

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

DEPARTMENT: Planning and Economic Development Department

AGENDA DATE: Introduction: October 18, 2011
Public Hearing: November 15, 2011

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

DISTRICT(S) AFFECTED: 8

SUBJECT:

An ordinance releasing all conditions placed on property by Ordinance No. 9264 which changed the zoning of a portion of Lot 2, Block 5, Mesa Hills Plaza, City Of El Paso, El Paso County, Texas, and which imposed conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 470 Eagle Drive. Property Owner: The Foundation for the Los Robles Church. PZCR11-00002 (**District 8**)

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
City Plan Commission (CPC) – Approval Recommendation (5-0)
Open Space Advisory Board (OSAB) – Approval Recommendation

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director-Planning and Economic Development

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 9264 WHICH CHANGED THE ZONING OF A PORTION OF LOT 2, BLOCK 5, MESA HILLS PLAZA, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as *a portion of Lot 2, Block 5, Mesa Hills Plaza, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 9264, approved by City Council on April 26, 1988; 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 all of the zoning conditions imposed by Ordinance No. 9264 dated April 26, 1988, on the portion of land identified in Exhibit "A" be released because the conditions have been satisfied and are no longer necessary, or are current requirements of the City Code.

1. *The property shall be used only as a sales office and warehouse engaged in the storage, retailing and wholesaling of products and services.*
2. *Wallenburg Drive must be improved to City standards, from where it abuts Lot 1, Block 5, Punto Alegre Subdivision to the west boundary of Fiesta Hills Unit 5, by August 1, 1988.*
3. *The property owners must remove the existing pavement on the vacated portion of Mardi Gras Drive (a/k/a Wallenburg Drive) by August 1, 1988.*

PASSED AND APPROVED this _____ day of _____, 2011.

(Signatures on following page.)

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 and Economic Development
Department

PREPARED FOR GREG JACKSON
A PORTION OF LOT 2, BLOCK 5,
MESA HILLS PLAZA
CITY OF EL PASO
EL PASO COUNTY, TEXAS
W.O. # 101601-5

EXHIBIT "A"

PROPERTY DESCRIPTION (470 EAGLE DRIVE)

Description of a 0.6820 acre parcel of land being a Portion of Lot 2, Block 5, Mesa Hills Plaza, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows to wit:

Starting at an existing city monument located at the point of intersection of Eagle Drive between Wallenberg Drive and Hurd Place, Thence South $89^{\circ}10'00''$ East along said monument line of Eagle Drive a distance of 108.83 feet to a found nail, said point being the point of tangency and centerline of Eagle Drive, Thence South $00^{\circ}50'00''$ West a distance of 30.00 feet to a found $5/8''$ diameter rebar, said point lying along the Southerly right-of way line of Eagle Drive, said rebar also being the "TRUE POINT OF BEGINNING"

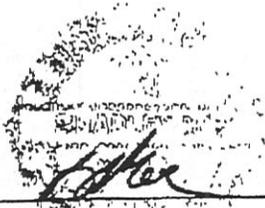
Thence South $89^{\circ}10'00''$ East along said southerly right-of way line of Eagle Drive, a distance of 111.44 feet to a found $5/8''$ diameter rebar for a corner;

Thence South $00^{\circ}50'00''$ West a distance of 240.66 feet to a found $5/8''$ diameter rebar, said point being the common lot line of Lot 2 and Lot 1;

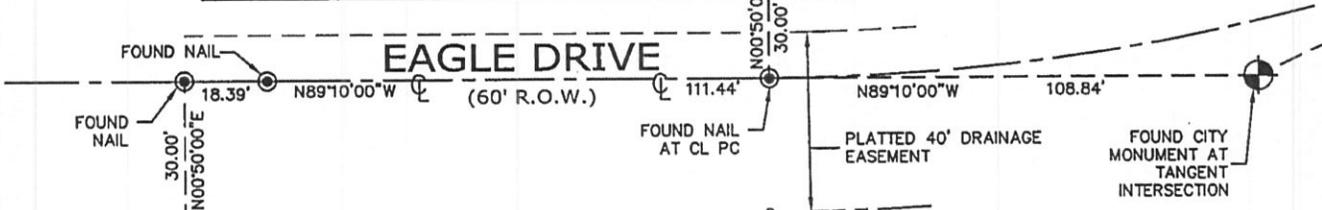
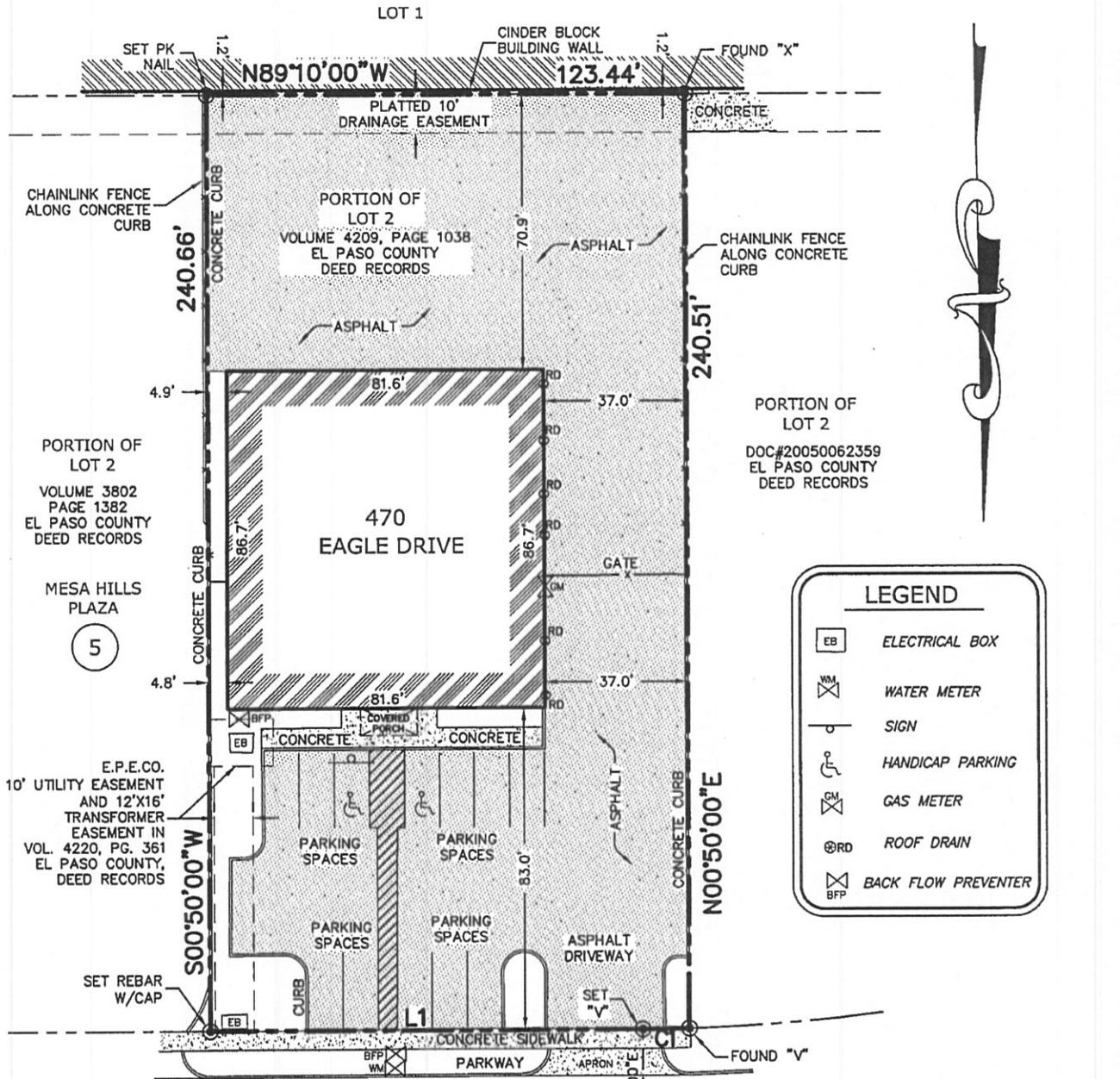
Thence North $89^{\circ}10'00''$ West along the common lot line of Lot 2 and Lot 1 a distance of 123.44 feet to a set $5/8''$ diameter rebar with yellow plastic cap;

Thence North $00^{\circ}50'00''$ East a distance of 240.51 feet to a found $5/8''$ diameter rebar with yellow plastic cap, said rebar lying along the southerly right-of way line of Eagle Drive and a point on curve;

Thence along said curve a length of 12.00 feet along the arc of a curve to the right having a radius of 464.99 feet, central angle of $1^{\circ}28'44''$ and chord bears South $89^{\circ}54'22''$ East a distance of 12.00 feet and back to the "TRUE POINT OF BEGINNING" containing in all 29,706.45 square feet or 0.6820 acres of land more or less.

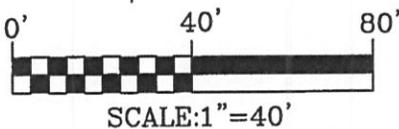


BRADLEY ROË, R.P.L.S. 2449



LINE TABLE		
LINE	LENGTH	BEARING
L1	111.44	S89°10'00"E

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	12.00	464.99	1°28'44"	S89°54'22"E	12.00



CERTIFICATION

I HEREBY CERTIFY THAT THIS BOUNDARY AND IMPROVEMENT SURVEY IS BASED ON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLIES WITH THE CURRENT TEXAS BOARD OF PROFESSIONAL LAND SURVEYING PROFESSIONAL AND TECHNICAL STANDARDS

JOHN A. EBY, R.P.L.S. TX-5372, NM-17779

NOTE: THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. THERE MAY BE EASEMENTS, OR OTHER MATTERS, NOT SHOWN.



NOT VALID WITHOUT IMPRESSION SEAL

A PORTION OF LOT 2, BLOCK 5,
(AS DESCRIBED BY METES AND BOUNDS),
MESA HILLS PLAZA, CITY OF EL PASO,
EL PASO COUNTY, TEXAS

PLAT RECORD:
VOLUME: 68
PAGE: 37

TITLE CO: STEWART TITLE FILE#: 111579 DATED: 06/20/2011
FIRM ZONE: C PANEL#: 480214-0027 D DATED: 01/03/1997
DATE OF SURVEY: 06/24/2011 OFFICE: LM FIELD: JAE, AG, JC

PASO DEL NORTE SURVEYING INC.
13998 BRADLEY ROAD, EL PASO, TEXAS 79938

PH. 915-241-1841
FAX 915-855-6925
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Date: October 10, 2011
To: Honorable Mayor and City Council
Joyce Wilson, City Manager
From: Esther Guerrero, Planner
Subject: **PZCR11-00002 Special Zoning Condition Release**

The City Plan Commission (CPC) on September 22, 2011, voted **5-0** to recommend **approval** of this zoning condition release.

The applicant is proposing to occupy the existing building for a church. The request is to release all zoning conditions imposed on the subject property which are as follow:

1. *The property shall be used only as a sales office and warehouse engaged in the storage, retailing and wholesaling of products and services.*
2. *Wallenburg Drive must be improved to City standards, from where it abuts Lot 1, Block 5, Punto Alegre Subdivision to the west boundary of Fiesta Hills Unit 5, by August 1, 1988.*
3. *The property owners must remove the existing pavement on the vacated portion of Mardi Gras Drive (a/k/a Wallenburg Drive) by August 1, 1988.*

This recommendation is in agreement with the recommendation from staff and the Development Coordinating Committee (DCC).

The CPC found that the release of these zoning conditions is in conformance with The Plan for El Paso. The CPC found that the proposed use is in conformance with the 2025 Projected General Land Use Map for the Northwest Planning Area. The CPC also determined that the zoning condition release protects 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 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
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Cortney Carlisle Niland

City Manager
Joyce A. Wilson





City of El Paso – City Plan Commission Staff Report

Case No: PZCR11-00002
Application Type: Zoning Condition Release
CPC Hearing Date: September 22, 2011
Staff Planner: Esther Guerrero, 915-541-4720, guerreroex@elpasotexas.gov

Location: 470 Eagle Drive
Legal Description: Portion of Lot 2, Block 5, Mesa Hills Plaza, City of El Paso, El Paso County, Texas
Acreage: 0.6820 acre
Rep District: 8
Zoning: C-4/sc (Commercial/special contract)
Existing Use: Sales/Warehouse
Request: Release all conditions imposed by Ordinance No. 009264 and Contract dated April 26, 1988
Proposed Use: Church
Property Owner: The Foundation for the Los Robles Church
Representative: Sonny Brown Associates

SURROUNDING ZONING AND LAND USE

North: C-1/sc (Commercial/special contract) / call center
South: C-4/sc (Commercial/special contract) / self storage facility
East: C-4/sc (Commercial/special contract) / distributor
West: C-4/sc (Commercial/special contract) / vacant

THE PLAN FOR EL PASO DESIGNATION: Residential (Northwest Planning Area)

Nearest Park: Galatzan Park (768 feet)

Nearest School: L.B. Johnson Elementary (2,209 feet)

NEIGHBORHOOD ASSOCIATIONS

North Hills Neighborhood Pride Association

NEIGHBORHOOD INPUT

Notices of the September 22, 2011 public hearing were mailed to all property owners within 300 feet of the subject property on September 6, 2011. The Planning Division has not received any phone calls or letters in support or opposition of this request.

APPLICATION DESCRIPTION

The applicant is requesting to release the special contract conditions imposed by Ordinance No. 009264 and contract dated April 26, 1988, (see attachment 4). The conditions imposed on the property are as follows:

- 1. The property shall be used only as a sales office and warehouse engaged in the storage, retailing and wholesaling of products and services.*
- 2. Wallenburg Drive must be improved to City standards, from where it abuts Lot 1, Block 5, Punto Alegre Subdivision to the west boundary of Fiesta Hills Unit 5, by August 1, 1988.*
- 3. The property owners must remove the existing pavement on the vacated portion of Mardi Gras Drive (a/k/a Wallenburg Drive) by August 1, 1988.*

The applicant is proposing to occupy the existing building for a church and per Condition No. 1, a church is not currently permitted; Conditions Nos. 2 and 3 have expired and no longer apply. The above conditions were placed on a larger parcel of land when rezoned in 1988.

PLANNING AND ECONOMIC DEVELOPMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the release of all three conditions.

Note to the applicant: a certificate of occupancy must be obtained through the Engineering and Construction Management Permitting Division when a change of use occurs. A site plan is required in order to determine appropriate number of parking spaces and landscape requirements.

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: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character.
- c. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.

The purpose of the C-4 (Commercial) district is to provide for locations for the most intensive commercial uses intended to serve the entire City. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for zoning condition release and offered no objections to Planning Staff's recommendation for approval.

Department of Transportation

Transportation has no objection to the proposed condition release. Transportation has the following notes and recommendations (to be addressed during permitting) for the submitted site plan:

1. Wheel stops shall be provided for parking spaces adjacent to City right-of-way.
2. Parking spaces 13 appears to have a conflict with the driveway as shown. Transportation recommends relocation of the proposed parking space to alleviate this conflict.
3. The angled parking spaces (13-25) do not meet the minimum stall depth requirements for 45 degree angle parking spaces (a minimum depth of 19'1" is required).
4. Three bicycle spaces are required.
5. Transportation recommends that wheel stops be provided for parking spaces adjacent to the building and pedestrian pathways within the property.
6. All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in accordance with the current City of El Paso Design Standards for Construction and be ADA/TAS compliant.

Engineering – Construction Management Division-Plan Review

Plan Review

Building must meet conditions for changes of use from storage to A-3 assemble.

Land Development

No objections.

Fire Department

No objections to the release of zoning conditions.

El Paso Water Utilities

1. EPWU does not object to this request

EPWU-PSB Comments

Water:

2. There is an existing 8-inch diameter water main extending along Eagle Drive that is available for service, the water main is located approximately 17-feet south from the northern right-of-way property line.

3. EPWU records indicate a 1-inch water meter serving the subject property. The service address for this meter is 470 Eagle Drive.

4. Previous water pressure reading from fire hydrant # 6959 located at the northwest intersection of Eagle Drive and Hurd Place, have yielded a static pressure of 110 (psi) pounds per square inch, a residual pressure of 100 (psi) pounds per square inch and a discharge of 919 (gpm) gallons per minute

5. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

6. There is an existing 8-inch diameter sanitary sewer main extending along Eagle Drive that is available for service, the sewer main is located approximately 10-ft south from the center right-of-way line.

General:

7. EPWU requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. 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:

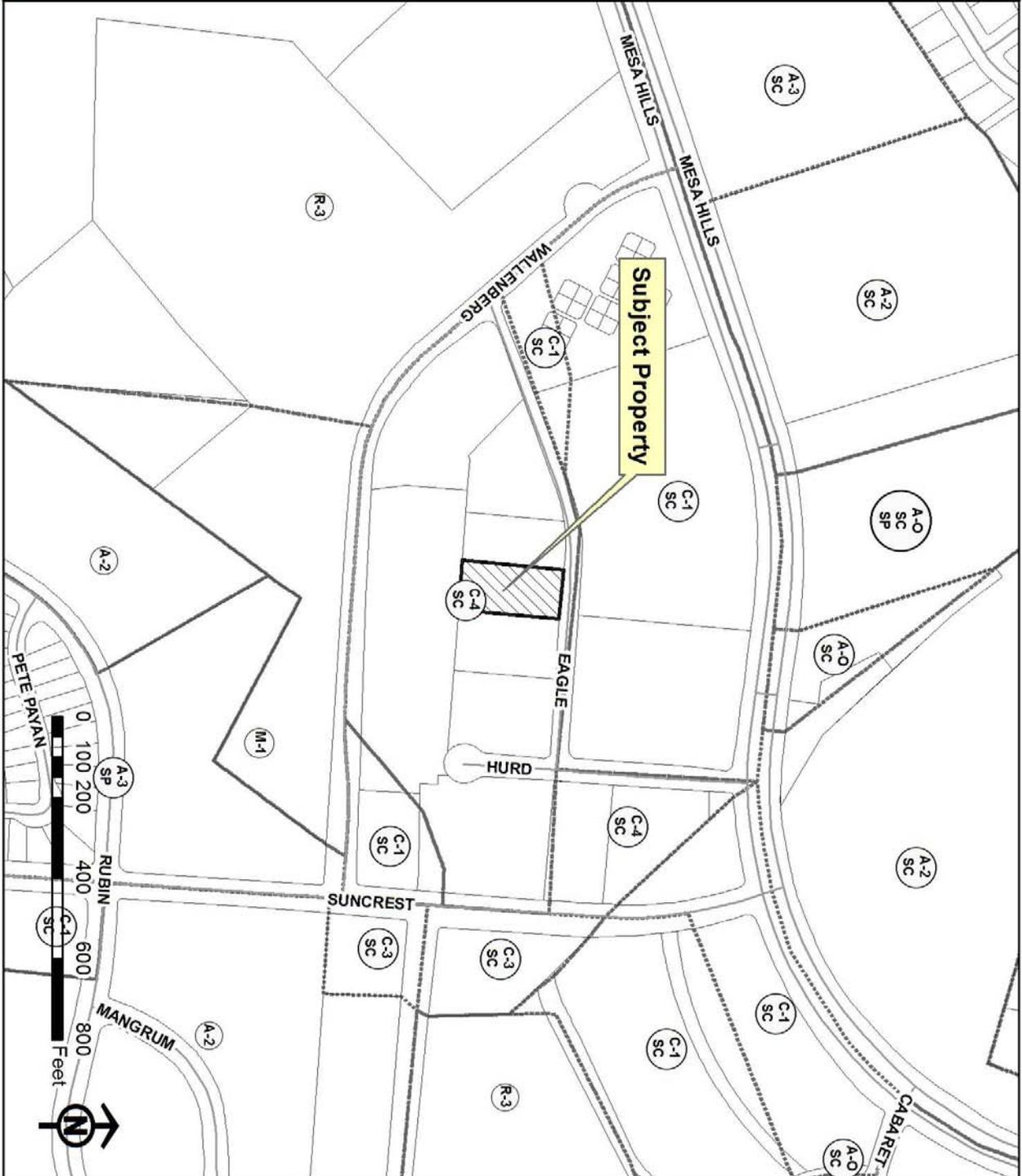
1. Recommend approval of the application finding that the zoning condition release is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring 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. 009264, Special Contract

ATTACHMENT 1: ZONING MAP

PZCR11-00002



ATTACHMENT 2: AERIAL MAP

PZCR11-00002



ATTACHMENT 4: ORDINANCE 009264, SPECIAL CONTRACT

009264

AN ORDINANCE CHANGING THE ZONING OF
A PORTION OF LOTS 1 AND 2, BLOCK 2, PUNTO
ALEGRE SUBDIVISION,
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 a portion of Lots 1 and 2, Block 2, Punto Alegre Subdivision, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from C-1 (Commercial) and A-O (Apartment/Office) to C-4 (Commercial) 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 16th day of January,
1988.

James W. Hayes
Mayor

ATTEST:
Carole Hunter
City Clerk

APPROVED AS TO FORM:

C. C. Torres
Assistant City Attorney

Contract 4-26-88

ZNG5:5333.87

009264

APPROVED AS TO CONTENT:

Ray Wilford
Department of Planning,
Research and Development

RECEIVED

MAY 17 1988

PLA

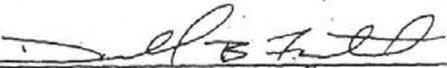
running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

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.

Second Parties are the owners and holders of recorded liens on the property and consent to this contract.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

FIRST PARTY:
GUNNISON INVESTMENT COMPANY, INC.

By 
Title President

ATTEST:


Secretary

SIGNATURES CONTINUED ON NEXT PAGE