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

DEPARTMENT: **Planning and Economic Development Department, Planning Division**

AGENDA DATE: **Introduction: July 12, 2011**
Public Hearing: August 2, 2011

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

DISTRICT(S) AFFECTED: 8

SUBJECT:
An Ordinance granting Special Permit No. PZST11-00004, to allow for a convenience store with gas pumps and approving a detailed site development plan on the property described as Lot M, Block 45, Mills Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.260 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 311 W. Paisano Drive. Applicant: Enrique Guajardo. PZST11-00004 **(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) – Reviewed
City Plan Commission (CPC) – Approval Recommendation (4-1)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director, Planning and Economic Development Department

_____

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST11-00004, TO ALLOW FOR A CONVENIENCE STORE WITH GAS PUMPS AND APPROVING A DETAILED SITE DEVELOPMENT PLAN ON THE PROPERTY DESCRIBED AS LOT M, BLOCK 45, MILLS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.260 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Enrique Guajardo, has applied for a Special Permit under Section 20.04.260 of the El Paso City Code to allow for a convenience store with gas pumps as required by the **U-P (Union Plaza)** District**;** 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, Section 20.04.320 of the El Paso City Code also requires submission and approval of a detailed site development plan; and,

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Section 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 an **U-P (Union Plaza) District**:
   Lot M, Block 45, Mills Addition, City of El Paso, El Paso County, Texas;
   and,

2. That the City Council hereby grants a Special Permit under Section 20.04.320 of the El Paso City Code to allow for a convenience store with gas pumps as required by **U-P (Union Plaza) District** 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 **U-P (Union Plaza) 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(s) fail(s) to comply with any of the requirements of this Ordinance, **Special Permit No. PZST11-00004** shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant 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 _____, 2011.

THE CITY OF EL PASO

_____
John F. Cook, Mayor

ATTEST:

_____
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

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

AGREEMENT

Enrique Guajardo, the Applicant(s) referred to in the above Ordinance, hereby agree(s) 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 **U-P (Union Plaza) District** regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 2011.

Enrique Guajardo:

_____
(Signature)

_____
(Name/Title)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2011, by _____ for **Enrique Guajardo**, as Applicant(s).

(Seal)

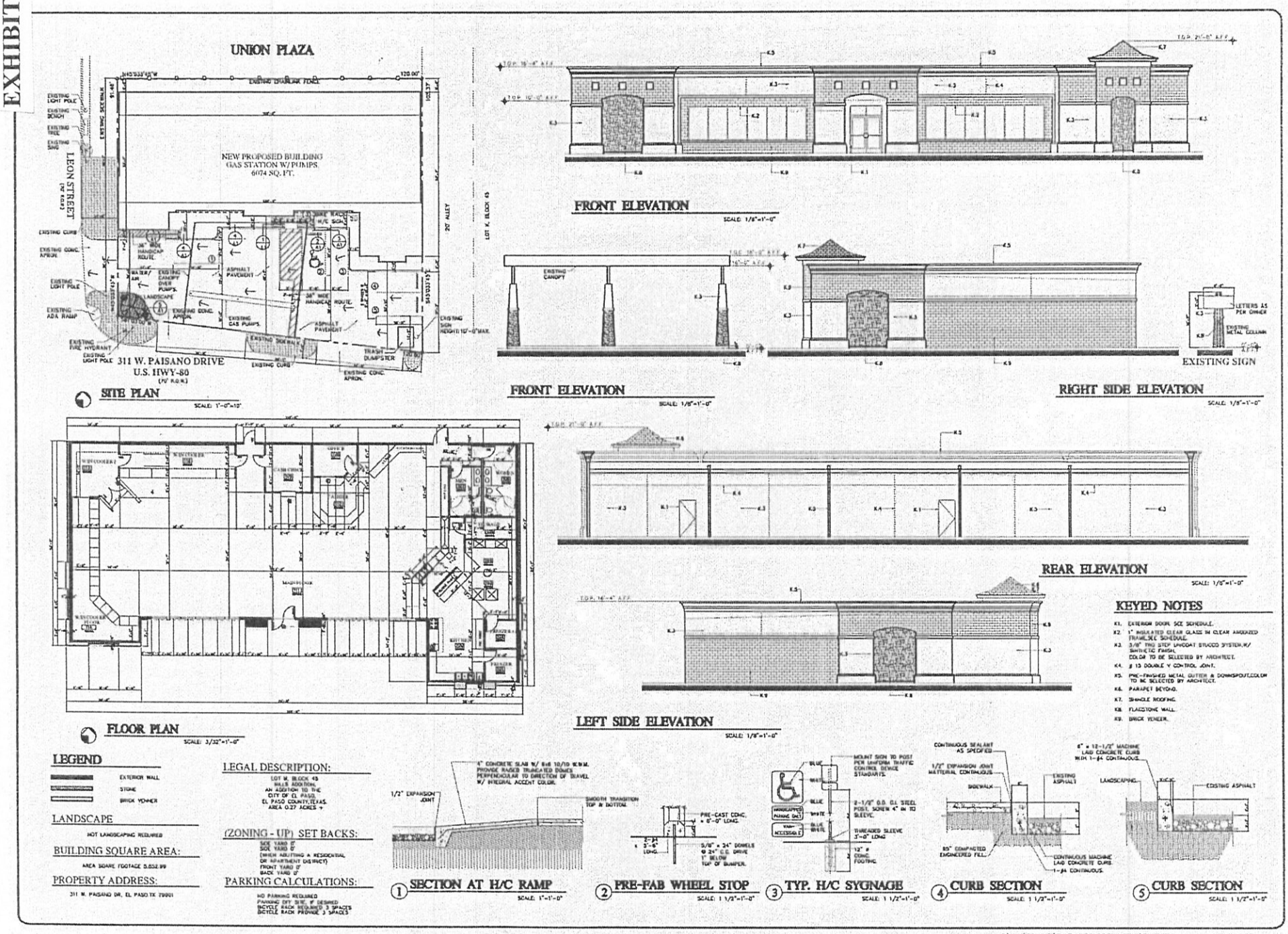
_____
Notary Public, State of Texas

_____
Printed or Typed Name

My Commission Expires:

_____

EXHIBIT "A"


UNION PLAZA
NEW PROPOSED BUILDING
GAS STATION W/PUMPS
6074 SQ. FT.
LEON STREET
20' ALLEY
311 W. PAISANO DRIVE
U.S. HWY-80
SITE PLAN
FLOOR PLAN
FRONT ELEVATION
RIGHT SIDE ELEVATION
REAR ELEVATION
LEFT SIDE ELEVATION
EXISTING SIGN
KEYED NOTES
K1. EXTERIOR DOOR. SCE SCHEDULE.
K2. 1" INSULATED CLEAR GLASS IN CLEAR ANODIZED FRAME,SEE SCHEDULE.
K3. 3/8" THIN STEP UNICOAT STUCCO SYSTEM,W/ SYNTHETIC FINISH, COLOR TO BE SELECTED BY ARCHITECT.
K4. @ 13 DOUBLE V CONTROL JOINT.
K5. PRE-FINISHED METAL GUTTER & DOWNSPOUT,COLOR TO BE SELECTED BY ARCHITECT.
K6. PARAPET BEYOND.
K7. SHINGLE ROOFING.
K8. FLAGSTONE WALL.
K9. BRICK VENEER.
LEGEND
EXTERIOR WALL
STONE
BRICK VENEER
LANDSCAPE
NOT LANDSCAPING REQUIRED
BUILDING SQUARE AREA:
AREA SQUARE FOOTAGE 0.652.99
PROPERTY ADDRESS:
311 W. PAISANO DR, EL PASO TX 79901
LEGAL DESCRIPTION:
LOT M, BLOCK 45
MILLS ADDITION,
AN ADDITION TO THE
CITY OF EL PASO,
EL PASO COUNTY,TEXAS.
AREA 0.27 ACRES +
(ZONING - UP) SET BACKS:
SIDE YARD 0'
SIDE YARD 0'
(WHEN ABUTTING A RESIDENTIAL OR APARTMENT DISTRICT)
FRONT YARD 0'
BACK YARD 0'
PARKING CALCULATIONS:
NO PARKING REQUIRED
PARKING OFF SITE, IF DESIRED
BICYCLE RACK REQUIRED 3 SPACES
BICYCLE RACK PROVIDE 3 SPACES
SECTION AT H/C RAMP
PRE-FAB WHEEL STOP
TYP. H/C SYGNAGE
CURB SECTION
CURB SECTION
AREA FOOTAGE
6074 S.F.
DETAILED SITE PLAN
CONVENIENCE STORE WITH GAS PUMPS
PLAN NO.
A-11
AUTOCAD 2010

MEMORANDUM

DATE: July 5, 2011

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

FROM: Andrew Salloum, Planner

SUBJECT: **PZST11-00004**

The City Plan Commission (CPC), on May 19, 2011, voted 4-1 to recommend **APPROVAL** of the special permit application to allow for a convenience store with gas pumps as required by U-P (Union Plaza) zoning district.

The CPC found that the special permit is in conformance with the Plan for El Paso. The CPC also determined that the special permit 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 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.

The Planning Division received 1 letter in opposition to the request.

Attachment:
Staff Report

City of El Paso – City Plan Commission Staff Report

Case No:	PZST11-00004
Application Type:	Special Permit and Detailed Site Development Plan
CPC Hearing Date:	May 19, 2011
Staff Planner:	Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov
Location:	311 W. Paisano Drive
Legal Description:	Lot M, Block 45, Mills Addition, City of El Paso, El Paso County, Texas
Acreage:	0.27 acres
Rep District:	8
Existing Use:	Vacant
Existing Zoning:	U-P (Union Plaza)
Request:	Special Permit request for proposed use in U-P (Union Plaza)
Proposed Use:	Convenience store with gas pumps
Property Owners:	Enrique Guajardo
Applicant:	Enrique Guajardo
Representative:	Luis J. Lopez

SURROUNDING ZONING AND LAND USE
North: U-P (Union Plaza) / Multi-family dwellings
South: U-P (Union Plaza) / Vacant
East: U-P (Union Plaza) / Parking lot
West: U-P (Union Plaza) / Retail

THE PLAN FOR EL PASO DESIGNATION: Mixed Use (El Paso Downtown Plan Area)
NEAREST PARK: Fire Fighters Memorial Park (397 Feet)
NEAREST SCHOOL: Raymond Telles Academy Special Campus (2,858 Feet)

NEIGHBORHOOD ASSOCIATIONS
El Paso Central Business Association

NEIGHBORHOOD INPUT
Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on May 3, 2011. The Planning Division received 1 letter in opposition to the request (See Attachment 5, page 9).

APPLICATION DESCRIPTION
The applicant is requesting a special permit and a detailed site development plan approval to allow for a convenience store with gas pumps as required by U-P (Union Plaza) zoning district. The detailed site development plan shows a 6,074 sq. ft. convenience store with existing fueling pumps with canopies. The applicant is providing 5 parking spaces and 3 bicycle spaces. The El Paso Downtown Plan area has no parking requirement for the U-P area. Access to the subject property is from Paisano Drive and Leon Street.

PLANNING DIVISION RECOMMENDATION
The Planning Division recommends **APPROVAL** of the special permit and detailed site development plan request as it meets all the requirements of 20.04.150, Detailed Site Development Plan, 20.04.320, Special Permit, and 20.10.360 (B), Union Plaza.

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: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses
b. 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.
c. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
d. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.

The purpose of the U-P (Union Plaza) district is: (1) to create a unique mixed-use environment with the provision of standards and guidelines designed to encourage the preservation of existing building architecture; (2) to ensure that reconstruction of existing buildings or new construction projects is consistent with the architectural and design guidelines adopted for the Union Plaza District; and (3) to encourage a variety of commercial and residential uses that coexist in a mixed-use area.

Development Coordinating Committee Review
The DCC reviewed and discussed the application for special permit and offered no objections to the Planning Staff's recommendation for **APPROVAL**.

Engineering & Construction Management Services Department – Plan Review
Insure that rear exit is not blocked by chain link fence preventing emergency egress to the public right-of-way.

Engineering & Construction Management Service Department – Landscaping Plan
Landscaping is not required in Union Plaza District.

Engineering & Construction Management Services Department – Land Development
General Comments:
- ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
- Grading plan and permit shall be required.*
- Storm Water Pollution Prevention Plan and/or permit required.*
- Drainage plans must be approved by the Engineering and Construction Management Department, Land Development Section.*
- Coordination with TXDOT. *(For drainage and driveways).
- The Subdivision is within Flood Zone C-"Areas of minimal flooding" – Panel # 480212 0039B, dated October 15, 1982.

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

Department of Transportation
Access to Paisano Drive shall be coordinated with TXDoT.

Note:
1. 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.
2. Proposed corner parking spaces may cause traffic problems and blocking hazards.
3. Recommend removing one of the corner spaces to create a buffer area.

Fire Department
El Paso Fire Department has no objections.

Police Department
No objections.

Sun Metro
Sun Metro does not oppose this request.

El Paso Water Utilities
We have reviewed the special permit request above and provide the following comments:

1. EPWU-PSB does not object to this request.

2. Paisano Drive is a Texas Department of Transportation (TxDOT) right-of-way. If any water or sanitary sewer work needs to be performed within the Paisano Drive right-of-way, written permission from TxDOT will be required.

Water:
3. There is an existing 20-inch diameter water main extending along Paisano Drive fronting the southern boundary of the subject property (311 W. Paisano Drive). No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules & Regulations.
4. There is an existing 4-inch diameter water main extending along the alley between Leon Street and Chihuahua Street fronting the eastern boundary of the subject property (311 W. Paisano Drive).
5. Previous water pressure from fire hydrant #1902 located at the southwest corner of 311 W. Paisano Drive have yielded a static pressure of 98 pounds per square inch(psi), a residual pressure of 75 (psi), and a discharge of 1,404 gallons per minute (gpm).
6. 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.
7. EPWU records indicate a vacant water meter with 311 W. Paisano Drive as the service address.
Sewer:
8. There is an existing 18-inch diameter sanitary sewer main extending along Paisano Drive fronting the southern boundary of the subject property (311 W. Paisano Drive). No direct service connections are allowed to this sanitary sewer main as per the El Paso Water Utilities – Public Service Board Rules & Regulations.
9. There is an existing 24-inch diameter sanitary sewer main extending along Paisano Drive fronting the southern boundary of the subject property (311 W. Paisano Drive). No direct service connections are allowed to this sanitary sewer main as per the El Paso Water Utilities – Public Service Board Rules & Regulations.
10. There is an existing 12-inch diameter sanitary sewer main extending along the alley between Leon Street and Chihuahua Street fronting the eastern boundary of the subject property (311 W. Paisano Drive).
11. There is an existing 8-inch diameter sanitary sewer main extending along the alley between Leon Street and Chihuahua Street fronting the eastern boundary of the subject property (311 W. Paisano Drive). This line dead-ends approximately 40 feet north of the northern boundary of the subject property.
General:
12. Application for additional 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 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.

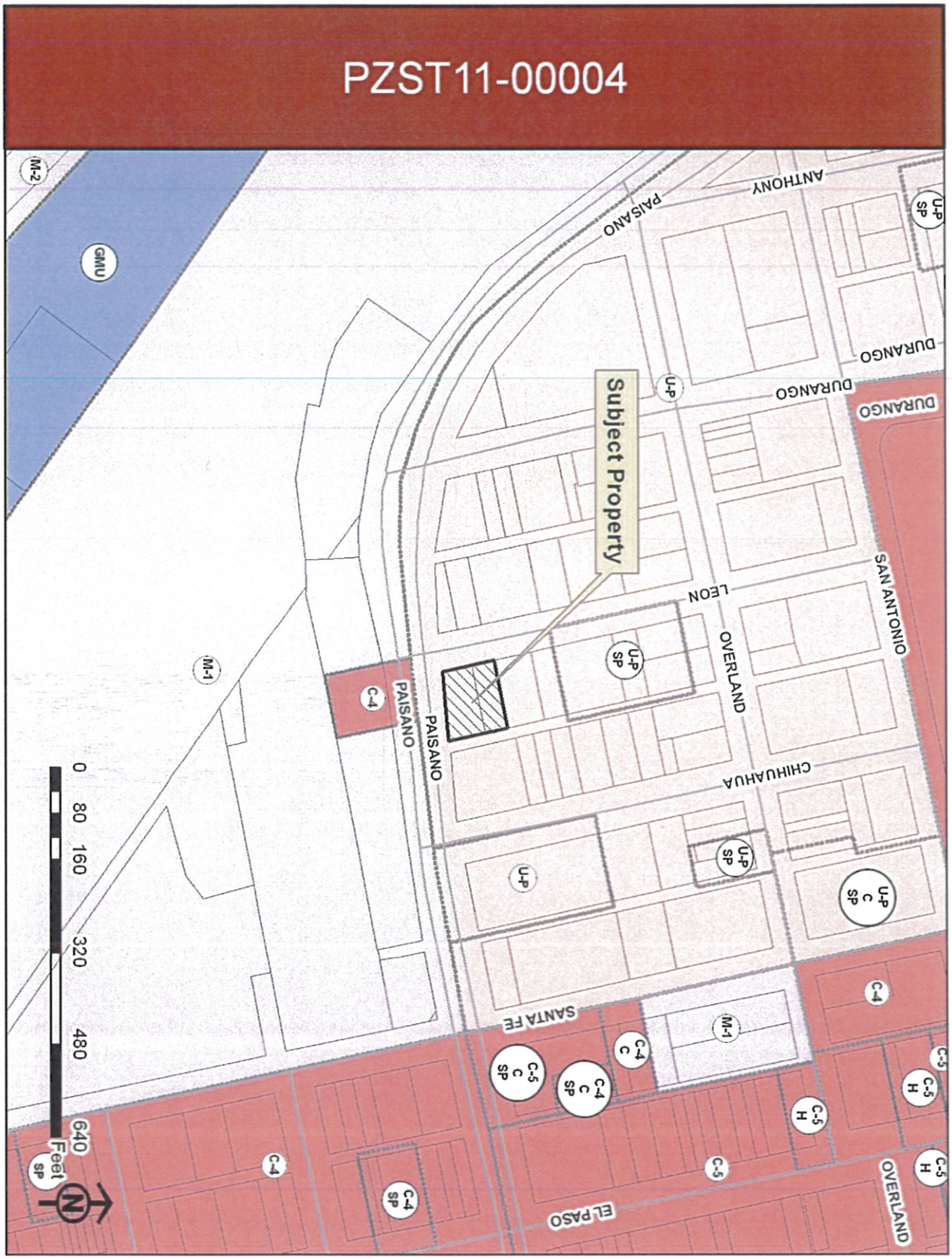
2. Recommend approval of the application with modifications to bring the special permit and detailed site development plan into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.

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

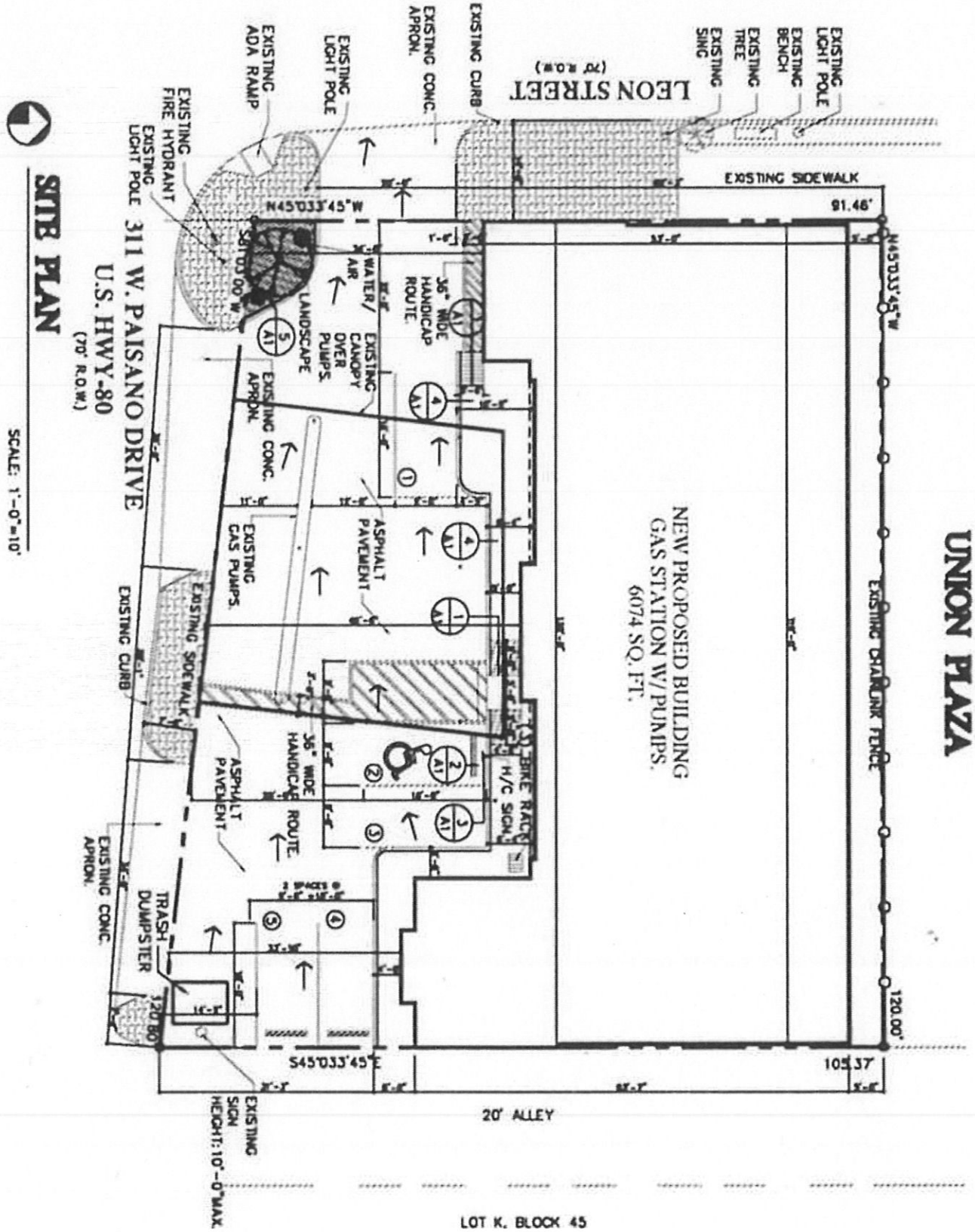
1. Zoning Map
2. Aerial Map
3. Detailed Site Plan
4. Elevations
5. Opposition Letter

ATTACHMENT 1: ZONING MAP

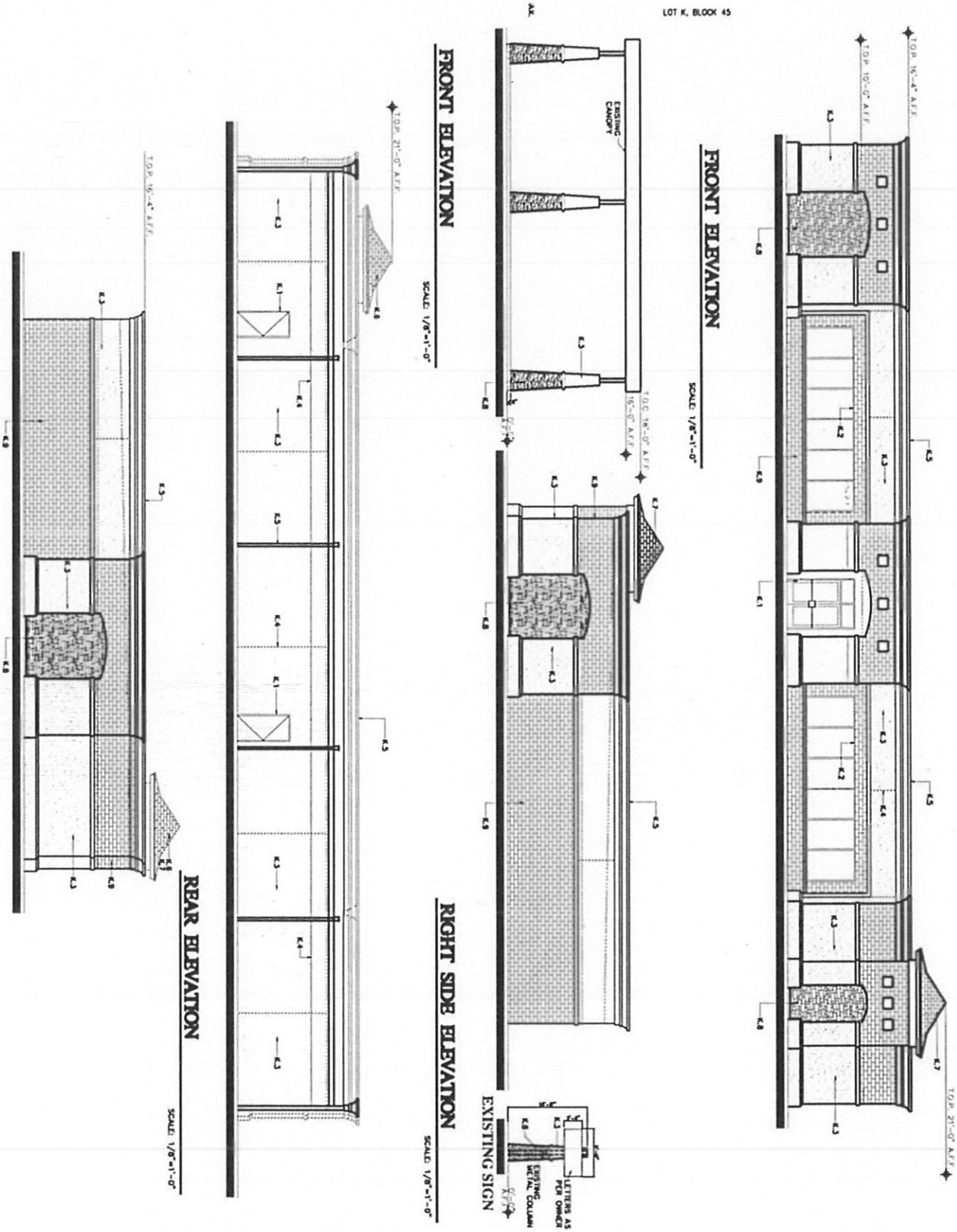


ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: ELEVATIONS



Gary Crossland
500 W. Paisano Dr. Suite B
El Paso, Texas 79901
915-779-3495

May 4, 2011

City of El Paso
Development Services Department
Planning Division
2 Civic Center Plaza
El Paso, Texas 79901

RE: CASE NO PZST11-00004

ATTN: Andrew Salloum

Normally I am pro business to the extreme, however, I am against this use as a fuel station for the following reasons:

Close proximity to apartments and other living quarters. Objectionable from both a safety and sound/noise issue.

Small footprint makes traffic and parking problems a true danger. With a larger parcel and solid fencing to buttress the living spaces I might have a different view.

Please review my reasons with all concerned.

Sincerely,

Gary Crossland

Gary Crossland
500 W. Paisano Dr. Suite B
El Paso, Texas 79901
915-779-3495

July 19, 2011

City of El Paso
Development Services Department
Planning Division
2 Civic Center Plaza
El Paso, Texas 79901

RE; CASE NO. PZST 11-00004

Dear Mr. Salloum:

Unless this property has increased its size or deleted its fuel pumps our objection is exactly as the letter of May 4th (copy attached). I would ask that you follow your zoning without a Special Permit.

Sincerely,

Gary Crossland

Gary Crossland
500 W. Paisano Dr. Suite B
El Paso, Texas 79901
915-779-3495

May 4, 2011

City of El Paso
Development Services Department
Planning Division
2 Civic Center Plaza
El Paso, Texas 79901

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Gary Crossland