

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

**DEPARTMENT:** City Development Department  
**AGENDA DATE:** Introduction: August 28, 2012  
Public Hearing: September 18, 2012  
**CONTACT PERSON/PHONE:** Esther Guerrero, (915) 541-4720  
**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

An ordinance to release condition no. 1 in its entirety and to amend a current condition placed on property by Ordinance No. 8343 and Special Contract of April 30, 1985, which changed the zoning of Lot 254, Block 17, Coronado Hills, Section No. 1, City of El Paso, El Paso County, Texas, and to impose an additional condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 5940 Cadiz Street. Property Owner: Anthony Rallis. PZCR12-00005 (**District 8**)

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

City Plan Commission (CPC): Recommend Approval

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

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

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

**DEPARTMENT HEAD:** Mathew S. McElroy  
City Development Department Director

**APPROVED FOR AGENDA:**

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

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

**AN ORDINANCE TO RELEASE CONDITION NO. 1 IN ITS ENTIRETY AND TO AMEND A CURRENT CONDITION PLACED ON PROPERTY BY ORDINANCE NO. 8343 AND SPECIAL CONTRACT OF APRIL 30, 1985, WHICH CHANGED THE ZONING OF LOT 254, BLOCK 17, CORONADO HILLS, SECTION NO. 1, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND TO IMPOSE AN ADDITIONAL 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 *Lot 254, Block 17, Coronado Hills, Section No. 1, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 8343, approved by City Council on April 30, 1985, and special contract dated April 30, 1985; and,

**WHEREAS**, the rezoning was subject to certain zoning conditions, 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 all of the conditions because these conditions have been satisfied or are current requirement of the City Code; and,

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

**WHEREAS**, the City Council of the City of El Paso has determined that the release of certain conditions 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 condition no. 1 imposed by Ordinance No. 8343 dated April 30, 1985, and special contract dated April 30, 1985, on the portion of land described as Lot 254, Block 17, Coronado Hills, Section No. 1, City of El Paso, El Paso County, Texas, be released in its entirety because the condition has been satisfied and is no longer necessary, or is a current requirement of the City Code.

*Conditions as follows:*

- 1) *The property shall only be used as a doctor's office.*
- 2) *Prior to the issuance of any building permits, a detailed site development plan must be approved by the City Plan Commission and the City Council.*

2. That the following conditions be added:
- 1) *That prior to the issuance of any building permits or certificates of occupancy, a detailed site development plan shall be reviewed and approved per City code.*
  - 2) *To prohibit access from the subject property onto Sunland Park Drive.*

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, **2012.**

**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, Director  
City Development Department



**Date:** August 20, 2012  
**To:** Honorable Mayor and City Council  
Joyce Wilson, City Manager  
**From:** Esther Guerrero, Planner  
**Subject:** **PZCR12-00005**

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On August 9, 2012, the City Plan Commission (CPC) voted 8-0 to recommend **approval** of the zoning condition release request. This recommendation is in agreement with the recommendation from staff.

Staff recommended removing condition no. 1 in its entirety; amend condition no. 2 to require a detailed site development plan per City Code; and to add a condition prohibiting access onto Sunland Park Drive from the subject property.

The CPC found that the zoning condition release is in conformance with review criteria for Plan El Paso. The CPC found that the proposed use is in conformance with the Plan El Paso Projected Land Use Map for the Northwest Planning Area. The CPC also determined that the zoning condition release will protect the best interest, health, safety, and welfare of the public in general; and 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 at the meeting in support or in opposition to this request.

**Attachment:** CPC 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*  
Dr. Michiel R. Noe

*District 6*  
Eddie Holguin Jr.

*District 7*  
Steve Ortega

*District 8*  
Cortney Carlisle Niland

**City Manager**  
Joyce A. Wilson



**City Development Department**



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

**Case No:** PZCR12-00005  
**Application Type:** Zoning Condition Release  
**CPC Hearing Date:** August 9, 2012  
**Staff Planner:** Esther Guerrero, 915-541-4720, [guerreroex@elpasotexas.gov](mailto:guerreroex@elpasotexas.gov)  
**Location:** 5940 Cadiz Street  
**Legal Description:** Lot 254, Block 17, Coronado Hills, Section No. 1, City of El Paso, El Paso County, Texas  
**Acreage:** .13 acre  
**Rep District:** 8  
**Zoning:** A-O/sc (Apartment/Office/special contract)  
**Existing Use:** Single-family home and office  
**Request:** Release conditions imposed per Ordinance No. 8343 and special contract dated April 30, 1985 (Attachment 5)  
**Property Owner:** Anthony Rallis  
**Representative:** Sandra Hering

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

**North:** R-3 (Residential / single-family residential)  
**South:** R-3 (Residential) / single-family residential, Crestmont Park  
**East:** R-3 (Residential / single-family residential)  
**West:** R-3/sp (Residential/special permit) / church

**Plan El Paso Designation:** G-3 – Post-War (Northwest Planning Area)

**Nearest Park:** Crestmont Park (237 feet)

**Nearest School:** L.B. Johnson Elementary (8,223 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Mesa Hills Neighborhood Association, Save the Valley, Upper Mesa Hills Neighborhood Association, Coronado Neighborhood Association, Upper Valley Improvement Association

### **NEIGHBORHOOD INPUT**

Notices of the July 26, 2012 public hearing were mailed to all property owners within 300 feet of the subject property on July 9, 2012.

Revised notifications of the August 9, 2012 public hearing were mailed to all property owners within 300 feet of the subject property on July 26, 2010.

### **APPLICATION DESCRIPTION**

The request is to release all conditions on the property imposed by the Ordinance No. 8343, and special contract dated April 30, 1985 (Attachment 5).

The conditions imposed are as follows:

1. The property shall only be used as a doctor's office.
2. Prior to the issuance of any building permits, a detailed site development plan must be approved by the City Plan Commission and the City Council.

The applicant proposes the use of the building for a professional office/insurance agency.

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

The Planning Division recommends the following:

- Release zoning condition no. 1 in its entirety;
- Amend zoning condition no. 2 to read: that “prior to the issuance of any building permits, a detailed site development plan shall be reviewed and approved per City Code”; and add the following condition:
- Prohibit vehicular access from subject property onto Sunland Park Drive.

### **Plan El Paso-Future Land Use Map Designation**

All applications for zoning condition releases shall demonstrate compliance with the following criteria:

**G-3 – Post-War:** This sector applies to transitional neighborhoods typically developed from the 1950’s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. 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) medium density residential 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 non-residential uses and support facilities.

### **City Development Department Section Comments**

#### **Traffic Section**

- No objections to the proposed condition release.
- No vehicular access shall be provided from the subject property onto Sunland Park Drive.

#### **Permits & Inspections**

No comments received.

#### **Land Development**

- 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 Department, Land Development Section.\*
- This Property is within SFHA Flood Zone A1 – Panel # 480214 0027D, dated January 3, 1997.\*

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

### **Fire Department**

No comments received.

### **El Paso Water Utilities**

1. EPWU does not object to the release of the zoning conditions

#### **Water:**

2. There is an existing 12-inch diameter water main that extends along Cadiz Street fronting the eastern boundary of the Subject Property (5940 Cadiz Street). This water main is available for service.
3. There is an existing 8-inch diameter water main that extends along Cadiz Street fronting the eastern boundary of the Subject Property (5940 Cadiz Street). This water main is available for service.
4. EPWU records indicate a 3/4-inch water meter serving the subject property. The service address for this meter is 5940 Cadiz Street.

#### **Sewer:**

5. There is an existing 8-inch diameter sanitary sewer main that extends along Cadiz Street fronting the eastern boundary of the Subject Property (5940 Cadiz Street). This sanitary sewer main is available for service.

#### **General:**

6. New service applications should be made 6-8 weeks in advance of construction to ensure water for construction work. The following items, if applicable, are required at the time of application: (1) hard copy of site plan with street names and addresses; (2) finalized set of improvement plans, including grading & drainage plans; (3) digital copy of site plan; (4) benchmark check; (5) construction schedule; and (6) a certificate of compliance. Service will be provided in accordance with the current El Paso Water Utilities – Public Service Board (EPWU-PSB) Rules and Regulations. The owner 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:

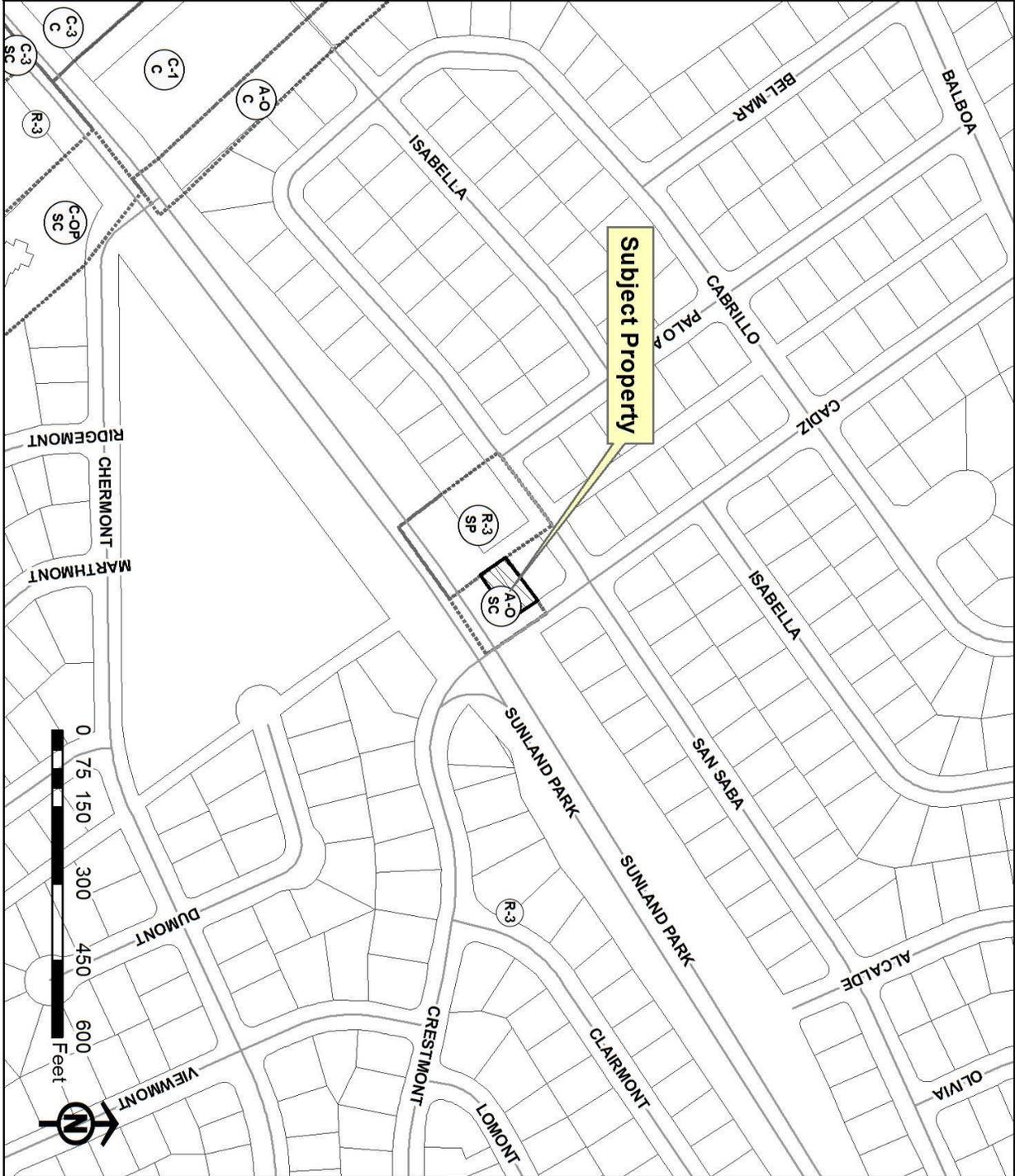
1. Recommend approval of the application finding that it is in conformance with the review criteria for Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring it into conformance with the review criteria for 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 it does not conform to the review criteria for 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. Existing Site Plan
4. Proposed Site Plan
5. Ordinance No. 8343

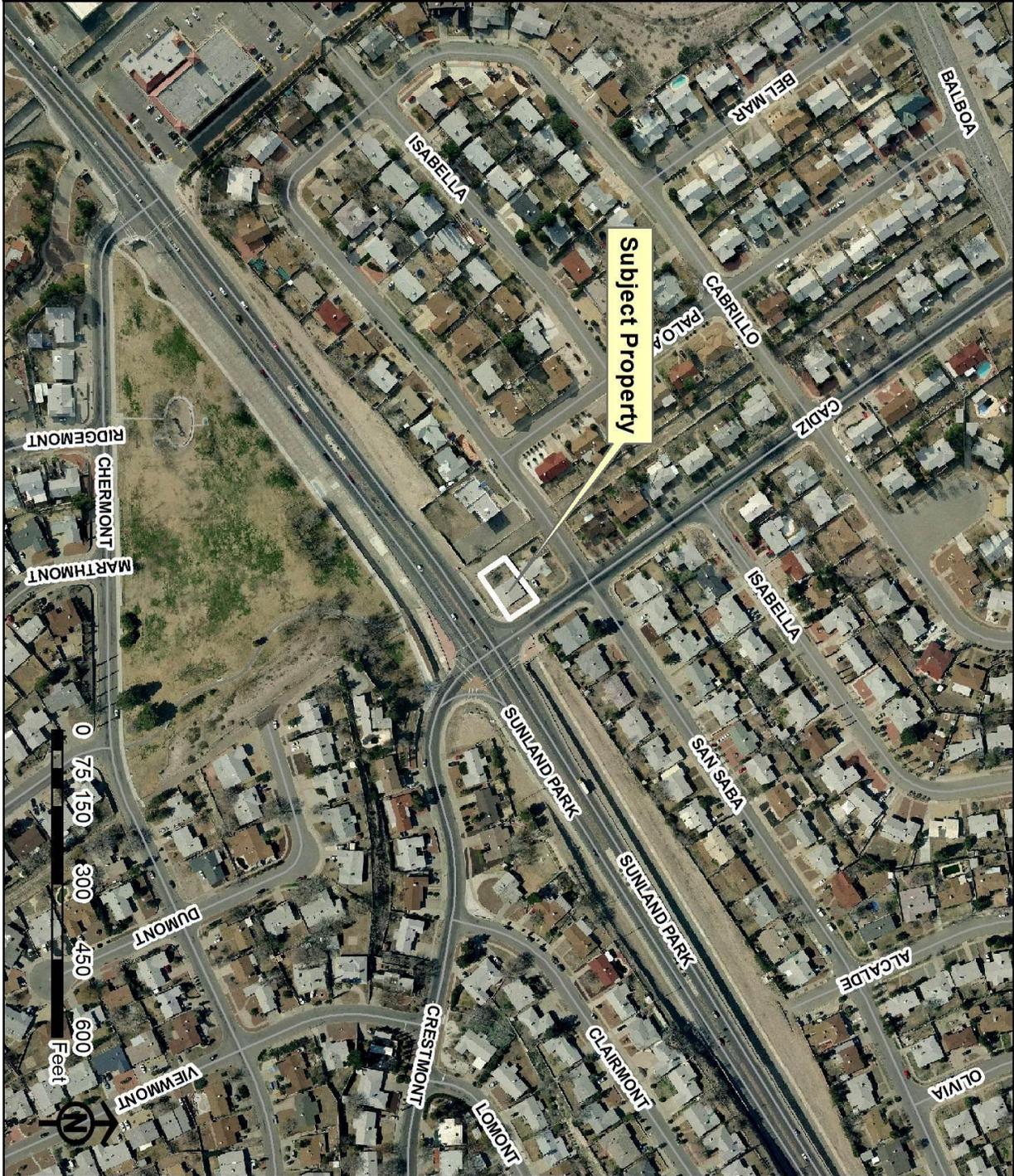
ATTACHMENT 1: ZONING MAP

PZCR12-00005

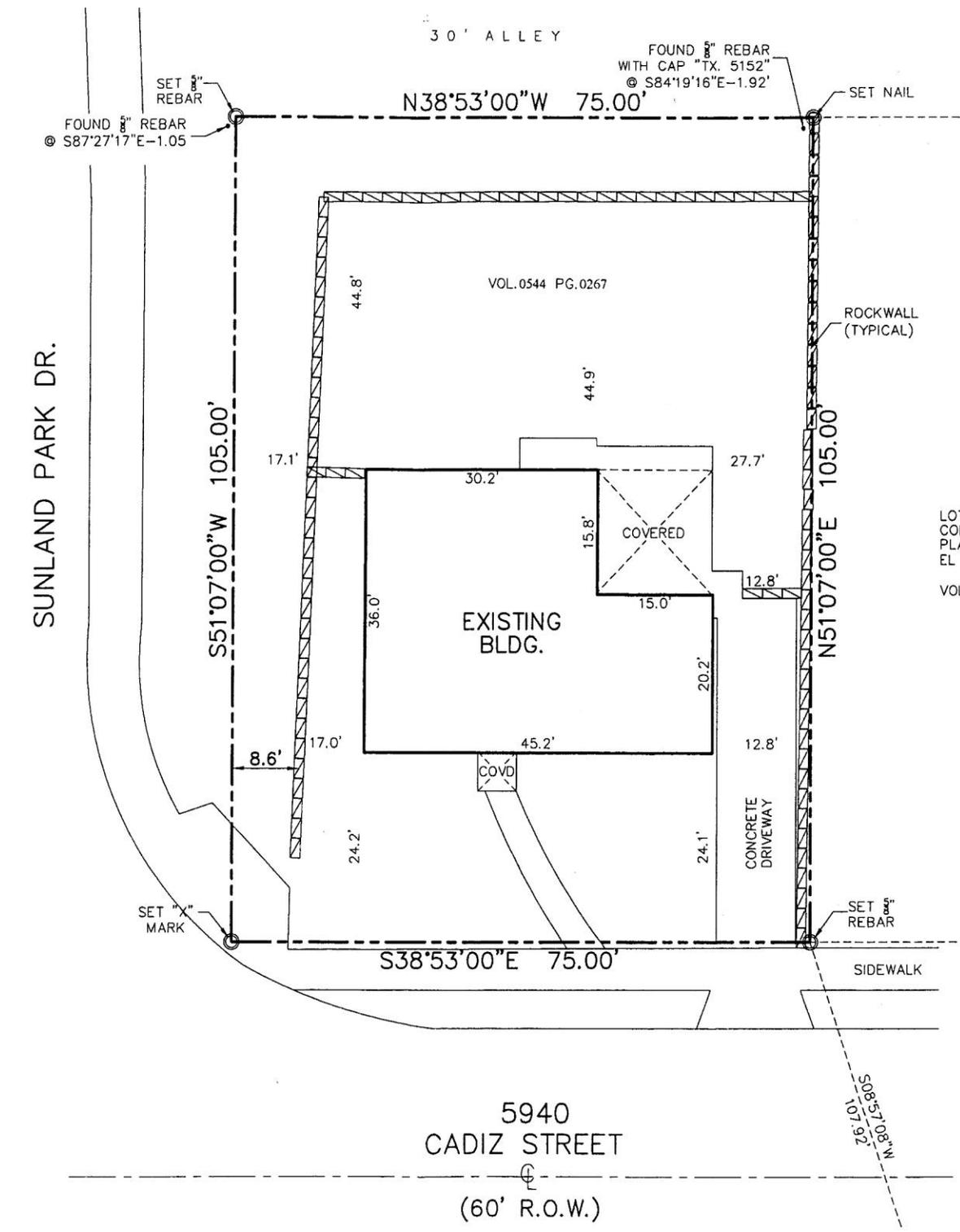


ATTACHMENT 2: AERIAL MAP

PZCR12-00005



**ATTACHMENT 3: EXISTING SITE PLAN**





**ATTACHMENT 5: ORDINANCE NO. 8343**

ORD. No. 8343  
Date of Introduction 4-17-85  
Date of ADOPTION 4-30-85  
City Clerk [Signature]

**8343**

AN ORDINANCE CHANGING THE ZONING OF LOT 254, BLOCK 17, CORONADO HILLS, UNIT 1, THE PENALTY BEING AS PROVIDED IN SECTION 25-96 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of Lot 254, Block 17, Coronado Hills, Unit 1, be changed from R-3 (Residential) to A-O (Apartment/Office) within the meaning of the zoning ordinance, subject to a special contract placing certain restrictions, conditions and covenants on the property, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this 30<sup>th</sup> day of APRIL, 1985.

[Signature]  
Mayor

ATTEST:  
[Signature]  
City Clerk

APPROVED AS TO FORM:  
[Signature]  
Assistant City Attorney

APPROVED AS TO CONTENT:  
[Signature]  
Planning Department

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED: L.P.  
5-6-85 COUNTER  
5-6-85 ORIGINAL  
5-6-85 Blain, Inspection  
5-6-85 CONTROL [Signature]

I certify that the zoning map has been revised to reflect the amendment of ordinance #8343  
by [Signature] Date 5-6-85

**8343**

Contract pending dated 4-30-85

85-5041  
MAY -2 1985  
APARTMENT  
PLANNING

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with ANTHONY T. RALLIS and MARY ANN RALLIS, First Parties, LOMAS AND NETTLETON, Second Party, MANUEL CHAVIRA, Third Party, CORONADO BANK, Fourth Party, and the CITY OF EL PASO as Fifth Party, placing certain restrictions, conditions and covenants on the property being rezoned by Ordinance No. 8343 and better known as Lot 254, Block 17, Coronado Hills Unit 1, City and County of El Paso, Texas.

ADOPTED this 30<sup>th</sup> day of April, 1985

Jonathan W. Rojas  
Mayor

ATTEST:

W. L. ...  
City Clerk

APPROVED AS TO FORM:

...  
Assistant City Attorney

85-5041  
MAY -2 1985  
DEPARTMENT  
OF PLANNING

CONTRACT CASE #85-5041

THIS CONTRACT, made this 30<sup>th</sup> day of APRIL, 1985, by and between ANTHONY T. RALLIS and MARY ANN RALLIS, First Parties, LOMAS AND NETTLETON, Second Party, MANUEL CHAVIRA, Third Party, CORONADO BANK, Fourth Party, and the CITY OF EL PASO, Fifth Party, witnesseth:

Application has been made to the City of El Paso for rezoning Lot 254, Block 17, Coronado Hills, Unit 1, City and County of El Paso, Texas. To remove certain objections to such rezoning, First, Second, Third and Fourth Parties covenant that if the property is rezoned from R-3 (Residential) District to A-0 (Apartment/office) District, within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. The property shall only be used as a doctor's office.
2. Prior to the issuance of any building permits, a detailed site development plan must be approved by the City Plan Commission and the City Council.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First, Second, Third and Fourth Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

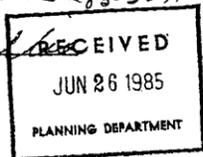
The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity, or necessitating the amendment of, the ordinance passed by the City Council embodying this change of zoning and subject to this contract.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

FIRST PARTIES

*Ord. 8343  
4-30-85*

*[Signature]*  
Anthony T. Rallis 85-5041  
*[Signature]*  
Mary Ann Rallis



LOMAS AND NETTLETON  
Second Party

By R. Jon Meier  
Title Vice President

ATTEST:

Buddy Romiz  
Secretary

Third Party

Manuel Chavira  
Manuel Chavira

CORONADO BANK  
Fourth Party

By J. Shaw, Jr.  
Title Asst. Vice Pres

ATTEST:

NK by virtue of by-law  
Secretary

THE CITY OF EL PASO  
Fifth Party

[Signature]  
Mayor

ATTEST:

[Signature]  
City Clerk

APPROVED AS TO CONTENT:

[Signature]  
Planning Department

APPROVED AS TO FORM:

[Signature]  
Assistant City Attorney

THE STATE OF TEXAS )  
                                  )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 21 day  
of May, 1985, by ANTHONY T. RALLIS AND MARY ANN  
RALLIS.

Karen Thomas  
Notary Public, State of Texas

My Commission Expires:

KAREN THOMAS  
Notary Public for State of Texas  
My Commission Expires February 13, 1988

THE STATE OF TEXAS )  
                                  )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 7th day  
of May, 1985, by R. Jon Meier, 85-5021  
representative for LOMAS AND NETTLETON.

Linda Price  
Notary Public, State of Texas

 LINDA PRICE  
Notary Public, State of Texas  
My Commission Expires 2-30-88

RECEIVED  
JUN 26 1985  
PLANNING DEPARTMENT

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 17<sup>th</sup> day of May, 1985, by MANUEL CHAVIRA.

Bette L. Loring  
Notary Public, State of Texas

My Commission Expires:

3-20-88

This instrument was acknowledged before me on this 7<sup>th</sup> day of May, 1985, by J.C. Shore, Jr. representative for CORONADO BANK.

Sherry L. Blalock  
Notary Public, State of Texas

My Commission Expires:

2-5-89

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 30<sup>th</sup> day of April, 1985, by JONATHAN W. ROGERS, as Mayor of the City of El Paso.

Denise Douglas  
Notary Public, State of Texas

My Commission Expires:

11/21/87

85-504  
RECEIVED  
JUN 26 1985  
PLANNING DEPARTMENT