



City of El Paso – City Plan Commission Staff Report
REVISED

Case No: PZCR14-00005
Application Type: Condition Release
CPC Hearing Date: August 28, 2014
Staff Planner: Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov
Location: 1614 Jose Bombach Drive
Legal Description: Parcel 1: Portion of Lot 8, Block 6, Maria Seanes Estates, Unit 1, being a portion of Section 8, Block 79, Township 3, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas
Parcel 2: Portion of Lot 8, Block 6, Maria Seanes Estates, Unit 1, being a portion of Section 8, Block 79, Township 3, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas
Parcel 3: Portion of Lot 8, Block 6, Maria Seanes Estates, Unit 1, being a portion of Section 8, Block 79, Township 3, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas
Acreage: Parcel 1: 0.9298 acres
Parcel 2: 0.0609 acres
Parcel 3: 0.5722 acres
Rep District: 6
Current Zoning: Parcel 1: C-1/c (Commercial/condition)
Parcel 2: C-1/sc (Commercial/special contract)
Parcel 3: R-3A/c/sp (Commercial/condition/special permit)
Existing Use: Vacant
C/SC/SP/ZBA/LNC: Parcel 1: Conditions imposed by Ordinance No. 14578, dated August 15, 2000
Parcel 2: Special contract imposed by Ordinance No. 8054, dated May 15, 1984
Parcel 3: Conditions imposed by Ordinance No. 14578, dated August 15, 2000
Request: Release of special contract and all conditions (related to rezoning application PZRZ14-00024)
Proposed Use: Shopping center
Property Owner: Tepabe Properties, LLC
Representative: Georges Halloul

SURROUNDING ZONING AND LAND USE

North: R-3 (Residential) & R-3A/c/sp (Residential/condition/special permit) / Single family homes & Vacant
South: C-3/sc (Commercial/special contract) / Vacant
East: C-1/c (Commercial/condition) & R-3 (Residential)/ Vacant
West: R-3/c/sp (Residential/condition/special permit) / Single-Family Homes

PLAN EL PASO DESIGNATION: G-4 Suburban (Walkable) (East Planning Area)

NEAREST PARK: Walter Clarke Park (235 feet)

NEAREST SCHOOL: Captain Walter E. Clarke Middle School (1,123 feet)

NEIGHBORHOOD ASSOCIATIONS

Eastside Civic Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on July 30, 2014. The Planning Division has received one phone call and **one letter** in opposition to the condition

release request.

CASE HISTORY

Parcel 1:

Ordinance No. 14578 (Attachment 4), approved August 15, 2000, rezoned the Parcel 1 (identified as Parcel 5 in the ordinance) from R-3 to C-1 and imposed conditions as follows:

1. *No building permits shall be issued for Parcels 1 to 5 until a subdivision plat has been approved by the City Plan Commission and recorded with the El Paso County Clerk.*
2. *No building permits shall be issued for Parcel 1 until a special permit for planned residential development and a detailed site development plan have been approved by the El Paso City Plan Commission and City Council.*
3. *The following uses shall be prohibited within Parcel 5:*
 - a. *Banks or other similar financial institutions, drive-in or otherwise.*
 - b. *Theaters*
 - c. *Garage, community, parking lot.*
 - d. *Temporary non –accessory tents for special purposes.*
 - e. *Temporary non-accessory amusement park.*
 - f. *Swimming pools.*
 - g. *Railroad right-of-way.*
 - h. *Automotive tune-up service.*
 - i. *Automobile and light truck lubrication service.*
 - j. *Outdoor flea market.*
 - k. *Retail shopping center.*

Condition #1 of Ordinance No. 14578 for Parcel 1 has been satisfied. Condition #2 does not apply to this parcel. Condition #3 remains in effect.

Parcel 2:

A special contract dated May 15, 1984 (Attachment 5), attached to Ordinance No. 8054, rezoned the property from R-3 (Residential) to A-O (Apartment-Office) and imposed the following condition:

1. *First Party shall file a subdivision plat for said parcels prior to the issuance of building permits.*

The condition of Ordinance No. 8054 for Parcel 2 has been satisfied.

Ordinance No. 14578, approved August 15, 2000, rezoned the subject property (Parcel 6 in the ordinance) from A-O/sc (Apartment-Office/special contract) to C-1/sc (Commercial/special contract), but did not impose any conditions on this parcel of land.

Parcel 3:

Ordinance No. 14578, approved August 15, 2000, rezoned Parcel 3 (identified as a portion of Parcel 1 in the ordinance) from R-3 to R-3A and imposed conditions as follows:

1. *No building permits shall be issued for Parcels 1 to 5 until a subdivision plat has been approved by the City Plan Commission and recorded with the El Paso County Clerk.*
2. *No building permits shall be issued for Parcel 1 until a special permit for planned residential development and a detailed site development plan have been approved by the El Paso City Plan Commission and City Council.*
3. *The following uses shall be prohibited within Parcel 5:*
 - a. *Banks or other similar financial institutions, drive-in or otherwise.*
 - b. *Theaters*

- c. *Garage, community, parking lot.*
- d. *Temporary non –accessory tents for special purposes.*
- e. *Temporary non-accessory amusement park.*
- f. *Swimming pools.*
- g. *Railroad right-of-way.*
- h. *Automotive tune-up service.*
- i. *Automobile and light truck lubrication service.*
- j. *Outdoor flea market.*
- k. *Retail shopping center.*

Condition #3 does not apply to this parcel. Conditions #1 and #2 have been satisfied.

Ordinance No. 14603, dated September 5, 2000, granted Special Permit SU-00008 (Attachment 6) to allow for a planned residential development. While the majority of the property granted the special permit has been developed accordingly, the small portion comprising Parcel 3 has remained vacant.

As part of the rezoning request City Council will be asked to repeal the special permit.

APPLICATION DESCRIPTION

The property owner is requesting a condition release. The property is currently vacant and is 0.5722 acres in size. The conceptual site plan proposes a 15,000 sq. ft. shopping center for 12 tenant spaces. The development requires 50 parking spaces and provides 54, including 3 ADA accessible spaces and bicycle parking. A 10' landscape buffer is proposed at the rear along residentially-zoned properties. Access is proposed from Vista del Sol with additional egress-only on Jose Bombach.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval with conditions** of the condition release request as follows:

1. *That a ten (10) foot wide landscaped buffer with high-profile native trees of at least three (3) inch caliper and ten (10) feet in height shall be placed at fifteen (15) feet on center along all property lines abutting residentially-zoned properties. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, shall be irrigated and maintained by the property owner at all times, and shall be installed prior to the issuance of any certificates of occupancy.*
2. *Vehicle egress only shall be permitted on Jose Bombach, and shall be accompanied by one-way and left-turn only signage and striping.*

Most of the conditions on the property have been satisfied; the use restrictions that remain are inconsistent with the commercial zoning that presently characterizes the area. Furthermore, with appropriate considerations to protect nearby residential properties, a C-1 (Commercial) neighborhood-serving zoning district is an appropriate transitional zoning district between more intensive commercial uses and residential uses which the subject property is adjacent to.

Plan El Paso-Future Land Use Map Designation

All applications for a rezoning 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 (Neighborhood 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 - Planning Division - Transportation

No objections.

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 – Building & Development Permitting

No objections to condition release.

City Development Department – Landscape Review

No objections.

City Development Department - Land Development

No objections.

El Paso Fire Department

No objections.

El Paso Water Utilities

EPWU does not object to this request.

Water:

1. There is an existing 8-inch diameter water main extending along Joe Bombach that is available for service, the water main is located approximately 8-ft east from the center line of the right-of-way.
2. There is an existing 12-inch diameter water main extending along Vista Del Sol Drive that is available for service, the water main is located approximately 35-ft north from the center line of the right-of-way.

Sanitary Sewer:

1. There is an existing 8-inch diameter sanitary sewer main extending along Joe Bombach that is available for service, the sewer main is located approximately 5-ft west from the center line of the right-of-way.
2. There is an existing 12-inch diameter sanitary sewer main extending along Vista Del Sol Drive that is available for service, the sewer main is located approximately 24-ft south from the center line of the right-of-way.

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:

Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan

Attachment 4: Ordinance No. 14578

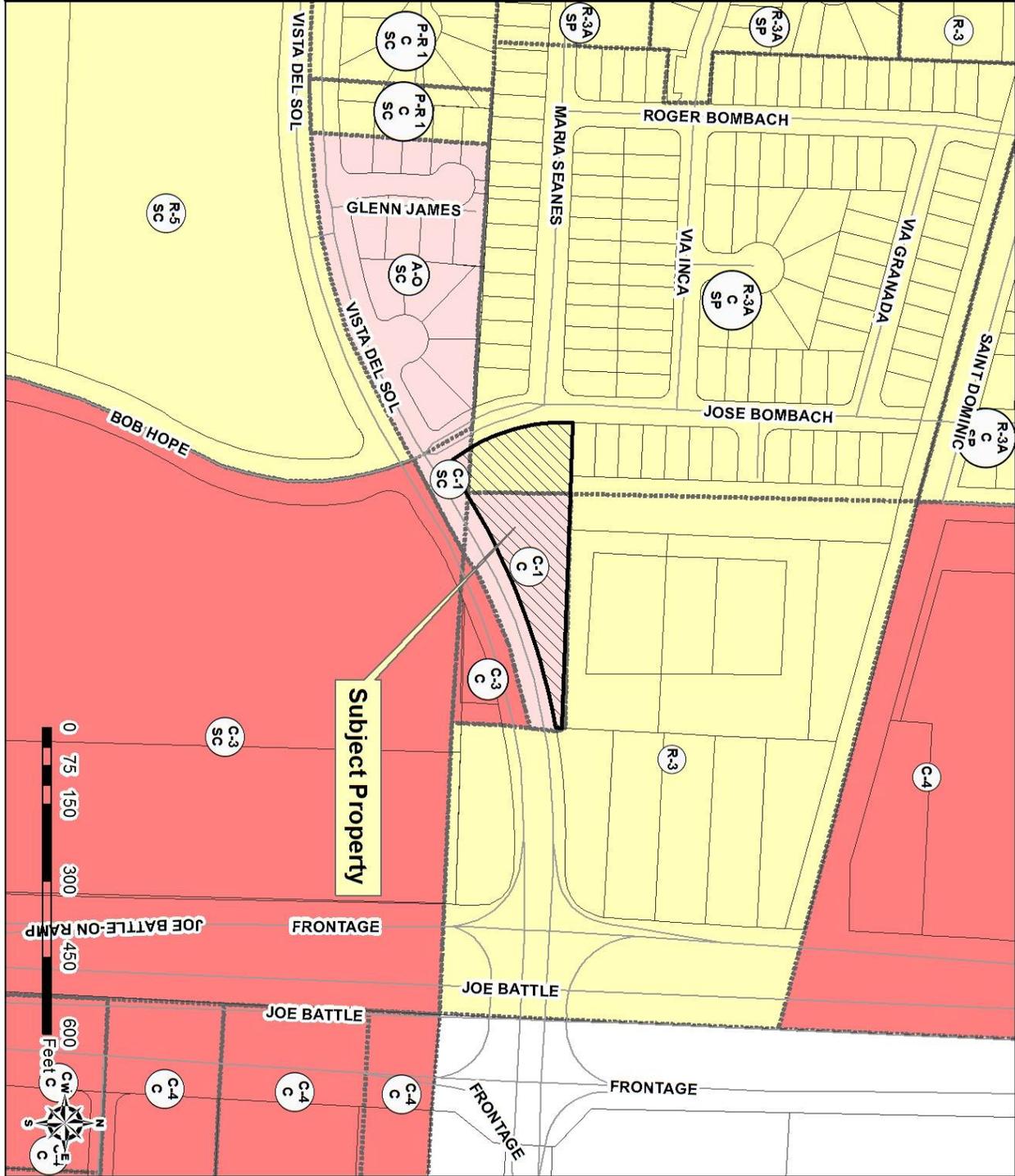
Attachment 5: Special Contract dated May 15, 1984, attached to Ordinance No. 8054

Attachment 6: Ordinance No. 14603 granting Special Permit SU-00008

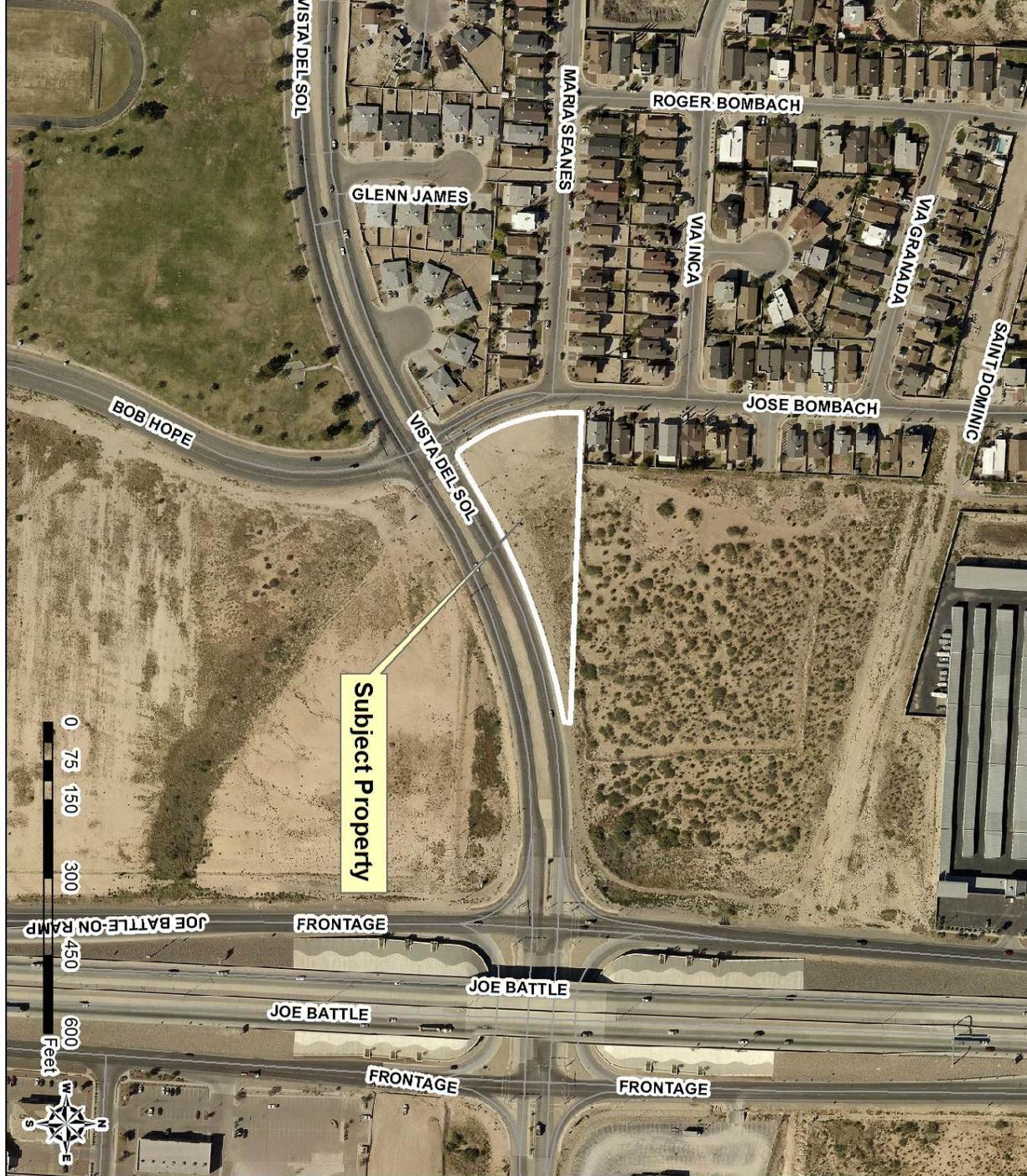
Attachment 7: Opposition Letter

ATTACHMENT 1: ZONING MAP

PZCR14-00005



PZCR14-00005



ORDINANCE NO. 014578

AN ORDINANCE CHANGING THE ZONING OF TRACTS 17C15, 17C30, 17C31, 17C38, 17C47, 17C51, 17C54, 17C65, 17C76, 17C77, 17C78, 17C79, 17C97, 17C98, 17C120, 17C130, 17C145, 17C155, 17C162, 17C163, SECTION 8, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILROAD SURVEYS, AND PORTIONS OF LOTS 13 AND 14, BLOCK 572, VISTA DEL SOL UNIT 150, CITY OF EL PASO, EL PASO COUNTY, TEXAS (12200 BLOCK OF VISTA DEL SOL DRIVE) AS FOLLOWS: PARCEL 1, FROM R-3 (RESIDENTIAL) TO R-3A/C (RESIDENTIAL/CONDITIONS); PARCEL 2, FROM R-3 (RESIDENTIAL) TO RMH (RESIDENTIAL MOBILE HOME/CONDITIONS); PARCEL 3, FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL/CONDITIONS); PARCEL 4, FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL/CONDITIONS); PARCEL 5, FROM R-3 (RESIDENTIAL) TO C-1/C (COMMERCIAL/CONDITIONS); AND PARCEL 6, FROM A-O/SC (APARTMENT-OFFICE/SPECIAL CONTRACT) TO C-1/SC (COMMERCIAL/SPECIAL CONTRACT); AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.

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

That the zoning of *Tracts 17C15, 17C30, 17C31, 17C38, 17C47, 17C51, 17C54, 17C65, 17C76, 17C77, 17C78, 17C79, 17C97, 17C98, 17C120, 17C130, 17C145, 17C155, 17C162, 17C163, Section 8, Block 79, Township 3, TEXAS AND PACIFIC RAILROAD SURVEYS, and portions of Lots 13 and 14, Block 572, VISTA DEL SOL UNIT 150, City of El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibits "A" - "E", be changed, within the meaning of the zoning ordinance, as follows:

- Parcel 1: from R-3 (Residential) to R-3A/c (Residential/conditions);
- Parcel 2: from R-3 (Residential) to RMH (Residential Mobile Home/conditions);
- Parcel 3: from R-3 (Residential) to C-1 (commercial/conditions);
- Parcel 4: from R-3 (Residential) to C-3 (commercial/conditions);
- Parcel 5: from R-3 (Residential) to C-1/c (commercial/conditions); and
- Parcel 6: from A-0/sc (Apartment-Office/special contract) to C-1/sc (Commercial/special contract)

and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning as noted above, in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

CJC:pmc/#72157

ORDINANCE NO. 014578

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7/19/00

Zoning Case No. ZC-00036

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ATTACHMENT 4: ORDINANCE NO. 14578 (CONTINUED)

1. No building permits shall be issued for Parcels 1 to 5 until a subdivision plat has been approved by the El Paso City Plan Commission, and filed and recorded with the El Paso County Clerk.
2. No building permits shall be issued for Parcel 1 until a special permit for planned residential development and a detailed site development plan have been approved by the El Paso City Plan Commission and City Council.
3. The following uses shall be prohibited within Parcel 5:
 - a. Banks or other similar financial institutions, drive-in or otherwise.
 - b. Theaters.
 - c. Garage, community, parking lot.
 - d. Temporary non-accessory tents for special purposes.
 - e. Temporary non-accessory amusement park.
 - f. Swimming pools.
 - g. Railroad right-of-way.
 - h. Trade schools.
 - i. Automotive tune-up service.
 - j. Automobile and light truck lubrication service.
 - k. Outdoor flea market.
 - l. Retail shipping center.

These conditions run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity of this Ordinance.

PASSED AND APPROVED this 15th day of August, 2000.

THE CITY OF EL PASO



Carlos M. Ramirez, P.E.
Mayor

ATTEST:



Carolee Butler
City Clerk

(Signatures continue on following page)

CJC:pmc#72157

ORDINANCE NO. 14578

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7/19/00

Zoning Case No. ZC-00036

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APPROVED AS TO FORM:

Carolyn J. Celum
Carolyn J. Celum
Assistant City Attorney

APPROVED AS TO CONTENT:

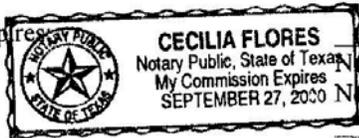
Alfonso Vasquez, Jr.
Alfonso Vasquez, Jr.
Dept. of Planning, Research & Development

Acknowledgment

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 15th day of August, 2000, by CARLOS M. RAMIREZ, P.E. as Mayor of **THE CITY OF EL PASO.**

My Commission Expires:



Cecilia Flores
Notary Public, State of Texas
Notary's Printed or Typed Name:

CJC:pmc/#72157

ORDINANCE NO. 14578

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7/19/00

Zoning Case No. ZC-00036

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THE STATE OF TEXAS)
COUNTY OF EL PASO)

CONTRACT

THIS CONTRACT, made this 15th day of May, 1984, by and between 311 JOINT VENTURE, a Texas Joint Venture composed of George D. Thomas, Inc., a Texas Corporation, and My Part of Texas, Inc., a Texas Corporation, First Party, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning a portion of Tract 17A, Section 8, Block 79, T&PRR Co. Surveys, and a portion of Tracts 1 and 2, O.A. Danielson Survey #311, City and County of El Paso, Texas, which are more particularly described by metes and bounds in the attached Exhibits "A" through "Q" which is made a part hereof by reference. To remove certain objections to such rezoning, First Party covenants that if the property is rezoned from R-3 (Residential) District to A-0 (Apartment/Office - Parcel 1), A-2 (Apartment - Parcel 2), R-3A (Residential - Parcel 3), R-3A (Residential - Parcel 4), C-2 (Commercial - Parcel 5), R-5 (Residential - Parcel 6), C-4 (Commercial - Parcel 7), C-2 (Commercial - Parcel 8), C-1 (Commercial - Parcel 9), C-2 (Commercial - Parcel 10), C-1 (Commercial - Parcel 11), P-R1 (Planned Residential - Parcel 12), R-4 (Residential - Parcel 13), A-2 (Apartment - Parcel 14), C-3 (Commercial - Parcel 15), A-0 (Apartment/Office - Parcel 16), and C-3 (Commercial - Parcel 17) C-1 (Commercial - Parcel 18) within the meaning of the zoning ordinance of the City of El Paso,

(First Party shall file a subdivision plat for said parcels prior to) the issuance of building permits.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its 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

84-4942
Ord. # 8054

El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

FIRST PARTY
#311 Joint Venture

By [Signature]
George D. Thomas, President
GEORGE D. THOMAS, INC.

ATTEST:

Secretary _____

By [Signature]
Richard C. Ellington President
MY PART OF TEXAS, INC.

ATTEST:

Secretary _____

THE CITY OF EL PASO
Second Party

By [Signature]
Mayor

ATTEST:

[Signature]
City Clerk

APPROVED AS TO CONTENT:

[Signature]
Planning, Research and
Development

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 14 day of MAY, 1984, by GEORGE D. THOMAS, President of George D. Thomas, Inc.

My Commission Expires:
9-8-85

[Signature]
Notary Public, State of Texas

This instrument was acknowledged before me on this 14 day of MAY, 1984, by Richard C. Ellington, President of My Part in Texas, Inc.

My Commission Expires:
September 8, 1984

[Signature]
Notary Public, State of Texas

84-4942
Ord # 8054

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ORDINANCE NO. 014603

ORDINANCE GRANTING SPECIAL PERMIT NO. SU-00008, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON TRACTS 17C65, 17C76, 17C77, 17C78, 17C97, 17C98, 17C120, 17C162, 17C163, SECTION 8, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, AND A PORTION OF LOTS 13 AND 14, BLOCK 572, VISTA DEL SOL UNIT 150, EL PASO, EL PASO COUNTY, TEXAS (12200 BLOCK OF VISTA DEL SOL DRIVE) PURSUANT TO SECTION 20.12.040A (ZONING) OF THE EL PASO MUNICIPAL CODE.

WHEREAS, JNC Land Co., Inc. has applied for a Special Permit under Section 20.12.040A of the El Paso Municipal Code, to allow for a planned residential development;

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

- 1. That the property described as follows is in an R-3A (Residential) District:

Tracts 17C65, 17C76, 17C77, 17C78, 17C97, 17C98, 17C120, 17C162, 17C163, Section 8, Block 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, and a portion of Lots 13 and 14, Block 572, VISTA DEL SOL UNIT 150, El Paso, El Paso County, Texas, as more particularly described in the attached and incorporated Exhibit "A", and municipally known and numbered as the 12200 Block of Vista Del Sol Drive; and

- 2. That a planned residential development is authorized by Special Permit in R-3A (Residential) districts under Section 20.12.040A of the El Paso Municipal Code; and

- 3. That the requirements for a planned residential development under Section 20.12.040A have been satisfied; and

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ORDINANCE NO. 14603

Special Permit #SU-00008

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4. That the City Council hereby grants a Special Permit under Section 20.12.040A of the El Paso Municipal Code, to allow a planned residential development on the above-described property; and

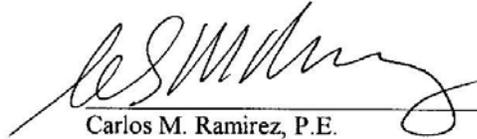
5. That this Special Permit is issued subject to the development standards in the R-3A (Residential) district regulations and subject to the approved Site Development Plan, signed by the Applicant, the Mayor and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; and

6. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued; and

7. That if the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. SU-00008** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

PASSED AND APPROVED this 5th day of September, 2000.

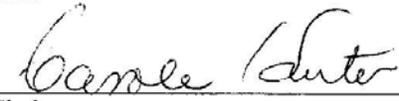
THE CITY OF EL PASO



Carlos M. Ramirez, P.E.

Mayor

ATTEST:



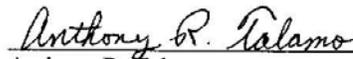
Camille Hunter
City Clerk

APPROVED AS TO FORM:



Carolyn J. Celum
Assistant City Attorney

APPROVED AS TO CONTENT:



Anthony R. Talamo
Dept. of Planning, Research & Development

CJC:pmc#71583/ZON/PLAY7

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7/20/00

ORDINANCE NO. 14603

Special Permit #SU-00008

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ATTACHMENT 7: OPPOSITION LETTER

From: RichaSot@aol.com
To: [McElroy, Michael](#)
Cc: RichaSot@aol.com
Subject: Preserve Wildlife Land
Date: Monday, August 25, 2014 1:40:33 PM

We as El Pasoans need to incorporate and focus more on preserving spaces in our community for our peace of mind. We need to be more aware and acknowledge our wildlife animals and their habitats just like we are aware of our growing community. Since 2005 the building of Joe Battle Freeway the populations of many wildlife conservation have been killed off, close to extinction. I've had the pleasure in seeing Coyotes and other wildlife in action in their natural habitat, roaming free. It's heartbreaking to say that the Far East of El Paso has become too commercialize with highways and acres of unsold homes still "in the building process." There is no more room, nor respect or compassion for the beauty of nature and wildlife. We need spaces that are untouched sanctuaries for our wildlife as a refuge for them. Please put aside greed and help me and others to keep El Paso's true beauty in mind and heart.

Nature Advocate, Stephanie Sotelo

(915) 478-3647