

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

DEPARTMENT: Development Services / Planning Division
AGENDA DATE: Introduction 09/26/06; Public Hearing 10/17/06
CONTACT PERSON/PHONE: Esther Guerrero, Planner – 541-4720
DISTRICT(S) AFFECTED: # 2

SUBJECT:

An Ordinance granting Special Permit No. ZON06-00080 to allow for a Planned Residential Development on the property described as Lots 3 through 9, a portion of Lot 10, Lots 11 through 32, and the vacated alley, Block 3, Rosemont Addition; Lot 38, Block 34, Military Heights and vacated portion of Oklahoma Street, City of El Paso, El Paso County, Texas, El Paso, El Paso County, Texas, pursuant to Section 20.12.040 (Zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

Subject Property: Morehead Avenue and Oklahoma Street. Applicant: Fitz Properties, ZON06-00080 (District 2)

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

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Alan Shubert

APPROVED FOR AGENDA:

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON06-00080, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON THE PROPERTY DESCRIBED AS LOTS 3-9, A PORTION OF LOT 10, LOTS 11-32, AND THE VACATED ALLEY, BLOCK 3, ROSEMONT ADDITION; LOT 38, BLOCK 34, MILITARY HEIGHTS, AND A VACATED PORTION OF OKLAHOMA STREET, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.22.040 (ZONING) OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

WHEREAS, **Fitz Properties** has applied for a Special Permit under Section 20.22.040 of the El Paso City Code, to allow for a Planned Residential 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, 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 **A-2/c (Apartment/condition)** District:

Lots 3-9, a portion of Lot 10, Lots 11-32, and the vacated alley, Block 3, Rosemont Addition; Lot 38, Block 34, Military Heights and a portion of the vacated Oklahoma Street, City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on Exhibit "A"; and,

2. That a planned residential development is authorized by Special Permit in an **A-2/condition (Apartment/condition)** district under Section 20.22.040 of the El Paso City Code; and,

3. That the requirements for a planned residential district under Section 20.22.040 have been satisfied; and,

4. That the City Council hereby grants a Special Permit under Section 20.22.040 of the El Paso City Code, in order to allow a planned residential development on the above

described property to allow for a planned residential development ; and,

5. That this Special Permit is issued subject to the development standards in the **A-2/c (Apartment/condition)** 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 "B" and incorporated herein by reference for all purposes; and,

6. 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,

7. That if the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON06-00080** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

PASSED AND APPROVED this _____ day of _____, 2006.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

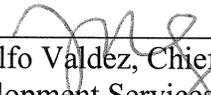
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Hillary S. McGinnes
Assistant City Attorney

APPROVED AS TO CONTENT:



FOR: Rodolfo Valdez, Chief Urban Planner
Development Services Department

06 OCT 16 PM 2:49
CITY CLERK DEPT.

AGREEMENT

Fitz Properties, collectively 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 A-2 (Apartment) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 8TH day of SEPTEMBER, 2006.

By: Jorge Fitzmaurice
(name/title)
[Signature]
(signature)

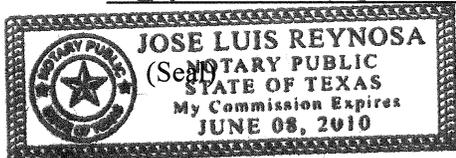
By: BLANCA FITZMAURICE
(name/title)
[Signature]
(signature)

By: Beatriz Fitzmaurice M.
(name/title)
[Signature]
(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me, on this 8TH day of SEPTEMBER, 2006, by JORGE FITZMAURICE, BLANCA FITZMAURICE and BEATRIZ FITZMAURICE M. as Applicant.



[Signature]
Notary Public, State of Texas
Signature

My Commission expires:

June 08, 2010

Notary's Printed or Typed Name:

Jose Luis Reynosa

DORADO ENGINEERING INC.

2717 E Yandell El Paso, Texas 79903 (915) 562-0002 Fax (915) 562-7743

Portion of Rosemont Addition

Metes and bounds description of a parcel of land out of Lots 3 through 9, a portion of Lot 10 and Lots 11 through 32, and vacated alley, all in Block 3, Rosemont Addition, Lot 38, Block 34, Military Heights and vacated portion of Oklahoma Street, City of El Paso, County of El Paso, Texas, and being more particularly described as follows;

From a city monument located ten and no hundredths (10.00) feet North and East of the centerline intersection of Morehead Avenue and the centerline of Oklahoma Street; Thence due South along the monument line of Oklahoma Street, a distance of ten and no hundredths (10.00) feet to said centerline of Morehead Avenue and Oklahoma Street; Thence East along the centerline of Morehead Avenue, a distance of fifty and no hundredths (50.00) feet to a point, said point being on intersection of extended common lot line of Lots 37 and 38, Block 34, Military Heights Addition and said centerline of Morehead Avenue; Thence South along said extender line of Lots 37 and 38, a distance of thirty five and no hundredths (35.00) feet to a point, said point lying on the South Right-of-Way line of Morehead Avenue and the common Northerly corner of Lots 37 and 38, Block 34, Military Heights Addition and also being the Point of Beginning for this parcel of land;

Thence South along said common lot line of Lots 37 and 38, Block 34, Military Heights Addition a distance of one hundred twenty and no hundredths (120.00) feet to a corner marked with a 5/8" rebar and being on said common Southerly corner of Lots 37 and 38 and the North Right-of-Way line of a vacated alley located in Block 34, Military Heights Addition;

Thence West a distance of ninety five and no hundredths (95.00) feet to a corner, said corner being on the Westerly Right-of Way line of vacated Oklahoma Street;

Thence South along said Right-of Way line of Oklahoma Street, a distance of thirty five and no hundredths (35.00) feet to a corner, said corner lying on the common Easterly corner of Lots 2 and 3, Block 3, Rosemont Addition;

Thence West along said common line of Lots 3 and 2, Block 3, Rosemont Addition a distance of one hundred twenty and no hundredths (120.00) feet to a corner, said corner being the Easterly lot line of Lot 32, Block 3, Rosemont Addition;

Thence South along the Easterly line of Lot 32, Block 3, Rosemont Addition, a distance of fifty feet and no hundredths (50.00) feet to a corner, said corner lying on North Right-of-Way line of Fort Boulevard;

Thence West along said Right-of-Way line of Fort Boulevard, a distance of two hundred eighty and no hundredths (280.00) feet to a corner, said corner being the intersection of the North Right-of Way line of Fort Boulevard and the East Right-of-Way line of Dakota Street (Nebraska Street formerly);

Thence North along the Easterly Right-of-Way line of Dakota Street (Nebraska Street formerly), a distance of two hundred fifty and no hundredths (250.00) feet to a corner, said corner being on the Easterly Right-of-Way line of (Dakota Street) and the Southerly Right-of Way line of Morehead Avenue;

Thence East along the Southerly Right-of-Way line of Morehead Avenue, a distance of three hundred five and no hundredths (305.00) feet to a point for a curve;

Thence along an arc of a curve to the right, a distance of twenty nine and eighty seven hundredths (29.87) feet, said curve having a central angle of $13^{\circ} 14' 08''$, a radius of one hundred twenty nine and twenty nine hundredths (129.29) feet, a chord bearing South $83^{\circ} 22' 56''$ East, a distance of twenty nine and eighty hundredths (29.80) feet to a point on the Southerly Right-of-Way line of Morehead Avenue;

Thence South $76^{\circ} 45' 52''$ East along the Southerly Right-of-Way line of Morehead Avenue, a distance of one hundred thirty nine and nine hundredths (139.09) feet to a corner, said corner being on the East Right-of-Way line of Oklahoma Street (vacated);

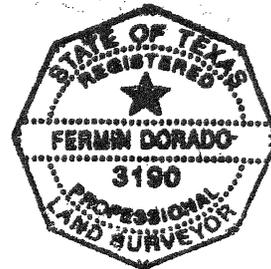
Thence South along the Southerly Right-of-Way line of Morehead Avenue, a distance of nine and seventy two hundredths (9.72) feet to a corner, said corner being on the South Right-of-Way line of Morehead Avenue;

Thence along said Right-of-Way line of Morehead Avenue, a distance of twenty five and no hundredths (25.00) feet to a corner, said corner being the Point of Beginning;

Said parcel of land contains 105,894.53 square feet or 2.43 acres of land more or less.



Fermin Dorado R.P.L.S.



June 2, 2006
revised August 14, 2006

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

September 18, 2006

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

FROM: Esther Guerrero, Planner

SUBJECT: ZON06-00080

The City Plan Commission (CPC), on August 17, 2006, voted **(5-0)** to recommend **approval** of the special permit to allow for a Planned Residential Development to permit reduced yard setbacks, concurring with staff's recommendation.

A rezoning application request (ZON06-00081) for this property will be heard along with this special permit request. The rezoning request if approved will change the zoning from C-1 (Commercial) to A-2 (Apartment) and restricting the density to thirty-seven (37) dwelling units.

The CPC found that this special permit for planned residential development 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, which designates the subject property for residential land uses. The CPC also determined that this special permit protects the best interest, health, safety, and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the effects of the special permit will have no effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There were three area residents present at the meeting in opposition to this application.

STAFF REPORT

Special Use Permit: ZON06-00080

Property Owner(s): Fitz Properties

Applicant(s): Fitz Properties

Representative(s): Lisa Colquitt – ARQ TEK Construction

Legal Description: All of Lots 3-9, a portion of Lot 10, Lots 11-32 and the vacated alley, Block 3, Rosemont Addition; Lot 38, Block 34, Military Heights and a portion of the vacated Oklahoma Street

Location: Morehead Avenue and Oklahoma Street

Representative District: # 2

Area: 2.506 Acres

Zoning: C-1 (Commercial)

Existing Use: Vacant / Five Points Lodge

Proposed Use: Planned Residential Development to permit reduced yard setbacks

Recognized Neighborhood Associations Contacted: Central Neighborhood Association

Surrounding Land Uses:

North -	R-4 (Residential) / Single-family Residential / Two-family Residential
South -	PMD (Planned Mountain Development) / Water Reservoir
East -	A-2 (Apartment) / Multi-family Residential
West-	PMD (Planned Mountain Development) / Vacant

Year 2025 Designation: Residential (Central Planning Area)

**CITY PLAN COMMISSION HEARING, AUGUST 17, 2006,
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

SPECIAL USE PERMIT: ZON06-00080

GENERAL INFORMATION:

The applicant is requesting a special permit to allow for a planned residential development to permit multi-family dwelling units (apartments) with reduced yard setbacks. The minimum yard setbacks allowed in A-2 (Apartment) for multi-family dwellings are: 20 feet front yard; 25 feet rear yard; and 5 feet side yard. The proposed minimum yard standards will vary from: 10 feet to 15 feet in the front yard; 8 feet to 20 feet in the rear yard; and 21 feet to 35 feet side yard.

The property is currently zoned C-1 (Commercial) with a pending applicant for rezoning to A-2 (Apartment). The property is 2.506 acres in size and consists of a vacant building situated on the eastern portion of the property with the other portion of the property vacant.

The proposed site plan shows 37 multi-family dwelling units (apartments) to be located on the site with access via Morehead Avenue.

There are no zoning conditions currently imposed on this property.

INFORMATION TO THE COMMISSION:

The Development Services Department – Planning Division has received one inquiry on this application.

STAFF RECOMMENDATION:

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

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommends that El Paso “develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression”.

The Year 2025 Projected General Land Use Map for the **Central** Planning Area designates this property for **Residential** land uses.

A-2 (Apartment) zoning permits multi-family dwellings and a planned residential development with reduced yard setbacks by special permit.

The Commission must determine the following:

- A. Will the special permit for planned residential development with reduced yard setbacks for multi-family dwelling units protect the best interest, health, safety and welfare of the public in general?
- B. What effects will the special permit have on the natural environment, social and economic conditions, and property values in the vicinity and the city as a whole?

- C. What is the relation of the proposed special permit to the City's Comprehensive Plan?
- D. Will multi-family dwelling units be compatible with adjacent land uses?

INFORMATION TO THE APPLICANT:

Development Services Department - Planning Division Notes:

The Year 2025 Projected General Land Use Map for the Central Planning Area designates this property as Residential.

Development Services Department / Building Permits and Inspections Notes:

Zoning Review:

Minimum yard standards for proposed residential development on C-1 Commercial District shall be: front yard, twenty feet; rear yard, twenty feet; interior side, five feet, side street yard, ten feet. Proposal as submitted shall not meet above. Proposal does not exceed thirty five-feet in height where an additional setback of one foot would be required for each one foot of height in excess of thirty-five feet.

Landscape Review:

This project will meet the landscape requirements as submitted.

Development Services Department / Plan Review Notes:

- A. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
- B. Grading plan and permit shall/may be required.*
- C. Storm Water Pollution Prevention plan and/or permit shall/may be required.*
- D. Drainage plans must be approved by the City Engineer.*
- E. Additional Comments: Site location is not located within a Special Flood Hazard Area, Flood Zone(s) C, Panel(s) 480214 0033 B.

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

Engineering Department - Traffic Division Notes:

No traffic concerns with the proposed reduced setbacks.

Fire Department Notes:

No comments received.

El Paso Water Utilities Notes:

Water

- A. Along Morehead Street between Nebraska Street and Oklahoma Street there is an existing eight (8) inch diameter water main.
- B. Along Oklahoma Street between Nations Street and Morehead Street there is an existing twelve (12) inch diameter water main.
- C. Along Oklahoma Street between Morehead Street and Fort Boulevard there are no existing water mains.
- D. Along Fort Boulevard between Oklahoma Street and Nebraska Street there are no existing water mains.

- E. Along Nebraska Street between Fort Boulevard and Morehead Street there are no existing water mains.
- F. Along the alley located between Morehead Street and Fort Boulevard, east of Oklahoma Street there is an existing four (4) inch diameter water main. This main dead-ends at approximately 301 feet west of Alabama Street.
- G. Along Fort Boulevard between Oklahoma Street and Alabama Street there is an existing six (6) inch diameter water main. This main dead-ends at approximately 236 feet west of Alabama Street.
- H. Previous water pressure readings conducted on a fire hydrant located at the corner of Morehead Street and Oklahoma Street have yielded a static pressure of 115 pounds per square inch (psi), residual pressure of 110 psi, discharge of 1,424 gallons per minute (gpm).

Sanitary Sewer

- A. Along Morehead Street between Nebraska Street and Oklahoma Street there is an existing eight (8) inch diameter sanitary sewer main.
- B. Along Oklahoma Street from Morehead Street to the alley located between Oklahoma Street and Morehead Street there is an existing eight (8) inch diameter sanitary sewer main. This main dead-ends at approximately 60 feet north of the described alley.
- C. Along Fort Boulevard between Oklahoma Street and Nebraska Street there are no existing sanitary sewer mains.
- D. Along Nebraska Street between Fort Boulevard and Morehead Street there are no existing sanitary sewer mains.

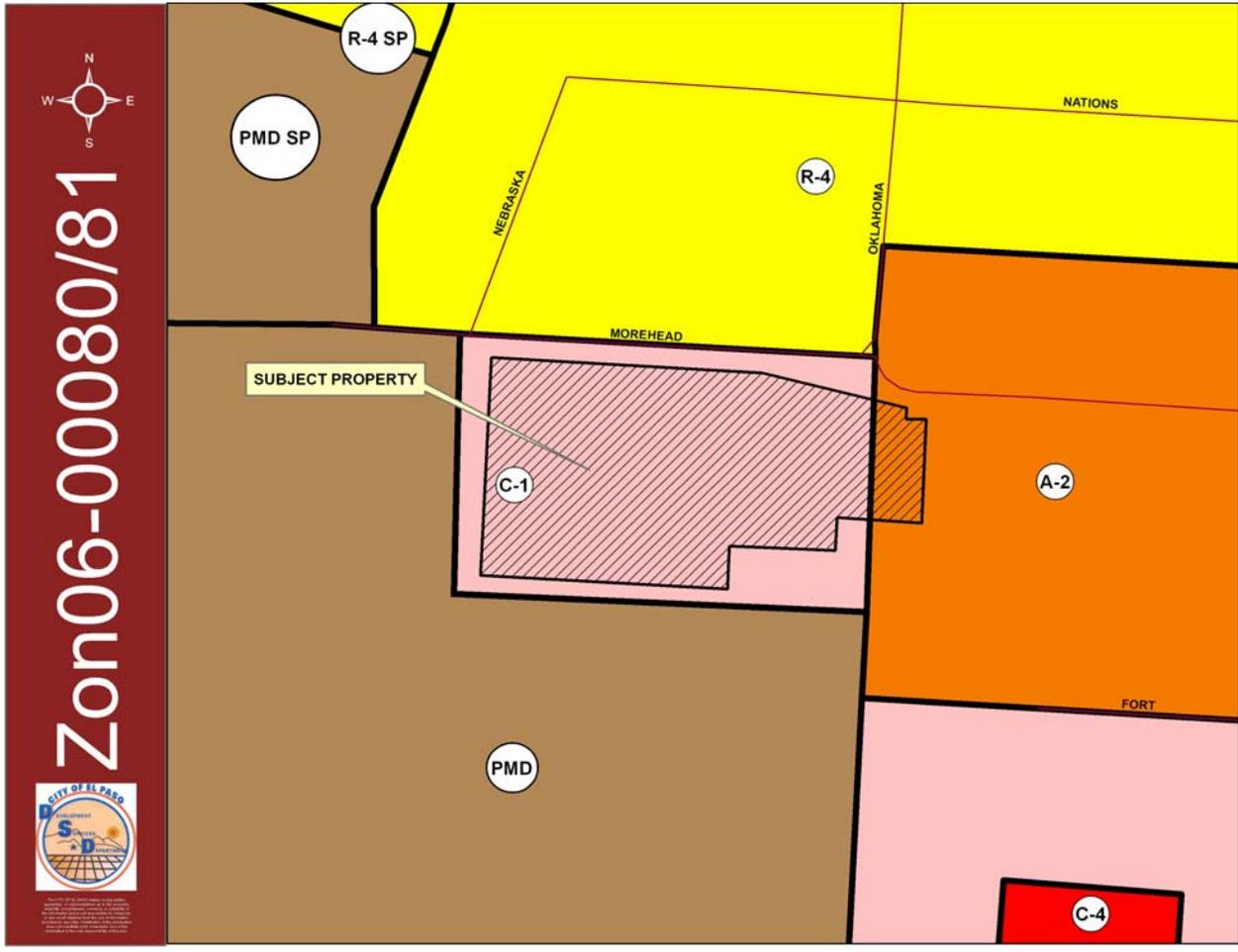
General

- A. In the event that the City of El Paso Fire Department requires additional fire hydrants on Public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.
- B. The El Paso Water Utilities requires a finalized set of improvement plans including drainage and grading plans to initialize the design of the water and sanitary sewer main extensions to serve subject subdivision. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances. Furthermore, application for services for subject subdivision must be made in conjunction with the request for water and sanitary sewer main extensions. The improvement plans should include a site plan, a utility plan, grading & drainage plans, landscaping plan (if applicable), the legal description of the property, and a certificate-of-compliance which are required at the time of application. The certificate-of-compliance can be obtained at City Hall.
- C. EPWU does not object to this request.

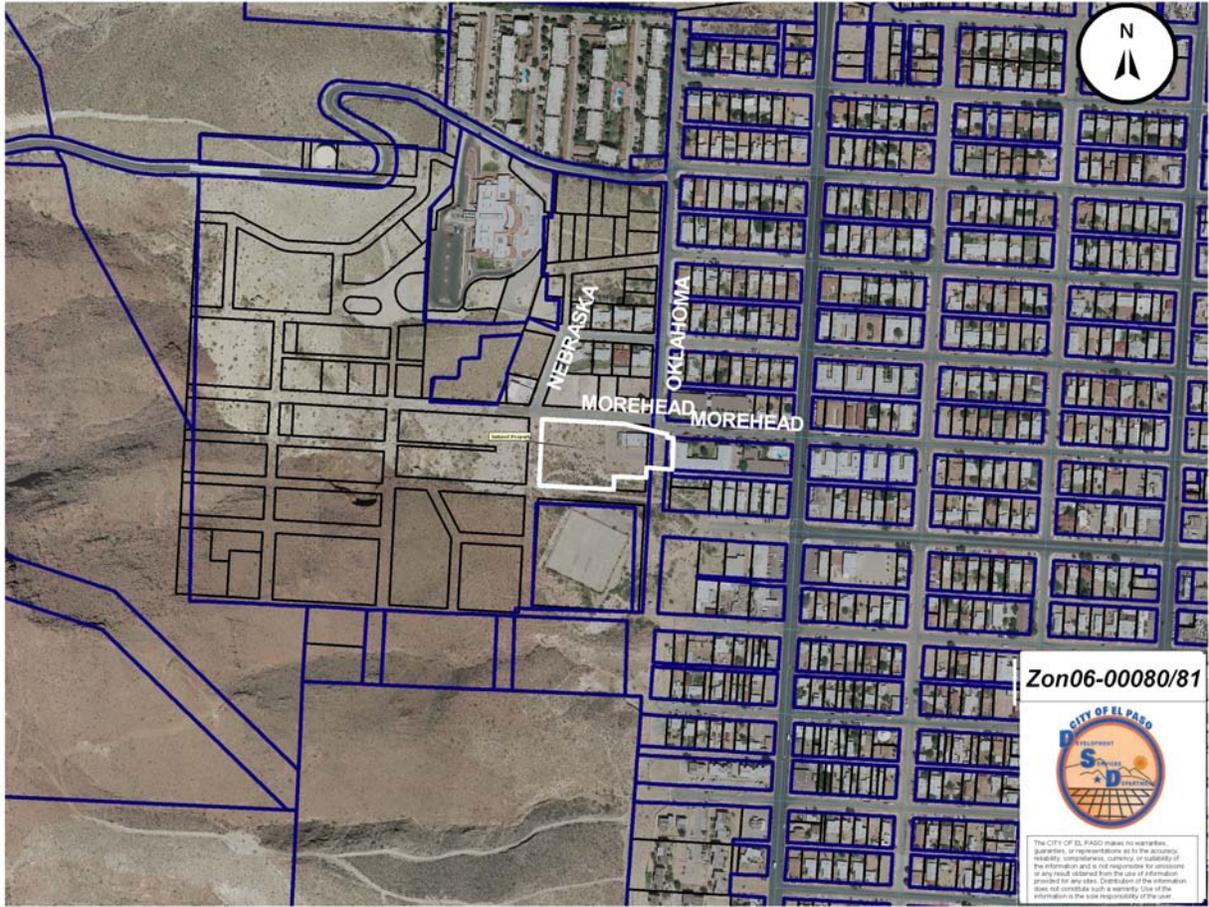
ATTACHMENT: Site Plan

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE DEVELOPMENT SERVICES DEPARTMENT, PLANNING DIVISION AT (915) 541-4056.

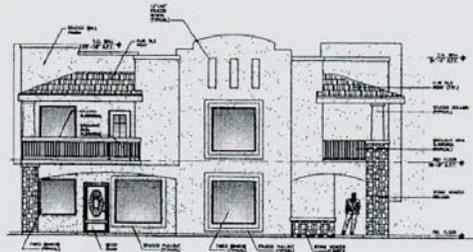
LOCATION MAP



AERIAL



ELEVATIONS



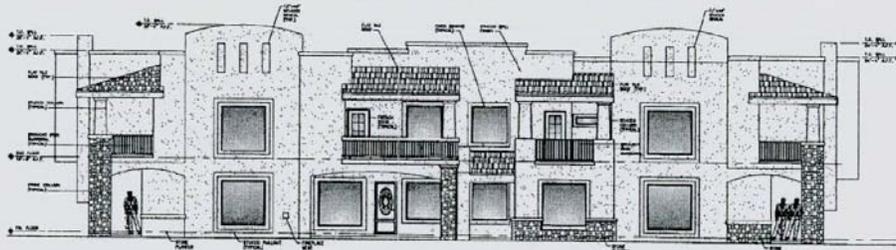
FRONT ELEVATION UNIT 2

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



FRONT ELEVATION UNIT 3

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



FRONT ELEVATION UNIT 4

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



FRONT ELEVATION UNIT 5

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