



**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. ZON08-00103, to allow for Infill Development on Lots 24 and 25, Block 41, 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: 3816 Harrison Avenue. Applicant: TVP Non-Profit Corporation, ZON08-00103 (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*  
Rachel Quintana

*District 6*  
Eddie Holguin Jr.

*District 7*  
Steve Ortega

*District 8*  
Beto O'Rourke

City Manager  
Joyce A. Wilson

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

**AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON08-00103, TO ALLOW FOR INFILL DEVELOPMENT ON LOTS 24 AND 25, BLOCK 41, 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 **R-4 (Residential)** District:

*Lots 24 and 25, Block 41, 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 **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 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. ZON08-00103** 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 R-4 (Residential) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 23rd day of February, 2009.

**TVP NON-PROFIT CORPORATION:**

By: David Killaspy - Executive Director  
(name/title)

[Signature]  
(signature)

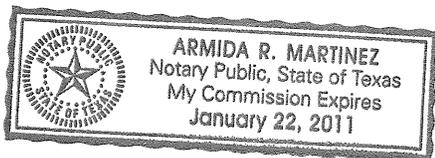
**ACKNOWLEDGMENT**

THE STATE OF TEXAS )  
)  
COUNTY OF EL PASO )

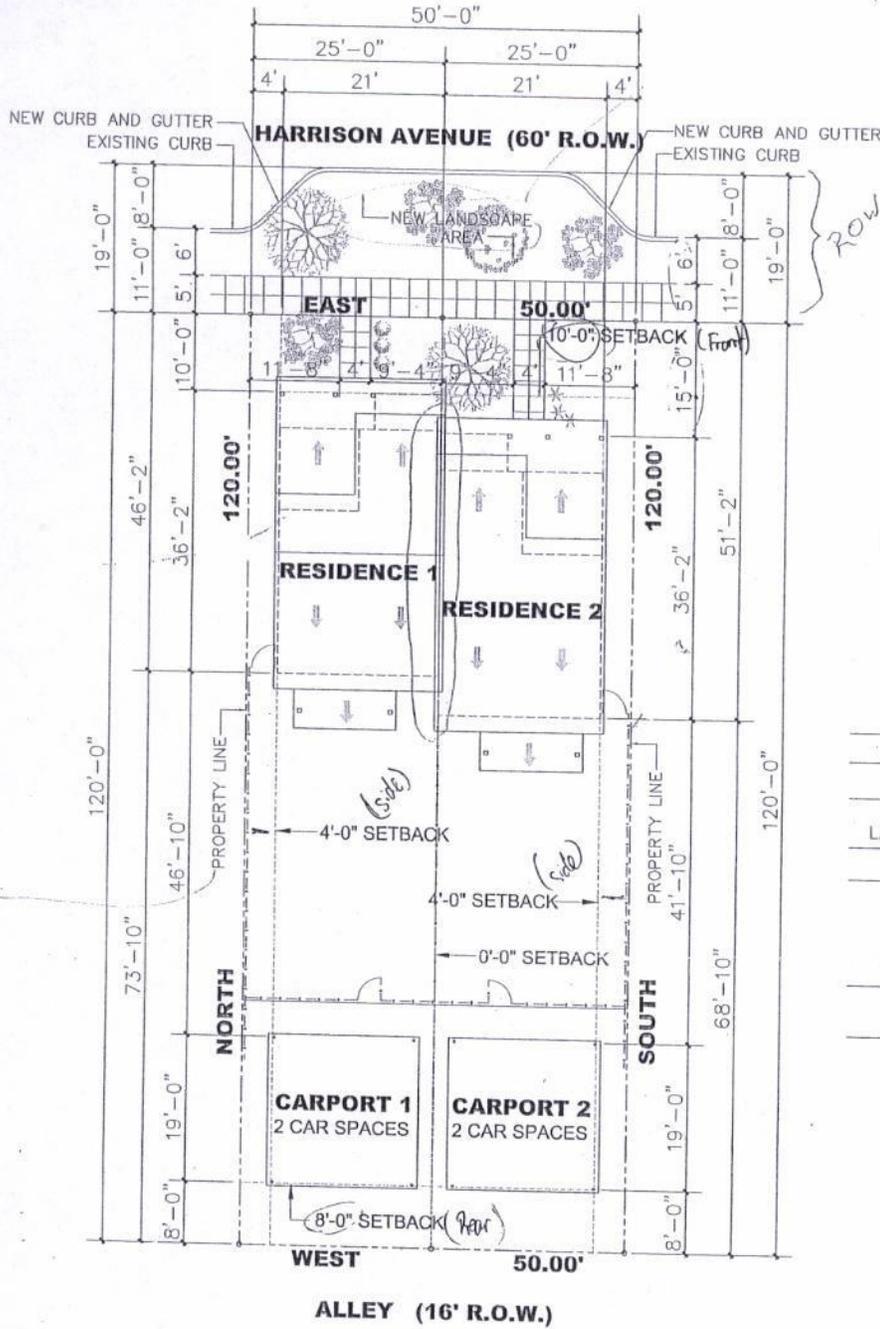
This instrument is acknowledged before me on this 23 day of February, 2009, by David Killaspy, TVP Non-Profit Corporation as Applicant.

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 2:42



DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

DETAILED SITE DEVELOPMENT PLAN APPROVED  
BY THE CITY COUNCIL

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

SUMMARY	
3816 HARRISON AVENUE	
TOTAL LAND AREA: 6000 SF	
LAND AREA OF EACH LOT: 3000 SF	
BLDG	TOTAL SF
RESIDENCE 1: (2 STOREY UNIT)	1257 SF
RESIDENCE 2: (2 STOREY UNIT)	1257 SF
NO LANDSCAPE REQUIREMENT FOR RESIDENTIAL	

**01 PROPOSED SITE PLAN**  
SCALE: NTS

**LEGAL DESCRIPTION**  
LOTS 24 AND 25, BLOCK 41  
AMENDED MAP OF MORNINGSIDE HEIGHTS ADDITION  
CITY OF EL PASO, EL PASO COUNTY, TEXAS

**LOWER DYER HOUSING**  
3816 HARRISON AVENUE

08.05.50	SHEET OF
11/21/2008	
AS SHOWN	



THE USE OF THIS SEAL IS AUTHORIZED BY THE ARCHITECT'S WHO'S NAME APPEARS. ANY UNAUTHORIZED USE, MISUSE OR MISREPRESENTATION OF THIS SEAL WILL VOID ANY LIABILITY, DIRECT OR INDIRECT WHICH MAY RESULT FROM ITS USE. NO PERSON MAY MAKE ANY MODIFICATION TO THIS ELECTRONIC DRAWING FILE WITHOUT THE ARCHITECT'S EXPRESS WRITTEN PERMISSION.

IF YOU SHOULD HAVE ANY COMPLAINTS REGARDING THIS ARCHITECTURAL FIRM, PLEASE BE INFORMED THAT THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS HAS JURISDICTION OVER COMPLAINTS REGARDING THIS FIRM'S PROFESSIONAL PRACTICE. THE MAILING ADDRESS IS TRAE, P.O. BOX 12337, AUSTIN, TEXAS 78741, TELE: (512) 300-9000.

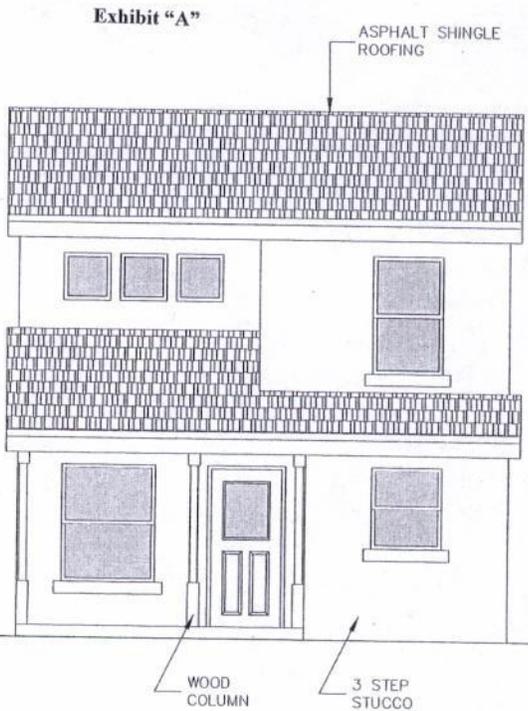
COPYRIGHT 2008 WRIGHT & DALBIN ARCHITECTS, INC.

**WRIGHT & DALBIN**  
architects  
2412 Marchion D.  
El Paso, Texas, 79930  
P.O. Box 1919 533-3777 Fax: (915) 532-7733  
www.wrightdalbin.com

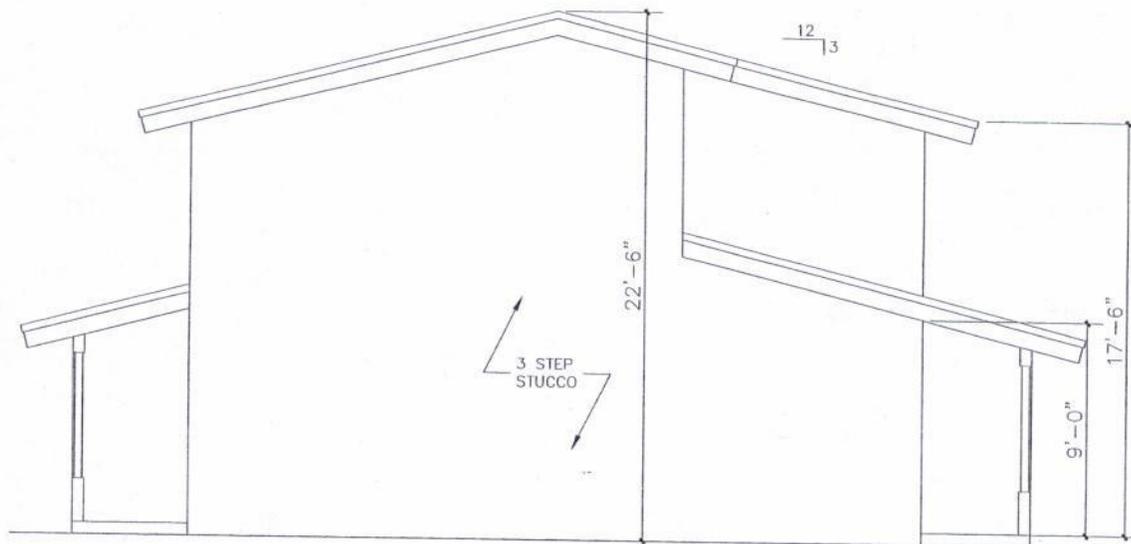
1 of 2



02 REAR ELEVATION  
SCALE: NTS



01 FRONT ELEVATION  
SCALE: NTS

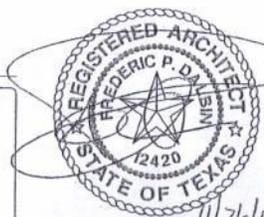


03 SIDE ELEVATION  
SCALE: NTS

LOWER DYER HOUSING  
TYPICAL ELEVATIONS

	08.05.50
	11/21/2008
	AS SHOWN

SHEET	OF
-------	----



THE USE OF THIS SEAL IS AUTHORIZED BY THE ARCHITECT'S WHO'S NAME APPEARS. ANY UNAUTHORIZED USE, MISUSE OR MISREPRESENTATION OF THIS SEAL WILL VOID ANY LIABILITY, DIRECT OR INDIRECT WHICH MAY RESULT FROM ITS USE. NO PERSON MAY MAKE ANY MODIFICATION TO THIS ELECTRONIC DRAWING FILE WITHOUT THE ARCHITECT'S EXPRESS WRITTEN PERMISSION.

IF YOU SHOULD HAVE ANY COMPLAINTS REGARDING THIS ARCHITECTURAL FIRM, PLEASE BE INFORMED THAT THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS HAS JURISDICTION OVER COMPLAINTS REGARDING THIS FIRM'S PROFESSIONAL PRACTICE. THE MAILING ADDRESS IS TBAE, P.O. BOX 12337, AUSTIN, TEXAS 78711, TELE. (512) 305-9000.

COPYRIGHT 2008 WRIGHT & DALBIN ARCHITECTS, INC.



11/26/08  
Handwritten notes and date.



**MEMORANDUM**

**DATE:** February 16, 2009

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

**FROM:** Andrew Salloum, Planner

**SUBJECT: ZON08-00103**

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*  
Rachel Quintana

*District 6*  
Eddie Holguin Jr.

*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 R-4 (Residential) zoning district.

The applicant is requesting a special permit and a detailed plan development plan approval to allow for an infill development with reduced front setbacks to 10 feet; rear setbacks to 8 feet; and side yard setbacks to 4 feet; increased density, and reduced lot area to construct a 2,514 square foot duplex on a 6,000 square foot lot. The applicant is also proposing to use a portion of the right-of-way along Harrison Avenue for landscaping. The site is vacant and is 0.1377 acres in size. Access is 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 OPPOSOTION** 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:** ZON08-00103  
**Application Type:** Special Permit & 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:** 3816 Harrison Avenue  
**Legal Description:** Lots 24 and 25, Block 41, Amended Map of Morningside Heights Addition, City of El Paso, El Paso County, Texas  
**Acreage:** 0.1377 Acres  
**Rep District:** 2  
**Existing Use:** Vacant  
**Existing Zoning:** R-4 (Residential)  
**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:** A-2 (Apartment) Multi-family residential  
**South:** A-2 (Apartment) Multi-family residential  
**East:** R-4 (Residential) Single-family residential  
**West:** R-4 (Residential) Single-family residential

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

**NEAREST PARK:** Grandview Park (2,845 Feet)

**NEAREST SCHOOL:** Rusk Elementary (2,790 Feet)

**NEIGHORHOOD 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 Division received 1 phone call in support of the request.

### **APPLICATION DESCRIPTION**

The applicant is requesting a special permit and a detailed plan development plan approval to allow for an infill development with reduced front setbacks to 10 feet; rear setbacks to 8 feet; and side yard setbacks to 4 feet; increased density, and reduced lot area to construct a 2,514 square foot duplex on a 6,000 square foot lot. The applicant is also proposing to use a portion of the right-of-way along Harrison Avenue for landscaping. The site is vacant and is 0.1377 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 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 R-4 (Residential) zoning district.

## **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **APPROVAL** of the special permit request and detailed site development plan for reduced setbacks and increased density in an R-4 (Residential) zoning district. The area surrounding the property consists primarily of multi-family residential and the duplex would be compatible surrounding two-family and single-family development.

### **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:

Landscape not required for this project.

### **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 use right-of-way for proposed landscaping for new infill development in an R-4 (Residential) 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:**

Fire Department has no opposition.

**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:

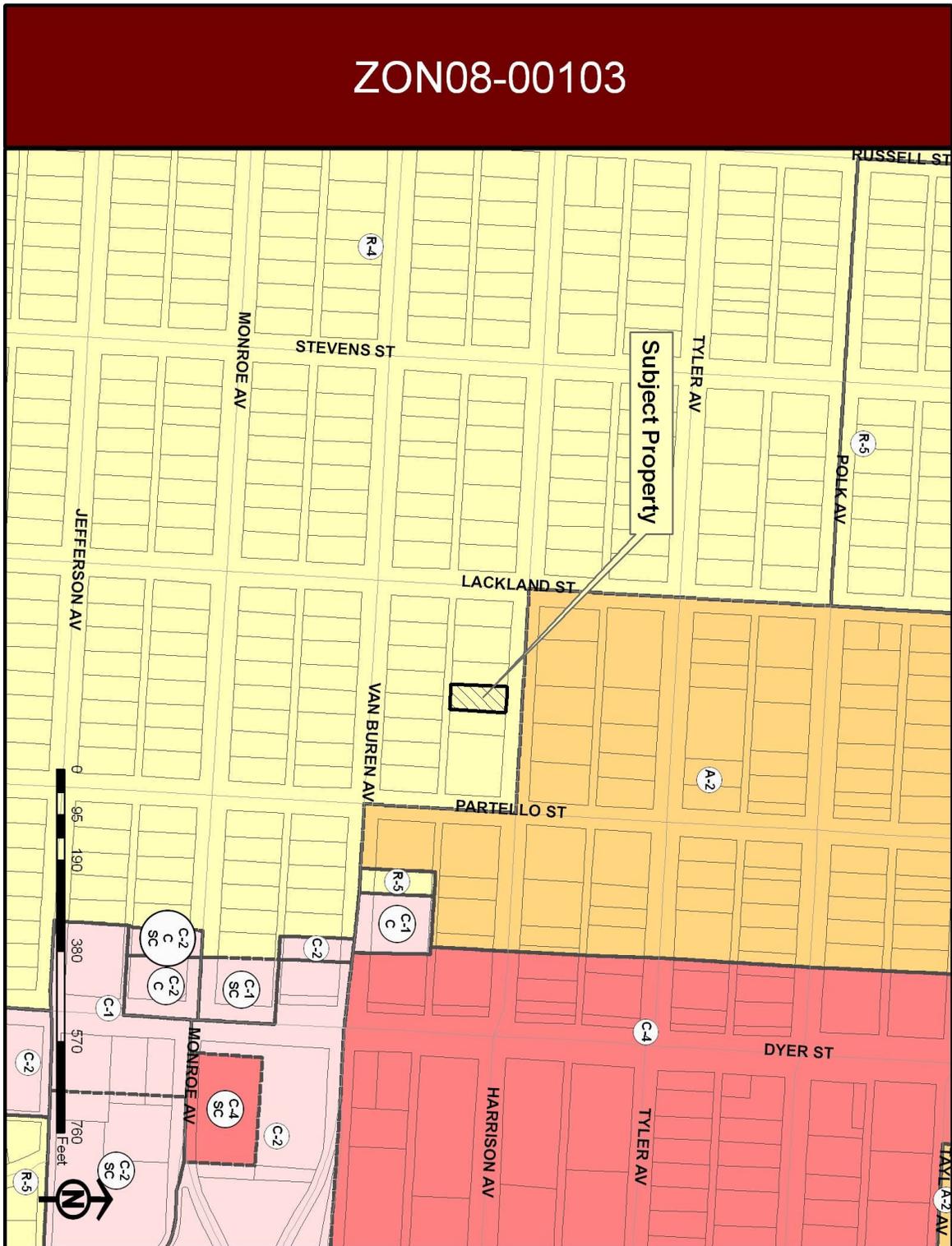
1. Recommend approval of the application finding that the special permit and detailed site development plan is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan
2. Recommend approval of the application with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

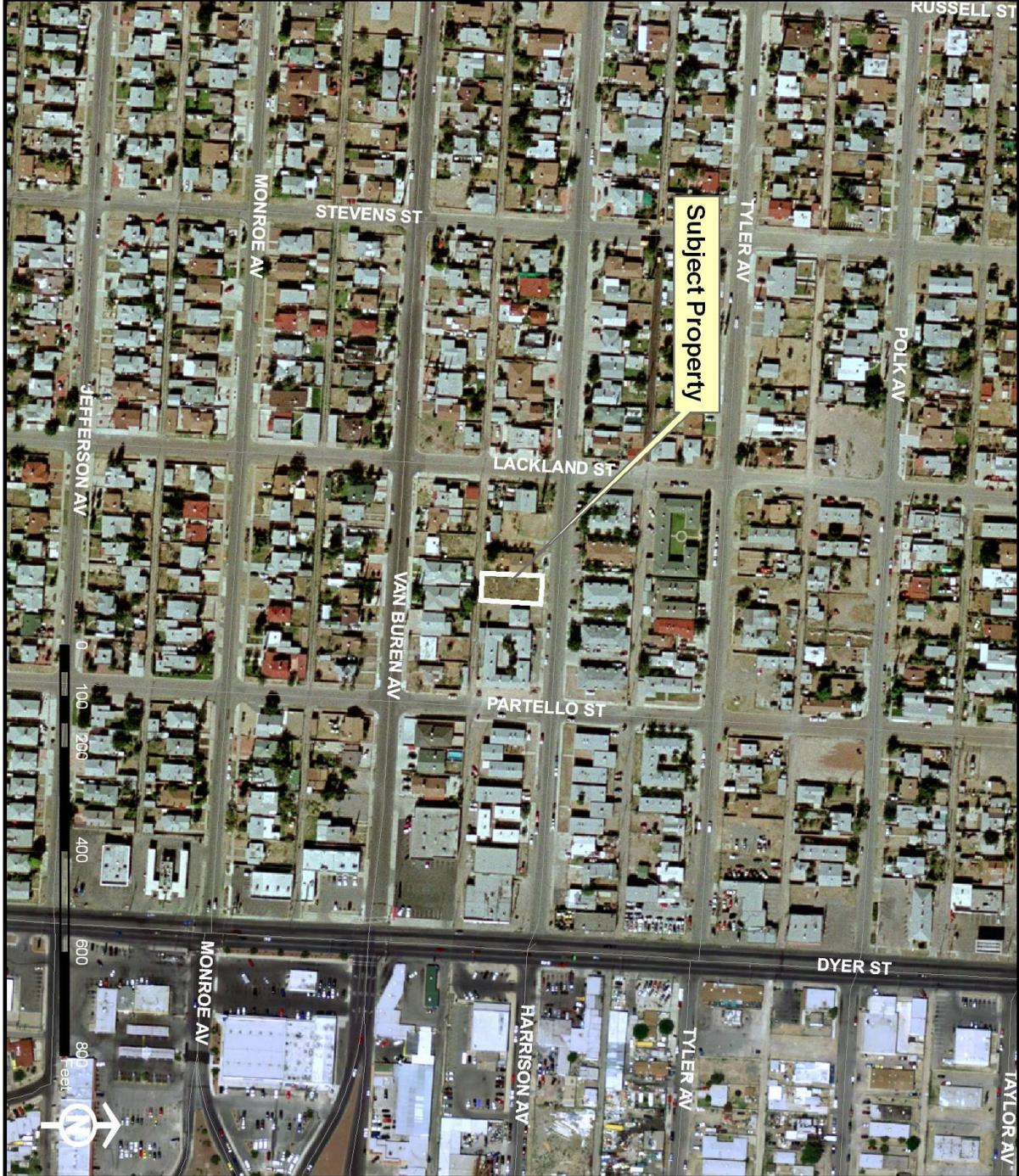
ATTACHMENT 1: LOCATION MAP

ZON08-00103

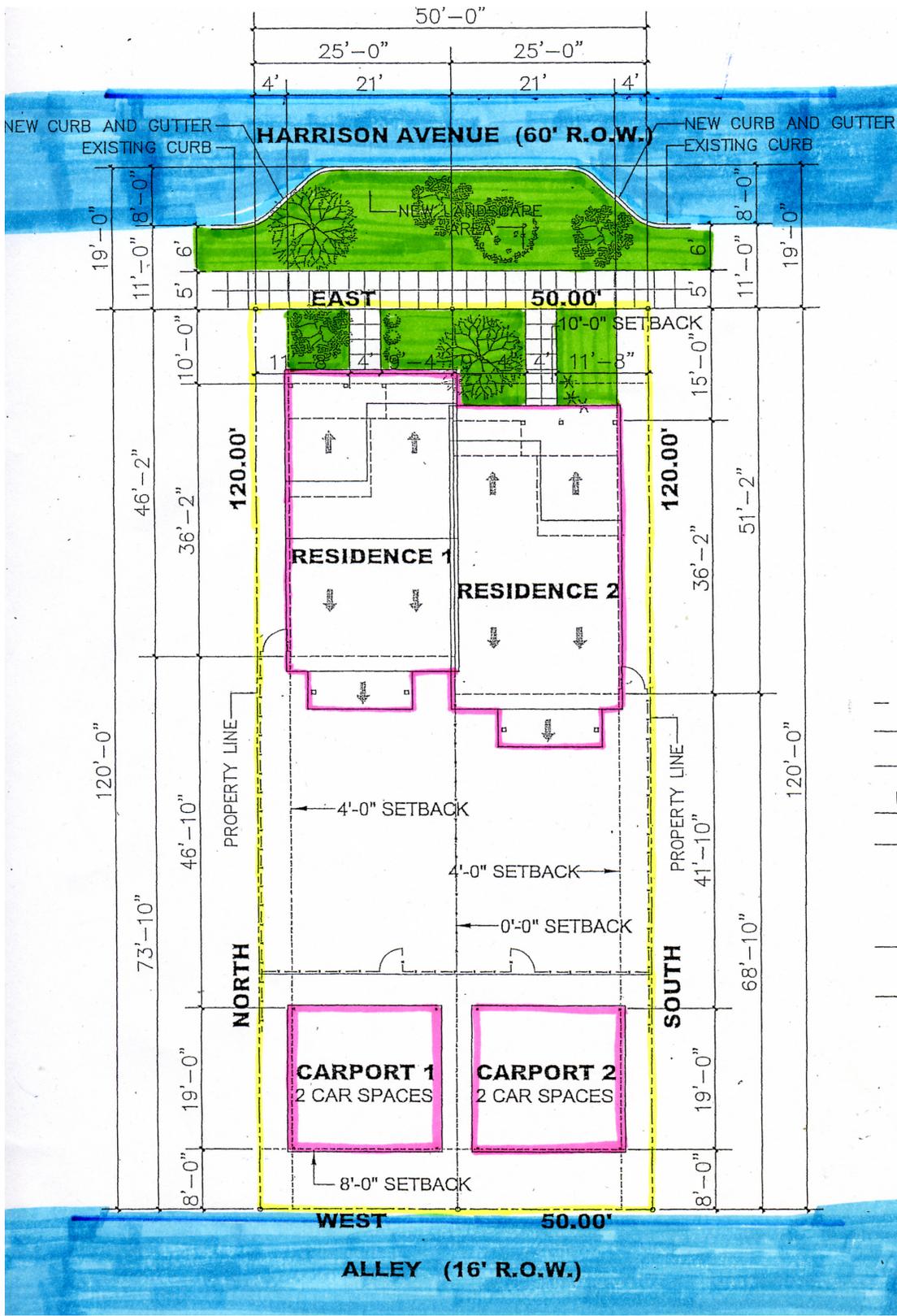


ATTACHMENT 2: AERIAL MAP

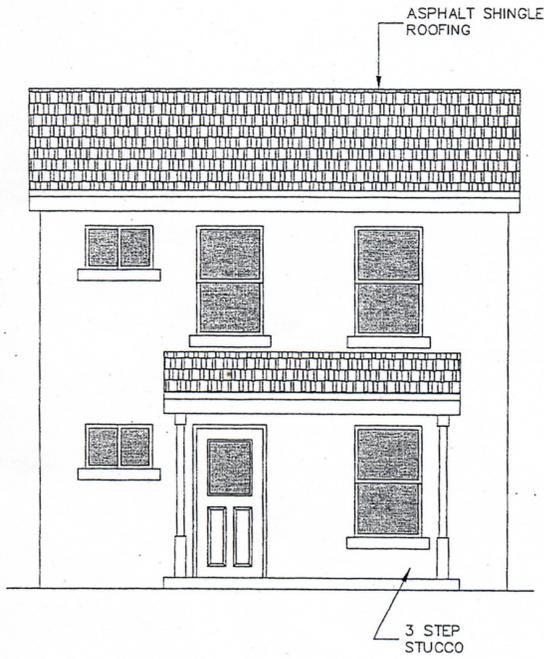
ZON08-00103



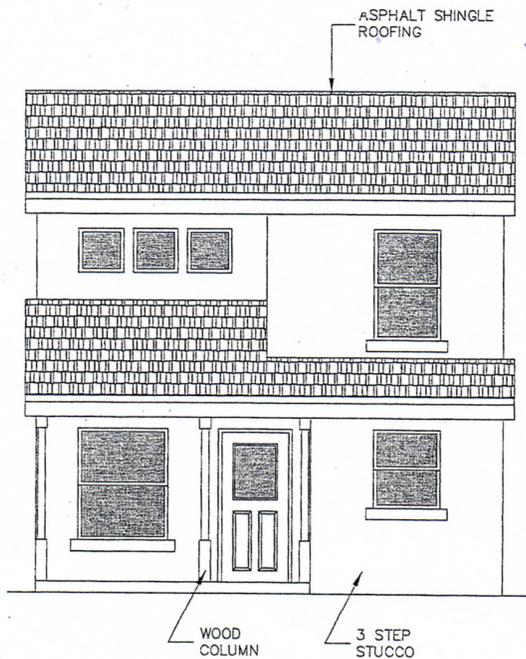
ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



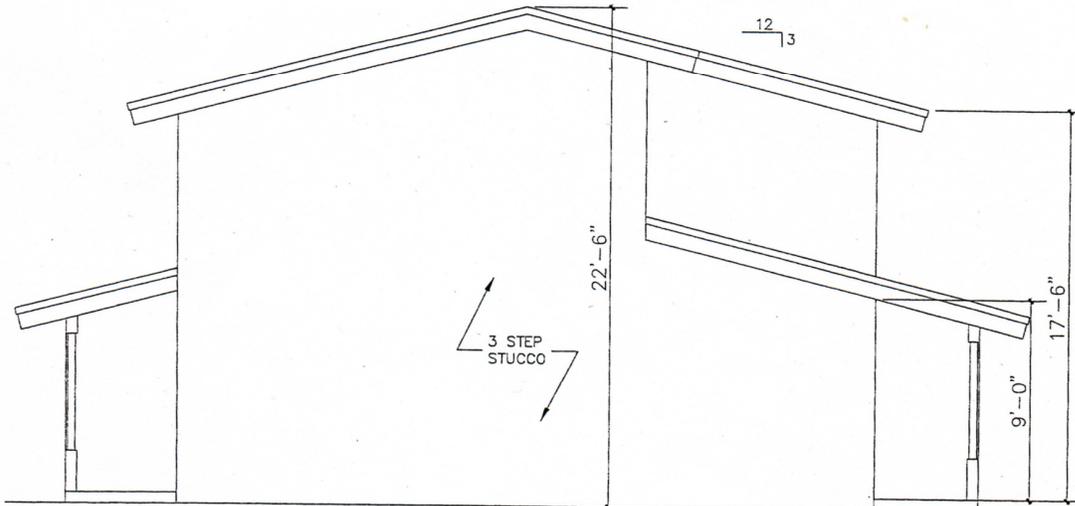
ATTACHMENT 4: ELEVATIONS



02 REAR ELEVATION  
SCALE: NTS



01 FRONT ELEVATION  
SCALE: NTS



03 SIDE ELEVATION  
SCALE: NTS