

CITY CLERK DEPT.

2011 MAR 14 AM 8:48

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

DEPARTMENT: Planning and Economic Development Department, Planning Division

AGENDA DATE: Consent Item: March 15, 2011

CONTACT PERSON/PHONE: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 7

SUBJECT:

A Resolution approving a detailed site development plan for a portion of Lot 1, Block 2, Yarbrough Place, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8101 North Loop Drive. Applicant: Zaradieter Partners L.P. ZON11-00011 (District 7)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Reviewed
City Plan Commission (CPC) – Approval Recommendation 7-0

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Matthew S. McElroy
Deputy Director, Planning and Economic Development

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

RESOLUTION

A RESOLUTION APPROVING A DETAILED SITE DEVELOPMENT PLAN FOR A PORTION OF LOT 1, BLOCK 2, YARBROUGH PLACE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.150. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, on March 4, 1986, City Council rezoned the property described as *a portion of Lot 1, Block 2, Yarbrough Place, City of El Paso, El Paso County, Texas*, from R-F (Ranch and Farm) and R-4 (Residential) to C-1/sc (Commercial/special contract) and as part of the rezoning imposed a condition that prior to the issuance of any building permits, a detailed site development plan must be approved by the Commission and the Mayor and City Council; and,

WHEREAS, the property owner **Zaradieter Partners, L.P.** (the "Owner") is ready to proceed with development and has submitted a detailed site development plan for review; and,

WHEREAS, the detailed site development plan is subject to the development standards in the **C-1/sc (Commercial/special contract) District** regulations and subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission; and,

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

WHEREAS, the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso City Code;

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

1. Pursuant to requirements imposed on the subject property described as *a portion of Lot 1, Block 2, Yarbrough Place, City of El Paso, El Paso County, Texas* by Ordinance No. 8608 passed and approved March 4, 1986, the City Council hereby approves the detailed site

development plan submitted by the Applicant. The detailed site development plan is subject to the development standards in the C-1/sc (Commercial/special contract) District.

2. A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "A" and incorporated herein by reference.

3. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the C-1/sc (Commercial/special contract) District regulations.

4. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the C-1/sc (Commercial/special contract) District. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

5. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

PASSED AND APPROVED this _____ day of _____, 2011.

THE CITY OF EL PASO

John F. Cook,
Mayor

ATTEST:

Richarda Duffy Momsen,
City Clerk

(Signatures continue on following page)

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy
Deputy Director – Planning and
Economic Development Department

(Agreement on following page)

DEVELOPMENT AGREEMENT

By execution hereof, **Zaradieter Partners, L.P.** ("Owner"), identified in the Resolution to which this Development Agreement is attached, hereby covenant and agree, to develop the above-described property in accordance with the approved Detailed Site Development Plan, and in accordance with the standards applicable to the C-1/sc (Commercial/special contract) District located within the City of El Paso.

EXECUTED this _____ day of _____, 2011.

Zaradieter Partners, L.P.

By: _____

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2011, by _____, in his legal capacity on behalf of The Broker Company

Notary Public, State of Texas

My Commission Expires:

Being a portion of Lot 1, Block 2,
Yarbrough Place,
City of El Paso, El Paso County, Texas
February 8, 2011

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Lot 1, Block 2, Yarbrough Place, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

The "TRUE POINT OF BEGINNING" being a set x on concrete lying on the intersection of the northerly right of way line of North Loop Road conveyed to State of Texas in volume 3231, page 939, with the westerly boundary line of Lot 1, Block 2, Yarbrough Place;

Thence along said boundary line, North 56°55'00" East a distance of 219.41 feet to a point;

Thence, South 25°32'00" East a distance of 234.97 feet to a point;

Thence South 34°00'00" West a distance of 89.03 feet to a point on the Northerly right of way line of North Loop Road as conveyed to State of Texas in volume 3231, page 939;

Thence along said right of way line, North 54°47'25" West a distance of 288.03 feet to "TRUE POINT OF BEGINNING" and containing 38,373.289 square feet or 0.881 acres of land more or less.

Note: Bearings for above description based on map of Yarbrough Place as recorded in volume 69, page 16, Deed Records of El Paso County, Texas



Ron R. Conde
R.P.L.S. No. 5152



CONDE, INC.

ENGINEERING / LAND SURVEYING / PLANNING

6080 SURETY DRIVE SUITE 100 / EL PASO, TEXAS 79905 / (915) 592-0283

FAX (915) 592-0286

2011 MAR 14 AM 8:48

MEMORANDUM

DATE: March 7, 2011
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Andrew Salloum, Planner
SUBJECT: ZON11-00011

The City Plan Commission (CPC), on March 10, 2011, voted 7-0 to recommend **APPROVAL** of the detailed site development plan for the subject property.

The CPC found that the detailed site development plan is in conformance with the Plan for El Paso. The CPC also determined that the detailed site development plan protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and that the detailed site development plan will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There is no **OPPOSITION** to this request.

Attachment: Staff report



City of El Paso – City Plan Commission Staff Report

Case No: ZON11-00011
Application Type Detailed Site Development Plan Review
CPC Hearing Date March 10, 2011
Staff Planner Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

Location 8101 North Loop Drive
Legal Description A portion of Lot 1, Block 2, Yarbrough Place, City of El Paso, El Paso County, Texas
Acreage 0.881 acres
Rep District 7
Existing Use Vacant
Existing Zoning C-1/sc (Commercial/special contract)
Request Detailed Site Plan Review per Ordinance No. 8608, dated March 4, 1986
Proposed Use Retail

Property Owner Zaradieter Partners, L.P.
Applicant Charlie Gomez
Representative CAD Consulting Company

SURROUNDING ZONING AND LAND USE

North: C-1/sc (Commercial/special contract) / Wal-Mart and Retail
South: R-3 (Residential) / Single-family residential
East: C-1/sc (Commercial/special contract) / Wal-Mart, Retail, and Parking lot
West: C-1 (Commercial) / Convenience Store and Restaurant

THE PLAN FOR EL PASO DESIGNATION: Commercial and Mixed Use (Mission Valley Planning Area)

Nearest Park: Tigua Park (3,015 feet)

Nearest School: North Loop Elementary (3,550 feet)

NEIGHBORHOOD INPUT

Detailed Site Development Plan Review does not require public notification as per Section 20.04.520, *Notice*.

APPLICATION DESCRIPTION

The request is for a Detailed Site Development Plan Review as required by Ordinance No. 8608. The detailed site development plan shows 2,250 square-foot and 2,400 square-foot retail buildings with 43 parking spaces and 3 bicycle spaces and access via North Loop Drive.

The applicant has submitted a detailed site development plan for review in accordance with the special contract conditions imposed by Ordinance No. 8608, dated March 4, 1986:

- 1) *Prior to the issuance of building permits, a subdivision plat must be filed of record, and First Parties must dedicate the right-of-way necessary for the widening of North Loop Drive. The required dedication shall not exceed fifty five (50') in width, and ;*
- 2) *The property shall be developed only as a contiguous shopping center, and;*

- 3) *Prior to the issuance of building permits, a detailed site development plan must be approved by the City Plan Commission and the Mayor and City Council.*

DEVELOPMENT SERVICES DEPARTMENT-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.

The Plan for El Paso-City-Wide Land Use Goals

All applications for detailed site development plan 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: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.
- c. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character.

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.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for detailed site development plan review and offered no objections to Planning Staff's recommendation for approval.

Engineering & Construction Management Services Department – Plan Review

Plan Review has no objections to the Detailed Site Plans as submitted.

Engineering & Construction Management Services Department – Landscaping

This project will meet code as submitted.

Engineering & Construction Management Services Department – Land Development

General Comments:

1. Grading plan and permit shall be required.*
2. Storm Water Pollution Prevention Plan and/or permit required.*
3. Drainage plans must be approved by the Engineering and Construction Management Department, Land Development Section.*
4. Coordination with TXDOT.
5. No water runoff allowed outside the proposed development boundaries, (On-site ponding required).
6. The property is within Flood Zone X, "Areas of minimal flooding"- Panel # 480214 0045C, date February 16, 2006.

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

Department of Transportation

All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

Fire Department

El Paso Fire Department has no objections.

CITY PLAN COMMISSION OPTIONS

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

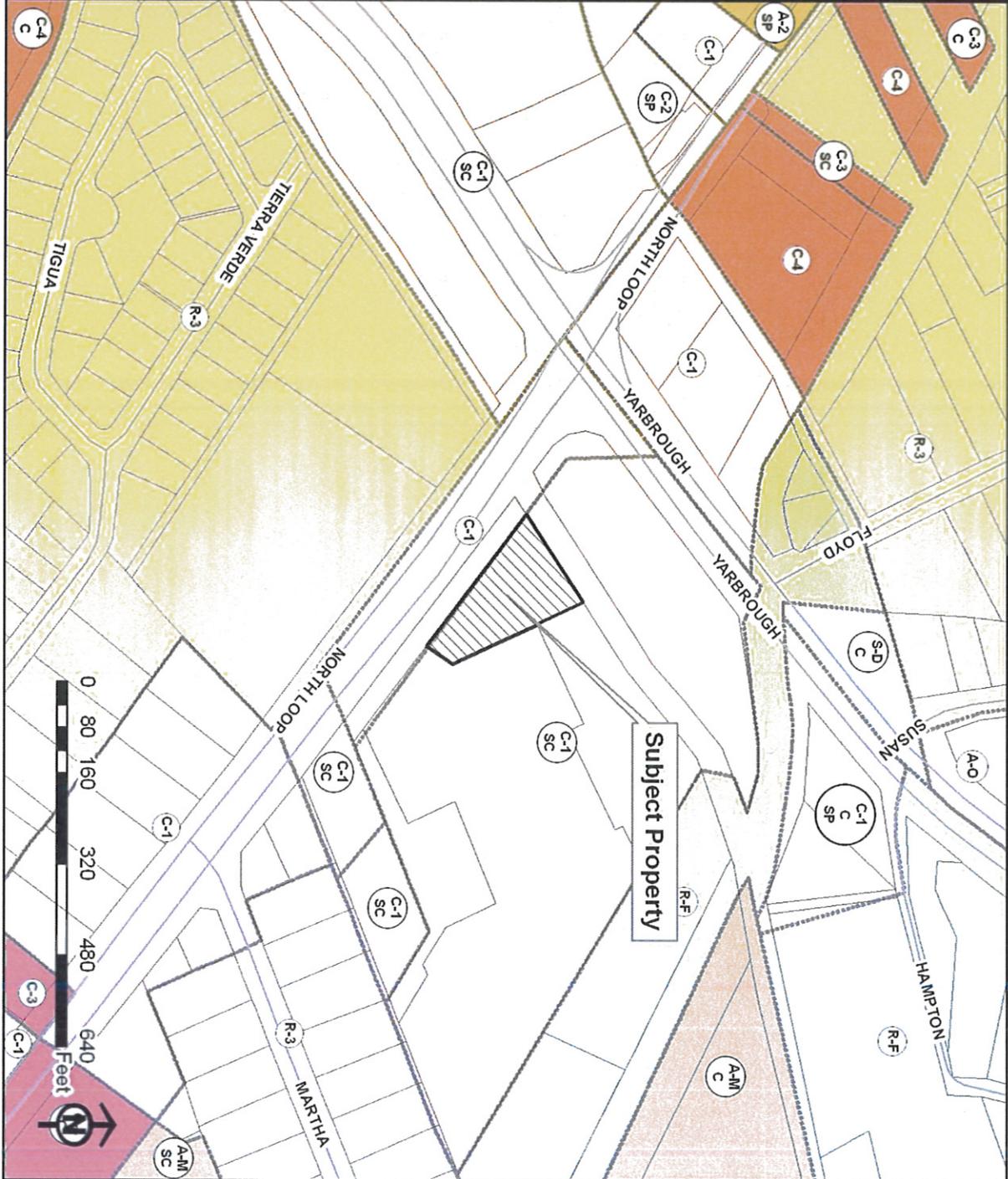
1. Recommend approval of the application finding that the detailed site development plan is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan
2. Recommend approval of the application with modifications to bring the detailed site development plan 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 detailed site development plan 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. Proposed Detailed Site Development Plan
4. Proposed Detailed Site Development Plan, Enlarged
5. Ordinance No. 8608 and Contract dated March 4, 1986

ATTACHMENT 1: ZONING MAP

ZON11-00011



ATTACHMENT 2: AERIAL MAP

ZON11-00011



ATTACHMENT 5: ORDINANCE NO. 8608 AND CONTRACT DATED MARCH 4, 1986

file

8608

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 3 AND ALL OF TRACT 4, MYRA PLACE, AND ALL OF TRACTS 14, 15A, 15B, 15C, 15D, 15E, 16, 17A, 17B, 17C, 17D, 17D1, AND 17D2, BLOCK 15, YSLETA GRANT, 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 a portion of Tract 3 and all of Tract 4, Myra Place, and all of Tracts 14, 15A, 15B, 15C, 15D, 15E, 16, 17A, 17B, 17C, 17D, 17D1, and 17D2, Block 15, Ysleta Grant, as more particularly described by metes and bounds in the attached Exhibits "A" through "C," be changed from R-F (Ranch/Farm) and R-4 (Residential) to C-1 (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 4th day of March, 1986.

[Signature]
Mayor

ATTEST:
[Signature]
City Clerk

APPROVED AS TO FORM:
[Signature]
Assistant City Attorney

APPROVED AS TO CONTENT:
[Signature]
Planning Department

[Signature] 3-4-86
8608

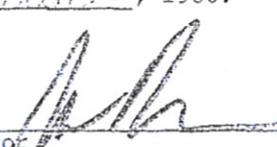
85-5732
RECEIVED
AUG 5 1988
PLANNING DEPT.
LAND DEVELOPMENT

RESOLUTION

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

That the Mayor be authorized to sign a contract with RUBEN AND MARY ALICE TELLEZ, MARGINE S. LAIDLAW, BERNARDO AND LORENZA T. TELLEZ, CONSUELO ESPALIN LOVE, ISABEL J. STAMMER, GEORGE J. AND MARY J. AYOUB, ESTELLA T. VILLARREAL, ELOY AND MARIA ELENA TELLEZ, JULIAN TELLEZ, JR., and LIBRADO AND MARTA VASQUEZ, as First Parties, and SAMUEL L. TELLEZ, Individually, GUADALUPE G. DE GARCIA, Individually, and MUTUAL SAVINGS ASSOCIATION OF EL PASO, as Second Parties, placing certain restrictions, conditions and covenants on the property being rezoned by Ordinance No. 8608, more particularly known as a portion of Tract 3 and all of Tract 4, Myra Place, and all of Tracts 14, 15A, 15B, 15C, 15D, 15E, 16, 17A, 17B, 17C, 17D, 17D1, and 17D2, Block 15, Ysleta Grant (Northeast corner of North Loop Drive and North Yarbrough Drive).

ADOPTED this 17th day of March, 1986.



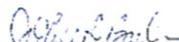
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

15-5132
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AUG 5 1986

PLANNING DEPT
LAND DEVELOPMENT

THE STATE OF TEXAS
COUNTY OF EL PASO

CONTRACT

THIS CONTRACT, made this 2nd day of March,
1988, by and between RUBEN and MARY ALICE TELLEZ, MARGINE S.
LAIDLAW, BERNARDO and LORENZA T. TELLEZ, CONSUELO ESPALIN LOVE,
ISABEL J. STAMMER, GEORGE J. and MARY J. AYOUB, ESTELLA T.
VILLARREAL, ELOY and MARIA ELENA TELLEZ, JULIAN TELLEZ, JR., and
LIBRADO and MARTA VASQUEZ, First Parties, SAMUEL L. TELLEZ,
Individually, GUADALUPE G. DE GARCIA, Individually, MUTUAL
SAVINGS ASSOCIATION OF EL PASO, Second Party, and the CITY OF EL
PASO, Third Party, witnesseth:

Application has been made to the City of El Paso for the
rezoning of a portion of Tract 3 and all of Tract 4, Myra Place,
and all of Tracts 14, 15A, 15B, 15C, 15D, 15E, 16, 17A, 17B, 17C,
17D, 17D1 and 17D2, Block 15, Ysleta Grant, City and County of El
Paso, Texas, which is more particularly described by metes and
bounds in the attached Exhibit "A" which is made a part hereof by
reference. To remove certain objections to such rezoning, First
Party covenants that if the property is rezoned from R-F
(Ranch/Farm) and R-4 (Residential) to C-1 (Commercial) within the
meaning of the zoning ordinance of the City of El Paso, it shall
be subject to the following restrictions, conditions and
covenants:

*Ord. 2608 (3-4-88)
85-5132*

RECEIVED

AUG 5 1988

PLANNING DEPT.
LAND DEVELOPMENT

1. Prior to the issuance of building permits, a subdivision plat must be filed of record, and First Parties must dedicate the right-of-way necessary for the widening of North Loop Drive. The Required dedication shall not exceed fifty feet (50') in width.
2. The property shall be developed only as a contiguous shopping center.
3. Prior to the issuance of building permits, a detailed site development plan must be approved by the City Plan Commission and the Mayor and City Council.

This agreement 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 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 owner and holders of recorded liens on the property and consent to this contract.

WITNESS THE FOLLOWING SIGNATURES AND SEALS.

FIRST PARTIES:

Ruben Tellez
RUBEN TELLEZ

Mary Alice Tellez
MARY ALICE TELLEZ

Margine S. Laddlaw
MARGINE S. LADDLAW

Bernardo Tellez
BERNARDO TELLEZ

Lorenza T. Tellez
LORENZA T. TELLEZ

Consuelo E. Love
CONSUELO ESPALIN LOVE

Isabel J. Stammer
ISABEL J. STAMMER

George J. Ayoub
GEORGE J. AYOUB

Mary J. Ayoub
MARY J. AYOUB

Estella T. Villarreal
ESTELLA T. VILLARREAL

Eloy Tellez
ELOY TELLEZ

SIGNATURES CONTINUED ON NEXT PAGE

Maria Elena Tellez
MARIA ELENA TELLEZ

Julian Tellez, Jr.
JULIAN TELLEZ, JR.

Librado Vasquez
LIBRADO VASQUEZ

Marta Vasquez
MARTA VASQUEZ

SECOND PARTIES:

Samuel L. Tellez
SAMUEL L. TELLEZ, INDIVIDUALLY

GUADALUPE G. DE GARCIA,
INDIVIDUALLY

MUTUAL SAVINGS ASSOCIATION OF
EL PASO

By Sam R...
Title V.P.

ATTEST:

N/A
Secretary

THIRD PARTY
THE CITY OF EL PASO

By [Signature]
Mayor

SIGNATURES CONTINUED ON NEXT PAGE

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 23 day
of July, 1988, by BERNARDO and LORENZA T. TELLEZ.

Estela E. Veliz
Notary Public, State of Texas

My Commission Expires:

July 3, 1992

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 23 day
of July, 1988, by CONSUELO ESPALIN LOVE.

Estela E. Veliz
Notary Public, State of Texas

My Commission Expires:

July 3, 1992

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 23 day
of July, 1988, by ISABEL J. STAMMER.

Estela E. Veliz
Notary Public, State of Texas

My Commission Expires:

July 3, 1992

SIGNATURES CONTINUED ON NEXT PAGE

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 15 day
of July, 1988, by GEORGE J. and MARY J. AYOUB.

Joanna Harris
Notary Public, State of Texas

My Commission Expires:

7/25/92

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 23 day
of July, 1988, by ESTELLA T. VILLARREAL.

Estela E. Vela
Notary Public, State of Texas

My Commission Expires:

July 3, 1992

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 23 day
of July, 1988, by ELOY and MARIA ELENA TELLEZ.

Estela E. Vela
Notary Public, State of Texas

My Commission Expires:

July 3, 1992

SIGNATURES CONTINUED ON NEXT PAGE

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 23 day
of July, 1988, by JULIAN TELLEZ, JR.

Estela E. Veli
Notary Public, State of Texas

My Commission Expires:

July 3, 1992

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 23 day
of July, 1988, by LIBRADO and MARTA VASQUEZ.

Estela E. Veli
Notary Public, State of Texas

My Commission Expires:

July 3, 1992

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 23 day
of July, 1988, by SAMUEL L. TELLEZ.

Estela E. Veli
Notary Public, State of Texas

My Commission Expires:

July 3, 1992

SIGNATURES CONTINUED ON NEXT PAGE

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this _____ day
of _____, 1988, by GUADALUPE G. DE GARCIA.

My Commission Expires:

Notary Public, State of Texas

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 1st day
of August, 1988, by Dora Rosa as
Vice President on behalf of MUTUAL SAVINGS ASSOCIATION
OF EL PASO, N/A. Merch. Bank, A Federal Savings Bank.

My Commission Expires:

11/05/88

V. Catherine Faulkner
Notary Public, State of Texas

V. CATHERINE FAULKNER, Notary Public
in and for the State of Texas
My commission expires 11/05/88

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 4th day
of August, 1988, by JONATHAN W. ROGERS, as Mayor
of the City of El Paso.

My Commission Expires:

ZNG3:003

Eric M. Pennington
Notary Public, State of Texas

