

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

DEPARTMENT: Development Services Department

AGENDA DATE: Introduction: February 19, 2008
Public Hearing: March 11, 2008

CONTACT PERSON/PHONE: Mirian Spencer, (915) 541-4192, spencermd2@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance changing the zoning of Lots 36 and 37, Block 84, Franklin Heights Addition, City of El Paso, El Paso County, Texas from A-2 (Apartment) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1123 Rio Grande Avenue Applicant: W. Matt Watson, ZON07-00155 (District 8)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Unanimous Approval Recommendation
City Plan Commission (CPC) – Unanimous Approval Recommendation (6-0)

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*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Kelly Carpenter

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOTS 36 AND 37, BLOCK 84, FRANKLIN HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO A-O (APARTMENT/OFFICE). 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 *Lots 36 and 37, Block 84, Franklin Heights Addition, City of El Paso, El Paso County, Texas*, be changed from **A-2 (Apartment)** to **A-O (Apartment/Office)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this _____ day of _____, 2008.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

CITY CLERK DEPT.
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APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Kelly Carpenter
Kelly Carpenter, Deputy Director
Development Services Department,
Planning Division

ORDINANCE NO. _____

Zoning Case No: ZON07-00155



DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

MEMORANDUM

DATE: January 31, 2008
TO: The Honorable Mayor and City Council
Joyce Wilson, City Manager
FROM: Planner
SUBJECT: ZON07-00155

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The City Plan Commission (CPC), on January 17, 2008, recommended (6-0) approval of the request to rezone the subject property to A-O (Apartment/Office) from A-2 (Apartment).

The property is located on an east bound one-way street in a corridor of single-family, multi-family, and office use properties. The area adjacent to the property is in transition from single-family and multi-family residences to a mixed use development area. The proposed A-O (Apartment/Office) zoning is compatible with adjacent zoning and development. The 2025 projected general land use designation for the Central planning area designates the property for Mixed uses.

The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. 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.

There was **one letter in Opposition** to this request. The opposition was to the change from single-family residence to the proposed professional office.

There was **one petition in Support** of this request. The petition was submitted at the time of application by the property owner.

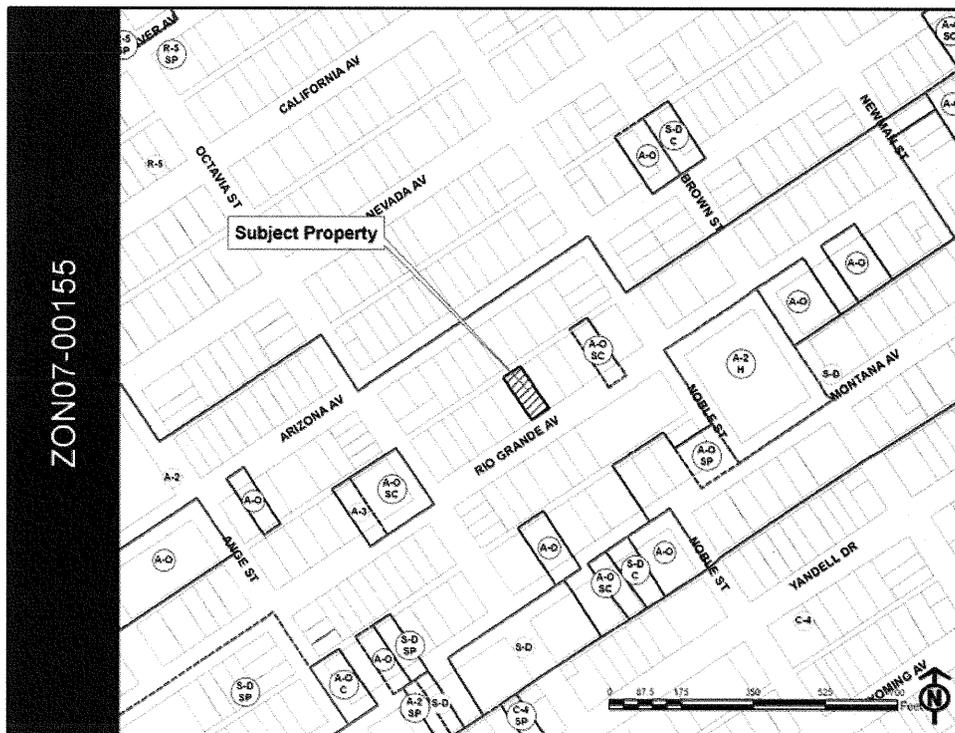
Attachment: Staff Report, Location Map, Site Plan, Opposition Letter, Petition



ZON07-00155

Application Type: Rezoning
Property Owner(s): W. Matt Watson
Representative(s): Same
Legal Description: Lots 36 and 37, Block 84, Franklin Heights Addition, City of El Paso, El Paso County, Texas
Location: 1123 Rio Grande Avenue
Representative District: 8
Area: 0.1377 Acres
Present Zoning: A-2 (Apartment)
Present Use: Single-family Residential
Proposed Zoning: A-O (Apartment/Office)
Proposed Use: Professional Office
Recognized Neighborhood Associations Contacted: A Presidential Neighborhood Association, Houston Park Neighborhood Association, Central El Paso Community Organization, El Paso High Neighborhood Association
Public Response: One letter in opposition, One petition in support
Surrounding Land Uses: **North – A-2/Single-family Residential; South – A-2/Multi-family; East – A-2/Single-family Residential; West- A-2/Single-family Residential**
Year 2025 Designation: **Mixed Use (Central)**

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General Information:

The applicant is requesting a rezoning from A-2 (Apartment) to A-O (Apartment/Office) in order to permit the use as a professional office. The property is 0.1377 of an acre in size. The conceptual, non-binding, site plan shows the existing residential structure with four proposed parking spaces to the rear of the property. Access is proposed via Rio Grande Avenue and the paved alley adjacent to the rear of the property. There are no zoning conditions on the property. The property has been registered as legally non-conforming for a side yard setback of 3.9' where a five foot side yard setback is required in an A-2 (Apartment) zone.

Staff Recommendation:

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL** of this request for rezoning from A-2 (Apartment) to A-O (Apartment/Office).

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The recommendation is based on the following:

The subject property is located within an established neighborhood that is currently in transition from a single-family and multi-family neighborhood to a mixed-use neighborhood. The proposed change of zoning is compatible with the proposed mixed-use general land use designation for the property.

The Plan for El Paso City-Wide Land Use Goals recommend that El Paso

- “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.”
- “Provide a pattern commercial and office development which best serves community needs and which complements and serves all other land uses.”
- “Preserve, protect, and enhance the integrity, economic vitality, and livability of the city’s neighborhoods.”
- “Encourage the provision of neighborhood commercial services which are compatible with a neighborhood’s residential character.”

The Year 2025 Projected General Land Use Map for the Central Planning Area designates this property for **MIXED** land uses.

A-O (Apartment/Office) zoning permits offices and is **compatible** with adjacent development.

Findings:

The Commission must determine the following:

1. Will the A-O (Apartment/Office) zoning protect the best interest, health, safety, and welfare of the public in general?
2. Will a professional office be compatible with adjacent land uses?
3. What is the relation of the proposed change to the city’s Comprehensive Plan?
4. What effect will the rezoning have upon the natural environment social and economic conditions and property values in the vicinity and in the City as a whole?

Development Services Department - Building Permits and Inspections Division:

Zoning Review: Professional office uses are permitted in an A-O (Apartment/Office) district. The West side of the structure does not meet minimum setback requirements. Sufficient parking provided, but alley must be paved in order to provide access. The owners will need to submit plans for change of occupancy (residential to office) and comply with ADA requirements.

Landscape Review: No comments received.

Development Services Department - Planning Division:

Current Planning: Recommends approval. Proposed zoning is compatible with adjacent uses and development, and is compatible with the 2025 Projected General Land Use for the area which is mixed use.

Land Development: No comments received

Engineering Department - Traffic Division:

No objections to proposed rezoning. The alley shall be improved to city standards.

Fire Department:

No comments received.

El Paso Water Utilities:

EPWU does not object to this request.

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List of Attachments

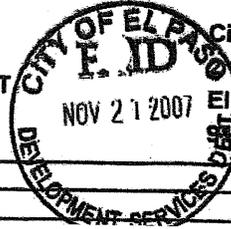
- Attachment 1: Site Plan
- Attachment 2: Application
- Attachment 3: Opposition Letter

Attachment 2: Application

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REZONING APPLICATION
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



City of El Paso, Texas
Civic Center Plaza
El Paso, TX 79901-1196
541-4024

1. CONTACT INFORMATION

PROPERTY OWNER(S): W. Mark Watson

REPRESENTATIVE(S): - same as above -
ADDRESS: _____ ZIP CODE: _____ PHONE: _____
E-MAIL ADDRESS: _____ FAX: _____

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: EPCAD # P60799908407100
LEGAL DESCRIPTION: Lot 36 & 37, Block 84 Franklin Heights
STREET ADDRESS OR LOCATION: 1123 Rio Grande REP DISTRICT: 8
ACREAGE: .1377 PRESENT ZONING: A-2 PRESENT LAND USE: Residence
PROPOSED ZONING: A-0 PROPOSED LAND USE: Professional Office

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
LEGAL DESCRIPTION: _____
STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
PROPOSED ZONING: _____ PROPOSED LAND USE: _____

4. PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
LEGAL DESCRIPTION: _____
STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
PROPOSED ZONING: _____ PROPOSED LAND USE: _____

5. ADDITIONAL INFORMATION

OWNER(S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):
Printed Name: W. Mark Watson Signature: [Signature]
Printed Name: _____ Signature: _____
Printed Name: _____ Signature: _____

Note: Signatures are required for all owners of record for the property proposed for rezoning. Attach additional signatures on a separate sheet of paper.

****OFFICE USE ONLY****
ZON 07-00155 RECEIVED DATE: 11/21/07 APPLICATION FEE: \$ 450.00
DCC REVIEW DATE: 12/19/07 (8:30 am, Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 01/17/08 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: [Signature]

Revised 9/2006

Attachment 3: Opposition Letter

David A. Ruiz and Bertha A. Ruiz

January 4, 2008

City Plan Commission
c/o Planning Division
5th Floor
City Hall
2 Civic Center Plaza
El Paso, TX 79901-1196

Case No. ZON07-00155

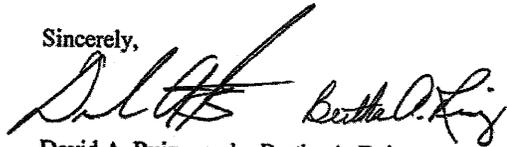
To whom it may concern:

My wife and I want to protest the zoning change being proposed by W. Matt Watson in order to change the zoning on the property located at 1123 Rio Grande Street from A-2 (Apartment) to A-O (Apartment/Office) in order to permit the use as a professional office. We have struggled for many years to pay for our property located at 1201 Arizona, and we believe that allowing offices in a residential area will promote businesses to move into the area and will infringe on the homes and families who live there.

We were ecstatic when the City Council named the part of this neighborhood which includes our property on Arizona Street, as part of the Rio Grande Historical District. In order to maintain the integrity of this recognition, we must maintain the area as a residential zone. We have enclosed a copy of the October 27, 1999 El Paso Times newspaper article which verifies the naming of this area as the Rio Grande Historical District.

We hope you will consider our request and **NOT** allow the zoning change in this neighborhood. Thank you for your time and consideration.

Sincerely,



David A. Ruiz and Bertha A. Ruiz

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to President Reagan's Cabinet Council on Economic Policy in 1985 and '86.

Before that, he was a senior economic adviser at the U.S. Department of Commerce and a senior economist for the U.S. Congress Joint Economic Committee. He has written many books, research reports and journal articles on economic theory and policy.

The Texas Sunset Advisory Commission is made up of eight legislators and two public members. The last El Pasoan serving on the commission was former state Rep. Jack Vowell, who was its chairman 10 years ago.

The commission will look at 25 state agencies during the next year. The state's 1977 "sunset" law abolishes state agencies every 12 years unless the Legislature specifically reauthorizes their existence. But that is rare. The Sunset Commission usually recommends ways to improve agencies, recommendations that legislators then consider.

Roth's 25 years of experience with Washington, he said, has taught him "a little bit how that system is used and abused. ... One of the principal endeavors of members of Congress is to obfuscate and confuse. Texas is different. We don't do that."

Congress has no similar process to keep agencies efficient, Roth said, and that's why there's less trust in federal institutions.

ron and Debbie Pate have been the main supporters of the historic district designation for the Rio Grande Av-

and decorative lampposts put up.

Neighborhood now looks to future

By Ken Flynn
El Paso Times

Attorney Vic Poulos received an award from the city recently for converting two old homes into an office while maintaining the buildings' architectural elegance.

The homes at 1518 and 1520 N. Campbell are now part of the Rio Grande Historic District, approved last week by the Texas Historical Commission and listed in the National Register of Historic Places by the U.S. Department of the Interior.

"I wish I had renovated the buildings prior to the historic designation," Poulos said. "I would have saved a lot of money."

Historians say the district is one of the earliest middle-class residential additions in El Paso and was developed in response to the arrival and expansion of the railroad in the late 19th and early 20th century.

"The Rio Grande Avenue area was home to lawyers, judges, schoolteachers and railroaders," said accountant Ron Pate, who operates

A place in history

Homes along Rio Grande Avenue

Other districts

- 1 Manhattan Heights Designated in 1981
- 2 Old San Francisco 1983
- 3 Sunset Heights 1984
- 4 Magoffin 1985
- 5 Yarrita 1986
- 6 Chihuahuita 1981
- 7 Austin Terrace 1991
- 8 Downtown 1992
- 9 Mission Trail 1993

El Paso Times

his business from a renovated home at 505 E. Rio Grande. "It was one of El Paso's first truly middle-class neighborhoods. The people who were rich lived in Sunset Heights, and the poor lived in Chihuahuita."

Poulos believes the future of the district lies in developing commercial property, not residences.

"The old homes are beau-

tiful and convert easily into offices," he said. "It's convenient for lawyers and clients, because it's so close to Downtown."

Pate and his wife, Debbie, have been the main supporters of the historic district. Ron Pate asked the City Council Tuesday for signs designating the area a historic district. South-West city Rep. Elvia Her-

andez agreed to pay for the signs from city discretionary funds and offered Pate advice on applying for grants to pay for installation of decorative lampposts such as those in the Magoffin Historic District.

Pate said designation as a historic district means owners of property in the

Please see **Historic 4B**

work-force program.

On a 6-1 vote, the board indefinitely postpone Haggerty's two discussion items. Board Vice Chairman Arturo Huerta, who made the motion, referred to Haggerty's vindictiveness and his intention to keep attacking Campion.

"Well, Mr. Huerta, you're entitled to your opinion Haggerty responded. "But have broad shoulders, and can take the hits.

"What concerns me this college was offered \$9 million contract. ... We have done all sorts of things concerning this contract, and we have now invested almost a million dollars in this building."

He went on to question when the board approved \$600,000 for improvements in a building that will have cost \$1.1 million rent and expenses by December, when the lease expires and the college must move out.

"This man is inept, and needs to be removed," Haggerty said of Campion.

Campion offered no response, but Huerta said Campion's decision to turn the training fund "fixed the problem."

Trustee Vicki Icard said the board approved the lease of the former II building at 4191 N. Mission building now houses administration offices, including Campion's, and serves as the board's meeting place.

"In fairness, he inherited it," trustee Inocente Quintanilla said.

Fabiola Rubio, the college's vice president for source management, said the purchase orders for building improvements

Crime and safety: Fired police want jobs back

Officers were wrong to shoot, sergeant testifies

By Christina Ramirez
El Paso Times

Two former El Paso police officers who were fired over their involvement in

winning an arbitration hearing for former officers Dirk Hiltl and Salvador Vega.

Hiltl and Vega, who want their jobs back, were fired by city officials in June in

safety existed.

"Vega's first shot was at the (vehicle's) tire, which is clearly out of policy," said Graves, a member of the Shooting Review Team.

Tuesday's witnesses included Huerta's mother, Maria, and other relatives, as well as Graves.

The testimony by Huerta's mother and his sister,

was dead, but he lasted 24 hours."

Graves, who is with the Crimes Against Children Unit, was also questioned about his handling of the

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