

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

DEPARTMENT: Planning and Economic Development Department

AGENDA DATE: Introduction: June 7, 2011
Public Hearing: June 28, 2011

CONTACT PERSON/PHONE: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance granting Special Permit No. ZON11-00021, to allow for infill development and a parking reduction on the property described as Lots 15 and 16, Block 17, Franklin Heights Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code and repealing Special Permit ZON09-00074. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1230 Myrtle Avenue. Applicant: TVP Non-Profit Corporation. ZON11-00021 (**District 8**)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Reviewed
City Plan Commission (CPC) – Approval Recommendation (4-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director, Planning and Economic Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON11-00021, TO ALLOW FOR INFILL DEVELOPMENT AND A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 15 AND 16, BLOCK 17, FRANKLIN HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.320 OF THE EL PASO CITY CODE AND REPEALING SPECIAL PERMIT NO. ZON09-00074. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, on February 16, 2010, **Opportunity Center for the Homeless**, Property Owner, applied and was granted by City Council Special Permit No. ZON09-00074 for infill development and a parking reduction; and,

WHEREAS, Special Permit No. ZON09-00074 required the Property Owner to develop the property in accordance with the detailed site development plan that was approved and attached to Special Permit No. ZON09-00074 and,

WHEREAS, Property Owner, wishes to submit a new site development plan and has applied for a new Special Permit for infill development and a parking reduction; 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 20.04.320 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 **C-4/sp (Commercial/special permit)** Zone District:

*Lots 15 and 16, Block 17, Franklin Heights Addition, City of El Paso,
El Paso County, Texas; and,*
2. That the City Council hereby grants a Special Permit under Sections 20.04.320 of the El Paso City Code, to allow an infill development and a parking reduction; and,

ORDINANCE NO. _____

ZON11-00021

3. That this Special Permit is issued subject to the development standards in the **C-4/sp (Commercial/special permit)** 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 fails to comply with any of the requirements of this Ordinance, Special Permit No. **ZON11-00021** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; and,
5. That the Owner 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.
6. That Special Permit ZON09-00074 is repealed.

PASSED AND APPROVED this _____ day of _____, 2011.

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

 Mathew S. McElroy
 Deputy Director – Planning and
 Economic Development Department

ORDINANCE NO. _____

ZON11-00021

AGREEMENT

Opportunity Center for the Homeless, Owner, 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 **C-4/sp (Commercial/special permit)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 2011.

Opportunity Center for the Homeless:

By: _____
(name/title)

(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2011, by _____, for **Opportunity Center for the Homeless**, as Owner.

My Commission Expires:

Notary Public, State of Texas

Notary's Printed or Typed Name:

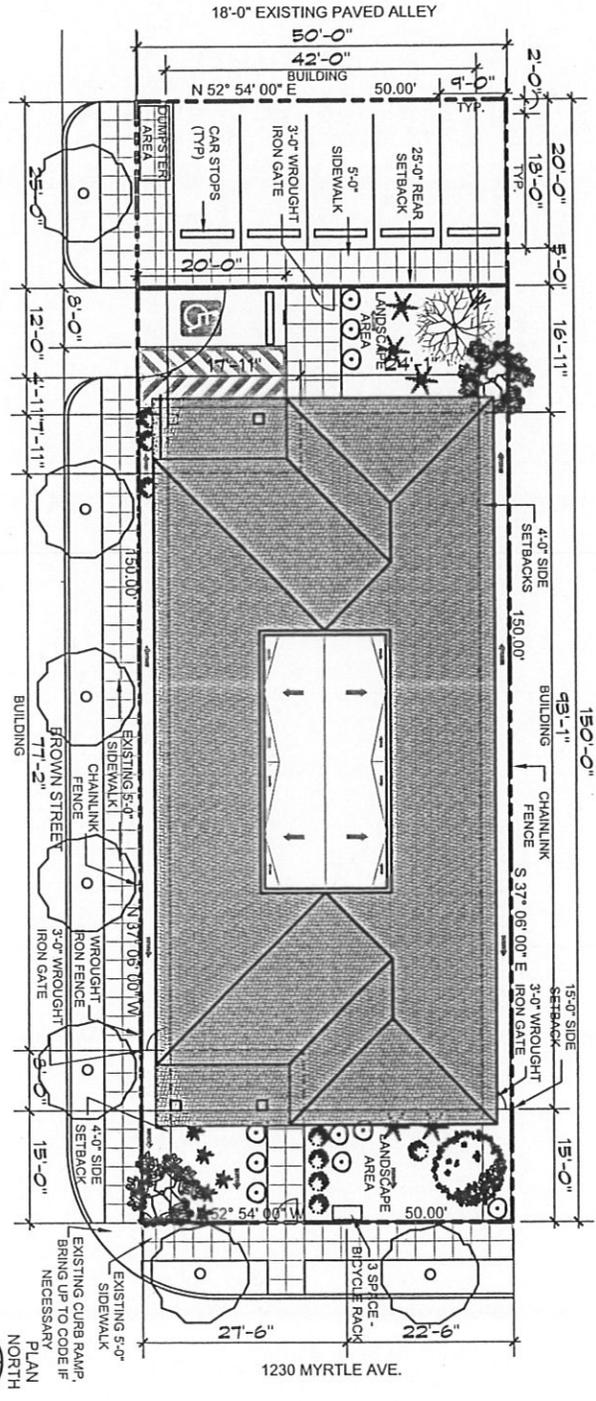
ORDINANCE NO. _____

ZON11-00021

01

PROPOSED SITE PLAN

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



LEGAL DESCRIPTION

BLOCK 17
FRANKLIN HEIGHTS
LOTS 15 AND 16
(7,590 SQ. FT.)
C-4 ZONING

BUILDING DESCRIPTION

2 STORY BUILDING
10 SINGLE ROOM UNITS
1ST STORY: 3,778 SQ. FT.
2ND STORY: 3,778 SQ. FT.
TOTAL AREA: 7,556 SQ. FT.

LANDSCAPING REQUIREMENTS

LANDSCAPING REQUIRED:
7,566 SQ. FT. * 1 * 0.075 = 567 SQ. FT.
PROJECT TREES: 483/1000 = 1
SHRUBS: 1567/1000 * 20 = 20
GROUND COVER: 1567/1000 * 10 = 10
FRONTAGE TREES: 50/50 = 1
SIDE FRONTAGE: 150/150 = 3

LANDSCAPING PROVIDED:
756 SQ. FT. * 780 SQ. FT. = 1,536 SQ. FT.
PROJECT TREES: 1
SHRUBS: 20
GROUND COVER: 10
FRONTAGE TREES: 1
SIDE FRONTAGE: 3

PARKING REQUIREMENTS

PARKING REQUIRED:
110 UNITS * 1.5: 15 SPACES
PARKING PROVIDED:
6 SPACES

THE COMMONS IN THE MYRTLE PHASE II
1230 MYRTLE AVE. EL PASO TEXAS

# 00.00.00	A.1
APRIL 06, 2011	SHEET OF
AS SHOWN	



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WRIGHT & DALBIN
architects, inc.

2112 Muchison Dr. El Paso, Texas 79930
915.533.3773 (f) 915.532.7733 (m) www.wrightdalbin.com



01 PROPOSED FRONT ELEVATION
SCALE: 1/8" = 1' - 0"



02 PROPOSED REAR ELEVATION
SCALE: 1/8" = 1' - 0"

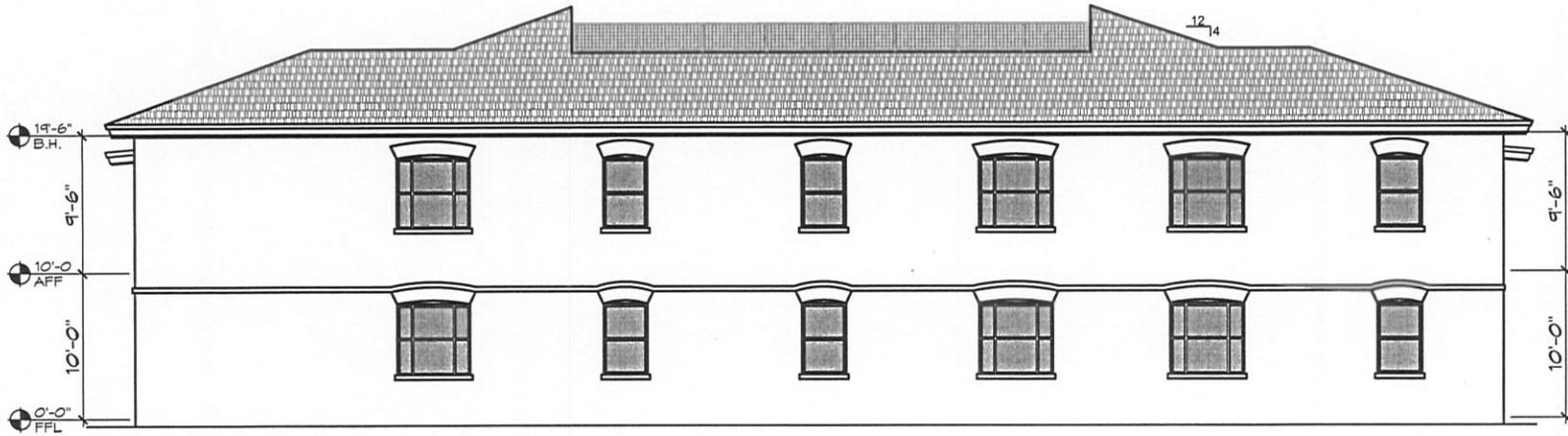
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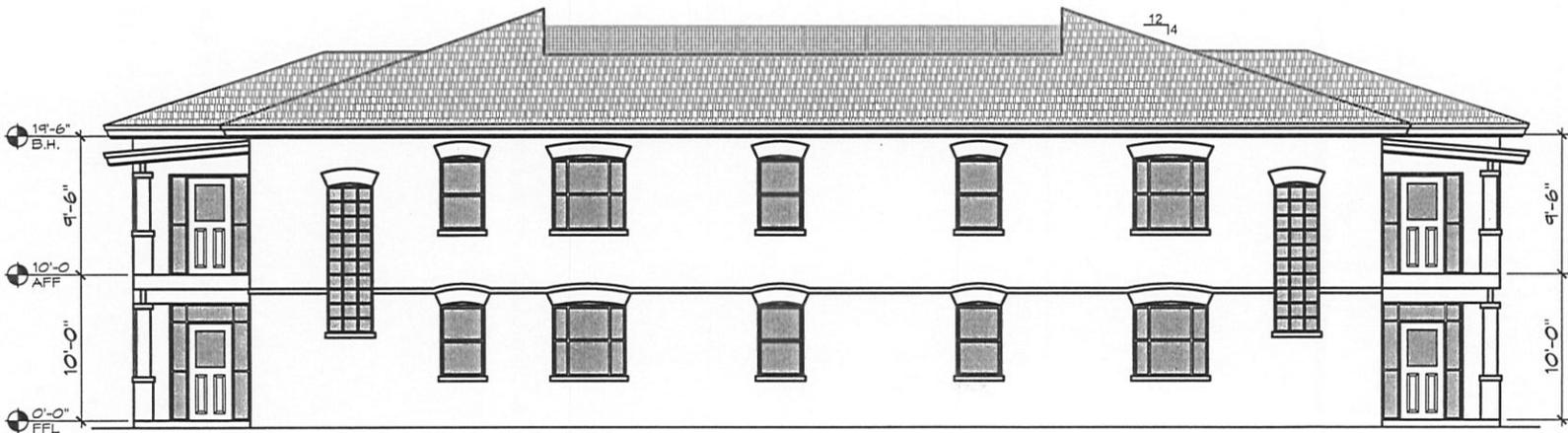


THE COMMONS IN THE MYRTLE
PHASE II
1230 MYRTLE AVE. EL PASO TEXAS

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MARCH 17, 2011	SHEET	
AS SHOWN		

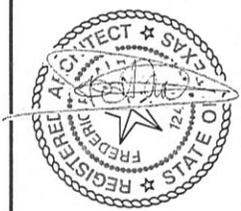


01 PROPOSED SIDE ELEVATION
SCALE: 1/8" = 1' - 0"



02 PROPOSED SIDE ELEVATION
SCALE: 1/8" = 1' - 0"

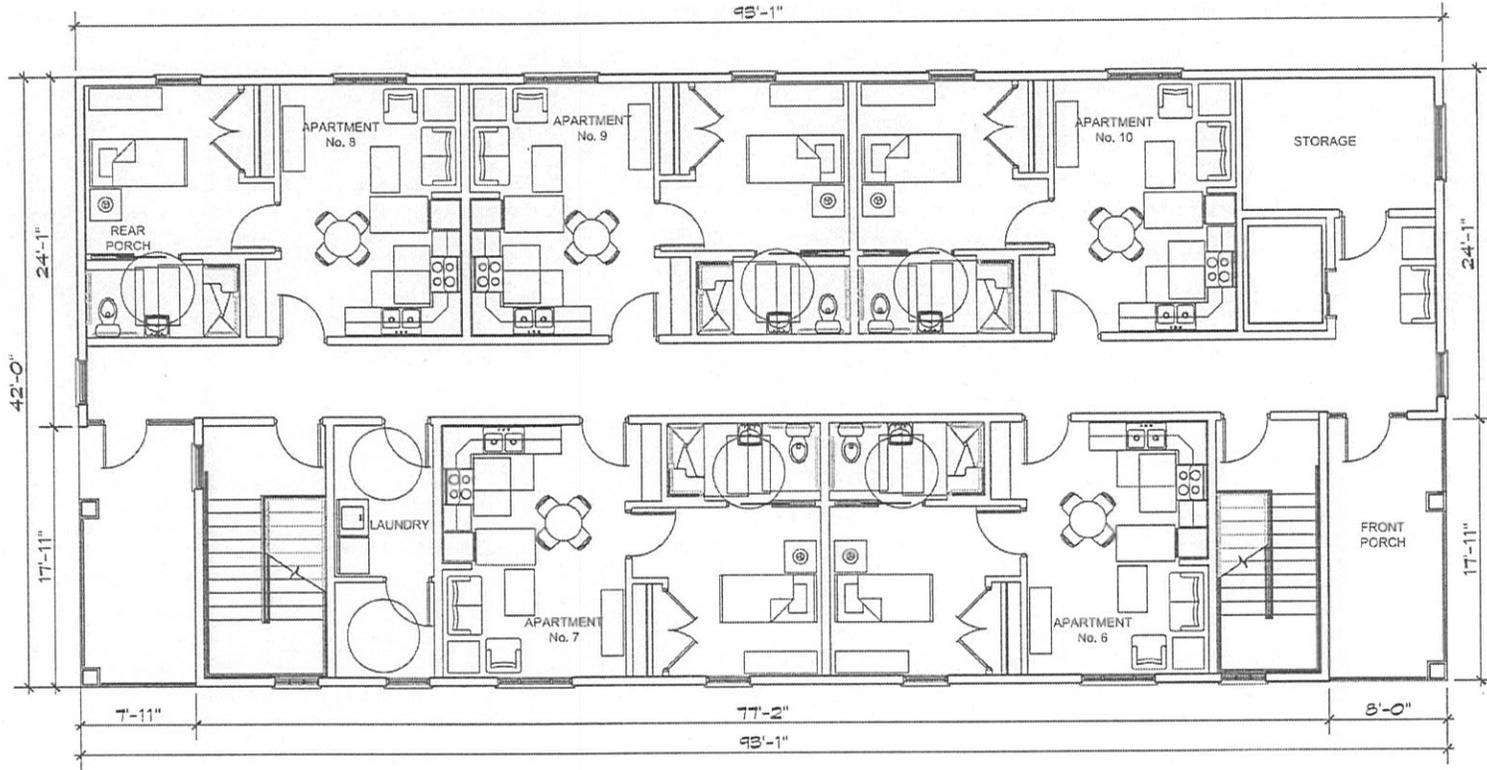
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THE COMMONS IN THE MYRTLE
PHASE II
1230 MYRTLE AVE. EL PASO TEXAS

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JANUARY 12, 2011	AS SHOWN	SHEET

WRIGHT & DALBIN
ARCHITECTS, INC.
2112 Marston Dr.
El Paso, Texas 79930
915.532.7733
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01

PROPOSED 2ND FLOOR PLAN

SCALE: 1/8" = 1' - 0"

THE COMMONS IN THE MYRTLE
 PHASE II
 1230 MYRTLE AVE., EL PASO TEXAS

00.00.00	A.3	OF
JANUARY 12, 2011	SHEET	
AS SHOWN	OF	



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MEMORANDUM

DATE: May 26, 2011

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

FROM: Andrew Salloum, Planner

SUBJECT: ZON11-00021

The City Plan Commission (CPC) on April 21, 2011, voted **4-0** to recommend **APPROVAL** of the special permit application to allow for infill development and parking reduction for an apartment complex.

The CPC found that the special permit is in conformance with the Plan for El Paso and that the proposed use is in conformance with the projected 2025 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 was **NO OPPOSITION** to this request.

Attachments: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: ZON11-00021
Application Type: Special Permit and Detailed Site Development Plan
CPC Hearing Date: April 21, 2011
Staff Planner: Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

Location: 1230 Myrtle Avenue
Legal Description: Lots 15 and 16, Block 17, Franklin Heights Addition, City of El Paso, El Paso County, Texas
Acreage: 0.17 acres
Rep District: 8
Existing Use: Vacant
Existing Zoning: C-4/sp (Commercial/special permit)
Request: Special Permit for Infill Development with Reduced Setbacks and Parking Reduction
Proposed Use: Apartment Complex

Property Owners: Opportunity Center for the Homeless
Applicant: TVP Non-Profit Corporation
Representative: Wright & Dalbin Architects, Inc.

SURROUNDING ZONING AND LAND USE

North: C-4 (Commercial) / Multi-family dwellings
South: C-1 (Commercial) / Multi-family dwellings
East: C-4 (Commercial) / Multi-family dwellings
West: C-4/sp (Commercial/special permit) / Multi-family dwellings

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

NEAREST PARK: Calendar Park (3,394 Feet)

NEAREST SCHOOL: Douglass Elementary (3,861 Feet)

NEIGHBORHOOD ASSOCIATIONS

El Paso Central Business Association
Magoffin Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on April 5, 2011. The Planning Division did not receive any phone calls or letters in support or opposition to the request.

HISTORY CASE

On February 16, 2010, City Council approved a special permit request to allow for an infill development and reduced setback from 10-foot required side street yard setback to 9 feet, 6 inches for an 8,600 sq. ft. 3-story structure with 22 apartment units.

APPLICATION DESCRIPTION

The applicant is requesting a new special permit for a 60% parking reduction and a review of the detailed site development plan for a new 7,556 sq. ft. two-story building with 10 apartment units. The applicant is requesting the following reductions in setbacks: from 20-foot front yard setback to 15 feet, from 5-foot side setback to 4 feet, and from 10-foot side street yard setback to 4 feet.

The proposed use requires 15 off-street parking spaces; the site plan shows 6 parking spaces and 3 bicycle

spaces, with access proposed from Brown Street via the alley. The Department of Transportation reviewed the parking study and found that the available on-street parking satisfies the parking needs for the project.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of the special permit and detailed site development plan request as it meets all the requirements of 20.04.150, Detailed Site Development Plan, and 20.04.320, Special Permit.

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 C-4 (Commercial) districts is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the central business district, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for special permit and offered no objections to the Planning Staff's recommendation for **APPROVAL**.

Engineering & Construction Management Services Department – Plan Review

Plan Review has no objections from a Zoning stand point, however, we should inform the Developer/Architects of some possible complications.

1. That by being only 4 feet from the property line, the entire west wall of the building would have to be 1 hour fire rated. The architect needs to show how he can do this while still providing emergency egress from the bedrooms on that side of the building. There appears from the side elevations there is too much glass to achieve this.
2. The next door property owner is allowed to build to his property line. This would leave only the four feet mentioned above for residents to exit the sleeping areas, walk down the side of the building and get away from the structure. The Code states that emergency egress "openings shall open directly into a public way or to a yard or court that opens to a public way". The proposed apartment building is surrounded by a chain link fence. The plans do not indicate gates or what if any, locking arrangements might be present.

This could be a problem in the design of this apartment complex.

*The developer will handle at the time of stage.

Engineering & Construction Management Service Department – Landscaping Plan

This project will meet code.

Engineering & Construction Management Services Department – Land Development

General Comments:

1. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
2. Grading plan and permit shall be required.*

3. Storm Water Pollution Prevention Plan and/or permit required.*
4. Drainage plans must be approved by the Engineering and Construction Management Department, Land Development Section.*
5. The Subdivision is within Flood Zone C-“Areas of minimal flooding” – Panel # 480212 0039B, dated October 15, 1982.

* This requirement will be applied at the time of development.

Department of Transportation

No objection to parking reduction.

Notes: - All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps, and driveways within public rights-of-way shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

Fire Department

El Paso Fire Department has no objections.

Sun Metro

Sun Metro does not oppose this request. Sun Metro does provide service along Myrtle, Magoffin, Cotton and Texas.

El Paso Water Utilities

1. EPWU does not object to this request.

EPWU-PSB Comments

Water:

2. There is an existing 6-inch diameter water main that extends along Myrtle Avenue fronting the northern boundary of the subject property (1230 Myrtle Avenue).
3. There is an existing 6-inch diameter water main that extends along the alley between Myrtle Avenue and Magoffin Avenue fronting the southern boundary of the subject property (1230 Myrtle Avenue).
4. There is an existing 4-inch diameter water main that extends along Brown Street fronting the eastern boundary of the subject property (1230 Myrtle Avenue).
5. EPWU records indicate a ¾-inch water meter serving the subject property. The service address for this meter is 1230 Myrtle Avenue.

Sewer:

6. There is an existing 8-inch diameter sanitary sewer main that extends along the alley between Myrtle Avenue and Magoffin Avenue fronting the southern boundary of the subject property (1230 Myrtle Avenue).
7. There is an existing 8-inch diameter sanitary sewer main that extends along Brown Street fronting the eastern boundary of the subject property (1230 Myrtle Avenue). This sanitary sewer main extends north from the alley between Myrtle Avenue and Magoffin Avenue and dead ends approximately 150 feet south of Myrtle Avenue.

General:

8. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

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

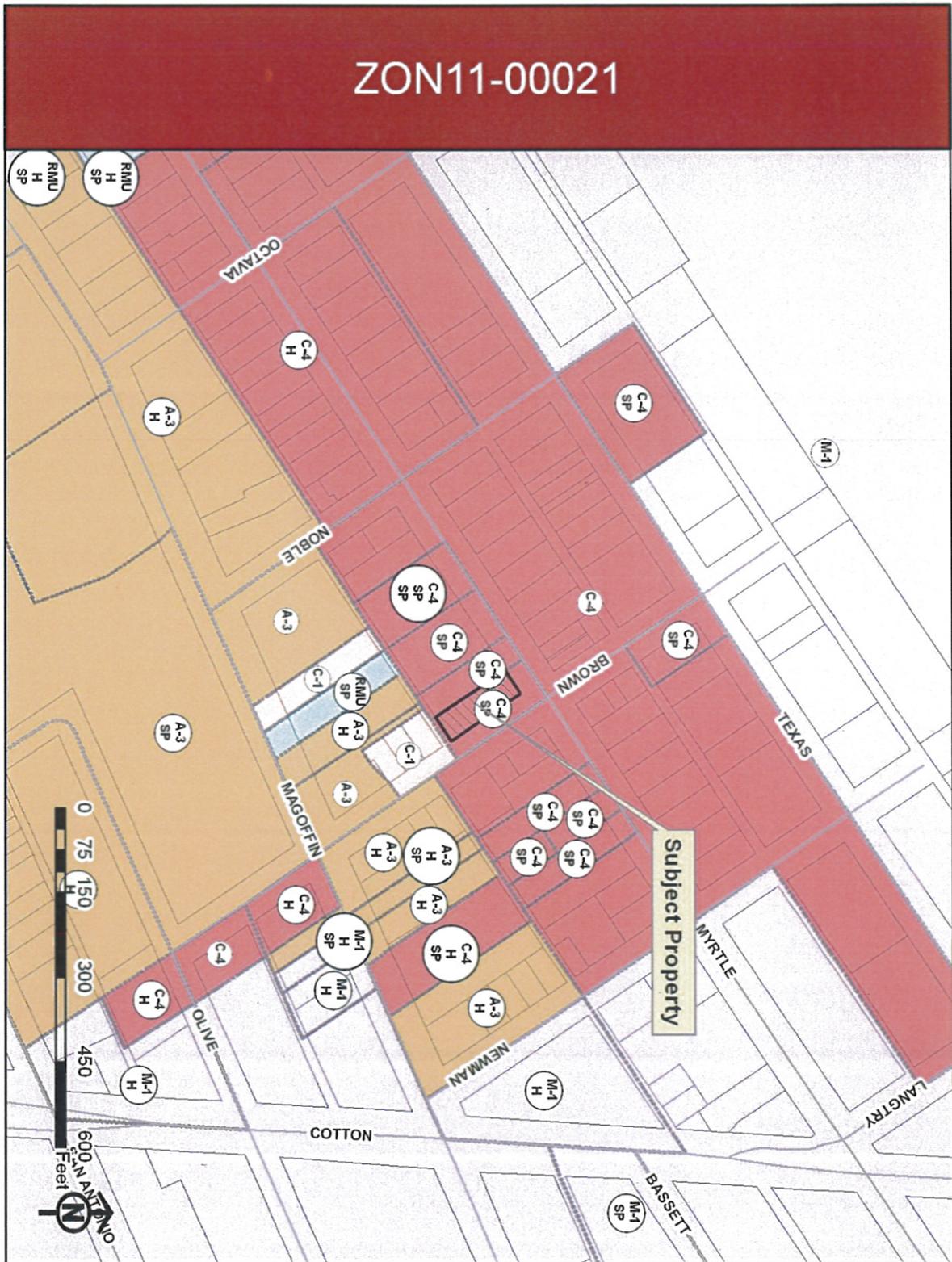
criteria that the CPC identifies from the Plan

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

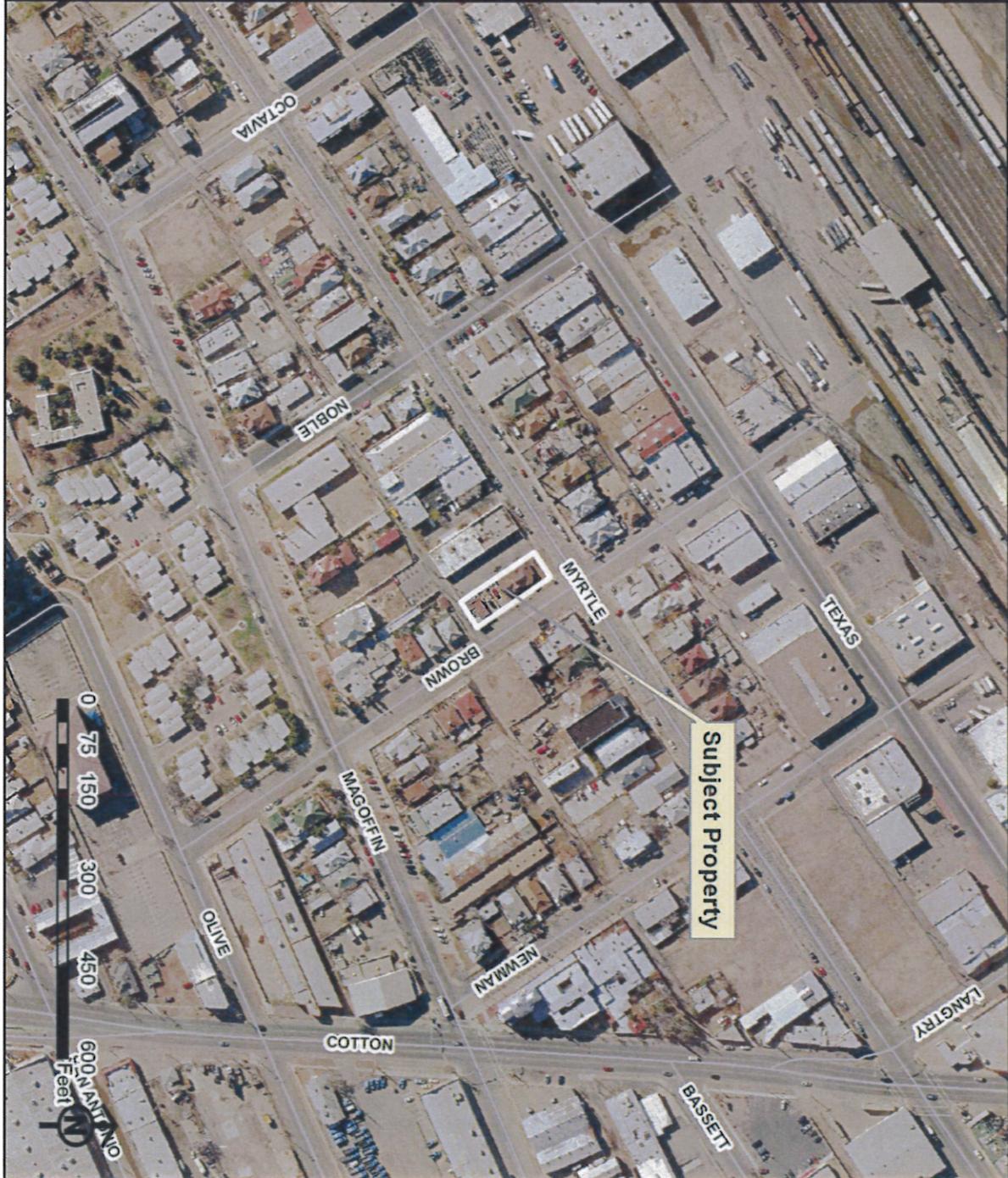
1. Location Map
2. Aerial Map
3. Detailed Site Plan
4. Elevations

ATTACHMENT 1: LOCATION MAP



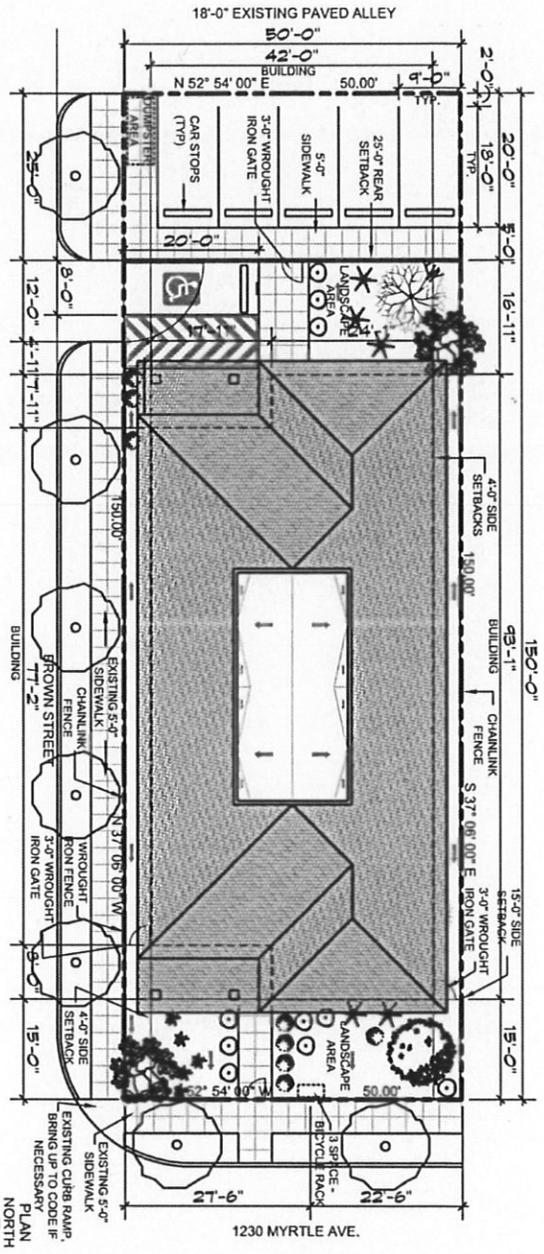
ATTACHMENT 2: AERIAL MAP

ZON11-00021



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN

01 PROPOSED SITE PLAN
SCALE: 1/16" = 1'-0"



LEGAL DESCRIPTION

BLOCK 17
FRANKLIN HEIGHTS
LOTS 15 AND 16
(7,500 SQ. FT.)
C-4 ZONING

BUILDING DESCRIPTION

2 STORY BUILDING
10 SINGLE ROOM UNITS
1ST STORY: 3,778 SQ. FT.
2ND STORY: 3,778 SQ. FT.
TOTAL AREA: 7,556 SQ. FT.

LANDSCAPING REQUIREMENTS

LANDSCAPING REQUIRED:
7,566 SQ. FT. * 1" 0.075 = 467 SQ. FT.
PROJECT TREES: 48/1000 = 1
SHRUBS: (567/1000) * 20 = 20
GROUND COVER: (667/1000) * 10 = 10
FRONTAGE TREES: 6/750 = 1
SIDE FRONTAGE: 150/50 = 3

LANDSCAPING PROVIDED:
756 SQ. FT. * 1" 0.075 = 467 SQ. FT.
PROJECT TREES: 1
SHRUBS: 20
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