



City of El Paso – City Plan Commission Staff Report

Case No: PZRZ14-00035
Application Type: Rezoning
CPC Hearing Date: September 11, 2014
Staff Planner: Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov
Location: 1200 Chelsea Street
Legal Description: Lot 24, Block 1, Alta-Mira Addition, City of El Paso, El Paso County, Texas
Acreage: 0.1834 acre
Rep District: 2
Current Zoning: R-4 (Residential)
Existing Use: Vacant Office Building
C/SC/SP/ZBA/LNC: N/A
Request: R-4 (Residential) to A-O (Apartment-Office)
Proposed Use: Medical Office
Property Owner: Nicolaus Maass & Jung Ku
Representative: Conde, Inc.

SURROUNDING ZONING AND LAND USE

North: R-4 (Residential) / single family homes
South: C-1 (Commercial) / Retail
East: R-4 (Residential) / Single family homes
West: C-1/c/sp (Commercial/condition/special permit) / Vacant

PLAN EL PASO DESIGNATION: G-3 Post-War (Central Planning Area)

NEAREST PARK: Mesa Terrace Park (2,680 feet)

NEAREST SCHOOL: Hillside Elementary (4,129 feet)

NEIGHBORHOOD ASSOCIATIONS

El Paso Central Business Association
United Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on August 19, 2014. The Planning Division has received one phone call of inquiry, and one phone call and three letters in opposition.

CASE HISTORY

The subject property was issued a certificate of occupancy for a home occupation on October 26, 1965. The property was at that time owned by a dentist.

Ordinance No. 4271, dated September 25, 1969 (Attachment 4), City Council rezoned the adjacent lot being used by the dentist's office as a parking lot from R-4 (Residential) to A-O (Apartment-Office) and imposed a special contract with the following condition:

...if the property is rezoned to A-O (§25–26 of the El Paso City Code) it will be used only for offices of the kind permitted in A-O districts, and not for any of the other purposes permitted in the A-O districts; and no structure on the property will be higher than one story.

This condition does not apply to the subject property under consideration.

APPLICATION DESCRIPTION

The property owner is requesting a rezoning from R-4 (Residential) to A-O (Apartment-office). The subject property is currently occupied by a vacant office building. The subject property is of two lots comprising a single parcel. The site plan shows a 2,746 sq. ft. structure proposed to be used as medical office building. The property requires 14 parking spaces and the applicant is providing 16, including one ADA accessible parking space and three bicycle parking spaces. Access is provided from Wagner Lane and Chelsea Drive.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval with a condition** for rezoning the subject property from R-4 (Residential) to A-O (Apartment-Office) as follows:

- 1. Vehicular access from Wagner Lane shall be prohibited.*

The rezoning serves to clean up the split-zoning of the property thereby making it usable for its long-established office use. The rezoning is compliant with the G-3 Post-War growth sector in the Plan El Paso Central Planning Area.

Plan El Paso-Future Land Use Map Designation

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

G-3, Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of A-O (Apartment-Office) district is to provide a medium density of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. Permits building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain non-residential uses and support facilities.

COMMENTS:

Planning Division - Transportation

No objections. A TIA is not required.

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 – Building Development & Permitting

Recommend Approval. Applicant will need to submit for a building permit for a change of occupancy.

City Development Department – Landscape Review

No objections.

City Development Department - Land Development

No objection.

El Paso Fire Department

The fire dept. has no objections to the rezoning case.

El Paso Water Utilities

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

Water:

1. There is an existing 12-inch diameter water main extending along Trowbridge Dr. that is available for service, the water main is located approximately 15-ft north from the street center line.
2. There is an existing 6-inch diameter water main extending along Wagner Ln. located approximately 9 feet from the street centerline
3. Previous water pressure tests from fire hydrant # 506 located at the northeast corner of Trowbridge Dr. and Chelsea Dr. have yielded a static pressure of 120 (psi) pounds per square inch, a residual pressure of 90 (psi) pounds per square inch, and a discharge of 1494 (gpm) gallons per minute.
4. 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 Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.
5. EPWU records indicate a 3/4-inch water meter serving the subject property. The service address for this meter is 1201 Wagner Ln.

Sanitary Sewer:

1. There is an existing 8-inch diameter sewer main extending along Trowbridge Drive that is available for service, the sewer main is located approximately 2-feet south from the street center line.
2. There is an existing 8-inch diameter sanitary sewer main extending along Chelsea Ln. that is available for service, the sanitary sewer main is located approximately 11 feet west of the street centerline.
3. There is an existing 8-inch diameter sanitary sewer main extending along Trowbridge Dr. that is available for service, the sanitary sewer main is located approximately 2 feet south of the street centerline.

General:

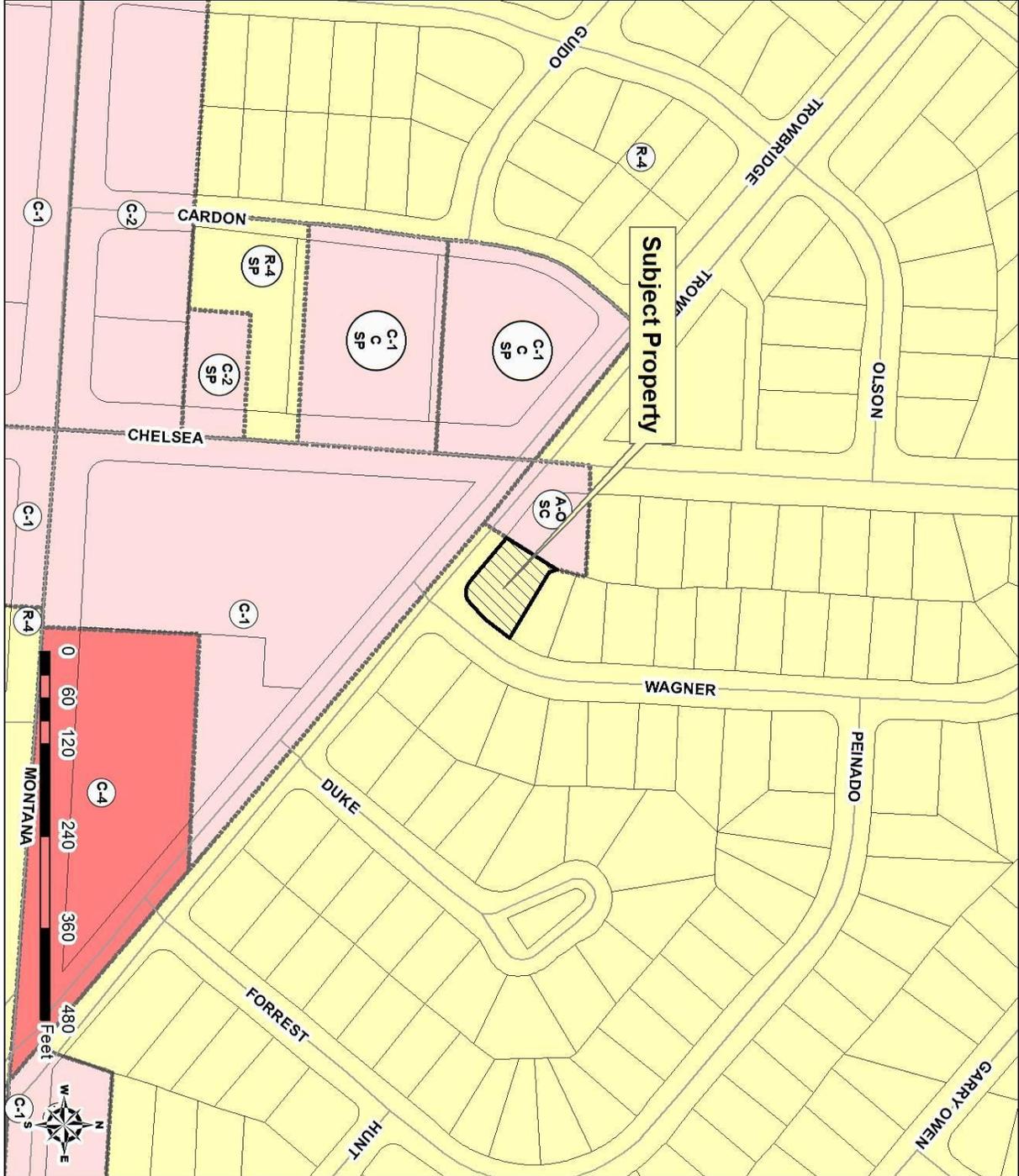
EPWU requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping 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.

Attachments:

- Attachment 1: Zoning Map
- Attachment 2: Aerial Map
- Attachment 3: Detailed Site Development Plan
- Attachment 4: Ordinance No. 4271, dated September 25, 1969
- Attachment 5: Opposition Letters

ATTACHMENT 1: ZONING MAP

PZRZ14-00035



ATTACHMENT 2: AERIAL MAP

PZRZ14-00035



FIRST READING
Date 9/25/69
City Clerk [Signature]
ADOPTED
Date 9/25/69
City Clerk [Signature]

OK/ST

4271

AN ORDINANCE CHANGING THE ZONING OF LOT 1, BLOCK 1, ALTAMIRA ADDITION, THE PENALTY BEING AS PROVIDED IN SECTION 25-10 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of Lot 1, Block 1, Altamira Addition to the City of El Paso be changed to A-O within the meaning of the Zoning Ordinance, and the zoning map of the City be revised accordingly.

PASSED AND APPROVED this 25th day of September, 1969.

Clinton E. Looef
Mayor **PRO-TEM**

ATTEST:

[Signature]
City Clerk

4271

336

CONTRACT

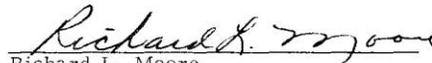
This contract, made this 16th day of September, 1969, by and between Richard L. Moore and A. Elizabeth Moore, his wife, First Parties; the City of El Paso, Second Party; and Ed Swier, Third Party, witnesseth:

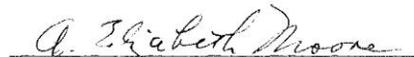
First Parties have applied for rezoning of Lot One in Block One of the Altamira Addition to the City of El Paso. To remove certain objections to the requested rezoning First Parties have agreed that if the property is rezoned to A-O (§25-26 of the El Paso City Code) it will be used only for offices of the kind permitted in A-O districts, and not for any of the other purposes permitted in A-O districts; and no structure on the property will be higher than one story. Third Party is the owner and holder of a lien on the property and consents to this contract.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

Witness the following signatures and seal:


Richard L. Moore


A. Elizabeth Moore


Ed Swier

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared ED SWIER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 15th day of Sept., 1969.

William C. Adams
Notary Public in and for El Paso County, Texas.

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared CLINTON E. WOLF, Mayor ^{Pro Tem} of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he had executed the same for the purposes and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

Given under my hand and official seal this 9th day of Sept., 1969.

L. Alicia Vidal
Notary Public in and for El Paso County, Texas.
L. AUCIA VIDAL, Notary Public
in and for El Paso County, Texas
My commission expires June 1, 1971

ATTACHMENT 5: OPPOSITION LETTERS

From: [McElroy, Michael](#)
To: [McElroy, Michael](#)
Subject: Re-zoning Chelsea Property
Date: Wednesday, September 03, 2014 8:37:27 AM

From: Beatriz Elena Baeza [mailto:mombea2@icloud.com]
Sent: Monday, September 01, 2014 4:25 PM
To: McElroy, Michael; District #2
Subject: Re-zoning Chelsea Property

September 1, 2014

The City of El Paso

Rep. Larry Romero
District 2
300 S. Campbell
El Paso, TX 79901

City Development
Mr. Michael McElroy
801 Texas Ave
El Paso, Texas 79901

Re: CASE NO. PZRZ14-00035 Re-zoning R-4 to A-O

Representative Romero, Mr. McElroy,

I support UNA's opposition to the re-zoning under PZRZ14-00035 for the following reasons:

1. It is contrary to UNA's goal to revitalize the residential areas of the neighborhood.
2. If the A-O re-zoning is approved, the current owners can change their minds and use the property for purposes other than a medical office. The current zoning was approved by the 1969 City Council in order to preserve the neighborhood environment.
3. Approving the re-zoning would expose other residential properties along Trowbridge between Chelsea and Montana to future property re-zoning speculators who would eventually cause the devastation the Alta Mira Subdivision and property value losses similar to those seen in other older neighborhoods located at Texas, Wyoming, Pershing, Montana, and Alameda streets.
4. The re-zoning would allow people to park along Chelsea and Wagner Lane causing traffic and safety problems for the local residents who use Chelsea and Wagner Lane streets.

Respectfully,
Beatriz Baeza
1109 Cardon

ATTACHMENT 5: OPPOSITION LETTERS (CONTINUED)

UNITED NEIGHBORHOOD ASSOCIATION

The City of El Paso
City Development
Mr. Michael McElroy
801 Texas Ave
El Paso, Texas 79901

Re: CASE NO. PZRZ14-00035 Re-zoning R-4 to A-O

Mr. McElroy,

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4. The re-zoning would allow people to park along Chelsea and Wagner Lane causing traffic and safety problems for the local residents who use Chelsea and Wagner Lane streets.

DATE: 9/3/14
NAME:(print) J. MacCell

(sign) [Signature]
ADDRESS: 1815 Reynolds St.
El Paso, Tx 79903

DATE: _____
NAME:(print) _____

(sign) _____
ADDRESS: _____
El Paso, Tx 79903

<mailto:unajj@att.net>
<mailto:unajj@att.net>
<mailto:scai@flash.net>
<mailto:unajj@att.net>

ATTACHMENT 5: OPPOSITION LETTERS (CONTINUED)

UNITED NEIGHBORHOOD ASSOCIATION

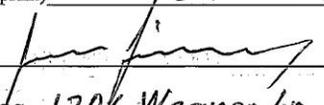
The City of El Paso
City Development
Mr. Michael McElroy
801 Texas Ave
El Paso, Texas 79901

Re: CASE NO. PZRZ14-00035 Re-zoning R-4 to A-O

Mr. McElroy,

As a member of UNA, I oppose the approval of PZRZ14-00035 for the following reasons:

1. It is contrary to UNA's goal to revitalize the residential areas of the neighborhood.
2. If the A-O re-zoning is approved, the current owners can change their minds and use the property for purposes other than a medical office. The current zoning was approved by the 1969 City Council in order to preserve the neighborhood environment.
3. Approving the re-zoning would expose other residential properties along Trowbridge between Chelsea and Montana to future property re-zoning speculators who would eventually cause the devastation the Alta Mira Subdivision and property value losses similar to those seen in other older neighborhoods located at Texas, Wyoming, Pershing, Montana, and Alameda streets.
4. The re-zoning would allow people to park along Chelsea and Wagner Lane causing traffic and safety problems for the local residents who use Chelsea and Wagner Lane streets.

DATE: 9/2/14
 NAME:(print) Jose Jimenez
 (sign) 
 ADDRESS: 1206 Wagner Ln
 El Paso, Tx 79903

DATE: _____
 NAME:(print) _____
 (sign) _____
 ADDRESS: _____
 El Paso, Tx 79903