



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

**Case No:** PZDS13-00019  
**Application Type** Detailed Site Development Plan Review  
**CPC Hearing Date** December 19, 2013  
**Staff Planner** Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

**Location** 1390 George Dieter Drive  
**Legal Description** A portion of Tract 39A, O.A. Danielson Survey 310, City of El Paso, El Paso County, Texas  
**Acreage** 3.99 acres  
**Rep District** 7  
**Existing Use** Vacant  
**Existing Zoning** C-1/c/sc (Commercial/condition/special contract) and C-4/sc (Commercial/special contract)  
**C/SC/SP/ZBA/LNC** SC: Ordinance No. 7313 dated September 8, 1981, (see Attachment #5) and C: Ordinance No. 17870 dated September 18, 2012 (see Attachment #6)  
**Request** Detailed Site Plan Review per Ordinance No. 17870 dated September 18, 2012  
**Proposed Use** Medical Office

**Property Owner** GABTER, L.P.  
**Representative** SER Group, LLC

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

**North:** C-1/c/sc (Commercial/conditions/special contract) / Hospital  
**South:** R-3 (Residential) / Vacant  
**East:** C-4/sc (Commercial/special contract) / Vacant  
**West:** C-1/sc (Commercial/ special contract) / Medical offices; R-3 (Residential) / Single-family dwellings

**THE PLAN FOR EL PASO DESIGNATION:** G-4, Suburban (Walkable)

**Nearest Park:** Zaragoza Park (4,848 feet)

**Nearest School:** Myrtle Cooper Elementary (6,866 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Eastside Civic Association

### **NEIGHBORHOOD INPUT**

Detailed Site Development Plan Review does not require public notification as per Section 20.04.520, *Notice* of the El Paso City Code.

### **CASE HISTORY**

On September 8, 1981, City Council approved the rezoning request for the subject property from R-3 (Residential) to A-O (Apartment/Office) and imposed a condition by Ordinance No. 7313 (see Attachment #5), which stated that no building permit shall be issued for construction on the property until a subdivision plat for the property has been submitted by the first party to the CPC and filed of record. Currently, there is a CPC approved subdivision application for the subject property pending filing.

On September 18, 2012, City Council approved the rezoning request for the subject property from A-O (Apartment/Office) to C-1 (Commercial) and imposed a condition by Ordinance No. 17870 (see Attachment #6). The condition required a detailed site development plan be approved per City Code prior to the issuance of any building permits as per city code. Because the subject property is more than 2 acres, Section 20.04.150 requires the detailed site development plan be reviewed and approved by CPC.

### **APPLICATION DESCRIPTION**

The request is for a Detailed Site Development Plan Review as required by Ordinance No. 17870 (see Attachment 6). The detailed site development plan shows a new 25,842 square foot 1-story clinic and medical office structure. The medical office shows a building 26 feet in height. The development also includes a future 4,500 sq. ft. medical office addition. The development requires a minimum of 126 parking spaces and the applicant is providing 133 parking spaces and 7 bicycle spaces. Access to the subject property is proposed from George Dieter Drive.

### **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **APPROVAL** of the detailed site development plan request as it meets all the requirements of Section 20.04.150, Detailed Site Development Plan:

### **ANALYSIS**

20.04.140 When required.

Except as stated herein, a detailed site development plan is required prior to development in a special purpose district or with a special permit application and may be required if a zoning condition exists on a particular piece of property. Detailed site development plans are not required for any projects for development in the Mixed Use District (RMU, GMU and IMU) or for any other projects other than those located in special purpose districts or as otherwise required herein.

*Note: Detailed Site Development Plan review is required because of a condition imposed on the subject property.*

20.04.150 Procedure.

C. Administrative approval. Detailed site development plans meeting the following conditions shall be reviewed and approved by the zoning administrator:

1. The site is two acres or less in size, and
2. The site plan contains no more than two buildings, and
3. The site plan complies with any zoning conditions and all city code provisions, to include the tables for uses and density and dimensional standards and;
4. The city's department of transportation has no concerns with access or restriction of access to the site; and,
5. The site plan complies with staff recommendations concerning the location of stormwater drainage structures and easements to include onsite ponding areas; the location and arrangement of structures, vehicular and pedestrian ways; open spaces and landscape planted areas. Staff recommendations shall not require that the site plan have landscaping in excess of what is required under the city code or any zoning condition.

If the zoning administrator does not approve an applicant's detailed site development plan, the applicant may appeal the decision to the city plan commission. The applicant must file the appeal with the zoning administrator within fifteen business days from the date of the zoning administrator's decision. The zoning administrator shall place the appeal on the city plan commission agenda to be heard by the commission within thirty business days from the date the appeal was received. The zoning administrator shall include the detailed site plan, the appeal, and a summary of the zoning administrator's reasons for disapproving the detailed site plan.

*Note: the detailed site development plan review is not eligible for administrative approval, because the subject property is more than 2 acres in size.*

- D. City plan commission approval. Pursuant to this Code, the city plan commission, in addition to the powers and duties identified in this chapter, shall have final authority on approval of all other detailed site development plans, unless a zoning condition, contract provision, other city code provision or state law require the detailed site development plan to be approved by city council.
1. The planning division shall make its recommendations to the city plan commission within thirty days after a complete application is submitted.
  2. The city plan commission shall hold a public hearing at its regular meeting that is within thirty days from receipt of department recommendations.
  3. The commission shall consider the following information when approving a proposed detailed site development plan: the boundaries of the tract proposed for development; location and arrangement of structures; determine if the use conforms to applicable zoning regulations, determine if historic landmark commission approval has been granted for architectural design of all structures if located in a historic district and the design conforms to such approval; location of utility rights-of-way and easements and stormwater drainage; vehicular and pedestrian ways; on-site parking areas; location of open spaces and landscape planted areas.
  4. In no instance shall the city plan commission have authority to vary the yard standards applicable to the district.
  5. The city plan commission shall approve the plan if it complies with all applicable code provisions.

*Planning Staff have reviewed the detailed site development plan which meets requirements and therefore are recommending approval.*

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

All applications for detailed site plan review 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 C-1 (Commercial) district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

#### **COMMENTS:**

##### **Planning Division – Transportation**

The Detailed Site Development Plan submitted meets the minimum parking requirements of Zoning Code Chapter 20.14, Appendix C.

General Note:

All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall follow the City of El Paso Design Standards for Construction and be ADA/TAS compliant.

##### **City Development Department – Plan Review**

No objections.

### **City Development Department - Landscaping Review**

Landscape plan is approved as proposed.

### **City Development Department - Land Development**

Please address following comments:

1. On the plan must to have the note: This lot is required for on-site ponding.
2. A six-foot-high tubular or wrought iron fence or a six-foot-high masonry wall or a combination thereof shall be erected along any property line adjacent to drainage structures. Wrought Iron Fence or a Combination of Rockwall and Wrought Iron fence are required per the code.
3. Proposed ponding area slope must be 3:1 as per El Paso Municipal Code Section 18.44.200
4. Pond slopes shall be stabilized per grading stabilization plan, as per El Paso Municipal Code Section 18.44.200

Note: These comments will need to be addressed at the submittal of building permits.

### **Fire Department**

Recommend Approval of Site Plan Application as presented. NOTE - PZDS13-00019 In accordance with the requirements of the Zoning Code Section 20.04.160 Content of application the Fire Planning Division has reviewed the submitted "Detailed Site Plan for the following: Elevations, Perspective of the building, Dimensions, square footage and height of all structures, Number of dwelling units in Multi-family structures, and Driveways as applicable to following sections of the fire code; Sections 503 and Appendix D Fire Apparatus Access Roads, Section 903 Automatic Sprinkler Systems, Section 905 Standpipe Systems. When required as per section 905.3.1, 905.4 and 905.5 all fire protections system plans shall be submitted separately to Fire Plan Review for further requirements and comments. The Fire Planning Division has reviewed the submitted Preliminary Site Plan Application as per requirements of the Zoning Code Section 20.04.160 Content of application and has determined that the submission DOES Comply within the zoning regulations.

### **El Paso Water Utilities**

We have reviewed the detailed site development plan review request described above and provide the following comments:

#### EPWU-PSB Comments

##### Water:

Along George Dieter Drive between Taffy Bagley Drive and Rojas Drive there is an existing twelve (12) inch diameter water main located at approximately 43 feet west of the east right-of-way line of George Dieter Drive. This water main is not available for service to the subject Property; the City of El Paso does not allow any pavement cuts on George Dieter Drive.

At the intersection of George Dieter Drive and Taffy Bagley Drive, along George Dieter Drive there is an existing eight (8) inch diameter water main. This main is located at approximately 7.5 feet west of the easternmost right-of-way line of George Dieter Drive. This existing main dead-ends approximately at the vicinity of the northernmost portion of the subject Property. Water service to the subject Property is anticipated by extensions originating from this described main. The alignment of the proposed mains will be along George Dieter Drive, and shall cover the entire frontage of the subject Property.

Previous water pressure readings from a fire hydrant number 8429 located at the intersection of Taffy Bagley Drive and George Dieter Drive have yielded a static pressure of 90 pounds per square inch (psi), residual pressure of 84 psi and a discharge of 1,233 gallons per minute (gpm). 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 Owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

##### Sanitary Sewer:

Along George Dieter Drive between Taffy Bagley Drive and Rojas Drive there is an existing eight (8) inch diameter sanitary sewer main located at approximately 50 feet east of the west right-of-way line of George Dieter Drive. This sanitary sewer main is not available for service to the subject Property; the City of El Paso does not allow any pavement cuts on George Dieter Drive.

At approximately 480 feet south of the intersection of George Dieter Drive and Taffy Bagley Drive along George Dieter Drive there is an existing manhole pertaining to the above-described main that extends along George Dieter Drive. This manhole has an existing eight ( 8 ) inch diameter stub-out aligned towards the east. EPWU-PSB records describe the stub-out with a length of 63 feet, dead-ending close to the easternmost right-of-way line of George Dieter Drive.

Sanitary sewer service to the subject Property is anticipated by means of an extension originating from this described stub-out. The alignment of the proposed extension will be immediately east and parallel to George Dieter Drive within easements. The proposed extension will initiate at the described stub-out, continue north unto the subject Property to dead-end at a manhole within the southern portion of the subject Property. Off-site as well as on-site easements will be required in order to accommodate this proposed main.

General:

All costs associated with the acquisition of easements shall be the responsibility of the Owner/Developer.

All easements dedicated for public water and/or sanitary sewer facilities are to comply with EPWU-PSB Easement Policy.

Easement grantor shall indemnify, defend, and hold harmless the El Paso Water Utilities – Public Service Board from and against any and all claims, liability, actions, and damages for bodily injury and property damage to third parties or to the El Paso Water Utilities – Public Service Board which may be caused by or arise out of the maintenance and existence of said water and sanitary sewer mains in the easement area.

The alignment and location of the proposed EPWU-PSB easement shall enable the placement of water meters outside of the parking areas and minimize the length of services. No vehicular traffic is allowed over the water meters. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easements 24 hours a day, seven (7) days a week.

No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB.

The PSB easement shall be improved to allow the operation of EPWU maintenance vehicles. Proposed surface improvements such as paving, landscaping, other types of low maintenance surfacing shall be reviewed for approval by EPWU-PSB.

Use of low maintenance easement surface improvements is required. The Owner of the property is responsible for maintenance of the easement surface; surface maintenance is not the responsibility of EPWU-PSB.

EPWU-PSB requests the Developer to refrain from constructing rock walls or any structure that will interfere with the access to the PSB easements.

EPWU-PSB requests the Developer to refrain from constructing signs within the PSB easements.

All proposed buildings shall comply with EPWU-PSB Easement Policy. Buildings shall be located 5 feet away from the easement line.

If the City of El Paso Fire Department requires additional fire hydrants on Public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

The El Paso Water Utilities requires a finalized set of improvement plans including drainage and grading plans to initialize the design of the water and sanitary sewer main extensions to serve subject subdivision. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances. Furthermore, application for services for subject subdivision must be made in conjunction with the request for water and sanitary sewer main

extensions. The improvement plans should include a site plan, a utility plan, grading & drainage plans, landscaping plan (if applicable), the legal description of the property, and a certificate-of-compliance which are required at the time of application. The certificate-of-compliance can be obtained at City Hall.

### **CITY PLAN COMMISSION OPTIONS**

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

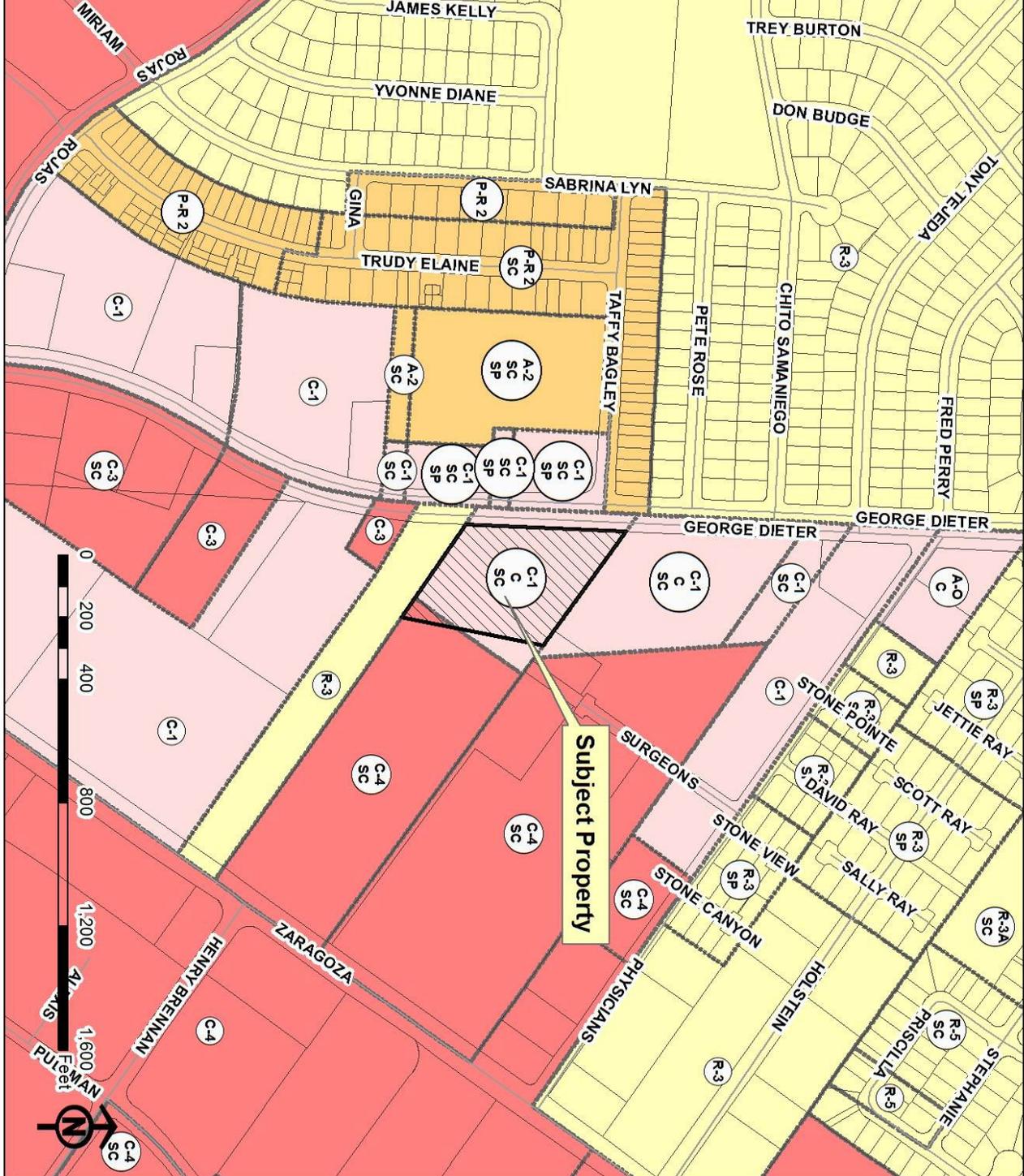
1. Recommend approval of the application finding that the detailed site development plan is in conformance with the review criteria of Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the 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 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 Plan
4. Elevations
5. Ordinance No. 7313
6. Ordinance No. 17870

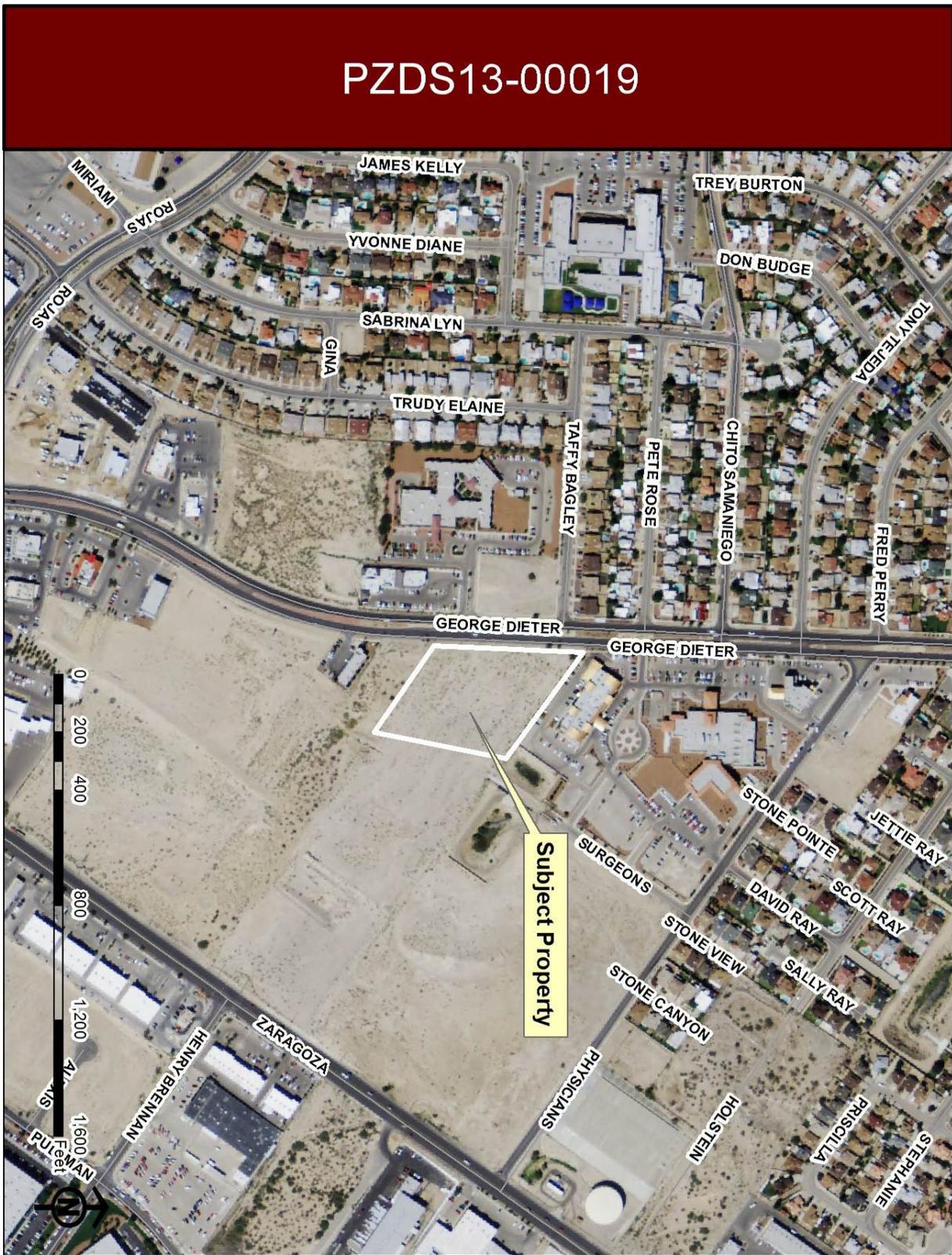
ATTACHMENT 1: ZONING MAP

PZDS13-00019

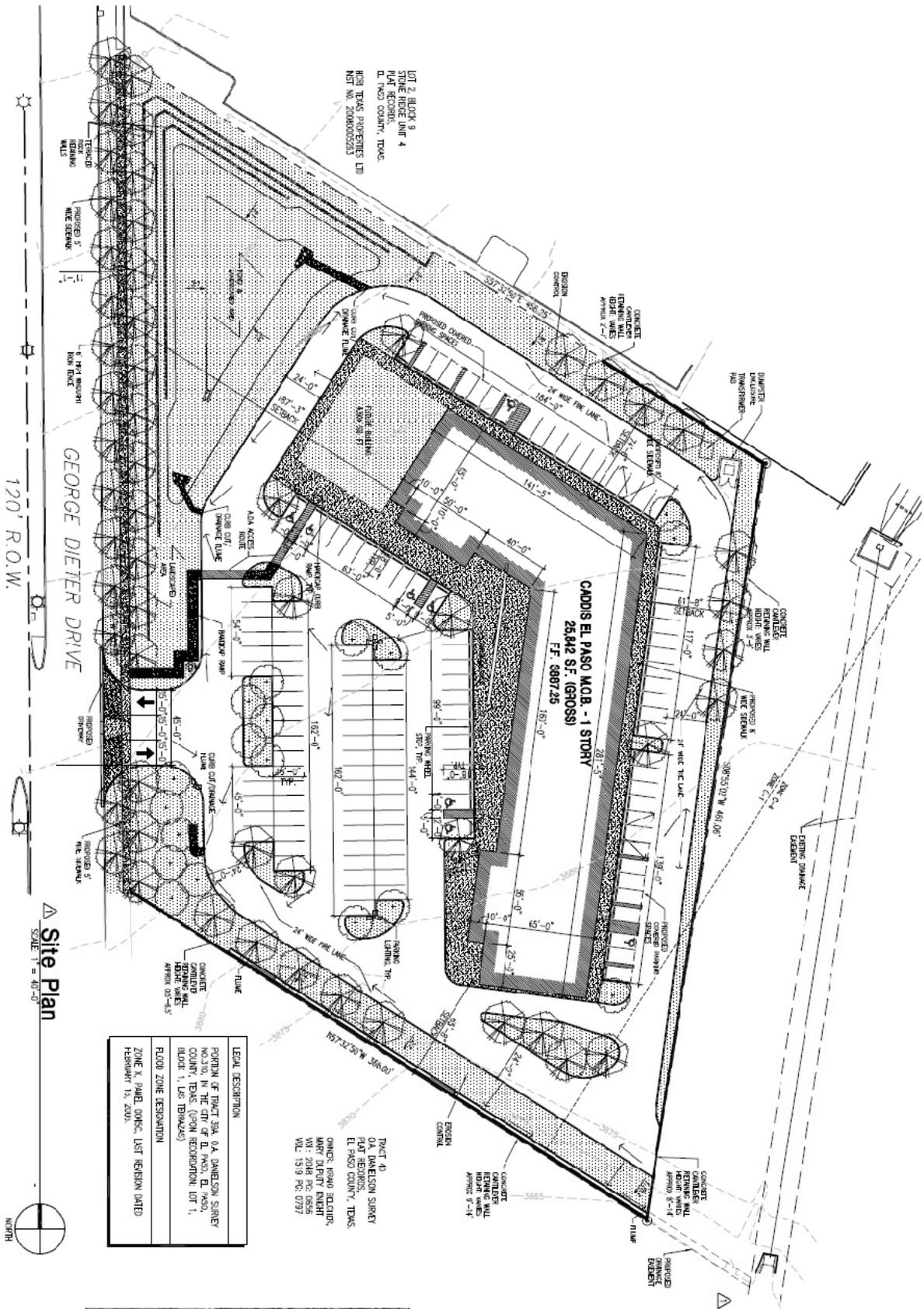


ATTACHMENT 2: AERIAL MAP

PZDS13-00019



**ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN**



LOT 2 BLOCK 8  
 STATE RECORD  
 PLAT RECORD  
 CL. TAND COUNTY, TEXAS  
 HIGH TEXAS PROPERTIES LTD  
 NSR NO. 200800523

**CADDIS EL PASO MCB - 1 STORY**  
 26,842 SF. (GROSS)  
 F.F. 9987.25

120' R.O.W.  
 GEORGE DIETER DRIVE

Site Plan  
 SCALE 1" = 40'-0"

<b>LEGAL DESCRIPTION</b>	TRACT 40 O.A. DANIELSON SURVEY PART RECORDS, EL PASO COUNTY, TEXAS. (BLOCK 1, LOT 28, 29, 30)
<b>FLOOD ZONE DESIGNATION</b>	ZONE X, PANEL 0985C, LAST REVISION DATED FEBRUARY 13, 2003.

TRACT 40  
 O.A. DANIELSON SURVEY  
 PART RECORDS,  
 EL PASO COUNTY, TEXAS.  
 OWNERS: JERRY B. GILCHRIST,  
 MARY DEBBY ENIGHT,  
 W.M.: 2048 P.O. 0655  
 W.M.: 1519 P.O. 0797



**ATTACHMENT 5: ORDINANCE NO. 7313**

7313

AN ORDINANCE CHANGING THE ZONING OF TRACTS 39A AND 39B, O.A .DANIELSON SURVEY #310, 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 Tracts 39A and 39B, O. A. Danielson Survey #310, as more particularly described below, be changed A-O (Apartment-Office) District, and to C-4 (Commercial) District, within the meaning of the zoning ordinance, and the zoning map of the City be revised accordingly:

Parcel 1 to C-4 (Commercial) District.

All of Tract 39B, and a portion of Tract 39A, O. A. Danielson Survey No. 310, as more particularly described as follows:

Beginning at a point, said point being the southwest corner of O. A. Danielson Survey No. 310; thence east a distance of 252.47 feet to a point in the westerly right of way line of the Ysleta-Carlsbad cutoff road; thence along said westerly right of way line of said Ysleta-Carlsbad cut-off road north 32°19' east a distance of 2177.30 feet to the point of beginning of the tracts being described;

Thence north 57°41' west a distance of 1075.0 feet to a point for a corner;

Thence south 32°19' west a distance of 422.81 feet to a point for a corner;

Thence south 57°41' east a distance of 1075.0 feet to a point for a corner;

Thence along said westerly right of way line of the Ysleta-Carlsbad cut-off road north 32°19' east a distance of 422.81 feet to the place of beginning, and containing 10.43 acres, more or less.

Parcel 2 to A-O (Apartment-Office) District

A portion of Tract 39A, O. A. Danielson Survey No. 310, as more particularly described as follows:

Beginning at a point, said point being the southwest corner of O. A. Danielson Survey No. 310; thence east a distance of 252.47 feet to a point in the westerly right of way line of said Ysleta-Carlsbad cut-off road north 32°19' east a distance of 2,177.30 feet to the corner of Tract 38 & Tract 39A; thence north 57°41' west a distance of 1,075.0 feet to the point of beginning of the tract being described;

-1-



Thence north 57°41' west a distance of 604.21 feet to a point for a corner;

Thence south a distance of 500.30 feet to a point for a corner;

Thence south 57°41' east a distance of 336.75 feet to a point for a corner;

Thence north 32°19' east a distance of 422.81 feet to the place of beginning, and containing 4.57 acres, more or less.

PASSED AND APPROVED this 8<sup>th</sup> day of Sept., 1981.

ATTEST:

*Jonathan W. Ryan*  
\_\_\_\_\_  
Mayor

*William Beetz*  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

*David Rubin*  
\_\_\_\_\_  
Assistant City Attorney

APPROVED AS TO CONTENT:

*Raul Gonzalez*  
\_\_\_\_\_  
Planning Department

I CERTIFY THAT THE FOLLOWING ZONING MAPS  
HAVE BEEN REVISED: # 62.  
12-1-81 COUNTER  
12-1-81 ORIGINAL  
12-1-81 Bldg. Inspection  
12-1-81 CONTROL  
*R. Gonzalez*

I certify that the zoning map has been revised to  
reflect the amendment of ordinance # 7313  
*R. Gonzalez* Date: 12-1-81

CONTRACT

THIS CONTRACT, made by and between HILANA, S.A., a Mexican corporation acting by and through its Attorney-in-Fact, ERNESTO MORENO, First Party, DELMO M. PEARCE and FLACHE FARMS, INC., Second Parties, and the CITY OF EL PASO, Third Party,

W I T N E S S E T H :

Application has been made to the City of El Paso for rezoning of Tracts 39A and 39B, O. A. Danielson Survey #310, in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. ~~7313~~<sup>7313</sup>, now pending before the City Council of the City of El Paso, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Party covenants that if the property is rezoned as indicated in the attached ordinance, it shall be subject to the following restrictions, conditions and covenants:

No building permit shall be issued for construction on the property until a subdivision plat of the property has been submitted by First Party to the City Planning Commission of the City of El Paso and filed for record.

This contract is a restriction, condition and covenant 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 release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

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

81-4668  
1981  
CITY OF EL PASO  
DEPARTMENT OF  
PLANNING

Ord # 7313  
2.7.2. 9/8/81

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

HILANA, S.A., a Mexican corporation

By [Signature]  
Ernesto Moreno, Attorney-in-Fact

[Signature]  
Delmo M. Pearce

FLACHE FARMS, INC.

By: [Signature]  
President

THE CITY OF EL PASO

By [Signature]  
Mayor

ATTEST:

[Signature]  
City Clerk

APPROVED AS TO FORM:

[Signature]  
Asst. City Attorney

THE STATE OF TEXAS )  
                                  )  
COUNTY OF EL PASO )

BEFORE ME, the undersigned authority, on this day personally appeared ERNESTO MORENO, known to me to be the person whose name is subscribed to the foregoing instrument as Attorney-in-Fact of HILANA, S.A., a Mexican corporation, and acknowledged to me that he subscribed the name of HILANA, S.A. thereto as principal and his own name as Attorney-in-Fact, and executed the same for the purposes and consideration therein expressed, and in the capacity therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 1 day of January, 1981.

My commission expires:

12/1/84

[Signature]  
Notary Public in and for El Paso  
County, Texas

81-4668



**ATTACHMENT 6: ORDINANCE NO. 17870**

15/14

CITY CLERK DEPT.  
2012 AUG 20 AM 7:25

9D

ORDINANCE NO. 017870

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 39-A, O.A. DANIELSON SURVEY NO 310, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-O/SC (APARTMENT-OFFICE/SPECIAL CONTRACT) TO C-1/SC (COMMERCIAL/SPECIAL CONTRACT) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

That the zoning of a portion of Tract 39-A, O.A. Danielson Survey No 310, City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from A-O/SC (APARTMENT-OFFICE/SPECIAL CONTRACT) to C-1/SC (COMMERCIAL/SPECIAL CONTRACT), within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following condition which is necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

1. That a detailed site development plan be approved per City Code prior to the issuance of any building permits as per city code.

PASSED AND APPROVED this 18<sup>th</sup> day of September, 2012.



ATTEST

[Signature]  
Richarda Duffy Momsen, City Clerk

THE CITY OF EL PASO

[Signature]  
John F. Cook  
Mayor

APPROVED AS TO FORM:

[Signature]  
Lupe Cuellar  
Assistant City Attorney

APPROVED AS TO CONTENT:

[Signature]  
Mathew S. McElroy, Director  
City Development Department

128793/12-1007-390.004 v1 - Planning/PZRZ12-00017/ORD/Rezoning ORD  
Document Author: LCUE

ORDINANCE NO. 017870

Zoning Case No: PZRZ12-00017