

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOT 1, BLOCK 1, CITY VIEW SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-3/SC (COMMERCIAL/SPECIAL CONTRACT), C-1 (COMMERCIAL), AND A-O (APARTMENT/OFFICE) TO GMU (GENERAL MIXED USE). 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 *Lot 1, Block 1, City View Subdivision, City of El Paso, El Paso County, Texas*, be changed from **C-3/sc (Commercial/special contract)**, **C-1 (Commercial)**, and **A-O (Apartment/Office)** to **GMU (General Mixed Use)**, such land uses allowed as being reflected in the Master Zoning Plan Report attached as Exhibit "A" incorporated herein for all purposes, 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 _____, 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
Development Services Department
Planning Division

MASTER ZONING PLAN

City View Master Zoning Plan Report for a General Mixed Use District

INTRODUCTION

This is a 16.4 acre mixed use redevelopment project located off of Cliff Avenue across the street from the Sierra Hospital. The parcel is north of the Central Business District, and has a spectacular view of the downtown area, hence the City View name of the project. The parcel extends from Cliff Avenue on the north to Arizona Street on the south and Golden Hill Terrace to the east. The geographic area on either side of Cliff has historically been part of one of the larger medical districts in El Paso, with numerous multistory medical buildings within a half mile radius. It is estimated that some 5,000 medical employees, related support staff and doctors work within this district, and the many medical facilities draw thousands of patients and their families to the area.

The proposed development includes a state of the art multistory specialty medical facility, at least two multistory medical office buildings and supportive and compatible medical, retail and commercial uses. The development is targeted to help attract physicians to address the City's critical doctor shortage estimated to be over 600 doctors, and to provide more specialty services that El Paso patients currently have to leave the City to obtain. The project is also designed to create needed amenities within a walkable distance of the employees and neighborhood residents, and is designed to encourage pedestrian use.

Most of the 15 separate structures existing on the site were built in 1954 as medical office buildings. The former Cliff Inn Hotel was built in the 1980's, and had begun to rent or contract rooms before it was closed. Within a few of the office buildings there are small areas of medically related retail. Most of the office buildings are stucco over concrete block with flat built up roofs and roof-mounted HVAC units. These buildings have exceeded their useful life and have become functionally obsolete. All of the streets and parking areas within the parcel are privately owned and have been poorly maintained by previous owners. A series of absentee owners over the last 20 years who failed to reinvest in the property and its improvements has resulted in many empty buildings or spaces. Inconsistent maintenance and forfeited capital improvements to the complex have resulted in an eyesore to the neighborhood and could fall under the City's definition of blight found in Section 3.16.020 of the Municipal Code.

Blight is defined to include any area which by reason of the presence of a substantial number of substandard or deteriorating structures, deterioration of site or other improvements, or any combination of these, substantially impairs or arrests the sound growth of a city, or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use. The property's failure to attract the type of medical community and medical uses that it once attracted and that El Pasoans desire, its deteriorating condition and its low tax base, makes the property a detriment to the City.

The developer of the project, who also has an ownership interest in it, is locally owned and operated. The near term plans are to demolish all but two of the larger buildings that are tenant occupied and one small building that houses the power system.

PURPOSE

The purpose of the GMU district is as follows: to accommodate, encourage and promote innovatively designed developments involving the combining and mixing of uses allowed in various zoning districts with appropriate regulations, which together form an attractive and harmonious unit of the City. The regulations of this district are intended to allow for large scale developments that are able to function as individual neighborhoods, or an integrated collection (two or more) of individual neighborhoods supported by civic, commercial and recreational uses; as small-scale developments requiring flexibility because of unique design characteristics, or as

transitional areas between dissimilar land uses. It is intended that the district regulations permit flexibility and encourage more creative, efficient and aesthetically desirable design and placement of land uses.” (El Paso Municipal Code 20.06.020.D.11 as amended) Further, a mixed use development may be authorized to encourage use schemes such as medical centers. (20.10.360)

This development fits squarely within the GMU purposes and within the City’s stated development goals and encouragement of mixed use projects. The mix of the health related and retail uses within the project will be designed to address and support the existing and future health needs of the larger medical district of which it is a part, and of the employees and neighbors in the area. The development will be innovatively designed to incorporate green space within the mix of upscale compatible and complimentary uses. It is anticipated that a quality restaurant as well as small retail stores will provide better eating, entertainment and purchase options than are currently available to serve residents in the area. Employees, residents, patients and their families will be able to park their car in one location, and then walk to these areas. If there is adequate market demand and financial support, the development may include a high end residential condominium or apartment component.

CURRENT CONDITIONS

Currently, the portion of the subject property on which the Cliff Inn is located is zoned C-3 SC with a requirement of a detailed site development plan. Per the City’s zoning map, the parts of the property that are being used as medical office buildings with some retail are zoned, C-1 and A-O. There are two older cell towers on the outer edge of the property near Golden Hills Terrace Street. The applicant is requesting a rezoning to GMU (General Mixed Use) District. The GMU Master Zoning Plan (MZP) represents a timely opportunity for one of El Paso’s oldest medical complexes to be redesigned with a higher quality of mixed uses and as a pedestrian oriented development. This project will attract and improve the quality of life of the physicians, the medical support staff, the patients needing medical services, and the neighborhood residents. It will also be designed to change the way medical care is delivered to El Pasoans. The project will transform many out dated and currently vacant buildings with unattractive streetscapes into a strong tax base of a modern mixed-use complex containing state of the art medical facilities.

CHARACTERISTICS

Total Acreage: 16.40 acres

Entire project is one lot

Density-maximum Floor Area ratio (FAR) of less than 1.50 to 1

Maximum proposed total Floor Area: 750,000 net rentable square feet, 900,000 gross square feet

Lot dimensions-minimum of 903.73 feet (width) by minimum of 485.71 feet (depth)

Max width of lot 942.34 feet:

Max depth of lot of 794.43 feet

Ave width of lot: 1,153.46 feet

Ave depth of lot: 640.07 feet

All Building setbacks-zero

Lot coverage-100%

Maximum Building Height:

- Along Golden Hills Terrace, the maximum building height shall be limited to 5 stories from Street Grade level.
- Along Wright Avenue, the maximum building height shall be limited to 5 stories from finished floor of first floor of building.
- Remaining Site Maximum Building Height-10 stories

Buffers-opaque native landscaping

Parking-shared parking

No excess cut material shall be allowed to be placed on any part of the western slope

Permissible land uses:

3.00- Educational, institutional & social uses

Adult day care center
Art gallery
Child care facility
Community Center, Convention Center
Library
Lodge
Museum

4.00- Office & research services

Automated Teller Machine (ATM)
Bank
Courier and message service
Credit union
Data processing center
Employment agency
Financial Institution
Office, medical
Office, professional/nonprofessional
Research laboratory
School, arts and crafts
Studio, dance, music, photography

6.00- Medical & related uses

Assisted living facility
Clinic
Convalescent Home
Drug store
Hospital
Intermediate care facility
Medical lab
Optical dispensary
Sanitarium

9.00- Parking & Loading

Garage or lot, parking, community/commercial/private
On-site loading

10.00- Personal services

Barbershop
Beauty Salon
Dry cleaning shop
Laundromat, laundry
Locksmith

11.00- Recreation, amusement & entertainment

Athletic facility (indoor)
Community recreational facility
Exercise facility (indoor)

Laser games center
Open space- common/public/private
Sauna, exercise room

13.00- Residential

No more than 20 units
Apartment (5 or more units)
Bed & Breakfast
Boarding House
Domestic storage
Guest, Employee Quarters
Home occupation uses
Hotel/Motel
Laundry room
Single-family attached dwellings

14.00- Sales, retail & wholesale

Bakery
Book Store
Boutique
Coin-operated vending machines (inside a building)
Convenience store
Delicatessen
Drug store
Flower shop, florist
Grocery
Hobby store
Ice cream parlor
Music store
Print & copy shop
Produce stand
Restaurant (drive-in or walk-up or sit-down)
Retail establishment
Specialty shop

15.00- Signs

On-premise advertising

16.00- Temporary uses

Mobile office-storage unit (related to construction operations)
Model dwelling

17.00- Towers & related structures

Personal Wireless Service Facility- mounted, ground mounted, roof mounted
Solar conversion system (land use permitted by special permit)

19.00- Utility & miscellaneous governmental facilities

Public & private streets and ROW

COMPREHENSIVE PLAN

This development achieves various goals under three of the Comprehensive Plan's major titles. This development achieves the Public Safety goal under Community Facilities of providing services, facilities and equipment to protect the health, safety and welfare of the residents of and visitors to El Paso. Under the Land Use and City Form City-wide Land Use Goals and Policies, this development will be looked at as a benchmark in achieving a balanced and complete

development containing a mix of land uses and densities. In addition, economic development including job opportunities will result from this development. The third area of goal achievement falls under the Urban Design. This development achieves the goal of promoting infill development that maximizes available land resources and will create a stronger and more attractive environment within the immediate area as well as in the broader City Limits.

PHASING

The first phase of this redevelopment project which is anticipated to begin within 6 months and be completed within 12 months of its inception, is for the abatement and demolition of the hotel that was formerly operated as the Cliff Inn, and all 11 of the 13 existing medical office structures on the property. The second phase is anticipated to be the construction of a state of the art medical facility. Contingent on financing, the planning for this phase is projected to start in 2009 and the majority of the construction completed by the end of 2011. The building will include at least two different uses. It is anticipated that additional medical buildings will be constructed as part of the project, some of which will include a retail or other commercial component. In addition, it is anticipated that a restaurant may be constructed on the property. Any attached residential component would be toward the end of the phasing of the project. Construction on these additional buildings should be started between 2011 and 2013, and completed by 2016.

MEMORANDUM



DATE: March 4, 2009
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Mirian Spencer, Planner
SUBJECT: **ZON08-00102**

The City Plan Commission (CPC), on February 26, 2009, voted **5-0** to recommend **APPROVAL** of rezoning the subject property from C-3/sc (Commercial/special contract), C-1 (Commercial), and A-O (Apartment-Office) to GMU (General Mixed Use). The property owners have also submitted a special contract release application (ZON08-00101) to release the special contract attached to Ordinance 8164, dated February 19, 1985. There is also a City-initiated development agreement release application (ZON09-00005) to release the development agreement between the City of El Paso and Medical Center Corporation dated July 9, 1953.

The property owners are requesting to change the zoning from C-3/sc (Commercial/special contract), C-1 (Commercial), and A-O (Apartment/Office) to GMU (General Mixed Use) in order to permit a mixed-use development. The conceptual site plan shows a restaurant, hospital, retail development, and medical office buildings to be located on the site. The conceptual site plan also shows the personal wireless service facilities and two existing medical office buildings located adjacent to Golden Hill Terrace Street will remain on the site. The property owners are proposing to utilize the existing access via **Golden Hill Terrace Street, Cliff Drive, and Arizona Avenue.**

The Master Zoning Plan submitted for the property outlines the proposed three-phase development of the site. The first phase of the development is scheduled to begin in 2009. The development will allow for 0' setbacks, a maximum height of 10 stories, and a Floor Area Ratio (FAR) of 1.50 to 1. Shared parking and opaque native landscaping will be incorporated in the development of the site. The following development guidelines were included in the Master Zoning Plan:

- Along Golden Hill Terrace, the maximum building height shall be limited to five stories from street grade level.
- Along Wright Avenue, the maximum building height shall be limited to five stories from finished floor of the first floor of the building.
- No excess cut material shall be allowed to be placed on any part of the western slope

The CPC recommended that the property owners incorporate transit and pedestrian oriented development when preparing the mixed-use development plan. They also encouraged increased residential development of the site.

The CPC found that the rezoning is in conformance with The Plan for El Paso. The CPC also found that the proposed use is compatible with adjacent land uses. The CPC also determined that the rezoning protects the best interest, health, safety, and welfare of the public in general; and the rezoning will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was no public response to this rezoning application.

Attachment: Staff Report, Zoning Map, Aerial Map, Ordinance 8164 dated September 25, 1984, Conceptual Site Plan, Master Zoning Plan

Development Services Department

Victor Q. Torres - Director

2 Civic Center Plaza - 5th Floor • El Paso, Texas 79901 • (915) 541-4622 • Fax
(915) 541-4799

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Melina Castro

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson



City of El Paso – City Plan Commission Staff Report

Case No: ZON08-00102
Application Type Rezoning
CPC Hearing Date February 26, 2009
Staff Planner Mirian Spencer, (915) 541-4192, spencermd2@elpasotexas.gov

Location 1600 and 1700 East Cliff Drive
Legal Description Lot 1, Block 1, City View Subdivision, City of El Paso, El Paso County, Texas
Acreage 16.40 acres
Rep District 8
Existing Use Medical Office Buildings, Hotel, and Personal Wireless Service Facilities,
Request From C-3/sc (Commercial/special contract); C-1 (Commercial) and A-O (Apartment/Office) to GMU (General Mixed Use)
Proposed Use Mixed-use Medical Development

Property Owners City View Investors, LLC
Representative TVO Development Services, LLC

SURROUNDING ZONING AND LAND USE

North: C-1/sc/sp (Commercial/special contract/special permit), C-1/sc (Commercial/special contract), C-1 (Commercial)/ Medical Offices
South: A-4/sc (Apartment/special contract)/ Single-family Residential
East: R-5 (Residential)/ Single-family residential
West: A-2 (Apartment)/ Single-family residential

THE PLAN FOR EL PASO DESIGNATION: Residential and Commercial (Central Planning Area)
NEAREST PARK: Tom Lea Park (2,250 Feet)
NEAREST SCHOOL: Lamar Elementary School (578 Feet)

NEIGHBORHOOD ASSOCIATIONS:

Central El Paso Community Organization; Golden Hills Neighborhood Association

NEIGHBORHOOD INPUT

Notices of the public meeting were mailed out to all property owners within 300 feet of the subject property on January 14, 2009. The Planning Division has received no public response to the rezoning request.

APPLICATION DESCRIPTION

The property owners are requesting to change the zoning from C-3/sc (Commercial/special contract), C-1 (Commercial), and A-O (Apartment/Office) to GMU (General Mixed Use) in order to permit a mixed-use development. The conceptual site plan shows a restaurant, hospital, retail development, and medical office buildings to be located on the site. The conceptual site plan also shows the personal wireless service facilities and two existing medical office buildings located adjacent to Golden Hill Terrace Street will remain on the site. The property owners are proposing to utilize the existing access via **Golden Hill Terrace Street, Cliff Drive, and Arizona Avenue.**

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DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

The Development Coordinating Committee provides the following comments:

The Development Coordinating Committee recommends **APPROVAL** of the rezoning request and the accompanying Master Zoning Plan.

PLANNING DIVISION RECOMMENDATION

Planning recommends **APPROVAL** of the rezoning request and the accompanying Master Zoning Plan.

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

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

- 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.
- Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses
- Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- Goal: preserve, protect, and enhance the integrity, economic vitality, and livability of the city’s neighborhoods.
- Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood’s residential character

The rezoning request is in conformance with The Plan for El Paso because the proposed GMU (General Mixed Use) zoning district allows a mix of uses within the site. The property is designated for residential and commercial uses in the 2025 Projected General Land Use Map. The proposed mixed-use development will incorporate both residential and commercial development, as well as medical offices and a multi-story hospital on the site. The Master Zoning Plan has incorporated development restrictions to preserve the existing slope along the westerly boundary of the property, as well as incorporating height limitations adjacent to the existing residential developments that bound the property on the east and west. The proposed mixed-use development is compatible with the adjacent residential development and medical uses.

Development Services Department - Building Permits and Inspections Division:

No objections to the rezoning request. Insufficient information to determine parking requirements. All zoning and building codes will have to be met at the time of building permitting.

Landscaping: If approved this project will require landscaping under Section 18.46 of the building code for the new development as well as a detailed site plan. No landscape calculations provided for this project.

Development Services Department - Planning Division:

Current Planning: recommends **APPROVAL** recommends **APPROVAL** of the rezoning request and the accompanying Master Zoning Plan.

Engineering: Site is not located within a Special Flood Hazard Area, Flood Zone **X**, Panel **480214 0048 C**, Effective Date: February 16, 2006. The following will be required at the time of development:

1. ADA accessible sidewalks, wheel-chair ramp(s), and driveway(s).
2. Grading plan and permit will be required at the time of development.
3. Storm water pollution prevention plan and/or permit required at the time of development.
4. Drainage plans must be approved by the Development Services Department, Engineering section at the time of development.

Engineering Department - Traffic Division:

Traffic has no objections to the rezoning and the proposed Master Zoning Plan. GMU (General Mixed Use) zoning district requires detailed site plan approval. The applicant shall include K values and all proposed access to Arizona Street are to comply with the required visibility on the detailed site plan.

Fire Department:

No opposition to the request at this time.

El Paso Water Utilities:

EPWU does not object to this request.

CITY PLAN COMMISSION OPTIONS

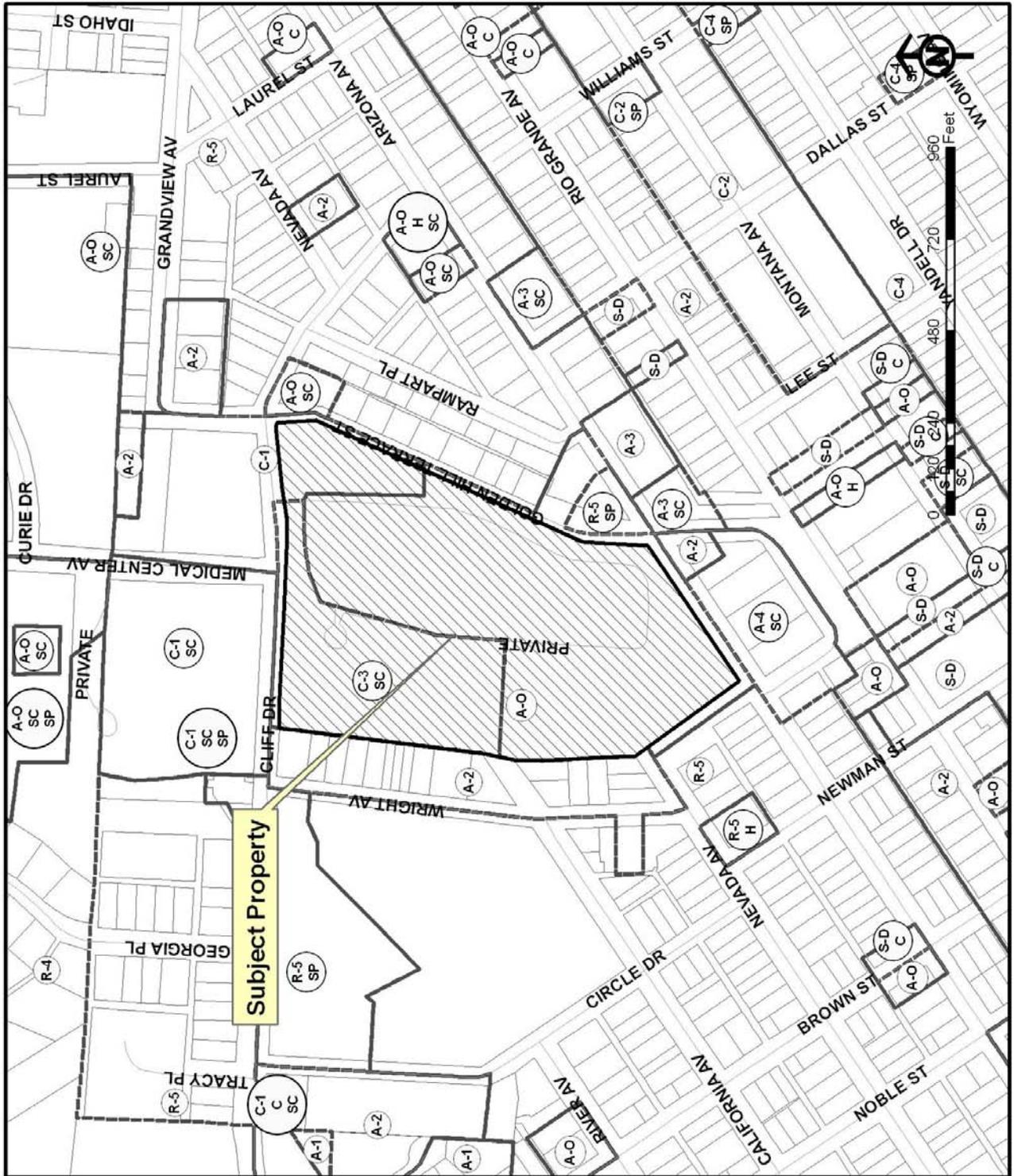
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application:

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

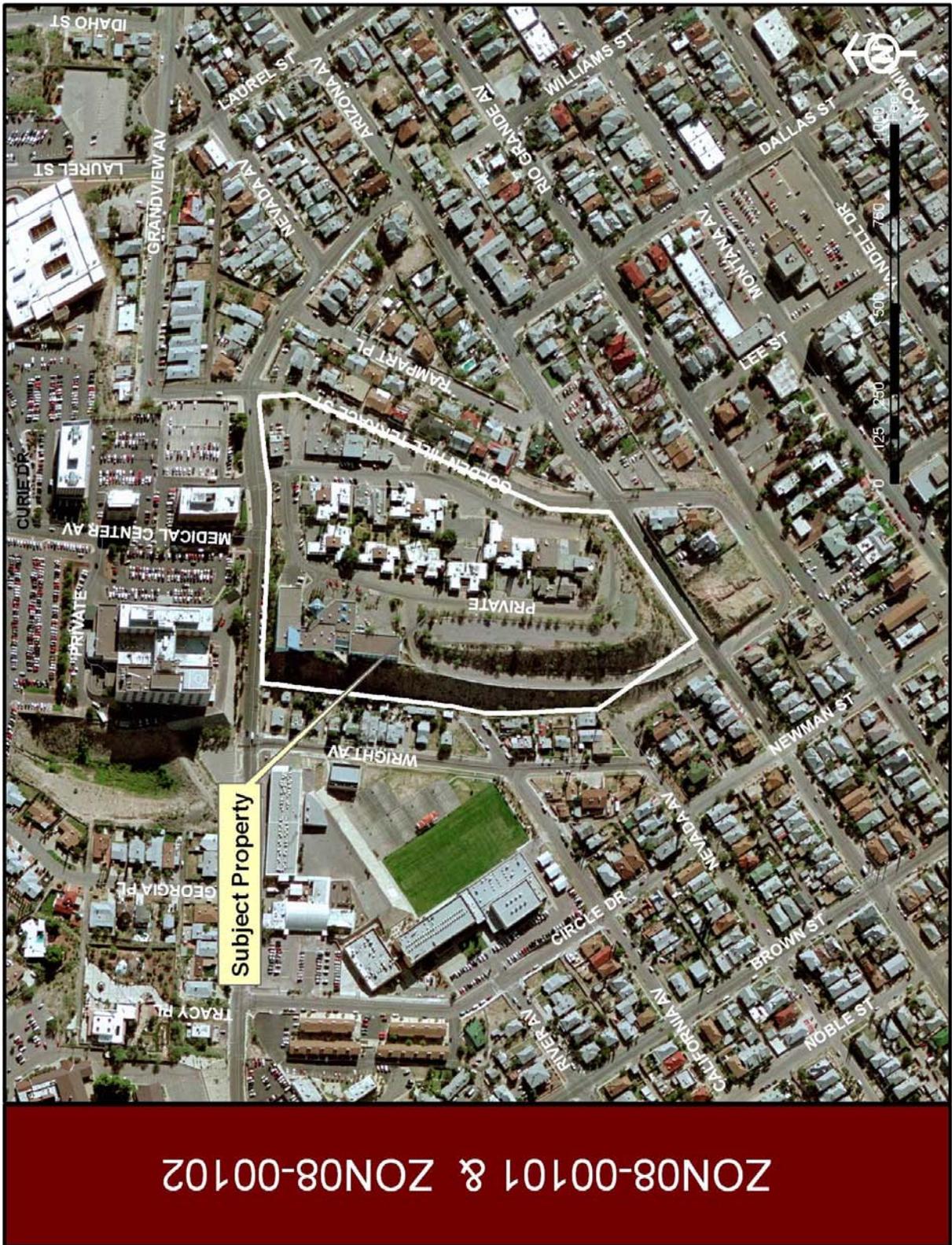
1. Zoning Map
2. Aerial Map
3. Ordinance 8164
4. Conceptual Site Plan
5. Master Zoning Plan

ATTACHMENT 1: LOCATION MAP



ZON08-00101 & ZON08-00102

ATTACHMENT 2: AERIAL MAP



contract referenced by the Resolution referred to herein as Exhibit "A". However, First Party will give written notice, to the Life Insurance Company of Virginia that the First Party was required to submit a site development plan for review by the City Plan Commission and approval by the El Paso City Council in order to remove certain objections to the rezoning which had been proposed by First Party. In addition, First Party will give written notice to the lien holder that First Party has complied with this requirement. First Party shall give the City Clerk proof that such notices were sent to the lienholder.

WITNESS the following signatures and seals:

EL PASO MEDICAL CENTER JOINT VENTURE
FIRST PARTY

By: [Signature]
Title: ATTORNEY IN FACT

THE CITY OF EL PASO
SECOND PARTY

By: [Signature]
MAYOR

ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

APPROVED AS TO CONTENT:

[Signature]
Planning, Research and Development

I CERTIFY THAT THE FOLLOWING ZONING MAPS
HAVE BEEN REVISED: L.D.
 COUNTER
 ORIGINAL

4-16-85 CONTROL

[Signature]

Ord. 8164
(9/25/84)

87-4980
L. D. CONTROL
C. ZONING

ATTACHMENT 5: MASTER ZONING PLAN

MASTER ZONING PLAN

City View Master Zoning Plan Report for a General Mixed Use District

INTRODUCTION

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Art gallery
Child care facility
Community Center, Convention Center
Library
Lodge
Museum

4.00- Office & research services

Automated Teller Machine (ATM)
Bank
Courier and message service
Credit union
Data processing center
Employment agency
Financial Institution
Office, medical
Office, professional/nonprofessional
Research laboratory
School, arts and crafts
Studio, dance, music, photography

6.00- Medical & related uses

Assisted living facility
Clinic
Convalescent Home
Drug store
Hospital
Intermediate care facility
Medical lab
Optical dispensary
Sanitarium

9.00- Parking & Loading

Garage or lot, parking, community/commercial/private
On-site loading

10.00- Personal services

Barbershop
Beauty Salon
Dry cleaning shop
Laundromat, laundry
Locksmith

11.00- Recreation, amusement & entertainment

Athletic facility (indoor)
Community recreational facility
Exercise facility (indoor)

Laser games center
Open space- common/public/private
Sauna, exercise room

13.00- Residential

No more than 20 units
Apartment (5 or more units)
Bed & Breakfast
Boarding House
Domestic storage
Guest, Employee Quarters
Home occupation uses
Hotel/Motel
Laundry room
Single-family attached dwellings

14.00- Sales, retail & wholesale

Bakery
Book Store
Boutique
Coin-operated vending machines (inside a building)
Convenience store
Delicatessen
Drug store
Flower shop, florist
Grocery
Hobby store
Ice cream parlor
Music store
Print & copy shop
Produce stand
Restaurant (drive-in or walk-up or sit-down)
Retail establishment
Specialty shop

15.00- Signs

On-premise advertising

16.00- Temporary uses

Mobile office-storage unit (related to construction operations)
Model dwelling

17.00- Towers & related structures

Personal Wireless Service Facility- mounted, ground mounted, roof mounted
Solar conversion system (land use permitted by special permit)

19.00- Utility & miscellaneous governmental facilities

Public & private streets and ROW

COMPREHENSIVE PLAN

This development achieves various goals under three of the Comprehensive Plan's major titles. This development achieves the Public Safety goal under Community Facilities of providing services, facilities and equipment to protect the health, safety and welfare of the residents of and visitors to El Paso. Under the Land Use and City Form City-wide Land Use Goals and Policies, this development will be looked at as a benchmark in achieving a balanced and complete

development containing a mix of land uses and densities. In addition, economic development including job opportunities will result from this development. The third area of goal achievement falls under the Urban Design. This development achieves the goal of promoting infill development that maximizes available land resources and will create a stronger and more attractive environment within the immediate area as well as in the broader City Limits.

PHASING

The first phase of this redevelopment project which is anticipated to begin within 6 months and be completed within 12 months of its inception, is for the abatement and demolition of the hotel that was formerly operated as the Cliff Inn, and all 11 of the 13 existing medical office structures on the property. The second phase is anticipated to be the construction of a state of the art medical facility. Contingent on financing, the planning for this phase is projected to start in 2009 and the majority of the construction completed by the end of 2011. The building will include at least two different uses. It is anticipated that additional medical buildings will be constructed as part of the project, some of which will include a retail or other commercial component. In addition, it is anticipated that a restaurant may be constructed on the property. Any attached residential component would be toward the end of the phasing of the project. Construction on these additional buildings should be started between 2011 and 2013, and completed by 2016.