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

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

AGENDA DATE: **Public Hearing: July 10, 2007**

CONTACT PERSON/PHONE: **Esther Guerrero, 541-4720**

DISTRICT(S) AFFECTED: **4**

SUBJECT:

A Resolution releasing conditions placed by a contract dated January 9, 1968, which imposed conditions on the following real property: Parcel 1: Tract 2E, Section 22, Block 81, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas; and, Parcel 2: Tract 2C, Section 22, Block 81, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas. Subject Property: Alabama Street, North of McKelligon Canyon Road. Applicants: Roberto Moreno, Andrea Geiger and Ted Andresen, ZON07-00036 (District 4)

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
City Plan Commission (CPC) – Approval Recommendation (5-0)

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

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

DEPARTMENT HEAD: Kelly Carpenter

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

CITY CLERK DEPT.
07 JUN 19 AM 10:50

RESOLUTION

A RESOLUTION RELEASING CONDITIONS PLACED BY A CONTRACT DATED JANUARY 9, 1968, WHICH IMPOSED CONDITIONS ON THE FOLLOWING REAL PROPERTY:

PARCEL 1: TRACT 2E, SECTION 22, BLOCK 81, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS; AND,

PARCEL 2: TRACT 2C, SECTION 22, BLOCK 81, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the property described as *Parcel 1: Tract 2E, Section 22, Block 81, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County Texas; and Parcel 2: Tract 2C, Section 22, Block 81, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas,* was rezoned on January 9, 1968; and,

WHEREAS, the rezoning was subject to the property owner entering into a contract with the city and such contract imposed zoning conditions (a) that the two parcels rezoned to C-1 will be used only for the purposes of a restaurant and private club; (b) no construction will be permitted in the 3,729 acre C-1 parcel, which borders Alabama Street and McKelligon Canyon Road, until after the foundations for one hundred apartment units in Tract 2A have been poured, (d) the then owner of the land will dedicate and construct a twenty-foot wide deceleration land along Alabama Street and also along McKelligon Canyon Road, subject to the requirements of the City Engineer and the City Traffic Engineer, and (g) interior road grades within the tract will be subject to approval of the City Engineer, and the then owner of the tract will provide adequate drainage of the tract in accordance with plans and specifications approved by the City Engineer; 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 is proposing the development of an adult day care facility; and; and,

WHEREAS, the owner (applicant) submitted an application requesting the removal of the above conditions on the above described property; and,

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

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

CITY CLERK DEPT.
07 JUN 18 AM 10:50

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

1. That zoning conditions imposed by a contract dated January 9, 1968 requiring that (a) the two parcels rezoned to C-1 will be used only for the purposes of a restaurant and private club; (b) no construction will be permitted in the 3,729 acre C-1 parcel, which borders Alabama Street and McKelligon Canyon Road, until after the foundations for one hundred apartment units in Tract 2A have been poured, (d) the then owner of the land will dedicate and construct a twenty-foot wide deceleration land along Alabama Street and also along McKelligon Canyon Road, subject to the requirements of the City Engineer and the City Traffic Engineer, and (g) interior road grades within the tract will be subject to approval of the City Engineer, and the then owner of the tract will provide adequate drainage of the tract in accordance with plans and specifications approved by the City Engineer, be released.

2. Except as herein amended, the contract dated January 9, 1968 shall remain in full force and effect.

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

07 JUN 19 AM 10:50
CITY CLERK DEPT.

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT
DIRECTOR, DEVELOPMENT SERVICES

KELLY CARPENTER, AICP
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
PLANNING DIVISION
MEMORANDUM

DATE: June 18, 2007

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

FROM: Esther Guerrero, Planner

SUBJECT: **ZON07-00036**

The City Plan Commission (CPC), on May 17, 2007, voted **5-0** to recommend **approval** to release conditions imposed by Contract dated January 9, 1968 on the subject parcels currently zoned C-1/sc (Commercial/special contract).

The conditions considered to be released are as follows:

3. *(a) The two parcels rezoned to C-1 will be used only for the purposes of a restaurant and private club.*
   (b) No construction will be permitted in the 3.729-acre C-1 parcel, which borders Alabama Street and McKelligon Canyon Road, until after the foundation for one hundred apartment units in Tract 2A have been poured.
   (d) The then owner of the land will dedicate and construct a twenty-foot wide deceleration land along Alabama Street and also along McKelligon Canyon Road, subject to the requirements of the City Engineer and the City Traffic Engineer.
   (g) Interior road grades within the tract will be subject to approval of the City Engineer; and the then owner of the tract will provide adequate drainage of the tract in accordance with plans and specifications approved by the City Engineer.

The CPC found that the release of these conditions is in conformance with The Plan for El Paso; the CPC also determined that the release of conditions 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 effects of releasing 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 opposition to this request.

Attachments: Staff Report

CITY CLERK DEPT.
07 JUN 19 AM 10:50

Attachment 3: Application

DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT
APPLICATION FOR ZONING CONDITION AMENDMENT OR RELEASE

1. PROPERTY OWNER(S): Roberto Moreno

2. APPLICANT(S): Roberto Moreno

3. REPRESENTATIVE(S) Eduardo Torres
ADDRE

4. LEGAL DESCRIPTION: 81 TSP 2 SEC 22 T & P SURV
TR 2-E (0.684 ACRES)
PID # X581-999-2220-0262

NOTE: If legal description consists of portions of lots or blocks; or a legal subdivision has not been recorded; a written sealed metes and bounds description shall be required before this application may be accepted for processing.

5. STREET ADDRESS OR LOCATION OF PROPERTY: 5019 Alabama (El Paso, Tx)
6. CITY REPRESENTATIVE DISTRICT #: ~~Belinda Castro~~ #4
7.A. PARCEL 1: ACREAGE 0.684 PRESENT ZONING C-1 PRESENT LAND USE VANCANT
PROPOSED ZONING C-1S PROPOSED LAND USE Adult - Day Care Center
7.B. ~~PARCEL 2:~~ ACREAGE _____ PRESENT ZONING _____ PRESENT LAND USE _____
PROPOSED ZONING _____ PROPOSED LAND USE _____
7.C. ~~PARCEL 3:~~ ACREAGE _____ PRESENT ZONING _____ PRESENT LAND USE _____
PROPOSED ZONING _____ PROPOSED LAND USE _____ APR 04 2007

NOTE: If you have additional parcels, please attach a supplementary page.

8. ZONING CONDITION(S): ☐ AMENDMENT ☒ RELEASE
9. EXPLANATION WHY ZONING CONDITION AMENDMENT/RELEASE IS NECESSARY AND DESIRABLE: REMOVE RESTRICTIONS: USED ONLY FOR THE PURPOSE OF RESTAURANT OR PRIVATE CLUB; TO ALLOW WIDER RANGE OF BUSINESS.
10. SIGNATURE(S) OF OWNER(S) OF RECORD FOR THE ABOVE DESCRIBED PROPERTY:
A. _____ B. _____ C. _____

NOTE: Each item on this form shall be completed and all documentation required on the reverse side of this form shall be submitted before this application may be accepted for processing.

Cashier's Validation
Fee: $ ~~165.00~~
$182.00

Accepted by: _____

****OFFICE USE ONLY****
~~BC~~ ZON07-00036 RECEIVED DATE: 4/4/07 FIELD DATE: 4/11/07
DCC REVIEW DATE: 4/25/07 CPC REVIEW DATE: 5/17/07
COMMENTS/INSTRUCTIONS: _____

DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT
APPLICATION FOR ZONING CONDITION AMENDMENT OR RELEASE

1. PROPERTY OWNER(S): Andrea Geyer + Ted Andresen
   ADDRESS: _____
2. APPLICANT(S): _____
   ADDRESS: _____ ZIP CODE: _____ PHONE: _____
3. REPRESENTATIVE(S) _____
   ADDRESS: _____ ZIP CODE: _____ PHONE: _____
4. LEGAL DESCRIPTION: .323 portion of Tract 2C Sec 22 Blk 81 TSP 2 T&PRR Survey
   PID # X581-999-2220-0253

NOTE: If legal description consists of portions of lots or blocks; or a legal subdivision has not been recorded; a written sealed metes and bounds description shall be required before this application may be accepted for processing.

5. STREET ADDRESS OR LOCATION OF PROPERTY: Alabama near McKelligon
6. CITY REPRESENTATIVE DISTRICT #: _____

7.A. PARCEL 2: ACREAGE 0.323 PRESENT ZONING CISC PRESENT LAND USE vacant
PROPOSED ZONING _____ PROPOSED LAND USE _____

7.B. ~~PARCEL 2:~~ ACREAGE _____ PRESENT ZONING _____ PRESENT LAND USE _____
PROPOSED ZONING _____ PROPOSED LAND USE _____

7.C. ~~PARCEL 3:~~ ACREAGE _____ PRESENT ZONING _____ PRESENT LAND USE _____
PROPOSED ZONING _____ PROPOSED LAND USE _____

NOTE: If you have additional parcels, please attach a supplementary page.

8. ZONING CONDITION(S): ☐ AMENDMENT ☒ RELEASE
9. EXPLANATION WHY ZONING CONDITION AMENDMENT/RELEASE IS NECESSARY AND DESIRABLE: condition condems property - no use is possible
10. SIGNATURE(S) OF OWNER(S) OF RECORD FOR THE ABOVE DESCRIBED PROPERTY:
    A. Andrea L. Geyer B. Ted A. C. _____

NOTE: Each item on this form shall be completed and all documentation required on the reverse side of this form shall be submitted before this application may be accepted for processing.

Cashier's Validation
Fee: ~~$165.00~~ $182.00

Accepted by: [signature]

****OFFICE USE ONLY****

~~SC~~ ZON07-00036 RECEIVED DATE: 4/4/07 FIELD DATE: 4/11/07
DCC REVIEW DATE: 04/25/07 CPC REVIEW DATE: 5/17/07
COMMENTS/INSTRUCTIONS: _____