

ORDINANCE NO. 019564

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST23-00007, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCTIONS TO SIDE AND REAR YARD SETBACKS, A 72% PARKING REDUCTION, AND AN 85% DENSITY INCREASE ON THE PROPERTY DESCRIBED AS BEING THE SOUTH 75 FEET OF LOTS 1, 2 AND 3, AND THE SOUTH 75 FEET OF THE WEST 15 FEET OF LOT 4, BLOCK 32, FRANKLIN HEIGHTS ADDITION, 150 BROWN STREET, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 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, Opportunity Center for the Homeless, has applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City Code for an apartment use with reduction to side and rear yard setbacks, a 72% parking reduction, and an 85% density increase for apartments; 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 C-4 (Commercial) Zone District:

Being the south 75 feet of Lots 1, 2 and 3, and the south 75 feet of the west 15 feet of Lot 4, Block 32, Franklin Heights Addition, 150 Brown Street, City of El Paso, El Paso County, Texas and as more particularly described by metes and bounds on the attached Exhibit "A"; 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 apartment use with reductions to side and rear setbacks, a 72% parking reductions, and an 85% density increase; and,
3. That this Special Permit is issued subject to the development standards in the C-4 (Commercial) District regulations and is subject to the approved Detailed Site

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PZST23-00007

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 incorporated herein by reference for all purposes; and,

4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST23-00007 shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; and,
5. That the Owners 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.

ADOPTED this 21st day of November, 2023.

THE CITY OF EL PASO



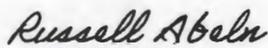
Oscar Leeser
Mayor

ATTEST:



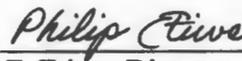
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. **019564**

PZST23-00007

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

150 N. Brown Street

Being the south 75 feet of Lots 1, 2 and 3, and the south 75 feet of the west 15 feet of Lot 4, Block 32, Franklin Heights Addition, in the City of El Paso, El Paso County, Texas, as shown on filed subdivision plat of Franklin Heights Addition in the El Paso County Clerks Plat Records, , and also being that parcel recorded in document # 20090014495, El Paso County Clerks Records, and described as follows;

Commencing for reference at an existing city monument located at the centerline intersection of Brown Street 10' offset north of Myrtle Avenue, from which an existing city monument along the monument line of Myrtle Avenue bears South 52°54'00" West a distance of 470.00 feet (Bearing Basis); Thence, with the centerline of Brown Street, South 37°06'00" East a distance of 171.00 feet to a point; Thence, leaving said centerline North 52°54'00" East a distance of 35.00 feet to a 5/8" rebar found on the northeasterly right-of-way line of Brown Street, and being the Point of Beginning;

Thence, with the northwesterly boundary line of this parcel and the southeasterly boundary line of those parcel recorded in book 4126, page 96 and book 2405, page 1515, North 52°54'00" East a distance of 90.00 feet to a 5/8" rebar found at the most northerly corner of this parcel;

Thence, with the southwesterly ROW line of an existing Alley, South 37°06'00" East a distance of 75.00 feet to a 5/8" rebar with cap found on the northwesterly right-of-way line of an existing 18' Alley as shown on said subdivision plat;

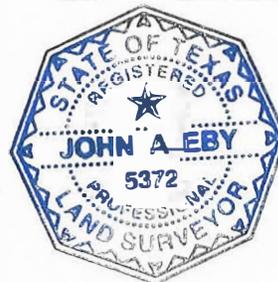
Thence, along said northwesterly right-of-way line, South 52°54'00" West a distance of 90.00 feet to a 5/8 inch rebar with cap found on said northeasterly right-of-way line of Brown Street;

Thence, with said northeasterly right-of-way line of Brown Street, North 37°06'00" West a distance of 75.00 to the Point of Beginning containing 6,750 square feet or 0.1549 acres.

Based on a field survey performed under my supervision and dated 07/14/2010 and updated 02/06/2023


John A Eby, Texas R.P.L.S. 5372 NM PLS 17779

Paso Del Norte Surveying Inc.
13998 Bradley Road
El Paso, TX. 79938
915-241-1841
TBPELS Firm #10001200



AGREEMENT

Opportunity Center for the Homeless, 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 C-4 (Commercial) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 25 day of September, 2023.

Opportunity Center for the Homeless:

By: Ray Tullius, Executive Director
(name/title)

Ray Tullius
(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 25th day of September 2023, by Ray Tullius, Executive Director for the Opportunity Center for the Homeless, as Owner.

My Commission Expires: 9/25/2023

Hector Rosales
Notary Public, State of Texas



Notary's Printed or Typed Name:
Hector Rosales

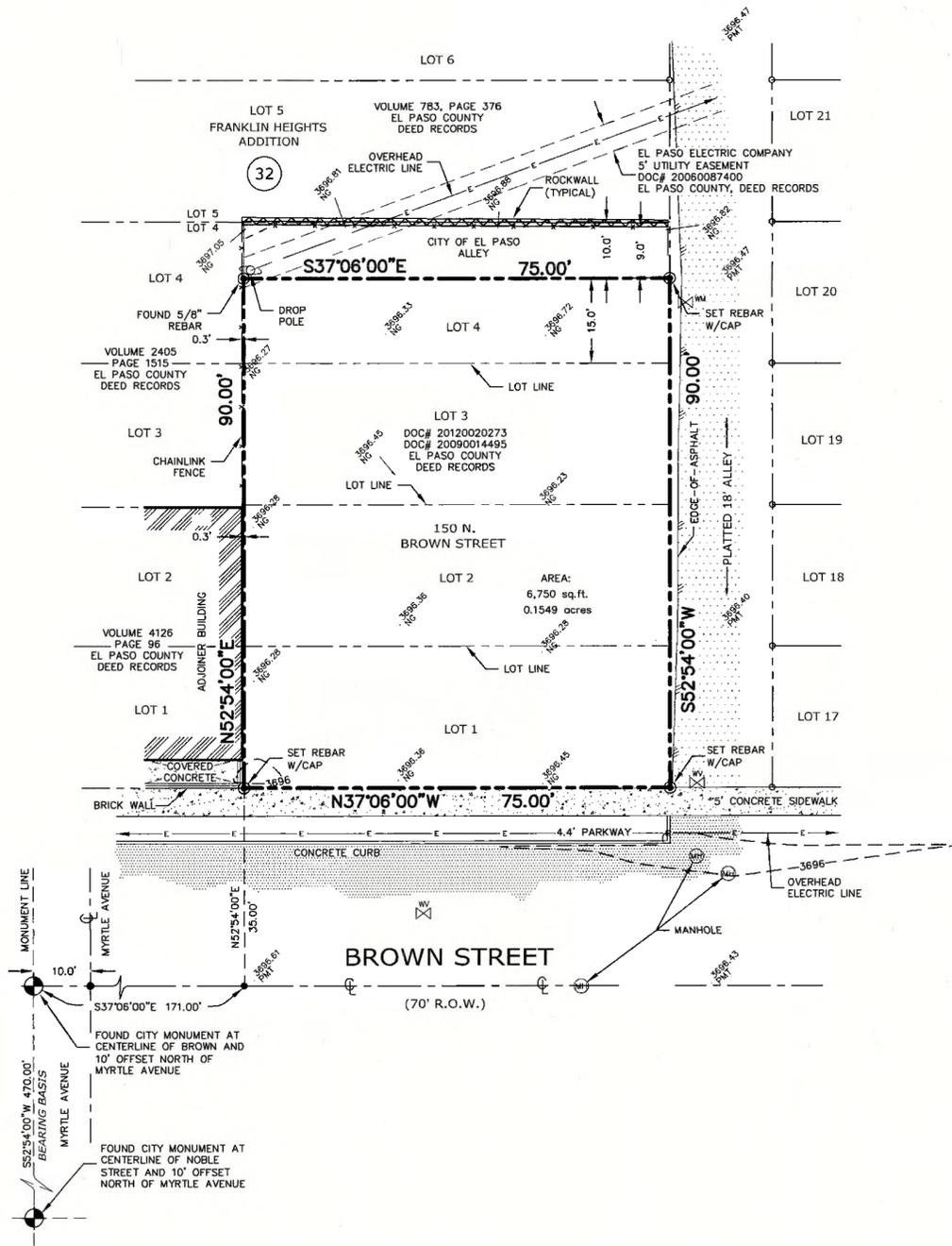
(Exhibits on the following pages)

ORDINANCE NO. _____

PZST23-00007

BOUNDARY, IMPROVEMENT AND TOPOGRAPHIC SURVEY

THE SOUTH 75 FEET OF LOTS 1, 2 AND 3, AND THE SOUTH 75' OF THE WEST 15 FEET OF LOT 4, BLOCK 32, FRANKLIN HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

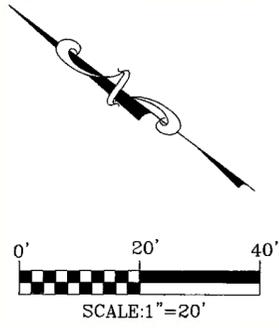


IMPROVEMENTS LEGEND

- DROP POLE
- OVERHEAD ELEC LINE
- WATER METER
- WATER VALVE
- ROCK WALL
- CHAINLINK FENCE

TOPOGRAPHIC LEGEND

- PAVEMENT
- NATURAL GROUND



GENERAL NOTES

- THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. THERE MAY BE EASEMENTS, OR OTHER MATTERS, NOT SHOWN.
- BENCHMARK FOR ELEVATIONS SHOWN HEREON IS A CITY MONUMENT FOUND AT THE CENTERLINE INTERSECTION OF BROWN STREET WITH THE MONUMENT LINE OF MYRTLE AVENUE, BEING A 10' OFFSET NORTH OF THE CENTERLINE. CITY DATUM ELEVATION: 3695.68'
- CONTOUR INTERVAL IS 1' MINOR, 5' MAJOR.

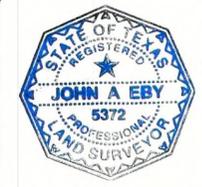
UTILITY NOTES

- THE LOCATION OF EXISTING UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY.
- THE SURVEYOR WAS NOT PROVIDED WITH SURFACE GROUND MARKINGS OR EXCAVATIONS TO DETERMINE THE EXACT LOCATION OF ANY SUBTERRANEAN USES.
- BEFORE DIGGING IN THIS AREA, CALL "TEXAS ONE-CALL" 1-800-545-8005 FOR FIELD LOCATIONS (REQUEST FOR GROUND MARKINGS) OF UNDERGROUND UTILITY LINES.

CERTIFICATION
 I HEREBY CERTIFY THAT THIS BOUNDARY, TOPOGRAPHIC AND IMPROVEMENT SURVEY IS BASED ON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLIES WITH THE CURRENT TEXAS BOARD OF PROFESSIONAL LAND SURVEYING PROFESSIONAL AND TECHNICAL STANDARDS

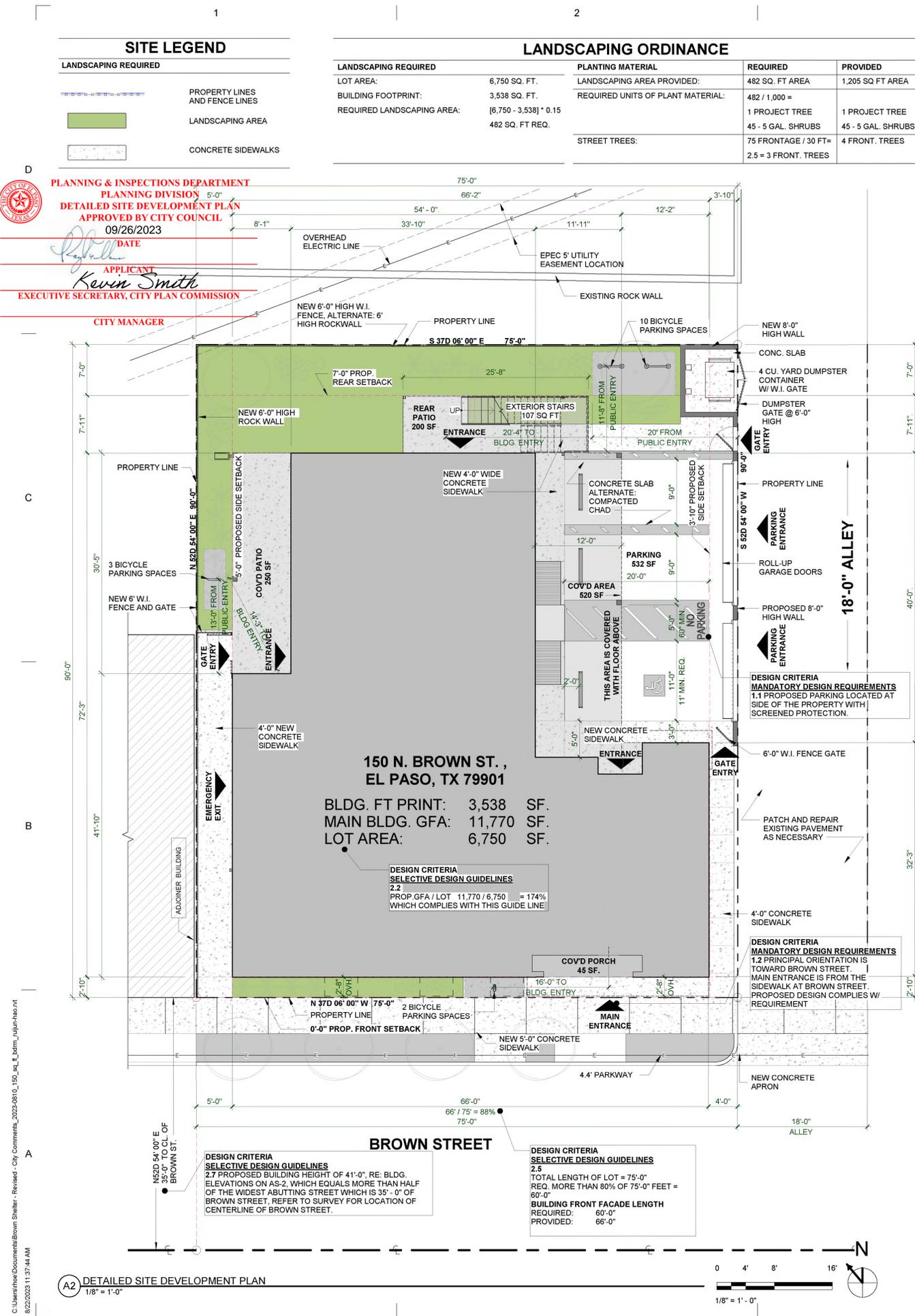
John A. Eby
 JOHN A. EBY TX-5372 NM-17779

UPDATED & REVISED 2/06/2023
 REVISED 7/16/2010



TBPELS FIRM #10001200

TITLE CO: NONE PROVIDED	
FIRM ZONE: C	PANEL#: 480214-0039 B DATED: 10/15/1982
DATE OF SURVEY: 07/14/2010	OFFICE: LM FIELD: JAE, AG, JC
PASO DEL NORTE SURVEYING INC.	
13998 BRADLEY ROAD, EL PASO, TEXAS 79938	PH. 915-241-1841 FAX 915-855-6925 © COPYRIGHT



PLANNING & INSPECTIONS DEPARTMENT
PLANNING DIVISION
DETAILED SITE DEVELOPMENT PLAN
APPROVED BY CITY COUNCIL
 09/26/2023
 DATE
APPLICANT
Kevin Smith
EXECUTIVE SECRETARY, CITY PLAN COMMISSION
CITY MANAGER

C:\Users\jive\Documents\Brown Shaler - Revised - City Comments_2023-09-10_150_N_Brown_St_Plan_Initial\ha.txt
 8/22/2023 11:37:44 AM

A2 DETAILED SITE DEVELOPMENT PLAN
 1/8" = 1'-0"

EXHIBIT "B"

CODE ANALYSIS - SPECIAL PERMIT APPLICATION

LEGAL DESCRIPTION:	32 FRANKLIN HEIGHTS S 75 FT OF 1 TO 3 & SOUTH 75 FT OF W 15 FT OF 4 0.16 AC (6,750 SQ FT)															
ZONING:	C4															
GID:	F60799903200100															
PID:	347043															
OWNER:	OPPORTUNITY CENTER FOR THE HOMELESS PO BOX 63 EL PASO, TX 79411-0063															
PERMISSIBLE USES:	RESIDENTIAL APARTMENT															
OCCUPANCY LOAD:	35 RESIDENTS 3 FACILITY STAFF															
ZONING DENSITY REQ. FOR 3 STORIES OR MORE:	REQ. SF PER DWELLING UNIT: 600 SF PER UNIT REQ. DENSITY: 6,750 SF LOT / 500 SF = 13.5 ALLOWABLE DENSITY INCREASE: 50% x 13.5 = 21 UNITS PROP. DWELLING UNITS DENSITY: 25 (85% INCREASE) PROP. SF PER DWELLING UNIT: 270 SF PER UNIT															
ZONING SETBACKS:	<table border="1"> <tr> <th></th> <th>REQUIRED</th> <th>PROP. REDUCT.</th> </tr> <tr> <td>FRONT YARD:</td> <td>0 FT</td> <td>2 FT 10 IN.</td> </tr> <tr> <td>REAR YARD:</td> <td>25 FT</td> <td>7 FT</td> </tr> <tr> <td>SIDE YARD (LEFT):</td> <td>5 FT</td> <td>5 FT</td> </tr> <tr> <td>RIGHT SIDE YARD:</td> <td>5 FT</td> <td>3 FT 10 IN.</td> </tr> </table>		REQUIRED	PROP. REDUCT.	FRONT YARD:	0 FT	2 FT 10 IN.	REAR YARD:	25 FT	7 FT	SIDE YARD (LEFT):	5 FT	5 FT	RIGHT SIDE YARD:	5 FT	3 FT 10 IN.
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REAR YARD:	25 FT	7 FT														
SIDE YARD (LEFT):	5 FT	5 FT														
RIGHT SIDE YARD:	5 FT	3 FT 10 IN.														
VEHICULAR PARKING AND BICYCLE PARKING																
PARKING REQUIREMENTS:	RESIDENTIAL APARTMENT 25 PER 7 ELDERLY + 17.5 ROUND TO 18 SPACES REQUIRED															
PARKING PROVIDED:	2 STANDARD PARKING SPACES 1 VAN ACCESSIBLE PARKING SPACE 3 TOTAL PARKING SPACES															
BICYCLE SPACES REQUIRED:	SUBSTITUTION OF BICYCLE PARKING WITH PARKING REDUCTION, 10% OF 18 PARKING SPACES = 1.8 REQUIRED ROUNDED TO 2 REQUIRED VEHICULAR SPACES TO BE SUBSTITUTED FOR BICYCLE SPACES AT THE RATE OF 6 BICYCLES PER 1 VEHICULAR PARKING SPACE (20.14:130)															
BICYCLE PARKING PROVIDED:	2 VEHICULAR * 6 BICYCLE = 12 ADD. B.P. 12 + 3 = 15 TOTAL REQ. BICYCLE PK. 2 BICYCLE PK. AT THE FRONT ENTRY 3 BICYCLE PK. AT LEFT SIDE ENTRY 2+3+10 = 15 TOTAL PROVIDED															
PARKING REDUCTION:	3 PARKING PROV. + 2 SUBSTITUTE W/ BICYCLE, PROPOSED TOTAL 13 PARKING SPACE REDUCTION (72%)															
BUILDING AREAS:	<table border="1"> <tr> <th>LEVEL</th> <th>AREA</th> </tr> <tr> <td>1ST FLOOR</td> <td>3,538 SQ FT</td> </tr> <tr> <td>2ND FLOOR</td> <td>4,116 SQ FT</td> </tr> <tr> <td>3RD FLOOR</td> <td>4,116 SQ FT</td> </tr> <tr> <td>TOTAL</td> <td>11,770 SQ FT</td> </tr> </table>	LEVEL	AREA	1ST FLOOR	3,538 SQ FT	2ND FLOOR	4,116 SQ FT	3RD FLOOR	4,116 SQ FT	TOTAL	11,770 SQ FT					
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TOTAL	11,770 SQ FT															
TYPE OF CONSTRUCTION:	TYPE V - B SPRINKLERED [SM]															
BUILDING DESCRIPTION	<table border="1"> <tr> <th>ALLOWED</th> <th>PROPOSED</th> </tr> <tr> <td>60 FT</td> <td>41 FT</td> </tr> <tr> <td>3 STORIES</td> <td>3 STORIES</td> </tr> <tr> <td>21,000 SQ FT</td> <td>11,770 SQ FT</td> </tr> </table>	ALLOWED	PROPOSED	60 FT	41 FT	3 STORIES	3 STORIES	21,000 SQ FT	11,770 SQ FT							
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60 FT	41 FT															
3 STORIES	3 STORIES															
21,000 SQ FT	11,770 SQ FT															
HEIGHT:	60 FT															
STORIES:	3 STORIES															
AREAS:	21,000 SQ FT															

DESIGN CRITERIA

MANDATORY DESIGN REQUIREMENTS

1.1 WHERE ON-SITE SURFACE PARKING IS PROPOSED, IT SHALL BE LOCATED AT THE REAR OF THE PROPERTY AND WHEN POSSIBLE ACCESSED VIA ALLEYWAY, OR AT THE SIDE OF THE PROPERTY AND SCREENED IN ACCORDANCE WITH 21.50.070(F)(5). ON-SITE SURFACE PARKING SHALL NOT BE LOCATED IN THE FRONT YARD.
RE: A2/AS-1: PROPOSED PARKING SPACES ON SITE ARE LOCATED AT RIGHT SIDE OF THE PROPERTY ADJACENT TO THE ALLEY WITH SCREENED PROTECTION.

1.2 BLDG. SHALL BE PLACED ON THE PARCEL SUCH THAT THE PRINCIPAL ORIENTATION IS TOWARD THE MAIN STREET AND THE PRINCIPAL ENTRANCE IS FROM THE SIDEWALK.
RE: A2/AS-1: PROPOSED BLDG. ORIENTATION IS TOWARD THE BROWN STREET W/ MAIN ENTRANCE FROM SIDEWALK AT BROWN STREET WHICH COMPLIES W/ REQ.

1.3 PROPOSED ABUTTING EXISTING RESIDENTIAL DEVELOPMENT THE FRONT BLDG. SETBACK SHALL NOT DEVIATE FROM THE AVEG. FRONT SETBACK OF LOTS WITHIN THE SAME BLOCK AS PROPOSED DEVELOPMENT BY MORE THAN 15%.

SETBACKS OF LOTS:

LOT 1:	0'
LOT 2:	0'
LOT 3:	6.5'
LOT 4:	6.5'
LOT 5:	6.5'
LOT 6:	2'

AVERAGE SETBACKS:

0' + 0' + 6.5' + 6.5' + 6.5' + 2' = 31.5'	÷ 6 LOTS = 5.25'
15' / 5 (LOTS) = 3'	
3' x 15% = 0.45'	
3' + 0.45 = 3.45'	
3' - 0.45 = 2.55'	

ALL SETBACKS OF THIS BLOCK HAVE A FRONT SETBACK VARIES FROM 0 TO 6.5'. SEE CHART ABOVE. PROPOSED BUILDING FRONT SETBACK IS 2'-10" (2.83') WHICH IS WITHIN THE REQUIRED 15% DEVIATION OF THE 3' AVERAGE SETBACK (2.84' < X < 3.45') WHICH COMPLIES.

SELECTIVE DESIGN GUIDELINES

2.2 THE PERCENTAGE OF GROSS FLOOR AREA DIVIDED BY THE TOTAL LOT AREA FOR INFILL DEVELOPMENT PROJECTS SHALL BE NO LESS THAN 80%.
RE: A2/AS-1

THE PROPOSED TOTAL GFA: 11,770 SF
 THE TOTAL LOT AREA: 6,750 SF
 PROP. GFA / LOT = 11,770 / 6,750 = 174%
 WHICH COMPLIES WITH THIS GUIDE LINE

2.5 TOTAL WIDTH OF THE STRUCTURE IS GREATER THAN 80% OF THE TOTAL LOT WIDTH ALONG BROWN STREET
RE: A2/AS-1

TOTAL LENGTH OF LOT = 75'-0"
 REQ. MORE THAN 80% OF 75'-0" FEET = 60'-0"
BUILDING FRONT FACADE LENGTH
 REQUIRED: 60'-0"
 PROVIDED: 66'-0"

2.7 THE HEIGHT OF ANY PROPOSED INFILL DEVELOPMENT SHALL BE EQUAL TO AT LEAST HALF THE WIDTH OF THE WIDEST ABUTTING STREET.
RE: A2/AS-1 & AS-2

REQ. BLDG. HT FOR BROWN STREET: MORE THAN 35'-0"
 PROP. BLDG. HT: 41'-0"
 MOST PORTION @ 39'-0"
 HIGHEST POINT @ 41'-0"

PROPOSED BLDG. HEIGHT WHICH IS 41' MEETS AT LEAST HALF OF THE BROWN STREET WIDTH WHICH IS 35'

LEGAL DESCRIPTION

E SOUTH 75 FEET OF LOTS 1, 2 AND 3 AND THE SOUTH 75 FEET OF THE WEST 15 FEET OF LOT 4, BLOCK 32, FRANKLIN HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY TEXAS.

PARKING COUNT - AUG. 10, 2023

TIME	MYRTLE AVE.	BROWN ST.	MAGOFFIN AVE.	TOTAL	NUM. AVAIL.
8:00 AM	26 OCCUPIED	11 OCCUPIED	9 OCCUPIED	46 TOTAL	44 AVAILABLE
9:00 AM	26 OCCUPIED	10 OCCUPIED	10 OCCUPIED	46 TOTAL	44 AVAILABLE
10:00 AM	26 OCCUPIED	14 OCCUPIED	10 OCCUPIED	50 TOTAL	37 AVAILABLE
11:00 AM	26 OCCUPIED	13 OCCUPIED	12 OCCUPIED	51 TOTAL	36 AVAILABLE
12:00 PM	26 OCCUPIED	12 OCCUPIED	10 OCCUPIED	48 TOTAL	39 AVAILABLE
1:00 PM	26 OCCUPIED	17 OCCUPIED	11 OCCUPIED	54 TOTAL	32 AVAILABLE
2:00 PM	26 OCCUPIED	11 OCCUPIED	12 OCCUPIED	49 TOTAL	37 AVAILABLE
3:00 PM	26 OCCUPIED	10 OCCUPIED	9 OCCUPIED	45 TOTAL	41 AVAILABLE
4:00 PM	26 OCCUPIED	10 OCCUPIED	10 OCCUPIED	46 TOTAL	40 AVAILABLE
5:00 PM	26 OCCUPIED	9 OCCUPIED	11 OCCUPIED	46 TOTAL	40 AVAILABLE
6:00 PM	17 OCCUPIED	14 OCCUPIED	9 OCCUPIED	40 TOTAL	46 AVAILABLE
7:00 PM	15 OCCUPIED	13 OCCUPIED	9 OCCUPIED	37 TOTAL	49 AVAILABLE
8:00 PM	14 OCCUPIED	12 OCCUPIED	10 OCCUPIED	36 TOTAL	50 AVAILABLE

PARKING SPACES AVAILABLE DAILY: 44 AVG. 46 AVAIL.

NOTES:

- STREET PARKING SPACES SHOWN ARE 8 FT X 22 FT
- STREET PARKING SPACES ARE 10 FT MIN. AWAY FROM INTERSECTIONS
- PARKING SPACES (3) WITHIN THE PROPOSED BUILDING ARE 9 FT X 20 FT
- AERIAL PHOTO HAS BEEN SCALED TO 1:100
- PROPOSED USED FOR PROPERTY TO BE: RESIDENTIAL APARTMENTS

LOCATION CRITERIA

MANDATORY REQUIREMENTS

1.3 ANY PARCEL OF LAND ANNEXED PRIOR TO 1955 (SEE MAP BELOW)

PROPOSED SITE LOCATION

CONSULTANTS

REGISTERED ARCHITECT
FABRIC P. DAY
 12420
 STATE OF TEXAS

CONTRACT DOCUMENTS COORDINATION

THE DRAWINGS AND SPECIFICATIONS FOR THIS PROJECT ARE TO BE TAKEN TOGETHER AS A SINGLE CONSTRUCTION CONTRACT DOCUMENT AND ANY DIVISION BY TRADE OR OTHER DESIGNATION IS CONSIDERED GENERAL CONTRACTOR AND ALL SUB-CONTRACTORS SHALL REVIEW AND COORDINATE THE ENTIRE SET OF DRAWINGS AND PROJECT MANUAL.

LA CASA DE LOS ABUELOS

150 BROWN ST., EL PASO, TX 79901

OWNER

OPPORTUNITY CENTER FOR THE HOMELESS

SPECIAL PERMIT APPLICATION

MARK	DATE	INFILL COMMENTS	DESCRIPTION
1	07/22/2023		
		210314	
	08/22/2023		
		MRJRH	
		FD	

SHEET TITLE

DETAILED SITE DEVELOPMENT PLAN

AS-1



THE USE OF THIS SEAL IS AUTHORIZED BY THE ARCHITECT WHOSE NAME APPEARS. ANY UNAUTHORIZED USE, MISUSE, OR MISREPRESENTATION OF THIS SEAL VIOLATES ANY LIABILITY, STRICT OR OTHERWISE, WHICH MAY RESULT FROM THE USE. NO PERSON MAY MAKE ANY REPRESENTATION TO THE PUBLIC CONCERNING THE QUALITY OF ARCHITECTURAL SERVICES WITHOUT THE ARCHITECT'S WRITTEN CONSENT. THIS DRAWING AND RELATED SPECIFICATIONS, FIELD DATA, NOTES AND OTHER DOCUMENTS INCLUDING ALL OVERLAYS AND REVISIONS, SHALL BE REVIEWED BY ARCHITECT FABRIC P. DAY, REGISTERED ARCHITECT, AND SHALL REMAIN THE PROPERTY OF FABRIC P. DAY ARCHITECTS, P.C. COPYRIGHT 2021. WEIGHT & SALARY ARCHITECTS, P.C.

150 Brown

City Plan Commission — September 7, 2023



CASE NUMBER:	PZST23-00007
CASE MANAGER:	Nina Rodriguez, (915) 212-1561, RodriguezNA@elpasotexas.gov
PROPERTY OWNER:	Opportunity Center for the Homeless
REPRESENTATIVE:	Fred Dalbin, Wright & Dalbin Architects
LOCATION:	150 Brown Street (District 8)
PROPERTY AREA:	0.15 acres
EXISTING ZONING:	C-4 (Commercial)
REQUEST:	Special Permit and Detailed Site Development Plan approval for infill development with reductions to rear and side yard setbacks, a 72% parking reduction, and an 85% density increase for apartment use in the C-4 (Commercial) district
RELATED APPLICATIONS:	None
PUBLIC INPUT:	None received as of August 31, 2023

SUMMARY OF REQUEST: The applicant is requesting a special permit and detailed site development plan approval for an infill development with reductions to rear and side yard setbacks, a 72% parking reduction, and an 85% density increase for apartment use in the C-4 (Commercial) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the special permit and detailed site development plan request for infill development. The proposal meets all the requirements of El Paso City Code Sections 20.04.320 – Special Permit, 20.04.150 – Detailed Site Development Plan, and 20.10.280 – Infill Development. The proposed development is consistent with both the G-7, Industrial and/or Railyards Future Land Use Designation and with *Plan El Paso*, the City's adopted Comprehensive Plan.

PZST23-00007



This map is designed for illustrative purposes only. The boundaries depicted here are approximate and there are specific studies that may be required to show accurate conditions. Measurements are the best to access greater than 100 feet and reduce errors and may lead to misinterpretation of the data. The Planning & Inspection Department planning team makes no claim for its accuracy or completeness.



Subject Property

0 15 30 60 90 120 Feet



Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special permit and detailed site development plan approval for infill development with reductions to rear and side yard setbacks, a 72% parking reduction, and an 85% density increase for proposed apartment use in the C-4 (Commercial) district. The subject property is currently vacant and is proposed to be developed into apartments for the frail and elderly population. The detailed site development plan shows a 11,770 square-foot, three-story, twenty-five (25) unit apartment building reaching a maximum height of forty-one feet (41'). The table below provides a detailed summary of the requested setback and density modifications. As allowed by provisions in the El Paso City Code Section 20.14.130 (Substitution of bicycle parking), the development is required sixteen (16) parking spaces and fifteen (15) bicycle spaces. The applicant is requesting a 72% parking reduction from thirteen (13) parking spaces to (3) parking spaces. A parking study was submitted as required (see Attachment 3) and demonstrates adequate on-street parking available throughout the day. In addition to the requested setback and parking reductions, the applicant is also requesting to the City Council an 85% density increase from thirteen and a half (13.5) units maximum to the proposed twenty-five (25) units. Aside from the requested modifications, the detailed site development plan complies with all other applicable standards. Vehicular access to the subject property is proposed from Brown Street via the alley, while providing pedestrian access from the front sidewalk along Brown Street.

The following table summarizes the reductions request:

C-4 (Commercial) Zone District – Apartments		
Density/Dimensional Standard	Required	Proposed
Lot Area (min.)	4,000 Sq. Ft.	6,750 Sq. Ft.
Lot Width (average min.)	50 Feet	75 Feet
Front Yard Setback (min.)	2 Feet 7 inches	2 Feet 10 Inches
Rear Yard Setback (min.)	25 Feet	7 Feet
Side Yard Setback (Left) (min.)	5 Feet	5 Feet
Side Yard Setback (Right) (min.)	5 Feet	3 Feet 10 Inches
Height (max.)	60 Feet	41 Feet
Density (max.)	500 Sq. Ft./Unit (3 or more stories)	270 Sq. Ft./Unit
Allowable Number of Units (max.)	13.5 Units	25 Units

Note: bold indicates requested modifications

COMPLIANCE WITH SPECIAL PERMIT FOR INFILL DEVELOPMENT STANDARDS (EL PASO CITY CODE SECTION 20.10.280)	
Criteria	Does the Request Comply?
Location Criteria: An infill development may be located on any parcel of land which meets at least one of the location criteria.	Yes. The subject property is part of the Franklin Heights Subdivision, which was part of an 1873 charter that incorporated the land into the City of El Paso. This satisfies Mandatory Requirement 20.10.280.B.3 of the El Paso City Code.
Mandatory Design Requirement 1.1: Where on-site surface parking is proposed, it shall be located at the rear of the property and when possible accessed via alleyway; or at the side of the property and screened in accordance with Section 21.50.070.F.5.	Yes. Parking is proposed along the side of the subject property and screened in accordance with Section 21.50.070.F.5.
Mandatory Design Requirement 1.2: Buildings shall be placed on the parcels such that the principal orientation is toward the main street and the principal entrance is from the sidewalk.	Yes. The proposed development is oriented towards Brown Street (main street), with pedestrian access from the same street.
Mandatory Design Requirement 1.3: For proposals abutting existing residential development the front setback shall not deviate from the average front setback of lots within the same block as the proposed development by more than 15%.	Yes. The subject property is located in a C-4 (Commercial) district, abutting other existing residential developments with an average setback of 3 feet for all lots within the same block. The proposed 2-foot 10-inch front setback is within the deviation of 15% of the average setback requirement.

COMPLIANCE WITH SPECIAL PERMIT FOR INFILL DEVELOPMENT STANDARDS (EL PASO CITY CODE SECTION 20.10.280)	
Selective Design Requirement 2.2: The percentage of gross floor area divided by the total lot area for infill development project shall be no less than eighty percent.	Yes. The 11,770 total gross floor area of the proposed building divided by the 6,750 sq. ft. lot area amounts to 174%, which meets this requirement.
Selective Design Requirement 2.5: The total width of the primary structure shall be greater than or equal to 80% of the total lot width along the main street. For the purposes of this calculation, any necessary vehicular access driveway shall be subtracted from the total lot width.	Yes. The total width of the proposed building is 66 feet, which is greater than 80% of the lot width of 75 feet, meeting this requirement.
Selective Design Requirement 2.7: The height of any proposed infill development shall be equal to at least half the width of the widest abutting street.	Yes. The 41-foot height of the proposed building is more than half of the 70-foot width of Brown Street, which meets this requirement.

COMPLIANCE WITH SPECIAL PERMIT REQUIREMENTS (El Paso City Code 20.04.320.D)	
Criteria	Does the Request Comply?
1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located.	Yes. Aside from the reductions and density increase requested, the detailed site development plan demonstrates compliance with all applicable standards per the El Paso City Code.
2. Furthers <i>Plan El Paso</i> and applicable neighborhood plans or policies.	Yes. The request is in accordance with the recommendations of <i>Plan El Paso</i> and the G-7, Industrial and/or Railyards Future Land Use Designation.
3. Adequately served by and will not impose an undue burden upon public improvements.	Yes. The subject property fronts Brown Street, a minor arterial as classified on the City of El Paso's Major Thoroughfare Plan (MTP). Vehicular access to the subject property is proposed from the alley. The applicant is requesting reduction from the minimum requirement of thirteen (13) parking spaces to three (3) parking spaces. A parking study was conducted for this application, which found that there is sufficient on-street parking available to serve the proposed use.
4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development.	Yes. There are no anticipated adverse or negative impacts on adjacent properties from the proposed use of apartments.
5. The design of the proposed development mitigates substantial environmental problems.	N/A. There are no known environmental problems in the area that require mitigation.
6. The proposed development provides adequate landscaping and/or screening where needed.	Yes. The proposed development complies with landscaping requirements of the El Paso City Code.
7. The proposed development is compatible with adjacent structures and uses.	Yes. The proposed development is compatible with other existing uses and building configurations in the immediate area.
8. The proposed development is not materially detrimental to the property adjacent to the site.	Yes. The proposed development is similar in use to adjacent properties. No impact on adjacent properties is anticipated.

COMPLIANCE WITH PLAN EL PASO GOALS & POLICIES – When evaluating whether a proposed special permit is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-7, Industrial and/or Railyards: This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso’s economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.</p>	<p>Yes. The subject property is proposed to be developed as apartments, which provides the opportunity for future mixed-use development called for in the G-7, Industrial and/or Railyards land use designation.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-4 (Residential) District: The purpose of these districts is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities.</p>	<p>Yes. The proposed development of apartment use is permitted by right in the C-4 (Commercial) district and is compatible with surrounding properties.</p>
THE PROPOSED PROJECT’S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
<p>Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.</p>	<p>The subject property does not reside within any historic districts or special designations and study areas.</p>
<p>Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the request.</p>	<p>There are no anticipated adverse impacts.</p>
<p>Natural Environment: Anticipated effects on the natural environment.</p>	<p>The subject property does not involve green field or environmentally sensitive land or arroyo disturbance.</p>
<p>Stability: Whether the area is stable or in transition.</p>	<p>There has been some transition in the area within the last 10 years. Nearby properties located southwest of the subject property were rezoned from R-MU (Residential Mixed Use) to G-MU (General Mixed Use) in 2014. North of the subject property, a property was rezoned from M-1 (Light Manufacturing) to G-MU (General Mixed Use) in 2021 while another property located northwest of the subject property was rezoned from M-1 (Light Manufacturing) to C-4 (Commercial) in 2018. To the east, lies another property that was rezoned from C-4/h (Commercial/historic) to R-MU/h (Residential Mixed Use/historic) in 2016.</p>

COMPLIANCE WITH PLAN EL PASO GOALS & POLICIES – When evaluating whether a proposed special permit is in accordance with Plan El Paso, consider the following factors:

Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	The proposed development is located in an older area of the City necessitating innovative solutions to continue development of vacant lots.
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ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The subject property fronts Brown Street, a minor arterial as designated in the City of El Paso’s Major Thoroughfare Plan (MTP). Vehicular access to the subject property is proposed from Brown Street via the alley, while providing pedestrian access from the front sidewalk along Brown Street. A parking study was conducted for this application, which demonstrates that there is sufficient on-street parking available to serve the proposed use. There are approximately six (6) bus routes serving the area, with approximately eighteen (18) different bus stops located within a five-minute walking distance (1/4 mile) from the subject property. The closest, is located approximately 0.06 miles away located on Myrtle Avenue. There are existing sidewalks along Brown Street. The existing infrastructure and services are adequate to serve the proposed development.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments from reviewing departments.

PUBLIC COMMENT: The subject property lies within the boundaries of the El Paso Central Business Association and the Sunrise Civic Group which were notified of the special permit application. Property owners within 300 feet of the subject property were notified of the special permit request on August 11, 2023. As of August 31, 2023, the Planning Division has not received communication in support or opposition to the request.

RELATED APPLICATIONS: None.

CITY PLAN COMMISSION OPTIONS:

The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

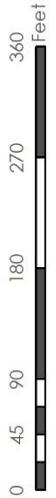
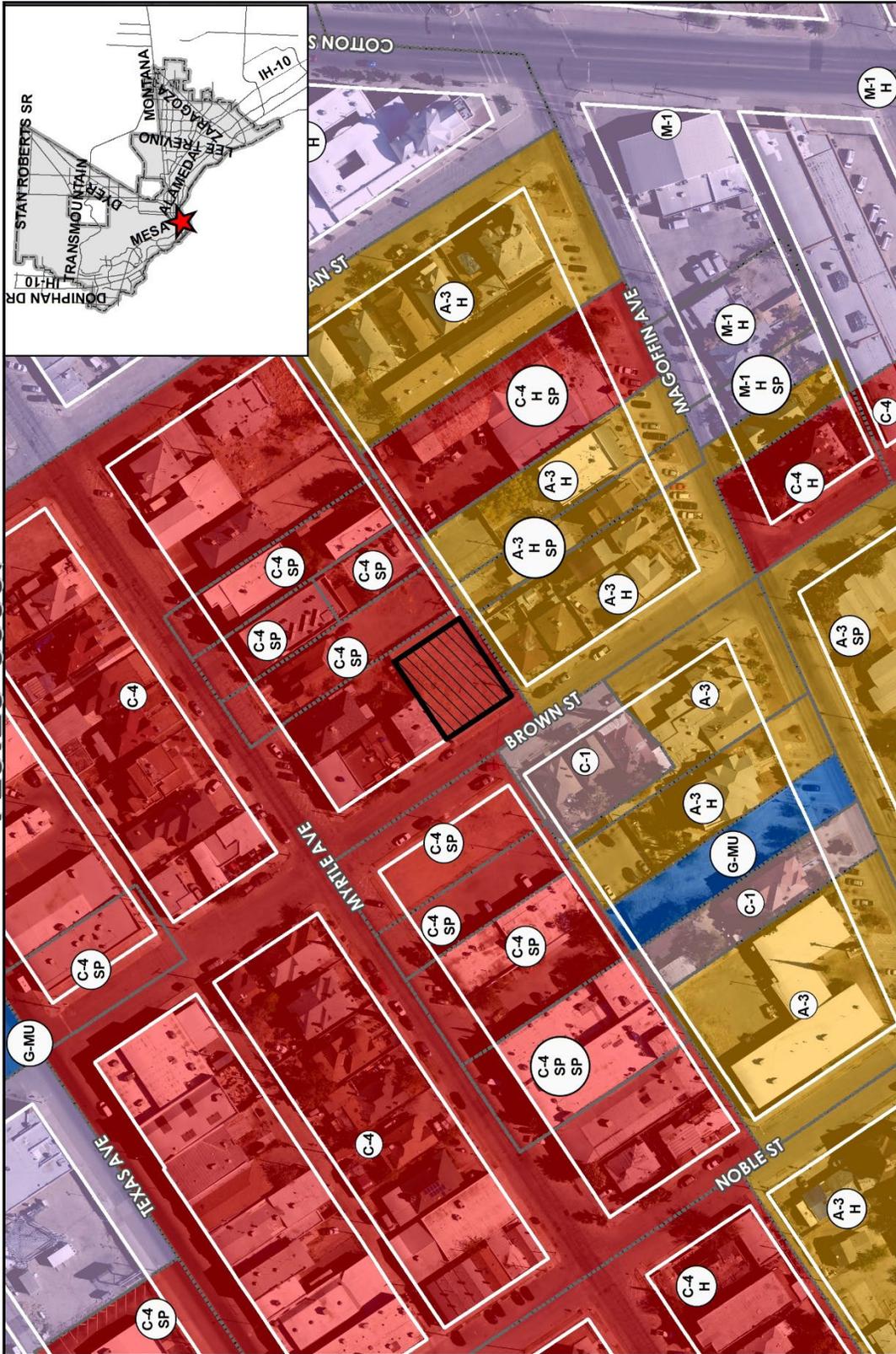
1. **Recommend Approval** of the special permit request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Recommend Approval of the special permit request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Recommend Denial** of the special permit request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

1. Zoning Map
2. Detailed Site Development Plan
3. Parking study
4. Department Comments
5. Neighborhood Notification Boundary Map

ATTACHMENT 1

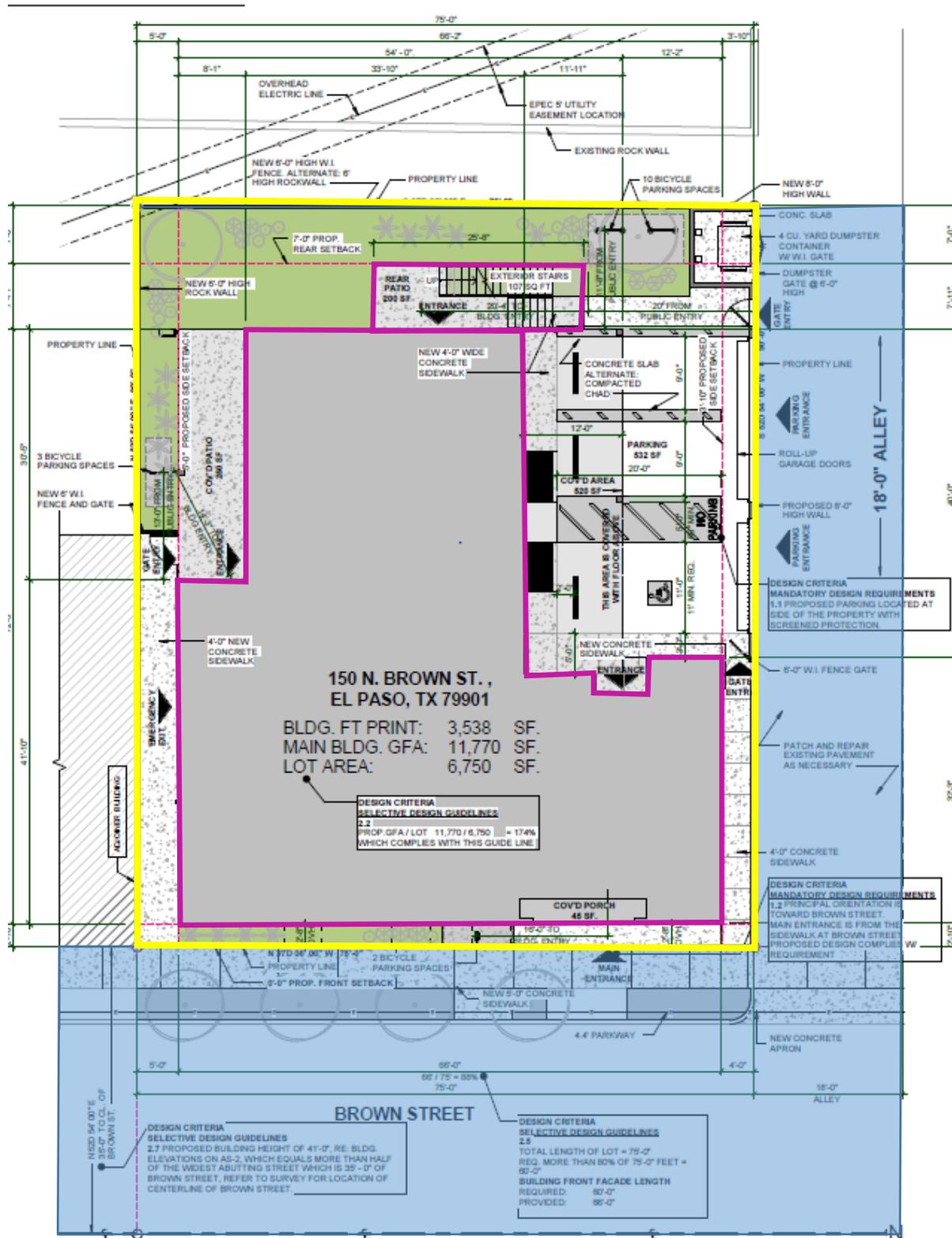
PZST23-00007



Subject Property



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



ATTACHMENT 3



PARKING COUNT - AUG. 10, 2023

TIME	MYRTLE AVE. 36 AVAIL.	BROWN ST. 39 AVAIL.	MAGOFFIN AVE. 15 AVAIL.	TOTAL 90 AVAIL.	NUM. AVAIL.
8:00 AM	26 OCCUPIED	11 OCCUPIED	08 OCCUPIED	45 TOTAL	44 AVAILABLE
9:00 AM	24 OCCUPIED	10 OCCUPIED	13 OCCUPIED	47 TOTAL	43 AVAILABLE
10:00 AM	26 OCCUPIED	14 OCCUPIED	13 OCCUPIED	53 TOTAL	37 AVAILABLE
11:00 AM	25 OCCUPIED	13 OCCUPIED	12 OCCUPIED	50 TOTAL	40 AVAILABLE
12:00 PM	25 OCCUPIED	12 OCCUPIED	10 OCCUPIED	47 TOTAL	43 AVAILABLE
1:00 PM	16 OCCUPIED	17 OCCUPIED	11 OCCUPIED	44 TOTAL	46 AVAILABLE
2:00 PM	21 OCCUPIED	11 OCCUPIED	12 OCCUPIED	44 TOTAL	46 AVAILABLE
3:00 PM	23 OCCUPIED	10 OCCUPIED	09 OCCUPIED	42 TOTAL	48 AVAILABLE
4:00 PM	25 OCCUPIED	10 OCCUPIED	09 OCCUPIED	44 TOTAL	46 AVAILABLE
5:00 PM	25 OCCUPIED	09 OCCUPIED	11 OCCUPIED	45 TOTAL	45 AVAILABLE
6:00 PM	17 OCCUPIED	14 OCCUPIED	08 OCCUPIED	39 TOTAL	51 AVAILABLE
7:00 PM	15 OCCUPIED	13 OCCUPIED	08 OCCUPIED	37 TOTAL	53 AVAILABLE
8:00 PM	14 OCCUPIED	12 OCCUPIED	12 OCCUPIED	38 TOTAL	52 AVAILABLE
FARKING SPACES AVAILABLE DAILY				44 AVG.	46 AVAIL.

NOTES:

1. STREET PARKING SPACES SHOWN ARE 8 FT X 22 FT
2. STREET PARKING SPACES ARE 10 FT MIN. AWAY FROM INTERSECTIONS
3. PARKING SPACES (31) WITHIN THE PROPOSED BUILDING ARE 9 FT X 20 FT
4. AERIAL PHOTO HAS BEEN SCALED TO 1:100
5. PROPOSED USED FOR PROPERTY TO BE RESIDENTIAL APARTMENTS

A4 PARKING STUDY
1" = 100'-0"

ATTACHMENT 4

Planning and Inspections Department - Planning Division

1. Staff recommends approval of the special permit and detailed site development plan request for infill development as the proposal meets all the requirements of El Paso City Code Sections:
 - a. 20.04.320 – Special Permit
 - b. 20.04.150 – Detailed Site Development Plan
 - c. 20.10.280 – Infill Development
2. Staff recommends approval of the parking reduction request and density increase as the parking study demonstrated a high count of available parking spaces on the street to accommodate any demands by the use, as well as provision of public transportation available to serve tenants.

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend approval. No objections to the proposed special permit. At the time of submittal for building permits, the project will need to comply with all applicable municipal and building code requirements.

Planning and Inspections Department – Land Development

Approved, no objections to the proposed site plan.

Fire Department

Recommend approval. Aerial access will be required.

Note: To be reviewed at building permitting stage

Police Department

No comments received.

Environment Services

No comments received.

Streets and Maintenance Department

No objections to proposed development.

Sun Metro

Recommend approval.

El Paso Water

EP Water – PSB does not object to this request.

EPWU-PSB Comments

There is an existing 4-inch diameter water main that extends along the 18-foot alley immediately south of the property, located approximately 5-feet south of the property line. This main is available for service.

There is an existing 4-inch diameter water main that extends along Brown St., located approximately 19-feet west of the east right-of-way line. This main is available for service.

Previous water pressure from fire hydrant #1738, located on the northwest corner of Myrtle Ave. and Newman St., has yielded a static pressure of 82 (psi), a residual pressure of 69 (psi), and a discharge of 1,678 (gpm). 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

There is an existing 8-inch diameter sanitary sewer main that extends along the 18-foot alley immediately south of the property, located approximately 10-feet south of the property line. This main is available for service.

There is an existing 8-inch diameter sanitary sewer main that extends along Brown St., located approximately 35-feet west of the east right-of-way line. This main is available for service.

General

Water and sanitary sewer service may require paving cuts on Brown St.

EPWater requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. 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 EPWater – 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 and sanitary sewer lines and appurtenances.

Stormwater

Recommend using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavement) to reduce the amount of developed stormwater runoff.

Texas Department of Transportation

No comments received.

El Paso County Water Improvement District #1

No comments received.

