

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: December 1, 2009
Public Hearing: December 22, 2009

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

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance releasing conditions placed on Tract 2D and Tract 2E-1, E.L. De Shazo Survey No. 218, City of El Paso, El Paso County, Texas by Contract dated March 7, 1957 which changed the zoning on the property. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4645 N. Mesa Street. Property Owner: ACVC Corporation. ZON09-00068 (**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)

*****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: _____

MEMORANDUM

DATE: December 1, 2009

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

SUBJECT: ZON09-00068

The City Plan Commission (CPC) on November 5, 2009 voted **5-0** to recommend **APPROVAL** of releasing the conditions imposed on the property by Contract dated March 7, 1957, in agreement with the recommendation from the DCC and staff.

The following zoning conditions were imposed on the property by Contract dated March 7, 1957:

- *Said property will be used only for a resort motel and the usual resort motel facilities including, but not limited to, a swimming pool for guests and restaurant facilities and uses customarily incident to motel use and any use permitted in an A-1 Apartment District, and for no other purpose*

The CPC found that the zoning condition release 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 the zoning condition release will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There were no public comments in support or in opposition to this request.

Attachment: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: ZON09-00068
Application Type Zoning Condition Release
CPC Hearing Date November 5, 2009
Staff Planner Esther Guerrero, (915) 541-4720, guerreroex@elpasotexas.gov
Location 4645 N. Mesa Street
Legal Description Tract 2E-1, E.L. De Shazo Survey No. 218, City of El Paso, El Paso County, Texas
Acreage 6.351 acres
Rep District 8
Present Zoning C-3 (Commercial)
Request Release zoning conditions imposed by Contract dated March 7, 1957
Existing Use Motel
Property Owners ACVC Corporation
Representative ACVC Corporation, Rob Doeker

SURROUNDING ZONING AND LAND USE

North: C-3 (Commercial) / Medical Offices
South: C-3 (Commercial) / Medical Offices
East: C-3/sc (Commercial/special contract) / Medical Offices
West: R-3 (Residential) / Vacant

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

NEAREST PARK: Mission Hills Park (4,255 Feet)

NEAREST SCHOOL: Green Elementary (7,260 Feet)

NEIGHBORHOOD ASSOCIATIONS

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

NEIGHBORHOOD INPUT

Notices of the November 5, 2009 City Plan Commission hearing were mailed out to property owners within 300 feet of the subject property on October 22, 2009. The Planning Division has received no responses to the rezoning application.

APPLICATION DESCRIPTION

The applicant is requesting to release all zoning conditions attached to the Special Contract dated March 7, 1957 for the subject property. The following zoning condition was imposed on the property:

- “Said property will be used only for a resort motel and the usual resort motel facilities including, but not limited to, a swimming pool for guests and restaurant facilities and uses customarily incident to motel use and any use permitted in an A-1 Apartment District, and for no other purpose.”

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

The Development Coordinating Committee provides the following comments:

The DCC recommends **APPROVAL** of releasing all conditions attached to Contract dated March 7, 1957 for the subject property.

PLANNING DIVISION RECOMMENDATION

Planning recommends **APPROVAL** of releasing all conditions attached to Contract dated March 7, 1957 for the subject property.

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: 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.
- b. Goal: provide and enforce standards for providing decent, safe, and sanitary housing for all El Pasoans in accordance with Federal, State, and Local regulations.
- c. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.
- d. Goal: protect residential areas from incompatible land uses and encroachments which may have a negative impact on the residential living environment.

Development Services Department - Building Permits and Inspections Division

Zoning: No objections to release of conditions attached to parcel.

Engineering Department - Traffic Division

The Engineering Department – Traffic Division no objection to proposed release of zoning condition.

Fire Department

No adverse comments.

El Paso Water Utilities

EPWU does not object to this request.

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:

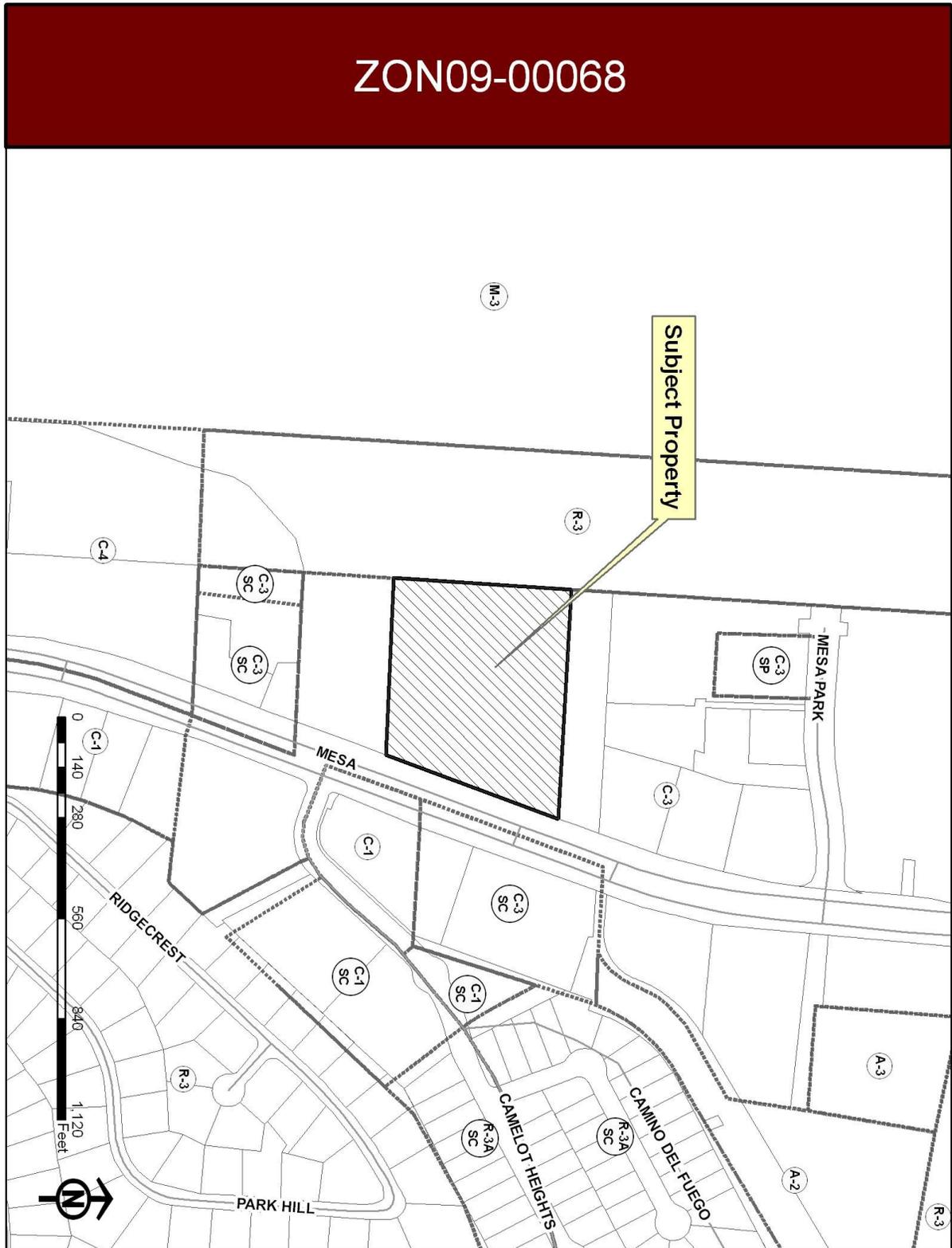
- 1. Recommend approval of the application finding that the zoning condition release is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan
- 2. Recommend approval of the application with modifications to bring 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. Contract dated March 7, 1957
- 4. Site Plan

ATTACHMENT 1: ZONING MAP

ZON09-00068



ATTACHMENT 2: AERIAL MAP

ZON09-00068



ATTACHMENT 3: CONTRACT DATED MARCH 7, 1957

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CONTRACT

This contract made this 7th day of March 1957, by and between Edmund L. Given, First Party, and the City of El Paso, Second Party, witnesseth:

First Party has applied to Second Party for a change of zoning to C-3 Commercial of the following described land situated in the City and County of El Paso, and the State of Texas:

5.2 acres out of Survey 218 located about two miles northwest of the county court house, now in the city limits of El Paso, and described as follows, to-wit:

Beginning at a steel bar set in the westerly line of Survey 218 for the southwest corner of this tract, from this point the southwest corner of Survey 218 bears South 00° 48' West 650.57 feet;

Thence North 00° 48' East 400 feet and along the west line of Survey 218 to a steel bar and northwest corner of this tract;

Thence South 89° 56' East 624.71 feet to a steel bar in the westerly right of way line of U. S. Highway 80 for the northeasterly corner of this tract;

Thence South 16° 58' West 418.04 feet and along the westerly line of U. S. Highway 80 to a steel bar and southeasterly corner of this tract;

Thence North 89° 56' West 508.75 feet to the place of beginning, containing 5.2 acres, more or less.

To remove objections to such rezoning First Party has consented if the property is rezoned to place the hereinafter described restrictions thereon.

In consideration of the premises First Party agrees with Second Party:

Said property will be used only for a resort motel and the usual resort motel facilities including, but not limited to, a swimming pool for guests and restaurant facilities and uses customarily incident to motel use and any use permitted in an A-1 Apartment District, and for no other purpose.

It is further agreed that the City of El Paso may enforce this agreement by injunction or any other legal or equitable remedy and the said First Party hereby further agrees with Second Party that if he or his heirs, executors, administrators or assigns ever convey the above described property that said

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ATTACHMENT 4: CONCEPTUAL SITE PLAN

