

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

DEPARTMENT: Planning and Inspections, Planning Division

AGENDA DATE: Introduction: March 20, 2018
Public Hearing: April 17, 2018

CONTACT PERSON/PHONE: Victor Morrison-Vega, (915) 212-1550, Morrison-
vegaVX@elpasotexas.gov
Anne Antonini, (915) 212-1814, antoniniam@elpasotexas.gov

DISTRICT(S) AFFECTED: 2

SUBJECT:

An Ordinance granting Special Permit No. PZST17-00022, to allow for an off-street surface parking lot serving another property on the property described as Lot 8 and a portion of Lot 7, Block 17, Del Norte Acres, 8829 Kenneth Street, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.410 of the El Paso City Code, the penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 8829 Kenneth Street. Property Owner: MJ Real Property, Inc. PZST17-00022 (District 2)

BACKGROUND / DISCUSSION:

On January 4, 2018, the CPC reviewed and recommended approval of the proposed rezoning.

PRIOR COUNCIL ACTION:

There is no prior City Council action on this proposed amendment.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

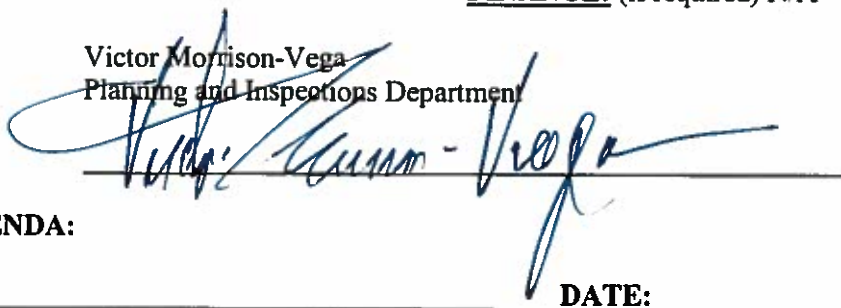
City Plan Commission (CPC) – Approval Recommendation (7-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Victor Morrison-Vega
Planning and Inspections Department



APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST17-00022, TO ALLOW FOR AN OFF-STREET SURFACE PARKING LOT SERVING ANOTHER PROPERTY ON THE PROPERTY DESCRIBED AS LOT 8 AND A PORTION OF LOT 7, BLOCK 17, DEL NORTE ACRES, 8829 KENNETH STREET, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 12.10.410 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the MJ Real Property, Inc., has applied for a Special Permit under Section 12.10.410 of the El Paso City Code to allow for a n off-street surface parking lot serving another property; 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 A-2 (Apartment) District:

Lot 8 and a Portion of Lot 7, Block 17, 8829 Kenneth Street, City of El Paso, El Paso County, Texas; and more particularly described in metes and bounds attached as **Exhibit "A"**; and,

2. That the City Council hereby grants a Special Permit under Section 20.04.320 of the El Paso City Code to allow for an off-street parking lot serving another property 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 A-2 (Apartment) 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 "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. PZST17-00022, shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.24 and any other legal or equitable remedy; and,

5. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

ADOPTED this ____ day of _____, 2018.

THE CITY OF EL PASO

ATTEST:

Dee Margo
Mayor

Laura D. Prine
Interim City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Senior Assistant Attorney

APPROVED AS TO CONTENT:



Victor Morrison-Vega, Interim Director
Planning & Inspections Department

ORDINANCE NO. _____

18-1007-2116 | 750786
8829 Kenneth St.
KMN

PZST17-00022

AGREEMENT

MJ Real Property, Inc., the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the A-2 (Apartment) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 1st day of February, 2018.

MJ Real Property, Inc.

(Signature)

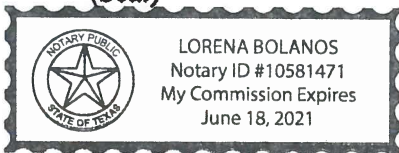
Michael Johnson/President
(Name/Title)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 1st day of February, 2018, by Michael Johnson/President for MJ Real Property, Inc. as Applicant.

(Seal)



Lorena Bolanos
Notary Public, State of Texas
Signature

Lorena Bolanos
Printed or Typed Name

My Commission Expires:

EXHIBIT "A"

DORADO ENGINEERING, INC.

2717 E. YANDELL EL PASO, TEXAS 79903 (915) 562-0002 FAX (915) 562-7743

8829 KENNETH DRIVE

Metes and Bounds description of a parcel of land being all of Lot 8 and a portion of Lot 7, Block 17 Del Norte Acres, City of El Paso, County of El Paso, Texas and being more particularly described as follows;

From an existing chiseled cross located at the common corner of Lots 8 and 9, Block 17 Del Norte Acres, said corner also lying on the westerly Right-of-Way line of Kenneth Drive, said corner being the Point Of Beginning for this description;

Thence South 01°10'00" East along the westerly Right-of-Way of Kenneth Drive a distance of fifty eight and no hundredths (58.00) feet to a found chiseled cross for a corner;

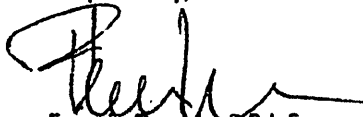
Thence South 88°49'00" West along the southerly line of the property being described a distance of one hundred twenty and no hundredths (120.00) feet to a found rebar for a corner;

Thence North 01°10'00" West along the westerly line of the property being described a distance of fifty eight and no hundredths (58.00) feet to a found iron for a corner;

Thence North 88°49'00" East along the common line of Lots 8 and 9, Block 17, Del Norte Acres a distance of one hundred twenty and no hundredths (120.00) feet the common southeasterly corner of Lots 8 and 9, Block 17, Del Norte Acres, said corner lying on the westerly Right-of-Way line of Kenneth Drive, said corner also being the Point of Beginning.

Said Parcel of land contains 6,960.00 square feet or 0.159 acres of land more or less.

Prepared by,


Fermin Dorado, R.P.L.S.



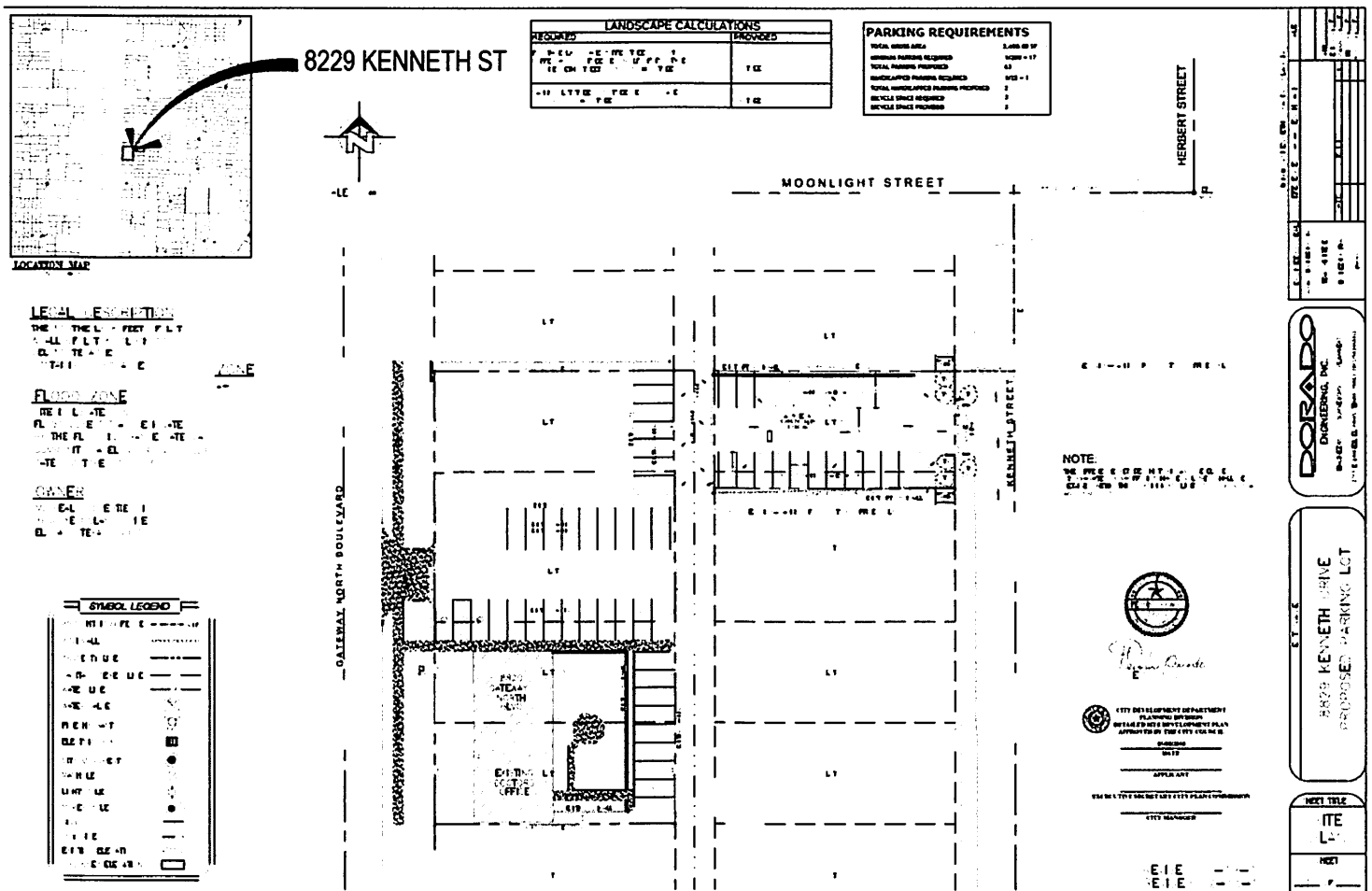
Rev. November 27, 2017
November 22, 2017

ORDINANCE NO. _____

18-1007-2116 | 750786
8829 Kenneth St.
KMN

PZST17-00022

EXHIBIT "B"



MEMORANDUM

DATE: February 7, 2018

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

FROM: Victor Morrison-Vega, - Planning & Inspections
Anne Antonini, Senior Zoning Planner

SUBJECT: PZST17-00022

The City Plan Commission unanimously recommended **approval** (7-0) of the proposed Special Permit at its January 4, 2018 meeting.

The CPC found that the rezoning 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, that the Special Permit would have no negative effects on the natural environment, socio-economic conditions, and property values in the vicinity or the city as a whole.

As of February 7, 2018, Planning staff has not received any opposition to the case type.

Property Owner: MJ Real Property, Inc.

Applicant: Taffy Bagley

Attachments: Staff Report

8829 Kenneth St.

City of El Paso — Plan Commission — 1/4/2018

PZST17-00022 Special Permit



STAFF CONTACT: Anne Antonini, (915) 212-1814, antoniniam@elpasotexas.gov

OWNER: MJ Real Property, Inc.

REPRESENTATIVE: Taffy Bagley

LOCATION: 8829 Kenneth St., District 2

LEGAL DESCRIPTION: Lot 8 and a Portion of Lot 7, Block 17, Del Norte Acres, 8829 Kenneth St, City of El Paso, El Paso County, Texas

EXISTING ZONING: A-2 (Apartment)

REQUEST: Special Permit for Off-Street Parking Serving Another Property in the A-2 (Apartment) District

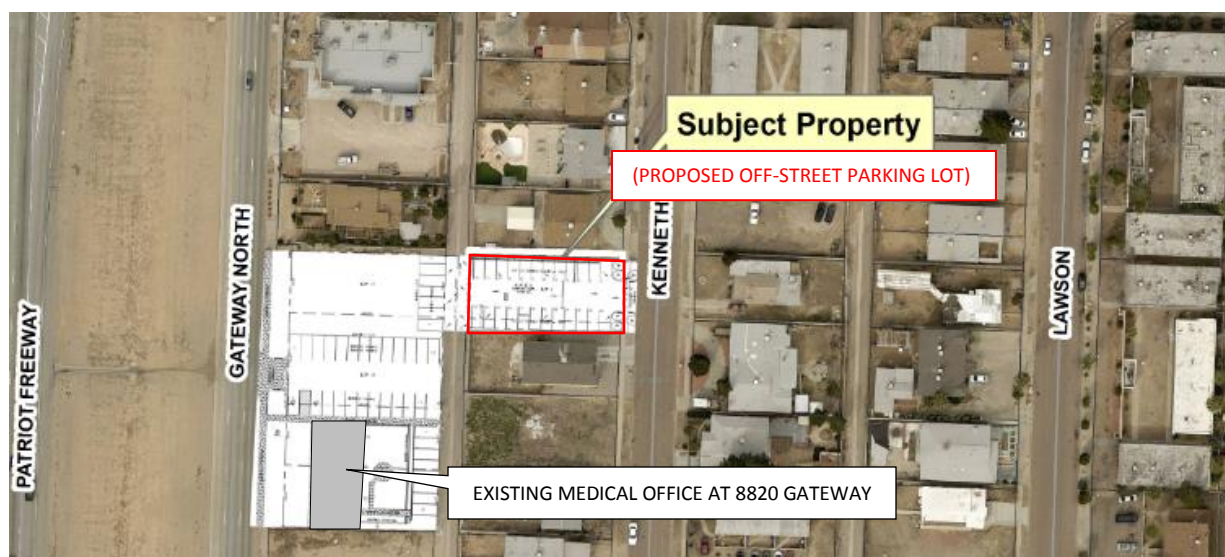
RELATED APPLICATIONS: N/A

PUBLIC INPUT None received; Notices sent to property owners within 300 feet on December 20, 2017 (See Attachment #7)

STAFF RECOMMENDATION: Approval (see pages 2—6 for basis for recommendation)

SUMMARY OF REQUEST: The applicant is requesting a special permit to allow for the development of the vacant lot located at 8829 Kenneth into a surface parking lot to serve an existing medical office located at 8820 Gateway Blvd North. The proposed parking lot would contain twenty-four (24) parking spaces and is approximately 150 feet from the front door of the doctor's office it is proposed to serve.

SUMMARY OF RECOMMENDATION: The Planning Division recommends **APPROVAL** of the special permit request and acceptance of the detailed site development plan. The proposed development is consistent with its established neighborhood of surrounding low- and medium-density residential homes and apartment buildings. The proposed development is compliant with the G-2, Traditional Neighborhood (Walkable) land use designation of Plan El Paso, the City's Comprehensive Plan, in the Northeast Planning Area.



DESCRIPTION OF REQUEST

The applicant has submitted a Special Permit application to allow off-street parking serving another property for the property at 8829 Kenneth St. through the Zoning Section of the Planning and Inspections Department. The applicant is requesting a special permit for a surface parking lot containing twenty-four (24) spaces to be used by the property located at 8820 Gateway Blvd North for an existing 3,400 square foot medical office. The total parking requirement for that property is seventeen (17) spaces, and forty (40) spaces are currently located on site.

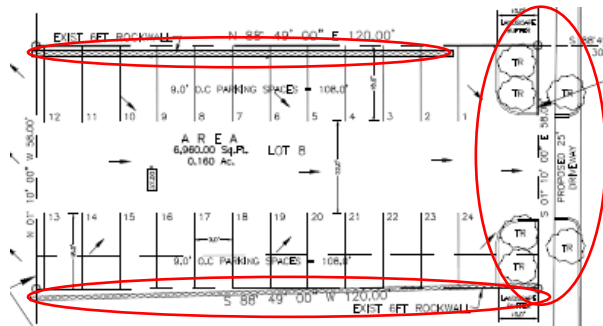
The proposed development meets all applicable code provisions. Access to the subject property is proposed from Kenneth Street to the east and also from an existing twenty (20) foot alley to the west.

SPECIAL PERMIT REQUIREMENTS

To grant the special permit to allow for off-street parking serving another property, the applicant must comply with the following standards, per 20.10.410:

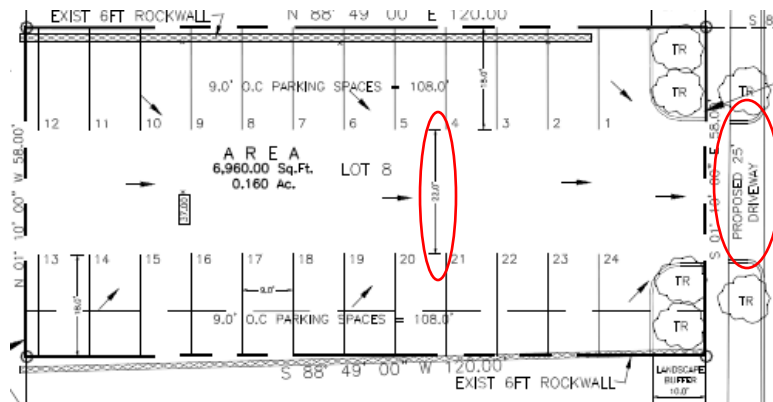
1. The parking area is compatible with the general development of the neighborhood and does not adversely affect the use of adjacent properties;

The proposed surface parking lot will resemble existing parking lots that serve apartment buildings on its block. Landscaping and screening are provided to reduce visibility to adjacent residential uses through four trees located in a ten (10) foot landscape buffer along Kenneth Street and an additional two (2) trees in the parkway on either side of the proposed driveway onto Kenneth Street. It will be screened from adjacent residential uses via two (2) existing rock walls along the northerly and southerly interior lot lines.



- The parking area is so arranged as to permit sufficient space for parking spaces and turning maneuvers, as well as adequate ingress and egress to the site;

The aisle width shown on the site plan is twenty-two (22) feet, which conforms to the minimum in the City of El Paso Design Standards for Construction. The driveway abutting Kenneth Street is shown as twenty-five (25) feet, which meets the minimum standard for commercial driveway widths.



- Lighting shall comply with Chapter 18.18 (Dark Sky Ordinance) of this Code;

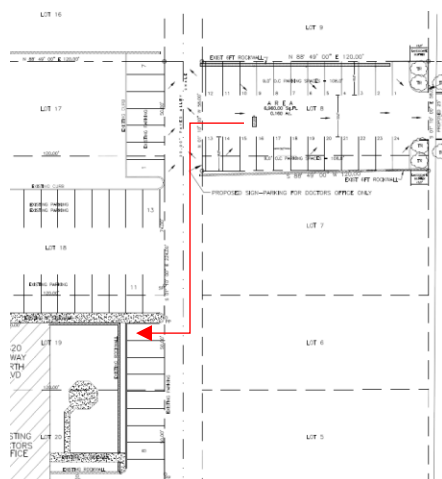
No lighting is shown on the detailed site development plan. Any lighting associated with the parking lot will be required to meet this section of code in order to obtain building permits.

- The parking area is located in such a manner from the site generating the parking requirement to assure that such parking facility will adequately serve the use;

The subject property will serve an existing 3,400 square foot medical office located at 8820 Gateway Blvd North. It has a total parking requirement of seventeen (17) spaces, which are all satisfied on on-site. The proposed parking on the subject property will bring the total number of spaces serving the medical office to sixty-three (63). The nearest driveway on the subject property is approximately 150 feet from the front door of the medical office it is proposed to serve.

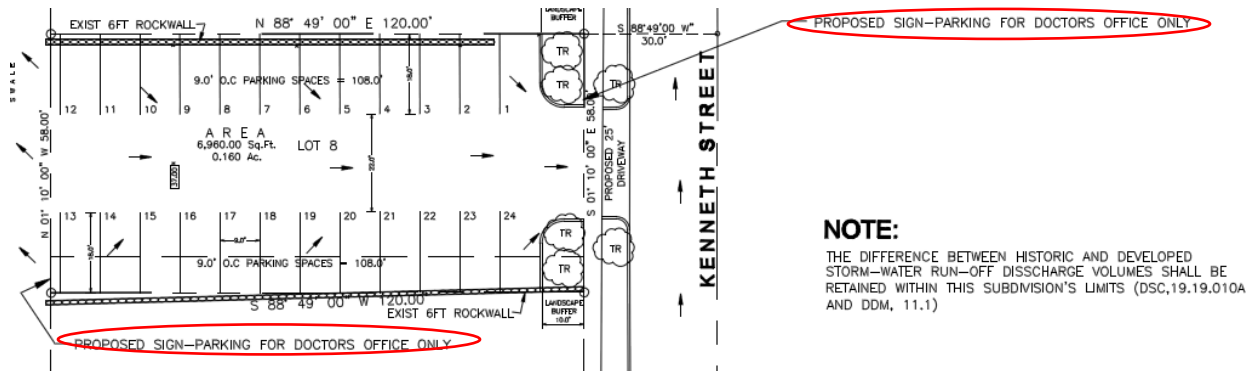
- Access to be provided to the parking area shall not be through private property that is not zoned to permit the use generating the off-street parking;

Patients parking on the subject property will access the medical office via the existing twenty (20) foot alley.



6. Adequate provisions shall be made to assure that the parking area is reasonably identifiable as to the patronage it serves, the location, points of access, hours of operation and other appropriate matters made as a condition of the special permit approval;

The detailed site plan shows a proposed sign located parallel to each alley identifying the parking provided on the subject property as restricted to the medical office.

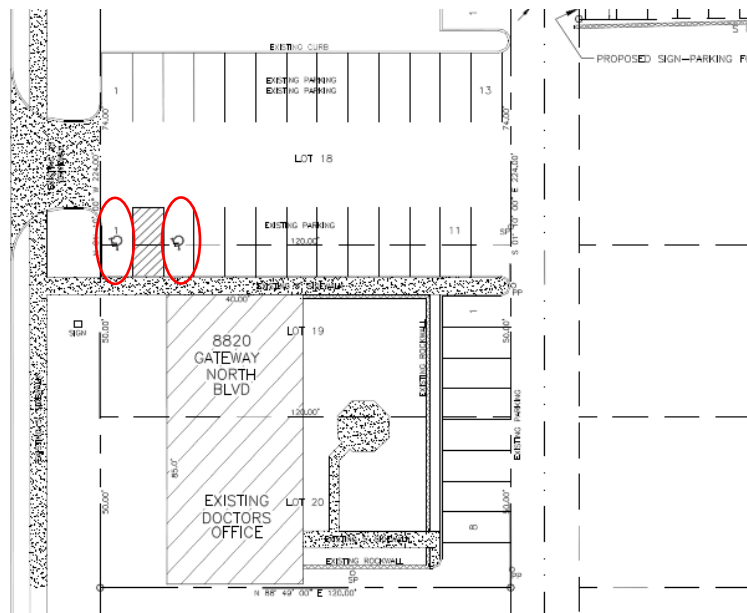


7. The parking spaces required to be provided for the use shall be restricted to that use;

Parking will be restricted via the proposed signage referenced above.

8. Any off-street parking spaces to be provided on the site generating the off-street parking requirement shall be used to accommodate required handicapped accessible spaces and patron parking;

Two ADA parking spaces are shown on the detailed site development plan adjacent to the main entrance of the medical office.



9. The parking area shall be owned or leased by the same property owner who operates the use generating the off-street parking requirement, and any leasehold interest in the parking area shall be validly held for the duration of the use.

The applicant has provided a contract that states that the owner of the medical office, TRV Realty, Inc., will purchase the subject property once the special permit for off-site parking serving another property has been approved.

RELATION OF PROPOSED CHANGE TO THE CITY'S COMPREHENSIVE PLAN

CONSISTENCY WITH PLAN EL PASO	DOES IT COMPLY?
<u>G-2, Traditional Neighborhood (Walkable)</u> G-2 neighborhoods already have walkable thoroughfare grids, a mix of uses and housing types, historic buildings, parks, and a strong sense of character. The City's priorities are improving public infrastructure, restoring any abandoned buildings, and infilling empty lots and parking lots with street-oriented buildings.	There are references throughout Plan El Paso to a preference for lot configurations that do not place parking between the building and the street, and for shared parking lots to be located mid-block. The applicant's proposal is consistent with that guidance.
ZONING DISTRICT	DOES IT COMPLY?
<u>A-2 (Apartment)</u> The purpose of this districts is to promote and preserve residential development within the city associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the district will permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain nonresidential uses and support facilities.	An off-street surface parking lot serving another property is allowed in the A-2 Apartment District only after a Special Permit is granted by the El Paso City Council.
POLICY	DOES IT COMPLY?
<u>Policy 2.4.5:</u> The careless placement of off-street surface parking lots can blight surrounding properties and public spaces. This blight can be avoided by using the following principles: a. Non-residential and multi-family buildings should have their surface parking lots placed at the side or rear of buildings.	The medical office proposed to be served by a surface parking lot on the subject property has all of its parking lot located to the sides and rear of the building, accessible via alley.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The subject property is 6,960 square feet, which exceeds the minimum requirement for all uses permitted in the A-2 (Apartment) District. The proposed off-street surface parking lot serving another property is a use that is allowed with approval of a Special Permit by the El Paso City Council.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent of the Zoning Ordinance is to protect the public health, safety, and general welfare; to regulate the use of land and buildings within zoning districts to ensure compatibility, and to protect property values. The intent of the A-2 (Apartment) District is to promote and preserve residential development within the city associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The proposed special permit would allow for a surface parking lot consistent with parking lots already present in its established neighborhood that serve existing apartment buildings. The subject property allows for or does not allow for all applicable requirements to be met.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: The subject property is adequately served by existing infrastructure for the proposed use.

EFFECT UPON THE NATURAL ENVIRONMENT: The subject property is not in an environmentally sensitive area and no negative impact upon the natural environment is anticipated.

COMMENT FROM THE PUBLIC: The subject property falls within the boundary of the Del Norte Acres Neighborhood Association. They were contacted as required by 20.04.520. Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on December 20, 2017. The Planning Division has not received comment from the public in support of or opposition to the applicant's request.

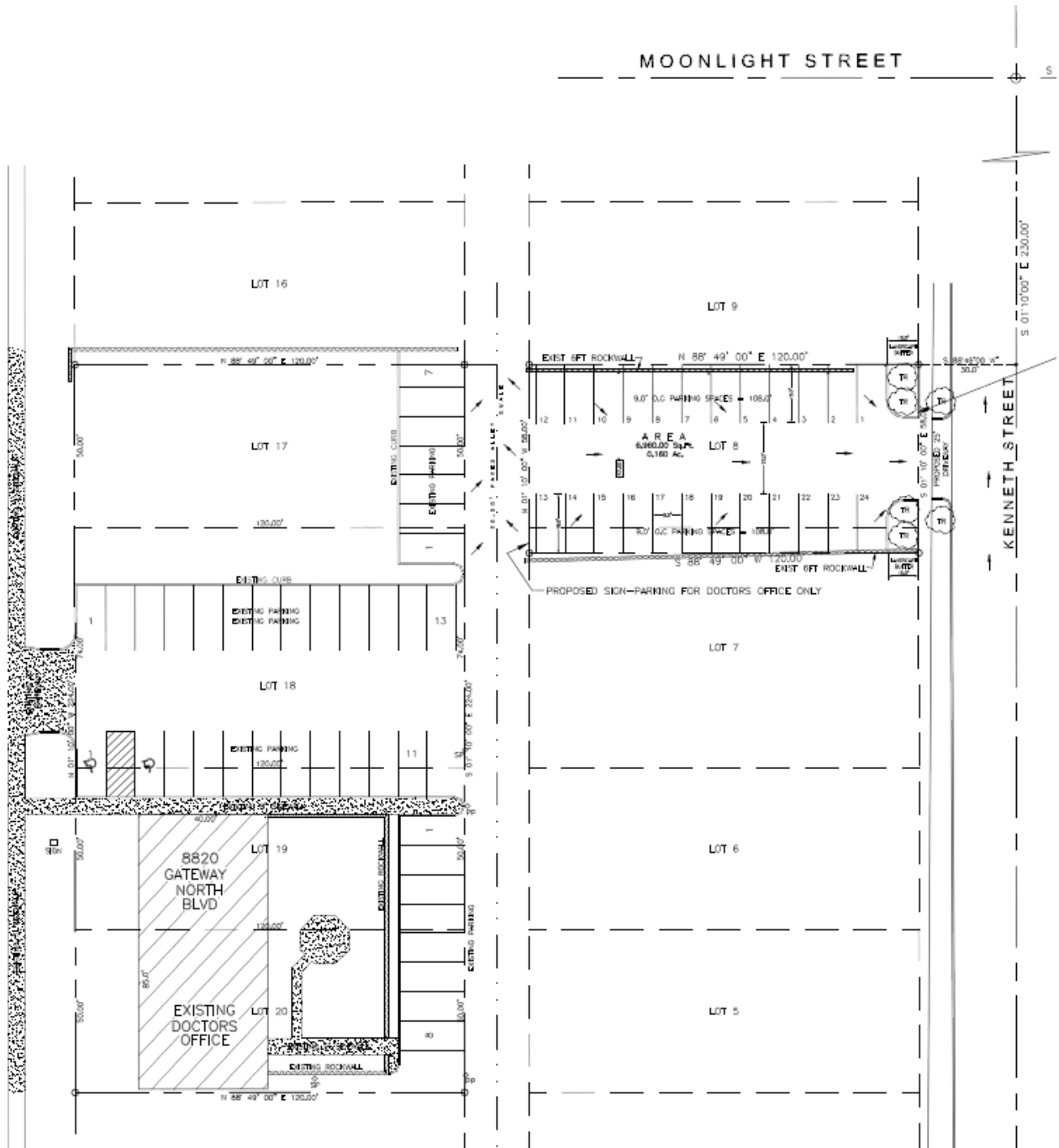
STAFF COMMENTS: No objections to proposed special permit and detailed site development plan approval. No reviewing departments had any negative comments. Applicant is responsible for obtaining all applicable permits and approvals prior to any construction or change in occupancy.

OTHER APPLICABLE FACTORS: Approval of the site plans by CPC constitutes a determination that the applicant is in compliance with the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that stormwater is in compliance with ordinances, codes, DSC, and DDM. Failure to comply may require the applicant to seek re-approval of the site plans from CPC.

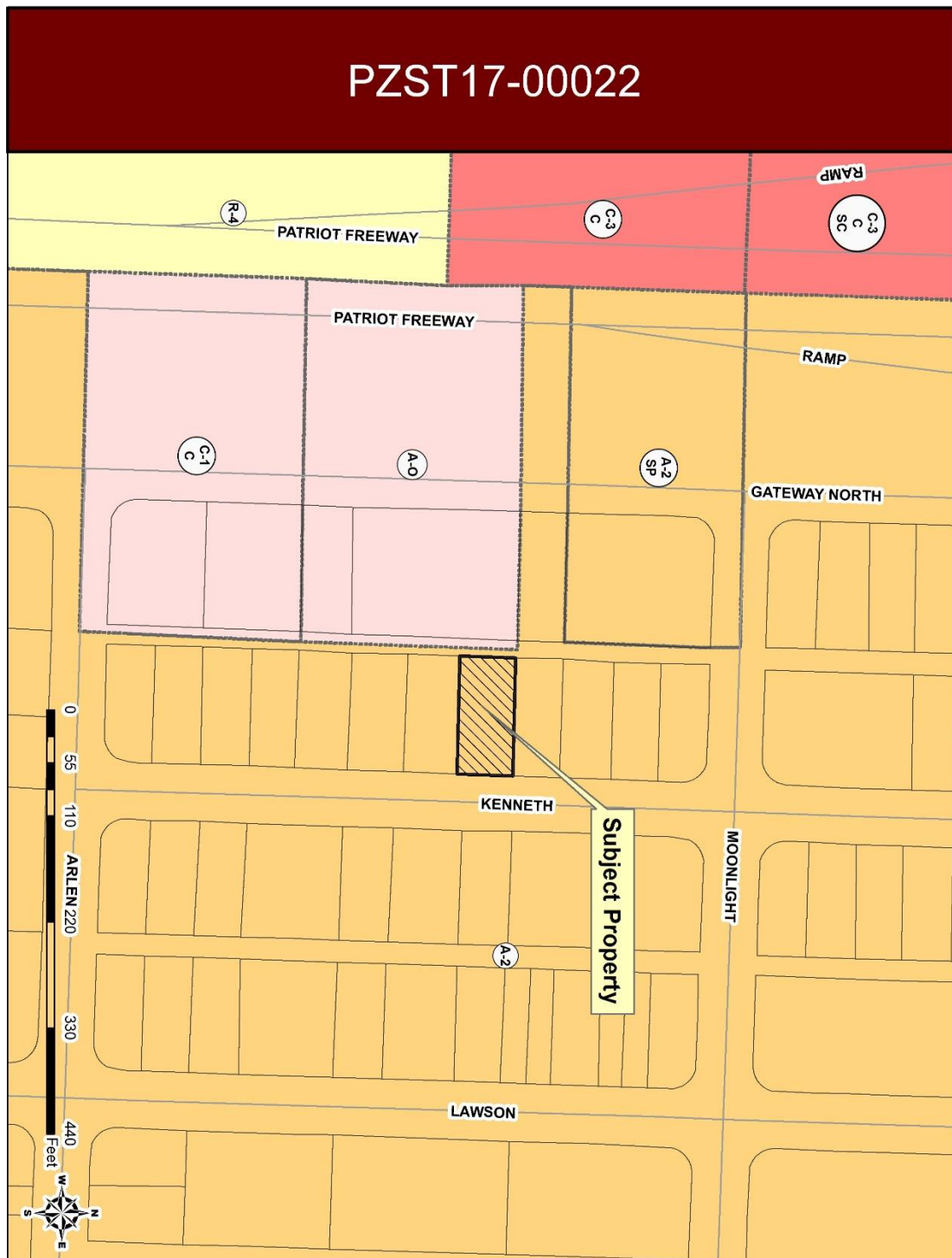
ATTACHMENTS:

1. Site Plan
2. Zoning Map
3. Comprehensive Plan Map
4. Department Comments
5. Neighborhood Notification Boundary Map
6. Neighborhood Association Letters
7. Letters from the Public

ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4

Planning and Inspections Department - Planning Division

1. Provide engineer's seal on the site plan
2. Provide stall dimensions
3. Provide height of the rock wall
4. Provide metes and bounds dated within 12 months of the application submittal date.
5. We need more information to determine whether the proposal meets the standards of 20.10.410 – Off street parking (serving another property)
 - a. Address, ownership information, building footprint, and parking calculations for the property that this off-street parking lot is intended to serve.
 - b. Location and content of signage indicating that the parking will only serve

Texas Department of Transportation

Development is not abutting State Right of Way.

Planning and Inspections Department – Plan Review & Landscaping Division

1. Missing 10' Landscape buffer, street trees, canopy trees, landscape calculations, ADA parking spaces. Provide dimensions of stalls and drive aisles.

Planning and Inspections Department – Land Development

We have reviewed subject plats and recommend Approval.

The Developer/Engineer shall address the following comments.

1. Add note to the detailed site plan sheet: "The difference between Historic and Developed Storm-water runoff discharge volumes shall be retained within this subdivision's limits (DSC, 19.19.010A and DDM, 11.1).
2. Dimension proposed driveway width between 25' and 35'.
3. Provide tie by bearing and distance to either a section corner, a survey line, a grant line, or other known and accepted survey points delineated on the final plat by bearing and distance within three thousand feet.
4. Approval of the site plans by CPC constitutes a determination that the applicant is in compliance with the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that storm-water is in compliance with ordinances, codes, DSC, and DDM. Failure to comply may require the applicant to seek re-approval of the site plans from CPC.

Fire Department

No comments from Fire on proposed parking lot on 8829 Kenneth St. – PZST17-00022

Police Department

The attached Special Permit and Detailed Site Development Plan has been reviewed, for planned parking space construction at 8829 Kenneth. We have no objections, additional comments, or police-related concerns to report. Thank you for informing us of the project.

Sun Metro

No comments received.

El Paso Water Utilities

1. EPWater does not object to this request.

Water:

2. There is an existing 4-inch diameter water main extending along the east side of Kenneth Drive, approximately 20-feet west of and parallel to the eastern right-of-way line of Kenneth Drive. This water main is available for service.
3. EPWU records indicate a vacant water service connection (inactive meter) serving the subject property. The address for this service is 8829 Kenneth Street.
4. Previous water pressure from fire hydrant #5458 located at the northeast corner of Kenneth and Arlen, has yielded a static pressure of 100 psi, a residual pressure of 60 psi, and a discharge of 1,443 gallons per minute.
5. 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:

6. There is an existing 8-inch diameter sanitary sewer main extending along the west side of Kenneth Drive, approximately 25-feet east of and parallel to the western right-of-way line of Kenneth Drive. This sanitary sewer main is available for service.

General:

7. EPWater 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 EPWater 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:

EPW-Stormwater Engineering reviewed the property described above and has no objections to the request. However, we recommend using principles of low impact & green infrastructure development (such as recessed landscaping, rainwater harvesting, and porous pavements) to reduce the amount of developed stormwater runoff and to mitigate adverse downstream drainage conditions.

ATTACHMENT 5

PZST17-00022



ATTACHMENT 6

Taffy Bagley

From: Taffy Bagley <taffy@bagleytx.com>
Sent: Tuesday, June 27, 2017 1:23 PM
To: 'oatisleeper@yahoo.com'
Subject: Special Permit - Del Norte Acres Neighborhood Association
Attachments: 170627110557_0001.pdf

I am filing the attached application on behalf of my client for a special permit to use 8829 Kenneth, a part of Del Norte Acres, as additional parking for my client's adjacent medical office. We would like to satisfy any concerns of the Del Norte Acres Neighborhood Association. My contact information is below. Please let me know if you have questions or concerns. Thank you.

Taffy Bagley
201 E. Main, Suite 1501
El Paso, Texas 79901
(915) 543-6700
(915) 543-6720-fax

ATTACHMENT 7

No written comment from the public received.



Recommendation/Public Input

- **Planning Division recommendation:** Approval
- **CPC Vote:** Approval Recommendation (5-0)
- **Public Input:** The Planning Division received no communication in support of or opposition to the special permit request.

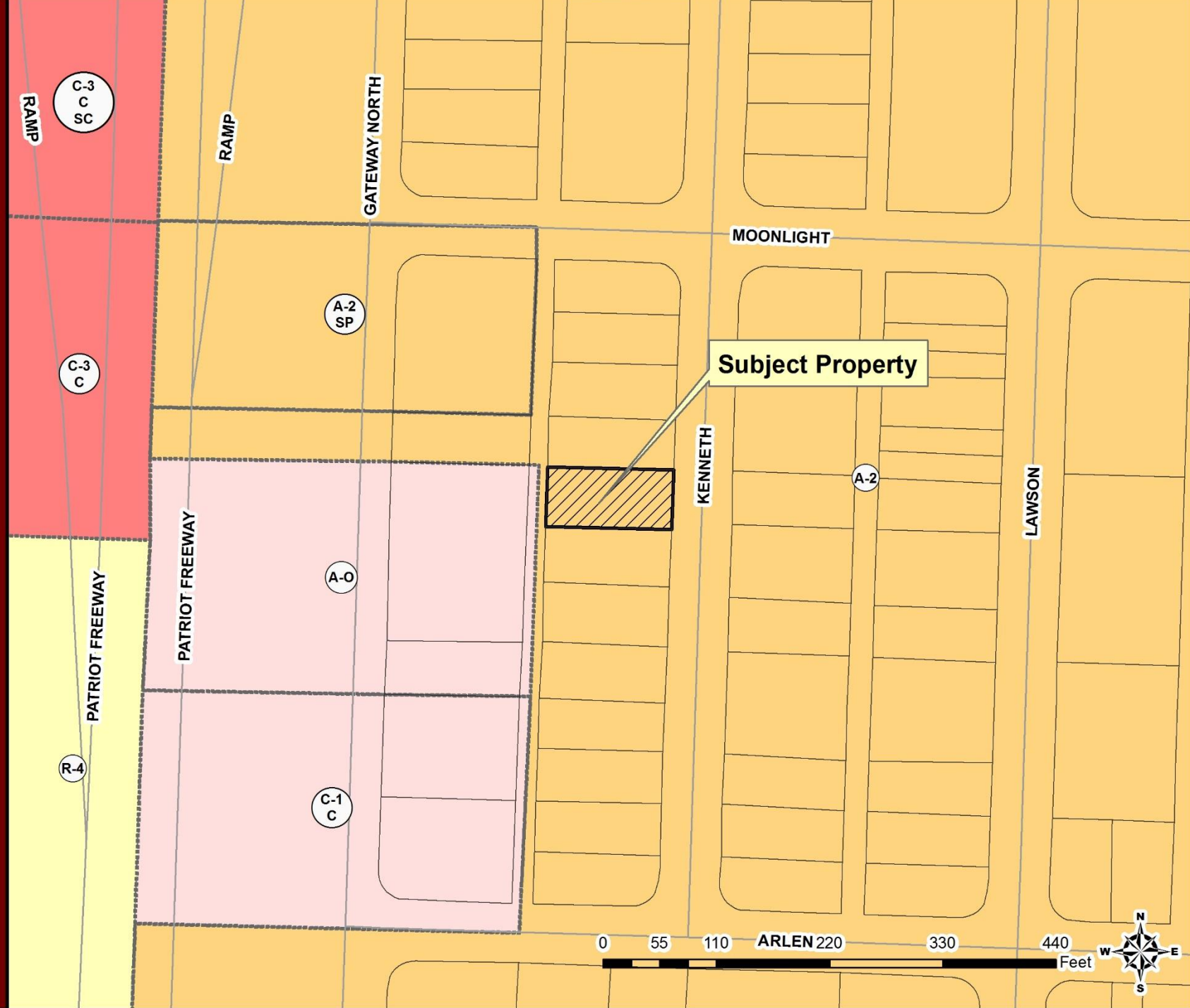
Strategic Goal #3 Promote the Visual Image of El Paso

3.1 Provide business friendly permitting and inspection processes

3.2 Improve the visual impression of the community



PZST17-00022



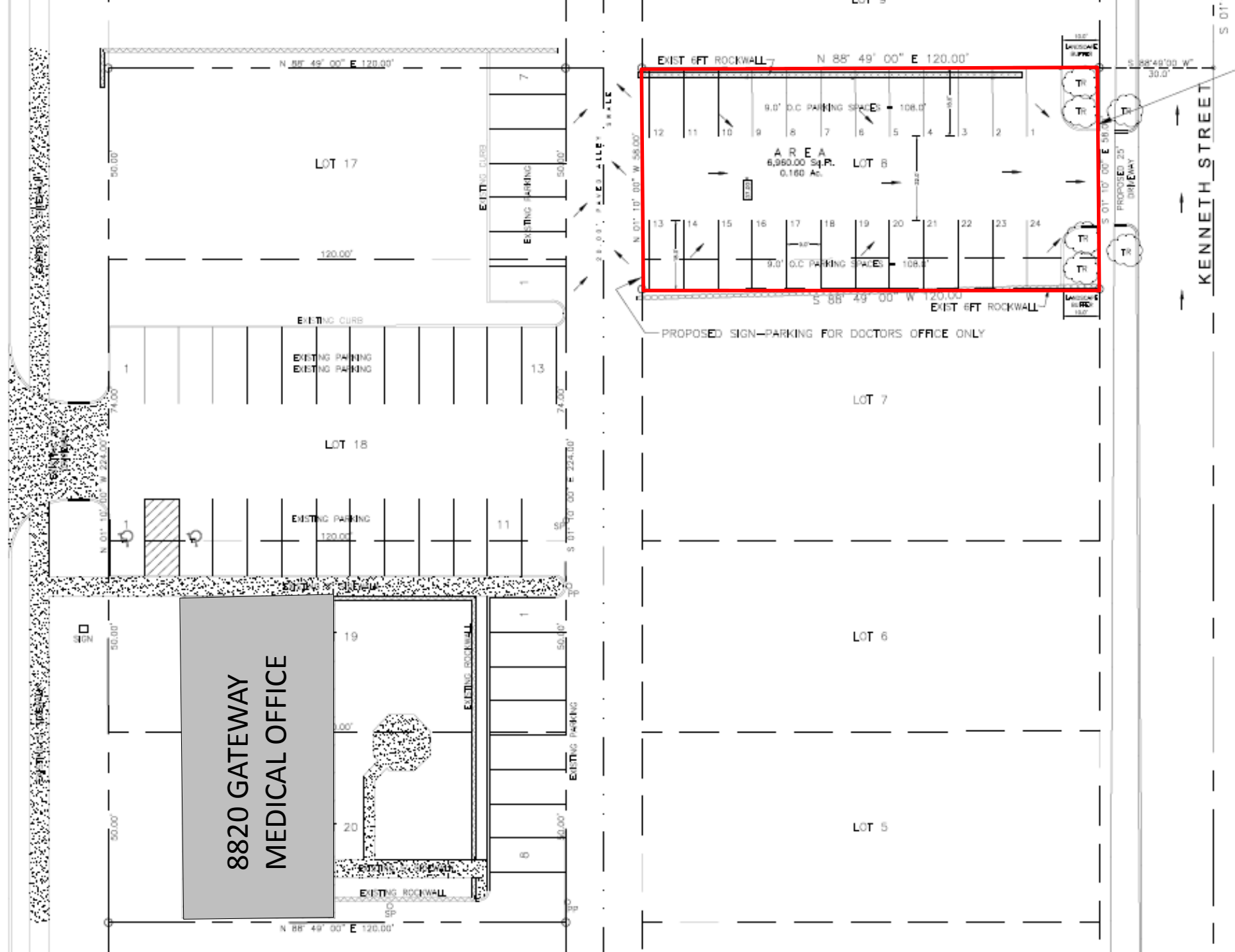


PZST17-00022





GATEWAY NORTH BOULEVARD





PZST17-00022

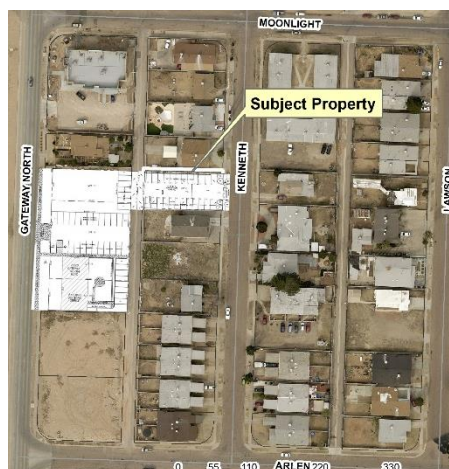














PZST17-00022

