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

**DEPARTMENT:** **Development Services Department**

**AGENDA DATE:** **Introduction: November 18, 2008**
**Public Hearing: December 9, 2008**

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

**DISTRICT(S) AFFECTED:** **8**

**SUBJECT:**
That the zoning of *Lots 11 to 14, Block 146, Campbell Addition, City of El Paso, El Paso County, Texas,* be changed from **C-5/sp (Central Business District/Special Permit)** to **C-5/H/sp (Central Business District/Historic/Special Permit)** in order to impose an historic district overlay, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly. Subject Property: 300 S. Florence. Applicant: The El Paso Project LLC. ZON08-00075 (District 8)

**BACKGROUND / DISCUSSION:**
See attached report.

**PRIOR COUNCIL ACTION:**
Special Permit No. ZON06-00162, to allow for a parking reduction on the subject property. Approved via Ordinance No. 016587 dated February 17, 2007
Rezoning request, No. ZON08-00018, to change the zoning of the subject property from M-1/sp (Light Manufacturing/special permit) to C-5/sp (Central Business District/special permit). Approved via Ordinance No. 016914 dated June 17, 2008.

**AMOUNT AND SOURCE OF FUNDING:**
N/A

**BOARD / COMMISSION ACTION:**
Historic Landmark Commission (HLC) – Approval Recommendation (6-0)
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

**DIRECTOR:** Victor Q. Torres

**********

**APPROVED FOR AGENDA:**

**CITY MANAGER:** _____ **DATE:** _____

CITY CLERK DEPT.
08 NOV 12 AM 10:55

**ORDINANCE NO. _____**

**AN ORDINANCE CHANGING THE ZONING OF LOTS 11 TO 14, BLOCK 146, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-5/SP (CENTRAL BUSINESS DISTRICT/SPECIAL PERMIT) TO C-5/H/SP (CENTRAL BUSINESS DISTRICT/HISTORIC/SPECIAL PERMIT) IN ORDER TO IMPOSE AN HISTORIC DISTRICT OVERLAY. 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 to 14, Block 146, Campbell Addition, City of El Paso, El Paso County, Texas,* be changed from **C-5/sp (Central Business District/Special Permit)** to **C-5/H/sp (Central Business District/Historic/Special Permit)** in order to impose an historic district overlay, 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

**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
Development Services Department

Doc #43739/Planning/Ord/ZON08-00075 (Rezoning)/LCUE

**ORDINANCE NO. _____** **Zoning Case No: ZON08-00075**

***DEVELOPMENT SERVICES DEPARTMENT***
***PLANNING DIVISION***

## ***M E M O R A N D U M***

**DATE:** November 11, 2008

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

**FROM:** Tony De La Cruz, Planner

**SUBJECT:** ZON08-00075

The City Plan Commission (CPC), on October 23, 2008 voted (5 to 0) to recommend **APPROVAL** of rezoning the subject property from C-5/sp (Central Business District/special permit) to C-5/H/sp (Central Business District/Historic/special permit) concurring with the recommendation from staff.

The El Paso Project LLC is requesting to change the zoning of the property from C-5/sp (Central Business District/special permit) to C-5/H/sp (Central Business District/Historic/special permit) in order to preserve the historic character of the building and the historic character of Downtown El Paso. The property is 0.2700 acres in size and presently a vacant warehouse sits on the site. The applicant is proposing access from Florence Street. The applicant is not proposing any phasing of development. The property proposes a mixture of uses to include loft apartments on the 2nd and 3rd floors and a retail component at the ground floor.

The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Downtown 2015 Plan. The CPC also determined that this rezoning protects the best interest, health, safety, and welfare of the public in general; and that the proposed use is compatible with adjacent land uses.

There was **no public response** to this request.

**Attachment:** Staff Report, Aerial Map, 2015 Downtown Plan, Detailed Site Plan (approved February 16,2007), 1925 Elevations, Ordinance, Special Permit

| | |
|---|---|
| **Case No:** | ZON08-00075 |
| **Application Type** | Rezoning |
| **CPC Hearing Date** | October 23, 2008 |
| **Staff Planner** | Tony De La Cruz, 915-541-4329, *delacruzja@elpasotexas.gov* |
| | |
| **Location** | 300 S. Florence |
| **Legal Description** | Lots 11 to 14, Block 146, Campbell Addition, City of El Paso, El Paso County, Texas |
| **Acreage** | 0.2700 acres |
| **Rep District** | 8 |
| **Existing Use** | Warehouse |
| **Existing Zoning** | C-5/sp (Central Business District/Special Permit) |
| **Request** | C-5/H/sp (Central Business District/Historic/Special Permit) |
| **Property Owners** | The El Paso Project LLC |
| **Applicant** | The El Paso Project LLC |
| **Representative** | T.J. Karam |

**SURROUNDING ZONING AND LAND USE**
**North**: M-1 (Light Manufacturing); Storage
**South:** M-1 (Light Manufacturing); Business
**East:** C-4/sp (Commercial/ Special Permit); Nightclub
**West:** C-5 (Commercial); Municipal Building

**THE PLAN FOR EL PASO DESIGNATION:** Residential (Central Planning Area)

**NEAREST PARK:** Calendar Park (1,024 Feet)
**NEAREST SCHOOL:** Roosevelt Elementary (1,364 Feet)

**NEIGHBORHOOD ASSOCIATIONS**: Public Notification was sent to the El Paso Central Business Association.

**APPLICATION DESCRIPTION**
The El Paso Project LLC is requesting to change the zoning of the property from C-5/sp (Central Business District/Special Permit) to C-5/H/sp (Central Business District/Historic/Special Permit) in order to preserve the historic character of the building and the historic character of Downtown El Paso. The property is 0.2700 acres in size and is a vacant warehouse. The applicant is proposing access via **S. Florence Street** with 12 parking spaces to be provided. There are no zoning conditions currently imposed on this property.

**CASE HISTORY**
The subject property was granted a rezoning request, No. ZON08-00018, to change the zoning of the property from M-1/sp (Light Manufacturing/ special permit) to C-5/sp (Central Business District/special permit) via Ordinance No. 016914 dated June 17, 2008.

The subject property was granted a Special Permit, No. ZON06-00162, 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.

**NEIGHBORHOOD INPUT**
Notice of the public hearing was mailed to all property owners within 300 feet of this proposed rezoning on September 24, 2008. The Planning Division did not receive letters in opposition of the request.

**HISTORIC LANDMARK COMMISSION**
The Historic Landmark Commission provided the following comments on September 8, 2008:
Recommends **APPROVAL** of the request by unanimous vote 6-0.

**DEVELOPMENT COORDINATING COMMITTEE**
The Development Coordinating Committee provides the following comments:
The Development Coordinating Committer recommends **APPROVAL** of the request.

**PLANNING DIVISION RECOMMENDATION**
The Planning Division recommends **APPROVAL** of the rezoning request from C-5/sp (Central Business District/special permit) to C-5/H/sp (Central Business District/Historic/special permit) with no conditions.

**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: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.

c. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhood.

The application is in compliance with the Plan for El Paso – City-wide Land Use Goals. The purpose of the C-5/H/sp (Central Business District/Historic/special permit) is to safeguard the city's historic and cultural heritage, as embodied and reflected in such historic landmarks by appropriate regulations. It is intended to prevent the uprooting of architectural products of distinct periods, which may occur without regard to the feasibility of preserving and continuing the use of such landmarks, and without consideration of the irreplaceable loss to the people of the city of the cultural, historic and aesthetic values represented by such landmarks.

**Development Services Department – Planning Division**:
Current Planning: Recommends **APPROVAL** of the rezoning request from C-5/sp (Central Business District/Special Permit) to C-5/H/sp (Central Business District/Historic/Special Permit).

1. Promote preservation and conservation of historic district and areas with a historic character by focusing these efforts in retaining the character and integrity of these areas and surrounding neighborhoods.

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

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

**Development Services Department – Land Development Division:**
No Comments Received

**Development Services Department - Building Permits and Inspections Division**:
Zoning Review: No Comments Received

Landscape Review: No Comments Received

**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.

**Parks**:
No Comments Received

**Sun Metro**:
No Comments Received

**School Districts**:
No Comments Received

**CITY PLAN COMMISSION OPTIONS**

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

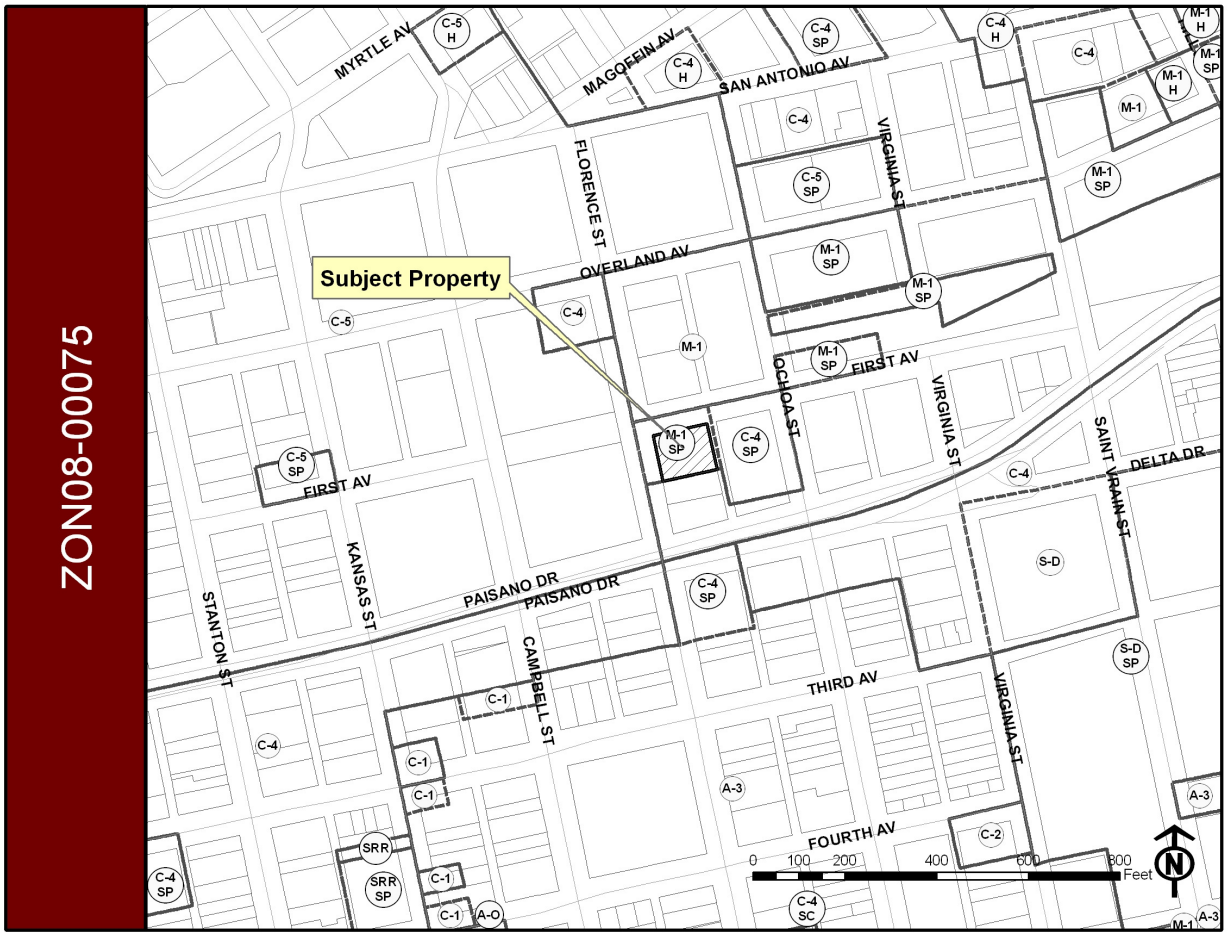
1 Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan

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.

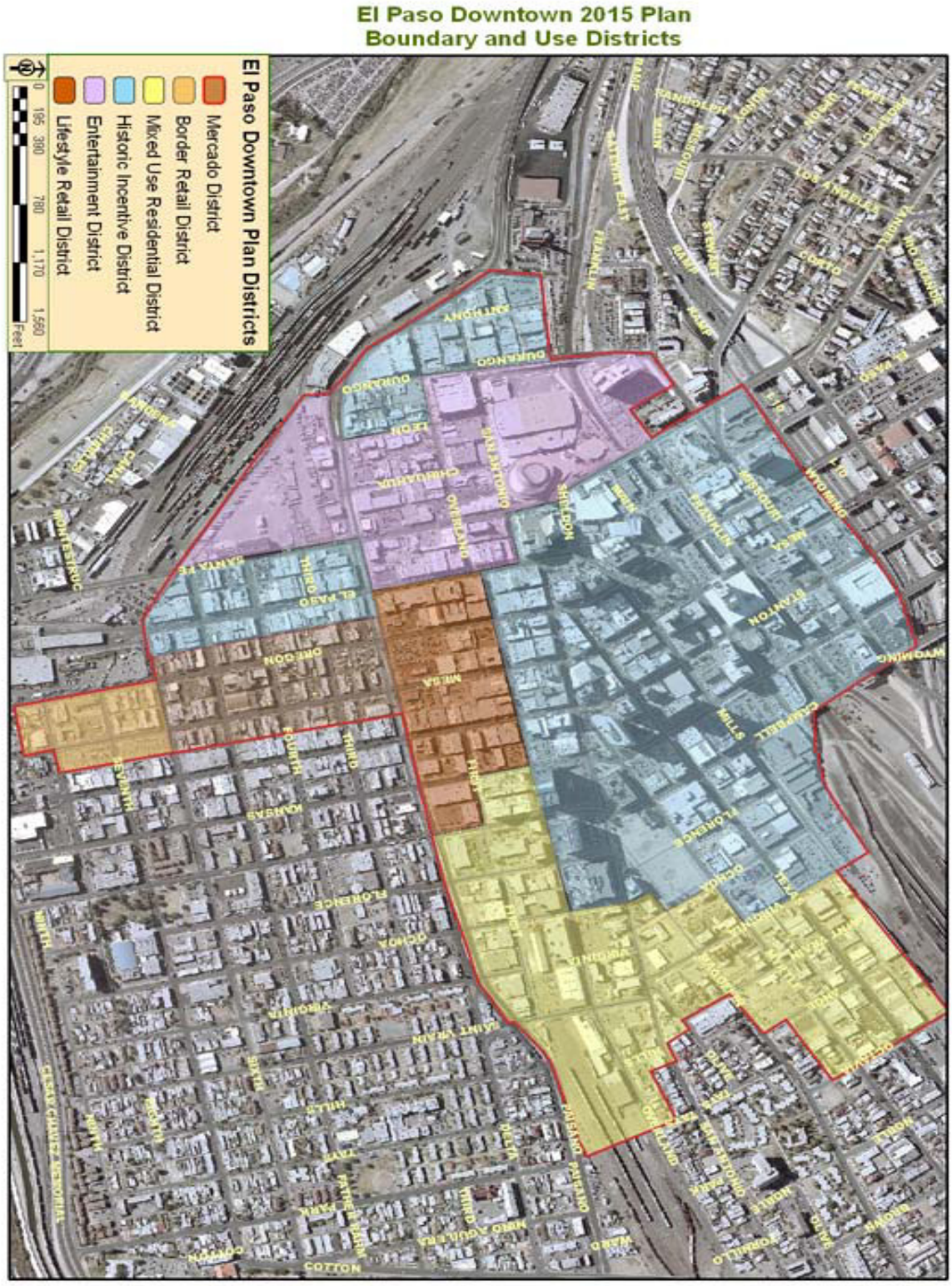
**Attachments**

1. Aerial Map
2. Downtown 2015 Plan Map
3. Detailed Site Development Plan
4. 1925 Elevation
5. Ordinance
6. Special Permit

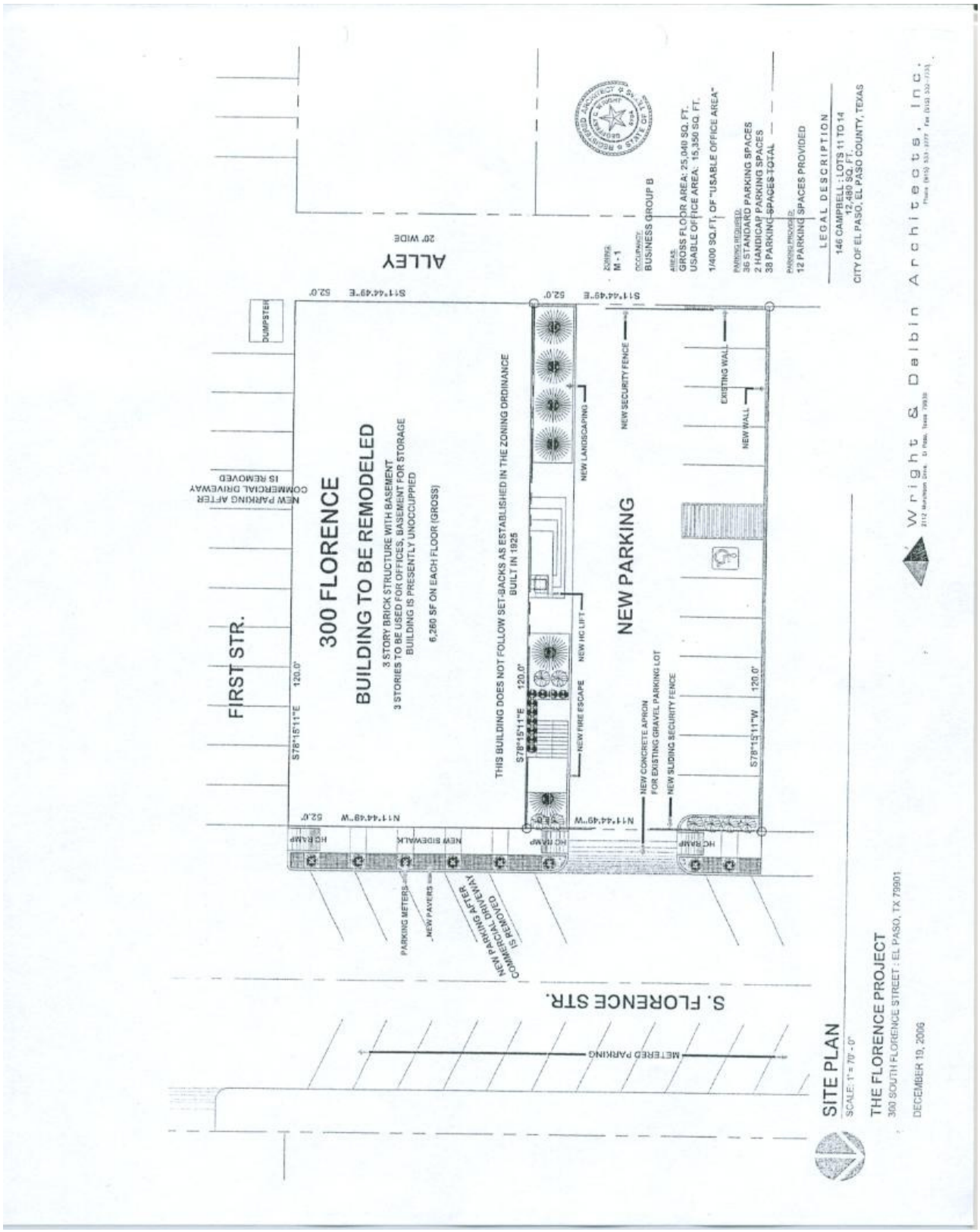

ZON08-00075
Subject Property
MYRTLE AV
MAGOFFIN AV
SAN ANTONIO AV
FLORENCE ST
VIRGINIA ST
OVERLAND AV
FIRST AV
OCHOA ST
SAINT VRAIN ST
DELTA DR
KANSAS ST
PAISANO DR
STANTON ST
CAMPBELL ST
THIRD AV
FOURTH AV
0 100 200 400 600 800 Feet
N

ATTACHMENT 1: AERIAL MAP

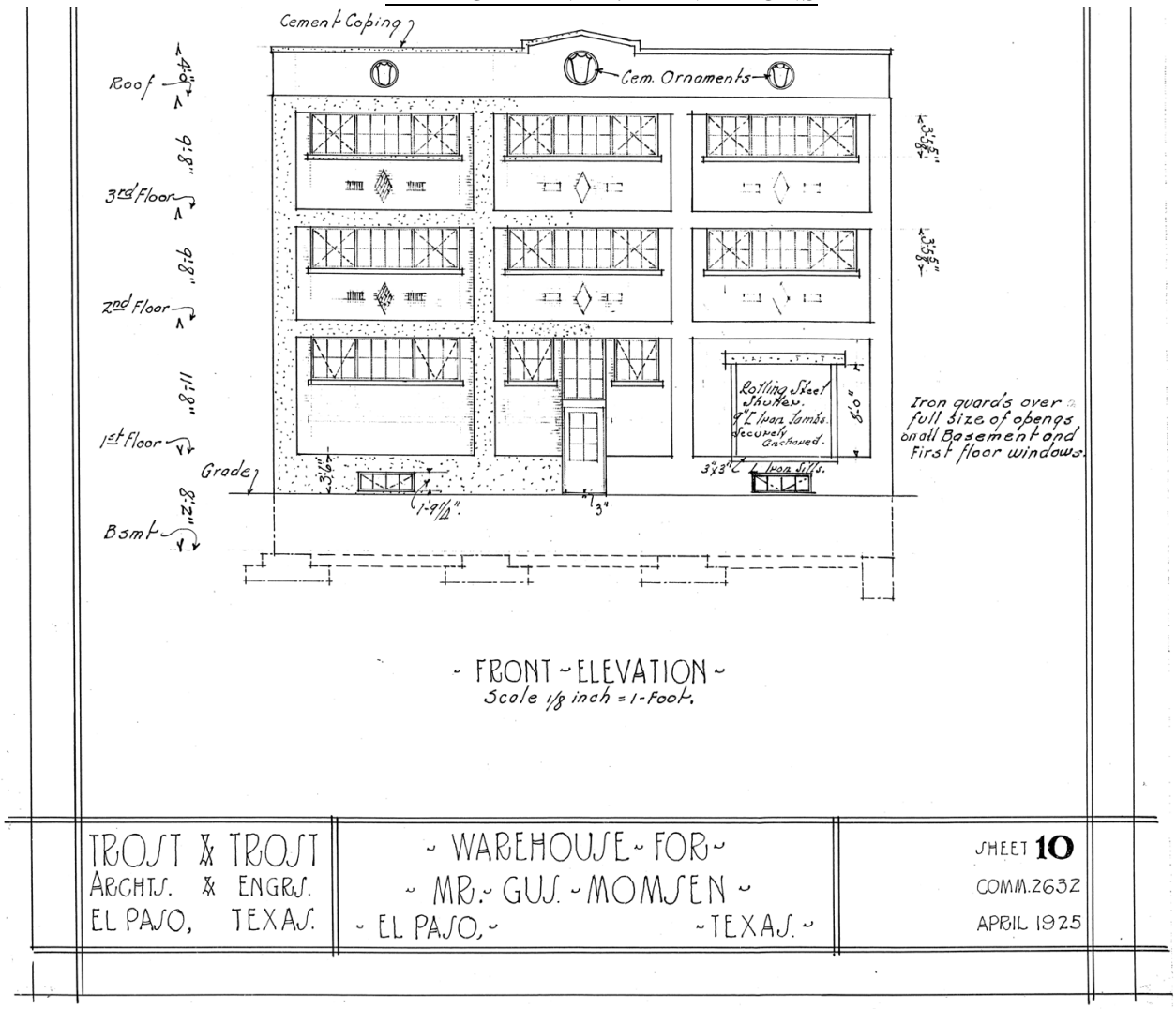
ATTACHEMENT 2: DOWNTOWN 2015 PLAN



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN
(APPROVED FEBURARY 16, 2007)



ATTACHMENT 4: ELEVATIONS



ATTACHMENT 5: ORDINANCE

**ORDINANCE NO. 016914**

**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** 17th **day of** June **, 2008.**

**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:**

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

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

**ORDINANCE NO. 016914**

**Zoning Case No: ZON08-00018**

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,

CITY CLERK DEPT. 07 FEB 16 PM 1:42

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,

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

CITY CLERK DEPT.
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**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

CITY CLERK DEPT.
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DOC#28363 v1 - Planning/ORD/ZON06-00162/Special Permit Application w/Condition /LCUE

**ORDINANCE NO.** 016587 **Special Permit No. ZON06-00162**