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

DEPARTMENT: **Development Services Department, Planning Division**

AGENDA DATE: **Introduction: February 12, 2008**
Public Hearing: March 4, 2008

CONTACT PERSON/PHONE: **Ismael B. Segovia, 541-4027**

DISTRICT(S) AFFECTED: **2**

SUBJECT:

An ordinance granting Special Permit No. ZON07-00153 to satisfy parking requirements for Lot 29 through 32, Block 14, Altura Park, City of El Paso, El Paso County, Texas pursuant to Section 20.04.260 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 2016 N. Piedras Street. Applicant: Paul Rakas and Corinne Rakas, ZON07-00153, (District 2)

BACKGROUND / DISCUSSION:
See attached report.

PRIOR COUNCIL ACTION:
N/A

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
Development Coordinating Committee (DCC) – Unanimous Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (7-0)

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

LEGAL: (if required) N/A **FINANCE:** (if required) N/A

DEPARTMENT HEAD: Kelly Carpenter

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

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ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON07-00153, TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 29 THROUGH 32, BLOCK 14, ALTURA PARK, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.070 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Paul and Corinne Rakas, have applied for a Special Permit under Section 20.14.070 of the El Paso City Code to allow for a parking reduction; and,

WHEREAS, the requirements of Section 20.14.070 have been satisfied; 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 20.14.070 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:

Lots 29 through 32, Block 14, Altura Park, City of El Paso, El Paso County, Texas; and as more particularly described by metes and bounds on the attached Exhibit "A," incorporated by reference;

2. That the City Council hereby grants a Special Permit under Section 20.14.070 of the El Paso City Code so that a parking reduction, may be permitted on the property described in

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Paragraph A of this Ordinance; 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(s), 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,

4. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON07-00153** shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant(s) shall be subject to the penalty provisions of Chapter 20.24 and any other legal or equitable remedy; and,

5. That the Applicant(s) 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.

PASSED AND APPROVED this _____ day of _____, 2008.

THE CITY OF EL PASO

_____
John F. Cook, Mayor

ATTEST:

_____
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

for _____
Kelly Carpenter, AICP, Deputy Director
Development Services Department,
Planning Division

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AGREEMENT

Paul and Corinne Rakas, the Applicant(s) 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 C-1 (Commercial) **District** regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 28th day of January, 2008.

Paul E. Rakas
(Signature)

Owner
(Name/Title)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 28th day of January, 2008, by Paul Rakas for Paul and Corinne Rakas, as Applicant.

ELIZABETH PEDRAZA
NOTARY PUBLIC
In and for the State of Texas
My commission expires
10-01-2011

(Seal)

Elizabeth Pedraza
Notary Public, State of Texas
Signature

Elizabeth Pedraza
Printed or Typed Name

My Commission Expires:
October 1, 2011

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT
DIRECTOR, DEVELOPMENT SERVICES

KELLY CARPENTER, AICP
DEPUTY DIRECTOR, PLANNING

CITY COUNCIL

ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES
PLANNING DIVISION
M E M O R A N D U M

DATE: February 1, 2008

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

FROM: Ismael B. Segovia, Senior Planner

SUBJECT: **ZON07-00153**

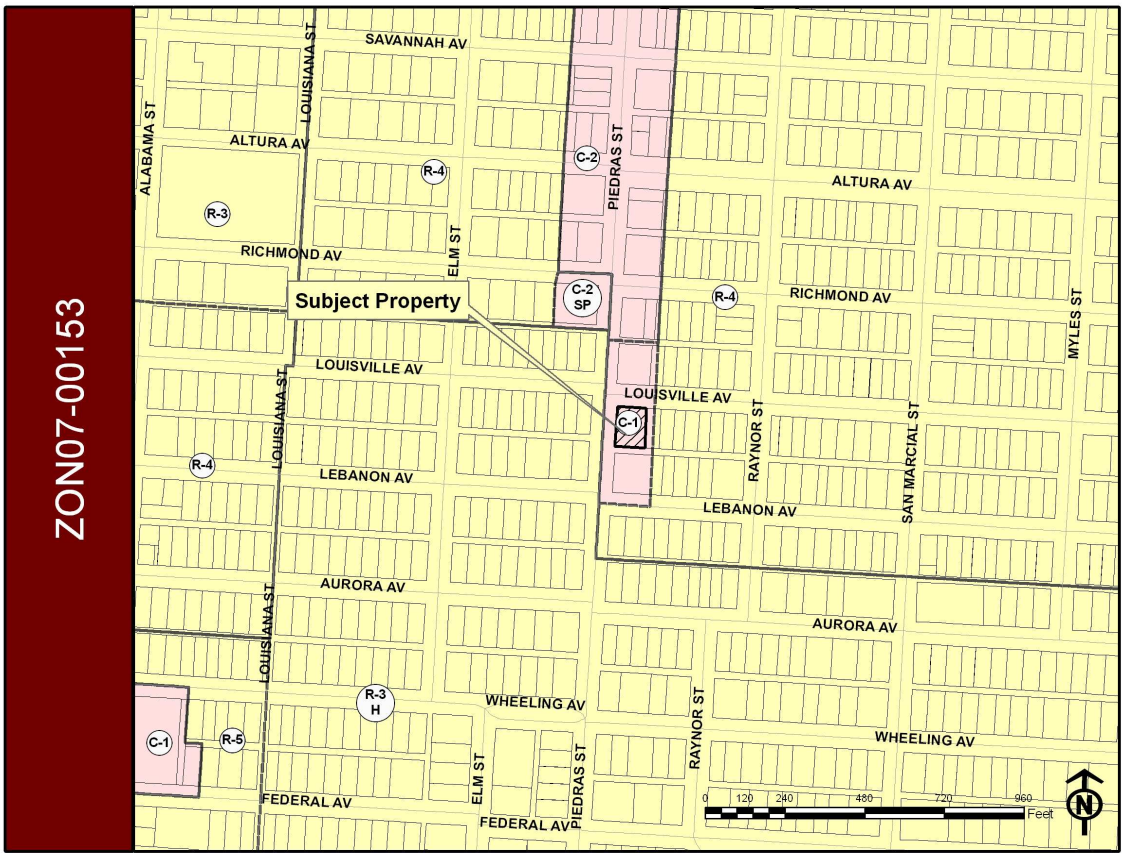
The City Plan Commission (CPC), on January 17, 2008, voted to recommend **APPROVAL** of the special permit to allow for parking reduction of 100% on the subject property, concurring with staff recommendation.

The CPC found that this special permit is in conformance with The Plan for El Paso Citywide land use goals; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this 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 effects of the special permit will not have an adverse impact on the natural environment, social and economic conditions, and property values in the vicinity and the city as a whole.

Attachment: Staff Report

ZON07-00153

Application Type:	Special Permit and Detail Site Development Plan Review
Property Owner(s):	Paul and Corinne Rakas
Representative(s):	same
Legal Description:	Lots 29 through 32, Block 14, Altura Park, City of El Paso, El Paso County, Texas
Location:	2016 N. Piedras Street
Representative District:	2
Area:	0.275 Acres (12,000 Square Feet)
Zoning:	C-1 (Commercial)
Request:	100% Parking Reduction
Public Response:	
Recognized Neighborhood Associations Contacted:	A Presidential Neighborhood Association; Central Neighborhood Association
Surrounding Land Uses:	***North –*** C-1Thrift Store; ***South -*** C-1 Convenience Store; ***East –*** R-4 Residential; ***West -*** R-4 Residential
Year 2025 Designation:	**Mixed-Use** (Central Planning Area)



General Information:

The applicant is requesting a special permit and detailed site plan review to allow for 100% parking reduction which will serve an existing structure. The parking reduction will allow for the expansion of an existing restaurant. The property is currently zoned C-1. The site is an existing retail building and is 0.275 acres in size. The proposed site plan shows an existing retail building located on the site. Access is proposed via N. Piedras St. and Louisville St. Public parking is provided along Louisville Street and Piedras Street. There are no zoning conditions currently imposed on this property.

The existing building is registered legal non-conforming. See attachment 3.

Information to the Commission:

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **APPROVAL** of this special permit and detailed site plan review request.

The recommendation is based on the following:

- **The Plan for El Paso** City-Wide Land Use Goals recommends that El Paso "provide designated locations for commercial development that do not adversely affect the health, safety and welfare of the community and where essential infrastructure is available to serve the development."

- **The Year 2025 Projected General Land Use Map** for the **Central** Planning Area designates this property for **mixed-use** land uses.

- **C-1 (Commercial)** zoning permits parking reduction by special permit.

Findings:
The Commission must determine the following:

1. Will the special permit for a parking reduction protect the best interest, health, safety and welfare of the public in general?
2. Will the special permit for a parking reduction be compatible with adjacent land uses?
3. What is the relation of the proposed special permit to the City's Comprehensive Plan?
4. What effects will the proposed special permit have on the natural environment, social and economic conditions and property values in the vicinity and the city as a whole?

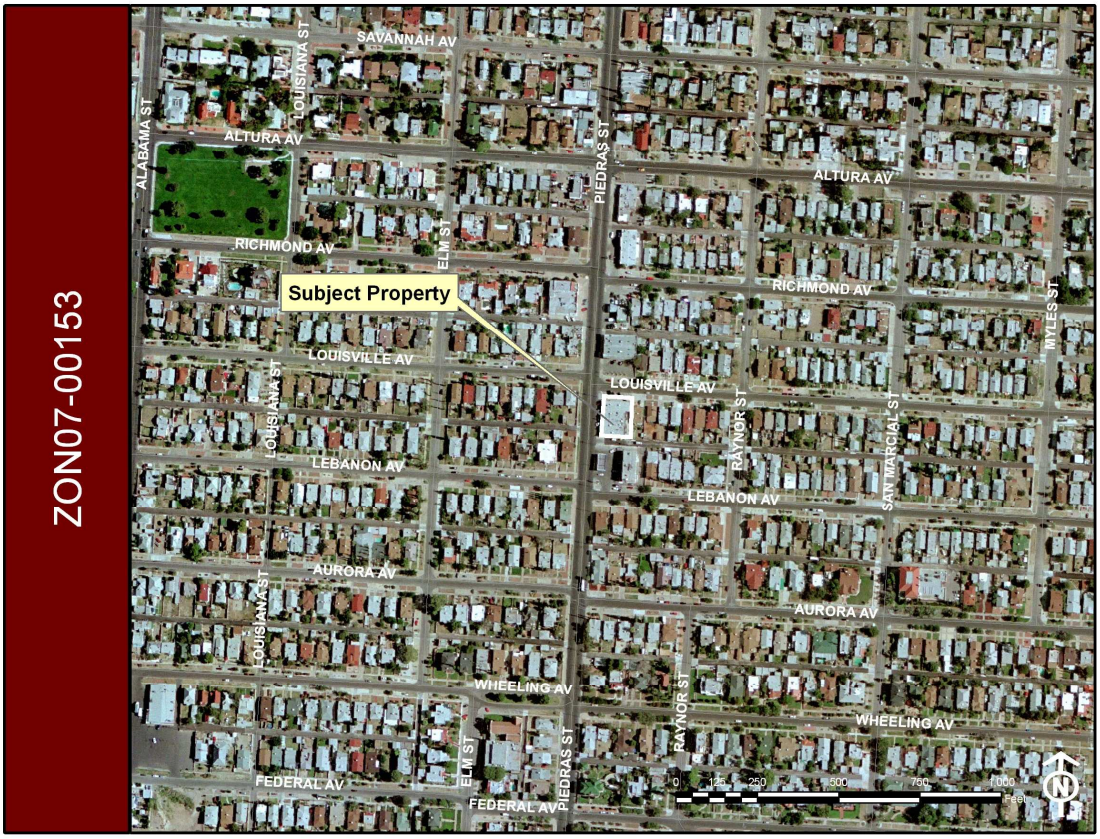
Development Services Department - Building Permits and Inspections Division:
No objection to the parking reduction request. Parking calculations should have been based on the total square footage of the existing shopping center and not on individual tenant space (See 20.02.672). Conditions on this particular property would probably qualify as legal non-conforming.

Development Services Department - Planning Division:
No objections, recommends approval. Registered as non-conforming for building was in built prior to the 1983 zoning code change. The building was originally zoned C-1 under the 1976 Zoning Code as determined by the Certificate of Occupancy dated May 23, 1978.

Engineering Department - Traffic Division:
No objection to request.

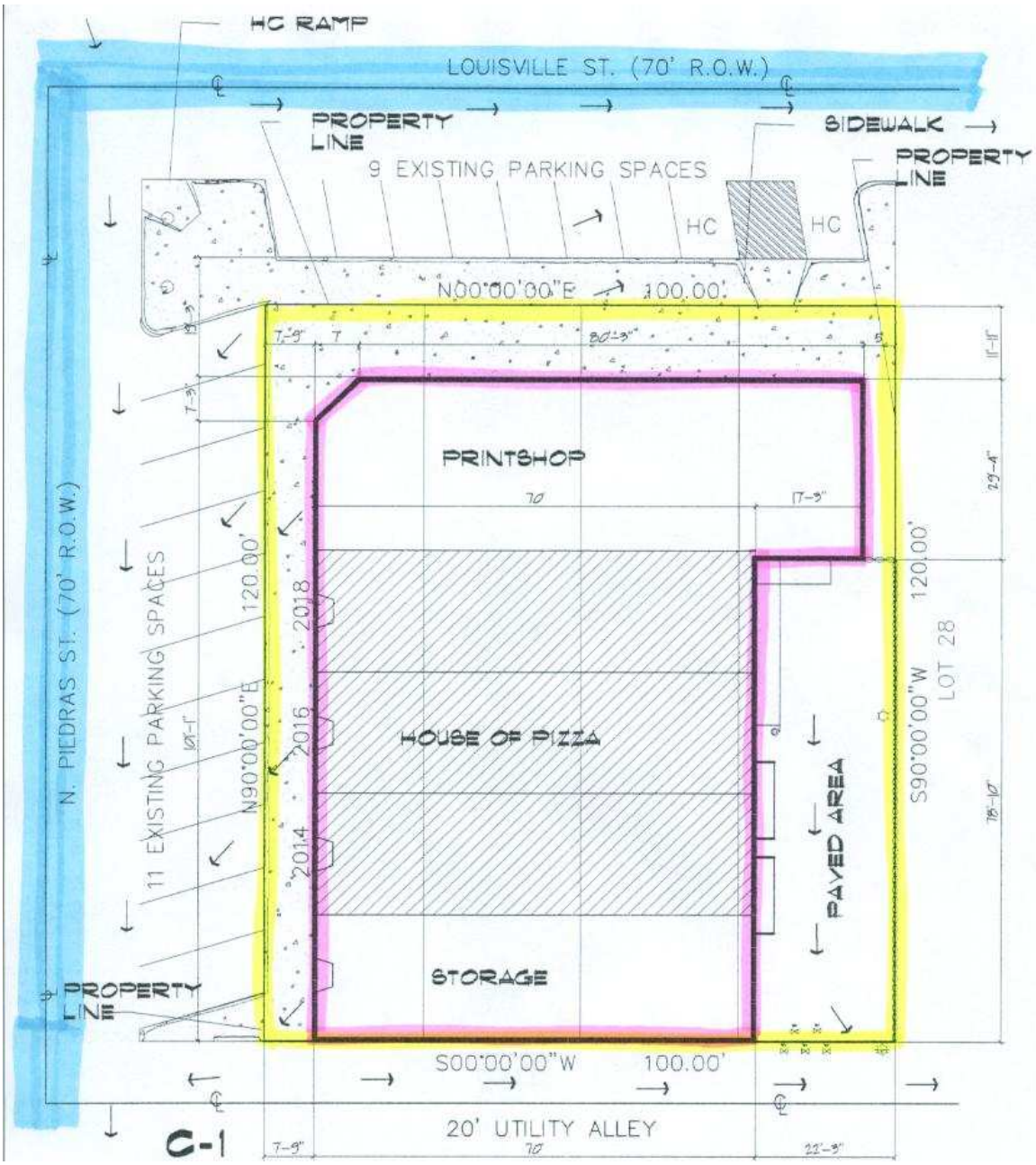
Fire Department:
No comments received.

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



List of Attachments:
Attachment 1: Site Plan
Attachment 2: Special Exception
Attachment 3: Legal Non-Conforming Application
Attachment 4: Application

Attachment 1: Site Plan



Attachment 2: Special Exception

2016 N. Piedras 22-1-78

Paul E. Rakas
Block 14, Lots 29-32, Altura

GRANTED:
1/23/78

a special exception from Section 25-43 C (3) & D (3) (off-street parking requirement) of the City of El Paso Zoning Ordinance, which would permit the change of use (into a food sales business) of an existing commercial structure without providing the required off-street parking.

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~~NON-CONFORMING~~
BUILT PRIOR TO 1983 ZONING CODE CHANGE
ZONING SECTION
12/11/07

DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION

FORM TO BE FILLED OUT WHEN REGISTERING A NON-CONFORMING STRUCTURE OR USE

Name and telephone number of person registering non-conformity.

PAUL RAKAS

Address of non-conforming structure or use.

Legal description of non-conforming structure or use.

LOTS 29-32, BLOCK 14, ALTURA, CITY OF EL PASO, EL PASO COUNTY, TEXAS

What is it that is being declared as being non-conforming? (A use or a structure, provide details.)

SIDE STREET & SIDE YARD SETBACKS LESS THAN 10'

Since when has the structure or use existed (code change or annexation)?

1978 (Certificate of Occupancy issued 5-23-1978)

Is a scaled plot plan attached?

YES

Are there affidavits attached?*

NO

If not, what is replaced, one for one, for the affidavit?

CERTIFICATE OF OCCUPANCY, ZBA HEARING RESULTS FROM 1978, 1979 AERIAL PHOTO, 1976 ZONING CODE PAGE FOR C-1 DESIGN STANDARDS.

*__NOTE__: Affidavits become a permanent part of our records; therefore, we require they be typed on letter size paper (8½ x 11). Affidavits must state exactly what is being declared, for example:

- Non-conforming height (state height)
- Setbacks (example: 2' from front property line)
- Use (example: auto shop in C-2 zone).

Two Civic Center Plaza, 5th Floor, El Paso, Texas 79901 Phone 915-541-4027

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Attachment 3: Application

SPECIAL PERMIT APPLICATION
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

City of El Paso, Texas
2 Civic Center Plaza
El Paso, TX 79901-1196
915-541-4024

1. CONTACT INFORMATION

PROPERTY OWNER(S): PAUL RAKAS and Corinne RAKAS
ADDRESS: [redacted] ZIP CODE: 79930 PHONE: [redacted]
APPLICANT(S): [redacted] ne RAKAS
ADDRESS: [redacted] ZIP CODE: 79904 PHONE: [redacted]
REPRESENTATIVE: [redacted]
ADDRESS: _____ ZIP CODE: _____ PHONE: _____
E-MAIL ADDRESS: _____ FAX: 565-7509

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: A 520-999-0140-9900
LEGAL DESCRIPTION: Lots 29-32 Block 14 ALTURA PARK
STREET ADDRESS OR LOCATION: 2016 N. Piedras REP DISTRICT: 2
ACREAGE: 12,000 SQ.F. PRESENT ZONING: C1 PRESENT LAND USE: Rest
SPECIAL PERMIT REQUEST: Reduction of Parking

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
LEGAL DESCRIPTION: _____
STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
SPECIAL PERMIT REQUEST: _____

4. PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
LEGAL DESCRIPTION: _____
STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
SPECIAL PERMIT REQUEST: _____

5. ADDITIONAL INFORMATION

OWNER(S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):
Printed Name: PAUL E. RAKAS Signature: Paul E. Rakas
Printed Name: CORINNE RAKAS Signature: Corinne Rakas
Printed Name: _____ Signature: _____

Note: Signatures are required for all owners of record for the property proposed for special permit. Attach additional signatures on a separate sheet of paper.

****OFFICE USE ONLY****

ZON 07-00153 RECEIVED DATE: 11/19/07 APPLICATION FEE: $580.00
DCC REVIEW DATE: 12/19/07 (8:30 am, Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 01/17/08 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: Melissa Granado

Revised 4/2007