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

DEPARTMENT:	Planning and Inspections, Planning Division

AGENDA DATE:	Introduction: September 20, 2018
	Public Hearing: October 16, 2018

CONTACT PERSON/PHONE:	Philip Etiwe, (915) 212-1556, EtiwePhilipF@elpasotexas.gov
	Anne Guayante, (915) 212-1814, guayanteam@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

An ordinance granting Special Permit No. PZST18-00013 to allow for a business office use in the A-3 (Apartment) District on the property described as Lot 10 and the north foot of Lot 9, Block 107, Campbell Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.240 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 716 E. Fourth Ave. Property Owner: RC Senior Medical Plans Corporation. PZST18-00013 (District 8)

BACKGROUND / DISCUSSION:

On August 23, 2018, the CPC reviewed and recommended approval of the proposed special permit.

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 (6-0)

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Philip Etiwe Planning and Inspections Department

Philip There

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE:

ORDINANCE NO. _____ GITY CLERK DEPT. 2018 SEP 12 AM8:27

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST18-00013, TO ALLOW FOR A BUSINESS OFFICE USE IN THE A-3 (APARTMENT) DISTRICT ON THE PROPERTY DESCRIBED AS LOT 10 AND THE NORTH ONE FOOT OF LOT 9, BLOCK 107, CAMPBELL ADDITION, 716 E. FOURTH STREET, 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 IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the RC Senior Medical Plans Corporation, has applied for a Special Permit under Section 20.04.320 of the El Paso City Code to allow for a business office use in the A-3 (Apartment) District; 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-3 (Apartment) District:

Lot 10 and the North One Foot of Lot 9, Block 107, Campbell Addition, 716 E. Fourth Street, City of El Paso, El Paso County, Texas; and more particularly described in the metes and bounds attached herein 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 a business office use 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-3 (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,

PZST18-00013

CITY CLERK DEPT. 2018 SEP 12 AM8:27

4. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. PZST18-00013, 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 City Clerk

APPROVED AS TO FORM:

Russell T. Abeln Assistant Attorney

APPROVED AS TO CONTENT:

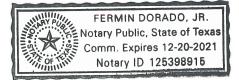
Philip Étiwe, Director Planning & Inspections Department

PZST18-00013

AGREEMENT

RC Senior Medical Plans Corporation, 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-3 (Apartment) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 10th day of SEPTEMBER, 2018



RC Senior Medical Plans Corporation ROCIO CORRAL (PRESIDENT (Name/Title)

ACKNOWLEDGMENT

THE STATE OF TEXAS

COUNTY OF EL PASO

	This	instrument is	acknowledged	before me on this	10	day	of <u>S</u>	OPTEMB	er,
2018,	by	ROCIO	Correl		for	RC	Senior	Medical	Plans
Corpor	ration	as Applicant.		CL					
	(Seal	l)		Thu	/	Λ			

Notary Public, State of Texas Signature

FERMIN DORMO JA Printed or Typed Name

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My Commission Expires:

12-20-2021

PZRZ18-00013

EXHIBIT "A"

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

716 E. FOURTH AVENUE

Metes and Bounds description of Lot 10 and the north one foot of Lot 9, Block 107, Campbell Subdivision, City of El Paso, County of El Paso, Texas and being more particularly described as follows;

From an existing city monument located at the intersection of the monument lines of Florence Street and Fourth Avenue South 90°00'00" East along the monument line of Fourth Avenue a distance of one hundred sixty five and no hundredths (165.00) feet to the intersection of Fourth Avenue monument line and the extended easterly right-of-way line of Alley Block 107, Campbell Subdivision;

Thence South 00°00'00" East along the extended easterly right-of-way line of Alley Block 107, Campbell Subdivision a distance of forty five and fifty hundredths (45.50) feet to the northwest corner of Lot 10, Block 107, Campbell Subdivision, said corner lying on the southerly right-of-way line of Fourth Avenue and also being the Point of Beginning for this description;

Thence South 90°00'00" East along the southerly right-of-way line Fourth Avenue a distance of one hundred twenty and no hundredths (120.00) feet to the northeasterly corner of Lot 10, Block 107, Campbell Subdivision, said corner being the intersection of the southerly right-of-way of Fourth Avenue and the westerly right-of-way of Ochoa Street;

Thence South 00°00'00" West along the westerly right-of-way line of Ochoa Street a distance of twenty seven and no hundredths (27.00) feet to the southeasterly corner of the property being described;

Thence North 90°00'00" West along the southerly line of the property being described a distance of one hundred twenty and no hundredths (120.00) feet to the southwesterly corner of the property being described said corner lying on the easterly right-of-way line of Alley Block 107, Campbell Subdivision;

Thence North 00°00'00" East along the easterly right-of-way line of Alley Block 107, Campbell Subdivision, a distance of twenty seven and no hundredths (27.00) feet to the northwesterly corner of Lot 10, Block 107, Campbell Subdivision said corner being the Point of Beginning for this description;

Said Parcel of Land contains 3,241.00 square for the OP/PAcres of Land more or less.

Prepared by, Fermin Dorado, E.P.L.S. S:\MYFILES\716 Fourth Street\M&B.docx



May 17, 2018

(Exhibit "B" on the following page)

ORDINANCE NO. 18-1007-2267 | 820268 716 E. Fourth Street RTA

PZRZ18-00013



716 E. Fourth Street | RTA

MEMORANDUM

DATE:	September 6, 2018
то:	The Honorable Mayor and City Council Tomàs Gonzalez, City Manager
FROM:	Anne Guayante, Senior Zoning Planner - Planning & Inspections
SUBJECT:	PZST18-00013

The City Plan Commission unanimously recommended **approval** (6-0) of the proposed special permit at its August 23, 2018 meeting.

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, 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 September 6, 2018, Planning staff has not received any opposition to the special permit.

Property Owner: RC Senior Medical Plans Corporation **Applicant:** Dorado Engineering

Attachments: Staff Report

716 E. Fourth Street

City of El Paso — Plan Commission — 8/23/2018

PZST18-00013 Special P	ermit – RC Senior Medical Plans Corporation		
STAFF CONTACT:	Anne Guayante, (915) 212-1814, guayanteam@elpasotexas.gov		
OWNER:	RC Senior Medical Plans Corporation		
REPRESENTATIVE:	Dorado Engineering		
LOCATION:	716 E. Fourth Street, District 8		
LEGAL DESCRIPTION:	Lot 10 and the North 1 Foot of Lot 9, Block 107, 716 E. Fourth Street, City of El Paso, El Paso County, Texas		
EXISTING ZONING:	A-3 (Apartment)		
REQUEST: RELATED APPLICATIONS:	Special Permit for an Office use in the A-3 (Apartment) District PZBA18-00039 (Heard August 13, 2018)		
PUBLIC INPUT	None received; Notices sent to property owners within 300 feet on August 9, 2018 (See Attachment #7)		
STAFF RECOMMENDATION:	Approval (see pages 2—4 for basis for recommendation)		

SUMMARY OF REQUEST: The applicant is requesting to use the subject property as a business office, which is permitted in the A-3 (Apartment) after approval of a Special Permit by the El Paso City Council.

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 multi-family, civic, and commercial. The proposed development is compliant with the G-2, Traditional Neighborhood land use designation of Plan El Paso, the City's Comprehensive Plan, in the Central Planning Area.



DESCRIPTION OF REQUEST

The applicant has submitted a Special Permit application to allow for a proposed office for the property at 716 E. Fourth Street through the Zoning Section of the Planning and Inspections Department. The Detailed Site Development Plan shows one, 1,194 square foot building previously containing two dwelling units and now proposed for use as an office. Three parking spaces are required for an office use, and four are shown on the site plan, to include one accessible parking stall. The neighborhood surrounding the subject property consists of medium density residential uses and civic uses to include a community center, wellness center, and church.

The proposed development received a Special Exception from the Zoning Board of Adjustments for encroachments into the required side, street side, and rear yards. It otherwise meets all applicable code provisions. Access to the subject property is proposed from one existing driveway on E. Fourth Street.

SPECIAL PERMIT REQUIREMENTS

CONSIDERATION CRITERIA: To grant the special permit to allow for an office use in an A-3 (Apartment) District, the following requirements must be met per 20.04.320.D:

 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;

The subject property was granted a Special Exception from the Zoning Board of Adjustments on August 13, 2018, to allow for encroachments into the required side, street side, and rear yards that have been in existence for at least fifteen years and were not established by the current owner. All other dimensional requirements are met. There are no additional supplemental zoning regulations that apply to office uses. The subject property is not within an overlay district.

2. The proposed development is in accordance with and in furtherance of Plan El Paso, any special neighborhood plans or policies adopted by the city regarding the development area, or any approved concept plan;

The G-2, Traditional Neighborhood growth sector generally consists of small, alley loaded lots containing single family, small multi-family, and small commercial development. The conversion of the subject property to an office use is consistent with the intent and typical development pattern of the G-2, Traditional Neighborhood Development. Alley access is not possible in this instance due to the existing building's configuration. Plan El Paso advocates for increasing the diversity of uses within neighborhoods to promote walkability. The introduction of the office use into its neighborhood helps to advance that goal.

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;

All reviewing entities indicated that the subject property can be adequately served by the existing infrastructure.

4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development;

No changes to the existing structure are proposed with this new development, which has long been part of its established neighborhood. The existing building has existed since at least 1956, with the front portion being constructed sometime prior to 1997. The office use is not anticipated to have any negative impacts on its surrounding neighborhood, and to be compatible with existing development.

5. The design of the proposed development mitigates substantial environmental problems;

No

6. The proposed development provides adequate landscaping and/or screening where needed to reduce visibility to adjacent uses;

The proposed development requires one tree, which is shown on the site plan. A screening wall is required between the subject property and the adjacent property to the west, which is an apartment building. The existing wall shown on the site plan meets the requirements for this wall.

7. The proposed development is compatible with adjacent structures and uses;

The owner of the subject property proposes to convert a vacant building previously used as apartments on a corner lot immediately across from a church and a large civic use. The existing building has been a part of the established neighborhood for decades, and the proposed office use is not anticipated to introduce any negative effects. The cinderblock building is constructed of the same materials as other buildings on its block face to include its immediate next door neighbor, and no changes are proposed.

8. The proposed development is not materially detrimental to the enjoyment or valuation of the property adjacent to the site.

The addition of the new office use to the existing neighborhood is not anticipate to impact it negatively. Other, larger, civic uses present within the neighborhood contain office components. Adequate screening is provided between the subject property and the adjacent apartment building.

RELATION OF PROPOSED CHANGE TO THE CITY'S COMPREHENSIVE PLAN

CONSISTENCY WITH PLAN EL PASO	DOES IT COMPLY?
G-2, Traditional Neighborhood 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 subject property's block configuration is consistent with the typical pattern for G-2, Traditional Neighborhood development, and its building configuration is consistent with its block. The proposed office use would be integrated into an existing residential blockface immediately adjacent to two large civic uses across Fourth Street and Ochoa Street.
ZONING DISTRICT	DOES IT COMPLY?
A-3 (Apartment) The purpose of this 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 regulations of the districts 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.	The proposed office use is permitted in the A-3 (Apartment) District with approval of a Special Permit from the El Paso City Council.
POLICY	DOES IT COMPLY?
Policy 1.2.3: Vacant and underutilized parcels in and around the City's traditional neighborhoods can be excellent locations for redevelopment that adds housing, shopping, employment, entertainment, and recreational options for nearby residents and transit patrons. Redevelopment of such sites should mesh with the scale and character of these existing neighborhoods rather than imposing a suburban or high-rise model on traditional neighborhoods.	The applicant proposes to reuse an existing building that is part of the established neighborhood to add a new office use.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The subject property has applied for and received a Special Exception from the Zoning Board of Adjustments for encroachments into the side, street side, and rear yard setbacks. All other city requirements, to include parking and landscaping, are met in the applicant's proposal. The proposed use is allowed upon approval of a Special Permit.

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-3 (Apartment) District is to the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts 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. The proposed special permit would introduce an office use to the neighborhood of the subject property, which is consistent with development in the G-2 (Traditional Neighborhood) growth sector and with the guidance contained within Plan El Paso. The subject property allows for allow for all applicable requirements to be met.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: No negative comments were received from any reviewing departments and public facilities are considered to be adequate to serve the proposed development.

EFFECT UPON THE NATURAL ENVIRONMENT: No negative impacts are anticipated. The subject property is not within arroyo or another environmentally sensitive area.

COMMENT FROM THE PUBLIC: The subject property falls within the boundary of the Southside Neighborhood Association and the El Paso Central Business Association 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 August 9, 2018. The Planning Division has not received any communication in support of or opposition to the Special Permit 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.

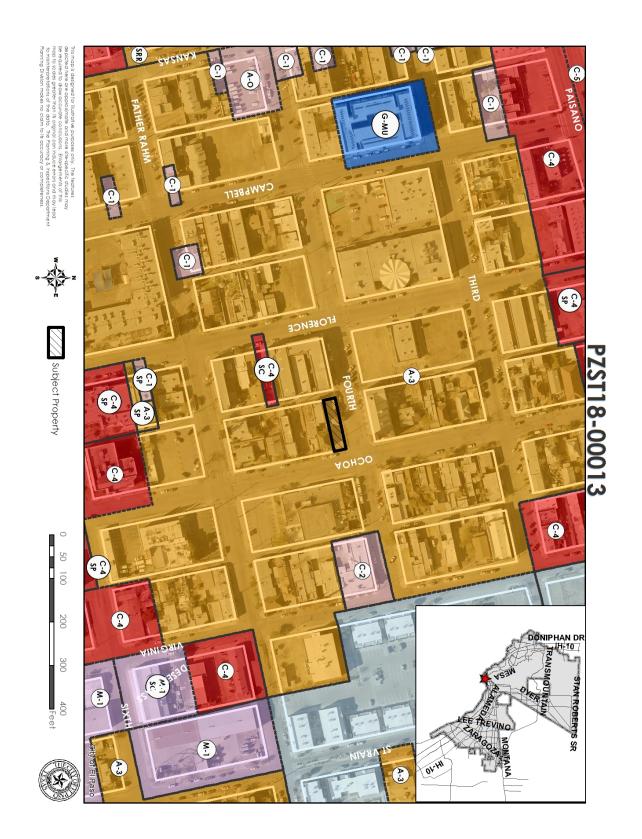
ATTACHMENTS:

- 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

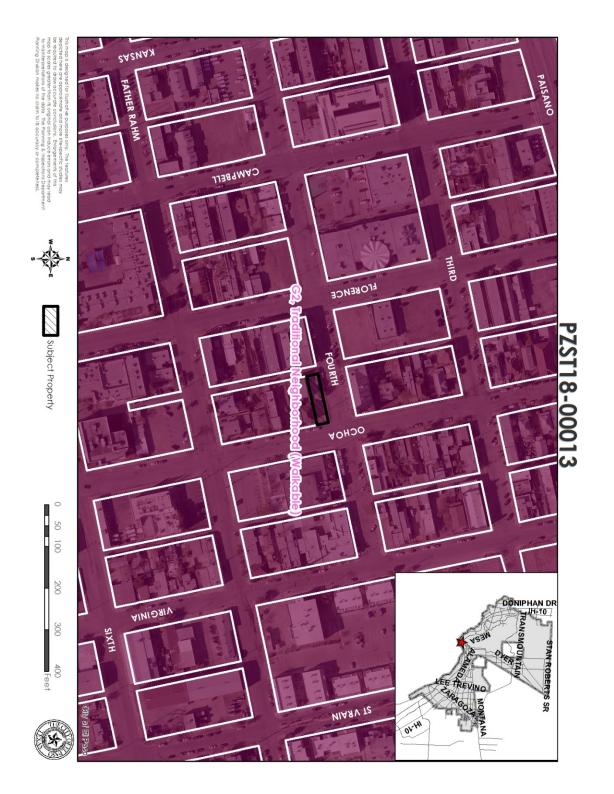
ATTACHMENT 1: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 2: ZONING MAP



ATTACHMENT 3: FUTURE LAND USE MAP



ATTACHMENT 4: DEPARTMENT COMMENTS

Planning and Inspections Department - Planning Division

- 1. Please provide a document indicating that Rocio Corral has signing authority for the owner and has the owner's authorization to apply for and represent them in the rezoning request.
- 2. The 2008 Deed submitted with the application shows a different owner than indicated on the application form.
- 3. Please show required bike rack within 50 feet of the primary entrance.
- 4. Please show and label the height of the existing CMU wall between the subject property and neighbor to the south.
- 5. Please provide parking stall dimensions.

Planning and Inspections Department - Subdivisions Division

1. Staff recommends that a platting determination be submitted prior to the issuance of building permits for the proposed use.

Texas Department of Transportation

Not abutting TXDOT right of way

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend approval.

Planning and Inspections Department – Land Development

1. No comment received.

Fire Department

Recommend approval.

Police Department

No comments received.

Sun Metro

Recommend approval

El Paso Water Utilities

1. EPWater does not object to this request:

Water:

- 2. There is an existing 6-inch diameter water main extending along Ochoa Street. This water main is available for service.
- 3. There is an existing 6-inch diameter water main extending along Fourth Avenue. This water main is available for service.
- 4. There is an existing 4-inch diameter water main extending along the alley between Ochoa Street and Florence Street. This water main is available for service.
- 5. Previous water pressure tests from fire hydrant # 995 located approximately northeast corner of Florence Street and Fourth Avenue have yielded a static pressure of 100 psi, a residual pressure of 82 psi, and a discharge of 1,126 gallons per minute. 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 that extends along the alley between Ochoa Street and Florence Street, this main is located approximately 10-feet west from the western property line. This sewer main is available for service.

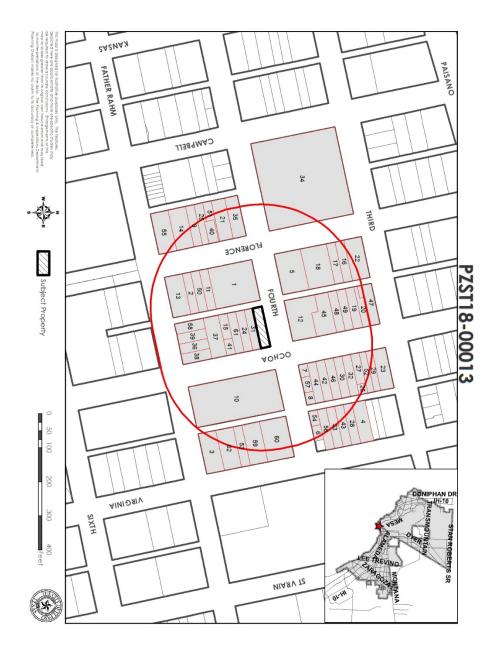
General:

7. EPWater requires a new service application to provide service 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 – 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.

Stormwater:

8. EPWater - Stormwater Engineering has no objections to this request.

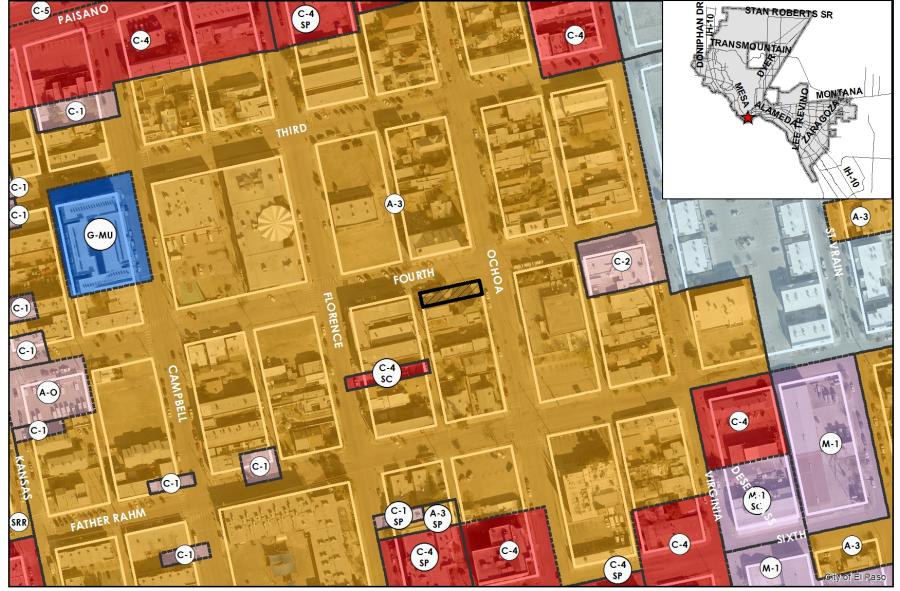
ATTACHMENT 5: NEIGHBOR NOTIFICATION MAP



ATTACHMENT 6

No written comment from the public received.





This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Ranning Division makes no claim to its accuracy or completeness.

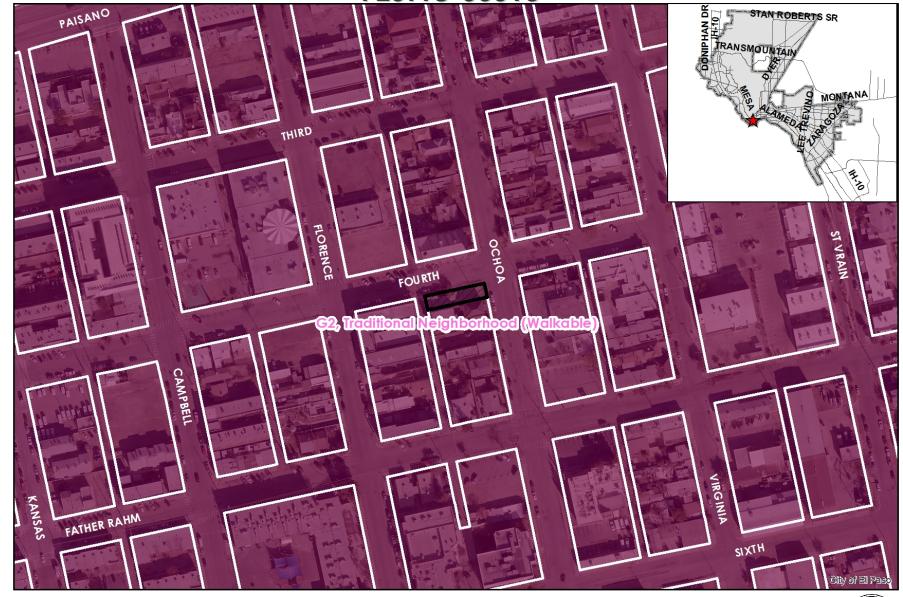


Subject Property









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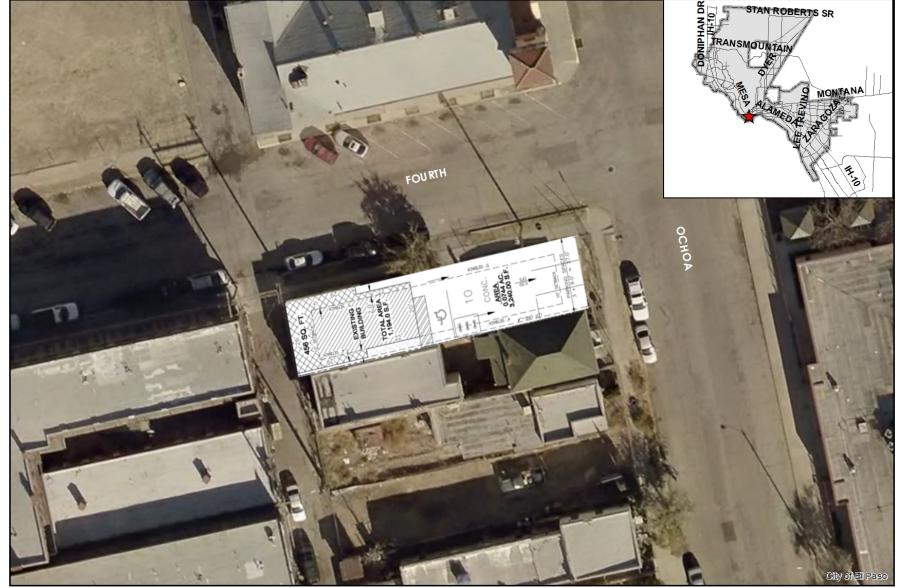


Subject Property







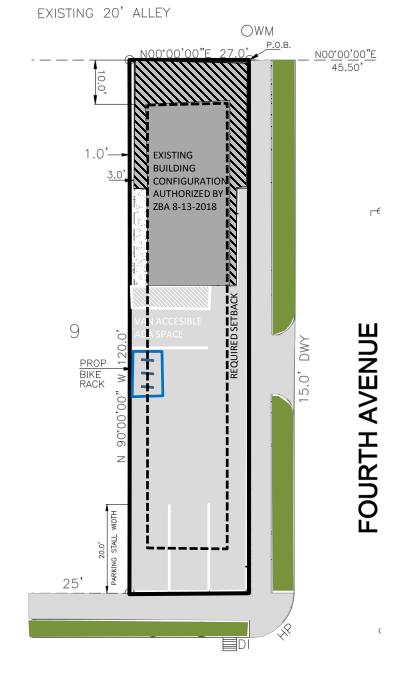


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OCHOA STREET

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FRONT ELEVATION



SIDE ELEVATION



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"Delivering Outstanding Services"







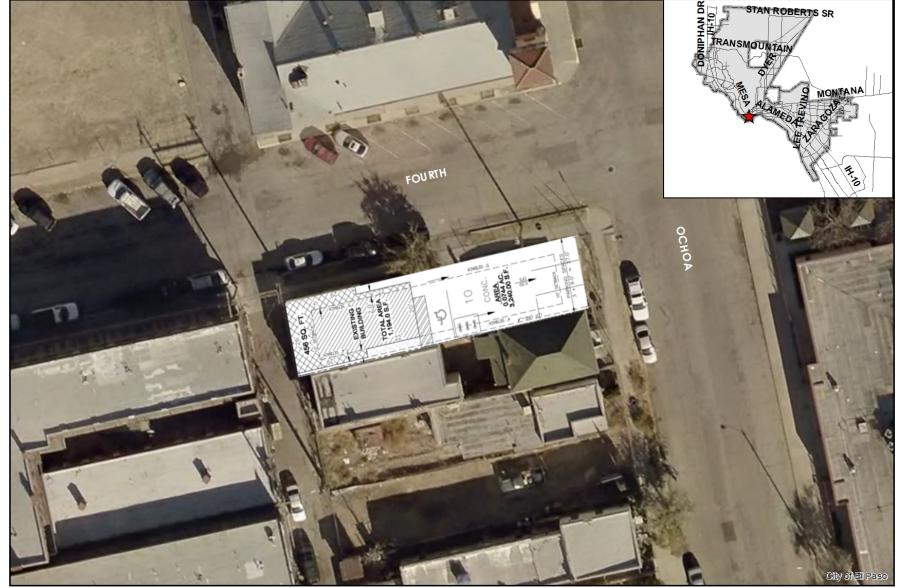






Services"





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