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

DEPARTMENT: **Development Services Department**

AGENDA DATE: **Introduction: August 19, 2008**
Public Hearing: September 9, 2008

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

DISTRICT(S) AFFECTED: 8

SUBJECT:
An Ordinance granting Special Permit ZON08-00038 to allow for retail uses within the SRR (Special Residential Revitalization) zoning district on the property described as Lot 11, Block 87, Campbell Addition, City of El Paso, El Paso County, Texas, more commonly known as 700 South Oregon Street, pursuant to Section 20.04.270 (Zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 700 South Oregon Street. Applicants: A and R Urbina. (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 (7-0)

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

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

DEPARTMENT HEAD: Victor Q. Torres Victor Q. Torres

****

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

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ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON08-00038, TO ALLOW FOR RETAIL USES WITHIN THE SRR (SPECIAL RESIDENTIAL REVITALIZATION) ZONING DISTRICT ON THE PROPERTY DESCRIBED AS LOT 11, BLOCK 87, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, MORE COMMONLY KNOWN AS 700 SOUTH OREGON STREET, PURSUANT TO SECTION 20.04.270 (ZONING) OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, A & R Urbina have applied for a Special Permit under Section 20.04.270 of the El Paso City Code, to allow retail uses within the SRR (Special Residential Revitalization) zoning district; and,

WHEREAS, a report was made to 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, except to the extent waived by City Council, the application conforms to all requirements of Section 20.04.320.D 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 SRR (Special Residential Revitalization) zoning district:

   Lot 11, Block 87, Campbell Addition, El Paso, El Paso County, Texas; and,

2. That this Special Permit is issued subject to the development standards in the Special Residential Revitalization district regulations and subject to the approved 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 incorporated herein by reference for all purposes; and,

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That if the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON08-00038** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

4. 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 _____, 2008.

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
Development Services Department

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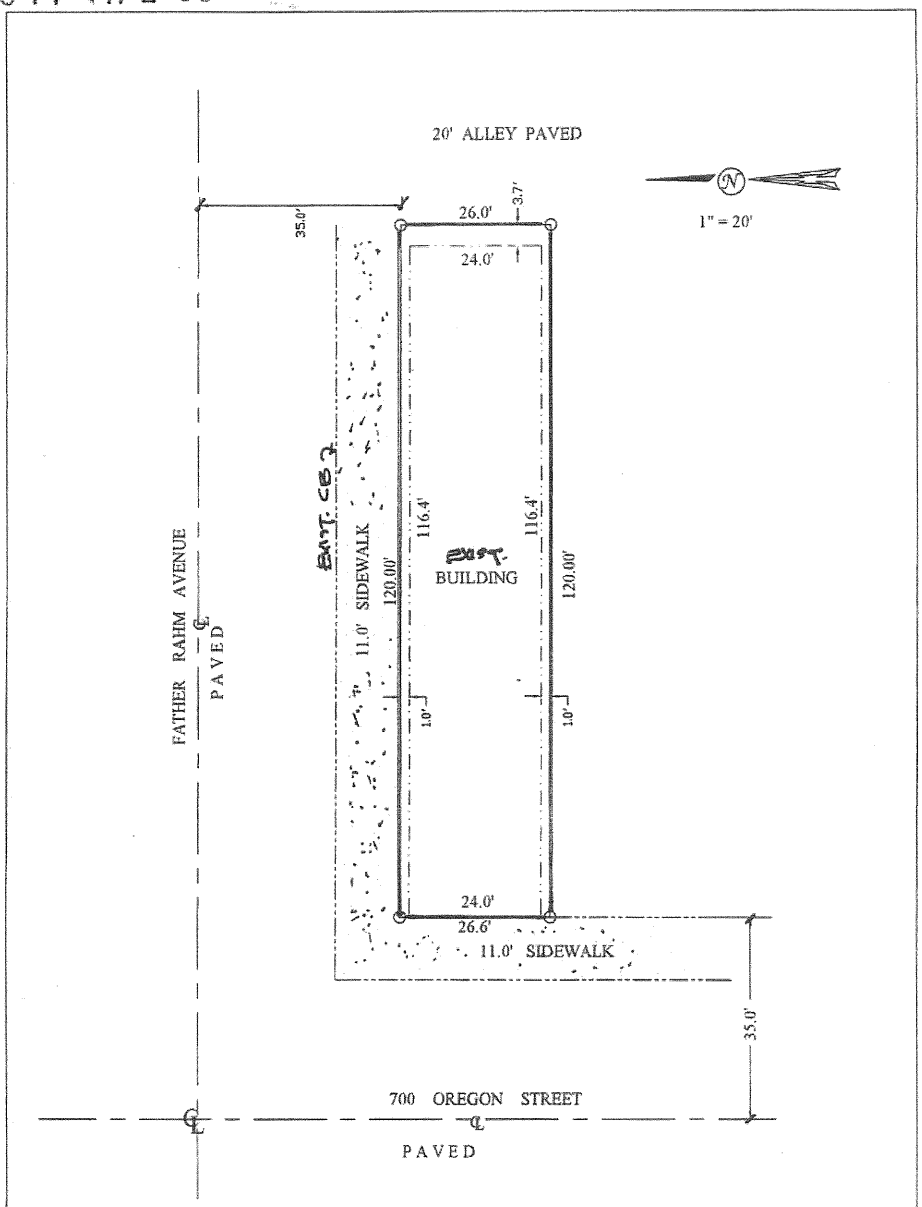
***EXHIBIT "A"**



LHDLC LAND USE CONSULTANT - DRAFTING & DESIGN SERVICES
9013 LAIT ST. EL PASO, TEXAS 79925 915-590-9320

LOT: 11	ACRE: 0.07 AC		DATE: 04.04.08
			SCALE: 1"=20'
ADDRESS: 700 OREGON	BLOCK: 87		DRAWN BY: LRD
			CHECKED BY: LHD
SUBDIVISION: CAMPBELL ADDITION			
CITY: EL PASO	STATE: TEXAS	COUNTY: EL PASO	
OWNER:			

STATE OF TEXAS
CHRISTINA DE LA CRUZ
90629
LICENSED
PROFESSIONAL ENGINEER

ORDINANCE NO._____ **Special Permit No. ZON08-00038**

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AGREEMENT

A & R Urbina, referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Site Development Plan and in accordance with the standards identified in the Special Residential Revitalization District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 17th day of August, 2008.

By: Amado Urbina
(name/title)

(signature)

ACKNOWLEDGMENTS

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 07 day of August, 2008, by **A & R Urbina,** as Applicant.

My Commission Expires:

Notary Public, State of Texas
Notary's Printed or Typed Name:
Brenda R. Cantu

BRENDA R. CANTU
NOTARY PUBLIC
In and for the State of Texas
My commission expires
August 10, 2011

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DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

MEMORANDUM

DATE: **July 23, 2008**

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

FROM: Mirian Spencer, Planner

SUBJECT: ZON08-00048

The City Plan Commission (CPC), on July 17, 2008 voted (7 to 0) to recommend **APPROVAL** of the special permit to allow retail uses in a SRR (Special Residential Revitalization) zoning district in agreement with the recommendation from staff and the Development Coordinating Committee.

The applicant is requesting a special permit in order to permit retail uses within the SRR (Special Residential Revitalization) zoning district. The property is 0.0716 acres in size and is multi-family apartments. The applicant is proposing to maintain the multi-family apartments on the second floor of the building, with retail uses on the first floor. Retail uses are permitted within the SRR (Special Residential Revitalization) zoning district with a Special Permit. The detailed site plan shows the existing building located on the site. Access is proposed via Father Rahm Avenue, Oregon Street, and the adjacent Alley. No parking spaces are required in the SRR (Special Residential Revitalization) zoning district. The property is located within the Mercado District in the 2015 Downtown Plan. There are no zoning conditions imposed on the property.

The proposed mixed-use development is compatible with the 2025 Projected General Land Use Map for the Central Planning area which designates the property for mixed-use development. The surrounding area is composed of multi-family residential, retail, office, and churches.

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 rezoning protects the best interest, health, safety, and welfare of the public in general; and that the proposed use is compatible with adjacent land uses.

There was **ONE CALL IN SUPPORT** to this request. The nature of the opposition was due to the area being heavily affected by Storm 2006. The caller was concerned that the request would add additional residences to an area that was damaged by the flooding.

Attachment: Staff Report, Detailed Site Plan, Special Permit Application

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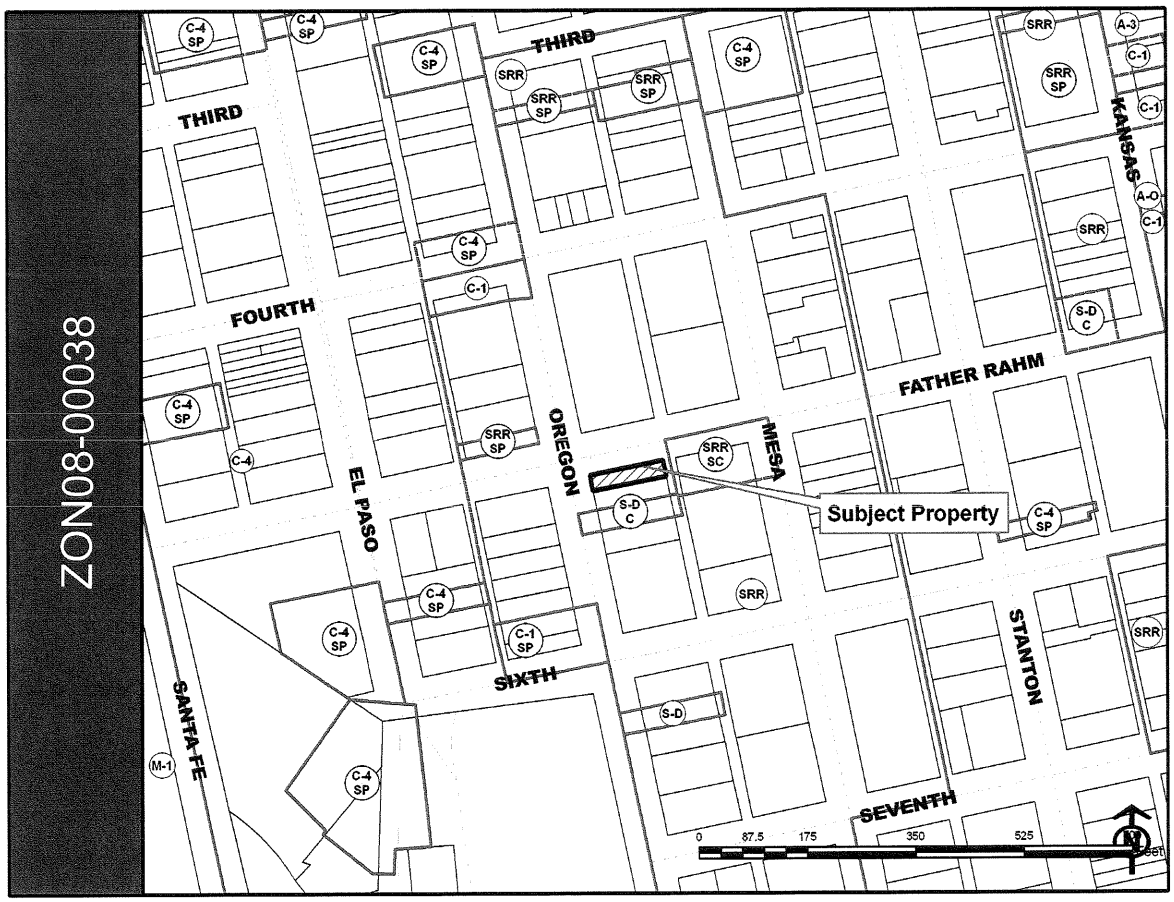
Application Type:	Special Permit and Detailed Site Development Plan
Property Owner(s):	A & R Urbina
Representative(s):	Luis H. and Rene De La Cruz
Legal Description:	Lot 11, Block 87, Campbell Addition, City of El Paso, El Paso County, Texas
Location:	700 South Oregon Street
Representative District:	8
Area:	0.0716 acres
Present Zoning:	SRR (Special Residential Revitalization)
Present Use:	Multi-family Apartments
Request:	Retail uses in a SRR (Special Residential Revitalization) zoning district
Recognized Neighborhood Associations Contacted:	El Paso Central Business Association
Public Response:	One Call in Support
Surrounding Land Uses:	**North** – SRR (Special Residential Revitalization) / Church; **South** – SRR (Special Residential Revitalization) / Multi-family Apartments; **East** – SRR/sc (Special Residential Revitalization/special contract) / church; **West-** SRR (Special Residential Revitalization) / Multi-family Apartments/offices
Year 2025 Designation:	**Mixed-Use (Central Planning Area)**



General Information:
The applicant is requesting a special permit in order to permit retail uses within the SRR (Special Residential Revitalization) zoning district. The property is 0.0716 acres in size and is multi-family apartments. The applicant is proposing to maintain the multi-family apartments on the second floor of the building, with retail uses on the first floor. Retail uses are permitted within the SRR (Special Residential Revitalization) zoning district with a Special Permit. The detailed site plan shows the existing building located on the site. Access is proposed via **Father Rahm Avenue, Oregon Street, and the adjacent Alley.** No parking spaces are required in the SRR (Special Residential Revitalization) zoning district. The property is located within the **Mercado District** in the **2015 Downtown Plan.** There are no zoning conditions imposed on the property.

Staff Recommendation:
The Development Coordinating Committee (DCC) recommends **APPROVAL** of this request for a Special Permit to allow retail uses within the SRR (Special Residential Revitalization) zoning district.

The recommendation is based on the following:
The property is located in the area designated as the Mercado District within the 2015 Downtown Plan. There are approximately fifteen similar developments within the area of the property. The Special Permit application is less intensive than a rezoning request to commercial.

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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.

SRR (Special Residential Revitalization) zoning permits retail uses by **Special Permit** and **is compatible** with adjacent development.

Findings:
The Commission must determine the following:

1. Will the zoning protect the best interest, health, safety and welfare of the public in general?
2. Will Retail Shops be compatible with adjacent land uses?
3. What is the relation of the proposed change to the city's Comprehensive Plan?
4. What effect will the rezoning have upon the natural environment social and economic conditions and property values in the vicinity and in the City as a whole?

Development Services Department - Building Permits and Inspections Division:
Zoning Review: No objection to Special Permit request to allow retail uses in an SRR (Special Residential Revitalization) district. Shall need to comply with building code for change of occupancy.
Landscape Review: No comments received

Development Services Department - Planning Division:
Current Planning: Recommends **Approval** of the Special Permit to permit retail uses in a SRR (Special Residential Revitalization) zoning district. The Year 2025 Projected General Land Use Map for the **Central** Planning Area designates this property for **Mixed-Use** land uses. SRR (Special Residential Revitalization) zoning permits retail uses by Special Permit and is compatible with adjacent development.
Subdivision Review: No comments received

Engineering Department - Traffic Division:
No objections to the Special Permit Request.

Fire Department:
No comments received.

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El Paso Water Utilities:
EPWU does not object to this request.

List of Attachments
Attachment 1: Downtown Plan Map
Attachment 2: Detailed Site Plan
Attachment 3: Elevations
Attachment 4: Application

ATTACHMENT 1: DOWNTOWN PLAN MAP

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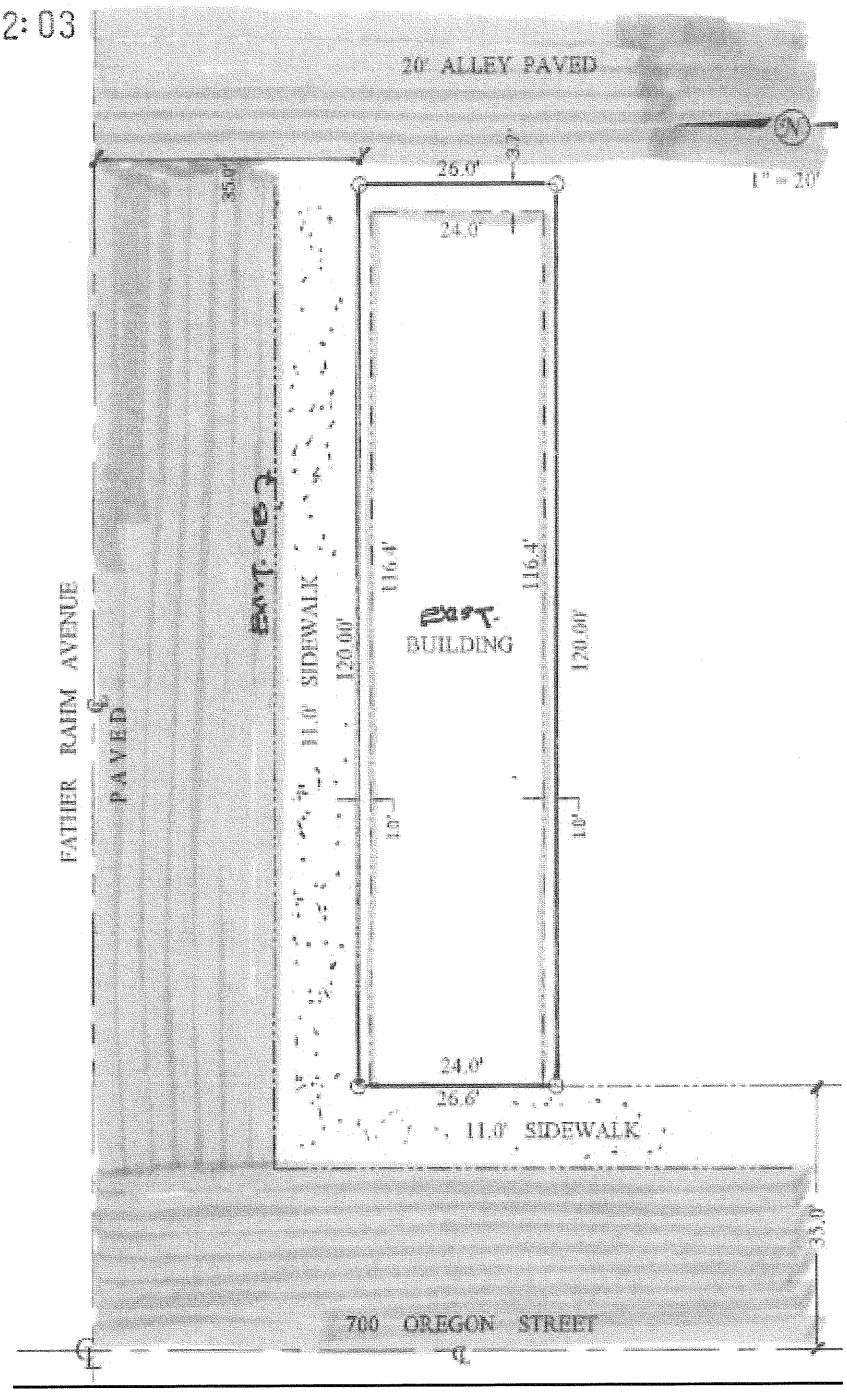
ATTACHMENT 2: DETAILED SITE PLAN



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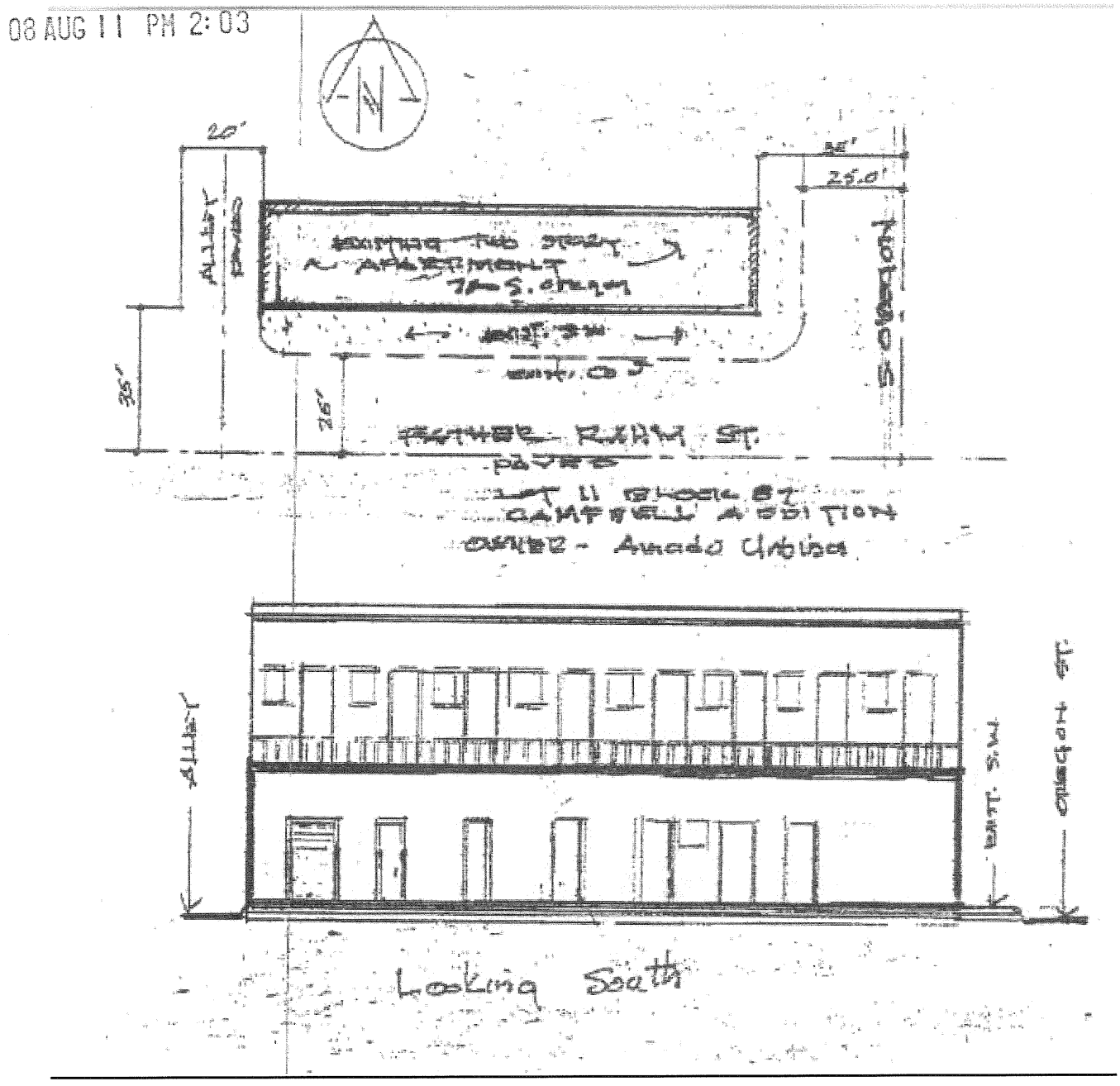
ATTACHMENT 3: ELEVATIONS



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ATTACHMENT 4: APPLICATION

SPECIAL PERMIT APPLICATION
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

City of El Paso, Texas
2 Civic Center Plaza
El Paso, TX 79901-1196
915-541-4024

1. CONTACT INFORMATION

PROPERTY OWNER(S): A & R. Urbina
ADDRESS: _____ ZIP CODE: 79905 PHONE:
APPLICANT(S): Amado Urbina
ADDRESS: _____ ZIP CODE: 79905 PHONE:
REPRESENTATIVE(S): Luis H. & Rene De La Cruz
ADDRESS: _____ ZIP CODE: _____ PHONE
E-MAIL ADDRESS: _____ FAX: _____

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: C-050-999-0870-4300
LEGAL DESCRIPTION: Lot 11, Block 87 Campbell Addition
STREET ADDRESS OR LOCATION: 700 S. Oregon St. REP DISTRICT: #8
ACREAGE: 3,120 ± 0.0716 PRESENT ZONING: SRR PRESENT LAND USE: APARTMENTS
SPECIAL PERMIT REQUEST: Retail shop on 1st floor.

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
LEGAL DESCRIPTION: _____
STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
SPECIAL PERMIT REQUEST: _____

4. PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
LEGAL DESCRIPTION: _____
STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
SPECIAL PERMIT REQUEST: _____

5. ADDITIONAL INFORMATION

OWNER(S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):

Printed Name: Amado Urbina ~~Signature:~~ _____
Printed Name: _____ Signature: _____
Printed Name: _____ Signature: _____

Note: Signatures are required for all owners of record for the property proposed for special permit. Attach additional signatures on a separate sheet of paper.

****OFFICE USE ONLY****

ZON 08-00038 RECEIVED DATE: 5/21/08 APPLICATION FEE: $ 0.00
DCC REVIEW DATE: 6/18/08 (8:30 am, Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 7/17/08 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: U Spencer

Revised 4/2007