

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

**DEPARTMENT:** Planning and Economic Development Department

**AGENDA DATE:** Introduction: June 28, 2011  
Public Hearing: July 19, 2011

**CONTACT PERSON/PHONE:** Esther Guerrero, (915) 541-4720

**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

An Ordinance granting Special Permit No. ZON10-00046, to allow a Professional Office, Infill Development with reduced setbacks and a parking reduction on the property described as Lot 28, and the East 15 feet of Lot 27, Block 82, Franklin Heights, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1317 E. Rio Grande Avenue. Property Owner: Oficina Legal Del Pueblo Unido, Inc. ZON10-00046 (**District 8**)

**BACKGROUND / DISCUSSION:**

N/A

**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 (5-0)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** Mathew S. McElroy  
Deputy Director-Planning and Economic Development

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON10-00046, TO ALLOW A PROFESSIONAL OFFICE, INFILL DEVELOPMENT WITH REDUCED SETBACKS AND A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOT 28, AND THE EAST 15 FEET OF LOT 27, BLOCK 82, FRANKLIN HEIGHTS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.320 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS, Oficina Legal Del Pueblo Unido, Inc., Owner,** has applied for a Special Permit under Section 20.10.280 of the El Paso City Code to allow a Professional Office, Infill Development with Reduced Setbacks and a Parking Reduction; and,

**WHEREAS,** a report was made to 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 Sections 20.04.320 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 an **A-2 (Apartment)** District:  
*Lot 28, and the East 15 feet of Lot 27, Block 82, Franklin Heights, City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A",*
2. That the City Council hereby grants a Special Permit under Section 20.10.280 of the El Paso City Code, to allow a Professional Office, Infill Development with Reduced Setbacks and a Parking Reduction; and,
3. That this Special Permit is issued subject to the development standards in the **A-2 (Apartment)** 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 "B" and incorporated herein by reference for all purposes; and,

ORDINANCE NO. \_\_\_\_\_

**Special Permit No. ZON10-00046**

4. That if at any time the Owner or the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. **ZON10-00046** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; 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 of the City Plan Commission before building permits are issued.

**PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.**

**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:**

\_\_\_\_\_  
Mathew S. McElroy  
Deputy Director – Planning and  
Economic Development Department

**ORDINANCE NO. \_\_\_\_\_**

**Special Permit No. ZON10-00046**



# Calderon Engineering

3031 Trawood Drive  
El Paso, Texas 79936  
(915) 855-7552  
Fax: 855-8350  
CalderonEngineering@elpbizclass.com

March 25, 2010

## METES & BOUNDS DESCRIPTION

Description of a parcel of land being the East 15 feet of lot 27, and all of lot 28, block 82, First Supplemental Map of Franklin Heights Addition, City of El Paso, El Paso County, Texas, as filed and recorded in Book 9, Page 62, Deed Records of El Paso County, Texas, and being more particularly described by metes & bounds as follows:

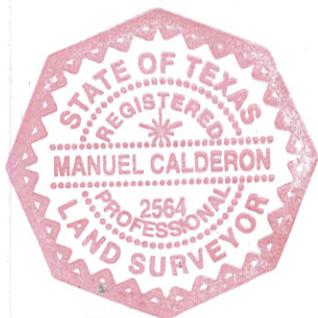
Commencing at a set chiseled cross marking the Southeast corner of lot 28, the Southwest corner of lot 29, and on the Northerly right-of-way line of Rio Grande Avenue in First Supplemental Map of Franklin Heights Addition;

Thence South 52°25'00" West, along the Northerly right-of-way line of Rio Grande Avenue, a distance of 40.00 feet to a set chiseled cross;

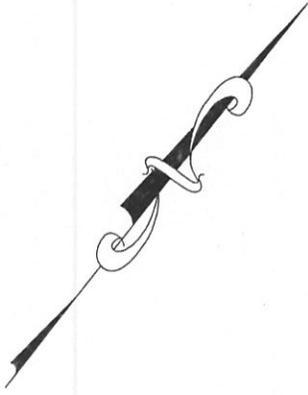
Thence North 37°35'00" West, a distance of 120.00 feet to a set concrete nail;

Thence North 52°25'00" East, a distance of 40.00 feet to a set concrete nail;

Thence South 37°35'00" East, a distance of 120.00 feet to the "Point of Beginning", and containing in all 4,800.00 square feet or 0.110 acres of land more or less. A plat of survey dated October 18, 2007 is a part of this description and is attached hereto.

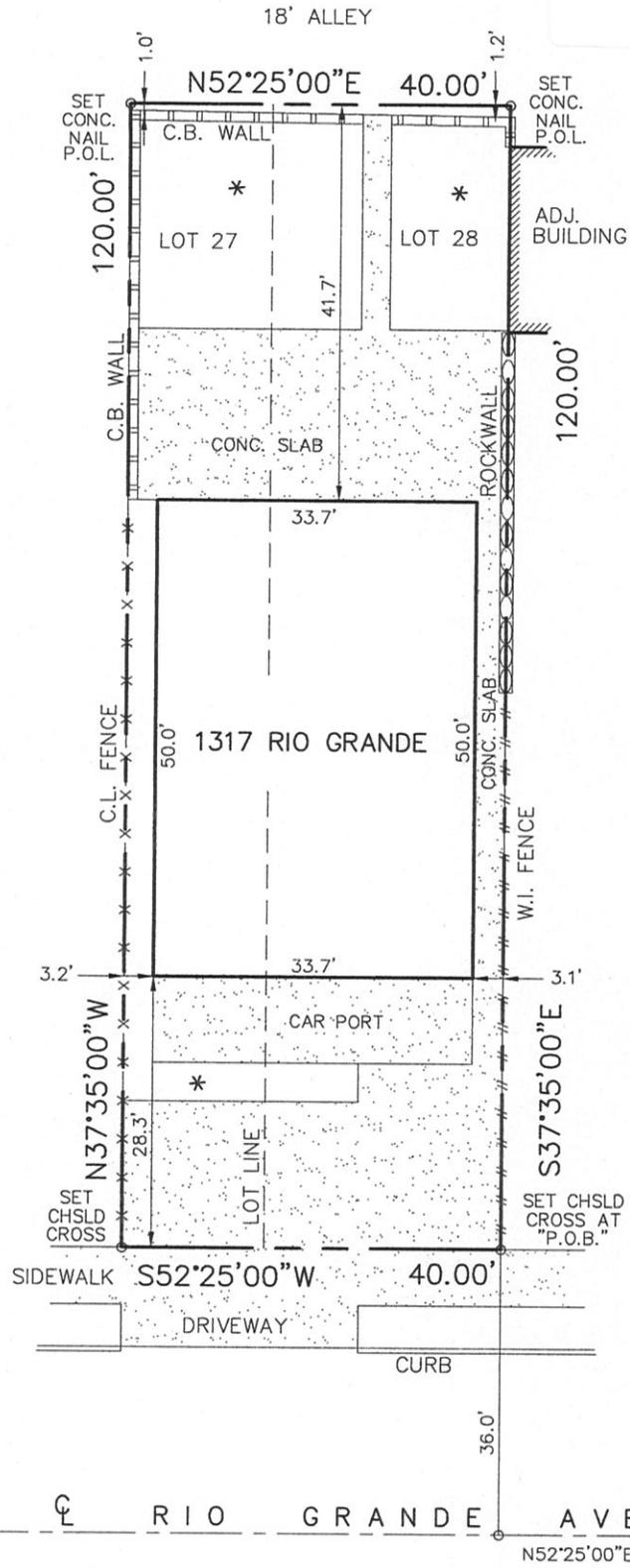


Manuel Calderon  
Registered Professional Land Surveyor No. 2564  
Calderon Engineering



LOT 27

LOT 29



\*= UNPAVED DIRT AREA

BEARING ORIENTATION AS PER PLAT OF  
FIRST SUPPLEMENTAL MAP OF FRANKLIN HEIGHTS ADDITION

Book 9 Page 62 Job No. 1007-120

1317 RIO GRANDE AVE.  
THE EAST 15 FEET OF LOT 27,  
AND ALL OF LOT 28, BLOCK 82,  
FIRST SUPPLEMENTAL MAP OF FRANKLIN HEIGHTS ADDITION,  
CITY OF EL PASO,  
EL PASO COUNTY, TEXAS

Field MH Office SH-C6 Date 10-18-07 Scale 1"=20'

**CALDERON ENGINEERING**

3031 TRAWOOD DR.  
EL PASO, TEXAS 79936 (915) 855-7552  
E-Mail: CalderonEngineering@elpbizclass.com



This house is not located in a flood hazard area as determined by the FIRM by U.S. Federal Emergency Management Agency National Federal flood Insurance Program.

**CERTIFICATION**

I hereby certify that the foregoing Boundary and Improvement Survey was made by me or under my supervision and that there are no encroachments except as shown. Only platted easements are shown.

*Manuel Calderon*

Manuel Calderon  
Registered Professional Land Surveyor No. 2564



DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

DETAILED SITE DEVELOPMENT PLAN APPROVED  
BY THE CITY COUNCIL

DATE  
*[Signature]*  
APPLICANT

EXECUTIVE SECRETARY  
CITY PLAN COMMISSION

CITY MANAGER

REVISIONS:  
NO. DATE REFERENCE

THESE DOCUMENTS HAVE BEEN PREPARED SPECIFICALLY FOR THE FOLLOWING PROJECT:  
Site Development Plan  
1317 Rio Grande  
El Paso, Texas  
THEY ARE NOT SUITABLE FOR USE ON OTHER PROJECTS OR IN OTHER LOCATIONS WITHOUT THE APPROVAL AND PARTICIPATION OF THE ARCHITECT. REPRODUCTION IS PROHIBITED.

ENG. SEAL

1317 RIO GRANDE AVE.  
EL PASO, TEXAS  
PASO DEL NORTE CIVIL RIGHTS PROJECT

**PROJECT SUMMARY**  
**BUILDING ADDRESS:**

1317 RIO GRANDE  
EL PASO, TEXAS 79901

**LEGAL DESCRIPTION:**

THE EAST 15 FEET OF LOT 27, AND ALL OF LOT 28, BLOCK 82, FIRST SUPPLEMENTAL MAP OF FRANKLIN HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

**BUILDING DESCRIPTION:**

EXISTING HOUSE 1,650 SQ.FT.  
OFFICE USE TOTAL SQ.FT. = 2,100

**BUILDING OCCUPANCY:**

GROUP "B"  
PROFESSIONAL SERVICES

**ZONING:**

A2

**SET BACKS:**

20'-0" FRONT  
5'-0" SIDE\*  
25'-0" REAR

\*PROPERTY WAS CONSTRUCTED PRIOR TO 1955. BUILDING LEGAL NONCONFORMING IN REFERENCE TO SET BACKS

**BUILDING CONSTRUCTION TYPE:**

TYPE IV - B

← INDICATES DIRECTION OF STORM WATER RUN-OFF

**LANDSCAPE CALCULATIONS**

EXISTING SITE: 4,800 S.F.  
REQUIRED LANDSCAPING: 360 S.F.  
PROVIDED LANDSCAPING: 365 S.F.

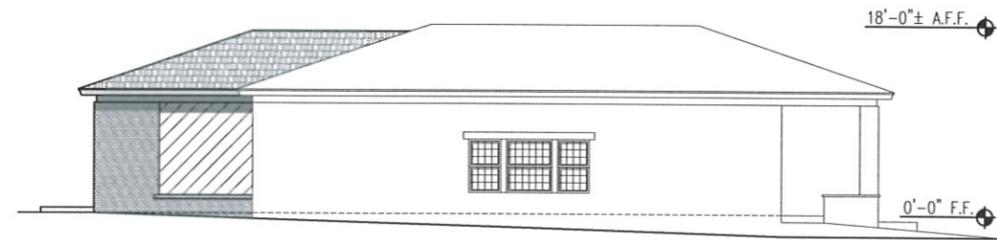
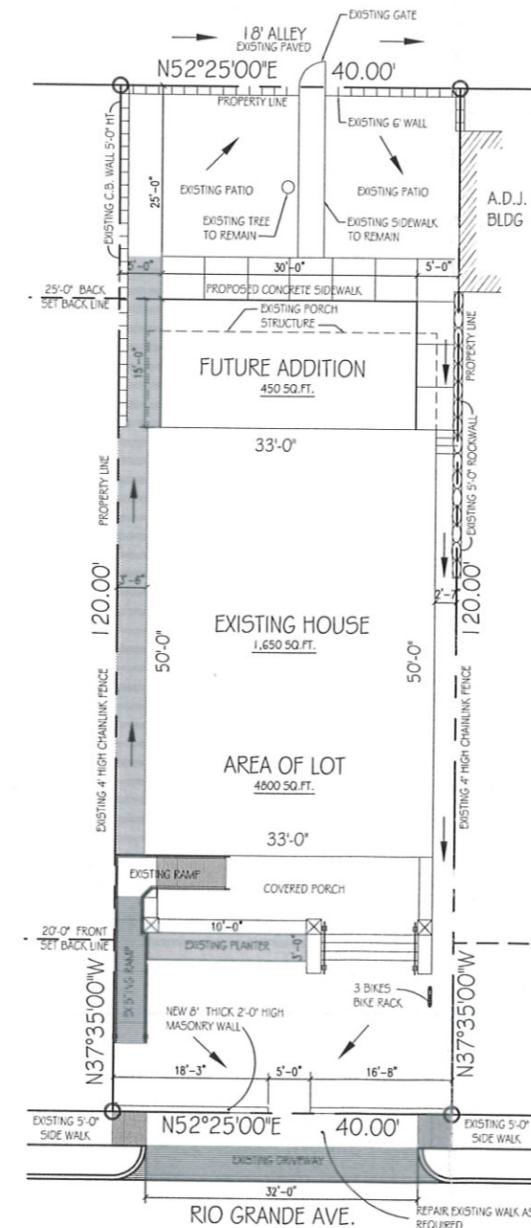
EXISTING LANDSCAPING

**PARKING CALCULATIONS**

OFFICE 1/400 OF GFA  
2,100 SQ. FT. = 5.25  
SPACES REQUIRED  
5 SPACES PROVIDED

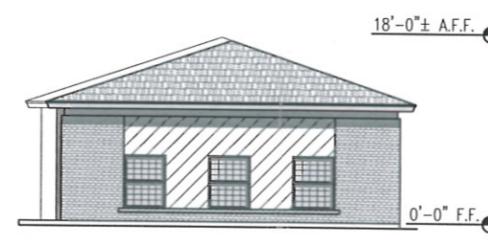
EXISTING LANDSCAPING AND TREE TO REMAIN

BIKE RACK  
PROVIDE BIKE RACK (1 BIKE)



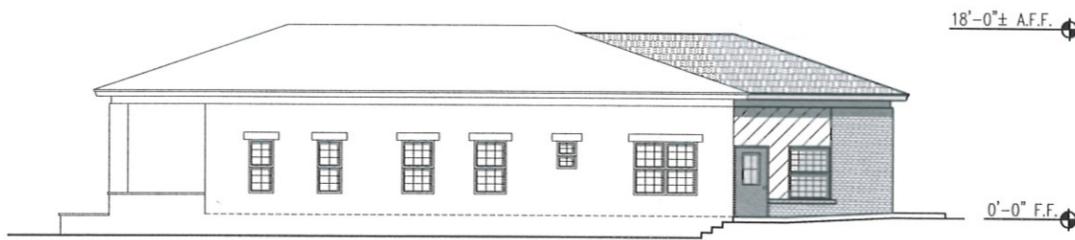
WEST ELEVATION

SCALE: 1" = 10'



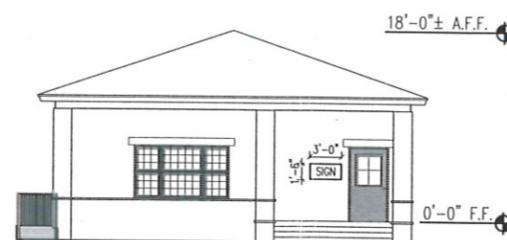
NORTH ELEVATION

SCALE: 1" = 10'



EAST ELEVATION

SCALE: 1" = 10'



SOUTH ELEVATION

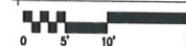
SCALE: 1" = 10'



SITE DEVELOPMENT PLAN

SCALE: 1" = 10'

01



PROJECT NO:  
2135.001AC

SHEET NAME:  
SITE DEVELOPMENT PLAN

**A1.01**

SHEET OF

DATE ISSUED:  
05/02/2011



**Date:** June 16, 2011  
**To:** Honorable Mayor and City Council  
Joyce Wilson, City Manager  
**From:** Esther Guerrero, Planner  
**Subject:** **ZON10-00046 Special Permit for a Professional Office and Infill Development**

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The City Plan Commission (CPC) on May 19, 2011, voted **5-0** to recommend **approval** of this special permit and detailed site development plan request.

The applicant is requesting a special permit to allow a professional office in an A-2 (Apartment) District and an infill development that will allow the reduction of existing side yard setbacks and to allow a 100% parking reduction.

This recommendation is in agreement with the recommendation from staff and the Development Coordinating Committee (DCC).

The CPC found that the special permit is in conformance with The Plan for El Paso. The CPC found that the proposed use is in conformance with the 2025 Projected General Land Use Map for the Central Planning Area. The CPC also determined that the special permit protects the best interest, health, safety, and welfare of the public in general; and 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 one person present at the meeting to speak in opposition to the 100% parking reduction. The individual stated that there is insufficient on street parking.

**Attachment:** Staff Report

**Mayor**  
John F. Cook

**City Council**

District 1  
Ann Morgan Lilly

District 2  
Susannah M. Byrd

District 3  
Emma Acosta

District 4  
Carl L. Robinson

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:** ZON10-00046  
**Application Type:** Special Permit and Detailed Site Development Plan Review  
**CPC Hearing Date:** May 19, 2011  
**Staff Planner:** Esther Guerrero, 915-541-4720, [guerreroex@elpasotexas.gov](mailto:guerreroex@elpasotexas.gov)

**Location:** 1317 E. Rio Grande Avenue  
**Legal Description:** Lot 28, and the East 15 feet of Lot 27, Block 82, Franklin Heights, City of El Paso, El Paso County, Texas  
**Acreage:** 0.110 acres  
**Rep District:** 8  
**Zoning:** A-2 (Apartment)  
**Existing Use:** Office  
**Request:** Special Permit for a professional office and 100% parking reduction, infill development for reduced side yard setbacks  
**Proposed Use:** Professional Office

**Property Owner:** Oficina Legal Del Pueblo Unido, Inc.  
**Representative:** Briana Stone

### **SURROUNDING ZONING AND LAND USE**

**North:** R-5 (Residential) / single-family residential  
**South:** A-2 (Apartment) / single-family residential  
**East:** A-2 (Apartment) / single-family residential  
**West:** A-2 (Apartment) / single-family residential

**Plan for El Paso Designation:** Mixed-Use (Central Planning Area)

**Nearest Park:** Houston Park (2,140 Feet)

**Nearest School:** Wiggs Middle School (1,589 Feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Central El Paso Community Organization, Golden Hills Neighborhood Association, El Paso Central Business Association

### **NEIGHBORHOOD INPUT**

Notices of this public hearing were mailed to all property owners within 300 feet of the subject property on May 3, 2011.

One fax in opposition was received on May 9, 2011.

### **APPLICATION DESCRIPTION**

The site plan shows an existing 1,650 sq. ft. structure with a proposed 450 sq. ft. future addition and existing patio at the rear of the property. The applicant is requesting a 100% parking reduction and reduced side yard setbacks from the required five feet (5') to two feet-seven inches (2' 7") and three feet-six inches (3' 6").

Currently, there is an existing handicap parking space located at the front of the property that does not meet the required depth. The applicant will not be able to meet the required parking stall size and has removed the space from the site plan and will not use it.

## **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of the special permit and detailed site development plan review request with the condition that the driveway be abandoned and that the entire parkway area, including the sidewalk and curb where it abuts the subject property, be restored to City standards to comply with current ADA/TAS rules and regulations and that the detailed site plan be revised accordingly.

### **The Plan for El Paso-City-Wide Land Use Goals**

All applications for special permit shall demonstrate compliance with the following criteria:

- a. Goal: establish 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: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- c. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.

The purpose of the Medium Density districts is to promote and preserve residential development within the City associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain non-residential uses and support facilities.

### **Development Coordinating Committee Review**

The DCC reviewed and discussed the application for special permit and offered no objections to Planning Staff's recommendation for approval.

### **Engineering – Construction Management Division**

#### **Plan Review**

No objections.

#### **Landscaping**

Landscape not required for this project under 18.46.060 #3 c. Applicant has just enough for required parking and there is no additional room for the landscape.

#### **Land Development**

The Subdivision is within Flood Zone C -“Areas determined to be outside the 0.2% annual flood” – Panel # 480214 0039B, dated October 15, 1982.

### **Department of Transportation**

-Driveway that is no longer in use must be abandoned and curb, gutter and sidewalk must be restored according to city standards. (13.12.190)

#### **Notes:**

-Parking study was verified. No objection to parking reduction.

-All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

### **Fire Department**

No objections.

### **Police Department**

No objections.

## **El Paso Water Utilities**

1. EPWU does not object to this request.

### **Water:**

2. There is an existing 48-inch diameter water main that extends along E. Rio Grande Avenue fronting the southern boundary of the subject property (1317 E. Rio Grande Avenue). 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 12-inch diameter water main that extends along E. Rio Grande Avenue fronting the southern boundary of the subject property (1317 E. Rio Grande Avenue).

4. EPWU records indicate a ¾-inch water meter serving the subject property. The service address for this meter is 1317 E. Rio Grande Avenue.

### **Sewer:**

5. There is an existing 8-inch diameter sanitary sewer main that extends along the alley between E. Rio Grande Avenue and Arizona Street fronting the northern boundary of the subject property (1317 E. Rio Grande Avenue).

### **General:**

6. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The owner 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.

## **CITY PLAN COMMISSION OPTIONS**

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit and detailed site development plan application:

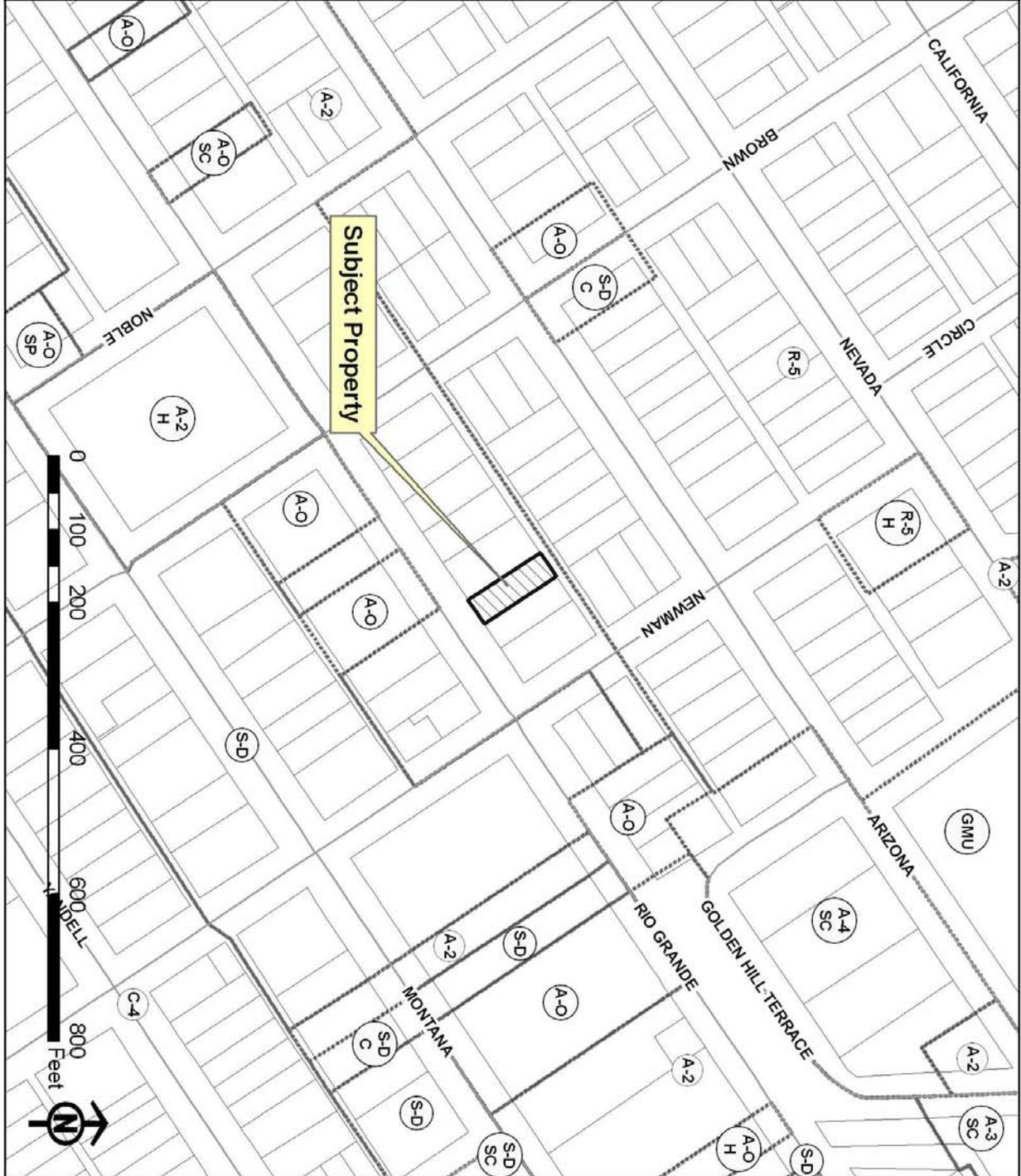
1. Recommend approval of the application finding that the special permit and detailed site development plan is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan
2. Recommend approval of the application with modifications to bring the special permit and detailed site development plan 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 special permit and detailed site development plan 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. Location Map
2. Aerial Map
3. Detailed Site Plan
4. Elevations
5. Opposition Letter

ATTACHMENT 1: LOCATION MAP

ZON10-00046

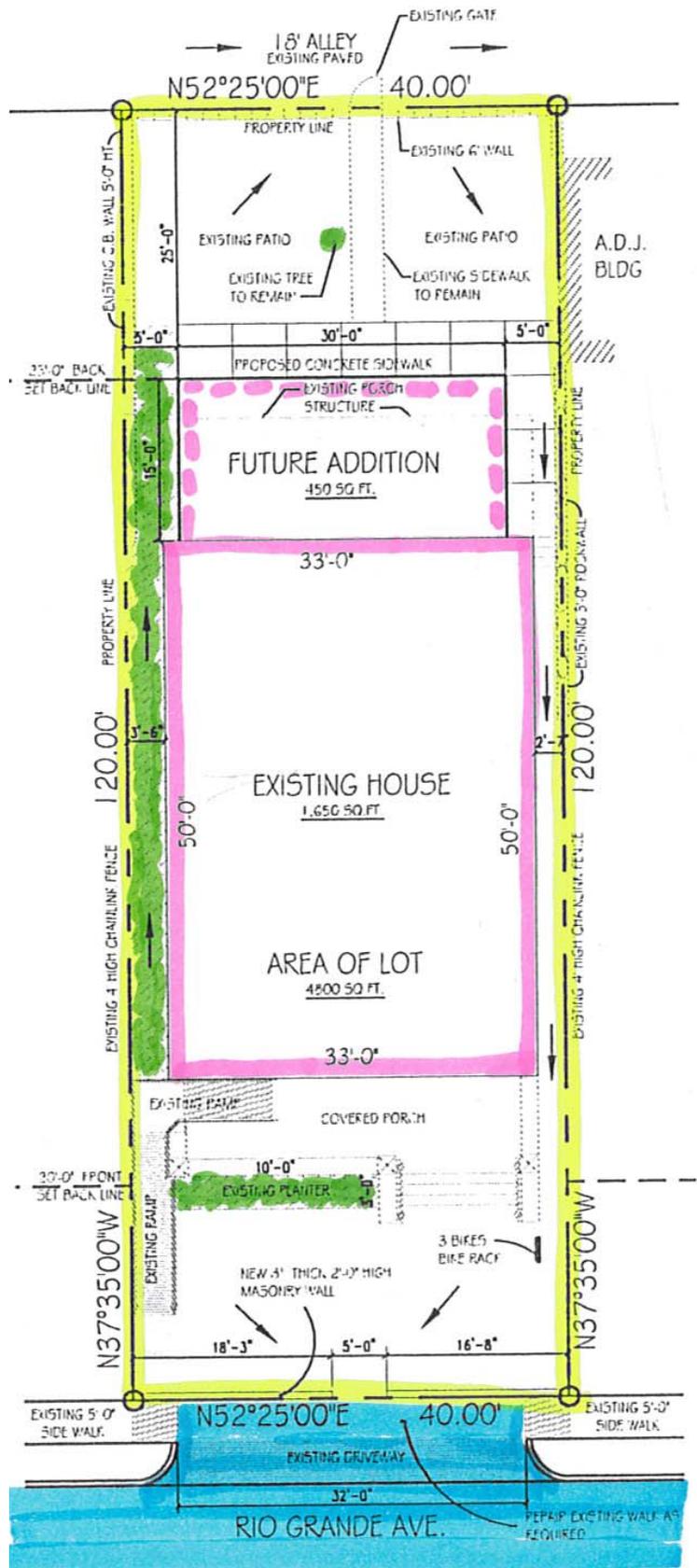


ATTACHMENT 2: AERIAL MAP

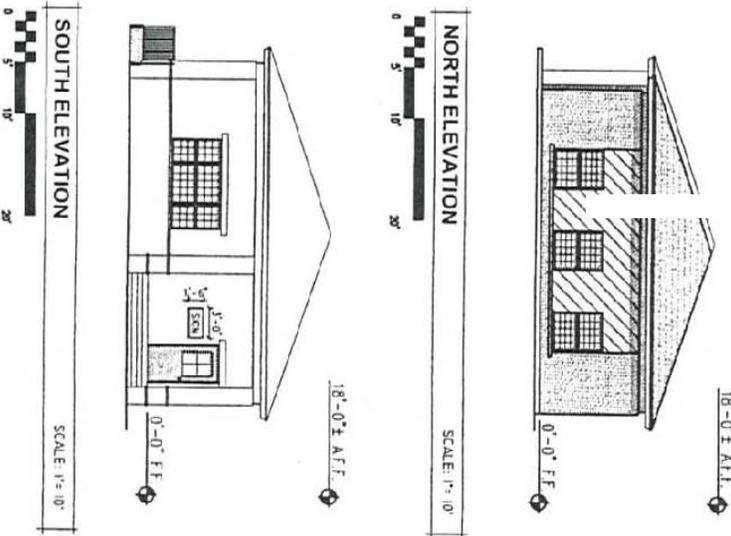
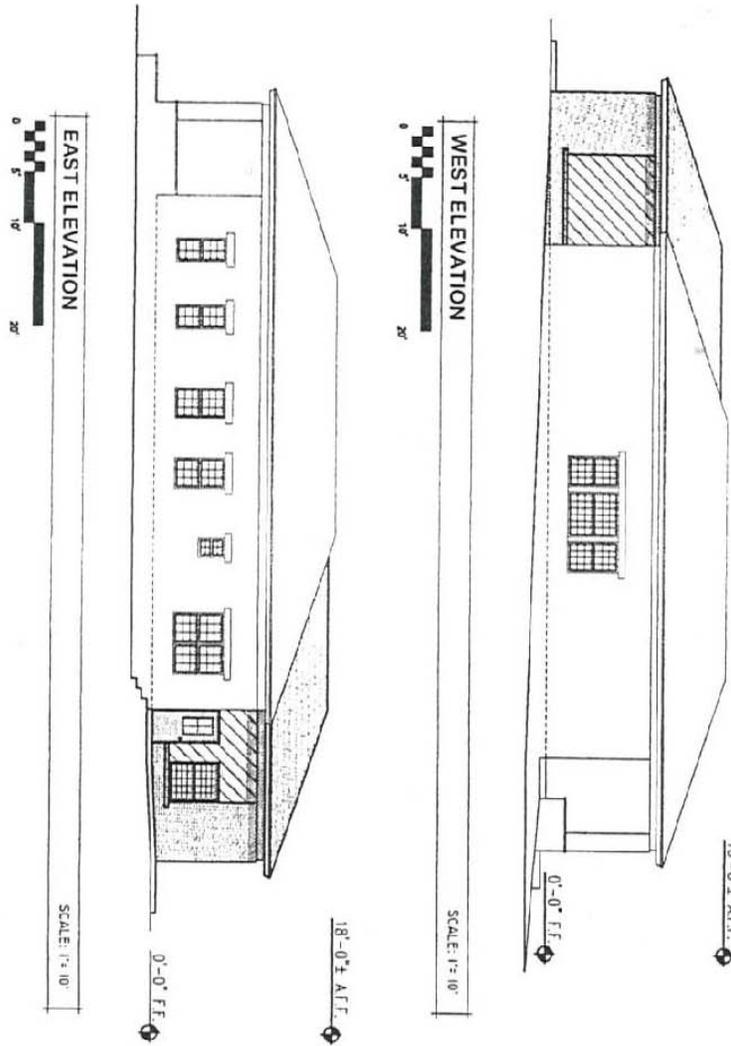
ZON10-00046



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: ELEVATION



ATTACHMENT 5: OPPOSITION LETTER

May 9, 2011

City Planning Commission  
Planning Division  
City Hall  
2 Civic Center Plaza  
El Paso, TX 79901-1196

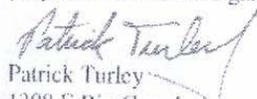
RE: CASE NO: ZON10-00046

I have been notified that Oficina Legal del Pueblo Unido, Inc. located at 1317 Rio Grande Avenue has submitted for a special permit to allow for a professional office with infill development to allow for reduced side yard backsets and a 100% parking reduction.

As the homeowner at 1308 Rio Grande, my only concern is any zoning that reduces the number of available parking spaces between Brown and Newman Streets on the 1300 block of Rio Grande. The properties on either side of me are also zoned for business, and it has been my experience that I have been unable to park my vehicles in front of my own home. Additionally, the city recently painted a "yellow curb" from 1317 Rio Grande to Newman street, taking away an additional 4 or 5 spaces from street parking.

Homeowners along the block are competing with business visitors and apartment dwellers and visitors for limited parking. If this effort will make spaces available to the business **ON THEIR PROPERTY**, then I am in favor of it. If it reduces the number of parking spaces, I would oppose this effort. I will be attending the meeting on Thursday, May 19<sup>th</sup> at 1:30 pm to listen to the proposal, and voice my opposition if it reduces the number of spaces available along the 1300 block of Rio Grande.

I don't know if City Planning is responsible for the painting of the yellow curb, but it serves no purpose but to reduce the number of parking spaces available. These old properties do not have garages and we have to park on the street!

  
Patrick Turley  
1308 E Rio Grande  
El Paso, TX 79902  
(915) 449-8999