

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

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

**AGENDA DATE:** Introduction: July 28, 2009  
Public Hearing: August 18, 2009

**CONTACT PERSON/PHONE:** Mirian Spencer, (915) 541-4192, spencermd2@elpasotexas.gov

**DISTRICT(S) AFFECTED:** 2

**SUBJECT:**

An Ordinance granting Special Permit No. ZON09-00025, to allow for a parking reduction on the property described as Lots 1 through 10, Block 9, Cotton Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.070 (Parking Reduction) of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2101 Wyoming Drive. Property Owners: EP Marcus Investments L.P. ZON09-00025 (District 2)

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) –Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation (6-0)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

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

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

**DEPARTMENT HEAD:** Victor Q. Torres \_\_\_\_\_  
Director, Development Services

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**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON09-00025, TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 1 THROUGH 10, BLOCK 9, COTTON ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.070 (PARKING REDUCTION) OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS**, EP Marcus Investments, L.P. as Property Owner and the Children’s Kingdom Learning Center as Applicant, 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 has 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 20.04.260 Special Permits Generally 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-4/sp/sp (Commercial/special permit/special permit) District: *Lots 1 through 10, Block 9, Cotton Addition, City of El Paso, El Paso County, Texas*;

2. That the City Council hereby grants a Special Permit under Section 20.14.070 of the El Paso City Code so that a 52.5 % parking reduction, may be permitted on the property described in Paragraph 1 of this Ordinance; and,

3. That this Special Permit is issued subject to the development standards in the C-4/sp/sp (Commercial/special permit/special permit) 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 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. ZON09-00025**, 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 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 \_\_\_\_\_, 2009.

**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

\_\_\_\_\_  
Mathew S. McElroy  
Deputy Director – Planning  
Development Services Department



**ACKNOWLEDGMENT**

**THE STATE OF TEXAS** )  
 )  
**COUNTY OF EL PASO** )

This instrument is acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2009,  
by \_\_\_\_\_, for the **Children’s Kingdom Learning Center** as  
Applicant.

My Commission Expires:

\_\_\_\_\_  
Notary Public, State of Texas

\_\_\_\_\_  
Notary's Printed or Typed Name:



## MEMORANDUM

**DATE:** July 8, 2009

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

**FROM:** Mirian Spencer, Planner

**SUBJECT:** **ZON09-00025**

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The City Plan Commission (CPC) on July 2, 2009 voted **6-0** to recommend **APPROVAL** of the special permit application to allow for a 52.5% parking reduction for a child care center in agreement with the recommendation from the DCC and staff.

The property owners are requesting a 52.5% parking reduction to permit 21 of the 40 required parking spaces to be provided by on-street parking. The property owners are proposing to construct a child care facility as a tenant improvement to the existing structure. The structure has been registered legal nonconforming as the existing structure was built to the rear and side street property lines. The property was previously granted special permits for a parking reduction for a church on a site of less than three acres and a parking reduction for the proposed church. Both previously granted special permits will no longer apply as the use has changed from the church to the child care facility.

The detailed site development plan shows a 19,946 square foot child care facility located within the existing building with 19 parking spaces provided on-site. Ingress to the property is proposed via Wyoming Avenue and egress from the property is on to Willow Street. The traffic study provided for the site shows there are sufficient parking spaces available for the property within 300 feet of the site during peak hours.

The CPC found that the special permit is in conformance with The Plan for El Paso. The CPC found that the proposed use is in conformance with the 2025 Projected General Land Use Map for the Central Planning Area. The proposed development is compatible with adjacent land uses. The CPC also determined that the special permit protects the best interest, health, safety, and welfare of the public in general; and the special permit will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was one letter in support of this request.

**Attachments:** Staff Report, Zoning Map, Aerial Map, Detailed Site Plan, Elevations, Parking Study, Support Letter



## City of El Paso – City Plan Commission Staff Report

**Case No:** ZON09-00025  
**Application Type:** Special Permit  
**CPC Hearing Date:** June 18, 2009  
**Staff Planner:** Mirian Spencer, (915) 541-4192, spencermd2@elpasotexas.gov

**Location:** 2101 Wyoming Avenue  
**Legal Description:** Lots 1-10, Block 9, Cotton Addition, City of El Paso, El Paso County, Texas  
**Acreage:** 0.6887 acres  
**Rep District:** 2  
**Existing Use:** Church  
**Zoning:** C-4/sp/sp (Commercial/special permit/special permit)  
**Request:** A reduction in parking spaces from 40 required spaces to 19 required spaces for the proposed child care facility (52.5% reduction)  
**Proposed Use:** Child Care Facility

**Property Owner:** EP Marcus Investments, L.P  
**Applicant:** Children’s Kingdom Learning Center  
**Representative:** JLJ Designs

### **SURROUNDING ZONING AND LAND USE**

**North:** C-1 / Single-family Residential  
**South:** M-1 (Light Manufacturing) / Commercial  
**East:** C-4 (Commercial) / Television Broadcast Network  
**West:** C-1 (Commercial) / Shopping Center

**THE PLAN FOR EL PASO DESIGNATION:** Commercial (Central)

**NEAREST PARK:** Scenic Park (3,678 Feet)

**NEAREST SCHOOL:** Sunset High School (1,640 Feet)

### **NEIGHBORHOOD ASSOCIATIONS**

The subject property is not located within the boundaries of any registered neighborhood associations.

### **NEIGHBORHOOD INPUT**

Notices of the June 18, 2009 public meeting were mailed out to all property owners within 300 feet of the subject property on June 3, 2009. The Planning Division has received no public responses to the special permit request.

### **APPLICATION DESCRIPTION**

The property owners are requesting a 52.5% parking reduction to permit 21 of the 40 required parking spaces to be provided by on-street parking. The property owners are proposing to construct a child care facility as a tenant improvement to the existing structure. The structure has been registered legal nonconforming as the existing structure was built to the rear and side street property lines. The property was previously granted special permits for a parking reduction for a church on a site of less than three acres and a parking reduction for the proposed church. Both previously granted special permits will no longer apply as the use has changed from the church to the child care facility.

The detailed site development plan shows a 19,946 square foot child care facility located within the existing building with 19 parking spaces provided on-site. Ingress to the site is via Wyoming Avenue and egress from the property is onto Willow Street. The traffic study provided for the site shows there are sufficient parking spaces available for the property within 300 feet of the site during peak hours.

**DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION**

The Development Coordinating Committee provides the following comments:

The DCC recommends **APPROVAL** of the special permit and detailed site development plan for a 52.5% parking reduction for the proposed child care facility.

**PLANNING DIVISION RECOMMENDATION**

Planning recommends **APPROVAL** of the special permit and detailed site development plan for a 52.5% parking reduction for the proposed child care facility.

**The Plan for El Paso –City-wide Land Use Goals**

All applications for special permit and 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 application is in conformance with The Plan for El Paso because the proposed child care facility is in conformance with the 2025 Projected General Land Use Map which designates the property for commercial land uses. The proposed parking reduction will not adversely affect the surrounding development.

**Development Services Department - Building Permits and Inspections Division**

Zoning: No objections to the proposed parking reduction based on the available on-street parking spaces.

Landscaping: Landscaping not required for tenant improvements to existing structures.

**Development Services Department - Planning Division**

Current Planning: recommends **APPROVAL** of the special permit and detailed site development plan the 52.5% parking reduction for the proposed child care facility.

Land Development: Site location is **not** located within a Special Flood Hazard Area, Flood Zone **C**, Panel **480214 0039 B**, Effective Date: October 15, 1982. The following will be required at the time of development:

- 1. ADA accessible sidewalks, wheel-chair ramp(s), and driveway(s).
- 2. Grading plan and permit will be required at the time of development.
- 3. Storm water pollution prevention plan and/or permit required at the time of development.
- 4. Drainage plans must be approved by the Development Services Department, Engineering section at the time of development.

**Engineering Department - Traffic Division**

Traffic Division does not object to the parking reduction request. Adequate on-street parking is available within 300 feet of the property. Drop-off and pick-up zones shall be coordinated with the Traffic Division.

**Fire Department**

No opposition to the special permit at this time.

**Sun Metro**

The property is located within 1,000 feet of a mass transit system route. Sun Metro Routes 35 and 50 travel on Yandell Drive and Montana Avenue new the main entrance of the property. Sun Metro recommends approval of the request.

**El Paso Water Utilities**

EPWU does not object to this request.

**CITY PLAN COMMISSION OPTIONS**

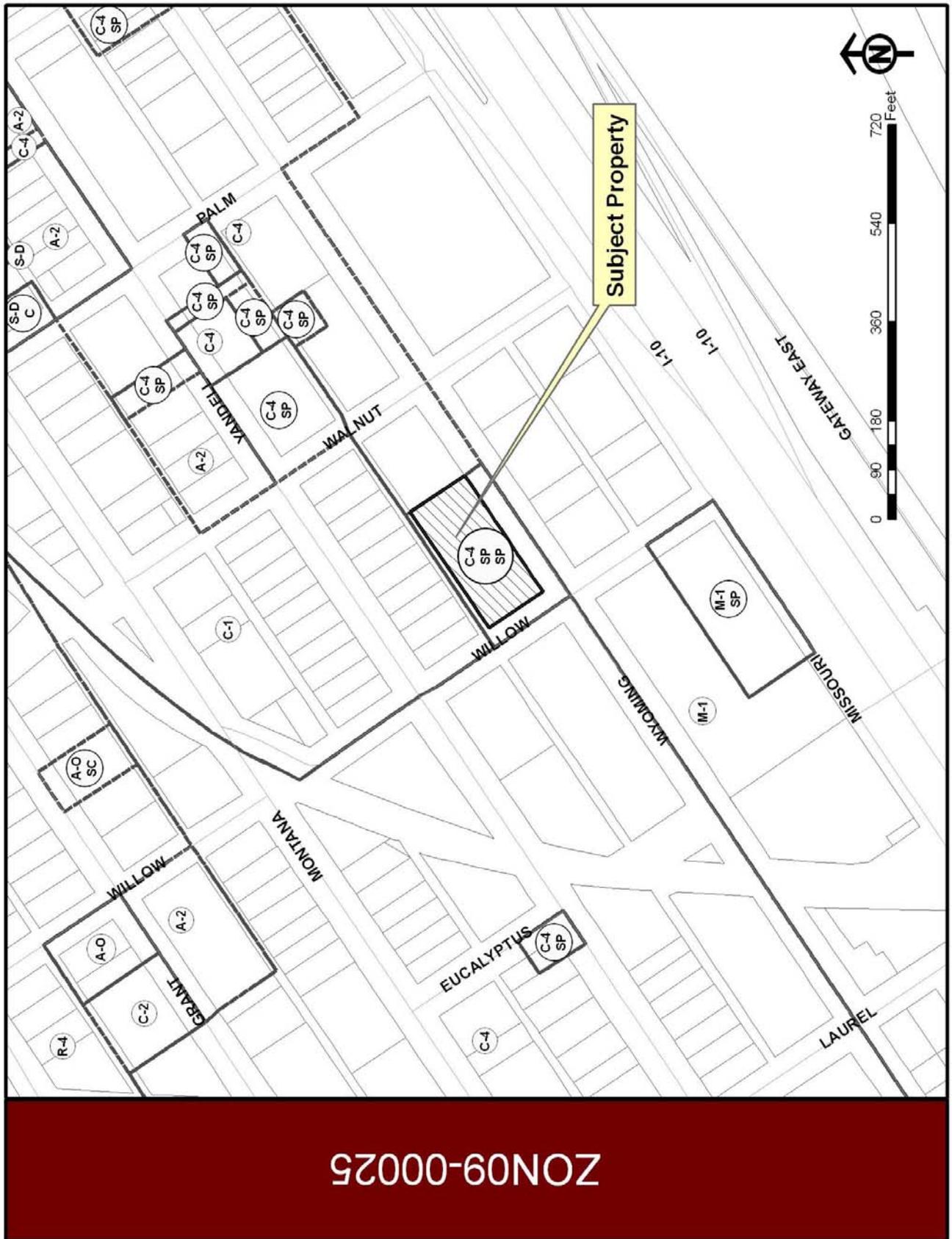
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit and detailed site development plan application:

1. Recommend approval of the application finding that the special permit and detailed site development plan 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 special permit and 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 special permit and 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. Parking Study
6. Support Letter

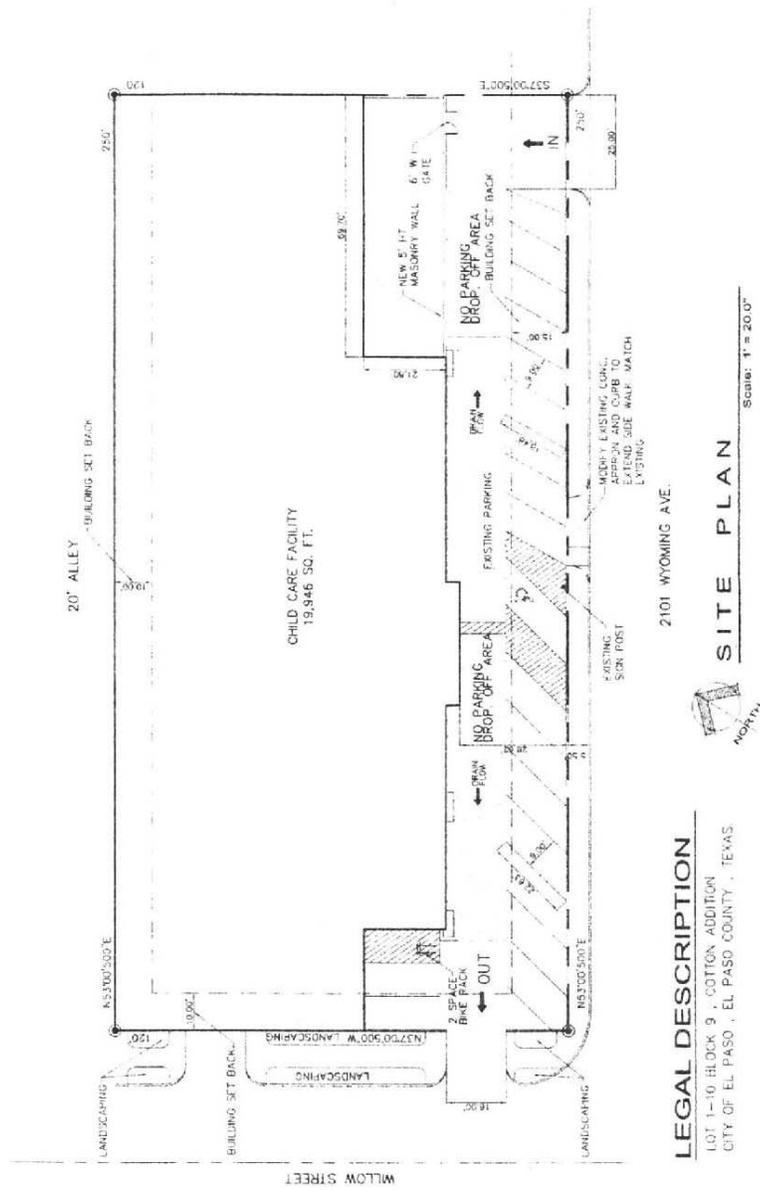
ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP



**ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN**



**GENERAL NOTES**  
 PROPOSED AREA TO BE USED = 11,248 SQ. FT.  
 AREA NOT USED = 8,691 SQ. FT.  
 BUILDING TOTAL = 19,939 SQ. FT.

**PARKING REQUIREMENTS**  
 GARAGE 17,500 = 11,248/50% = 46  
 PARKING PROVIDED = 18  
 H/C PROVIDED = 1  
 TOTAL = 19  
 BICYCLE SPACES REQUIRED = 2  
 BICYCLE SPACES PROVIDED = 2

**LANDSCAPE AREA REQUIRED:**  
 REQUIRED AREA (NOT APPLICABLE)  
 PROVIDED AREA = 255.50 SQ. FT.

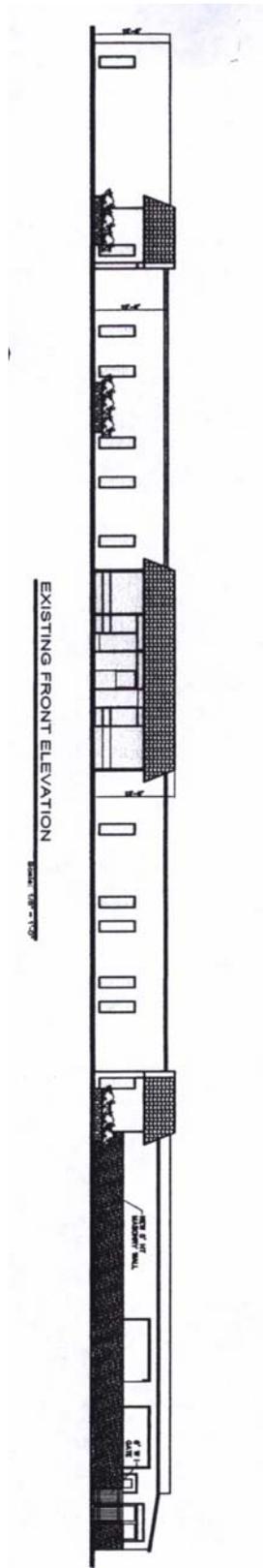
**LEGAL DESCRIPTION**  
 LOT 1-10 BLOCK 9, COTTON ADDITION  
 CITY OF EL PASO, EL PASO COUNTY, TEXAS



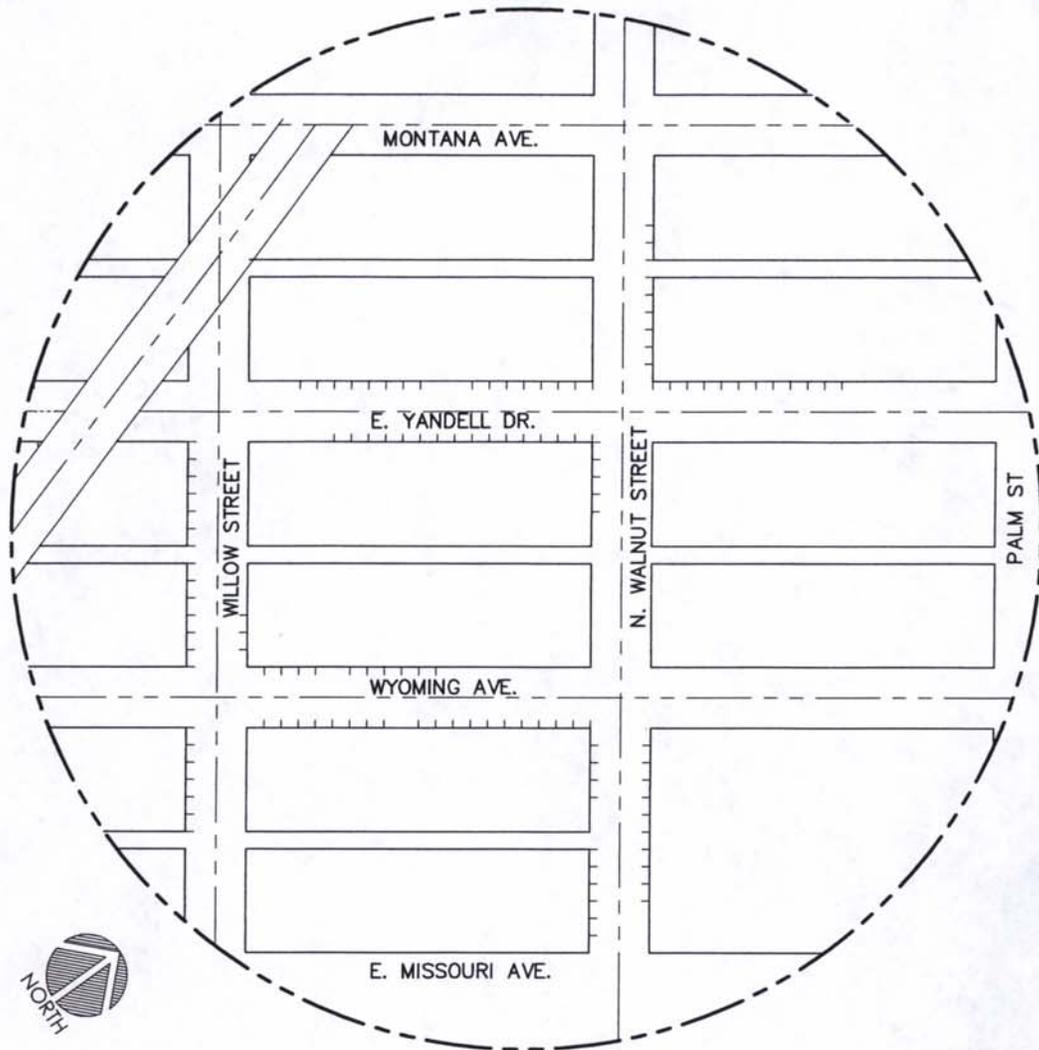
**SITE PLAN**

Scale: 1" = 20.0'

ATTACHMENT 4: ELEVATIONS



ATTACHMENT 5: TRAFFIC STUDY



ZON 09-00025

**PARKING COUNT ON APRIL 20, 2009**

| TIME       | WYOMING AVE. (25 AVAIL) |          | WILLOW ST. (20 AVAIL) |          | E YANDELL DR. (40 AVAIL) |          | N. WALNUT ST. (28 AVAIL) |          | TOTAL OCCUPIED | TOTAL AVAILABLE |
|------------|-------------------------|----------|-----------------------|----------|--------------------------|----------|--------------------------|----------|----------------|-----------------|
| 08.00 A.M. | 4                       | OCCUPIED | 8                     | OCCUPIED | 12                       | OCCUPIED | 11                       | OCCUPIED | 39             | 74              |
| 09.00 A.M. | 15                      | OCCUPIED | 13                    | OCCUPIED | 18                       | OCCUPIED | 14                       | OCCUPIED | 60             | 53              |
| 10.00 A.M. | 19                      | OCCUPIED | 16                    | OCCUPIED | 20                       | OCCUPIED | 12                       | OCCUPIED | 67             | 46              |
| 11.00 A.M. | 22                      | OCCUPIED | 18                    | OCCUPIED | 24                       | OCCUPIED | 17                       | OCCUPIED | 81             | 32              |
| 12.00 P.M. | 25                      | OCCUPIED | 20                    | OCCUPIED | 28                       | OCCUPIED | 22                       | OCCUPIED | 95             | 18              |
| 01.00 P.M. | 22                      | OCCUPIED | 17                    | OCCUPIED | 23                       | OCCUPIED | 18                       | OCCUPIED | 80             | 33              |
| 02.00 P.M. | 12                      | OCCUPIED | 11                    | OCCUPIED | 16                       | OCCUPIED | 14                       | OCCUPIED | 53             | 60              |
| 03.00 P.M. | 10                      | OCCUPIED | 3                     | OCCUPIED | 9                        | OCCUPIED | 4                        | OCCUPIED | 26             | 85              |
| 04.00 P.M. | 7                       | OCCUPIED | 2                     | OCCUPIED | 5                        | OCCUPIED | 2                        | OCCUPIED | 18             | 34              |
| 05.00 P.M. | 8                       | OCCUPIED | 4                     | OCCUPIED | 3                        | OCCUPIED | 4                        | OCCUPIED | 19             | 94              |
| 06.00 P.M. | 6                       | OCCUPIED | 6                     | OCCUPIED | 6                        | OCCUPIED | 4                        | OCCUPIED | 22             | 91              |
| 07.00 P.M. | 2                       | OCCUPIED | 5                     | OCCUPIED | 5                        | OCCUPIED | 4                        | OCCUPIED | 16             | 97              |
| 08.00 P.M. | 1                       | OCCUPIED | 3                     | OCCUPIED | 2                        | OCCUPIED | 2                        | OCCUPIED | 7              | 106             |

ATTACHMENT 6: SUPPORT LETTER

June 11, 2009

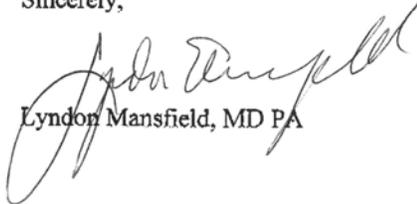
City Plan Commission  
c/o Planning, Research and Development  
2 Civic Center Plaza, 2<sup>nd</sup> Floor  
El Paso, TX 79901-1196

RE: Case No. ZON09-00025

To Whom It May Concern:

We received notice of the public hearing pertaining to the request for the property located at 2101 Wyoming. I am the next door neighbor of the property, and I, for the special permit, fully support the request. If you have any questions please call me at (915) 532-2663.

Sincerely,



Lyndon Mansfield, MD PA