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

DEPARTMENT: **Development Services Department**

AGENDA DATE: **Introduction: September 9, 2008**
Public Hearing: September 30, 2008

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

DISTRICT(S) AFFECTED: 3

SUBJECT:
An Ordinance granting Special Permit No. ZON08-00050 to satisfy parking requirements by allowing off-site, off-street parking on Parcel 2 described as Lots 24, 25, and 26, Block 3, Womble Addition, City of El Paso, El Paso County Texas, more commonly known as 5911, 5913, and 5915 Cleveland Avenue to serve Parcel 1, described as Lots 4, 5, 6, and 7, Block 3, Womble Addition, City of El Paso, El Paso County, Texas, more commonly known as 5928 Trowbridge Drive, pursuant to Section 20.10.410 of the El Paso City Code. The penalty is as provided in Chapter 20.24 of the El Paso City Code. Subject properties: (Parcel 1) 5928 Trowbridge Drive; (Parcel 2) 5911, 5913, and 5915 Cleveland Avenue. Applicant: Holy Light Church of God in Christ, Inc. ZON08-00050 (District 3)

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 (6-0)

CITY CLERK DEPT.
08 AUG 29 AM 9:29

**********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:** _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON08-00050 TO SATISFY PARKING REQUIREMENTS BY ALLOWING OFF-SITE, OFF-STREET PARKING ON PARCEL 2 DESCRIBED AS LOTS 24, 25, AND 26, BLOCK 3, WOMBLE ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, MORE COMMONLY KNOWN AS 5911, 5913, AND 5915 CLEVELAND AVENUE, TO SERVE PARCEL 1, DESCRIBED AS LOTS 4, 5, 6 AND 7, BLOCK 3, WOMBLE ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, MORE COMMONLY KNOWN AS 5928 TROWBRIDGE DRIVE, PURSUANT TO SECTION 20.10.410 OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Holy Light Church of God in Christ, Inc., has applied for a Special Permit under Section 20.10.410 of the El Paso City Code to allow the off-site parking requirements of Section 20.14.050 to be satisfied off-site;

WHEREAS, the requirements of Section 20.14.050 have been satisfied; 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 4 through 7, Block 3, Womblel Addition, City of El Paso, El Paso County, Texas,* is in a **A-O/sc(Apartment/Office/special contract)** District which requires seventy-five (75) off-street parking spaces under Section 20.14.050 of the El Paso City Code;

08 AUG 29 AM 9:30
CITY CLERK DEPT.

2. That the City Council hereby grants a Special Permit under Section 20.10.410 of the El Paso City Code so that the off-street parking requirements described in Paragraph 1 of this Ordinance may be partially satisfied off-site sixty-one (61) spaces as described in Paragraph 3 of this Ordinance;

3. That Parcel 2, which is described as *Lots 24, 25, and 26, Block 3, Womble Addition, City of El Paso, El Paso County, Texas,* are located on separate sites from the property described in Paragraph 1 of this Ordinance;

4. That the City Council hereby grants a Special Permit under Section 20.10.410 so that the properties described in Paragraph 3 of this Ordinance may be used as off-site off-street parking in order to partially satisfy the parking requirements described in Paragraph 1 of this Ordinance;

5. That this Special Permit is issued subject to the development standards in the **R-5 (Residential)** District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant, the Mayor 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;

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 Applicants fail to comply with any of the requirements of this Ordinance, **Special Permit No. ZON08-00050**, shall be subject to automatic termination; construction or occupancy shall be discontinued; and the Applicants shall be subject to the penalty provisions of Chapter 20.68 and any other legal or equitable remedy; and,

CITY CLERK DEPT.
08 AUG 29 AM 9:30

7. That the Applicants 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
Development Services Department

CITY CLERK DEPT.
08 AUG 29 AM 9:30

AGREEMENT

Holy Light Church of God in Christ, Inc., 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 and in accordance with the standards identified in the **R-5 (Resdential)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 26th **day of** AUGUST**, 2008.**

By: Juan O. Lawson

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 26th day of August, 2008, by Juan O. Lawson, for Holy Light Church of God in Christ, Inc., as Applicant.

My Commission Expires:

Armida R. Martinez
Notary Public, State of Texas
Notary's Printed or Typed Name:
ARMIDA R. MARTINEZ

ARMIDA R. MARTINEZ
Notary Public, State of Texas
My Commission Expires
January 22, 2011

CITY CLERK DEPT.
08 AUG 29 AM 9:30

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION
MEMORANDUM

CITY CLERK DEPT.
08 AUG 29 AM 9:29

DATE: August 1, 2008

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

FROM: Mirian Spencer, Planner

SUBJECT: ZON08-00050

The City Plan Commission (CPC), on July 31, 2008, voted (6 to 0) to recommend **APPROVAL** of the special permit to allow for off-site, off-street parking on Parcel 2 to serve Parcel 1, in agreement with staff and the Development Coordinating Committee.

The applicants are requesting to utilize the properties located on Cleveland Avenue for off-site, off-street parking for the church site located on Trowbridge Avenue. The properties are separated by a 20' alley and can not be considered one continuous property. The church is proposing to add an addition that will require additional parking spaces to accommodate the expansion of the fellowship area and classrooms. Off-site, off-street parking serving another property is permitted within a residential zone by special permit. The applicants were granted a Special Exception by the Zoning Board of Adjustment for the existing off-site parking located at 5925 through 5931 Cleveland Avenue on August 27, 1979.

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 the special permit request the best interest, health, safety and welfare of the public in general; and that Parking for portion not used as Church building is compatible with adjacent land uses.

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

Attachment: Staff report, location map, aerial map, detailed site development plan.

City of El Paso – City Plan Commission Staff Report

Case No:	ZON08-00050
Application Type	Special Permit and Detailed Site Development Plan
CPC Hearing Date	July 31, 2008
Staff Planner	Mirian Spencer, 915-541-4192, *spencermd2@elpasotexas.gov*
Location	Parcel 1: 5928 Trowbridge Drive Parcel 2: 5911 Cleveland Avenue; 5913 Cleveland Avenue; and 5915 Cleveland Avenue;
Legal Description	Parcel 1: Lots 4 through 7, Block 3, Womble Addition, City of El Paso, El Paso County, Texas Parcel 2: Lots 24 through 26, Block 3, Womble Addition, City of El Paso, El Paso County, Texas
Acreage	0.96 acres
Rep District	3
Existing Use	Parcel 1: Church Parcel 2: vacant
Existing Zoning	Parcel 1: A-O/sc (Apartment/Office/special contract) Parcel 2: R-5 (Residential)
Request	To allow off-site, off-street parking on Parcel 2 to serve Parcel 1.
Property Owner	Holy Light Church of God in Christ, Inc.
Applicant	Holy Light Church of God in Christ, Inc.
Representative	Juan O. Lawson, Pastor

CITY CLERK DEPT.
08 AUG 29 AM 9:29

SURROUNDING ZONING AND LAND USE

North: R-4 (Residential); Single-family residential dwellings
South: R-5 (Residential); Single-family residential dwellings
East: R-5 (Residential); Single-family residential dwellings
West: R-5 (Residential); Single-family residential dwellings

THE PLAN FOR EL PASO DESIGNATION: Residential

NEIGHORHOOD ASSOCIATIONS: San Juan Improvement Association

APPLICATION DESCRIPTION

The applicants are requesting to utilize the properties located on Cleveland Avenue for off-site, off-street parking for the church site located on Trowbridge Avenue. The properties are separated by a 20' alley and can not be considered one continuous property. The church is proposing to add an addition that will require additional parking spaces to accommodate the expansion of the fellowship area and classrooms. Off-site, off-street parking serving another property is permitted within a residential zone by special permit. The applicants were granted a Special Exception by the Zoning Board of Adjustment for the existing off-site parking located at 5925 through 5931 Cleveland Avenue on August 27, 1979.

NEIGHBORHOOD INPUT

Notice of the public hearing was mailed to all property owners within 300 feet of this proposed rezoning. Staff received one call in support.

The Plan for El Paso –City-wide Land Use Goals:

All applications for a special permit and detailed sited 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 types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.

b. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.

c. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.

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

e. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character

The application is in compliance with the Plan for El Paso – City-wide Land Use Goals. The existing church has been located within the Trowbridge residential neighborhood for many years. The church is expanding to meet the needs of the parishioners as well as mitigate existing safety issues. The church is proposing to close the vehicular access point at Trowbridge and utilize the alley and Cleveland Avenue for vehicular access to the church. By providing additional parking, the encroachment into the residential neighborhood is reduced.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee provides the following comments:
Recommends approval of the request with the condition that the applicants include landscaping as a visual screen along the Cleveland Avenue properties. The landscaping requested may be used to meet the landscaping requirements of Section 18.46 of the El Paso City Code.

Development Services Department - Building Permits and Inspections Division:
Zoning Review: No objections to the proposed special permit. Shall need to comply with all applicable building code and ADA requirements.

Landscape Review: Landscaping will be required for the proposed addition and off-street parking. Shall need to comply with Section 18.46 of the El Paso City Code.

CITY CLERK DEPT.
08 AUG 29 AM 9: 29

Development Services Department – Planning Division:
Current Planning: Recommends approval of the special permit for off-site, off-street parking provided that the applicants provide landscaping as a buffer along Cleveland Avenue. Planning is requesting that the properties along Cleveland be landscaped to serve as a visual screen between the single-family residential homes and the proposed parking sites. This may be utilized to accommodate the landscaping requirements of Section 18.46 of the El Paso City Code.

1. The Year 2025 Projected General Land Use Map for the **Central** Planning Area designates this property for **Residential** land uses.

2. R-5 (Residential) zoning permits off-site, off-street parking serving another property and is compatible with adjacent development.

Subdivision Review: No objection to special permit request. The applicants will also pave the existing alley from their property line to Frederick Road as the alley is used for accessing both Parcel 1 and Parcel 2. The subdivision is **not** within a Special Flood Hazard Area. Flood Zone **Zone C**; Panel: **480214 0040B.**The following will be required at time of development:

1. ADA accessible sidewalks, wheelchair ramp(s), and driveway(s), will be required.
2. Grading plan and permit will be required.
3. Storm Water Pollution Prevention Plan and/or permit will be required.
4. Drainage plans must be approved by the Development Services Department – Engineering Section.

Engineering Department - Traffic Division:
No objections to the special permit and detailed site development plan.

Fire Department:
No objections to the proposed special permit and detailed site development plan.

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

CITY PLAN COMMISSION OPTIONS

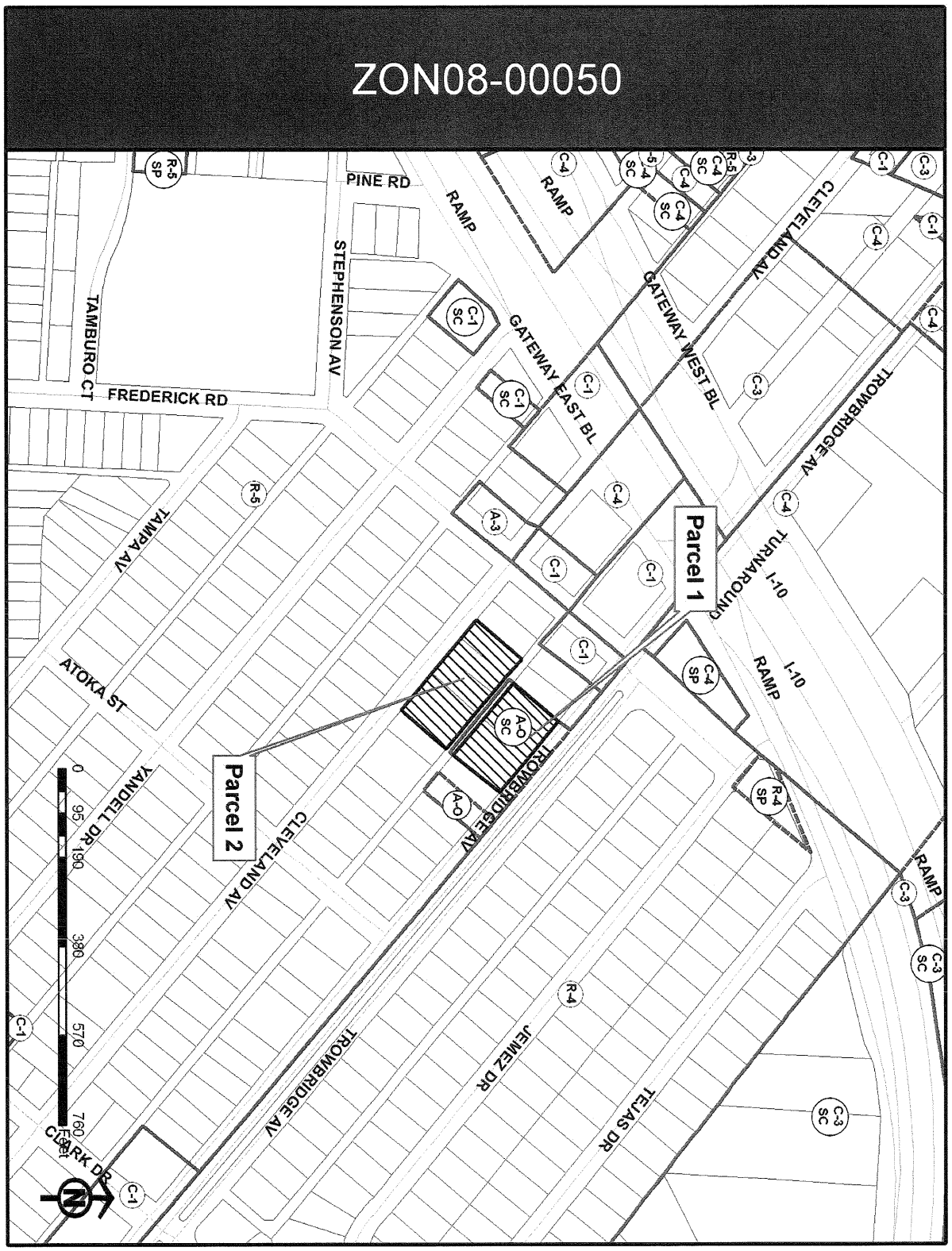
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application

1. Recommend approval of the application finding that the special permit and detailed site 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 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 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.

CITY CLERK DEPT.
08 AUG 29 AM 9:29

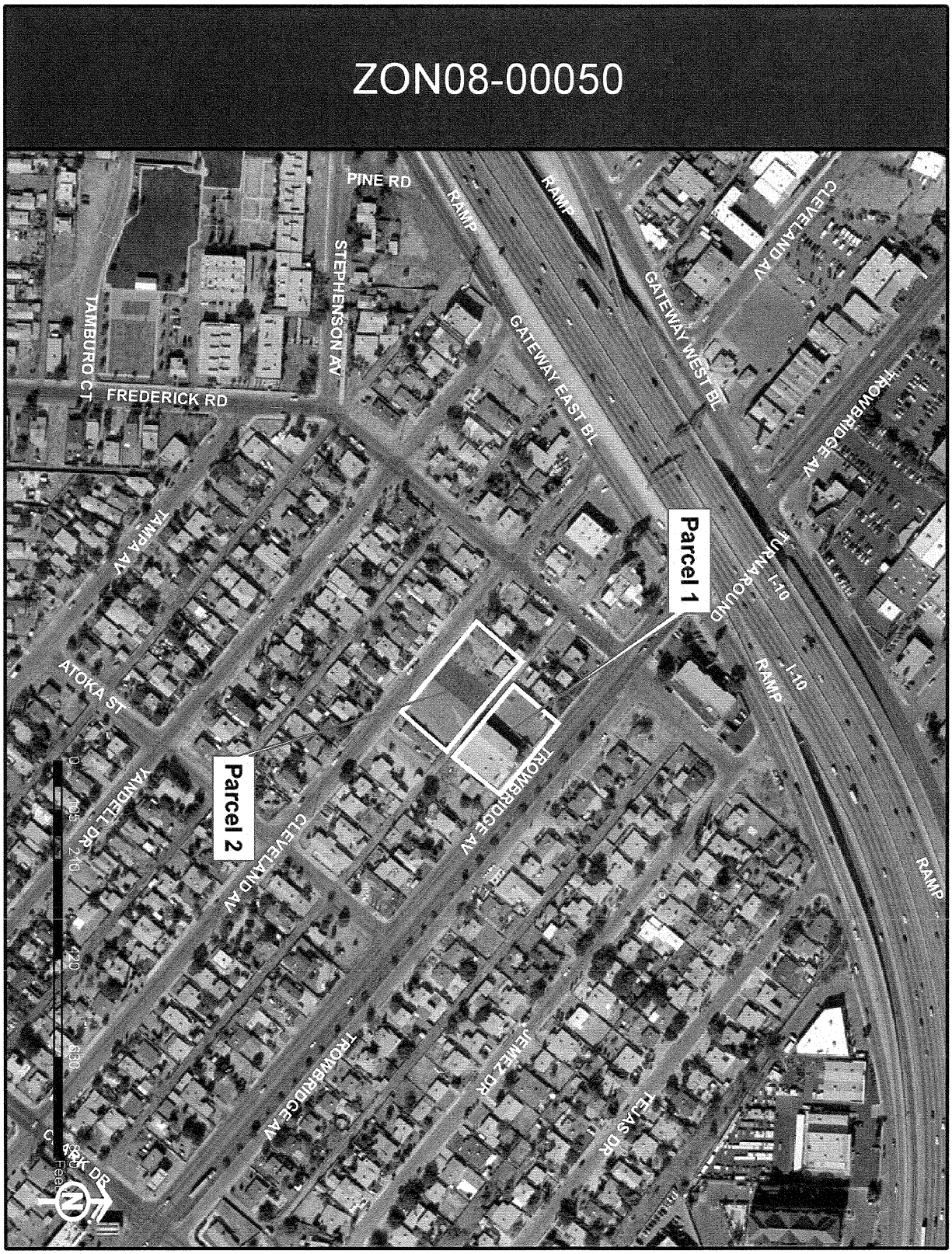
Attachments
1. Location Map
2. Aerial Map
3. Detailed Site Development Plan

ATTACHMENT 1: LOCATION MAP



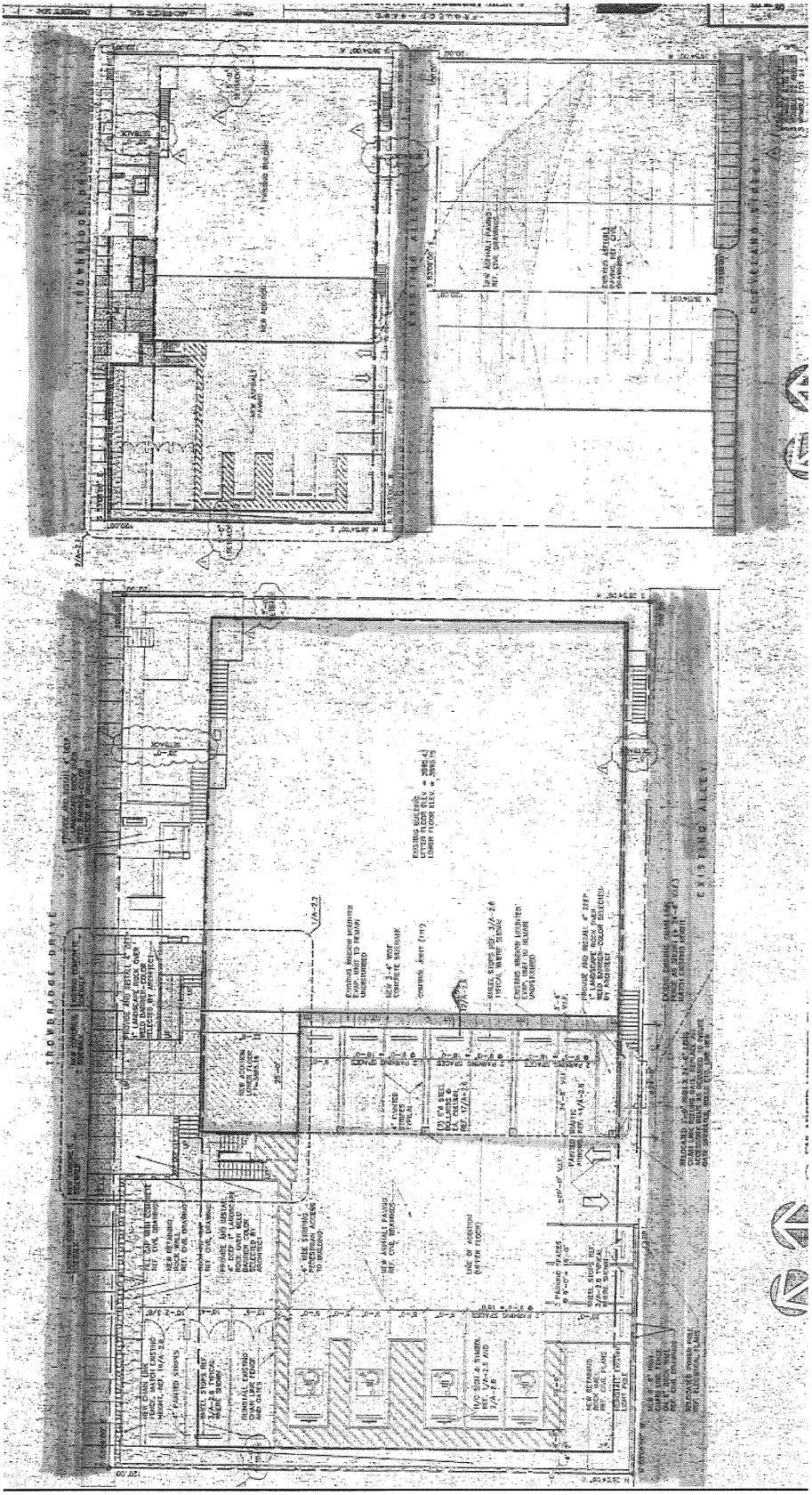
CITY CLERK DEPT.
08 AUG 29 AM 9:30

ATTACHMENT 2: AERIAL MAP



CITY CLERK DEPT.
08 AUG 29 AM 9:30

DETAILED SITE DEVELOPMENT PLAN



CITY CLERK DEPT.
08 AUG 29 AM 9:30