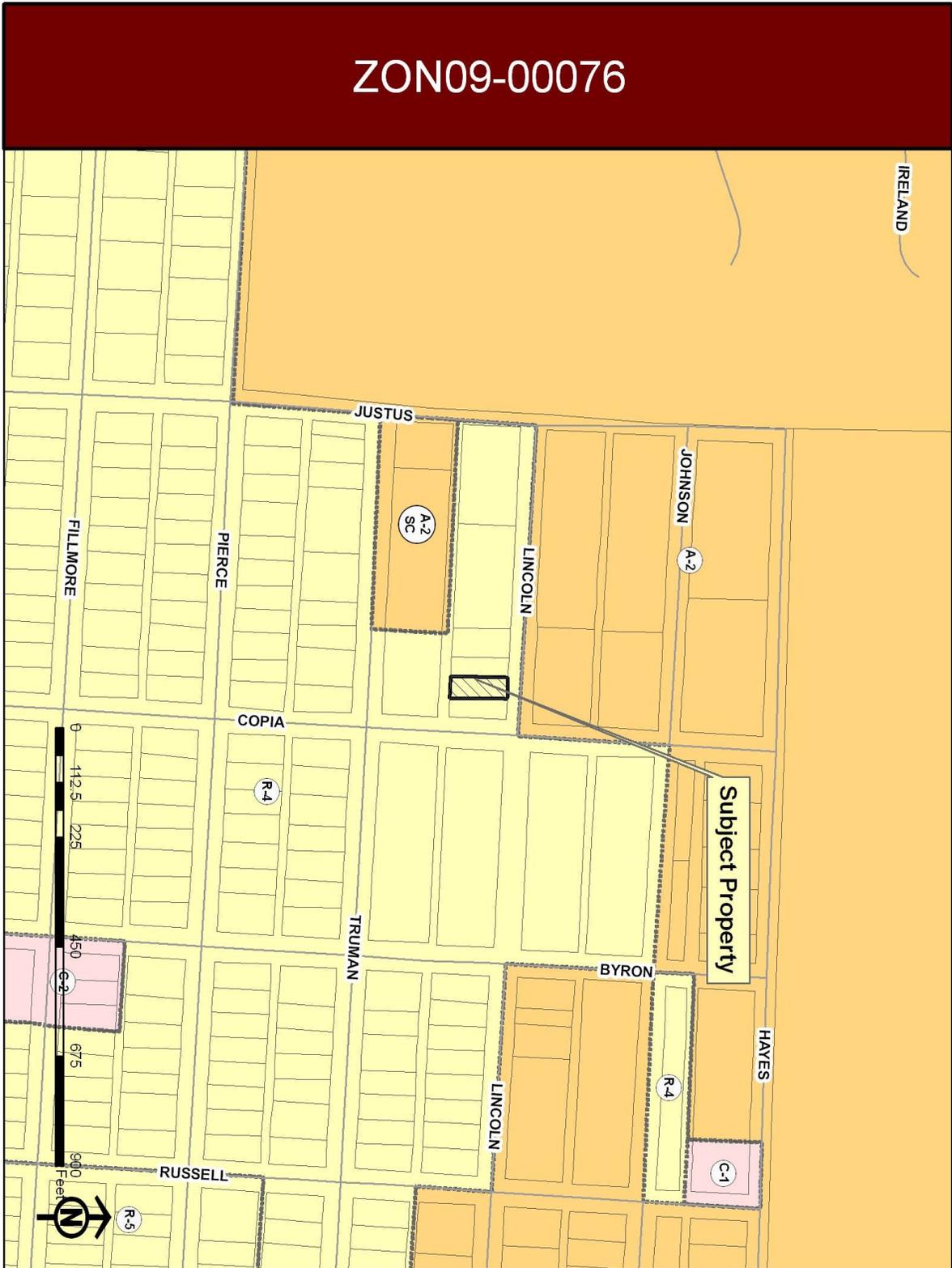
1. Recommend approval of the application finding that the special permit and detailed site development plan is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan
2. Recommend approval of the application with 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
4. Elevations

ATTACHMENT 1: LOCATION MAP

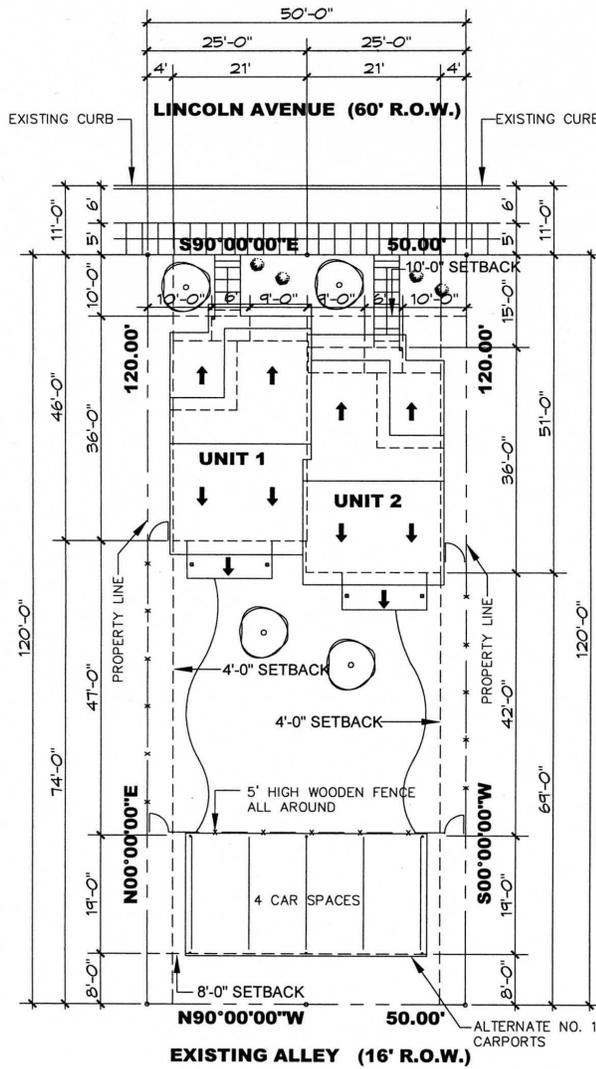


ATTACHMENT 2: AERIAL MAP

ZON09-00076



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



SUMMARY	
3330 LINCOLN AVENUE	
TOTAL LAND AREA: 6000 SF	
LAND AREA OF EACH LOT: 3000 SF	
BLDG	TOTAL SF
UNIT 1: (2 STOREY UNIT)	1270 SF
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01 PROPOSED SITE PLAN

SCALE: 1/16" = 1'-0"

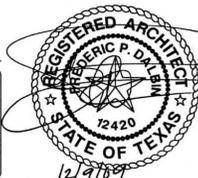
LEGAL DESCRIPTION

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CITY OF EL PASO, EL PASO COUNTY, TEXAS

LOWER DYER HOUSING

3330 LINCOLN AVENUE

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December 10, 2009 - 3:30pm  
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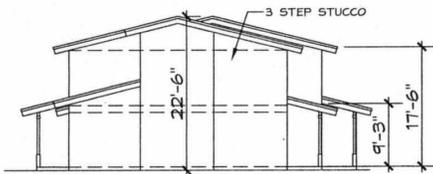
# ATTACHMENT 4: ELEVATIONS



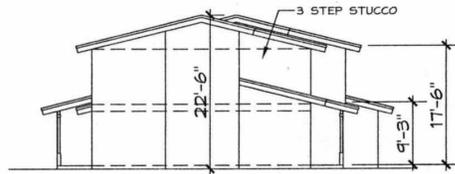
**01** FRONT ELEVATION  
SCALE: 1/8" = 1' - 0"



**02** REAR ELEVATION  
SCALE: 1/8" = 1' - 0"



**03** SIDE ELEVATION  
SCALE: 1/16" = 1'-0"

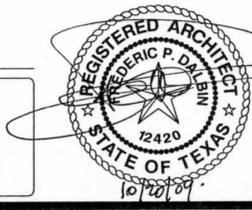


**04** SIDE ELEVATION  
SCALE: 1/16" = 1'-0"

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**LOWER DYER HOUSING**  
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	10/16/2009		
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