

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: _____

08 FEB - 1 AM 11:32

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

CITY CLERK DEPT.
08 FEB -1 AM 11:32

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

ATTEST:

John F. Cook, Mayor

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

[Signature]
for Kelly Carpenter, AICP, Deputy Director
Development Services Department,
Planning Division

ORDINANCE NO. _____

Special Permit No. ZON07-00153

2

Exhibit "A"

Metes and Bounds for Special Permit Case ZON07-00153

As per the requirements set forth in the Special Permit Application process, *"If the legal description consists of portions of lots or blocks, or if a legal subdivision has not been recorded for the property, one (1) copy of a written, sealed metes and bounds description is required for the property proposed for rezoning. The metes and bounds description shall be accompanied by a survey map, shall contain the stamp or seal of a professional engineer or a registered land surveyor, and shall be dated within one year of the application submittal dated."* The subject property does not consist of portions of lots or block and is part of a legal subdivision that is recorded, thus metes and bounds are not required as the legal description details where the subject property is specifically located.



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
MEMORANDUM

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)

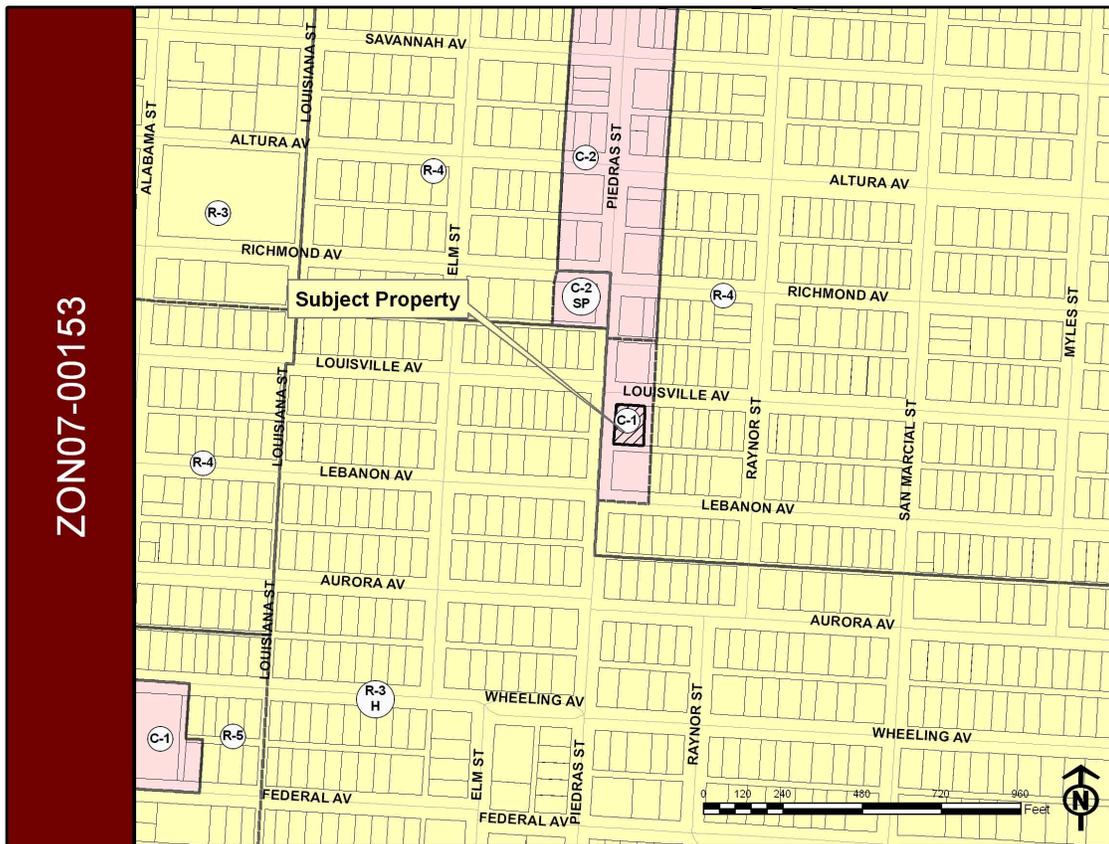
Request: 100% Parking Reduction

Public Response:

Recognized Neighborhood Associations Contacted: A Presidential Neighborhood Association; Central Neighborhood Association

Surrounding Land Uses: **North** – C-1 Thrift 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:

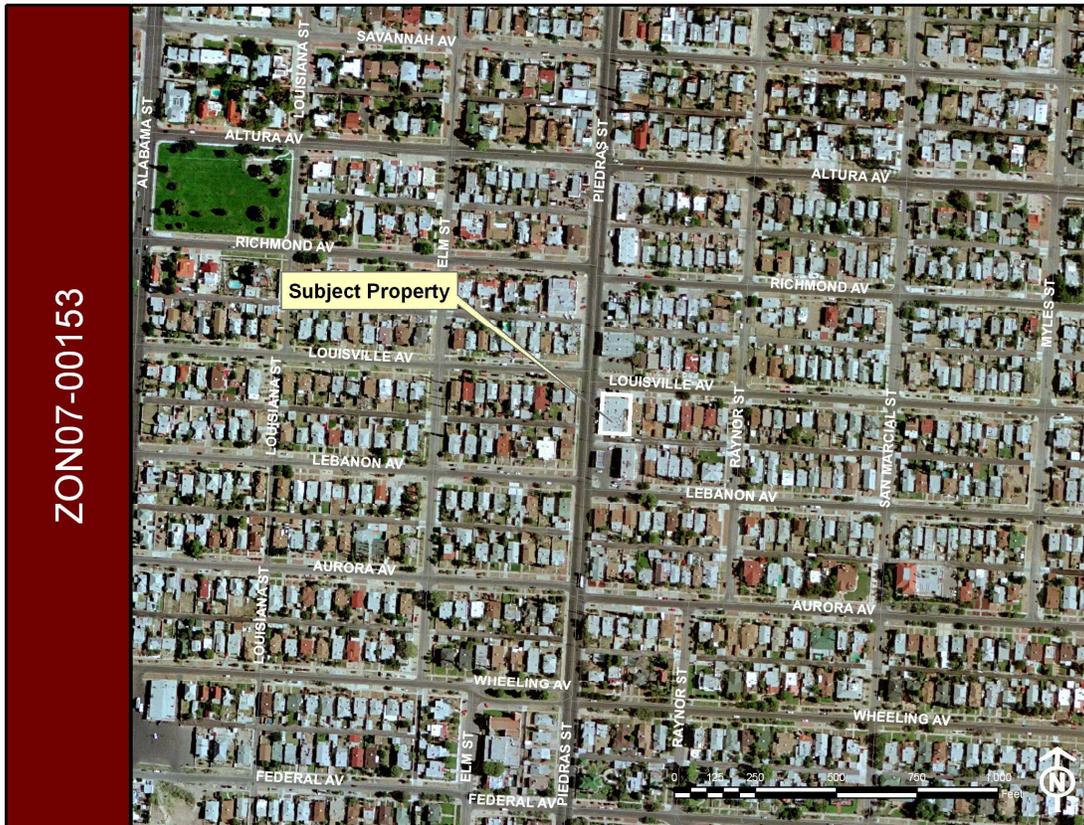
No objection to request.

Fire Department:

No comments received.

El Paso Water Utilities:

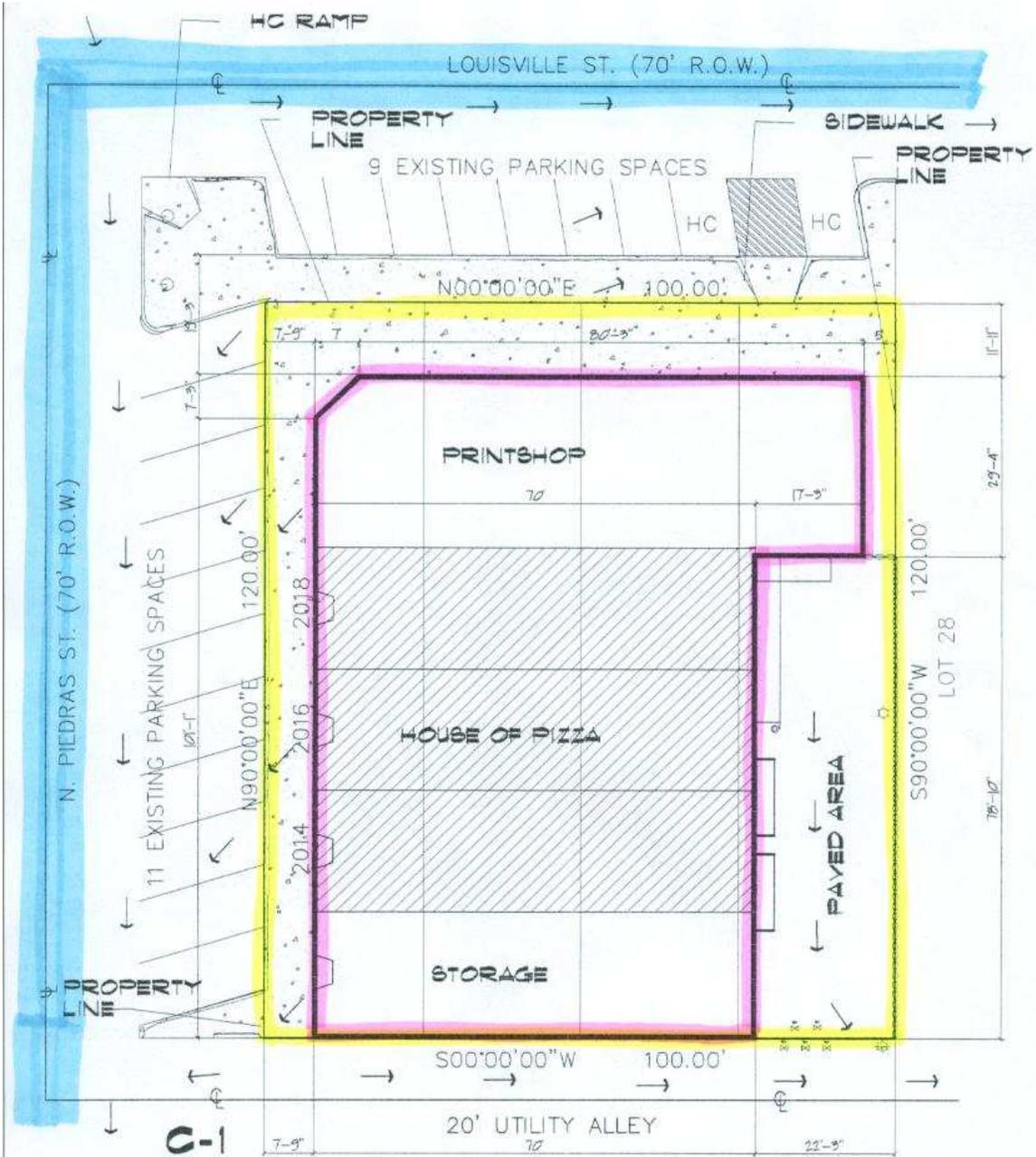
EPWU does not object to this request.



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

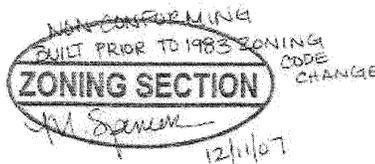
2016 N. Piedras

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.



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 (8 1/2 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).



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: _____ ZIP CODE: 79930 PHONE: _____
APPLICANT(S): me RAKAS
ADDRESS: 7 ZIP CODE: 79904 PHONE: _____
REPRESENTATIVE: _____
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 Pooling

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 Granada

