

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

DEPARTMENT: Planning, Research & Development

AGENDA DATE: Introduction: July 12, 2005
Public Hearing: August 2, 2005

CONTACT PERSON/PHONE: Christina Valles, 541-4930

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance granting Special Permit No. ZON05-00044 to satisfy parking requirements for Parcel 1, described as Lots 11-20, Block 220, Campbell Addition, El Paso, El Paso County, Texas, by allowing off-street parking on Parcel 2, Described as all of Lots 1-4 and the West 10.5 Feet of Lot 5, Block 220, Campbell Addition, pursuant to Section 20.42.040 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code.
Applicant: Horak Development III, LLC. ZON05-00044 (District 8)

BACKGROUND / DISCUSSION:

See attached report.

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

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: George Sarmiento, AICP

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00044 TO SATISFY PARKING REQUIREMENTS FOR PARCEL 1, DESCRIBED AS LOTS 11-20, BLOCK 220, CAMPBELL ADDITION, EL PASO, EL PASO COUNTY, TEXAS, BY ALLOWING OFF-STREET PARKING ON PARCEL 2, DESCRIBED AS ALL OF LOTS 1-4 AND THE WEST 10.5 FEET OF LOT 5, BLOCK 220, CAMPBELL ADDITION, PURSUANT TO SECTION 20.42.040 OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, Horak Development III, LLC has applied for a Special Permit under Section 20.42.040 of the El Paso Municipal Code to allow the off-street parking requirements of Section 20.64.170 to be satisfied off-site;

WHEREAS, the requirements of Section 20.64.170 will be satisfied upon approval of the request herein; and

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

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;

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

1. That Parcel 1, which is described as *Lots 11-20, Block 220, Campbell Addition, El Paso, El Paso County, Texas*, is in a C-5 (Commercial) District which requires seventeen (17) parking spaces under Section 20.64.170 of the El Paso Municipal Code;

2. That the City Council hereby grants a Special Permit under Section 20.42.040 of the El Paso Municipal Code so that the parking requirements described in Paragraph 1 of this Ordinance may be satisfied off-site as described in Paragraph 3 of this Ordinance;

3. That Parcel 2, which is described as *all of Lots 1-4 and the West 10.5 Feet of Lot 5, Campbell Addition, El Paso, El Paso County, Texas*, is located in an C-4 (Commercial) District on a separate site from the property described in Paragraph 1 of this Ordinance;

4. That the City Council hereby grants a Special Permit under Section 20.42.040 so that the property described in Paragraph 3 of this Ordinance may be used as off-street parking in order to satisfy partially the parking requirements described in Paragraph 1 of this Ordinance;

5. That this Special Permit is issued subject to the regulations and development standards in the C-5 (Commercial) District for Parcel 1 and the C-4 (Commercial) District for Parcel 2.

6. That if at any time the off-street parking spaces described herein are not available to fulfill the parking requirements described herein, or if the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON05-00044**, shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.68 and any other legal or equitable remedy; and

7. 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.

(SIGNATURES ON FOLLOWING PAGE)

PASSED AND APPROVED this _____ day of _____, 2005.

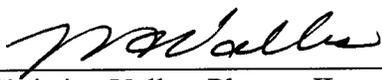
THE CITY OF EL PASO

John F. Cook, Mayor

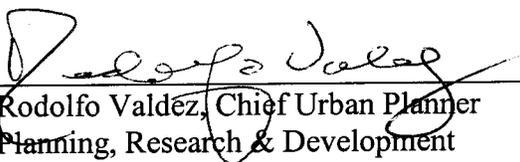
ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO CONTENT:



Christina Valles, Planner II
Planning, Research & Development
Department



Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development
Department

APPROVED AS TO FORM:



Matt Watson
Assistant City Attorney
Doc No. 13993

AGREEMENT

Horak Development III, LLC, the Applicant referred to in the above Ordinance, hereby agrees to utilize the above-described property in accordance with the regulations and development standards identified in the C-5 (Commercial) District for Parcel 1 and C-4 (Commercial) District for Parcel 2, and comply with all other requirements set forth in this Ordinance.

EXECUTED this 30th day of June, 2005.

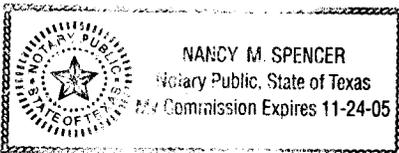
By: [Signature]
(signature)
CHARLES HORAK, MEMBER
(name/title)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 30th day of June, 2005, by Charles Horak, as Applicant.

My Commission Expires:



[Signature]
Notary Public, State of Texas
Notary's Printed or Typed Name:
Nancy M Spencer

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

GEORGE G. SARMIENTO, AICP
DIRECTOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**PLANNING, RESEARCH &
DEVELOPMENT DEPARTMENT**

June 30, 2005

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

FROM: Christina Valles, Planner II

SUBJECT: ZON05-00044

The City Plan Commission (CPC), on June 16, 2005, voted **5 - 0** to recommend **APPROVAL** of this special permit request for off-street, off-site parking, concurring with Staff's recommendation.

The CPC found that this special permit request is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this special permit request is in the best interest, health, safety and welfare of the public in general.

There was **NO OPPOSITION** to this request.

Attachment: Location Map

STAFF REPORT

Special Use Permit #: ZON05-00044

Property Owner(s): Horak Development III, LLC

Applicant(s): Charles Horak III

Representative(s): BPLW Architects & Engineers, Inc.

Legal Description: Parcel 1: Lots 11-20, Block 220, Campbell Addition
Parcel 2: All of Lots 1-4 and the West 10.5 Feet of Lot 5, Block 220, Campbell Addition

Location: Parcel 1: 600 - 620 Texas Avenue
Parcel 2: 607 Myrtle

Representative District: # 8

Area: Parcel 2: 0.315 Acres

Zoning: Parcel 1: C-5 (Commercial)
Parcel 2: C-4 (Commercial)

Existing Use: Parcel 1: Parking
Parcel 2: Parking

Proposed Use: Parcel 1: Office building
Parcel 2: Off Site Parking

Recognized Neighborhood Associations Contacted: El Paso Central Business Association;
Magoffin Neighborhood Association;

ITEM #7

Surrounding Land Uses:

Parcel 1:

North - C-4 (Commercial) / Warehouse
South - C-4 (Commercial) / Parking
East - C-4 (Commercial) / Parking
West - C-4 (Commercial) / Office

Parcel 2:

North - C-5 (Commercial) / Parking
South - C-4 (Commercial) / Office
East - C-4 (Commercial) / Parking
West - C-4 (Commercial) / Office

Year 2025 Designation: Mixed-Use (Central Planning Area)

**CITY PLAN COMMISSION HEARING, June 16, 2005
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

Special Use Permit: ZON05-00044

General Information:

The applicant is requesting a special permit to allow for off street parking on Parcel 2, which will serve a new office building on Parcel 1. The property is currently zoned C-4 (Commercial). The site is currently a parking lot and is 0.315 acres in size. The proposed site plan shows a **new office building** and **41 parking spaces** to be located on Parcel 1 and **36 parking spaces** to be located on Parcel 2. Access is proposed via **Myrtle Avenue and Texas Avenue**. There are no zoning conditions currently imposed on this property.

Information to the Commission:

The Department has received no calls or letters in support of opposition to this application.

Staff Recommendation:

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL** of this special permit request.

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommend 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-4 (Commercial) zoning permits off-street, off-site parking by special permit.

The Commission must determine the following:

- A. Will the special permit for Off Site Parking protect the best interest, health, safety and welfare of the public in general?
- B. Is the proposed use compatible with adjacent land uses?

Information To The Applicant:

Building Permits and Inspections Department Notes:

No comments.

Engineering Department, Development Division Notes:

No objections.

Engineering Department, Traffic Division Notes:

No apparent traffic concerns with the proposed off site parking.

Fire Department Notes:

No objections.

El Paso Water Utilities Notes:

No objections.

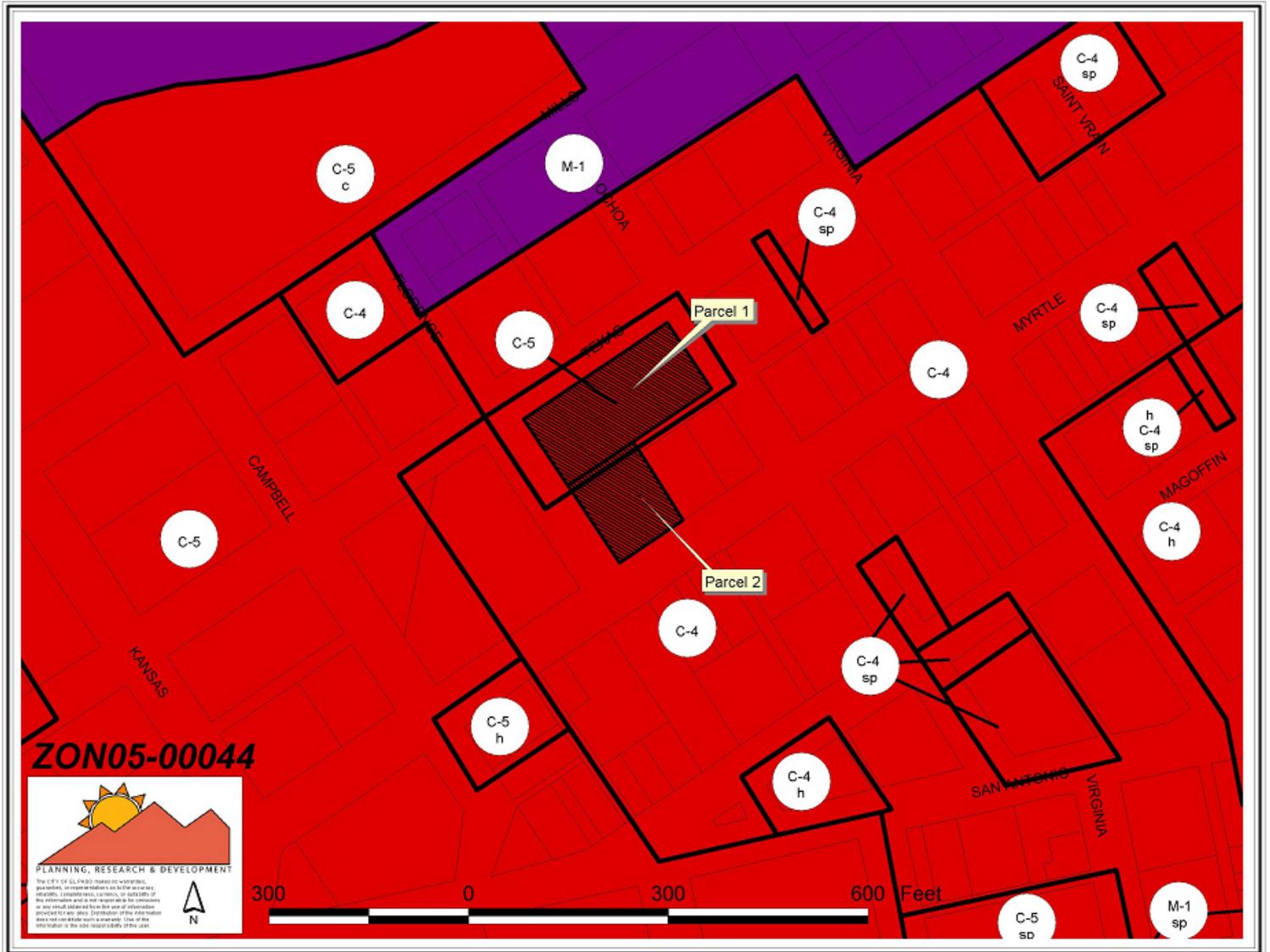
Planning, Research & Development Department Notes:

Recommend approval of the special permit request for off-site parking.

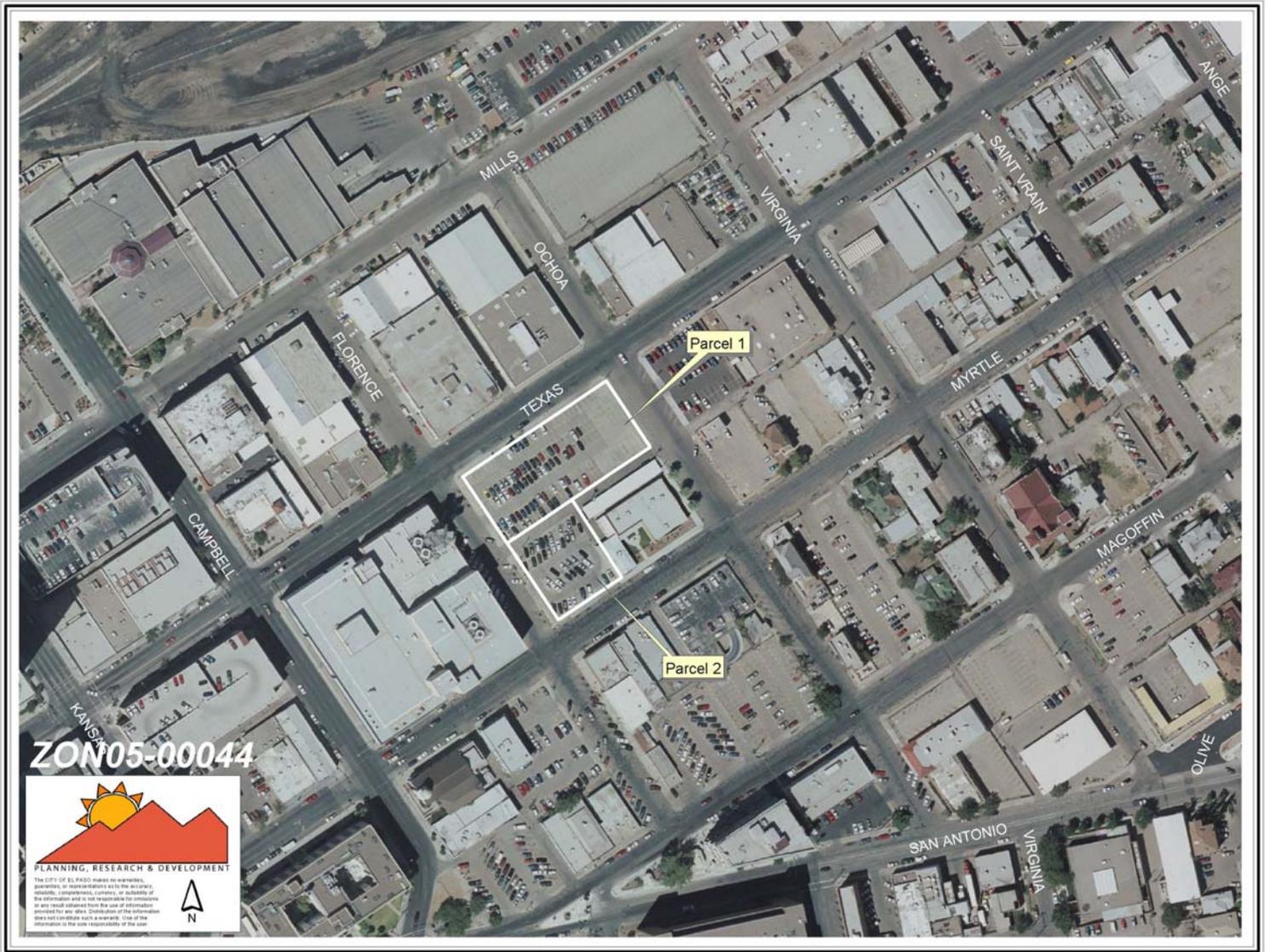
ATTACHMENT: Site Plan; location map.

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING, RESEARCH AND DEVELOPMENT DEPARTMENT AT (915) 541-4056.

LOCATION MAP



AERIAL MAP



GENERALIZED PLOT PLAN

