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S E R V I C E S O L U T I O N S S U C C E S S



**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. ZON08-00105, to allow for Infill Development on Lots 9 and 10, 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: 4013 Fillmore Avenue. Applicant: TVP Non-Profit Corporation, ZON08-00105 (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. ZON08-00105, TO ALLOW FOR INFILL DEVELOPMENT ON LOTS 9 AND 10, 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 9 and 10, 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. ZON08-00105** 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 23rd day of February, 2009.

TVP NON-PROFIT CORPORATION:

By: David Gillooly
(name/title)

[Signature]
(signature)

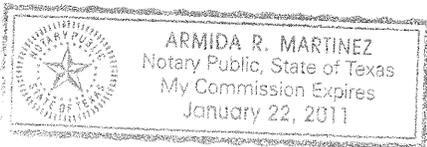
ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

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

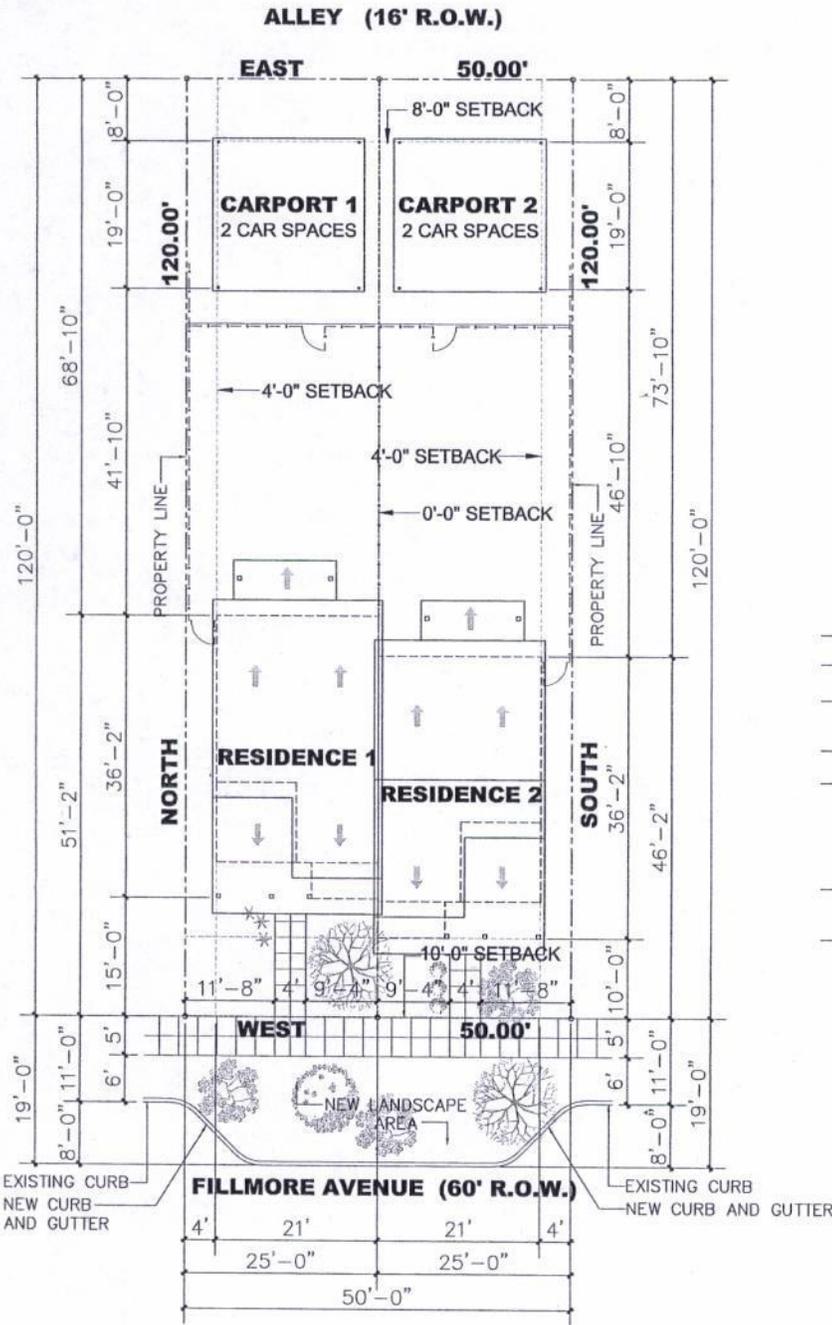
My Commission Expires:

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



ARMIDA R. MARTINEZ

CITY CLERK DEPT.
09 FEB 23 PM 2:45



DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION
 APPROVED
 DATE
 APPLICANT
 EXECUTIVE SECRETARY
 CITY PLAN COMMISSION
 CITY MANAGER

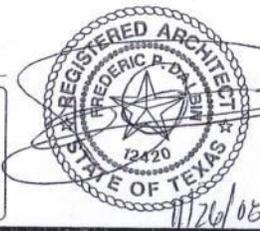
SUMMARY	
4013 FILLMORE AVENUE	
TOTAL LAND AREA: 6000 SF	
LAND AREA OF EACH LOT: 3000 SF	
BLDG	TOTAL SF
RESIDENCE 1: (2 STOREY UNIT)	1257 SF
RESIDENCE 2: (2 STOREY UNIT)	1257 SF
NO LANDSCAPE REQUIREMENT FOR RESIDENTIAL	

01 PROPOSED SITE PLAN
 SCALE: NTS

LEGAL DESCRIPTION
 LOTS 9 AND 10, BLOCK 69
 AMENDED MAP OF MORNINGSIDE HEIGHTS
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

LOWER DYER HOUSING
 4013 FILLMORE AVENUE

08.05.50	SHEET OF
11/21/2008	
AS SHOWN	

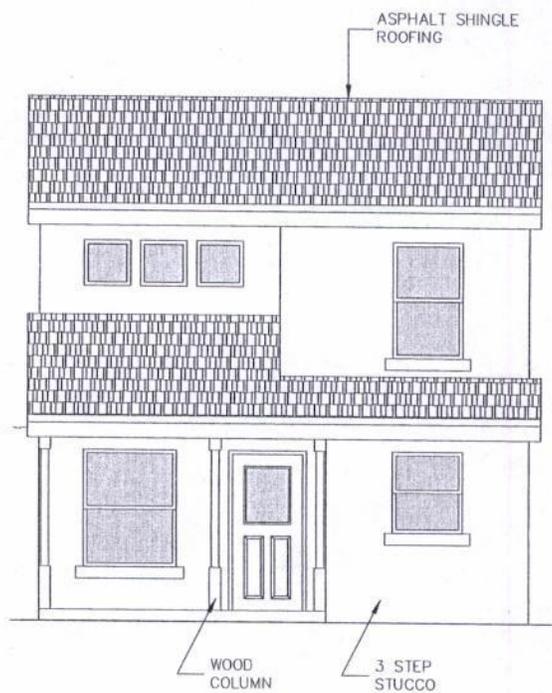


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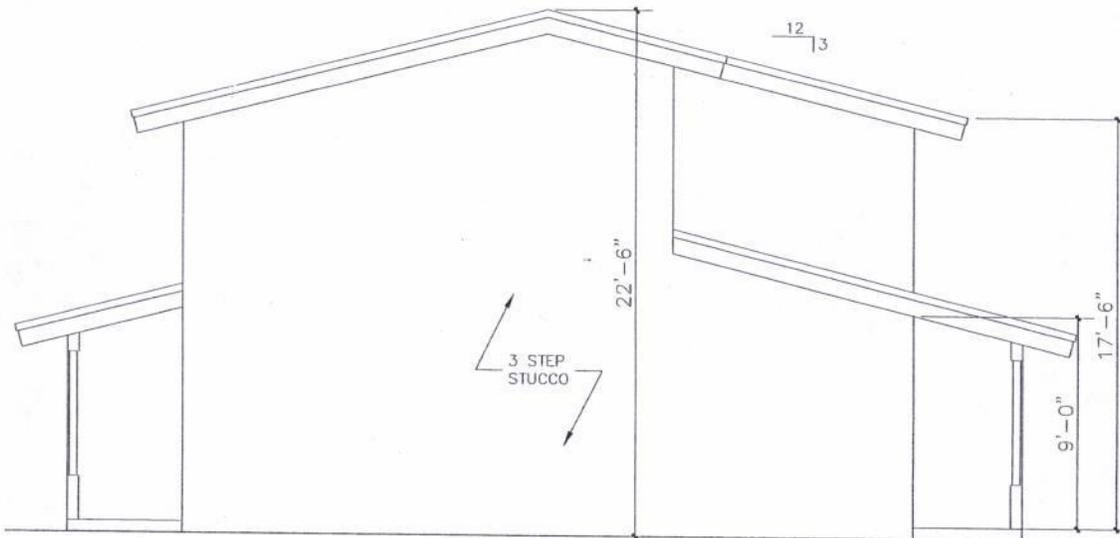




02 REAR ELEVATION
SCALE: NTS



01 FRONT ELEVATION
SCALE: NTS

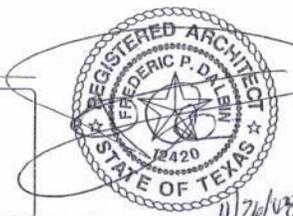


03 SIDE ELEVATION
SCALE: NTS

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.

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www.wrightdalbin.com

11/26/08



MEMORANDUM

DATE: February 16, 2009

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

FROM: Andrew Salloum, Planner

SUBJECT: ZON08-00105

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 A-2 (Apartment) 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 Lincoln 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 rezoning 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: ZON08-00105
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

Location: 4013 Fillmore Avenue
Legal Description: Lots 9 and 10, Block 69, 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: 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: A-2 (Apartment); Multi-family residential
South: A-2 (Apartment); Multi-family residential
East: A-2 (Apartment); Multi-family residential
West: A-2 (Apartment); Multi-family residential

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

NEAREST PARK: Grandview Park (4,335 Feet)

NEAREST SCHOOL: Travis Elementary (1,755 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 a detailed plan 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 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 Fillmore 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 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 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:

Project zoned for A-2 normally requires landscaping but this is a duplex, single family dwelling and does not require landscaping under 18.46.

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 use of 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:

Fire Department has no opposition.

El Paso Water Utilities:

EPWU does not object to this request.

CITY PLAN COMMISSION OPTIONS

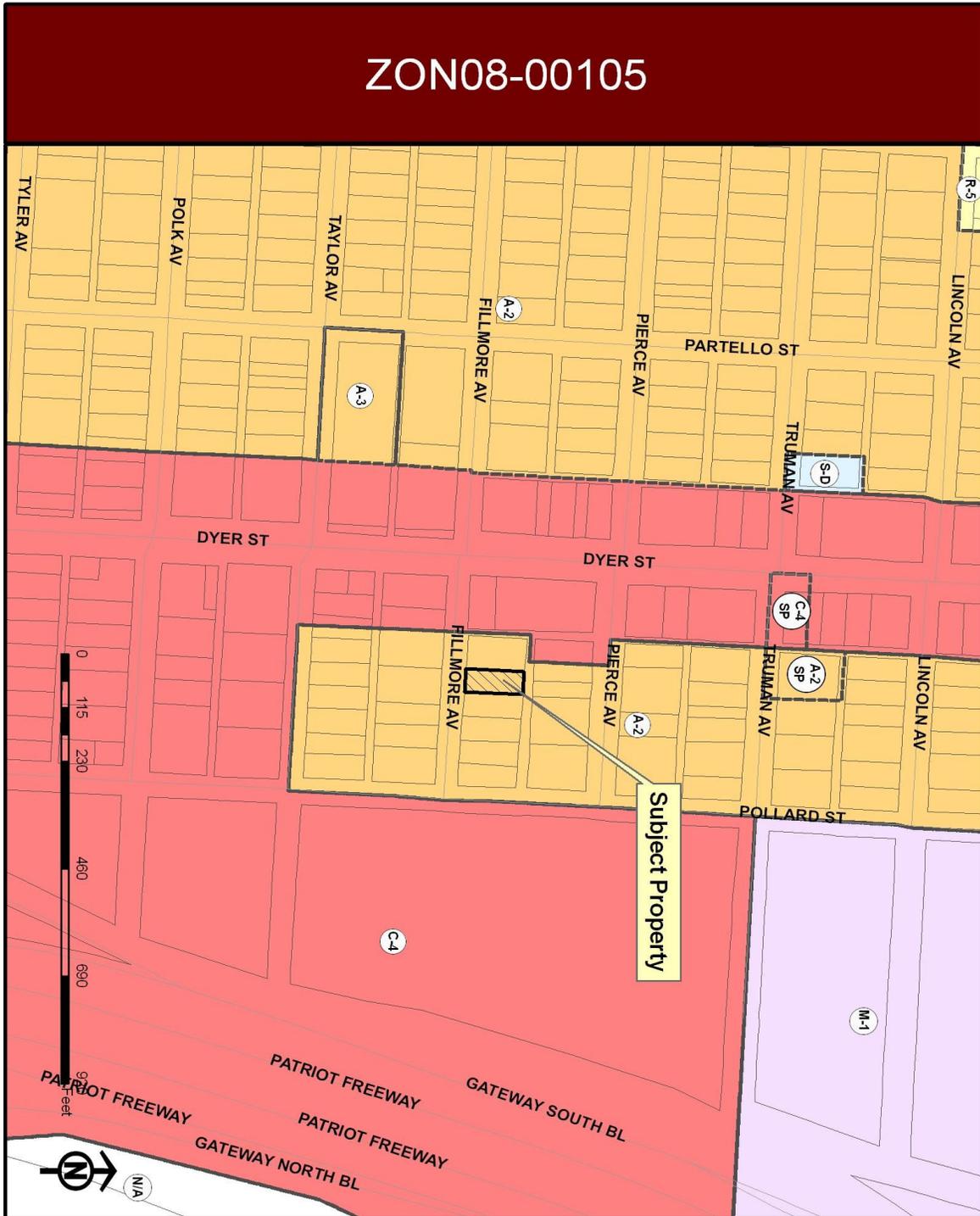
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit and detailed site development plan application:

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

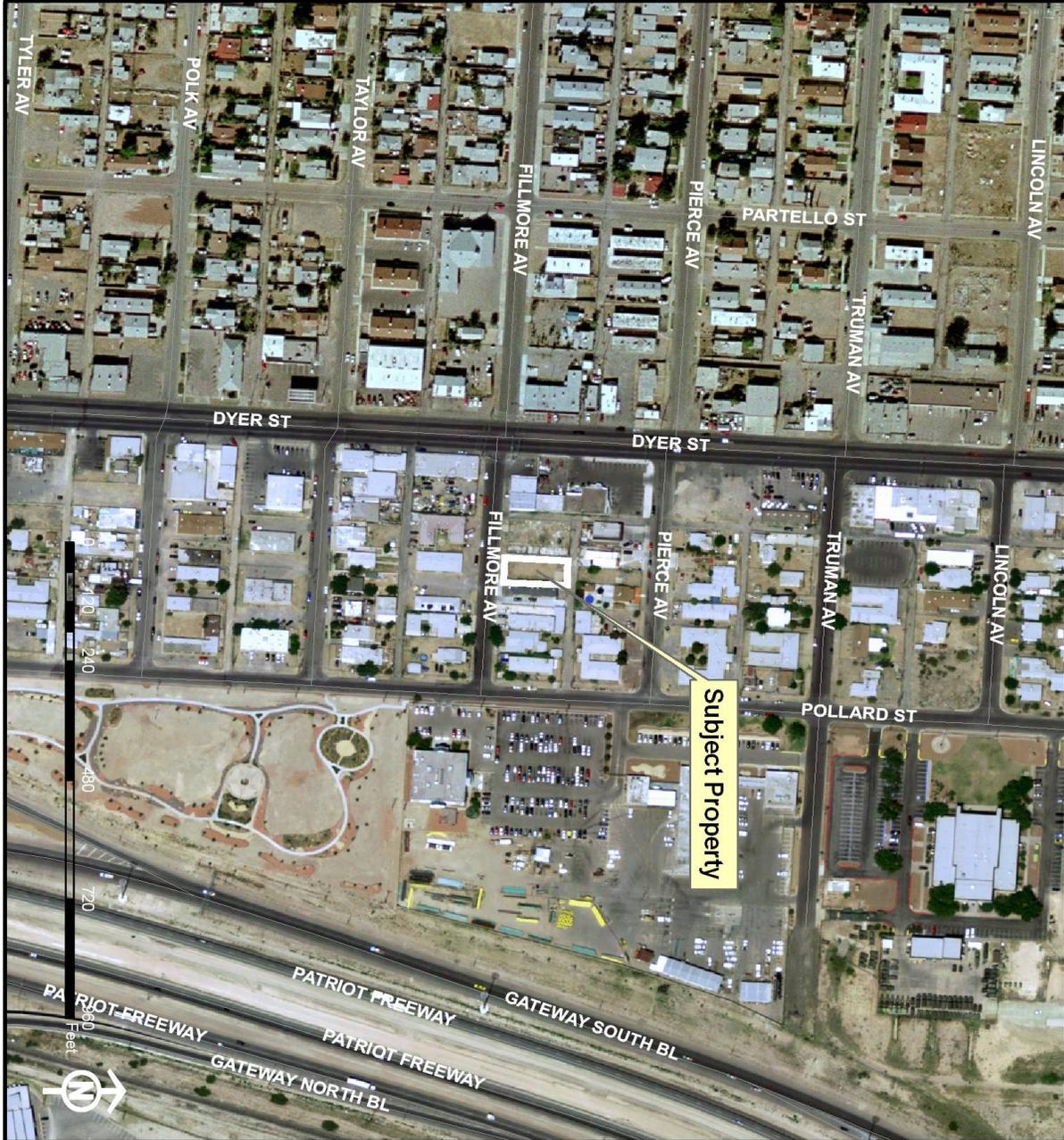
1. Location Map
2. Aerial Map
3. Detailed Site Plan
4. Elevations

ATTACHMENT 1: LOCATION MAP

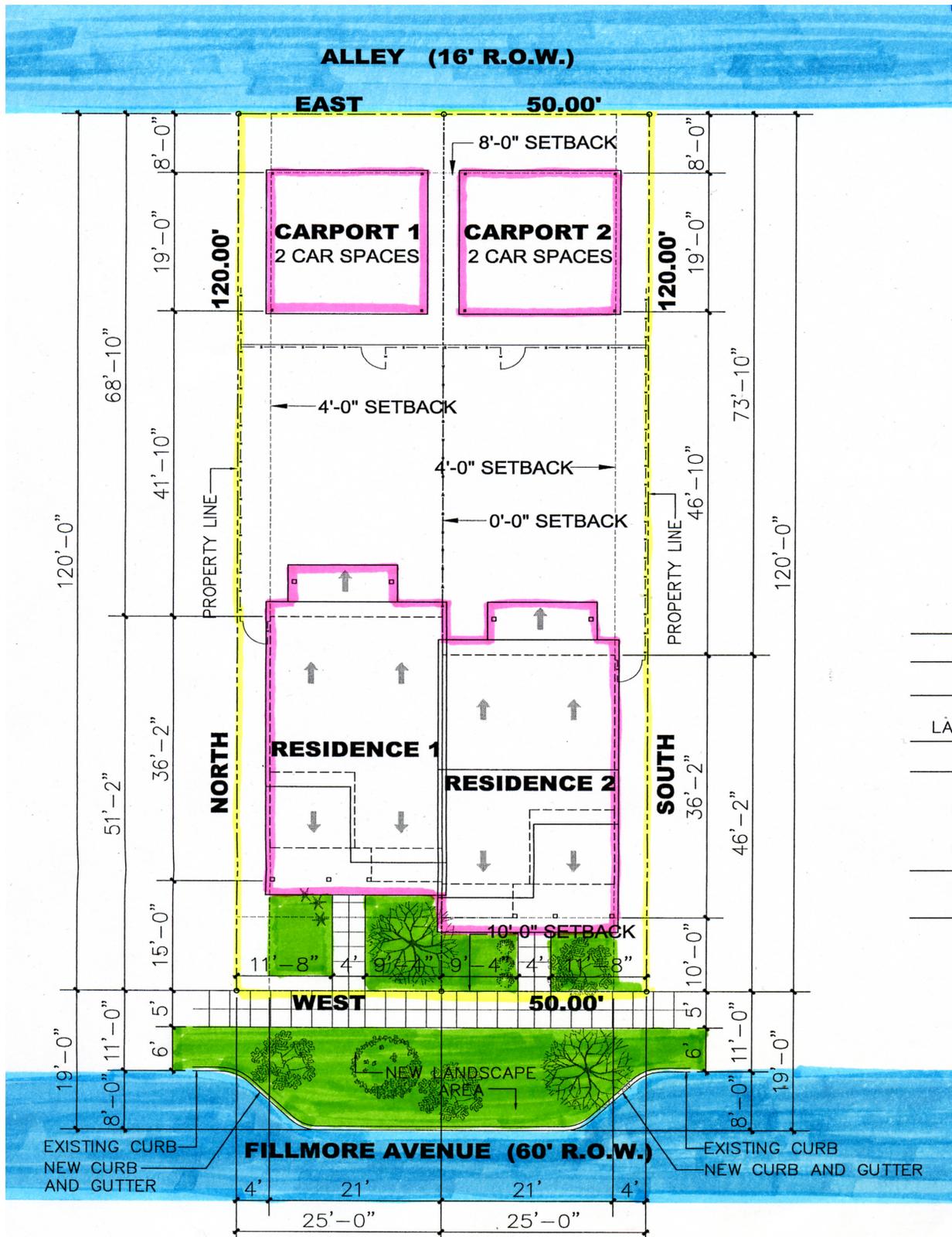


ATTACHMENT 2: AERIAL MAP

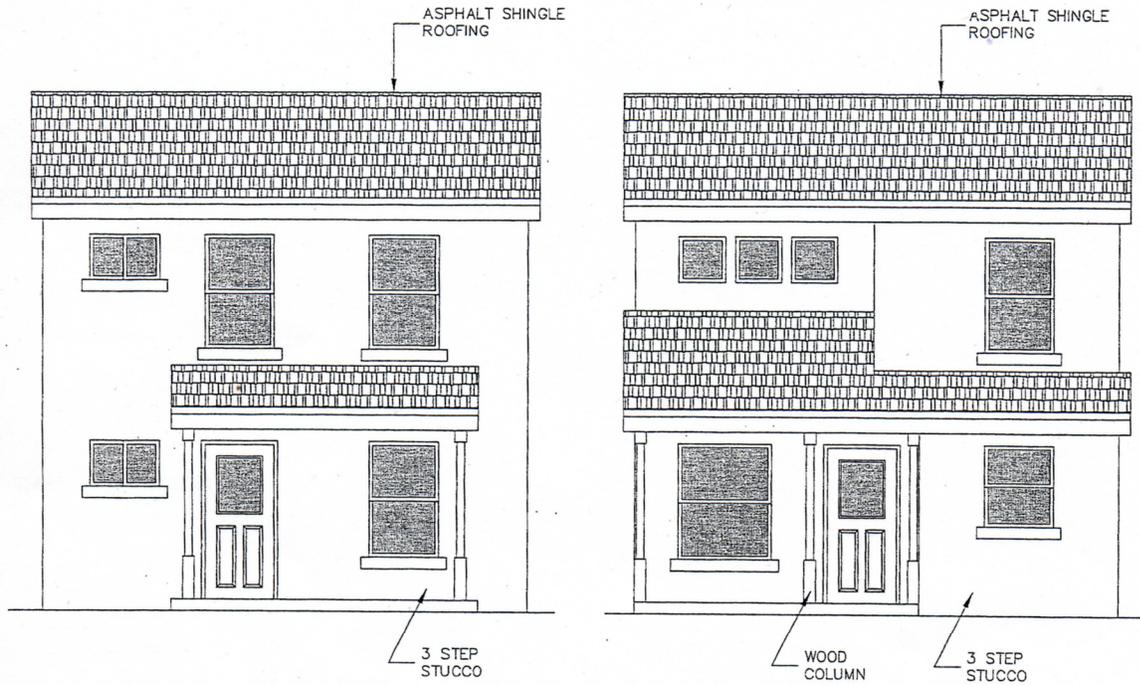
ZON08-00105



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN

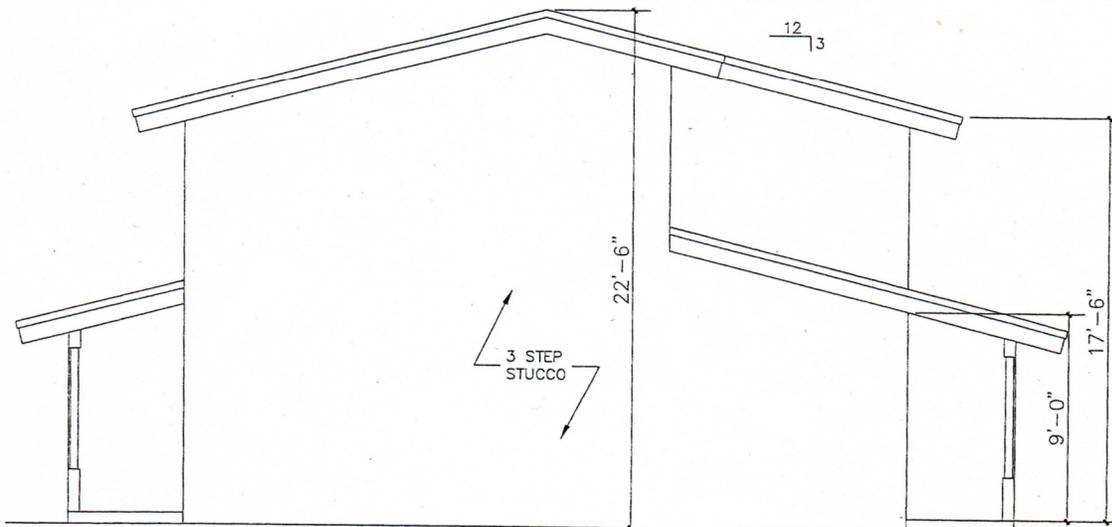


ATTACHMENT 4: ELEVATIONS



02 REAR ELEVATION
SCALE: NTS

01 FRONT ELEVATION
SCALE: NTS



03 SIDE ELEVATION
SCALE: NTS