

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

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

**AGENDA DATE:** Introduction: April 29, 2014  
Public Hearing: May 20, 2014

**CONTACT PERSON/PHONE:** Andrew Salloum, (915) 212-1613, salloumam@elpasotexas.gov

**DISTRICT(S) AFFECTED:** 2

**SUBJECT:**

An Ordinance changing the zoning of the South 35 feet of Lots 28 through 32, Block 62, Supplemental Map No. 1 of East El Paso, 512 N. San Marcial Street, City of El Paso, El Paso County, Texas from R-5 (Residential) to R-MU (Residential-Mixed Use) and approving a Master Zoning Plan. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 512 N. San Marcial Street. Property Owner: Gary and Laura Monteleone. PZRZ13-00040 (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 (5-0)

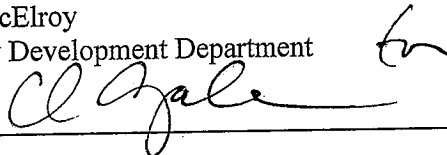
\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**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 CHANGING THE ZONING OF THE SOUTH 35 FEET OF LOTS 28 THROUGH 32, BLOCK 62, SUPPLEMENTAL MAP NO. 1 OF EAST EL PASO, 512 N. SAN MARCIAL STREET, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO R-MU (RESIDENTIAL-MIXED USE) AND APPROVING A MASTER ZONING PLAN. 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:

That the zoning of *the South 35 feet of Lots 28 through 32, Block 62, Supplemental Map No. 1 of East El Paso, 512 N. San Marcial Street, 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 R-5 (Residential) to R-MU (RESIDENTIAL - MIXED USE) AND APROVING A MASTER ZONING PLAN, as defined in Section 20.06.020, such land uses allowed as being reflected in the Master Zoning Plan attached as Exhibit "B" and the Master Zoning Report attached as Exhibit "C" incorporated herein for all purposes, 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 Chapter 20.24 of the El Paso City Code.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

THE CITY OF EL PASO

ATTEST:

\_\_\_\_\_  
Oscar Leeser  
Mayor

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

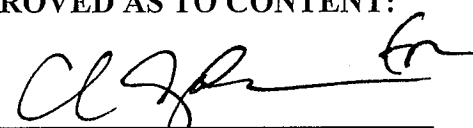
ORDINANCE NO. \_\_\_\_\_

PZRZ13-00040

**APPROVED AS TO FORM:**

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

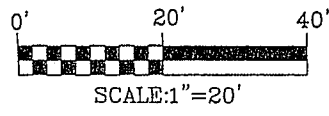
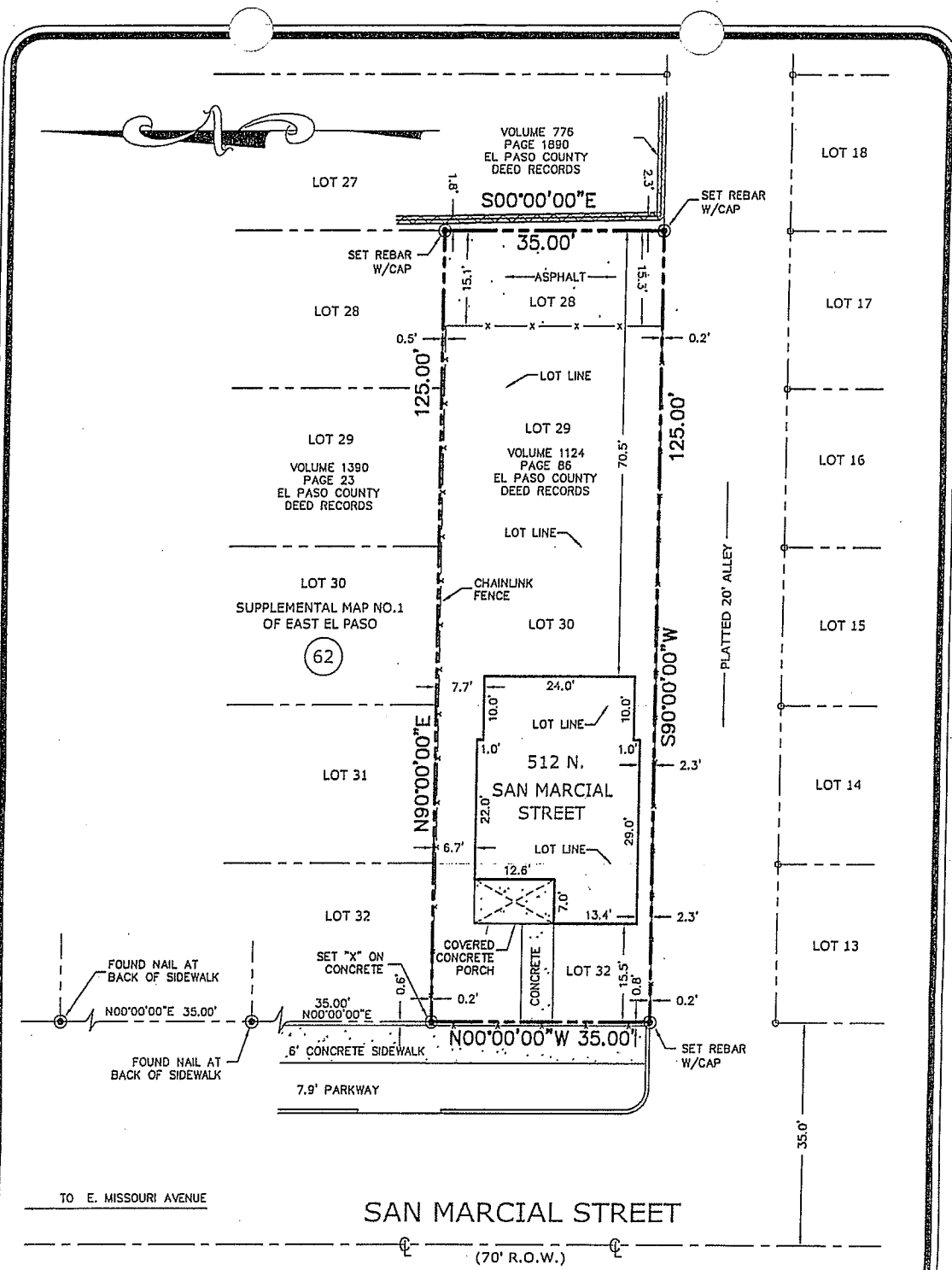
**APPROVED AS TO CONTENT:**

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

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

PZRZ13-00040

#277917/14-1007-1017/PZRZ13-00040-512 N. San Marcial Street Rezoning Ordinance  
KMN



CERTIFICATION

I HEREBY CERTIFY THAT THIS BOUNDARY AND IMPROVEMENT SURVEY IS BASED ON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION AND THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN

*John A. Eby*  
JOHN A. EBY TX-5372 NM-17779



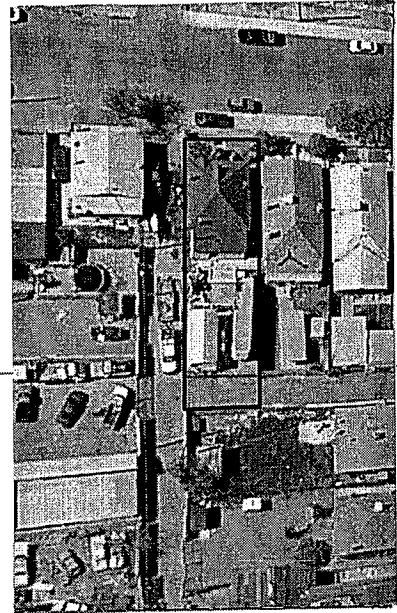
NOT VALID WITHOUT IMPRESSION SEAL

THE SOUTH 35 FEET OF LOTS 28 THROUGH 32,  
BLOCK 62, SUPPLEMENTAL MAP NO.1 OF EAST EL  
PASO, CITY OF EL PASO, EL PASO COUNTY, TEXAS

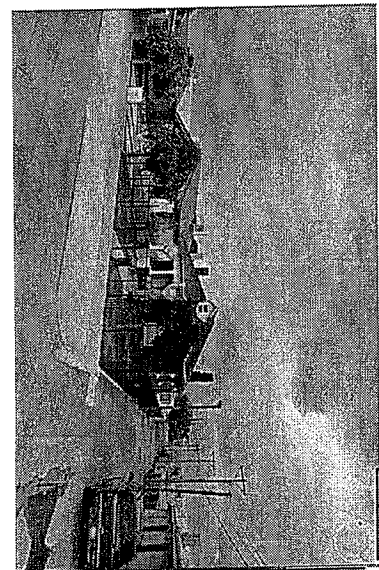
PLAT RECORD:  
VOLUME: 1  
PAGE: 51

TITLE CO: SIERRA TITLE FILE#: 205691 DATED: 06/15/2009  
FIRM ZONE: C PANEL#: 480214-0034 B DATED: 10/15/1982  
DATE OF SURVEY: 06/16/2009 OFFICE: LM FIELD: JAE, AG, JC  
PASO DEL NORTE SURVEYING INC. PH. 915-241-1841  
13998 BRADLEY ROAD, EL PASO, TEXAS 79938 FAX 915-855-6925  
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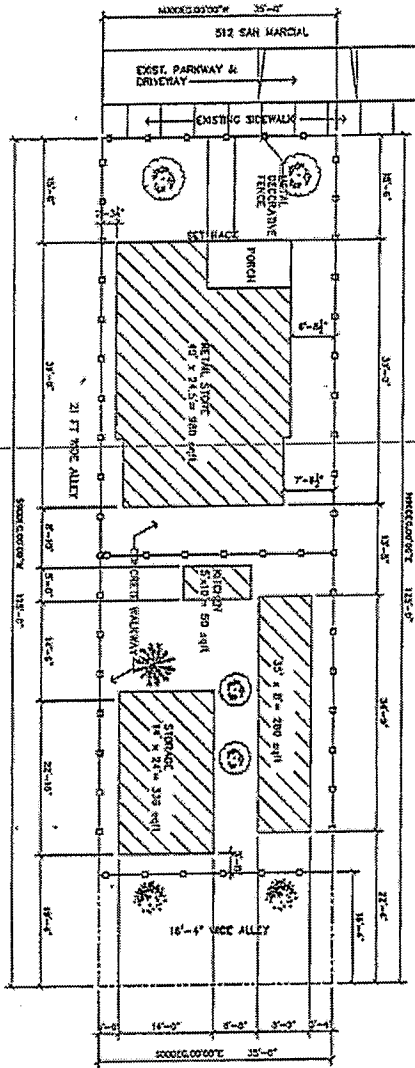
# EXHIBIT "B"



BIRDS EYE VIEW  
N15



FRONT-SIDE VIEW  
N15



MASTER ZONING PLAN  
SCALE: 1/8"=1'-0"



100% PARKING REDUCTION

PERCENTAGES OF EACH USE	
RESIDENTIAL	100%
OFFICE	0%
RETAIL	0%
INDUSTRIAL	0%
COMMERCIAL	0%
RECREATION	0%
OTHER	0%
TOTAL	100%

LEGAL DESCRIPTION	
42 EAST EL PASO N 38FT OF 28 TO 32 (4,275 SQ FT)	
8-0-5	

SHEET NO.  
SP-1

EXISTING SITE PLAN OF MONTELEONE'S  
LOCATED AT  
512 N. SAN MARCIAL STREET  
EL PASO, TEXAS



**Master Zoning Plan for a General Mixed Use District****MONTELEONE'S WRAP AND ROLL****I. Purpose and Intent:**

The purpose of this project and new Master Zoning Plan is to strengthen the existing neighborhood community where there is an existing mixture of uses including general retail, schools, churches, apartments, single family attached units, walk-ups, duplexes and row-housing. This new district will follow the City of El Paso's Comprehensive Plan and Smart Growth Objectives and initiatives throughout the City.

These Objectives will be followed with these outlined initiatives:

- Accommodate an innovative designed project that promotes small business and neighborhood revitalization in Central El Paso;
- Provide private redevelopment of a dilapidated building into a sustainable quality development that will have a relationship with the existing neighborhood to preserve and renew the neighborhood and implement creative community development, for the benefit of all who work, visit and live in El Paso;
- Continue with the redevelopment patterns that the City of El Paso is promoting in Central El Paso;
- Demonstrate that this creative business trend is economically and socially feasible on Gateway West between North Copia and Piedras Streets.

**II. Objective:**

This District will accommodate a restaurant with ground Floor Retail and open spaces that will nurture an atmosphere of innovation by building a foundation for economic prosperity by promoting redevelopment patterns to increase tourism that will be compatible, and enhance and interact with the surrounding neighborhood.

**III. Characteristics:**

**Description:** This District will renovate an existing 980 sq. ft. dilapidated 100 year old structure that will house 980 sq. ft. of retail space and in the back a 2,805 sq. ft. creative restaurant consisting of an actual vintage carnival rollercoaster complete with its track and cars as well as an 18 wheel trailer that will house the dining area. The kitchen will be inside of an old time carnival concession trailer that has been restored and is on wheels as well. The area will be decorated with whimsical cast iron animals and eye pleasing landscaping. This extremely

unique restaurant will have an 18 person capacity inside and a 4 person capacity outside.

**Access:** This retail space and restaurant will have access along San Marcial street and the adjoining alley. There will also be pedestrian access through the alley. This will promote street life and will enhance and interact with the surrounding neighborhood. Utilities, services and trash collection will be provided through the adjoining Alley.

**Setbacks:** The building was built with a 15 foot setback along San Marcial street and a 2 foot 3 inch set back along the alley as well as a 6 foot 8 inch set back at adjacent property. This is compatible with the existing structures along San Marcial Street and the entire neighborhood.

**Density:** Compatible with the existing structures built around the neighborhood. This space meets minimum lot size and yard standards that the District Density requires.

**Landscaping:** Landscaping has been provided at the front and back of the building.

**Parking:** The City of El Paso has passed ordinances that allow patrons of the existing businesses to park along the street.

**Sub Districts:** There will be no Sub Districts in the Plan.

**Phasing:** The project will be built in one phase in its entirety.

#### **IV. Relationship with Plan for El Paso:**

The District will enhance the neighborhood's economic and social vitality and will follow the overall City of El Paso's goals to revitalize central El Paso and promote mixed uses as per the Smart Growth initiatives.

The existing surrounding has a tight walkable community with schools, churches and retail within walking distance. This District will strengthen it by providing a modern and additional retail space and creative restaurant area with a carnival theme that will enhance and revitalize the neighborhood and will be the kind of place to take out of town guests.

Monteleone's Wrap & Roll Mixed Use Table					
Set Backs					
COMMERCIAL USES	Min. Area	Front	Back	Side	Max. Bldg Ht
Retail Space	980 sf	15'	48'	2'	18'
Restaurant	310 sf	67'	6'	3'-4"	14'
POSSIBLE FUTURE					
Barber Shop					
Ice Cream Parlor					
Parking Lot					

## MEMORANDUM

**DATE:** April 17, 2014

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

**FROM:** Andrew Salloum, Planner

**SUBJECT:** PZRZ13-00040

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The City Plan Commission (CPC) on April 10, 2014, voted 5-0 to recommend **APPROVAL** of the rezoning the subject property from R-5 (Residential) to R-MU (Residential Mixed Use).

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 no opposition to this request.

**Property Owner:** Gary and Laura Monteleone  
**Representative:** Gary and Laura Monteleone

**Attachments:**  
Staff Report



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

**Case No:** PZRZ13-00040  
**Application Type:** Rezoning  
**CPC Hearing Date:** April 10, 2014  
**Staff Planner:** Andrew Salloum, 915-212-1613, salloumam@elpasotexas.gov

**Location:** 512 N. San Marcial Street  
**Legal Description:** The South 35 feet of Lots 28 through 32, Block 62, Supplemental Map No. 1 of East El Paso, City of El Paso, El Paso County, Texas  
**Acreage:** 0.1004-acre  
**Rep District:** 2  
**Current Zoning:** R-5 (Residential)  
**Existing Use:** Single -family dwelling  
**C/SC/SP/ZBA/LNC:** None  
**Request:** From R-5 (Residential) to R-MU (Residential Mixed Use)  
**Proposed Use:** Retail and restaurant

**Property Owner:** Gary and Laura Monteleone  
**Representative:** Gary and Laura Monteleone

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

**North:** R-5 (Residential) / Single-family dwellings  
**South:** R-5 (Residential) / Single-family dwellings; C-3/sc (Commercial/special contract) / Car lot sales  
**East:** R-5 (Residential) / Single-family dwellings  
**West:** R-5 (Residential) / Single-family dwellings

**PLAN EL PASO DESIGNATION:** G-2, Traditional Neighborhood (Walkable)  
**NEAREST PARK:** Mary Webb Park (1,623 feet)  
**NEAREST SCHOOL:** Alta Vista Elementary (3,682 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

El Paso Central Business Association  
Five Points Development Association  
Leona Ford Washington Neighborhood Association

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on March 19, 2014. The Planning Division has not received any phone calls or letters in support or opposition to the rezoning request.

### **APPLICATION DESCRIPTION**

The applicant is requesting to rezone the subject property from R-5 (Residential) to R-MU (Residential Mixed Use). The subject property is 0.1004-acre in size and is currently a single-family dwelling. The Master Zoning Plan shows a mixed use development consisting of retail and restaurant uses. A summary of the Master Zoning Plan is attached (Attachment 4). The proposed development complements the residential development existing adjacent to I-10 with neighborhood commercial uses that are used by the existing neighborhood. The applicant is seeking a 100 percent parking reduction, which can be granted by City Council as part of the R-MU Master Zoning Plan.

## **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of rezoning the subject property from R-5 (Residential) to R-MU (Residential Mixed Use) and the Master Zoning Plan as it complies with requirements of Section 20.04.200 Master Zoning Plan and is compatible with the comprehensive plan and surrounding development in the area. This development also complies with the purpose, principles and guidelines of the R-MU District.

## **ANALYSIS**

### **20.04.200 Master zoning plan.**

#### **A. Master Zoning Plan (MZP).**

1. As part of any zoning application for a mixed use district, a Master Zoning Plan shall be required and shall accompany the application. The MZP shall provide sufficient details necessary about the proposed land uses and proposed development so that the El Paso City Council may determine their compatibility within the proposed district and the impact on the adjacent properties.

As part of the MZP, an application may propose and delineate subdistricts. A subdistrict is a geographic subcomponent of a larger mixed use district. Its purpose is to enable the incremental measurement and reconciliation of maximum dwelling units, density and other data required in the MZP to subsequent development. Where practical a subdistrict's boundary should be consistent with natural geographic features, reflect man-made transitional barriers (such as roadways), or separate sharp changes in proposed land uses.

5. A written report shall accompany the MZP that describes the purpose, characteristics, components and timing of the proposed mix of land uses within the development, and includes a general statement of how the development relates to the city's comprehensive plan. A detailed description shall be required for each proposed land use, identifying the permissible uses for any subdistrict within the mixed-use district to determine the compatibility of such uses within the mixed use district.

7. The application for mixed use zoning, to include the MZP shall be reviewed by the city plan commission (CPC) for recommendation to city council. The CPC may recommend any amendments or conditions to the MZP necessary to minimize incompatibilities between land uses within the development or between land uses and adjacent properties or with the stated purposes of zoning in this title.

8. As part of the approval and adoption of a mixed use district, the city council shall find that the development will promote compatible buildings and uses, and that such development will be appropriate in area, location and overall planning for the purpose intended, in accordance with the city's comprehensive plan and stated purposes of zoning in this title. The city council, in approving any mixed use district, will also be approving the MZP establishing the required zoning standards within the district. Approval of a mixed used district by city council designates the zoning for the property as stated in the ordinance approving such zoning and as depicted on the MZP. All development of the property, regardless of whether the property changes ownership, shall be in accordance with the Master Zoning Plan.

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

All applications for rezoning shall demonstrate compliance with the following criteria:

G-2 – Traditional Neighborhood (Walkable): 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 faced 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 R-MU (Residential Mixed Use) district to accommodate, encourage and promote innovatively designed developments involving neighborhood-serving residential and commercial land uses,

which together form an attractive and harmonious unit of the city. The regulations of this district are intended to allow for developments that are intended by their size and nature of operation to provide service to a neighborhood. It is intended that the district regulations permit uses that are compatible with the residential areas that the uses serve, and allow flexibility and encourage more creative, efficient and aesthetically desirable design and placement of land uses.

**COMMENTS:**

**Planning Division - Transportation**

TIA is not required.

Note:

All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall follow the City of El Paso Design Standards for Construction and be ADA/TAS compliant.

**City Development Department – Plan Review**

Recommended approval.

Note:

- Construction documents will be required to be submitted due to change of occupancy.
- This change will require that property comply with current building codes and Texas accessibility requirements.

**City Development Department - Land Development**

No objections.

**Fire Department**

No comments received.

**Sun Metro**

Sun Metro does not oppose this request. Routes 25 and 55 service a bus stop along N. Raynor one block west of site.

**El Paso Water Utilities**

EPWU-PSB does not object to this request.

**EPWU-PSB Comments**

Water:

1. There is an existing 4-inch/6-inch diameter water main that extends along the alley between Missouri Ave. and Gateway West Blvd. This main is available for service.
2. There is an existing 8-inch diameter water main that extends along San Marcial St. approximately 19 feet east of the street centerline. This main is available for service.
3. Previous water pressure readings from fire hydrant number 1497 located at the north west intersection of Missouri Ave. and Gateway West Blvd., have yielded a static pressure of 90 pounds per square inch (psi), residual pressure of 80 psi and a discharge of 1016 gallons per minute (gpm). The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.
4. EPWU-PSB records indicate one active ¾-inch water meter service. The service address for this meter is 512 San Marcial St.

Sanitary Sewer:

1. There is an existing 8-inch diameter sanitary sewer main that extends along the alley between Missouri Ave. and Gateway West Blvd. This main is available for service.

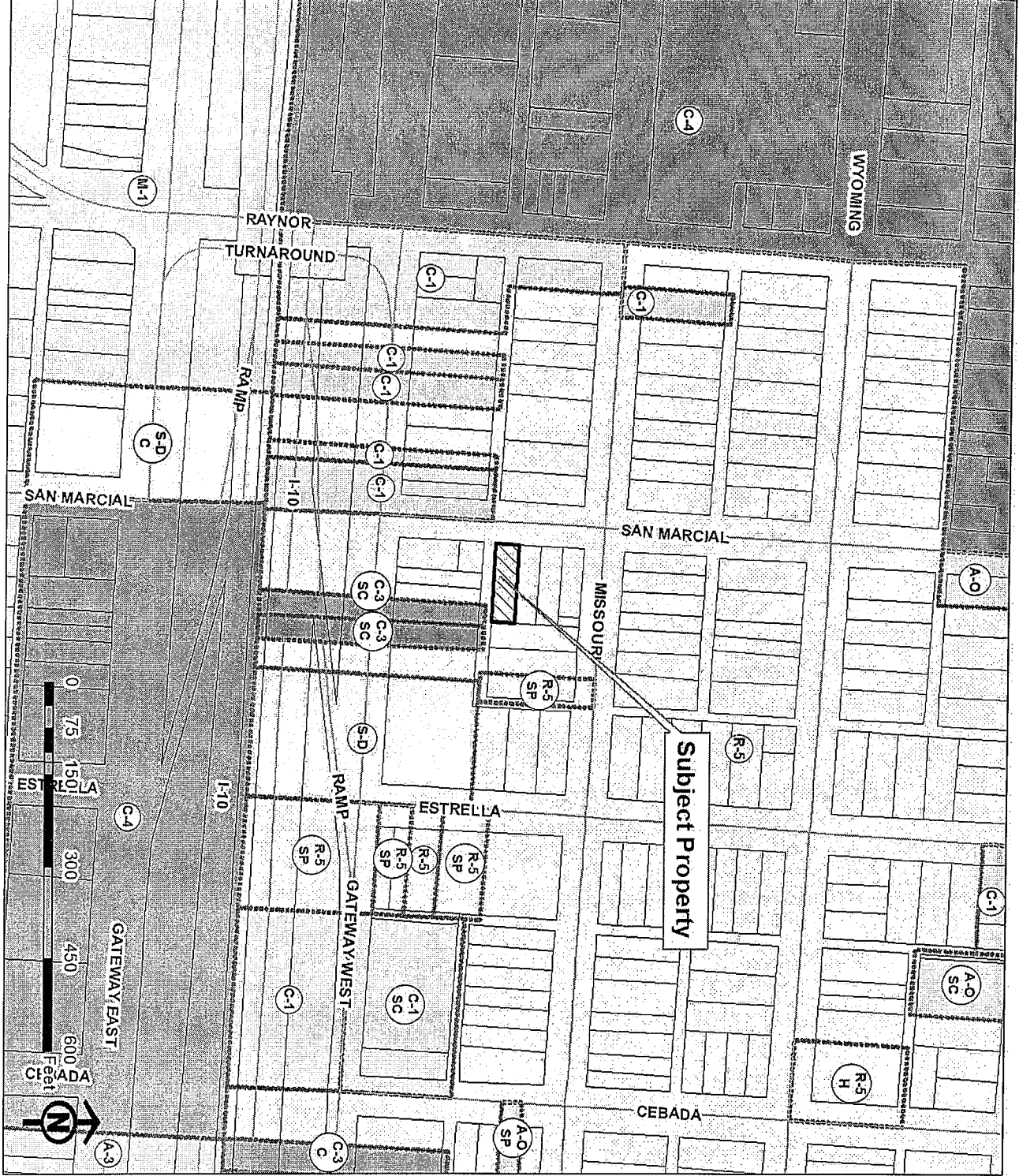
2. EPWU-PSB requires a new service application to provide additional services to the property. New service applications should be made 6-8 weeks in advance of construction to ensure water for construction work. The following items, if applicable, are required at the time of application: (1) hard copy of site plan with street names and addresses; (2) finalized set of improvement plans, including grading & drainage plans; (3) digital copy of site plan; (4) benchmark check; (5) construction schedule; and (6) a certificate of compliance. Service will be provided in accordance with the current El Paso Water Utilities – Public Service Board (EPWU-PSB) Rules and Regulations. The owner 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.

**Attachments:**

- Attachment 1: Zoning Map
- Attachment 2: Aerial Map
- Attachment 3: Master Zoning Plan Map
- Attachment 4: Master Zoning Plan Report

ATTACHMENT 1: ZONING MAP

PZRZ13-00040



ATTACHMENT 2: AERIAL MAP

PZRZ13-00040





## ATTACHMENT 4: MASTER ZONING PLAN REPORT

### Master Zoning Plan for a General Mixed Use District

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