

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

**DEPARTMENT:** City Development Department

**AGENDA DATE:** Introduction: March 12, 2013  
Public Hearing: April 2, 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:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Karla M. Nieman  
Assistant City Attorney

\_\_\_\_\_  
Mathew S. McElroy, Director  
City Development Department

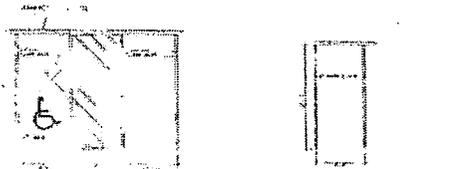
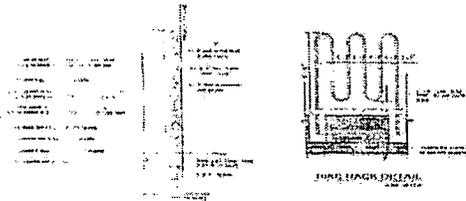


EXHIBIT "A"

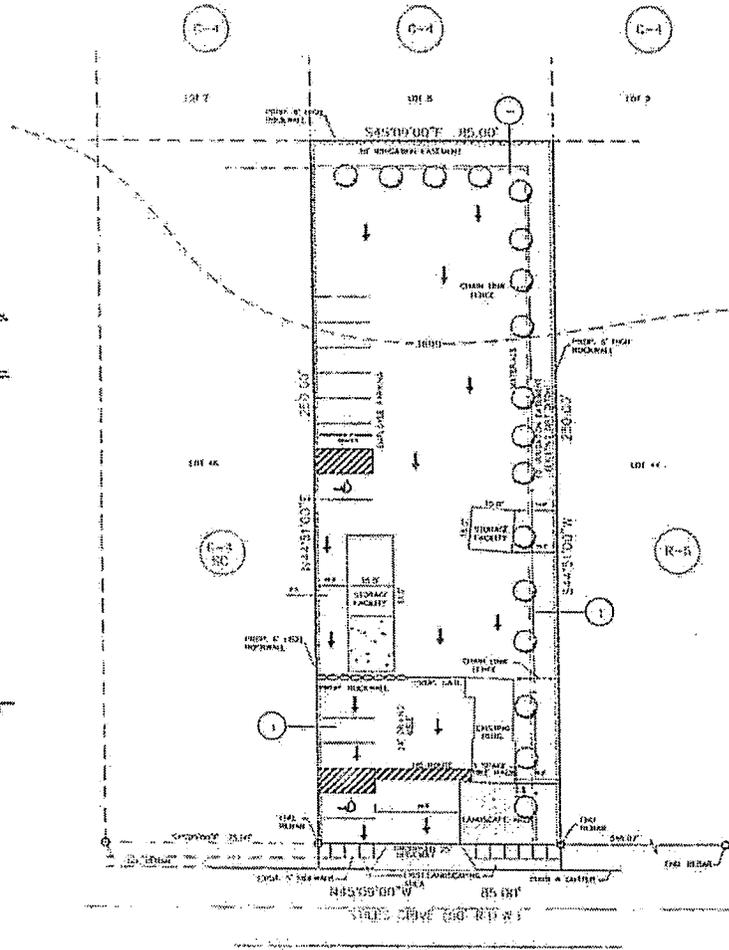
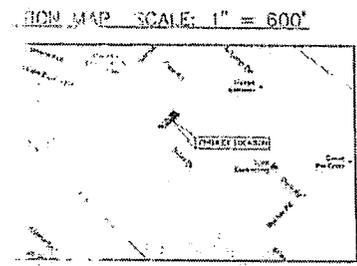
# DETAILED SITE PLAN

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

1	ASPH/FLY	ASPH/FLY
2	CONCRETE	CONCRETE
3	GRAVEL	GRAVEL
4	PAVEMENT	PAVEMENT
5	LANDSCAPE	LANDSCAPE

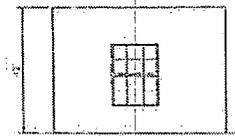


WYED P WALL DETAIL  
 PARKING ISLE



7127 STILES DRIVE

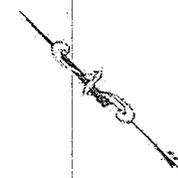
REVIEW DATE	9/15
PROPOSED DATE	7/15



FRONT ELEVATION  
 NOT TO SCALE

PARKING REQUIREMENTS:  
 PARKING REQUIRED: 3  
 PARKING PROVIDED: 12  
 BIKE/PEDAL PARKING: 3

LANDSCAPE REQUIREMENTS:  
 TOTAL REQUIRED: 21,200 SF X 15% = 3180 SF  
 TOTAL PROVIDED: 3,500 SF



JAN. 2, 2012      REVISED: 1/22/13

**REY ENGINEERING INC.**  
 CONSULTING ENGINEERING-SURVEYING-LAND PLANNING  
 9424 MISOURI DR. SUITE 140 EL PASO TEXAS, 79928  
 PH (915) 809-1889 FAX (915) 823-8660  
 TEXAS FIRM REGISTRATION # 2-1309

## MEMORANDUM

**DATE:** February 28, 2013

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

**FROM:** Andrew Salloum, Planner

**SUBJECT:** PZST13-00001

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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 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.

[Signature]  
APPLICANT

301 E. Borderland Rd. Sp. 73  
ADDRESS

915/474-1404  
TELEPHONE NUMBER

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

**Enrique Escobar**  
301 E. Borderland Sp. #73  
El Paso, Texas 79932  
(915)474-1404  
eescobar@elp.rr.com

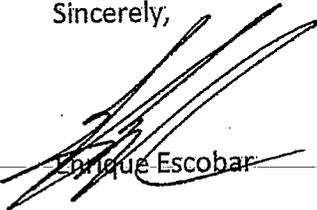
CITY CLERK DEPT.  
2013 FEB 19 PM 4:24

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

# PETITION

To: City Planning (c/o Planning Division 5<sup>th</sup> 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. Xarel Chico Dominguez	7229 Stiles Garden	
2. Elva Villagan	712 Dale Rd	772-6102
3. Cecilia Ruiz	7127 Dale Rd	778-7562
4. Aurelia Roque	7122 Dale Rd sp#17	778-4623
5. m. Guadalupe Lopez	7126 Dale Rd 104	779-32-62
6. Fernando Gonzalez	7126 Dale Rd 102 1/2	779-2193
7. Dolia Gonzalez	7126 Dale Rd 107 1/2	779-2193
8. [Signature]	7126 Dale Rd sp #104	976-9461
9. [Signature]	7126 Dale Rd. sp. 110	915-730-8939
10. Juli Jimenez	7126 Dale Rd. sp. 112	915-282-8257
11. ROSA SOTO	7126 DALE RD.	915 779 3163
12. Retta Cabo	7126 DALE RD SP 103	915 281-2019
13. Laura Silva	7126 Dale Rd sp 104	
14. Irma Cazano	7126 Dale Rd sp 111	915 249-1472
15. Manuel Duran	7202 1/2 Dale Rd	915 779-0550
16. Jorge Rodriguez	7307 Dale Rd	915 779-6532
17. Emma Rodriguez	7307 Dale Rd	915 779-6532
18. Rosa E. Cabral	308 Dodger	915 778 7035
19. Roberto Aguilar	404 Bucher	779-2058
20. Consuelo A. Aguilar	404 Bucher Rd.	779-2058

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Signature	Address	Phone Number
1. Elma Lopez	7125 Dale Rd	915 261-5104
2. Maria R. Lopez	7119 Stiles Rd.	915 595-1985
3. Magdalena Medina	7245 Stiles Rd	915 779-2253
4. Mateo y Doris Gschultz	7243 Stiles Rd	915 346-2280
5. Gerardo Gomez	7027 Stiles Rd.	915 356-6513
6. Carlos Acosta	7209 Stiles	
7. Ruben Garcia	7163 Stiles Dr.	915 775-1104
8. Ruben Bonino	7135 Stiles	778-2737
9. Jose Vega	7121 Stiles	915 208-1348
10.		
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19.		
20.		



## 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-inch 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, 3<sup>rd</sup> 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**

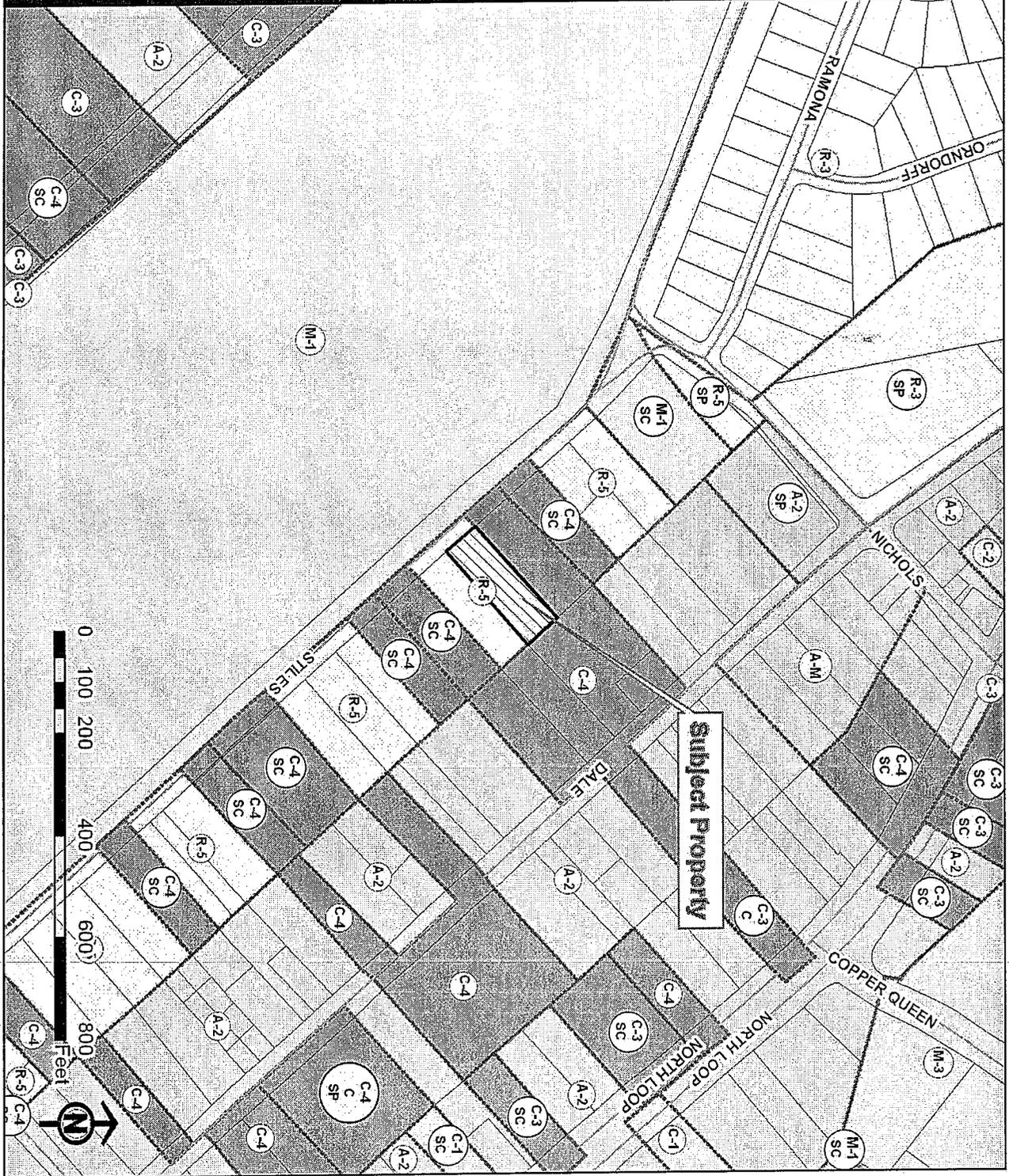
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit and detailed site development plan application:

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

PZST13-00001



PZST13-00001

