

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: June 29, 2010
Public Hearing: July 20, 2010

CONTACT PERSON/PHONE: Esther Guerrero, (915) 541-4720

DISTRICT(S) AFFECTED: 6

SUBJECT:

An ordinance releasing a condition placed on property by Ordinance No. 011107 which changed the zoning of Tract 14G, Block 51, Ysleta Grant, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 9739 Socorro Road. Property Owner: Timothy Gray. ZON10-00025 (District 6)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation w/condition
City Plan Commission (CPC) – Approval Recommendation w/condition (7-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director-Planning, Development Services Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE RELEASING A CONDITION PLACED ON PROPERTY BY ORDINANCE NO. 011107 WHICH CHANGED THE ZONING OF TRACT 14G, BLOCK 51, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as *Tract 14G, Block 51, Ysleta Grant, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 011107, approved by City Council on August 11, 1992; and,

WHEREAS, the rezoning was subject to the following zoning condition on Tract 14G, Block 51, Ysleta Grant, City of El Paso, El Paso County, Texas:

That the following uses are hereby prohibited: Restaurants, bars, private club, lodge or meeting hall, automotive tune-up service and commercial day-care centers; and,

WHEREAS, placement of such conditions were 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 a portion of the condition on the above described property; and

WHEREAS, a public hearing regarding amendment of the condition was held before the City Plan Commission, and the Commission recommended approval of the partial release and placement of an additional condition; and,

WHEREAS, the City Council of the City of El Paso has determined that the release of a portion of the above condition and placement of an additional 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 condition imposed by Ordinance No. 011107 dated August 11, 1992 requiring that the current prohibited use of a restaurant and commercial day-care center be released on the portion of land identified in Exhibit "A"; and

2. That an additional condition be added requiring that a five-foot (5') wide landscaped buffer to include at least two (2) high profile native trees of at least two-inch (2") caliper and ten-feet (10') in height be placed along the property line abutting Socorro Road.

3. Except as herein amended, Ordinance No. 011107, approved by City Council on August 11, 1992, shall remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2010.

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:

Mathew S. McElroy,
Deputy Director - Planning
Development Services Department

Calderon Engineering

3031 Trawood Drive
El Paso, Texas 79936
(915) 855-7552
Fax: 855-8350
CalderonEngineering@elpbizclass.com

March 25, 2010

METES & BOUNDS DESCRIPTION

Description of a parcel of land being all of Tract 14G, Block 51, Ysleta Grant, City of El Paso, El Paso County, Texas, and being more particularly described by metes & bounds as follows:

Beginning at a set iron pin, marking the Southwest corner of Tract 14G, Block 51, Ysleta Grant and the Northwest corner of 30 feet additional right-of-way Platted by Vista Del Prado Unit Two; City of El Paso, El Paso County Texas;

Thence North 28°31'00" West along the Easterly right-of-way line of Socorro Road a distance of 65.00 feet to a set iron pin;

Thence North 61°29'00" East, along the common Tract line between Tracts 14G and 14A, Block 51, Ysleta Grant, a distance of 146.79 feet to a set concrete nail;

Thence South 28°31'00" East, along the east boundary of Tract 14G, Block 51, Ysleta Grant, and along the west boundary of Vista Del Prado Unit Two, a distance of 65.00 feet to a set iron pin;

Thence South 61°29'00" West, along the south boundary of Tract 14G, Block 51, Ysleta Grant, and along the north boundary of Lot 2, Block 14, Vista Del Prado Unit Two; and along the north boundary of 30 feet additional right-of-way Platted by Vista Del Prado Unit Two, a distance of 146.79 feet to the "Point of Beginning", and containing in all, 9,541.35 square feet or 0.219 acres of land more or less. A plat of survey dated March 25, 2010 is a part of this description and is attached hereto.



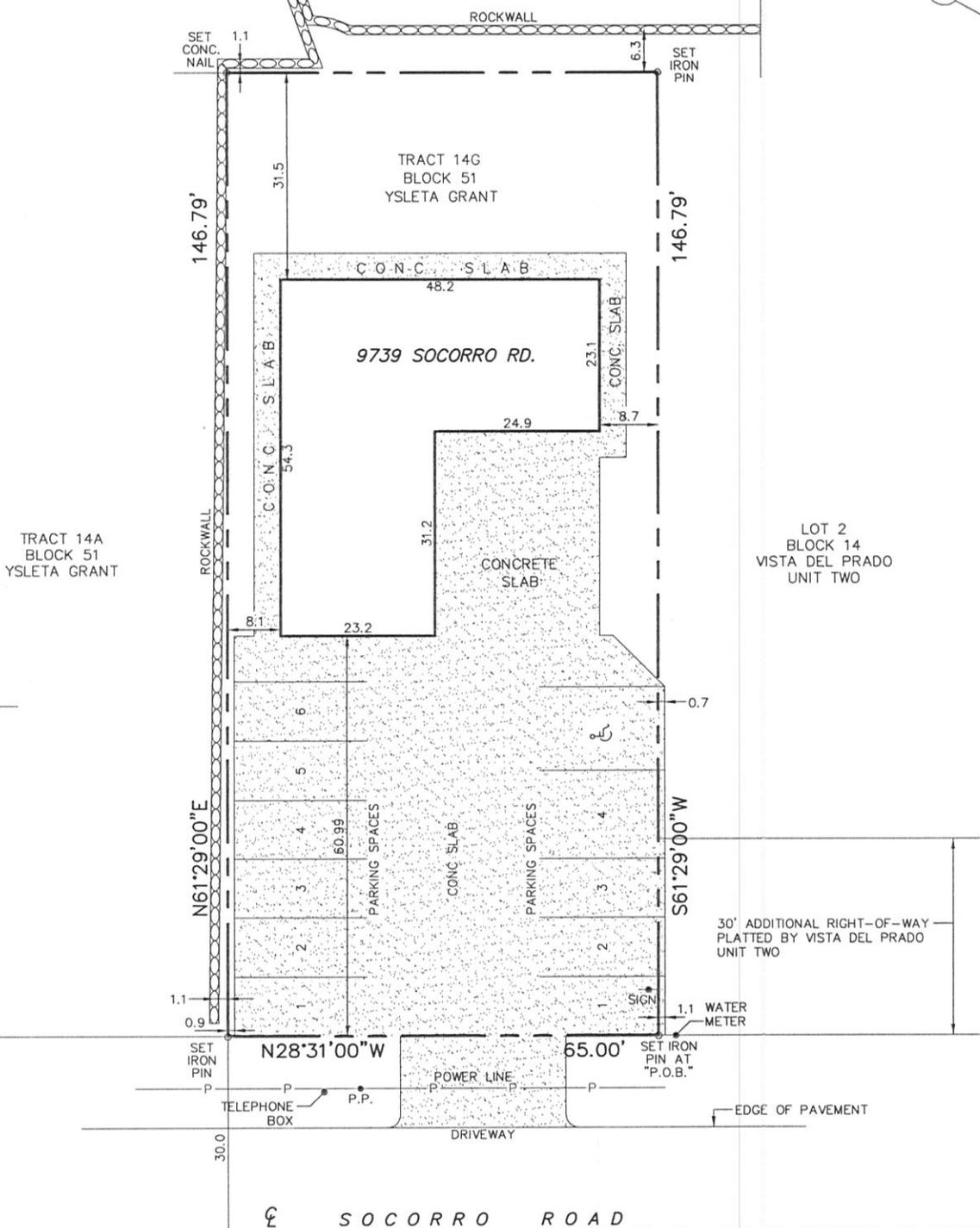
Manuel Calderon
Registered Professional Land Surveyor No. 2564
Calderon Engineering

LOT 7
BLOCK 14
VISTA DEL PRADO
UNIT TWO

LOT 6
BLOCK 14
VISTA DEL PRADO
UNIT TWO

S28°31'00"E

65.00'



REFERENCES:

VOLUME	PAGE
1510	1079
2240	1574
1356	0665
1356	0659
1976	1423
1932	1443



BEARING ORIENTATION AS PER PLAT OF,
BLOCK 51, YSLETA GRANT

CERTIFICATION

I hereby certify that the foregoing Boundary and Improvement Survey was made by me or under my supervision and that there are no encroachments except as shown. Only platted easements are shown.

Manuel Calderon

Manuel Calderon
Registered Professional Land Surveyor No. 2564
TEXAS SURVEYING FIRM NO. 100200-00

E-Mail: CalderonEngineering@elpbizclass.com

Book _____ Page _____ Job No. 310-47B-S

9739 SOCORRO ROAD
TRACT 14G, BLOCK 51,
YSLETA GRANT,
CITY OF EL PASO
EL PASO COUNTY, TEXAS

Field JM Office SH-C6 Date 3-25-10 Scale 1"=20'

CALDERON ENGINEERING

CIVIL - STRUCTURAL

3031 TRAWOOD DR.
EL PASO, TEXAS 79936 (915) 855-7552



MEMORANDUM

DATE: June 29, 2010
TO: Honorable Mayor and City Council
Joyce Wilson, City Manager
FROM: Esther Guerrero, Planner
SUBJECT: ZON10-00025

The City Plan Commission (CPC) on June 3, 2010, voted **7-0** to recommend **APPROVAL** of a partial special contract release. The CPC recommended the release of the prohibited uses of restaurants and commercial day care centers on the subject property. The prohibited uses that will remain on the property per the special contract are: private clubs, lodge or meeting halls and automotive tune-up service. The CPC also made the recommendation to add an additional condition for a five-foot (5') wide landscaped buffer along the property line abutting Socorro Road. This landscape buffer will serve as an aesthetic enhancement for the Mission Trail Corridor and will mitigate the increased intensity from the released conditions. This recommendation is in agreement with the recommendation from the Development Coordinating Committee (DCC) and staff.

The CPC found that the partial release of the special contract is in conformance with The Plan for El Paso. The CPC found that the proposed uses are in conformance with the 2025 Projected General Land Use Map for the Mission Valley Planning Area. The CPC also determined that the partial release of the special contract protects the best interest, health, safety, and welfare of the public in general; and the partial release of the special contract will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was no one present to speak in favor or in opposition to this request.

Attachment: Staff Report

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson



City of El Paso – City Plan Commission Staff Report

Case No: ZON10-00025
Application Type Zoning Condition Release
CPC Hearing Date June 3, 2010
Staff Planner Esther Guerrero, (915) 541-4720, guerreroex@elpasotexas.gov

Location 9739 Socorro Road
Legal Description Tract 14G, Block 51, Ysleta Grant, City of El Paso, El Paso County, Texas

Acreage 0.219 acres
Rep District 6
Present Zoning C-1/H/c (Commercial/Historic/condition)

Request Partial release of zoning condition imposed by Ordinance No. 011107, dated August 11, 1992
Existing Use Vacant Building
Property Owner Timothy Gray
Representative Same

SURROUNDING ZONING AND LAND USE

North: R-F/H (Ranch & Farm/Historic) / Single-family residential
South: R-4/H (Residential/Historic) / Vacant
East: R-3/sc (Residential/special contract) / Single-family residential
West: RMH (Residential Mobile Home) / Mobile Home Park

THE PLAN FOR EL PASO DESIGNATION: Mixed-Use (Mission Valley Planning Area)

NEAREST PARK: Caribe (2,040 feet)

NEAREST SCHOOL: Socorro High (6,520 feet)

NEIGHBORHOOD ASSOCIATIONS

N/A

NEIGHBORHOOD INPUT

Notices of the June 3, 2010 City Plan Commission hearing were mailed out to property owners within 300 feet of the subject property on May 19, 2010. The Planning Division has received no calls or letters in support or opposition to this request.

APPLICATION DESCRIPTION

The applicant is requesting that the current prohibited use of a restaurant and commercial day-care center imposed by Ordinance No. 011107, dated August 11, 1992, on the subject property be released. The following prohibited uses will remain; private clubs, lodge or meeting halls and automotive tune-up service. The site plan shows an existing 1,817 sq. ft. building with 12 parking spaces and access via Socorro Road.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

Recommend **approval** of a partial condition release to allow restaurants and commercial day-care centers and to add an additional condition to read as follows: “that a five-foot (5’) wide landscaped buffer to include at least two (2) high profile native trees of at least two-inch (2”) caliper and ten-feet (10’) in height be placed along the property line abutting Socorro Road.”

PLANNING DIVISION RECOMMENDATION

Recommend **approval** of a partial condition release to allow restaurants and commercial day-care centers and to add an additional condition to read as follows: “that a five-foot (5’) wide landscaped buffer to include at least

two (2) high profile native trees of at least two-inch (2") caliper and ten-feet (10') in height be placed along the property line abutting Socorro Road."

The recommendation for the additional landscape buffer along Socorro Road will serve as an aesthetic enhancement for the Mission Trail Corridor, as there is a specific public interest in enhancement and preservation of historic districts and that this additional condition will mitigate the increased intensity from the released conditions.

The Plan for El Paso –City-wide Land Use Goals

All applications for zoning condition release 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: develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.

Development Services Department - Building Permits and Inspections Division

Plan Review has no objections to this release of zoning condition.

Engineering Department - Traffic Division

Recommend that sidewalks be provided.

Street Department

We offer no objections. All existing/proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA/TAS rules and regulations and Current City of El Paso Design Standards for Construction.

Fire Department

Zoning Condition Release does not adversely affect the Fire Department.

El Paso Water Utilities

EPWU does not object to this request

Water

Along Socorro Road between Celaya Street and Midianite Street there is an existing six (6) inch diameter water main fronting the subject property. Previous water pressure readings from fire hydrant number 4503 located at the corner of Socorro Road and Jericho Street have yielded a static pressure of 84 pounds per square inch, residual pressure of 56 pounds per square inch, and a discharge of 1,034 gallons per minute.

Sanitary Sewer

Along Socorro Road between Celaya Street and Midianite Street there is an existing eight (8) inch diameter sanitary sewer main. This main is located along the easternmost portion of Socorro Road.

Along Socorro Road between Celaya Street and Midianite Street there is a second existing sanitary sewer main. The size of this main is twelve (12) inches in diameter and it is located along the westernmost portion of Socorro Road.

General

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

As per EPWU-PSB records, 9739 Socorro Road has a three-quarter (3/4) inch diameter water service.

If the City of El Paso Fire Department requires additional fire hydrants on public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Application for 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 zoning condition release application:

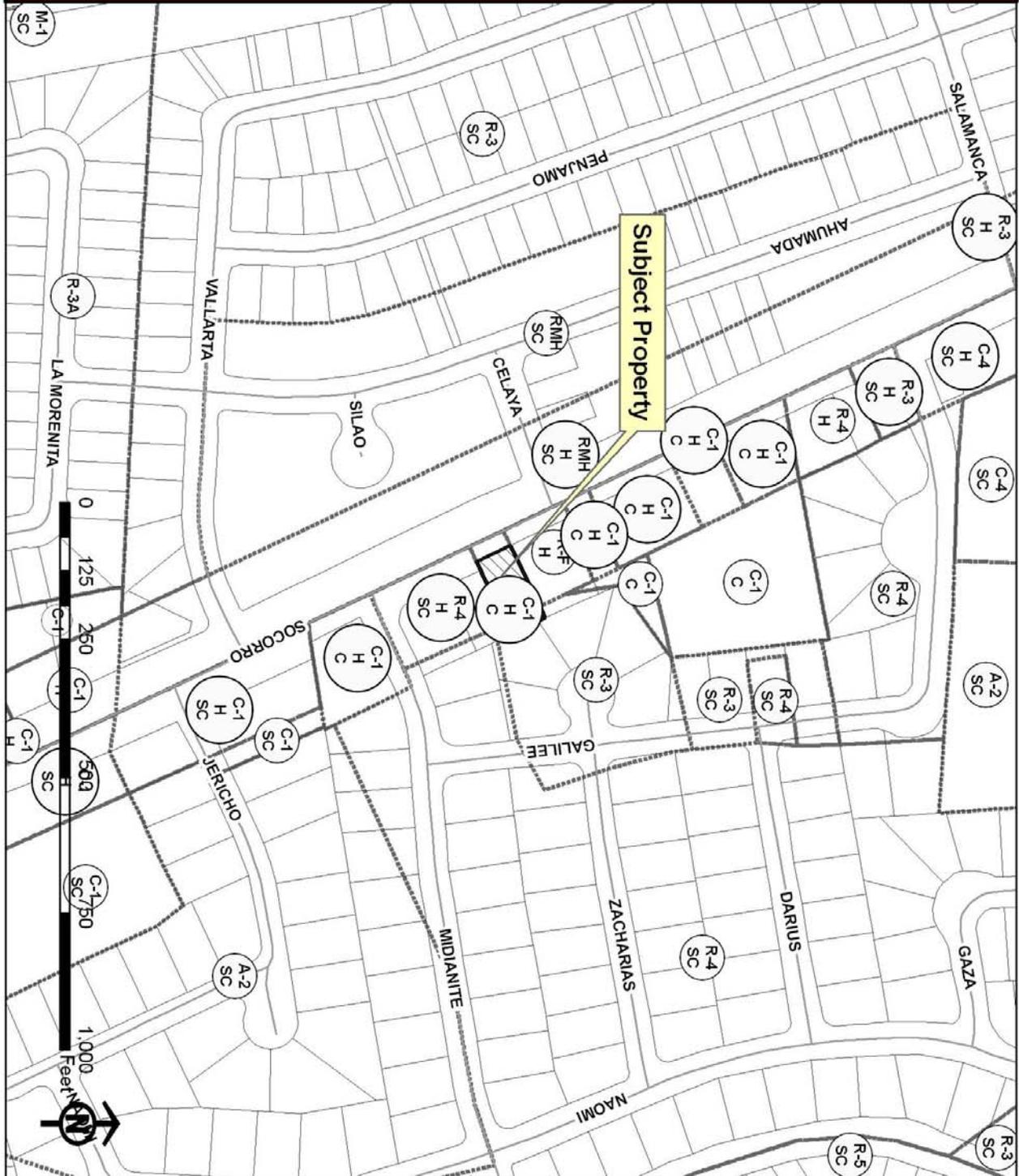
1. Recommend approval of the application finding that the zoning condition release is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring 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. Site Plan
4. Ordinance No. 011107

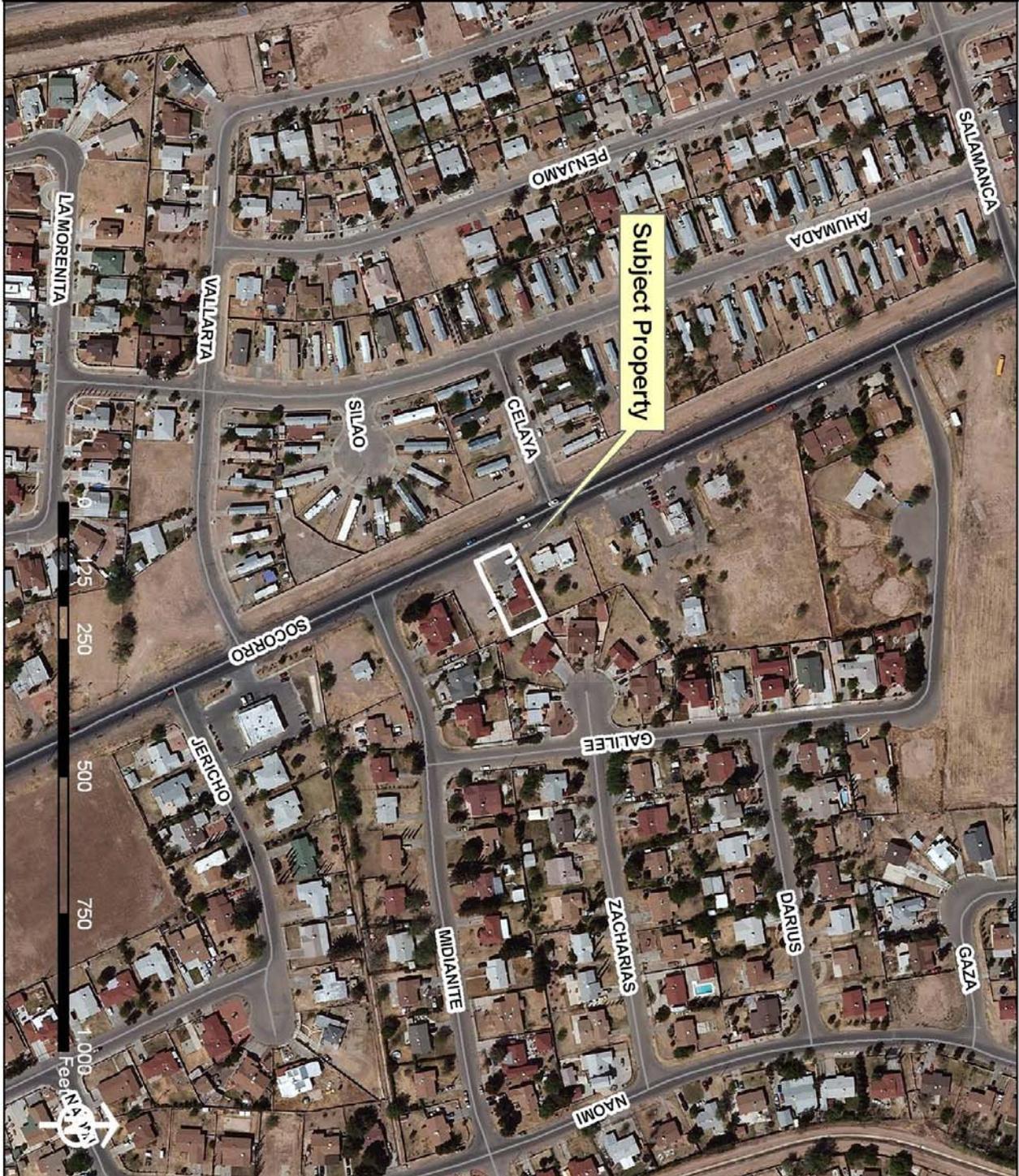
ATTACHMENT 1: ZONING MAP

ZON10-00025

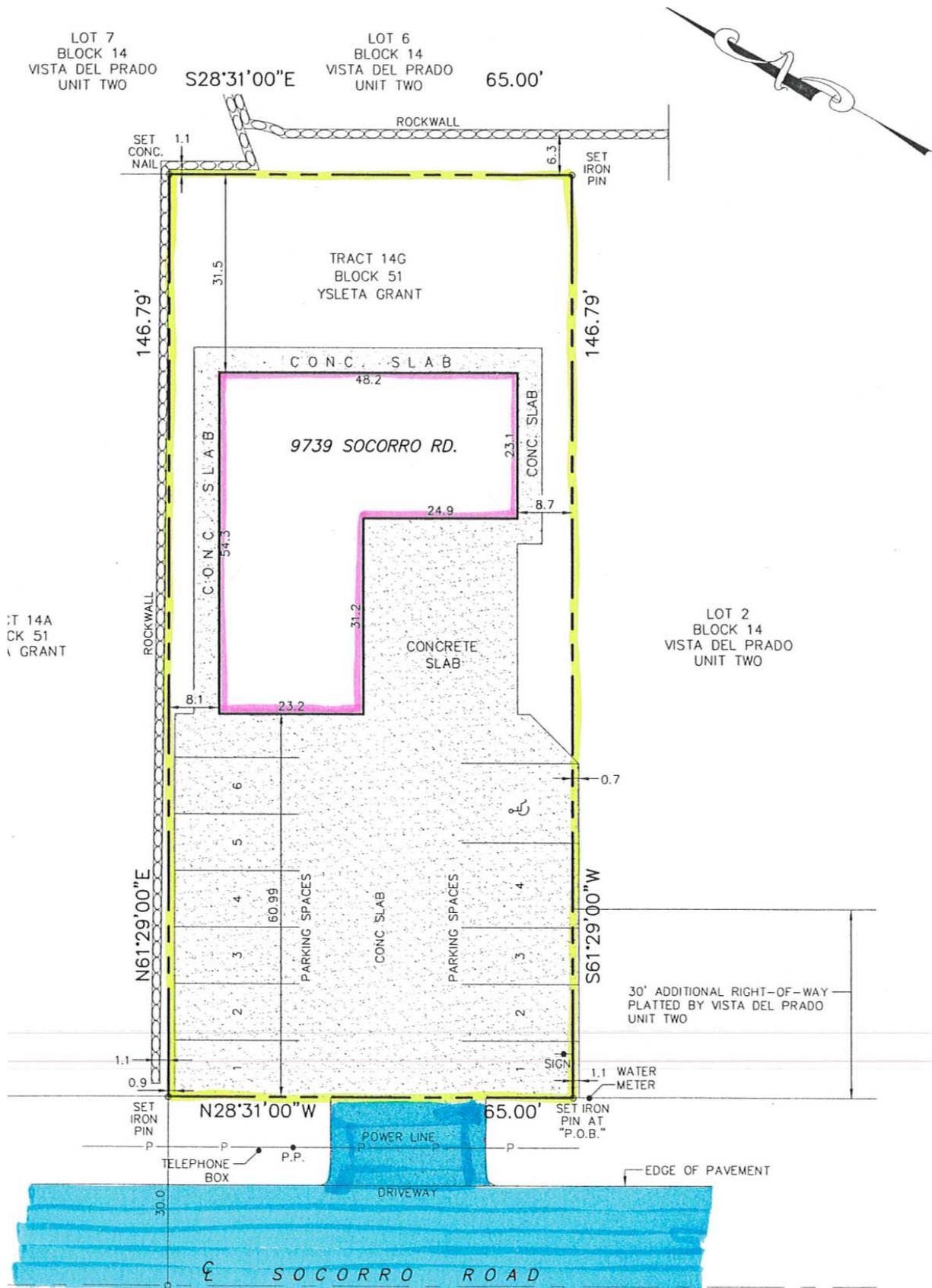


ATTACHMENT 2: AERIAL MAP

ZON10-00025



ATTACHMENT 3: SITE PLAN



ORDINANCE NO. ~~011107~~

AN ORDINANCE CHANGING THE ZONING OF
TRACT 14G, BLOCK 51, YSLETA GRANT
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 TRACT 14G, BLOCK 51, YSLETA GRANT be changed from R-F (Ranch/Farm) to C-1 (Commercial), 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 BBBB, in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

That the following uses are hereby prohibited: Restaurants, bars, private club, lodge or meeting hall, automotive tune-up service and commercial day-care centers.

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

Ordinance No. 011107

PAGE 1 OF 2

334

