

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

DEPARTMENT: Development Services Department

AGENDA DATE: Introduction: March 11, 2008
Public Hearing: April 1, 2008

CONTACT PERSON/PHONE: Mirian Spencer, (915) 541-4192, spencermd2@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance granting Special Permit No. ZON07-00165, to allow for an infill development to permit a duplex on the property described as Lot 32, Block 5, Pacific Park, City of El Paso, El Paso County, Texas., pursuant to Section 20.08.030 of the El Paso City Code. The Penalty is as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 265 Atlantic Road. Applicant: David A. Aber, ZON07-00165 (District 8)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

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

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON07-00165, TO ALLOW FOR AN INFILL DEVELOPMENT TO PERMIT A DUPLEX ON THE PROPERTY DESCRIBED AS LOT 23, BLOCK 5, PACIFIC PARK, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.08.030 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, David A. Aber, has applied for a Special Permit under Section 20.08.030 of the El Paso City Code to allow for an infill development to permit a duplex; 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 20.04.320 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 **R-5 (Residential)** District:
Lot 23, Block 5, Pacific Park, City of El Paso, El Paso County, Texas; and,
2. That the City Council hereby grants a Special Permit under Section 20.08.030 of the El Paso City Code to allow an infill development to permit a duplex 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-5 (Residential)** District regulations and is subject to the approved Detailed Site Development Plan

CITY CLERK DEPT.
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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 fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON07-00165** 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 _____, 2008.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Patricia D. Adauto

Patricia D. Adauto, Deputy City Manager
Development and Infrastructure Services

CITY CLERK DEPT.
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AGREEMENT

David A. Aber, the Applicant(s) 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-5 (Residential) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 29th day of FEBRUARY, 2008.

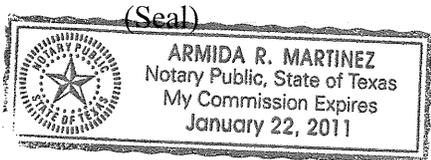
David A. Aber (Signature)
owner / David A. Aber (Name/Title)

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ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 29th day of February, 2008, by David A. Aber for David A. Aber, as Applicant(s).



Armida R. Martinez
Notary Public, State of Texas

ARMIDA R. MARTINEZ
Printed or Typed Name

My Commission Expires:

January 22, 2011

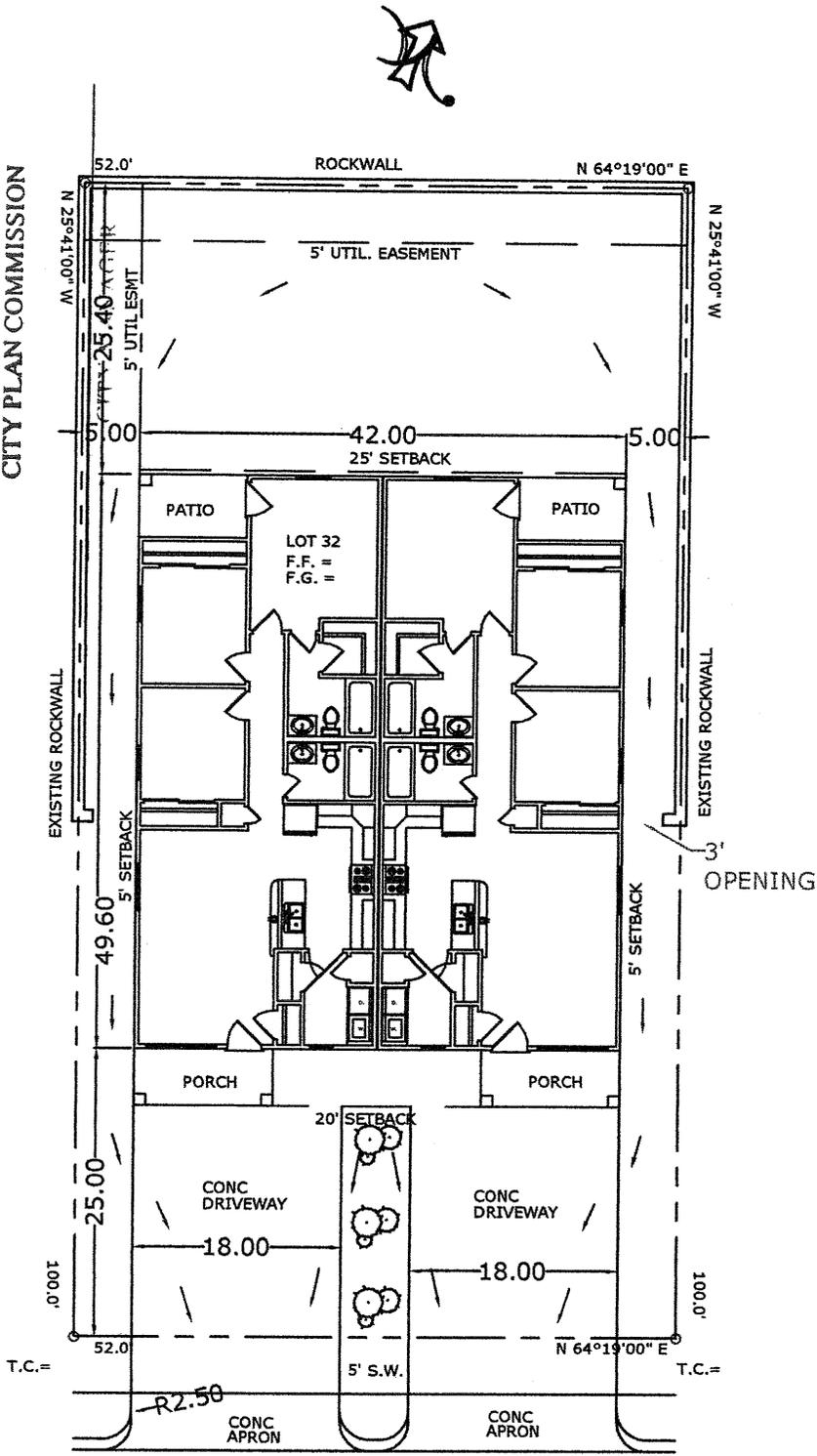
DETAILED SITE DEVELOPMENT PLAN APPROVED
BY THE CITY COUNCIL

FEBRUARY 29, 2008

DATE
David Wilcox

APPLICANT
Philp [Signature]

EXECUTIVE SECRETARY
CITY PLAN COMMISSION



CITY CLERK DEPT.
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265 Atlantic Rd

SITE PLAN

SCALE: 1" = 16'

PACIFIC PARK
LOT 32 BLOCK 5
EL PASO, TEXAS

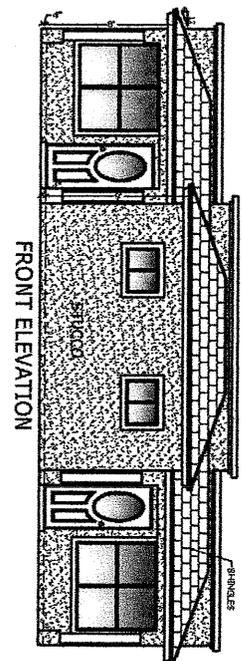
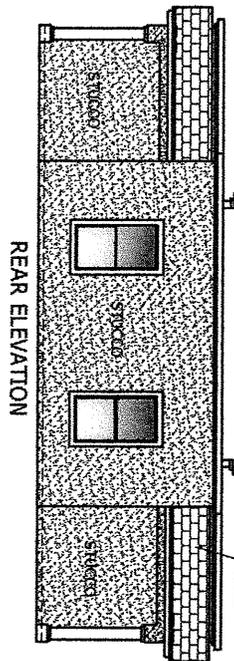
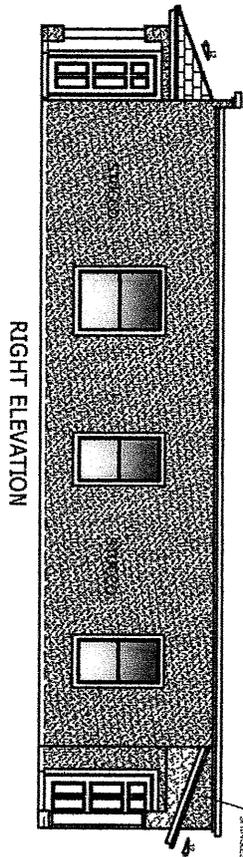
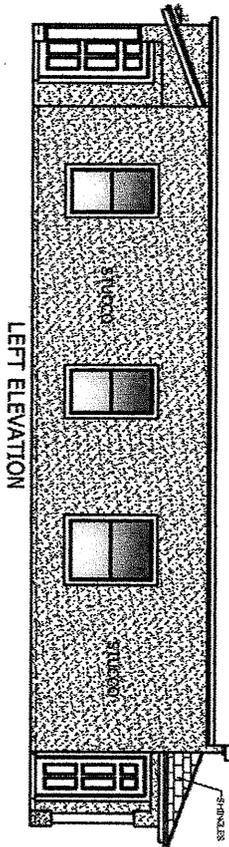
EXHIBIT A

Pg. 1 OF 2



ZON07-00165

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DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

DETAILED SITE DEVELOPMENT PLAN APPROVED
BY THE CITY COUNCIL

FEBRUARY 29, 2008
DATE
Donald W. [Signature]
APPLICANT
Philip [Signature]
EXECUTIVE SECRETARY
CITY PLAN COMMISSION

EXHIBIT A

PG. 2 OF 2

	<table border="1"> <tr><td>DATE</td><td>1-31-07</td></tr> <tr><td>APPROVED</td><td>2-02-08</td></tr> </table>	DATE	1-31-07	APPROVED	2-02-08		PLAN:	TO BE BUILT BY: SEQUOIA HOMES	
	DATE	1-31-07							
APPROVED	2-02-08								
<table border="1"> <tr><td>PERMIT FEE</td><td>800</td></tr> <tr><td>SEAL FEE</td><td>50</td></tr> <tr><td>STAMP FEE</td><td>50</td></tr> <tr><td>TOTAL</td><td>1350</td></tr> </table>	PERMIT FEE	800	SEAL FEE	50	STAMP FEE	50	TOTAL	1350	PLAN 1049 265 ATLANTIC RD CITY MANAGER
PERMIT FEE	800								
SEAL FEE	50								
STAMP FEE	50								
TOTAL	1350								

ZON 07-00165



**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

MEMORANDUM

DATE: February 14, 2008
TO: The Honorable Mayor and City Council
Joyce Wilson, City Manager

FROM: Mirian Spencer, Planner

SUBJECT: ZON07-00165

The City Plan Commission (CPC), on February 14, 2008, voted (6-0) to recommend **APPROVAL** of this special permit for infill development to permit a residential duplex on a 5,200 square foot lot in an R-5 (Residential) zoning district concurring with staff recommendations.

The property is located within the Pacific Park subdivision which was recorded July 2, 1959, and the city of El Paso has been designated as a statewide empowerment zone. Duplexes are permitted within the R-5 (Residential) zoning district on lots of at least 6,000 square feet. The proposed duplex meets the development standards for a duplex, with the exception of the lot size; which is 5,200 square feet. The Pacific Park subdivision is comprised of a mixture of single-family and two-family residences. The proposed development of a duplex on a lot less than the required 6,000 square foot lot is comparable to previous developments within the Pacific Park subdivision. The City of El Paso processed three applications for duplexes within the Pacific Park subdivision by Special Exceptions granted through the Zoning Board of Adjustment. The subject property does not meet the requirements for the Special Exception through the Zoning Board of Adjustment; which is the reason the applicant is requesting the Special Permit for infill development.

The CPC found that the request is in conformance with The Plan for El Paso; and the proposed duplex is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that the request is in the best interest, health, safety, and welfare of the public in general; and that a hotel is compatible with adjacent development.

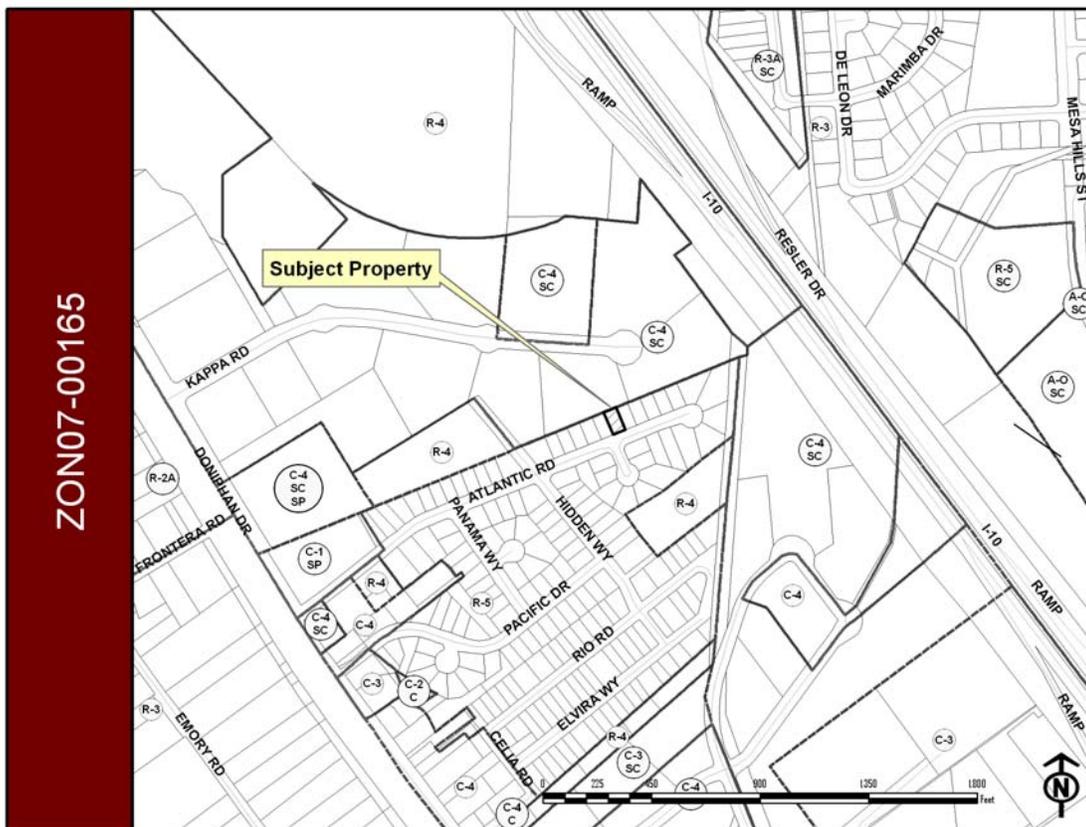
There was one letter in opposition to the request. The opposition is against additional duplexes within the Pacific Park subdivision due to increased traffic at Doniphan Drive.

Attachments: Staff report, Location Map, Site Plan, Elevations, Opposition Letter, Application



ZON07-00165

Application Type: Special Permit and Detailed Site Development Plan
Property Owner(s): David A. Aber
Representative(s): same
Legal Description: Lot 23, Block 5, Pacific Park, City of El Paso, El Paso County, Texas
Location: 265 Atlantic Road
Representative District: 8
Area: 0.1194 Acres
Zoning: R-5 (Residential)
Existing Use: Vacant
Proposed Use: Infill Development to permit a Residential Duplex
Recognized Neighborhood Associations Contacted: Coronado Neighborhood Association, New Upper Valley Neighborhood Association, Save the Valley, Upper Mesa Hills Neighborhood Association
Public Responses: One letter in opposition
Surrounding Land Uses: **North** – C-4/c / Vacant; **South** – R-5 / single and two-family residential; **East** – R-5 / single and two-family residential; **West** - R-5 / single and two-family residential
Year 2025 Designation: Residential (Northwest Planning Area)



General Information:

The applicant is requesting a special permit, for property infill development to construct a residential duplex, and approval for a detailed site development plan. The property is located within the Pacific Park subdivision that was filed July 2, 1959. There have been four Special Exceptions granted by the Zoning Board of Adjustment within the Pacific Park subdivision to permit duplexes on lots that do not meet the minimum lot area for a residential duplex; however, the subject property does not qualify for the Special Exception because the lot does not have at least 90% of the 6000 square feet that is required for a residential duplex in an R-5 (Residential) zone. The property is currently zoned R-5 (Residential). The site is 0.1194 acres in size. The proposed site plan shows a residential duplex to be located on the site. Access is proposed via Atlantic Road. There are no zoning conditions on this property.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **APPROVAL** of the special permit and detailed site development plan request.

The recommendation is based on the following:

The proposed duplex is within a subdivision that is composed of a mixture of both single-family and two-family residential dwellings. The duplex will be compatible with adjacent development and will provide an efficient use of land within the area.

The Plan for El Paso City-Wide Land Use Goals recommend that El Paso:

- “Provide a wide range of housing types that respond to the needs of all economic segments of the community.”
- “Develop a balanced and complete community that contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.”

The Year 2025 Projected General Land Use Map for the **Northwest** Planning Area designates this property for **Residential** land uses.

R-5 zoning permits residential duplexes on lots with an area of at least 6000 square feet.

Findings:

The Commission must determine the following:

1. Will the special permit protect the best interest, health, safety and welfare of the public in general?
2. Will duplex be compatible with adjacent land uses?
3. What is the relation of the proposed change to the city’s Comprehensive Plan?
4. What effect will the special permit have upon the natural environment social and economic conditions and property values in the vicinity and in the City as a whole?

Development Services Department – Building Permits and Inspections Division:

Zoning Review: Two-family dwellings permitted in an R-5 (Residential district). Meets minimum setbacks, lot width, and lot depth. Does not meet the minimum lot area for two-family dwelling. No objection to proposed special permit.

Landscape Review: No comments received

Development Services Department – Planning Division:

Current Planning: The Year 2025 Projected General Land Use Map for the **Northwest** Planning Area designates this property for **Residential** land uses. R-5 (Residential) zoning permits duplexes and is compatible with adjacent development.

Land Development: No comments received.

Engineering Department – Traffic Division:

No objections to the proposed use.

Fire Department:

No comments received.

El Paso Water Utilities:

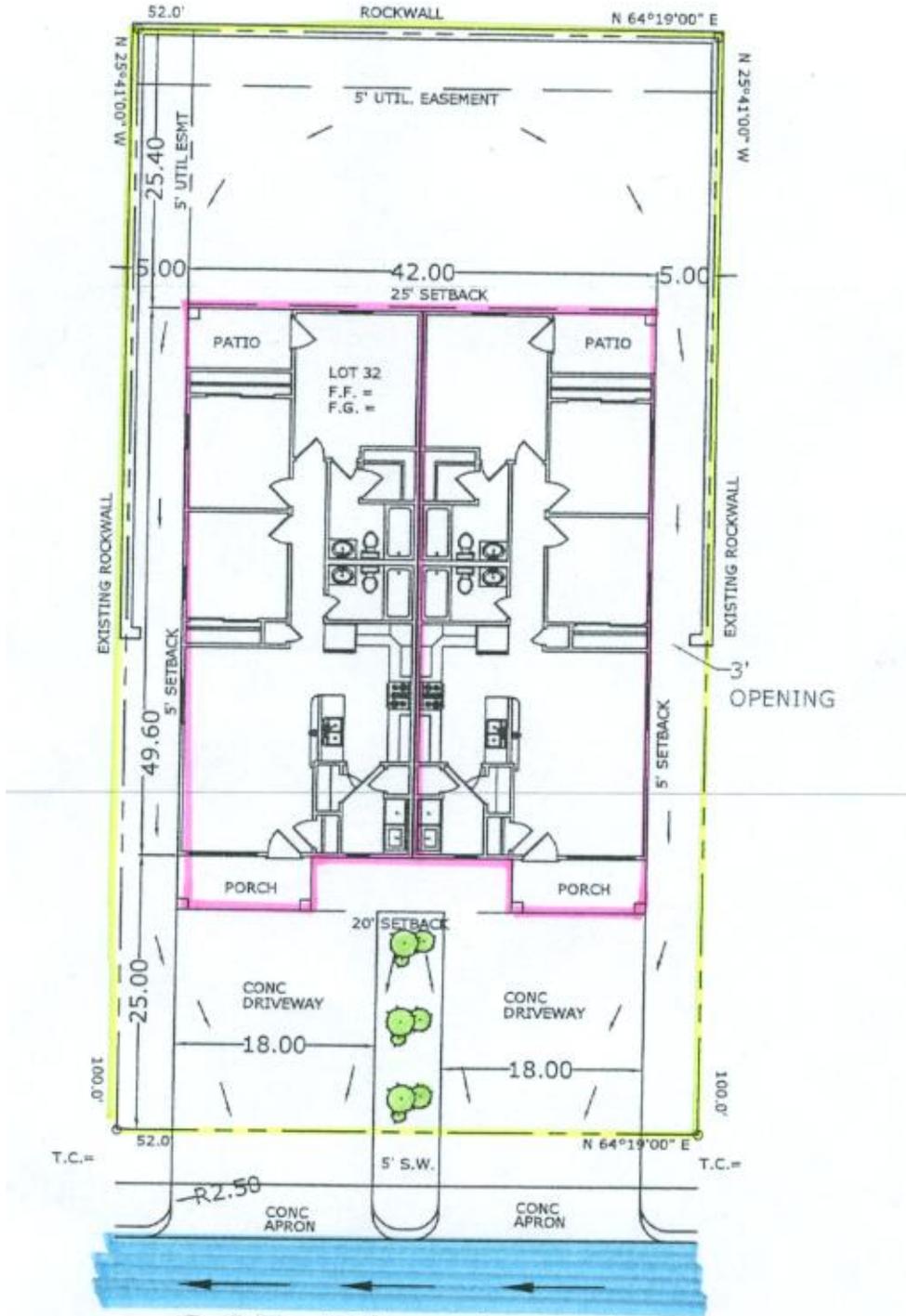
EPWU does not object to this request.



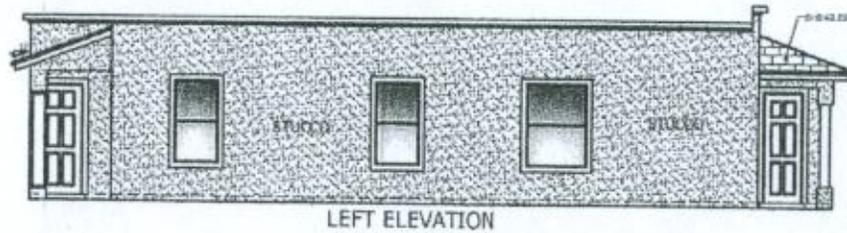
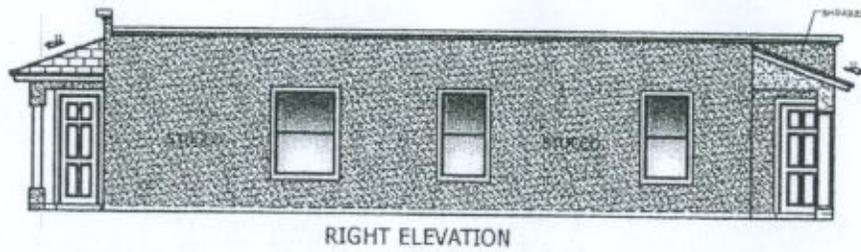
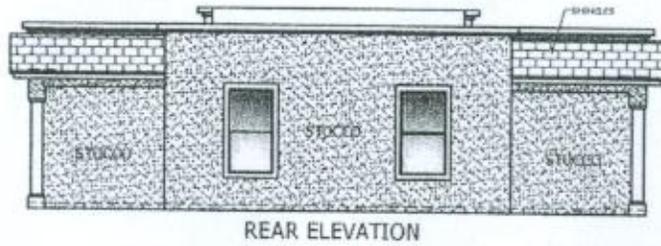
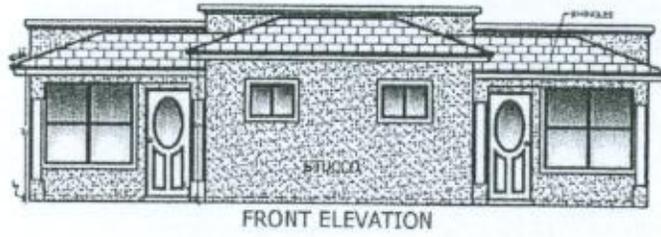
List of Attachments:

- Attachment 1: Site Plan
- Attachment 2: Elevations
- Attachment 3: Opposition Letter
- Attachment 4: Application

Attachment 1: Detailed Site Plan



Attachment 2: Elevations



The City Plan Commission (c/o Development Services Department, Planning Division)

Case Number: ZON07-00165

Name: Bob Anderson

Address: 293 and 297 Atlantic Avenue

Position: Against request for another duplex at 265 Atlantic

Reasons:

1. Safety – street is too narrow and too crowded for anything other than a single-family residence.
2. Between the City Annex, the Roofing Co., the car detailing business, and the church traffic there are too many times it takes 10-15 min. to enter Doniphan Dr. safely since there is not a traffic light at this one way in and one way out street.
3. This is going to be the fourth duplex built in this quarter block area in the past 1 1/2 to 2 yrs. These duplexes are being built on lots not designed or large enough to build anything other than a small house.
4. There is only room for one car to be parked safely. If cars are parked on both sides of Atlantic (which they are) it is very difficult for two cars to go by each other no to mention the problem emergency vehicles would have. I know, I was a fireman for 26 yrs.
5. We didn't object to the previous three special permit requests because we didn't realize at the time someone was going to go down the street and fill every single available lot with two more families and cars on each one.
Enough is enough!

Sincerely, Bob A. Anderson

Attachment 4: Application

CITY CLERK DEPT.



SPECIAL PERMIT APPLICATION
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

City of El Paso, Texas
2 Civic Center Plaza
El Paso, TX 79901-1196
915-541-4024

1. CONTACT INFORMATION

PROPERTY OWNER(S): David A. Aber
ADDRESS: _____ ZIP CODE: 79932 PHONE: _____
APPLICANT(S): _____
ADDRESS: Same ZIP CODE: _____ PHONE: _____
REPRESENTATIVE(S): _____
ADDRESS: _____ ZIP CODE: _____ PHONE: _____
E-MAIL ADDRESS: David AAber@sbcglobal.net FAX: _____

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: PD1399900506300
LEGAL DESCRIPTION: Pacific park lot 32, Block 5
STREET ADDRESS OR LOCATION: 265 Atlantic REP DISTRICT: 8
ACREAGE: .1124 PRESENT ZONING: R-5 PRESENT LAND USE: Residential
SPECIAL PERMIT REQUEST: LOT SRE Requirement Reduction for Construction of Duplex
PLEASE NOTE PROPERTY IS INFILL & SUBJECT TO INFILL ARTICLES IN ORDINANCE

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
LEGAL DESCRIPTION: _____
STREET ADDRESS OR LOCATION: _____ REP DISTRICT: 8
ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
SPECIAL PERMIT REQUEST: _____

4. PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
LEGAL DESCRIPTION: _____
STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
SPECIAL PERMIT REQUEST: _____

5. ADDITIONAL INFORMATION

OWNER(S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):
Printed Name: David A. Aber Signature: [Signature]
Printed Name: _____ Signature: _____
Printed Name: _____ Signature: _____

Note: Signatures are required for all owners of record for the property proposed for special permit. Attach additional signatures on a separate sheet of paper.

****OFFICE USE ONLY****
ZON OT-00165 RECEIVED DATE: 12/19/07 APPLICATION FEE: \$580.00
DCC REVIEW DATE: 1/16/08 (8:30 am, Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 2/14/08 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: [Signature]

Revised 4/2007

CITY CLERK DEPT.

08 MAR -7 PM 2:35