

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

**DEPARTMENT:** Development Services Department, Planning Division

**AGENDA DATE:** Introduction: July 1, 2008  
Public Hearing: July 22, 2008

**CONTACT PERSON/PHONE:** Ismael B. Segovia, 541-4027

**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

An Ordinance granting special permit No. ZON08-00044, to allow for a parking reduction on the property described as a portion of Lot 25 and 26, Block 17, Franklin Heights, City of El Paso, El Paso County, Texas, pursuant to section 20.14.070 Parking Reduction of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1217 Magoffin Ave. Applicants: Ray Tullius, Executive Director, of Opportunity Center for the Homeless ZON08-00044 (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) – Unanimous Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation (6-0)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** N/A

**FINANCE:** N/A

**DEPARTMENT HEAD:** \_\_\_\_\_

*Victor Q. Torres*  
Victor Q. Torres  
Director, Development Services

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

CITY CLERK DEPT.  
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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON08-00044, TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 25 AND 26, BLOCK 17, FRANKLIN HEIGHTS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.070 PARKING REDUCTION OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS**, Frederico Villalobos as Property Owner and the Opportunity Center for the Homeless as Applicant, have applied for a Special Permit under Section 20.14.070 of the El Paso City Code to allow for a parking reduction; and,

**WHEREAS**, the requirements of Section 20.14.070 has 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 the application conforms to all requirements of Section 20.04.260 Special Permits Generally 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 an RMU (Residential Mixed Use) District: *Lots 25 and 26, Block 17, Franklin Heights , City of El Paso, El Paso County, Texas;*

2. That the City Council hereby grants a Special Permit under Section 20.14.070 of the El Paso City Code so that a 53 % parking reduction, may be permitted 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 RMU (Residential Mixed Use) 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 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. ZON08-00044**, shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant(s) shall be subject to the penalty provisions of Chapter 20.24 and any other legal or equitable remedy; and,

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CITY CLERK DEPT

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**

**ATTEST:**

\_\_\_\_\_  
John F. Cook, Mayor

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

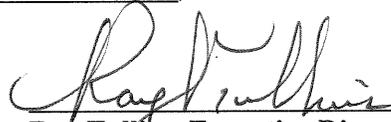
\_\_\_\_\_  
*Victor Q. Torres*  
Victor Q. Torres, Director  
Development Services Department

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**AGREEMENT**

The Opportunity Center for the Homeless, and the Property Owner referred to in the above Ordinance, hereby agree 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 RMU (Residential Mixed Use) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 23<sup>rd</sup> day of JUNE, 2008.

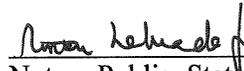
  
\_\_\_\_\_  
Ray Tullius, Executive Director  
Opportunity Center for the Homeless

**ACKNOWLEDGMENT**

THE STATE OF TEXAS     )  
  )  
COUNTY OF EL PASO     )

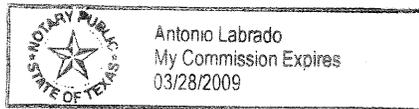
This instrument is acknowledged before me on this 23<sup>rd</sup> day of June, 2008, by Ray Tullius, Executive Director, of the **Opportunity Center for the Homeless.**

(Seal)

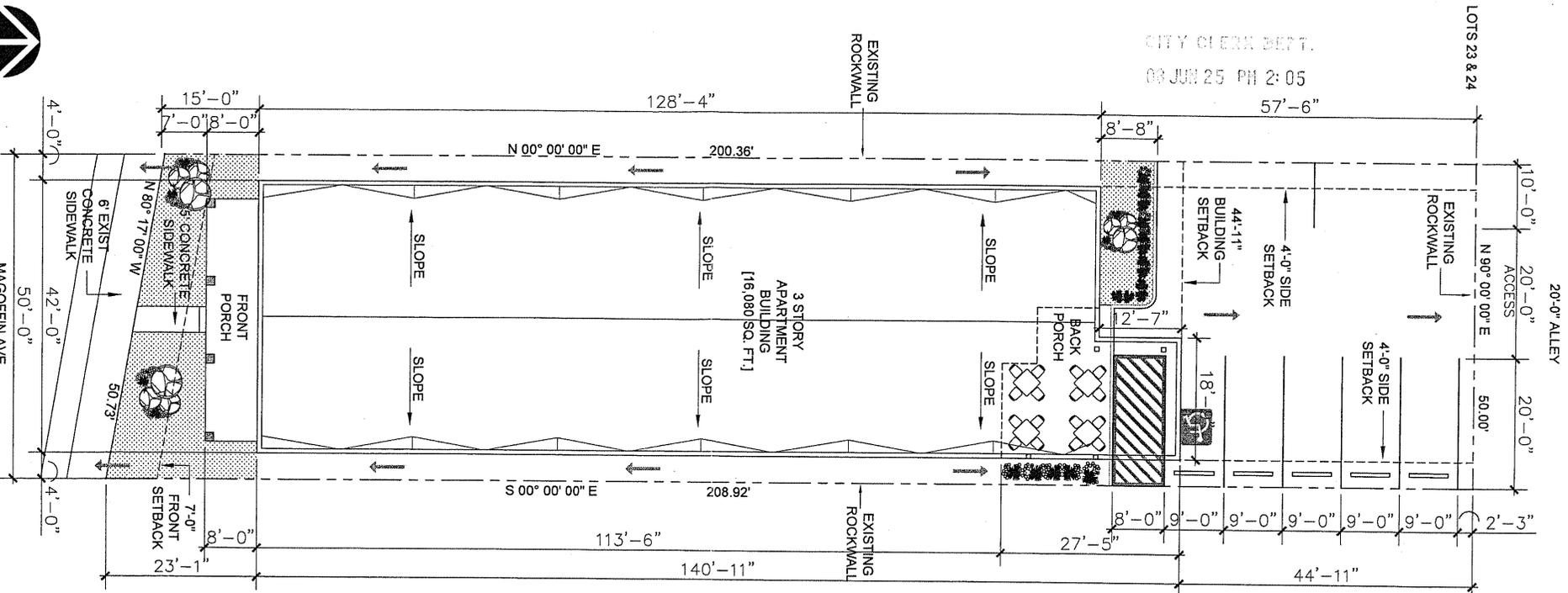
  
\_\_\_\_\_  
Notary Public, State of Texas  
Signature

Antonio Labrado  
\_\_\_\_\_  
Printed or Typed Name

My Commission Expires:  
\_\_\_\_\_



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LOTS 23 & 24

20'-0" ALLEY

LOTS 27, 28 W 1/2 OF 29

Exhibit "A"



DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

DETAILED SITE DEVELOPMENT PLAN APPROVED  
BY THE CITY COUNCIL

6-23-08  
DATE  
*Raphael...*  
APPLICANT  
*...*  
EXECUTIVE SECRETARY  
CITY PLAN COMMISSION

CITY MANAGER

SUMMARY

ELDERLY HOUSING  
1217 MAGOFFIN

LAND AREA: 10,232 SQ. FT.

LANDSCAPING

LANDSCAPE AREA PROVIDED: 779 SQ. FT.  
LANDSCAPE AREA REQUIRED: 788 SQ. FT.

BUILDING AREA

1ST FLOOR: 5,092 SQ. FT.  
2ND FLOOR PLAN: 5,625 SQ. FT.  
3DR. FLOOR PLAN: 5,363 SQ. FT.  
TOTAL BUILDING AREA: 16,080 SQ. FT.

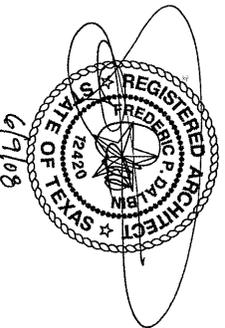
PARKING REQUIREMENTS

REQUIRED 15 SPACES  
PROVIDED 7 SPACES

1 BEDROOM UNIT	490 SQ. FT EACH	20 UNITS
2 BEDROOM UNIT	652 SQ. FT EACH	1 UNIT

LEGAL DESCRIPTION

17 FRANKLIN HEIGHTS  
LOTS 25 & 26  
EL PASO TEXAS



NORTH

01 PROPOSED SITE PLAN  
SCALE: 1/8" = 1'-0"

21 UNITS - MANAGER

**WRIGHT & DALBIN**  
ARCHITECTS  
P.C.  
2115 Murchison Dr.  
El Paso, Texas 79900  
Ph: (915) 535-1777  
Fax: (915) 532-7733  
www.wrightdalbin.com

Project: HUD 202 - 1217 MAGOFFIN ELDERLY HOUSING  
Drawing Title: PROPOSED SITE PLAN AND 1ST FLOOR PLAN  
Wright & Dalbin Architects Inc.  
2112 Murchison Dr., El Paso, Texas 79900 915/535-1777 Fax 915/532-7733

Sheet No. 01



**JOHN COOK**  
MAYOR

**JOYCE WILSON**  
CITY MANAGER

**VICTOR Q. TORRES**  
DIRECTOR, DEVELOPMENT SERVICES

**MATTHEW MCELROY**  
DEPUTY DIRECTOR, PLANNING

**CITY COUNCIL**

ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
RACHEL QUINTANA, DISTRICT 5  
EDDIE HOLGUIN, JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES**  
**PLANNING DIVISION**  
**MEMORANDUM**

**DATE:** June 25, 2008

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

**FROM:** Ismael B. Segovia, Senior Planner

**SUBJECT: ZON08-00044**

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The City Plan Commission (CPC), on June 19, 2008, voted **6-0** to recommend **APPROVAL** of special permit to allow for a parking reduction.

The CPC found that the special permit requested is in conformance with The Plan for El Paso Citywide land use goals, that El Paso: "provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses." The CPC found that the proposed special permit will not have an adverse impact on the natural environment, social and economic conditions, and property values in the vicinity and in the city as a whole. The CPC also determined that the special permit protects the best interest, health, safety, and welfare of the public in general.

There is a related rezoning request for subject property, (ZON08-00053). The request is to rezone the subject property to R-MU (Residential Mixed-Use) which allows the applicant to determine the density and property setback through the approved Master Zoning Plan.

There was no opposition to this request.

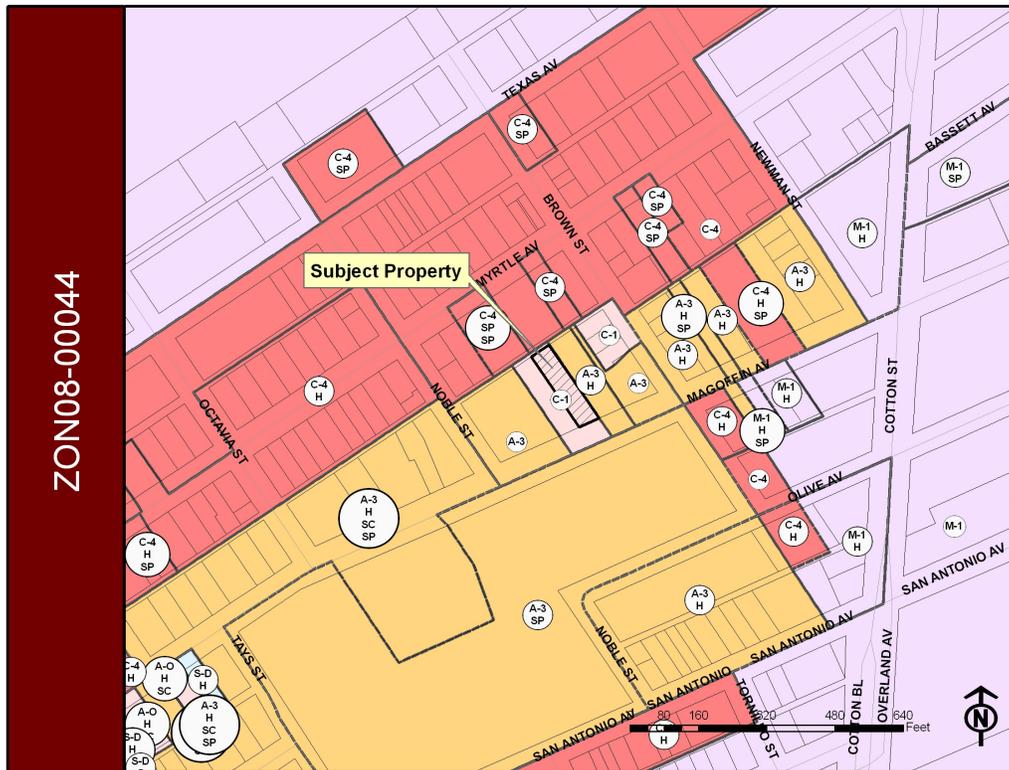
**Attachment:** Staff Report



## **ZON08-00044**

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<b>Application Type:</b>	Special Permit
<b>Property Owner(s):</b>	Frederico Villalobos
<b>Representative(s):</b>	Wright & Dalbin Architects
<b>Legal Description:</b>	Lots 25 and 26, Block 17, Franklin Heights, City of El Paso, El Paso County, Texas
<b>Location:</b>	1217 Magoffin Ave
<b>Representative District:</b>	8
<b>Area:</b>	0.2296 Acres
<b>Zoning:</b>	C-1 (Commercial)
<b>Existing Use:</b>	vacant
<b>Proposed Use:</b>	Reduced setbacks, reduced parking requirements and increase d density
<b>Setbacks:</b>	Front: from 20 ft to 7ft Side: from 5 ft to 4 ft
<b>Parking:</b>	Required: 15 Provided: 7 (53% Reduction)
<b>Density:</b>	Allowed: 7 dwelling units (1,500 sq ft per dwelling unit) Proposed: 21 dwelling units (66% Increase)
<b>Recognized Neighborhood Associations Contacted:</b>	El Paso Central Business Association; Magoffin Neighborhood Association
<b>Surrounding Land Uses:</b>	<b>North</b> – C-4 (Commercial); <b>South</b> - C-1 (Commercial); <b>East</b> – A-3/H (Apartment/Historic); <b>West</b> – C-4/sp (Commercial/special permit)
<b>Year 2025 Designation:</b>	<b>Residential</b> (Central Planning Area)



ZON08-00044

**General Information:**

The applicant is requesting a special permit to allow for an infill project to allow for reduced setbacks as follows: front setback reduced to 7'0" from 20'0" required and side 4'0" from 5'0" required. The applicant is also requesting a 53% parking reduction, 15 parking spaces required and providing 7 parking spaces, a reduction of 8 parking spaces. As per Section 20.10.280 on infill development the minimum parking requirements enumerated in Chapter 20.14 of Title 20 shall be automatically reduced by fifty percent for any use within a designated infill development. The density permitted in the C-1 zone is 7 dwelling units, the applicant is proposing 21 dwelling units, this being a 66% increase. The Section 20.10.280 states that the maximum number of dwelling units per gross acre permitted in the base-zoning district may be increased up to 50% for an infill development as approved by City Council. The detailed site development plan shows a 3 story 16,080 square foot apartment building. Access is proposed via the alley to the rear of the property. There are no existing zoning conditions currently on the property.

**Staff Recommendation:**

The Development Coordinating Committee (DCC) recommends **approval** of this special permit request. Planning recommends approval of this special permit request to the maximum allowable density of 14 dwelling units as per Section 20.10.280.

The recommendation is based on the following:

- **The Plan for El Paso City-Wide Land Use Goals** recommends that El Paso "Provide a wide range of housing types that respond to the needs of all economic

segments of the community.”

- **The Plan for El Paso** City-Wide Land Use Goals recommends that El Paso “provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.”
- **The Year 2025 Projected General Land Use Map** for the Central Planning Area designates this property for **Residential** land uses.
- **C-1 Commercial zoning** permits infill development through a special permit/detailed site plan.

**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 infill project 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:** Apartments permitted on C-1 & C-2 (Commercial) Districts. Zoning maps identify this parcel with a C-1 designation. Does not meet district's front (20 ft.) and side (5 ft.) setbacks. Also, shall require an addition setback of one foot from all adjacent yard lines for each foot of height in excess of thirty-five feet. Requires fifteen parking spaces and minimum of three bicycle spaces. Shall require a six-foot high masonry screening wall along the property line(s) abutting the apartment districts. **Landscape Review:** This project will not meet code as submitted. Project is required to have 788 square feet of landscaping. Landscape area not shown on submittal. Need to meet code as per 18.46. **Landscaping.** This project will not meet code as submitted. Project is required to have 788 square feet of landscaping. Landscaped area not shown on submittal. Need to meet code as per 18.46.

**Development Services Department - Planning Division:**

**Current Planning:** Recommends approval to the maximum allowable density of 14 dwelling units as per Section 20.10.280.

**Land Development:**

1. Proposed run-off shall be diverted to Magoffin Avenue. No storm run-off to the alley shall be permitted.
2. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.\*
3. Grading plan and permit shall be required.\*
4. Storm Water Pollution Prevention Plan and/or permit be required.\*
5. Drainage plans must be approved by the Development Services Department, Engineering Section.\*
6. Additional Comments: A note to the Owner/Developer: The Subdivision is not within a Special Flood Hazard Areas. Flood Zone, **Zone C; Panel # 480214**

**0039B**

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

**Engineering Department - Traffic Division:**

Applicant is required to provide 15 spaces and has capacity to provide only 7. Although several parking reductions have been requested and approved in the area, with study areas that overlap, there is sufficient on-street parking available to accommodate the additional 8 spaces required.

**Fire Department:**

No objection to request.

**El Paso Water Utilities:**

EPWU does not object to this request.

**Attachments:**

Attachment 1: Aerial

Attachment 2: Detailed Site Development Plan

Attachment 3: Side Elevations

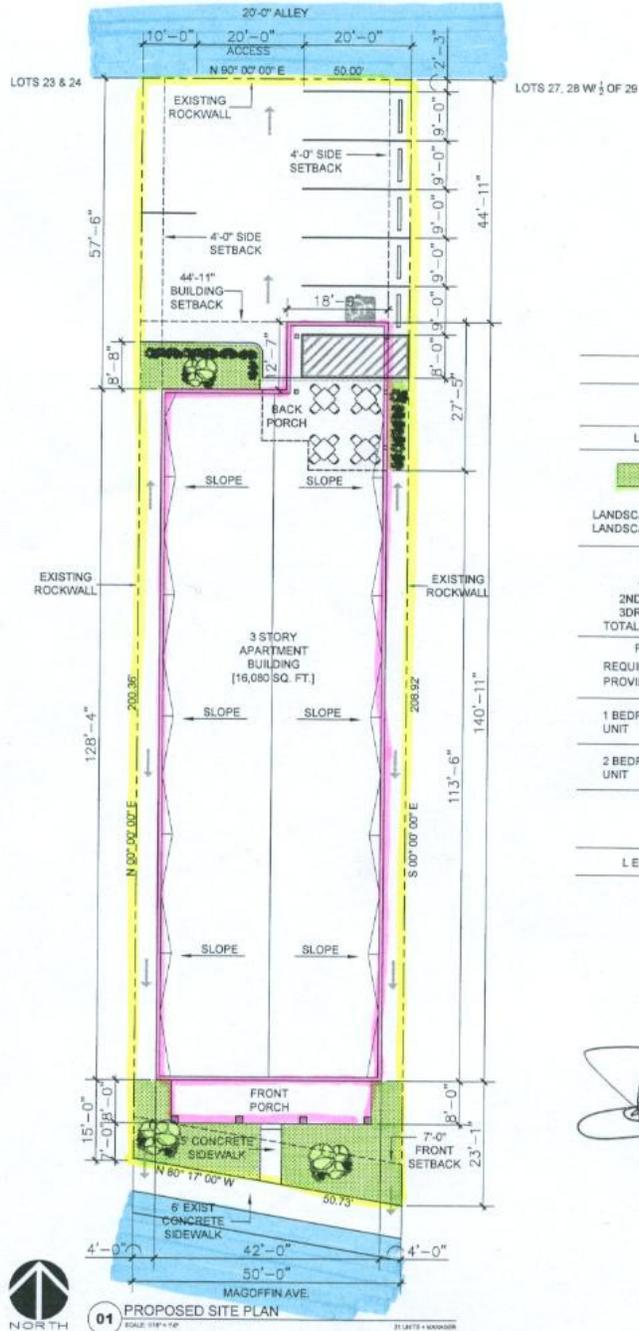
Attachment 4: Application

ATTACHMENT 1: AERIAL

ZON08-00044

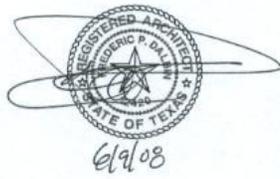


## Attachment 2: Detailed Site Development Plan



SUMMARY		
ELDERLY HOUSING 1217 MAGOFFIN		
LAND AREA: 10,232 SQ. FT.		
LANDSCAPING		
LANDSCAPE AREA PROVIDED: 779 SQ. FT. LANDSCAPE AREA REQUIRED: 768 SQ. FT.		
BUILDING AREA		
1ST FLOOR: 5,092 SQ. FT.		
2ND FLOOR PLAN: 5,625 SQ. FT.		
3DR. FLOOR PLAN: 5,363 SQ. FT.		
TOTAL BUILDING AREA: 16,080 SQ. FT.		
PARKING REQUIREMENTS		
REQUIRED	15 SPACES	
PROVIDED	7 SPACES	
1 BEDROOM UNIT	490 SQ. FT EACH	20 UNITS
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**LEGAL DESCRIPTION**  
 17 FRANKLIN HEIGHTS  
 LOTS 25 & 26  
 EL PASO TEXAS



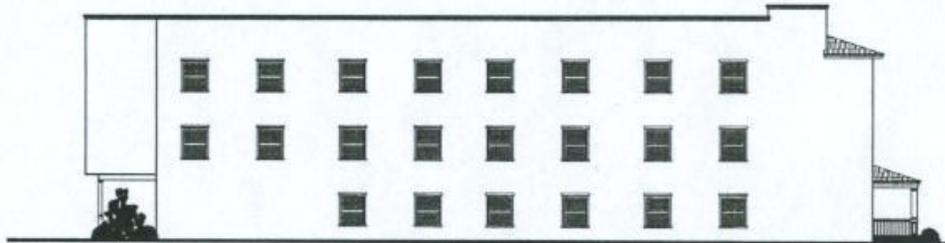
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**WRIGHT & DALBIN**  
 ARCHITECTS, INC.  
 2112 Murchison Dr. El Paso, Texas 79906  
 PH (915) 533-3777 FAX (915) 532-7733 www.wrightdalbin.com

Project: HUD 202 - 1217 MAGOFFIN ELDERLY HOUSING  
 Drawing title: PROPOSED SITE PLAN AND 1ST FLOOR PLAN  
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Sheet No.  
**01**

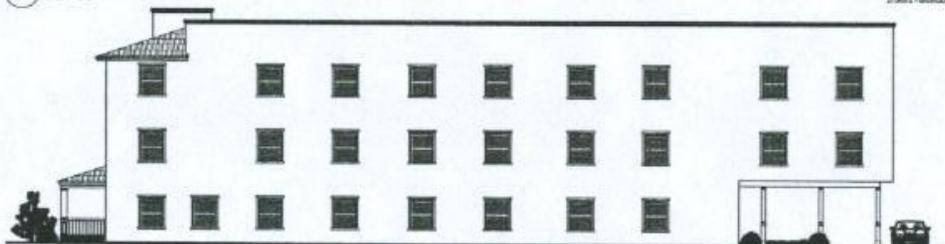
**Attachment 3: Side Elevations**



02 PROPOSED ELEVATIONS  
SCALE 1/8" = 1'-0"



01 PROPOSED ELEVATIONS  
SCALE 1/8" = 1'-0"



03 PROPOSED ELEVATIONS  
SCALE 1/8" = 1'-0"



04 PROPOSED ELEVATIONS  
SCALE 1/8" = 1'-0"



Sheet No. **02**

PROJECT: 100-202 - 1217 MAGOFFIN ELDERLY HOUSING  
 DRAWING: PROPOSED EXTERIOR ELEVATIONS  
**Wright & Dalbin Architects Inc.**  
 111 S. GARDNER, SUITE 200, AUSTIN, TEXAS 78704-4102, TEL: 512-317-1117, FAX: 512-317-1129

**WRIGHT & DALBIN**  
 ARCHITECTS  
 P.C.  
 111 S. GARDNER, SUITE 200  
 AUSTIN, TEXAS 78704-4102  
 TEL: 512-317-1117  
 FAX: 512-317-1129  
 WWW.WRIGHTANDDALBIN.COM

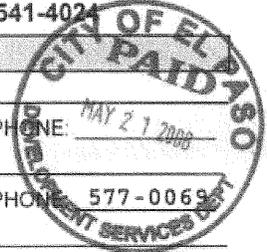


**Attachment 4: Applications**



**SPECIAL PERMIT APPLICATION  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION**

City of El Paso, Texas  
2 Civic Center Plaza  
El Paso, TX 79901-1196  
915-541-4021



**1. CONTACT INFORMATION**

PROPERTY OWNER(S): Frederico Villalobos  
ADDRESS: \_\_\_\_\_ ZIP CODE: 79912 PHONE: \_\_\_\_\_  
APPLICANT(S): Ray Tullius, Executive Director  
ADDRESS: 1208 Myrtle Avenue ZIP CODE: 79902 PHONE: 577-0069  
REPRESENTATIVE(S): Wright & Dalbin Architects, Inc.  
ADDRESS: 2112 Murchison Drive ZIP CODE: 79930 PHONE: 533-3777  
E-MAIL ADDRESS: fdalbin@wrightdalbin.com FAX: 532-7733

**2. PARCEL ONE INFORMATION**

PROPERTY IDENTIFICATION NUMBER: F60799901706700  
LEGAL DESCRIPTION: 17 Franklin Heights, Lots 25 & 26  
STREET ADDRESS OR LOCATION: 1217 Magoffin Avenue REP DISTRICT: 8  
ACREAGE: 0.2296 PRESENT ZONING: C-2 PRESENT LAND USE: Vacant  
SPECIAL PERMIT REQUEST: Setbacks, density and parking requirements for new infill project.

**3. PARCEL TWO INFORMATION**

PROPERTY IDENTIFICATION NUMBER: None  
LEGAL DESCRIPTION: \_\_\_\_\_  
STREET ADDRESS OR LOCATION: \_\_\_\_\_ REP DISTRICT: \_\_\_\_\_  
ACREAGE: \_\_\_\_\_ PRESENT ZONING: \_\_\_\_\_ PRESENT LAND USE: \_\_\_\_\_  
SPECIAL PERMIT REQUEST: \_\_\_\_\_

**4. PARCEL THREE INFORMATION**

PROPERTY IDENTIFICATION NUMBER: None  
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: Frederico Villalobos 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 08-00044 RECEIVED DATE: 5/21/08 APPLICATION FEE: \$ 580.00  
DCC REVIEW DATE: 06/18/08 (8:30 am, Conference Room, 2<sup>nd</sup> Floor, City Hall Building)  
CPC REVIEW DATE: 07/17/08 (1:30 pm, City Council Chambers, 2<sup>nd</sup> Floor, City Hall Building)  
ACCEPTED BY: [Signature]

08 JUN 25 PM 2:05  
CITY CLERK DEPT