

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

DEPARTMENT: City Development Department, Planning Division

AGENDA DATE: Introduction: April 8, 2014
Public Hearing: April 29, 2014

CONTACT PERSON/PHONE: Michael McElroy, 915-212-1612, mcelroyms@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance releasing all conditions placed on property by Ordinance No. 7544 which changed the zoning of a portion of A.F. Miller Survey no. 214 N/K/A Tract 35, A.F. Miller Survey No. 214, 111 Rio Flor Place, 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: 111 Rio Flor Place. Property Owner: Maria Ovalle. PZCR14-00001 (**District 8**)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (5-0)

*****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. 7544 WHICH CHANGED THE ZONING OF A PORTION OF A.F. MILLER SURVEY NO. 214 N/K/A TRACT 35, A.F. MILLER SURVEY NO. 214, 111 RIO FLOR PLACE, 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 A.F. Miller Survey No. 214 n/k/a Tract 35, A.F. Miller Survey No. 214, 111 Rio Flor Place, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 7544 approved by City Council on July 20, 1982 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. 7544 approved by City Council on *July 20, 1982*, 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.

Conditions as follows:

The property herein described shall only be used for a dance studio and for no other purpose.

PASSED AND APPROVED this _____ day of _____, 2013.

ORDINANCE NO. _____

PZCR14-00001

THE CITY OF EL PASO

Oscar Leeser
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

ORDINANCE NO. _____

PZCR14-00001

Exhibit "A"

Prepared for: Keller & Koch Realtors
October 22, 2013

METES AND BOUNDS DESCRIPTION

Description of a parcel of land, being a portion of A.F. Miller Survey no. 214 N/K/A/ Tract 35, A.F. Miller Survey No. 214, City of El Paso, El Paso County, Texas and being more particularly described by Metes and Bounds as follows:

The **"TRUE POINT OF BEGINNING"** being a set $\frac{1}{2}$ " rebar with cap marked TX 5152 at the intersection of the westerly right of way line of Rio Flor Pl. with the southerly line of Tract 35, A.F. Miller Survey No 214, from which a found x chiseled on concrete at the southeasterly corner of that certain parcel of land known as 101 Rio Flor Pl. and being described in volume 1983, page 338, Real property records of El Paso County, Texas bears, South $20^{\circ}13'00''$ West a distance of 87.07 feet and a found $\frac{1}{2}$ " rebar for the northwesterly corner of said 101 Rio Flor Pl. bears North $80^{\circ}53'48''$ West a distance of 127.32 feet;

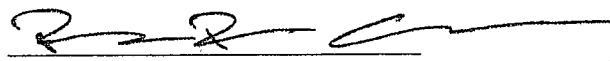
Thence along the southerly line of Tract 35, A.F. Miller Survey No. 214, 101.54 feet along the arc of a curve to the left which has a radius of 6002.00 feet a central angle of $00^{\circ}58'10''$ a chord which bears North $71^{\circ}44'34''$ West a distance of 101.54 feet to a chain link fence post on the westerly line of said Tract 35;

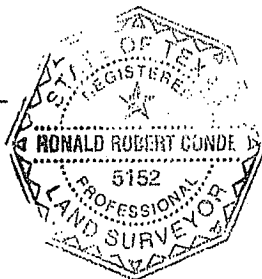
Thence along said line North $17^{\circ}46'07''$ East a distance of 150.00 feet to a point on the southerly right of way line of Palo Verde Pl. from which a found $\frac{1}{2}$ " rebar bears South $08^{\circ}45'21''$ East a distance of 0.25 feet;

Thence along said right of way line, 107.95 feet along the arc of a curve to the right which has a radius of 6152.00 feet a central angle of $01^{\circ}00'19''$ a chord which bears South $71^{\circ}43'29''$ East a distance of 107.95 feet to a set x chiseled on concrete sidewalk on the westerly right of way line of Rio Flor Pl.;

Thence along said right of way line, South $20^{\circ}13'00''$ West a distance of 150.04 feet to the **"TRUE POINT OF BEGINNING"** and containing 15,711 Sq. Ft. 0.3607 acres of land more or less.

Note: A drawing of even date accompanies this description.


Ron R. Conde
R.P.L.S. No. 5152
i1013-14



CONDE INC
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE / SUITE 100 / EL PASO, TEXAS 79905
(915) 592-0283 FAX (915) 592-0286

MEMORANDUM

DATE: March 26, 2014

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

FROM: Michael McElroy, Planner

SUBJECT: PZCR14-00001

The City Plan Commission (CPC), on March 13, 2014, voted (5-0) to recommend **approval** of the condition release request.

The CPC determined that the release of the zoning conditions on the subject property protects the best interest, health, safety and welfare of the public in general; and the release of the zoning conditions will have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There have been no communications in support or opposition to this request.

Attachment:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZCR14-00001
Application Type: Condition Release
CPC Hearing Date: March 13, 2014
Staff Planner: Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov
Location: 111 Rio Flor
Legal Description: A portion of A.F. Miller Survey no. 214 N/K/A Tract 35, A.F. Miller Survey No. 214, City of El Paso, El Paso County, Texas
Acreage: 0.3607 acres
Rep District: 8
Current Zoning: C-OP/sc (Commercial-Office Park/Special contract)
Existing Use: Dance Studio
C/SC/SP/ZBA/LNC: Yes; special contract (see attachment 4)
Request: Release of special contract imposed by Ordinance No.7544, dated July 20, 1982
Property Owner: Maria Ovalle
Representative: Maria Ovalle

SURROUNDING ZONING AND LAND USE

North: R-3 (Residential) / Palo Verde Park

South: C-3 / Automotive Repair

East: C-3/sc (Commercial/Special contract) / Cellular Towers & Self-Storage Warehouse

West: A-2 (Apartments) / Single-Family Homes

PLAN EL PASO DESIGNATION: G-4 Suburban (Walkable) (Northwest Planning Area)

NEAREST PARK: Palo Verde Park (50 feet)

NEAREST SCHOOL: Putnam Elementary School (1,927 feet)

NEIGHBORHOOD ASSOCIATIONS

Upper Valley Improvement Association, Upper Mesa Hills Neighborhood Association, Coronado Neighborhood Association, Save the Valley

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on February 20, 2014. The Planning Division has not received any letters or phone calls in support or opposition of the condition release request.

APPLICATION DESCRIPTION

The request is to release a condition imposed on the property by Ordinance No. 7544, dated July 20, 1982 (see attachment 4), which rezoned the property to C-OP (Commercial Office Park), and limited the use of the property solely to a dance studio. The site plan shows a 15,711 s.f. lot upon which the existing 2,406 s.f. single story dance studio is situated. Access to the property is from both Palo Verde Place and Rio Flor Place.

CITY DEVELOPMENT DEPARTMENT -PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the condition release request. Planning recommends releasing the condition limiting the use of the property solely to a dance studio as it is no longer necessary. Immediately located among multifamily, community-serving commercial, and residential zoning districts, the

subject property is appropriate for the full range of C-OP (Commercial Office Park) uses.

Plan El Paso-Future Land Use Map Designation

All applications shall demonstrate compliance with the following criteria:

G-4 – Suburban (Walkable): This sector applies to modern single use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the C-OP (Commercial Office Park) district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

COMMENTS:

City Development Department – Planning Division - Transportation

No objections to the condition release.

Note:

All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

City Development Department - Land Development

No Objections.

City Development Department – Building Permits & Inspections

No objection to proposed condition release. Building permits will need to be obtain if the occupancy of the building changes.

El Paso Fire Department

No objections to the "condition release" at this time.

El Paso Water Utilities

We have reviewed the condition release referenced above and provide the following comments:

1. EPWU-PSB does not object to this request.

EPWU-PSB Comments

Water:

1. There is an existing 6-inch water main that extends along Rio Flor St. located approximately 10 feet east of the street centerline. This main is available for service.
2. There is an existing 6-inch diameter water main that extends along the alley between Mesa and Palo Verde located approximately 5 feet south of the alley centerline. This main is available for service.

Sanitary Sewer:

1. There is an existing 8-inch sanitary sewer main that extends along Rio Flor St. located approximately 5 feet west of the street centerline. This main is available for service.

2. There is an existing 8-inch sanitary sewer main that extends along the alley between Mesa and Palo Verde located approximately 3 feet north of the alley centerline. This main is available for service.

General:

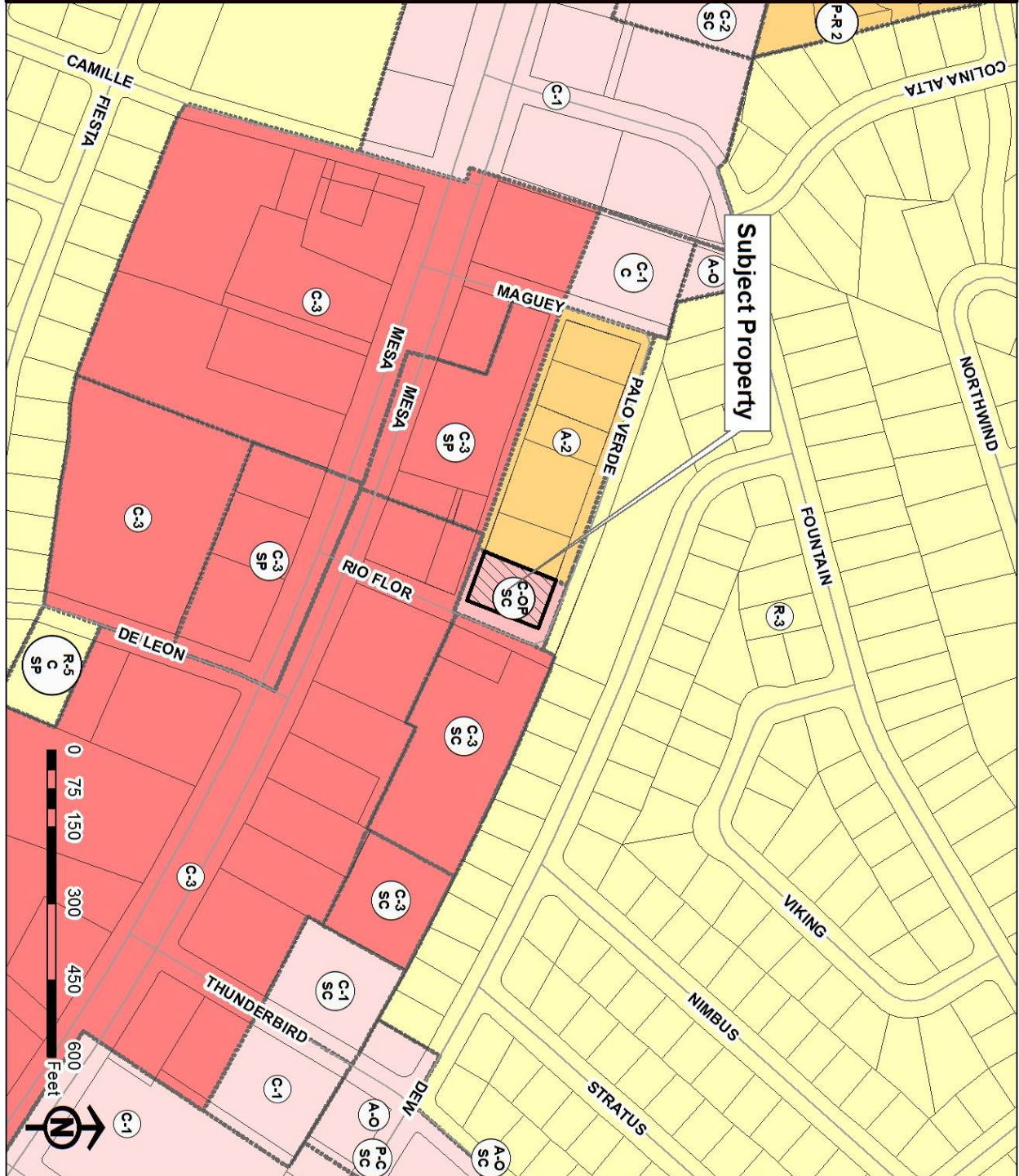
1. EPWU requires a new service application to serve the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of street improvement 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.

Attachments

1. Zoning Map
2. Aerial Map
3. Site Plan
4. Ordinance No. 7544

ATTACHMENT 1: ZONING MAP

PZCR14-00001



ATTACHMENT 2: AERIAL MAP

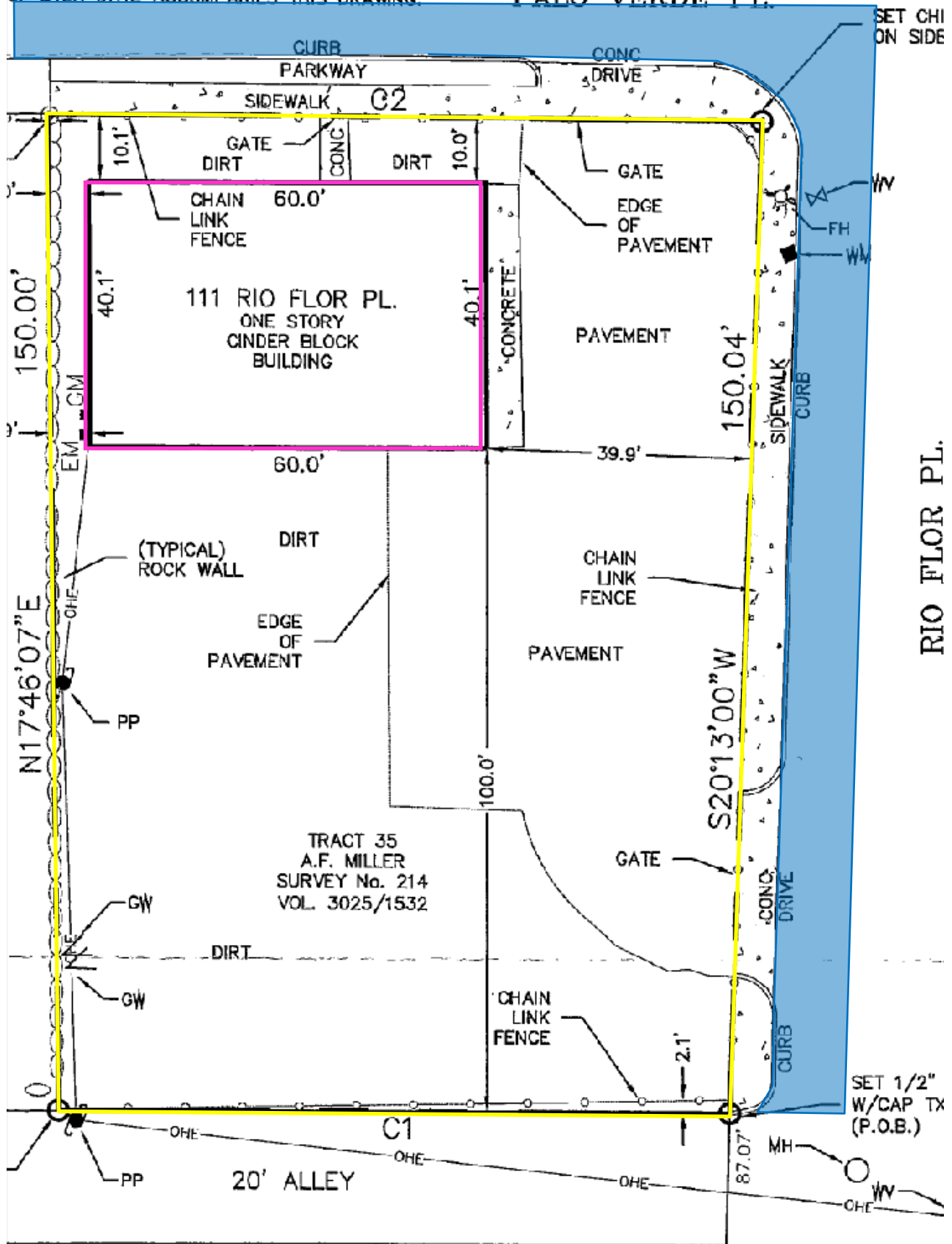
PZCR14-00001



ATTACHMENT 3: SITE PLAN

OF EVEN DATE ACCOMPANIES THIS DRAWING.

PALO VERDE PL.



ATTACHMENT 4: ORDINANCE NO. 7544

AN ORDINANCE CHANGING THE ZONING OF
ALL OF TRACT 35, A. F. MILLER SURVEY
#214, THE PENALTY BEING AS PROVIDED
IN SECTION 25-96 OF THE EL PASO CITY
CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of all of Tract 35, A. F. Miller Survey #214,
as more particularly described below, be changed to C-OP (Office
Park) District within the meaning of the zoning ordinance and the
zoning map of the City be revised accordingly:

A portion of A. F. Miller Survey #214 Abstract 3598
with the City of El Paso, El Paso County, Texas, des-
cribed by metes and bounds as follows:

Beginning at a U.S. Highway marker on the northeast
right of way line of U.S. Highway No. 80, from which
the west line of A. F. Miller Survey No. 214 bears N
77°18'W. 663.82 ft., a Highway marker in the center of
U.S. Highway No. 80 bears S. 12°42'W. 60 ft.

Thence along the northeasterly line of said Highway No.
80 and in a southeasterly direction following a curve
to the right having a radius of 5790 ft. and a central
angle of 5°04'22" for a distance of 605.14 ft. to a pipe
on the northeasterly line of said Highway No. 80;

Thence N. 20°13' E. 212.07 ft. to a concrete monument for
the most southeasterly corner of this survey and the begin-
ning point of this tract herein conveyed;

Thence northwesterly and paralleling U.S. Highway No. 80
along a curve to the left having a radius of 6002 ft., a
central angle of 0°58'08" for a distance of 101.54 ft. to
a pipe for the southwesterly corner of this tract;

Thence N. 17°46'22" E. 150 ft. to a pipe for the most north-
westerly corner of this tract;

Thence southeasterly and paralleling U.S. Highway No. 80
along a curve to the right having a radius of 6152 ft., a
central angle of 1°00'16" for a distance of 107.95 ft. to
a pipe for the most easterly corner of this tract;

Thence S. 20°13'W. 150.04 ft. to a concrete monument for
the most southerly corner of this tract as well as the
beginning point of this survey and tract.

PASSED AND APPROVED this 20th day of July, 1982

ATTEST:

82.4780

W. R. Riegg
City Clerk

Jonathan W. Riegg
Mayor

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Contra t. 7-20-82
Asst. City Attorney

Paul Gonzales
Planning Department

I CERTIFY THAT THE FOLLOWING ZONING MAPS

HAVE BEEN REVISED: L.M.

7-29-82 COUNTER

7-29-82 ORIGINAL

7-29-82 City Inspection

7-29-82 CONTROL

I certify that the zoning map has been amended to
reflect the amendment of ordinance # 7544
w/ R. Gonzales Date 7-29-82

ATTACHMENT 4: ORDINANCE NO. 7544 (CONTINUED)

CONTRACT

THIS CONTRACT, made this 20th day of July, 1982,
by and between G. C. JOHNSON and wife, KATHERINE JOHNSON, First
Parties, BLAISE PETRELLO, Second Party, and the CITY OF EL PASO,
Third Party, witnesseth:


Application has been made to the City of El Paso for rezoning
of all of Tract 35, A. F. Miller Survey #214, City of El Paso,
El Paso County, Texas, more particularly described in Exhibit
"A" which is attached hereto and made a part hereof by reference.
To remove certain objections to such rezoning, First Parties
covenant that if the property is rezoned to C-OP (Office Park)
District within the meaning of the zoning ordinance of the City
of El Paso, it shall be subject to the following restriction,
condition and covenant:

The property herein described shall be used only for a
dance studio and for no other purpose.

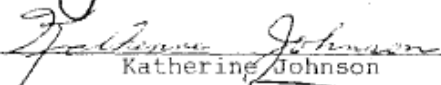
This contract is a restriction, condition and covenant running
with the land and a charge and servitude thereon, and shall bind
First Parties and their successors in title. Any future conveyance
of the land shall contain this restriction, condition and covenant
and shall embody this agreement by express 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 restriction, condition and covenant in its
discretion without the consent of any third person who may be
benefited thereby.


WITNESS the following signatures and seal:



G. C. Johnson



Katherine Johnson



Blaise Petrello