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

DEPARTMENT: **Planning and Economic Development Department**

AGENDA DATE: **Introduction: November 30, 2010**
Public Hearing: December 21, 2010

CONTACT PERSON/PHONE: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 3

SUBJECT:
An Ordinance granting Special Permit No. ZON10-00068, to allow for infill development on the property described as Lots 14 and 15, Block 4, Map of Hughes Subdivision, Block 1, of Alameda Acres, an Addition to the City of El Paso, El Paso County, Texas, pursuant to Section 20.04.260 Special Permit for Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 5639 Dailey Avenue. Property Owner: Jesus Espino Luna. ZON10-00068 **(District 3)**

BACKGROUND / DISCUSSION:
N/A

PRIOR COUNCIL ACTION:
N/A

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
Development Coordinating Committee (DCC) – Reviewed
City Plan Commission (CPC) – Approval Recommendation (5-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director, Planning and Economic Development Department

_____

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON10-00068, TO ALLOW FOR INFILL DEVELOPMENT ON THE PROPERTY DESCRIBED AS LOTS 14 AND 15, BLOCK 4, MAP OF HUGHES SUBDIVISION, BLOCK 1 OF ALAMEDA ACRES, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.260 SPECIAL PERMIT FOR INFILL DEVELOPMENT OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Jesus Espino Luna, Owner, has applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for a Single-family Residence with a reduced lot size 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 the application conforms to all requirements of Sections 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 a **R-5 (Residential)** District:

   Lots 14 and 15, Block 4, Map of Hughes Subdivision, Block 1 of Alameda Acres, an addition to the City of El Paso, El Paso County, Texas; and,

2. That the City Council hereby grants a Special Permit under Sections 20.04.320 of the El Paso City Code, to allow an infill development for a Single-family Residence with a reduced lot size and reduced lot depth; and,

3. That this Special Permit is issued subject to the development standards in the **R-5 (Residential)** 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 fails to comply with any of the requirements of this Ordinance, Special Permit No. **ZON10-00068** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; and,

5. That the Owner 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 _____, 2010.

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 and Economic Development Department

#59991 v1 - Planning/ZON10-00068/ORD/Special Permit & DSD Plan/Infill Dev
Document Author: LCUE

AGREEMENT

JESUS ESPINO LUNA, Owner, 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 **R-5 (Residential)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 2010.

JESUS ESPINO LUNA:

By: _____
(name/title)

_____
(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2010, by _____, Owner.

My Commission Expires:

_____
Notary Public, State of Texas

Notary's Printed or Typed Name:

_____

#59991 v1 - Planning/ZON10-00068/ORD/Special Permit & DSD Plan/Infill Dev
Document Author: LCUE

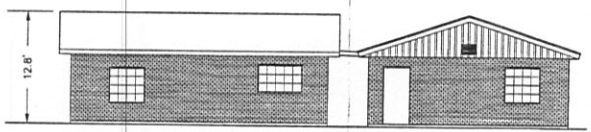
EXHIBIT "A"

SITE DEVELOPMENT PLAN

LOTS 14 AND 15, BLOCK 4,
MAP OF HUGHES SUBDIVISION,
BLOCK 1 OF ALAMEDA ACRES,
AN ADDITION TO THE
CITY OF EL PASO,
EL PASO COUNTY, TEXAS
AREA 0.13 ACRES ±

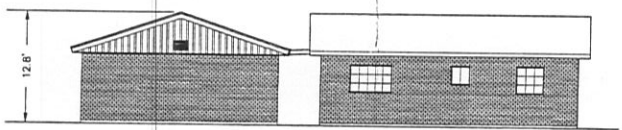
CONTAINING IN ALL
5,760 SQUARE FEET OR
0.13 ACRES MORE OR LESS

PROPOSED BUILDING ELEVATIONS



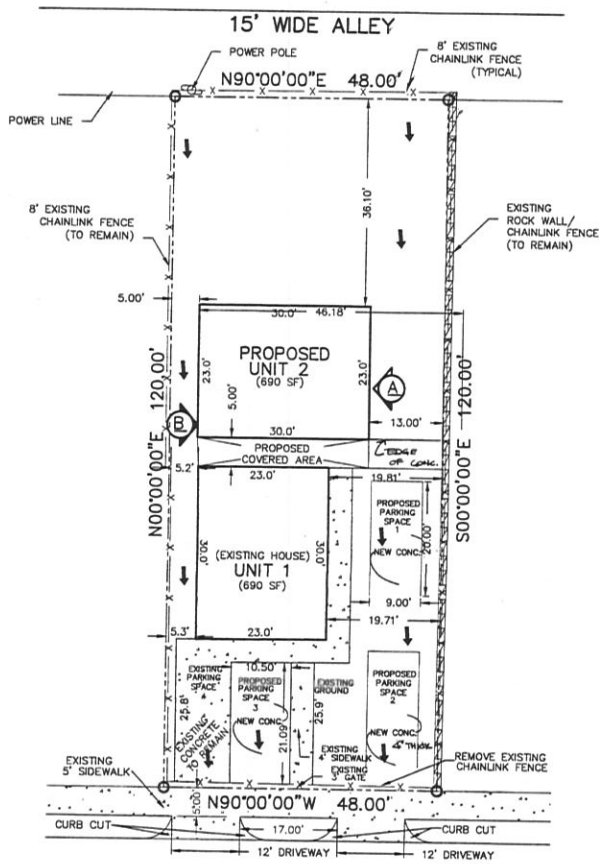
ELEVATION–A

N.T.S.



ELEVATION–B

N.T.S.



5639
DAILEY AVENUE
℄
(50' R.O.W.)

SITE PLAN

SCALE 1"=10'

R-5 SETBACK INFORMATION

	REQUIRED	PROVIDED
FRONT YARD (EXCEPT THAT A 20 FOOT DRIVEWAY MUST BE PROVIDED)	10 FEET	25.8 FEET
REAR YARD	10 FEET	36.1 FEET
CUMULATIVE FRONT & REAR	45 FEET	61.9 FEET
INTERIOR SIDE YARD	5 FEET	5 & 13 FEET

DESCRIPTION

PROPERTY DESCRIPTION OF A PARCEL OF LAND BEING LOTS 14 AND 15 BLOCK 4, MAP OF HUGHES SUBDIVISION, BLOCK 1 OF ALAMEDA ACRES, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF ON FILE IN VOLUME 13, PAGE 16, PLAT RECORDS OF EL PASO COUNT TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING FOR REFERENCE AT AN EXISTING CITY MONUMENT AT THE CENTERLINE INTERSECTION OF GLENWOOD DRIVE AND DAILEY AVENUE; **THENCE**, S 90°00'00" W, ALONG THE CENTERLINE OF DAILEY AVENUE, A DISTANCE, OF 385.00 FEET TO A POINT; **THENCE**, S 00°00'00" E, A DISTANCE OF 25.00 FEET TO A FOUND "X" MARK ON THE NORTHERLY RIGHT-OF-WAY LINE OF DAILEY AVENUE FOR THE COMMON SOUTHERLY CORNER OF SAID LOT 15 AND LOT 1, BLOCK 5, FIRST AMENDED MAP OF A PORTION OF BRENTWOOD HEIGHTS ADDITION, ACCORDING TO THE PLAT THEREOF ON FILE IN VOLUME 1, PAGE 16, PLAT RECORDS OF EL PASO COUNTY, TEXAS, SAID MARK ALSO BEING THE **POINT OF BEGINNING** OF THIS PARCEL;

THENCE, N 00°00'00" E, ALONG THE COMMON LINE OF SAID LOTS 1 AND 15, A DISTANCE OF 120.00 FEET TO A SET 5/8" REBAR ON THE SOUTHERLY RIGHT-OF-WAY LINE OF A 15 FOOT ALLEY;

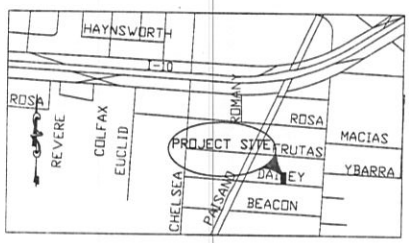
THENCE, N 90°00'00" E, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF A 15 FOOT ALLEY, A DISTANCE OF 48.00 FEET TO A SET 5/8" REBAR FOR THE COMMON NORTHERLY CORNER OF LOTS 13 AND 14, IN SAID BLOCK 4, MAP OF HUGHES SUBDIVISION;

THENCE, S 00°00'00" E, ALONG THE COMMON LINE OF SAID LOTS 13 AND 14, A DISTANCE OF 120.00 FEET TO A SET "X" MARK ON THE NORTHERLY RIGHT-OF-WAY LINE OF DAILEY AVENUE FOR THE COMMON SOUTHERLY CORNER OF SAID LOTS 13 AND 14;

THENCE, N 90°00'00" W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF DAILEY AVENUE, A DISTANCE OF 48.00 FEET TO THE **POINT OF BEGINNING** OF THIS PARCEL AND CONTAINING IN ALL 5,760 SQ. FT. OR 0.13 ACRES OF LAND MORE OR LESS.

LOCATION MAP

SCALE: 1"=600'



N.O.T.E.
1. SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN ZONE "X" AS PER F.I.R.M. PANEL NUMBER 40 B, LAST REVISION DATE OCTOBER 15, 1982. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.
2. BEARINGS SHOWN ARE BASED ON AN ASSUMED NORTH.
3. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS WHETHER OF RECORD OR NOT. (NOT SHOWN)
4. THE PROPERTY OWNERS ARE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL TITLE COMMITMENT PROVISIONS AND CONFIRMING THE SIZE AND USE OF ALL RECORDED EASEMENTS PERTAINING TO THIS PROPERTY, IN SPITE OF THE ACCURACY OR DEFECTS OF THIS PLAT.

OWNER
JESUS ESPINO LUNA
5700 IBARRA
EL PASO, TX 79905
PH. (915)694-6540

LOTS 14 AND 15, BLOCK 4,
MAP OF HUGHES SUBDIVISION,
BLOCK 1 OF ALAMEDA ACRES,
AN ADDITION TO THE
CITY OF EL PASO,
EL PASO COUNTY, TEXAS
AREA 0.13 ACRES ±

Plat reference vol/lot 13 page 16
Date AS SHOWN Date 07-16-10 Drawn by BM/RV

REY ENGINEERING
CONSULTING ENGINEERING – SURVEYING – LAND PLANNING
2207 TRAWOOD DR. B-3
CITY OF EL PASO TEXAS 79936 (915)309-1889
FAX (915)633-7080

PROJECT
5639 DAILY STREET

Job No. 100712-04 Copy Rights ©

SEAL
STATE OF TEXAS
Prepared by or under the supervision of:
ENRIQUE A. REY
Registered Professional Engineer
28 Sep 2010
ENRIQUE A. REY, P.E.
Texas License No. 39606

MEMORANDUM

DATE: November 17, 2010

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

FROM: Andrew Salloum, Planner

SUBJECT: **ZON10-00068**

The City Plan Commission (CPC) on October 7, 2010, voted **5-0** to recommend **APPROVAL** of the special permit application to allow for infill development.

The CPC found that the special permit is in conformance with the Plan for El Paso and that the proposed use is in conformance with the projected 2025 general land use map for the Central Planning Area. The proposed development is compatible with adjacent land uses. The CPC also determined that the special permit protects the best interest, health, safety, and welfare of the public in general; and 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 were **4 OPPOSITION** to this request.

Attachments: Staff Report

City of El Paso – City Plan Commission Staff Report

Case No:	ZON10-00068
Application Type:	Special Permit and Detailed Site Development Plan
CPC Hearing Date:	October 7, 2010
Staff Planner:	Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov
Location:	5639 Dailey Avenue
Legal Description:	Lots 14 and 15, Block 4, Map of Hughes Subdivision, Block 1 of Alameda Acres, an addition to the City of El Paso, El Paso County, Texas
Acreage:	0.13 acres
Rep District:	3
Existing Use:	Single-family residential
Existing Zoning:	R-5 (Residential)
Request:	Infill Development
Proposed Use:	Duplex
Property Owner:	Jesus Espino Luna
Applicant:	Jesus Espino Luna
Representative:	Raymundo Aguilar

SURROUNDING ZONING AND LAND USE

North: R-5 (Residential) / Multi-family dwellings
South: R-5 (Residential) / Single-family dwellings
East: R-5 (Residential) / Single-family dwellings
West: R-5 (Residential) / Multi-family dwellings

THE PLAN FOR EL PASO DESIGNATION: Residential (Central Planning Area)
Nearest Park: San Juan Placita Park (1,111 feet)
Nearest School: Hawkins Elementary (2,167 feet)

NEIGHBORHOOD ASSOCIATIONS

El Paso Central Business Association
San Juan Neighborhood Improvement Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on September 21, 2010. The Planning Division has received 4 phone calls in opposition to the request.

APPLICATION DESCRIPTION

The applicant is requesting a special permit and detailed site development plan review for an infill development to reduce the lot size from the required 6,000 square-foot to 5,760 square-foot and from the required lot width of 50 feet to 48 feet for a duplex. Access to the subject property is proposed from Dailey Avenue.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of the special permit and detailed site development plan request as it meets all the requirements of 20.04.150, Detailed Site Development Plan, and 20.04.320, Special Permit.

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.

c. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.

The purpose of R-5 (Residential) districts is to promote and preserve residential development within the city to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the districts will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for special permit and offered no objections to the Planning Staff's recommendation for **APPROVAL**.

Engineering & Construction Management Services Department

Construction Management Division
Zoning: No objections.

Land Development
General Comments:

1. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
2. Grading plan and permit shall be required.*
3. Storm Water Pollution Prevention Plan and/or permit required.*
4. Drainage plans must be approved by the Development Services Department, Engineering Section.*
5. The Subdivision is within Flood Zone C - "Areas of minimal flooding, (No shading)." - Panel # 480214 0040B, dated October 15, 1982.

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

Department of Transportation

No objections.

El Paso Water Utilities

EPWU does not object to this request.

Fire Department

El Paso Fire Department has no objections or adverse 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

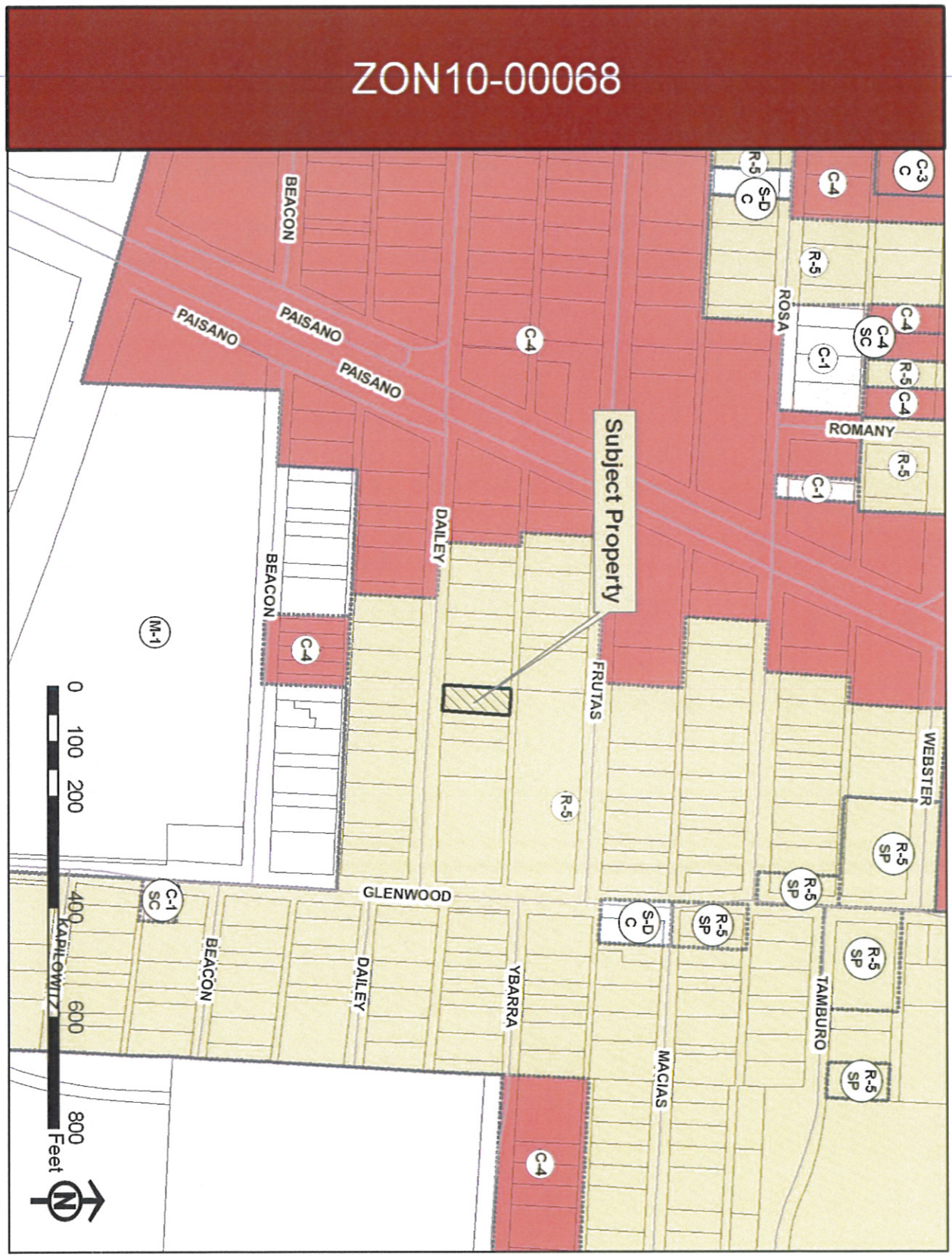
2. Recommend approval of the application with modifications to bring the special permit and detailed site development plan into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.

3. Deny the application finding that the special permit and detailed site development plan does 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

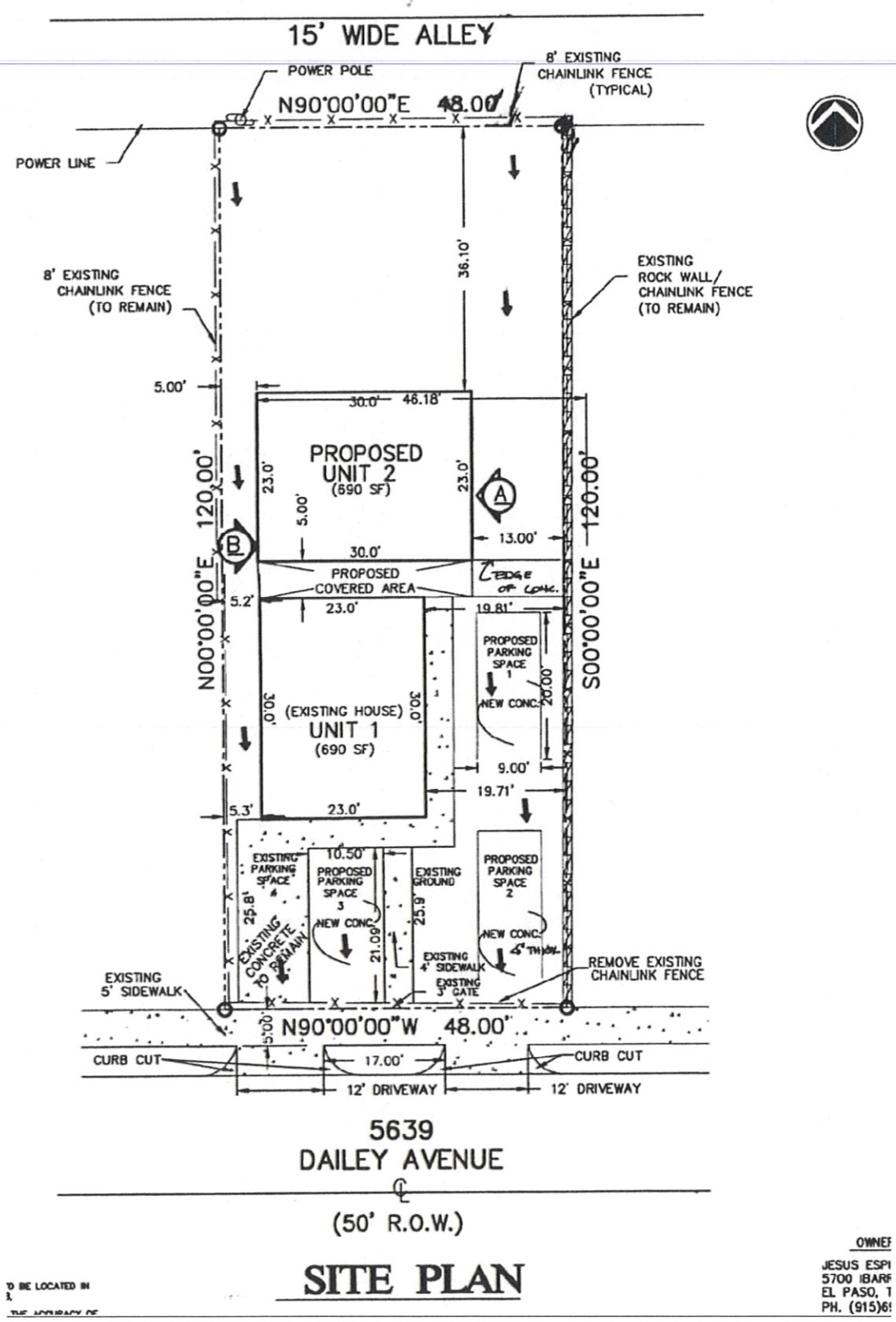
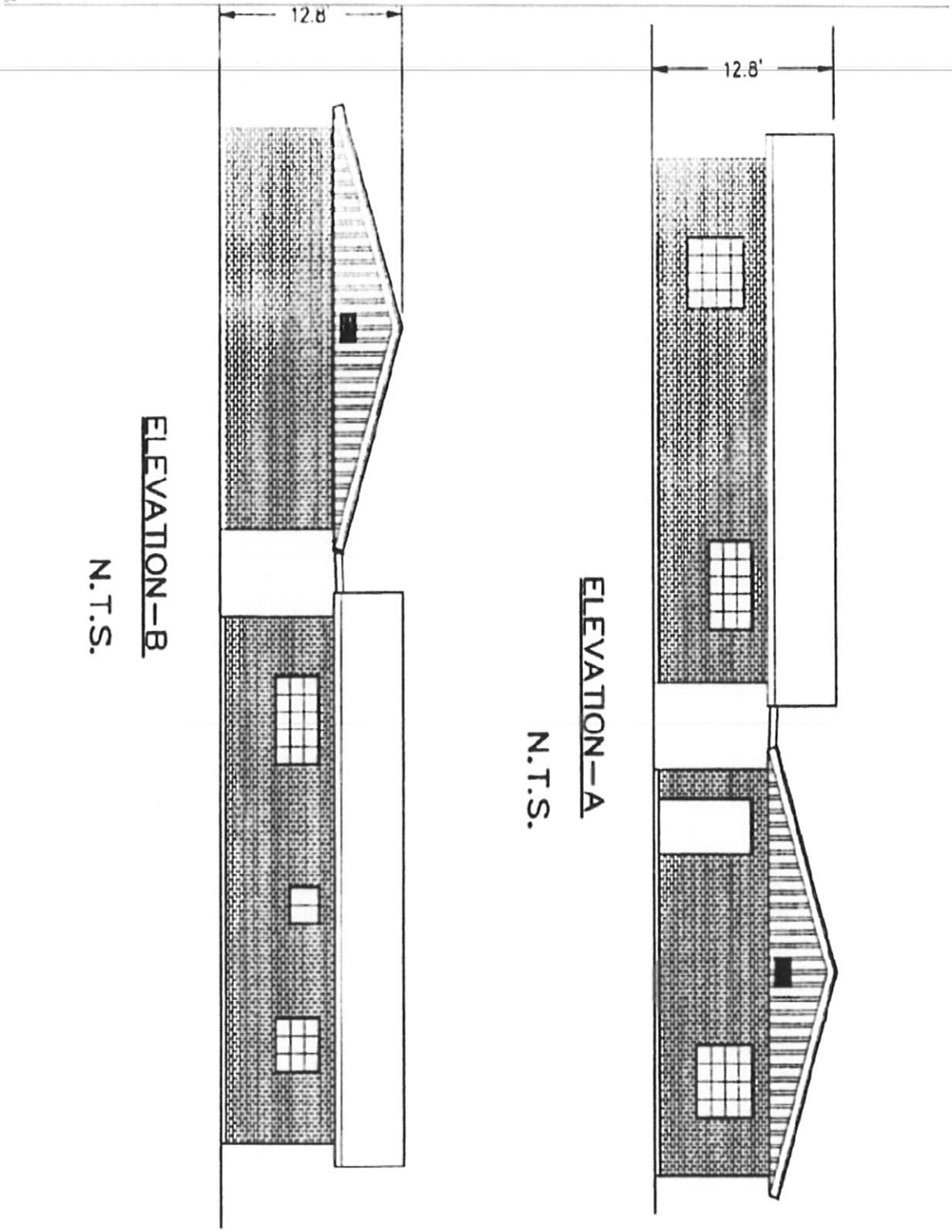
1. Location Map
2. Aerial Map
3. Detailed Site Plan
4. Elevations

ATTACHMENT 1: LOCATION MAP



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: ELEVATIONS