

**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: Arturo Rubio, 541-4633

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance granting special permit No. ZON08-00045, to allow for a parking reduction and infill development for reduced front and side set backs on the property described as Lots 7 and 8, Block 32, Franklin Heights Addition, City of El Paso, El Paso County, Texas, pursuant to section 20.14.070 parking reduction and 20.10.280 infill development of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1314 Myrtle Avenue. Applicants: Ray Tullius, Executive Director, of Opportunity center for the Homeless, ZON08-00045 (District 8).

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

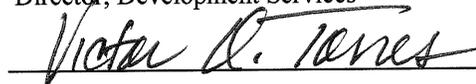
Development Coordinating Committee (DCC) – Unanimous Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (6-0)

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

LEGAL: N/A

FINANCE: N/A

DEPARTMENT HEAD: Victor Q. Torres
Director, Development Services



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

08 JUN 25 PM 2:00
CITY CLERK DEPT.

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON08-00045, TO ALLOW FOR A PARKING REDUCTION AND INFILL DEVELOPMENT FOR REDUCED FRONT AND SIDE SET BACKS ON THE PROPERTY DESCRIBED AS LOTS 7 AND 8, BLOCK 32, FRANKLIN HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.070 PARKING REDUCTION AND 20.10.280 INFILL DEVELOPMENT OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, The Opportunity Center for the Homeless, has applied for a Special Permit under Section 20.14.070 and 20.10.280 of the El Paso City Code to allow for a parking reduction and infill development for reduced front and side set backs; and,

WHEREAS, the requirements of Section 20.14.070 and 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 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 C-4/sp (Commercial/special permit) District: *Lots 7 and 8, Block 32, 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 and 20.10.280 of the El Paso City Code so that a 74 % parking reduction and infill development, 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 C-4/sp (Commercial/special permit) District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant(s), 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(s) fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON08-00045**, shall be subject to termination; construction or occupancy shall be discontinued; and the Property Owner(s) shall be subject to the penalty provisions of Chapter 20.24 and any other legal or equitable remedy; and,

5. That the Applicant(s) 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:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Victor Q. Torres

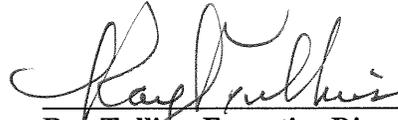
Victor Q. Torres, Director
Development Services Department

CITY CLERK DEPT.
06 JUN 25 PM 2:01

AGREEMENT

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

EXECUTED this 23rd 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 23rd day of June, 2008, by **Ray Tullius, Executive Director, of Opportunity Center for the Homeless.**

(Seal)

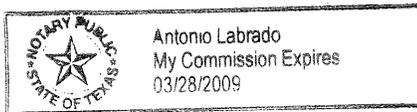


Notary Public, State of Texas
Signature

Antonio Labrado

Printed or Typed Name

My Commission Expires:



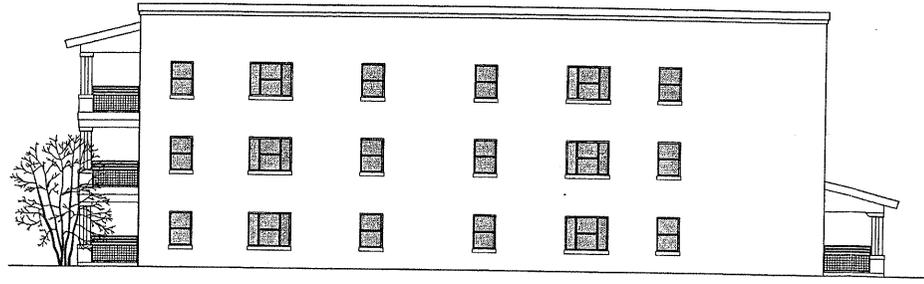
CITY CLERK DEPT.
08 JUN 25 PM 2:01

Project: HUD 811 - 1314 MYRTLE DISABLE HOUSING

Drawing Title: PROPOSED EXTERIOR ELEVATIONS

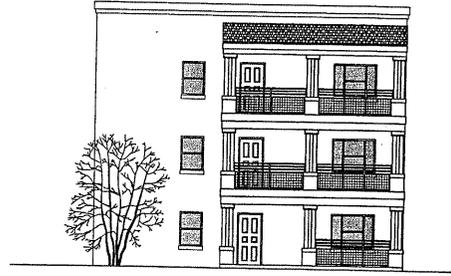
Wright & Dalbin Architects Inc.
2112 Marchison Dr., E. P.O. Box, Texas 79936 915/533-3777 Fax 915/533-7543

WRIGHT & DALBIN
ARCHITECTS
P.C.
El Paso, Texas 79939
www.wrightdalbin.com
Fax: (915) 533-7733
2112 Marchison Dr.
El Paso, TX 79936
Phone: (915) 533-3777



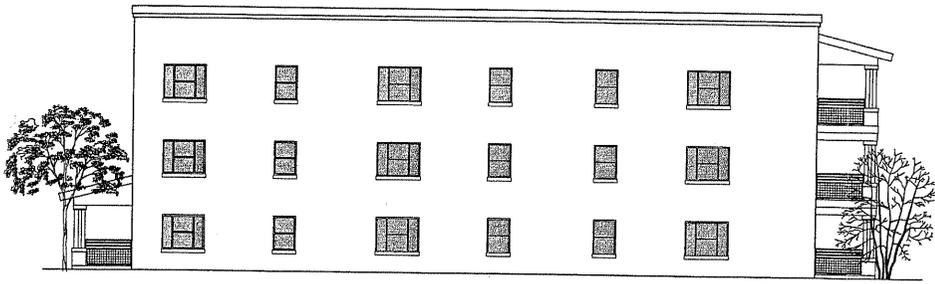
03 PROPOSED ELEVATIONS
SCALE: 1/16" = 1'-0"

14 UNITS + MANAGER



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

14 UNITS + MANAGER



04 PROPOSED ELEVATIONS
SCALE: 1/16" = 1'-0"

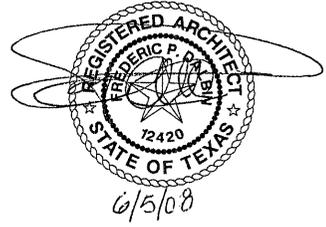
14 UNITS + MANAGER



02 PROPOSED ELEVATIONS
SCALE: 1/16" = 1'-0"

14 UNITS + MANAGER

00 JUN 25 PM 2:02
CITY CLERK DEPT.





JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

VICTOR Q. TORRES
DIRECTOR, DEVELOPMENT SERVICES

MATHEW S. 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 30, 2008

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

FROM: Arturo Rubio, Planner

SUBJECT: ZON08-00045

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

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.

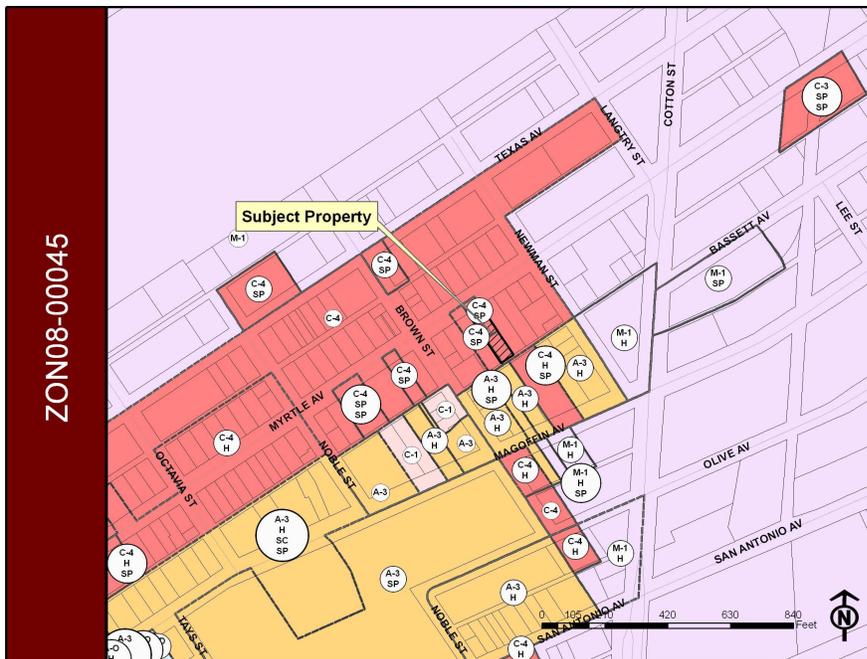
There were 2 letters and one phone call in opposition.

Attachment: Staff Report



ZON07-00045

Application Type: Special Permit/Detailed Site Development
Property Owners: Ray Tullius
Representative: Wright and Dalbin Architects, Inc.
Legal Description: Lots 7 & 8, Block 32, Franklin Heights, City of El Paso, El Paso County, Texas
Location: 1314 Myrtle Avenue
Representative District: 8 **Area:** 0.2296 acres
Zoning: C-4/sp (Commercial/special permit)
Present Use: Residential
Request: Reduced setbacks, reduced parking requirements
Setbacks: Front: from 20 ft to 9 ft Side: from 5 ft to 4 ft
Parking: Required: 23 Provided: 6 Reduction: 74%
Density: Allowed: 20 dwelling units (3 or more stories min lot area 500 sq ft per dwelling unit) Proposed: 15 dwelling units
Recognized Neighborhood:
Associations Contacted: El Paso Central Business Association and Magoffin Neighborhood Association
Public Response: None
Surrounding Land Uses: **North:** C-4, C-4/sp, multi family, single family **South:** A-3/H/sp, A-3, C-4/H/sp, multi family, single family; **East:** C-4, single family **West:** C-4/sp, C-4, single family
Year 2025 Designation: Residential (Central Planning Area)



General Information:

The applicant requests: 1) A special permit for an infill development to allow for reduced set backs as follows: front set back reduced to 7' from 20' required and sides 4' from 5' required and 2) A special permit for a 74% parking reduction, 23 parking required and 6 provided, a reduction of 17 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-4 zone is 20 dwelling units, the applicant is proposing 15 dwelling units. The Section 20.10.280 also 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 plan shows a 3 story 11,188 square foot apartment building. Access is proposed via alley to rear of property. There are no existing zoning conditions currently on this property.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **approval** of this special permit request.

The recommendation is based on the following:

- The special permit request does meet the minimum requirements of infill development 20.10.280, special permit section 20.04.260, parking reduction section 20.14.070 and detailed site development plan section 20.04.150 of the City of El Paso Ordinance.
- **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-4/sp (Commercial/special permit) zoning** permits infill development through a special permit/detailed site plan.

Findings:

The City Plan Commission must determine the following:

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

Development Services - Building Permits and Inspections Division:

Zoning Review: No Comments received.

Landscaping: This project will not meet 18.46 of the landscape ordinance as submitted. The alley is not a dedicated right-of-way.

Development Services - Planning Division:

Current Planning: Although Traffic Engineering's recommendation for denial is based on insufficient parking in the area, the Planning Division recommends **approval** based on the following: the units will be occupied by the mentally disabled primarily the homeless, therefore the demand for parking will be minimal; mass transit is readily available to residents in the immediate area; and will provide an opportunity for revitalization and new investment to this property which is located near the Downtown Revitalization Plan Area and the Magoffin Historic District.

Land Development:

1. Proposed run-off shall be diverted to Myrtle 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:

-Several parking reductions have been requested and approved in the area, the most recent one approved was for 1318 Myrtle, next to proposed address. Parking studies have overlapping areas, resulting in double-counting of available on-street parking.

-Applicant requires 25 parking spaces and can provide only 6 on the rear of property. There are not enough available on-street parking spaces to provide the additional 19 spaces required. **Denial is recommended.**

-Alley shall be improved to City's standards, if used for access to the property.

Fire Department:

No objection to request.

El Paso Water Utilities:

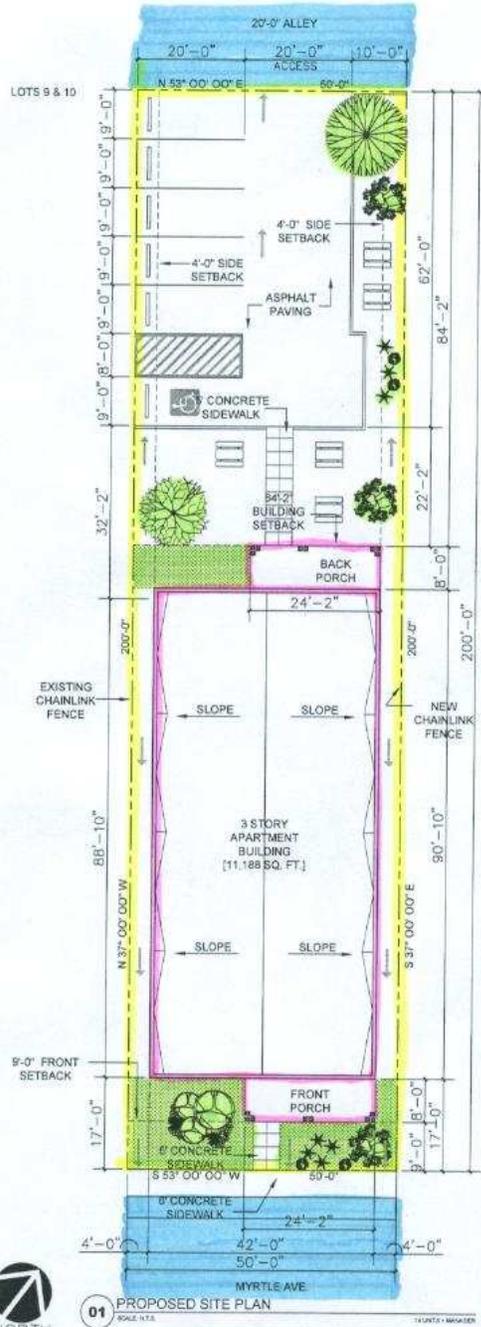
EPWU does not object to this request.



List of Attachments:

- Attachment 1: Site Plan
- Attachment 2: Side Elevations
- Attachment 3: Application

Attachment 1: Site Plan



SUMMARY

HOUSING FOR THE MENTALLY DISABLE
1314 MYRTLE

LAND AREA: 10,000 SQ. FT.

LANDSCAPING

LANDSCAPE AREA PROVIDED: 785 SQ. FT.
LANDSCAPE AREA REQUIRED: 750 SQ. FT.

BUILDING AREA

1ST FLOOR: 3,815 SQ. FT.
2ND FLOOR PLAN: 3,815 SQ. FT.
3DR. FLOOR PLAN: 3,558 SQ. FT.
TOTAL BUILDING AREA: 11,188 SQ. FT.

PARKING REQUIREMENTS

REQUIRED	23 SPACES
PROVIDED	6 SPACES

1 BEDROOM UNIT	490 SQ. FT EACH	15 UNITS
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LEGAL DESCRIPTION

32 FRANKLIN HEIGHTS
LOTS 7 & 8
EL PASO TEXAS

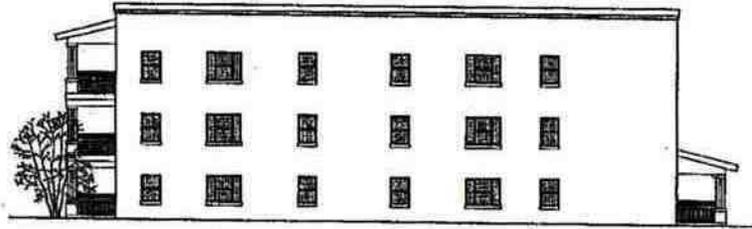


01 PROPOSED SITE PLAN
SCALE: N.T.S.

WRIGHT & DALBIN
ARCHITECTS, INC.
2112 Marchison Dr.
Ph: 915/533-3777 Fax: 915/533-7733 El Paso, Texas, 79902
www.wrightdalbin.com

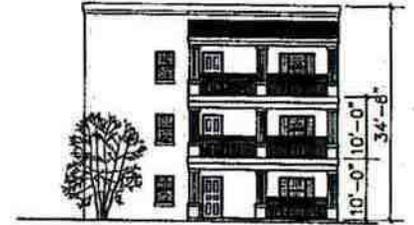
Project: HUD 811 - 1314 MYRTLE DISABLE HOUSING	Sheet No.
Drawing Title: SITE PLAN & FIRST FLOOR PLAN	01
Wright & Dalbin Architects Inc. 2112 Marchison Dr., El Paso, Texas 79902 915/ 533-3777 Fax 915/ 532-7733	

Attachment 2: Side Elevations



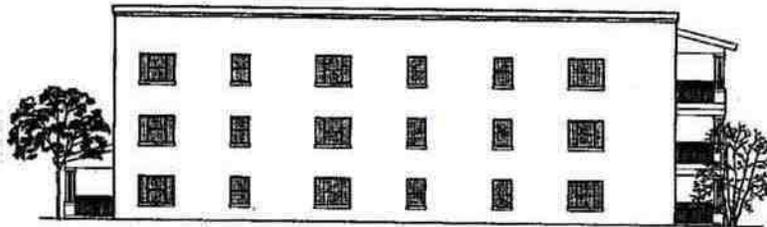
02 PROPOSED ELEVATIONS
SCALE: 1" = 20'

SEVENTH + BRUNNEN



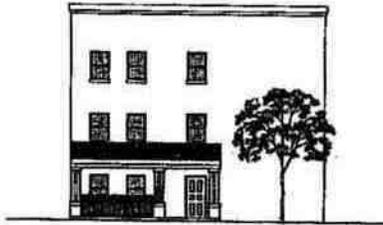
01 PROPOSED ELEVATIONS
SCALE: 1" = 20'

SEVENTH + BRUNNEN



03 PROPOSED ELEVATIONS
SCALE: 1" = 20'

SEVENTH + BRUNNEN



04 PROPOSED ELEVATIONS
SCALE: 1" = 20'

SEVENTH + BRUNNEN



Attachment 3: Application



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): Opportunity Center for the Homeless
ADDRESS: 1208 Myrtle Avenue ZIP CODE: 79902 PHONE: 577-0069
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: 532-1233

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: F6079903202500
LEGAL DESCRIPTION: 32 Franklin Heights, Lots 7 & 8
STREET ADDRESS OR LOCATION: 1314 Myrtle Avenue REP DISTRICT: 8
ACREAGE: 0.2296 PRESENT ZONING: C-4 PRESENT LAND USE: Residential
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: Ray Tullius 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 08-00045 RECEIVED DATE: 5/21/08 APPLICATION FEE: \$ 580.00
DCC REVIEW DATE: 06/18/08 (8:30 am, Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 07/17/08 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: [Signature]

Revised 4/2007