

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

**DEPARTMENT:** Development Services Department, Planning Division

**AGENDA DATE:** Introduction: October 16, 2007  
Public Hearing: November 6, 2007

**CONTACT PERSON/PHONE:** Melissa Granado, 541-4730

**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

An Ordinance granting Special Permit No. ZON07-00071, to allow for an infill development to reduce setbacks on the property described as Lots 28 and 29, and a portion of Lot 30, Block 6, Second Revised Map of Mundy Heights, City of El Paso, El Paso County, Texas, pursuant to Section 20.22.040 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: 1509 Upson Drive. Applicant: Winton Custom Builders, Inc. ZON07-00071 (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:** (if required) N/A

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

**DEPARTMENT HEAD:** Kelly Carpenter

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON07-00071, TO ALLOW FOR AN INFILL DEVELOPMENT TO REDUCE SETBACKS ON THE PROPERTY DESCRIBED AS LOTS 28 AND 29, AND A PORTION OF LOT 30, BLOCK 6, SECOND REVISED MAP OF MUNDY HEIGHTS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.08.030.C OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS, Winton Custom Builders, Inc.,** have applied for a Special Permit under Section 20.08.030.C of the El Paso City Code to allow for an infill development to reduce setbacks; and,

**WHEREAS,** the requirements of Section 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, except to the extent waived by City Council, 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/H (Apartment/Historic)** District:

*Lots 28 and 29, and a portion of Lot 30, Block 6, Second Revised Map of Mundy Heights, City of El Paso, El Paso County, Texas;* and, as more particularly

CITY CLERK DEPT.  
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described in the metes and bounds attached hereto as Exhibit "A" and made a part hereof for all purposes; and,

2. That the City Council hereby grants a Special Permit under Section 20.08.030.C of the El Paso City Code to allow an infill development to reduce setbacks 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 **A-2/H (Apartment/Historic)** 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 "B" 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. ZON07-00071** 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 \_\_\_\_\_, 2007.

**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

*for* \_\_\_\_\_  
Kimberly Forsyth, Senior Planner  
Development Services Department

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**AGREEMENT**

**Winton Custom Builders, Inc.**, the Applicant 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 **A-2/H (Apartment/Historic)** regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 8 day of October, 2007.

*Herschel Stringfield*  
(Signature)  
Herschel Stringfield/President  
(Name/Title)

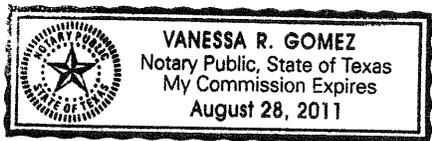
**ACKNOWLEDGMENT**

THE STATE OF TEXAS )  
  )  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 8<sup>th</sup> day of October, 2007, by Vanessa R. Gomez for **Winton Custom Builders, Inc.**, as Applicant.

(Seal)

*Vanessa R. Gomez*  
Notary Public, State of Texas  
Signature



Vanessa Rose Gomez  
Printed or Typed Name

My Commission Expires:  
August 28, 2011

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1509 UPSON DRIVE

Property Description: All of Lots 28 and 29 and a portion of Lot 30, Block 6, Mundy Heights, an addition to the City of EL Paso, EL Paso County, Texas.

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is all of Lots 28 and 29 and a portion of Lot 30, Block 6, Mundy Heights, an addition to the City of EL Paso, El Paso County, Texas and is more particularly described by metes and bounds as follows:

Commencing at an existing city monument lying on the centerline intersection of Upson Drive (70' right-of-way), and Yandell Boulevard (70' right-of-way); Thence, North 61° 34' 00" West, a distance of 321.18 feet to a point; Thence, North 28° 26' 00" East, a distance of 35.00 feet to a point lying on the northerly right-of-way line of Upson Drive, said point being a set nail on wall, also being the TRUE POINT OF BEGINNING of this description;

THENCE, North 61° 34' 00" West, along said right-of-way line, a distance of 71.00 feet to a point lying on the common boundary line between Lots 27 and 28, Block 6, Mundy Heights, said point being a found bolt on wall;

THENCE, North 28° 26' 00" East, along said boundary line, a distance of 120.00 feet to a point lying on the southerly boundary line of a 15-foot alley, said point being a set 1/4-inch iron pin with SLI plastic cap;

THENCE, South 61° 34' 00" East, along said boundary line, a distance of 71.00 feet to a point lying on the common boundary line between Lots 30 and 31, Block 6, Mundy Heights, said point being a set 1/2" with SLI plastic cap stamped "TX2998";

THENCE, South 28° 26' 00" West, along said boundary line, a distance of 120.00 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land containing 0.196 acres (8,520 Sq. Ft.) more or less.

A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC.  
Consulting Engineers-Land Surveyors

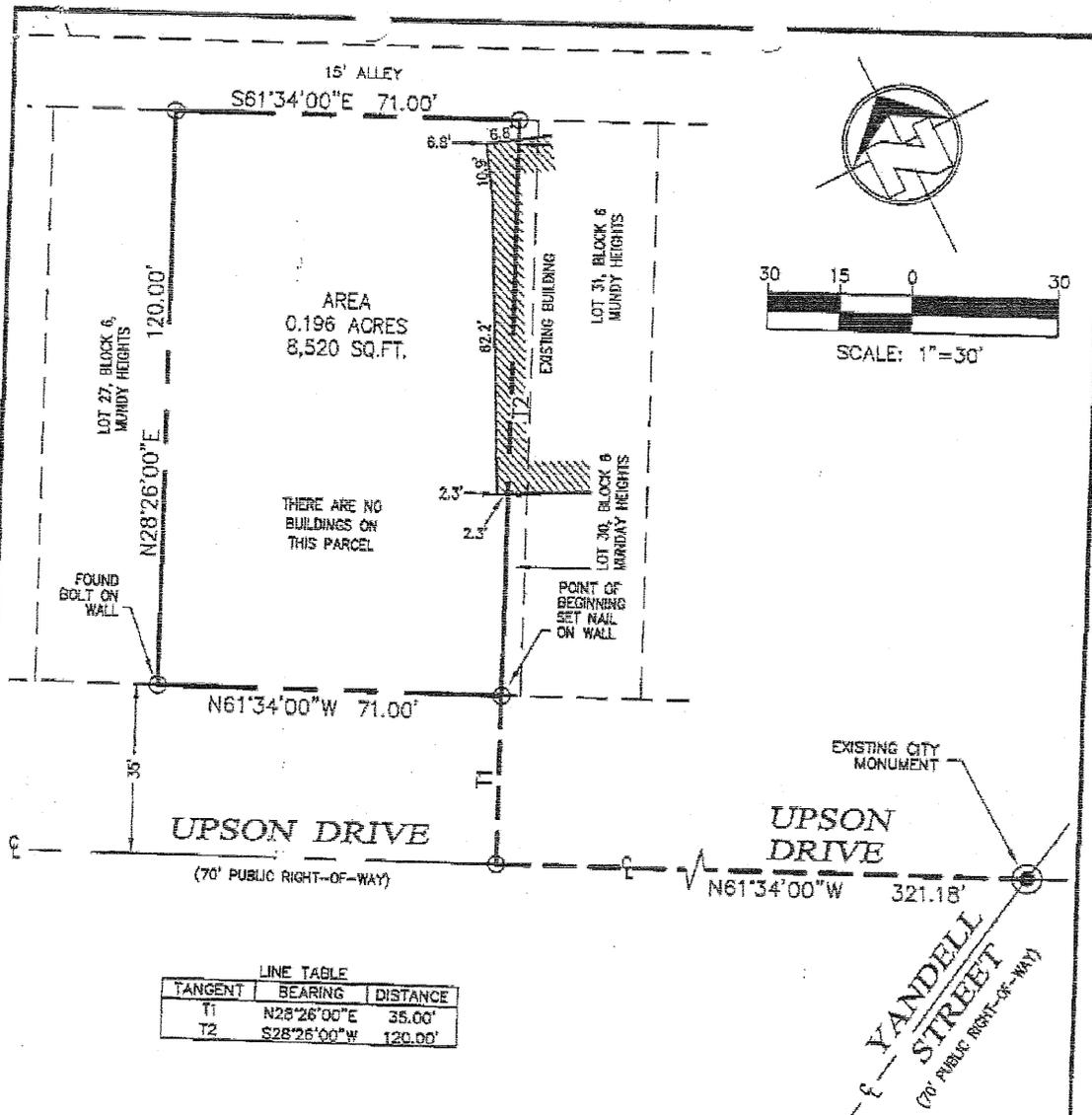
Guillermo Licon  
Registered Professional Land Surveyor  
Texas License No. 2998



May 14, 2007  
Job Number 06-07-2557  
M&B/1393

CITY CLERK DEPT.  
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Exhibit "A"



LINE TABLE

TANGENT	BEARING	DISTANCE
T1	N28°26'00"E	35.00'
T2	S28°26'00"W	120.00'

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 480214 0039E, DATED OCTOBER 15, 1992, THIS PROPERTY LIES IN FLOOD ZONE C.

ZONE C AREAS OF MINIMAL FLOODING.

DUE TO INHERENT INACCURACIES OF FEMA OR FLOOD INSURANCE RATE MAPS THIS SURVEYOR DOES NOT CERTIFY TO THE ACCURACY OF LOCATIONS BASED ON SUCH MAPS. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

LEGEND  
C CENTERLINE

NOTE: SET 1/2" IRON WITH SLI CAP ON ALL PROPERTY CORNERS UNLESS OTHERWISE INDICATED. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT OF SURVEY.

Copyright 2007 SLI Engineering, Inc.

This map and survey are being provided solely for the use of J.W. Anchordo and no license has been created, expressed or implied, to copy the surveys and/or maps except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon May 14, 2007.

NOTE: ALL INFORMATION SHOWN HEREON WITH RESPECT TO UNDERGROUND CONDITIONS, WAS DETERMINED BY DATA COLLECTED THROUGH SURVEY CREW OBSERVATION AND OTHER INFORMATION TAKEN FROM EXISTING PLANS AND MAPS OF RECORD. NO UNDERGROUND UTILITIES EXISTING OR ABANDONED WERE EXPOSED OR LOCATED.

UNLESS SPECIFICALLY ACCEPTED BY SLI ENGINEERING, INC. IN WRITING, SLI ENGINEERING, INC. MAKES NO CLAIM, EXPRESSED OR IMPLIED, AS TO THE UNDERGROUND SITE CONDITIONS.



**PLAT OF SURVEY**

1509 UPSON DRIVE

ALL OF LOTS 28, 29 AND A PORTION OF LOT 30, MUNDY HEIGHTS, EL PASO, EL PASO COUNTY, TEXAS

SLI ENGINEERING, INC.  
CIVIL ENGINEERS  
LAND SURVEYORS  
LAND PLANNERS  
6800 WESTWIND DRIVE  
EL PASO, TEXAS 79912  
915-584-4457

JOB #: 06-07-2557 DR. BY: MN

SCALE: 1"=30' F.B. #: 3000

DATE: 05/14/2007 DWG.: MUNDY-28-30.dwg

PLAT REFERENCE  
VOLUME 1 PAGE 36

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

GUILLERMO LICON, R.F.L.S.  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS LICENSE NO. 2998

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**JOHN COOK**  
MAYOR

**JOYCE WILSON**  
CITY MANAGER

**R. ALAN SHUBERT**  
DIRECTOR, DEVELOPMENT SERVICES

**KELLY CARPENTER, AICP**  
DEPUTY DIRECTOR, PLANNING



**CITY COUNCIL**  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, 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 DEPARTMENT**  
**PLANNING DIVISION**

**MEMORANDUM**

**DATE:** October 8, 2007

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

**FROM:** Melissa Granado, Planner

**SUBJECT: ZON07-00071**

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The City Plan Commission (CPC), on September 20, 2007, voted **6-0** to recommend **APPROVAL** of a special permit request for infill development to reduce setbacks, concurring with staff's recommendation.

The CPC found that the special permit is in conformance with The Plan for El Paso Citywide land use goals that El Paso: "provide a wide range of housing types that respond to the needs of all economic segments of the community." 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 was no opposition to this special permit request.

**Attachment:** Staff Report, Site Plan, Elevations, Application



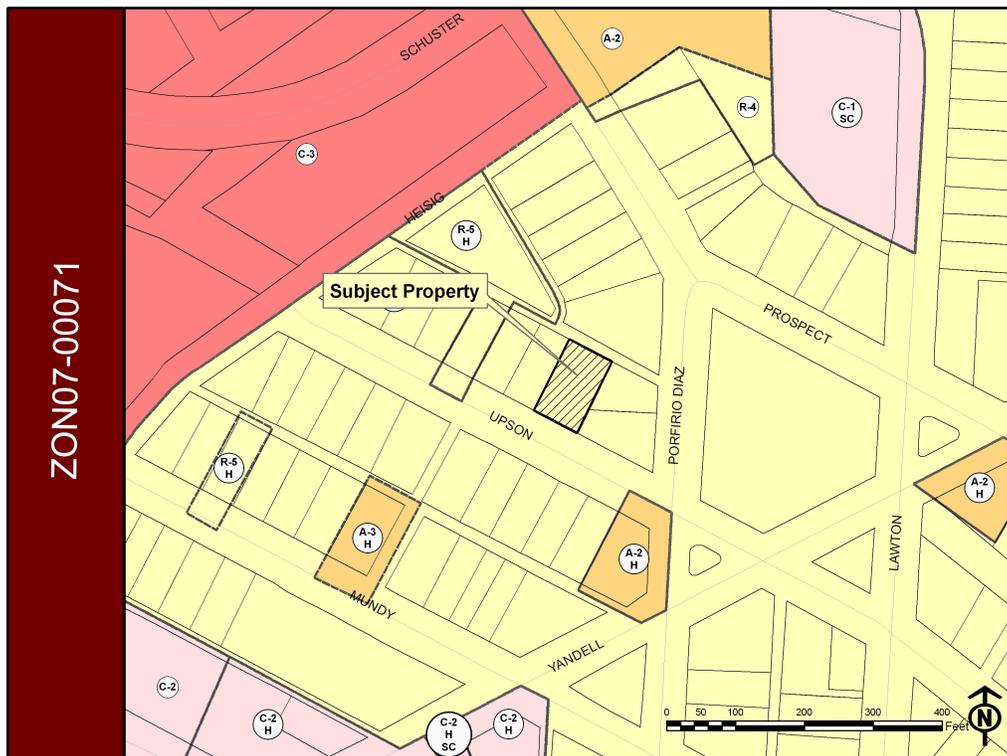
## ZON07-00071

**Application Type:** Special Permit  
**Property Owner(s):** Winton Custom Builders, Inc.  
**Representative(s):** Scott Winton  
**Legal Description:** Lots 28 and 29, and a portion of Lot 30, Block 6, Second Revised Map of Mundy Heights, City of El Paso, El Paso County, Texas

**Location:** 1509 Upson Drive  
**Representative District:** 8  
**Area:** 0.196 acres  
**Zoning:** R-4/H (Residential/Historic)  
**Proposed Zoning:** A-2/H (Apartment/Historic)  
**Request:** Special permit for infill development to reduce setbacks

**Recognized Neighborhood Associations Contacted:** A Presidential Neighborhood Association, Sunset Heights Neighborhood Improvement Association, Sunset Heights Association of Community Friends

**Public Response:** None  
**Surrounding Land Uses:** **North:** R-4/H / Residential, **South:** R-4/H / Residential, **East:** R-4/H / Residential, **West:** R-4/H / Residential  
**Year 2025 Designation:** Residential (Central Planning Area)



**General Information:**

The applicant requests a special permit to allow for infill development to reduce rear and side yard setbacks. The subject property is located in the Sunset Heights Historic District. The site plan proposes two two-family buildings on the property with a 20 foot front setback, 20 foot rear setback (reduced from the required 25 feet), and a 4 foot 6 inch side yard setback (reduced from the required 5 feet). Four parking spaces are proposed. Access is proposed via the alley to the rear of the property. There are no zoning conditions currently on this property.

A rezoning application is running concurrent to this application. The request is for A-2 (Apartment) zoning which would permit the proposed density. This special permit request has been reviewed and approved by the Historic Landmark Commission (HLC).

**Staff Recommendation:**

The Development Coordinating Committee (DCC) recommends **APPROVAL** of this special permit request for infill development.

The recommendation is based on the following:

- **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 Year 2025 Projected General Land Use Map** for the Central Planning Area designates this property for **Residential** land uses.
- **R-4 (Residential) and A-2 (Apartment) zoning** permit infill development by special permit.

**Findings:**

The City Plan Commission must determine the following:

- A. Will the special permit for infill development protect the best interest, health, safety and welfare of the public in general?
- B. Will the special permit for infill development be compatible with adjacent land uses?
- C. What is the relation of the proposed special permit to the City’s Comprehensive Plan?
- D. 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: Two two-family dwelling units are not permitted in R-4 (Residential) District. Requires five feet side and twenty five feet rear set back. This application meets district's general lot size standards.

Landscaping: No comments received.

**Development Services - Planning Division:**

Current Planning: Recommends approval.

Land Development: No comments received.

**Engineering Department, Traffic Division:**

No apparent traffic concerns with proposed set back reduction.

**Fire Department:**

No comments received.

**El Paso Water Utilities:**

EPWU does not object to this Special Permit request.

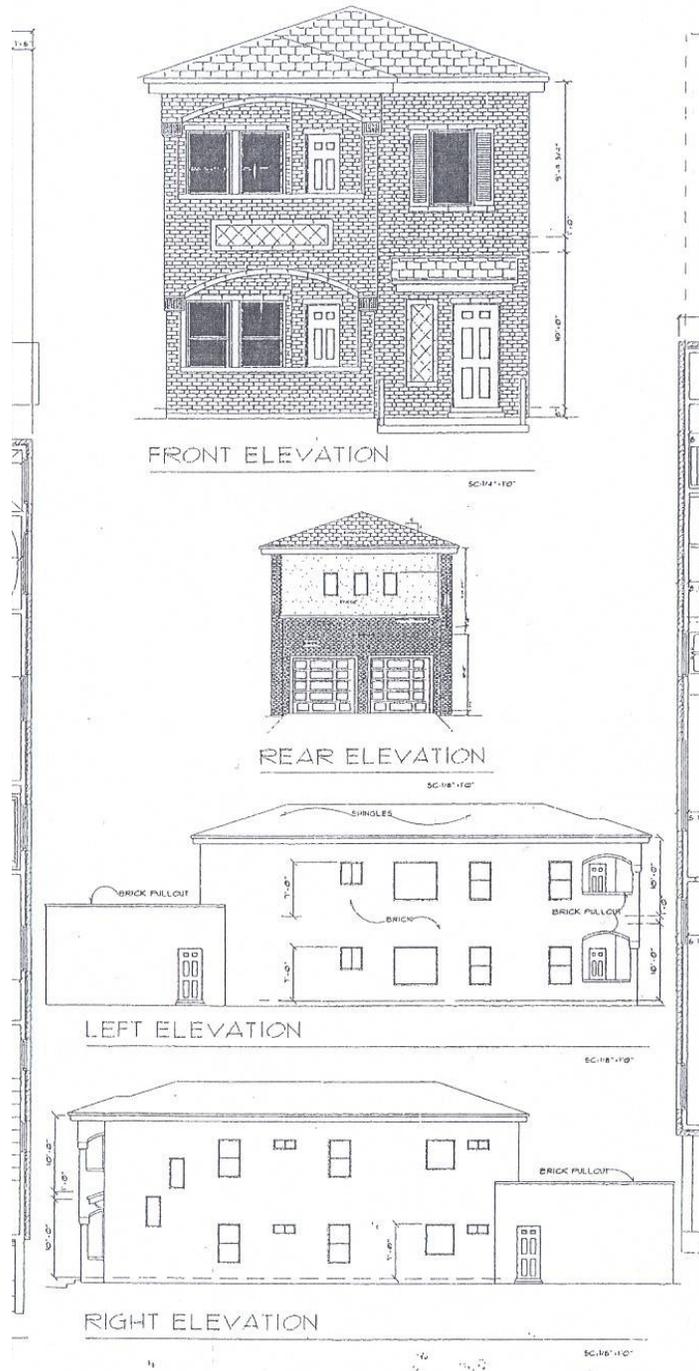


**List of Attachments:**

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



Attachment 2: Elevations



Attachment 3: Application

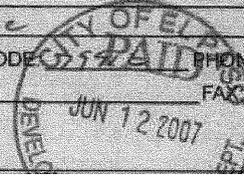


**SPECIAL PERMIT APPLICATION  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION**

City of El Paso, Texas  
2 Civic Center Plaza  
El Paso, TX 79901-1196  
915-541-4024

**1. CONTACT INFORMATION**

PROPERTY OWNER(S): Winton Custom Builders Inc  
 ADDRESS: 6300 Escobedo El Paso ZIP CODE: 79907 PHONE: 504-8629  
 E-MAIL ADDRESS: Scott Winton @ SBC GLOBAL.NET FAX: 225-0087  
 REPRESENTATIVE(S): Scott Winton



**2. PARCEL ONE INFORMATION**

PROPERTY IDENTIFICATION NUMBER: M946-999-0060-7900  
 LEGAL DESCRIPTION: Lots 28, 29 + 21 Hwy 30, Block 6, MUNDY HEIGHTS  
 STREET ADDRESS OR LOCATION: 1509 Upson REP DISTRICT: B  
 ACREAGE: .2176 PRESENT ZONING: R-4H PRESENT LAND USE: VACANT  
 SPECIAL PERMIT REQUEST: Bill designation for signage requirements

**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: Winton Custom Builders, Inc Signature: \_\_\_\_\_  
 Printed Name: Herschel Steingold, Pres 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 07-00071 RECEIVED DATE 6/12/07 APPLICATION FEE \$ 550.00  
 DCC REVIEW DATE: 7/11/07 (8:30 am, Conference Room, 2<sup>nd</sup> Floor, City Hall Building)  
 CPC REVIEW DATE: 8/9/07 (1:30 pm, City Council Chambers, 2<sup>nd</sup> Floor, City Hall Building)  
 ACCEPTED BY: [Signature]

07 OCT - 8 PM 2:17  
CITY CLERK DEPT.