City of El Paso – City Plan Commission Staff Report

REVISED

Case No:	SURW12-00020 Mills Street Vacation
Application Type:	Street ROW Vacation **(Reconsideration)**
CPC Hearing Date:	December 5, 2013
Location:	South of San Jacinto Plaza
Acreage:	0.742-acre
Rep District:	8
Existing Use:	Street right-of-way
Existing Zoning:	C-5/H (Commercial/Historic)
Proposed Zoning:	C-5/H (Commercial/Historic)
Property Owner:	City of El Paso
Applicant:	Mills Plaza Promenade, LLC
Representative:	Mills Plaza Promenade, LLC

SURROUNDING ZONING AND LAND USE

North: C-5 (Commercial) / San Jacinto Plaza
South: C-5 (Commercial) / Camino Real Hotel
East: C-5 (Commercial) / Plaza Hotel Building
West: C-5/H (Commercial) / Plaza Theater

PLAN EL PASO DESIGNATION: G1 (Downtown) & O1 (Preserve)

APPLICATION DESCRIPTION

The applicant is proposing to vacate a portion of Mills Avenue, Oregon Street, and San Francisco Avenue Rights-of-way for use as a private pedestrian plaza. This item is being reconsidered to exclude the area designated as Pioneer Plaza from the original vacation request as this area is considered a city park. The full-width emergency access, pedestrian, and drainage/utility easement that was included in the original approval will remain. The removal of Pioneer Plaza is the only change from the previously approved request.

APPLICATION HISTORY

On March 11, 2008, the City Council directed staff to initiate a vacation of a portion of Mills Avenue in order to eliminate the vehicular interest. The City Council subsequently approved that vacation request on May 27, 2008.

On February 7, 2013, the City Plan Commission approved the Mills Avenue Vacation subject to the following conditions:

- That pedestrian access along Mills Street be maintained throughout the construction period.
- An emergency, pedestrian, and utility easement shall remain in place over the entire proposed vacation. Limited areas may be closed to pedestrians for special events if approved by the City Manager or designee and an alternate accessible route is designated for the duration of the event.
- The type of gates to be used to close the street be coordinated with and approved by the Fire Department
- Enhancement of the pedestrian easement shall include, but is not limited to:
  Landscape and/or water features
  Sidewalk and/or pavement treatment
  Traffic calming improvements

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends **approval** of the Mills Street vacation subject to the following conditions and requirements:

- That pedestrian access along Mills Street be maintained throughout the construction period.
- An emergency, pedestrian, and utility easement shall remain in place over the entire area proposed for vacation. Limited areas may be closed to pedestrians for special events if approved by the City Manager or designee and an alternate accessible route is designated for the duration of the event.
- The type of gates to be used to close the street be coordinated with and approved by the Fire Department
- Enhancement of the pedestrian easement shall include, but is not limited to:
  Landscape and/or water features
  Sidewalk and/or pavement treatment
  Traffic calming improvements

Planning Division Recommendation:

Approval with conditions.

City Development Dept. - Land Development:

No objection

El Paso Water Utilities:

1. There are existing water mains, sanitary sewer mains, appurtenant structures, water meter connections and sewer services within the above described rights-of-way.

2. The rights-of-way to be vacated shall remain full-width utility easements. EPWU-PSB requires access to the water and sanitary sewer facilities and appurtenances 24 hours a day, seven days a week. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced utility easement without the written consent of EPWU-PSB. The placement of trees or planters shall be 10-feet away from any water/sewer facility.

3. EPWU-PSB provided the applicant with an estimate to cut and plug, and abandoned in place the existing water main along Mills Avenue, the estimate included the relocation of one (1) fire

hydrant. The estimate for the relocation of four (4) meter connections along Mills Avenue was also provided.
4. The existing sanitary sewer main that extends along Mills Avenue within the requested vacation will remain in place.
5. The existing water main that extends along Sheldon Court and the active water meters within the requested vacation will remain in place.

Parks and Recreation:
We have reviewed **Mills Street,** a street vacation request and offer no objections to this application; Parks Department requests only the following:

1. Demolition and proposed improvement plans be coordinated / reviewed by Parks & Museums & Cultural Affairs Departments, specifically for the statue's future relocation process.

Please note that received survey map meets the requirements to be excluded from the calculation for parkland dedication ordinance Title 19 – Subdivision & Development Plats**, Chapter 19.20 Parks and Open Space** as noted below.

19.20.060 - Exclusions from Dedication Requirements.
Exclusions. The following shall be excluded from the calculation for parkland dedication. In all instances, the burden of proof shall be on the subdivider to demonstrate that the plat meets the requirements of this chapter:
H. Land shown within a subdivision, whether residential or nonresidential, which is designated for use as a public facility.

El Paso Fire Department:
No objections to this request but EPFD requests that the applicant coordinate with the fire department regarding access to the FDC connection(s) and the fire hydrants that are located within the proposed street vacation. EPFD requests that prior to the use of any blockades or other devices to be used for the closure of the street that this be coordinated with EPFD prior to installation of such for approval.

Downtown Management District
DMD has no objections to this vacation request.

MCAD
City shall have the right to utilize the space for municipal purposes 10 days per year.

El Paso Electric Company:
No comments received.

Sun Metro:
No objection

911:
No comments received.

Texas Gas Company:
No comments received.

EP DOT
We have reviewed the request and the following modifications to EPDOT infrastructure within the proposed Mills street vacation and adjacent impacted areas / intersections will be required

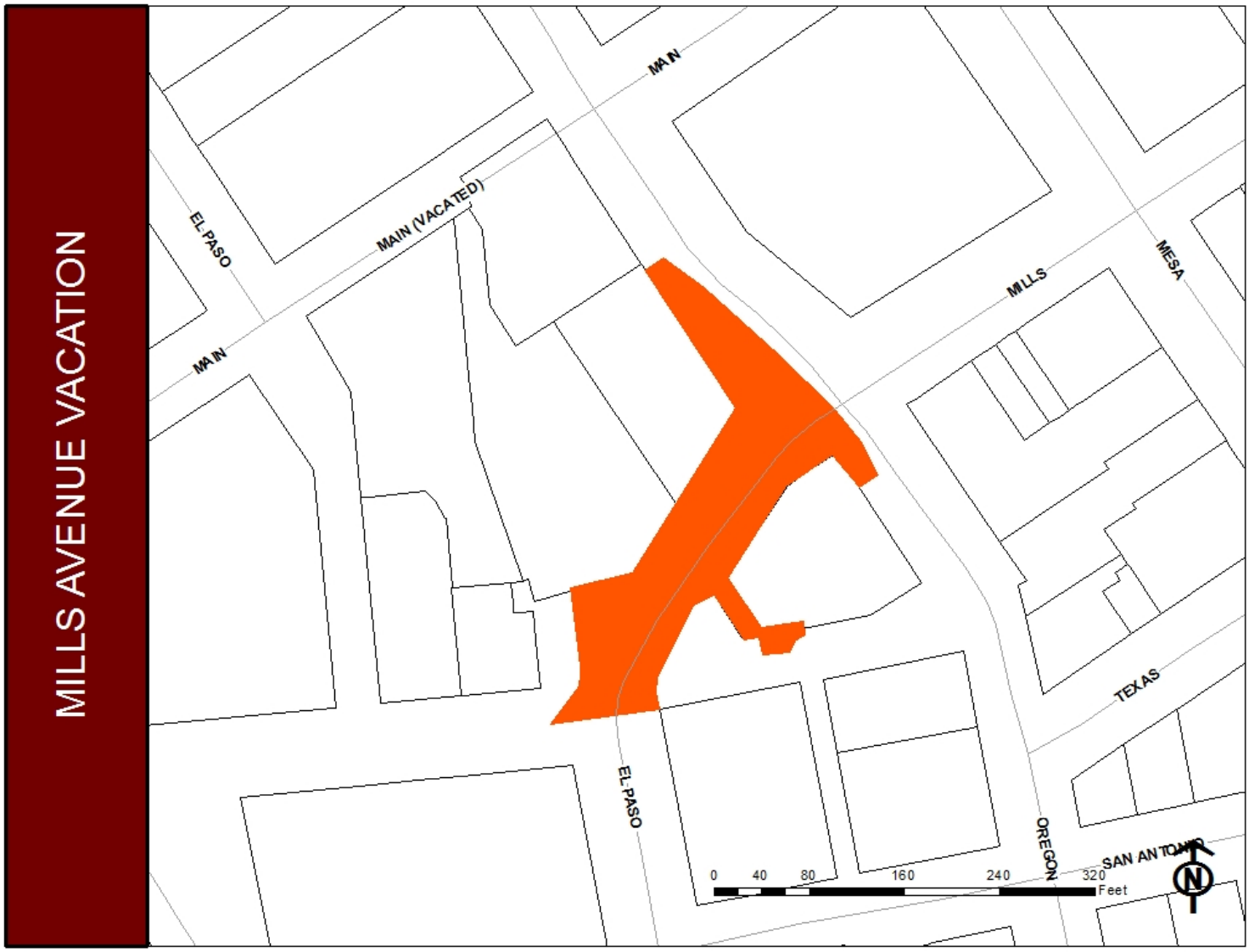
and will need to be addressed:

- The removal of underground material and repair of sidewalk and ramps
- Remove and replace traffic signage and poles
- Review for relocation / adjustment of Type 1 junction box, conduits and Fiber on Mills between Oregon Avenue and San Antonio Avenue / El Paso Street
- Easement will be required for Type 1 junction box, conduits and Fiber on Mills between Oregon Avenue and San Antonio Avenue / El Paso Street
- Relocate and re-install the Decorative Streetlights and control box
- Install new electrical service to the relocated Decorative Streetlights, electrical control panel, conduit, wiring, and foundations
- The relocation of Traffic Signal Cabinet, junction box and traffic signal cable on Oregon and Mills
- Removal of the Traffic Signal equipment at El Paso Dr., Mills & Shelton Court and parkway area restorations
- Restoration of adjacent disturbed parkway areas
- The total cost estimate will be provided upon submittal of final /permitted construction drawings and review of the information provided

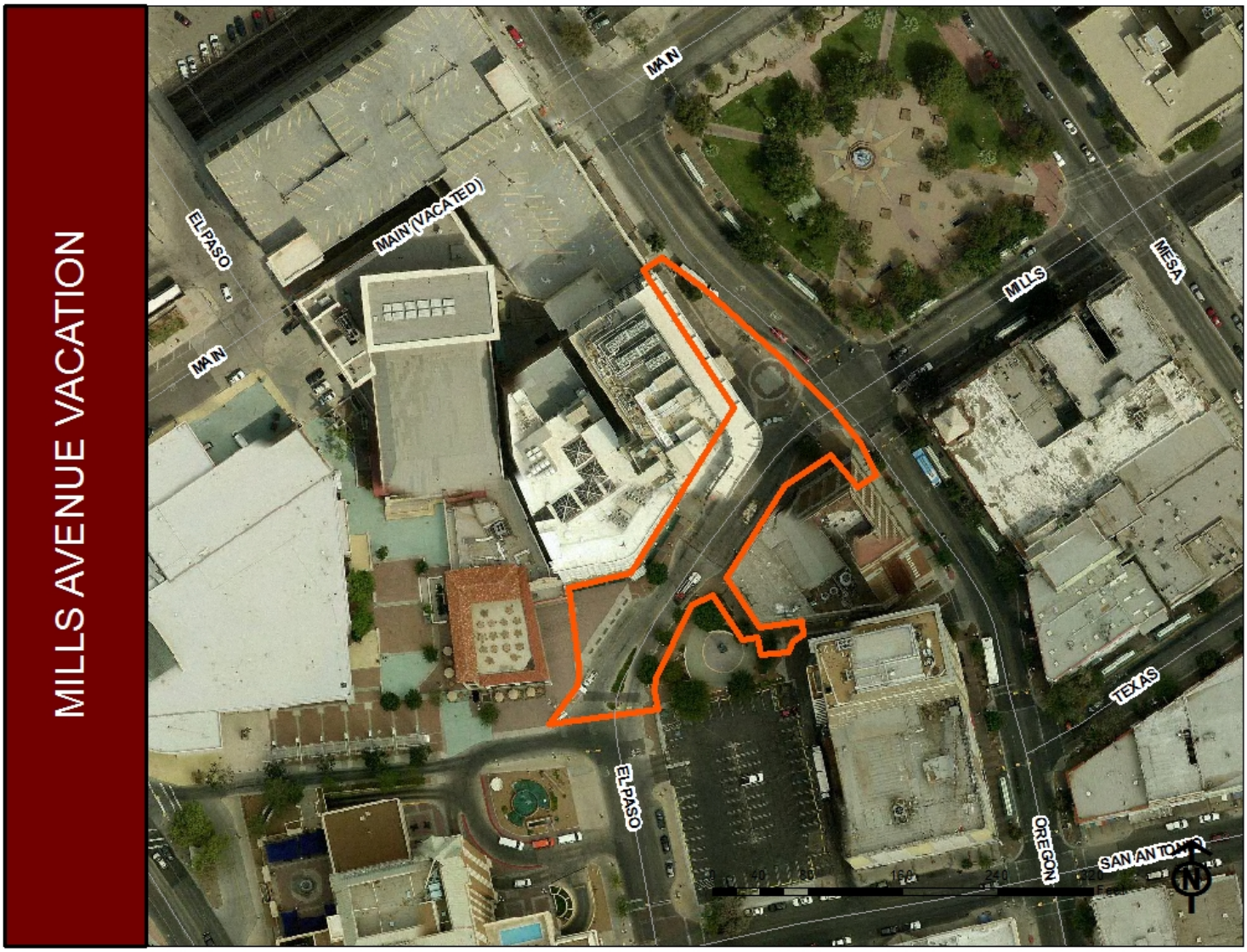
Attachments

1. Location map
2. Aerial map
3. Survey
4. Application

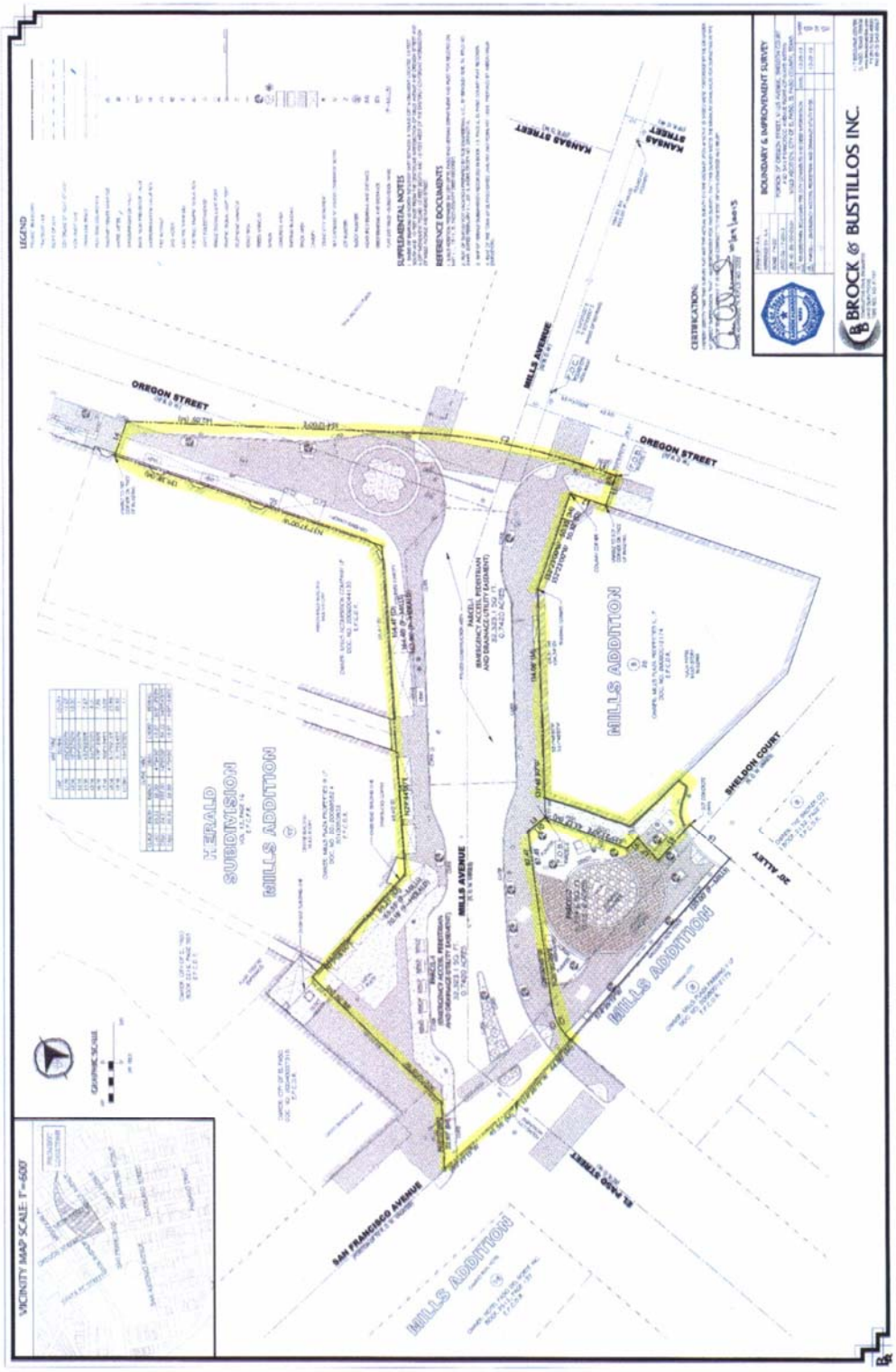
ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4

CITY OF EL PASO, TEXAS
APPLICATION FOR VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY

Date: _____ File No. SURW12-00020

1. APPLICANTS NAME Mills Plaza Promenade, LLC
ADDRESS 123 W. Mills, Suite 600 ZIP CODE 79901 TELEPHONE 915-504-7100

2. Request is hereby made to vacate the following: (check one)
Street ✓ Alley____ Easement____ Other____
Street Name(s) Mills Street Subdivision Name_____
Abutting Blocks_____ Abutting Lots_____

3. Reason for vacation request: Mills Pedestrian Plaza and related improvements

4. Surface Improvements located in subject property to be vacated:
None____Paving ✓ Curb & Gutter ✓ Power Lines/Poles ✓ Fences/Walls____Structures____Other____

5. Underground Improvements located in the existing rights-of-way:
None____Telephone ✓ Electric ✓ Gas ✓ Water ✓ Sewer ✓ Storm Drain____Other____

6. Future use of the vacated right-of-way:
Yards____Parking____Expand Building Area____Replat with abutting Land____Other ✓

7. Related Applications which are pending (give name or file number):
Zoning____Board of Adjustment____Subdivision____Building Permits____Other____

8. Signatures: All owners of properties which abut the property to be vacated must appear below with an adequate legal description of the properties they own (use additional paper if necessary).

Signature	Legal Description	Telephone
[signature]	Mills Building — Mills Plaza Properties, LP	504-7100
[signature]	Centre Building — Plaxor Centre Ltd.	504-7100
[signature]	Plaza Hotel — Mills Plaza Properties II, LP	504-7100
[signature]	Surface Parking Lot — Mills Plaza Parking II LP	504-7100

The undersigned Owner/Applicant/Agent understands that the processing of this Application will be handled in accordance with the procedure for Requesting Vacations and that no action on processing will be taken without payment of the non-refundable processing fee. It is further understood that acceptance of this application and fee in no way obligates the City to grant the Vacation. I/We further understand that the fee, if the Vacation is granted will be determined by the City of El Paso and a Certified or Cashier's Check must be presented before the request will be recommended for Council action.

The undersigned acknowledges that he or she is authorized to do so, and upon the City's request will provide evidence satisfactory to the City confirming these representations.

The granting of a vacation request shall not be construed to be a waiver of or an approval of any violation of any of the provisions of any applicable City ordinances.

CASHIER'S VALIDATION
FEE: $966.00

OWNER SIGNATURE: [signature]
REPRESENTATIVE: President

CITY OF EL PASO PAID DEC 17 2012 CITY DEVELOPMENT DEPARTMENT

NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.