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

DEPARTMENT: **Development Services Department**

AGENDA DATE: **Introduction: August 19, 2008**
Public Hearing: September 9, 2008

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

DISTRICT(S) AFFECTED: 8

SUBJECT:
An Ordinance granting Special Permit ZON08-00048 for Tract 23-A-3, A.F. Miller Survey No. 214, City of El Paso, El Paso County, Texas to permit a planned residential development, and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property De Leon Drive South of Mesa Street and North of Fiesta Drive. Applicant: Albert Gomez Builders, Inc. ZON08-00048 (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 (7-0)

CITY CLERK DEPT.
08 SEP -8 AM 11:28

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

LEGAL: (if required) N/A **FINANCE:** (if required) N/A

DEPARTMENT HEAD: Victor Q. Torres _____

****

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

CITY CLERK DEPT.

08 AUG 11 PM 1:59

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON08-00048, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT WITH REDUCED SETBACKS, AND REDUCED LOT DEPTH ON TRACT 23-A-3, A.F. MILLER SURVEY NO. 214, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.270 (ZONING) OF THE EL PASO CITY CODE, AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Albert Gomez Builders, has applied for a Special Permit under Section 20.04.270 of the El Paso City Code, to allow for a planned residential development to permit reduced setbacks, and reduced lot depth; 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, except to the extent waived by City Council, the application conforms to all requirements of Section 20.04.320.D 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 **R-5 (Residential)** District:

   Tract 23-A-3, A.F. Miller Survey No. 214, City of El Paso, El Paso County, Texas; and,

2. That a planned residential development is authorized by Special Permit in **R-5 (Residential)** district under Section 20.08.030 of the El Paso City Code; and,

3. That the requirements for a planned residential development under Section 20.04.270 have been satisfied; and,

4. That the City Council hereby grants a Special Permit under Section 20.04.270 of the El Paso City Code, in order to allow a planned residential development on the above-

described property to allow for Planned Residential with reduced setbacks, and reduced lot depths; and,

5. That this Special Permit is issued subject to the development standards in the **R-5 (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 "A" and incorporated herein by reference for all purposes; and,

6. Further, that the property described herein be subject to the following condition which is necessitated by and attributable to the increased intensity of use generated due to the reduced setbacks and reduced lot depths in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

"The Applicant, and subsequent property owners, shall be prohibited from submitting an application and requesting further reductions in setbacks by the Zoning Board of Adjustment"; and,

7. 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,

8. That if the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON08-00048** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

PASSED AND APPROVED this _____ day of _____, 2008.

THE CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

CITY CLERK DEPT.
08 AUG 11 PM 1:59

Doc #41310/Planning/Ord/ZON08-00048/LCUE

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

for Philip Ellner

Mathew S. McElroy
Deputy Director – Planning
Development Services Department

CITY CLERK DEPT.
08 AUG 11 PM 1:59

CITY CLERK DEPT.

08 AUG 11 PM 1:59

AGREEMENT

Albert Gomez Builders, Inc., the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Site Development Plan 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 7 day of August, 2008.

By: Alberto E. Gomez
(name/title)

(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 7th day of August, 2008, by **Albert Gomez Builders, Inc.,** as Applicant.

My Commission Expires: 3-18-2010

Notary Public, State of Texas
Notary's Printed or Typed Name:
V. URENA

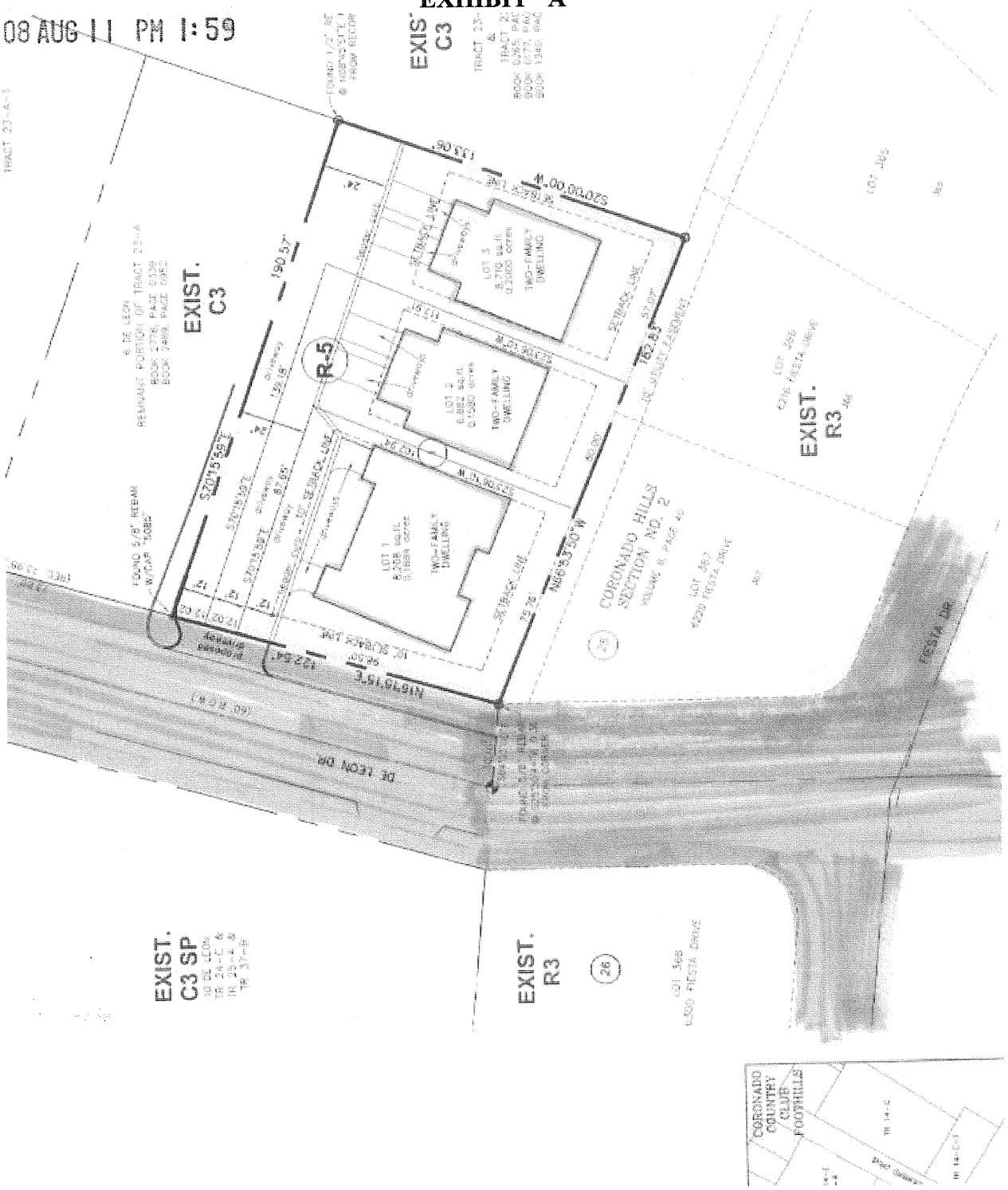
V. URENA
NOTARY PUBLIC
State of Texas
Commission Exp. 03-18-2010

Doc #41310/Planning/Ord/ZON08-00048/LCUE

CITY CLERK DEPT.

08 AUG 11 PM 1:59

EXHIBIT "A"



CITY CLERK DEPT.

08 AUG 11 PM 1:59

EXHIBIT "B" (1 of 2)

Being **Tract 23-A-3**,
A.F. Miller Survey No. 214,
City of El Paso, El Paso County, Texas.
March 3, 2008

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being **Tract 23-A-3**, A.F. Miller Survey No. 214, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a found City monument disk at the centerline of DeLeon Drive opposite the northwest corner of Block 25, Coronado Hills Section No. 2 recorded in Volume 8, Page 40 with the El Paso County Plat Records; Thence, South 84°03'00" East a distance of 30.16 feet to a set ½" rebar with cap "5152" and the "**TRUE POINT OF BEGINNING**"; Whence a 5/8" rebar bears South 25°30'44" West a distance of 0.36 feet.

Thence along the east right of way line of said DeLeon Drive, **North 16°15'15" East** a distance of **122.54** feet to a found 5/8" rebar with cap "5085" at the most northerly corner of this parcel;

Thence leaving the east right of way line of said DeLeon Drive, **South 70°15'59" East** a distance of **190.57** feet to a set ½" rebar with cap "5152" at the most easterly corner of this parcel, whence a ½" rebar bears North 08°45'51" East a distance of 0.26 feet;

Thence with the east line of parent Tract 23A, **South 20°00'00" West**, a distance of **133.06** feet to a set ½" rebar with cap "5152" at the most southerly corner of parent Tract 23A and the north line of said Block 25, Coronado Hills Section No. 2;

Thence along north line of said Block 25, Coronado Hills Section No. 2, **North 66°53'50" West** a distance of **182.83** feet to "**TRUE POINT OF BEGINNING**" and containing in all 23,801 square feet or **0.5464** acres of land more or less.

Zoning Plan of dated February 14, 2008 accompanies this metes and bounds description.

STATE OF TEXAS REGISTERED RONALD RO[illegible] CONDE 5152 PROFESSIONAL LAND SURVEYOR

3-4-08

job # 208-63

Ron R. Conde
R.P.L.S. No. 5152

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

Doc #41310/Planning/Ord/ZON08-00048/LCUE

ORDINANCE NO._____ **Special Permit No. ZON08-00048**

CITY CLERK DEPT.
08 AUG 11 PM 1:59

EXHIBIT "B" (2 of 2)

Doc #41310/Planning/Ord/ZON08-00048/LCUE

ORDINANCE NO._____ **Special Permit No. ZON08-00048**

CITY CLERK DEPT.
08 AUG 11 PM 2:00

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

MEMORANDUM

DATE: **July 23, 2008**

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

FROM: Mirian Spencer, Planner

SUBJECT: ZON08-00048

The City Plan Commission (CPC), on July 17, 2008 voted (7 to 0) to recommend **APPROVAL** of the special permit for planned residential development and imposed a condition in agreement with the recommendation from staff and the Development Coordinating Committee. The condition prohibits the property from seeking additional reductions in setbacks through the Zoning Board of Adjustment of the City of El Paso.

The property owners are requesting the special permit to allow for three residential duplex lots with reduced lot depths and reduced setbacks. The applicants are proposing a lot depth of 75.76' for lot one. The applicants are also proposing the following setbacks:
Lot 1: 10' front yard, 5' rear yard, 10' side yard setbacks.
Lots 2 and 3: 20' Front yard, 15' rear yard, and 5' side yard setbacks.

The applicants are proposing three residential duplexes on the 0.5464 acre parcel of vacant land. Access to the lots is proposed vial De Leon Drive. The applicants have also submitted a Rezoning application to change the zoning from C-3 (Commercial) to R-5 (Residential) (ZON08-00014).

The proposed planned residential development is compatible with the 2025 Projected General Land Use Map for the Northwest Planning area which designates the property for mixed-use development. The surrounding area is composed of single-family and multi-family residential, mobile home and commercial development.

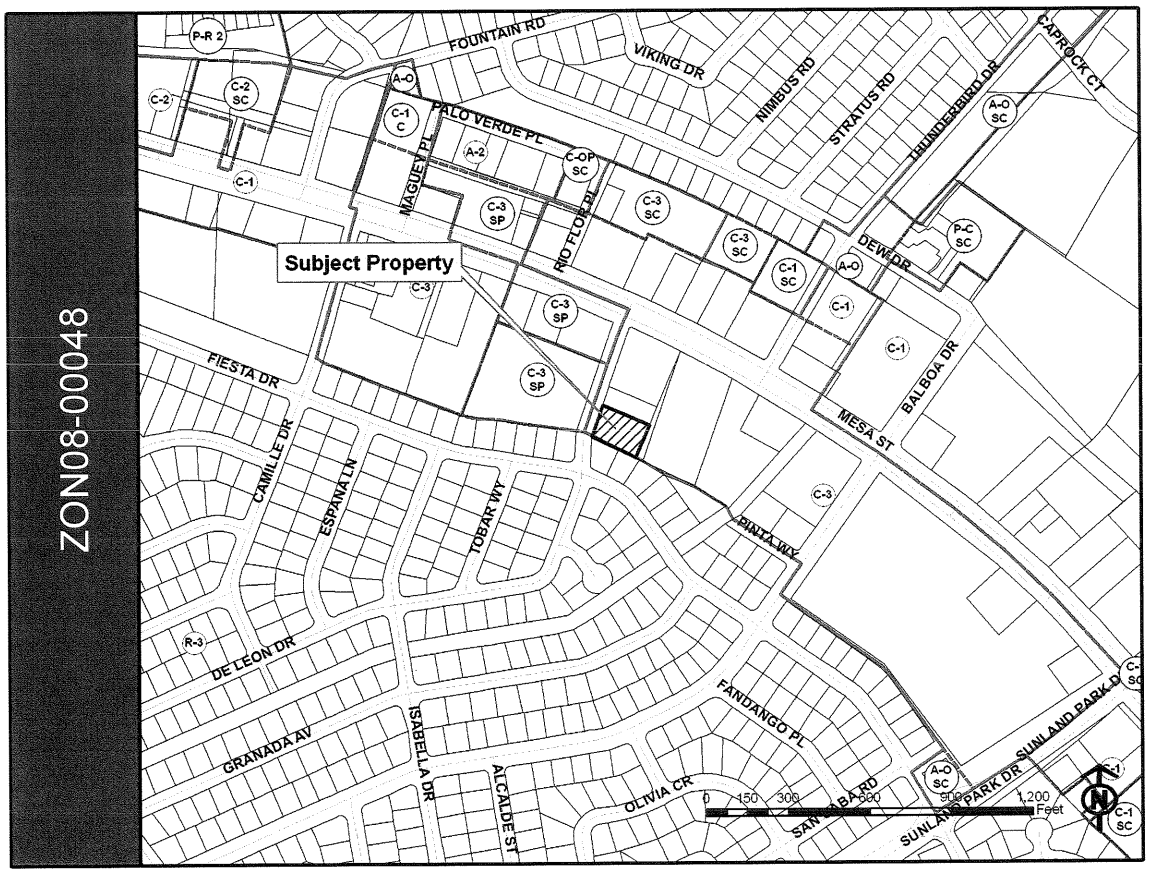
The CPC found that this special permit request is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning protects the best interest, health, safety, and welfare of the public in general; and that the proposed use is compatible with adjacent land uses.

There was **ONE CALL IN OPPOSITION** to this request. The nature of the opposition was due to the area being heavily affected by Storm 2006. The caller was concerned that the request would add additional residences to an area that was damaged by the flooding.

Attachment: Staff Report, Zoning Plan, Rezoning Application

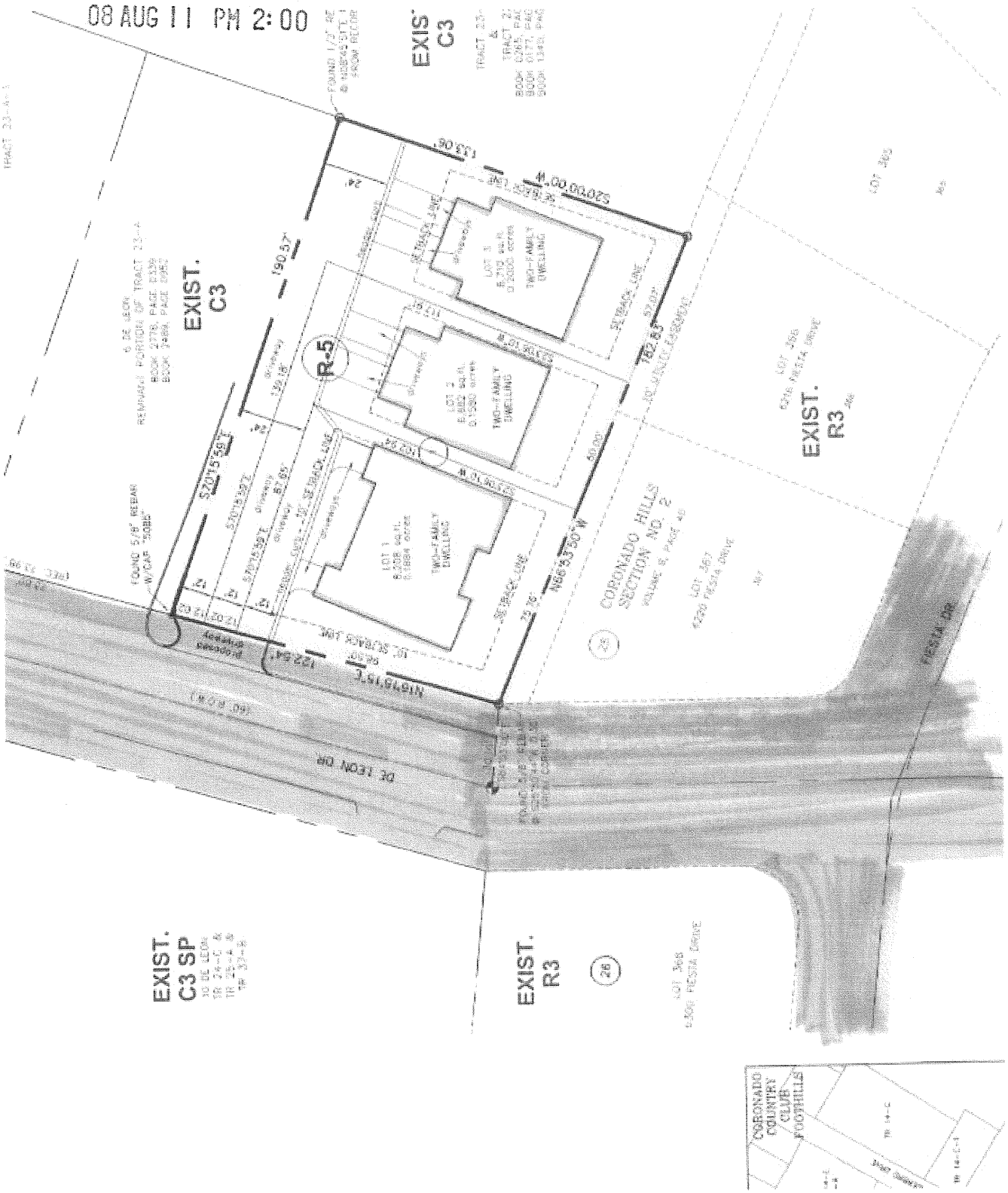
CITY CLERK DEPT.
08 AUG 11 PM 2:00

Application Type:	Special Permit and Detailed Site Development Plan
Property Owner(s):	Albert Gomez Builders, Inc.
Representative(s):	Conde, Inc.
Legal Description:	Tract 23-A-3, A.F. Miller Survey No. 214, City of El Paso, El Paso County, Texas
Location:	De Leon Drive South of Mesa Street and North of Fiesta Drive
Representative District:	8
Area:	0.5464 Acres
Proposed Zoning:	R-5 (Residential)
Existing Use:	vacant
Request:	Planned Residential Development with reduced lot depths and reduced setbacks
Proposed Use:	Residential duplex development
Recognized Neighborhood Associations Contacted:	Coronado Neighborhood Association; Save the Valley; Upper Mesa Hills Neighborhood Association
Public Response:	One call in opposition
Surrounding Land Uses:	***North* – C-3 (Commercial)** / Commercial; ***South* – R-3 (Residential) /** Single-family residential; ***East* – C-3 (Commercial) /** Mobile Home Park; ***West* - C-3/sp (Commercial/special permit)** / Warehouse
Year 2025 Designation:	**Mixed-use** (Northwest Planning Area)



CITY CLERK DEPA
08 AUG 11 PM 2:00

ATTACHMENT 1: DETAILED SITE PLAN



CITY CLERK DEPT.
08 AUG 11 PM 2:00

General Information:
The applicant is requesting a special permit for planned residential development in order to permit reduced lot depths and reduced setbacks. The property is currently zoned C-3 (Commercial), but an application to change the zoning from C-3 (Commercial) to R-5 (Residential) is also being prsented to CPC (ZON08-00014). The applicants are proposing three residential duplex lots. The property is 0.5464 acres in size and is vacant. The property meets the minimum site area for residential duplexes within the R-5 (Residential) zoning district. Access is proposed via **De Leon Drive** through a 36' common access driveway. There are no zoning conditions imposed on the property. The applicants are proposing a lot depth of 75.76' for the first lot which is a 15% reduction in lot depth from 90' required. The applicants are also proposing the following setbacks:

- Lot 1: 10' Front Yard Setback, 5' Rear Yard Setback, 10' Side Yard Setbacks.
- Lots 2 and 3: 20' Front Yard Setback, 15' Rear Yard Setback, 5' Side Yard Setbacks.

The R-5 density and dimensional standards for R-5 district, Two-Family dwelling are as follows: Lot width 50', depth 90' and set backs: Front: a minimum of 10' with a 20' driveway, Rear: a minimum of 10' cumulative 45, Side: 5' and Side & Side Street: 10'.

Staff Recommendation:
The Development Coordinating Committee (DCC) recommends **APPROVAL** of the special permit request with the following condition:

- That no additional requests for reductions in setbacks be submitted for approval to the Zoning Board of Adjustment of the City of El Paso.

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 community."

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

R-5 (Residential) zoning permits Planned Residential Development by special permit and **is compatible** with adjacent development to include the commercial land uses to the North and East of the property and the residential land uses to the South and West of the property.

Findings:
The Commission must determine the following:

1. Will the special permit for planned residential development protect the best interest, health, safety, and welfare of the public in general?
2. Will residential duplex development 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 R-5 (Residential) zoning district. Meets lot size, and width requirements for two-family dwelling units. Shall need to maintain cumulative front and rear yard setbacks.
Landscape Review: No comments received

Development Services Department – Planning Division:

Current Planning: Recommends approval of the special permit for planned residential development to allow for a reduction in lot depth and required setbacks. The Year 2025 Projected General Land Use Map for the **Northwest** Planning Area designates this property for **Mixed-use** land uses. R-5 (Residential) zoning permits planned residential development with a special permit and is compatible with adjacent development.

Land Development: Site is not located within a Special Flood Hazard Area, Flood Zone (s) **B, "Areas between 100-year and 500-year flood or certain areas subject to 100-year flooding with average depths less than one foot or where the contributing drainage area is less than one square mile, or areas protected by levees from the base flood.** Panel **480241 0027 D.** The following will be required at the time of development:

- ADA accessible sidewalks, wheel chair ramp(s), and driveways
- Grading plan and permit
- Drainage plans must be approved by the Development Services, Engineering Division
- Storm Water Pollution Plan and/or permit.

Engineering Department - Traffic Division:

No objections to the proposed planned residential development request. A 20' driveway shall be provided on the first lot of the proposed development.

Fire Department:

No comments received.

El Paso Water Utilities:

EPWU does not object to this request.

CITY CLERK DEPT.
08 AUG 11 PM 2:00

ZON08-00048

ATTACHMENTS:

Attachment 1: Detailed Site Plan

Attachment 2: Application

CITY CLERK DEPT.

08 AUG 11 PM 2:00

ATTACHMENT 2: APPLICATION

06/05/2008 10:39 FAX 915 592 0286 CONDE INC 002

SPECIAL PERMIT APPLICATION
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

CITY OF EL PASO
CIVIC CENTER PLAZA
EL PASO, TX 79901
915-541-4024

CITY OF EL PASO PAID JUN 10 2008 DEVELOPMENT SERVICES DEPT

1. CONTACT INFORMATION

PROPERTY OWNER(S): Albert Gomez Builders, Inc.
ADDRESS: ZIP CODE: 79912 PHONE:
APPLICANT(S): Albert G
ADDRESS: ZIP CODE: PHONE:
REPRESENTATIVE(S): Conde, Inc.
ADDRESS: 1790 Lee Trevino, Suite 400 ZIP COD PHONE:
E-MAIL ADDRESS: cconrad@elp.rr.com

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: X214-999-000B-1755
LEGAL DESCRIPTION: Tract 23-A-3, A. F. Miller Survey No. 214, City of El Paso, El Paso County, Texas
STREET ADDRESS OR LOCATION: De Leon Drive REP DISTRICT 8
ACREAGE: 0.5464 ac PRESENT ZONING: C-3 PRESENT LAND USE: vacant
SPECIAL PERMIT REQUEST: To allow for variable setbacks and lot depth of no less than 75.76' (to go concurrently with the Rezoning of R-5)

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER:
LEGAL DESCRIPTION:
STREET ADDRESS OR LOCATION: REP DISTRICT:
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: Albert Gomez Signature:
Printed Name: Signature:
Printed Name: Signature:

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

**** OFFICE USE ONLY****

ZON 08-00048 RECEIVED DATE: 06/10/08 APPLICATION FEE:$ 580.00
DCC REVIEW DATE 07/16 08 (8:30 am, Planning Department Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 08/14/08 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: FUND -01101, DEPT ID -99010335, ACCOUNT -404126

Revised 6/2004