



City of El Paso – City Plan Commission Staff Report

Case No: SURW12-00020 Mills Street Vacation (**3rd consideration**)
Application Type: Street ROW Vacation
CPC Hearing Date: February 12, 2015

Staff Planner: Nelson Ortiz, 915-212-1606, OrtizNX@elpasotexas.gov
Location: South of San Jacinto Plaza
Acreage: .3491 acre
Rep District: 8
Existing Use: Street right-of-way
Existing Zoning: C-5/H (Commercial/Historic)
Proposed Zoning: C-5/H (Commercial/Historic)

Property Owner: City of El Paso
Applicant: Mills Plaza Promenade, LLC
Representative: Mills Plaza Promenade, LLC

SURROUNDING ZONING AND LAND USE

North: C-5/H (Commercial/Historic) / San Jacinto Plaza
South: C-5/H (Commercial/Historic) / Camino Real Hotel
East: C-5/H (Commercial/Historic) / Plaza Hotel Building
West: C-5/H (Commercial/Historic) / Plaza Theater

PLAN EL PASO DESIGNATION: G1 (Downtown)

APPLICATION DESCRIPTION

The applicant is requesting to vacate a portion of Oregon Street and Mills right-of-way, primarily the sidewalk and parkway. The applicant states that the purpose of the proposed vacation is to install hardscape and landscape improvements for pedestrians and outdoor cafés. The proposal includes a pedestrian and drainage/utility easement, which will remain in place over a portion of the proposed vacation area and as outlined in the attached surveys.

CASE HISTORY and REQUEST

On March 11, 2008, the City Council directed staff to initiate a vacation of a portion of Mills Avenue in order to eliminate the vehicular interest. The City Council subsequently approved that vacation request on May 27, 2008.

On February 7, 2013, the City Plan Commission approved the Mills Street Vacation which included all of Pioneer Plaza, a portion of Oregon Street, Mills Avenue, and Sheldon Court.

On December 5, 2013, the City Plan Commission approved the second consideration of the Mills Street Vacation which included a portion of Oregon Street, Mills Avenue and Sheldon Court.

Through this application, the applicant is revising their request to reduce the amount of ROW to be vacated.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends **approval** of the Mills Street vacation subject to the following conditions and requirements:

- A pedestrian and utility easement shall remain in place over a portion of the proposed vacation as outlined in the attached surveys.

Planning Division Recommendation:

Approval with conditions as stated above.

City Development Dept. - Land Development:

No objection.

El Paso Water Utilities:

Pending final comments

Stormwater Division:

Pending final comments

Parks and Recreation:

Pending final comments.

El Paso Fire Department:

Pending final comments.

Downtown Management District

No comments received.

El Paso Electric Company:

Pending final comments

Sun Metro:

Sun Metro does not oppose this ROW vacation request.

911:

No comments received.

Texas Gas Company:

No comments received.

EP DOT

Recommendations are as follows:

- The pedestrian easement shall provide for a clear path of travel zone not less than 5 feet wide at areas adjacent to restaurant outdoor seating/patio and shall be ADA/TAS/TDLR compliant through-out
- Perpetual Easement and access to all street lights, Traffic Signal infrastructure, underground communication, CEP electrical conduits and junction boxes shall be provided
- Recommend that at the right-of-way and vacated right-way line separation in the roadway be

delineated with thermoplastic lane markings on both Oregon and Mills Streets, this will clearly mark maintenance responsibilities for all.

- Coordinate with EPDOT for removal of any applicable Traffic Signage.
- Coordinate with EPDOT on the timing and setting of Traffic Signal(s) upon the opening of Mills Street to through traffic.
- The following code is provided for information and shall be complied with:
 - 12.20.090 Display of unauthorized signs.
 - A. No person shall place, maintain or display upon or in view of any highway, street or roadway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.
 - B. No person shall place or maintain, nor shall any public authority permit, upon any highway any traffic sign or signal bearing thereon any commercial advertising.
 - C. This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.
 - D. Every such prohibited sign, signal or marking is declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

Attachments

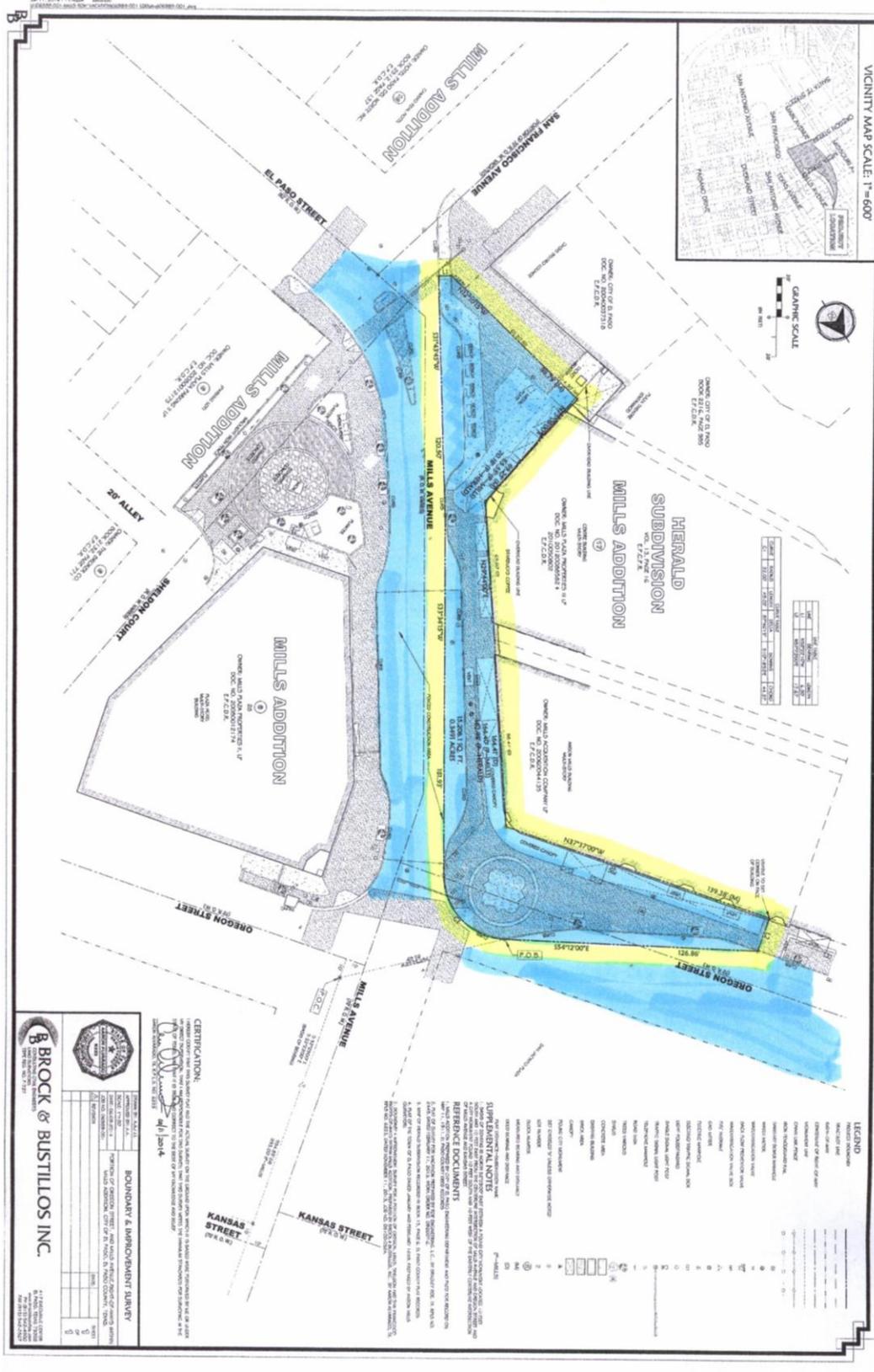
1. Location map
2. Aerial map
3. Vacation survey
4. Pedestrian easement survey
5. Utility easement survey
6. Application

ATTACHMENT 2

MILLS AVENUE ROW VACATION



ATTACHMENT 3



ATTACHMENT 4

(Survey to be provided once complete)

ATTACHMENT 5

(Survey to be provided once complete)

ATTACHMENT 6



CITY OF EL PASO, TEXAS
APPLICATION FOR VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY

Date: _____ File No. SURW12-00020

1. APPLICANTS NAME Mills Plaza Promenade LLC
ADDRESS 123 W. Mills Ave, Ste 600 ZIP CODE 79901 TELEPHONE 915-504-7100

2. Request is hereby made to vacate the following: (check one)
Street Alley _____ Easement _____ Other _____
Street Name(s) _____ Subdivision Name Portion of Oregon St + Milk Avenue
Abutting Blocks _____ Abutting Lots _____

3. Reason for vacation request: Hardscape + Landscape Improvements for Pedestrians + Sidewalk cafes

4. Surface Improvements located in subject property to be vacated:
None _____ Paving Curb & Gutter Power Lines/Poles _____ Fences/Walls _____ Structures _____ Other _____

5. Underground Improvements located in the existing rights-of-way:
None _____ Telephone _____ Electric _____ Gas _____ Water _____ Sewer _____ Storm Drain _____ Other _____

6. Future use of the vacated right-of-way:
Yards _____ Parking _____ Expand Building Area _____ Replat with abutting Land _____ Other See will improvements Sidewalk cafes + drop-off for Plaza Theatre

7. Related Applications which are pending (give name or file number):
Zoning _____ Board of Adjustment _____ Subdivision _____ Building Permits _____ Other _____

8. Signatures: All owners of properties which abut the property to be vacated must appear below with an adequate legal description of the properties they own (use additional paper if necessary).

Signature	Legal Description	Telephone
<u>[Signature]</u>	<u>Mills Building Mills Plaza Properties LP</u>	<u>504-7100</u>
<u>[Signature]</u>	<u>Centre Building</u>	<u>504-7100</u>
<u>[Signature]</u>	<u>Plaza Hotel Mills Plaza Properties II LP</u>	<u>504-7100</u>

The undersigned Owner/Applicant/Agent understands that the processing of this Application will be handled in accordance with the procedure for Requesting Vacations and that no action on processing will be taken without payment of the non-refundable processing fee. It is further understood that acceptance of this application and fee in no way obligates the City to grant the Vacation. If/We further understand that the fee, if the Vacation is granted will be determined by the City of El Paso and a Certified or Cashier's Check must be presented before the request will be recommended for Council action.

The undersigned acknowledges that he or she is authorized to do so, and upon the City's request will provide evidence satisfactory to the City confirming these representations.

The granting of a vacation request shall not be construed to be a waiver of or an approval of any violation of any of the provisions of any applicable City ordinances.

Refer to Schedule C for current fee.

OWNER SIGNATURE: [Signature]
REPRESENTATIVE: President

NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.

City Development Department
811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 541-4024