

CITY CLERK DEPT.

08 DEC 22 AM 11:12

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

DEPARTMENT: Development Services Department

AGENDA DATE: Consent Agenda: January 6, 2009

CONTACT PERSON/PHONE: Tony De La Cruz, (915) 541-4329, delacruzja@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

A Resolution that the City authorizes the Deputy Director of Development Services, Planning Department, to take the necessary steps to terminate **Special Permit No. SU-02032** granted to RKBT Enterprises, Ltd on March 5, 2003. Subject Properties: (Parcel I) 1000, 1008 & 1010 Myrtle Avenue, (Parcel II) 1000 Texas Avenue. Applicant: City of El Paso. ZON08-00112 (District 8)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DIRECTOR: Victor Q. Torres 
Director, Development Services Department

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

CITY CLERK DEPT.

RESOLUTION

08 DEC 22 AM 11:12

WHEREAS, on March 5, 2003, RKBT Enterprises, Ltd. applied for a Special Permit under Section 20.42.040.L of the El Paso Municipal Code to allow the off-street parking requirements of Section 20.64.170 to be satisfied by off-site parking; and,

WHEREAS, the City Council granted **Special Permit No. SU-02032** to allow for off-street parking, but provided that if at any time the Applicant failed to comply with any of the requirements of the Special Permit, that the Special Permit shall be subject to automatic termination; and,

WHEREAS, RKBT Enterprises no longer owns the property and the current property owner no longer has a need for off-street parking; and,

WHEREAS, the City wishes to exercise the automatic termination provisions contained in the Special Permit,

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

That the City authorizes the Deputy Director of Development Services, Planning Department, to take the necessary steps to terminate **Special Permit No. SU-02032** granted to RKBT Enterprises, Ltd on March 5, 2003.

ADOPTED this _____ day of January, 2009.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

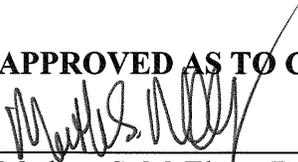
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:



Mathew S. McElroy, Deputy Director
Development Services Department
Planning Division



**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

MEMORANDUM

DATE: December 19, 2008

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

FROM: Tony De La Cruz, Planner

SUBJECT: ZON08-00112

The City of El Paso is requesting the release of special permit for the properties located at 1000, 1008 and 1010 Myrtle Avenue (Parcel I) and 1000 Texas Avenue (Parcel II). On March 23, 2003 RKBT Enterprises LTD., was granted special permit No. SU-02032 via ordinance No.15381, which allowed for off-street on-site parking requirements for the property located on 1000 Texas Avenue to be met off-site on the properties located at 1000, 1008 and 1010 Myrtle Avenue.

The special permit stipulated that if at any time the off-site, off-street parking spaces described within the ordinance are not available to fulfill the parking requirements described within the ordinance, or if the applicant fails to comply with any of the requirements of the Ordinance, Special Permit No. SU-02032 shall be subject to automatic termination; construction or occupancy shall be discontinued; and the applicant shall be subject to penalty provisions of Chapter 20.68 and any other legal or equitable remedy.

The Development Services Department, Planning Section, recommends approval of the release of the special permit as Parcel I was not developed to the standards indicated within the detailed site development plan. And as per section 20.42.040i; the parking area shall be owned or leased by the same property owner who operates the use generating the off-street parking requirement, and any leasehold interest in the parking area shall be validly held for the duration of the use.

Attachments: Staff Report, Aerial Map, Special Permit



City of El Paso – Staff Report

Case No: ZON08-00112
Application Type Release of Special Permit
Staff Planner Tony De La Cruz, 915-541-4329, delacruzja@elpasotexas.gov

Location Parcel 1: 1000, 1008 and 1010 Myrtle Avenue
Parcel 2: 1000 Texas Avenue

Legal Description Parcel 1: Lots 1 to 3 & west 20 feet of 4, Lots 5 & east 5 feet of 4, Lots 6 & west 15 feet of 7, Block 1, Franklin Heights Addition, City of El Paso, El Paso County, Texas
Parcel 2: Lots 1 through 16, Block 2, Franklin Heights Addition, City of El Paso, El Paso County, Texas

Acreeage Parcel 1: .4545 acres
Parcel 2: 1.1020 acres

Rep District 8

Existing Use Parcel 1: Parking Lot
Parcel 2: Vacant Commercial Building

Existing Zoning Parcel 1: C-4/H/sp (Commercial/Historic/special permit)
Parcel 2: C-4/sp (Commercial/special permit)

Request Parcel 1: C-4/H/sp (Commercial/Historic/special permit) to C-4/H (Commercial/Historic)
Parcel 2: C-4/sp (Commercial/special permit) to C-4 (Commercial)

Property Owners Centro De Salud Familiar La Fe
Applicant City of El Paso
Representative City of El Paso

SURROUNDING ZONING AND LAND USE

North: C-4 (Commercial)
South: A-3/H (Apartment/Historic)
East: C-4/H (Commercial/Historic)
West: C-4 (Commercial)

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

NEAREST PARK: Calendar Park (2,055 feet)
NEAREST SCHOOL: Alamo Elementary (2,330 feet)

NEIGHBORHOOD ASSOCIATIONS: Public Notification was sent to the El Paso Central Business Association & the Magoffin Neighborhood Association on December 3, 2008.

APPLICATION DESCRIPTION

The City of El Paso is requesting a release of the special permit to change the zoning of Parcel I from C-4/H/sp (Commercial/Historic/special permit) to C-4/H (Commercial/Historic) and Parcel II from C-4/sp (Commercial/special permit) to C-4 (Commercial). Parcel I consist of .4545 acres in size, is presently occupied by parking lot. Parcel II consists of 1.1020 and is presently occupied by a vacant commercial building. The zoning condition currently imposed on the parcels is via a special permit request, No. SU-02032, to allow for parking for 1000 Texas Avenue to be met off-site on 1008 and 1010 Myrtle Avenue which, was approved via Ordinance No. 15381 dated March 23, 2003.

CASE HISTORY

The subject properties were previously granted a special permit request, No. SU-02032, to satisfy parking requirements for Parcel II, known as 1000 Texas Avenue, by allowing off-site parking on Parcel I known as 1008 and 1010 via Ordinance No. 15381 dated March 23, 2003.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of the release of the special permit request of Parcel I and II.

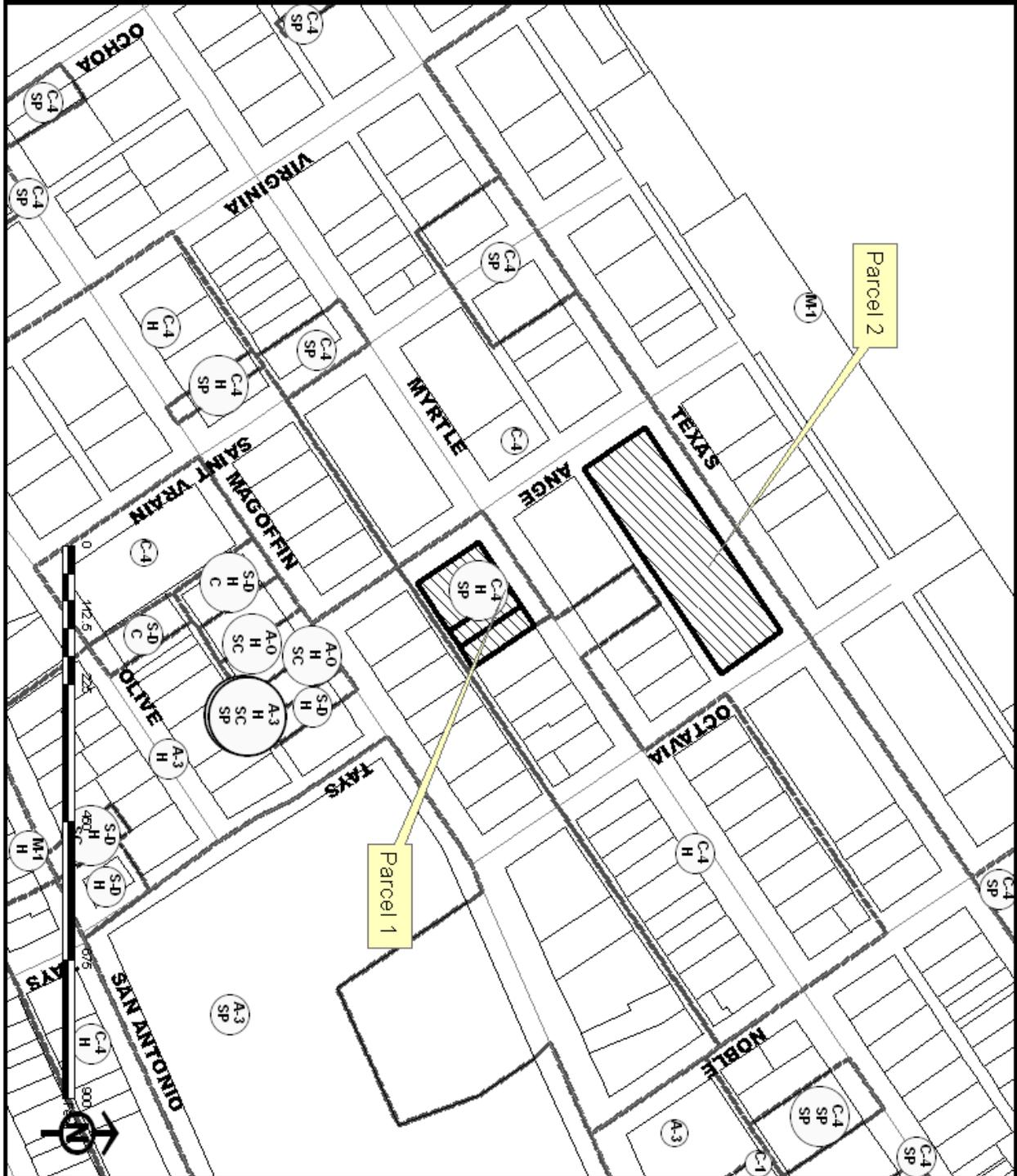
Development Services Department – Planning Division:

Current Planning: Recommends **approval** of the release of the special permit request of Parcel I from C-4/H/sp (Commercial/Historic/special permit) to C-4/H (Commercial/Historic) and Parcel II from C-4/sp (Commercial/special permit) to C-4 (Commercial).

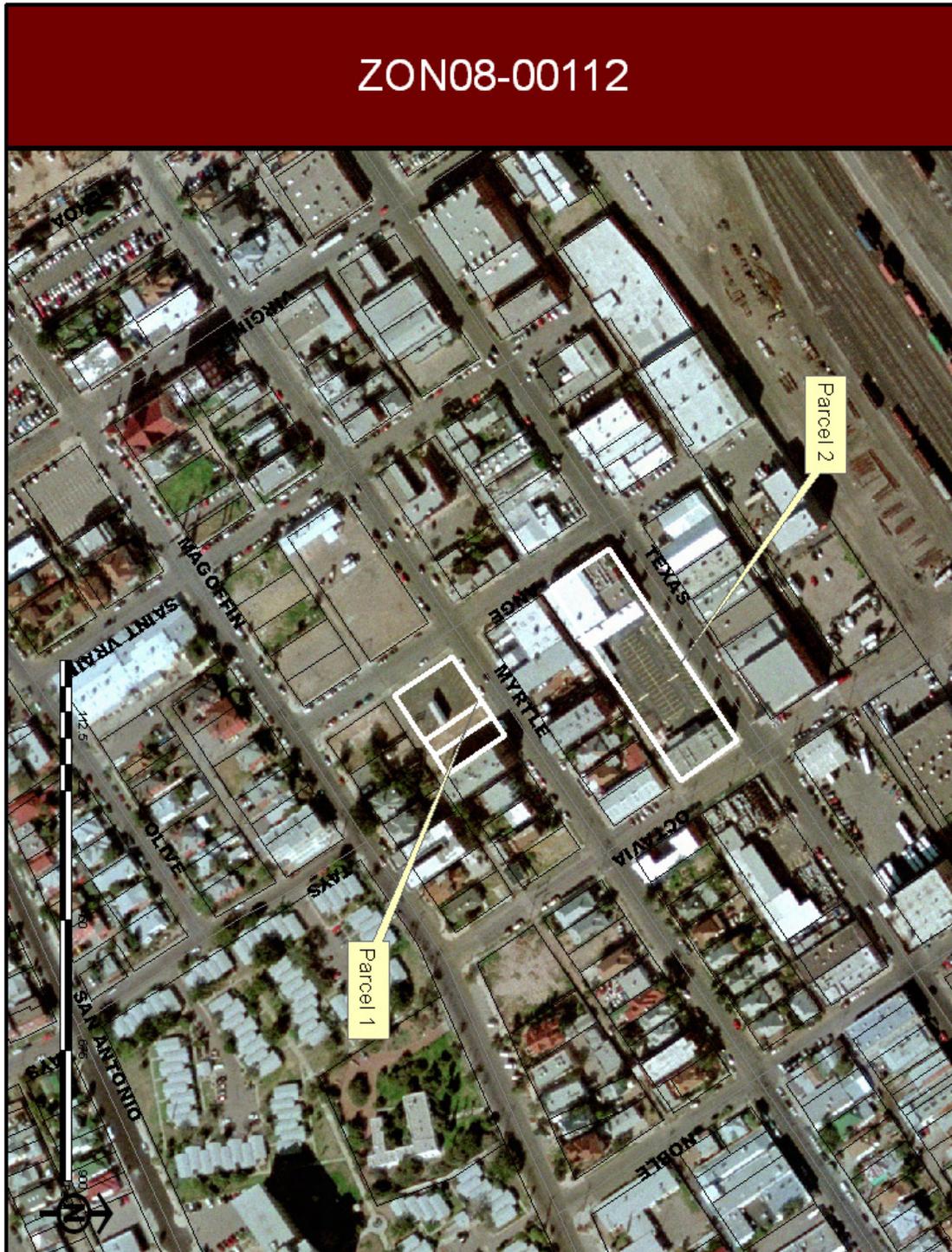
Attachments

1. Aerial Map
2. Special Permit

ZON08-00112



ATTACHMENT 1: AERIAL MAP



ATTACHEMENT 2: SPECIAL PERMIT

23C

15381

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO.SU-02032 TO SATISFY PARKING REQUIREMENTS FOR PARCEL I, DESCRIBED AS A PORTION OF BLOCK 2, FRANKLIN HEIGHTS (1000 TEXAS AVENUE) BY ALLOWING OFF-SITE, OFF-STREET PARKING ON PARCEL II, DESCRIBED AS LOTS 5 & 6 AND PORTIONS OF LOTS 4 & 7, BLOCK 1, FRANKLIN HEIGHTS (1008 & 1010 MYRTLE STREET), ALL WITHIN EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.28.040.N. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, **RKBT Enterprises, Ltd.** has applied for a Special Permit under Section 20.42.040.L of the El Paso Municipal Code to allow the off-street parking requirements of Section 20.64.170 to be satisfied off-site;

WHEREAS, the requirements of Section 20.64.170 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 I, which is described as *a portion of Block 2, FRANKLIN HEIGHTS, El Paso, El Paso County, Texas*, and which is municipally known as 1000 Texas Avenue, is in a C-4 (Commercial) District which requires an additional forty-nine off-street parking spaces under Section 20.64.170 of the El Paso Municipal Code;

2. That the City Council hereby grants a Special Permit under Section 20.28.040.N of the El Paso Municipal Code so that the off-street parking requirements described in Paragraph 1 of this Ordinance may be partially satisfied off-site as described in Paragraph 3 of this Ordinance;

3. That Parcel II, which is described as *Lots 5 & 6 and portions of Lots 4 & 7, Block 1, FRANKLIN HEIGHTS, El Paso, El Paso County, Texas*, and which is municipally

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ORDINANCE NO. _____

Special Permit #SU-02032

ATTACHMENT 2: SPECIAL PERMIT CONTINUED

known as 1008 & 1010 Myrtle Street, is in a C-4/H (Commercial/Historic) district and is located on a separate site from the property described in Paragraph 1 of this Ordinance;

4. That the City Council hereby grants a Special Permit under Section 20.42.040.L so that the property 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 **C-4/H (Commercial/Historic)** 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-site, 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. SU-02032**, 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 25th day of **March, 2003**.

THE CITY OF EL PASO



Raymond C. Caballero
Mayor

ATTEST:


Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:


Matt Watson
Assistant City Attorney

APPROVED AS TO CONTENT:


Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

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2/21/03

ORDINANCE NO. _____

Special Permit #SU-02032

ATTACHMENT 2: SPECIAL PERMIT CONTINUED

AGREEMENT

RKBT Enterprises, Ltd., the Applicant referred to in the attached Ordinance Number _____, hereby agrees to develop the property legally described as *a portion of Block 2, FRANKLIN HEIGHTS, El Paso, El Paso County, Texas (Parcel 1) and Lots 5 & 6 and portions of Lots 4 & 7, Block 1, FRANKLIN HEIGHTS, El Paso, El Paso County, Texas (Parcel 2)* in accordance with the approved Site Development Plan, attached hereto as Exhibit "A" and incorporated herein by reference for all purposes, and in accordance with the standards identified in the **C-4/H (Commercial/Historic)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 10th day of March, 2003.

APPLICANT: **RKBT ENTERPRISES, LTD.**

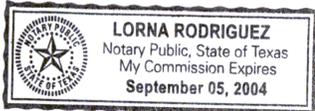
By: *Bill Terrell*
BILL TERRELL owner
(printed name/title)

Acknowledgment

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 10th day of March, 2003, by Bill Terrell as owner on behalf of **RKBT ENTERPRISES, LTD.**, as Applicant.

My Commission Expires:
September 5, 2004



Lorna Rodriguez
Notary Public, State of Texas
Notary's Printed or Typed Name:
LORNA RODRIGUEZ

MW#89996ZON/PLAY7

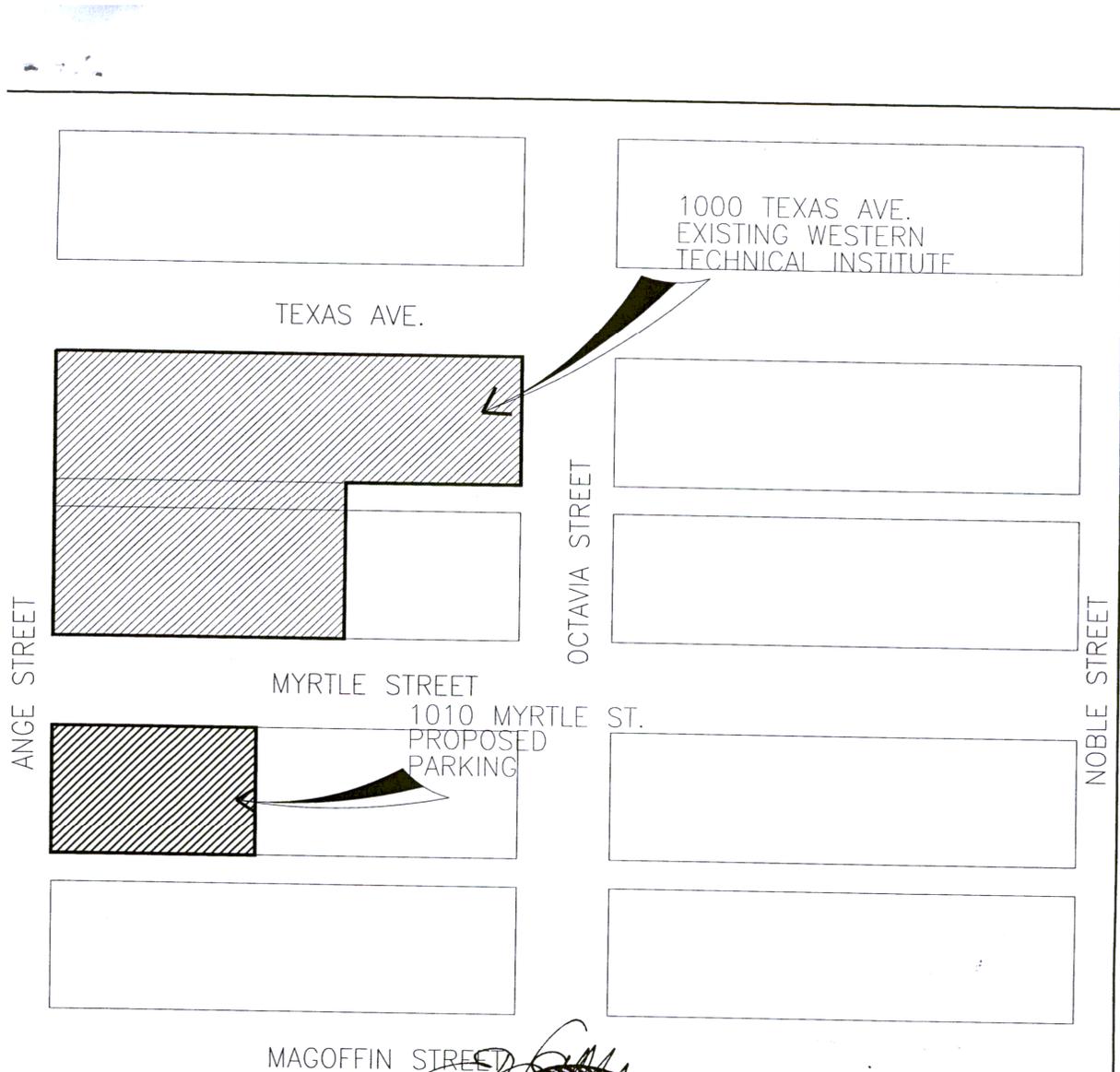
3

2/21/03

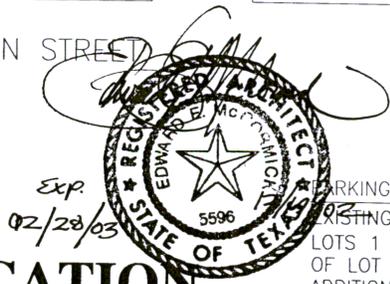
ORDINANCE NO. _____

Special Permit #SU-02032

ATTACHMENT 2: SPECIAL PERMIT CONTINUED



MAGOFFIN STREET



PARKING LEGAL DESCRIPTION
 EXISTING PARKING:
 LOTS 1 THRU 6 PLUS 15' OF 7
 OF LOT 4 BLOCK 1 FRANKLIN HEIGHTS
 ADDITION, CITY OF EL PASO,
 EL PASO COUNTY TEXAS

PARKING LOCATION

SCALE: 1" = 120'-0"

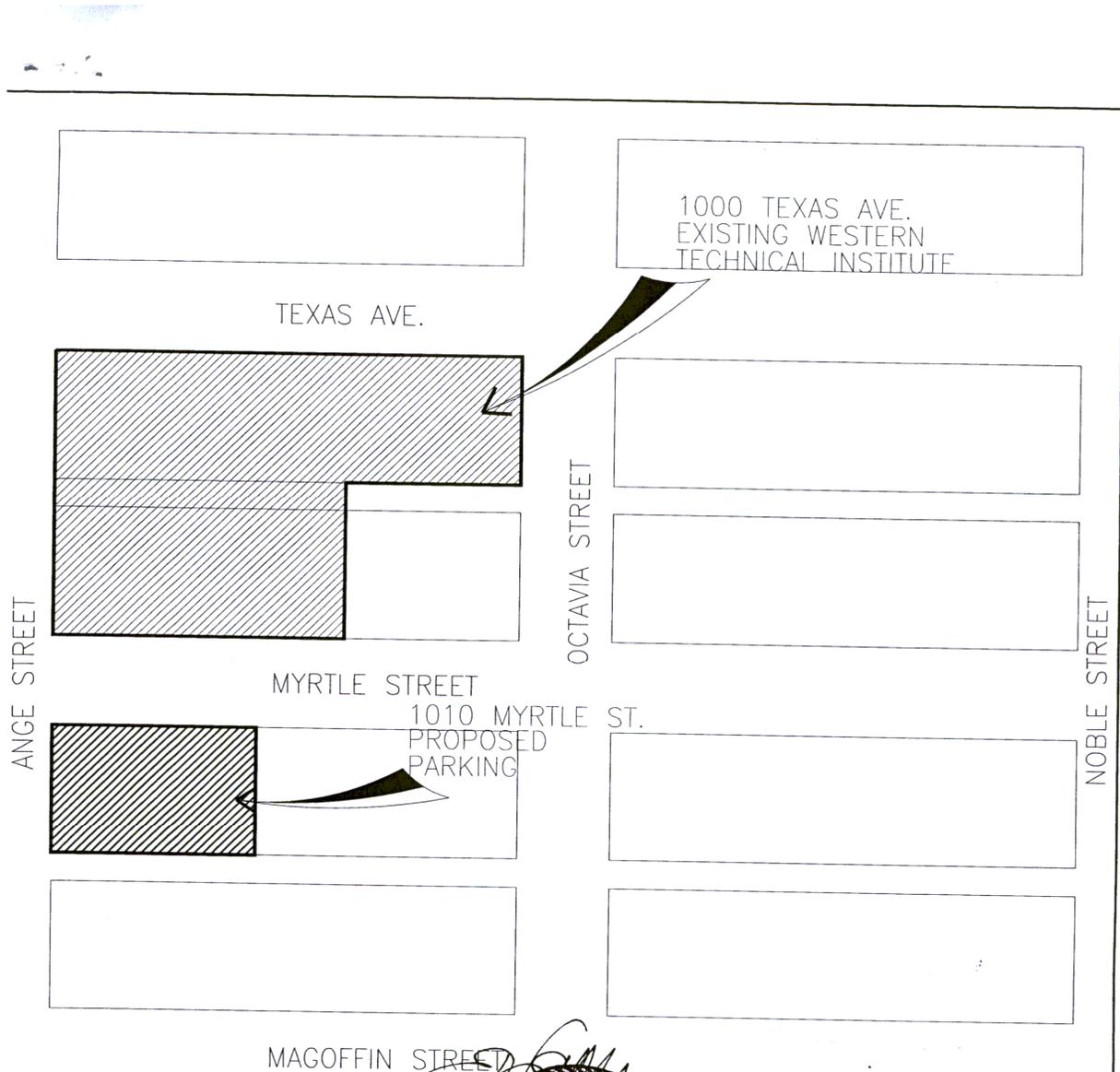
McCORMICK
ARCHITECTURE

4110 RIO BRAVO, SUITE 206
 BUS. (915) 533-2288

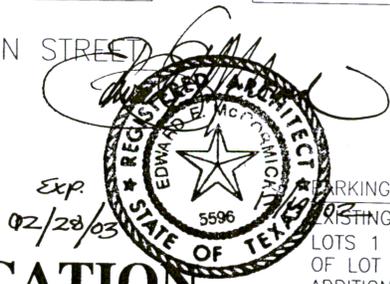
EL PASO, TEXAS 79902
 FAX (915) 533-2280

PROJECT: WESTERN TECHNICAL INSTITUTE	
ADDITIONAL PARKING	
REFERENCE: .	NO.: 21003
DESCRIPTION: SK-1	DATE: 8-30-02
	SHEET: 2 OF 2

ATTACHMENT 2: SPECIAL PERMIT CONTINUED



MAGOFFIN STREET



PARKING LEGAL DESCRIPTION
 EXISTING PARKING:
 LOTS 1 THRU 6 PLUS 15' OF 7
 OF LOT 4 BLOCK 1 FRANKLIN HEIGHTS
 ADDITION, CITY OF EL PASO,
 EL PASO COUNTY TEXAS

PARKING LOCATION

SCALE: 1" = 120'-0"

McCORMICK
ARCHITECTURE

4110 RIO BRAVO, SUITE 206
 BUS. (915) 533-2288

EL PASO, TEXAS 79902
 FAX (915) 533-2280

PROJECT: WESTERN TECHNICAL INSTITUTE	
ADDITIONAL PARKING	
REFERENCE: .	NO.: 21003
DESCRIPTION: SK-1	DATE: 8-30-02
	SHEET: 2 OF 2