

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

DEPARTMENT: City Development Department, Planning Division

AGENDA DATE: Introduction: May 13, 2014
Public Hearing: June 3, 2014

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

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance granting Special Permit No. PZST13-00026, to allow for Infill Development with a reduction in rear setback and a 50% parking reduction on the property described as Lots 17-25, and the East 10' of Lot 26, Block 23, Cotton Addition, 2030 Grant Avenue, 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: 2030 Grant Avenue. Property Owner: El Paso Chinese Baptist Church. PZST13-00026 (**District 8**)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval Recommendation (5-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Mathew S. McElroy
Director, City Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST13-00026, TO ALLOW FOR INFILL DEVELOPMENT WITH A REDUCTION IN REAR SETBACK AND A 50% PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 17-25, AND THE EAST 10' OF LOT 26, BLOCK 23, COTTON ADDITION, 2030 GRANT AVENUE, 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, El Paso Chinese Baptist Church, has applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for a reduction in rear setback and a 50% 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 A-2 (Apartment) Zone District:

Lots 17-25, and the East 10' of Lot 26, Block 23, Cotton Addition, 2030 Grant Avenue, City of El Paso, El Paso County, Texas and as more particularly described by metes and bounds on the attached Exhibit "A"; and,

2. That the City Council hereby grants a Special Permit under Sections 20.04.320 of the El Paso City Code, to allow an infill development for a reduction in rear setback and a 50% parking reduction; 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 incorporated herein by reference for all purposes; and,

ORDINANCE NO. _____

PZST13-00026

4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST13-00026 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.

PASSED AND APPROVED this _____ day of _____, 2014


THE CITY OF EL PASO

ATTEST:

Oscar Leaser
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy, Director
City Development Department

ORDINANCE NO. _____

PZST13-00026

AGREEMENT

El Paso Chinese Baptist Church, 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 A-2 (Apartment) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 2014.

El Paso Chinese Baptist Church:

By: _____
(name/title)

(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2014, by _____, for El Paso Chinese Baptist Church, as Owner.

My Commission Expires:

Notary Public, State of Texas

Notary's Printed or Typed Name:

ORDINANCE NO.

PZST13-00026

Exhibit "A"

Lots 17-25, and the East 10' of Lot 26, Block 23,
Cotton Addition,
City of El Paso, El Paso County, Texas

October 2, 2013

METES AND BOUNDS DESCRIPTION

2030 Grant Avenue
Exhibit "A"

FIELD NOTE DESCRIPTION of Lots 17-25, and the East 10' of Lot 26, Block 23, Cotton Addition, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a set iron rod on the northeast corner of Lot 17, Block 23, same being the southerly right-of-way line of Grant Avenue (72' R.O.W.); and the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said northeast corner, and leaving said southerly right-of-way line, South 37°15'00" East, a distance of 120.00 feet to a set iron rod for corner;

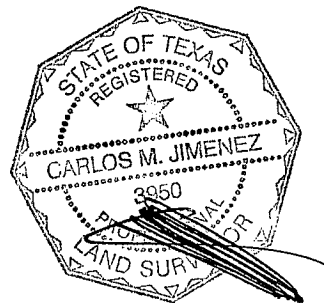
THENCE, South 52°45'00" West, a distance of 235.00 feet to a set iron rod for corner;

THENCE, North 37°15'00" West, a distance of 120.00 feet to a set iron rod for corner;

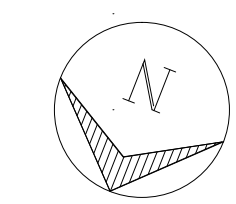
THENCE, North 52°45'00" East, a distance of 235.00 feet to the **POINT OF BEGINNING** of the herein described lot and containing 28,200.00 square feet or 0.6474 Acres of land more or less.

Carlos M. Jimenez
Registered Professional Land Surveyor
Texas No. 3950

CAD CONSULTING COMPANY.
1790 Lee Trevino Suite # 503
El Paso, Texas 79936
(915) 633-6422
13-2183.wpd



PAVED 18' ALLEY



SCALE: 1"=10'-0"



SCALE: $\frac{1}{8}" = 1'-0"$

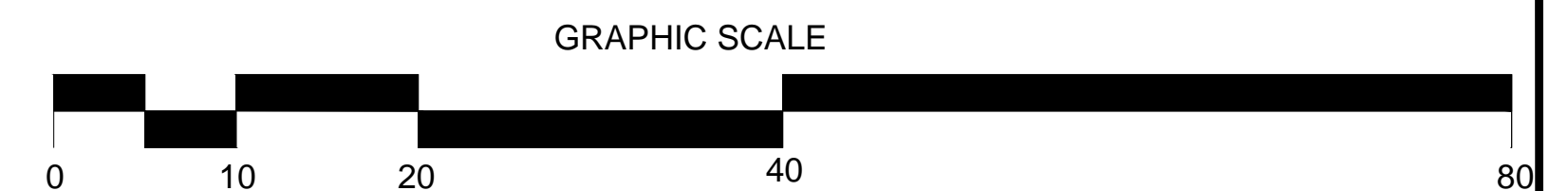


SCALE: $\frac{1}{8}" = 1'-0"$



SCALE: $\frac{1}{8}" = 1'-0"$

LOTS 17-25 AND THE EAST 10' OF LOT 26
BLOCK 23, COTTON ADDITION



No. _____ of _____

MEMORANDUM

DATE: April 17, 2014

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

FROM: Michael McElroy, Planner

SUBJECT: PZST13-00026

The City Plan Commission (CPC), on March 27, 2014, voted 5-0 to recommend **approval** of a special permit for infill development, to include a reduction in rear yard setback and a 50% 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 of the special permit request.

Attachment:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZST13-00026
Application Type: Special Permit & Detailed Site Plan Review
CPC Hearing Date: March 27, 2014
Staff Planner: Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov
Location: 2030 Grant
Legal Description: Lots 17-25, and the East 10' of Lot 26, Block 23, Cotton Addition, City of El Paso, El Paso County, Texas
Acreage: 0.647 acres
Rep District: 8
Current Zoning: A-2 (Apartment)
Existing Use: Church
C/SC/SP/ZBA/LNC: Yes (Legal Non-Conforming)
Request: Infill / Rear Setback Reduction
Proposed Use: Church Classrooms
Property Owner: El Paso Chinese Baptist Church
Representative: Ho-Fu Dai

SURROUNDING ZONING AND LAND USE

North: A-O (Apartment-Office) & C-2 (Commercial) / Office & Parking
South: C-4 (Commercial) / Single Family Homes
East: R-4 (Residential) / Single Family Home
West: C-4 (Commercial) / Office

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

NEAREST PARK: Houston Park (5,311 feet)

NEAREST SCHOOL: Sunset High School (825 feet)

NEIGHBORHOOD ASSOCIATIONS

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 March 11, 2014. The Planning Division has not received any communication in support or opposition to the special permit request.

APPLICATION HISTORY

The subject property and the property located at 2001 Grant Avenue entered into a shared parking agreement as permitted by Section 20.14.060 in February 2014. The approved shared parking permit allows the church to access 30 additional parking spaces that are located within 100' of the subject property.

The property is registered as legally non-conforming for setbacks. The main structure has a rear setback 5'9" from the property line. The non-conforming structure was built in 1951.

APPLICATION DESCRIPTION

The request is for a special permit for infill development and detailed site plan approval to allow a 5'9" rear yard setback for a building addition. The required rear yard setback is 25 feet. All other setback requirements

are being met. The setback reduction request is to accommodate the addition of 4 classrooms totaling 1,220 sq. ft. to the existing church facility. Access is proposed from Grant Avenue with additional access from the rear alley.

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, having been platted in 1934 (see attachment 4) and being located in a state enterprise zone.

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 church is permitted in the A-2 zoning district. The applicant complies with this requirement.

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.

Dimension	Required	Proposed
Rear	25'	5'9"

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 existing church facility and proposed addition require 30 on-site spaces while only 27 are available. Granting a special permit for infill development automatically reduces the required parking by 50 percent, thereby permitting 15 spaces to fulfill onsite parking needs, which the property exceeds. Note also that the applicant has received a shared parking permit to use parking at a property directly across Grant Avenue and thereby gain an additional 30 parking spaces.

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.

CITY DEVELOPMENT DEPARTMENT -PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the request as the proposed development is consistent with the surrounding residential and commercially zoned properties and is an appropriate use of infill to match existing traditional development. Furthermore, the property meets the requirements of Sections 20.04.320, Special Permit Approvals, 20.10.280, Infill Development, and 20.04.150 Detailed Site Development Plan.

Plan El Paso-Future Land Use Map Designation

All applications for rezoning 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 A-2 (Apartment) district is to provide 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. Permits building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain non-residential uses and support facilities.

COMMENTS:

City Development 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.

City Development Department - Land Development

No objection.

City Development Department – Building Permits & Inspections

Recommend approval.

El Paso Fire Department

Recommend approval.

El Paso Water Utilities

We have reviewed the site plan request referenced above and provide the following comments:

1. EPWU does not object to this request.

EPWU-PSB Comments

Water

1. There is an existing 6-inch diameter water main that extends along the alley between Grant Ave. and Montana St. located approximately 6 feet north of the alley centerline. This main is available for service.
2. There is an existing 48-inch diameter water distribution main that extends along Grant Ave. located approximately 8 feet south of the street centerline. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.
3. Previous water pressure readings from fire hydrant #5052, located at the northwest corner of the intersection of Montana St. and Willow St., have yielded a static pressure of 92 pounds per square inch (psi), a residual pressure of 88 psi and a discharge of 1186 gallons per minute (gpm).
4. 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.
5. EPWU records indicate an active ¾-inch water service connection serving the subject property. The address for this service is 2030 Grant Ave.

Sanitary Sewer

1. There is an existing 8-inch diameter sanitary sewer main that extends along the alley between Grant Ave. and Montana St. located along the centerline of the alley. This sewer main is available for service.

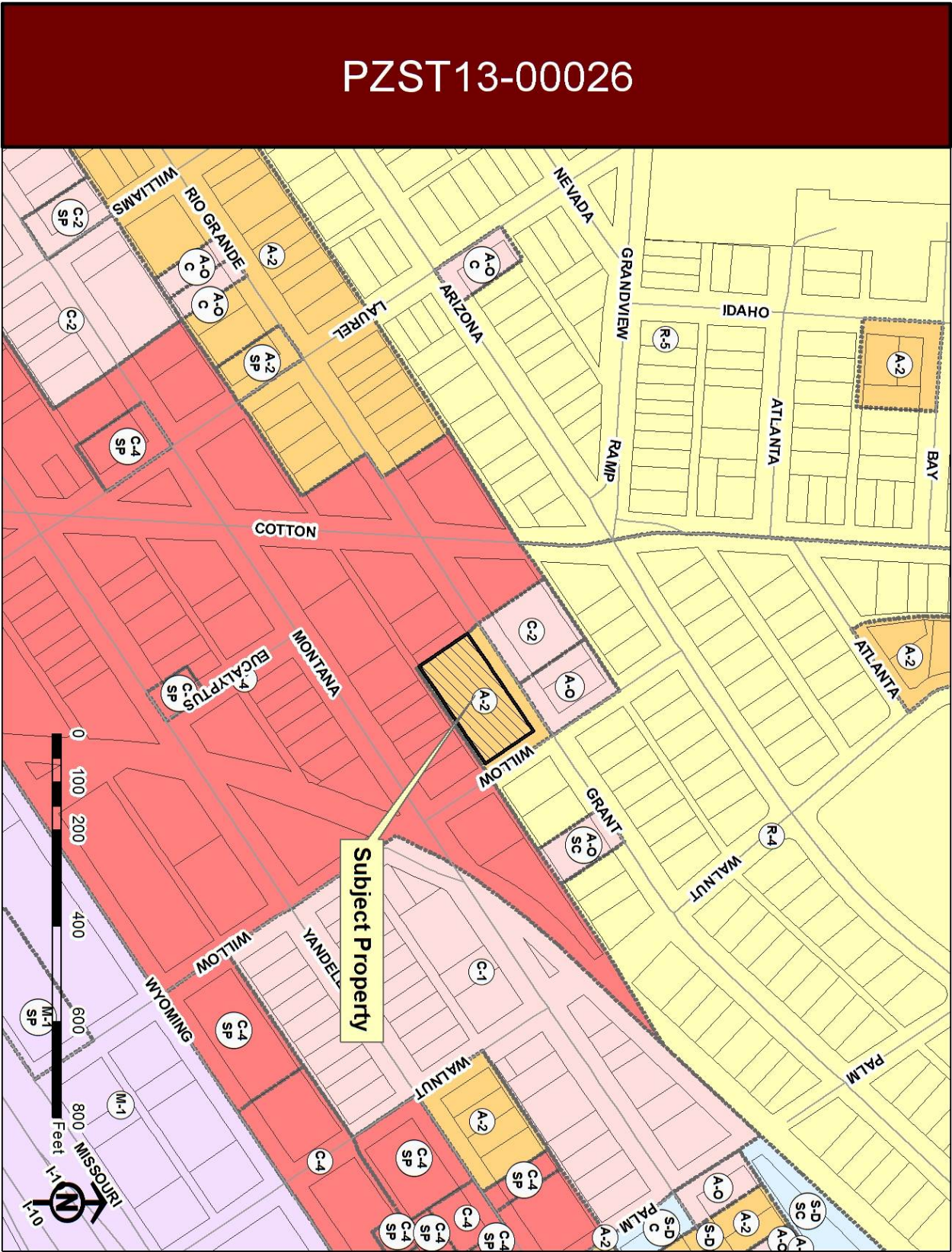
General

1. Application for new water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. 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. Cotton Addition Plat
5. Support Letter

ATTACHMENT 1: LOCATION MAP

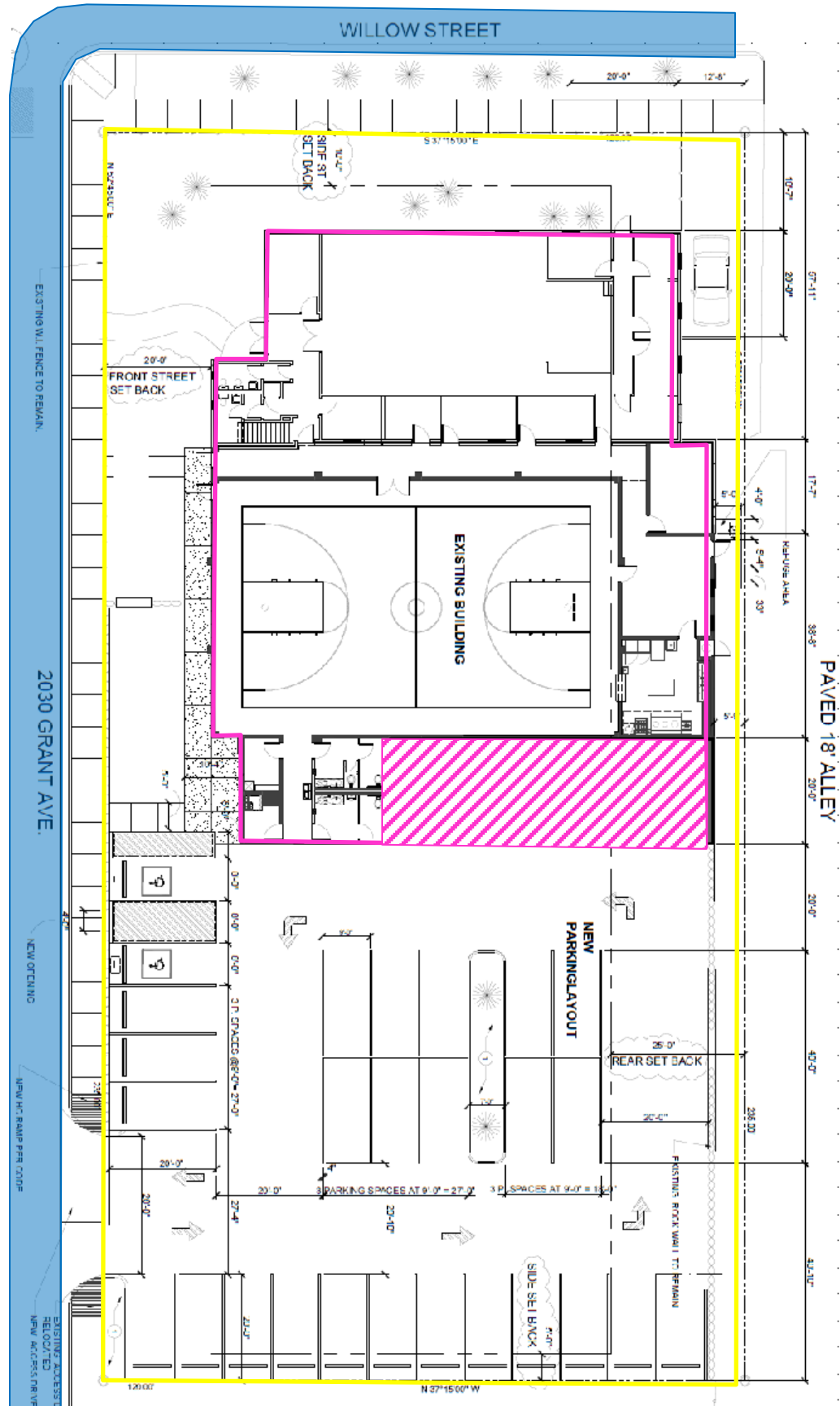


ATTACHMENT 2: AERIAL MAP

PZST13-00026



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



cottony place



ATTACHMENT 5: SUPPORT LETTER



MIMCO INC.
Commercial Real Estate Management & Investments

March 19, 2014

City Development Department – Planning Division
P.O. Box 1890
El Paso, TX 79950-1890

RE: Case Number PZST13-00026

To Whom It May Concern:

We received notice of the public hearing to rezone the property located at 2030 Grant Avenue. MIMCO fully supports the proposed changes of this property for a rear setback reduction and a 50% parking reduction in order to permit the classroom addition. If you have any questions please call me at (915) 779-6500. Thank you.

Sincerely,
MIMCO, Inc.

Robert S. Ayoub
President

8500 Montana
El Paso, TX 79925
915-779-6500
1-800-351-5252
fax 915-779-6509
www.mimcoelp.com