

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

**DEPARTMENT:** Planning and Economic Development Department

**AGENDA DATE:** Introduction: March 29, 2011  
Public Hearing: April 19, 2011

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

**DISTRICT(S) AFFECTED:** 4

**SUBJECT:**

An ordinance changing the zoning of a portion of Yucca Village Replat A, and a portion of Tract 10A Parkland Addition, City of El Paso, El Paso County, Texas from A-M/sc (Apartment/Mobile Home Park/special contract) to A-O/sc (Apartment/Office/special contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 10333 Grouse Road. Property Owner: Blue Flamingo IV, LP. ZON10-00094 (District 4)

**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 and Economic Development

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CHANGING THE ZONING OF A PORTION OF YUCCA VILLAGE REPLAT A, AND A PORTION OF TRACT 10A PARKLAND ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-M/SC (APARTMENT/MOBILE HOME PARK/SPECIAL CONTRACT) TO A-O/SC (APARTMENT/OFFICE/SPECIAL CONTRACT). 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 Yucca Village Replat A, and a portion of Tract 10A Parkland Addition, 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-M/sc (Apartment/Mobile Home Park/special contract) to A-O/sc (Apartment/Office/special contract)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

**PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.**

**THE CITY OF EL PASO**

**ATTEST:**

\_\_\_\_\_  
John F. Cook  
Mayor

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

\_\_\_\_\_  
Mathew S. McElroy, Deputy Director  
Planning and Economic Development  
Department

**ORDINANCE NO.** \_\_\_\_\_

**ZONING CASE NO: ZON10-00094**

**PREPARED FOR: Ray Mancera**  
**A portion of Yucca Village Replat "A", and A Portion of Tract 10A Parkland Addition,**  
**City of El Paso, El Paso County, Texas**  
**W.O. 052810-9**

**METES AND BOUNDS DESCRIPTION**

Description of a 0.6249 acre parcel of land being A Portion of Yucca Village Replat "A", and A Portion of Tract 10A Parkland Addition, City of 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 centerline intersection of Grouse Road and Cielo de Oro Road, Thence North 29°25'45" East along the centerline of Grouse Road a distance of 35.28 feet to a point, Thence North 60°34'15" West a distance of 30.00 feet to a point lying on the westerly right-of-way line of Grouse Road, said point being the "True Point of Beginning";

Thence North .52°24'10" West a distance of 275.11 feet to a point;

Thence North 37°35'50" East a distance of 50.36 feet to a point;

Thence South 51°24'11" East a distance of 34.69 feet to a point;

Thence North .38°21'38" East a distance of 87.82 feet to a point;

Thence South 51°38'22" East a distance of 119.64 feet to a point;

Thence South 38°21'38" West a distance of 56.03 feet to a point;

Thence South 51°43'22" East a distance of 109.09 feet to a point, said point lying on the westerly right-of-way line of Grouse Road;

Thence South 29°25'45" West a distance of 79.45 feet to a point, and back to the "True Point of Beginning"; containing in all 27,219.70 square feet or 0.6249 acres of land more or less.

  
  
BRADLEY ROE, P.E. L.S. 2449  
Roe Engineering, L.C.  
(Not a Ground Survey)





**Date:** March 21, 2011  
**To:** Honorable Mayor and City Council  
Joyce Wilson, City Manager  
**From:** Esther Guerrero, Planner  
**Subject:** **ZON10-00094 (Related Special Permit Case No. ZON10-00095)**

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The City Plan Commission (CPC) on February 24, 2011, voted **5-0** to recommend **approval** of this rezoning request.

The applicant is proposing an adult day care facility which is permitted in an A-O (Apartment/Office) District by Special Permit (ZON10-00095)

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

The CPC found that the rezoning 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 Northeast Planning Area. The CPC also determined that the rezoning 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 favor or in opposition to this request.

**Attachment:** Staff Report

**Mayor**  
John F. Cook

**City Council**

District 1  
Ann Morgan Lilly

District 2  
Susannah M. Byrd

District 3  
Emma Acosta

District 4  
Carl L. Robinson

District 5  
Rachel Quintana

District 6  
Eddie Holguin Jr.

District 7  
Steve Ortega

District 8  
Beto O'Rourke

**City Manager**  
Joyce A. Wilson





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

**Case No:** ZON10-00094 (Related Special Permit Application Case No. ZON10-00095)  
**Application Type:** Rezoning  
**CPC Meeting Date:** February 24, 2011  
**Staff Planner:** Esther Guerrero, 915-541-4720, [guerreroex@elpasotexas.gov](mailto:guerreroex@elpasotexas.gov)

**Location:** 10333 Grouse Road  
**Legal Description:** A portion of Yucca Village Replat A, and a portion of Tract 10A Parkland Addition, City of El Paso, El Paso County, Texas  
**Acreage:** 0.6249 acres  
**Rep District:** 4  
**Zoning:** A-M/sc (Apartment/Mobile Home Park/special contract)  
**Existing Use:** Club House  
**Request:** From A-M/sc (Apartment/Mobile Home Park/special contract) to A-O/sc (Apartment/Office/special contract)  
**Proposed Use:** Adult Day Care Center

**Property Owner:** Blue Flamingo IV, LP  
**Representative:** Ray Mancera

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

**North:** A-M (Apartment/Mobile Home Park) / Mobile Home Park  
**South:** A-M (Apartment/Mobile Home Park) / Mobile Home Park  
**East:** A-O (Apartment/Office) / Vacant, Single-family  
**West:** A-M (Apartment/Mobile Home Park) / Mobile Home Park

**The Plan for El Paso Designation:** Residential (Northeast Planning Area)

**Nearest Park:** Franklin Park (6,129 feet)

**Nearest School:** Andres High (3,811 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

North Hills Neighborhood Pride Association

### **NEIGHBORHOOD INPUT**

Notices of this public hearing were mailed to all property owners within 300 feet of the subject property on February 11, 2011.

### **APPLICATION DESCRIPTION**

The request is to change the zoning to A-O (Apartment/Office) to allow an adult day care center. An adult day care center is permitted in an A-O (Apartment/Office) district with a special permit (see related case ZON10-00095). The site plan shows a 3,577 sq. ft. building which previously served as a club house for the abutting existing mobile home park. Access is via a driveway from Grouse Road which will serve as a shared access driveway with the mobile home park.

### **PLANNING AND ECONOMIC DEVELOPMENT-PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of the rezoning request. The applicant has demonstrated that the existing mobile home park will retain a minimum five (5) percent of the gross site area that will be devoted to recreational facilities, which is a requirement of the A-M (Apartment/Mobile Home Park) zoning district.

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

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

- a. Goal: establish 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 a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.
- 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 A-O (Apartment/Office) district is to promote and preserve residential development within the City associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain non-residential uses and support facilities.

### **Development Coordinating Committee Review**

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

### **Transportation Department**

No objections

### **Engineering – Construction Management Division**

#### Plan Review

No objections to the rezoning request.

#### Land Development

No objections.

### **Fire Department**

No objections.

### **El Paso Water Utilities**

EPWU does not object to this request

#### Water:

-There is an existing 6-inch diameter water main extending along Grouse Road that is available for service, the water main is located approximately 19.5 feet west from the eastern right of way -EPWU records indicate a 6-inch water meter serving the subject property. The service address for this meter is 10333 Grouse Road.

-Previous water pressure reading from fire hydrant # 2361 located at the northwest intersection of Sun Valley and Grouse Road, have yielded a static pressure of 94 (psi) pounds per square inch, a residual pressure of 90 (psi) pounds per square inch and a discharge of 1186 (gpm) gallons per minute.

-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.

#### Sewer:

There is an existing 12-inch diameter sanitary sewer main that extends along Grouse Road that is available for service. Said main is located approximately 25-feet east from the western property line.

### **CITY PLAN COMMISSION OPTIONS**

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the change of zoning application:

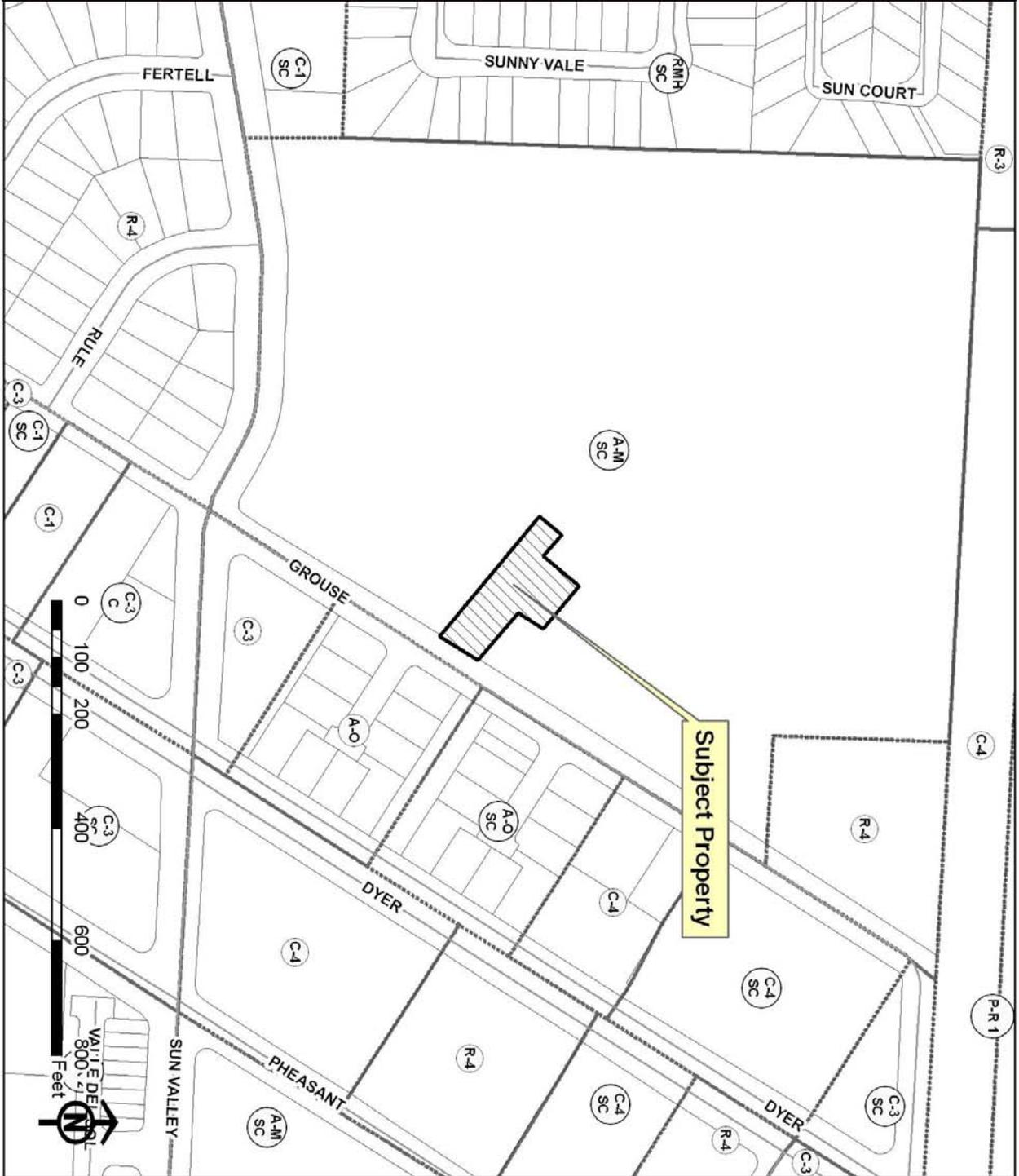
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into 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 rezoning 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. 4205

**ATTACHMENT 1: ZONING MAP**

**ZON10-00094 & ZON10-00095**

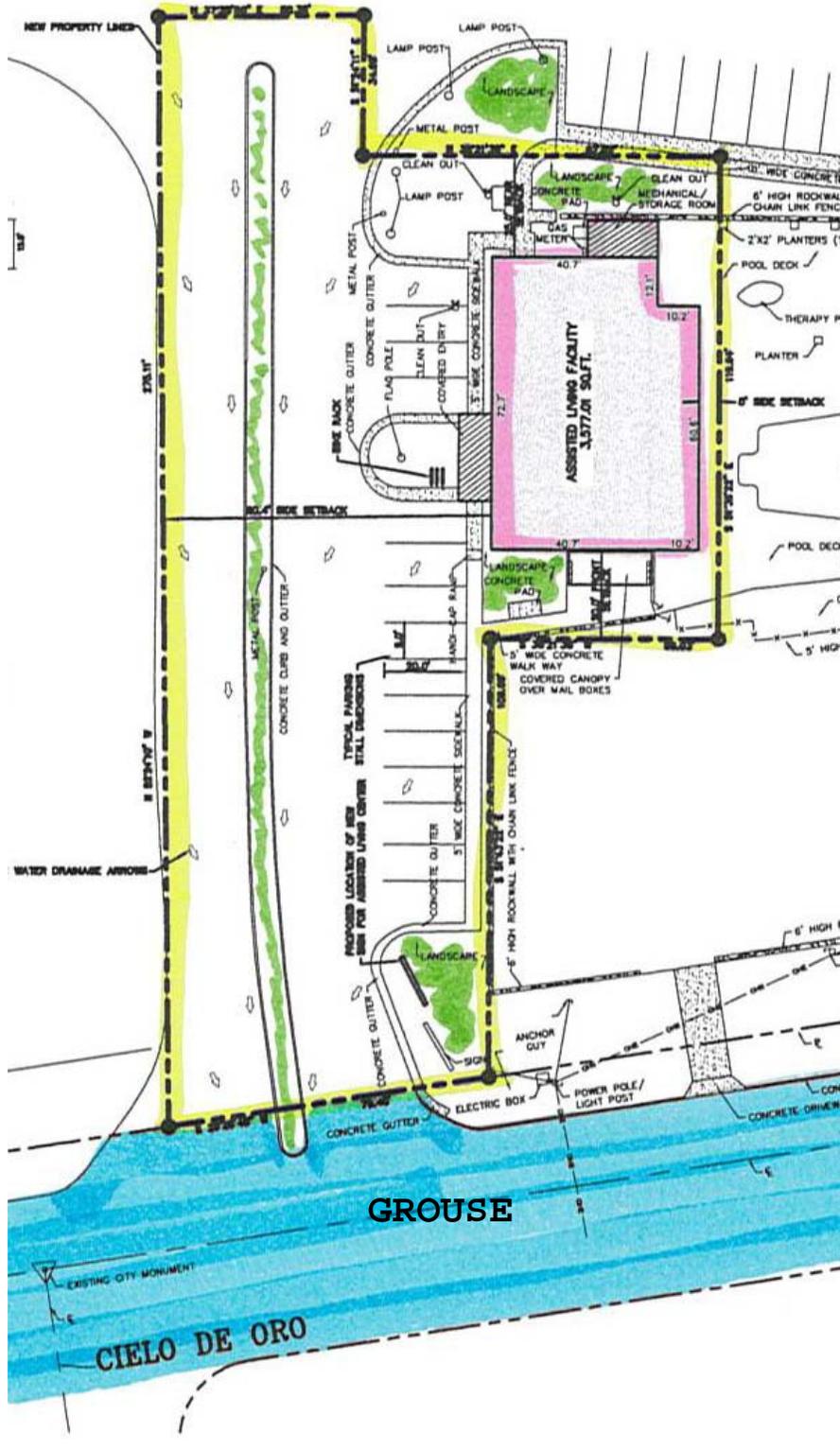


ATTACHMENT 2: AERIAL MAP

ZON10-00094 & ZON10-00095



**ATTACHMENT 3: SITE PLAN**



ATTACHMENT 4: ORDINANCE NO. 4205

CONTRACT

This contract, made this 15 day of May, 1969,  
by and between R. L. Bowling and wife, Mary Nell Bowling, E. H. Will,  
in his capacity as executor of the Estate of Robert N. Compton, deceased,  
and Desert View Development Company, a corporation, First Parties, and  
the City of El Paso, Second Party, witnesseth:

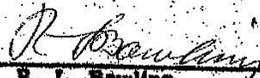
First Parties have applied to the City of El Paso for rezoning of  
two parcels of land in Section 42, Block 89, Township 1, Texas & Pacific  
Railroad Surveys, El Paso County, Texas, which property is more particu-  
larly described in Ordinance No. 4205, now pending before the City Council  
of the City of El Paso, a copy of which is marked Exhibit "A" attached here-  
to and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Parties  
covenant that if the property is rezoned as indicated in the attached ordinance,  
no building permits will be issued for construction on the property until com-  
plete and detailed site development plans have been submitted to and ap-  
proved by the City Plan Commission of the City of El Paso.

This agreement is a restriction, condition and covenant running with  
the land and a charge and servitude thereon, and shall bind First Parties  
and their 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.

Witness the following signatures and seals:

  
\_\_\_\_\_  
R. L. Bowling

-1-

Exhibit A

Mary Nell Bowling  
Mary Nell Bowling

ESTATE OF ROBERT N. COMPTON,  
deceased

by Ernest  
E. H. Will, Executor

DESERT VIEW DEVELOPMENT COMPANY,  
a corporation

by Regatta Johnson  
President

ATTEST:

B. Anne Williams  
Secretary

THE CITY OF EL PASO

by [Signature]  
Mayor

ATTEST:

[Signature]  
City Clerk

THE STATE OF TEXAS )  
                                  )  
COUNTY OF EL PASO )

Before me, the undersigned authority, on this day personally appeared R. L. BOWLING, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 15<sup>th</sup> day of May, 1969.

GEORGE M. DUNLAP  
NOTARY, EL PASO COUNTY TEXAS  
MY COMMISSION EXPIRES MAY 31, 1969

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