



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

**Case No:** PZCR12-00005  
**Application Type:** Zoning Condition Release  
**CPC Hearing Date:** July 26, 2012  
**Staff Planner:** Esther Guerrero, 915-541-4720, [guerreroex@elpasotexas.gov](mailto:guerreroex@elpasotexas.gov)  
**Location:** 5940 Cadiz Street  
**Legal Description:** Lot 254, Block 17, Coronado Hills, Section No. 1, City of El Paso, El Paso County, Texas  
**Acreage:** .13 acre  
**Rep District:** 8  
**Zoning:** A-O/sc (Apartment/Office/special contract)  
**Existing Use:** Single-family home and office  
**Request:** Release conditions imposed per Ordinance No. 8343 and special contract dated April 30, 1985 (Attachment 5)  
**Property Owner:** Anthony Rallis  
**Representative:** Sandra Hering

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

**North:** R-3 (Residential / single-family residential)  
**South:** R-3 (Residential) / single-family residential, Crestmont Park  
**East:** R-3 (Residential / single-family residential)  
**West:** R-3/sp (Residential/special permit) / church

**Plan El Paso Designation:** G-3 – Post-War (Northwest Planning Area)

**Nearest Park:** Crestmont Park (237 feet)

**Nearest School:** L.B. Johnson Elementary (8,223 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Mesa Hills Neighborhood Association, Save the Valley, Upper Mesa Hills Neighborhood Association, Coronado Neighborhood Association, Upper Valley Improvement Association

### **NEIGHBORHOOD INPUT**

Notices of the July 26, 2012 public hearing were mailed to all property owners within 300 feet of the subject property on July 9, 2012. The Planning Division has not received any calls or letters in favor or in opposition to this request.

### **APPLICATION DESCRIPTION**

The request is to release all conditions on the property imposed by the Ordinance No. 8343, and special contract dated April 30, 1985 (Attachment 5).

The conditions imposed are as follows:

1. The property shall only be used as a doctor's office.
2. Prior to the issuance of any building permits, a detailed site development plan must be approved by the City Plan Commission and the City Council.

The applicant proposes the use of the building for a professional office/insurance agency.

### **CITY DEVELOPMENT DEPARTMENT-PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends the following:

-Release zoning condition no. 1 in its entirety;

-Amend zoning condition no. 2 to read: that “prior to the issuance of any building permits, a detailed site development plan shall be reviewed and approved per City Code”; and add the following condition:

-Prohibit vehicular access from subject property onto Sunland Park Drive.

### **Plan El Paso-Future Land Use Map Designation**

All applications for zoning condition releases shall demonstrate compliance with the following criteria:

**G-3 – Post-War:** This sector applies to transitional neighborhoods typically developed from the 1950’s 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 A-O (Apartment/Office) medium density residential district is to promote and preserve residential development within the City associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain non-residential uses and support facilities.

### **City Development Department Section Comments**

#### **Traffic Section**

-No objections to the proposed condition release.

-No vehicular access shall be provided from the subject property onto Sunland Park Drive.

#### **Permits & Inspections**

No comments received.

#### **Land Development**

-Grading plan and permit shall be required.\*

-Storm Water Pollution Prevention Plan and/or permit required.\*

-Drainage plans must be approved by the City Development Department, Land Development Section.\*

-This Property is within SFHA Flood Zone A1 – Panel # 480214 0027D, dated January 3, 1997.\*

\* This requirement will be applied at the time of development.

### **Fire Department**

No comments received.

### **El Paso Water Utilities**

1. EPWU does not object to the release of the zoning conditions

#### **Water:**

2. There is an existing 12-inch diameter water main that extends along Cadiz Street fronting the eastern boundary of the Subject Property (5940 Cadiz Street). This water main is available for service.

3. There is an existing 8-inch diameter water main that extends along Cadiz Street fronting the eastern boundary of the Subject Property (5940 Cadiz Street). This water main is available for service.

4. EPWU records indicate a 3/4-inch water meter serving the subject property. The service address for this meter is 5940 Cadiz Street.

#### **Sewer:**

5. There is an existing 8-inch diameter sanitary sewer main that extends along Cadiz Street fronting the eastern boundary of the Subject Property (5940 Cadiz Street). This sanitary sewer main is available for service.

#### **General:**

6. 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.

#### **CITY PLAN COMMISSION OPTIONS**

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the zoning condition release application:

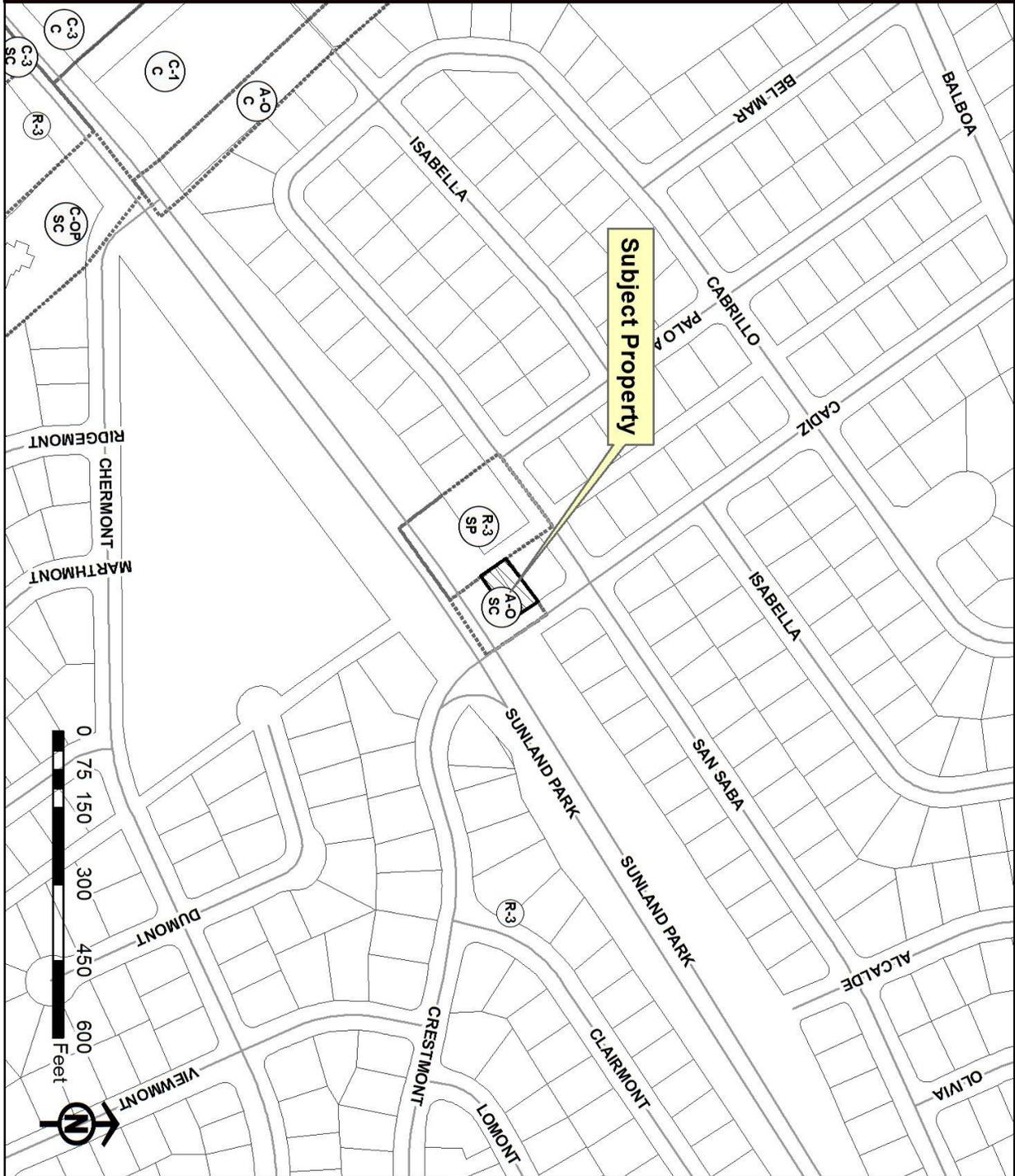
1. Recommend approval of the application finding that it is in conformance with the review criteria for Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring it into conformance with the review criteria for Plan El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that it does not conform to the review criteria for Plan El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

#### **Attachments**

1. Zoning Map
2. Aerial Map
3. Existing Site Plan
4. Proposed Site Plan
5. Ordinance No. 8343

ATTACHMENT 1: ZONING MAP

PZCR12-00005

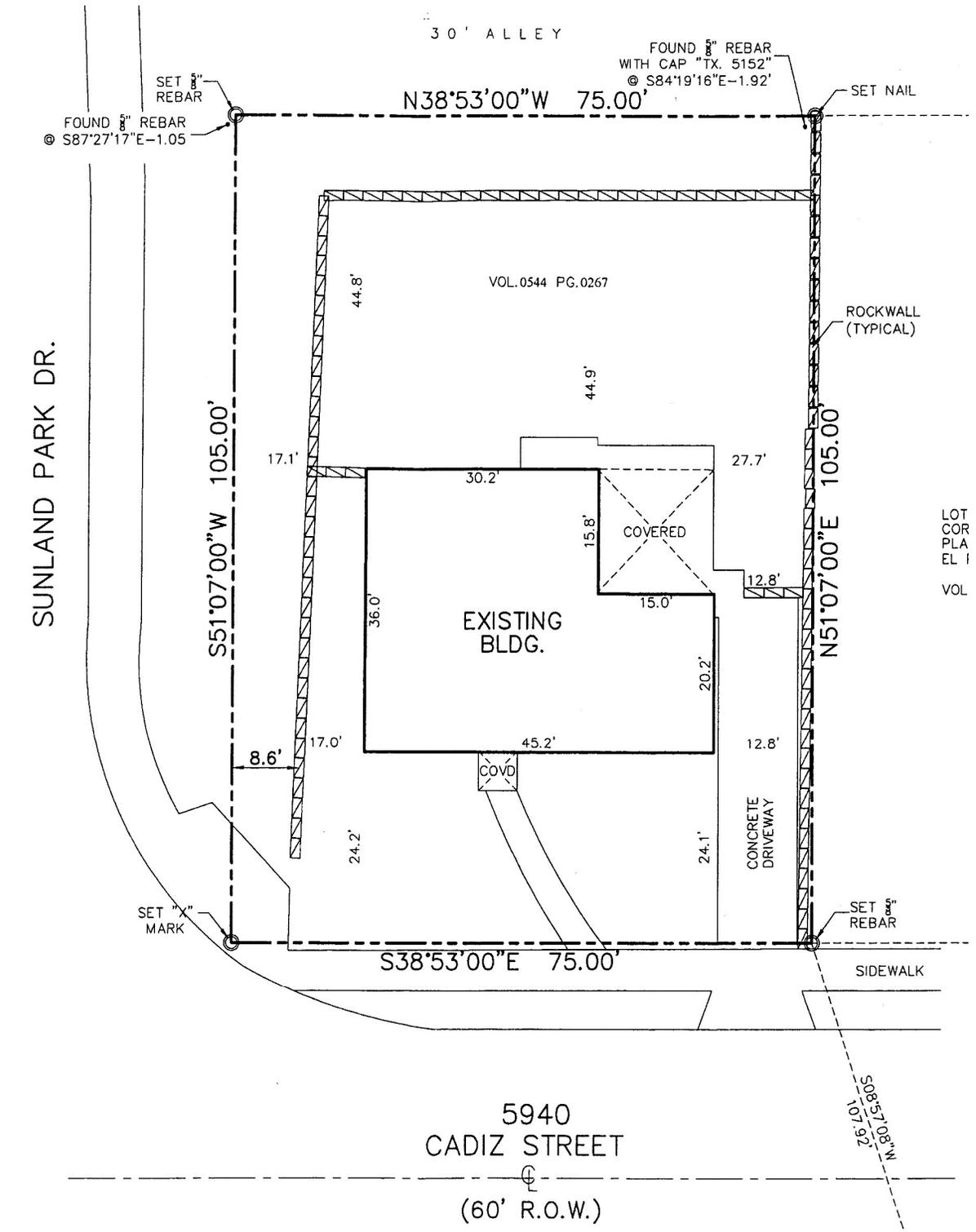


ATTACHMENT 2: AERIAL MAP

PZCR12-00005



**ATTACHMENT 3: EXISTING SITE PLAN**





ATTACHMENT 5: ORDINANCE NO. 8343

ORD. No. 8343  
Date of Introduction 4-30-85  
Date of ADOPTION 4-30-85  
City Clerk [Signature]

**8343**

AN ORDINANCE CHANGING THE ZONING OF LOT 254, BLOCK 17, CORONADO HILLS, UNIT 1, THE PENALTY BEING AS PROVIDED IN SECTION 25-96 OF THE EL PASO CITY CODE

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

That the zoning of Lot 254, Block 17, Coronado Hills, Unit 1, be changed from R-3 (Residential) to A-O (Apartment/Office) 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 30<sup>th</sup> day of APRIL, 1985.

[Signature]  
Mayor

ATTEST:  
[Signature]  
City Clerk

APPROVED AS TO FORM:  
[Signature]  
Assistant City Attorney

APPROVED AS TO CONTENT:  
[Signature]  
Planning Department

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED: L.P.  
5-6-85 COUNTER  
5-6-85 ORIGINAL  
5-6-85 CONTROL  
[Signature]

I certify that the zoning map has been revised to reflect the amendment of ordinance #8343  
by [Signature] Date 5-6-85  
**8343**

Contract pending dated 4-30-85

85-5041  
MAY -2 1985  
DEPARTMENT OF PLANNING

RESOLUTION

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

That the Mayor be authorized to sign a contract with ANTHONY T. RALLIS and MARY ANN RALLIS, First Parties, LOMAS AND NETTLETON, Second Party, MANUEL CHAVIRA, Third Party, CORONADO BANK, Fourth Party, and the CITY OF EL PASO as Fifth Party, placing certain restrictions, conditions and covenants on the property being rezoned by Ordinance No. 8343 and better known as Lot 254, Block 17, Coronado Hills Unit 1, City and County of El Paso, Texas.

ADOPTED this 30<sup>th</sup> day of April, 1985

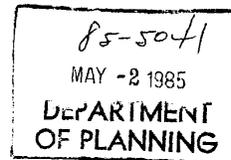
Mayor

ATTEST:

W. Kiegers  
City Clerk

APPROVED AS TO FORM:

Assistant City Attorney



CONTRACT CASE #85-5041

THIS CONTRACT, made this 30<sup>th</sup> day of APRIL, 1985, by and between ANTHONY T. RALLIS and MARY ANN RALLIS, First Parties, LOMAS AND NETTLETON, Second Party, MANUEL CHAVIRA, Third Party, CORONADO BANK, Fourth Party, and the CITY OF EL PASO, Fifth Party, witnesseth:

Application has been made to the City of El Paso for rezoning Lot 254, Block 17, Coronado Hills, Unit 1, City and County of El Paso, Texas. To remove certain objections to such rezoning, First, Second, Third and Fourth Parties covenant that if the property is rezoned from R-3 (Residential) District to A-O (Apartment/office) District, 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. The property shall only be used as a doctor's office.
2. Prior to the issuance of any building permits, a detailed site development plan must be approved by the City Plan Commission and the City Council.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First, Second, Third and Fourth 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.

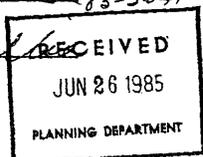
The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby, and without affecting 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

Ord. 8347  
4-30-85

*[Signature]*  
Anthony T. Rallis 85-5041  
*[Signature]*  
Mary Ann Rallis



LOMAS AND NETTLETON  
Second Party

By R. Jon Meier  
Title Vice President

ATTEST:

Bertha Ramirez  
Secretary

Third Party

Manuel Chavira  
Manuel Chavira

CORONADO BANK  
Fourth Party

By G. Shaw, Jr.  
Title Asst. Vice Pres

ATTEST:

N/A by virtue of by-law  
Secretary

THE CITY OF EL PASO  
Fifth Party

[Signature]  
Mayor

ATTEST:

[Signature]  
City Clerk

APPROVED AS TO CONTENT:

[Signature]  
Planning Department

APPROVED AS TO FORM:

[Signature]  
Assistant City Attorney

THE STATE OF TEXAS )  
                                  )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 21 day  
of May, 1985, by ANTHONY T. RALLIS AND MARY ANN  
RALLIS.

Karen Thomas  
Notary Public, State of Texas

My Commission Expires:  
KAREN THOMAS  
Notary Public for State of Texas  
My commission Expires February 13, 1988

THE STATE OF TEXAS )  
                                  )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 7th day  
of May, 1985, by R. Jon Meier, 85-5041  
representative for LOMAS AND NETTLETON.

[Signature]  
Notary Public, State of Texas

 LINDA PRICE  
Notary Public, State of Texas  
My Commission Expires 2-22-1988

RECEIVED  
JUN 26 1985  
PLANNING DEPARTMENT

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 17th day  
of May, 1985, by MANUEL CHAVIRA.

Bessie Ramirez  
Notary Public, State of Texas

My Commission Expires:

3-20-88

This instrument was acknowledged before me on this 7th day  
of May, 1985, by J.C. Shore, Jr.  
representative for CORONADO BANK.

Henry L. Blakey  
Notary Public, State of Texas

My Commission Expires:

2-5-89

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 30<sup>th</sup> day  
of April, 1985, by JONATHAN W. ROGERS, as Mayor  
of the City of El Paso.

Gene Boyer  
Notary Public, State of Texas

My Commission Expires:

11/21/87

