City of El Paso – City Plan Commission Staff Report

Case No:	PZST14-00026
Application Type:	Special Permit and Detailed Site Development Plan
CPC Hearing Date:	October 9, 2014
Staff Planner:	Andrew Salloum, (915) 212-1613, salloumam@elpasotexas.gov
Location:	7207 Dale Road
Legal Description:	Lot 48 and a portion of Lot 49, Block 6, Stiles Gardens, City of El Paso, El Paso County, Texas
Acreage:	0.546 acres
Rep District:	3
Zoning:	C-4/sc (Commercial/special contract)
Existing Use:	Contractor's yard
C/SC/SP/ZBA/LNC:	Special Contract - Ordinance No. 5598 dated August 14, 1975 (See Attachment 4)
Request:	Infill Development to allow for a side yard setback reduction
Proposed Use:	Contractor's yard
Property Owner:	Debbie Martinez
Representative:	Dorado Engineering, Inc.

SURROUNDING ZONING AND LAND USE
North: A-2 (Apartment) / Single-family dwelling; S-D (Special Development) / single-family dwellings
South: A-2 (Apartment) / Single-family dwelling
East: C-2/c (Commercial/conditions) / Retail
West: A-2 (Apartment) / Single-family dwellings

PLAN EL PASO DESIGNATION: G-7, Industrial and/or Railyards (Mission Valley Plan Area)
NEAREST PARK: Stiles Park (2,354 feet)
NEAREST SCHOOL: Ramona Elementary School (2,174 feet)

NEIGHBORHOOD ASSOCIATIONS
Stiles Garden Neighborhood Association
Mission Valley Civic Association

CASE HISTORY
On August 14, 1975, the subject property was rezoned from A-2 (Apartment) to C-4 (Commercial) to permit residential development. The following conditions were imposed by special contract Ordinance No. 5598 dated August 14, 1975 (see Attachment 4):

1. *If and when Dale Road is improved with paving, curbs and gutters, First Parties or their successors in title will, at no cost to the City, install a concrete sidewalk and concrete driveway along the southwesterly property line adjacent to Dale Road. Such sidewalk and driveway shall be constructed in accordance with specifications to be approved by the City Engineer of the City of El Paso.*

2. *First Parties or their successors in title will begin such construction upon demand by the City Engineer of the City of El Paso and will complete the same within sixty days thereafter.*

Conditions 1 and 2 have been satisfied.

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on September 24, 2014. The Planning Division has not received any communication in support of or opposition to the special permit request.

APPLICATION DESCRIPTION

The applicant is requesting a special permit for infill development and detailed site development plan review. The detailed site development plan shows an existing 3,567 sq. ft., one-story office building and an existing 1,760 sq. ft. storage building for a contractor's yard. The contractor's yard is a permitted use in the C-4 (Commercial) zone district. The proposed use requires 5 parking spaces and the applicant is providing 5 parking spaces. The bicycle parking is not required for the contractor's yard use. The applicant is requesting the following reduction in the side yard setback: from the required 10 ft. to 0 ft. for the existing buildings built to the southeasterly side property line. The applicant is not proposing any new development, additions, or improvements. The Detailed Site Development Plan complies with all other density and dimensional standards. Access to the subject property is proposed from Dale Road.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends approval of the requests for special permit and detailed site development plan review for infill development as it complies with Sections 20.10.280, Infill Development; 20.04.320, Special Permit, and 20.04.150, Detailed Site Development Plan.

ANALYSIS

20.10.280 Infill Development

The provisions of this section apply to any property designated with an overlay designation to encourage redevelopment and infill development, the specific purposes of which are to: provide a more flexible approach to design and development of infill projects, encourage infill development by simplifying procedures for plan approval, permit the conversion or adaptive reuse of buildings and properties, encourage planning and design flexibility and innovations, create a community environment that is enhanced by a mix of residential, commercial, recreational, open space, employment and institutional uses, and assure community compatibility and an efficient use of land and public services. In order to provide incentives for private investment in these targeted areas, the following standards shall apply:

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.

   This development meets the two location criteria: (1) it is located in a legally recorded subdivision of at least 30 years and (2) it is within 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.

The contractor's yard is a permissible use in the C-4 (Commercial) zone district.

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.

The applicant is requesting the following reduction in dimensional standards:

Dimension	Required	Proposed
Side Yard	10'	0'

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 development is compatible with existing development.

G. Density. The maximum number of dwelling units per gross acre permitted in the base-zoning district may be increased up to fifty percent for an infill development as approved by city council.

The existing development has remained the same.

H. Lots. There shall be no minimum area requirement for lots within an infill development unless otherwise provided in the ordinance designating the infill development overlay.

The applicant is only requesting a setback reduction; the request complies with all other density and dimensional standards.

20.04.320 Special permit approvals.

A. Building and occupancy permits shall not be issued to any building or use identified in this title as requiring a special permit until after approval of such special permit by the city council.
B. Building and occupancy permits shall not be issued for any building or use identified in this title as requiring an approved detailed site development plan as required by Article III, until such approval has been granted.
C. No building or occupancy permit may be granted for the erection, rehabilitation, enlargement or demolition of any building in a designated historic area or for any building that is a designated historic landmark until prior approval has been granted by the historic landmark commission.
D. The city council, after hearing and report by the city plan commission, may approve a special permit upon a finding that the proposed development meets the following minimum requirements necessary to protect the public health, safety and general welfare of the community:
    1. 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;

2. The proposed development is in accordance with and in furtherance of the plan for El Paso, any special neighborhood plans or policies adopted by the city regarding the development area, or any approved concept plan;
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;
4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development;
5. The design of the proposed development mitigates substantial environmental problems;
6. The proposed development provides adequate landscaping and/or screening where needed to reduce visibility to adjacent uses;
7. The proposed development is compatible with adjacent structures and uses;
8. The proposed development is not materially detrimental to the enjoyment or valuation of the property adjacent to the site.

E. The applicant may request that the city plan commission waive one or more of the criteria based on its no applicability to the proposed development. The city plan commission, upon a recommendation of the planning official, shall make a determination on the no applicability of the criteria and shall render a finding based on such determination, and shall forward their recommendation to city council for final review and approval.

The application meets the requirements for special permit.

20.04.140 When required.

Except as stated herein, a detailed site development plan is required prior to development in a special purpose district or with a special permit application and may be required if a zoning condition exists on a particular piece of property. Detailed site development plans are not required for any projects for development in the Mixed Use District (RMU, GMU and IMU) or for any other projects other than those located in special purpose districts or as otherwise required herein.

Detailed Site Development Plan review is required as part of the special permit application.

20.04.150 Procedure.

D. City plan commission approval. Pursuant to this Code, the city plan commission, in addition to the powers and duties identified in this chapter, shall have final authority on approval of all other detailed site development plans, unless a zoning condition, contract provision, other city code provision or state law require the detailed site development plan to be approved by city council.

1. The planning division shall make its recommendations to the city plan commission within thirty days after a complete application is submitted.
2. The city plan commission shall hold a public hearing at its regular meeting that is within thirty days from receipt of department recommendations.
3. The commission shall consider the following information when approving a proposed detailed site development plan: the boundaries of the tract proposed for development; location and arrangement of structures; determine if the use conforms to applicable zoning regulations, determine if historic landmark commission approval has been granted for architectural design of all structures if located in a historic district and the design conforms to such approval; location of utility rights-of-way and easements and storm water drainage; vehicular and pedestrian ways; on-site parking areas; location of open spaces and landscape planted areas.
4. In no instance shall the city plan commission have authority to vary the yard standards applicable to the district.

5. The city plan commission shall approve the plan if it complies with all applicable code provisions.

Planning Staff has reviewed the detailed site development plan, and it meets all requirements of Sections 20.04.320, Special Permit, and 20.04.150 Detailed Site Development Plan.

Plan El Paso-Future Land Use Map Designation
All applications for special permit shall demonstrate compliance with the following criteria:

G-7 Industrial and/or Railyards: This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso's economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.

The purpose of the C-4 (Commercial) district is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide 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:

City Development Department – Planning Division - Transportation
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 – Plan Review
No objections.

City Development Department - Landscaping Division
Not required for the existing commercial use.

City Development Department - Land Development
No objections to the special permit application.

Fire Department
No objections to this case recommend approval.

Police Department
El Paso Police Department does not have any concerns to report.

Sun Metro
No comments received.

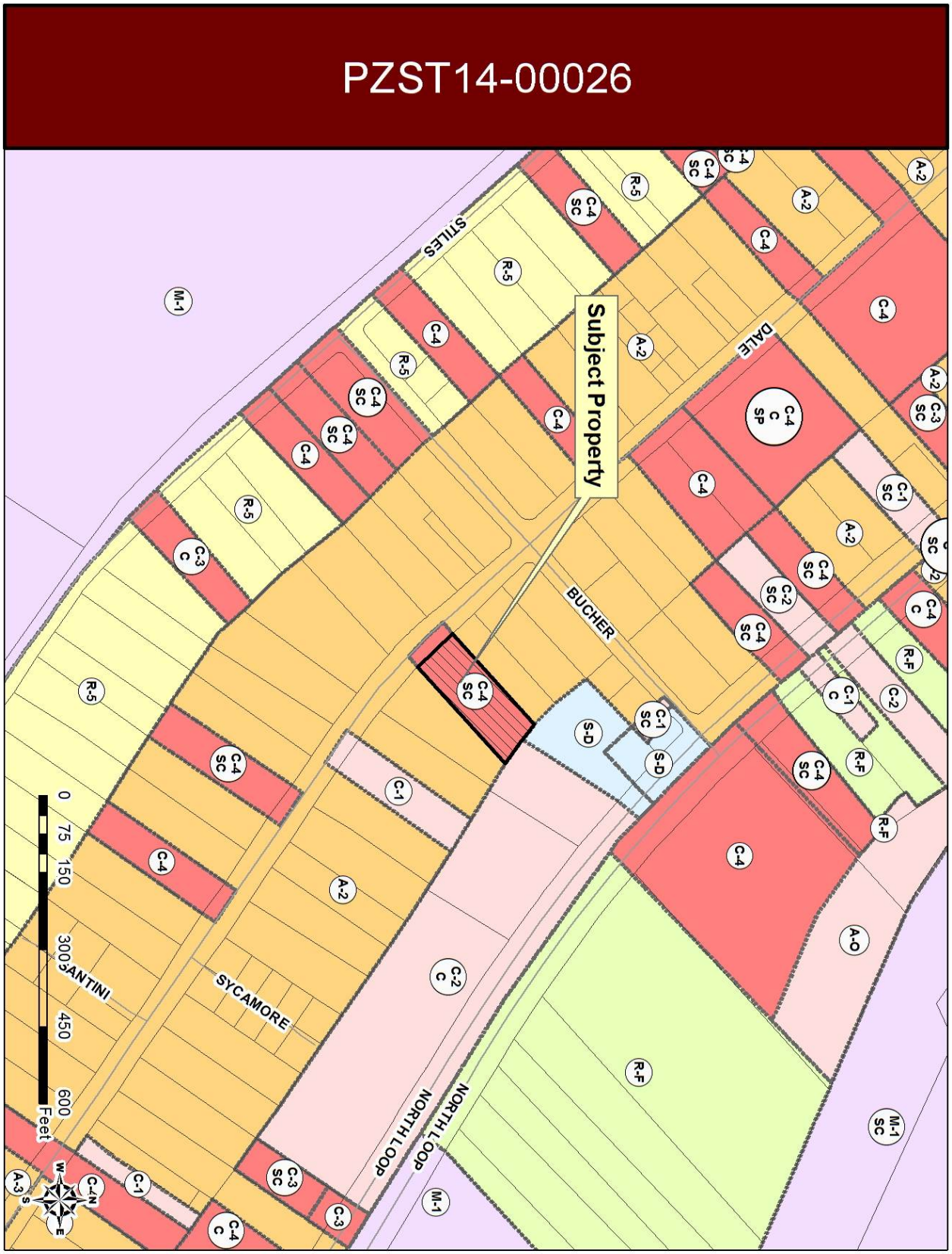
El Paso Water Utilities
EPWU-PSB does not object to this request.

EPWU-PSB Comments

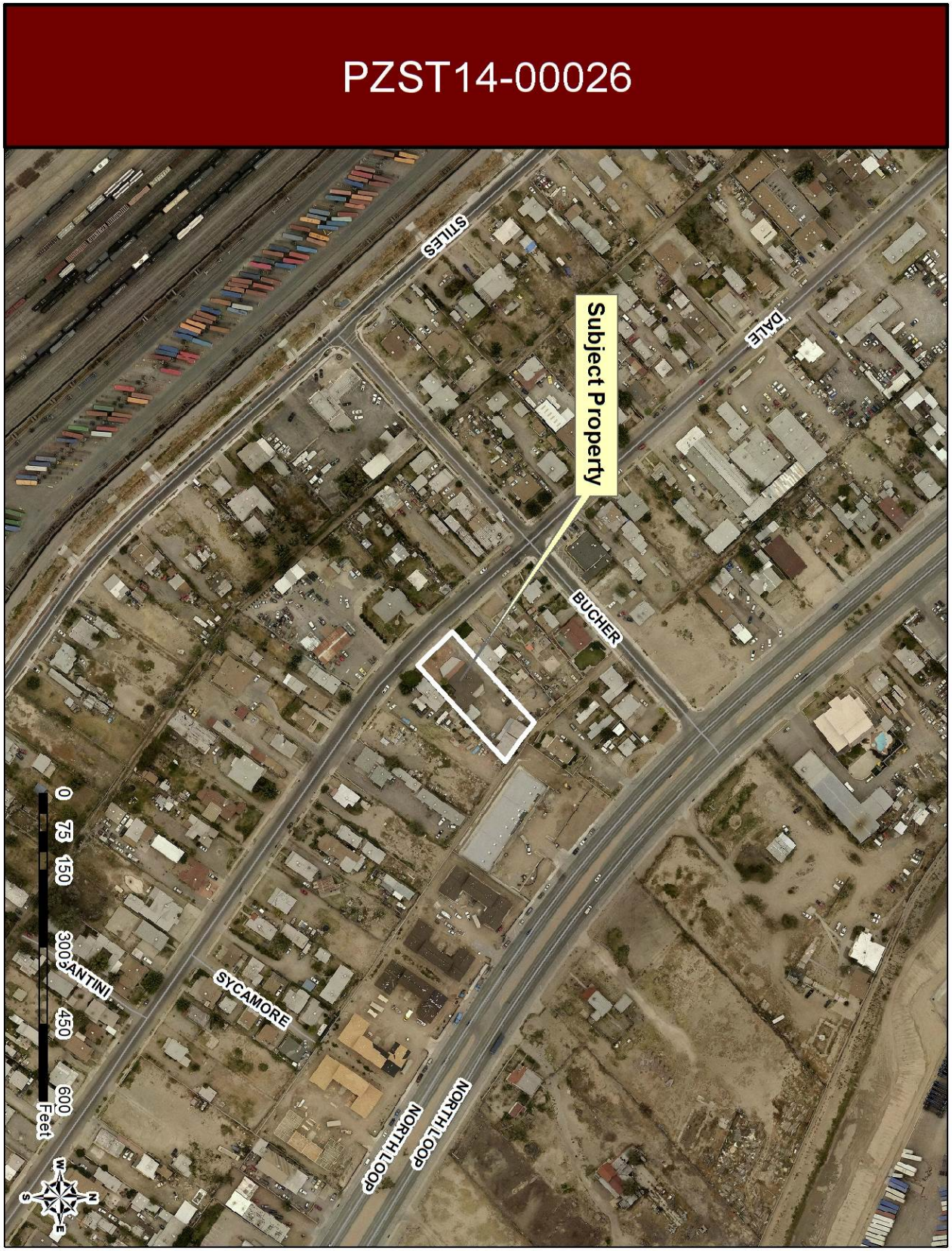
Water:
There is an existing 6-inch diameter water main that extends along Dale Rd. located approximately 11 feet north of the street centerline. This main is available for service.
There is an existing 48-inch diameter water transmission main that extends along Dale Rd. located approximately 28 feet south of the road centerline. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.
Previous water pressure tests from fire hydrant # 10466 located at the northwest corner of Bucher Rd and Dale Rd., have yielded a static pressure of 96 (psi) pounds per square inch, a residual pressure of 86 (psi) pounds per square inch, and a discharge of 1300 (gpm) 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.
EPWU records indicate a 3/4-inch water meter serving the subject property. The service address for this meter is 7207 Dale Rd.
Sewer:
There is an existing 8 –inch diameter sanitary sewer main that extends along Dale Rd. located approximately 15-18 feet south of the street centerline. This main is available for service.
General:
EPWU 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 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. Special Contract Ordinance No. 5598
5. Subdivision Plat

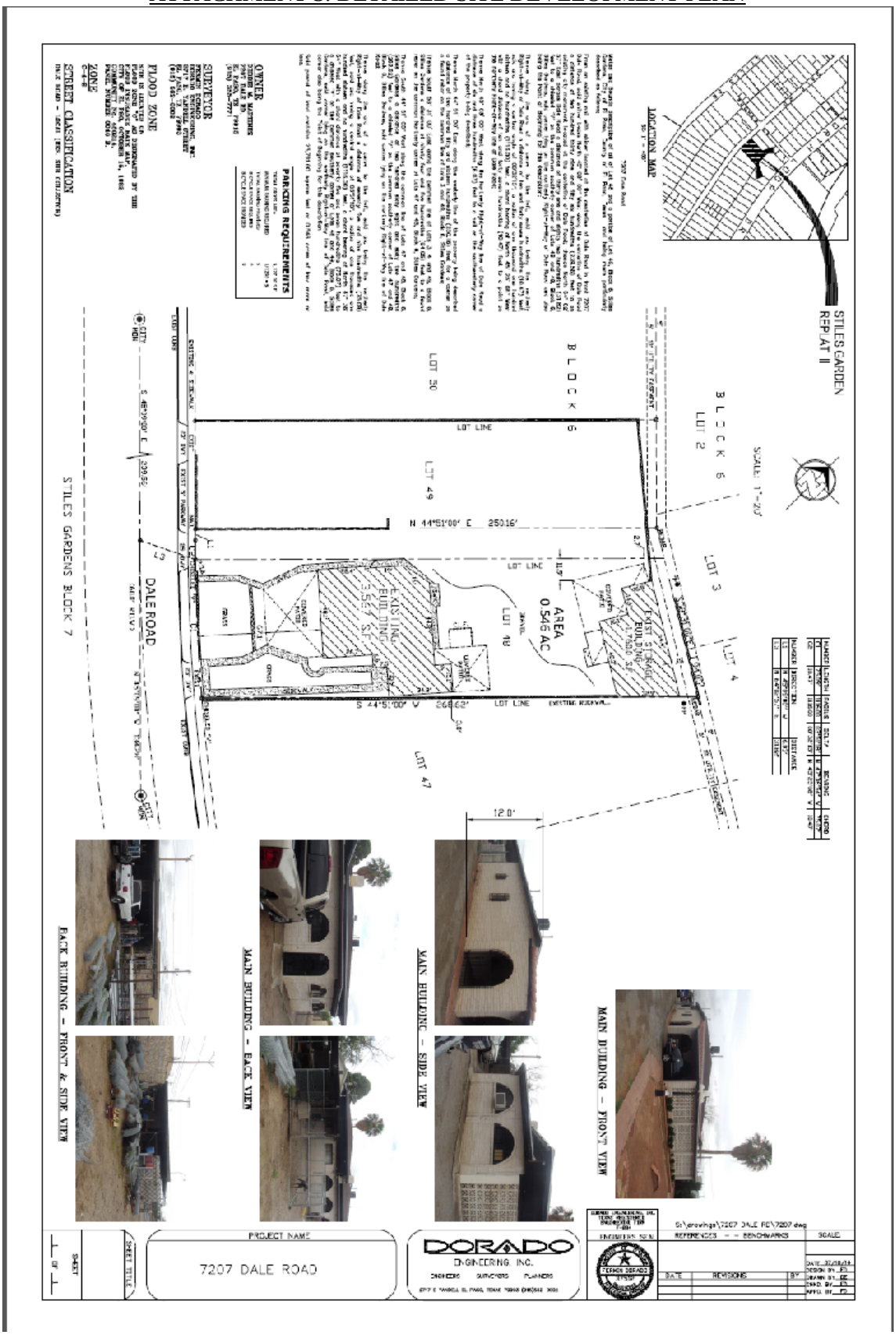
ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: SPECIAL CONTRACT ORDINANCE NO. 5598

AN ORDINANCE CHANGING THE
ZONING OF LOT 48, BLOCK 6,
STILES GARDENS, THE PENALTY
BEING AS PROVIDED IN SECTION
25-10 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of Lot 48, Block 6, Stiles Gardens be changed to C-4 within the meaning of the Zoning Ordinance, and the zoning map of the City be revised accordingly.

PASSED AND APPROVED this 14 day of August, 1975.

Mayor

ATTEST:

City Clerk

City Clerk

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED: A.O

8-15-75 COUNTER
8-15-75 ORIGINAL
8-15-75 BLDG. INSPECTION
8-15-75 CONTROL

I certify that the zoning map has been revised to reflect the amendment of ordinance #5598
By ..... Date 8-29-75

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CONTRACT

This contract, made this 14th day of August, 1975, by and between JESSE JORDAN and wife, MARIA S. JORDAN, First Parties, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning of Lot 48, Block 6, Stiles Gardens Subdivision in the City of El Paso, El Paso County, Texas. In order to remove certain objections to such rezoning, First Parties covenant that if the property is rezoned to C-4 (commercial) within the meaning of the Zoning Ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. If and when Dale Road is improved with paving, curbs and gutters, First Parties or their successors in title will, at no cost to the City, install a concrete sidewalk and concrete driveway along the southwesterly property line adjacent to Dale Road. Such sidewalk and driveway shall be constructed in accordance with specifications to be approved by the City Engineer of the City of El Paso.

2. First Parties or their successors in title will begin such construction upon demand by the City Engineer of the City of El Paso and will complete the same within sixty days thereafter.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon and shall bind First Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and

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covenants in its discretion without the consent of any third person who may be benefited thereby.

WITNESS the following signatures and seal:

Jesse Jordan

Maria S. Jordan

THE CITY OF EL PASO

By _____
Mayor
PRO-TEM

ATTEST:

City Clerk

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared JESSE JORDAN, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 1 day of August, 1975.

Notary Public, El Paso County, Texas. ORLANDO R. FONSECA, Notary Public
In and for El Paso County, Texas
My commission expires June 1, 1977

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared MARIA S. JORDAN, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 1 day of August, 1975.

Notary Public, El Paso County, Texas
ORLANDO R. FONSECA, Notary Public
In and for El Paso County, Texas

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THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared ~~DON HENDERSON~~ LAURA WILSON, Mayor Pro Tem of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he had executed the same for the purposes and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

Given under my hand and official seal this 14 day of August, 1975.

Angela C. Guillen
Notary Public, El Paso County, Texas.

ANGELA C. GUILLEN, Notary Public
In and for the County of El Paso, Texas
My Commission Expires June 1, 1977

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R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with JESSE JORDAN, et ux., placing certain restriction on property rezoned by Ordinance No. 5598.

ADOPTED this 14 day of August, 1975.

Mayor

ATTEST:

City Clerk

City Clerk

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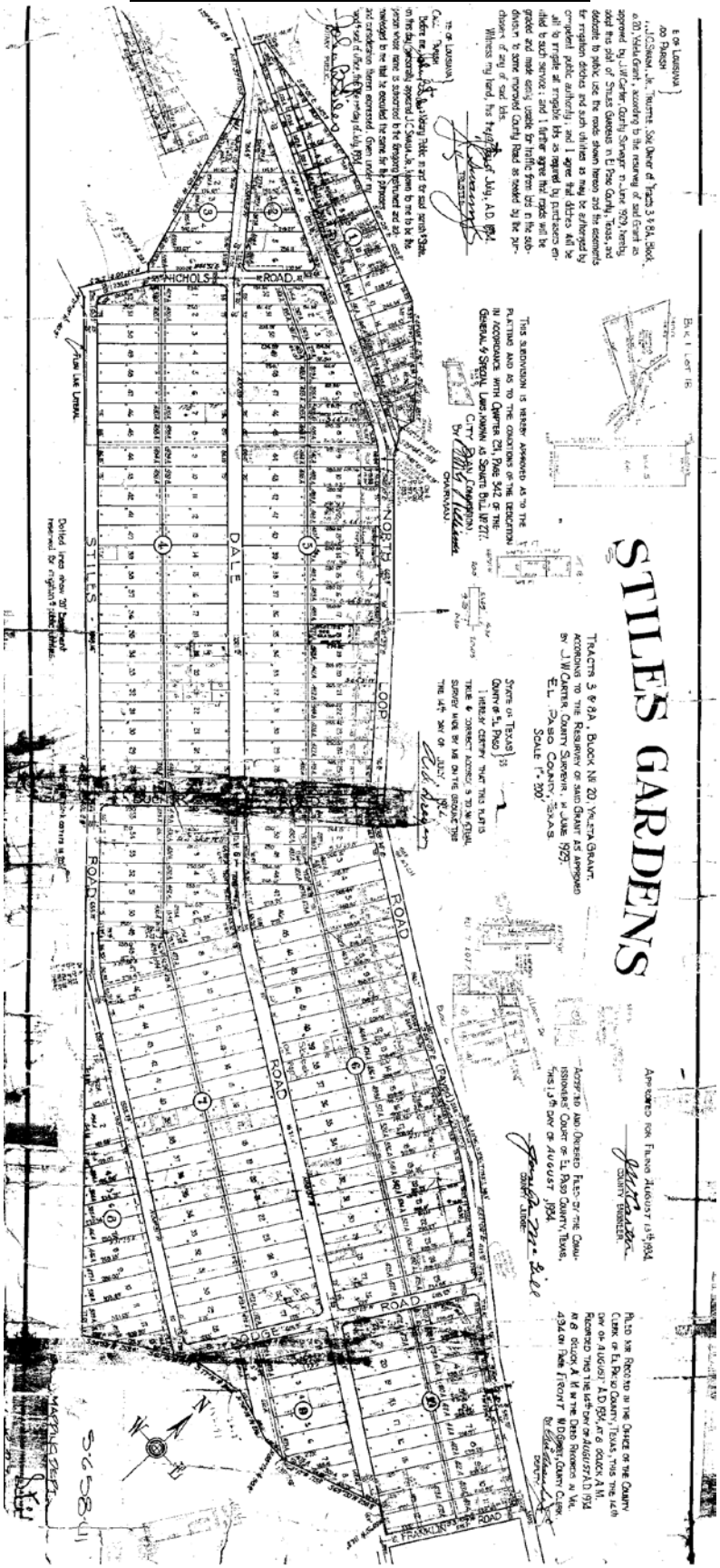
ATTACHMENT 5: SUBDIVISION PLAT