



## *City of El Paso – City Plan Commission Staff Report*

### **REVISED**

**Case No:** SURW12-00011 Main Street Vacation  
**Application Type:** Right-of-way Vacation  
**CPC Hearing Date:** June 28, 2012

**Staff Planner:** Justin Bass, 915-541-4930, [bassjd@elpasotexas.gov](mailto:bassjd@elpasotexas.gov)  
**Location:** North of San Antonio Avenue and west of Mesa Street  
**Acreage:** 0.2000-acre  
**Rep District:** 8  
**Existing Use:** Right-of-way  
**Existing Zoning:** C-5/H (Commercial/ Historic)

**Property Owner:** City of El Paso  
**Applicant:** Mills Plaza Parking, L.P. & City of El Paso  
**Representative:** Roe Engineering, L.C.

### **SURROUNDING ZONING AND LAND USE**

**North:** C-5 (Commercial)/ Commercial development  
**South:** C-5/H (Commercial/ Historic)/ Commercial development  
**East:** C-5/H (Commercial/ Historic)/ Parkland  
**West:** C-5 (Commercial)/ Commercial development

**PLAN EL PASO DESIGNATION:** Downtown.

### **APPLICATION DESCRIPTION**

The applicant is requesting to vacate a portion of Main Street, located between El Paso Street and Oregon Street. The entire right-of-way is proposed to be vacated, except for the sidewalk abutting the Plaza Theatre, in order to allow perpetual public access between the existing fire escape and the El Paso Street right-of-way to the west. The applicant has stated that the reason for vacating the street is to control access to the street and remove the necessity for a special privilege license that would allow for the new parking garage to encroach into the public right-of-way. An emergency, pedestrian, utility and controlled-access (for Plaza Theatre access for special events) easement will remain in place over much of the proposed vacation.

All abutting properties are owned by Mills Plaza Parking, L.P., Plexxar Centre, LTD, and the City of El Paso.

### **DEVELOPMENT COORDINATING COMMITTEE**

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

**Approval** with the following conditions:

- An emergency, pedestrian, utility and controlled-access (for Plaza Theatre access for special events) easement shall remain in place over much of the proposed vacation.
- The type of gates or bollards to be used to close the street to be coordinated with the Fire Dept. and the narrower portion of the vacated road is to be identified as a Fire Lane.
- Enhancement of the pedestrian easement shall include, but is not limited to:
  - Way-finding signs in accordance with city program
  - Lighting in accordance with the City code for the Downtown area
  - Sidewalk and/or pavement treatment

**Planning Division Recommendation:**

**Approval** with the conditions as stated in the Development Coordinating Committee recommendation.

EPDOT has not provided a positive recommendation. However, staff believes the concerns enumerated by their comments – when viewed in the light of major downtown redevelopment in the area – have been addressed. Although vehicular access would be vacated, pedestrian, bicycle, emergency, and utility access would remain, providing connectivity between El Paso Street, Oregon Street, and San Jacinto Plaza. In addition, the applicant has agreed to make aesthetic improvements to the abutting parking garage wall and install decorative gates/bollards and paving – within the area to be vacated – to encourage pedestrian use and improve the sense of safety.

**City Development Department - Land Development:**

We have reviewed subject plan and recommend **Approval**.

No Objection

**EPDOT**

Department of Transportation at this time will not be able to provide a positive recommendation to the request to vacate the above mentioned portion of Main Street.

**Department of Transportation has the following concerns and comments:**

- The street currently serves as a through connection for vehicles and pedestrians, without this connection, the vacation would create a mega block with no connectivity which is not the City's intent.
- Access to public/pedestrians, emergency vehicles and accessible emergency Plaza Theater evacuation exits must be maintained through the area at all times.

Department of Transportation does not provide a positive recommendation on the street right-of-way vacation and strongly encourages that the existing encroachments, road closure on the Main Street right-of-way be addressed, corrected and completed by the Special Privilege License process.

**El Paso Water Utilities:**

We have reviewed the above referenced street vacation request (revised description and plot plan 06/21/12) and provide the following comments:

1. The El Paso Water Utilities does not object to the proposed street vacation with the condition that the vacation is described as two parcels: one parcel that encompasses the area which is going to remain as emergency access, pedestrian and utility easement (shaded area) and the other parcel the southern portion that will have no utility easement.

2. There are existing water mains, sanitary sewer mains, water meter connections and sewer services within portions of Main Street. These facilities are to remain in place and in operation to continue providing service to the public.

#### **Water**

3. There is an existing 16-inch diameter water main along the eastern portion of Main Street that is proposed to be vacated.

#### **Sanitary Sewer**

4. There is an existing 8-inch sanitary sewer main along the eastern portion of Main Street that is proposed to be vacated.

#### **Stormwater Division:**

1. The existing drop inlet and connecting stormwater system is to be privately maintained. On the exhibit drawing, label the existing storm drain system connecting to the existing drop inlet as privately maintained. Also, provide an acceptable inspection and maintenance agreement for private facilities in accordance with Section 19.19.040 of the current subdivision ordinance.

2. Remove "drainage" from the exhibit note. A drainage easement is not required for private facilities.

*(comments have been addressed)*

#### **Parks and Recreation:**

We have reviewed Main Street ROW Vacation, a boundary survey map and offer "No" objections to this proposed "Street" vacation request.

#### **El Paso Fire Department:**

Recommend approval as per discussion on 6-12-12.

Per [verbal] agreement with applicant, Installation of approved gates or removal bollards as detailed to the Fire Marshal.

A 150 foot section of roadway shall be properly identified as "Fire Lane" and all appropriate signage and marking shall be a requirement.

Both sides of the street shall have the red curb with "NO PARKING FIRE LANE" on it.

A [verbal] agreement has been reached between the Fire Marshal and the applicant that the signage indicating the fire lane will be required on one side of the street, and is allowed to be posted on the parking structure walls.

#### **El Paso Electric Company:**

El Paso Electric Company has no objection the vacation of Main Street between Oregon Street and El Paso Street. El Paso Electric has no facilities in this block.

#### **Museum and Cultural Affairs:**

If the area is to be vacated MCAD recommends the following:

- Any bollards or other gating be inviting or welcoming to pedestrians
- An artist be commissioned to paint the sidewalk frontage area on the parking structure
- Downtown way finding installations (modeled after those approved by the City and DMD) be incorporated at both ends entrances to the area

All of these are to encourage pedestrian usage and minimize the impact of the “super block” created by the vacated portion of Main.

*(City will require enhancement of the pedestrian easement to include, but not limited to: Way-finding signs in accordance with city program, lighting in accordance with the City code for the Downtown area, and sidewalk and pavement treatment.)*

**Convention & Visitors Bureau:**

First and foremost, we still oppose the vacation of Main Street. We do not believe this to be conducive to having proper vehicular connectivity through Downtown El Paso. Mills Street is being proposed to be vacated as well and is to be turned into a pedestrian promenade. With both Mills and Main being vacated the nearest throughway for vehicles is Franklin and San Antonio. This proposed vacation will create a “superblock” that we believe should be avoided. However, in the event that City Planning decides to move forward and approve the vacation of Main Street, then we request that the Plaza Theatre obtain joint use of Main Street as part of the ordinance.

*(City will retain use for special events occurring at the Plaza Theatre)*

**Sun Metro:**

No comments received.

**911:**

No comments received.

**Texas Gas Company:**

According to our records, we have mainline facilities within this area proposed to be vacated. Therefore, TGS must object to the vacation unless owner provides easement for our existing facilities or requests relocation of the facilities at owner’s expense.

*(Applicant has provided the necessary easement)*

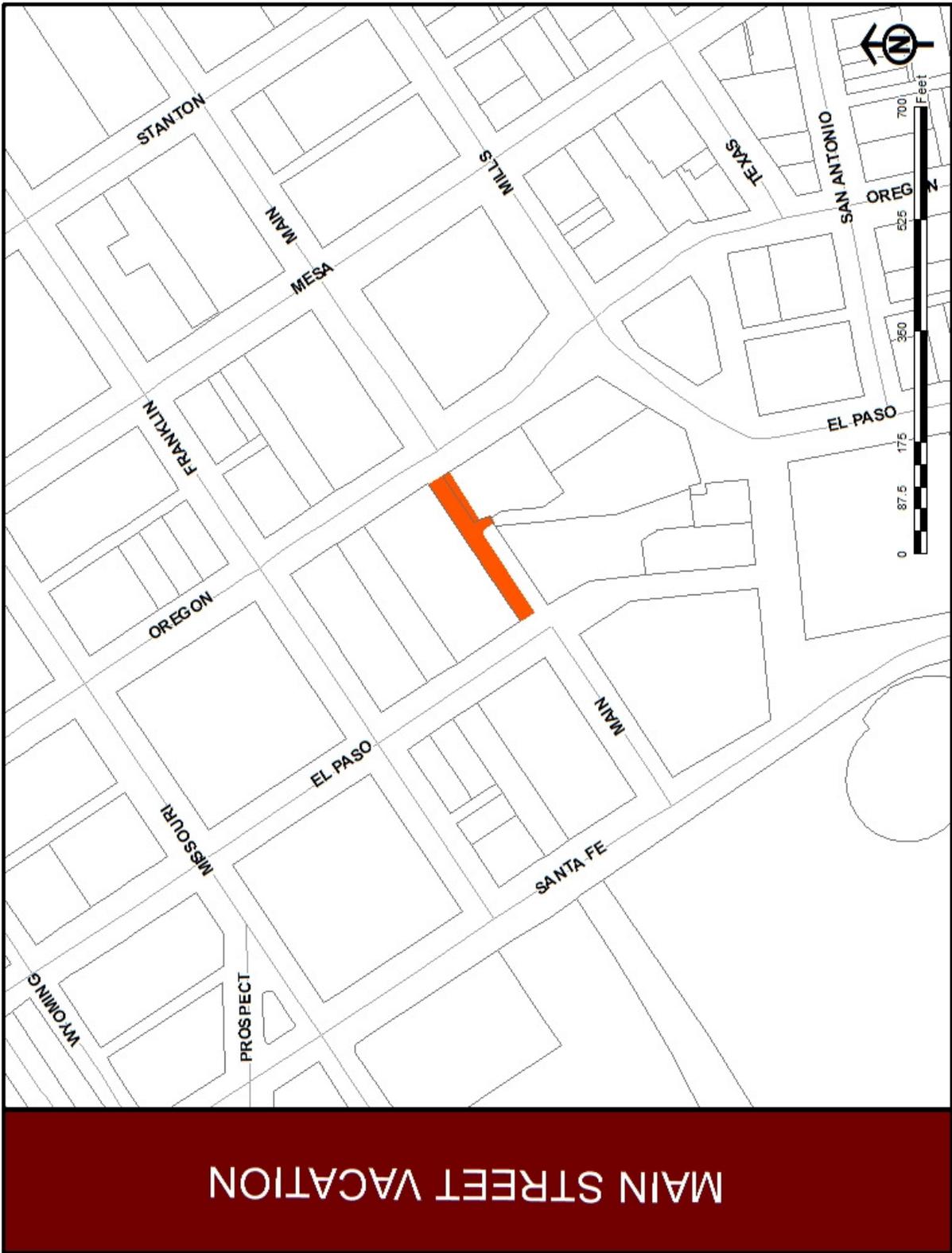
**El Paso Independent School District:**

No comments received.

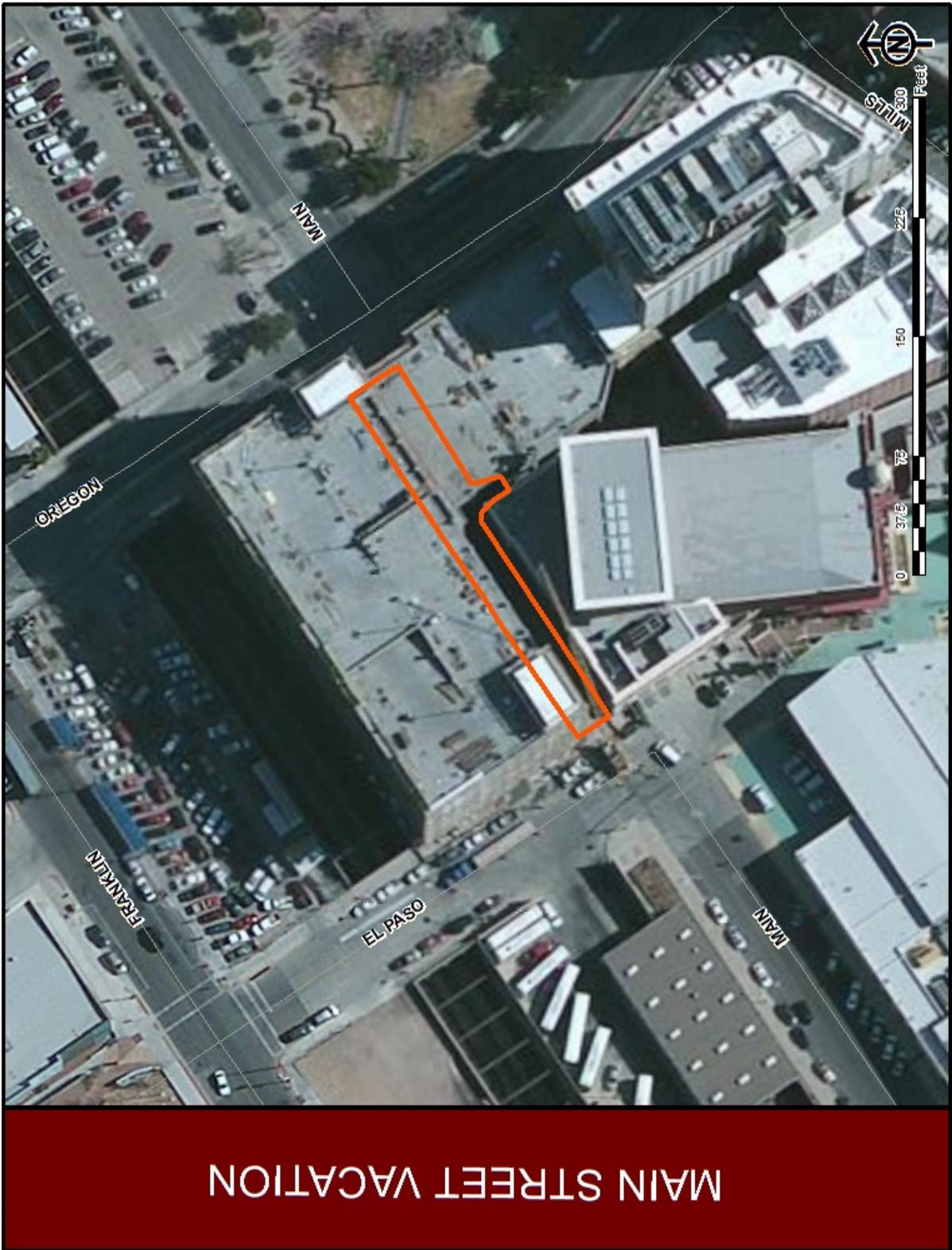
**Attachments**

1. Location map
2. Aerial map
3. Survey
4. Application

ATTACHMENT 1



ATTACHMENT 2





**ATTACHMENT 4**



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

Date: 5-8-12 File No. SURW12-00011

1. APPLICANT'S NAME Mills Plaza Parking LP.  
ADDRESS 123 W. Mills Ave, Ste 600 ZIP CODE 79901 TELEPHONE 915-877-4300
2. Request is hereby made to vacate the following: (check one)  
Street  Alley  Easement  Other   
Street Name(s) Main Street from Oregon to El Paso St. Subdivision Name \_\_\_\_\_  
Abutting Blocks \_\_\_\_\_ Abutting Lots \_\_\_\_\_
3. Reason for vacation request: \_\_\_\_\_
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
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>333 N. Oregon (Garco)</u>	<u>915-877-4300</u>
<u>[Signature]</u>	<u>401 N. Oregon (Garco)</u>	<u>915-877-4300</u>
<u>[Signature]</u>	<u>123 W. Mills (Centre Plaza)</u>	<u>915-877-4300</u>
<u>Joseph L. Miller</u>	<u>125 PRINCEER</u> <u>(PLAZA THEATER)</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. I/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.

CASHIER'S VALIDATION  
FEE: \$966.00

OWNER SIGNATURE: [Signature]  
REPRESENTATIVE: Joseph L. Miller

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