

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: February 2, 2010
Public Hearing: February 23, 2010

CONTACT PERSON/PHONE: Andrew Salloum, (915) 541-4029

DISTRICT(S) AFFECTED: 2

SUBJECT:

An ordinance granting Special Permit No. ZON09-00076, to allow an infill development with reduced side yard setbacks to 4 feet and reduced lot area in order to construct a 2,540 square foot duplex on a 6,000 square foot lot on the property described as Lots 26 and 27, Block 115, Amended Map of Morningside Heights Addition, City of El Paso, El Paso County, Texas, and imposing a condition, pursuant to Section 20.10.280 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 3330 Lincoln Avenue. Property Owners: Xavier Neyra. ZON09-00076 (**District 2**)

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. ZON09-00076, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED SIDE YARD SETBACKS TO 4 FEET AND REDUCED LOT AREA IN ORDER TO CONSTRUCT A 2,540 SQUARE FOOT DUPLEX ON A 6,000 SQUARE FOOT LOT ON THE PROPERTY DESCRIBED AS LOTS 26 AND 27, BLOCK 115, AMENDED MAP OF MORNINGSID HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND IMPOSING A CONDITION PURSUANT TO SECTION 20.10.280 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, TVP Non-Profit Corporation, has applied for a Special Permit under Section 20.10.280 of the El Paso City Code to allow for an infill development with reduced side yard setbacks to 4 feet and reduced lot area in order to construct a 2,540 square-foot duplex on a 6,000 square foot lot; 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 20.10.280 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 R-4 (Residential) District:

Lots 26 and 27, Block 115, Amended Map of Morningside Heights Addition, City of El Paso, El Paso County, Texas;

Further, that the property described above be subject to the following condition:

The alley and parking area shall be paved to city standards; and

2. That the City Council hereby grants a Special Permit under Section 20.10.280 of the El Paso City Code to allow an infill development to reduce setbacks and lot size for new infill project 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 **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 is incorporated herein by reference for all purposes; and,

4. That if at any time the Applicant(s) fail(s) to comply with any of the requirements of this Ordinance, **Special Permit No. ZON09-00076** 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 _____, 2010.

(Signatures continue on following page)

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

TVP Non-Profit Corporation, 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 **R-4 (Residential) District** regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 2010.

(Signature)

(Name/Title)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this ____ day of _____, 2010, by _____ for **TVP Non-Profit Corporation**, as Applicant.

(Seal)

Notary Public, State of Texas

Printed or Typed Name

My Commission Expires:

MEMORANDUM

DATE: January 25, 2010

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

FROM: Andrew Salloum, Planner

SUBJECT: ZON09-00076

The City Plan Commission (CPC) on December 17, 2009, voted **6-0** to recommend **APPROVAL** of the special permit application to an infill development to allow the development of a duplex with reduced side yard setbacks of 4 feet and reduced lot area of 6,000 square feet in the R-4 (Residential) zone district with a condition that the alley and parking area shall be paved to city standards

The CPC found that the special permit is in conformance with The Plan for El Paso. The CPC found that the proposed use is in conformance with the 2025 Projected 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 was **NO OPPOSITION** to this request.

Attachments: Minority Report
Staff Report

Minority Report
Key Considerations

Infill Development and Requirement to Provide Alley Paving
Zoning Case09-00076
3330 Lincoln Avenue

Background: Staff has recommended and CPC affirmed a requirement to pave the alley approaching 3330 Lincoln Avenue. This is consistent with other recommendations made in the recent past. It has been one way that the City has achieved more paving of alleys without public expenditures. We are also aware that Council has overturned the staff and CPC recommendation in the case of affordable housing infill, including a duplex on this same block.

Minority Opinion: For consistency sake, CPC felt it had to follow the Staff recommendation; however, there are several reasons that the City should consider altering this position, for this case and perhaps for most if not all infill, particularly residential.

1. Alley access implies that the home will be using a rear garage, thereby improving the front scape and the neighborhood character. Requiring the paving of the alley when using parking in the rear of the home, provides an incentive to the builder/owner to "front-load" the parking, contrary to City and neighborhood preferences.
2. The City is attempting to encourage infill development. Every house that is "encouraged" in the City, potentially saves the City over \$20,000 in capital expenditures for public services (fire, emergency, school, utility maintenance, parks) at the edge of the City. The recent increase in impact fees only covered a small portion of the public burden of growth "at the edge." Infill avoids most, if not all, of these costs. In this particular case this savings would amount to \$40,000 for two homes. The estimate for paving 90'x 16' feet to the parking area was \$20,000 by the applicant. This would imply a savings for the City.
3. Piecemeal paving of alleys by individual builders as and when incremental development occurs along a block is not the most cost inefficient manner to pave the alley. The most efficient manner to pave the alley would be a single continuous paving.
4. In the case of affordable housing (as is presented in this case) any additional cost incurred by the Applicant will lessen affordable housing funds for other projects in the City.

Recommendation: Over-turn the CPC and Staff recommendation on this case and require the applicant to pave (or hard scape) only the parking area for vehicles in the rear of the building.

Further Consideration: In order to avoid this policy dilemma in the future, consider approving all residential and/or mixed use infill projects with a formal "infill" zoning designation without the mandate to pave the alley. As development avails itself of alley access, add these alleys to the City alley paving program on a priority basis as an incentive for infill development.



City of El Paso – City Plan Commission Staff Report

Case No: ZON09-00076
Application Type: Special Permit & Detailed Site Development Plan
CPC Hearing Date: December 17, 2009
Staff Planner: Andrew Salloum, 915-541-4029, salloumam@elpasotexas.gov

Location: 3330 Lincoln Avenue
Legal Description: Lots 26 and 27, Block 115, Amended Map of Morningside Heights Addition, City of El Paso, El Paso County, Texas
Acreage: 0.13-acre
Rep District: 2
Existing Use: Vacant
Existing Zoning: R-4 (Residential)
Request: To reduce setbacks and lot size for new infill project
Proposed Zoning: Infill Development

Property Owner: Xavier Neyra
Applicant: David Gillooly, TVP Non-Profit Corporation
Representative: Wright & Dalbin Architects

SURROUNDING ZONING AND LAND USE

North: A-2 (Apartment) / Multi-Family Residential
South: R-4 (Residential) / Multi-Family Residential
East: R-4 (Residential) / Vacant
West: R-4 (Residential) / Vacant

THE PLAN FOR EL PASO DESIGNATION: Residential (Central Planning Area)

NEAREST PARK: Summit-Fillmore Park (2,010 Feet)

NEAREST SCHOOL: Travis Elementary (1,725 Feet)

NEIGHBORHOOD ASSOCIATIONS

Central Neighborhood Association

NEIGHBORHOOD INPUT

Notice of the public hearing was mailed to all property owners within 300 feet of this proposed special permit on November 18, 2009. Planning did not receive any calls or letters in support or opposition.

APPLICATION DESCRIPTION

The applicant is requesting a special permit and detailed site development plan approval to allow for infill development with reduced side yard setbacks to 4 feet and reduced lot area in order to construct a 2,540 square-foot duplex on a 6,000 square foot lot. The site is vacant and is 0.13-acre in size. Access to the site will be from the alley.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

DCC recommends **APPROVAL** of the special permit and detailed site development plan request with a condition:

- 1) The alley and parking area shall be paved to city standards*

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of the special permit and detailed site development plan request with a condition:

- 1) The alley and parking area shall be paved to city standards*

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.

Development Services Department - Building Permits and Inspections Division

Zoning: Plan Review has no objections providing any portion of the building which encroaches to within 3 feet of the property line must be one hour fire rated.

Landscaping: Landscape is not required for this project under 18.46.060

Development Services Department – Planning Division

Current Planning: recommends **APPROVAL** of the special permit and detailed site development plan request with a condition:

- 1) The alley and parking area shall be paved to city standards*

Land Development: no comments received.

Engineering Department - Traffic Division

Traffic Division recommends denial of the proposed design unless the applicant paves the alley and the proposed parking area to City standards.

Fire Department

No comments received.

El Paso Water Utilities

EPWU does not object to this request.

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

ZON09-00076



December 17, 2009

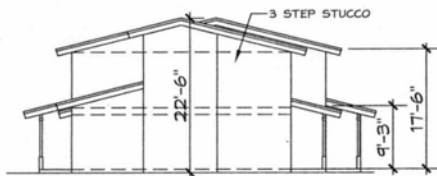
ATTACHMENT 4: ELEVATIONS



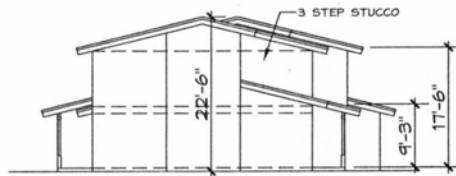
01 FRONT ELEVATION
SCALE: 1/8" = 1' - 0"



02 REAR ELEVATION
SCALE: 1/8" = 1' - 0"



03 SIDE ELEVATION
SCALE: 1/16" = 1' - 0"



04 SIDE ELEVATION
SCALE: 1/16" = 1' - 0"

October 18, 2009 - 12:00pm
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LOWER DYER HOUSING
3330 LINCOLN AVENUE

	09.08.46	SHEET OF
	10/16/2009	
	AS SHOWN	



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