

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

DEPARTMENT: Planning and Economic Development Department

AGENDA DATE: Introduction: September 28, 2010
Public Hearing: October 19, 2010

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

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance granting Special Permit No. ZON10-00062, to allow for infill development on the property described as Lots 6 to 8, Block 98, East El Paso Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 3007 Montana Avenue. Property Owner: Esau Halow. ZON10-00062 (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 (4-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Kathryn B. Dodson, Phd.
Director, Planning and Economic Development

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON10-00062, TO ALLOW FOR INFILL DEVELOPMENT ON THE PROPERTY DESCRIBED AS LOTS 6 TO 8, BLOCK 98, EAST EL PASO ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.320 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, **Esau Halow, Applicant**, has applied for a Special Permit for Infill Development under Section 20.10.280; 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 the application conforms to all requirements of Sections 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 a **C-4 (Commercial)** District:
Lots 6 to 8, Block 98, East El Paso Addition, City of El Paso, El Paso County, Texas
2. That the City Council hereby grants a Special Permit under Section 20.10.280 of the El Paso City Code, for Infill Development; 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 "A" and incorporated herein by reference for all purposes; and,
4. That if at any time the Owner or the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. **ZON10-00062** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; 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 of 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:

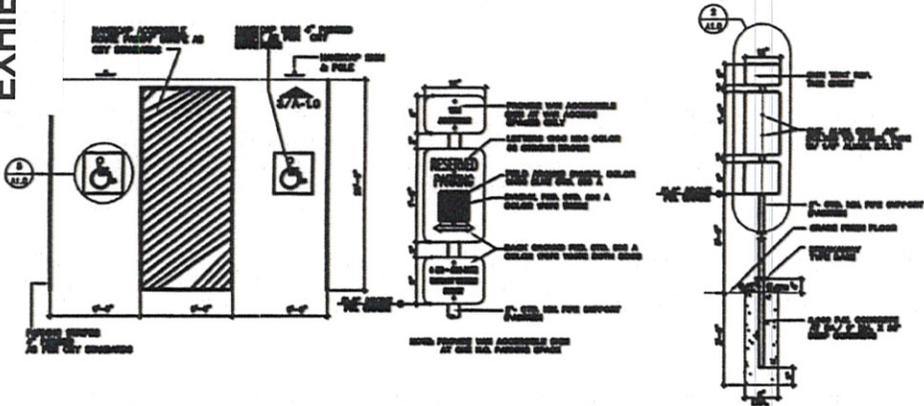
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

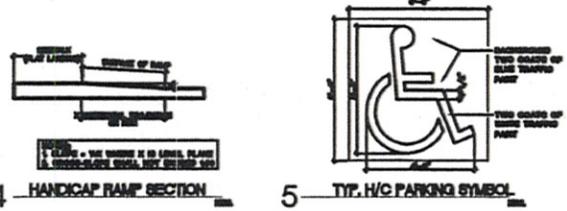
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy
Deputy Director – Planning
Development Services Department

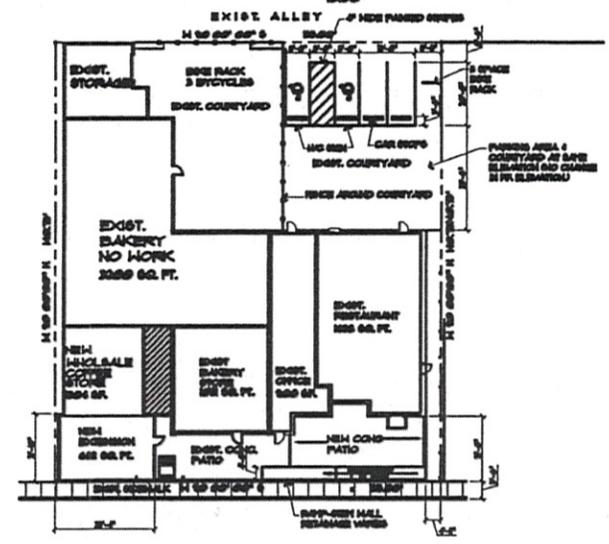
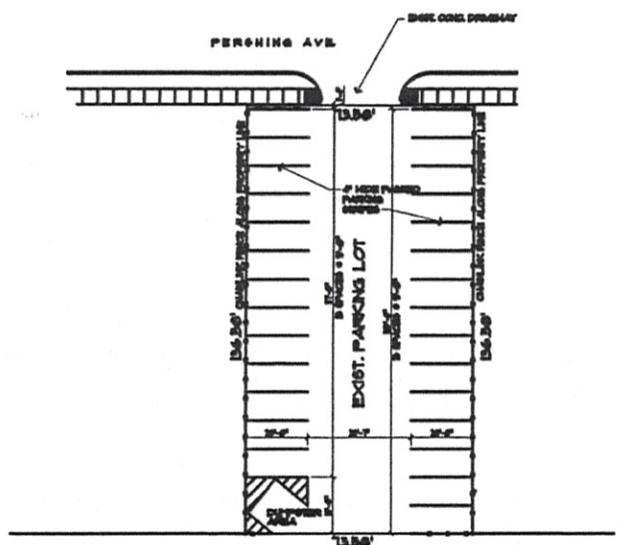


1 HANDICAP DETAIL PARKING 2 TYP. HANDICAP SIGN DETAIL 3 TYP. HANDICAP SIGN DETAIL



4 HANDICAP RAMP SECTION 5 TYP. H/C PARKING SYMBOL

OCCUPANT LOAD CALCULATIONS:		PARKING CALCULATIONS BASED ON 1992 IBC CODES - 1992 IBC CODES - 1992 IBC CODES	
WHOLESALE COFFEE STORE BUSINESS OCCUPANCY B 3,000 SQ. FT. / 150 = 20 PERSON 15 PERSONS OR 1500 - 1 BATHROOM REQUIRED.	BEVERAGE PRODUCT MANUFACTURING 1,000 GFA 1,000 SQ. FT. BLDG/1000 PER SPACE = 1 SPACE	BAKERY FACTORY INDUSTRIAL 3,000 SQ. FT. 3,000 SQ. FT. / 150 = 20 PERSON	BREAD & BAKERY PRODUCT MANUFACTURING 1,000 GFA 3,000 SQ. FT. BLDG/1000 PER SPACE = 3 SPACES
BAKERY STORE BUSINESS OCCUPANCY B 1,500 SQ. FT. 1,500 SQ. FT. / 150 = 10 PERSON	BAKERY 1,000 GFA 1,000 SQ. FT. BLDG/1000 PER SPACE = 1 SPACE	OFFICE BUSINESS OCCUPANCY B 1,500 SQ. FT. 1,500 SQ. FT. / 150 = 10 PERSON	OFFICE ADMINISTRATIVE/MANAGERS 1,000 GFA 1,000 SQ. FT. BLDG/1000 PER SPACE = 1 SPACE
RESTAURANT ASSEMBLY A3 1,500 SQ. FT. 1,500 SQ. FT. / 150 = 10 PERSON	RESTAURANT (611 DOWN) 1,000 GFA 1,000 SQ. FT. BLDG/1000 PER SPACE = 1 SPACE	TOTAL SPACES REQUIRED = 20 SPACES TOTAL SPACES PROVIDED = 20 SPACES	

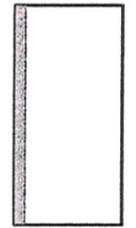


MONTANA AVE.

EXIST. SITE PLAN
SCALE: P = 1/8" = 1'-0"

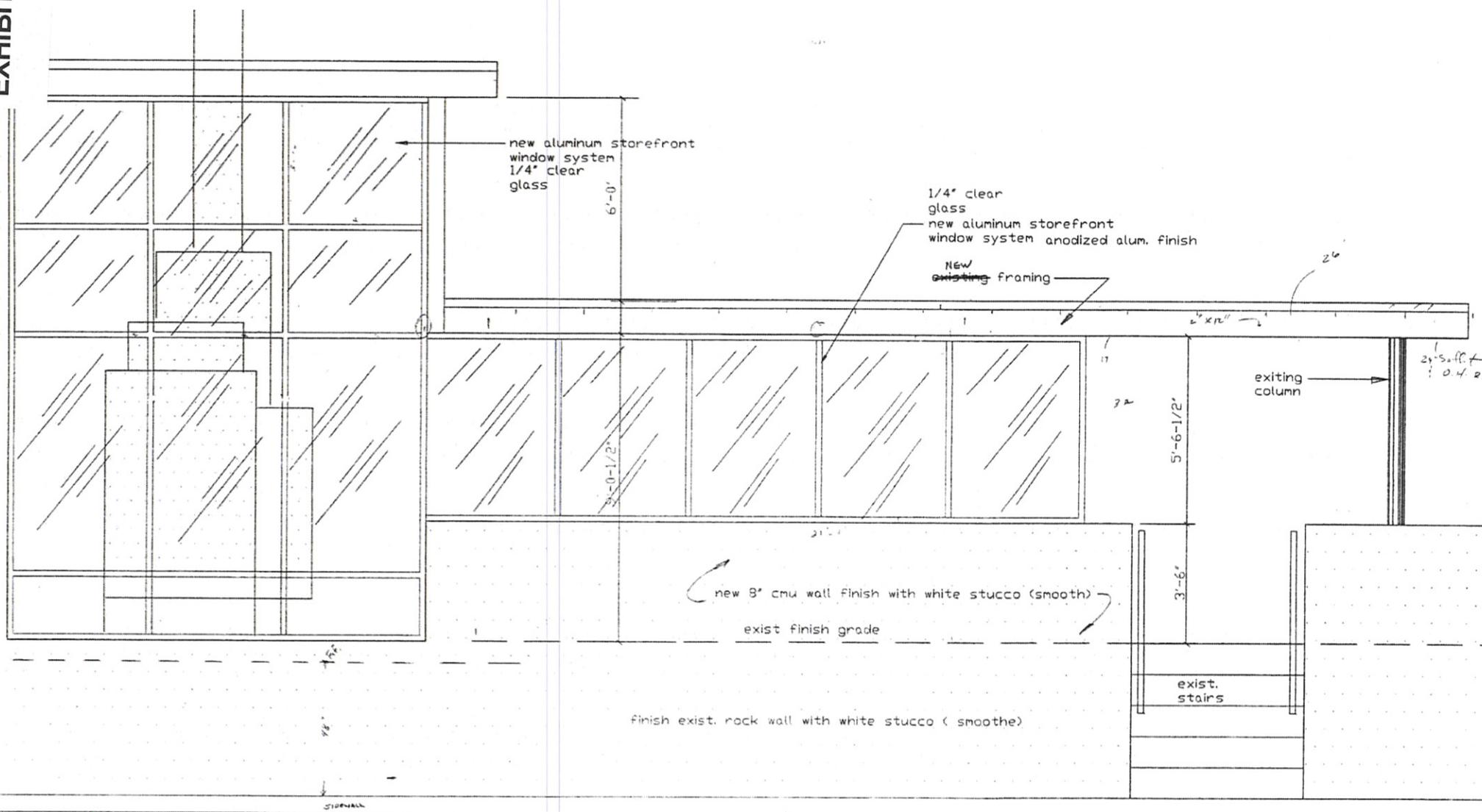
LEGAL DESCRIPTION:
BLOCK 38 EAST
EL PASO 628

ADDRESS: 3001 MONTANA, 3003 MONTANA
OWNER: MR EGGAN HALOW 915-584-9990



WHOLESALE COFFEE STORE
 EL PASO, TEXAS
 8007-0000 MONTANA AVE.

Date	AUG 15, 2012
Project	
Project No.	
File Name	
Sheet Title	
Sheet No.	
Sheet	OF 2



FRONT ELEVATION - MONTANA SIDE

SCALE: 3/4" = 1'-0"

MICHAEL WALKER
ARCHITECT
8021 TONTO
EL PASO, TX 79904
915-755-4837

SHEET
A4

MEMORANDUM

DATE: September 20, 2010

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

FROM: Andrew Salloum, Planner

SUBJECT: ZON10-00062

The City Plan Commission (CPC) on August 26, 2010, voted **4-0** to recommend **APPROVAL** of the special permit application to allow for infill development with reduced setbacks and parking reduction.

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: ZON10-00062
Application Type: Special Permit and Detailed Site Development Plan
CPC Hearing Date: August 26, 2010
Staff Planner: Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

Location: 3007 Montana Avenue
Legal Description: Lots 6 to 8, Block 98, East El Paso Addition, City of El Paso, El Paso County, Texas
Acreage: 0.241 acres
Rep District: 8
Existing Use: Vacant
Existing Zoning: C-4 (Commercial)
Request: Infill Development to reduce front and rear setbacks
Proposed Use: Bakery and Coffee Shop

Property Owners: Esau Halow
Applicant: Esau Halow
Representative: Albert Malooly

SURROUNDING ZONING AND LAND USE

North: C-4 (Commercial) / Automatic Business Systems Office, Parking lot, and Dollar General Store,
South: C-4 (Commercial) / City of El Paso Maintenance Facility
East: C-4 (Commercial) / Restaurant
West: C-4 (Commercial) / Restaurant and Vacant

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

Nearest Park: Memorial Park (2,552 feet)

Nearest School: Alta Vista Elementary (2,301 feet)

NEIGHBORHOOD ASSOCIATIONS

El Paso Central Business Association
Five Points Development Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on August 10, 2010. The Planning Division has not received any phone calls or letters in support or opposition of the rezoning request.

CASE HISTORY

On June 2, 1998, City Council approved Ordinance No. 013667 granting a special permit request to allow for off-site parking in a C-4 (Commercial) zone district for an existing restaurant (See Attachment 6 on page 9-12).

APPLICATION DESCRIPTION

The applicant is requesting a special permit and detailed site development plan review for an infill development to reduce the rear yard setback from ten (10) feet to zero (0) foot and the front yard setback from fifteen (15) feet to (0) foot for a 622 square-foot coffee store addition. An automatic 50% parking reduction is allowed as part of the special permit for infill development. The infill special permit will reduce the parking requirements from 30 to 15 spaces. The proposed development requires 30 parking spaces and the applicant is

providing 32 parking spaces and 3 bicycle parking spaces. Access to the parking lot is proposed from the alley and Pershing Avenue as shown on the site plan. Applicant has also submitted a shared parking agreement for the property.

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. Since the alley is used for access to the parking area, the applicant will be required to pave the alley to city standards.

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 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: no comments received.

Development Services Department – Land Development

1. Comments: None
2. Grading plan and permit shall be required.*
3. Storm Water Pollution Prevention Plan and/or permit required.*
4. Drainage plans must be approved by the Development Services Department, Engineering Section.*
5. The Subdivision is within Flood Zone C – “Areas of minimal flooding, (No shading).” – Panel # 480214 0033B, dated October 15, 1982 and Panel # 480214 0034B, dated October 15, 1982.

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

Engineering Department - Traffic Division

- Alley shall be improved to city standards if used for access.
- Driveway fronting Pershing shall be modified to comply with DSC.

Street Department

No comments received.

Fire Department

El Paso Fire Department has objections or adverse comments to front setback reduction.

El Paso Water Utilities

EPWU does not object to this request.

SUN METRO

Routes 25, 33 and 50 travel along Montana. Sun Metro recommends the construction of sidewalks to provide access to public transit services. (There are existing sidewalks.)

CITY PLAN COMMISSION OPTIONS

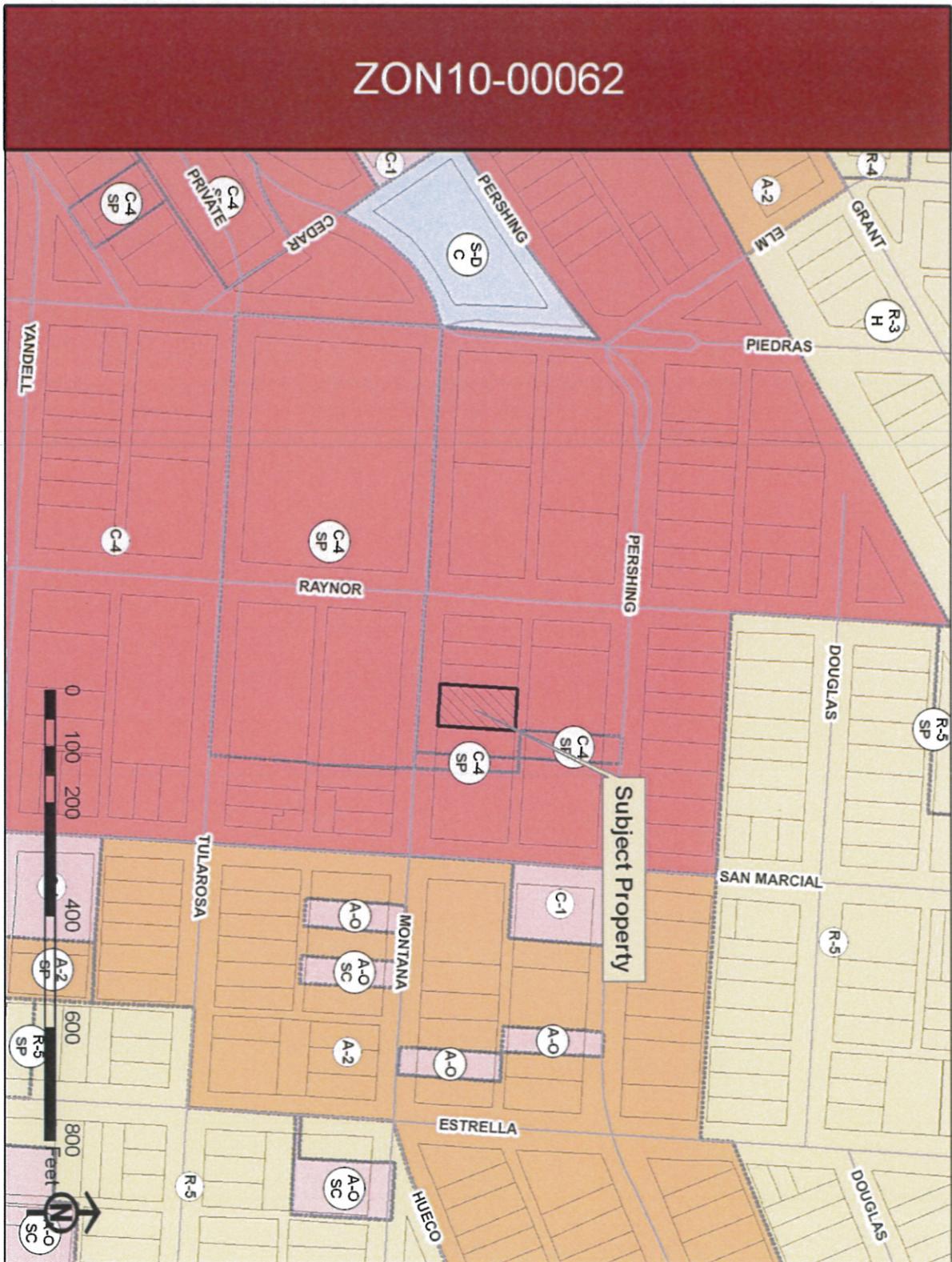
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit and detailed site development plan application:

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.

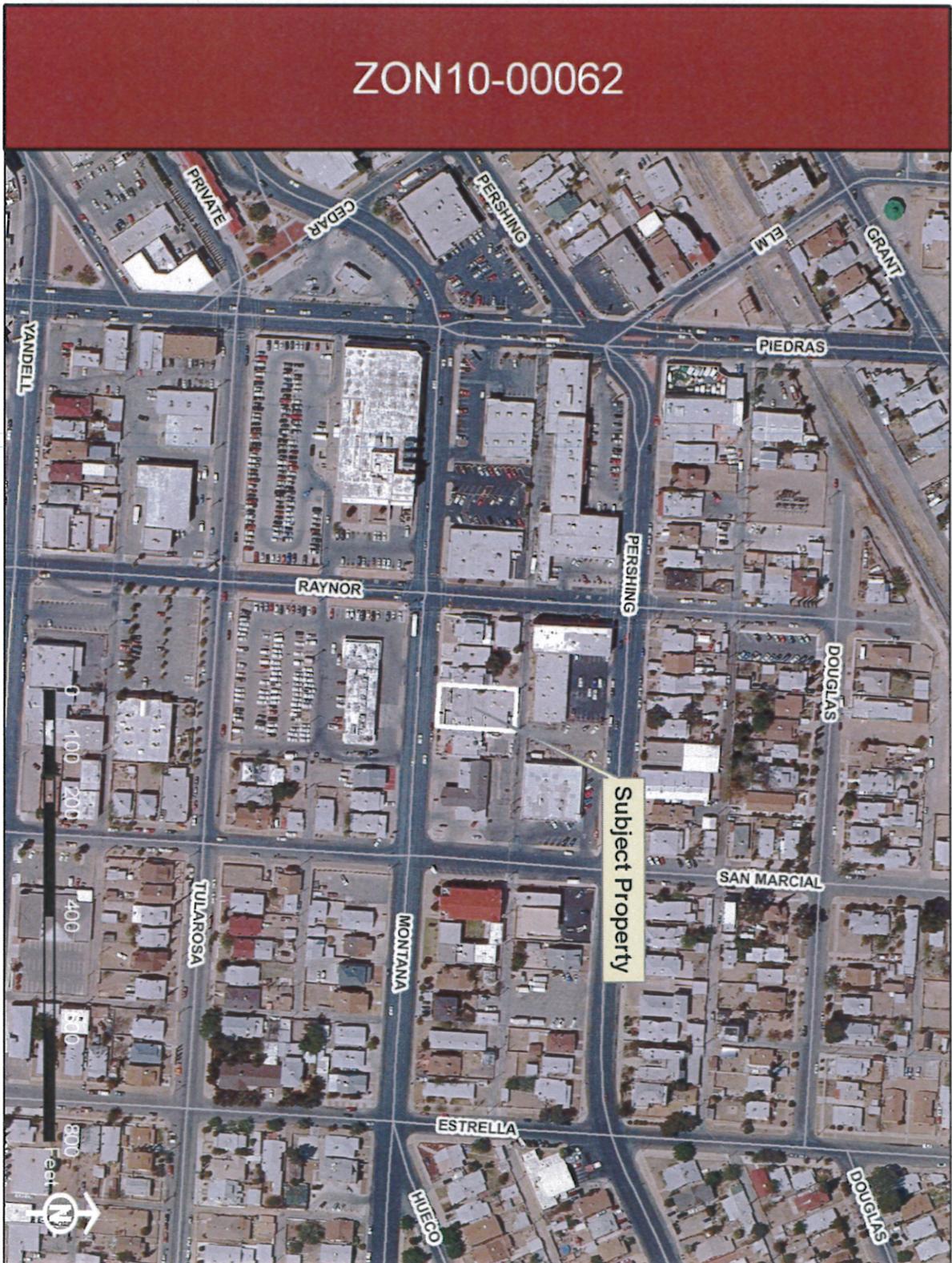
Attachments

1. Location Map
2. Aerial Map
3. Detailed Site Plan
4. Site Plan, Enlarged
5. Elevations
6. Special Permit Ordinance No. 013667

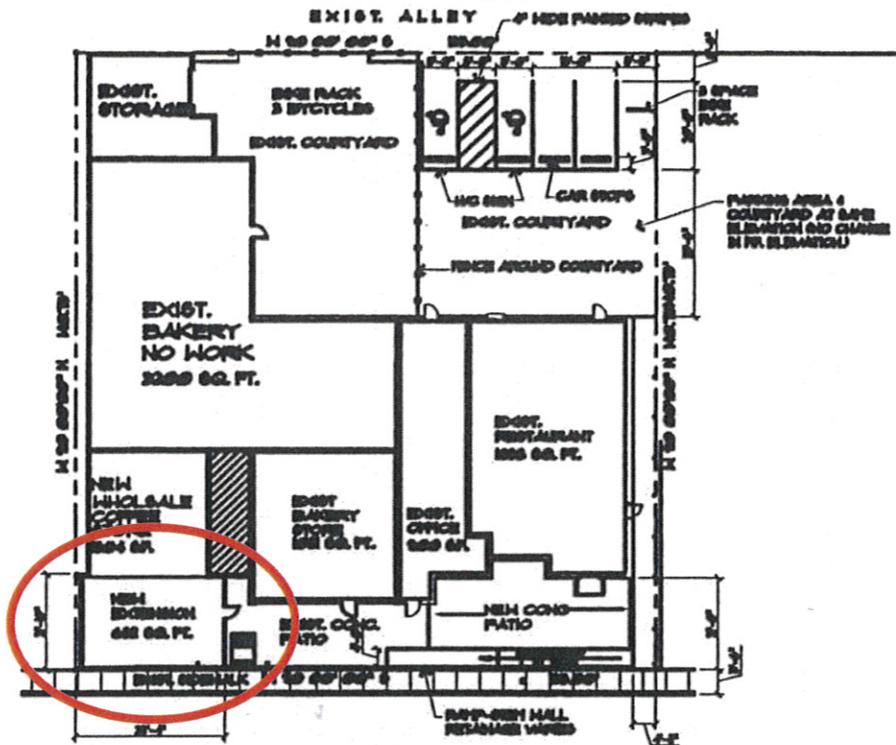
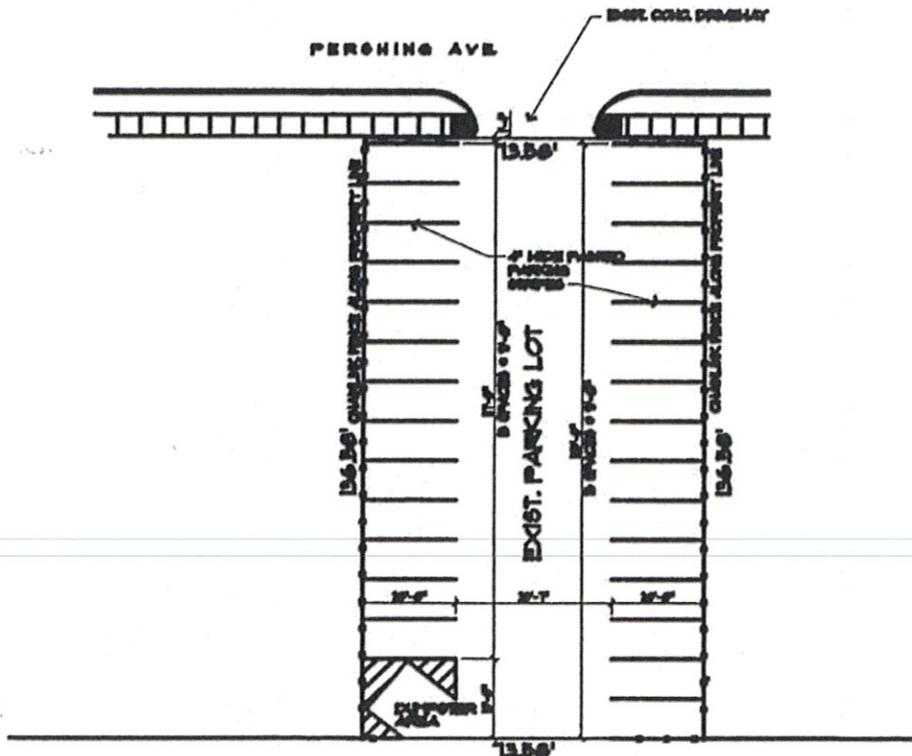
ATTACHMENT 1: LOCATION MAP



ATTACHMENT 2: AERIAL MAP



ATTACHMENT 4: SITE PLAN, ENLARGED

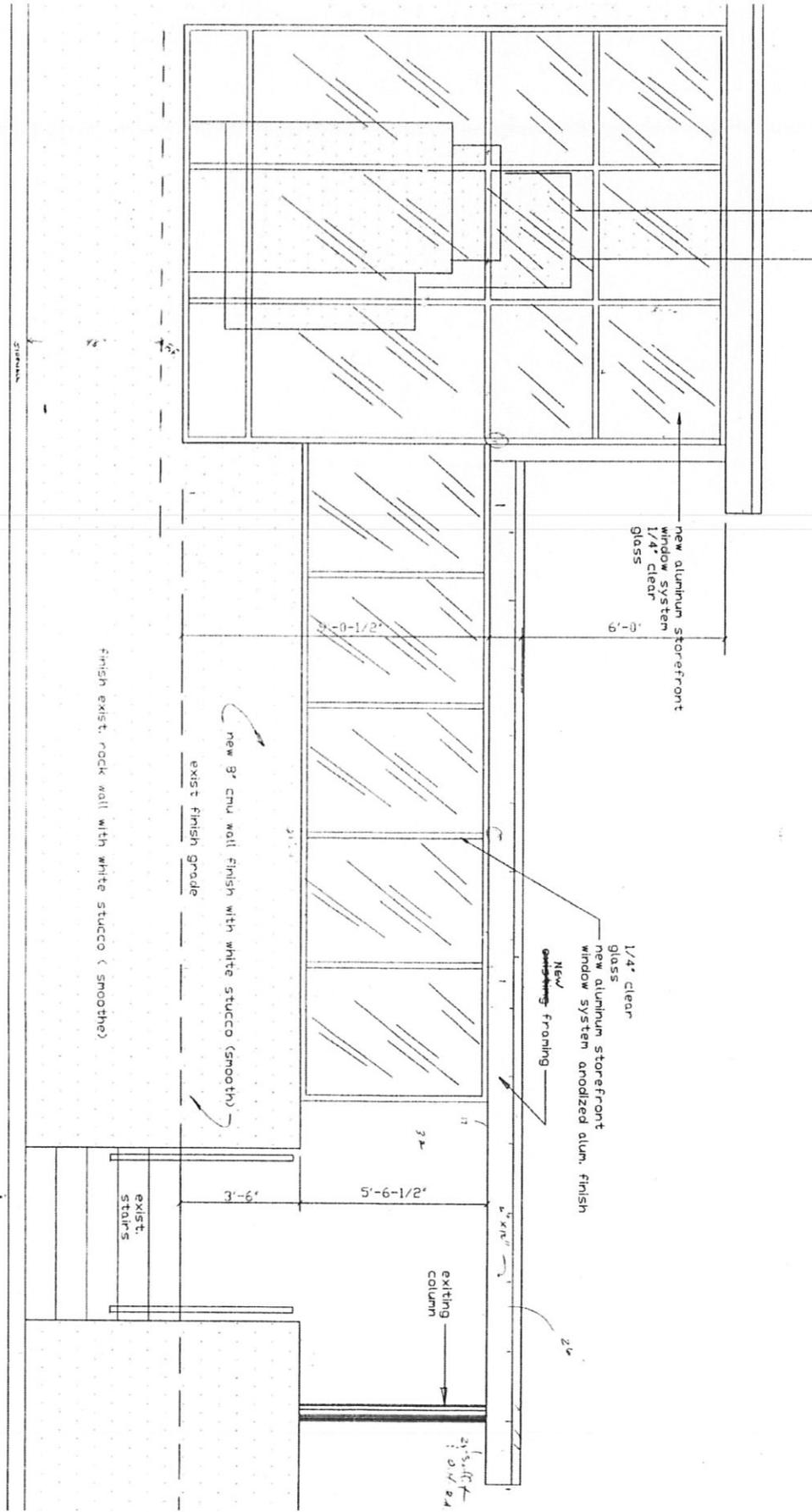


MONTANA AVE.

EXIST. SITE PLAN

SCALE: P = 20'-0"

ATTACHMENT 5: ELEVATIONS



FRONT ELEVATION - MONTANA SIDE

SCALE: 3/4" = 1'-0"

MICHAEL WALKER
 ARCHITECT
 8021 TOWN
 EL PASO, TX 79904
 915-755-4837

SHEET
 A4

21-A

ORDINANCE NO. 013667

AN ORDINANCE GRANTING SPECIAL PERMIT NO. SP 98-05 TO SATISFY PARKING REQUIREMENTS FOR PARCEL I, DESCRIBED AS LOTS 9 & 10, BLOCK 98, EAST EL PASO ADDITION, AND ON PARCEL II, DESCRIBED AS LOT 25 AND A PORTION OF LOT 24, BLOCK 98, EAST EL PASO ADDITION (3014 PERSHING DRIVE), PURSUANT TO SECTION 20.42.040L AND THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, Pedro Rabelo has applied for a Special Permit under Section 20.42.040L of the El Paso Municipal Code, to allow the off-street parking requirements of Section 20.42.040L to be satisfied off-site; and

WHEREAS, the requirements of Section 20.42.040L have been satisfied; and

WHEREAS, a report was made by the City Plan Commission and a public hearing was held regarding such application;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That Parcel I, which is described as *Lots 9 & 10, Block 98, EAST EL PASO ADDITION* is in a C-4 (Commercial) District which requires an additional fifteen (15) parking spaces under Section 20.42.040L of the El Paso Municipal Code;

2. That the City Council hereby grants a Special Permit under Section 20.42.040L of the El Paso Municipal Code so that the parking requirements described in Paragraph 1 of this Ordinance may be satisfied off-site as described in Paragraph 3 of this Ordinance;

3. That Parcel II, which is described as *Lot 25 and a portion of Lot 24, Block 98, EAST EL PASO ADDITION* and which is municipally known and numbered as **3014 Pershing Drive**, is located on a separate site from the property described in Paragraph 1 of this Ordinance;

NANCE#55615ZON/PLA1Y7

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03/20/98

ORDINANCE NO. 013667

38

4. That the City Council hereby grants a Special Permit under Section 20.42.040L so that the property described in Paragraph 3 of this Ordinance may be used as off-street parking in order to 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 C-4 (Commercial) District regulations and is subject to the approved 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 Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. SP 98-05, shall be subject to automatic termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.68 and any other legal or equitable remedy; and

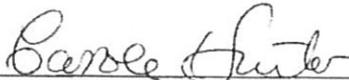
7. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

PASSED AND APPROVED this 10 day of June, 1998

THE CITY OF EL PASO


Mayor

ATTEST:


City Clerk

(Signatures continue on following page)

NANCE#55615/ZON/PLAY7

2

03/20/98

ORDINANCE NO. _____

APPROVED AS TO FORM:

John F. Nance
John F. Nance
Assistant City Attorney

APPROVED AS TO CONTENT:

Scott Stanfield
Scott Stanfield
Dept. of Planning, Research & Development

AGREEMENT

PEDRO RABELO, the Applicant 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 C-4 (Commercial) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 7th day of April, 19 98

Pedro Rabelo
PEDRO RABELO

Acknowledgment

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 7th day of April, 19 98, by PEDRO RABELO as Applicant.

My Commission Expires:
03-23-2001

Gala Estela Silva
Notary Public, State of Texas
Notary's Printed or Typed Name:
Gala Estela Silva

Special Permit #SP 98-05

NANCE#55615ZON/PLAY7

ORDINANCE NO. _____

ATTACHMENT 6: SPECIAL PERMIT ORDINANCE NO. 013667

