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

DEPARTMENT: City Development Department

AGENDA DATE: Introduction: February 11, 2013
Public Hearing: March 5, 2013

CONTACT PERSON/PHONE: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 3

SUBJECT:
An Ordinance granting Special Permit No. PZST13-00001, to allow for a small contractor yard on the property described as Lot 45, Block 4, Stiles Gardens, 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 for in Chapter 20.24 of the El Paso City Code. Subject Property: 7127 Stiles Drive. Property Owner: Enrique, Escobar. PZST13-00001 **(District 3) THIS IS AN APPEAL CASE.**

BACKGROUND / DISCUSSION:
Staff report attached.

PRIOR COUNCIL ACTION:
N/A

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
City Plan Commission (CPC) – Denial Recommendation (8-1)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Director, City Development Department

_____

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST13-00001, TO ALLOW FOR A SMALL CONTRACTOR YARD ON THE PROPERTY DESCRIBED AS LOT 45, BLOCK 4, STILES GARDENS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, 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 FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Enrique Escobar, Owner, has applied for a Special Permit for a small contractor yard; and,

WHEREAS, a report was made to 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 Sections 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 **C-2 (Commercial)** District:

   Lot 45, Block 4, Stiles Gardens, City of El Paso, El Paso County, Texas; and,

2. That the City Council hereby grants a Special Permit under Sections 20.04.320 of the El Paso City Code for a small contractor yard; and,

3. That this Special Permit is issued subject to the development standards in the **C-2 (Commercial)** 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 "A" and incorporated herein by reference for all purposes; and,

4. That if at any time the Owner or the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. **PZST13-00001** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; 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 of the City Plan Commission before building permits are issued.

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Mathew S. McElroy, Director
City Development Department

AGREEMENT

Enrique Escobar, Owner, 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 **C-2 (Commercial)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 2013.

Enrique Escobar:

By: _____
(name/title)

_____
(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of

_____, 2013, by _____, for **Enrique Escobar** as property owner.

My Commission Expires:

_____
Notary Public, State of Texas

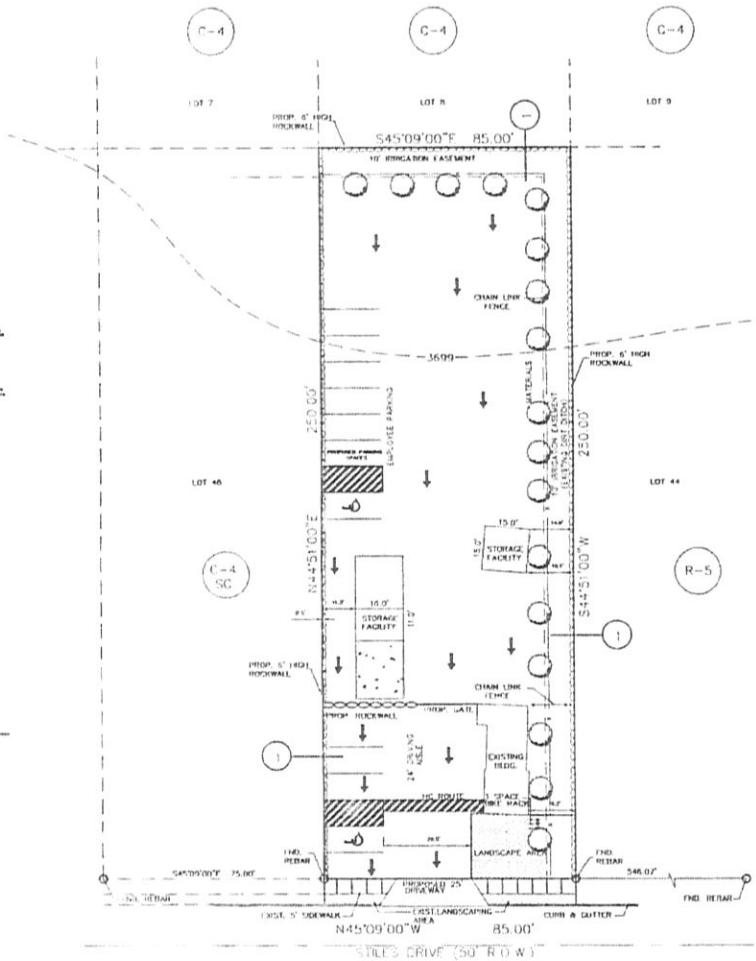
Notary's Printed or Typed Name:

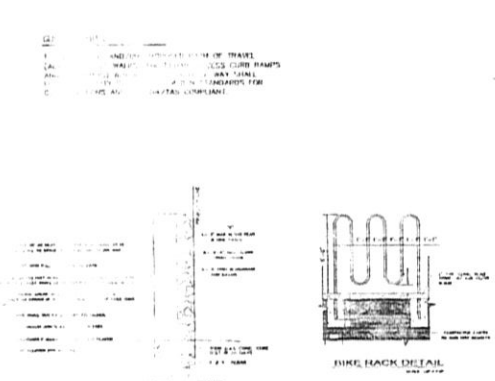
_____

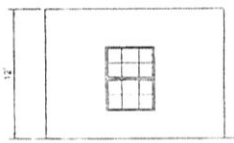
EXHIBIT "A"

DETAILED SITE PLAN

ALL OF LOT 45, BLOCK 4
STILES GARDENS
CITY OF EL PASO, EL PASO COUNTY, TEXAS
0.4878 AC.







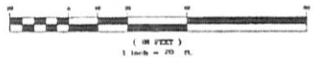
PARKING REQUIREMENTS:

PARKING REQUIRED: 3
PARKING PROVIDED: 12
BICYCLE PARKING: 3

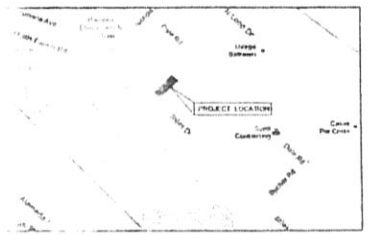
LANDSCAPE REQUIREMENTS:

TOTAL REQUIRED 21,250SF X 15%=3188 SF
TOTAL PROVIDED = 3188 SF

GRAPHIC SCALE



TION MAP SCALE: 1" = 600'



EXISTING ZONE	R-5
PROPOSED ZONE	C-4

7127 STILES DRIVE

JAN. 2, 2012 REVISED: 1/23/13

REY ENGINEERING INC.
CONSULTING ENGINEERING-SURVEYING-LAND PLANNING
9434 VISCOUNT DR. SUITE 148 EL PASO TEXAS, 79925
PH. (915)309-1889 FAX (915) 633-8060
TEXAS FIRM REGISTRATION F-3368

EYS\7127STILES ZONING CHANGE.dwg

MEMORANDUM

DATE: February 11, 2013

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

FROM: Andrew Salloum, Planner

SUBJECT: **PZST13-00001**

The City Plan Commission (CPC) on February 7, 2013 voted 8-1 to recommend **denial** of the special permit application to allow for a small contractor yard based on the denial recommendation of the rezoning request.

The Planning Division recommends **approval** of special permit and detailed site development plan review to allow for a small contractor yard in the C-2 (Commercial) zone as required by the zoning code. The recommendation is based on the existing commercial and industrial uses immediately adjacent to the subject property. The predominant land use in the area is light manufacturing which is compatible with the Plan El Paso land use designation G-7, Industrial and/or Railyards.

The CPC found that the special permit is not in conformance with the Plan for El Paso. The CPC also determined that the special permit does not protect the best interest, health, safety and welfare of the public in general; that the proposed use is not compatible with adjacent land uses; and the special permit will have negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

Planning Division received a petition with 29 signatures in opposition to the rezoning request.

Attachment:
Appeal Letter
Petition Letter
Staff Report

City of El Paso – City Plan Commission Staff Report

Case No:	PZST13-00001 (Related to PZRZ12-00039)
Application Type:	Special Permit
CPC Hearing Date:	February 7, 2013
Staff Planner:	Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov
Location:	7127 Stiles Drive
Legal Description:	Lot 45, Block 4, Stiles Gardens, City of El Paso, El Paso County, Texas
Acreage:	0.521-acre
Rep District:	3
Zoning:	R-5 (Residential)
Existing Use:	Single-family dwelling
Request:	Small contractor yard in C-2 zone district with a special permit
Proposed Use:	Small contractor yard
Property Owner:	Enrique Escobar
Representative:	Enrique Escobar

SURROUNDING ZONING AND LAND USE
North: C-4 (Commercial) / Mobile Home Park
South: M-1 (Light Manufacturing) / Railyards
East: R-5 (Residential) / Single-family dwelling
West: C-4 (Commercial) / Contractor yard

PLAN EL PASO DESIGNATION: G-7, Industrial and/or Railyards (Mission Valley Planning)
NEAREST PARK: Stiles Park (3,671 feet)
NEAREST SCHOOL: Ramona Elementary (861 feet)

NEIGHBORHOOD ASSOCIATIONS
Stiles Garden Neighborhood Association

NEIGHBORHOOD INPUT
Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on January 22, 2013. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

APPLICATION DESCRIPTION
The property owner is requesting a special permit and detailed site development plan review to allow for a small contractor yard in the C-2 (Commercial) zone as required by the zoning code. The site plan shows an existing 557 sq. ft. building and two (2) storage buildings. The site plan's parking space requirement is 3 spaces. The applicant is proposing 12 parking spaces and 3 bicycle spaces. Access to the subject property is proposed from Stiles Drive. The subject property is related to Rezoning item, PZRZ12-00039.

PLANNING DIVISION RECOMMENDATION
The Planning Division recommends **approval** of the special permit and detailed site development plan review request, as it complies with 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: 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-2 (Commercial) district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses

COMMENTS:

Planning Division - Transportation
No objections to Special Permit.

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
Landscape shall be required at time of permit as an expansion formula under 18.46.

City Development Department - Land Development
No Objection.

Grading plan and permit shall be required.*
Storm Water Pollution Prevention Plan and/or permit required.*
Drainage plans must be approved by the City Development Department, Land Development Section.*

* This requirement will be applied at the time of development.

Fire Department
Fire recommends approval with a condition that the locking mechanism must be detailed for the proposed gate. And shall be detailed to where it becomes part of the plans, and the applicant provides in writing to the Fire Department and shall be included in the construction plans that will go to Building Permit and Inspection Division for permitting.

Sun Metro
Sun Metro does not oppose this request.

El Paso Water Utilities
We have reviewed the rezoning referenced above and provide the following comments:
1. EPWU does not object to this request.
EPWU-PSB Comments
Water
2. There is an existing 8-inch diameter water main along Stiles Drive fronting the subject property. This water main is available for service.
3. EPWU records indicate a ¾-inch water meter serving the subject property with 7127 Stiles Drive as the service address.
4. Previous water pressure readings conducted on fire hydrant No. 2323 located on Stiles Drive approximately

989 feet northwest of Bucher Street have yielded a static pressure of 92 pounds per square inch (psi), a residual pressure of 84 psi and a discharge of 1,342 gallons per minute (gpm).
5. 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 18-inch diameter sanitary sewer interceptor along Stiles Drive fronting the subject property. No direct service connections are allowed to this interceptor as per the El Paso Water Utilities – Public Service Board Rules and Regulations. Also, there is an existing 8-icnh diameter sewer main along Stiles Drive fronting the subject property. This sewer main is available for service.
General:
7. A new service application is required for additional water and sanitary sewer services. New service applications are available at 1154 Hawkins, 3rd Floor. 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.

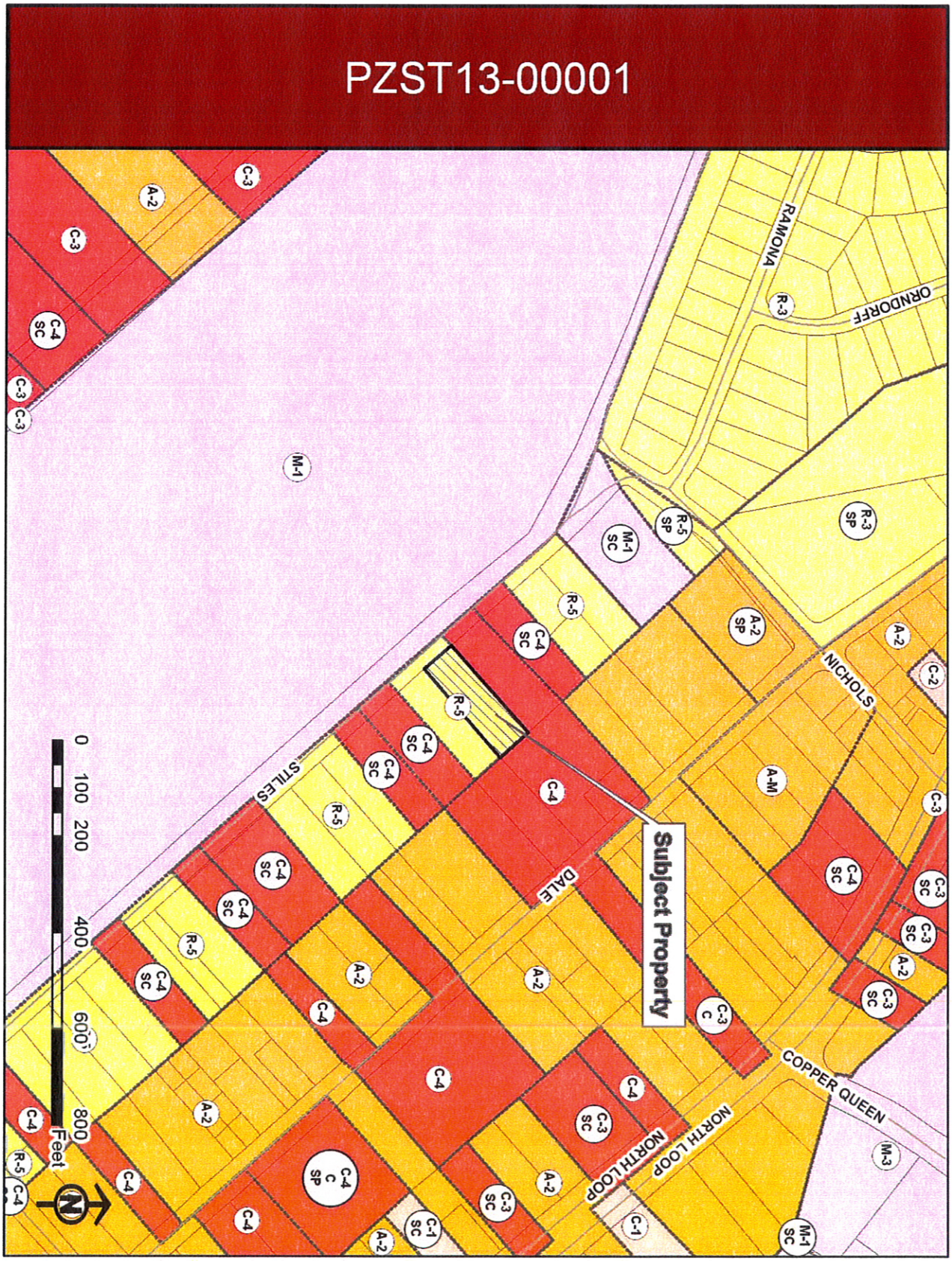
CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit and detailed site development plan application:

1. Recommend approval of the application finding that the special permit and detailed site development plan are in conformance with the review criteria of Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan
2. Recommend approval of the application with modifications to bring the special permit and detailed site development plan into conformance with the review criteria in Plan El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the special permit and detailed site development plan do not conform to the review criteria in Plan El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

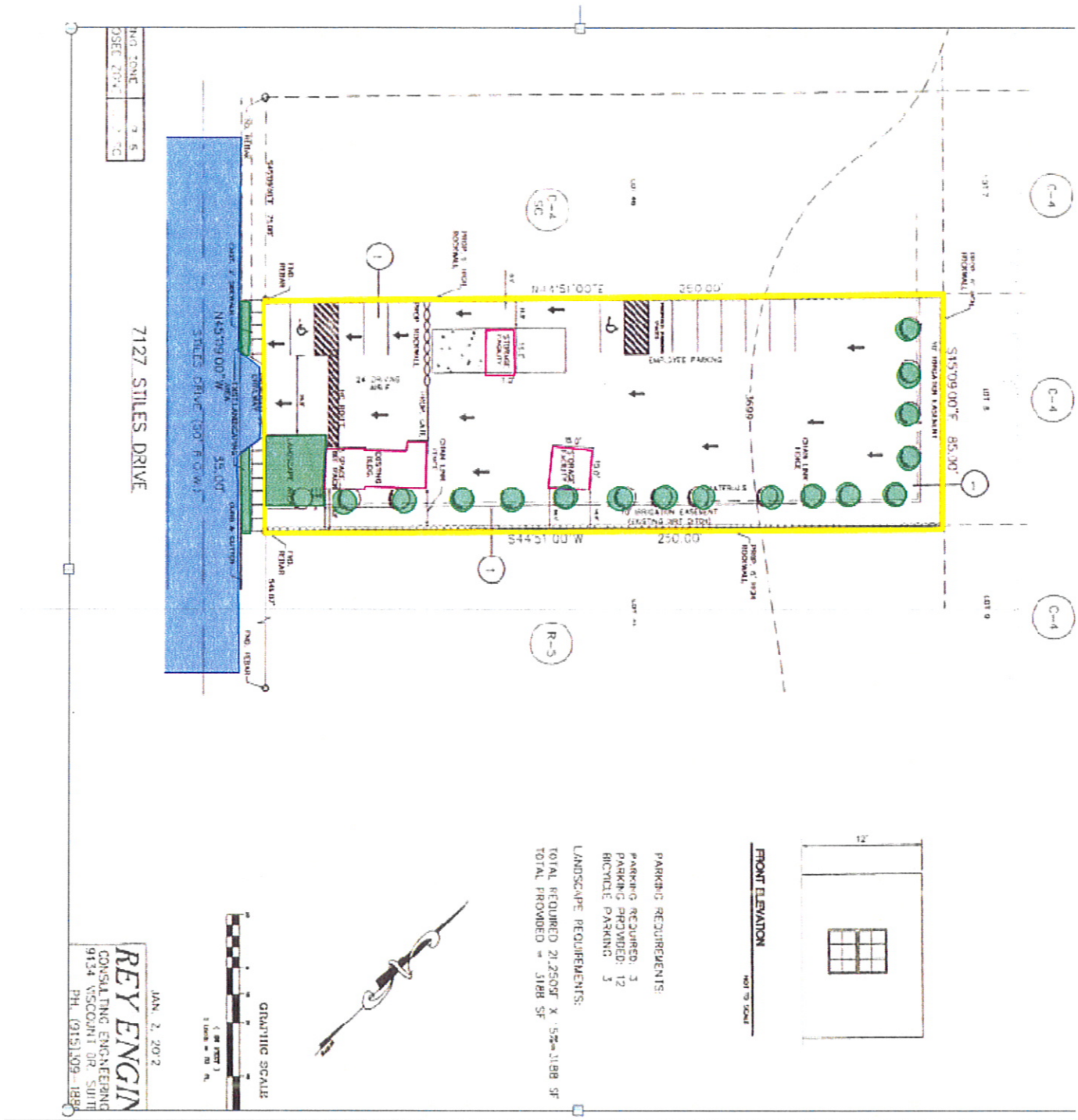
Attachments
1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



PETITION

To: City Planning (c/o Planning Division 5th floor, City Hall, 2 Civic Center Plaza, El Paso, TX 79901-1196.

The Stiles Garden Neighborhood Association, and the residents oppose to the re-zoning request of Enrique Escobar, Case No: PZRZ12-00039/PZST13-00001 from R-5 to C-2 to build a contractor yard at 7127 Stiles Dr., Lots 45, Block 4. We oppose due to safety issues; pollution, heavy machinery. This area is residential both children, elderly and disabled people live here. We want safety for the people without accidents. This is inconvenient for the people. Our street was just re-constructed. For safety and health issues we want a better quality of life for our community.

Signature	Address	Phone Number
1 Raul Chico Dominguez	7229 Stiles Garden	
2 Elva Villagran	7127 Dale Rd	
3 [illegible]	7127 dale RD	
4 Cecilia Roque	7122 DAle Rd sp#17	
5 M Gadalupe Lopez	7126 DALE ROAD 106	
6 Erasmo Gonzalez	7126 Dale Rd. 107½	
7 Delia Gonzalez	7126 Dale Rd 107½	
8 [illegible]	7126 DALE RD SP #109	
9 [illegible]	7126 Dale Rd. Sp. 110	
10 [illegible]	7126 DALE Rd. sp. 112	
11 Eloisa Soto	7126 DALE RD.	
12 Retia Cabo	7126 DALE RD SP 103	
13 Laura [illegible]	7126 Dale Rd sp 104	
14 Irma Cazares	7126 Dale Rd Spc 111	
15 Manuel Chavez	7202½ Dale Rd	
16 George Rodriguez	7307 Dale Rd	
17 Emma Rodriguez	7307 Dale Rd	
18 Rosa E. Cabral	308 Dodge	
19 Roberto Aguilar	404 Buchek	
20 Concepcion A. Aguilar	404 Buchek Rd.	

Enrique Escobar

CITY CLERK DEPT.
2013 FEB 19 PM 4:24

February 19, 2013

Re: Rezoning and Special Permit
(Lot 45, Block 4, Stiles Gardens, City of El Paso)

As owner of the property at 7127 Stiles, and Planning Commission having reject to change the zoning from R-5 to C-2 special permit. We are requesting that you file an appeal with City Council to overturn this decision. The Planning Commission's decision was unjust and discriminatory, due to the fact that we are surrounded by C-4 properties. The Cities 2025 comprehensive plan shows this area as Industrial. The majority of the people that spoke against the rezoning are renters and not property owners; they themselves live on a C-4 property. A reversal of this decision by the City Council will ultimately save the City of El Paso time and money and accomplish what is right for the property.

Sincerely,

Enrique Escobar

CITY CLERK DEPT.
2013 FEB 19 PM 4:24

APPEAL TO THE CITY COUNCIL

DATE: February 19, 2013

HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on February 7, 2013 the City Planning Commission denied my request for rezoning from R-5 to C-2 with Special Permit. (Case no: PZRZ12-00039 rezoning; PZST13-00001 Special Permit)

legally described as:
Lot 45, Block 4, Stiles Gardens, City of El Paso, El Paso County, Texas
(7127 Stiles Dr.)

I hereby request the City Council to review the decision of the Rezoning and Special Permit Case no: PZRZ12-00039 rezoning AND CONSIDER MY REQUEST PZST13-00001 Special Permit SET OUT ABOVE. I AM ATTACHING A LETTER SETTING FORTH MY REASONS FOR BELIEVING THEIR DECISION TO BE IN ERROR.

APPLICANT

ADDRESS

TELEPHONE NUMBER

Two (2) copies filed in City Clerk's Office on: _____

PETITION

To: City Planning (c/o Planning Division 5th floor, City Hall, 2 Civic Center Plaza, El Paso, TX 79901-1196.

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Signature	Address	Phone Number
1 [illegible]	7125 Dale Rd	
2 Maria R Lopez	7119 Stiles Rd.	
3 Magdalena Medina	7245 Stiles Rd	
4 Marcelo y Dora Archulla	7243 Stiles Rd	
5 Gerardo Gomez	7227 STILES Rd.	
6 Carlos Acosta	7209 Stiles	
7 Ruben Garcia	7163 Stiles Dr.	
8 [illegible]	7135 Stiles	
9 [illegible]	7121 Stiles	
10		
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