City of El Paso – City Plan Commission Staff Report

Case No:	PZCR14-00004
Application Type:	Condition Release
CPC Hearing Date:	July 17, 2014
Staff Planner:	Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov
Location:	5670 North Mesa
Legal Description:	Portion of Tract 2A2, A.F. Miller Survey 215, City of El Paso, El Paso County, Texas
Acreage:	0.7121 acres
Rep District:	1
Current Zoning:	C-1/sc (Commercial/special contract)
Existing Use:	Financial Institution
C/SC/SP/ZBA/LNC:	Special contract attached to Ordinance 4928, dated September 7, 1972 (attachment 4)
Request:	Release of special contract imposed by Ordinance No. 4928, dated September 7, 1972
Property Owner:	GECU
Representative:	Daniel Vasquez

SURROUNDING ZONING AND LAND USE
North: C-1/sc/sp (Commercial/special contract/special permit) / Retail
South: C-1/sc (Commercial/special contract) / Restaurant
East: P-R II/sc (Planned-Residential 2/special contract) / Vacant
West: R-3 (Residential) / Middle School

PLAN EL PASO DESIGNATION: G-4 Suburban (Walkable) (Northwest Planning Area)
NEAREST PARK: Galatzan Park (5,722 feet)
NEAREST SCHOOL: Morehead Middle School (1,308 feet)

NEIGHBORHOOD ASSOCIATIONS
Upper Valley Improvement Association
Upper Mesa Hills Neighborhood Association
Coronado Neighborhood Association
Save the Valley

NEIGHBORHOOD INPUT
Notice of a Public Hearing to all property owners within 300 feet of the subject property was mailed June 17, 2014. There have been no communications received in support or opposition to the rezoning request.

APPLICATION DESCRIPTION
The request is to release a special contract imposed on the property by Ordinance No. 4928, dated September 7, 1972 (see attachment 4), which prohibited apartments on the property, imposed setback requirements, and required additional landscaping. The contract release is to permit the construction of a new 2,850 sq. ft. financial institution on the property.

CITY DEVELOPMENT DEPARTMENT -PLANNING DIVISION RECOMMENDATION
The Planning Division recommends **approval** of the condition release request. Planning recommends releasing the special contract conditions as they are no longer necessary and will permit the property to be developed in a manner more consistent with the G-4 Suburban (Walkable) growth sector.

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-1 (Commercial) district is to provide compatible neighborhood convenience goods and services that serve day-to-day needs. Permits locations for business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

COMMENTS:

City Development Department – Planning Division - Transportation
No objections to the condition release.

Note:
All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

City Development Department - Land Development
Recommend approval

City Development Department – Building & Development Permitting
No objections to the proposed condition release

El Paso Fire Department
Recommend "APPROVAL" of "Application" as presented. PZCR14-00004

******NOTE *******
In accordance with the requirements of the Zoning Code Section 20.04.160 Content of application the Fire Planning Division has reviewed the submitted "Detailed Site Plan for the following: Elevations, Perspective of the building, Dimensions, square footage and height of all structures, Number of dwelling units in Multi- family structures, and Driveways as applicable to following sections of the fire code; Sections 503 and Appendix D Fire Apparatus Access Roads, Section 903 Automatic Sprinkler Systems, Section 905 Standpipe Systems. "When required as per section 905.3.1, 905.4 and 905.5 all fire protections system plans shall be submitted separately to Fire Plan Review for further requirements and comments". The Fire Planning Division has reviewed the submitted "Detailed Site Plan Application" as per requirements of the Zoning Code Section 20.04.160 Content of application and has determined that the submission DOES comply within the zoning regulations.

El Paso Water Utilities
We have reviewed the Detailed Site Development Plan request reference above and provide the following comments:

The El Paso Water Utilities – Public Service Board (EPWU-PSB) has existing water and sewer gravity mains located within a 25-foot utility easement. The mains are described in the following paragraphs under their respective sections.

EPWU-PSB requires access to the water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, 7days a week.

EPWU does not object to this request.

Water:
1. There is an existing 8-inch diameter water main extending along Double Tree Ln. available for service. The water main is located approximately 10-ft west from the center line of the right-of-way.

2. There is an existing 12-inch diameter water main extending along a 25-feet utility easement within the subject property, east and parallel to Mesa St. This water min is available for service.

3. EPWU-PSB records indicate one active 2-inch water meter service and one active 1-1/2" yard meter service for 5670 North Mesa.

4. Previous water pressure tests from fire hydrant # 4682 located at the northeast corner of Mesa St. and Double Tree Ln. have yielded a static pressure of 150 (psi) pounds per square inch, a residual pressure of 130 (psi) pounds per square inch, and a discharge of 1482 (gpm) gallons per minute.

5. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

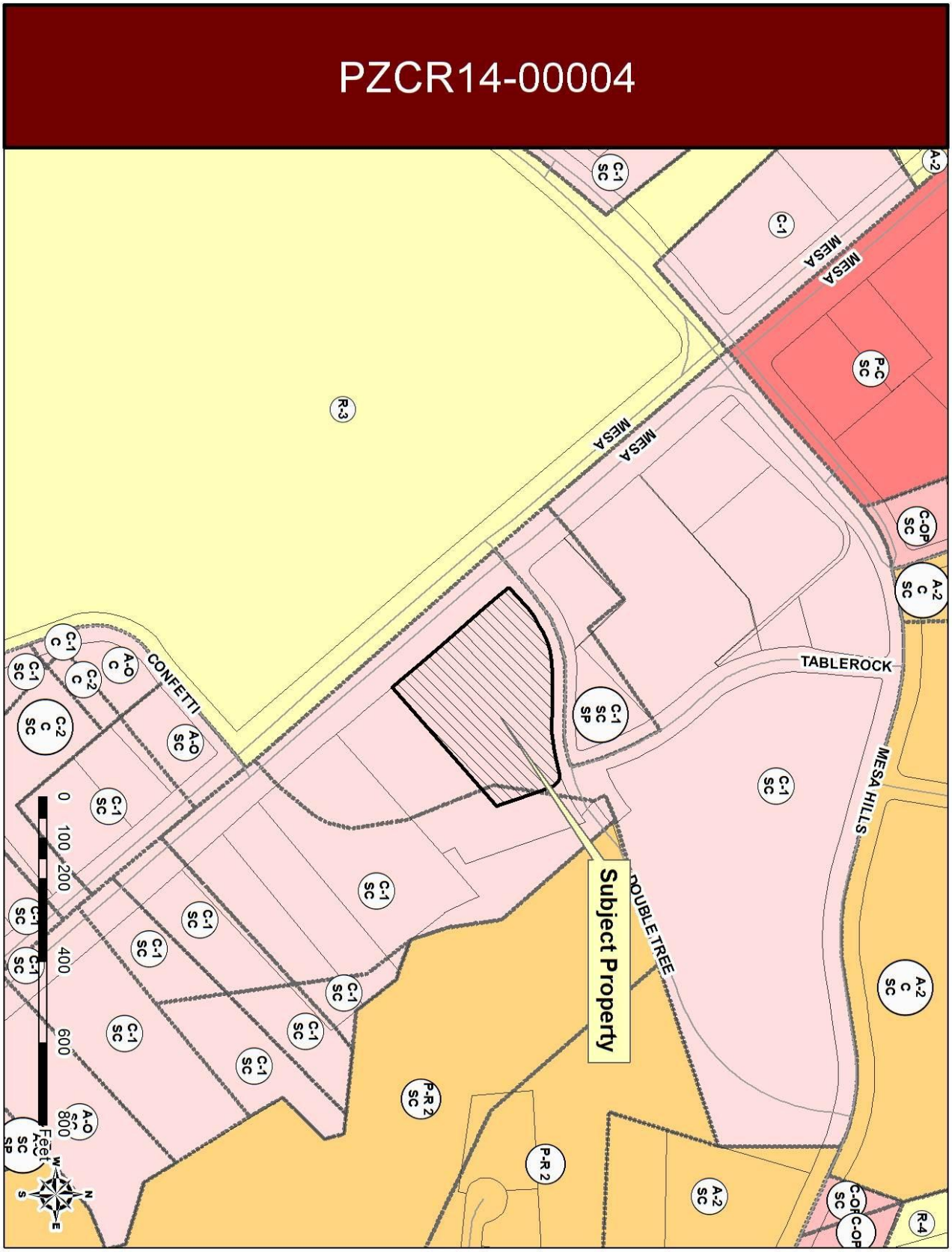
Sanitary Sewer:
1. There is an existing 8-inch diameter sanitary sewer main extending along Double Tree Ln. that is available for service. The sewer main is located approximately 20-ft east from the center line of the right-of-way.

2. There is an existing 12-inch diameter sewer main extending along a 25-feet utility easement within the subject property, east and parallel to Mesa St. This water min is available for service.

General:
1. EPWU requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant 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.

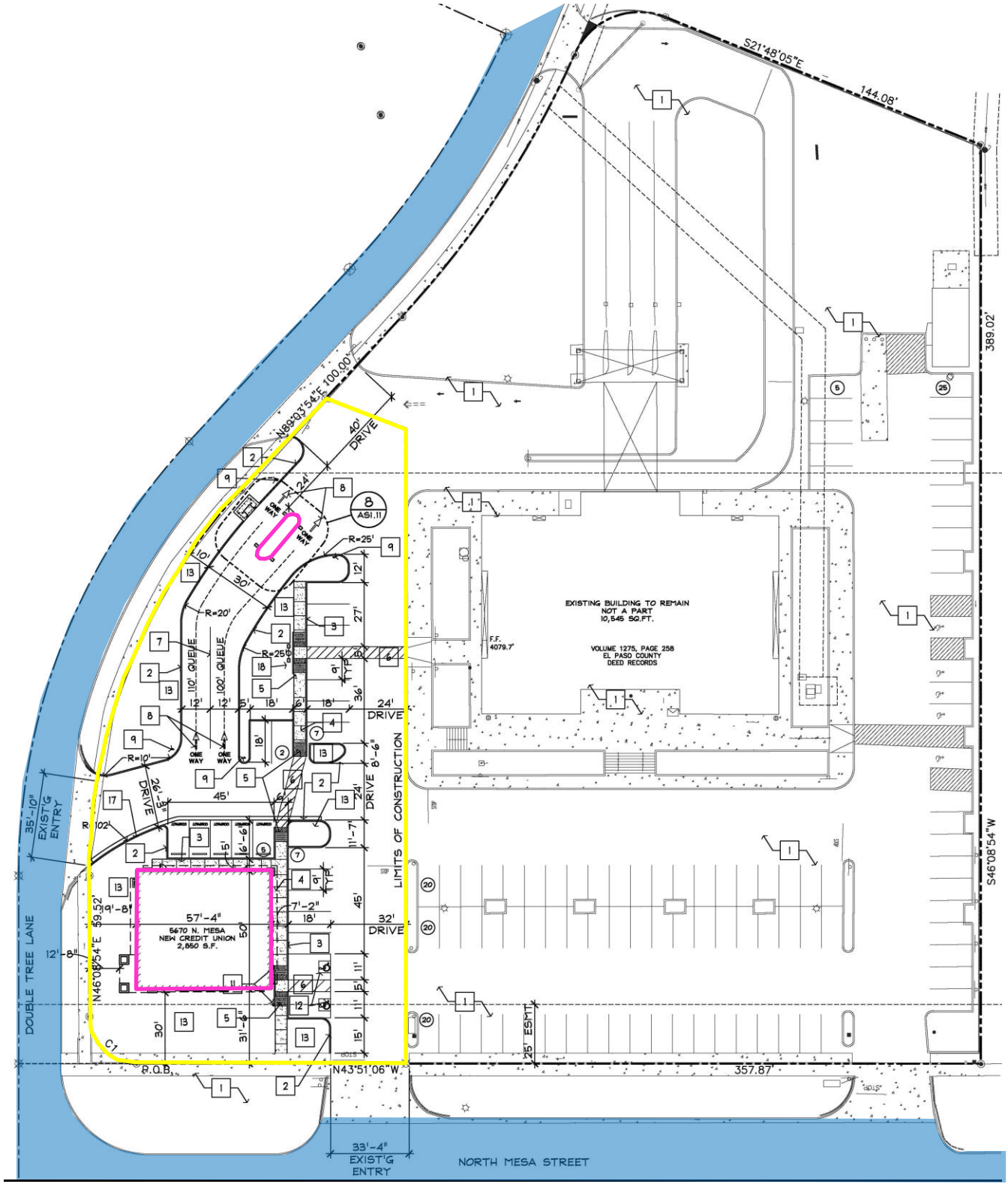
Attachments
1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Ordinance No. 4928

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



AN ORDINANCE CHANGING THE ZONING OF PORTIONS OF TRACTS 2A AND 2F, A. F. MILLER SURVEY 215, AND A PORTION OF TRACT 1A, A. F. MILLER SURVEY, THE PENALTY BEING AS PROVIDED IN SECTION 25-10 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of portions of Tracts 2A and 2F, A. F. Miller Survey 215 and a portion of Tract 1A, A. F. Miller Survey 216, as more particularly described below, be changed as indicated within the meaning of the Zoning Ordinance, and the zoning map of the City be revised accordingly:

Parcel #1 - C-1 Zoning
A portion of A. F. Miller Survey 215, more particularly described by metes and bounds as follows, to wit:

From a point, said point being the intersection of the westerlymost right of way line of Mesa Street with the centerline of Festival Drive; thence North 46° 06' 00" East a distance of 150.00 feet to a point lying in the easterlymost right of way line of Mesa Street; thence North 43° 54' 00" West along said easterlymost right of way line a distance of 1717.84 feet to the point of beginning;

Thence North 43° 54' 00" West along said easterlymost right of way line a distance of 1459.68 feet;

Thence North 46° 06' 00" East a distance of 201.31 feet;

Thence 80.00 feet along the arc of a curve to the left whose interior angle is 10° 47' 28", whose radius is 424.74 feet and whose chord bears North 40° 42' 16" East a distance of 78.88 feet;

Thence 79.76 feet along the arc of a curve to the right whose interior angle is 10° 47' 28", whose radius is 423.51 feet and whose chord bears North 40° 42' 16" East a distance of 79.65 feet;

Thence 534.34 feet along the arc of a curve to the right whose interior angle is 56° 16' 00", whose radius is 544.12 feet and whose chord bears North 74° 14' 00" East a distance of 513.13 feet;

Thence South 77° 38' 00" East a distance of 460.48 feet;

Thence 350.58 feet along the arc of a curve to the left whose interior angle is 32° 44' 21", whose radius is 613.53 and whose chord bears North 85° 59' 50" East a distance of 345.83 feet;

Exhibit "A"

Thence 166.11 feet along the arc of a curve to the right whose interior angle is 20° 46' 16", whose radius is 458.20 feet and whose chord bears North 80° 00' 47" East a distance of 165.20 feet;

Thence 33.70 feet along the arc of a curve to the right whose interior angle is 96° 33' 07", whose radius is 20.00 feet and whose chord bears South 41° 19' 31" East a distance of 29.85 feet;

Thence South 6° 57' 02" West a distance of 92.14 feet;

Thence 279.86 feet along the arc of a curve to the right whose interior angle is 58° 08' 44", whose radius is 275.77 feet and whose chord bears South 36° 01' 24" West a distance of 268.01 feet;

Thence South 65° 05' 46" West a distance of 420.33 feet;

Thence 539.94 feet along the arc of a curve to the left whose interior angle is 93° 35' 28", whose radius is 330.55 feet and whose chord bears South 18° 18' 02" West a distance of 481.88 feet;

Thence South 28° 29' 42" East a distance of 120.50 feet;

Thence 348.93 feet along the arc of a curve to the right whose interior angle is 74° 35' 42", whose radius is 268.01 feet and whose chord bears South 8° 48' 09" West a distance of 324.80 feet;

Thence South 46° 06' 00" West a distance of 20.00 feet to the point of beginning and containing in all 26.045 acres of land more or less.

Parcel #2 - A-O Zoning

A portion of A. F. Miller Survey 215 and a portion of A. F. Miller Survey 216, El Paso County, Texas, more particularly described by metes and bounds, to wit:

From a point, said point being the intersection of the westerlymost right of way line of Mesa Street with the centerline of Festival Drive; thence North 46° 06' 00" East a distance of 150.00 feet to a point lying in the easterlymost right of way line of Mesa Street; thence North 43° 54' 00" West along said easterlymost right of way line a distance of 30.00 feet to the point of beginning;

Thence North 43° 54' 00" West along said easterlymost right of way line a distance of 1627.84 feet;

Thence North 46° 06' 00" East a distance of 20.00 feet;

Thence 427.04 feet along the arc of a curve to the left whose interior angle is 74° 35' 42", whose radius is 328.01 feet and whose chord bears North 8° 48' 09" East a distance of 397.51 feet;

Thence North 28° 29' 42" West a distance of 120.50 feet;

Thence 441.93 feet along the arc of a curve to the right whose interior angle is 93° 35' 28", whose radius is 270.55 feet and whose chord bears North 18° 18' 02" East a distance of 394.41 feet;

Thence North 65° 05' 46" East a distance of 245.00 feet;

Thence South 44° 28' 34" East a distance of 603.62 feet;

Thence South 71° 38' 19" East a distance of 492.05 feet;

Thence South 51° 52' 37" East a distance of 283.47 feet;

Thence South 44° 24' 34" East a distance of 342.96 feet;

Thence South 46° 06' 06" West a distance of 367.76 feet;

Thence South 44° 07' 24" East a distance of 496.02 feet;

Thence South 64° 34' 47" West a distance of 85.00 feet;

Thence 267.42 feet along the arc of a curve to the left whose interior angle is 18° 28' 47", whose radius is 829.12 feet and whose chord bears South 55° 20' 24" West a distance of 266.26 feet;

Thence South 46° 06' 00" West a distance of 517.00 feet to the point of beginning, containing in all 47.303 acres of land, more or less.

PASSED AND APPROVED this 7th day of September, 1972.

Mayor

ATTEST:

City Clerk

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with Mesa Vista, Inc., et al., placing certain restrictions on property rezoned by Ordinance No. 4928.

ADOPTED this 14th day of September, 1972.

Mayor

ATTEST:

City Clerk

122.360'

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to Contract with Leavell Development Company, a Corporation, and El Paso Rock Quarries, Inc., a Corporation, which contract is dated September 5, 1972, and placed certain restrictions, conditions and covenants on portions of Tracts 2A and 2F, A. F. Miller Survey 215 and a portion of Tract 1A, A. F. Miller Survey 216.

ADOPTED this 29 day of December, 1972.

Mayor Ruben Ten

ATTEST:

City Clerk

City Clerk

APPROVED AS TO FORM:

Wade Adkins
Assistant City Attorney

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

BEFORE ME, the undersigned authority, on this day personally appeared [illegible], President of El Paso Rock Quarries, Inc., a Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that the same was the act of said corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and official seal this [illegible] day of [illegible], 197[illegible].

[illegible]
Notary Public in and for El Paso County, Texas.

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

BEFORE ME, the undersigned authority, on this day personally appeared Don M. Pender, Mayor Pro-Tem of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he executed the same for the purposes and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

Given under my hand and official seal this 29 day of December, 197[illegible].

[illegible]
Notary Public in and for El Paso County, Texas.

9/30/78

APPROVED AS TO FORM:

[illegible]
Wade Adkins
Assistant City Attorney

-3-

CONTRACT

This contract, made this 5th day of September, 1972, by and between Mesa Vista, Inc., a corporation, First Party; Charles H. Leavell, H. D. Fulwiler, and Dutchie Boyd, James Egbert Boyd, Jan Boyd Blackwell and Donald P. Bandy (as Independent Executors of the Estate of William E. Boyd, deceased), and Times Enterprises, Inc , a corporation, Second Parties; and the City of El Paso, Third Party, WITNESSETH:

First Party has applied to the City of El Paso for rezoning of portions of Tracts 2A and 2F, A. F. Miller Survey 215 and a portion of Tract 1A, A. F. Miller Survey 216, all in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 4928, now pending before the City Council of the City of El Paso, a copy of which is marked "Exhibit A", attached hereto and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Party covenants that if the property is zoned as indicated in the attached ordinance, it shall be subject to the following restrictions, conditions and covenants:

1. No apartments shall be permitted on the C-1 (commercial) zoned part of the property.

2. Not more than 700 apartment units shall be constructed or maintained on the 47.303 acres of A-O (apartment-office) zoned part of the property. No portion of the land shall have more than an average of 22 apartment units per acre.

3. No building, structure or part thereof shall be constructed on the property closer than 50 feet to the property line which runs along North Mesa Street, except on the northwesterly 250 feet of the C-1 zoned property, a canopy or appurtenance shall be permitted to be constructed no closer than 30 feet to the property line which runs along North Mesa Street.

4 (a). C-1 (commercial) zoned property: Before certificates of occupancy and compliance are issued for any buildings to be constructed on the property, First Party will, at its expense for that portion of the property which is developed, landscape the westerly 50 feet of the property adjacent to North Mesa Street, except the northwesterly 250 feet of the C-1 zoned property. Desert or natural landscaping shall be permitted. No vehicles shall be allowed to stop, stand or park on the westerly 50 feet of the property; however, such 50 feet may be used for utility services, such as water, sewer and gas mains, and electrical service

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a partial release of restrictions which were placed on portions of Tracts 2A and 2F, A. F. Miller Survey #215 and a portion of Tract 1A, A. F. Miller Survey #216, by contract dated September 5, 1972.

ADOPTED this 2d day of September, 1980.

ATTEST:

Thomas D. Westfall
Mayor

City Clerk

I CERTIFY THAT THE FOLLOWING ZONING MAP HAVE BEEN REVISED: 2-B
X COUNTER
ORIGINAL
9-17-80 INITIAL

122.3601
SEP 15 1980
DEPARTMENT OF PLANNING

Ord# 4928 X

Date 8/31/72
City Clerk R.H.G.
ADOPTED
Date 9/7/72
City Clerk R.H.G.

AN ORDINANCE CHANGING THE ZONING OF PORTIONS OF TRACTS 2A AND 2F, A. F. MILLER SURVEY 215, AND A PORTION OF TRACT 1A, A. F. MILLER SURVEY, THE PENALTY BEING AS PROVIDED IN SECTION 25-10 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of portions of Tracts 2A and 2F, A. F. Miller Survey 215 and a portion of Tract 1A, A. F. Miller Survey 216, as more particularly described below, be changed as indicated within the meaning of the Zoning Ordinance, and the zoning map of the City be revised accordingly:

Parcel #1 - C-1 Zoning
A portion of A. F. Miller Survey 215, more particularly described by metes and bounds as follows, to wit:

From a point, said point being the intersection of the westerlymost right of way line of Mesa Street with the centerline of Festival Drive; thence North 46° 06' 00" East a distance of 150.00 feet to a point lying in the easterlymost right of way line of Mesa Street; thence North 43° 54' 00" West along said easterlymost right of way line a distance of 1717.84 feet to the point of beginning;

Thence North 43° 54' 00" West along said easterlymost right of way line a distance of 1459.68 feet;

Thence North 46° 06' 00" East a distance of 201.31 feet;

Thence 80.00 feet along the arc of a curve to the left whose interior angle is 10° 47' 28", whose radius is 424.74 feet and whose chord bears North 40° 42' 16" East a distance of 78.88 feet;

Thence 79.76 feet along the arc of a curve to the right whose interior angle is 10° 47' 28", whose radius is 423.51 feet and whose chord bears North 40° 42' 16" East a distance of 79.65 feet;

Thence 534.34 feet along the arc of a curve to the right whose interior angle is 56° 16' 00", whose radius is 544.12 feet and whose chord bears North 74° 14' 00" East a distance of 513.13 feet;

Thence South 77° 38' 00" East a distance of 460.48 feet;

Thence 350.58 feet along the arc of a curve to the left whose interior angle is 32° 44' 21", whose radius is 613.53 and whose chord bears North 85° 59' 50" East a distance of 345.83 feet;

Thence 166.11 feet along the arc of a curve to the right whose interior angle is 20° 46' 16", whose radius is 458.20 feet and whose chord bears North 80° 00' 47" East a distance of 165.20 feet;

Thence 33.70 feet along the arc of a curve to the right whose interior angle is 96° 33' 07", whose radius is 20.00 feet and whose chord bears South 41° 19' 31" East a distance of 29.85 feet;

Thence South 6° 57' 02" West a distance of 92.14 feet;

Thence 279.86 feet along the arc of a curve to the right whose interior angle is 58° 08' 44", whose radius is 275.77 feet and whose chord bears South 36° 01' 24" West a distance of 268.01 feet;

Thence South 65° 05' 46" West a distance of 420.33 feet;

Thence 539.94 feet along the arc of a curve to the left whose interior angle is 93° 35' 28", whose radius is 330.55 feet and whose chord bears South 18° 18' 02" West a distance of 481.88 feet;

Thence South 28° 29' 42" East a distance of 120.50 feet;

Thence 348.93 feet along the arc of a curve to the right whose interior angle is 74° 35' 42", whose radius is 268.01 feet and whose chord bears South 8° 48' 09" West a distance of 324.80 feet;

Thence South 46° 06' 00" West a distance of 20.00 feet to the point of beginning and containing in all 26.045 acres of land more or less.

Parcel #2 - A-O Zoning

A portion of A. F. Miller Survey 215 and a portion of A. F. Miller Survey 216, El Paso County, Texas, more particularly described by metes and bounds, to wit:

From a point, said point being the intersection of the westerlymost right of way line of Mesa Street with the centerline of Festival Drive; thence North 46° 06' 00" East a distance of 150.00 feet to a point lying in the easterlymost right of way line of Mesa Street; thence North 43° 54' 00" West along said easterlymost right of way line a distance of 30.00 feet to the point of beginning;

Thence North 43° 54' 00" West along said easterlymost right of way line a distance of 1627.84 feet;

Thence North 46° 06' 00" East a distance of 20.00 feet;

Thence 427.04 feet along the arc of a curve to the left whose interior angle is 74° 35' 42", whose radius is 328.01 feet and whose chord bears North 8° 48' 09" East a distance of 397.51 feet;

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Thence 441.93 feet along the arc of a curve to the right whose interior angle is 93° 35' 28", whose radius is 270.55 feet and whose chord bears North 18° 18' 02" East a distance of 394.41 feet;

Thence North 65° 05' 46" East a distance of 245.00 feet;

Thence South 44° 28' 34" East a distance of 603.62 feet;

Thence South 71° 38' 19" East a distance of 492.05 feet;

Thence South 51° 52' 37" East a distance of 283.47 feet;

Thence South 44° 24' 34" East a distance of 342.96 feet;

Thence South 46° 06' 06" West a distance of 367.76 feet;

Thence South 44° 07' 24" East a distance of 496.02 feet;

Thence South 64° 34' 47" West a distance of 85.00 feet;

Thence 267.42 feet along the arc of a curve to the left whose interior angle is 18° 28' 47", whose radius is 829.12 feet and whose chord bears South 55° 20' 24" West a distance of 266.26 feet;

Thence South 46° 06' 00" West a distance of 517.00 feet to the point of beginning, containing in all 47.303 acres of land, more or less.

PASSED AND APPROVED this 17th day of September, 1972.

Mayor

ATTEST:

City Clerk

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED: Joe Parsons

10-24-72 COUNTER

10-24-72 ORIGINAL

10-24-72 Bldg Inspection

10-25-72 CONTROL

10-24-72 EDP

I certify that the zoning map has been revised to reflect the amendment of ordinance #4928

By ..... Date 10-25-72

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

BEFORE ME, the undersigned authority, on this day personally appeared Thomas D. Westfall--, Mayor of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he had executed the same for the purposes and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 8th day of Sept, 1980.

Billie Jean Branham
Notary Public, El Paso County, Texas

My Commission Expires:
6/30/84

BILLIE JEAN BRANHAM, Notary Public
In and for the County of El Paso, Texas
My commission expires _____

122.3601
SEP 15 1980
PLANNING