

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

DEPARTMENT: Development Services Department
AGENDA DATE: Introduction 09-01-09; Public Hearing 09-22-09
Regular Agenda Ordinance
CONTACT PERSON/PHONE: Fred Lopez, (915) 541-4322
DISTRICT(S) AFFECTED: 6

SUBJECT:

An Ordinance granting Special Permit No. ZON09-00044, to allow for Infill Development on all of Lot 1, Block 1, Falvey Estates, City of El Paso, El Paso County, Texas, pursuant to Sections 20.04.260 and 20.10.280 of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8615 San Juan Lane. Property Owner: Juanita S. Falvey. ZON09-00044 (**District 6**)

BACKGROUND / DISCUSSION:
See attached ordinance and staff 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: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: _____
Mathew McElroy, Deputy Director of Planning

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON09-00044, TO ALLOW FOR INFILL DEVELOPMENT ON ALL OF LOT 1, BLOCK 1, FALVEY ESTATES, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTIONS 20.04.260 AND 20.10.280 OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Juanita S. Falvey, Owner, and JC General Contractors, Applicant, have applied for a Special Permit under Sections 20.04.260 and 20.10.280 of the El Paso City Code, to allow for an infill development; 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 20.04.260 and 20.10.280 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-2 (Apartment)** District:
All of Lot 1, Block 1, Falvey Estates, City of El Paso, El Paso County, Texas; and,
2. That the City Council hereby grants a Special Permit under Sections 20.04.260 and 20.10.280 of the El Paso City Code, in order to allow an infill development to permit a reduction in the required 20' (twenty foot) front yard setback requirement for apartments in the A-2 zone district to a 10' (ten foot) front yard setback for the property described in Paragraph 1 of this Ordinance; and,
3. That this Special Permit is issued subject to the development standards in the **A-2 (Apartment)** 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 or the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. ZON09-00044 shall

automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; and,

- 5. That the Owner and 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.

PASSED AND APPROVED this _____ day of _____, 2009.

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
Development Services Department

AGREEMENT

Juanita Falvey, the Owner referred to in the above Ordinance, and **JC General Contractors**, the Applicant 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 **A-2 (Apartment)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 2009.

JUANITA FALVEY:

By: _____
(name/title)

(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)

)

COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2009, by _____, for **Juanita Falvey**, as Owner.

My Commission Expires:

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

(Signatures continue on following page)



City of El Paso – City Plan Commission Staff Report

Case No: ZON09-00044
Application Type: Special Permit
CPC Hearing Date: September 10, 2009
Staff Planner: Linda Castle, (915) 541-4029, castlelj@elpasotexas.gov

Location: 8615 San Juan Lane
Legal Description: All of Lot 1, Block 1, Falvey Estates, City of El Paso, El Paso County, Texas
Acreage: 5.347 acres
Rep District: 6
Existing Use: Apartment
Zoning: A-2 (Apartment)
Request: Infill development
Proposed Use: Apartments

Property Owner: Juanita S. Falvey
Applicant: JC General Contractors
Representative: Conde, Inc.

SURROUNDING ZONING AND LAND USE

North: R-4 (Residential) / Single-family residential
South: A-2 (Apartment) / Multi-family residential
East: C-1 (Commercial) / Retail development
West: R-4 (Residential) / Single-family residential

THE PLAN FOR EL PASO DESIGNATION: Residential and Mixed-Use
NEAREST PARK: Rio Grande River Trail (2,120 Feet)
NEAREST SCHOOL: Community Learning Special Campus (350 Feet)

NEIGHBORHOOD ASSOCIATIONS

Save the Valley 21; Teens in Action for a Healthy Community

NEIGHBORHOOD INPUT

Notices of the September 10, 2009, CPC public hearing were mailed out to all property owners within 300 feet of the subject property on August 27, 2009.

APPLICATION DESCRIPTION

The property was recommended for rezoning to A-2 by the CPC on February 12, 2009. A building permit was issued for the apartment complex and the applicant began construction in July 2009. The applicant is requesting the special permit for infill development to allow a reduction from the required 20-foot front yard setback for an apartment complex to a 10-foot front yard setback. The property meets two of the location criteria required for an infill development project: it is located in a state enterprise zone and in a federally designated empowerment zone. The site plan shows 18 quadruplex apartment buildings and an assisted living center. Access to the development is from San Juan Lane.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

The DCC recommends approval of the special permit for infill development and detailed site development plan with a 10-foot front yard setback.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends approval of the special permit for infill development and detailed site development plan that shows a 10-foot front yard setback.

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.

The application for infill development of an apartment complex with reduced front yard setback is in conformance with The Plan for El Paso and with the 2025 Projected General Land Use Map which designates the property for residential and mixed-use land uses. The proposed development will not adversely affect the surrounding development.

Development Services Department - Building Permits and Inspections Division

Zoning: No comments.

Landscaping: Passed landscaping per BLD09-02083. Landscape met code at time of submittal.

Development Services Department - Planning Division

Current Planning: Recommendation is for approval of the special permit for infill development to allow a 10-foot front yard setback.

Land Development: No comments.

Engineering Department - Traffic Division

No comments.

Fire Department

Please advise the applicant that all buildings beyond 600 feet distance from the center of San Juan Lane and the access to the apartment complex shall be fire sprinklered and a note shall be added to the recording Plat and the subdivision improvement plans indicating the buildings that are required to be sprinklered.

Sun Metro

No comments.

Street Department

- 1. Provide details and revised drawings, prior to DCC, of the accessible ramps, 5 foot sidewalk and 5 foot landings at the driveway on San Juan lane, parkway area may not be wide enough to accommodate proposed improvements.
- 2. All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations.
- 3. Clarify the note “50 foot Access Easement to be vacated by this plat” at the driveway location.

El Paso Water Utilities

No comments.

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:

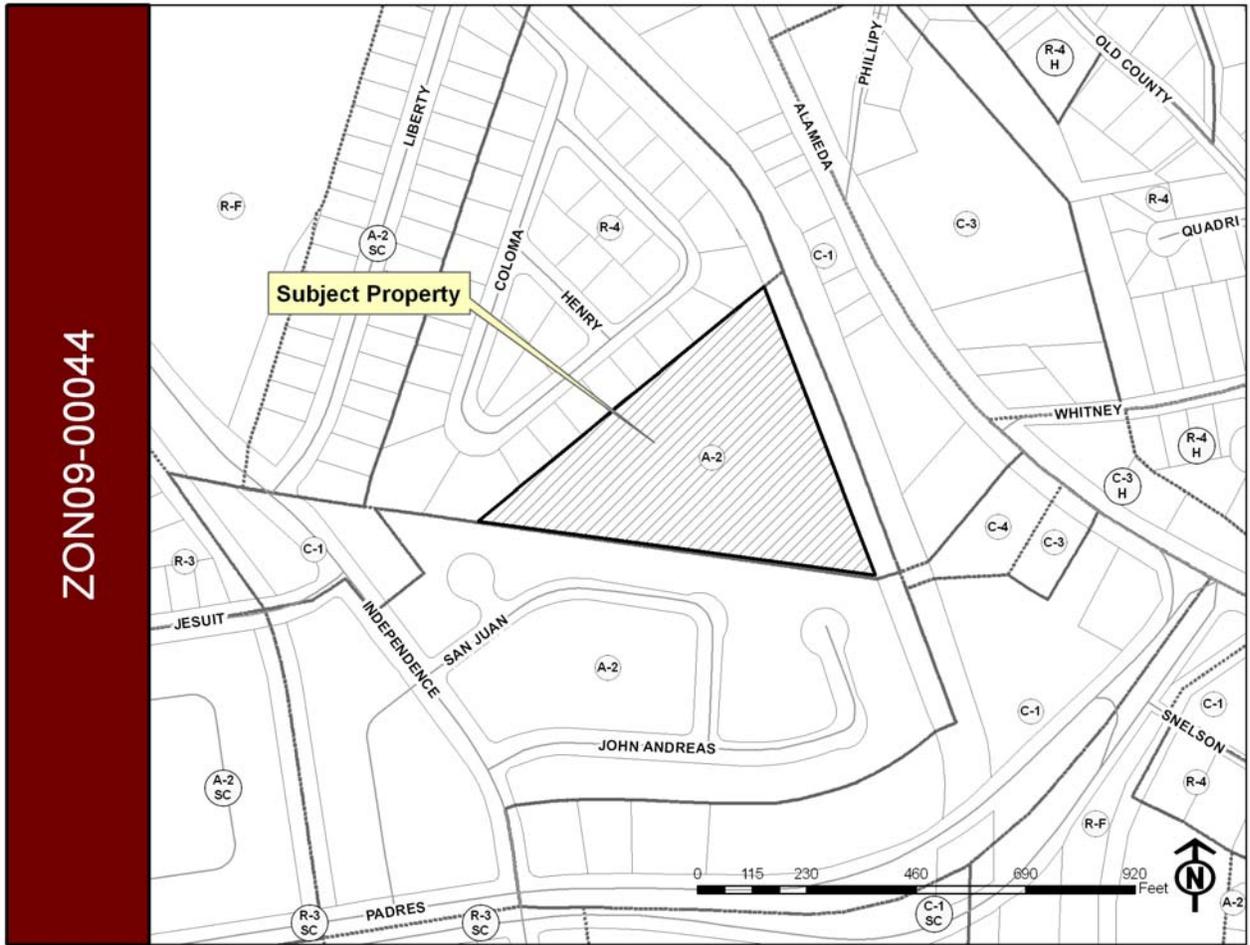
- 1. Recommend approval of the application finding that the special permit and detailed site development plan is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan

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 do 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. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan and Elevations

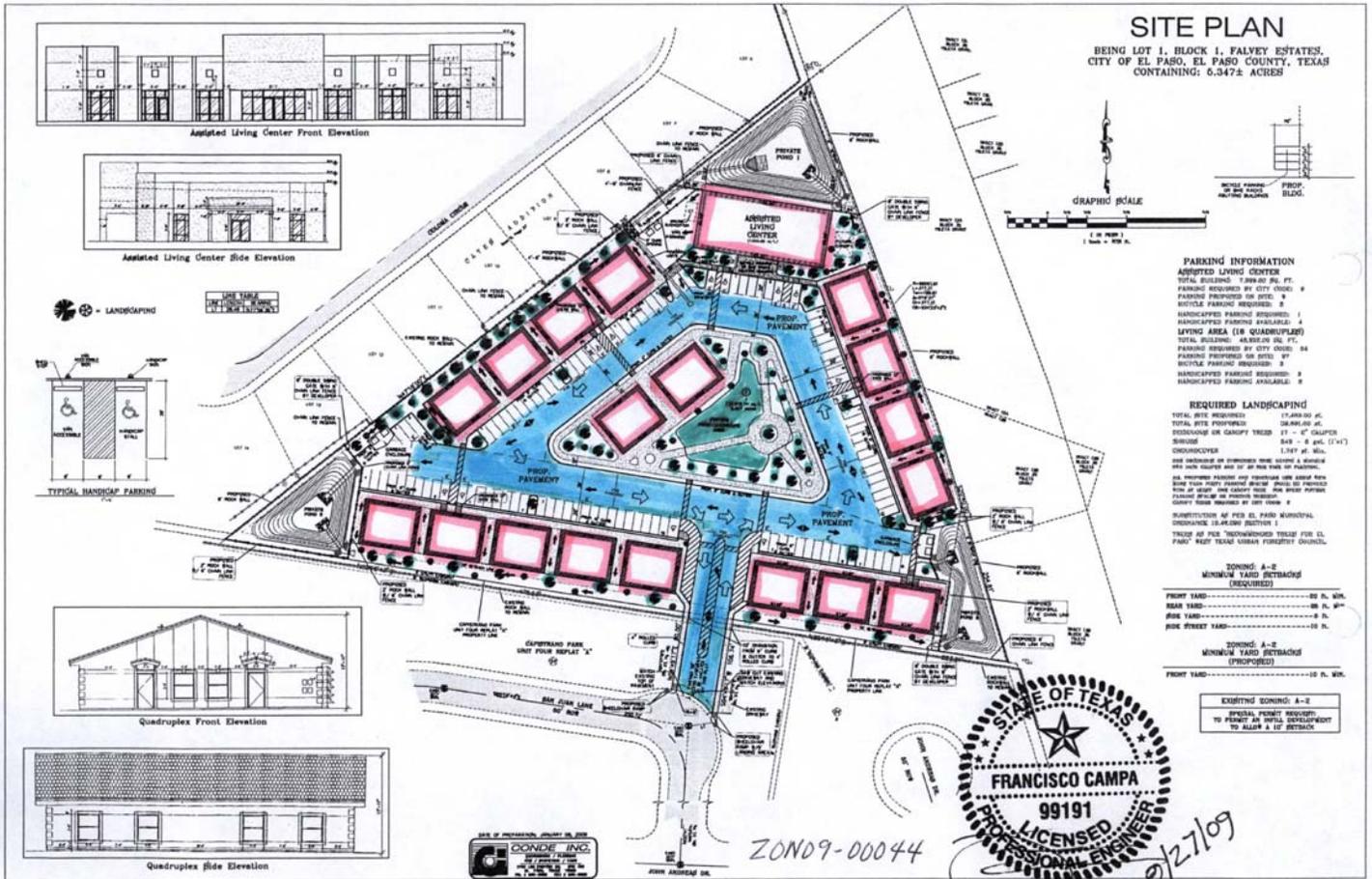
ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

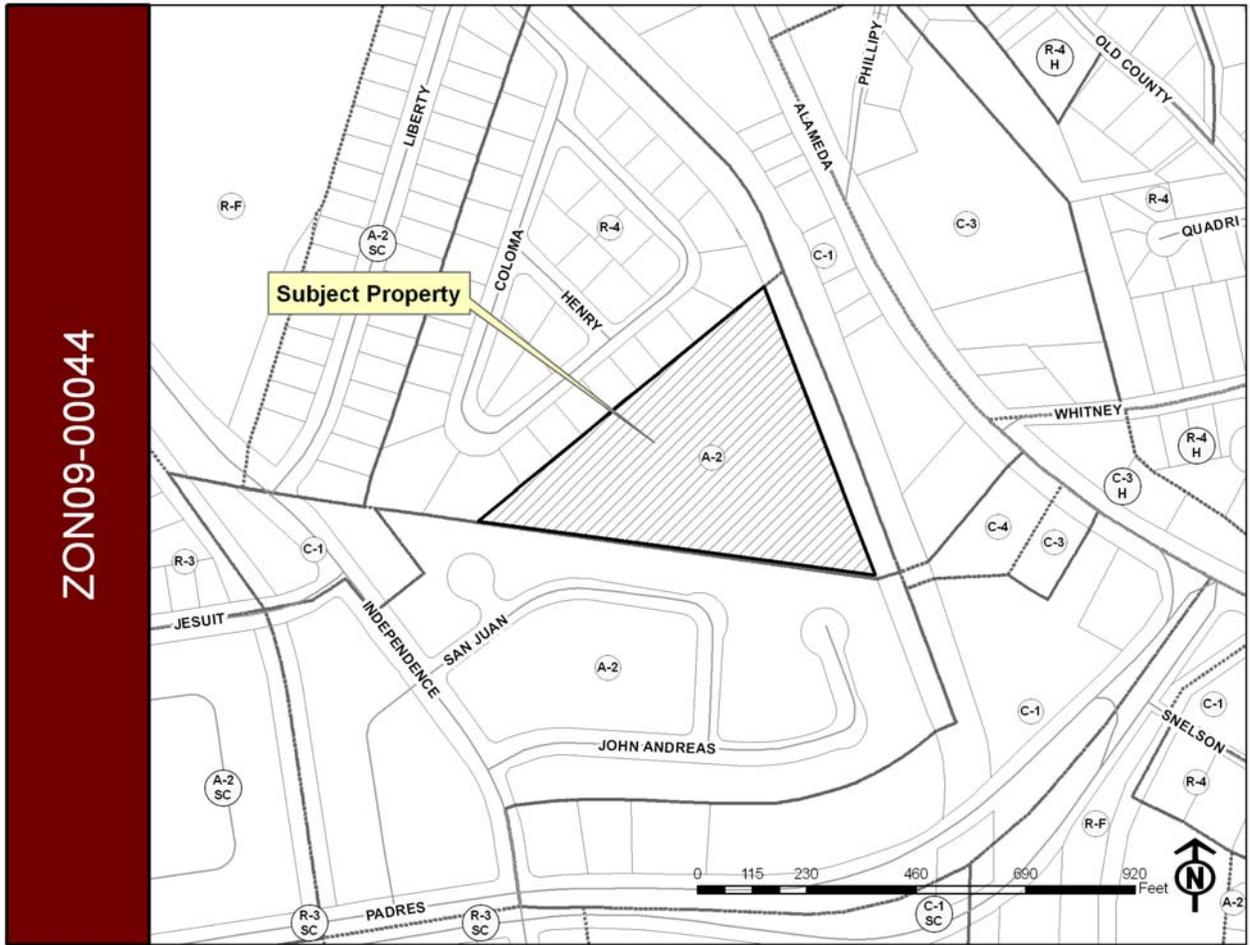


ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN AND ELEVATIONS



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ATTACHMENT 1: ZONING MAP



ZON09-00044

ATTACHMENT 2: AERIAL MAP



