

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: July 27, 2010
Public Hearing: August 17, 2010

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

DISTRICT(S) AFFECTED: 2

SUBJECT:

An Ordinance granting Special Permit No. ZON10-00038, to allow for a Parking Reduction on the property described as South 1/2 of Lot 1, Block 4, Beaumont Addition, City of El Paso, El Paso County, Texas, Pursuant to Section 20.64.175 of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 5700 Dyer Street. Property Owner: Lee Sang Woo. ZON10-00038 (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) – Unanimous Approval Recommendation
City Plan Commission (CPC) - Approval Recommendation (5-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director, Planning Division

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON10-00038, TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS SOUTH ½ OF LOT 1, BLOCK 4, BEAUMONT ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.64.175 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Lee Sang Woo, has applied for a Special Permit under Section 20.64.175 of the El Paso City Code to allow for a 60% parking reduction; and,

WHEREAS, the requirements of Section 20.64.175 have 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 20.64.175 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 (Commercial) District:

South ½ of Lot 1, Block 4, Beaumont Addition, City of El Paso, El Paso County, Texas.

2. That the City Council hereby grants a Special Permit under Section 20.64.175 of the El Paso City Code so that a 60% parking reduction may be permitted on the property described in Paragraph 1 of this Ordinance; and,

ORDINANCE NO. _____

Special Permit No. ZON10-00038

3. That this Special Permit is issued subject to the development standards in the C-4 (Commercial) District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant(s), 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. ZON10-00038** shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant(s) shall be subject to the penalty provisions of Chapter 20.68 and any other legal or equitable remedy; and,

5. That the Applicant(s) 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 _____, 2010.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy, Deputy Director
Development Services Department
Planning Division

ORDINANCE NO. _____

Special Permit No. ZON10-00038

AGREEMENT

Lee Sang Woo, the Applicant referred to in the above Ordinance, hereby agrees 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 **C-4 (Commercial) District** regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 2010.

(Signature)

(Name/Title)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this ____ day of _____, 2010, by _____ for Lee Sang Woo, as Applicant.

(Seal)

Notary Public, State of Texas
Signature

Printed or Typed Name

My Commission Expires:

ORDINANCE NO. _____

Special Permit No. ZON10-00038

MEMORANDUM

DATE: July 19, 2010

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

FROM: Andrew Salloum, Planner

SUBJECT: ZON10-00038

The City Plan Commission (CPC) on July 1, 2010, voted **5-0** to recommend **APPROVAL** of the special permit application to allow for 60% parking reduction for a retail, restaurant, office, and warehouse.

The CPC found that the special permit is in conformance with the Plan for El Paso and that the proposed use is in conformance with the projected 2025 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 **NO OPPOSITION** to this request.

Attachments: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: ZON10-00038
Application Type: Special Permit and Detailed Site Development Plan
CPC Hearing Date: July 1, 2010
Staff Planner: Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

Location: 5700 Dyer Street
Legal Description: South 1/2 of Lot 1, Block 4, Beaumont Addition, City of El Paso, El Paso County, Texas
Acreage: 0.552 acres
Rep District: 2
Existing Use: Retail
Existing Zoning: C-4 (Commercial)
Request: Special Permit for 60% Parking Reduction
Proposed Use: Retail, Restaurant, Office, and Warehouse

Property Owners Lee Sang Woo
Applicant Lee Sang Woo
Representative Jose Uresti

SURROUNDING ZONING AND LAND USE

North: C-4 (Commercial) / Retail
South: C-4 (Commercial) / Restaurant
East: R-4 (Residential) / Single-Family Residential
West: C-4 (Commercial) / Vacant

THE PLAN FOR EL PASO DESIGNATION: Residential (Central Planning Area)

Nearest Park: Logan Park (2,000 Feet)

Nearest School: Burnet Elementary (1,250 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 June 16, 2010. The Planning Division did not receive any phone calls or letters in support or opposition to the request.

APPLICATION DESCRIPTION

The property owner is requesting a special permit and detailed site development plan approval to allow for a 60% parking reduction. The detailed site development plan shows an existing 12,142 square-foot retail, office, and warehouse building. The existing uses and the proposed new restaurant use require 55 parking spaces. The applicant is providing 22 parking spaces and 6 bicycle spaces.

On April 12, 2009, the Zoning Board of Adjustment approved the property owner's request for a Special Exception to permit the existence of a building that is located to within 0' of the side street property line.

The parking study shows that there are sufficient on street parking spaces on surrounding streets to satisfy the parking requirements.

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, and 20.04.320, Special Permit.

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 and enforce standards for providing decent, safe and sanitary housing for all El Pasoans in accordance with federal, state, and local regulations.
- b. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.
- c. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.

The purpose of C-4 (Commercial) districts 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. Within the central business district, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.

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**.

Development Services Department - Building Permits and Inspections Division

Zoning: no objections.

Landscaping: Landscape is not required for reduction in parking.

Development Services Department – Land Development

- Comments: Provide drainage run-off flow direction & location for the existing pond.
- 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 Development Services Department, Engineering Section.*
- Coordination with TXDOT. *
- The proposed subdivision shall be subject to on-site ponding to retain its own run-off in compliance with the master drainage plan for the area.
- This Subdivision is within Flood Zone C – Areas of minimal flooding, Panel 480214 0029B, dated October 15, 1982.

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

Engineering Department - Traffic Division

No objection to parking reduction.

Street Department

- We offer no objections to the Parking Reduction Request
- 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.

Fire Department

No adverse comments.

El Paso Water Utilities

EPWU does not object to this request.

CITY PLAN COMMISSION OPTIONS

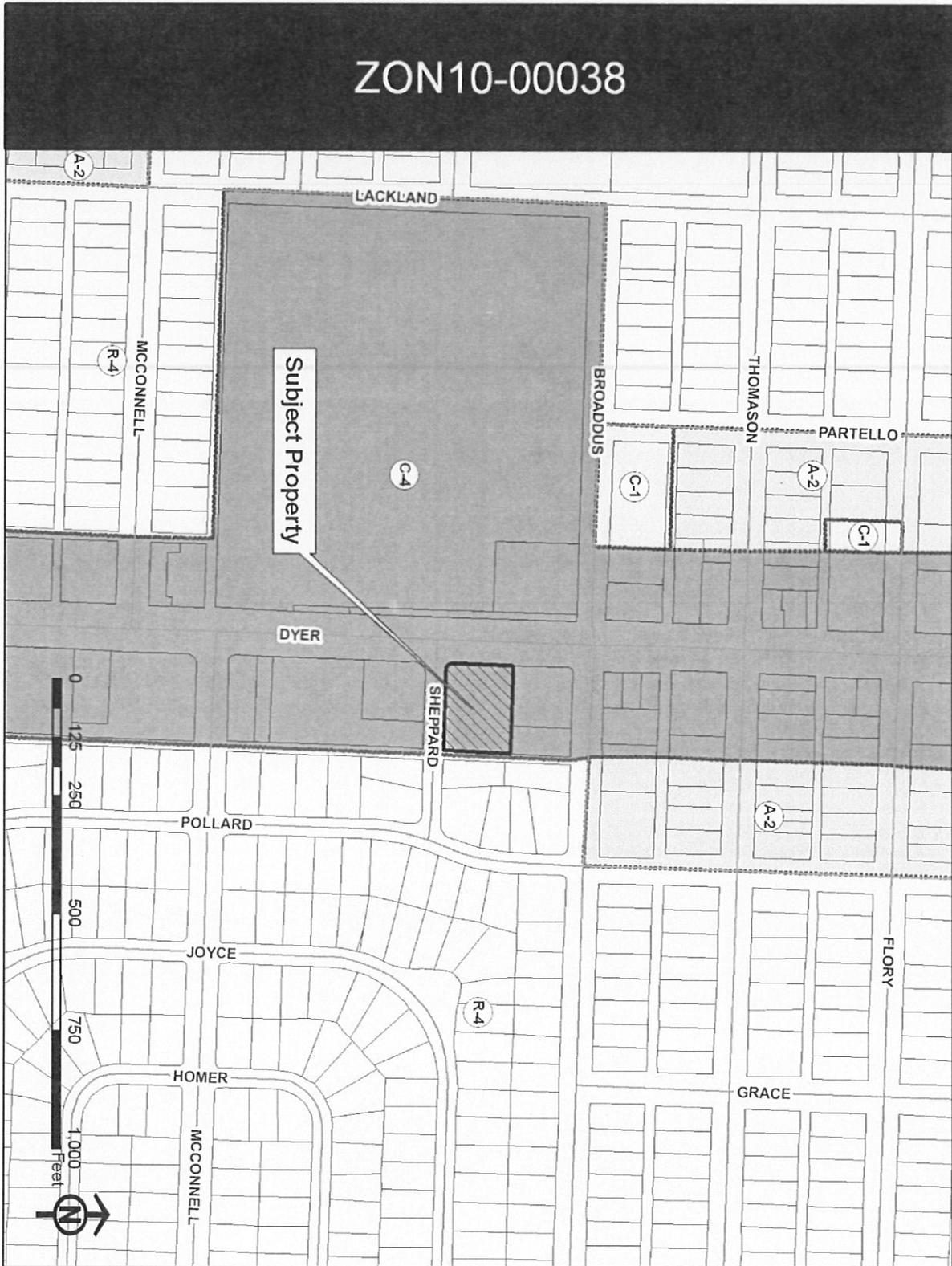
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit and detailed site development plan application:

1. Recommend approval of the application finding that the special permit and detailed site development plan are 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 do 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. Location Map
2. Aerial Map
3. Detailed Site Plan
4. Site Plan, enlarged

ATTACHMENT 1: LOCATION MAP



ATTACHMENT 2: AERIAL MAP

ZON10-00038



