

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

DEPARTMENT: City Development Department, Planning Division

AGENDA DATE: Introduction: February 26, 2013
Public Hearing: March 19, 2013

CONTACT PERSON/PHONE: Michael McElroy, 915-541-4238, mcelroyms@elpasotexas.gov

DISTRICT(S) AFFECTED: 3

SUBJECT:

An Ordinance releasing all conditions placed on property by Ordinance No. 4810 and Special Contract of March 28, 1972, which changed the zoning of a Portion of Lots 1, 2, and 6, Block 6, Stiles Gardens, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 7200-7202 North Loop. Property Owner: Victor & Rosa Gonzalez. PZCR12-00008 (District 3)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval Recommendation (5-1)

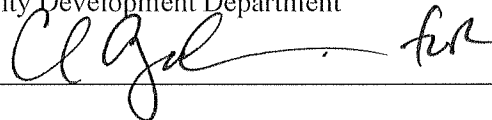
*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Mathew S. McElroy
Director, City Development Department



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 4810 AND SPECIAL CONTRACT OF MARCH 28, 1972, WHICH CHANGED THE ZONING OF A PORTION OF LOTS 1, 2, AND 6, BLOCK 6, STILES GARDENS, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as *a portion of Lots 1, 2, and 6, Block 6, Stiles Gardens, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 4810 approved by City Council on March 28, 1972, and Special Contract approved by City Council on March 28, 1972; and,

WHEREAS, the rezoning was subject to certain zoning conditions, and

WHEREAS, placement of such conditions were necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

WHEREAS, the owner (applicant) submitted an application requesting the removal all of the conditions because these conditions have been satisfied or are current requirement of the City Code; and,

WHEREAS, a public hearing regarding removal of the conditions was held before the City Plan Commission, and the Commission recommended approval of the release of all conditions; and,

WHEREAS, the City Council of the City of El Paso has determined that the release of certain conditions will protect the best interest, health, safety, and welfare of the public in general.

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

1. That all of the zoning conditions imposed by Ordinance No. 4810 approved by City Council on March 28, 1972, and Special Contract approved by City Council on March 28, 1972, on the portion of land identified in Exhibit "A" be released because the conditions have been satisfied and are no longer necessary, or are current requirements of the City Code.

Condition as follows:

That the property owner improve the curb and driveway to City standards within 180 days of the contract execution.

2. As herein amended, Ordinance No. 4810 shall be released in its entirety.

PASSED AND APPROVED this _____ day of _____, 2013.

(Signatures on following page.)

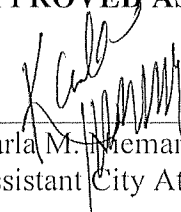
THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

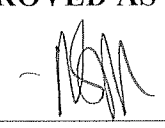
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:



Mathew S. McElroy, Director
City Development Department

EXHIBIT "A"

Prepared For: Victor and Rosa Gonzalez
Being a portion of Lots 1, 2 and 3, Block 6,
Stiles Gardens
City of El Paso, El Paso County, Texas
WO: 082912-9
Date: November 1, 2012
File: 7200_7202 North Loop.wpd

PROPERTY DESCRIPTION
(7200 / 7202 North Loop Road)

Description of a 0.6766 acre parcel of land being a portion of Lots 1, 2 and 3, Block 6, Stiles Gardens, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Starting at a found City Monument located at the centerline intersection of Bucher Road and Dale Road, Thence North $44^{\circ}51'00''$ East along the centerline of Bucher Road a distance of 432.85 feet to a point, Thence South $45^{\circ}09'00''$ East a distance of 25.00 feet to a point, said point lying along the easterly right-of-way line of Bucher Road; said rebar also being the "TRUE POINT OF BEGINNING";

Thence North $44^{\circ}51'00''$ East along said easterly right-of-way line a distance of 29.17 feet to a point, said point lying along the southerly right-of-way line of North Loop Road;

Thence South $48^{\circ}24'37''$ East along the southerly right-of-way line of North Loop Road a distance of 120.19 feet to a point;

Thence South $51^{\circ}32'20''$ East along the southerly right-of-way line of North Loop Road a distance of 73.82 feet to a point;

Thence South $33^{\circ}06'00''$ West a distance of 86.25 feet to a point;

Thence South $56^{\circ}54'00''$ East a distance of 10.20 feet to a point;

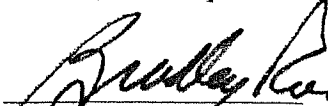
Thence South $32^{\circ}55'00''$ West a distance of 108.56 feet to a point;

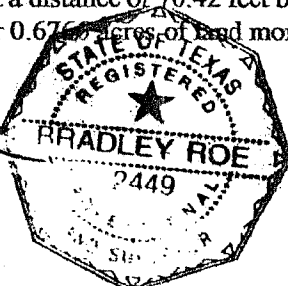
Thence North $58^{\circ}31'00''$ West a distance of 36.51 feet to a point;

Thence North $45^{\circ}09'00''$ West a distance of 132.84 feet to a point;

Thence North $44^{\circ}51'00''$ East a distance of 167.52 feet to a point;

Thence North $56^{\circ}15'00''$ West a distance of 76.42 feet back to the "TRUE POINT OF BEGINNING" and containing in all 29,472.89 square feet or 0.6766 Acres, of land more or less.


Bradley Roe, R.P.L.S. 2449
Roe Engineering, L.C.



MEMORANDUM

DATE: February 14, 2012

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

FROM: Michael McElroy, Planner

SUBJECT: CONDITION RELEASE PZCR12-00008

The City Plan Commission (CPC), on January 24, 2013, voted 5-1 to recommend **approval** of the condition release, concurring with Staff's recommendation.

The CPC found that the condition release is in conformance with Plan El Paso. The CPC also determined that the condition release 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 condition release will not have a negative effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There were nineteen (19) signatures on a petition opposed to any bar or nightclub to be permitted at this property. The current C-1 (Commercial) district and the proposed SD (Special Development) district both allow such uses.

Attachment:
Staff Report
Petition



City of El Paso – City Plan Commission Staff Report

Case No: PZCR12-00008
Application Type: Condition Release
CPC Hearing Date: January 24, 2013
Staff Planner: Michael McElroy, 915-541-4238, mcelroyms@elpasotexas.gov
Location: 7200-7202 North Loop
Legal Description: A Portion of Lots 1, 2, and 6, Block 6, Stiles Gardens, City of El Paso, El Paso County, Texas
Acreage: 0.676 acres
Rep District: 3
Zoning: C-1/sc (Commercial/Special contract) & A-2 (Apartment)
Existing Use: Mobile homes / Apartments / Office
Request: Release of all conditions imposed by contract dated March 28, 1972 (Related to PZRZ12-00038 & PZDS12-00016)
Proposed Use: Mixed Use – Apartments / Office / Mobile Homes
Property Owner: Victor & Rosa Gonzalez
Representative: Roe Engineering, L.C.

SURROUNDING ZONING AND LAND USE

North: C-4 (Commercial) / Single-Family Home
South: A-2 (Apartments) / Single Family Homes
East: C-2/c (Commercial) / Mobile Homes
West: A-2 (Apartments) / Single Family Homes

Plan El Paso Designation: G7, Industrial and/or Railyards (Northeast)

Nearest Park: Stiles Park (2,958 ft.)

Nearest School: Ramona Elementary (2,738 ft.)

NEIGHBORHOOD ASSOCIATIONS

Stiles Garden Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on January 9, 2013. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

CASE HISTORY

The subject property has conditions imposed by Ordinance No. 4810, dated March 28, 1972, requiring that the property owner improve the curb and driveway to City standards within 180 days of the contract execution. Current conditions on the ground do not show these improvements to have been completed.

APPLICATION DESCRIPTION

The request is to release a condition placed upon the property by a contract dated March 28, 1972. The contract required the property owner to construct curb and driveway improvement to City standards within 180 days of the contract's execution. Current conditions on the ground do not show that this contract obligation was ever fulfilled.

CITY DEVELOPMENT DEPARTMENT -PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the condition release request. The detailed site development plan submitted in conjunction with the related rezoning request shows the contractual improvements being satisfied, and all development to be performed on this property must conform to the approved site plan.

Plan El Paso-Future Land Use Map Designation

All applications for a condition release request shall demonstrate compliance with the following criteria:

G-7 – Industrial and/or Railyards: This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso's economy; however, when an industrial use becomes obsolete, there can be potential for mixed use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mix-use communities if the rail yards were moved out of town.

The purpose of the S-D (Special Development) district is to provide an opportunity for mixed-use projects, integrated in design, in certain older residential areas where there is a desire to permit a variety of nonresidential uses while maintaining the established residential appearance and landscaping of the area. The regulations of this district are designed to ensure compatibility with existing uses in the district; to permit the production, exhibit or sale of goods and the providing of services to the public in such older residential areas; to protect the traffic capacity of streets serving such older residential areas; to encourage flexibility by prescribing general performance standards for such older residential areas; and to protect the environment of adjacent areas. For the purpose of this district, older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.

COMMENTS:

City Development Department – Planning Division - Transportation

Recommend approval.

City Development Department - Land Development

Grading plan and permit shall be required.* Storm Water Pollution Prevention Plan and/or permit required.* Drainage plans must be approved by the City Development Dept., Land Development Section.* No water runoff allowed outside the proposed development boundaries, (On-site ponding required and provide location for the proposed ponding area). * This requirement will be applied at the time of development.

El Paso Water Utilities

1. EPWU does not object to this request.
2. Water and sanitary sewer main extensions are required to provide service to the subject property.
3. During the site improvement work, the Owner/Developer shall safeguard all the existing water mains and appurtenant structures within the property. The Owner/Developer shall minimize changes in grade above or near the vicinity of the existing PSB facilities and is responsible for the cost of setting appurtenant structures to final grade.
4. The Developer shall refrain from constructing parking stalls, rock walls, signs, or any structure that will interfere with the access to the PSB easements.

Water:

5. There is an existing 24-inch diameter water transmission main along Montana Avenue fronting the subject property. This 24-inch diameter water main continues in a southeast direction along the 25-foot PSB easement located on the eastern side of the subdivision. There is an existing 48-inch diameter water transmission main that connect to the above described 24-inch diameter water main that continues south along the existing 25-foot PSB easement. No direct service connections are allowed to the described transmission mains as per the El Paso Water Utilities - Public Service Board Rules and Regulations.

6. There is an existing 12-inch diameter water main within an easement south of and parallel to Montana Avenue that dead-ends at the western right-of-way line of Sharon Drive.

7. A water main extension within a dedicated easement is required along the Montana Avenue and Joe Battle frontages from the existing 12-inch diameter water main. The Owner/Developer is responsible for all extension costs.

Sewer:

8. There is an existing 12-inch diameter sewer force main along Sharon Drive that extends from Montana Avenue to the intersection of Michael Drive and Sharon Drive. No service connections are allowed to this main.

9. There is an existing 18-inch diameter gravity sewer main along Michael Drive that dead-ends in the manhole located at the Michael Drive and Sharon Drive. No direct service connections are allowed to this sewer main as per the El Paso Water Utilities - Public Service Board Rules and Regulations.

10. Also, There is an existing 8-inch diameter sewer main within an easement south of and parallel to Montana Avenue that dead-ends at the western right-of-way line of Sharon Drive.

11. A sanitary sewer main extension is required from the subject property to one of the above described sewer mains. A sewer main extension is also required along the Joe Battle Frontage. The Owner/Developer is responsible for all extension costs.

General:

12. All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWU-PSB Easement Policy. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.

13. EPWU-PSB requires a new service application to serve the subdivision. New service applications should be made 6-8 weeks in advance of construction to ensure water for construction work. The following items, if applicable, are required at the time of application: (1) hard copy of site plan with street names and addresses; (2) finalized set of improvement plans, including grading & drainage plans; (3) digital copy of site plan; (4) benchmark check; (5) construction schedule; and (6) a certificate of compliance. Service will be provided in accordance with the current El Paso Water Utilities – Public Service Board (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 zoning condition release application:

1. Recommend approval of the application finding that it is in conformance with the review criteria for Plan

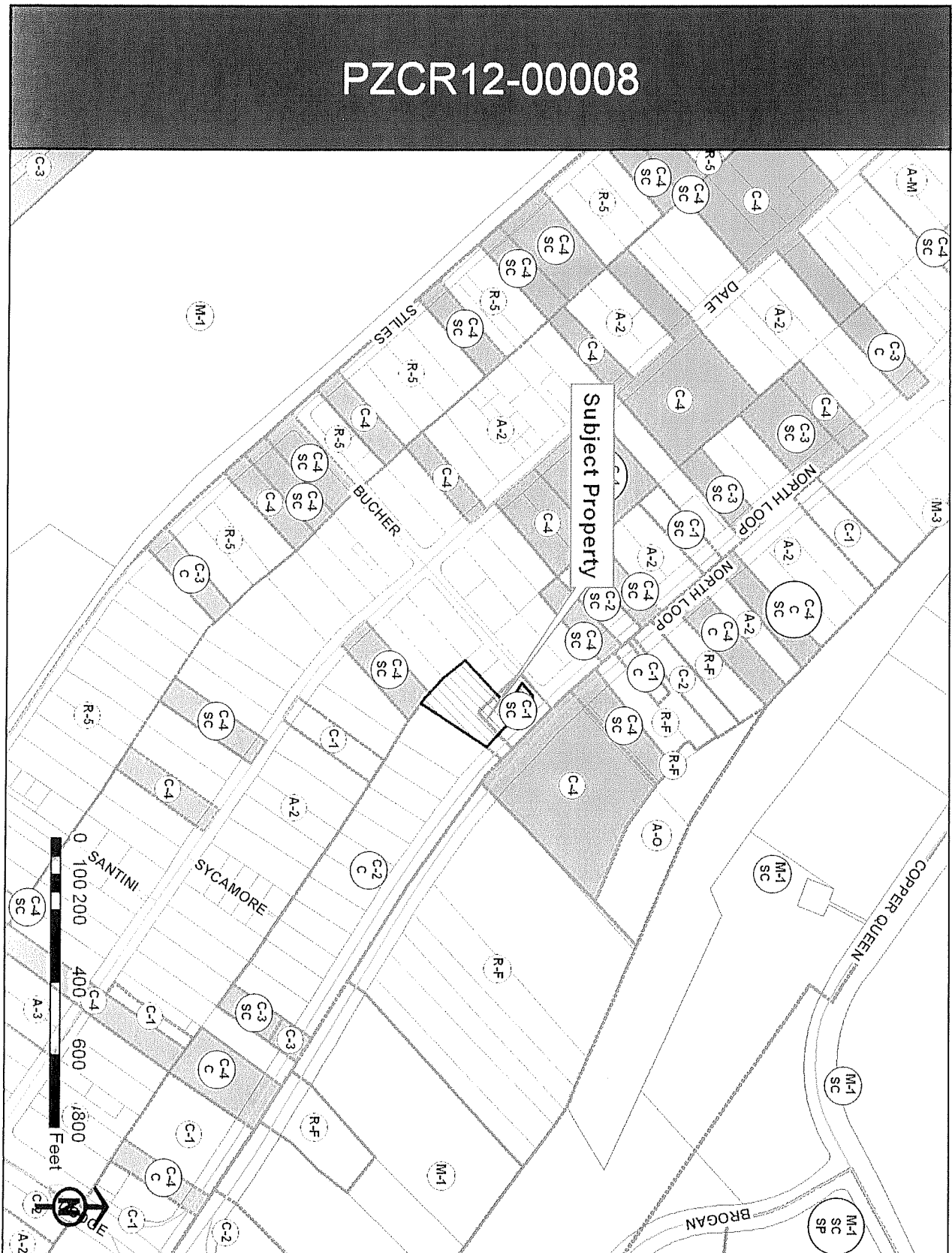
El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.

2. Recommend approval of the application with modifications to bring it into conformance with the review criteria for Plan El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that it does not conform to the review criteria for Plan El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

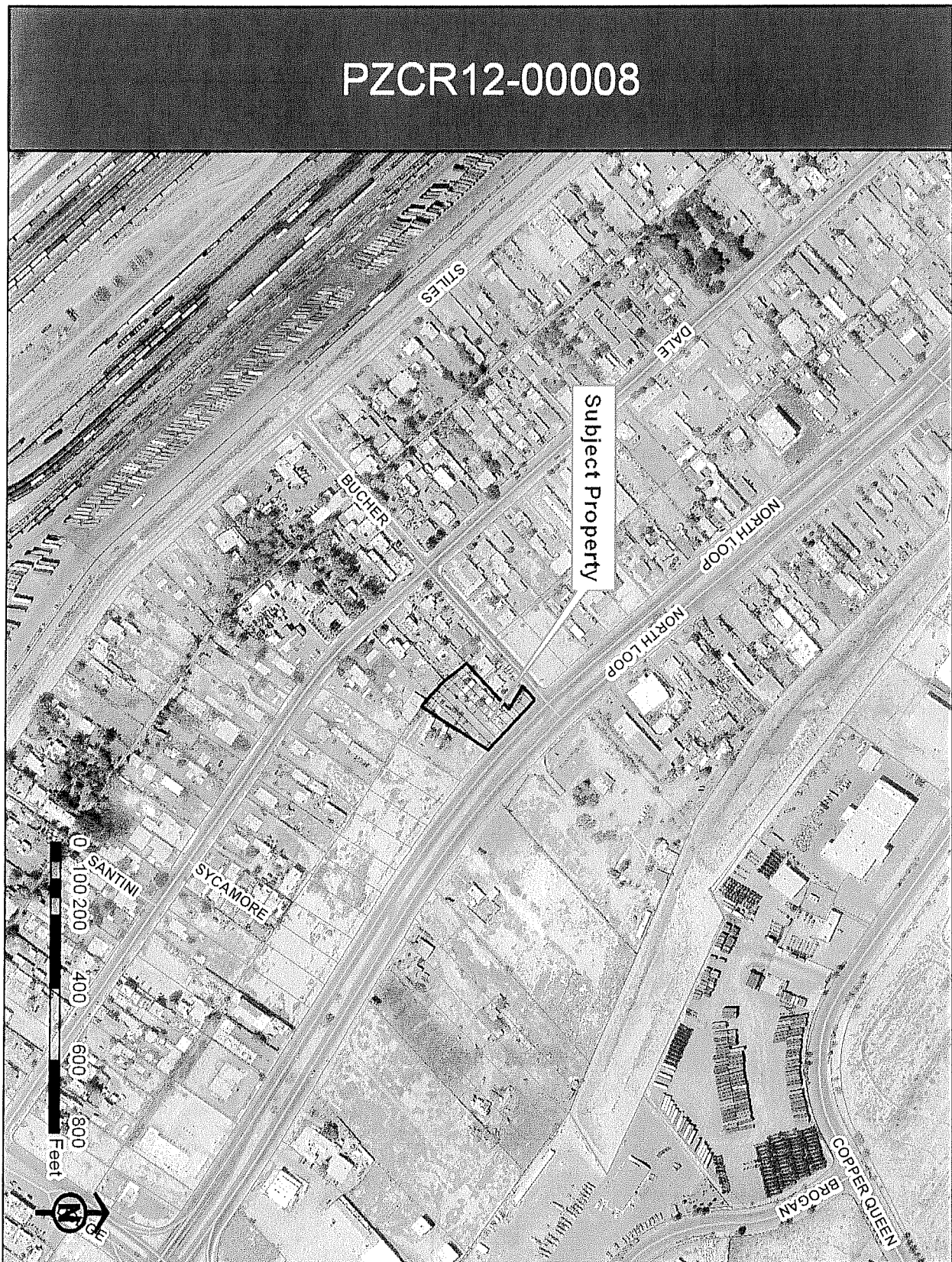
Attachments

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Contract dated March 28, 1972

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP



ATTACHMENT 4: CONTRACT DATED MARCH 28, 1972

CONTRACT

This contract, made this ~~28th~~ day of ~~March~~, 1972, by and between Kent Oil, Inc., a corporation, First Party, and the City of El Paso, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning of a portion of Lots 1 and 2, Block 6, Stiles Gardens in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 4810 now pending before the City Council of the City of El Paso, a copy of which is marked Exhibit "A", attached hereto and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Party covenants that if the property is rezoned as indicated in the attached ordinance, it shall be subject to the following restrictions, conditions and covenants:

1. Within 180 days from the date of this contract First Party will reconstruct curb cuts and driveways on the property to make them comply with all applicable standards of the City of El Paso.

2. Such curb cuts and driveways must be inspected and approved by the City Engineer and the Director of Traffic and Transportation of the City of El Paso when the reconstruction is completed.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any further conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third party who may be benefitted thereby.

PETITION

To: City Plan Commission (c/o Planning Division 5th floor, City Hall, 2 Civic Center Plaza, El Paso
TX 79901-1196.

I, Raul Dominguez, President of Stiles Garden Neighborhood Association, and the residents don't oppose to the zoning request of Victor and Rosa Gonzalez. Case No: PZRZ12-00038 from C1 to SD to build a Dentist Office at 7200 North Loop. We the residents would like a restriction on building a bar or liquor store on this site. We oppose this due to safety issues, having too many bars in the area, and no adequate parking.

Signature	Address	Phone Number
1 Roberto Aguilar	404 Bucher Rd.	
2 Conquistador Aguilar	404 Bucher Rd.	
3 Chico Dominguez	7229 Stiles	
4 Joseph Rodriguez Cecilia Rodriguez	7307 Dale Rd	
5 Emma Rodriguez	7307 Dale Rd	
6 Esperanza Martinez Esperanza Martinez	7313 Dale Rd	
7 Selenia Pontello	7209 Dale Rd	
8 Miguel A. Piz	7232 Dale Rd	
9 Jessica Ramos	7205 Dale Rd	
10 Debbie Martinez	7207 Dale Rd	
11 Juan R. Calderin	7156 Dale Rd	
12 Monica Garcia	7154 Dale Rd	
13 R. Ortiz	7161 Dale Rd.	
14 Jose Jose	414 Bucher Rd	
15 Jose Jose	7193 North Loop	
16 Tony R.	7230 N Loop	
17 Cecilia Arvizu	7123 Dale Rd -	
18 Aurelia Roque	7122 Dale Rd apt #17	
19 Elva Villagran	7121 Dale Rd	
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