

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

DEPARTMENT: Planning & Economic Development, Planning Division

AGENDA DATE: Introduction: May 3, 2011
Public Hearing: May 24, 2011

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

DISTRICT(S) AFFECTED: 8

SUBJECT:

An ordinance changing the zoning of all of Lots 17 through 21 and a portion of Lot 22, Block 16, Franklin Heights, City of El Paso, El Paso County, Texas from A-3/H (Apartment/Historic) to S-D/H (Special Development/Historic). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1101 Magoffin Avenue. Applicant: Texas Historical Commission, Historic Sites Division, ZON11-00015 (**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) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (6-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy _____
Deputy Director- Planning & Economic Development

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF ALL OF LOTS 17 THROUGH 21 AND A PORTION OF LOT 22, BLOCK 16, FRANKLIN HEIGHTS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-3/H (APARTMENT/HISTORIC) TO S-D/H (SPECIAL DEVELOPMENT/HISTORIC). 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 *all of Lots 17 through 21 and a portion of Lot 22, Block 16, Franklin Heights, City of El Paso, El Paso County, Texas*, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from A-3/H (APARTMENT/HISTORIC) to S-D/H (SPECIAL DEVELOPMENT/HISTORIC), 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 _____, 2011.

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 and Economic Development
Department

#63629 v1 – Planning/ZON11-00015/ORD/Rezoning
Document Author: LCUE

ORDINANCE NO. _____

Zoning Case No: **ZON11-00015**

Exhibit "A"

Property description: All of Lots 17 through 21 and a portion of Lot 22, Block 16, Franklin Heights Addition, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is all of Lots 17 through 21 and a portion of Lot 22, Block 16, Franklin Heights Addition, El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at a city monument at the intersection of the centerline of Noble Street (70-foot right-of-way) and the monument line of Myrtle Avenue (72-foot right-of-way), said monument line lying 10 feet north of the centerline of Myrtle Avenue, from which a city monument at the intersection of the centerline of Noble Street and the monument line of Texas Avenue (72-foot right-of-way), said monument line lying 10 feet north of the centerline of Texas Avenue, bears North 37°00'48" West, a distance of 329.95 feet; Thence, South 37°00'48" East, along the centerline of Noble Street, a distance of 408.63 feet to the monument line of Magoffin Avenue (88-foot right-of-way), said monument line lying 10 feet north of the centerline of Magoffin Avenue; Thence, South 62°42'00" West, along said monument line, a distance of 311.20 feet; Thence, North 27°18'00" West, a distance of 34.00 feet to a chiseled "X" set at the intersection of the northerly right-of-way of Magoffin Avenue and the easterly boundary of that certain parcel of land described November 7, 1916, in Book 286, Page 58, Deed Records, El Paso County, Texas, said "X" being the **POINT OF BEGINNING** of this description;

THENCE, South 62°42'00" West, along said right-of-way, a distance of 135.95 feet to a 5/8" rebar with cap marked "RPLS 4178" set on the easterly right-of-way of Octavia Street (70-foot right-of-way);

THENCE, North 37°00'48" West, along said right-of-way, a distance of 115.67 feet to a 5/8" rebar with cap marked "RPLS 4178" set on the southerly right-of-way of a platted 18-foot alley;

THENCE, North 52°59'12" East, along said right-of-way, a distance of 134.00 feet to a 5/8" rebar with cap marked "RPLS 4178" set on the easterly boundary of that certain parcel of land described November 7, 1916, in Book 286, Page 58, Deed Records, El Paso County, Texas;

THENCE, South 37°00'48" East, along said boundary, a distance of 138.61 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 0.391 acres (17,037 square feet) of land more or less.

NOTE: A PLAT OF EVEN DATE HEREWITH ACCOMPANIES THIS DESCRIPTION.

ROBERT SEIPEL ASSOCIATES, INC.
Professional Land Surveyors



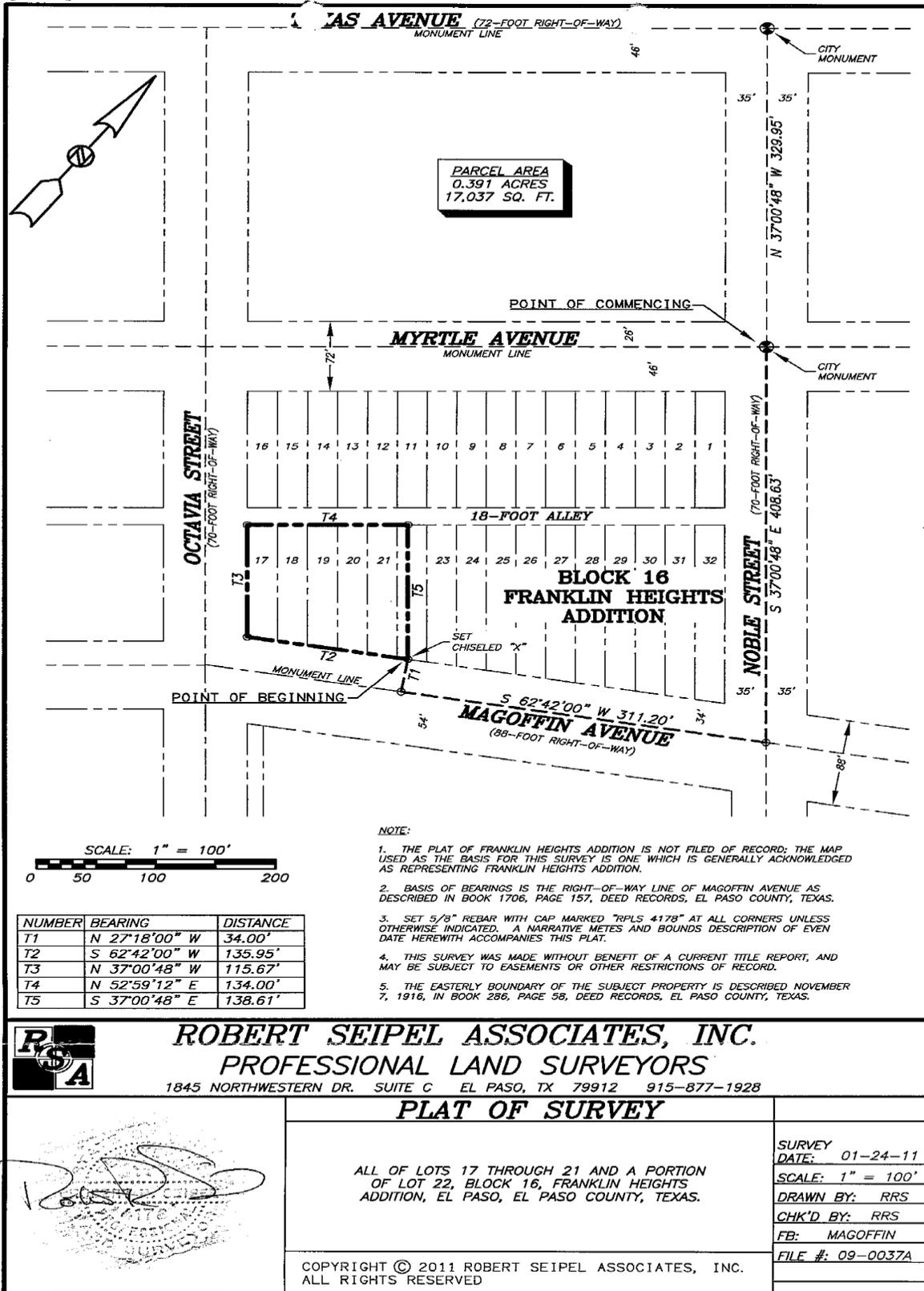
Robert R. Seipel, R.P.L.S.
President
Texas License No. 4178

Job Number 09-0037A
January 24, 2011

09-0037A.doc

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Exhibit "A"



**PLANNING & ECONOMIC DEVELOPMENT
PLANNING DIVISION**

MEMORANDUM

DATE: April 25, 2011

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

FROM: Tony De La Cruz, Planner

SUBJECT: ZON11-00015

The City Plan Commission (CPC), on April 7, 2011, voted 6-0 to recommend **APPROVAL** of the rezoning of the subject property from A-3/H (Apartment/Historic) to S-D/H (Special Development/Historic), in agreement with the recommendation from the HLC, DCC, and staff.

The applicant is requesting to change the zoning of the parcel from A-3/H (Apartment/Historic) to S-D/H (Special Development/Historic). The property is 0.40 acre in size and is currently a vacant lot. A visitor's parking lot for the Magoffin Home State historic site is proposed to be built on the site. The applicant is proposing access via Octavia Street and 27 parking spaces are proposed with landscaped ponding areas facing Magoffin Avenue and Octavia Street. There are no zoning conditions imposed on this property.

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

Attachments: Staff Report

There was no support or opposition for this item.



City of El Paso – City Plan Commission Staff Report

Case No: ZON11-00015
Application Type Rezoning
CPC Hearing Date April 7, 2011
Staff Planner Tony De La Cruz, 915-541-4329, delacruzja@elpasotexas.gov

Location 1101 Magoffin Avenue
Legal Description All of Lots 17 through 21 and a portion of Lot 22, Block 16, Franklin Heights, City of El Paso, El Paso County, Texas
Acreage 0.40 acre
Rep District 8
Existing Use Vacant Lot
Proposed Use Visitor parking lot for the Magoffin Home State historic site
Existing Zoning A-3/H (Apartment/Historic)
Request S-D/H (Special Development/Historic)

Property Owner Texas Historical Commission, Historic Sites Division
Applicant Texas Historical Commission, Historic Sites Division
Representative Leslie Bergloff, Site Manager, Magoffin Home State Historic

SURROUNDING ZONING AND LAND USE

North: C-4/H (Commercial/Historic) / Residential
South: A-3/H (Apartment/Historic) / Museum, A-3/sp (Apartment/special permit) / Residential
East: A-3/H (Apartment/Historic) / Residential
West: A-3/H (Apartment/Historic) / Residential

The Plan for El Paso Designation: Residential (Central Planning Area)

Nearest Park: Calendar Park (2709 feet)

Nearest School: Raymond Telles Academy (2762 feet)

NEIGHBORHOOD ASSOCIATIONS

El Paso Central Business Association

NEIGHBORHOOD INPUT

Notice of the public hearing was mailed to all property owners within 300 feet of this proposed rezoning on March 21, 2011. The Planning Division has not received any letters in opposition or in favor of the rezoning request.

APPLICATION DESCRIPTION

The request is to change the zoning of the parcel from A-3/H (Apartment/Historic) to S-D/H (Special Development/Historic). The property is 0.40 acre in size and is currently a vacant lot. A visitor's parking lot for the Magoffin Home State historic site is proposed to be built on the site. The applicant is proposing access via Octavia Street and 27 parking spaces are proposed with landscaped ponding areas facing Magoffin Avenue and Octavia Street. There are no zoning conditions imposed on this property.

HISTORIC LANDMARK COMMISSION RECOMMENDATION

Rezoning of properties with an existing Historic overlay designation is not required to be heard by the Historic Landmark Commission. However, the HLC recommended approval of a Certificate of Appropriateness for the proposed parking lot construction on January 10, 2011 by a unanimous vote.

PLANNING & ECONOMIC DEVELOPMENT -PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of the rezoning request from A-3/H (Apartment/Historic) to S-D/H (Special Development/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 conformance with the Plan for El Paso – City-wide Land Use Goals. The requested S-D/H (Special Development/Historic) zoning district is compatible with the 2025 General Land Use Plan for the Central Planning area which designates the property for Residential development. The purpose of the S-D (Special Development) district is to allow for mixed-use projects, integrated in design, in older residential areas where there is a desire to permit a variety of non-residential uses while maintaining the established residential appearance and landscaping of the area.

Engineering & Construction Management – BP&I

Plan Review has no objections to the request.

Engineering & Construction Management – Landscaping

Landscape Review has no objections to the request but did provide the following comments;

- Provide landscape calculations.

Engineering & Construction Management – Land Development

Land Development has no objections to the request but did provide the following comments

- Provide driveway width, (25' min., 35' max.).
- Provide drainage flow.
- ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
- Grading plan and permit shall be required.*
- Storm Water Pollution Prevention Plan and/or permit required.*
- Drainage plans must be approved by the Engineering and Construction Management Department, Land Development Section.*
- Coordination with TXDOT. *
- No water runoff allowed outside the proposed development boundaries, (On-site ponding required).

The Subdivision is within Flood Zone X-“Areas of minimal flooding” – Panel # 480212 0039B, dated October 15, 1982.

Department of Transportation

Recommends approval of the request with the following comments;

- Driveway width must be included on plan

- Parallel parking at the southwestern corner may prove hazardous and cars may be blocked in.
- All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps, and driveways within public rights-of-way shall be in compliance with current ADA /TAS rules and regulations and Title 21.

EPWU Comments

EPWU does not object to this request but did provide the following comments.

EPWU-PSB Comments

Water:

2. There is an existing 16-inch diameter water main extending along Magoffin Avenue. The alignment of the water main varies between the southeast and southwest property lines. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

3. There is an existing 20-inch diameter water main extending along Octavia Street. The water main is located approximately 16 feet east from the center right of way line. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

4. There is an existing 4-inch diameter water main along the alley between Noble and Brown Streets that is available for service. The water main is located approximately 4 feet north from the center right of way line.

5. Previous water pressure reading from fire hydrant # 1449 located at the northeast intersection of Magoffin and Octavia, have yielded a static pressure of 90 (psi) pounds per square inch, a residual pressure of 84 (psi) pounds per square inch and a discharge of 1404 (GPM) gallons per minute

6. 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.

Sewer:

7. There is an existing 8-inch diameter sanitary sewer main extending along Magoffin Avenue that is available for service. The sewer main is located approximately 13 feet south from the center right of way line.

8. There is an existing 10-inch diameter sanitary sewer main along the alley between Noble and Brown Streets that is available for service. The sewer main is located approximately 9 feet north from the northern property line.

General:

9. 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.

El Paso Fire Department

El Paso Fire Department 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

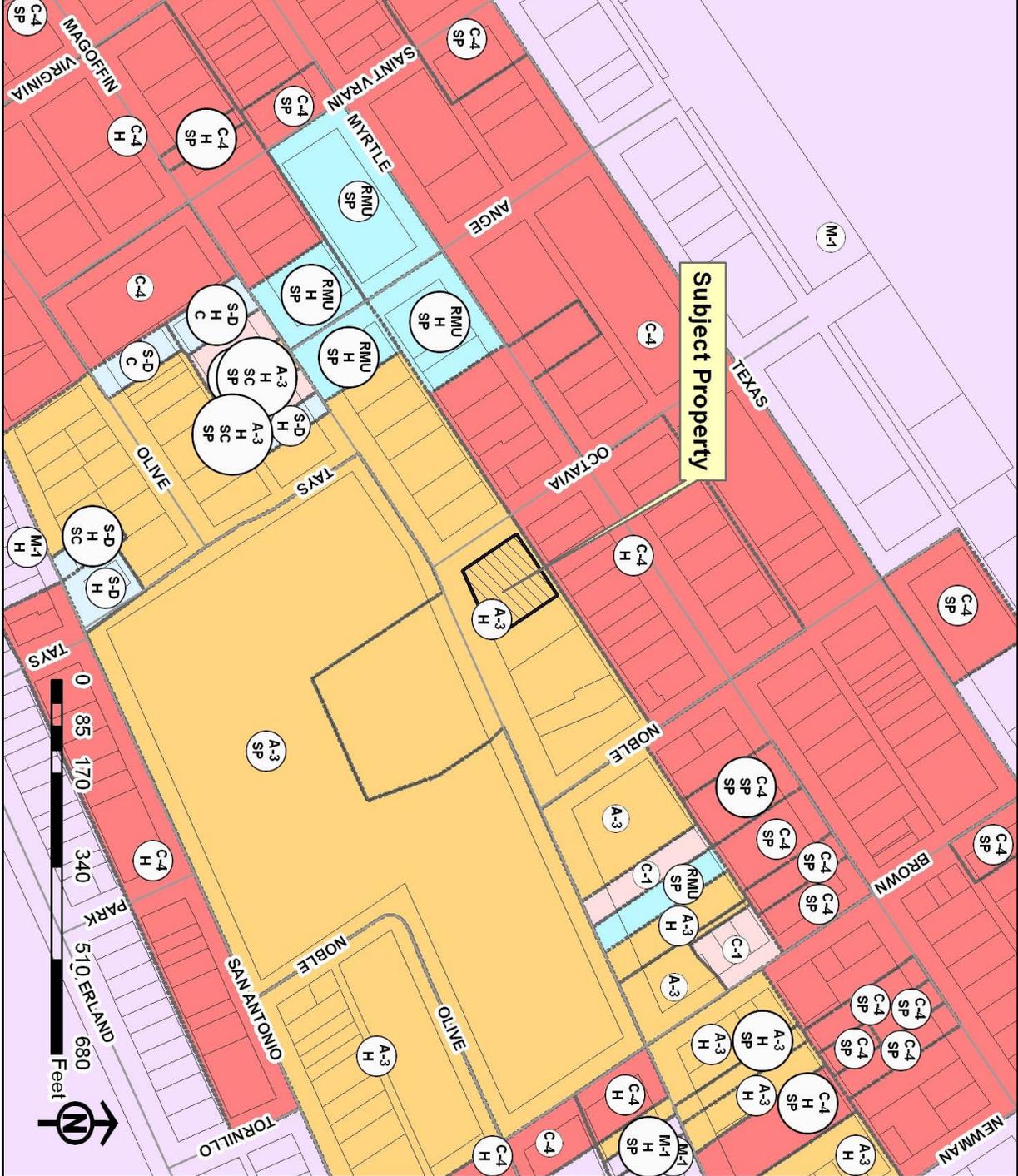
1. Recommend approval of the application finding that the rezoning is conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning request 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 request 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. Existing Site Plan
4. Proposed Site Plan

ATTACHMENT 1: ZONING MAP

ZON11-00015 & ZON11-00016



ATTACHMENT 2: AERIAL MAP

ZON11-00015 & ZON11-00016



ATTACHMENT 4: PROPOSED SITE PLAN

Nov 22, 2011 10:58am - dms
 C:\Acad\Drawings\105294_Magoffin_Parking\Civil\Worksheet\Comment 01-05-11\2-Far_Parking.dwg

TITLE DESCRIPTION:
 1. SHEET NO. 105294-01
 2. SHEET NAME: LOT SITE PLAN
 3. SHEET DATE: 03-14-11

DESIGNER:
 1. NAME: [Redacted]
 2. TITLE: [Redacted]

DATE:
 03-14-11



LANDSCAPE CALCULATIONS

TOTAL AREA	17,820.00 SQ. FT.
TOTAL PAVED AREA	11,200.00 SQ. FT.
TOTAL UNPAVED AREA	6,620.00 SQ. FT.
TOTAL PLANTING AREA	6,620.00 SQ. FT.
TOTAL PLANTING QUANTITY	1,324 PLANTS
TOTAL PLANTING COST	\$132,400.00

NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DISTANCES ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 3. ALL ANGLES ARE IN DEGREES.
 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
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 11. ALL DISTANCES ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 12. ALL ANGLES ARE IN DEGREES.



SITE PLAN

SHEET NUMBER
 09294A

DATE
 03-14-11

PROJECT
 414 Executive Center Blvd
 Dallas, TX 75244
 P 915.532.7272
 F 915.582.7373
 Texas Registered Engineering Firm F-003146

Magoffin Home Parking
 OFF-SITE PARKING LOT FOR MAGOFFIN HOME STATE HISTORIC SITE

REVISIONS

