

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

DEPARTMENT: Planning and Economic Development

AGENDA DATE: Resolution; Consent Item
Public Hearing: June 14, 2011

CONTACT PERSON/PHONE: Geena Maskey, (915) 541-4192, maskeyga@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

A Resolution approving a detailed site development plan for Lot 1A, Block 3, Keystone Business Park, Replat "A", City of El Paso, El Paso County, Texas, Pursuant to Section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4508 Osborne Drive, Property Owner: Kasag, LLC, PZDS11-00005(District 8)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – No objection
City Plan Commission (CPC) – Approval Recommendation 5-0

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew, McElroy
Deputy Director, Planning & Economic Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

RESOLUTION

A RESOLUTION APPROVING A DETAILED SITE DEVELOPMENT PLAN FOR LOT 1A, BLOCK 3, KEYSTONE BUSINESS PARK, REPLAT "A", CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.150. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, on **February 17th, 1987**, City Council rezoned the property described as Lot 1A, Block 3, Keystone Business Park, Replat "A", City of El Paso, El Paso County, Texas, from **R-4 (Residential)** to **C-4/sc (Commercial/special contract)** and as part of the rezoning imposed a condition that prior to the issuance of any building permits, a detailed site development plan must be approved by the City Plan Commission and City Council; and,

WHEREAS, the property owner, **Kasag, LLC** (the "Owner") is ready to proceed with development and has submitted a detailed site development plan for review; and,

WHEREAS, the detailed site development plan is subject to the development standards in the **C-4/sc (Commercial/special contract)** District regulations and subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission; and,

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

WHEREAS, the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso City Code;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. Pursuant to requirements imposed on the property described as *Lot 1A, Block 3, Keystone Business Park, Replat "A", City of El Paso, El Paso County, Texas*, the City Council

hereby approves the detailed site development plan. The detailed site development plan is subject to the development standards in the **C-4/sc (Commercial/special contract)** District:

2. A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "A" and incorporated herein by reference.

3. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **C-4/sc (Commercial/special contract)** District regulations.

4. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **C-4/sc (Commercial/special contract)** District. 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.

5. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

PASSED AND APPROVED this _____ day of _____, 2011.

THE CITY OF EL PASO

John F. Cook,
Mayor

ATTEST:

Richarda Duffy Momsen,
City Clerk

SIGNATURES CONTINUE ON NEXT PAGE

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy
Deputy Director – Planning and
Economic Development Department

(Agreement on following page)

DEVELOPMENT AGREEMENT

By execution hereof, **Kasag, LLC** (“Owner”), identified in the Resolution to which this Development Agreement is attached, hereby covenant and agree, to develop the above-described property in accordance with the approved Detailed Site Development Plan, and in accordance with the standards applicable to the **C-4/sc (Commercial/special contract)** District located within the City of El Paso.

EXECUTED this _____ day of _____, 2011.

Kasag, LLC

By:_____

ACKNOWLEDGMENT

THE STATE OF INDIANA)
)
COUNTY OF ST. JOSEPH)

This instrument is acknowledged before me on this _____ day of _____, 2011, by _____, in his legal capacity on behalf of Kasag, LLC.

Notary Public, State of Indiana

My Commission Expires:

MEMORANDUM

DATE: June 06, 2011

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

FROM: Geena Maskey, Planner

SUBJECT: PZDS11-00005

The City Plan Commission (CPC), on May 19, 2011, voted 5-0 to recommend **APPROVAL** of detailed site development plan for subject property.

The CPC found that the detailed site development plan is in conformance with the Plan for El Paso. The CPC also determined that the detailed site development plan 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 detailed site development plan will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

Attachment: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZDS11-00005
Application Type: Detailed Site Development Plan Review
CPC Hearing Date: May 19, 2011
Staff Planner: Geena Maskey, (915)-541-4192, maskeyga@elpasotexas.gov
Location: 4508 Osborne Drive
Legal Description: Lot 1A, Block 3, Keystone Business Park, Replat "A", City of El Paso, El Paso County, Texas
Acreage: 0.616 acres
Rep District: 8
Zoning: C-4/sc (Commercial/special contract)
Existing Use: Vacant
Request: Detailed Site Development Plan Review per Ordinance No. 008929
Proposed Use: Office and Storage for Cleaning Business
Property Owner: Kasag, LLC
Representative: SMS Architects, James K. Suerken, RA

SURROUNDING ZONING AND LAND USE

North: P-I/sc (Planned Industrial/special contract)/Vacant
South: R-4 (Residential) and C-4/sc (Commercial/special contract)/City Drainage Structure
East: R-4 (Residential) and C-4/sc (Commercial/special contract)/ City Drainage Structure
West: C-4/sc (Commercial/special contract) and P-I/sc (Planned Industrial/special contract)/Vacant

Plan for El Paso Designation: Commercial (Northwest Planning Area)

Nearest Park: Keystone Heritage Wetlands (864 Feet)

Nearest School: Zach White Elementary (6,011 Feet)

NEIGHBORHOOD INPUT

Notice of the public hearing is not required on detailed site development plan per El Paso City Code, 20.04.520 *Notice*.

APPLICATION DESCRIPTION

The applicant is requesting a detailed site development plan review as required by a special contract attached to Ordinance No. 008929, Condition No. 9, dated February 17, 1987, (*see Attachment 5, page 11*). The detailed site development plan shows a 11,510 square foot building, a two-story office space of 3,620 square feet, and a storage area of 7,890 square feet. The development requires 12 parking spaces and 3 bicycle spaces and the applicant is providing 13 parking spaces and 3 bicycle spaces. Primary access is proposed from Osborne Drive.

The following condition was imposed by the Ordinance No. 008929:

9. Prior to the issuance of any building permits, the property owner shall submit a site plan to be approved by the City Plan Commission and City Council.

This detail site development plan complies with all the applicable conditions imposed by the Ordinance No. 008929.

PLANNING AND ECONOMIC DEVELOPMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **Approval** of the detailed site development plan. The detailed site development plan meets all the requirements of 20.04.150 of the El Paso City Code and the conditions imposed by Ordinance No. 008929.

The Plan for El Paso-City-Wide Land Use Goals

All applications for detailed site development plan shall demonstrate compliance with the following criteria:

- a. Goal: develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.
- b. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.

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.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for detailed site development plan review and offered no objections to the Planning Staff's recommendation for **Approval**.

Engineering – Construction Management Division-Plan Review

No objections to the detailed site plan.

Engineering – Land Development

General Comments:

1. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
2. Grading plan and permit shall be required.*
3. Storm Water Pollution Prevention Plan and/or permit required.*
4. Drainage plans must be approved by the Engineering and Construction Management Department, Land Development Section.*
5. The Subdivision is within Flood Zone C-“Areas of minimal flooding” – Panel # 480212 0026D, dated January 3, 1997.

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

Department of Transportation

No objections to the detailed site plan.

Note: All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction. - Handicap spots shall be ADA Compliant.

Fire Department

No objections to the detailed site plan.

El Paso Water Utilities

EPWU-PSB Comments

1. EPWU does not object to this request.

2. Water

Along Osborne Drive fronting the subject Property there is an existing fifty-four (54) inch diameter water transmission main. No service connections are allowed to this main as per the El Paso Water Utilities - Public Service Board Rules & Regulations.

Along Osborne Drive fronting the subject Property there is an existing eight (8) inch diameter water main. Previous water pressure readings conducted on fire hydrant number 10033 located at Doniphan Drive and Osborne Drive have yielded a static pressure of 78 pounds per square inch (psi), residual pressure of 68 psi, discharge of 1,061 gallons per minute (gpm).

3. Sanitary Sewer

Along Osborne Drive fronting the subject Property there is an existing twelve (12) inch diameter sanitary sewer main. At approximately 260 feet south of Ripley Drive the diameter of this main increases to fifteen (15) inches in diameter.

4. General

Application for water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. 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

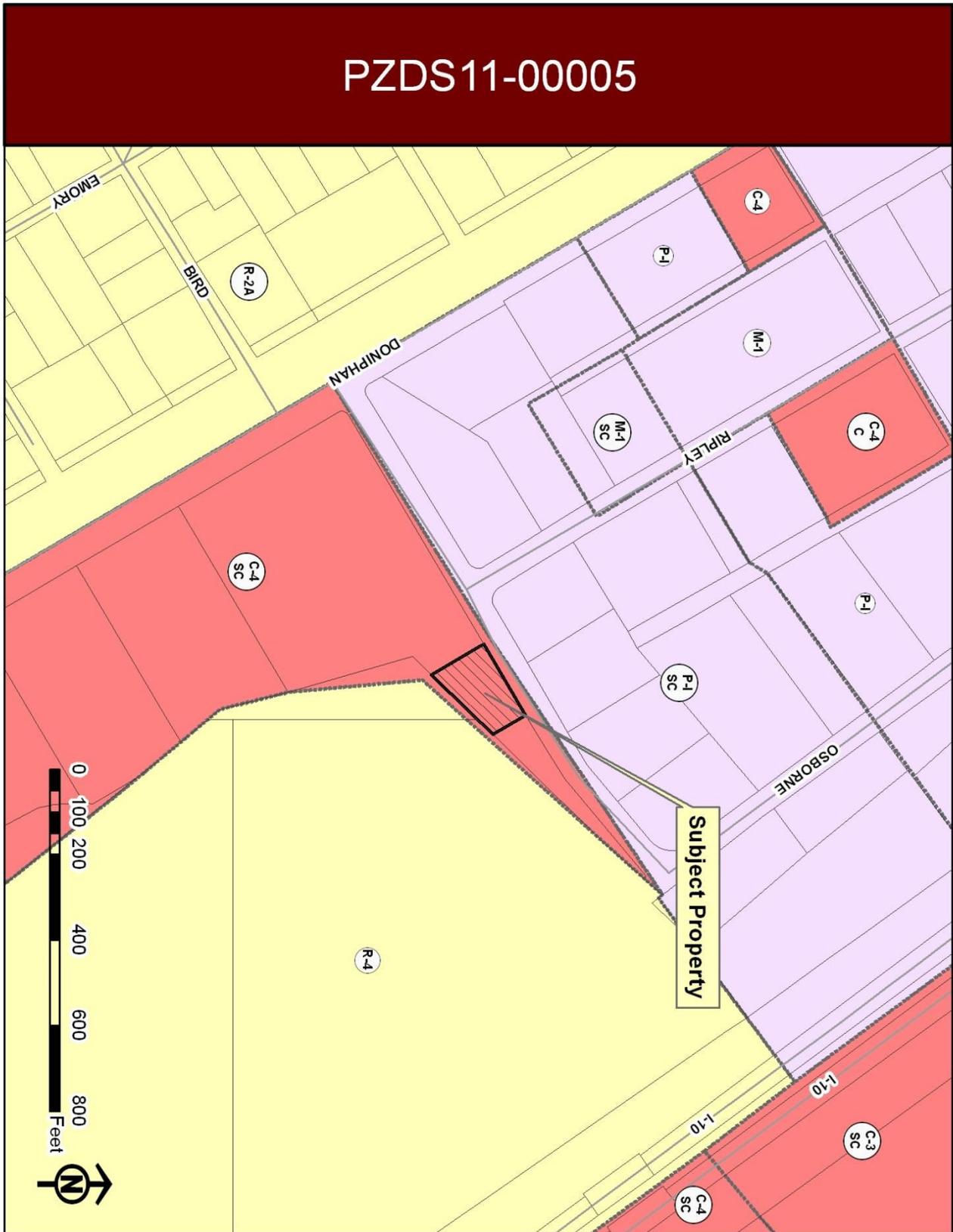
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the detailed site plan application:

1. Recommend approval of the application finding that the detailed site development plan is in conformance with the review criteria of The Plan for 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 detailed site development plan into conformance with the review criteria in The Plan for 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 detailed site development plan does not conform to the review criteria in The Plan for 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
4. Elevations
5. Ordinance No. 008929

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

PZDS11-00005

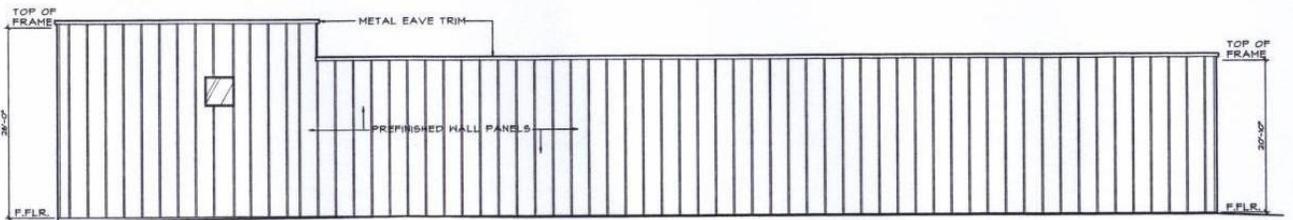


ATTACHMENT 4: ELEVATIONS



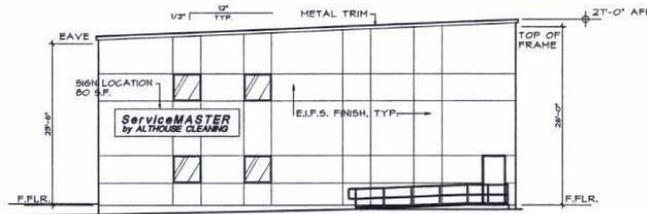
FRONT ELEVATION

1/4" = 1'-0"



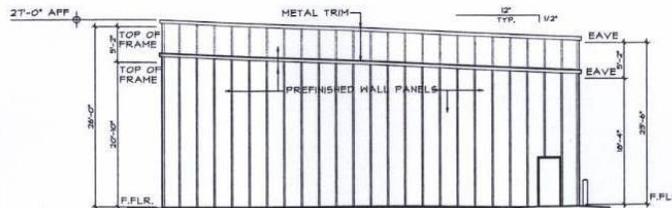
REAR ELEVATION

1/4" = 1'-0"



RIGHT SIDE ELEVATION

1/4" = 1'-0"



LEFT SIDE ELEVATION

1/4" = 1'-0"

ATTACHMENT 5: ORDINANCE NO. 008929

008929

AN ORDINANCE CHANGING THE ZONING OF
A PORTION OF A.F. MILLER
SURVEY NO. 210 AND 213; C.A. ENGELSFREUND
SURVEY NO. 112; B.B.B. & C. RAILROAD
SURVEY NO. 154; G.L. WILSON SURVEY NO. 91
AND S.A. MAVERICK SURVEY NO. 174
THE PENALTY BEING AS PROVIDED IN
SECTION 20.68.010 OF THE EL PASO CITY CODE

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

That the zoning of a portion of A.F. Miller Survey No. 210 and 213; C.A. Engelsfreund Survey No. 112; B.B.B. & C. Railroad Survey No. 154; G.L. Wilson Survey No. 91 and S.A. Maverick Survey No. 174, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from R-4 (Residential) to C-4 (Commercial) within the meaning of the zoning ordinance, subject to a special contract placing certain restrictions, conditions and covenants on the property, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this 17th day of February, 1987.

Jonathan W. Rojas
Mayor

Carole Hunter
City Clerk

APPROVED AS TO FORM:

Ricardo Hants
Assistant City Attorney

...that the zoning map has been revised in
...the amendment of ordinance # 8929
... Date 4-11-87

APPROVED AS TO CONTENT:

Ray Gilman
Planning Department

I HEREBY CERTIFY THE FOLLOWING ZONING MAPS
4-10-87 L.D.
4-10-87
2-11-87 Bldg. Inspection
4-10-87 CONTROL *Rojas*

ZNG5:86-5228

008929
Contract (2-17-87)

86-5228
RECEIVED
FEB 19 1987
PLANNING DEPARTMENT

RESOLUTION

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

That the Mayor be authorized to sign a contract between the CITY OF EL PASO and TEXAS COMMERCE BANK - EL PASO, NA, INDEPENDENT EXECUTOR AND TRUSTEE UNDER THE WILL OF MARY WHITE BOYKIN, DECEASED, placing certain restrictions, conditions and covenants on the property being rezoned by Ordinance No. 008929, more particularly described as a portion of A.F. Miller Survey No. 210 and 213; C.A. Engelsfreund Survey No. 112; B.B.B. & C. Railroad Survey No. 154; G.L. Wilson Survey No. 91 and S.A. Maverick Survey No. 174.

ADOPTED this 17th day of February, 1987.

Jonathan W. Rogers
Mayor

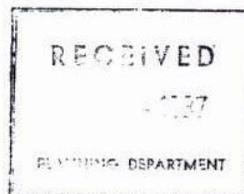
ATTEST:

Carole Hunter
City Clerk

APPROVED AS TO FORM:

Ricardo Santos
Assistant City Attorney

ZNG5:86-5228



39459

71121 Patch

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

CONTRACT

THIS CONTRACT, made this 17th day of February, 1987, by and between TEXAS COMMERCE BANK - EL PASO, NA, INDEPENDENT EXECUTOR AND TRUSTEE UNDER THE WILL OF MARY WHITE BOYKIN, DECEASED, First Party, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning of a portion of A.F. Miller Survey No. 210 and 213; C.A. Engelsfreund, Survey No. 112; B.B.B. & C. Railroad Survey No. 154; G.L. Wilson Survey No. 91 and S.A. Maverick Survey No. 174, City and County of El Paso, Texas, which is more particularly described by metes and bounds in the attached Exhibit "A" which is made a part hereof by reference. To remove certain objections to such rezoning, First Party covenants that if the property is rezoned from R-4 (Residential) 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. Prior to the issuance of any building permits, a subdivision plat must be approved by the City Plan Commission and filed of record with the County Clerk. → already
platted
2. No building(s) shall be constructed closer than fifty (50) feet to the southerly property line adjacent to St. Judes Church and the Pacific Park Subdivision. → does not
apply to this
lot
3. At the time the rezoning request is approved by the Mayor and City Council, the property owner shall dedicate twenty (20) feet of right-of-way for the widening of Doniphan Drive. → does not
apply
4. An additional twenty (20) foot wide special building setback line shall be established adjacent to the twenty (20) feet of right-of-way being dedicated in Condition No. 3 of this contract. → does not
apply
No building(s) or structures(s) shall be constructed within the special building setback line, except that surplus off-street parking shall be allowed.
5. The property shall not be used for any type of residential purposes. → no
6. There shall be no vehicular ingress and egress from this property to Hidden Way. → does
not apply
7. Within two (2) years from the date of this contract, either upon written demand by the City of El Paso or upon demand of the property owner, the property owner shall sell to the City a 2.87 acre parcel of land adjacent to the existing Northwest Corral at a price that is mutually agreed upon by both parties. → already
done

If the City fails to exercise its option within two (2) years,

1750 6579

AUG 6 1987
87-522-8
PLANNING DEPARTMENT

the property owner shall be released from this requirement of the contract.

- 8. No billboards will be allowed on the property. → N/A
- 9. Prior to the issuance of any building permits, the property owner shall submit a site plan to be approved by the City Plan Commission and City Council.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its 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 amend or release the above restrictions, conditions and covenants in its direction without the consent of any third person who may be benefited thereby, and without affecting the validity, or necessitating the amendment of, the ordinance passed by the City Council embodying this change of zoning and subject to this contract.

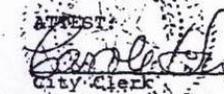
WITNESS THE FOLLOWING SIGNATURES AND SEALS:

ATTEST:

 Secretary

FIRST PARTY:
TEXAS COMMERCE BANK - EL PASO

By William C. Legu
Title Secretary

ATTEST:

 City Clerk

SECOND PARTY:
CITY OF EL PASO

By [Signature]
Mayor

APPROVED AS TO CONTENT:

[Signature]
Planning Department

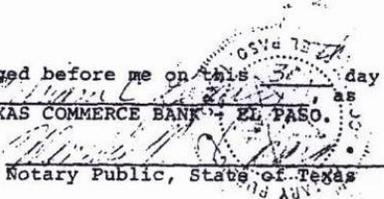
APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 30 day of March, 1987, by William C. Legu, as Secretary, for TEXAS COMMERCE BANK - EL PASO.

My Commission Expires:
Notary Public
Texas 2/4/89


 Notary Public, State of Texas

1789 0880