CITY CLERK DEPT.
07 MAY 25 AM 8:08

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

DEPARTMENT: **Development Services / Planning Division**

AGENDA DATE: **Public Hearing 05/29/07**

CONTACT PERSON/PHONE: **Christina Valles, Lead Planner – 541-4930**

DISTRICT(S) AFFECTED: **District 2**

SUBJECT:

Discussion and action on an appeal to a decision rendered by the Historic Landmark Commission on April 2, 2007. HPO7002 (District 2)

BACKGROUND / DISCUSSION:
The applicant filed an application for Certificate of Appropriateness after installing loose river rock and shrubs within existing planters on the parkway abutting his property. The Historic Landmark Commission, at the April 2, 2007 hearing, voted to approve the installation of the loose river rock, subject to the replacement of the shrubs with shade trees along the front. The applicant filed an appeal on April 2, 2007 to the City Council in order to preserve the bushes along the front property.

PRIOR COUNCIL ACTION:
N/A

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:

Historic Landmark Commission (HLC) – Approval with modification

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: R. Alan Shubert

APPROVED FOR AGENDA: N/A

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT, PE, CBO
DIRECTOR, DEVELOPMENT SERVICES

KELLY CARPENTER, AICP
DEPUTY DIRECTOR, PLANNING

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

May 21, 2007

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

FROM: Christina Valles, Lead Planner

SUBJECT: HP07002
LOCATION: 1800 Elm

The Historic Landmark Commission (HLC), on April 2, 2007, voted to recommend approval with modification of an application for certificate of appropriateness. The applicant filed an appeal pursuant to:

20.67.190 Appeal to the city council.

Any applicant or the owner of any property located within three hundred feet of any landmark, or the owner of any property within the same historic district as the subject of the appeal, who is aggrieved by a ruling of the HLC concerning that landmark under the provisions of this section, may within fifteen days after the ruling of the HLC, appeal to the city council by filing written notice of such appeal with the city clerk. Following a public hearing to be held within sixty days of the filing of such notice of appeal, the city council may, by a simple majority vote, uphold or overturn any ruling of the HLC made pursuant to this chapter. (Ord. 16367 § 1 (part), 2006)

Attachments:
1. Staff Report
2. Appeal
3. Meeting Minutes

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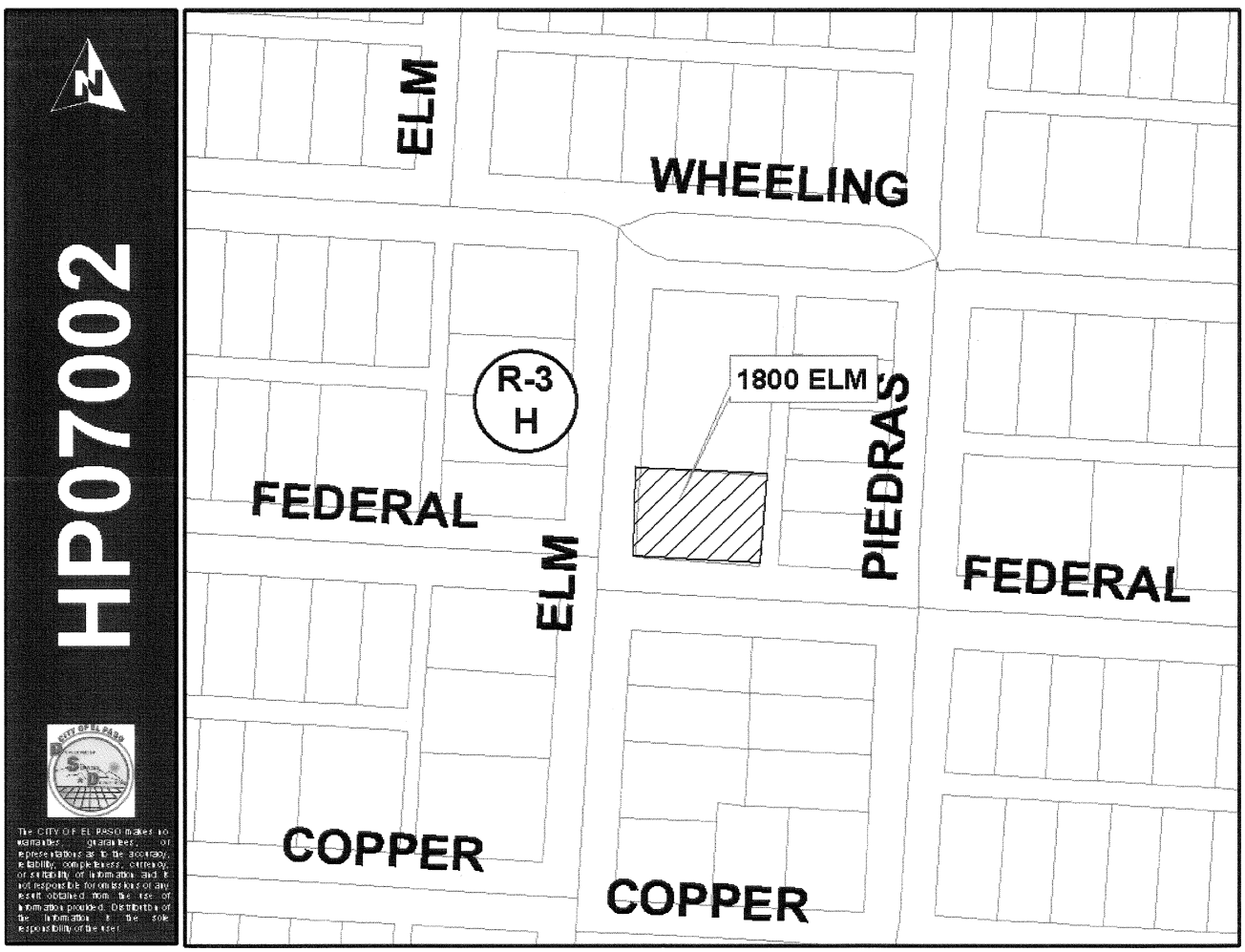
HP07002

Application Type:	Certificate of Appropriateness
Property Owner(s):	Arnold Davis
Representative(s):	Arnold Davis
Legal Description:	Lots 8, 9, & 10, Block 18, Manhattan Heights
Location:	1800 Elm
Representative District:	2
Present Zoning:	R-3/H
Present Use:	Residential
Year Built:	N/A
Contributing Status:	Contributing
Request:	Add River Rock and shrubs to planters in parkway. More than 50% hardscape.
Planning Area:	Central
Application Filed:	3/8/07
45-Day Expiration:	4/22/07



ITEM #2

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HLC Case: HP07002 **1800 Elm**

GENERAL INFORMATION:
The applicant seeks approval to:

Add River Rock and shrubs to planters in parkway. More than 50% hardscape.

STAFF RECOMMENDATION:

The Planning Division recommends denial of the proposed River Rock. The recommendation is based on the following:

The City of El Paso Administrative Review Design Guidelines recommends the following:

- Grass and sod may be removed from front yards, side yards on a corner and parkways provided that not more than 50% of the area is covered with gravel or other masonry.

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AERIAL MAP

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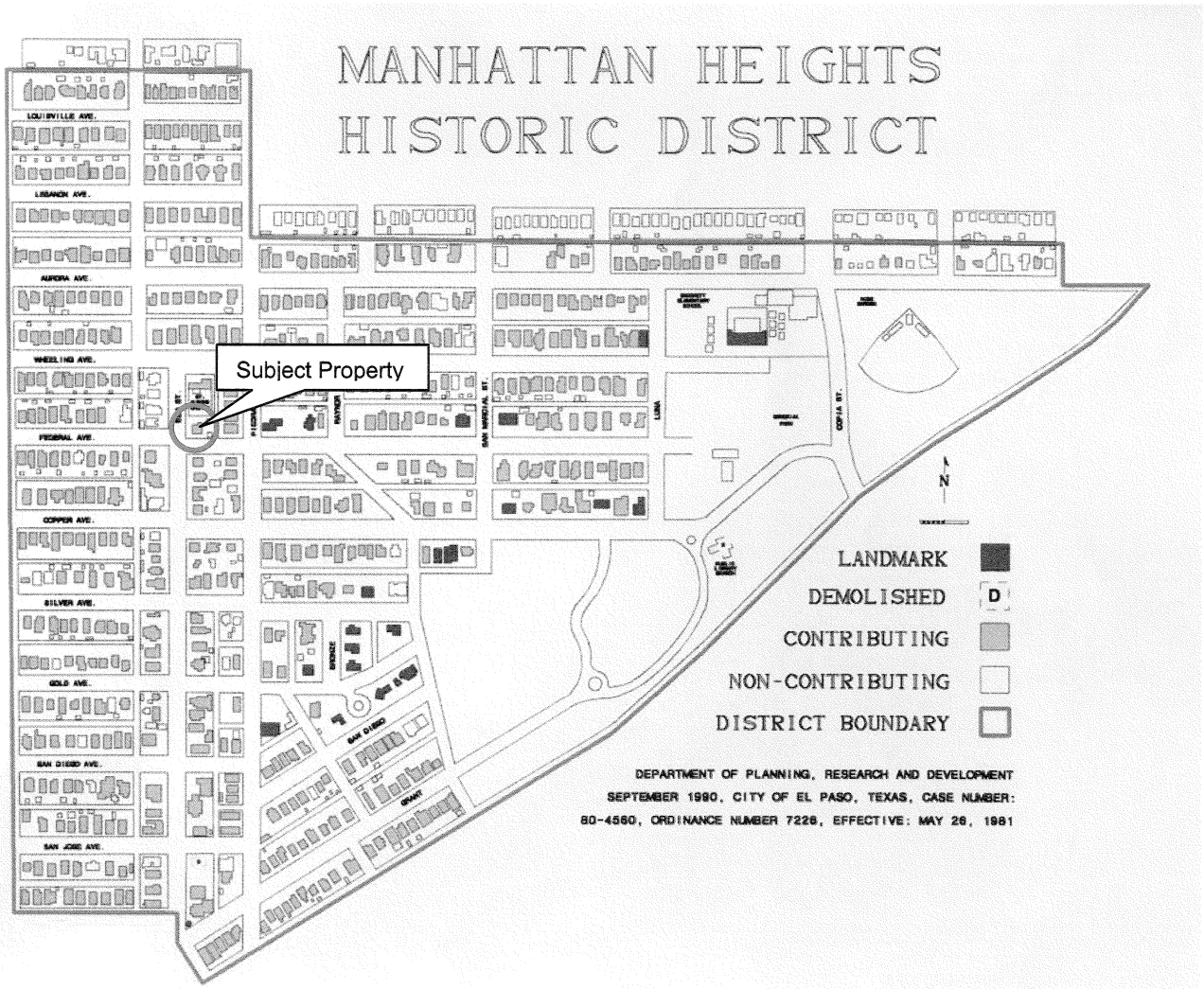
HISTORIC DISTRICT MAP



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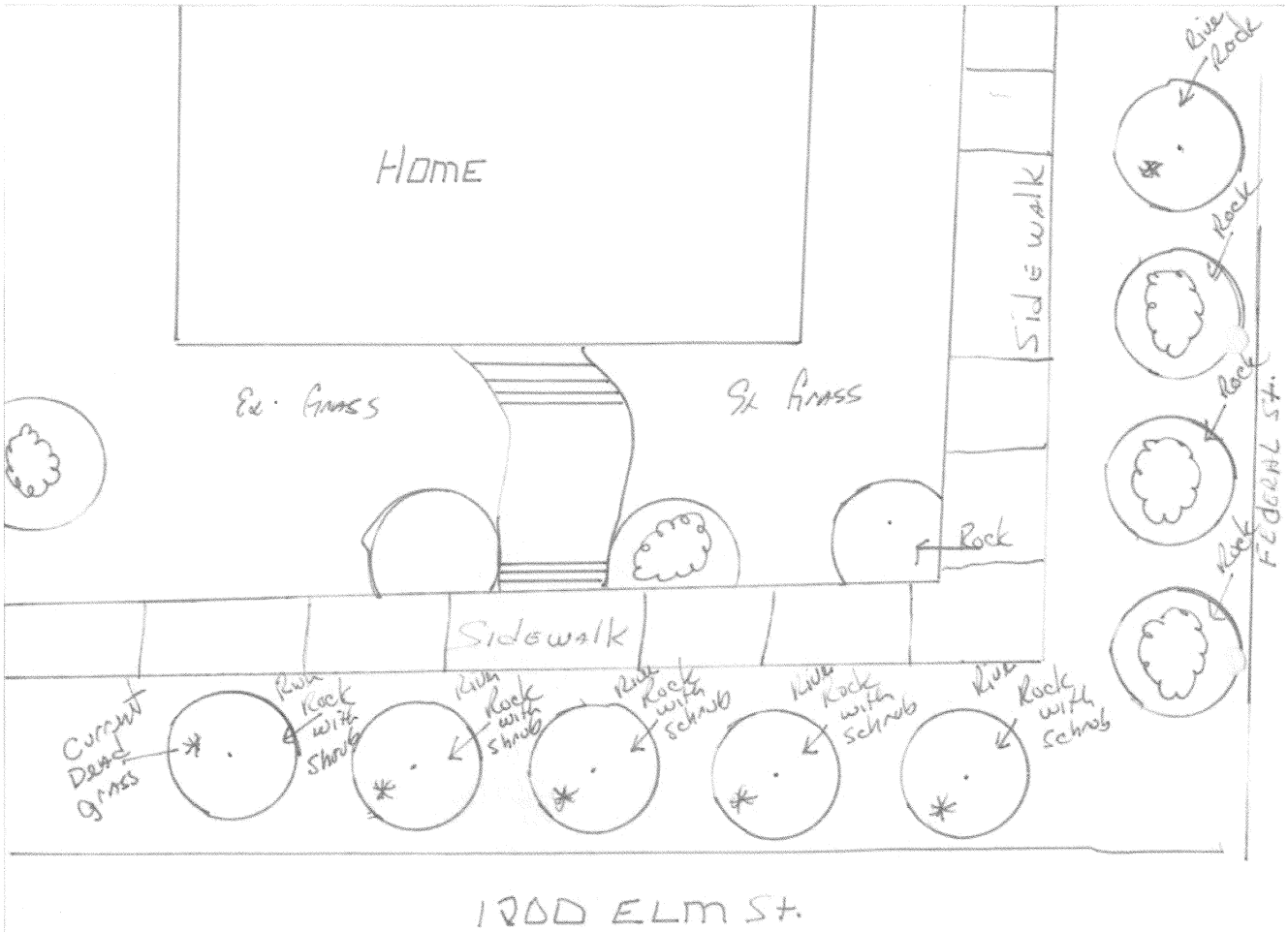
SITE PLAN



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APPEAL TO THE CITY COUNCIL

CITY CLERK DEPT.
07 APR -2 PM 4:53

DATE: 4-2-07

HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on 4-2-07**, 20**07**, the** Certificate of Appropriateness **denied my request for** Historical Landmark Commission

legally described as:

I hereby request the City Council to review the decision of the _____ Certificate of Appropriateness **AND CONSIDER MY REQUEST SET OUT ABOVE. I AM ATTACHING A LETTER SETTING FORTH MY REASONS FOR BELIEVING THEIR DECISION TO BE IN ERROR.**

Arnold Pasui
APPLICANT

_____
ADDRESS

_____
TELEPHONE NUMBER

Two (2) copies filed in City Clerk's Office on:_____

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ARNOLD DAVIS

April 19, 2007

El Paso City Council
One Civic Center Plaza
El Paso Texas 79901

RE: Certificate of Appropriateness

This is to advise the Commission, and City Council that I have appealed the decision from the Historical Landmark Commission based on I feel an error has been performed due to the discrimination upon the choice of vegetation the Commission is readily to approve.

It is my understanding that the El Paso City Council will advise me of a formal meeting to discuss this matter. I await for your response and look forward to resolving this matter at hand.

Thank you for your attention.

Sincerely,

Arnold Davis

C: Christina Valles

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EL PASO HISTORIC LANDMARK COMMISSION MINUTES
2nd FLOOR CITY COUNCIL CHAMBERS
APRIL 2, 2007
4:00 P.M.

The El Paso Historic Landmark Commission held a public hearing in City Council Chambers, 2nd Floor of the City Hall Building on Monday, April 2, 2007, at 4:00 p.m. with the following members present:

Commission Members Present:
Daniel Delahaye, Vice-Chair
Carla Newman
Geoffrey Wright
Ray Minjarez

Others Present:
Christina Valles, Senior Planner
Roberta Cross, Assistant City Attorney
Joel Guzman, Chief Plans Examiner
Melissa Granado, Planner
Donna Martinez, Recording Secretary

Commission Members Absent:
Daphne Hamilton, Chair
Russell Sackett
Hector De Santiago

Agenda

Vice-Chair, Daniel Delahaye, called the Historic Landmark Commission meeting to order at 4:10 p.m.

THERE WERE NO CHANGES TO THE AGENDA.

I. **CALL TO THE PUBLIC – PUBLIC COMMENTS**

Vice-Chair Delahaye asked if there were any members of the public who would like to address the Historic Landmark Commission.

THERE WERE NO SPEAKERS.

II. **REGULAR AGENDA – DISCUSSION AND ACTION**

Other Business

Rezoning:

1. ZON07-00020

	Lots 27 & 28, Block 72, Government Hill, City of El Paso, El Paso County, Texas
Location:	4308 Hueco Avenue
Historic District:	Austin Terrace
Property Owner:	Will Dylan Investments, Inc
Representative:	Robert Veliz
Proposed Use:	Residential
Representative District:	#2
Contributing Status:	Non-Contributing
Request:	From C-1/H (Commercial/Historic) to R-4/H (Residential /Historic)

Ms. Melissa Granado, Planner, gave a PowerPoint presentation and responded to questions and/or comments of the Commissioners.

Ms. Christina Valles responded to questions of the Commissioners.

Vice-Chairman Delahaye asked if members of the audience were present to speak in favor of or in opposition to the application. There being none, Commissioner Wright moved, and Commissioner Minjarez seconded, and unanimously carried to APPROVE the application.

AYES: Commissioners Newman, Wright, and Minjarez
NAYS: N/A

The Motion passed.

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Certificate of Appropriateness:

2.	**HP07002**	Lots 8, 9, & 10, Block 18, Manhattan Heights
	Location:	1800 Elm
	Historic District:	Manhattan Heights
	Property Owner:	Arnold Davis
	Representative:	Arnold Davis
	Existing Zoning:	R-3/H (Residential/Historic)
	Representative District:	#2
	Year Built:	1922
	Contributing Status:	Contributing
	Request:	To add river rock and shrubs to the face & curb. Will consist of more than 50% hardscape.
	Application Filed:	3/8/07
	45-Day Expiration:	4/22/07

Ms. Christina Valles gave a PowerPoint presentation and responded to questions and/or comments of the Commissioners.

Mr. Arnold David, property owner, responded to questions and/or comments of the Commissioners.

Ms. Roberta Cross read Section 2.24.020(B)(2)(v) into the record and paraphrased the language - Commissioners have the authority to determine acceptable landscape architectural features.

Vice-Chairman Delahaye asked if members of the audience were present to speak in favor of or in opposition to the application. There being none, Commissioner Geoffrey Wright moved, and Commissioner Ray Minjarez seconded, to approve the application for hardscape in excess of 50% with the requirement that canopy trees/shade trees be substituted for planted boxwood bushes.

NO VOTE WAS TAKEN.

RESTATED MOTION:
Vice-Chairman Delahaye asked if members of the audience were present to speak in favor of or in opposition to the application. There being none, Commissioner Geoffrey Wright moved, and Commissioner Ray Minjarez seconded, and carried to ACCEPT THE APPLICATION FOR MORE THAN 50% OF HARDSCAPE IN THE PARKWAY PROVIDED THAT CANOPY TREES BE PLACED IN THE PLANTER WELLS, ONE TREE PER WELL.

AYES: Commissioners Wright and Minjarez
NAY: Commissioner Newman

The Motion passed

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3.	**HP07003**	Lots 36, 37, & 38, Block 14, Manhattan Heights
	Location:	3117 Federal
	Historic District:	Manhattan Heights
	Property Owner:	Jacqueline Stagen
	Representative:	Jacqueline Stagen
	Existing Zoning:	R-3/H (Residential/Historic)
	Representative District:	#2
	Year Built:	1917
	Contributing Status:	Contributing
	Request:	To paint the exterior wood trim in an incompatible color.
	Application Filed:	3/7/07
	45-Day Expiration:	4/21/07

Ms. Christina Valles gave a PowerPoint presentation and responded to questions and/or comments of the Commissioners. Ms. Valles noted Commissioners could view the property at their discretion and added an "Architectural Review Committee" was not formally in existence at this time.

Ms. Jacqueline Stagen, property owner, responded to questions and/or comments of the Commission and staff.

Ms. Roberta Cross explained no more than a quorum of Committee members should convene at the same time.

The following members of the public spoke in opposition to the application:

1. Mr. William Meredith, Manhattan Heights resident, made comments and referenced May/June 2003 Old-House Journal, Common Color Combinations, Bungalow, page 62. (copy attached)
2. Ms. Julie Rutledge, Manhattan Heights Historic District resident, made comments and read into the record several paragraphs from the July/August 1997 Old-House Journal, "A Color Design Guide for Bungalows and their Porches" by John Crosby Freeman, page 33. (copy attached)

Commissioner Geoffrey Wright moved, and Commissioner Carla Newman seconded, and unanimously carried to POSTPONE HP07003 FOR TWO WEEKS.

AYES: Commissioners Newman, Wright, and Minjarez
NAYS: N/A

The Motion passed.

Administrative Review Report

4. Administrative Review Report for April 2007 – Christina Valles

THERE WAS NO DISCUSSION.

Chair's Comments

5. April 20, 2007 deadline for HLC members to request for agenda items to be scheduled for the May 7, 2007 meeting.

Ms. Julie Rutledge, Manhattan Heights Historic District resident, commented on the following:

1. Bright blue house is now a tan color;
2. Installation of park swings at Memorial Park; and
3. Light fixture post near the flag pole at Memorial Park is significantly different in style and method of installation. Ms. Rutledge showed picture and commented on the light post.

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Ms. Valles responded:

1. Park Swings – The Parks & Recreation Department has agreed to cease the installation of the swings at the current location and remove the swings from their current location and/or search for an alternate location;
2. Light Post – She is researching proper lighting for historic district parks and would provide a report at the next HLC meeting; and

6. Feedback from HLC members and general public on compliance in the designated historic districts and independent historic structures.

Ms. Valles stated she would address Ms. Rutledge's questions regarding several other properties at the next HLC meeting.

7. **Building Permits & Inspections Division Report**

THERE WAS NO DISCUSSION.

8. **Planning Division Report**

Ms. Valles stated as per Mr. Tom Maguire, Development Services Department, Building Permits and Inspections Division, Chief Building Inspector, the status of the Fall Mansion has not changed whether or not to go with the appraised value of the property, as per the Board, or something in between.

Other Business

9. Approval of March 5, 2007 Meeting Minutes.

Motion made by Commissioner Geoffrey Wright, seconded by Commissioner Ray Minjarez, to APPROVE the March 5, 2007 Historic Landmark Commission meeting minutes.

AYES: Commissioners Newman, Wright, and Minjarez
NAYS: N/A

The Motion passed.

10. Approval of March 19, 2007 Meeting Minutes.

Motion made by Commissioner Geoffrey Wright, seconded by Commissioner Carla Newman, to APPROVE the March 19, 2007 Historic Landmark Commission meeting minutes.

AYES: Commissioners Newman, Wright, and Minjarez
NAYS: N/A

The Motion passed.

Vice-Chairman Delahaye adjourned the meeting at 5:28 p.m.