

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

**DEPARTMENT:** City Development Department

**AGENDA DATE:** Introduction: December 18, 2012  
Public Hearing: January 15, 2013

**CONTACT PERSON/PHONE:** Michael McElroy, (915) 541-4238,  
[mcelroyms@elpasotexas.gov](mailto:mcelroyms@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** 2

**SUBJECT:**

An Ordinance granting Special Permit No. PZST12-00010, to allow for infill development with reduced side street setbacks, reduced rear setbacks and a parking reduction, on the property described as Lot 1, Block 3, Beaumont Addition, an Addition to the City of El Paso, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 5600 Dyer. Property Owner: MCG Investments Inc. PZST12-00010 (**District 2**)

**BACKGROUND / DISCUSSION:**

Staff report attached.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

City Plan Commission (CPC) – Approval Recommendation (6-0)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

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

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

**DEPARTMENT HEAD:**

Mathew S. McElroy  
Director, City Development Department



**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST12-00010, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED SIDE STREET SETBACKS, REDUCED REAR SETBACKS AND A PARKING REDUCTION, ON THE PROPERTY DESCRIBED AS LOT 1, BLOCK 3, BEAUMONT ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 INFILL DEVELOPMENT OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

WHEREAS, **MCG Investments Inc**, have applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City with reduced side street setbacks, reduced rear setbacks and a parking reduction; 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)** Zone District:

*Lot 1, Block 3, Beaumont Addition, an Addition to the City of El Paso, El Paso County, Texas; and,*

2. That the City Council hereby grants a Special Permit under Sections 20.04.320 of the El Paso City Code, to allow for infill development with reduced side street setbacks, reduced rear setbacks and a parking reduction, in a **C-4 (COMMERCIAL)** zoning district; 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,

ORDINANCE NO. \_\_\_\_\_

PZST12-00010

4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. **PZST12-00010** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; and,
5. That the Owners 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 \_\_\_\_\_, 2013.

**THE CITY OF EL PASO**

\_\_\_\_\_  
John F. Cook  
Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Karla M. Nieman  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

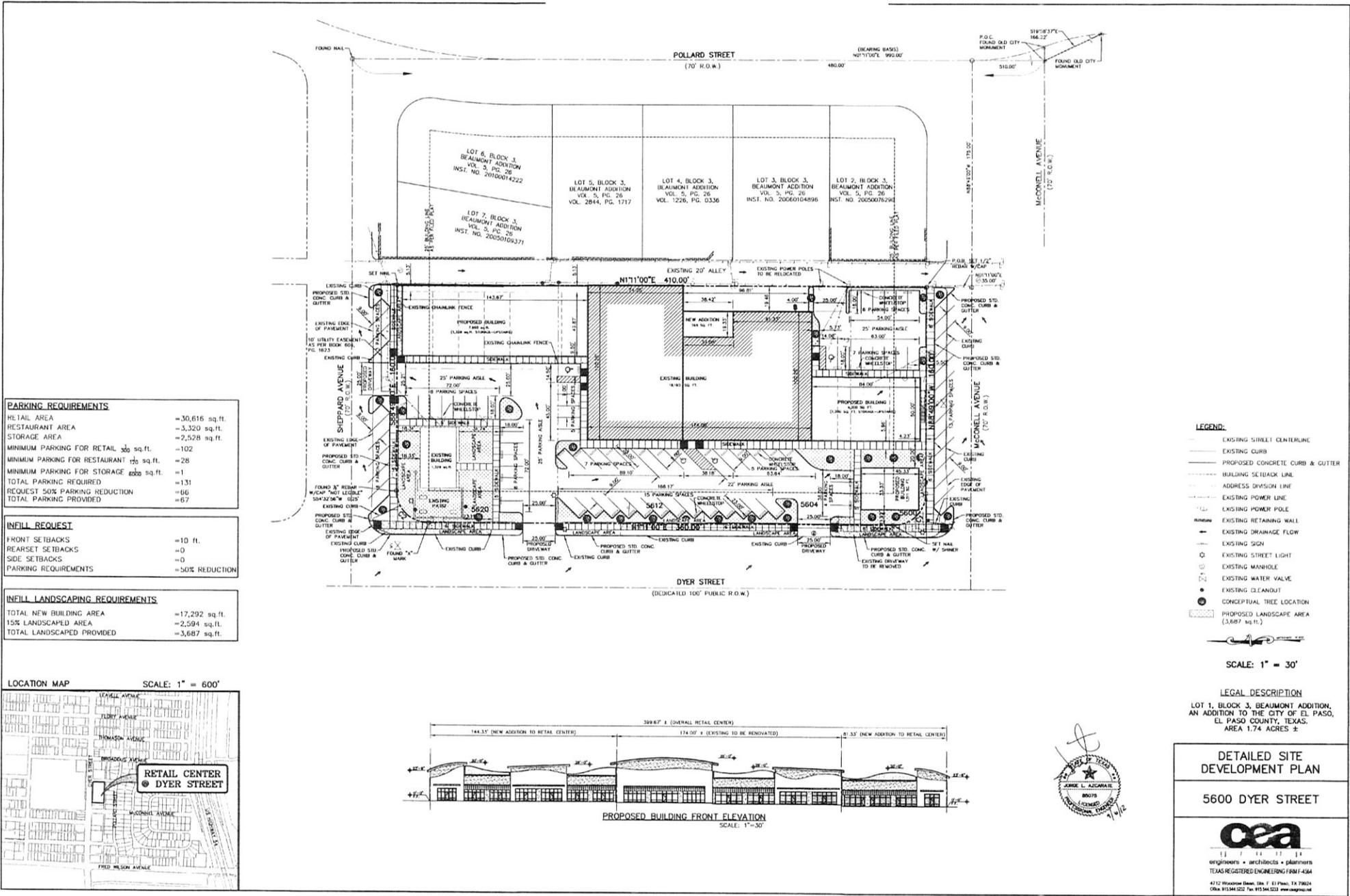
  
\_\_\_\_\_  
Mathew S. McElroy, Director  
City Development Department

**ORDINANCE NO.** \_\_\_\_\_

**PZST12-00010**



EXHIBIT "A"



**PARKING REQUIREMENTS**

RETAIL AREA	=30,616 sq.ft.
RESTAURANT AREA	=3,320 sq.ft.
STORAGE AREA	=2,528 sq.ft.
MINIMUM PARKING FOR RETAIL 300 sq.ft.	=102
MINIMUM PARKING FOR RESTAURANT 120 sq.ft.	=28
MINIMUM PARKING FOR STORAGE 6000 sq.ft.	=1
TOTAL PARKING REQUIRED	=131
REQUEST 50% PARKING REDUCTION	=66
TOTAL PARKING PROVIDED	=67

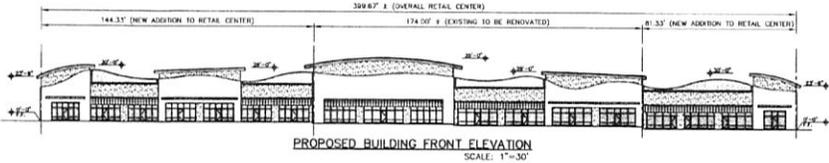
**INFILL REQUEST**

FRONT SETBACKS	=10 ft.
REARSET SETBACKS	=0
SIDE SETBACKS	=0
PARKING REQUIREMENTS	=50% REDUCTION

**INFILL LANDSCAPING REQUIREMENTS**

TOTAL NEW BUILDING AREA	=17,292 sq.ft.
15% LANDSCAPED AREA	=2,594 sq.ft.
TOTAL LANDSCAPED PROVIDED	=3,687 sq.ft.

LOCATION MAP SCALE: 1" = 600'



- LEGEND:**
- EXISTING STREET CENTERLINE
  - EXISTING CURB
  - PROPOSED CONCRETE CURB & GUTTER
  - BUILDING SETBACK LINE
  - ADDRESS DIVISION LINE
  - EXISTING POWER LINE
  - EXISTING RETAINING WALL
  - EXISTING DRAINAGE FLOW
  - EXISTING SIGN
  - EXISTING STREET LIGHT
  - EXISTING MANHOLE
  - EXISTING WATER VALVE
  - EXISTING CLEANOUT
  - CONCEPTUAL TREE LOCATION
  - ▨ PROPOSED LANDSCAPE AREA (3,687 sq.ft.)

SCALE: 1" = 30'

**LEGAL DESCRIPTION**  
 LOT 1, BLOCK 3, BEAUMONT ADDITION,  
 AN ADDITION TO THE CITY OF EL PASO,  
 EL PASO COUNTY, TEXAS.  
 AREA 1.74 ACRES ±

**DETAILED SITE DEVELOPMENT PLAN**

5600 DYER STREET

**cea**  
 engineers • architects • planners  
 TEXAS REGISTERED ENGINEERING FIRM #584  
 4112 Houston Street, Ste. 1, El Paso, TX 79904  
 Office 915.544.0222 Fax 915.544.0223 www.ceainc.com



**MEMORANDUM**

**DATE:** December 5, 2012

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

**FROM:** Michael McElroy, Planner

**SUBJECT: PZST12-00010**

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The City Plan Commission (CPC) on October 4, 2012, voted **6-0** to recommend **APPROVAL** of the special permit application to allow infill development with reduced side street and rear setbacks, as well as a parking reduction, in the C-4 (Commercial) zoning district.

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 Plan El Paso-Future Land Use Map Designation 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:** PZST12-00010  
**Application Type:** Special Permit  
**CPC Hearing Date:** October 4, 2012  
**Staff Planner:** Michael McElroy, 915-541-4238, [mcelroyms@elpasotexas.gov](mailto:mcelroyms@elpasotexas.gov)  
**Location:** 5600 Dyer  
**Legal Description:** Lot 1, Block 3, Beaumont Addition, an Addition to the City of El Paso, El Paso County, Texas  
**Acreage:** 1.74 acres  
**Rep District:** 2  
**Zoning:** C-4 (Commercial)  
**Existing Use:** Retail  
**Request:** Infill development / Reduction in rear and side street setback, 50% parking reduction  
**Proposed Use:** Retail  
**Property Owner:** MCG Investments Inc.  
**Representative:** CEA Group

### **SURROUNDING ZONING AND LAND USE**

**North:** C-4/sp (Commercial/Special Permit) / Retail  
**South:** C-4 (Commercial) / Restaurant  
**East:** R-4 (Residential) / Single-family homes  
**West:** C-4 (Commercial) / Walmart

**Plan El Paso Designation:** G2, Traditional Neighborhood (Central)  
**Nearest Park:** Logan Park (2,001 ft.)  
**Nearest School:** Burnet Elementary (1,022 ft.)

### **NEIGHBORHOOD ASSOCIATIONS**

El Paso Central Business Association

### **NEIGHBORHOOD INPUT**

Notices of the September 20, 2012 public hearing were mailed to all property owners within 300 feet of the subject property on August 29, 2012. The Planning Division received no letters in support or opposition to the request.

### **APPLICATION DESCRIPTION**

The applicant is requesting an infill development special permit to allow reductions in rear setback from 10' to 0', side street setback from 10' to 0', as well as a 50-percent parking reduction, to permit the addition and modification of approximately 16,500 sq. ft. of retail space within an existing commercial property. Separate, but related to this application, the applicant is submitting a request directly to City Council, as per 12.44.050 of the El Paso City Code, to provide additional angled parking within City right-of-way along McConnell Ave. and Sheppard Ave.

### **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of the special permit and detailed site development plan review request for infill development as the applicant meets the requirements of Section 20.04.320, special permit approvals.

**Plan El Paso- Future Land Use Map Designation**

All applications for special permits shall demonstrate compliance with the following criteria:

G-2 – Traditional Neighborhood: This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly face streets; schools, parks, and small shops are integrated with residential areas. This sector is well suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.

The purpose of the C-4 (Regional Commercial District) is to serve the entire City to permit heavy commercial uses characterized by automotive and light warehousing. In addition these serve 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.

**COMMENTS:**

**City Development Department - Planning Division - Transportation**

No objection to the special permit.

**Note:**

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.

**City Development Department – Planning Division - Land Development**

**\*\*Approved\*\*** No Objection.

**City Development Department – Building Permits & Inspections Division**

Recommend approval

**El Paso Water Utilities**

1. EPWU does not object to this request.

**EPWU-PSB Comments**

**Water:**

2. There is an existing forty-two (42) inch diameter water main that extends along Mc Connell Avenue fronting the southern boundary of the subject property. No direct service connections are allowed to this 42-inch water main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

3. There is an existing eight (8) inch diameter water main that extends along Mc Connell Avenue fronting the southern boundary of the subject property. This water main is available for service.

4. There is an existing twelve (12) inch diameter water main that extends along Dyer Street fronting the western boundary of the subject property. This water main is available for service.

5. There is an existing six (6) inch diameter water main that extends along Sheppard Avenue fronting the northern boundary of the subject property. This water main is available for service.

6. EPWU records indicate there are multiple existing water service connections at the subject property.

**Sanitary Sewer:**

7. There is an existing eight (8) inch diameter sanitary sewer main that extends along Dyer Street fronting the western boundary of the subject property. This sanitary sewer main is available for service.

8. There is an existing eight (8) inch diameter sanitary sewer main that extends along the alley between Dyer Street and Pollard Street fronting the eastern boundary of the subject property. This sanitary sewer main is available for service.

9. There is an existing eight (8) inch diameter sanitary sewer main that extends along Sheppard Avenue fronting the northern boundary of the subject property. This sanitary sewer main is available for service.

**General:**

10. Dyer Street is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and/or sanitary sewer work to be performed within Dyer Street right-of-way requires permits from TxDOT.

11. Application for additional water services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water lines and appurtenances.

**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 Plan 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 Plan 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 Plan El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

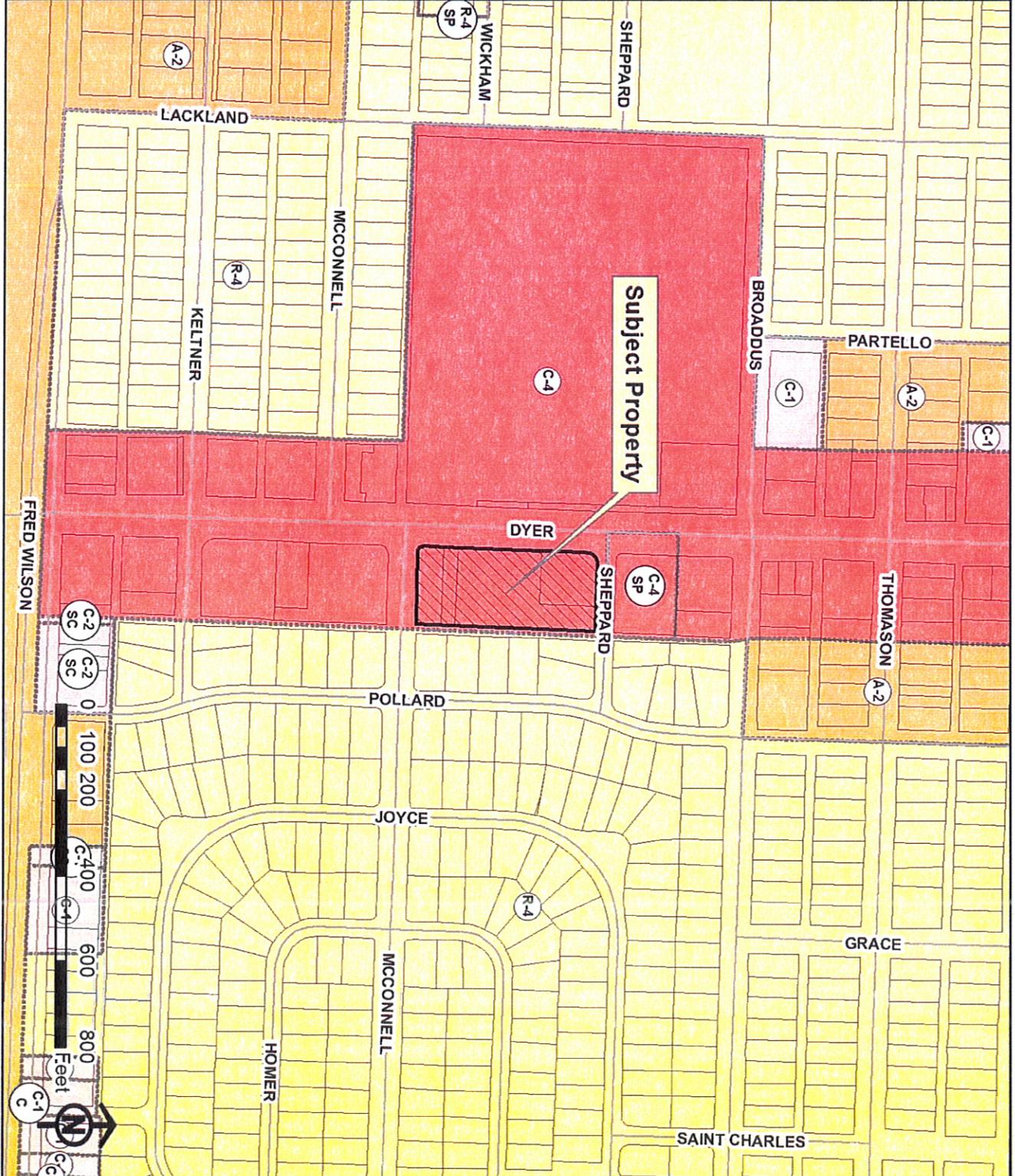
**Attachments:**

Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Detailed Site Development Plan

# PZST12-00010



PZST12-00010



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN

