City of El Paso – City Plan Commission Staff Report

Case No:	PZRZ14-00048 (Related to Condition Release Application PZCR14-00008)
Application Type:	Rezoning
CPC Hearing Date:	December 4, 2014
Staff Planner:	Andrew Salloum, 915-212-1613, salloumam@elpasotexas.gov
Location:	6927 N. Mesa Street
Legal Description:	Tracts 1A and 1C, A.F. Miller Survey No. 211 and Tracts 15J, 15J1A, and 15J1B, A.F. Miller Survey No. 213, City of El Paso, El Paso County, Texas
Acreage:	2.0838 acres
Rep District:	8
Current Zoning:	C-1/sc (Commercial/special contract)
Existing Use:	Office
C/SC/SP/ZBA/LNC:	Special Contract: Ordinance No. 5714 dated March 25, 1976 (see Attachment #4)
Request:	From C-1/sc (Commercial/special contract) to C-3 (Commercial)
Proposed Use:	Commercial Development (supermarket, retail, and offices)
Property Owner:	CSM Realty Holdings, LTD
Representative:	SLI Engineering, Inc.

SURROUNDING ZONING AND LAND USE
North: C-3/sc (Commercial/special contract) / Retail
South: C-3/sc (Commercial/special contract) / Vacant; P-RII (Planned Residential II) / Town homes
East: C-3/sc (Commercial/special contract) / Vacant
West: C-1(Commercial) / Medical office complex

PLAN EL PASO DESIGNATION: G-4, Suburban (Walkable) (Northwest Planning Area)
NEAREST PARK: Irwin Lambka Park (2,809 feet)
NEAREST SCHOOL: Coronado High School (742 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 was mailed to all property owners within 300 feet of the subject property on November 5, 2014. The Planning Division received an e-mail in opposition to the rezoning request (Attachment #5).

CASE HISTORY
On March 25, 1976, the City Council approved a rezoning request for the subject property from A-O (Apartment/Office) to C-1/sc (Commercial/special contract) and imposed special contract conditions by Ordinance No. 5714. The applicant is requesting to release all of the conditions on the related condition release application PZCR14-00008. The conditions are summarized below (see Attachment #4):

1. *No building permits shall be issued for construction on the property until complete and detailed site development and architectural plans of the proposed development have been submitted by First Parties and approved by the City Plan Commission of the City of El Paso.* See Attachment #4.

2. *No certificates of occupancy and compliance shall be issued by the City for any buildings constructed on the property until First Parties have… installed… sidewalks…* See Attachment #4.
3. *No median openings shall be permitted in the Mesa Avenue traffic median adjacent to the property,* See Attachment #4.
4. *No storm water runoff from the property shall be discharged into Mesa Avenue. See Attachment #4.*
5. *If application is ever made to the City to add the property to the districts designated as nonresidential so as to permit the sale of alcoholic beverage as provided…* See Attachment #4.
6. *No billiard hall or skill or pleasure coin-operated machine establishment shall be permitted on the property…* See Attachment #4.

APPLICATION DESCRIPTION

The applicant is requesting to rezone the subject property from C-1/sc (Commercial/special contract) to C-3 (Commercial) to allow for commercial development. The subject property is 2.0838 acres in size and is currently used as an office. The existing structure is proposed to be demolished. There is an existing 7.064 acres, C-3 (Commercial) zoned parcel to the east and south of the subject property which is owned by the applicant. Rezoning the subject property will allow the applicant to develop all of their property as C-3 (Commercial). The conceptual site plan shows a 50,000 sq. ft. supermarket, three restaurant and retail buildings, and two two-story retail and office buildings. Access to the subject property is proposed from Mesa Street and Pitt Street. This application is related to condition release application PZCR14-00008.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of rezoning the subject property from C-1/sc (Commercial/special contract) to C-3 (Commercial). The recommendation is based on the compatibility with surrounding land use and the existing C-3 (Commercial) zoned properties to the north, south, and east of the subject property and the compliance with the Plan El Paso land use designation, G-4, Suburban (Walkable) in the Northwest Planning Area.

Plan El Paso- Future Land Use Map Designation

All applications for 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-3 (Commercial) district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

COMMENTS:

Open Space Advisory Board

On November 12, 2014, the OSAB voted 7-0 to recommend approval of the rezoning request.

Planning Division - Transportation

Traffic Impact Analysis (TIA) is not required.

Note:
All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall follow the City of El Paso Design Standards for Construction and be ADA/TAS compliant.

El Paso Department of Transportation
Traffic Impact Analysis (TIA) is not required.

Texas Department of Transportation
Developer need to submit master grading and drainage plans to TxDOT for Review and approval as well as the landscaping plan. Developer needs to submit a request for access to TxDOT and a master plan for entire frontage to Mesa St. (SH-20).

City Development Department – Building and Development Permitting
Recommend approval of proposed rezoning. At time of building permit application, the project will need to conform to all provision of the IBC, ADA and local municipal code.

City Development Department - Land Development
1. Show drainage flow patterns of proposed development.
2. All developed storm water runoff shall be addressed within the subdivision limits and shall comply with all provisions of (DSC, 19.19.010 and DDM, 11.1).
3. Coordination with TXDOT for access and drainage is required.

Fire Department
The Fire Department has no objections to the rezoning case of PZRZ14-00048.

Police Department
EPPD does not have any concern or comments.

El Paso Water Utilities
EPWU does not object to this request.

Mesa Street is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Mesa Street right-of-way requires written permission from TxDOT.

Water
There is an existing 16-inch diameter water main extending along Mesa Street. The water main is located approximately 25-ft north of the property's northern boundary line. No direct service connections are allowed to these mains as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

There is an existing 24-inch diameter water transmission main extending along Mesa St. The main is located approximately 10 feet north of the right of way center line. No direct service connections are allowed to these mains as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

There is an existing 6-inch diameter water main that extends along Pitt St. this main is available for service. The main is located approximately 10 feet west of the street centerline.

Previous water pressure tests from fire hydrant #1551 located on Mesa St approximately 680 feet east of the intersection of Mesa St and Pitt St. have yielded a static pressure of 98 (psi) pounds per square inch, a residual pressure of 86 (psi) pounds per square inch, and a discharge of 1186 (gpm) gallons per minute. 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.

EPWU records indicate three active 1 1/2-inch water meters serving the subject property. The service addresses for this meter is 6927 North Mesa Street.

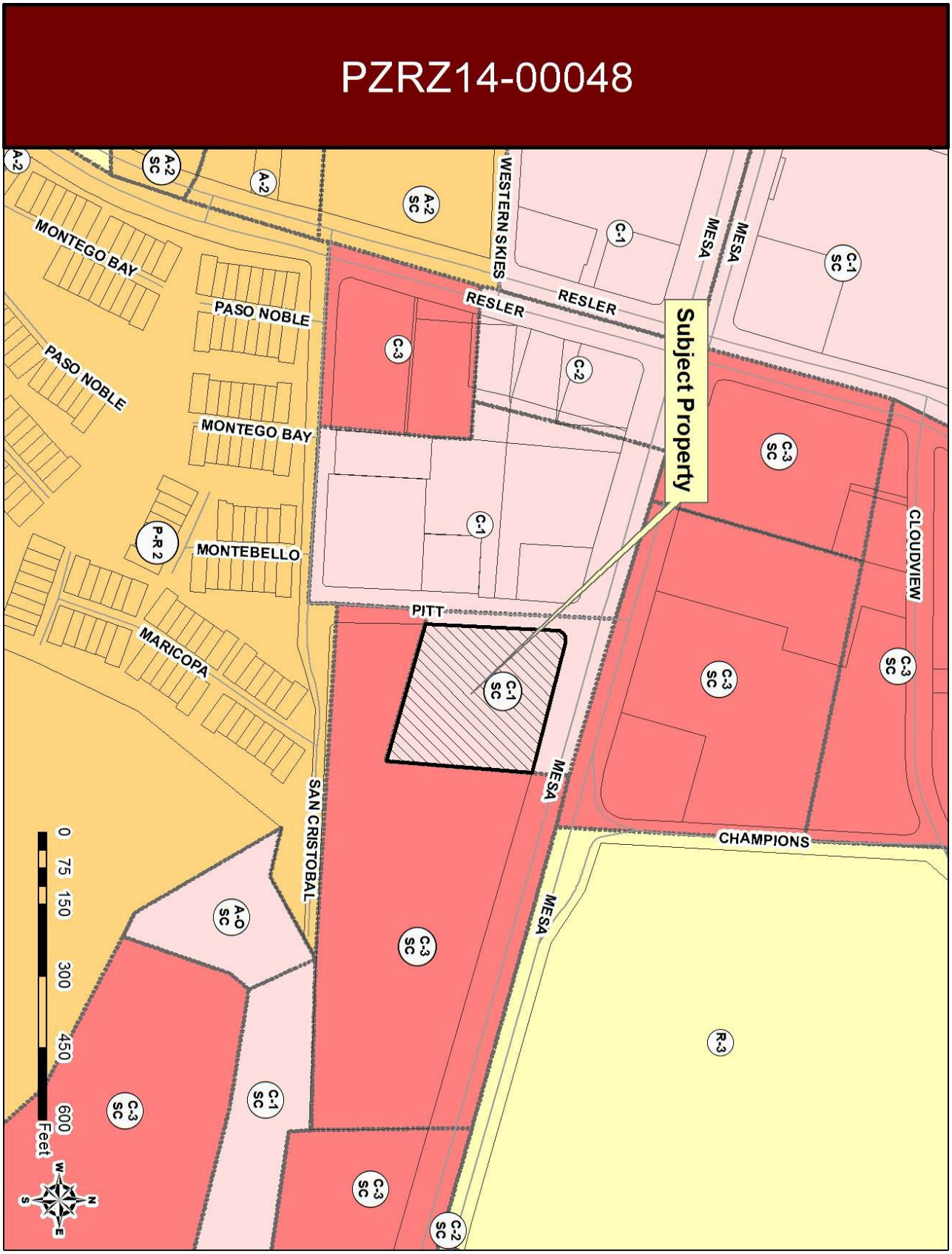
Sanitary Sewer

There is an existing 8-inch diameter sanitary sewer main extending along Mesa Street ending approximately 600 feet east of the intersection of Mesa St. and Pitt St. that is available for service. The sewer main is located approximately 6-ft north from the center line of the right-of-way.

General:
EPWU-PSB requires a new service application for water and sewer services. 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, and landscaping 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.

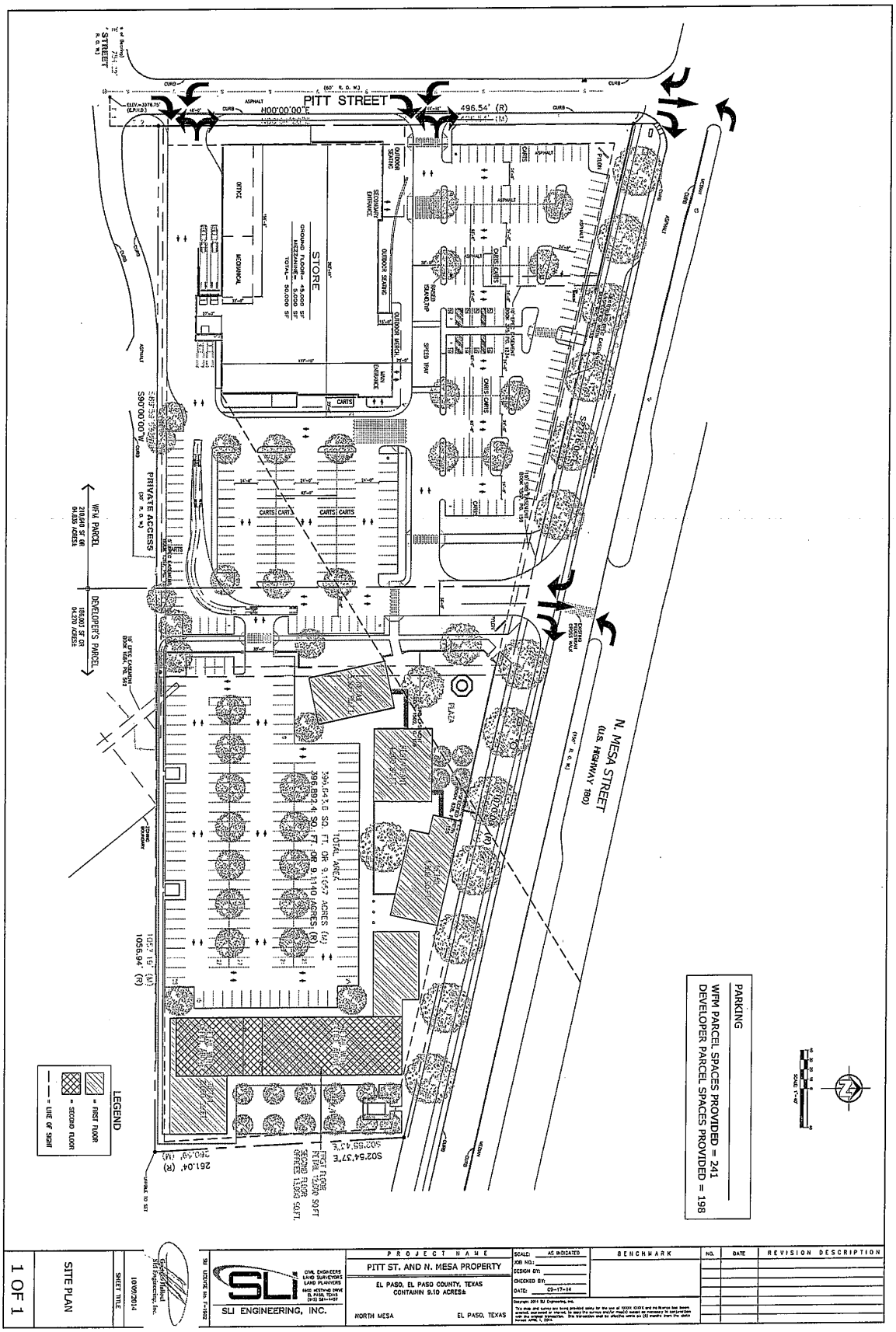
Attachments:
Attachment 1: Zoning Map
Attachment 2: Aerial Map
Attachment 3: Conceptual Site Plan
Attachment 4: Ordinance No. 5714 dated March 25, 1976
Attachment 5: Opposition letter

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: CONCEPTUAL SITE PLAN



ATTACHMENT 4: ORDINANCE NO. 5714, DATED MARCH 25, 1976

AN ORDINANCE CHANGING THE ZONING OF TRACTS 1A AND 1C, A. F. MILLER SURVEY #211 AND TRACTS 15J AND 15J1, A. F. MILLER SURVEY #213, 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 Tracts 1A and 1C, A. F. Miller Survey #211 and Tracts 15J and 15J1, A. F. Miller Survey #213, as more particularly described below by metes and bounds, be changed to C-1 (commercial) within the meaning of the Zoning Ordinance, and the zoning map of the City be revised accordingly:

A 2.082 acre portion out of A. F. Miller Survey No. 211 and A. F. Miller Survey No. 213 in the City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a point, said point being the intersection of the easterly right of way line of Pitt Street with the northerly boundary line of said Survey 213 and with the southerly boundary line of Survey No. 211;

Thence, north along the easterly right of way line of Pitt Street, a distance of 157.22 feet to a point in the southerly right of way line of U. S. Highway 80 (Mesa Street);

Thence, South 77° 16' East along the southerly right of way line of U. S. Highway 80 (Mesa Street) a distance of 300.00 feet;

Thence, south a distance of 91.10 feet to the southerly boundary line of said Survey No. 211;

Thence south a distance of 218.90 feet;

Thence North 77° 16' West a distance of 300.00 feet to a point in the easterly right of way line of Pitt Street;

Thence north along the easterly right of way line of Pitt Street a distance of 152.78 feet to the point of beginning and containing in all 2.082 acres of land, more or less.

PASSED AND APPROVED this 25 day of March 1976.

Mayor

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED:
4-9-76 COUNTER
4-9-76 ORIGINAL
4-9-76 CONTROL

ATTEST:

City Clerk

Bldg. Inspection

City Clerk

I certify that the zoning map has been revised to reflect the amendment of ordinance #5714

Date 4-12-76

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CONTRACT

This contract, this made 25TH day of MARCH, 1976, by and between JOHN R. PASSERO and wife, NELDA C. PASSERO, First Parties, GREAT AMERICAN RESERVE INSURANCE COMPANY, a corporation, Second Party, and the CITY OF EL PASO, Third Party, witnesseth:

Application has been made to the City of El Paso for rezoning of Tracts 1A and 1C in A. F. Miller Survey #211 and Tracts 15J and 15J1, A. F. Miller Survey #213 in the City of El Paso, El Paso County, Texas, such property being more particularly desribed in Ordinance No. 3114 now pending before the City Council of the City of El Paso, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

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

1. No building permits shall be issued for construction on the property until complete and detailed site development and architectural plans of the proposed development have been submitted by First Parties and approved by the City Plan Commission of the City of El Paso. All improvements on the property must be built in accordance with such approved plans.

2. No certificates of occupancy and compliance shall be issued by the City for any buildings constructed on the property until First Parties have, at no cost to the City, installed concrete sidewalks along the boundaries of the property adjacent to Pitt Street and Mesa Avenue. Such sidewalks shall be installed in accordance with specifications to be approved by the City Engineer of the City of El Paso and the City Engineer must certify that such sidewalks have been satisfactorily completed before certificates of occupancy and compliance will be issued.

3. No median openings shall be permitted in the Mesa Avenue traffic median adjacent to the property, and no curb cuts, driveways or other means of vehicular access shall be permitted between the property and Mesa Avenue.

4. No storm water runoff from the property shall be discharged into Mesa Avenue.

5. If application is ever made to the City to add the property to the districts designated as nonresidential

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so as to permit the sale of alcoholic beverages as provided in Section 4-1 of the El Paso City Code, there will be no alcoholic beverages sold or served on the property except as an incident to the furnishing of meals, and no bar or saloon will be operated on the premises.

6. No billiard hall, or skill or pleasure coin-operated machine establishment shall be permitted on the property.

(a) "Billiard hall" as used herein shall mean a place at which a billiard table or tables are provided to be played on for compensation.

(b) "Billiard table" as used herein means any table (whether coin-operated or not) surrounded by a ledge or cushion with or without pockets, upon which balls are impelled by a stick or cue.

(c) The term "skill or pleasure coin-operated machine establishment" as used herein means any place where five or more skill or pleasure coin-operated machines are maintained or made available for use or operation.

(d) The term "skill or pleasure coin-operated machine" means every machine or device of any kind or character whatsoever which is operated by or with coins, currency, metal slugs, tokens or checks, when such machine dispenses, uses or is capable of being used or operated for any purpose other than dispensing or vending of merchandise, music, or service exclusively. "Skill or pleasure coin-operated machine" shall include, but not be limited to the following: marble machines, marble table machines, marble shooting machines, miniature racetrack machines, miniature football machines, miniature golf machines, miniature bowling machines, pinball machines, and all other coin-operated machines which dispense or afford skill or pleasure, every machine or device of any kind or character which dispenses or vends merchandise, commodities, or confections, or plays music in connection with or in addition to such games or dispensing of pleasure or skill shall be considered a "skill or pleasure coin-operated machine."

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First 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 release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

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Second Party is the owner and holder of recorded liens on the property and consents to this contract.

WITNESS the following signatures and seals:

John R. Passero
John R. Passero

Nelda C. Passero
Nelda C. Passero

GREAT AMERICAN RESERVE INSURANCE COMPANY, a corporation

By _____
President

ATTEST:

_____
Secretary

THE CITY OF EL PASO

By _____
Mayor

ATTEST:

_____
City Clerk

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared JOHN R. PASSERO, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 24 day of March, 1976.

_____
Notary Public, El Paso County, Texas.

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THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared NELDA C. PASSERO, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 25 day of March, 1976.

Notary Public, El Paso County, Texas.

THE STATE OF TEXAS)
)
COUNTY OF DALLAS)

Before me, the undersigned authority, on this day personally appeared _____ of GREAT AMERICAN RESERVE INSURANCE COMPANY, a corporation, 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 _____ day of _____, 1976.

Notary Public, Dallas County, Texas.

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared E. R. Burgin 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 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 official seal this 25 day of March, 1976.

Notary Public in and for El Paso County, Texas.

My Commission Expires June 1, 1977

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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 contract with JOHN R. PASSERO, et al., placing certain restrictions on property rezoned by Ordinance No. 1914.

ADOPTED this 15 day of March, 1976.

Mayor

ATTEST:

City Clerk

MAR 26 1976

DEPT. OF PLANNING

76-3968

ATTACHMENT 5: OPPOSITION LETTER

Salloum, Andrew M.

From: Salloum, Andrew M.
Sent: Monday, November 10, 2014 7:42 AM
To: 'Tori Martinez'
Cc: Rubio, Arturo
Subject: RE: Concern with Case numbers PZRV14-00048 and PRZCR14-00008

Ms. Martinez,

I will forward a copy of your concern letter to the City Plan Commission, Commissioners for public hearing record.

Cordially,
Andrew Salloum

Planner | Planning Division
City Development Department | City of El Paso
City 3 Building | 801 Texas Avenue
El Paso, TX 79901
915.212.1613

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From: Tori Martinez [mailto:toriroxstar@yahoo.com]
Sent: Friday, November 07, 2014 3:13 PM
To: Salloum, Andrew M.
Subject: Concern with Case numbers PZRV14-00048 and PRZCR14-00008

Name: Victoria Martinez
Address: 22 Maricopa Drive El Paso, Tx 79912
Case Numbers: PZRV14-00048 and PRZCR14-00008

Personally I am concerned with the amount of traffic and noise that will come with the new zoning and release of all special contracts. I have lived in my condo at Coronado Town Homes and love the peace and quite. However it is not only the peace and quite but the security and almost buffer that the land subject to change creates from the major road Mesa. Especially as a Coronado Student and now a UTEP student I loved being able to walk straight across into the undeveloped land and feel safe and happy surrounded by nature untouched by severe construction. Also I feel as though with the development of land there that the canyon right next to it will suffer immense environmental challenges. Not to mention all of the animals that will suffer due to destruction of their habitat because of that development of land, on a daily basis I have seen so many animals that live and thrive in that area; deer,skunks,rabbits,ect, and as it is we already have such few animals in our desert region. Ultimately I personally do not agree with a change to develop the land because it will change a community that for so long has been peaceful, safe, and aesthetically cherished because of that land.
Thank you for reading my concerns as a person whom lives near the land under question.
Sincerely,
Victoria Martinez