



City of El Paso – City Plan Commission Staff Report

Case No: PZCR11-00003 (Related PZRZ11-00049)
Application Type: Zoning Condition Release
CPC Meeting Date: November 17, 2011
Staff Planner: Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

Location: North of Marcus Uribe Drive and East of Martin King Jr. Drive
Legal Description: All of North Hills Unit Eight, City of El Paso, El Paso County, Texas
Acreage: 57.958 acres
Rep District: 4
Zoning: R-5/c/sc (Residential/condition/special contract)
Existing Use: Vacant and Single-family dwellings
Request: Release all conditions imposed by Ordinance No. 8953 dated March 10, 1987 and Ordinance No. 9647 dated March 7, 1989
Proposed Use: Residential mixed use

Property Owner: North Hills Housing I, LP
Applicant: North Hills Housing I, LP
Representative: Conde, Inc.

SURROUNDING ZONING AND LAND USE

North: R-3A/sc (Residential/special contract) / Single-family residential
South: R-3A/sc (Residential/special contract) / Single-family residential and A-O/sc (Apartment/Office/special contract) / Elementary School
East: R-F (Ranch and Farm) / Vacant
West: R-3A/sc (Residential/special contract) / Single-family residential

THE PLAN FOR EL PASO DESIGNATION: Residential (Northeast Planning Area)

NEAREST PARK: City Park (294 feet)

NEAREST SCHOOL: Dr. Nixon Elementary (directly to the south)

NEIGHBORHOOD ASSOCIATIONS

North Hills Neighborhood Pride Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on November 1, 2011. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

APPLICATION DESCRIPTION

The applicant is requesting to release all the special contract conditions imposed by Ordinance No. 8953, dated March 10, 1987 (see attachment 4). The conditions imposed on the subject property are as follows:

- 1. Each parcel must be subdivided before any building permits will be issued for said parcel.*
- 2. An additional ten feet of right-of-way shall be required on each side of War Road. This requirement will be imposed at subdivision platting.*
- 3. Prior to the issuance of any certificates of occupancy for a building for Parcels 1, 5, 9, 10, 14, 19, 23, and 26, the property owner must provide additional paving, turning lanes major deceleration lanes for all streets that intersect War Road.*

4. *First Party shall extend drainage structures across the War Road right-of-way to the full extent required by the Texas State Department of Highways and Public Transportation.*
5. *First Party shall contribute a pro-rata share of the future cost to the City for improvement of War Road to the New Mexico border. Contribution is to be made at the time of February 19, 1987, which was 4349.57. Alternatively, the First Party may, at his option, at any time, pay the remaining contribution due on all acreage within the above-referenced tracts for which final plats have not been approved by the City Plan Commission.*
6. *Upon selection of a park site by the City, First Party agrees to dedicate to the City seventeen and one-half (17 ½) acres for a park site and one-half of the necessary street right-of-way adjacent to such site, and one-half of the cost of paving, curbs and gutters of the streets abutting the park site.*
7. *Upon selection of a suitable site by the City out of Parcel 5, First Party agrees to dedicate to the City a site 158 feet by 175 feet for use as a fire station.*
8. *First Party agrees to sell to the El Paso Independent School District approximately ten (10) acres out of the subject property at the same price which First Party purchased the property from the City, plus taxes and interest from the time of purchases, to the time of sale to the School District. Development of streets shall be as provided in the Warranty Deed between the parties, dated July 29, 1986, regarding the subject property.*

Conditions 1-8 above were placed on the subject property as part of a larger rezoning request. Conditions 1-8 have all been satisfied.

The applicant is also requesting to release all the zoning conditions imposed by Ordinance No. 9647, dated March 7, 1989 (see attachment 5). The conditions imposed on the subject property are as follows:

1. *Not more than three hundred (300) dwelling units shall be constructed on the property,*
2. *Any single-family detached dwellings constructed on the property must have a minimum lot size of five thousand (5,000) square feet,*
3. *No building permit shall be issued until a detailed site development plan has been reviewed by the City Plan Commission and approved by El Paso City Council.*

The above conditions were placed on subject property as part of a large parcel of land and Conditions #1 and #2 have been satisfied by the existing development. Condition #3 is not required as the Master Zoning Plan will comply with detailed site plan requirement at time of building permit.

This zoning condition release request is associated with rezoning case PZRZ11-00049.

PLANNING AND ECONOMIC DEVELOPMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the zoning condition release request.

The Plan for El Paso-City-Wide Land Use Goals

All applications for rezoning shall demonstrate compliance with the following criteria:

- a. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.
- b. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.
- c. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character.
- d. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.

The purpose of the R-MU (Residential Mixed Use) district to accommodate, encourage and promote innovatively designed developments involving neighborhood-serving residential and commercial land uses, which together form an attractive and harmonious unit of the city. The regulations of this district are intended to allow for developments that are intended by their size and nature of operation to provide service

to a neighborhood. It is intended that the district regulations permit uses that are compatible with the residential areas that the uses serve, and allow flexibility and encourage more creative, efficient and aesthetically desirable design and placement of land uses.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for zoning condition release and offered no objections to Planning Staff's recommendation for **APPROVAL**.

Engineering & Construction Management Services Department – Plan Review

No comments received.

Engineering & Construction Management Service Department - Land Development

- Land development has no objections.
- Engineering Civil plans are required for grading and drainage issues.
- Grading Permit is required.

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

Department of Transportation

No objections to the proposed condition release.

Fire Department

No objections.

Park Department

We do not object to the removal of condition #6 however, all parkland and recreational facilities within this development (North Hills #8) shall remain "Private".

EPWU

We have reviewed the rezoning referenced above and provide the following comments:

1. EPWU does not object to this request.

EPWU-PSB Comments

Water

2. There are existing water mains that extend along the public rights-of-way within the subject property.
3. EPWU records indicate active water meters serving each residence within the subject property.

Sanitary Sewer:

4. There are existing sanitary sewer mains that extend along the public rights-of-way within the subject property.

General:

5. Application for new water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. 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.

CITY PLAN COMMISSION OPTIONS

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

1. Recommend approval of the application finding that the zoning condition release is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.

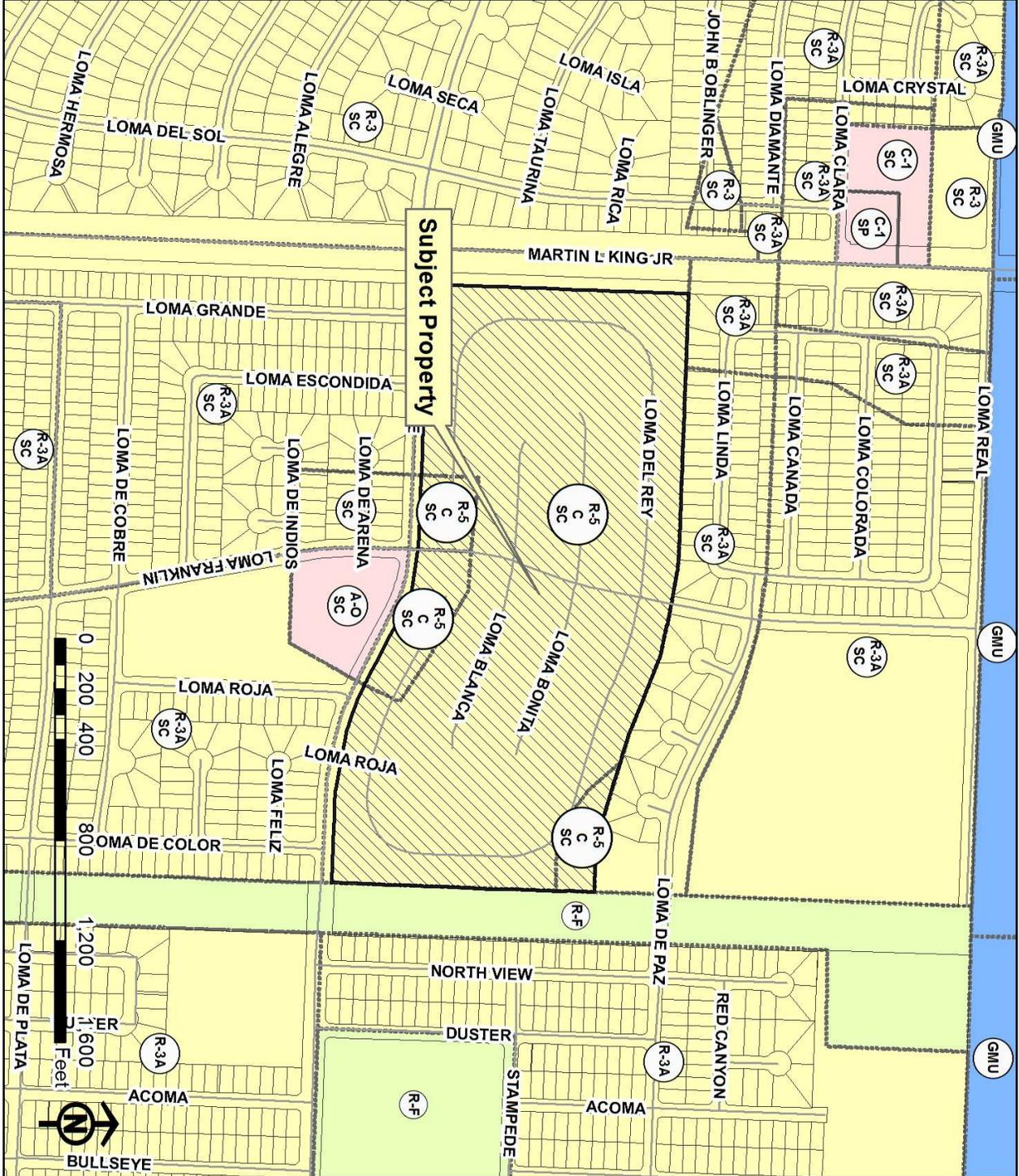
2. Recommend approval of the application with modifications to bring the zoning condition release into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the zoning condition release does not conform to the review criteria in The Plan for 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. Conceptual Site Plan
4. Ordinance No. 8953 dated March 10, 1987
5. Ordinance No. 9647, dated March 7, 1989

ATTACHMENT 1: ZONING MAP

PZCR11-00003

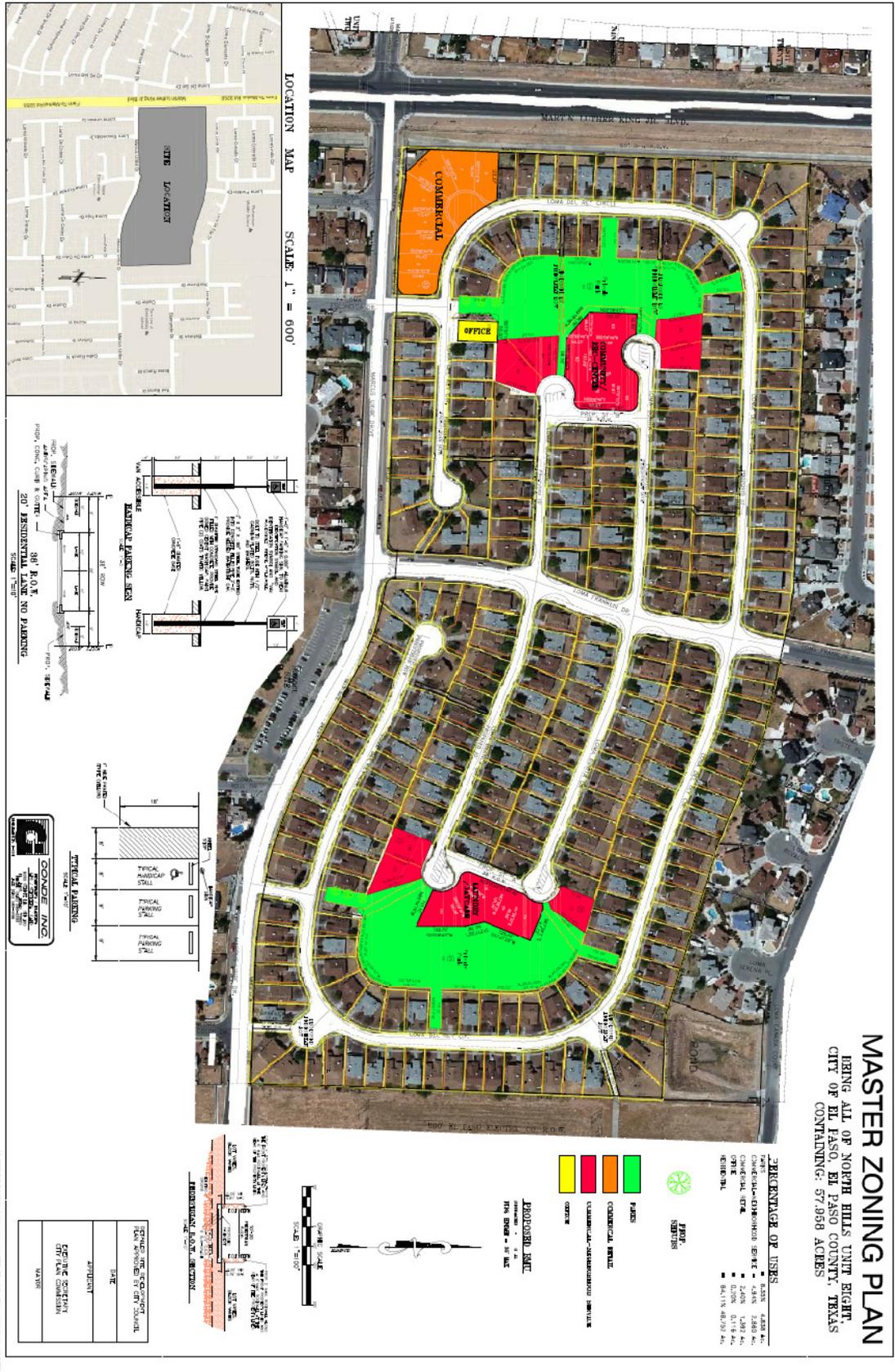


ATTACHMENT 2: AERIAL MAP

PZCR11-00003



ATTACHMENT 3: CONCEPTUAL SITE PLAN



ATTACHMENT 4: ORDINANCE NO. 8953, DATED MARCH 10, 1987

#8953

THE STATE OF TEXAS)
)
COUNTY OF EL PASO) CONTRACT

THIS CONTRACT, made this 10th day of March, 1987, by and between FOSTER-SCHWARTZ DEVELOPMENT CORP., First Party, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning of portions of Sections 22, 23, and 27, Block 81, TSP 1, T&PRR Co. Surveys, City and County of El Paso, Texas, which is more particularly described by metes and bounds in the attached Exhibits "1" through "24" and "26" through "27," which are made a part hereof by reference. To remove certain objections to such rezoning, First Party covenants that if the property is rezoned in the manner described in the attached Exhibit "A," 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. Each parcel must be subdivided before any building permits will be issued for said parcel.
2. An additional ten feet of right-of-way shall be required on each side of War Road. This requirement will be imposed at subdivision platting.
3. ~~Prior~~ Prior to the issuance of any certificates of occupancy for a building for Parcels 1, 5, 9, 10, 14, 19, 23 and 26, the property owner must provide additional paving, turning lanes ~~and~~ or deceleration lanes for all streets that intersect War Road.

The final design and specifications for the street improvement plans shall be subject to the approval of the State Department of Highways and Public Transportation and the City's Director of Traffic and Transportation.

4. First Party shall extend drainage structures across the War Road right-of-way to the full extent required by the Texas State Department of Highways and Public Transportation.
5. First Party shall contribute a pro-rata share of the future cost to the City for improvement of War Road to the New Mexico border. Contribution is to be made at the time of

February 19, 1987, which was 4349.57. Alternatively, the First Party may, at his option, at any time, pay the remaining contribution due on all acreage within the above-referenced tracts for which final plats have not been approved by the City Plan Commission.

6. Upon selection of a park site by the City, First Party agrees to dedicate to the City seventeen and one-half (17½) acres for a park site and one-half of the necessary street right-of-way adjacent to such site, and one-half of the cost of paving, curbs and gutters of the streets abutting the park site.
7. Upon selection of a suitable site by the City out of Parcel 5, First Party agrees to dedicate to the City a site 158 feet by 175 feet for use as a fire station.
8. First Party agrees to sell to the El Paso Independent School District approximately ten (10) acres out of the subject property at the same price which First Party purchased the property from the City, plus taxes and interest from the time of purchases, to the time of sale to the School District. Development of streets shall be as provided in the Warranty Deed between the parties, dated July 29, 1986, regarding the subject property.

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 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.

FOSTER-SCHWARTZ DEVELOPMENT CORP.
FIRST PARTY

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1st = 12



ATTACHMENT 5: ORDINANCE NO. 9647, DATED MARCH 7, 1989

#9647

Planning

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AN ORDINANCE CHANGING THE ZONING OF
A PORTION OF SECTION 22, BLOCK 81,
TSP 1, T&P RR CO. SURVEYS
AND IMPOSING CERTAIN CONDITIONS.
THE PENALTY BEING AS PROVIDED IN
SECTION 20.68.010 OF THE EL PASO CITY CODE.

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

That the zoning of Parcel 1: A portion of Section 22, Block 81, TSP 1, T&P RR Co. Surveys, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from R 3A (Residential) to R-5 (Residential) within the meaning of the zoning ordinance, and;

That the zoning of Parcel 2: A portion of Section 22, Block 81, TSP 1, T&P RR Co. Surveys, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from C- (Commercial) to R-5 (Residential) within the meaning of the zoning ordinance, and;

That the zoning of Parcel 3 and Parcel 4: A portion of Section 22, Block 81, TSP 1, T&P RR Co. Surveys, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from A-O (Apartment/Office) to R- (Residential) within the meaning of the zoning ordinance, and;

That the property be subject to the following condition which are necessitated by and attributable to the increase in intensity of use generated by the change of zoning from R-3 (Residential), from C-1 (Commercial), and from A-

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(Apartment/Office) to R-5 (Residential), in order to protect the health, safety and welfare of adjacent property owners and the residents of the city:

1. Not more than three hundred (300) dwelling units shall be constructed on the property (61.47 acres) described in Exhibit "A".
2. Any single-family detached dwellings constructed on the property must have a minimum lot size of five thousand (5,000) square feet.
3. No building permit shall be issued until a detailed Site Development Plan has been reviewed by the City Plan Commission and approved by El Paso City Council.

These conditions run with the land, are a charge and servitude thereon, and bind the current property owners 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 restrictions, conditions and covenants 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 7th day of March, 1989.

THE CITY OF EL PASO

Mayor

Jonathan W. Rogers

ATTEST:

Carole Hunter
City Clerk

SIGNATURES CONTINUE ON NEXT PAGE

I CERTIFY THAT THE FOLLOWING ZONING
 HAVE BEEN REVISED: J.R.
3-9-89 COUNTER
3-9-89 ORIGINAL
3-9-89 CONTROL

Bldg Department
Rogers

I certify that the zoning map has been revised to
 reflect the amendment of ordinance # 964
R. Brail 3-9-89

APPROVED AS TO FORM:

Brenda N. McDonald
Assistant City Attorney

APPROVED AS TO CONTENT:

Randy Valdez
Department of Planning
Research and Development

ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day
of _____, 1989, by JONATHAN W. ROGERS, as Mayor of
the CITY OF EL PASO.

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

My Commission Expires:

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