City of El Paso – City Plan Commission Staff Report

Case No:	PZCR16-00002 (Related to Rezoning Application PZRZ16-00004)
Application Type	Condition Release
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 Special Contract
Request:	Release all conditions on the property
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

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 one phone call in opposition to the condition release request.

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 through a Special Contract (Attachment #5) which reads as follows:

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.*

APPLICATION DESCRIPTION

The applicant is requesting to release all conditions imposed on the subject property by special contract, dated April 14, 1987, (see Attachment #5). The conditions imposed by the special contract are limiting the development potential of the property, are current code requirements, or have already been satisfied. This case is related to rezoning application (PZRZ16-00004).

Planning and Inspections Department – Planning Division Recommendation

The Planning Division recommends **approval** of releasing the special contract conditions as the conditions imposed by the special contract are limiting the development potential of the property, are current code requirements, or have already been satisfied.

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

No objections to condition release.

Planning and Inspections Department – Plan Review

No objections to proposed condition release.

Planning and Inspections Department - Landscaping

No objections to proposed condition release.

El Paso Fire Department

Recommend Approval.

El Paso Water Utilities

We have reviewed the condition release as 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:

4. 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.).

5. 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.

6. 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:

7. The Owner shall minimize changes in grade above or near the vicinity of the existing 20-foot PSB easement.

8. 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).

9. 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.

10. 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.

TXDOT

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

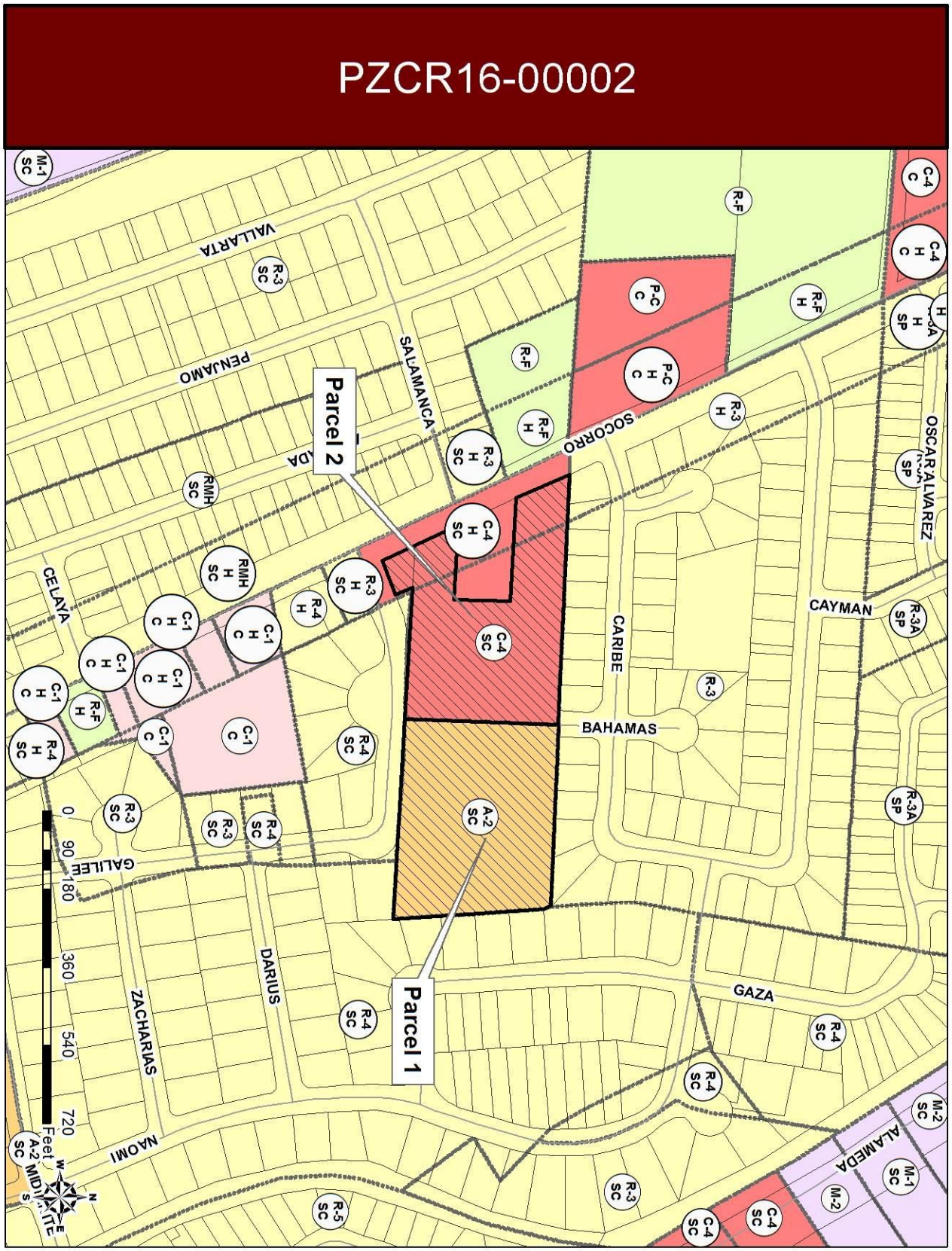
Sun Metro

Sun Metro does not oppose this request. Routes 60 and 84 provide services to and existing bus stop directly adjacent to property. Recommend coordination with Sun Metro Planning and Operations to minimize impacts to mass transit services. Recommend the construction of sidewalks to provide pedestrian access to mass transit options.

Attachments

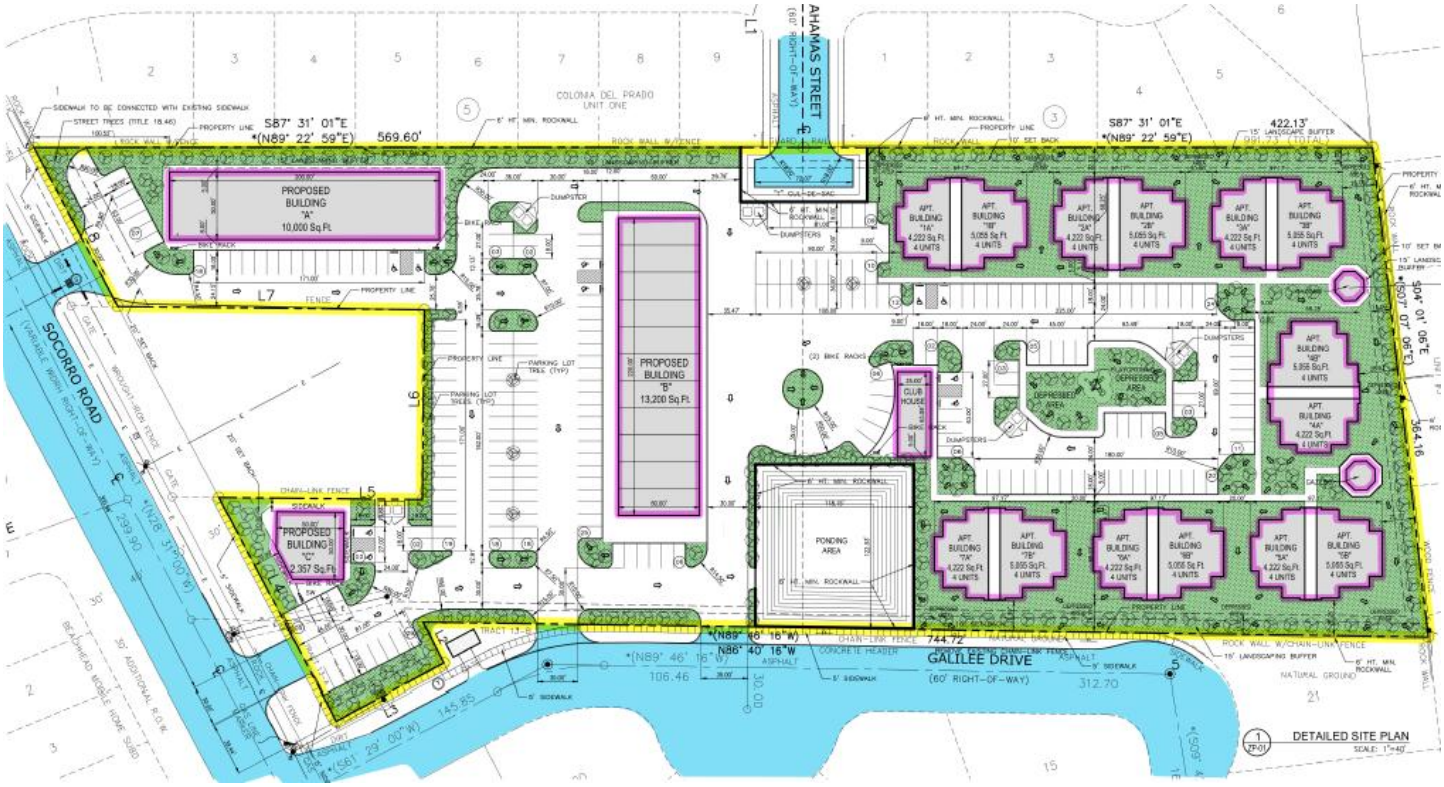
1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Ordinance 8993
5. Special Contract

ATTACHMENT 1: LOCATION MAP



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



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 OF 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.

Jonathan W Rogers
Mayor

ATTEST:

Carole Hunter
City Clerk

APPROVED AS TO FORM:

John R Bel
Assistant City Attorney

APPROVED AS TO CONTENT:

Roy Alfred
Department of Planning,
Research and Development

ZNG1-87-5247

RECEIVED
SEP 24 1987
PLANNING DEPARTMENT

008993
Contract (4-14-87)
Deed

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, Ysleta 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-F (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 frond 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

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:
ONESIMO ELIAS

ANDREA G. ELIAS

ESTELA RAMIREZ

SECOND PARTY:
THE CITY OF EL PASO

By _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

APPROVED AS TO CONTENT:

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 ONESIMO ELIAS.

Notary Public, State of Texas

My Commission Expires:

SIGNATURES CONTINUED ON NEXT PAGE

1816 0535

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.

Notary Public, State of Texas

My Commission Expires:
4/28/89

ATTACHMENT 5: ORDINANCE 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.

Notary Public, State of Texas

My Commission Expires:
4/28/89

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.

Notary Public, State of Texas

My Commission Expires:
April 6, 1991

GLORIA T. ALVARADO
Notary Public
STATE OF TEXAS
My Comm. Exp. 4/6/91

ZNG1:87.5247

1816 0536

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, Ysleta 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, Ysleta 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 Ysleta-Socorro Road, a distance of four hundred fifty-two and eighty-three hundredths (452.83) feet along said centerline of Ysleta-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 Ysleta-Socorro Road; thence, North 28 31' West, along the easterly right-of-way line of Ysleta-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 Ysleta-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, Ysleta 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, Ysleta Grant Surveys, a distance of four hundred seventy-eight and eighty hundredths (478.80) feet to the southerly Tract 13A, Block 51, Ysleta Grant Surveys;

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

1846 0537

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

ANDREA G. ELIAS

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.

Notary Public, State of Texas

My Commission Expires:

4-30-89

SIGNATURES CONTINUED ON NEXT PAGE

1816 0538

1816 0540

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.

Notary Public, State of Texas

My Commission Expires:
4/28/89

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

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

Notary Public, State of Texas

My Commission Expires:
4/28/89

ZNG1:87-5247

1816 0539

73245

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNEN

STATE OF TEXAS COUNTY OF EL PASO

SEP 29 1987

COUNTY CLERK, El Paso County, Texas

1816 0510

CITY CLERK'S OFFICE
Carole Hunter, City Clerk
2 Civic Center Plaza
El Paso, Texas 79999