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

DEPARTMENT: **Development Services Department**

AGENDA DATE: **Introduction: May 27, 2008**
Public Hearing: June 17, 2008

CONTACT PERSON/PHONE: **Ismael B. Segovia, (915) 521-4027**

DISTRICT(S) AFFECTED: **8**

SUBJECT:
An Ordinance changing the zoning of Lots 11 through 14, Block 146, Campbell Addition, City of El Paso, El Paso County, Texas from M-1/sp (Light Manufacturing/special permit) to C-5/sp (Central Business District/special permit). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 300 S. Florence Applicant: The El Paso Project, LLC. ZON08-00018 (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 (7-0)

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

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: M Walker for Pat Adauto

****

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOTS 11 THROUGH 14, BLOCK 146, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM M-1/SP (LIGHT MANUFACTURING/SPECIAL PERMIT) TO C-5/SP (CENTRAL BUSINESS DISTRICT/SPECIAL PERMIT. 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 11 through 14, Block 146 Campbell Addition, City of El Paso, El Paso County, Texas,* be changed from **M-1/sp (Light Manufacturing/special permit) to C-5/sp (Central Business District/special permit)**, 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

_____
John F. Cook
Mayor

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ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Patricia D. Adauto
Patricia D. Adauto, Deputy City Manager
Development & Infrastructure Services

Doc #39280/Planning/Ord/ZON08-00018 (Rezoning)/LCUE

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

PATRICIA D. ADAUTO
DEPUTY CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. Alexandro Lozano, District 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES DEPARTMENT

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

From: Ismael B. Segovia, Senior Planner

Date: May 23, 2008

Subject: **ZON08-00018**

The City Plan Commission (CPC), on May 22, 2008, voted (**7-0**) to recommend **APPROVAL** of rezoning the subject property from M-1 (Light Manufacturing) to C-5 (Central Business District).

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 determined that this 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 were no letters in opposition or support to the request.

Attachment: Staff Report, Boundary Survey, Downtown 2015 Plan Map, Special Permit, Application

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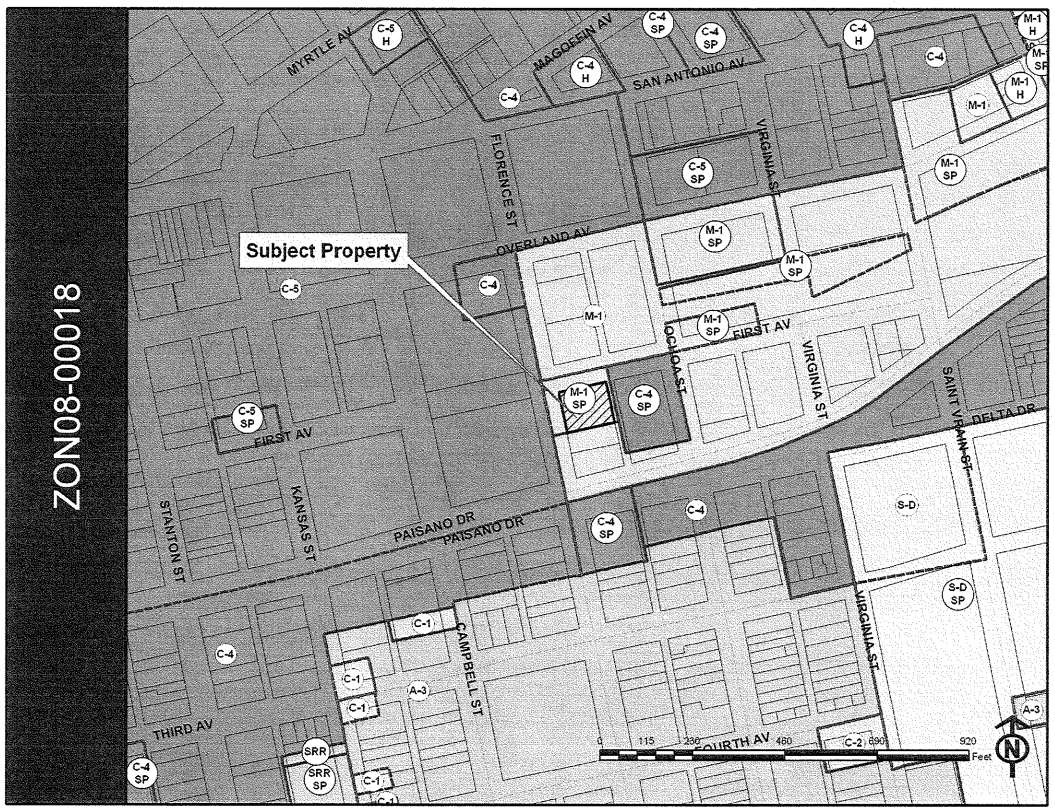
ZON08-00018

Application Type:	Rezoning
Property Owner(s):	ORW y MAS Enterprises, LLC
Applicant(s):	The El Paso Project, LLC
Representative(s):	TJ Karam
Legal Description:	Lots 11 through 14, Block 146, Campbell Addition, City of El Paso, El Paso County, Texas
Location:	300 S. Florence
Representative District:	8
Area:	0.270 acre
Present Zoning:	M-1/sp (Light Manufacturing/special permit)
Present Use:	vacant warehouse
Proposed Zoning:	C-5 (Central Business District/special permit)
Proposed Use:	Mixed Use Residential/Office/Retail
Recognized Neighborhood Associations Contacted:	El Paso Central Business Association
Public Response:	None
Surrounding Land Uses:	**North** – M-1 / Storage; **South** – M-1 / Restaurant; **East** – C-4/sp / Night Club; **West**- C-5 / Telles Academy
Year 2025 Designation:	**Residential (Central Planning Area)**



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General Information:
The applicant is requesting a rezoning from M-1 (Light Manufacturing) to C-5 (Central Business District) in order to permit Mixed Use Residential/Office/Retail. The property is .27 acres in size and is currently a vacant warehouse. Access is proposed via S. Florence Street with 12 parking spaces to be provided. There are no zoning conditions currently imposed on this property.

The subject property was granted a Special Permit, No. ZON06-000162, to allow for a parking reduction via Ordinance No. 016587 dated February 16, 2007. A detailed site development plan (previously approved) was provided with the approved Special Permit request.

Staff Recommendation:
The Development Coordinating Committee (DCC) recommends **approval** of this request for rezoning from M-1 (Light Manufacturing) to C-5 (Central Business District).

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommends that El Paso "provide designated locations for commercial development that do not adversely affect the health, safety and welfare of the community and where essential infrastructure is available to serve the development."

The Plan for El Paso City-Wide Land Use Goals recommends that El Paso "provide a wide range of housing types that respond to the needs of all economic segments of the community."

The Overall Planning Area Land Use Concepts/Policies for the Central Planning Area Study Area No. 3: Paisano Drive Corridor calls for "Paisano Drive, a super arterial connecting various neighborhoods within the City, to serve as a mass transit corridor serving areas from the Union Plaza District to Fox Plaza and Basset Center"

"Promote varied mixed uses with strong commercial elements in the Central Business District and at various major intersections."

"Improve pedestrian linkages between the Paisano Drive corridor and adjacent neighborhoods to encourage greater utilization of mass transit along the corridor."

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

The Downtown 2015 Plan designates this property for **Mixed-Use Residential**.

C-5 (Central Business District) zoning permits to allow Mixed Use Residential/Office/Retail and **is compatible** with adjacent development.

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Findings:
The Commission must determine the following:

1. Will the C-5 (Central Business District) zoning protect the best interest, health, safety and welfare of the public in general?
2. Will Mixed Use Residential/Office/Retail 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:
No objection to this re-zoning request. As per section 20.14.070(B)(1) this case would be eligible for the 100% parking reduction since it is a redevelopment within the downtown boundaries.

Development Services Department - Planning Division:
Current Planning:
1. The Year 2025 Projected General Land Use Map for the **Central** Planning Area designates this property for **Residential** land uses.
2. **C-5 (Central Business District)** zoning permits to allow Mixed Use Residential/Office/Retail and **is compatible** with adjacent development.
3. Recommend Approval

Engineering Department - Traffic Division:
No objections to proposed zoning change.

Fire Department:
No comments received.

El Paso Water Utilities:
EPWU does not object to this request.

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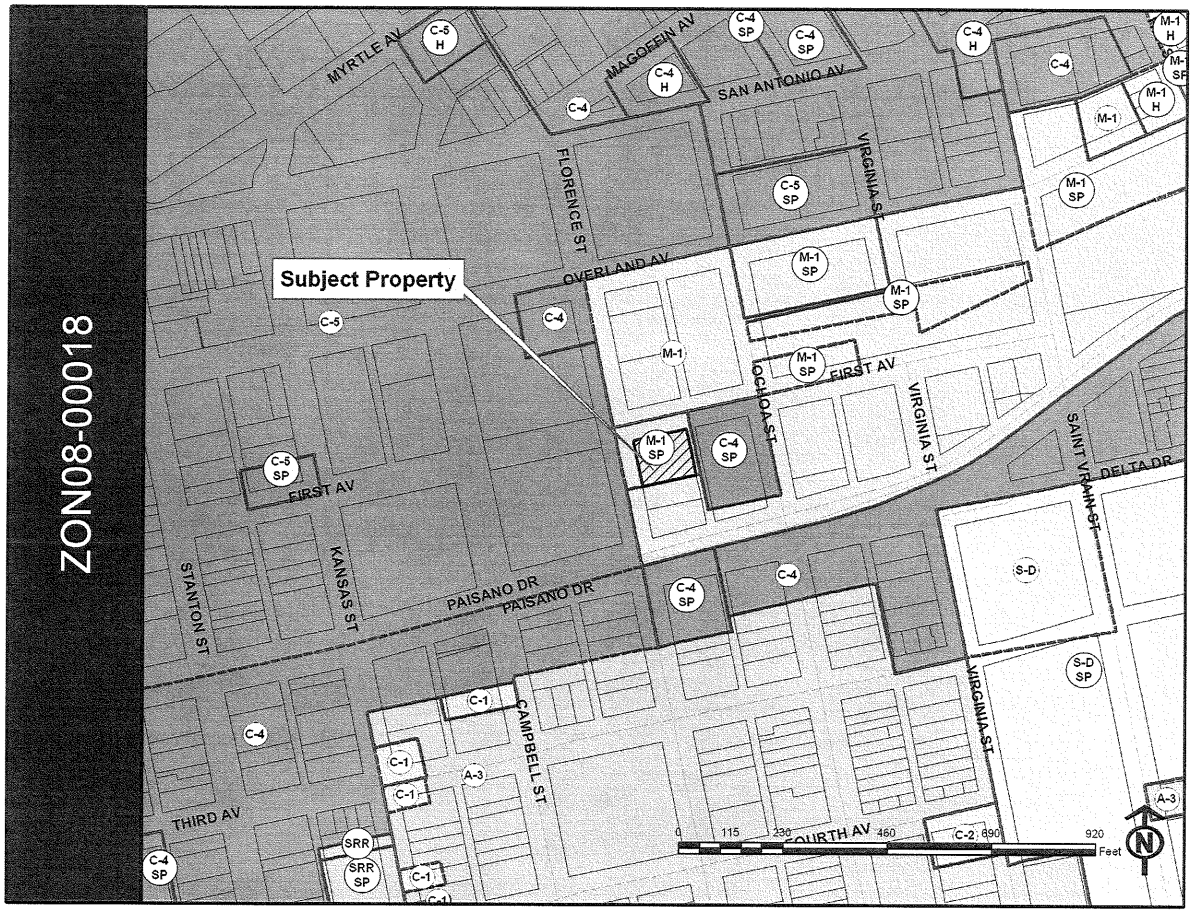

List of Attachments

Attachment 1: Boundary Survey
Attachment 2: Downtown 2015 Plan Map
Attachment 3: Special Permit
Attachment 4: Application

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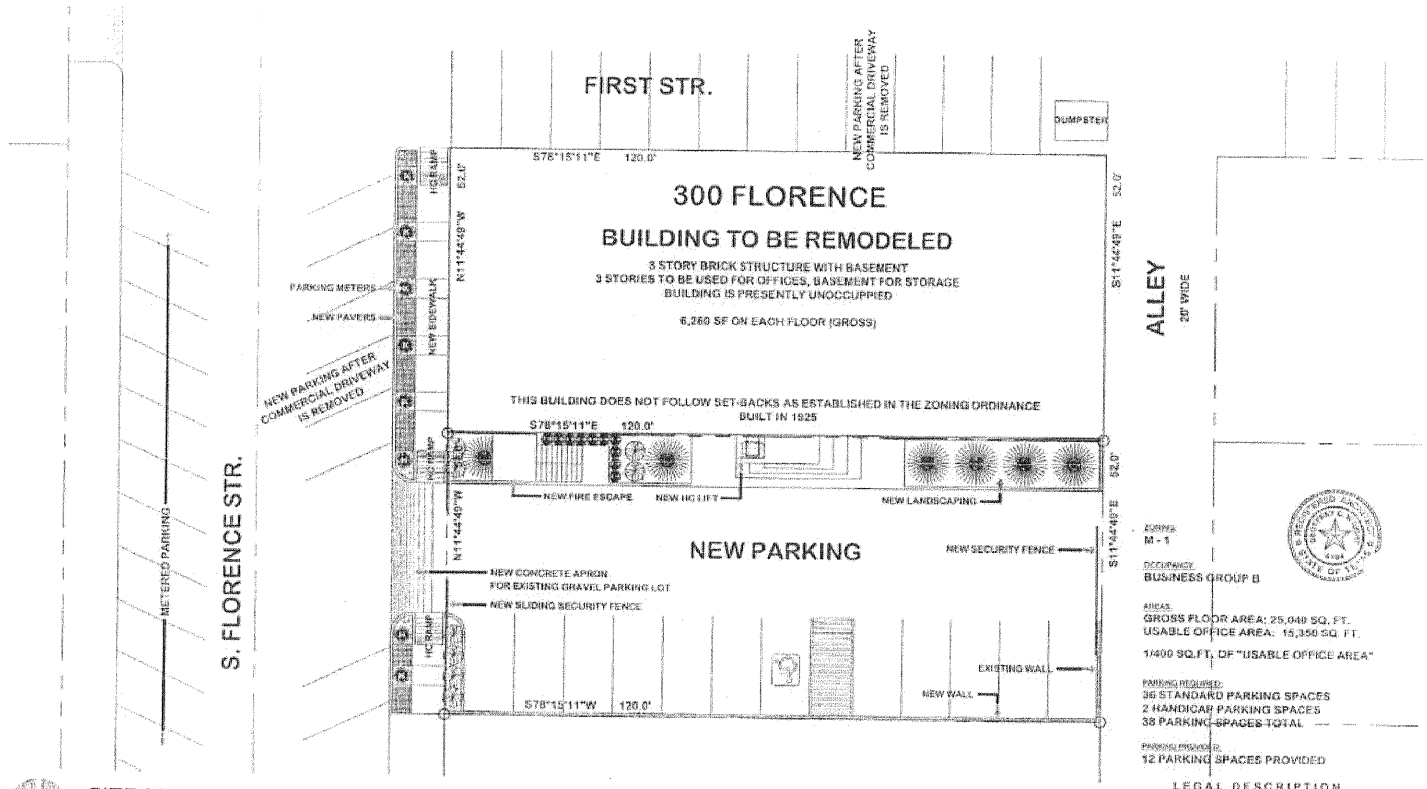
Attachment 1: Boundary Survey



ZONING
M - 1

OCCUPANCY
BUSINESS GROUP B

AREAS
GROSS FLOOR AREA: 25,040 SQ. FT.
USABLE OFFICE AREA: 15,350 SQ. FT.

1/400 SQ.FT. OF "USABLE OFFICE AREA"

PARKING REQUIRED:
36 STANDARD PARKING SPACES
2 HANDICAP PARKING SPACES
38 PARKING SPACES TOTAL

PARKING PROVIDED:
12 PARKING SPACES PROVIDED

LEGAL DESCRIPTION
146 CAMPBELL : LOTS 11 TO 14
12,480 SQ. FT.
CITY OF EL PASO, EL PASO COUNTY, TEXAS

SITE PLAN

SCALE: 1" = 20' - 0"

THE FLORENCE PROJECT
300 SOUTH FLORENCE STREET : EL PASO, TX 79901

DECEMBER 19, 2006

Wright & Delbin Architects, Inc.

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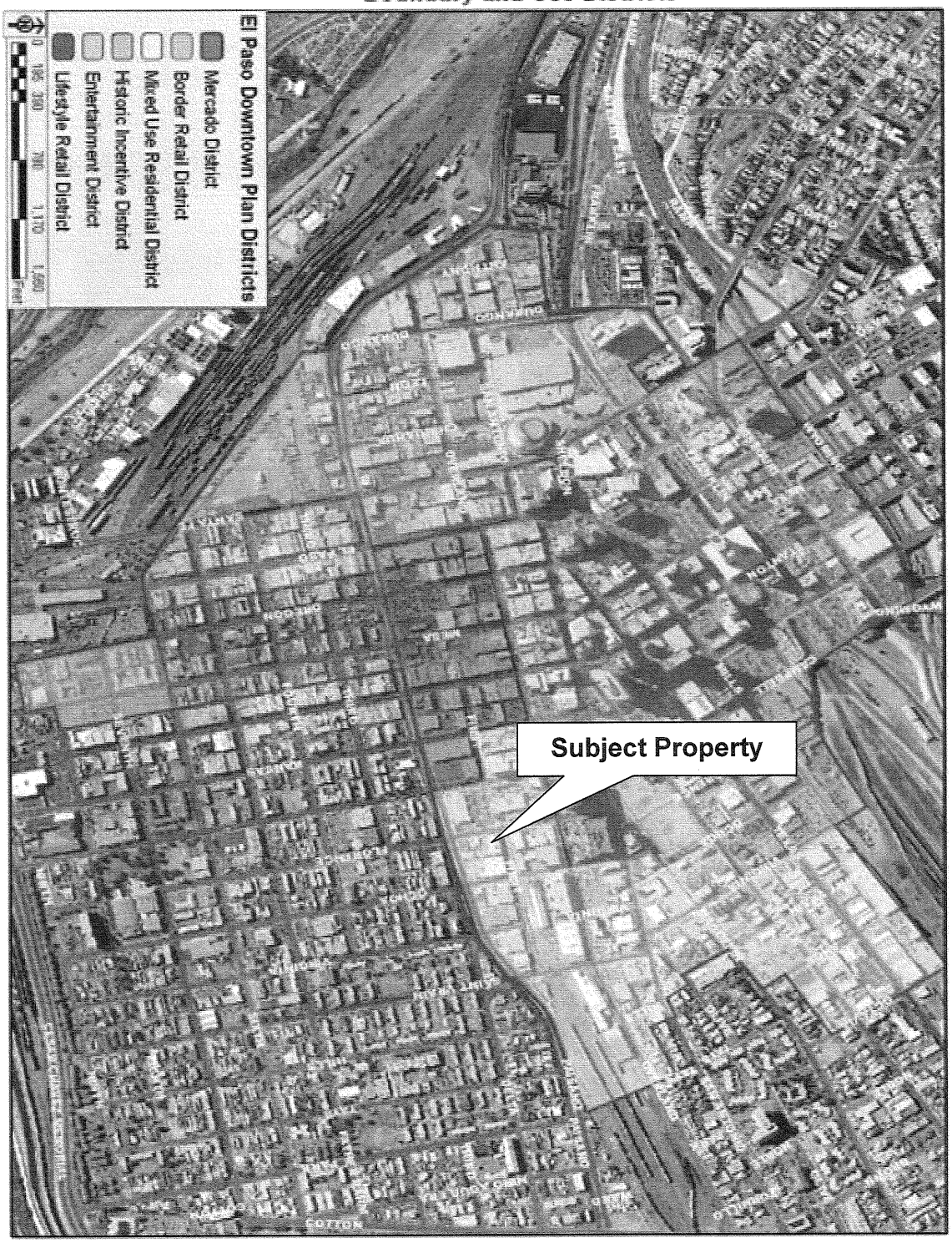
Attachment 2: Downtown 2015 Plan Map

El Paso Downtown 2015 Plan
Boundary and Use Districts



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Attachment 3: Special Permit

ORDINANCE NO. 016587

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON06-00162, TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 11-14, BLOCK 146, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.64.175 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

WHEREAS, ORW y Mas Enterprises, LLC, has applied for a Special Permit under Section 20.64.175 of the El Paso City Code to allow for a parking reduction; and,

WHEREAS, the requirements of Section 20.64.175 have been satisfied; and,

WHEREAS, a report was made by the City Plan Commission and a public hearing was held regarding such application; and,

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; and

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Section 20.64.175 of the El Paso City Code.

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

1. That the property described as follows, is in a **M-1 (Light Manufacturing)** District:

Lots 11-14, Block 146, Campbell Addition, City of El Paso, El Paso County, Texas; and,

2. That the City Council hereby grants a Special Permit under Section 20.64.175 of the El Paso City Code so that a parking reduction, may be permitted on the property described in Paragraph 1 of this Ordinance; and,

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Attachment 3: Special Permit

3. That this Special Permit is issued subject to the development standards in the **M-1 (Light Manufacturing)** District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager 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; and,

4. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON06-00162** shall be subject to 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,

5. 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 20th **day of** March, **2007.**

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

Lupe Cuellar, Assistant City Attorney

APPROVED AS TO CONTENT:

Kimberly Forsyth, Senior Planner
Development Services Department

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Attachment 3: Special Permit

AGREEMENT

ORW y Mas Enterprises, LLC, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the **M-1 (Light Manufacturing) District** regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 16 day of FEBRUARY, 2007.

(Signature)

WILLIAM B. MARTINEZ
(Name/Title)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 16th day of February, 2007, by WILLIAM BERNABE MARTINEZ for **ORW y Mas Enterprises, LLC,** as Applicant.

(Seal) MARIA D. ACOSTA
NOTARY PUBLIC
In and for the State of Texas
My commission expires
SEPTEMBER 20, 2008

Maria D. Acosta
Notary Public, State of Texas
Signature

MARIA D ACOSTA
Printed or Typed Name

My Commission Expires:
9/20/2008

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Attachment 4: Application

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REZONING APPLICATION
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

City of El Paso, Texas
2 Civic Center Plaza
El Paso, TX 79901-1196
915-541-4024

1. CONTACT INFORMATION

PROPERTY OWNER(S): DRW Y MAS Enterprises
ADDRESS: 1919 E. Rio Grande ZIP CODE: 79902 PHONE: 566-1911
APPLICANT(S): THE EL PASO PROJECT, LLC
ADDRESS: 9732 Eastridge ZIP CODE: 79925 PHONE: 915-204-0095
REPRESENTATIVE(S): TJ KARAM
ADDRESS: 9732 Eastridge ZIP CODE: 79925 PHONE: 204-0095
E-MAIL ADDRESS: tjkaram@aol.com FAX: 915-593-3123

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: C0509991460 5500
LEGAL DESCRIPTION: 146 Campbell 11 to 14
STREET ADDRESS OR LOCATION: 300 S. Florence REP DISTRICT: 8
ACREAGE: Ap. .27 Acre PRESENT ZONING: M-1 PRESENT LAND USE: Vacant Warehouse
PROPOSED ZONING: C-5 PROPOSED LAND USE: Mixed Use Residential/office/Retail

CITY OF EL PASO PAID MAR 26 2008 DEVELOPMENT SERVICES

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: William B Martinez Signature: William B Martinez
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 0800018 RECEIVED DATE: 3/12/08 APPLICATION FEE: $ 750
DCC REVIEW DATE: 4/9/08 (8:30 am, Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 5/8/08 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: [signature]

Pending paid

Revised 4/2007