



City of El Paso – City Plan Commission Staff Report

Case No: PZCR13-00010
Application Type Condition Release
CPC Hearing Date January 30, 2014
Staff Planner Michael McElroy, (915) 541-4238, mcelroyms@elpasotexas.gov
Location East of Martin Luther King Jr. and North of the Patriot Freeway
Legal Description A Portion of Tract 1F, Section 27, Block 81, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas
Acreage 28.085 acres
Rep District 4
Current Zoning C-3/sc (Commercial/Special contract)
Existing Use Vacant
C/SC/SP/ZBA/LNC Yes (special contract; see attachment 4)
Request Release of conditions 2 through 8 imposed by special contract, dated March 10, 1987
Property Owner Camino Real Investments I, Ltd.
Representative Gordon Davis Johnson Shane PC

SURROUNDING ZONING AND LAND USE

North: C-3/sc (Commercial/Special contract / Apartments)
South: C-1 (Commercial) & R-3A (Residential) / Retail & Single Family Homes
East: C-3/sc (Commercial/Special contract) / Medical offices
West: R-3 (Residential) / Vacant

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

NEAREST PARK: Sandstone Ranch Park (6,382 feet)

NEAREST SCHOOL: Dr. Nixon Elementary School (4,913 feet)

NEIGHBORHOOD ASSOCIATIONS

There are no registered neighborhood associations which encompass this property, as verified through Community Development Department data on recognized neighborhood associations.

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on January 8, 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 conditions 2 through 8 imposed by special contract dated March 10, 1987, attached to Ordinance No. 8953. This contract placed several conditions on the subject property and a 640 acre section of land adjoining the property to the north. This application seeks to release the subject property from these conditions (as more particularly described in attachment 4).

CITY DEVELOPMENT DEPARTMENT -PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the request as the contract conditions have been satisfied. The special contract was imposed so as to ensure adequate public infrastructure of this section of Northeast El Paso. Since this time, the area has been entirely built-out, with all contractual conditions having been addressed.

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-3 (Community Commercial) district is to provide goods or render services which are used in support of the community's trade and service establishments and serving multi-neighborhoods. Permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

COMMENTS:

City Development Department – Planning Division - Transportation

No objections.

City Development Department - Land Development

No Objections.

City Development Department – Building Permits & Inspections

No objections to proposed condition release.

El Paso Fire Department

No objections.

Texas Department of Transportation

Recommend approval

The El Paso District's Access Management Committee has coordinated with the developer and approved their access points along the US 54 frontage road.

El Paso Parks & Recreation

The 17.5 acre park specified in the contract is the previously dedicated Chuck Heinrich Park. Parks & Recreation does not have any objection.

El Paso Water Utilities

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

1. EPWU does not object to this request.

EPWU-PSB Comments

2. Water service to this Property anticipates the extensions of water mains immediately north and parallel to the Patriot Freeway to connect the existing water main located east of Martin Luther King Jr. Boulevard to the existing water main located within North Hills Unit Twenty Four Amending Subdivision. An extension of a water main within an easement east of Martin Luther King Jr. Boulevard is required to serve the outparcels. Easements will be required for the proposed extensions. Water service for the buildings located along Loma Del Sur Drive is anticipated to be provided by a main extension located immediately south and parallel to Loma Del Sur Drive within an easement. The portion of the existing water main that extends along Loma Del Sur Drive will be replaced by this new main and it will be abandoned.

3. Sanitary sewer service anticipates main extensions south and parallel to Loma Del Sur Drive along easements. Abandonment of the existing sanitary sewer main that extends along Loma Del Sur Drive will be required. All costs associated with the abandonment of mains are the responsibility of the Applicant/Developer. Main extensions from the existing sanitary sewer main located within North Hills Unit Twenty Four Amending Subdivision towards Martin Luther King Jr. Boulevard are anticipated.

Extensions east of Martin Luther King Jr. Boulevard are anticipated to serve the outparcels. Easements will be required for the proposed extensions.

Water:

4. Immediately east of Martin Luther King Jr. Boulevard between Loma Del Sur Drive and Patriot Freeway (U.S. Highway No. 54) [Patriot Freeway] there is an existing twelve (12) inch diameter water main. This main is located within a forty (40) foot wide PSB easement. At approximately 500 feet north of Patriot Freeway (U.S. Highway No. 54) the alignment of this main egresses the easement and continues along Martin Luther King Jr. Boulevard to the Patriot Freeway.

5. From the intersection of Patriot Freeway and Martin Luther King Jr. Boulevard, along the Patriot Freeway towards the east there is an existing twelve (12) inch diameter water main. At approximately 250 feet east of Martin Luther King Jr. Boulevard the alignment of this main changes towards the south perpendicular to the Patriot Freeway. From this point to the westernmost boundary of North Hills Unit Twenty Four Amending Subdivision there are no existing water mains.

6. Along Loma Del Sur Drive between Martin Luther King Jr. Boulevard and the Patriot Freeway there is an existing eight (8) inch diameter water main.

7. From the intersection of Loma Del Sur Drive and the Patriot Freeway, immediately north of the Patriot Freeway within the North Hills Unit Twenty Four Amending Subdivision there is an existing eight (8) inch diameter water main. This main is located within an easement and dead-ends immediately east of the westernmost boundary of North Hills Unit Twenty Four Amending Subdivision.

Sanitary Sewer:

8. Immediately east of Martin Luther King Jr. Boulevard between Loma Del Sur Drive and Patriot Freeway (U.S. Highway No. 54) [Patriot Freeway] there is an existing twelve (12) inch diameter sanitary sewer main. This main is located within the previously described forty (40) foot wide easement, as well within a fifteen (15) foot wide PSB easement.

9. From the intersection of Patriot Freeway and Martin Luther King Jr. Boulevard, immediately north of the Patriot Freeway towards the east there is an existing twelve (12) inch diameter sanitary sewer main inside an easement. At approximately 250 feet east of Martin Luther King Jr. Boulevard the alignment of this main changes towards the south perpendicular to the Patriot Freeway. From this point to the westernmost boundary of North Hills Unit Twenty Four Amending Subdivision there are no existing sanitary sewer mains.

10. Along Loma Del Sur Drive between Martin Luther King Jr. Boulevard and the Patriot Freeway there is an existing eight (8) inch diameter sanitary sewer main.

11. From the intersection of Loma Del Sur Drive and the Patriot Freeway, immediately north of the Patriot Freeway within the North Hills Unit Twenty Four Amending Subdivision there is an existing eight (8) inch diameter sanitary sewer main. This main is located within an easement and dead-ends immediately east of the westernmost boundary of North Hills Unit Twenty Four Amending Subdivision.

General:

12. Martin Luther King Boulevard as well as Patriot Freeway (U.S. Highway No. 54) are both Texas Department of Transportation (TxDOT) rights-of-way. All proposed water and sanitary sewer work to be performed within Martin Luther King Boulevard as well as Patriot Freeway (U.S. Highway No. 54) rights-of-way require written permission from TxDOT.

13. All easements dedicated for public water and/or sanitary sewer facilities are to comply with EPWU-PSB Easement Policy. Buildings shall be located 5 feet away from the easement line.

14. Easement grantor shall indemnify, defend, and hold harmless the El Paso Water Utilities – Public Service Board from and against any and all claims, liability, actions, and damages for bodily injury and

property damage to third parties or to the El Paso Water Utilities – Public Service Board which may be caused by or arise out of the maintenance and existence of said water and sanitary sewer mains in the easement area.

15. The alignment and location of the proposed EPWU-PSB easement shall enable the placement of water meters outside of the parking areas and minimize the length of services. No vehicular traffic is allowed over the water meters. EPWU-PSB requires access to the proposed and existing water, sanitary sewer facilities, appurtenances, and meters within easements 24 hours a day, seven (7) days a week.

16. 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.

17. The PSB easement and additional easements required by the EPWU-PSB shall be improved to allow the operation of EPWU maintenance vehicles.

18. EPWU-PSB requests the Developer to refrain from constructing rock walls or any structure that will interfere with the access to the PSB easements.

20. EPWU-PSB requests the Developer to refrain from constructing signs within the PSB easements.

22. EPWU requires a new service application to initialize design of the water and sanitary sewer main extensions 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; (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.

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 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. Conceptual Site Plan
4. Special Contract, dated March 10, 1987
5. Letter from Applicant

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ATTACHMENT 4: SPECIAL CONTRACT, DATED MARCH 10, 1987 (CONTINUED)

February 19, 1987, which was 4349.57. Alternatively, the First Party may, at his option, at any time, pay the remaining contribution due on all acreage within the above-referenced tracts for which final plats have not been approved by the City Plan Commission.

- 6. Upon selection of a park site by the City, First Party agrees to dedicate to the City seventeen and one-half (17½) acres for a park site and one-half of the necessary street right-of-way adjacent to such site, and one-half of the cost of paving, curbs and gutters of the streets abutting the park site.
- 7. Upon selection of a suitable site by the City out of Parcel 5, First Party agrees to dedicate to the City a site 158 feet by 175 feet for use as a fire station.
- 8. First Party agrees to sell to the El Paso Independent School District approximately ten (10) acres out of the subject property at the same price which First Party purchased the property from the City, ~~plus taxes and interest from the time of purchases, to the time of sale to the School District.~~ Development of streets shall be as provided in the Warranty Deed between the parties, dated July 29, 1986, regarding the subject property.

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 future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

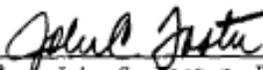
The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby, and without affecting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

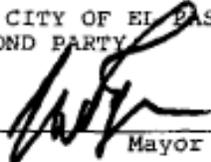
FOSTER-SCHWARTZ DEVELOPMENT CORP.
FIRST PARTY

ATTEST:

Not Required
Secretary

By 
Title John C. Foster, President

THE CITY OF EL PASO
SECOND PARTY

By 
Mayor

ATTACHMENT 5: LETTER FROM APPLICANT



CAMINO REAL INVESTMENTS I, LTD.

January 10, 2014

City of El Paso Development Department
Attn: David Coronado
222 S. Campbell Street
El Paso, Texas 79901

Re: North Hills Zoning Contract Condition Release in Ordinance No. 8953 (Volume 1827,197, amended in Volume 223.5, Page 890, corrected in Volume 2246, Page 373) and Deed Restriction Release (Volume 1702, Page 1616, corrected in Volume 1938, Page 50)

Dear David:

This letter confirms that conditions 2 through 8 as set forth in the above referenced Zoning Contract and all applicable conditions in the above referenced Deed have been satisfied or otherwise complied with as described below:

Zoning Conditions:

- 2) Additional right-of-way for Martin Luther King, Jr. Blvd. (F/K/A War Road) was dedicated by each filed Subdivision Plat fronting Martin Luther King, Jr. Blvd.
- 3) All additional paving, turning/deceleration lanes were provided for all streets intersecting Martin Luther King, Jr. Blvd. at the time of development of the adjoining plats and were later revised by the Texas Department of Transportation upon the widening of Martin Luther King, Jr. Blvd. This can be evidenced by any current aerial photograph such as Google Maps.
- 4) All drainage structures were extended across Martin Luther King, Jr. Blvd. in accordance with Texas Department of Transportation requirements as evidenced by current aerial photographs.
- 5) All pro-rata contributions for future improvements to Martin Luther King, Jr. Blvd were paid with each subdivision plat as required and in 2002 all contributions were refunded by the City as the Texas Department of Transportation paid for 100% of all improvements and the City did not incur any cost (either through services or matching funds).
- 6) A Park Site known as Chuck Heinrick Park was improved and dedicated to the City of El Paso.
- 7) A City of El Paso Fire Station site was dedicated at the North West Corner of Martin Luther King, Jr. Blvd and Loma Clara Ct. A Fire Station currently exists on the site.
- 8) A School Site was purchased by El Paso Independent School District and constructed at the South East Corner of Marcus Uribe Dr. and Loma Franklin Dr. An additional school site was conveyed and constructed at the North east Corner of Loma Franklin Dr. and Loma De Paz Dr.

The applicable Deed Restrictions restate the Zoning Contract Restrictions and do not need to be restated.

6080 Surety Drive, Suite 300 • El Paso, Texas 79905 • 915.592.0290 • Fax 915.590.812

ATTACHMENT 5: LETTER FROM APPLICANT (CONTINUED)

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Please let me know if you need additional information or if you need me to print out the aerial photographs to show evidence of the satisfaction of the above referenced conditions.

Regards,
Camino Real Investments I, Ltd.
By: Camino Real Properties, Inc., its general partner

By: 

Douglas A. Schwartz, President