

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: July 12, 2016
Public Hearing: August 9, 2016

CONTACT PERSON/PHONE: Larry Nichols, (915) 212-1550, nicholslf@elpasotexas.gov
Jeff Howell, (915) 212-1607, howelljb@elpasotexas.gov

DISTRICT(S) AFFECTED: 6

SUBJECT:

An Ordinance changing the zoning of the following real property known as: Parcel 1: Tract 12-A Block 51, Ysleta Grant, 9639 Socorro Road, City of El Paso, El Paso County Texas from A-2/sc (Apartments/special contract) and C-4/H/sc (Commercial/Historic/special contract) to S-D/sc (Special Development/special contract) And S-D/H/sc (Special Development/Historic/special contract); And, Parcel 2: Tract 13-A, Block 51, Ysleta Grant, 9701 Socorro Road, City of El Paso, El Paso County Texas from C-4/H/sc (Commercial/Historic/special contract) To S-D/H/sc (Special Development/Historic/special contract), pursuant to Section 20.04.360; and imposing conditions; And Approving a Detailed Site Development Plan pursuant to Section 20.04.150 and 20.10.360 of the El Paso City Code to allow for Low-Volume Commercial Retail and Apartment use as permitted in the S-D (Special Development) and S-D/H (Special Development/Historic) Zone Districts. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 9639 and 9701 Socorro Road. Property Owner: FMA Realty, LLC. PZRZ16-00004 (District 6)

BACKGROUND / DISCUSSION:

On April 21, 2016, the CPC reviewed and recommended approval of the rezoning request.

PRIOR COUNCIL ACTION:

There is no prior City Council action on this rezoning application.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval Recommendation (8-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Larry F. Nichols
Director, Planning and Inspection Department



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

MEMORANDUM

DATE: July 4, 2016

TO: The Honorable Mayor and City Council
Tommy Gonzalez, City Manager

FROM: Jeff Howell, Senior Planner

SUBJECT: PZRZ16-00004

The City Plan Commission (CPC) on April 21, 2016, voted 8-0 to recommend **approval** of rezoning the subject property from A-2/sc (Apartments/special contract) and C-4/H/sc (Commercial/Historic/special contract) to S-D/sc (Special Development/special contract) And S-D/H/sc (Special Development/Historic/special contract) to allow for a low volume commercial retail and apartment use.

The CPC found that the rezoning is in conformance with Plan El Paso. The CPC also determined that the rezoning protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and, that the rezoning will have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

Property Owner: FMA Realty, LLC
Applicant: SLI Engineering, Inc.
Representative: SLI Engineering, Inc.

Attachments:
Staff Report
Email of support (Received after City Plan Commission)

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY KNOWN AS:

PARCEL 1: TRACT 12-A BLOCK 51, YSLETA GRANT, 9639 SOCORRO ROAD, CITY OF EL PASO, EL PASO COUNTY TEXAS FROM A-2/SC (APARTMENTS/SPECIAL CONTRACT) AND C-4/H/SC (COMMERCIAL/HISTORIC/SPECIAL CONTRACT) TO S-D/SC (SPECIAL DEVELOPMENT/SPECIAL CONTRACT) AND S-D/H/SC (SPECIAL DEVELOPMENT/HISTORIC/SPECIAL CONTRACT); AND, PARCEL 2: TRACT 13-A, BLOCK 51, YSLETA GRANT, 9701 SOCORRO ROAD, CITY OF EL PASO, EL PASO COUNTY TEXAS FROM C-4/H/SC (COMMERCIAL/HISTORIC/SPECIAL CONTRACT) TO S-D/H/SC (SPECIAL DEVELOPMENT/HISTORIC/SPECIAL CONTRACT), PURSUANT TO SECTION 20.04.360; AND IMPOSING CONDITIONS; AND APPROVING A DETAILED SITE DEVELOPMENT PLAN PURSUANT TO SECTION 20.04.150 AND 20.10.360 OF THE EL PASO CITY CODE TO ALLOW FOR LOW-VOLUME COMMERCIAL RETAIL AND APARTMENT USE AS PERMITTED IN THE S-D (SPECIAL DEVELOPMENT) AND S-D/H (SPECIAL DEVELOPMENT/HISTORIC) ZONE DISTRICTS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, FMA Realty, LLC (referred to as the “Owner”) has applied for a rezoning of the properties pursuant to Section 20.04.360 of the El Paso City Code; and,

WHEREAS, Owner has also applied for approval of a detailed site development plan pursuant to Sections 20.04.150 and 20.10.360 of the El Paso City Code for low-volume commercial retail and apartment use, which requires approval from both City Plan Commission and City Council; and,

WHEREAS, Lot 13-A is designated as a historic and Lot 12-A is partially designated as a historic; and

WHEREAS, the historic designations on both lots will remain unchanged as they currently exist; and

WHEREAS, a public hearing was held for the rezoning and detailed site plan requests at a City Plan Commission meeting; and,

WHEREAS, City Plan Commission has recommended approval of the subject rezoning and detailed site development plan without affecting the historic designations of both properties; and,

WHEREAS, City Plan Commission has recommended approval of the subject rezoning and detail site development plan subject to certain conditions imposed on the property; and

WHEREAS, the rezoning and detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval; and,

ORDINANCE NO. _____

Zoning Case No: PZRZ16-00004

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

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

1. Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of Parcel 1, known as Tract 12-A Block 51, Ysleta Grant, 9639 Socorro Road, located in the City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **A-2/SC (Apartments/Special Contract)** and **C-4/H/SC (Commercial/Historic/Special Contract)** to **S-D/SC (Special Development/Special Contract)** and **S-D/H/SC (Special Development/Historic/Special Contract)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

2. Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of Parcel 2, known as Tract 13-A, Block 51, Ysleta Grant, 9701 Socorro Road, City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **C-4/H/SC (Commercial/Historic/Special Contract)** to **S-D/H/SC (Special Development/Historic/Special Contract)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

3. That the properties described above be subject to the following conditions which are necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

a) A 15' (fifteen-foot) landscaped buffer with high-profile native trees of at least 2" (two-inch) caliper and 10' (ten feet) in height shall be placed at 15' (fifteen feet) on center along the property lines adjacent to any residential or apartment zoning districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy; and

b) All commercial vehicle ingress and egress from Galilee Drive and Bahamas Street shall be prohibited

4. Pursuant to the requirements of the El Paso City Code, the City Council hereby approves the detailed site development plan submitted by the Owner, for a low-volume retail commercial and apartment use as permitted under the **S-D (Special Development)** and **S-D/H (Special Development/Historic)** district regulations of 20.04.150 and 20.10.360.
5. A copy of the approved detailed site development plan, signed by the Owner, the City Manager, and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference for all purposes.
6. All construction and development on the property shall be done in accordance with the approved detailed site development plan, the development standards applicable in the **S-D (Special Development)** and **S-D/H (Special Development/Historic)** district regulations and the special conditions imposed above.
7. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **S-D (Special Development)** and **S-D/H (Special Development/Historic)** district and the special conditions imposed in 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.
8. The approval of this detailed site development plan shall automatically be void if construction on the property is not started in accordance with the attached plan Exhibit "B" within four (4) years from the date hereof.
9. The penalties for violating the standards imposed through this ordinance are found in Section 20.24 of the El Paso City Code.

ADOPTED this _____ day of _____, 2016.

THE CITY OF EL PASO

Oscar Leaser
Mayor

(Signatures to continue on the following page)

ATTEST:

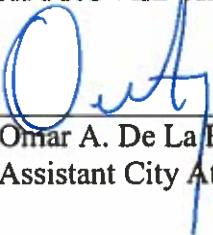
ORDINANCE NO. _____
#534398 / 16-1007-1696 –9639 & 9701 Socorro Road– SD/Rezoning
OAR

Zoning Case No: PZRZ16-00004

ATTEST:

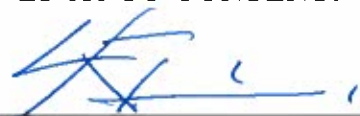
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Omar A. De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:



Larry F. Nichols, Director
Planning & Inspections Department

AGREEMENT

By execution hereof, FMA Realty, LLC ("Owner"), 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 **S-D (Special Development)** and **S-D/H (Special Development/Historic)** district regulations and the special conditions imposed in the Ordinance and subject to all other requirements set forth in this Ordinance.

EXECUTED this 2nd day of June, 2016.

OWNER: FMA Realty, LLC

By: Francisco Orrantia
Francisco Orrantia President
(Print name & Title)

ACKNOWLEDGEMENT

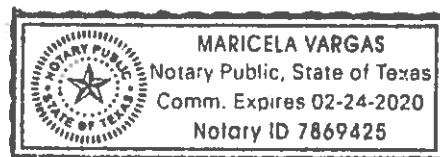
THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 2nd day of June, 2016, by FRANCISCO ORRANTIA, in his legal capacity on behalf of FMA Realty, LLC.

My Commission Expires:

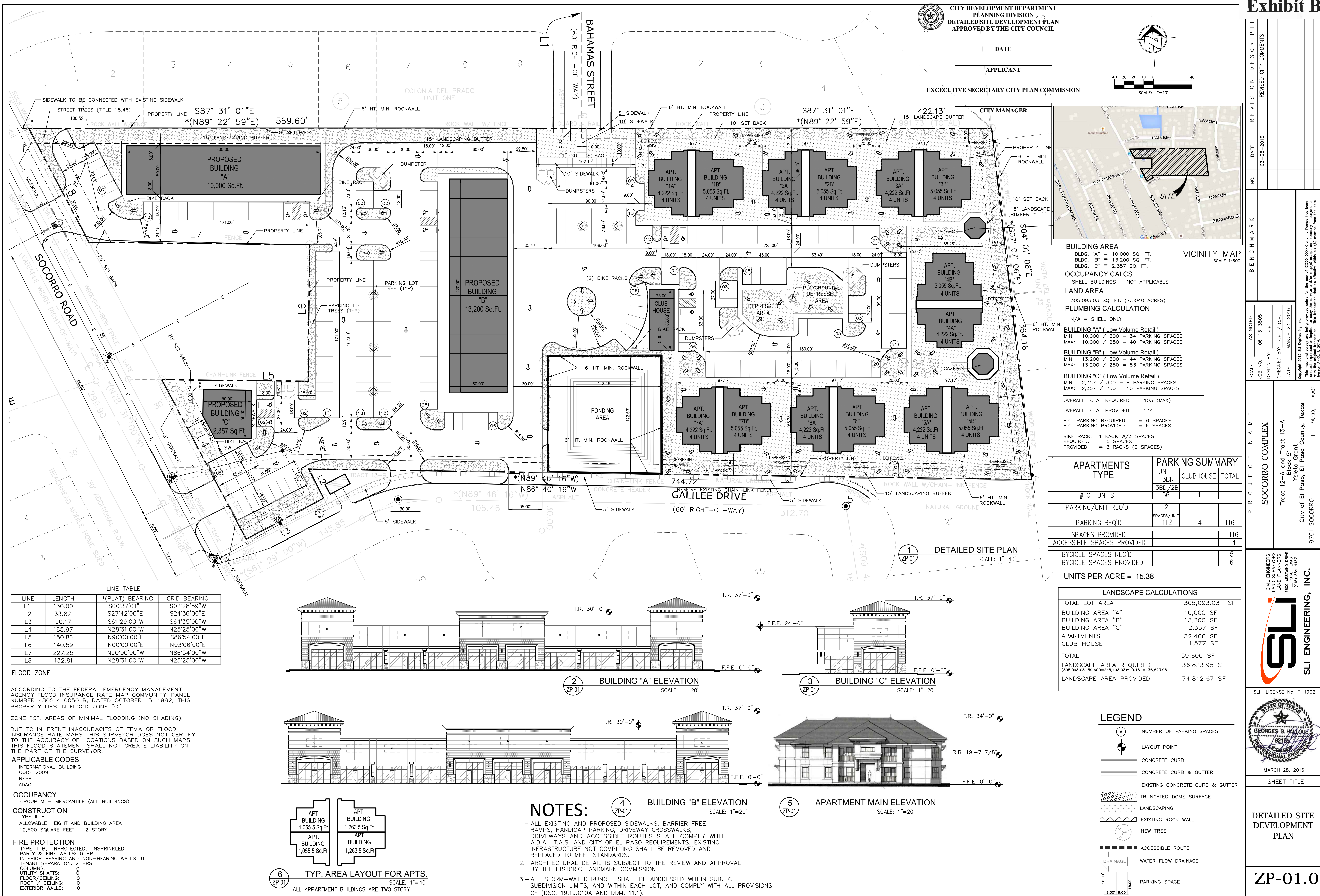
2-24-2020

Marcela Vargas
Notary Public, State of Texas



ORDINANCE NO. _____
#534398 / 16-1007-1696-9639 & 9701 Socorro Road- SD/Rezoning

Zoning Case No: PZRZ16-00004



SOCORRO COMPLEX

Tract 12-A and Tract 13-A
Block 51
Yaleta GrantCity of El Paso, El Paso County, Texas
9701 SOCORROCIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS
6600 WESTWIND DRIVE
(915) 584-4407
SLI ENGINEERING, INC.

SLI LICENSE No. F-1902

MARCH 28, 2016
SHEET TITLEDETAILED SITE
DEVELOPMENT
PLAN

ZP-01.0

MEMORANDUM

DATE: May 23, 2016

TO: The Honorable Mayor and City Council
Tommy Gonzalez, City Manager

FROM: Jeff Howell, Senior Planner

SUBJECT: PZRZ16-00004

The City Plan Commission (CPC) on April 21, 2016, voted 8-0 to recommend **approval** of rezoning the subject property from A-2/sc (Apartments/special contract) and C-4/H/sc (Commercial/Historic/special contract) to S-D/sc (Special Development/special contract) And S-D/H/sc (Special Development/Historic/special contract) to allow for a low volume commercial retail and apartment use.

The CPC found that the rezoning is in conformance with Plan El Paso. The CPC also determined that the rezoning protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and, that the rezoning will have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

Property Owner: FMA Realty, LLC
Applicant: SLI Engineering, Inc.
Representative: SLI Engineering, Inc.

Attachments:
Staff Report
Email of support (Received after City Plan Commission)



City of El Paso – City Plan Commission Staff Report

REVISED

Case No: PZRZ16-00004 (Related to Condition Release Application PZCR16-00002)
Application Type Rezoning
CPC Hearing Date April 21, 2016
Staff Planner Jeff Howell, (915) 212-1607, howelljb@elpasotexas.gov

Location 9639 & 9701 Socorro Road
Legal Description Tracts 12-A and 13-A, Block 51, Ysleta Grant, City of El Paso, El Paso County, Texas
Acreage 7.004 acres
Rep District 6
Existing Zoning: A-2/sc (Apartments/special contract), C-4/sc (Commercial/special contract), C-4/H/sc (Commercial/Historic/special contract)
Existing Use: Vacant
C/SC/SP/ZBA/LNC: Ordinance No. 8993 imposed by a Special Contract
Request: From A-2/sc (Apartments/special contract), C-4/sc (Commercial/special contract), C-4/H/sc (Commercial/Historic/special contract) to S-D/sc (Special Development/special contract) and S-D/H/sc (Special Development/Historic/special contract)
Proposed Use: Low-volume retail commercial and Apartments

Property Owner GECU
Representative SLI Engineering, Inc.

SURROUNDING ZONING AND LAND USE

North: R-3 (Residential) / Single-family dwellings, R-3/H (Residential/Historic) / Single-family dwellings
South: R-4/sc (Residential/special contract) / Single-family dwellings, R-3/H/sc (Residential/Historic/special contract) / Single-family dwellings
East: R-4/sc (Residential/special contract) / Single-family dwellings
West: R-3/H/sc (Residential/Historic/special contract) / Single-family dwellings, C-4/H (Commercial) / Tire shop

THE PLAN FOR EL PASO DESIGNATION: G-3, Post-War (Lower Valley Planning Area)

NEAREST PARK: Caribe Park (2,012 feet)

NEAREST SCHOOL: Camino Real Middle (6,303 feet)

NEIGHBORHOOD ASSOCIATIONS

Mission Valley Civic Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on March 28, 2016. Planning has received three phone calls in opposition and one letter of concern to the rezoning request. Several phone calls were received inquiring of the proposed development.

CASE HISTORY

Ordinance 8993, approved by City Council on April 14, 1987 rezoned the property from R-F (Ranch-Farm) to A-2 (Apartments) and C-4 (Commercial) and imposed conditions by a Special Contract. The special contract imposed conditions which limited the height of apartments to one-story on Parcel 2, required a

subdivision plat to be recorded, dedication of additional right-of-way and landscape area along Socorro Road (Attachment #5).

APPLICATION DESCRIPTION

The applicant is requesting rezoning from A-2/sc (Apartments/special contract), C-4/sc (Commercial/special contract), C-4/H/sc (Commercial/Historic/special contract) to S-D/sc (Special Development/special contract) and S-D/H/sc (Special Development/Historic/special contract). The property is currently vacant and the proposed use is for low-volume retail commercial and apartments. A detailed site plan showing 7 apartment buildings with a total of 56 apartment units, as well as three retail commercial buildings are proposed on the property. The proposed development requires 198 total parking spaces and provides 250, including 10 ADA accessible parking spaces and 15 bicycle parking spaces. Access is proposed from Socorro Road and Galilee Drive.

Planning and Inspections Department – Planning Division Recommendation

The Planning Division recommends **approval** of rezoning the subject property from A-2/sc (Apartments/special contract), C-4/sc (Commercial/special contract), C-4/H/sc (Commercial/Historic/special contract) to S-D/sc (Special Development/special contract) and S-D/H/sc (Special Development/Historic/special contract) with the following conditions to mitigate for the intensity of use generated by the proposed zone change adjacent to existing residential zones and uses:

- 1. A 15' (fifteen-foot) landscaped buffer with high-profile native trees of at least 2" (two-inch) caliper and 10' (ten feet) in height shall be placed at 15' (fifteen feet) on center along the property lines adjacent to any residential or apartment zoning districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy, and;*
- 2. All commercial vehicle ingress and egress from Galilee Drive and Bahamas Street shall be prohibited.*

Plan El Paso-Future Land Use Map Designation

All applications for rezoning shall demonstrate compliance with the following criteria:

G-3 – Post War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. 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 S-D (Special Development) district is to provide 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. 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. Older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.

COMMENTS:

Planning and Inspections Department - Land Development

1. Proposed driveways shall not exceed 35' in width.
2. Add to general notes on this site plan: "All storm-water runoff shall be addressed within subject subdivision limits, and within each lot, and comply with all provisions of (DSC, 19.19.010A and DDM, 11.1)."
3. Approval of the site plans by CPC constitutes a determination that the applicant is in compliance with

the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that stormwater is in compliance with ordinances, codes, DSC, and DDM. Failure to comply may require the applicant to seek re-approval of the site plans from CPC.

Planning and Inspections Department – Plan Review

No objections to proposed rezoning.

At the time of submittal for building permits the project will need to comply with all applicable provisions of the IBC, TAS and local municipal code

Planning and Inspections Department - Landscaping

No objections to proposed rezoning.

At the time of submittal for building permits the project will need to comply with all applicable provisions of the IBC, TAS and local municipal code

El Paso Fire Department

Recommend approval.

Streets and Maintenance Department

No objections to the rezoning on Socorro Road.

TXDOT

Requestor will need to submit grading and drainage plan and request access if he is planning to develop the property abutting Socorro Rd.

El Paso Water Utilities

We have reviewed the rezoning referenced above and provide the following comments:

Water:

1. There is an existing 6-inch diameter water main located along the west side of Socorro Road, approximately 53-feet east of and parallel to the western right-of-way line of Socorro Road. Water service is available from this main.
2. There is an existing 6-inch diameter water main located along the north side of Galilee Drive, approximately 20-feet north of and parallel to the southern right-of-way line of Galilee Drive. Water service is available from this main.
3. There is an existing 6-inch diameter water main that extends along the east side of Bahamas Street that dead-ends approximately 125-feet south of Caribe Circle. Water service can be provided from this main.

Sanitary Sewer:

1. There is an existing 12-inch diameter sanitary sewer main that extends along an existing 20-foot PSB easement within the subject property that extends east of and parallel to the eastern right -of-way line of Socorro Road. This sewer main is available for service. There is an existing 8-inch diameter sanitary sewer main that extends along a 20-foot PSB easement within Tract 12B (9641 Socorro Rd.).
2. There is an existing 8-inch diameter sanitary sewer main that extends south of and parallel to the southern right -of-way line of Galilee Drive. This sewer main is available for service.
3. There is an existing 8-inch diameter sanitary sewer main that extends along west side of Bahamas Street, approximately 25-feet east of and parallel to the western right-of-way line of Bahama Street that dead-ends approximately 125-feet south of Caribe Circle. This sewer main is available for service.

General:

1. The Owner shall minimize changes in grade above or near the vicinity of the existing 20-foot PSB easement.
2. 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 Easement(s) (EPWU-PSB) without the written consent of EPWU-PSB. Building setback lines are required abutting all easements (5-foot minimum).
3. Socorro Road is a TXDOT right-of-way. The installation of water/sewer mains within the right-of-way requires a utility installation permit from TXDOT. Service to the subject property is contingent upon TXDOT issuing the permit.
4. EPWU-PSB requires a new service application to provide additional services. 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.

El Paso Water Utilities-Stormwater Division

We have reviewed the subdivision described above and provide the following comments:

1. Provide an acceptable drainage plan in accordance with Section 19.01.050 of the current City Ordinance upon the submittal of construction plans.
2. At the improvement plan stage, provide protection to the subdivision from all offsite stormwater runoff that may have an adverse impact on any improvements.
3. Storm sewer cannot flow into Socorro Rd.; TXDOT roads are not designed to carry outside storm sewer flow.
4. The developer shall be responsible for the additional stormwater runoff generated by the proposed development, and must ensure that the historic runoff volume, peak and duration are maintained.
5. Not required but recommended:
 - Using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavements) to reduce the amount of developed stormwater runoff.

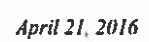
Sun Metro

Recommend coordinating with Sun Metro before moving forward with design and construction. Also, recommends the construction of sidewalks to permit pedestrian access to mass transit options.

Attachments

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Elevations
5. Ordinance 8993
6. Special Contract
7. Letter of Opposition

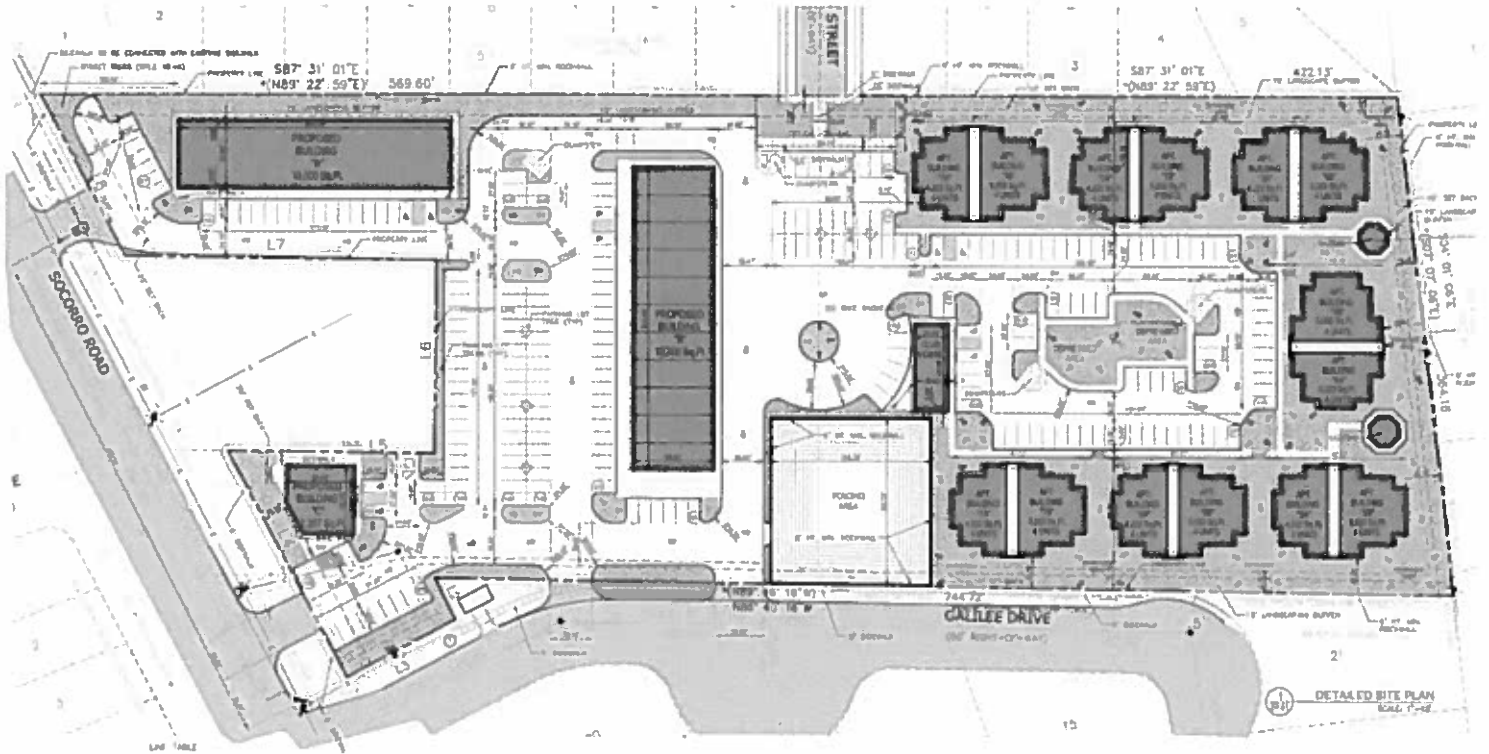
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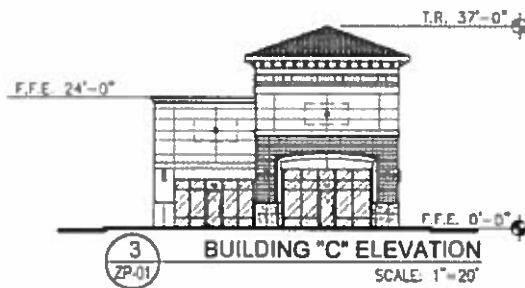
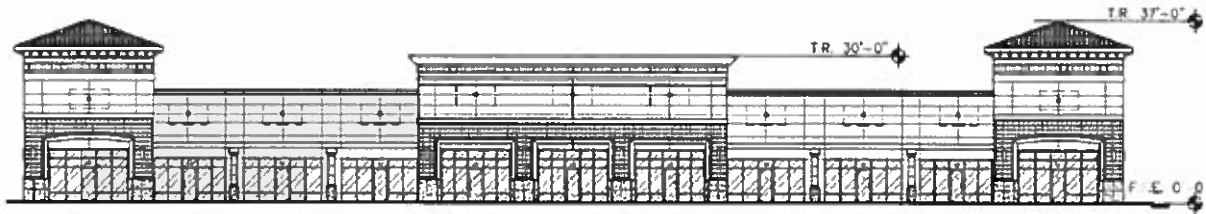
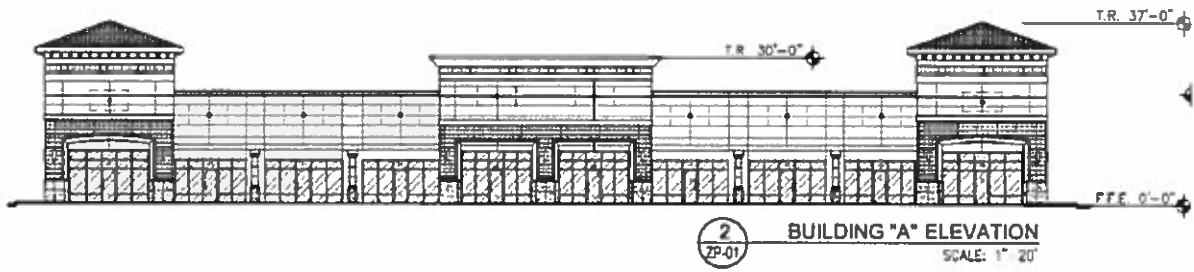
PZRZ16-00004



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: ELEVATIONS



ATTACHMENT 5: ORDINANCE 8993

008993

AN ORDINANCE CHANGING THE ZONING
OF ALL OF TRACTS 12A, 12B AND 13A,
BLOCK 51, YSLETA GRANT,
THE PENALTY BEING AS PROVIDED IN
SECTION 20.69.010 CP THE EL PASO CITY CODE

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

That the zoning of all of Tracts 12A, 12B and 13A, Block 51, Ysleta Grant, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from R-F (Ranch/Farm) to C-4 (Commercial) and A-2 (Apartment), within the meaning of the zoning ordinance, subject to a special contract placing certain restrictions, conditions and covenants on the property, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this 14th day of April,
1987.

ATTEST:

Carole Hunter
City Clerk

Jonathan W. Rogers
Mayor

APPROVED AS TO FORM:

John A. Bell
Assistant City Attorney

APPROVED AS TO CONTENT:

Ray Blund
Department of Planning,
Research and Development

ZNG1 87-5247

008993

Contract (4-14-87)
Reed

RECEIVED

SEP 24 1987

PLANNING DEPARTMENT

ATTACHMENT 6: SPECIAL CONTRACT

73246

#151-1300

THE STATE OF TEXAS)
COUNTY OF EL PASO)

CONTRACT

THIS CONTRACT made this 14th day of April, 1987, by and between ONESIMO ELIAS, ANDREA G. ELIAS and ESTELA RAMIREZ, First Parties, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for the rezoning of all of Tracts 12A, 12B and 13A, Block 51, Yeleta Grant, City and County of El Paso, Texas, which is more particularly described by metes and bounds in the attached Exhibit "A" which is made a part hereof by reference. To remove certain objections to such rezoning, First Parties covenant that if the property is rezoned from R-P (Ranch/Farm) to C-4 (Commercial) and A-2 (Apartment) within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. Any apartments constructed on Parcel 2 shall be limited to one story in height.
2. Within ninety (90) days of approval of the zoning change, a subdivision plat must be filed of record.
3. The property owners must dedicate thirty (30) feet of right-of-way for widening of Socorro Road, upon the passage of the ordinance by City Council.
4. The property owner must provide a fifteen (15) foot wide landscaped area across the entire front of the property adjacent to Socorro Road, within ninety (90) days of approval of the rezoning request by the Mayor and City Council.

This agreement 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

1816 0534

ATTACHMENT 6: SPECIAL CONTRACT (CONTINUED)

other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity or necessitating the amendment of, the ordinance passed by the City Council embodying this change of zoning and subject to this contract.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

FIRST PARTIES:
ONRSIMO ELIAS

Onesimo Elias

ANDREA G. ELIAS


Andrea G. Elias

ESTELA RAMIREZ

Estela Ramirez

SECOND PARTY:
THE CITY OF EL PASO

By [Signature]
Mayor


[Signature]
City Clerk

APPROVED AS TO FORM:

C. Gutierrez
Assistant City Attorney

APPROVED AS TO CONTENT:

[Signature]
Department of Planning,
Research and Development

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 17th
day of September, 1987, by ONRSIMO ELIAS.

My Commission Expires:

10/1/89

[Signature]
Notary Public/State of Texas

SIGNATURES CONTINUED ON NEXT PAGE

1816 0535

ATTACHMENT 6: SPECIAL CONTRACT (CONTINUED)

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 17th
day of September, 1987, by ANDREA G. ELIAS.

4/28/89
Notary Public, State of Texas
96267 (CONTINUED)

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 17th
day of September, 1987, by ESTELA RAMIREZ.

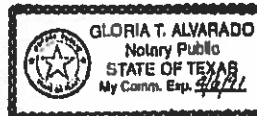
My Commission Expires:
1/25/89

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 21st
day of September, 1987, by JONATHAN W. ROGERS, as Mayor
of the City of El Paso.

My Commission Expires:
April 6, 1991

ENG1:87.5247



1816 0536

ATTACHMENT 6: SPECIAL CONTRACT (CONTINUED)

THE STATE OF TEXAS)
)
COUNTY OF EL PASO) DEED

KNOW ALL MEN BY THESE PRESENTS:

That ONESIMO ELIAS, ANDREA G. ELIAS and ESTELA RAMIREZ, as property owners, of the County of El Paso, State of Texas, hereinafter referred to as Grantor, whether one or more, for and in consideration of the rezoning of all of Tracts 12A, 12B and 13A, Block 51, Yaleta Grant, City and County of El Paso, Texas, which is hereby acknowledged, have granted, sold and conveyed and by these presents do grant and convey unto the City of El Paso, the following parcel of land situated in the County of El Paso, State of Texas, as more particularly described below:

Legal description of a parcel of land being a portion of Tracts 12A, 12B and 13A, Block 51, Yaleta Grant Surveys, to be acquired by the City of El Paso, Texas, as additional right-of-way per Zoning Case No. 87-5247, and being more particularly described as follows:

Commencing at a County monument, said monument being North 28 31' West from the intersection of the centerline of the right-of-way of Galilee Drive, with the centerline of the right-of-way of Yaleta-Socorro Road, a distance of four hundred fifty-two and eighty-three hundredths (452.83) feet along said centerline of Yaleta-Socorro Road; thence, North 61 21' East, a distance of thirty and zero hundredths (30.00) feet to the easterly right-of-way line of Yaleta-Socorro Road; thence, North 28 31' West, along the easterly right-of-way line of Yaleta-Socorro Road, a distance of thirty-six and sixty-five hundredths (36.65) feet to the TRUE POINT OF BEGINNING of this parcel of land.

Thence, North 28 31' West, along the easterly right-of-way line of the Yaleta-Socorro Road, a distance of four hundred ninety-four and sixty-seven hundredths (494.67) feet;

Thence, North 89 23' East, along the northerly line of Tract 12A, Block 51, Yaleta Grant Surveys, a distance of thirty-three and ninety-five hundredths (33.95) feet;

Thence, South 28 31' East, through Tracts 12A, 12B and 13A, Block 51, Yaleta Grant Surveys, a distance of four hundred seventy-eight and eighty hundredths (478.80) feet to the southerly Tract 13A, Block 51, Yaleta Grant Surveys;

Thence, South 61 29' West, along a line common to Tracts 13A and 13B, Block 51, Yaleta Grant Surveys, a distance of thirty and zero hundredths (30.00) feet to the point of beginning.

18-16 0537

ATTACHMENT 6: SPECIAL CONTRACT (CONTINUED)

Said parcel of land contains 14,603.68 square feet or 0.3352 acres of land, more or less.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said City of El Paso and its assigns, forever. And the Grantors do hereby bind themselves, their heirs, executors, administrators, successors and assigns, to warrant and forever defend all and singular the said premises unto the said City of El Paso and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS the following signatures this 17th day of Sept, 1987.

Onesimo Elias
ONESIMO ELIAS

Andrea G. Elias
ANDREA G. ELIAS

Estela Ramirez
ESTELA RAMIREZ

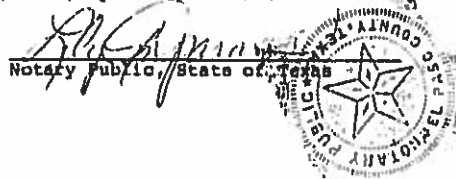
ACKNOWLEDGEMENTS

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 17th day of September, 1987, by ONESIMO ELIAS.

My Commission Expires:

4/21/89



SIGNATURES CONTINUED ON NEXT PAGE

1816 0538

ATTACHMENT 6: SPECIAL CONTRACT (CONTINUED)

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 17th
day of September, 1987, by ANDREA G. ELIAS.

My Commission Expires:

4/28/89

[Signature]
Notary Public, State of Texas



THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 17th
day of September, 1987, by ESTELA RAMIREZ.

My Commission Expires:

4/28/89

[Signature]
Notary Public, State of Texas



ENGL:87-5247

1816 0539

ATTACHMENT 6: SPECIAL CONTRACT (CONTINUED)

73245

SEP 29 1987

James R. Delgado

ANY PROVISION HEREIN WHICH RESTRICTS
THE SALE, RENTAL OR USE OF THE
DESCRIBED REAL PROPERTY BECAUSE OF
COLOR OR RACE IS HEREBY REJECTED AND UNEN-
FORCEABLE.

STATE OF TEXAS COUNTY OF EL PASO
I, CLERK OF THE COUNTY OF EL PASO, TEXAS, DO HEREBY
CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY
OF THE ORIGINAL FILED IN MY OFFICE ON SEP 29 1987
AT EL PASO, TEXAS.

SEP 29 1987

[Signature]

COUNTY CLERK, EL PASO COUNTY, TEXAS

1816 0510

CITY CLERK'S OFFICE
CAROL HUNTER, CITY CLERK
2 Civic Center Plaza
El Paso, Texas 79999
Place in box 151

ATTACHMENT 7: Letter of Concern

April 16, 2016

Diana G. Miranda
9722 Replamo Dr.
El Paso, Texas 79927

Dear Mr. Howell,

I write to you in reference to CASE NO. PZRZ16-00004 & PZCR16-00002, Property located at 9639 and 9701 Socorro Rd., El Paso, Texas 79927. It is my understanding that the proposed use is for commercial and apartments.

As a resident of this neighborhood for the last 28 years, I have several concerns related to the rumors for which the land will be used. If the information I have heard is accurate then I must oppose the use for such types of businesses.

#1. An adult video theater.

I find this type of business completely shameful and inappropriate for our Historic Mission Trail. It is inconceivable for the City of El Paso to even consider allowing such a type of business along Historic Mission Trail. It is my opinion that our corridor has gone unnoticed for far too long and we wish to improve our image. Such a disreputable business would only open the doors for illicit behavior in our peaceful and safe community with growing families whom aspire to see improvements to our community. Mission trail is in dire need of clean up and restoration. We have nothing to offer visitors aside from the Missions, and it's embarrassing to see their unkempt grounds. We want clean, family appropriate places that bring pride to our community not disgrace! I oppose this option!

#2. A Junkyard.

This type of business would only depreciate our entire community and the struggling essence of Mission Trail. Although many may differ- WE are not a junkyard community! Absolutely not. We do not want rodents nesting in junked vehicles. As a healthcare professional the potential health risks associated with such a business so close to our residential community is of great concern. I oppose this option!

#3. A Hub for 16 wheeler trucks.

There is a hub for big trucks located on Socorro Rd. across from the Ysleta County Annex offices. The heavy traffic congestion mixed with big trucks trying to drive across the road during peak hours is already a dangerous situation. Considering the increasingly heavy traffic flow along Socorro Rd. as it is now, I cannot imagine having another hub in an area with only 2 traffic lanes. We don't even have traffic lights because the many traffic studies done in the past have disqualified us because the outflow of traffic from my neighborhood onto Socorro Rd. is not great enough to provide our area with any traffic lights. I oppose this option!

If the above mentioned businesses were to be approved for development, The Historic Mission Trail will once again be at a loss. We, the residents of Colonia Del Prado II would like to see many improvements to our declining infrastructure. WE are in need for a Historic Plaza with nice shops and restaurants in this area. The land proposed for rezoning could be the ideal location. It is a shame that we have nothing to offer our visitors along Socorro Rd. from Americas to Wynn Rd. The wait for improvements has been very long and hopeless. I propose an apartment development with a Historic Plaza and shopping area with small scale gift shops and restaurants. With careful and creative design this type of business might be beneficial to the beautification dreams we have for our neighborhood and The Historic Mission Trail. Please consider helping our community by looking out for our safety and improving our quality of life not degrading it. WE are ready for positive change, please help us.

Thank you for your time and consideration.

Sincerely,

Diana G. Miranda
(915) 274-6174
Dirdh90@hotmail.com

| SERVICE REQUESTS | |
|-----------------------|--|
| REQUEST NUMBER: | 205460 |
| DATE/TIME REPORTED: | 4/21/2016 8:29:56 PM |
| DESCRIPTION: | On April 21st, I watched the televised City Plan |
| REQUEST INITIATED BY: | WebSystem, |
| ASSIGNED TO: | TRANSPORTATION PLANNING STUDIES |
| PROBLEM ADDRESS: | 9801 La Morenita Circle El Paso |
| PROBLEM DETAILS: | On April 21st, I watched the televised City Plan Commission(item 4) and I want to express my support . As a resident of the area it is very stressful to drive to work every morning using Socorro Rd. The traffic is heavy and people use the middle lane to speed and pass cars. Besides the traffic from the area, the 18 wheelers that are coming in and out from the commercial warehouses add more chaos and stress to the morning and afternoon commute. I hope the city can soon take action on this |

ASSOCIATED WORK ORDERS:

| |
|---------------|
| Work Order Id |
|---------------|

CUSTOMER INFORMATION:

| First Name | Last Name | Address | Home Phone | Work Phone | Customer Comments |
|------------|-----------|---------|--------------|------------|--|
| JESUS | DELGADO | | 915 873 9804 | | On April 21st, I watched the televised City Plan Commission(item 4) and I want to express my support . As a resident of the area it is very stressful to drive to work every morning using Socorro Rd. The traffic is heavy and people use the middle la |

RESOLUTION:

WORK DONE:

COMPLETED BY:

DATE/TIME COMPLETED:

COMMENTS: On April 21st, I watched the televised City Plan Commission(item 4) and I want to express my support . As a resident of the area it is very stressful to drive to work every morning using Socorro Rd. The traffic is heavy and people use the middle lane to speed and pass cars. Besides the traffic from the area, the 18 wheelers that are coming in and out from the commercial warehouses add more chaos and stress to the morning and afternoon commute. I hope the city can soon take action on this matter.



Recommendation/Public Input

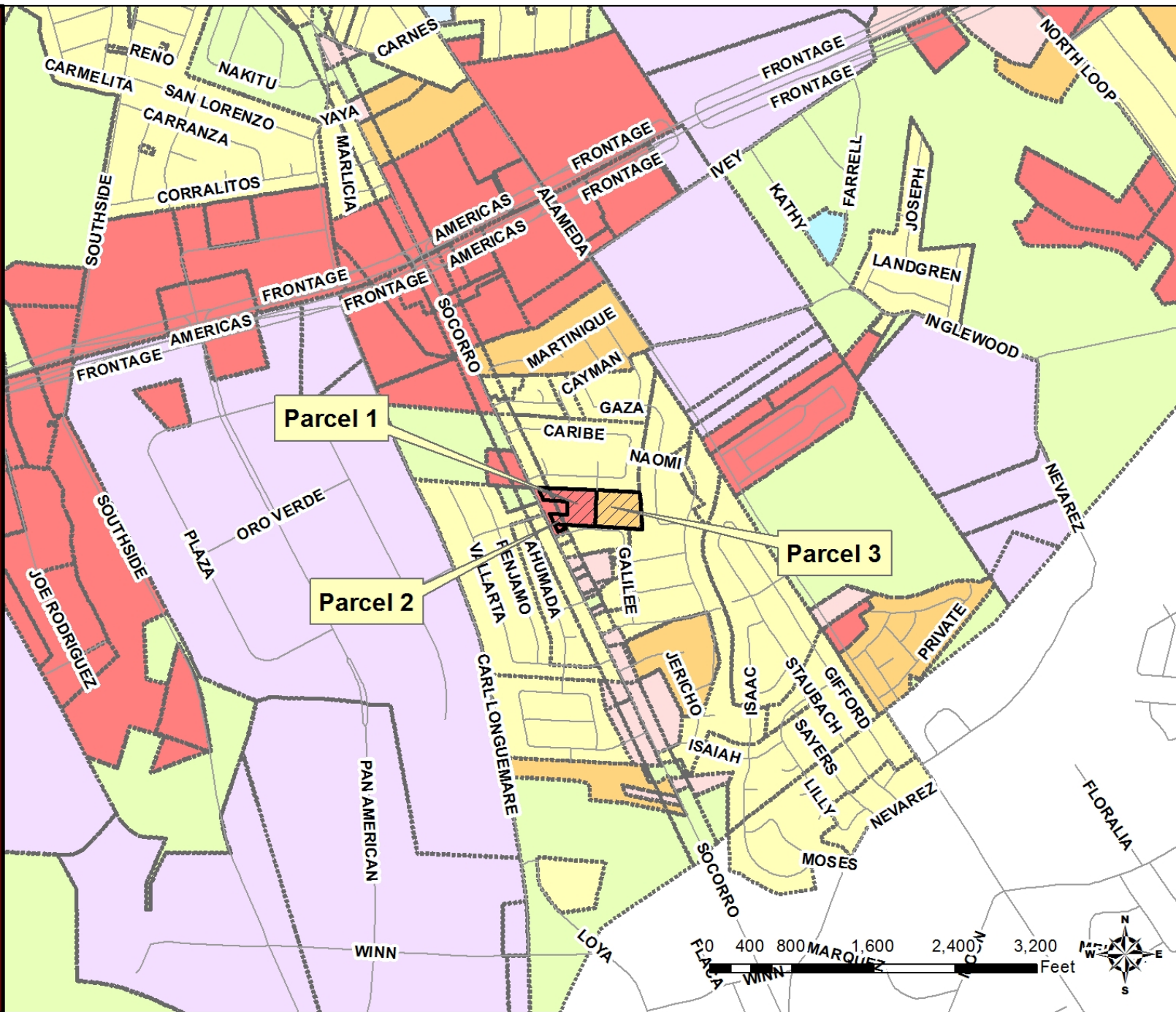
- Planning Division recommendation: Approval
- CPC Vote: Approval Recommendation (8-0)
- Public Input: Three phone calls in opposition and one letter of concern, and one letter of support to the rezoning request, with one letter of opposition to the condition release. Several phone calls were received inquiring of the proposed development.

Strategic Goal #3 Promote the Visual Image of El Paso

3.1 Provide business friendly permitting and inspection processes

3.2 Improve the visual impression of the community

ω PZRZ16-000004 & PZCR16-000002



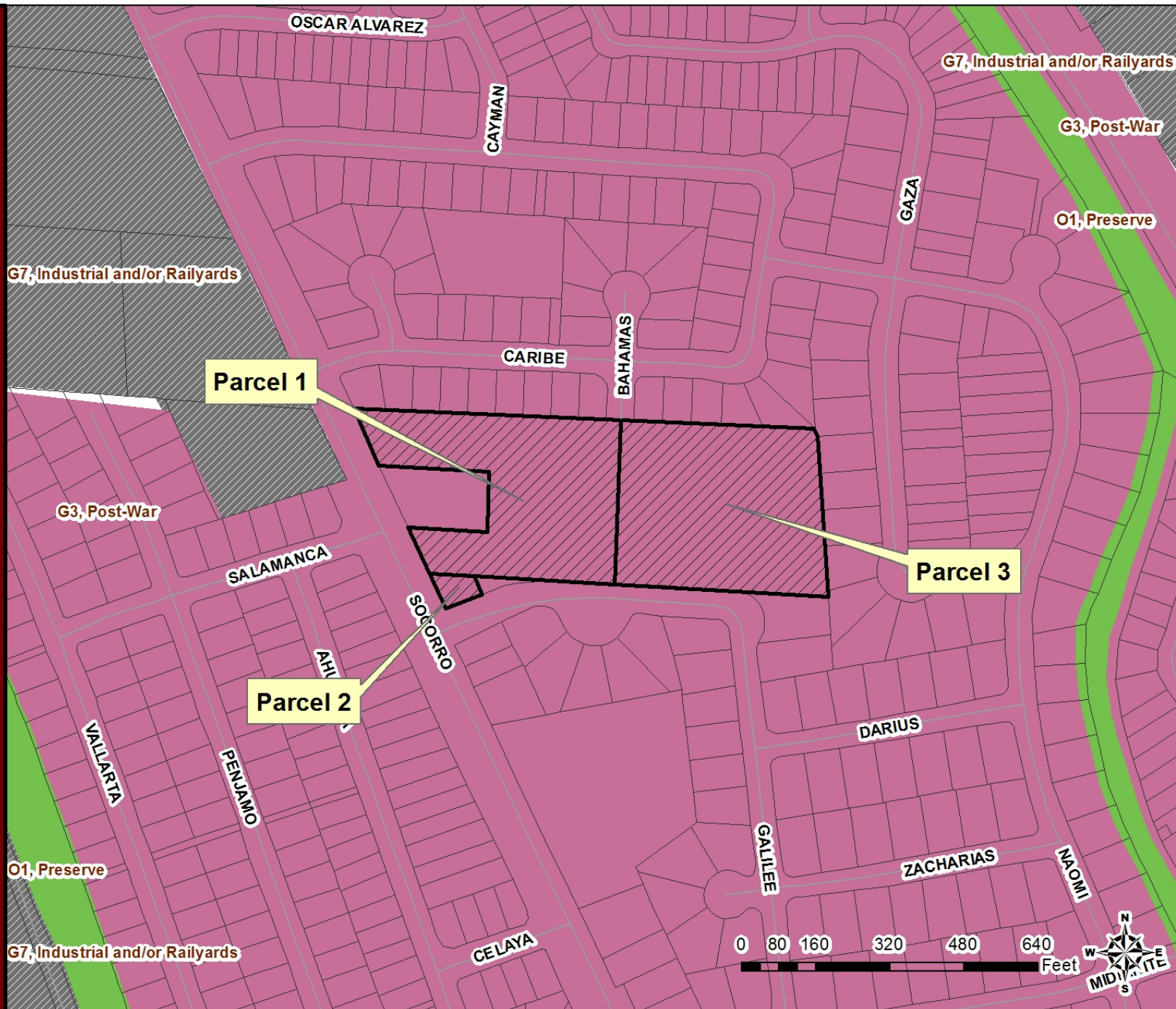
4 PZRZ16-000004 & PZCR16-000002



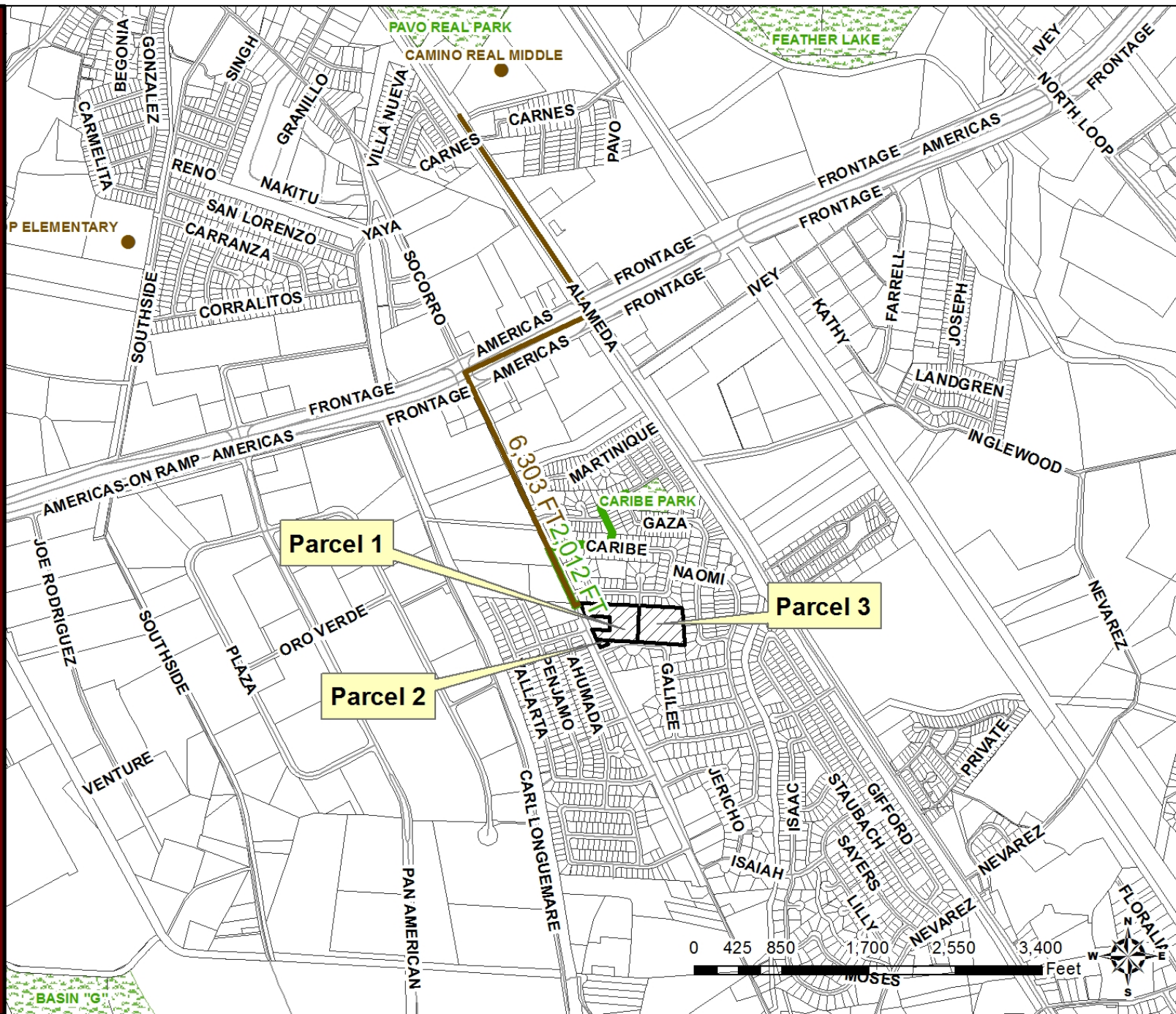
U PZRZ16-000004 & PZCR16-000002



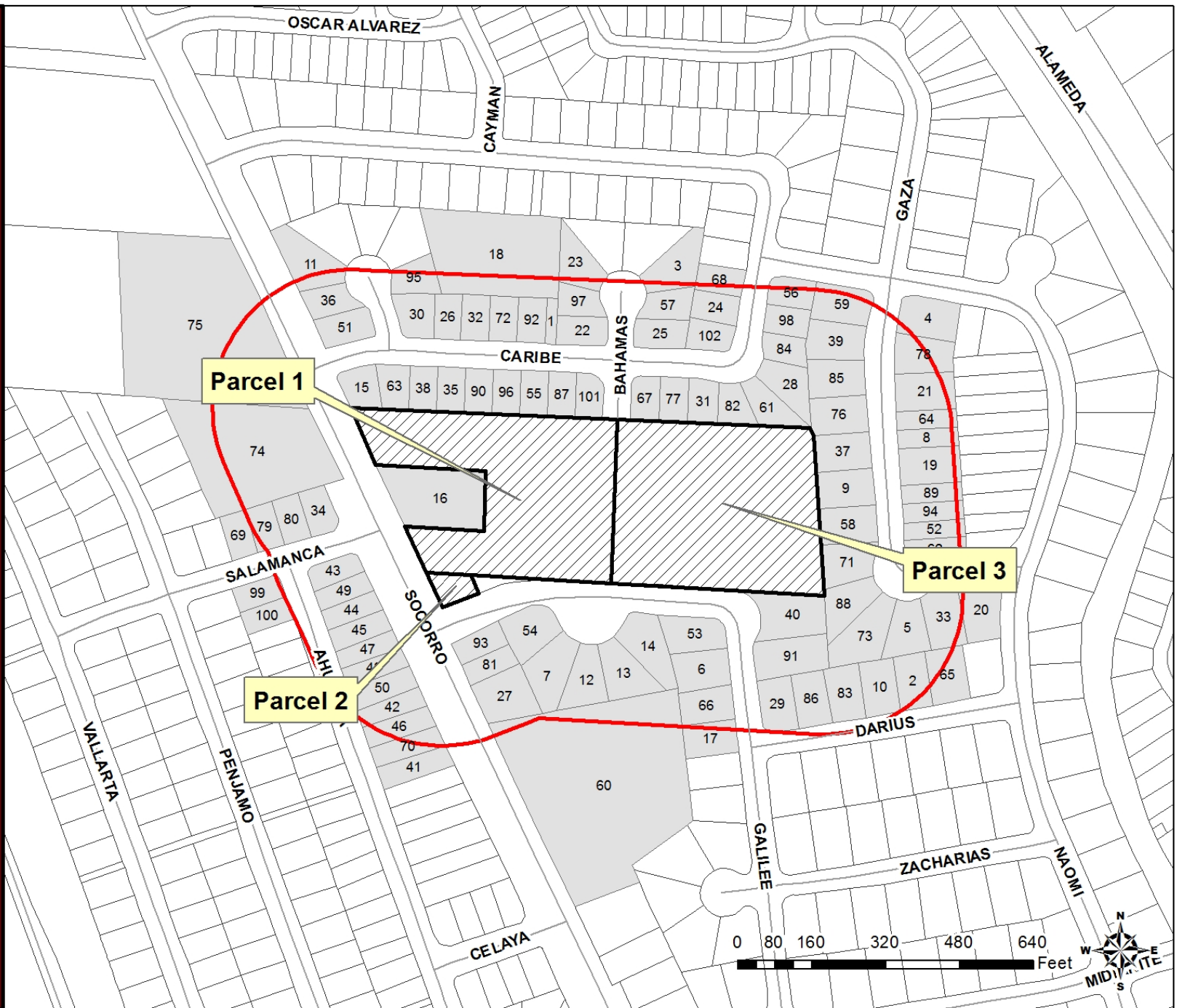
6 PZRZ16-000004 & PZCR16-000002

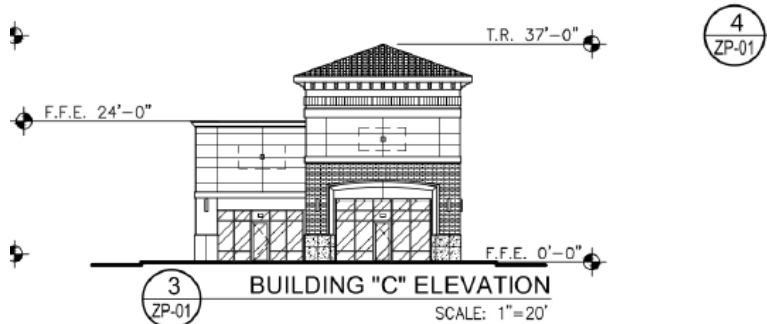
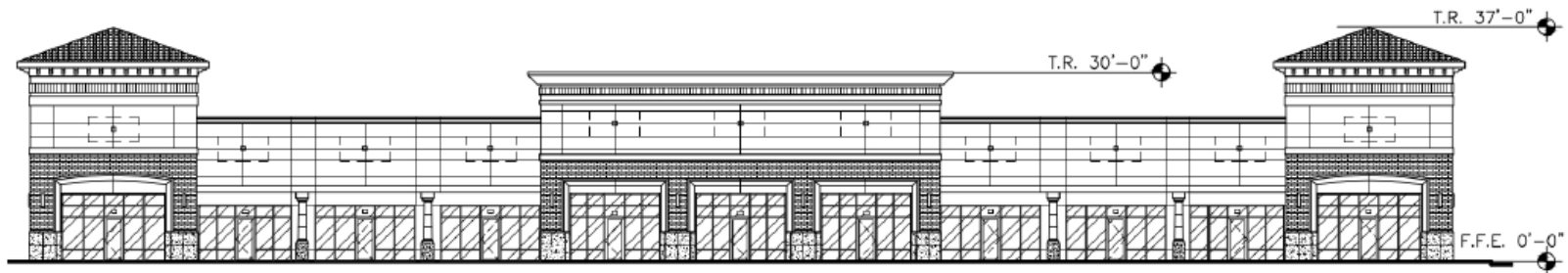
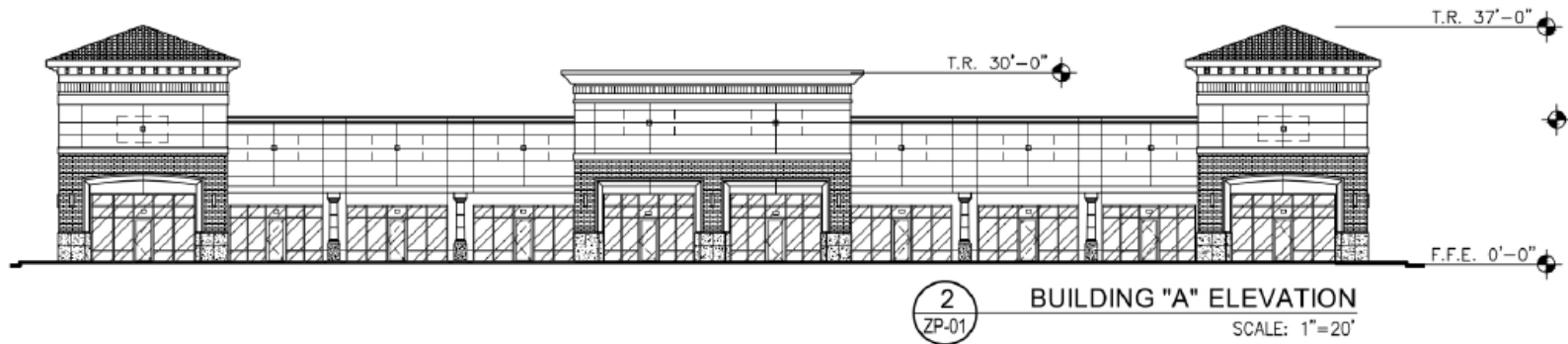


✓ PZRZ16-000004 & PZCR16-000002



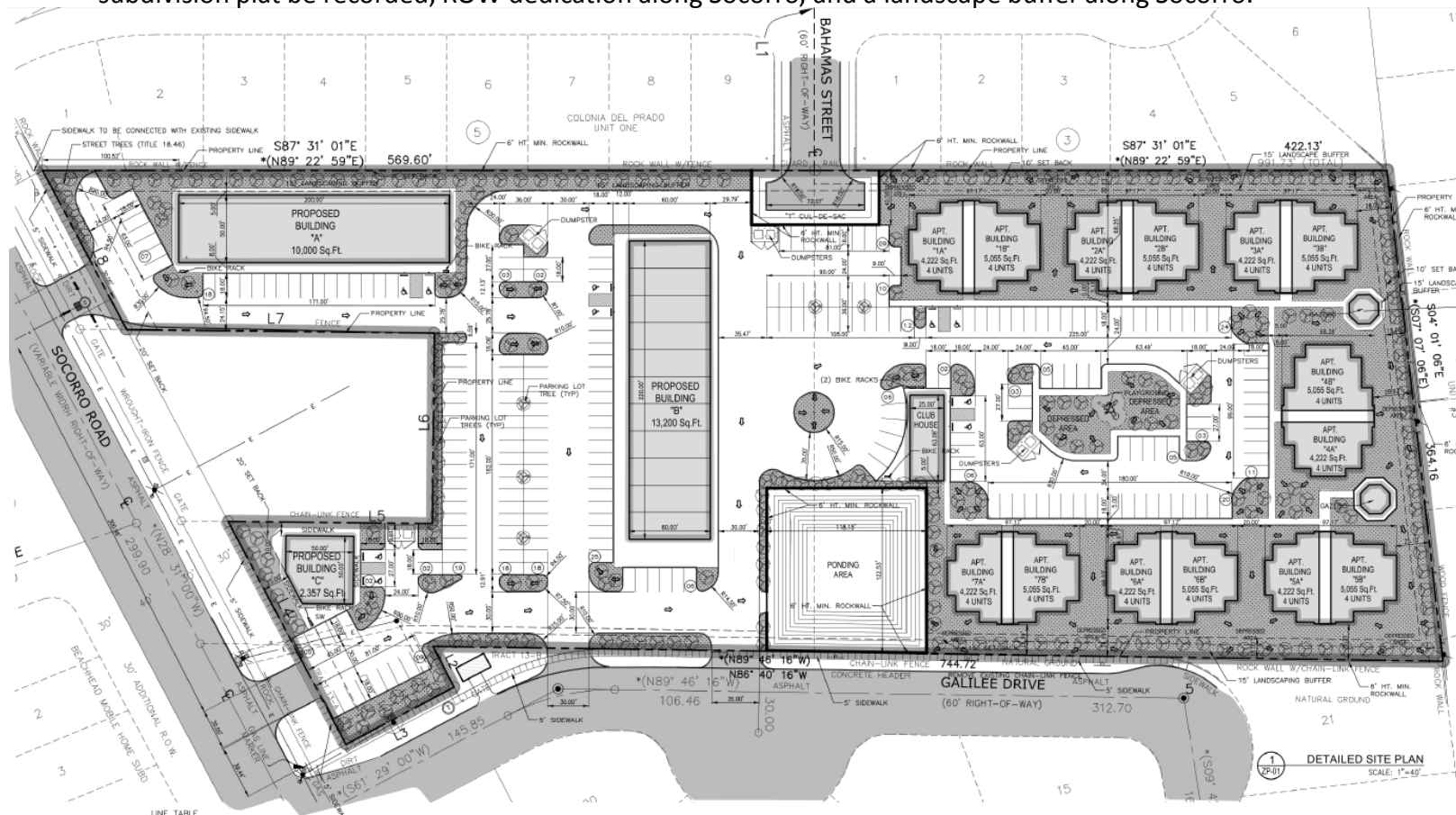
∞ PZRZ16-000004 & PZCR16-000002







Ordinance 8993, approved by City Council on **April 14, 1987** rezoned the property from R-F (Ranch-Farm) to A-2 (Apartments) and C-4 (Commercial) and imposed conditions through a **Special Contract**. The special contract limited the height of apartments on the parcel that was rezoned to A-2 (Apartments), required that a subdivision plat be recorded, ROW dedication along Socorro, and a landscape buffer along Socorro.



- *One story does not allow for more compact development*
- *Subdivision plat is currently required per Title 19.*
- *Required ROW on Socorro has been dedicated.*
- *Landscape buffer already required per Title 18.*



12

Subject Property



13

North



14
South



15
West

16

