

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

DEPARTMENT: City Development Department

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 granting Special Permit No. PZST13-00012, to allow for Infill Development with a 100 percent parking reduction, as well as a special permit for a ballroom in the C-3 (Commercial) zoning district, on the property described as a Portion of South ½ of Block 61, Cotton Addition, 1519 Myrtle, City of El Paso, El Paso County, Texas, Pursuant to Section 20.10.280 Infill Development and 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: 1519 Myrtle. Property Owner: Javier O. Ramos. PZST13-00012 (**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 GRANTING SPECIAL PERMIT NO. PZST13-00012, TO ALLOW FOR INFILL DEVELOPMENT WITH A 100 PERCENT PARKING REDUCTION, AS WELL AS A SPECIAL PERMIT FOR A BALLROOM IN THE C-3 (COMMERCIAL) ZONING DISTRICT, ON THE PROPERTY DESCRIBED AS A PORTION OF SOUTH ½ OF BLOCK 61, COTTON ADDITION, 1519 MYRTLE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 INFILL DEVELOPMENT AND 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, Javier O. Ramos, has applied for a Special Permit for infill development under Section 20.10.280 and a Special Permit under 20.10.280 of the El Paso City for a 100 percent parking reduction and a ballroom in a C-3 (Commercial) zoning district; 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-3 (Commercial)** Zone District:

Portion of South ½ of Block 61, Cotton Addition, 1519 Myrtle, City of El Paso, El Paso County, Texas and as more particularly described by metes and bounds on the attached Exhibit "A"; and,

2. That the City Council hereby grants a Special Permit under Sections 20.10.280 and 20.04.320 of the El Paso City Code, to allow an infill development, for a 100 percent parking reduction and a ballroom; and,
3. That this Special Permit is issued subject to the development standards in the **C-3 (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 "B" and incorporated herein by reference for all purposes; and,

4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST13-00012 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.

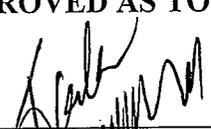
THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

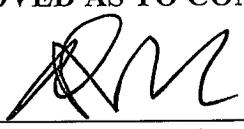
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Karla M. Niehan
Assistant City Attorney

APPROVED AS TO CONTENT:



Mathew S. McElroy, Director
City Development Department

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 2010000432 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;

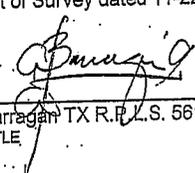
THENCE, N 00°03'27" E, along common line of said parcels in volume 2061, page 2335 and volume 2039, page 511, a distance of 120.00' feet to a set nail on the southerly right-of-way of a 20 foot alley;

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 2010000432;

THENCE, S 00°03'27" W, along the common line of said parcels in volume 2039, page 511, and said document number 2010000432, 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 be 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



MEMORANDUM

DATE: August 26, 2013

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

FROM: Michael McElroy, Planner

SUBJECT: **PZST13-00012**

The City Plan Commission (CPC) on July 25, 2013, voted **3-2** to recommend **APPROVAL** of a special permit application to allow for infill development as well as a special permit for a ballroom in the C-3 (Commercial) zoning district.

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

The CPC found that the special permit is in conformance with the Plan El Paso and that the proposed use is in conformance with the Plan El Paso-Future Land Use Map Designation. 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 one letter in opposition to this request.

Attachments: Staff Report, CPC Minority Report, Staff Presentation



City of El Paso – City Plan Commission Staff Report **REVISED**

Case No: PZST13-00012
Application Type Special Permit
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 100 % Parking Reduction / Ballroom Special Permit
Proposed Use Ballroom / Banquet Hall (Related to PZRZ13-00020)
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 special permit for a 100% parking reduction as well as a special permit to allow for a ballroom and banquet hall. Access is from Myrtle.

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 and 20.04.150 Detailed Site Development Plan.

Plan El Paso- Future Land Use Map Designation

All applications for special permits 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 Note: All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

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

Recommend approval

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 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

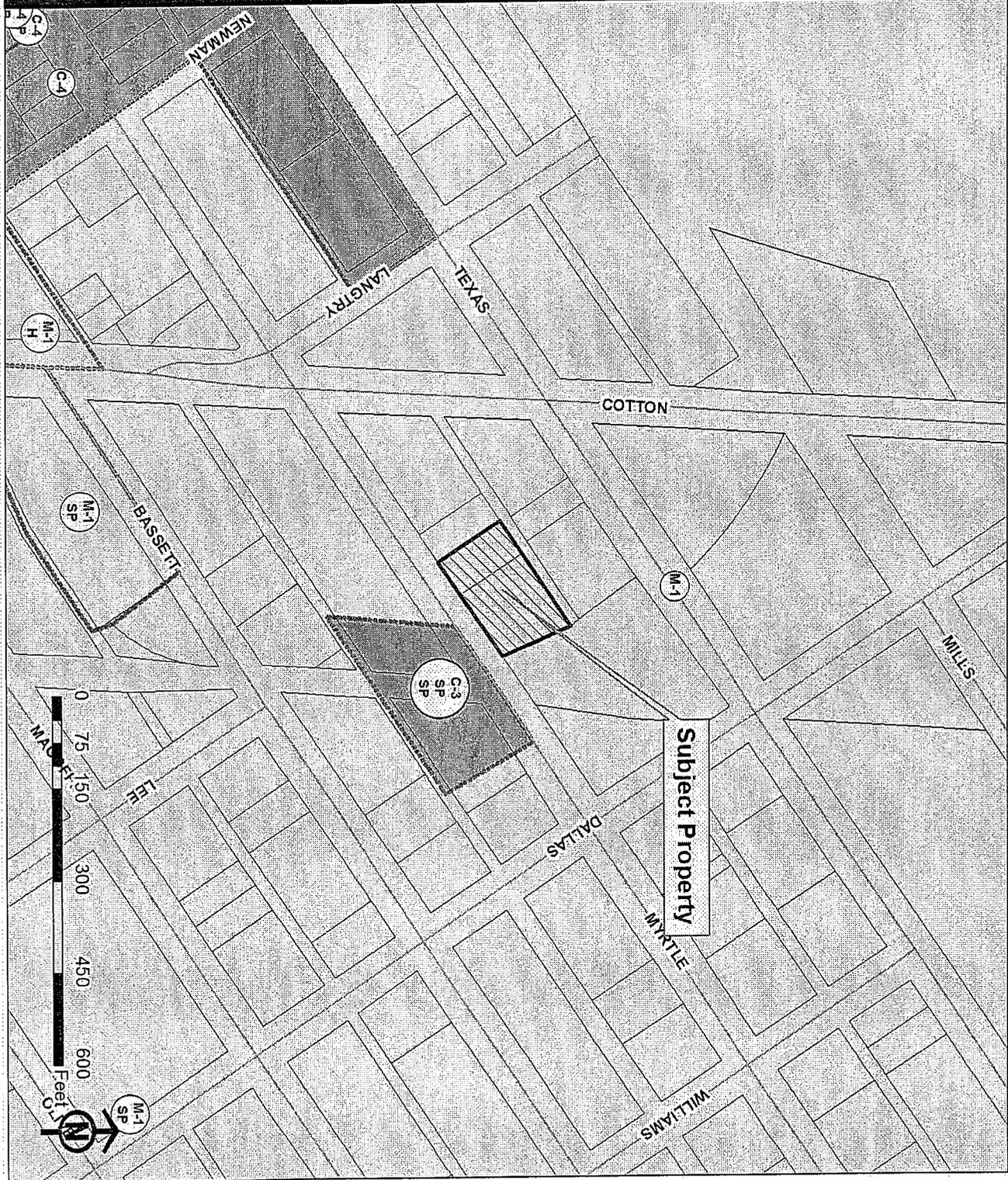
Attachment 2: Aerial Map

Attachment 3: Detailed Site Development Plan

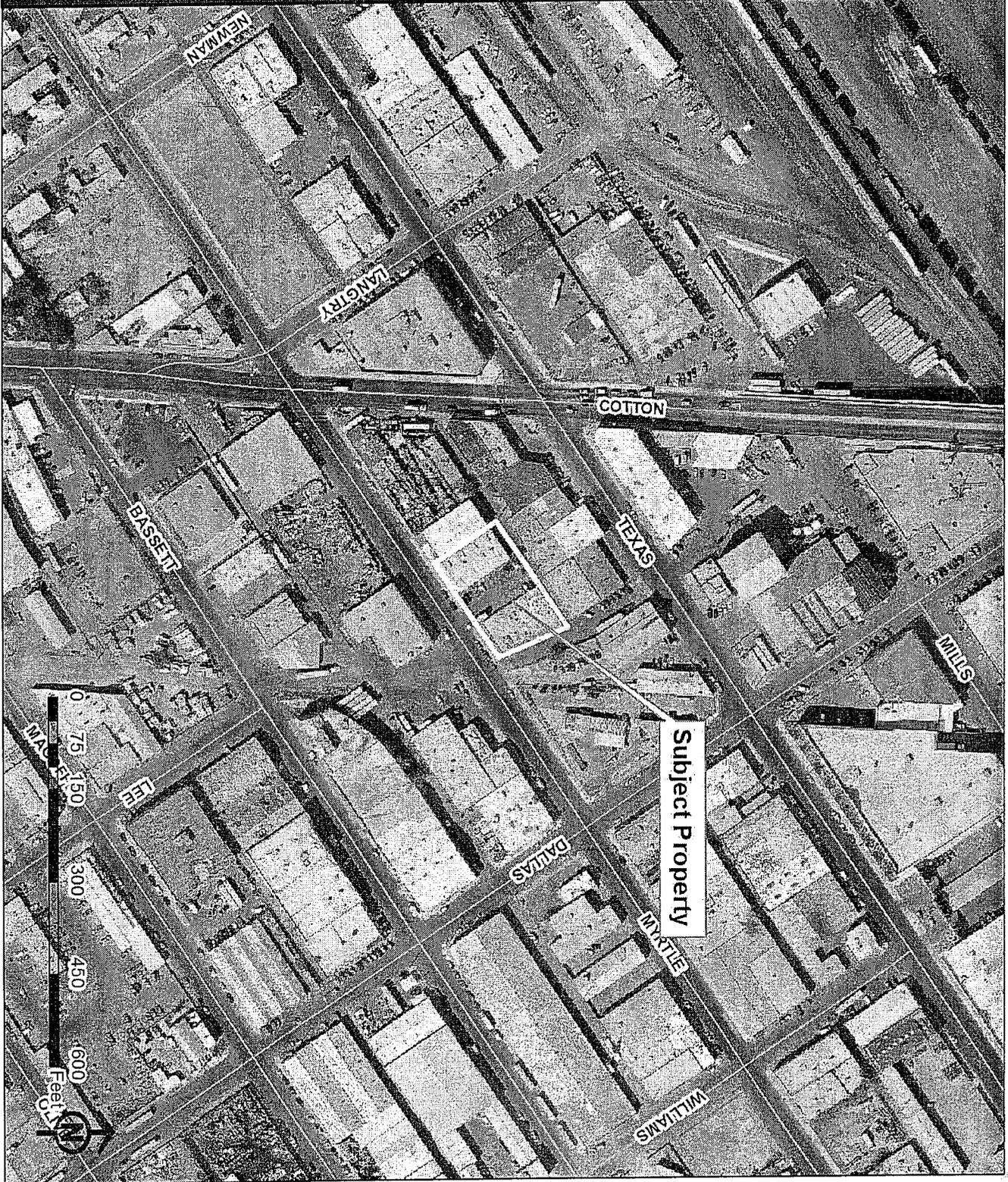
Attachment 4: Opposition Letter

ATTACHMENT 1: LOCATION MAP

PZRZ13-00020 & PZST13-00012



PZRZ13-00020 & PZST13-00012



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 NOTIFICACION 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 NUESTRAS INSTALACIONES REQUERIDO POR USTEDES, MISMO QUE FUE OTORGADO POR ESTE AMADO Y RESPECTIVO DEPARTAMENTO, BAJO EL NUMERO DE PERMISO #SU - Q202418, CON EN LA FECHA DEL DIA 18 DE AGOSTO, 2003 (ORDINANCE 15379).

DECLARO QUE NO ESTAMOS MUY DE ACUERDO EN QUE SE OTORGUE EL PERMISO, PUES VEÓ 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:

ATTACHMENT 4: OPPOSITION LETTER

- 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 – SALON).
- 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 GRANDÉMENTE.

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

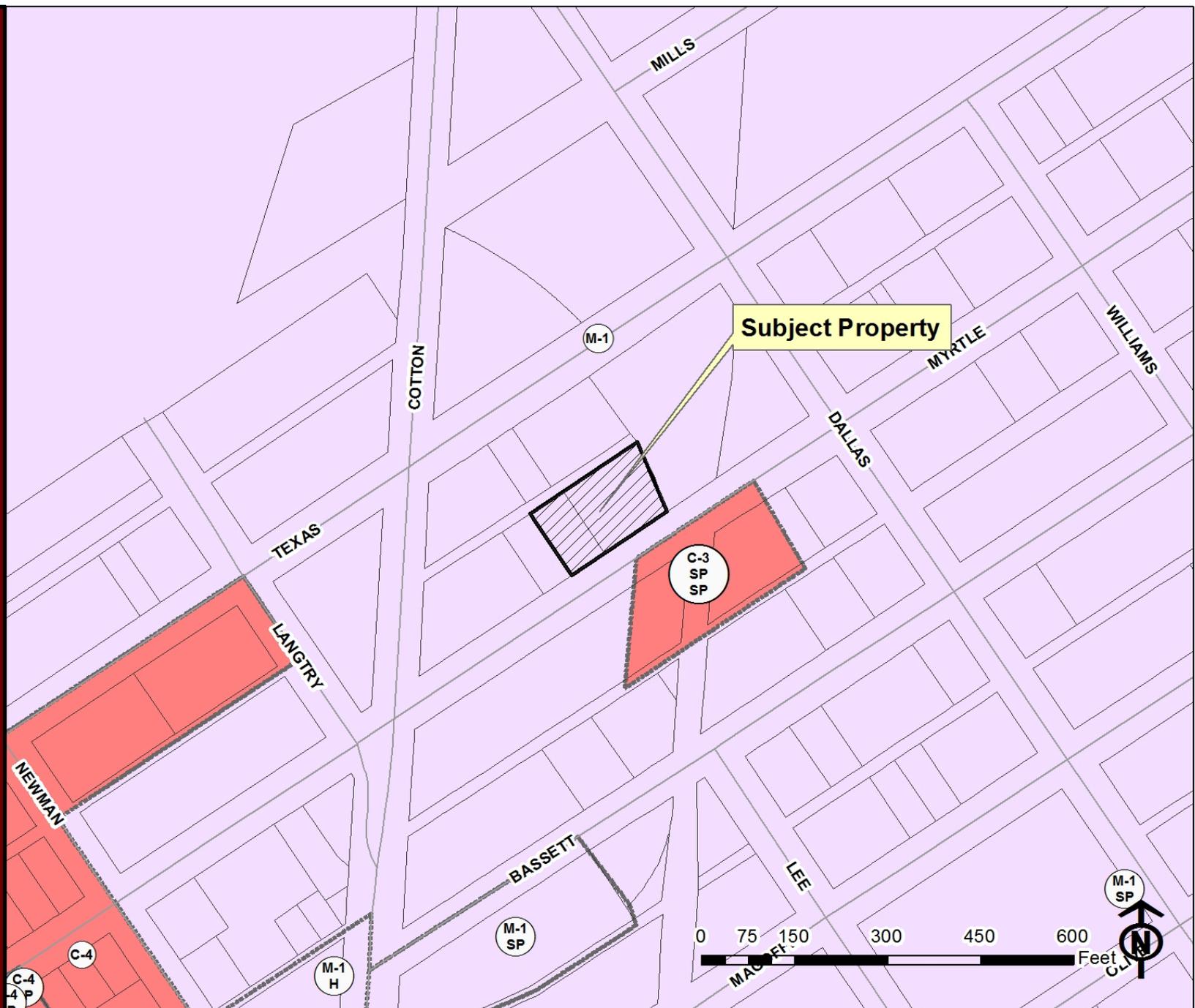
SUBJECT: PZRZ13-00020 & PZST13-00012 – City Plan Commission Minority Report

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.

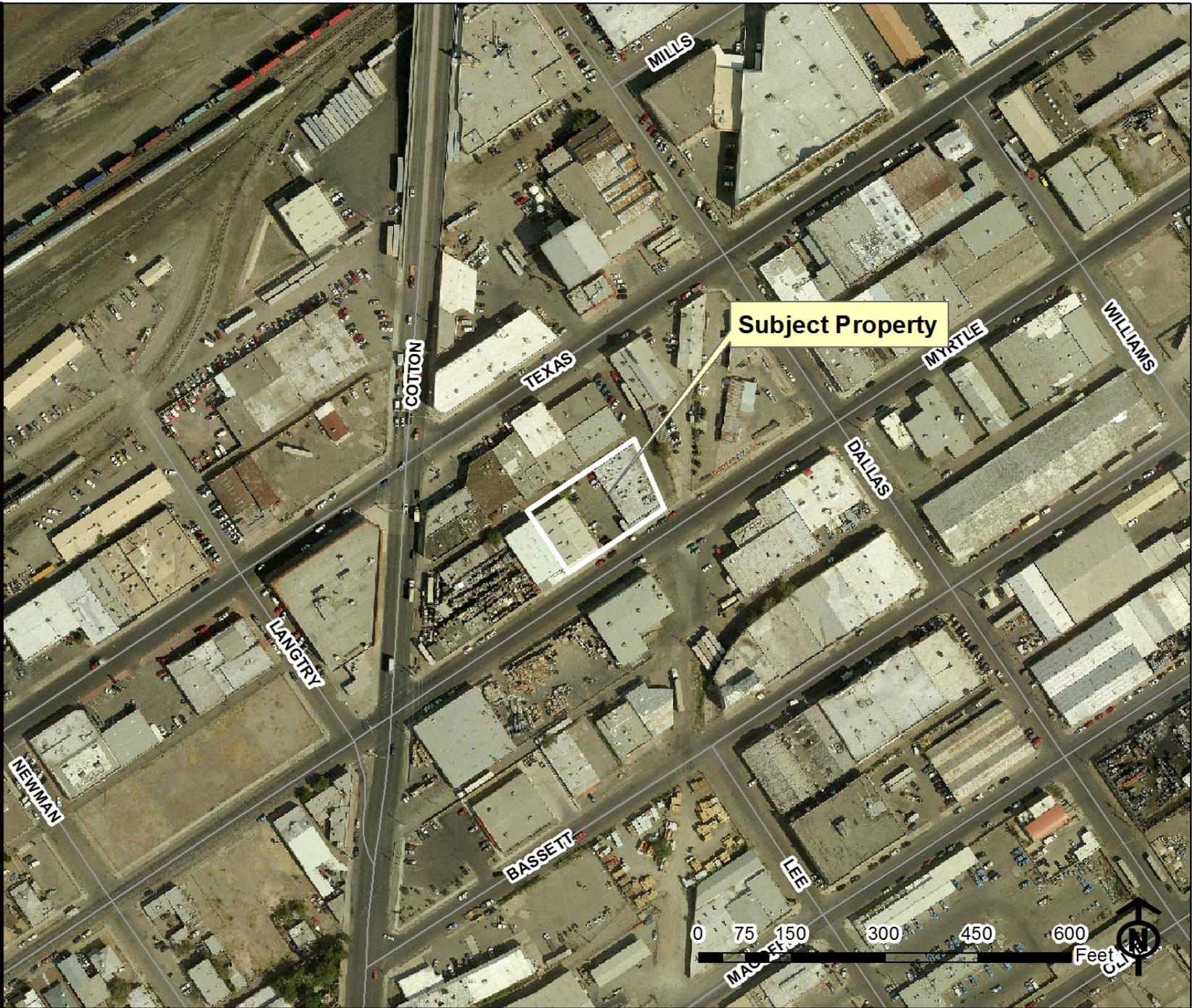
My decision not to support the motion recommending approval stems from my belief that our city's objective is to increase industry. If we eliminate existing areas for industrial uses, then it will be difficult to attract new industries and increase our tax base. This is further supported by the difficulty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

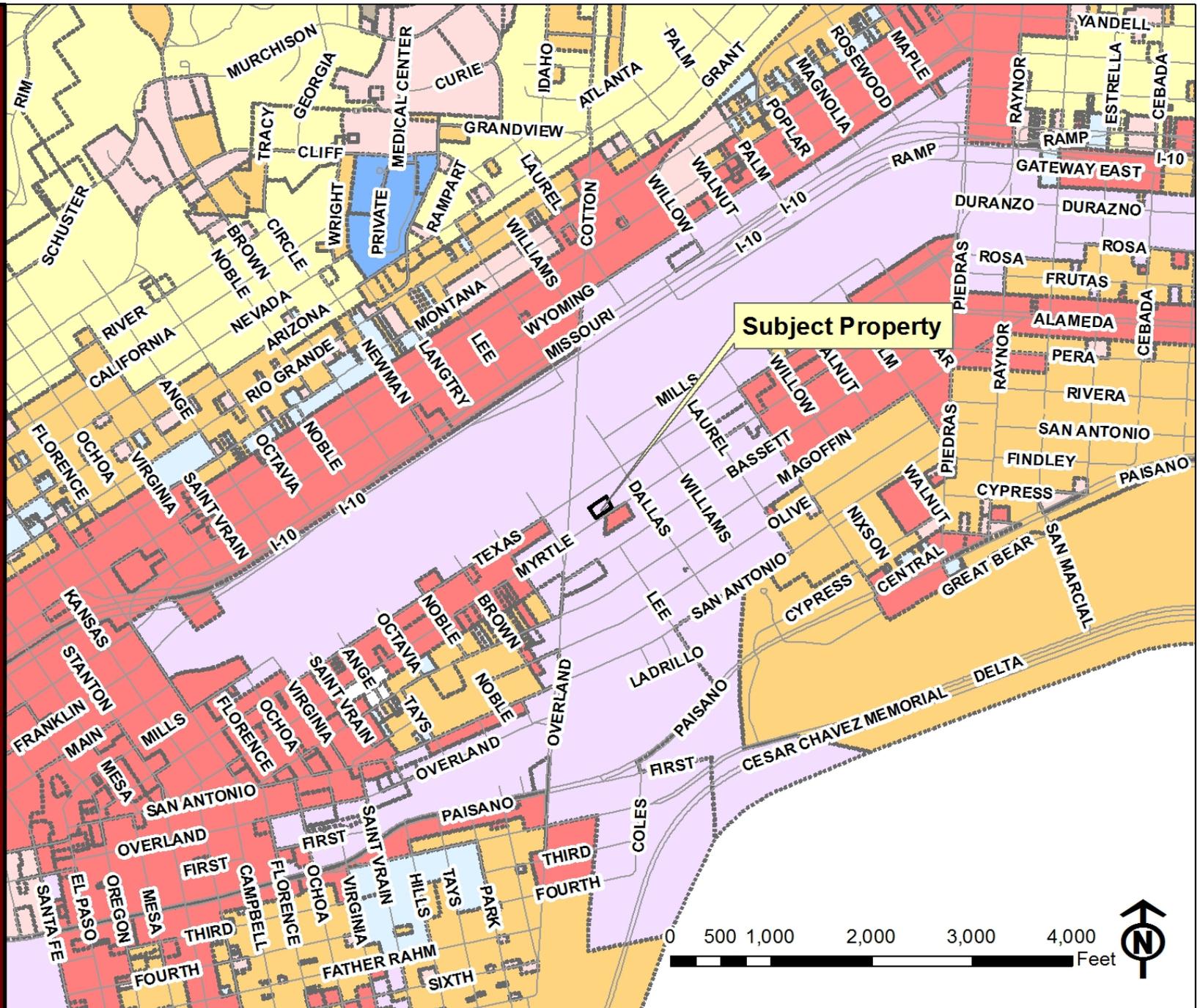
PZRZ13-00020 & PZST13-00012



PZRZ13-00020 & PZST13-00012



PZRZ13-00020 & PZST13-00012

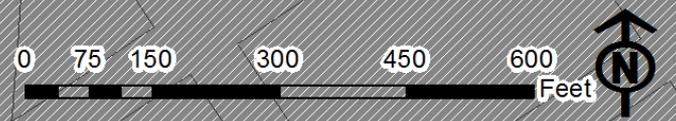


PZRZ13-00020 & PZST13-00012

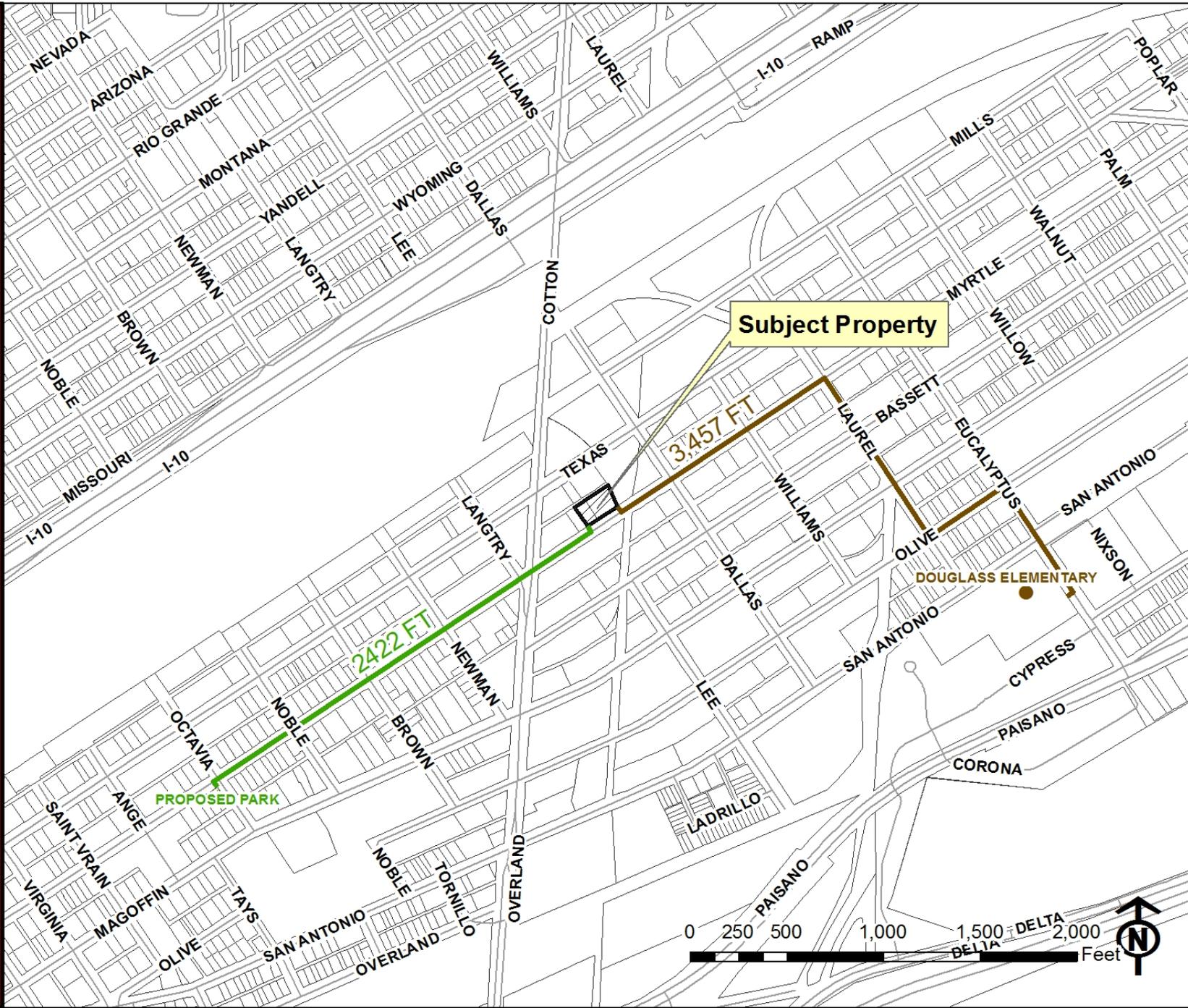
G7, Industrial and/or Railyards

Subject Property

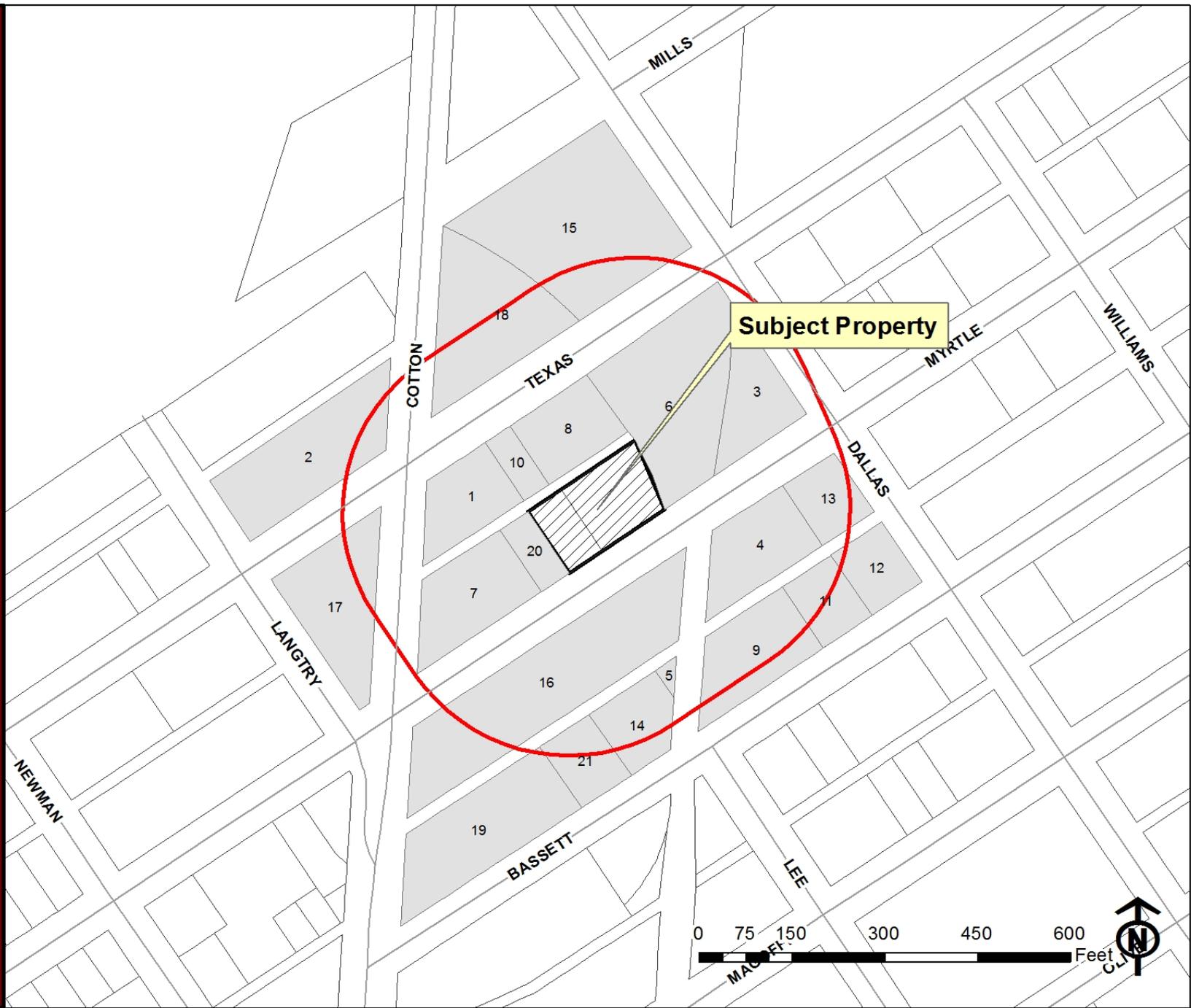
G7, Industrial and/or Railyards



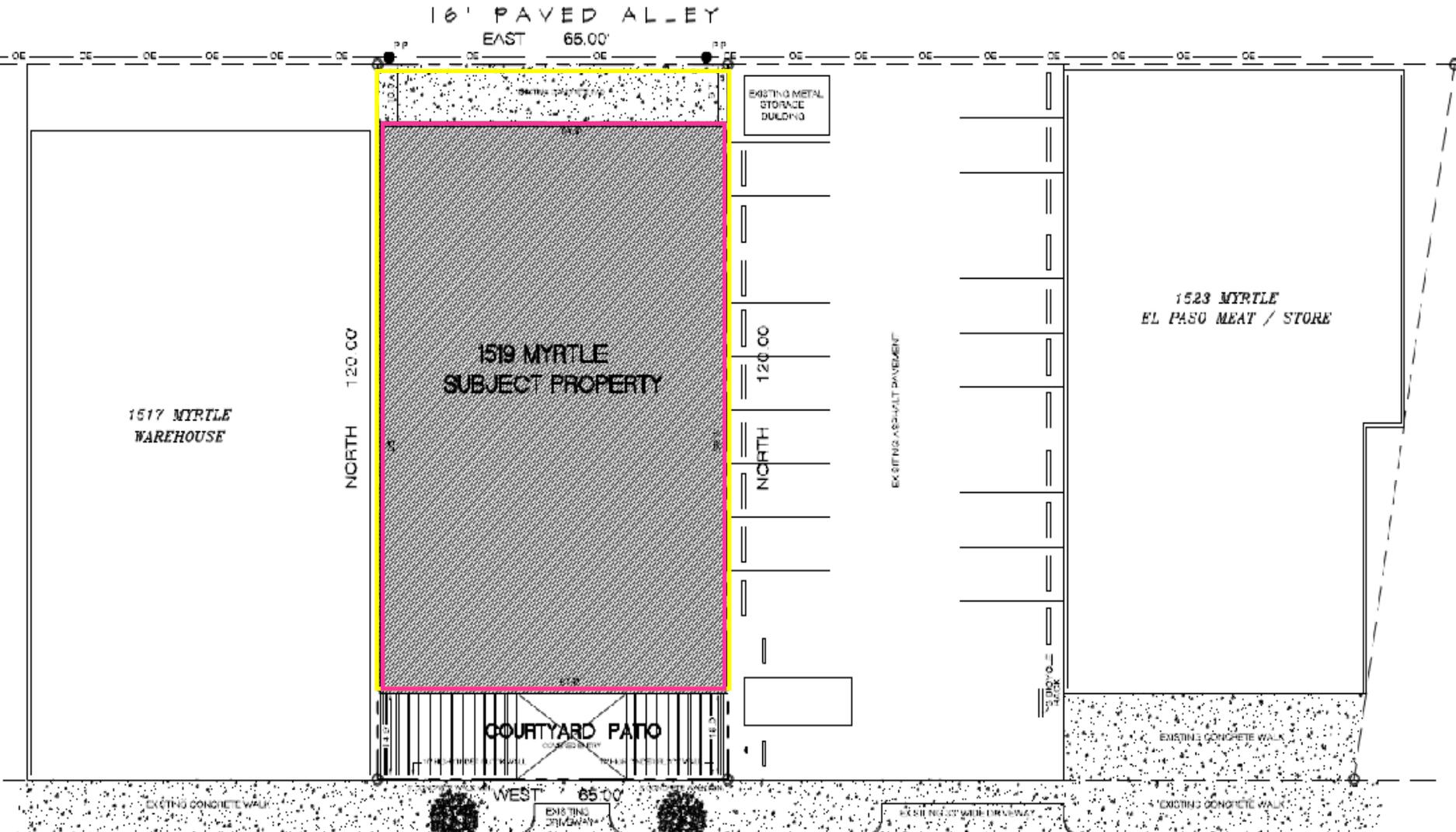
PZRZ13-00020 & PZST13-00012



PZRZ13-00020 & PZST13-00012



Detailed Site Development Plan



10' PAVED ALLEY
EAST 65.00'

1517 MYRTLE
WAREHOUSE

NORTH 120.00'

1519 MYRTLE
SUBJECT PROPERTY

NORTH 120.00'

EXISTING METAL
STORAGE
BUILDING

1523 MYRTLE
EL PASO MEAT / STORE

COURTYARD PATIO

WEST 65.00'

EXISTING
DRIVEWAY

PLANTED TREE AND TREE WALL
ARE TO BE INCLUDED IN GRADING PERMITS

PLANTED TREE AND TREE WALL
ARE TO BE INCLUDED IN GRADING PERMITS

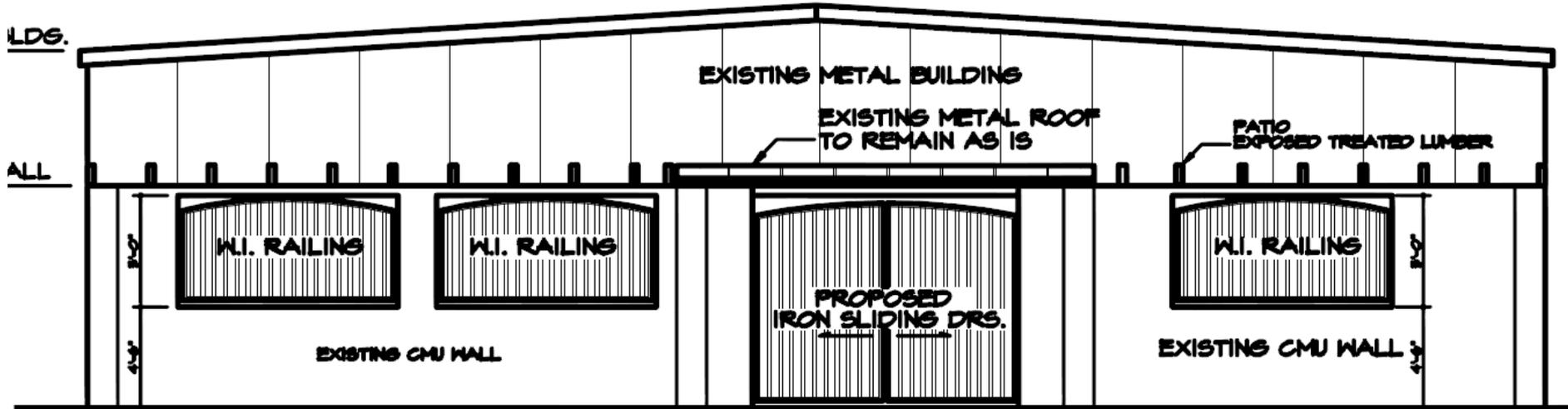
EXISTING CONCRETE WALK

EXISTING CONCRETE WALK

EXISTING ASPHALT PAVEMENT

EXISTING CONCRETE WALK

Detailed Site Development Plan



PROPOSED SOUTH ELEVATION

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



Subject Property & North



Subject Property & North



East



South



Got Booked?
Call Borderland
Bail Bonds
542-1911

WELLS FARGO

West

PZRZ13-00020 & PZST13-00012

