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

DEPARTMENT: **City Development Department, Planning Division**

AGENDA DATE: **Introduction: September 10, 2013**
Public Hearing: October 1, 2013

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

DISTRICT(S) AFFECTED: 8

SUBJECT:
An Ordinance changing the zoning of a Portion of South ½ of Block 61, Cotton Addition, 1519 Myrtle, City of El Paso, El Paso County, Texas from M-1 (Manufacturing) to C-3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1519 Myrtle. Property Owner: Javier O. Ramos. PZRZ13-00020 **(District 8)**

BACKGROUND / DISCUSSION:
Staff report attached.
CPC Minority Report attached.
Staff presentation attached.

PRIOR COUNCIL ACTION:
N/A

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
City Plan Commission (CPC) – Approval Recommendation (3-2)

*********************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 CHANGING THE ZONING OF A PORTION OF SOUTH ½ OF BLOCK 61, COTTON ADDITION, 1519 MYRTLE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (MANUFACTURING) TO C-3 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, the zoning of **a Portion of South ½ of Block 61, Cotton Addition, 1519 Myrtle**, *located in the City of El Paso, El Paso County, Texas,* and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **M-1 (Manufacturing) to C-3 (Commercial)** as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF EL PASO

_____
Oscar Leeser
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

#197644/13-1007-812 – Rezoning- 1519 Myrtle

ORDINANCE NO. _____

Zoning Case No: PZRZ13-00020

EXHIBIT "A"

Barragan & Associates, Inc.
Land Planning & Land Surveying
10950 Pellicano Drive, Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

METES AND BOUNDS DESCRIPTION
1519 Myrtle Avenue

Description of a parcel of land being the same as described in volume 2039, page 511, Real Property Records of El Paso County, Texas and being a portion of the south half of Block 61, Cotton Addition, an addition to the City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING for reference at an existing city monument at the monument line intersection of Bassett Avenue and Dallas Street, from WHENCE an existing city monument at the monument line intersection of Texas Avenue and Dallas Street bears N 00°03'27" E (Bearing Basis), along the monument line of Dallas Street, a distance of 660.29 feet; **THENCE**, N 51°17'48" W, a distance of 568.95 feet to a found 1/2" rebar with cap on the northerly right-of-way of Myrtle Avenue for the common southerly corner of a parcel of land as described in document number 20100000432 and said parcel in volume 2039, page 511, said rebar also being the **POINT OF BEGINNING** of this parcel.

THENCE, N 89°57'18" W, along said northerly right-of-way of Myrtle Avenue, a distance of 65.00 feet to a set nail for the common southerly corner of a parcel of land as described in volume 2061, page 2335 and said parcel in volume 2039, page 511;

THENCE, N 00°03'27" E, along common line of said parcels in volume 2061, page 2335 and volume 2039, page 511, a distance of 120.00' feet to a set nail on the southerly right-of-way of a 20 foot alley;

THENCE, S 89°57'18" E, along said southerly right-of-way of a 20 foot alley, a distance of 65.00 feet to a set nail for the common northerly corner of said parcels in volume 2039, page 511, and document number 20100000432;

THENCE, S 00°03'27" W, along the common line of said parcels in volume 2039, page 511, and said document number 20100000432, a distance of 120.00 feet to the **POINT OF BEGINNING** of this land, containing in all 7,800 sq. ft. or 0.18 acres of land more or less.

NOTES:
1. This property may be subject to easements whether of record or not.
2. Bearings recited herein are based on the warranty deed in volume 2039, page 511.
3. This description does not intent to be a subdivision process which may me required by City of Socorro, and it is the client's/owner's responsibility to comply with this ordinance if required, and shall not be used to conveyed property.
4. A Plat of Survey dated 11-22-12 accompanies this description.

Benito Barragan TX R.P.L.S. 5615, December 1, 2012
1519 MYRTLE

STATE OF TEXAS
REGISTERED
BENITO BARRAGAN
5615
PROFESSIONAL
LAND SURVEYOR

MEMORANDUM

DATE: August 26, 2013

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

FROM: Michael McElroy, Planner

SUBJECT: **PZRZ13-00020**

The City Plan Commission (CPC), on July 25, 2013, voted 3-2 to recommend **approval** of rezoning the subject property from M-1 (Manufacturing) to C-3 (Commercial).

Commissioners Nance and Brandrup dissented from the Commission's majority decision. A minority report is attached.

The CPC found that the rezoning is in conformance with Plan El Paso. The CPC also determined that the rezoning protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the rezoning will have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was one letter in opposition to this request.

Attachment:
Staff Report
CPC Minority Report
Staff Presentation

City of El Paso – City Plan Commission Staff Report
REVISED

Case No:	PZRZ13-00020
Application Type	Rezoning
CPC Hearing Date	July 25, 2013
Staff Planner	Michael McElroy, (915) 541-4238, mcelroyms@elpasotexas.gov
Location	1519 Myrtle
Legal Description	Portion of South ½ of Block 61, Cotton Addition, City of El Paso, El Paso County, Texas
Acreage	0.1791 acres
Rep District	8
Zoning	M-1 (Manufacturing)
Existing Use	Warehouse
Request	M-1 (Manufacturing) to C-3 (Commercial)
Proposed Use	Ballroom / Banquet Hall (Related to PZST13-00012)
Property Owner	Javier O. Ramos
Representative	Carlos Renteria

SURROUNDING ZONING AND LAND USE
North: M-1 (Manufacturing) / Retail
South: M-1 & C-3/sp/sp (Manufacturing / Commercial/special permit/special permit) / Church
East: M-1 (Manufacturing) / Parking & Retail
West: M-1 (Manufacturing) / Junk Yard

PLAN EL PASO DESIGNATION: G-7, Industrial and/or Railyards (Central Planning Area)
NEAREST PARK: Proposed Park (2,422 feet)
NEAREST SCHOOL: Douglass Elementary (3,457feet)

NEIGHBORHOOD ASSOCIATIONS
El Paso Central Business Association, Familias Unidas del Chamizal

NEIGHBORHOOD INPUT
Notices of the July 25, 2013 public hearing were mailed to all property owners within 300 feet of the subject property on July, 10 2013. The Planning Division received one letter in opposition to the request.

APPLICATION DESCRIPTION
The applicant is requesting a rezoning from M-1 (Manufacturing) to C-3 (Commercial) to permit the operation of a ballroom and banquet hall. Access is from Myrtle. (Related to PZST13-00012)

CITY DEVELOPMENT DEPARTMENT -PLANNING DIVISION RECOMMENDATION
The Planning Division recommends **approval** of the rezoning from M-1 (Manufacturing) to C-3 (Commercial).

Plan El Paso-Future Land Use Map Designation
All applications for rezoning shall demonstrate compliance with the following criteria:

G-7 – Industrial and/or Railyards: This sector applies to industrial parks, large free-standing industrial uses,

refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso's economy; however, when an industrial use becomes obsolete, there can be potential for mixed use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mix-use communities if the rail yards were moved out of town.

The purpose of the M-1 (Light Industrial) district is to provide light-intensity industries involving manufacturing, assembling, distribution and warehousing while supporting commercial uses and to preserve a light industrial nature particularly with regard to noise, smoke, odors, dust, vibrations and other noxious conditions.

The purpose of the C-3 (Commercial) is to provide goods or render services which are used in support of the community's trade and service establishments and serving multi-neighborhoods. Permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

COMMENTS:

City Development Department - Planning Division - Transportation
No objections

City Development Department – Planning Division - Land Development
No Objection. Grading plan and permit shall be required.* Storm Water Pollution Prevention Plan and/or permit required.* Drainage plans must be approved by the City Development Dept. Land Development Section.* * This requirement will be applied at the time of development.

City Development Department – Building Permits & Inspections Division
Landscape not required for this project unless the building is increased in size.

El Paso Fire Department
No objections

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

EPWU-PSB Comments

Water:
Along the alley located between Myrtle Street and Texas Street east of Cotton Street there is an existing four (4) inch diameter water main. This main dead-ends at approximately 345 feet east of Cotton Street.

Along Myrtle Street between Cotton Street and Dallas Street there is an existing twelve (12) inch diameter water main.

Previous water pressure readings conducted on fire hydrant number 1733 located at the corner of Cotton Street and Myrtle Street have yielded a static pressure of 90 pounds per square inch (psi), residual pressure of 80 psi, discharge of 919 gallons per minute (gpm).

Sanitary Sewer:
Along the alley located between Myrtle Street and Texas Street east of Cotton Street there is an existing eight (8) inch diameter sanitary sewer main.

Along Myrtle Street between Cotton Street and Dallas Street there are no existing sanitary sewer mains.

General
As per EPWU-PSB Records 1519 Myrtle has a single three-quarter (3/4) inch diameter water service.

If the City of El Paso Fire Department requires additional fire hydrants on Public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

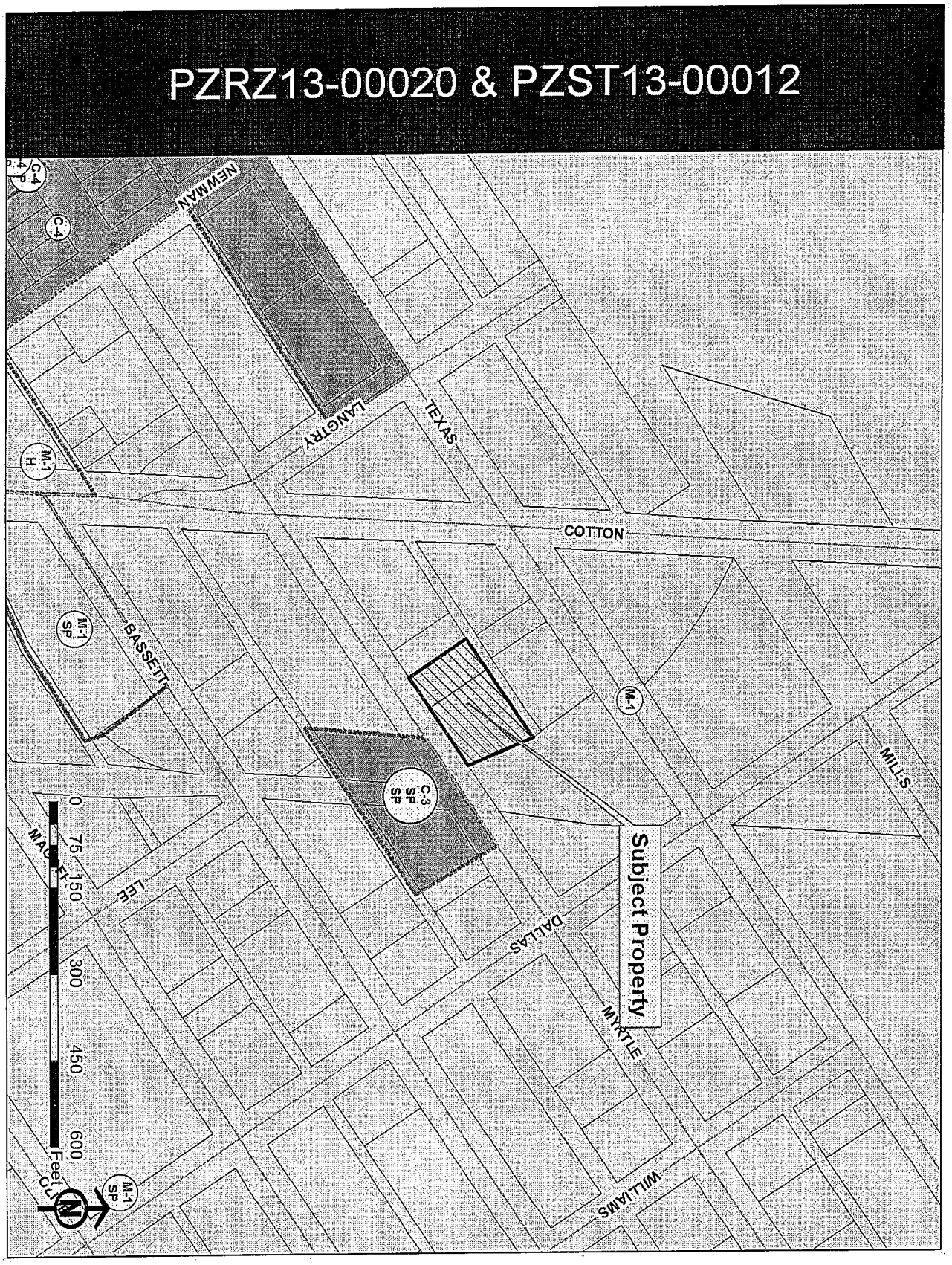
Application for water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description 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 and sanitary sewer 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 change of zoning application:

1. Recommend approval of the application finding that the rezoning 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 rezoning 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 rezoning 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.

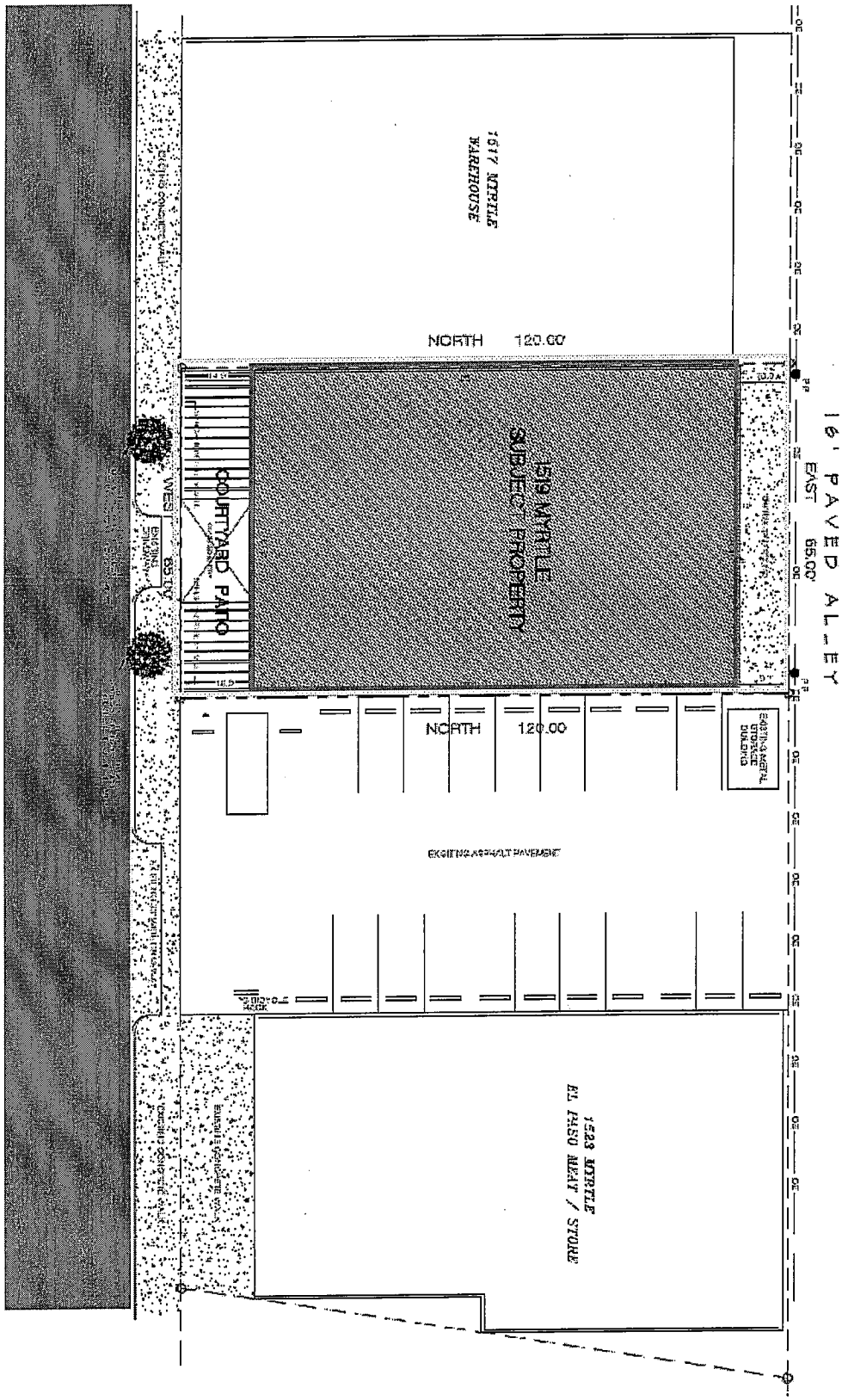
Attachments:
Attachment 1: Zoning Map
Attachment 2: Aerial Map
Attachment 3: Detailed Site Development Plan
Attachment 4: Opposition Letter

ATTACHMENT 1: LOCATION MAP



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: OPPOSITION LETTER

CONGREGACION AMOR DE DIOS, INC.

1620 MYRTLE AVE. EL PASO, TX. 79901
(915) 532-2311 & (915) 253-6490
JULY 23, 2013

TO: DEPT. OF PLANNING RESEARCH AND DEVELOPMENT
RE: CASE # PZRZ 13-00020 & PZST 13-00012

YO, DR. MIGUEL BARRAGAN PASTOR DE LA CONGREGACION AMOR DE DIOS Y RESIDENTE DEL 1225 BOIS D'ARC DR. EN EL PASO, TX. 79925 JUNTAMENTE CON LA MESA DE DIRECTORES QUE COMPONEMOS LA AUTORIDAD ECLESIASTICA DE NUESTRA CONGREGACION, HEMOS RECIBIDO UNA CARTA DE NOTIFICA - CION PARA UN PERMISO ESPECIAL DE REDUCCION DE ESTACIONAMIENTO PARA LA APERTURA DE UN SALON DE EVENTOS, Y OTRO PERMISO PARA CAMBIO DE ZONA EN EL 1619 MYRTLE AVE.

NOSOTROS COMO IGLESIA SOMOS PORTADORES DE UN PERMISO TRAMITADO PARA LA REDUCCION DE ESTACIONAMIENTO, INCLUSO SE PAGO PARA HACER UN ESTUDIO DE TRAFICO AL DERREDOR DE NUES - TRAS INSTALACIONES REQUERIDO POR USTEDES, MISMO QUE FUE OTORGADO POR ESTE AMADO Y RES - PETADO DEPARTAMENTO, BAJO EL NUMERO DE PERMISO #SU - 0202418, CON EN LA FECHA DEL DÍA 18 DE AGOSTO, 2003 (ORDINANCE 15379).

DECLARO QUE NO ESTAMOS MUY DE ACUERDO EN QUE SE OTORGUE EL PERMISO, PUES VEO ALGUNAS COSAS QUE, CREO, NO NOS SERIAN DAÑINOS PARA LA IGLESIA QUE REPRESENTAMOS, ESTAS SON:

1- QUE LAS ACTIVIDADES QUE TENEMOS COMO IGLESIA, REQUIEREN DEL ESPACIO PARA EL ESTACIONAMIENTO LOS DIAS MARTES, VIERNES, Y DOMINGO, AÑADIENDO LOS DIAS ESPECIALES DE REUNIONES DE CELEBRACION QUE ACOSTUMBRAMOS A TENER **DENTRO DE** EL AREA DE NUESTRO PROPIEDAD Y EXPLICITAMENTE, EL ESTACIONAMIENTO.
2- QUE SI HUBIERA UN EVENTO EN UN VIERNES O SABADO POR EJEMPLO, COINCIDIRIAMOS EN QUERER USAR LOS ESPACIOS DE LA AVENIDA MYRTLE, PUES NUESTRA IGLESIA Y LA PROPIEDAD QUE DESEA LOS PERMISOS ESPECIALES, ESTAN UNA FRENTE A LA OTRA Y ESO SERA DE VERDAD UN POCO CAOTICO Y PODRIA SUCITARSE ALGUN ENFRENTAMIENTO.
3- QUE EXISTIRA LA GRAN POSIBILIDAD AL MOMENTO DE ALGUNA ACTIVIDAD DEL POSIBLE SALON DE EVENTOS, DE SEGURO QUE TRATARAN LOS ASISTENTES DE USAR NUESTRAS INSTALACIONES QUE TENEMOS EN LOS TERRENOS DE LA IGLESIA.
4- QUE LAMENTABLEMENTE, Y SIN TEMOR A EQUIVOCARNOS, HABRA QUIEN CONSUMA BEBIDAS ALCOHOLICAS Y COINCIDIMOS CON UN SERVICIO DE LA IGLESIA Y UN EVENTO DE ELLOS, NO QUEREMOS QUE UNA ESCENA DESAGRADABLE QUE SEA EN CONTRA DE LA ETICA MORAL Y SOCIAL Y QUE SEA PRESENCIADA POR ALGUNA FAMILIA TALES COMO; ORINARSE EN LAS INMEDIACIONES, PRACTICA DE SEXO ILICITO DENTRO DE ALGUN AUTO ESTACIONADO, PORQUE PUEDE SUCEDER, TIRADERO DE BOTES Y/O BOTELLAS DE CERVEZA, COLILLAS DE CIGARRO, BASURA, ETC. ETC.

ESO SERIA SOLO ALGUNAS DE LAS PRINCIPALES RAZONES POR LAS QUE CREEMOS QUE SERIA MAS PERJUDICIAL QUE DE BENEFICIO, SALVO QUE LOS INTERESADOS A TRAMITAR ESTOS PERMISOS DESEEN PONER POR ESCRITO LOS SIGUIENTES PUNTOS:

A- NO PERMITIR EL ACCESO Y/O VENTA DE BEBIDAS ALCOHOLICAS EN SUS PAQUETES DE RENTA.
B- QUE EN NINGUN EVENTO DEL SALON, SE EMPALMARAN LOS HORARIOS, LOGICO, CON EL CONOCIMIENTO PREVIO DE LAS PARTES AQUÍ INVOLUCRADAS (IGLESIA – SALÓN).
C- QUE SE CONTRATE A UNA COMPAÑÍA DE SEGURIDAD CON LOS ELEMENTOS SUFICIENTES, TANTO DENTRO COMO AFUERA PARA GUARDAR EL ORDEN Y ASI EVITAR CUALQUIER TIPO DE PERCANCES. Y
D- QUE LA VIOLACION UNO DE ESTOS CUATRO PUNTOS ANTES MENCIONADOS, ENTONCES SE LE CANCELE EL O LOS PERMISOS QUE AMERITEN HACERLO, DE MANERA IRREBOCABLE.

ME DESPIDO DE ANTEMANO AGRADECIENDO LA ATENCION A ESTE ESCRITO Y ESPERO QUE LA DECISION DE PARTE DE LOS MIEMBROS DEL CONCILIO DE LA CIUDAD, SEA LA ADECUADA Y FAVORABLE PARA TODOS. DIOS LOS BENDIGA Y PROSPERE GRANDEMENTE.

DR. MIGUEL BARRAGAN
SENIOR PASTOR OF CONGREGACION AMOR DE DIOS, INC.

CITY OF EL PASO, TEXAS
CITY PLAN COMMISSION

MEMORANDUM

DATE: **August 5, 2013**

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

FROM: Larry Nance, Chair, City Plan Commission

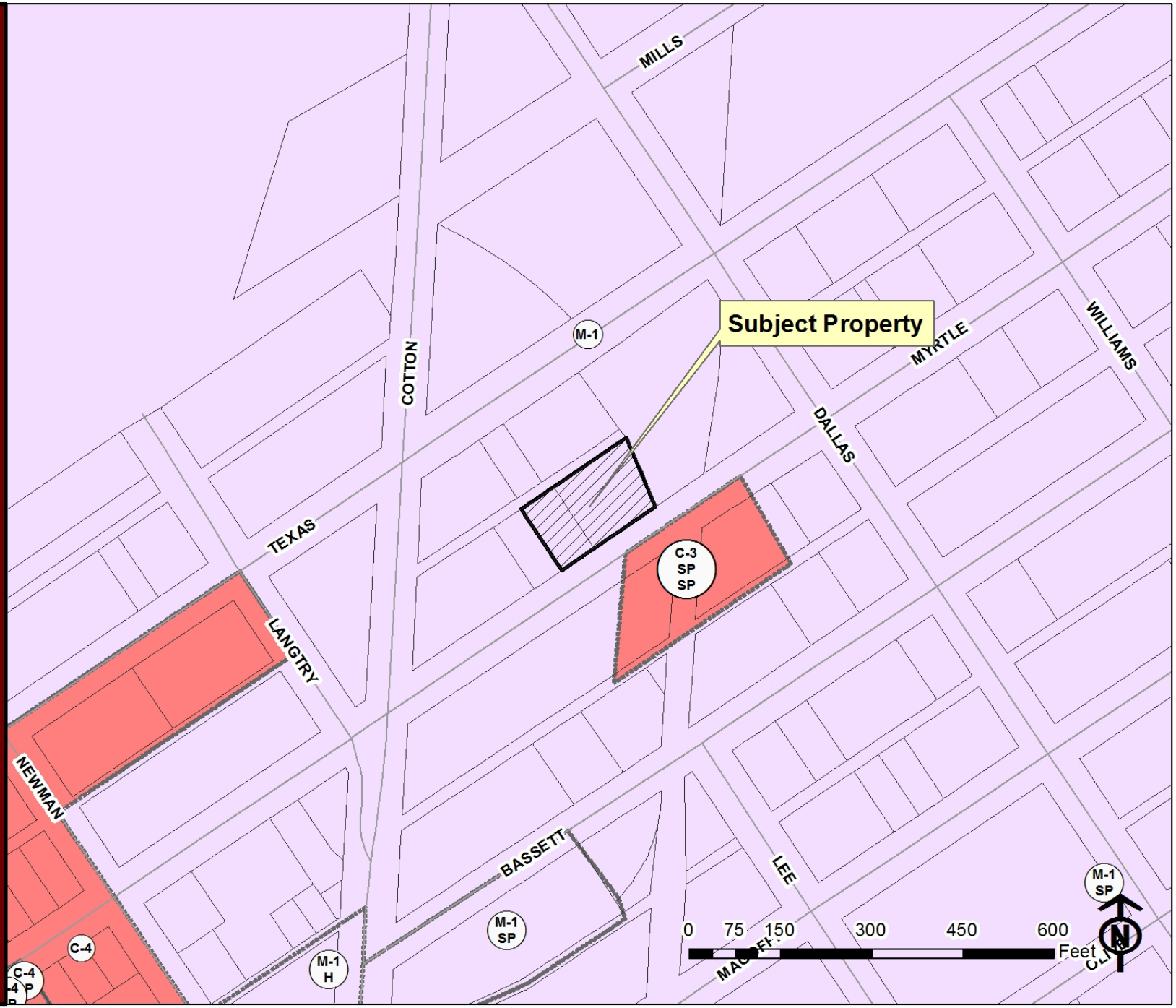
SUBJECT: **PZRZ13-00020 & PZST13-00012 – City Plan Commission Minority Report**

At the July 25, 2013 City Plan Commission meeting, a public hearing was held to consider the proposed rezoning of approximately .17 acres of land located at 1519 Myrtle from M-1 (Manufacturing) to C-3 (Commercial), as well as a special permit for 100% parking reduction and a ballroom in the C-3 zoning district. The City Plan Commission recommended approval of both applications by the City Council of the applications in a 3 to 2 vote, with Commissioner Brandrup and I being in the minority.

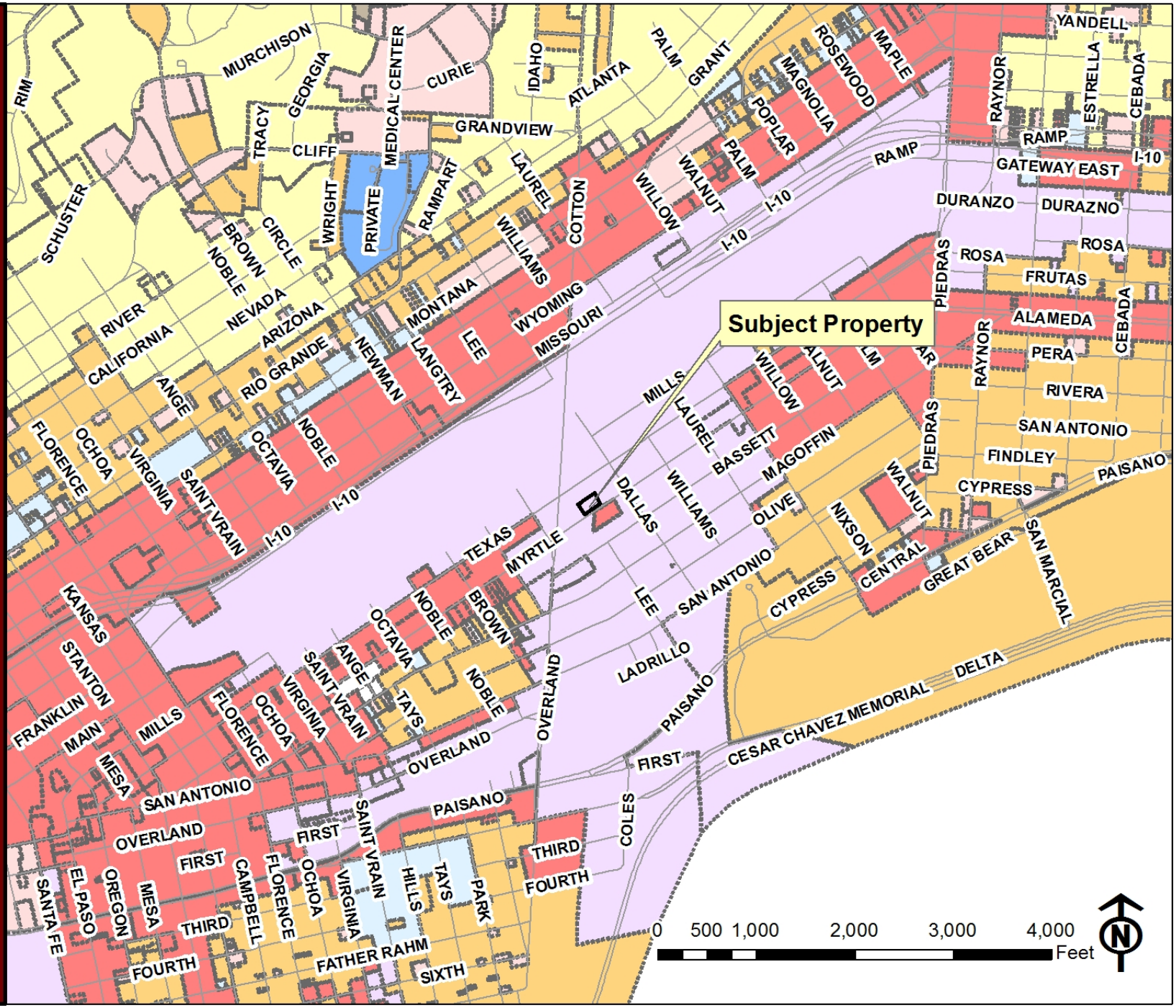
My decision not to support the motion recommending approval stems from my belief that our city's objective is to increase industry. If we eliminate existing areas for industrial uses, then it will be difficult to attract new industries and increase our tax base. This is further supported by the difficulty in upzoning properties to more intense uses, particularly manufacturing uses, making the existing industrial zoned areas of great importance.

For these reasons, I dissent from the City Plan Commission decision to recommend City Council approve rezoning case number PZRZ13-00020 and special permit case number PZST13-00012.

PZRZ13-00020 & PZST13-00012

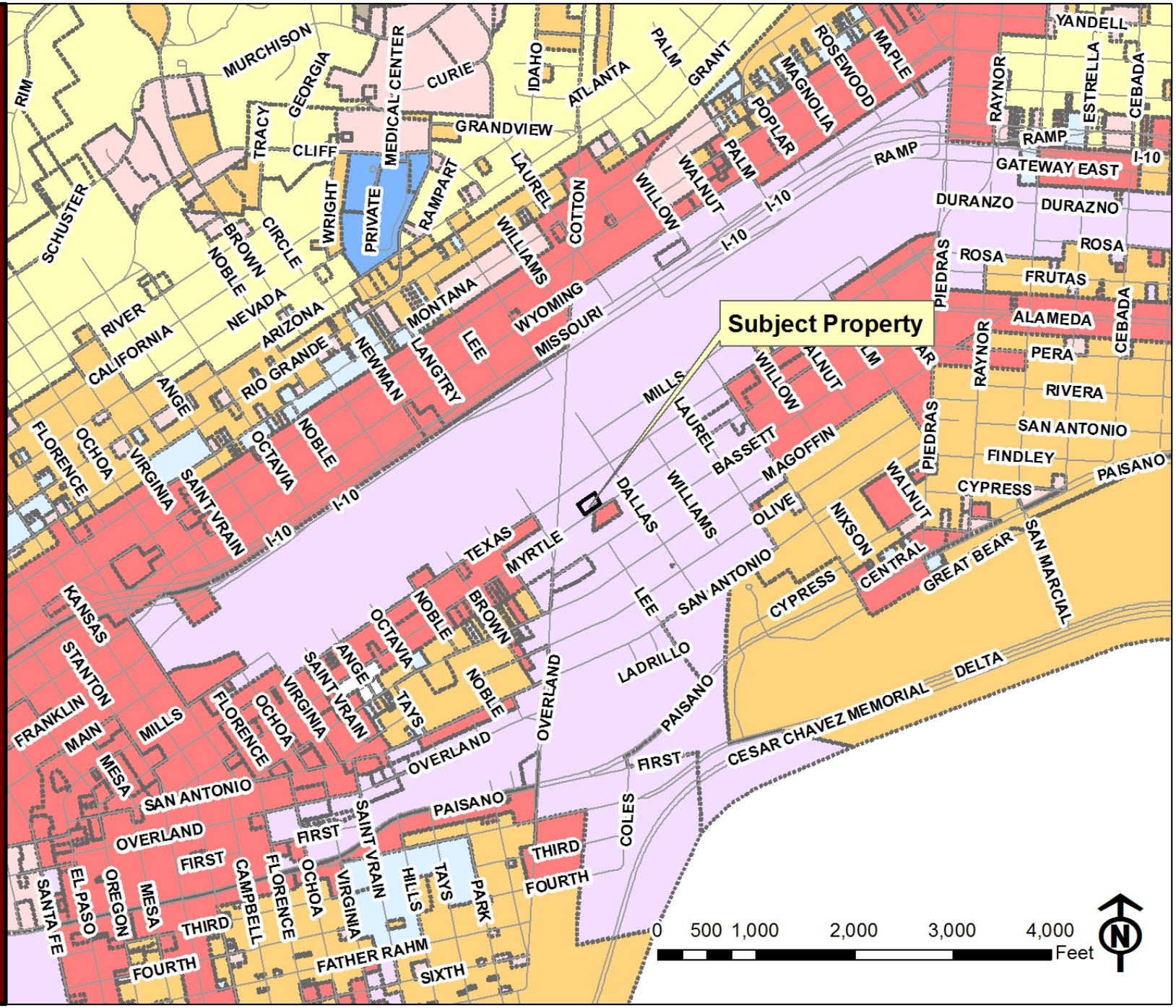


PZRZ13-00020 & PZST13-00012



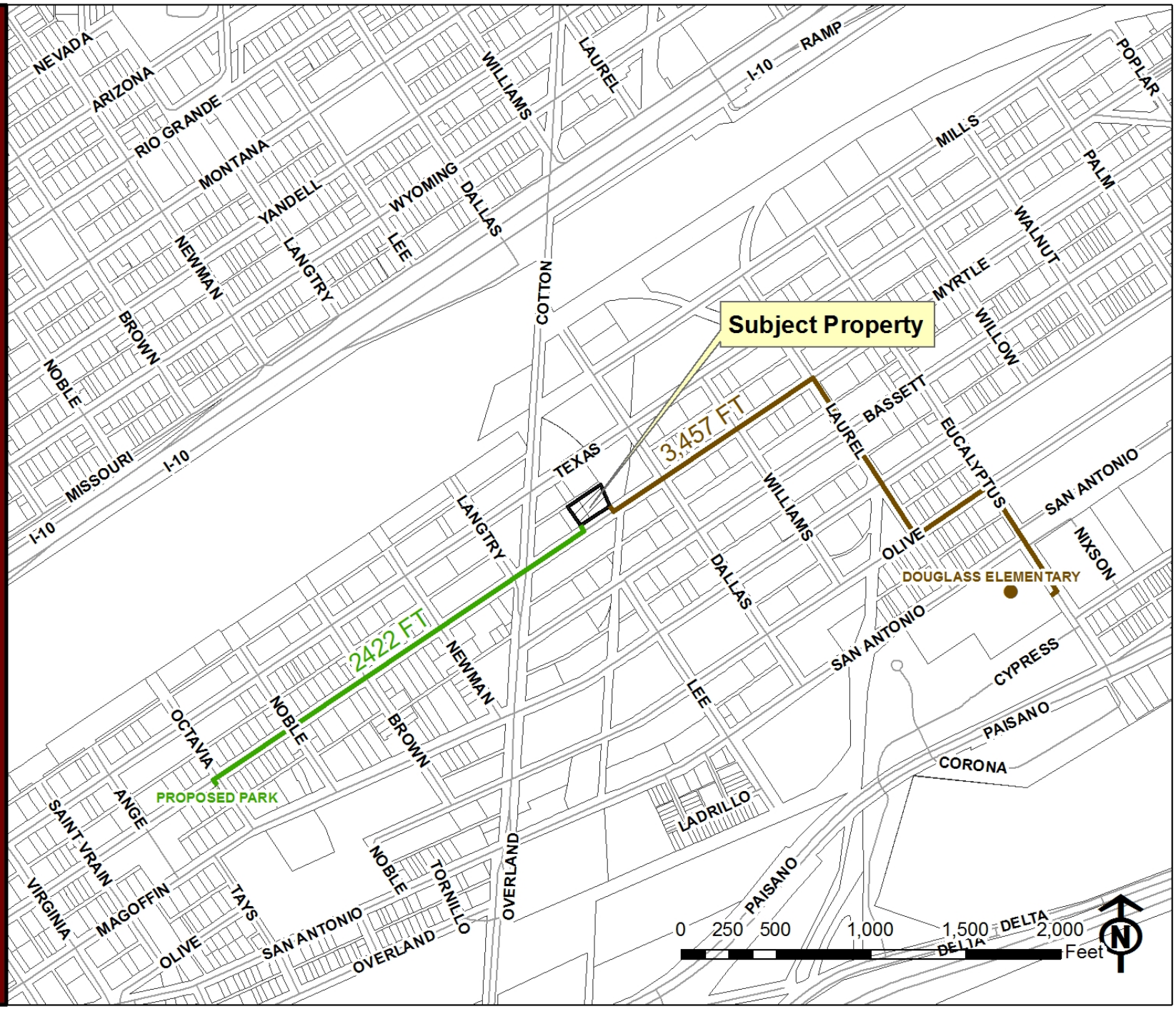
PZRZ13-00020 & PZST13-00012

PZRZ13-00020 & PZST13-00012

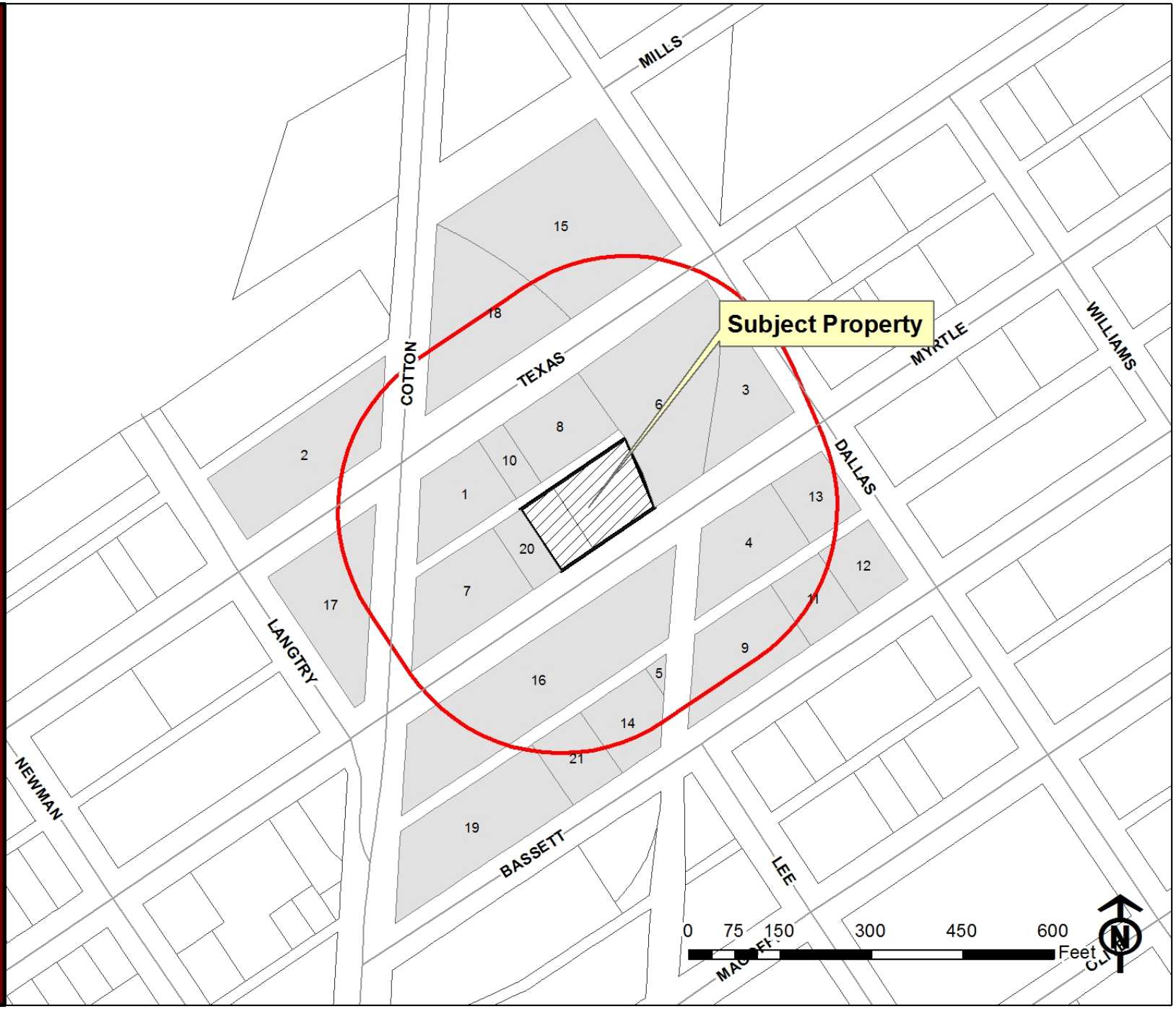


PZRZ13-00020 & PZST13-00012

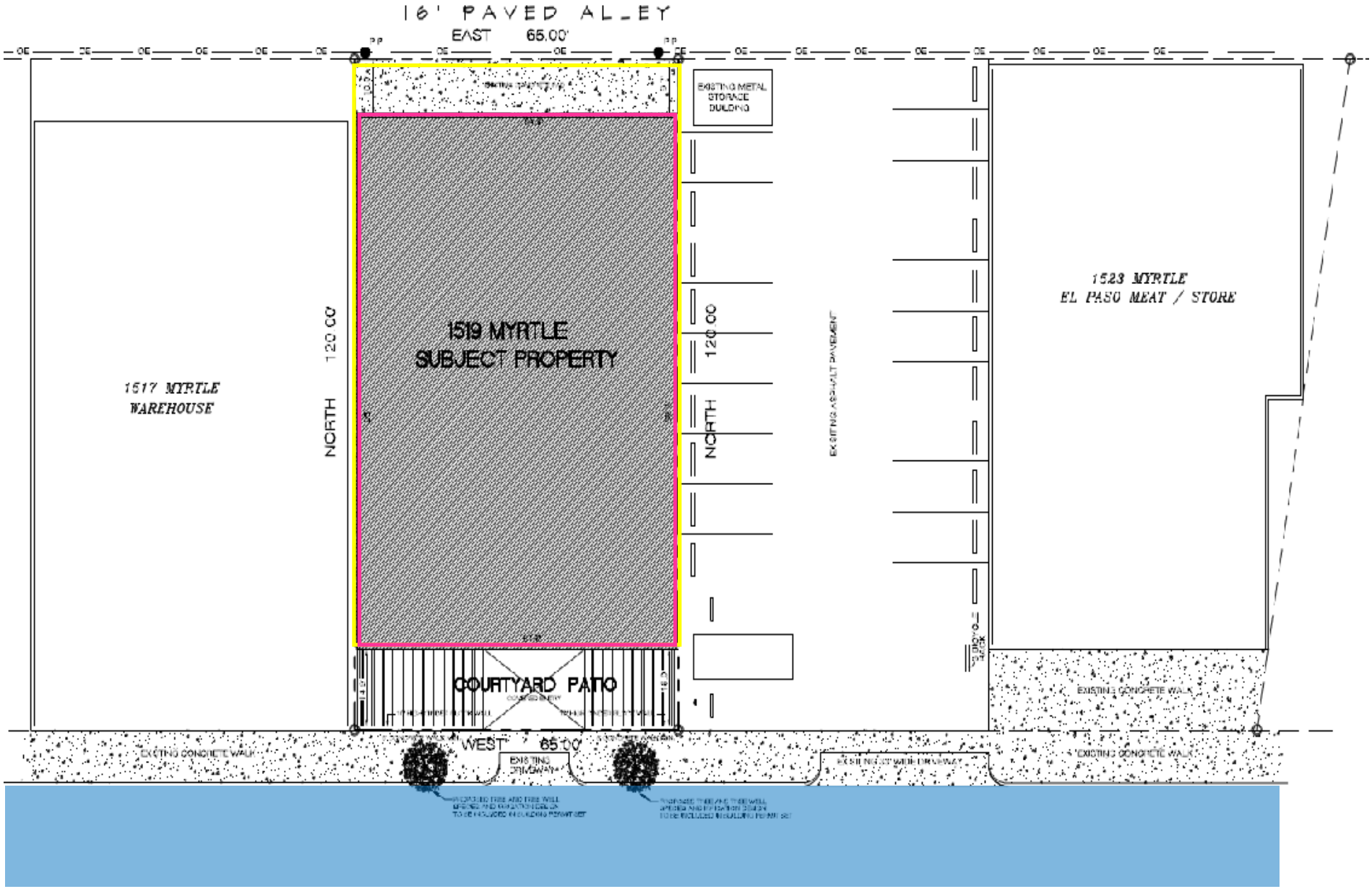
PZRZ13-00020 & PZST13-00012



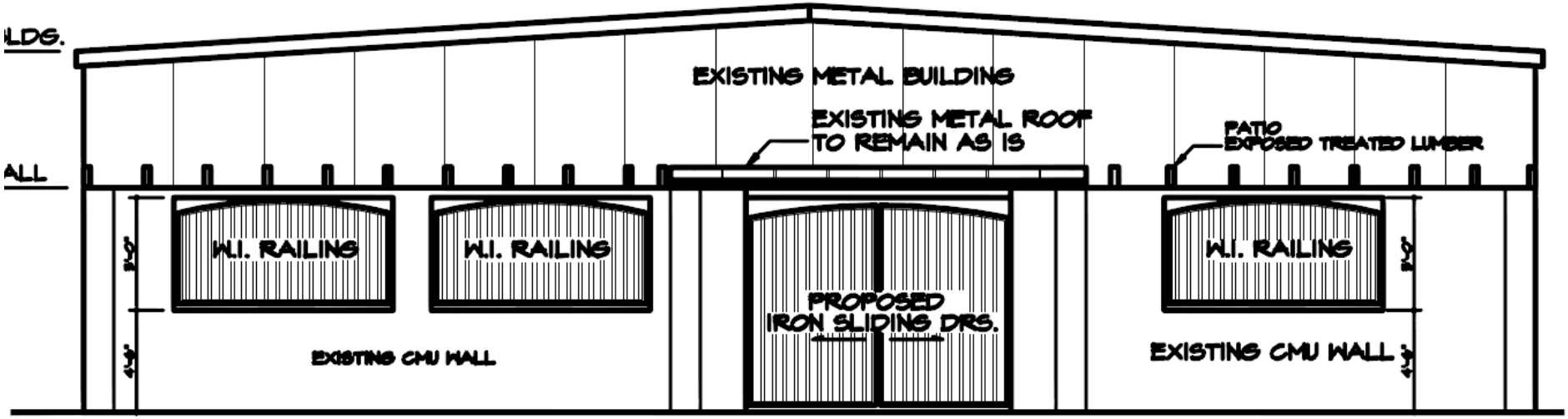
PZRZ13-00020 & PZST13-00012



Detailed Site Development Plan



Detailed Site Development Plan



PROPOSED
SOUTH ELEVATION

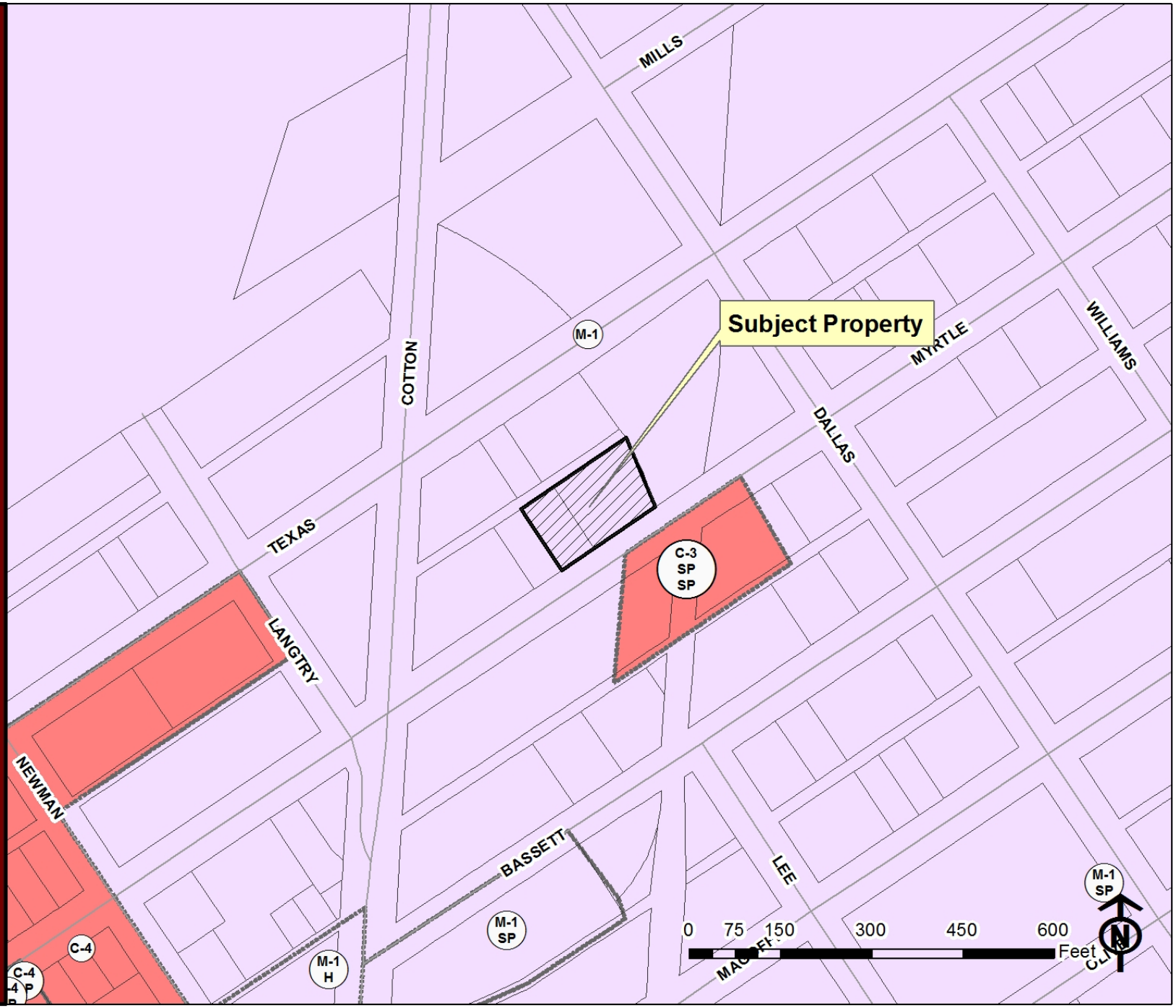
SCALE: 3/16" = 1'-0"

Subject Property & North

Subject Property & North

East

South

WELLS FARGO
Got Booked?
Call Borderland
Bail Bonds
542-1911
West

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