



## *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](mailto: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:** A-2 (Apartments) / Vacant  
**South:** C-2/c (Commercial/Contract) / Mobile Homes  
**East:** C-4 (Commercial) / Single-Family Home  
**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:

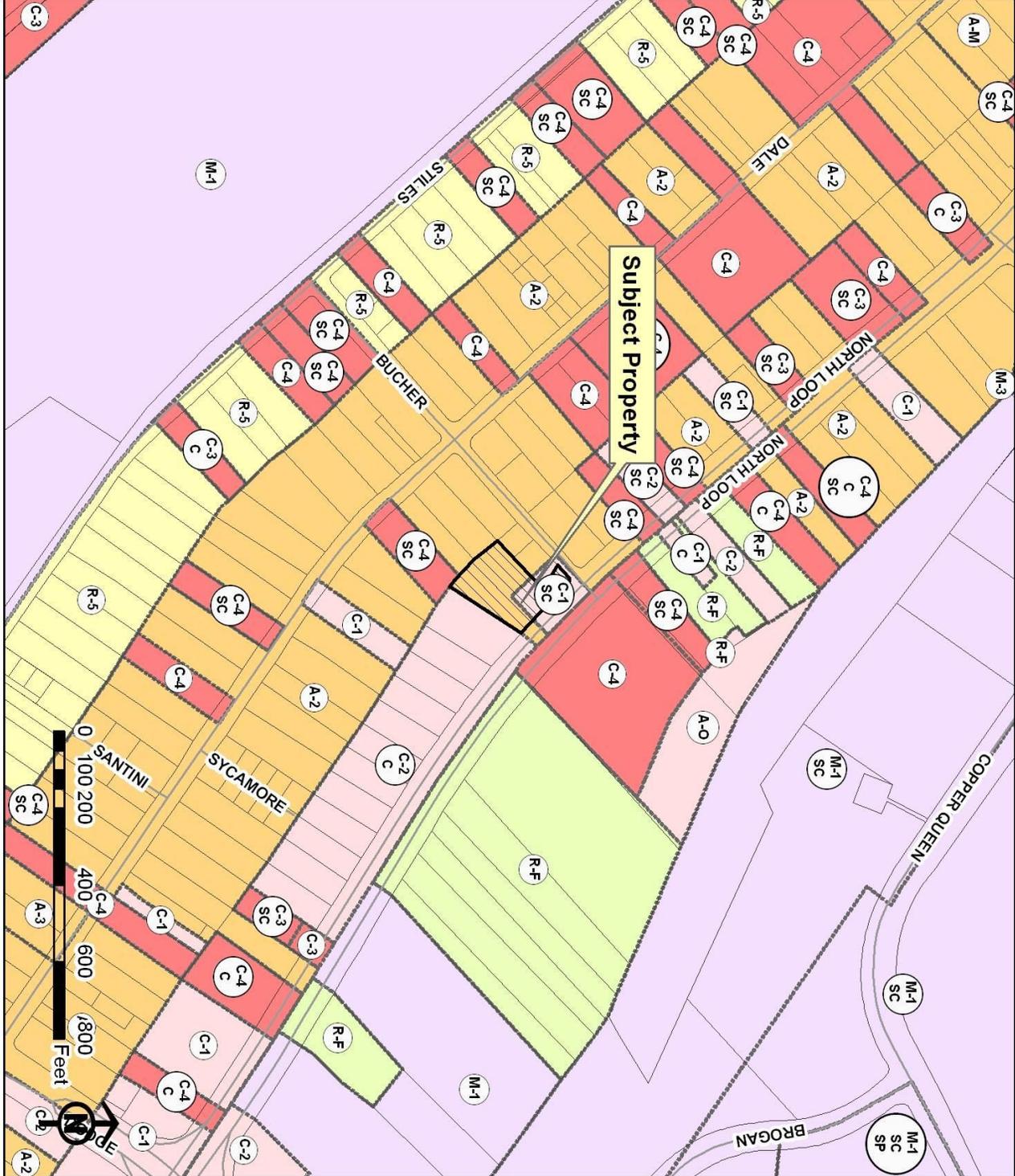
1. Recommend approval of the application finding that it is in conformance with the review criteria for Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring it into conformance with the review 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**

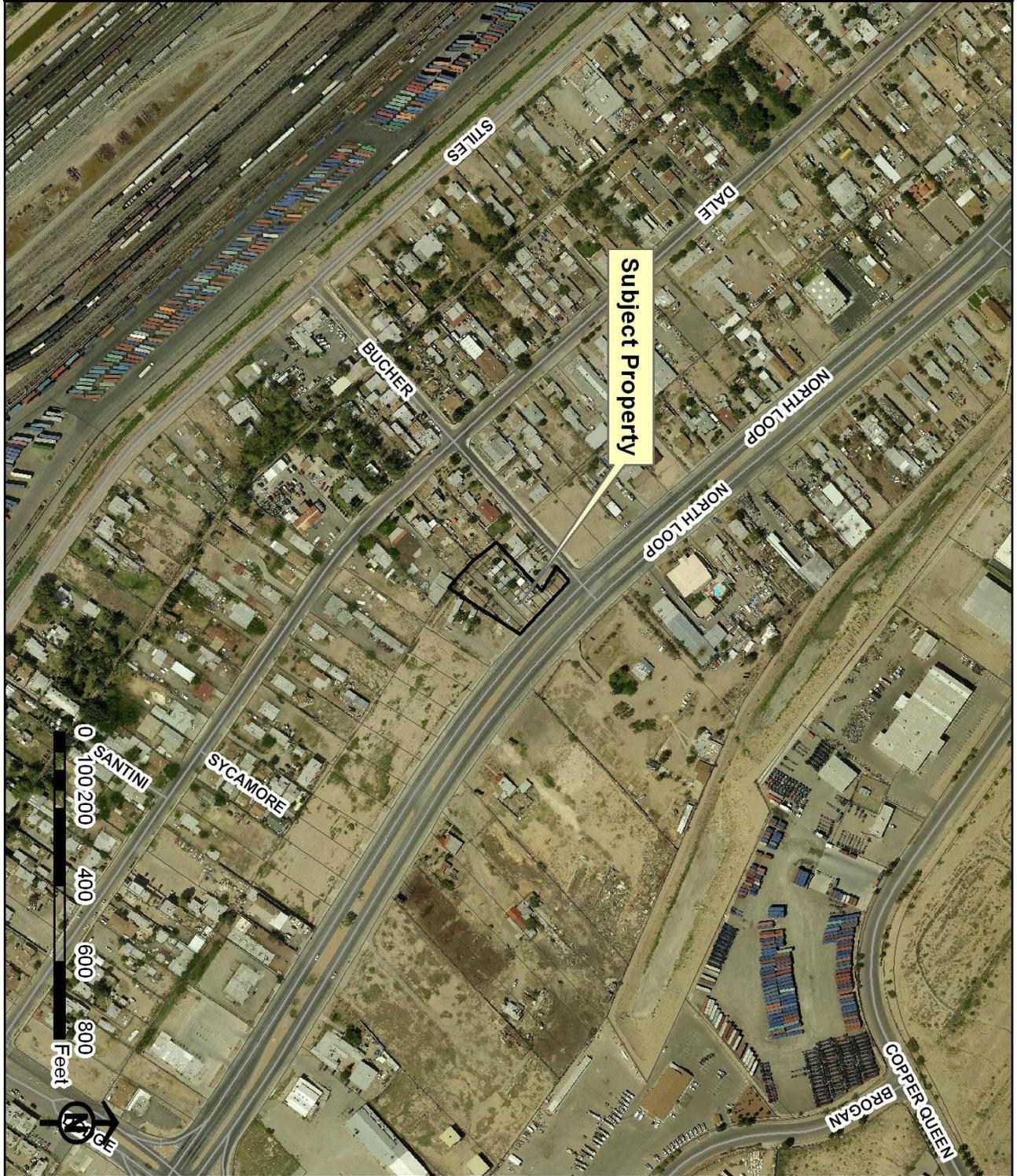
1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Contract dated March 28, 1972

ATTACHMENT 1: ZONING MAP

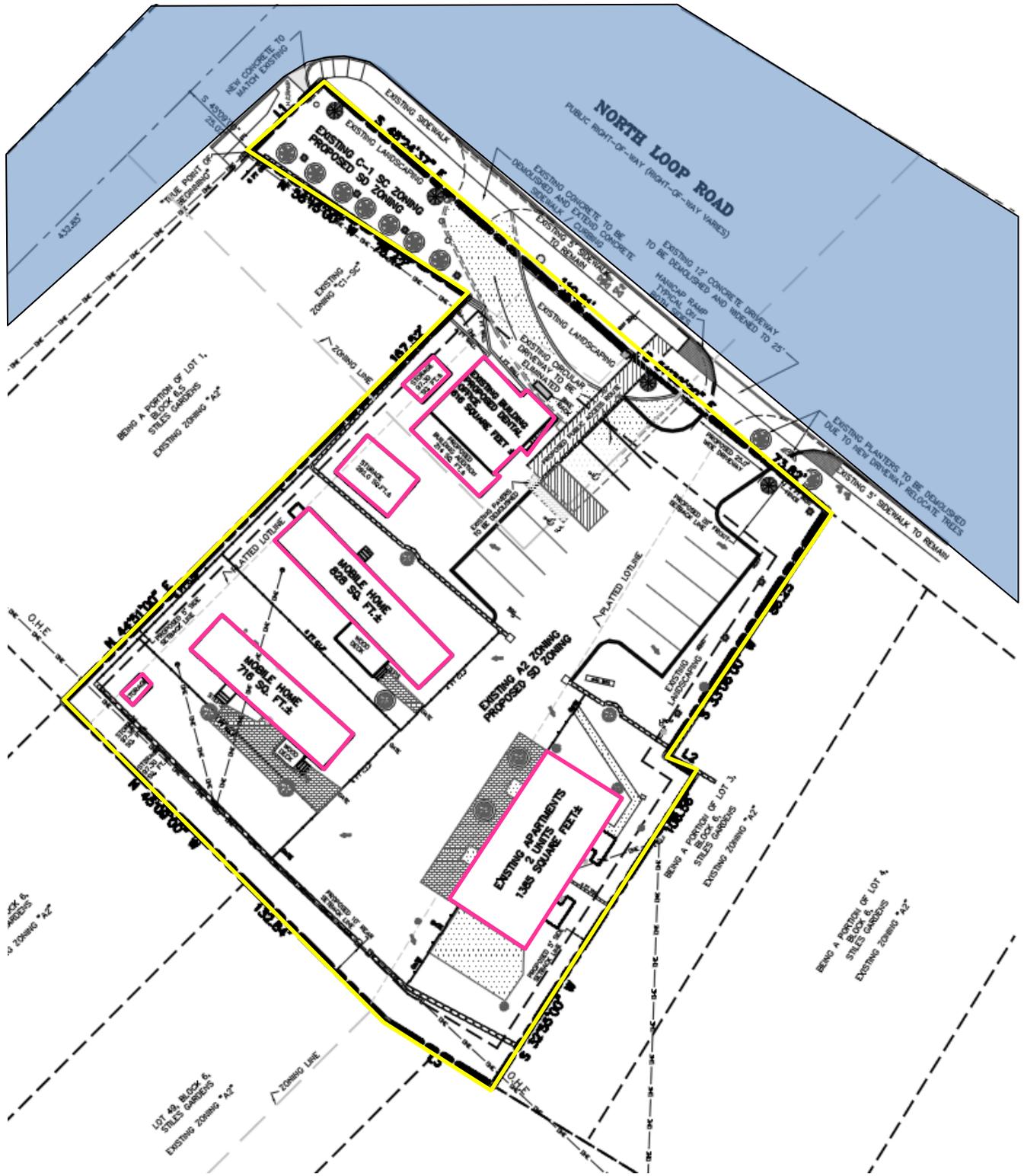
PZCR12-00008



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**ATTACHMENT 3: DETAILED SITE PLAN**



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 benefited thereby.