

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

DEPARTMENT: Development Services Department

AGENDA DATE: Introduction: January 6, 2009
Public Hearing: January 27, 2009

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

DISTRICT(S) AFFECTED: 8

SUBJECT:

An ordinance changing the zoning of the following real property described as:

Parcel 1: Lots 11 to 20, Block 214, Campbell Addition, City of El Paso, El Paso County, Texas, be changed from C-4 (Commercial) to RMU (Residential Mixed Use); and,

Parcel 2: Lots 7 to 10, Block 214, Campbell Addition, City of El Paso, El Paso County, Texas, be changed from C-4/H (Commercial/Historic) to RMU/H (Residential Mixed Use/Historic); and,

Parcel 3: Lots 1 to 3 and west 20 feet of 4, Lots 5 and east 5 feet of 4, Lots 6 and west 15 feet of 7, Block 1, Franklin Heights Addition, City of El Paso, El Paso County, Texas, be changed from C-4/H (Commercial/Historic) to RMU/H (Residential Mixed Use/Historic); and,

Parcel 4: Lots 17 to 19, Block 1, Franklin Heights Addition, City of El Paso, El Paso County, Texas, be changed from A-3/H (Apartment/Historic) to RMU/H (Residential Mixed Use/Historic); and approving a Master Zoning Plan. The penalty is as provided for in chapter 20.24 of the El Paso City Code.
Subject Property: (Parcel I) 900 Myrtle Avenue, (Parcel II) 915 & 917 Magoffin Avenue, (Parcel III) 1000, 1008 & 1010 Myrtle Avenue and (Parcel IV) 1001 Magoffin Avenue. Applicant: Centro De Salud Familiar La Fe Inc., ZON08-00089 (District 8)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Historic Landmark Commission (HLC) – Approval Recommendation (4-1)
Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (8-0)

*******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: _____
ZON08-00089

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS:

PARCEL 1: LOTS 11 TO 20, BLOCK 214, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM C-4 (COMMERCIAL) TO RMU (RESIDENTIAL MIXED USE); AND,

PARCEL 2: LOTS 7 TO 10, BLOCK 214, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM C-4/H (COMMERCIAL/HISTORIC) TO RMU/H (RESIDENTIAL MIXED USE/HISTORIC); AND,

PARCEL 3: LOTS 1 TO 3 AND WEST 20 FEET OF 4, LOTS 5 AND EAST 5 FEET OF 4, LOTS 6 AND WEST 15 FEET OF 7, BLOCK 1 FRANKLIN HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM C-4/H (COMMERCIAL/HISTORIC) TO RMU/H (RESIDENTIAL MIXED USE/HISTORIC); AND,

PARCEL 4: LOTS 17 TO 19, BLOCK 1, FRANKLIN HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM A-3/H (APARTMENT/HISTORIC), TO RMU/H (RESIDENTIAL MIXED USE/HISTORIC) AND APPROVING A MASTE ZONING PLAN.

AND REPEALING ORDINANCE 15381 WHICH GRANTED A SPECIAL PERMIT FOR OFF-STREET, OFF-SITE PARKING. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the property owner has submitted an application to have the property rezoned and such property is subject to a special permit which was granted by Ordinance 15381 for off-street, off-site parking; and,

WHEREAS, the conditions of the special permit have not been complied with and are no longer necessary and under the special permit provisions the special permit is subject to automatic termination;

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

That the zoning of the following property be changed as described below within the meaning of the zoning ordinance and that the zoning map of the City of El Paso be revised accordingly:

Parcel 1: Lots 11 to 20, Block 214, Campbell Addition, City of El Paso, El Paso County, Texas, be changed from C-4 (Commercial) to RMU (Residential Mixed Use); and,

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Parcel 2: Lots 7 to 10, Block 214, Campbell Addition, City of El Paso, El Paso County, Texas, be changed from C-4/H (Commercial/Historic) to RMU/H (Residential Mixed Use/Historic); and,

Parcel 3: Lots 1 to 3 and West 20 feet of 4, Lots 5 and East 5 feet of 4, Lots 6 and West 15 feet of 7, Block 1 Franklin Heights Addition, City of El Paso, El Paso County, Texas, be changed from C-4/H (Commercial/Historic) to RMU/H (Residential Mixed Use/Historic); and,

Parcel 4: Lots 17 to 19, Block 1, Franklin Heights Addition, City of El Paso, El Paso County, Texas, be changed from A-3/H (Apartment/Historic), to RMU/H (Residential Mixed Use/Historic) such land uses allowed as being reflected in the Master Zoning Plan Report attached as Exhibit "A" incorporated here in for all purposes. The penalty is as provided for in Chapter 20.24 of the El Paso City Code; and,

That Ordinance 15381, which granted a special permit for off-street, off-site parking, be repealed.

PASSED AND APPROVED this _____ day of _____, 2009.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy
Deputy Director – Planning
Development Services Department

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Exhibit "A"

Current Conditions

Currently, portions of the subject property are zoned C-4, C-4 Historic Special Condition, C-4 Historical and A-3. The applicant is requesting a rezoning to RMU (Residential Mixed use) District. The Magoffin RMU Master Zoning Plan (MZP), while encouraging pedestrian oriented development, represents a unique opportunity for one of El Paso's oldest neighborhoods to preserve, protect, and improve the quality of its current and future residential life by encouraging more neighborhood friendly uses. The plan also transforms currently vacant lots into a mixed-use apartment complex architecturally appropriate for the Magoffin Historic District. Existing unsightly and old overhead utility lines running down the alleyway are in the process of being relocated underground or re-routed altogether.

The Downtown 2015 Plan, approved in October 2006, lists a number of objectives that the RMU District proposes to help accomplish. Per the Downtown 2015 Plan Land Use Map, the subject property is Residential Mixed Use District. This zoning change request achieves a number of objectives of both the RMU zoning ordinance as well as the Downtown 2015 Plan. Among those objectives are the following:

- Catalyst Project on the eastern boundary of downtown
- Delivers a mix of new market and affordable urban housing
- Mixed-use combining residential and retail space
- Re-images downtown
- Revitalizes vacant property
- Existing unsightly and potentially dangerous overhead utilities removed and relocated to enhance visual aesthetics of the neighborhood
- Public - Private partnership (City HOME loan)
- Designed to reflect the integrity and character of the Magoffin Historic District
- Opportunity for Transit- Oriented Development (TOD) within the Texas - Alameda Corridor
- Maintains a strong street presence with minimum setbacks for all structures
- Creates and maximizes street view of attractive upscale residential and retail storefronts
- Ground floor uses include retail, community services and living

The subject property is also within the TIRZ district as well as the Empowerment Zone. The RMU District and uses permitted per this report are in conformance with the proposed uses for the area as well as the objectives listed in the plan.

Characteristics

Density-Floor area ratio (FAR) of less than 1:1

Lot dimensions-minimum of ___' (width) x (depth)

Width X Depth

Max: 495.2 X 272

Min: 249 X 102

Ave: 373 X 172

Lot setbacks-up to zero

Lot coverage-up to 100%

Height-current zone allows 60' and height in excess of 60' with 1' additional setback for each additional foot in height

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Exhibit "A"

MASTER ZONING PLAN Magoffin Master Zoning Plan Report for a Residential Mixed Use District

INTRODUCTION

This is a downtown mixed-income, mixed use redevelopment project within the Magoffin Historical District that will provide new apartment units to the neighborhood. The project is also within the TIRZ District of the City, and will further the TIRZ goal of quality residential housing in the downtown area. Of the ninety-one new apartment units, nineteen will be affordable units, and the rest will be at market rate. There will be a small retail component to the project. Consistent with the City's "Guiding Principals for Downtown," this project will create affordable housing opportunities, further the integrity and character of the Magoffin Historic District and maximize existing blighted or vacant lots. Perhaps most importantly, this project will be a catalyst for other downtown redevelopment.

The site consists of approximately 1.689 acres located within two City blocks, bounded by Magoffin Street to the south and Myrtle Street to the north. Presently Ange Street runs through the site in a north-south fashion, and there is a pending application with the City to vacate this portion of Ange. In addition, there is a pending application to vacate portions of two alleyways that currently intersect the project in an east-west direction. These vacations will add another .495 acres to the project, and allow the combined 2.184 acre site to be a contiguous and secure living campus with off-street parking for all residents. It is anticipated that almost \$1.55 million of funds from the City's Home Funds Program will assist in the financing of this project. Private donated funds as well as private investment funds are included in the sources of funds, creating a strong model for public private partnership. Both the owner of the land and the developer of the project are locally owned and operated.

PURPOSE

The purpose of the RMU district is as follows: 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." (El Paso Municipal Code 20.06.020.D.10)

Because both the residential and retail components of the project are designed to address immediate neighborhood needs, and are architecturally designed to enhance this historical neighborhood, the development fits squarely within the RMU purposes. The project will serve residents in the area, and allow residents to both live and work downtown. The proximity of the project to the new Federal Courthouse, as well as to the other governmental buildings within the governmental district, creates employment opportunities within walking distance of new housing. Retail will be incorporated into one building to support not only the residents of the complex, but the surrounding neighborhood.

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Exhibit "A"

Buffers-opaque native landscaping
Parking-shared parking, screened from view and located in the rear of buildings where feasible

Permissible land uses:

Adult day care center
Apartment (5 or more units)
Art gallery
Assisted living facility (elderly)
Athletic facility (indoor)
Automated Teller Machine (ATM)
Bakery
Bank
Barbershop
Beauty Salon
Book Store
Boutique
Child care facility type 3
Child care facility type 4
Child care facility type 5
Child care facility type 6
Clinic
Coin-operated vending machines (inside a building)
Community recreation facility
Community recreational facility
Convenience store
Courier and message service
Credit union
Data processing center
Delicatessen drug store
Domestic storage
Drug store
Dry cleaning shop (<2500 square feet)
Electronic equipment repair
Employment agency
Exercise facility (indoor)
Financial institution
Flower shop, florist
Garage or lot, parking (community)
Garage or lot, parking (private)
Grocery
Historic preservation overlay
Hobby store
Home occupation uses
Household goods repair
Ice cream parlor
Infill development overlay
Intermediate care facility (elderly)
Laser games center

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Exhibit "A"

Laundromat, laundry (<5000 square feet)
Laundry room
Library
Locksmith
Lodge
Medical lab
Mobile office-storage unit (related to construction operations)
Model dwelling
Museum
Music store
Office, administrative and managers
Office, business
Office, medical
Office, professional
On-premise advertising
On-sited loading
On-site parking
Open space (common, public, or private)
Optical dispensary
Orphanage, shelter
Parking reduction
Pawn shop
Personal goods repair
Print & copy shop
Produce stand
Restaurant (sit down)
Retail establishment (low-volume)
Sauna, exercise room
School, arts and crafts
Self storage warehouse
Shoe repair shop
Snow cone, shaved ice stand or trailer
Specialty shop
Studio, dance
Studio, music
Studio, photography
Youth organization (with/without living facility)
Dry cleaning shop (>2500 square feet)

Land uses permitted by special permit:

Solar conversion system

Phasing

There is no phasing schedule proposed for this project due to the fact that the entire project will be constructed within the same phase. Changes of use shall be reviewed on a case by case basis.

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**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: ZON08-00089

The City Plan Commission (CPC), on November 20, 2008 voted (8 to 0) to recommend **APPROVAL** of rezoning the subject properties; Parcel I from C-4 (Commercial) to RMU (Residential Mixed Use), Parcel II from C-4/H (Commercial/Historic) to RMU/H (Residential Mixed Use/Historic), Parcel III from C-4/H (Commercial/Historic) to RMU/H (Residential Mixed Use/Historic) & Parcel IV from A-3/H (Apartment/Historic) to RMU/H (Residential Mixed Use/Historic) concurring with the recommendation from staff.

Centro De Salud Familiar La Fe is requesting to change the zoning of Parcel I from C-4 (Commercial) to RMU (Residential Mixed Use), Parcel II from C-4/H (Commercial/Historic) to RMU/H (Residential Mixed Use/Historic), Parcel III from C-4/H (Commercial/Historic) to RMU/H (Residential Mixed Use/Historic) & Parcel IV from A-3/H (Apartment/Historic) to RMU/H (Residential Mixed Use/Historic). The property is 1.664 acres in size and presently a vacant warehouse sits on Parcel I which, is slated for demolition. Parcels II, III and IV are vacant lots. The applicant is proposing access from Myrtle Avenue. The applicant is not proposing any phasing of development. The property proposes a mixture of uses to include a 1,700 square foot retail component on the 1st floor and total of 91 apartments units on the 2nd and 3rd floors.

The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Downtown 2015 Plan. The CPC also determined that this rezoning protects the best interest, health, safety, and welfare of the public in general; and that the proposed use is compatible with adjacent land uses.

On December 18, 2008 the case was re-heard by the CPC under reconsideration due to an incorrect zoning designation for Parcel IV. The parcel was shown with an A-3/H/sp/sc (Apartment/Historic/special permit/special contract) zoning designation. Further investigation revealed that the special contract/special permit designation was applicable only to the parcel located at 1002 Magoffin Avenue. Upon reconsideration the CPC recommended approval of the rezoning request.

There was three members of the public in opposition to this request at the November 20, 2008 CPC meeting.

Attachments: Staff Report, Aerial Map, 2015 Downtown Plan, Conceptual Plan, Master Zoning Plan, Ordinance, Special Permit



City of El Paso – Staff Report

Case No: ZON08-00089
Application Type Rezoning
CPC Hearing Date November 20, 2008
Staff Planner Tony De La Cruz, 915-541-4329, delacruzja@elpasotexas.gov

Location Parcel 1: 900 Myrtle Avenue
Parcel 2: 915 & 917 Magoffin Avenue
Parcel 3: 1000, 1008 & 1010 Myrtle Avenue
Parcel 4: 1001 Magoffin Avenue

Legal Description Parcel 1: Lots 11 to 20, Block 214, Campbell Addition, City of El Paso, El Paso County, Texas
Parcel 2: Lots 7 to 10, Block 214, Campbell Addition, City of El Paso, El Paso County, Texas
Parcel 3: 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 4: Lots 17 to 19, Block 1, Franklin Heights Addition, City of El Paso, El Paso County, Texas

Acreage Parcel 1: .7163 acres
Parcel 2: .2866 acres
Parcel 3: .4545 acres
Parcel 4: .2066 acres
Total acreage: 1.664 acres

Rep District 8
Existing Use Parcel 1: Warehouse
Parcel 2: Vacant
Parcel 3: Parking Lot
Parcel 4: Vacant

Existing Zoning Parcel 1: C-4 (Commercial)
Parcel 2: C-4/H (Commercial/Historic)
Parcel 3: C-4/H (Commercial/Historic)
Parcel 4: A-3/H (Apartment/Historic)

Request Parcel 1: C-4 (Commercial) to RMU (Residential Mixed Use)
Parcel 2: C-4/H (Commercial/Historic) to RMU/H (Residential Mixed Use/Historic)
Parcel 3: C-4/H (Commercial/Historic) to RMU/H (Residential Mixed Use/Historic)
Parcel 4: A-3/H (Apartment/Historic) to RMU/H (Residential Mixed Use/Historic)

Property Owners Centro De Salud Familiar La Fe
Applicant Centro De Salud Familiar La Fe
Representative TVO Development Services, LLC

SURROUNDING ZONING AND LAND USE

North: C-4 (Commercial)
South: A-O/H/sc (Apartment-Office/Historic/special contract), S-D/H/c (Special Development/Historic/contract), A-3/H (Apartment/Historic)
East: C-4/H (Commercial/Historic), A-3/H (Apartment/Historic)
West: C-4/sp (Commercial/special permit), C-4/H (Commercial/Historic)

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

NEAREST PARK: Calendar Park (1,725 feet)
NEAREST SCHOOL: Alamo Elementary (2,200 feet)

NEIGHBORHOOD ASSOCIATIONS: Public Notification was sent to the El Paso Central Business Association & the Magoffin Neighborhood Association on October 1, 2008.

APPLICATION DESCRIPTION

Centro De Salud Familiar La Fe is requesting to change the zoning of Parcel I from C-4 (Commercial) to RMU (Residential Mixed Use), Parcel II from C-4/H (Commercial/Historic) to RMU/H (Residential Mixed Use/Historic), Parcel III from C-4/H (Commercial/Historic) to RMU/H (Residential Mixed Use/Historic) & Parcel IV from A-3/H (Apartment/Historic) to RMU/H (Residential Mixed Use/Historic). The combined property is 1.664 acres in size and a portion of Parcel I is presently occupied by a vacant warehouse, Parcels II and IV are vacant lots & Parcel III is presently a parking lot. The applicant is proposing access via Myrtle Street with 98 parking spaces to be provided. There is a zoning condition currently imposed on Parcel III of this property, the condition is a special permit to allow for parking for 1000 Texas Ave. to be met off-site on 1008 & 1010 Myrtle.

CASE HISTORY

A portion of the subject property was previously granted a special permit request, No. SU-02032, to satisfy parking requirements for Parcel I, known as 1000 Texas Avenue, by allowing off-site parking on Parcel II known as 1008 & 1010 via Ordinance No. 15381 dated March 23, 2003.

The City Plan Commission unanimously recommended approval of SUB08-00135 for the vacation of Ange Street and SUB08-00136 for the vacation of the Ange Street alleys on October 23, 2008.

NEIGHBORHOOD INPUT

Notice of the public hearing was mailed to all property owners within 300 feet of this proposed rezoning on October 24, 2008. The Planning Division did not receive letters in opposition to the request.

HISTORIC LANDMARK COMMISSION

The Historic Landmark Commission recommends **APPROVAL** of the rezoning request (4-1).

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee provides the following comments:
The Development Coordinating Committee recommends **APPROVAL** of the request.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of the rezoning request of Parcel I from C-4 (Commercial) to RMU (Residential Mixed Use), Parcel II from C-4/H (Commercial/Historic) to RMU/H (Residential Mixed Use/Historic), Parcel III from C-4/H (Commercial/Historic) to RMU/H (Residential Mixed Use/Historic) & Parcel IV from A-3/H (Apartment/Historic) to RMU/H (Residential Mixed Use/Historic).

The Plan for El Paso –City-wide Land Use Goals:

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

- a. Goal: develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.
- b. Goal: To improve the quality of life for residents of the city by upgrading the physical environment through beautification programs, revitalization of neighborhoods and commercial areas; through provision of quality spaces that allow for public gathering and circulation and linkage between function;

through protection of historical assets and promotion of quality affordable housing to upgrade living conditions.

- c. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.

The application is in compliance with the Plan for El Paso – City-wide Land Use Goals. The purpose of the R-MU (Residential Mixed Use) district is to encourage the location of high density residential uses near mass transit lines and other major transportation facilities, to promote the revitalization of the downtown area and historic districts through out the city.

Development Services Department – Planning Division:

Current Planning: Recommends **approval** of the rezoning request of Parcel I from C-4 (Commercial) to RMU (Residential Mixed Use), Parcel II from C-4/H (Commercial/Historic) to RMU/H (Residential Mixed Use/Historic), Parcel III from C-4/H (Commercial/Historic) to RMU/H (Residential Mixed Use/Historic) & Parcel IV from A-3/H (Apartment/Historic) to RMU/H (Residential Mixed Use/Historic).

1. Increase housing densities and promote mixed-use development along the major transportation corridors as well as in the downtown area.
2. The **Downtown 2015 Plan** designates these properties for **Mixed-Use Residential**.
3. **RMU (Residential Mixed Use) zoning** permits Mixed Use Residential/Retail and **is compatible** with adjacent development.

Development Services Department - Building Permits and Inspections Division:

Zoning Review: No objections to proposed rezoning

Landscape Review: No objections to proposed rezoning

Development Services Department – Land Development Division:

No Objections to proposed rezoning, but did provide the following comments;

1. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
2. Grading plan and permit required.*
3. Storm Water Pollution Prevention plan and/or permit required.*
4. Drainage plans must be approved by the Development Services, Engineering Section.*

*** This requirement will be applied at the time of development.**

Engineering Department - Traffic Division:

No Objections to proposed rezoning

Fire Department:

No opposition at this time

El Paso Water Utilities:

Does not object to rezoning, but did provide the following comments;

1. EPWU-PSB does not object to this rezoning request.
2. As part of the development of the property and the associated street and alley vacations, the existing water and sanitary sewer mains along the portions of the alley and the street to be vacated need to be abandoned in place. The water main will be plugged and new sanitary sewer manholes installed at the each of the limits with the

remaining public alley. The Applicant is responsible for the costs of abandonment of mains (depreciation), cutting and plugging, and the installation of manholes.

3. A water main extension will be required along Saint Vrain from the Alley to Myrtle Street to provide adequate water circulation on the system after cutting and plugging the existing water main. The Applicant is responsible for all water main installation costs.

4. EPWU-PSB requires access to the water and sanitary sewer facilities and appurtenances in the remaining public alley 24 hours a day, seven (7) days a week. **The access provided shall allow the operation of EPWU maintenance vehicles.**

Water

5. There is an existing 4-inch diameter water main that extends along the alley from Virginia Street to Octavia Street. There is an existing 8-inch diameter water main along Myrtle Street. Depending on site plan layout and anticipated water meter location, upgrade of the existing 4-inch water main mentioned above may be required due to the RMU increased density.

Sanitary Sewer

6. There is an existing 6-inch sanitary sewer main along the alley within Block 214, Campbell Addition. This sewer main dead-ends at the eastern right-of-way line of Ange Street. Also, there is an existing 10-inch sanitary sewer main along the alley within Block 1, Franklin Heights Addition.

General

7. **The applicant is responsible for the costs of any necessary extensions, relocations, upgrades or adjustments of water and sanitary sewer lines, appurtenances, fire hydrants, and meters related to the proposed improvement work for the site.**

8. In the event that the City of El Paso Fire Department requires additional public fire hydrants and/or an on-site fire protection system, the applicant is responsible for all costs incurred to provide this service.

Parks:

No Comments Received

Sun Metro:

No Comments Received

School Districts:

No Comments Received

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application

1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for 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 The Plan for 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 The Plan for El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

Attachments

- 1. Aerial Map
- 2. Downtown 2015 Plan Map
- 3. Conceptual Plan
- 4. Master Zoning Plan
- 5. Special Permit



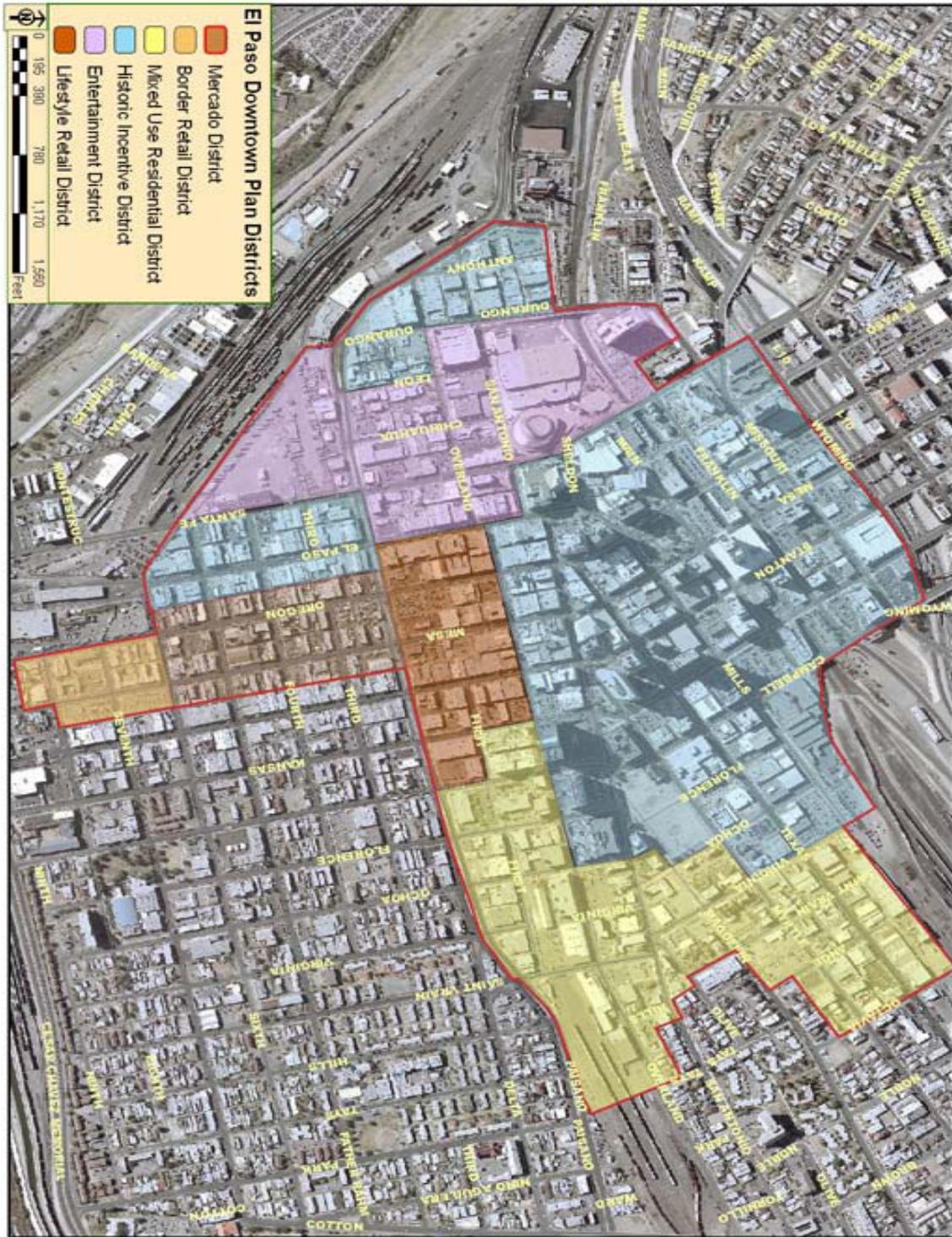
ATTACHMENT 1: AERIAL MAP

ZON08-00089

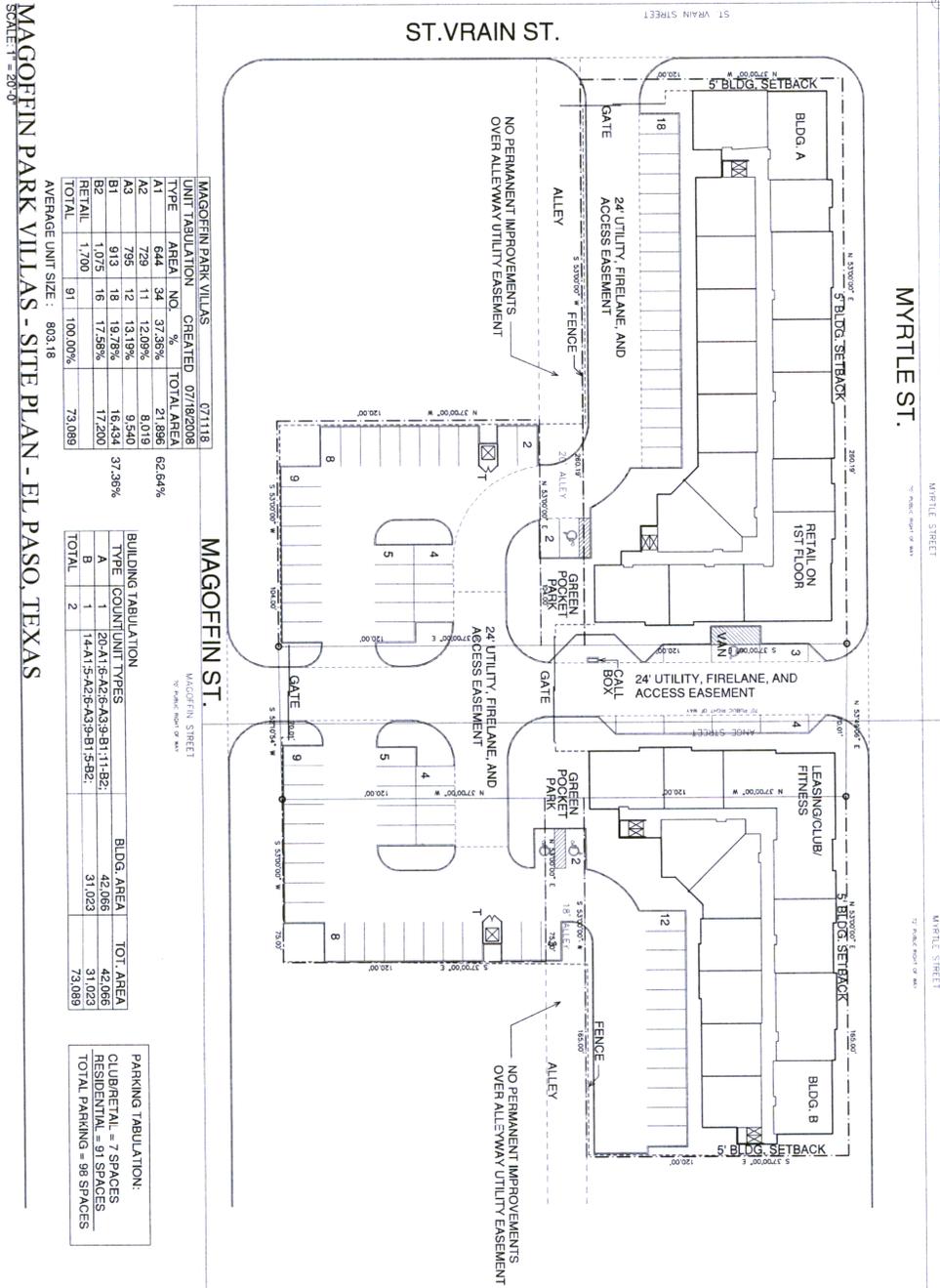


ATTACHEMENT 2: DOWNTOWN 2015 PLAN

El Paso Downtown 2015 Plan
Boundary and Use Districts



ATTACHMENT 3: CONCEPTUAL PLAN



MAGOFFIN PARK VILLAS			
UNIT TABULATION	CREATED	07/18/2008	
TYPE	AREA	NO.	%
A1	644	34	37.36%
A2	729	11	12.09%
A3	795	12	13.19%
B1	913	18	19.78%
B2	1,075	16	17.58%
RETAIL	1,700		
TOTAL		91	100.00%

BUILDING TABULATION			
TYPE	COUNT	UNIT TYPES	BLDG. AREA
A	1	20-A1; 15-A2; 6-A3; 9-B1; 11-B2;	42,066
B	1	14-A1; 5-A2; 6-A3; 9-B1; 5-B2;	31,023
TOTAL	2		73,089

PARKING TABULATION:			
TYPE	COUNT	UNIT TYPES	TOT. AREA
CLUB/RETAIL	7		5,400
RESIDENTIAL	91		16,454
TOTAL PARKING	98		17,200

MAGOFFIN PARK VILLAS - SITE PLAN - EL PASO, TEXAS
 SCALE: 1" = 20'-0"

DATE: 10-02-08

PROJECT: 071118

SHEET NUMBER: 1.1

SITE PLAN

BEELER GUEST OWENS ARCHITECTS INC.
 4245 CENTRAL EXPY. SUITE 300 DALLAS, TEXAS 75205 (214) 500-8878

Magoffin Park Villas

RESIDENTIAL UNITS IN EL PASO, TEXAS FOR
TWO DEVELOPMENT SERVICES

REVISIONS

ATTACHMENT 4: MASTER ZONING PLAN

MASTER ZONING PLAN

Magoffin Master Zoning Plan Report for a Residential Mixed Use District

INTRODUCTION

This is a downtown mixed-income, mixed use redevelopment project within the Magoffin Historical District that will provide new apartment units to the neighborhood. The project is also within the TIRZ District of the City, and will further the TIRZ goal of quality residential housing in the downtown area. Of the ninety-one new apartment units, nineteen will be affordable units, and the rest will be at market rate. There will be a small retail component to the project. Consistent with the City's "Guiding Principals for Downtown," this project will create affordable housing opportunities, further the integrity and character of the Magoffin Historic District and maximize existing blighted or vacant lots. Perhaps most importantly, this project will be a catalyst for other downtown redevelopment.

The site consists of approximately 1.689 acres located within two City blocks, bounded by Magoffin Street to the south and Myrtle Street to the north. Presently Ange Street runs through the site in a north-south fashion, and there is a pending application with the City to vacate this portion of Ange. In addition, there is a pending application to vacate portions of two alleyways that currently intersect the project in an east-west direction. These vacations will add another .495 acres to the project, and allow the combined 2.184 acre site to be a contiguous and secure living campus with off-street parking for all residents. It is anticipated that almost \$1.55 million of funds from the City's Home Funds Program will assist in the financing of this project. Private donated funds as well as private investment funds are included in the sources of funds, creating a strong model for public private partnership. Both the owner of the land and the developer of the project are locally owned and operated.

PURPOSE

The purpose of the RMU district is as follows: 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." (El Paso Municipal Code 20.06.020.D.10)

Because both the residential and retail components of the project are designed to address immediate neighborhood needs, and are architecturally designed to enhance this historical neighborhood, the development fits squarely within the RMU purposes. The project will serve residents in the area, and allow residents to both live and work downtown. The proximity of the project to the new Federal Courthouse, as well as to the other governmental buildings within the governmental district, creates employment opportunities within walking distance of new housing. Retail will be incorporated into one building to support not only the residents of the complex, but the surrounding neighborhood.

ATTACHMENT 4: MASTER ZONING PLAN

Current Conditions

Currently, portions of the subject property are zoned C-4, C-4 Historic Special Condition, C-4 Historical and A-3. The applicant is requesting a rezoning to RMU (Residential Mixed use) District. The Magoffin RMU Master Zoning Plan (MZP), while encouraging pedestrian oriented development, represents a unique opportunity for one of El Paso's oldest neighborhoods to preserve, protect, and improve the quality of its current and future residential life by encouraging more neighborhood friendly uses. The plan also transforms currently vacant lots into a mixed-use apartment complex architecturally appropriate for the Magoffin Historic District. Existing unsightly and old overhead utility lines running down the alleyway are in the process of being relocated underground or re-routed altogether.

The Downtown 2015 Plan, approved in October 2006, lists a number of objectives that the RMU District proposes to help accomplish. Per the Downtown 2015 Plan Land Use Map, the subject property is Residential Mixed Use District. This zoning change request achieves a number of objectives of both the RMU zoning ordinance as well as the Downtown 2015 Plan. Among those objectives are the following:

- Catalyst Project on the eastern boundary of downtown
- Delivers a mix of new market and affordable urban housing
- Mixed-use combining residential and retail space
- Re-images downtown
- Revitalizes vacant property
- Existing unsightly and potentially dangerous overhead utilities removed and relocated to enhance visual aesthetics of the neighborhood
- Public – Private partnership (City HOME loan)
- Designed to reflect the integrity and character of the Magoffin Historic District
- Opportunity for Transit- Oriented Development (TOD) within the Texas – Alameda Corridor
- Maintains a strong street presence with minimum setbacks for all structures
- Creates and maximizes street view of attractive upscale residential and retail storefronts
- Ground floor uses include retail, community services and living

The subject property is also within the TIRZ district as well as the Empowerment Zone. The RMU District and uses permitted per this report are in conformance with the proposed uses for the area as well as the objectives listed in the plan.

Characteristics

Density-Floor area ratio (FAR) of less than 1:1

Lot dimensions-minimum of ___' (width) x (depth)

Width X Depth

Max: 495.2 X 272

Min: 249 X 102

Ave: 373 X 172

Lot setbacks-up to zero

Lot coverage-up to 100%

Height-current zone allows 60' and height in excess of 60' with 1' additional setback for each additional foot in height

ATTACHMENT 4: MASTER ZONING PLAN

Buffers-opaque native landscaping

Parking-shared parking, screened from view and located in the rear of buildings where feasible

Permissible land uses:

Adult day care center

Apartment (5 or more units)

Art gallery

Assisted living facility (elderly)

Athletic facility (indoor)

Automated Teller Machine (ATM)

Bakery

Bank

Barbershop

Beauty Salon

Book Store

Boutique

Child care facility type 3

Child care facility type 4

Child care facility type 5

Child care facility type 6

Clinic

Coin-operated vending machines (inside a building)

Community recreation facility

Community recreational facility

Convenience store

Courier and message service

Credit union

Data processing center

Delicatessen drug store

Domestic storage

Drug store

Dry cleaning shop (<2500 square feet)

Electronic equipment repair

Employment agency

Exercise facility (indoor)

Financial institution

Flower shop, florist

Garage or lot, parking (community)

Garage or lot, parking (private)

Grocery

Historic preservation overlay

Hobby store

Home occupation uses

Household goods repair

Ice cream parlor

Infill development overlay

Intermediate care facility (elderly)

Laser games center

ATTACHMENT 4: MASTER ZONING PLAN

Laundromat, laundry (<5000 square feet)
Laundry room
Library
Locksmith
Lodge
Medical lab
Mobile office-storage unit (related to construction operations)
Model dwelling
Museum
Music store
Office, administrative and managers
Office, business
Office, medical
Office, professional
On-premise advertising
On-sited loading
On-site parking
Open space (common, public, or private)
Optical dispensary
Orphanage, shelter
Parking reduction
Pawn shop
Personal goods repair
Print & copy shop
Produce stand
Restaurant (sit down)
Retail establishment (low-volume)
Sauna, exercise room
School, arts and crafts
Self storage warehouse
Shoe repair shop
Snow cone, shaved ice stand or trailer
Specialty shop
Studio, dance
Studio, music
Studio, photography
Youth organization (with/without living facility)
Dry cleaning shop (>2500 square feet)

Land uses permitted by special permit:

Solar conversion system

Phasing

There is no phasing schedule proposed for this project due to the fact that the entire project will be constructed within the same phase. Changes of use shall be reviewed on a case by case basis.

ATTACHMENT 5: SPECIAL PERMIT

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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 5: SPECIAL PERMIT CONT.

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

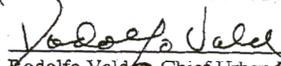
ATTEST:


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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ORDINANCE NO. _____

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Special Permit #SU-02032