

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

DEPARTMENT: Planning, Research & Development

AGENDA DATE: Introduction: June 28, 2005
Public Hearing: July 19, 2005

CONTACT PERSON/PHONE: Christina Valles, 541-4930

DISTRICT(S) AFFECTED: 2

SUBJECT:

An Ordinance granting Special Permit No. Zon05-00030, to allow for a Planned Residential Development on Lots 267 and 268, Sunrise Acres Unit One, El Paso, El Paso County, Texas, pursuant to Section 20.12.040 (Zoning) of The El Paso Municipal Code. The penalty is as provided for in Chapter 20.68 of The El Paso Municipal Code. Applicant: Karma-JKS Properties, Inc. ZON05-00030 (District 2)

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

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: George Sarmiento, AICP

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00030, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON LOTS 267 AND 268, SUNRISE ACRES UNIT ONE, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, Karma-JKS Properties, Inc. has applied for a Special Permit under Section 20.12.040 of the El Paso Municipal Code, to allow for a planned residential development;

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application;

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;

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.D of the El Paso Municipal 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 **R-4 (Residential)** District:

Parcel 1: Lots 267 and 268, Sunrise Acres Unit One, El Paso, El Paso County, Texas

2. That a planned residential development is authorized by Special Permit in **R-4 (Residential)** districts under Section 20.14.040 of the El Paso Municipal Code; and

3. That the requirements for a planned residential development under Section 20.12.040 have been satisfied; and

4. That the City Council hereby grants a Special Permit under Section 20.14.040 of the El Paso Municipal Code, to allow a planned residential development on the above-described property; and

5. That this Special Permit is issued subject to the development standards in the **R-4 (Residential)** district regulations and subject to the approved 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 "B" and incorporated herein by reference for all purposes; and

6. 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; and

7. That if the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON05-00030** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

PASSED AND APPROVED this _____ day of July, 2005.

THE CITY OF EL PASO

ATTEST:

John F. Cook, Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Matt Watson
Assistant City Attorney
Doc No. 13751

APPROVED AS TO CONTENT:

Christina Valles, Planner II
Planning, Research & Development
Department

APPROVED AS TO CONTENT:

Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development
Department

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

GEORGE G. SARMIENTO, AICP
DIRECTOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**PLANNING, RESEARCH &
DEVELOPMENT DEPARTMENT**

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

FROM: Christina Valles, Planner II

SUBJECT: ZON05-00030

The City Plan Commission (CPC), on June 16, 2005, voted **6 - 1** to recommend **APPROVAL** of this special permit request for a Planned Residential Development.

The CPC found that this special permit request is 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 this special permit request is in the best interest, health, safety and welfare of the public in general.

The Department has received five (5) calls and two (2) letters expressing **OPPOSITION** regarding this application.

Attachment: Location Map

STAFF REPORT

Special Use Permit #: ZON05-00030

Property Owner(s): Karma JKS Properties, inc.

Applicant(s): Same

Representative(s): Jim Smith

Legal Description: Lots 267 and 268 Sunrise Acres

Location: 8800 Block of Comet

Representative District: # 2

Area: 1.9 Acres

Zoning: R-4 (Residential)

Existing Use: Vacant

Proposed Use: **Planned Residential Development**
Lots 5-8: Reduced minimum lot area of 5450 s.f.;
Lots 4 and 9: Reduced minimum lot area of 5666 s.f. and reduced minimum lot depth of 71 ft.;
Lots 2,3, 9 and 10: Reduced minimum lot area of 5829 and reduced minimum lot depth of 87 ft.;
Lots 1 and 12: Reduced lot depth of 67 ft.

Recognized Neighborhood Associations Contacted: Northeast Civic Association,
Northeast Healthy Communities

Surrounding Land Uses:

North -	R-4 (Residential) / Single-family residential
South -	R-4 (Residential) / Single-family residential
East -	R-4 (Residential) / Single-family residential
West-	R-4 (Residential) / Single-family residential

Year 2025 Designation: Residential (Northeast Planning Area)

Special Use Permit: ZON05-00030

General Information:

The applicant is requesting a special permit to allow for Planned Residential Development. The property is currently zoned R-4 (Residential). The site is currently vacant and is 1.9 acres in size. The proposed site plan shows 12 residential lots to be located on the site. Access is proposed via Leo Street. There are no zoning conditions currently imposed on this property.

Information to the Commission:

The Planning Department has received five (5) calls and two (2) letters expressing opposition regarding this application.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends unanimous **Approval** of this special permit.

The recommendation is based on the following:

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 population.”

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

R-4 (Residential) zoning permits Planned Residential Development by special permit.

The Commission must determine the following:

- A. Will the special permit for Planned Residential Development protect the best interest, health, safety and welfare of the public in general?

Information To The Applicant:

Building Permits and Inspections Department Notes:

No comments.

Engineering Department, Development Division Notes:

No objections.

Engineering Department, Traffic Division Notes:

No apparent traffic concerns with the proposed set back requests.

Fire Department Notes:

No objections.

El Paso Water Utilities Notes:

No objections.

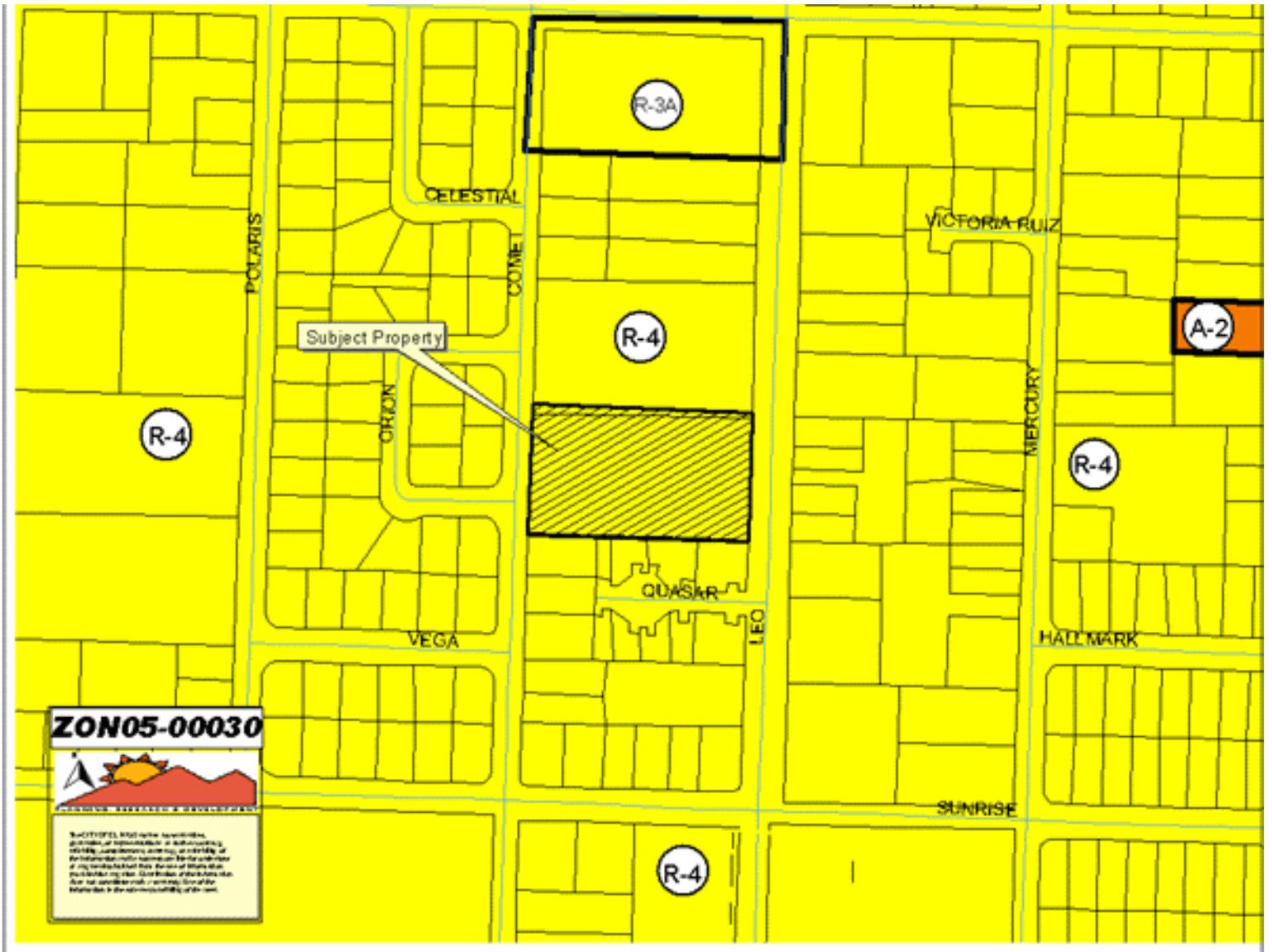
Planning, Research & Development Department Notes:

Recommend approval of the special permit request for a Planned Residential Development.

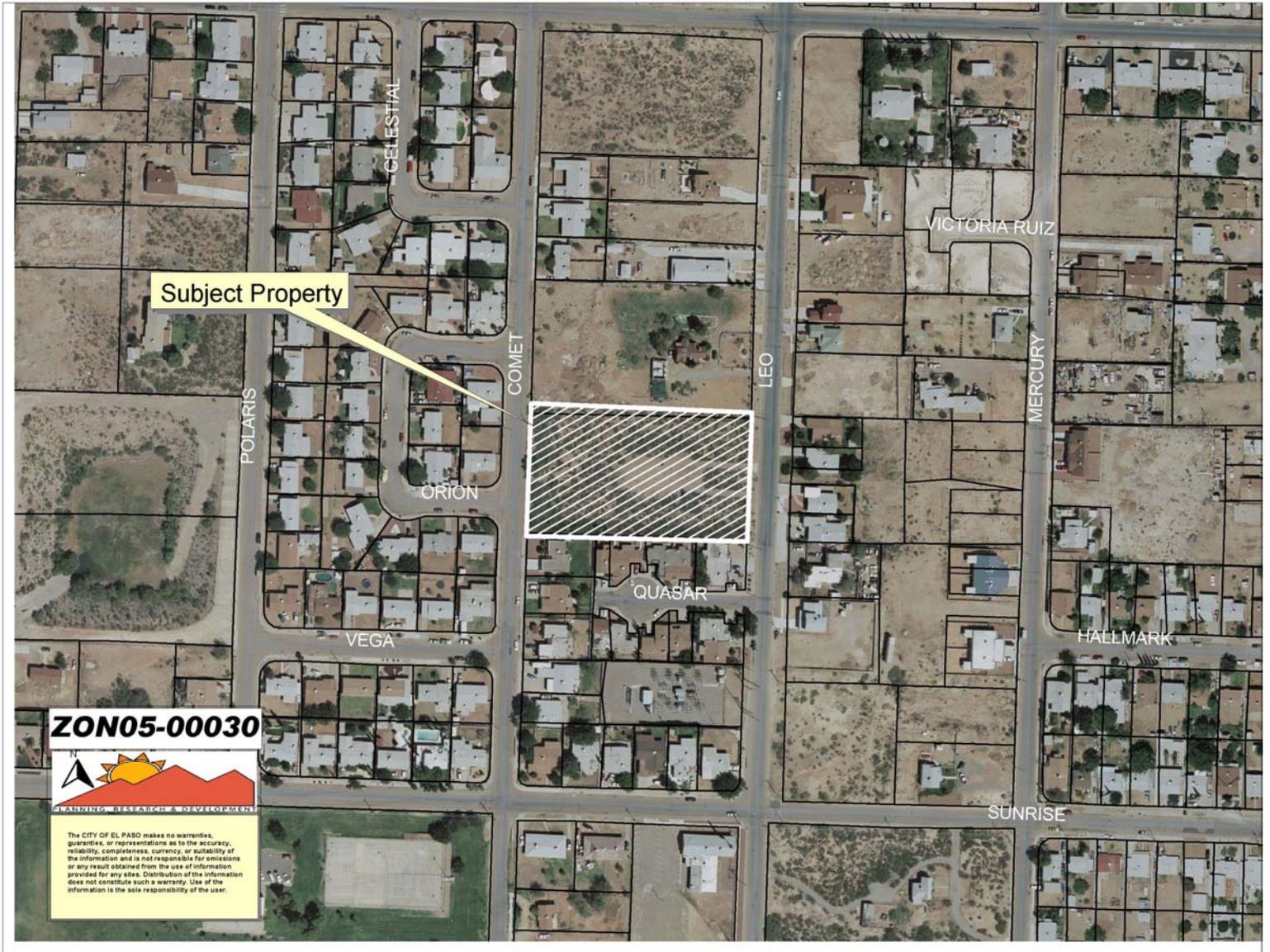
ATTACHMENT: Site Plan; Location Map.

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING, RESEARCH AND DEVELOPMENT DEPARTMENT AT (915) 541-4056.

LOCATION MAP



AERIAL MAP



FAXED to: 541-4028
Attn: Christine Valles
E.P. City Planning Office



6-15-05

Dear Ms. Valles,

I will be unable, to attend the meeting, tomorrow at 1:30pm to discuss the proposed development, in my neighborhood on Leo St. (in northeast El Paso.) I would like my voice to be heard, and my comments to be taken into consideration.

I own the property at 8723 and 8725 Leo St. I have lived here since the summer of 1978. During this time, I have witnessed many changes, some of them, not for the good of this neighborhood. I do not feel that the above proposed development, is in the best interest, of those already living in this neighborhood.

My reasons are as follows:

1. Traffic is already congested. There is only one stop sign on Leo St. between Hercules and Hondo Pass. My son used to be dropped off in front of my house, after disembarking the handicapped school bus. More than once, I have had to rush out when I heard screeching brakes, only to witness a car, just miss running over my son.

2. The schools are already overcrowded, adding more portables each year. The teachers currently face a challenge , teaching the children that are already in this area, without adding more. Many single dwelling homes, house more than one family, putting a strain on an already overtaxed school system.

3. When construction starts, it stirs up the scorpion population and other pests, causing the current residents problems.

4. The property taxes for the El Paso school district, are already one of the highest in the city. Being a single mother, it is quite a hardship to pay them. Most of my income, goes toward my mortgage payment (which includes the taxes.) Building up this area more, will just increase my taxes, which are already a burden.

5. You propose to build small houses on small lots. They would be inconsistent with the surrounding homes, already built in this neighborhood.

6. Smaller home and smaller lots mean smaller driveways and only a one stall garage (if they are lucky). Without adequate parking, this means, more cars parked in front yards (on top of the landscaping) and in the streets. Inoperable vehicles with flat tires and outdated stickers, are parked in the street. I have had to personally, report these violations, more than once. They also park in the street, blocking the mailboxes located by the curb.

7. With more traffic congestion, and more vehicles parked on the street creating obstacles, it becomes unsafe for children, pedestrians, and other drivers.

Can you look in the mirror each morning, knowing that you have promoted this development, and perhaps endangered the life of any child. What if it was your child?

I will be calling later, to double check, to see if you received this FAX.

Thank you for your time.

**Lou Anne Fetters
8723 Leo St. and 8725 Leo St.
El Paso, TX 79904
(915) 757-8181**

DEBORAH SEELIG
8804 COMET STREET
EL PASO, TEXAS 79904

June 13, 2005

City Plan Commission
Attn: Ms. Christine Valles
Planning, Research, and Development Department
City of El Paso
2 Civic Center Plaza
2nd Floor, City Hall
El Paso, TX 79901-1196
Tel (915) 541-4024
Fax (915) 541-4028

Re: ZON05-00030 and ZON05-00031

Dear City Plan Commission,

I received a letter of notification for special permit request by Karma JKS Properties for a special permit for lots 267 and 268 on the block of 8800 Comet Street. Although no notification was received about the property in the block of 8900 Comet Street, this letter pertains to that proposed development as well.

Regarding the 8800 block of Comet, there is a proposal to change the number of houses facing Comet Street from the typical number of those already in the neighborhood in the R4 zone of 3 to 4. This represents a further division of the space available to build leading to either smaller 1 or 2 story houses with smaller driveways and less garages, with an overall cluttered "squished in extra house" appearance in the area relative to those homes adjacent. These homes will detract, stand out inappropriately from the surrounding homes and neighborhood, with 2 story homes further blocking sunlight, views, etc. The impact to surrounding homeowners affects the adjacent residents as well as the neighborhood as a whole since there is an interest in maintaining a degree of consistency in the design of the neighborhood as all the other homes in the immediate Zone 4 sites are single story homes. Therefore, I believe in keeping the lot sizes around 7200 feet instead of the proposed 5450 square feet, as this will maintain the 3 homes and/or duplexes scheme similar to those in the area already in the neighborhood.

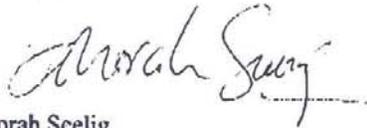
This problem was clearly noted by the neighbors after the developer built up the land with extra fill dirt in the area rezoned to R3A on the corner of Comet and Moonlight. All other homes have had to grade the land according to the slope, whereas this area was built up substantially blocking the view and otherwise placing several homes at a

distinctly awkward and visibly "built up" unnatural appearance relative to all those in the area already. Several of these points were already raised at the previous City Planning meeting on May 19, 2005.

Again several points were brought up at the last meeting, of which I believe also pose problems such as increased traffic, traffic congestion, crime, loss of open space, environmental degradation, and increased taxes. All of these issues still pertain to the ZON05-00030 and ZON05-00031 development sites proposed, to which I am opposed.

For the sake of brevity, I cannot list all the other issues or else I this would be a dissertation. But these are some of the most important points. Please take into consideration issues raised in this letter as well as those in the previous meeting. Bear in mind, all other development in this area has been done with the rules/zoning already in place for many years. It stands to reason that this developer should do the same as we have had to in the past. This may represent less profit margin for the developer, however we in the neighborhood will have to long live with the ramifications of what he creates long after he has finished building and never sees the area again. Thank you for your consideration.

Sincerely,



Deborah Seelig