

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

DEPARTMENT: Development Services Department

AGENDA DATE: Introduction: December 16, 2008
Public Hearing: January 6, 2009

CONTACT PERSON/PHONE: Mirian Spencer, (915) 541-4192, spencermd2@elpasotexas.gov

DISTRICT(S) AFFECTED: 4

SUBJECT:

An Ordinance granting Special Permit No. ZON07-00161, to allow for a hotel on the property described as a portion of Block 8, Castner Range Subdivision Unit One, City of El Paso, El Paso County, Texas, pursuant to Section 20.08.030 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 4631 Cohen Avenue, Applicant: Cohen Hospitality Group. ZON07-00161 (District 4)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (6-0)

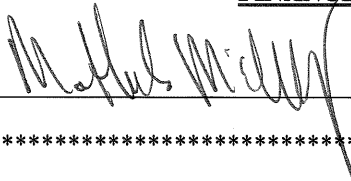
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*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Victor Q. Torres



APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON07-00161, TO ALLOW FOR A HOTEL ON THE PROPERTY DESCRIBED AS A PORTION OF BLOCK 8, CASTNER RANGE SUBDIVISION UNIT ONE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.08.030 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Cohen Hospitality Group, has applied for a Special Permit under Section 20.08.030 of the El Paso City Code to allow for a hotel; and,

WHEREAS, the requirements of Section 20.04.260 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 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 a C-1 (Commercial) District:
a portion of Block 8, Castner Range Subdivision Unit One, City of El Paso, El Paso County, Texas; and as more particularly described by metes and bounds on the attached Exhibit “A,” incorporated by reference;
2. That the City Council hereby grants a Special Permit under Section 20.08.030 of the El Paso City Code so that a hotel, may be permitted 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 C-1 (Commercial) District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant(s), 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. ZON07-00161** shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant(s) shall be subject to the penalty provisions of Chapter 20.24 and any other legal or equitable remedy; and,

5. That the Applicant(s) 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 _____, 2009.

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

CITY CLERK DEPT.
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AGREEMENT

Cohen Hospitality Group, the Applicants 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 C-1 (Commercial) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 4th day of December, 2008.

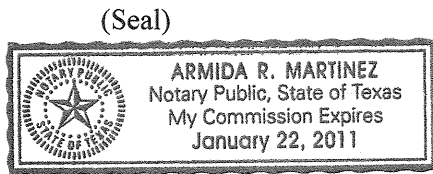
Gustavo J. Rodriguez, Jr.
(Signature)

Gustavo J. Rodriguez, Jr.
(Name/Title) Vice President

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 4 day of December, 2008,
by Gustavo J. Rodriguez for Cohen Hospitality Group, as Applicants.



Armida R. Martinez
Notary Public, State of Texas
Signature

ARMIDA R. MARTINEZ
Printed or Typed Name

My Commission Expires:

1/22/2011

CITY CLERK DEPT.
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LEGAL DESCRIPTION

A PORTION OF BLOCK 8, CASTNER RANGE SUBDIVISION NO. 1,
BEING MORE PARTICULARLY DESCRIBED BY METES AND
BOUNDS ATTACHED HERE
CITY OF EL PASO,
EL PASO COUNTY, TEXAS
CONTAINING 61, 404. 21 SQ. FT. OR 1.4098 AC.+

METES & BOUNDS

DESCRIPTION OF A 1.4098 ACRE PARCEL OF LAND BEING A PORTION OF BLOCK 8, CASTNER RANGE SUBDIVISION NO. 1, EL PASO, EL PASO COUNTY, TEXAS AND IS MORE PARTICULARLY DESCRIBED BY METES & BOUNDS AS FOLLOWS:

STARTING AT AN EXISTING CITY MONUMENT LYING AT THE INTERSECTION OF THE CENTERLINE OF KENWORTHY STREET AND THE MONUMENT LINE OF COHEN AVENUE; THENCE, SOUTH 88° 44' 20" WEST, ALONG THE MONUMENT LINE OF COHEN AVENUE A DISTANCE OF 1518.60 FEET; THENCE, NORTH 01° 15' 40" WEST A DISTANCE OF 30.00 FEET TO A SET POINT, SAID 5/8"Ø REBAR WITH YELLOW PLASTIC CAP STAMPED TX 2449 ROE ENG L.C. LYING ON THE NORTHERLY RIGHT-OF-WAY LINE OF COHEN AVENUE, SAID POINT BEING THE "TRUE POINT OF BEGINNING" OF THIS DESCRIPTION;

THENCE, SOUTH 88° 44' 20" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF COHEN AVENUE A DISTANCE OF 204.80 FEET TO A SET POINT 5/8"Ø REBAR WITH YELLOW PLASTIC CAP STAMPED TX 2449 ROE ENG. L.C.;

THENCE, NORTH 01° 15' 40" WEST A DISTANCE OF 300.00 FEET TO A SET POINT 5/8"Ø REBAR WITH YELLOW PLASTIC CAP STAMPED TX 2449 ROE ENG. L.C.;

THENCE, NORTH 88° 44' 20" EAST A DISTANCE OF 204.56 FEET TO A SET POINT 5/8"Ø REBAR WITH YELLOW PLASTIC CAP STAMPED TX 2449 ROE ENG. L.C.;

THENCE, SOUTH 01° 18' 24" EAST A DISTANCE OF 300.00 FEET ALONG A 40 FOOT NON-EXCLUSIVE ACCESS EASEMENT BACK TO THE "TRUE POINT OF BEGINNING" AND SAID PARCEL CONTAINING IN ALL 61,404.21 SQUARE FEET OR 1.4096 ACRES OF LAND MORE OR LESS.



EXHIBIT "A"
PG. 1 of 2

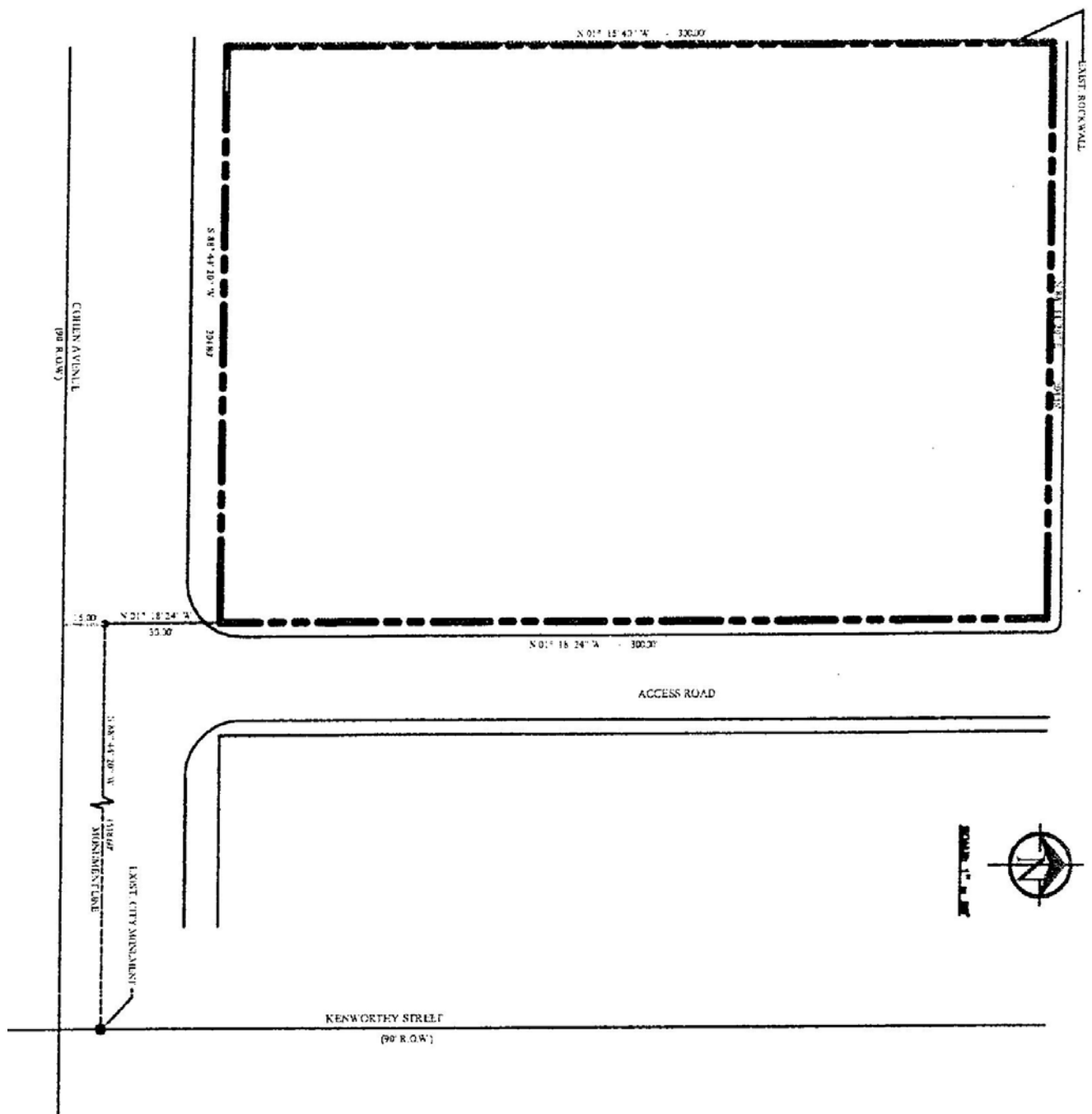


EXHIBIT "A"
PG. 2 of 2



**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

M E M O R A N D U M

DATE: December 4, 2008

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

FROM: Mirian Spencer, Planner

SUBJECT: ZON07-00161

The City Plan Commission (CPC), on December 4, 2008 voted (6 to 0) to recommend **APPROVAL** of the special permit and detailed site development plan for the property located at 4631 Cohen Avenue to allow a hotel in a C-1 (Commercial) zoning district.

The applicant is requesting a special permit in order to allow a hotel in a C-1 (Commercial) zoning district and approval of a detailed site development plan. The proposed site plan shows a 49,312 square foot, four-story hotel with 97 parking spaces. Access is proposed via **Cohen Avenue** and the adjacent **Private Access Road**. There are no zoning conditions on the property.

The recommendation is based on the proposed use and C-1 (Commercial) zoning which is compatible with adjacent uses and zoning. A special permit for the hotel use is less intensive for the area than a C-3 (Commercial) zoning, which is the least intense zoning required for a hotel without necessitating a special permit.

The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning protects the best interest, health, safety, and welfare of the public in general; and that the proposed use is compatible with adjacent land uses.

There was **no public response** to this request.

Attachment: Staff Report, Location Map, Aerial Map, Detailed Site Plan, Elevations



City of El Paso – City Plan Commission Staff Report

Case No: ZON07-00161 (**Reconsideration**)
Application Type Special Permit and Detailed Site Development Plan
CPC Hearing Date December 4, 2008
Staff Planner Mirian Spencer, (915) 541-4192, spencermd2@elpasotexas.gov

Location 4631 Cohen Avenue
Legal Description A Portion of Block 8, Castner Range Unit One, City of El Paso, El Paso County, Texas
Acreage 1.4098 acres
Rep District 4
Existing Use Vacant
Zoning C-1 (Commercial)
Request Hotel use in a C-1 (Commercial) zoning district

Property Owner Cohen Hospitality Group
Applicant Monica Vanessa Rodriguez
Representative Enrique A. Rey

SURROUNDING ZONING AND LAND USE

North: C-1 (Commercial); Movie Theatre
South: C-4 (Commercial); Cohen Stadium
East: C-1 (Commercial); Office complex
West: C-1 (Commercial); Credit Union

THE PLAN FOR EL PASO DESIGNATION: Commercial (Northeast Planning Area)

NEAREST PARK: Sue Young Park (2,770 Feet)

NEAREST SCHOOL: John E. Uxer I Head Start (1,950 Feet)

NEIGHBORHOOD ASSOCIATIONS:

Northeast El Paso Civic Association

NEIGHBORHOOD INPUT

Notice of the public meeting was mailed out to all property owners within 300 feet of the subject property on October 22, 2008. The Planning Division has received no public responses to the special permit request.

APPLICATION DESCRIPTION

The applicant is requesting a special permit in order to allow a hotel in a C-1 (Commercial) zoning district and approval of a detailed site development plan. The proposed site plan shows a 49,312 square foot, four-story hotel with 97 parking spaces. Access is proposed via **Cohen Avenue** and the adjacent **Private Access Road**. There are no zoning conditions on the property.

CASE HISTORY

The CPC requested that this item be postponed at the November 20, 2008 meeting in order for the applicant to modify the proposed site plan to include landscaping to mitigate the tunnel effect adjacent to the private access road to the east of the property. The City Plan Commission also requested that the applicant look into reducing the number of parking spaces provided by exploring a shared parking agreement with one or some of the adjacent properties. The applicant has revised the site plan and added 2" caliper trees along the easterly property line. The applicant has decided not to reduce the number of

parking spaces being provided. It should be noted the applicant is required to provide 76 parking spaces; but have provided 97. The CPC approved the special permit and detailed site development plan on February 14, 2008. Prior to the item being posted for City Council approval, the applicants made several revisions to the detailed site plan to include the relocation of major circulation points, location and arrangement of the structures, increased the density proposed, and reduced landscaping areas. Because of the modifications made by the applicants, this item is being presented for reconsideration.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

The DCC recommends **APPROVAL** of the reconsideration of the special permit for a hotel in a C-1 (Commercial) zoning district and the revised detailed site development plan.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of the reconsideration of the special permit for a hotel in a C-1 (Commercial) zoning district and the revised detailed site development plan.

The Plan for El Paso –City-wide Land Use Goals:

All applications for special permit and detailed site development plan review shall demonstrate compliance with the following criteria:

- a. Goal: develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.
- b. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses
- c. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.

The recommendation is based on the proposed use and C-1 (Commercial) zoning which is compatible with adjacent uses and zoning. A special permit for the hotel use is less intensive for the area than a C-3 (Commercial) zoning, which is the least intense zoning required for a hotel without necessitating a special permit.

Development Services Department - Building Permits and Inspections Division:

Zoning Review: No objection to the special permit and detailed site development plan application. Hotels are permitted in a C-1 (Commercial) zoning district with a Special Permit. Meets minimum development, yard, off-street parking and loading standards. Shall need to comply with all applicable Building Codes upon plan review submittal.

Landscape Review: Landscaping area meets code requirements of Section 18.46 of the Municipal code. Project lacks plant material within the required area.

Development Services Department - Planning Division:

Current Planning: Recommends **APPROVAL** of the request for a hotel in a C-1 (Commercial) zoning district and the revised detailed site development plan.

1. The Year 2025 Projected General Land Use Map for the **Northeast Planning Area** designates this property for **Commercial** land uses.
2. C-1 (Commercial) zoning permits a hotel by special permit and a hotel is compatible with adjacent development.

Land Development: The subject property is **not** located within a Special Flood Hazard Area, Flood Zone C Panel **480214 0019 B**. The following will be required at the time of development:

- ADA accessible sidewalk(s), wheelchair ramp(s), and driveway(s) will be required.
- Grading plan and permit required.
- Drainage plans must be approved by the Development Services – Engineering Division.

Engineering Department - Traffic Division:

No objections to proposed hotel. Wheel stops shall be required for parking spaces adjacent to the building.

Fire Department:

No comment received.

El Paso Water Utilities:

EPWU does not object to this request.

CITY PLAN COMMISSION OPTIONS

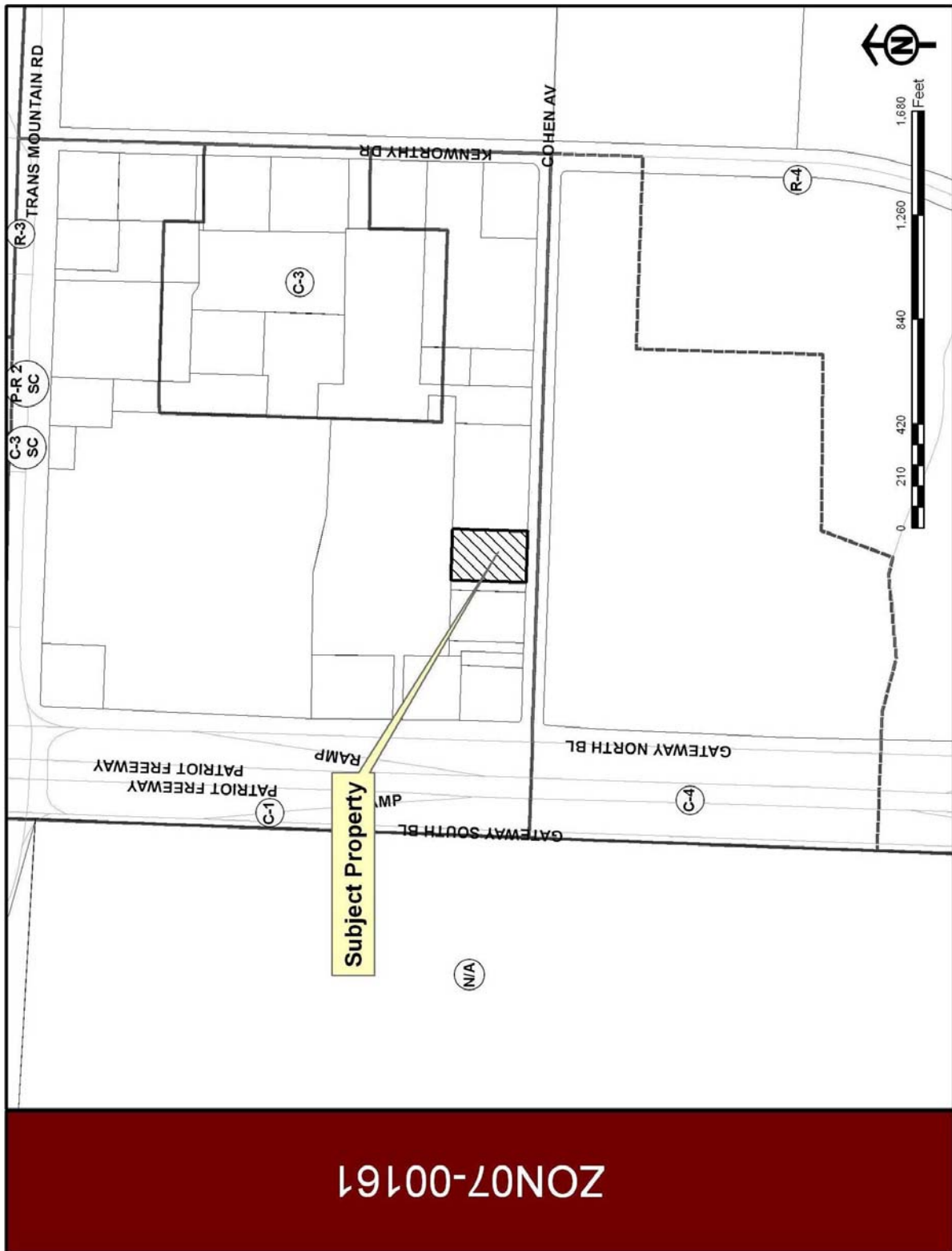
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit and detailed site development plan review application:

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 (Revised)
4. Detailed Site Plan (Approved 2/14/08)
5. Elevations (Revised)
6. Elevations (Approved 2/14/08)

ATTACHMENT 1: LOCATION MAP



ATTACHMENT 2: AERIAL MAP



4007.78 TC
4007.34 EOP
4007.51 EOP

DROP INLET
TYPE
WITH 3 GRATES

4004

NEW 2' ROCKWALLS

4003.16
4003.77
4003.42
4003.27
4002.77
4002.33 TC
4001.83 EOP
4001.28 TC
4000.43 NEW ROCKWALLS

4005.08 TC
4004.56 EOP
4005.57 EOP
4007.78 TC
4007.34 EOP

4006.80
4007.82
4006.24 GUTT
4006.75 TC
4006.24 GUTT

4004.15 TC
4003.65 EOP

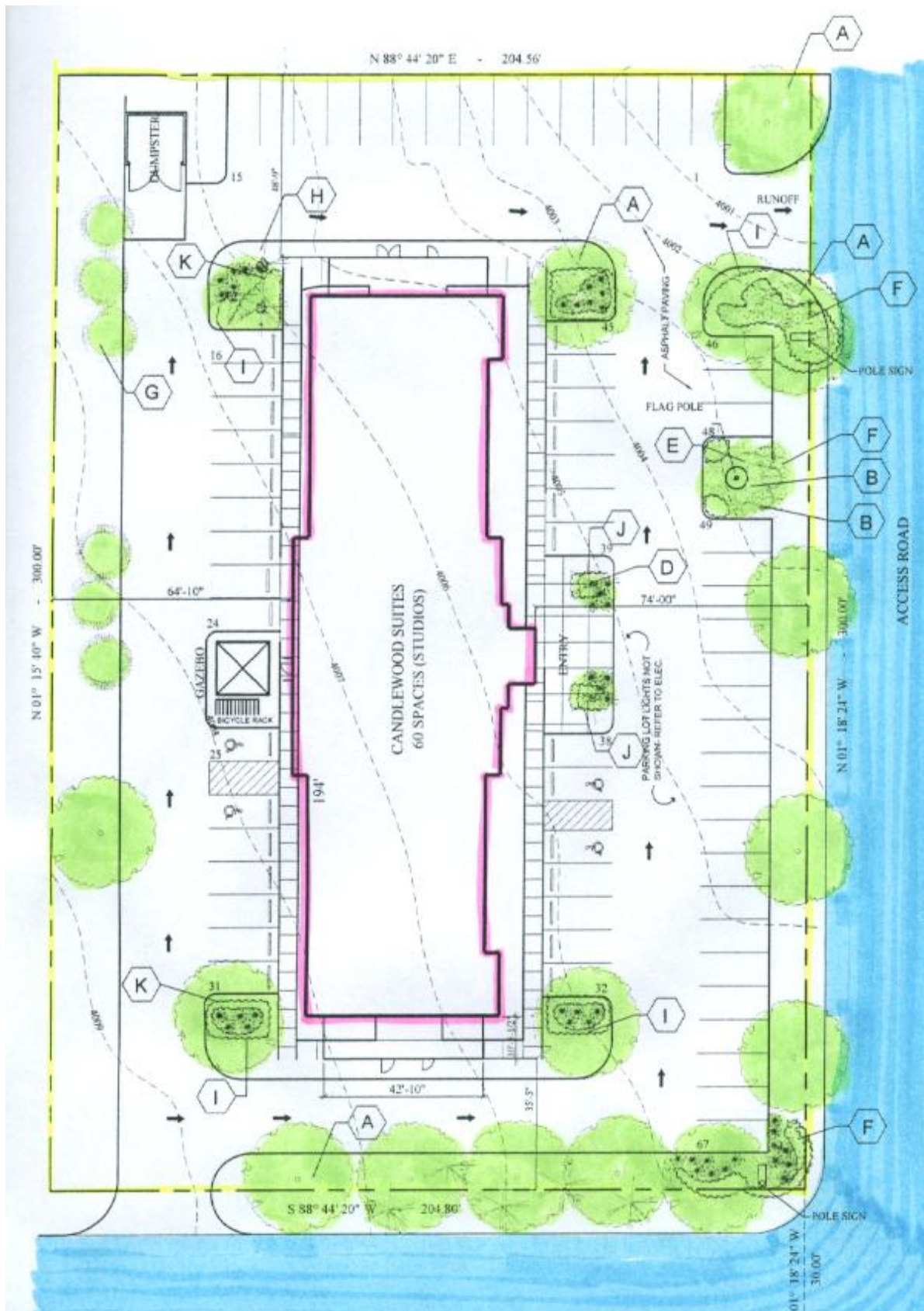
4002.77
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EXIST. PRIVATE ACCESS ROAD

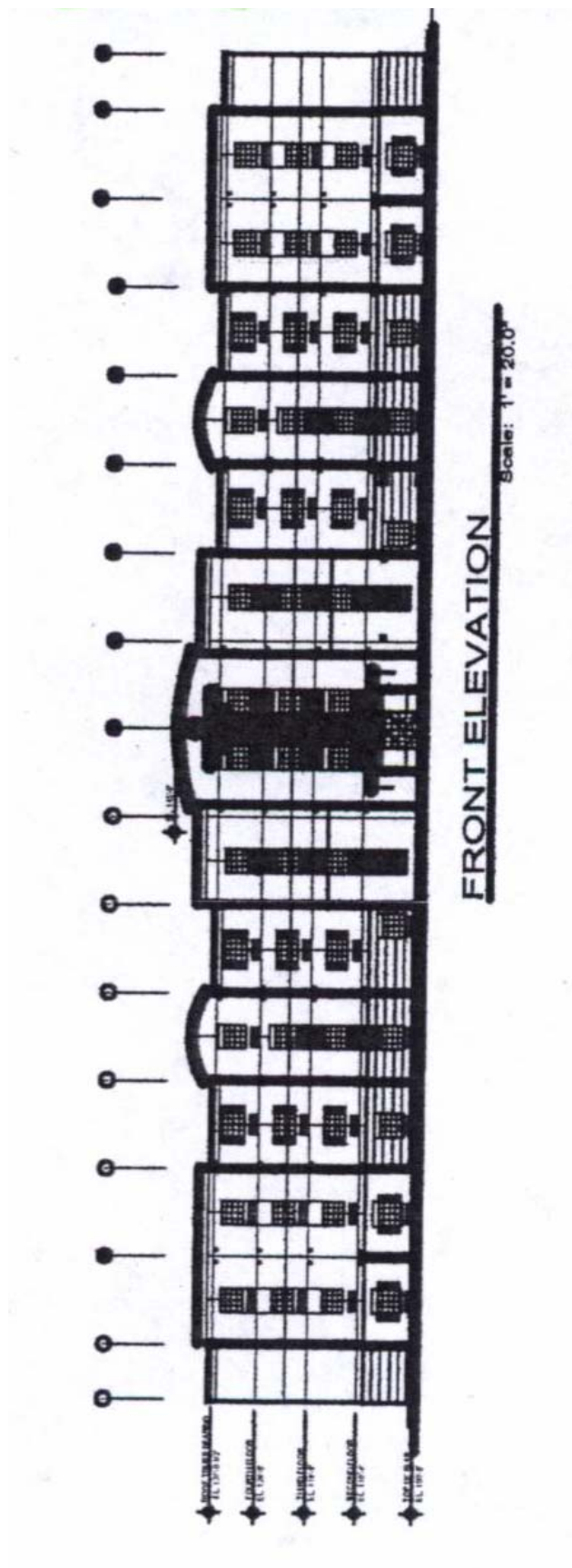
COHEN AVENUE
(90' R.O.W.)

S 88° 44' 20" W
15.00' N 01° 18' 20" W

ATTACHMENT 4: DETAILED SITE PLAN APPROVED 2/14/08



ATTACHMENT 5: ELEVATIONS



ATTACHMENT 6: ELEVATIONS (APPROVED 2/14/08)

