

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: December 22, 2015
Public Hearing: January 12, 2016

CONTACT PERSON/PHONE: Larry F. Nichols, (915) 212-1550, NicholsLF@elpasotexas.gov
Jeff B. Howell, (915) 212-1607, HowellJB@elpasotexas.gov

DISTRICT(S) AFFECTED: 3

SUBJECT:

An Ordinance granting Special Permit No. PZST15-00032 to allow an energy conversion system with wind-driven generators on the property described as Lot 1, Block 1, Poe Subdivision, 6330 Montana Avenue, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.200 Energy Conversions Systems of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 6330 Montana Avenue. Property Owner: Poe Investments, LTD. PZST15-00032 (**District 3**)

BACKGROUND / DISCUSSION:

The request is for a special permit and detailed site plan approval to allow for two 73' energy conversion systems with wind-driven generators on an existing automobile dealership lot.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Pending City Plan Commission Hearing December 17, 2015

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Larry F. Nichols
Director, Planning and Inspections Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST15-00032 TO ALLOW AN ENERGY CONVERSION SYSTEM WITH WIND-DRIVEN GENERATORS ON THE PROPERTY DESCRIBED AS LOT 1, BLOCK 1, POE SUBDIVISION, 6330 MONTANA AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.200 ENERGY CONVERSION SYSTEMS OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Poe Investments, LTD has applied for a Special Permit under Section 20.10.200 of the El Paso City for an energy conversion system with wind driven generators; 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 20.10.200 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 M-1 (Manufacturing) and C-4 (Commercial) Zone District:

*Lot 1, Block 1, Poe Subdivision, 6330 Montana Avenue, City of El Paso,
El Paso County, Texas; and,*

2. That the City Council hereby grants a Special Permit under Sections 20.10.200 of the El Paso City Code, to allow for a an energy conversion system with wind driven generators; and,
3. That this Special Permit is issued subject to the development standards in the M-1 (Manufacturing) and C-4 (Commercial) 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. PZST15-00032 shall automatically terminate, and

ORDINANCE NO. _____

PZST15-00032

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.

ADOPTED this _____ day of _____, 2016.

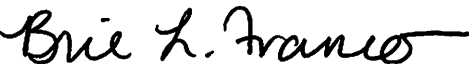
THE CITY OF EL PASO

ATTEST:

Oscar Leeser
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Brie L. Franco
Assistant City Attorney

APPROVED AS TO CONTENT:

Larry F. Nichols, Director
Planning & Inspections Department

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AGREEMENT

Poe Investments, LTD, 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 M-1 (Manufacturing) and C-4 (Commercial) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 201__.

Poe Investments, LTD:

By: _____
(name/title)

(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 201__, by _____, as _____, on behalf of Poe Investments, LTD.

My Commission Expires:

Notary Public, State of Texas
Notary's Printed or Typed Name:

ORDINANCE NO. _____

PZST15-00032

MEMORANDUM

DATE: January 11, 2016

TO: The Honorable Mayor and City Council
Tommy Gonzalez, City Manager

FROM: Jeff B. Howell, Senior Planner

SUBJECT: PZST15-00032

The request is for a special permit and detailed site plan approval to allow for two 73' energy conversion systems with wind-driven generators on an existing automobile dealership lot.

This special permit request is being considered concurrently with an amendment to Section 20.10.200 Energy conversion systems. The proposed energy conversion systems with wind-driven generators would not presently be permissible. The code amendment would allow the height and location proposed in this special permit request.

This special permit was heard and approved by the City Plan Commission December 17, 2015.

There have been no communications in support or opposition to the special permit request.

Attachment:
Staff Report



City of El Paso – City Plan Commission Staff Report ***REVISED***

Case No: PZST15-00032
Application Type: Special Permit and Detailed Site Development Plan Review
CPC Hearing Date: December 17, 2015
Staff Planner: Jeff Howell, (915) 212-1607, howelljb@elpasotexas.gov

Location: 6330 Montana Avenue
Legal Description: Lot 1, Block 1, Poe Subdivision, City of El Paso, El Paso County, Texas
Acreage: 8.07 acres
Rep District: 3
Zoning: M-1 (Light Manufacturing) & C-4 (Commercial)
Existing Use: Car dealership
Request: Energy conversion system / Wind-driven generators
Proposed Use: Car dealership / Energy conversion system / Wind-driven generators

Property Owner: Poe Investments, LTD
Representative: Larry Perea

SURROUNDING ZONING AND LAND USE

North: C-4/sp (Commercial/special permit) / Community shopping center and car wash facility; C-4 (Commercial) / Retail, motel, and car lots
South: R-4 (Residential) / Single-family dwellings
East: C-4 (Commercial) / Motel
West: M-1 (Light Manufacturing) / Car dealership

PLAN EL PASO DESIGNATION: G-4, Suburban (Walkable) (Central Planning Area)

NEAREST PARK: Normandy Park (2,692 feet)

NEAREST SCHOOL: Hughey Elementary (1,848 feet)

NEIGHBORHOOD ASSOCIATIONS

El Paso Central Business Association

Valley View/Crest Hill Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on December 1, 2015. The Planning Division has not received any communications in support or opposition to the special permit request.

APPLICATION BACKGROUND

This special permit request is being considered concurrently with an amendment to Section 20.10.200 Energy conversion systems. The proposed energy conversion systems with wind-driven generators would not presently be permissible. The code amendment would allow the height and location proposed in this special permit request.

APPLICATION DESCRIPTION

The request is for a special permit and detailed site plan approval to allow for two 73' energy conversion systems with wind-driven generators on an existing automobile dealership lot. The subject property contains an existing building with a previously approved 50,000 sq. ft. expansion. The property requires an additional 7,500 sq. ft. of landscaping, and provides 7,658 sq. ft. One hundred and sixty-seven parking

spaces are required and 580 are provided, to include employee, customer, and display vehicle spaces. ADA and bicycle parking requirements are being met. Access to the property is proposed from Montana.

Planning and Inspections Department – Planning Division Recommendation

The Planning Division recommends **approval** of the request, and acceptance of the detailed site development plan, as the proposed development is consistent with the surrounding commercial development. Additionally, the proposed development is compliant with the G-4 Suburban (Walkable) land use designation in the Plan El Paso Central Planning Area. Further, the property meets the requirements of Sections 20.04.320, Special Permit Approvals and 20.04.150, Detailed Site Development Plan.

ANALYSIS

Wind-driven generators is a permitted use in an M-1 (Light Manufacturing) & C-4 (Commercial) zone district with an approved Special Permit and Detailed Site Development Plan as identified by the zone district use regulations.

20.04.260 Special permits generally

A. The City Council may by special permit after hearing and report by the city plan commission authorize the location of the uses subject to special permits identified in the district regulations.

20.04.320 Special permit approvals.

- A. Building and occupancy permits shall not be issued to any building or use identified in this title as requiring a special permit until after approval of such special permit by the city council.
- B. Building and occupancy permits shall not be issued for any building or use identified in this title as requiring an approved detailed site development plan as required by Article III, until such approval has been granted.
- C. No building or occupancy permit may be granted for the erection, rehabilitation, enlargement or demolition of any building in a designated historic area or for any building that is a designated historic landmark until prior approval has been granted by the historic landmark commission.
- D. The city council, after hearing and report by the city plan commission, may approve a special permit upon a finding that the proposed development meets the following minimum requirements necessary to protect the public health, safety and general welfare of the community:
 - 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; complies with any special standards applicable to the particular type of development being proposed, or to the particular area in which the development is proposed; complies with any special approvals required in connection with such development or area;
 - 2. The proposed development is in accordance with and in furtherance of the plan for El Paso, any special neighborhood plans or policies adopted by the city regarding the development area, or any approved concept plan;
 - 3. The proposed development is adequately served by and will not impose an undue burden upon the public improvements and rights-of-way by which it will be served or benefited, or which exist or are planned for installation within its boundaries or their immediate vicinity. A traffic impact study may be required to determine the effects of the proposed development on the public rights-of-way;
 - 4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development;
 - 5. The design of the proposed development mitigates substantial environmental problems;
 - 6. The proposed development provides adequate landscaping and/or screening where needed to reduce visibility to adjacent uses;
 - 7. The proposed development is compatible with adjacent structures and uses;
 - 8. The proposed development is not materially detrimental to the enjoyment or valuation of the property adjacent to the site.

- E. The applicant may request that the city plan commission waive one or more of the criteria based on its no applicability to the proposed development. The city plan commission, upon a recommendation of the planning official, shall make a determination on the no applicability of the criteria and shall render a finding based on such determination, and shall forward their recommendation to city council for final review and approval.

The application meets the requirements for special permit.

20.04.140 When required.

Except as stated herein, a detailed site development plan is required prior to development in a special purpose district or with a special permit application and may be required if a zoning condition exists on a particular piece of property. Detailed site development plans are not required for any projects for development in the Mixed Use District (RMU, GMU and IMU) or for any other projects other than those located in special purpose districts or as otherwise required herein.

Detailed Site Development Plan review is required as part of the special permit application.

20.10.200 Energy Conversion Systems

- B. Wind-driven generators or wind-driven pumps, where permitted, are subject to the following conditions:
1. Must be located in the rear yard for all residential Zoning Districts R-1, R-2, R-2A, R-3, R-3A, R-4, R-5, A-1, A-2, A-3, A-4, A-O and residential special districts P-R I, P-R II, SRR, and P-MD;
 2. Shall not exceed eighty feet in height in commercial C-1, C-2, C-3, C-4 and manufacturing M1- M-2, M-3 zoning districts and not to exceed thirty five feet in height in residential R-1, R-2, R-2A, R-3, R-3A, R-4, R-5, A-1, A-2, A-3, A-4, A-O and residential special districts P-R I, P-R II, SRR, and P-MD;
 3. Any propeller blades or similar devices shall come no closer than ten feet to the ground or to any structure, and shall have clearance from any overhead wires in accordance with electric utility company requirements;
 4. No portion of the system shall project over any property line or required front, side, or side street setback;
 5. The structural integrity of every wind-driven generator and pump, regardless of height, shall be designed and sealed by a registered professional engineer in the state of Texas;
 6. The construction of wind-driven generator and pump foundations must comply with the building code of the city;
 7. Noise and vibration levels must be in compliance with Title 9 (Health and Safety) of this Code.

The proposed development complies with the proposed amendment to Section 20.10.200.B.

20.04.150 Procedure.

- D. City plan commission approval. Pursuant to this Code, the city plan commission, in addition to the powers and duties identified in this chapter, shall have final authority on approval of all other detailed site development plans, unless a zoning condition, contract provision, other city code provision or state law require the detailed site development plan to be approved by city council.
1. The planning division shall make its recommendations to the city plan commission within thirty days after a complete application is submitted.
 2. The city plan commission shall hold a public hearing at its regular meeting that is within thirty days from receipt of department recommendations.
 3. The commission shall consider the following information when approving a proposed detailed site development plan: the boundaries of the tract proposed for development; location and arrangement of structures; determine if the use conforms to applicable zoning regulations, determine if historic landmark commission approval has been granted for architectural design of all structures if located in a historic district and the design conforms to such approval;

- location of utility rights-of-way and easements and storm water drainage; vehicular and pedestrian ways; on-site parking areas; location of open spaces and landscape planted areas.
4. In no instance shall the city plan commission have authority to vary the yard standards applicable to the district.
 5. The city plan commission shall approve the plan if it complies with all applicable code provisions.

Planning Staff has reviewed the detailed site development plan, and it meets all requirements of Sections 20.04.320, Special Permit, and 20.04.150 Detailed Site Development Plan.

Plan El Paso-Future Land Use Map Designation

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

G-4 – Suburban (Walkable): This sector applies to modern single use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial use.

The M-1 (Manufacturing) district permits light-intensity industries involving manufacturing, assembling, distribution and warehousing while supporting commercial uses and preserves a light industrial nature particularly with regard to noise, smoke, odors, dust, vibrations and other noxious conditions.

The C-4 (Commercial) district is intended to serve the entire City to permit heavy commercial uses characterized by automotive and light warehousing. Provides a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities.

COMMENTS:

Planning and Inspections Department – Planning Division - Transportation

No objections.

Note: All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

Planning and Inspections Department - Land Development

No objection.

Planning and Inspections Department – Plan Review

No objections to the proposed special permit request.

Planning and Inspections Department – Landscaping

No objections to the proposed special permit request.

El Paso International Airport

No objection.

Texas Department of Transportation

Installation of the wind-driven generators does not affect the Highway Beautification Rules.

El Paso Fire Department

Recommend approval.

El Paso Water Utilities

EPWU does not object to this request.

Water

1. There is an existing 12-inch diameter water main that extends along Montana Avenue. This water main is available for service.
2. EPWU records indicate there are four (4) active water meters within the subject property. A 1-inch, 1½-inch, and 2-inch meters addressed to 6330 Montana, 6360 Montana, 6416 Montana and 6501 Montana respectively.

Sanitary Sewer

1. There is an existing 10-inch diameter sanitary sewer main along Montana Avenue. This line is available for service.
2. EPWU records indicate existing sewer service for the subject property.

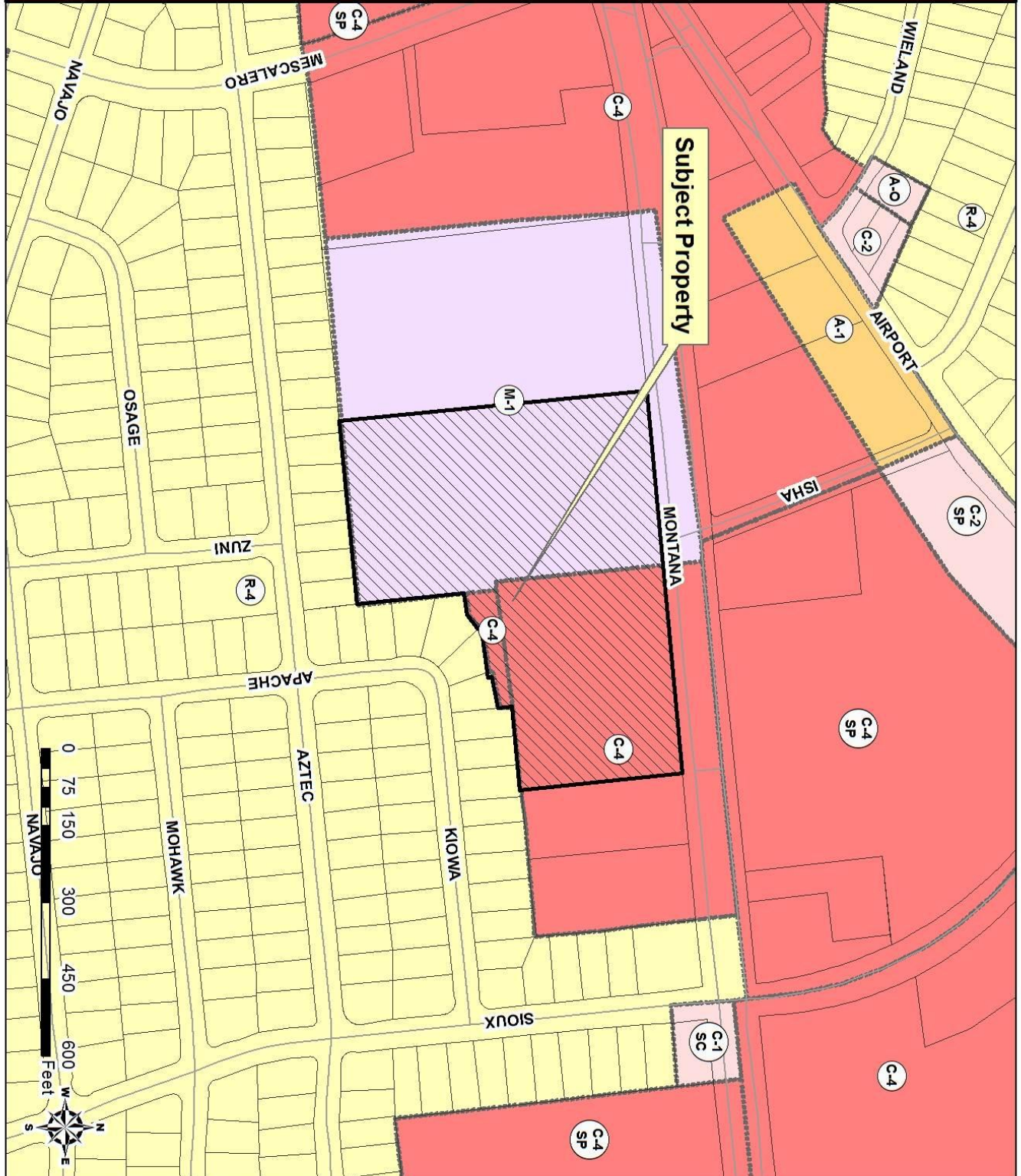
General

EPWU-PSB requires a new service application to provide additional services to the property. New service applications should be made 6-8 weeks in advance of construction to ensure water for construction work. The following items, if applicable, are required at the time of application: (1) hard copy of site plan with street names and addresses; (2) finalized set of improvement plans, including grading & drainage plans; (3) digital copy of site plan; (4) benchmark check; (5) construction schedule; and (6) a certificate of compliance. Service will be provided in accordance with the current El Paso Water Utilities – Public Service Board (EPWU-PSB) Rules and Regulations. The owner 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.

Attachments

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Elevations

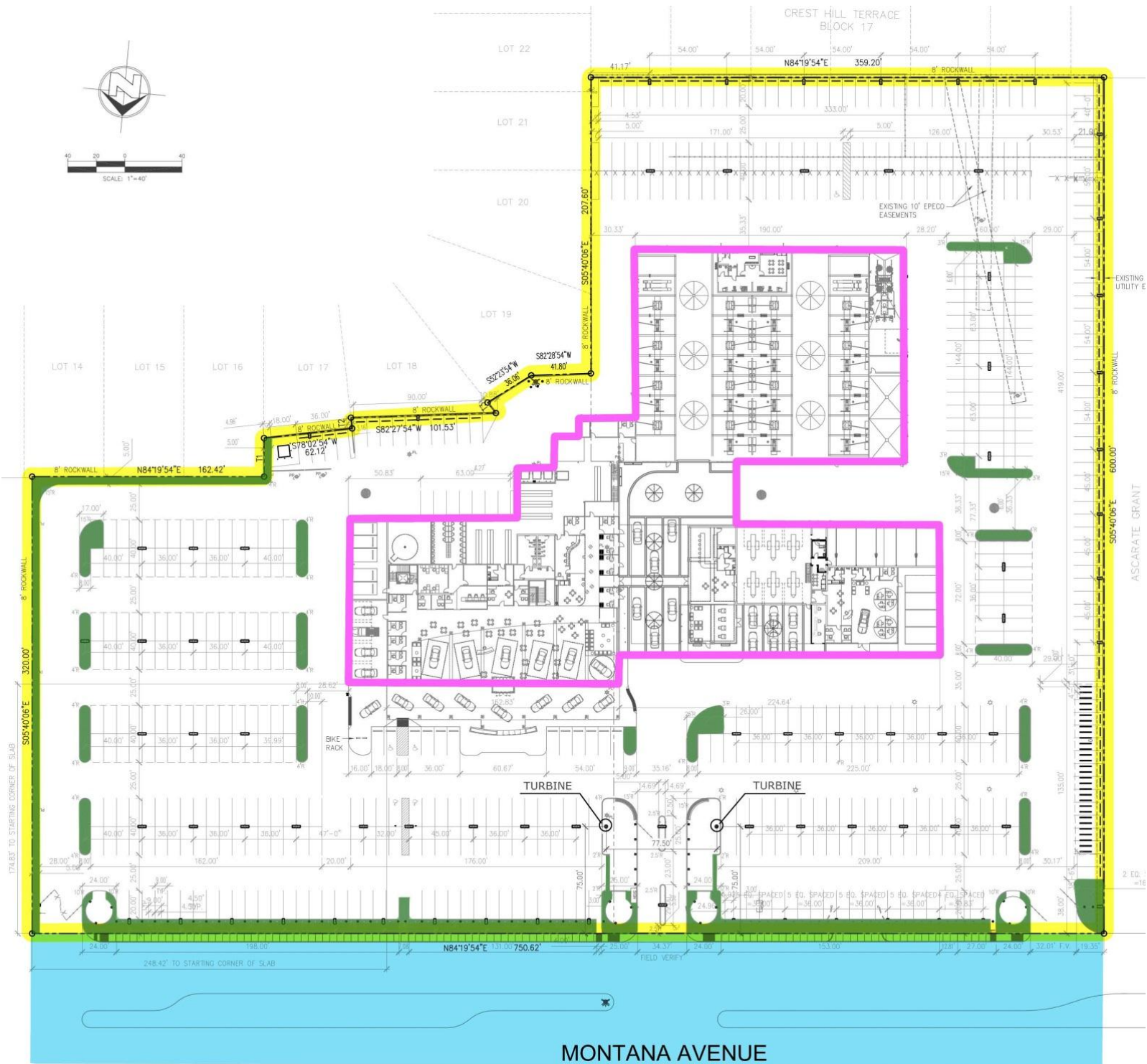
PZST15-00032



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ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: ELEVATIONS



FRONT (NORTH) ELEVATION

$1/32" = 1'$



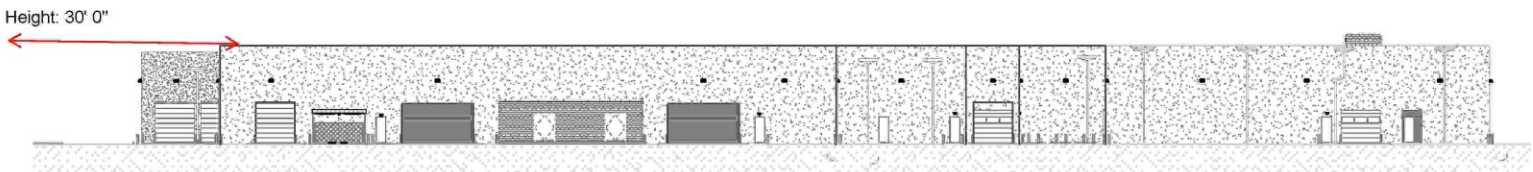
SIDE (WEST) ELEVATION

$1/32" = 1'$



SIDE (EAST) ELEVATION

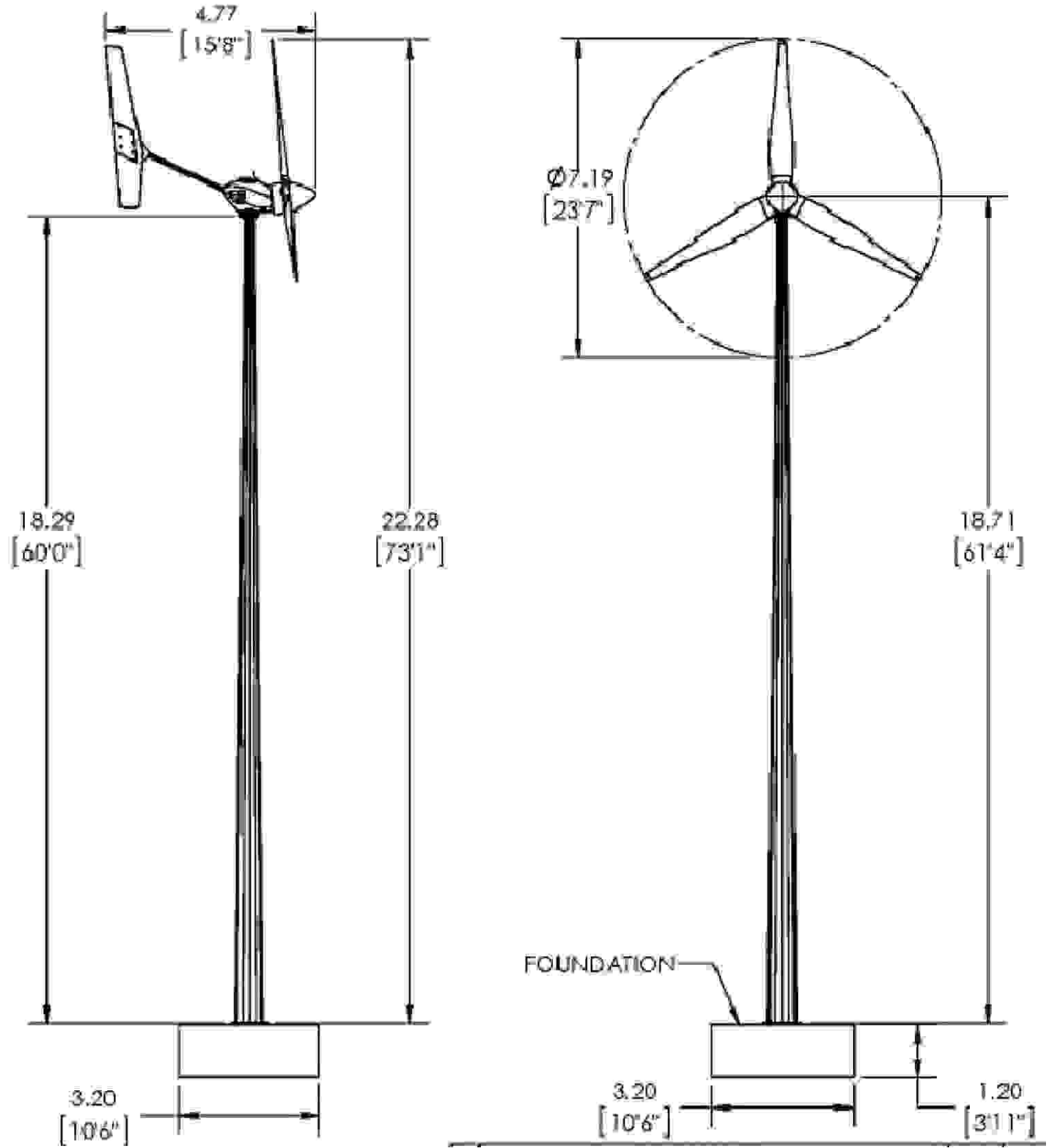
$1/32" = 1'$



BACK (SOUTH) ELEVATION

$1/32" = 1'$

ATTACHMENT 4: ELEVATIONS





Recommendation/Public Input

- Planning Division Recommendation: Approval
- CPC Vote: Approval Recommendation
- Public Input: No communications in support or opposition to the special permit request.

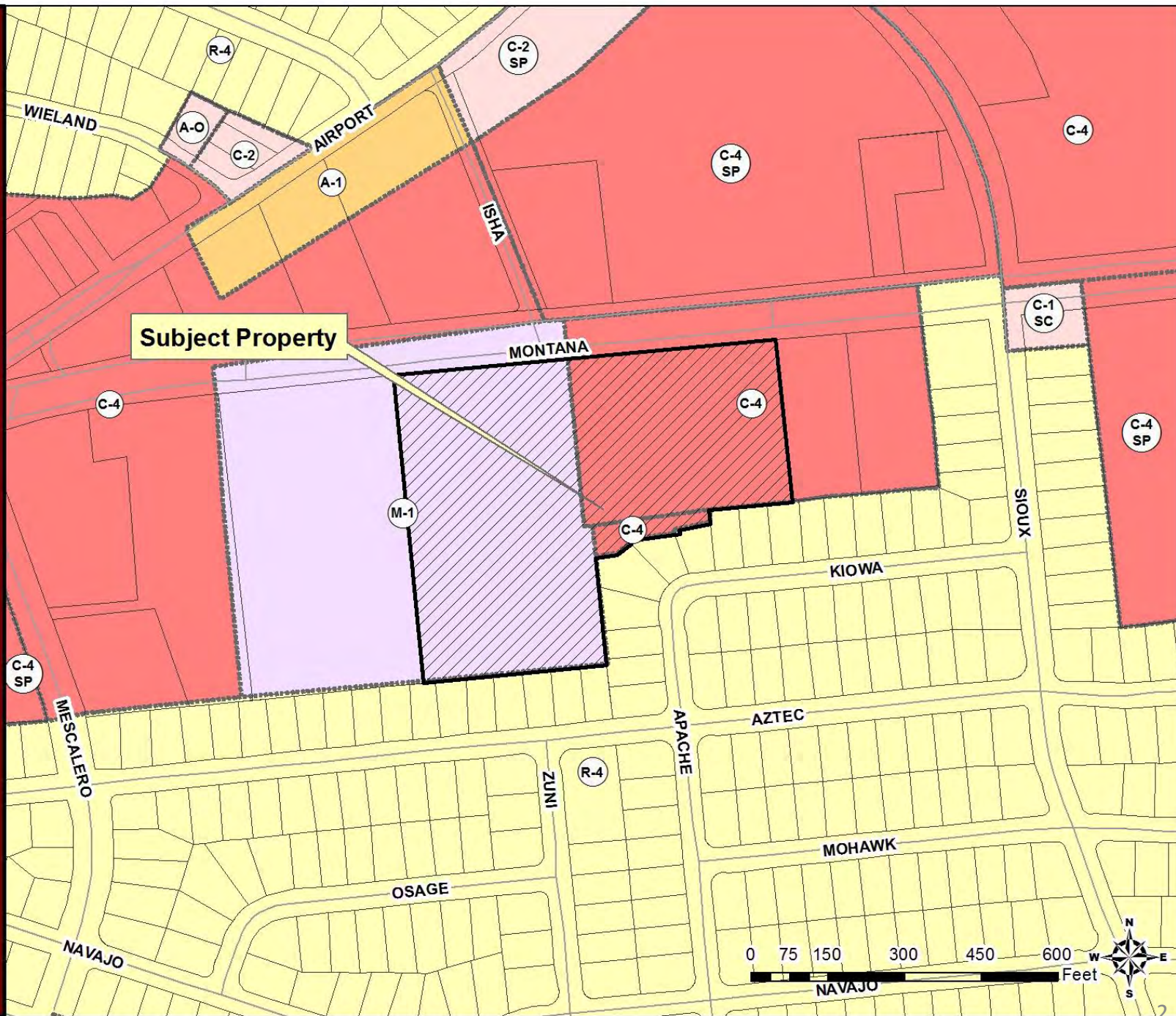
Strategic Goal #3 Promote the Visual Image of El Paso

3.1 Provide business friendly permitting and inspection processes

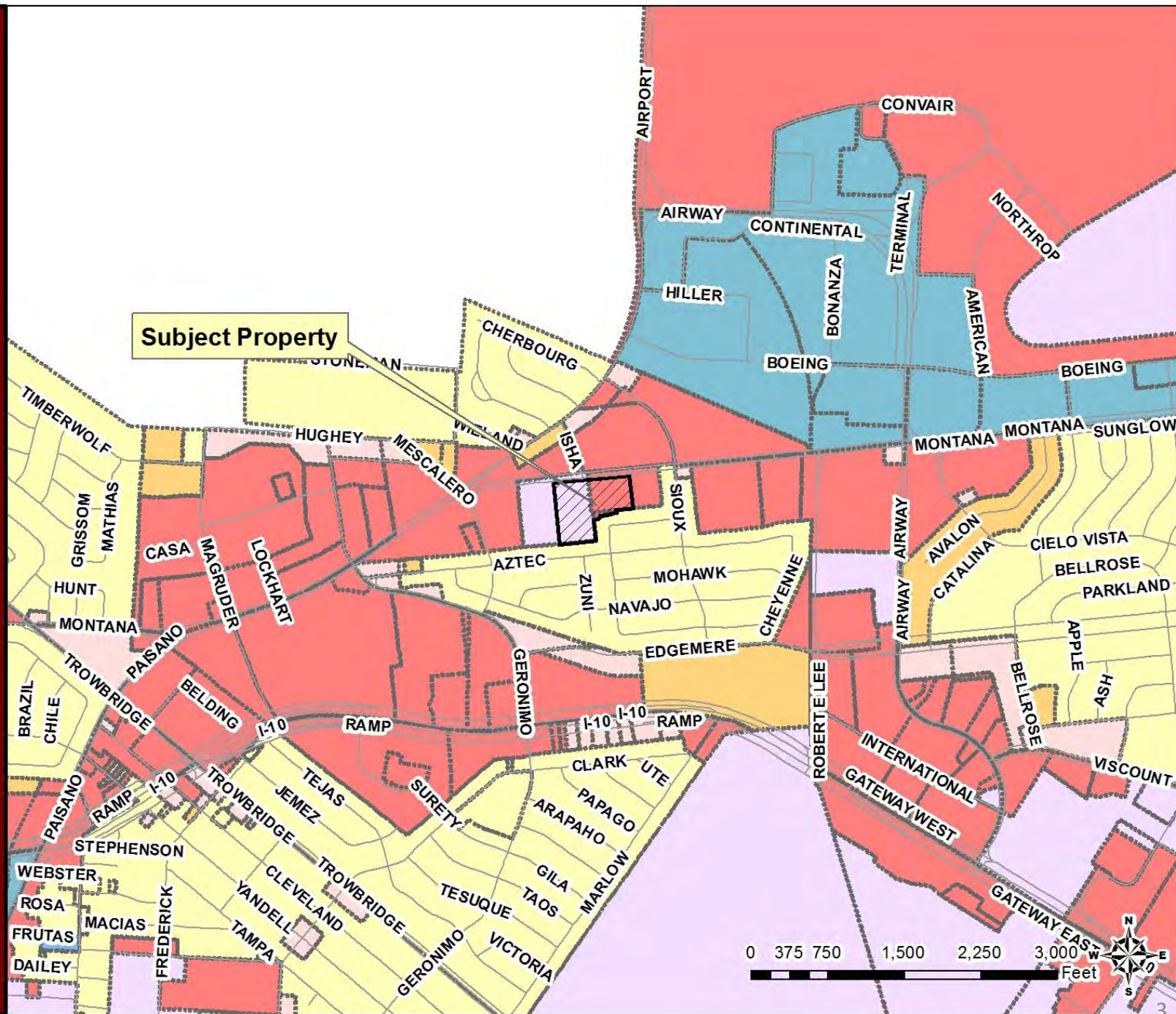
3.2 Improve the visual impression of the community

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PZST15-00032

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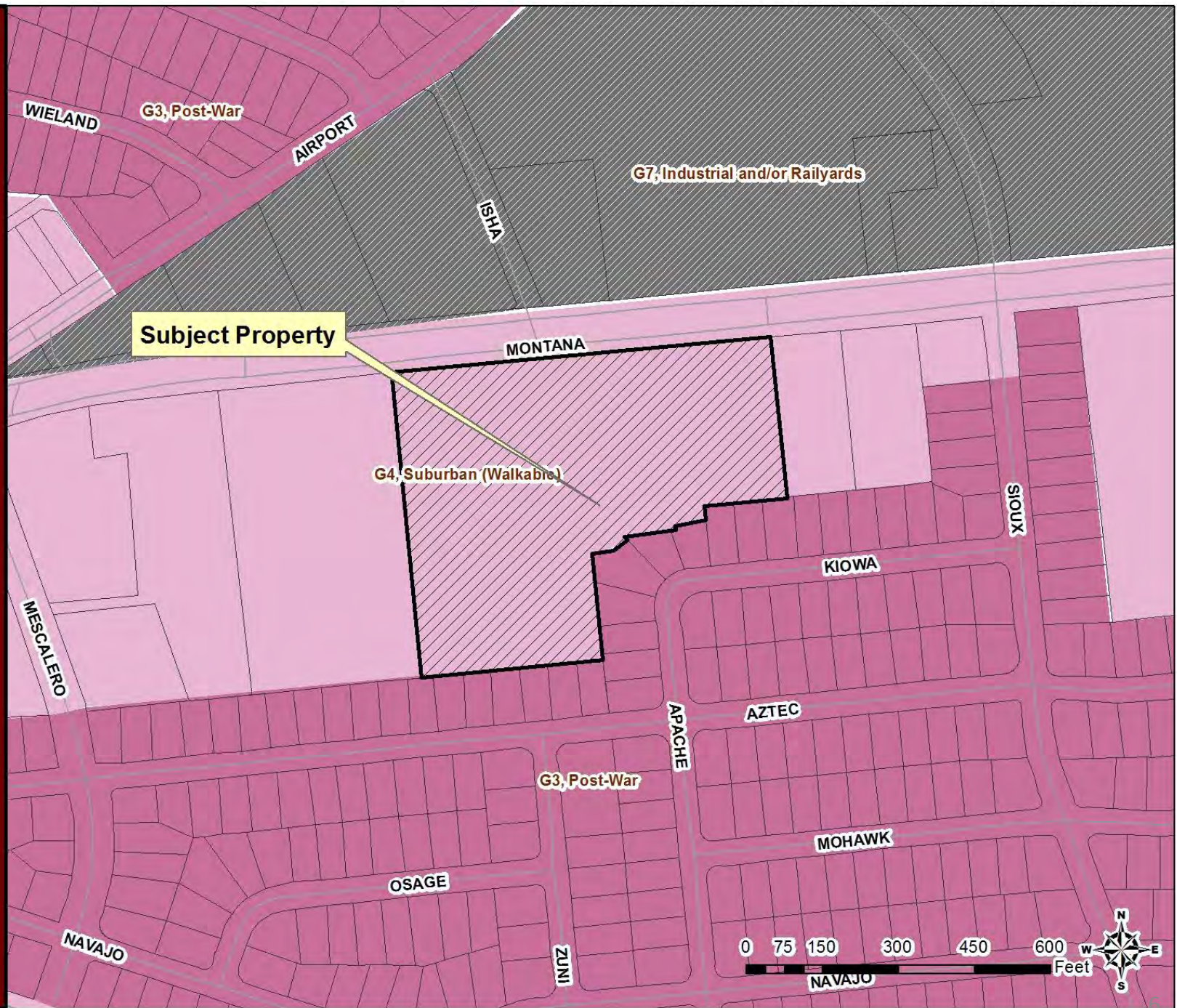
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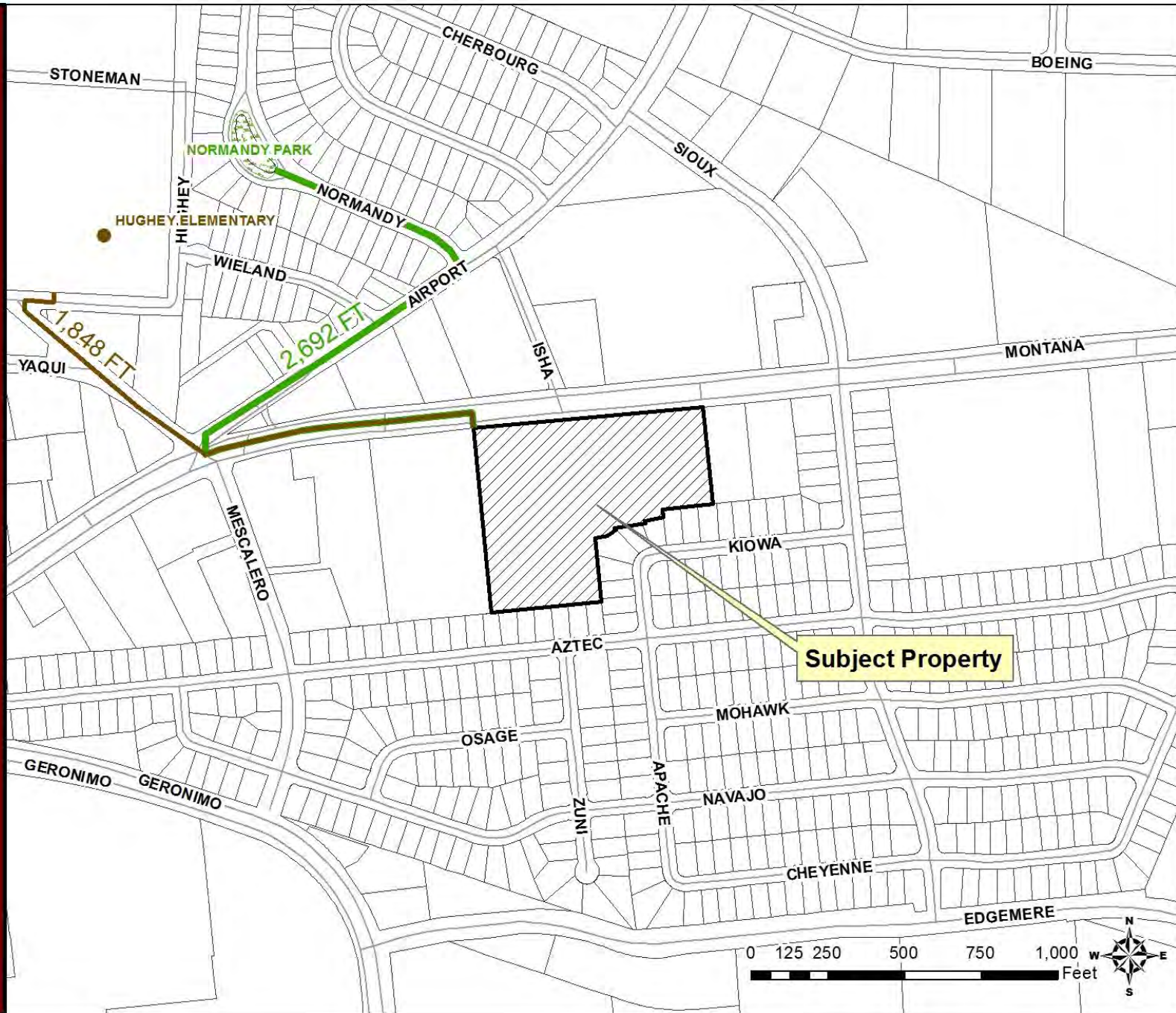
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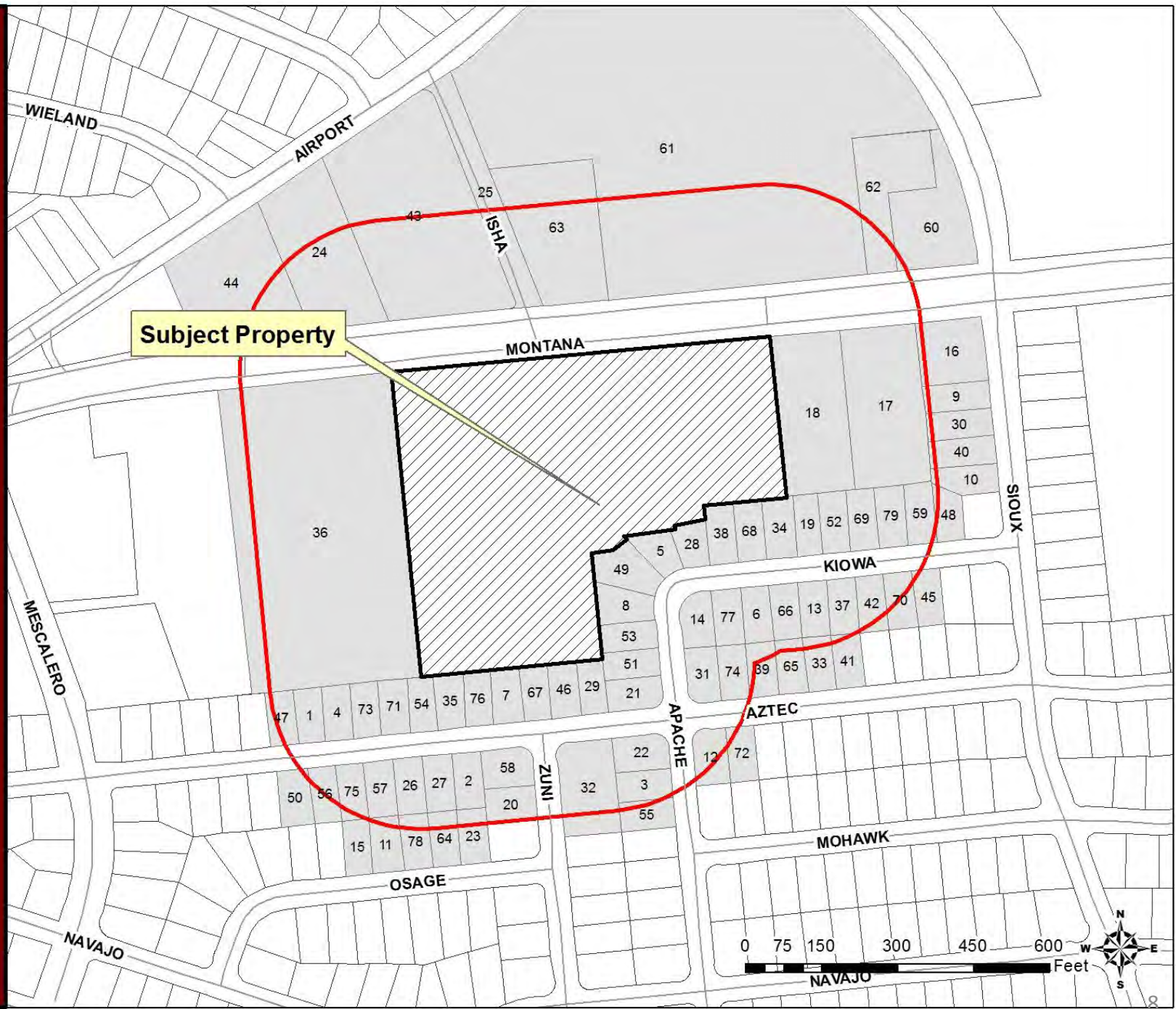


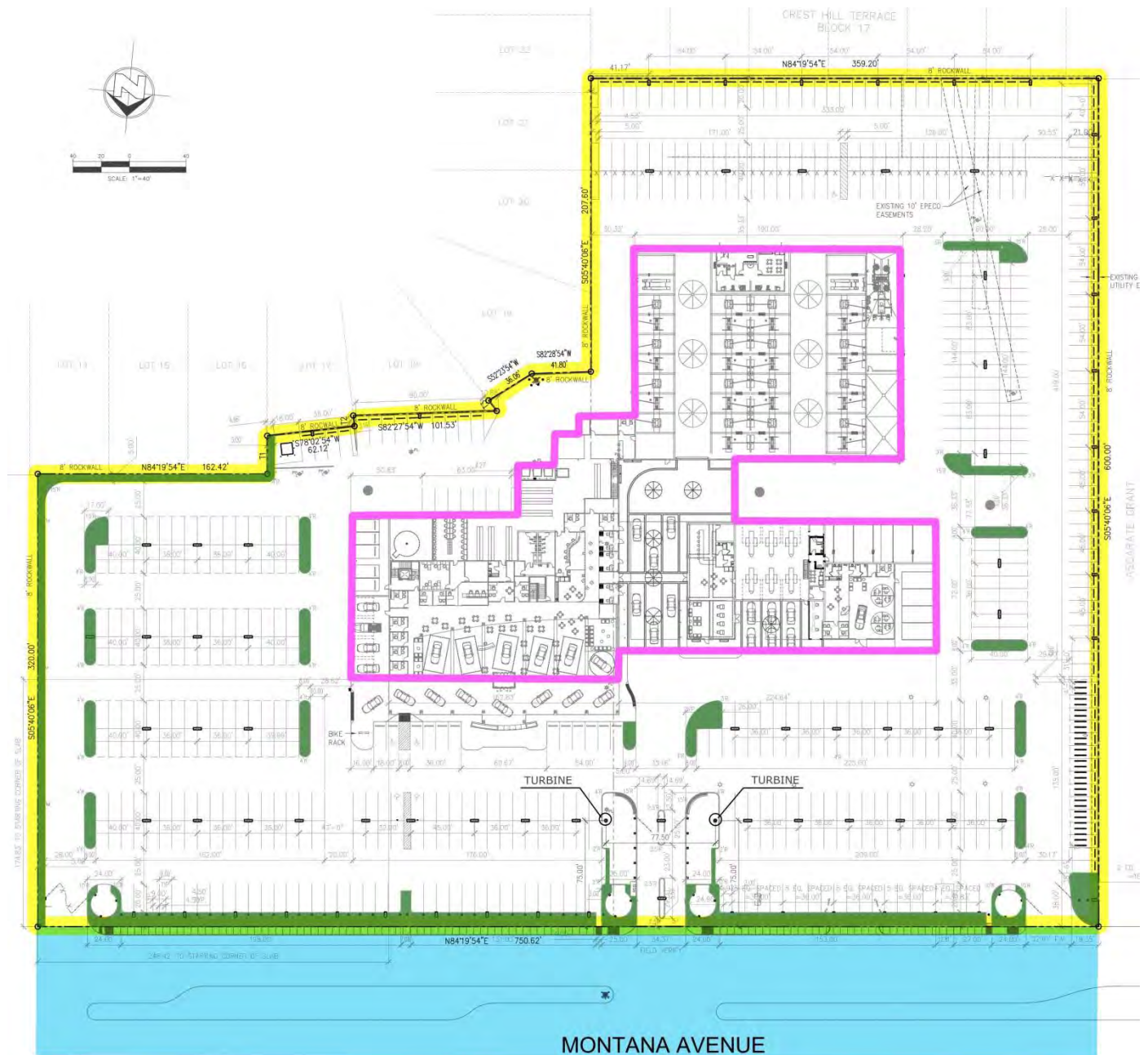
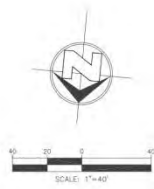
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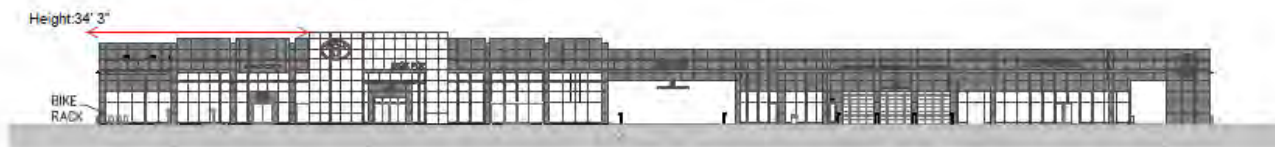
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Elevations



FRONT (NORTH) ELEVATION

1/32"=1'



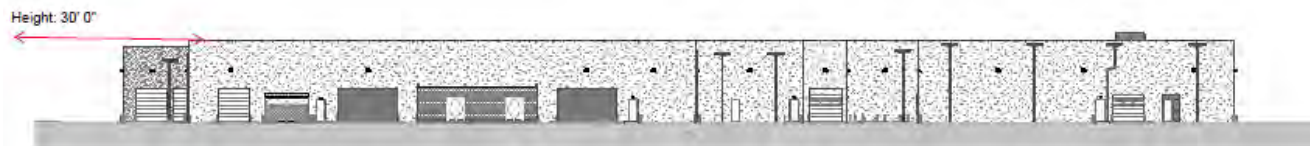
SIDE (WEST) ELEVATION

1/32"=1'

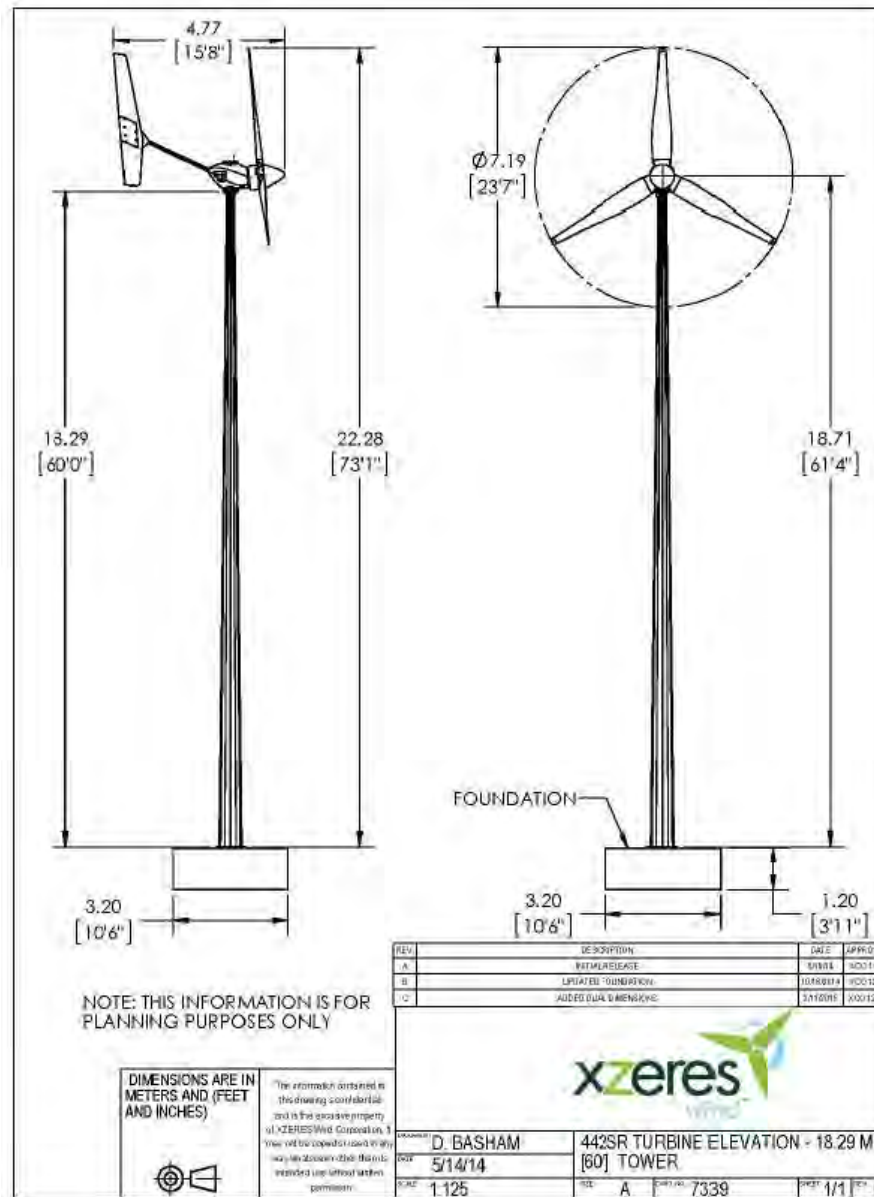


SIDE (EAST) ELEVATION

1/32"=1'



Wind Turbine





Subject Property & South



North



East



West

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