

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

DEPARTMENT: City Development Department

AGENDA DATE: Introduction: September 18, 2012
Public Hearing: October 16, 2012

CONTACT PERSON/PHONE: Michael McElroy, 541-4238

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance releasing all conditions placed on property by Ordinance No. 8786 and special contract of September 23, 1986, which changed the zoning of westerly 15' of Lot 9, all of Lots 10-12 and the easterly 20' of Lot 13, Block 7, Golden Hill Addition, City of El Paso, El Paso County, Texas, and to impose an additional condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property Owner: Richard Sennessie – Lamina Investments, LLC. Subject Property: 1515 Golden Hill Terrace. PZCR12-00006 (District 8)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval Recommendation (6-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DIRECTOR: Mathew McElroy



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

PZCR12-00006

10/16/12

ORDINANCE NO. _____

AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 8786 AND SPECIAL CONTRACT OF SEPTEMBER 23, 1986, WHICH CHANGED THE ZONING OF WESTERLY 15' OF LOT 9, ALL OF LOTS 10-12 AND THE EASTERLY 20' OF LOT 13, BLOCK 7, GOLDEN HILL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND TO IMPOSE AN ADDITIONAL CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as *Westerly 15' of Lot 9, all of Lots 10-12 and the Easterly 20' of Lot 13, Block 7, Golden Hill Addition, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 8786 and Special Contract approved by City Council on September 23, 1986; 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. 8786 and Special Contract approved by City Council on September 23, 1986, 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:

- 1) *The property shall only be used for a retirement center complex. – no longer applicable*
- 2) *First party must construct a pedestrian overpass across Arizona Street from ground level on the proposed site to ground level on the Medical Center side of Arizona Street. The pedestrian overpass is to be constructed approximately sixty (60) feet west of Golden Hill Terrace Addition. – no longer applicable*

- 3) *A walkway must be constructed from the north end of the overpass down to the bus stop located at the northwest corner of the Arizona Street and Golden Hill Terrace Addition, and a walkway up to the Medical Center property. – no longer applicable*
 - 4) *First Party must arrange with the property owner(s) on the north side of Arizona Street for the installation of the pedestrian overpass connecting to the Medical Center property. – no longer applicable*
 - 5) *Golden Hill Terrace must be paved to City standards. – already fulfilled*
 - 6) *Guardrails and handrails are required along Rio Grande Avenue. – no longer applicable*
 - 7) *The City Plan Commission and the City Council shall have the right to restrict the height of any building(s) constructed on the property at the time the detailed site development plan is submitted to the City for approval. – no longer applicable*
 - 8) *Conditions #2 through #6 must be complied with prior to the issuance of any certificates of occupancy. – no longer applicable*
2. That the following condition be added:
- 1) *That a detailed site development plan be submitted prior to the issuance of any building permits per City Code.*

PASSED AND APPROVED this _____ day of _____, 2012.

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, Director
City Development Department

JANUARY 18, 2000

LEGAL DESCRIPTION

BEING ALL OF LOTS 10 THRU 12 AND A PORTION OUT OF LOT 9, AND A PORTION OUT OF LOT 13 BLOCK 7, GOLDEN HILL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, CONTAINING 20,691 SQUARE FEET, OR 0.475 OF AN ACRE OF LAND, MORE OR LESS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE MONUMENT LINES OF OF GOLDEN HILL TERRACE AND ARIZONA STREET, THENCE, ALONG THE MONUMENT LINE OF GOLDEN HILL TERRACE, NORTH 05 DEGREES 24 MINUTES 00 SECONDS WEST, A DISTANCE OF 316.00 FEET TO A POINT OF INTERSECTION; THENCE, CONTINUING ALONG SAID MONUMENT LINE, NORTH 53 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 129.10 FEET, THENCE, LEAVING SAID MONUMENT LINE, SOUTH 37 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 35.00 FEET TO A POINT IN THE NORTHERN RIGHT-OF-WAY LINE OF GOLDEN HILL TERRACE, AND THE TRUE POINT OF BEGINNING

THENCE, ALONG SAID NORTHERN LINE, NORTH 53 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 110.00 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 37 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 188.10 FEET TO A POINT FOR CORNER IN THE SOUTHERN RIGHT-OF-WAY LINE OF ARIZONA STREET;

THENCE, SOUTH 53 DEGREE 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 110. FEET TO A POINT FOR CORNER;

THENCE, NORTH 37 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 188.10 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 20,691 SQUARE FEET OR 0.475 OF AN ACRE OF LAND, MORE OR LESS.



S. I. Aguilar
S. I. AGUILAR, R.P.L.S. NO. 3067

EXHIBIT "A"

POOR QUALITY ORIGINAL
BEST AVAILABLE IMAGE
BLACK BORDER VISIBLE
ON ORIGINAL DOCUMENT



CITY DEVELOPMENT DEPARTMENT

MEMORANDUM

DATE: 09/10/12

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

FROM: Michael McElroy, Planner

SUBJECT: CONDITION RELEASE PZCR12-00006

The City Plan Commission (CPC), on 08/23/12, voted to recommend **APPROVAL** of the subject request, concurring with Staff's recommendation.

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. The CPC also determined that the A-4/sc (Apartment/special condition) zoning district permits Apartments which are compatible with adjacent development and that the proposed use is in accordance with and in furtherance of Plan El Paso. Furthermore, the CPC imposed one condition, requiring the submission of a detailed site plan per City Code before the issuance of building permits.

There was **NO OPPOSITION** to this request.

Attachment: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZCR12-00006
Application Type: Condition Release
CPC Hearing Date: August 23, 2012
Staff Planner: Michael McElroy, 915-541-4238, mcelroyms@elpasotexas.gov
Location: 1515 Golden Hill Terrace
Legal Description: Westerly 15' of Lot 9, all of Lots 10-12 and the Easterly 20' of Lot 13, Block 7, Golden Hill Addition, City of El Paso, El Paso County, Texas
Acres: 0.44 acres
Rep District: 8
Zoning: A-4/sc (Apartment/special contract)
Existing Use: Vacant
Request: Release of all conditions imposed by Ordinance No. 8786, dated September 23, 1986
Proposed Use: Apartments
Property Owner: Richard Sennessie – Lamina Investments, LLC
Representative: Taffy Bagley, P.C.

SURROUNDING ZONING AND LAND USE

North: GMU (General Mixed Use) / Vacant
South: A-2 (Apartment) / Apartments
East: A-2 (Apartment) / Single-Family Dwellings
West: A-4/sc (Apartment/special contract) / Vacant

Plan El Paso Designation: G2-Traditional Neighborhood (Walkable), (Central Planning Area)

Nearest Park: Tom Lea Park (2,802 ft.)

Nearest School: Wiggs Middle School (685 ft.)

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on August 1, 2012. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

APPLICATION DESCRIPTION

The request is for a release of all conditions as required by Ordinance No. 8786 (see attachment 4) as described below:

- The property shall only be used for a retirement center complex.
 - *No longer applicable.*
- First party must construct a pedestrian overpass across Arizona Street from ground level on the proposed site to ground level on the Medical Center side of Arizona Street. The pedestrian overpass is to be constructed approximately sixty (60) feet west of Golden Hill Terrace Addition.
 - *No longer applicable.*
- A walkway must be constructed from the north end of the overpass down to the bus stop located at the northwest corner of the Arizona Street and Golden Hill Terrace Addition, and a walkway up to the Medical Center property.
 - *No longer applicable.*
- First Party must arrange with the property owner(s) on the north side of Arizona Street for the installation of the pedestrian overpass connecting to the Medical Center property.
 - *No longer applicable*

- Golden Hill Terrace must be paved to City standards.
 - *Already fulfilled*
- Guardrails and handrails are required along Rio Grande Avenue.
 - *No longer applicable*
- The City Plan Commission and the City Council shall have the right to restrict the height of any building(s) constructed on the property at the time the detailed site development plan is submitted to the City for approval.
 - *No longer applicable*
- Conditions #2 through #6 must be complied with prior to the issuance of any certificates of occupancy.
 - *No longer applicable*

CITY DEVELOPMENT DEPARTMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of the condition release request as the conditions restrict the property to a single use (a retirement community). All A-4 uses are compatible with the surrounding uses as well as the future land use map and therefore warrant release for the proposed use.

Plan El Paso- Future Land Use Map Designation

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

G-2 – Traditional Neighborhood: This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly face streets; schools, parks, and small shops are integrated with residential areas. This sector is well suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.

The purpose of the A-4 (High Density Apartment District) district is to provide a diversity of residential dwelling types at the highest densities and to provide for the integration of compatible business and professional office uses to complement the areas and to allow for concentrations of population through the use of multi-story facilities. Permit site diversification for high-density residential development in which adequate public facilities are available for present and future needs.

City Development Department – Land Development

No objection

City Development Department – Planning Division - Transportation

No objections to the proposed condition release.

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

Fire Department

Recommend approval of “site plan” as presented. Does not adversely affect fire department at this time. **
Note, A more detailed reviewed will be done by fire plan review during the permitting process.

EPWU

The El Paso Water Utilities – Public Service Board (EPWU) does not object to this request.

EPWU-PSB Comments

Water

Along Arizona Street between Langtry Street and Golden Hill Terrace there is an existing six (6) inch diameter water main.

Along Golden Hill Terrace fronting the subject Property there is an existing six (6) inch diameter water main.

Previous water pressure readings conducted on fire hydrant number 7418 located along Golden Hill Terrace have yielded a static pressure of 58 pounds per square inch (psi), residual pressure of 52 psi, discharge of 750 gallons per minute (gpm).

Sanitary Sewer

From the intersection of Arizona Street and Golden Hill Terrace, along Arizona Street towards Langtry Street there is an existing sanitary sewer main. This main dead-ends at approximately 130 feet west of Golden Hill Terrace.

Along Golden Hill Terrace fronting the subject Property there is an existing sanitary sewer main. This main dead-ends at approximately 250 feet east of Langtry Street.

General:

Water and sanitary sewer service is available from the above described mains.

Application for water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant 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

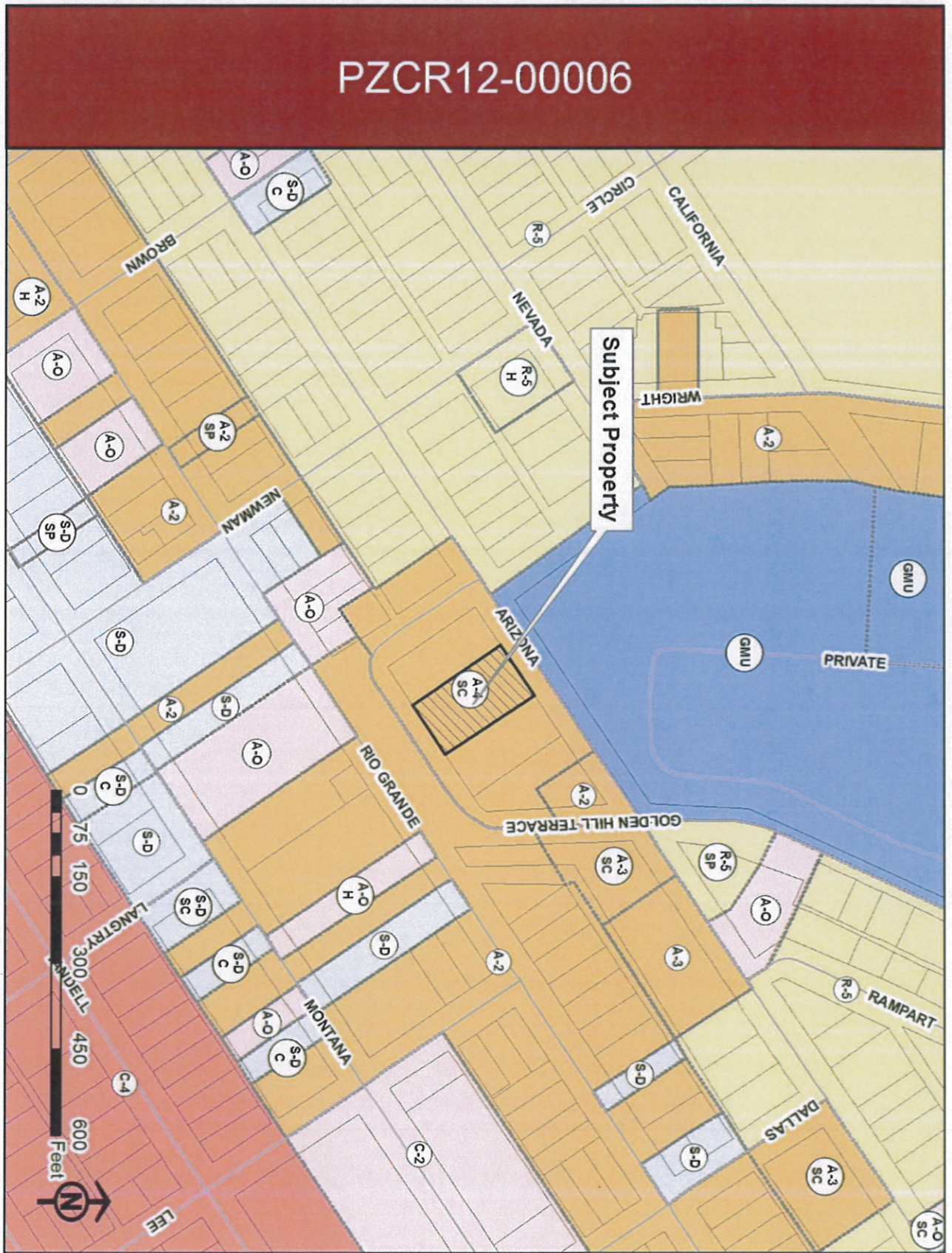
The City Plan Commission may consider the following options and additional options that it identifies when reviewing a condition release request:

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

Attachments

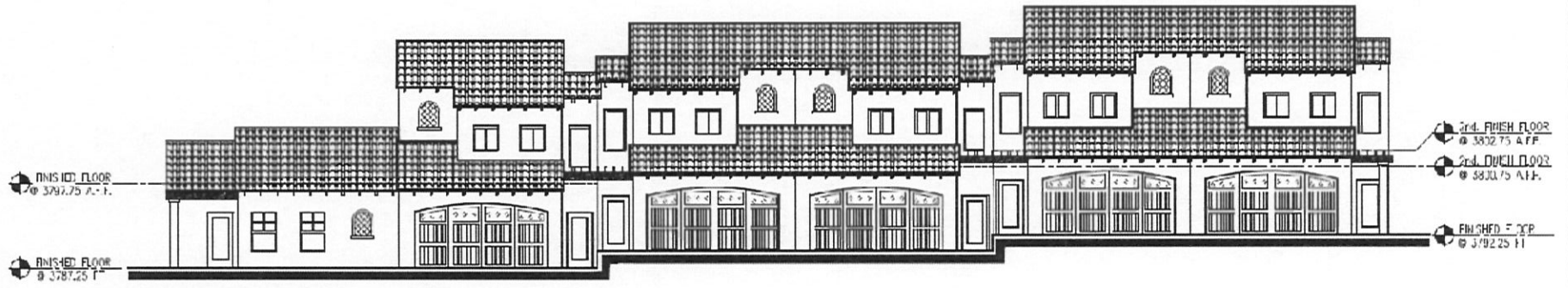
1. Location Map
2. Aerial Map
3. Detailed Site Development Plan
4. Ordinance 8786, dated September 23, 1986

PZCR12-00006



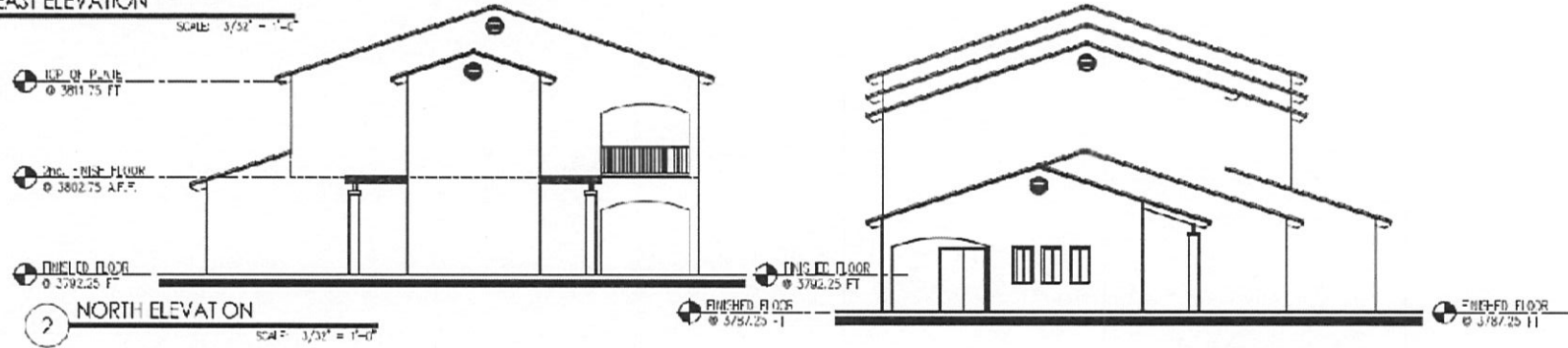
PZCR12-00006





1 EAST ELEVATION

SCALE: 3/32" = 1'-0"



2 NORTH ELEVATION

SCALE: 3/32" = 1'-0"

3 SOUTH ELEVATION

SCALE: 3/32" = 1'-0"



4 WEST ELEVATION

SCALE: 3/32" = 1'-0"

ATTACHMENT 4: ORDINANCE 8786, DATED SEPTMEBER 23, 1986 (CONTINUED)

- 7. The City Plan Commission and the City Council shall have the right to restrict the height of any building(s) constructed on the property at the time the detailed site development plan is submitted to the City for approval.
- 8. Conditions #2 through #6 must be complied with prior to the issuance of any certificates of occupancy.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and his 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 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 PARTY

Leonard A. Hall
LEONARD A. HALL

SECOND PARTIES
CORONADO BANK

By Larry Patton
Title PRESIDENT

ATTEST:

[Signature]
Secretary & Vice President

Ann Brand
ANN BRAND

Robert Tapia
MR. ROBERT TAPIA

Mrs. Robert Tapia
MRS. ROBERT TAPIA

Kellen K. McIntyre
KELLEN K. MCINTYRE
KEM

