

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

DEPARTMENT: City Development Department, Planning Division

AGENDA DATE: Introduction: June 25, 2013
Public Hearing: July 16, 2013

CONTACT PERSON/PHONE: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 3

SUBJECT:

An Ordinance granting Special Permit No. PZST12-00026, to allow for the expansion of a major utility facility for El Paso Electric Company on the property described as a portion of Block 7, Celina Plaza, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.730 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 1165 Sunmount drive. Applicant: El Paso Public Service Board (PSB). PZST12-00026 (District 3)

BACKGROUND / DISCUSSION:

On March 7, 2013, The CPC made a recommendation to City Council that the entire perimeter of the lot shall be landscaped.

PRIOR COUNCIL ACTION:

N/A

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
Deputy Director, City Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST12-00026, TO ALLOW FOR THE EXPANSION OF A MAJOR UTILITY FACILITY FOR EL PASO ELECTRIC COMPANY ON THE PROPERTY DESCRIBED AS A PORTION OF BLOCK 7, CELINA PLAZA, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.730 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the City of El Paso, executed a lease agreement with Celina Plaza, Inc., on April 14, 1972 for portion of Block 7, Celina Plaza; and,

WHEREAS, Celina Plaza, Inc., executed a sublease agreement with El Paso Electric Company on January 16, 1975, for portion of Block 7, Celina Plaza, for use as a Substation; and,

WHEREAS, on February 21, 2012, the Mayor and City Council approved an amendment to the sublease agreement between Simon Property Group, L.P., as successor in interest to Celina Plaza, Inc., and El Paso Electric Company to increase the square footage of the sublease and to allow the expansion of El Paso Electric Company's Substation; and,

WHEREAS, the El Paso Water Utilities has filed an application for a Special Permit under Section 20.04.260 of the El Paso City Code to allow for a the expansion of a Major Utility Facility for El Paso Electric Company; and,

WHEREAS, the Section 20.10.730 of the El Paso City Code permits Major Utility Facilities by special permit in any zone, and is required to meet all of the requirements of the base zoning district; and

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and,

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and,

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Sections 20.04.320D of the El Paso City Code.

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

1. That the property described as follows is in an **A-O (APARTMENT/OFFICE)** Zone District:

A portion of Block 7, Celina Plaza, City of El Paso, El Paso County, Texas and as more particularly described by metes and bounds on the attached Exhibit "A", which is attached hereto and made a part hereof for all purposes; and,

2. That the City Council hereby grants a Special Permit under Sections 20.04.320 of the El Paso City Code, to allow for the Expansion of a Major Utility Facility for El Paso Electric Company on the property described in Paragraph 1 of this Ordinance; and,
3. That this Special Permit is issued subject to the development standards in the **A-O (APARTMENT/OFFICE)** District regulations and is subject to the approved Detailed Site Development Plan, signed by the El Paso Electric Company. A copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; and,
4. That if at any time the El Paso Electric Company fails to comply with any of the requirements of this Ordinance, **Special Permit No. PZST12-00026** shall automatically terminate, and construction shall stop or occupancy shall be discontinued; the El Paso Electric Company shall be subject to the penalty provisions of Chapter 20.24 and any other legal or equitable remedy; and
5. That the El Paso Electric Company shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

PASSED AND APPROVED this _____ day of _____, 2013.

(SIGNATURES ON THE FOLLOWING PAGE)

THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

#191960/13-1007-669 v1 - Expansion of Major Utility Facility for EPE Company

ORDINANCE NO. _____

PZST12-00026

APPROVED AS TO FORM:

Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy, Director
City Development Department

AGREEMENT

The El Paso Electric Company as sublessee of property, legally described as being a portion of Block 7, Celina Plaza, City of El Paso, El Paso County, Texas, and as more particularly described by a metes and bounds on the attached Exhibit "A," which is the property subject of this Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan Exhibit "B" attached to same Ordinance, and in accordance with the standards identified in the A-O (APARTMENT/OFFICE) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 2013.

By: _____

(name/title)

(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)

)

COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2013, by _____, for El Paso Electric Company, as Applicant.

My Commission Expires:

Notary Public, State of Texas

Notary's Printed or Typed Name:



ZWA

Zamora, L.L.C.
Professional Land Surveyors

EXHIBIT "A"

METES & BOUNDS DESCRIPTION

Being a portion of Block 7, Celina Plaza as filed in Volume 36, Page 10, El Paso County Plat Records in the City of El Paso, El Paso County, Texas and more particularly described as follows:

COMMENCING for reference at a city monument found at the intersection of the monument line of Viscount Boulevard and Catalpa Lane from which another city monument found at the intersection of the monument line of Viscount Boulevard and Sunmount Drive bears South 75°03'00" East 1311.29 feet; **THENCE**, along said monument line of Viscount Boulevard South 75°32'18" East (South 78°38'50" East) 1009.20 feet to an angle point on said monument line; **THENCE**, leaving said monument line, South 14°27'14" West 64.01 feet to a point on the south right-of-way line of Viscount Boulevard and being the northeast corner of Lot 1, Block 2, Young American Subdivision as filed in Volume 44, Page 35, El Paso County Plat Records; **THENCE**, along the east boundary line of said Young American Subdivision South 31°27'58" West (South 28°21'26" West) passing at 11.50 feet the northwest corner of Block 7, Celina Plaza a total distance of 47.82 feet to a point on the common boundary line of the afore mentioned subdivisions and the **POINT OF BEGINNING**;

THENCE, leaving said boundary line, South 58°51'07" East 232.54 feet to a point;

THENCE, South 24°59'10" West 155.90 feet to a point;

THENCE, North 58°37'43" West 250.13 feet to a point on the common boundary line of Celina Plaza and Young American Subdivision;

THENCE, along said common line, North 31°27'58" East 154.03 feet to the **POINT OF BEGINNING** containing 37,284 square feet or 0.856 acres.

Bearings contained hereon are based on grid north of the Texas State Plane Coordinate System in the Texas Central Zone No. 4203. All distances are surface. Items in parentheses denote record information.

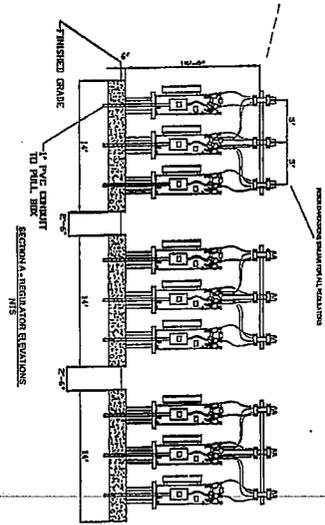
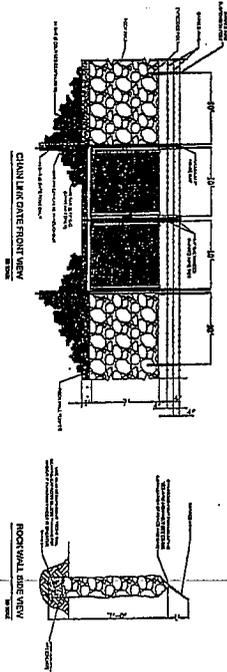
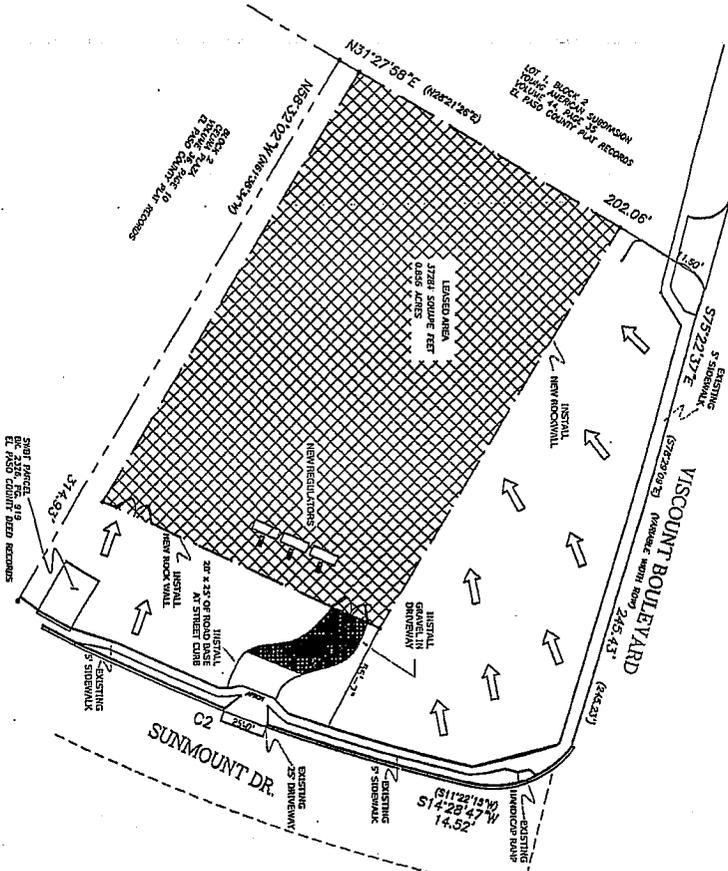
An exhibit of even date accompanies this description.

B. R. Monroe 11/15/2012
B. R. Monroe, R.P.L.S. TX. No. 5586
Date: November 15, 2012



1251200026

VISCOUNT SUBSTATION DETAILED SITE DEVELOPMENT PLAN



NO.	DATE	REVISION	BY / CH

S. B. R. ENGINEER P.E. STAMP

El Paso Electric Company
El Paso Electric
SR ENGINEERING

NOTES

- 1) EL PASO ELECTRIC WILL BURN OWN WATER AT THIS SITE.
- 2) MINIMUM 18\"/>

PHYSICAL DESCRIPTION

Being a portion of Block 7, Coking Basin on filed in Volume 36, Page 10, El Paso County plat. These and more particularly described as follows: Commencing for reference of a 50' monument of Western Boulevard and College Lane from which another city monument of the intersection of the Southern Drive bears South 72°30'00\"/>

**VISCOUNT SUBSTATION
DETAILED SITE DEVELOPMENT PLAN**

EL PASO ELECTRIC COMPANY
SUBSTATION DEPARTMENT

DESIGNED BY: L. LUCON
CHECKED BY: L. LUCON
DATE: 10/20/00

APPROVED BY: A. MADRINE
DATE: 10/20/00

MEMORANDUM

DATE: July 25, 2013

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

FROM: Andrew Salloum, Planner

SUBJECT: PZST12-00026

The City Plan Commission (CPC), on March 7, 2013, voted 7-0 to recommend **approval** of the special permit application to allow the expansion of a major utility facility for El Paso Electric Company with the following condition that the entire perimeter of the lot shall be landscaped.

The CPC found that the special permit is in conformance with Plan El Paso. The CPC also determined that the special permit 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 special permit will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

On July 22, 2013, Planning Division received an email inquiring about the special permit case.
On July 23, 2013, Planning Division also received 1 call in opposition to the special permit request.

Attachment:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZST12-00026
Application Type: Special Permit
CPC Hearing Date: March 7, 2013
Staff Planner: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

Location: 1165 Sunmount Drive
Legal Description: A portion of Block 7, Celina Plaza, City of El Paso, El Paso County, Texas
Acreage: 0.856-acre
Rep District: 3
Zoning: A-O (Apartment/Office)
Existing Use: Major utility facility for El Paso Electric Company
Request: Expansion of Major utility facility for El Paso Electric Company
Proposed Use: Major utility facility for El Paso Electric Company

Property Owner: El Paso Water Utilities/Public Service Board/City of El Paso
Representative: Jim Shelton, Rudy Valdez, and El Paso Electric Company

SURROUNDING ZONING AND LAND USE

North: A-O (Apartment/Office) / El Paso Water Utilities Well
South: C-4 (Commercial) / Sun Metro Terminal Bay
East: A-O (Apartment/Office) / Apartment
West: M-1 (Light Manufacturing) / Office

The Plan for El Paso Designation: G-4, Suburban (Walkable) (East Planning Area)
NEAREST PARK: Ponder Park (196 feet)
NEAREST SCHOOL: Burges High (2,041 feet)

NEIGHBORHOOD ASSOCIATIONS

Eastside Civic Association
Cielo Vista Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on February 19, 2013. The Planning Division has not received any letters or phone calls in support or opposition of the special permit request.

APPLICATION DESCRIPTION

The applicant is requesting a special permit for the expansion of a major utility facility for the El Paso Electric Company. The detailed site development plan shows three (3) new regulators on the leased area which is 0.856-acres and installation of a new 7-foot rock wall and two (2) gates. The applicant has submitted a letter to the Building, Permit, and Inspection Official for approval to allow for the use of barbed wire. Access is proposed via a 55 feet 7 inch access and utility easement off a private driveway from Sunmount Drive.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the special permit and detailed site development plan review request for the expansion of a major utility facility, as it complies with 20.04.320 special permit and 20.04.150 detailed site development plan.

Plan El Paso-Future Land Use Map Designation

All applications for special permit shall demonstrate compliance with the following criteria:

G-4 – Suburban (Walkable): This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the A-O (Apartment/Office) district is to promote and preserve residential development within the city associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain nonresidential uses and support facilities.

COMMENTS:

City Development Department - Planning Division - Transportation

No objections to special permit request.

Notes:

1. Location is within a quarter-mile of the Sun Metro Eastside Terminal.
2. All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

City Development Department – Plan Review

No objections.

City Development Department - Landscaping Division

Landscape shall be required for this project when applying for building permit.

City Development Department - Land Development

No objections.

Fire Department

Recommend approval of “site plan” as presented. Does not adversely affect fire department at this time.

** Note, A more detailed reviewed will be done by fire plan review during the permitting process.

Sun Metro

Sun Metro does not oppose this request. Coordination is requested to ensure conflicts do not occur between bus service to and from the Eastside Transit Terminal and the proposed construction.

El Paso Water Utilities

We have reviewed the special permit request referenced above and provide the following comments:

1. EPWU does not object to this request.

EPWU-PSB Comments

Water

2. There is an existing 8-inch diameter water main within Block 7, Celina Plaza that is located approximately 16-foot west of the west right-of-way line of Sunmount Drive. This water main is available for service.

Sanitary Sewer:

3. There is an existing 8-inch diameter sewer main along Sunmount Drive that dead-ends just north of the southern property line of Block 7, Celina Plaza. If sewer service is required for the site, a sewer main extension will be required.

General:

4. A new service application is required for water and sanitary sewer services. 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

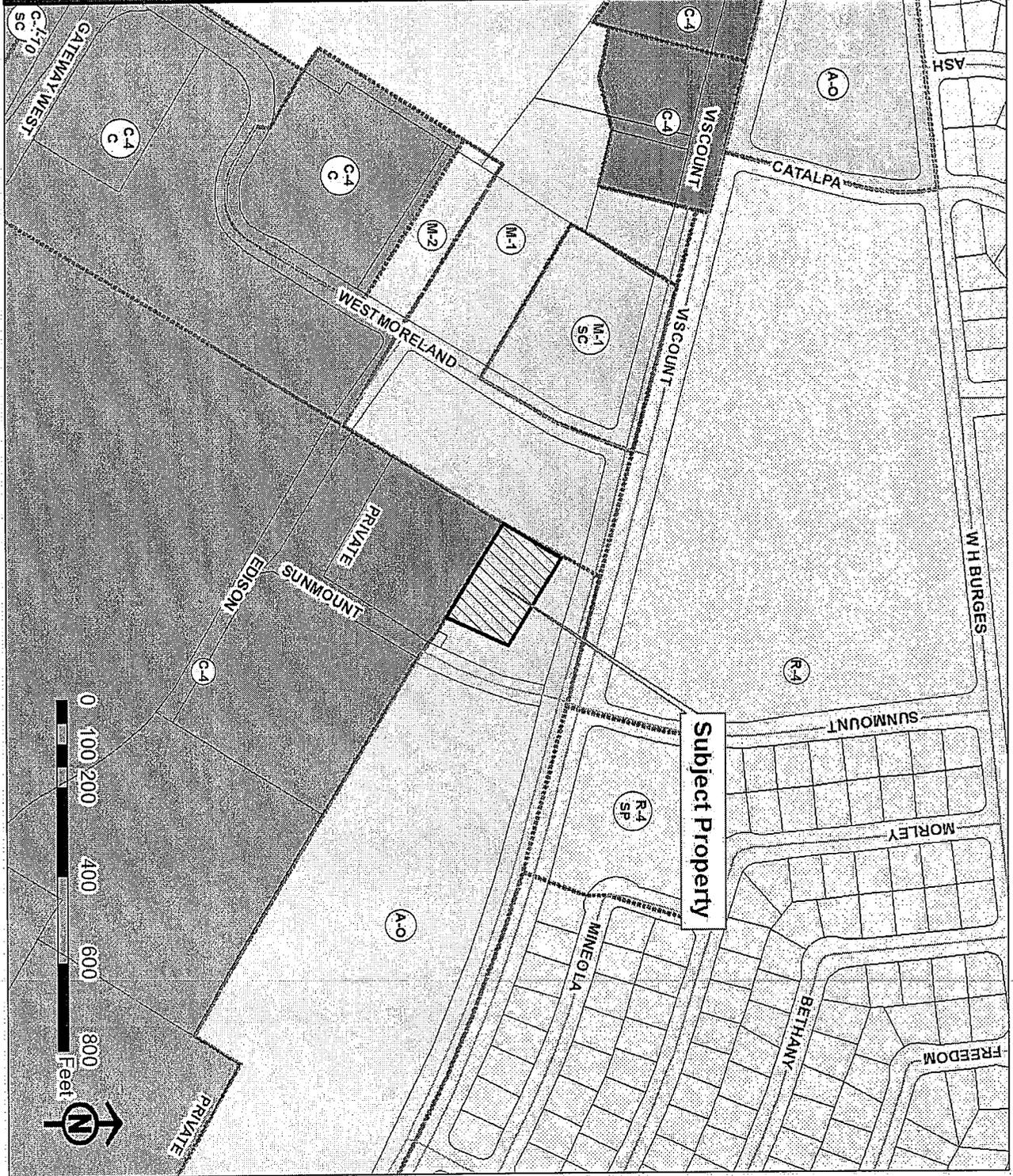
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit and detailed site development plan application:

1. Recommend approval of the application finding that the special permit and detailed site development plan 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 special permit and detailed site development plan 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 special permit and detailed site development plan 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 Development Plan

PZST12-00026



PZST12-00026

