

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: September 8, 2009
Public Hearing: September 29, 2009

CONTACT PERSON/PHONE: Andrew Salloum, (915) 541-4029, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance granting Special Permit No. ZON09-00033, to allow for a one hundred percent (100%) parking reduction on the property described as Lots 1-6, Block 86, Campbell Addition, City of El Paso, El Paso County, Texas, Pursuant to Section 20.04.260 of the El Paso City Code. The penalty is as provided for in Chapter 20.24.260 of the El Paso City Code. Subject Property: 711-723 S. Stanton Street. Property Owners: River Oaks Properties, LTD, ZON09-00033 (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) – Unanimous Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (8-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Victor Q. Torres
Director, Development Services

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON09-00033, TO ALLOW FOR A ONE HUNDRED PERCENT (100%) PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 1-6, BLOCK 86, CAMPBELL 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, River Oaks Properties, LTD., has applied for a Special Permit under Section 20.04.260 of the El Paso City Code to allow for a one hundred percent (100%) parking reduction; and,

WHEREAS, the requirements of Section 20.14.070 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 20.14.070 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:
Lots 1-6, Block 86, Campbell Addition, City of El Paso, El Paso County, Texas; and more particularly described in the metes and bounds in Exhibit “A”, which is attached hereto and made a part hereof for all purposes; and,

2. That the City Council hereby grants a Special Permit under Section 20.14.070 of the El Paso City Code so that a hundred percent (100%), 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 (Commercial) 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 "B" 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. ZON09-00033** 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 _____, 2009.

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 McElroy, Deputy Director-Planning
Development Services Department

AGREEMENT

River Oaks Properties, LTD, 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 _____, 2009.

(Signature)

(Name/Title)

ACKNOWLEDGMENT

THE STATE OF)
)
COUNTY OF)

This instrument is acknowledged before me on this ____ day of _____, 2008, by _____ for **River Oaks Properties, LTD.**, as Applicant.

(Seal)

Notary Public, State of Texas
Signature

Printed or Typed Name

My Commission Expires:

Parcel 18
711-723 S. Stanton

The parcel of land herein described is All of Lots 1, 2, 3, 4, 5, 6, inclusive, Block 86, Campbell Addition, City of El Paso, El Paso County, Texas and is more particularly described by metes and bounds as follows:

Commencing at an existing city monument, 10' east and 10' west from the centerline intersection of S. Mesa Avenue (70' Right-of-way) and Sixth Street (70' Right-of-way), from which a city monument bears N14°38'00"W a distance of 600.00 feet; thence, from point of commencement and along said monument line a distance of 45 feet; thence, leaving said monument line N75°22'00"E a distance of 165.00 feet to the north right-of-way line of Sixth Street and the southwest corner of Lot 1, Block 86, Campbell Addition and the east right-of-way line of a 20' alley, said point being the True Point of Beginning of this description;

Thence, North 14°38'00" West, along east right-of-way of said alley, a distance of 156.00 feet;

Thence, North 75°22'00" East, a distance of 120.00 feet to the west right-of-way line of S. Stanton Street (70' right-of-way);

Thence, South 14°38'00" East, along said right-of-way line, a distance of 156.00 feet to the north right-of-way line of Sixth Street;

Thence, South 75°22'00" West, along said right-of-way line, a distance of 120.00 feet to the True Point of Beginning of this description.

Said parcel of land contains 0.430 acres (18,720 sq. ft.) of land more or less.

EXHIBIT "A"

MEMORANDUM

DATE: August 31, 2009

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

FROM: Andrew Salloum, Planner

SUBJECT: ZON09-00033

The City Plan Commission (CPC), on August 13, 2009, voted **8-0** to recommend **APPROVAL** of the special permit application to allow for a 100% parking reduction for retail in agreement with the recommendation from the DCC and staff.

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 **NO OPPOSITION** to this request.

Attachment: Staff report



City of El Paso – City Plan Commission Staff Report

Case No: ZON09-00033
Application Type: Special Permit and Detailed Site Development Plan
CPC Hearing Date: August 13, 2009
Staff Planner: Andrew Salloum, 915-541-4029, salloumam@elpasotexas.gov

Location: 711-723 S. Stanton Street
Legal Description: All of Lots 1 – 6, Block 86, Campbell Addition, City of El Paso, El Paso County, Texas
Acreage: 0.43-acre
Rep District: 8
Existing Use: Retail
Existing Zoning: C-4 (Commercial)
Request: Parking Reduction

Property Owner: River Oaks Properties, LTD.
Applicant: River Oaks Properties, LTD.
Representative: Gordon Mott & Davis P.C., Yolanda Giner

SURROUNDING ZONING AND LAND USE

North: C-4 (Commercial) / Retail
South: C-4 (Commercial) / Retail
East: C-4 (Commercial) / Retail
West: SRR (Special Residential Revitalization District) / Multi-Family Residential

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

NEAREST PARK: Boys Club Park (743 Feet)

NEAREST SCHOOL: Aoy Elementary (740 Feet)

NEIGHBORHOOD ASSOCIATIONS

El Paso Central Business Association
Southside Neighborhood Association

NEIGHBORHOOD INPUT

Notice of the public hearing was mailed to all property owners within 300 feet of this proposed special permit on July 15, 2009. Planning did not receive any calls or letters in support or opposition.

APPLICATION DESCRIPTION

The property owner is requesting a special permit and detailed site development plan approval to allow for a 100% parking reduction. The detailed site development plan shows an 18,720 square-foot retail building that requires 75 parking spaces. The parking study submitted and approved by Traffic Engineering shows 135 on-street parking spaces and 102 private parking spaces that are available within 300 feet of the subject property.

On August 10, 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 front, rear, and side street property lines.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

The Development Coordinating Committee provides the following comments:
DCC recommends **APPROVAL** of the special permit and detailed site development plan.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of the special permit and detailed site development plan.

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 type 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.
- c. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.

The application is in conformance with The Plan for El Paso because the proposed retail building is in conformance with the 2025 Projected General Land Use Map which designates the property for mixed use land uses. The proposed parking reduction will not adversely affect the surrounding development.

Development Services Department - Building Permits and Inspections Division

Zoning: no comments received.

Landscaping: no comments received.

Development Services Department – Planning Division

Current Planning: Recommends **APPROVAL** of the special permit and detailed site development plan.

Land Development: no comments received.

Engineering Department - Traffic Division

No objections.

Fire Department

The El Paso Fire Department has reviewed ZON09-00033 Special Permit Request at 711-723 Stanton Street regarding parking reduction and we have no opposition at this time.

El Paso Water Utilities

EPWU does not object to this request.

Sun Metro

Sun Metro does not oppose the request. Sun Metro does recommend that sidewalks be provided to allow for pedestrian connectivity to transit stops and that sidewalks be designed to City standards.

CITY PLAN COMMISSION OPTIONS

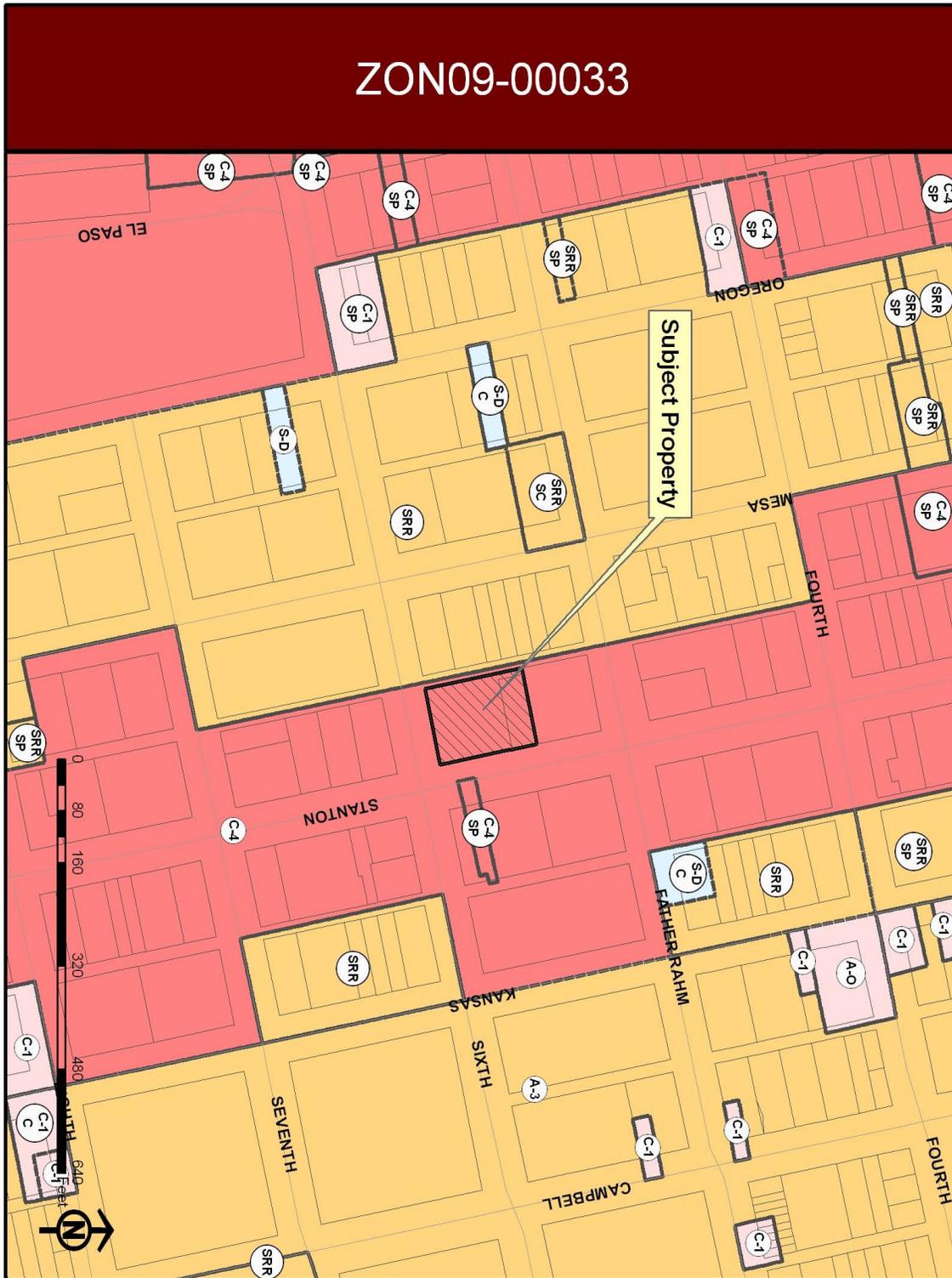
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit and detailed site development plan application:

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. Location Map
2. Aerial Map
3. Detailed Site Plan
4. Parking Study

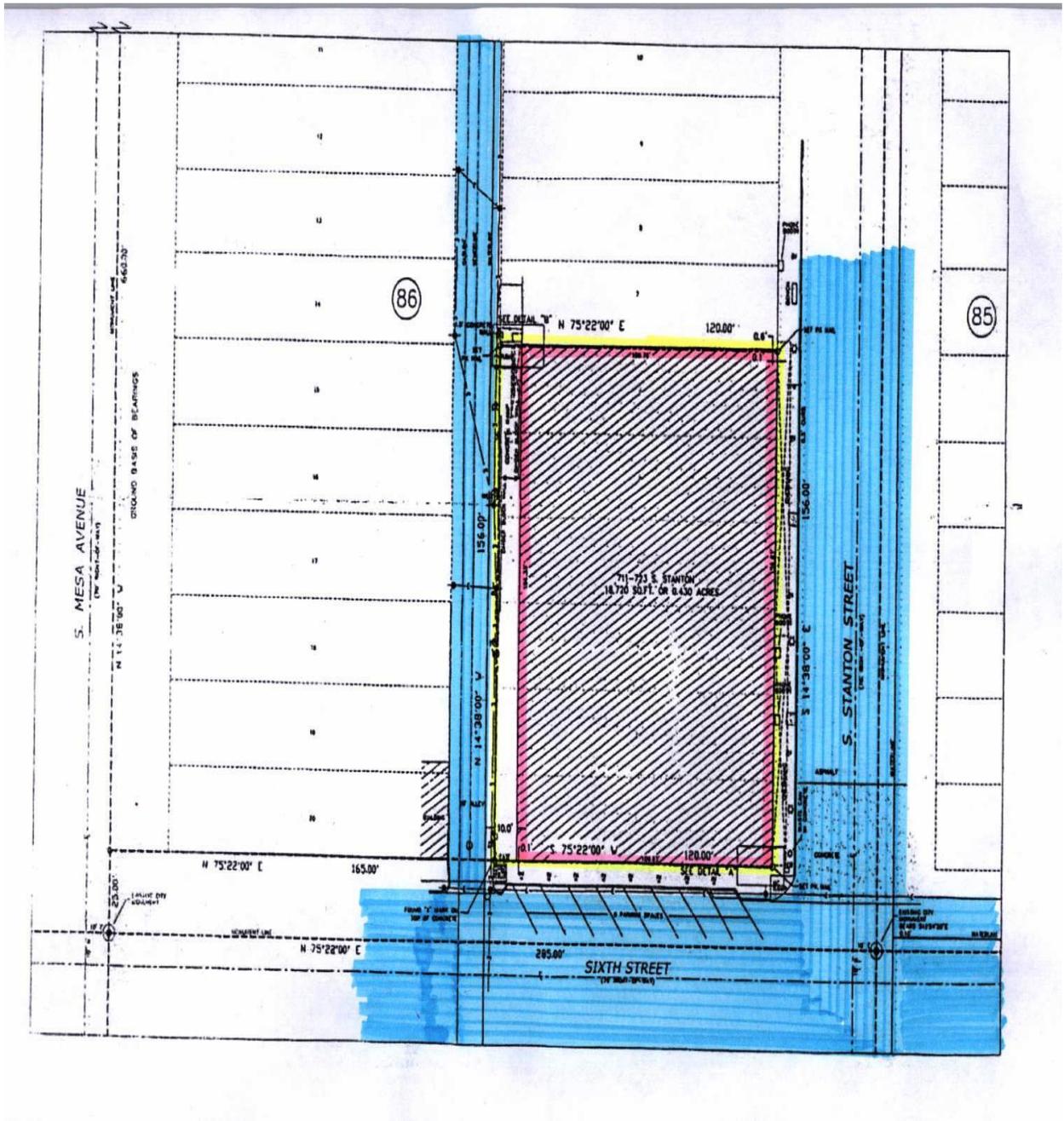
ATTACHMENT 1: LOCATION MAP



ATTACHMENT 2: AERIAL MAP



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: PARKING STUDY

711-723 S. Stanton Parking Study

May 29, 2008

ATTACHMENT 4: PARKING STUDY

711-723 S. Stanton Parking Study

May 29, 2008

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711-723 S. Stanton Parking Study | [Pick the date]

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ATTACHMENT 4: PARKING STUDY

Abstract:

The purpose of this feasibility study is described as follows:

1. Collect parking data within 300 foot radius from the site
2. Analyze available parking
3. Prepare a brief report with conclusion and recommendations

Limitations:

This report has been prepared for the exclusive use of River Oaks Properties and The City of El Paso for evaluation purposes and does not contain information for other parties or other uses. Mr. Frank authorized this study with an email transmission dated May 20, 2009\

The results submitted in this report are based on data obtained from the following sources:

1. River Oaks Properties
2. The City of El Paso
3. Field data collected during the study

If the project information described in this report is incorrect or altered, or if new information is available, We should be retained to review and modify the results of this study.

ATTACHMENT 4: PARKING STUDY

I. Background

RiverOak Properties, Inc. is in the process of obtaining a special permit from the City of El Paso to reduce the parking requirements for the site. The City of El Paso Traffic Department Representative has requested a parking study to justify their decision of reducing the parking requirements.

The purpose of this report is to prepare a parking study for the property and to identify the percentage of available parking adjacent to the site.

II. Site Description

The property is located in the downtown of El Paso Texas. The site is bound by Father Rahm St. on the north, Kansas street on the east, Mesa street on the west and Sixth street on the south. The physical address of the site is: 711-723 S. Stanton Street.



711-723 S. Stanton Parking Study | [Pick the date]

The legal description is: All of lots 1,2,3,4,5,6,inclusive, Block 86 Campbell addition, City of El Paso, El Paso, Texas . The site occupies 0.430 acres. The site is zoned C-4 Commercial. The site was granted a 50% reduction in parking by the zoning Board of The City of El Paso.

ATTACHMENT 4: PARKING STUDY

III. Observation

There is a public parking lot located approximately 60 feet from the southwest corner of the site. The parking lot contains 102 parking spaces. This is a privately owned parking lot. Clients are charged on an hourly basis or on a daily basis.

There are 52 metered parking spaces on Sixth Street within 300 feet from the site

There are 37 parking spaces on Stanton Street

There are 8 parking spaces on Father Rahm

There are 38 parking spaces on Mesa Street.



7-11-723 S. Stanton Parking Study | [Pick the date]

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ATTACHMENT 4: PARKING STUDY

The data was collected within a 300 foot radius circle with the center located at the southwest corner of the site as shown on the previous exhibit.

IV. Data Collection & Calculations

The study was prepared on Tuesday May 20 and Wednesday May 21 of 2009. The weather was normal with sunny days in the 90's. There were no special activities within the vicinity of the project that might affect the parking counts.

The counts were taken in half-hour intervals from 11:00 AM until 2:00 PM. The available parking spaces were counted and were tabulated on the following table.

Date & Time	Parking Spaces	Available Spaces	% Available Parking
May 20, 2009/11:00	237	135	57
May 20, 2009/ 11:30	237	140	59
May 20, 2009/12:00	237	136	58
May 20, 2009/12:30	237	134	57
May 20,2009/1:00	237	134	57
May 20, 2009/1:30	237	134	57
May 20, 2009/ 2:00	237	136	58
May 21, 2009/11:00	237	134	57
May 21, 2009/11:30	237	132	56
May 21,2009/12:00	237	130	55
May 21, 2009/12:30	237	131	55
May 21, 2009/1:00	237	132	56
May 21, 2009/1:30	237	132	56
May 21, 2009/ 2:00	237	130	55

711-723 S. Stanton Parking Study | [Pick the date]

ATTACHMENT 4: PARKING STUDY

V. Conclusion

The City of El Paso Municipal Code Section: **20.14.070 Parking reductions**, of the zoning code, allows for a parking reduction below the minimum required in Section 20.14.210, up to a one hundred percent reduction for a use involving an existing structure(s) located within an older neighborhood of the city if a special permit is approved by city council, provided that the following criteria is applicable:

1. That the structure(s) is located in an older neighborhood of the city that has been legally subdivided and developed for at least thirty years;

The building is located in the downtown area, older neighborhood, and has been in existence since before 1959 according to an aerial photograph dated 1959. The building was modified in 1972.

2. That the structure(s) does not extend into an area within the property which was previously used to accommodate off-street parking;

The structure is not being modified. There are no parking available to accommodate "Off street" parking.

3. That the off-street parking required for the proposed use of the structure(s) cannot be reasonably accommodated on the property due to the building coverage, whether due to the existing structure or due to a proposed expansion of the existing structure;

The building as shown on the site plan and the serial photograph occupies lots 1 to 6. There is no space available to accommodate any "off-street" parking

4. That no vacant areas exist within three hundred feet of the property where the proposed use is to be located that can be reasonably developed to accommodate the off-street parking requirements.

The aerial photograph shows that there are no available vacant land within 300 feet to develop as a parking lot to accommodate the "off-street" parking.

However, the field survey conducted during the two days of the study shows that an average of 57% of the parking spaces was available for use within 300 feet of the site.

Considering that the site meets the criteria required under section 20.14.070 of the City of El Paso municipal code and that there is an average of 135 parking spaces available at the most critical times of the day, we cordially request that you approve this report as is and recommend a 100% parking reduction to the City Planning Commission and City Council.

ATTACHMENT 4: PARKING STUDY

APPENDIX A
PHOTOGRAPHS

711-723 S. Stanton Parking Study | [Pick the date]

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ATTACHMENT 4: PARKING STUDY



Available Parking (Picture Taken Friday 5/22/09 @ 1:30 PM)



711-723 S. Stanton Parking Study | [Pick the date]

ATTACHMENT 4: PARKING STUDY



ATTACHMENT 4: PARKING STUDY

