



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

**Case No:** SURW12-00020 Mills Street Vacation (4<sup>th</sup> consideration)  
**Application Type:** ROW Vacation  
**CPC Hearing Date:** July 9, 2015

**Staff Planner:** Nelson Ortiz, 915-212-1606, [OrtizNX@elpasotexas.gov](mailto: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 has revised their previously approved request to reduce the pedestrian easement from .2558 acre to .1821 acre (survey attached).** The request is 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**

- 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.
- On February 12, 2015, the City Plan Commission approved the third consideration of the Mills Street Vacation which included a portion of Oregon Street and Mills Avenue. The applicant also proposed to dedicate a .2974 ac. utility easement and a .2558 ac. pedestrian easement.

**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.
- That all areas reserved as pedestrian access easements shall fully comply with ADA requirements and that any modifications to pull-in bays (drop-off zones) shall accommodate emergency vehicles.

**Planning Division Recommendation:**

Approval of the Mills Street Vacation and new request with the conditions as stated above.

**Land Development:**

No objection.

**El Paso Water Utilities:**

EPWU has reviewed the utility easement survey provided and we are in agreement with the easement boundaries. EPWU needs to review the surface improvements over the utility easement prior to construction.

**Stormwater Division:**

No comments received.

**Destination El Paso:**

The concern is the reduction in size of the drop off zone directly in front of the Plaza Theatre. Not only is this a drop off zone but it also the location that first responders post themselves at when responding to a call at the Plaza.

**(A condition for approval is in place in order to alleviate this concern.)**

**Capital Improvement Program:**

1. Pedestrian access, complying with State, Federal and local requirements shall be maintained within the area being vacated.
2. Pedestrian connectivity to adjacent public spaces shall be maintained.

**Parks and Recreation:**

No comments received.

**El Paso Fire Department:**

EPFD does not have any objections to the vacation request with the condition that access is maintained and/or remains the same along the curb indentation on the North West Portion of Mills per coordination with the applicant.

**El Paso Electric Company:**

No objections.

**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.
- Recommend that the applicant repair and restore to original condition or better the roadway pavement(s); addressing all pavement cuts, damaged concrete roadway, asphalt pavement, sidewalks and curb and gutters.
- Sidewalks shall also be repaired and restored to original condition or better upon the removal of the fence and anchored poles.
- 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.

**Downtown Management District:**

No comments received.

**Sun Metro:**

Sun Metro does not oppose this ROW vacation request.

**911:**

No comments received.

**Texas Gas Company:**

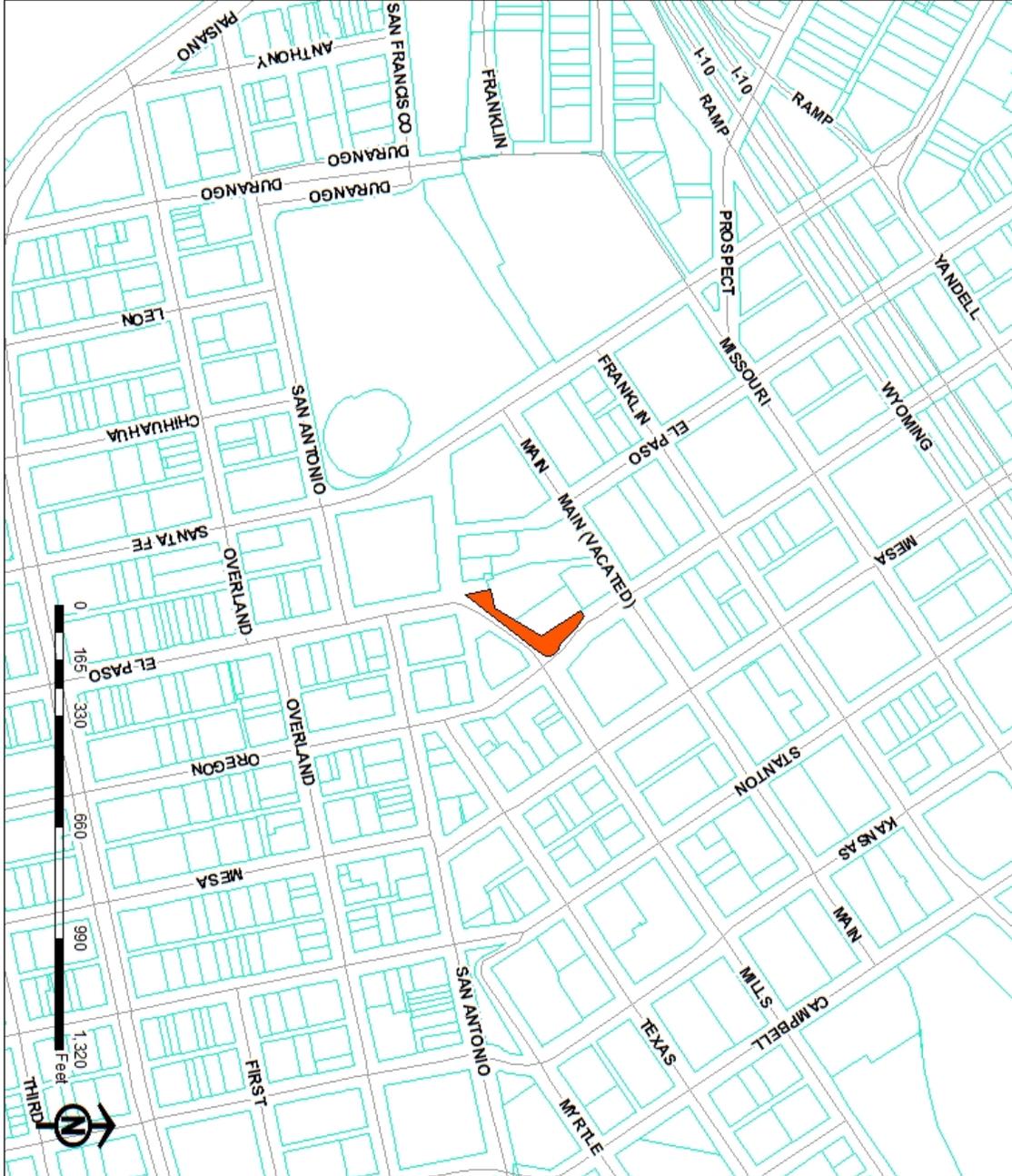
No comments received.

## **Attachments**

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

ATTACHMENT 1

MILLS AVENUE ROW VACATION



ATTACHMENT 2

MILLS AVENUE ROW VACATION









**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: Handicap + Landscaping Improvements for Pedestrians + Sidewalk Curb

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 walk improvements + curbs 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. 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.

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  
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