

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

**DEPARTMENT:** City Development Department, Planning Division

**AGENDA DATE:** Introduction: June 11, 2013  
Public Hearing: July 2, 2013

**CONTACT PERSON/PHONE:** Arturo Rubio, (915) 541-4633, [rubioax@elpasotexas.gov](mailto:rubioax@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

An Ordinance releasing a condition placed on property by Ordinance No. 014240 which changed the zoning of the south 1/3 of Lots 16-20, Block 67, Harts Survey No. 9 of Satterwaite Addition, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of The El Paso City Code. Property owner: Revery Investments, LLC, Location: 1000 n. Mesa Street, **PZCR13-00002 (District 8)**

**BACKGROUND / DISCUSSION:**

Staff report attached.

**PRIOR COUNCIL ACTION:**

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

City Plan Commission (CPC) – Approval Recommendation (7-0)

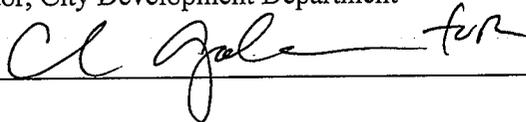
\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:**

Mathew S. McElroy  
Director, City Development Department



**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE RELEASING A CONDITION PLACED ON PROPERTY BY ORDINANCE NO. 014240 WHICH CHANGED THE ZONING OF THE SOUTH 1/3 OF LOTS 16-20, BLOCK 67, HARTS SURVEY NO. 9 OF SATTERWAITE ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS**, the zoning of the property described as *The South 1/3 of Lots 16-20, Block 67, Harts Survey No. 9 of Satterwaite Addition, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 014240 approved by City Council on October 12, 1999; and,

**WHEREAS**, the rezoning was subject to a zoning condition, and

**WHEREAS**, placement of such condition was necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

**WHEREAS**, the owner (applicant) submitted an application requesting the removal of the condition because this condition has been satisfied or are current requirements of the City Code; and,

**WHEREAS**, a public hearing regarding removal of the condition was held before the City Plan Commission, and the Commission recommended approval of the release of the condition; and,

**WHEREAS**, the City Council of the City of El Paso has determined that the release of the 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 the zoning condition imposed by Ordinance No. 014240 approved by City Council on October 12, 1999, on the portion of land identified in Exhibit "A" be released in its entirety because the condition has been satisfied and is no longer necessary, or are current requirements of the City Code.

Condition as follows:

*Submittal of a detailed site development plan for approval by the City Plan commission and City Council prior to issuance of a building permit or certificate of occupancy. The site plan submitted with the rezoning application (ZC-99043) shall satisfy the requirement for a detailed site development plan for the proposed three-story office building. Any change in use or substantial changes to the proposed design shall necessitate resubmittal of a detailed site development plan under the notice and approval requirements of Article II of Title 20 (Zoning) of the El Paso Municipal Code.*

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**THE CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leeser  
Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Karla M. Nieman  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Mathew S. McElroy, Director  
City Development Department

**EXHIBIT "A"**

Prepared For: Carlos & Genevieve M. Garcia-Fraire, D.O., or assigns,  
WestStar Bank and El Paso Title Co., Inc."

Being the South 1/3 of Lot 15 and all of Lots 16-20,  
Block 67, Harts Survey No.9 of Satterwaite Addition,

City of El Paso, El Paso County, Texas

February 27, 2013

W.O. 102612-4

FILE: 1000 mesa.wpd

**METES AND BOUNDS DESCRIPTION  
(1000 N. Mesa Street)**

Description of a 0.3825 acre parcel of land Being the South 1/3 of Lot 15 and all of Lots 16-20, Block 67, Harts Survey No.9 of Satterwaite Addition, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows to wit:

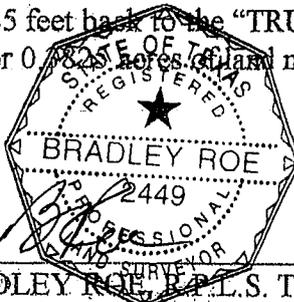
Starting from an existing city monument located 10 feet North and 15 feet East of the centerline intersection of Oregon Street and Arizona Street, Thence North  $77^{\circ}46'40''$  East a distance of 387.43 feet to a found  $1/2'' \varnothing$  rebar stamped Tx 2029, said rebar being the "TRUE POINT OF BEGINNING";

Thence North  $52^{\circ}23'00''$  East a distance of 120.00 feet to a found  $5/8'' \varnothing$  rebar, said rebar lying along the southerly right-of-way of an existing 20 foot wide alley;

Thence continuing along said southerly right-of-way of an existing 20 foot wide alley South  $37^{\circ}37'00''$  East a distance of 138.85 feet to a found chiseled "X" on back of sidewalk, said chiseled "X" lying along the Westerly right-of-way line of Rio Grande Street (70' wide public right-of-way);

Thence South  $52^{\circ}23'00''$  West along said westerly right-of-way line of Rio Grande Street a distance of 120.00 feet to a set chiseled "X" on sidewalk, said chiseled "X" lying along the Northerly right-of-way line of Mesa Street;

Thence North  $37^{\circ}37'00''$  West along said Northerly right-of-way line of Mesa Street a distance of 138.85 feet back to the "TRUE POINT OF BEGINNING" and containing in all 16,662.00 square feet or 0.3825 acres of land more or less.



97166-2013

BRADLEY ROE, P.L.S. TX 2449  
Roe Engineering, L.C.

## MEMORANDUM

**DATE:** May 28, 2013

**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager

**FROM:** Arturo Rubio, Senior Planner

**SUBJECT:** PZCR13-00002

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The City Plan Commission (CPC), on May 2, 2013, voted 7-0 to recommend **approval** of the condition release, concurring with Staff's recommendation.

The CPC found that the condition release is in conformance with Plan El Paso. The CPC also determined that the condition release protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the condition release will not have a negative effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was no opposition to this request

**Attachment:**  
Staff Report



## City of El Paso – City Plan Commission Staff Report

**Case No:** PZCR13-00002  
**Application Type:** Zoning Condition Release  
**CPC Meeting Date:** May 2, 2013  
**Staff Planner:** Arturo Rubio, 915-541-4633, [rubioax@elpasotexas.gov](mailto:rubioax@elpasotexas.gov)

**Location:** 1000 N. Mesa Street  
**Legal Description:** The South 1/3 of Lot 15 and all of Lots 16-20, Block 67, Harts Survey No. 9 of Satterwaite Addition, City of El Paso, El Paso County, Texas  
**Acreage:** 0.3825-acre

**Rep District:** 8  
**Existing Use:** Vacant  
**Existing Zoning:** S-D/c (Special Development/condition)

**Request:** Release Condition imposed by Rezoning Ordinance No. 014240 dated October 12, 1999  
**Proposed Use:** Medical Offices

**Property Owner:** Revery Investments, LLC  
**Applicant:** Revery Investments, LLC  
**Representative:** Carlos Fraire/James Suerken

### **SURROUNDING ZONING AND LAND USE**

**North:** S-D (Special Development); S-D/sp (Special Development/special permit)  
**South:** C-4 (Commercial)  
**East:** S-D (Special Development)  
**West:** S-D (Special Development); S-D/c (Special Development/conditions)

**PLAN EL PASO DESIGNATION:** G-2, Traditional Neighborhood (Walkable) (Northwest Plan Area)  
**Nearest Park:** Cleveland Square Park (2,068 feet)  
**Nearest School:** Vilas Elementary (3,649 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

El Paso Central Business Association

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on April 17, 2013. 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 a condition imposed by rezoning Ordinance No. 014240, dated October 12, 1999 in its entirety (see Attachment 4).

**Existing condition:** Submittal of a detailed site development plan for approval by the City Plan Commission and City Council prior to the issuance of a building permit or certificate of occupancy. Any change in use or substantial changes to the proposed design shall necessitate resubmittal of a detailed site development plan (See attachment 4).

### **CITY DEVELOPMENT DEPARTMENT-PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of the zoning condition release request as the detailed site development plan is a requirement of the S-D (Special Development) Zone District. The release of the condition will allow for administrative approval of a detailed site development plan per current Zoning Ordinance.

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

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

G-2, Traditional Neighborhood (Walkable): This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly face streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the Smart Code as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.

S-D (Special Development): The purpose of this district is to provide an opportunity for mixed-use projects, integrated in design, in certain older residential areas where there is a desire to permit a variety of nonresidential uses while maintaining the established residential appearance and landscaping of the area. The regulations of this district are designed to ensure compatibility with existing uses in the district; to permit the production, exhibit or sale of goods and the providing of services to the public in such older residential areas; to protect the traffic capacity of streets serving such older residential areas; to encourage flexibility by prescribing general performance standards for such older residential areas; and to protect the environment of adjacent areas. For the purpose of this district, older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.

**COMMENTS:**

**Planning Division - Transportation**

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

**City Development Department – Plan Review**

No comments received.

**City Development Department - Land Development**

No Objection.

Grading plan and permit shall be required.\*

Storm Water Pollution Prevention Plan and/or permit required.\*

Drainage plans must be approved by the City Development Dept. Land Development Section.\*

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

**Fire Department**

No comments received

**Sun Metro**

Sun Metro does not oppose this request and recommends the construction of sidewalks to permit access to public transit options.

### **El Paso Water Utilities**

1. EPWU does not object to this request.

### **EPWU-PSB Comments**

#### **Water**

2. There is an existing 48-inch diameter water transmission main that extends along Rio Grande Avenue. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

3. There is an existing 10-inch diameter water main along Mesa Street fronting the subject property. This water main is available for service.

4. EPWU records indicate two (2) vacant water connections with 1000 N. Mesa Street as the service address.

#### **Sanitary Sewer:**

5. There is an existing 8-inch diameter sanitary sewer main that extends along the alley east of the property. This sewer main is available for service.

#### **General:**

6. 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.

7. 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, 3<sup>rd</sup> 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:

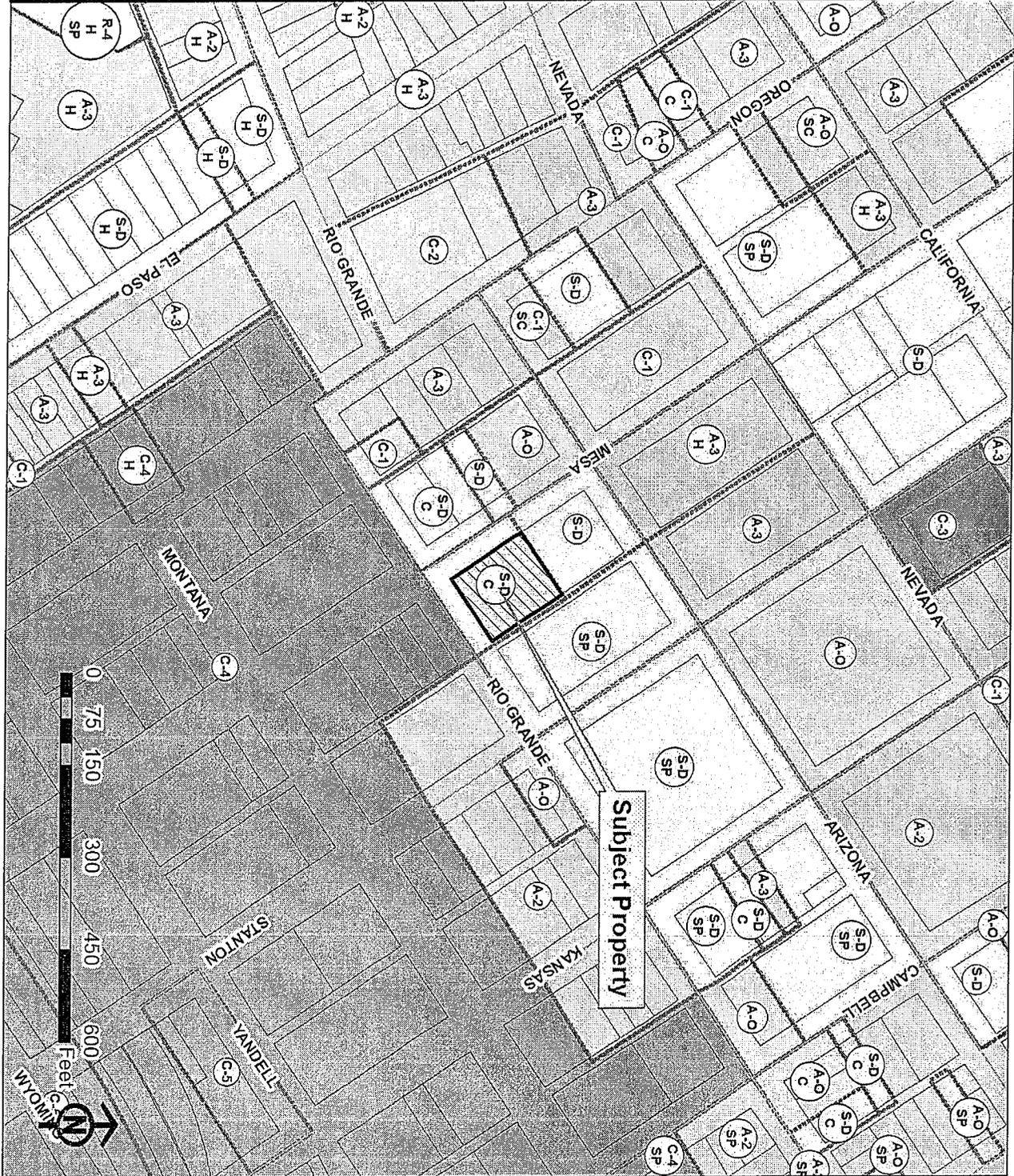
1. Recommend approval of the application finding that the zoning condition release is in conformance with the review criteria of Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the zoning condition release into conformance with the review criteria in Plan 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 Plan 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. Detailed Site Plan
4. Ordinance No. 014240

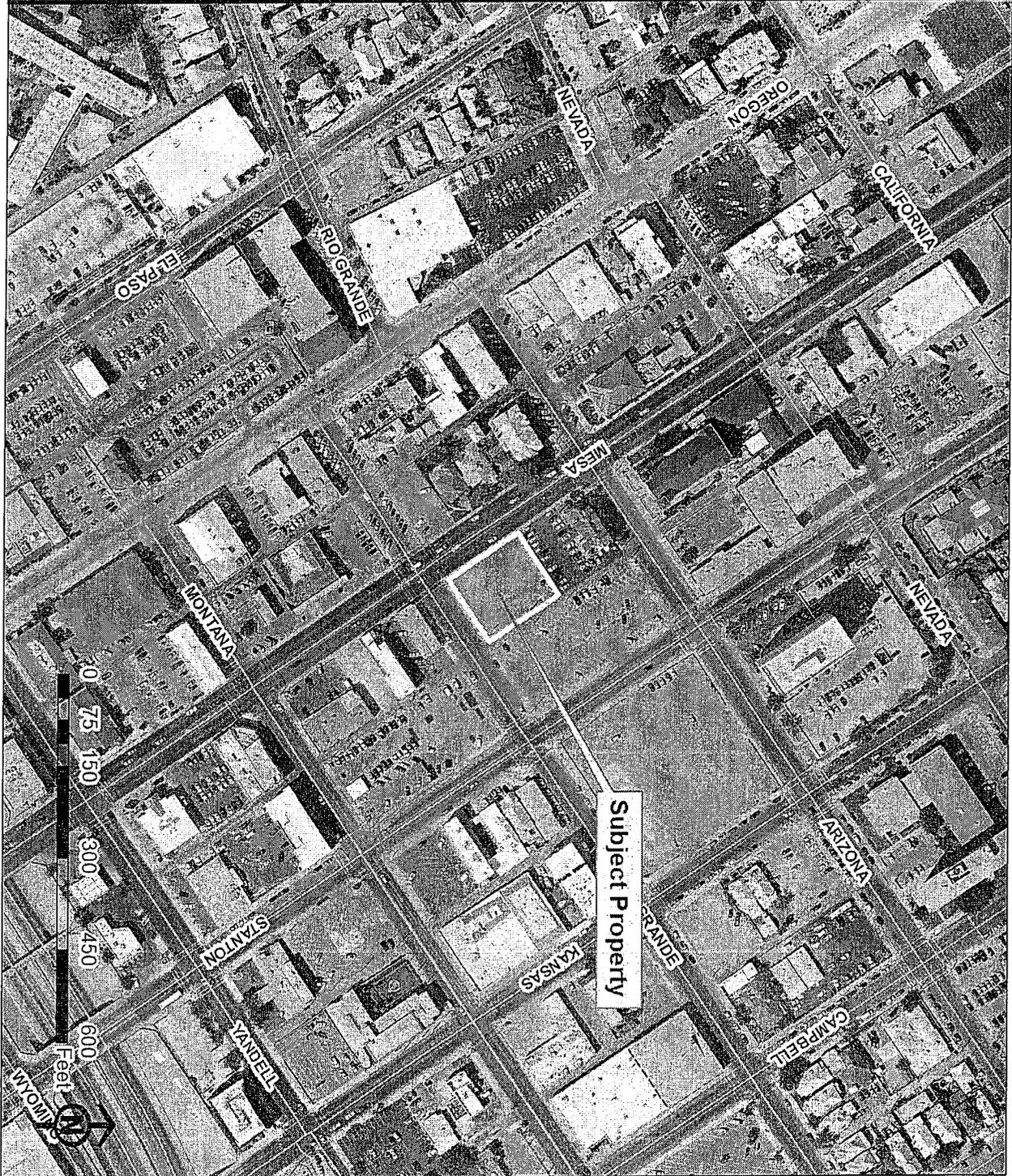
ATTACHMENT 1: ZONING MAP

PZCR13-00002



ATTACHMENT 2: AERIAL MAP

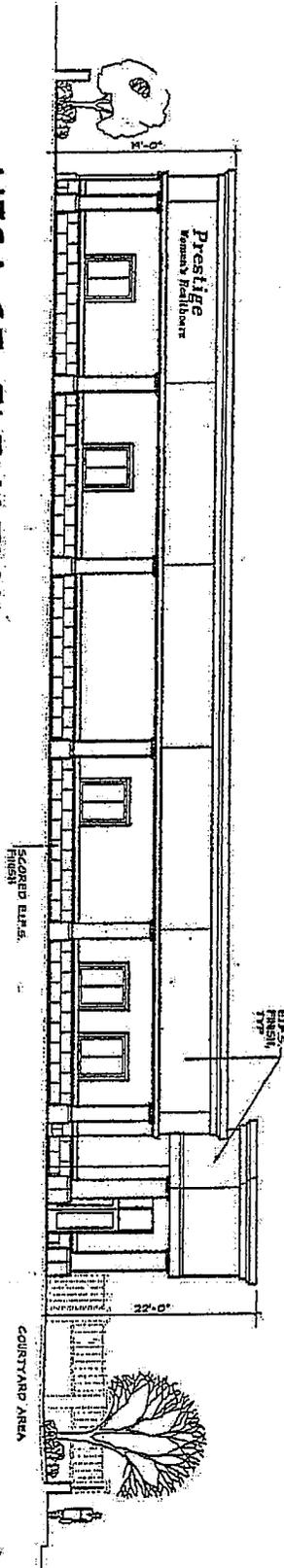
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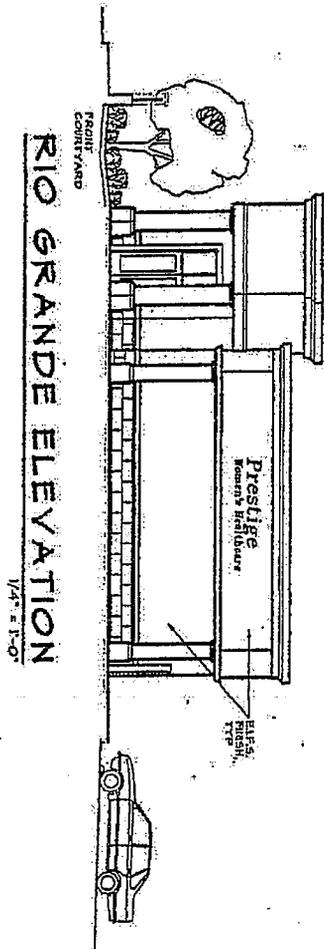


**ATTACHMENT 4: ELEVATIONS**

**MESA ST. ELEVATION**



**RIO GRANDE ELEVATION**



ATTACHMENT 4: ORDINANCE NO. 014240

ORDINANCE NO. 014240

AN ORDINANCE CHANGING THE ZONING OF LOTS 16-20 AND A PORTION OF LOT 15, BLOCK 67, HART ADDITION, EL PASO, EL PASO COUNTY, TEXAS (1000 NORTH MESA STREET) FROM C-1 (COMMERCIAL) TO S-D (SPECIAL DEVELOPMENT) 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 *Lots 16-20 and a portion of Lot 15, Block 67, HART ADDITION, El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from C-1 (Commercial) to S-D (Special Development) within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following condition which is necessitated by and attributable to the increased intensity of use generated by the change of zoning from C-1 (Commercial) to S-D (Special Development) in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

Submittal of a detailed site development plan for approval by the city Plan Commission and City Council prior to issuance of a building permit or certificate of occupancy. The site plan submitted with the rezoning application (ZC-99043) shall satisfy the requirement for a detailed site development plan for the proposed three-story office building. Any change in use or substantial changes to the proposed design shall necessitate resubmittal of a detailed site development plan under the notice and approval requirements of Article III of Title 20 (Zoning) of the El Paso Municipal Code.

This condition runs with the land, is a charge and servitude thereon, and binds the current property owner and any successors in title. The City may enforce this condition by injunction, by rescission of the zoning which is made appropriate as a result of this condition, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release

CUELLAR:pmcW66239/ZON/PLAIV6

9/3/99

ORDINANCE NO. 014240

Zoning Case No. ZC-99043

the above condition 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 12<sup>th</sup> day of October, 1999.

THE CITY OF EL PASO

[Signature]  
Mayor ~~PRO-TEM~~

ATTEST:

[Signature]  
City Clerk

APPROVED AS TO FORM:

[Signature]  
Guadalupe Cuellar  
Assistant City Attorney

APPROVED AS TO CONTENT:

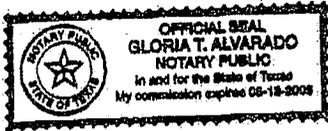
[Signature]  
Alfonso Vásquez  
Dept. of Planning, Research & Development

Acknowledgment

THE STATE OF TEXAS )  
                                  )  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 12<sup>th</sup> day of October, 1999, by PRESI ORTEGA, JR. as MAYOR PRO-TEM of the CITY OF EL PASO.

My Commission Expires: May 13, 2003



[Signature]  
Notary Public, State of Texas  
Notary's Printed or Typed Name:  
Gloria T. Alvarado

CUELLAR:pmc#66239/ZON/PLA1Y6

ORDINANCE NO. 014200

Zoning Case No. ZC-99043