

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

DEPARTMENT: City Development Department

AGENDA DATE: Introduction: December 18, 2012
Public Hearing: January 15, 2013

CONTACT PERSON/PHONE: Michael McElroy, (915) 541-4238,
mcelroyms@elpasotexas.gov

DISTRICT(S) AFFECTED: 2

SUBJECT:

An Ordinance granting Special Permit No. PZST12-00016, to allow for an assisted living facility on the property described as Lot 2, Block 1, Mount Latona Manor, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8230 Mount Latona. Property Owner: Bingham Investments Inc. PZST12-00016 (**District 2**)

BACKGROUND / DISCUSSION:

Staff report attached.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval Recommendation (6-0)

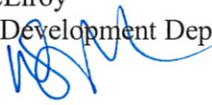
*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Mathew S. McElroy
Director, City Development Department



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST12-00016, TO ALLOW FOR AN ASSISTED LIVING FACILITY ON THE PROPERTY DESCRIBED AS LOT 2, BLOCK 1, MOUNT LATONA MANOR, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.320 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, **Bingham Investments Inc., Applicant**, has applied for a Special Permit for an assisted living facility; 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-4 (Residential)** District:
Lot 2, Block 1, Mount Latona Manor, City of El Paso, El Paso County, Texas
2. That the City Council hereby grants a Special Permit under Sections 20.04.320 of the El Paso City Code for an assisted living facility; and,
3. That this Special Permit is issued subject to the development standards in the **R-4 (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 or the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. **PZST12-00016** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; 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 of the City Plan Commission before building permits are issued.

PASSED AND APPROVED this _____ day of _____, 2013.

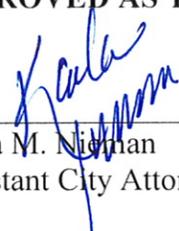
THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:



Mathew S. McElroy, Director
City Development Department

AGREEMENT

Bingham Investments Inc., 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 R-4 (Residential) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 6 day of December, 2012.

Bingham Investments Inc.:

By: David K. Bingham (name/title) [Signature] (signature)

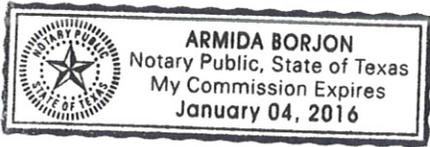
ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 6 day of DECEMBER, 2012, by DAVID BINGHAM for Bingham Investments Inc., as Applicant.

My Commission Expires:

Armida Borjon Notary Public, State of Texas



Notary's Printed or Typed Name: Armida Borjon

EXHIBIT "A"



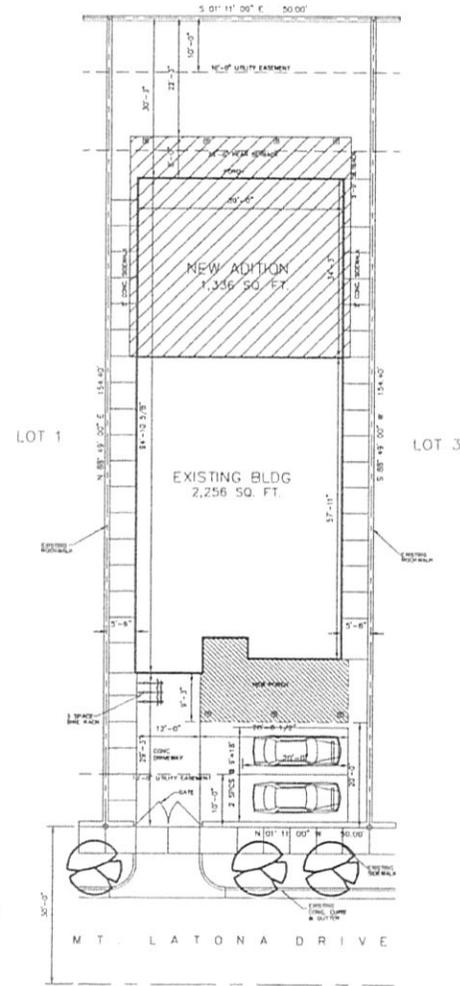
PE

12 Sep. 2012



LANDSCAPE REQUIREMENTS
 1/4" AREA 1,336 SQ. FT. = 200
 NONE REQUIRED
 PROPOSE 3 TREES

PARKING REQUIREMENTS
 16 REQ'D @ 175- 8.33 SPACES
 2 PARKING SPACES PROVIDED
 AND 1 SPACE ONE RACK



SITE PLAN

LEGAL DESCRIPTION
 0.250 MOUNT LATONA STREET
 LOT 2, BLOCK
 MOUNT LATONA MANSION
 CITY OF EL PASO,
 EL PASO COUNTY, TEXAS

REVISIONS	

DATE	BY	REVISION

PROJECT NAME
 ASSISTED LIVING FACILITY

"LOS ABUELOS"
 8250 MOUNT LATONA
 EL PASO, TEXAS

J. L. J. DESIGNS
 CELL (915) 329-4346
 8434 WISCONSIN BLVD. SUITE 148
 EL PASO, TEXAS 79925

SHEET TITLE
 SITE PLAN

A-1
 SH. 01 OF 01

MEMORANDUM

DATE: December 10, 2012

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

FROM: Michael McElroy, Planner

SUBJECT: PZST12-00016

The City Plan Commission (CPC) on November 15, 2012, voted **6-0** to recommend **APPROVAL** of the special permit application to allow for an assisted living facility (5+ persons) in the R-4 (Residential) zoning district.

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 Plan El Paso-Future Land Use Map Designation for the Northwest 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 was one (1) letter and one (1) phone call in **OPPOSITION** to this request.

Attachments: Staff Report



City of El Paso – City Plan Commission Staff Report
REVISED

Case No: PZST12-00016
Application Type: Special Permit
CPC Hearing Date: November 15, 2012
Staff Planner: Michael McElroy, 915-541-4238, mcelroyms@elpasotexas.gov
Location: 8230 Mount Latona
Legal Description: Lot 2, Block 1, Mount Latona Manor, City of El Paso, El Paso County, Texas
Acreage: 0.1772 acres
Rep District: 2
Zoning: R-4 (Residential)
Existing Use: Assisted living facility – home occupation (4 or less persons)
Request: Assisted living facility (5+ persons)
Proposed Use: Assisted living facility
Property Owner: Bingham Investments Inc.
Representative: Ray Mancera

SURROUNDING ZONING AND LAND USE

North: R-4 (Residential) / Single family home
South: R-4 (Residential) / Single family home
East: R-4 (Residential) / Single family home
West: R-4 (Residential) / Single family home

Plan El Paso Designation: G3, Post-War (Northeast)
Nearest Park: Mountain View Park (1.803 ft.)
Nearest School: Magoffin Middle School (941 ft.)

NEIGHBORHOOD ASSOCIATIONS

Mountain View Neighborhood Association

NEIGHBORHOOD INPUT

Notices of the November 15, 2012 public hearing were mailed to all property owners within 300 feet of the subject property on October 29, 2012. **The Planning Division received one (1) letter and one (1) phone call in opposition to the request.**

APPLICATION DESCRIPTION

The applicant is requesting a special permit to allow the operation of an elderly assisted living facility of five or more persons in the R-4 zoning district, as well as the construction of a 1,336 sq. ft. addition to an existing single-family dwelling.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the special permit and detailed site development plan review request for infill development as the applicant meets the requirements of Section 20.04.320, Special Permit Approvals and 20.04.150 Detailed Site Development Plan.

Plan El Paso- Future Land Use Map Designation

All applications for special permits shall demonstrate compliance with the following criteria:

G-3 – Postwar: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are

located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the R-4 (Light Density Residential District) district is to provide a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations, permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

COMMENTS:

City Development Department - Planning Division - Transportation

No objection to proposed special permit for infill. There is adequate on street parking to accommodate the proposed reduction.

Site Plan comments:

1. Provide width of sidewalk along Mount Latona.
2. Sidewalks shall continue across driveways and are not permitted to ramp down as proposed.

Note:

1. All proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall be constructed in compliance with the current ADA/TAS regulations and City Design Standards for construction.

City Development Department – Planning Division - Land Development

No Objection. Grading plan and permit shall be required.* Storm Water Pollution Prevention Plan and/or permit required.* Drainage plans must be approved by the City Development Dept. Land Development Section.* * This requirement will be applied at the time of development.

El Paso Fire Department

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. Ensure prior to any construction that IFC 2009, section 503.1.1 Access shall allow the extension within 150 feet of all portions of any facility or building. Section 503.2 Fire apparatus access roads shall be installed and arranged in accordance with section 503.2.1 Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, all weather surface. ** Note: A more detailed reviewed will be done by fire plan review during the permitting process.

El Paso Water Utilities

1. EPWU does not object to this request.

EPWU-PSB Comments

Water:

2. There is an existing eight (8) inch diameter water main that extends along Mount Latona Drive fronting the western boundary of the subject property (8230 Mount Latona Drive). This water main is available for service.
3. EPWU records indicate an active ¾-inch water service meter at the subject property. The service address for this meter is 8230 Mount Latona Drive.
4. Previous water pressure readings from fire hydrant #2456, located at the northwest corner of Mount Latona Drive and Titanic Avenue approximately 460 feet south of the southern boundary of the subject property, have yielded a static pressure of 112 pounds per square inch (psi), a

residual pressure of 110 psi and a discharge of 1292 gallons per minute (gpm).

5. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

6. There is an existing eight (8) inch diameter sanitary sewer main that extends along Mount Latona Drive fronting the western boundary of the subject property (8230 Mount Latona Drive). This sanitary sewer main is available for service.

7. Application for additional water services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water lines and appurtenances.

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 Plan 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 Plan 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 Plan El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

Attachments:

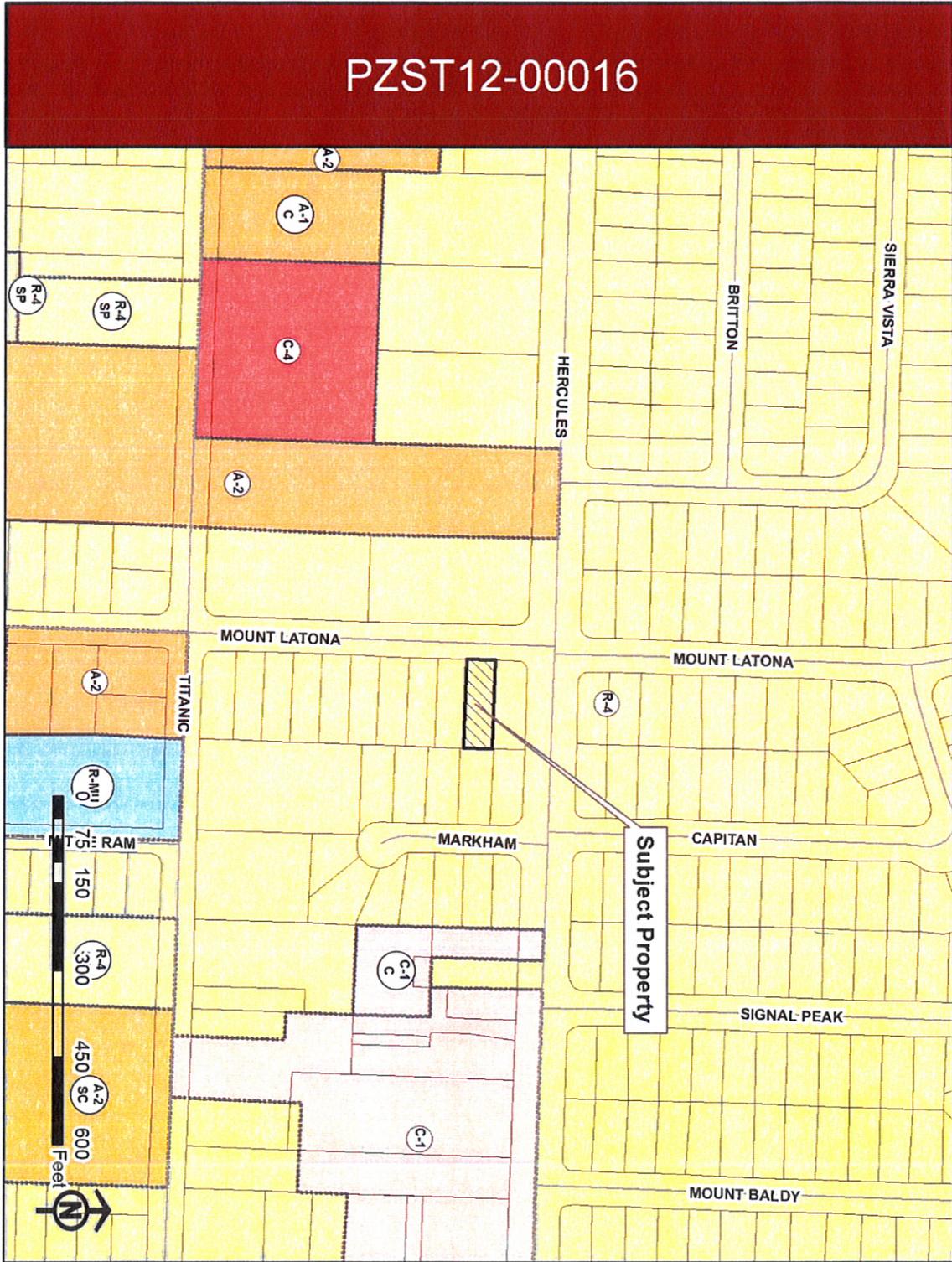
Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Detailed Site Development Plan

Attachment 4: Opposition Letter

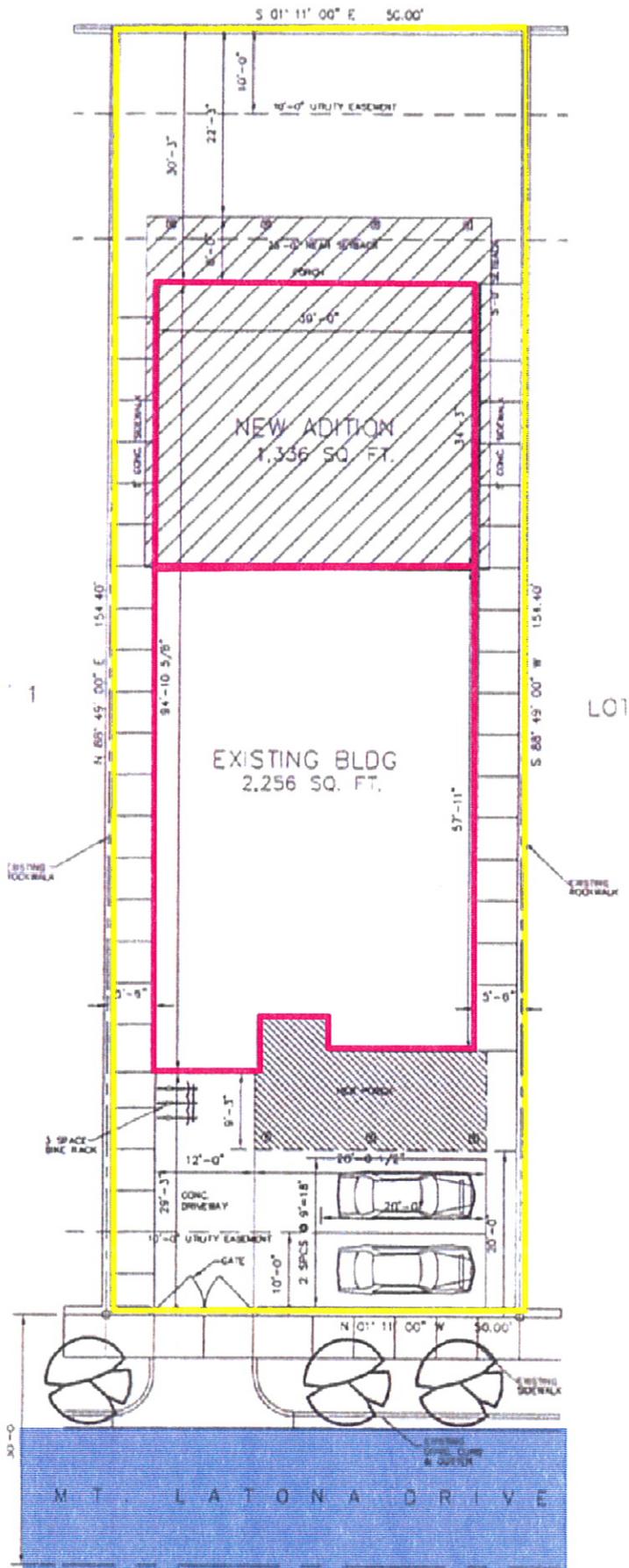
ATTACHMENT 1: LOCATION MAP

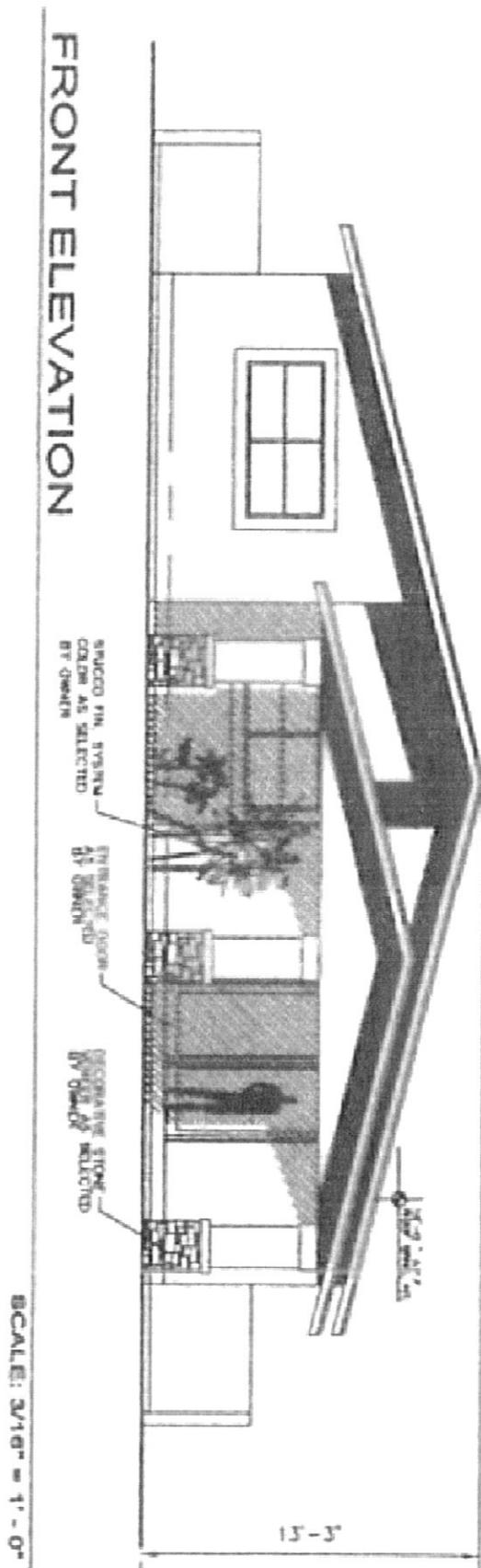


PZST12-00016



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN





ATTACHMENT 4: OPPOSITION LETTER

NO PZST12-00016

Maria E. Javie Torres

Nov. /12/2012

Atte a: Sr. Michael McElroy

Esta carta es en respuesta a la invitación a la junta pública a realizarse el 15 de Noviembre sobre un proyecto a desarrollarse en el 8230 Mt. Latorre y por razones de trabajo me es imposible asistir, pero deseo expresar mi opinion sobre este caso.

En mi opinion es un estacionamiento seguro lo que le falta a este negocio ya que los camiones constantemente invaden mi entrada a mi casa y los automoviles de los empleados se quedan en la calle lo cual hace un tanto problematico el tránsito en esta calle.

Para mi ese es un gran problema