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

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

**AGENDA DATE:**    **Introduction: March 3, 2009**  
                          **Public Hearing: March 24, 2009**

**CONTACT PERSON/PHONE:**    Andrew Salloum, 541-4027

**DISTRICT(S) AFFECTED:**

**SUBJECT:**

An Ordinance granting Special Permit NO. ZON08-00115, to allow for Infill Development on Lots 11, 12, and 13, Block 69, Amended Map of Morningside Heights Addition, City of El Paso, El Paso County, Texas, pursuant to Sections 20.04.260 and 20.10.280 of the El Paso City Code. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4009 Fillmore Avenue. Applicant: TVP Non-Profit Corporation, ZON08-00115 (District 2).

**BACKGROUND / DISCUSSION:**

**PRIOR COUNCIL ACTION:**

**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

**APPROVED FOR AGENDA:**

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

Mayor  
John F. Cook

City Council

*District 1*  
Ann Morgan Lilly

*District 2*  
Susannah M. Byrd

*District 3*  
Emma Acosta

*District 4*  
Melina Castro

*District 5*  
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*District 7*  
Steve Ortega

*District 8*  
Beto O'Rourke

City Manager  
Joyce A. Wilson

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

**AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON08-00115, TO ALLOW FOR INFILL DEVELOPMENT ON LOTS 11, 12, AND 13, BLOCK 69, AMENDED MAP OF MORNINGSIDE HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTIONS 20.04.260 AND 20.10.280 OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS, TVP Non-Profit Corporation,** has applied for a Special Permit under Sections 20.04.260 and 20.10.280 of the El Paso City Code, to allow for an infill development; 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 20.04.260 and 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 **A-2 (Apartment)** District:

*Lots 11, 12, and 13, Block 69, Amended Map of Morningside Heights Addition, City of El Paso, El Paso County, Texas; and,*

2. That the City Council hereby grants a Special Permit under Sections 20.04.260 and 20.10.280 of the El Paso City Code, in order to allow an infill development 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 **A-2 (Apartment)** 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,

4. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON08-00115** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; 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 of the City Plan Commission before building permits are issued.

**PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.**

**THE CITY OF EL PASO**

\_\_\_\_\_  
John F. Cook  
Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Mathew S. McElroy  
Deputy Director – Planning  
Development Services Department

**AGREEMENT**

**TVP Non-Profit Corporation**, the Applicant 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 **A-2 (Apartment)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 23<sup>rd</sup> day of February, 2009.

**TVP NON-PROFIT CORPORATION:**

By: David Gillooly - Ex. Director.  
(name/title)

*D Gillooly*  
(signature)

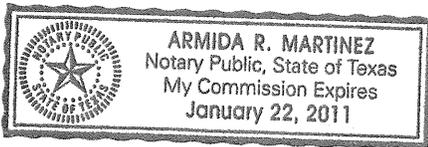
**ACKNOWLEDGMENT**

THE STATE OF TEXAS )  
  )  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 23 day of February, 2009, by David Gillooly, for **TVP Non-Profit Corporation**, as Applicants.

My Commission Expires:

Armida R. Martinez  
Notary Public, State of Texas  
Notary's Printed or Typed Name:

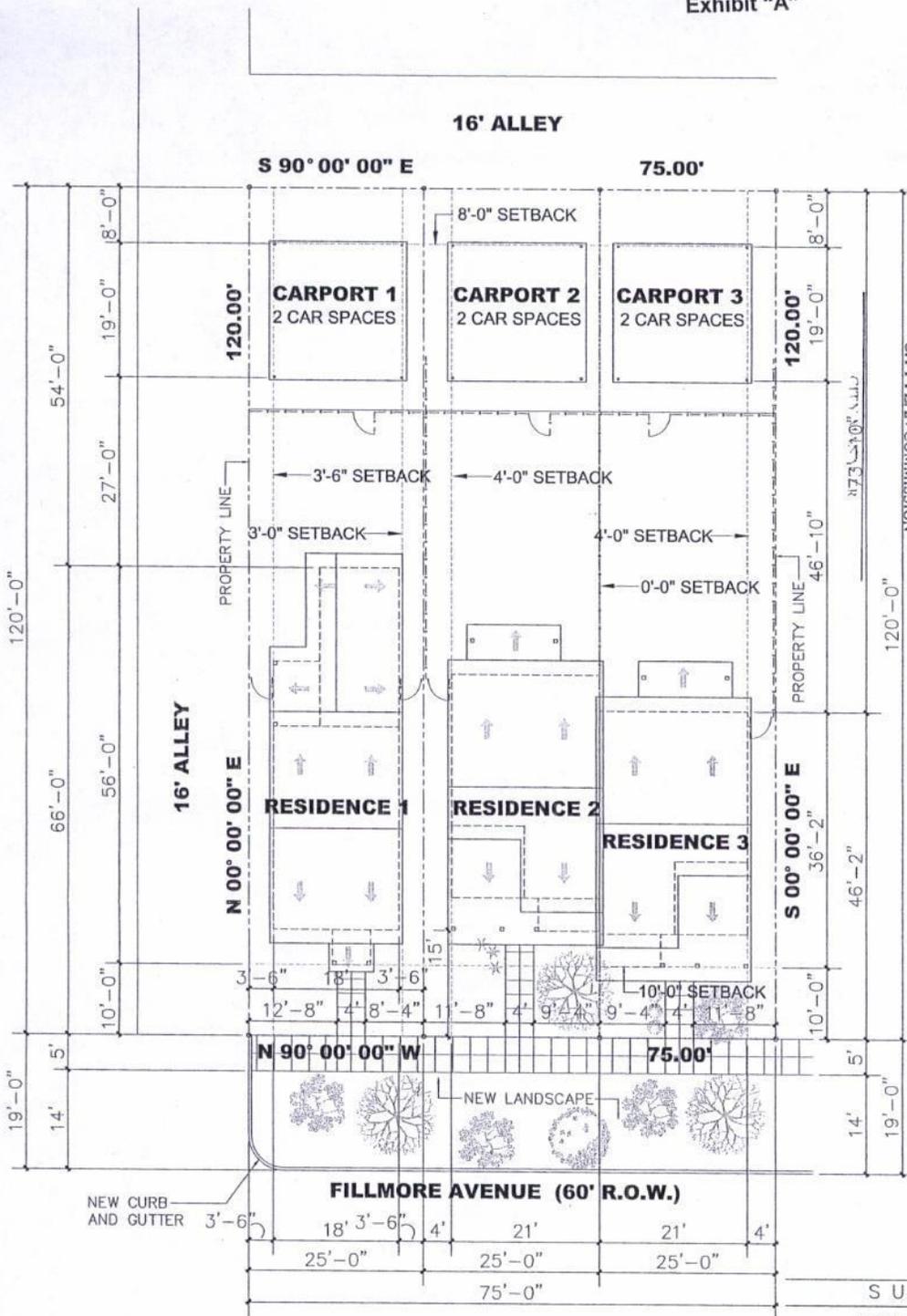


ARMIDA R. MARTINEZ

CITY CLERK DEPT.  
09 FEB 23 PM 2:51



NORTH



DEVELOPMENT SERVICES DEPARTMENT  
 PLANNING DIVISION  
 DETAILED SITE DEVELOPMENT PLAN APPROVED  
 BY THE CITY COUNCIL

DATE \_\_\_\_\_  
 APPLICANT \_\_\_\_\_  
 EXECUTIVE SECRETARY \_\_\_\_\_  
 CITY PLAN COMMISSION \_\_\_\_\_

**01** PROPOSED SITE PLAN  
 SCALE: NTS

LEGAL DESCRIPTION  
 LOTS 11, 12 AND 13, BLOCK 69  
 AMENDED MAP OF MORNINGSIDE HEIGHTS ADDITION  
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

SUMMARY	
4009 FILLMORE AVENUE	
TOTAL LAND AREA: 9000 SF	
LAND AREA OF EACH LOT: 3000 SF	
BLDG	TOTAL SF
RESIDENCE 1: (2 STOREY UNIT)	1285 SF
RESIDENCE 2: (2 STOREY UNIT)	1257 SF
RESIDENCE 3: (2 STOREY UNIT)	1257 SF
NO LANDSCAPE REQUIREMENT FOR RESIDENTIAL	

**LOWER DYER HOUSING**  
 4009 FILLMORE AVENUE

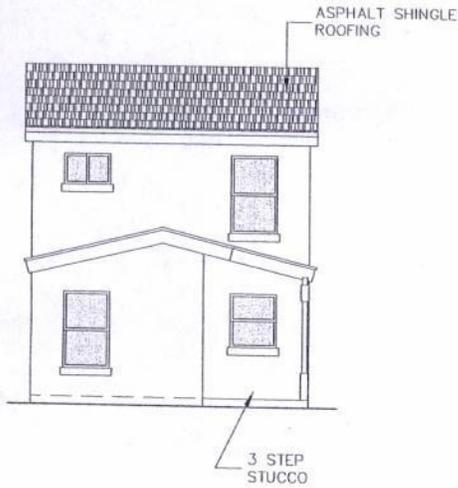
08.05.50	SHEET OF
12/15/2008	
AS SHOWN	



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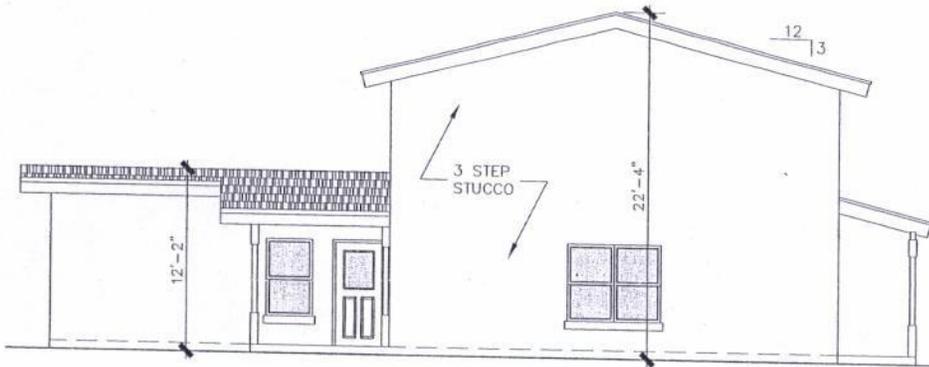
Exhibit "A"



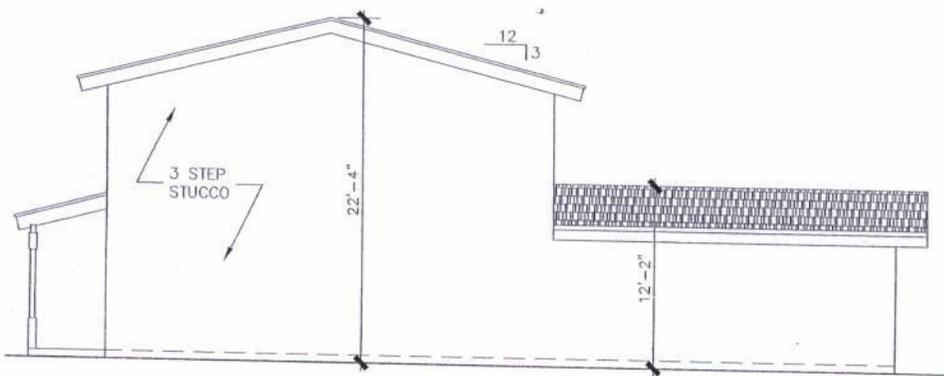
02 REAR ELEVATION  
SCALE: NTS



01 FRONT ELEVATION  
SCALE: NTS



03 SIDE ELEVATION  
SCALE: NTS

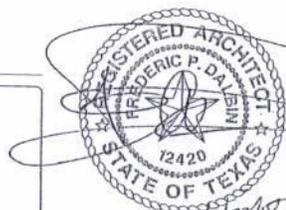


04 SIDE ELEVATION  
SCALE: NTS

LOWER DYER HOUSING  
TYPICAL ELEVATIONS

	08.05.50
	12/15/2008
	AS SHOWN

SHEET	OF
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ARCHITECTS, INC.

2112 Marchion Dr  
El Paso, Texas 79930  
Ph: (915) 533-3777 Fax: (915) 532-7733 www.wrightdalbin.com

12/23/08



**MEMORANDUM**

**DATE:** February 16, 2009

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

**FROM:** Andrew Salloum, Planner

**SUBJECT: ZON08-00115**

Mayor  
John F. Cook

City Council

*District 1*  
Ann Morgan Lilly

*District 2*  
Susannah M. Byrd

*District 3*  
Emma Acosta

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*District 7*  
Steve Ortega

*District 8*  
Beto O'Rourke

City Manager  
Joyce A. Wilson

The City Plan Commission (CPC), on January 29, 2009, voted **6-0** to recommend **APPROVAL** of the special permit request and detailed site development plan for reduced setbacks and increased density, and to utilize portions of right-of-way for proposed landscaping in an A-2 (Apartment) zoning district.

The applicant is requesting a special permit and detailed site development plan approval to allow for infill development with reduced front setbacks to 10 feet; rear setbacks to 8 feet; and side yard setbacks to 3.6 feet; increased density, and reduced lot area to construct a 1,285 square foot single-family house and 2,514 square foot duplex on a 9,000 square foot lot. The applicant is also proposing to use a portion of the right-of-way along Fillmore Avenue for landscaping. The site is vacant and is 0.2059 acres in size. Access to the site will be from the alley.

The CPC found that the special permit and detailed site development plan are in conformance with The Plan for El Paso and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that the special permit and detailed site development plan protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the special permit and detailed site development plan 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, zoning map, aerial map, and detailed site development plan



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

**Case No:** ZON08-00115  
**Application Type:** Special Permit and Detailed Site Development Plan  
**CPC Hearing Date:** January 29, 2009  
**Staff Planner:** Andrew Salloum, 915-541-4027, [salloumam@elpasotexas.gov](mailto:salloumam@elpasotexas.gov)

**Location:** 4009 Fillmore Avenue  
**Legal Description:** Lots 11, 12, and 13, Block 69, Amended Map of Morningside Heights Addition, City of El Paso, El Paso County, Texas  
**Acreage:** 0.20599 acres  
**Rep District:** 2  
**Existing Use:** Vacant  
**Existing Zoning:** A-2 (Apartment)  
**Request:** Reduced setbacks, increased density, and use of Right-of-Way for proposed landscaping for new infill development  
**Proposed Zoning:** Infill Development  
**Property Owner:** TVP Non Profit Corporation  
**Applicant:** David Gillooly  
**Representative:** Wright & Dalbin Architects

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

**North:** C-4 (Commercial), A-2 (Apartment); Contractor Yard, Multi-Family Residential  
**South:** A-2 (Apartment); Multi-Family Residential  
**East:** A-2 (Apartment); Multi-Family Residential  
**West:** C-4 (Commercial); Tire Store

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

**NEAREST PARK:** Grandview Park (4,310 Feet)

**NEAREST SCHOOL:** Travis Elementary (1,748 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 January 14, 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 front setbacks to 10 feet; rear setbacks to 8 feet; and side yard setbacks to 3.6 feet; increased density, and reduced lot area to construct a 1,285 square foot single-family house and 2,514 square foot duplex on a 9,000 square foot lot. The applicant is also proposing to use a portion of the right-of-way along Fillmore Avenue for landscaping. The site is vacant and is 0.2059 acres in size. Access to the site will be from the alley.

## **DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION**

The Development Coordinating Committee provides the following comments:

DCC recommends **APPROVAL** of the special permit and detailed site development plan request for reduced setbacks and increased density, and to utilize portions of right-of-way for proposed landscaping in an A-2 (Apartment) zoning district.

## **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **APPROVAL** of the special permit and detailed site development plan request for reduced setbacks and increased density in an A-2 (Apartment) zoning district because the area surrounding the property consists primarily of multi-family residential and the duplex would be compatible with both the two-family and the single-family development. The lots are smaller than the surrounding lots, but the size of the dwellings are comparable to the existing single-family dwellings in the area.

## **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: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- d. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.
- e. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character

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

Zoning:

No objections to the proposed infill development. Alley access to Carport must be paved.

Landscaping:

Two unit dwelling/duplex. Landscaping 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 for reduced setbacks, increased density, and to comprise right-of-way for proposed landscaping for new infill development in an A-2 (Apartment) zoning district.

Land Development:

- ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.\*
- Grading plan and permit shall be required.\*
- Storm Water Pollution Prevention Plan and/or permit required.\*
- Drainage plans must be approved by the Development Services Department, Engineering Section.\*

- Additional Comments: Site location is **not** located within a Special Flood Hazard Area, Flood Zone C, Panel **480214 0029 B**, Effective Date: October 15, 1982  
\***This requirement will be applied at the time of development.**

**Engineering Department - Traffic Division:**

The property owner is responsible for the installation and maintenance of landscaping in the ROW between the property line and the curblineline, in accordance with Chapter 12.68 of the El Paso City Code.

**Fire Department:**

We have no opposition at this time but we wish to advise the applicant that the proposed structures do not meet the minimum side setbacks required by the Zoning Ordinance. We recommend that the applicant coordinate with Michael Neligh, Building Plans Examiner with Development Services Buildings, Permits, & Inspections to review the requirements for buildings that do not meet the minimum side setback as per the Zoning Ordinance.

**El Paso Water Utilities:**

EPWU does not object to this request.

**CITY PLAN COMMISSION OPTIONS**

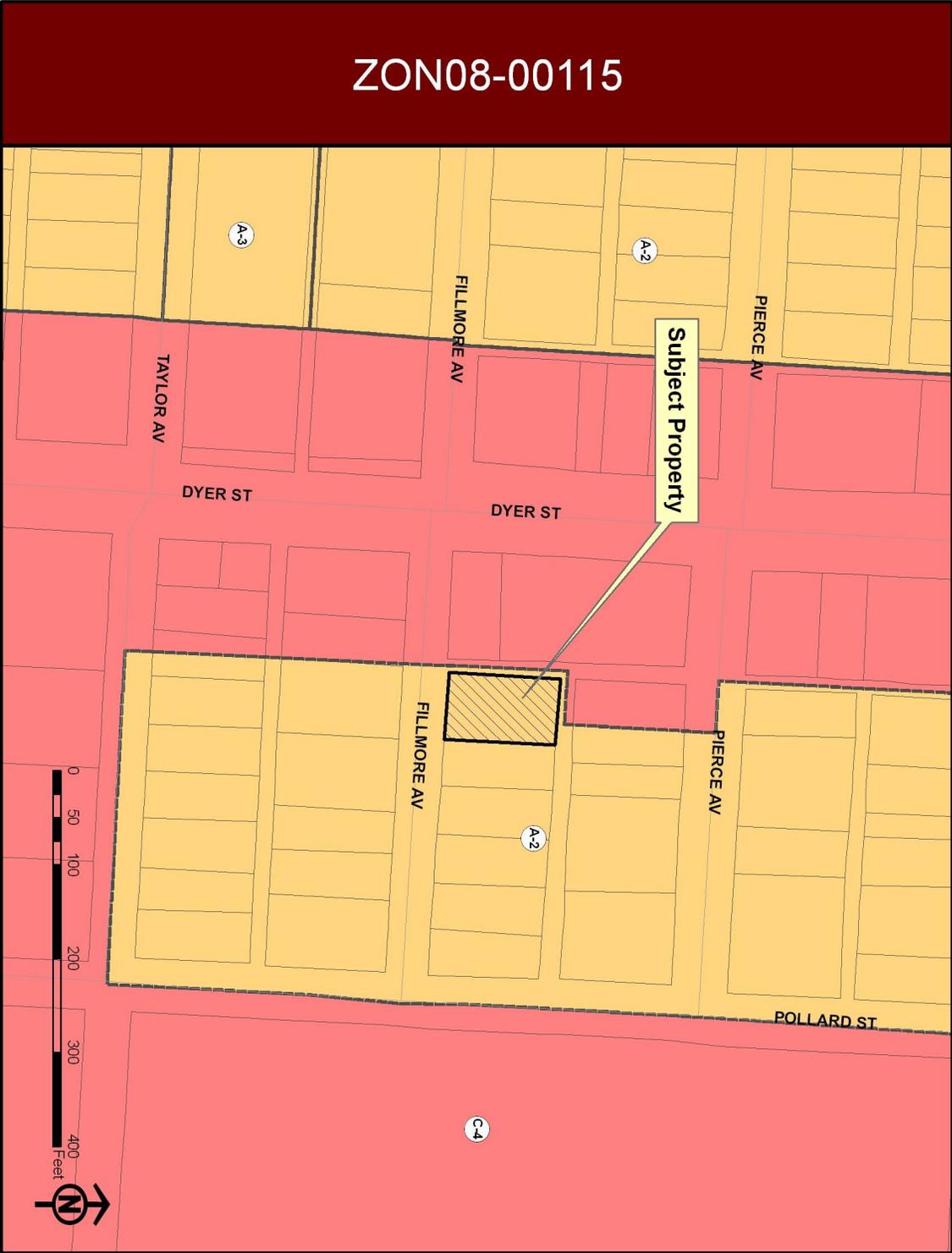
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit and detailed site development plan application:

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

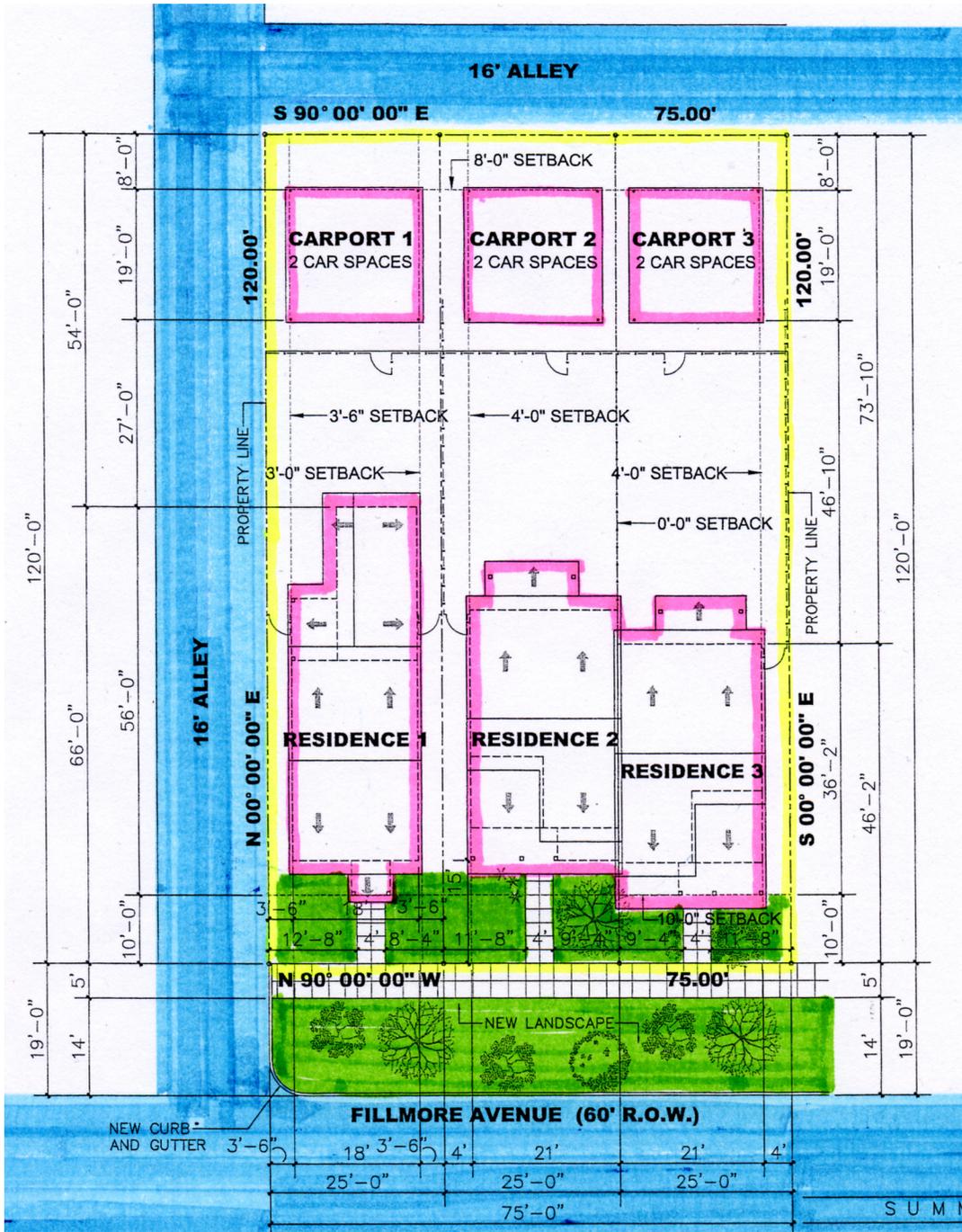


ATTACHMENT 2: AERIAL MAP

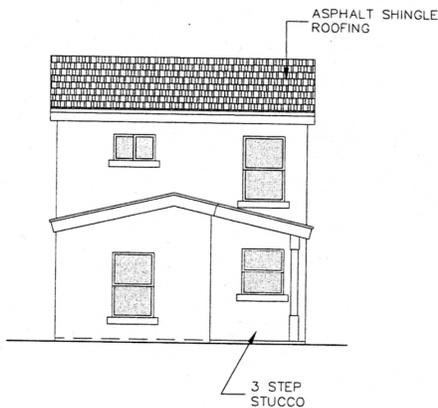
ZON08-00115



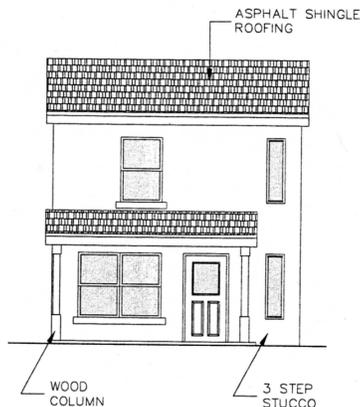
**ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN**



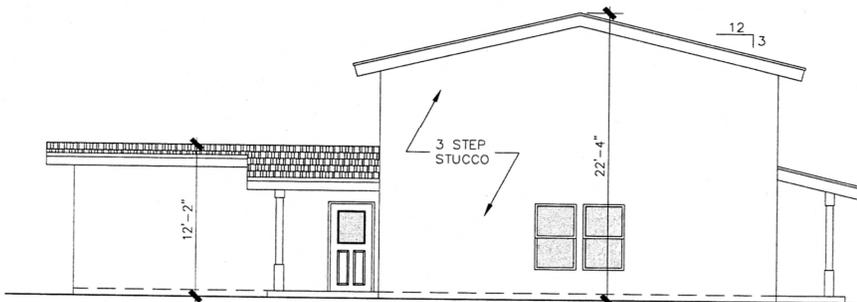
# ATTACHMENT 4: ELEVATIONS



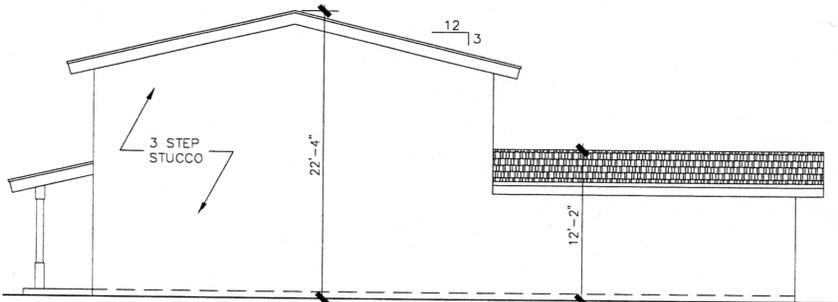
**02 REAR ELEVATION**  
SCALE: NTS



**01 FRONT ELEVATION**  
SCALE: NTS



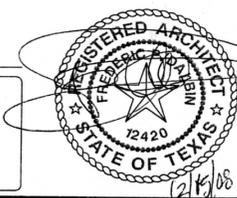
**03 SIDE ELEVATION**  
SCALE: NTS



**04 SIDE ELEVATION**  
SCALE: NTS

## LOWER DYER HOUSING TYPICAL ELEVATIONS

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