

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

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

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

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

**DISTRICT(S) AFFECTED:** 2

**SUBJECT:**

An ordinance granting Special Permit No. ZON09-00075, to allow for infill development on the property described as Lots 17-20, Block 121, Morningside Heights Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 3830 Johnson Avenue. Applicant: TVP Non-Profit Corporation. ZON09-00075 (**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 (5-2)

\*\*\*\*\*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. ZON09-00075, TO ALLOW FOR INFILL DEVELOPMENT ON THE PROPERTY DESCRIBED AS LOTS 17-20, BLOCK 121, MORNINGSIDE HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS, TVP Non-Profit Corporation, Applicant,** has applied for a Special Permit for infill development to allow a reduced front setback from 20 feet to 10 feet for a quadraplex; 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 an **A-2 (Apartment)** Zone District:

*Lots 17-20, Block 121, Morningside Heights Addition, City of El Paso,  
El Paso County, Texas*

2. That the City Council hereby grants a Special Permit under Sections 20.10.280 of the El Paso City Code, to allow an infill development with reduced front yard setback from 20 feet to 10 feet with conditions:

*That the parking area and alley shall be paved to City standards*

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 Owner or the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. ZON09-00075 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 \_\_\_\_\_, 2010.

**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, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**TVP NON-PROFIT CORPORATION:**

By: \_\_\_\_\_  
(name/title)

\_\_\_\_\_  
(signature)

**ACKNOWLEDGMENT**

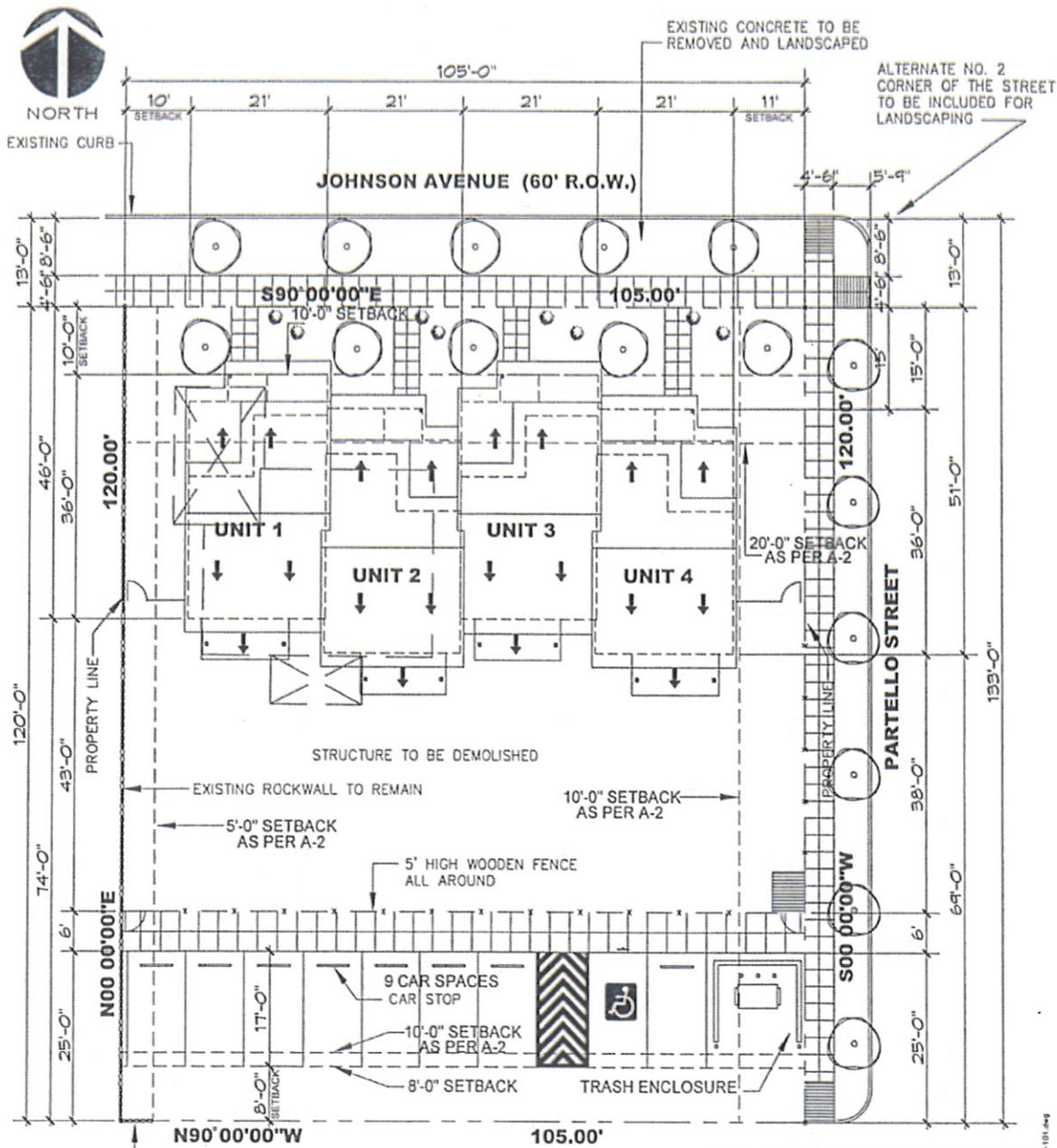
**THE STATE OF TEXAS** )  
  )  
**COUNTY OF EL PASO** )

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by \_\_\_\_\_, **David Gillooly**, for **TVP Non-Profit Corporation**, as **Applicant**.

My Commission Expires:

\_\_\_\_\_  
Notary Public, State of Texas

Notary's Printed or Typed Name:  
\_\_\_\_\_



01

**PROPOSED SITE PLAN**

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

**LEGAL DESCRIPTION**

LOTS 17 THROUGH 20, BLOCK 121  
 AMENDED MAP OF MORNINGSIDE HEIGHTS ADDITION  
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

SUMMARY	
3830 JOHNSON AVENUE	
TOTAL LAND AREA: 12600 SF	
LAND AREA OF LOT 17: 3600 SF	
LAND AREA OF LOT 18, 19, 20: 3000 SF	
BLOG	TOTAL SF
UNIT 1: (2 STORY UNIT)	1249 SF
UNIT 2: (2 STORY UNIT)	1249 SF
UNIT 3: (2 STORY UNIT)	1249 SF
UNIT 4: (2 STORY UNIT)	1249 SF
<b>TOTAL:</b>	<b>4996 SF</b>

**LOWER DYER HOUSING**

3830 JOHNSON AVENUE

09.08.46  
 12/10/2009  
 AS SHOWN

SHEET **1** OF **2**



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 2112 Mulcrum Dr. El Paso, Texas 79930  
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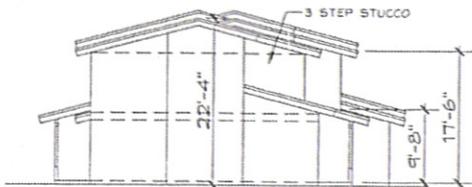
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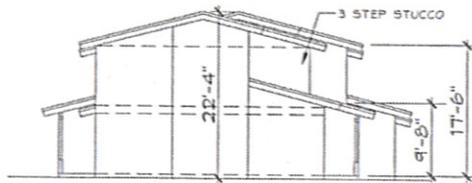
01 FRONT ELEVATION  
JOHNSON AVENUE SCALE: 1/16" = 1'-0"



02 REAR ELEVATION  
JOHNSON AVENUE SCALE: 1/16" = 1'-0"



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

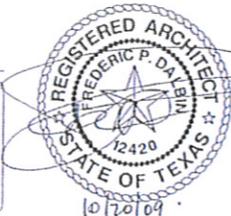


04 SIDE ELEVATION  
SCALE: 1/16" = 1'-0"

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LOWER DYER HOUSING  
3830 JOHNSON AVENUE

	09.08.06	
	10/16/2009	
	AS SHOWN	
SHEET		OF



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**MEMORANDUM**

**DATE:** February 19, 2010

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

**FROM:** Andrew Salloum, Planner

**SUBJECT: ZON09-00075**

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The City Plan Commission (CPC) on January 28, 2010, voted **5-2** to recommend **APPROVAL** of the special permit application to an infill development to allow the development with reduced front setback from 20 feet to 10 feet; and reduced lot area in order to construct a 4,996 square-foot quadraplex on a 12,600 square foot lot in the A-2 (Apartment) zone district with a condition that the alley and parking area shall be paved to city standards.

The CPC asked that the City work with the applicant to mitigate the applicant's cost of paving the alley.

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 were 3 phone calls in **OPPOSITION** to this special permit request.

**Attachment:** Staff Report



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

**Case No:** ZON09-00075  
**Application Type:** Special Permit & Detailed Site Development Plan  
**CPC Hearing Date:** January 28, 2010  
**Staff Planner:** Andrew Salloum, 915-541-4029, [salloumam@elpasotexas.gov](mailto:salloumam@elpasotexas.gov)

**Location:** 3830 Johnson Avenue  
**Legal Description:** Lots 17-20, Block 121, Morningside Heights Addition, City of El Paso, El Paso County, Texas  
**Acreage:** 0.28-acre  
**Rep District:** 2  
**Existing Use:** Vacant  
**Existing Zoning:** R-5 (Residential)  
**Request:** To reduce setbacks and lot size for new infill project  
**Proposed Use:** Infill Development

**Property Owner:** Veronica S. Jarosz  
**Applicant:** David Gillooly, TVP Non-Profit Corporation  
**Representative:** Wright & Dalbin Architects

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

**North:** R-5 (Residential) / Multi-Family Residential  
**South:** A-2 (Apartment) / Multi-Family Residential  
**East:** A-2 (Apartment) / Multi-Family Residential  
**West:** R-5 (Residential) / Single-Family Residential

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

**Nearest Park:** Logan Park (2,855 Feet)

**Nearest School:** Travis Elementary (590 Feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Central Neighborhood Association

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on January 12, 2010. The Planning Division has received 3 phone calls in opposition to the special permit request.

### **APPLICATION DESCRIPTION**

The applicant is requesting a special permit and detailed site development plan approval to allow for infill development with reduced front setback from 20 feet to 10 feet; and reduced lot area in order to construct a 4,996 square-foot quadruplex on a 12,600 square foot lot. The site is vacant and is 0.28-acre in size. Access to the site will be from the alley. The applicant has submitted an application ZON09-00090 to rezone this property from R-5 (Residential) to A-2 (Apartment).

### **DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION**

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

*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:

*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.

The purpose of A-2 (Apartment) districts is to promote and preserve residential development within the city associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain nonresidential uses and support facilities.

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

Zoning: no objections.

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:

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

Land Development: no comments received.

**Engineering Department - Traffic Division**

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

**Fire Department**

No adversely comments.

**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

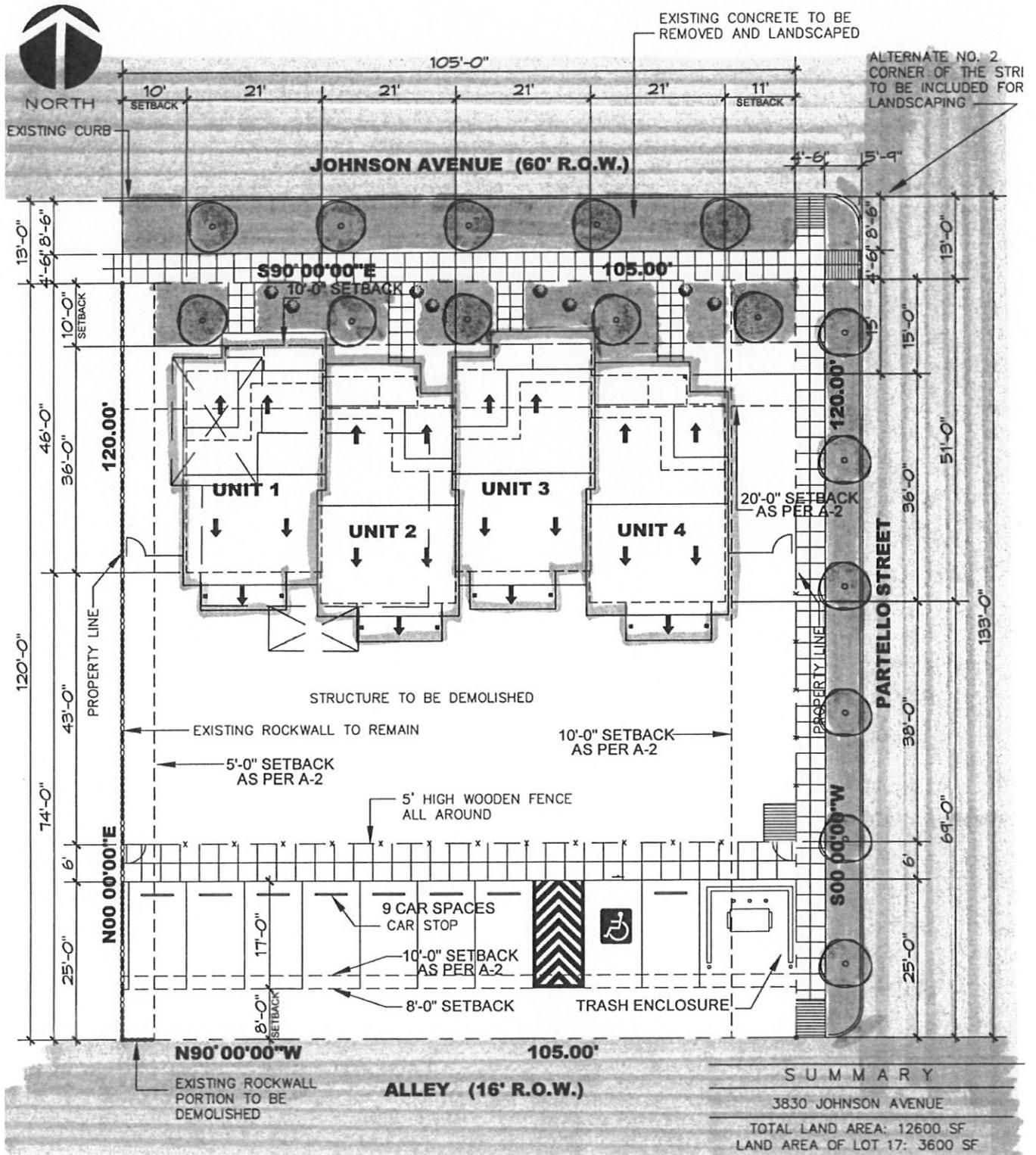


ATTACHMENT 2: AERIAL MAP

ZON09-00075



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



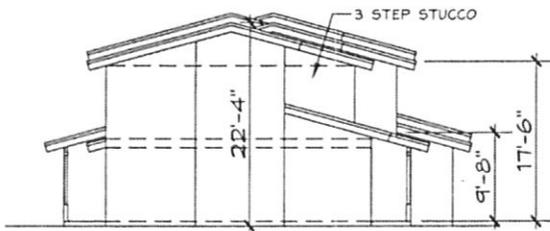
ATTACHMENT 4: ELEVATIONS



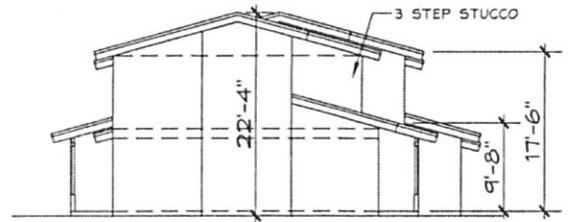
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