

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: October 13, 2009
Public Hearing: November 3, 2009

CONTACT PERSON/PHONE: Linda Castle, (915) 541-4029, castlelj@elpasotexas.gov

DISTRICT(S) AFFECTED: 6

SUBJECT:

An Ordinance granting Special Permit No. ZON09-00058, to allow an Assisted Living Facility on the site of the property described as being all of Lot 1, Block 1, Falvey Estates, City of El Paso, El Paso County, Texas, pursuant to Sections 20.08.030 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.
ZON09-00058 (District 6)

BACKGROUND / DISCUSSION:

N/A

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: Victor Q. Torres
Director, Development Services

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON09-00058, TO ALLOW AN ASSISTED LIVING FACILITY ON THE SITE ON THE PROPERTY DESCRIBED AS BEING ALL OF LOT 1, BLOCK 1, FALVEY ESTATES, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.08.030 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Juanita S. Falvey, Owner, and J C General Contractors, Applicant, have applied for a Special Permit under Section 20.08.030 of the El Paso City Code to allow for apartments and assisted living facility; and,

WHEREAS, the Section 20.08.030 allows for apartments and assisted living facility; 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 20.04.320 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 A-2 (Apartment) District:

All of Lot 1, Block 1, Falvey Estates, City of El Paso, El Paso County, Texas.

2. That the City Council hereby grants a Special Permit under Section 20.10.260 of the El Paso City Code to allow for apartments and assisted living facility; and,

ORDINANCE NO. _____

ZON09-00058

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 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. ZON09-00058** shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.24 and any other legal or equitable remedy; and,

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 _____, 2009.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy
Deputy Director – Planning
Development Services Department

(Agreement on following page)

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)

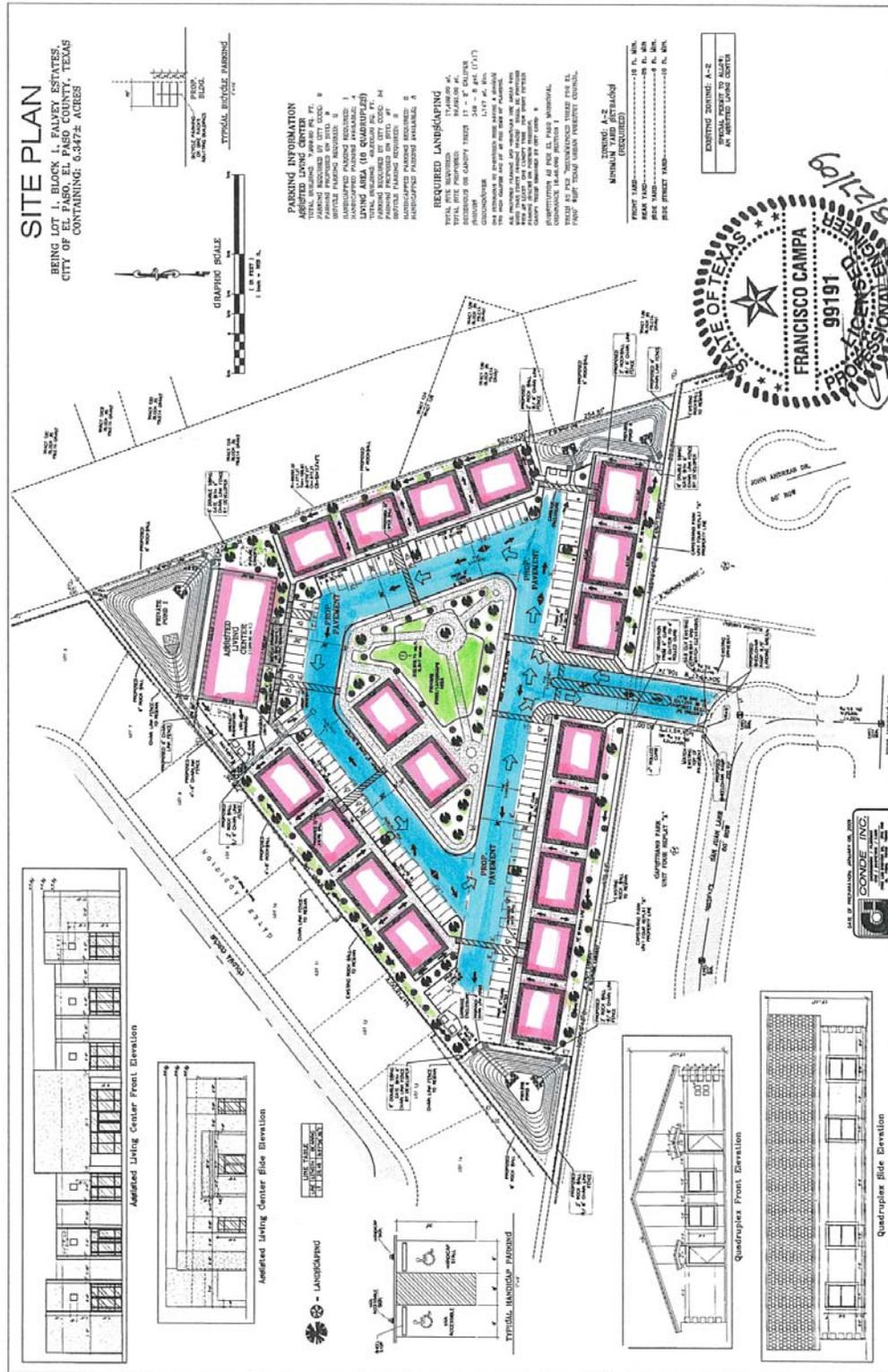
This instrument is acknowledged before me on this _____ day of _____, 2009, by _____, for **Juanita Falvey**, as Owner.

My Commission Expires:

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

(Signatures continue on following page)

EXHIBIT "A"



C:\DATA\CI\FALVEY-SP.dwg, ASSISTED: 8/27/2009 11:30:46 AM, CCORTEZ

MEMORANDUM

DATE: October 2, 2009

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

FROM: Linda Castle, Senior Planner

SUBJECT: ZON09-00058

The City Plan Commission (CPC) voted **6-0** on September 24, 2009, to recommend **APPROVAL** of the special permit application to allow for apartments and an assisted living facility in agreement with the recommendation from the DCC and staff.

The CPC found that the special permit is in conformance with The Plan for El Paso. The CPC also found that the proposed use is in conformance with the 2025 Projected General Land Use Map for the Mission Valley Planning Area and that the proposed development is compatible with adjacent land uses. The CPC determined that the special permit protects the best interest, health, safety, and welfare of the public in general and that the special permit will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was **NO OPPOSITION** to this request.

Attachment: Staff report



City of El Paso – City Plan Commission Staff Report

Case No: ZON09-00058
Application Type: Special Permit and Detailed Site Development Plan Review
CPC Hearing Date: September 24, 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: Apartments
Zoning: A-2 (Apartment)
Request: Assisted Living Facility in an A-2 zone
Proposed Use: Apartments and Assisted Living Facility

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 24, 2009, CPC public hearing were mailed out to all property owners within 300 feet of the subject property on September 9, 2009.

APPLICATION DESCRIPTION

The CPC recommended approval of a special permit for this property for infill development on September 10, 2009. The applicant is now requesting a special permit to allow an assisted living facility on the site. The applicant's representative has provided a letter on behalf of the owner which states that the facility will provide meals, medication assistance, and recreation facilities and activities for the elderly residents of the apartments. The site plan shows 18 quadruplex apartment buildings and a building that will house the assisted living facility. Access to the development is from San Juan Lane.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

The DCC recommends approval of the special permit for an assisted living facility.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends approval of the special permit for an assisted living facility.

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: 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.
- b. Goal: provide and enforce standards for providing decent, safe and sanitary housing for all El Pasoans in accordance with federal, state and local regulations.

The application for a special permit for an assisted living facility 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 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 an assisted living facility.

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.

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:

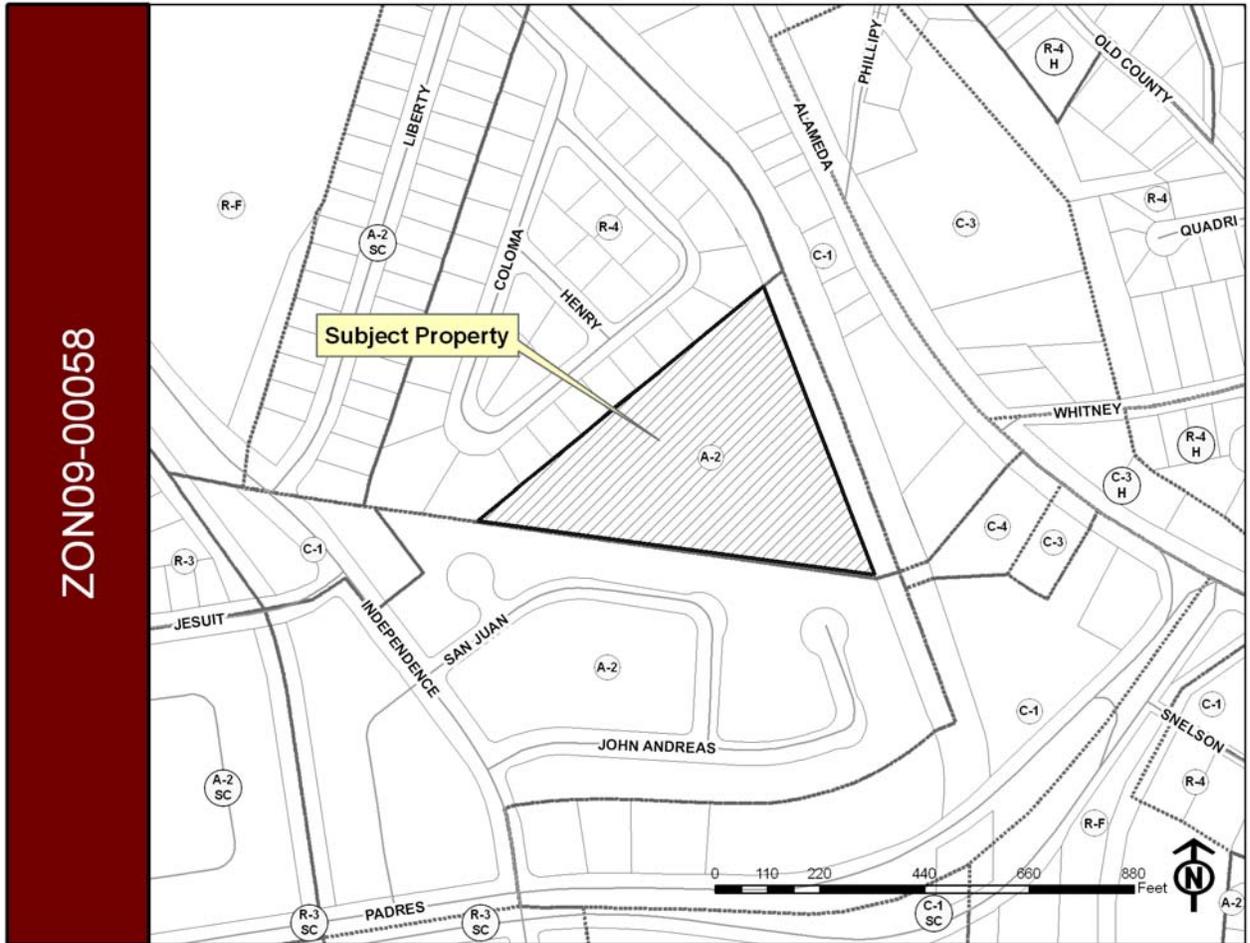
- 1. Recommend approval of the application finding that the special permit and detailed site development plan is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan

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



