City of El Paso – City Plan Commission Staff Report

Case No:	PZRZ14-00030
Application Type:	Rezoning
CPC Hearing Date:	August 28, 2014
Staff Planner:	Michael McElroy, 915-212-1612, mcelroyms@elpasotexas.gov
Location:	216 S. Ochoa Street and 811 – 813 E. First Avenue
Legal Description:	The Southerly 140 feet of blocks 201 and 202 and the vacated alley and street between, Campbell Addition, City of El Paso, El Paso County, Texas
Acreage:	1.896
Rep District:	8
Existing Zoning:	M-1 (Manufacturing) and M-1/sp (Manufacturing/special permit)
Existing Use:	Office-Warehouse
C/SC/SP/ZBA/LNC:	Special Permit No. SP 95-25 (Attachment 4)
Request:	From M-1 (Manufacturing) and M-1/sp (Manufacturing/Special permit) to C-5 (Central Business District)
Proposed Use:	Commercial and Office
Property Owner:	BLK Investments 2 Family Limited Partnership
Representative:	Ray Mancera

SURROUNDING ZONING AND LAND USE
North: M-1/sp (Manufacturing/special permit) / Government use, building
South: M-1(Manufacturing) / Warehouse Office
East: M-1(Manufacturing) / Rail yard
West: M-1(Manufacturing) / Vacant

PLAN EL PASO DESIGNATION: G-2, Traditional Neighborhood (Walkable) (Central Planning Area)
NEAREST PARK: Calendar Park (1,560 feet)
NEAREST SCHOOL: Roosevelt Elementary (1,801 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 August 12, 2014. The Planning Division has not received any letters or phone calls in support or opposition to the rezoning request.

CASE HISTORY
On December 19, 1995, City Council approved Ordinance No. 12649 (Attachment 5) granting Special Permit No. SP 95-25 to permit the parking space requirements of the property at 301 Ochoa to be satisfied on the subject property. As the subject property only provides 156 parking spaces, and is no longer in compliance with the terms of the special permit, the special permit has automatically terminated.

APPLICATION DESCRIPTION
The property owner is requesting a rezoning from M-1 (Manufacturing) and M-1/sp (Manufacturing/Special permit) to C-5 (Central Business District) to allow for a variety of commercial and office uses. The site plan shows a 15,822 sq. ft. existing building and 156 parking spaces, to include 7 ADA accessible spaces. Access to the subject property is from First Avenue, as well as from Ochoa, Virginia, and Saint Vrain Streets.

Section 20.14.050(D) of the El Paso City Code exempts properties that are designated under the Downtown 2015 Plan from off-street parking requirements. The subject property is within the Downtown 2015 Plan area and is exempt from parking requirements.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of rezoning the subject property from M-1 (Manufacturing) and M-1/sp (Manufacturing/special permit) to C-5 (Central Business District).

The property is in proximity to other C-5 (Central Business District) zoned properties, lies within the designated Downtown District, and serves to transition industrial uses away from the city's central business district, in conformance with its Plan El Paso G-2 Traditional Neighborhood (Walkable) growth sector designation.

Plan El Paso-Future Land Use Map Designation

All applications for a 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 C-5 (Central Business District) district is to provide commercial uses intended to serve the entire City to permit heavy commercial uses characterized by automotive and light warehousing. Provides a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the Central Business District, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.

COMMENTS:

Planning Division - Transportation

No objections. A TIA is not required.

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 – Building Development & Permitting

Recommend approval of proposed rezoning. However, any proposed change of use to the structure will require that tenant improvement plans be submitted for review.

City Development Department – Landscape Review

Recommend approval.

City Development Department - Land Development

No objection.

El Paso Fire Department

Recommend "Approval" of "Rezoning Application" as presented. ******NOTE ******* PZRZ 13-00030 In accordance with the requirements of the Zoning Code Section 20.04.160 Content of application the Fire Planning Division has reviewed the submitted "Detailed Site Plan for the following: Elevations, Perspective of the building, Dimensions, square footage and height of all structures, Number of dwelling units in Multi- family structures, and Driveways as applicable to following sections of the fire code; Sections 503 and Appendix D Fire Apparatus Access Roads, Section 903 Automatic Sprinkler Systems, Section 905 Standpipe Systems. "When required as per section 905.3.1, 905.4 and 905.5 all fire protections

system plans shall be submitted separately to Fire Plan Review for further requirements and comments". The Fire Planning Division has reviewed the submitted "Rezoning Application" as per requirements of the Zoning Code Section 20.04.160 Content of application and has determined that the submission DOES Comply within the zoning regulations.

El Paso Water Utilities

We have reviewed the rezoning request and provide the following comments:

EPWU-PSB Comments

Water:

1. There is an existing 8-inch diameter water main that extends along First St. located approximately 10 feet north of the street centerline. This main is available for service.
2. There is an existing 6-inch diameter water main that extends along Ochoa St. located approximately 15 feet west of the street centerline. This main is available for service.
3. Previous water pressure tests from fire hydrant # 976 located at the southwest corner of First St. and Saint Vrain have yielded a static pressure of 98 (psi) pounds per square inch, a residual pressure of 92 (psi) pounds per square inch, and a discharge of 1300 (gpm) gallons per minute.
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 1-inch water meter serving the subject property. The service address for this meter is 216 S. Ochoa St.

Sanitary Sewer:

1. There is an existing 18-inch diameter sanitary sewer main that extends along the vacated alley on the eastern portion of the property. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed above the 18-inch diameter sanitary serwer main.
2. There is an existing 8-inch diameter sanitary sewer main that extends along First St. from the 18-inch diameter main to Saint Vrain approximately 180 feet. This main is available for service.
3. EPWU records indicate active sanitary sewer service serving the subject property. The service address for this meter is 216 S. Ochoa St.

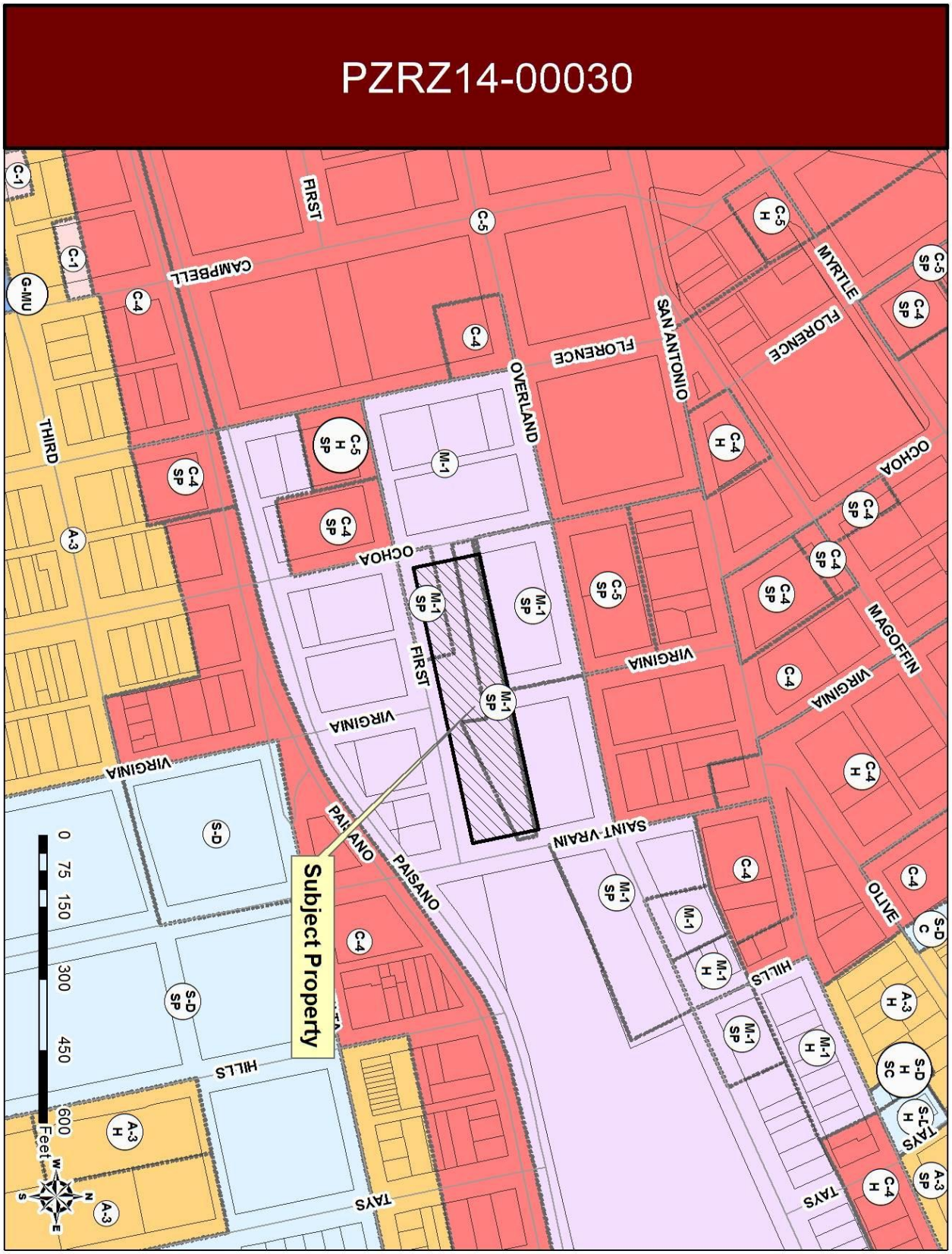
General:

1. EPWU-PSB requires a new service application to serve the property. New service applications should be made 6-8 weeks in advance of construction to ensure water for construction work. The following items, if applicable, are required at the time of application: (1) hard copy of site plan with street names and addresses; (2) finalized set of improvement plans, including grading & drainage plans; (3) digital copy of site plan; (4) benchmark check; (5) construction schedule; and (6) a certificate of compliance. Service will be provided in accordance with the current El Paso Water Utilities – Public Service Board (EPWU-PSB) Rules and Regulations. The owner 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:

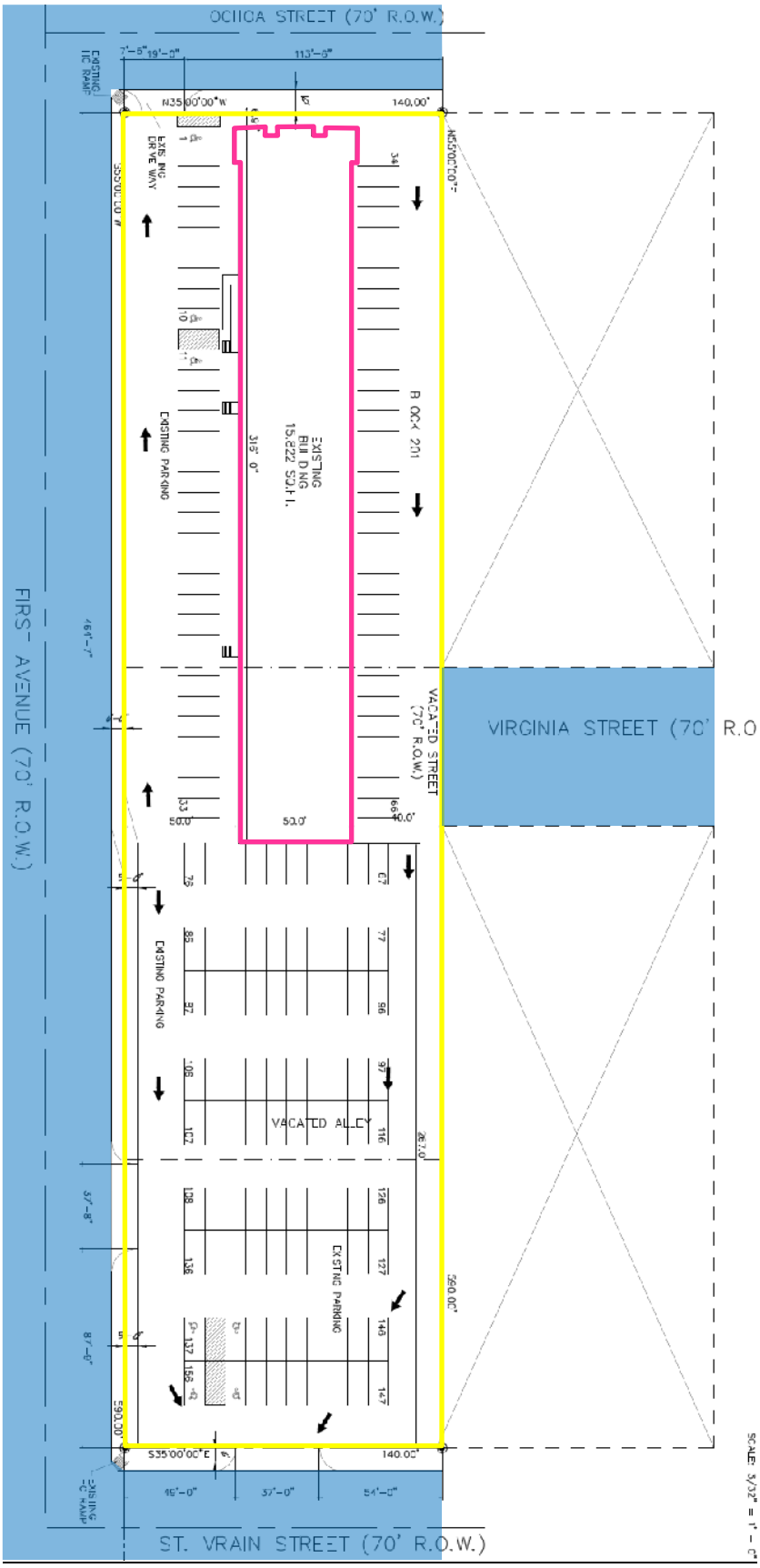
Attachment 1: Zoning Map
Attachment 2: Aerial Map
Attachment 3: Detailed Site Development Plan
Attachment 4: Elevations
Attachment 5: Ordinance No. 12649, dated December 19, 1995

ATTACHMENT 1: ZONING MAP

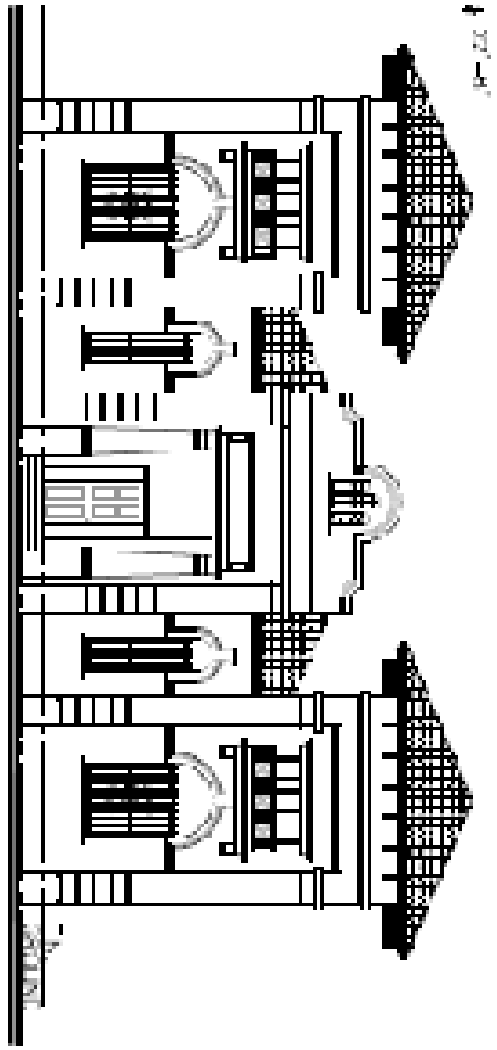


ATTACHMENT 2: AERIAL MAP

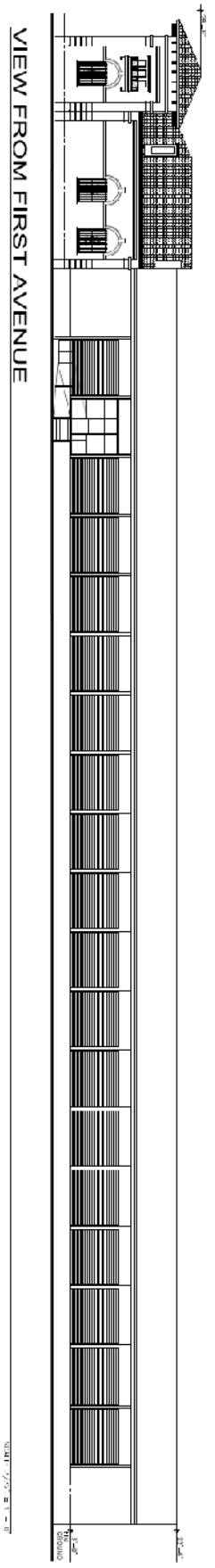
ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: ELEVATIONS



FRONT ELEVATION (OCHOA ST.)



VIEW FROM FIRST AVENUE

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ORDINANCE NO. 012649

AN ORDINANCE GRANTING SPECIAL PERMIT NO. SP 95-25 TO ALLOW FOR A 43% WAIVER OF REQUIRED PARKING, AND TO SATISFY PARKING REQUIREMENTS ALL ON PARCEL I, DESCRIBED AS ALL OF LOTS 4-10, BLOCK 146, CAMPBELL ADDITION, AND ON PARCEL II, DESCRIBED AS PORTIONS OF BLOCKS 201 & 202 AND THE VACATED PORTION OF VIRGINIA STREET, CAMPBELL ADDITION, PURSUANT TO SECTIONS 20.42.040.L. and 20.64.175 AND THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

WHEREAS, CHARLES LYON has applied for a Special Permit under Sections 20.42.040 and 20.64.175 of the El Paso Municipal Code, to allow the off-street parking requirements of Section 20.42.040 to be satisfied off-site; a 43% waiver of other required parking as allowed under Section 20.64.175; and

WHEREAS, the requirements of 20.42.040 and 20.64.175 have been satisfied; and

WHEREAS, a report was made by the City Plan Commission and a public hearing was held regarding such application;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

A. 1. That Parcel I, which is described as ALL OF LOTS 4-10, BLOCK 146, CAMPBELL ADDITION, as filed in the County of El Paso, Texas Deeds and Records Section in Book 2, Page 68, is in a C-4 (Commercial) District which requires an additional One Hundred Seventy-Five (175) parking spaces under Section 20.42.040 of the El Paso Municipal Code;

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PAGE 1 OF 5

320

012649

2. That the City Council hereby grants a Special Permit under Section 20.42.040 of the El Paso Municipal Code so that the parking requirements described in Paragraph 1 of this Ordinance may be satisfied off-site as described in Paragraph 3 of this Ordinance; and

3. That Parcel II, which is described as A PORTION OF BLOCKS 201 & 202 AND VACATED PORTION OF VIRGINIA STREET, CAMPBELL ADDITION, as more particularly described in the attached metes and bounds and incorporated as Exhibit "A" and which is municipally known and numbered as 216 SOUTH OCHOA is located on a separate site from the property described in Paragraph 1 of this Ordinance:

4. That the City Council hereby grants a Special Permit under Section 20.42.040 so that the property described in Paragraph 3 of this Ordinance may be used as off-street parking in order to satisfy the parking requirements described in Paragraph 1 of this Ordinance; and

5. That this Special Permit is issued subject to the development standards in the C-4 (Commercial) District regulations and is subject to the approved Site Development Plan signed by the Applicant, the Mayor 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

6. That if at any time the off-street parking spaces described herein are not available to fulfill the parking requirements described herein, or if the Applicant fails to comply with any of the requirements of this Ordinance,

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PAGE 2 OF 5 319

012649

Special Permit No. SP 95-25, shall be subject to automatic termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.68 and any other legal or equitable remedy; and

B. 1. That the property described as follows is in a C-4 (Commercial) District: ALL OF LOTS 4 - 10, BLOCK 146 AND PORTIONS OF BLOCKS 201 AND 202 AND THE VACATED PORTION OF VIRGINIA STREET, CAMPBELL ADDITION, City and County of El Paso, Texas, and municipally known and numbered as 301 South Ochoa Street; and

2. That parking waivers are authorized by Special Permit in C-4 (Commercial) districts under Section 20.64.175 of the El Paso Municipal Code; and

3. That the requirements for parking waivers under Section 20.64.175 have been satisfied; and

4. That the City Council hereby grants a Special Permit under Section 20.64.175 of the El Paso Municipal Code, to allow a 43% waiver of the parking requirement on the above described property; and

5. That this Special Permit is issued subject to the development standards in the C-4 (Commercial) district regulations and subject to the approved Site Development Plan, signed by the Applicant, the Mayor 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.

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PAGE 3 OF 5 318

012649

C. 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; and

D. That if the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. SP 95-25 shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

PASSED AND APPROVED this 19th day of Dec., 1995.

THE CITY OF EL PASO

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Kimberley Mickelson,
Assistant City Attorney

APPROVED AS TO CONTENT:

Scott Stanfield
Department of Planning, Research

(AGREEMENT AND ACKNOWLEDGMENT ON FOLLOWING PAGE)

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AGREEMENT

CHARLES LYON, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Site Development Plan and in accordance with the standards identified in the C-4 (Commercial) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 28th day of December, 1995.

By: _____
Title: Owner

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 28th day of December, 1995, by Charles Lyon, as _____, on behalf of CHARLES LYON as Applicant.

Carole A Hunter
Notary Public, State of Texas
Notary's Printed or Typed Name: _____

My Commission Expires: _____

OFFICIAL SEAL
CAROLE A. HUNTER
NOTARY PUBLIC
In and for the State of Texas
My commission expires 07-19-98

Special Permit #SP 95-25

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PAGE 5 OF 5

316

012649

BEING A PORTION OF BLOCKS 201 AND 202 AND VIRGINIA STREET,
CAMPBELL AD
CITY OF EL PASO, EL PAS

PROPERTY DESCF
(PARCEL "A")

Description of a 0.1421 acre parcel of lan
201, Campbell Addition, City of El Paso, E
being more particularly described by mete
wit:

Starting at an existing city monument loc
intersection of Ochoa Street and Overland
being 10 feet North and 10 feet East of
15°00'00" East along the monument line c
293.67 feet to a point, Thence North 75°00'00" East a distance of 25.00 feet to a point, said point lying on the Easterly right-of-way line of Ochoa Street, said point being the "TRUE POINT OF BEGINNING";

Thence North 15°00'00" West along said easterly right-of-way line a distance of 29.53 feet to a point;

Thence North 73°53'38" East a distance of 143.01 feet to a point;

Thence North 77°55'15" East a distance of 72.06 feet to a point;

Thence South 14°28'08" East a distance of 20.57 feet to a point;

Thence along an arc of a curve to the right a distance of 118.39 feet, whose radius is 1043.35 feet, whose central angle is 6°23'29" and whose chord bears South 71°23'16" West a distance of 118.33 feet to a point;

Thence South 74°35'00" West a distance of 98.67 feet back to the "TRUE POINT BEGINNING" and said parcel containing 6,189.34 square feet or 0.1421 acres of land more or less.

PROPERTY DESCRIPTION
(PARCEL "B")

Description of a 0.7733 acre parcel of land being a portion of Blocks 201 and 202 and a portion of Virginia Street, Campbell Addition, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows to wit:

Starting at an existing city monument located at the monument line intersection of Ochoa Street and Overland Street, said monument line being 10 feet North and 10 feet East of the centerlines, Thence South 15°00'00" East along the monument line of Ochoa Street a distance of 164.82 feet to a point, Thence North 75°00'00" East a distance of 25.00 feet to a point, said point lying on the Easterly right-of-way line of Ochoa Street, said point being the "TRUE POINT OF BEGINNING";

Thence North 74°35'00" East a distance of 590.02 feet field (590.01 feet as per deed) to a point, said point lying the westerly right-of-way line of St. Vrain Street;

Thence South 15°00'00" East along said westerly right-of-way line a distance of 47.41 feet to a point;

Thence South 62°32'50" East a distance of 273.17 feet to a point;

Thence North 15°25'23" West a distance of 62.77 feet to a point, said point being the Northeasterly corner of an existing building.

Thence South 74°25'51" West along the northerly building line a distance of 291.65 feet to a point;

Thence North 15°34'09 West a distance of 5.00 feet to a point;

Thence South 75°00'00" West a distance of 31.11 feet to a point, said point lying on the easterly right-of-way of Ochoa Street;

Thence North 15°00'00" West along said easterly right-of-way line a distance of 37.16 feet back to the "TRUE POINT BEGINNING" and said parcel containing 33,686.05 square feet or 0.7733 acres of land more or less.

EXHIBIT "A" TO SP 95-25