

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

DEPARTMENT: Planning and Economic Development Department

AGENDA DATE: Introduction: August 16, 2011
Public Hearing: September 20, 2011

CONTACT PERSON/PHONE: Esther Guerrero, (915) 541-4720

DISTRICT(S) AFFECTED: 2

SUBJECT:

An Ordinance granting Special Permit No. ZON11-00003, to allow for Infill Development with Reduced Setbacks and a Parking Reduction on the property described as a portion of Lots 3 and 4, Block 6, Del Norte Acres, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8620 Gateway North Boulevard. Property Owner: Disabled American Veterans Northeast Chapter #187. ZON11-00003 (**District 2**)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (5-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director-Planning and Economic Development

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON11-00003, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED SETBACKS AND A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS A PORTION OF LOTS 3 AND 4, BLOCK 6, DEL NORTE ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.320 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Disabled American Veterans Northeast Chapter #187, Owner, has applied for a Special Permit under Section 20.10.280 of the El Paso City Code to allow for Infill Development with Reduced Setbacks 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-1 (Commercial)** District:

Portion of Lots 3 and 4, Block 6, Del Norte Acres, City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A",

2. That the City Council hereby grants a Special Permit under Section 20.10.280 of the El Paso City Code, to allow for Infill Development with Reduced Setbacks and a Parking Reduction; and,
3. That this Special Permit is issued subject to the development standards in the **C-1 (Commercial)** District regulations and is subject to the approved Detailed Site Development Plan, signed by the Applicant, 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. _____

Special Permit No. ZON11-00003

4. That if at any time the Owner or the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. **ZON11-00003** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; 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 of the City Plan Commission before building permits are issued.

PASSED AND APPROVED this _____ day of _____, 2011.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy
Deputy Director – Planning and
Economic Development Department

ORDINANCE NO. _____

Special Permit No. ZON11-00003

AGREEMENT

Disabled American Veterans Northeast Chapter #187, Owner, referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the **C-1 (Commercial)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 2011.

Disabled American Veterans Northeast Chapter #187:

By: _____
(name/title)

(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2011, by _____, for **Disabled American Veterans Northeast Chapter #187**, as Owner.

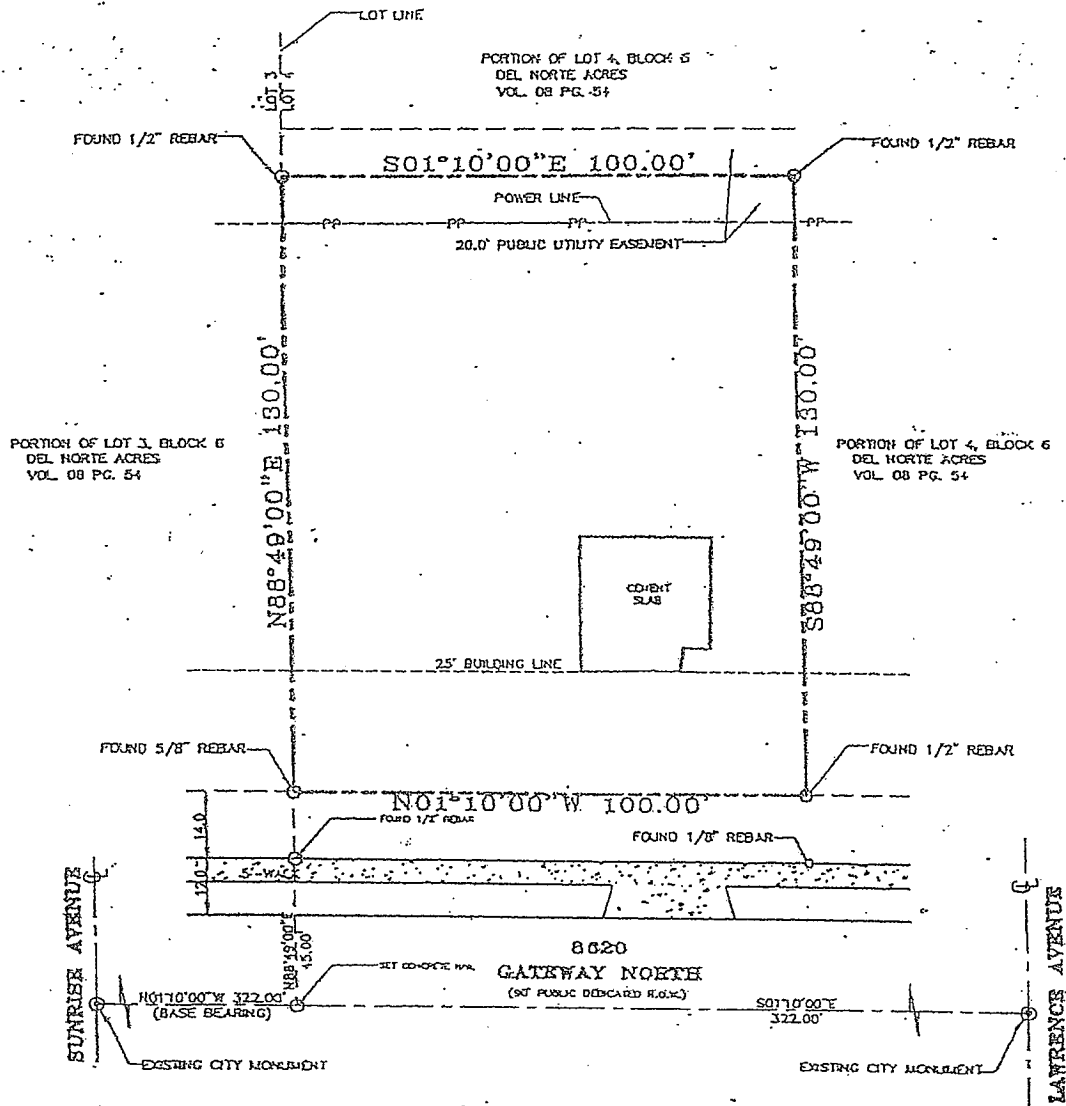
My Commission Expires:

Notary Public, State of Texas

Notary's Printed or Typed Name:

ORDINANCE NO. _____

Special Permit No. ZON11-00003



NOTE:

1. THIS PROPERTY LIES IN ZONE "C" AS DESIGNATED BY THE F.L.A. FLOOD INSURANCE RATE MAP, CITY OF EL PASO, OCTOBER 15, 1987, COMMUNITY NO. 450214, PANEL NUMBER 24B.
2. BEARINGS SHOWN ARE BASED ON THE FILED PLAT FOR DEL NORTE ACRES.
3. ONLY PLATTED EASEMENTS ARE SHOWN.
4. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

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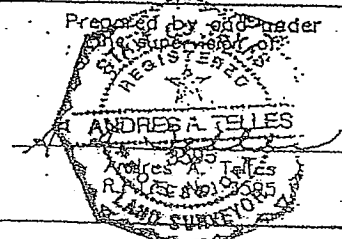
PLAT OF SURVEY

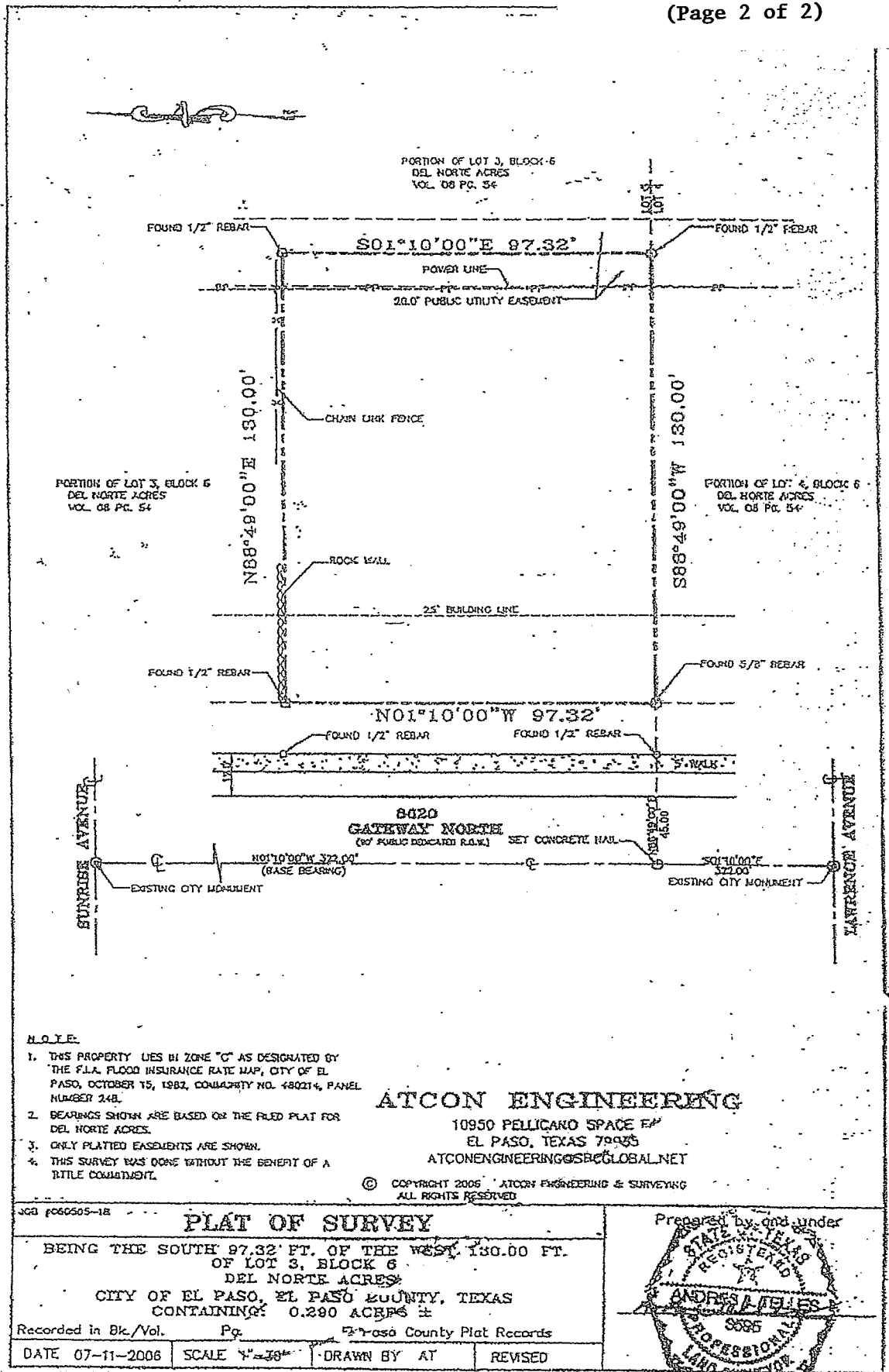
BEING THE NORTH 100.00 FT. OF THE WEST 130.00 FT.
OF LOT 4, BLOCK 6,
DEL NORTE ACRES
CITY OF EL PASO, EL PASO COUNTY, TEXAS
CONTAINING: 0.298 ACRES ±

Recorded in Bk./Vol. Pg. El Paso County Plat Records

DATE 07-11-2006	SCALE 1"=30'	DRAWN BY AT	REVISED
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Prepared by: and under







Date: August 8, 2011
To: Honorable Mayor and City Council
Joyce Wilson, City Manager
From: Esther Guerrero, Planner
Subject: **ZON11-00003 Special Permit for Infill Development**

The City Plan Commission (CPC) on July 14, 2011, voted **5-0** to recommend **approval** of this special permit. The request is a special permit for infill development to allow reduced rear yard setbacks from the required 25 ft. to 15 ft. and a 33% parking reduction from the required 33 parking spaces to 22 parking spaces. The property is zoned C-1 (Commercial) and is 0.5888 acres in size. The applicant is proposing two buildings, one building will be a professional office and the other building will serve as retail on the ground level with five apartments units on the second level.

This recommendation is in agreement with the recommendation from staff and the Development Coordinating Committee (DCC).

The CPC found that the special permit is in conformance with The Plan for El Paso. The CPC found that the proposed use is in conformance with the 2025 Projected General Land Use Map for the Central Planning Area. The CPC also determined that the special permit protects the best interest, health, safety, and welfare of the public in general; and will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was no one present at the meeting to speak in favor or in opposition to this request.

Attachment: Staff Report

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Cortney Carlisle Niland

City Manager
Joyce A. Wilson





City of El Paso – City Plan Commission Staff Report

Case No: ZON11-00003
Application Type: Special Permit and Detailed Site Development Plan Review
CPC Hearing Date: July 14, 2011
Staff Planner: Esther Guerrero, 915-541-4720, guerreroex@elpasotexas.gov

Location: 8620 Gateway North Boulevard
Legal Description: Portion of Lots 3 and 4 , Block 6, Del Norte Acres, City of El Paso, El Paso County, Texas
Acreage: 0.5888-acre
Rep District: 2
Existing Zoning: C-1 (Commercial)
Existing Use: Vacant
Request: Special Permit for Infill Development
Proposed Use: Office, Apartments, Retail Commercial

Property Owner: Disabled American Veterans Northeast Chapter #187
Representative: Don Luciano

SURROUNDING ZONING AND LAND USE

North: A-2 (Apartment) / single-family
South: A-2 (Apartment) / vacant
East: A-2 (Apartment) / multi-family
West: C-1 (Commercial), R-4 (Residential) / U.S. 54 Highway

The Plan for El Paso Designation: Mixed-Use (Northeast Planning Area)

Nearest Park: Wellington Chew Park (2,358 feet)

Nearest School: Moye Elementary (4,255 feet)

NEIGHBORHOOD ASSOCIATIONS

North Hills Neighborhood Pride Association

NEIGHBORHOOD INPUT

Notices of this public hearing were mailed to all property owners within 300 feet of the subject property on June 20, 2011. Re-notification was mailed out to all property owners within 300 feet of the subject property on June 30, 2011. Planning Division has not received any phone calls or letters in support or opposition of the rezoning request

APPLICATION DESCRIPTION

The site plan shows a proposed 2,867 sq. ft. office, a 5,080 sq. ft. building with commercial suites on the 1st level, five (5) apartment units on the 2nd level, and access via Gateway North Boulevard. The applicant is requesting a 33% parking reduction from the required 33 spaces to 22 spaces and reduced rear yard setbacks from the required 25 ft. to 15 ft. A special permit for infill development allows an automatic 50% parking reduction and up to 100% yard setback reductions.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the special permit and detailed site development plan review request for infill development with the condition that prior to City Council action, the applicant provide a

copy of the lease agreement with TxDOT for the encroachment on TxDOT right-of-way abutting Gateway North Boulevard that includes ten (10) parking spaces and landscaped area.

The Plan for El Paso-City-Wide Land Use Goals

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

- a. Goal: establish a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities and outlets for social and cultural expression.
- b. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- c. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.
- d. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.

The purpose of the C-1 (Commercial) district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for special permit and offered no objections to Planning Staff's recommendation for approval.

Engineering – Construction Management Division

Plan Review

No objections.

Land Development

1. Relocate proposed rock wall (north side) inside property or obtain a permit from abutting property owner for the new rock wall between property lines.
2. Rock wall (6') required abutting zone A-2, (from high side).
3. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
4. Grading plan and permit shall be required.*
5. Storm Water Pollution Prevention Plan and/or permit required.*
6. Drainage plans must be approved by Engineering and Construction Management Department, Land Development Section.*
7. Coordination with TxDOT (For drainage, driveway and parking lot on TxDOT right of way).
8. No water runoff allowed outside the proposed development boundaries, (on-site ponding required).
9. The Subdivision is within Flood Zone C - "Areas determined to be outside the 0.2% annual flood" – Panel # 480214 0024B, dated October 15, 1982.

* This requirement will be applied at the time of development.

Department of Transportation

Note:

1. Transportation has no objection to proposed parking reduction request, parking is available on street.
2. Wheel stops shall be placed on all parking stalls abutting pedestrian pathways.
3. All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction..

Fire Department

El Paso Fire Department has no objections to the reduced setback and parking reduction request.

El Paso Water Utilities

1. Gateway North is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Gateway North right-of-way requires written permission from TxDOT.
2. EPWU-PSB does not object to this request.
3. There is an existing 12-inch diameter water main extending along Gateway North that is available for service, the water main is located approximately 30-feet west from the western property line.
4. Previous water pressure from fire hydrant #2348 located at the northeast intersection of Sunrise Drive and Gateway North have yielded a static pressure of 114 (psi), a residual pressure of 107 (psi), and a discharge of 1,463 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.
6. There is an existing 8-inch diameter sanitary sewer main along Gateway North about 18-feet west from the western property line. The sewer main ends about 195-feet south from Sunrise Drive southern right of way property line. The Owner/Developer is responsible for any necessary main extension cost.
7. Application for 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.

CITY PLAN COMMISSION OPTIONS

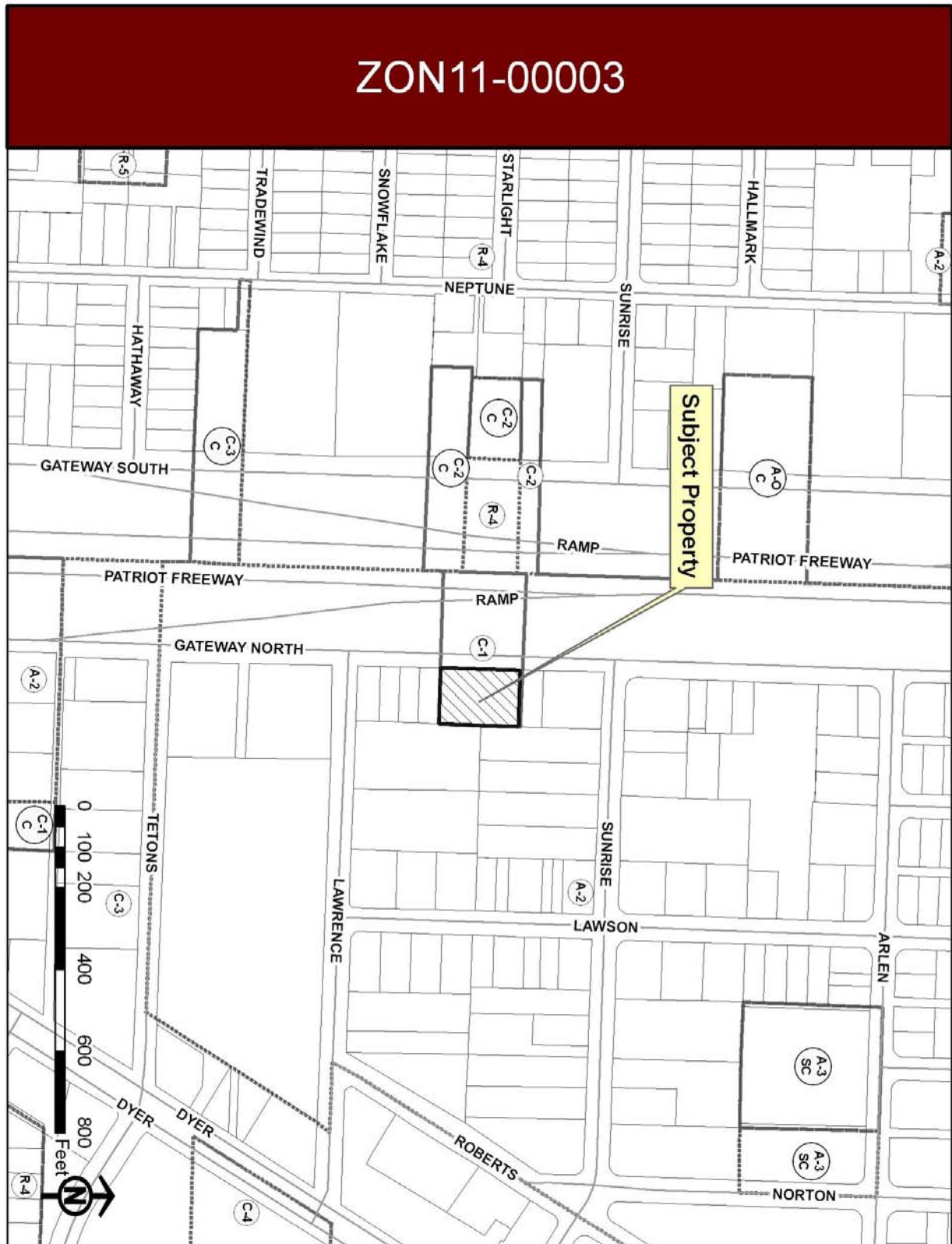
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit and detailed site development plan application:

1. Recommend approval of the application finding that the special permit and detailed site development plan is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan
2. Recommend approval of the application with modifications to bring the special permit and detailed site development plan into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the special permit and detailed site development plan does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

Attachments

1. Location Map
2. Aerial Map
3. Detailed Site Plan
4. Elevations

ATTACHMENT 1: LOCATION MAP



ATTACHMENT 2: AERIAL MAP



U.S. HIGHWAY 54

ATTACHMENT 4: ELEVATION

