

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Development Services / Planning Division
AGENDA DATE: Introduction 02/06/07; Public Hearing 02/27/07
CONTACT PERSON/PHONE: Esther Guerrero, Planner – 541-4720
DISTRICT(S) AFFECTED: 6

SUBJECT:

An Ordinance releasing conditions placed on property by Ordinance No. 11388 which changed the zoning of a portion of Lot 1, Block 6, Americas Ten Subdivision, City of El Paso, El Paso County, Texas, and which imposed certain conditions and releasing other conditions placed on the property by contract. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

Subject Property: East of Southview Drive, North of Mercantile Avenue. Applicant: State of Texas, ZON06-00147 (District 6)

BACKGROUND / DISCUSSION:

See attached report

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Alan Shubert

APPROVED FOR AGENDA:

ORDINANCE NO. _____

AN ORDINANCE RELEASING CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 11388 WHICH CHANGED THE ZONING OF A PORTION OF LOT 1, BLOCK 6, AMERICAS TEN SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED CERTAIN CONDITIONS AND RELEASING OTHER CONDITIONS PLACED ON THE PROPERTY BY CONTRACT THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as *a portion of Lot 1, Block 6, Americas Ten Subdivision, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 11388, approved by City Council on May 4, 1993; and,

WHEREAS, the rezoning was subject to various zoning conditions which were necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

WHEREAS, the owner dedicated, via warranty deed, property for the extension of Kingsbury Drive to meet one of the conditions imposed by Ordinance No. 11388 which required the dedication and improvement of a 120 foot extension of Kingsbury Drive; and,

WHEREAS, the owner (applicant) has submitted an application requesting the removal of the above condition and now desires to extend and improve Paseo Del Este Boulevard; and,

WHEREAS, the applicant is also requesting removal of conditions imposed by a Contract dated April 12, 1988 requiring reservation of a school site for future acquisitions by Socorro Independent School District and development of the property in conformance with the prior concept plan submitted; and,

WHEREAS, a public hearing regarding amendment of the condition was held before the City Plan Commission, and the Commission recommended approval of the above conditions; and,

WHEREAS, the City Council of the City of El Paso has determined that release of the above conditions and placement of the new condition will protect the best interest, health, safety and welfare of the public in general.

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

1. That zoning conditions imposed by Ordinance No. 11388 dated May 4, 1993 requiring the dedication and improvement of a one hundred twenty foot extension of Kingsbury Drive be released.

2. That the applicant, in order to protect the health, safety and welfare of adjacent

property owners and the residents of this city, dedicate and improve to City standards the 120 foot right of way proposed as Paseo Del Este Boulevard on Americas Ten Replat D, to include curb, gutter and a landscaped raised median as shown in **Exhibit "A."**

3. That the conditions imposed by Contract dated April 12, 1988, requiring that prior to the issuance of a building permit for any parcel, a subdivision plat must be filed of record with the County Clerk and that the plat must reserve a school site for future acquisition by the Socorro Independent School District (SISD), are also removed.

4. That the City Manager is authorized to execute a Quitclaim Deed conveying a portion of Lot 1, Block 6, Americas Ten, El Paso El Paso County, being more particularly described in **Exhibit "B"** attached hereto and made a part hereof, for all purposes.

PASSED AND APPROVED this _____ day of _____, 2007.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

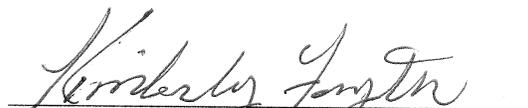
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:



Kimberly Forsyth, Senior Planner
Development Services Department

Prepared For: Gray Jansing & Associates, Inc.
Being a Portion of Lot 1 Block 6,
Americas Ten
City of El Paso, El Paso County, Texas
W.O. 030705-7
January 22, 2007
File: paseo del este.dwg

PROPERTY DESCRIPTION

Description of a 4.0261 acre parcels of land Being a Portion of Lot 1, Block 6, Americas Ten, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows to wit:

Commencing at the PI monument along Southview Drive just north of the intersection of Pine Springs Drive, Thence South $74^{\circ}41'47''$ West a distance of 96.93 feet to a point lying on the westerly right-of-way line of Southview Drive, said point also being the **"TRUE POINT OF BEGINNING"**;

Thence along an arc of a curve to the left a distance of 158.58 feet, whose radius is 2035.15 feet, whose central angle is $4^{\circ}27'52''$ and whose chord bears North $29^{\circ}41'04''$ East a distance of 158.55 feet to a point;

Thence along an arc of a curve to the left a distance of 31.38 feet, whose radius is 20.00 feet, whose central angle is $89^{\circ}53'11''$ and whose chord bears South $17^{\circ}29'28''$ East a distance of 28.26 feet to a point;

Thence along an arc of a curve to the left a distance of 1211.14 feet, whose radius is 3000.00 feet, whose central angle is $23^{\circ}07'52''$ and whose chord bears South $73^{\circ}59'59''$ East a distance of 1202.93 feet to a point;

Thence South $85^{\circ}33'55''$ East a distance of 139.61 feet to a point;

Thence along an arc of a curve to the left a distance of 58.25, whose radius is 3363.9 feet, whose central angle is $0^{\circ}59'32''$ and whose chord bears South $86^{\circ}03'41''$ East a distance of 58.24 feet to a point;

Thence South $00^{\circ}33'11''$ East a distance of 120.28 feet to a point;

Thence along an arc of a curve to the right a distance of 68.70 feet, whose radius is 3483.59 feet, whose central angle is $1^{\circ}07'48''$ and whose chord bears North $86^{\circ}07'49''$ West a distance of 68.70 feet to a point;

Thence North $85^{\circ}33'55''$ West a distance of 139.61 feet to a point;

Thence along an arc of a curve to the right a distance of 1265.47 feet, whose radius is 3120.00 feet, whose central angle is $23^{\circ}14'21''$ and whose chord bears North $73^{\circ}56'44''$ West a distance of 1256.81 feet to a point;

Thence along an arc of a curve to the left a distance of 29.93 feet, whose radius is 20.00 feet, whose central angle is $85^{\circ}45'26''$ and whose chord bears South $74^{\circ}47'43''$ West a distance of 27.22 feet back to the "True Point of Beginning" and containing in all 175,377.04 square feet or 4.0261 acres of land more or less.

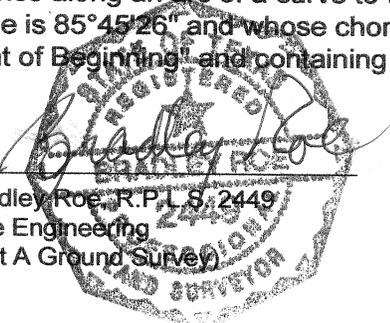

Bradley Roe, R.P.L.S. 2449
Roe Engineering
(Not A Ground Survey)

Exhibit "A"

SOUTHVIEW DR.
(90' WIDE PUBLIC RIGHT-OF-WAY)

"TRUE POINT OF BEGINNING"

S15°32'09"W
85.81'

EXISTING CITY MONUMENT
"STARTING POINT"

5' UTILITY EASEMENT

120' R.O.W.

60' 60'

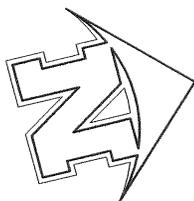
EXISTING 20' WATER LINE EASEMENT

A PORTION OF LOT 1, BLOCK 6, AMERICAS TEN

A PORTION OF LOT 1, BLOCK 6, AMERICAS TEN

PASEO DEL ESTE BLVD.
(PROPOSED 120' PUBLIC RIGHT-OF-WAY)

EXISTING 30' WATER LINE PUBLIC SERVICE BOARD EASEMENT



SCALE: 1"=100'

"PLOT PLAN"

BEING A PORTION OF LOT 1, BLOCK 6, AMERICAS TEN CITY OF EL PASO, EL PASO COUNTY, TEXAS
(BEING MORE PARTICULARLY DESCRIBED BY METES & BOUNDS ATTACHED HERETO)

CONTAINING IN ALL A NET AREA OF 175,377.04 SQ. FT. OR 4.0261 ACRES OF LAND MORE OR LESS.

PREPARED FOR:
GRAY JANSING & ASSOCIATES, INC.
(NOT A GROUND SURVEY)

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	2035.15	158.58'	79.33'	158.55'	N 29°41'04" E	4°27'52"
C2	20.00	31.38'	19.96'	28.26'	S 17°29'28" E	89°53'10"
C3	3000.00	1211.14'	613.93'	1202.93'	S 73°59'59" E	23°07'52"
C4	3363.59	58.24'	29.12'	58.24'	S 86°03'41" E	0°59'32"
C5	3483.59	68.70'	34.35'	68.70'	N 86°07'49" W	1°07'48"
C6	3120.00	1265.47'	641.55'	1256.81'	N 73°56'44" W	23°14'21"
C7	20.00	29.93'	18.57'	27.22'	S 74°47'43" W	85°45'26"
C8	2035.15	158.59'	79.33'	158.55'	N 29°41'04" E	4°27'53"
C9	3060.00	1256.78'	637.37'	1247.96'	S 73°47'57" E	23°31'55"

bnp Roe Engineering, L.C.
601 N. Cotton St. Suite No.6 El Paso, Tx, 79902
(915) 533-1418 FAX: (915) 533-4972
email:roeing@swbell.net

ENGINEERING/LAND DEVELOPMENT/PLANNING/SURVEYING

10' UTILITY EASEMENT

N85°33'55"W
139.61'

139.61'

S85°33'55"E

S85°33'55"E
139.61'

139.61'

S00°33'11"E
120.28'

W.J. RAND 315 1/2

Prepared For: Gray Jansing & Associates, Inc.
Being a Portion of Lot 1, Block 6,
Americas Ten
City of El Paso, El Paso County, Texas
W.O. 030705-7
February 24, 2006
File: METES.dwg

PROPERTY DESCRIPTION

Description of a 3.5366 acre parcel of land Being a Portion of Lot 1, Block 6, Americas Ten, (previously filed in Volume 2592, Page 1229) City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows to wit:

Commencing at the PI monument along Southview Drive just north of the intersection of Pine Springs Drive, Thence North $33^{\circ}06'49''$ East a distance of 202.17 feet to a point lying on the easterly right-of-way line of Southview Drive, said point also being the **"TRUE POINT OF BEGINNING"**;

Thence along an arc of a curve to the left a distance of 102.38 feet, whose radius is 2035.15 feet, whose central angle is $02^{\circ}52'56''$ and whose chord bears North $22^{\circ}26'28''$ East a distance of 102.36 feet to a point lying on the easterly right-of-way line of Southview Drive;

Thence along said easterly right-of-way line North $21^{\circ}00'00''$ East a distance of 76.22 feet to a point ;

Thence along an arc of a curve to the left a distance of 47.68 feet, whose radius is 30.00 feet, whose central angle is $91^{\circ}04'06''$ and whose chord bears South $24^{\circ}31'48''$ East a distance of 42.82 feet to a point;

Thence along an arc of a curve to the left a distance of 474.73 feet, whose radius is 1363.95 feet, whose central angle is $91^{\circ}56'32''$ and whose chord bears South $80^{\circ}01'44''$ East a distance of 472.34 feet to a point;

Thence South $90^{\circ}00'00''$ East a distance of 752.69 feet to a point;

Thence South $00^{\circ}33'11''$ East a distance of 120.00 feet to a point;

Thence North $90^{\circ}00'00''$ West a distance of 753.84 feet to a point;

Thence along an arc of a curve to the right a distance of 522.33 feet, whose radius is 1483.95 feet, whose central angle is $20^{\circ}10'02''$ and whose chord bears North $79^{\circ}55'00''$ West a distance of 519.63 feet to a point;

Thence along an arc of a curve to the left a distance of 45.18 feet, whose radius is 30.00 feet, whose central angle is $86^{\circ}17'16''$ and whose chord bears South $67^{\circ}01'29''$ West a distance of 41.03 feet back to the "True Point of Beginning" and containing in all 154,055.23 square feet or 3.5366 acres of land more or less.

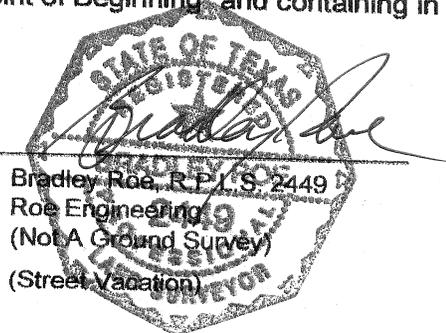


Exhibit "B"

W.J. RAND 315 1/2

CITY LIMITS

S00°33'11"E
120.00'

SECTION LINE

10' UTILITY EASEMENT
VOLUME 60, PAGE 83

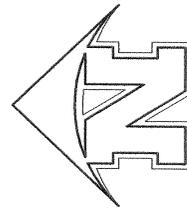
LOT 1, BLOCK 6
AMERICAS TEN

S90°00'00"W
752.69'

N90°00'00"E
753.84'

PREVIOUSLY FILED IN VOLUME 2592, PAGE 1229

LOT 1, BLOCK 6
AMERICAS TEN



SCALE: 1" = 100'

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	2035.15	102.38'	51.20'	102.36'	N 22°26'28" E	2°52'56"
C2	30.00	47.68'	30.56'	42.82'	S 24°31'48" E	91°04'06"
C3	1363.95	474.73'	239.79'	472.34'	S 80°01'44" E	19°56'32"
C4	1483.95	522.33'	263.89'	519.63'	N 79°55'00" W	20°10'02"
C5	30.00	45.18'	28.12'	41.03'	S 67°01'29" W	86°17'16"

NOTE: The above referenced property is within Zone "C" (Explanation: Area of Minimal Flooding) according to the Federal Emergency Management Agency Flood Insurance Rate Maps, as per Area Community Panel No. 480214 0045 b, dated October 15 1982.

N21°00'00"E

76.22'

"TRUE POINT OF BEGINNING"

SOUTHVIEW DR.
(90' WIDE PUBLIC RIGHT-OF-WAY)

EXISTING CITY MONUMENT
"COMMENCEMENT POINT"

N33°06'49"E
202.17'

10' UTILITY EASEMENT
VOLUME 60, PAGE 83

"PLOT PLAN"

BEING A PORTION OF LOT 1, BLOCK 6,
AMERICAS TEN CITY OF EL PASO,
EL PASO COUNTY, TEXAS
(BEING MORE PARTICULARLY DESCRIBED BY
METES & BOUNDS ATTACHED HERETO)

CONTAINING IN ALL A NET AREA OF 154,055.23 SQ. FT.
OR 3.5366 ACRES OF LAND MORE OR LESS.

PREPARED FOR:
GRAY JANSING & ASSOCIATES, INC.
(NOT A GROUND SURVEY)



Roe Engineering, L.C.

601 N. Cotton St. Suite No.6 El Paso, Tx, 79902
(915) 533-1418 FAX: (915) 533-4972

email: roeeng@swbell.net

ENGINEERING/LAND DEVELOPMENT/PLANNING/SURVEYING



JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

KELLY CARPENTER
DEPUTY DIRECTOR, PLANNING

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

January 29, 2007

TO: The Honorable Mayor and City Council
Ms. Joyce A. Wilson

FROM: Esther Guerrero, Planner

SUBJECT: ZON06-00147

The City Plan Commission (CPC), on January 4, 2007, voted **(7-0)** to recommend **approval** to release the following conditions imposed on this parcel of land by Ordinance No. 01388 dated May 4, 1993:

1. *The owners will dedicate by metes and bounds, the one-hundred twenty foot (120') extension of Kingsbury Drive, an arterial, in accordance with the Major Thoroughfare Plan. This dedication shall take place simultaneously with the approval by the Mayor and City Council of this change of zoning.*
2. *The owners will improve the one-hundred twenty foot (120') extension of Kingsbury Drive to City standards. These improvements shall be made by the applicant, upon the occurrence of the first of the following events:*
 - a. *Prior to the issuance of any building permits for any property located within four hundred fifty feet (450') of the centerline of the dedicated Kingsbury Drive extension; or*
 - b. *When development occurs within W.J. Rand Survey No. 315 ½, the property owners will be required to build the one-hundred twenty foot (120') extension of Kingsbury Drive to provide access for the proposed development on that property.*

The following conditions in Contract dated April 12, 1988 are also recommended to be released:

1. *Prior to the issuance of a building permit for any parcel, a subdivision plat must be filed of record with the County Clerk. The plat must reserve a school site for future acquisition by the Socorro Independent School District (SISD), the exact location and size of which shall be determined by SISD.*

2. *The property must be developed in conformance with the concept plan submitted with the zoning application, which is on file at the Department of Planning, Research and Development.*

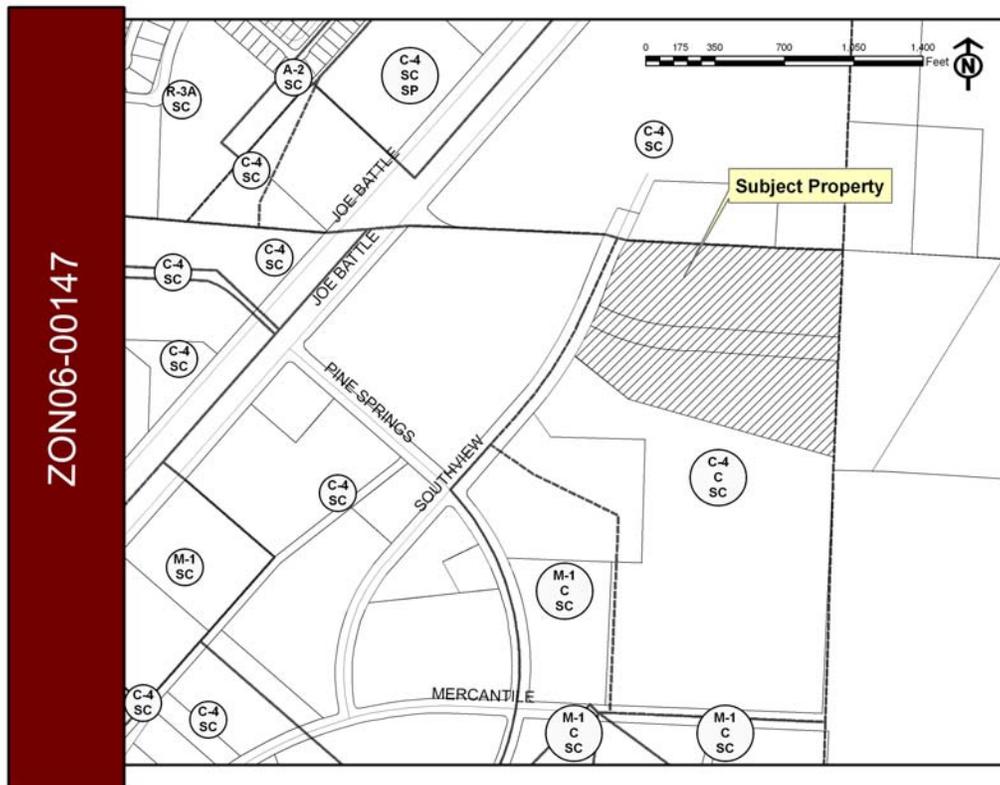
The CPC found that the release of these conditions are in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map, which designates the subject property for residential and industrial land uses. The CPC also determined that releasing these conditions protect the best interest, health, safety, and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the effects of the release of conditions will have no effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was no one present at the meeting in opposition to this application.



ZON06-00147

Application Type: Zoning Condition Amendment / Release
Property Owner(s): State of Texas, City of El Paso
Representative(s): Gray Jansing & Associates
Legal Description: A portion of Lot 1, Block 6, Americas Ten Subdivision, City of El Paso, El Paso County, Texas
Location: East of Southview Drive, North of Mercantile Avenue
Representative District: 6
Area: 29.6279 Acres
Present Zoning: C-4/sc/c (Commercial/special contract/condition)
Proposed Request: Release conditions imposed by Ordinance dated May 4, 1993 and conditions imposed by Contract dated April 12, 1988
Recognized Neighborhood Associations Contacted: East Side Civic Association
Public Response: None
Surrounding Land Uses: **North** - C-4/sc / Tank Site / SISD Activity Complex
South - C-4/sc/c / Truck Terminal; **East** - City Limits / Vacant
West - C-4/sc / Vacant
Year 2025 Designation: **Residential, Industrial** (East Planning Area)



General Information:

The applicant requests release of the following special conditions in an Ordinance dated May 4, 1993 on the property:

3. *The owners will dedicate by metes and bounds, the one-hundred twenty foot (120') extension of Kingsbury Drive, an arterial, in accordance with the Major Thoroughfare Plan. This dedication shall take place simultaneously with the approval by the Mayor and City Council of this change of zoning.*
4. *The owners will improve the one-hundred twenty foot (120') extension of Kingsbury Drive to City standards. These improvements shall be made by the applicant, upon the occurrence of the first of the following events:*
 - c. *Prior to the issuance of any building permits for any property located within four hundred fifty feet (450') of the centerline of the dedicated Kingsbury Drive extension; or*
 - d. *When development occurs within W.J. Rand Survey No. 315 ½, the property owners will be required to build the one-hundred twenty foot (120') extension of Kingsbury Drive to provide access for the proposed development on that property.*

The following conditions in Contract dated April 12, 1988 are also requested for release:

3. *Prior to the issuance of a building permit for any parcel, a subdivision plat must be filed of record with the County Clerk. The plat must reserve a school site for future acquisition by the Socorro Independent School District (SISD), the exact location and size of which shall be determined by SISD.*
4. *The property must be developed in conformance with the concept plan submitted with the zoning application, which is on file at the Department of Planning, Research and Development.*

A subdivision plat will be required to be submitted and recorded and the reservation of a school site will not apply to this parcel of land.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends unanimous **approval** of the release of the zoning conditions imposed by Ordinance No. 11388, dated May 4, 1993, on this property, provided that the property owner agrees to dedicate and improve to City standards the 120 foot right-of-way proposed as Paseo Del Este Boulevard on Americas Ten Replat D to include curb, gutter and a landscaped raised median; and recommends unanimous **approval** of the release of conditions imposed by contract dated April 12, 1988.

- **The Plan for El Paso City-Wide Land Use Goals** recommends that El Paso “provide designated locations for industrial development that do not adversely affect the health, safety, and welfare of the community and where essential infrastructure is available to serve the development.”
- **The Year 2025 Projected General Land Use Map** for the East Planning Area designates this property for **Industrial and Residential** land uses.

Findings:

The Commission must determine the following:

- A. Will the release of the special contract/conditions protect the best interest, health, safety and welfare of the public in general?
- B. What effects will this have on the natural environment, social and economic conditions, and property values in the vicinity and the city as a whole?
- C. What is the relation of the proposed contract/conditions release to the City's Comprehensive Plan?

Development Services Department - Planning Division Notes:

- A. The Year 2025 Projected General Land Use Map for the East Planning Area designates this property as Residential and Industrial. The release of conditions imposed by Ordinance No. 11388, dated May 4, 1993 pertaining to Kingsbury Drive will not have an adverse effect on this property or the surrounding properties, provided that the property owner instead dedicates and improves to City standards the 120 feet ROW proposed as Paseo Del Este Blvd. on Americas Ten Replat D.
- B. The release of contract conditions imposed by contract dated April 12, 1988 is recommended for approval subject to selection of an alternate school site by the SISD, and will not adversely affect the neighboring properties. Additionally, the concept plan previously approved related to the residential and apartment zoning in effect at that time. The property was subsequently rezoned for commercial use.

Development Services Department - Building Permits Division Notes:

No objections.

Development Services Department - Subdivision Plan Review Notes:

No comments received.

Engineering Department - Traffic Division Notes:

No objections.

Fire Department Notes:

No comments received.

El Paso Water Utilities Notes:

General - El Paso Water Utilities – Public Service Board (EPWU-PSB) does not own or operate any facilities within Kingsbury Street. Existing water and sanitary sewer facilities are located along Southview Drive and the proposed Paseo Del Este Drive. There is an existing 24-inch water transmission main located along the proposed Paseo Del Este Drive within the existing 20-foot and 30-foot wide water line easements shown on the site plan. This 24-inch water main is dedicated to serve Paseo del Este Municipal Utility District. No service connections are available from the above described main. The portion of the 20-foot water easement that lies within the proposed Paseo Del Este Drive right-of-way can be vacated at the time Paseo Del Este Drive is platted as a public right-of-way. EPWU-PSB does not object to this request.

AERIAL

ZON06-00147



SITE PLAN

