

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

**DEPARTMENT:** Planning and Inspections Department, Planning Division

**AGENDA DATE:** Introduction: January 27, 2015  
Public Hearing: February 17, 2015

**CONTACT PERSON/PHONE:** Michael McElroy, (915) 212-1612, [mcelroyms@elpasotexas.gov](mailto:mcelroyms@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** 2

**SUBJECT:**

An Ordinance granting Special Permit No. PZST14-00033, to allow for infill development with reduced side street yard setbacks and reduced parking on the property described as Lots 1 – 8, Block 10, Military Heights, 2901, 2909, and 2915 Fort Boulevard, 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. Subject Property: 2901, 2909, and 2915 Fort Boulevard. Property Owner: Margarita T. Ochoa PZST14-00033 (**District 2**)

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

City Plan Commission Approval Recommendation (6-0)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** Mathew S. McElroy  
Director, Planning and Inspections Department

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST14-00033 TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED SIDE STREET YARD SETBACKS AND REDUCED PARKING ON THE PROPERTY DESCRIBED AS LOTS 1 – 8, BLOCK 10, MILITARY HEIGHTS, 2901, 2909, AND 2915 FORT BOULEVARD, 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**, Margarita T. Ochoa has applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for a reduction in side street yard setback and a parking reduction; 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-2 (Commercial) and C-2/sc (Commercial/special contract) Zone District:

*Lots 1 – 8, Block 10, Military Heights, City of El Paso, El Paso County, Texas*

2. That the City Council hereby grants a Special Permit under Sections 20.04.320 of the El Paso City Code, to allow an infill development with a reduction in side street yard setback and a parking reduction; and,
3. That this Special Permit is issued subject to the development standards in the C-2 (Commercial) and C-2/sc (Commercial/special contract) 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,

ORDINANCE NO. \_\_\_\_\_

**PZST14-00033**

4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST14-00033 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 \_\_\_\_\_ day of \_\_\_\_\_, 2015.

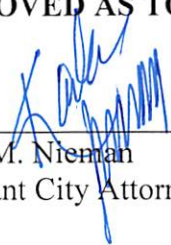
**THE CITY OF EL PASO**

**ATTEST:**

\_\_\_\_\_  
Oscar Leeser  
Mayor

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Karla M. Nieman  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Mathew S. McElroy, Director  
Planning and Inspections Department

**ORDINANCE NO.** \_\_\_\_\_

**PZST14-00033**





## MEMORANDUM

**DATE:** January 10, 2015

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

**FROM:** Michael McElroy, Planner

**SUBJECT: PZST14-00033**

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The City Plan Commission (CPC), on December 18, 2014, voted 6-0 to recommend **approval** of a special permit to allow infill development with a reduction in side street yard setback, as well as a 35% parking reduction.

The CPC found that the special permit is in conformance with Plan El Paso. The CPC also determined that the special permit protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the special permit will have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was one letter in support and one phone call in opposition received to the special permit request.

**Attachment:**  
Staff Report



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

**Case No:** PZST14-00033  
**Application Type:** Special Permit and Detailed Site Development Plan Review  
**CPC Hearing Date:** December 18, 2014  
**Staff Planner:** Michael McElroy, 915-212-1612, mcelroyms@elpasotexas.gov  
**Location:** 2901, 2909, and 2915 Fort Boulevard  
**Legal Description:** Lots 1 – 8, Block 10, Military Heights, City of El Paso, El Paso County, Texas  
**Acreage:** 0.596 acre  
**Rep District:** 2  
**Existing Zoning:** C-2 (Commercial) and C-2/sc (Commercial/special contract)  
**Existing Use:** Commercial and Single-family dwellings  
**C/SC/SP/ZBA/LNC:** Yes; Special contract attached to Ordinance No. 8511, dated November 5, 1985 (Attachment 6)  
**Request:** Infill Development / Side-Street Setback Reduction / Parking Reduction  
**Proposed Use:** Retail  
**Property Owner:** Margarita T. Ochoa  
**Representative:** El Paso FDS 712096, LLC

### **SURROUNDING ZONING AND LAND USE**

**North:** R-4 (Residential) / Single-family dwellings  
**South:** C-2 (Commercial) and R-4 (Residential) / Commercial and Single-family dwellings  
**East:** R-4 (Residential) / Single-family dwellings  
**West:** C-2 (Commercial) / Commercial

**PLAN EL PASO DESIGNATION:** G-2, Traditional Neighborhood (Walkable) (Central Planning Area)

**NEAREST PARK:** Grandview Park (2,040 feet)

**NEAREST SCHOOL:** Rusk Elementary (2,780 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Central Neighborhood Association  
El Paso Central Business Association

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on November 24, 2014. The Planning Division received one letter in support and one call in opposition of the special permit request.

### **APPLICATION HISTORY**

A special contract attached to Ordinance No. 8511, dated November 5, 1985, prohibits the sale of alcoholic beverage for on-premise consumption on Lots 7 and 8 (2915 Fort), including its use as a bar. The contract conditions remain in effect (Attachment 6).

### **APPLICATION DESCRIPTION**

The request is for a special permit and detailed site plan approval for infill development to allow a reduction in the side street yard setback from 10 feet to 5 feet and a 35 percent parking reduction for the construction of a retail store. The property is currently occupied by a commercial establishment and two single-family dwellings which are proposed for demolition. The site plan proposes an 8,470 sq. ft. retail building which requires 29 parking spaces; the applicant is providing 19 spaces. Access is proposed from Fort Boulevard and the adjacent rear alley.

### **Planning & Inspections Department – Planning Division Recommendation**

The Planning Division recommends **approval** of the request as the proposed development is consistent with the surrounding residential neighborhood and is compliant with the G-2 Traditional Neighborhood (Walkable) land use designation in the Plan El Paso Central Planning Area. Further, the property meets the requirements of Section 20.04.320, Special Permit Approvals, Section 20.10.280, Infill Development, 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-2 – Traditional Neighborhood (Walkable): This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly faced streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.

The purpose of the C-2 (Commercial) district is to provide goods or render services which are used in support of the community's trade and service establishments and serving multi-neighborhoods. Permits intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

### **ANALYSIS**

To grant the special permit to allow for infill development, the applicant must comply with the following standards, per Section 20.10.280, Infill Development:

A. Location Criteria. An infill development may be designated for any property on which at least two of the following factors are present: the property is wholly or partially located within a designated tax increment financing district, or the property is wholly or partially located within a designated state or federal enterprise zone, or the property is wholly or partially located within an empowerment zone, or the property is wholly or partially located within a designated redevelopment area pursuant to Chapter 20.14 of this title, or the property is located within a designated historic district, or the property is within an older neighborhood of the city. An older neighborhood of the city defined as a legally recorded and developed subdivision for at least thirty years. Where an infill development is able to satisfy only one of the preceding factors, an applicant shall be allowed to make a formal request to city council to waive the two factor requirement prior to the submission of a special use permit application for the property. In all instances where a waiver is requested and authorized by city council, at least one location factor shall be met. For purposes of this section, any property with a historic designation shall be subject to the requirements and review provisions of Chapter 20.20 (Historic Designations) of this title, and shall not be waived by any provision of this section.

*The applicant meets two of the required criteria, being located in a state enterprise zone and having been subdivided for thirty years or more (see Attachment 5). The property was platted in 1954.*

B. Use Regulations. Unless the ordinance designating the infill development provides otherwise, a proposed infill development may be approved for any use permitted in the base-zoning district in which it is located. However, the ordinance designating an infill development overlay may provide a list of principal uses, accessory uses and prohibited uses pursuant to a specific area plan adopted by the city council.

*A retail establishment is a permissible use in the C-2 (Commercial) zone district.*

C. Setback Provisions. The side, front and rear setback requirements of the base-zoning district on which it is located may be reduced up to one hundred percent for an infill development as approved by city council. Buildings should be designed to relate to and take advantage of any existing site attributes, and shall be a consideration for reduction of the setback requirements.

<b>Dimension</b>	<b>Required</b>	<b>Proposed</b>
Side Street Yard Setback	10'	5'

D. Parking. The minimum parking requirements enumerated in Chapter 20.14 (Off-Street Parking and Loading Requirements) of this title shall be automatically reduced by fifty percent for any use within a designated infill development.

*The development requires 29 parking spaces and proposes 19, a 35 percent reduction in the required parking.*

E. Design. Unless otherwise approved by city council, any construction permitted pursuant to this section shall be designed to consistently relate to the massing and character of the surrounding properties. Consistency of massing and character shall be determined as shown on the site plan with typical elevations and proposed construction materials, that the proposed construction is compatible with the overall design features and building development of the neighborhood within which the proposed infill development is located. Design features include, but shall not be limited to, building height, architectural style, building materials, landscape and setbacks.

*The proposed development is consistent with the G-2 Traditional Neighborhood (Walkable) growth sector.*

**COMMENTS:**

**Planning & 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 & Inspections Department - Land Development**

No objections.

**Planning & Inspections Department – Building Development & Permitting**

No objection to proposed special permit, preliminary approval recommended for DSDP. Upon submittal construction document will need to comply with all applicable provisions of the IBC, TAS and local landscape code.

**Planning & Inspections Department - Landscaping**

Recommend approval.

**El Paso Fire Department**

Recommend approval.

**Sun Metro**

Sun Metro does not oppose this request.

**El Paso Water Utilities**

EPWU does not object to this request.

**Water:**

1. There is an existing 4-inch diameter water main extending along the alley between Fort Boulevard and Morehead Boulevard that is available for service, the alignment of the water main varies between the

northwest and northeast subject property lines.

2. There is an existing 6-inch diameter water main extending along Piedras Street that is available for service, the water main is located approximately 13-ft east from the center line of the right-of-way.

3. EPWU records indicates three vacant water services connections (inactive meters) serving the subject property. The addresses for these services are 2901, 2909 and 2915 Fort Boulevard.

**Sanitary Sewer:**

There is an existing 8-inch diameter sanitary sewer main extending along the alley between Forth Boulevard and Morehead Boulevard that is available for service, the sewer main is located approximately 10-ft north from the northern subject property line.

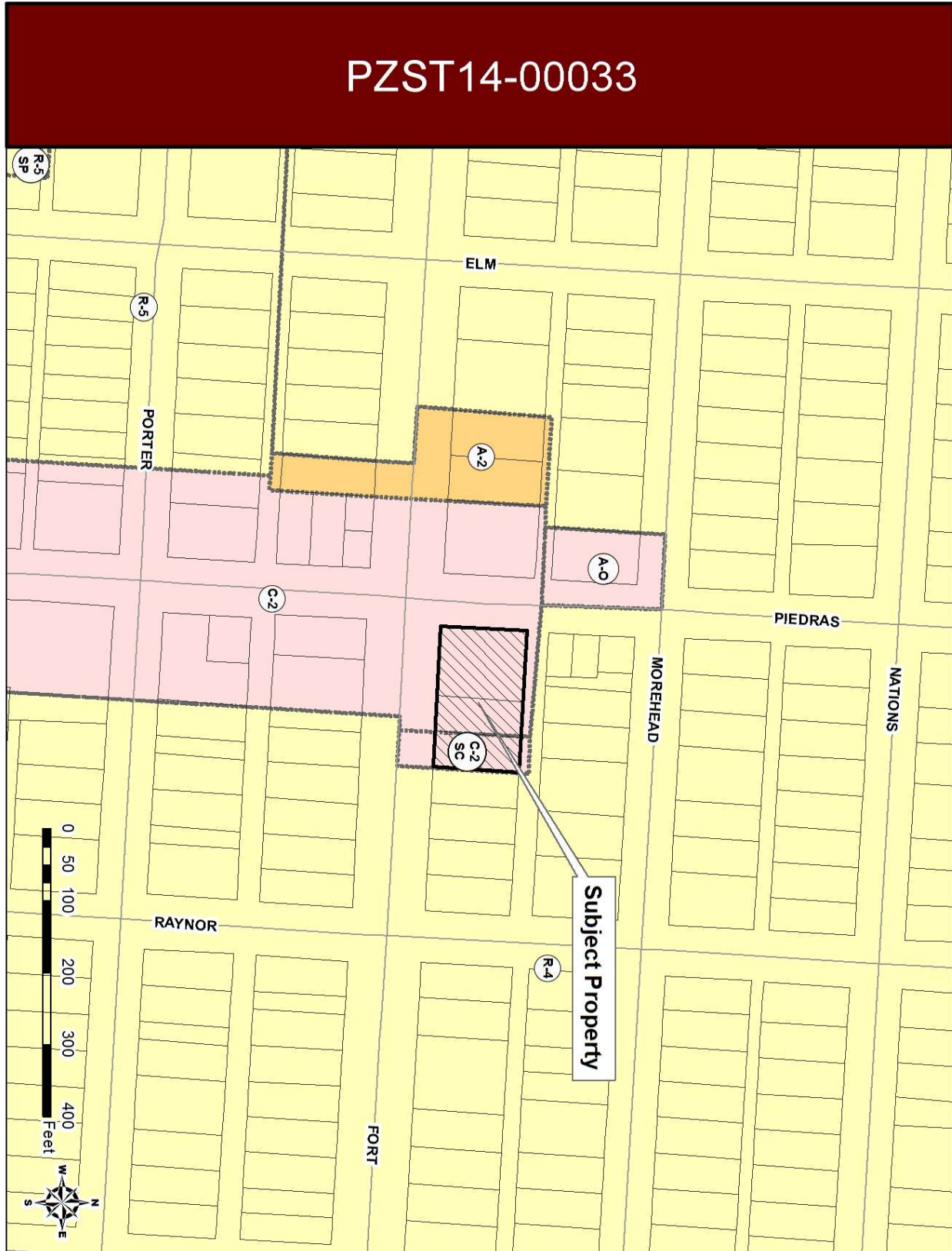
**General:**

EPWU requires a new service application to provide additional services 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 EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

**Attachments**

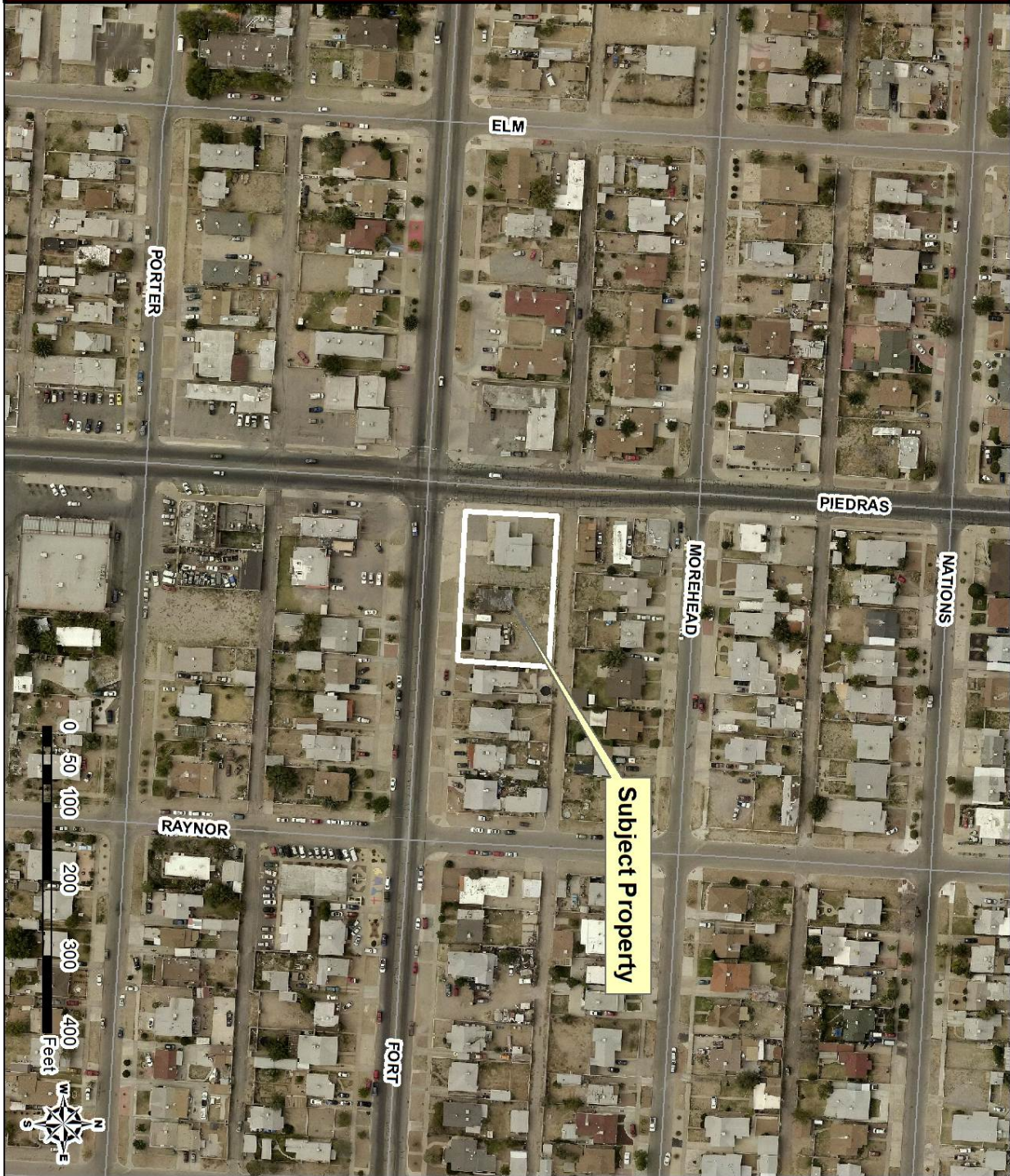
1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Elevations
5. Plat of Military Heights
6. Ordinance No. 8511
7. Letter of Support

ATTACHMENT 1: LOCATION MAP



ATTACHMENT 2: AERIAL MAP

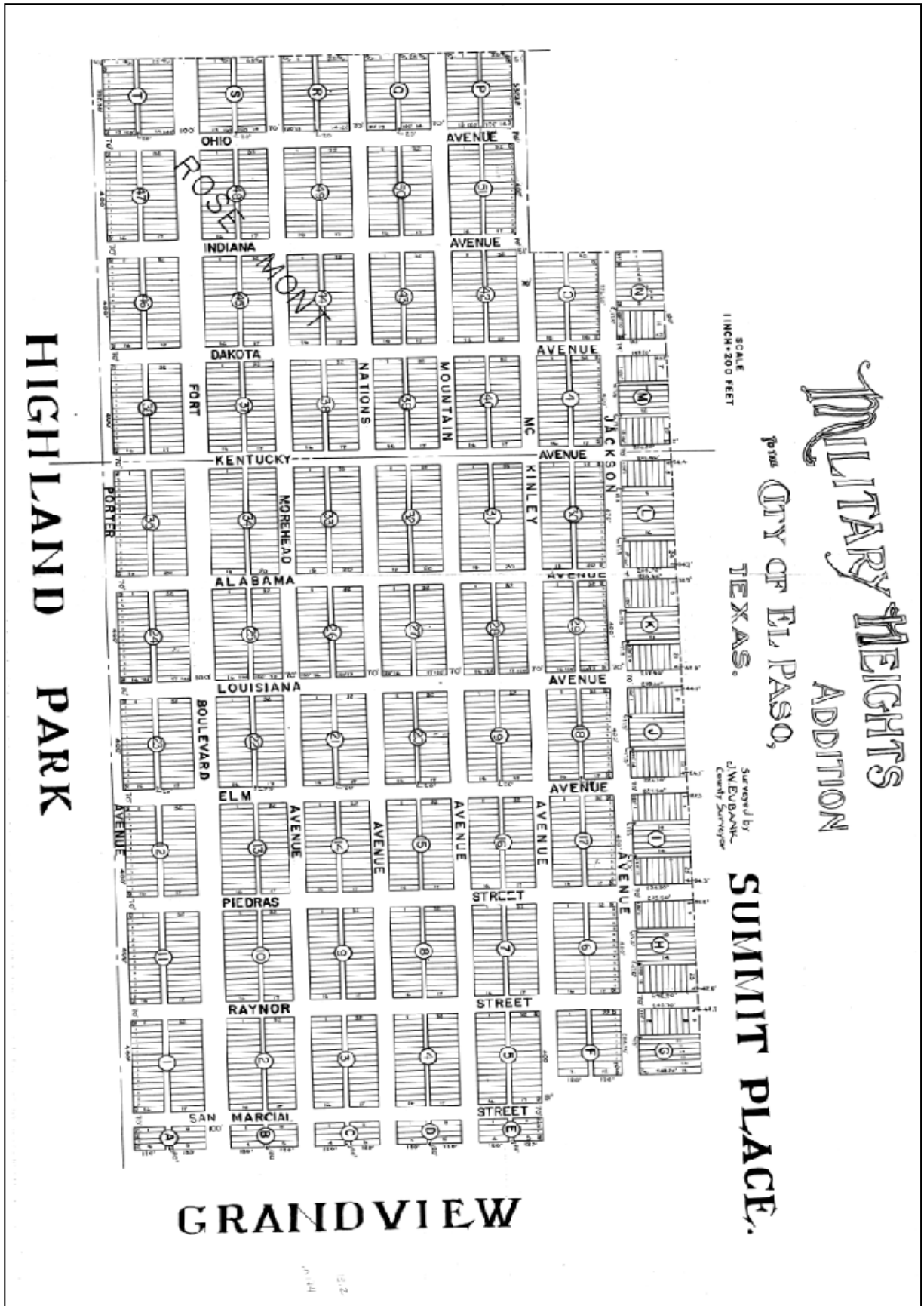
PZST14-00033







ATTACHMENT 5: PLAT OF MILITARY HEIGHTS



ATTACHMENT 6: ORDINANCE NO. 8511

8511

AN ORDINANCE CHANGING THE ZONING OF LOTS 7 AND 8, BLOCK 10, MILITARY HEIGHTS ADDITION THE PENALTY BEING AS PROVIDED IN SECTION 25-96 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of Lots 7 and 8, Block 10, Military Heights Addition, be changed from R-4 (Residential) to C-2 (Commercial) within the meaning of the zoning ordinance, subject to a special contract placing certain restrictions and covenants on the applicant's property. and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this 5<sup>th</sup> day of November, 1985.

Mayor [Signature]

ATTEST:

[Signature] City Clerk

APPROVED AS TO FORM:

[Signature] Assistant City Attorney

APPROVED AS TO CONTENT:

[Signature] Planning Department

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED: 4.0. 8-7-86 COUNTER 8-7-86 ORIGINAL 8-7-86 Blkg. Inspection 8-7-86 CONTROL [Signature]

I certify that the zoning map has been revised to reflect the amendment of ordinance # 8511 [Signature] Date 8-7-86

85-5096 RECEIVED JUL 25 1986 PLANNING DEPARTMENT

8511 Contract (11/5/85)

ATTACHMENT 6: ORDINANCE NO. 8511 (CONTINUED)

THE STATE OF TEXAS )  
                                  )  
COUNTY OF EL PASO )

CONTRACT

THIS CONTRACT, made this 5<sup>th</sup> day of November, 1985, by and between JESSE OCHOA and MARGARITA OCHOA, First Party, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning of Lots 7 and 8, Block 10, Military Heights Addition, City and County of El Paso, Texas.

To remove certain objections to such rezoning, First Party covenants that if the property is rezoned from R-4 (Residential) to C-2 (Commercial) District within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

The property shall not be used for a bar or for the sale of alcoholic beverages for on-premise consumption.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity, or necessitating the amendment of, the ordinance passed by the City Council embodying this change of zoning and subject to this contract.

WITNESS THE FOLLOWING SIGNATURES AND SEALS.

FIRST PARTIES

By Jesse Ochoa  
Jesse Ochoa

By Margarita Ochoa  
Margarita Ochoa

*Ord. # 8511 (11/5/85)*  
*85-5096*

**RECEIVED**  
JUL 25 1986  
PLANNING DEPARTMENT

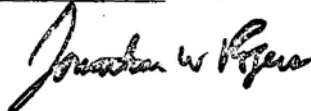
ATTACHMENT 6: ORDINANCE NO. 8511 (CONTINUED)

RESOLUTION

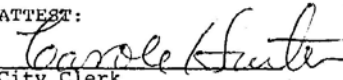
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with JESSE AND MARGARITA OCHOA, First Parties, placing certain restrictions, conditions, and covenants on the property being rezoned by Ordinance No. 8511, and on the adjoining parcels owned by applicants, more particularly described as Lots 1 thru 8, Block 10, Military Heights Addition.

ADOPTED this 25<sup>th</sup> day of November, 1985.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Assistant City Attorney

85-5096  
**RECEIVED**  
JUL 25 1986  
PLANNING DEPARTMENT

ATTACHMENT 7: LETTER OF SUPPORT

**From:** [George Mena](#)  
**To:** [McElroy, Michael](#)  
**Cc:** [etzoldco@att.net](mailto:etzoldco@att.net)  
**Subject:** Family Dollar Store  
**Date:** Friday, December 05, 2014 3:51:58 PM

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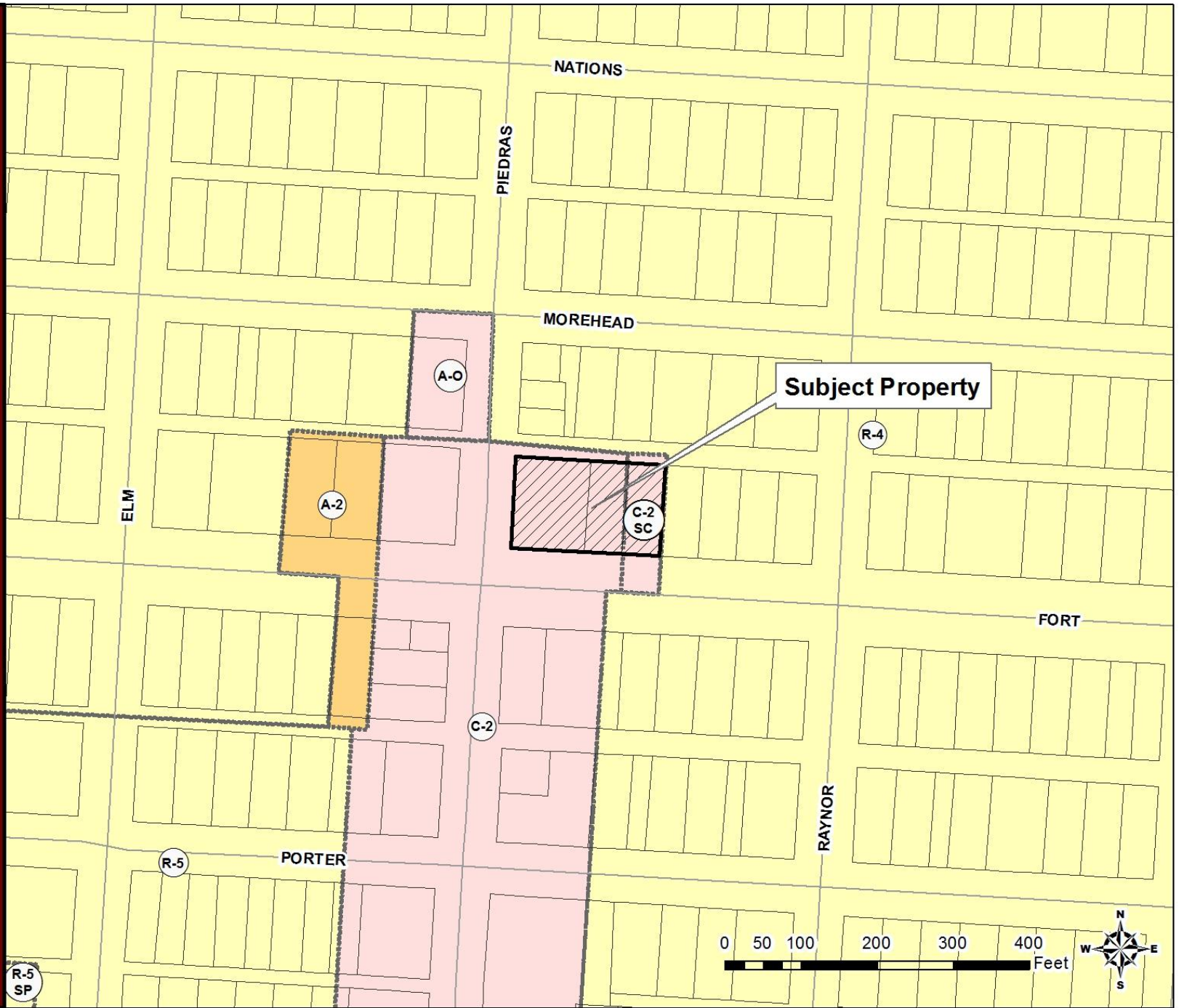
Dear: Michael McElroy,  
On behalf of my by brother G Daniel Mena who is the owner of the property on 3300 Fort Blvd, my father Ray Mena who owner of the property on 3229 N Piedras and myself we are pleased and excited about the redevelopment site for the new Family Dollar Store. This property has been a eyesore for the neighborhood for the last 25 years and I know with this new store it will bring new life into the neighborhood.  
Thank you,  
Mena Family



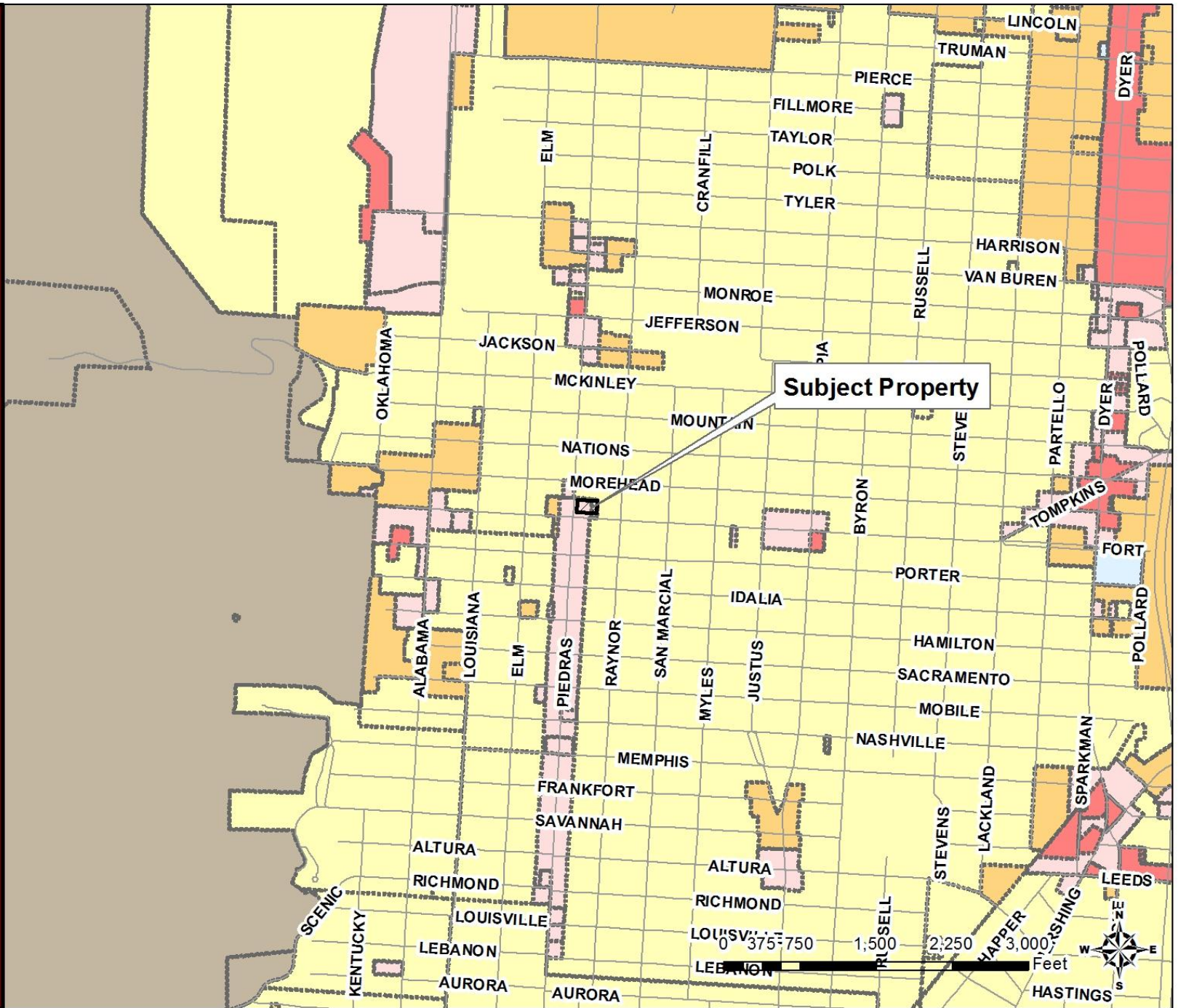
## Recommendation/Public Input

- Planning Division recommendation: Approval
- CPC Vote: Approval Recommendation (6-0)
- Public Input: 1 letter received in support and one phone call in opposition to the special permit request.

PZST14-00033



PZST14-00033

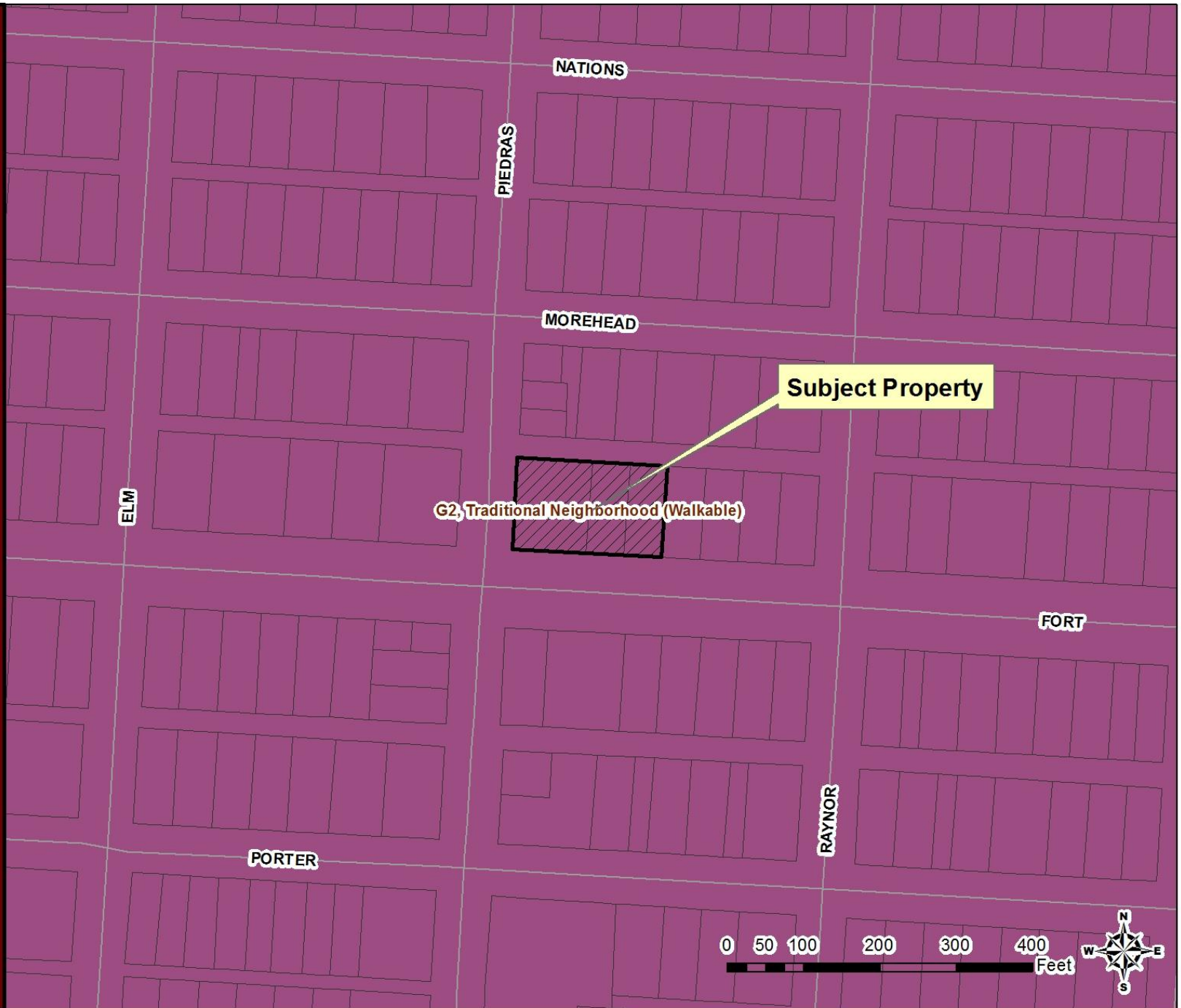


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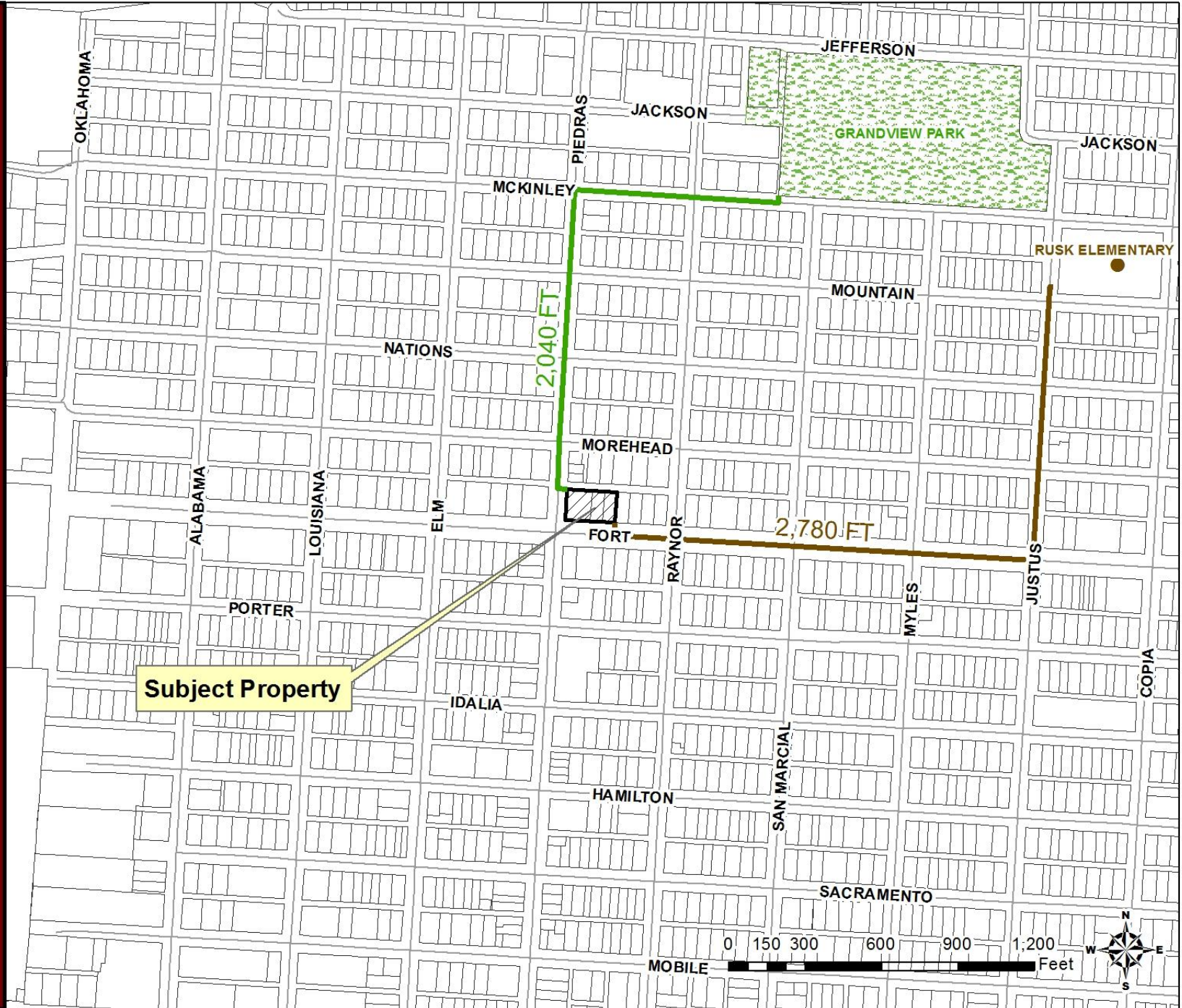




PZST14-00033



PZST14-00033



PZST14-00033









FARMERS MARKET

2901

FOR SALE  
ETZOLD CO  
\$15,450,000

RENTAL

Subject Property & North



NICKY & CLAIRE LEARNING CENTER  
566-8104  
OPEN  
DAILY

NICKY & CLAIRE LEARNING CENTER  
566-8104  
OPEN  
DAILY

South



East



BLOCK & ROLL

UNIT FOR LEASE  
532-4411

PET GROOMING  
536 1127

PET GROOMING

TRISTED

778-8083

West

PZST14-00033

