

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

DEPARTMENT: City Development Department, Planning Division

AGENDA DATE: Introduction: December 3, 2013
Public Hearing: January 2, 2014

CONTACT PERSON/PHONE: Michael McElroy, 915-541-4238, mcelroyms@elpasotexas.gov

DISTRICT(S) AFFECTED: 7

SUBJECT:

An Ordinance amending conditions placed on the property by Ordinance No. 5029 which changed the zoning of a Portion of Tract 4A, N/K/A Tract 4A5, Block 12, Ysleta Grant, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8250 North Loop. Property Owner: OPM Capital Management. PZCR13-00008 (**District 7**)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

CPC Pending

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Mathew S. McElroy
Director, City Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CONDITIONS PLACED ON PROPERTY BY
ORDINANCE NO. 5029 WHICH CHANGED THE ZONING OF A PORTION OF
TRACT 4A, N/K/A TRACT 4A5, BLOCK 12, YSLETA GRANT, CITY OF EL PASO, EL
PASO COUNTY, TEXAS. 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 Tract 4A, N/K/A Tract 4A5, Block 12, Ysleta Grant, City of El Paso, El Paso County, Texas, was changed by Ordinance No. 5029 approved by City Council on March 20, 1973; 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 amendment of the conditions because these conditions have been satisfied or are current requirement of the City Code; and,

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

WHEREAS, the City Council of the City of El Paso has determined that the amendment 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 the zoning conditions imposed by Ordinance No. 5029 approved by City Council on March 20, 1973, on the portion of land identified in Exhibit "A" be amended because the conditions have been satisfied and are no longer necessary, or are current requirements of the City Code.

That the following conditions be released:

1. That certain uses are prohibited upon the property, to include:
 - a. Hotel, motel or motor lodge;
 - b. Miniature golf course;
 - c. Trailer, mobile home or RV sales, repair or display;
 - d. Trampoline center;
 - e. Temporary non-accessory tents;
 - f. Family home and multi-family dwelling; and,
 - g. Drum and barrel reconditioning.

That the following *condition be amended*:

1. That the condition requiring a detailed site development plan be approved by the City Plan Commission and City Council prior to building permits be amended to require a detailed site development plan to be approved as per City Code prior to building permits.

PASSED AND APPROVED this _____ day of _____, 2013.

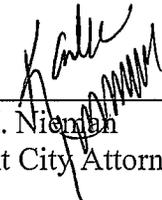
CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:



Mathew S. McElroy, Director
City Development Department

ORDINANCE NO. _____

13-1007-905/PL#229700/PZCR13-00008 Tract 4A, n/k/a Tract 4A5, Block 12, Ysleta Grant/kmn

PZCR13-00008

Exhibit "A"

8250 NORTH LOOP ROAD METES AND BOUNDS

Property Description: A portion of Tract 4A, N/K/A Tract 4A5, Block 12, Ysleta Grant, in the City of El Paso, El Paso County, Texas, according to the re-survey of said Ysleta Grant made by El Paso County, Texas for Tax purposes, and being more particularly described by metes and bounds as follows:

Commencing at an existing TXDOT Brass Cap lying at the centerline intersection of North Loop Road (FM Highway No. 76) and Lomaland Drive; Thence, along said centerline of north Loop Road, South $56^{\circ} 00' 00''$ East, a distance of 824.29 feet to a point; Thence, South $34^{\circ} 00' 00''$ West, abandoning said centerline, a distance of 69.24 feet to a point for a property corner lying on the southerly right-of-way of North Loop Road, said point being THE TRUE POINT OF BEGINNING of this description;

THENCE, South $57^{\circ} 09' 51''$ East, along said right-of-way line, a distance of 94.37 feet to a point for a boundary corner;

THENCE, South $59^{\circ} 11' 14''$ East, continuing along said right-of-way line, a distance of 181.14 feet to a point for a boundary corner lying on the common boundary line between Tracts 4A & 4A5, Block 12, Ysleta Grant;

THENCE, South $34^{\circ} 00' 00''$ West, along said boundary line, a distance of 258.68 feet to a point for a boundary corner;

THENCE, North $56^{\circ} 00' 00''$ West, a distance of 295.06 feet to a point for a boundary corner;

THENCE, North $34^{\circ} 00' 00''$ East, a distance of 226.68 feet to a point for a boundary corner and a point for a **curve**;

THENCE, 31.28 feet, along the arc of a curve to the right, having a radius of 20.00 feet, a tangent of 19.86 feet, a central angle of $89^{\circ} 36' 14''$ and a chord which bears North $78^{\circ} 46' 03''$ East, a distance of 28.19 feet back to THE TRUE POINT OF BEGINNING of this description.

Said parcel of land containing 1.6990 acres (74,051 Sq.Ft.) of land, more or less.

A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC.
Consulting Engineers—Land Surveyors

Guillermo Licon
Registered Professional Land Surveyor
Texas License No. 2998



MEMORANDUM

DATE: November 21, 2013

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

FROM: Michael McElroy, Planner

SUBJECT: PZCR13-00008

This case is pending the City Plan Commission's approval or denial recommendation at the scheduled December 5, 2013 hearing.

There have been no communications in support or opposition to this request.

Attachment:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZCR13-00008
Application Type: Condition Release
CPC Hearing Date: December 5, 2013
Staff Planner: Michael McElroy, 915-541-4238, mcelroyms@elpasotexas.gov
Location: 8250 North Loop
Legal Description: A Portion of Tract 4A, N/K/A Tract 4A5, Block 12, Ysleta Grant, City of El Paso, El Paso County, Texas
Acreage: 1.699 acres
Rep District: 7
Current Zoning: C-4/c (Commercial/condition)
C/SC/SP/ZBA/LNC Yes (See attachment 4)
Existing Use: Contractors Yard
Request: Release of special contract, stemming from Ordinance 5029, dated March 20, 1973 (Related to PZST13-00023 to reduce rear setback to 0')
Proposed Use: Contractors Yard
Property Owner: OPM Capital Management
Representative: Georges Halloul

SURROUNDING ZONING AND LAND USE

North: A-O (Apartment-office), C-2/c (Commercial/condition) & C-1 (Commercial) / Apartments & Retail
South: R-3 (Residential) Single family homes
East: R-4 (Residential) / Single family home
West: C-1 (Commercial) & R-4 (Residential) / Retail & Single family homes

Plan El Paso Designation: G3, Postwar (Mission Valley)

Nearest Park: Lomaland Park (3,394 ft.)

Nearest School: Marion Manor Elementary (3,715 ft.)

NEIGHBORHOOD ASSOCIATIONS

Save the Valley 21

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on November 20, 2013. The Planning Division has not received any letters or phone calls in support or opposition of the condition release request.

APPLICATION DESCRIPTION

The request is to release all conditions imposed by Ordinance No. 5029, dated March 20, 1973, and all ensuing amendments and modifications of said ordinance (and as more particularly described in Attachment 4). The original contract limited the use of the property exclusively to a drive-in theater. A series of amendments to the contract have resulted in various use prohibitions and a detailed site plan review which the applicant is seeking to release.

The property currently consists of a contractor's yard and associated warehousing. The applicant is proposing to continue these same uses. As such, the contract release request serves largely to "clean up" the property.

CITY DEVELOPMENT DEPARTMENT -PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the request as many currently permissible C-4 uses of a greater intensity than the uses prohibited are permitted, rendering existing use restrictions ineffective. As an example, an automobile dealership and a contractor’s yard are permissible but a miniature golf course and trampoline center are not.

While the applicant has requested a full release of conditions, the Planning division recommends approval of a partial release of conditions and a condition amendment as follows:

The following **conditions shall be released:**

1. That certain uses are prohibited upon the property, to include:
 - a. Hotel, motel or motor lodge;
 - b. Miniature golf course;
 - c. Trailer, mobile home or RV sales, repair or display;
 - d. Trampoline center;
 - e. Temporary non-accessory tents;
 - f. Family home and multi-family dwelling;
 - g. Drum and barrel reconditioning;

That the following **condition be amended:**

1. That the condition requiring a detailed site development plan be approved by the City Plan Commission and City Council prior to building permits be amended to require a detailed site development plan to be approved as per City Code prior to building permits.

Plan El Paso-Future Land Use Map Designation

All applications for rezoning shall demonstrate compliance with the following criteria:

G-3 – Post War: This sector applies to transitional neighborhoods typically developed from the 1950s 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 C-4 (Regional Commercial) district is to provide commercial uses intended to serve the entire City to permit heavy commercial uses characterized by automotive and light warehousing. Provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the Central Business District, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.

COMMENTS:

City Development Department – Planning Division - Transportation

No objections.

Note: 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 - Land Development

Recommend approval

City Development Department – Building Permits & Inspections

BP&I Review: No objections to release of conditions

Landscape Review: Release of condition's does not require additional landscape at this time

El Paso Fire Department

No objection.

El Paso Water Utilities

1. EPWU does not object to this request.

EPWU-PSB Comments

Water:

2. There is an existing 12-inch diameter water main along an existing 25 foot utility easement along the northern boundary of the subject property. This water main is located approximately 6 feet south of and northern property line. This main is available for service

3. Previous water pressure readings from fire hydrant #8469 located on the northern property line, Hermosa have yielded a static pressure of 98 pounds per square inch, a residual pressure of 80 pounds per square inch and a discharge of 1404 gallons per minute.

4. Private water pressure regulating devices will be required within the proposed development. The Developer shall include in the sale of contract documents that the lot/home buyer shall acquire ownership of the above-described water pressure regulating devices to be located at the discharge side of the water meters. The lot/home buyer shall be responsible for the operation and maintenance of the above-described water pressure regulating devices.

5. EPWU records indicate an active 1-inch water meter serving the subject property. The service address for this meter is 8250 North Loop Rd.

Sanitary Sewer:

6. There is an existing 8-inch diameter sanitary sewer main along an existing 25 foot utility easement along the northern boundary of the subject property. This main is available for service.

General:

7. EPWU requires a new service application to initialize design of the on-site water and sanitary sewer main extensions to serve the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current 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 a condition release request 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.

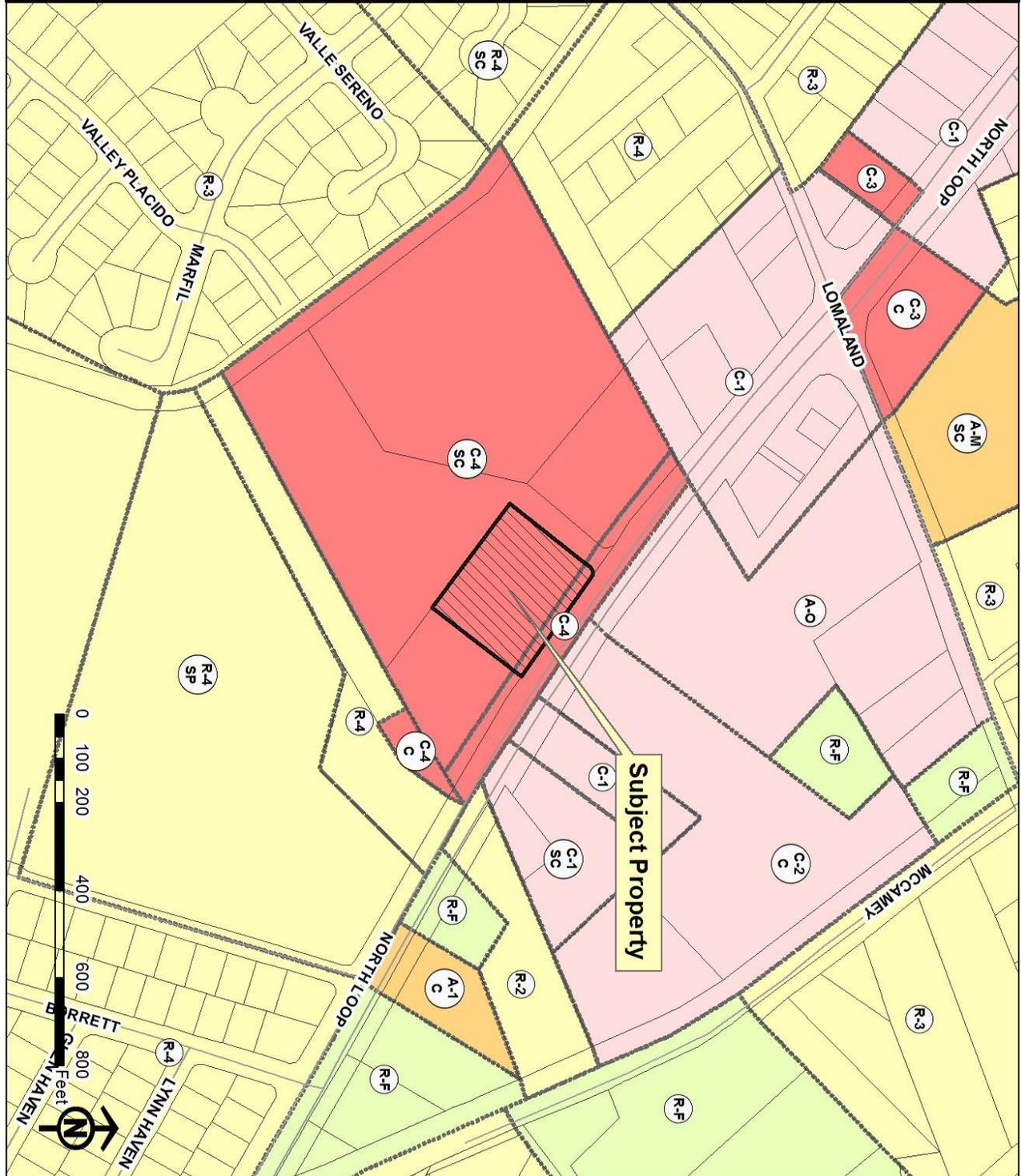
2. Recommend approval of the application with modifications to bring it into conformance with the review criteria for Plan El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that it does not conform to the review criteria for Plan 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. Detailed Site Development Plan
4. Ordinance Timeline

ATTACHMENT 1: ZONING MAP

PZCR13-00008



ATTACHMENT 2: AERIAL MAP

PZCR13-00008



ATTACHMENT 4: ORDINANCE TIMELINE

CONDITIONS CURRENTLY IN EFFECT HIGHLIGHTED IN YELLOW

Original contract dated March 20, 1973, attached to Ordinance No. 5029

1. Property shall only be used as a drive-in motion picture theater
2.
 - a. Prior to building permits, dedication of 20' strip adjacent and parallel to North Loop
 - b. Dedication of 60' wide strip extending from northerly ROW line of Valle Placido Drive

Amendment to contract dated May 20, 1980

1. Amended paragraph 2(b) of the 1973 contract to read "from the northerly right of way line of Valle Placido" to "extending across the northerly right of way line of Valle Placido"

Amendment to contract dated August 19, 1980

1. Amended paragraph 2(a) of the May 20, 1980 contract to include verbiage that the 20' wide dedication be made in accordance with a property description to be approved by the Director of Traffic & Transportation and the City Engineer.

Contract release dated February 1, 1983

This contract notes that the property has been parceled into separate lots, making application of the contract confusing. As such, this instrument releases all conditions, original or amended. In its place, the following new conditions are applied:

1. The property owned by L. R. Dollison included as Exhibit "A" only be used as a drive-in motion picture theater and no other purpose.
2. The property owned by L. R. Dollison included as Exhibit "C" only be used only for a use permissible in the C-2 zoning district.

Amendment to contract dated January 30, 1990

So as to remove the C-2 only restrictions on portions of the property, the following restrictions were imposed:

2. Prior to building permits, a detailed site development plan be approved by the CPC and City Council.
3. That an indoor motion picture theater be built upon the property.
4. That certain uses are prohibited upon the property, to include:
 - a. Hotel, motel or motor lodge;
 - b. Miniature golf course;
 - c. Trailer, mobile home or RV sales, repair or display;
 - d. Trampoline center;
 - e. Temporary non-accessory tents;
 - f. Family home and multi-family dwelling;
 - g. Drum and barrel reconditioning;

Contract release dated April 15, 1997

1. A 17,930 square foot portion of the property was to be acquired for the widening of North Loop Road. In consideration of this, all conditions applying to this portion of land were released.

Amendment to contract dated July 17, 2001

1. Released condition 2 of the January 30, 1990 contract which required the construction of an indoor motion picture theater. All other conditions remain in effect.